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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

SENATE—*Thursday, March 23, 1995*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The Chaplain will now deliver the morning prayer.

PRAYER

The Chaplain, the Reverend John Lloyd Ogilvie, D.D., offered the following prayer:

Let us pray:

We begin this day on the firm foundation of the indefatigable faithfulness of God. We exclaim with Jeremiah, "Through the Lord's mercies we are consumed, because His compassions fail not. They are new every morning; great is Your faithfulness."—Jeremiah 3:22-23.

Almighty God, we praise You for the constancy and consistency of Your faithfulness in blessing and guiding the Senate of the United States through the years of our Nation's history. We turn to You again today and know that You will be faithful to give the women and men of this Senate exactly what is needed in each hour, each challenge, each decision. Often we become burdened with the heavy responsibilities of leadership on our shoulders. When we pray: Lord lighten the load or strengthen our backs. Your response is to strengthen us physically, intellectually, and spiritually. You never fail us; never let us down; never leave or forsake us.

Empower us to emulate Your faithfulness in our responsibilities and relationships today. May we be people on whom others can depend. Help us to say what we mean and mean what we say. We want each decision to be guided by how we perceive You would decide. Give us light when our vision is dim, courage when we need to be bold, decisiveness when it would be easy to equivocate, and hope when others are tempted to be discouraged. So we commit ourselves to be Your faithful servants, the examples of patriotism to our people, and the crusaders for Your best for our Nation. In Your holy name Yahweh and through Christ our Lord.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, the able Senator from Indiana [Mr. COATS], is now recognized.

SCHEDULE

Mr. COATS. Thank you, Mr. President.

Mr. President, this morning the time for the two leaders has been reserved and the Senate will immediately resume consideration of S. 4, the line-item veto bill.

Under the consent agreement, any Senator with an amendment on the list will have until 10 a.m. this morning to offer that amendment. At the hour of 10 a.m., the Senate will begin 2 hours of debate on the Daschle substitute amendment.

Therefore, Members should be aware that rollcall votes will occur throughout the day and that it is the intention of the majority leader to complete action on the line-item veto bill today.

MEASURE READ THE SECOND TIME—H.R. 1158

Mr. COATS. Mr. President, I understand there is a bill on the calendar available to read a second time.

The PRESIDENT pro tempore. The Senator is correct.

Mr. COATS. I ask for the second reading of H.R. 1158.

The PRESIDENT pro tempore. The clerk will read the bill the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

Mr. COATS. I object to further proceedings of this measure at this time.

The PRESIDING OFFICER (Mr. COVERDELL). The bill will be placed on the calendar.

LEGISLATIVE LINE-ITEM VETO ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to grant the power to the President to reduce budget authority.

The Senate resumed consideration of the bill.

Pending:

(1) Dole amendment No. 347, to provide for the separate enrollment for presentation to the President of each item of any appropriation bill and each item in any authorization bill or resolution providing direct spending or targeted tax benefits.

(2) Abraham modified amendment No. 401 (to amendment No. 347), to require the Congress to approve the bills prior to transmittal to the President.

(3) Levin/Murkowski/Exon amendment No. 406 (to amendment No. 347), to clarify the definition of items of appropriations.

(4) Hatch amendment No. 407 (to amendment No. 347), to exempt items of appropriation provided for the judicial branch from enrollment in separate bills for presentment to the President.

(5) Daschle amendment No. 348 (to amendment No. 347), in the nature of a substitute.

(6) Exon (for Byrd) amendment No. 350 (to amendment No. 347), to prohibit the use of savings achieved through lowering discretionary spending caps to offset revenue decreases subject to pay-as-you-go requirements.

Mr. COATS. Mr. President, again, just for the information of our colleagues, under a unanimous-consent agreement, we have only until 10 a.m. this morning for additional amendments to be offered. Those amendments must be amendments that have been cleared and are on the list as agreed to by the unanimous-consent agreement. Those must be offered by 10 a.m., after which we will turn to 2 hours of debate on the Daschle substitute amendment.

So Members can expect votes throughout the day, but need to be aware of the fact that the time is fast running out for the offering of amendments. That time will elapse at 10 a.m. this morning.

I yield the floor.

Mr. EXON. Mr. President, I appreciate very much the Senator from Indiana outlining the procedures which are strictly in the order of what the agreement has been. Since I know of no person on the floor ready to offer an

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

amendment, except possibly the Senator from Washington, I think it would not be out of order if we would proceed at this time if anybody wishes to offer amendments in order to receive priority before 10 o'clock. In lieu of that, I think it would be in order for statements to be made for whatever purposes.

With that, I yield the floor, as I see my colleague from the State of Washington.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 388 TO AMENDMENT NO. 347

(Purpose: To limit the rescission of items of appropriation to unauthorized appropriations)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 388 to amendment No. 347.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 7, after "and" insert the following: "shall not mean appropriations authorized in a previously passed authorization bill; and,".

Mrs. MURRAY. Mr. President, I had intended to offer this amendment, but in the interest of moving this legislation, I will ask unanimous consent, after I make a brief statement, that my amendment be withdrawn.

The amendment I was going to offer would have allowed the President to rescind all unauthorized appropriations.

I feel that this goes to the heart of the concerns of the American people about line-item legislation.

Mr. President, we need a commonsense solution to cutting out pork, while at the same time, protecting those programs the American people really care about. I want to be able to be here and fight for the people I represent.

I believe that the amendment offered at the end of yesterday's session by my good friend, the minority leader, and the distinguished Senator from Nebraska [Mr. EXON], goes a long way in achieving that commonsense solution.

Like my amendment, this approach will allow the President to cut all those 11th hour deals in conference committees. It eliminates the backroom wheeling and dealing.

Mr. President, without this amendment, the Dole substitute to S. 4 goes too far. It is a radical, unworkable approach to a difficult problem. It gives the President too much power over the American people. It is too complicated. It creates too much bureaucracy.

The substitute before us enables the President randomly to veto programs that the people's representatives in Congress debate, and compromise on, and authorize in the name of our constituents.

Yesterday I listened very carefully to the debate. I heard the comments of Senator NUNN and I heard the comments of my friend and neighbor, the distinguished Senator from Oregon [Mr. HATFIELD]. Mr. President, the chairman of the Appropriations Committee gave a stirring speech, full of wisdom and common sense about why the line-item legislation is bad public policy.

In particular, he noted the unprecedented transfer of power from the people to the White House. Mr. President, I urge our colleagues to read the speech made by the Senator from Oregon in the RECORD. I cannot support the Dole substitute—it is the breeding ground for abuse and political horsetrading.

I want to give the President the ability to line-item veto all those portions of appropriations bills that have not been through the hearing and authorization process. All those pork items contribute to our deficit.

This is the spending the American people are angry about: the unauthorized buildings, the earmarked research, and the special interest projects.

But, Mr. President, the American people are not angry about the programs that have been authorized. These come to life under the full glare of public scrutiny—everyone is given a chance to weigh in. That is why we have public witness hearings in the Appropriations Committee.

And, it is our job, Mr. President, to make tough choices and to craft compromises. Just like we do at home.

Mr. President, after all the public negotiations, after all the compromises that make up the congressional process—we cannot allow the people's wishes to be subject to the arbitrary veto pen of one person.

The Congressional Research Service tells me that it would take them days to compile the list of unauthorized appropriations in the fiscal year 1994 Transportation bill. And, I have another list from the CRS which shows that nearly $1 in $5 in the military construction account was spent on unauthorized appropriations. That is not insignificant.

Mr. President, I intend to vote for the line-item legislation proposed by my colleagues from South Dakota and Nebraska. I want to make sure my constituents' wishes are not subject to the arbitrary budget axe of the executive branch. I want to return some rationality to this debate.

Mr. President, the American people deserve a balanced budget. When I arrived at the Senate 2 years ago, I faced the daunting task of restoring some fiscal restraint to our budget—it was a budget of runaway spending. It was a budget of misplaced priorities.

And, as a member of the Budget Committee, I was tasked by my constituents to correct the way our money is spent.

That is the proper role of Congress. We, as the representatives of the people, have the obligation to form a budget. It is not the President's job to appropriate money—it is this branch's duty.

I have learned a great deal about our budget over the past 2 years. I have worked with great Senators, like the former chairman, Senator Sasser of Tennessee, and the current ranking member, the Senator from Nebraska [Mr. EXON].

Let me say, Mr. President, we are a richer country for the wisdom of my distinguished colleague from Nebraska. I look forward to working with him during the next 18 months, and I will miss his leadership when he retires from this body.

Mr. President, my friend from Nebraska knows, as I know, that crafting a budget resolution takes courage.

Reducing our deficit takes even more courage. And, I am proud of the record of the Budget Committee and the administration over the past 2 years—as you know, we have reduced the deficit by nearly $100 billion.

We did that by leveling with the American people. By making taxes fairer. By cutting more than 300 programs and totally eliminating 100 more.

That is the correct way.

Trying to attack government spending through a radical, unworkable separate enrollment bill is not.

Everyone wants to lower the deficit, which blossomed and grew during the 1980's. And, as I said, we have done a good job of it over the past 2 years.

I am afraid some of these proposals might go too far. We need to keep things in perspective. I am afraid as I look at the rescission package—these are the wrong cuts to the wrong people. And, scoring a few political points in a debate will have dire consequences for millions of average Americans. It might sound good in a debate to control the White House, but it won't feel good to the average Americans who sit around the kitchen table in my house.

Mr. President, I will support line-item legislation, but not the ill-conceived, radical amendment supported by the majority leader.

I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 388) was withdrawn.

Mrs. MURRAY. Mr. President, I yield the floor.

Mr. COATS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 348 TO AMENDMENT NO. 347

Mr. EXON. Mr. President, in order to conserve time as much as possible and since we have only 10 minutes left, I will be glad to interrupt my remarks to accommodate any Senator with regard to bringing up a measure before 10.

If not, I thought I would make some statements that I have with regard to the matter that we will be going into controlled time on at 10 o'clock.

Mr. President, I rise in support of the Daschle substitute and urge my colleagues to support it as well. Earlier this year I joined with Senator DOMENICI in introducing S. 14, which then enjoyed the support of the majority leader, the minority leader, and, of course, the chairman of the Senate Budget Committee, Senator DOMENICI. I believed then and I continue to believe now that S. 14, or a similarly crafted bill, would be the best course of action. S. 14 is now effectively before the Senate in the form of the Daschle amendment.

As Senators know all too well, passing a line-item veto is only the beginning and not the end of the debate. We will need to go to conference with the other body, which has already passed a line-item veto bill in the form of an enhanced rescission bill quite similar to S. 4.

The facts are, the Daschle substitute essentially is S. 14 and certainly is, in my view, far superior to the Dole substitute proposal that is before the body. Unlike the Dole proposal, it was not crafted in a matter of a day or two. Unlike the Dole proposal, it has seen the light of day and was not devised primarily as a means to obtain party unity. In fact, S. 14 enjoyed bipartisan support from the very beginning, and it thus represents the middle ground in this very important debate.

In my statement yesterday, I outlined some of the concerns that I have with the Dole substitute. These concerns remain today. Those of you who may have been listening last night heard an excellent presentation from Senator LEVIN about the difficulties that will be faced by the cutting and slicing of the bills that will be required by the Dole proposal. Although it may sound rational on paper, we do not know how it will work in reality.

No Senator should vote on these proposals without hearing or reading Senator NUNN's Senate speech of last night. We all know SAM NUNN, his integrity, his courtesy, his understanding of the issues. And we should at least listen to him.

In addition, the Dole proposal raises serious constitutional questions. There are scholars who come out on each side of the issue, yet no one can deny that the question will not be fully resolved until the proposal is reviewed by the U.S. Supreme Court.

I have long supported the idea of giving our President the line-item veto power. We should do so in a manner that will most likely stand the test of constitutionality. I have been in the Senate for over 16 years, and this is the closest we have come yet to actually passing a line-item veto. We should do the job right. Mr. President, we should do so in a way that effectively covers special tax breaks and tax loopholes. We have to look at all of the pieces of our budget if we are going to solve deficits of over $200 billion annually, feeding the national debt that is rapidly rising, which is now at or near $5 trillion.

The Daschle amendment will address tax loopholes and will assure that tax giveaways receive the same scrutiny as pork in our appropriations bills. By covering more of the budget, the Daschle substitute will be a more effective tool to help our President bring some fiscal sanity to the Government. The Daschle substitute will allow the President to scale back on appropriations, while the Dole substitute does not.

Yesterday I talked about the dilemma that the President faces in signing a bill that on the whole is good but includes some bad parts. The same view would apply to individual amounts as well. I have found the Dole substitute to be an honest proposal that merits serious consideration. It took a step in the right direction by including some special tax provisions. I am pleased that the majority accepted my lockbox amendment. The Dole bill includes a sunset provision and will require Congress to review the bill in the year 2000.

In many ways the Dole substitute, as amended, comes a long ways toward S. 14. Yet I remain disappointed by the process which has been followed to bring the Dole substitute to the floor. Bipartisan cooperation was cast aside in the name of party unity. Such action is an ill wind for future cooperation in the U.S. Senate. The Daschle substitute is a reasonable and responsible solution to pork-barrel spending. The Dole proposal, with all of its questions, remains at best a shot in the dark. It might hit the mark. It might not.

The Daschle substitute will work. Once again, I urge its adoption.

AMENDMENT NO. 348 TO AMENDMENT NO. 347

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the Senate will now resume consideration of amendment No. 348 on which there shall be 2 hours of debate equally divided.

Mr. EXON. I see the Senator from Georgia is on the floor.

I would simply say at this time that his remarks last night and the remarks that he is amplifying today are so important that I have asked that the remarks printed in the RECORD last night be laid on every Senator's desk because I think every Senator should know about them.

I now yield whatever time is required to the Senator from Georgia.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. NUNN. Mr. President, I made a lengthy presentation last evening relating to the defects in this substitute that is now before us. I would like to say at the outset I believe the current practice, where rescissions come over from the President and if we take no action nothing is changed, is unacceptable. That practice gives the President, really, no authority to point out specific items in appropriations bills and to have any hope that they will be corrected if they are wasteful.

I have always contended and still contend that Presidents have enormous power if they would just veto the whole bill and then indicate to the American public what is wrong with the bill. That would put the onus on Congress to correct it. But apparently Presidents do not choose to do that.

I have listened with care in the last few days to the debate on this so-called line-item veto. There are several things I do not believe we have properly focused on. The first point that I think people need to understand is the current appropriation process. There are two types of documents that are produced by the Congress in the appropriation process, and I really do not believe the distinction between the two is commonly recognized in this Chamber.

The first document is an appropriation bill, which is passed by both Houses of Congress. It is signed into law by the President, or vetoed—usually signed. Last year's defense appropriation bill, for example, was 61 pages long. The bill is legally binding on the executive branch. It becomes law.

The second type of document is a different type of document altogether and that is the report issued by the Appropriations Committees and the report issued by the House-Senate conferees. The three reports issued, just for instance, in connection with last year's Defense bill are 853 pages, covering over 2,300 lines. The policy direction in these reports, often known as pork-barrel spending to the critics—some of it—is not binding on the executive branch.

Much of what is complained about as wasteful spending by the President and by the media and by others, including people in this body, is not even binding on the executive branch. But people do not recognize that. Not all of it, but much of it.

There is no requirement in law or Senate rule that an appropriations bill or report must contain any specific level of detail. I want to repeat that because that goes to the heart of what is wrong with this proposal. There is no requirement in law and no Senate rule, nor would they be if we passed this—there is no change here—that an appropriations bill or report contain any specific level of detail.

Mr. President, I want to repeat that. There is no requirement in law nor any Senate rule that an appropriations bill or report contain any specific level of detail. Most appropriations bills, particularly in the defense arena but not limited to defense, set forth large lump sum amounts that are not tied to specific programs, projects, or activities.

Looking to an example from last year's Department of Defense Appropriations Act, the act provided a specific sum for Army aircraft procurement, $1.164 billion. The text of the act does not require the Army to spend that money on any particular type of aircraft. Then the report comes along and indicates how the Congress expects the money to be spent. But that is a matter of political comity. It is not binding. That is the key to understanding what is wrong with this substitute proposal which we have before us.

I would say most of the defects I have pointed out do not apply to either of the bills based on rescissions. These defects do not apply to the Domenici rescission bill, which is now before us and is known as the Daschle-Exon amendment, nor to the McCain rescission bill. Most of the defects I am pointing out here this morning do not apply to either of those. I do have some problem with the McCain proposal, as I said last night, because of the two-thirds requirement and the huge, huge shift of power to the executive branch of government, but that is a different matter.

What is wrong with this proposal? This proposal is aimed at cutting out pork-barrel spending. That is the aim of it. I understand that. I share that goal. I quote directly from the Dole substitute:

> The Committees on Appropriations of either the House or the Senate shall not report an appropriations measure that fails to contain such levels of detail on the allocation of an item of appropriation proposed by that House as is set forth in the committee report accompanying such bill.

So what is it we are calling for the President to have on his desk to be able to veto out, to cut out, pork? In the words of the amendment, we are calling for such level of detail as is set forth in the committee report. There is no requirement that there be any specific level of detail in the committee report.

So what are we saying is going to be on the President's desk? Nothing, unless the Appropriations Committees choose to do it voluntarily. We are basically creating a loophole big enough to drive all the pork through that has ever passed the Congress, if the Appropriations Committees decide to move in that direction.

So that is what is wrong with this proposal. There can simply be an appropriations bill that says so many dollars for Army procurement. Then instead of having the information in a report, the Appropriations Committee can come out on the floor, and they can make a statement saying here is what we expect. And that statement would not be subject to being put in the bill. The President will not have anything to veto.

The same thing could be done on a conference report. This proposal is shooting at a target and missing it completely, unless the Appropriations Committees decide to continue to put all of it in the appropriations report and then to incorporate that in the bill, which would be an entirely voluntarily act.

So the authors of this bill are trying to reach a compromise and have totally missed the target.

Mr. President, the other big feature that is wrong with this: Let us assume for a moment that the Appropriations Committee decides that, in spite of this legislation, they are going to continue to operate with detailed reports which will invite the President of the United States to take certain actions on items which he does not like. If they do that, what they are going to do then is they are going to put all of these line items in a report. They are going to put it in a bill. It will be enrolled. We will send down to the President thousands of bills. He will get Band-Aid hands doing it. We will get candidates for the Presidency on TV, and let us see who can sign the things the quickest because that will be the criteria of who will be President. They will have to sign 10,000 or 15,000 bills a year. We will have to get a great signature guy, or gal, in there for President of the United States.

So let us assume, though, that they decide not to drive a pork truck through this huge loophole. Let us assume they do not. Let us assume they send all of these bills down there. Now guess what happens? The Department of Defense then has no flexibility for reprogramming. What that means in practical effect is, if the C–17 runs into a contractual problem or some kind of technical problem and it can spend only $500 million of a $1 billion account, the $500 million that would otherwise be available to put on readiness or pay or some other urgent need will not be able to be reprogrammed because you will have a line item in there. What does that mean? It means every time the Department of Defense, or any other Department for that matter, decides they are going to change anything on the budget—and that happens every year; that happens to the tune of billions of dollars—they could not do so. Congress has the informal procedure we call reprogramming. They send over to us a letter to let us know over a threshold what they are doing, lets all four committees sign off on it. It is not telephone; it is in writing. All four committees have to sign on it—Appropriations, and Armed Services in the case of defense. Then they are able to shift money around. That is good government. It encourages managing programs right.

What we are doing is we will now be saying they have to come over for a statutory change on every single item that is signed into law. Do you know how many bills they are going to have to come over here with every year? Hundreds of them. We struggle to get one supplemental through.

This bill here is an absolute joke. It is a joke. I really have a hard time believing we are really even considering this.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. NUNN. I yield.

Mr. BYRD. The Senator is exactly right with respect to the reprogramming requests. Every year we get committee reprogramming requests from the executive agencies. These reprogramming requests do not come to the Senate floor or the House floor. They come to the Appropriations Committee or the Armed Services Committee, or both.

The chairman of the appropriate subcommittee on the Committee on Appropriations takes a look at this, along with the ranking member, and they both sign a letter giving their approval of the reprogramming. This allows the agencies to have flexibility in dealing with matters and changing circumstances. And it is utter nonsense—nonsense—to force the Congress, and in the first place to force the agencies to have to come on bended knees to the Congress to change the law so that they can spend the taxpayers' money wisely.

It all goes to show how utterly insensible this approach is. This bill was brought in here on Monday of this week, this substitute. The Budget Committee and the Committee on Governmental Affairs, on which the distinguished Senator from Georgia sits, studied carefully S. 4 and S. 14 and sent those bills to the floor. They were put on the calendar. And neither of those bills is before the Senate.

Mr. NUNN. That is right.

Mr. BYRD. Neither of those bills is very likely to be voted on by the Senate.

But this hybrid monstrosity has been brought in here on Monday, and on the same day that this substitute was offered a cloture motion was offered, saying to the Senate we are going to have a cloture vote on the following day but one.

Now, several flaws have already been pointed out. I pointed out the flaw, and several other Senators did, too, with respect to the presenting clause of the Constitution.

Here we were, about to pass legislation that would give to the enrolling clerk of the originating House the authority and the power to break down an appropriations measure after it has passed both Houses in the same form, which means the conference report, and break that bill down into hundreds—as I pointed out with respect to the energy and water bill of 1995, it would be 2,000—around 2,000 small bills, "billettes," and send those to the White House. The Senate and the House would not have passed any one of those bills. Neither the Senate nor the House would have passed any one of those little "billettes," and they would have been sent down to the White House, and the White House would presumably sign them or veto some of them and then they would be sent back to the originating body.

I can just about guarantee the Senator that there will never be an override of any of those little bills, never be an override, and some of them may be of utmost importance to a region of the country or a few of the States or a single State.

This is the forum of the States. The States are represented in this body. It is the only forum in which the States are represented as States. And I can just about guarantee the Senator that not one of those would ever be overridden because there would not be the national interest in one of those that there may be when an entire bill is vetoed by the President. And without the national interest, I pity the poor little northeastern region of this country that can only muster a few votes in the House if the President were, for political reasons—if the President for political reasons were to veto some of the little "billettes" that were of vital interest to the northeast region. The northeast region, with its few votes in the House, would never be able to muster a two-thirds majority of that body to override that bill which would be of significance only to a region, or only to a few States.

When I called this measure a monstrosity, I aptly named it. I will try to search Webster to see if I can find a more accurate definition of the measure. But several flaws such as that have been found.

Now, the other side is attempting frenetically to fix those flaws that have been brought out. Just think, as the distinguished Senator from Georgia said last night, if this bill were to be before the Senate for a few more days, how many more flaws would be found.

Mr. NUNN. Mr. President, I say to my friend from West Virginia if this bill were before the Senate, understood by people in this body and the American people, we would be going back to some other bill. We would be going to a rescission bill or we would be getting on welfare. This would go back to the shop for repair.

This bill is in bad shape, and it is going to be looked on, it is going to be looked on with scorn if it passes the Senate. We are going to look silly. We are going to look like we make speeches and pass them into law instead of legislating. I would say to my friend from West Virginia there is another defect.

The Somalia date for a time certain——

Mr. BYRD. Exactly. Exactly.

Mr. NUNN. On deploying troops last year. It was the only way Congress—because the War Powers Act does not work. We know that. The Senator from West Virginia and I have alluded to that, along with the Senator from Virginia [Mr. WARNER], and others. The Somalia restriction about how long troops can be deployed abroad, the President could veto that the way the bill is right now.

Mr. BYRD. Right.

Mr. NUNN. That may be worked on. I hope that will be corrected. They just found out about it. I do not think that is what the authors intended. But the President could take the line item that had Somalia troop deployment in it and restrictions on it, veto that, spend the money—no power of the purse at all in terms of our foreign troops deployment.

Another would be the Hyde amendment. Many people in this body are very much concerned about the abortion question. When we legislate funding restrictions on abortion in this body, one way or the other, whether it is rape, incest, to protect the life of the mother, the President can take the money and veto the paragraph. Now, unless that is corrected, that is another tremendous, tremendous diminishing of congressional power and increasing the executive branch power.

Mr. BYRD. Will the Senator yield?

Mr. NUNN. I hope that will be corrected.

Mr. BYRD. In other words, the President may strip out the language that imposes a condition and make it a nonconditional appropriation.

Mr. NUNN. Right.

Mr. BYRD. Is that correct?

Mr. NUNN. That is correct. And the question now is—I know that my friends on the other side from Indiana and Arizona are going to try to correct that. The Senator from Michigan pointed out last night they are going to try to correct it. But in correcting it, can you correct it and still be able to get at earmarks? I do not think so. I think when you correct that, you are going to have to unwind the earmark language, which brings us back. This bill needs to be thought through. We are talking about serious matters here. We are not talking about something that is going to be in a 30-second ad or a bumper sticker. This is serious business.

Mr. MCCAIN. Will the Senator yield?

Mr. NUNN. We are talking about the balance of power between the branches of Government. We are talking about war powers. We are talking about the power of the purse. We are talking about serious business.

Mr. MCCAIN. Will the Senator yield?

Mr. BYRD. Will the Senator yield?

Mr. NUNN. I yield to the Senator from West Virginia.

Mr. BYRD. I do not intend to—this will be my last question.

Would not the President then be given a tool whereby he could use the vetoed bill and formulate policy? He would not be using the veto pen necessarily to reduce the deficit.

Mr. NUNN. Correct.

Mr. BYRD. He would be using the veto pen to formulate national policy. We are giving him that kind of power in this bill.

Mr. NUNN. The Senator is exactly right. As this bill is now written, it gives the President the ability to legislate by deletion.

Mr. BYRD. Absolutely.

Mr. NUNN. There is no doubt about it. I will tell you what else it gives the President. We passed a supplemental appropriations bill last week that had rescissions in it. Some of the President's favorite programs were cut. The Technology Reinvestment Program was cut $200 million, as I recall. Environmental restoration funds were cut. Now this proposal is intended to just let him cut spending. That is what the authors intend. I know that. But it lets him veto rescissions. If we had had this in effect last week, the President could have vetoed the deletions or the reductions in his own budget and left the increases in.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. NUNN. I will be glad to yield. I just have brief time remaining, and I will yield right at the end of it.

Mr. MCCAIN. I am sorry that the Senator will not yield to me as he yielded to the Senator from West Virginia.

Mr. NUNN. I say to the Senator, I will yield to him when I finish my remarks. I will be glad to yield, glad to have a discussion. I know there is limited time and I have to complete my remarks.

As drafted, Mr. President, the substitute provides:

> The Committee on Appropriations of either the House or the Senate shall not report an appropriation measure that fails to contain such level of detail on the allocation of an item of appropriation as is set forth in the committee report accompanying such bill.

The whole thing is tied to the committee report, but there is no requirement for a committee report. This is an empty shell unless the Appropriations Committee decides they are just going to send a report to the President, incorporate it in a bill, have it engrossed, and give him a target to either increase or decrease spending, change policy, whatever he would like to do.

I know certain provisions are being worked out to change. We are on the floor of the Senate under a time agreement and we are now going to make fundamental changes by amendment in a bill that is flawed, badly flawed. We are going to, in the last hour, deal with questions of war powers; we are going to deal with questions of whether rescissions will be deleted. In effect, if they can delete a rescission, the President has increased the spending.

The best indictment against this approach comes from the Republican majority on the Governmental Affairs Committee, because they brought out bills that deal with rescission. The Domenici bill, now known as the Exon-Daschle bill, that is based on rescissions, does not have these flaws in it. It does not tie the President's powers to items in the committee report. If it is a letter, if it is a statement of managers, the President can delete by rescission under the Domenici bill. That is the bill we ought to be voting for.

I know the majority is going to vote against it, but the majority is going to regret this.

Look at what the majority said in Governmental Affairs Committee in their report on this bill 10 days ago. And this goes right to the heart of the way we are now proceeding under this substitute. This is a quote from the majority report of the Governmental Affairs Committee.

> It is possible, although not desirable, to apply the state budgeting system to the Federal Government and give Presidents the kind of line-item veto available to Governors. To maximize item-veto authority for the President, the details in conference reports, agency justification materials, and other nonstatutory sources could be transferred to appropriations bills. . . .

That is precisely what the substitute does, precisely.

> However, placing an item in appropriations bills would produce an undesirable rigidity to agency operations and legislative procedures.

That is a quote. Exactly what this bill does.

> If Congress placed items in appropriations bills, agencies would have to implement the bill precisely as defined in the individual items.

That is exactly what this bill does.

You talk about tying up the Department of Defense. This bill is going to do more damage to the Department of Defense than anything I can imagine. They are not going to be able to shift money on lapsed contracts or delayed contracts with the permission of Congress to pay or to have readiness to make up for critical shortfalls.

Last fall, the Republicans complained about readiness in the campaign. I share some of those concerns. We had a committee this week that reported at the request of the Senator from Arizona. Four retired generals talked about the problems with the defense budget—not enough funding for force structure, not enough funding for modernization.

Now, what are we going to do? We are going to take all of this material, if the Appropriations Committee acts in good faith, and we are going to put it into a law. They are going to have no flexibility whatsoever unless they come back for statutory changes. We are going to have the most bogged down legislative process that I can imagine in the history of this Republic. We are going to have statutory changes by the hundreds requested on every single defense bill.

Quoting again from the majority report:

> In cases where the specific amounts detailed in the appropriations statutes proved to be insufficient as the fiscal year progresses, agencies could not spend above the specified level. Doing so would violate the law.

Exactly what we are doing in this bill.

I will not quote it because I do not have the time this morning, but the House Committee on Government Reform and Oversight, the majority Republicans, said the same thing when they brought out their rescission bill.

So we have the absolute, unbelievable paradox where the majority reports of the Republicans on the Governmental Affairs Committee, in the House and the Senate, have decried the very approach that we are now about to vote on and pass. And it has all been done in the last 2 weeks.

This is not a Democratic kind of critique. This is a Republican critique of the legislation now being presented and supported by the majority.

Continuing to quote the Governmental Affairs majority report:

> Agencies and departments would have to come to Congress and request supplemental funds for some items and rescissions for others, or request a transfer of funds between accounts. Neither the Congress nor the agencies want this inflexibility and added workload for the regular legislative process.

Mr. President, I will conclude my remarks very briefly. There are at least five serious problems with the proposed substitute.

First, it contains loopholes so large that proponents of pork will be able to insulate whole barrels of pork from a Presidential veto if they choose to do so.

Second, the separate enrollment procedure would allow the President to veto funding limitations as well as funding amounts, which would inhibit the ability of Congress to address legitimate policy differences with the President. Some examples I have already given are abortion and troop restrictions on Somalia. He can veto those paragraphs. Maybe that will be changed, but it is my view that you are going to have a hard time changing that without deleting the ability of Congress to do away with earmarks, the very target the Senator from Arizona has been shooting at.

Third, this proposal permits the President to increase as well as decrease spending by allowing him to sign into law those portions of an appropriations bill that increase spending and to veto those portions of an appropriations bill that rescind or reduce spending.

In other words, if a President chose to, under this authority, he could take an appropriations bill that had been passed by the Congress and he could basically increase the amount in that appropriations bill by doing away with or vetoing the rescissions in that bill to reduce funding.

Mr. President, I hope that will be cured. But, again, on something this important, to come out here and have to cure these absolutely colossal defects in this bill in the last few hours is really a hard way for me to visualize responsible legislation occurring.

So just the opposite of what the sponsors have intended could occur.

This is just saying to the President: We think you are a whole lot better at this than we are, so we are giving you congressional authority. We are giving you the power of the purse to make decisions to increase or decrease. You do whatever you want. We want you to do it, because we have proven that we cannot.

Mr. President, the other thing this bill does not do, it does not go after the real problems with our own process—the real problems the Senator from Arizona has pointed out, earmarked funds. We could have a point of order against that. We could have a point of order against an appropriation that comes back from the conference that was not even in the House bill or the Senate bill. We could have a point of order on that. But none of that is in here.

We are basically saying, "We cannot take care of our problems, so we are going to give the President a huge additional authority."

Well, the result of that is, believe me, within a year, everybody will realize what we have done and then we will move away from committee reports and we will have statements by managers. And then there will not be anything for the President to veto, and we will start the process all over again, and we add to the disillusionment of the American people. They will finally ask: "Can't you guys do anything right? We thought we were getting rid of spending, but we are not."

That is what is going to happen if this goes into law. If this goes into law—and the President says he is going to sign whatever we send down there. That ought to frighten a few people. That ought to make us think.

It is a great pleasure to be able to vote for darn near anything, knowing the President will veto it and you can make your speeches and it is not going to go into law and you do not have to suffer the consequences and the country does not. It is another thing entirely when the President says he is going to sign it. He is going to sign what we send down there on this. And I suppose any President would because, at least on paper, if it is abided by in good faith, we are going to give him the largest new hunk of Presidential power that we have given any President in many, many, many years.

And then, what we will do, because there are loopholes here, we will take it away by moving the pork out of the reports and moving it into speeches on the floor or statements on the floor, and we will be right back where we are with disillusionment.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. MCCAIN. Can I ask the Senator from Indiana a question? How many years has he been on the Senate Armed Services Committee?

Mr. COATS. Six years.

Mr. MCCAIN. Has he ever seen a reprogramming request?

Mr. COATS. I have not.

Mr. MCCAIN. According to the distinguished ranking leader, who served for many years as the chairman, that sometimes entails billions of dollars; is that correct?

Mr. COATS. It appears that it does. In fact there is——

Mr. MCCAIN. Although we never have seen them. So if you were the chairman of a committee and ranking member and you were the only one who made a decision on reprogramming, you would be very concerned if something like this—billions of dollars in transfers of funds—was under just your almost direct supervision, would you not?

Mr. COATS. I think the whole purpose of this exercise——

Mr. MCCAIN. By the way, I am sorry I did not have a chance to ask the Senator from Georgia, has there ever been a reprogramming request from the Pentagon that says, "We can't spend this money, so we would like to give it back to the taxpayers"?

Mr. COATS. Mr. President, I ask unanimous consent that I yield to the Senator from Arizona so he may ask questions of the Senator from Georgia and he may respond without having to go through this convoluted procedure. In fact, I yield the floor so the Senator from Arizona can take the floor to ask questions.

Mr. MCCAIN. I appreciate the indulgence of the Senator from Georgia, who has obviously for many years been the person who decided whether billions would be transferred from one account to the other without consultation certainly with these two Senators.

Mr. NUNN. Will the——

Mr. MCCAIN. Let me finish; I will ask the question. Has the former chairman ever, the distinguished ranking minority of the Senate Armed Services Committee, ever seen a reprogramming request that said, "We can't spend this money. We'd like to give it back to the taxpayers"?

Mr. NUNN. Let me say to the Senator, all reprogrammings are approved by the majority and by the minority. That was the case when——

Mr. MCCAIN. By the chairman and ranking member.

Mr. NUNN. And staff——

Mr. MCCAIN. Neither the Senator from Indiana nor I were ever consulted on any of these reprogramming requests, him 6 years and me 8 years as members of the committee.

Mr. NUNN. Will the Senator yield for me to respond?

Mr. MCCAIN. Yes.

Mr. NUNN. Staff has the responsibility to circulate the reprogramming request to the respective members on both sides of the aisle. On the Democratic side of the aisle, we do that. If the staff on the Republican side does not let the Republican Senators know, then if I were a Republican Senator on that committee, I would be asking the staff some very tough questions.

We let our members know about reprogramming. That is a question that is up to the Republicans because the chairman or the ranking member on the Republican side understands reprogramming requests. Many times they are pending for 3 weeks to 3 months. Many times there is tremendous discussion. We even have reprogrammings that get folded into the bill itself because they are controversial.

As the chairman of the committee, I never passed a reprogramming request, if I had any member interested on my side raise an issue, without a full discussion. That is the job of the ranking member on the Republican side and the staff.

So I think there are some tough questions that ought to be asked of the staff on the Republican side if the Senator from Indiana and the Senator from Arizona have never seen a reprogramming request. Your staff signed off on it in your name.

Mr. MCCAIN. It certainly is alarming that that kind of responsibility would be placed on staff who are not elected by anybody.

Mr. NUNN. This is——

Mr. MCCAIN. And the kind of a system where it is up to one or two members, the chairman and the ranking member, whether they want to notify them or not. I have never seen any formal procedure or rule in the committee that says that. In fact, in other committees, it is commonplace that a phone call be sufficient to approve a reprogramming.

Mr. NUNN. That is not the way we do it.

Mr. MCCAIN. If the Senator will consider answering the question, if he has ever seen a reprogramming request from the Pentagon that said, "We would like to not spend this money and send it back to the taxpayers who sent us the money."

Mr. NUNN. I will say to my friend from Arizona in response to that, the committee has the duty as we see fit to turn down reprogrammings, in which case the money would not be spent, in which case the money could be reallocated to any other Department in the regular process on the budget bills and on the appropriations bills. I thought my friend from Arizona just had a hearing——

Mr. MCCAIN. I am sorry the Senator does not choose to answer my question. My question is, if I may restate the question because, obviously, he did not understand it or does not choose to answer it: Did the Pentagon ever request a reprogramming and say, "We can't spend this money in the Pentagon. We want it to go back to the taxpayers"? That is my question.

If the Senator does not choose to answer that, that is fine. But I hope I made myself clear as to what my question is.

Mr. NUNN. I understand the question completely, and I hope the Senator will listen to the answer. I can state it but I cannot comprehend it for him. Maybe I have been under a false impression. I thought the Senator from Arizona and my Republican colleagues wanted to increase the defense budget. I thought my Republican colleagues had that in their Contract With America. I thought the Senator from Arizona wanted more money for defense. And now he is saying when a C–17 program lapses, do we want to send it back to the Treasury, or do we want to put it on high defense needs? I have been under the mistaken impression that the Senator from Arizona was concerned about readiness, was concerned about modernization and felt there were deficient funds in the Department of Defense.

Mr. MCCAIN. I regret the Senator from Georgia will not answer the question. He is entitled not to answer the question. I will repeat it one more time, but it is obvious—I will not waste the time of the Senate, because he is not going to answer the question. I also want to say——

Mr. NUNN. The answer to the question is the Department of Defense always on reprogrammings asks for the money to be shifted to other defense needs, and our committee has supported that.

Mr. MCCAIN. Speaking of comprehension, I say again, has the Senator from Georgia ever heard of a reprogramming request where the Pentagon said, "We can't spend this money.

We'd like to give it back to the taxpayers"?

Mr. NUNN. The answer is no, because the Department of Defense has been underfunded.

Mr. MCCAIN. Thank you for answering that question. I also regret the fact that the Senator from Georgia alleges that neither the Senator from Indiana nor I understand what we are doing here. The Senator from Indiana and I, for 8 years, have been involved in this issue. We know it very well. It has been before the Senate many times, including 1985.

I did not accuse the Senator from Georgia of not understanding an issue when we had different positions. I did not accuse the Senator from Georgia of not understanding the situation in the Persian Gulf when he opposed our military involvement there.

The question is not whether we understand it, it is whether we have a legitimate difference of opinion here, and that is what it is all about.

I think that the Senator from South Dakota raised some legitimate concerns. The Senator from West Virginia did. But to allege that the Senator from Indiana and I do not understand what we are doing, I think does not elevate the debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, some of the logic and reasoning of those who are opposing the line-item veto measure offered by the Senator from Arizona and the Senator from Indiana is curious. On the one hand, they say that the bill is flawed and that if Republicans would simply reach out and attempt to correct what they perceive to be the flaws, we will have a better bill.

They come to the floor and say, we need a line-item veto, we need to have a process in place whereby the executive branch has the option or the ability to check the excess spending habits of Congress that design spending or tax breaks that do not serve a broad purpose, and that they support that effort, but that some of the provisions of the bill, which the Senator from Arizona and the Senator from Indiana have offered, need to be modified.

When the points they make are legitimate points, because we never claimed that our bill was perfect, as no one really claims their bill is perfect—that is why we have an amendment process, that is why we have a debate process—and when a Senator from the other side who happens to want to support it but simply wants to strengthen the bill points out a particular provision that is not designed or drafted as accurately as they think it should be suggests that and we agree with them that it addresses a problem in a more accurate way, then they turn around and say, "See, that is proof that the bill is flawed."

Well, what are we to do? On the one hand, they criticize us because the bill, they say, is flawed and needs to be improved. On the other hand, when we say, "OK, we'll accept that improvement, that's a legitimate improvement," they say, "See, there's proof that it is flawed; therefore, we can't vote for that." That is circular reasoning and circular logic that this Senator finds hard to understand.

One of the points that the Senator from Georgia has made is that as the bill is currently constructed and is currently presented, policy decisions would be subject to a Presidential veto and, therefore, it would require a two-thirds override. But that issue has been debated and discussed at length. An amendment has been offered by the Senator from Michigan, Senator LEVIN, to clarify that that will not happen. It has been cosponsored by a Republican Senator, the Senator from Alaska, Senator MURKOWSKI. It has been accepted by the managers of the bill on both sides. It has been accepted by Republicans, and it is designed to clarify a provision in the original language that there is some ambiguity on, or at least some are concerned about some ambiguity. It was never the intent of the separate enrollment legislation to separate legislative language, to have legislative language vetoed by the President. Those were the dollars that are attached to it. That was debated at length. The Levin-Murkowski amendment, which is going to be accepted on both sides, clarifies any question in that regard. Yet, we find ourselves being criticized for a legislation which we have agreed to improve and accept the amendment of the very Senators who have raised the question of criticism.

So I do not understand how our opponents on this issue want us to proceed. Do they want us to work with them or not? Do they want us to improve the bill or not? Do they want us to clarify ambiguities or not? If they do—and it appears that most do—then others should not come to the floor and say, see, that points out that the bill is flawed. The Murkowski-Levin amendment protects all legislative language from being separately enrolled and vetoed. The policy language is protected. That is the intent and that is the result of the amendment which has been agreed to and will be accepted as soon as, procedurally, we can get to that point.

The Senator from Georgia also points out that if we go with the separate enrollment process, it will require an inflexibility in terms of various agencies being able to reprogram funds and, therefore, it will hideously confuse the legislative process. All it will do is change the way in which funds are able to be reprogrammed. Instead of the current practice of a phone call or a letter to a committee chairman and/or the ranking member, instead of a process which involves two, and at most four Senators out of 100, we will have a process which will involve all 100 Senators.

We spend a great deal of time crafting an authorization for the use of funds, and we spend a great deal of time appropriating funds for that authorization. We spend a great deal of time debating those decisions on this Senate floor. Clearly, situations and circumstances change. So that it is appropriate for agencies to come forward and say that circumstances have changed, spending was greater in this area than we anticipated 6 months ago when this was negotiated, or spending is less in that area, and we would like to shift some funds from one area to the other. But what will have to take place now is that that request will have to be made available to all 100 Senators. I think that is appropriate.

If the reprogramming request was always made on an objective basis, always made for legitimate purposes, I think there might be some validity to the arguments presented here this morning. But I think we all know that they are not always made that way, that little side deals are concocted and, yes, phone calls are made; but phone calls are made after hours, and special requests are made from certain Members to other Members for—Heaven forbid—political purposes, and not necessarily for legitimate new expenditures or shifted expenditures, but made for political purposes.

Mr. MCCAIN. Will the Senator yield?

Mr. COATS. I yield to the Senator from Arizona.

Mr. MCCAIN. I ask my friend, is not the issue here programming and not reprogramming? The fact is that this may be a straw man. We are talking about whether we are going to eliminate the waste, and if we want to use the word "pork-barrel" spending and put some fiscal discipline in the process. Is that not really what we are talking about here? And the reprogramming issue is something that could be solved through simple changes in the rules or even in how we do business.

I agree with the Senator from Indiana that there are abuses in the reprogramming process. That is not really the fundamental issue, and I do not think we should be spun off into that relatively unimportant side issue as compared with the larger argument here. And the reason why I think both you and I are somewhat agitated is, for somebody to say that this is a joke, that this is not thought through, that we do not know what we are doing—I have never accused any opponent on this floor of not being serious about an issue, nor have I said that a proposal of theirs was a joke, nor did I accuse them of not thinking through a particular amendment when they had it on the floor.

I give them credit for having done their homework and doing what they think is for the good of their State. I think it demeans the debate for anyone, either on this side of the issue or that side of the issue, to say somebody has not thought through an issue, and to say somebody is not serious about it, and to say that what we have been working on for 6 or 8 years is a joke. I think it is wrong and it does not do anything for the debate. I would be glad to and have continued to, since last Thursday—and many years before—debate this issue on its merits, rather than demeaning the motivation or the knowledge or the experience or the talent of those who support it, as I have not those who are opposed to it are.

I ask the Senator from Indiana if he agrees that that might be a good idea for us to elevate this debate back to where it has been, frankly, up until just a short time ago.

Mr. COATS. I thank the Senator from Arizona for his comments. For Members to suggest that this is some surprise that is being sprung on Members of Congress, I simply ask, where have they been for the last decade? This issue has been debated, the merits of this issue have been debated at length on the floor. The Senator from Arizona and the Senator from Indiana have offered time after time various proposals to deal with the fundamental underlying issue.

As the Senator from Arizona has said, the fundamental underlying issue is the ability of Congress, under current law and current procedures, to spend the taxpayers' dollars either in appropriated expenditures or in tax benefits, in a way that serves no national purpose, in a way that is not made available to Members to debate and discuss and to cast their yeas or nays on that particular item. It is an egregious practice that has cost the Treasury and the taxpayers tens of billions, if not hundreds of billions of dollars. It is, as former President Harry Truman said, "legislative blackmail."

We all know how the process works, so we can argue some of the fine details about the current practice and what a wonderful practice it is, and we can even talk about reprogramming. But this Congress would easily adapt to and accept the requests of various agencies, if they were legitimate requests. There is nothing to prevent committees from routinely reporting out reprogramming bills en bloc by voice vote at the end of a markup and bringing it to the Senate. There is nothing to prevent routine reprogramming requests from being placed on the calendar and passing by voice vote.

But if a reprogramming request is controversial, if a Member of the Senate or a Member of the House wants to say, "Wait a minute, what do you mean you are shifting that money from this account to that account? What do you mean there is a problem with spending on the C–17," maybe we ought to look into that. Why is there a problem? Do we want to routinely, on the advice of four Senators, simply say, well, that is OK; this program needs more money; let us shift it from this account to another account? Should Members of the Senate have the right to say, "May I ask some questions about that? Can we debate that on the floor? Can we have some light shed on the reasons this reprogramming is requested?" That is all we are seeking to accomplish with this procedure.

Again, this whole issue comes down to status quo versus change. Is there a better way to do business? Or do we want to do business the old way? Well, if business done the old way had been satisfactory, if it had not been done in a way which demeans the credibility of individual Senators and demeans the credibility of this institution, we ought to stay with it. Unfortunately, it has. It is an egregious practice that has been abused by Members of the Senate and abused by Members of the House. And, as I said before, we are not here to point fingers. We have all taken advantage of this process.

It is not to our credit that we have done so. It is a time-honored—I now call a "time dishonored"—practice of trying to slip some goodies in for the folks back home, or for one individual, or a tax break for one person, or one special interest.

Members have spoken eloquently about that practice. We read about it in the news, hear about it on the news. It happens all the time. It is wrong. It ought to stop. We are trying to provide a tool and basis to allow it to stop.

For goodness sake, the sky is not going to fall on Federal spending if we make it a little harder to reprogram something, if, instead of just a letter that comes over or a phone call between an agency and a couple Members of Congress, if we say it will be a little bit tougher to make that decision, Congress is going to have to look at it a little bit longer, Members are going to have the right to raise a few questions and say, "Is this a legitimate transfer?"

I think it is unfortunate that the C–17—or maybe it is fortunate—the C–17 is a program that has been in serious trouble from the beginning. I am not saying we should not have it. I support it. I think we all have the right to raise questions about whether or not money shifted from one account to bail out a problem with the C–17 is a legitimate shift of money.

There are ways in which Congress can deal with routine, legitimate reprogramming requests without tying this place in knots. For goodness sakes, we are legislators. There are legislators here who know more about how to expedite and loophole things—they have forgotten more—than this Senator can possibly learn.

My concern is not that this process is going to hamstring the process. My concern is that people in back rooms right now are trying to find end runs around what we are trying to do.

Let Members at least do something. Let Members at least make it tougher to spend the taxpayers' dollars. Let Members give the public a better opportunity to look at the way we spend. Let Members at least put our "yes" or "no" on record so that the taxpayers and our constituents can hold us accountable. Let Members end this practice of saying, "I could not figure out what was in the bill because it was 2,000 pages long and that stuff was buried or slipped in in conference." Let Members make it tougher to spend money, because we have been irresponsible in the way we have spent money around here.

Mr. President, I see there are other speakers on the floor. Let me inquire of the time allocation.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Indiana has 36½ minutes remaining; the minority leader has 30½ minutes remaining.

Mr. COATS. Mr. President, I yield the floor.

Mr. DASCHLE. Mr. President, I will use my leader time to make comments on the Democratic substitute and reserve the balance of the time allotted to the substitute to the distinguished ranking member, the manager of our bill on our side, the Senator from Nebraska.

Mr. President, the Senator from Georgia raised a number of very helpful points. He makes a powerful case for the substitute that Democrats have proposed. The Senator from Indiana has understandably responded as best he could to many of these questions. The fact remains that there are serious concerns about the proposal, as well-intended as it might be, that the Republicans have offered.

The Senator from Georgia did a real service, I think, in pointing out so well what the Governmental Affairs Committee and the Budget Committee have said about these proposals. Republicans in the Senate have expressed in writing fundamental concerns about what the proposal now put forth by Senator MCCAIN and Senator COATS.

Senator NUNN has clearly recognized what others have recognized—that this proposal is flawed. As everyone probably now appreciates, it has a sunset of the year 2000. I predict this morning that this bill will not last until the year 2000, if it were to pass into law. I make that prediction. I will predict we will be back here at some point before the year 2000 to vote on a bill very similar, if not identical, to the one that we are now proposing, the so-called Domenici-Exon bill.

I say so in large measure because I think many people recognize that in spite of the fact that the other side has come a long way on a number of concerns that we have expressed over the course of this debate, very serious difficulty problems remain. First, there are loopholes in the amendment,—there is no requirement that a conference report contain a line-item level of detail. We can get around the line item almost entirely by putting the details in floor statements or letters to agency heads. We do not have to put it in detail. That is one loophole.

The alternative to that problem is to create so many separate bills, representing so many thousands of line items, that it will make the operation of every agency excessively rigid. If each item becomes separate law, the rigidity of that process becomes so cumbersome people will say it just is not going to work and the whole system will break down.

A third problem is that the President can actually increase spending under the Dole substitute by vetoing line items that actually represent rescissions or general reductions. I know that the distinguished Senator from Michigan, Senator LEVIN, is hoping to address that concern later on. Perhaps we can work something out.

Mr. President, these are very serious concerns. I hope that, as we have with many of the other concerns raised throughout the course of the last several days, we can address those prior to the time we vote on final passage, assuming the substitute is not passed. I am hopeful it will be passed. I will address my reasons for that hope in just a moment.

Let me also address some of the concerns that have, in our view, been addressed at least in part. Our conclusion was that the original tax legislation in the McCain bill that was originally proposed did not go far enough. The other side has come a long way in meeting some of our concerns in adopting a broad provision allowing the President to veto special-interest tax breaks. I read a colloquy into the floor last night between the Senator from Indiana and the Senator from New Jersey [Mr. BRADLEY] about the intention of the Senator from Indiana to broaden the scope to include the issues that were raised on many occasions on this floor by the Senator from New Jersey.

Our amendment is clear and more forceful in that regard. We will talk about that. The fact is that at least the Republicans have begun to accept the realization that we do not have a true, broad scope in our line-item authority unless we have tax breaks on the table as well.

In addition, an amendment by the ranking member of the Budget Committee has been adopted that directs all savings from the line-item veto to deficit reduction. A similar provision was in the Domenici-Exon bill but left out of the Dole substitute. Now, it is back in. We are pleased with that. Without this amendment, savings from the line-item veto could be used to pay for other Government spending. One pork-barrel project could be cut to pay for another. That will not happen now as a result of the legislation offered by the Senator from Nebraska. This was a truth-in-advertising amendment. If we promise deficit reduction, we have to deliver it. It ensures that savings from vetoes of entitlements and tax breaks go to reducing the deficit as well. So that, too, was an improvement.

Then, of course, I am pleased that the amendment by the Senator from Wisconsin was adopted to create a budget point of order against any nonemergency spending included in an emergency supplemental propositions bill. This will ensure that supplementals are truly used for emergencies and are not vehicles for extraneous projects, as we have seen in our recent defense supplemental.

There are improvements in the legislation since Monday. We can be grateful for that. The real improvement, the real opportunity to make substantive progress is to go back to where we started, to go back to what the real experts on this issue have proposed for many, many years. Senator DOMENICI, the chairman of the Budget Committee, and Senator EXON, the ranking member, have worked on this issue, as has Senator COATS, for a long time. Senator DOMENICI and Senator EXON have looked at all the alternatives and concluded some time ago that the most practical approach, the most logical way with which to address this issue is to suggest a line-item rescission.

Forty-three States, including South Dakota, already have a line-item veto. It is time for the Federal Government to adopt one as well.

That bill not only had practicality, and it was most likely to be upheld constitutionally, but it also included the broadest base of a Democratic and Republican consensus—broad bipartisan consensus that this was the approach that could actually work.

I have supported a line-item veto. I supported this concept. I cosponsored it, as did the majority leader. Many others who have cosponsored this legislation this morning or this afternoon will now have an opportunity to vote on a bill that they cosponsored. They clearly saw the wisdom in using this approach or they would not have cosponsored it.

The President has been very helpful in advocating a line-item veto, and has been helpful in moving this process forward.

When the chairman and the ranking member proposed S. 14, obviously they felt, and they had good reason to feel, that based upon broad bipartisan consensus, based upon constitutionality, based upon practicality, that we really had a bill that we have the confidence could be passed. In fact, every single Republican who voted supported this legislation in a bill that was offered last year—by a vote of 342 to 69. That was the vote. Mr. President, 169 Republican Members of the House supported a bill nearly identical to the substitute that we are offering right now. So we have every expectation that this bill has enjoyed support on a broad, bipartisan basis in the past and there ought to be no reason why we could not ensure that the same level of bipartisan support could be found again as we vote later on this afternoon.

That is really what we have all said we want. We want a line-item veto. We want one that is practical. We would like one to see broad bipartisan support when it passes. This substitute offers all of that and more. Basically, there is no secret, no mystery to how this works. I talked about this a little bit last night, but let me make sure everybody understands how simple the process is. That is really one of the advantages to our approach, it is so simple. It gives the President the authority to force Congress to vote on spending and tax provisions that he considers wasteful. That is all it does. And it sets a timeframe within which that must happen.

We all know the situation now. We all recognize that we can ignore line items as they are rescinded now. There is no requirement that Congress needs to respond. But our amendment takes care of that. Our amendment says, within a designated period of time, 20 days, the President notify Congress after passage of a spending or a tax bill of the things he wants to see cut. That is all he has—20 days. Then 2 days later a bill with the President's proposal has to be introduced and within 10 days after that, the Congress has to vote. That is it.

In 1 month's time it is all over; 20 days the President has to notify Congress. Two days later a bill is introduced. And 10 days later it is over. During that 10-day period during which Congress takes it up, we have 10 hours to deal with this issue and be done with it.

Mr. President, it is very clear. Our legislation is as simple as simple can be. It is constitutional. It is a process that would work exceedingly well. We know it will work here.

I believe our amendment has at least four advantages over the pending Republican substitute. Clearly it is more workable; clearly it is more constitutional; clearly it protects majority rule; and, finally, it leaves no question that tax breaks are on the table. It ensures that tax breaks will be subject to review just like any other form of spending.

There is no question about the simplicity argument. The Appropriations Committee has estimated that 13 appropriations bills enacted in fiscal year 1995, sent down now for 13 signatures, will require 10,000 separate minibills under the Dole amendment. So we are going to go from 13 bills to 10,000 bills in just the appropriations process alone. That is what we are talking about. Coming on the heels of the Paperwork Reduction Act, this legislation goes in exactly the opposite direction. That is, the Republican substitute belies all of our public outcry about paperwork and the concerns we have raised time and again about how we want to reduce paperwork, reduce the level of redtape, whether it is in passing bills or the effect the bills have on people afterward.

A good example, of course, is the one I have raised before. This is a 17-page appropriations bill, the Energy and Water Appropriations Act of last year. It is a bill that has 17 pages. That is all it has, 17 pages of line by line appropriations. This is a simple little document that for 200 years we have sent down to the President for signature and that is it. He signs it, he vetoes it, it is over.

Mr. President, this is 1,746 pages. This is what we are going to change it to if the Dole substitute passes. We are going to go from that 17-page bill to this. And the whole story is that when the President gets it, page by page, one after another, he has to get his pen out. He will probably have to get hundreds of pens out. But he is going to have to sign every one of these.

Of course the distinguished President pro tempore, our dear friend, Senator STROM THURMOND, will have to sign this. The Speaker of the House will have to sign it as well. It takes three signatures, and this is what we are going to be signing: one page after another—1,746 pages. Do we really want that? Is that really paperwork reduction? Is that simplicity? Is that the kind of practical kind of legislating we all espouse? I do not think so. I really do not think we want to go to 1,746 separate signatures every time we pass a simple appropriations bill.

We have a choice of passing a small bill or a large stack of paper. That is our choice. And that is just one bill.

We have also, of course, indicated our concern about the constitutionality of the Dole substitute. The last time this issue came up in committee, the Rules Committee in 1985 voted out a similar proposal unfavorably by a unanimous vote. The separate enrollment proposal was considered then, and voted out unfavorably, with the recommendation that it should not pass, by a unanimous vote, under a Republican Rules Committee chaired by a Republican. The constitutionality was raised again and again. The view then was what we were proposing here was not only impractical but unconstitutional.

As I said, we are going to address that issue of constitutionality with the expedited judicial review and I am hopeful that at some point in the not too distant future the courts will determine for us the constitutional viability of this approach. As others, especially the distinguished Senator from West Virginia, have indicated, it is going to take more than legislative clarification for us to resolve the constitutionality questions. I am hopeful the concerns raised by the junior Senator from Michigan in his proposed amendment will address some of these concerns as well.

But the fact is that, in spite of as much legislative clarification as we can make, we are still rolling the dice when it comes to constitutionality. No one can say unequivocally that what we are now proposing will pass constitutional muster; that we have overcome all of the constitutional hurdles that have been raised over and over again in spite of the changes we have made. As I predicted, this bill will not survive until it sunsets. We will not have to wait until the year 2000 to review this again because whether it is the courts or whether it is the Congress, somebody is going to come back and say: We made a mistake. It may take that. But ultimately we are going to come back here and address it and I am sure at some point that will happen. And certainly the constitutionality question is one of the biggest reasons why I think it could happen, sooner or later.

Mr. President, the third issue has to do with majority rule. Our substitute protects majority rule. Our substitute ensures a central tenent of democracy will be here even after this legislation passes. Our amendment requires a majority of Congress to approve cuts that are proposed by the President, and that majority rule has been something we have supported for 200 years. Under the Dole alternative, the President wins, if he gets the support of just one more than a third of either House of Congress. Either House of Congress can uphold a Presidential decision. If that does not create policymaking potential, if that does not shift the balance of power towards the White House, I do not know what does. In my 16 years in Congress, I have never seen a greater opportunity for the President to become a legislator than this will provide him in the future.

So I am very hopeful that, as we consider the question of Presidential power, the balance between the legislative and the executive branches, that we recognize the magnitude of the opportunity the President will have to set policy for the first time as a result of his ability to line item any one of thousands of specific provisions that may ultimately not only affect spending but affect policy as well.

The fourth issue, as I said, affects tax break language. I indicated that the constitutionality question is unclear. The tax language is even more unclear. The tax language, in spite of the best efforts through colloquies and through changes in the legislation itself to make the tax language clear, is still ambiguous. We still are not sure what "similarly situated" is. I hope that we are not creating a provision that would allow us to pass special tax breaks for very small groups of people because they are "similarly situated."

I know no one here would support a tax break that only went to Members of Congress or to members of our staff. But under the language, that is a possibility. Under the language, "similarly situated" could actually mean that we are allowing tax breaks that would affect a group as small as the Members of this body or our staffs to not be subject to Presidential review.

Through the colloquy and assurances given to us by others, that is becoming less of a threat, I hope. I think we can now be somewhat confident that indeed it is the view of our colleagues on the Republican side that they want broad language here, that they anticipate having the ability or giving the opportunity to the President to review items that are broad in their scope. But it is a roll of the dice. We are not sure what they mean. The language is vague. The language in my view is convoluted. We can do better than that. The way we do it better than that is to pass the Democratic substitute.

Our language is very clear and very direct. It puts special interest tax breaks on the table, period. It is over. We can be very clear, if the Democratic substitute passes, that every special interest tax provision is going to be subject to a line-item veto. Every appropriations bill will be subject to line-item veto. There is no question there. So we will not have to roll the dice when it comes to the interpretation of tax language or constitutionality on any of those.

So, Mr. President, I do not think there is any question, I do not think there is any doubt, that the Democratic substitute is the superior alternative. I do not think Senator DOMENICI and Senator DOLE would have sponsored this legislation had they not had confidence that this is a very workable, simple, practical, constitutional solution. They would not have put their names on a bill if they did not feel that good about it. It is workable. It is constitutional. It projects majority rule. It clearly puts tax breaks on the table. It has solved the problem that we have raised now for days on this side of the aisle. It clarifies our situation while protecting our rights.

So it is that simple. We have an opportunity to vote on something that has history, to vote on something that has been carefully considered by two of our committees, the Governmental Affairs Committee and the Budget Committee. It has a history on both sides of the aisle, with our most esteemed leadership on both sides of the aisle. So without any doubt, with real expertise, our leaders on this issue have come forth and produced a document that I feel enthusiastic about, that I know will work, that I know will found to be constitutional.

So I hope that as we consider our vote, and our colleagues will come back to their original positions on this issue, come back to their original interpretation that indeed this does work well, and support the Democratic substitute.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. COATS. Mr. President, may I ask the clerk how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 36½ minutes, and the Senator from Nebraska has 19½ minutes.

Mr. COATS. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I appreciate the Senator from Indiana yielding.

To review the bidding here on this substitute, naturally I support the Dole-McCain-Coats line-item veto because I think it represents a better approach, the approach that the American people understand.

In the first place, in civics class in the eighth grade, we all learned that a veto requires a two-thirds override. That is what veto is all about. That is what this provision has, unlike the version offered by the distinguished minority leader, which would only require a 50-percent override. That is not what we think of when we think of a veto. So that is the first important distinction.

Second, with respect to tax breaks, it has never been the concept, in lining out pork-barrel spending through the line-item veto, that we would add tax breaks to the line-item veto legislation. But in order to accommodate some of our friends on the other side, we did say that if there is an omnibus tax bill, and somebody decides to slip in a tax break for their friend back home, the President could strike that out just as he would an item of spending, of pork-barrel spending, because a tax break for a very limited group or individual would be similar to pork-barrel spending.

So that is included in the Republican version of the line-item veto.

But what we do not think is appropriate is to put more than necessary roadblocks in the way of reducing taxes for all Americans, as the Democratic approach would do. If we are going to give Americans a $500 child tax credit, or if we are going to provide a capital gains tax relief, or reduce the marginal rates, we think that is a matter that we ought to be promoting and not putting roadblocks in the way. The truth is that in most of these major tax changes, it is a regular bill that comes out of the House and Senate. It is subject to Presidential veto, anyway. So the President can veto it. It would require a two-thirds override by the Members of the House and Senate.

So really, this argument, I think is a straw man. On most tax legislation, there will be the two-thirds override, anyway. On that which does not require that, we should not be throwing up more roadblocks in the way of tax breaks for the American people except for those that represent special interests which are taken care of.

In some respects, it seems to me that the Democrats are not willing to take yes for an answer. They wanted the issue of the tax breaks included. We did it. They wanted the so-called "lock box" so that any savings will be applied to deficit reduction. We did that. They want to ensure that the President could not veto rescissions. We are going to be doing that.

In other words, most of the primary concerns that were raised about the Republican version of the line-item veto have been agreed to. We are taking care of those. Let us take yes for an answer. We are willing to make this a bipartisan and better bill.

Of the issues remaining, some are, I think, matters of legitimate dispute. The issue of reprogramming that the Senator from Georgia mentioned I think represents a potential problem. It may be somewhat cumbersome. We will have to see whether Members of the House and the Senate are willing to deal with each other in a matter of comity and in a matter of expedition in getting these rescissions through. But there is nothing wrong with having all Members of this body consider them as opposed to just a few on the committee. So I think that is something we will have to see how it works. But it should not be a big problem.

There is the possibility that committees will not provide the specificity that is called for in the legislation. What this argument assumes is that Members of the House and Senate, in effect, will cheat; that we will decide to get around the line-item veto by not putting in the specific line items, thus for the President to veto if he does not like them.

It is possible that we could try to conjure up ways of getting around this. That is what happened with the balanced budget proposals. That is what happened with Gramm-Rudman, and with other kinds of legislation.

I suspect, however, that good faith will prevail and that the majority, which in fact favors the line-item veto and favors it working, will ensure that as this legislation does work over the next 5 years, it will be handled in such a way and will operate in such a way that the President will be given the ability to line out specific items as is the intention under the legislation.

Of course, with respect to the argument that there is a difference between the majority position here of a two-thirds override and the minority view that there should only be a 50 percent override, that there is a great deal of power being given to the President, that is a legitimate argument. Reasonable people can differ about this. That is why the sunset provision is in the legislation. This legislation does not automatically continue forever. After 5 years, it is over, and it will not be reinstituted unless we decide it was a good idea and we pass it again.

That is where this issue can be evaluated. And if Presidents have abused their authority, I am sure you will not see the Senate passing this kind of legislation again. But if Presidents have done what they should, if they have acted responsibly, then I suspect we will be reinstituting this legislation. That is what sunset is all about. We will have an opportunity to look at it.

So the bottom line, Mr. President, is really whether we want to continue to conduct business as usual or not. The American people obviously do not want us to do that. They want us to change the way Congress conducts its business and the business that it conducts. The line-item veto is a significant improvement in the way the Congress conducts its business.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask the Senator from Nebraska to yield me 5 minutes.

Mr. EXON. I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would ask the Senator from Indiana if he could answer some questions that I have.

Mr. COATS. The Senator from Indiana will be happy to try, depending on the complexity of the questions.

Mr. CONRAD. Well, the thrust of my questions goes to the issue of whether or not, with the Dole substitute, the President would be able to veto any existing entitlement spending.

Mr. COATS. The answer to that is no.

Mr. CONRAD. The answer to that is no?

Mr. COATS. No. It only applies to new spending.

Mr. CONRAD. Well, I am interested in that response because I really question whether it is right. I have here the Senate committee report on last year's VA/HUD appropriations bill. Included in this bill was budget authority and outlays for veterans' pensions and compensation. This indicates that the Senate bill contains $17.6 billion for veterans' compensation and pensions. This is mandatory spending which nonetheless gets included in the VA/HUD spending totals every year. My specific question would be, would the spending authority for veterans' pensions and compensation be enrolled separately and subject to Presidential veto under the Dole substitute separate enrollment bill?

Mr. COATS. The answer to that—if the Senator will yield, Mr. President, the answer to that is no, unless it is new spending or a change in the benefit, it would not be subject to the line-item veto.

Mr. CONRAD. Well, the difficulty I have with that answer is, I say to my colleague, these are appropriated entitlements. These are entitlements that are in appropriations bills, and the Dole substitute provides for the separate enrollment of all appropriated measures, does it not?

Mr. COATS. It does provide for the separate enrollment of all appropriated measures. But the application of the bill, application of the veto, the power given to the President only goes to the new spending or expansion of benefits available under the entitlement program.

Mr. CONRAD. So the answer as I hear it is that, even though these appropriated entitlement accounts are in appropriations bills, specifically included in appropriations, all existing entitlement spending would not be subject to Presidential veto?

Mr. COATS. The mandatory spending must go out under the law as it is currently written—mandatory spending. Only new spending is subject to the line-item veto.

Mr. CONRAD. Well, let me go further if I can. For example, then, in last year's agriculture appropriations bill there was $29 billion provided for the Food Stamp Program. Would this amount be enrolled separately and could the President veto it?

Mr. COATS. I am sorry; would the Senator restate that question?

Mr. CONRAD. There was in last year's agriculture appropriations bill $29 billion provided for the Food Stamp Program, an entitlement program, but it was an appropriated entitlement. Would this amount be enrolled separately and could the President veto it?

Mr. COATS. The amount appropriated must go out under the existing law. The only way in which the President could veto a provision is if the underlying law were changed to increase the amount of spending as the result of an expanded or new benefit. So additional spending to meet the mandatory requirement under the law would not qualify for a line-item veto. But if there were additional spending as the result of a change in the underlying law which increased spending as a result of that change, that increase is subject to the line-item veto.

Mr. CONRAD. So the Senator is asserting that only the increase in these appropriated entitlements could be subject to Presidential veto?

Mr. COATS. I am sorry; again I was speaking to staff.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CONRAD. I ask the Senator from Nebraska if I might have 2 additional minutes.

Mr. EXON. I grant 2 additional minutes, and then I would also like to follow up on and try to give my perspective of the very legitimate questions that are being asked.

Two more minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I would then ask the Senator from Indiana, is the Senator from Indiana asserting that only the increase in appropriated entitlements would be subject to Presidential veto?

Mr. COATS. The entitlement could be separately enrolled and subject to a line-item veto, but the funds that were obligated to be spent under the law would have to be spent.

Mr. CONRAD. Well, that sounds to me like a contradictory answer. How could it be that the funds could be spent if the President can veto the item?

Mr. COATS. Because it is direct spending which comes directly from the Treasury, it is a protected expenditure under the law.

Mr. CONRAD. Well, I have great reservations about that answer. I would ask the Senator from Indiana, are appropriated entitlements included in the definition of "item" under the terms of the Dole substitute?

Mr. COATS. Any allocation of money is an item, so the answer to that is yes.

Mr. CONRAD. So then that suggests to me they would be available for Presidential veto under the terms of the Dole amendment.

Mr. COATS. The Senator from Indiana would answer as he has answered before, that is, that the mandatory spending, the amount of dollars expended to fulfill the requirements of the law under an entitlement—existing requirement of the law under an entitlement—would be spent by the Treasury in accordance with the law. The separate enrollment language relative to entitlements applies, in terms of spending, in terms of dollars that are subject to line-item veto, applies only to new spending under a change in the law which would change the benefit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COATS. And if that change in the benefit would require increased spending.

Mr. CONRAD. I have run out of time. I have other questions I would like to pursue. But I just say to my colleague and friend, I think we have a real legal problem with the definitions.

Mr. EXON. How much time do we have remaining on this side?

The PRESIDING OFFICER. Twelve minutes and fifty seconds.

Mr. EXON. Let me see if I can begin to clear up some of the very legitimate questions that have been asked by the Senator from North Dakota and others. I believe, with all good intentions, there has been some confusion here. And that is the problem that occurs when we have something that comes up on Monday and, boom, a cloture motion is filed against it, then the we find the bill's language locked in concrete, chiseled in stone.

Certainly, we have made some improvements on some problems in the Dole substitute. And some of the amendments that have been addressed here are likely to be accepted and to improve things.

I want to go to the heart of the matter that has been brought up by the Senator from North Dakota. I think the problem is that there has been a misinterpretation or a misunderstanding on the bill itself.

I refer to the Dole substitute bill, page 5, lines 1 through 6. "The term 'Item' means—(A) with respect to an appropriations measure". And down below on line (B), "with respect to an authorization measure."

Now, many of the questions that the Senator from North Dakota phrased and were answered by our colleague from Indiana mixed back and forth the difference between appropriations and authorizations.

I simply believe that—and I am not for a moment indicating that the Senator from Indiana is trying to mislead anyone at all—I just think there is a very legitimate difference of opinion. I suspect, when this is looked at in retrospect, most of the legal scholars will agree with the thrust being made by the Senator from North Dakota, which I think has not been fully appreciated.

If I can, let me dwell on that a little further.

The Dole substitute would require all appropriations items to be enrolled separately. Now, remember, that is enrolled separately. Among the items that it would require to be separately enrolled are appropriations for programs that many consider entitlements. Congress funds these entitlements through appropriations acts.

With respect to these appropriated entitlements, the President will be able to veto not only new entitlements, but also the funding for our existing entitlement commitments. And I think we should make that abundantly clear and have an understanding of that. If we want to do that, fine.

Mr. CONRAD. Will the Senator yield for a question?

Mr. EXON. Certainly.

Mr. CONRAD. Would not included in these categories be such things as guaranteed student loans, higher education facilities loans?

Mr. EXON. Absolutely, absolutely, absolutely. And I have seen your list. It is right down the line.

Mr. CONRAD. Medicaid, health care trust funds, Federal payments to railroad retirement accounts.

The President of the United States would be able to veto every one of these programs, every agriculture program, including rural electric and telephone loans, conservation, temporary emergency food assistance programs, Federal crop insurance corporation, all payments to veterans.

Would not all these be included?

Mr. EXON. Absolutely.

Mr. CONRAD. And yet we cannot veto the capital gains tax cut? The President cannot veto the capital gains tax cut?

Mr. EXON. He cannot do it.

Mr. CONRAD. I just say, in conclusion, it seems to me it does not make much sense.

Mr. EXON. I say to my friend from North Dakota, again, I am not sure that that is the intent of the Dole substitute, but that is what the Dole substitute does.

Mr. COATS. Will the Senator yield?

Mr. EXON. I am glad to yield on your time.

Mr. COATS. First of all, it would not make sense for the President to do that. Theoretically, he could under the bill. But it would not have the effect of changing expenditures under those entitlements because those entitlements are contractual obligations entered into by the United States and they must be paid.

First of all, I do not know why a President would want to do that, but particularly he would not want to do that because he knows it would have no legal effect. Those are entitlements that have to be paid under a contractual obligation. And while they would be separately enrolled and theoretically subject to a Presidential veto, such veto could not have legal effect because it is a contractual obligation which the Treasury must pay.

It would only apply, as it is stated, to new expenditures under entitlements or where the benefits package has been changed to expand the entitlement.

Those who suggested this argued, I believe rightfully so—and in fact many Members on the Democratic side, or those opposing this effort—that one of the original problems was that it was too narrowly drafted; it only applies to appropriated expenditures; it did not apply to targeted tax benefits and it did not apply to entitlements, particularly the new entitlements.

So the habit that Congress has been in, even though an entitlement program is running amok with spending, we cannot begin to pay for it without incurring substantial additional debt. We keep expanding the reach of the entitlement programs and the benefits promised under the entitlement programs. We think those should be subject to a Presidential review and, if necessary, veto of that item, and Congress having a greater hurdle to cross in terms of passing that with a two-thirds veto.

Additionally, I trust that President Clinton and all the other candidates seeking that position would never seek to veto these items.

Mr. EXON. Mr. President, I thank my friend from Indiana. We are talking about fine legal points here that, unfortunately, may have to be decided by the courts at some time.

But let me give you some examples about annual appropriations bills and the enrollment process that has to do with that.

As the Senator from North Dakota has said, the President, under this bill, could veto the Commodity Credit Corporation fund, the Food Stamp Program, the Child Nutrition Program, the Guaranteed Student Loan Program, Federal unemployment benefits, Medicaid, Federal payments to railroad retirement, and a number of other programs under which individuals have legal rights to obtain benefits.

With regard to these programs, the separate enrollment procedure—now we are going back to that dog in the manger again—the separate enrollment procedure would allow the President to veto the funding for our existing commitments.

So the President could veto the funding, let us say, for Medicaid. I do not think he probably would, either, but it is a case in point, and only one. But what would the beneficiaries then do? Well, they, of course, would go to court and get an order getting the Government to pay their benefits. This money would then flow from the claims and judgments act. As a result, we would save no money whatsoever and indeed, probably spend much more on legal expenses.

All that I think it points out is how poorly drawn this proposition is. It should be given much more consideration. Rather than rushing the Dole substitute through as a solution to all of our problems we should go to a simplified, direct procedure such as the Daschle amendment, which is S. 14. Both S. 4, and the enhanced rescission bill that the House of Representatives has already passed, are better drawn and preferable to the Dole substitute we are debating here.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Nebraska has 6½ minutes remaining.

Mr. EXON. I yield to the Senator from West Virginia 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill, Mr. EXON.

I take the floor at this time merely to express my support for the substitute that has been offered by Mr. Daschle. The Daschle measure provides that any rescissions that the President may recommend to the Congress will receive a vote by the Congress. The President's rescissions may be stricken but, in being stricken, the rescissions will be given a vote.

Under the current law, when the President sends up rescissions, the Congress may, by not acting, force the President to proceed with the obligations of funds, or the Congress may act. The Congress may accept some of the President's recommendations, the Congress may substitute its own rescissions, or it may do nothing, in which case, as I say, the President's recommendations will amount to nothing. And over the years, Congress has rescinded, as the record will show, more in terms of dollars than the total rescissions that have been submitted by the several Presidents in that period of time.

So the Congress has actually rescinded more moneys than have been requested to be rescinded by the Presidents. But under the Daschle substitute, a President may be assured that he will get a vote, and there is a very well-honed, expedited procedure set forth in the substitute. If at the end of the day, the conference committee is unable to meet an agreement—that is the final step—then any Member of either body may call up the President's original rescissions and offer them, and the President will be given a vote up or down.

It seems to me that is fair. The Daschle substitute does not result in any shift of power from the legislative branch to the executive. It is clear cut. It gives the President the opportunity to get a vote.

Mr. President, I yield myself 1 minute out of the 2 hours that have been yielded to me by special order.

The President is assured a vote, and it seems to me that is fair. That is fair to the President. It gives the President an opportunity, in the face of changing circumstances, to suggest certain rescissions, which perhaps the Congress will agree to.

So I am 100 percent behind the substitute by Mr. DASCHLE, and I ask unanimous consent that my name may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, while I have the floor, where in the pecking order is my amendment?

The PRESIDING OFFICER. The Senator is advised it will come up after we adopt the Daschle amendment.

Please restate the question.

Mr. BYRD. Where in the regular order is the amendment which I have had made in order for calling up today?

The PRESIDING OFFICER. The Senator is advised that will be the next amendment following the disposition of the Daschle amendment.

Mr. BYRD. I thank the Chair. Mr. President, I ask unanimous consent that that amendment that I am qualified under the agreement to offer may be called up at such time as I wish to call it up. I do not wish it to appear in the regular order.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. COATS. Reserving the right to object, Mr. President, I wonder if I can inquire of the Senator, I want to just make sure I understand what the Senator from West Virginia has requested.

I thought I heard the Chair to say that under the regular procedure, the next order of business following disposition of the Daschle amendment would be the amendment of the Senator from West Virginia.

The PRESIDING OFFICER. The Senator is correct.

Mr. COATS. And is the request of the Senator from West Virginia that that amendment be subject to being called up in a different order at the Senator's request?

Mr. BYRD. Yes; I am not prepared to call it up next, and I merely ask that I be allowed to call it up when I am ready to call it up.

Mr. COATS. Mr. President, I would have no objection to that within the constraints of the overall agreement.

Mr. BYRD. It certainly would be within the constraints of the overall agreement.

Mr. COATS. Can I inquire of the Senator from West Virginia, will he be prepared to call up that amendment today?

Mr. BYRD. Well, I may or may not be, but I can assure the Senator that within the constraints of the overall agreement, that amendment will have to be called up before the substitute by Mr. DOLE is voted on.

Mr. COATS. Mr. President, I certainly understand that. I guess my concern is that the majority leader has indicated that it is his intent, and I think it was the agreed-upon intent of the managers of the bill as well as the minority leader, that we conclude all action on the line-item veto and bring it to final passage today.

Mr. BYRD. I do not think that was the agreement. It was my understanding it would be concluded this week. I do not think there was any assurance that action would be finalized on the line-item veto today.

Mr. COATS. Mr. President, the statement of the Senator from West Virginia is correct.

Mr. BYRD. I will just try to——

Mr. COATS. The original decision did carry through until Friday. Given the progress that we have made and the short list of amendments that was left, I guess it was the thinking that it could be concluded today, and, obviously, many Members hope that will be the case, but it is not determined and there is no particular agreement says that it has to be.

Mr. BYRD. That is right. I have no intention of trying to lay the matter over until next week. If I had that intention, I would not have agreed to the agreement. I have no intention of that.

Mr. COATS. Mr. President, this Senator has no doubt that had the Senator from West Virginia wanted to carry this over into next week or even beyond, he certainly has the ability to do that. I take him at his word and withdraw my reservation.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Did the Chair put the question?

The PRESIDING OFFICER. The unanimous-consent request has been agreed to.

Mr. BYRD. I thank the Chair, and I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, I inquire as to the time remaining.

The PRESIDING OFFICER. The Senator from Indiana has 27½ minutes left; the Senator from Nebraska has 3½ minutes left.

Mr. COATS. Mr. President, earlier the minority leader, Senator DASCHLE, whose amendment is currently pending, once again made the point that the complexity of the separate enrollment process is a reason to vote against the DOLE amendment, because it would take a fairly simple, several-page piece of legislation that would be sent to the President and translate it into a stack of individually enrolled items, any one of which or several of which the President could veto.

The strength, I will suggest, of the separately enrolled procedure is the very fact that each particular item is separately enrolled into a separate bill. And the purpose of that is so that the Congress, the President, and the American public knows just exactly what is contained in this thin little booklet as to how their money is going to be spent.

It is not a matter of convenience for Congress. It will be somewhat less convenient to go to separate enrollment, although we have demonstrated that the enrolling clerk now possesses the technology through computerization to process separate enrollment in a very expeditious way. So it is not the nightmare that it might once have been. It is not the nightmare monstrosity that has been described.

I wonder what the American people would say if they were polled on the question of whether, to determine how their tax dollars are spent, they wanted a booklet of about 8 or 10 or 12 pages which talked in very broad categories, or whether they would like the ability to see how each particular item is spent, and they could pull that out and say, "Aha." See, the question is not whether or not the rescission process suggested by the minority leader is more convenient; the question is not even whether or not it spends less or more money; the question is, How is that money spent? The question that the American taxpayer is raising is: How is my money being spent? They care a lot more about the details of the specific expenditure than they do the overall total, although I do not mean to suggest the overall total is not important.

So, if a rescission is brought to the floor and the claim is made that this rescission saves as much money as what the President requested, it does not answer the question of how is that money spent. And is it spent for a legitimate purpose? And so we annually run into the question of the expenditures for the Lawrence Welk Home—the studies that most Americans feel are inappropriate uses of their tax dollars, the special little projects and spending that goes to benefit maybe a particular Member of Congress and enhance his or her reelection but really does nothing for the individuals that the majority in Congress represent.

We annually have to deal with how the money is spent. So it is not just a question of how much; it is how much is being spent and is that in the taxpayers' interest? And is there accountability to the Member who has proposed such an expenditure?

Mr. President, last November, anger against this institution burned white hot. With their votes, the American people decisively demonstrated their deep frustration with the status quo. Just weeks ago, I suggest that the Senate fueled that anger and betrayed their trust by failing to pass a balanced budget amendment, demonstrating that we are an institution more concerned with preserving our power than with protecting our Nation's posterity.

That is really the issue that is before us today. Are we going to preserve the status quo? Are we going to preserve the power of spending, so that we can continue to spend the way that we have spent the taxpayers' dollars in the past? Or are we going to change the procedure so that we can be held more accountable to the American taxpayer for how we spend their dollars? That is the question that is before us under the minority leader substitute. Will this institution decide to protect our powers and preserve the status quo? Or are we willing to take bold steps to end business as usual?

The Wall Street Journal editorialized, in 1993, expedited rescission, which is the minority leader's alternative proposal before us that we will vote on shortly, an alternative to the tough measure that the President has requested, that Senator MCCAIN and I have brought forward. "Expedited rescission," the Wall Street Journal said, "is to the line-item veto what chicory-flavored water is to Colombian coffee. It may look the same, but one taste tells the difference. A true line-item veto," the editorial said, "would mean that the President will receive a spending bill from the Congress and would have the right to strike out items he considered unnecessary spending. Congress could restore the spending but only by a two-thirds vote of both the House and the Senate. The push to replace the line-item veto with a sham substitute is typical of how Congress is dealing with reform in this session. It is faking it."

The substitute that is offered by the minority leader simply does nothing to change the way in which we spend people's money. It does not alter the balance in favor of savings. The same simple majority that voted to spend the money in the first place is all that is required to continue the spending. Procedure in the minority leader's bill says that Members on this floor can take the President's rescission which, yes, does now have to be brought to a vote under expedited rescission, but with just a simple majority can strike any rescission that the President sends up. So the same majority that passed the bill in the first place can take the President's rescission and strike it.

Although the title of the minority leader's bill is the Legislative Line-Item Veto Act, this is false advertising. There is no veto contemplated anywhere in the bill, none whatsoever. The President is given the chance to veto spending, and Congress is not forced to muster the two-thirds to override the veto.

In 1992, former President Reagan said, "There is talk that the congressional leadership may offer the new President expedited rescission authority. This will not do the job," he said. "Although it would permit the President to strike budget-busting expenditures, they could easily be reinstated by a simple majority vote of the Congress. A true line-item veto," President Reagan said, "must require a two-thirds vote to override. Not only does the substitute fail to give the President veto power over spending accounts, it does little to address the failures of the Impoundment and Control Act."

Since 1974, Congress' record on acting on Presidential impoundments has been embarrassing. The minority leader said as much. By simple inaction, we have ignored tens of billions of dollars in Presidential requests for rescission or impoundment authority. It has been the will of Congress not to act. It has been the will of Congress to fail to act. And Members of the minority leader's party have as much as said so. They have come down here and said, "We have to stop the current practice." The problem is, their bill will not stop the current practice. All the substitute does is expedite a vote. It does nothing to change the presumption in favor of savings. It takes no step toward restoring the impoundment powers which the President exercised prior to 1974. And since 1974, we have seen rescission after rescission after rescission of the President rejected by this Congress.

The separate enrollment legislation before us, on the other hand, would restore authority to the President. It would allow him to veto spending and require two-thirds of both Houses to override it. The substitute offered by the minority retains the current procedures, with the one exception that Congress could no longer bury the impoundments, but they must vote.

Quite frankly, Mr. President, their idea is too little too late. Nothing but the threat of a true line-item veto has even prodded their opposing our efforts into a vote on expedited rescission. Where were they when Senator MCCAIN and I were on the floor year after year after year offering enhanced rescission, offering some way to deal with the problem that they all admit exists? A handful of Democrats—you can count them on one hand—were supporting our efforts. Now it is only the legitimate, real threat of a true line-item veto that brings them to the floor saying, "We are for line-item veto, we are just not for your line-item veto. Let us do it our way." Well, their way basically continues the practice that brought us to this place in the first place.

They have never brought up, since my time in Congress and in the Senate—or Senator MCCAIN's time in Congress and the Senate—a freestanding bill. The majority leader, Senator Mitchell, never brought up a freestanding bill to deal with this problem. Expedited rescission does nothing to restore power to the Executive which Congress grabbed in 1974. Congress, which chose to spend the money in the first place, retains complete control under expedited rescission.

The only argument for expedited rescission is that it might shame the Congress with a public vote. But the time for shame is over. With a $4.8 trillion debt, with our children facing a lifetime tax rate that is unconscionable, shame is simply not enough. We are already shamed. We need more than a sense of shame; we need to give the Executive power to challenge our spending habits. We need a true line-item veto. I urge my colleagues to reject the amendment offered by the minority leader and vote for a true line-item veto.

Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 13½ minutes and the Senator from Nebraska has 3½ minutes.

Mr. COATS. Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to thank the junior Senator from Arizona for a very detailed exposition of our position on this pending amendment.

Have no doubt, this is probably the crucial amendment of this debate because we are back, frankly, where we were at the beginning of this year, when a line-item veto was going to become a reality, very frankly, because of the results of the November 8 election.

As the Senator from Indiana pointed out, he and I, for the last 8 years, have attempted time after time to bring the line-item veto up for debate and amendment. If there was a better idea on that side as to how to do what the distinguished Democratic leader has said, and that is, that we all want a line-item veto, it is rather amazing to me that we were never able to get a line-item veto to the floor of this Senate for consideration. Each time, it was blocked on a parliamentary tactic called a budget point of order, which prohibited Members from bringing up the amendment.

With all due respect to my friend from South Dakota, I wish that he had taken this attitude some years ago. I believe that we would have saved the American people billions and tens of billions of dollars in waste and pork-barrel spending.

We really are, Mr. President, getting down to the crucial aspect of this entire issue, as the Senator from Indiana said, whether a legislative line-item veto will mean the definition that is written in the Constitution of what a veto is, a two-thirds vote by both Houses to override the President's veto, or whether it will simply be a majority vote in either House.

Mr. President, the argument that the majority vote in either House will do the job flies in the face of the experience that I have had for many years now, as I have come down here and tried to eliminate clearly, clearly, wasteful and unnecessary spending that is devoted to the interests of a few, rather than the interests of the American people.

I will provide for the RECORD at some point the many times I have come here and lost amendments to try to remove these incredibly unacceptable appropriations, many times in the most egregious manner, stuffed in in conference between the two bodies, never being brought up in either House.

Last year, in the VA/HUD conference report, there was a couple hundred million dollars stuffed in at the very end, none of which we had ever had any opportunity to scrutinize or look at.

Mr. President, that practice will stop. That practice will stop. Just by bringing it to the attention of the Senate and by seeking a majority vote to overturn it, it is clear that my efforts and others, the Senator from Indiana and others, have been unsuccessful. It took a majority vote of both in order to put it in; it seems to me that a majority vote of one House would clearly keep it in.

We really are talking about what a line-item veto really is, whether we are going to make it—as the President of the United States has stated—a strong line-item veto which he supports. I am a little disappointed that my friends on the other side of the aisle do not support the President of the United States on their own party's position.

I would also like to say, Mr. President, that the debate we have been involved in on this issue—especially the thoughtful comments by the Senator from South Dakota and the very thoughtful and indepth questioning on the part of the Senator from West Virginia—I believe, has made a record here that will help the people in the future if we pass this legislation—I believe we will—as to the exact meaning of this legislation, what it entails, and what is circumscribed by it.

I think it has been a very healthy debate. I look forward to obviously concluding action on this bill in a reasonable time, but at the same time I think that perhaps the entire body and maybe the Nation have been illuminated and informed by this very significant debate.

I want to say, again, I respect the views of the Senator from West Virginia. I know that they are deeply held beliefs. I respect the views of the Senator from South Dakota. I know they are deeply held. We have a fundamental difference of opinion here as to whether the executive branch should have power restored to it. This, in my view, was taken away in 1974.

This is really, fundamentally, what this is all about. I believe that the November 8 election clearly showed that the American people are sick and tired of business as usual in the Congress. If we pass this legislation, especially after having failed to pass the balanced budget amendment, I think that we will at least restore some confidence in the American people, recognizing that it is no panacea. The only real panacea, as even the Senator from Georgia said, is we have to discipline ourselves. I do not see how in the past we have been able to discipline ourselves without the necessary tools to do so.

Mr. President, I would also like to talk about the fact that there are ways to get around this. Mr. President, there are ways to get around every law we pass. There is no better example of that than the War Powers Act. This body passed the War Powers Act and then repassed it over the veto of the President. We routinely ignore it.

I have no doubt, if the Congress of the United States wants to ignore the line-item veto, they can somehow find ways to get around it. What kind of message is that we would send to the American people?

The intention of the legislation is clear. The provisions of the legislation are clear. No, I cannot guarantee the American people that we will comply. But I suggest that if we do not comply with laws that we pass, as we have not with the War Powers Act, we do it at great risk not only to the institution, but to the entire system and fundamentals of democracy, which is the expectation of the people that sent their representatives to Washington that we would comply with the laws that we pass.

Mr. President, I want to thank my friend from Indiana. I want to thank the other participants in this debate, and I look forward to continuing it after we finish this vote. I do not think there should be any doubt in the minds of my colleagues that this is really the crucial vote of this debate.

Mr. President, I might suggest to the Senator from Nebraska we might move to a vote. I think we planned around noontime, anyway.

Mr. EXON. May I inquire how much time is left on each side?

The PRESIDING OFFICER. The minority side has 3½ minutes; the majority side has 6 minutes.

Mr. EXON. I will use at least 3 minutes, and then maybe we can move on.

Mr. McCAIN. Mr. President, I yield the floor.

Mr. EXON. Mr. President, Let me sum up, if I might, in the remaining time. I will simply say, Mr. President, that although I did not support S. 4 in its original form—which was very much akin to what came over from the House of Representatives—I would be far more satisfied with S. 4 in its original form than with what has been put together in a hasty fashion, as demonstrated by the lengthy debate and many amendments that have been accepted with regard to the Dole substitute.

I will simply say that I suspect that there are few times in the history of the Congress of the United States when the Congress of the United States is about to give, in rather shabby fashion, give away the prerogative to the President of the United States.

Maybe if this passes, if the Dole amendment finally passes, we could clean it up in some legitimate way in the conference between the House and Senate.

I simply say I cannot understand how any true conservative could want to give away, to the extent that the Dole substitute as originally proposed would give away the authority of the powers of the purse, to the President of the United States, whoever that President is.

Let me sum up some of the advantages of the substitute offered by Senator DASCHLE, which is the original Domenici-Exon bill. Our substitute allows the President to veto part of an appropriation, giving the President added flexibility. Theirs does not. Our substitute allows the President to veto pork that is caused by colloquies on the floor and other mechanisms, including measures put in the conference report but not forwarded into the language in the statutes. Theirs does not. Our substitute has a clear, broad definition of tax loopholes that plainly covers all tax loopholes. The Dole substitute would allow the President to veto the existing obligation of appropriated entitlements, leading to legal challenges. The Dole substitute raises constitutional concerns that do not exist with regard to our substitute. And our substitute provides an orderly procedure. No 10,000 bills, no new burdens on the President or the Congress or the Members of the Congress who have to sign those bills, in contrast to the Dole substitute which would make a hash of the legislative process.

In closing—and I ask for an additional 1 minute if necessary——

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

The Senator has 30 seconds.

Mr. EXON. In closing, let me say that there are so many things that have not been considered. In a short period of time, we have come up with so many shortcomings. One of the most important, I think, was demonstrated by Senator NUNN when he talked about the action of the Senate not long ago with regard to the issue in Somalia. Here was a situation where we felt that Somalia should be put behind us. We put in an appropriation and we said that appropriation could be used, but the troops had to be removed by a specific date—let us say April 1, I do not remember what the date was. Under the Dole substitute, the President could have simply kept the money, vetoed out the April 1 date, and all of the outreach and control that legitimately is found in the legislative body would go out the window. I do not think that is what they intended, but that is what happens when you put together legislation in the fashion that this was put together.

I hope we approve the Daschle substitute.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would just point out to my colleague from Nebraska, the pending Levin-Murkowski amendment will make adjustments to take care of the problems which have been highlighted time after time here. That is why we have bills for consideration. That is why we go through an amending process, to improve legislation. If we did not do that, then clearly a bill would be deemed perfect and we would not even have to pass it through the floor of the Senate.

The fact is, though, this legislation was not hastily put together. It has been considered in its various aspects for many, many years dating back to 1867, I believe it was, when a Member of Congress from West Virginia proposed a similar separate enrolling legislation.

We would be glad to consider other amendments which would further improve this legislation, but we are going to get down to, in this vote, whether it is a two-thirds majority to override a veto of the President by both Houses or not. That is really the fundamental question that is being asked when we consider the Daschle amendment.

I might remind my colleagues, that amendment was overwhelmingly rejected by the other body in the form of the Stenholm amendment.

Mr. President, I find no further need for time, I say to my friend from Nebraska.

I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I thank both my colleague from Arizona and my colleague from Indiana. I have been watching at home on C-SPAN, while they have been here in the evening, the remarkable work they have been doing. I appreciate it very much. No one on this side has worked harder and longer than the Senator from Arizona and the Senator from Indiana on what I think now is within reach. That is the good news.

The good news is, while we may disagree on how to achieve it, I think it appears we are about ready to give the authority that should be provided. I guess the disagreement is really what constitutes a line-item veto. Our proposal would require certain items in appropriation, authorization, or tax bills to be enrolled as a separate act, clearly allowing the President to veto these items. And these vetoed measures are then available for consideration by Congress as any other vetoed measure is today. We can choose to override or not.

In the case of the Daschle proposal, the distinguished Democrat leader, there are fast-track procedures for consideration of the President's proposals to rescind, but unlike our proposal, a simple majority can defeat the President's efforts. Is the Daschle proposal better than current law? Probably yes, on the margin, as it does require us to at least consider the rescission. But it also only takes a majority to defeat. In the case of our proposal, the President's action stands unless two-thirds of us overturn that exact decision up or down, yes or no. No confusion. I believe this is a much stronger test.

Separate enrollment is not simple. I acknowledge that. But I believe we should give the President, be it this President or any other President, the opportunity to use this authority. If it is abused, if the executive branch takes the opportunity to subvert our intentions, we can remove this new authority as we have granted it. Of course, there is a sunset of the year 2000, so we have the time between now and then to see how the process works.

Is our substitute perfect? Probably not. But I believe it is much stronger and moves us much further in the right direction. I hope we may defeat the Daschle proposal. Then I am assuming, according to my conversations with the Democratic leader, we will conclude action on this bill today. That is my understanding and the understanding of the Democratic leader, and I would like to conclude action on it by mid-afternoon so we can move to the self-employed tax measure and complete action on that tomorrow. Then, on Monday, move to the modified moratorium on regulations.

Mr. LEAHY. Mr. President, I commend the Democratic leader for his substitute line-item veto amendment. It strikes the worst features of Senator McCAIN's version of a line-item veto and the majority leader's separate enrollment version. Instead, it adds the best features of Senator DOMENICI's and Senator EXON's original version of a line-item veto.

The Daschle amendment restores majority rule to the line-item veto process. Under this amendment, the President would have 20 days after signing an appropriations bill or a revenue bill to send Congress a draft bill cancelling any line item. Congress then would have 10 days to vote on the rescissions bill.

If Congress passes the bill by a simple majority and it is signed by the President, all savings must go to reducing the deficit.

This procedure honors the intent of our Founders by embracing the fundamental principle of majority rule.

By contrast, the McCain bill and the Dole substitute would undermine this fundamental principle by imposing a three-fifths supermajority vote in both houses to overturn a line-item veto.

Our Founders rejected such supermajority voting requirements on matters within Congress' purview.

James Madison condemned supermajority requirements in Federalist Paper No. 58. Madison warned that:

> In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority.

Unfortunately, the McCain bill and the Dole substitute would do exactly what Madison warned against—it would transfer power to a minority in either the House or Senate.

Moreover, supermajority requirements hurt small States, like Vermont, by upping the ante to take on the President.

No matter how worthy a project, it will be difficult for States with only a few Members to overcome a line-item veto.

Under Senator McCain's proposal and Senator Dole's substitute, it would require Members from small States to convince two-thirds of Members in each House to override the President's veto for the sake of a project in another Member's district.

With Vermont having only one Representative in the House, why would other Members risk the President's wrath to help us with a project vetoed by the President?

The Daschle amendment keeps the power of the purse with Congress—where it belongs.

As the ranking member of the Foreign Operations Subcommittee of the Appropriations Committee, I am frequently called upon to travel abroad. When I visit emerging democracies, one of the universal praises I hear about our system of checks and balances is the power to spend residing in the legislative branch, not the executive.

Many officials from new democracies believe that a legislature's power over the purse is the best weapon to fight the tyranny of a dictatorship.

The McCain line-item veto and the Dole substitute hand over the spending purse strings to the President.

The President would have no burden of persuasion while a Member would have the Herculean task of convincing two-thirds of his or her colleagues in both Houses to care about the vetoed project. It is truly a task for Hercules to override a veto. Just look at the record—of the 2,513 Presidential vetoes in our history, Congress has been able to override only 104 times.

The McCain and Dole supermajority veto procedures would fundamentally change the balance of powers between the two branches and result in a massive shift of power to the executive branch from the legislative branch.

The Daschle amendment, on the other hand, maintains the constitutional balance between the executive and legislative branches.

For a Presidential rescission to become effective, both Houses of Congress must approve it within 10 days. The burden is on the President to convince a simple majority in both the House and Senate to agree to his line-item veto. The President is guaranteed a vote, and Congress is forced to consider the rescission.

If the President cannot convince a majority of us that a targeted project is unnecessary and frivolous, then his veto should fail.

Like Senator DOMENICI's original version, this substitute line-item veto will sunset at the end of the 1998 fiscal year. I strongly support a sunset provision since any line-item veto legislation is like walking on Mars—it has never been done before.

Let us try it out for a few years and see what happens.

Senator DASCHLE has improved the original Domenici-Exon bill. The Daschle substitute protects Social Security—America's true contract with its senior citizens. The Daschle amendment exempts the administrative expenses of Social Security from a line-item veto.

But the most significant feature of the Daschle amendment is that it closes a multi-billion-dollar loophole in the McCain bill and Dole substitute.

The McCain bill ignores tax break loopholes. And the Dole substitute has such a convoluted definition of tax breaks that no one knows which tax loopholes the President may strike.

The Daschle substitute fixes these flaws by giving the President clear authority to target for repeal all wasteful tax benefits in revenue bills.

I find it ironic that the proponents of the McCain bill and now the Dole substitute—who claim that their line-item veto is the only version that will effectively cut pork-barrel programs—are afraid to give the President the ability to cut pork-barrel tax breaks too. Why should the President be given the power to veto spending for school lunches and not for tax deductions claimed by businessmen for three-martini lunches?

Whether pork-barrel spending is in a program or in a tax break, it is still wasteful. To paraphrase Gertrude Stein: A pork barrel is a pork barrel is a pork barrel.

Over the years, big business and other special interests have lobbied hard for tax subsidies for specific industries. And, unfortunately, they have been successful on occassion.

These wasteful special interest tax subsidies do not increase economic growth. To the contrary, wasteful special interest tax subsidies only add to our deficit, which puts a drag on our whole economy.

Like an old-fashioned pork sausage, it is amazing what is in our Internal Revenue Code. Let me give you an example of the corporate pork in our tax laws today.

Our tax laws allow U.S. firms to delay paying taxes on income earned by their foreign subsidiaries until the profit is transferred to the United States. Many U.S. multi-national corporations naturally drag their feet when transferring profits back to their corporate headquarters to take advantage of this special tax break.

But the millions of small business owners—who make up over 95 percent of businesses in my home State of Vermont—do not have the luxury of paying their taxes later by parking profits in a foreign subsidiary. The bipartisan Joint Committee on Taxation estimates that the U.S. Treasury will lose close to $6 billion from this tax loophole over the next 5 years.

The Progressive Policy Institute, a middle-of-the-road think tank, along with the liberal Center On Budget And Policy Priorities and the conservative Cato Institute, recently identified 31 tax subsidies that will cost U.S. taxpayers almost $102 billion over the next 5 years. A few of these subsidies have merit, but many more are just plain wasteful.

Robert Shapiro, the author of the report, concluded that "tax subsidies, like their counterparts on the spending side, reduce economic efficiency.* * *" Budget experts on the right, center and left all agree that pork-barrel tax loopholes are just as wasteful as pork-barrel programs.

Not only does the Daschle amendment vastly improve the McCain bill and Dole substitute, but it also would clear up a murky area in the line-item veto bill that recently passed the House. In the House passed version, H.R. 2, the President has authority to veto targeted tax benefits, which are defined as providing a Federal tax deduction, credit or concession to 100 or fewer beneficiaries.

Is this definition of targeted tax benefits a practical joke by our House colleagues? I can think of only a handful of tax breaks that fit into this very narrow definition.

In fact,the nonpartisan Congressional Budget Office agreed that defining targeted tax breaks in such a limiting manner would produce laughable savings.

The CBO, in typical understatement, said that repealing a tax break that benfits fewer than 100 people is unlikely to generate large savings.

This extremely limited definition would protect almost all wasteful tax loopholes and invite tax evasion.

Any accountant or lawyer worth his or her high-priced fee will be able to find more than 100 clients who can benefit from a tax loophole. If more than 100 taxpayers can figure out a way to shelter their income in a tax loophole, the President would not be able to touch it.

The bigger the loophole in terms of the number of people who can take advantage of it, the safer it is from being cut.

The Daschle amendment gives the President real authority to go after wasteful tax breaks. Under the Daschle substitute, every wasteful tax break would get the same Presidential scrutiny as every wasteful program.

I believe the Daschle amendment embraces the best parts of various versions of a line-item veto. It honors majority rule.

It keeps the power of the purse with Congress while still giving the President new authority to target wasteful spending. It protects Social Security. And it gives the President authority to target all future tax loopholes for repeal.

The Daschle line-item veto substitute is a reasonable and comprehensive measure. I urge my colleagues to adopt it.

Mr. PRYOR. Mr. President, I rise today to speak for a moment on behalf of the line-item veto proposal that the minority leader has offered. I support this reasonable alternative to the so-called separate enrollment line-item veto legislation. Just one of a number of problems with the separate enrollment measure is that it makes funds for operating the Social Security Administration vulnerable to the President's line-item veto authority.

It is clear that the public expects us to protect the integrity of the Social Security System for current beneficiaries and for the millions of current workers and employers worried about the future of Social Security. The majority leader's separate enrollment proposal would not protect Social Security. A provision, however, in the Democratic substitute would exempt moneys used to administer the Social Security program from the President's line-item veto power.

This provision is almost identical to an amendment that I successfully offered to one of the line-item veto bills during our recent Governmental Affairs Committee markup. This amendment was unanimously accepted. The Democratic proposal simply states that,

> The term "budget item" means an amount, in whole or in part, of budget authority provided in an appropriation Act except to fund direct spending programs and the administrative expenses of Social Security.

Under the separate enrollment proposal new direct spending for Social Security would be subject to the line-item veto. But my primary concern is about the annual appropriation that is used to administer the Social Security program. These funds, for the most part, come from the Social Security trust funds, are reviewed annually, and are appropriated by the Appropriations Committees of the Congress. The President, armed with line-item veto authority, could eliminate, or by leveraging a veto, limit these administrative funds.

As it currently stands, the Social Security Administration's operating budget is over $5 billion. The greatest portion of these funds come from the Social Security trust funds and are used to administer the Social Security retirement and disability programs. Operating expenses for these two programs represent only 0.9 percent of total program costs, but are the key to effective distribution of Social Security payments and efficient operation of the Social Security system. If we don't have sufficient operating funds to properly fulfill the mission of the Social Security Administration, we fail to honor our commitment to protect Social Security.

One of the many functions carried out by the Social Security Administration is to make sure that beneficiary checks are correctly calculated and promptly mailed out. This is vital to the 42.6 million recipients of Social Security who deserve to get their benefits on time and also to receive the right benefit amount. In my State alone, according to the Social Security Administration, 489,330 Arkansans receive Social Security benefits. This is 20 percent of the Arkansas population. I can only imagine the outcry and confusion if these citizens were to not receive their benefits on time due to a President's line-item veto of Social Security.

Administative funds also ensure that citizens who apply for benefits under the disability program are reviewed for eligibility and that benefit denials can be appealed. But perhaps even more importantly, these operating funds are also used to conduct continuing disability reviews. These reviews are conducted to determine if individuals continue to be eligible for disability benefits, and, if not, to terminate them from the rolls.

Just yesterday the Subcommittee on Social Security of the Senate Finance Committee held a hearing on the growth in the Social Security disability program. This growth stems, in part, from the lack of resources the Social Security Administration currently has to conduct these important reviews. The resources provided for the Social Security Administration are important to ensure that benefits only go to those individuals who are truly eligible.

In fact, the General Accounting Office has estimated that administrative budget cuts at Social Security have resulted in significant reductions in disability reviews and that the failure to conduct these reviews will cost the trust funds $1.4 billion over 5 years.

Proper administrative funding also means that we can combat fraudulent Social Security claims. Social Security is not immune to fraud and abuse. Without proper funding, it is possible that there could be an increase in fraudulent claims filed by citizens that will try to cheat the system.

Mr. President, before the committee mark-up of the line-item veto legislation my amendment was endorsed by the American Association of Retired Persons. I have a letter from the AARP which makes several important points that I would like to emphasize today. They point out, and I quote, that "Social Security is a self-financed program and does not contribute one penny to the deficit." They also state "since Social Security takes in more revenue than is needed to pay benefits, Congress deliberately took it off budget in order to shield it from unwarranted reductions." I ask that the full text of this letter be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. Mr. President, by exempting Social Security administrative funds as incorporated in the Democratic amendment, we can honestly tell the American people that their Social Security checks are secure and that administrative functions and services will not be interrupted, reduced, or eliminated.

EXHIBIT

AMERICAN ASSOCIATION OF
RETIRED PERSONS, AARP,
Washington, DC, March 2, 1995.

Hon. DAVID H. PRYOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRYOR: The American Association of Retired Persons (AARP) supports your amendment to S. 4, the "Legislative Line Item Veto Act of 1995," that would ensure that Social Security is exempt from the line item veto. Although AARP believes a limited line item veto or other mechanism that allows for appropriate Congressional review may be warranted to help control unjustified tax breaks or spending programs, we strongly believe that the administrative expenses of the Social Security Administration (SSA) should be excluded for the following reasons:

Social Security is a self-financed program that does not contribute one penny to the deficit. In fact, since Social Security takes in more revenue than is needed to pay benefits, Congress deliberately took it off budget in order to shield it from unwarranted reductions.

SSA's administrative expenses are financed from the Social Security trust funds. These trust funds are financed by the payroll tax contributions workers and their employers make.

SSA's administrative costs are already less than 2 percent. Further cuts could harm the agency's ability to meet its obligations.

Cutting SSA's administrative costs does not always lead to savings. Past underfunding had forced the agency to reduce the number of Continuing Disability Reviews (CDR) it conducts. The General Accounting Office (GAO) estimates that SSA's failure to conduct CDRs will cost the trust funds about $1.4 billion over 5 years.

AARP appreciates your commitment to the welfare of older Americans and the protection of Social Security. If we can be of further assistance, please do not hesitate to call me, or have your staff call Evelyn Morton of our Federal Affairs Department at (202) 434-3760.

Sincerely,

JOHN ROTHER,
Director,
Legislation and Public Policy Division.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to table the Daschle amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. EXON. Mr. President, before we call for that, could we maybe make an agreement here on what we have left, I ask my friend?

Mr. MCCAIN. I will be glad to.

Mr. EXON. According to my list, we have the amendment left by Senator BYRD, which we talked about a few moments ago. He reserves the right to call that up sometime today or tomorrow.

We have the amendment offered by——

Mr. MCCAIN. May I interrupt my friend for a minute?

Mr. EXON. Is that right?

Mr. MCCAIN. It is the understanding on this side of the aisle, articulated by the majority leader, the agreement between the majority leader and Democratic leader was that we could conclude this bill today. So we may have to discuss that.

Mr. EXON. I would certainly say, at least one of the principles in this—I understood there was a goal to conclude this today. But I believe Senator BYRD is absolutely correct that when he did not object earlier, the gentlemen's agreement was we would finish it this week. So I would say, despite any agreement that might have been entered into by the majority leader and minority leader, that did not receive unanimous consent and therefore would not be binding. Is that right?

Mr. MCCAIN. I will yield to the majority leader on that one.

Mr. DOLE. It may not be binding, but this is an understanding the two leaders had. We will just leave it at that.

Mr. EXON. I think Senator BYRD could adequately defend himself on that.

Mr. DOLE. I am certain he could.

Mr. EXON. I will not do so. Suffice it to say the Byrd amendment then, whenever it is called up, is one remaining.

The Levin and Murkowski, two amendments, have now been combined into one, so we have that one left in addition to Byrd.

Mr. MCCAIN. It is my understanding also—I think it is my understanding that is acceptable to both sides. Is that your understanding?

Mr. EXON. That is correct. So that should be easily taken care of.

Then we have the Hatch judiciary amendment that has not yet been disposed of and will likely require a vote. Is that the Senator's understanding?

Mr. MCCAIN. Yes, it is.

Mr. DOLE. If it is pursued.

Mr. EXON. And as far as I know, that is all I have on my list. Does the Senator have anything else?

Mr. MCCAIN. Yes, I would say to my colleague from Nebraska, the Abraham amendment, which I also believe would be accepted by both sides.

Mr. EXON. I missed that. I think that is agreed to also. We are pretty close.

Mr. MCCAIN. Could I then say to my friend from Nebraska, without taking much more time of the body, obviously we could finish this today with great ease, perhaps by mid-afternoon. So I hope the Senator from West Virginia might appreciate that and help us move forward. But, as my colleague said, that is an issue that the Senator from West Virginia would want to discuss.

Does that complete our colloquy?

The PRESIDING OFFICER. The Chair rules there was a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 348

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to table amendment No. 348, offered by the minority leader, Mr. DASCHLE.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—62

Abraham
Ashcroft
Bennett
Bond
Bradley
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Kassebaum
Kempthorne
Kennedy
Kerry
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—38

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Harkin
Inouye
Jeffords
Johnston
Kerrey
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Wellstone

So the motion to lay on the table the amendment (No. 348) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 401, AS FURTHER MODIFIED TO AMENDMENT NO. 347

Mr. ABRAHAM. Mr. President, I call up my amendment No. 401, and I have a further modification of my amendment, which I send to the desk.

The PRESIDING OFFICER. Is there objection to the modification of amendment No. 401 by Senator ABRAHAM? Without objection, the amendment is so modified.

The amendment (No. 401), as further modified, is as follows:

On page 3, line 17, strike everything after word "measure" through the word "generally" on page 4, line 14 and insert the following in its place: "first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the items as referenced in Sec. 5(4) and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections. The remainder of the bill not so disaggregated shall constitute a separate bill and shall be considered with the other disaggregated bills pursuant to subsection (b).

(2) A bill that is required to be disaggregated into separate bills pursuant to subsection (a)—

(A) shall be disaggregated without substantive revision, and

(B) shall bear the designation of the measure of which it was an item prior to such disaggregation, together with such other designation as may be necessary to distinguish such measure from other measures disaggregated pursuant to paragraph (1) with respect to the same measure.

(b) The new bills resulting from the disaggregation described in paragraph 1 of subsection (a) shall be immediately placed on the appropriate calendar in the House of origination, and upon passage, placed on the appropriate calendar in the other House. They shall be the next order of business in each House and they shall be considered and voted on en bloc and shall not be subject to amendment. A motion to proceed to the bills shall be nondebatable. Debate in the House of Representatives or the Senate on the bills shall be limited to not more than 1 hour, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the bills is not in order, and it is not in order to move to reconsider the vote by which the bills are agreed to or disagreed to.

Mr. ABRAHAM. Mr. President, the purpose of the modification is to address technical concerns which were raised by the distinguished Senator from West Virginia and others.

These concerns pertain to whether parts of a bill that do not constitute an item under the definition set out in the substitute would have to be disaggregated. The effect of this modification is to make clear that only new direct spending or new targeted tax benefits must be disaggregated.

Mr. President, I thank the distinguished Senator from West Virginia for raising questions that led to this clarification. And I wish to thank my colleagues from Indiana and Arizona for their willingness to work with me on this matter.

Mr. President, I yield the floor

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I call for regular order with regard to the Levin amendment No. 406.

Mr. President, I remind my colleagues that this amendment addresses the enrollment restrictions and limitations.

I notice the presence of the Senator from New Mexico, Senator BINGAMAN, on the floor. I know that he wishes to address this amendment. I also note that the sponsor of the amendment, Senator LEVIN, is here, and I believe Senator MURKOWSKI, who is a cosponsor, was here a moment ago.

I yield the floor.

The PRESIDING OFFICER. The pending question is the Abraham amendment, which is amendment No. 401.

Mr. EXON. I request that be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object.

Does the Senator from Nebraska intend to take up the Abraham amendment?

Mr. EXON. The Abraham amendment is being temporarily laid aside at the request of myself on behalf of Senator BYRD, who wishes to address it before it is voted on. I suspect that we will have a chance to voice vote that, but there has been a request on this side to address it before we proceed.

Mr. McCAIN. I thank the Senator.

I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 406 TO AMENDMENT NO. 347

The PRESIDING OFFICER. The pending question is now on amendment No. 406, offered by the Senator from Michigan.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I just had a few questions to ask to try to understand amendment No. 406. I was hoping to address those questions to one or any of the sponsors. I note the Senator from Michigan is here. He has previously indicated he would be glad to try to respond to these questions.

So let me just state those questions and then, if the Senator from Michigan or anyone else would want to respond, I would appreciate it.

Let me first just put this in some context, because I am trying to understand the bill that is pending and also understand it in light of this amendment.

As I understand the bill that is pending, it essentially tries to focus in on items of appropriation and provides that an item of appropriation has to be separately enrolled and sent to the President in separate form so that the President has the discretion to either sign or veto that item of appropriation.

I recognize that it is both items of appropriation, and then it is direct spending and one other matter which is covered.

But I guess my concern is this: When we get back to the finding of what an item of appropriation is, what does the term "item" mean? We say that it means any numbered section, any unnumbered paragraph, any allocation or suballocation of an appropriation.

And then the amendment that we are now discussing tries to write in an exception to that and say, as to items of appropriation, that an item:

> Shall not include a provision which does not appropriate funds, direct the President to expend funds for any specific project, or to create an express or implied obligation to expend funds and—
>
> (i) rescinds or cancels existing budget authority;
>
> (ii) only limits conditions, or otherwise restricts the President's authority to spend otherwise appropriated funds; or;
>
> (iii) conditions on an item of appropriation not involving a positive allocation of funds by explicitly prohibiting the use of any funds.

That is complicated to me, Mr. President. I may be the only Member of the Senate who has difficulty understanding that, but, I have to tell you, I have some difficulty.

Let me just ask a couple of questions.

First of all, what happens to all of these that we are talking about here, all the items which are not included in the definition of items? For example, what happens to the limits, conditions, or other restrictions on the President's authority to spend otherwise obligated funds?

If those are not to be enrolled as separate items and sent to the President for his signature, what does happen to them? Is there anybody—the Senator from Michigan or anyone else—who would like to respond to that question?

Mr. LEVIN. Let me first back up and then attempt to answer the Senator's question.

The problem that this amendment addresses is that there are many items under the definition in the bill which are not spending items, which are not items where Congress is adding on funds, where we are not appropriating money, but where we are restricting or rescinding or limiting, where we are saying, "None of the funds appropriated in this bill may be spent to keep troops" in a certain country after a certain date, or where we are saying, "No more than," a certain amount of dollars, "can be spent on travel," or we are saying, "None of the money that has been appropriated here can be spent on first-class travel," or where we are saying, "Not to exceed," a certain amount, "could be spent on consultants."

Where Congress in an appropriations bill, which we do all the time, is restricting the use of funds by the executive branch or limiting the use of funds by the executive branch, if those restrictions and limits are items, then to give the President that special veto power, if he uses it, will not save the Treasury any money but will give the President more flexibility exactly the opposite way than we intend.

So we will have failed in restricting the use of funds and we will not have benefited the Treasury one dollar. That is the problem that is sought to be addressed by this amendment.

So in order to avoid at least some of that, as much as we can, as much as we were able to get cleared and support on, what we are saying is, in the cases enumerated here, those are not to be treated as separate items. That is the background of it.

The Senator then says, "Well, how will they be treated?" I have a twofold answer. One is that they will be attached to the item to which they relate.

For instance, if you say, "Here is $10 million, HUD, but no more than $1 million may be spent for" a particular purpose, the "but not more than $1 million for" a particular purpose, would then, my intention is, be attached to the larger item. It would not be an allocation or a suballocation in the words of the bill. It would be connected to the larger item that otherwise it would be separated from.

Now, if for some reason you cannot do that—and there may be circumstances that you cannot do that—then, as I understand the bill, there will be a place where all the items that are not separated out and separately enrolled will be packaged together. I do not know what that paragraph would be called, but there will necessarily be such a paragraph, and these items would then be part of that paragraph.

Let me say to my friend from New Mexico, I have a lot of problems with this bill and with the separate enrollment. I think we are going to find very soon that this is not going to work very well for lots of reasons. And I think one of them is going to be the enrollment process itself and the fact that then, after they are separately enrolled under the Abraham amendment, they would come back to us, they are unamendable, up or down, so forth, and we are going to be sending the President a thousand bills to sign instead of one. I do not know how the President can even veto an appropriations bill under this approach. If he wants to veto the whole appropriations bill, there is no bill to veto. He would have to veto 1,000 bills.

Mr. McCAIN. Will the Senator yield for a question?

Mr. LEVIN. Yes.

Mr. McCAIN. Back on the question that the Senator from New Mexico asked, can I ask him for a practical example and how this amendment would address it, if that would be agreeable?

Mr. LEVIN. I will be happy to accept that, but I want to be sure first that I have done the best job I can in addressing the Senator's question.

I happen to agree with, I think, the thrust of the questions, that we are going to have a huge amount of practical problems, in any event, I believe, with the separate enrollment process. What my amendment may do is create an additional—could be—an additional practical problem so that there will be 51 practical problems instead of 50. But what it is aimed at is a very critical substantive point, and that is the power of the purse of the U.S. Congress.

We have used the power of the purse throughout history to be sure that the President did not exceed certain limits that the Congress has set. We do it all the time. We say, "No later than" a certain date. "None of the funds in this bill may be used to keep troops in Somalia after" a certain date. That is an absolutely essential congressional power, and we should not give that up.

We are giving up some power in this bill in order to gain some money for the Treasury, in order to limit spending which Congress asks. So there is a tradeoff. Are we willing to give the Executive additional power in order to reduce the additional spending which Congress sometimes puts in appropriations bills? But in these cases in this amendment, there is no additional spending. This is limits on spending. This is where we rescind spending. This is where we restrict spending, and in those cases, it hopefully is not our intention to be giving power to the President to override our policy where there is no gain to the Treasury.

So my answer is twofold: One, that the intent of this amendment is that the restriction be connected to the appropriation item it refers to, and where that is impossible, that it would then be packaged with any other parts of that bill before it became subbills and pieces of bills, and so forth.

I tried to answer the question, and I now yield to the Senator.

Mr. McCAIN. I do not want to take the time of the Senator from New Mexico. A couple of practical examples have been raised. For example, I ask the Senator from Michigan, suppose that the appropriations bill said $10 million for aid to El Salvador but no funds for any military training.

Mr. MURKOWSKI. I wonder if the Senator from Arizona will allow me to answer that question as a cosponsor of this amendment. I have a specific example that will hopefully enlighten and address that question.

On a defense appropriations bill, say we have a provision that provides funding for the Department of Defense for military personnel, $75 billion, provided that none of the funds appropriated will be available to deploy United States Armed Forces to participate in the implementation of a peace settlement in Bosnia unless previously authorized by Congress.

Under the Dole substitute, the President basically gets two bills. The first would be a bill to appropriate $75 billion for military personnel. The second would bar United States troops in Bosnia peacekeeping. The President can sign bill 1 and veto bill 2. He, thus, will be able to receive the $75 billion without restriction and can send troops to Bosnia without congressional approval.

Under the amendment of the Senator from Michigan and myself, the President gets one bill. Since the restriction in the appropriations bill completely bars the use of any funds in Bosnia peacekeeping, the President gets only one bill which contains the appropriation of $75 billion and the Bosnia restriction.

So that is the intent and an example specifically. The President must either sign the bill and accept the Bosnia restriction, or he must veto the bill and not have the $75 billion available.

Mr. BINGAMAN. Mr. President, can I just ask a follow-up question?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, where in the amendment or the bill does it say what the Senator from Alaska just described? As I see it, the condition that none of the funds in this bill can be spent to support activities in Bosnia, or whatever the condition would be, might just as easily be separately enrolled, along with a lot of other conditions.

I do not see why you could not have, as a result of this process, in the defense area, for example, 2,000 bills go to the President. Each one of those would be bills that qualified under the definition in here for "item."

Then you could have another bill go to the President which incorporated all of the various conditions that Congress has put on the President in the expenditure, and one of them would say you cannot do anything more to enforce the Endangered Species Act. We adopted that last Thursday. Another would say you cannot spend more on the B-2. Another would say you cannot go into Bosnia. We can add those together and put them into a bill—I think that is permitted under this—and send it to the President and the President could veto it. He gets his money and he does not get any restrictions. What is wrong with that? Does it say that cannot be done?

Mr. MURKOWSKI. It is in the amendment as offered by the Senator from Michigan and myself, specifically stating that "conditions on an item of appropriation not involving a positive allocation of funds by explicitly prohibiting the use of any funds." That is the amendment.

Mr. BINGAMAN. But, Mr. President, the condition that we are talking about has to be enrolled someplace, if it is going to become law. It has to be sent to the President if it is going to become law, and he has to sign it if it is going to become law. I am just asking, is there anything in this amendment or this bill which keeps us, the Congress—or the appropriators, more specifically, because they are the ones who determine this—from just saying, OK, we are going to take all of these restrictions and we are going to package them together and send them up there and call them a bill, just like we call each item a bill? That would be a natural thing to do if we want to get it to the President for signature.

Mr. LEVIN. If the Senator will yield, is he saying that right now we could do that, and this amendment does not prevent that same thing from happening?

Mr. BINGAMAN. Yes, we could do that now. This amendment, as I read it, and this bill, as I read it, calls for the separate enrollment of the specific dollar allocations or appropriations, so that the President can cross out the allocations or appropriations. There are a lot of conditions we stick into appropriations bills which are not tied to a specific allocation or appropriation. When we adopted, last Thursday, the prohibition against doing anything more to enforce the Endangered Species Act—or whatever the precise language of the Hutchison amendment was—why would that not be a separate item?

Mr. LEVIN. This amendment does not cure that problem.

Mr. BINGAMAN. So you are saying that there are conditions which would be enrolled separately from the appropriation itself and which would go to the President, and he could either defer to the Congress and say they do not want me to do anything more on the Endangered Species Act, therefore, I will sign their bill; or he could say, I am going to veto that part and use the money that they have appropriated as I see fit?

Mr. LEVIN. Well, the amendment addresses those situations where there is a limitation, a condition, or a restriction on the President's authority to spend otherwise appropriated funds. If there is no appropriated fund in that bill, then it could not be attached to that. You would not be addressing the problem the Senator raises. But that exists right now. That is a problem that exists right now. This amendment does not solve, at all, all of the problems with this bill, or all of the circumstances under which we now legislate. What this does is what I have described.

If we say to the President, here is $100 billion for the United States Army, and none of these funds may be used to have any of these soldiers in Somalia after a certain date, this would require, under this amendment, that the restriction on the funds in that bill be connected to it, or else we are giving the President power without any benefit to the Treasury. If you allow him to veto the restriction, he then has the $100 billion unrestricted, the Treasury has not gained a penny, and we have lost our policy.

The Congress will have ceded to the President that power of the purse, with no financial benefit whatsoever. And I happen to have great problems with the Dole substitute. There are all kinds of problems, I believe, with the separate enrollment which this amendment does not solve, including, I believe, the one the Senator from New Mexico has come up with. If we are going to have separate enrollments, which I oppose—I think they are unconstitutional, unwise, and everything else—at least we should not be giving up the power of the purse, where there is no benefit to the Treasury, where it is a restriction on spending.

I have used the example—and I will use it again—where we give an agency money and say: This is for your general operations, but you may not spend more than $10 million on consultants. I do not think there is any intent—there should not be in this amendment, and I will make sure there is no intent—to let the President separately veto the restriction on the use of consultants and then have all the money without such restriction.

(Ms. SNOWE assumed the Chair.)

Mr. BINGAMAN. Madam President, let me once again go at this and see if I am clear. I am concerned about this. Under the existing procedure—and it has lots of flaws, and I am as critical of it as many in this body are—we send the President a bill and it has money appropriated and it has conditions attached, and those are all together; the President either takes it or leaves it and, clearly, there are major deficiencies with that system.

What I am concerned about with this amendment and this new bill that we are talking about here is that we are requiring that the dollar figures be separately presented as bills. And it would seem logical to me that if those are all items that are separately presented, any conditions we want to attach to the expenditure might be a separate bill, as well, might be presented as a separate bill, and we might put them all together. I do not know what we would call it, but that might be the result. The President would have the choice of vetoing each and every appropriation, and then he would be presented with sort of a catch-all remainder kind of a bill which has all these conditions in it. And there would be a great incentive on the part of the President to say, "I will sign everything but the conditions. I do not like Congress telling me what to do. They do not know anything about Bosnia up in Congress."

Mr. McCAIN. If the Senator will yield, I do not believe Congress would be so foolish as to enroll it that way because it would leave it as a target. The Congress would enroll the restricting language along with the money, so that the President had no choice. I cannot imagine that the Congress, if they wanted restrictions enforced, would have one line item with the money and some in a different paragraph—although the language of the Senator from Michigan also provides for that, as well.

So this bill provides for the fencing language, and the amendment provides for the fencing language that affects that appropriation to go together and be inseparable.

Mr. LEVIN. Madam President, if I may ask the Senator from New Mexico a question. In my colloquy, which is going to be made a part of the RECORD, with the Senator from Alaska, we make it clear that where you cannot connect a restriction to an appropriation, it would be put in the kind of package that the Senator from New Mexico describes. There is no other way to do it. But why should we, because there is no alternative but to do it that way. Where there is no appropriation to connect the restriction, why should we give up the congressional power to restrict, limit, and rescind the use of funds, where there is no benefit to the Treasury, just because it is impossible to add all restrictions to an appropriation? To connect all of the limits to an appropriation does not mean we should not try where there is an appropriation in the bill to do so?

Mr. BINGAMAN. Well, Madam President, let me try to put this in into specifics here, and see if I understand it. As I understand it, what the Senator from Illinois and the Senator from Arizona are saying is that if we put a general restriction on a bill which cannot be tied to a specific appropriation, then that could be, or should be, separately enrolled as another bill, along, perhaps, with other restrictions.

Mr. LEVIN. Madam President, the restrictions which are not tied to specific appropriations would necessarily have to go in somewhere.

Mr. BINGAMAN. So they would go into another bill, which the President could either sign or veto, so that any condition that is not tied to a specific appropriation would be there for the President to sign or veto as he saw fit.

Mr. LEVIN. The Senator is correct.

Mr. BINGAMAN. And there would be some incentive.

Mr. LEVIN. The Senator is correct.

Mr. BINGAMAN. Let me ask the Senator from Michigan another question: Taking the example that the Senator from Arizona was referring to, suppose in the defense appropriation bill we were to say, "Of the funds appropriated in this bill, not more than $100 million can be spent by the Department of Defense to go into Bosnia unless and until the President certifies to the Congress"—whatever. That would be the provision.

Now, the Senator is saying that would be separately enrolled if we had that kind of a reference to a specific amount of money, which was the top amount that could be spent out of a much larger appropriation?

Is that a separate item which would then be enrolled?

Mr. McCAIN. Madam President, if I might say, the conditions that would be tied to any specific amount of money are inseparable.

Mr. LEVIN. Inseparable.

Mr. BINGAMAN. Madam President, my question, though, the money reference in the example I just gave is not a reference that appropriates money.

We have a bill that says we will give the Department of Defense $250 billion; that is the appropriations language. Then we put in a provision that says not more than $100 million of the funds appropriated in this bill can be spent for activities in Bosnia.

Is that a separate item?

Mr. McCAIN. That is correct, but if it has restricted language associated with it, then that language is associated with it, also.

Wherever there is a line where money is mentioned, that is a separate item.

Mr. BINGAMAN. That, to my mind, would be a restriction. That would be a limit or condition or otherwise restrict the President's authority to spend, because it would say, "You cannot spend more than $100 million."

Mr. LEVIN. Of money appropriated herein.

Mr. BINGAMAN. To do anything—of money appropriated herein—to do anything in Bosnia, and we are saying that is something that would not be submitted to the President as a separate bill.

Mr. LEVIN. That is correct.

Would the Senator want it to be?

Mr. BINGAMAN. I do not know. I am trying to understand what the President is ultimately going to be presented with.

Mr. LEVIN. I have a lot of problems with this bill, as the Senator knows, for exactly that same reason. It is our effort here to tie the restriction to the appropriation.

Mr. BINGAMAN. Madam President, if that is the case that we are trying to tie the restriction to the appropriation so as to keep the President from vetoing the legislation separately, what is meant by the phrase "otherwise appropriated funds"?

It says here, "only limits, conditions, or otherwise restricts the President's authority to spend otherwise appropriated funds." Does that mean I can put a restriction in the defense bill which relates to funds appropriated in the energy and water appropriations bill? Is that what that means?

Why do we intend to exempt from this separate enrollment process limits, conditions, and restrictions on the President's authority to spend otherwise appropriated funds? Why is that? I do not understand.

Mr. LEVIN. The provision that the Senator is referring to is not a provision which appropriates funds. If it were, it would have to be separately enrolled.

Mr. BINGAMAN. So the point is not to require that the limits and conditions and restrictions on the President's authority to spend funds appropriated in other bills; it is rather to require that the limits, conditions, and restrictions on the President's authority instead apply to funds that are in a separately enrolled portion of the bill. Is that what it is?

Mr. LEVIN. If they are already together, then there is no need for this paragraph. This paragraph only says that we will not separately enroll the restriction where we can link it to an appropriation. If we cannot link it to an appropriation, if it is in another bill, it will then have to either be separately enrolled or packaged as a separate enrollment.

There is no cure for that problem under the current law. That is a problem which exists in our current law, that we restrict in one appropriation bill the President's authority to spend money in another appropriation bill. This does not solve that problem. It does not worsen the problem.

In other words, this does not do a lot of the things that I think the Senator would like to see done. It does not do a lot of the things I would like to see done. What it does do is make sure that where there is a restriction on an appropriation in a bill, that we do not separate the restriction from the appropriation, because then again we would be giving up a power over the purse for no advantage to the Treasury.

Where we can do that, we should do that.

Mr. BINGAMAN. Madam President, let me go at this slightly differently. And I am not trying to delay my colleagues here. I do have legitimate questions that I wanted to ask.

If I could get one other example for the Senator from Michigan to respond to. Considering this option, "Of the $1 billion appropriated for research and development, not more than $100 million shall be spent on" a specific project. Is that an earmark? I guess that is the question. Even though it does not mandate that $100 million be spent, it is a strong signal by the Congress that we intend that $100 million be available and spent. Is that an earmark which we are trying to eliminate by this legislation?

Mr. LEVIN. The language of the amendment is that if it does not create an expressed or implied obligation to spend the $100 million, then the answer would be "no."

Now, in my judgment, the way that was read, the answer would be "no."

Mr. BINGAMAN. So the view of the Senator from Michigan is that that kind of a proviso does not constitute an implied obligation to expend those funds?

Mr. LEVIN. That is right.

Mr. BINGAMAN. Let me ask, on the third subsection of this where it talks about—again, we are trying to define items and saying that items do not include conditions—language which "conditions on an item of appropriation not involving a positive allocation of funds."

Madam President, my concern is that I thought all items of appropriation were, by definition, positive allocations of funds. That is what I thought an appropriation was. It was an allocation of funds for a purpose.

Here we are saying that we are not going to include in the definition of item language which "conditions on an item of appropriation not involving a positive allocation of funds. * * *" I do not understand that language. It sounds to me entirely contradictory. I am obviously missing something.

Mr. MURKOWSKI. If I may respond, it is the implied purpose that no money can be spent. It says "not involving a positive allocation of funds and explicitly prohibiting the use of any funds." Does that answer the question?

Mr. BINGAMAN. Madam President, I guess I still have a concern in talking about language that "conditions * * * an item of appropriation not involving a positive allocation of funds." I did not know there were any items of appropriation that did not involve positive allocations of funds. I thought——

Mr. MURKOWSKI. If I may respond, my example given on the Department of Defense of $75 billion provided that none of the funds appropriated be available to deploy Armed Forces to participate in implementation. None of the funds.

Mr. McCAIN. May I add to that? It refers to any "conditions on an item." Not to the item, I say to the Senator from New Mexico; any "conditions on an item of appropriation not involving a positive allocation of funds."

There are many conditions that are placed that do not have anything to do with allocation of funds. We are talking about the condition, not the item, in the amendment.

Mr. BINGAMAN. All right. Let me ask one other question here, Madam President, just to try to get a clear notion. The language of the amendment talks about language which "rescinds or cancels existing budget authority." I guess I have two questions on that.

What do we mean by "existing" and what do we mean by "budget authority"? Are we talking about just this current fiscal year's rescissions? And, if so, is it appropriate to just limit or just exclude from the definition of "item" rescissions of budget authority? Or should we also be excluding from the definition of "items" rescissions of appropriations, as well?

Mr. LEVIN. First of all, to answer question No. 1, it is not limited to the current year. Second, appropriations, as I understand it, are a budget authority. The words "budget authority" include appropriations, I am informed by the technical experts here on our staff. It surely is intended to include appropriations.

Mr. BINGAMAN. So it would not be limited just to the current fiscal year; is that correct, Madam President?

Mr. LEVIN. That is correct.

Mr. BINGAMAN. And therefore a 5-year budget resolution is what would be the determining factor, is that right, in whether or not a rescission would be exempt from the definition of "item" for purposes of this section?

Mr. LEVIN. It would cover the rescission of existing budget authority for whatever year that it has been adopted.

Mr. BINGAMAN. OK.

Madam President, I have delayed the Senate long enough. Let me just conclude by making a general statement.

I think what we are faced with, with this amendment—and I think it is a conscientious effort by the Senator from Michigan and the Senator from Alaska to come up with some way of sorting out a separation of the appropriating process from the policymaking process. That is what they are trying to do here, as I understand it. They are trying to preserve to the Congress the ability to make policy while granting to the President dramatic new powers with regard to the actual appropriating of funds or the prevention of funds from being appropriated. That is what I understand is going on.

I think it is very, very difficult to sort those things out. I think it is very difficult to grant to the President one power and reserve to the Congress the accompanying power—which is what this amendment is trying to do. I think it may go a short distance in getting us to that, but I think the grant of authority, if the bill which is pending before us is adopted, as I gather it is going to be—the grant of authority is broad and the President, I think, would find that he has very broad authority to countermand policy decisions by the Congress through the use of this new veto power that we would be granting in this legislation.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first let me say I agree with my friend from New Mexico. This is an effort here to not give to the President, to avoid giving to the President, power which does not lead to a reduction in spending. The purpose of the line-item veto is to try to give the President additional authority over spending where the Congress adds spending. But where the Congress is restricting spending, limiting spending, rescinding spending, conditioning spending for policy purposes that we believe are good and valid, we surely do not want to give the President the veto authority over those restrictions, limitations, conditions, and rescissions.

The Senator from New Mexico is exactly right. That is the purpose of this amendment.

I do not support the underlying substitute to which this amendment will hopefully be attached. I think we are going to create an absolute nightmare for the legislative process, for the executive branch, in splintering up an appropriations bill into all kinds of shards and little pieces. But it appears clear that is what the Senate is about to do. I do not support that approach.

But if we are going to do that, for heaven's sake, let us not go beyond the purpose of a line-item veto, which is to give the President, presumably, the authority to veto additional spending. Let us not give the President the authority to wipe out our restrictions on spending. Let us not give the President that additional authority to wipe out our conditions on spending, our rescissions of spending. There is no reason to do that.

While this only cures one of the problems, in my book, with the underlying substitute—and there are plenty of others that give me cause to oppose the underlying substitute—I think we surely ought to do this much, and do what we can to avoid unintended consequences.

I believe the sponsors of the underlying substitute support this because it is not their intention to give the President authority to wipe out our restrictions on spending and our rescissions of spending. Since that is not, I hope, their intent, we can do the best we can to correct the bill in this regard. But without this amendment, the bill would give the President a separate piece of a bill, of an appropriations bill, and that piece would have just the limitation or just the restriction or just the condition, allowing the President to separately veto that and then to be able to spend all of the money without restriction.

So I think the Senator from New Mexico pointed out what the purpose of the amendment is and is accurate in saying it does not solve a number of additional problems. I would agree with him. But it does solve some of the problems. I hope it will be adopted.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I would like to thank Senator BINGAMAN for bringing these issues to the attention of this body as we are considering it. I think there will be significant questions. As the Senator from New Mexico pointed out, this is a very significant and fundamental change in the way that business is done. So these examples, and the questions that are in the RECORD, I think, will be helpful when we proceed—I put that perhaps a little too optimistically—when we proceed to implement the line-item veto. I thank the Senator from New Mexico.

I would like to point out that, as I said earlier, we have proved to anyone's satisfaction here that the Congress can ignore or violate any law that it passes. The most outstanding example, of course, is the War Powers Act. The Congress of the United States, over the veto of the President of the United States, passed the War Powers Act. We routinely ignore that legislation—routinely; perhaps one of the most fundamental principles of the separation of powers as embodied in our Constitution.

So I am fully aware that if the Congress wants to violate this law when we pass it, they can. They can find loopholes. They can find ways around it. But this language in the Levin-Murkowski amendment I think makes it very clear that the President of the United States cannot and should not be able to veto an item of condition or money—moneys that the Congress appropriated under those conditions, and be able to separate the two. I think this amendment is very clear in that direction.

Senator LEVIN very thoughtfully points out other problems he has with the bill. I think many of those problems are legitimate. I had a long exchange yesterday with Senator BYRD, who raised some legitimate concerns.

But I believe there are two ways to look at this legislation. One is to go at what the intent is, what the language is, what I think is very clear and has been interpreted on this floor as to what it is. Or we can go at it and say we will find some loopholes here and we will appropriate $50 billion—$234 billion for defense, period; or maybe even break it up into the Army, Navy, Marine Corps, and Air Force.

We can also better shape legislation so the intent of legislation is clear, so it is very easy to enroll and, frankly, Madam President, with some of the extraneous matter taken out of it which I believe will make these bills much smaller than they are today, because I do not think we get away with some of the items that are now put in which some of us only discover weeks or months after the passage of the legislation. Items that are put in in conference between the two bodies, no Members except those members of the conference, a small number of people, ever see until we are presented with that legislation, and we only have two choices: yes or no, up or down on that bill. That is not what the participation of Members of the body in shaping legislation is all about, in my view.

So I again want to thank the Senator from Michigan. I think it is particularly interesting that the Senator from Michigan opposes this bill, yet he is willing to spend an enormous amount of time and energy in trying to make this bill better.

My sincere appreciation goes to the Senator from Michigan for his attempts and for what I think he and the Senator from Alaska have done. Frankly, that is what the amending process on the floor of the Senate is all about: to make legislation better. The Senator from Michigan saw a potential serious problem. I believe that his amendment addresses the vast majority of it.

Madam President, I yield.

Mr. LEVIN. Madam President, let me thank my friend from Arizona, first of all, for his comments and for his support. I want to thank Senator MURKOWSKI because he also noted a very significant problem with this approach. We worked out this common solution to it.

I thank Senator EXON for his cosponsorship and support.

Madam President, I also thank the Senator from New Mexico. He raises some very important questions which will help create a record which, hopefully, will in turn help to implement this legislation, if it is ever passed.

I yield the floor.

Mr. MURKOWSKI. Madam President, I have worked with the distinguished senior Senator from Michigan, Senator LEVIN, in developing some examples of the implications of amendment No. 406. I think these examples provide our colleagues with a clearer picture of the limitations that will be imposed on enrolling line items.

Mr. LEVIN. I appreciate the help of my colleague from Alaska in developing these examples and I believe they reflect our intent in drafting this amendment.

Example I: Absolute funding prohibition as part of an appropriation; a Defense appropriations bill contains a provision that provides:

Funding for the Department of Defense: For military personnel $75 billion: Provided that none of the funds appropriated be available to deploy United States Armed Forces to participate in the implementation of a peace settlement in Bosnia unless previously authorized by Congress. Under the pending substitute, the President would be presented with two bills:

Bill 1 appropriates $75 billion for military personnel.

Bill 2 bars United States troops in Bosnia peacekeeping.

The President can sign bill 1 and veto bill 2. He thus will be able to receive the $75 billion without restriction and could send troops to Bosnia without congressional approval.

Under our amendment, the President receives one bill:

Since the restriction in the appropriations bill completely bars the use of any funds in Bosnia peacekeeping, the President would receive only one bill which contains the appropriation of $75 billion along with the Bosnia restriction. The President must either sign the bill and accept the Bosnia restriction or he must veto the bill and not have the $75 billion available.

Example II: Funding Prohibition as a Free Standing Provision; other limits and conditions on appropriations are frequently placed at the end of an appropriations bill. For example, in last year's Commerce, Justice appropriations bill, provisions were included prohibiting the expenditure of funds for specific purposes including: publicity and propaganda purposes not authorized by the Congress; expenditures for consulting services that are not a matter of public record; the purchase of certain equipment outside the United States; and the implementation of certain EEOC harassment guidelines based on religion.

Similarly, last year's Defense appropriations bill contained provisions prohibiting the expenditure of any funds for specific purposes, including: To build a specific radar system; to establish or support a specific type of maintenance support activity for the B-2 bomber; or to carry out specified research projects involving the use of animals.

Other examples of limits and conditions on appropriation that are free standing sections within an appropriations bill include last week's Defense supplemental bill passed by the Senate. Section 108 contains a requirement that none of the funds appropriated by the act may be made available for operations in Haiti more than 60 days after the date of enactment, unless the President complies with specified reporting requirements.

Under the substitute, as originally drafted, each of these limitations would be placed in a separate bill, and could be vetoed by the President. For example, the President could sign the supplemental appropriation bill providing the money for operations in Haiti and veto the limitation.

Under our amendment, the general limitations in a bill would not be items, and would be enrolled together in a single bill. Thus the limitation on funds for Haiti would not be a separate item. Because it pertains to multiple appropriations, it would be enrolled with the general limitations described above.

Example III: Limitation and conditions; a VA-HUD bill appropriates $350 million for research and development activities including procurement of laboratory equipment and supplies and repair and renovation of facilities. A proviso in that bill states that no more than $55 million of these funds shall be available for procurement of laboratory equipment. The proviso does not mandate that money be spent on laboratory equipment. Nor should it be considered as creating an express or implied obligation to expand funds. It only provides that if the administration chooses to spend money on such equipment, it can expend no more than $55 million.

The President would receive only one bill containing the $350 million appropriation along with the restriction limiting the amount of money that can be expended for procurement of laboratory equipment.

Similarly, a provision stating that "not to exceed $8,000" of an overall appropriation may be expended for official reception and representation expenses would be enrolled with the appropriation that is so limited, and not as a separate bill.

Example IV: Implicit obligation to spend; the same legislation as in example II appropriates $350 million for procurement of laboratory equipment, supplies, repair and renovation of facilities contains a proviso that three research facilities be constructed in a particular State at a cost of no more than $30 million. Such a condition would not be covered under our amendment. That's because the proviso requires the construction of such facilities and therefore implicitly obligates the expenditure of funds.

The President would receive two bills. One would contain the $350 million appropriation for laboratory equipment, supplies, repair and renovation of facilities. The second bill would contain the provision specifying that three research facilities be constructed in a particular State at a cost of no more than $30 million. The President could sign or veto the first bill and could sign or veto the second bill.

Mr. EXON. Madam President, I thank my friend and colleague from Michigan. I think this is a very, very good amendment. It certainly does not cover all of the concerns I have in this area, but a considerable number of those concerns.

I am very pleased to be a cosponsor of the amendment, and once again I appreciate my colleague's attention to the details. I think the amendment makes the proposition, although I still have some concerns, much more palatable. I thank him for offering the amendment. I believe we are ready to act on it.

I yield the floor.

Mr. McCAIN. Madam President, I was admonished yesterday by the distinguished Senator from West Virginia that it is not appropriate to say I move the amendment. I do not say that. But I note that there is no further debate at this time as far as I can tell.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 406) to No. 347 was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Madam President, I say to my colleague and friend from Nebraska that it is my understanding, now that this amendment has been taken care of, that Senator HATCH is now ready to propose an amendment. I believe that he may decide to withdraw that amendment.

Then remaining, as far as I can ascertain, will be the Abraham amendment which I believe Senator BYRD wanted discussed, and then finally the Byrd amendment itself.

So perhaps we could notify the Senator from West Virginia that his involvement on the two remaining amendments will be what remains after Senator Hatch finishes.

Mr. EXON. We will certainly tell the Senator from West Virginia what is taking place so that he will be fully advised. My conversations with him indicated that he may want to make some comments with regard to the amendment that is going to be discussed by our colleague from Utah.

Also, the Senator from Arizona is correct. I believe very likely we could agree to the Abraham amendment that Senator BYRD wanted to talk on. I do not know what his position is. But he wants to talk on it. After we dispose in some fashion of the Hatch amendment, the only thing, as the Senator from Arizona said, that I know of is the Abraham amendment that Senator BYRD wishes to address, and the Byrd amendment itself. I think that indicates that we have moved in great fashion by working together in moving this. We are much further along than most of us thought we would be on Tuesday last.

Mr. McCAIN. I thank my friend from Nebraska for his totally cooperative spirit in this effort. Perhaps Senator BYRD would want Senator ABRAHAM on the floor when he discusses his amendment. So perhaps we can coordinate that.

Mr. EXON. Senator ABRAHAM told me about one-half hour ago that he, by necessity, had to leave the Hill and would be back in about an hour, which I thought would be around 2 o'clock or something like that. He asked me to tell Senator BYRD that he was sorry that he had to leave. So we will pass along the information to Senator BYRD on the fact that Senator ABRAHAM will be back around 2, and whether or not he wants to come up and talk about the next business, the amendment by the Senator from Utah, and we will see that all parties are properly advised.

I yield the floor.

Mr. McCAIN. Madam President, I note the presence of the distinguished chairman of the Judiciary Committee on the floor.

I yield the floor.

Mr. HATCH addressed the chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 407 TO AMENDMENT NO. 347

Mr. HATCH. Madam President, I call up amendment No. 407.

The PRESIDING OFFICER. That amendment is the pending question at this time.

Mr. HATCH. I thank the Chair.

Madam President, my amendment to the Dole substitute version of S. 4 excludes items of appropriation for the judicial branch from enrollment as separate measures prior to presentment to the President. It provides instead that items of appropriation for the judicial branch shall be enrolled together in a single measure. This amendment would help ensure the independence of the judiciary from the executive branch, and would not detract from what this bill seeks to accomplish.

The amendment is designed to protect the judicial branch from attempts by the President to influence or punish the judiciary—or otherwise undermine its independence as a co-equal branch of Government—through exercising the line-item veto power with respect to particular judicial appropriations. While I would hope that no President would think to exercise the line-item veto in such a manner, it remains a very real threat that we can easily safeguard against at this stage through adopting this amendment.

The amendment I propose would do that by excluding items of appropriation for the judicial branch from enrollment as separate measures for presentment to the President. The exception would cover all salaries and expenses related to the operation and administration of the Federal courts. The exception would not extend to courthouse construction, which does not appear in the judiciary's budget and which would remain subject to the line-item veto. Under my amendment, if any of the covered items appeared in an appropriations measure, those items would be enrolled together into a single measure.

The amendment is carefully crafted to avoid creating a loophole through which other expenses could be shielded from the line-item veto. A budgetary item would only qualify for the exception from separate enrollment if it is for one of the functions of the judiciary as those are listed or described in the current appropriations act. Thus, Congress could not seek to hide an item from the line-item veto by slipping it into the judiciary's budget.

I believe that the judiciary needs this protection. In the absence of this exception, the judicial branch would be particularly vulnerable to the President's whim. In one form or another, the executive branch is the largest litigator in the Federal courts. Federal courts frequently weigh in on the legality of executive branch action. It is not difficult to appreciate how the judicial branch would be vulnerable to the line-item veto because of that. Perhaps more important, the judiciary would be relatively powerless to defend itself compared with the legislature. Although a President could conceivably use the line-item veto to target particular functions of the legislative branch, Congress would have a keen interest in defending itself against such a veto if it believed the veto unwise, and would have at its disposal the direct means through which to override a Presidential veto. The judicial branch, however, cannot defend itself.

John Adams stated that "The judicial power ought to be distinct from both the legislative and executive, and independent upon both, so that it may be a check upon both." Just as the judiciary is separate from the executive and legislative powers in our constitutional system, so its independence should be safeguarded through the budgetary process on which it depends.

Current law already protects the judiciary's budget from Presidential action, in large part to insulate the judiciary from political manipulation through the budget process. By statute [31 U.S.C. §1105(b)], the Judicial branch's budget is accorded protection from Presidential alteration. When the President transmits a proposed Federal budget to Congress, the President must forward the judicial branch's proposed budget to Congress unchanged. That process has been in operation since 1939. It was adopted in part because of unilateral action taken by the executive branch in the 1930's to cut the judiciary's funding. The Chairman of the Judicial Conference, Chief Judge Gilbert Merritt of the U.S. Court of Appeals for the Sixth Circuit, testified before the Senate Governmental Affairs Committee, that in the 1930's executive branch action forced the firing of court staff and cut in half the salaries of judges' secretaries. That kind of action to influence our Federal judges cannot be tolerated, and it should not be allowed to creep back into the system.

Under the present system, that does not mean that the judiciary is immune from budget cuts. The judiciary must independently justify its budget to Congress, and must operate within the budget appropriated for it. It would continue to do so under the amendment I propose. In addition, Congress would continue to be as free to legislate the judiciary's budget under my amendment as it is today. The President would also remain free to veto the Judiciary's entire budget. To subject the judiciary's budget to separate enrollment, however, risks undermining the current approach—and the balance of power between the executive and judicial branches—and risks exposing the judiciary to targeted, politically motivated retaliation. The President should not be permitted to veto specific appropriations for the judiciary where those appropriations have been carefully shielded from Presidential alteration in the first place.

Moreover, an exception for the judiciary would have virtually no impact on the Federal budget. The entire budget for the judiciary is two-tenths of 1 percent of the entire Federal budget. While the judiciary could be devastated by the line-item veto if portions of its budget were subject to separate enrollment, subjecting it to the line-item veto could not possibly have any significant impact in terms of budget reduction.

Normally, I would say subject every line item covered by the bill to Presidential veto. But I believe that an exception for the judicial branch is uniquely warranted on principle. The judiciary is a separate and co-equal branch of Government that does not have the institutional power to look after itself under separate enrollment. The Congress can safeguard itself through the use of the veto override process. The judiciary, however, possesses no similar safeguard.

To be sure, Congress would have the authority to override a veto of any item in the judiciary's budget. I feel very strongly, however, that the judiciary should not be placed in the position of depending on that action. That is too slender a reed on which to rest the independence of the judiciary. This amendment will better ensure the judiciary's independence and protect it as a co-equal branch of Government.

Mr. President, my amendment does not alter the basic operation of the underlying legislation. Nor would its adoption be a precedent justifying other exceptions: no other entity or part of our system of Government funded by Congress stands on the same footing as the Federal Judiciary, a coequal branch of the central Government.

I hope my colleagues will join me in acknowledging the status of the judiciary as a branch of Government coequal in status to the Congress and the President, and will support this amendment.

Let me give my colleagues a hypothetical which illustrates my concern. It involves private property rights.

The U.S. Court of Appeals for the Federal Circuit is a separate line item, currently at $13 million. Among other matters, this court currently handles all appeals in property rights cases under the takings clause of the fifth amendment. Suppose this court hands down a string of cases favoring property owners, and against the Federal Government. Suppose further that this angers the President. Without my amendment, he could veto the $13 million line item—with the exception of the salaries of the judges, which the constitution protects, return it to Congress, and object that the item should be reduced to $10 million, citing, not the private property rights cases, but some ostensible good Government, cost-saving reason. Now, Congress can either override the veto or pass a new bill giving this court only $10 million, hampering its ability to function. Or worse yet, the President could veto it all and just take the whole $13 million.

What is likely to happen? Most Americans, and probably most Members of Congress, have never heard of this court. No one is going to get worked up about this unknown court and $3 million. The judges of the court are hamstrung from speaking frankly and accusing the President of undermining them because he dislikes their opinions—that gets them too involved in the political process.

We do not want judges moving back and forth in accordance with every blink or whimsy of the President of the United States or the Congress also. We want judges judging things on the merits, the way they should be judging matters.

Moreover, if enough congressional members of the President's party share his disapproval of how this court has ruled on these matters, a two thirds override will not happen. Congress will be forced to cut the court's budget and the independence of the judiciary has been undermined.

If all of the judicial branch's appropriations are in one bill, however, including the Supreme Court, the other courts of appeal, the district courts, and so on, the President couldn't get away with this. We all know what the Supreme Court and the other courts do. If the President wanted to tamper with the Court of Appeals for the Federal Circuit, he would have to veto the Supreme Court's funding and the funding of all of the other Federal courts. This would alarm people. I doubt very much that a President would veto a $2.7 billion bill for the sake of knocking out $3 million for this obscure court. If he does so, I think Congress would override it so the Supreme Court, for example, is able to function.

I make this argument only in defense of a coequal branch of Government which has no direct means of protecting itself. I am not being critical of the line-item veto in other contexts, and I will support it.

I understand that Senator BYRD would like to speak on this amendment, so I will yield the floor at this time before making any further motions on it.

Mr. BYRD addressed the chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. It is my understanding that the distinguished Senator from Wyoming [Mr. SIMPSON] wanted to speak as if in morning business for 10 minutes. Would it be agreeable——

Mr. HATCH. That is certainly agreeable with me.

Mr. BYRD. With the Senator from Utah? If Mr. SIMPSON would like to come down now, I would like to ask some questions of the distinguished Senator from Utah but I do not want to be in a position of keeping Mr. SIMPSON waiting. If it does not inconvenience the distinguished Senator from Utah, I would be happy to wait until the Senator from Wyoming makes his statement.

Mr. HATCH. That will be fine. I need to go to another meeting for a few minutes anyway. And I will come right back as soon as I am through.

Mr. BYRD. All right.

Could we get the yeas and nays on the Senator's amendment now?

Mr. HATCH. I would prefer to wait, holding out on the yeas and nays for just a short period.

Mr. BYRD. Very well.

Mr. HATCH. If the Senator desires them, we will get them.

Mr. BYRD. Very well.

Madam President, the distinguished Senator from Utah has to be off the floor for a few minutes to attend a press conference. I would prefer that he be here. I do have a few things to say about this amendment and I have some questions to ask. So I would prefer to suggest the absence of a quorum and give the Senator an opportunity to attend the press conference.

In the meantime, if the distinguished Senator from Wyoming [Mr. SIMPSON] could be contacted, he perhaps could make his statement before further discussion on this amendment.

So, unless the distinguished Senator from Arizona or any other Senator wishes to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I rise in support of the Hatch-Roth amendment. This amendment would exempt portions of the budget used to support the Federal judiciary from the line-item veto by directing that the entire appropriation for the judicial branch be enrolled in a single bill.

From the outset, I want to make it clear that I support the idea of the line-item veto. I believe that it is important to give the President the authority to selectively eliminate expenditures of taxpayer funds which are not in the public interest. I believe the legislation we are considering will do that, and that this legislation is a big step toward fiscal responsibility.

But when it comes to the funding of the Federal judiciary, we are dealing with very sensitive constitutional issues. An independent Federal judiciary was so important to the Founders that the Constitution itself not only gives Federal judges lifetime tenure, it specifically prohibits any reduction of salary during a Federal judge's term of office.

Our amendment would exempt the Federal judiciary from the line-item veto. Unless this amendment is adopted, the vast majority of the judiciary's appropriations would be subject to a line-item veto by the President. Only the salaries of article II and bankruptcy judges and retirement-related programs would be excluded.

If the Founders were concerned enough about the independence of the Federal judiciary to prohibit reductions in salary during a judge's tenure, we ought now to be extremely cautious about giving the executive branch the power to exert pressure on the judicial branch by the withholding funds for necessary judicial staff salaries, equipment or communications, for example. Of course, I am not asserting that this President, or any President, would use the line-item veto authority granted by this bill to exert such improper pressure, but the fact is that the power to do so would exist under this bill. We should keep in mind that the Executive branch always has more lawsuits pending in the Federal courts than any other litigant.

Since 1939 the Budget and Accounting Act has provided that requests for appropriations for the judicial branch shall be submitted to the President and transmitted by him to Congress "without change" [31 USC 1105 (b)]. This legislation was adopted because of the inevitable conflicts that arose in having the Department of Justice cut funds requested by the judiciary before the judicial budget was submitted to Congress. That legislation is still in effect. It seems anomalous to prohibit the executive branch from changing the judiciary's budget prior to submission to Congress, but then to give the President unilateral authority to revise an enacted budget.

Does this mean that if our amendment is adopted the Judiciary gets a free ride to spend as much as it likes? Of course not. The judicial budget would still be subject to congressional approval and Presidential veto, just as it is now. Moreover, it should be noted that the judiciary's budget does not include funding for courthouse construction. Budget requests and appropriations for building construction are within the province of the executive branch and the Congress, and are not affected by our amendment since the judiciary has no role in the funding of such construction.

For all these reasons, this amendment makes a great deal of sense. It is the prudent and responsible thing to do, and I urge its adoption.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. BYRD. Mr. President, the amendment by Mr. HATCH reads as follows:

> On page 3, line 21, after "separately" insert "except for items of appropriation provided for the judicial branch, which shall be enrolled together in a single measure. For purposes of this paragraph, the terms 'items of appropriation provided for the judicial branch' means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary, as those accounts are listed and described in the Department of Commerce, Justice, and State, the Judiciary, and Related Appropriations Act."

May I ask the very distinguished chairman of the Judiciary Committee, the author of this amendment, why are we seeking to exempt the judiciary from the four corners of the measure that has been introduced by Mr. DOLE as a substitute for S. 4?

Why do we seek to exempt the judiciary from the reaches, from the requirements of the substitute? Why should the judiciary be exempted? I know these are questions that not many Senators are very likely to come to the floor and ask, but I think they should be asked. I would like to have the distinguished Senator's response to that question.

Mr. HATCH. I think it is a good question. Of course, keep in mind that the judiciary is one of the three separated powers in our Constitution. The executive branch of Government has plenty of power under this amendment to veto the line items. The legislative branch has the power to send the appropriations bills and other bills to the executive branch in and of its own; if items are vetoed, the legislative branch can defend itself by, of course, overriding that veto. The judicial branch, however, has no power under the line-item veto in comparison with the other two.

Without a judicial branch exception to separate enrollment, the judiciary is more vulnerable than the other two coequal branches of Government.

Under the line-item veto, the judiciary could be highly vulnerable to targeted budget cuts if its budget were subject to separate enrollment. Congress, as I have said, can protect itself from such use of the line-item veto through the legislative process in overriding a Presidential veto. The judiciary, however, does not have the means to protect itself.

In order to preserve the judiciary's place as a coequal branch of Government, the appropriations items in the judiciary's budget should be excluded from separate enrollment and should instead be enrolled as a separate measure.

Let me just say this. The exception that we are asking for—and I am a supporter of the line-item veto measure before this body—the exception I am asking for would cover all salaries and expenses related to the operation and administration of the Federal courts. It would not extend to courthouse construction, which does not appear in the judiciary's budget, and which would remain subject to the line-item veto.

Under my amendment, if any of the covered items appeared in an appropriations measure, those items would be enrolled together into a single measure.

We feel we have carefully crafted the amendment to avoid creating loopholes through which other expenses could be shielded from the line-item veto. A budgetary item would only qualify for exemption from separate enrollment if it is for one of the functions of the judiciary as those are listed and described in the current appropriations act.

Thus, Congress could not seek to hide an item from a line-item veto by slipping it into the judiciary's budget. We feel this is an appropriate thing to do since the judicial branch of Government is a co-equal, separate branch of Government and is supposed to be kept out of politics.

If, for instance, we allow line-item vetoes on salaries and the administration of the courts, then it seems to me almost impossible to keep the judges out of politics. That is not the direction we want to go. And, frankly, I think this an appropriate amendment under those circumstances.

Mr. BYRD. Well, Mr. President, I certainly respect the views of the distinguished Senator in this area, as well as in all other areas. I have had a long and cordial association with the distinguished Senator from Utah that extends over a period of many years. I sat on the Judiciary Committee at one time with the Senator, and he is a very distinguished chairman of that committee.

But here we are, we are purporting to send to the President legislation that will allow the President to veto any one, or more, of the hundreds, perhaps even thousands of minibills—or "billettes," as I prefer to call them—which will flood the President's desk as a result of the requirements of this substitute by Mr. DOLE.

It seems to me that all of the branches of Government should be governed equally in the enrollment of "billettes," thus giving the President an opportunity, if he thinks there should be reduced expenditures in any of the accounts, with respect to any of the items, allocations, suballocation sections or paragraphs. It seems to me that the taxpayers would expect to be fully protected with reference to all three branches of Government and not just two, not just the executive branch and the legislative branch.

For all practical purposes, I would imagine that the President, in line-iteming the "billettes," will probably not be very severe with respect to items that are in the executive branch. If the judicial branch is to be exempted, then it further seems to me that the legislative branch is the one branch of the three that is going to feel the fall of the scimitar, the fall of the ax. It is going to be the object of the wet veto pen of a President.

So while I realize that most Senators, maybe all except one, will vote for this amendment—I start out by presuming that I will be the only Senator that will vote against it. I presume all of the other Senators will vote for it. But that does not trouble me in the least. I have been in that situation before. I cannot believe that justice is being done in relation to this hurriedly written substitute, which was apparently cut and pasted together over the spread of a few hours, brought in here, laid down on Monday of this week, and upon which immediately was trained the cloture-motion gun. I cannot believe that justice is really being done with this piece of legislation on such short notice and under such limitations of the time.

I agree with the Senator and recognize what he says with respect to the independence of the judiciary. I fully agree with the need for the judiciary to be independent. I do not quarrel with that at all. The constitutional Framers thought likewise, and rightly and wisely. There is nothing we can do with regard to the salaries of judges. Under the Constitution, they cannot be reduced. And I call attention to history in this regard, which is anathema, apparently, to a good many Members of the legislative branch. I am not just restricting my statement to this House. But history is something that, if we read it all, it must be a revisionist history. It cannot be the history that I studied. It cannot be Muzzey's history, because that history is not politically correct. Muzzey. The very first sentence of Muzzey says: "America is the child of Europe," or something to that effect. Of course, that is politically incorrect today to say that. But inasmuch as you cannot teach an old dog new tricks, I still believe in Muzzey.

I studied Muzzey by the old kerosene lamp back in the hills of West Virginia, Mercer County. I memorized my history lessons at night by the light of that old kerosene lamp. So I remember that the Founding Fathers decided that the judiciary should be independent, and they were preeminently correct in that they had studied history also, and they, I am sure, noted that in the Act of Settlement in 1701. May I say to the distinguished Senator from Alabama [Mr. HEFLIN], that the English Declaration of Rights became the English Bill of Rights in 1689. In that English Declaration of Rights, there were certain provisions to which William III of Orange and Mary II had to agree before Parliament would make them joint sovereigns. Can you imagine that? Can you imagine Parliament saying to these two eminent personages, "You will have to agree to this Declaration of Rights before we, the Members of Parliament, will enthrone you. Before we will put that crown on your heads, you will have to agree with these provisions, one of which is that judges shall enjoy life tenure. They cannot be derobed or defrocked or lose their capacity as judges just by the whim and fancy of the king. They are there on their good behavior." So William and Mary agreed to the provisions that were laid out in that Declaration of Rights.

Another provision in the Declaration of Rights was that the Members of Parliament had the right of speech, right to free speech. They could not be questioned in any other place. We have the same provisions in our own Constitution to protect us, the Members of the U.S. Senate. We can say whatever we want on this floor. I can criticize the President of the United States, and there is not a thing he can do about what I say. There is not a thing anybody else can do about it. I have the right of freedom of speech right here on this floor, and I have no compunction with criticizing, in a constructive way, a king, a shah, a prince, or a President. Those are rights that were won for Englishmen, by Englishmen over a period of centuries.

That is one of the things I am concerned about in the so-called line-item veto. This is not a line-item veto. One of the things that concerned me about the line-item veto is the fact that a President might be able to cower a Member of the Congress, and cause that Member to be inhibited from voicing criticism of the President for fear that a project or program affecting the Member's State or the Member's district—talking about a Member of the other body—would be jeopardized if that Member were to speak critically of the President.

So to that extent, it is not a measurable extent, but to that extent, a Member may be to some extent inhibited from exercising his freedom of speech. So these are just a few of the things that I call attention to that have been derived from the English Bill of Rights, the English constitution.

The English constitution is an unwritten constitution except that it is composed of various documents, the Magna Carta, the Petition of Right, Declaration of Rights, other important documents, statutes, court cases, customs, traditions, and so on. All these things go up to make the English constitution, the British constitution.

I am sure such a law would not be constitutional, but I would like to see a law that would place a requirement on every Member of the Senate and the House of Representatives to study American history and to study the history of England. Why? Because not only was England the mother country of our early forebears for the most part—Benjamin Franklin's father was an immigrant from England; Robert Morris, the financier of the Revolution was from England; and James Wilson, one of the delegates of the Convention on the Constitution from Pennsylvania, was born in Scotland.

What I am saying is that every Member of this body ought to have a greater appreciation of the American Constitution. He should note the phrases and the clauses that are in the American Constitution that have their roots deeply embedded in the soil of the English constitution. Many of those rights were gained by Englishmen after centuries of struggle. Many of them were won at the top of the sword.

So I will save any filibuster on this matter until later, if I am forced to. If I should be forced to have to filibuster, I think most Members recognize by now that I would not have to carry a bundle of notes to the floor. As long as my poor old feet that have been carrying me around now for more than 77 years are able to stand on this soft landing, but I recognize and fully support the independence of the judiciary.

I hope that the author of the amendment has not grown tired already of what is just the beginning of what I want to say, and asks about this amendment.

Mr. President, I was going to ask the distinguished Senator what is meant by the words "currently included." I will read the sentence again: "For purposes of this paragraph, the term items of appropriations provided for the judicial branch, means only those functions and expenditures that are currently included in the appropriations accounts and the Judiciary. . ."

"Currently included," only those that are currently included in the appropriations accounts of the judiciary as those accounts are listed and described in the Department of Commerce, Justice, and State, the judiciary and related agencies of the appropriations act.

I promise the distinguished Senator I will repress my appetite for launching into the vast realms of history during the remainder of my discussion of this amendment. What is meant by those words "For purposes of this paragraph, the term items of appropriations provide for the judicial branch means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary."

Mr. HATCH. Mr. President, my distinguished colleague is as knowledgeable as anybody on the history of this body with respect to appropriations.

Of course, he is currently the ranking member of that committee and he has chaired that committee. He knows what we are trying to do with that language. We are trying to define the exemption so that this will not become a loophole through which Congress could avoid a Presidential veto.

As I have explained, we believe that the judiciary, which is a truly separated power and a co-equal branch of Government, has no real power unless it starts to politicize itself. I think that is what would happen if this amendment is not adopted and the line-item veto passes. If we do not give some protection here, we will politicize the judiciary.

I think we need to have this protection. What this amendment does is take the vulnerable judicial branch, which is a small percentage of the budget, and exclude it from separate enrollment. We exclude it in accordance with the language in this amendment, with reference to appropriations for the judiciary as listed and described in the Department of Commerce, Justice, State, and Judiciary and related agencies Appropriations Act of 1995.

We define it in that way so that we limit it so that there are no loopholes. We think it is a crucial matter. It is critical to do this because it is such a small part of the budget yet so easily politically manipulable. I do not want the courts manipulated, not by the Presidents, not by the Congress, not by anybody.

Mr. BYRD. But the Senator has not answered my question. What do the words "currently included in the appropriations accounts" mean? What about new functions?

Mr. HATCH. They would not be covered.

Mr. BYRD. New functions would not be covered.

Mr. HATCH. Just the ones currently covered. We want to have a definition in time, so if we are going to add features, they would not be covered. They could be enrolled as a separate item.

Mr. BYRD. Let us take a look at what those current items are, what we are talking about.

Mr. HATCH. Maybe I could—will the Senator yield?

Mr. BYRD. Yes. I would like to point out an error that appears to me immediately.

Mr. HATCH. OK.

Mr. BYRD. Which again—which again is indicative of the hurry in which this substitute was put together.

The Senator's amendment refers to Public Law 104–317. It refers to the Department of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act.

Mr. HATCH. I agree with the Senator. It ought to be 103.

Mr. BYRD. It has the wrong citation here.

Mr. HATCH. It ought to be 103–317.

Mr. BYRD. Error. Instead of Public Law 104–317, it is 103–317.

That is a minor error. But just think of the thousands of errors that will be committed in the name of the enrolling clerk of the originating body once this monstrosity becomes law. That is just a small error. That can be cured easily by unanimous consent.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Yes.

Mr. HATCH. That is a technical error. I think that can be easily remedied.

But let me just say this——

Mr. BYRD. Would the Senator like right now by unanimous consent to cure that error?

Mr. HATCH. Yes. I ask unanimous consent it be cured at this time and it be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 407), as modified, is as follows:

On page 3, line 21, after "separately" insert ", except for items of appropriation provided for the judicial branch, which shall be enrolled together in a single measure. For purposes of this paragraph, the term 'items of appropriation provided for the judicial branch' means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary, as those accounts are listed and described in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103-317)".

Mr. HATCH. Mr. President, if I could, with the forbearance of my colleague from West Virginia—he asked the question what really is covered here. Let me just cover it briefly.

The judiciary's budget is broken up into a number of sections and subsections. In the Judiciary Appropriations Act for 1995, the current act that is being referenced in the amendment—those accounts are, 1995 amounts, as follows:

First, Supreme Court of the United States. The 1995 appropriation is $27 million, which is almost a minuscule amount when you look at the total Federal budget of the United States.

Second, Court of Appeals for the Federal Circuit. Their appropriation is $13 million.

Third, the U.S. Court of International Trade's appropriation is $12 million.

Fourth, the courts of appeals, the district courts, and the other judicial services. This account covers the salaries and expenses of all Federal district courts, courts of appeals, and bankruptcy judges. This account also includes subaccounts for defender services, fees of jurors and commissioners, and court security. Salaries and expenses equals $2.340 billion; fees of jurors and commissioners equals $59 million; court security equals $97 million; defender services equals $250 million.

Fifth, the Administrative Office of the U.S. Courts' appropriation is $48 million.

Sixth, the Federal Judicial Center's appropriation is $19 million.

Seventh, the judicial retirement funds are $28 million.

Eighth, the U.S. Sentencing Commission's appropriation is $9 million.

This amendment only involves the judiciary's total 1995 budget, which is $2.9 billion. That is two-tenths of 1 percent of the Federal budget.

I would like my colleagues to note the salaries and retirement expenses for article III Federal judges are constitutionally mandated expenses.

The question might be, why should the exception be linked to today's judicial expenditures? What if there are technological changes or substantial changes in the organization of the courts? Could that not mean in the future some central judicial functions would be left out?

If I interpret the question of the distinguished Senator from West Virginia, it is along those lines. I would respond this way: The judicial expenses included today are broad enough that they should cover most technological advances that might have an impact on the courts and court support services. As for any fundamental organizational changes in the courts, I agree that certain changes might in fact be so fundamental that they would be left out. If that is the case, however, the definition of the excepted judicial expenses for purposes of separate enrollment could be amended by statute to accommodate any fundamental changes.

I do not foresee that as being likely, however, since most changes in court organization and operation would involve the types of services that are currently embodied in the appropriations process.

Again, I commend the distinguished Senator from West Virginia and the distinguished Senator from Oregon and other members of the Appropriations Committee for handling these matters as well as they have.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

What about these items that are in the Department of Commerce, Justice and State, Judiciary and Related Agencies, 1995 Appropriations, and 1994 Supplemental Appropriations? What about such items as these:

> $2,340,127,000 (including the purchase of firearms and ammunition); of which not to exceed $14,454,000 shall remain available until expended for space alteration projects; of which not to exceed $11 million shall remain available until expended for furniture and furnishings related to new space alterations and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

Mr. President, we are talking about chicken feed here, I realize that. But we are also talking about taxpayers' money. We are going to send to the President thousands of little billettes every year, any one of which he may line-item out. He can veto it. Any one of the legislative branch's items he can strike.

Under the amendment of the distinguished Senator, as far as the judicial branch is concerned, everything is to be in one package. That package is not to be broken down. The enrolling clerk can go out and take a walk. He gets a rest. When he comes to that item he will not have to worry about breaking those out and enrolling those several little billettes.

But to the taxpayer, $11 million is $11 million. The President might feel he ought to save some money and the judicial branch should not be exempt. Money is tight. We have a $5 trillion debt. The interest on the debt is running over $200 billion a year. The President may feel—and perhaps with good reason—that some of those items ought to be questioned. He may feel they ought to be reduced. There is $11 million that

> . . . shall remain available until expended for furniture and furnishings related to new space alterations and construction projects; and of which $500,000 is to remain available until . . . all other legal reference materials, including subscriptions.

I realize that the judges have to continue to read books, periodicals, and newspapers, and there may need to be some space alterations, and so on. But the President may feel that this is too much money.

Why should he not have the same authority and rights to scrutinize the budget for the judicial branch and question those items, and even strike them out? He could strike them out. If Congress does not want to override the veto, or if it cannot, it could pass a new bill. Instead of providing $11 million, it might provide half of that.

So the Senator's amendment, it seems to me, would let the judiciary go scot-free with no questions asked. The judicial branch is to be a preferential branch. The fact is that it is to be an independent branch. There is no reason why it should be a preferential branch when it comes to the line-item veto. It is a preferential branch under the Constitution by virtue of the fact that the salaries, title III judges' salaries, cannot be cut.

How many Senators are aware of that? How many Senators are aware that when judges retire, they retire at full salary? How many Senators are aware that judges do not pay one thin dime into their retirement—not 10 cents, not one copper penny, not one Indian head penny do the judges pay into their retirement. When they retire, they get full pay.

President Nixon talked once upon a time about nominating me to the Supreme Court of the United States. I was flattered by his consideration. That may be one reason why President Nixon is my favorite Republican President during my lifetime. But I decided that was not the place for me. But, gee whiz. I would not have to pay anything into the retirement. I could retire at full pay. I would not have to run in any election. I would not have to worry about those 30-second ads, would not have to raise any money for elections, would not have to purchase the services of consultants, and would not have to undergo the negative ads. I sometimes wonder if I did not make a mistake. No, I did not make a mistake. I like the legislative arena. I do not like to be quite that independent. I do not want to be quite that independent.

That is not said in derogation of the judges. We have to have them. They have to be independent. But we are talking about a matter here that goes to the heart of the legislative power of the purse. We are going to some extent to shift the power over the purse from the legislative branch, where it has been reposed for 206 years, since the beginning of this Republic, we are going to expand the powers of the President and, of course, we do not operate in a vacuum when we expand the power of the President. In this sense, we are going to lessen the powers of the legislative branch.

Looking further, under "defender services."

> . . . provided that not to exceed $19.8 million shall be available for Death Penalty Resource Centers.

I do not know. Who am I to say that every President, Republican or Democrat, is going to be in favor of Death Penalty Resource Centers? Does that have anything to do with the independence of judges? Does that have anything to do with the independence of judges? Death Penalty Resource Centers? Suppose the President wants to whack that $19.8 million. That is not going to interfere with the independence of the judges, is it?

Let the RECORD show that there is no answer, no response.

Let us go down to the Administrative Office of the United States Courts. There we find advertising and rent in the District of Columbia and elsewhere, $47.5 million, of which not to exceed $7,500 is authorized for "official reception and representation expenses."

What is that? What is meant by "official reception and representation expenses"? Does that mean we can spend money on throwing a party, treating people to a few cocktails?

I cannot believe that if the President wanted to cut that item, that he would be impairing the independence of judges. What about those people up there in the hills of West Virginia, who help to pay the taxes? I believe they would say, "Well, we are going to have this so-called line-item veto; why should we exempt moneys for official receptions and representation expenses in the judiciary, or in the legislative account, or in the executive branch? Why should that be exempted?"

Then there is the Federal Judicial Center. I see under "General Provisions, the Judiciary," section 304:

> Notwithstanding any other provisions of law, the salaries and expenses and appropriations for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses.

Here is another of the same item, "Official reception and representation expenses" of the Judicial Conference of the United States, provided that such available funds shall not exceed $10,000.

Well, $10,000 is $10,000, whether it is in the judicial branch or whether it is in the legislative branch; $10,000. You cannot brush that aside with a wink and a nod. That is $10,000. That is more than some people earn in a year in this country. Yet, under the amendment offered by the distinguished Senator from Utah, the President cannot touch that. The President cannot touch that item because it is in the judicial branch.

Why should we give this kind of preferential treatment to the judicial branch in a line-item veto bill? For one thing, it is not a line-item veto. But we will be truly approving exempting one of the three branches of Government. That has nothing to do with the independence of judges.

I have as much respect for the members of the judicial branch of the Government as anybody else does here. I have some very, very good friends. As a matter of fact, Mr. Nixon appointed one of my very best friends to be a Federal district judge. That is another reason I liked Mr. Nixon. He was a Republican President who nominated a Democratic judge, and he has been a good judge, an excellent judge. He is now on the circuit court of appeals. I have other friends.

I am not out to whack the judges. But I want to see justice done. Justice—that is what the judicial system is all about; rendering of justice. So why not do justice to the taxpayers in making subject to the wet veto pen, the wet and ready veto pen of the President of the United States, when we send all of this multitude of little orphan billettes down to President of the United States?

I suppose my questions are being viewed as rhetorical questions, because I hear no answers.

Let me ask the distinguished Senator from Utah a question that cannot be viewed as a rhetorical question.

In section 303 of Public Law 103–317 there is a provision that reads as follows:

> Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

What will happen to that provision in section 303? Does this mean that the judiciary would be the only branch that would still have the benefit of reprogramming authority? As Senator NUNN stated this morning and on yesterday and as I stated a few days ago our concerns with respect to reprogramming and how there can no longer be reprogramming done, if the substitute amendment becomes law, there cannot be any more reprogramming. If agencies get stuck with the need to reprogram moneys, they will just have to come back to the Congress and there will have to be a new law passed.

But now what about this provision here that gives the judiciary the authority to transfer—not to exceed 5 percent of any appropriation made available for the current fiscal year for the judiciary in this act may be transferred between such appropriations?

Mr. McCAIN. Will the distinguished Senator from West Virginia yield?

Mr. BYRD. I was just going to say, as I see it, as I understand the amendment by Mr. HATCH—then I will yield—as I understand the amendment by Mr. HATCH, the judiciary is going to be exempt from the claws and clutches and jaws and teeth of this substitute. And if it is thus exempt, are we to understand that the judiciary would be able to continue to reprogram, it would be able to continue to make transfers between appropriations? Am I correct?

Mr. HATCH. If the future appropriations bills have section similar to section 303 in them, it would work the same way as it will in fiscal year 1995.

Mr. McCAIN. Will the distinguished Senator yield for just one question?

Mr. BYRD. Yes. I promised to yield.

Mr. McCAIN. I have had several requests from my colleagues who are interested in what the legislative schedule is going to be. Does the Senator by chance have an estimate as to how much longer he is going to be with the Senator from Utah on this issue? I am not trying to in any way curtail the Senator's in-depth discussion, but I would just wondered if he had any estimate on it?

Mr. BYRD. I do not have any estimate on the time. I certainly do not intend to take all afternoon on this one item. I am just curious as to the amendment.

Mr. McCAIN. I thank the Senator.

Mr. BYRD. I assure the Senator I will not be long.

Mr. McCAIN. I thank the Senator.

Mr. BYRD. As a matter of fact, I have already asked enough questions to indicate that we cannot expect full justice, we cannot expect equal treatment under the law among the various branches of the Government if the amendment by Mr. HATCH is agreed to here.

Let's see now. Where was I? Back on section 303.

So what we are saying then, if I may ask the distinguished Senator from Utah, with respect to the Department of Defense, with respect to the Department of Justice, with respect to the FBI, with respect to any of these other departments, while they will not be allowed to transfer moneys from one account to another, while they will not be allowed to reprogram, they will no longer be allowed to come to the Congress, to the chairmen of the Appropriations and Armed Services Committees and the ranking members and ask permission to reprogram certain moneys, the Justice Department can go on its merry way and continue—the judiciary, not the Department of Justice. I am sorry about the Department of Justice. It will not be able to do that. The crime fighting departments, the FBI, and so on, will not be able to transfer between appropriations that are made available. Yet, the judiciary can go on its merry way—the judiciary, not the Justice Department, the judiciary will be able to continue to transfer between appropriations.

Mr. HATCH. As long as future bills have this provision in them, that is true. We have the right as a Congress to not give them that power. In other words, the full judiciary, a little over $2 billion—two-tenths of 1 percent of the total Federal budget —will be subject to congressional review every year. If Congress decides, as it did in this particular instance, in Public Law 103–317, to have a section 303, then it can. But if Congress decides not to have a section 303, Congress has the power to stop the judiciary from having that right that is defined in section 303.

Mr. BYRD. Do I hear the distinguished Senator saying that notwithstanding the passage of the Dole substitute, notwithstanding it is agreed to in conference, if it is, notwithstanding that the conference reports go down to the President untrammeled, unchanged, unblemished, and unstained, that Congress can come along next year without the Senator's amendment—could Congress then next year write into the appropriations act, the act making appropriations for the judiciary, could Congress write into that act next year section 303 that not to exceed 5 percent of any appropriations made available may be transferred—notwithstanding that the Dole substitute becomes the law of the land, can Congress thwart that act next year by writing into the appropriations for the judiciary this language that allows the judiciary to transfer moneys?

Mr. HATCH. It is my understanding Congress can do whatever it wants to. All the rest of the provisions would be subject to the line-item veto except for the judiciary's budget as we have defined it.

Mr. BYRD. Then if Congress can do that in the case of the judiciary, next year under the influence of Senator NUNN and Senator STEVENS, Senator

INOUYE, Senators who are most knowledgeable with respect to defense appropriations and needs of the country, Congress can come along next year and write into the appropriations for the Department of Defense language that will allow the Department of Defense to continue to reprogram as in the past?

Mr. HATCH. Not as in the past. If the President has the veto, the President has a right to veto or not to veto. Congress can do pretty well what it wants to.

Mr. BYRD. So the President could veto?

Mr. HATCH. The President could veto.

Mr. BYRD. Could the President veto a congressional approval of transfer of authority?

Mr. HATCH. As in section 303?

Mr. BYRD. Yes.

Mr. HATCH. The President could veto that by vetoing the complete judicial appropriations bill. He would have to veto the whole bill.

Mr. BYRD. He would have to veto the whole bill?

Mr. HATCH. He could not line item that one.

Mr. BYRD. He could not?

Mr. HATCH. Not under my amendment.

Mr. BYRD. He could not line item that one item out?

Mr. HATCH. That is right. If the Congress chooses to put it in there, then, under my amendment as I have crafted it, if Congress chooses to do that, then the President could not line item it out. The only way he could get it out would be to veto the whole bill.

Mr. BYRD. Could he do the same with respect to the defense appropriations bill?

Mr. HATCH. He could line item out any provision.

Mr. BYRD. He could line item any provision out of that one?

Mr. HATCH. Right.

Mr. BYRD. But he could not line item any provision out of appropriations for the judiciary?

Mr. HATCH. That is correct.

But if he line items the defense appropriations bill, Congress is here to protect defense appropriations.

Mr. BYRD. Yes.

(Mr. GREGG assumed the chair.)

Mr. HATCH. If he line items a provision, a small, obscure provision in the judiciary, a coequal branch of Government that has no real ability to defend itself, Congress may not feel the need to do so. And if that is so, the judiciary could suffer some crippling line-item vetoes if we get a President who acts officiously, or who is mad at the judiciary for one reason or another, or who wants to give them a rough time. There would not be the same lack of vulnerability that, say, the Defense Department would have.

Mr. BYRD. I am not sure the Senator and I are talking on the same wave length. I think he is talking with respect to his amendment, if his amendment is agreed to. But I am asking a question notwithstanding his amendment.

Mr. HATCH. If my amendment is not agreed to, then the President would have the right to line item any aspect of the judiciary as well.

Mr. BYRD. Yes.

Mr. HATCH. Which I think would be very detrimental to the judicial system of this country.

Mr. BYRD. Congress is responsible for the appropriations for the judiciary, as well.

Mr. HATCH. If the Senator would yield, as much as I respect the Department of Defense, it is not a co-equal branch of Government. The judiciary is. We are trying to keep the judiciary less political than the other two branches. That is the reason I would like to have this protection. It is a very small part of the appropriations process.

And if a President feels strongly about some aspect of the judiciary, the President can veto the whole judiciary bill. But at that point I think Congress will come back and defend the judicial system.

Mr. BYRD. Why does the Senator not include in his amendment the Justice Department? Why does he not include the law enforcement arm? Why does he not include the FBI? Why does he just single out the judicial branch?

Mr. HATCH. If the Senator will let me answer, I believe the reason we have not done that is because we believe that the executive branch of Government is very capable of defending itself.

Those branches are not the judicial branch, which is supposed to be the least political branch of Government. I believe we ought to keep the judiciary as separate, as distinct, and as apolitical as we possibly can.

Mr. BYRD. Well, I respect the Senator's viewpoint. I share with him the belief in the need for complete independence on the part of judges. But I cannot understand how, in protecting that independence, we need to protect items such as furniture, recreation, moneys for travel, limousine service. Such items are subject to the veto pen of the President when it comes to the legislative branch and when it comes to the executive branch, so he is going to look twice or three times before he vetoes something that pertains to the White House or certain other areas of the legislative branch.

The legislative branch appropriations is less than the appropriation for the judiciary, is it not?

Mr. HATCH. I think that is correct.

Mr. BYRD. I believe the Senator said the appropriation for the judiciary is $2.9 billion?

Mr. HATCH. Yes, $2.9 billion.

Mr. BYRD. And he spoke of that as a rather small amount, not exactly trivial, but a small amount. Yet, for the legislative branch, I am advised, the total is $2.3 billion.

Mr. HATCH. Will the Senator yield on that point?

Mr. BYRD. Yes.

Mr. HATCH. Well, I do not think anybody in his or her right mind believes that the legislative branch would not fight with all of its power to sustain its own branch of Government. But who fights for the judiciary if the judiciary branch has been treated unfairly by the President for some political reason? I am hopeful that no President would be that way, but we have all seen some pretty petty things in this town.

I just want to make sure that this very small, coequal branch of Government—which is small but is important as the least political branch of Government—is kept that way.

Mr. BYRD. Mr. President, I cannot think of any Senator who has merited the Purple Heart for standing up for the legislative branch in recent years. As a matter of fact, it has been pretty much open season on the legislative branch around here. We enjoy self-flagellation, nicking our skins, cutting our throats.

I thank the distinguished Senator for his patience and his responses. He is sincere, he is conscientious, and he believes in what he is saying and what he is doing.

I happen to be one who believes that we should not give the judicial branch this kind of preferential recognition in a bill of this kind. We are talking about a so-called line-item veto in which the items in the legislative appropriations bill would be subjected to the scrutiny of the Chief Executive.

There is no reason that is contained within the four corners of the legislation, no reason, there is nothing in there that will keep the President from lining out items in the legislative appropriation. He will have that right. He can line them out. True, Congress may, if it ever returns to its senses, develop the courage to override one of those vetoes by the President. But it has been pretty much bereft of reason in late years and I doubt that it would have the collective guts to muster two-thirds vote.

I think that the judicial branch should undergo the same scrutiny as any other branch.

Mr. BROWN. Will the distinguished Senator from West Virginia yield for a question?

Mr. BYRD. Yes; I am about ready to yield the floor, but I am glad to yield.

Mr. BROWN. I do not mean to interrupt the distinguished Senator. My hope was to take 2 or 3 minutes to explain the new NATO Participation Act. I was wondering if there would be a point that the Senator might yield for me to do that. I do not wish to interrupt his flow of thoughts on this subject matter.

Mr. BYRD. Mr. President, I will not detain the Senator.

I did want to make one other point, and that is that the amendment by Mr. HATCH not only puts the judiciary in a preferential position, it also provides the loophole against the requirement that every appropriation account be divided into separate bills, including items in the accompanying report.

Let us take courthouses, for example. Ordinarily, I believe, they are included in the Treasury-Postal bill. They are included in the Treasury-Postal appropriations bill, and under the so-called line-item veto legislation that the Senate will be voting on, that bill will be subjected to the scrutiny and possible vetoing by the President of certain line items which could include courthouses. There is nothing to protect them.

But it seems to me that if the amendment by the distinguished Senator from Utah is agreed to, which will protect the judicial branch against vetoes of items, it would not take long around here for ingenious minds to decide that if so-and-so wants a courthouse to put it into the judiciary appropriation, put it in there, because it will be scot-free, there could be no tampering with that, there could be no vetoing of items there.

So then that will open up a loophole whereby Senators may get courthouses in their States under the loophole. I would be surprised if that is beyond the reach of the ingenious brains of Members of this body.

But this legislation opens up a loophole there. I bet we will start seeing Federal courthouses with earmarks showing up under the judiciary if this exemption is allowed to create such a loophole.

So the judiciary then would be the only part of Government allowed to retain reprogramming authority.

The Senator has been very patient, if he wishes to respond; if not, I will yield the floor.

Mr. HATCH. May I suggest the absence of a quorum for a minute?

Mr. BYRD. I will yield for that purpose, yes.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for 5 minutes concerning the NATO Participation Act Amendments of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I thank the Chair.

(The remarks of Mr. BROWN and Mr. SIMON pertaining to the introduction of S. 602 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HATCH. Mr. President, I am very serious about this amendment. I think it is a correct amendment and a good amendment. I would like to go forward with a vote on it.

I have to say that a number of my colleagues have requested that I withdraw the amendment. I ask my dear friend from West Virginia if he would have any objection to my withdrawing the amendment at this time?

Mr. BYRD. Mr. President, I think this would be the first time in my going on 37 years in the U.S. Senate that I would object to withdrawing an amendment. I do not like to object to a Senator otherwise having the right to withdraw an amendment.

In this case, I will object to withdrawing the amendment, and I will insist on a yea and nay vote on the amendment. It is not that I think I have any chance of carrying the amendment. It is not that at all. I do not know whether I will get another vote besides my own. But I think the U.S. Senate ought to be ready and willing to have a showdown as to whether or not we believe there is a special branch of Government that is above and beyond the other two and as to whether or not the appropriations for that branch ought to be exempt from the scrutiny and the possible veto by a President of certain items in an appropriation bill which the President may, with every justification, feel ought to be vetoed.

And so I do object to withdrawing the amendment. I apologize to the Senator.

Mr. HATCH. I think the Senator has every right to do so.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I believe the Senator has every right to do so. I am disappointed that he has.

Mr. HEFLIN. Mr. President, I have joined my colleague Senator HATCH of Utah in proposing an amendment to exempt items of appropriations provided for the judicial branch from enrollment in separate bills for presentment to the President.

The doctrine of separation of powers recognizes the importance of protecting the judicial branch of government against improper interference from the legislative or executive branch. This doctrine is recognized in article III of the Constitution which protects salaries of article III judges.

Similarly the Budget and Accounting Act provides that requests for appropriations for the judicial branch shall be submitted to the president and transmitted by him to Congress without change. Thus it would be inconsistent to prohibit the President from changing the budget of the judicial branch prior to submission to the Congress, but then by the line-item veto legislation to give the President the authority to change the judiciary's appropriation line-by-line.

A little history may help explain the basis for our bipartisan amendment. Congress created the Administrative Office of the U.S. Courts in 1939 which now has the responsibility for budget submissions through the President and on to the Congress. Prior to that time budget submissions were provided by the Department of Justice, which is an executive branch agency. During the 1930's, according to testimony given to the Senate Governmental Affairs Committee by Chief Judge Gilbert Merritt, chairman of the executive committee of the Judicial Conference of the United States, the Justice Department often rejected the judicial branch's requests for funds, denied requests for new judges, cut travel funds, and denied other requests for appropriate staff support.

Congress reacted to this situation by creating the Administrative Office of the U.S. Courts and by directing it to submit the budget of the judiciary without change by the executive branch. Congress acted to protect the independence of the judicial branch, and I believe this protection should continue.

The protection should continue because often the executive branch of government is a litigant, both as plaintiff and defendant, in lawsuits in the Federal courts. Subtle or otherwise, the judiciary should be insulated from undue presssure from the executive branch.

Further, and most importantly, we are not giving the judicial branch a blank check for any appropriation it wants. The judiciary's budget will continue to be subjected to full congressional review and scrutiny. The judicial branch will still have to appear before the Appropriations Committee and defend its budget request, and we in Congress can amend or change that request as we deem necessary.

I believe that failure to exempt the judicial branch from the provisions of the pending line-item veto legislation will do violence to the separation of powers that was established by our Founding Fathers who wrote the Constitution.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas, the majority leader, is recognized.

Mr. DOLE. Mr. President, I happen to believe that we are going to have a line-item veto that will apply to everyone. I listened to the arguments of the Senator from West Virginia. I agreed with him before he made his statement. I have already had a call from a friend of mine who is a Federal judge who said, "Leave us out." Why not leave somebody else out? This is serious business, in my view, and if we are serious, everything has to be on the table from A to Z, with the exception of Social Security. Therefore, I am constrained to move to table the amendment of my colleague from Utah, my good friend—or former good friend—and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Before we vote on the motion, would the majority leader allow me to say I had no idea the majority leader was going to support my position on this. If I had known that, I would not have said that in all likelihood mine would be the only vote against the amendment. I do appreciate it.

Mr. DOLE. I hope we have a majority——

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. BYRD. Mr. President, I do not want the Senator to be broken off in the middle of a sentence.

Mr. DOLE. If my colleague will yield, I think it is pretty hard to make an argument that we ought to exempt the judiciary. I know we have separation of powers, but we are all spending the taxpayers' money.

Mr. BYRD. Exactly.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 15, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—85

Akaka
Ashcroft
Baucus
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Stevens
Thomas
Thurmond
Warner

NAYS—15

Abraham
Bennett
Biden
Bumpers
Feingold
Hatch
Hatfield
Heflin
Helms
Kennedy
Pryor
Roth
Specter
Thompson
Wellstone

So the motion to lay on the table the amendment (No. 407), as modified, was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, for the second time in less than 1 month, the Senate is confronted with a proposal to alter our constitutional system in the name of fiscal responsibility. On March 2, the Senate declined to adopt a balanced budget amendment to the Constitution. Today, we are considering a proposal which, although not drafted as an amendment to the Constitution, nonetheless has important and far-reaching constitutional implications.

The separate enrollment bill would have Congress surrender fundamental constitutional prerogatives to the Executive. I hope the Senate will recognize the constitutional and practical defects of this proposal, and I hope we will again have the wisdom to say no.

Just as importantly, I would hope the Senate would consider the practical consequences of this radical proposal. I would have the temerity to suggest that the White House pay heed as well.

In 1986, on the occasion of the bicentennial of the U.S. Constitution, I had the honor to deliver a lecture at the Smithsonian Institution entitled, "'The New Science of Politics' and the Old Art of Governing." I take the liberty of repeating the opening passages.

Anyone who has studied American government or taken some part in its affairs will often have asked: "How goes the science of the thing?"

As we approach the bicentennial of the Constitution, which is not to say our Independence, but our form of government, leafing through "The Federalist Papers," pondering the unexampled endurance of the Constitutional arrangements put in place in those years, we are reminded of the role the "new science of politics," as the founders liked to call it, played in devising those arrangements.

It appears to me that the significance of this bicentennial is predicated on the extent to which the perception is widened that the government of the United States was not fashioned out of "self-evident truths," but rather was the work of scholar-statesmen who had studied hard, learned much, and believed they had come upon some principles—uniformities—in human behavior which made possible the reintroduction of republican government nearly two millennia after Caesar had ended the experiment.

We may doubt that the bicentennial discussion will attain to anything like the level of discourse two centuries ago. We are short on Madisons and Hamiltons and Jays. But it is possible to hope that we may acquire a more general understanding of what it was those men were discoursing about. Else all will be lost to fireworks and faith healing.

The argument was whether government could be founded on scientific principles; those who said it could be, won.

At the risk of reproach from persons more learned than I, let me state in summary the intellectual dilemma of that time. The victors in the Revolution could agree that no one wanted another monarchy in line with the long melancholy succession since Caesar. Yet given what Madison termed "the fugitive and turbulent existence of * * * ancient republics," who could dare to suggest that a modern republic could hope for anything better?

Madison could. And why? Because study had produced new knowledge, which could now be put to use. To cite Martin Diamond:

"This great new claim rested upon a new and aggressively more 'realistic' idea of human nature. Ancient and medieval thought and practice were said to have failed disastrously by clinging to illusions regarding how men ought to be. Instead, the new science would take man as he actually is, would accept as primary in his nature the self-interestedness and passion displayed by all men everywhere and, precisely on that basis, would work out decent political solutions."

This was a declaration of intellectual independence equal in audacity to anything done in 1776. Until then, with but a few exceptions, the whole of political thought turned on ways to inculcate virtue in a small class that would govern. But, wrote Madison, "if men were angels, no government would be necessary." Alas, we would have to work with the material at hand. Not pretty, but something far more important: predictable. Thus, men could be relied upon to be selfish; nay, rapacious. Very well: "Ambition must be made to counteract ambition." Whereupon we derive the central principle of the Constitution, the various devices which in Madison's formulation, offset "by opposite and rival interests, the defect of better motives."

The lecture thereupon considered the development of what seemed to me to be the "defining failure of the Reagan era * * * that of political economy." Specifically, the accumulation in a brief span of a huge national debt, much at variance with any peacetime period in our then two-century experience. That debt has continued to grow, largely the result of compound interest, and is the presumed motivating factor behind the legislation before us now. Even as it was the concern that led to the proposed balanced budget amendment to the Constitution, which we dealt with recently.

In point of fact, that era is behind us. In 1993, the Congress enacted the Omnibus Budget Reconciliation Act which provided for deficit reduction over a 5-year period of some $500 billion—the largest deficit reduction measure in the half-century since the deficit was reduced following the end of World War II. Such was the size of the program cuts and—yes—tax increases provided in the 1993 legislation that interest rates fell sharply—the so-called deficit premium dropping off dramatically. The result was lower debt service and a cumulative deficit reduction of near to $600 billion.

Citizens who might wonder at this will recall how many individuals, their neighbors, themselves perhaps, refinanced their mortgages following the 1993 legislation and the sharp drop in interest rates. That affected our costs as well—our costs, their costs, the costs of Government.

In consequence of this, Mr. President, we have in fact returned to a primary surplus in this year's budget. A primary surplus or primary deficit is defined as the difference between revenues and outlays for purposes other than debt service.

I pointed this out on February 8 in the course of the debate on the balanced budget, to wit: Spending on Government programs is less than taxes for the first time since the 1960's.

May I repeat that. Spending on Government programs is less than taxes for the first time since the 1960's.

Not a bad performance. But how did it come about?

Given the critical issue that confronts us, I will be candid with the Senate. More, perhaps, than is usual; more, perhaps, than is prudent.

In 1993, I was chairman of the Senate Finance Committee. The task of raising taxes by a quarter of a trillion dollars, and the lion's share of an equal amount in spending cuts, thus fell to our committees and to its chairman.

How did we do it? We did it the way the Framers of the American Constitution envisioned. We made accommodations that made up for the defect of better motives.

Item. Gasoline and diesel fuel taxes were raised 4.3 cents per gallon. Offset. Airlines were given a 2-year exemption from the increased tax. We also took away the tax benefits previously accorded exporters of raw timber.

Item. The business meal tax deduction was reduced from 80 percent to 50 percent. Offset. Restaurant owners were given a tax credit for the FICA tax they are required to pay on their employees' tips.

I could go on at some length. But there must be a point where prudence intervenes. I simply make a point known to every experienced legislator in the Congress. Compromise and trade-offs are the key.

And now I make the further point. If these exchanges cannot be sealed in legislation—all or nothing—the accommodations will be vastly more difficult, if not indeed impossible to reach.

The chairman will say to a Senator: "If you will go along with this provision not much to your liking, we will be able to get you another provision that will in some measure make up for what you legitimately consider a loss."

But what if the other Senator knows that his or her provision will end up as a separate item of legislation which could very well be vetoed?

Answer. There would be no deal.

Which is to say, no deficit reduction. Even as we have shown that we are capable of deficit reduction, and only have to keep at it for another 5 years or so to erase the legacy of the 1980's.

Those are the practical considerations. But now to the constitutional ones, which are scarcely impractical.

The Framers were well aware of the importance of the power of the purse, and accordingly made the conscious decision to vest this power in the branch of government closest to the people: Congress. In Federalist No. 58, James Madison wrote:

> This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

According to Madison's notes of the Constitutional Convention of 1787, Roger Sherman of Connecticut said that:

> In making laws regard should be had to the sense of the people who are bound by them and it is more probable that a single man should mistake or betray this sense than the legislature.

Thus, article I, section 9 of our Constitution plainly states:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

In a brilliant article on the power of the purse in the Georgia Law Review in 1986, Judge Abner J. Mikva then of the U.S. Court of Appeals for the District of Columbia Circuit, now counsel to President Clinton, wrote

> . . . if we wish to live in a pluralistic and free society, we will strive to ensure that Congress retains exclusive control of the nation's purse. Only in that event will the delicate balance of our constitutional structure be preserved.

I do hope Judge Mikva has not forgotten his paper.

The line-item veto legislation before us would disturb—profoundly disturb—that delicate balance. It would have us deviate from the explicit procedures for passage and enactment, or veto, of legislation, set forth in detail in article I, section 7, which states:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law.

The Supreme Court has referred to this part of article I, section 7 as "a single, finely wrought and exhaustively considered procedure." There is nothing ambiguous about it, nor is there any uncertainty about why the Framers vested the power of the purse in Congress.

Why, then, are we now giving serious consideration to measures that would radically alter our constitutional procedures?

The line-item veto is not a new idea. President Ulysses S. Grant first proposed it in 1873. In 1876, Representative Charles James Faulkner of West Virginia introduced an amendment to the Constitution to provide for a line-item veto. Some 150 line-item veto bills have been introduced in the interim, but Congress has never seen fit to adopt any of them.

Today we are told that circumstances, including the failure of the balanced budget amendment, have given the line-item veto a new urgency. It is argued that we need this because congressional spending and the national debt are out of control—precisely the same rationale offered by proponents of the balanced budget amendment. And mistaken for the same reasons.

We ought to be asking ourselves how and when these deficits were created, and whether they are permanent features of our governmental operations, or merely temporary. After a month of debate on the balanced budget amendment, I would hope the Senate knows the answers to these questions.

The point has been made over and over again on this floor by the Senator from New York, and by the distinguished Senators from West Virginia and Maryland, our revered Senator ROBERT C. BYRD and Senator PAUL SARBANES. Insofar as the national debt is a problem in our fiscal affairs, it is a problem that was created—in some measure intentionally—during the 1980's, the single decade of the 1980's. I do not wish to belabor this point. The facts have been well documented by David Stockman, President Reagan's Budget Director, by the journalist and historian Haynes Johnson, and others. It ought to be considered well-settled by now. The debt accumulated during the Reagan era was an historical anomaly. Again, were it not for the interest on the deficits created during those years, the Federal budget would be in balance today. If we recognize this, we will realize there is no need for the legislation before us.

Even if there were a need for a line-item veto, the separate enrollment legislation is surely unconstitutional. It would require the enrolling clerks to dismantle bills passed by the House and Senate before the bills are presented to the President, as provided by the Constitution. You do not need to be a constitutional scholar, or even a lawyer, to recognize that this procedure would violate the Constitution.

The presentment clause in article I, section 7 requires "every Bill which shall have passed the House of Representatives and the Senate" to "be presented to the President" before it becomes a law. Under this provision of the Constitution, the bill presented to the President must be the same bill passed by Congress—not a series of smaller bills created by the enrolling clerks, or "billettes," as they have been called by our learned colleague from West Virginia. The separate enrollment proposal would delegate to the House and Senate enrolling clerks a legislative function explicitly assigned to Congress by article I: deciding what bills say.

The Association of the Bar of the City of New York recently produced an exhaustive analysis of the constitutionality of the line-item veto. The association's report was written by David P. Felsher and edited by Daniel J. Capra, who is chairman of the association's committee on Federal legislation. The report finds that under either "enhanced rescission" or "separate enrollment," the President would in effect be authorized to restructure legislation after its passage by Congress. This is unconstitutional because it is the province of Congress and Congress alone, to determine the contents of bills; the sole power of the President under the article I, section 7 is to sign or veto legislation. According to the association's analysis, "it is irrelevant whether the itemization needed to implement the line-item veto is effectuated by the President or the enrollment clerk in Congress."

I might add that this opinion is shared by other prominent constitutional scholars, including Prof. Michael J. Gerhardt of Cornell Law School, who has written me to say that the "separate enrollment" legislation is unconstitutional because it

> . . . effectively enables the President to make affirmative budgetary choices that the Framers definitely did not want him to make.

These scholars have concluded that "separate enrollment" is unconstitutional because the Supreme Court has been scrupulous in requiring strict adherence to the legislative procedures set forth in Article I. In INS versus Chadha in 1983, the Court struck down a statutory provision that permitted one House of Congress to exercise a "legislative veto." Chief Justice Burger wrote that the requirements of article I, and I quote:

> . . . were intended to erect enduring checks on each Branch and to protect the people from the improvident exercise of power by mandating certain prescribed steps. To preserve those checks, and maintain the separation of powers, the carefully defined limits on the power of each Branch must not be eroded.

And there I end the passage from Chief Justice Burger. Three years later, in Bowsher versus Synar, the Court invalidated the provision in the Gramm-Rudman-Hollings deficit control law giving the Comptroller General of the United States authority to execute spending reductions under the act. The Court held that this violated the separation of powers because it vested an executive branch function in a legislative branch official. "Underlying both decisions," according to a Congressional Research Service analysis, "was the premise * * * that 'the powers delegated to the three branches are functionally identifiable,' distinct, and definable." I should add that a second en bloc vote on the itemized minibills would not cure the constitutional defects of this proposal. I refer of course to an amendment offered to this legislation yesterday. A second en bloc vote on the itemized mini-bills would not cure the constitutional defect of this proposal. We vote on one bill at a time in the U.S. Senate. Professor Gerhardt of Cornell has said that a separate vote would have to be taken on each of those bills in order to satisfy Article I.

If we wish to enact legislation in which we passed a bill for each item of the kind now put together in an appropriations bill, that would be perfectly constitutional. It would require us to pass perhaps 10,000 bills a year, which we could do, but it would be constitutional. What you cannot do is pass 10,000 bills with one vote.

Clearly, the great weight of authority indicates that "separate enrollment" is unconstitutional. Yet even if it is not, it is still a bad idea. Its proponents argue that 43 Governors have used this power to great effect in the States. This argument demands closer scrutiny.

Recall that a similar claim was made during our debate on the balanced budget amendment: that balanced budget requirements have enforced fiscal discipline in the States. But word eventually got out that this was not quite true: States also have capital budgets which are not required to be balanced which are, by definition, financed by debt, even as they return benefits over time. Claims about the effectiveness of the line-item veto in the States may be equally misleading.

The late, beloved Prof. Aaron Wildavsky of the University of California at Berkeley wrote in 1985, with characteristic insight, that much of the "savings" attributed to use of the line-item veto in the States may be illusory. He cited the experience of Pennsylvania, where one study found that spending bills were deliberately inflated in order to compensate for expected item vetoes, or simply to serve political ends. Thus it does not necessarily follow that X million dollars are "saved" merely because a Governor line-item vetoes that amount. They were not meant to be enacted in the first place.

Dr. Louis Fisher of the Congressional Research Service and Prof. Neal Devins of the Marshall-Wythe School of Law at William and Mary concur in Wildavsky's assessment, writing that "[g]ubernatorial reductions may merely cancel spending that the legislature added because the governor possessed item veto authority." Fisher and Devins conclude that " * * * the availability of an item veto allows legislators to shift more of the responsibility for the fiscal process to the Executive," instead of keeping it in the Congress where it belongs and where, in 1993, we showed we could exercise such responsibility. If I may say, Mr. President, without meaning in any way to be partisan, every vote for the 1993 $600 billion deficit reduction measure came from this side of the aisle.

The distinguished chairman of the Appropriations Committee, Senator HATFIELD, testified along the same lines before the Judiciary Committee in 1984 of his experience with the line-item veto when he was Governor of Oregon:

> We also know that the legislators in States which have the line-item veto routinely "pad" their budgets, and that was my experience, with projects which they expect, or even want their Governors to veto. It is a wonderful way for a Democrat-controlled legislature, that I had, to put a Republican Governor on the spot: Let him be the one to line-item these issues that were either politically popular, or very emotional.

There is no reason to think these problems would be avoided at the Federal level if we adopt the line-item veto. If the state experience is any indication, the line-item veto might even create more difficulty in the Federal budget process. This has been our science of politics, this has been our experience of politics.

The substitute amendment before us will not impose discipline on Congress. Nor will it erase the national debt. It is very likely unconstitutional. It will undoubtedly be litigated, and the courts will have to decide.

I have great confidence that they will decide the measure before us is unconstitutional and the entire exercise will have been for nothing.

I hope the Senate will say no to separate enrollment. I hope the Senate will decline this invitation to relinquish important constitutional prerogatives to the executive branch. It was why the American Government came into being, Mr. President, in response to what we saw as the abuses in fiscal matters of the executive branch in Great Britain.

Mr. President, I ask unanimous consent that the letter from Prof. Michael J. Gerhardt of Cornell Law School and the report of the Association of the Bar of the City of New York, of which Daniel J. Capra is chair, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CORNELL LAW SCHOOL,
March 20, 1995.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC

DEAR SENATOR MOYNIHAN: I greatly appreciate the chance to express my opinion on the constitutionality of a proposed scheme directing the clerk of the House in which an appropriation bill or joint resolution originates to disassemble the measure and enroll each item as a separate bill or joint resolution, which is then presented to the President for approval or disapproval. As I explain below, I consider this proposal to be unconstitutional because it (1) violates Article I by allowing the President to sign or veto a measure in a form never actually by both houses of the Congress; (2) involves an illegitimate attempt by the Congress to redefine statutorily the constitutional term "Bill"; (3) contravenes both Supreme Court authority severely restricting congressional discretion to delegate a core legislative or lawmaking function and longstanding congressional understanding of the prerequisites for a legitimate bill; and (4) radically alters the fundamental balance of power between the Congress and the President on budgetary matters.

At the outset, I find that merely describing the proposal's intended operation demonstrates its basic constitutional shortcomings. Suppose that an appropriation bill containing 200 separate appropriation items, which was considered and passed by both Houses as a single, whole bill, would be translated at the enrollment stage into 200 separate bills for presentment and veto purposes. Yet, none of those 200 bills would have ever been separately considered, voted on, or passed by the two Houses of Congress. The problem is that Congress cannot pass or enact 200 separate appropriation bills without subjecting each of those 200 bills to the full deliberative processes of the two Houses. The enrollment procedure is simply not a part of the carefully designed procedures for lawmaking set forth in Article I.

More specifically, the proposal violates the plain language of the presentment clauses of Article I. According to the latter, a bill or resolution that is to be presented to the President can become a law only if it has "passed the House of Representatives and the Senate."[1] The purposes of this requirement were to circumscribe Congress's lawmaking powers and to define the scope of the President's veto authority. It tortures the English language, however, to maintain that, in the hypothetical above, both the House of Representatives and the Senate actually passed 200 separate bills. A fragmented bill that is never subjected for consideration and approval by both Houses of Congress is not a bill or resolution within the plain and original meaning of the presentment clauses.

Moreover, the framers deliberately restricted the President's role in the lawmaking process to a qualified negative rather than to have him exercise an affirmative power to redraft or reconfigure a bill. Because the President is able under the proposal to pick and choose which budgetary items he would like to see enacted, the proposal allows him to sign various items into law in forms or configurations never actually approved as such by both houses of Congress. This kind of lawmaking by the President clearly violates Article I, section 1, which grants "[a]ll legislative powers" to Congress, and Article I, section 7, which gives Congress the discretion to package bills as it sees fit.

The proposal effectively enables the President to make affirmative budgetary choices that the framers definitely did not want him to make. The framers deliberately chose to place the power of the purse outside of the executive because they feared the consequences of centralizing the powers of the purse and the sword. As James Madison wrote in the Federalist No. 58, "This power of the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people."[2] Every Congress (until perhaps this most recent one)—as well as all of the early presidents, for that matter—have shared the understanding that only Congress has the authority to decide how to package legislation, that this authority is a crucial component of checks and balances, and that the President's veto authority is strictly a qualified negative power that enables him to strike down but not to reconfigure whatever the majorities of both Houses have sent to him as a bill.

Another major constitutional deficiency with the proposal is that the enrollment process—the phase in which the proposal allows for the fragmentation of a bill to occur—is not mentioned in the Constitution as a step in the bicameral development of a bill or resolution to be presented to the President. Nor it is considered an aspect of the "step-by-step, deliberate and deliberative process" by which the two Houses consider and pass a legitimate bill or resolution.[3] Enrollment is supposed to be merely the meticulous preparation of "the final form of the bill, as it was agreed to by both Houses, for presentation to the President."[4] Yet, when an enrolling clerk disassembles a unitary appropriations bill passed by both Houses and rewrites it into many separate bills, the clerk is not enrolling what was in fact "agreed to by both Houses." Rather, the clerk is dividing the bill into 200 separate bills—a task that can only be performed by both Houses, acting in the customary bicameral manner.

In addition, Congress's delegation of its authority to enact each item of a bill into separate bills is illegitimate. The basic decision whether to adopt and then present one or many bills to the President is a legislative choice that is, according to the Supreme Court, the "kind of decision that can be implemented only in accordance with the procedures set out in Article I."[5] Congress cannot delegate to an enrolling clerk the core legislative function of deciding how many appropriation bills will be presented to the President or the form each of those bills should take.

The seminal case on this point is INS v. Chadha,[6] whose reasoning is directly applicable to the proposal under consideration. Chadha held that Congress cannot delegate to a single house any kind of legislative function that must be performed by both Houses, such as the enactment of a bill or resolution that changes the status quo or affects the interests of those outside the legislature. Because an appropriation obviously affects existing relationships, it is the kind of legislative judgment both as to form and substance that Congress cannot delegate to an enrollment clerk. The proposal deals with an integral part of the deliberative bicameral process. As the Court explained, "[t]he President's participation in the legislative process was to protect the Executive branch from Congress and to protect the whole people from improvident laws. The division of the Congress into two distinctive bodies assures that the legislative power would be exercised only after opportunity for full study and debate in separate settings. The President's unilateral veto power, in turn, was limited by the power of two-thirds of both Houses of Congress to overrule a veto thereby precluding final arbitrary action of one person. It emerges clearly that the prescription for legislation in article I represents the framers' decision that the legislative power of the federal government be exercised in accord with a single, finely wrought and exhaustively considered, procedure."[7]

Undoubtedly, the proposal would also significantly alter the balance of power between the President and Congress. The proposal would expand presidential involvement in the legislative process beyond what the framers intended. Such aggrandizement would be at the expense of Congress, which would lose its basic authority to present appropriation bills to the President in the precise configuration or compromises produced by the deliberative processes of the two Houses. The proposal would demote Congress, which the Constitution makes the master of the purse, to the role of giving fiscal advice that the President would be effectively free to disregard. The framers granted the President no such special veto power over appropriation bills, despite their awareness that the insistence of colonial assemblies that their spending bills could not be amended once they had passed the lower house had greatly enhanced the growth of legislative power.[8]

The proponents of separate enrollment argue, however, that the parsing and reformulating of bills by an enrolling clerk involves ministerial rather than legislative tasks. The problem with this contention is that Congress simply does not have the constitutional authority to redefine the necessary ingredients for legislative action for its own convenience. No case makes this point more clearly than Chadha, in which the Supreme Court declared that any action deemed legislative must be undertaken "only in accordance with the procedures set forth in article I."[9] Unless both houses of Congress have enacted each item in an appropriations bill as separate bills, it would be unconstitutional for a clerk of either House to do so and to submit his handiwork as a "Bill" to the President for approval or disapproval.

In summary, the explicit prescription for lawmaking set forth in detail in Article I, whereby Congress is allowed to present to the President only those bills that have been subjected to the full deliberative process of both Houses, cannot be amended by legislation, as this proposal tries to do. Nor can Congress, by statute, redefine the constitutional term "Bill" to include each and every item in a duly enacted unitary bill. This conclusion is supported by the plain and original meaning of Article I, longstanding congressional understanding, and clearly applicable Supreme Court authority.

It has been a privilege for me to share my opinions about this proposed law with you. If you have any other questions or if you need any further analysis, please do not hesitate to let me know.

Very truly yours,
MICHAEL J. GERHARDT,
Visiting Professor.

Footnotes at end of article.

FOOTNOTES

[1] U.S. Const. art. I, section 7, clause 2.

[2] The Federalist No. 58 at 300 (J. Madison) (M. Beloff ed. 1987).

[3] INS v. Chadha, 462 U.S. 919, 959 (1983).

[4] C. Zinn, How Our Laws Are Made, H. Doc. No. 509, 94th Cong., 2d Sess. 44 (1976).

[5] Chadha, 462 U.S. at 954.

[6] 462 U.S. 919 (1983).

[7] *Id.* at 951.

[8] *See* Note, *Is a Presidential Item Veto Constitutional?* 96 Yale L.J. 838, 841–44 (1987).

[9] *Chadha*, 462 U.S. at 954.

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK,
New York, NY, February 24, 1995.

Re Line-item Veto Legislation.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: I am the Chair of the Committee on Federal Legislation of the Association of the Bar of the City of New York. Our Committee, after exhaustive research, has reached the conclusion that legislation providing for a line-item veto is prohibited by at least three provisions of the Constitution. We hope that you will consider the unconstitutionality of line-item veto legislation in your upcoming deliberations in the Senate.

Very truly yours,

DANIEL J. CAPRA,
Professor of Law,
Fordham Law School.

REVISITING THE LINE-ITEM VETO

(By the Committee on Federal Legislation Association of the Bar of the City of New York)

INTRODUCTION

During the last two decades every President and Congress has attempted to reform the federal budgeting process. The 104th Congress and President Clinton are no exception. One perennial proposal has been to provide the President with a line item veto. This Committee last reported on a legislative line item veto eight years ago.[1] Without coming to any conclusion at that time, this committee did believe that there existed substantial practical, and possibly constitutional, impediments to the implementation of a line item veto. This Committee has revisited the issue because the proposed legislation, H.R. 2, differs in some respects from the line item veto previously analyzed by this Committee and because the changed political environment may allow the line item veto to finally pass; indeed, as of this writing, the line-item veto has been passed by the House of Representatives and is pending in the Senate.

We conclude that a line-item veto may not be implemented by statute. Rather, the Constitution must be amended, because a Presidential line item veto would fundamentally alter the legislative and veto process currently written into the Constitution and would unduly limit the power of Congress to enact legislation.

ITEM VETOES GENERALLY

The line item veto, or more precisely designated, the item veto, is a device that would, if enacted, enable the President to veto particular items in a bill without having to veto the entire bill. In theory, an item veto would enable the President to accept bills without having to accept expensive riders. Such riders are typically attached though the process of "log-rolling." Proponents believe that an item veto would significantly reduce Congressional spending while simultaneously allowing the President to sign otherwise desirable bills.[2]

For over one hundred years, Congress has considered and consistently rejected attempts to provide the President with a line item veto. These repeated rejections have been based on the belief that the item veto would gravely undermine the fiscal authority of Congress and would greatly augment the ability of the President to impose his political agenda on the nation.[3]

There is legitimate concern that if an item veto were implemented, the results might be the opposite of what was intended. Professors Crain and Miller indicate that a line-item veto would lead to an increase in undisciplined federal spending:

"With the item veto at its disposal, the executive branch assumes more responsibility for eliminating wasteful spending programs. This invites legislative irresponsibility because legislators will tend to rely on the executive branch to cut out wasteful provisions with the item veto. By discouraging legislative discipline, critics argue that the item veto actually could discourage fiscal efficiency.[4]

Even if the line-item veto would improve fiscal efficiency, any improvement could come at the expense of disturbing a healthy tension between the Legislative and Executive branches. There is a real danger that the item veto might be used to promote Executive branch interests unrelated to the budgetary process. A President could use the item veto to punish those who oppose him (by singling out an opponent's project for a veto), or he might use the veto as a "club" to promote partisan causes generally.

Each member of Congress represents and is answerable to a local constituency, while the President has a national constituency. This difference in representative basis results in a different cost-benefit analysis for legislation and ultimately different policy choices. The President therefore considers the interests of a larger and more diverse group than an individual member of Congress when taking positions on budgetary matters. Congress, like any legislature, is an institution that is conducive to vote trading and log-rolling activities. To be enacted into law, any proposed legislation requires that a majority coalition be formed. Consequently, members of Congress often engage in cooperative legislative activities in order to further their individual agendas. As a result of this "horse trading," aggregate spending levels tend to be greater than they would be otherwise.[5] The line-item veto would undoubtedly alter this process.

Advocates of the item veto often justify their positions by claiming: (1) the favorable experience of 43 states that provide their governors with an item veto; (2) the inability of Congress to curb its own spending excesses; and (3) modern congressional techniques (e.g. riders and eleventh hour omnibus appropriations bills) that create "veto-proof" legislation—i.e., a bill which, if vetoed in its entirety, could effectively shut down the federal government.[6]

In contrast, opponents of the item veto argue: that the state analogy is inapplicable (or at the very least, of limited applicability) to the federal situation; that the federal packaging of appropriations bills is not amenable to the effective use of an item veto; that the vast majority of federal expenditures are mandatory and would be immune from the item veto; and that an item veto would substantially alter the Separation of Powers Doctrine written into the Constitution.[7]

At least 43 states have enacted line item vetoes in an effort to give their governors some control over spending. This has enabled some states, at least on the face of it, to save significant sums of money.[8] To date, none of those 43 states has acted to repeal those provisions. Despite these positive indicators, the state experience is not dispositive of whether a line-item veto is workable on the federal level. First, state constitutions differ significantly from each other and from the Federal Constitution. As two commentators have stated, "[t]here is a much greater state bias against legislatures than exists at the national level."[9] Second, state budgetary institutions and procedures vary in key respects from each other and from those in the Federal government.[10] Third, appropriations bills in the states are structured to facilitate item vetoes by governors. In contrast, Congressional appropriations bills contain relatively few items, rendering the utility of the line item veto (for anything other than political coercion of individual legislators) more suspect.[11] Fourth, legislators in states which have an item veto have been known to "routinely 'pad' their budgets," resulting in savings that are illusory.[12] Fifth, the item veto functions more as a partisan political tool, increasing tensions between governors and state legislatures, than as an effective means for reducing expenditures. In fact, the experience in at least one state suggests that "the President may use the item veto to control a Congress dominated by [the] opposing political party."[13] Sixth, because judicial interpretation, at the state level, has yet to delineate the scope of the item veto powers possessed by the various governors, caution is necessary before an item veto is adopted at the Federal level.[14] Seventh, the item veto could accelerate the use of budgetary legerdemain, i.e., accounting tricks such as moving items off budget or privatizing various programs.

The argument that an item veto would help Congress curb its spending excesses is, we believe, overstated.[15] Currently, only 39 percent of the Federal budget may be classified as "discretionary spending" and subject to the Congressional appropriations process. This figure is expected to decline even further. By the year 2003 interest and mandatory spending will account for more than 72 percent of the Federal budget, thus leaving only 28 percent for discretionary spending.[16] On the other hand, in order to be reelected, members of Congress will often log-roll legislation they desire into the budget in order to get their pet projects approved. Their decisions to increase spending will often be camouflaged by the creation of automatic spending increases in various entitlement programs.[17]

Despite the suggestion that the advent of omnibus legislation makes the President's use of his (or her) veto too costly, it appears that when a President has been willing to use the veto power, that President has gained tremendous negotiating leverage over Congress. For example, when President Reagan vetoed two omnibus measures in 1982, parts of the Federal government were shut down. Consequently, Congress was forced to revise those bills to comply with his wishes.[18]

As a result, in later years, President Reagan merely had to threaten to use his veto in order to win important concessions from Congress. Because President Reagan was willing to and did use his veto power, the "all or nothing" stakes of omnibus legislation actually increased rather than decreased his power relative to Congress with respect to the content of legislation.

CONSTITUTIONALITY OF THE LINE-ITEM VETO

We expressed concerns above that the line-item veto was an unnecessary measure that

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Footnotes at end of article.

might in fact be counterproductive in obtaining fiscal efficiency, and that it might be unfairly used by the President to punish particular members of Congress. Yet even if the line-item veto made sense as a policy matter, it should not be adopted, because it violates several provisions of the Constitution. What follows is a discussion of the Constitutional provisions which are in conflict with the line-item veto.

VETO PROCEDURES

Article 1, Section 7, clause 2 of the Constitution sets forth, in considerable detail, the procedure for exercising and overriding the President's veto of legislation. The procedures set forth in H.R. 2 do not conform with these constitutional requirements.

Section 7 of Article I of the Constitution provides, in pertinent part, that:

"Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become law. . . ."

Under the proposed line-item veto, a different "bill" would be enacted than was presented to the President. Furthermore, subsection 5(a) of H.R. 2 provides that "[w]henever the President rescinds any budget authority . . . or vetoes any provision as provided in this Act, the President shall transmit to both Houses of Congress a special message . . ." Subsection 5(b) requires that each special message be transmitted to both Houses on the same day.

Thus H.R. 2 appears to directly contradict section 7 in several ways. First, and most importantly, Section 7 contemplates that the Bill be either approved or disapproved in its entirety by the President. Under the Constitution, when the President approves a bill, he signs "it." When he disapproves of a bill he is not permitted to rewrite it—that may only be done by Congress through the legislative process. The Constitution does not permit the President to rewrite the bill except to the extent that Congress incorporates his Objections into a new or amended bill. Rather, in connection with a non-approved bill, the Constitution directs the President to return the bill in its entirety, together with his objections to the House that originated the bill. At that point that House, and not both Houses, shall enter the President's objections into its Journal. The Constitution then instructs that House, and not both Houses, to reconsider the bill. Under the Constitution, it is only after that House has reconsidered it, and only if two thirds of its members agree to pass the bill, that it shall be sent, along with the President's objections, to the other House, where it shall be reconsidered. It is only after reconsideration of the Bill by the second House, and only if approved by two thirds of the members of that second House, that a non-approved bill can become law.

In sum, Article I, Section 7 prohibits partial vetoes. The literal language of the second clause of this section strongly suggests that bills are to be approved, disapproved and reconsidered in toto and not in part. This is apparent from the repeated use of the terms "it or its"—12 times, "the bill"—2 times, and "reconsider or reconsideration"—3 times, and from the context in which those terms are used. Both "it" and "the Bill" refer to "Every Bill which shall have passed the House of Representatives and the Senate." They do not refer to any modified or amended version of the bill and do not refer to portions of any bills passed by both Houses. Consequently, pursuant to Section 7, a non-approved bill is returned to Congress for reconsideration. The President does not return a modified version. He is instructed to return the bill passed by the House and the Senate along with his Objections thereto. It is the bicamerally passed bill that is reconsidered. Various forms of the word "reconsider" are used not once but three times to refer to "it" or "the bill" in connection with the return to Congress of a non-approved bill. Furthermore, the framers and ratifiers did not choose various forms of the words amend, change, alter, modify, or some similar word. Instead they chose to provide that Congress could "reconsider" a non-approved bill, in order to give Congress a chance to approve the bill as it was originally passed, to modify it or to pass a completely new bill.

The veto provision is one of the most detailed and precisely worded provisions in the entire Constitution. This suggests that the procedures outlined therein should be carefully followed and not artfully evaded.[19]

Considering America's history, it is remarkable that the Constitutional Convention of 1787 included any kind of veto power for the President. Before the American Revolution, legislative acts of the colonies were subject to two vetoes. Both the Governor of the colony and the King of England could veto legislation. Both vetoes were absolute and not subject to override by the legislatures. It is not surprising that the colonists resented these veto powers.[20] In fact, the first two grievances listed in the Declaration of Independence deal with this issue. They are: that "He [George III] has refused his assent to laws . . . He has forbidden his Governors to pass. . . ." It is thus clear that, during and immediately after the American Revolution, there was a strong disposition against any Executive veto power.[21] We believe that a strict construction of the detailed veto provisions in the Constitution is consistent with the intent of the Framers to provide a relatively limited, rather than generous, veto power.

BICAMERAL AND PRESENTMENT REQUIREMENTS

One of the most troubling aspects of any item veto bill is that an item veto would augment the President's veto power by permitting him to veto appropriation bills that were never considered by the House or the Senate in such fragmented form. Executive veto power over part of a Bill is, in this respect, inconsistent with the bicameral and presentment requirements of the Constitution. As the Supreme Court pointed out in I.N.S. v. Chadha,[22] legislative actions require approval of both Houses, in a bicameral fashion, and presentment to the President. There is no language in the presentment clause, or anywhere else in the Constitution, that permits the President to approve or veto a bill other than in the form in which it passed both Houses and was presented to him. As Professor Gressman puts it: "The Presentment Clauses state that the bill which is to be presented to the President, the bill he may veto or approve, is the bill 'which shall have passed the House of Representatives and the Senate.' "[23]

Under Chadha, when a legislative power is exercised—such as in the case of a one House veto—the legislative act is subject to the explicit provisions of the presentment clauses, Article 1, section 7, clause 2 and 3, and the bicameral requirement of Article 1, section 1 and Article I, section 7, clause 2. With a line-item veto, the President clearly would be exercising legislative power insofar as he performs the legislative act of determining the final content of an appropriations bill and does not merely accept or reject the bill as a unit. It is irrelevant whether the itemization needed to implement the line item veto is effectuated by the President or the enrollment clerk in Congress. The effect is the same. A line item veto will permit the President to restructure legislation after its passage. If the President were to exercise an item veto, the bill that would be enacted into law would not have been voted upon and passed by the two Houses of Congress. One bill would be passed by the two Houses of Congress and presented to the President and a second bill would end up being enacted into law without passage by both Houses of Congress and presentment to the President. As the Supreme Court explained in Chadha, a law enacted pursuant to this process would be unconstitutional because it failed to pass both House of Congress and was not presented to the President after such passage.

It is true that H.R. 2 subsection 3(a) permits an item veto to be overridden by way of a rescission/receipts disapproval bill. However, while a rescission/receipts disapproval bill can restore the legislation to what it was before the exercise of the line item veto, a problem is created because it is the President who actually changed the law and not both Houses of Congress with the approval of the President.

Moreover, as a practical matter, the legislative option of promulgating a rescission/receipts disapproval bill is made difficult by the provisions of H.R. 2. Such a bill must reinstate all of the items vetoed. Thus, if the President vetoes several items from a single bill, the practical reality is that a rescission/receipts disapproval bill is unlikely to be forthcoming from Congress. And even if such a bill is passed, the President can veto that bill, and a two-thirds vote in each House of Congress is required to overcome that veto. Furthermore, under H.R. 2, unless Congress overrides the President's veto of a rescission/receipts disapproval bill within the time specified in the statute, the rescission of discretionary budget authority or the veto of a targeted tax benefit becomes effective. Thus, the veto of the rescission/receipts disapproval does not trigger a reconsideration of a law passed by Congress and vetoed by the President, but rather triggers the automatic implementation of a law presented by the President to Congress unless Congress enacts another law. This stands the Constitutionally-mandated legislative process on its head.

THE RULES CLAUSE

The Rules Clause of Article I of the Constitution provides that "Each House may determine the Rules of its Proceedings. . . ."[24] We believe that a line-item veto is inconsistent with the Rules Clause. Under a line-item veto, the form, content and subject matter of bills will be determined by someone other than the members of the House and Senate.

Moreover, Subsection 5 of H.R. 2, which deals with "Consideration in the Senate" and "Points of Order," appears to explicitly violate the Rules Clause by controlling Congress' internal rules and procedures. For example, Subsection 5(d) of this bill attempts to limit debate on rescission/receipts disapproval bills, debatable motions and appeals in connection therewith. it also provides that a motion to further limit debate is not debatable and a motion to recommit is not in order.[25] Such a provision imposes an obvious limitation on the rulemaking authority of each House of Congress.

It is true that, to the extent item-veto legislation imposes limitations on Congressional rule-making, it is a self-inflicted wound. Congress, if it passes the line-item veto, will have constricted its own rulemaking authority. Yet the Rules Clause does not permit such a self-inflicted limitation on Congressional authority. It has been settled law for more than a century that:

"The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.[26]"

Thus each House has the power and authority to set its own rules regarding a variety of internal matters. The problem with passing legislation that restricts the rulemaking power of either House is that the legislation is passed by both Houses and can only be abrogated through subsequent legislation by both Houses. This is inconsistent with the Rules Clause, which provides that each House has the authority to determine "its" own proceedings. Legislation affecting the internal rulemaking power of either House results in one House of Congress ceding control over its internal rules to the other House. The power granted in the Rules Clause was granted to each House of Congress in order to make the legislative powers of each House more effective. That power may not be channelled or regulated by a statute passed by both Houses and signed by the President. As one commentator has stated, the Rulemaking power "granted in the Constitution is above all law, and cannot be taken away or impaired by any law."[27]

THE APPROPRIATIONS CLAUSE

In addition to all the constitutional concerns addressed above, an appropriations bill that is modified by an item veto is probably unconstitutional on another ground as well: the "approved" appropriations would not be approved "by law" as required section 9 of Article I of the Constitution. That section provides that: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." The problem created by a line-item veto is that the resulting appropriations would not be made by law, but rather would be made by the President with the tacit approval of Congress.

THE POWER OF THE PURSE BELONGS TO CONGRESS

Providing an item veto to the President could fundamentally alter the balance of power between Congress and the President. Commentators have stated:

"the adoption of what might appear to be a relatively modest reform proposal could result in a radical redistribution of constitutional power * * * At stake are the power relationships between the executive and legislative branches, the exercise of Congress' historic power over the purse, and the relative abilities of each branch to establish budgetary priorities."[28]

The Constitution places the "power of the purse" in the hands of Congress and outside the grasp of the President because of the fear of combining the power of the purse with the power of the sword.[29] Section 9 of Article I of the Constitution provides that "No money shall be drawn from the Treasury but in consequence of appropriations made by law." James Madison wrote that " [t]his power of the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people."[30]

Roger Sherman said at the Constitutional convention that "[i]n making laws regard should be had to the sense of the people who are bound by them and it is more probable that a single man should mistake or betray this sense than the legislature." These words apply in the area of fiscal decisions where the decisions regarding taxation and spending depend on the government having taken into account the diverse interests of its citizens. No institution is better suited, able or willing to accommodate these diverse interests than Congress. Based upon this view, the Framers chose to give supremacy in budgetary power to Congress. In fact, only the House—the chamber closest to the electroate—was given the right to initiate revenue bills. Clearly, the Framers believed that decisions affecting the pocketbooks of the citizens should be made by the governmental institution that is closest to them.[31]

All this does not mean that the President is prohibited from taking an active role in Congress' appropriations decisions. For example Article II provides that the President may recommend to Congress measures that he deems "necessary and expedient." And of course the President possesses a qualified veto over all legislation, including appropriations measures.

Nevertheless, with respect to the budget, under the Constitution, the President's role is subordinate to that of Congress. Despite the President's recommendation and veto powers, it is Congress that must make the final decisions regarding funding levels and the expenditure of appropriated funds. It is Congress that must decide the extent to which the President's views and proposals are accepted. Budgetary "reform" that increases the President's power at the expense of Congress would alter this scheme and therefore should be disfavored.

In considering whether Congress may cede any of the Power of the Purse to the Executive, Chief Justice Taft states that:

"it is a breach of the National fundamental law if Congress gives up its legislative power and transfers it to the President. . . This is not to say that the three branches are not coordinate parts of one government and that each in the field of its duties may not invoke the action of the two other branches in so far as the action invoked shall not be an assumption of the constitutional field of action of another branch."[32]

It could be argued that a line-item veto does not in fact cede legislative power over the purse to the President, given the fact that the President already has the power to veto appropriations legislation in its entirety. The fact is, however, that the ability to veto specific items in a larger bill will definitely increase Executive control of the budget process, at the expense of legislative prerogative; indeed, that is the very reason that supporters are pushing for a line-item veto.

The legislative process is a complex, politically-driven process; one item often gets passed in "trade" for another as part of a general piece of legislation. This kind of "horse-trading" or "log-rolling" was clearly not unknown to the Founders of the Constitution. To the contrary, legislative bargaining is essential to the Constitutionally-mandated process and to Congressional control over the purse.[33]

The line-item veto would upset this carefully-calibrated legislative process by allowing the Executive to pluck out a piece of the Congressionally-passed puzzle and reject it. The line-item veto is therefore qualitatively different from the veto power enacted in the Constitution. It represents an aggressive extension of the veto power, and therefore contradicts the qualified use of the veto power that was envisioned by the Framers.

CONCLUSION

Because the line-item veto conflicts with the veto provisions of the Constitution, with the Rules Clause, with the bicameral and presentment clauses, and with the supremacy of Congress over fiscal matters, we conclude that the line-item veto may only be enacted through Constitutional amendment.

THE COMMITTEE ON FEDERAL LEGISLATION

Daniel J. Capra, Chair.*

Marianne Fogarty, Secretary.

Andrea J. Berger, Stacey E. Blaustein, Richard A. Briffault, Louis A. Craco, Jr., Lawrence P. Eagel, David P. Felsher,** Leon Friedman, Mark L. Goldstein, Helen Gredd, Peter C. Hein, Madelynn S. Heintz, Michael E. Herz, Beth Jacob, Maria Bainor Keane, Nicole A. LaBarbera, Sylvia A. Law, Stephen M. Lazare, Thomas J. Lilly, Jr.

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*Editor of this Report.

**Author of this Report.

[1] Committee on Federal Legislation of the Association of the Bar of the City of New York, The line-Item Veto, 41 The Record 367 (1986).

[2] See Maxwell L. Stearns, The Public Choice Case Against the Item Veto, 49 Washington & Lee L. Rev. 385, 386 (1992); Eugene Gressman, Is the Item Veto Constitutional?, 64 N.C.L. Rev. 819 (1986).

[3] See Louis Fisher & Neal Devins, How Successfully Can the States' Item Veto be Transferred to the President?, 75 Georgetown L.J. 159, 162 (1986).

[4] Mark Crain & Jim Miller, Budget Process and Spending Growth, 31 William & Mary L. Rev. 1021, 1031–32 (1990).

[5] See Paul R. Q. Wolfson, Is a Presidential Item Veto Constitutional, 96 Yale L.J. 838, 851–52 (1987).

[6] See Stearns, supra, at 387.

[7] Id. at 387–88.

[8] See Neal Devins, Budget Reform and the Balance of Powers, 31 William & Mary L. Rev. 993, 1005 (1990).

[9] Fisher & Devins, supra, at 162.

[10] Crain & Miller, supra, at 1033.

[11] Devins, supra, at 1005–06, quoting the 1984 testimony of Senator Mark Hatfield, Governor of Oregon from 1978–1986.

[12] Devins, supra, at 1005 n.67 and accompanying text.

[13] Devins, supra, at 1005.

[14] Fisher & Devins, supra, at 182.

[15] See, Anthony R. Petrilla, Note, The Role of the Line Item Veto in the Federal Balance of Power, 31 Harvard J. Legis. 469, 471 (1994).

[16] Letter dated August 4, 1994 from United States Senators J. Robert Kerrey (D.–Neb.) and John C. Danforth (R.–Mo.) to members of the Bipartisan Commission on Entitlement and Tax Reform containing "Draft Findings."

[17] Petrilla, supra, at 470.

[18] Devins, supra, at 1016.

[19] Two other possible constitutional problems for H.R. 2 may arise under Article 1, Section 7. First, H.R. 2 subsection 3(b) sets a specific time period in which Congress is permitted to override the President's non-approval. However, the Constitution sets no time limit for reconsideration of a non-approved bill. Second, according to Section 7 of Article 1, the President's special message (his objection) would appear to belong in the Congressional Record and not the Federal Register as provided in H.R. 2.

[20] See Alan J. Dixon, The Case for the Line-Item Veto, 1 Notre Dame J. L. Ethics & Pub. Pol'y 211, 218 (1985).

[21] For example, when the Constitution was ratified, no state, except for Massachusetts, gave its Governor any kind of veto.

[22] 462 U.S. 919 (1983).

[23] Eugene Gressman, Is the Item Veto Constitutional?, 64 N. C. L. Rev. 189 (1986).

[24] U.S. Const., art. 1, sec. 5, cl. 2.

[25] Similarly, Subsection 5(e) indicates that it shall not be in order for either the Senate or the House of Representatives to consider:

(1) any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto . . . transmitted by the President.

(2) any amendment to a rescission/receipts disapproval bill.

[26] Wolfson, supra, at 853 quoting United States v. Ballin, 144 U.S. 1,5 (1892).

[27] Wolfson, supra, at 856. See also. Gressman, supra, at 821.

[28] Fisher & Devins, supra, at 162.

[29] Mikva, Congress: The Purse, the Purpose and the Power, 21 Ga. L. Rev. 1,2–3 (1986) (the decision of the Framers to grant Congress the Power of the Purse reflected their belief that a proper governmental system would have the legislature at its core.) See also The Federalist, No. 30, at 188 (A. Hamilton) (J. Cooke ed. 1961) ("Money is, with propriety, considered as the vital principle of the body politic, as that which sustains its life and motion, and enables it to perform its most important functions."

[30] The Federalist Papers, No. 58.

[31] See Mikva, supra, at 4.

[32] J.W. Hampton, Jr. & Co., v. United States, 276 U.S. 394, 405–06 (1928) quoted in Congressional Research Service, The Constitution of the United States of America: Analysis and Interpretation 64 (1972) (S. Rep. 92–82, 92d Cong., 2d Sess. (1972)).

[33] Stearns, supra, at 397, 399; Wolfson, supra, at 851–52.

Mr. COATS. Mr. President, it is always enlightening listening to the Senator from New York. He always presents a thoroughly researched and thoroughly examined and well-articulated argument for his positions. And I enjoy his presentations immensely.

As the Senator from New York knows, there is a difference of opinion on the constitutionality of separate enrollment. Distinguished constitutional scholars have come to opposite conclusions, one of which is Laurence Tribe, a constitutional scholar frequently quoted by members of both parties, but particularly by members of the party of the Senator from New York. The American Law Institute and Congressional Research Service have given indication that they believe the separate enrollment procedure is constitutional, and Senator BIDEN, currently a Member of this body and ranking member of Judiciary, has argued articulately for the constitutionality of such procedure.

So, clearly, there are opinions on both sides of this issue. Ultimately, of course, the court will make that determination. We have adopted expedited procedures, traditional procedures of which that determination can be made. This Senator hopes and trusts that the opinions of Mr. Tribe and Senator BIDEN, the American Law Institute, and others, will prevail and be persuasive with the courts. But we will find out in due course what that is.

I thank the Senator from New York for his contributions, which are always valuable contributions and thought-provoking contributions.

Mr. MOYNIHAN. If the Senator will yield for a question, I am sure the Senator would agree that when the Court decides, we will abide by the decision. That is the great fact of the American Government.

Mr. COATS. There is no dispute on that point.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. COATS. I would like to yield the floor if the Senator from West Virginia seeks the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York for his very scholarly statement today. I am only sorry that more Senators are not on the floor to have heard what the Senator had to say. We know what the Constitution says, and the Constitution says "every bill which shall have passed." Constitutional scholars may differ, but I think that we have to retreat to the Constitution itself, first of all, to attempt to construe and interpret that document and read the plain language of the Constitution itself.

We have, as Senators, a responsibility to make some judgment ourselves as to the constitutionality of a measure before we pass on it. In the final analysis, it will be the courts that will decide. But we cannot pass that cup to others. We have to make that judgment here.

I read the letter by Professor Tribe. It was written 2 years ago, I believe, to Senator BILL BRADLEY, if I am not mistaken. I have great respect for Professor Tribe. But I must say, I was disappointed in reading that letter. I was disappointed that such an eminent scholar of the Constitution would take that view of this measure. I say that with apologies to Professor Tribe. He is a constitutional scholar and I am not. But I was astonished that he took that view and indicated that in his judgment that would pass the constitutional test.

I thank the Senator from New York for his statement here today, in which he pointed to the acknowledged Father of the Constitution, James Madison, who in Federalist Papers No. 58 said, "This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people * * *" Is that not what he said?

Mr. MOYNIHAN. Yes.

Mr. BYRD. This power over the purse. What escapes my comprehension is how we, as Senators, can so lightly pass that cup; how we can so lightly vote to transfer some of that power over the purse to the Executive. Whether he be a Democrat or a Republican, I have never wavered in my opposition to the line-item veto.

Mr. MOYNIHAN. Will the distinguished and revered Senator yield for a question?

Mr. BYRD. I am delighted to.

Mr. MOYNIHAN. Would he happen to know that in the 1988 text of "American Constitutional Law," which Professor Tribe wrote, he stated that separate enrollment was probably unconstitutional?

Mr. BYRD. Was probably?

Mr. MOYNIHAN. Probably unconstitutional. I think he was right then.

Mr. BYRD. Well, that statement is in stark contrast to the letter which I believe he wrote to Senator BIDEN.

The Senator from New York, who has

> A heart as stout as the Irish oak
> And as pure as the Lakes of Killarney

has taken the right stand in my judgment. He took the right stand on the "unbalanced budget amendment," commonly referred to as the balanced budget amendment. And he has unwaveringly defended the position that that document which has come to bear the aura of immortality should not be demeaned and debased and, as a matter of fact, defaced by such an amendment.

He takes the right stand today. He is a man of obstinate veracity. I appreciate the fact that he has taken the time here today to make this statement. I wish all Senators heard it. I hope they will read it. I heard part of it. It will be my intention to read Senator MOYNIHAN's statement, and I will keep it. I thank the distinguished Senator for his service.

Mr. MOYNIHAN. I thank the Senator.

Mr. BYRD. Mr. President, I believe the distinguished Senator from Michigan wanted to modify his amendment. Has he modified it?

Mr. ABRAHAM. Mr. President, I have modified it.

Mr. BYRD. Mr. President, let me compliment the Senator on having improved the language of the amendment. I certainly have no objection to adopting the amendment on voice vote.

It is an improvement. He has contributed a very worthwhile service. I just wanted to compliment him and say that even though his action constitutes an improvement, this piece of legislation is beyond the stage of improving in such a way that it will not impair the power of the purse which, under the Constitution, has been lodged in the legislative branch.

If the Senator wishes to have a voice vote on his amendment, I yield for that purpose.

AMENDMENT NO. 401, AS FURTHER MODIFIED TO AMENDMENT NO. 347

Mr. ABRAHAM. Mr. President, I would call up amendment No. 401.

The PRESIDING OFFICER. That is the pending amendment.

Mr. ABRAHAM. Mr. President, I thank the Senator from West Virginia for the comments he made yesterday and the questions which he raised with respect to this amendment. I appreciate his help on that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 401) was agreed to.

AMENDMENT NO. 350 TO AMENDMENT NO. 347

(Purpose: To prohibit the use of savings achieved through lowering the discretionary spending caps to offset revenue decreases subject to pay-as-you-go requirements)

Mr. BYRD. Mr. President, I have an amendment at the desk which has been qualified for a call up. I shall call it up at this point.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

Amendment numbered 350:

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(A) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i).".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

The PRESIDING OFFICER (Mr. GRAMS). The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair. I thank the able clerk for reading the amendment in its entirety.

Mr. President, I am one Senator who believes that it would be foolhardy to enact tax cut legislation this year. Instead, I believe that we should concentrate all of our efforts and our resources toward reducing the deficit. I am aware that President Clinton has called for a middle-class tax cut and I am sorry that he did so. I am aware that the so-called Contract With America pledges a much larger tax cut than that which has been called for by President Clinton.

The so-called Contract With America pledges a much larger tax cut, would be mostly for America's wealthiest taxpayers. I am opposed to both of those proposals because I believe that deficit reduction ought to be our first priority at this time.

I think the President was on the right track when he worked with the Democratic leadership in the 103d Congress to enact a budget deficit reduction package that amounted to somewhere between $400 and $500 billion over a period of 5 years. He was on the right track. He should have stayed on that track.

According to the Center on Budget and Policy Priorities, the tax bill passed by the House Ways and Means Committee would reduce revenues by nearly $180 billion over the next 5 years. That, I believe, is bad fiscal policy.

Here we are, we are debating today, and we have been debating since Monday, a piece of legislation that purports to do something about the budget deficit. It purports to do something about the budget deficits. "Oh, we have to do something to get these deficits under control. We have to do something about our horrendous budget deficits. We have to put the tools in the hands of the President of the United States. We have to give him the line-item veto."

President Reagan often said, "Give me the line-item veto. When I was Governor of California I had the line-item veto. Give me the line-item veto. I will take on the challenge. I will make the cuts."

And I hear—it is only hearsay, or "read-say," I hear and I read that the so-called Contract With America—if I ever refer to that as a "Contract With America" I hope the Official Reporters will make a correction in my transcript, to put the words "so-called" as antecedents to the words "Contract With America."

The so-called Contract With America, I understand—I hear and I read—that one of the planks in that so-called contract is a line-item veto. So the so-called Contract With America purports that a line-item veto should be placed in the hands of the Chief Executive. We have all these fine new Senators who have come in here, 11 of them, 11 new Senators, all Republican Senators. I get the impression that these, not only new Senators but several of the Senators who have been around here long enough to know better, consider that as a conservative position. I know there are some real conservatives on that side of the aisle, but I am at a loss to understand how a true conservative can advocate giving to the President a line-item veto and can advocate a balanced budget amendment to the Constitution.

I have been around here now 36 years in this body, going on my 37th year. I have known a lot of conservatives, conservative Senators, conservative Republicans. I cannot imagine the conservative Republican Senators who were in this body when I came here 36 years ago advocating a line-item veto, advocating a balanced budget amendment to the Constitution. I cannot believe that Norris Cotton, George Aiken, or Everett Dirksen, or Bob Taft, I cannot believe that Senators of that day would not roll over in their tombs today if they heard what I have been hearing. Conservative Senators—this is the great conservative cause. "Stand up for the conservative cause. Put in the President's hand a line-item veto. Power of the purse vested in the legislative branch? Why, article I, section 9 of the Constitution—I don't believe a word of it. I don't believe that the Framers of the Constitution knew what they were doing when they wrote into the Constitution section 9 of article I, which says, 'No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.' And, of course, the first article, the first sentence in the Constitution tells us who makes the laws. 'All legislative Powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and House of Representatives.' "

And here we are, we are being told that the conservatives—this is supposed to be this great new revolution here being carried on by the conservatives, being brought to the floor of both Houses, this new revolution—the conservatives are out to advocate that the constitutional framers were not as wise as we had been heretofore taught they were, and that the President of the United States should have part of the power over the purse; we should place in his hands the line-item veto.

I wish that Henry Clay were still in the Senate. I wish that Henry Clay were still in the Senate.

It is kind of old fashioned around here, I know, to go back and read the old dusty records of the Congresses of yesteryears. But I hold in my hand here some pages from the Congressional Globe containing sketches of the debates and proceedings of the Second Session of the 27th Congress, volume 11, Blair and Rives, editors, City of Washington, printed at the Globe office for the editors in 1842, exactly 153 years ago. And the date, to be very exact, was January 24, 1842.

Let us see what old Henry Clay said. I do not use that word as a word of disrespect. I am getting along in years myself and I expect I am older today than Henry Clay was—I know by a long shot—than he was when he spoke in the Senate. Let us see what Henry Clay had to say.

He was not talking about the line-item veto. He was talking about the veto, the veto, which we all know is in the Constitution. Here is what Mr. Clay said. I will not read his whole speech. I had thought, if I were forced to stand on my feet and take a good bit of the Senate's time I just might read the whole speech of Henry Clay, but I will not do that. Just a little of it will give you the flavor. Here is what he said in part.

After speaking of the veto power generally, and more particularly of its exercise by a late President of the United States, the speech proceeded to say....

You see, this is the reporter of the Congressional Globe who is writing in the third person, so he is saying this is what Mr. Clay had to say. The Official Reporter today will not refer to the Senators as in the third person.

"After speaking of the veto power generally and more particularly of its exercise by a late President of the United States, the speech proceeded to say"—now this is Henry Clay. This is not ROBERT C. BYRD. This is Henry Clay.

The first and in my opinion the most important object which should engage the serious attention of a new administration is that of circumscribing the executive power and throwing around it such limitations and safeguards as will render it no longer dangerous to the public liberties.

Hear me: Henry Clay. We do not hear talk in the Senate about public liberties anymore. We do not talk about the liberties, the people's liberties anymore. We only talk about what is good for the next election. What party is going to prevail in the next election. Who is going to get the upper hand in the next election. There is no time and no place here to talk about the people's liberties.

With the view, therefore, to the fundamental character of the government itself, and especially of the executive branch, it seems to me . . .

This is Henry Clay of Kentucky.

. . . to me that either by amendments of the Constitution, when they are necessary, or by remedial legislation when the object falls within the scope of the powers of Congress, there should be, first, a provision to render a person ineligible to the office of the President of the United States after a service of one term.

Not "three strikes and you are out." One term, then you are out.

Second, that the veto power . . .

Listen to this.

Second, that the veto power should be more precisely defined and be subjected to further limitations and qualifications.

He is not talking about broadening the veto power. He is not saying that we should give the Chief Executive a line-item veto. Clay thinks that the framers went too far in giving the President the veto and requiring that, if a veto is overridden, it be overridden by two-thirds vote.

It was his purpose . . .

This is the reporter again talking in the third person.

It was his purpose—

Meaning Clay's purpose.

to go but very briefly into the history and origin of the veto power. It was known to all to have originated in the institution of the tribunitian power in ancient Rome;

Well, sweet speak of rhetoric. Here is a man 153 years ago who is talking about the tribunitian power in ancient Rome. I have been talking about that also.

Senators could learn a little more about the tribunitian power in ancient Rome.

Henry Clay said.

. . . that it was seized upon and perverted to purposes of ambition when the empire was established under Augustus; and that it had not been finally abolished until the reign of Constantine. There could be no doubt that it had been introduced from the practice under the empire into the monarchies of Europe, in most of which, in some form or other some modification or other, it was now to be found. But, although it existed in the national codes, the power had not, in the case of Great Britain, been exercised for a century and a half past; and, if he was correctly informed on the subject, it had, in the French monarchy, never been exercised at all. During the memorable period of the French Revolution, when a new Constitution was under consideration, this subject of the veto power has been largely discussed, and had agitated the whole country. Everyone must recollect how it had been turned against the unfortunate Louis XIV.

Well, that is an error. The official reporters made an error in the Congressional Globe when they referred to Louis XIV. Clay was talking about Louis XVI. He was not talking about Louis XIV. He was talking about Louis XVI. It is easy to see how a mistake can be made. Instead of XVI the official reporter wrote XIV. But be that as it may.

. . . Louis XVI, who had been held up to the ridicule by the populace, under the title of "Monsieur Veto", as his wife, the Queen, had been called "Madame Veto" . . .

So it had to be Louis XVI.

. . . although, after much difficulty, the power had finally found a place in the constitution, not a solitary instance had occurred of its actual exercise. Under the colonial state of this country, the power was transplanted from the experience which had been had of it in Europe, to the laws relating to the colonies, and that in a double form, for there was a veto of the Colonial Governor and also a veto of the Crown.

Clay went on to say that:

No doubt the idea of engrafting this power upon our own Constitution was adopted by the Convention from having always found it as a power recognized in European Governments, just as it had been derived by them from the practice and history of Rome. At all events, the power was inserted as one feature, not only in the general Constitution of the Federal Government, but also in the Constitutions of a portion of the States.

I will not tire Senators with reading from the Congressional Globe and reading from the words of one of the all-time great Senators. His picture is out here in the anteroom where we meet with constituents; Henry Clay.

Anyone at all acquainted with the contemporaneous history of the Constitution must know that one great and radical error which possessed the minds of the wise men who drew up that instrument was an apprehension that the executive department of the then proposed government would be too feeble to contend successfully in a struggle with the power of the legislature. Hence, it was found that various expedients had been proposed in the convention with the avowed purpose of strengthening the executive arm.

And the Federalist Papers so state that one reason why the President, why the Executive was given the veto, was to protect himself and his office from the incursions by the legislative branch.

All these propositions had their origin in the one prevailing idea: that of the weakness of the Executive and its incompetence to defend itself against the encroachments of legislative domination and dictation.

It was an axiom in all three governments that the three great departments—legislative, executive and judicial—should ever be kept separate and distinct, and a government was the most perfect when most in conformity with this fundamental principle. But it was said that the framers of our Constitution had nevertheless been induced to place the veto upon the list of executive powers by two considerations. The first was a desire to protect the executive against the powers of the legislative branch, and the other was a prudent wish to guard the country against the injurious effects of crude and hasty legislation. But where was the necessity? Clay asked. Where was the necessity to protect the executive against the legislative department? Were not both bound by the solemn oath to support the Constitution? The judiciary had no veto. If the argument was a sound one, why was not the same protection extended to the judiciary also?

Ah, Clay speaks of the solemn oath to which we swear with our hands on God's gospel and our other hand raised to Almighty God. We do not pay much attention to our oaths anymore. But Clay evidently felt differently about it.

Some of the pages are gone from my faxed copy of the Congressional Globe. But I will continue reading excerpts from the same speech by Clay on the abolition of the veto power in the Senate January 24, 1842.

Clay had hitherto viewed the veto power simply in its numerical weight, in the aggregate votes of the two Houses; but there was another and far more important point of view in which it ought to be considered. He contended, that practically, and in effect, the veto, armed with such a qualification as now accompanied it in the Constitution, was neither more nor less than an absolute power. It was virtually an unqualified negative on the legislation of Congress.

That was Henry Clay.

In such circumstances, when all the personal influence, the official patronage, and the reasoning which accompanied the veto, were added to the substantial weight of the veto itself, every man acquainted with human nature would be ready to admit, that if nothing could set it aside but a vote of two-thirds in both Houses, it might as well have been made absolute at once.

And there have been only 104 vetoes in the history of this Republic that have been overridden—104 in 206 years. So it is virtually an absolute veto. Think of what it will mean. I daresay, once this legislation becomes law, if it ever does become law, which God avert—I wish it would not be done with my help—I daresay there will not be any vetoes of items, any vetoes of these little orphan "billettes." I daresay that there will not be any vetoes overridden because not one of those little orphan "billettes" will have the pressure and the power that may be brought to bear on a matter of national significance.

Little West Virginia in the House of Representatives has three votes. There are many other States likewise that are represented by few in numbers in the other body. And as I have already said, let something be of interest—take the Northeast region here because there are a cluster of States up there, very important States. Most of them were States before the Constitution existed. They had a part to play in writing that Constitution and a part to play in the revolution, the Revolutionary War. But if there is something in an appropriation bill that is of major significance to those few little States but not of importance to the rest of the Union, it would be very, very difficult for those few States to muster the votes necessary to override a Presidential veto of some of the little orphan "billettes" that will parade across the President's desk once this piece of legislation is enacted.

> Mr. Clay contended, that really and in practice this veto power drew after it the power of initiating laws, and in its effect must ultimately amount to conferring on the executive the entire legislative power of the Government.

You wait until he gets this. Clay in his dreams probably would never have conceived of such a massive transfer of power of the purse that we are about to enact here. He was talking about the veto that is in the Constitution, which has been in there for 206 years, which was thoroughly discussed at the Convention, thoroughly discussed in the ratifying conventions of the States. He could not have dreamed of this kind of veto that we are about to hand to the President.

> With the power to initiate and the power to consummate legislation, to give vitality and vigor to every law, or to strike it dead—

Or to strike it dead.

> at his pleasure, the President must ultimately become the ruler of the nation.

And he will also become the ruler of the Members of the House and Senate. Bow down to this new Caesar, bow down to this power. I wish there were a Henry Clay in this body today.

> Mr. Clay warned the nation, that if this veto power was not arrested, if it were not either abolished or at least limited and circumscribed, in process of time, and that before another such period had elapsed as had intervened since the Revolution, the whole legislation of this country could become to be prepared at the White House, or in one or other of the Executive departments, and would come down to Congress in the shape of bills for them to register, and pass through the forms of legislation, just as had once been done in the ancient courts of France.

There was the voice of prophecy.

> There, there, was the security, [Clay said] and not in this miserable despotic veto power of the President of the United States.

That is what he thought of the veto power, "the miserable despotic veto power of the President of the United States."

> You might take a mechanic from the avenue and make him President, and he would instantly be surrounded with the power and influence of his office. . .
>
> The unpretending name, President of the United States, was no security against the extent or the abuse of power. . . Whether he were called emperor, dictator, king, liberator, protector, sultan, or President, of the United States was of no consequence at all. Look at his power; that was what we had to guard against. The most tremendous power known to antiquity was the shortest in duration.

That was the power of the dictator. Under the Republic, a dictator was chosen for a maximum of 6 months or until such time as the crisis for which the dictator was chosen had run its course, whichever was the lessor. Cincinnatus was chosen dictator because there was a Roman general whose army was surrounded by the tribes of the east. Cincinnatus heeded the call, took off his toga, took on the cloak of the dictator, defeated the enemy in 16 days, gave up the dictatorship, and went back to plowing with his oxen on his little 3-acre farm beside the Tiber.

But what power he had. He had all the power, omnipotent power, over every man, woman, boy, and girl in Rome while he was dictator. He could execute without trial; all power. So the dictatorship of Rome continued but for a brief period. Yet, while it lasted, the whole state was in his hands. He did whatever he pleased, whether it was life, liberty, or property.

I will close with this last extract of the speech of Clay on January 24, 1842.

"Before the power should be utterly abolished, he"—meaning Clay—"deemed it prudent, that an experiment should be made in a modified form; and instead of requiring a majority of two-thirds of both Houses to supersede the veto of the President, he thought it sufficient to require the concurrence of a majority of the whole number of members elected to each House of Congress."

So that was Henry Clay, one of the great trio of all time, one of the Members of the Senate when it was in its golden age.

What would he say today? What would he say today of this hydra-headed dragon? We are about to sow the dragon's teeth and the country will reap the whirlwind.

Where are the true conservatives of today? You are looking at one. I am a conservative when it comes to preserving the constitutional system, the Constitution of the United States. I am not above many. I have voted for five amendments, as I have said. But never would I vote—I would be shot before a firing squad before I would vote—to destroy the structure of this Constitution.

Talk about our children and grandchildren. We shed crocodile tears about children and grandchildren when it comes to reducing the budget deficit. Well, then, let us start helping our children by taking a forthright stand against the tax cut.

If we want to really help our children and grandchildren, let us take a stand against a tax cut.

It would put us in the hole by another $180 billion in this year's 5-year budget resolution before we even start to work on a plan to reduce the deficit. To make matters worse, these revenue losses would skyrocket over the subsequent 5 years to $450 billion, making total revenue losses over the next 10 years equal $630 billion. Ultimately, when all of the provisions of the House Ways and Means Committee bill are phased in—now this is the so-called contract with America—the revenue losses every year would be more than $110 billion.

Who would get the lion's share of the benefits of these tax cuts? Again, according to the latest analysis by the Center on Budget and Policy priorities, these large revenue losses, which would total $630 billion over the next 10 years, are largely attributable to provisions that heavily benefit upper-income households and large corporations.

In fact, according to a Treasury Department analysis, less than 16 percent of the benefits of the fully phased-in tax provisions as passed by the House Ways and Means Committee would go to the 60 percent of all families with incomes below $50,000. The top 1 percent of families with incomes of $350,000 or more a year would receive 20 percent of the tax benefits, while more than half of the tax goodies would go to the top 12 percent of families—those with incomes over $100,000 per year.

Of the major provisions in the House Ways and Means Committee bill, the changes in IRA's capital gains taxation, and the taxation of Social Security income are heavily tilted in favor of high-income people.

Past analyses indicate that about 95 percent of the benefits from the current IRA proposal would go to the top fifth of the population.

According to an analysis by the Treasury Department, over half the benefits from the House Ways and Means Committee's capital gains provisions would go to the wealthiest 3 percent of families who have incomes over $200,000, while three-fourths of the benefits would go to the top 12 percent of families who have incomes over $100,000 a year; and the House Ways and Means Committee's reduction in the proportion of Social Security benefits that are subject to taxation would give a tax break to the top 13 percent of Social Security beneficiaries.

Similarly, the changes proposed by the House Ways and Means Committee in rates of depreciation and the repeal of the corporate Alternative Minimum Tax would substantially reduce taxes paid by the Nation's largest corporations.

All of these new tax breaks, Mr. President, will have to be paid for. Over the next 5 years alone, we would have to find $180 billion in spending cuts; $630 billion over the next 10 years; and, every year thereafter, $110 billion per year in cuts in order to bankroll these subsidies for the well off people in this country. That level of cuts would have to be made if we were to enact the House Ways and Means Committee tax bill. Having made these cuts, we will just be breaking even. We will not have reduced the deficit at all. We have heard all this crying out here on the Senate Floor over the cruel effects of budget deficits on our children and grandchildren. Yet, when it comes right down to it, the grandchildren do not vote so we will just wait a little longer to get serious about the deficit. Meanwhile we can dole out a little more tax pork for the privileged few.

It is silly; utter folly. They talk, on the one hand, about reducing these deficits so that we can finally get down to paying something on the principal of the debt, stop having to pay interest on that debt, reduce the deficits, take defense off the table—do not touch defense—even increase defense, and, at the same time, balance the budget and, lo and behold, enact a tax cut. Enact a tax cut—what a joke.

I like to vote for tax cuts. That is easy. That does not take any courage.

Where are these cuts to come from? The Ways and Means Committee will not tell us the specifics; but, according to a Washington Post article of March 17, 1995, the House Budget Committee has approved the "broad outlines of $190 billion in spending cuts over the next 5 years "—for what?—" to finance a massive GOP tax cut. Nearly half the reductions would come from Welfare and Medicare and the rest from hundreds of other government programs and foreign aid." So, we cut programs for the poor, we cut programs for the sick, we cut programs for the elderly. For what? So that another Rolls Royce can appear in the driveway of some fat cat. Well, that ought to get your blood pressure up. I have no problem with the idea of slicing foreign aid, but the savings ought to go toward reducing the deficit.

That same Washington Post article also lists what are called "suggestions in the House Budget Committee's proposal to cut discretionary spending by $100 billion over 5 years."

I ask unanimous consent to print this article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 17, 1995]

HOUSE PANEL PLANS BIG SPENDING CUTS—$190 BILLION WOULD OFFSET TAX BREAKS

(By Eric Pianin and Dan Morgan)

The House Budget Committee yesterday approved by the broad outlines of $190 billion in spending cuts over the next five years to finance a massive GOP tax cut. Nearly half the reductions would come from welfare and Medicare and the rest from hundreds of other government programs and foreign aid.

Budget Committee Chairman John R. Kasich (R-Ohio) boasted that his plan would assure that Republicans fully pay for a tax package providing three times as much relief as one proposed by President Clinton and begin to put the government on "the glide path" to a balanced budget.

Republicans issued the proposals hours before the House passed a separate bill that would pare $17.1 billion from the current budget. Republicans had pledged that all the long-term savings from that package would go for deficit reduction and not to help pay for their tax cut. But early yesterday, Kasich acknowledged that the promise had been nothing more than a "game" to attract conservative Democratic support for the bill, provoking a storm on the floor of the House.

The House approved the spending-cut package, 227 to 200, despite widespread defections by fiscally conservative Democrats who claimed they had been duped. The uproar further soured Republican-Democratic relations and distracted from the COP leadership's message that they were paying for tax relief with "real" spendng cuts.

"They lied in order to pass a bill they couldn't pass otherwise," Minority Leader Richard A. Gephardt (D-Mo.) said.

Yesterday's contentious, sometimes confusing budget drama underscored the House Republicans' challenge in juggling a number of converging fiscal initiatives—proposing a huge tax cut just as they are promising a balanced budget—with time running out on their 100-day "Contract With America" timetable.

The $17.1 billion spending-cut package initially was devised by Republicans to offset the cost of disaster relief for California and to make a down payment on the cost of the tax package, although later they promised to use most of it for deficit reduction. Separately, Kasich and his staff prepared the plan for $190 billion of spending cuts to finance the bulk of the tax cuts, along with a 10-page list of "illustrative Republican spending cuts" to show where most of those savings could be found. The five-year plan would take effect in 1996.

In the coming weeks, Kasich must also complete work on yet another initiative, a seven-year plan for balancing the budget. All told, GOP leaders must come up with as much as $1.2 trillion of cuts and savings to eliminate the deficit and pay for the tax cuts by 2002, as they have pledged to do.

Meanwhile, about 100 moderate and fiscally conservative Republicans have joined in a mini-revolt aimed at forcing the leadership to peel back the cost of the proposed $500-per-child tax credit—the most expensive piece of the GOP tax plan—and target the benefits more narrowly to middle-class families.

The Republicans have signed a letter circulated by freshman Rep. Greg Ganske (Iowa) and House Agriculture Committee Chairman Pat Roberts (Kan.) asking Speaker Newt Gingrich (R-Ga.) to assure a floor vote on cutting the maximum income of eligible families from $200,000 a year to $95,000 according to several signers.

"We took a little bit silly passing tax cuts when we don't have any money," said Rep. Ray LaHood (R-Ill.), who declined to sign the Contract With America because he opposes its tax cuts.

Yesterday, Sens. Dan Coats (R-Ind.) and Rod Grams (R-Minn.) introduced a $500-per-child tax credit proposal that is similar to the version approved by the House Ways and Means Committee earlier this week and provides benefits to families making up to $200,000 a year.

While the drive for a major tax cut continues to enjoy widespread support among House Republicans, Democrats and Senate Republicans are wary of devoting precious resources to a tax cut when polls indicate that voters are more concerned about deficit reduction and many economists say a tax cut is a bad idea.

But House GOP leaders refuse to back down on their campaign pledge to slash taxes for families and businesses, and yesterday Kasich unveiled his blueprint for financing the package.

About $100 billion of the proposed savings would be achieved by extending and lowering legally mandated limits on discretionary spending over the next five years and leaving it up to the appropriate House committees to determine where the specific cuts would be made.

Suggestions in the House Budget Committee's proposal to cut discretionary spending by $100 billion over five years:

Budget committee's five-year plan

[In billions of dollars]

Reduce funding for ineffective training and employment programs	9.3
Eliminate Low Income Home Energy Assistance Program	7.2
Reduce federal agency overhead	5.0
Reduce violent crime trust fund	5.0
Terminate support for the International Development Association	2.8
Cut funding to Agency for International Development	2.7
Repeal the Davis-Bacon Act (sets wages for federal contracts in construction industry)	2.6
Cut National Institutes of Health funding by 5 percent	2.5
Reduce energy supply research and development	2.3
Reduce mass transit operating subsidies, capital grants	2.3
Eliminate programs in National Telecommunications and Information Administration	2.2
Phase out Amtrak operating subsidies	1.6
Phase out funding of Legal Services Corp.	1.6
Reform management of NASA's human space flight programs	1.5
Terminate funding for the National Endowments for the Arts and Humanities	1.4
Place five-year moratorium on construction, acquisition of federal buildings	1.3
Restructure National Oceanic and Atmospheric Administration	1.2
Eliminate the Economic Development Administration	1.2
Eliminate the U.S. Travel and Tourism Administration and trade promotion	1.1
Privatize the Corporation for Public Broadcasting	1.0

Reduce programs in vocational and adult education	0.9
Reduce assistance to Eastern Europe, former Soviet Union	0.8
Eliminate wasteful rehabilitation of severely distressed public housing	0.8
Cut contributions to international peacekeeping	0.8
Reduce funding for Goals 2000 and School in Work programs	0.7
Reduce funding for construction of Agriculture, Interior facilities and trails	0.7
Reduce domestic volunteer programs	0.7
Reduce Energy Department's fossil energy research and development	0.7
Apply cost-benefit test to Superfund projects	0.5
Reduce General Accounting Office funding by 15 percent	0.3
Cut number of political appointees	0.2
Reduce Peace Corps funding	0.2
Replace dollar bills with dollar coins	0.1
Eliminate Small Business Administration's tree planting program (in millions of dollars)	75
Terminate State justice Institute (in millions of dollars)	54
Other programs (in billions of dollars)	37.0
Total	100.4

Mr. BYRD. Mr. President, in other words, the House Budget Committee has proposed a list of suggested discretionary spending cuts, totaling $100 billion over the next 5 years, which would be used, not for deficit reduction, but to pay for more than half of the 5-year cost of the tax breaks proposed by the House Ways and Means Committee.

Mr. President, the use of cuts in discretionary spending to pay for tax cuts is not permitted under the provisions of the Budget Enforcement Act. Rather, that act sets annual discretionary spending limits which, if they are exceeded, will cause across-the-board sequesters sufficient to ensure that total discretionary spending stays within the caps. Similarly, pay-as-you-go procedures in section 252 of the Budget Enforcement Act control mandatory spending and taxes. This is good policy because domestic discretionary spending, in large measure, goes to benefit the Nation in general. It should not be allowed to be ravaged in order to pay for tax favors—tax favors—for the well-to-do.

What the House Republicans are actually proposing will require a change in the Budget Enforcement Act to follow reductions in discretionary spending limitations to be used to pay for tax cuts for the wealthy. That is bad policy. That is not just some obscure Budget Act process change. That is bad policy, and it ought not be sanctioned.

I note among the suggestions here, one, reduce violent crime trust fund, $5 billion. It was my proposal that we have a crime trust fund, and I think I found $21 billion or $22 billion or $23 billion to put in that trust fund when we passed the crime bill—$30 billion. So here they are going to whittle out $5 billion from the trust fund.

Reduce funding for ineffective training and employment programs. Well, it says "ineffective." Whether or not they are ineffective we will know.

Eliminate Low Income Home Energy Assistance Program; cut National Institutes of Health funding by 5 percent; reduce energy supply research and development; reduce mass transit operating subsidies; phase out Amtrak operating subsidies; phase out funding of Legal Services Corporation, and so on and so on and so on.

Reduce programs in vocational and adult education; cut contributions to international peacekeeping; reduce funds for Goals 2000 and school-in-work programs; reduce funding for construction of agriculture/interior facilities and trails.

Mr. President, we saw what happened in 1981 under President Reagan's policies. He blew into town preaching deficit reduction and promising to balance the Federal budget while, at the same time, proposing to increase defense spending and to cut taxes. Congress gave him what he asked for, and I gave him what he asked for.

The people of West Virginia said, "He is a new boy on the block, help him, give him a chance." So I did. I voted to give him what he asked for. We passed his massive tax cuts in 1981, and I have been kicking myself ever since.

We passed his massive tax cuts in 1981, which cut revenues by $2.1 trillion over the following 10 years. We provided huge increases in defense spending as well, and I went along with that. I voted for everything he asked for. I wanted to give him a chance. That is what my constituents told me to do. Supply-side economics, we were told, would kick in as a result of the tax cuts, and we would actually see more revenues coming into the Treasury than would have come in without the tax cuts. We were going to "grow our way" out of our deficit problem. But, it did not happen. Instead, we saw a string of budget deficits which were by far the largest in the history or the Nation. Those deficits of President Reagan's 8 years were only exceeded by President Bush's deficits, which stand as the largest in history. It should be clear that supply-side economics is a failed theory, and David Stockman knew it and said it in writing. It was bogus baloney. It was a flop and it was highly detrimental to this Nation.

It is why we are in this debate right today. It is why we are in the pickle that we are in right today, because out of that colossal mistake that we made came the largest budget deficits, a quadrupling of the national debt and the pressure for a line-item veto and for constitutional amendments to balance the budget. That is why we are in this pickle. They brought us to this. We would not be debating a line-item veto here today if we had not gotten caught up in that trap, that quadrupling the debt.

We are now being asked by the Republican leadership in the House to go down that same road again.

It is really quite unbelievable, but that is what the proponents of the huge tax cut believe. Talk about disregarding history. Talk about a flat learning curve. We have not learned anything from recent history. Some have not picked up a thing from the nightmare of the 1980's. This so-called Contract With America calls for massive tax cuts, increases in defense spending, and a balanced Federal budget by the year 2002. Even if defense spending is not increased, the House Ways and Means Committee's tax cuts will cost $630 billion over the 10 years. That cost will have to be paid for, along with over $1 trillion in additional spending cuts, in order to balance the Federal Budget by the year 2002.

Well, I made that mistake in 1981. But this is one Senator who is not prepared to make the same mistake again. I do not intend to vote for any tax cuts this year—not President Clinton's and not the House Ways and Means Committee's proposal.

We say we are for deficit reduction, and I am for deficit reduction. I am for cutting spending where we can do so in a fair and equitable manner and at the same time deal with our investment deficit in this country. We have not only a trade deficit, not only a fiscal deficit, but we also have an investment deficit, an infrastructure deficit.

I am opposed to enacting spending cuts to pay for tax giveaways. Any savings we can make should go toward reducing our deficit not lining somebody's pockets.

My amendment provides that it shall not be in order in the Senate or House of Representatives to consider

> Any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in tax receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.

My amendment also creates a requirement that a waiver would require an affirmative vote of three-fifths of Senators duly chosen and sworn, as would an appeal of the ruling of the chair.

I urge Senators to support the amendment. If the rhetoric about balancing the budget which has been flowing fast and thick in this Congress since we convened is to be believed, we need to take this important step.

Any private citizen paying attention will know that these huge deficits will never be reduced if we are subsidizing wealthy tax payers with back-loaded tax cuts at the same time we are trying to reduce the deficit.

How ironic that we are voting before this day is over, voting to shift the control of the purse, vested in the hands of the people's representatives in Congress, voting to shift that power to an executive, in the name of reducing deficits, in the name of balancing the budget on the one hand and, on the other, let flow from our lips the utter folly of advocating a tax cut. For what reason? To get votes.

Let us not stretch our already fragile credibility to the breaking point by continuing to pretend that these obviously incompatible goals—massive tax breaks and reduced deficits—can ever by reconciled in the real world.

AMENDMENT NO. 350, AS MODIFIED TO AMENDMENT NO. 347

Mr. President, on page 2, line 10, I modify my amendment and I ask unanimous consent to modify it by striking "1974" and inserting "1985."

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 350), as modified, is as follows:

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i)".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

Mr. BYRD. Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been listening with keen interest to the excellent remarks made by my great friend and colleague from West Virginia. I want to compliment him, once again, for being able to seize the key elements that tell the truth as it is. I am rising now principally to support the amendment that has been offered by the senior Senator from West Virginia and to address what he had to say about the history of the lack of fiscal management. I think it points out just how important the amendment he is offering tonight and why it belongs on the important piece of legislation before us.

This amendment would strengthen and reinforce the pay-as-you-go requirements in the current budget law. And certainly, Mr. President, I think it deserves our support. If only we had something like this during those other times when we went down that rosy scenario road that the Senator from West Virginia outlined.

I would like to take a few moments to discuss the logic of supporting the current law, which fits right in with the amendment offered by the Senator from West Virginia.

Mr. President, the current law requires the Government to account for annual appropriations spending separately from permanent changes in taxes and entitlements. It is unwise for the Government to use savings promised by budget process changes to pay for tax cuts or entitlement expansions, which, by their very nature, are permanent and require no additional congressional action. They, theoretically, are there forever.

Under section 251 of the Balanced Budget and Emergency Deficit Control Act, annual caps on budget authority and outlays limit discretionary spending. Pay-as-you-go procedures in section 252 of the act control mandatory spending and taxes. The law setting forth these pay-as-you-go procedures does not, in any way, mention changes in the discretionary spending limits.

The appropriations caps constrain the total amount of money that the Congress may appropriate. They do not, by themselves, spend money, nor can anyone know that they will save money until Congress has enacted every appropriations bill for the year in question. The Congressional Budget Office scores only actual appropriations, because they provide the actual authority to spend. Changes in the caps, on the other hand, do not yield immediate budgetary savings. If Congress reduces the caps, subsequent appropriations bills, later appropriations, after-the-fact appropriations are the ones that determine whether or not we live up to the goals that we have outlined.

The amount saved would not be available. I emphasize that again, Mr. President. The amount saved would not be available to offset legislative changes in entitlements or taxes.

The Congressional Budget Office thus believes that it cannot include cap reductions on the pay-as-you-go scorecard without a change in the law. Sound reasons for support of the structure of the law—that is important. That is sound reasoning. Congress appropriates spending, year by year, one year at a time.

Entitlement spending and tax cuts, on the other hand, often go on and on and on forever unless Congress takes an affirmative action to trim them back. To rely on budget processes, changes that promise to constrain appropriations in future years to pay for tax cuts or entitlement expenses, is like buying an unaffordable new house based on the expectation that a person is going to get a substantial raise each and every year that follows. It might work. But then again, Mr. President, it might not. Most times, it has not worked. We should not base our Nation's fiscal policy on such promises and guesswork.

Under the current law, rewards follow responsibility. The law holds appropriated spending responsible for breaches of the appropriation caps, and holds legislation under the jurisdiction of authorizing committees responsible for entitlement and tax law changes that do not pay for themselves. Allowing committees of the Congress other than the Appropriations Committee to get credit for reducing appropriation caps will encourage those committees to look to the appropriated spending rather than to themselves for deficit reduction.

The law links deficit reduction burdens and benefits, and we should keep it that way.

A few days ago, the House Budget Committee reported out a piece of legislation that would have allowed future reductions in appropriation caps to be counted to offset the tax cuts, those tax cuts that Senator BYRD outlined just a few moments ago.

My concern is, what is to stop the House Budget Committee from including such a provision in the budget resolution that they may report next year? The amendment by the Senator from West Virginia would ensure—I repeat, Mr. President—the amendment offered by the Senator from West Virginia would ensure that they could not profit from such a provision that on its face is so phony.

The amendment of the Senator from West Virginia would help to ensure that any savings achieved from lowering the appropriation caps would go to deficit reductions. We all know now and we all understand that that was the reason for the caps in the first instance, to try to bring sanity to the fiscal irresponsibility we have experienced for far too long. The appropriation caps under this bill would go to deficit reduction. I suggest that that is the way it should be.

The amendment offered by the Senator from West Virginia simply would make it more difficult to alter the existing law. He would preserve the pay-as-you-go procedure that has served Congress so well over the past few years, and make sure they are effective in the future.

Mr. President, I urge Senators to support the amendment offered by the Senator from West Virginia.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have just read the amendment from the distinguished Senator from West Virginia. I regret, Senator EXON, that I did not get to hear your entire argument.

Mr. President, I do not think the Senate should adopt the Byrd amendment because I think it is redundant, and I do not think we need it. I would like to explain why.

On the 28th day of February of this year, in response to an inquiry that I as chairman of the Budget Committee made to the Congressional Budget Office, in the last correspondence signed by Robert Reischauer as Director, in response to two questions, the second of which was: Can legislation that reduces the discretionary limits—that is, the caps—be counted on the pay-as-you-go scoreboard?

Now, essentially, this question is answered in a rather lengthy paragraph which I will read shortly. Essentially, it says "No."

Now, what has happened is in the 1990 summit, followed by a reconciliation bill later on, the U.S. Congress distinguished appropriated accounts from taxes and entitlements and mandatory spending in two very fundamental ways.

First, as to appropriated accounts, they were to be governed and controlled by a mechanism called caps. That means that literally, until 1998, there is an actual dollar number already existing for all of the appropriated accounts including defense. So we add them all up, Senator EXON, and there is a literal dollar number. Later on, from time to time, we might change those caps. But they are, nonetheless, caps.

What happens is that if we break those caps the budget is held harmless and returned to that level by a sequester, an automatic across-the-board cut of appropriated accounts.

If we come in under those caps then that money does not go on any scorekeeping card nor is it counted as a reduction in the caps unless you do that, and until the year's end nothing happens to that money because it is still subject to appropriation under the caps.

Now, that is one way of treating the combination of defense spending and appropriated domestic money. That is how it is treated.

Now, the rest of Government—that is, entitlement and taxes—are treated differently. They are treated under language called pay-as-you-go. Let me read what the Director of the OMB has to say about pay-go accounts.

Here is where I think our good friend, Senator BYRD, got the idea that we needed to put a new law in place. Unless it is to tweak the House, because they went through an exercise of saying they were going to pay for taxes with appropriated accounts. CBO says they cannot do that.

This is the CBO Director's response to that question. One, the Office of Management and Budget contends that current law allows a reduction in spending limits to offset increases in spending or losses of receipts on the pay-as-you-go scoreboard.

The Congressional Budget Office disagrees. The current budget enforcement process reflects a clear decision by the lawmakers that discretionary spending—a subject matter of Senator BYRD's amendment—that discretionary spending would be subject to different budgetary control mechanisms than would be applied to mandatory spending and receipts or taxes.

> Under current law [law that is in effect tonight] discretionary spending is limited by annual caps on budget authority and outlays. If enacted, discretionary appropriations for any year exceed either cap, an across-the-board sequestration of nonexempt appropriations would lower discretionary spending to the level of the caps.

I stated that a little while ago. Now it is being stated in the language of the CBO director, Dr. Robert Reischauer:

> Mandatory spending and revenues are controlled by pay-as-you-go procedures. Under PAYGO, OMB and CBO track all mandatory spending and revenue legislation enacted since the BEA. If at the end of a session of Congress such legislation has, in total, increased the deficit for the current and budget years, spending for nonexempt mandatory programs is cut by the amount of the increase. Section 252 of the Balanced Budget Act, which governs enforcement of the PAYGO procedures, does not refer in any way to changes in the discretionary spending limits.

Which is what is worrying the distinguished Senator from West Virginia:

> The limits on discretionary spending included in the BEA and OBRA-93 constrain the overall amount of money that the Congress may appropriate in a given year. They do not by themselves create new budget authority or outlays, and CBO and OMB have not reflected the limits in their scorekeeping systems. CBO scores only actual appropriations, because they provide the authority to spend. Changes to the discretionary spending limits thus do not yield immediate budgetary savings. If the discretionary spending limits were reduced, the savings would be achieved through subsequent appropriations bills, but the amounts saved would not automatically be available to offset legislative changes in mandatory spending or receipts.

That is the answer to the question and why we do not need the amendment. Let me repeat:

> If the discretionary spending limits were reduced, the savings would be achieved through subsequent appropriations bills, but the amounts saved would not automatically be available to offset legislative changes in mandatory spending or receipts. Therefore, CBO believes that reductions in the discretionary spending limits cannot be included on the PAYGO scorecard without a change in law.

I hope this information has been satisfactory, he says to me, writing this letter.

Mr. President, I have the greatest respect for the Senator from West Virginia. And I have great, great empathy and concurrence with the notion he is trying to achieve. The budget resolution produced by the Senator from New Mexico, coming out of our Senate committee, will follow this law. If we reduce the discretionary caps the money allegedly saved will not be available for the pay-as-you-go scoreboard, which is the only place it could have gone to make room for tax cuts. And it does not go there. It does not go there by law.

So there is not any need to now say you cannot use savings by reducing the caps to offset taxes because that is the law. That is what the director of CBO says. That is what our Parliamentarian is going to say. I do not think there is any doubt about it. A point of order will lie, and we do not need to create it in a new piece of legislation because it already would lie if you attempted to offset in some way the savings that will come from reducing appropriations to pay for tax cuts.

Incidentally, if there really was reason to do this it would be because the President of the United States—and that is stated in this letter, implicitly, at least—made a mistake. He found room in his budget to pay for his so-called middle-class tax cuts by cutting appropriated accounts—lowering the caps. As a matter of fact he made two mistakes.

First is, he cannot do that. You need to get a waiver here. It should not be in a budget without a clear statement that I need a 60-vote waiver in the Senate because the law prohibits me from doing that. That is one mistake.

The second mistake, he used phony numbers. First he increased the caps impropitiously, in a manner not prescribed by law. And then he reduced the caps to count some savings. And then he counted the savings to pay for the tax cuts. Every single step of that is either illegal or phony or a combination thereof.

That is not going to happen in a budget resolution in the Senate because it will get caught right here on the floor. If I try to do it when I put that budget resolution up there for debate, Senator BYRD will get it. He will stand right up and say, "You cannot do that." So let me suggest, he is not going to get a chance to do that because I am not going to do that. I will not bring a budget resolution to the floor of the U.S. Senate as chairman of a committee that flies smack in the face of this letter from the Congressional Budget Office that says that is not the law.

So, if anybody needed any assurance that is not the way we are going to do it here, you got it right now, because we are not going to do it that way.

Well, I should not say it. If 61 Senators want to vote that we do it that way, we will do it that way, the 61 votes are prescribed in this amendment also as a way to waive it. You do not need that either.

So I regret coming down here. I think I made a case, however, and I do not think I harmed Senator BYRD's position at all because I think he makes the right point. But I do not think we need the amendment. Frankly, if there is anything else we have to do by way of amending the Budget Act we are going to have some more hearings. I have committed it to the Budget Committee. We will get onto some other changes in the Budget Impoundment Act. There are a lot people want to do. Besides, I am not at all sure—I say to my friends on the other side—how soon this line-item veto will get out of conference. There are some very big differences between this bill as it leaves the U.S. Senate and the bill that the U.S. House of Representatives passed. There are very, very big differences.

As a matter of fact, I think we will have a budget resolution on the floor, I say to my friend, Senator BYRD, before that conference report will ever get back. So this amendment, if it is on there, is not going to help that situation. But I am here to say I am going to try to help because I do not have to give a speech as to why, why we should not use appropriated accounts, the Paygo accounts. We went through that. We spent weeks on end figuring this out. There is no intention whatsoever to use discretionary programs of this country to pay for tax cuts or entitlement increases, and I do not think that is the way it is going to be.

And I do not think that is the way it is going to be.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOMENICI. Yes.

Mr. BYRD. I have no doubt that the distinguished Senator from New Mexico means exactly what he says. He has no intention of doing that. That is not what the House is saying. The House wants to change the law. I do not want to see the law changed. I think we ought to have this amendment. This would also apply to any reductions in the discretionary spending limits which might occur pursuant to any budget resolution in the future.

The Senator from New Mexico agrees that the summit agreement—we were both there—and resulting Budget Enforcement Act do not allow domestic spending cuts to be used for pay-go. This amendment will make it perfectly clear that any reductions in discretionary spending limits will be used for one purpose only, deficit reduction.

Does the Senator from New Mexico agree that that should be the case?

Mr. DOMENICI. Did I yield for a question? I thought I still had the floor.

Mr. BYRD. The Senator does.

Mr. DOMENICI. The reason I say that is that I am supposed to be somewhere in a minute. I want to get the floor back, and then I will yield very quickly.

Let me just make this point. There have been some discussions on the floor of the Senate about the amendment that is going to pass, the line-item veto that is going to pass. There has been some discussion about how different it was in the original Domenici-Exon line-item veto. Let me just say there is one aspect to this line-item veto that the American people ought to understand, and that Senators ought to understand.

First, I will premise it on the following. None of us really knows whether this will be a significant shift of power, whether Presidents now or in the future will use line-item veto to gain some significant leverage that they should not have or a myriad of other concerns that are on the side of those who are reluctant to vote for this.

But I might suggest there has been one exchange made in the Budget Committee and carried over here, and even made a little better. That is a sunset provision. This bill, as it leaves here in a compromise between the distinguished Senator from Arizona and the Senator from New Mexico, carries a 5-year sunset. That means that if we look at this maybe in 3 years and it is not working too well, or in 4 years, clearly when that 5th year comes, it is gone. If Presidents in the meantime choose to make it this big power shift, you see that this sunset means that we do not have to send them anything.

But if we send them a new bill, there will not be any law on the books. So they will not have the veto pen out to make us do it their way. That is if we are going to pass another law to change it or modify it. I think everybody should know that. That is a bit of protection for the uncertainties that come with legislation of this type.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOMENICI. Yes.

Mr. BYRD. I thank you for that. That is the only good provision in this package that we are about to vote on tonight; the only good provision. I fully support that provision.

But I call attention to the distinguished Senator's statement in the "Report on the Legislative Line-Item Veto Act of 1995." Senator DOMENICI, according to this statement, "The Additional Views of Senator Pete V. Domenici"—I do not know what the "V." stands for; I want Pete to tell me what that is:

> I do not support S. 4 because I believe it will delegate too much authority to the President over the control of the budget . . .

I do not believe he supported S. 4. I think that S. 14, which represented his views, is the bill that we ought to be passing. And that is the bill with some important additions that the distinguished minority leader introduced as a substitute. He included the additions on taxes as well, which was an improvement. I am sorry that the Senator objected to that. But I supported that measure when the distinguished Senator's committee reported it out.

I thank the Senator. I am glad that there is that sunset provision:

> Boast not thyself of tomorrow, for thou knowest not what a day may bring forth.

I do not know whether I will be here 5 years from now. None of us know. Not any man or woman in this Chamber can foresee whether he in truth will be here when that 5 years rolls around. But that is within my present term, and although I intend to be running that period, planning that year for the next election, the next year, I cannot boast myself of tomorrow because I do not know what a day may bring forth.

But I hope I am here when that sunset provision runs out because I want to do everything I can to see that this monstrosity does not have a future life, as much as I do believe in a future life.

While I am on any feet, I want to compliment the distinguished Senator from Arizona. He has fought for this legislation over the years. I do not think this is the legislation he really wants. It is not the legislation that he agrees that he has expressed support for over the years, but he is about to achieve a victory of sorts.

I compliment him on a job well done.

I thank the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to the Senator, the "V." in my name is my mother's maiden name. Her father was named Pete—like me—Vichi, V-i-c-h-i. She wanted so much to have as much of her father as she could. She gave me his first name, and she gave me his initial, and then my father insisted that I, nonetheless, have his name. So that is where it came from.

Mr. President, I want to make one other comment. The legislation is different in another way. The sunset is brief. It is 1 year shorter than previously reported out of the committee. But there is another thing. I know this would never be enough to convince the distinguished Senator from West Virginia. But this does make it such that individual vetoes can be voted on separately in the U.S. Senate. They do not have to be packaged, as in the original McCain proposal or the original Domenici proposal.

And, in a sense, for those who do not like the line-item veto, or are worried about it or frightened of it, that is thought to be a little better protection than if you have to vote, like the military BRAC Commission, take it or leave it. At least you can take one at a time. That is one other aspect of this that I thought we ought to put on record as being different and changing things a bit.

I yield the floor.

Thank you, Mr. President.

Mr. EXON. Mr. President, before my good friend and colleague leaves the floor—I know he has another matter—I just wanted to make a few brief comments. First, that I have had a very close relationship with the chairman of the Budget Committee for a long, long time. Although we do not always agree, we have a good working relationship that is going to carry through in the future. I hope to try to solve the mammoth problems that are going to be pushed off on the Budget Committee, and to help where the decisions have to be made.

I have listened to the statements he made in opposition to the amendment offered by the Senator from West Virginia. I listened very carefully to the quotes he made by the former CBO Director, Dr. Reischauer, who is no longer there. We have a new CBO Director now. I agree, I think, almost word for word, paragraph by paragraph, point by point, with everything the chairman of the Budget Committee said. Then why are we arguing? We are arguing because the chairman seems to feel that just because we have a policy that has existed in the past, that that is going to continue to be the policy in the future.

Senator BYRD, I think, has no quarrel with what the Senator from New Mexico is saying. We have no quarrel with what Senator DOMENICI says he intends to do. Senator BYRD has a quarrel, and I have a quarrel, and I think you, Senator DOMENICI, have a quarrel with what is going on on the other side of the Hill.

What we are trying to do—since this measure that is going to pass is going to be the law of the land—is to put into place, in law, once again now, provisions to tell the House of Representatives that we are not going to allow them to continue what they are doing, which is in violation of what Dr. Reischauer previously said.

I think we all agree. I think what we are simply saying to my friend, the chairman of the Budget Committee, is if you agree with Dr. Reischauer, then you agree with Senator BYRD. The only disagreement you seem to have is that it is redundant and it is not necessary.

I would simply say that I really think this amendment is obviously necessary, given what is going on in the House of Representatives today in that Budget Committee. And we have a new director over there of the Congressional Budget Office. What is to stop the Budget Committee from telling the Congressional Budget Office to do differently in the budget resolution than what Dr. Reischauer had indicated earlier, as was extensively and accurately quoted by the chairman of the Budget Committee.

I would simply say that I believe we are talking by each other as we do often times here in this body. As near as I can tell, Senator DOMENICI, the chairman of the Budget Committee, Senator BYRD, myself, and many others all agree. And if the only reason not to adopt the Byrd amendment is because it is redundant, then this is the time when redundancy is vitally important because of what is going on in the House of Representatives. The House's recent actions are anything but redundant with regard to what we have done in the past.

All Senator BYRD is trying to do with this amendment—and I am surprised that there is opposition on the other side—is to say, let us keep doing business the same way we have done it in the past. Some people say you do not have to say that because it is redundant.

Well, just look at what is going on in the House of Representatives today. They are making cuts in vital programs for infants and children and mothers and senior citizens, and all the underprivileged of the Nation, for the purpose of putting in a tax cut that benefits primarily the wealthiest citizens of this Nation. They are only going to be able to do that over there if they make some changes in the rules and regulations that we have followed in the past.

What Senator BYRD is simply saying, I say to my colleagues on both sides of this aisle, is let us not fool ourselves again. Let us not go down that path that we did in the 1980's by charting new courses and going through rosy scenarios and inventing systems such as what—I have always called the laughable curve. I think it was really the Laffer curve, but I called it the laughable curve. The laughable curve in the 1980's is back with us once again under a different name. It is rosy scenario. It is changing the rules.

All that Senator BYRD's amendment tries to do, and I think the chairman of the Budget Committee agrees with it, if I heard him correctly—and he is a very honest and honorable man—is let us leave things the way they are. In this very important new piece of legislation that in some form is going to become the law of the land let us say once again that we are not going to be carried off course, and that we are going to be using the cuts that we make to reduce the deficit and not to irresponsibly, irrationaly, and unreasonably make tax cuts that even the Senate committees run by Republicans on this side of the Capitol, indicate do not make sense.

The Byrd amendment makes sense. It is in keeping with what I think is the feeling of my chairman, Senator DOMENICI of the Budget Committee. I cannot see why we are arguing about something that we seem to all agree with. If the only argument not to accept the Byrd amendment is that it is redundant, then it is the type of redundancy, Mr. President, that we need.

I yield the floor.

Mr. President, I understand that the Democratic leader would like to speak on this amendment.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Thank you, Mr. President. Let me commend the distinguished Senator from Nebraska for his comments. I feel very strongly about this issue as well. And I commend the distinguished Senator from West Virginia for offering the amendment.

It is appropriate that this is the last amendment. It is appropriate in part because the distinguished Senator from West Virginia has made it clear all along that there are some very fundamental concerns here, and one of the biggest concerns we have is the vagary of the legislation to begin with. There is a vagary on what the scope of tax legislation is. There is a vagary on its constitutionality. There is a vagary, frankly, on the balance of power, as the Senator from New Mexico just indicated. We are not sure what this is going to do. We are not sure just how much of a shift down to the White House this may represent. There is certainly a vagary with regard to the degree of practicality or of the prudence in taking a simple bill and making it 1,500 or 2,000 pages. There is a lot of vagary here. But how ironic it would be if in the interest of deficit reduction, with all the other vagaries, we did not even know this was going to reduce the deficit, we had no idea whether or not ultimately we were going to accomplish what I thought brought us here in the first place, which is to reduce the deficit. That would be the ultimate irony.

All the distinguished Senator from West Virginia is saying is let us be true to our goal. If we are going to do this, let us be absolutely certain there is no mistake about why we are doing it. Before we vote on final passage, regardless of what assurances we may be given by CBO, regardless of what budgetary guidelines normally we must follow—as the Senator from Nebraska has so appropriately said, we do not know what is coming over from the other side. We do not know how many times things may come over from the other side that will dictate a situation that could otherwise undermine the intent of this legislation.

So let us be clear. This is our last opportunity to say with an exclamation point, "Here is why we are doing it. This is why it is important." If we are going to line-item veto specific provisions in the bill, then it better be designated for one purpose and one purpose only. Regardless of the agenda in the Contract With America, regardless of what intentions the House may have, we now know that it is going to go to deficit reduction because of the Byrd amendment.

So I think it is very appropriate that this is the last amendment because it ought to clarify with no equivocation why we have spent the last week debating line-item veto.

We are not supporting a line-item veto because we want to offer an agenda for tax reform or tax cuts, for tax cuts that we may not want. That is not why we are doing this. We do not want to provide more opportunities to cut taxes and create even greater imbalance between the wealthy and the middle class in this country. That ought to be a fight for another day. What we are here for is to reduce the deficit. What we are here for is to be absolutely certain that if we have designated the President with new powers, we understand what those powers are for. It is to reduce the deficit and nothing else.

So I hope that colleagues on both side of the aisle, regardless of whether they think we have said it loudly enough or clearly enough, can appreciate the concern for vagary once more in this legislation.

The courts are going to determine whether or not this is constitutional. Ultimately, we will probably be able to determine what kind of a shift in the balance of power results. The courts will also determine, I suppose, what will happen with regard to the scope of tax legislation, but we ought to be the ones to determine for what the line-item veto is going to be used. And if we determine it, we have our opportunity with this amendment to say it is going to be used for deficit reduction and that is it.

So, Mr. President, there is nothing more to say than that. The purpose of this amendment is very clear. Again, as so many amendments that we have offered have attempted to do, we are trying to improve this legislation in a way that allows us the confidence that, indeed, we are doing what we say we want to do.

So I commend the distinguished Senator from West Virginia for the amendment. I am very hopeful that in an overwhelming bipartisan consensus we can adopt it before this bill is enacted into law. And with that I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will be very brief in my remarks.

I first want to rise in support of the Byrd amendment. As everyone here knows, the House Budget Committee last week proposed a change in the Budget Act that would permit reductions in discretionary spending to be used to offset lost revenues resulting from tax cuts, rather than to reduce the deficit. This is one of the most irresponsible proposals I have seen since coming to the U.S. Senate. Everyone in Congress speaks loudly and clearly about the need for spending cuts in order to reduce the deficit. However, one of the first things the new Republican majority in Congress has proposed is to, rather than reducing the deficit, cut spending on programs that help some of the neediest people in the country so that we can pay for tax cuts for some of the wealthiest people in America.

I heard the distinguished Chairman of the Budget Committee, Senator DOMENICI, argue that the Byrd amendment would replicate current law. While that might be technically true, given the House Budget Committee's actions last week, the Senate needs to go on record in opposition to using spending cuts to pay for tax cuts. These cuts must, and should, be used to reduce the deficit. I urge my colleagues to support the Byrd amendment.

I also would like to spend a few minutes discussing the Dole line-item veto proposal that will be voted on tonight. I want to pay tribute to my esteemed colleague from West Virginia, Senator BYRD, who, in my opinion, is always on the side of the angels when it comes to assaults on the Constitution, always on the side of the angels in understanding what James Madison and John Jay and Alexander Hamilton meant when they talked about the separation of powers.

The first time I ever heard that expression I was in the ninth grade. The concept of separation of powers was refined for me somewhat when I read the Federalist Papers for the first time when I was an undergraduate student at the University of Arkansas. Then I went off to law school and studied a full course in constitutional law and almost a full course on the Federalist Papers. It is a tragedy that every high school student in this country does not have at least one semester on that sacred document called the U.S. Constitution.

John Jay, Alexander Hamilton, and James Madison created the concept of the separation of powers as a method of protecting the public. They put it in the Constitution because it was an important idea that should not get swept away with a momentary trendy, popular idea. So here we are with a very momentary, popular, trendy idea that could very well be an unmitigated disaster for the country—the Dole line item veto proposal.

I remember when I was Governor of Arkansas 250 magnificent prints of a mockingbird showed up to be signed by the Governors of the five States that had the mockingbird as their State bird. When these prints arrived I spent all night long signing my name 250 times on those prints. And of the 250, I got 50, Preston Smith in Texas got 50, the other three Governors got 50, They all spent all night long signing their names, too.

We are going to see similar signing ceremonies if the Dole proposal ever becomes law. Poor President Clinton. He does not sleep very much as it is. I have known him for years. He gets by on less sleep than anybody I have ever known, but he cannot get by with the 2 hours a night that will be left if he is forced to sign all those billettes sent up by Congress.

Mr. President, I would not be surprised if within 2 years from this moment, the Dole proposal will have been found to be such a disaster, so unworkable, there would be a clamor to repeal it.

Mr. President, I went to Wake Forest 3 or 4 weeks ago to speak at a convocation of their law school. The subject of my speech was on the "Trivialization of the United States Constitution." While we are not dealing with a constitutional amendment today, we are dealing with an assault on the Constitution.

I voted for Senator HATCH's amendment to try to retain some semblance of the constitutional balance or power. Can you imagine what FDR would have done when he called the Supreme Court those nine old men who kept striking down the laws that he was trying to get passed to get this country moving again—nine old men. He detested them. He wanted to pack the Court by putting six more members on the bench. At first, everybody thought that was pretty good idea. Just like at first everybody thinks the Dole proposal is a good idea. All of the sudden, the people of this country decided that was one thing they did not want FDR to have the authority to do.

But can you imagine the President of the United States having a line-item veto on the Supreme Court? The Constitution would prohibit him from cutting their salaries, but he could sure turn the lights out. He can cut the heat off. James Madison would just be whirling in his grave if he knew this debate was going on.

We, as Members of Congress are not perfect. There is plenty of pork to go around. Anybody who beats his chest on the floor of this body and says, "I'm above that" is not being entirely truthful. All you would have to do is ask that Senator how he or she voted on the space station. That is the biggest piece of pork in the history of the world. How did they vote on the super collider, the second biggest piece of pork in the history of world? How did they vote on that $400 million wind tunnel the other day, the third biggest piece of pork? No, it is that little $1 million lab down in some poor rural state that is pork.

So, Mr. President, as I say, we are not perfect.

But we have been doing some things right. Over the last several years we have taken a number of concrete steps in an effort to deal with the deficit. If we are serious about the deficit, we need to agree to work in a bipartisan manner and say to the American people, "Yes, we are going to get the deficit under control and we are not going to squander the opportunity to get the deficit under control by putting out a politically inspired tax cut to people who do not want it."

So we have a golden opportunity. And instead we are squandering it with another assault on the Constitution by shifting the power of the purse to the executive branch. We want the President to be king.

The one thing the Founding Fathers in 1787 said in Philadelphia, "We have had enough kings. We don't want any more kings. We are going to have a President."

And until this moment, they have succeeded magnificently. We have had 42 Presidents and no kings. I wonder how much longer that is going to last.

I yield the floor.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, on behalf the chairman of the Budget Committee, I make a motion to table the Byrd amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to table the amendment of the Senator from West Virginia. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

I also announce that the Senator from Alaska [Mr. STEVENS] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 48, as follows:

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—49

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Gramm
Helms
Stevens

So the motion to lay on the table the amendment (No. 350), as modified, was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 347

Mr. DODD. Mr. President, I rise in opposition to the separate enrollment bill offered by Majority Leader DOLE because I do not believe that it represents a true compromise. I cannot support legislation that requires a two-thirds vote of both Houses of Congress to disapprove a presidential item veto because I see it as an unwarranted tilting of the balance of power away from Congress—the branch of government that is closest to the people.

I believe that separate enrollment legislation would be both unconstitutional and unduly burdensome. This bill requires the enrolling clerk to enroll each individual item in appropriations bills or legislation that includes new entitlement spending or a new targeted tax benefit. The definition of a targeted tax benefit is ambiguous, and the application of new entitlement spending is unclear.

What is clear is that this slice and dice approach could break up one bill into more than 2,000 separate pieces of legislation. As Senator BYRD noted, if separate enrollment requirements had been in place last year, it would have required the President to review 9,625 separate appropriations measures, instead of just 13 appropriations bills. Separate enrollment would surely be a boon to the Presidential pen manufacturers industry, but a logistical nightmare for everyone else.

I have always been very concerned about line-item veto legislation. But, I could support a reasonable version this year because of the environment in which we now find ourselves.

We recently completed a lengthy debate on the balanced budget amendment. That proposal failed—fortunately, in my view. But at least five other Constitutional amendments—on tax limitation, term limits, unfunded mandates, school prayer and flag burning—are waiting in the wings.

The new Congressional leadership has expressed an unprecedented desire to enact the Republican agenda not only in statute, but into the permanent Constitution of the Nation.

This is the context in which I am willing to support statutory changes that I might not otherwise have endorsed. In contrast to Constitutional amendments, we can easily change statutory language if we find that it has not met our expectations or has had unintended consequences.

I support the substitute offered by Senator DASCHLE. I believe it is a reasonable line-item veto alternative. It requires both Houses of Congress to vote on a President's rescission list and sets up a fast-track procedure to ensure that a vote occurs in a prompt and timely manner.

My change of heart is not based on a belief that strengthened line-item authority will be effective in curbing spending. It is based on a willingness to give a reasonable measure a try.

Line-item veto legislation has always been trumpeted as a critical tool to reduce the deficit. Its supporters argue that any Constitutional concerns are eclipsed by the need to rein in a free-spending Congress. They argue by anecdote that strengthened rescission authority is essential to impose fiscal discipline and eliminate egregious pork-barrel spending. There is, however, little evidence that line-item authority reduces spending in any significant way.

Here is what the experts have to say. According to the Congressional Budget Office: "* * * the potential for the item veto to decrease the deficit is uncertain." The General Accounting Office states: "* * * rescissions cannot be expected to serve as a significant deficit reduction or spending limitation tool."

If one doubts the effect of rescissions on the Federal budget, we can look to the example of the States. Forty-three States grant their governors line-item veto authority. Studies have shown that less than 1 percent of budgetary savings is typically achieved by these States through the item veto. The State of Wisconsin—which has one of the most generous item vetoes in the Nation—is a good case study. An analysis of 542 line-item vetoes in Wisconsin found that budget savings attributable to the Governor's use of item veto authority ranged from only .006 percent to 2.5 percent.

Former President Ronald Reagan was one of the most vocal champions of a line-item veto. In fact, in honor of his persistent support, the House passed its line-item bill on his birthday. The fact is, however, that when the former President was Governor of California, he used his line-item authority to rescind an average of less than 2 percent of the State's budget.

While its impact on spending levels is likely to be small, the DOLE legislation raises important Constitutional separation of powers questions. Granting new rescission authority would shift the delicate balance of powers our founders established, and would inordinately increase Presidential power over spending priorities.

The framers did not flip a coin to divvy up powers among our three branches of government. They were familiar with tyranny and were concerned about vesting too much power in the hands of any one person. They believed that the Nation's priorities should be determined by a large and highly accountable body of representatives. They wanted Congress to make public policy by deciding whether and how much money should be allocated. So they specifically granted the power of the purse to Congress—not to the President.

In Federalist 58, James Madison wrote:

> This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

Strengthening the President's power over the purse could yield dangerous and unintended consequences. Expanded line-item authority could be used to arm-twist individual legislators into adhering to the president's political priorities. Legislators could be coerced into supporting policy positions out of fear for vital projects in their State or district.

It is clear that granting greater line-item authority increases an executive's say over not just how much money will be spent but also over what will be spent. In the hands of a creative and aggressive chief executive, this power could be wielded to subvert the most basic decisions and policies of the legislature.

The line-item veto can be taken to ridiculous extremes by strong chief executives. In Wisconsin, Governor Tommy Thompson has exercised his generous line-item authority on some 1500 occasions. Governor Thompson has been unafraid to wield his veto pen, and he has been imaginative in doing so. He has gone so far as to delete individual letters, words and lines from the budget to stand the legislature's intent on its head.

The Governor's prolific and inventive use of the line-item veto attracted a great deal of attention in his State—so much so that Wisconsin citizens voted to amend the State constitution to bar the Governor's use of the so-called "Vanna White Veto." It was so named because Governor Thompson used his veto to imitate the "Wheel of Fortune" star who came to fame by flipping letters.

Here are just a few examples. In one instance, Governor Thompson was sent a bill establishing a 48-hour maximum detention for certain juvenile offenders. He creatively used his line-item veto authority to increase that limit to 10 days.

In another instance, the Governor gutted a $650,000 clean energy rebate program by eliminating all the words except "$50,000" and "program", thereby providing $50,000 for an unspecified program—mystery pork, you might say. On two occasions, he used his line-item authority to raise taxes.

On yet another occasion, Governor Thompson redirected $83 million of a $183 million property tax relief measure to the State's general fund for other purposes. As one member of the State assembly pointed out, such actions have resulted in the Governor literally vetoing budget items into existence.

While Governor Thompson has been somewhat more inventive than his predecessors in exercising item veto authority, his intent has been the same as his fellow governors. A 12-year study of the State's item veto revealed that Wisconsin's Governors were likely to use the authority to pursue their own policies or political goals—but not to reduce spending.

Wisconsin is not alone. The Congressional Budget Office recently concluded that "although the item veto may affect State budgets, it is more likely to substitute the Governor's priorities for those of the legislature than it is to reduce spending."

While much has been made about the need to increase the President's rescission authority, all evidence suggests that current authority works quite well.

In the 20-year history of the Congressional Budget and Impoundment Control Act of 1974, Congress has enacted more than $92 billion in rescissions, compared to $72 billion requested by six Presidents. This point bears repeating: Congress has rescinded $20 billion more in spending than requested by Presidents over the last two decades.

Earlier this month, one likely Presidential candidate announced that he would not seek his party's nomination. Explaining his decision, he declared that he wanted to focus on real economic issues, but that his party was more interested in gimmicks and procedural issues. That candidate was none other than Jack Kemp.

I believe that the line-item veto is just one more procedural duck designed to serve as a substitute for the difficult and painful budget choices needed to balance the budget.

In less than 2 weeks, the Senate Budget Committee is required by law to report a budget resolution. All evidence suggests that our colleagues on the other side of the aisle have no intention of meeting this statutory deadline. Apparently, when the Congressional Compliance Act was signed into law earlier this year requiring Congress to abide by all laws it imposes on everyone else, the new majority put in a hidden rider exempting Congress from obeying its own internal laws.

The 104th Congress has now been in session for 12 weeks. At least two-thirds of the Senate's time has been occupied considering process changes that would make none of the difficult and painful decisions needed to put our fiscal house in order.

Members of Congress have had ample opportunity to bemoan the economic illnesses our country faces and offer seemingly painless magic potions to cure them. Most of these proposed cures have been worse than the disease. And all have been lacking in the basic political leadership and courage that is necessary to solve our problems.

At the end of the day—balanced budget amendment, or no balanced budget amendment, line-item veto or no line-item veto—we have to roll up our sleeves and get to work.

I am willing to support a reasonable line-item veto proposal. I can support one that guarantees the President a majority vote. But I cannot support any line-item proposal that hands the President plus a small minority in either House of Congress the power to govern.

I am not willing to undermine the delicate balance of powers created by our Founding Fathers in our zeal to respond to a contemporary economic problem.

Mr. DASCHLE. Mr. President, there has been uncertainty expressed regarding some of the language contained in the Dole line-item veto substitute. It is important to clarify the language in order to give guidance to those who will be responsible for implementing it.

The major area of uncertainty has surrounded the definition of targeted tax benefit under the Dole substitute and, in particular, the meaning of "similarly situated taxpayers." I would like to enter into the RECORD a few comments to further clarify this issue.

It has been suggested that "similarly situated taxpayers" may refer to taxpayers who are engaged in a particular activity. Democrats would not disagree with this as one interpretation of the language.

As I did last night, I would like to take an example because I believe this helps focus the discussion. Speaking in generalities can only get us so far, and, as I said, it is important that we provide some specific guidance for those who will be implementing this language.

Suppose that a proposal is raised to provide a tax credit for research expenses incurred by companies promoting conservative causes. I don't believe anyone would argue that this proposal should not be a subject to scrutiny under the line-item veto legislation. Everyone would agree that a tax benefit solely for companies that do research in an effort to promote a specific cause is a special interest tax break. And, as a special interest tax break, it ought to be subject to possible line-item veto.

But, what if someone were to say, "Compared to those taxpayers who promote conservative causes, there is no special treatment here." In other words, what if we define "engaged in a particular activity" as the identical activity for which the special tax break is given. Clearly, this leads to a ludicrous result, and clearly that is not what is intended.

Again, common sense dictates that the particular activity to which the measure should be compared is business research or some broader activity. When this is the comparison group, then we obtain the right result—that is, that the provision is subject to potential line-item veto.

Let me turn another point of clarification, relating to the application of the Dole substitute to direct spending measures. Again, it is important that we make these clarifications for those who will be charged with implementing this legislation.

Nowhere in the language of the Dole substitute does it say that application of the line-item veto will be restricted to increases in direct spending. Both decreases in spending and increases in spending, therefore, potentially will be subject to the veto pen.

The result is that the Dole language would treat direct spending differently from targeted tax benefits. A reduction in entitlement spending would be subject to potential line-item veto, whereas a tax increase clearly would not be subject to line-item veto.

There are the points of clarification I wished to make at this time for the Record. It is my hope and intention that these will provide adequate guidance to those in both Chambers who will face the important task of interpreting and implementing the line-item veto legislation we enact.

Mr. KEMPTHORNE. Mr. President, I rise today to offer my strong support for line-item veto legislation, and specifically the Dole substitute amendment before us today. I would like to thank the Majority Leader and my colleagues Senator McCain, and Senator Coats for their leadership and hard work in drafting a compromise bill that has gained wide support in the Senate. I believe the Dole amendment is good legislation. I hope that my colleagues on the other side of the aisle will join me in supporting this important piece of legislation granting line-item veto authority for the President.

In light of our Nation's $4.8 trillion public debt, which is $18,500 for every American, I believe enacting line-item veto legislation would be an important step to reduce Federal deficit spending. Obviously, line-item veto legislation by itself would not eliminate our yearly budget deficits, but it would create a critical link in our efforts to control and effectively reduce the enormous public debt. I am committed to getting our Nation's fiscal problems under control and I believe line-item veto legislation would help accomplish this difficult, yet attainable, goal.

Whether the Senate approves enhanced rescission, expedited rescission, or separate enrollment, any of these approaches would strengthen the ability the President has to rescind Federal spending or targeted tax benefits.

The central message I hear every day from Idahoans is to reduce Federal spending, balance the budget and lower the national debt. But above all they want Congress to eliminate pork-barrel spending. American taxpayers are tired of watching the Federal Government waste their hard earned tax dollars on unnecessary projects which are not of a national concern.

Mr. President, I would like to share with you a sample of some of the comments I received from Idahoans during the 104th Congress in support of enacting line-item veto legislation:

> Recently the house passed a measure to allow the line-item veto for the President. This is something I feel we desperately need in order to eliminate much of the "pork" that is added to large bills as they proceed through the process. I realize that I may not understand all the implications this power might lend to the executive branch but I feel at least it is better than the uncontrolled behavior that is now practiced by members of the Congressional branch. If individual States need such pork, let that State pay for it. I respectfully request that you pass this measure—Joy C. Roberts, Eagle, Idaho
>
> I believe this measure would discourage the funding of unnecessary programs and reduce government waste—Marc Banner, Boise, Idaho
>
> Line item veto is mandatory to bring back responsible government—Richard Lewis, Pocatello, Idaho
>
> This would help eliminate many partisan and/or irresponsible clauses passing through on the shirt tails of otherwise responsible legislat[ion]—Bill Trammel, Boise, Idaho

Under the Dole amendment, once an appropriation bill, authorizing bill, or any resolution providing direct spending or targeted tax benefits passes the Senate then each item in the bill or resolution will be enrolled as a separate bill or joint resolution. The respective committees will report the bills with great detail so that each item may be separately enrolled. With the President's existing Constitution authority to veto bills, he will be able to review each item in detail and veto any provision separately enrolled.

Opponents of line-item veto legislation believe Congress would unnecessarily grant the President too much power, therefore upsetting the legislative and executive branches' balance of power. Moreover, opponents fear the President will use this line-item veto power to coerce Members of Congress. There is concern the President would be inclined to target funding of particular interest to Members' States as pork-barrel spending and threaten to line-item veto it to gain support for an administration objective. I believe line-item veto legislation will hold the President more accountable to Federal spending programs. The President and Congress will be forced to work together on spending programs.

Enacting line-item veto authority for the President is a top priority of the Republican leadership in the 104th Congress. Forty three States provide their Governors with some type of line-item veto legislation because it works. Idaho is one of these States.

Last January, during President Clinton's State of the Union Address he urged Congress to send him line-item veto legislation for his approval. Various line-item veto bills have been introduced and voted on in previous Congresses, at times when we had a President who wanted line-item veto authority, but a Congress not willing to give him the power. Today, however, we have a President who wants a line-item veto authority, constituents who demand it, and a Congress willing to give him the power. It is time for the Senate to do the responsible thing and pass the line-item veto.

Mr. ABRAHAM. Mr. President, I rise in support of the Dole substitute to the McCain-Coats Legislative Line-Item Veto Act of 1995.

I do not feel it necessary to revisit, here, the stores of dubious spending programs, whether on cranberries, bees, helium, or whatever, that unfortunately find their way into legislation and our bloated Federal budget.

I will, however, repeat what we all know, or at least should know: that we desperately need to regain control over our spending so that we can stop adding to our country's huge and exploding deficit. We must use every means at our disposal to eliminate unnecessary spending, including Presidential vetoes of particular spending programs that have been inserted into larger bills.

Those who argue that this bill improperly hands excessive power to the President ignore the history of Congress' budgeting process or fail to come to grips with its effects on our spending habits.

During the early years of our Republic Congress' appropriations comprised all of four or five pages. Back in the 1940's and 1950's, however, Congress developed the habit of putting riders, in reality spending programs irrelevant to the underlying legislation, on our bills. It was the funding for these riders that Presidents impounded, and it was in 1974, after Congress took away the President's impoundment power, that the legislature began earmarking all funding.

At that point Congress began to pass appropriations bills, laws, and enabling legislation of hundreds of pages in length.

The word "omnibus" no longer finds its way into legislation, but many of the so-called laws Congress passes actually are bundles of laws and appropriations put together for reasons of political convenience.

During most of the 19th and part of the 20th century, Congress passed shorter, more precise, and concise laws that only aimed to accomplish particular goals—setting or better yet eliminating a particular tariff, paying an individual for a particular service, and so on. We also put fewer burdens on our people in the form of taxes and regulations.

It is simply unrealistic to pretend that the legislation that generally comes out of Congress today represents unitary legislation.

In some ways, perhaps, our society requires more complex legislation—to, for example, set forth a complete program that has a number of distinct but mutually dependent elements. But too many of us have come to use complex legislation as a form of cover under which we can hide pork for our constituents. This is wrong, and it should be stopped.

The line-item veto essentially returns to the President a power he already has—that of reviewing legislation and vetoing it if he finds it improper. Discrete programs and appropriations still would be sent to the President as before, only now the President would be able to approve or disapprove of each of them, even when bundled together into a large, more disparate bill.

The line-item veto would provide us with an important tool in combating hidden pork and yet maintain an appropriate balance of power—with a legislative process under which the President may review and even veto any piece of discrete congressional action, and under which we in Congress may, if two-thirds of us agree that we should, override that veto.

Far from taking away our proper legislative function, this line-item veto ensures that we will scrutinize every piece of legislation, every program and spending proposal, to see to it that it is in the interest of the American people. We must restore discipline to our budgeting process and this regulation requires that we examine every proposal that affects the budget to make sure that it is both worth the cost and necessary.

With a line-item veto in effect Congress no longer will reach compromises by giving everyone the spending programs they want because a third party, the President, will hold an effective veto power over each element of that compromise. Instead of being forced to choose between accepting a good program that has been stuffed with pork or vetoing the entire bill, the President now will be able to slice away the pork, leaving the program itself intact.

In this way the President, once again, can serve as a check on overspending by Congress, without taking away our constitutional right and duty to consider and enact legislation in the interest of the American people.

I yield the floor.

Mr. CHAFEE. Mr. President, in September, the Congress will vote to increase the U.S. Government's borrowing authority to over $5 trillion—a regrettable but necessary step to keep our Government afloat. The tragic truth is, uncontrolled Federal spending has effectively saddled every man, woman and child in this country with $18,000 worth of debt. And, deficits continue to pile up at a rate of more than $200 billion per year with no end in sight.

In short, Congress' appetite for spending more than the Treasury takes in, has created a deficit situation that is snowballing out of control. Today, the interest charge alone on our national debt consumes 15 percent of our annual Federal budget. In my view, the deficit crisis is our most significant, and distressing national problem. Absent swift action, our children will inherit a legacy of debt that will reduce their standard of living, and eclipse the American dream.

While the line item veto on its own will not substantially reduce these deficits, it is an important check on special interest spending that today finds its way into dozens of bills signed into law each year. The substitute amendment we are debating today, which has been sponsored by the distinguished Majority Leader, Senator DOLE, would give the President badly needed authority to veto special interest spending provisions and tax expenditures buried in important legislation, without having to veto the overall measure.

In effect, rather than receiving a single bill, the President would receive a series of mini-bills contained within an overall bill. He could then surgically remove or veto narrow special interest provisions, and sign the remainder into law. The Dole substitute would require that all new direct spending provisions, appropriations measures and targeted tax expenditures contained within each bill be enrolled as separate items to give the President this surgical, or line-item veto authority. The Congress could override vetoes with which it disagreed by a two-thirds vote of both houses.

The Dole amendment would give the President the authority to excise pork barrel projects and tax breaks intended to benefit narrow constituencies. Importantly, it would also enable the President to veto new direct spending programs which programs operate without the need for annual appropriations.

During my tenure as Governor of Rhode Island from 1962 to 1968, there were many occasions when I wished I'd had a line-item veto. The situation I faced then was identical to the problem the President confronts today at the national level. Narrow special interest provisions, which could not survive on their own merits, are inserted into critical legislation, leaving the President with a Hobson's choice: Veto urgently needed legislation, or swallow the offending provisions to advance the greater good. The line-item veto is the right prescription for this problem.

Many have expressed concern that giving the President this new authority would undermine the "power of the purse" delegated to the legislative branch under the Constitution. While this concern maybe overstated, there is no question——this is a bitter pill for the Congress to swallow. But it's a recognition that the legislative branch cannot put its fiscal house in order, and that additional checks are needed. Wisely, the Dole amendment includes a 4-year sunset provision, so that we are not committing ourselves to an irreversible course of action.

In closing, I want to commend the majority leader, Senator DOLE, as well as Senators MCCAIN and DOMENICI for working together to develop the Dole substitute to S. 14. I strongly support this amendment and hope that the Senate will adopt this measure with a substantial bipartisan vote.

Mr. DORGAN. Mr. President, I have long believed that giving the President the capability to exercise a line-item veto will be helpful in preventing some of the unsupportable spending projects that are put in appropriations bills without notice, public debate, or hearings.

I voted for the Daschle proposal for a line-item veto today, and I am also voting for the Dole proposal to give the President the line-item veto authority.

The Daschle proposal contains two provisions that were, in my opinion, preferable to the Dole proposal. The Daschle proposal had a broader provision on the line-item veto for tax items. Also, the Daschle proposal called for a majority override on the vetoed provision. The Dole proposal requires a two-thirds vote to override the line-item veto. Both of the provisions in the Daschle bill are preferable to me.

However, the Daschle bill did not receive sufficient votes for passage.

Therefore, I am voting for the Dole proposal. I want the Senate to pass a line-item veto bill this session of Congress, and this is a way to get that done.

The Dole proposal does contain a provision for the veto of certain tax provisions. I believe that is an improvement over previous versions.

Although the separate enrollment requirements of the Dole bill may be cumbersome, I have supported that approach in my cosponsorship of the Bradley bill in the last session of Congress. It is, if not the preferred approach, still a reasonable one.

I want to be clear that I don't think the line-item veto will have much affect on the size of the Federal deficit. But, in real ways, it will bring more discipline to congressional spending. And for that reason I believe it is good public policy.

The line-item veto is one part of a series of reforms that I believe are necessary to change the spending habits in Congress. That is the reason I voted yes on both the Daschle and the Dole proposals for a line-item veto.

AMENDMENT NO. 347, AS AMENDED

The PRESIDING OFFICER. Under previous order, amendment No. 347, as amended, is agreed to.

The amendment (No. 347), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MCCAIN. Mr. President, as I understand the parliamentary situation, under the previous unanimous-consent agreement, Mr. BYRD is going to speak for up to 2 hours.

The PRESIDING OFFICER. Under the previous order, there will now be up to 2 hours of debate under the control of the senior Senator from West Virginia.

Mr. MCCAIN. Mr. President, I have discussed the unanimous-consent agreement with Senator BYRD and he has agreed to allow a new unanimous-consent agreement that would allow for 5 minutes for the Senator from Arizona, myself; followed by 5 minutes by the Senator from Indiana, Senator COATS; and, of course, whatever leader time he wishes to consume.

So I ask unanimous consent that, in addition to the 2 hours controlled by Senator BYRD, following the 2 hours controlled by Senator BYRD, there be 5 minutes for the Senator from Nebraska, 5 minutes for the Senator from Arizona, and 5 minutes for the Senator from Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I thank the Chair. Pending the presence of Senator BYRD, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, under the unanimous-consent agreement, I understand the Senator from Nebraska has been allotted 5 minutes. I would like to take that 5 minutes at this time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. EXON. Mr. President, I will vote for final passage of the Dole line-item veto substitute. As my colleagues well know, I would have preferred another version of the legislation, namely S. 14, which I cosponsored with the distinguished Republican and Democratic leaders and the chairman of the Budget Committee.

However, S. 14 was not meant to be. We had a vote earlier today to substitute S. 14 for the so-called Dole compromise. Unfortunately, S. 14's supporters, of which I am one, did not carry the day.

All vote tallies aside, I still believe with all of my heart that S. 14 is a better bill. As one of its architects, I can say that it is a cleaner bill. It is constructed on sound footing. It is a simple bill without the unwieldy contraptions that complicate and weigh down the Dole substitute. It is a bill that can weather a constitutional challenge.

Yet, I tell my colleagues today that I will vote for the Dole substitute. I will vote for it as our only chance to win a line-item veto. I will vote for it as a last resort to cut pork-barrel spending.

Mr. President, I can support this bill because it is much improved over its original version. In spite of the haste and pressure to ram this legislation through this body, the Senate worked its will in a number of areas. Through the amendment process, we made this a better bill. We made it a bill that Senators from both sides of the aisle can support—albeit reluctantly.

I am pleased to see that many of the concepts that I proposed in S.14 have found their way into the Dole substitute. The bill now contains a sunset provision. It now addresses the critical areas of targeted tax benefits and entitlements.

However, we are not yet in the winner's circle. We will have enormous hurdles to clear in conference. I hope they are not insurmountable. I hope that reason and bipartisanship can conspire to produce a conference report that the Senate can support, and as a Senate conferee one that I can support when we take the final action on this proposition when the conference report is returned to the Senate.

In conclusion, this is not an enthusiastic vote I cast today. I have listened with great interest to my colleagues who oppose this bill. I share many of their concerns. I share many of their suspicions.

I am still leery of the cumbersome separate enrollment process that was tossed into the pot at the last minute. I wish we could have had a thorough hearing on it. Separate enrollment could turn into the dreaded hydra of which Senator BYRD warns. There are also serious constitutional considerations which I believe could haunt us for years to come. Fortunately, we now have a sunset provision that will allow Congress to revisit this legislation in 5 years.

But, Mr. President, I will vote for this bill because it's our only hope for a line-item veto. There is a certain irony not lost on this Senator. Just as the President often has to accept the bad with the good in a critical spending bill, so must I accept the bad with the good in this bill.

Mr. President, I wish we did not need a line-item veto at all. I wish Congress had the raw courage to make the sound fiscal decisions that would make this bill unnecessary. But a rising deficit and a nearly $5 trillion debt underscores the necessity of this legislation.

No, this bill will not balance the budget. No, this bill will not eradicate the national debt. No, this bill will not solve all of our problems with a wave of the hand. No, this legislation is not perfect, but it is one important step to blot out the red ink. It is one important step to put an end to out-of-control spending that is bleeding future generations dry. It is one important step to change the Nation's wasteful spending habits. And that is how we will solve our Nation's fiscal ills—one step at a time. I ask my colleagues to join with me today and take this first crucial step.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia now controls 2 hours.

Mr. BYRD. Mr. President, I will be happy to yield some time, if Senators wish. I ask the distinguished Senator from Michigan [Mr. LEVIN] how much he needs?

I yield 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair. I thank the Senator from West Virginia.

Mr. President, I think it is appropriate for the President to be able to single out spending items that he believes to be wasteful, and to require a separate congressional vote on those items. For that reason, I was supportive of a bill similar to that originally introduced by Senators DOMENICI and EXON. That is why I also voted for the bill that was introduced by the Democratic leader. However, I cannot vote for the bill before us for three reasons.

First, I believe the bill is unconstitutional. The Constitution specifies the mechanism by which laws are made. This bill establishes a different mechanism. We cannot do that. We cannot amend the Constitution by legislation.

Second, the bill would cut up legislation into pieces which standing alone are bits and pieces.

In a statement earlier this week I went through a sample piece of legislation that the Senator from Indiana had put together as a test run of how the bill would work, and the results speak for themselves. The bits and pieces that result would be standing alone, as they are left to do, would be incomprehensible and would bear no relationship to the bill that was passed by the Congress.

Finally, Mr. President, the bill does not achieve its intended purpose of enabling the President to cut spending by vetoing earmarks. I do not think most of our colleagues even realize that. But under the Dole substitute, unlike the original S. 4 or S. 14, if the President vetoes an earmark, he will not save the taxpayers a dime. He still has the appropriations to spend. He will just spend it for something other than the purpose specified by Congress.

The Constitution establishes the method by which laws are enacted and repealed. It specifies how a bill becomes law. It says that when a bill is passed by both Houses of Congress, it must go to the President. It does not have an exception. The bill before us would attempt to carve out an exception. The House bill, which is passed by both Houses, would not under this substitute go to the President. Instead, it gets carved up into bits and pieces, and the bits and pieces go to the President. We cannot amend the bits and pieces. We cannot refer the bits and pieces back to committee. The bits and pieces go to the President as if they were bills passed by the Congress, although the Congress never legislated on those bits and pieces the way we legislate on any bill by having it introduced, having it go through a committee process, a hearing process, an amendment process, a motion process, a conference process. The bill which we passed does not go to the President. The bills which he is given to sign have never been passed by us. That violates the Constitution. We cannot do that.

What is ironic here also is if the President wants to sign a bill in its entirety, an appropriations bill, he cannot do so. He does not have a bill to sign. The bill disappeared. It was splintered into shards. Under this process, if the President wants to sign the bill, an appropriations bill which has been splintered into 500 parts, he cannot sign the bill. He has to sign 500 pieces of the bill even if he wants to sign the whole appropriations. If he wants to veto the entire appropriations bill, he cannot veto the entire appropriations bill. The President has vetoed appropriations bills in their entirety. Presidents under this approach cannot, but would have to veto each of the shards, each of the bits and pieces that were submitted to the President.

I wonder if my time is up? I wonder if the Senator from West Virginia would yield me 1 additional minute?

Mr. BYRD. I yield 2 additional minutes.

Mr. LEVIN. Mr. President, Laurence Tribe, who is a constitutional expert, has been quoted on this floor. I was somewhat surprised by his most recent statement about this.

The Assistant Attorney General for interpreting the Constitution under the Bush administration concluded—his name was Timothy Flannigan—concluded that you cannot have separate enrollment. This was the Bush Assistant Attorney General. In his view, the Constitution "requires that the bill be presented to the President as passed by the Congress."

Separate enrollment is unconstitutional.

I believe Mr. Dellinger, President Clinton's Assistant Attorney General, in his statement in his most recent letter says that the best reading of the Constitution is that separate enrollment does not work. But what is interesting was Laurence Tribe's earlier opinion which I want to just briefly read, because, while Laurence Tribe is, indeed, a constitutional expert, a few years before his current opinion, he wrote a book. In that book called "American Constitutional Law," this is what Professor Tribe wrote.

> The core issue is whether Congress may statutorily expand the meaning of the term "Bill"—which denotes a singular piece of legislation in the form in which it was approved by Congress—by defining as a separate "Bill" each and every item, paragraph, or section contained within a single bill that has passed both Houses as an entirety. The method would be to direct the enrolling clerk of the House where the bill originates to disassemble a bill and enrol each numbered section and unnumbered paragraph as a separate bill or joint resolution for presentation to the President in compliance with clauses 2 and 3 of section 7 of article I. But it is far from certain whether the myriad bills thus presented to the President could be said to have been considered, voted on, and passed by the two Houses in accord with the Constitution's "single, finely wrought and exhaustively considered procedure." The choice of whether to adopt and submit one appropriations bill or a hundred, and the decision as to the form the bill or bills should take, might well be deemed the "kind of decision[s] that can be implemented only in accordance with the procedures set out in article I." And delegation to an enrolling clerk in either house of the power to make decisions which would otherwise be part and parcel of the political, deliberative, and legislative process is constitutionally suspect.

Mr. President, I think it is appropriate for the President to be able to single out spending items that he believes to be wasteful, and to require a separate congressional vote on those items. For that reason, I was prepared to vote in favor of a bill similar to that originally introduced by Senators DOMENICI and EXON. That is also why I voted for the substitute proposed by the Democratic leader.

However, I cannot vote for the bill before us for three reasons.

First, the bill is unconstitutional. The Constitution specifies the mechanism by which laws are made; this bill purports to establish a different mechanism. We can not do that. We can not amend the Constitution by legislation.

Second, the bill would cut up legislation and cut it in pieces which standing alone are gibberish. In a statement earlier this week, I went through a sample piece of legislation that the Senator from Indiana had put together as a test run of how this bill would work. I think the results speak for themselves. The hundreds of bits and pieces of a bill that result would be incomprehensible and would bear no relationship to the one bill Congress actually passed.

Finally, the bill does not achieve its intended purpose of enabling the President to cut spending by vetoing earmarks. I do not think most of my colleagues realize that. Under the Dole substitute—unlike the original S. 4 or S. 14—if the President vetoes an earmark, he will not save the taxpayers a dime. He will still spend the money; he will just spend it for something other than the purpose specified by Congress.

So while I support the version of a line item that comports with the requirements of the Constitution and the system of checks and balances established by our Founding Fathers, the bill before us fails that fundamental test.

The Constitution establishes the method by which laws are enacted and repealed. It specifies that a bill becomes law when it is passed by both Houses of Congress and signed by the President, or, if the bill is vetoed by the President, when that veto is overridden by a two-thirds vote in each House. This bill purports to create a third way by which laws can be made, by giving the Clerk of the House of Representatives and the Secretary of the Senate the power to take a bill passsed by both Houses of Congress and disaggregate it.

Despite the efforts of the sponsors, that is simply not consistent with what the Constitution requires. Article I, section 7 of the Constitution states that "Every bill which shall have passed the House of Representatives and the Senate" shall be presented to the President for signature. It does not say that some bills shall be presented to the President for signature.

So here we have an appropriations bill that has passed both Houses of Congress. Under the substitute before us, it does not go to the President. It goes to the Clerk of the House and the Secretary of the Senate instead, to tear it up into different bills. That is not the procedures established in the Constitution. The Constitution says that every bill passed by Congress shall be sent to the President for signature or veto. It does not give us leeway to pass a bill and then hide it and try to pass something else.

The President, if he wanted to sign that appropriations bill in its entirety, could not do so. To achieve the same result, he would have to sign hundreds of different bills. If we wanted to veto it in its entirety, he could not do so. To achieve the same result, he would have to veto hundreds of different bills.

But suppose the President went ahead and vetoed each of the hundreds of little bills. The Constitution says that he shall return each bill, with his objections, to the House in which it originated, which "shall proceed to reconsideration." The Constitution then provides that we must have a recorded override vote on each such bill. The Constitution states:

> [I]n all such Cases, the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively.

So we cannot have a voice vote on veto overrides, and we cannot do it en bloc. The Constitution says that we shall act on each bill vetoed by the President, and we shall do it by recorded vote. So if the President vetoes 500 little bills, we have to have 500 recorded votes.

Simply put, Mr. President, the procedure that this bill would put us through is a charade. It is a fiction, designed to pretend that we have passed bills that we did not write, did not introduce, did not report out of committee, did not debate on the floor, could not amend, and did not have any legitimate opportunity to vote on.

Here is how the procedure would work. We would go through the entire legislative process of introducing legislation, reporting it out of committee, amending it, voting it through both Houses, going through a conference, approving a final product—a single appropriation bill.

Further, this bill passed both Houses in identical form. Under the Constitution, it is supposed to be sent to the President. But that is not what we are going to do.

Instead, we will give the bill to the Clerk of the House or the Secretary of the Senate, and tell them to disaggregate it into hundreds of different bills. The Clerk and the Secretary, who are not elected at all, but are appointed officials of the majority party in each House, would be directed to take the careful work of the Congress—a bill which, under the Constitution is supposed to be sent to the President—and tear it up into shreds.

This process of splintering a bill would involve a substantial exercise of discretion. The enrolling clerks would have to determine which provisions are tax expenditures. They would have to decide if these provisions affect a limited group of taxpayers differently from other, similarly situated people? What, exactly is a "limited group" of taxpayers? Who is "similarly situated"? How do we expect the enrolling clerks to know?

The enrolling clerks would have to determine which pieces of a paragraph, or a single sentence, contain allocations or suballocations of appropriations. They would have to decide where in a sentence to stop one bill, and start another. They would have to decide whether a provision is an allocation of funds creating a positive obligation to expend funds, or simply a limitation on funds.

These are all legislative tasks, but they would be performed by an enrolling clerk, not by the Congress as the Constitution provides. We are supposed to make these legislative decisions, not the enrolling clerks.

When the clerks have done their work, these shreds of the bill we passed would then be brought back to the House or Senate for what is called a vote en bloc. This vote is a charade. A Member who objected to one or more of the new bills would not have an opportunity to vote against them. No Member would have any opportunity to offer a motion to recommit. No Member would have any opportunity to offer an amendment. No Member would have any opportunity to offer an objection. No Member would even have the opportunity to correct an error in the shredding process.

The only recourse that we would have, if we had a problem with any of the bills, for any reason, would be to vote against the entire package of disaggregated bills. And what would happen if we were to reject this product of the enrolling clerks? We would not have any opportunity to vote on a corrected product. We would have to start the entire legislative process over.

The absence of any opportunity at all for Members to correct errors made in the process of disaggregation gives the Secretary and the Clerk extraordinary powers and raises the potential for real mischief by appointed officials.

This is not the legislative process established in the Constitution. It is a charade, designed to create the appearance that we have complied with the constitutional requirements. That is not good enough. The Constitution says that a bill passed by both Houses of Congress shall be sent to the President for signature. There are no exceptions for momentarily convenient ends. This bill does not comply with that requirement.

The Supreme Court said in the Chadha that we cannot amend the Constitution by legislation. The Court explained:

> The explicit prescription for legislation action contained in Article I cannot be amended by legislation. . . . The legislative steps outlined in Article I are not empty formalities; they were designed to assure that both Houses of Congress and the President participate in the exercise of lawmaking authority.

The Court explained its decision as follows:

> The bicameral requirement, the Presentment Clauses, the President's veto, and Congress' power to override a veto were intended to erect enduring checks on each Branch and to protect the people from the improvident exercise of power by mandating certain prescribed steps. To preserve those checks, and maintain the separation of powers, the carefully defined limits on the power of each Branch must not be eroded. . . . With all the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.

Mr. President, I intend to vote against the measure before us because it is unconstitutional.

Second, I oppose the bill, because it would turn carefully considered pieces of legislation into gibberish. Earlier this week, I showed my colleague a document prepared for the Senate enrolling clerk, at the request of the Senator from Indiana, as a test run of how this bill would work in practice.

What the enrolling clerk put together was one appropriations bill, cut up into separate pieces as required by the measure before us. He produced a stack of paper 3 inches thick, containing 582 separate bills, each of which would be separately enrolled, signed by the Speaker of the House and the President of the Senate, and sent to the President for signature.

As I pointed out at that time, many of these so-called bills are, standing by themselves, simply gibberish. For example, I read one, which states, in its entirety:

> of which $200,000 shall be available pursuant to subtitle B of title I of said Act, and

That is it. That's the entire text of the bill, which we are going to send to the President for signature. Who is authorized to spend this money? What are they authorized to spend it for? What account does it come from? $200,000 out of what appropriation? "Subtitle B of title I" of what act? It makes no sense. And there are hundreds more bills that are equally incomprehensible. This is not the enrolling clerk's fault—he just did what the bill directed him to do.

This is not supposed to be a jigsaw puzzle, Mr. President. It is legislation. Each of these sentences I read the other day is an independent, freestanding bill, to be sent to the President for signature. After they are pulled out of a bill and separately enrolled, not one of them means a thing. The measure before us would result in a product that simply makes no sense.

Finally, Mr. President, I oppose this bill, because it would give the President extraordinary powers, without achieving its stated purpose of allowing the President to cut spending by vetoing earmarks.

I do note that the proposal before us has been improved by the amendment that I offered with the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Nebraska [Mr. EXON]. Under the substitute originally introduced by the majority leader, the President could have used his line item veto power to increase spending or to veto restrictions on spending.

Under the substitute, as originally proposed, the President could have used his line-item veto power to reject rescissions and cancellations of spending. He could have used this power to veto limitations and conditions placed on an appropriation, without vetoing the appropriations itself. In other words, he could veto the limitations, and spend all of the money anyway. The President could have rejected provisions in appropriations bills that attempt to reduce Government waste. He could have vetoed limitations on spending for consultants, for entertainment of Government officials, for Government travel. That means he could have spent more money for these purposes.

Fortunately, we have corrected part of the problem. Under the Levin-Murkowski-Exon amendment, items of the type I have just described would not be separately enrolled. The President would no longer be able to veto rescissions or cancellations of funds. He would no longer be able to veto restrictions on appropriations and still spend the money. He could no longer spend money for purposes inconsistent with the specific intent of the Congress.

That was an important amendment, but my colleagues should be under no illusion that we have eliminated the problems with this bill. We have done the best that we could with a flawed approach, but the approach remains seriously flawed.

Despite the adoption of the Levin-Murkowski-Exon amendment, the substitute before us gives the President broad powers to substitute his personal priorities for the budgetary priorities voted by the Congress. If, for example, we were to require the President to spend a specified amount appropriated funds for the Strategic Defense Initiative, or a particular approach to SDI, the President could veto that requirement and spend the money based on his own personal priorities.

Moreover, the substitute before us would cede this power to the President without giving him the authority to save the taxpayers money by eliminating an earmark. Despite the extraordinary powers given to the President by this bill, when it comes to cutting spending, it is weaker than either of the two bills reported out of the Budget and Governmental Affairs Committees.

How can that be? How can a bill that gives so much power to the President give him so little power to reduce spending?

First, this substitute gives the President the power only to veto, not to reduce, an appropriation. So while the President is given great power to veto an earmark within an appropriation, he would not thereby reduce the appropriation itself, unless he were prepared to veto the entire appropriation.

Here is where we need to understand what an earmark is. An earmark is not an appropriation. It does not give the President any additional power to spend money; it simply says that of the money already appropriated, a certain amount must be spent for a specified purpose. This is what we call an allocation or suballocation of an appropriation. Here's how it works.

We start with an appropriation. For example, the following: "The following funds are appropriated: For the purpose of program X, $600 million."

We then want to specify more precisely how that money will be spent, so we have an allocation. For example: "of which $20 million shall be available for purpose A; $12 million shall be available for purpose B; $15 million shall be available for purpose C; etc."

That is an allocation of an appropriation. If one of these allocations is further divided into pieces, that would be a suballocation.

Now, let us look at the difference between the two bills reported out of Committee and the Dole substitute. The two reported bills both took the rescission approach. They authorized the President, subject to certain limitations, to rescind any amount of budget authority provided in an appropriation. That means that the President could veto all or part of an appropriation.

In the case of the example I just gave, if the President decides that the $20 million for project A was a wasteful earmark, he could rescind the budget authority for that project. Under either of the two rescission bills, the President would, in effect, put a blue pencil through that $20 million. At the same time, and this is the important part, the President would also reduce the overall $600 million appropriated for purpose X by the same $20 million.

The appropriation would be reduced to $580 million, and we would have a real cut in spending. In fact, both bills contain a so-called lock-box amendment, under which the money rescinded by the President could not be spent for any other purpose. That means we would really reduce Government spending.

But now let us look at what the Dole substitute does. Under this substitute, the $600 million appropriation and each of the allocations of that appropriation are enrolled as separate bills. If the President decides that the $20 million for project A is wasteful, he can veto the bill containing that allocation.

But what happens to the $600 million appropriation if he vetoes the allocation? That appropriation is in a separate bill. He can not reduce it by $20 million as he could under the bills reported from Committee; he must either sign it or veto the whole thing. If he vetoes it, he is rejecting not only the wasteful earmark, but the entire program to which it is attached. If he signs it, however, he will not have saved a dime by vetoing the earmark.

So under substitute amendment before us, the President can veto an earmark, but it will not do the taxpayers any good, because that will not reduce the appropriation. We will still have the same amount of spending that we would have had without the veto. There is no money to put into a lockbox, because spending has not been reduced by a dime. The only difference is that the President will spend the money on his own pet project, instead of the project specified by Congress.

Let us look at a classic earmark. We could have an appropriation for post office construction, with allocations for specific post offices to be built in specific locations. That is what we are after in this bill, and I do not have a great problem with giving the President the power to veto those earmarks. But I will say, Mr. President, that I would prefer a rescission bill, which gives the money back to the taxpayers, over this bill, which leaves the appropriation intact for the President to spend on post offices of his own choosing.

Mr. President, some Senators appear to be under the misapprehension that the substitute before us would enable to President to cut spending by vetoing an earmark. In fact, it does not. The original version of S. 4 would have enabled the President to do that. The Domenici bill would enable the President to do that. The Daschle substitute would enable the President to do that. But the Dole substitute does not. Under the Dole substitute, if the President vetos an earmark—or an allocation, as it is called in the bill—he can still spend the money, unless he vetoes the entire appropriation, which may cover many worthwhile projects in addition to the earmark.

Some will say that, even so, we would be better off without the earmark.

But not all allocations and suballocations are "earmarks". Many are basic statements of congressional priorities, and many place important conditions, limitations, and restrictions on presidential spending.

Let us look at some real world appropriations, with their allocations and suballocations. I gave a few examples yesterday, all from last year's appropriations bill for Commerce, Justice and State. Let me go through them again, to explain what the President can do, and what happens to the money.

One example I gave was the so-called bill which would state: "of which $200,000 shall be available pursuant to subtitle B Title I of such Act". Let us set aside the fact that, standing by itself, this is gibberish, and assume that the appropriating committees will figure out a way to write this so that it makes sense. What does it do?

Here is the answer. Last year's bill appropriated $62 million for State and Local Narcotics Control and Justice Assistance under the Omnibus Crime Control and Safe Streets Act of 1968. The largest allocation out of that appropriation was $50 million for state and local law enforcement programs. The $200,000 was an allocation for enforcement of anti-car theft provisions for preventing motor vehicle theft.

The $50 million allocated for State and local law enforcement programs and the $200,000 for enforcement of anti-car theft provisions was a statement of congressional priorities. We determined that the anti-car theft program was a relatively minor priority, compared to the assistance provided to state and local law enforcement programs. That is what we do in appropriations bills. We establish priorities.

Under the bills reported out of committee, the President could rescind the $200,000 allocation and save that money for the taxpayers. But he can't do that under the Dole substitute.

Under the bills reported out of committee, the President could rescind the $200,000 allocation and save that money for the taxpayers. But he can't do that under the Dole substitute.

Under the substitute, the President could veto the $50 million allocation, the $200,000 allocation, or both, but that would have no effect on the overall appropriation of $62 million. The President would still be required to spend that money; he could simply substitute his own priorities for those established by Congress. Perhaps he thinks the car theft program is more important than local law enforcement; he could reverse the allocations. But he would not save any money without vetoing the full appropriation.

These priorities are no small matter. In the last Congress for example, we spent weeks fighting over the relative priority to be given in the crime bill to hiring additional cops, building additional prisons, and establishing crime prevention programs. We will undoubtedly refight some of those battles in this Congress. But unless we are very, very careful about the way we write our appropriations bills, the President could use the veto power provided in this legislation to reverse our priorities. Moreover, he could do it without saving the taxpayers a dime.

In short, Mr. President, the substitute before us is likely to do little good, and a lot of harm. In particular, the power given to the President to veto allocations and suballocations will enable him to substitute his own personal priorities for those established in bills passed by Congress, but will not save the taxpayers a dime, because unless the underlying appropriation is vetoed, the money will still be spent.

This provision is well-intended. The sponsors of the substitute undoubtedly think that they are striking out at earmarks. But they have missed the mark.

Mr. President, I will vote against this bill, because it is unconstitutional. I will vote against it, because it would turn bills carefully considered and passed by the Congress into gibberish. And I will vote it because for all this trouble, we would not even succeed in giving the President the power intended, to cut spending by eliminating earmarked funds. I urge my colleagues to join me in opposing this bill.

I thank the Senator from West Virginia, not just for yielding time but for his stalwart defense of the Constitution. The spirit of Henry Clay is on this floor. I thank the Senator from West Virginia for the kind of defense of the Constitution which Henry Clay put up when he was here.

Mr. BYRD. I thank the distinguished Senator from Michigan for his most generous and charitable words. I deeply appreciate them. I am flattered by them.

The Senator from Rhode Island [Mr. PELL], did he wish time?

Mr. PELL. Three minutes.

Mr. BYRD. I yield 3 minutes to Mr. PELL.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I find myself in opposition to the line item-veto legislation before us, both on philosophical as well as practical grounds.

Philosophically, I simply believe that Congress should be extremely chary in yielding its power of the purse to the executive branch. I hold this view on the basis of my Senate service under eight Presidents of both parties during my 34 years in the Senate, and notwithstanding the cordial relationships I have had with all of them.

The fact is that the executive branch, under our Constitution, quite properly is a separate power center with its own agenda and its own priorities. Inevitably, it will seek and use any additional power to achieve its objectives. And the pending grant of veto power over specific items, I fear, will surely give even the most benign and well motivated Chief Executive a new means for exercising undue influence and coercion over individual members of the legislative branch.

So my preference would be to simply retain the present system of Presidential recommendation of rescissions. I fully recognize that under that system our appropriations bills do sometimes cater to narrow special interests. It was for that reason that I favored the substitute offered by the minority leader to require congressional action, by majority vote, on proposed rescissions. It is unfortunate that the majority saw fit to withdraw its support for the earlier version of this approach, as originally proposed by Senator DOMENICI.

It is even more regrettable that the only viable compromise that could be devised involves the dismemberment of all appropriations bills into hundreds of separate bills. Quite apart from the constitutional questions which have been raised with respect to the form of presentation of bills, the compromise is mind boggling in its complexity.

Separate enrollment, it seems to me, is so cumbersome and unwieldy as to invite ridicule on this body for even considering it. More to the point, it invites bureaucratic confusion or at worst tampering with the legislative process. It is the kind of jerry-built solution which seems almost certain to spawn more problems than it was designed to fix. We should reject it, or failing that, hope that the conferees in their wisdom will set it aside.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Maryland [Mr. SARBANES], 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the very distinguished and able Senator from West Virginia for yielding me time.

I wish to join my colleague from Michigan in the comments he made a few moments ago in expressing my deepest appreciation to the Senator from West Virginia for the very strong fight he has been making in the Chamber on this issue and on other issues which touch the Constitution of the United States. He has been a true champion of our Constitution and the Nation is in his debt.

I am deeply troubled that this body appears to be into the symbolism but not the reality of addressing important national problems. There is a dedicated craftsmanship in dealing with problems of public policy which members of a legislative body are supposed to bring to the task. Anyone can stand up and thump their chest and holler there is a problem and we need to have a response.

The real question is will the response be a sensible one? Will it in fact, in real practical terms, improve the situation? Too few want to face those questions and deal with them in a tough-minded way. Witness the proposal before us. The Congress is going to send thousands of little "billettes" down to the President to sign or veto. As the able Senator from Michigan pointed out, there are manifestly serious constitutional questions about this approach.

There was a path the Senate could have followed, pursuant to the concept of expedited rescission, which I think would have commanded very broad support in this body. An approach which would have gotten at some of the spending problems people have criticized without bringing about a radical and fundamental shift in the allocation of powers between the executive and the legislative branches.

I said earlier on in the debate that it is no great trick to have a strong executive. If you go through history, many countries have had strong executives. In fact, when it is carried to extreme, we call them dictatorships. The hallmark of a free society is to be able to have a legislative branch and a judicial branch in addition to an executive branch and for those two branches to have independence of judgment and real decisionmaking power, with the ability to check and balance executive authority.

I can understand executives wanting to maximize their authority, but I have difficulty understanding legislators who in a blind way, are giving up a significant part of their role in the operation of the political system.

I do not say that from the point of view that they should guard their own personal power and authority but from the point of view of guarding their role under the Constitution as representatives of the people. The Founding Fathers devised a constitutional system which has been the marvel of the world. They established a National Government with independent branches that check and balance one another; to have not only the executive with power and authority but also to have a legislative branch with power and authority.

The thing we must be careful about as we consider these various line-item veto proposals is not to erode the balance, the basic balance and constitutional arrangement that has served the Republic well for over two centuries.

The Congress passed the Budget Impoundment and Control Act in the mid 1970's, to address this balance between the executive and the legislative branches which provided a rescission process. It is possible to do further refinements with respect to the rescission arrangements that currently exist in the law and it is down that path I believe we should be proceeding.

The current approach has been criticized. It is said the President makes rescissions, sends them to the Congress, the Congress simply ignores them.

A proposal was offered by the minority leader which would have addressed this problem by requiring the Congress to act upon rescissions sent to it by the President. The Congress would not simply be able to ignore it. The President would be able to focus the spotlight on the issue and require the Congress to act on it. The expedited rescission proposal provided that if a majority in both Houses did not agree that the item should be rescinded then it would not be rescinded. That seemed to me to be a sensible way of trying to address some of the problems that have been raised without fundamentally altering our constitutional arrangements.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. Could the Senator yield me just 2 more minutes?

Mr. BYRD. Yes. I yield the Senator 2 additional minutes.

Mr. SARBANES. I thank the Senator.

I just want to touch finally on a point made immediately preceding me by the distinguished Senator from Rhode Island. Namely, that the proposal before us places enormous power in the hands of the Executive to bring pressure on the legislative branch. What the executive branch can do under this proposal is link items in an appropriations bill with totally unrelated issues on which a Member of the legislative branch may be challenging the Executive.

For example, the Executive may have a nomination it is trying to move through the Senate. A Senator opposes that nomination. The Executive can pick out of an appropriations bill an item of critical importance to the Senator's home State, an item which everyone would concede is meritorious, but yet the Executive would be able to use his veto to negate that item, not on the merits of the item itself, but because the executive branch would relate it to a totally separate item in which they are being opposed by the Member in the legislature.

Think very carefully about that. I believe it will happen. In the hands of a vindictive President, it could be absolutely brutal.

But I think the temptation for its use in this manner will be tempting to any Chief Executive who is concerned about moving some other matter through the legislative body and finds himself being thwarted or frustrated.

Finally, let me go back to the point with which I opened. My deepest concern is the manner in which we are trivializing very important issues. The Senator from West Virginia has rendered an extraordinary service to the people of the country by highlighting that. He has stood here on the floor and underscored that we are dealing with serious matters. This is serious business. Decisions are being made in the rush of the moment that may well alter in a fundamental way our basic constitutional arrangements. We ought to be very careful about doing that, Mr. President. I regard the measure before us as a giant step down that path and, therefore, I very strongly oppose it.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank the very able and distinguished senior Senator from Maryland for his vision, his dedication to this Constitution of ours, his love for the Senate, and his patriotism which has stood the test many times on this floor in recent days and in months and years past. It has always been with great pride that I have listened to him and been thankful for someone of Paul SARBANES' stature and courage.

I know of others in this institution who treasure their membership in this body and who cherish the Constitution. I perhaps should not mention names because, inevitably, I would not think of all the names that should be mentioned at a time like this.

But I shall mention the name of the Senator from Michigan, Mr. LEVIN. He is a master craftsman when it comes to legislation. He is meticulous and careful and exact.

I have often thought that in that Convention which met from May 25 to September 17, 1787, he would have been an appropriate man to appoint to the Committee of Detail. He is so methodical, so very, very thoughtful in probing the depths of every word. He would have been well placed in that great gathering, because there are very few words in that Constitution that are without great purpose. Not many words were wasted.

I suppose that if I could flatter myself by thinking that I might find a few words in that Constitution that perhaps ought not to have been there—and I cannot say this with certitude, of course—it would be those words in that veto clause, in the second part thereof, which refers to "every order, resolution, or vote," in saying that they should be presented to the President for his consideration.

Of course, we do not send votes to the President. We do not enact orders of a nature to be approved or disapproved by a President. We do enact simple resolutions, concurrent resolutions, and joint resolutions, neither of the first two of which goes to the President.

But as to the words "order" and "vote," I have never been able to understand why the Framers put those words in the Constitution. But they, too, were afraid that something would be sent to the President and called a bill which was, in reality, not a bill. Bills have to be presented to the President for his approval or rejection. And so the Framers took every precaution to make sure that anything that went to the President for his signature or for his veto would, indeed, be a bill or a joint resolution.

Mr. LEVIN. Will the Senator yield for a question?

Mr. BYRD. Yes.

Mr. LEVIN. First of all, for a thank you and to say how grateful I am for your comments, but also for a question.

First, on that clause that the Senator just made reference to, "Order, Resolution, or Vote," I have not wondered as long or as hard as the Senator from West Virginia has about that, but I wondered a bit about it.

I am wondering whether or not that might have been intended precisely to avoid the Congress from failing to send to the President something to which the concurrence of both Houses was required but which they would put a different label on in order to avoid it going to the President; that they might call it an order or a vote instead of a resolution to avoid the clear intent of the Constitution that something to which the concurrence of both Houses may be necessary go to the President.

I wondered whether that might be the reason for those words so that the Congress could not put the label, some label other than resolution on something, and avoid a document which required concurrence of both Houses from going to the President.

But my question of the Senator from West Virginia is this: The Senator has focused a great deal of attention—needed attention—on section 7 of article I, which requires that "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President . . ." It does not say "some bills," it says "Every Bill."

The Senator has pointed out eloquently and persuasively that what is attempted here legislatively is that a bill which passes both Houses not go to the President and we cannot amend the Constitution by legislation.

There is another part of that section 7 which has had less attention, and I would like to ask the Senator from West Virginia a question about it.

That is, currently if the President decides to veto an appropriations bill, he can just simply veto the bill. But under this proposal, after the bill is divided into these bits and pieces, or "billettes," as the Senator from West Virginia calls them, in order to veto an appropriations bill, the entire bill, the President would have to veto each of the bits and pieces of that bill.

Let us say that the appropriations bill is divided by an enrollment clerk, assuming this politically appointed enrollment clerk can figure out what represents a tax and a general tax and a tax which is limited to a group, and he can properly put the limitations to the right appropriation and do all these other things which are really legislative—these are not ministerial functions, these are critical policy decisions—but assuming you have an enrollment clerk who does all that and sends these 500 bits and pieces to the President and the President says, "I want to veto this entire appropriations bill," it is my understanding that under the pending substitute, he would have to veto each of the 500 bits and pieces in order to get to the entire bill.

If that happened, if he wants to veto the entire bill, he would then return all the bits and pieces—all of them would come back to the Congress—and then, as I read article I, section 7, it says that in all cases of a veto, each bill vetoed—now we have 500 of them—". . . the Votes of both Houses" on the override "shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House, respectively."

So that as I read the Constitution, if the President decides to veto the entire bill, therefore he has to do all the bits and pieces. Each of the vetoed bills would have to come separately before the Congress for an override vote, and they could not be voice voted and they could not be voted en bloc.

Is that the Senator's reading of that language of the Constitution? It seems clear to me, but the Senator is the constitutional expert, I believe, around here, in my judgment, at least, and I am wondering whether he might indicate whether that is the way he also reads that provision.

Mr. BYRD. Mr. President, the Senator flatters me, but aside from that, he has posed a very significant question.

I think what it amounts to is, we are doing indirectly what we cannot do directly. And that is, that we are conveying a share of power over the purse to the Executive. We are purporting to send him a line-item veto, when, under the Constitution, the Senate and the House, in my judgment, cannot give away that power, cannot give to the President of the United States a line-item veto. Only the people can do that through an amendment to the Constitution.

The Framers gave to the President a qualified veto. They did not give to the President an absolute negative. He has to take it all or leave it all. But there are so many questions that are raised by this substitute. I wish we could have gone on with this debate for a few more days. Several flaws have already been brought to light during the limited debate that we have had on this measure, and only God knows what additional ones might have come to light upon further examination. The Senator raises a very important question.

Each of the little "billettes" would have to be signed or vetoed by the President or, if he did not sign them, and if Congress were in session, they would become law without his signature. But if the President vetoes one or several or all, there is no provision in this measure whereby a House, in which the bill first originated, has any authority to collect those vetoed bills and vote to override them en bloc. I raised that question in this Chamber yesterday.

In most cases, the House, being by custom the originator of appropriations bills, would be the first to decide and, in many cases, the only House to decide, because if the House chose not to attempt to override, the Senate would never have a voice and, to that extent, the Senate is being subordinated to the other body by this legislation.

Many of the "billettes" would, by virtue of their having been offered to the bill as amendments in the Senate, thereby have originated in the Senate and, under the Constitution, the measure which is vetoed is to be returned to the House in which it originated. Even though an amendment in the form of an enrolled bill may have been offered in the Senate by the Senator from Michigan, the Senator from Michigan may never see that measure again. The House will determine, because the overall bill originated in the House, whether or not there will be an attempt to override a veto.

In short, there is no provision for escaping the strictures of that constitutional provision that the Senator has mentioned. The bill goes back to the originating body and that House then votes to pass it over the President's veto, or it fails to do so. It cannot put two of those "billettes" together and vote en bloc to override the presidential vetoes. It cannot put a dozen or 50 or 100 of them in a package, and if the President chose to veto all of them, there is no provision to override en bloc.

Oh, I know, we have decided by way of the Abraham amendment that, after the House and Senate have voted on the conference report and the enrolling clerk of the originating body has enrolled all of these little billettes, packaged them into one big bill again and it is put on the calendar, all of the little billettes are to be voted on en bloc.

Mr. LEVIN. Without amendment.

Mr. BYRD. Without amendment, with very limited debate, no motion to recommit, no motion to reconsider. It mystifies me.

I have to say that I have heard Jefferson's name invoked so many times during the debate on the "unbalanced" budget amendment euphemistically called the balanced budget amendment. Jefferson's name was invoked so many times, so often in that debate, to the total disregard, almost, of what Madison thought about the Constitution, or what Hamilton had to say. Jefferson's name was invoked. He was not even at the Convention. He was in Paris at the time.

We will see what Jefferson says in his manual, The Parliamentary Practice for the use of the Senate of the United States, printed 1801. On page 73, thereof, one sentence: "After the bill is passed there can be no further alteration of it in any point." Why it would have been anathema to Jefferson to have even mentioned letting the enrolling clerk break that bill up into several parts, and thus, through a fiction, created a multiplicity of bills.

Reading further what Jefferson says about that: "When the bill is enrolled, it is not to be written in paragraphs, but solidly"—solidly, solidly—"and all of a piece, that the blanks between the paragraphs may not give room for forgery." That is Thomas Jefferson, in his parliamentary manual.

So, the Senator asked a question which, if this measure ever becomes law, which God avert, somebody will have to answer. And at some point, even though the courts may try to avoid a political thicket, they may, indeed, have to make a decision there. That is a problem with this measure. It is not just a thicket, it is a political thicket.

That is what is behind this whole exercise here, this whole effort—politics. We have to act on the line-item veto and, under the so-called Contract With America, send the President a line-item veto.

Mr. President, I thank the distinguished Senator for his question. It is a penetrating one, one which we will have time to ponder. I see great difficulty, great difficulty. Never again will a bill, which originally passed the House and the Senate, through a process of debate, amendment, recommittal, and reconsideration of votes, resume its original form. Instead it will be sent to the President in the form of 100, 500, 1,000, 2,000 little billettes. Never again will that bill be the same original bill that passed both Houses. Never.

Never again will there be a public law that refers to that bill in the manner in which appropriations bills are now cited as public laws. When it comes to overriding a veto, just think of the time that will be consumed in any effort to override the vetoes of 15 or 20 of those little billettes that have been enrolled by a clerk in the other body.

When we annually consider 13 bills, plus supplemental bills, plus possibly continuing resolutions, plus certain authorization bills, it boggles the mind to think of the waste of time in trying to override such vetoes. Even the thought itself is intimidating.

Mr. President, I want to thank all Senators. I think this has been a fairly good debate. It is highly regrettable, Mr. President—and I do not say this with any rancor—highly regrettable that this bill on which the Senate is about to vote was brought to the Senate on Monday of this week and offered as a complete substitute to S. 4. The minority had no opportunity, as far as I know, to participate in the writing of it. There has been no committee hearing on it. There has been no committee markup of the DOLE substitute. There was no committee report, no minority views, no supplemental views, no additional views by committee members. Yet, the Senate was immediately faced with the prospect of a cloture motion offered on that substitute.

Now, what was done was within the rules of the Senate. I do not question that at all. Some may say, well, the former majority leader often offered a cloture motion the very moment that a motion to proceed was made. That is true. I never thought of those instances as filibusters and have said so. I never considered it to be a filibuster simply because the former majority leader could not get unanimous consent to take up a measure. He made the motion to proceed and offered a cloture motion immediately. I have never thought of that as a filibuster.

But he was offering a motion to invoke cloture on a motion to proceed. I do not recall any instances—there may have been instances—I do not recall any instances, however, in which the previous majority leader—while he often offered a motion to invoke cloture on a motion to proceed—I do not remember any instances in which he immediately upon the Senate's proceeding to take up a measure or matter, I do not remember any instances in which he immediately thereupon offered a cloture motion on the matter itself. There may have been some such instances. I do not recall such.

But even if he did so, it was certainly not a matter of this gravity, a matter of this nature. We are talking now about a matter here which goes to the heart of the Constitution. It is not a constitutional amendment, but it seeks to amend the Constitution without appearing to amend the Constitution.

It seeks to do indirectly that which it cannot do directly. Congress cannot give to the President of the United States line-item veto authority. That would require a constitutional amendment. I know there are some who maintain that the line-item veto authority is in the Constitution already. I do not believe that for a moment.

If it were in there, surely some President, along the line somewhere, would have been advised by his chief counsel that there, in that Constitution, is something that you can use, and it is the line-item veto.

It has never been discovered up until this time. It has never been used up until this time. And the reason it has not been used is because it is not there.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BYRD. Yes, I will yield.

Mr. SARBANES. It is my understanding there have been Presidents, Chief Executives, who have urged their lawyers within the executive branch to do exactly that: Look in the Constitution to find an existing line-item veto authority. And as much as the Presidents have wanted that authority, it is my understanding his lawyers have always come back to him and said, "We cannot find that authority in the Constitution that enables us, in good conscience, exercising our professional judgment, to say that authority is there to be found."

Mr. BYRD. I think that is true. In the instance of Mr. Bush, for example, I think he was so advised. I know George Washington maintained that he had to sign or veto the whole bill. The first President of the United States maintained that he had to sign the bill or veto it in its entirety. He could not take part and reject part.

So, Mr. President, here a cloture motion was offered immediately on a measure which the minority only saw for the first time, a far-reaching measure, a measure which we, even after these 4 days of debate, cannot really comprehend. We really do not know what this bill does. And I regret that the Senate was faced with that fait accompli: Here it is. Here is a new bill. We do not have a committee report on it. We have never had any committee hearings on it. But here it is, and here is a cloture motion along with it—which means that come the following day but one, the Senate will vote on cloture.

It would seem to me that a minority should find that pretty hard to swallow, the application of a gag rule immediately upon a bill which had not seen the light of day until the moment that it was introduced.

As I say, I do not speak with rancor. I speak only with sadness that we have come to this in the U.S. Senate. When I came to the Senate, the minority would not have stood for that, that approach. The minority at that time was on the Republican side of the aisle. Nor would the majority have sought to take advantage of the minority in that way. Senators in that day would have rebelled at the thought.

But that day is gone now. And I will say this. If a minority does not seek to protect its rights, then it cannot blame the majority for riding and running over it, trampling it under foot.

This substitute is an absurdity, an absolute absurdity. Here we are, grown men and women. We have taken the oath to support and defend the Constitution of the United States. We have been favored and blessed with the high title of "Senator." And we are judged to be craftsmen of the art in legislating. We are thought to be men and women who should take great pride in our work here, but alas, we fall far short.

The very idea that for the first time in all history, as far as I am concerned—I know of no precedent for this approach. I know of no precedent for the handling of a bill such as is outlined in this substitute. There is no precedent in British history, the history of Parliament; in the history of the Colonial legislatures; in the history of the State legislatures; in the history of our republic under this Constitution—absolutely no precedent for handling a bill in this manner. And not only does tradition and custom refute this approach, but the great parliamentarians of the past refute it.

I have just read from Jefferson's manual, and he, in turn, refers to the great authority on the British Parliament and its parliamentary procedures, William Hakewill, in whose treatise on parliamentary procedures, dated 1671, are noted the various authorities referred to in so many instances by Jefferson in his book on parliamentary procedure. There is nothing like it. I have never seen anything like it. I could never have thought that here in the Senate we would be voting on such a deformity as is this piece of legislation.

If we can do what we are doing with this bill, we can do almost anything. Do not be surprised at anything when a legislative body allows itself to be hoodwinked, blinded, cajoled, or whatever, into stamping its imprimatur on such a piece of legislation, if it can be called that. It will go to conference. I hope it never sees the light of day after it gets to conference. But for us to put our imprimatur on it?

I have to stand before God when I leave this life and give an accounting of my stewardship here. There is no way out of it. It is unavoidable. And I have to give an accounting to my children and my grandchildren. There is no way out of that. I have to give an accounting to myself when I look in the mirror. I have to say, "Old boy, you did not do very well today. You have seared your conscience. You voted to do indirectly what you could not do directly." I would have to look at it in that way. How others may wish to look at it, is up to them. But I cannot in good conscience ever look back upon this hour and think that the Senate did the right thing.

This thing is going to pass. I wish that this bill had been before the Senate for at least another week. Several flaws have been detected and made visible by the distinguished Senior Senator from Georgia [Mr. NUNN] and others. There have been attempts to correct the flaws that came to light.

So for the time that this measure has been on the Senate floor, the time has been well spent. But we were deprived of further examination and study by the very fact that a cloture motion was entered on the very day that this substitute was introduced. We were deprived of the opportunity to thoroughly probe it, uncover it, and look at it minutely. I do not think that is the proper way to legislate.

I am sorry that the minority took it lying down. I will bet that when the Republican side was in the minority, it would not have taken that lying down. I praise our minority leader, Mr. DASCHLE. He has done everything that he could do. But the minority leader with 39 others cannot block cloture. It takes the minority leader plus 40 others to block cloture.

I chose to agree with the minority leader. There was no point in making the effort when we knew the votes were not there. It would only be an embarrassment. So let us do the best we can, fight the good fight, and be on to the next battle.

Mr. President, this is indeed a sad moment for the Senate. I remember what Brutus said in a letter to Cicero. Cicero, in order to gain favor with Anthony and Octavian, came to agree with them on certain things, and Brutus criticized Cicero for doing so, according to Plutarch, in a letter: "Our forefathers would have scorned to bear even a gentle master."

Mr. President, our forefathers, too, would have scorned to bear even a gentle master.

As I look around this Chamber tonight, I think of Everett Dirksen. I think of Norris Cotton, George Aiken, Bob Kerr, Richard Russell, Lister Hill, Allen Ellender, Spessard Holland, and others whose voices have long been stilled, how they would have been ashamed, ashamed, to see the Senate accept without a fight, and a long fight, a piece of junk like this. This is a piece of junk out of keeping with any precedent in any legislative body that I know of. In the words of Brutus, "Our forefathers would have scorned to bear even a gentle master."

Yet, there are some in the minority who cannot stand and vote against cloture once. Do not mention twice, or three times.

When the Republicans were in the minority, and I was the majority leader, I offered cloture eight times on the campaign financing bill, and eight times that cloture motion was rejected. No majority leader has ever offered cloture on the same measure eight times. I offered a cloture motion eight times. Never were we able to get more than three votes for cloture from the Republicans. They stood like a stone wall. You have to respect that kind of unity.

I am sad. I am sad that we have a more powerful minority than the Republicans had, as far as numbers go.

We have a good leader. He has demonstrated leadership, statesmanship, heroism, and patriotism and great courage on the balanced budget amendment, and on this measure. But a leader cannot lead, if there are those who will not follow. You have to let the followers lead.

Can you depict a leader who has to follow? That is what a leader is reduced to, if his troops will not stand behind him.

I have been a leader. I was elected by my party to be leader six times, three terms in the majority and three terms in the minority. I know. If you look behind you and your troops are not there, you may carry the title of leader but in name only. Of all times when Senators should have stood, immovable, it is in an instance when the very structure of our constitutional system is being endangered.

Mr. President, I want to read from a book that has just been published. This book is titled "Constitutional Equilibrium: Mainstay of the Republic." And I begin by reading from page 183, under the subtitle "Decline and Fall of the Roman Republic."

> The theory of a mixed constitution—

That is what ours is, a mixed constitution, with checks and balances, and separation of powers—

> The theory of a mixed constitution had its great measure of success in the Roman republic. It is not surprising, therefore, that the Founding Fathers of the United States should have been familiar with the works of Polybius, or that Montesquieu should have been influenced by the checks and balances and separation of powers in the Roman constitutional system, a clear and central element of which was the control over the purse, vested solely in the Senate in the heyday of the republic.

And what happened to Rome? Rome had its legendary founding in 753 B.C. Under the old republic and the middle republic, the Senate was supreme. The Senate had control, complete control over the finances.

> In short, Rome's fate was sealed by the one-by-one donations of power and prerogative that the Roman Senate plucked from its own quiver and voluntarily delivered into the hands, first, of Julius Caesar and then Octavian, and subsequently into the trust of the succession of Caligulas, Neros, Commoduses, and Elagabaluses who followed, until at last, the ancient and noble ideal of the Roman republic had been dissolved into the stinking brew of imperial debauchery, tyranny, megalomania, and rubble into which the Roman empire eventually sank.
>
> At the height of the republic, the Roman Senate had been the one agency—

And the same can be true of this Republic. This Senate was the most brilliant spark of ingenuity that came out of that Constitutional Convention in 1787. The Senate was part of the Great Compromise. And every Member who has ever stood at that desk up there and taken the oath ought to take great pride in being a Member of this body, a continuing body. There has never been a new Senate since the original Senate sat, began its sittings on April 6, 1789.

The same as can be said about the Roman Senate could be said about this Senate.

> At the height of the republic, the Roman Senate had been the one agency with the authority, the perspective, and the popular aura to debate, investigate, commission, and correct the problems that confronted the Roman state and its citizens. But the Senate's loss of will, and its eagerness to hand its responsibilities over to a one-man Government . . . a dictator, and later an emperor, doomed Rome and predestined Rome's decline and ultimate fall.
>
> Mr. President, let us learn from the pages of Rome's history. The basic lesson that we should remember for our purposes here is, that when the Roman Senate gave away its

> control of the purse strings, it gave away its power to check the executive. From that point on, the Senate declined and, as we have seen, it was only a matter of time. Once the mainstay was weakened, the structure crumbled and the Roman republic fell.

This lesson is as true today as it was two thousand years ago.

And it pains me to see Members come into this body who seem to have absolutely no conception of what this body is all about, no conception of the constitutional system, no conception of the system of separation of powers and checks and balances, no conception of the wisdom of the Founders in placing into the legislative branch the power over the purse, little conception, apparently little respect for or regard for the lessons of history.

> Does anyone really imagine that the splendors of our capital city stand or fall with mansions, monuments, buildings, and piles of masonry? These are but bricks and mortar, lifeless things, and their collapse or restoration means little or nothing when measured on the great clock-tower of time.
>
> But the survival of the American constitutional system, the foundation upon which the superstructure of the Republic rests, finds its firmest support in the continued preservation of the delicate mechanism of checks and balances, separation of powers, and control of the purse, solemnly instituted by the Founding Fathers. For over two hundred years, from the beginning of the Republic to this very hour, it has survived in unbroken continuity. We received it from our fathers. Let us as surely hand it on to our sons and daughters.

Now, Mr. President, I have said about all that I wish to say. It would not matter if I spoke for days. The die is cast. This bill will go to conference. What comes therefrom nobody knows. It may be this bill; it may be H.R. 2; it may be a blend of the two; it may be nothing. Nobody knows. But the record will have been written here, and it is a record of which I cannot be proud. And the roll of Senators will soon be called.

Let me read the roll of the great men who wrote this Constitution. Here it is:

> New Hampshire: John Langdon, Nicholas Gilman; Massachusetts: Nathaniel Gorham, Rufus King; Connecticut: William Samuel Johnson, Roger Sherman; New York: Alexander Hamilton; New Jersey: William Livingston, David Brearley, William Patterson, Jonathan Dayton; Pennsylvania: Benjamin Franklin, Robert Morris, Thomas Fitzsimons, James Wilson, Thomas Mifflin, George Clymer, Jared Ingersoll, Gouverneur Morris; Delaware: George Read, John Dickinson, Jacob Broom, Gunning Bedford, Jr., Richard Bassett; Maryland: James McHenry, Daniel Carrol, Daniel of St. Thomas Jenifer; Virginia: John Blair, James Madison, Jr; North Carolina: William Blount, Hugh Williamson, Richard Dobbs Spaight; South Carolina: J. Rutledge, Charles Pinckney, Charles Cotesworth Pinckney, Pierce Butler; Georgia: William Few, Abraham Baldwin; and President and deputy from Virginia, George Washington.

Mr. President, what would they think of us?

Nathan Hale was a young schoolteacher who answered the call of his commanding chief, General George Washington to go behind the British lines and bring back drawings and notes concerning the fortifications of the British. Hale was 21 years old. He was a schoolteacher.

He went behind the British lines, disguised as a Dutch schoolmaster. He completed his work. He made drawings of the batteries and the British fortifications.

On the night before he was to return to the American side, he was apprehended and arrested as a spy. The next morning, he was brought before the gallows with his hands tied behind him. His last request was for a Bible, and the request was denied.

The British commander, whose name was Cunningham, asked Nathan Hale if he had anything he wished to say. Nathan Hale, looking at the stark wooden coffin in which his lifeless body would soon be placed, said, "I only regret that I have but one life to lose for my country."

Nathan Hale was willing to give his one life. It is sad to say that there are Members of this body who are not willing to give one vote for the Constitution which was written by this illustrious list of Framers whose names I have just read. Not one vote to save their country, to save the constitutional system.

On a monument in Atlanta Georgia, these words are inscribed to the memory of the great Senator and orator Benjamin Hill:

> Who saves his country, saves all things, saves himself, and all things saved do bless him. Who lets his country die, lets all things die, dies himself ignobly and all things die curse him.

Mr. President, I wish that it could be said that we Republicans and Democrats alike tonight had conspired to save our country and to preserve the liberties of the American people. Because in saving the Constitution, we preserve the liberties of our people.

Claudius Marcellus was a Roman consul. His colleague was Paulus. They both were enemies of Caesar. Curio was a tribune, also an enemy of Caesar. But Caesar with 1,500 talents had bought off Paulus and with an even greater sum had secured the services of Curio. The vote was put. Claudius Marcellus could not be bought. Marcellus was of the opinion that Caesar should lay down his arms. Curio, in the pay of Caesar, opposed the motion by Claudius Marcellus, and moved instead that both Pompey and Caesar lay down their arms. Most of the Senators who had theretofore been of the same opinion as Marcellus went over to the other side and voted with Curio. Whereupon, Claudius Marcellus closed the doors of the Senate and exclaimed to his fellow Senators, "Enjoy your victory. Have Caesar for your master."

The PRESIDING OFFICER (Mr. FRIST). The Senator from West Virginia has 28 minutes remaining. Does he wish to yield that time?

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

Mr. McCAIN. I thank the Senator from West Virginia. As always, I am extremely impressed by the power of his thoughts and his speech.

Mr. President, I will be brief. The Senate has debated this legislation for a full week. The concept of a line-item veto has been debated on this floor for many years. For eight years, I have sought the Senate's consideration of a legislative line-item veto. I believe that in a few minutes the issue will be decided. And I am hopeful that the issue will be decided in favor of the proponents of this measure.

As I am not known for my great patience, it would be hard to overstate how gratified I am to have finally arrived at this moment. It has been a long, difficult but worthwhile contest. And one in which I feel honored to have participated—honored to have participated irrespective of the outcome.

Much of that honor derives from the quality of the opposition to this legislation. I know that some of the best minds and ablest legislators in the Senate have argued in opposition to the line-item veto. Their eloquence and their skill at debate surely exceed my own powers of persuasion. I had to rely heavily on the skills of the majority leader, the persuasiveness of my fellow proponents, and the merits of the cause to advance this legislation.

The senior Senator from West Virginia, the estimable Senator BYRD, distinguished this debate—as he has distinguished so many of our previous debates—with his passion, his eloquence, his wisdom, and his deep and abiding patriotism. Although my colleagues might believe that I have eagerly sought opportunities to contend with Senator BYRD, that was—to use a sports colloquialism—only my game face. I assure you, I have approached each encounter with trepidation. Senator BYRD is a very formidable man.

Senator BYRD has solemnly adjured the Senate to refrain from unwittingly violating the Constitution. His respect, his love for our Constitution is profound, and worthy of a devoted public servant. But my love for our Constitution is no less than his, even if I cannot equal the Senator's ability to express that love.

Like Senator BYRD, my regard for the Constitution encompasses more than my appreciation for the genius of that document, for the wisdom and skill of its authors. It is for the ideas it protects, for the nation born of those ideas that I would ransom my life to the defense of the Constitution of the United States.

No ethnicity, no tribal identity, no accidents of geography or birth define this Nation. We are defined by ideas;

ideas whose antecedents are found in antiquity, as Senator BYRD has so often and so eloquently recalled for us, but whose application has been so well refined in our Nation's history that we are now without peers in this world.

It is to help preserve the notion that government derived from the consent of the governed is as sound as it is moral that I have advocated this small shift in authority from one branch of our Government to another. I do not think the change to be as precipitous as its opponents fear. Even with line-item veto authority, the President can ill afford to disregard the will of Congress. Should he abuse his authority, Congress could and would compel a redress of that abuse.

I contend that granting the President this authority is necessary given the gravity of our fiscal problems and the inadequacy of Congress' past efforts to remedy those problems. I do not believe that the line item veto will empower the President to cure government's insolvency on his own. Indeed, it is and will always remain mostly Congress' burden to restore our government's fidelity to the principle of spending no more than it receives. The amounts of money that may be spared through the application of the line-item veto are significant, but—as the opponents contend—certainly not sufficient to remedy our deficit.

But granting the President this authority is, I believe, a necessary first step toward improving certain of our own practices—improvements that must be part of any serious redress of our fiscal problems. The Senator from West Virginia reveres—as do I—the customs of this honorable institution. But I am sure he would agree that all human institutions, just as all human beings, must fall short of perfection.

For some years now, Congress has failed to exercise its power of the purse with as much care as we should have. Blame should not be unfairly apportioned to one side of the aisle or the other. All have shared in our failures. Nor have Congress' imperfections proved us to be inferior to the other branches of Government. That is not what the proponents contend.

What we contend is that the President is less encumbered by the political pressures affecting the spending decisions of Members of Congress whose constituencies are more narrowly defined than his. Thus, the President will take a sterner view of public expenditures—be they in the form of appropriations or tax concessions—which serve the interests of only a few or which cannot be reasonably argued as worth the expense given our current financial difficulties.

In anticipation of a veto and the attendant public attention to the vetoed line-item appropriation, narrowly targeted tax break, or a new entitlement, Members should prove more able to resist the attractions of unnecessary spending—and, thus, begin the overdue reform of our spending practices. It is not an indictment of Congress nor of any of its Members to note that this very human institution can stand a little reform now and then.

Mr. President, I urge my colleagues to support the legislative line-item veto, and show the people of this country that for their sake we are prepared to relinquish a little of our own power. I thank the chair, and thank all my colleagues for their patience during this very long debate.

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana has 5 minutes.

Mr. McCAIN. Mr. President, I believe the Senator from West Virginia had not expended all of his time. If he seeks to be recognized, I think it is in order.

Mr. BYRD. Mr. President, I yield such time as he may desire to the Senator from Indiana [Mr. COATS]. Will he tell me how much time he would like?

Mr. COATS. Mr. President, I believe under the previous order, the Senator from Indiana was reserved 5 minutes of his own time. I inquire of the Senator from West Virginia, if he wishes to use or delegate any of the remainder of his time?

Mr. BYRD. I think the Senator from Vermont wants time. If the Senator wishes to use his own time, if he needs a few more minutes, I will be happy to yield.

The PRESIDING OFFICER. The Senator from West Virginia has 23 minutes.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will take but a minute.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Vermont such time as he may require.

Mr. LEAHY. Mr. President, earlier today I made a statement, I put an additional statement in the RECORD, of my opposition to the amendment, so I will not expand on that, other than to say I wish all Senators, no matter how they vote, will either listen to or read what was said by the distinguished senior Senator from West Virginia.

I have served with him here for 20 years. Throughout that time, we have had times of agreeing and times of disagreeing. One thing I always agreed on is his sense of history, his allegiance to the Constitution. I know of no Member of this body now serving or previous serving who stood stronger for the Constitution or stood stronger for history as Senator BYRD.

Mr. President, we should ask ourselves, in a Nation as powerful as ours, in a Nation, really the most powerful democracy known to mankind, the most powerful economy, the most powerful military worldwide reach, but a democracy and the most powerful democracy, one based on three separate branches of Government, the ability for them to be separate, the ability for them to have the respect of the people, we should ask ourselves as we continue to try to destroy any one of those branches of Government, what do we do to our democracy?

If we give up the power of the purse to the executive, that is chipping away. We find Members who want to denigrate the very bodies in which they serve—both this and the other body—and that chips away at our democracy. We find those who want to destroy the Presidency no matter who holds it. That chips away at our democracy.

Mr. President, each one of us should take a little bit of time out, read some history, consider what maintains this great and powerful democracy and ask ourselves: Are we supporting it or are we whittling away at it?

I yield the floor and thank the distinguished Senator from West Virginia.

Mr. FEINGOLD. Mr. President, though the legislation is seriously flawed, I am willing to support an experimental line-item veto authority and to see it tested over the next several years. The so-called sunset clause of the legislation, which terminates the expanded veto authority unless Congress takes action, was the key to my support for the bill.

If the Congress decides that we have gone too far in delegating authority to the President, the sunset clause will make it much easier to act. The burden will be on those who want to retain the authority.

Without a sunset clause, Congress would have to pass a bill to overturn the line-item veto authority, and it is likely that any President would veto such a bill, thus retaining this extraordinary new power.

The continuing Federal budget deficits justify granting this temporary authorty to the President, but I have a number of grave concerns with the proposal as it passed the Senate.

First, and foremost among those concerns is the threshold of a two-thirds vote in each House to overcome this new expended veto authority.

That kind of threshold is provided in the Constitution for entire bills, but extending that authority for individual sections of a bill may be going to far.

There are many uncertainties in this new authority that we are providing the President, and no one can anticipate all the potential abuses that might flow from this new authority.

In Wisconsin, we have seen the abuse of a line-item veto authority by a number of Governors, and it is safe to say that no one anticipated the extent of those abuses when the line-item veto authority was first contemplated. Governor Thompson has used the veto authority not only to rewrite entire laws, but to increase spending and increase taxes.

The two-thirds threshold will compound the uncertainty about possible abuses by making it that much more difficult for Congress to respond to that possible abuse.

I am also concerned about the potential unconstitutionality of the measure. A number of serious questions on this very issue were raised during the debate, and I am glad that the proposal also includes expedited judicial review to help resolve this matter.

The provisions relating to tax expenditures may not be adequate. I am troubled that the language in this proposal may be too protective of tax loopholes for the wealthy. Tax expenditures contribute greatly to pressure on the deficit, and if any area should be subjected to the scrutiny of line-item veto authority, it is this one.

The basic structure of this particular line-item veto authority also raise problems. If it becomes law, the measure could mean sending the President hundreds, even thousands, of tiny bills. That could be a procedural nightmare, and I would much prefer to have seen a different approach.

On the positive side, unlike the recently debated balanced budget amendment, this line-item veto authority is established by statute, not as part of the Constitution. By providing this new authority by law instead of through the Constitution, the measure does not raise the serious concerns that making a permanent change to our basic law would raise.

Also unlike the balanced budget amendment, this proposal is no gimmick. Though it is not a substitute for making real spending cuts, it can help the cause of deficit reduction because it does convey real authority to the President.

Indeed, the danger is that it conveys authority that is too broad, and because of that, I will watch how the President uses this new authority, and will lead the charge to oppose any extension of this particular line-item veto authority if problems arise.

The proposal now goes to a conference committee to settle the differences between the two Houses, and I will revisit my support for this bill when it comes back to the Senate. I would certainly oppose the measure if the sunset clause it removed, and may well oppose the measure if other changes are made, but for now, I support this temporary new authority.

Mr. MACK. Mr. President, a few weeks ago, the Senate failed to take what would have been a courageous and historic step toward fiscal responsibility when it defeated the balanced budget amendment. It was one of the most disappointing and discouraging votes I have been a part of.

That's because we failed the American people, who sent us a very clear message last November. They said they wanted an end to business as usual. Their message was emphatic: they want less spending, less Government and more freedom. But we turned a deaf ear.

I hope the Senate has another chance to pass the balanced budget in the future and I will continue to fight for its passage. But in the meantime, there are other steps we can take to significantly reform the way the Federal Government spends the American people's money. today, we can take a giant step in the direction of fiscal sanity by passing the line-item veto.

The biggest threat to America's long-term prosperity is out-or-control deficit spending. The result of 26 straight years of deficit spending is a mountain of debt. In fact, our national debt now totals nearly $5 trillion. Every day that we fail to impose fiscal discipline on ourselves we are mortgaging our children's future.

Giving the president the line-item veto will not solve the larger problem—massive deficits as far as the eye can see. But it will begin to restore fiscal sanity to a broken budget process. It will allow presidents to strike out specific wasteful and unnecessary programs that get stuck into huge and complex appropriations bills. Now, if a President wants to cut out a specific item, no matter how big or small, he must veto the entire funding bill. The line-item veto, a power some 43 governors already have, would allow the President to eliminate those programs without having to send the entire bill back to Congress. It's a common-sense reform that is long overdue.

The line-item veto is only one of what I hope will be a number of reforms in the budget process. There are other reforms that would force Congress to finally get its spending under control. For example, I am proposing a Spending Reduction Commission which would serve as a fail-safe mechanism to help ensure we achieve the spending cuts necessary to get to a balanced budget. There are other proposals to change the current process that I believe we should seriously consider as well.

But the issue before us today is the line-item veto. The American people are demanding that we act, and act now, to control Government spending. Passing the line-item veto is an important step in that direction. I urge all my colleagues on both sides of the aisle to support this bill.

Mr. THOMPSON. Mr. President, I sat in your chair on Tuesday, when the distinguished senior Senator from West Virginia made an eloquent argument against this bill. I agree with him that Senators should take great care to consider the Constitution. And his arguments were very helpful to me, as I am sure they were to all our colleagues. I believe that the Abraham amendment addresses the constitutional arguments that Senator BYRD raised concerning orphan bills. The original Dole substitute prompted questions concerning the constitutional requirement of article I, section 7, that a bill that has passed the House and Senate must be presented to the President for his approval or disapproval. Under the original Dole substitute, neither House would have passed the orphan bills in that form. However, both Houses would have passed the same legislative language.

Even without the Abraham amendment, S. 4 is constitutional. Congress has the power under article I, section 5 to establish its rules. We can enact a rule that deems an item of a bill to be a bill. More importantly, the Supreme Court has held that it is a political question whether both Houses have actually passed the same language if the bill that is presented to the President is authenticated by both the Speaker of the House and the President of the Senate. In other words, courts afford conclusive effect to a congressional determination that both Houses have passed identical bills. But there can be no doubt that the Abraham amendment removes any question under the presentment clause. And I commend my fellow freshman for his significant contribution.

There is little doubt that when this bill becomes law, a constitutional challenge will be raised. And that challenge will go all the way to the Supreme Court. And the result will be an important Supreme Court decision on separation of powers. When courts consider a constitutional challenge to a statute, a level of deference is paid to congressional resolution of the constitutional issue. This Senator's remarks are not legislative history in the sense that they illuminate statutory language. But they do demonstrate that Congress had expressly considered and resolved constitutional issues raised by the bill. Courts will therefore provide the level of respect due to a coordinate branch's considered constitutional conclusion. So I will take this opportunity to address some of the constitutional arguments that have been raised apart from the presentation clause.

The charge is made that this bill would transfer power, in particular the power of the purse, unconstitutionally from the legislative branch to the President. But this is not the case. It cannot truly be said that Congress alone has the power of the purse. Like so many powers in the Federal Government, the power of the purse is not vested solely in one branch of government. Powers are shared as well as separated in our constitutional system. The branches do not operate as hermits in splendid isolation. They need each other. They were designed to function with each other, and occasionally even against each other. The authority that each branch legitimately exercises sometimes overlaps with the legitimate authority of another branch. It is this mutual dependence that makes checks and balances possible. And it is this system of checks and balances that reduces the likelihood that the Government will trample over the liberties of the people.

The power of the purse is a classic example of a shared power. It is true that if Congress will not appropriate money for an expenditure, money from the Federal Treasury cannot be spent for that purpose. But it is also the case that an appropriation is not made merely because Congress votes to create it. The President shares the power of the purse. If he signs the appropriations bill, the money is appropriated—not because the Congress voted for it, but because the President also approved of the expenditure. One person's opinion in the executive branch counts as much as the vote of the Congress. And if the President vetoes the expenditures, then the President's power of the purse counts more than up to two-thirds of both Houses. If the appropriation fails, that does not mean that Congress has transferred any power to the President.

S. 4 is fully consistent with the constitutional arrangement that the Founders created. Indeed, the better argument is not that the bill would transfer power to the President that the President never had, but that it restores to the President the power that Congress wrested away from him. In the early years of the Republic, appropriations bills were essentially line items. Congress simply did not pass appropriations bills that contained hundreds or thousands of items and that directed the spending of billions of dollars. Rather, Congress acted on each item on its merits. And the President signed or vetoed the item on its merits.

Over the years, the level playing field the Framers anticipated has been tilted sharply in favor of the Congress. Late in the session, Congress passes enormous bills with a large number of provisions of varying merit. Not only is the bill presented to the President, but so is a Hobson's choice: Sign the bill and let it become law regardless of the merits of some of its line items, or veto the bill and shut down a department of Government upon which every American depends. Unlike Congress, Presidents have historically been responsible, and have prevented the Government from shutting down by accepting Congress' terms. By passing individual items, Congress will give the President only the power that the Framers always intended for him to exercise.

Even apart from the supposed loss of power that Congress will suffer, it is also contended that under this measure the Senate will lose power at the expense of the other body. Because the other body is normally the one where appropriation bills originate, the decision whether to override the veto of an item that originated in the Senate is solely up to the other body. If they do not override vetoes of such items, the Senate cannot work its will.

Of course, that can happen now as well. If an appropriations bill is vetoed, and the President successfully persuades the American people that the bill should have been vetoed because of items that the Senate insisted upon, the other body may choose not to override the bill. The Senate cannot then succeed in overriding the veto. Under the new system, that may occur as well, but the Senate will not be defenseless. The other body may choose to override vetoes of items of its choice. But if the Senate does not concur, the House's override vote will be meaningless. In practice, both bodies will cooperate to override vetoes of each other's truly important items because each House has the power of mutually assured destruction of the other's vetoed items.

The language of the Constitution rarely answers the difficult questions. It is necessary to examine the court decisions. And no Supreme Court decision has ever struck down a statute based upon a generalized contention that it violates the separation of powers. Many specific constitutional provisions together create the doctrine of the separation of powers. Only if the statute violates one or more of those specific provisions is the Constitution violated. No one has made an effective argument that S. 4 violates any specific constitutional provision.

Therefore, S. 4 complies in every respect with the Constitution. In fact, it restores the constitutional balance between the President and Congress that was originally contemplated. And it does not change the balance of power between the two Houses. Its enactment today will be a historic step in making Congress more accountable for its spending decisions, one which will preserve, not harm, the liberties of the American people.

EXPEDITED JUDICIAL REVIEW OF THE LINE-ITEM VETO

Mr. SIMON. Mr. President, at this time I ask the distinguished Senator from Arizona to enter into a colloquy with me.

Two days ago, the distinguished Senator joined me in passing an amendment to ensure expedited review of any remaining constitutional questions raised by the line-item veto proposal. The intent of that amendment was to provide a speedy way of removing any cloud regarding the separate enrollment provision I would like to thank the distinguished Senator for his support in this matter.

Upon review of the amendment, I believe the amendment warrants additional clarification. As written, the amendment permits "any Member of Congress" to bring an action under the expedited review procedures. However, it has come to my attention that the Federal courts have raised some question about whether a Member of Congress has standing to pursue such a suit under article III of the Constitution. If the Federal courts ruled that a Member of Congress lacked standing in such a case, the expedited review procedures would become null and void.

To take account of this contingency, I believe that it is important also to allow any person adversely affected by the act to bring an appropriate test challenge under the act's expedited review procedure. Does the distinguished Senator from Arizona agree?

Mr. McCAIN. Yes, I do.

Mr. SIMON. Does the Senator from Arizona further agree that, when the bill proceeds to conference, it will be the intent of the manager of the bill to specify that both Members of Congress and persons adversely affected by the act may utilize the review procedures.

Mr. McCAIN. Yes, I do.

Mr. SIMON. To eliminate any misapprehension, let me specify that subsection (a)(1) of the expedited review procedure should read as follows:

> (a) EXPEDITED REVIEW.—
>
> (1) Any Member of Congress or any person adversely affected by the Act may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that a provision of this Act violates the Constitution.

Does the Senator from Arizona concur with my modification?

Mr. McCAIN. Yes, I do, and I very much appreciate the Senator's efforts to clarify this issue.

Mr. HEFLIN. Mr. President, I rise to express my support for the separate enrollment version of a line-item veto. In the 103d Congress, I cosponsored S. 92, the Legislative Line-Item Veto Separate Enrollment Authority Act, which was sponsored by my good friend and colleague Senator HOLLINGS. I am pleased that the separate enrollment approach is now emerging as the compromise version of the line-item veto that will hopefully pass Congress and be signed into law by the President.

In my judgment, the line-item veto, if enacted into law, would provide the President with an effective weapon with which to fight wasteful Government spending. Over the past few years, a consensus has developed, even among most Members of Congress, that, as the 1989 report of the National Economic Commission stated: "The balance of power on budget issues has swung too far from the Executive toward the Legislative Branch." This imbalance has most likely contributed to the deficit spending of recent years.

It is believed by many that the President, exclusively representing the general, national interest of the country as a whole, is more inclined to oppose Government spending which only serves parochial interests, yet increases the national debt. Increasing the budgetary power of the President relative to the Congress would therefore lessen the current bias toward more pork barrel spending and strengthen the bias which favors national priorities.

The largest obstacle that we face as a nation to sustainable, long-term economic growth is our huge national debt. Although we have made substantial progress in reducing our annual budget deficits over the past 2 years, cutting them in half in real terms, the national debt is still standing at an unacceptably high level.

The national debt as a percentage of the economy, as measured by gross domestic product, or GDP, now stands at 52 percent. In other words, the size of our national debt is just over half the size of the output of our economy for 1 year.

To put today's figure in historical perspective, the national debt as a percentage of the economy reached a peak of 114 percent in 1946 because of the debt incurred to finance our efforts in World War II. After 1946, the size of the national debt relative to the economy declined steadily over the years even during the Vietnam war and Great Society years, to a low of 26 percent by fiscal year 1981. This is because our economy grew much faster than the national debt during this period.

This downward trend in the size of the national debt, which is common in times of peace, reversed itself in 1981 and rose over the next 12 years. The national debt doubled in real terms, from a low of 26 percent in fiscal year 1981 to a high of 52 percent in 1993 due to the huge deficits we ran in the 1980's. In other words, our national debt grew twice as fast as the economy, the first time in American history this has happened in peacetime.

The debt runup of the 1980's is unique in American history, and it is worth repeating that it is the only time in our history that the national debt has grown substantially in peacetime. We have had only three similar runups in the national debt during the 219 years of the existence of the United States: during the Civil War, during World War I, and during World War II.

During the peacetime periods after each of the three major wars just mentioned, during which it was necessary to increase the national debt, we returned to prewar levels of national debt. Now it is time to return to pre-1980's levels of debt. We have made a good start by cutting the deficit in half, and thereby halting the growth of the national debt. It ha been stabilized at 52 percent of GDP for the last 2 years, as the economy and the debt have grown at about the same pace.

Our next task is to start reducing our level of debt by balancing the budget, thereby allowing the economy to grow much faster than the debt, because the debt will not be growing at all. In my judgment, it will be necessary to reform the current budget process in order to achieve the desired end of budget balance. That is why I have fought so hard for a balanced budget amendment to the Constitution and for a Presidential line-item veto.

Constitutions in 43 States provide for a line-item veto whereby the Governors have the ability to eliminate individual provisions or reduce amounts of spending in legislation presented for their signature. The line-item veto has a proven track record on the State level at discouraging and preventing unnecessary and wasteful spending. Because it has been a proven, effective tool against excessive spending on the State level, it would make an effective tool on the national level as well.

In 1992, 188 Governors and former Governors, including Presidents Carter, Reagan, and Clinton, were surveyed with regard to the line-item veto. Nearly 70 percent of those who responded said that, as Governors, they had found the line-item veto useful. Ninety-two percent of the past and present Governors surveyed support a line-item veto on the Federal level in order to restrain Federal spending.

Also in 1992, the General Accounting Office evaluated the potential effectiveness of the line-item veto on the Federal level. The GAO report stated, and I quote at length:

> If the President had line-item veto authority from fiscal years 1984 through 1989 and used that authority to reduce or eliminate each item to which an objection was raised in the Statements of Administration Policy, we estimate that the savings would have ranged from $7 billion to $17 billion per year, for a cumulative 6-year total of about $70 billion. . . . This would have reduced Federal deficits and borrowing by 6.7 percent, from the $1,059 billion that actually occurred during that period to $989 billion. . . . In addition, the reduced federal borrowing associated with the program savings explicitly shown would have resulted in interest cost savings.

The line-item veto has bipartisan support in both Houses of Congress. In addition, Presidents Reagan, Bush, and Clinton are advocates of the line-item veto at the Federal level. In addition, according to Gallup surveys, large majorities of Americans spanning more than four decades have consistently favored the line-item veto.

There has been some talk of the separate enrollment line-item veto creating a bureaucratic "cut and paste" nightmare in the enrolling clerk's office. But these nightmare scenarios are unfounded. Due to the modern computer technology we enjoy in Congress, separate enrollment would not pose a prohibitive burden on the clerk's staff. In fact, such technology makes the process quite simple.

I urge my colleagues to support the line-item veto. This is a clear opportunity to seriously address our biggest national problem—excessive deficit spending—with a realistic, proven solution. The voters have spoken; it is time to end wasteful Government spending. Let us give the President the line-item veto through the separate enrollment mechanism.

Mr. LIEBERMAN. Mr. President, I rise in support of a broad-based line-item veto which would allow the President to strike spending as well as tax provisions.

I am a relative newcomer to this institution. But in my time here I have observed that the system of rules we live under makes it far easier to spend money than to save money. Maybe that is just a fact of life. Most Americans would probably agree that spending is easier than saving. We have the same problem here in Congress.

The line-item veto may not fix all of our budgetary problems; in fact, I am reasonably sure it will not do so. But I do believe it is worth a try to make a dent in those problems, and for that reason, I support giving the President greater authority to strike spending as well as tax expenditures, subject to a congressional override. And if the line-item veto does not work, I support getting rid of it—for that reason I am pleased that there is general agreement among both sides that any line-item veto provision ought to have a sunset provision.

Certainly the current system has its flaws. Let me give you just one example, a $16 million urban tree-planting program at the Small Business Administration. I do not believe in governing by anecdote, but the repeated and unsuccessful attempts to kill this program are illustrative. The administration has tried to get rid of this program at least twice. The SBA does not want the money—tree planting is not their specialty. The House has tried on numerous occasions to get rid of this program because it simply makes no sense for the SBA to be in the business of planting trees. The Kerrey-Brown group, of which I was a participant, tried to get rid of this program. But it has proved to be the Freddy Krueger of Federal programs—no matter what you do to kill it, this program survives.

I am hoping the line-item veto proposals before us will make it possible to finally get at programs like this tree-planting program. I happen to be a big fan of trees and I spend a lot of my time working to keep our air and water clean enough to keep those trees alive. I just do not think we can afford to have the SBA running a program like this, and I suspect most of my colleagues agree with me. I am also convinced that the reason we have had a tough time getting at this program is because it has been wrapped into larger bills. When I was in the State Senate in Connecticut, it was common wisdom that the way to pass the tough items was to bury them in the big bills and keep your fingers crossed that they would slip through unnoticed. Given our deficit, I just do not think we can afford this approach anymore.

In addition, I am firmly convinced that tax expenditures should also be subject to any line-item veto passed by this Chamber. Put simply, new taxes should be put to the test in the same way as new spending. As a proponent of a capital gains cut as a way to increase needed investment and saving in this country, I am well aware that adding new tax expenditures to the line-item veto bill could put some tax investment incentives at risk. However, that is a risk I am willing to take if the end result will be more discipline, and fewer loopholes, in our Tax Code.

We have heard a lot about possible abuses of the line-item veto by the executive branch. I come from one of the 43 States with a line-item veto in our State Constitution. It is a pretty tough provision—allowing the Governor to "disapprove any item or items of any bill making appropriations of money." And the provision has worked just fine—the legislative branch has not been overthrown, and no revolutions have occurred. By most accounts, the provision has been a success.

Despite all of this, I do harbor some concerns that an Executive might use this provision for political ends. Surely we are not above politics. I have watched with some dismay as the other body has targeted, or appeared to target, programs which are priorities of this administration—programs like national service and the various technology programs like TRP and ATP. For this reason, I am pleased that there is general agreement that passage of a line-item veto should be something of an experiment—that it should sunset after a few years so that we can debate its effectiveness and, if it has been successful, pass it again. A sunset provision should help keep the executive branch away from abuses.

Mr. President, I support a line-item veto which covers a broad range of spending and tax cuts, and I hope my colleagues will do so as well.

Mr. BIDEN. Mr. President, I have long held that separate enrollment is the solution to the tough question of how to provide the President with line-item veto power.

Since 1984, when I joined Senator Mattingly and others in introducing a separate enrollment line-item veto bill, until this year, as cosponsor of Senator BRADLEY's bill, I have supported both the principle of a line-item veto and the specific approach of separate enrollment.

Today, I want to explain my position on this important issue, a position that has, until just last week, had little support on either side of the aisle. I am gratified by the recent embrace of this approach as the compromise position that could finally permit a controlled experiment with a line-item veto to go forward.

Mr. President, a controlled experiment is just what this proposal calls for.

Mr. President, I share the concerns of many of my colleagues that a line-item veto could threaten the balance of power established in the Constitution between the Congress and the President.

That is why I argued unequivocally against any constitutional version of line-item veto just 2 months ago in the Judiciary Subcommittee on the Constitution.

Because this is a statutory line-item veto, Mr. President, and one, I must emphasize, with a built-in sunset it remains the prerogative of Congress to decide if this is, in the end, what we want to do and how we want to do it.

And that is, indeed, the intended effect of the legislation before us today. It grants new power to the President—to veto separate items in appropriations bills, not the whole bill as would be required today. This change permits the President to target specific spending programs, not whole categories of Government activity.

But this change would not only provide the executive with additional responsibility for controlling Federal spending at the margins. It would put additional responsibility on Congress to remove those items that would be easy targets for a presidential veto.

No one can look upon the deplorable state of our Federal finances and tell me that a little more fiscal responsibility, at both ends of Pennsylvania Avenue, is not in order.

Of course, if the question were that simple, we would not be at the impasse we have reached today.

There is honest, deeply held disagreement on whether we should go forward with any experiment in a line-item veto.

Everyone of us in the Senate, and every citizen of this country, should be grateful for Senator BYRD'S tireless efforts to remind us of the historical significance and constitutional implications of the step we are contemplating here.

But I would like to make two points in defense of separate enrollment line-item veto legislation.

First, our Constitution was intended to be flexible enough to adjust to a variety of new circumstances. Within the limits I believe are rightly imposed in this case—a statutory change, with a built-in sunset provision, in the year 2000—we should be willing to make incremental adjustments in our procedures that have some prospect of promoting our shared goal of deficit reduction and more responsible budgeting.

Second, Mr. President, it could be argued that by enrolling each element in our spending bills separately, we are restoring a historical relation between the President and Congress, a relationship that took a new course when we began to write appropriations bills that lumped hundreds, even thousands, of items of spending together.

I am pleased that some of my colleagues have cited arguments I made several years ago in the Judiciary Committee in defense of the constitutionality of the separate enrollment approach.

It is my considered opinion that this approach can survive any court challenge on constitutional grounds. I am persuaded that the Congress may choose—as it will, if we accept this legislation—its own procedure for enrolling and presenting legislation to the President. There is nothing inappropriate about choosing to present our bills to the President in a way that will expose them to the same veto power that he has always possessed.

I must stress, Mr. President, that I do have some concern about the difference between S. 4, the proposal before us today, and S. 137, the version I cosponsored this year and—with one exception—identical to the bill I introduced a decade ago with Senator Mattingly.

That difference is in the level of detail that is required of the bills that we will send separately to the President. The version that I have consistently supported required the separate enrollment of numbered items or unnumbered paragraphs.

To use one example, one of those items or paragraphs might include the budget for veterans' construction projects. Under the versions I have consistently supported, the President could veto that element of the Veterans' Affairs, Housing and Urban Development, independent agencies appropriations bill, rather than the whole bill.

Now, some of my colleagues have expressed concern that the new requirement, added in S. 4, that Congress has to include additional detail, detail that could, to continue my example, include specific construction projects at specific veterans' hospitals in specific States.

The temptation for a President to use the line-item veto to extort concessions, or to punish transgressions, may be greater under this new formulation than under the legislation I have supported in the past.

Mr. President, we still retain the authority to determine the level of detail that we include in our committee reports, and thus the level of detail that will be required under S. 4.

And again, Mr. President, the new process we will adopt here today is not a constitutional change, but a statutory one, and a statutory change with a date certain—5 years from now—when its authority automatically ends.

Now, I supported a quicker sunset of line-item veto power in the versions that I cosponsored, this year and in the past. But I am satisfied that we have built in sufficient safeguard to give this experiment a chance to succeed—or to fail.

Because of the sunset provision, we have reserved the right to reverse this decision if the anticipated benefits of this bill do not outweigh its potential costs.

Its benefits, I believe, will come not only in the form of reduced spending; in these times, any money saved is important, but we should not expect this to affect deficits in any fundamental way.

Its benefits are likely to be more subtle, in the reduction of spending programs that can't pass the "laugh test"—that would be laughed at if they were exposed to public ridicule.

That is the real promise of this line-item veto bill, that it will improve, at the margin, the quality, as well as the quantity, of our spending decisions.

Mr. President, a major improvement of this proposal over earlier line-item veto proposals is that it includes those programs that spend money through the Tax Code—what we call tax expenditures, and what everyone else knows as loopholes.

This is an approach I supported when I cosponsored Senator BRADLEY's separate enrollment bill this year.

This is a substantial and far-reaching line-item veto proposal that we will vote on this afternoon. And we must recognize that it will grant power to the President that he does not have today.

Again, I prefer the language of S. 137, Senator BRADLEY's separate enrollment bill, defining just what a tax expenditure is. And I supported Senator BRADLEY's attempt to clarify the tax expenditure definition in S. 4, that could be open to "back-loaded" tax cuts that lose revenue more than 5 years in the future.

But the debate here on the Senate floor has convinced me that the language of S. 4 covers real tax loopholes, both the narrowest gimmicks and the broadest, that are such a drain on the Federal Treasury.

Mr. President, at the heart of S. 4 is the traditional veto power that the President has always possessed. The change that this bill will bring about is a change in the way we choose to send our bills to the President.

I have no doubt that this will shift some influence over spending priorities to the Executive; this is, of course, one purpose of the line-item veto—to exchance executive budget authority, and to put the Congress on notice that our spending proposals will be exposed to an additional level of scrutiny.

This may well add to the President's influence on the legislative agenda, and, at the extreme, could provide a President with the temptation to use the line-item veto to threaten or to retaliate against Members of Congress.

If some future President chooses to make such use of this new budget tool we offer him, then we will take it away.

In the end, should we not examine each of our spending decisions individually? Should we not subject our spending plans to the closest possible scrutiny, down to presenting them separately to the President?

In the face of the deficit problem we now confront, and in the face of corrosive public cynicism about our ability to get our houses in order, Mr. President, do we want to send the message that business as usual is good enough for us?

In passing S. 4, we will take more care with our spending decisions, and in a small but important way, end business as usual.

Mr. CRAIG. Mr. President, I rise in support of S. 4, the Legislative Line Item Veto Act, as modified by the Dole compromise amendment.

This landmark legislation promises to bring some long overdue progress in fiscal responsibility and in our war on government waste.

When it finally becomes law in the coming weeks:

It will help reduce the deficit;

It will subject a lot of questionable pork provisions to the withering bright sunlight of Presidential and public scrutiny; and

It will also subject the President to increased scrutiny—we'll see if his veto pen matches his promises.

I recognize that the Daschle amendment—which we tabled earlier today—is essentially the same as S. 14, which was cosponsored by several Senators on this side, including myself.

I was an original cosponsor of both S. 4 and S. 14 as introduced, because I wanted to increase the chances of the Senate passing a legislative line item veto, passing the strongest one we can, passing one that was carefully crafted, and passing one that is bipartisan.

I voted to table the Daschle amendment—as did some of the other cosponsors of S. 14;

This is because we now have a chance to pass a bill that is stronger than S. 14, and like S. 14, is carefully crafted to do the variety of things that the large majority Senators want to do.

That is what we now have in the Dole amendment. As in the original McCain-Coats S. 4, we have a ⅔ vote required to override an item veto.

As in both S. 4 and the original S. 14, we now have a process that prevents circumventing the veto by passing a one-line appropriation bill and putting hundreds of detailed directions in a committee report; and we will avoid extending the item veto to policy items that are non-dollar items.

As in S. 14, and somewhat similarly to the Bradley proposal, we apply the line item veto to targeted tax breaks.

As in S. 14, we apply the item veto to new direct spending, and will include a deficit-reduction lockbox.

As in bills introduced by Senators HOLLINGS and BRADLEY, in a bipartisan spirit, we use the process of separate enrollment.

I said before that I preferred a strengthened rescission process to separate enrollment; I still do; but taking each proposal as a whole, taking all the provisions in each, the Dole amendment is the best package to come before this body.

Of all the versions discussed, the Dole amendment is the least likely to be subject to constitutional problems and court review.

It is clear that, under Article I of the Constitution, the Congress determines the form of bills it sends to the President.

This approach does not involve any of the issues raised in the past that might question the constitutionality of legislative vetoes or impoundment powers that might cross the barriers separating the legislative and executive powers.

Some Senators supported the Daschle substitute as being the "middle ground" version. But now, by extending the veto to targeted tax breaks and new direct spending, the Dole amendment also is in the middle ground and covers a range of Senators' concerns.

The only material difference remaining between the Dole and Daschle versions is whether you want a line item veto to be overridden by a majority vote or a ⅔ vote.

I agree with President Clinton on this one: I want the stronger line item veto.

In this case, it is possible to pass the better of 2 proposals, and a ⅔ override is better than a majority override. It is that simple.

In all other important respects, the Dole amendment and other amendments that we are accepting incorporate the other positive aspects of S. 14 and the Daschle substitute into the bill we are going to pass.

The bottom line is this: The principal difference between separate enrollment and enhanced rescission in how the papers are bundled. That is all.

As improved here on the floor, that difference in bundling will not be a problem.

Separate enrollment under the Dole amendment would wind up accomplishing essentially the same ends a the McCain-Coats type of enhanced rescission process in S. 4, with improvements from S. 14 added.

I also wanted to address some of the concerns about separate enrollment raised by Senator NUNN and others.

Some Senators are concerned that moving the details of committee reports into separately enrolled bills would present the President with 10,000 appropriations bills to sign or veto instead 13 or so.

If writer's cramp truly becomes a concern, the Constitution allow the

President simply to let the least controversial or least notable of the these bills become law without signature or veto.

Article I, section 7 says, in part:

> If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it. . . .

This simple answer is more than this concern deserves.

Some Senators are concerned that, conversely, to thwart the President and the line item veto, bills may be reduced to one-line appropriations, with the details, earmarks, requirements, directions, and requests that now appear in committee reports being moved instead into floor colloquies and letters.

Senators who raise this kind of concern are assuming that business as usual will not change, but will just get more difficult under the new rules.

They are missing the point: This bill will change how we conduct business around here.

The new rules mean it is a whole new ball game.

Senator NUNN correctly points out that, as a matter of accommodation, currently, report language is treated as "sort of binding" on agencies as they spend appropriations.

The point is, this part of the process should change.

Now, so-called "earmarks" will have to appear right out there in the open—not hidden from view by an obscure comment in a conference report that the lack of mention of contradiction in the Senate committee report means that the Congress expects an agency to honor a direction given in the House report as implicitly modified by a floor colloquy.

How many of my colleagues even understand that this is the way we do business now?

I can guarantee that most Americans do not know that—and would be incredulous if they did.

The current process leads to ambiguity at best, evasion of responsibility at worst.

Here is an actual example of how the current system breaks down—it happened to this Senator:

In 1994, the House report on one appropriation bill took position on a matter of agency discretion; several Senators entered into a Senate floor colloquy directly contradicting the House position; the conference committee should have resolved that disagreement but did not. As a result, the agency had no idea what, if any, guidance it had from Congress or how binding it was.

Well, under this bill, if we put it in law, we know it is binding. If it is in a floor colloquy, we know it is advisory, interpretative, clarifying.

That is well-known and well settled.

There is no doubt—no doubt—that no court ever would find a floor colloquy to have the binding effect of law.

So, what this line item veto means is that a lot of unimportant earmarks and so-called "directions" simply will disappear from the formal parts of the process. The important ones will become law or be vetoed.

That is the way it should be.

What a novel idea—that we should put into law the instructions that we expect agencies to carry out.

Some Senators are concerned that reprogrammings would have to be accomplished through an act of Congress instead of over the telephone among committee chairman and ranking members.

The possible problems pointed out with reprogramming, once again, are only problems if you keep trying to do business as usual under the new procedure.

Now, under this bill, we will have to decide when micromanagement of an item is so important that it should be in law, and when we are just going to let the agency have some discretion in how it does its job.

We will need fewer reprogrammings, because this new process creates a disincentive for Congress to micromanage agencies through the appropriations process.

When we do handle that reduced number of reprogrammings, they ought to become routine legislation, basically technical corrections.

And, after all, if an item of reprogramming is so controversial that it would be subject to contention on the floor of the Senate, then it is too important to go through the status quo's "informal" process.

LINE-ITEM VETO

Mr. KERRY. Mr. President, several weeks ago I voted "no" when this body voted on the proposal to send to the States for ratification an amendment to the Constitution to require a balanced budget. I enumerated the reasons for my opposition. Principal among them was that the constitutional amendment proposal was a fraud; its proponents claimed that it was essential to achieving a balanced Federal budget—a goal to which I fervently subscribe—when, in reality, the amendment would not cut so much as a thin dime from the deficit. In addition, the amendment, had it been approved by Congress and ratified by the requisite number of States, would have created a dangerous situation and a disturbing precedent of sinking not only into standard procedure but into the U.S. Constitution requirements that several key types of Congressional fiscal policy decisions would have to be made by supermajorities. I was persuaded than and remain persuaded now that the Founding Fathers—rightly—would be spinning in their graves in anxiety for our Union if they knew what was then being proposed and debated.

But I promised at that time, Mr. President, that I would vote for proposals that would make—or make likely—real savings in the Federal budget, and that did not sink fraudulent or untested methods into the Constitution or trample on the basic tenets of that Constitution.

And tonight, Mr. President, the Senate is considering the kind of proposal I promised to support, a proposal that is very different than the Balanced Budget Amendment. The proposal on which we are about to vote—to which some refer loosely as a "line-item veto" although it has features quite different than proposals that carried that moniker for many years—is not a fraud. It is real. It provides the ability to the President of the United States to achieve real economies in the federal budget much more easily than such economies can be achieved today.

Is this a cure-all? No, of course not, Mr. President. The passage of the line-item veto will not instantaneously and surely erase our nearing-$200-billion deficits. But it is one tool—a new tool with teeth—that any President can use to remove less essential spending from the budget. And it gives strength to such a Presidential decision by requiring a two-thirds vote of both houses to overturn the President's decision and reinstate the spending he vetoed.

I believe this tool can and will make a beneficial difference. It applies to tax expenditures as well as to direct spending.

But if it proves not to work as advertised—as those of us who vote for it believe it work—we can return to this floor and, by engaging in the Constitutional process of enacting a law, we can repeal it or modify it. And, in any event, the provision on which we vote tonight will disappear automatically—it will sunset—in the year 2000 unless we act to extend it.

Mr. President, this is worth a try. It could have—and I hope and trust it will have—a sobering effect on those who seek to lard appropriations bills with special-purpose pork. It can provide—and I hope and trust it will provide—a tool to the President to achieve significant economies in the federal budget by eliminating programs that are not in the national interest, or have outlined their usefulness but not their political patronage.

We must take real steps to achieve a balanced budget. This will not be sufficient by itself to achieve that balance—we have much and very difficult work ahead of us to cut the deficit the old fashioned way by cutting programs and expenditures and bringing revenues in line with spending. But this truly is a real step, and I support it.

Mr. LAUTENBERG. Mr. President, the Senate is debating a truly fundamental change to our system of government. We have before us legislation which proposes to reconsider some of the most basic principles of our democracy. For over 200 years, the Federal government has maintained a careful balance between the powers of the legislative, executive, and judicial branches. That balance has stood the test of time, and has helped sustain our nation's cherished liberties for generations.

Mr. President, given that remarkable record, we need to be very cautious before altering this historic balance of powers. It's not something we should do lightly. It's not something we should rush through.

We do, however, have to be prepared to respond to changing conditions, and to make needed changes in the way we do business. Despite all that's good about our democratic system, we also face some real problems. And one of the most important is government waste, and the deep public anger that it provokes.

Mr. President, as much as any time in our history, it is critical to reduce waste in government. We are continuing to load debt on our children and grandchildren. The tax burden is heavy. Americans are losing faith in government as they are repeatedly bombarded with examples of unnecessary spending—from fraud in government programs to the Lawrence Welk Center—and taxpayers are infuriated. They have a right to be.

They also have a right to demand that we do something about it. And there is broad public support for trying some form of line item veto.

Yet, Mr. President, we should not exaggerate what a line item veto can accomplish. It won't eliminate all government waste. Nor will it balance the budget. It may result in eliminating unnecessary pork barrel projects and special-interest tax loopholes.

This is not to say, Mr. President, that all narrowly—targeted spending or tax provisions are wasteful. But many are. And the most egregious examples get the most publicity, and erode public confidence in the Congress and our government. Surely that's one reason why the public is so angry with Washington.

We need to look for ways to address this problem. And the line item veto might help, by giving the President additional power to eliminate items that are truly indefensible.

Under current law, when the Congress sends the President a broad spending or tax bill, the President's options are pretty limited. He can sign the whole bill into law. Or he can veto the entire package.

Once an appropriations bill is enacted, the President can propose to rescind specific items of spending, and send Congress a rescission. But this rescission power is extremely limited. First, it does not apply to tax breaks. And, in the case of proposed rescissions to appropriations, Congress can simply ignore them.

It seems to me, Mr. President, that it's worth trying to give the President additional powers to eliminate waste. But, as we move into these uncharted waters—fundamentally changing our form of government—we should build in certain protections against abuse of executive power. Restraint of executive power has been a hallmark of our Constitution and guided our Founding Fathers in its creation.

We can strengthen the President's rescission power by making sure the Congress considers all Presidential rescission proposals, and does so on an expedited basis. That would be a significant step forward in the fight against waste. Currently, if the President sends rescissions to us to eliminate wasteful spending, we can just ignore them. And we usually do. Forcing review of wasteful expenditures, in the glare of public debate, would be a healthy antidote to our current way of doing business.

We can also build in protections against abuse of this expanded executive power by retaining the democratic practice of majority rule. The pending legislation would permit the President to kill any increases in spending or changes to entitlement programs if he can convince just one-third of one house of Congress to support him. That's an enormous expansion of executive power. It would permit the President to nullify what a majority of the people's representatives have already approved.

Finally, we can guard against abuse of power by the Executive by requiring the Congress to review the line item veto after a prescribed trial period. Initially, I think the shorter this trial the better. If the line item veto works as its authors intend, it will have a salutary effect on our government and there will be no problem extending it.

Unfortunately, Mr. President, the proposal before us fails to protect against executive branch abuses. It also puts power in the hands of a small minority, undermining majority rule. It lets one-third of Congress rule with the President, controlling Federal policy on virtually all new spending and entitlement programs.

The legislation also could unintentionally hurt smaller States, with smaller congressional delegations, like my State of New Jersey. The proposal would load the deck in favor of bigger States which have a leg up on building the necessary two-thirds vote to override a Presidential line-item veto. In my view, that's unwise.

Mr. President, the case for a line item veto rests largely on the need to eliminate narrowly targeted pork-barrel spending. But the majority leader's amendment goes much further than that. It would allow a President to unilaterally eliminate funding for entire programs. This would give a single individual the power to kill major initiatives in education, law enforcement, health care, veterans, mass transit, immigration enforcement, housing, you name it. All would be at risk.

It would also put Medicare, veterans benefits, and other entitlement programs under the control of a small minority of Congress aligned with a President.

Mr. President, I'm not suggesting that President Clinton or any future President would abuse this new power. But we really don't know.

That's not a Democratic concern or a Republican concern. It's a nonpartisan concern.

That's not a liberal concern or a conservative concern. It's a democratic—with a small 'd'—concern.

It has nothing to do with party or ideology. It has everything to do with the potential for abuse of power and rule by a congressional minority.

Let's take one example, Mr. President, of a President of my own party, Lyndon Baines Johnson. President Johnson was a strong leader who excelled at cajoling and pressing Members of Congress into voting with him. I never experienced it myself, but the "Johnson treatment" was something that is legendary.

Lyndon Johnson used every tool in his arsenal to win.

Looking to the future, a President with strong leadership skills and strong convictions would gain enormously in power. With just one-third of one House of Congress, he could wipe out essential benefits for ordinary Americans and a majority in Congress could do nothing to stop him.

Mr. President, I'd urge against giving the President that virtually unbridled power.

I'm not willing to risk that a future President would be able to overrule a majority in Congress and eliminate all school lunches.

Or deny middle-class students the opportunity to go to college.

Or deny working families assistance with child care.

Or take police officers off the streets.

Or force young children to go hungry.

Or increase the number of the homeless on our streets.

Or deny veterans the benefits they've earned by serving our country.

Or deny senior citizens needed benefits under Medicare.

Mr. President, these expenditures and these benefits are not pork. But they all would be vulnerable to the line-item veto under this amendment. And a President bent on eliminating them could wield this new tool as a meat ax against ordinary Americans. There need to be some real protections against that if we are to have a line-item veto.

Mr. President, I also am concerned that a line-item veto could open the door to what some have called "political extortion". I use that term to convey how a President would be able, in effect, to hold a gun to the head of Members of Congress.

This is what could happen. A President could go to a Member of Congress and say this:

"I need your support for my favorite new initiative. If you don't agree to support it, I'm going to rescind that bridge, or highway, that's so important to your district."

Mr. President, that kind of political pressure occurs in some States that have a line-item veto. And it can lead to more wasteful spending, not less.

Mr. President, to limit the possibility that a line-item veto will be abused, it's important to keep the Executive on a short leash. One way is to require Congress to reauthorize the line-item veto on a routine basis. Another is to allow a majority in Congress to overrule the President. These protections would preserve the constitutional principle of balance of power and avoid shifting extraordinary power to the executive branch, or to larger States at the expense of medium sized or smaller States.

They would make it less likely that a future occupant of the White House would ride roughshod over the people and Congress.

Unfortunately, Mr. President, the pending proposal doesn't include adequate protections. It's a serious flaw in the legislation.

I'm also concerned about the provisions in the pending amendment related to tax expenditures. Those provisions, though drafted ambiguously, apparently are intended to provide a "loophole for loopholes" that will protect many special interest tax breaks from rescission.

Mr. President, we all know the many special tax breaks that have been included in tax bills over the years. There are special rules for the timber industry. For the oil and gas industry. For cruise liners. In fact, a few years ago we even tried to enact a special loophole for the tuxedo industry.

Once enacted, Mr. President, most tax breaks enjoy a special status that even the most popular spending programs would envy. They never have to be appropriated. They never have to be reauthorized. They never have to compete for scarce budgetary resources. Instead, they simply nestle quietly and unobtrusively into the nooks and crannies of the Tax Code, never to be seen or heard from again. But, they lose substantial revenue, and their costs are made up by ordinary taxpayers.

Mr. President, unwarranted tax loopholes go to the heart of what bothers so many Americans today. Loopholes generally are provided only to special interests and wealthy individuals who either have special connections, or enough money to hire a lobbyist with access to Members of Congress.

Meanwhile, ordinary Americans don't have these connections. They don't have personal relationships with powerful Senators. And they don't have lobbyists working for them.

So when ordinary Americans see the clients of lobbyists getting special treatment in the Tax Code, they resent it. And they resent it very, very deeply.

Mr. President, the pending amendment includes some ambiguous language on targeted tax benefits. But, according to statements made on this floor, that language is intended to be very narrow. Apparently, if a tax break benefits a particular company, it may be subject to a rescission. But if the loophole benefits two companies, or an entire industry, it will get special protection.

Mr. President, that's a loophole for loopholes, and I cannot support it.

In conclusion, Mr. President, let me again emphasize that we're talking about the basic structure of Government that was established over 200 years ago, and we should proceed with caution. To help eliminate waste in Government, it's worth trying a line-item veto. But, we should not support proposals that are vulnerable to abuse, that fail to adequately protect the public interest and our constituents, or that provide a loophole for special interest tax loopholes.

I yield the floor.

Mr. FORD. Mr. President, would the distinguished Senator from West Virginia give me about 3 minutes?

Mr. BYRD. Mr. President, I yield as much time as is under my control, as the Senator from Kentucky requires.

Mr. FORD. I thank the Senator, and I thank the Chair.

Not many people in this Chamber—several, probably—have operated under the line-item veto. As Governor of Kentucky, I was given the opportunity for use of the line-item veto. I had three things I could do. I checked with the legislative research commission to be sure that there have been no changes, or whether they have broadened some.

I had three things I could do when an appropriations bill comes to you. You can veto the whole bill. But you can run a line through the item, initial it, then you have to give your reason for that veto, and send it back to the legislature within 10 days. They either sustained or overrode your veto.

Second, I had the opportunity to reduce a number from $1 million to $500,000 and give the reason for the reduction. I had 10 days to send it to the legislature. I also had the authority to veto a phrase in the language of the appropriations bill.

That is all it was. Simple is better, in my opinion here. Either give the President the authority to line item, initial it, send it back up here, and say "These are the reasons I had to line-item veto this particular position in an appropriation bill."

I am beginning to worry that we have gotten to a point where our distinguished friend from West Virginia is calling them billettes. I have heard of "sermonettes." They are probably better than billettes. But we hear all Governors have had this authority. Governors use it. So do many States.

Well, we are not modeling after what the Governors have at all. Maybe this is a little bit different, but still we deal with the legislative body, we deal with appropriations bills, and third, we have a responsibility to give the reason, and the legislative body then has the opportunity.

I am hoping that when this bill goes to conference and comes back—and it is going to conference—that it will be a somewhat better bill. There has been a lot of Members that have had enthusiasm for the Domenici-Exon bill legislation and it was voted out. Some could not get together on it, and as we have heard about Henry Clay, Henry Clay was the great compromiser. Come to Lexington, KY, sometime, and see his library. You would be quite impressed with that. Henry Clay said, "Compromise was negotiated here."

Well, we have seen no negotiation here except on one side, 49–48 a while ago. When we said all this money that is going to be saved ought to reduce the deficit, there was a lot of blustering going on around here, and they said, "No, we don't want it to go to the deficit, we want to use it for something else." We will see how that comes out.

Mr. President, I hope when this bill leaves the Chamber tonight and it goes to conference that the conference will have the wisdom to send back something we can all join in, and have an opportunity to give the President line-item veto. And if this line-item veto we are passing tonight is the one that comes back from conference, and it is finally passed and the President does sign it, I am not sure how long it will last because I was amazed at the statement by my friend from Arkansas, Senator BUMPERS. He thought he would have a sense of the Senate that they would save so many acres of timber in order to be sure we had enough paper to be used to all of these 2,000, 3,000, 4,000, billettes that are going to come back.

I remember when I was Governor, we had to go get bond issues. We may have to do this for the President. You would have 49 pens you were looking at, and one in your hand, and you would sign on the bottom. So you would write Wendell H. FORD and all those pens go up and down with you, and you would sign 50 sheets, as they would slide across. Then you got 50 more you have to sign, they slide across. That is what you are doing.

Maybe we could have a patent on the pens that are going to be used by the President, so when he signs hundreds and hundreds of billettes that he will just be able to use one pen, and one pen will work on all those billettes.

It will be an interesting day and an interesting night. The future is not yet here. We will have to wait and see how it comes. I hope this bill leaves here and comes back with something we can all join together on.

I yield the floor, and I thank the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia has 14 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, how much time does the distinguished Senator from California need?

Mrs. BOXER. Two minutes.

Mr. BYRD. I yield 4 minutes.

Mrs. BOXER. I thank my friend from West Virginia.

Mr. President, I will be brief. The hour is late and there has been an excellent debate on this. I really had not planned to speak. I have written something that is going to go in the RECORD to explain why I am voting "no" on this bill.

But I was really moved to come over to the floor and to shake the hand of my friend from West Virginia. I am so proud to serve in this body with so many extraordinary people, but I have to say that I really do not think there is anyone in this Chamber—this is my opinion—who understands the Constitution so well—but more than that, feels it inside.

It is a combination that is just extraordinary. His ability to put it into the history of the world, it is such a gift. I wanted to thank the Senator for sharing his wisdom, his thoughts, here.

I have to say when I was over in the other body for 10 years and someone said, "Well, what do you think of Senator BYRD," I would not have said all these glowing things because I did not understand what I understand now.

Having been exposed to him in this debate and other debates, we are so privileged here. I hope that everyone understands when we cast our vote on this, how it will be viewed in the long term.

Things may lack real power on the surface, but I guess I have to ask this question on this bill: Why do we want to be here if we are going to give away our ability to fight for the people we represent? Why do we want to be here? We do not have to be here.

Why not just give up the power to the executive branch—and I do not care who is there. I happen to like this President. I think this President is compassionate and smart. He is a good deficit cutter. I trust him. But that is not what we are legislating about.

I see my colleagues on the other side are smiling and are happy tonight because they are going to win something in the contract. Well, I will put that contract up against the Constitution any day of the week, and I am picking the Constitution. I am proud that I am here and I thank the people of California, 31 million people, the people who sent me here to stand up for the Constitution tonight.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia has 11 minutes.

Mr. BYRD. Mr. President, I will be glad to yield time to any Senator on either side if any Senator wishes it. If not, I am ready to yield back my time if the other side is ready to do the same.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, earlier the Senator from West Virginia read the names of the distinguished Americans who signed the Constitution, which is a document that we all revere. He asked the question: What would they think if they observed what we were doing this evening?

And I ask the question: What would they think if they were able to observe the spending habits of this Congress, the abuse of the power of the purse that has resulted in a $4.8 trillion debt, the practice of taking every penny of appropriations and putting it into one continuing resolution, placing it on the desk of the President at 11:59 of the last day of the fiscal year and saying, "Mr. President, take it all or close down the entire Government of the United States."

What would the Founding Fathers think of that practice? What would the Founding Fathers think of the practice of taking appropriations bills and titling them "Emergency Supplemental Appropriations" or "Dire Emergency Supplemental Appropriations," to provide relief for hurricane victims in South Carolina or Florida, or earthquake victims in California, or flood victims in the Midwest—and attaching to that spending that is totally irrelevant to the question, totally unnecessary, at a time when we are running deficits of several hundred billion dollars and increasing a debt which our children and grandchildren and our posterity will find extraordinarily difficult to pay? Mr. President, $20,000 now for every new child born in America, of debt that child assumes. What would they think of that?

We are not new to this issue. Line-item veto was first introduced nearly 120 years ago by a gentleman from West Virginia, Congressman Charles Faulkner. He was the first to introduce line-item veto in 1876. It was referred to committee, the Committee of Judiciary, where it died. Since then, nearly 200 attempts at line-item veto have been introduced, each time buried in committee, filibustered to death, or procedurally blocked from direct consideration.

Last November the long-building anger against this Congress for such abuses of the power of the purse erupted, and with their votes the American people decisively demonstrated their deep frustration with business as usual, with the status quo, with the practice of the Congress in exercising the power of the purse.

Recently the U.S. Senate fueled that anger by failing to pass a balanced budget amendment and in doing so clearly demonstrated that we as an institution are more concerned with preserving our power than protecting our Nation's posterity. Let us, by our vote tonight, show the American people that we heard their message in November; show them that we are serious about fundamental changes in the way the Congress works and does its business. Let us show them that we intend to present tax and appropriations bills without subsequent embarrassment. Let us send the message to taxpayers that under our guidance, their dollars will no longer be wasted on pork-barrel spending or tax benefits that favor the few at the expense of the many. Let us act boldly to eliminate the dual deficits of public funds and the public trust. Let us tonight show the American people that business, as the Senate has practiced, it is over.

Mr. President, it has been 120 years since that Congressman from West Virginia offered line-item veto. The time has come for this Congress to finally pass that measure.

The PRESIDING OFFICER. The Senator from West Virginia still has 10 minutes.

Mr. BYRD. Mr. President, I do not choose to use the 10 minutes. I will be glad to yield it to others.

Mr. DOLE. I will only take 1 minute of my leader's time.

Mr. BYRD. I yield back my time.

Mr. DOLE. Mr. President, the long awaited moment has finally arrived. It has been a long time in coming, but it is welcome nonetheless.

As with the balanced budget amendment, the line-item veto has the overwhelming support of the American people, and I hope it will receive the overwhelming support of the Senate.

Those of us on the Republican side have supported giving the President the line-item veto for years. During the 1980's, opponents of the line-item veto used to say that Republicans supported it only because the President happened to be a Republican at that time. With passage of the measure we hope to dispel that myth once and for all. We believe that any President of the United States, as Chief Executive, should be given more power to reduce Federal spending.

If we cannot control ourselves—maybe the Chief Executive can help.

As Governor and as a candidate for President, President Clinton joined with 10 former Presidents and a great many Governors in calling for a line-item veto. We intend to give him that authority.

Many in this body deserve our thanks for bringing us this far along. Former Senator Mack Mattingly of Georgia first suggested the idea of separate enrollment in 1985. The distinguished Senator from new Jersey, Mr. BRADLEY, had a similar interest.

The distinguished Senator from Indiana, Senator COATS, The distinguished Senator from Arizona, Senator McCAIN, and my distinguished friend from New Mexico, Senator DOMENICI, have worked tirelessly in support of legislation to give the President this additional authority. Each time the Senate has voted on the line-item veto, we have been able to garner a few more votes. Tonight we will hopefully have more than we need to ensure final passage.

We are familiar with the issue. We have debated it and discussed it before and again at length this week.

Our substitute was not perfect. The amendments offered by Senators SIMON, LEVIN, MURKOWSKI, and ABRAHAM, have all served to improve the bill. I am sure there will be other issues to address in the conference but we are almost there.

The status quo just wasn't working. We have all at some point in time had some special project or concern that we felt had to be included in a bill. All these small things added up and here we are today—out of control.

Can we still add our special projects—yes, but it will truly be government in the sunshine. Those items will be front and center. We have the opportunity to propose—and the President has the opportunity to oppose.

It may not be perfect—but it is the best chance we have got. Let us give it a try. If it does not work, we can change it.

But first—let us try.

I would just say, as the Senator from Indiana just indicated, it has been a long time coming. We are now going to have the vote. This measure may not be perfect, but I think it is an indication that we are serious about it and, again, I thank many of my colleagues, especially my colleague from Arizona, Senator McCAIN, and my colleague from Indiana, Senator COATS, for their untiring, ceaseless efforts over the past several years.

I agree with the distinguished Senator from Indiana we have stubbed our toe on the balanced budget amendment. We sent the wrong message to the American people. They do not want business as usual. We had business as usual on the balanced budget amendment but that took 67 votes. I hope we will have many more than a majority on this important measure.

So I suggest, as I have said—I know my colleagues would like to leave. This will be the last vote tonight.

I remember back when Senator Mattingly from Georgia was here and we debated this and offered the amendment and we talked about separate enrollments at that time. The distinguished Senator from New Jersey, Mr. BRADLEY, had a similar interest.

In any event, I think we have had some amendments adopted that have improved the bill. We will go to conference with the House. They have a somewhat different version in some respects, as far as separate enrollment is concerned. I think perhaps we can work this out. We are prepared, as we said, to give a Democratic President—I remember the days when we had Republican Presidents, we were always accused, on the other side: Oh, well, the Republicans want this for a Republican President.

Now we are in the majority and we are prepared, nearly all of us on this side, to give this authority to a Democratic President, President Clinton, who sent me a letter today saying he supported this measure and asked that we move it as quickly as we can.

I would also like to thank my colleagues on the other side of the aisle—I think we have handled this matter expeditiously. It has not dragged on. We have not had a lot of extraneous amendments. I thank also the Democratic leader.

Finally, I also thank my friend from New Mexico, Senator DOMENICI, who worked with Senator STEVENS and Senator COATS and Senator McCAIN in sort of molding this compromise package, and also members of my staff and the various Senators' staffs who have worked so hard over the past 3 or 4 weeks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question now occurs on S. 4, as amended.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

I also announce that the Senator from Alaska [Mr. STEVENS], is absent on official business.

The PRESIDING OFFICER (Mr. FRIST) Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—69

Abraham
Ashcroft
Bennett
Biden
Bond
Bradley
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—29

Akaka
Baucus
Bingaman
Boxer
Bryan
Bumpers
Byrd
Conrad
Dodd
Glenn
Hatfield
Inouye
Jeffords
Johnston
Kerrey
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon

NOT VOTING—2

Gramm
Stevens

So, the bill (S. 4), as amended, was passed.

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Separate Enrollment and Line Item Veto Act of 1995".

SEC. 2. STRUCTURE OF LEGISLATION.

(a) APPROPRIATIONS LEGISLATION.—

(1) The Committee on Appropriations of either the House or the Senate shall not report an appropriation measure that fails to contain such level of detail on the allocation of an item of appropriation proposed by that House as is set forth in the committee report accompanying such bill.

(2) If an appropriation measure is reported to the House or Senate that fails to contain the level of detail on the allocation of an item of appropriation as required in paragraph (1), it shall not be in order in that House to consider such measure. If a point of order under this paragraph is sustained, the measure shall be recommitted to the Committee on Appropriations of that House.

(b) AUTHORIZATION LEGISLATION.—

(1) A committee of either the House or the Senate shall not report an authorization measure that contains new direct spending or new targeted tax benefits unless such measure presents each new direct spending or new targeted tax benefit as a separate item and the accompanying committee report for that measure shall contain such level of detail as is necessary to clearly identify the allocation of new direct spending or new targeted tax benefits.

(2) If an authorization measure is reported to the House or Senate that fails to comply with paragraph (1), it shall not be in order in that House to consider such measure. If a point of order under this paragraph is sustained, the measure shall be recommitted to the committee of jurisdiction of that House.

(c) CONFERENCE REPORTS.—

(1) A committee of conference to which is committed an appropriations measure shall not file a conference report in either House that fails to contain the level of detail on the allocation of an item of appropriation as is set forth in the statement of managers accompanying that report.

(2) A committee of conference to which is committed an authorization measure shall not file a conference report in either House unless such measure presents each direct spending or targeted tax benefit as a separate item and the statement of managers accompanying that report clearly identifies each such item.

(3) If a conference report is presented to the House or Senate that fails to comply with either paragraph (1) or (2), it shall not be in order in that House to consider such conference report. If a point of order under this paragraph is sustained in the House to first consider the conference report, the measure shall be deemed recommitted to the committee of conference.

SEC. 3. WAIVERS AND APPEALS.

Any provision of section 2 may be waived or suspended in the House or Senate only by an affirmative vote of three-fifths of the Members of that House duly chosen and sworn. An affirmative vote of three-fifths of the Members duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under that section.

SEC. 4. SEPARATE ENROLLMENT.

(a)(1) Notwithstanding any other provision of law, when any appropriation or authorization measure first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the items as referenced in section 5(4) and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections. The remainder of the bill not so disaggregated shall constitute a separate bill and shall be considered with the other disaggregated bills pursuant to subsection (b).

(2) A bill that is required to be disaggregated into separate bills pursuant to subsection (a)—

(A) shall be disaggregated without substantive revision, and

(B) shall bear the designation of the measure of which it was an item prior to such disaggregation, together with such other designation as may be necessary to distinguish such measure from other measures disaggregated pursuant to paragraph (1) with respect to the same measure.

(b) The new bills resulting from the disaggregation described in paragraph (1) of subsection (a) shall be immediately placed on the appropriate calendar in the House of origination, and upon passage, placed on the appropriate calendar in the other House. They shall be the next order of business in each House and they shall be considered and voted on en bloc and shall not be subject to amendment. A motion to proceed to the bills shall be nondebatable. Debate in the House of Representatives or the Senate on the bills shall be limited to not more than 1 hour, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the bills is not in order, and it is not in order to move to reconsider the vote by which the bills are agreed to or disagreed to.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) The term "appropriation measure" means any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

(2) The term "authorization measure" means any measure other than an appropriations measure that contains a provision providing direct spending or targeted tax benefits.

(3) The term "direct spending" shall have the same meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) The term "item" means—

(A) with respect to an appropriations measure—

(i) any numbered section,

(ii) any unnumbered paragraph, or

(iii) any allocation or suballocation of an appropriation, made in compliance with section 2(a), contained in a numbered section or an unnumbered paragraph but shall not include a provision which does not appropriate funds, direct the President to expend funds for any specific project, or create an express or implied obligation to expend funds and—

(i) rescinds or cancels existing budget authority;

(ii) only limits, conditions, or otherwise restricts the President's authority to spend otherwise appropriated funds; or

(iii) conditions on an item of appropriation not involving a positive allocation of funds by explicitly prohibiting the use of any funds; and

(B) with respect to an authorization measure—

(i) any numbered section, or

(ii) any unnumbered paragraph,

that contains new direct spending or a new targeted tax benefit presented and identified in conformance with section 2(b).

(5) The term "targeted tax benefit" means any provision:

(A) estimated by the Joint Committee on Taxation as losing revenue for any one of the three following periods—

(1) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

(2) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

(3) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget; and

(B) having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.

SEC. 6. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that a provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives or the Senate to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provisions of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(d) SEVERABILITY.—If any provision of this Act, or the application of such provision to any person or circumstance is held unconstitutional, the remainder of this Act and the application of the provisions of such Act to any person or circumstance shall not be affected thereby.

SEC. 7. TREATMENT OF EMERGENCY SPENDING.

(a) EMERGENCY APPROPRIATIONS.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not adjust any discretionary spending limit under this clause for any statute that designates appropriations as emergency requirements if that statute contains an appropriation for any other matter, event, or occurrence, but that statute may contain rescissions of budget authority.".

(b) EMERGENCY LEGISLATION.—Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not designate any such amounts of new budget authority, outlays, or receipts as emergency requirements in the report required under subsection (d) if that statute contains any other provisions that are not so designated, but that statute may contain provisions that reduce direct spending.".

(c) NEW POINT OF ORDER.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"POINT OF ORDER REGARDING EMERGENCIES

"SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.".

(d) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

"Sec. 408. Point of order regarding emergencies.".

SEC. 8. SAVINGS FROM RESCISSION BILLS USED FOR DEFICIT REDUCTION.

(a) Not later than 45 days of continuous session after the President vetoes an appropriations measure or an authorization measure, the President shall—

(1) with respect to appropriations measures, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and each outyear by the amount by which the

measure would have increased the deficit in each respective year;

(2) with respect to a repeal of direct spending, or a targeted tax benefit, reduce the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 by the amount by which the measure would have increased the deficit in each respective year.

(b) EXCEPTIONS.—

(1) This section shall not apply if the vetoed appropriations measure or authorization measure becomes law, over the objections of the President, before the President orders the reduction required by subsections (a)(1) or (a)(2).

(2) If the vetoed appropriations measure or authorization measure becomes law, over the objections of the President, after the President has ordered the reductions required by subsections (a)(1) or (a)(2), then the President shall restore the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 or the balances under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the positions existing before the reduction ordered by the President in compliance with subsection (a).

SEC. 9. EVALUATION AND SUNSET OF TAX EXPENDITURES

(a) LEGISLATION FOR SUNSETTING TAX EXPENDITURES.—The President shall submit legislation for the periodic review, reauthorization, and sunset of tax expenditures with his fiscal year 1997 budget.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

"(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.".

(c) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

"(3) describe the framework to be utilized by the Director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and".

(d) CONGRESSIONAL BUDGET ACT.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"TAX EXPENDITURES

"SEC. 409. It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains a tax expenditure unless the bill, joint resolution, amendment, motion, or conference report provides that the tax expenditure will terminate not later than 10 years after the date of enactment of the tax expenditure.".

SEC. 10. EFFECTIVE DATE.

The provisions of this Act shall apply to measures passed by the Congress beginning with the date of the enactment of this Act and ending on September 30, 2000.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I voted against this bill because I believe the Dole proposal creates a dangerous shift of power from the Legislative to the Executive branch.

The power of the purse, Madison said in Federalist No. 58, represents the "most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure." Through this power, Congress—as the directly elected representatives of the people—can serve as a check on the Executive branch.

An alternative proposal by Minority Leader TOM DASCHLE was far more balanced and far less cumbersome and I was pleased to vote for it. I did not come to the Senate to fight for a shift of power to the President—any President. I came here to fight for the people of California in an equal partnership with the Executive.

This measure tips the scale unfairly away from the carefully crafted balance of powers so wisely designed by the founders of our Nation.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCONNECT BETWEEN THE FUTURE YEARS DEFENSE PROGRAM AND THE PRESIDENT'S BUDGET

Mr. GRASSLEY. Mr. President, I would like to continue my discussion on the integrity of the Department of Defense budget.

Yesterday, I examined accounting disconnects in four key areas of the defense budget.

Now, I would like to turn to the budget/future years defense program disconnect or the plans reality mismatch, as it is sometimes called.

This is about the disconnect between the Future Years Defense Program or FYDP and the President's budget.

I first became aware of this problem in the early 1980's, after hearing about the work of Mr. Chuck Spinney—an analyst in the Pentagon's Office of Program Analysis and Evaluation.

Mr. Spinney treated the Senate Armed Services and Budget Committees to a stack of his famous spaghetti diagrams at a special hearing held in the Caucus Room in late February 1983.

This was an unprecedented event.

It was the only joint Armed Services/Budget Committee hearing ever held.

Moreover, it took place despite a concerted effort by certain DOD officials to suppress Mr. Spinney's work and block the hearing.

In a room filled with TV cameras and bright lights, Chuck Spinney engaged the Reagan defense heavyweights in battle.

Cap Weinberger was the Secretary of Defense at the time.

When the day was over, Mr. Chuck Spinney had skewered them with their own spear.

Mr. Spinney had used Secretary Weinberger's own FYDP data to expose the flaws in his massive plan to ramp up the defense budget.

This was the crux of Mr. Spinney's Plans/Reality Mismatch briefing:

The final bill for Weinberger's fiscal year 1983–87 FYDP would be $500 billion more than promised.

Mr. Spinney's outstanding performance won him a place on the cover of Time magazine on March 7, 1983.

That was 12 years ago.

Again, all of this stuff happened before 54 of my colleagues ever set foot in this chamber.

Well, the brawl over the build-up led to a slew of reform initiatives: The Carlucci Initiatives; the Grace Commission; Nunn-McCurdy legislation; two Packard Commissions; Goldwater-Nichols legislation; and the Defense Management Review.

We were told that these initiatives would cure the disease, but they didn't.

The same old problem persists. Nothing has changed. Nothing has been fixed.

And things may be getting worse—as the budget vise is tightened down.

The money gap between the Pentagon programs and the budget persists.

Today, the GAO figures that the FYDP is overprogrammed by at least $150 billion.

That's a conservative estimate, too.

The CBO has come up with a somewhat lower estimate but a gap nonetheless.

There is a consensus on the problem but not on the solution.

Should we pump up the defense budget to close the gap—as some of my Republican colleagues suggest?

My Republican friends seem bound and determined to start up that slippery slope toward higher defense budgets.

They want to repeat the mistakes of the 1980's.

They want to rip open the national money sack at both ends and get out the big scoop shovel.

But why and for what?

The Soviet military threat is gone.

The cold war is over.

We need to begin balancing the budget.

And DOD's finance and accounting operation is flat busted.

And if it is really busted like I think it is, then DOD does not know how much money it needs right now.

Nor does anybody else.

Leadership and better management are the only solution—not more money.

Well, in the 1980's—at the height of the cold war, Congress did approve major increases in the defense budget.

That is true.

But Congress refused to close the massive gap between the Pentagon FYDP's and the Reagan budgets.

The gap was just too big.

Yet that is exactly what some of my Republican colleagues want to do today.

Cap Weinberger was Secretary of Defense when we argued this out 10 years ago.

He kept asking for more and more money.

But Mr. Spinney's analysis of DOD's own data showed that the military was getting less and less capability.

The topline kept rising.

But so did the gap.

The money sacks were piled high on the Pentagon steps, but there was never enough.

By the mid-1980's, Secretary Weinberger's 5-year funding roadmap topped out at $2 trillion. That was the fiscal year 1986 FYDP.

Congress just did not buy it.

Congress put the brakes on and slapped a lid on defense spending.

With the help of my Democratic and Republican allies, I was able to put a freeze on defense spending in 1985.

We were convinced that all the extra money was just making matters worse.

It was generating waste and abuse rather than more military strength.

The spare parts horror stories kept pouring out and finally and completely discredited the defense budget buildup.

Congress literally carved up Secretary Weinberger's ambitious 5-year plans.

Take, for example, the fiscal year 1983–87 FYDP.

It's price tag was a staggering $1.6 trillion plus.

Congress balked and cut the plan back to $1.1 trillion.

The final amounts appropriated were $600 billion below Weinberger's request.

We never got close to the $400 to $500 billion a year defense budgets that Secretary Weinberger wanted.

Mr. Weinberer's plans were unrealistic. They were not affordable, and they were totally out of line with what was really needed.

That is exactly where we are today.

Mr. President, that concludes my statement for today.

Tomorrow, I hope to complete my discussion of the Program/Budget mismatch.

I yield the floor.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the minority leader, pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the appointment of the Senator from Nebraska [Mr. KERREY] as a member of the Senate Arms Control Observer Group.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. SAMUEL BRODER, DIRECTOR OF THE NATIONAL CANCER INSTITUTE

Mr. PELL. Mr. President, at the end of this month, Dr. Samuel Broder, Director of the National Cancer Institute, will formally leave his post to return to private life. This is an enormous loss to the National Cancer Institute, the American people, and the fight against cancer.

Dr. Broder has served with distinction at the National Cancer Institute since 1972, first with the Metabolism Branch in the Division of Cancer Biology and Diagnosis, and since 1981 with the Division of Cancer Treatment. In 1989, he was appointed by the President to serve as Director of the institute, capping his career there as laboratory researcher, attending clinical oncologist, and administrator.

As a strong supporter of the National Cancer Institute, and in particular, of its information dissemination programs, including the International Cancer Research Data Bank, I am personally grieved to see Dr. Broder move on to the well-deserved quiet and independence of private life. He has been a strong leader and administrator, fighting hard for the NCI's autonomy and priorities. And he has worked hard to create a balance between the critically important research that NCI conducts and supports, and the information dissemination and cancer prevention and control activities that make the NCI a national treasure for all citizens.

Dr. Broder's own scientific accomplishments in the areas of cancer and AIDs are well-known to all in the scientific community. He came to the job of Director with the respect of his colleagues, a solid understanding of the science he was to direct and the Institute he was to lead, and a deep dedication to the fight against cancer.

It is my hope that Dr. Broder will find professional and personal satisfaction in his new position and in his new life in Florida. I have no doubt that this is not the last that we will hear of him, because I believe that a person of his talent and dedication will continue to make enormous contributions to the cause of eradicating cancer wherever his path may take him. My family and I wish him and his family the very best and hope that his legacy at NCI will result in the choice of a successor who is as knowledgeable, responsive, and dedicated to the mission of the NCI as he has been.

Thank you, Mr. President.

RUSSIA CREDITWORTHINESS

Mr. LEAHY. Mr. President, today, I am releasing a GAO report that I requested when I was chairman of the Agriculture Committee.

The report concludes that the Bush administration inappropriately used USDA's export credit guarantee programs to expedite billions of dollars in loans to the Former Soviet Union [FSU] and its successor states.

This misuse of taxpayers funds leaves me deeply concerned.

I have said time after time that the GSM–102 export credit guarantee program is not a foreign aid program. It is a U.S. commercial program that allows creditworthy countries to use short-term debt to finance the purchase of quality U.S. agricultural products.

But, eligible countries must be determined capable of repayment.

This was not the first time that the Bush administration chose foreign policy objectives over creditworthiness considerations in the use of this program. Throughout the late 1980's, foreign policy considerations were the prevailing criteria.

I am all too familiar with the Government of Iraq's receipt of billions of dollars through the GSM–102 Program.

When we responded to Iraq's invasion of Kuwait, Iraq defaulted on these loans forcing the USDA to pay claims of over $2 billion with taxpayer money.

That is why, in the 1990 farm bill, I inserted a provision that requires the Secretary of Agriculture to determine that a prospective borrowing country is capable of adequately servicing the debt it incurs under these export credit guarantee programs.

It is also why in 1992, at my request, the Senate struck a Bush administration proposal that would have allowed USDA to balance creditworthiness against market development objectives in using the GSN programs.

I made it very clear on the floor, in committee, and in statements that the law did not permit loans to countries that were not creditworthy. Other foreign aid programs serve that purpose.

This GAO report confirms my suspicions about the Bush administration's use of the GSM–102 Program. When these loans were financed, the

FSU was not creditworthy and should not have qualified for GSM-102 Program.

Instead, funds from one Government agency were allocated to support other administrative objectives. In a similar way, the Bush administration loaned money to help Saddam Hussein just before Iraq's invasion of Kuwait.

The Clinton administration understands the distinction between foreign aid and commercial trade.

Under this administration, no additional credit guarantees have been allocated for the Russian public sector.

In the spring of 1993, when Russian President Boris Yeltsin requested additional foreign aid, President Clinton simply supplied the import needs of Russia by using the Food for Progress Program—a foreign assistance program that I have long supported.

The Bush administration should have told taxpayers what was going on. If the executive branch wishes to provide foreign aid to another country they should at least say that to taxpayers. The aid could have been provided through established aid programs.

The Bush administration did a disservice to the taxpayers by hiding foreign aid under the guise of a commercial export program.

The GAO report comes too late to stop the Bush administration's inappropriate use of a commercial export program to help the states of the Former Soviet Union. But, it serves as a reminder that our agriculture programs are most effective when used for the purpose for which they are designed.

As we proceed through the 1995 farm bill debate, it will be important to create and enhance agricultural policies that best enable U.S. farmers, ranchers, and agribusiness to compete in the new world trade regime.

As part of that debate, we will examine the trade title closely to determine what programs are most effective in developing U.S. agricultural export markets.

And, we will ensure that sufficient safeguards are in place so that the experiences with Iraq and the FSU are not repeated.

I am confident that the Clinton administration will continue to do its utmost to ensure that all moneys borrowed under this and other USDA loan programs are repaid in full.

KENNETH HALL: A GREAT ILLINOISAN AND A GOOD FRIEND

Ms. MOSELEY-BRAUN. Mr. President, the Illinois General Assembly and the people of Illinois suffered a great loss this week. The death of State Senator Kenneth Hall on Tuesday has left his family, friends and colleagues mourning this loss of an extraordinary person and a great public servant. I have known Kenny for a long time. I had the privilege of serving in the Illinois legislature with Senator Hall for 10 years. I am proud to have been able to call him a friend.

Kenneth Hall was born in 1915 in East St. Louis, Illinois and attended high school and college in the area. After military service during World War II, Senator Hall began his public service career as a St. Clair County Sheriff's Investigator. He later served as Commissioner of the St. Clair County Housing Authority. He also served on the St. Clair County Welfare Service Committee and as a commissioner on the East St. Louis Park District. In 1949, he was appointed by former Governor Adlai Stevenson III to serve on the State Rent Control Board.

Senator Hall's primary concern was always to his community, and he served for 28 years as a Democratic Precinct Committeeman. He was elected to the Illinois House of Representatives where he served two terms, and in 1970 was elected to the Illinois State Senate. Five years after election to the State Senate, he became the first black Assistant Majority Leader. During his 25 years in the Illinois Senate, he served on several committees including the Education, Veteran's Affairs, Executive committees, and served as Chairman of the Appropriation II Committee until 1992. His legislative agenda reflected his primary interests in helping the poor and disenfranchised. He firmly believed that government should play a role in helping those who cannot help themselves. He strongly supported education as a way out of poverty.

Those who knew Senator Hall remember him for his unfailing graciousness, and the way he cared about the people in his district. He was in many legislative battles during his career, but he was never disagreeable. He will be remembered most for his integrity and his honesty, and for the way he always had time for people.

He was an inspiration to many in his community, pushing them to find the best in themselves. East St. Louis Mayor Gordon Bush called Senator Hall a "pioneer for racial harmony, and people living together as God's children".

State Senator Kenneth Hall's career epitomizes what is best about public service. President Kennedy once said about politics as a profession, "* * * if you are interested, if you want to participate, if you feel strongly about any public question, * * * governmental service is the way to translate this interest into action, the natural place for the concerned citizen is to contribute part of his life to the national interest". Kenneth Hall was such a concerned citizen and he contributed a very large part of his life to the interest of his community, his state, and his country. In his own way he worked hard to make this world a better place. We could all learn something from his life.

I had the pleasure of working with Kenny in Springfield, when I was in the legislature. He was always helpful, and I always benefited from his counsel and advice.

Mr. President, Kenny was one of my mentors, and a shining light. His smile brightened every room and discussion he was in. He was tireless fighter and advocate who was never too busy to be kind. I will greatly miss him.

NOMINATION OF DR. HENRY FOSTER

Mr. PELL. Mr. President, I recently had the opportunity to meet with Dr. Henry Foster, President Clinton's nominee for the position of Surgeon General. I did so because, as a member of the Senate Labor and Human Resources Committee, I will be called upon to cast one of the first votes on this nomination before it is brought to the floor of the Senate. And I wanted to know what kind of man this is, who has been demonized by some and canonized by others.

Mr. President, what I found before me was a man of substance, who has worked very hard all his life to achieve the kind of success that is neither materialistic nor public. Dr. Henry Foster was raised in the rural South at a time of segregation so intense that he was forced, even while in medical school, to drink from a separate water fountain. He suffered the indignities of segregation with the kind of dignity, intelligence, and vision that enabled him both to see that he could achieve something very important in his life—and to do it. He spoke of his father's teachings of the value of education and hard work, and he incorporated those values into everything he has done in his life.

Dr. Foster's credentials alone certainly render him a qualified candidate for Surgeon General. A practicing obstetrician-gynecologist for 38 years, Dr. Foster is also a medical educator who has devoted much of his professional life to reducing infant mortality and preventing teen pregnancy. He has served as both Dean of the School of Medicine and acting President of Meharry Medical College in Nashville—one of the Nation's most prominent historically black colleges. Dr. Foster is currently on sabbatical from Meharry and is scholar-in-residence at the Association of Academic Health Centers in Washington, DC. He has been the recipient of many awards and honors—too numerous to mention here—but ranging from induction into the Institute of Medicine to receiving a "Thousand Points of Light" award from President George Bush for his "I Have A Future" program that promotes self-esteem and positive life choices among at-risk teens.

But as has been pointed out by his detractors, qualifications alone may not be sufficient for a person to hold a position of leadership and trust in our government. Especially with a position attracting as much attention as Surgeon General, it is important that the person appointed be an example of the best that our country has to offer.

Mr. President, from what I know of Dr. Foster, and from what I expect the Labor Committee hearings to bring out, Dr. Foster is such a person. In addition to excellent academic and leadership qualifications, Dr. Foster has traveled an admirable path, in the early years forfeiting a life of great wealth in a more comfortable, ivory tower setting and returning to his roots—this time to poor, rural Alabama—to help an under-served population that needed his care. Since then, Dr. Foster has helped train the minds and influence the careers of hundreds of Meharry Medical College students, many of whom have followed in Dr. Foster's footsteps.

While Dr. Foster's life and career have not been without their controversial moments, there are few, if any, individuals of prominence and principle in this country who have not experienced such moments in life. I have reviewed carefully the information available to me about those times in Dr. Foster's life and the actions that he took, and I have asked him about others. I am satisfied that Dr. Foster is telling the truth about discrepancies that arose shortly after his nomination was announced, and I am comfortable that Dr. Foster's actions can be explained in the context of both the times and the nature of his work.

While I realize that it is still possible to learn information that might raise questions or cause concern about Dr. Foster's suitability for this position, I must say that I doubt that this will occur. I have been most impressed by the strong support he has received from the medical community, from public health and social service advocates, and from many individuals—including several Rhode Islanders who have contacted me to say that they personally know and admire Dr. Foster.

Mr. President, it is my hope that prompt hearings can be held on Dr. Foster's nomination. I believe that the Senate Labor and Human Resources Committee, and its able Chairwoman, Senator NANCY KASSEBAUM, will hold fair, even-handed and comprehensive hearings on Dr. Foster's nomination. In my view, it is very much our duty to hold such hearings on any nominee forwarded to us by the President of the United States. As my colleagues know, I have voted to confirm many nominees of Presidents not of my own party, and I have voted to confirm numerous nominees who did not share my view of the world and who would not have been my choice. But I believe that every President deserves great deference in the choice of nominees and—at the least—deserves to have the Senate consider every nominee in a prompt fashion.

I urge my colleagues to meet and talk with Dr. Foster, and to discover a person of compassion, and humor, and dedication, whom I believe deserves the chance to serve his Nation.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by both the House of Representatives and the U.S. Senate.

So when you hear politicians or editors or commentators declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers made it very clear that it is the constitutional duty of Congress to control Federal spending.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,844,512,611,537.49 as of the close of business Wednesday, March 22. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,389.85.

DR. CLAIRE LOUISE CAUDILL NAMED "COUNTRY DOCTOR OF THE YEAR"

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a remarkable Kentuckian who has been named 1994/95 "Country Doctor of the Year." Dr. Claire Louise Caudill of Rowan County, KY, has unselfishly dedicated herself to the medical profession and the citizens of Rowan County for 46 years.

Dr. Caudill was one of two women to graduate from the University of Louisville Medical School in 1946. Since that time, she has devoted herself to ensuring that proper medical attention was given in her county. She and her faithful nurse assistant, Susie Halbieb, often went above and beyond the call of duty. The two trudged through streams and down impassible country roads to provide care to people. In 1957, Dr. Caudill and nurse Susie opened a maternity clinic in Morehead and delivered about 600 babies a year.

Dr. Caudill's clinic was essential to Rowan County, as the next closest facility was over 70 miles away. Her practice was largely comprised of Medicare/Medicaid patients in one of the nation's poorest areas. She only required payment if the patient could afford it.

She made the dream of a proper medical facility a reality when she initiated fundraising to build a hospital. She spearheaded the effort to raise over $250,000 and then sought the assistance of the Sisters of Notre Dame to assist with funding, management, and staffing. The hospital was built in the 1960's and was duly named the St. Claire Medical Center. The hospital has since emerged as a noted regional facility. It is equipped with a cancer treatment center, a maternity center, a hospice, and a home health care department.

Dr. Caudill has been responsible for delivering over 8,000 babies in her lifetime. Although she no longer delivers babies, she still sees around 20 patients a day. Dr. Caudill is a credit to her community and the medical profession. Mr. President, I ask the Chamber to join me in paying tribute to Claire Louise Caudill, MD, Country Doctor of the Year. Her commitment to the welfare of her community continues to be an example for us all.

TRIBUTE TO HENRY WARD JANDL

Mr. JOHNSTON. Mr. President, I rise today to report to the Senate the sad news of the loss of one of our Nation's preeminent historic preservation professionals, Henry Ward Jandl, who died unexpectedly on Saturday, March 18, at George Washington University Hospital.

I came to know and respect Ward Jandl's fine work through many years of involvement in historic preservation legislation through the Senate Committee on Energy and Natural Resources as well as through my own personal interest, and that of my wife Mary, in historic preservation in Louisiana.

Ward Jandl graduated from the Hotchkill School in 1964 and Yale University in 1968. He spent 2 years in the Peace Corps teaching English in Ankara, Turkey. In 1971, he received a Graduate Certificate in Historic Preservation from Columbia University while working at the New York Public Library.

A resident of the District of Columbia since 1974, Ward's entire professional career was spent in the U.S. Department of the Interior, National Park Service. He began as an architectural historian at the National Register of Historic Places. At the time of his death, he was Chief Appeals Officer, Cultural Resources, and Deputy Chief, Preservation Division.

For his dedicated service to historic preservation, Ward received several honors from the Department of the Interior. In addition to being a valued policymaker, Ward coauthored two books: Houses by Mail: A Guide to Houses from Sears, Roebuck and Co., in 1986, and Yesterday's Houses of Tomorrow: Innovative Homes: 1850–1950, in 1991.

Mr. President, Ward Henry Jandl accomplished many things in his relatively brief, but filled career and has left a legacy for our Nation to follow as

we attempt to preserve our past in preparation for brighter days ahead. I hope this legacy will help ease the loss of his passing for his father, Henry Anthony Jandl of Richmond, VA, and his sister, Margaret Marie Jandl of Cambridge, MA, to whom I extend my most sincere condolences.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84 (36 United States Code 1402(a)), the Speaker appoints the following Members on the part of the House to serve as members of the United States Holocaust Memorial Council: Mr. GILMAN, Mr. REGULA, Mr. LATOURETTE, Mr. LANTOS, and Mr. YATES.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 1158. An act making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-35. A concurrent resolution adopted by the Legislature of the State of West Virginia; ordered to lie on the table.

"SENATE CONCURRENT RESOLUTION NO. 16

"Whereas, the constitution of the United States of America is the most perfect example of a contract between a people and their government; and

"Whereas, the congress of the United States is currently considering an amendment to the constitution, known as the "Balanced Budget Amendment"; and

"Whereas, the House of Representatives has already approved its version of such a balanced budget amendment; and

"Whereas, the House of Representatives approved its version without obtaining a projection of how it would be implemented; and

"Whereas, the House of Representatives rejected a version of the balanced budget amendment, offered by Representative Bob Wise of West Virginia, that would have protected against cuts in social security and would have allowed for both a capital and operating budget; and

"Whereas, the proposal for a balanced budget amendment is now under active consideration in the United States Senate; and

"Whereas, United States Senators Robert C. Byrd and John D. Rockefeller IV of West Virginia have called for a 'right to know' provision so that the senators would know before they vote how a balanced budget would be achieved; and

"Whereas, the treasury department of the United States has projected that a balanced budget amendment implemented by across-the-board cuts would reduce federal grants to West Virginia state government by $765 million, requiring the Legislature to increase state taxes to compensate for such losses or eliminate the programs and services currently provided to our citizens by federal funds; and

"Whereas, many citizens of West Virginia would likely suffer from cuts imposed to meet the requirements of the proposed balanced budget amendment, including thousands of our citizens who receive social security, veterans benefits, medicare, medicaid and other essential benefits; and

"Whereas, through the efforts of Senator Robert C. Byrd and other members of our congressional delegation appropriations have been made for numerous projects in West Virginia, including completion of the Appalachian corridor highway system, relocation of the federal bureau of investigation center to West Virginia and a myriad of other projects; and

"Whereas, these benefits and projects are vital to the economic development and well being of the people of our state and deserve to be protected if the constitution is amended to require a balanced budget; and

"Whereas, West Virginia receives $1.45 in federal benefits for each dollar in federal taxes; and

"Whereas, on a per capita basis, each man, woman and child receives approximately $2,000 more in benefits from the federal government that he or she pays in federal taxes; and

"Whereas, a proposal to balance the federal budget by returning the programs to the states would mean that West Virginia would be required to either raise its taxes by $2,000 dollars for each man, woman and child or eliminate the programs and services currently provided to our citizens by federal funds; and

"Whereas, the balanced budget amendment would be submitted to the Legislature for ratification if approved by the congress; and

"Whereas, this Legislature will be unable to establish its own budget without knowing what reductions will be made by the congress to effect the balanced budget amendment; and

"Whereas, this Legislature therefore has a right to know what effect the proposed balanced budget amendment would have on state government, but more importantly, on the people of our state; Now, therefore, be it

"*Resolved by the Legislature of West Virginia*, That the Legislature recognize that a balanced federal budget is a desirable objective; and, be it

"*Further resolved*, That the Legislature commends the president and the congress for their efforts toward this objective by supporting and enacting legislation that will result in the reduction of the federal deficit for three years in a row; and, be it

"*Further resolved*, That the Legislature will be asked to vote for ratification of a balanced budget amendment to the constitution if such a measure is submitted to the states by the congress; and, be it

"*Further resolved*, That the Legislature, acting on behalf of the citizens of West Virginia in deciding whether to ratify such an amendment, is entitled to be fully informed of its consequences on our people; and, be it

"*Further resolved*, That the congress is hereby urged to submit such an amendment to the states for ratification only if congress provides a detailed projection of what reductions will be made in the federal budget and how these will affect the government and people of West Virginia, including but not limited to, the effect on social security benefits, veterans benefits, medicare, medicaid, education, highway moneys, including completion of the Appalachian corridor system, and other programs necessary for the health and well-being of the people of our state; and, be it

"*Further resolved*, That the Clerk of the Senate is hereby requested to forward a copy of this resolution to the president of the United States Senate, the Speaker of the House of Representatives and each member of the West Virginia congressional delegation."

POM—36. A resolution adopted by the Cooperative Agricultural Bargaining and Marketing Associations relative to the USDA; to the Committee on Agriculture, Nutrition, and Forestry.

POM—37. A resolution adopted by the Agricultural Bargaining Council relative to the USDA; to the Committee on Agriculture, Nutrition, and Forestry.

POM—38. a resolution adopted by the Senate of the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

POM—39. A resolution adopted by the Township of Rockaway, New Jersey, relative to military appropriations; to the Committee on Appropriations.

SENATE RESOLUTION NO. 9

"Whereas, the United States Department of Agriculture (USDA) announced in the Federal Register on November 15, 1994, that the government of Mexico has requested that the Animal and Plant Health Inspection Service (APHIS) allows the importation into certain areas of the United States of fresh Hass avocado fruit grown in approved orchards in approved municipalities in Michoacan, Mexico; and

"Whereas, in response, APHIS has held two public meetings, one in Florida and one in California, for the purpose of receiving public comment prior to deciding whether to publish a proposed rule in the Federal Register that would allow the importation of avocados as requested by the Mexican government; and

"Whereas, the request of the Mexican government would require that the USDA substantially modify its current policy relating to pest quarantine, which has served to protect United States agriculture from the threat of pest infestation by the full array of injurious pest species known to exist in Mexico; and

"Whereas, the negative economic impact resulting from the presence of these exotic pests in California would be devastating to a wide spectrum of California agriculture, including apples, apricots, avocados, citrus, and pears; and

"Whereas, a programmatic environmental impact report prepared by the California Department of Food and Agriculture in June 1993, states that a Mexican fruitfly infestation in California would cause increased cost to the private sector totaling $124.4 million and lead to the use of as much as 5,560,000 pounds of pesticide; and

"Whereas, an eradication of a fruitfly infestation often requires intensive ground and aerial spraying of urban areas; and

"Whereas, in 1989, Mediterranean fruitfly, melon fruitfly, and oriental fruitfly cost the agricultural industry $300 million in lost markets and $5.4 million in damaged produce and postharvest treatments; and

"Whereas, California and the federal government have spent more than $500 million since 1975 in their continuing effort to eradicate exotic pests in California; and

"Whereas, California has recently announced that pest discoveries increased 195 percent over 1993, and there is a significant increase in prohibited fruit discoveries in violation of domestic quarantines; and

"Whereas, the USDA announced in July 1994, that it had imposed a hiring freeze; and

"Whereas, the scientific data submitted by Mexico—a research study and pest survey data—to support its request—lacks scientific integrity and ignores the fact that virtually every quarantine pest known to infest Hass avocados has been detected during border interceptions at El Paso, Texas; and

"Whereas, these quarantine pests are the same species that Mexico claims to have eradicated in Michoacan and are the very ones upon which the current USDA pest quarantine is based; and

"Whereas, the proposed modification of the USDA pest quarantine makes no provision for costs incurred by federal and state governments and by the California agricultural industry if a pest infestation occurs as a result of a modified quarantine; now, therefore, be it

"*Resolved by the Senate of the State of California*, That the request by the Mexican government that the United States permit the importation of fresh Hass avocado fruit grown in Michoacan, Mexico into this country be denied due to a lack of valid scientific data; and be it further

"*Resolved*, That the USDA consider no further proposals of this nature unless the request contains all of the following: (1) baseline information on the seasonal abundance, geographical distribution, and biology of all of the quarantine pests known to infest Mexican avocados, and a declaration that that information has been collected and analyzed by scientists representing the USDA and Mexican and Californian agricultural interests; (2) laboratory and field studies that conclusively establish the host susceptibility of Hass avocados to fruitfly infestation through scientifically credible and reproducible data; (3) an identification of definite areas and districts free from injurious, quarantined pests known to attack Hass avocados; (4) a showing that scientifically valid pest surveys have been conducted in these definite areas over a minimum period of 12 months with oversight by the USDA, the Mexican government, and private sector entomologists and that those survey results are negative; and (5) proof that the Mexican government has adopted and enforced regulations that will prevent the introduction of quarantined pests into any of the designated areas that form the pest-free zones; and be it further

"*Resolved*, That the burden of alleviating risks associated with the shipment of pest infested Mexican avocados into the United States should remain with Mexico and the United States should not assume this burden; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California, Arizona, Florida, and Texas in the Congress of the United States, and to the Secretary of the United States Department of Agriculture."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Robert Pitofsky, of Maryland, to be a Federal Trade Commissioner for the term of seven years from September 26, 1994.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PRESSLER. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably five nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORDS of January 6, February 3 and 16, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 6, February 3 and 16, 1995, at the end of the Senate proceedings.)

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 600. A bill to require the Secretary of Agriculture to issue regulations concerning use of the term "fresh" in the labeling of poultry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. KENNEDY, Mr. PELL, and Mr. KERRY):

S. 601. A bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself, Mr. SIMON, Mr. DOLE, Ms. MIKULSKI, Mr. ROTH, Mr. MCCONNELL, and Mr. MCCAIN):

S. 602. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of European countries emerging from communist domination; to the Committee on Foreign Relations.

By Mr. FAIRCLOTH:

S. 603. A bill to nullify an executive order that prohibits Federal contracts with companies that hire permanent replacements for striking employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRESSLER:

S. 604. A bill to amend title 49, United States Code, to relieve farmers and retail farm suppliers from limitations on maximum driving and on-duty time in the transportation of agricultural commodities or farm supplies if such transportation occurs within 100-air mile radius of the source of the commodities or the distribution point for the farm supplies; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. HATCH, Mr. HEFLIN, Mr. LOTT, Mr. GRAMM, Mr. BROWN, Mr. CRAIG, Mr. SHELBY, Mr. NICKLES, Mr. KYL, Mr. ABRAHAM, Mr. THURMOND, Mr. INHOFE, Mr. PACKWOOD, Mr. WARNER, Mr. COATS, Mr. BURNS, Mr. THOMAS, Mr. PRESSLER, Mrs. HUTCHISON, Mr. HATFIELD, Mr. GRAMS, Mr. FRIST, Mr. MCCONNELL, Mr. ASHCROFT, Mr. MACK, Mr. MURKOWSKI, Mr. BENNETT, Mr. KEMPTHORNE, Mr. GRASSLEY, Mr. BOND, and Mr. STEVENS):

S. 605. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 606. A bill to make improvements in pipeline safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. REID):

S. 607. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 608. A bill to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 609. A bill to assure fairness and choice to patients and health care providers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LOTT:

S. 610. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL (for himself, Mr. KERRY, Mr. FEINGOLD, and Ms. SNOWE):

S. Res. 91. A resolution to condemn Turkey's illegal invasion of Northern Iraq; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 600. A bill to require the Secretary of Agriculture to issue regulations concerning use of the term "fresh" in the labeling of poultry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE TRUTH IN POULTRY LABELING ACT

• Mrs. BOXER. Mr. President, today I am introducing the Truth in Poultry Labeling Act of 1995. This legislation directs the Secretary of Agriculture to restrict the use of the term "fresh" to poultry that has never been kept frozen.

The bill closes a loophole in Federal law that allows frozen chickens and turkeys to be labeled and sold as fresh.

I am frankly disappointed that I have to introduce this legislation. I have been repeatedly assured that the Agriculture Department was prepared to act to end the fraud allowed by current law. In January, a draft rule to restrict the use of the term "fresh" to poultry that has never been kept frozen was actually issued, but there are no assurances that the rule will be finalized any time soon.

In fact, evidence suggests that we are likely to see more delay than action on this issue. Two weeks ago, the Food Safety and Inspection Service decided that it will grant an extension of the comment period on its proposed rule. The extension had been sought by the very industry groups which have dedicated themselves to protecting the status quo. The new rule was proposed in January, and the original 60-day comment period was set to expire last week.

I strongly object to the decision to delay—once again—the rule protecting consumers against mislabeled poultry.

The Agriculture Department did the right thing in January when it proposed the new rule.

Unfortunately, the announced delay is just another in a series of delays stretching back to 1988, when this same rule was first proposed: 7 years is far too long for consumers to wait for basic truth in labeling.

USDA has had a chance to act responsibly on behalf of consumers and has failed. I am therefore introducing this bill to require USDA to issue the new rule within 30 days of enactment, and will seek early consideration of the bill.

This legislation is supported by Consumers Union, the National Consumers League, Public Voice, the California Poultry Industry Federation, the Consumer Federation of America, and the United Food and Commercial Workers International Union.

Current law promotes consumer fraud, allowing chickens and turkeys that have been frozen hard as bowling balls to be thawed out and labeled fresh. Consumers are paying a substantial premium for fresh poultry that has no right to the label. It is time to end the delays and end the fraud, and I ask my colleagues to support this important piece of legislation.

Mr. President, I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Poultry Labeling Act of 1995."

SEC. 2. REGULATIONS ON LABELING OF POULTRY.

Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall issue final regulations under the Poultry Product Inspection Act (21 U.S.C. 451 et seq.) that prohibit the use of the term "fresh" on labeling of any poultry or poultry part, or of any edible portion of the poultry or part, that has been frozen or previously frozen to below 26 degrees Fahrenheit.•

By Mr. BROWN (for himself, Mr. SIMON, Mr. DOLE, Ms. MIKULSKI, Mr. ROTH, Mr. MCCONNELL, and Mr. MCCAIN):

S. 602. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of European countries emerging from Communist domination; to the Committee on Foreign Relations.

THE NATO PARTICIPATION ACT AMENDMENT OF 1995

Mr. BROWN. Mr. President, I sent to the desk just a few minutes ago the NATO Participation Act Amendments of 1995. Included as sponsors, along with myself, are Senator SIMON, Senator DOLE, Senator MIKULSKI, Senator ROTH, and Senator MCCONNELL. And I ask unanimous consent that Senator MCCAIN be added as a cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, this NATO Participation Act deals with the hopes and fears and the concerns, I believe, of every American, because it deals with our very freedom.

Every American has a special place in their heart for the people of Central Europe and perhaps even a special place in their conscience. It was in Central Europe where we saw the treachery of Hitler plunge the world into the Second World War. No one can forget that his treachery saw the demise of what was then Czechoslovakia. Few Americans will ever forget the treachery of both Nazi Germany and the Soviet Union in carving up Poland. And I cannot think of a more apt description than the quote of Edmund Burke, when he said:

> The only thing necessary for the triumph of evil in this world is for good men to do nothing.

Mr. President, that is what happened in Central Europe. Good men and women concerned about democracy and freedom stood by and did nothing while Fascist and Communist forces carved up Central Europe. We paid for it in a cold war that lasted more than half a century.

Mr. President, we must never allow that tragedy to happen again. We must be very clear that the men and women of Central Europe are entitled to freedom. That is what the NATO Participation Act Amendments are all about—clarity, making it clear that we believe the Czech Republic, Poland, Hungary, and the Republic of Slovakia should be free and should be masters of their own destiny.

The NATO Participation Act of 1994 was a step forward because it authorized the establishment of a program within this Government to transition those eligible countries to NATO membership, and this follow-on act does four basic things to improve on that situation.

First of all, it helps to set aside the uncertainty of powers in this world about the countries' future by making it clear our policy is to move them into NATO. It develops a program and a focus for this Nation's foreign policy to proceed on a regularized path to include them in NATO, to move them toward full membership. But let me emphasize their membership is not free. It will involve major new responsibilities as well as cost for them.

Second, Mr. President, this act moves to reallocate funds for military training that will include those four countries. By training together and by working together, we will lay the groundwork for a partnership in NATO in the years ahead.

And third, it sets forth a clear policy of encouraging United States support for observer status in NATO for these four countries, a prerequisite and an important part of their training for full participation.

Last, in the event these four countries are not fully members of NATO by the end of this decade, it calls on the President in January 1999 to report fully to Congress on the progress of these countries in entering NATO. It will give us the tools and the ability to evaluate the progress, evaluate the program, and take the additional steps that may be necessary to accomplish our goal.

Mr. President, the bottom line is this: Those countries in Central Europe lost their freedom and lost their right to independence when the dark cloud of Nazism spread across Europe. It could have been prevented if good men and women had not stood aside.

They, again, saw their hoped-for independence snuffed out when the Iron Curtain fell across Europe and Soviet domination extinguished their freedom.

More than anything, this act says to the world that Americans will not stand idly by, unconcerned about Central Europe's security. The loss of the freedom of Poland, Hungary, the Czech Republic, the Slovak Republic, and other eligible countries may ultimately mean the loss of our freedom.

Mr. SIMON. Mr. President, I am pleased to be a cosponsor. Let me address one concern that people have, that this will be viewed as somehow anti-Russian. There is no question the Russians do not like this move toward expanding NATO, and there is no question that there are genuine fears, whether justified or not, on the part of some of the countries of Central Europe with Russia. There is no reason, at some point in the future when democracy is insolubly established in Russia—and it is moving in the right direction—that Russia cannot become a part of NATO. As a matter of fact, if I were a Russian leader looking at a potential foe, I would not be looking to the West, I would be looking to the East—China, with all the population and potential there. I think this is not only in the best interest of the countries of Central Europe. I think this is in the best interest of Russia, and I am pleased to be a cosponsor.

• Ms. MIKULSKI. Mr. President, I am proud to rise as a cosponsor of the NATO Participation Act Amendments of 1995. This bipartisan legislation will increase security and stability in eastern Europe, and will contribute to the security of the United States.

This year we are marking the 50th anniversary of our victory in World War II. But the end of the World War was also the start of the cold war. Soviet expansionism forced us to prepare to defend western Europe. And the captive nations of eastern Europe were forced behind the Iron Curtain.

After more than 40 years of living under Soviet tyranny, Poland, Hungary, the Czech Republic, and Slovakia are free and independent. They are not asking for protection. They are merely asking to be full partners in the new Europe. By transforming their countries into free-market democracies, they have earned this right.

If our international organizations are to survive—as I believe they must—they must adapt to the post-cold-war world. This sounds so obvious. Yet NATO is still mired in its cold war structure. We still have not established the criteria for NATO membership—let alone a timetable for admitting new states.

In recent months the United States has more explicitly stated that NATO will be expanded. I applaud this. But our NATO partners have been dragging their feet. This legislation will help to clarify the United States position on NATO expansion—and will enable us to lead the alliance to meet the challenges of the post-Soviet world.

We have all heard the arguments against expanding NATO. Some believe that we will offend Russia by expanding NATO membership. I disagree. NATO is a defensive organization. A country that doesn't have expansionist aims has nothing to fear from an expanded NATO.

Mr. President, for many years I have worked with Senator BROWN and Senator SIMON to make the United States a more effective advocate for democracy and economic development in eastern Europe. I commend them for their leadership and look forward to working with them to enact the NATO Participation Act Amendments into law.•

By Mr. CHAFEE (for himself, Mr. KENNEDY, Mr. PELL, and Mr. KERRY):

S. 601. A bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

THE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION ACT OF 1995

• Mr. CHAFEE. Mr. President, it gives me great pleasure today to introduce legislation to reauthorize and expand the boundaries of the Blackstone River Valley National Heritage corridor. I am delighted to be joined in this effort by my colleagues from Rhode Island and Massachusetts, Senators PELL, KENNEDY, and KERRY, all of whom have worked hard on this issue through the years.

Before I describe our legislation in detail, allow me to provide a little historical background for the benefit of my colleagues.

Known as the cradle of the Industrial Revolution, the Blackstone Valley is the place where modern America begins—200 years ago on the banks of the Blackstone River, in Pawtucket, RI, Samuel Slater built our Nation's first water-powered textile mill, an event which changed this country forever. Backed by capital from Providence, other entrepreneurs followed Slater's lead. Factories and villages sprang up along the river's banks. Families migrated from farms into the towns. Canals—and later railroads—were built to improve the transportation of goods. Immigrants from all over Europe came to the region in search of work and opportunity.

In the 1920's, the region's prosperity began to fade. Mills closed and moved south. The Great Depression made matters worse. In subsequent years, the Blackstone, which had been renowned as "the hardest working river in America" became just another neglected, polluted body of water.

But people in the valley recognized that the river still had a story to tell. Evidence of the region's glorious past remained in abundance. Beautiful dams, bridges, mills, villages, farms, and pastures—all these things contribute to a special sense of place, identity, and history. Many began to realize that preserving and celebrating the area's past was the key to a brighter future.

In the early 1980's, we prevailed upon the National Park Service to conduct a study of the Blackstone Valley. They too concluded that its resources were of national significance and were well worth preserving. The question was: How? With half a million people living there, the valley does not lend itself to the traditional national park strategy where the Federal Government owns and manages the land.

What was needed was an approach that would encourage cooperation among communities, across State lines, and between the private and public sectors. And so, in 1986, through legislation which Senators PELL, KENNEDY, KERRY, and I advanced together, the Blackstone River Valley National Heritage corridor was born.

Stretching 46 miles along the Blackstone River, from Worcester, MA to Providence, RI, the corridor encompasses 20 cities and towns over a 250,000-acre area. Efforts to interpret and preserve the valley's historical and scenic resources are coordinated by the Blackstone Corridor Commission, which receives modest Federal funding to support its operations. The National Park Service works closely with the Commission, providing invaluable technical assistance and guidance.

Not surprisingly, there were some who doubted that the corridor concept could work. It was, of course, unlike anything that had been tried before. But I can say with great confidence that the Blackstone corridor is working. And it is working precisely because it is not managed like the traditional national park. Under the umbrella of the Corridor Commission, individuals from different communities, businesses, levels of government, and walks of life are working together toward a common vision, and with impressive results.

Historic treasures are being uncovered, interpreted, and restored. Old mills are being converted for modern use. Visitors now can enjoy the Blackstone by riverboat or canoe. Parks are being established along its banks. A greenway, for bicyclists and hikers is well underway. A Friends of the Blackstone group is cleaning up the river. National Park Service rangers and volunteers are educating visitors about the valley's rich history. A strategy for reintroducing salmon to the Blackstone river is being developed. Imagine that, salmon coming back to a river that was once an environmental disgrace.

And all this is being done with relatively little money from the Federal Government, because every Federal dollar that goes into the corridor is leveraged many times over by the Commission, sometimes by as much as twenty to one. In fact, often the Commission provides no money at all, just the expertise and cando attitude needed to shepherd a project from concept to reality.

This bill, which is identical to legislation introduced in the last Congress by Senator KENNEDY and approved by the Senate Energy and Natural Resources Committee last year, builds upon that success. It extends the life of the Blackstone Corridor Commission—which, under current law, will expire in November 1996—for another 10 years, and gives the Secretary of Interior the authority to extend the Commission for an additional 10 years thereafter, providing the Commission meets certain criteria.

In addition, the bill will add to the corridor five new communities—three in Rhode Island and two in Massachusetts—which are culturally and historically tied to the existing corridor and contain the headwaters of the Blackstone River. This logical expansion will allow the Commission to interpret and protect the region's resources in a comprehensive and unified fashion. Finally, our legislation increases the Commission's annual authorization from $350,000 to $650,000, in recognition of its tremendous success and new responsibilities, and authorizes up to $5 million over 3 years in matching funds for development projects within the corridor.

Mr. President, it seems to me that protecting and preserving our Nation's special places, like the Blackstone Valley, is one of the Federal Government's most important functions. But as we all know, preservation does take money, and money is tight. I would submit that in these tough budgetary times, the Blackstone Corridor, which has accomplished so much with so little, offers us a model that should be encouraged and expanded upon. I thank my colleagues from Rhode Island and Massachusetts for their hard work and support, and urge the Senate to give this measure its swift approval.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blackstone River Valley National Heritage Corridor Amendments Act of 1995".

SEC. 2. BOUNDARY CHANGES.

Section 2 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by striking the first sentence and inserting the following new sentence: "The boundaries shall include the lands and water generally depicted on the map entitled Blackstone River Valley National Heritage Corridor Boundary Map, numbered BRV-80-80,011, and dated May 2, 1993.".

SEC. 3. TERMS.

Section 3(c) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by inserting immediately before the period at the end the following: ", but may continue to serve after the expiration of this term until a successor has been appointed.".

SEC. 4. REVISION OF PLAN.

Section 6 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by adding at the end the following new subsection:

"(d) REVISION OF PLAN.—(1) Not later than 1 year after the date of enactment of this subsection, the Commission, with the approval of the Secretary, shall revise the Cultural Heritage and Land Management Plan. The revision shall address the boundary change and shall include a natural resource inventory of areas or features that should be protected, restored, managed, or acquired because of their contribution to the understanding of national cultural landscape values.

"(2) No changes other than minor revisions may be made in the approved plan as amended without the approval of the Secretary. The Secretary shall approve or disapprove any proposed change in the plan, except minor revisions, in accordance with subsection (b).".

SEC. 5. EXTENSION OF COMMISSION.

Section 7 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended to read as follows:

"TERMINATION OF COMMISSION

"SEC. 7. (a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the date that is 10 years after the date of enactment of the Blackstone River Valley National Heritage Corridor Amendments Act of 1995.

"(b) EXTENSION.—The Commission may be extended for an additional term of 10 years if—

"(1) not later than 180 days before the termination of the Commission, the Commission determines that an extension is necessary to carry out this Act;

"(2) the Commission submits a proposed extension to the appropriate committees of the Senate and the House of Representatives; and

"(3) the Secretary, the Governor of Massachusetts, and the Governor of Rhode Island each approve the extension.

"(c) DETERMINATION OF APPROVAL.—The Secretary shall approve the extension if the Secretary finds that—

"(1) the Governor of Massachusetts and the Governor of Rhode Island provide adequate assurances of continued tangible contribution and effective policy support toward achieving the purposes of this Act; and

"(2) the Commission is effectively assisting Federal, State, and local authorities to retain, enhance, and interpret the distinctive character and nationally significant resources of the Corridor.".

SEC. 6. IMPLEMENTATION OF THE PLAN.

Subsection (c) of section 8 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended to read as follows: U.S.C. 461 note), as amended, is amended by inserting the following:

"(c) IMPLEMENTATION.—(1) To assist in the implementation of the Cultural Heritage and Land Management Plan in a manner consistent with purposes of this Act, the Secretary is authorized to undertake a limited program of financial assistance for the purpose of providing funds for the preservation and restoration of structures on or eligible for inclusion on the National Register of Historic Places within the Corridor which exhibit national significance or provide a wide spectrum of historic, recreational, or environmental education opportunities to the general public.

"(2) To be eligible for funds under this section, the Commission shall submit an application to the Secretary that includes—

"(A) a 10-year development plan including those resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor; and

"(B) specific descriptions of annual work programs that have been assembled, the participating parties, roles, cost estimates, cost-sharing, or cooperative agreements necessary to carry out the development plan.

"(3) Funds made available pursuant to this subsection shall not exceed 50 percent of the total cost of the work programs.

"(4) In making the funds available, the Secretary shall give priority to projects that attract greater non-Federal funding sources.

"(5) Any payment made for the purposes of conservation or restoration of real property or structures shall be subject to an agreement either—

"(A) to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission, as appropriate, of the State in which the real property or structure is located; or

"(B) that conversion, use, or disposal of the resources so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States for reimbursement of all funds expended upon such resources or the proportion of the increased value of the resources attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

"(6) The authority to determine that a conversion, use, or disposal of resources has been carried out contrary to the purposes of this Act in violation of an agreement entered into under paragraph (5)(A) shall be solely at the discretion of the Secretary.".

SEC. 7. LOCAL AUTHORITY.

Section 5 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), is amended by adding at the end the following new subsection:

"(j) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this Act shall be construed to affect or to authorize the Commission to interfere with—

"(1) the rights of any person with respect to private property; or

"(2) any local zoning ordinance or land use plan of the Commonwealth of Massachusetts or a political subdivision of such Commonwealth.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), as amended, is further amended—

(1) in subsection (a), by striking "$350,000" and inserting "$650,000"; and

(2) by amending subsection (b) to read as follows:

"(b) DEVELOPMENT FUNDS.—For fiscal years 1996, 1997, and 1998, there is authorized to be appropriated to carry out section 8(c), $5,000,000 in the aggregate.".•

Mr. PELL. Mr. President, it is with great pride in the Blackstone River Valley National Heritage Corridor and great hope for its continued success that I join Senator CHAFEE of Rhode Island, Senator KENNEDY of Massachusetts, and Senator KERRY of Massachusetts in introducing legislation to reauthorize the corridor.

As I have said before about this exceptional partnership project, nothing succeeds like success. The Blackstone NHC is a wonderful example of success. Our bill both reauthorizes and expands the Blackstone NHC—the largest national park or affiliated area in New York or New England: 250,000 acres, including 20 towns or cities in 2 states.

The expansion is a logical one. We should increase the boundaries to include the communities of Burrillville, Glocester, and Smithfield in Rhode Island, and Worcester and Leceister in Massachusetts. All are within the watershed of the 46-mile long Blackstone River.

More than a decade ago, I convened the first planning meeting for the corridor involving Federal, State and local officials. Ever since then, the corridor has been a bipartisan project enthusiastically supported by both the Rhode Isand and Massachusetts congressional delegations.

Senator CHAFEE introduced the initial authorization. I introduced the existing authorization, and I am delighted that Senator CHAFEE is working hard to continue our bipartisan, bistate effort. All of us want the corridor to showcase the cradle of the American Industrial Revolution.

I would like to underscore what I consider a very important point. The Heritage Corridor Commission has used its relatively meager Federal resources to leverage dramatic expenditures and results.

The Blackstone NHC is an extraordinary bargain for the taxpayers. With only a modest Federal contribution, the corridor has leveraged funds by sometimes as much as a 20 to 1 match.

My own State of Rhode Island has invested more than $7.7 million and has acquired more than 250 acres of land in the Blackstone River Valley. A linear park and bikeway are in the planning stage, as is completion of an Anadramous fisheries restoration program that has met with initial success.

We continue to look for examples of imaginative, efficient, and cost-effective concepts. We need to look no further than the Blackstone Valley—not only for where those concepts were born but where they continue to be practiced and developed to this day.

The legislation that we are submitting today is intended to safeguard the integrity and coherence of the Corridor Commission by including areas that are functionally, ecologically, and historically integral components of the Blackstone Region.

In Rhode Island, the three communities that would be added are highly motivated to join in the success of corridor and worked hard to develop comprehensive town plans. Glocester also developed strategies, including local historic district zoning, to turn the village of Chepachet into a visitor destination.

Calling the area a corridor is somewhat of a misnomer, since it must be understood that we are not talking about some narrow strip of land and water. Its boundaries comprise an area more than 25 miles wide and 46 miles long; a management unit that now would include an entire watershed.

When future generations of Americans want to understand how communities and industries are made and grow, if we do our job right, they will understand the entire system by a visit to the Blackstone Valley.

We already have noticed a real transformation in confidence that is occurring in the Blackstone Valley. It is a transformation that is coming about because our citizens are realizing the value of our heritage. The lessons of history are increasingly part of the fabric of the valley.

I want to add the National Park Service has played a strong role and completely positive role in the corridor. These are people we trust, who understand the meaning of the words "public service." There have been no complaints about Federal intrusion, only praise for Federal creativity and skill.

I am pleased to note that this new authorization by Senator CHAFEE builds on the foundation that we established—with Senators KENNEDY and KERRY—and improves the final product. It is worth noting that our own bipartisan commitment and collaboration mirrors the spirit of the corridor.

Mr. KENNEDY. Mr. President, it is a privilege to be a sponsor of this legislation introduced by Senator CHAFEE to improve the Blackstone River Valley National Heritage Corridor, and I commend Senator CHAFEE for his leadership on this important matter. This legislation is designed to build upon the successful historic preservation effort already underway in the Blackstone Valley in Massachusetts and Rhode Island. It was approved by the Senate Energy and Natural Resources Committee last year, and I hope it will receive the committee's support again, so that it can be enacted by the 104th Congress.

This legislation is the result of bipartisan and bistate cooperation among several Senators and Representatives. Senator CHAFEE and I and Senators JOHN KERRY and CLAIBORNE PELL, and Congressmen PETER BLUTE, RICHARD NEAL, JACK REED, and PATRICK KENNEDY all have a strong commitment to this historic preservation effort.

This bill will extend the current boundaries of the Blackstone Corridor to include neighboring communities that are essential parts of the region's history, as recommended by a comprehensive National Park Service study. It will also continue the Corridor Commission, which has been very effective in leveraging private support and bringing local groups together to preserve these important historical, cultural, and natural resources. The bill will modestly increase the Commission's funding, in order to strengthen current preservation efforts and address the broader responsibilities that will result from the larger boundaries of the corridor.

The Blackstone Corridor is unique in many respects, and it meets stringent criteria of national significance. Historically, it is distinctive as the site of the birth of the Industrial Revolution in America. It was here that the widespread use of water power for industry was first developed in the United States.

Much of this early development is still intact, with approximately 10,000 historic structures, including a canal system and dams that harness the force of the river, which drops dramatically at many points along its 46-mile course. Dozens of 19th century mill villages and communities spring up along the river to take advantage of its power. Many other aspects of the area—the farms and pastures that provide food for the mill workers, and the beautiful woods and scenic areas along the river—remain intact for the enjoyment of visitors.

The Blackstone Corridor is also distinctive because it represents an innovative and highly cost-effective way for the Federal Government to assist in preserving historic and natural resources. Rather than acquiring and managing vast acres of land and historic structures, the National Park Service and the Blackstone Commission serve as guiding hands to foster restoration projects that are predominantly funded with local resources. The Federal role is to provide technical expertise, set high standards, and provide national recognition. These efforts encourage local citizens, businesses, nonprofit historic and environmental organizations, schools and universities, 20 local Governments and two State Governments to work together to protect the valley's heritage, and to do so in a way that is consistent with National Park Service standards.

When the corridor was first established by Congress in 1986, this type of public-private partnership was an experimental concept. Neither Congress nor the Park Service was certain that the concept—very different from traditional Federal ownership and control—would work. Now it is clear that the corridor is a success, and it serves as a model for similar efforts across the country. A 1992 report by the Advisory Board of the Secretary of the Interior on National Parks gave Blackstone a glowing endorsement, calling it an outstanding initiative and partnership model. At a conference on heritage areas hosted by the National Trust for Historic Preservation, the Blackstone project was featured as the prime example of the effective use of Federal seed money to encourage local preservation.

Because the corridor has been such an unqualified success, other communities in the valley want to participate, and they have petitioned for official inclusion in the corridor boundaries. The Blackstone Commission has conducted a comprehensive evaluation of these communities—Worcester and Leicester in Massachusetts and Burrillville, Glocester, and Smithfield in Rhode Island. The Commission found that each of these communities has significant historic and natural resources that merit inclusion in the project.

One of the most valuable features of the corridor, as described in its cultural heritage and land management plan approved by the Secretary of the Interior in 1990, is its wholeness—the survival of representative elements of entire 18th and 19th century production systems, power and transportation methods, communities, workplaces, and machinery. The expansion will help ensure the protection of the entire corridor, including the headwaters of the Blackstone River, to tell a fuller story of America's industrial revolution.

Continuation of the Blackstone Corridor Commission is also essential. Existing law terminates the Commission's authority in 1996, undermining opportunities for the new areas to participate in the corridor and undercutting the Commission's effective ongoing efforts within the existing boundaries. The Commission has provided a vital framework for encouraging the local involvement and private sector financial participation that are the hallmark of the Blackstone project.

This legislation will extend the Commission for 10 years, and permit an additional 10-year extension if the Commission can satisfy criteria showing it continues to be effective in protecting and interpreting the corridor through the partnership approach. The Secretary's Advisory Board recommended reconsideration of the 1996 sunset clause in its report on Blackstone, stating that after the planning stage, there should be "a program into which the corridor can feed, one with parameters as carefully drawn as those governing traditional park units."

Our legislation also makes clear that the Commission will not interfere with private property rights. In fact, one of the priorities of the Commission is to work cooperatively with all interested parties and, in many cases, to enhance the value of private property in the region, by providing technical assistance to local communities. The Commission has no authority to issue regulations or impose its own restrictions on land or property.

The legislation proposes a modest increase in the Commission's operating budget to $650,000 a year. It authorizes up to $5 million over the next 3 years in matching funds for development projects that will be largely financed through local contributions. These funds will enable the Commission to continue its excellent work in the 20 towns now comprising the corridor and to expand its outreach efforts to the additional communities.

These investments are highly cost-effective. The corridor is the largest National Park Service-affiliated area in New England. The Commission deserves this vote of confidence by Congress for the impressive groundwork it has laid and for the important tasks it has set for itself in the years ahead.

Again, I commend Senator CHAFEE for leading the way on this legislation. I believe it offers an excellent opportunity to build on the success of the Blackstone River Valley National Heritage Corridor, and to keep an important part of our American heritage alive and accessible for future generations. I urge the Senate to move expeditiously to approve this bill.

• Mr. KERRY. Mr. President, I am pleased once again to join my colleagues, the distinguished Senators from Rhode Island, Senator CHAFEE and Senator PELL, and the senior Senator from Massachusetts, Senator KENNEDY, in sponsoring legislation to revise the boundaries of the Blackstone River Valley National Heritage Corridor. The bill we are introducing today is identical to legislation that was passed overwhelmingly out of the Senate Energy Committee during the last Congress. I am hopeful that the committee will expeditiously act to support this important component of the National Park System.

When the Blackstone River Valley National Heritage Corridor was established in 1986, it represented a unique experiment which sought to reconcile resource preservation with economic growth through the cooperation of the community, its businesses, the State government, and the National Park Service. Now, 8 years later, the success of this partnership can be seen in all of the 20 townships and 5 cities that comprise the corridor. From the historic preservation of buildings to the construction of parks, bikeways, and river access, the corridor has effectively blended the beauty of a New England landscape with the preservation of the region's history shaped so indelibly by the Industrial Revolution. This project has been so successful for all involved that five additional cities and towns—two in Massachusetts and three in Rhode Island—have petitioned to be included in the Commission.

For those of us who represent States east of the Mississippi and who are concerned with the aesthetic value of the landscapes of our States, this project is particularly exciting. Unlike Western States where large tracts of land are protected by the National Park Service, most Eastern States simply do not have open expanses of land available to develop as national parks in the traditional sense. The Blackstone River Valley National Heritage Corridor is a model for other regions interested in preserving their unique characteristics and their historic resources without disturbing their economic base. Just as the great national parks of the West symbolize the expansiveness and independence that are part of our history, the Blackstone Corridor captures another aspect of our collective heritage—a heritage that is rooted in the communities and industries of the east coast and which helped define the 19th century American experience. This architectural and industrial landscape stands today as a reminder of our past and its contributions to both our spiritual identity and our industrial development.

The Blackstone Valley Corridor should serve as a model for the preservation of our unique heritage and for the process by which it has been developed and promoted. This project exemplifies a solid partnership of Federal, State, and local resources working in unison leveraged to produce the highest level of results. it also exemplifies an extraordinary effort in pulling together committed private local volunteers and financial support to enhance the public investment. This is a prototype which could be duplicated in other

National Park Service projects throughout the country.

While the success of this project is attested to by all involved, we must ensure that the hard work and resources that have contributed to that success are not compromised. By extending the Corridor Commission another 10 years and increasing the operating budget, this bill would allow the Commission the leeway it needs to continue in its unique mission. In addition, the boundaries would be expanded so that the five communities of Massachusetts and Rhode Island which have requested inclusion would be able to participate in the Commission-sponsored activities.

I sincerely hope that the corridor's success as both a national park and as an example of a positive public-private partnership in pursuit of conservation objectives will be replicated in other areas of the country. If we are to hold Blackstone Valley up as such a model, however, we first must ensure that it is provided with the resources it needs. Mr. President, for these reasons I look forward to continued positive action on this legislation.●

By Mr. PRESSLER:

S. 604. A bill to amend title 49, United States Code, to relieve farmers and retail farm suppliers from limitations on maximum driving and on-duty time in the transportation of agricultural commodities or farm supplies if such transportation occurs within 100-air mile radius of the source of the commodities or the distribution point for the farm supplies; to the Committee on Commerce, Science, and Transportation.

THE REGULATORY RELIEF FOR FARMERS ACT OF 1995

Mr. PRESSLER. Mr. President, now is the time of the year American's are preparing their fields for planting of this year's crops. Planting season can be unpredictable for farmers. Once the season begins there is the inevitable uncooperative weather conditions of rain, snow, hail or early spring frosts. Farmers must move quickly and put in long hours.

The demand for farm supplies escalates during planting season. The last thing farmers need are burdensome and unnecessary regulations that interfere with planting operations.

The Department of Transportation has issued hours-of-service regulations that could interrupt or stop planting. These regulations are highly impractical, burdensome and costly for farmers and farm suppliers. Simply put, the regulations would require farmers to take three days off—at the peak work time of the year—after working up to 15 hours a day for 4 days straight. I might add these regulations would cause severe problems for farmers at harvest time, as well.

The solution to this dilemma is simple. The Department of Transportation should waive the hours of service requirements for agricultural purposes during harvest and planting seasons.

This issue is not new. Last year, 34 Senators, including myself, wrote to Transportation Secretary Peña urging a waiver from hours-of-service requirements for agricultural purposes during planting and harvest seasons.

Mr. President, I ask unanimous consent that a copy of that letter appear in the RECORD.

Mr. President, I want to extend my deepest appreciation to the efforts of our colleague, Senator EXON, on this effort. He has been a leader in the effort to waive agriculture from the hours-of-service regulations. Senator EXON led Senate efforts last year to pass legislation to provide this agricultural exemption. However, an agricultural exemption has never cleared the Congress.

I have worked with Senator EXON closely on this matter. I have let him know that I would introduce this bill today.

I have worked with my House and Senate farm State colleagues for regulatory relief for farmers and farm suppliers. Department of Transportation regulations are unfair to farmers and farm suppliers. An agricultural exemption did not clear Congress last year. What did clear the House last year was watered down and reduced to yet another mandated regulatory hurdle for farmers. That is the situation facing farmers today.

Farmers and farm suppliers want to obey the law and rules on hours-of-service. However, the rules do not make sense. Because of what I view as a bureaucratic entanglement brought about the Department of Transportation, I am introducing this bill today. Legislative action is needed so that American agriculture can have a sensible rule in place for the 1995 planting and harvest seasons.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 26, 1994.

Hon. FEDERICO PEÑA,
Secretary of Transportation, Department of Transportation, Washington, DC.

DEAR SECRETARY PEÑA: We support the provision in the Hazardous Materials Transportation Act (Public Law 103–311) which requires you to initiate a rulemaking proceeding relating to hours of service rules as they apply to retail farm suppliers.

As you know, current section 395.3 hours of service regulations require an on-duty worker to take three days off and wait in order to accumulate enough off-duty time to resume driving. Application of hours of service requirements upon farmers and their farm suppliers is burdensome, imposes costs and encourages violating the hours of service rules. Therefore, we strongly support a waiver from the hours of service requirements for agricultural purposes during the harvest and planting season.

DOT has recognized that the on-duty time of certain occupations are subject to special demands and has granted seasonal exemptions from section 395.3 hours of service requirements. We request your support for agriculture regulatory relief at least as accommodating as that granted under section 395.3(c) for small package delivery drivers meeting holiday seasonal demands. Farmers and farm suppliers engaged in the transport of fertilizer and fertilizer materials, agricultural chemicals, pesticides, seed, animal feeds, crops, and other essential farm supplies want to obey the law and should be subject to an hours of service rule which makes sense.

During certain weeks of each year in our agricultural states, there is a small window of opportunity in the crop-planting season when the demand for farm supplies escalates. The same is true for amount of rainfall or freezing temperatures. Because of farmer procedures and driver safety, it is impractical and costly for these workers to take three days off at the peak of agricultural production. Driving is incidental to their principal work function of servicing farmers' fields.

Increasingly, farmers utilize farm suppliers who are agronomic experts to help them cope with environmental regulations, develop, implement, and manage precision agriculture, and harvest profitable crops that produce safe, abundant and affordable food for Americans and the world. Over 80 percent of our nation's farmers utilize farm suppliers who are trained agronomic experts who service farmers' fields, which is their principal job function and driving is incidental to this principal job function.

As you draft this important regulatory relief proposed rule, we respectfully request that you take our comments and concerns into consideration. We look forward to working closely with you on this important rulemaking for American agriculture and having it finalized before the 1995 spring planting season.

Sincerely,

Jim Exon, Wendell H. Ford, Paul Simon, Arlen Specter, Carol Moseley-Braun, Richard C. Shelby, Byron L. Dorgan, Thomas A. Daschle, David H. Pryor, Tom Harkin, Chuck Grassley, Robert Kerrey, Kent Conrad, Trent Lott, Chuck Robb, John Breaux, Bob Graham, John Warner.

Larry Pressler, Howell Heflin, Max Baucus, Conrad Burns, Larry E. Craig, Kay Bailey Hutchison, Thad Cochran, Dan Coats, Don Nickles, Connie Mack, Malcolm Wallop, Hank Brown, Robert Dole, Mitch McConnell, Richard G. Lugar, Herb Kohl.

By Mr. DOLE (for himself, Mr. HATCH, Mr. HEFLIN, Mr. LOTT, Mr. GRAMM, Mr. BROWN, Mr. CRAIG, Mr. SHELBY, Mr. NICKLES, Mr. KYL, Mr. ABRAHAM, Mr. THURMOND, Mr. INHOFE, Mr. PACKWOOD, Mr. WARNER, Mr. COATS, Mr. BURNS, Mr. THOMAS, Mr. PRESSLER, Mrs. HUTCHISON, Mr. HATFIELD, Mr. GRAMS, Mr. FRIST, Mr. MCCONNELL, Mr. ASHCROFT, Mr. MACK, Mr. MURKOWSKI, Mr. BENNETT, Mr. KEMPTHORNE, Mr. GRASSLEY, Mr. BOND, and Mr. STEVENS):

S. 605. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

THE OMNIBUS PROPERTY RIGHTS ACT OF 1995

Mr. DOLE. Mr. President, since last November's elections we have pursued an ambitious program of reform to fundamentally change and improve the relationship between the Government and its citizens. No doubt about it, to the defenders of business as usual these are wrenching changes we propose: A balanced budget amendment; the line item veto; regulatory reform; and even the elimination of cabinet level departments. Each of these reforms has been opposed by those who do not understand that the American people have instructed us to rein in the Federal Government. But we will continue to fight for these reforms, and for the American people.

Today, we add to these reforms, by confronting one of the most basic clashes between Government and individual liberty: The taking of private property for public uses. There is perhaps no greater foundation for a successful free society than private property. The American Revolution was fought in part because of the threat that tyranny posed to private property, whether it was taxation without representation, restraints on trade, or violation of home and hearth by British soldiers. Private property rights are the rights to enjoy the fruits of our labor and our ideas and thus enjoy a special place in the U.S. Constitution.

Mr. President, one of the most basic of these protections is found in the fifth amendment to the Constitution; "nor shall private property be taken for public use, with just compensation." As the Supreme Court has stated, this protection is about basic fairness: Preventing the Government "from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole." The fifth amendment thus provides a balance between public need and individual liberty.

Today, however, this balance is missing. A regulatory state that seems only to grow and grow—that is increasingly intrusive—has provided the means for a sustained assault on private property rights in America. It is our duty to ensure that we limit the arbitrary exercise of Government power and pursue worthwhile goals in ways that protect the rights of our citizens.

Mr. President, I and my colleagues today are proud to introduce the Omnibus Property Rights Act of 1995. I want to especially commend my colleagues who worked hard to bring a lot of good ideas together in one comprehensive package. Senator HATCH should be particularly commended for his leadership of the working group that consisted of Senators SHELBY, NICKLES, HEFLIN, CRAIG, GRAMM, LOTT, THOMAS, BROWN, KYL, and ABRAHAM.

Mr. President, the Omnibus Property Rights Act of 1995 would accomplish four major objectives:

First, it would require the Federal Government to compensate property owners if Government action reduces the value of property by one-third;

Second, it would provide for alternative dispute resolution procedures and clarify court jurisdiction for takings claims;

Third, it would require Federal agencies responsible for Endangered Species Act and section 404 of the Clean Water Act to provide for administrative procedures to address takings claims; and

Fourth, it would require agencies to perform a takings impact analysis of regulations, and ensure that agencies select the regulatory alternative that minimizes the taking of private property.

Mr. President, these are sweeping reforms. But it is important to point out that our reforms do more than provide that just compensation is paid in proper circumstances. The real test is to minimize the number of takings that occur in the first instance. We need to ensure that when we pursue otherwise laudable goals, that we do so in ways that allow the Government to take private property only as a last resort, and when it is necessary to do so, to insist that just compensation is paid to the property owner. The Omnibus Property Rights Act of 1995 accomplishes these goals, and I intend to bring this bill to the floor as soon as possible. I urge my colleagues to support this much-needed legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Property Rights Act of 1995".

TITLE I—FINDINGS AND PURPOSES

SEC. 101. FINDINGS.

The Congress finds that—

(1) the private ownership of property is essential to a free society and is an integral part of the American tradition of liberty and limited government;

(2) the framers of the United States Constitution, in order to protect private property and liberty, devised a framework of Government designed to diffuse power and limit Government;

(3) to further ensure the protection of private property, the fifth amendment to the United States Constitution was ratified to prevent the taking of private property by the Federal Government, except for public use and with just compensation;

(4) the purpose of the takings clause of the fifth amendment of the United States Constitution, as the Supreme Court stated in Armstrong v. United States, 364 U.S. 40, 49 (1960), is "to bar Government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole";

(5) the Federal Government has singled out property holders to shoulder the cost that should be borne by the public, in violation of the just compensation requirement of the takings clause of the fifth amendment of the United States Constitution;

(6) there is a need both to restrain the Federal Government in its overzealous regulation of the private sector and to protect private property, which is a fundamental right of the American people; and

(7) the incremental, fact-specific approach that courts now are required to employ in the absence of adequate statutory language to vindicate property rights under the fifth amendment of the United States Constitution has been ineffective and costly and there is a need for Congress to clarify the law and provide an effective remedy.

SEC. 102. PURPOSE.

The purpose of this Act is to encourage, support, and promote the private ownership of property by ensuring the constitutional and legal protection of private property by the United States Government by—

(1) the establishment of a new Federal judicial claim in which to vindicate and protect property rights;

(2) the simplification and clarification of court jurisdiction over property right claims;

(3) the establishment of an administrative procedure that requires the Federal Government to assess the impact of government action on holders of private property;

(4) the minimization, to the greatest extent possible, of the taking of private property by the Federal Government and to ensure that just compensation is paid by the Government for any taking; and

(5) the establishment of administrative compensation procedures involving the enforcement of the Endangered Species Act of 1973 and section 404 of the Federal Water Pollution Control Act.

TITLE II—PROPERTY RIGHTS LITIGATION RELIEF

SEC. 201. FINDINGS.

The Congress finds that—

(1) property rights have been abrogated by the application of laws, regulations, and other actions by the Federal Government that adversely affect the value of private property;

(2) certain provisions of sections 1346 and 1402 and chapter 91 of title 28, United States Code (commonly known as the Tucker Act), that delineate the jurisdiction of courts hearing property rights claims, complicates the ability of a property owner to vindicate a property owner's right to just compensation for a governmental action that has caused a physical or regulatory taking;

(3) current law—

(A) forces a property owner to elect between equitable relief in the district court and monetary relief (the value of the property taken) in the United States Court of Federal Claims;

(B) is used to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims; and

(C) is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should seek equitable relief in district court;

(4) property owners cannot fully vindicate property rights in one court;

(5) property owners should be able to fully recover for a taking of their private property in one court;

(6) certain provisions of section 1346 and 1402 and chapter 91 of title 28, United States Code (commonly known as the Tucker Act) should be amended, giving both the district courts of the United States and the Court of

Federal Claims jurisdiction to hear all claims relating to property rights; and

(7) section 1500 of title 28, United States Code, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and made by the same plaintiff, should be repealed.

SEC. 202. PURPOSES.

The purposes of this title are to—

(1) establish a clear, uniform, and efficient judicial process whereby aggrieved property owners can obtain vindication of property rights guaranteed by the fifth amendment to the United States Constitution and this Act;

(2) amend the Tucker Act, including the repeal of section 1500 of title 28, United States Code;

(3) rectify the constitutional imbalance between the Federal Government and the States; and

(4) require the Federal Government to compensate property owners for the deprivation of property rights that result from State agencies' enforcement of federally mandated programs.

SEC. 203. DEFINITIONS.

For purposes of this title the term—

(1) "agency" means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government;

(2) "agency action" means any action or decision taken by an agency that—

(A) takes a property right; or

(B) unreasonably impedes the use of property or the exercise of property interests;

(3) "just compensation"—

(A) means compensation equal to the full extent of a property owner's loss, including the fair market value of the private property taken and business losses arising from a taking, whether the taking is by physical occupation or through regulation, exaction, or other means; and

(B) shall include compounded interest calculated from the date of the taking until the date the United States tenders payment;

(4) "owner" means the owner or possessor of property or rights in property at the time the taking occurs, including when—

(A) the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated; or

(B) the permit, license, authorization, or governmental permission is denied or suspended;

(5) "private property" or "property" means all property protected under the fifth amendment to the Constitution of the United States, any applicable Federal or State law, or this Act, and includes—

(A) real property, whether vested or unvested, including—

(i) estates in fee, life estates, estates for years, or otherwise;

(ii) inchoate interests in real property such as remainders and future interests;

(iii) personalty that is affixed to or appurtenant to real property;

(iv) easements;

(v) leaseholds;

(vi) recorded liens; and

(vii) contracts or other security interests in, or related to, real property;

(B) the right to use water or the right to receive water, including any recorded lines on such water right;

(C) rents, issues, and profits of land, including minerals, timber, fodder, crops, oil and gas, coal, or geothermal energy;

(D) property rights provided by, or memorialized in, a contract, except that such rights shall not be construed under this title to prevent the United States from prohibiting the formation of contracts deemed to harm the public welfare or to prevent the execution of contracts for—

(i) national security reasons; or

(ii) exigencies that present immediate or reasonably foreseeable threats or injuries to life or property;

(E) any interest defined as property under State law; or

(F) any interest understood to be property based on custom, usage, common law, or mutually reinforcing understandings sufficiently well-grounded in law to back a claim of interest;

(6) "State agency" means any State department, agency, political subdivision, or instrumentality that—

(A) carries out or enforces a regulatory program required under Federal law;

(B) is delegated administrative or substantive responsibility under a Federal regulatory program; or

(C) receives Federal funds in connection with a regulatory program established by a State,

if the State enforcement of the regulatory program, or the receipt of Federal funds in connection with a regulatory program established by a State, is directly related to the taking of private property seeking to be vindicated under this Act; and

(7) "taking of private property", "taking", or "take"—

(A) means any action whereby private property is directly taken as to require compensation under the fifth amendment to the United States Constitution or under this Act, including by physical invasion, regulation, exaction, condition, or other means; and

(B) shall not include—

(i) a condemnation action filed by the United States in an applicable court; or

(ii) an action filed by the United States relating to criminal forfeiture.

SEC. 204. COMPENSATION FOR TAKEN PROPERTY.

(a) IN GENERAL.—No agency or State agency, shall take private property except for public use and with just compensation to the property owner. A property owner shall receive just compensation if—

(1) as a consequence of an action of any agency, or State agency, private property (whether all or in part) has been physically invaded or taken for public use without the consent of the owner; and

(2)(A) such action does not substantially advance the stated governmental interest to be achieved by the legislation or regulation on which the action is based;

(B) such action exacts the owner's constitutional or otherwise lawful right to use the property or a portion of such property as a condition for the granting of a permit, license, variance, or any other agency action without a rough proportionality between the stated need for the required dedication and the impact of the proposed use of the property;

(C) such action results in the property owner being deprived, either temporarily or permanently, of all or substantially all economically beneficial or productive use of the property or that part of the property affected by the action without a showing that such deprivation inheres in the title itself;

(D) such action diminishes the fair market value of the affected portion of the property which is the subject of the action by 33 percent or more with respect to the value immediately prior to the governmental action; or

(E) under any other circumstance where a taking has occurred within the meaning of the fifth amendment of the United States Constitution.

(b) NO CLAIM AGAINST STATE OR STATE INSTRUMENTALITY.—No action may be filed under this section against a State agency for carrying out the functions described under section 203(6).

(c) BURDEN OF PROOF.—(1) The Government shall bear the burden of proof in any action described under—

(A) subsection (a)(2)(A), with regard to showing the nexus between the stated governmental purpose of the governmental interest and the impact on the proposed use of private property;

(B) subsection (a)(2)(B), with regard to showing the proportionality between the exaction and the impact of the proposed use of the property; and

(C) subsection (a)(2)(C), with regard to showing that such deprivation of value inheres in the title to the property.

(2) The property owner shall have the burden of proof in any action described under subsection (a)(2)(D), with regard to establishing the diminution of value of property.

(d) COMPENSATION AND NUISANCE EXCEPTION TO PAYMENT OF JUST COMPENSATION.—(1) No compensation shall be required by this Act if the owner's use or proposed use of the property is a nuisance as commonly understood and defined by background principles of nuisance and property law, as understood within the State in which the property is situated, and to bar an award of damages under this Act, the United States shall have the burden of proof to establish that the use or proposed use of the property is a nuisance.

(2) Subject to paragraph (1), if an agency action directly takes property or a portion of property under subsection (a), compensation to the owner of the property that is affected by the action shall be either the greater of an amount equal to—

(A) the difference between—

(i) the fair market value of the property or portion of the property affected by agency action before such property became the subject of the specific government regulation; and

(ii) the fair market value of the property or portion of the property when such property becomes subject to the agency action; or

(B) business losses.

(e) TRANSFER OF PROPERTY INTEREST.—The United States shall take title to the property interest for which the United States pays a claim under this Act.

(f) SOURCE OF COMPENSATION.—Awards of compensation referred to in this section, whether by judgment, settlement, or administrative action, shall be promptly paid by the agency out of currently available appropriations supporting the activities giving rise to the claims for compensation. If insufficient funds are available to the agency in the fiscal year in which the award becomes final, the agency shall either pay the award from appropriations available in the next fiscal year or promptly seek additional appropriations for such purpose.

SEC. 205. JURISDICTION AND JUDICIAL REVIEW.

(a) IN GENERAL.—A property owner may file a civil action under this Act to challenge the validity of any agency action that adversely affects the owner's interest in private property in either the United States District Court or the United States Court of Federal Claims. This section constitutes express waiver of the sovereign immunity of the United States. Notwithstanding any other provision of law and notwithstanding the issues involved, the relief sought, or the amount in controversy, each court shall have concurrent jurisdiction over both claims for monetary relief and claims seeking invalidation of any Act of Congress or any regulation of an agency as defined under this Act affecting private property rights. The plaintiff shall have the election of the court in which to file a claim for relief.

(b) STANDING.—Persons adversely affected by an agency action taken under this Act shall have standing to challenge and seek judicial review of that action.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—(1) Section 1491(a) of title 28, United States Code, is amended—

(A) in paragraph (1) by amending the first sentence to read as follows: "The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States for monetary relief founded either upon the Constitution or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, in cases not sounding in tort, or for invalidation of any Act of Congress or any regulation of an executive department that adversely affects private property rights in violation of the fifth amendment of the United States Constitution";

(B) in paragraph (2) by inserting before the first sentence the following: "In any case within its jurisdiction, the Court of Federal Claims shall have the power to grant injunctive and declaratory relief when appropriate."; and

(C) by adding at the end thereof the following new paragraphs:

"(4) In cases otherwise within its jurisdiction, the Court of Federal Claims shall also have ancillary jurisdiction, concurrent with the courts designated in section 1346(b) of this title, to render judgment upon any related tort claim authorized under section 2674 of this title.

"(5) In proceedings within the jurisdiction of the Court of Federal Claims which constitute judicial review of agency action (rather than de novo proceedings), the provisions of section 706 of title 5 shall apply.".

(2)(A) Section 1500 of title 28, United States Code, is repealed.

(B) The table of sections for chapter 91 of title 28, United States Code, is amended by striking out the item relating to section 1500.

SEC. 206. STATUTE OF LIMITATIONS.

The statute of limitations for actions brought under this title shall be 6 years from the date of the taking of private property.

SEC. 207. ATTORNEYS' FEES AND COSTS.

The court, in issuing any final order in any action brought under this title, shall award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing plaintiff.

SEC. 208. RULES OF CONSTRUCTION.

Nothing in this title shall be construed to interfere with the authority of any State to create additional property rights.

SEC. 209. EFFECTIVE DATE.

The provisions of this title and amendments made by this title shall take effect on the date of the enactment of this Act and shall apply to any agency action that occurs after such date.

TITLE III—ALTERNATIVE DISPUTE RESOLUTION

SEC. 301. ALTERNATIVE DISPUTE RESOLUTION.

(a) IN GENERAL.—Either party to a dispute over a taking of private property as defined under this Act or litigation commenced under title II of this Act may elect to resolve the dispute through settlement or arbitration. In the administration of this section—

(1) such alternative dispute resolution may only be effectuated by the consent of all parties;

(2) arbitration procedures shall be in accordance with the alternative dispute resolution procedures established by the American Arbitration Association; and

(3) in no event shall arbitration be a condition precedent or an administrative procedure to be exhausted before the filing of a civil action under this Act.

(b) COMPENSATION AS A RESULT OF ARBITRATION.—The amount of arbitration awards shall be paid from the responsible agency's currently available appropriations supporting the agency's activities giving rise to the claim for compensation. If insufficient funds are available to the agency in the fiscal year in which the award becomes final, the agency shall either pay the award from appropriations available in the next fiscal year or promptly seek additional appropriations for such purpose.

(c) REVIEW OF ARBITRATION.—Appeal from arbitration decisions shall be to the United States District Court or the United States Court of Federal Claims in the manner prescribed by law for the claim under this Act.

(d) PAYMENT OF CERTAIN COMPENSATION.—In any appeal under subsection (c), the amount of the award of compensation shall be promptly paid by the agency from appropriations supporting the activities giving rise to the claim for compensation currently available at the time of final action on the appeal. If insufficient funds are available to the agency in the fiscal year in which the award becomes final, the agency shall either pay the award from appropriations available in the next fiscal year or promptly seek additional appropriations for such purpose.

TITLE IV—PRIVATE PROPERTY TAKING IMPACT ANALYSIS

SEC. 401. FINDINGS AND PURPOSE.

The Congress finds that—

(1) the Federal Government should protect the health, safety, welfare, and rights of the public; and

(2) to the extent practicable, avoid takings of private property by assessing the effect of government action on private property rights.

SEC. 402. DEFINITIONS.

For purposes of this title the term—

(1) "agency" means an agency as defined under section 203 of this Act, but shall not include the General Accounting Office;

(2) "rule" has the same meaning as such term is defined under section 551(4) of title 5, United States Code; and

(3) "taking of private property" has the same meaning as such term is defined under section 203 of this Act.

SEC. 403. PRIVATE PROPERTY TAKING IMPACT ANALYSIS.

(a) IN GENERAL.—(1) The Congress authorizes and directs that, to the fullest extent possible—

(A) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this title; and

(B) subject to paragraph (2), all agencies of the Federal Government shall complete a private property taking impact analysis before issuing or promulgating any policy, regulation, proposed legislation, or related agency action which is likely to result in a taking of private property.

(2) The provisions of paragraph (1)(B) shall not apply to—

(A) an action in which the power of eminent domain is formally exercised;

(B) an action taken—

(i) with respect to property held in trust by the United States; or

(ii) in preparation for, or in connection with, treaty negotiations with foreign nations;

(C) a law enforcement action, including seizure, for a violation of law, of property for forfeiture or as evidence in a criminal proceeding;

(D) a study or similar effort or planning activity;

(E) a communication between an agency and a State or local land-use planning agency concerning a planned or proposed State or local activity that regulates private property, regardless of whether the communication is initiated by an agency or is undertaken in response to an invitation by the State or local authority;

(F) the placement of a military facility or a military activity involving the use of solely Federal property;

(G) any military or foreign affairs function (including a procurement function under a military or foreign affairs function), but not including the civil works program of the Army Corps of Engineers; and

(H) any case in which there is an immediate threat to health or safety that constitutes an emergency requiring immediate response or the issuance of a regulation under section 553(b)(B) of title 5, United States Code, if the taking impact analysis is completed after the emergency action is carried out or the regulation is published.

(3) A private property taking impact analysis shall be a written statement that includes—

(A) the specific purpose of the policy, regulation, proposal, recommendation, or related agency action;

(B) an assessment of the likelihood that a taking of private property will occur under such policy, regulation, proposal, recommendation, or related agency action;

(C) an evaluation of whether such policy, regulation, proposal, recommendation, or related agency action is likely to require compensation to private property owners;

(D) alternatives to the policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur; and

(E) an estimate of the potential liability of the Federal Government if the Government is required to compensate a private property owner.

(4) Each agency shall provide an analysis required under this section as part of any submission otherwise required to be made to the Office of Management and Budget in conjunction with a proposed regulation.

(b) GUIDANCE AND REPORTING REQUIREMENTS.—

(1) The Attorney General of the United States shall provide legal guidance in a timely manner, in response to a request by an agency, to assist the agency in complying with this section.

(2) No later than 1 year after the date of enactment of this Act and at the end of each 1-year period thereafter, each agency shall submit a report to the Director of the Office of Management and Budget and the Attorney General of the United States identifying each agency action that has resulted in the preparation of a taking impact analysis, the

filing of a taking claim, or an award of compensation under the just compensation clause of the fifth amendment of the United States Constitution. The Director of the Office of Management and Budget and the Attorney General of the United States shall publish in the Federal Register, on an annual basis, a compilation of the reports of all agencies submitted under this paragraph.

(c) PUBLIC AVAILABILITY OF ANALYSIS.—An agency shall—

(1) make each private property taking impact analysis available to the public; and

(2) to the greatest extent practicable, transmit a copy of such analysis to the owner or any other person with a property right or interest in the affected property.

(d) PRESUMPTIONS IN PROCEEDINGS.—For the purpose of any agency action or administrative or judicial proceeding, there shall be a rebuttable presumption that the costs, values, and estimates in any private property takings impact analysis shall be outdated and inaccurate, if—

(1) such analysis was completed 5 years or more before the date of such action or proceeding; and

(2) such costs, values, or estimates have not been modified within the 5-year period preceding the date of such action or proceeding.

SEC. 404. DECISIONAL CRITERIA AND AGENCY COMPLIANCE.

(a) IN GENERAL.—No final rule shall be promulgated if enforcement of the rule could reasonably be construed to require an uncompensated taking of private property as defined by this Act.

(b) COMPLIANCE.—In order to meet the purposes of this Act as expressed in section 401 of this title, all agencies shall—

(1) review, and where appropriate, re-promulgate all regulations that result in takings of private property under this Act, and reduce such takings of private property to the maximum extent possible within existing statutory requirements;

(2) prepare and submit their budget requests consistent with the purposes of this Act as expressed in section 401 of this title for fiscal year 1997 and all fiscal years thereafter; and

(3) within 120 days of the effective date of this section, submit to the appropriate authorizing and appropriating committees of the Congress a detailed list of statutory changes that are necessary to meet fully the purposes of section 401 of this title, along with a statement prioritizing such amendments and an explanation of the agency's reasons for such prioritization.

SEC. 405. RULES OF CONSTRUCTION.

Nothing in this title shall be construed to—

(1) limit any right or remedy, constitute a condition precedent or a requirement to exhaust administrative remedies, or bar any claim of any person relating to such person's property under any other law, including claims made under this Act, section 1346 or 1402 of title 28, United States Code, or chapter 91 of title 28, United States Code; or

(2) constitute a conclusive determination of—

(A) the value of any property for purposes of an appraisal for the acquisition of property, or for the determination of damages; or

(B) any other material issue.

SEC. 406. STATUTE OF LIMITATIONS.

No action may be filed in a court of the United States to enforce the provisions of this title on or after the date occurring 6 years after the date of the submission of the applicable private property taking impact analysis to the Office of Management and Budget.

TITLE V—PRIVATE PROPERTY OWNERS ADMINISTRATIVE BILL OF RIGHTS

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) a number of Federal environmental programs, specifically programs administered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), have been implemented by employees, agents, and representatives of the Federal Government in a manner that deprives private property owners of the use and control of property;

(2) as Federal programs are proposed that would limit and restrict the use of private property to provide habitat for plant and animal species, the rights of private property owners must be recognized and respected;

(3) private property owners are being forced by Federal policy to resort to extensive, lengthy, and expensive litigation to protect certain basic civil rights guaranteed by the United States Constitution;

(4) many private property owners do not have the financial resources or the extensive commitment of time to proceed in litigation against the Federal Government;

(5) a clear Federal policy is needed to guide and direct Federal agencies with respect to the implementation of environmental laws that directly impact private property;

(6) all private property owners should and are required to comply with current nuisance laws and should not use property in a manner that harms their neighbors;

(7) nuisance laws have traditionally been enacted, implemented, and enforced at the State and local level where such laws are best able to protect the rights of all private property owners and local citizens; and

(8) traditional pollution control laws are intended to protect the general public's health and physical welfare, and current habitat protection programs are intended to protect the welfare of plant and animal species.

(b) PURPOSES.—The purposes of this title are to—

(1) provide a consistent Federal policy to encourage, support, and promote the private ownership of property; and

(2) to establish an administrative process and remedy to ensure that the constitutional and legal rights of private property owners are protected by the Federal Government and Federal employees, agents, and representatives.

SEC. 502. DEFINITIONS.

For purposes of this title the term—

(1) "the Acts" means the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(2) "agency head" means the Secretary or Administrator with jurisdiction or authority to take a final agency action under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(3) "non-Federal person" means a person other than an officer, employee, agent, department, or instrumentality of—

(A) the Federal Government; or

(B) a foreign government;

(4) "private property owner" means a non-Federal person (other than an officer, employee, agent, department, or instrumentality of a State, municipality, or political subdivision of a State, acting in an official capacity or a State, municipality, or subdivision of a State) that—

(A) owns property referred to under paragraph (5) (A) or (B); or

(B) holds property referred to under paragraph (5)(C);

(5) "property" means—

(A) land;

(B) any interest in land; and

(C) the right to use or the right to receive water; and

(6) "qualified agency action" means an agency action (as that term is defined in section 551(13) of title 5, United States Code) that is taken—

(A) under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(B) under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 503. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) IN GENERAL.—In implementing and enforcing the Acts, each agency head shall—

(1) comply with applicable State and tribal government laws, including laws relating to private property rights and privacy; and

(2) administer and implement the Acts in a manner that has the least impact on private property owners' constitutional and other legal rights.

(b) FINAL DECISIONS.—Each agency head shall develop and implement rules and regulations for ensuring that the constitutional and other legal rights of private property owners are protected when the agency head makes, or participates with other agencies in the making of, any final decision that restricts the use of private property in administering and implementing this Act.

SEC. 504. PROPERTY OWNER CONSENT FOR ENTRY.

(a) IN GENERAL.—An agency head may not enter privately owned property to collect information regarding the property, unless the private property owner has—

(1) consented in writing to that entry;

(2) after providing that consent, been provided notice of that entry; and

(3) been notified that any raw data collected from the property shall be made available at no cost, if requested by the private property owner.

(b) NONAPPLICATION.—Subsection (a) does not prohibit entry onto property for the purpose of obtaining consent or providing notice required under subsection (a).

SEC. 505. RIGHT TO REVIEW AND DISPUTE DATA COLLECTED FROM PRIVATE PROPERTY.

An agency head may not use data that is collected on privately owned property to implement or enforce the Acts, unless—

(1) the agency head has provided to the private property owner—

(A) access to the information;

(B) a detailed description of the manner in which the information was collected; and

(C) an opportunity to dispute the accuracy of the information; and

(2) the agency head has determined that the information is accurate, if the private property owner disputes the accuracy of the information under paragraph (1)(C).

SEC. 506. RIGHT TO AN ADMINISTRATIVE APPEAL OF WETLANDS DECISIONS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by adding at the end the following new subsection:

"(u) ADMINISTRATIVE APPEALS.—

"(1) The Secretary or Administrator shall, after notice and opportunity for public comment, issue rules to establish procedures to allow private property owners or their authorized representatives an opportunity for an administrative appeal of the following actions under this section:

"(A) A determination of regulatory jurisdiction over a particular parcel of property.

"(B) The denial of a permit.

"(C) The terms and conditions of a permit.

"(D) The imposition of an administrative penalty.

"(E) The imposition of an order requiring the private property owner to restore or otherwise alter the property.

"(2) Rules issued under paragraph (1) shall provide that any administrative appeal of an action described in paragraph (1) shall be heard and decided by an official other than the official who took the action, and shall be conducted at a location which is in the vicinity of the property involved in the action.

"(3) An owner of private property may receive compensation, if appropriate, subject to the provisions of section 508 of the Emergency Property Owners Relief Act of 1995.".

SEC. 507. RIGHT TO ADMINISTRATIVE APPEAL UNDER THE ENDANGERED SPECIES ACT OF 1973.

Section 11 of the Endangered Species Act of 1973(16 U.S.C. 1540) is amended by adding at the end the following new subsection:

"(i) ADMINISTRATIVE APPEALS.—

"(1) The Secretary shall, after notice and opportunity for public comment, issue rules to establish procedures to allow private property owners or their authorized representatives an opportunity for an administrative appeal of the following actions:

"(A) A determination that a particular parcel of property is critical habitat of a listed species.

"(B) The denial of a permit for an incidental take.

"(C) The terms and conditions of an incidental take permit.

"(D) The finding of jeopardy in any consultation on an agency action affecting a particular parcel of property under section 7(a)(2) or any reasonable and prudent alternative resulting from such finding.

"(E) Any incidental 'take' statement, and any reasonable and prudent measures included therein, issued in any consultation affecting a particular parcel of property under section 7(a)(2).

"(F) The imposition of an administrative penalty.

"(G) The imposition of an order prohibiting or substantially limiting the use of the property.

"(2) Rules issued under paragraph (1) shall provide that any administrative appeal of an action described in paragraph (1) shall be heard and decided by an official other than the official who took the action, and shall be conducted at a location which is in the vicinity of the parcel of property involved in the action.

"(3) An owner of private property may receive compensation, if appropriate, subject to the provisions of section 508 of the Emergency Property Owners Relief Act of 1995.".

SEC. 508. COMPENSATION FOR TAKING OF PRIVATE PROPERTY.

(a) ELIGIBILITY.—A private property owner that, as a consequence of a final qualified agency action of an agency head, is deprived of 33 percent or more of the fair market value, or the economically viable use, of the affected portion of the property as determined by a qualified appraisal expert, is entitled to receive compensation in accordance with the standards set forth in section 204 of this Act.

(b) TIME LIMITATION FOR COMPENSATION REQUEST.—No later than 90 days after receipt of a final decision of an agency head that deprives a private property owner of fair market value or viable use of property for which compensation is required under subsection (a), the private property owner may submit in writing a request to the agency head for compensation in accordance with subsection (c).

(c) OFFER OF AGENCY HEAD.—No later than 180 days after the receipt of a request for compensation, the agency head shall stay the decision and shall provide to the private property owner—

(1) an offer to purchase the affected property of the private property owner at a fair market value assuming no use restrictions under the Acts; and

(2) an offer to compensate the private property owner for the difference between the fair market value of the property without those restrictions and the fair market value of the property with those restrictions.

(d) PRIVATE PROPERTY OWNER'S RESPONSE.—(1) No later than 60 days after the date of receipt of the agency head's offers under subsection (c) (1) and (2) the private property owner shall accept one of the offers or reject both offers.

(2) If the private property owner rejects both offers, the private property owner may submit the matter for arbitration to an arbitrator appointed by the agency head from a list of arbitrators submitted to the agency head by the American Arbitration Association. The arbitration shall be conducted in accordance with the real estate valuation arbitration rules of that association. For purposes of this section, an arbitration is binding on—

(A) the agency head and a private property owner as to the amount, if any, of compensation owed to the private property owner; and

(B) whether the private property owner has been deprived of fair market value or viable use of property for which compensation is required under subsection (a).

(e) JUDGMENT.—A qualified agency action of an agency head that deprives a private property owner of property as described under subsection (a), is deemed, at the option of the private property owner, to be a taking under the United States Constitution and a judgment against the United States if the private property owner—

(1) accepts the agency head's offer under subsection (c); or

(2) submits to arbitration under subsection (d).

(f) PAYMENT.—An agency head shall pay a private property owner any compensation required under the terms of an offer of the agency head that is accepted by the private property owner in accordance with subsection (d), or under a decision of an arbitrator under that subsection, out of currently available appropriations supporting the activities giving rise to the claim for compensation. The agency head shall pay to the extent of available funds any compensation under this section not later than 60 days after the date of the acceptance or the date of the issuance of the decision, respectively. If insufficient funds are available to the agency in the fiscal year in which the award becomes final, the agency shall either pay the award from appropriations available in the next fiscal year or promptly seek additional appropriations for such purpose.

(g) FORM OF PAYMENT.—Payment under this section, as that form is agreed to by the agency head and the private property owner, may be in the form of—

(1) payment of an amount equal to the fair market value of the property on the day before the date of the final qualified agency action with respect to which the property or interest is acquired; or

(2) a payment of an amount equal to the reduction in value.

SEC. 509. PRIVATE PROPERTY OWNER PARTICIPATION IN COOPERATIVE AGREEMENTS.

Section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535) is amended by adding at the end the following new subsection:

"(j) Notwithstanding any other provision of this section, when the Secretary enters into a management agreement under subsection (b) with any non-Federal person that establishes restrictions on the use of property, the Secretary shall notify all private property owners or lessees of the property that is subject to the management agreement and shall provide an opportunity for each private property owner or lessee to participate in the management agreement.".

SEC. 510. ELECTION OF REMEDIES.

Nothing in this title shall be construed to—

(1) deny any person the right, as a condition precedent or as a requirement to exhaust administrative remedies, to proceed under title II or III of this Act;

(2) bar any claim of any person relating to such person's property under any other law, including claims made under section 1346 or 1402 of title 28, United States Code, or chapter 91 of title 28, United States Code; or

(3) constitute a conclusive determination of—

(A) the value of property for purposes of an appraisal for the acquisition of property, or for the determination of damages; or

(B) any other material issue.

TITLE VI—MISCELLANEOUS

SEC. 601. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 602. EFFECTIVE DATE.

Except as otherwise provided in this Act, the provisions of this Act shall take effect on the date of enactment and shall apply to any agency action of the United States Government after such date.

Mr. HATCH. Mr. President, I am pleased today to support the introduction of the Omnibus Property Rights Act of 1995. This bill is an omnibus property rights measure that combines four different approaches, contained in separate titles in the act, designed to protect private property from Federal Government intrusion. The citizens of Utah understand that the right to own property is a precious fundamental right, one which is vulnerable to an overbearing Federal Government.

At my urging, four different approaches contained in various bills, bills designed to protect private property from Federal Government intrusion and introduced by several Senators, were merged in a single bill. I believed that the combination of these approaches would be far more efficacious in protecting private property than in just relying on a single strategy. This omnibus bill is the product of almost a year of work and countless drafts and represents the most sophisticated legislative mechanism to foster and protect the private ownership of property. I want to commend Senators DOLE, GRAMM of Texas, SHELBY, NICKLES, BROWN, CRAIG, LOTT, HEFLIN, KYL, ABRAHAM, and THOMAS, and their staffs, for participating in this project. I intend to hold formal hearings on this bill in the very near future.

The first approach under the bill encompasses property rights litigation reform. This approach, advocated by myself and in part by Senator GRAMM of Texas, establishes a distinct Federal fifth amendment takings claim against Federal agencies by aggrieved property owners, thus clarifying the sometimes incoherent and contradictory constitutional property rights case law. It also resolves the jurisdictional dispute between the Federal district courts and the Court of Federal Claims over fifth amendment takings cases. It is a refinement of a proposal I placed in the CONGRESSIONAL RECORD on October 7, 1994.

The second approach, promoted by Senator DOLE, in essence codifies President Reagan's Executive Order 12630. Under this approach, a Federal agency must conduct a private property taking impact analysis before issuing or promulgating any policy, regulation, or related agency action which is likely to result in a taking of private property. Significantly, we have added to this section a reg. reform provision that prohibits any rule from becoming final if the rule could reasonably be construed when enforced to result in an uncompensated taking of private property.

The third approach, initiated by Senators SHELBY and NICKLES, establishes an agency administrative appellate and compensation procedure for takings of real property during enforcement and administration of both the Endangered Species Act and the Wetlands Preservation Program under section 404 of the Clean Water Act.

These acts present special enforcement problems and an agency appellate and compensation procedure allows the agency and the aggrieved party the option to avoid litigation. The fourth approach provides for alternative dispute resolution in arbitration proceedings. I must add that the bill provides for a complete election of remedies. If a decision of an agency appeal is unreasonably delayed, an aggrieved party may drop the appeal and litigate according to the terms of the act. These four approaches, established by the Omnibus Property Rights Act, together function to empower the property owner with mechanisms to vindicate the fundamental constitutional right of private ownership of property, while instituting powerful incentives for Federal agencies both to protect private property and include such protection in agency planning and regulating.

IMPORTANCE OF PRIVATE PROPERTY

The private ownership of property is essential to a free society and is an integral part of our Judeo-Christian culture and the Western tradition of liberty and limited government. Private ownership of property and the sanctity of property rights reflects the distinction in our culture between a preexisting civil society and the state that is consequently established to promote order. Private property creates the social and economic organizations that counterbalance the power of the state by providing an alternative source of power and prestige to the state itself. It is therefore a necessary condition of liberty and prosperity.

While government is properly understood to be instituted to protect liberty within an orderly society and such liberty is commonly understood to include the right of free speech, assembly, religious exercise, and other rights such as those enumerated in the Bill of Rights, it is all too often forgotten that the right of private ownership of property is also a critical component of liberty. To the 17th-century English political philosopher, John Locke, who greatly influenced the Founders of our Republic, the very role of government is to protect property: "The great and chief end therefore, on Men uniting into Commonwealths, and putting themselves under Government, is the preservation of their property." [J. Locke, Second Treatise ch. 9, §124, in J. Locke, "Two Treatises of Government" (1698)]. The Framers of our Constitution likewise viewed the function of government as one of fostering individual liberties through the protection of property interests. James Madison, termed the "Father of the Constitution," unhesitantly endorsed this Lockean viewpoint when he wrote in the Federalist No. 54 that "[government] is instituted no less for the protection of property, than of the persons of individuals." Indeed, to Madison, the private possession of property was viewed as a natural and individual right both to be protected against government encroachment and to be protected by government against others.

To be sure, the private ownership of property was not considered absolute. Property owners could not exercise their rights as a nuisance that harmed their neighbors, and Government could use, what was termed in the 18th century, its despotic power of eminent domain to seize property for public use. Justice, it became to be believed, required compensation for the property taken by Government. The earliest example of a compensation requirement is found in chapter 28 of the Magna Carta of 1215, which reads:

> No constable or other bailiff of ours shall take corn or other provisions from anyone without immediately tendering money therefor, unless he can have postponement thereof by permission of the seller.

But the record of English and colonial compensation for taken property was spotty at best, although it has been argued by some historians and legal scholars that compensation for takings of property became recognized as customary practice during the American colonial period. [See W. Stoebuck, "A General Theory of Eminent Domain," 47 Wash. L. Rev. 53 (1972)].

Nevertheless, by American independence the compensation requirement was considered a necessary restraint on arbitrary governmental seizures of property. The Vermont Constitution of 1777, the Massachusetts Constitution of 1780, and the Northwest Ordinance of 1787, recognized that compensation must be paid whenever property was taken for general public use or for public exigencies. And although accounts of the 1791 congressional debate over the Bill of Rights provide no evidence of why a public use and just compensation requirement for takings of private property was eventually included in the fifth amendment, James Madison, the author of the fifth amendment, reflected the views of other supporters of the new Constitution who feared the example to the new Congress of uncompensated seizures of property for building of roads and forgiveness of debts by radical State legislatures. Consequently, the phrase "[n]or shall private property be taken for public use, without just compensation" was included within the fifth amendment to the Constitution.

THE MODERN THREAT TO PROPERTY RIGHTS

Despite this historical pedigree and the constitutional requirement for the protection of property rights, the America of the mid- and late-20th century has witnessed an explosion of Federal regulation of society that has jeopardized the private ownership of property with the consequent loss of individual liberty. Indeed, the most recent estimate of the direct—that is, not counting indirect costs such as higher consumer prices—cost of Federal regulation was $857 billion for 1992. Today, the cost to the society probably is approaching $1 trillion. According to economist Paul Craig Roberts, the number of laws Americans are forced to endure has risen a staggering 3,000 percent since the turn of the century. Every day the Federal Register grows by an incredible 200 pages, containing new rules and obligations imposed on the American people by supposedly their Government.

Furthermore, even the very concept of private property is under attack. Indeed, certain environmental activists have termed private property an "outmoded concept" which presents an impediment to the Federal Government's resolution of society's problems. It is this type of thinking that has led regulators, in the rush of governmental social engineering, to ignore individual rights. Here are just a few of the hundreds—if not thousands—of examples that occur nationwide:

Mrs. Nellie Edwards was the owner of 36 acres of prime land that was seized by the city of Provo, UT, last year for an airport expansion project. Mrs. Edwards received only $21,500 for her land, which was well below the expected market value of the land because, unbeknownst to her, the Army Corps of Engineers had arbitrarily classified part of her land as a wetland. Mrs. Edwards, in essence, was victimized by the low-land value attached to wetlands. But the infuriating part of this sad story is that an investigator examined her land and saw absolutely no water or wildlife present on the land.

Ocie Mills, a Florida builder, and his son were sent to prison for 2 years for violating the Clean Water Act for placing sand on a quarter-acre lot he owned;

Under this same act, a small Oregon school district faced a Federal lawsuit for dumping clean fill to build a baseball-soccer field for its students and had to spend thousands of dollars to remove the fill;

Ronald Angelocci was jailed for violating the Clean Water Act for dumping several truckloads of dirt in the backyard of his Michigan home to help a family member who had acute asthma and allergies aggravated by plants in the backyard; and

A retired couple in the Poconos, after obtaining the necessary permits to build their home, was informed by the Army Corps of Engineers—4 years later—that they built their home on wetlands and faced penalties of $50,000 a day if they did not restore most of the land to its natural state.

See B. Bovard, "Lost Rights," 35 (1944); N. Marzulla, "The Government's War on Property Rights," Defenders of Property Rights (1994).

CURRENT PROTECTION OF PROPERTY RIGHTS FALL SHORT

Judicial protection of property rights against the regulatory state has been both inconsistent and ineffective. Physical invasions and Government seizures of property have been fairly easy for courts to analyze as a species of eminent domain, not so the effect of regulations which either diminish the value of the property or appropriate a property interest. This key problem to the regulatory takings dilemma was recognized by Justice Oliver Wendell Holmes in *Pennsylvania Coal Co.* v. *Mahon*, 260 U.S. 393 (1922). Just how do courts determine when regulation amounts to a taking? Holmes' answer, "if regulation goes too far it will be recognized as a taking," 260 U.S. at 415, is nothing more than an ipse dixit. In the 73 years since Mahon, the Court has eschewed any set formula for determining how far is too far, preferring to engage in ad hoc factual inquiries, such as the three-part test made famous by *Penn Central Transportation Co.* v. *City of New York*, 438 U.S. 104 (1978), which balances the economic impact of the regulation on property and the character of the regulation against specific restrictions on investment-backed expectations of the property owner.

Despite the valiant attempt by the Rehnquist Court to clarify regulatory takings analysis in *Nollan* v. *California Coastal Comm'n*, 483 U.S. 825 (1987), *Lucas* v. *South Carolina Coastal Council*, 112 S.Ct. 2886 (1992), and in its recent decision of *Dolan* v. *City of Tigard*, No. 93-518 (June 24, 1994), takings analysis is basically incoherent and confusing and applied by lower courts haphazardly. The incremental, fact-specific approach that courts now must employ in the absence of adequate statutory language to vindicate property rights under the fifth amendment thus has been ineffective and costly. There is, accordingly, a need for Congress to clarify the law by providing bright line standards and an effective remedy. As Chief Judge Loren A. Smith of the Court of Federal Claims, the court responsible for administering takings claims against the United States, opined in *Bowles* v. *United States*, 31 Fed. Cl. 37 (1994):

> [j]udicial decisions are far less sensitive to societal problems than the law and policy made by the political branches of our great constitutional system. At best courts sketch the outlines of individual rights, they cannot hope to fill in the portrait of wise and just social and economic policy.

This incoherence and confusion over the substance of takings claims is matched by the muddle over jurisdiction of property rights claims. The Tucker Act, which waives the sovereign immunity of the United States by granting the Court of Federal Claims jurisdiction to entertain monetary claims against the United States, actually complicates the ability of a property owner to vindicate the right to just compensation for a Government action that has caused a taking. The law currently forces a property owner to elect between equitable relief in the Federal district court and monetary relief in the Court of Federal Claims. Further difficulty arises when the law is used by the Government to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims, and is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should first seek equitable relief in the district court. This Tucker Act shuffle is aggravated by section 1500 of the Tucker Act, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and brought by the same plaintiff. Section 1500 is so poorly drafted and has brought so many hardships, that Justice Stevens, in *Keene Corporation* v. *United States*, 113 S.Ct. 2035, 2048 (1933), has called for its repeal or amendment.

Title II of the Omnibus Property Rights Act, which I introduced as S. 135 in January, addresses these problems. In terms of clarifying the substance of takings claims, it first clearly defines property interests that are subject to the act's takings analysis. In this way a floor definition of property is established by which the Federal Government may not eviscerate. This title also establishes the elements of a takings claim by codifying and clarifying the holdings of the Nollan, Lucas, and Dolan cases. For instance, Dolan's rough proportionality test is interpreted to apply to all exaction situations whereby an owner's otherwise lawful right to use property is exacted as a condition for granting a Federal permit. And a distinction is drawn between a noncompensable mere diminution of value of property as a result of Federal regulation and a compensable partial taking, which is defined as any agency action that diminishes the fair market value of the affected property by 33 percent or more. The result of drawing these bright lines will not end fact-specific litigation, which is endemic to all law suits, but it will ameliorate the ever-increasing ad hoc and arbitrary nature of takings claims.

This title also resolves the jurisdictional confusion over takings claims. Because property owners should be able fully to recover for a taking in one court, the Tucker Act is amended giving both the district courts and the Court of Federal Claims concurrent jurisdiction to hear all claims relating to property rights. Furthermore, to resolve any further jurisdictional ambiguity, section 1500 of the Tucker Act is repealed.

Finally, I want to respond to any suggestion that may arise that this act will impede Government's ability to protect the environment or promote health and safety through regulation. This legislation does not emasculate the Government's ability to prevent individuals or businesses from polluting. It is well established that the Constitution only protects a right to reasonable use of property. All property owners are subject to prior restraints on the use of their property, such as nuisance laws which prevents owners from using their property in a manner that interferes with others. The Government has always been able to prevent harmful or noxious uses of property without being obligated to compensate the property owner, as long as the limitations on the use of property "inhere in the title itself." In other words, the restrictions must be based on "background principles of State property and nuisance law" already extant. The Omnibus Property Rights Act codifies this principle in a nuisance exception to the requirement of the Government to pay compensation.

Nor does the Omnibus Property Rights Act hinder the Government's ability to protect public health and safety. The act simply does not obstruct the Government from acting to prevent imminent harm to the public safety or health or diminish what would be considered a public nuisance. Again, this is made clear in the provision of the act that exempts nuisance from compensation. What the act does is force the Federal Government to pay compensation to those who are singled out to pay for regulation that benefits the entire public. In other words, it does not prevent regulation, but fulfills the promise of the fifth amendment, which the Supreme Court in *Armstrong* v. *United States*, 364 U.S. 40, 49 (1960), opined is:

> to bar Government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole.

Mr. BURNS. Mr. President, I rise today as an original cosponsor to the Omnibus Private Property Act. Since the beginning of this Congress, many bills to protect private property rights have been introduced. This bill encompasses those bills in a comprehensive proposal.

For too long, Washington has disregarded the fifth amendment to our Constitution. Laws, regulations, and other actions have allowed the rights of private property owners to be abused. Now we have the opportunity to provide a consistent Federal policy to encourage, support, and promote the private ownership of property and to ensure the constitutional and legal rights of private property owners.

The legislation we are introducing reaffirms our private property rights. It requires compensation for a loss of property value when the Federal Government takes certain actions. The bill also allows for taking disputes to be resolved through settlement or arbitration as an alternative to litigation. In addition, the Omnibus Private Property Rights Act requires that the Federal agencies responsible for enforcing the Endangered Species Act and the Clean Water Act establish procedures so private property owners may appeal actions and seek compensation.

Another important aspect of the bill deals with regulations. This bill requires that taking impact analysis be conducted prior to promulgating regulations. If these actions result in a loss of 33 percent of value of the property, compensation is required.

Montanans believe that protecting private property is of utmost importance. And Congress should pass the Omnibus Property Rights Act which reinforces the Government's responsibility to protect property rights and will help get the Federal Government off the backs of Montana's working men and women.

Mr. MACK. Mr. President, I am proud to be an original cosponsor of the Omnibus Property Rights Act of 1995. I thank Senator HATCH and my other colleagues who drafted this bill which seeks to stop Government from infringing upon its citizens' private property rights.

Private property rights are fundamental to a free and fair society. Last June, Chief Justice Rehnquist wrote on behalf of the majority, "We see no reason why the takings clause of the fifth amendment, as much a part of the Bill of Rights as the first amendment or fourth amendment, should be relegated to the status of a poor relation."

Over the past several years, we have seen Federal bureaucrats trample our fifth amendment right that private property shall not, "* * * be taken for public use without just compensation." There are countless examples of people forced to spend their time and money fighting their own Government for the simple right to use their land. Unfortunately, there are even more citizens who never make it to court because they cannot afford lawyers to help them fight for their rights. In these cases, Government has robbed its citizens of the use of their property, without even compensating them. It makes you wonder if the American people still control their Government or if our U.S. Government now controls us.

The Omnibus Property Rights Act will restore the basic rights accorded to private property owners by our Founding Fathers in the Bill of Rights. It will slash through the bureaucracy that has rendered those rights meaningless, and it will preserve for future generations the essential freedoms and rights upon which America was founded.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 606. A bill to make improvements in pipeline safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PIPELINE SAFETY ENHANCEMENT ACT OF 1995

• Mr. BRADLEY. Mr. President, I introduce legislation that will save lives and property: the Pipeline Safety Enhancement Act. I am very pleased to announce that my colleague, Senator LAUTENBERG, is joining we as a cosponsor of this bill.

Exactly 1 year ago today, at 11:55 p.m., a fireball lit up the sky in Edison, NJ. This eery light was visible for miles around. At ground zero, a plume of fire and smoke rose hundreds of feet in the air. Within minutes, nearby apartment buildings caught fire. Within hours, these buildings were utterly gone. Hundreds of people were rendered homeless, their possessions completely destroyed.

The physical casualties were miraculously low. Yet, damage was done. The nightmares persist. The memory and the fear remain.

The community is rebuilding. The victims are healing and moving on. But, issues raised by the blast remain unresolved.

Edison spurred a national debate on how we manage pipeline safety. My comprehensive one-call legislation—introduced in the House by Congressman PALLONE—came within a hairsbreadth of becoming law last Congress. The signals are positive for this year: it's a truly bipartisan issue—Senators SPECTER and LOTT have joined Senators LAUTENBERG and EXON and myself as cosponsors—pushed by a powerful private sector coalition.

Since the Edison accident and the introduction of legislation, the value of these one-call notification programs have been recognized by the State of New Jersey, which now has a first-class program, the National Transportation Safety Board and the U.S. Department of Transportation. In fact, the need for a better program is a central feature of the pipeline safety reauthorization bill being proposed by the Secretary of Transportation and the Administration.

There's more to the story, however. On February 7, 1995, the NTSB issued safety recommendations stemming from the Edison disaster. These recommendations should be taken very seriously. Edison was a wake-up call, where only by a miracle literally hundreds of people escaped serious injury. They certainly weren't saved by our public policies.

My legislation will codify the NTSB recommendations into law. My bill will call for stronger materials in our pipelines, better pipeline identification procedures, improved leak detection, more effective safety inspection requirements and new analysis of siting risks. Every one of these is included specifically in the NTSB report.

Mr. President, this is needed. This is also the least we can do. I urge my colleagues to consider this legislation carefully and pass it without delay.

Mr. President, I ask unanimous consent to have a brief description of the bill and the bill text be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pipeline Safety Enhancement Act of 1995".

SEC. 2. IMPROVEMENTS IN PIPELINE SAFETY.

(a) TOUGHNESS STANDARDS.—Section 60102 of title 49, United States Code, is amended by adding at the end the following new subsections:

"(l) TOUGHNESS STANDARDS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pipeline Safety Enhancement Act of 1995, The Secretary of Transportation, in consultation with appropriate officials of the Research and Special Programs Administration of the

Department of Transportation (referred to in this section as the 'Research and Special Programs Administration'), shall prescribe minimum standards for toughness (as defined and determined by the Secretary of Transportation, in consultation with the appropriate officials of the Research and Special Programs Administration) for new pipes installed in gas pipeline facilities and hazardous liquid pipeline facilities.

"(2) HIGH-DENSITY POPULATION AREAS.—In establishing the minimum standards for toughness under paragraph (1), the Secretary of Transportation shall give particular attention to the installation of new pipes in high-density population areas (as such term is used in section 60109).

"(3) PIPE DEFINED.—For purposes of this subsection, the term 'pipe' means any pipe or tubing used in the transportation of gas, including pipe-type holders.

"(m) MARKINGS.—

"(1) IN GENERAL.—Not later 180 days after the date of enactment of the Pipeline Safety Enhancement Act of 1995, the Secretary of Transportation, in consultation with appropriate officials of the Research and Special Programs Administration, shall prescribe minimum standards that require for the marking of pipelines in class 3 and class 4 locations (as such terms are used in subpart L of part 192 of title 49, Code of Federal Regulations, as in effect on the day before the date of enactment of the Pipeline Safety Enhancement Act of 1995) to identify hazardous liquid pipeline facilities and high-pressure pipelines.

"(2) HIGH-PRESSURE PIPELINE DEFINED.—For purposes of this subsection, the term 'high-pressure pipeline' means any gas pipeline in which the gas pressure is higher than that provided to the customer.

"(n) TESTING.—

"(1) IN GENERAL.—Not later than one year after the date of enactment of the Pipeline Safety Enhancement Act of 1995, the Secretary of Transportation, in consultation with appropriate officials of the Research and Special Programs Administration, shall include in the minimum safety standards prescribed under subsection (a) a requirement that each operator of a gas pipeline facility or hazardous liquid pipeline facilities conduct, on a periodic basis, inspections or tests capable of identifying damage caused by corrosion and other time-dependent damage that may be detrimental to the continued safe operation of the pipeline and that may necessitate remedial action, in order to determine the adequacy of the pipeline facility to operate at established maximum allowable operating pressure.

"(2) MAXIMUM ALLOWABLE OPERATING PRESSURE DEFINED.—For purposes of this subsection, the term 'maximum allowable operating pressure' means the maximum pressure at which a pipeline or a segment of a pipeline may be operated under regulations issued under this chapter.".

(b) ASSESSMENT OF PUBLIC EDUCATION PROGRAM CONCERNING LEAK DETECTION.—Section 60116 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under regulations"; and

(2) by adding at the end the following new subsection:

"(b) ASSESSMENT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment the Pipeline Safety Enhancement Act of 1995, and every two years thereafter, the Secretary of Transportation, in consultation with appropriate officials of the Research and Special Programs Administration of the Department of Transportation, shall conduct an assessment of the programs conducted under this section to determine—

"(A) with respect to the programs conducted under this section—

"(i) the appropriateness of the information provided; and

"(ii) the effectiveness of the educational techniques used; and

"(B) in comparison to other similar educational programs, the relative effectiveness of educational techniques used in the programs conducted under this section.

"(2) REGULATIONS.—Upon completion of an assessment conducted under paragraph (1), the Secretary, in consultation with the appropriate officials of the Research and Special Programs Administration, shall promulgate such regulations as the Secretary determines to be appropriate to improve the programs conducted under this section.".

(c) STUDY.—The Secretary of Transportation shall take such action as may be necessary to expedite the completion of the study conducted by the Research and Special Programs Administration of the Department of Transportation relating to methods to reduce public safety risks in the siting pipeline facilities. In addition, the scope of the study referred to in the previous sentence shall be modified to include the consideration of building standards. The Secretary of Transportation shall ensure that the results of the study are widely available to the governments of States and political subdivisions thereof.

PIPELINE SAFETY ENHANCEMENT ACT

This legislation would codify recommendations made by the National Transportation Safety Board. This independent safety board made specific safety recommendations to the federal government on February 7, 1995. At that time, the NTSB released a report on the natural gas pipeline disaster that occurred at Edison, NJ, on March 23, 1994.

The Pipeline Safety Enhancement Act will include the following five requirements which are identified specifically in the Edison safety report:

(1) that the Secretary of Transportation develop minimum standards for the strength of new pipe installed for natural gas and hazardous liquid pipelines; the Secretary is to give special consideration to the use of pipe in high-density population areas (such as Edison, NJ);

(2) that there be established minimum standards for the permanent marking of pipelines in high-density areas;

(3) that minimum safety standards for pipeline operators include a protocol for periodic inspection and appropriate tests for pipeline damage;

(4) that there be an assessment and improvement of public education programs concerning pipeline leak detection;

(5) that ongoing studies on the safety risks associated with pipeline siting be expedited and that the analysis also include the effect of building standards on risk.

This legislation would be complementary to legislation already introduced by Senator Bradley on comprehensive "one-call" notification and other pipeline safety issues.●

● Mr. LAUTENBERG. Mr. President, I express my strong support for the Pipeline Safety Enhancement Act of 1995. This legislation, which Senator BRADLEY and I are introducing today, is based upon recommendations made by the National Transportation Safety Board as a result of its investigation into the Edison pipeline exposition.

It was 1 year ago today that residents of the Durham Woods Apartments in Edison, NJ, ran for their lives to escape a ball of fire that lit up the night sky. The heat of the fire was so intense that it burned the clothes off people's backs and singed their bare feet as they escaped over the hot pavement.

On this painful anniversary, people in New Jersey are reflecting on the horror of a year ago. All too often, disasters get just 15 minutes in the news and are forgotten. But for New Jersey, the Edison explosion lives on. We are not prepared to rest until we can guarantee that this tragedy will not be repeated.

Mr. President, today Senator BRADLEY and I are introducing legislation to significantly increase pipeline safety. This is the third bill that we have introduced in the last year to protect the thousands of Americans who live, work, or go to school in the vicinity of a pipeline.

The Pipeline Safety Enhancement Act would:

Direct the Department of Transportation to develop toughness standards for new pipes installed in gas and hazardous liquid pipelines, particularly in urban areas;

Establish standards for permanent markings that identify the location of high-pressure natural gas and hazardous liquid pipelines in urban, industrial and commercial areas;

Establish minimum safety standards for pipeline operators, including a protocol for periodic inspection and appropriate tests for pipeline damage;

Assess and improve public education programs concerning pipeline leak detection; and

Require that ongoing studies on the safety risks associated with pipeline siting be expedited and that the analysis also include the effect of building standards on risk.

Over the last year, we have taken positive steps to increase pipeline safety. However, I will not rest in my efforts to improve pipeline safety until I can personally vouch for the safety of every American who lives or works near a pipeline, and until we can promise the children of Edison that there will never again be an explosion like the one they endured at Durham Woods.

Since last March, I have seen and heard the devastation that followed this explosion. I have met with families who lost everything but the clothes on their back. I have heard from children who continue to wake up sweating in the middle of the night—still on the run a year later from that fiery ball of smoke.

I have learned about residents who lost their lives' work, like the scientist who was struggling to support his wife, his mother and two small children—and then saw his dissertation, his dream of a better life for his family, disappear in the tangled plastic of a melted computer.

For New Jersey, the Edison pipeline explosion was an unparalleled tragedy. But the truth is that this was no isolated event. There were pipeline problems in other places before March 23. And there have been pipeline problems since. I want to put these events deep into the recesses of history.

Senator BRADLEY and I believe that the Pipeline Safety Enhancement Act would do just that. If this bill and other bills Senator BRADLEY and I have introduced on this subject had been the law before March 23, 1994, life at Durham Woods would not have taken such a tragic turn.

Mr. President, today, we all should reflect on the 1-year anniversary of the Edison explosion. I pray for the victims who still suffer from the fallout of this disaster. I hope that Congress has learned an important lesson. And I pledge to continue to fight for improvements in pipeline safety so no other community will ever be doomed to undergo the trauma of a pipeline explosion.●

By Mr. WARNER (for himself and Mr. REID):

S. 607. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes; to the Committee on Environment and Public Works.

THE SUPERFUND RECYCLING EQUITY ACT OF 1995

Mr. WARNER. Mr. President, I am introducing today, along with my distinguished colleague from Nevada, Senator REID, the Superfund Recycling Equity Act of 1995.

This bill will allow the private sector to respond more freely to increased demands for recycling by removing many of the unintended impediments that Superfund has placed on recycling activities.

As a member of the Committee on Environment and Public Works, I have come to learn from the many expert witnesses who have testified before the committee that Superfund has the unintentional consequence of penalizing those who prepare materials for recycling. Federal courts have ruled that Superfund imposes "generator" liability on persons who sell secondary materials that are diverted from the waste stream for recycling. These rulings come from an overly broad interpretation of the law's provision which imposes liability on those who arrange for disposal of waste. Unfortunately, these courts have presumed that any transaction of material which is no longer useful in its current form is a waste treatment or disposal transaction. This legislation clarifies that legitimate recycling transactions are not, and were not intended to be, subject to Superfund's liability scheme.

The legislation I am introducing today will place traditional recyclable, or secondary, materials which are used as feedstocks in the manufacturing process on closer to equal footing with virgin, or primary materials counterparts. Traditional recyclables are paper, glass, plastic, metals, textiles, and rubber.

The sale of virgin material feedstocks—sold for the same or similar purpose as the recyclable feedstocks—is not considered to be an arrangement for treatment or disposal of hazardous substance. The sale of recyclables should be treated the same. If recyclables are not similarly treated, and those who prepare recyclables for the market face greater liability exposure than their competitors who sell virgin materials, a market disadvantage is created to recycling.

The inequity in current law is impeding recyclers' ability to provide the kind of environmentally beneficial recycling activities our society demands. The existing liability scheme exposes recyclers to financial risks that their competitors, virgin material suppliers, do not face. This restricts financing for expansion and makes it more difficult to respond to changing market conditions. In addition, many materials which can be properly recycled are now not being captured for reuse because of Superfund liability exposure.

Mr. President, I have been supportive of stimulating the private sector marketplace for recycled materials—and certainly believe that Federal legislation should not stall recycling efforts. Americans recognize that increased recycling means more efficient use of natural resources, which extends the life of those resources. Because recycling utilizes significantly less energy than the use of virgin materials, recycling is a key step toward energy efficiency. The use of recyclables is also important to achieving the goals of pollution prevention and waste minimization.

Let me now address what this bill provides. The Superfund Recycling Equity Act recognizes that the Congress did not intend to apply Superfund liability to those who collect and process recyclables for sale as raw material feedstocks. The bill removes from liability those who collect, process and sell secondary paper, glass, plastic, metal, textiles, and rubber recyclables.

It should also be pointed out that this bill clarifies the application of liability regarding the sale of the recycler's products. The bill does not alter liability for contamination that is created by a recycler or owner, or operator liability for a facility. CERCLA's existing liability scheme remains in effect where a recycler is an owner/operator who contaminates a facility, or sends process waste for treatment or disposal which contributes to contamination. Furthermore, for the purposes of this bill, a series of tests or criteria are established to help determine if a bonafide recycling transaction has occurred.

During the Superfund legislation process in the previous Congress, I worked with a number of my colleagues to develop a recycling provision that addressed the problems discussed, while providing strong environmental protection.

As a number of the Committee on Environment and Public Works, I will continue to work with my colleagues as we work on reforming the Superfund program. I am introducing this legislation today to make clear my intention of clarifying the existing statute by placing supplies of recyclables on more equal footing with suppliers of virgin material.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Superfund Recycling Equity Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote the reuse and recycling of scrap material, in furtherance of the goals of waste minimization and natural resource conservation, while protecting human health and the environment;

(2) to level the playing field between the use of virgin materials and recycled materials; and

(3) to remove the disincentives and impediments to recycling created by potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 3. CLARIFICATION OF LIABILITY UNDER CERCLA FOR RECYCLING TRANSACTIONS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 127. RECYCLING TRANSACTIONS.

"(a) DEFINITIONS.—In this section:

"(1) CONSUMING FACILITY.—The term 'consuming facility' means a facility where recyclable material is handled, processed, reclaimed, or otherwise managed by a person other than a person who arranges for the recycling of the recyclable material.

"(2) RECYCLABLE MATERIAL.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'recyclable material' means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, or other spent batteries, as well as minor quantities of material incident to or adhering to the scrap or spent material as a result of the normal and customary use of the material prior to the material becoming scrap or spent material.

"(B) PCBS.—The term 'recyclable material' does not include a material that contains polychlorinated biphenyls in excess of—

"(i) 50 parts per million; or

"(ii) any standard promulgated under Federal law after the date of enactment of this section.

"(3) SCRAP METAL.—The term 'scrap metal' means 1 or more bits or pieces of metal parts (such as a bar, turning, rod, sheet, or wire), or 1 or more metal pieces that may be combined together with bolts or soldering (such as a radiator, scrap automobile, or railroad box car), that, when worn or superfluous, can be recycled, except for—

"(A) a material that the Administrator excludes from the definition of scrap metal by regulation; and

"(B) a steel shipping container with a capacity of not less than 30 and not more than 3,000 liters, whether intact or not, that has any hazardous substance (but not metal bits or pieces) contained in or adhering to the container.

"(b) LIMITATION ON LIABILITY.—

"(1) IN GENERAL.—Subject to subsection (c), a person who arranges for the recycling of recyclable material shall not be liable under paragraph (3) or (4) of section 107(a).

"(2) TRANSACTIONS DEEMED TO BE RECYCLING OF A RECYCLABLE MATERIAL.—For purposes of this section, a transaction involving a recyclable material is considered to be arranging for recycling of recyclable material if the person arranging for the transaction can demonstrate, by a preponderance of the evidence, that, at the time of the transaction—

"(A) the recyclable material met a commercial specification grade;

"(B) a market existed for the recyclable material;

"(C) a substantial portion of the recyclable material was made available for use as a feedstock for the manufacture of a new saleable product;

"(D) the recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from a virgin raw material;

"(E) in the case of a transaction occurring not later than 90 days after the date of enactment of this section, the person exercises reasonable care to determine that the consuming facility was in compliance with any substantive (and not procedural or administrative) provision of Federal, State, or local environmental law or regulation, and any compliance order or decree issued pursuant to the law or regulation, applicable to the handling, processing, reclamation, storage, or other management activity associated with the recyclable material;

"(F) in the case of a transaction involving scrap metal—

"(i) in the case of a transaction occurring after the effective date of the issuance of a regulation or standard regarding the storage, transport, management, or other activity associated with the recycling of scrap metal that the Administrator promulgates under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) subsequent to the date of enactment of this section, the person acted in compliance with the regulation or standard; and

"(ii) the person did not melt the scrap metal prior to the transaction; and

"(G) in the case of a transaction involving a battery—

"(i) the person did not recover the valuable components of the battery;

"(ii) in the case of a transaction involving a lead-acid battery, the person acted in compliance with any applicable Federal environmental regulation or standard regarding the storage, transport, management, or other activity associated with the recycling of a spent lead-acid battery;

"(iii) in the case of a transaction involving a nickel-cadmium battery—

"(I) a Federal environmental regulation or standard is in effect regarding the storage, transport, management, or other activity associated with the recycling of a spent nickel-cadmium battery; and

"(II) the person acted in compliance with the regulation or standard; and

"(iv) with respect to a transaction involving a spent battery other than a lead-acid or nickel-cadmium battery—

"(I) a Federal environmental regulation or standard is in effect regarding the storage, transport, management, or other activity associated with the recycling of the spent battery; and

"(II) the person acted in compliance with the regulation or standard.

"(3) SWEATING.—For purposes of paragraph (2)(F)(ii), melting of scrap metal does not include the thermal separation of 2 or more materials due to differences in the melting points of the materials.

"(4) PROCESSING OF BATTERY BY THIRD PERSON.—For purposes of paragraph (2)(G)(i), a person who, by contract, arranges or pays for processing of a battery by an unrelated third person, and receives from the third person materials reclaimed from the battery, shall be considered not to have recovered the valuable components of the battery.

"(5) REASONABLE CARE.—For purposes of paragraph (2)(E), reasonable care shall be determined using criteria that include—

"(A) the price paid to or received by the person in the recycling transaction;

"(B) the ability of the person to detect the nature of the operations of the consuming facility concerning the handling, processing, reclamation, or other management activities associated with the recyclable material; and

"(C) the result of any inquiry made to an appropriate Federal, State, or local environmental agency regarding the past and current compliance of the consuming facility with substantive (and not procedural or administrative) provisions of Federal, State, and local environmental laws and regulations, and any compliance order or decree issued pursuant to the laws and regulations, applicable to the handling, processing, reclamation, storage, or other management activity associated with the recyclable material.

"(c) EXCLUSION FROM LIMITATION ON LIABILITY.—

"(1) IN GENERAL.—Subsection (b) shall not apply if the person arranging for recycling of a recyclable material—

"(A) had an objectively reasonable basis to believe at the time of the recycling transaction that—

"(i) the recyclable material would not be recycled;

"(ii) the recyclable material would be burned as fuel, or for energy recovery or incineration; or

"(iii) in the case of a transaction occurring not later than 90 days after the date of the enactment of this section, the consuming facility acting not in compliance with a substantive (and not a procedural or administrative) provision of any Federal, State, or local environmental law or regulation, or a compliance order or decree issued pursuant to the law or regulation, applicable to the handling, processing, reclamation, or other management activity associated with the recyclable material;

"(B) added a hazardous substance to the recyclable material for purposes other than processing for recycling; or

"(C) failed to exercise reasonable care with respect to the management or handling of the recyclable material.

"(2) REASONABLE BASIS FOR BELIEF.—For purposes of paragraph (1)(A), an objectively reasonable basis for belief shall be determined using criteria that include—

"(A) the size of any business owned by the person;

"(B) the customary industry practices for any business owned by the person;

"(C) the price paid to or received by the person in the recycling transaction;

"(D) the ability of the person to detect the nature of the operations of the consuming facility concerning the handling, processing, reclamation, or other management activities associated with the recyclable material.

"(c) PERMIT REQUIREMENT.—For the purposes of this section, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with a recyclable material shall be considered to be a substantive provision.

"(d) REGULATIONS.—The Administrator may issue regulations to carry out this section.

"(e) LIABILITY FOR ATTORNEY FEES FOR CERTAIN ACTIONS.—Any person who commences an action for contribution against a person who is alleged to be liable under this Act but is found not to be liable as a result of this section shall be liable to the person defending the action for all reasonable costs of defending the action, including all reasonable attorney and expert witness fees.

"(f) EFFECT ON PENDING OR CONCLUDED ACTIONS.—This section shall not affect a judicial or administrative action concluded prior to the date of enactment of this section, or a pending judicial action initiated by the United States prior to the date of enactment of this section.

"(g) EFFECT ON OTHER LIABILITY.—Nothing in this section affects the liability of a person under paragraph (1) or (2) of section 107(a).

"(h) RELATIONSHIP TO LIABILITY UNDER OTHER LAWS.—Nothing in this section affects—

"(1) liability under any other Federal, State, or local law, or regulation promulgated pursuant to the law, including any requirement promulgated by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

"(2) the ability of the Administrator to promulgate a regulation under any other law, including the Solid Waste Disposal Act.".

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 608. A bill to establish the New Bedford Whaling National Historical Park in New Bedford, MA, and for other purposes; to the Committee on Energy and Natural Resources.

THE NEW BEDFORD WHALING NATIONAL PARK ACT OF 1995

Mr. KENNEDY. Mr. President, today Senator KERRY and I are introducing a bill to establish a Whaling National Historical Park in New Bedford, MA. This legislation is part of a bipartisan effort with Congressmen BARNEY FRANK and PETER BLUTE, who are introducing an identical bill today in the House of Representatives.

Our bill is similar to legislation introduced in 1994. However, we have made several changes to minimize the cost of this new park and enhance its public/private partnership components, in recognition of the current budget pressures on the National Park System. The original bill's funding level of $10.4 million for development and an estimated $6 million for operations in the first 5 years was based on the recommendations of a comprehensive study conducted by the Park Service. Our new legislation aims to achieve many of the same goals set forth in that study, but to do so at the lower cost of $2 million for development and an estimated $2 million for operations in the first 5 years.

The Park Service began its special resource study of New Bedford in 1990. The study, completed in November 1993, strongly endorsed the establishment of a national park unit in New Bedford. The Park Service noted the important role of the whaling industry in 19th-century American history. The study concluded that this theme is not currently represented in the National Park System, and New Bedford would be the ideal site for a park commemorating that history. As the former whaling capital of the world, New Bedford provided the oil that fueled the Nation's lamps and kept the wheels of the Industrial Revolution turning. So prosperous was the whaling industry there that, by the mid-19th century, New Bedford had become the wealthiest city, per capita, in the world.

New Bedford's whaling history raises many significant social and economic themes that are essential to a true understanding of our American heritage. Among these are the spirit of technological progress, the courage that motivated daring men and women to risk their lives on the seas, and the many cultures that took root here, brought by immigrants drawn from every corner of the globe. It was this diversity which contributed to New Bedford's position as a center of the abolitionist movement in the 19th century and made it a key stop for fugitive slaves on the underground railroad. Frederick Douglas spent his first 3 years of freedom in New Bedford, working as a caulker on the hulls of whaleboats.

New Bedford is also the port from which Herman Melville set sail aboard the whaler *Acushnet* in 1841. The voyage inspired "Moby Dick," one of the greatest of all American novels. The streets that Melville and Ishmael wandered can still be seen in New Bedford today, as can the famous Seamen's Bethel, where the whalers attended religious services before setting off on their voyages.

Much of New Bedford's old whaling waterfront still exists in the city's National Historic Landmark District, and that 20-acre site has become a model for historic preservation. Businesses, residents, and tourists coexist in an environment of restored buildings, cobblestone streets, and brick sidewalks from the whaling era.

New Bedford also is the site of the Rotch-Jones-Duff House and Garden Museum, one of the finest examples of Greek Revival residential architecture in the country and the only surviving whaling era mansion open to the public complete with its original gardens and grounds.

New Bedford's historical and cultural assets are not limited to its streets and buildings. They also include outstanding collections of artworks and archives associated with the whaling era and located at the city's public library and the renowned whaling museum. The Museum houses a half-size model of the whaling bark *Lagoda* that can be boarded by visitors.

The city is also home port to the restored, 100-year-old National Historic Landmark vessel *Ernestina*, the oldest Grand Banks schooner in existence. The *Ernestina* has had a distinguished maritime career as a fishing vessel, as an Arctic exploration vessel under Capt. Bob Bartlett, and as a packet plying the route between the Cape Verde Islands and the United States. In her packet role, she was the last great sailing ship to bring immigrants to our shores.

National park designation will be a valuable economic stimulus for tourism and associated development for the city. While the proposed Federal funding level is modest, establishment of this national park will spur extensive private sector preservation efforts.

The whaling park in New Bedford will help protect a nationally significant historic treasure and stimulate the economy of a city in need. It is an investment in America's past and in a city's future. I urge my colleagues to support this important legislation.

Mr. KERRY. Mr. President, I am pleased once again to join my good friend and colleague senator KENNEDY in introducing legislation to establish a whaling national historical park in New Bedford, MA. Our initiative is based upon a special resource study completed by the National Park Service in 1993 which found that the New Bedford area meets the criteria for inclusion in the National Park System. However, this legislation, while similar to a bill we introduced last Congress, is a much scaled-back version. Trying to balance the need for fiscal restraint with the importance of protecting our National heritage, our new bill calls for less than one-fifth of the Federal funding of our original initiative and would require significant matching contributions from other interested parties.

The city of New Bedford, tucked by the sea in the southeast corner of Massachusetts, has a rich and diverse history. For decades it was the center of our Nation's whaling industry. And although the whaling industry collapsed by the turn of the last century, New Bedford is to this day remembered for its seafaring heritage.

As a national park, the New Bedford National Historic Landmark District and surrounding area would enhance the National Park System by expanding its maritime history theme to include a focus on our Nation's whaling past. Particularly noteworthy are the historic town center, the waterfront with the National Historic Landmark Schooner *Ernestina*, and an array of over three dozen historically rehabilitated buildings which combine to provide a cultural resource that reflects the era of whaling.

Since 1962, a public/private partnership—initiated by the waterfront historic area league of New Bedford in cooperation with the Bedford Landing Taxpayers Association, the Old Dartmouth Historical Society, private property owners and the city of New Bedford, has already raised $6.4 million, rehabilitated 37 buildings and created over 40 new businesses and 200 new jobs. That is just the kind of local entrepreneurship that we should be supporting. Creating a New Bedford Whaling Park will preserve an important piece of seafarer heritage while simultaneously permitting the public/private partnership to expand and grow.

I am hopeful that the Senate will look favorably upon this new, streamlined initiative and I would encourage my colleagues to support this important, historically significant addition to our National Park System.

By Mr. WELLSTONE:

S. 609. A bill to assure fairness and choice to patients and health care providers, and for other purposes; to the Committee on Labor and Human Resources.

THE HEALTH CARE QUALITY AND FAIRNESS ACT OF 1995

• Mr. WELLSTONE. Mr. President, despite the flurry of efforts in the 103d Congress, many of us were deeply disappointed that healthcare reform legislation failed to be enacted. The American people, however, still are concerned about this issue, and feel that reform of our healthcare system should be a high priority for this Congress, although most feel that small steps, rather than giant leaps are now best. While we debate these issues in Congress, however, the number of uninsured continues to grow, particularly children, and health care costs, although moderating, may only be doing so transiently.

The private sector has not waited for Congress to act, and has been rapidly transforming the healthcare delivery system for those Americans who are fortunate enough to have access to, and the ability to pay for coverage. The proliferation of managed care systems has been extraordinary, although their ability to control healthcare costs in the long run, particularly as older, sicker patients join, remains to be proven. Health plan standards were included in many of the compromise bills that emerged during the 103d Congress. There was wide, bipartisan agreement that there should be Federal standards to level the playing field in the rapidly changing healthcare delivery environment. Such standards would assure fairness for consumers and providers, while still encouraging health plans to pursue innovative approaches to providing high-quality, cost effective care.

The Senate Committee on Labor and Human Resources recently conducted a 2-day hearing on healthcare reform. We heard witnesses who eloquently described the successes of our Nation's largest employers in negotiating with providers and health plans, and holding down the growth of health costs. These large businesses have developed demanding purchasing and performance standards that they use to select plans and develop provider networks. Unfortunately, however, small employers and individual purchasers often lack the expertise and resources necessary to navigate through the health plan maze. In order to ensure that health care of the highest quality is available to all consumers, it is essential that all health plans be required to meet minimum standards.

Discussions of these safeguards got lost in the tussle over larger and more contentious issues during the healthcare reform debate last year. I believe now more than ever, especially with talk of restructuring Medicare and Medicaid being framed along the lines of restraining the growth of costs while maintaining choice and quality, that provisions to ensure that consumers are adequately protected and informed are absolutely imperative.

With these thoughts in mind, today I am introducing the Health Care Quality and Fairness Act of 1995, which is designed to assure fairness and choice to patients and health care providers. Its scope would include all health plans including those that are self-funded, not just HMO's or managed care plans. Its major provisions include:

Protection of consumer choice by requiring an employer to offer a choice of at least three types of health plan—managed care, point-of-service, and traditional insurance. Currently, only about half of all Americans who get their health insurance through employers are offered more than one plan. Evidence suggests that employers are increasingly limiting their employees' choice of health plans, while this bill would assure adequate choice is provided;

Establishment of an Office of Consumer Information Counseling and Assistance to perform public outreach and provide education and assistance regarding consumer rights with regard to health insurance. This effort would build on an existing Medigap model that has been highly successful in a number of States;

Development of health plan standards, including utilization review activities, credentialing of health professionals, and handling of grievances by providers or consumers. These standards would ensure fairness in the interactions between health plans, consumers, and providers;

Requirements for health plan solvency standards to be developed to protect employees and individual purchasers from being left high and dry;

Provision of information on plan coverage, benefits, loss ratio, satisfaction statistics, and quality indicators to assist consumers in making wise purchasing decisions; and

Insurance market reforms including guaranteed issue and renewability, prohibitions on preexisting condition exclusions, and risk adjustment. Insurance reform, if carefully crafted, would stabilize premiums for small employers and individual purchasers and prevent plans from excluding those who most need coverage.

This legislation has broad support among provider groups, including the American Medical Association and the Advocates for Practitioner Equity Coalition which includes nonphysician provider groups like the American Optometric Association, the American Podiatric Medical Association, the American Occupational Therapy Association, and consumer groups, including Consumers Union and Citizen Action. Together these groups hope to form a partnership to work with health plans to assure that fair, high-quality care is delivered, utilizing the standards enacted in the Health Care Quality and Fairness Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as "The Health Care Quality and Fairness Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act are as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PROTECTION OF CONSUMER CHOICE

Sec. 101. Protection of consumer choice.
Sec. 102. Enrollment.

TITLE II—OFFICE FOR CONSUMER INFORMATION, COUNSELING AND ASSISTANCE

Sec. 201. Establishment.

TITLE III—UTILIZATION MANAGEMENT

Sec. 301. Definitions.
Sec. 302. Requirement for utilization review program.
Sec. 303. Standards for utilization review.

TITLE IV—HEALTH PLAN STANDARDS

Sec. 401. Health plan standards.
Sec. 402. Minimum solvency requirements.
Sec. 403. Information on terms of plan.
Sec. 404. Access.
Sec. 405. Credentialing for health professionals.
Sec. 406. Grievance procedures.
Sec. 407. Confidentiality standards.
Sec. 408. Discrimination.
Sec. 409. Prohibition on selective marketing.

TITLE V—HEALTH INSURANCE MARKET REFORM

Sec. 501. Guaranteed issue and renewability.
Sec. 502. Nondiscrimination based on health status.
Sec. 503. Adjustments based on age, geography and family size.
Sec. 504. Risk adjustment.
Sec. 505. Lifetime limits.
Sec. 506. Patient's right to self-determination.
Sec. 507. Affect on State law.
Sec. 508. Association plans.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Enforcement.
Sec. 602. Effective date.

SEC. 2. DEFINITIONS.

Unless specifically provided otherwise, as used in this Act:

(1) CARRIER.—The term "carrier" means a licensed insurance company, a hospital or medical service corporation (including an existing Blue Cross or Blue Shield organization, within the meaning of section 833(c)(2) of Internal Revenue Code of 1986 as in effect before the date of the enactment of this Act), a health maintenance organization, or other entity licensed or certified by the State to provide health insurance or health benefits.

(2) COVERED INDIVIDUAL.—The term "covered individual" means a member, enrollee, subscriber, covered life, patient or other individual eligible to receive benefits under a health plan.

(3) DEPENDENT.—The term "dependent" means a spouse or child (including an adopted child) of an enrollee in a health plan who is financially dependent upon the enrollee.

(4) EMERGENCY SERVICES.—The term "emergency services" means those health care services that are provided to a patient after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, and the absence of such immediate medical attention could reasonably be expected, to result in—

(A) placing the patient's health in serious jeopardy;

(B) serious impairment to bodily function; or

(C) serious dysfunction of any bodily organ or part.

(5) HEALTH PLAN.—The term "health plan" includes any organization that seeks to arrange for, or provide for the financing and coordinated delivery of, health care services directly or through a contracted health professional panel, and shall include health maintenance organizations, preferred provider organizations, single service health maintenance organizations, single service preferred provider organizations, other entities such as physician-hospital or hospital-physician organizations, employee welfare benefit plans (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)), and multiple employer welfare plans or other association plans, as well as carriers.

(6) HEALTH PROFESSIONAL.—The term "health professional" means individuals who are licensed, certified, accredited, or otherwise credentialed to provide health care items and services as authorized under State law.

(7) MANAGED CARE PLAN.—

(A) IN GENERAL.—The term "managed care plan" means a plan operated by a managed care entity (as defined in subparagraph (B)), that provides for the financing and delivery of health care services to persons enrolled in such plan through—

(i) arrangements with selected providers to furnish health care services;

(ii) explicit standards for the selection of participating providers;

(iii) organizational arrangements for ongoing quality assurance, utilization review programs, and dispute resolution; and

(iv) financial incentives for persons enrolled in the plan to use the participating providers and procedures provided for by the plan.

(B) MANAGED CARE ENTITY.—The term "managed care entity" includes a licensed insurance company, hospital or medical service plan (including physician and physician-hospital networks), health maintenance organization, an employer or employee organization, or a managed care contractor (as defined in subparagraph (C)), that operates a managed care plan.

(C) MANAGED CARE CONTRACTOR.—The term "managed care contractor" means a person that—

(i) establishes, operates, or maintains a network of participating providers;

(ii) conducts or arranges for utilization review activities; and

(iii) contracts with an insurance company, a hospital or medical service plan, an employer, an employee organization, or any other entity providing coverage for health care services to operate a managed care plan.

(8) PHYSICIAN.—The term "physician" means a doctor of medicine, a doctor of osteopathy, or a doctor of allopathy.

(9) PROVIDER.—The term "provider" means a physician, an organized group of physicians, a facility or any other health care professional licensed or certified by the State, where licensure or certification is required.

(10) PROVIDER NETWORK.—The term "provider network" means, with respect to a health plan that restricts access, those providers who have entered into a contract or agreement with the plan under which such providers are obligated to provide items and services under the plan to eligible individuals enrolled in the plan, or have an agreement to provide services on a fee-for-service basis.

(11) POINT-OF-SERVICE PLAN.—The term "point-of-service plan" means a plan that offers services to enrollees through a provider network and also offers additional services or access to care by network or non-network providers.

(12) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(13) SMALL GROUP MARKET.—

(A) IN GENERAL.—The term "small group market" means, with respect to a calendar year, employers (including sole proprietorships, firms, corporations, partnerships, or associations actively engaged in business) that, on at least 50 percent of its business days, employ at least one but not more than 50 employees. In determining the number of employees for purposes of this paragraph, entities that are affiliated, or that are eligible to file a combined tax return, shall be considered as a single employer.

(B) APPLICATION OF PROVISIONS.—Except as specifically provided otherwise, the requirements of this Act that apply to an employer in the small group market shall continue to apply to such employer through the end of the rating period in which the employer has failed to meet the requirements of subparagraph (A).

(14) SPECIALIZED TREATMENT EXPERTISE.—The term "specialized treatment expertise" means expertise in diagnosing and treating unusual diseases and condition, diagnosing and treating diseases and conditions that are usually difficult to diagnose or treat, and providing other specialized health care.

(15) SPONSOR.—The term "sponsor" means a carrier or employer that provides a health plan.

(16) TRADITIONAL INSURANCE PLAN.—The term "traditional insurance plan" includes plans that offer a health benefits package and that pay for medical services on a fee-for-service basis using a usual, customary, or reasonable payment methodology or a resource based relative value schedule, usually linked to an annual deductible and/or coinsurance payment on each allowed amount.

(17) UTILIZATION REVIEW.—The term "utilization review" means a set of formal techniques designed to monitor and evaluate the clinical necessity, appropriateness and efficiency of health care services, procedures, providers and facilities. Techniques may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning and retrospective review.

TITLE I—PROTECTION OF CONSUMER CHOICE

SEC. 101. PROTECTION OF CONSUMER CHOICE.

(a) IN GENERAL.—Each employer, including a self-insured employer, who offers, provides, or makes available to employees a health plan must provide to each such employee a choice of health plans as required under subsection (b).

(b) OFFERING OF PLANS.—Each employer referred to in subsection (a) shall include among its health plan offerings at least one of each of the following types of health plans, where available:

(1) A managed care plan, including a health maintenance organization or preferred provider organization.

(2) A point-of-service plan.

(3) A traditional insurance plan (as defined in section 2).

SEC. 102. ENROLLMENT.

Each employer including a self-insured employer, who offers, provides, or makes available a health plan shall establish a process for enrollment in such plan which consists of—

(1) a general annual open enrollment period of at least 30 days; and

(2) special open enrollment periods for changes in enrollment as required by the Secretary.

TITLE II—OFFICE FOR CONSUMER INFORMATION, COUNSELING AND ASSISTANCE

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary shall award a grant to each State for the establishment of an Office for Consumer Information, Counseling and Assistance (hereafter referred to in this section as the "Office") in each such State. Each such Office shall perform public outreach and provide education and assistance concerning consumer rights with respect to health insurance as provided for in subsection (d).

(b) USE OF GRANT.—

(1) IN GENERAL.—A State shall use a grant under this section—

(A) to administer the Office and carry out the duties described in subsection (d);

(B) to solicit and award contracts to private, nonprofit organizations applying to the State to administer the Office and carry out the duties described in subsection (d); or

(C) in the case of a State operating a consumer information counseling and assistance program on the date of enactment of this Act, to expand and improve such program.

(2) CONTRACTS.—With respect to the contract described in paragraph (1)(B), the contract period shall be not less than 2 years and not more than 4 years.

(c) STAFF.—A State shall ensure that the Office has sufficient staff (including volunteers) and local offices throughout the State to carry out its duties under this section and a demonstrated ability to represent and work with a broad spectrum of consumers, including vulnerable and underserved populations.

(d) DUTIES.—An Office established under this section shall—

(1) establish a State-wide toll-free hotline to enable consumers to contact the Office;

(2) have the ability to provide appropriate assistance under this subsection to individuals with limited English language ability;

(3) develop outreach programs to provide health insurance information, counseling, and assistance;

(4) provide outreach and education relating to consumer rights and responsibilities under this Act, including the rights and services available through the Office;

(5) provide individuals with assistance in enrolling in health plans (including providing plan comparisons) or in obtaining services or reimbursements from health plans;

(6) provide individuals with assistance in filing applications for appropriate State health plan premium assistance programs;

(7) provide individuals with information concerning existing grievance procedures and institute systems of referral to appropriate Federal or State departments or agencies for assistance with problems related to insurance coverage (including legal problems);

(8) ensure that regular and timely access is provided to the services available through the Office;

(9) implement training programs for staff members (including volunteer staff members) and collect and disseminate timely and accurate health care information to staff members;

(10) not less than once each year, conduct public hearings to identify and address community health care needs;

(11) coordinate its activities with the staff of the appropriate departments and agencies of the State government and other appropriate entities within the State; and

(12) carry out any other activities determined appropriate by the Secretary.

(e) STATE DUTIES.—

(1) ACCESS TO INFORMATION.—The State shall ensure that, for purposes of carrying out the duties of the Office, the Office has appropriate access to relevant information, subject to the application of procedures to ensure confidentiality of enrollee and proprietary health plan information.

(2) REPORTING AND EVALUATION REQUIREMENTS.—

(A) REPORT.—The Office shall annually prepare and submit to the State a report on the nature and patterns of consumer complaints received by the Office during the year for which the report is prepared. Such report shall contain any policy, regulatory, and legislative recommendations for improvements in the activities of the Office together with a record of the activities of the Office.

(B) Evaluation.—The State shall annually evaluate the quality and effectiveness of the Office in carrying out the activities described in subsection (d).

(3) Conflicts of interest.—The State shall ensure that no individual involved in selecting the entity with which to enter into a contract under subsection (b)(1)(B), or involved in the operation of the Office, or any delegate of the Office, is subject to a conflict of interest.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE III—UTILIZATION MANAGEMENT

SEC. 301. DEFINITIONS.

As used in this title:

(1) Adverse determination.—The term "adverse determination" means a determination that an admission to or continued stay at a hospital or that another health care service that is required has been reviewed and, based upon the information provided, does not meet the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness.

(2) Ambulatory review.—The term "ambulatory review" means utilization review of health care services performed or provided in an outpatient setting.

(3) Appeals procedure.—The term "appeals procedure" means a formal process under which a covered individual (or an individual acting on behalf of a covered individual), attending physician, facility or applicable health care provider may appeal an adverse utilization review decision rendered by the health plan or its designee utilization review organization.

(4) Case management.—The term "case management" means a coordinated set of activities conducted for the individual patient management of serious, complicated, protracted or chronic health conditions that provides cost-effective and benefit-maximizing treatments for extremely resource-intensive conditions.

(5) Clinical review criteria.—The term "clinical review criteria" means the recorded (written or otherwise) screening procedures, decision abstracts, clinical protocols and practice guidelines used by the health plan to determine necessity and appropriateness of health care services.

(6) Concurrent review.—The term "concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(7) Discharge planning.—The term "discharge planning" means the formal process for determining, coordinating and managing the care a patient receives following the discharge of the patient from a facility.

(8) Facility.—The term "facility" means an institution or health care setting providing the prescribed health care services under review. Such term includes hospitals and other licensed inpatient facilities, ambulatory surgical or treatment centers, skilled nursing facilities, residential treatment centers, diagnostic, laboratory and imaging centers and rehabilitation and other therapeutic health care settings.

(9) Prospective review.—The term "prospective review" means utilization review conducted prior to an admission or a course of treatment.

(10) Retrospective review.—The term "retrospective review" means utilization review conducted after health care services have been provided to a patient. Such term does not include the retrospective review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding and adjudication for payment.

(11) Second opinion.—The term "second opinion" means an opportunity or requirement to obtain a clinical evaluation by a provider other than the provider originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service.

(12) Utilization review organization.—The term "utilization review organization" means an entity that conducts utilization review.

SEC. 302. REQUIREMENT FOR UTILIZATION REVIEW PROGRAM.

A health plan shall have in place a utilization review program that meets the requirements of this title and that is certified by the State.

SEC. 303. STANDARDS FOR UTILIZATION REVIEW.

(a) Establishment.—The Secretary shall establish standards for the establishment, operation, and certification and periodic recertification of health plan utilization review programs.

(b) Alternative Standards.—

(1) In general.—A State may certify a health plan as meeting the standards established under subsection (a) if the State determines that the health plan has met the utilization standards required for accreditation as applied by a nationally recognized, independent, nonprofit accreditation entity.

(2) Review by state.—A State that makes a determination under paragraph (1) shall periodically review the standards used by the private accreditation entity to ensure that such standards meet or exceed the standards established by the Secretary under this title.

(c) Utilization Review Program Requirements.—The standards developed by the Secretary under subsection (a) shall require that utilization review programs comply with the following:

(1) Documentation.—A health plan shall provide a written description of the utilization review program of the plan, including a description of—

(A) the delegated and nondelegated activities under the program;

(B) the policies and procedures used under the program to evaluate medical necessity; and

(C) the clinical review criteria, information sources, and the process used to review and approve the provision of medical services under the program.

(2) Prohibition.—With respect to the administration of the utilization review program, a health plan may not employ utilization reviewers or contract with a utilization management organization if the conditions of employment or the contract terms include financial incentives to reduce or limit the medically necessary or appropriate services provided to covered individuals.

(3) Review and modification.—A health plan shall develop procedures for periodically reviewing and modifying the utilization review of the plan. Such procedures shall provide for the participation of providers in the health plan in the development and review of utilization review policies and procedures.

(4) Decision protocols.—

(A) In general.—A utilization review program shall develop and apply recorded (written or otherwise) utilization review decision protocols. Such protocols shall be based on sound medical evidence.

(B) Protocol criteria.—The clinical review criteria used under the utilization review decision protocols to assess the appropriateness of medical services shall be clearly documented and available to participating health professionals upon request. Such protocols shall include a mechanism for assessing the consistency of the application of the criteria used under the protocols across reviewers, and a mechanism for periodically updating such criteria.

(5) Review and decisions.—

(A) Review.—The procedures applied under a utilization review program with respect to the preauthorization and concurrent review of the necessity and appropriateness of medical items, services or procedures, shall require that qualified medical professionals supervise review decisions. With respect to a decision to deny the provision of medical items, services or procedures, a physician shall conduct a subsequent review to determine the medical appropriateness of such a denial. Board certified physicians from the appropriate specialty areas of medicine and surgery shall be utilized in the review process as needed.

(B) Decisions.—All utilization review decisions shall be made in a timely manner, as determined appropriate when considering the urgency of the situation.

(C) Adverse determinations.—With respect to utilization review, an adverse determination or noncertification of an admission, continued stay, or service shall be clearly documented, including the specific clinical or other reason for the adverse determination or noncertification, and be available to the covered individual and the affected provider or facility. A health plan may not deny or limit coverage with respect to a service that the enrollee has already received solely on the basis of lack of prior authorization or second opinion, to the extent that the service would have otherwise been covered by the plan had such prior authorization or a second opinion been obtained.

(D) Notification of denial.—A health plan shall provide a covered individual with timely notice of an adverse determination or noncertification of an admission, continued stay, or service. Such a notification shall include information concerning the utilization review program appeals procedure.

(6) Requests for authorization.—A health plan utilization review program shall ensure that requests by covered individuals or physicians for prior authorization of a nonemergency service shall be answered in a timely manner after such request is received. If utilization review personnel are not available in a timely fashion, any medical services provided shall be considered approved.

(7) New technologies.—A utilization review program shall implement policies and procedures to evaluate the appropriate use of new medical technologies or new applications of established technologies, including medical procedures, drugs, and devices. The program shall ensure that appropriate professionals participate in the development of technology evaluation criteria.

(8) Special rule.—Where prior authorization for a service or other covered item is obtained under a program under this section, the service shall be considered to be covered unless there was fraud or incorrect information provided at the time such prior authorization was obtained. If a provider supplied the incorrect information that led to the authorization of medically unnecessary care,

the provider shall be prohibited from collecting payment directly from the enrollee, and shall reimburse the plan and subscriber for any payments or copayments the provider may have received.

(d) Health Plan Requirements.—

(1) Disclosure of information.—

(A) Prospective covered individuals.—A health plan shall, with respect to any materials distributed to prospective covered individuals, include a summary of the utilization review procedures of the plan.

(B) Covered individuals.—A health plan shall, with respect to any materials distributed to newly covered individuals, include a clear and comprehensive description of utilization review procedures of the plan and a statement of patient rights and responsibilities with respect to such procedures.

(C) State officials.—

(i) In general.—A health plan shall disclose to the State insurance commissioner, or other designated State official, the health plan utilization review program policies, procedures, and reports required by the State for certification.

(ii) Streamlining of procedures.—To the extent practicable, a State shall implement procedures to streamline the process by which a health plan documents compliance with the requirements of this Act, including procedures to condense the number of documents filed with the State concerning such compliance.

(2) Toll-free number.—A health plan shall have a membership card which shall have printed on the card the toll-free telephone number that a covered individual should call to receive precertification utilization review decisions.

(3) Evaluation.—A health plan shall establish mechanisms to evaluate the effects of the utilization review program of the plan through the use of member satisfaction data or through other appropriate means.

(e) Emergency Care.—

(1) In general.—A health plan shall provide coverage for emergency services provided to an enrollee without regard to whether the health professional or provider furnishing such services has a contractual (or other arrangement) with the plan.

(2) Preauthorization.—With respect to emergency services furnished in a hospital emergency department, a health plan shall not require prior authorization for the provision of such services if the enrollee arrived at the emergency department with symptoms that reasonably suggested an emergency medical condition, regardless of whether the hospital was affiliated with the health plan. All procedures performed during the evaluation and treatment of an emergency condition shall be covered under the health plan.

TITLE IV—HEALTH PLAN STANDARDS

SEC. 401. HEALTH PLAN STANDARDS.

(a) Establishment.—The Secretary shall establish standards for the certification and periodic recertification of health plans, including standards which require plans to meet the requirements of this title.

(b) State Certification.—

(1) In general.—A State shall provide for the certification of health plans if the certifying authority designated by the State determines that the plan meets the applicable requirements of this Act.

(2) Requirement.—Effective on January 1, 1997, a health plan sponsor may only offer a health plan in a State if such plan is certified by the State under paragraph (1).

(c) Construction.—Whenever in this title a requirement or standard is imposed on a health plan, the requirement or standard is deemed to have been imposed on the sponsor of the plan in relation to that plan.

SEC. 402. MINIMUM SOLVENCY REQUIREMENTS.

(a) In General.—Except as provided in subsection (b), each State shall apply minimum solvency requirements to all health plans offered or operating with the State. A health plan shall meet the financial reserve requirements that are established by the State to assure proper payment for health care services provided under the plan.

(b) Federal Standards.—The Secretary shall establish minimum solvency standards that shall apply to all self-insured health plans. Such standards shall at least meet the solvency requirements established by the National Association of Insurance Commissioners.

SEC. 403. INFORMATION ON TERMS OF PLAN.

(a) In General.—A health plan shall provide prospective covered individuals with written information concerning the terms and conditions of the health plan to enable such individuals to make informed decisions with respect to a certain system of health care delivery. Such information shall be standardized so that prospective covered individuals may compare the attributes of all such plans offered within the coverage area.

(b) Understandability.—Information provided under this section, whether written or oral shall easily understandable, truthful, linguistically appropriate and objective with respect to the terms used. Descriptions provided in such information shall be consistent with standards developed for supplemental insurance coverage under title XVIII of the Social Security Act.

(c) Required Information.—Information required under this section shall include information concerning—

(1) coverage provisions, benefits, and any exclusions by category of service or product;

(2) plan loss ratios with an explanation that such ratios reflect the percentage of the premiums expended for health services;

(3) prior authorization or other review requirements including preauthorization review, concurrent review, post-service review, post-payment review and procedures that may lead the patient to be denied coverage for, or not be provided, a particular service or product;

(4) an explanation of how plan design impacts enrollees, including information on the financial responsibility of covered individuals for payment for coinsurance or other out-of-plan services;

(5) covered individual satisfaction statistics, including disenrollment statistics;

(6) advance directives and organ donation;

(7) the characteristics and availability of health care professionals and institutions participating in the plan, including descriptions of the financial arrangements or contractual provisions with hospitals, utilization review organizations, physicians, or any other provider of health care services that would affect the services offered, referral or treatment options, or physician's fiduciary responsibility to patients, including financial incentives regarding the provision of medical or other services; and

(8) quality indicators for the plan and for participating health professionals and providers under the plan, including population-based statistics such as immunization rates and performance measures such as survival after surgery, adjusted for case mix.

SEC. 404. ACCESS.

(a) In General.—A health plan shall demonstrate that the plan has a sufficient number, distribution, and variety of qualified health care providers to ensure that all covered health care services will be available and accessible in a timely manner to adults, infants, children, and individuals with disabilities enrolled in the plan.

(b) Availability of Services.—A health plan shall ensure that services covered under the plan are available in a timely manner that ensures a continuity of care, are accessible within a reasonable proximity to the residences of the enrollees, are available within reasonable hours of operation, and include emergency and urgent care services when medically necessary and available which shall be accessible within the service area 24-hours a day, seven days a week.

(c) Specialized Treatment.—A health plan shall demonstrate that plan enrollees have access, when medically or clinically indicated in the judgment of the treating health professional, to specialized treatment expertise.

(d) Chronic Conditions.—

(1) In general.—Any process established by a health plan to coordinate care and control costs may not impose an undue burden on enrollees with chronic health conditions. The plan shall ensure a continuity of care and shall, when medically or clinically indicated in the judgment of the treating health professional, ensure direct access to relevant specialists for continued care.

(2) Care coordinator.—In the case of an enrollee who has a severe, complex, or chronic condition, the health plan shall determine, based on the judgment of the treating health professional, whether it is medically or clinically necessary or appropriate to use a care coordinator from an interdisciplinary team or a specialist to ensure continuity of care.

(e) Requirement.—

(1) In general.—The requirements of this section may not be waived and shall be met in all areas where the health plan has enrollees, including rural areas. With respect to children, such services shall include pediatric services.

(2) Out-of-network services.—If a health plan fails to meet the requirements of this section, the plan shall arrange for the provision of out-of-network services to enrollees in a manner that provides enrollees with access to services in accordance with this section.

SEC. 405. CREDENTIALING FOR HEALTH PROFESSIONALS.

(a) In General.—A health plan shall credential health professionals furnishing health care services under the plan.

(b) Credentialing Process.—

(1) In general.—A health plan shall establish a credentialing process. Such process shall ensure that a health professional is credentialed prior to that professional being listed as a health professional in the health plan's marketing materials, in accordance with recorded (written or otherwise) policies and procedures.

(2) Responsibility of medical director.—The medical director of the health plan, or another designated health professional, shall have responsibility for the credentialing of health professionals under the plan.

(3) Uniform applications.—A State shall develop a basic uniform application that shall be used by all health plans in the State for credentialing purposes.

(4) Credentialing committee.—

(A) Establishment.—The health plan shall establish a credentialing committee that shall be composed of licensed physicians and other health professionals to review credentialing information and supporting documents.

(B) REQUIREMENT.—The credentialing process shall provide for the review of an application for credentialing by a credentialing committee with appropriate representation of the applicant's medical specialty.

(5) STANDARDS.—

(A) IN GENERAL.—Credentialing decisions under a health plan shall be based on objective standards with input from health professionals credentialed under the plan. Information concerning all application and credentialing policies and procedures shall be made available for review by the health professional involved upon written request.

(B) REQUIREMENT.—The standards referred to in subparagraph (A) shall include determinations as to—

(i) whether the health professional has a current valid license to practice the particular health profession involved;

(ii) whether the health professional has clinical privileges in good standing at the hospital designated by the practitioner and the primary admitting facility, as applicable;

(iii) whether the health professional has a valid DEA or CDS certificate, as applicable;

(iv) whether the health professional has graduated from medical school and completed a residency, or received Board certification, as applicable;

(v) the work history of the health professional;

(vi) whether the health professional has current, adequate malpractice insurance in accordance with the policy of the health plan; and

(vii) the professional liability claims history of the health professional.

(C) RIGHT TO REVIEW INFORMATION.—A health professional who undergoes the credentialing process shall have the right to review the basis information, including the sources of that information, that was used to meet the designated credentialing criteria.

SEC. 406. GRIEVANCE PROCEDURES.

(a) IN GENERAL.—A health plan shall adopt a timely and organized system for resolving complaints and formal grievances filed by covered individuals. Such system shall include—

(1) recorded (written or otherwise) procedures for registering and responding to complaints and grievances in a timely manner;

(2) documentation concerning the substance of complaints, grievances, and actions taken concerning such complaints and grievances, which shall be in writing, and be available upon request to the Office for Consumer Information, Counseling and Assistance;

(3) procedures to ensure a resolution of a complaint or grievance;

(4) the compilation and analysis of complaint and grievance data;

(5) procedures to expedite the complaint process if the complaint involves a dispute about the coverage of an immediately and urgently needed service; and

(6) procedures to ensure that if an enrollee orally notifies a health plan about a complaint, the plan (if requested) must send the enrollee a complaint form that includes the telephone numbers and addresses of member services, a description of the plan's grievance procedure, and the telephone number of the Officer for Consumer Information, Counseling and Assistance where enrollees may register complaints.

(b) APPEAL PROCESS.—A health plan shall adopt an appeals process to enable covered individuals to appeal decisions that are adverse to the individuals. Such a process shall include—

(1) the right to a review by a grievance panel;

(2) the right to a second review with a different panel, independent from the health plan, or to a review through an impartial arbitration process which shall be described in writing by the plan; and

(3) an expedited process for review in emergency cases.

The Secretary shall develop guidelines for the structure and requirements applicable to the independent review panel and impartial arbitration process described in paragraph (2).

(c) NOTIFICATION.—With respect to the complaint, grievance, and appeals processes required under this section, a health plan shall, upon the request of a covered individual, provide the individual a written decision concerning a complaint, grievance, or appeal in a timely fashion.

(d) NON-IMPEDIMENT TO BENEFITS.—The complaint, grievance, and appeals processes established in accordance with this section may not be used in any fashion to discourage or prevent a covered individual from receiving medically necessary care in a timely manner.

(e) DUE PROCESS WITH RESPECT TO CREDENTIALING.—

(1) RECEIPT OF INFORMATION.—A health professional who is subject to credentialing under section 405 shall, upon written request, receive from the health plan any information obtained by the plan during the credentialing process that, as determined by the credentialing committee, does not meet the credentialing standards of the plan, or that varies substantially from the information provided to the health plan by the health professional.

(2) SUBMISSION OF CORRECTIONS.—A health plan shall have a formal, recorded (written or otherwise) process by which a health professional may submit supplemental information to the credentialing committee if the health professional determines that erroneous or misleading information has been previously submitted. The health professional may request that such information be reconsidered in the evaluation for credentialing purposes.

(3) NO ENTITLEMENT.—

(A) IN GENERAL.—A health professional is not entitled to be selected or retained by a health plan as a participating or contracting provider whether or not such professional meets the credentialing standards established under section 405.

(B) ECONOMIC CONSIDERATIONS.—If economic considerations, including the health care professional's patterns of expenditure per patient, are part of a selection decision, objective criteria shall be used in examining such considerations and a written description of such criteria shall be provided to applicants, participating health professionals, and enrollees. Any economic profiling of health professionals must be adjusted to recognize case mix, severity of illness, and the age of patients of a health professional's practice that may account for higher or lower than expected costs, to the extent appropriate data in this regard is available to the health plan.

(4) TERMINATION, REDUCTION OR WITHDRAWAL.—

(A) PROCEDURES.—A health plan shall develop and implement procedures for the reporting, to appropriate authorities, of serious quality deficiencies that result in the suspension or termination of a contract with a health professional.

(B) REVIEW.—A health plan shall develop and implement policies and procedures under which the plan reviews the contract privileges of health professionals who—

(i) have seriously violated policies and procedures of the health plan;

(ii) have lost their privilege to practice with a contracting institutional provider; or

(iii) otherwise pose a threat to the quality of service and care provided to the enrollees of the health plan.

At a minimum, the policies and procedures implemented under this subparagraph shall meet the requirements of the Health Care Quality Improvement Act of 1986.

(C) DUE PROCESS.—The policies and procedures implemented under subparagraph (B) shall include requirements for the timely notification of the affected health professional of the reasons for the reduction, withdrawal, or termination of privileges, and provide the health professional with the right to appeal the determination of reduction, withdrawal, or termination.

(D) AVAILABILITY.—A written copy of the policies and procedures implemented under this paragraph shall be made available to a health professional on request prior to the time at which the health professional contracts to provide services under the plan.

SEC. 407. CONFIDENTIALITY STANDARDS.

(a) IN GENERAL.—A health plan shall ensure that the confidentiality of specified enrollee patient information and records is protected.

(b) POLICIES AND PROCEDURES.—A health plan shall have written confidentiality policies and procedures. Such policies and procedures shall, at a minimum—

(1) maintain the confidentiality of enrollee patient information within the administrative structure of the health plan;

(2) protect medical record information;

(3) protect claim information;

(4) establish requirements for the release of information; and

(5) inform employees of the confidentiality policies and procedures.

(c) PATIENT CARE PROVIDERS AND FACILITIES.—A health plan shall ensure that providers, offices and facilities responsible for providing covered items or services to plan enrollees have implemented policies and procedures to prevent the unauthorized or inadvertent disclosure of confidential patient information to individuals who should not have access to such information.

(d) RELEASE OF INFORMATION.—An enrollee in a health plan shall have the opportunity to approve or disapprove the release of identifiable personal patient information by the health plan, except where such release is required under applicable law.

SEC. 408. DISCRIMINATION.

(a) ENROLLEES.—A health plan (network or non-network) may not discriminate or engage (directly or through contractual arrangements) in any activity, including the selection of service area, that has the effect of discriminating against an individual on the basis of race, national origin, gender, language, socio-economic status, age, disability, health status, or anticipated need for health services.

(b) PROVIDERS.—A health plan may not discriminate in the selection of members of the health professional or provider network (and in establishing the terms and conditions for membership in the network) of the plan based on—

(1) the race, national origin, or disability of the health professional;

(2) the socio-economic status, disability, health status, or anticipated need for health services of the patients of the health professional or provider; or

(3) the health professional or provider's lack of affiliation with, or admitting privileges at, a hospital.

(c) LICENSE OR CERTIFICATION.—A health plan may not discriminate in participation, reimbursement, or indemnification against a health professional who is acting within the scope of the license or certification of the professional under applicable State law solely on the basis of the license or certification of the health professional. A health plan may not discriminate in participation, reimbursement, or indemnification against a health provider that is providing services within the scope of services that it is authorized to perform under State law.

SEC. 409. PROHIBITION ON SELECTIVE MARKETING.

A health plan may not engage in marketing or other practices intended to discourage or limit the issuance of health plans to individuals on the basis of health condition, geographic area, industry, or other risk factors.

TITLE V—HEALTH INSURANCE MARKET REFORM

SEC. 501. GUARANTEED ISSUE AND RENEWABILITY.

(a) GUARANTEED ISSUE.—Except as otherwise provided in this section, a health plan sponsor offering a health plan to a class of individuals shall offer such plan to any individual within such class who applies for coverage (either directly with the plan or through an employer) under such plan. A health plan may not engage in any practice that has the effect of attracting or limiting enrollees on the basis of personal characteristics, such as occupation or affiliation with any person or entity.

(b) RENEWABILITY.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a health plan sponsor may not refuse to renew, or may not terminate, coverage under a health plan with respect to any individual or family.

(2) GROUNDS FOR REFUSAL TO RENEW OR TERMINATE.—Paragraph (1) shall not apply in the case of—

(A) nonpayment of premiums;

(B) fraud on the part of the individual relating to such plan;

(C) misrepresentation of material facts on the part of the individual relating to an application for coverage or claim for benefits; or

(D) the occurrence of other acts as prescribed in standards developed by the National Association of Insurance Commissioners.

(3) TERMINATION OF PLANS.—The Secretary, in consultation with the National Association of Insurance Commissioners, shall develop standards under which a health plan sponsor may terminate a health plan.

SEC. 502. NONDISCRIMINATION BASED ON HEALTH STATUS.

(a) NO LIMITS ON COVERAGE; NO PRE EXISTING CONDITION LIMITS.—Except as provided in subsection (b), a health plan may not—

(1) terminate, restrict, or limit coverage or establish premiums based on the health status, medical condition, claims experience, receipt of health care, medical history, anticipated need for health care services, disability, genetic predisposition to medical conditions, or lack of evidence of insurability of an individual;

(2) terminate, restrict, or limit coverage in any portion of the plan's coverage area;

(3) except as provided in section 501(b)(2), cancel coverage for any individual until that individual is enrolled in another applicable health plan;

(4) impose waiting periods before coverage begins; or

(5) impose a rider that serves to exclude coverage of particular individuals or particular health conditions.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS.—

(1) IN GENERAL.—A health plan may impose a limitation or exclusion of benefits relating to treatment of a condition based on the fact that the condition preexisted the effective date of the plan with respect to an individual if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan;

(B) the limitation or exclusion extends for a period not more than 6 months after the date of enrollment under the plan;

(C) the limitation or exclusion does not apply to an individual who, as of the date of birth, was covered under the plan; or

(D) the limitation or exclusion does not relate to pregnancy.

(2) CONTINUOUS COVERAGE.—A health plan shall provide that if an individual under such plan is in a period of continuous coverage with respect to particular services as of the date of enrollment under such plan, any period of exclusion of coverage with respect to a preexisting condition as permitted under paragraph (1) shall be reduced by 1 month for each month in the period of continuous coverage.

(3) DEFINITIONS.—As used in this subsection:

(A) PERIOD OF CONTINUOUS COVERAGE.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under a health plan or health care program which provides benefits equivalent to those provided by the plan in which the individual is seeking to enroll with respect to coverage of a preexisting condition and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

(B) PREEXISTING CONDITION.—The term "preexisting condition" means, with respect to coverage under a health plan, a condition which was diagnosed, or which was treated, within the 3-month period ending on the day before the first date of such coverage (without regard to any waiting period).

SEC. 503. ADJUSTMENTS BASED ON AGE, GEOGRAPHY AND FAMILY SIZE.

(a) IN GENERAL.—With respect to health plan premiums, the Secretary, in consultation with the NAIC, shall specify uniform age, geography, and family size categories and maximum rating increments for age, geography, and family size adjustment factors that reflect the relative actuarial costs of benefit packages among enrollees.

(b) AGE FACTORS.—With respect to age adjustment factors established under subsection (a), for individuals who have attained age 18 but not age 65, the highest age adjustment factor may not exceed twice the lowest age adjustment factor.

(c) PHASE-IN PERIOD.—The Secretary, in consultation with the NAIC, shall establish a schedule for the phase-in of age-adjusted community rates so as to minimize disruption of the insurance market.

(d) APPLICATION.—A health plan shall ensure that the factors developed under this section are applied uniformly across each of the small group and individual markets.

SEC. 504. RISK ADJUSTMENT.

(a) IN GENERAL.—A health plan shall participate in a risk adjustment program developed by the State involved under standards established by the Secretary in consultation with the National Association of Insurance Commissioners. Such a risk adjustment program shall—

(1) with respect to a plan offered within the small group market; or

(2) with respect to a plan offered within the individual market,

provide for adjustments based on risk within the market in which the plan is marketed.

(b) PROCESS.—A program developed under subsection (a) shall include a process designed to share the risk associated with, or to equalize, high cost claims, claims of high cost individuals, costs of variations among carriers based on demographic factors associated with the individuals insured which correlate with such cost variations, to protect health plans from the disproportionate adverse risks of offering coverage to all applicants. Risk adjustment mechanisms under the program shall, to the maximum extent practicable, be prospective to minimize the uncertainty associated with the setting of premiums by health plans to maintain consumer choice from among multiple health plans based on rates that reflect the relative medical and administrative efficiencies of health plans.

SEC. 505. LIFETIME LIMITS.

A health plan may not impose a lifetime limitation on the amount or provision of benefits under the plan.

SEC. 506. PATIENT'S RIGHT TO SELF-DETERMINATION.

A health plan shall be considered to be an eligible organization under title XVIII of the Social Security Act for purposes of applying the rules under section 1866(f) of such Act (42 U.S.C. 1395cc(f)).

SEC. 507. AFFECT ON STATE LAW.

(a) PREEMPTION.—The requirements of this title do not preempt any State law unless such State law directly conflicts with such requirements. The provision of additional consumer protections under State law shall not be considered to directly conflict with such requirements. Such State consumer protection laws which are not preempted under this title include—

(1) laws that limit the exclusions for preexisting medical conditions to periods that are less than those provided for in section 502;

(2) laws that limit variations in premium rates beyond the variations permitted under section 503; and

(3) laws that would expand the small group market.

(b) STATE REFORM MEASURES.—Nothing in this title shall be construed as prohibiting a State from enacting health care reform measures that exceed the measures established under this title, including reforms that expand access to health care services, control health care costs, and enhance the quality of care.

SEC. 508. ASSOCIATION PLANS.

With respect to health plans offered to small employers and individuals through associations or other intermediaries, such plans shall meet the requirements of this title.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. ENFORCEMENT.

(a) IN GENERAL.—A State shall prohibit the offering or issuance of any health plan in such State if such plan does not—

(1) have in place a utilization review program that is certified by the State as meeting the requirements of title III;

(2) comply with the standards developed under title IV;

(3) have in place a credentialing program that meets the requirements of section 405;

(4) comply with the requirements of title V; and

(5) meet any other requirements determined appropriate by the Secretary.

(b) SELF-INSURED PLANS.—The Secretary of Labor shall develop health plan standards, consistent with this Act, that are applicable to self-insured plans. The Secretary of Labor may take corrective action to terminate or disqualify a self-insured plan that does not meet the standards developed under this subsection.

SEC. 602. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, this Act shall take effect on the date of enactment of this Act.

(b) STANDARDS.—The standards and programs required under this Act shall apply to health plans beginning on January 1, 1997.

(c) OFFICE FOR CONSUMER INFORMATION, COUNSELING AND ASSISTANCE.—A State shall have in place the Office required under section 201 on January 1, 1997. The Secretary may award grants for the establishment of such Offices beginning on the date of enactment of this Act.

(d) OTHER REQUIREMENTS.—The requirements of titles I and V shall apply to health plans beginning on January 1, 1997.•

By Mr. LOTT:

S. 610. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

CORINTH MISSISSIPPI BATTLEFIELD ACT

Mr. LOTT. Mr. President, I rise today to introduce legislation relevant to historic preservation. This legislation proposes to establish an interpretive center at the Siege and Battle of Corinth sites in Corinth, MS. The battlefield of Corinth is a significant part of our Nation's history. Corinth was the scene of a monumental battle during the War between the States.

I would like my colleagues to know, that on two occasions during the 103d Congress, legislation for this proposed interpretive center was favorably reported out of the Senate Energy and Natural Resources Committee. In addition, legislation for this proposed interpretive center was passed twice in the 103d Congress, by the full Senate. This legislation needs to come to closure. It needs to be passed by both Chambers of Congress and signed into law. It is long overdue.

The Siege and Battle of Corinth sites are the only sites in my home State of Mississippi, which have been included on a Department of the Interior's American Battlefield Protection Program. Also, the sites are two of only twenty-five nationwide placed on a list of Priority Civil War Battlefields for preservation by former Secretary of the Interior, Manuel Lujan.

The Battle of Corinth, the largest to take place in Mississippi, and the Siege of Corinth, both rank, in terms of aggregate numbers of troops involved, among the largest in the history of the Western Hemisphere.

Of all the major Civil War crusades, the Battle of Corinth and the Corinth Siege are indisputably the least known and definitely the least recognized. The site area has already received National Historic Landmark designation. It is time to go one step further to ensure that this important chapter of American history is preserved.

It is most appropriate that we safeguard our national heritage and protect this significant battlefield upon which our ancestors lost life and limb in pursuit of their most fundamental ideals. I encourage my colleagues to join me in supporting the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corinth, Mississippi, Battlefield Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the sites located in the vicinity of Corinth, Mississippi, that were designated as a National Historic Landmark by the Secretary of the Interior in 1991 represent nationally significant events in the Siege and Battle of Corinth during the Civil War; and

(2) the Landmark sites should be preserved and interpreted for the benefit, inspiration, and education of the people of the United States.

(b) PURPOSE.—The purpose of this Act is to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

SEC. 3. ACQUISITION OF PROPERTY AT CORINTH, MISSISSIPPI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, or exchange, such land and interests in land in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.

(b) PUBLICLY OWNED LAND.—Land and interests in land owned by the State of Mississippi or a political sub-division of the State of Mississippi may be acquired only by donation.

SEC. 4. INTERPRETIVE CENTER AND MARKING.

(a) INTERPRETIVE CENTER.—

(1) CONSTRUCTION OF CENTER.—The Secretary shall construct, operate, and maintain on the property acquired under section 3 a center for the interpretation of the Siege and Battle of Corinth and associated historical events for the benefit of the public.

(2) DESCRIPTION.—The center shall contain approximately 5,300 square feet, and include interpretive exhibits, an auditorium, a parking area, and other features appropriate to public appreciation and understanding of the site.

(b) MARKING.—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if the sites are determined by the Secretary to be protected by State or local governmental agencies.

(c) ADMINISTRATION.—The land and interests in land acquired, and the facilities constructed and maintained pursuant to this Act, shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws (including regulations) applicable to the park, the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act entitled "an Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) CONSTRUCTION.—Of the amounts made available to carry out this Act, not more than $6,000,000 may be used to carry out section 4(a).

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. ROTH, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 170

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 170, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes.

S. 181

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes.

S. 182

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 182, a bill to amend the Internal Revenue Code of 1986 to encourage investment in the United States by reforming the taxation of capital gains, and for other purposes.

S. 190

At the request of Mr. PRESSLER, the names of the Senator from Indiana [Mr. COATS] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 190, a bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

S. 216

At the request of Mr. HATCH, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 354

At the request of Mr. BREAUX, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 354, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing.

S. 440

At the request of Mr. WARNER, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 469

At the request of Mr. GREGG, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 469, a bill to eliminate the National Education Standards and Improvement Council and opportunity-to-learn standards.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 511

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 511, a bill to require the periodic review and automatic termination of Federal regulations.

S. 584

At the request of Mr. ROBB, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 584, a bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

SENATE JOINT RESOLUTION 26

At the request of Mr. SIMPSON, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 26, a joint resolution designating April 9, 1995, and April 9, 1996, as "National Former Prisoner of War Recognition Day."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MURKOWSKI, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

AMENDMENT NO. 348

At the request of Mr. BYRD his name was added as a cosponsor of Amendment No. 348 proposed to S. 4, a bill to grant the power to the President to reduce budget authority.

SENATE RESOLUTION 91—RELATIVE TO TURKEY

Mr. PELL (for himself, Mr. KERRY, Mr. FEINGOLD, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 91

Whereas as a signatory to the Charter of the United Nations, the Government of Turkey is obligated to maintain international peace and security,to develop friendly relations among states based on respect for the principle of equal rights and self-determination of peoples, and to achieve international cooperation through the promotion and encouragement of respect for human rights and fundamental freedoms for all;

Whereas the Government of Turkey, as a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, has made additional and firm commitments to observe and uphold the rights of all peoples;

Whereas as a member of the North Atlantic Treaty Organization, the Government of Turkey undertook to refrain in international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations;

Whereas as a member of the Organization of for Security and Cooperation in Europe, Turkey is obliged to respect the territorial integrity of other states, and to support the human rights, fundamental freedoms and the self-determination of peoples;

Whereas on March 21, 1995, more than 35,000 Turkish military troops, with tanks, armored personnel carriers, and air support, began an invasion of Northern Iraq;

Whereas the Government of Turkey declares that the invasion is in response to acts of terrorism by the Kurdistan Workers Party, also known as the PKK, and constitutes the hot pursuit of terrorists;

Whereas reports indicate that the Turkish army has penetrated 25 miles into Iraq along a 150 mile front, and that hundreds of ethnic Kurds have been killed thus far;

Whereas independent international observers claim that some of those killed are innocent civilians, and accuse Turkey of torturing prisoners, and of forcibly evacuating and destroying villages;

Whereas U.S. government officials have suggested that Turkey's invasion could last more than 3 weeks in duration;

Whereas in scope, scale and duration, Turkey's invasion of Iraqi Kurdistan appears to be an illegal act of aggression and inconsistent with Turkey's obligations under the U.N. Charter;

Whereas Turkey's actions jeopardize U.S. and international efforts under Operation Provide Comfort in Northern Iraq, and threaten the provision of vital humanitarian assistance by nongovernmental organizations to the Kurds;

Whereas the U.S. Department of State reports that the general human rights situation in Turkey "worsened significantly" in 1994, and that in many human rights case, the specific "targets of abuse were ethnic Kurds or their supporters;"

Whereas according to the U.S. Government, specific violations of human rights by the Government of Turkey in its campaign against the PKK include the illegal use of torture, excessive force, and political and extrajudicial killings of non-combatants;

Now, therefore be it resolved, That the Senate—

(1) Condemns Turkey's invasion of Northern Iraq as an illegal act of aggression and a violation of international law, inconsistent with Turkey's obligations under the Charter of the United Nations, the North Atlantic Treaty, and other international agreements;

(2) Calls upon the President of the United States to express strong U.S. opposition to Turkey's invasion of Northern Iraq;

(3) Urges the United States at the United Nations Security Council to condemn Turkey's illegal act of aggression and bring about an immediate and unconditional withdrawal;

(4) Denounces Turkey's consistent pattern of human rights violations against ethnic Kurds;

(5) Condemns all acts of terror, including those by PKK forces against Turkish civilian, military and other targets;

(6) Supports the maintenance of Operation Provide Comfort and the continuation of other non-governmental humanitarian assistance for the Kurds of Northern Iraq.

Mr. PELL. Mr. President, five years ago, when Iraqi forces crossed the border and invaded Kuwait, the international community—with the United States at the forefront—condemned the aggression and vowed that it would not stand. This week, more than 35,000 Turkish forces invaded Iraqi Kurdistan under the assertion of being engaged in hot pursuit of Kurdish terrorists. The truth is that Turkey's action is no less a violation of international law than Iraq's invasion of Kuwait.

The official United States position is that Turkey faces a legitimate threat from the Kurdish Workers Party—also known as the PKK—a Kurdish separatist group based in Turkey that advocates the establishment of an independent Kurdish state.

The PKK is a terrorist organization, and Turkey has a right to defend its citizens against the unlawful use of terror. Where I draw the line, however, is Turkey's use of terrorism as a pretense for its full-scale invasion of Iraqi Kurdistan and as justification for its consistent pattern of human rights violations against innocent Kurdish civilians in southeast Turkey.

There is no way that the Turkish forces can distinguish between the Turkish Kurds and Iraqi Kurds that presently reside in Northern Iraq. Nor can they reasonably determine which Turkish Kurd is an armed terrorist, and which is an innocent civilian refuges. The result is that innocent Kurds—be they Iraqi or Kurdish—are being harassed, terrorized, and killed by Turkish forces.

I think that there is a fundamental truth that Turkey attempts to obscure in its approach to the Kurdish issue. The fact is that Kurdish experiment with self-rule in Northern Iraq threatens and undermines Turkey's identity. By conducting this invasion, Turkey has exposed that it cares little about Iraq's territorial integrity, and only wants to keep the Kurdish people in check.

The United States apparently has given the green light to Prime Minister Ciller's military adventure. Moreover, it is nearly certain that the Turkish military is using equipment and supplies of United States origin in its brutal war against the Kurds.

Turkey's militaristic policy towards the Kurds goes beyond the pale of civilized behavior. It is time for the United States to take a principled stand, express its opposition to Turkey's invasion of Iraqi Kurdistan, and cut off supplies of United States military equipment to Turkey. If, as reports today suggest, this operation is to extend for the next 3 to 5 weeks, then it is an outright falsehood to say that Turkey is engaged in hot pursuit. We should condemn this invasion for what it truly is—a clear act of aggression and a threat to international peace.

In this regard, I am submitting today with Senators KERRY, FEINGOLD, and SNOWE a resolution that does just that. In addition to condemning the invasion, the resolution calls upon the President to oppose Turkey's action, and urges the United States to lead an effort at the United Nations Security Council calling for an immediate and unconditional withdrawal. The resolution denounces both Turkey's consistent pattern of human rights violations against the Kurds and the violence perpetrated by terrorists, including the PKK. Finally, the resolution calls for the continuation of Operation Provide Comfort, which is crucial to the protection of civilians in Iraqi Kurdistan.

Mr. President, I would urge my colleague to join me in sponsoring this resolution.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that in addition to the hearing on "the Mining Law Reform Act of 1995", S. 506, "the Mineral Exploration and Development Act of 1995", S. 504, will also be considered before the Subcommittee on Forests and Public Lands Management.

The hearing will take place in SD–366 of the Dirksen Senate Office Building on Thursday, March 30, 1995 at 9:30 a.m. in Washington, D.C.

Those wishing to testify or who wish to submit written statements should write to the Subcommittee on Forests and Public Lands Management, U.S. Senate, Washington, D.C 20510. For further information, please call Michael Flannigan at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Production and Regulation.

The hearing will take place Thursday, March 30, 1995 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 283, a bill to provide for the extension of the deadline under the Federal Power Act applicable to two hydroelectric projects in Pennsylvania, and for other purposes, S. 468, a bill to provide for the extension of the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Ohio, and for other purposes, S. 543, a bill to provide for the extension of the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes, S. 547, a bill to provide for the extension of the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes, S. 549, a bill to provide for the extension of the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas, S. 552, a bill to provide for the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act and for other purposes, S. 595, a bill to provide for the extension of a hydroelectric project located in the State of West Virginia.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Howard Useem at (202) 224–6567.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COATS. Mr. President, I ask unanimous consent that the committee on armed services be authorized to meet on Thursday, March 23, 1995, at 2 p.m. in open session, to receive testimony on the Department of Defense Medical Program and related health care issues in review of the defense authorization request for fiscal year 1996 in the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, March 23, 1995 session of the Senate for the purpose of conducting an executive session and markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 23, 1995, for purposes of conducting a Full Committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 575, a bill to provide Outer Continental Shelf [OCS] Impact Assistance to State and local governments, and S. 158, a bill to encourage production of domestic oil and gas resources in deep water on the OCS.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. COATS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet for a business meeting Thursday, March 23, at 9:30 a.m. to consider S. 534, S. 268, S. 503, and other pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 23, 1995, at 10 a.m. to hold a hearing on Reorganization and Revitalization of America's Foreign Affairs Institution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 23 at 10 a.m. for a markup on S. 291, the Regulatory Reform Act of 1995, and S. 343, the Comprehensive Regulatory Reform Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, March 23, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MEDICAID AND HEALTH CARE FOR LOW INCOME FAMILIES

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Medicaid and Health Care for Low Income Families of the Finance Committee be permitted to meet on Thursday, March 23, 1995, beginning at 2 p.m. in room SD–215, to conduct a hearing on Medicaid 1115 Waivers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to meet Thursday, March 23, at 2 p.m. to conduct a hearing on legislation to approve the National Highway System and transportation issues related to clean air conformity requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE NATION OF BELARUS

• Mr. D'AMATO. Mr. President, I rise today to express my continued support for the nation of Belarus and its citizens on the upcoming 77th anniversary of the creation of their great country.

On March 25, 1918, in the final months of World War I, the nation of Belarus was founded. Shortly after the war ended, the Red Army of the Soviet Union seized Belarus, beginning Belarus' long hard battle against Soviet communism. During World War II 25 percent of Belarus' population was obliterated while fighting the Axis Powers of Germany and Italy. Untold numbers died at the hands of the Soviets as well.

For over 70 years the Belarusan people were forced to live under the iron fist of Communist rule. The Communist-led Soviet Union held no regard for the lives of any of its citizens, and the brutal Soviet dictators routinely incarcerated or shot anyone not conforming to their rule.

Then in 1990 the years of enslavement for Belarus came to an end as Belarusan freedom fighters issued a declaration of sovereignty, detailing their goal to become a neutral, nonnuclear state. On December 25, 1991, the United States recognized independent Belarus as a sovereign nation, allowing the people of Belarus to hold their heads high once again.

The end of one exhausting journey signifies the beginning of another. The people of Belarus must now fight to maintain their right to liberty and territorial sovereignty. Extremists within the current Russian regime are once again attempting to control Belarus through unfair economic and military treaties. This attempt to destroy the natural rights of the people of Belarus, a people who fought and overcame one of the most oppressive regimes in the history of man, must not be allowed to occur.

Mr. President, I want the Belarusan people, both in Belarus and here in the United States of America to know that I stand with them in their fight to maintain the right to freedom and self-determination that was denied them for so long.•

SESQUICENTENNIAL ANNIVERSARY OF WINSLOW TOWNSHIP, NJ

• Mr. BRADLEY. Mr. President, I rise today to commemorate the 150th anniversary of the founding of Winslow Township, New Jersey. Originally a sleepy farming community, Winslow has developed into a unique hybrid, encompassing both rural and urban elements within its 54 square miles.

With roots firmly planted in New Jersey's farming community, Winslow has played an increasingly important role in the State's agricultural industry throughout the years. It is Winslow Township's renowned peaches that help make New Jersey fourth in the Nation in production of this crop. Blessed not only with fertile farmland, the Winslow Township area also enjoys a close relationship with two of New Jersey's greatest natural resources, the Pinelands and the Great Egg Harbor River. The magnificent Pine Barrens, a national wilderness preserve, is popular with hikers, nature enthusiasts, and canoeists. The Great Egg Harbor River is also a favorite with canoeists and fishermen, and is home to hundreds of different species of fish, mammals, reptiles, birds, and amphibians.

Coexisting with Winslow's natural riches are urban areas of great diversity. Described by its residents as a "microcosm of America," Winslow is ethnically, racially, and socioeconomically diverse. The small town belief that fellow residents are actually friends and family has allowed Winslow's different groups to live harmoniously as their community has grown. Different communities and forces have influenced the development of Winslow Township, and the town has profited from them. The rolling farmlands and local winery shape Winslow Township as surely as the new pockets of urban development. Children of New Jersey's most recent immigrants share classes in Winslow's outstanding school system with the great-great-grandchildren of the Italian farmers who helped found the town.

Winslow Township may be a small town, but the lessons it offers us in community and modern living are broad in scope. These lessons are simple, for they are all rooted in one common theme and that theme is respect. Respect for the beauty and riches of our environment, from which we can derive both pleasure in recreation and products with which to earn a living; respect for diversity and the lessons we cannot afford to ignore about the larger world in which we live; and finally, respect for community—the civil society in which all Americans make their homes, sustain their marriages, raise their families, hang out with their friends, meet their neighbors, educate their children, and worship their God.

Mr. President, I congratulate Winslow Township once again, on their sesquicentennial anniversary.•

TRIBUTE TO COMMANDER LORENZO "PETE" CASALEGNO

• Mr. WARNER. Mr. President, I rise to recognize the dedication, public service, and patriotism of Comdr. "Pete" Casalegno, U.S. Navy, for 30 years of unselfish service to our Nation in both the U.S. Air Force and the U.S. Navy.

Commander Casalegno's military service began in 1965 when he enlisted in the U.S. Air Force and served as a weather observer and forecaster. A veteran of the Vietnam war, he served as a member of the combat weather team at Tan Son Nhut, Vietnam, from December 1967 to December 1968.

Upon graduation from the University of San Francisco, Commander Casalegno was commissioned and subsequently designated as a naval flight officer. After completion of advanced training in the E–2 Hawkeye aircraft, Commander Casalegno was assigned to Carrier Airborne Early Warning Squadron 114 and completed two overseas deployments onboard the U.S.S. *Kitty Hawk* (CV–63) and the U.S.S. *Coral Sea* (CV–43). During this assignment, Commander Casalegno completed arduous qualifications as officer of the deck and tactical action officer.

After graduating from the United States Postgraduate School in 1981 with a master of science in systems engineering, Commander Casalegno was assigned to the staff of Cruiser Destroyer Group Three as assistant air operations and electronic warfare officer. Involved in frequent deployments to both the Western Pacific and Southwest Asia, Commander Casalengo participated in military operations following the fall of the Shah of Iran, and numerous humanitarian operations.

In 1985, Commander Casalegno reported to Carrier Airborne Early Warning Squadron 116, where he served as operations officer and maintenance officer during deployments to the Western Pacific and Southwest Asia. Commander Casalegno was involved in operations which included escorting U.S. merchant ships through the Straits of Hormuz and retributive strikes on Iranian oil facilities.

Following this tour, Commander Casalegno was assigned to the staff of Commander Allied Forces Southern Europe in Naples, Italy. As a staff officer, he was involved in numerous North American Treaty Organization operations, including support of allied forces during Operations Desert Shield and Desert Storm.

In 1990, Commander Casalegno was assigned as the United States Navy Exchange Officer to the Royal Navy's Maritime Tactical School in Portsmouth, England, where he trained senior allied officials in the employment of naval forces. In 1994, Commander Casalegno returned to the United States to serve at the Navy's Tactical Training Group, Atlantic Fleet, as the air defense instructor.

Commander Casalegno, his wife Marla, and his sons Cory and Phillip are stalwart Americans whom have sacrificed greatly for the past 30 years. Commander Casalegno has honorably and faithfully upheld the Nation's special trust and confidence conveyed through his military commission. In every way, he has lived up to his oath of office and bore true faith and allegiance to our Constitution and the Nation. It gives me great pleasure to recognize Commander Casalegno before my colleagues and wish him all of our best in his retirement.●

REGARDING IRAN

● Mr. D'AMATO. Mr. President, I rise today to briefly discuss Iran. As we have all read, Iran has placed chemical weapons on disputed islands in the Strait of Hormuz. They have also placed at least 6,000 troops on these islands. It is becoming very clear that Iran is not content with projecting its twisted criminal acts of terrorism through third parties. They are now, like with the case of the placement of Hawk missiles a few weeks ago, issuing a direct challenge to the West in the waterway so vital to the flow of oil: the Persian Gulf.

As I have spoken on other occasions regarding Iran, we face a dangerous situation there. To compound this, we are forced to admit that Iran's military and terrorist operations are being subsidized by the purchase of Iranian oil by overseas subsidiaries of American oil companies, with the oil being resold overseas. This practice, stemming from a loophole in the regulations governing our embargo with Iran, is perfectly legal. This, however, does not make it morally right.

It is precisely for this reason that I introduced S. 277, the Comprehensive Iran Sanctions Act of 1995. We need a total United States trade embargo against Iran. We can no longer subsidize vast military buildups and terrorist operations sponsored by Iran against United States interests and United States allies.

In this regard, I ask that a statement by Prof. Patrick Clawson of the Institute for National Strategic Studies of the National Defense University, be printed in the RECORD, following the text of my remarks.

In this, "Policy Watch" statement of the Washington Institute, Professor Clawson details effects of a total trade ban on Iran. I urge my colleagues to read it to help them determine how we might best deal with this burgeoning threat from Iran.

The statement follows:

ESTIMATING THE EFFECTS OF COMPREHENSIVE UNITED STATES SANCTIONS ON IRAN

(By Patrick Clawson)

Secretary of Defense Perry's statements in Bahrain today highlighting the "potential threat" of Iran's deployment of "8,000 military personnel * * * anti-ship missiles, air-defense missiles and chemical weapons" on disputed Persian Gulf islands will renew debate over imposing comprehensive economic sanctions on Iran. A key element of that debate is the argument that sanctions would have no effect on Tehran but would impose a considerable burden on the United States. This claim is not accurate: unilateral U.S. sanctions would cost Iran money. Lost revenue could affect Iranian actions, and the forgone business would be no great loss to the U.S. economy.

HOW SANCTIONS WOULD COST IRAN MONEY

Comprehensive U.S. sanctions on Iran would reduce Iran's foreign exchange receipts several ways:

Oil Trade. Iran sells about one-fourth of its exported oil to U.S.-owned firms. In the event of sanctions, Iran would have to sell this oil to other oil companies. Iran would have no difficulty finding other buyers for the oil, but the loss of access to U.S. firms will have a price for Iran. U.S. firms are prepared to offer slightly better terms than firms from other countries, which is exactly the reason why Iran has been selling to the U.S. companies. When it can no longer sell to the U.S. firms, Iran will lose that extra margin. The exact size of its margin is unclear, but most probably less than $50 million per year—admittedly small relative to Iran's oil income ($12–15 billion, depending on oil prices).

Planned Oil Swaps Involving Iran and Former Soviet States. The U.S.-led consortiums producing oil in Kazakhstan and Azerbaijan are planning to ship oil to Iran across the Caspian Sea. Iran would use that oil in its northern cities, especially Tehran, while increasing the export of Iranian oil from the Gulf. This swap arrangement, which could start in a matter of months, is supposed to be temporary. But nothing lasts as long as a temporary deal. Iran will earn several tens of millions of dollars a year in profits and cost-savings from this arrangement. These swaps have all the earmarkings of being another Conoco case—the U.S. government signals the U.S. oil firms that the deal is permissible, but when the public announcement is made, the political reaction is such that the U.S. government has to feign shocked indignation.

Oil Field Renovation and Expansion. Iran's oil fields are old; production will decline unless Iran develops more difficult-to-reach offshore areas and/or uses sophisticated techniques to recover more oil from aging fields. European oil technology is about as good as the United States, but Iran has found that U.S. firms offer good terms for oil equipment, as testified by Iran's desire to use Conoco over the French firm Total for developing the fields off Sirri Island. Now that President Clinton has ordered U.S. firms not to invest, European firms will step in, at somewhat higher cost to Iran.

Investor Confidence. Comprehensive U.S. sanctions will add to the impression that Iran is a politically risky place to do business. European investors and bankers are already hesitant about Iran because of its heavy indebtedness, and Iranian businessmen are worried about increasing government restrictions. It is possible that comprehensive U.S. sanctions would trigger a further run on Iranian currency, which has already lost a third of its value in the last three months.

In short, sanctions would cost Iran tens of millions, if not a hundred million or more dollars a year in export revenues and in capital invested in the country.

AND THE EFFECT ON THE ISLAMIC REPUBLIC'S BEHAVIOR

Because comprehensive U.S. sanctions could reduce Iran's income by several tens of millions of dollars each year, the pressure on the Iranian budget, already under tight constraints, would be even greater. This could force Iran to decrease its military spending, given the difficulties of making adjustments elsewhere, e.g., on food supports and social welfare projects.

Indeed, one of the unsung accomplishments of the current U.S. policy towards Iran is its success in forcing Iran to curtail its ambitious 1989 plan for acquiring a large-scale modern military. Iran planned to buy $10 billion in arms in 1989–1993, primarily from the Soviet Union. The arms purchases had to be cut in half when Iran was locked out of world capital markets, thanks to both its own incompetent economic practices and to U.S. pressure not to make politically-motivated loans to Iran. The difference in military potential is highly significant. Today Iran is a threat in certain areas, mostly terrorism and weapons of mass destruction. Had Iran carried out its 1989 plan, its conventional forces would pose an even more urgent and worrisome threat than they currently do.

The impact of comprehensive U.S. sanctions should not be oversold, however. While they may reduce Iranian military spending some, there is no prospect that the Islamic Republic would fall because of sanctions. The fate of the Islamic Republic will be decided largely by internal factors, over which the U.S. has little or no influence.

IRAN'S SHRINKING ECONOMIC RELEVANCE

Some argue that the U.S. should woo Iran because it is the strategic prize in the Persian Gulf region. As far as economics are concerned, this view is outdated: Iran is no longer a country with great economic significance.

Iran is not an oil superpower. Iran produces less oil today than it did in 1970. While production has soared in other parts of the world, it has steadily declined in Iran. In 1970, Iran produced almost 9 percent of the world's oil; today, it produces only about 5 percent. Moreover, it has to invest several billion dollars a year just to maintain its present output.

Iran is not a lucrative market. Iran's imports in 1994 were little more than $12 billion, which was less than it imported in 1977. Iran's imports in 1994 were less than one-half of one percent of world imports, whereas in 1977, its imports were 1.5 percent of the world total. The simple fact is that Iran's economic importance faded along with its oil wealth.

No one action itself will bring about the change Washington wishes to see in Iran and in Iranian behavior. But the best chances of success, especially over the long term, come from a firm stance in defense of U.S. principles. The bitter lesson of the last 15 years, learned from experiences like the Iran-Contra affair, is that the United States cannot expect moderation in Iranian foreign policy if it extends a hand of friendship.

A TRIBUTE TO LARRY PLOTT AN OUTSTANDING IDAHOAN

• Mr. KEMPTHORNE. Mr. President, I rise today to honor Mr. Larry Plott, the current director of the Idaho Peace Officers Standards and Training Academy, who has announced that he will be retiring March 31, 1995, after 37 years of service to the State of Idaho. Larry has had a distinguished career in law enforcement, and I would like to enumerate a number of his achievements and accomplishments.

Though he was born in Kansas, Larry was raised on a farm south of the city of Twin Falls. Although he liked farming, he always had a dream of being an Idaho State patrolman. Upon graduation from Twin Falls High School in 1956, he went to San Francisco where he attended the City College of San Francisco, graduating with a degree in criminology.

At this point, he returned to Twin Falls where he was hired to work as a dispatcher and jailer with the Twin Falls County Sheriff's Office. He married Marilyn Ruhter from Filer on March 1, 1959, and was promoted to roving deputy that same year. It was at this time that he began an illustrious career of revolver and automatic handgun shooting. Over the 25 years that Larry shot competitively, he garnered over 250 trophies for State and regional championships and was awarded the Distinguished Pistol Shooting Medal for .22 .38 and .45 caliber by the United States Army Reserve, one of only four Idahoans ever to receive this honor. He also has been a member of the FBI's Possible Club since 1972. To achieve a Possible, one must shoot a perfect score over a 50-yard course from various positions using both the left and right hand. Larry also augmented his shooting expertise by learning the art of quick-draw. In the early 1970's he met Officer Dan Combs from the Oklahoma Highway Patrol, who was a national quick-draw specialist. Inspired by Combs' influence, Larry not only learned and mastered quick-draw himself, but he then incorporated a demonstration of the technique into his firearms safety programs at local schools and other community and civic events.

In April 1960, Larry joined the Idaho State Police (ISP) and was stationed at the Huetter Port of Entry in Coeur d'Alene. After a year there, he returned to Twin Falls and worked at the Hollister Port of Entry until 1962, at which time his dream came true and he was promoted to the ISP patrol. Driving the familiar black and white stripped car #476, with two whip antennas flipping in the back, Larry became a familiar site throughout the District #4 Twin Falls area. After three years he was transferred to the Wood River Valley as the ISP resident patrolman, where he stayed until 1969.

In January 1970, he was offered a position as a training coordinator at the newly created Peace Officers Standards and Training (POST) Academy in Pocatello, then under the auspices of the Idaho State University. He resigned from the ISP, and moved his family to Pocatello. After two years as training coordinator he was promoted to Director of POST, a position where he has been responsible for training all the law enforcement officers throughout the entire state of Idaho.

Since his installment as Director of POST, Larry has supervised and instructed at all of the 105 sessions that have come through the training academy. Officers in a session attend POST for seven weeks, and upon completion of the basic course, are awarded a diploma of certification. These officers come from all the law enforcement agencies in the state including the Idaho State Police, the Idaho Fish & Game, Idaho Parks & Recreation, port-of-entry officers, prosecuting attorneys, and all county and city officers. Idaho law requires that an officer must be certified by POST to remain in law enforcement.

As Director of POST, Larry has set new exemplary training standards that other states are now attempting to follow. In 1972, Larry attended the FBI Academy in Quantico, Virginia, and was impressed by the high quality of training given to the agents. There, attention was not only given to firearms expertise, but to physical fitness and knowledge of the law. Larry has focused on all three of these areas at POST, and has developed the Idaho POST Academy into one of the finest police academies in the United States.

The programs and changes that have been implemented by Larry since he took over as Director of POST and numerous and impressive. He:

Instituted the first mandatory physical fitness requirements for the POST program in the United States.

Compiled/assembled the first Abridged Edition of the Idaho Criminal Code for Idaho police officers.

Developed the first law enforcement career camps for Idaho youth. For this he received the Kiwanis International Award for Service to the Community and the Citizens of Idaho.

Brought the first Executive Command College to Idaho, taught by the FBI.

Developed requirements for 15 categories of training certification and classification for police, deputies, and detention officers. He also developed a classification program for dispatchers and jailers.

Created a spouse relationship program for police officers, which was the first of its kind in Idaho and the United States.

Originated the Governor's Ten pistol competition.

Authored, proposed, and was instrumental in getting a fee assessment passed through the Idaho legislature for funding of the POST Academy.

Obtained college credit approval for courses taught at POST, allowing officers to earn up to 12 college credits.

Developed a public open house at the POST Academy.

Designed the following training certificates: Basic, Intermediate, Advanced, Master, Supervisor, Management, Executive, Jailer, Canine, Reserve, Marine Deputies, and Dispatchers.

Not only has Larry strived for a higher level of excellence for all the police officers in Idaho, but has applied those standards to himself, and is one of the best examples of an individual who practices what he preaches. For example, he not only designed the training certificates awarded by POST, but earned several of them himself, including the Basic, Intermediate, Advanced, Supervisor, Management, and Instructor. The Idaho Department of Law Enforcement recently awarded him the Outstanding Administrator Award, one of their highest honors.

Larry has written and had numerous articles published in various bulletins and magazines including: The FBI Bulletin, The Winning Edge, and The IPOA Magazine. He has also written special segments for the Idaho Association of Counties and Cities, and for the past 18 years has published the POST Bulletin. He is currently the President of the International Association of State Law Enforcement Training Directors (IASLET) for the northwest Region, and is the Past President of the National Association of State Directors of Law Enforcement Training (NASDLET). Larry also served as President of the Idaho Peace Officers Association (IPOA), and is currently a board member of the Law Enforcement Television Network (LETN).

Always urging his officers to stay physically fit, Larry began running in 1975 and has continued to this day. He has competed in several races since then, and won Gold, Silver and Bronze medals in varying events at both the World Police/Fire Olympic Games in Vancouver, and the northwest regional Games. He also served as Director for the 1990 Northwest Police/Fire Olympic Games in Boise, and is a current board member for the northwest region. In 1983 he ran the Great Potato Marathon in Boise. He and his wife Marilyn have already announced their intent to hike the entire Appalachian Trail this year which extends from Georgia to Maine.

Finally, I would like to commend Larry not only for his brilliant career in law enforcement, but for his outstanding contribution to the officers and individuals who have been blessed by his service. He and his wife Marilyn have raised four beautiful children, Angela, Tony, Stacey, and Marty, who are now pursuing careers and raising families of their own.

Larry's contribution to Idaho has been great and extensive. However, I know that his retirement from the POST Academy will be the opening of another door and a new challenge for this very exceptional individual. I am proud to have had the opportunity to honor him here today.●

UNANIMOUS CONSENT AGREEMENT—H.R. 831

Mr. GRASSLEY. Mr. President, further on behalf of the majority leader, I ask unanimous consent that at 10 a.m. on Friday, March 24, the Senate begin consideration of calendar No. 34, H.R. 831, the self-employed health insurance bill, and that it be considered under the following agreement: 5 hours on the bill, to be equally divided in the usual form; that no amendments be in order other than the committee-reported substitute.

I further ask that following the conclusion or yielding back of time, the Senate proceed to a vote on the committee substitute, to be followed by third reading and final passage, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCOLADES TO SENATOR McCAIN

Mr. BIDEN. Mr. President, I rise to make a very brief statement and ask for a speech to be printed in the RECORD. I attended the National Veterans of Foreign Wars Convention and heard a speech delivered by one of our colleagues that I think is one of the finest speeches I have ever heard any of our colleagues deliver, although it was not on the Senate floor. It was delivered before several thousand veterans of foreign wars.

It was delivered by our colleague, JOHN MCCAIN, from the State of Arizona, in response to being the recipient of Legislator of the Year, picked by the veterans, the VFW.

I strongly commend it to my colleagues, because it is the most articulate statement I have ever heard, and I believe one of the most articulate they will ever read, about what it means to serve one's country.

I will say now what I said to JOHN MCCAIN after he delivered that speech, after listening to him: That is the JOHN MCCAIN that I knew 20 years ago. I am glad to see it is still the same JOHN MCCAIN.

I ask unanimous consent that the address by our colleague, Senator JOHN MCCAIN, at the National Veterans of Foreign Wars Convention, March 7, 1995, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN MCCAIN, BEFORE THE VETERANS OF FOREIGN WARS, MARCH 7, 1995

Thank you. I fear I cannot adequately express my deep gratitude for the great honor you have done me by giving me this award. As often as we are the targets of public abuse, politicians also often find we are the recipients of undeserved acclaim. After a while, one learns to keep both scorn and praise in perspective. They come with the job.

Tonight is different. I am deeply moved to be recognized for some small service by you who have distinguished yourselves by your service to our country in war. For most of us, it has been many years since we wore the uniform. But it is still the opinion of those who wore the uniform that matters most to us. I want to thank you very much for choosing me to receive the VFW's Congressional Award. It is an honor I will long cherish.

I will also long remember the honor the people of Arizona have bestowed upon me by trusting me to represent their interests in Congress. I believe they would understand, however, when I say that I once knew a greater honor. It is an honor I share with all of you, an honor we learned about in America, but experienced in someone else's country. It is the great honor of knowing your duty and ransoming your life to its accomplishment.

I was blessed to have been born into a family who made their living at sea in defense of their country's cause. My grandfather was a naval aviator; my father a submariner. They were my first heroes, and their respect for me has been the most lasting ambition of my life. It was nearly pre-ordained that I would someday find a place in my family's profession, and that my fate would carry me to war.

Such was not the case for most of you. Your ambitions did not lead you to war; the honors you first sought were not kept hidden on battlefields. Most of you were citizen-soldiers. You answered the call when it came; took up arms for your country's sake; and fought to the limit of your ability because you believed your country's welfare was as much your responsibility as it was the professional soldier's.

I did what I had been prepared for most of my life to do. You did what I did but without the advantages of training and experience that I possessed. You were kids when you saw combat. I was thirty years old. I believe you outranked me.

I do not mean to dismiss the virtues of the professional soldier. I consider my inclusion in their ranks to be the great honor of my life. The Navy was and yet remains the world I know best and love most. The Navy took me to war.

Unless you are a veteran you might find it odd that I would be indebted to the Navy for sending me to war. You might mistakenly conclude that the secret veterans' share is that they enjoyed war.

We do share a secret, but it is not a romantic remembrance of war. War is awful. When nations seek to resolve their differences by force of arms, a million tragedies ensue. Nothing, not the valor with which it is fought nor the nobility of the cause it serves, can glorify war. War is wretched beyond description. Whatever gains are secured by war, it is loss that the veteran remembers. Only a fool or a fraud sentimentalizes the cruel and merciless reality of war.

Neither do we share a nostalgia for the exhilaration of combat. That exhilaration, after all, is really the sensation of choking back fear. I think we are all proud to have once overcome the paralysis of terror. But few of us are so removed from the memory of that terror to mistake it today for a welcome thrill.

What we share is something harder to explain. It is in part a pride for having sacrificed together for a cause greater than our individual pursuits; pride for having your courage and honor tested and affirmed in a fearsome moment of history; pride for having replaced comfort and security with misery and deprivation and not been broken by the experience.

We also share—and this is harder to explain—the survivors' humility. That's a provocative statement, I know, and the non-veteran may easily mistake its meaning. I am not talking about shame. I know of no shame in surviving combat. But every combat veteran remembers those comrades whose sacrifice was eternal. Their loss taught us everything about tragedy and everything about duty.

I suspect that at one time or another almost everyone in this room has been called a hero for having done their duty. It is at that moment that we feel most keenly the memory of our comrades who did not return with us to the country we love so dearly. I cannot help but wince a little when heroism is ascribed to me. For I once watched men pay a much higher price for that honor than was asked of me.

I am grateful, as we all are, to have come home alive. I prayed daily for deliverance from war. No one of my acquaintance ever chose death over homecoming. But I witnessed some men choose death over dishonor. The memory of them, of what they bore for country and honor helped me to see the virtue in my own humility.

It is in that humility—and only in that humility—that the memory of almost all human experiences—love and hate, loss and redemption, joy and despair, suffering and release, regret and gratitude—reside. In the end, that is the secret that veterans share.

It is a surpassing irony that war, for all its unspeakable horrors, provides the combatant with every conceivable human experience. Experiences that usually take a lifetime to know are all felt—and felt intensely—in one brief moment of life. Anyone who loses a loved one knows what great loss feels like. Anyone who gives life to a child knows what great joy feels like. The veteran knows what great joy and great loss feel like when they occur in the same moment, in the same experience.

That is why when we are asked about our time at war, we often offer the contradictory response that it was an experience that, if given the choice, we would neither trade nor repeat. The meaning behind that response is powerful, and I fear that my own powers of expression have failed to explain it clearly. But you know what I am talking about, and in gratitude for the honor you have bestowed on me, I wanted to this evening talk about things I more often leave unexpressed.

Perhaps, I should talk about the veterans issues before the 104th Congress. But no doubt you have by this point in your convention heard from both Congress and the Administration a great many promises to protect and advance the interests of American veterans. For my part, I would simply affirm that the sacrifices borne by veterans deserve to be memoralized in something more lasting than marble or bronze or in the fleeting effect of a politician's speech. Your valor and your devotion to duty have earned your country's abiding concern for your well-being. I am, I assure you, committed to honoring that debt.

I suspect you already knew that or you would not have honored me with this award. And, as I said, I wanted to talk of other things as well tonight, of the experiences we share and the memory that holds us to one another.

Let me talk now of what you gave your country, the contribution for which the nation is in your debt. It is more than the battles you won. More than Iwo Jima or Midway or the Battle of the Bulge. More than the Chosin Reservoir or Inchon. More than flights over that most heavily defended enemy capital, Hanoi. More than Khe San or the I Drang.

All these battles, all these grim tests of courage and character have made a legend of the American fighting man's devotion to duty in every community in America. And it is the lesson of your courage that will help instruct those who will defend our country tomorrow in their duty. For they will seek to immortalize in their own devotion to duty your valor and the long and noble history of a free people's defense of their liberty. Their character will be derived in part from their appreciation of your character.

You know, as well as I, that the world in which they shoulder their responsibilities is an uncertain one. Our familiarity with man's inhumanity to man assures us that Americans will be asked someday to again bear sacrifices that only the brave can endure. That burden will be their honor, as it was once ours.

I have memories of that honor that caution me to this day to be careful when asking such sacrifices of others. But I fear that the day will come when my caution is overcome by necessity.

Last June, the free world celebrated one of the greatest battles in the long struggle against tyranny—the invasion of Normandy. President Clinton, quite appropriately, memorialized the occasion by recognizing the profound debt the world owes to the veterans of D Day. In the President's words: "they saved the world."

Our world, then and now, is indeed the consequence of their suffering on killing grounds that were once and are again quiet beaches in a peaceful corner of the free world. But the memory of their sacrifice, and the memories of sacrifice that are held by all of you, caution us always to never assume that peace is the normal state of world affairs.

I have memories of a place so far removed from the comforts of this blessed country that I have forgotten some of the anguish it once brought me. But my happiness these last twenty years has not let me forget the friends who did not come home with me. The memory of them, of what they bore for honor and country, causes me to look in every prospective conflict for the shadow of Vietnam.

I do not let that shadow hold me in fear from my duty as I have been given light to see that duty. Yet, it no longer falls to me to bear arms in my country's defense. It falls to our children, and our children's children. I pray that if the time comes for them to answer a call to arms, the battle will be necessary and the field well chosen. But that will not be their responsibility. As it once was for us, their honor is in their answer, not their summons.

I trust in their willingness and ability to answer the call faithfully. I hold that trust in deference to memories of brave men lost long ago. I hold that trust in deference to you and the courage with which you came of age during a moment of violence and terror. I know that the cause which you defended will not suffer in our children's hands. They are born into the same traditions, with the same values that empowered us.

I know that on some fitting, distant occasion, young men and women will be instructed in their duty by recalling our children's and our grandchildren's example. And on a quiet beach somewhere, many years from now, the liberated will again gather to pay tribute to the liberators, look upon their seasoned faces and say: they were warriors once and very brave. You and I know how great an honor that is.

Thank you for this award. I will always try to remain worthy of the honor. Good night and God bless you.

ORDERS FOR FRIDAY, MARCH 24, 1995

Mr. GRASSLEY. Mr. President, again for the majority leader, I would ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:45 a.m. Friday, March 24, 1995; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with Senator MCCAIN to be recognized for up to 10 minutes. I further ask that at the hour of 10 a.m, the Senate proceed to the consideration of H.R. 831, the self-employed health deduction bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Again, Mr. President, for our leader, for the information of my colleagues, tomorrow the Senate will consider the self-employed health deduction bill under a previous concept agreement. Senators should be aware that there will be no rollcall votes during Friday's session of the Senate.

On Monday, the majority leader has indicated it will be his intention to proceed to S. 219, the regulation moratorium bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. GRASSLEY. Now, if there is no further business to come before the Senate, I ask that following Senator DASCHLE's statement, the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER THOUGHTS ON LINE-ITEM VETO

Mr. DASCHLE. Mr. President, I did not want to take the remaining moments prior to the time people had the opportunity to vote on the line-item veto, but I did want to speak before the end of the day for a couple of reasons.

First of all, to commend the distinguished Senator from Nebraska and the distinguished Senator from West Virginia, on our side, for their admirable leadership in the effort over the last many days. Their leadership, their expertise, the remarkable contribution that they made to this debate I think lent service to the entire body. I am very grateful to them.

Let me also commend the distinguished Senators from Arizona and Indiana for their work. Certainly as a result of their leadership and commitment they made to this issue for many years, we have now reached the point where this legislation passed tonight on a vote of 69–29.

Mr. President, I voted in favor of this legislation, very, very reluctantly. It is no secret that I have had some very significant concerns about this particular version of line-item veto.

A week ago tomorrow I went to the floor to express my grave concern about the practicality of separate enrollment, about its constitutionality, and about the shift in the balance of power away from Congress and to the White House. I addressed some of those concerns again on several occasions, the latest of which was last evening. I have said all along it was my view that a legislative line-item veto, if done properly, was a very important tool, budgetarily and legislatively.

I have consistently supported the line-item veto on a number of occasions over the past 16 years. So my vote tonight was consistent with that record. But I cast it, as I said, with some reservation.

I did so with the satisfaction that we also achieved some compromise over the course of the last several days. We achieved a better understanding of what would be included in the bill's tax expenditure provisions. In our view, the Republicans have come some distance in accommodating our concern with regard to ensuring that tax expenditures be included in this bill, that special-interest tax breaks be exposed to the same critical review by the President as other spending.

We were also able to ensure that the savings generated here would be locked in, locked in to deficit reduction and nothing else. I was disappointed with the vote tonight on the Byrd amendment, because I thought that would go even further toward ensuring that our purpose in this regard would be clearly understood from the very beginning. I thought the leadership provided by the Senator from West Virginia was very important in articulating clearly our desire to have all savings designated for purposes of deficit reduction and nothing else.

I was pleased, as well, that we were able to accommodate the concern that many had about separate enrollment. While this was not a perfect solution, at least we may have a little more practical understanding of how this bill, with its many pieces, would be packaged and sent to the President in a form that may allow us constitutionally to deal with the issue of separate enrollment, if not practically.

I still have some fundamental concerns about the practicality of requiring separate enrollment and separate signatures, about the practicality of, line by line, taking a simple bill and making it as complex as the separate enrollment process will make it.

Clearly, it is a start. It is an effort at compromise. Indeed, I believe that we have accommodated that concern to the extent that it was possible at the end of this debate.

In terms of the constitutionality of this proposal, I think it is important that we approved an amendment ensuring judicial review of the proposal. The courts will now have the ability to assess the constitutionality of this legislation.

The constitutionality of this particular version of line-item veto may be in doubt. But we have a provision in place now that will allow Members to review and to come to some conclusion about the constitutional viability of this legislation at an early date. That, too, in my view, was an improvement in this piece of legislation.

Third, let me say that I think it is very important that everyone understand this bill has a life—a life and a death, frankly. When the year 2000 approaches, we will have a much better understanding of whether or not this worked, whether or not it was practical, certainly whether or not it was constitutional, whether or not we have succeeded in preserving the balance of legislative responsibility between the President and the Congress. So, in the year 2000, knowing all of that, we will be in a much better position to determine whether or not this ought to be extended, whether or not it ought to be given a new life.

So that sunset provision, in my view, was critical to coming to the conclusion I did about this particular piece of legislation. This is not permanent. It is an experiment. It is an opportunity for us to see whether it will work.

Senator BYRD and others have raised some very legitimate concerns, both constitutionally and in many other ways. We will learn, over the course of the next 5 years, whether they need to be addressed, to what degree they should be addressed, and ultimately what if any changes may be necessary prior to the time this legislation is extended for any length of time after the year 2000.

Finally, let me say I am very concerned about the budgetary implications of what we do here. We have had a very vigorous debate on a constitutional amendment to balance the budget, on proposals to lay out a plan by which we achieve a balanced Federal budget by a date certain. We all recognize we have to make some tough decisions about what will be spent, how it will be spent, what if any tax changes we make—ultimately, what conclusions we can make with regard to the difficult, vexing problem we face with regard to the deficit in the oncoming years. If we do not have the tools available to us to make those decisions in a meaningful way, then I fear we will never achieve what we all say we want.

This is a tool. It may be a blunt instrument. It may be a precision tool. We do not know yet. But we do know it ought to give us yet one more opportunity to say with some confidence that, indeed, we are going to get our hands on the budget, our grip on the deficit, in a way that will allow us a greater degree of confidence that indeed we can succeed in these coming years.

It may not be the tool I would have chosen first. It may not be the tool I believe ought to ultimately be preserved in law in perpetuity. But it is a tool that will allow us for the next 5 years to make some effort to do what we desperately need to do, and that is find a way to reduce the deficit, find a meaningful way to assess our expenditures, find a way to ensure that we pass the best possible piece of legislation each and every time it involves spending. That is what this allows us to do, and I am very hopeful that we have made the right decision tonight.

This has been another in an ongoing series of debates about how best to accomplish deficit reduction and a meaningful plan for balancing the budget. I hope that our colleagues can now come together on other issues, as well, especially on that which we have felt all along is needed, if indeed this or anything else is going to work, and that is a budget plan that will accomplish the deficit reduction we need.

There are now 8 days left before the legal deadline, before the Budget Committee must report a budget resolution. There are 23 days prior to the time this body must act on a budget resolution. We tell the American people they need to pay their taxes by April 15. The law also requires that we pass a budget resolution by April 15. That, too, is a tool. That, too, ought to be something that has the priority that the line-item veto had this week.

I am hopeful we still can meet that goal. I am not optimistic. But whether it is April 15 or some time shortly thereafter, let us use that tool as well to achieve what we know we must. We know we must make the tough decisions and it is time we get on with it.

We have made a tough decision tonight. I think, all things considered, it was the right decision.

Again, let me commend those who had a role to play in the debate. It was a good debate, a debate that educated the American people and certainly our colleagues with regard to the implications of this legislation.

I think the Congress has served its role very well. I commend those involved and I now yield the floor.

RECESS UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 9:45 a.m. tomorrow, March 24, 1995.

Thereupon, the Senate, at 10:05 p.m, recessed until Friday, March 24, 1995, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 23, 1995:

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

MARY S. FURLONG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1999, VICE DANIEL W. CASEY, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

JEFFREY M. LANG, OF MARYLAND, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RUFUS HAWKINS YERXA, RESIGNED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

JEROME A. STRICKER, OF KENTUCKY, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 1998, VICE SHIRLEY CHILTON-O'DELL, TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ROBERT A. KOHN, OF MARYLAND
JERRY K. MITCHELL, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CAROLS F. POZA, OF FLORIDA
YING PRICE, OF MARYLAND
ROBERT A. TAFT, OF CONNECTICUT

THE JUDICIARY

CARLOS F. LUCERO, OF COLORADO, TO BE U.S. CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE A NEW POSITION

CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

WENONA Y. WHITFIELD, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS, VICE WILLIAM L. BEATTY, RETIRED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATE CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be Major

ADAMS, JOHN A. [redacted]
*ALLEN, NORMAN F. [redacted]
*BALDWIN, GREGORY T. [redacted]
BARNES, TRACY A. [redacted]
*BECKER, PETER G. [redacted]
BRENNER-BECK, DRU A. [redacted]
*BROWN, RICHARD O., I [redacted]
*BUTLER, STEVEN E. [redacted]
*CHIARELLA, LOUIS A. [redacted]
*CHITWOOD, MITCHELL [redacted]
*CORE, DAVID A. [redacted]
*CORN, GEOFFREY S. [redacted]
*COZZIE, ROBERT M. [redacted]
*DOSS, ANN M. [redacted]
*ECONOM, SHELLEY R. [redacted]
EINWECHTER, JOHN P. [redacted]
*FORD, FRED K. [redacted]
*GARRETT, JAMES F. [redacted]
*GERESKI, JOHN T. [redacted]
*HAWK, SAMUEL D. [redacted]
*HAYES, CHARLES D., JR [redacted]
*KEE, CONRAD S., I [redacted]
*KERN, WILLIAM R. [redacted]
*KEY, JAMES D. [redacted]
*KRIVDA, MARY K. [redacted]
*LAHM, DAVID M. [redacted]
*LERCH, CHRISTINE [redacted]
MARTIN, EDWARD J. [redacted]
*MC CORD, MARY M. [redacted]
*MURPHY, JEROME A. [redacted]
*NANCE, JEFFERY R. [redacted]
*NICASTO, ANTHONY P. [redacted]
O'BRIEN, EDWARD J. [redacted]
*PARK, KATHRYN S. [redacted]
*PARKER, CURTIS A. [redacted]
*PEDE, CHARLES N. [redacted]
*PERRITT, BILLY D [redacted]
*PODLASKI, KEVIN P. [redacted]
*REDMON, STEPHEN T. [redacted]
*RISCH, STUART W. [redacted]
*SAINSBURY, MICHAEL [redacted]
*SAVAGE, ANGELA S. [redacted]
*SEITSINGER, MARK W. [redacted]
*SHEERAN, EDWARD J. [redacted]
*SIEMIETKOWSKI, JOHN [redacted]
*SMITH, MICHAEL E. [redacted]
STOREY, ERIC G. [redacted]
*STRUNCK, THOMAS F. [redacted]
*TOZZI, KENNETH J. [redacted]
*TURNEY, PAUL H. [redacted]
*WALTERS, STEVEN M. [redacted]
*WILKERSON, LAUREL L. [redacted]
*WOLLSCHLAEGER, DARI [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR TRANSFER INTO THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531: U.S. MARINE CORPS AUGMENTATION LIST.

To be captain

ALLEN, DAVID F. [redacted]
ALPERT, CHRISTOPHER J. [redacted]
ANDERSON, JAMES P. [redacted]
ARAUJO, THEODORE L. [redacted]
ASKEW, JAMES B. [redacted]
ATKINS, CYNTHIA M. [redacted]
AUDSLEY, WALTER W. [redacted]
BARGER, DANIEL P. [redacted]
BARR, ROBERT S. [redacted]
BEUKE, JAMES F., JR [redacted]
BLAU, JEFFREY L [redacted]
BLESSING, MICHAEL A. [redacted]
BLOT, HAROLD W., JR. [redacted]
BOOS, GERALD F., JR. [redacted]
BOYER, RICHARD T. [redacted]
BOZEMAN, KENNETH M. [redacted]
BRENNAN, JAMES C. [redacted]
BRIGHT, JAMES M. [redacted]
BROUGHTON, ALLEN D. [redacted]
BROWN, GREGORY R. [redacted]
BROWN, WILLIAM M., JR. [redacted]
BUDDE, MARK V. [redacted]
BULLARD, KIMBALL S., III [redacted]
BULMAN, TIMOTHY P. [redacted]
BURLINGAME, JOHN C. [redacted]
BURTON, DAN E. [redacted]
CANNION, DWAYNE K. [redacted]
CANTRELL, THOMAS L [redacted]
CAPUTO, RICHARD L., JR [redacted]
CARTER, MICHAEL L. [redacted]
CASSIDY, TIMOTHY M. [redacted]
CEDERHOLM, MICHAEL S. [redacted]
CHABOLLA, MIGUEL [redacted]
CHATMAN, ALEXANDER A., JR. [redacted]
CHENAIL, KEVIN M. [redacted]
CHRISTENSEN, JERRY T [redacted]
CLARK, ALAN B. [redacted]
CLARK, BART W. [redacted]
CLARK, JAMES C. [redacted]
CLARKSON, JOHN B. [redacted]
CLOSE, BRADLEY C. [redacted]
COKE, CHRISTOPHE P. [redacted]
COKER, STEVEN K. [redacted]
CONLEY, SEAN P. [redacted]
CORDELL, ROGER L. [redacted]
COTE, JOHN D. [redacted]
COTE, ROBERT P. [redacted]
COX, MICHAEL E. [redacted]
CROSS, KENNETH H. [redacted]
CURATOLA, JOHN M. [redacted]
DARCY, PATRICK J. [redacted]
DEFFENBAUGH, LANCE D. [redacted]
DELACRUZ, STEVE A. [redacted]
DEMERS, JEFFREY R [redacted]
DEVLIN, JEFFREY S [redacted]
DIBENEDETTO, ANTHONY P., JR [redacted]
DICKERSON, WILLIAM N. [redacted]
DINGEE, ANDREW J. [redacted]
DUNKIN, STEVE M. [redacted]
DUNN, JEFFREY M. [redacted]
EGENOLF, ROBERT W. [redacted]
EHNOW, ROBERT M. [redacted]
EVERETT, CURTIS J [redacted]
EZYK, DAVID A. [redacted]
FACUNDUS, JOHN E. [redacted]
FAIRCLOTH, JOHN K., JR [redacted]
FEENEY, JAMES P. [redacted]
FEGARD, STEPHEN A. [redacted]
FERNANDEZ, MICHAEL M. [redacted]
FLANERY, PATRICK S. [redacted]
FOGG, MICHAEL D. [redacted]
FORCUM, LYLE E. [redacted]
FORD, ROBERT B. [redacted]
FRENCH, CHRISTOPHER L [redacted]
GAITHER, MICHAEL S. [redacted]
GALLAGHER, JOSEPH V., III [redacted]
GALLIGAN, PATRICK J [redacted]
GARFIELD, PETER J [redacted]
GASKILL, THOMAS M. [redacted]
GEISLER, MATTHEW J [redacted]
GILLCRIST, EDWARD [redacted]
GILMORE, ANDREW J. [redacted]
GIUDICE, RICHARD J. [redacted]
GORSKI, ROBERT B. [redacted]
GOULET, JOSEPH R. [redacted]
GRASSO, DOMINIC A. [redacted]
GREENWOOD, FREDERIC J. [redacted]
GROGAN, PETER A. [redacted]
GRUTER, JESSE L [redacted]
GUZMAN, RANDOLPH A. [redacted]
HAHN, CHET P. [redacted]
HARDMAN, KYLE E. [redacted]
HARGIS, DARREN L. [redacted]
HATHAWAY, SETH A. [redacted]
HENDERSON, CHARLES R. [redacted]
HENRY, JOHN M. [redacted]
HERRERA, JAMES H. [redacted]
HESFORD, JOHN P., JR [redacted]
HITCHCOCK, MICHAEL C. [redacted]
HOGAN, JOHN S. [redacted]
HUTCHINSON, MICHAEL T. [redacted]
HYAMS, HENRY M., III [redacted]
JACKSON, BRIAN L. [redacted]
JENKINS, OLIVER G [redacted]
JENNINGS, STEPHANIE C [redacted]
JESSUP, KARLA M. [redacted]
JOHNSON, BRANDON F. [redacted]
JOHNSON, THOMAS V. [redacted]
JOHNSON, JAMES C., JR [redacted]
KEENEY, JEROME T., III [redacted]
KIEFNER, MATTHEW A. [redacted]
KILLEA, KEVIN J., [redacted]
KIMBROUGH, RONALD S. [redacted]
KING, LONNIE F. [redacted]
KNABEL, JOHN F. [redacted]
KNUTH, MARK D. [redacted]
KOCHANSKI, ROBERT J. [redacted]
KOJAC, JEFFREY S [redacted]
KRAFFT, JOHN C. [redacted]
KREKEL, ROBERT A. [redacted]
KU, BRIAN L. [redacted]
KUDSIN, MICHEL W. [redacted]
KUHN, BRIAN E. [redacted]
KUMAGAI, KIRK J. [redacted]
LANDECHE, LANCE K. [redacted]
LAO, RAMON [redacted]
LARSON, KURT B. [redacted]
LEMONS, GREGORY L. [redacted]
LIBERACE, JAMES P. [redacted]
LIZOTTE, BRIAN B. [redacted]
LOFTESNES, GREGORY C. [redacted]
LUCAS, WILLIAM S. [redacted]
MAC DOUGALL, KEVIN M. [redacted]
MACKIE, THOMAS J. [redacted]
MAC TOUGH, ROBERT B., JR. [redacted]
MANIS, CHRISTOPHER S. [redacted]
MARQUISE, DANIEL R. [redacted]
MARRON, JOSEPH A. [redacted]
MAXWELL, WILLIAM H. [redacted]
MC CARTHY, MICHAEL A. [redacted]
MC CLELLAND, MARC A. [redacted]
MC CONNELL, MARK G. [redacted]
MC COY, MICHAEL G. [redacted]
MC HENRY, FREDERICK S. [redacted]
MC KAY, RAYMOND N. [redacted]
MC LENNAN, SCOTT L. [redacted]
MC NAMARA, BRIAN F. [redacted]
MC NAMARA, JOHN J. [redacted]
MELLOTT, WILLIAM C. [redacted]
MERCADO, LUIS A. [redacted]
MICHAUD, ROBERT C. [redacted]
MICHELSEN, CHRISTOPHER J. [redacted]
MILES, SCOTT G. [redacted]
MILLER, MICHAEL C. [redacted]
MITCHELL, BONNIE J. [redacted]
MOCKBEE, THOMAS B. [redacted]
MONTGOMERY, EDWARD M. [redacted]
MONTGOMERY, JAY B. [redacted]
MORRIS, RONALD M [redacted]
MORSE, LOUIS J., JR. [redacted]
MYRICK, RICHARD E. [redacted]
NELSON, MARK W. [redacted]
NELSON, TROY L. [redacted]
NEMETH, THOMAS J., III [redacted]
NESTER, WALTER J., II [redacted]
NEWMAN, STEPHEN C. [redacted]
O'CONNOR, KEVIN S. [redacted]
O'LEARY, THOMAS J. [redacted]
OWEN, DAVID M. [redacted]
PATTERSON, PAUL D., JR [redacted]
PERLAK, JOSEPH R. [redacted]
PERRY, DUANE B. [redacted]
PERRY, MICHAEL W. [redacted]
PETERS, MARK E. [redacted]
PFISTERER, DAVID P [redacted]
PIERSON, JOSEPH C [redacted]
PINNEY, CHARLES D. [redacted]
POHLMAN, DAVID L. [redacted]
POMATTO, MICHAEL P [redacted]
PRIMM, STEPHEN W. [redacted]
PUGH, FRANKLIN L., JR [redacted]
PUSKAR, JOHN M. [redacted]
RAY, EDDIE S. [redacted]
REYES, JOHN D. [redacted]
RILEY, PATRICK T. [redacted]
RILEY, RICHARD J. [redacted]
ROSENBERG, ANDRE J. [redacted]
ROSS, SYLVIA D. [redacted]
RUBLE, SAMUEL L. [redacted]
RUTLEDGE, JOSEPH [redacted]
SALAS, BRYAN F. [redacted]
SCALISE, MICHAEL L. [redacted]
SEILHAMER, MARK E. [redacted]
SELLECK, RICHARD M. [redacted]
SEXTON, CLARENCE E., JR. [redacted]
SHARP, JOSEPH W. [redacted]
SHELBURNE, JON W. [redacted]
SHENBERGER, MICHAEL C. [redacted]
SIMPSON, STEPHEN A. [redacted]
SINIFF, DEAN T. [redacted]
SISSON, JOHN A. [redacted]
SMITH, HORACE W. [redacted]
SMITH, JEFFREY A. [redacted]
SMITH, KENNETH [redacted]
SOLLNER, JOHN F. [redacted]
STANTON, JOHN A. [redacted]
STEININGER, ROBERT M. [redacted]
STENBERG, ROLLAND E. [redacted]
STERLING, DONALD G. [redacted]
STOUT, CHARLES D. [redacted]
SULLIVAN, CHRISTOPHE G. [redacted]
SWAN, STUART M. [redacted]
SWARTZ, PETER G. [redacted]
SWEITZER, DOUGLAS J. [redacted]
TAYLOR, TROY D. [redacted]
THIRY, JEFFREY A. [redacted]
THOMAS, JOHN J. [redacted]
TIMBERLAKE, THOMAS B. [redacted]
VARA, JOHN C. [redacted]
VESELY, DALE S. [redacted]
VISTED, WILLIAM A. [redacted]
WALKERWICZ, RONALD C. [redacted]
WALSH, MICHAEL J. [redacted]
WALSH, THOMAS F., III [redacted]
WANG, ALBERT C. [redacted]
WARIS, JAMES R. [redacted]
WELLING, JAMES L. [redacted]
WERTZ, SCOTT C. [redacted]
WHITE, JACK R. [redacted]
WILCOX, ANDREW G. [redacted]
WILEY, DONALD J. [redacted]
WILKES, HERMAN L., JR. [redacted]
WILLIAMS, BRIAN A. [redacted]
WILLIAMS, CHRISTOPHE W. [redacted]
WILLIAMS, JOHN P. [redacted]
WILLSON, BRENT S. [redacted]
WINICKI, ANTHONY A. [redacted]
WOLFE, EDWIN A. [redacted]
WOLFE, RICHARD T., JR. [redacted]
WOODARD, KENNETH M. [redacted]
WOOTEN, MICHAEL E. [redacted]
YOSTEN, BERNARD J. [redacted]

To be first lieutenant

ABBOTT, PATRICK J. [redacted]
AKERS, DARRELL L. [redacted]
ALBERTS, CLINTON D. [redacted]
AMELSE, STEVEN P. [redacted]
ANDERSON, JAMES H., II [redacted]
ARLEDGE, CARA S. [redacted]
ARMELLINO, JOHN, JR. [redacted]
AZEVEDO, ROGER S. [redacted]
BAIRD, ROBERT A. [redacted]
BAKER, DEADRICK D. [redacted]
BARNES, LEWIS R. [redacted]

BARTELT, BRAD S. [redacted]
BASH, GARY L., JR. [redacted]
BECK, STEPHEN R., JR. [redacted]
BEETH, CLANTON D. [redacted]
BELLON, DAVID G. [redacted]
BEST, WILLIE J. [redacted]
BIANCA, ANTHONY J. [redacted]
BIEN, STEFAN E. [redacted]
BLACKBURN, JAMES M. [redacted]
BLIGH, EDWARD W. [redacted]
BOARDMAN, AMY C. [redacted]
BOTUCHIS, LISA M. [redacted]
BOWEN, JOHN R. [redacted]
BRADLEY, TIMOTHY [redacted]
BRINEGAR, THOMAS J. [redacted]
BRUUN, DOUGLAS B. [redacted]
CALEY, JAMES C. [redacted]
CAMDEN, SCOTT E., [redacted]
CARPENTIERO, MICHAEL A. [redacted]
CASSERLY, LAWRENCE A. [redacted]
CEPEDA, SALVADOR E. [redacted]
CHERRY, IAN G. [redacted]
CHERRY, SEAN T. [redacted]
CHRISTOPHER, JOHN P. [redacted]
CLARK, VINCENT E. [redacted]
COBLE, NEAL S. [redacted]
COCHRAN, DOUGLAS S. [redacted]
CONGDON, WILLIAM J. [redacted]
COOK, BRENDAN G. [redacted]
COOK, MATTHEW S. [redacted]
CORBETT, JOSEPH M. [redacted]
CORCORAN, KEVIN M. [redacted]
CORDOVA, KIRK F. [redacted]
GOUGHLIN, KEVIN M. [redacted]
COUNTS, DWIGHT N. [redacted]
CURTIS, JENS A. [redacted]
DALLMAN, JON M. [redacted]
DAVIES, EVAN W. [redacted]
DAYZIE, LADANIEL [redacted]
DEPPA, BRIAN N. [redacted]
DEWYEA, THOMAS P. [redacted]
DILL, JEFFREY J [redacted]
DISNEY, JAMES W. [redacted]
DIXON, CHRISTOPHE G. [redacted]
EATON, DUSTIN C., [redacted]
EBELING, WILLIAM S. [redacted]
EHLERT, CHARLES E. [redacted]
ESTEPP, JACK E [redacted]
ETTIEN, STEVEN D. [redacted]
FARRIS, DAVID L. [redacted]
FERRIS, TRENT J [redacted]
FIELD, GEOFFREY H. [redacted]
FOSTER, JONATHAN D. [redacted]
FOSTER, ROGER A. [redacted]
FRAMPTON, JAMES S [redacted]
FREDERICK, THOMAS E. [redacted]
GANN, MICHAEL J., II [redacted]
GAUL, DAVID E. [redacted]
GIBSON, HAROLD K. [redacted]
GOODES, JEFFERY, O [redacted]
GRAHAM, WILLIAM L. [redacted]
GRAY, DONALD E., JR. [redacted]
GRIGGS, DUDLEY R. [redacted]
GRUENDEL, DARREN J. [redacted]
GUARNIERI, CHRIS T. [redacted]
HAIRSTON, REGINALD L. [redacted]
HALLSTROM, SCOTT V. [redacted]
HARRISON, LYLE M. [redacted]
HARWELL, BRETT A. [redacted]
HAWKINS, DOUGLAS A. [redacted]
HAYES, KENT W. [redacted]
HEARN, JEFFERY M. [redacted]
HENDERSON, SCOTT H. [redacted]
HENSEY, DAVID A. [redacted]
HENSIEN, JAMES R. [redacted]
HIGGINS, RONALD M. [redacted]
HOLLON, ROY F. [redacted]
HOSMER, MARK N. [redacted]
HOTTENDORF, JOSEPH K. [redacted]
HOWARD, TONY L. [redacted]
HUBBARD, MICHAEL P. [redacted]
HUMPHREY, RUSSELL W. [redacted]
HUNT, JEFFREY L. [redacted]
HUNTLEY, PETER D. [redacted]
INGRAM, DENNIS J. [redacted]
IULO, JAMES T [redacted]
JACKSON, MICHAEL S. [redacted]
JACOBS, JON M. [redacted]
JAKOVICH, EDWARD K., III [redacted]
JENKINS, ROBERT P., JR [redacted]
JENSEN, LARS D [redacted]
JOERGER, CHARLES A. [redacted]
JOHNSON, JEFFREY J [redacted]
JOHNSTON, KEVIN O. [redacted]
KAVANAGH, KEVIN J. [redacted]
KEELER, CURTIS R. [redacted]
KEOUGH, LAURENCE L., III [redacted]
KERZIE, TODD A. [redacted]
KETCHEM, MATTHEW D. [redacted]
KING, JAMES A. [redacted]
KNAPP, SCOTT F. [redacted]
KNARR, KENNETH A. [redacted]
KOONS, DAVID G. [redacted]
KREBS, DAVID A. [redacted]
KUHN, THOMAS E. [redacted]
LADOUCEUR, DAVID L. [redacted]
LANCASTER, DAVID W. [redacted]
LAND, OMAR D. [redacted]
LAUGHEAD, PAUL A. [redacted]
LEFAN, BRUCE W. [redacted]
LEIBA, HOWARD A. [redacted]
LENOX, PAUL T. [redacted]
LEONARD, SCOTT D. [redacted]
LESHO, PAVEL T. [redacted]
LEVY, MICHAEL J. [redacted]
LIMON, SALVADOR L., III [redacted]
LITTLE, JOHN A. [redacted]
LIZOTTE, MARIA C. [redacted]
LONGWELL, DANIEL E. [redacted]
LUIZ, ANTHONY R. [redacted]
LUKEZ, FRANK A. [redacted]
LUPER, PHILLIP T [redacted]
LYNNE, REX D. [redacted]
MAC INTYRE, DOUGLAS J. [redacted]
MADSEN, JOHN C. [redacted]
MALEC, MICHAEL W. [redacted]
MANNING, MICHAEL A. [redacted]
MANSON, JOHN M., II [redacted]
MANUEL, ANTHONY J. [redacted]
MARBLE, ERIC S. [redacted]
MARKAKOS, PETER S. [redacted]
MARTIN, MICHAEL S. [redacted]
MATOS, JOSEPH A. [redacted]
MATTHES, DANIEL W. [redacted]
MC BRIDE, SEAN M. [redacted]
MC CARTHY, KYLE B. [redacted]
MC CARTHY, ROBERT E., III [redacted]
MC CONNELL, STEWART C. [redacted]
MC DONNELL, MICHAEL T. [redacted]
MC DONOUGH, JOHN E. [redacted]
MC GOWAN, BRANDON D. [redacted]
MC KNELLY, LAWRENCE S. [redacted]
MC KNIGHT, JOHN G. [redacted]
MC LELLAN, ARCHIBALD M. [redacted]
MC NAMARA, CRAIG P. [redacted]
MEANS, FLOYD M., JR. [redacted]
MEZAORTEGA, GUILLERMO G. [redacted]
MILBURN, ANDREW R. [redacted]
MILLER, LINDA A. [redacted]
MONTALVO, WILLIAM C. [redacted]
MOOREFIELD, DAVID C. [redacted]
MORRIS, DAN E. [redacted]
MURPHY, MARK A. [redacted]
NASH, CHRISTOPHE B. [redacted]
NYKANEN, MICHAEL D. [redacted]
O'HORA, DANIEL P. [redacted]
O'NEAL, MICHAEL S. [redacted]
OSBORNE, JEFFREY D. [redacted]
OSKAR, DANIEL R. [redacted]
PALOMBO, STEVEN G. [redacted]
PARDUE, CLINTON E. [redacted]
PARK, ROBERT Y. [redacted]
PASAGIAN, ARTHUR J. [redacted]
PATALINO, PATRICK M. [redacted]
PEMBER, MYLES F., IV [redacted]
PERKINS, LIONEL P., II [redacted]
PETERS, NICHOLAS W. [redacted]
PETERSON, TYROME A. [redacted]
PETIT, PAUL T., II [redacted]
PHILLIPS, RICHARD L., I [redacted]
PIERSON, GRAHAM C. [redacted]
POWELL, DOUGLAS M. [redacted]
PRATT, PAUL J. [redacted]
PRIEST, THOMAS E. [redacted]
RALSTON, MINTER B., IV [redacted]
RASMUSSEN, JOHN, G., II [redacted]
REID, DESMOND A., JR. [redacted]
REVENTLOW, KEITH D. [redacted]
RICE, JAY N. [redacted]
RICHARDSON, DEREK G. [redacted]
RICHARDSON, PAUL W. [redacted]
RINE, ERIC L. [redacted]
ROBINSON, GREGORY L. [redacted]
ROMASKO, EDWARD H. [redacted]
ROSS, RANDY W. [redacted]
RUNYAN, MICHAEL A. [redacted]
RUOCCO, JOHN F. [redacted]
RUSH, RICHARD C. [redacted]
SALVADORE, ANTHONY M. [redacted]
SAYER, BRICE D. [redacted]
SBRAGIA, CHAD L. [redacted]
SCHAFFER, BRENT C. [redacted]
SCHMID, STEVEN J. [redacted]
SCHOLER, MARK T. [redacted]
SCHWEITER, HERBERT E. [redacted]
SCOTT, CHRISTOPHE B. [redacted]
SEEK, DWIGHT C. [redacted]
SEIFFERT, BRIAN F. [redacted]
SHARKEY, JOHN J., JR. [redacted]
SHERMAN, BRETT T. [redacted]
SIDES, CHARLES L. [redacted]
SIMMONS, DEREK E. [redacted]
SISAK, THOMAS J. [redacted]
SKINNER, GREGG [redacted]
SMITH, HOWARD P., JR. [redacted]
SPATARO, JOSEPH P. [redacted]
STALLWORTH, CLAUDE A. [redacted]
STEHLY, JOSEPH A. [redacted]
STOCKS, JAMES A. [redacted]
SULLIVAN, DANIEL R. [redacted]
SULLIVAN, PAUL A. [redacted]
SVENDSEN, STEVEN R. [redacted]
TAVUCHIS, CHRISTOPHE A. [redacted]
THOENE, MAX E. [redacted]
THORNTON, PAUL, R., III [redacted]
TODD, KEVIN L. [redacted]
TONTINI, JEFFREY S. [redacted]
TRAMONT, ROBERT L. [redacted]
TWOHIG, BELINDA L. [redacted]
URIBE, RICK A. [redacted]
VANMESSEL, JOHN A. [redacted]
VINCENT, ERIC L. [redacted]
WALTER, MARK M. [redacted]
WARD, WALTER D. [redacted]
WARE, HUGH R. [redacted]
WARE, STEVEN C. [redacted]
WASHBURN, JAMES S. [redacted]
WEICK, DANIEL H. [redacted]
WELCH, JERALD R. [redacted]
WENDLING, FRANK E. [redacted]
WEST, JERRY J., II [redacted]
WESTER, SEAN D. [redacted]
WHALEY, STEVEN L. [redacted]
WHEELER, KENT E., [redacted]
WHITESIDE, DWAYNE A. [redacted]
WILLIAMS, KARL E. [redacted]
WISCHMEYER, WILLIAM D., JR. [redacted]
WOODCOCK, JONATHAN A. [redacted]
WOODS, JEFFREY K. [redacted]
WORTH, CALVERT L., JR. [redacted]
WOULFE, JAMES B. [redacted]
WRIGHT, ARTHUR L. [redacted]
WRIGHT, BRIAN P. [redacted]
WRIGHT, CARL M., III [redacted]
WYNN, GERARD A., JR. [redacted]
ZELLER, SIDNEY G. [redacted]
ZUCHRISTIAN, CHRISTOPHE M. [redacted]
ZURLINI, CRAIG R. [redacted]

To be second lieutenant

BURTON, TIMOTHY G. [redacted]
FERARES, FREDERICK G. [redacted]
HASLE, CARLTON W. [redacted]
RINEHART, KURT A. [redacted]
STEPHENS, THOMAS S., JR. [redacted]
WANDO, WILLIAM M. [redacted]

THE FOLLOWING-NAMED LIMITED DUTY OFFICERS OF THE REGULAR MARINE CORPS FOR APPOINTMENT AND DESIGNATION AS UNRESTRICTED OFFICERS IN THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589: U.S. MARINE CORPS UNRESTRICTED LIST.

To be major

CLARKE, HOWARD P. [redacted]

To be captain

PETRUZZIELLO, MICHAEL A. [redacted]

THE FOLLOWING-NAMED OFFICER OF THE U.S. NAVY FOR TRANSFER INTO THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531:

To be captain

WILLIAMS, EUSEEKERS, JR. [redacted]

IN THE NAVY

THE FOLLOWING-NAMED CAPTAIN IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS, THEREFORE, AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

JOHN B. PADGETT III [redacted]

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

ANDREWS, VINCENT J. [redacted]
ARROWOOD, ROGER A. [redacted]
BADGER, CARLOS S. [redacted]
BAKER, JEFFREY W. [redacted]
BELCHER, CHARLES G. [redacted]
BERTSCH, FRED S., III [redacted]
BOOKERT, REUBIN B. [redacted]
BOYER, JAMES C. [redacted]
BOZIN, STANLEY D. [redacted]
BRADO, ROBERT F. [redacted]
BRANNON, ROBERT B. [redacted]
BRIGGS, ALFRED N., III [redacted]
BROWN, JERRY J. [redacted]
BURLINGNAME, NEIL C. [redacted]
CALLAND, ALBERT M., III [redacted]
CAMPBELL, JAMES L. [redacted]
CAREN, MARK S. [redacted]
CASSIAS, JEFFREY B. [redacted]
CHRISTENSON, JOHN D. [redacted]
CHRISTMAN, WILLIAM E. [redacted]
CLARK, FRANK N. [redacted]
COOPER, JAMES S. [redacted]
CORRIGAN, DENNIS M., [redacted]
CRAFT, WILLIAM P [redacted]
DAVIDSON, LYAL B [redacted]
DEARTH, RANDOLPH S. [redacted]
DEASARO, LOUIS P [redacted]
DENIS, DAVID A. [redacted]
DESTEFANO, ROBERT [redacted]
DEWEY, BRIAN E. [redacted]
DONNELLY, JOHN J. [redacted]
DONOVAN, THOMAS J. [redacted]
DONOVAN, WALTER J., JR. [redacted]
DOUGLASS, STANLEY W. [redacted]
DUFFIE, DAVID A. [redacted]
ECKELBERRY, JOHN R. [redacted]
EVANOFF, JOHN D., II [redacted]

FABER, GERALD W. [redacted]
FALZETTA, OTTAVIO A. [redacted]
FLAMMANG, HAROLD J., JR. [redacted]
FOLLY, FRANK E. [redacted]
FOREMAN, DAVID E. [redacted]
FOSTER, RICHARD P. [redacted]
FUQUA, MICHAEL T. [redacted]
FURSMAN, THOMAS M. [redacted]
GALLAGHER, RICHARD K. [redacted]
GARRETT, CARL E., JR. [redacted]
GARRETT, GENE W. [redacted]
GIBSON, JAMES H. [redacted]
GOVE, DAVID A. [redacted]
GREGORY, THOMAS J. [redacted]
GUTH, JAMES D. [redacted]
HAEFNER, ALAN M. [redacted]
HALLOWELL, PAUL E., JR. [redacted]
HARDEMAN, EDWARD L. [redacted]
HAWKS, LEE A. [redacted]
HEATH, RONALD Y. [redacted]
HEELY, TIMOTHY L. [redacted]
HEINE, DAVID G. [redacted]
HERBERT, MAURICE M. [redacted]
HICKS, WILLIAM M. [redacted]
HILL, GEORGE C. [redacted]
HOLT, ROBERT L. [redacted]
HOPPOCK, RONALD E. [redacted]
HORSMAN, JOHN P., JR. [redacted]
HOVATTER, PATRICK J. [redacted]
HUFFINE, CHARLES H. [redacted]
HUNT, PATRICK W. [redacted]
JABLONSKI, EDWARD R. [redacted]
JAGOE, DONALD A. [redacted]
JASKOT, RICHARD D. [redacted]
JENSEN, RICHARD J. [redacted]
JOHNSON, SCOTT T. [redacted]
JONES, GARY R. [redacted]
JORDAN, WILL H. [redacted]
JOYCE, MAURICE S. [redacted]
KASER, ROBERT D., JR. [redacted]
KASKY, PHILIP C. [redacted]
KIRCHER, HARTMANN J., IV [redacted]
KNIGHT, JAMES T. [redacted]
KNOUSE, CRAIG R. [redacted]
KOLLMORGEN, LELAND S. [redacted]
KRULL, RODGER P. [redacted]
KUPPERS, ROBERT H., JR. [redacted]
LEE, JAMES E., JR. [redacted]
LEGHART, MARTIN J.S. [redacted]
LEMEN, JON F. [redacted]
LENCI, MARK R. [redacted]
LINSCOTT, JEFFREY D. [redacted]
LIPPERT, ROLLIN G. [redacted]
LOHOSKI, EDWARD F., JR. [redacted]
LONG, LINDA D. [redacted]
LOPEZ, DAVID R. [redacted]
LUCK, CHARLES W. [redacted]
LUKE, RICHARD T. [redacted]
LYNCH, JOHN [redacted]
LYONS, JAMES E. [redacted]
MACINTYRE, JOHN M. [redacted]
MATHEWS, MICHAEL J. [redacted]
MAULDIN, RICHARD J. [redacted]
MAUNEY, CARL V. [redacted]
MAWHINNEY, DAVID A. [redacted]
MAYER, GEORGE E. [redacted]
MCCARTHY, WILLIAM J. [redacted]
MCDONOUGH, ROBERT J. [redacted]
MCKINLEY, GARY M. [redacted]
MCNAMARA, CHRISTOPHER P. [redacted]
MERRILL, ROY A., III [redacted]
MILLER, BRUCE E. [redacted]
MORRELL, KENNETH A., JR. [redacted]
MORRIS, LOUIS F. [redacted]
MOYE, WILLIAM C. [redacted]
NATALE, JOSEPH J. [redacted]
NELSON, ARNE J. [redacted]
NORTON, CARLETON P. [redacted]
NOWAKOWSKI, MICHEAL P. [redacted]
O'BRIEN, DAVID R. [redacted]
O'CONNOR, THOMAS J., JR. [redacted]
OFFER, DEREK F. [redacted]
OWSLEY, ROBERT C. [redacted]
PATTOON, DANIEL C. [redacted]
PERKINS, RICHARD C. [redacted]
PETERSON, GARY A. [redacted]
PURCELL, MARC L. [redacted]
READE, ANTHONY R. [redacted]
ROGERS, EDWARD J., III [redacted]
SALTER, LARRY G. [redacted]
SCHERER, ROBERT J., JR. [redacted]
SCHOULTZ, ROBERT P. [redacted]
SCHUTZENHOFER, ROBERT R. [redacted]
SERFASS, PAUL T., JR. [redacted]
SHARP, MICHAEL A. [redacted]
SLOSS, DANIEL D. [redacted]
SMITH, JOHN W. [redacted]
SNYDER, JAMES S. [redacted]
SQUICCIARINI, PETER D. [redacted]
STAFFORD, JOE N. [redacted]
STAIR, GERALD K., JR. [redacted]
STANLEY, PAUL S. [redacted]
STANTON, PAUL E. [redacted]
STARK, JAMES K., JR. [redacted]
STROTT, JOHN B. [redacted]
SWEENEY, ROBERT L., III [redacted]
SWEET, WILLIAM J. [redacted]
TAYLOR, DAVID C. [redacted]
TEATES, JOHN F. [redacted]
TENGA, RICHARD [redacted]
THOMAS, DAVID L. [redacted]
TOWNER, RICHARD L. [redacted]
TRACY, MICHAEL C. [redacted]
TUOHY, MATTHEW W. [redacted]
VERNON, ROBERT J. [redacted]
WALLACE, JUSTIN, L. [redacted]
WALSH, JOHN J. [redacted]
WALTERS, CLYDE T. [redacted]
WEAVER, KEITH T., II [redacted]
WEBBER, CHARLES F. [redacted]
WEGNER, BRIAN J. [redacted]
WELLOCK, STEPHEN M. [redacted]
WEST, ROBERT C. [redacted]
WETHERBEE, JAMES D. [redacted]
WILLIAMS, RICHARD B. [redacted]
WILLIAMS, RUSSELL T. [redacted]
WILLIS, MONTGOMERY P. [redacted]
WOODS, JAMES A., JR. [redacted]
WYATT, CHARLES A. [redacted]
ZACHARIAS, DAVID A. [redacted]
ZAZWORSKY, DANIEL S. [redacted]
ZELLER, RNADEL L. [redacted]

ENGINEERING DUTY OFFICERS

To be captain

ARMSTRNG, DAVID T., JR. [redacted]
BOURNE, CARLTON M. [redacted]
BROOKS, JEFFREY A. [redacted]
BUTLER, JOHN D. [redacted]
CONNELL, ROGER J., JR. [redacted]
EDWARDS, JOHN A. [redacted]
HAMMER, DAVID A. [redacted]
LANGAN, JOHN R. [redacted]
LUEBKE, WILLIAM H. [redacted]
LYMAN, KATHLEEN M. [redacted]
MARSH, BERT [redacted]
MASON, BRADLEY J. [redacted]
NOLLIE, THOMAS C., JR. [redacted]
O'HARE, MARK S. [redacted]
PARKER, FREDERICK H. [redacted]
RIES, DANIEL E. [redacted]
SCHWARTING, RICHARD A. [redacted]
SIEDBAND, MARC A. [redacted]
TODD, GREGORY B. [redacted]
VIOLETTE, THOMAS F. [redacted]
WEBB, KENNETH R. [redacted]
WILHOIT, GEORGE Z. [redacted]

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be captain

CURTIS, JOHN T. [redacted]
GAGNON, DONALD R. [redacted]
JEWETT, CHARLES E. [redacted]
KUPOVITS, TERRY M. [redacted]
LANGFORD, JOHN D., JR. [redacted]
LEEDY, DAVID H. [redacted]
MESSERSMITH, ROGER J. [redacted]
MOEBIUS, RICHARD C. [redacted]
NOVAK, PAUL M. [redacted]
ROGERS, WALTER L. [redacted]
SPILMAN, THEODORE L., III [redacted]
THUOT, PIERRE J. [redacted]

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be captain

CLAWITER, JAMES H. [redacted]
GIBSON, STEVEN B. [redacted]
MARKS, KENNETH A. [redacted]
WEAKLEY, RANDY G. [redacted]

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be captain

BERNAS, BARRY L. [redacted]
KURZANSKI, EDWARD J. [redacted]
MCDONALD, MELVYN K. [redacted]
NEWMAN, JAMES S. [redacted]
PEYRONEL, SHARON A. [redacted]
SCAGNELLI, MICHAEL L. [redacted]

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be captain

ABBOTT, EDWIN D. [redacted]
DOVE, THOMAS E. [redacted]
LAWRENCE, MARK S. [redacted]
MYERS, ERIC M. [redacted]
RICHASON, STEVEN K. [redacted]
VAUGHN, HOLLY A. [redacted]
WEIDMAN, ROBERT P. [redacted]
WILSON, WALTER E. [redacted]

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be captain

ARTERBURN, GEORGE K., JR. [redacted]
CARMAN, JOHN W. [redacted]
GRAHAM, SHEILA A. [redacted]
HONDA, STEPHEN [redacted]
KUDLA, JAMES M. [redacted]
PRITCHARD, ROBERT S. [redacted]
VANDYKE, MARK A. [redacted]

SPECIAL DUTY OFFICERS (FLEET SUPPORT)

To be captain

AUGUSTINE, MARILYN J. [redacted]
BAILEY, ROSALIND T. [redacted]
BAIVIER, ANITA G. [redacted]
BEATTY, FLORENCE E. [redacted]
BROWN, NANCY E. [redacted]
CRAWFORD, BILLIE E. [redacted]
CRISP, DONNA L. [redacted]
DRISLANE, PATRICIA A. [redacted]
FICHTE, SUSAN D. [redacted]
HINE, CATHERINE E. [redacted]
HONEY, NANCY E. [redacted]
ILLIG, CHRISTINA F. [redacted]
JACOB, JODEE C. [redacted]
MAYBAUMWISNIEWSKI, SUSAN C. [redacted]
MCCULLOM, SARAH S. [redacted]
OAKLEAF, ANN C. [redacted]
STARZY, VIRGINIA L. [redacted]
USHER, JILL R. [redacted]
WEST, CAROL [redacted]
WHITEHEAD, CORNELIA D.G. [redacted]
YATES, SANDRA J. [redacted]

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be captain

CLARK, ROBERT L. [redacted]
DONALDSON, THOMAS Q.V. [redacted]
RANELLI, PETER H. [redacted]
SWAYKOS, JOSEPH W. [redacted]

LIMITED DUTY OFFICERS (LINE)

To be captain

GLIDDEN, ERIC S. [redacted]
HANSON, JAMES H. [redacted]
JAEH, ROLAND, H. [redacted]
PROCTOR, DANNY L. [redacted]
REA, JERRY F. [redacted]

HOUSE OF REPRESENTATIVES—*Thursday, March 23, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us, O God, of the privilege of public service, a calling to represent people with wisdom and diligence and perseverance. May not the difficulties of any time cause us to lose the vision of those goals that unite us as one people, of those ideals that express our expectations and our yearning for justice. Give each person, gracious God, the strength of character and the integrity of the heart, that will enable us to be the people You would have us be. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. GUTIERREZ] come forward and lead the House in the Pledge of Allegiance.

Mr. GUTIERREZ led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that there will be 20 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, for too long, this institution has lost faith because we have been unable to restore the integrity of this institution. But we are here now to restore the——

The SPEAKER. Will the gentleman suspend. The Chair notes a disturbance in the Visitors Gallery in contravention of the law and the rules of the House.

The doormen and police will remove from the gallery those persons participating in the disturbance.

The Chair will re-recognize for his full time the gentleman from Kansas.

Mr. TIAHRT. I thank the Speaker. I did not realize I would have such an impact on the audience today.

The SPEAKER. The Chair commends the gentleman from Kansas who can arouse such spirit of interest but recommends he start over.

Mr. TIAHRT. I thank the Speaker.

Mr. TIAHRT. For too long, Mr. Speaker, America has lost faith in this institution, because we were unable to focus on the integrity that is required on the floor of the House. We are here to restore faith in this institution, in America. Our Contract With America on the very first day of Congress changed the way business was done. We required Congress to live under the same laws as everyone else. We cut committee staffs by one-third. We cut the congressional budget.

Then during the first 100 days we have gone on to keep our promises: a balanced budget amendment; unfunded mandate legislation; line-item veto; a new crime package to stop violent criminals; National Security Restoration Act to protect our freedoms; Government regulatory reform, and commonsense legal reform.

We are now working on welfare reform so that we can encourage work, restore hope in people and not dependence on the Government. We are working on it now. We hope to have it passed by this week. We are cracking down on deadbeat dads.

In the near future we are going to be dealing with tax cuts for middle-American families.

There is going to be a Senior Citizens Equity Act, congressional term limits, all are going to be dealt with.

We are here to restore faith in this institution for the American public.

This is our Contract With America, Mr. Speaker.

TERM LIMITS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, today I want to send a special message to the people of the Sixth District in Georgia. I want to inform you that your Congressman, Mr. GINGRICH—whom you first elected in 1978—supports limiting members to 12 years of service.

In a press conference endorsing the 12-year limit, the Speaker, now in his 17th year, said: "The balance of power in favor of professional politicians as incumbents * * * has made a mockery of the process of open elections."

So, that must mean that each election held in Georgia's Sixth District since 1990, when Mr. GINGRICH's 12 years were up, has been a mockery.

If I lived in Georgia, I'd be concerned to hear that I had voted in a "mockery" of an election. In fact, three of them, since 1990.

But, there is a remedy. No, not a special election, and, no, we don't have to ask President Carter to monitor the elections, even though he lives right there. The solution is real term limits, retroactive term limits. Now, it is hard work to be the Speaker, but, it should not be too much trouble to actually live by the words that you speak.

CHANGING THE FAILED WELFARE SYSTEM

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, one of our liberal Democratic colleagues, the gentleman from California [Mr. MARTINEZ], said during the general debate Tuesday that the welfare system was originally conceived to help children.

If that is the case, there has never been a clearer example of unintended consequences. For it is a sad fact that the current welfare system has been a disaster for children. Study after study shows that children on welfare do worse in school, are more likely to have other developmental problems, and are three times as likely as the average child to end up on welfare themselves.

Yet my liberal colleagues constantly parade to the floor to defend a system, their system, that has produced nothing but misery.

What do the liberals have against work? What do they have against personal responsibility? Why do they defend a system that has resulted in an explosion of illegitimacy in this country?

The American people are fed up with an immoral system that rewards personally destructive behavior. But this week, we finally begin to change the welfare system.

SUCCESSFUL WELFARE ALUMNI

(Mr. VOLKMER asked and was given permission to address the House for 1 minute.)

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. VOLKMER. Mr. Speaker, we Democrats are for welfare reform, but we are for meaningful welfare reform. We are not for mean-spirited, radical welfare reform. We are not for taking food away from children and infants and giving it to millionaires, because that is what they do.

They take the $70 billion that they cut from school lunch, from AFDC, from the food stamp bill, and they are going to give it to the millionaires and the big corporations.

I have heard anecdotal statements down here on the floor from that side about what kind of welfare mother we have out there. I want to tell you about some welfare mothers. I am going to give you names. I have not heard one name from that aside.

I am going to give you the name of Ms. Keneetha Jackson, I am going to give you the name of Ms. Reba Brown, and I am going to give you the name of Ms. Shauntel Freelon.

All three of them used to be on welfare, all three of them are no longer on welfare, and Keneetha come May gets a B.A. in business administration from the University of Missouri, my alma mater. She has worked her way out of it. She does not want to be on welfare.

That is the Democratic proposal. Get them off of welfare. Help them out.

ACTIONS SPEAK LOUDER THAN WORDS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, for years the American people have demanded that Washington reform welfare.

For years politicians have talked about reforming welfare.

But for years liberal politicians blocked consideration of an overhaul of our welfare system.

What a difference an election makes.

Before the Republicans were even elected, we promised America that we would reform the welfare state if we were elected to the majority.

Today we are keeping our word. We are replacing a system that abuses children, ensnares generations in dependency, and subsidizes illegitimacy and destructive behavior with billions of taxpayer dollars.

The Republican plan will put millions of people now on welfare back on payrolls. Our bill encourages families and stops paying kids to have kids. We will give power to the States so they can develop local solutions to local poverty problems.

The President may speak about ending welfare as we know it, but it took Republicans to actually turn those words into real and responsible legislative action.

Remember today, actions speak louder than words.

CONGRESS TURNS BACK ON GROWING TRADE DEFICIT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. January's trade deficit hit a record $12.3 billion, ladies and gentlemen.

This is absurd. Everyone in this body knows Japan rips us off. Mexico and China literally have slave labor wages. And Congress debates welfare. Congress debates budgets. Congress turns its back on the trade deficit.

Ladies and gentlemen, the Congress of the United States has betrayed the American worker. Harry Truman is rolling over in his grave.

I have never had one constituent ask me for welfare. My constituents want a job. It is a sad day in America when Congress turns its back and allows White House after White House to make false threats and do absolutely nothing.

Shame, Congress. Jobs is a 4-letter word but it is not a dirty word and it is time we start digging into it.

WELFARE REFORM

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, we must remember that the American people sent us to Washington to downsize and streamline the Federal Government. Working people have consistently paid more taxes each year to combat the war on poverty—which we are losing.

The current system offers benefits to a record 14.3 million people, a 31-percent increase from 1989, which costs taxpayers $325 billion. Our proposal will save taxpayers $66.3 billion over 5 years by streamlining the administrative end and transferring authority over to the States.

This outdated and bureaucratic-laden system subsidizes illegitimacy, breaks up families, and promotes personally destructive behavior.

Let us continue fighting for the taxpayers of America and pass this much needed welfare reform bill.

SCHOOL LUNCH

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Mr. Speaker, Democrats are for cutting spending and cutting the deficit, but do we really have to start with children?

There has been a lot of discussion about how much the Republican plan would cut the School Lunch Program. So when I went home this weekend, I went right to the source. I had lunch with the students at the Dutile Elementary School in Billerica, MA. They filled me in on the missing details.

According to school administrators, the Republican plan would cut $210,000 a year from the Billerica school lunch program which means that 600 students who now get free or reduced lunches will have to find some other way to make up the difference.

Chicken sandwiches and carrot sticks may not seem like much to some Members of Congress who are used to dining out with lobbyists at Morton's eating thick, juicy steaks. But for the kids at the Dutile Elementary School, school lunch is often the only way to get through their day.

There are plenty of places to cut spending on entitlements that will not hurt kids, but instead of cutting the wealthy by closing corporate welfare tax breaks, the Republican plan takes money away from low-income school children and hands it over to people making $100,000 a year.

AFFIRMATIVE ACTION'S TIME HAS PASSED

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute.)

Mr. FUNDERBURK. Mr. Speaker, of all of the destructive ideas invented by the American left, none has been more pernicious than affirmative action. It has changed America from a country grounded in individual rights and merit to one where justice is determined by what is done for, and to, one's racial or ethnic group.

Originally affirmative action was designed to protect men and women who had actually suffered direct discrimination. But now, these laws are used to set aside jobs, contracts, and seats in our best colleges.

Bill Bennett notes that with the helping hand of Federal bureaucrats and an activist judiciary we have actually regressed in race relations because, "you have a combination of resegregation, reseparation, and pseudopsychological nonsense about how skin color means a different identity psychologically."

Mr. Speaker, discrimination is wrong period. It is always wrong and affirmative-action is nothing more than discrimination with the Federal stamp of approval. For the sake of every American it is finally time to end the cult of victimization. It really is past time to end affirmative action as we know it.

REPUBLICAN WELFARE PLAN HURTS CHILDREN

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, out of this debate has come a paradox—a puzzle. The Republicans say that they can save $70 billion through welfare reform. They say they can save that amount and increase spending, at the same time. We say that $70 billion in reduced spending is a cut. They want to use the money saved to give a tax break to the wealthiest Americans. We want to use the money cut to give a break to the children of America.

Who is right? Their bill ends entitlements; sharply cuts back aid to disabled children; allows below inflation growth for food stamps; puts a 5-year spending freeze on the largest cash program; reduces foster care; punishes fatherless children; and cuts off benefits after 5 years. They have the power to force this plan on the American people. Whatever piece of this puzzle you pick, the result is the same. They say they are saving money, but they are sacrificing children.

□ 1015

THE DEFINITION OF BIODIVERSITY

(Mr. GILCHREST asked and was given permission to address the House for 1 minute.)

Mr. GILCHREST. Mr. Speaker, what is biodiversity?

Biodiversity is the overwhelming diversity of life. Each species has a definite and specific role to play in sustaining the dynamics of ecosystem processes as producers, consumers, decomposers, parasites, and predators, and each species occupies a specific niche.

Biodiversity refers to the harmony and tension that exist between all species and ecological systems on the plant. Remove or sufficiently damage one of the components and the entire structure is weakened.

The value of biodiversity to humanity goes far beyond economic utility. Humans are a part of the diversity of life. We rely on it to sustain our existence on this plant. We cannot continue to exist without interaction with other species. We rely on diversity for the air we breathe and the water we drink. The value of biodiversity lies not only in the utilization value of resources, it lies in the intrinsic value of its ability to support life.

CHARGES AGAINST SPEAKER GINGRICH ARE NOT FRIVOLOUS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, Congresswoman Nancy Johnson is right this morning when she says that the charges against Speaker Gingrich are not frivolous. The fact is from across the country the evidence and the calls for an investigation are mounting up. In this last week the Baltimore Sun, the Boston Globe, the Los Angeles Times, and the Chicago Tribune all raised questions about Speaker Gingrich's actions as Speaker and his service in the House of Representatives, raised questions about whether or not he has violated the gift rules in receiving gifts from corporate interests, whether or not he has violated the use of his staff in the production of his book and production of his TV show and his classroom, whether or not he violated the rules of this House by peddling his tapes on the floor of the House.

These are serious questions. Congresswoman Nancy Johnson, the chairman of the Ethics Committee, is quite right. These are not frivolous, but they also are so serious that they should call for a special counsel to provide for an independent investigation of whether or not the Speaker is peddling his office, his position, and his power.

ABRAHAM LINCOLN'S CAN-NOTS

(Mr. LAHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, as the misinformation swirls around the welfare debate, it is important to remember a few principles that have passed the test of time. Our great President Abraham Lincoln had a list of "Lincoln's Can-Nots." Mr. Speaker, here are just a few:

You cannot build character and courage by taking away a man's initiative and independence.

You cannot further the brotherhood of man by inciting class hatred.

You cannot help men permanently by doing for them what they could and should do for themselves.

But, Mr. Speaker, the failure that we call a welfare system snubs these principles. It saps initiative; it does for its victims what they should do for themselves; its defenders stir up class hatred to protect it. It replaces principle with pork, and confuses reason with regulation. As a result, children are born into a world without hope or independence.

Mr. Speaker, answers start with principles. Our welfare reform bill works because it is based on solid, enduring principles. Lincoln would have approved.

THE PHYSICS OF SCHOOL LUNCHES

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I rise today to talk about a simple law of physics: "For every action there is an equal, but opposite reaction." Although it is not a difficult concept to grasp, I would like to offer an example to help my colleagues who may not understand.

Last Friday, I had the opportunity to visit two schools in my district to observe the large number of children participating in the School Lunch Program. My district has been hard hit by a base closure, defense downsizing, and high unemployment.

At both Alessandro and Monterey Elementary Schools, over 80 percent of the children participate in the School Lunch Program. These schools are typical of the numbers of students whose nutritional needs are supplemented by the School Lunch Program in San Bernardino.

If we skimp on meals for hungry school children, we may save money in one area. But those savings will be lost due to increased medical expenses for undernourished children and higher education costs as children are held back in grades because they are not learning at the expected rate, unable to concentrate on an empty stomach. Our local schools may also lose much needed aid due to increased absenteeism due to sick, malnourished children having to stay home.

Throughout the balanced budget amendment debate in this House, my Republican colleagues took to the floor stating that unless we passed that one piece of legislation, our children and grandchildren would face a grim future. What could be more grim than 2 million children going hungry because congressional Republicans cut the School Lunch Program?

These may be simple cuts to make today, but the chain reaction set in motion could be disastrous for our country. Cutting school lunches is not the answer to this country's economic problems.

Let us be sure that we fully understand the opposite reaction to the action of cutting school lunches.

BUILDING BRIDGES

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute.)

Mr. GUTKNECHT. Mr. Speaker, I would like to read this morning a poem from Bill Bennett's book of virtues. It is entitled "The Bridge Builder."

THE BRIDGE BUILDER

(By Will Allen Dromgoole)

This poem speaks of each generation's responsibilities to its successors.

An old man, going a lone highway,
Came, at the evening, cold and gray,
To a chasm, vast, and deep, and wide,
Through which was flowing a sullen tide.
The old man crossed in the twilight dim;
The sullen stream had no fears for him;
But he turned, when safe on the other side,
And built a bridge to span the tide.
"Old man," said a fellow pilgrim, near,
"You are wasting strength with building here;
Your journey will end with the ending day;
You never again must pass this way;
The builder lifted his old gray head:
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth, whose feet must pass this way.
This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be.

He, too, must cross in the twilight dim;
Good friend, I am building the bridge for *him*.''

Mr. Speaker, balancing the budget is not some mean-spirited accounting exercise. It is about preserving the American dream for future generations.

OUR FAILED WELFARE POLICIES OF THE PAST

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, the current welfare system is the $600 toilet seat of social policy. In fact, it is worse. At least after spending $600 on the proverbial toilet seat, we actually got one that did what it was supposed to do. You cannot say that about welfare.

We spend and we spend and we spend. Yet the problems we set out to solve 30 years ago have only gotten worse and worse and worse.

Illegitimacy and teen pregnancy have exploded, leaving in their wake drug abuse and crime. Family breakdown is a national crisis. Moral confusion and antisocial behavior is rampant.

Welfare has failed children more than anyone. Children on welfare do worse in school. They tend to have other developmental problems. They are three times more likely to end up on welfare themselves.

What a perverse and cruel form of compassion that encourages children to have children, and then condemns them to a dead end cycle of government dependency.

We could not consciously design a system that is more cruel to children which is what makes the liberals' defense of this current system all the more perplexing.

Hell hath no fury like a special interest masquerading as a moral principle.

GO AFTER THE CHEATS, NOT THE CHILDREN

(Mr. ROEMER asked and was given permission to address the House for 1 minute.)

Mr. ROEMER. Mr. Speaker, there is no doubt that the American people want us to fix the broken welfare system. There is too much fraud and abuse in it, especially in the Food Stamp Program. But they want us to go after the cheats, not the children.

A U.S.A. Today editorial the other day, not a Democrat or a Republican 1-minute speech, said this about the Republican proposal:

> Today if people are thrown out of work by recession and their children's nutrition is jeopardized, Federal school lunch aid rises. The GOP plan erases that protection. It could divert up to 20 percent to other programs.

Mr. Speaker, this bill, this welfare bill does an amazing thing, it unifies the Children's Defense Fund and the Right to Life Organization who both oppose this bill because it is extreme and it is coldhearted to our Nation's children.

HELP—I'VE FALLEN AND I CAN'T GET UP

(Ms. PRYCE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE. Mr. Speaker, help. I have fallen and I cannot get up.

For 5 million families, the average length of stay on welfare is 13 years. The Democrats have coated the social safety net with glue and millions of Americans are crying for help to become unstuck.

Republicans want the social safety net to be a trampoline off of which people can bounce to new heights.

We simply want to return this money to the State level where people can be helped the most. We don't cut it, we send it back.

Democrats do not trust the States. But it is these same Democrats who are standing in the doors of the Nation's ghettos, refusing to let people out.

I say to my friends on the other side of the aisle, ''Get out of the door. Give people back their dignity by providing them with hope, independence, and opportunity.'' They want these for more than a handout.

THE IMPORTANCE OF NUTRITION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, you know being a nurse you understand the importance of nutrition. It did not start with children. Poor nutrition was recognized back during World War II when we found that our soldiers were not quite prepared and when they looked for the reason it was because they did not have proper nutrition. So it stands to reason if our soldiers were not prepared without proper nutrition our children simply cannot be. They cannot be healthy adults unless they have access to some nutrition as children.

We have heard that the nutrition programs for children will not be cut. I simply want to call our attention to this graph. If it is not going to be cut, then what does this mean? If it is going to be cut, this $13.6 billion, $7 billion to bring it up to $13.6 billion by the year 2000, when it should be $15.9 billion, is that a cut with more and more children eligible for school nutrition?

We must look after the health of our children to have a healthy Nation. We are not asking for welfare for adults. We simply want attention being given to our children. Do not punish the children for what parents do not do.

THE PERSONAL RESPONSIBILITY ACT

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, the Federal Government has spent $5 trillion in the last 30 years creating a safety net for the needy. Unfortunately, that net has become more like a spider web—trapping the poor, destroying lives, and crushing hopes and dreams.

The Personal Responsibility Act is an attempt to create a welfare system that really works—a system that provides a helping hand but also encourages work and self-reliance. This bill increases money for WIC and school nutrition, provides more direct resources for child care and child protection services, and allows resources to go directly to the poor—not bureaucrats. And it will end the perverse incentives that drive illegitimacy, destroy families, and punish work.

The time has come for us to recognize that there is dignity in work—not dependency—and create a welfare system that provides a hand up rather than a hand-out. Vote for H.R. 4.

AN APOLOGY DUE WELFARE MOTHERS

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker, this morning a Republican Member of this body, the gentleman from Florida, Mr. CLAY SHAW, was shown on national TV making a most irresponsible and outrageous statement disparaging welfare mothers by saying, and I quote, ''You wouldn't leave your cat with them on the weekend.''

CLAY SHAW owes the welfare mothers of this country an apology. How dare him single out welfare mothers and refer to them in such negative terms. There are responsible people in all segments of our society and there are irresponsible people.

Some politicians are responsible and some are irresponsible. Mr. CLAY SHAW falls in the category of the irresponsible.

There are many solid responsible welfare recipients who love and care for their children, who attend church on Sunday, who work part-time jobs, who search for jobs, who attend schools in an effort to better themselves.

Welfare mothers and fathers, it is time to speak up. Call NEWT GINGRICH at 202-225-0600 and tell him to help you with a job.

□ 1030

IN SUPPORT OF THE PERSONAL RESPONSIBILITY ACT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I rise today to speak in support of the Personal Responsibility Act.

This bill releases the welfare trap by empowering recipients to take charge of their lives and work their way off welfare.

The current system provides little incentive for individuals to work. As a result, only 20,000 individuals on AFDC are working in paid jobs. By rewarding recipients who remain idle and punishing those who try to lift themselves out of poverty, the current welfare system is trapping families in a life of dependency.

It is wrong to deprive individuals the dignity of work. The Personal Responsibility Act promotes work and requires able-bodied adults to work in exchange for their benefits. By 1998, one parent in at least 90 percent of two-parent AFDC families will be required to work. By the year 2000, 2 million single AFDC parents will be working.

The Republican welfare bill embodies the principles that make our Nation strong and provides hope, opportunity, and independence to those unfortunate Americans trapped in the current system.

Mr. Speaker, I urge my colleagues to support this bill.

PROPOSALS IMPACT ALABAMA'S CHILDREN

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, the Republican contract continues to cut and slash our child welfare programs and other essential-type programs which have never been accused of fraud or abuse.

The Republican bill simply goes too far. It eliminates many good, worthwhile programs which benefit pregnant mothers, infants, children, and the elders.

Yes, Mr. Speaker, the Republican welfare bill is a crude and cruel bill which is going to hurt many helpless Americans.

Mr. Speaker, as most Democrats, I, too, am in favor of a prudent, well-thought-out welfare reform bill. When it comes to cutting out welfare fraud and fat, I was one of the very first Members of this body to call for an investigation of the SSI welfare program which is referred to in the press as crazy checks or dummy checks.

But not since the Biblical days of King Herod have our children been in such grave danger. But unlike King Herod, who went only after the male child, the Republicans have targeted all of America's poor children.

Mr. Speaker, it is necessary for the Democrats to save our future, to save our children, to save America.

ENACT TERM LIMITS THIS YEAR

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute.)

Mr. NETHERCUTT. Mr. Speaker, I rise today in strong support for term limitations which this body will take up in the very near future.

Term limits will assure that new people with new energy and new ideas will come to serve in this body and serve the American people. Term limits will assure the intent that the Founding Fathers had of having people from the various districts come to this city and this body and serve with distinction the cause of good government and make a contribution to politics and good government, not to have a career here.

Term limits will encourage more people to serve in this body, to serve in Congress and run for Congress. Term limits will eliminate the automatic election advantage that incumbents have that perpetuates their existence.

Let us follow the example of Abraham Lincoln and the example of many States in this country which have adopted term limits.

Abraham Lincoln served one term. Let us follow his example and enact term limits this year.

IMPACTS OF THE REPUBLICAN WELFARE REFORM PROPOSAL

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I want to change our welfare system, and I was 2 years ahead of the curve in calling for reform of the current system.

But, Mr. Speaker, welfare reform should not mean help denied.

If this plan my Republican friends propose passes, in South Carolina 400,000 schoolchildren will be denied a lunch; in South Carolina, 20 percent of our children with disabilities will be denied SSI; in South Carolina, 5,000 additional children will receive less Federal child care assistance; in South Carolina, the State stands to lose $522 million for programs to help children.

Mr. Speaker, if this program is approved, over 60,000 people will be denied much-needed assistance.

FOOD STAMP BLOCK GRANTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, today an important amendment will come before us, an amendment that will block-grant food stamps and complete the historic transformation of the Democrat-created, heinous, disastrous, and destructive Federal welfare system.

We must pass this amendment to ensure that the Governors have all the tools they need to create welfare solutions for their States. Without this amendment, our work here will be incomplete.

Two out of three committees responsible for change stood fast and fulfilled their promise to the States, giving them the flexibility they need, but unfortunately one committee did not.

Food stamp block grants will repair that weak link and provide the States with the means to completely break down and bury a system whose time has long since come and gone.

Our Governors want, need, and deserve nothing less than full welfare reform.

IN SUPPORT OF THE DEAL SUBSTITUTE

(Mr. DOYLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOYLE. Mr. Speaker, I rise today in strong support of the Deal substitute which approaches welfare reform head on by moving people from welfare to work. Under the Deal substitute, each individual must sign a contract which requires them to begin a job search immediately. Benefits would be terminated for any individual who refused to work or refused to accept a job. States would have greater flexibility to develop and administer welfare programs. By providing transitional medical assistance, the Deal substitute provides concrete incentives needed to ensure that a welfare recipient is better off economically by taking a job than by remaining on welfare. The Republican approach has no requirement for work. Even worse, the Republicans would slash the School Lunch Program to fund tax cuts for corporations and the wealthy. The Deal substitute explicitly provides that all savings would be applied to deficit reduction. Mr. Speaker, the American people—who are truly concerned with improving the welfare system by encouraging work, not abandoning people—are seeing through the charade. I urge my colleagues to vote for genuine, constructive reform by supporting the Deal substitute.

WELFARE REFORM PACKAGE REDUCES THE BUDGET DEFICIT

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, I would like to talk for a moment about some children in my district. I would like to talk about the 20 students in Mary Mills' 5th grade class at Oconee County Intermediate in Watkinsville, GA. When I was sworn in, the share of the national debt owed by Mary Mills' class was $365,000. Since I have been here, a total of 80 days, they have incurred another $2,500 of debt. Mr. Speaker, everyday we are spending away the future of those children. Our welfare reform package does significantly reduce the budget deficit. My colleagues on the other side continue to whine and wail that we are hurting children. Some of my more irresponsible colleagues continue to compare our welfare reforms to Nazi Germany. Mr. Speaker, someone has to speak up for the children of the next generation. I would ask my colleagues on the other side one simple question, how will we be able to do anything for our children when we bankrupt this Nation? We can do nothing worse than to keep our current system.

WELFARE AND NUTRITION REFORM

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. THURMAN. Mr. Speaker, I want to talk about the real stories, not just the stories made up in people's minds, real people at home.

Here is a family, a husband, two teenage boys, one 11-year-old with cerebral palsy; husband works near minimum wage, Social Security for disabled child, receives food stamps. Says hardest time is last week of the month; never skips meals, but makes do with noodles and bouillon or grilled cheese sandwiches. She always worries that the kids are not getting enough protein and fresh vegetables. She feeds the kids first, then she eats, sometimes she does not eat. Delays bills to pay for food, had water shut off; a local program provided turkey and fixings last Christmas, also blankets and other things.

She says it hurts to hear that programs might be cut. She knows that some people sell their food stamps, and that makes others look bad.

She wants people to know that poor does not mean lazy. Her husband works, and she works hard taking care of her disabled son.

Things were better about 6 years ago, when her husband had a good job and she was working, too. Then her mother died, and they almost filed bankruptcy.

Kathleen says she never thought her family would be poor, but is thankful for the small things. "I always tell my kids that we are not as bad off as some people. They should feel fortunate to have a roof over their heads."

WELFARE PROGRAM

(Mrs. KELLY asked and was given permission to address the House for 1 minute.)

Mrs. KELLY. Mr. Speaker, the American people want us to get on with repairing our Nation's broken welfare system. They know, as we do, that what was intended to be a safety net has become a tragic snare for generations of our fellow citizens.

Today, Republicans will reform regulations on food stamps and commodity distribution. These are safety net programs that touch the lives of poor people every day.

Our food stamp proposals will target benefits to those who truly need them.

Our proposals will remove the humiliating piles of paperwork that now plague the poor in these programs. This means that resources now squandered on bureaucratic red tape will instead go to feed hungry Americans.

Mr. Speaker, our reforms reduce paperwork and regulations that weigh about this much to only about this much.

Most importantly, Mr. Speaker, our reforms will target our tax dollars where the American people want them—on the dinner tables of our Nation's needy children.

THE CHILD NUTRITION PROGRAM

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, I went to Lloyd Street School in my hometown of Milwaukee on Monday. I had the opportunity to eat lunch with children who depend on the School Lunch Program.

Republicans howl at the suggestion that their bill to eliminate this critical program and block-grant child nutrition programs is cruel. But their actions are cruel to the children at Lloyd Street School and 13 million children across America who rely on child nutrition programs each day for a balanced meal.

Republicans argue their bill does not cut child nutrition programs, but according to the Congressional Budget Office, this bill cuts nutrition programs by as much as $7 billion over the next 5 years. You cannot claim that you are spending more and spending $7 billion less at the same time.

Republicans also argue that their program will cut bureaucrats and will not hurt kids. They are dead wrong. Any savings in costs would be retained to pay for tax cuts and not sent back to help kids.

Mr. Speaker, today children in America are being asked to say no to many things, but it is dead wrong for Congress to ask them to say no to food.

SUPPORT THE TRUTH IN BUDGETING ACT, RESTORE HIGHWAY TRUST FUNDS

(Mr. COOLEY asked and was given permission to address the House for 1 minute.)

Mr. COOLEY. Mr. Speaker, as Members of the freshman class, we were elected to restore accountability and honesty to Congress. We have a unique opportunity, indeed an obligation, to fulfill our promise. In 1969, the Federal Highway Trust Fund became part of the unified Federal budget. Since that time, taxes paid by users of the system for the express purpose of improving and upgrading our roads and bridges, have been buried in the budget, masking the true size of the Federal deficit.

Prior to 1969, the Federal Highway Trust Fund was an off-budget program. The pay-as-you-go system allowed repairs to be made as the money was collected. Today, a surplus has amassed at the expense of much needed improvements.

H.R. 842, the Truth in Budgeting Act, seeks to restore the Federal Highway Trust Fund to its original off-budget status. This will put an end to the budget gimmick of hiding the deficit at the expense of motorists. I urge you to join me and nearly 140 cosponsors in supporting H.R. 842, a bill that answers the people's call to improve America's infrastructure, and to make Government fiscally responsible.

A promise is a promise, and it is time for us to live up to ours.

SUPPORT URGED FOR THE DEAL SUBSTITUTE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, as the only former mother in this Congress that was ever on welfare with children, I rise today to urge my colleagues on both sides of the aisle to support Deal substitute that we will be voting on today. I support Deal substitute because it offers welfare recipients a fair deal.

As long as there are jobs and recipients are willing to work and play by the rules, the Deal bill will invest up front in education, job training, and child care to ensure that recipients get into jobs and off welfare permanently.

Unlike the Republican bill that does not invest in work and punishes children, the Deal welfare substitute protects children. It also guarantees help if the State experiences a recession or a national disaster, times when the needs are greatest.

Mr. Speaker, the choice comes down to this: We either punish poor people who play by the rules, as the Republican bill would do, or we invest in them so that they can get off welfare permanently.

CURRENT WELFARE SYSTEM HAS NEVER WORKED

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mr. CHRISTENSEN. Mr. Speaker, in the last few days I have seen an uproar from the friends on the left regarding the restructuring of the welfare system. I hear phrases like "lacking compassion," "mean spirited," "cruelty to children." I am here to tell you that changing a system that does not work has nothing to do with lacking compassion.

What is lacking is maintaining a welfare system that has never worked and has only increased dependence to ensure the survival of a political party, lacking in responsibility, and, yes, lacking in compassion.

□ 1045

Yes, you know, in the last 30 years the Democratically controlled Congress has spent over $5 trillion on welfare. In that same 30 years AFDC recipients have more than doubled, the number of single parents has tripled, food stamp recipients have quintupled, while these same Democrats stand up and yell about compassion.

Today I join my fellow Americans and say we have seen the kind of work compassion you have offered these last 30 years. Give people back their dignity, give them hope, not a handout.

Pass the Republican welfare bill.

THE SAFETY NET

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, the 104th Congress is not debating the fundamental restructuring of the failed welfare system. We have started one of the most important debates for the next generation. As a former elementary school teacher, I know and realize how important it is for the Congress to end the cycle of dependency and replace it with the dignity of work.

Mr. Speaker, we are ending a welfare system that is not compassionate and replacing it with hope and opportunity. We are ending a failed system and encouraging personal responsibility. These are ambitious goals yet they are achievable goals.

While we are making these changes to the welfare system, we also have to recognize that we will hit some rough spots. That is why our bill retains a Federal safety net called food stamps. This safety net insures that no American will go hungry while we change the system to bring opportunity and dignity. While we retain a safety net we also require personal responsibility in the form of work.

I urge all to call President Clinton, 202–456–1414, and ask him why he is not joining us to change it.

GOODBYE MILK, HELLO KOOL-AID

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Chairman, while both parties support welfare reform, there is something terribly unseemly about the debate under way in the House. Well-fed speaker after well-fed speaker has gotten up and argued passionately for the Republican proposal which makes deep cuts in the nutritional program helping infants at home, toddlers in day care and kids in school.

My abundantly nourished Republican friends maintain they are not cutting anything. But the numbers tell quite a different story. The Congressional Budget Office, which they control, says more than $22 billion will be removed from the nutritional spending. The only way you get this much money from nutrition programs is by sharply reducing the quality and nutritional value of these programs which help these kids who need them so badly. For kids all across the country, it is goodbye milk, hello Kool-Aid. I wonder how my comfortable, well-fed colleagues would like a diet like that for themselves?

A DISAPPOINTING PERFORMANCE

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of Georgia. Mr. Speaker, I too want to address the debate that is going on on the issue of welfare change. Only my position on this debate is that I am very disappointed in it. I am very disappointed in this Congress. This is the most important issue that we are going to debate in this whole entire 104th Congress. It is going to affect the lives of millions of people, even probably—or hopefully—will change the course of lives of millions of people.

But the debate has turned away from that aspect. The debate has turned to one of name-calling, finger-pointing, and distortion of the truth, all in an attempt to divide people of this country, to divide people by class, divide people by race, and divide people by nationality.

Mr. Speaker, that is wrong. And I can assure you that there is not one Member of this body who wants to do harm to any one child in this Nation. I hope the debate turns better.

H.R. 4 CUTS CHILD NUTRITION PROGRAMS

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I hold in my hand H.R. 4, the Republican so-called welfare reform package. I urge everyone to read this, to read this and weep. Because in the attempt to improve the welfare system, which we all agree needs to be reformed, our Republican colleagues have cut—yes, cut—the children's nutrition programs that have been an entitlement for America's poor and hungry children for over 50 years.

Our colleagues on the Republican side will wave a CRS report that says they do not cut the School Lunch Program, but they are avoiding the issue. Because what we are talking about is the children's nutrition program, which includes school lunch, which includes the afternoon program and summer programs for children whose parents work and who need child care, something we are trying to encourage: work.

And if you just want to talk about school lunch, let's talk about that. The funds that this bill, H.R. 4, puts in here gives the Governors the authority to spend only 80 percent of the money. They do not have to spend 100 percent. They remove the entitlement; they remove the nutritional standards. Poor children lose a lot in this bill, which rewards the rich, cheats the children, and is weak on work.

I urge my colleagues to vote against it.

PERSONAL RESPONSIBILITY ACT OF 1995

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to House Resolution 119, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 4.

□ 1055

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 22, 1995, amendment No. 11 printed in House Report 104–85, offered by the gentlewoman from California [Ms. WOOLSEY], had been disposed of and the bill was open for amendment at any point.

It is now in order to consider amendment No. 13, printed in House Report 104–85.

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer amendment No. 13, printed in House Report 104–85.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JOHNSON of Connecticut: Page 87, line 3, strike "$1,943,000,000" and insert "$2,093,000,000".

The CHAIRMAN. Pursuant to the rule, the gentlewoman from Connecticut [Mrs. JOHNSON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. McDERMOTT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Washington [Mr. McDERMOTT] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to urge support of the child care amendment which I am offering along with Congresswomen PRYCE, DUNN, and WALDHOLTZ, which raises the authorization level for the child care grant by $150 million a year for 5 years.

Mr. Chairman, there are three main points I would like to make with respect to this amendment.

First, requiring adults to work in exchange for their benefits will increase the need for child care. This is inevitable. Fully 63 percent of families on AFDC have children age 5 and under. A significant number of children who are in school still need after-school care, since the school day and school year are much more limited than the typical workday and work year.

In an ideal world, extended family would be able to provide some amount of this care. But in today's world day care and the need for day care is a reality for those on welfare and those gaining independence.

Second, reduced child care funding puts the squeeze on the working poor. In recent years, AFDC participation rates have resulted in States offering the program tilting more and more toward welfare families and away from the working poor.

Thirty-five States reported last year that they have a waiting list for subsidized child care for working poor. My State of Connecticut does not even maintain a waiting list anymore, since all slots opened up are already spoken for.

As we require more women on welfare to work, this problem is going to get more serious, not less serious.

I am pleased to be proposing this amendment today because I think it expands our resources significantly to address the child care needs that will develop as we reform welfare. But this amendment is not the whole answer. That is a point that is very important to make because there was a lot of misunderstanding in recent days as we debated this bill about how we are going to manage the child care needs that welfare reform will impose upon society. The heart of the solution is actually not this amendment; the heart of the solution is moving welfare from a cash-gift basis to a cash-wage basis because if everyone receiving welfare were also working and we used our day care resources to pay very skilled administrators and lead teachers, child development experts to run these day care centers, with welfare recipients now being paid to staff them, then we would in fact have the child care slots that we need at the money that is currently available.

So this is simply one step forward, giving States time and resources to create really the much greater, broader child care opportunity, better connected to education, work, and training that real reform demands.

Mr. Chairman, I reserve the balance of my time.

□ 1100

Mr. McDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Members of the House, we have again a fig leaf on the other side. They have written the bill, they have gotten it out here. Then they did a poll. On Monday they did a poll; a Republican pollster did a poll, and found that 67 percent of Americans believe the Government should help pay for child care for mothers on welfare. They found that 54 percent of those surveyed opposed eliminating requirements to State-set minimum health and safety standards for child care. So they said, "This is awful what we did. We've cut 400,000 kids out of child care."

So they have come out here with an amendment today. It is a fig leaf. It puts 100,000 back on. There is still 300,000 kids who will not get welfare child care under this bill.

There should be no mistake about it; this does not solve the problem. The gentlewoman from Connecticut [Mrs. JOHNSON] is absolutely correct. It is a fig leaf because they got a poll that said they were in trouble.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, this goes right to the heart of the debate, and the gentlewoman from Connecticut [Mrs. JOHNSON] and I have worked on some of these issues over the years, but we part company today in addressing day care; the reason is that the Republican bill block grants and sends everything back to the State. What we would like to do in the Deal amendment is to make sure some of the programs that do work stay in the Federal purview.

H.R. 4 repeals a transitional child care program which guarantees day care for the children of parents who leave welfare. This is needed. It repeals an AFDC child care program which provides day care for parents attempting to get off welfare, and H.R. 4 repeals the at-risk child care program for people that try to stay off and do not want to go back on, and so we have this amendment before us which is a good amendment because it has additional dollars for day care.

However, Mr. Chairman, the amendment has the correct idea; unfortunately the vehicle is the incorrect vehicle. Block grants will not be able to provide more with less. If you are serious about taking people off welfare and putting them to work, in many cases you have to see there is adequate day care. That is what the programs we are ending tried to do.

One of the best parts of the Federal program is taking care of three groups needing child care: The family on welfare trying to get off, the family that was on welfare and doesn't want to go back, and the family in danger of going on welfare. If you work, want to work, or need to work, you often need help—especially if you are a single head of household. I commend the woman and Mrs. JOHNSON for putting forth this amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, before yielding to my colleague from Ohio, I yield myself such time as I may consume.

Mr. Chairman, I do want to mention that this amendment was put in well before that poll. This is not a poll response. This was put in after all the bills came out of committees. We had a chance to evaluate their interaction and how the program would work, and this is the money that then we decided was needed to be added in order to ensure that welfare reform will work for women and children and provide security and opportunity in the future.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE. Mr. Chairman, I rise in strong support of this amendment offered by my friend, the gentlewoman from Connecticut [Mrs. JOHNSON], commend her for her efforts, and in strong objection to the fact that there was a statement from the other side that this was the result of a poll. This is the result of mostly hard work, consultation with Governors and working the numbers, as the gentlewoman from Connecticut [Mrs. JOHNSON] just alluded to.

Mr. Chairman, moving people from welfare to work and toward self-sufficiency is the central goal of welfare reform. But only by removing the barriers to work can we achieve this goal.

It is clear that lack of affordable quality child care is a primary obstacle to employment for many parents, especially single mothers. If we are going to require work, and we should, our Nation's children must not be forgotten. As the work participation requirements under H.R. 4 are phased in, the demand for child care will increase dramatically. Federal child care dollars will need to serve today's working poor, as well as the new welfare families who will be entering the workplace.

All Americans have an interest in meaningful welfare reform that encourages work. Our Nation also has an intense interest in ensuring that our children are cared for, especially in their early years so that they can grow into responsible, productive citizens. The investment H.R. 4 makes in child care will contribute to this goal. Young children watching parents go to work every day is a lesson in life that cannot be taught any other way.

Mr. Chairman, I urge my colleagues to support the Johnson-Pryce-Dunn-Waldholtz amendment to make sure we take care of America's children while their parents experience the dignity of work and move into self-sufficiency.

Mr. McDERMOTT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, this amendment is better than nothing, but it really is not good enough. Real welfare reform is critical. The status quo is indeed dead. The key to welfare reform is work, and important for getting people off of welfare into work is child care.

H.R. 4 would gut the child care provisions, and what this does is to try to retrieve some of that. According to one estimate, 32 percent of what is cut out of H.R. 4 would be restored here.

So, Mr. Chairman, a third of a loaf is better than none, but it is going to leave many people who are on welfare, who must get to work, without the provision of child care. The Deal bill goes all the way in terms of making work a reality and making day care available, and that is why I support the Deal bill.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, I thank the gentlewoman from Connecticut [Mrs. JOHNSON] for giving me the time and also for sponsoring the amendment.

Mr. Chairman, when the legislation left our committee, I said to the Committee on Ways and Means that I had two concerns about what we had done in committee. One was that perhaps in the outyears we did not have sufficient money. I was not worried about the 1st year or the 2d year as far as day care was concerned, but I was worried about the outyears, and she is taking care of that. The other concern that I had dealt with legal aliens, which I believe will be taken care of later also.

Mr. Chairman, the beauty of the gentlewoman's amendment is that she goes way above what the CBO baseline projects for spending over this 5 years. CBO baseline says $9,396,000,000. With the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON] we are now up to $10,515,000,000. So there is a sizable increase over what the CBO baseline projects, and I am happy to support the gentlewoman's amendment.

Mr. McDERMOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. KILDEE], and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. KILDEE. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON] because it makes the bill marginally better. But the structure that has been changed in this bill really will not permit me to vote for the bill itself, but I will support the amendment in case this bill passes, that we will have marginally recognized that this child care is very, very important. Let me give my colleagues an example.

I have been in public life for 30 years now, and of course for 30 years, like many of my colleagues in public life, I have been asked to try to get people jobs. I can recall in one instance I got a woman a job working in a restaurant in Flint, MI, and she had three children, and she was so happy to get that job, but she really did not have any reliable child care. She worked on that job less than 2 weeks and found that in less than 2 weeks she had four or five different arrangements for child care, with her grandparents, with a sister, with a neighbor. One day the kids were left alone—that was the last day she worked—left home alone, asking a neighbor to look in once in a while on them.

Mr. Chairman, that is a cruel choice to give to women, to tell them that they should work, and certainly work is much to be preferred to welfare, but to force a woman to have no reliable child care, to rely upon a neighbor, a sister, a grandparent, and then the worst choice, to leave them home alone, and that, for her, was the last she could choose, and she had to leave that job. Now we can do better than that.

Now I support the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON], but the structure and the cuts we have here in child care are enormous. By the year 2000, fiscal year 2000, in Michigan, Michigan will lose $16.1 million for this and lose almost 10,000 child care slots. Now, albeit the Johnson amendment does marginally improve that, under that Michigan, by the year 2000, will lose $12.1 million and lose only 7,400 slots. But I am concerned about those 7,400 slots. That is why I cannot support this bill, but the gentlewoman from Connecticut [Mrs. JOHNSON] is marginally improving the bill with her amendment.

So, Mr. Chairman, I would urge the support of the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON] but urge the defeat of the bill.

Mr. GOODLING. Mr. Chairman, as the designee of the gentleman from Texas [Mr. ARCHER], I move to strike the last word in order to receive the 5 minutes of debate time as provided for in the rule.

The CHAIRMAN. The gentleman has that right.

Mrs. JOHNSON of Connecticut. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. Eight and a half minutes.

Mrs. JOHNSON of Connecticut. Including the 5 minutes just yielded?

The CHAIRMAN. The gentlewoman is correct.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN], a member of the Committee on Ways and Means and the chief sponsor of this amendment.

Ms. DUNN of Washington. Mr. Chairman, on behalf of some of America's neediest and yet valued citizens, we begin the process of ending welfare as a way of life and restoring welfare assistance to its original purpose, to provide temporary help to our neighbors in need.

Mr. Chairman, Americans are a generous people who have long demonstrated our commitment to help our neighbors, families and children in need, but the American people also ask for results for our efforts.

To the American taxpayers who have, so far, spent $5 trillion to support what has been described by both sides in this House debate as a failed welfare system, let me assure them that our bill is a botton-up review. The Republican bill will remove the incentives that encourage welfare dependency and provide new incentives that encourage work and lift people from the cycle of poverty.

As part of providing support to the soon-to-be working mothers, Mr. Chairman, we are offering an amendment that will provide an additional $750 million in child care funding to these parents. As people move off welfare the women with children, especially preschool children, could be caught in a trap. Rightfully they are required to enter the work force, and yet also rightfully they are worried about the safety of their children. Our amendment helps newly working mothers meet their personal responsibility obligations and address the legitimate concerns for their children.

Last Saturday, Mr. Chairman, at home in Washington State I met with a group of welfare mothers at a Head Start meeting. They were unanimous and emphatic in their desire to get off welfare, but one thing they did ask for help on was the responsibility of funding day care. Help them find good day care, and they will take the responsibility of finding work in the private sector.

Mr. Chairman, as a single mother who raised two sons, I know the value of good day care and the peace of mind when it is found. I urge my colleagues to support this amendment.

Mr. KILDEE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, as the gentleman from Michigan [Mr. KILDEE] pointed out in his very poignant story about the mother who had to choose between leaving her child at home or going to work to provide for that child, nothing is more important in moving, transitioning, poor women from welfare to work than the availability of quality child care, and that is what is so sad about H.R. 4, because it eliminates child care assistance to more than 400,000 low-income children in the year 2000, it eliminates child care funding now guaranteed for AFDC recipients participating in education, training or work activities. It eliminates the child funding now guaranteed for 12 months to AFDC recipients making the transition from welfare to work, and it cuts more child care services by $2.4 billion over the next 5 years.

Now the amendment offered by our colleagues, the gentlewoman from Connecticut [Mrs. JOHNSON], the gentlewoman from Ohio [Ms. PRYCE] and the gentlewoman from Utah [Mrs. WALDHOLTZ], is a step in the right direction, and I commend the sponsors for offering it, but I recall a story by the former Governor of Texas who said, "You can put lipstick on a sow and call it Monique, but it's still a pig," and this, I contend, is a cosmetic change to this terrible bill, H.R. 4.

□ 1115

In my State of California, H.R. 4 cuts out 35,000 child care slots. This bill would restore 9,000 of those. That, as I said, is a step in the right direction.

It is interesting to me that our colleagues keep saying why are you criticizing H.R. 4, it is a great bill, and then come to the floor with 25 amendments of their own to make the bill more acceptable, this being one of them, this not being enough, because it does not restore traditional, transitional child care services that have been proven essential to move mothers with young children from welfare to work, does not ensure that the additional funds it authorizes will even be available. It only raises the authorization level, and without it being an entitlement, the funds may never be there, and would continue to cut, I repeat, cut child care services for more than 300,000 low-income children in the year 2000. It would continue to pit poor parents and their demands to children and to work to provide for those children. It addresses the basic fundamental problem with this bill, it is weak on work, cheats children, and rewards the rich, all of this to give a tax break to the the wealthiest Americans.

Mr. Chairman, I urge my colleagues to vote against H.R. 4. I commend the Members for introducing this amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I want to clarify the RECORD. The Deal bill sets aside $3.5 billion. The CBO baseline estimate is $4.8 billion, for a total of approximately $8.3 billion. With the Johnson amendment, our bill will provide $10.5 billion for day care. So there is absolutely nothing cut.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ], a chief sponsor of this bill and an esteemed freshman colleague.

Mrs. WALDHOLTZ. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, one of the greatest failings of our current welfare system is that it forces people to choose between work and benefits.

One of the fundamental principles of this bill is that people should be encouraged and rewarded for work, and this bill gives them that opportunity.

But parents cannot reasonably be expected to work their way out of dependency if while they are working their children are not safely cared for.

The dangers of inadequate child care are obvious. And forcing low-income parents to make a choice between welfare and work based on their ability to afford adequate child care is cruel—and undercuts our efforts to encourage work and promote self-sufficiency.

This amendment increases the bill's child care block grant by $750 million, so that the States can fund their own affordable child care programs for low-income and working welfare parents.

It will help ensure safe care for our children, and help their parents go to work and stay at work by giving them peace of mind that their children are cared for.

I am proud to join with my colleagues in making this important change, and I strongly urge my colleagues to support this amendment.

The CHAIRMAN. The gentleman from Washington [Mr. MCDERMOTT], has 1 minute remaining and has the right to close.

Mr. MCDERMOTT. Mr. Chairman, to extend the debate I move to strike the last word, and ask unanimous consent to merge that additional time with the time I am presently controlling.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MCDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, first of all, I commend the gentlewoman who has offered this amendment, because I think it does recognize a movement in the right direction to correct some of the provisions of H.R. 4. It will in fact add back additional funds. But as I look at the scoring on this, it appears to me that we are still talking about cutting the funding in this category by some $600 million below current levels. I think that is what places all of us on the horns of a dilemma in this debate about welfare reform. On the one hand, if we are going to try to move people off of welfare and on to work, especially if we are talking about mothers, the availability of child care is an essential ingredient in that formula.

If we are in fact under H.R. 4, even with the amendment, still cutting below current levels by $600 million, and if current levels are not adequate to change the status quo, then we still have a problem.

Our Deal substitute, on the other hand, adds $3.7 billion additional to the child care fund, and in addition to that we have some $424 million over a 5-year period to assist the working poor.

I think we all recognize that this is an essential ingredient in making the transformation from welfare to work, and I commend the gentlewoman for this effort. I think it is a movement in the right direction. I would like to think, however, that our substitute does a better job.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. DEAL. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Georgia [Mr. DEAL] and just point out that in the Deal bill, putting work first, you really put mothers into the work force, and you provide additional child care dollars for those mothers to go to work, in change from what current law would do. The Johnson amendment would, I guess, bring about some help. It will reduce the overall package from 400,000 to 300,000 children who will be in need of child care, but the Deal bill provides additional resources to ensure proper child care.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SHAW], the chairman of the subcommittee and the chief author of the welfare reform bill.

Mr. SHAW. Mr. Chairman, I thank the gentlewoman for yielding, and compliment her on a most-needed amendment.

Mr. Chairman, we have discussed this in the subcommittee, we have discussed this in the full committee, that the success of the jobs program in providing real jobs in H.R. 4 would require the necessity for additional money to be put into child care. I would like to also point out to the committee that under the Deal bill, the child care provision is $8.3 billion over 5 years. That is a total over 5 years. With the Johnson amendment, H.R. 4 will be $10.5 billion.

So these are the figures. The Johnson amendment brings H.R. 4 far ahead of the Deal bill in the amount of money that is put into child care. The figures are plain, the figures are there, and you cannot argue with them.

So this bill is much richer in child care and recognizes the need for additional child care much more than the Deal bill. I certainly would urge all the Members to support the amendment.

Mr. MCDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just point out to the chairman of the committee that he is mixing apples and oranges. The gentleman has taken away the guarantee of child care.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I again want to come with one set of figures, only to hear what I believe to be true is totally wrong. It makes me very confused. But I do commend the gentlewoman for offering this amendment, because in my opinion, she makes a very badly flawed bill a little bit better. But I still believe very strongly the Deal substitute is much better, and I believe the debate will show this.

I want to quickly recount a little conversation that I had with a pastor in a church in my district. He said to me, "Charlie, if you just do one thing for me, I have five unwed mothers, teenage mothers, in my church. If you do just one thing for me, give me the child care money so that I can provide child care while I tell that young mother, go back to school and get an education. I will tell her you get that education, you make your grades, if you will just help me get the money to take care of her child when we do it."

That is what the Deal substitute is proposing, a workable—a workable substitute, not what we are being offered in H.R. 4.

Mr. Chairman, I commend the gentlewoman for seeking to make improvements in the base bill. Unfortunately, I fear that even were her amendment to pass, the child care provisions would be inadequate. Therefore, I rise in opposition to the Johnson amendment which falls far short of the child care provisions contained in Mr. DEAL's substitute.

The Deal substitute provides sufficient funding for child care to meet the increased needs under the plan's aggressive work requirements. H.R. 4, on the other hand, reduces child care funding $1.4 billion below levels provided for under current law and does not ensure that child care will be available to individuals who need it.

This amendment restores only slightly more than half of the funding needed to maintain current law. In addition, it still does not guarantee that funding will be available for welfare recipients who need child care assistance to move into work.

This lack of funding for child care assistance could mean that either welfare recipients won't move into work, or parents will be forced to leave their children in unsafe or substandard care if they do get work.

CBO estimates that the Deal substitute will provide $3.7 billion in child care spending to meet the increased demand for child care as more individuals move into work. The substitute also increases child care assistance for the working poor by $424 million over 5 years above the baseline projections.

The Deal proposal also consolidates child care programs under a uniform set of rules and regulations, rather than having to comply with a patchwork of rules under different programs.

The primary source of child care assistance under the Deal consolidated block grant would be in the form of vouchers that would be used by parents with the child care provider of their choice. Having worked on child care in past Congresses, I strongly believe we must continue to support parental choice as we have in the Deal substitute.

In addition, the Deal substitute contains the most aggressive work requirements of any bill we will consider today. We also support these work requirements with funding for the transitional tools recipients need to make the move from welfare to work. Child care is one of the most important tools available for working mothers and I believe we must provide the necessary funding to see that they are able to work.

Reluctantly, I urge opposition to the Johnson amendment and enthusiastic support for the Deal substitute.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in very strong support of her amendment.

Mr. Chairman, I think child care is a vital function of our welfare reform efforts. If you are going to train people, have people work, you need to make a provision for children. But I think we should straighten out a few facts. One, is it the welfare reform bill that we are debating here actually has more money in it than the Deal bill as far as child care is concerned. I say that respectfully, because I do respect the Deal bill.

Second, a lot of welfare recipients do not even use State-supported child care. We need to understand that issue as we debate this also. Also the structure of all this has been criticized, the structure of going to a block grant. I would point out a few aspects of going to a block grant which I think help with respect to the providing of child care.

First, it provides States maximum flexibility in developing programs that best suit the needs of the residents. It promotes parental choice to help parents make their own decisions on child care to best suit their needs, and we get rid of State set-asides which gives us more money as well. It gives us flexibility, and I support the amendment.

Mr. MCDERMOTT. I yield 30 seconds to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I have tried to check out the figures of the gentlewoman from Connecticut [Mrs. JOHNSON] and I truly think they are wrong. You are discussing just part of the Deal bill and not all of the pieces that fall in place under the Deal bill. Your approach provides less money when you take into account the whole picture than would be the entitlement provision under Deal. The analysis is that you provide only one-third of what is cut by H.R. 4, and the Deal bill would keep all of it. Those are the facts.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in reluctant support of this amendment, the Johnson-Pryce amendment. I think it is like throwing a bucket of water into Lake Michigan. We need that bucket of water; we need all the help we can get in child care. I wish that it was more.

We have heard countless times in our Committee on Education and Economic Opportunities that child care is directly connected to getting people to work. I strongly support a tougher work requirement. But we want people moving off welfare onto the work rolls. We want them to be good parents and good workers.

That is the way that you connect this together, by adequate funding in child care. We do not want them to say go to work and neglect your family, you cannot be a good parent. We want them to do both. This amendment helps in a small way do that.

I had an amendment before the Committee on Rules that would have allowed States to match more money into this program, but that was not allowed.

Mr. MCDERMOTT. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA.]

Mr. DE LA GARZA. Mr. Chairman, listening to the debate, a name burns in my mind and in my soul. Alejandrita Hernandez, 6 years old, her parents working in a field in Florida. She is found raped and killed under a truck.

These were poor working people, and if you reduce by one the availability of child care, I want it to burn in your mind, Alejandrita Hernandez. We are talking about savings to give tax credits to the rich. We are talking about not welfare, not revamping. We are missing the boat altogether.

As good intentioned as all of us might be, you have not done anything to help Alejandrita Hernandez. You cannot bring her back. But it would burn in my mind and soul that her name would be forgotten so that we can give tax credits to $200,000 and over.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY], who has had a lot of experience in this area.

Mr. BILBRAY. Mr. Chairman, I stand here today not as a Member of Congress, but as somebody who operated a welfare system for a county that was larger than 30 States of the Union, San Diego County. I want to commend my colleague from Connecticut because she shows the awareness of the realities out there that have been ignored by the Federal Government for too long.

I appreciate my colleague from Texas being concerned about the tragedies that have occurred. Those tragedies have occurred, Mr. Chairman, because of the lack of innovative approaches being allowed by local government. This amendment will actually allow women to participate in the child care process, to be part of the answer rather than part of the problem. And rather than what our colleagues on the other side of the aisle would like to do, always finance a larger, bigger bureaucracy, this allows the recipients to be part of the answer, to participate, to actually earn part of their benefits by participating in child care.

Mr. Chairman, I think that the compassionate approach that our colleagues from Connecticut have shown should entice our colleagues on the other side to join us in this good amendment.

PARLIAMENTARY INQUIRY

Mrs. JOHNSON of Connecticut. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, is it not procedurally correct that I close?

The CHAIRMAN. The gentlewoman from Connecticut is choosing to amend the committee position. The gentleman from Washington [Mr. MCDERMOTT] took the committee position in opposition. He has the privilege of closing.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

□ 1130

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of this amendment and of the whole concept of block granting.

We currently have seven different Federal programs: Child Care for AFDC, Transitional Child Care, At-Risk Child Care, Child Care Development Block Grant, State Dependent Care Planning and Development Grants Program, Child Development Associate Credential Scholarship Program, Native American Family Centers Program.

This is certainly not a seamless program. There is a great deal of bureaucracy and money spent. It is confusing to the recipients.

I strongly support the block grant and the fact that the gentlewoman from Connecticut [Mrs. JOHNSON] is adding $150 million which will provide even more, certainly, that goes to child care than we are providing now. A great deal is lost in the confusion among the various programs. I strongly support the Johnson amendment.

Mr. MCDERMOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I rise in opposition to the Johnson amendment.

Mr. Chairman, one of the biggest barriers to work for welfare recipients is their inability to provide their child with safe and affordable care while they work.

H.R. 4 will make it more difficult for single parents on welfare to move into work than it is right now.

H.R. 4 reduces child care funding and provides no guarantee that child care will be available to individuals who need it.

H.R. 4 as it is currently written reduces funding for child care services $1.4 billion below the current levels.

The Johnson amendment restores more than half the cut but still leaves funding for child care services $650 million below current levels.

Supporters of H.R. 4 claim that their bill has real work requirements and that they will put people to work. If this is true, they do not have enough money for child care and these people will not be able to go to work.

So which is it? Is H.R. 4 weak on work as we assert, or is it that H.R. 4 is weak on funding for child care?

Which is it? You cannot have it both ways?

Mr. Chairman, another day of debate, another hole exposed.

Mr. MCDERMOTT. Mr. Chairman, I yield myself the balance of my time.

We have talked about numbers here. The fact is that the bill that came out of the committee, proposed by the gentlewoman from Connecticut [Mrs. JOHNSON] and others, repealed $4.6 billion in child care. That, plus the $8 million that the gentleman from Georgia [Mr. DEAL] has, is more than $12 billion, which is more money than was presently in this bill. So there is no question.

The gentlewoman from Connecticut [Mrs. JOHNSON] assures us that there is no dealing with polls here, nobody is worried about polls. Well, I have a story from the Washington Times on the 5th of March where the gentleman from Pennsylvania [Mr. GOODLING] says, "The only major area of concern I have is the area of day care."

This has been known since the 5th of March, when it was in the committee of the gentleman from Pennsylvania [Mr. GOODLING]. He did absolutely nothing about it.

When it gets out here on the floor and the American public figures out what it is all about, suddenly they say, in the poll, the Republicans are cutting child care; they should not be doing that.

So we suddenly have this little fig leaf amendment. I urge that Members vote against this fig leaf amendment and for the bill of the gentleman from Georgia [Mr. DEAL].

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 104-85.

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. ROUKEMA: Page 114, strike line 4, and insert the following:

"(b) ADDITIONAL REQUIREMENTS WITH RESPECT TO ASSISTANCE FOR PREGNANT, POSTPARTUM, AND BREASTFEEDING WOMEN, INFANTS, AND CHILDREN.—

"(1) MINIMUM AMOUNT OF ASSISTANCE.—The State shall

Page 114, after line 11, insert the following paragraph:

"(2) COST CONTAINMENT MEASURES REGARDING PROCUREMENT OF INFANT FORMULA.—

"(A) IN GENERAL.—The State shall, with respect to the provision of food assistance to economically disadvantaged pregnant women, postpartum women, breastfeeding women, infants, and young children under subsection (a)(1), establish and carry out a cost containment system for the procurement of infant formula.

"(B) USE OF AMOUNTS RESULTING FROM SAVINGS.—The State shall use amounts available to the State as result of savings in costs to the State from the implementation of the cost containment system described in subparagraph (A) for the purpose of providing the assistance described in paragraphs (1) through (5) of subsection (a).

"(C) ANNUAL REPORTS.—The State shall submit to the Secretary for each fiscal year a report containing—

"(i) a description of the cost containment system for infant formula implemented by the State in accordance with subparagraph (A) for such fiscal year; and

"(ii) the estimated amount of savings in costs derived by the State in providing food assistance described in such subparagraph under such cost containment system for such fiscal year as compared to the amount of such savings derived by the State under the cost containment system for the preceding fiscal year, where appropriate.

The CHAIRMAN. Under the rule, the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

Mr. KILDEE. Mr. Chairman, I am mildly opposed to the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. KILDEE] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as you know, I am offering an amendment to H.R. 4 that will require States to carry out cost-containment systems for providing infant formula to WIC participants under the family nutrition block grant in H.R. 4.

Mr. Chairman, this issue rightfully has been the source of considerable debate over the past few months.

During the Opportunities Committee markup, an amendment was offered by my colleague from Michigan [Mr. KILDEE], that would have maintained the current system of competitive bidding for infant formula for the WIC Program. This amendment, which I supported—the only Republican to do so—was defeated, which is why I am standing here today.

Many Members, including myself, continue to be deeply concerned that, under the current system in H.R. 4, which eliminates the existing competitive bidding system for infant formula, States might no longer choose to carry out competitive bidding.

Mr. Chairman, under current law, States are required to have infant formula producers bid competitively for WIC contracts, or any other cost-containment measure that yields equal to or greater savings than those achieved under competitive bidding. And, currently, according to the USDA, this system achieves an estimated savings of over $1 billion annually which is used to provide WIC services to 1.6 million economically disadvantaged pregnant women, postpartum women, breastfeeding women, infants, and young children every month. This, of course, is why I support retaining competitive bidding.

And, although my amendment does not mandate competitive bidding, I believe that it takes a big step in ensuring that States achieve the necessary savings in their infant formula program so that eligible individuals can receive essential WIC services.

Importantly, Mr. Chairman, my amendment would require that States use the savings achieved under this system for the purposes of carrying out all services under this nutrition block grant—child and adult care food, summer food, and homeless children nutrition. As a result, States are given the flexibility to use these savings where they see the greatest need.

Moreover, my amendment would have States report annually to the Secretary of Agriculture on the system they are using, the savings achieved, and how this savings compares to that of the previous fiscal year. This is an important part of the amendment because it gives infant formula producers the incentive to keep their bids low. Without this safeguard, no one has to know what, if any, savings are being achieved. Nor can we assess whether fraudulent practices are adding to costs.

Mr. Chairman, I support the block grant approach. However, some block grant supporters argue that States are capable of carrying out their own cost-containment systems without Federal involvement, and that States will continue to carry out cost-containment systems that best serve those in need. But we should not assume that States will do the right thing when this kind of money is at stake.

That is precisely what this amendment attempts to do, Mr. Chairman. The Congress has an obligation—a fiduciary one—to evaluate and monitor how Federal tax dollars are being spent.

And, I would argue against those who claim that this would be a mandate on the States interfering with flexibility because my amendment neither tells the State what type of cost-containment measure to implement, nor does it tell the State how much savings to achieve.

Mr. Chairman, this is a good amendment, and a necessary one. I urge my colleagues to support it.

This amendment would require States to carry out cost-containment systems for infant formula included in food packages provided under the family nutrition block grant.

The State will report to the Secretary of Agriculture on an annual basis: the system it is using; the savings generated by this system; and how this savings compares to previous savings under the Federal system.

The State shall use whatever savings it achieves for the purpose of providing services to the programs under the family nutrition block grant.

While I am about to mention four current alternative cost-containment systems, States are certainly not limited to these options but can combine and/or devise new ways to contain costs.

One, multisource systems—State agencies procuring infant formula can award contracts to the lowest bidder as well as other manufacturers whose bids fall within a certain price range of this bid. States can determine how big this margin should be.

Two, open market rebate systems—State agencies can negotiate separate rebates with each infant formula manufacturer so that WIC participants can choose between those infant formulas being offered.

These rebates do not increase a manufacturers market share nor will choosing not to offer a rebate prevent a manufacturer from having less shelf space.

This merely assures smaller or newer infant formula manufacturers some access to the WIC infant formula market.

Three multistate systems—cooperative purchasing—States within a region of the U.S. can join together under one type of rebate system to procure infant formula.

Rebates tend to be higher in large States because in those States there are more people which means that there will most likely be more WIC participants and subsequently a larger market share at stake for which infant formula manufacturers are willing to pay a higher price.

Conversely, rebates tend to be lower in smaller States because these States have smaller populations most likely translating into fewer WIC participants which means that the market is smaller and, subsequently, less of an incentive for an infant formula manufacturer to offer a low bid.

It has been suggested that, as evidenced through past multistate systems, larger States join with other large States and that small States join with other small States because, when they cross over, smaller States will benefit with a higher rebate which might fall below the rebate that the larger States were originally receiving.

Four, fixed price procurement systems—State agencies purchase infant formula directly from the manufacturer at some type of discounted fixed price.

The infant formula can then either be distributed by the appropriate State agency or by the retail stores.

And, this fixed price could be determined by all three parties involved—manufacturer, agency, and retailer.

Mr. Chairman, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Chairman, to extend debate, as the designee of the gentleman from Florida [Mr. GIBBONS], I move to strike the last word and ask unanimous consent to merge that additional time with the time which the gentleman from Michigan [Mr. KILDEE] is now controlling.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very disappointed that the Committee on Rules would not allow me to offer my amendment to require States to continue to use competitive bidding when purchasing infant formula for the WIC program.

That amendment would have saved $1 billion. Although I will support probably, if I am persuaded, the amendment of the gentlewoman from New Jersey [Mrs. ROUKEMA], as it is well-intentioned, I am skeptical that it will really do anything. There is 1 billion dollars' worth of difference between the words "cost containment" and "competitive bidding." A billion dollars' worth of difference.

The amendment of the gentlewoman from New Jersey [Mrs. ROUKEMA] would require States to use cost containment measures. Prior to the enactment of the 1989 law requiring States to use competitive bidding, States were using a variety of cost containment measures. We found that they just did not work. The savings were minimal.

That is why in 1989, in a true bipartisan manner with the help of President George Bush, we enacted a law to require States to use competitive bidding in the WIC program. We found that when we required States to use that competitive bidding, Mr. Chairman, not mere cost containment, that we saved $1 billion a year, $1 billion, $1 billion that enabled 1½ million more pregnant women and infants to be served each month under the WIC program.

Many of you will say, well, the States will continue to use competitive bidding. But only half the States were doing that before we mandated that by law. The other half were using industry-favored cost containment systems.

I would like to ask a question of the gentlewoman from New Jersey, who I know is the only Republican in committee who supported my amendment on competitive bidding.

Let us say that the State enters into a contract with one of the infant formula companies and gets a $10,000 rebate on a $5 million contract.

Would that qualify?

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I did not hear the gentleman. I could not hear the gentleman over the din.

Mr. KILDEE. The question is, under the gentlewoman's language, if a State entered into a contract with an infant formula company and got a $10,000 rebate on a $5 million contract, would that qualify under the gentlewoman's language?

Mrs. ROUKEMA. Mr. Chairman, if the gentleman will continue to yield, if that is the cost containment program, yes. I believe that money would then be reinvested back into the WIC program. I am sorry. WIC or any other part of the block grant, as I explained in my opening statement.

Mr. KILDEE. Mr. Chairman, $100,000 would qualify then, and $1 million would certainly qualify, right? If they entered into a contract with an infant formula company and say we will get a million dollars rebate on a $5 million contract, a fortiori, that would qualify under the gentlewoman's language?

Mrs. ROUKEMA. I think I am not quite sure what the gentleman is getting at, but I think he is talking about sole-source bidding, and maybe he is not going to make those same savings. That, of course, is one of the underlying reasons I supported the gentleman in committee.

We do not have all those benefits here, but this is a giant step, it seems to me, in the right direction of exercising, maintaining the flexibility of the States and still exercising our fiduciary responsibility.

Mr. KILDEE. My point is that under the gentlewoman's language, a $10,000 rebate would qualify for a $5 million contract, and a $1 million rebate would qualify under a $5 million contract. The fact of the matter is that we would do better under a competitive bidding than a $1 million rebate under a $5 million contract. We found that out. We would save much more under competitive bidding.

So the gentlewoman can see the markup they have on infant formula. We would do far more than even if we got a $1 million rebate on a $5 million contract, if we used the language I wanted to use and which the gentlewoman supported in committee, to her great credit, competitive bidding.

Competitive bidding saves $1 billion a year. We found that out as soon as we enacted this in 1989. So the most generous cost containment that could be used under the gentlewoman's language would be far less a savings than competitive bidding. There is a $1 billion worth of difference between cost containment and competitive bidding.

Mr. Chairman, I reserve the balance of my time.

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Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the committee.

Mr. GOODLING. I thank the gentlewoman for yielding me the time.

I want to echo what she said because it is what I have said since day 1, that we do not believe in block grants as revenue sharing. We set the goals and that is what she is doing. The gentleman from Michigan is correct. Back in the old days, and it seems we cannot get beyond the old days. But back in the olden days, States did not know all those things. They learned all those things now. Would it not be kind of foolish now to walk away from the opportunity of getting an extra $1 billion, or $2 billion if you can get that? So what she does is give that flexibility to the States. I cannot imagine any State anywhere walking away from getting the biggest amount that they can possibly get. As I said, they have learned how to do that now. Ten years ago, they did not know that. But they have the experience. So I think the gentlewoman's amendment is one that should be accepted and it will go a long way to take care of those we wish to take care in a flexible manner that more can be served than have been served in the past. I would hope all would support her amendment.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

I would say that I certainly would hope that we all learn from subsequent actions. But I having served 12 years in State government know the influence of the infant formula companies on State government. They do various things on cost containment. They will promise the university hospital so much infant formula. They will promise the health department so much. They work very closely with the legislature too.

I know that there can be other inducements not nearly as advantageous to the taxpayers and to the women and the infants as competitive bidding. If you think they are going to do it, why are you so reluctant to put it into law?

The gentleman from Pennsylvania [Mr. GOODLING] worked with me in 1989. He, George Bush, and the gentleman from Oregon [Mr. WYDEN], worked with me to get that language in. I think we need that language because I know how the infant formula companies work in the various States.

Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. I want to thank the gentleman for his good work.

Let me start by saying that I brought to the floor a can of infant formula which costs a little bit over 30 cents a can to manufacture and sells retail in our stores for maybe $2.70 a can. As a result of the free enterprise system that we brought to WIC on a bipartisan basis in 1989, as my colleague has said, we get 1 billion dollars' worth of taxpayer efficiency on this program every year.

But what I want to say to my colleagues is that after all the talk of free enterprise that we have heard from the other side this session, as a result of this bill, even with the Roukema amendment, we will be going back to the old days of closed markets and backroom contracting.

We ought to note that the gentlewoman from New Jersey wanted to do this right and to keep competitive bidding. What will happen even with this amendment is a lot of States will not have to do sealed bids which is the way to have real competition. We will also see the infant formula companies going about this country offering inducements to the States to reject competitive bidding and go with cost containment.

I would like to mention that the Federal Trade Commission, the experts there, are alarmed not just about the negative aspects for WIC of eliminating competitive bidding, they have written to me and they have said that by eliminating competitive bidding, we will reduce competition for infant formula in our stores and for the general market.

The reason that is the case is the way these giant infant formula companies get known is to move into the WIC market and get the public familiar with their product.

I just say to my colleagues, particularly on the other side, let us reinvent

Government where it does not work. This is an example of a program where free enterprise, that the parties worked on together in 1989, has worked. As a result, we are going to be eliminating competitive bidding. That is going to take milk from the mouths of poor infants and it is going to give cookies and cream to the infant formula companies and that is wrong.

Mr. Chairman, I include the following for the RECORD.

FEDERAL TRADE COMMISSION,
Washington, DC, March 16, 1995.

Hon. RON WYDEN,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WYDEN: Chairman Steiger forwarded a copy of your March 8, 1995 letter to me and asked that I respond to your inquiries. In that letter, you indicated that the House Economic and Education Opportunities Committee had voted to end the competitive bidding requirement for infant formula contracts that are part of the Special Supplemental Food Program for Women, Infants and Children ("WIC"). You also noted that three companies dominate the infant formula industry and you pointed to a possible effect in the general retail market from eliminating bidding requirements in the WIC Program, namely, that it might discourage new companies from entering the infant formula market. In this regard, you asked that, based on our experience in dealing with competitive issues related to the WIC and general retail market for infant formula, we respond to a series of questions.

I should point out that while I have not studied the proposed legislation to which you referred, I have been involved in lengthy litigations relating to the WIC and general retail markets for infant formula, and I am able to provide you with my views on the questions you have raised. These views, of course, are my own and do not necessarily reflect the views of the Commission or any individual Commissioner. This response does not provide any non-public information and, accordingly, I do not request confidential treatment.

1. Do you believe that eliminating competitive bidding for infant formula in the WIC market will discourage competition in the general market for infant formula? Please explain.

I agree with your assessment that competitive bidding in the WIC program makes entry into the infant formula market easier. I also agree that to the extent that competitive bidding in the WIC market is eliminated or made less likely, then competition in the general retail market for infant formula would be adversely affected.

The infant formula market is highly concentrated, with three companies accounting for the vast majority of sales. As I describe below, concentrated markets, sometimes referred to as oligopolies, often result in higher prices for consumers whether or not the companies have engaged in unlawful collusion, particularly where the companies sell a homogeneous product and there are high barriers to entry.

Entry into a concentrated market can have significant procompetitive effects in a variety of ways. First, new entry into a concentrated market will make it more difficult for the existing companies to collude. For example, in a given market otherwise susceptible to collusion, a price-fixing agreement among three companies is easier to achieve and maintain than would be an agreement among four companies. The fourth company not only adds a fourth party that must be convinced to violate the law, but it also is likely to have different incentives than the other companies by virtue of its smaller market share. Expansion may be a more profitable strategy than collusion if the company's share is small.

Second, even absent collusion, companies in an oligopoly act interdependently. That is, each company recognizes that its pricing decisions affect others in the industry. For example, if one firm raises prices above the competitive level in an oligopoly, the other firms independently recognize that they have two choices. They can raise prices a similar amount, resulting in each company increasing profits. Alternatively, they can maintain their prices, resulting in the price leader being forced to withdraw its price increase so as not to lose market share, resulting in each of the companies forgoing the opportunity for increased profits. Prices in an oligopoly, accordingly, are often higher than they would be in a competitive market. If new entry occurs in such a market, the likelihood of the incumbent firms being able to continue their interdependent conduct is lessened.

Finally, in general, when additional productive capacity and supply created by a new firm is added to the market, that additional supply will also have a downward effect on price. Other things being equal, as the supply of a product goes up, prices tend to go down.

Competitive bidding in the WIC Program makes entry into the market easier because a new or small company can, by winning one bid, assure itself of a large portion of the market for an extended period of time. The WIC segment of the market accounted for approximately 40% of infant formula sales in the early 1990's. Winning a WIC bid also effectively assures the winning company of obtaining significant shelf space at retail outlets, which can result in what the industry refers to as "spill-over" sales in the non-WIC retail market. The brand name recognition resulting from the significant shelf space typically given to the WIC bid winner is a substantial benefit to the winning company. Finally, obtaining a large WIC contract also can help the company achieve economies of scale in the production of formula, allowing the company to sell at lower prices to non-WIC consumers.

2. What is your best estimate of the impact of eliminating competitive bidding for WIC infant formula contracts? Please explain the likely effects on WIC users and federal taxpayers.

Early in the history of the WIC Program, the USDA observed that individual state WIC programs that used sole source competitive bidding systems obtained larger savings than those that used "open market" systems preferred by the infant formula companies. Under an open market system, all companies can participate in the program, and WIC participants can choose any company's product.

Because of competitive pressures associated with bidding for a sole source contract, where sole source bidding was required the amounts of rebates offered by the formula companies escalated over time. These rebates allowed the states to add additional families to the WIC Program, thereby serving more people with the federal grant.

These sole source rebates benefitted people in other states as well. Under competitive bid procedures, the states often received rebates that were high enough that the state itself did not need the entire amount of the rebate. In such cases, rebate funds were returned to USDA where the money was reallocated to other states.

As described below, some state WIC programs, in the absence of a federal requirement that there be competitive bidding, preferred that open market systems be utilized. This preference for open market systems in some states existed despite the understanding that competitive bids resulted in lower infant formula prices and despite the understanding that the federal government preferred competitive bidding.

Competitive bidding has been shown to result in many millions of dollars in savings to the federal taxpayer. If competitive bidding requirements are eliminated, states may again choose to forego competitive bid programs in favor of open market systems that provide significantly lower levels of rebates. In other words, states may choose to opt for programs, paid for by the federal government, that result in higher infant formula prices.

3. What are the factors that tend to increase the likelihood of anti-competitive collusion by companies and are these factors present in the infant formula market?

Anticompetitive behavior is more likely in markets where sales are concentrated in the hands of few sellers, where the product at issue is relatively homogeneous, where the firms selling the product are relatively homogeneous, and where there are high barriers to entry.

The infant formula market has these very characteristics. The top three firms accounted for in excess of 90% of the market in the early 1990's. Federal standards for nutritional quality and safety make infant formula a relatively homogeneous product. Each of the top three firms selling infant formula is a pharmaceutical company; each is similarly integrated; and each markets formula in a similar fashion. Finally, barriers to entry into the manufacture and sale of infant formula are high.

4. Last year, the state of California decided rather than bid out a new WIC formula cost containment contract, they would extend the existing contract for another year. However, because of the 1987 competitive bidding statute, the USDA required them to re-bid the contract at the end of the year.

This process saved the taxpayer $22.4 million in the cost of infant formula. A similar situation in South Carolina ended up saving taxpayers $8.97 million in the cost of infant formula.

From past FTC investigations and current information you may have available, what pressures and incentives do the infant formula companies use to keep states from bidding out infant formula contracts?

Under the sole source competitive bid procedures, with exceptions being made for physician prescriptions, WIC participants must use one brand of formula. Although all of the brands meet statutory nutritional requirements, some parents prefer one brand over another and made their feelings known to the state WIC director. To avoid dissatisfaction of some WIC participants, some WIC directors prefer the open market system under which parents can choose any brand of formula.

Because the infant formula companies preferred the more profitable open market system, they were willing to provide the state WIC programs with rebates under an open market system. These open market rebates, though in some cases convincing state WIC programs to opt for open market programs, were considerably lower than the rebates that could be obtained through competitive bidding.

In addition, formula companies and state WIC programs can structure open market rebates in a way that may meet the state's needs but that result in smaller savings for the federal government. For example, in 1990 in Puerto Rico, a system was put into place under which an open market was permitted by the local WIC program as long as the companies were willing to provide payments, outside of the WIC program, to the Puerto Rico health care system. These side payments were not returnable to the federal government as would be rebate payments not used by the program. Under this system, the formula companies offered WIC rebates equal to approximately $6.5 million in 1991. In 1992, after a competitive bid, the winning company's bid was estimated to result in an annual rebate of approximately $23.4 million.

Thank you for giving me the opportunity to provide you with my views. If I can be of further assistance to you, please do not hesitate to call me at (202) 326-2821.

Sincerely,

MICHAEL E. ANTALICS,
Assistant Director for
Non-Merger Litigation.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in support of the Roukema amendment.

Since coming to Congress, I have been a strong proponent of the Supplemental Food Program for Women, Infants, and Children [WIC]. WIC funding buys nutritious foods that are tailored to the dietary needs of participants and provides nutrition education for participants.

WIC is a cost-effective program that saves the Government money. Every dollar spent on pregnant women by WIC produces between $2 to $4 in Medicaid savings for newborns and their mothers. In 1992, WIC benefits averted $853 million in health expenditures during the first year of life of infants.

Under the current program, States are required to use a competitive bidding system or other savings mechanisms for the procurement of infant formula used in WIC packages. In 1994, $1.1 billion in rebate revenue was generated from the manufacturers of infant formula, allowing 1.5 million more participants to be served.

My home State of Florida earned over $53 million from its infant formula rebate contract. These funds were used to provide services to more than 100,000 additional clients. Clearly, cost-containment is an important component of the current WIC Program.

The family-based nutrition block grant does not require States to establish a cost-containment system. The Roukema amendment addresses this important issue and my State of Florida strongly supports her amendment.

Given the tremendous savings States are able to achieve through current cost-containment contracts, it is imperative that all States establish cost-containment systems and apply those savings to providing more services under the family nutrition block grant.

Over the last several weeks. I have heard from many constituents who are concerned about the impact H.R. 4 will have on the WIC Program. My constituents are very concerned that funding for WIC would be drastically reduced under a block grant.

Fortunately, the Committee on Economic and Educational Opportunities recognized the effectiveness of the WIC Program. The family nutrition block grant requires that 80 percent of available funds be used for WIC. This means that under H.R. 4, WIC funding will increase by $500 million more than is provided under current law.

The WIC Directors in my district also raised concerns that revisions to current nutrition programs will negatively impact the WIC program's effectiveness. Although H.R. 4 requires States to set minimum nutritional requirements for food assistance, they are concerned that under a block grant, nutrition standards will vary from State to State.

But as they point out, nutrition needs do not vary from State to State. The WIC Directors I have spoken to feel it is important to preserve the requirement for national nutritional standards.

WIC Directors are also concerned that State nutritional standards will not be based on science. However, H.R. 4 requires the food and nutrition board of the institute of medicine to develop model nutrition standards for food assistance provided to women, infants, and children.

These standards must be developed in cooperation with pediatricians, nutritionists, and directors of programs providing nutritional risk assessment, and nutrition counseling. Hopefully, all States will adopt these model standards.

When H.R. 4 is enacted into law, the Congress must conduct sufficient oversight of the implementation of the family nutrition block grant to ensure that women, infants, and children receive proper nutrition assistance.

I have seen what the WIC program can do for children and their mothers. We must make sure our reform efforts do not erode the ability of a proven program like WIC to provide essential services to women and children.

I urge my colleagues to support the Roukema amendment.

Mr. KILDEE. Mr. Chairman, I want to reiterate, under present law we require competitive bidding, not just cost containment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. I thank the gentleman for allowing me to have some time.

I also want to commend the gentlewoman from New Jersey in her intention and support her effort and think that this is a step in the right direction but it does not correct the problem.

The problem is that the program works right now. We have competitive bidding. In fact, if part of the reason for reforming is to save money, this bidding process and procedure we have allows us now to save the money. It allows us to save money and it is fiscally responsible.

But I ask my colleagues in Congress to recall that the infant mortality rate in America before WIC was horrendous. We need to remind ourselves why the WIC program is important.

It is important, therefore, to increase the savings. We had rates much lower than we have now and in fact we have increased the rate by reducing the infant mortality by increasing the opportunity for children to live.

WIC works. We want to do everything possible to make this successful program work.

We also ask Members of Congress to recall a fact that since the institution of the nutritional program, we really have less of a gap between low-income diets and those who have affluence and have other means of getting their funds.

Spending has been increased by some 65 percent. Anemia has been drastically improved. In fact, low-weight babies have increased.

I visited my neonatal clinic of the hospital and found that the cost just of maintaining a low-weight baby is horrendous, $5,000 and $10,000.

Yet the investment we make in WIC makes all the sense. It saves lives. It saves money.

I urge my colleagues to note that what we are doing here really does not correct the issue. It is a movement in the right direction, but how we should correct it is keep the current bidding sealed.

Mrs. ROUKEMA. Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, one thing I would like to say before I yield, there seems to be a pattern in the Committee on Rules on this bill. One Member goes up, asking for a substantive amendment, an amendment that makes a real difference, competitive bidding. Another Member asks what really is a cosmetic amendment and the Committee on Rules in every instance has granted the amendment for the cosmetic amendment, not the substantive. I object to that.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. I thank the gentleman for yielding me the time.

I would like to have permission to be a little bit more general in my approach to the discussion today. There has been lots of talk today and in the last couple of days about the block grant approach as was quoted by our gentlewoman from New Jersey as being the proper way to administer these programs for the unfortunate and the poor.

Let me tell Members about a community in the Commonwealth of Pennsylvania who had that option on a local level. This community had a substantial number of poor people living below the poverty line, but this community decided not to accept the School Lunch Program. Instead, I will tell you what they did. This community established a sharing table. They established a sharing table, a table in the middle of the lunchroom where the more affluent children would come in. If they did not finish their sandwiches, if they did not finish their cokes, they would leave what was left over on the sharing table for the poorer children. So that they could come in and eat the scraps of the sandwiches and what was left over of the sodas.

Could you think of anything more dehumanizing? Could you think of anything more destructive of self-esteem, of self-pride, and of self-worth than that kind of a program? There may be many things wrong with these programs, and we should be fixing them, and we should be correcting them. But sending them back to the States is not the answer.

Mrs. ROUKEMA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New Jersey is recognized for 1½ minutes.

Mrs. ROUKEMA. Mr. Chairman, I would like to summarize what we have said here. This is a good amendment, it allows the States the maximum flexibility. It requires reporting to the Department of Agriculture so that Congress can continue their oversight responsibility here. I must say that I think if we had inquired with all the States that are represented here today, we would have found something similar to the endorsement that we got from our colleague the gentleman from Florida, namely that 100,000 more clients are served in the State of Florida using these types of cost containment measures.

I urge support. I think that it marries the best of the block grant approach with the accountability standards that we as a Congress must ensure.

Mr. KILDEE. Mr. Chairman, only because the gentlewoman from New Jersey had the courage to vote for my amendment in committee, the only Republican who had that courage to do so, I will support her amendment even though it is grossly inadequate.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Colorado [Mrs. SCHROEDER].

The CHAIRMAN. The gentlewoman from Colorado is recognized for 1½ minutes.

Mrs. SCHROEDER. I thank the gentleman from Michigan for yielding me the time.

I say many will reluctantly support that amendment because I guess that is all that side could do.

I think the gentleman from Michigan made a very good point, that these are really cosmetic amendments that do not go to the core of real competitive bidding, but it is all they could get agreement on.

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In a way you feel it is almost like we are putting lipstick on pigs here, but when you get all done you still got a pig and that is what the other bill is.

We know that we desperately need competitive bidding. I have spent 22 years on the Committee on Armed Services and believe me, that is where we got the $900 toilet seats. If you do not want that in infant formula, then what we really have to do is be voting for the Democratic bill because you are not going to get there with this.

We have letters written to Congressman WYDEN from the Federal Trade Commission talking about the experience of the State of California and the experience of the State of South Carolina in competitive bidding. I do not have time to go into it, but we have got data all over the place that is showing regretfully some of these companies who should have better intentions. If they think they can get away with spending more, they will.

Remember, we had $25 million worth of WIC cuts and rescissions, and here we go again; if we do not have competitive bidding fully, one more time we will be having another cut because we will be knocking people out.

Mr. GOODLING. Mr. Chairman, as the designee of Chairman ARCHER, I move to strike the requisite number of words in order to receive an additional 5 minutes of debate time as provided under the rule.

I yield myself the first 30 seconds. I want to assure my colleague from Pennsylvania that under our program he can be assured that that will never happen in his community again, because we have the rules and regulations on how they have to spend the money.

I would say to my friend from Michigan, cosmetics is a good term I suppose. The old Committee on Rules always used to say, "Well, that makes good sense," and then you knew positively it would not be made in order.

So it is a little different from cosmetic that it makes good sense; it is not in order.

Mr. Chairman, I yield the remaining 4½ minutes to the gentleman from California [Mr. CUNNINGHAM].

PARLIAMENTARY INQUIRIES

Mr. MCDERMOTT. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MCDERMOTT. Mr. Chairman, is this amendment time on the amendment we are discussing or is this on the next amendment?

Mr. CUNNINGHAM. It is on the next amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] struck the last word on the Roukema amendment. The Chair would like to point out to the gentleman from Washington that most of the debate has not been on that amendment; it has been on the bill.

Mr. GOODLING. Mr. Chairman, I yield my time to the gentleman from California [Mr. CUNNINGHAM].

Mr. VOLKMER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Even though the debate in the past has not been on the amendment, is not the rule of the House, regular order, that the debate that follows would still be on the amendment even though others have not debated the amendment?

The CHAIRMAN. Unless a point of order is raised, since the Chair has been lenient with those who seek to address the bill rather than the amendment, the Chair is going to continue to be lenient.

Mr. GOODLING. Mr. Chairman, I understand this is coming out of my time, so I do not yield to any parliamentary inquiry if it is coming out of my time.

The CHAIRMAN. It is not coming out of the gentleman's time.

The gentleman from California [Mr. CUNNINGHAM] is recognized for 4½ minutes.

Mr. CUNNINGHAM. Mr. Chairman, I am not going to offer the next amendment, I would say to the gentleman, and I want to explain I had an amendment in the subcommittee. The illegal immigration, we cut out all 23 programs. This deals with legal immigration. I felt that a person, once they sign up to become an American citizen, should have the rights of American citizens, because the process is often delayed.

I have been told by the other side if I make a unanimous consent to have that improved it would be objected to. So I am not going to offer the amendment. It would go down.

But the gentleman from California [Mr. KIM] and myself have some concerns and I would like to yield to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. KIM. Mr. Chairman, I thank the gentleman for yielding. I presume the gentleman is yielding to me because he thinks I am a expert in this area. I am. Before I explain what my amendment will do, let me tell just a brief background story.

Under this bill there is one provision which prohibits all of the benefits to noncitizens. Who are the noncitizens? It could be anyone; it could be refugees, could be anyone staying here temporarily.

But my amendment is carefully crafted to those folks who are here legally and receive permanent residentship, those folks who came to this country in search of the American dream. Those folks took a long time to follow the legal process to come here and finally received a permanent residentship, and they are waiting for citizenship. Presumably they are soon going to be a citizen, they are citizens-elect.

Denying benefits to those folks, I can understand that. We are in a financial crisis with a $4 trillion deficit. I can understand that. Yes, we have to treat our citizens first before we deal with other noncitizens. I accept that.

But let me tell my colleagues, once those folks who are permanent residents and waited 5 to 6 years to finally apply for citizenship and that application is accepted, he or she should not be treated as a second-class citizen.

All my amendment does is to treat them just like the citizens, and not denying all of the benefits to those folks.

Mr. CUNNINGHAM. If the gentleman will yield back, he and I would like to enter in a colloquy with the gentleman from Texas [Mr. SMITH], the chairman of the Subcommittee on Immigration and Claims, and I would ask if the gentleman from Texas [Mr. SMITH] would agree to work with the gentleman from California [Mr. KIM] and myself in the committee to resolve the problem,to make an amendment in order so that we can deal with this issue? And it is bipartisan. We have the task force which is made up of Republicans and Democrats, and we will be happy to work with the gentleman on this issue [Mr. KIM] and myself, if the gentleman would make that in order.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I would like to reassure my friends from California, Mr. CUNNINGHAM and Mr. KIM, that if the amendment that they were planning to offer today is not accepted and if that amendment is offered in the Subcommittee on Immigration and Claims, of which I am chairman, when we, in the next several months, are considering other comprehensive legislation regarding immigration, we will certainly consider their amendment. If that amendment is not approved on the subcommittee level, I will certainly work with them and guarantee them that I will ask that it be considered on the House floor.

Mr. CUNNINGHAM. I agree with this approach, and I think Mr. KIM does, too.

I yield back to the gentleman from California [Mr. KIM].

Mr. KIM. I thank the gentleman for giving me his assurance. And I agree with this approach, and I think my amendment will ensure all permanent residents and aliens would be legal at the time of the acceptance of the application, and I think that is an important message we have to send to those folks out there. I thank the gentleman.

Mr. CUNNINGHAM. I think this is one issue I think we can work very well with the leadership on the Democratic side as well as ours, and I yield back the balance of our time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 104-85.

AMENDMENT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. ROS-LEHTINEN: Page 157, after line 4, insert the following new paragraph:

(6) CERTAIN PERMANENT RESIDENT AND DISABLED ALIENS.—Subsection (a) shall not apply to an alien who—

(A) has been lawfully admitted to the United States for permanent residence; and

(B) is unable because of physical or developmental disability or mental impairment (including Alzheimer's disease) to comply with the naturalization requirements of section 312(a) of the Immigration and Naturalization Act.

The CHAIRMAN. Pursuant to the rule, the gentlewoman from Florida [Ms. ROS-LEHTINEN] and a Member opposed will each control 10 minutes.

Does the gentleman from Washington rise in opposition?

PARLIAMENTARY INQUIRY

Mr. MCDERMOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MCDERMOTT. Mr. Chairman, are we now doing amendment No. 18?

The CHAIRMAN. Amendment No. 18, that is correct.

Mr. MCDERMOTT. As printed in the RECORD?

The CHAIRMAN. As printed in the Rules Committee report.

Mr. ARCHER. Mr. Chairman I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. ARCHER] may control the 10 minutes.

The Chair recognizes the gentlewoman from Florida, [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is a straightforward, simple humanitarian amendment, which would exempt any U.S. legal permanent residents who cannot take the naturalization exam because they suffer from mental disorders and physical impairments or disabilities.

Under title IV of H.R. 4 these people would be cut off from Federal benefits simply because they are not American citizens. These individuals would not be able to resolve this problem because of their inability to take the naturalization exam.

H.R. 4 currently makes no exemption for these individuals who would be the most affected by the elimination of these benefits. The elderly who suffer from Alzheimer's disease cannot possibly pass the citizenship exam given their debilitating disease. They cannot remember or memorize questions, nor are they physically able to present themselves many times before the citizenship examination.

Under this legislation these people unfortunately would be unfairly cut off. The same goes for a person who because of a physical disability cannot leave his or her home to take the naturalization exam. These individuals, many of whom have contributed years of hard work and labor to this country, would now be denied benefits simply because they cannot because of physically tormenting disabilities take the citizenship exam. Under my amendment the Immigration and Naturalization Service will be able to have the ability to determine if the person is unfit to take the naturalization exam due to this serious disability.

Mr. Speaker, in my south Florida community and indeed around our great Nation, many U.S. permanent residents, especially the elderly, suffering from such terrible diseases as Alzheimer's are unable to take the citizenship test because of their illnesses. This amendment would help these most vulnerable permanent residents, many of whom after years of hard work and making wonderful contributions to our great Nation rely on these benefits for their well-being.

This humanitarian amendment would exempt those who are the most vulnerable by allowing them in a calculated and limited manner to not have to take the unfair exam that they are unable to take. This will allow them to not be cut from the benefits they need in order to survive.

Mr. Chairman, I reserve the balance of my time.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly rise in opposition to the amendment. I understand what the gentlewoman is trying to accomplish, and I am very sympathetic to her.

Mr. Chairman, the problem is that the definition of disability or impairment is too broad, that like so many other areas where we have run into problems when we talk about disability within the welfare programs, we have found that it has been tremendously abused. We have tried to work with the gentlewoman for tightening up this language and have been unable to reach that conclusion at this time.

However, I would say to the gentlewoman from Florida [Mrs. ROS-LEHTINEN], that if it is possible to get more precise language that is not so general in conference, I would be more than happy to consider that.

There is the additional problem that CBO has not issued an estimate, a revenue estimate on this amendment. The rough understanding that we have been given because of the broadness of the definition is that it could cost $1 billion.

So, I would, as I said, reluctantly urge the Members to oppose this amendment and give us an opportunity to try to work on the language in the conference committee.

Mr. Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the remarks of the chairman. We have in fact been working with the staff this afternoon to try to work up the language that specifically tracks section 312(a) of the Immigration an Naturalization Act, which already gives such waivers to those individuals who are suffering from disabilities.

Our attempt is not to broaden that current waiver any more than it is already on the books. It is not to say that anyone who is a drug addict and anyone who is an alcoholic would not be exempt from taking the exam and would then be able to apply for benefits. That is not the intent, nor does our language I think in any way allow that to happen.

I think that the scourge has been unfair in the way they were calculating the effects, and in fact in our last discussion the calculations were that that scourge was going to come down considerably once they understood that section 312(a) already has similar language which exempts these individuals.

This amendment merely puts it in this welfare reform package so that it is clear to the INS officials that these individuals are also going to be exempt from the citizenship requirement if their disabilities are such that it will render them unable, physically, mentally unable, to take the exam.

We have an amendment already drawn up which would be acceptable, that we hope in conference would be accepted, to further specify that this is a very narrow limitation, and that the budget considerations are not as extreme as some would have us believe, and we are very confident that that is true because section 312(a) refers to naturalization.

What we want to do is make sure that we have it refer now to the exemption from welfare benefits for those people who suffer from these debilitating diseases.

Mr. SHAW. Mr. Chairman, will the gentlewoman yield?

Ms. ROS-LEHTINEN. I yield to the gentleman from Florida.

Mr. SHAW. I know you have been working on this for sometime and you and I may have spoken with regard to the noncitizen portion of the bill, which I know gives you and a few other Members great concern. I would just like to echo the words of my chairman, the gentleman from Texas [Mr. ARCHER], in saying we will be working closely during the conference process, and hopefully this is something that we can work together on.

□ 1215

I see that our colleague from south Florida has also come onto the floor, who has expressed great concern with regard to this portion of the bill, and I can assure you that we will do everything we can to be cooperative during the conference process. I am sorry that we were unable to change the amendment by unanimous consent, but we did run it by the minority, and they were not inclined to allow the change at this point.

So we will continue to work with you and the minority and the Senate in trying to resolve this problem.

Ms. ROS-LEHTINEN. I thank the gentleman. Yes, it is a shame; we had the language drawn up. I think it would have addressed the concerns that some individuals had about who specifically would be exempt from this exam.

Mr. Speaker, I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I really appreciate my colleague yielding.

Mr. Chairman, I rise today in strong support of the amendment offered by our colleagues from Florida—and in strong disappointment that it has to be offered.

To me, it is absolutely reprehensible that this bill contains an attack on immigrants who were lawfully admitted to this country.

As the Chair of the Congressional Asian Pacific American Caucus, I can tell my colleagues that I have seldom seen an issue that has generated so much concern among the Asian Pacific American communities around the country.

The rhetoric surrounding this issue has been frightening to many in our community—61 percent are immigrants who arrived in this country since 1970 alone.

We began to fear where things were heading last year when Proposition 187 was being debated in California.

Asian Pacific Americans in California are second to none in our frustration with illegal immigration. Many in the community have waited patiently for years for spouses and children to join them through the legal process.

But it quickly became clear to us that the rhetoric and the emotion went far beyond the issue of illegal immigration alone.

Those who supported Proposition 187 told us repeatedly that legal immigrants had nothing to worry about.

But sure enough, here we are today, debating on the floor of the House of Representatives whether taxpaying, lawfully admitted immigrants will be eligible for the services their taxes pay for.

Many in our community, particularly those who arrived here fleeing Communist oppression and civil war, are frightened of where this will lead.

Already, the rhetoric surrounding this issue has been filled with assertions that we should "take care of Americans first." When did we change the definition of American? When did this happen?

Mr. Chairman, my parents were born in Japan, but they chose to make America their home.

I can tell you that never in the history of this country have there been two finer Americans. They chose America to build a future for their children. There is no decision they ever made for which I am more grateful.

From Albert Einstein to Martina Navratilova; from An Wang, the founder of Wang computers, to Elie Wiesel, winner of the Nobel Peace Prize—all have come to this country and been accepted as Americans.

H.R. 4 flies in the face of that principle, and to me it's a sad commentary on the state of national debate in this country.

I urge my colleagues to join with me in opposing H.R. 4.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Florida [Mr. DIAZ-BALART], who is a cosponsor of this amendment.

Mr. DIAZ-BALART. Mr. Chairman, I think that it is very important that I commend my colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN], for having introduced this amendment that I have cosponsored. It is very important that at the very least those who are physically or mentally disabled not be excludable from benefits even after being legally in this country because of their disability, and that is what this amendment, this very fine amendment, seeks to do.

I am very disappointed that a ban on SSI and AFDC and food stamps and Medicaid remains in the legislation, in the bill, with regard to legal residents. I think that ban is unfair. I think it is unnecessary. I think there is somewhat of an element of irrationality involved because a great percentage of those who may be ineligible, because they are not citizens, will become citizens, so the savings will be minimal at best from the point of view of those who say this ban will save the Government money.

So it is unfortunate it is in. We will continue fighting against the ban, against legal residents of the United States, from services and will continue working with the gentleman from Florida [Mr. SHAW] and the gentleman from Texas [Mr. ARCHER] and, of course, Members on the other side of the aisle to remedy this in the conference process.

But this inclusion, the ban's inclusion in the bill, makes it imperative certainly that people that feel like I do, as strongly as I do, and I know the gentlewoman from Florida [Ms. ROS-LEHTINEN] does on this issue, it is imperative that we oppose this legislation in its current form.

Mr. MCDERMOTT. Mr. Chairman, as the designee of the gentleman from Florida [Mr. GIBBONS], I move to strike the last word, and I ask unanimous consent to be allowed to yield blocks of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MCDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, this is another one of the figleaf amendments. Now, this place is starting to look like a fig tree. Every time they bring the bill out, people look at it and say, "Well, this needs a figleaf."

We took benefits away from legal immigrants in this country.

Now, I went to the Committee on Rules and asked for the right to give those benefits to legal immigrants, and I was joined by the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentleman from Florida [Mr. DIAZ-BALART]. But the Rules Committee denied that. So we get this little figleaf that does not do anything.

It knocks a half a million people off the aged and disabled rolls. It is a help for a few pitiful people who cannot walk into the office and file. Now, that, in my opinion, is about 1 inch when we ought to go a mile.

If you are a legal immigrant in this country, you are working here, you are paying taxes, and bad times come to you, you ought to be entitled to everything else that every American is, and I think that this is only a half a loaf.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

Mr. ARCHER. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I wonder if I could get the attention of the manager of the bill for one moment, the gentleman from Texas [Mr. ARCHER]. I wanted to ask you to explain what I find to be one of the most astonishing features of this particular provision which issue is raised by this amendment.

The majority has decided to deny a series of very important benefit programs to legal, taxpaying resident immigrants in this country, and has made one exception, that foreign farm workers, guest workers, H(2)(a)'s, people who come here on a temporary basis, will remain and will be the only group of immigrants that will remain eligible for Medicaid, housing, SSI, AFDC, and all of these programs. So that while you have thousands of domestic farm workers, many of them here as legal immigrants who are paying taxes and are ineligible for these benefits and are among the lowest-paid workers in American society, the agribusiness lobbyists will be able to, and their clients will be able to, bring in foreign guest workers to harvest crops instead of using the available domestic farm worker supply and still be subsidized for the health care and the housing and other benefits for these workers.

How could this bill contain such an exception to this provision?

Mr. ARCHER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Texas.

Mr. ARCHER. Are you talking about farm workers?

Mr. BERMAN. I am talking about foreign guest workers, farm workers, are the only group of immigrants left eligible for these benefits.

Mr. ARCHER. If the gentleman will yield, I would respond by saying these people come into this country under very special circumstances, under special provisions in the law, are invited in here to help the economy——

Mr. BERMAN. To work.

Mr. ARCHER. Under those special provisions. The average immigrant who comes to this country agrees, on entry, not the guest workers, but the other resident immigrants legally admitted to this country agree, when coming in, to be self-supporting. The guest worker does not make that agreement.

Mr. BERMAN. Reclaiming my time.

Mr. ARCHER. The gentleman does not wish a response?

Mr. BERMAN. I heard the response.

Mr. ARCHER. The response is more lengthy than that. If the gentleman wants to cut me off, he may.

Mr. BERMAN. The problem is I only have 3½ minutes. But I will yield as long as I have a little time to respond to your response.

Mr. ARCHER. Well, on your time. The immigration law of this country provides that when you seek residency here as a legal alien that you are agreeing to support yourself. If you do not and you become a charge of the taxpayers of this country, you are subject to deportation legally under the law today. A guest worker comes under a very different circumstance into this country and is protected by the law that relates to guest workers, and the gentleman should understand this.

Mr. BERMAN. I suggest a very different reason. I suggest that somewhere agribusiness stuck into this provision a bill to help subsidize the workers they want to import because they do not want to hire the domestic farm workers, and I find it just unbelievable that in a bill designed to encourage work you are helping to displace and subsidize foreign guest workers and displace American workers.

The CHAIRMAN. The Chair would like to point out that he has tried to be lenient on Members who go over their allotted time. If we start abusing it, the Chair is going to charge it against the manager's time.

Mr. MCDERMOTT. Mr. Chairman, I yield 1 minute, the remainder of my time, to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Chairman, I would ask my colleagues that, as they consider this amendment, they would think of legal immigrants not as someone who recently arrived, not someone who only came over to receive benefits, but to think of the legal immigrant as a person who has been here for many years, who has worked, has paid their taxes, has raised their family and has been responsible.

The only thing that they do not have is the right to vote and are not citizens. But this amendment talks about a person who cannot take the examination, cannot be naturalized because they are physically or developmentally disabled or mentally impaired to take the test. So we are talking about a safety net for those legal immigrants who cannot take the exam because of their disabilities.

I would think that Members of this House on both sides of the aisle would show compassion to these people and support this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 15 seconds to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman and hopefully, when we have more time, we will be able to address the underlying motives behind this issue in this legislation.

I thank the gentlewoman.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 15 seconds to my colleague, the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, let me just say these people are the mothers and fathers, brothers, sisters, and sons and daughters of American citizens who came here and should not be denied. They work, they contribute, and they should not be denied simply because of their status when they have contributed all along, and at least in the gentlewoman's case, which I strongly support. We carve out a small exception to those people who should not simply be denied.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 15 seconds to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding a moment of time.

I also support this amendment. I think she is trying to do the right thing. We should not be denying people who do their darndest to work hard in this country and do the best they can ultimately to become U.S. citizens. They should have that opportunity.

I urge Members to support this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I hope the Members will support this humanitariian amendment to at least allow those individuals who are physically and mentally disabled to take their benefits that they deserve that they have worked hard to get.

I hope we can see clearly through this anti-immigrant, anti-refugee feeling and get on with the real issue of helping those people regardless of their citizenship status.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, as I mentioned earlier, I understand what the gentlewoman from Florida is trying to do. I still have a great concern for the broader definition. I think that she actually believes the definition to be more constricted than it is.

What came out of the Committee on Rules is so broad in what can be a disability or a impairment that I believe we will find the very same things happen there that we have already found under "disability" in other parts of the welfare code of this country today. I do not want to see that happen with national TV exposés down the line for abuses under this definition.

I would hope that the members of this committee will vote this amendment down, that in conference we might have the opportunity to construct more constrictive language, but I would further say relative to this and any other amendments of this type, that the law of this land, the immigration law of this land, since the late 1800's, provides that anyone coming into this country as a legal alien understands that they cannot become a public ward.

□ 1230

They cannot throw themselves into the hands of the taxpayers of this country, and if they do, if they go on welfare, they legally, today, can be deported.

In addition, where they come in under the sponsorship of other relatives, those relatives take on the responsibility of maintaining and supporting their immigrating relatives into this country so that they will not become a burden on the taxpayers of this country.

Mr. Chairman, my ancestors and most of our ancestors came to this country not with their hands out for welfare checks, even if they were willing to work, they came here for the opportunity for freedom and the opportunity to work and to achieve the successes that this country offers more than any other country in the world.

Mr. VENTO. Mr. Chairman, I rise in support of the Ros-Lehtinen/Diaz-Balart amendment to exempt legal permanent residents who cannot take the U.S. naturalization exam because of a physical or mental disability.

Certainly the denial of benefits under this bill to legal noncitizens is unjust and unwarranted. This denial has nothing to do with sponsor support. In addition the measures to strengthen and extend deeming should be carefully considered.

The policy in the GOP bill denies benefits to people who have legally been in the United States 5 years and have not achieved citizenship, even though they may have paid taxes and rent or maybe even own a home and have children, who are U.S. citizens. In St. Paul, MN, we have a significant settlement of Southeast Asians, the Hmong, who fled Laos after fighting along with United States troops against the Communist forces of North Vietnam. Because the Hmong did not have a written language, many adults have had great difficulty learning English. Under the provisions of the GOP measure before the House, they would be denied most benefits; $20 billion of the anticipated cuts made by this GOP bill come from just such limits.

This amendment before the House would provide some modest relief to the harsh GOP bill which unfairly and arbitrarily discriminates against legal noncitizens. The circumstances in St. Paul, MN for the Hmong are extraordinary, but individuals who have not become citizens and remain in the United States generally are subject to unusual factors. Under what logic are they being denied benefits? I heard someone raise the notion of fraud and abuse but is there a demonstrated record of such a problem? Are legal noncitizens any different in this regard than citizens?

The policy being advanced in this GOP measure is inappropriate and while I commend this amendment to my colleagues, the GOP bill is not much changed by this amendment. We do not even have an up or down vote on the subject of benefits for noncitizens due to the restrictive Republican rule and these piecemeal amendments will not remedy this punitive measure.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentlewoman from Florida [Ms. ROS-LEHTINEN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentlewoman from Florida [Ms. ROS-LEHTINEN] will be postponed until after the disposition of amendment No. 20.

It is now in order to consider amendment No. 19, printed in House Report 104-85.

It is now in order to consider amendment No. 20, printed in Report 104-85.

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer amendment No. 20, printed in House Report 104-85.

The CHAIRMAN. The Clerk will designate the amendment.

The text of amendment No. 20 is as follows:

Amendment offered by Mr. MORAN: Page 170, after line 12, insert the following new section:

SEC. 442. PREFERENCE FOR FEDERAL HOUSING BENEFITS FOR FAMILIES PARTICIPATING IN WELFARE ASSISTANCE WORK PROGRAMS.

Section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437) is amended—

(1) by striking the section heading and inserting the following new section heading:

"DECLARATION OF POLICY AND PREFERENCE FOR ASSISTANCE";

(2) by inserting "(a) DECLARATION OF POLICY.—" after "SEC. 2"; and

(3) by adding at the end the following new subsection:

"(b) PREFERENCE FOR FAMILIES PARTICIPATING IN WELFARE ASSISTANCE WORK PROGRAMS.—

"(1) IN GENERAL.—In selecting eligible families for available dwelling units in public housing and for available assistance under section 8, each public housing agency shall give preference to any family who, at the time that such occupancy or assistance is initially provided for the family—

"(A)(i) is participating in a work or job training program that is a condition for the receipt of welfare or public assistance benefits for which the family is otherwise eligible, or (ii) is eligible for and has agreed to participate in such a program as a condition for receipt of such assistance; and

"(B) has agreed, as the Secretary shall require, to maintain and complete such participation and to occupancy or assistance subject to the limitations under paragraph (3).

"(2) PRECEDENCE OVER OTHER FEDERAL AND LOCAL PREFERENCES.—Occupancy in public housing dwelling units and assistance under section 8 shall be made available to eligible families qualifying for the preference under paragraph (1) before such occupancy or assistance is made available pursuant to any preference under section 6(c)(4)(A) or 8(d)(1)(A), respectively.

"(3) 5-YEAR LIMITATION ON ASSISTANCE.—Notwithstanding any other provision of this Act, the occupancy of any family in public housing or the provision of assistance under section 8, pursuant to the preference under paragraph (1), shall be terminated upon the expiration of the 5-year period that begins upon the initial provision of such occupancy or assistance to the family.

"(4) FAILURE TO PARTICIPATE.—If the applicable public housing agency determines that any family who is provided occupancy in public housing or assistance under section 8, pursuant to the preference under paragraph

(1), has ceased participating in the program referred to in paragraph (1)(A) before completion of the program or failed substantially to comply with the requirements of the program, such cessation or failure shall be considered adequate cause for the termination of the tenancy or the assistance for the family and the public housing agency shall immediately take action to terminate the tenancy of such family in public housing or the provision of assistance under section 8 on behalf of family, as applicable.

"(5) LIMITATION ON AVAILABILITY OF PREFERENCE.—The preference under paragraph (1) shall not apply to any family that includes a member who—

"(A) has occupied a public housing dwelling unit or received assistance under section 8 as a member of a family provided preference pursuant to paragraph (1), which occupancy or assistance has been terminated pursuant to paragraph (3), or (4); and

"(B) was personally required to participate in the program referred to in paragraph (1)(A).".

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. MORAN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Is there a Member in opposition claiming the 10 minutes?

Mr. MORAN. Mr. Chairman, I have not been informed of anyone opposed.

Mr. ARCHER. Mr. Chairman, I am unaware of opposition, but I would like to control the 10 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. MORAN] will be recognized for 10 minutes and, without objection, the gentleman from Texas [Mr. ARCHER] will be recognized for 10 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what this amendment would do, depending upon whatever welfare bill is enacted—I happen to support the Deal amendment—but what this amendment would do is to say that when you enter a work program, then in fact you go to the top of the waiting list for public and publicly assisted housing, so there would be an incentive for people who seek work to be able to enjoy the support of subsidized housing.

Currently, there is very little turnover in any subsidized housing. In fact, there are 13 million people who are eligible for subsidized housing. And less than 3.5 million actually receive it.

Mr. Chairman, the original intent of subsidized housing was that it be transitional, that people who needed some help to get their feet on the ground would be able to take advantage of subsidized housing in the interim until they achieved economic self-sufficiency.

What this is doing is providing a significant incentive for people to find work, to get themselves on the ground, so to speak, and then after 5 years they would lose their eligibility for this assisted housing.

So that it will create some turnover in assisted housing as well.

I would suggest to the Members they consider this with regard to welfare reform.

I will bet that Members are not aware of this.

Mr. PASTOR. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Arizona.

Mr. PASTOR. I thank the gentleman for yielding.

Mr. Chairman, I support the gentleman's amendment. I think what he wants to do is great because we need a little bit of assistance to the people getting off welfare.

But with the rescissions and the new budget that is coming up and the budget for section 8 and the budget for public housing almost being destroyed, does the gentleman think it is really going to happen that you will be able to implement his amendment, knowing that the Republicans are going to destroy section 8 and public housing?

Mr. MORAN. I would respond to my friend, the gentleman from Arizona [Mr. PASTOR], the fact is this is a good amendment, regardless of what happens to section 8 or public housing. We cannot throw in the towel and ignore any improvements possible under the assumption that ultimately all housing subsidies programs are going to be eliminated. I do not think that is going to be the case.

In fact, those programs that continue to exist, we have all the more reason to prioritize who gets the advantage of them. This does not affect elderly or disabled people, because families need more than one-bedroom efficiencies, which is what is available to elderly and disabled.

I think many people may not be aware of fact that in terms of eligibility for housing subsidies, AFDC is counted as income. When welfare reform passes and people who choose not to go into a work program lose their AFDC, the other part of the Federal Government, HUD, is going to make it up for them. HUD is going to reduce their cost of subsidized housing so that there will be a reverse, a perverse incentive, if you are in public housing, not to participate in the work participation program.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I too share some of the concerns raised by the gentleman from Arizona [Mr. PASTOR] with regard to the gentleman's amendment. I note he suggests it does not explicitly, does not affect the elderly and disabled, but there is no explicit exclusion in the amendment that the gentleman is offering.

Furthermore, as the gentleman from Arizona [Mr. PASTOR], our colleague, raised, the new proposals in terms of HUD, the reinvention blueprint actually asks to mix more people into housing. Of course, it normally leaves the preference decisions, with their long waiting lists, to the local control in many instances. This is contrary to that.

Furthermore, I think if this were to—it needs some work, I am sure—but it sets up a two-tier system for residents of public and assisted housing. It could displace many families currently on waiting lists or who are not enrolled in training programs, for a variety of reasons.

The gentleman mentioned the obvious ones in terms of age or disability. But others who have been waiting who are not on training programs and who have been on the list for years could be displaced. If the gentleman would continue to yield, and I appreciate his doing so, it makes no exceptions for families who may lose their jobs or whose economic situation changed within a 5-year period.

It makes no exceptions for families who go to work at jobs with wage levels that make them ineligible for housing.

I know the gentleman's contention is if they receive the income, that they would not be so affected in terms of still not being impacted. We would like to keep those benefits in place.

I think the intent of it is good. The effect of the amendment though, in terms of existing housing polices raises many questions.

Mr. MORAN. I say in response to my friend, the gentleman from Minnesota [Mr. VENTO], who has been very active in the housing area on the Subcommittee on Housing, it does not specifically exclude the elderly and disabled, but families looking for subsidized housing are not looking for one-bedroom efficiencies. They are not in competition with the elderly or disabled.

I would also say to my friend that one of the biggest problems in terms of subsidized housing being used for the people in greatest need is that the only area that most jurisdictions are willing to provide subsidized housing is for the elderly and disabled because they make more profit. The developer makes more profit in building a high-rise. They do not like to provide subsidized housing for families. That is where the greatest need is; that is, those who compose most of the waiting list, families with children, not the elderly or disabled, because most jurisdictions are more than happy to provide for the elderly and disabled. They do not want families with kids. They assume they are unruly, with kids and so on, when they come from a family of poverty. That is our biggest problem in making the best use of the limited subsidized dollars that we have.

But I would also suggest that those families that are on this waiting list, they ought to have an incentive to get a job, to pursue the ultimate objectives of welfare reform, which in fact both Democrats and Republicans agree is self-sufficiency. There ought to be an incentive. This is one of the most substantial incentives we can provide.

If you go out and search for a job and find a job, we are going to provide subsidized housing for a limited period of time, 5 years, so you can get on your feet. This is consistent with both Republican and Democratic philosophy. It also would make much greater priority use of the limited subsidized housing funds we have available.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MORAN. Is the gentleman speaking in opposition?

Mr. KENNEDY of Massachusetts. Yes.

Mr. MORAN. Mr. Chairman, 10 minutes is reserved on the other side, none of which has been used as yet. I would suggest the gentleman seek time there.

Mr. Chairman, I reserve the balance of my time.

Mr. ARCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, what I wanted to talk about is more the general rhetoric that we have heard on the floor in the last few days about this bill.

Mr. Chairman, I have been astounded and astonished to hear the harsh, unreal, and irresponsible talk coming from the Democrats about welfare reform. To do as they have done, call State and local governments cruel and heartless, is irresponsible. To do as the Democrats have done, call our neighbors and neighborhoods mean and insensitive, is harsh to the extreme.

To do as the Democrats have done, refer to the work of our churches and charities as uncompassionate, is out of touch with reality.

Mr. BAESLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] yield for the purpose of a parliamentary inquiry?

Mr. WALKER. I do not, Mr. Chairman.

The CHAIRMAN. The gentleman does not yield.

Mr. WALKER. Oh, the Democratic opponents of welfare reform will say they have called none of those Americans these names. They claim to be attacking the Republican welfare reform bill or the Contract With America.

But the underlying facts belie their caterwauling. We Republicans are not empowered by our welfare reform bill. The legislation turns power back to States and localities, to neighborhoods, to churches, and to charities. The only way that the results can be cruel and harsh, insensitive and mean, and uncompassionate is if you do not believe in the basic goodness of the American people and the American society. And the fact is—confirmed by this debate—the liberals do not believe in the basic goodness of the American people and American society.

The Democrats long ago came to the conclusion that goodness and mercy flow through Federal bureaucrats. Opponents of welfare reform truly believe in taxing working people more so that they can have more money to spend on spreading good will through Washington solutions.

That's why liberals are opposed to this legislation. It changes things. Democrats are in favor of keeping the present welfare system. They derive much of their political standing and power from the present welfare system. Their talk of meanness and insensitivity is status quo talk.

The opponents of welfare reform have done everything they can for 40 years to build the present system. It is the symbol of all they believe. They do not want to see it changed by a new majority.

That is the real choice before us in the bill on this House floor.

Do you agree with the present system that robs working people of the treasure of their work in order to support people who refuse to work?

Do you believe the Food Stamp Program is the best way to feed the needy or are you disgusted to see food stamps abused as you walk through the grocery store check-out line?

Do you believe the School Lunch Program works well or are you disturbed to see the garbage truck haul away half the food, food the kids have thrown away?

What the Democrats are defending with their harsh, unreal, and irresponsible talk are programs that are immoral and corrupt. It is immoral to take money from decent, middle-class Americans who work for everything they have and give it to people who think they are owed the money for doing nothing.

It is immoral to run up our debt leaving our children and grandchildren to pay the costs of federally apportioned compassion.

It is immoral to consign poor people to lives of living hell as government dependents so that politicians and bureaucrats can maintain power.

It is corrupt to keep a system that is best known for its waste, fraud, and abuse.

It is corrupt to give money to Federal bureaucrats that should be going to truly needy people and call the spending compassionate.

It is corrupt to pick on the most vulnerable people in our society, the children and the poor, to maintain ones own political power base.

Yet that is what this debate has revealed about the opponents of welfare reform. They cannot accept good welfare reform because it changes the pattern of power in America. The immoral and corrupt system they have fostered comes to an end. What the Democrats speak on this floor is the language of fear—fear of the future, fear of change, and fear of the loss of their political power. The system no matter how corrupt is their system and they want to keep it. The system no matter now immoral is their system and they want to keep it.

What the rhetoric of the Democrats have spoken on this floor tells us is that anyone who wants the welfare system changed should support the welfare reform legislation that we have before us.

Sixty years ago, Franklin Delano Roosevelt told us that all we had to fear was fear itself. Today, Democrats tell us clearly in this debate that all they have left is fear itself.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Sure, I would be happy to yield to the gentleman.

Mr. RANGEL. I thank the gentleman from Pennsylvania for yielding.

Mr. Chairman, is it not a fact that the Republicans are not driven to reform the system which Democrats want to reform too but they are driven in order to save the money in order to pay for this horrendous tax bill that you have introduced on the Contract With America?

Mr. WALKER. The gentleman is absolutely wrong. What we are attempting to do is have economic growth and at the same time make certain we bring down the debt and deficit. It is corrupt and immoral what the Democrats are out here on the floor defending, I say to the gentleman from New York [Mr. RANGEL].

Defending this welfare system is actually corrupt and it is immoral.

□ 1245

This system is absolutely one of the most corrupt and immoral systems, and it is about time we reform it.

Mr. RANGEL. It is tax reduction, not welfare reform, and the gentleman knows it.

Mr. MORAN. Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky [Mr. BAESLER].

Mr. BAESLER. Mr. Chairman, I would like to rise in support of the amendment offered by the gentleman from Virginia [Mr. MORAN]. It does provide incentives, and I do think it recognizes the importance of work over those who do not work, and I hope we pass it.

Mr. MCDERMOTT. Mr. Chairman, to extend debate, as Mr. GIBBONS' designee, I move to strike the last word, and I ask unanimous consent to be allowed to yield blocks of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. MORAN. Mr. Chairman, I have a parliamentary inquiry of the Chair as to the effect of granting the last request.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MORAN. In other words, Mr. Chairman, will the gentleman from Massachusetts [Mr. KENNEDY] have a block of time to explain his position?

The CHAIRMAN. The gentleman from Washington [Mr. MCDERMOTT] will control 5 minutes and be able to yield it, and the gentleman has 1½ minutes remaining in his time.

Mr. KENNEDY of Massachusetts. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I am trying to understand. If we have a Democrat and a Republican that are both in favor of the amendment and we have a Democrat, a group of Democrats, that are opposed to the amendment, how has the Chair divided the time in aggregate?

The CHAIRMAN. Ten minutes went to the proponent of the amendment, 10 minutes to an opponent of the amendment——

Mr. KENNEDY of Massachusetts. The trouble is, Mr. Chairman, that the chairman of the committee is not opposed to the amendment.

The CHAIRMAN. He claimed the time by unanimous consent because no one else claimed it, and no one complained about it; no one objected to his unanimous-consent request, so the gentleman——

Mr. KENNEDY of Massachusetts. Did he ask for the unanimous-consent request, Mr. Chairman?

The CHAIRMAN. Yes, he did, and the gentleman from Washington [Mr. MCDERMOTT], as the designee of the ranking minority member, has the privilege of striking the last word, and having 5 minutes, and controlling it, and he just did that under unanimous consent.

Mr. KENNEDY of Massachusetts. I understand.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I speak in strong opposition to this amendment, not for the intention that the gentleman from Virginia [Mr. MORAN] has for offering it, but rather for some of the bizarre and unanticipated results that I think will occur if the amendment were accepted.

First of all, let us recognize that there in fact would be a disincentive to have families get into this program if the amendment offered by the gentleman from Virginia [Mr. MORAN] goes through as it is currently written with a 5-year time limitation. Why would any family want to get into a program that is going to limit them to 5 years in one of these housing programs when, if they do not go into the housing program under the 5-year provision, they would be able to stay in for a much longer period of time? This amendment only affects new section 8's that become available. There are very few new section 8's that are going to become available in this country in the next few years, particularly as a result of the budget process.

Second, it seems to me that we already have a situation where we are creating preference after preference. We have preference for victims of AIDS. We have preference for elderly. We have preference for disabled. I say to my colleagues, If you're just a regular poor person in this country, you can't get on any section 8 voucher list that actually will get you a section 8.

The fact is, in Massachusetts today, we have 17,000 people waiting on section 8. The only people that ever get a section 8 voucher are those at the very top who end up continuing to trade off between the special groups that have gotten these preferences, so it seems to me that what we ought to be doing is looking, as this housing committee is going to be doing in the next few weeks, not linking housing to the welfare debate, as this amendment unintentionally does, but let us review.

President Clinton has provided a blueprint through Secretary Cisneros to have a complete revision of the housing programs. The Republicans have done the same. The gentleman from New York [Mr. LAZIO] and I have an opportunity to look through these issues and get this issue resolved once and for all.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I hope the amendment is defeated. We fall into an unfortunate pattern when we do things like this. We, outside the context of an overall consideration of a program, say this particular group is very worthy, and we give them a preference over everybody else, and Members vote on that thinking of the worthiness of the particular recipients of the preference. What they do not realize is that giving a preference to group A means giving a disadvantage to every other group.

So I say to my colleagues, You're not voting now, if you vote on this, as to whether or not this particular group is worthy of a preference. The question is: Is every other group in need of housing unworthy? Should every other group be put down? In fact, you have people who are very poor. You have people who have been working and not quite making enough wages to make it in the private market. Both groups get disadvantaged by this. It simply falls into a pattern that we have fallen into before. You hinder the law with a set of preferences that are often inconsistent, that don't harmonize, that don't, in fact, represent a rational preference system because you simply say this one group, and this one group is all you can deal with here because we're dealing with welfare. So this says this one particular group will be deemed by us more worthy than everybody else, and this is not a basis on which we should be deciding who everybody else is.

Mr. Chairman, I have served on the Housing Subcommittee, and I could not tell my colleagues who everybody else is, and I am sure other Members could not either. So the question is not whether we should do something for the people in this program. It is should we disadvantage everybody who is not in this program, should we decide that everybody not in this program is not worthy of getting housing or not worthy of a preference because, as the gentleman from Massachusetts pointed out saying, "No, you get pushed down the list," meaning they do not get housing at all. I do not understand why we would say, without the ability to make comparisons, that we are going to single out one group to the inevitable disadvantage of every other.

Mr. ARCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I thank the distinguished chairman of the Committee on Ways and Means.

Mr. Chairman, this is the where we are about to be introduced to the law of unintended consequences. I think that the gentleman from Virginia [Mr. MORAN] has the most noble of intentions, and I share his concern in regard to the general preferences, but I want to outline two things.

First of all, the area of preferences in, tenant preferences in particular, in housing will be addressed by the committee when we do the rewrite. It will be done in a very fundamental way, and it will be affecting many different people, many different groups, not just those people who are, say, victims of AIDS and the elderly, those people who have been dislocated as a result of Federal action. That will all be addressed in a more fundamental, more comprehensive, hopefully more thoughtful approach during the housing rewrite.

I also would like to say that we are going to be involved in placing seniors and disabled people who do not have the ability to go out to work who are disproportionately on the waiting lists. They are going to be bumped as a result of this amendment if it is offered.

So I would ask the gentleman if he would consider speaking with me and working with the committee to ensure that we target the area that he wants to target. I understand what he is trying to do, I think, and we would like to work with the gentleman in terms of addressing it in the housing bill. We think maybe he is dealing with some unintended consequences here in particular when it comes to single bedroom units and say that there are families interested in that. As a matter of fact, right now we are having families put in place in one bedroom units. Those are the same one bedroom units that the disabled, who cannot go out and work, or seniors who cannot go out and work, are seeking and are going to be bumped off the waiting lists, so I just simply ask the gentleman if he would consider possibly withdrawing it and working with me to ensure that we target the population that he is concerned with.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO] for his statement, and I think the same questions that he is raising are questions that are raised previously with the gentleman from Virginia [Mr. MORAN], and the good intentions of the amendment has to be looked at. As my colleagues know, content without context is pretext, and we got a problem here in terms of how this all fits together in terms of what we are trying to accomplish, and I would hope that I think the suggestion of trying to either withdraw this or at least address the concerns raised with the gentleman from New York [Mr. LAZIO], myself, the gentleman from Massachusetts [Mr. KENNEDY] and others, would be possible, and I hope the author would consider that.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield just briefly?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I just also want to make the point that one of the difficulties with this issue is the whole notion of a 5-year sunset on all housing. I think the sunset that the gentleman from Virginia [Mr. MORAN] has written into this is a very different housing policy than we have ever had in this country, and I think to do this without having debate—as my colleagues know, I just found out about this amendment earlier today. I think this a very substantive change in our Nation's housing policy. It might make some sense under some circumstances, but let us have an opportunity to talk about it, to discuss it and to try to determine what the consequences are going to be. I want to just make sure that the gentleman from Virginia [Mr. MORAN] understands that there are going to be tens of thousands of people that are getting section 8 vouchers today that will have to get over $11 an hour in order to pay for 30 percent of their income that would qualify them for housing in the private marketplaces.

So I say to my colleague, you're making a very big leap that somehow you're going to get from welfare to an $11 an hour job within 5 years. I don't know that we're going to be able to do that for the tens of thousands of people that could ultimately be affected as a result of this amendment. I think that it's well-intended, but I think it's shortsighted in terms of some of the perverse consequences that could result because of the way the amendment has been written.

Mr. LAZIO of New York. Mr. Chairman, I just want to expound on that again, what the gentleman from Massachusetts [Mr. KENNEDY] is saying again and the gentleman from Virginia [Mr. MORAN] I think again with the most noble of intentions, but we are talking about time limitations and upon the broad population, and I know this is not the intention, to possibly raise it in this context possibly some other time. We are dealing with people that do not have the ability to go out and go to work. The behavioral changes that we are seeking to adjust through welfare reform are not applicable when we talk about the disabled, the seniors.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I would join in asking the gentleman from Virginia [Mr. MORAN] to withdraw the amendment and let the committee work on it. I do not know what its impact on senior housing is, plus in our community we have a very unique project with Indian preference, and I think this amendment would override what has been very difficult negotiations.

Mr. MCDERMOTT. Mr. Chairman, I yield 1 minute to the gentleman from Cleveland, OH [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I, too, would hope that the gentleman from Virginia [Mr. MORAN] would consider withdrawing this amendment. I know he is well intentioned in this amendment, but it is really a bad amendment.

Mr. Chairman, this amendment would impact every individual in public housing. Public housing recipients include the most vulnerable persons in this Nation, our elderly and children. There are nearly half a million elderly—predominantly single and disabled women—and almost a million and a half children living in public housing. The effects of the Moran amendment on their lives would most certainly be severe. Under this measure, participants in welfare-to-work programs have preference over all other eligible households. Thus, many of the elderly and children in families with nonablebodied adults would be in jeopardy of having their assistance terminated.

In addition, setting an arbitrary time limit on housing assistance is misguided and, while families receiving housing assistance should be encouraged, this amendment really discourages them from doing so.

Mr. Chairman, I would hope the gentleman would withdraw his amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. MORAN] is recognized for the remaining 1½ minutes.

Mr. MORAN. Mr. Chairman, let me respond to my friends with whom I share many public policy objectives, but I would strongly disagree with the suggestion that we ought to stick with the status quo. Let me tell my colleagues about a family in Alexandria right across the bridge.

Mr. Chairman, the mother whose husband left her 4 years ago is sleeping in an automobile. Her 6-year-old is with her in the back seat. The 4-year-old is in the front seat. They have been on the waiting list for 4 years. She has no hope of ever getting subsidized housing, and she is not unique.

□ 1300

Because subsidized housing goes to people who have contacts, and in many urban areas, as it is in the District of Columbia, it went to people who were willing to bribe housing officials. In most suburban jurisdictions, subsidized housing goes to the elderly and the disabled, because that is where the profit margin is for building high-rise apartment buildings, and they are no threat to the community.

Families with children are in great need of subsidized housing today, and those families who are willing to participate in a work participation program ought to get some incentive and ought to get some support. There are 13 million families today who qualify for housing and people in housing have no incentive to leave it, and we have no regulation that requires them to leave it. They are in there for life.

Mrs. LOWEY. Mr. Chairman, I rise today in opposition to this amendment that would grant preference for obtaining Federal housing assistance to families that participate in required State welfare work programs.

While I share the goal of my colleague, the gentleman from Virginia—to assure that working people are rewarded for playing by the rules, I have concerns about the unintended consequences of this amendment as drafted.

By providing a housing preference for people participating in the State welfare work programs, this amendment will create a bias against women with young children. It should come as no surprise that when young children are involved, the primary caregiver often stays at home—especially when safe, affordable, child care is not available. If this amendment were to pass, those parents who are at home with their children for whatever reason—would be penalized—and could be denied of appropriate, affordable housing.

Furthermore, in discussing this amendment with housing officials in my district, I have heard serious concerns that this amendment might undermine preferences which have been carefully developed. For example, some communities have given preference for section 8 housing for residents of their own communities. I do not want to see this House run roughshod over reasonable requirements that have often been in place for some time.

While I know the intention of the amendment is to reward people who work, the unintended effect would be to penalize a parent who stays home with a young child. It could also damage perfectly appropriate locally established preferences. I urge my colleagues to vote "no" on this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. MORAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Virginia [Mr. MORAN] will be postponed until after the vote on amendment No. 18.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 18 offered by the gentlewoman from Florida [Ms. ROS-LEHTINEN] and amendment No. 20, offered by the gentleman from Virginia [Mr. MORAN].

AMENDMENT OFFERED BY MS. ROS-LEHTINEN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 18 printed in House Report 104-85 offered by the gentlewoman from Florida [Ms. ROS-LEHTINEN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

Mr. ARCHER. Mr. Chairman, I withdraw my demand for a recorded vote.

The CHAIRMAN. The amendment stands as agreed to.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. MORAN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 20 printed in House Report 104-85 offered by the gentleman from Virginia [Mr. MORAN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 35, noes 395, not voting 4, as follows:

[Roll No. 262]

AYES—35

Baesler
Baker (LA)
Beilenson
Brownback
Bryant (TX)
Condit
Cooley
Cramer
Davis
Deal
Emerson
Geren
Gilman
Green
Hall (TX)
Hansen
Hayes
Klink
Lincoln
McCrery
Montgomery
Moran
Myers
Myrick
Norwood
Orton
Parker
Pastor
Payne (VA)
Pelosi
Roth
Souder
Stenholm
Tanner
Thornton

NOES—395

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hancock
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Clay
Roukema
Salmon
Smith (WA)

☐ 1321

Messrs. ROBERTS, GOSS, and SMITH of Michigan, Mrs. FOWLER, and Messrs. FOLEY, MILLER of California, WICKER, and TIAHRT changed their vote from "aye" to "no."

Mr. HANSEN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SALMON. Mr. Chairman, I just wanted to say that I did miss rollcall No. 262. If I had been here, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 104-85.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: In section 7(i)(1)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2016(i)), as added by section 556 of the bill, insert ", except that each electronic benefit transfer card shall bear a photograph of the members of the household to which such card is issued" before the period.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Is there a Member in opposition to the amendment?

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have a system right now with food stamps that has become street currency. Hard-earned taxpayers' dollars going to provide food and nutrition for programs will end up being trafficked on the streets of our cities in many cases.

But as Members know, there are abuses not only on the street. Citibank has just moved to incorporate a photograph in their credit card. If you go to Sam's Club now, Sam's Club requires a photograph on that transaction card. All the States in the union now require a photograph on their driver's license.

There was a time when individuals would take a driver's license and use a fraudulent driver's license in the wrong capacity. As a result, the States were moved to put that photograph on there.

The Traficant amendment requires that if a State opts for the electronic benefit transfer system, they can use that money, but the Congress of the United States says, That card shall have a photograph of the head of the household.

There has been some question if, in fact, my amendment would require everybody in the household to have a photograph. No, it would not. That would be up to the States and legislative history to date shall determine that.

But the point is, many times you will see a police car at an intersection and the police officer does not have a radar gun on anybody. Maybe he or she may be doing their paperwork. People approach that intersection, see that police car, they take added caution.

Everybody in this House is concerned about the limited dollars we have to apply to the needy people of our country. Let me say this, every dollar that can be saved by preventing abuse and fraud and the unintended purpose of the expenditures of these moneys is that much more for the people of our country who depend upon their food and nutrition from programs such as this.

I am not going to use up all my time in the beginning on this. I am saddened to see there are some in the Department of Agriculture, bureaucrats that oppose it. Well, those bureaucrats could not commit Sam's Club not to do it. They could not commit Citibank not to do it. The private sector is starting to put those photographs in because in the final analysis, they are cost effective. They save money. They stop abuse.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERTS. Mr. Chairman, I yield myself much time as I may consume.

Mr. Chairman, I rise in reluctant opposition to the gentleman's amendment. The gentleman from Ohio [Mr. TRAFICANT], as every Member knows, is the Buy American amendment champion of the House of Representatives and does yeoman work in that regard.

I agree with the gentleman's intent of the amendment. And the gentleman does describe a real problem we have in the Food Stamp Program where approximately $3 billion in expenditures, as itemized by the inspector general of the Department of Agriculture, is going to fraud, abuse, and organized crime.

□ 1330

We have stores in big cities that are not stores, they are just clearing houses in regard to using the Food Stamp Programs and the coupons as a second currency to bankroll organized crime.

We have a strong antifraud provision in this bill. It is bipartisan. The distinguished ranking minority member, the gentleman from Texas [Mr. DE LA GARZA], chairman emeritus of the House Committee on Agriculture, has contributed to that effort, and the administration has contributed to that effort.

We asked the inspector general of the Department of Agriculture whether or not the amendment of the gentleman from Ohio [Mr. TRAFICANT], from a practical standpoint, would be of help. I think from a perception standpoint there is no question that gentleman's amendment in terms of intent is very positive, but the amendment requires that the EBT cards contain a photograph of the family receiving food stamps.

In the first place, we have a problem here with an unfunded mandate, since the States pay half the cost of the EBT, or that card. By this amendment, they would be required to pay additional amounts for a system that includes the photographs.

In addition, in contacting the Inspector General, there is very little if any evidence, there is no evidence that having a photograph of the entire family of the EBT card will stop any kind of trafficking.

In order to traffic in Food Stamp Programs with an EBT card, there must be a willing participant and a willing person in the grocery store. Having a photograph on that card will not deter the trafficking, because the grocery store person is a willing participant. That certainly would not stop the case. Without a willing partner in the grocery store, there would be no trafficking with the EBT cards.

I want to make it clear that the EBT cards are instrumental in reducing the incidences of street trafficking of food stamps, but it does not eliminate the trafficking. However, EBT does provide a trail, so that law enforcement personnel can trace these violations, and then really prosecute all who violate the act.

I would say to my colleagues, Mr. Chairman, that while I admire the gentleman's intent, and I admire the gentleman, the cost of placing a photograph of a family on the EBT card, while unknown, is unlikely to pay off. I think it is going to slow down our efforts to have States adopt a criteria to put in place the entire system is regard to EBT.

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON], the distinguished chairman of the subcommittee in charge of food stamp reform.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I, too rise in reluctant opposition to the amendment of the gentleman from Ohio [Mr. TRAFICANT]. I wonder if he might consider withdrawing it, and for this reason. We do create here an unfunded mandate.

The subsequent amendment is going to allow the States, if they wish, in pursuit of an EBT system to do what the gentleman wishes. I personally consider, I have been interested in the EBT approach to the management of our welfare system for a long time. I think it has very unique potential.

I intend, as the chairman of the relevant subcommittee on the Committee on Agriculture, to hold early oversight hearings into this subject, and I would like to work with the gentleman from Ohio and cooperate with him in seeing that his concerns are addressed. I would simply like to explore the issue that the gentleman raises here before we lock ourselves into doing it, and I am willing to pledge to him my cooperation in pursuing this idea.

There are a lot of aspects to EBT that in an oversight sense are going to need to be addressed. We will be back at the subject again in the farm bill, when that is before us in the committee in May. There are going to be opportunities this year to address the concerns of the gentleman from Ohio. I appreciate his interest and look forward to working with him as an ally in pursing the goals that he has in mind here.

Mr. Chairman, I just think there is a better way to do it down the road.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for his contribution, and I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Let me see if I understand this. The inspector general who has been responsible for a food stamp program that is the laughingstock of the free world is now going to advise us as to what is evidence and what may prove to be a system that would provide some preventive mechanisms from fraud and abuse?

If the Congress of the United States, after the track record of food stamp programs, is going to accept advice of counsel, some bureaucrat in some office downtown who never had to cash a food stamp and does not know how important they are to the family, if we are going to follow their advice and counsel, we have made a great mistake.

Second of all, let me say this. There is a lot of technology coming into play. The Coburn amendment adds to that. The Traficant amendment deals with the streets. People on the streets do not have computers, they do have fingerprint scans, but one thing they know: If there is a photograph on that card, and they do not have permission to have that card, and they are at any time apprehended with that card, they are subject to problems.

I do not need evidence from the inspector general, who screwed up the food stamp program. If the food stamp program was OK, we would not have the EBT here being discussed on the floor.

Citibank, Sam's Club, driver's license; when you go to vote on the Traficant amendment, look at your voting card. My God, are we worried about trafficking in voting cards? The truth of the matter is, the Congress of the United States is saying "Look, you do not have to adopt an EBT system. If you do, there are block grants. Go ahead and implement it." However, the Congress of the United States is saying as an added safeguard, to make sure that money that we are putting into food and nutrition goes to the people who need it, the Congress is saying we want a picture on it.

At Sam's Club they have a computerized system. You go in, they take your picture, and you get a computer printout card with a photograph on it. We are not reinventing the wheel here.

Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Chairman, I thank the gentleman for an opportunity to address this.

I think the gentleman is absolutely right, Mr. Chairman. He used to be a sheriff. I used to be a police officer. Let me tell the Members, it makes a difference on the streets. I think the gentleman from Ohio brings up a good point, that hey, it may not thrill the inspector general, but when is the last time the inspector general rode out there in a squad unit or was out on the streets? It is going to make a difference.

We have huge amounts of fraud going out there with food stamps. The food stamp program has lost its credibility across this country because of the fraud, and frankly, not only because of the fraud, but the failure of somebody to do something about the fraud.

This is a very simple maneuver. It is not going to require a lot. It is not going to require big cost. It did not require us much to put that picture on our voting card. That is our picture. I can bet the Members money none of them are going to take this. This is a small crowd.

We know that out on the streets you get that picture, and it is like the gentleman from Ohio [Mr. TRAFICANT] says, it is like an empty squad car. When we would go out for our coffee breaks we never parked our squad cars behind the building. We parked them right out on the street, because everybody coming up thought they were getting radared. It is the perception that counts.

The perception will count in cutting down on food stamp program fraud. I stand in strong support of the amendment of the gentleman from Ohio [Mr. TRAFICANT]. I think we have to move this argument to the street. What is the streets' perception?

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is always interesting to note in a debate when somebody starts to pillory another individual, when they do not know anything about the other individual.

The new inspector general of the Department of Agriculture is Roger Viadero. He has been on board for 4 months. He is the gentleman who took the tape and provided the House Committee on Agriculture the first hearing on fraud and abuse in years and years and years. It was the 1st of February.

Prior to 4 months ago, he spent a career in the FBI and as a street cop; street, street, I would tell the gentleman from Colorado [Mr. MCINNIS] and the gentleman from Ohio [Mr. TRAFICANT], he was a street cop. He knows full well what will happen in regard to this particular effort.

Let me remind the gentleman that an EBT card is not an ID card. I hope nobody around here is voting with an EBT card. It is not a driver's license. It is not a bank card. In addition to that, Mr. Chairman, in terms of the inspector general's advice, and he is in charge of it, he has indicated that it will not stop the trafficking that my colleagues hope would take place.

If you have an EBT card and you cheat, you have to have a willing participant on the other side. It will take more time for States to meet the criteria of an EBT system to provide an audit trail to stop fraud if we put a picture on the EBT card.

If we require it, it is an unfunded mandate. States will have to pay half of the cost. In addition, the gentleman's amendment is structured, and he cannot amend it, according to the rule, that the entire family has to be on the card. What do we do with a 10-member family, or 9 or 8 or 7 or 6? The picture would have to be larger than the card.

This does not serve any practical, useful purpose. It may send a message in terms of perception, but in terms of food stamp program reform and stopping crime and fraud, we should not use perception, we should use the best advice of a street cop, an FBI expert, and a gentleman who has come to the inspector general's office after it has been absent. The administration did not fill that position for the better part of 2 years.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if the Members will read the amendment, it stays "The transfer card shall bear a photograph of the members of the household to which such card is issued." The States who enact that will make that determination. It does not necessarily mean they will have to have a photograph of everybody in that family. That is a misrepresentation.

I commend the fine background of this new inspector general, but let me say this, anybody who says this photograph will not be a deterrent is either smoking dope or never did work on the street, because the gentleman himself has said in his comments that it would take a willing participant, a willing second party, and a willing second party knows that they are holding, now, a transfer card with someone else's picture on it.

Mr. MCINNIS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield 30 seconds to the gentleman from Colorado.

Mr. MCINNIS. Mr. Chairman, I agree with the gentleman, and I agree with the inspector general, whoever perpetrates the fraud walks into the store and has a willing participant on the other side of the counter. What we are talking about is before they walk into the store, there are people who will take that card with fraud intended, and with the photos on there, they are not going to go into the store.

Of course it is going to have savings. Of course it will cut down on fraud.

Mr. ROBERTS. Mr. Chairman, might I inquire of the Chair how much time we have remaining?

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] has 1½ minutes remaining, and the gentleman from Ohio [Mr. TRAFICANT] has 1½ minutes remaining. The gentleman from Kansas [Mr. ROBERTS] has the privilege of closing.

Mr. TRAFICANT. Mr. Chairman, I yield 30 seconds to the former sheriff, the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. Mr. Chairman, I thank the gentleman for yielding time to me.

First, I want to commend the gentleman from Missouri [Mr. EMERSON] and the chairman, the gentleman from Kansas [Mr. ROBERTS], for the work they did on this. I, too, have 14 spent years in law enforcement, 7 as a sheriff, and I support the amendment of the gentleman from Ohio.

We have pictures on drivers licenses, we have pictures on ID's, to identify people for alcohol. It works as a deterrent. The first EBT project program in the whole country was in Reading, PA, in my district.

I just hung up with the director of public welfare in Berks County, PA. They tell me this will work as an added deterrent to people trying to defraud the welfare system through EBT. I urge everyone to support this.

Mr. ROBERTS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding time to me.

I simply want to point out we are a little into an apples and oranges argument here. The point of opposition that I have to the amendment of the gentleman from Ohio [Mr. TRAFICANT] is that it is an unfunded mandate.

A few weeks ago we passed an unfunded mandate bill and said States, we are not going to do this to you anymore. We are going to give you broad flexibility to figure things out. Here are the broad parameters of the program. Now, you devise it as best you can.

The next amendment to be offered is one that allows States to pursue the gentleman's idea, but does not mandate it.

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Mr. ROBERTS. Mr. Chairman, I yield 30 seconds to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise in opposition to this amendment as well.

My opposition is simply based upon the fact that the subsequent amendment that we are going to be addressing introduced by the gentleman from Oklahoma [Mr. COBURN], who has done extensive work on this, really yields the opportunity, as my colleague the gentleman from Missouri just said, to the States.

If we are about anything in H.R. 4, it is about granting the authority and the power to make decisions like this back to the States where people really are on the street dealing with this issue.

I urge a "no" vote on this amendment on the basis that it will be addressed later.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for 30 seconds.

Mr. TRAFICANT. I am going to support the Coburn amendment, but remember this: The Coburn amendment does not say there has to be a photograph.

The Traficant amendment says the Congress of the United States gives you the option of having this new system.

But the Congress of the United States says you can opt to use that block grant money for it. But the Congress of the United States wants a photograph on that card, because the Congress of the United States wants to ensure that the limited dollars that we have go to the hungry children in the families that we are here trying to help with the limited moneys that we have. I appreciate your support.

Mr. ROBERTS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Kansas is recognized for 30 seconds.

Mr. ROBERTS. Well, if we could lower our voice a little bit and indicate that Members who oppose the amendment are not smoking dope, it would be helpful. Maybe corn silk at one time but certainly not dope.

I would hope the gentleman would withdraw the amendment, that we could deal with this in regards to the farm bill when we reauthorize the Food Stamp Program. That is the appropriate time. It is an unfunded mandate.

The Inspector General of the Department of Agriculture who has done more to sift out fraud and point out the problem says from a perception standpoint maybe, from a practical effect no.

Consequently, I would hope that Members would oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROBERTS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] will be postponed until after the debate on the amendment numbered 25.

It is now in order to consider amendment No. 22 printed in House Report 104–85.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COBURN:

In section 556(a) of the bill, strike paragraph (2) and insert the following:

(2) in paragraph (2)—

(A) by striking "effective no later than April 1, 1992,";

(B) by striking "the approval of";

(C) in subparagraph (A) by striking ", in any 1 year,"; and

(D) by amending subparagraph (D) to read as follows:

"(D)(i) measures to maximize the security of such system using the most recent technology available that the State considers appropriate and cost-effective and which may include (but is not limited to) personal identification number (PIN), photographic identification on electronic benefit transfer cards, and other measures to protect against fraud and abuse; and

"(ii) effective not later than 2 years after the date of the enactment of the Food Stamp Simplification and Reform Act of 1995, measures that permit such system to differentiate items of food that may be acquired with an allotment from items of food that may not be acquired with an allotment."; and

The CHAIRMAN. Pursuant to the rule, the gentleman from Oklahoma [Mr. COBURN] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman I yield myself such time as I may consume.

After listening to the discussion that we just had, I think it is important that we bear in mind that the objectives of the gentleman from Ohio and my objectives are the same. That is, to try to return integrity to the Food Stamp Program at the point at which food stamps are used.

Several gentlemen have shown their congressional voting card here today that does have a photo ID on it. This amendment will allow that if a State so chooses to have a photo ID.

The Food Stamp Program was established to provide a level of nutritional sustenance for people who cannot afford to feed themselves. Oftentimes this does not seem to be the case when we observe how food stamps are used.

Everyone knows that the current system has loopholes that have allowed fraud, waste, and abuse to become rampant. Many States, including my home State of Oklahoma, are looking at electronic benefit transfer systems as an alternative way which have proven to be effective at saving administrative costs and cutting down on waste, fraud, and abuse.

H.R. 4 encourages States to establish EBT systems for distributing food stamp benefits. For this reason I wholeheartedly agree.

My amendment is intended to further help States make the transition to an EBT system while strengthening the ability of States to cut out the waste in the system.

The first part of the amendment addresses a concern that many States have voiced in setting up an EBT system. Current law states that an EBT system must demonstrate lower administrative cost than paper coupons in any one year.

Although costs have been shown to be considerably lower with EBT systems over time, the first-year cost may be higher in order to set up this new system.

The amendment drops the "any one year" phrase to give States the flexibility to set up a system that works properly while still keeping administrative costs far lower than the current system.

The second part of the amendment addresses one of the most common forms of food stamp abuse, their use by unauthorized persons.

With paper coupons or even EBT cards, there is danger that someone could steal the benefits we have provided.

There is also nothing to prevent a recipient from giving his coupons or EBT card to a noneligible person. We should ensure that the person to whom we have given the food stamp benefits is the only person who can use those benefits.

The Traficant amendment addresses this in one fashion, although the State should be allowed to determine how best to achieve security in their system, whether it is a photo ID, a PIN number, a fingerprint or a retinal scan, all of which companies are readily available to provide. The State can determine how to do it. But the system must be secure.

The most important part of the amendment, however, addresses the most visible problem people have with the current Food Stamp Program—people using food stamps for things other than food.

I cannot tell you how many times I have had people in my district talk to me about the abuse of food stamps. The whole purpose of this program is to make sure food stamps are used for their intended purpose, for nutrition and support, and not for items other than that.

Current law provides certain guidelines as to what can and cannot be provided. This system is intended to electronically and through computer technology force that into happening. It has a wide range of time on it, up to 2 years, and we will have a discussion about the benefits associated with this.

I would urge all of my colleagues to vote for this amendment.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman from Oklahoma for yielding. I thank him for his amendment. I would like to engage him in a colloquy if I might.

There could be a situation here when States are able to define the food items that are eligible, that conceivably that could slow down the conversion by States to the EBT system.

I know that that is not the outcome that the gentleman anticipates or wants and the body should understand that if it looks like this could occur, that the 2-year time frame can be extended to 5 years. I think the gentleman has stated this, but I wanted to make sure that that was the gentleman's intent.

Mr. COBURN. That is my intent, Mr. Chairman.

Mr. ROBERTS. I thank the gentleman for his contribution, and I support the amendment.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Tennessee.

Mr. FORD. To the author of the amendment, I want to support the amendment, but would the gentleman respond to a couple of questions if you do not mind?

The electronic transfer benefit, would this apply to food stamps as well as the block grant cash benefits of the AFDC recipients as well?

Mr. COBURN. This amendment does not address that, but it could be used in that fashion if a State wanted to use it. But it would be under a completely different set of circumstances. But this amendment addresses only food stamp benefits.

Mr. FORD. But this electronic transfer would be through some sort of card; is that correct?

Mr. COBURN. That is correct.

Mr. FORD. States are going on-line now with the electronic benefit transfer; is that correct?

Mr. COBURN. That is correct.

Mr. FORD. With the Personal Responsibility Act, we are talking about block-granting the cash benefit to AFDC recipients and then in most cases they are recipients of food stamps as well.

With that, should we authorize or say to those States that the cash benefit should also be a part of this electronic card?

Mr. COBURN. We have not tried to make that a focus of this amendment and that has not been addressed. We were specifically addressing food stamps because of the significant amount of fraud that is seen and used with food stamps, both on the black market, the use of purchasing even cars or drugs.

The whole goal of the amendment is to eliminate the fraud in the Food Stamp Program and not address the other issues, although it is entirely possible that it could be used in that manner.

Mr. FORD. We just want to make sure that we can also look at this information superhighway, that we make sure that the cost savings that might be involved with the cash benefits. Now that we are only allocating the 1994 level under the formula of $15.4 billion, we want to make sure that States can also have savings here, that they will not have to mail out a check monthly to the AFDC recipients.

Mr. COBURN. Reclaiming my time, that is entirely possible with this system and States could do that.

Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the amendment offered by my colleague the gentleman from Oklahoma.

The Coburn amendment makes very modest changes to this legislation which will do a tremendous amount to solve the real threat to the credibility of the Food Stamp Program which is posed by fraud, waste, and abuse. Beyond that, it will save taxpayers dollars. We have to all be about that task.

The electronic benefit transfer cards save money over the current paper food stamps. Distributing food stamps by this method will also enable us to eliminate a great deal of the fraud.

There is indeed, today, a regrettable amount of black market in food stamps. Hundreds of millions of dollars of our taxpayers' money are going to be used right now not for food for the hungry but to buy drugs from black-marketed stamps and to buy beer and drugs that do not help the families who are supposed to be benefited. This program will give us an opportunity to stop that kind of fraud and abuse. But more importantly, it will let the States decide.

In the debate we just heard on the Traficant amendment, we saw the mentality of Washington, DC, that for too long, we, in the Congress, know the answer. Certainly a photograph is a right step in the direction of stopping fraud. But there are other mechanisms. There are retina testers, there are thumbprint screeners. There are lots of different devices. Technology moves faster than the U.S. Congress.

What the Coburn amendment does is it said, we don't have all that wisdom here. We should let the States, charged with the responsibility of administering this program, make those decisions.

I urge my colleagues to support the Coburn amendment.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. I want to commend my colleague on this very good amendment.

We have talked about it a lot in Florida and we have talked about it in other States. In fact, Maryland is going quickly to the EBT system. This amendment gives the States the flexibility to implement what I think is the most important aspect of reform in the Food Stamp Program; $1.8 billion has been shown to be wasted at least in the Food Stamp Program. This very good amendment will now strike some of that and bring the dollars to truly benefit the needy of our communities.

The Republican Party is about feeding the poor. We want to make certain they get basic nutrition.

This bill also provides that we can exclude cigarettes, alcohol, and hopefully ice cream, hopefully popcorn, hopefully junk foods that are taking our precious tax dollars and giving people food that is not nutritious in value.

I strongly support the Coburn amendment. I urge my colleagues to do the same.

Mr. COBURN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Oklahoma [Mr. COBURN] is recognized for 1 minute.

Mr. COBURN. Mr. Chairman, I urge my colleagues to support the amendment.

If there is an emotional issue, it is that the money that we spend to help those who need it should go for what we intend it to do. This amendment goes very far in that regard.

I would urge all to support this amendment.

Mr. GIBBONS. Mr. Chairman, to extend the debate, I move to strike the last word, and I yield to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, let me try a couple of questions to the author of the amendment.

The way I read your amendment is that you require the States which would mean that this would be a mandate on the States to put in place. I am not opposed to your amendment at all. I am just trying to make sure that we clearly understand that we would require the States to do this which would mean that this would be a mandate; is that correct?

Mr. COBURN. If the gentleman will yield, what we are requiring is the States to be responsible for how they spend the money in terms of using the available technology that is available to them at any one period of time. It is our intention, and if you will see in the rest of the bill, that there is no mandate on States other than having the call. They can use any one they want, the cheapest one or the most expensive.

The most expensive happens to be retinal images presently. If they want to use that, they can. They are just required if they want to have block-granted food stamps that within a 2-year period, if the technology is available, which we think it will be, that they are going to use a system that secures it for the very purpose that the food stamp was intended for, that supplement.

Mr. FORD. I think it is a good amendment. I guess an amendment to your amendment would not be in order under the rule of the House today, but if this bill does go to the Senate in conference, hopefully the provision with the electronic transfer would be part of the cash benefit for the AFDC recipients as well that would be included at some point.

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Mr. COBURN. I would very much agree with the gentleman on that. I think that is a good way to make sure those benefits are intended and spent, and intended in a direction. They cannot be spent on things we would not want, our support dollars going to support.

That is not part of this amendment and I think it is a wonderful suggestion. If the gentleman would bring that up when we do go to conference, we could do that.

Mr. FORD. Before I yield to my other colleagues, let me say that it is very clear that this is an area that we need to look at, the electronic on-line system with food stamps as well as AFDC.

Fraud, waste, and abuse is something we all are in opposition to and we want to do everything possible to cut it out, but we certainly do not want to confuse it with the vast majority of these recipients and try to suggest for one minute that people who are trying to make ends meet and to feed their children every day, and it is difficult for food stamps and other benefits to carry them through the month, that we want to lump everybody into some type of waste, fraud, and abuse situation. That is not the case. Those who are doing it, we want to stop it certainly, but we want to stop it immediately.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I thank the gentleman for yielding, and I agree with the gentleman's amendment. But make no mistake about it, this is not going to get to the problem of the people that do the massive abuses in automobiles and traffic in this. I say to the gentleman from Kansas City, you have to have a willing counterpart to engage in this, and I think what you have to do is go even further than this and get some real strong restrictions from the inspector general to get to the root because of the people that are ripping off the food stamp program. It is not the little old lady trying to get by and feed her children that is ripping off the food stamp program. And as noble as this is, you are not going to solve the big problems of ripping off the hundreds of millions of dollars until you get to some real strict enforcement like the gentleman from Kansas is talking about.

Mr. COBURN. Mr. Chairman, if the gentleman will yield, I would just remind the gentleman 10 days ago using the system in Houston, several gentleman were found through the use of the EBT securities system and will be making restitution of some $300,000 to $500,000 because we can now with the EBT system track for fraud and individual abusers. And the technology is there. There is technology to eliminate this fraud and abuse, even to eliminate willing providers because the computer chip will be hard to beat.

Mr. HEFNER. Good for them.

Mr. FORD. Mr. Chairman, I yield the remainder of the time to the gentleman from Texas [Mr. DE LA GARZA], who serves on the Committee on Agriculture.

Mr. DE LA GARZA. I thank the gentleman for yielding the time, and thank our colleague, the gentleman from Florida [Mr. GIBBONS].

Let me say everyone is in favor of cutting fraud and waste and abuse, and saving money. There is not problem in that. How we address it is part of the problem.

And I basically am in accord with what the gentleman is attempting to do.

The CHAIRMAN. The gentleman's time has expired. All time has expired.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 24 printed in House Report 104-85.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. UPTON: At the end of subtitle B of title V, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 581. DISQUALIFICATION RELATING OF CHILD SUPPORT ARREARS.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended by adding at the end the following:

"(i) No individual is eligible to participate in the food stamp program as a member of any household during any period such individual has any unpaid liability under a court order for the support of a child of such individual.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. UPTON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does any Member seek control of the time in opposition?

The Chair recognizes the gentleman from Michigan [Mr. UPTON].

AMENDMENT, AS MODIFIED, OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I ask unanimous consent for a very small modification in the amendment which, as I understand, the ranking member of the committee has agreed to.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment No. 24, as modified, offered by Mr. UPTON: At the end of subtitle B of title V, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 581. DISQUALIFICATION RELATING OF CHILD SUPPORT ARREARS.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended by adding at the end the following:

"(i) No individual is eligible to participate in the food stamp program as a member of any household during any period such individual has any unpaid liability that is both—

"(1) under a court order for the support of a child of such individual; and

"(2) for which the court is not allowing such individual to delay payment.".

Mr. UPTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Is there objection to the modification?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. UPTON] is recognized for 10 minutes.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very encouraged by the child support enforcement provisions that are part of this welfare reform bill. But we need to do more.

I have spent considerable time with a number of 14- and 15-year-old mothers who face a very hard life juggling school work, work and the demands of parenthood as well. Many of us take that responsibility very seriously, as we live for our kids and we want them to have a better life, and we are taken aback by parents who shirk this responsibility and refuse to make even a modest payment to help support their child. The result is that both the child and the attending parent suffer and are penalized.

This amendment will no longer reward parents who fail to fulfill their obligations to pay child support but continue to receive Government assistance through the Food Stamp Program.

Today there is $34 billion in unpaid child support due to more than 23 million children. More specifically, more than 30 percent of women with kids in poverty receive no child support whatsoever.

A survey of income and program participation found that of the 525,000 noncustodial parents receiving food stamps, 79 percent or 415,000 were not paying child support.

It is time to stop the free lunch. We are asking custodial single parents, who happen to be primarily mothers, to cover a lot of bases and carry the load, but what about the other parent? Where is the equity? We cannot forget that parenting is the responsibility of two people, and we certainly cannot forget the children who are in desperate need of assistance.

If this amendment passes, I fully intend to work to ensure that this amendment targets those who are dodging their parental responsibilities, not those who are making an honest effort to care for their child.

Mr. Chairman, we cannot continue to support deadbeat parents, and I urge Members to vote "yes" on this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I thank the gentleman for yielding the time, and I congratulate him for the fine effort on this amendment.

To me, this amendment is a clear statement of right and wrong.

If there is one overriding message in our overhaul of the welfare system, it is that we as a government and as members of a compassionate society demand that all of us act as responsible citizens.

Well, as most of my colleagues know, parenthood demands responsibility.

Any person who brings a child into this world and then refuses to do everything in his or her power to ensure that child's well-being deserves punishment, not the taxpayers' generosity.

In Maine, it has been the case that the very threat of such sanctions as license forfeiture has produced a huge increase in the amount of child support that state has collected.

I would expect that the very threat of withholding food stamps from deadbeat parents would do the same.

I once again commend the gentleman from Michigan for his excellent idea, and urge my colleagues to support this measure.

Mr. UPTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. DE LA GARZA], former chairman and now ranking member of the committee.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding the time, and I appreciate his interest and his effort. All of us are of course in favor of reducing fraud, waste and abuse, and certainly this is an area of very strong interest to us.

What I would like to ask of the gentleman is that there is concern that there needs to be further refinement of his amendment. Am I correct in that?

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding back. I would like to say I want to work very closely with the chairman and others on his side, as well as our side, to make sure that the intent of this legislation, or that the actual language follows the intent.

In some cases, of course, an individual not making child support payments may be doing so in conjunction with the court, and those we do not want to penalize. We want to make sure those individuals who are in fact in arrears at the subjugation, I guess, of the courts, are in fact those who are penalized. This language does not permit that.

I would like to work with the gentleman and others as the bill moves forward to make sure we get the best language available.

Mr. DE LA GARZA. Mr. Chairman, we appreciate that. We support the gentleman's intent and motive, and hopefully we will be able to craft it in an appropriate manner so it can address effectively the intent. And I thank the gentleman.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding time to me. I will not take the 2 minutes.

As indicated, the gentleman's amendment does require that no person can receive food stamps if that person is required by a court order to pay child support, and then dealt with the unpaid liability issue. The gentleman has amended his amendment so that becomes more flexible and certainly more practical.

Let me seek the gentleman's assurance that the effective date of this amendment will coincide with the implementation of the new child support enforcement system as described in H.R. 4.

Mr. UPTON. I accept that.

Mr. ROBERTS. I support the gentleman's amendment and I thank him for his contribution.

Mr. GIBBONS. Mr. Chairman, in order to extend the time of debate, I move to strike the last word.

The CHAIRMAN. Does the gentleman wish to control the 5 minutes?

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent, if the occasion arises, that I be allowed to allocate blocks of time to Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is about the most tepid debate I have seen around here in years, and I think it is really by design.

Yesterday it was obvious that the Republicans wanted to move this bill quickly through the House without anybody really seeing what was in it and what it really did. But they have succeeded in cutting off all of the really spirited debate by what they have done here.

I wish the cameras would please pan the floor. I think there are 12 Members, maybe 13. Two just came in. Fourteen Members here on this debate, 14 Members out of 435 Members on this debate on the most important piece of legislation that will come before this body, a piece of legislation that takes about $70 billion from poor children to use in the crown jewel of the contract to give tax cuts that are not needed to people who do not deserve them.

There are 12 or 14 of us here. And the Committee on Rules I think did this deliberately. The amendments we have had have been nothing amendments. I do not impugn anybody's integrity about them, but they have just been nothing amendments. We have not even called for rollcalls on any of them. They do nothing. They could have been done by unanimous consent.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. No, I am not going to yield. But why did the Committee on Rules do that?

I have the floor and I would like to continue using it. If I have any time left over, I may yield it to you, sir.

The CHAIRMAN. The gentleman from Florida has the time.

Mr. GIBBONS. Mr. Chairman, the Committee on Rules had 164 requests for amendments up there. They granted 31 amendments, 5 of which came from the Democrats, and 2 of our amendments they stole from us and gave to the Republicans because they sounded so good that they could not resist that. I have a list of 13 really important amendments here that they turned down and would not even let be debated here, and yet there are 12 or 14 of us here on the floor to carry on this nothing debate today.

The Committee on Rules did not allow the Stenholm amendment to restrict the 70 billion dollars' worth of savings here to budget deficit reduction and not to spend it on tax cuts. They did not allow another 12 amendments, all sponsored by Democrats, that were good, substantive amendments, that were controversial. They put in all of these nothing amendments that we have had here all day.

You know, I do not blame the Republicans for wanting to duck this bill. I know they are embarrassed that they had to bring this dog to the floor. But that is the only way they could raise a part of the money so they can give it back to tax cuts that the Nation itself does not need, tax cuts that come at the wrong time in the American economic history.

□ 1415

America is at full employment right now. America is at maximum factory capacity utilization right now. The American dollar is unstable because the world currency traders are betting we do not have the guts to balance or reduce our budget deficit.

And so we come into this debate today on these nothing amendments so that people will be bored to death and so that 10 or 12 of us here will be here to take part in it. It is a travesty. It is a travesty that the time of Congress is wasted on what we have here before us today. It was deliberately done to bore the audience to death and the Members to death so that they would have no opportunity to make any important decisions.

The Committee on Rules did not allow the Matsui-Kennedy amendment.

Mr. UPTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I appreciate the gentleman yielding.

And I want to say good job to the gentleman from Michigan [Mr. UPTON], good amendment.

You know, the breakdown of the family is a national tragedy, and when we do have time to discuss the amendments, let us discuss what is happening.

This is another notch. This is another foot forward in trying to control irresponsibility of parents that forsake their kids.

I just want to, in the U.S. News, read a couple of quotes out of it. It says:

> More than virtually any other factor, a biological father's presence in the family will determine the child's success and happiness.
>
> Rich or poor, white or black, the children of divorce and those born outside of marriage struggle through life at a measurable disadvantage. The absence of fathers is linked to the most social nightmares from boys with guns to girls with babies.

This is a step forward. We have the ability within H.R. 4 to identify these individuals. It is reasonable that we do not reward the individuals that have forsaken their responsibilities for their kids by giving them additional Federal handouts.

Mr. UPTON. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank the gentleman for yielding.

Ah, memories are made of this. It was just the other day when the gentleman from Florida was requesting of the House in decibels a little higher than the ones he just used everybody to sit down and cease and desist, let us have a rational debate.

I would suggest that the amendments that we are considering are not nothing amendments. I would suggest the policy debate we had in the House Agriculture Committee that went 15 hours did not involve nothing. It involved tremendous policy decision in regards to food stamp reform.

Might I remind the gentleman from Florida that in October 1987 the Democrats first attempted to self-execute the adoption of their welfare reform bill into the reconciliation bill without a separate vote. The adoption of the rule was considered to be the adoption of the welfare reform amendment. That rule was rejected by the House. A second legislative day was created that same day by Speaker Wright. Memories are made of this.

And we brought forward a new rule for reconciliation minus the welfare reform component. The Committee on Rules subsequently reported a separate rule for the welfare reform bill making in order just one amendment, one amendment, not a series of amendments or nothing amendments that we are talking about here, in the nature of a substitute by the minority leader, but that rule was withdrawn from lack of support by the Democrats.

Finally we had a third rule.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TAYLOR of Mississippi. At what point can I be recognized to offer an amendment so that whatever savings come from this bill, possibly $70 billion, would be dedicated for deficit reduction?

Mr. ROBERTS. Regular order, Mr. Chairman.

Mr. TAYLOR of Mississippi. I am making a parliamentary inquiry, sir.

The CHAIRMAN. The rule does not allow amendments to these amendments.

Mr. TAYLOR of Mississippi. How did that happen, Mr. Chairman.

The CHAIRMAN. It is in the rule.

Mr. TAYLOR of Mississippi. And a majority of Members voted to keep a Member from offering an amendment so that the savings from this bill could be placed towards deficit reduction?

Mr. ROBERTS. Regular order.

The CHAIRMAN. When the House adopted House Resolution 119, the rule governing this debate, the rule declared there were no amendments to be offered to these amendments being offered today.

Mr. ROBERTS. Mr. Chairman, as the designee of the chairman of the Committee on Ways and Means, I move to strike the last word.

The CHAIRMAN. The gentleman has that right.

The Chair recognizes the gentleman from Kansas [Mr. ROBERTS] for 5 minutes.

Without objection, the gentleman may control the time.

There was no objection.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, so finally, a third rule, Mr. Chairman, as I continue with memories are made of this, and would call for the attention of the gentleman from Florida if he might, was reported which provided for 4 hours of general debate, only minority substitute, and a set of en bloc amendments by the gentleman from Texas [Mr. ANDREWS].

Both the Michel and Andrews amendments were subject to 1 hour of debate each. The rule made in order a compromise and reported bill put together by the four committees of jurisdiction, 1 hour, four committees, not what we are having here today, as the base text for the amendment purposes.

The rule was adopted 213 to 206, so there was just a tad bit of controversy in regards to that rule back in 1987 on the very same subject.

The manager of the rule, the gentleman from Texas [Mr. FROST], said that was a modified closed rule, and so here we are today after hours of debate, many hours of debate.

I would remind the gentleman from Florida that Members are in their offices. Members have heard this debate on and on and on, 15 hours in the Ag Committee, many, many hearings. I think the commentary is specious. I think it ill serves the House. I think it ill serves the intent of Members who brought to this title of the bill important amendments that they thought were important.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. UPTON] if he chooses to comment.

Mr. UPTON. Mr. Chairman, I yield, to close the debate on this amendment, to my friend, the gentleman from Arizona [Mr. KOLBE].

The CHAIRMAN. The gentleman from Michigan [Mr. UPTON] has 30 seconds remaining. The gentleman from Kansas [Mr. ROBERTS] has 3 minutes remaining. That is all the time remaining.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Has someone claimed time in opposition to the amendment?

The CHAIRMAN. No one has.

Mr. VOLKMER. I do so.

The CHAIRMAN. The gentleman has that right. The gentleman controls 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I yield such time as she may consume, but no longer than 5 minutes, to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

I know that the gentleman from Texas [Mr. DE LA GARZA] has spoken with the gentleman from Michigan [Mr. UPTON] about this amendment, and I understand that he was given an opportunity to try to perfect the amendment without any opposition from the minority side, because we recognize how important it is to make this correct.

But I do want to make some points, because I think it is very important that we understand what we are trying to do and get this on the record.

When the amendment was drafted, it failed to distinguish between a parent who fell behind in payments but was making a good-faith effort to make payments, and a deadbeat dad who refuses to pay support even though he had the money. And if you denied food stamps to these individuals who were trying to make their payments, recipients would have likely spent their money on food than on child support payments, which is why we have tried to correct that, and I suggest the gentleman was correct in doing that, and I appreciate it, and I hope that if this language is not correct, that we continue to work on this.

However, let me just say to you all that I want to point out here on the table about the Deal substitute again.

Because I think it is important that we understand we even have a stronger child support enforcement where we are demanding an uncompromising, punitive measure for deadbeat dads. It is basically a stronger version of legislation than was even introduced by Representatives JOHNSON, KENNELLY, and others, and that the Deal substitute will strongly enforce income withholding and allow States to revoke licenses, and the substitute also enhances the paternity establishment by simplifying procedures in hospitals.

What I would like to just suggest is that while we all agree that this is a very, very, very important part of this debate, that if you have questions and you are not pleased with what is happening on the other side right now with strong enforcement, I would hope that you would all, please, support the Deal amendment.

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the gentleman from Florida earlier had pointed out, this amendment, even though it may be somewhat meritorious on its face, but actually has very little to do with food stamp fraud. Very few people fit the category that the gentleman from Michigan is attempting to address to say to deny them food stamps, every benefit from food stamps, and yet we have within the proposal by the majority on that side provisions to reduce food stamps for needy families, people out there that need it, by USDA, says by $24 billion. Even CBO says $21 billion we are cutting back.

And this little amendment is supposed to help it? This little amendment does not help those people who are going to be denied.

How are they going to be denied? Well, they are going to be denied because their proposal under the thrifty food plan does not give you 103 percent of the thrifty food plan. Oh, no, it says 2-percent increase a year, and as had been pointed out by USDA, that means by 1999 people are going to be getting less than they are getting today. Everybody, the working poor, are going to get less. Children at home are going to get less than under the lunch program. They cannot eat at school. They cannot get their breakfast food for breakfast. They cannot get food stamps at home.

Now, we were told in the Committee on Agriculture when we marked up this bill on this part of the welfare bill that it was only going to cost $16.5 billion. That is all they were going to take away. It is not through reform that money is taken away from people. It is through the thrifty food plan and the cap that they put on. They put a cap on there so that you cannot in times of recession, you are not going to have any increase. People are going to do away with food.

Here we are talking about an amendment that does very little to correct the situation. There were amendments that this gentleman and others on this side tried to offer to this bill so that hungry kids could eat. We were denied the opportunity to offer that amendment.

What is more important, to say that someone cannot get good stamps because he is not supporting the children? Yes, I agree, that is a good idea. But, gentlemen, that does not help the kids that are going to go hungry because of the cuts in this bill. That does not give them any more. You are not helping them a bit.

Our amendments that we wanted to do to help, we did not get to offer. We were denied those, to take the cap off. We were denied to put the thrifty food plan back in in whole. We were denied. Why? Because they need that $21 or $24 billion to give to millionaires, to give to the big corporations. That is where the money is going to go, out of the mouths of babes. That is where it is going to go, gentleman from Michigan.

This is where you are going to vote to put the money. Between now and 2 weeks from now you will have voted to say take away from them and give it over here.

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, my amendment, the gentleman talked a little bit about fraud and how my amendment does not go after fraud. The gentleman is right. What my amendment does is this, it indicates that if there is a deadbeat parent that is out there that is not paying child support by order of the court and receiving food stamps, that is what it does.

Mr. VOLKMER. He should not get the food stamps.

Mr. UPTON. It does not go after fraud. It does not address a whole number of things you talked about. I was not able to add 100 amendments as someone would have perhaps liked on this bill.

Mine is a very small amendment that goes after folks who abuse the system who are trying to get a free lunch at the expense of the taxpayers, and I say enough is enough.

Mr. VOLKMER. Reclaiming my time, you are addressing more than one-tenth of 1 percent of the problem. You were given 20 minutes of the time of the House to do it. I cannot get 1 minute to address problems.

□ 1430

I would like to address one other problem here, that I took to the Committee on Rules an amendment which I was not given the opportunity to offer, and that is, under the language of the working requirements in this bill that you have before you today you could have people that are on welfare today that are not working, that should be working but they are not working, maybe they could not find a job, and if they have been on welfare for 90 days they do not meet the criteria in order to continue on welfare. They are off because they are not working 20 hours a week. They are given some time to find a job after this bill becomes law.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. No, I will not yield. I tried to talk to the gentleman about this. We tried to talk to his staff and discussed the amendment with him. We were not even allowed a colloquy on those who were sick and ill and because they got laid off by the employer involuntarily and could not work 20 hours a week. We tried to discuss this. We could not even get a colloquy on that. We could not get a colloquy worked out with the gentleman's staff.

So I will not yield. They will not even address the problem. What happens to the working poor, the man between 18 and 50 who is out there working trying to make it but for some reason or other he gets laid off by the employer, not because of his own fault, he could not work 20 hours a week. They say you do not get it anymore. Now, is that more important than this amendment we have here today? I think so, I think so. At least as important. But they say, "no."

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERTS. I yield 1 minute to the distinguished chairman of the Subcommittee on Human Resources of the Committee of the Ways and Means, the man who is most responsible for this welfare reform proposal, Mr. SHAW.

Mr. SHAW. I thank the chairman for yielding to me.

Mr. Chairman, I would say to my friend from Missouri, who has just consumed a great deal of time, do not trivialize the amendment that is presently on the floor. This is a very important amendment. There is nothing more frightening today than what is going on of the trend toward fathers not taking care of their children; fathers would have kids with unwed mothers and then disappear. In fact, we find they are having kids with a number of women and then disappearing and leaving the poor mothers to fend for themselves, to depend upon the life of dependence on welfare.

This is an important amendment, and this deserves the time of this committee, and I am proud to support it.

I say to my friend, the gentleman from Florida [Mr. GIBBONS] that this amendment process, these are not unimportant amendments. We just passed an amendment a few hours ago on a voice vote, I might say, that was very important, in which we put $750 million more in child care. If you need child care, that is an important amendment. It is an important amendment, and that is why we supported it.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] has 2 minutes remaining, the gentleman from Michigan [Mr. UPTON] 1½ minutes remaining, and the gentleman from Missouri [Mr. VOLKMER] 1½ minutes remaining.

The gentleman from Missouri [Mr. VOLKMER] has the right to close.

Mr. ROBERTS. Mr. Chairman, I yield 35.2 seconds to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I will add my 30 seconds to that which the gentleman just yielded to me, and I yield the balance of my time to my good friend, the gentleman from Arizona [Mr. KOLBE], to close in support of the amendment.

Mr. KOLBE. I thank the gentleman for yielding this time to me.

Mr. Chairman, a lot of things have been said here on the floor today. It reminds me of a bloodhound who is sent out after a convict out there but somebody gave him the wrong piece of clothing. So we are chasing up the wrong tree, we are going after the wrong thing here.

What we have heard is not what this amendment is about. It is very simple, as the gentleman from Michigan [Mr. UPTON] explained just a few minutes ago.

It is a good amendment. It says if an individual is getting food stamps now and under a court order to pay child support and he has not gone to court to get a delay because he cannot afford to make the payments under the court order, not having done that, no delay from the court, if he is not making payments, he should not be getting food stamps. The taxpayers should not be subsidizing him. They are trying, but they cannot afford to. They have not done that. They are under an order from the court, they are supposed to be making payments, they should not be getting food stamps. The rest of the taxpayers should not be subsidizing them. They are supposed to be making child support payments to support their kids. That is what this says. They do not get the food stamps if they are not current in their child support payments.

It is as simple as that. It clearly fills a loophole, fills a gap in the bill. Something should be done. I do not know why all the discussion about other things.

Mr. ROBERTS. I yield the balance of my time to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. I thank the chairman for yielding.

Mr. Chairman, I am somewhat puzzled here because the distinguished ranking member of the Committee on Ways and Means, who controls the debate on the other side, was up making the speech complaining about the quality of debate. Surely having made such a complaint, he should insure that at least his side follows his admonition. The gentleman from Missouri made a lot of very baseless allegations, rhetorical statements that have absolutely nothing to do with the point of debate here.

The gentleman says our staff denied him the right to find out some matters involved here. The gentleman's staff, so the record will be straight, the gentleman's staff discussed with our staff some questions relating to work requirements. The majority staff answered them. They added some language to a report which the gentleman was concerned about, in cooperation with the staff of the gentleman from Missouri, relating to retroactive work requirements.

So let us be clear between substantive debate and rhetorical flourishes here. I wish the gentleman from Florida, having admonished us to stick to quality, would get his own troops in line.

Mr. VOLKMER. Mr. Chairman, in order to have the outstanding quality in this debate, I yield the time remaining to the outstanding member of the Committee on Agriculture, the former chairman, now the ranking member of the full committee, the great gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, yes, perhaps we have gone a little astray of the debate on the amendment. But—and not in defense, but feeling the same way as the gentleman from Florida [Mr. GIBBONS]—the issue is the way that the rule is crafted, the inability for a ranking member to have sufficient time to discuss an issue.

But the underlying theme here is the motive and the reason. We are going about with little amendments that cut a little bit here, save a little bit there. What for? So that we can pay for tax breaks for the rich. That is what this is all about.

It is not what the chairman of the committee is intending to do. We have a good chairman. We have good members on this committee. But the underlying motive of the leadership is money to pay for tax breaks for the rich and take it from the children and take it from the elderly and take it from those that cannot defend themselves.

So, getting back to the amendment, I commend the gentleman for his amendment. I think it is a good amendment. But I disagree with what we are going to do with the funds: Give it to the rich.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from Michigan [Mr. UPTON].

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 25, printed in House Report 104-85.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer amendment No. 25, printed in House Report 104-85.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER:

In title V of the bill, strike subtitle B and insert the following:

Subtitle B—Consolidating Food Assistance Programs

SEC. 531. FOOD STAMP BLOCK GRANT PROGRAM.

(a) AUTHORITY TO MAKE BLOCK GRANTS.—The Secretary of Agriculture shall make grants in accordance with this section to States to provide food assistance to individuals who are economically disadvantaged and to individuals who are members of economically disadvantaged families.

(b) DISTRIBUTION OF FUNDS.—The funds appropriated to carry out this section for any fiscal year shall be allotted among the States as follows:

(1) Of the aggregate amount to be distributed under this section, .21 percent shall be reserved for grants to Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

(2) Of the aggregate amount to be distributed under this section, .24 percent shall be reserved for grants to tribal organizations that have governmental jurisdiction over geographically defined areas and shall be allocated equitably by the Secretary among such organizations.

(3) The remainder of such aggregate amount shall be allocated among the remaining States. The amount allocated to each of the remaining States shall bear the same proportion to such remainder as the number of resident individuals in such State who are economically disadvantaged separately or as members of economically disadvantaged families bears to the aggregate number of resident individuals in all such remaining States who are economically disadvantaged separately or as members of economically disadvantaged families.

(c) ELIGIBILITY TO RECEIVE GRANTS.—To be eligible to receive a grant in the amount allotted to a State for a fiscal year, such State shall submit to the Secretary an application in such form, and containing such information and assurances, as the Secretary may require by rule, including—

(1) an assurance that such grant will be expended by the State to provide food assistance to resident individuals in such State who are economically disadvantaged separately or as members of economically disadvantaged families,

(2) an assurance that not more than 5 percent of such grant will be expended by the State for administrative costs incurred to provide assistance under this section, and

(3) an assurance that an individual who has not worked 32 hours in a calendar month shall be ineligible to received food assistance under this subtitle during the succeeding month unless such individual is—

(A) disabled,

(B) has attained 60 years of age, or

(C) residing with one or more of such individual's children who have not attained 18 years of age, but is not residing with any other parent of any of such children, unless that other parent is disabled.

(d) ANNUAL REPORT.—Each State that receives funds appropriated to carry out this section for a fiscal year shall submit the Secretary, not later than May 1 following such fiscal year, a report—

(1) specifying the number of families who received food assistance under this section provided by such State in such fiscal year;

(2) specifying the number of individuals who received food assistance under this section provided by such State in such fiscal year;

(3) the amount of such funds expended in such fiscal year by such State to provide food assistance; and

(4) the administrative costs incurred in such fiscal year by such State to provide food assistance.

(e) LIMITATION.—No State or political subdivision of a State that receives funds provided under this title shall replace any employed worker with an individual who is participating in a work program for the purpose of complying with subsection (c)(3). Such an individual may be placed in any position offered by the State or political subdivision that—

(A) is a new position,

(B) is a position that became available in the normal course of conducting the business of the State or political subdivision,

(C) involves performing work that would otherwise be performed on an overtime basis by a worker who is not an individual participating in such program, or

(D) that is a position which became available by shifting a current employee to an alternate position.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out this section $26,245,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(2) For the purpose of affording adequate notice of funding available under this section, an appropriation to carry out this section is authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which such appropriation is available for obligation.

SEC. 532. AVAILABILITY OF FEDERAL COUPON SYSTEM TO STATES.

(a) ISSUANCE, PURCHASE, AND USE OF COUPONS.—The Secretary shall issue, and make available for purchase by States, coupons for the retail purchase of food from retail food stores that are approved in accordance with subsection (b). Coupons issued, purchased, and used as provided in this section shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States. The purchase price of each coupon issued under this subsection shall be the face value of such coupon.

(b) APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.—(1) Regulations issued pursuant to this section shall provide for the submission of applications for approval by retail food stores and wholesale food concerns which desire to be authorized to accept and redeem coupons under this section. In determining the qualifications of applicants, there shall be considered among such other factors as may be appropriate, the following:

(A) The nature and extent of the food business conducted by the applicant.

(B) The volume of coupon business which may reasonably be expected to be conducted by the applicant food store or wholesale food concern.

(C) The business integrity and reputation of the applicant.

Approval of an applicant shall be evidenced by the issuance to such applicant of a nontransferable certificate of approval. The Secretary is authorized to issue regulations providing for a periodic reauthorization of retail food stores and wholesale food concerns.

(2) A buyer or transferee (other than a bona fide buyer or transferee) of a retail food store or wholesale food concern that has been disqualified under subsection (d) may not accept or redeem coupons until the Secretary receives full payment of any penalty imposed on such store or concern.

(3) Regulations issued pursuant to this section shall require an applicant retail food store or wholesale food concern to submit information which will permit a determination to be made as to whether such applicant qualifies, or continues to qualify, for approval under this section or the regulations issued pursuant to this section. Regulations issued pursuant to this section shall provide for safeguards which limit the use or disclosure of information obtained under the authority granted by this subsection to purposes directly connected with administration and enforcement of this section or the regulations issued pursuant to this section, except that such information may be disclosed to and used by States that purchase such coupons.

(4) Any retail food store or wholesale food concern which has failed upon application to receive approval to participate in the program under this section may obtain a hearing on such refusal as provided in subsection (f).

(c) REDEMPTION OF COUPONS.—Regulations issued under this section shall provide for the redemption of coupons accepted by retail food stores through approved wholesale food concerns or through financial institutions which are insured by the Federal Deposit Insurance Corporation, or which are insured under the Federal Credit Union Act (12 U.S.C. 1751 et seq.) and have retail food stores or wholesale food concerns in their field of membership, with the cooperation of the Treasury Department, except that retail food stores defined in section 533(9)(D) shall be authorized to redeem their members' food coupons prior to receipt by the members of the food so purchased, and publicly operated community mental health centers or private nonprofit organizations or institutions which serve meals to narcotics addicts or alcoholics in drug addiction or alcoholic treatment and rehabilitation programs, public and private nonprofit shelters that prepare and serve meals for battered women and children, public or private nonprofit group living arrangements that serve meals to disabled or blind residents, and public or private nonprofit establishments, or public or private nonprofit shelters that feed individuals who do not reside in permanent dwellings and individuals who have no fixed mailing addresses shall not be authorized to redeem coupons through financial institutions which are insured by the Federal Deposit Insurance Corporation or the Federal Credit Union Act. No financial institution may impose on or collect from a retail food store a fee or other charge for the redemption of coupons that are submitted to the financial institution in a manner consistent with the requirements, other than any requirements relating to cancellation of coupons, for the presentation of coupons by financial institutions to the Federal Reserve banks.

(d) CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.—(1) Any approved retail food store or wholesale food concern may be disqualified for a specified period of time from further participation in the coupon program under this section, or subjected to a civil money penalty of up to $10,000 for each violation if the Secretary determines that its disqualification would cause hardship to individuals who receive coupons, on a finding, made as specified in the regulations, that such store or concern has violated this section or the regulations issued pursuant to this section.

(2) Disqualification under paragraph (1) shall be—

(A) for a reasonable period of time, of no less than 6 months nor more than 5 years, upon the first occasion of disqualification,

(B) for a reasonable period of time, of no less than 12 months nor more than 10 years, upon the second occasion of disqualification, and

(C) permanent upon—

(i) the third occasion of disqualification,

(ii) the first occasion or any subsequent occasion of a disqualification based on the purchase of coupons or trafficking in coupons by a retail food store or wholesale food concern, except that the Secretary shall have the discretion to impose a civil money penalty of up to $20,000 for each violation (except that the amount of civil money penalties imposed for violations occurring during a single investigation may not exceed $40,000) in lieu of disqualification under this subparagraph, for such purchase of coupons or trafficking in coupons that constitutes a violation of this section or the regulations issued pursuant to this section, if the Secretary determines that there is substantial evidence (including evidence that neither the ownership nor management of the store or food concern was aware of, approved, benefited from, or was involved in the conduct or approval of the violation) that such store or food concern had an effective policy and program in effect to prevent violations of this section and such regulations, or

(iii) a finding of the sale of firearms, ammunition, explosives, or controlled substance (as defined in section 802 of title 21, United States Code) for coupons, except that the Secretary shall have the discretion to impose a civil money penalty of up to $20,000 for each violation (except that the amount of civil money penalties imposed for violations occurring during a single investigation may not exceed $40,000) in lieu of disqualification under this subparagraph if the Secretary determines that there is substantial evidence (including evidence that neither the ownership nor management of the store or food concern was aware of, approved, benefited from, or was involved in the conduct or approval of the violation) that the store or food concern had an effective policy and program in effect to prevent violations of this section.

(3) The action of disqualification or the imposition of a civil money penalty shall be subject to review as provided in subsection (f).

(4) As a condition of authorization to accept and redeem coupons issued under subsection (a), the Secretary may require a retail food store or wholesale food concern which has been disqualified or subjected to a civil penalty pursuant to paragraph (1) to furnish a bond to cover the value of coupons which such store or concern may in the future accept and redeem in violation of this section. The Secretary shall, by regulation, prescribe the amount, terms, and conditions of such bond. If the Secretary finds that such store or concern has accepted and redeemed coupons in violation of this section after furnishing such bond, such store or concern shall forfeit to the Secretary an amount of such bond which is equal to the value of coupons accepted and redeemed by such store or concern in violation of this section. Such store or concern may obtain a hearing on such forfeiture pursuant to subsection (f).

(5)(A) In the event any retail food store or wholesale food concern that has been disqualified under paragraph (1) is sold or the ownership thereof is otherwise transferred to a purchaser or transferee, the person or persons who sell or otherwise transfer ownership of the retail food store or wholesale food concern shall be subjected to a civil money penalty in an amount established by the Secretary through regulations to reflect that portion of the disqualification period that has not yet expired. If the retail food store or wholesale food concern has been disqualified permanently, the civil money penalty shall be double the penalty for a 10-year disqualification period, as calculated under regulations issued by the Secretary. The disqualification period imposed under paragraph (2) shall continue in effect as to the person or persons who sell or otherwise transfer ownership of the retail food store or wholesale food concern notwithstanding the imposition of a civil money penalty under this paragraph.

(B) At any time after a civil money penalty imposed under subparagraph (A) has become final under subsection (f)(1), the Secretary may request the Attorney General of the United States to institute a civil action against the person or persons subject to the penalty in a district court of the United States for any district in which such person or persons are found, reside, or transact business to collect the penalty and such court shall have jurisdiction to hear and decide such action. In such action, the validity and amount of such penalty shall not be subject to review.

(C) The Secretary may impose a fine against any retail food store or wholesale food concern that accepts coupons that are not accompanied by the corresponding book cover, other than the denomination of coupons used for making change as specified in regulations issued under this section. The amount of any such fine shall be established by the Secretary and may be assessed and collected separately in accordance with regulations issued under this section or in combination with any fiscal claim established by the Secretary. The Attorney General of the United States may institute judicial action in any court of competent jurisdiction against the store or concern to collect the fine.

(6) The Secretary may impose a fine against any person not approved by the Secretary to accept and redeem coupons who violates this section or a regulation issued under this section, including violations concerning the acceptance of coupons. The amount of any such fine shall be established by the Secretary and may be assessed and collected in accordance with regulations issued under this section separately or in combination with any fiscal claim established by the Secretary. The Attorney General of the United States may institute judicial action in any court of competent jurisdiction against the person to collect the fine.

(e) COLLECTION AND DISPOSITION OF CLAIMS.—The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under this section or the regulations issued pursuant to this section, including, but not limited to, claims arising from fraudulent and nonfraudulent overissuances to recipients, including the power to waive claims if the Secretary determines that to do so would serve the purposes of this section. Such powers with respect to claims against recipients may be delegated by the Secretary to State agencies.

(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—(1) Whenever—

(A) an application of a retail food store or wholesale food concern for approval to accept and redeem coupons issued under subsection (a) is denied pursuant to this section,

(B) a retail food store or wholesale food concern is disqualified or subjected to a civil money penalty under subsection (d),

(C) all or part of any claim of a retail food store or wholesale food concern is denied under subsection (e), or

(D) a claim against a State is stated pursuant to subsection (e),

notice of such administrative action shall be issued to the retail food store, wholesale food concern, or State involved. Such notice shall be delivered by certified mail or personal service. If such store, concern, or State is aggrieved by such action, it may, in accordance with regulations promulgated under this section, within 10 days of the date of delivery of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store, concern, or State fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such request is made by such store, concern, or State such information as may be submitted by such store, concern, or State as well as such other information as may be available, shall be reviewed by the person or persons designated by the Secretary, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final and which shall take effect 30 days after the date of the delivery or service of such final notice of determination. If such store, concern, or State feels aggrieved by such final determination, it may obtain judicial review thereof by filing a complaint against the United States in the United States court for the district in which it resides or is engaged in business, or, in the case of a retail food store or wholesale food concern, in any court of record of the State having competent jurisdiction, within 30 days after the date of delivery or service of the final notice of determination upon it, requesting the court to set aside such determination. The copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as the Secretary may designate to receive service of process. The suit in the United States district court or State court shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid, it shall enter such judgment or order as it determines is in accordance with the law and the evidence. During the pendency of such judicial review, or any appeal therefrom, the administrative action under review shall be and remain in full force and effect, unless on application to the court on not less than ten days' notice, and after hearing thereon and a consideration by the court of the applicant's likelihood of prevailing on the merits and of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial or appeal.

(g) VIOLATIONS AND ENFORCEMENT.—(1) Subject to paragraph (2), whoever knowingly uses, transfers, acquires, alters, or possesses coupons in any manner contrary to this section or the regulations issued pursuant to this section shall, if such coupons are of a value of $5,000 or more, be guilty of a felony and shall be fined not more than $250,000 or imprisoned for not more than 20 years, or both, and shall, if such coupons are of a value of $100 or more, but less than $5,000, be guilty of a felony and shall, upon the first conviction thereof, be fined not more than $10,000 or imprisoned for not more than 5 years, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not less than 6 months nor more than 5 years and may also be fined not more than $10,000 or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor, and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1,000.

(2) In the case of any individual convicted of an offense under paragraph (1), the court may permit such individual to perform work approved by the court for the purpose of providing restitution for losses incurred by the United States and the State as a result of the offense for which such individual was convicted. If the court permits such individual to perform such work and such individual agrees thereto, the court shall withhold the imposition of the sentence on the condition that such individual perform the assigned work. Upon the successful completion of the assigned work the court may suspend such sentence.

(3) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of this section or the regulations issued under this section, shall be guilty of a felony and, upon the first conviction thereof, shall be fined not more than $20,000 or imprisoned for not more than 5 years, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not less than one year nor more than 5 years and may also be fined not more than $20,000, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1,000.

SEC. 533. DEFINITIONS.

For purposes of this subtitle—

(1) the term "coupon" means any coupon, stamp, or type of certificate, but does not include currency,

(2) the term "economically disadvantaged" means an individual or a family, as the case may be, whose income does not exceed the most recent lower living standard income level published by the Department of Labor,

(3) the term "elderly or disabled individual" means an individual who—

(A) is 60 years of age or older,

(B)(i) receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or Federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note), or

(ii) receives Federally or State administered supplemental assistance of the type described in section 1616(a) of the Social Security Act (42 U.S.C. 1382e(a)), interim assistance pending receipt of supplemental security income, disability-related medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or disability-based State general assistance benefits, if the Secretary determines that such benefits are conditioned on meeting disability or blindness criteria at least as stringent as those used under title XVI of the Social Security Act,

(C) receives disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq.) or receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i)),

(D) is a veteran who—

(i) has a service-connected or non-service-connected disability which is rated as total under title 38, United States Code, or

(ii) is considered in need of regular aid and attendance or permanently housebound under such title,

(E) is a surviving spouse of a veteran and—

(i) is considered in need of regular aid and attendance or permanently housebound under title 38, United States Code, or

(ii) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i)),

(F) is a child of a veteran and—

(i) is considered permanently incapable of self-support under section 414 of title 38, United States Code, or

(ii) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i)), or

(G) is an individual receiving an annuity under section 2(a)(1)(iv) or 2(a)(1)(v) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(a)(1)(iv) or 231a(a)(1)(v)), if the individual's service as an employee under the Railroad Retirement Act of 1974, after December 31, 1936, had been included in the term "employment" as defined in the Social Security Act (42 U.S.C. 301 et seq.), and if an application for disability benefits had been filed,

(4) the term "food" means, for purposes of section 532(a) only—

(A) any food or food product for home consumption except alcoholic beverages, tobacco, and hot foods or hot food products ready for immediate consumption other than those authorized pursuant to subparagraphs (C), (D), (E), (G), (H), and (I),

(B) seeds and plants for use in gardens to produce food for the personal consumption of the eligible individuals,

(C) in the case of those persons who are 60 years of age or over or who receive supplemental security income benefits or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq.), and their spouses, meals prepared by and served in senior citizens' centers, apartment buildings occupied primarily by such persons, public or private nonprofit establishments (eating or otherwise) that feed such persons, private establishments that contract with the appropriate agency of the State to offer meals for such persons at concessional prices, and meals prepared for and served to residents of federally subsidized housing for the elderly,

(D) in the case of persons 60 years of age or over and persons who are physically or mentally handicapped or otherwise so disabled that they are unable adequately to prepare all of their meals, meals prepared for and delivered to them (and their spouses) at their home by a public or private nonprofit organization or by a private establishment that contracts with the appropriate State agency to perform such services at concessional prices,

(E) in the case of narcotics addicts or alcoholics, and their children, served by drug addiction or alcoholic treatment and rehabilitation programs, meals prepared and served under such programs,

(F) in the case of eligible individuals living in Alaska, equipment for procuring food by hunting and fishing, such as nets, hooks, rods, harpoons, and knives (but not equipment for purposes of transportation, clothing, or shelter, and not firearms, ammunition, and explosives) if the Secretary determines that such individuals are located in an area of the State where it is extremely difficult to reach stores selling food and that such individuals depend to a substantial extent upon hunting and fishing for subsistence,

(G) in the case of disabled or blind recipients of benefits under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq.), or are individuals described in subparagraphs (B) through (G) of paragraph (4), who are residents in a public or private nonprofit group living arrangement that serves no more than 16 residents and is certified by the appropriate State agency or agencies under regulations issued under section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)) or under standards determined by the Secretary to be comparable to standards implemented by appropriate State agencies under such section, meals prepared and served under such arrangement,

(H) in the case of women and children temporarily residing in public or private nonprofit shelters for battered women and children, meals prepared and served, by such shelters, and

(I) in the case of individuals that do not reside in permanent dwellings and individuals that have no fixed mailing addresses, meals prepared for and served by a public or private nonprofit establishment (approved by an appropriate State or local agency) that feeds such individuals and by private establishments that contract with the appropriate agency of the State to offer meals for such individuals at concessional prices,

(5) the term "retail food store" means—

(A) an establishment or recognized department thereof or house-to-house trade route, over 50 percent of whose food sales volume, as determined by visual inspection, sales records, purchase records, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry, consists of staple food items for home preparation and consumption, such as meat, poultry, fish, bread, cereals, vegetables, fruits, dairy products, and the like, but not including accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices,

(B) an establishment, organization, program, or group living arrangement referred to in subparagraph (C), (D), (E), (G), (H), or (I) of paragraph (5),

(C) a store purveying the hunting and fishing equipment described in paragraph (5)(F), or

(D) any private nonprofit cooperative food purchasing venture, including those in which the members pay for food purchased prior to the receipt of such food,

(6) the term "school" means an elementary, intermediate, or secondary school,

(7) the term "Secretary" means the Secretary of Agriculture,

(8) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, Palau, or a tribal organization that exercises governmental jurisdiction over a geographically defined area, and

(9) the term "tribal organization" has the meaning given it in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 534. REPEALER.

The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is repealed.

Strike section 591 of the bill and insert the following:

SEC. 591. EFFECTIVE DATE; APPLICATION OF REPEALER.

(a) EFFECTIVE DATES.—

(1) GENERAL EFFECTIVE DATE OF SUBTITLE A.—Subtitle A shall take effect on October 1, 1995.

(2) GENERAL EFFECTIVE DATE OF SUBTITLE B.—Except as provided in subsection (b), subtitle B and the repeal made by section 534 shall take effect on the date of the enactment of this Act.

(3) SPECIAL EFFECTIVE DATE.—The repeal made by section 534 shall not take effect until the first day of the first fiscal year for which funds are appropriated more than 180 days in advance of such fiscal year to carry out section 531.

(b) APPLICATION OF REPEALER.—The repeal made by section 534 shall not apply with respect to—

(1) powers, duties, functions, rights, claims, penalties, or obligations applicable to financial assistance provided under the Food Stamp Act of 1977 before the effective date of such repeal, and

(2) administrative actions and proceedings commenced before such date, or authorized before such date to be commenced, under such Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. HOSTETTLER] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Is there a Member in opposition?

Mr. DE LA GARZA. Mr. Chairman, I rise to oppose the amendment and seek the time allotted.

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 10 minutes.

Mr. GIBBONS. Mr. Chairman, in order to extend debate time, I move to strike the last word and ask unanimous consent that I may yield that time to the gentleman from Texas [Mr. DE LA GARZA], the former chairman of the Committee on Agriculture, and that he be allowed to control the time and yield it in blocks.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, for the past 30 years in this country we have conducted a social experiment. More than $5 trillion has been spent on this experiment, aimed at exterminating poverty in the United States. Despite this massive outpouring of taxpayer dollars, poverty actually has increased. The people sitting in the coffee shops in Vincennes, IN, understand from this data that letting Washington, DC, handle it is a bad idea. The people on the job site in French Lick understand that taking more and more of their tax dollars is not only bad for them, but it does not help the people it is supposed to help. The people dropping off their kids at school in Chandler understand the local officials and other residents of communities have a far better perspective on dealing with the problems of the economically disadvantaged than do career bureaucrats in a Washington, DC, office. Washington, DC, does not have the answers; the people of the eighth District of Indiana and all the other districts in the U.S. do.

This is why I am introducing an amendment calling for repeal of the Food Stamp Act of 1977 and block granting cash to be used by the States for food assistance to the economically disadvantaged. Funding would be frozen at fiscal year 1995 levels, around $26.25 billion. This would bring a savings of $18.6 billion over current Congressional Budget Office baseline levels. The savings come from ending the individual entitlements status of the programs. The amendment also includes a work provision calling for able-bodied individuals who are under the age of 60 and who are not at home alone with a dependent child to work at least 32 hours each month. Only 5 percent of the grant funds can be used for administrative costs, meaning 95 percent of the funds go to food assistance.

I signed the Contract With America, Mr. Chairman, not for political gain, but because I thought the policies it espoused were good policies. This amendment returns to the original concept of H.R. 4, which included the block granting of food stamps. There are concerns raised by some about how well the States will administer the program. While I resist the temptation to answer this with "They can't do any worse than has the Federal Government," I think the testimony from Ag Committee hearings, the track record of the Federal Government and the feeling of the public at large bear testament to the fact that it is time to give this program to the States—as the other committees have decided to do with many of the other programs.

It seems we need to be reminded that the taxpayers providing funding for food stamps are residents of the States. It is the taxpayers' money, not money belonging to the Agriculture Committee or to the Congress or to the Federal Government. It belongs to the people. We should, therefore, take the administration of the program closer to the people. Governor Thompson and Governor Engler among others have shown just how innovative and effective welfare reform at the State level can be.

I do not question the sincerity of my Republican colleagues' belief that they can reform the program at the Federal level, rather I sincerely disagree with the policy itself. Under Federal guidance, food stamp spending has increased nearly 300 percent since 1979. Today more than 28 million people in the United States receive food stamps.

For true and comprehensive welfare reform to take place, we at the Federal level must let go and let the more local bodies of government—along with the private sector responsibility. This is what has been done in much of this welfare reform bill, and this is what should be done with food stamps.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I ask unanimous consent that I may yield en bloc half of my time to the gentleman from Kansas [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, you know, the gentleman who is sponsoring the amendment is absolutely correct in his desire to cut spending. He just happens to be incorrect in the method which his amendment seeks to accomplish that end. The amendment under consideration, like the bill it amends, fails to take into account something pretty basic, something any consumer in any corner of any of our neighborhoods could tell us: The cost of food goes up.

Mr. Chairman, for goodness sakes, the cost of a box of cereal now is in excess of $4. That is more than it was last year, quite a bit more than it was the year before that. That is why the cost of the Food Stamp Program has to track the increasing costs in groceries. Food costs go up for all of us, including those on food stamps.

The amendment under consideration, like the bill it seeks to amend, fails to take into account another fact: If you have more people on food stamps, you are going to have to have more funds available for those people's needs. Only Jesus can feed the multitude from a single little boy's portion. For us mere mortals, if we are going to have more people, we are going to need more portions, it is as simple as that.

☐ 1445

Mr. Chairman, this is critically important, not for the people presently on assistance, presently on welfare, who have been so denigrated in the debate that has taken place, but working families hanging in there, standing on their own, but one recession away from losing their job, losing their pay check and needing the assistance of food stamps. A critical part of this Nation's safety net is the ability of programs to rise and shrink depending on economic cycles. We have had recessions before, and we will certainly have them again.

This chart indicates the difference between the Deal substitute and the bill that it seeks to amend relative to the costs of food. The red line shows that in years to come, under the bill before us, we do not keep up with the cost of food.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I have a prepared text here, but there is something else that I really want to say as part of this debate here.

I began to realize there was something wrong with our food stamp program when I was in college. I worked my way through college, and I had a friend who did not work, but he went out, and he applied for and qualified for food stamps, and, when I was working on weekends from 11 o'clock at night until 7 a.m. in the morning and when I was working in the evenings in the dormitory, he was not, and he was qualifying for food stamps, and that is the problem with these programs. Some of the people who get them really do need them, and some of the people do not.

What we are saying here with the Hostettler amendment is we are going to put it out at the lowest level where the local officials can really seriously monitor who really needs these programs and who does not because we have a serious problem with fraud, and we are spending the people's money. We are not spending our money; we are spending the people's money, and most of the people work very, very hard for this, and my colleague here has come up with what I think is a very good idea, to help improve the efficiency of this program, and I thoroughly support the Hostettler amendment to this bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentlewoman from North Carolina [Mr. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, this amendment, like this bill, will hurt poor families and hurt children. But, the amendment goes further. It will also hurt farmers, hurt large and small grocery stores and hurt the economy. The Food Stamp Program feeds more than poor families. It feeds the farmers who feed America. It feeds those who retail foods, along the dusty country roads and in the large urban shopping centers.

For most in the food business, up to 30 percent of their revenue comes from the Food Stamp Program. Cut food stamps and you cut commodities. Cut food stamps and you choke America's economy. Cut food stamps and you put people out of work and maybe into welfare. I say cut food stamps because a block grant is a cut. It is a cut because, unlike current law, there would be no automatic increases in funding to keep pace for inflation under a block grant program. It is a cut because, when populations rise, as they will over the next years, the funds do not rise. The demand rises, the funds are frozen. That is a cut.

A block grant is a cut because States will be able to use one-fifth of the money for things other than food. If a State spends 20 percent less on food in 1 year than was spent in a prior year, that is a cut. We confronted this issue of block granting food stamps in the Committee on Agriculture. In fact, we spent, as the Chairman said, 15 hours, into the early morning, when we considered title 5 of this bill. On a bi-partisan basis, Democrats joined with Republicans, and we soundly rejected the block grant proposal. That decision was wise then, and it is wise now. This amendment also requires work for food stamps.

In some instances, it requires 32 hours of work per week. Yet, it does not mandate the minimum wage as compensation for that work. That is another issue we confronted in the Agriculture Committee, and, again, on a bi-partisan basis, Democrats and Republicans, overwhelmingly rejected forced labor at less than the minimum wage. This amendment hurts everybody, Mr. Chairman. It hurts the rich, the poor, it is poorly conceived, ill-advised and goes against the considered, bi-partisan opinion of the committee of jurisdiction. It deserves to be rejected.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] does provide that the Food Stamp Program will be block granted to the States. I rise in reluctant opposition.

The committee considered several policy options as we were considering food stamp reform, and in contacting the Governors of the States and the National Governors' Conference, not to mention many experts in the field, the first policy option that we considered was that of the gentleman from Indiana [Mr. HOSTETTLER]. However the Republican leadership, along with the committee leadership, made the determination that the Food Stamp Program should remain at the Federal level as a safety net during the transition period while States begin to reform the entire welfare programs, and the committee strongly believes that the intent of the gentleman is very good, but that the Food Stamp Program should be reformed. After all, it is our responsibility before it is converted into, into a block grant.

Fraud and trafficking, as we have heard, are serious problems in the program. We do have significant reforms, and they are bipartisan, and States will have the responsibility to institute reforms of the AFDC program and other State programs. They will be harmonized, and, while this is going on, we think it is important that there be a food program for needy families.

We have a provision allowing States that have implemented the EBT system that has been much discussed in this debate on a statewide basis to administer the Food Stamp Program in a block grant. Therefore States can have a block grant for food stamps, as the gentleman desires, if they have taken steps to reduce fraud and if they have really started to implement an efficient system to issue the food benefits. The EBT block grant in H.R. 4 says that food benefits can only be used for food. The Hostettler amendment will allow States to issue food benefits and cash. The gentleman has a very innovative amendment. It was a good amendment. This is a very sharp departure from our current practice. Food stamps should be used only for food. Under that amendment what has been food benefits can be used for any item.

My opposition to this amendment does not mean there will never be any block grant for the food stamp program, quite the contrary, but the Committee on Agriculture will continue its oversight of the program, monitor the State's progress of AFDC and other block grants.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Texas, the distinguished ranking minority member.

Mr. DE LA GARZA. Mr. Chairman, I associate myself with the gentleman's remarks and endorse his remarks in opposition to the amendment.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman from Texas for his comments, and I reserve the balance of my time.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise in strong support of the gentleman's amendment to block grant food stamps back to the States, and I understand that the chairman of the committee really says that he wants to do that, but he did not do it, and I believe this is a very important amendment because it will complete the historic transformation of the most disastrous, cruel, and mean-spirited and destructive Federal welfare system ever created. We owe it to the States, the counties, the local communities, and the people currently trapped in this system to pass this amendment. This amendment will ensure that the Governors and local officials have not just some, but all, of the tools they need to create real solutions to serious problems facing their communities. Without this amendment our work here is actually incomplete.

I remember when we first began the task of designing solutions to end the welfare bureaucracy. We agreed the best thing we could do for the truly needy Americans was to return control of all major programs back to the States. We agreed on this approach because the current system run by Washington is broke, it does not work. I cannot understand why we would now turn around and say, "Well, block grants are good, but not for food stamps." That is what I just heard. If local control is the solution for school lunches, family nutrition and child protection, which we believe it is, then it must also be the answer for reforming food stamps. The Governors need and deserve all the flexibility we can give them to solve the problems that they understand best. I say to my colleagues, "To only give them two-thirds of the tools they need is like playing golf without a putter. You can't finish."

Two committees I served on stood fast, and fulfilled their promise and passed out a tough, but fair welfare bill. Despite all the Democratic rhetoric, I strongly support and believe in the block grant proposals contained in this bill, but I cannot believe the Committee on Agriculture caved in to the big farm lobbyists and failed to fulfill their Contract With America. By doing this they have put our entire effort at real reform at risk. This system was designed by the Governors and the Congress as an integrated system that works simultaneously, together. It was to work as one, each section supporting the next. This is why it is so important we pass this amendment.

Let us get back to the State authority that our U.S. Constitution demands, Mr. Chairman. The Governors would not need and deserve nothing less than full welfare reform.

Mr. DE LA GARZA. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I would just like to point out to the members of the committee that this amendment, when offered by the gentleman from Indiana in the Committee on Agriculture, got a total of five votes, and yet the Committee on Rules has made it in order while the amendment offered by the gentlewoman from Florida, which is very important to correct the thrifty food plan provision under this bill, got 18 votes. It was not made in order by the Committee on Rules.

Mr. Chairman, I just wanted to point out to my colleagues how this Committee on Rules of the majority is operating, giving an amendment that has no chance at all a chance, and yet would not give a good amendment a chance.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the concern and the sense of frustration of the gentleman from Texas, Mr. SAM JOHNSON, who spoke here just a moment ago, and, as I tried to indicate, in regard to the policy options that we considered in the House Committee on Agriculture there were four. The first option that was suggested by the gentleman from Indiana was obviously supported by the gentleman from Texas in terms of his remarks, and we offered the Governors a block grant, and we said, "What do you want? Here are the coupons. Here is the Food Stamp Program."

They said, "Thank you, but no thank you. We don't want to administer the Food Stamp Program. We want the tax, 27 billion dollars' worth."

Well, with all due respect, Richard Nixon is no longer President, and we do not have any revenue to share.

So then we said, "OK, you can't have the cash. That really wouldn't be responsible. But you can have the coupons."

They said, "We don't want the coupons."

That may give my colleagues a little indication as to what they would do with the cash.

So then we considered a 40–60 split, and if you give them the 40 percent, and that amounts to the people on food stamps that are also on welfare, and we wanted to have one-stop service, streamline it, bring the cost down.

☐ 1500

But the 60 percent on the other side would have grown. That is about a $6 billion expenditure, and we could not afford that. So we decided to do what we tried to do for decades, years, and that is establish food stamp reform. And we have done that, and we have a good bill.

I remind everyone on this floor that not one farm lobbyist came to this chairman and this committee and indicated that we should cave in in regards to food stamp reform. I am tired of hearing it, and it is not accurate. And the Committee on Agriculture measured up to its responsibility, and we have a fine food stamp reform package. If the package were considered a year ago, it would have been incredible in this House of Representatives.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, when it comes to the question of block granting food stamps, I want to commend the responsible and thoughtful leadership of the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Missouri [Mr. EMERSON] who both understand what a bad idea this is. The amendment was voted down 37 to 5 in the Committee on Agriculture just a few weeks ago.

The notion that without block grants States are powerless against Federal bureaucrats is pure fiction. Block granting the food stamp program would place a terrible burden on States and take food out of the mouths of hungry children and the elderly.

The big difference with block grants is in that the programs are no longer entitlements, so in a slump States would no longer get a automatic boost in Federal aid. They would have to cut benefits or, more likely, place newly unemployed on waiting lists. Longer-term recipients would keep their benefits as would people with steady job histories, but those with a little bad luck would suffer.

This proposal would put hard-working families with children on waiting lists for food, just when they need it the most. It would actually put long-term recipients ahead of people with short-term needs. I thought we wanted to decrease long-term dependence.

The Deal substitute recognized that State flexibility is important, but that welfare reform will fail if States do not have the proper resources for State programs. The Deal plan provides States with flexibility to respond to economic downturns and increases in child poverty.

I would like to have my name associated with the chairman's remarks on the farm. Not one farmer came to me. Children came to me about this.

Mr. HOSTETTLER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, when I looked at the amendment of the distinguished colleague from Indiana, Mr. HOSTETTLER, I asked myself certain questions. I asked do we want a program that is streamlined? I said to myself, yes. I said do we want a program that is consistent? I said to myself, yes. I asked do we need a program that reduces fraud? I said yes. I said do we want a program that requires the dignity of work by a recipient that is able, and I said yes. More important, my constituents said yes to each and every one of those questions.

I think this is a very well thought-out amendment, I think it is consistent with what we are doing here, and it has an added bonus of reducing the power of bureaucrats which I think is good, my constituents think is good, and the recipients of this important program think is good.

I rise in strong support of my distinguished colleague from Indiana's amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to first state the reason why the Committee on Rules most probably ruled this amendment in order was given the fact the recent CNN–USA Today–Gallop Poll says that 60 percent of Americans believe the budget deficit should be cut by cutting food stamps. Not by reducing the increase in spending in food stamps, and not even by freezing the expenditures in food stamps as this amendment calls for, but by cutting food stamps. Sixty percent of Americans believe we have got to return to fiscal responsibility by reducing this program.

In conclusion, the staff of Governor Pete Wilson of California contacted our office today and said that this amendment was vital to the total welfare reform that must happen on the State level. It gives the States the ability and the capability to have real welfare reform on the local level.

Mr. ROBERTS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Arizona [Mr. PASTOR], a valued member of the committee.

Mr. PASTOR. Mr. Chairman, I rise today to help set the record straight and talk about the actual cuts that the WIC Program would suffer under the Republican welfare proposal. To begin, the House has just passed a $25 million rescission to the WIC Program. Is this cut not to be considered a cut just because it was voted on separately? Second, under a block grant approach, WIC would be competing with other programs for funding and only 80 percent of its funds would be guaranteed for WIC-like services. Yet, how can we in good conscience say that WIC will not be cut when we are drastically cutting the other programs in its block grant? Is the remaining 20 percent that might be diverted to another program not to be considered a cut? Or, more to the point, if the child and adult care feeding program and the summer food program are cut, will that not lead some States to shift funds around to meet the various competing needs? What guarantees will we have to assure that funds for this program will be there when needed?

Lastly, I want to clarify how WIC funds are spent. To begin, WIC dollars are not spent on items such as disposable diapers, as was alleged last night on the floor of the House. Expenditures under WIC are used to promote good nutrition and to encourage eligible persons to participate in this program. To fulfill the spirit of the block grant approach, States have already been given some latitude in the administration of this program. States have the option of approving food items to meet the specific nutritional needs of a particular population group which may have certain nutritional deficiencies. This way, nontraditional foods may be permitted to meet these identified needs. The principal point to remember, though, is that WIC vouchers are used exclusively on nutritional products. Are we now switching the terms of the debate to say that States should not determine how to best encourage mothers and children to participate in this program? I would admonish this body to seek a modicum of consistency as we move forward with the year's legislative agenda.

PARLIAMENTARY INQUIRY

Mr. ROBERTS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS. Mr. Chairman, is it the Chair's understanding that as the designee of the chairman of the Committee on Ways and Means, I can move to strike the last word?

The CHAIRMAN. The gentleman has that right. If the gentleman is asking unanimous consent to combine it, he would have 6½ minutes remaining.

Mr. ROBERTS. Mr. Chairman, I move to strike the last word, and I ask unanimous consent to merge that additional time with the time I am currently controlling.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I want to say that I am rising in reluctant opposition to the amendment of the gentleman from Indiana. The intent of the amendment is to move immediately in regard to block grants to the States. The intent of the amendment is good. The bill as passed by the committee gives us the opportunity to do that once States can demonstrate they meet the criteria of an EBT program. So we are not at odds. It is merely a timing issue.

I would also like to add, in a calmer tone, that this perception that somehow the Committee on Agriculture did not address true food stamp reform is simply not accurate. I would like to stress again that no farm organization, no commodity group, no lobbyists in regard to the food chain, no one in the agriculture community, that I am aware, called the chairman in reference to changing any policy in regards to food stamp reform, whether it be a block grant or not.

The decision reached by the committee was reached by determining serious policy options: Will it work, can we achieve the reform, can it be done in a timely basis.

Now, I understand the blood pressure around this place in regards to the marching orders and the deadlines that have been suggested, not only with welfare reform but the entire Contract With America. There is nothing in the Contract With America, by the way, that specifies that block grants of cash be given to States. We are attempting, and I think we are actually achieving, true reform.

Now, my good friend from Texas, the chairman emeritus of the House Committee on Agriculture, and others on the minority side, have characterized the food stamp reforms as something that we have done in regards to saving money to pay for tax cuts. We had this discussion all during our committee markup, and I want to repeat what I said then: The food stamp provisions of H.R. 4 in title IV are for the purpose of badly needed reforms. These reforms are to achieve policy changes, not to cut spending to pay for taxes.

The Committee on Agriculture held extensive hearings, and let me just read again the provisions that are contained in this reform package. I want all sides to listen to this. I want all of the folks who have been so vocal on that side in regard to the tax cuts and all the Robin Hood statements that we have had in that regard, and I want everybody on this side over here who claims instant purity in regards to whatever this legislation should or should not be.

We increase the penalties and procedures to curb the more than $3 billion annually that is lost to waste, fraud, and abuse. We have not done that for years. We are doing it now. We are harmonizing the welfare reform in regards to AFDC and food stamp programs so that States can provide a more efficient one-stop service. Not only for the taxpayer, but for the user.

In regards to the recipient, we have a promotion of real private sector work by requiring able-bodied individuals between 18 and 50 years of age who have no dependents must work at least part-time now to be eligible for food stamps, called workfare, jobfare. It promotes the adoption of a new and more efficient technology within something called the electronic benefit transfer system.

Finally, it takes the program off of autopilot that it has been on for years and years and years and years, to regain the control of the ballooning costs. This thing started about $1 million back in 1961. Four years later, we were up to $60 million. I remember the former chairman of the House Committee on Agriculture, Bob Poage said, "You know, sometimes this is going to get to be expensive. We are going to get to real money here."

Ten years later, $4.6 billion. Today, $27 billion, in terms of cost. Ten years ago, 19.9 million people. Today, 27.3 million people. The economy went up, these costs went up, automatically. The economy went down, and that is the time the Food Stamp Program should work. Why, of course they continued to go up.

So we have restored, as far as I am concerned, the congressional responsibility to at least come in and take a look at this with a 2-percent increase every year, and with real reform, as suggested by the gentleman from Missouri [Mr. EMERSON], in terms of adding $100 million in terms of the feeding programs to the homeless and the soup kitchens all around the country. Under these reforms there will be no more uncontrolled growth in costs. If there is a future need for funding, Congress will do its job, we will step up to that responsibility. No child will go hungry.

So I think it a good reform package.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I want to associate myself with everything that the distinguished chairman of the Committee on Agriculture has just said, and to say to my conservative brothers and sisters that the bottom line here is accountability. The chairman stated that we offered the States the block grant in food stamps, which is the form in which the program now exists. You do have a much higher level of accountability with food stamps than you do with cash. Frankly, food stamps or cash are neither one any good, which is why we have the strong provisions in this act to move us toward an electronic benefit transfer system in which we will achieve the highest level of accountability.

Mr. ROBERTS. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. There is sound policy for all of these reforms. It is time to stop building straw men and support the reform.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I join the gentleman from Kansas in opposition to this amendment. There was a novel and innovative block grant program called revenue sharing. It did not work. Besides, if you give 50 States the money, you will have 50 different programs. Is that streamlining?

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

The CHAIRMAN. The gentleman from Texas is recognized for 45 seconds.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Vermont.

□ 1515

Mr. SANDERS. Mr. Chairman, the chairman of the committee made a point when he said no child would go hungry. I believe he just said that.

Does the chairman deny that in America today, with the highest rate of childhood poverty in the industrialized world, 5 million children are already hungry?

Mr. STENHOLM. Mr. Chairman, I would just like to associate myself with the remarks of the chairman, the ranking member, and say that on the Hostettler amendment, I cannot believe that he would offer an amendment that reduces the work requirements. In a bill in which we have talked about work, this amendment would require recipients to work only 32 hours. The Deal substitute would require an average of 20 hours of work per week.

With all of the rhetoric going on on this floor, how we would have entered in an amendment that was defeated 37 to 5 in the Committee on Agriculture, I cannot believe.

Mr. Chairman, I rise in strong opposition to Mr. HOSTETTLER's amendment to block grant the Food Stamp Program and to freeze the spending level through fiscal year 2000. I believe it is very important that we maintain a very basic food safety net to ensure that children do not go hungry.

The fact is that 82 percent of food stamp households contain children and 16 percent have elderly members. In addition, 92 percent of food stamp households have gross incomes at or below the Federal poverty level. Freezing the funding levels, therefore, will most heavily impact poor children and the elderly and will not account for major shifts in the economy.

Not only does Mr. HOSTETTLER's amendment threaten this safety net, it also weakens the current work requirement in the base bill. This amendment would require recipients to work only 32 hours in a calendar month, whereas, the Deal substitute would require an average of 20 hours of work per week. The Deal substitute also provides funding for additional employment and training to help move people off welfare and into work.

Finally, I would like to remind my colleagues of the discussion we had yesterday regarding the deficit reduction issue. Members from the other side of the aisle pointed out to me that the committees had spoken on deficit reduction provisions during the markup process. I resent that characterization since my substantive deficit reduction amendments were not allowed to be voted on. However, the sense-of-the-committee resolution which stated savings should go to deficit reduction did unanimously pass the Agriculture Committee. On the other hand, I would like to point out that by a vote of 37 to 5, Members from both sides of the aisle in the Agriculture Committee rejected the Hostettler amendment. The committee has, in fact, spoken clearly on this issue.

I urge the defeat of this amendment and support of a food safety net for children and the elderly.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 21 offered by the gentleman from Ohio [Mr. TRAFICANT]; amendment No. 25 offered by the gentleman from Indiana [Mr. HOSTETTLER].

AMENDMENT OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 21 printed in House Report 104–85 offered by the gentleman from Ohio [Mr. TRAFICANT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

Mr. ROBERTS. Mr. Chairman, I withdraw my demand for a recorded vote.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] withdraws his demand for a recorded vote, and the amendment is agreed to.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 25 printed in House Report 104–85 offered by the gentleman from Indiana [Mr. HOSTETTLER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 316, not voting 4, as follows:

[Roll No. 263]

AYES—114

Archer
Armey
Bachus
Baker (LA)
Barr
Bartlett
Barton
Bono
Bryant (TN)
Bunning
Burton
Chabot
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Duncan
Dunn
English
Ensign
Fawell
Fields (TX)
Flanagan
Forbes
Fox
Funderburk
Gallegly
Gekas
Geren
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hilleary
Hoekstra
Hoke
Hostettler
Hunter
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
King
Klug
Largent
Livingston
Manzullo
McCollum
McCrery
McInnis
McIntosh
Mica
Miller (FL)
Moorhead
Myers
Myrick
Neumann
Ney
Norwood
Paxon
Petri
Porter
Portman
Quillen
Radanovich
Ramstad
Riggs
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
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NOES—316

Abercrombie
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Allard
Andrews
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
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Brown (CA)
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Fields (LA)
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Hall (OH)
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Hastings (FL)
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Hilliard
Hinchey
Hobson
Holden
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Hoyer
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
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Kingston
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Kolbe
LaFalce
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Lewis (CA)
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Lightfoot
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McCarthy
McDade
McDermott
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McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
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Mollohan
Montgomery
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Morella
Murtha
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Nethercutt
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Ros-Lehtinen
Rose
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Roybal-Allard
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Sanders
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Saxton
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Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—4

Chapman
Hastings (WA)
Moakley
Williams

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Messrs. BASS, KIM, BERMAN, and DICKEY changed their vote from "aye" to "no."

Mrs. MYRICK and Messrs. BARTLETT of Maryland, CRANE, COX of California, HEFLEY, PORTER, MOORHEAD, RAMSTAD, DORNAN, PETE GEREN of Texas, TAYLOR of Mississipi, FOX of Pennsylvania, and RIGGS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 26 printed in House Report 104–85.

AMENDMENT OFFERED BY MR. BLUTE

Mr. BLUTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLUTE:

Page 37, after line 21, insert the following:

"(11) DENIAL OF ASSISTANCE FOR FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.—

"(A) IN GENERAL.—A State to which a grant is made under section 403 may not use any part of the grant to provide assistance to any individual who is—

"(i) fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State; or

"(ii) violating a condition of probation or parole imposed under Federal or State law.

"(B) EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT AGENCIES.—If a State to which a grant is made under section 403 establishes safeguards against the use or disclosure of information about applicants or recipients of assistance under the State program funded under this part, the safeguards shall not prevent the State agency administering the program from furnishing a Federal, State, or local law enforcement officer, upon the request of the officer, with the current address of any recipient if the officer furnishes the agency with the name of the recipient and notifies the agency that such recipient is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the recipient flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the recipient flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or is violating a condition of probation or parole imposed under Federal or State law, or has information that is necessary for the officer to conduct the official duties of the office, that the location or apprehension of the recipient is within such official duties.

Page 37, after line 21, insert the following:

"(11) DENIAL OF ASSISTANCE FOR MINOR CHILDREN WHO ARE ABSENT FROM THE HOME FOR A SIGNIFICANT PERIOD.—

"(A) IN GENERAL.—A State to which a grant is made under section 403 may not use any part of the grant to provide assistance for a minor child who has been, or is expected by a parent (or other caretaker relative) of the child to be, absent from the home for a period of 45 consecutive days or, at the option of the State, such period of not less than 30 and not more than 90 consecutive days as the State may provide for in the State plan submitted pursuant to section 402.

"(B) STATE AUTHORITY TO ESTABLISH GOOD CAUSE EXCEPTIONS.—The State may establish such good cause exceptions to subparagraph (A) as the State considers appropriate if such exceptions are provided for in the State plan submitted pursuant to section 402.

"(C) DENIAL OF ASSISTANCE FOR RELATIVE WHO FAILS TO NOTIFY STATE AGENCY OF ABSENCE OF CHILD.—A State to which a grant is made under section 403 may not use any part of the grant to provide assistance for an individual who is a parent (or other caretaker relative) of a minor child and who fails to notify the agency administering the State program funded under this part, of the absence of the minor child from the home for the period specified in or provided for under subparagraph (A), by the end of the 5-day period that begins with the date that it becomes clear to the parent (or relative) that the minor child will be absent for such period so specified or provided for."

Page 235, after line 24, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 581. ELIMINATION OF FOOD STAMP BENEFITS WITH RESPECT TO FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.

(a) INELIGIBILITY FOR FOOD STAMPS.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015), as amended by section 555, is amended by adding at the end the following:

"(j) No member of a household who is otherwise eligible to participate in the food stamp program shall be eligible to participate in the program as a member of that or any other household while the individual is—

"(1) fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which he flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State; or

"(2) violating a condition of probation or parole imposed under a Federal or State law.".

(2) EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT OFFICERS.—Section 11(e)(8) of such Act (7 U.S.C. 2020(e)(8)) is amended—

(1) by striking "and (C)" and inserting "(C)"; and

(2) by inserting before the semicolon at the end the following: ", (D) notwithstanding any other provision of law, the address of a member of a household shall be made available, on request, to a Federal, State, or local law enforcement officer if the officer furnishes the State agency with the name of the member and notifies the agency that (i) the member (I) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which he flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or is violating a condition of probation or parole imposed under Federal or State law, or (II) has information that is necessary for the officer to conduct the officer's official duties, (ii) the location or apprehension of the member is within the official duties of the officer, and (iii) the request is made in the proper exercise of such duties, and".

Page 266, after line 15, insert the following:

SEC. 606. DENIAL OF SSI BENEFITS FOR FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.

(a) IN GENERAL.—Section 1611(c) of the Social Security Act (42 U.S.C. 1382(e)), as amended by section 601(b)(1) of this Act, is amended by inserting after paragraph (2) the following:

"(3) A person shall not be an eligible individual or eligible spouse for purposes of this title with respect to any month if, throughout the month, the person is—

"(A) fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State; or

"(B) violating a condition of probation or parole imposed under Federal or State law.".

(b) EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT AGENCIES.—Section 1631(e) of such Act (42 U.S.C. 1383(e)) is amended by inserting after paragraph (3) the following:

"(4) Notwithstanding any other provision of law, the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the request of the officer, with the current address of any recipient of benefits under this title, if the officer furnishes the agency with the name of the recipient name and notifies the agency that—

"(A) the recipient—

"(i) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State;

"(ii) is violating a condition of probation or parole imposed under Federal or State law; or

"(iii) has information that is necessary for the officer to conduct the officer's official duties;

"(B) the location or apprehension of the recipient is within the official duties of the officer; and

"(C) the request is made in the proper exercise of such duties.".

Amend the table of contents accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. BLUTE] and a Member opposed with each control 10 minutes.

Mr. FORD. Mr. Chairman, I am reluctantly opposed to the amendment offered by the gentleman from Massachusetts [Mr. BLUTE].

PARLIAMENTARY INQUIRIES

Mr. SHAW. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SHAW. Mr. Chairman, I have noticed during the debate on at least one occasion, if not more, that a Member of this body has stood up to claim the time on the negative side of the amendment, and has not voted that way.

Is it the Chair's interpretation that those who claim to be voting or are against the amendment must have every intention to vote against it, also?

The CHAIRMAN. The Chair must assume that the Member seeking the time in opposition intends at the time he seeks it to vote against it. It is not the Chair's intention to double check everyone's vote.

Mr. VOLKMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Mr. Chairman, I am just curious if the gentleman from Florida [Mr. SHAW] could tell us the name of an individual who rose in opposition to an amendment and then did not vote that way.

Mr. SHAW. Mr. Chairman, I will tell the gentleman privately, if he wishes to know.

Mr. VOLKMER. I would like to know, Mr. Chairman.

Mr. FORD. Mr. Chairman, to extend debate, as the designee of the gentleman from Florida [Mr. GIBBONS], I move to strike the last word and ask unanimous consent to merge that additional time with the time I am currently controlling.

The CHAIRMAN. The Chair would ask, does the gentleman from Tennessee [Mr. FORD] intend to control the entire 15 minutes? Was that the gentleman's request?

Mr. FORD. Yes, Mr. Chairman, it was.

The CHAIRMAN. Without objection, the unanimous consent request is agreed to.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, the need for welfare reform in our country is obvious. The system is broken and it just does not work. There are aspects of our welfare system that are downright silly.

Recently, many of us saw the movie "The Fugitive," with Harrison Ford. In the movie, the fugitive gets financial help from a friend. However, a more real world scenario would have the taxpayer financing the fugitive's flight from justice, because that is exactly what is happening in the streets of America today.

□ 1545

The truth is indeed stranger than fiction because in the real world fugitives do in fact go to the taxpayers to subsidize their life on the lam. Sting operations in Ohio, Pennsylvania, and other States have found anywhere from one-third to three-fourths of fugitive felons collecting welfare benefits. Last year, then Congressman and now Senator RICK SANTORUM and I introduced legislation to address this situation. This amendment, the Blute-Lipinski-Johnson amendment, is based on that bill and would solve this problem by doing two things.

First, Mr. Chairman, it defines the term "fugitive felon" and cuts off benefits to those who fit the definition. Second, it forces Federal agencies to share certain information with law enforcement officials who request it, enabling them to better track down fugitives. Under present law, Federal social service agencies routinely deny information to the police regarding the whereabouts of criminals who have committed felonies and later fled justice, even though in many cases they are sending a check to the fugitive's new address. This amendment would end that scenario by requiring social service agencies that administer SSI, food stamps, and AFDC to turn off the spigot of free money once they are made aware that an individual is a fugitive felon. Presently there are about 392,000 fugitive warrants on file at the National Crime Information Center. So if only 30 percent of this total is collecting an average welfare benefit package of $300 monthly, a very conservative estimate means that taxpayers could be shelling out almost $400 million annually. We have got to stop making crime pay.

My amendment would take us a step closer to a smaller, more efficient welfare system that benefits those who truly need it.

This legislation has been endorsed by the National Association of Chiefs of Police and the Fraternal Order of Police.

Let's put an end to this taxpayer ripoff that allows criminals to benefit from the tax dollars of law-abiding Americans, and let's put an end to protecting these criminals from being thrown back into jail because our own government agencies are denying information about their location to law enforcement.

Support the Blute-Lipinski-Johnson amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FORD. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the gentleman from Tennessee for yielding me the time.

Mr. Chairman, it is very apparent to me that on Tuesday night and then yesterday, we in this House have been presented with legislation which I would call as ugly as a sow's ear. They have tried yesterday and today to make a silk purse out of a sow's ear by trimming it on the edges.

We first had the amendment by the gentlewoman from Connecticut to improve on the child care provisions. But just marginally. We had amendments by the gentleman from Oregon [Mr. BUNN] and the gentleman from New Jersey [Mr. SMITH] in regard to unwed mothers under 18. We still have major problem, but it is just a marginal improvement.

In the debate on the Johnson amendment, the gentlewoman from Utah said was real cruel to mothers to deny them child care. That is what the bill did when it basically came out of the committees. It still does, because it does not fully fund the child care, so it is still cruel but maybe not quite as cruel. It is still a sow's ear.

We have adopted the Traficant amendment and the Upton amendment, and the Blute amendment is now before us and I am sure it will be adopted. But these, too, are just minor changes on the fringes. Still the problem remains, reducing school lunches, reducing food stamps for the working poor, the hungry kids, kicking people off welfare, actually, kicking them off programs that will help them so that they work themselves out of, not letting them have those programs.

Seventy billion dollars in total cuts. Where is it going to go? Major corporations, going to go to the wealthy in tax cuts when we do the bill next week.

It is still a sow's ear, folks, You have not made a silk purse out of this sow's ear. The only silk purse that is going to be here today in my opinion is the Deal substitute. If you want a silk purse, you vote for the Deal substitute. You have got a sow's ear.

Mr. BLUTE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. LIPINSKI], a coauthor of this amendment.

Mr. LIPINSKI. Mr. Chairman, I am very proud to stand up and support this amendment. I believe this amendment is a silk purse amendment and not a sow's ear amendment. As you all know now, fugitives have been receiving welfare benefits. I found it hard to believe at first, but upon further investigation, I discovered that the Federal and State laws prohibited some welfare agencies from disclosing the addresses of recipients to law enforcement departments under the guise of confidentiality.

Does America really want to protect the confidentiality of a fugitive? Do the American people want to support these people with their tax dollars? I doubt it very seriously.

The amendment that we offer today not only ensures the exchange of information between police and welfare agencies but makes fugitives ineligible for benefits in the first place. Currently there is no provision in the welfare bill to prohibit States from passing confidentiality laws. Section 403(f) of H.R. 1214 says that the Federal Government may not regulate the conduct of States except to the extent expressly provided. We need to provide that, so no State shall hinder police in their search for fugitives.

It is estimated that one-third of those running from the law are receiving welfare benefits. Yet, in some States it is impossible or next to impossible to track them down by going to the agency and asking for an address. Lieutenant Griffin of the Chicago Police Department told me that it is a tremendous benefit to be able to access public aid lists. It is the only spot they really go to, he said.

The Federal Government has been just as guilty as the States in protecting the rights of criminals. Between the two, we have created a bureaucratic nightmare.

For example, the Food Stamp Act expressly prohibits the release of information of recipients. And the States build on this nonsense by either denying access of data or making the process of receiving data too prohibitive.

Another situation that I discovered is the inconsistency with which information is available. For example, in Illinois, police can access AFDC lists but not so food stamp lists. Depending on what kind of assistance someone receives depends on whether police can track them down. Does this make any sense? I do not think so.

Access of information should be consistent regardless of the type of assistance someone is receiving. Let's set a Federal standard. You break the law, you do not receive benefits, and the police can use these public aid lists if need be.

What will happen if this amendment does not pass? Fugitives will continue to receive welfare benefits and the police will not be able to track them down. Let's pass a little common sense. Let's pass the Blute-Lipinski-Johnson amendment today.

Mr. FORD. Mr. Chairman, I yield 2½ minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. I thank the gentleman for yielding me the time.

Mr. Chairman, let's introduce just for kicks, as we say, a note of reality into this debate. Welfare reform and the end of food stamp abuse, yes. Everybody is for that. Increased pain and suffering for America's children, no, many of us are opposed to that.

A little while ago, the chairman of the Committee on Agriculture stated that under his reform, no child in America would go hungry. Who are we kidding?

Today in America, before cutbacks to food stamps or to WIC or to other nutrition programs, 5 million children in the United States are hungry. Today, in this country, we have by far the highest rate of childhood poverty in the industrialized world. What kind of country are we when we are talking about more cutbacks for low-income kids, when we already have double the highest rate of childhood poverty in the industrialized world?

Mr. Chairman, if we were serious about welfare reform, and I do not think we really are, but if we were, we would be talking about a Federal jobs program to create real jobs so that poor people could then have real work and earn a real income.

If we were serious about welfare reform, we would be talking about raising the minimum wage so that when poor people work, they can escape from poverty, not abolishing the minimum wage as some would have.

If we are serious about talking about welfare reform, we must talk about improving child care capabilities, so that children of working mothers and working families are provided for. If we are serious about talking about welfare reform, we must talk about job training and transportation so that welfare recipients are able to get to the jobs that are open for them.

Last, today we are talking about welfare reform as it applies to the poor. I hope that in the future we will have the guts to talk about welfare reform as it applies to the rich and the multinational corporations.

I hope that we will say that the U.S. Government with its huge deficit and its enormous social problems can no longer afford to spend tens of billions of dollars a year providing tax breaks and subsidies to the rich and the large corporations. I look forward to that welfare reform.

Mr. FORD. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. RANGEL], one of the distinguished members of the Committee on Ways and Means.

Mr. RANGEL. Mr. Chairman, there has been a lot of concern about people calling each other mean-spirited and not being concerned about the welfare of children in this great country of ours. But also there has been a restriction that our Republican friends have, and, that is, a contract. That contract seems to be driving people to do things that are inconsistent with what they truly believe. What are they driving to do?

The first drive, the jewel in the crown, is to cut back taxes. That is the driving force. That is the engine. Whether it is $780 billion over 10 years or $200 billion that we have to cut back in taxes now, not that we have heard the American people screaming for it, but I assume the wealthy people know what is best for them and I assume you work closer with them. But assuming that you have agreed and you are committed in your contract to turn back $200 billion in revenues, then you have that same strong commitment to balance the budget, indeed, change the Constitution. Once you have reached those conclusions, the tax cut and to balance the budget, the only thing left to do is to cut, cut, cut, cut. And where do you cut? Did you go to the strongest that have been enjoying the subsidies? No, you went to our aged, you went to our sick, you went to our children, and you charged it all up to the lack of discretion of the teenaged mother for making God's child without having a legal contract.

□ 1600

How dare we in this body determine what a child should or should not have because of the lack of discretion of the mother? And how do we feel as federally elected legislators in saying we have messed up this program as Democrats, so our responsibility is to turn it over to the Governors, no strings attached? Oops, I made a mistake, there are strings attached.

Do not show enough compassion to give cash assistance to anybody that has a child if they are 18 or younger and they are not married. Oops, another thing that had strings attached.

If there is another child while you are on welfare, regardless of how it came or the conditions, the governors are restricted from giving cash assistance.

Oh, there is another restriction. No matter what the economic conditions are in the locality where the recipient is, no matter how hard he or she tries to get a job, if no jobs are available, then we say the governors cannot give them cash assistance because the time has run out.

I tell my colleagues this: If a political pundit had to find out how to win an election they would say go against affirmative action, go against immigrants, go against people who are poor, go against welfare, go against food stamps and make America feel that we have to reform the system. But then again, if you put that in a contract and you win, you can bet your life it is not enforceable, not in this great country it is not.

Mr. BLUTE. Mr. Chairman, I yield 2 minutes to the gentleman from Dallas, TX, Mr. SAM JOHNSON, one of the leaders of the welfare reform movement here in the Congress.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I say to the gentleman from New York [Mr. RANGEL], I heard him yesterday talking about how we had left out our felons who were getting welfare, left them out. That is what we are talking about right now is an amendment to correct that and make it happen.

The Deal bill does not even talk to that. In fact, it destroys any welfare reform that there is going.

I cannot believe that our Federal Government actually pays with taxpayers dollars, I might add, welfare benefits to criminals who are fleeing prosecution from the law. I heard the gentleman say that.

I would like to list for those who do not know the benefits criminals get while on the run: Criminals, criminals under current law can and do receive AFDC, SSI, and food stamps.

Instead of giving benefits to those who truly are in need we are giving them to individuals who have broken the law and are trying to escape from it.

The real question is why does this atrocity continue to happen. The answer is because current law prohibits Federal welfare agencies from sharing information with local law enforcement communities.

What this means, if your local police officer calls the Federal welfare agency that administers those benefits and asks for the address of a known felon, that welfare agency by law is forbidden even from giving the most current address to the police.

I cannot believe that this is happening in our country. It is just one more irritation that our police officers currently have to hurdle in their attempt to stop crime.

This is simply outrageous. Whoever said crime does not pay never understood how Government bureaucracy works. I urge all of my colleagues and I hope the gentleman from New York [Mr. RANGEL], too, will support this amendment and stop the flow of taxpayer dollars to criminals and allow welfare agencies to help our police officers fight the war on crime.

Mr. RANGEL. Mr. Chairman, will the gentleman yield for the purpose of my support?

The CHAIRMAN. The gentleman's time has expired.

Mr. FORD. Mr. Chairman, I yield 10 seconds to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I would be glad to support this well thought out amendment to stop welfare payments from going to fugitives who are fleeing. The only thing I ask is, where does the fleeing fugitive apply for welfare?

Mr. FORD. Mr. Chairman, may I inquire about how much time we have remaining?

The CHAIRMAN. The gentleman from Tennessee [Mr. FORD] has 7½ minutes remaining and the gentleman from Massachusetts [Mr. BLUTE] has 1½ minutes remaining.

Mr. FORD. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding and I want to take this minute to talk about what I am for, what our caucus is for in terms of welfare reform.

We are for a welfare reform package that is tough on work, that puts a work expectation for people receiving benefits.

We are for a welfare reform package that enforces personal responsibility, particularly the personal responsibility for your children.

Third, we are for a welfare reform package that does not punish kids because, for gosh sakes, it was not the kids that caused the problems we have with the present system.

These are meaningful responses, meaningful reforms and they are represented in the Deal substitute. By contrast, the bill of the majority fails on all three counts, most particularly the work requirement.

A Congressional Budget Office study put it on the front page of the Washington Post today talking about how States will fail under the GOP work rules.

We need to make a work program work, and that is the Deal substitute. Please support it this afternoon.

Mr. FORD. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I simply rise to ask of the sponsors two questions: No. 1, the question of the gentleman from New York [Mr. RANGEL]. If someone is a fugitive, how is it that we are paying him anything, since the definition of a fugitive is we do not know where he is and he is not declaring it because he is on the run from the law?

The second question is: The meaning of the amendment, where it says that if a child, a second provision of the amendment that says if a child is absent for any length of time that you would not give the welfare to that family. My question is would you simply not give the welfare attributable to that child during the period of absence or for other children also who may be present in the home?

Mr. BLUTE. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Massachusetts.

Mr. BLUTE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, with regard to the first question, it is happening right now where fugitive felons are receiving welfare benefits and law enforcement agencies cannot get the information from social service agencies as to exactly who these people are or where they are.

Mr. NADLER. Could the gentleman answer the second question?

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has expired.

Mr. FORD. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank my colleague from Tennessee for yielding the time.

Mr. Chairman, let me say I do not think there is a person in the House and certainly not in this great country that would say that criminals are by and large the ones getting welfare. I did not know that 2- and 3-years-olds were criminals, so I would certainly be supportive of keeping criminal fugitives from getting welfare, but I am really here to talk about is what I stand for in terms of how to make this program really work and really be welfare reform.

We have to have real welfare to work, we have to have a job creation program that is really sincere and offers to people the real opportunity to work. At the same time, we have to be sensitive to our infants and to our women and children, and I just want to emphasize that. We hear all of the talk about investment in the future and taxpayers' money. And "I do not want to pay for those deadbeats." This is what an investment in our children is all about.

Just take the Women, Infants and Children Program. We can see what we would save if we were participating in the Women, Infants and Children Program some $12,000 to $15,000 per child that we invested in making sure that women, infants and children had good nutrition programs.

The Republican program does not have good nutrition programs, it does not focus on the child. It focuses on taking away from the child.

Let us move forward to a progressive standard for all people and that is vote for the Democratic alternative. Let us make sure welfare reform is that and not welfare punishment.

Mr. BLUTE. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEINEMAN], one Member who has had a real world experience with this issue, being a former police chief of Raleigh, NC.

Mr. HEINEMAN. Mr. Chairman, I rise in strong support of the Blute-Lipinski-Johnson amendment. As a former police chief I can tell you that we need to crack down on the number of welfare recipients who become fugitive felons and are now collecting welfare benefits at the expense of the American taxpayer.

Today there are almost 400,000 fugitive warrants on file at the National Crime Information Center—and it is estimated that one-third of those felons are receiving public assistance.

What's even worse is that law enforcement officers are prevented by privacy laws and regulations from tracking down these wanted felons.

Welfare and Social Security offices are prevented from telling law enforcement officials the whereabouts of a felon—even though they are sending him or her a Government check every month.

This is outrageous and an affront to the American taxpayer. We need to crack down on this kind of waste and abuse of our current welfare system—and help our law enforcement officials. This amendment will correct this ridiculous situation.

I urge my colleagues to support the Blute-Lipinski-Johnson amendment and I compliment my friend from Massachusetts for offering this amendment.

Mr. FORD. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as a member of the Pennsylvania State Legislature in 1987, I sponsored the Employment Opportunities Act. Democrats and Republicans got together in Pennsylvania and created a joint job training initiative and moved 200,000 people off of the welfare rolls, not by punishing them but by providing job training and child care, and transportation subsidies so they could get to a multitude of training programs and they work. We do not have to be mean-spirited if we want to help Americans by moving them toward self-sufficiency. It has worked in a number of States.

It is unfortunate that the Republican majority thinks that the American people really do not understand. We have 9 million children on welfare, and they come to the floor talking about one set of abuses in Chicago with 19 children in which someone was not doing the right thing with the welfare check. Millions of families are doing what they should do with a welfare check, and that is helping children meet their needs every day and working and preparing for the moment in which they can be self-sufficient again in this land. We should be doing as much here in the U.S. Congress.

The Preamble to the Constitution says it is our responsibility to promote the general welfare. This majority today in this Congress is not moving to promote the general welfare. It is really moving to pull the carpet up from under millions of Americans who need the help so one day they can be in a position to be tax producers rather than recipients of subsidies from the Government.

Mr. ARCHER. Mr. Chairman, under the rule I move to strike the last word.

Mr. Chairman, I yield myself such time as I may consume.

It seems we always get distracted from the debate on the amendment at hand. But I must say the gentleman who just spoke in the well spoke of local answers to problems, and then he turns right around and says but do not give the States and the local communities more opportunity to do the kind of constructive job that he just spoke to.

Ironic, because our plan does precisely that. It puts more resources in the hands of the communities and the States where real success can occur, not where you have payment. And one thing my friend from New York forgot to mention is what are we doing here; we are cutting off Federal bureaucrats. We forget to use them in his litany and yes, we are doing that and we are creating more flexibility.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Massachusetts seek to yield his last one-half minute?

Mr. BLUTE. Mr. Chairman, I yield the remainder of our time to the gentleman from Chattanooga, TN [Mr. WAMP].

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. BLUTE] and the gentleman from Texas [Mr. ARCHER] for yielding time to me.

Mr. Chairman, to keep convicted felons from receiving Government welfare benefits is through my eyes a no-brainer. This amendment will fix an injustice in the current system that I believe no one wants.

Mr. Chairman, no matter what side of the debate you fall on, I think you will agree that welfare dollars should not be spent on criminals, should not be spent on criminals who have successfully avoided the law. This is not the type of success we want to reward.

While you may agree this is wrong, the gentlewoman from Texas thinks this does not happen very much. It is an exception that is costing the taxpayers an estimated $1 billion annually.

The American people are frustrated. Mr. Chairman, I urge my colleagues to support this amendment and close a disgusting loophole in the welfare bureaucracy.

Two hundred years ago Benjamin Franklin said:

> I am for doing good to the poor, but I differ in my opinion of the means. I think the best way of doing good for the poor is not making them easy in poverty but leading them or driving them out.

Mr. FORD. Mr. Chairman, could I inquire how much time is remaining?

The CHAIRMAN. The gentleman from Tennessee [Mr. FORD] has 2½ minutes remaining, and the gentleman from Texas [Mr. ARCHER] has 3½ minutes remaining.

Mr. FORD. Mr. Chairman, do we reserve the right to close?

The CHAIRMAN. The gentleman from Tennessee has the right to close.

□ 1615

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I thank the distinguished chairman for yielding and commend him for his great work on this welfare reform bill.

We all know our welfare system is broken, that it needs to be fixed, that it creates dependency, victimization, and ultimately despair amongst our citizens, and we need to change that, and we need to tighten up the welfare system so it does what it is supposed to do.

And one of those things should not be giving welfare benefits to convicted felons who are on the lam from the law. I have with me a number of letters from the parole board in my State where they have been rejected from getting information from social welfare agencies on the whereabouts of felons that the parole board is looking for.

This is a system that is broken. It is wrong. It should not happen.

I urge all of my colleagues on both sides of the aisle to adopt this amendment, and let us restore some sanity to our welfare system.

Mr. FORD. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. MCDERMOTT], a very distinguished spokesman on welfare reform in this Nation, one who has been very active in this debate.

Mr. MCDERMOTT. Mr. Chairman, the fundamental difference between the Democrat and the Republican approach to what we do about welfare is what you believe is the fundamental problem. If you beat on people, they will go to work; that is what Republicans believe.

Now, if this bill were in effect in 1982 when Ronald Reagan, and we had that big sweep and we were close to the wall, the unemployment rate in the State of Washington was 12.1 percent. The national unemployment rate was 9.6 percent. The Bureau of Labor Statistics says the underemployment rate in the country at that time was 16.5 percent, and in the State of Washington it was 20 percent. That includes those people who were involuntarily working part-time and discouraged workers.

Now, when you say you are going to take a 16-year-old kid and drive them out into the street by taking away the money for their kid and that somehow they are going to magically find a job when there is 20 percent of the people unemployed or underemployed in the State of Washington, you simply live in a dream world.

This is a bad bill.

Mr. ARCHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have got to try to separate rhetoric from fact in this debate. It is very difficult to do.

When we talk about the supposed reductions in whether WIC or school lunches or whatever it might be, we are not talking about cuts at all. We are talking about increases of dollars based on the current level.

But from the Democrat side of the aisle, they think only Federal entitlement programs dictated in a straitjacket with Federal bureaucrats administering with pounds and pounds of regulations are the only way that you get help to people who need help. Just the reverse.

And as far as work habits or work requirements are concerned, you can go to Massachusetts or Virginia, and you can go to States today that are putting people on work as a condition of welfare within 60 days. That is what we want all of the States to be able to do, and we want to get through with this waiver process and these pounds of papers that have to be filed that take money away from really going to those who need help.

That is why we have got an outstanding welfare reform approach, and it is why the Democrat substitutes will not do the job.

Mr. Chairman, I yield back the balance of my time.

Mr. FORD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, no one wants to see fugitives receive welfare in this country. You know, it is really amazing to see what the Republicans are doing and saying about children in this country. The Los Angeles opinion page on Sunday said that: "Congressional Driveby: Gang-bangers Kill Innocent Kids. Republicans Just Kill Programs To Help Kids." And to quote the gentleman from Florida [Mr. SHAW], who is the chairman of the subcommittee, and the source is the CONGRESSIONAL RECORD of March 22, he said, "We are talking about children you would not want to leave your cat with over the weekend," or you hear what the gentlewoman from Connecticut [Mrs. JOHNSON], who serves on the Committee on Ways and Means, says, "It is not hard to clothe your kids, folks. Just go to the second-hand store to do so."

The Republicans are so mean to kids in this welfare reform package just for the sole purpose of giving the well-to-do rich of this Nation a huge tax cut.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from North Carolina.

Mr. HEFNER. I do not think felons should get welfare.

But the numbers just do not add up, Mr. Chairman. If you are going to get $69 billion over 5 years to pay for a tax cut, somebody is going to get cut.

Bureaucrats are bureaucrats whether in North Carolina or Washington, DC, or North Dakota or wherever they are. You are not cutting out bureaucrats. You are going to cut $69 billion worth of benefits to the most vulnerable people in these United States to give a tax cut to the wealthiest people in this country, and that is what you said in your contract, and that is what you are trying to live up to. So why not brag about it?

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 30 printed in House Report 104-85.

AMENDMENT OFFERED BY MR. SALMON

Mr. SALMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. SALMON: Page 387, after line 10, insert the following:
>
> **SEC. 768. LIENS.**
>
> Section 466(a)(4) (42 U.S.C. 666(a)(4)) is amended to read as follows:
>
> "(4) Procedures under which—
>
> "(A) liens arise by operation of law against real and personal property for amounts of overdue support owed by an absent parent who resides or owns property in the State; and
>
> "(B) the State accords full faith and credit to liens described in subparagraph (A) arising in another State, without registration of the underlying order.".
>
> Amend the table of contents accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from Arizona [Mr. SALMON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from Tennessee [Mr. FORD] seek the time in opposition?

Mr. FORD. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee [Mr. FORD] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, delinquent parents can no longer be allowed to shirk their responsibilities and expect the Government to act in their place. That is unfair to the child. It is unfair to the taxpayer. It is time we sent a message if you bring a child into this world that you are going to care for it. This is the compassionate and sensible thing to do for our Nation's children.

In child support cases, liens are not used by States to their full potential. Upon locating property, many caseworkers still prepare individual liens and seek judicial approval for each case. This is a slow and ineffective process, and our Nation's children are the ones that are paying for it.

Our amendment makes it easier for States to collect or for States to issue liens to collect past-due support and to help each other collect child support debts by providing that child support liens are enforceable across State lines without going to court again unless contested. Past-due support in all cases already becomes a judgment by operation of law.

Many States support this amendment. In fact, just about every State we have talked to wants this amendment. This is not an unfunded mandate. In fact, the States will save money by this measure, and the Nation's children will benefit.

America cannot work unless its citizens take more responsibility for their own actions. It is time that parents fulfill not only their own emotional but also their financial obligations to their children. We can at least address the financial obligations in this body.

Mr. Chairman, this amendment has widespread support from the national child support enforcement advocates. Marilyn Smith, president of the National Child Support Enforcement Association, has campaigned tirelessly for the reforms in this amendment, and Jerri Jensen, president and founder of Aces, whose story was told this week in the TV movie "Abandoned and Deceived," says that irresponsible parents should not be able to profit from selling out-of-state property while their children suffer due to lack of court-ordered child support.

Child support enforcement is a vital component of welfare reform. Delinquent parents can no longer be allowed to shirk their responsibilities and expect the Government to act in their place. That is unfair to the child, and unfair to the taxpayer. It is time we sent the message that if you bring a child into this world, you must care for it. This is the compassionate and sensible thing to do for our Nation's children.

The national collection rate of child support payments is abysmal. Regularly received collections average 18 percent in the United States. In my State, Arizona, the rate is only 10 percent, and even in the best States it reaches only as high as 27 percent. For this reason we have decided to adopt child support enforcement measures as part of the Welfare Reform legislation we promised in our Contract With America. The States will achieve a better collection rate through these provisions and thus lower costs to the States and Federal Government, who are left to provide the full financial care for children of delinquent parents.

States are already required to use liens to collect past-due support but do not use this remedy to its full potential. Upon locating property, they prepare individual liens and must go back to court for each case, which is burdensome and slows the process significantly. Thus deadbeat parents can indulge in luxury items such as boats and fancy cars, buy real estate, make investments, etc., while their children are left to endure life's hardships with not only the emotional, but also the financial support of only one parent. Most often the mothers are left with this heavy burden, and are forced to look to the State and Federal Government for a helping hand. Abandoning parental responsibility can no longer be tolerated if this country is to survive, and the Government should not bear the burden of deadbeats anymore.

The Salmon-Waldholtz-Torkildsen amendment is a simple, straightforward approach to the problems States are currently experiencing in collecting past-due support. It states that liens will arise by operation of law, which means that processing the thousands of delinquent cases will be much easier and cheaper by avoiding return visits to court. For example, since 1992, Massachusetts has issued administrative liens in every case where a noncustodial parent owed more than $500—liens to more than 90,000 child support delinquents with property as varied as workman's compensation claims, wages, bank accounts, and real estate. All were handled by computer on a wholesale rather than retail basis, collecting more than $13 million.

Not only has the collection process been difficult within a State, it is even more so when delinquent parents cross State lines to thwart efforts to track them down and collect. Although 30 percent of all child support cases are interstate, only 10 percent of all dollars collected originate from out-of-State. For example, if a deadbeat dad from Arizona moves to Utah to avoid supporting his children, currently it is extremely difficult to recover the money he owes across State lines. Under our amendment, if the lien is sent to another State to attach property owned in that State, it can be filed by the State agency in the second State without going to court to get accepted as a lien issued in that State. Again, this simplifies the process and thus it will be vastly easier for States to collect even across State lines. Arizona, Massachusetts, and Utah have come out in support of this amendment and other States have expressed great interest in such procedural changes.

The sections of the welfare reform bill that were reported out of the Committee on Ways and Means—primarily those sections dealing with child support enforcement reform—go far in solving the collection problems experienced at the State level. However, the Salmon-Waldholtz-Torkildsen amendment is fundamental to the successful reform of the system, according to child support associations and State agencies across the Nation. The National Child Support Enforcement Association, a leader is the reform movement, has called this amendment the basis for every other enforcement mechanism in this legislation. Time is of the essence in our efforts to end the cycle of dependency while ensuring the well-being of our children.

Mr. Chairman, I reserve the balance of my time.÷

Mr. FORD. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL], one of the distinguished members of the Committee on Ways and Means and who handled an amendment similar to this, if not the same amendment, before the committee.

Mr. NEAL of Massachusetts. Mr. Chairman, I think one of the most significant options in this debate has been how a well-organized minority can, indeed, move the majority. I remind the listeners today and the viewing audience that there was no child support initiative offered by the Republican majority in this House until we convinced them that there should have been a strong child support component. I offered a similar amendment to this during the Ways and Means markup, and it was turned down on a party-line vote.

The gentleman from Massachusetts [Mr. TORKILDSEN], to his credit, had contacted my office and asked me to offer this amendment. It has the support of Bill Clinton and Bill Weld. I think that this goes to the heart of personal responsibility, paying for the children that you have.

During the Ways and Means Committee markup I offered an amendment to the child support enforcement title to include the use administrative liens to collect past-due child support. This amendment failed on a party line veto.

Now this amendment has bipartisan support. Congressman SALMON and Congresswoman WALDHOTZ are cosponsors of this amendment. This amendment is something both President Clinton and Governor Weld agree upon.

This is the type of amendment which should have bipartisan support. Under current law, a child support payment becomes a judgment by operation of law as it becomes due and unpaid and entitled to full faith and credit. This provision takes existing law one step further and allows States in interstate cases to move and to levy and seize assets without registering the underlying order in the sister States, unless the lien is contested on grounds of mistake of fact. Because the lien arises by operation of law, unlike current practice, which is "case-by-case." It gives similar treatment in interstate cases to liens as has been already accorded to interstate income withholding order since 1984. An estimated one third of delinquent obligors own property eligible for a lien. With approximately 3.5 million delinquent support cases nationwide, that equals a million or more liens, easy to issue and transmit by computer, impossible to write by and send by hand.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from Massachusetts for his efforts in committee and here on the floor to adopt this. As I told him during the committee, it was new to me. I just had to look at it, and a number of us have, and we are going to support it.

Mr. FORD. Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts [Mr. NEAL], a member of the Committee on Ways and Means.

Mr. NEAL. Mr. Chairman, I want to thank the gentleman from Louisiana [Mr. McCRERY]. I think that the gentleman from Louisiana [Mr. McCRERY] is an example of how this bill could have been accomplished in a bipartisan manner. From day 1, he indicated a willingness to work with the minority party to get a good, sound bill done, and his mind was always open in this debate.

I thank the gentleman for his kind words.

Mr. SALMON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, nearly 2 years ago, a constituent of mine—Susan Brotchie, a divorced mother and president of Advocates for Better Child Support—met with me and requested that I work on legislation to address the issue of delinquent parents hiding their assets in real property, and thus avoiding child support payments. Out of that meeting was born H.R. 1029 and the substance of this amendment.

Let us face it. Child support enforcement will only be truly effective if we enforce cases across State lines. It is also important that we reduce the burden placed on parents left with little or no means of support. It is cost prohibitive for a parent whose children need support to chase a delinquent parent from State to State, hire lawyers, and wade through multiple State judicial systems.

This amendment attacks the interstate problem at its core by allowing States to give full faith and credit to liens placed in other States. It saves Federal and State taxpayer money, while leaving in tact all State enforcement procedures. This amendment improves existing law; it does not create new, unfunded mandates on the States.

My home State of Massachusetts remains a leader in the fight to make delinquent parents accountable. Since 1992, Massachusetts has issued administrative liens in every case where a parent owed more than $500. Massachusetts also set up reciprocal agreements with neighboring States, so that liens placed in Massachusetts are given full faith and credit in Vermont. These reforms have resulted in a 29-percent increase in child support collections in the last 3 years—a compliance rate that has risen from 51 to 60 percent—and 10,000 more families receiving support. Expanding this model nationwide would boost the rate of compliance in interstate cases up to 70 percent.

By not passing this amendment, we are endorsing the safe havens that currently exist for parents who own property in other States. This Congress must send a powerful message to delinquent parents: You can no longer enjoy the benefits of property and luxuries in other States and not fulfill your fundamental commitment to our children.

Welfare reform will only be complete if we boost compliance in interstate cases. Fewer children and single parents will turn to public assistance, making this amendment is win-win-win situation—a win for children, a win for custodial parents, and a win for taxpayers.

Mr. FORD. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN], who is a former prosecutor.

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Mr. MEEHAN. Mr. Chairman, I rise in support of this amendment. This is a actually a very, very good amendment to a very bad bill.

We have been doing a lousy job in this country of holding people accountable when they have children. Mr. Chairman, as a prosecutor in Massachusetts, I prosecuted a case, the first criminal enforcement case in child support in Massachusetts under the revised statute. It was a defendant who was married, lived in Lowell, MA. This defendant took off to New York. He had 7 children at home. The bank began foreclosure procedures because the wife could not make payments. He was living in New York City, on 52d Street, and he had a place in the Caribbean.

The child support enforcement division in Massachusetts could not get at any of the assets.

We could do a much, much better job of collecting child support. State agencies do not have the ability to do long-arm statutes, go out and collect these assets. We could save $32 to $35 billion if we could just collect child support.

By the way, 90 percent of the money that is owed in child support in this country is men who owe women child support. I cannot help but think that if 90 percent of the money was women who owed men, this system would have found out a way to collect these payments.

This bill is part of a bill I supported and sponsored. It is long overdue. I would hope we could get something done to increase the effort to hold people accountable when they have children. We are doing a lousy job at it now.

Massachusetts, as my colleague indicated, is a leader in this area.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding, and I want to extend my congratulations to our colleague, the gentleman from Arizona. This is a wonderful amendment.

Mr. Chairman, I speak now as the first person back 10 years ago who brought the issue of child support, and the national disgrace it had become, before our Congress.

We have had two reforms. I hope this third reform that is implicit in this bill—because child support enforcement is welfare reform—that is, his amendment, we will be recognizing that no child support system is any better than the individual States. So we have reached into the States. This is an interstate system, and we have to have reciprocity.

Mr. FORD. Mr. Chairman, before I yield additional time, in order to extend debate, as the designee of the gentleman from Florida [Mr. GIBBONS], I move to strike the last word and ask unanimous consent to merge that additional time with the time I currently control.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FORD. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this amendment which requires the States to adopt procedures under which liens may be imposed automatically against the property of persons who are delinquent in child support payments in another State, and also of the next amendment providing for suspension of drivers and professional licenses for child support delinquencies.

The nonpayment of child support is an urgent public crisis that compromises the economic security of a very large number of American children and families. In 1994, more than half the children living in single-parent families were poor, and the majority, the large majority of them were in families where the child support payments were delinquent.

Before I came to this House, I was the author of bills in the New York State Legislature which allowed for liens to be placed against the property of persons who were delinquent in their child support payments and which provided for suspension of drivers and professional licenses of delinquent payors.

The lien bill passed and resulted in a large increase in child support collections in New York.

The amendments before us today would improve the collection of child support in an area where we have serious collection difficulties, interstate collections. Interstate child support cases comprise 30 percent of all child support cases and a very large fraction of the failures of collection.

The effective child support enforcement helps many single-parent families make the move to independence, self-reliance. This approach has succeeded in New York, and it will improve the lives of single parents and their children across the country.

This amendment will let absent parents know we are serious about collecting due child support. It will contribute to improving the economic conditions of children and families and will lessen the number of families forced to go on welfare to survive.

I urge my colleagues to support this amendment and the next amendment as two very worthy amendments to what is, unfortunately, a very bad bill but which will improve that bill significantly.

Mr. SALMON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. I thank the gentleman from Arizona for yielding this time to me.

Mr. Chairman, I rise in strong support of the Salmon-Waldholtz-Torkildsen amendment, which further strengthens the essential child support enforcement provisions contained in the "Personal Responsibility Act," our Republican welfare reform initiative.

It is unconscionable that 30 percent of dead-beat parents are able to shirk their responsibilities to their children because they reside in a different State than their children. In fact, in Illinois, little children were stiffed to the tune of $176.1 million in 1994 due to dead-beat parents who refused to meet their responsibility to their own flesh and blood. This has got to stop.

Provisions in H.R. 4 go a long way toward solving this problem, and this amendment works hand-in-hand with these improvements by providing a simple, straightforward method of processing interstate collection. It simply allows liens on personal property filed in one State to be honored in a second State without having to go back to court, thereby avoiding unnecessary delays and judicial red-tape. It is better for the child and the taxpayer.

Abandoning parental responsibility can no longer be tolerated—and the Personal Responsibility Act, with this amendment, brings us one step closer to providing America's children with the inherent parental support they need and deserve.

Mr. FORD. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from Arizona [Mr. SALMON] has 4 minutes remaining and the gentleman from Tennessee [Mr. FORD] has 9 minutes remaining.

Mr. FORD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the debate on this floor regarding welfare reform has been, in my opinion, as far from what is real in the real world as anything I have ever seen. I have heard what a lot of you call rhetoric. I have heard a lot of theoretical aspirations from many of you.

Many of you would not know a welfare mother if you saw her. Not only would you not know her, but you do not know how they live. You do not know what it takes to feed their children. You do not know what it takes to find a job.

You talk about getting jobs. Leaving the jobs out of the bill and not having a full track to find a job, it is not easy to find a job. Most people on welfare will not work. I have not seen in any of these bills any way that would lead to a job.

So all we are talking about here is vapor, vapor that does not really go any place. And we are looking at children in a very cruel way.

There is no mistake about it. Our welfare system needs to be improved. We all know that. But do we have to improve it by taking food out of children's mouths? Do we have to improve it by taking away the welfare help we are giving States now? You are talking about States' rights, but you are not giving them the autonomy they need. On the one hand you say here is autonomy; on the other hand you take away the money. Does that make sense? It does not work. If you want the States to do something with welfare reform, then give them the same amount of money you gave them before.

I stand here today to say to you that all of this is a bunch of baloney. It does not lead down to the neighborhoods where the people are poor and need help. All this about wearing second-hand clothes, where have you heard of such a mess before? Wearing second-hand clothes? It goes to show you where the mindset is. How can you make an amendment if you do not have the right mindset?

Mr. FORD. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. I thank the gentleman for yielding this time to me.

Mr. Chairman, once you get past all the rhetoric, you are left with just the facts. And the facts are that H.R. 4 does not fund its requirements.

Translation—H.R. 4 passes on a huge unfunded mandate to States, cities, counties and localities.

Just yesterday President Clinton signed the unfunded mandate legislation into law. During the debate and in the days which have passed since we sent this legislation on, many on the other side have been beating their chest and talking about how they saved our States, cities, and American taxpayers from the evils of the Federal Government. And now, before the President's signature is even dry we are being asked to support the mother of all unfunded mandates.

But do not just take my word for it. A letter from the United States Conference of Mayors "* * * H.R. 4 will further strain local budgets. It basically shifts costs our way. We can expect general assistance expenditures to skyrocket in those states which provide it * * *".

The League of Cities had this to say about H.R. 4, "The bill could be one of the greatest mandates ever imposed upon our communities."

And from a report issued today by the Congressional Budget Office on H.R. 4, "the literature on welfare-to-work programs, as well as the experience with the JOBS program indicates that States are unlikely to obtain such high rates of participation." And June O'Neil, the Director who was recently installed by the Republican leadership said that "given what is known about how these programs work, I was comfortable signing" the report. "We did this totally based on the evidence."

Support the only responsible welfare reform bill. Protect your States and cities. Support the Deal substitute.

Mr. SALMON. Mr. Chairman, I am a little confused. I have not found that the gentlewoman from Florida or the gentleman from Tennessee have been—they have been going on and on—and I do not find any of this information in the Salmon-Waldholtz-Torkildsen amendment.

The CHAIRMAN. The Chair would inform the gentleman from Arizona [Mr. SALMON] that the Chair has been reasonably lenient because about 75 percent of the conversation has not been on the appropriate amendment.

Mr. SALMON. I am baffled. We seek child support enforcement.

Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I will actually speak on the Salmon amendment. I am a strong supporter of it. I have been listening to this debate for a week, "Help the children, the children, the children; you are mean-spirited." All you talk about is children, children. We finally have a bill before us, an amendment that will help children without increasing the Federal bureaucracy. It is about time. We have deadbeat dads going from State to State, running away from child enforcement authority, and here is a great idea. We can help children without funding a huge bureaucracy. The argument all week has been, "You have got to vote more money, throw more money at a problem that we have not been able to solve for the past 30 years, by making bureaucracies larger. And if you are not for huge bureaucracies, then you are against children." That is garbage, and everybody here knows it is garbage.

That is the great thing about the Salmon amendment: It finally helps us do it without increasing the size of bureaucracy.

Let us cut down on deadbeat dads running away from their responsibility, and do it without creating a huge Federal bureaucracy.

Mr. FORD. Mr. Chairman, for the purpose of debate I yield 1½ minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. I thank the gentleman from Tennessee for yielding the 1½ minutes.

Mr. Chairman, we would like to discuss just this one particular amendment. The problem is that on a lot of these small amendments that we see, when you take a look at the entire bill, what we have is a beast. And whether you put lipstick on it or not, it is still an ugly beast. It is difficult to talk just about one little aspect of this entire debate when the beast is out there hovering over your shoulders.

What we find in this entire debate is the fact that we are talking about cuts, cuts to kids, cuts to school lunch programs. And for what? We found out very clearly in an amendment that passed yesterday. These are cuts on kids, cuts on school lunch programs so that we could pay for cuts for tax breaks, cuts for the wealthy. That is what we are driving toward.

Billions of dollars will be saved, saved by cutting from kids and cutting from school lunch so we can send it over to give tax breaks for the wealthy. That is what this is all about. That is our concern.

But we have to talk about this entire legislation, not just about one particular amendment, because this is going to affect the entire country, not one individual.

So let us remember, when we start voting on these particular amendments, whether you are voting to pass it or not, you cannot improve the looks of a beast by putting some lipstick on it. I hope that we understand that, ultimately, the folks who are going to suffer at the hands of this beast are not the folks in this room, not the people that got elected, but the people who voted to elect us to office. That is, the children and the families who will suffer because school lunch programs will not be there and day care will not be there—all because Republicans wanted to give tax cuts to the rich.

Mr. FORD. Mr. Chairman, let me inquire as to how much time the Democrats would have and whether or not we reserve the right to close on this particular issue.

The CHAIRMAN. The gentleman from Tennessee [Mr. FORD] has the right to close, and he has 4 minutes remaining.

Mr. FORD. Mr. Chairman, I would like to also know whether or not my colleagues on the other side of the aisle will request the additional 5 minutes and if so, how will we handle that in the closing?

Mr. SALMON. Yes, we will request the additional 5 minutes.

Mr. FORD. Then I will yield to the gentleman.

Mr. SAM JOHNSON of Texas. Mr. Chairman, as the designated representative for Mr. ARCHER, I move to strike the last word.

The CHAIRMAN. The gentleman is entitled to 5 minutes on his pro forma amendment and, without objection, may control that time.

There was no objection.

Mr. SAM JOHNSON of Texas. I thank the Chair, and I yield to the gentleman.

□ 1645

Mr. SALMON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am a little bit baffled. It seems that we are hearing that this amendment somehow benefits the rich. I am getting a little bit confused. Actually this amendment hurts the rich deadbeat dads and it helps the children that are not getting their child support, and I would really appreciate if we can understand that cogent point and stay on point.

I would like to point out, Mr. Chairman, how this amendment came about. It did come up in the Committee on Ways and Means. It was not successful. I think it should have been there. I will agree that it should be a bipartisan effort, and I am happy to say I believe now it is. The gentlewoman from Utah [Mrs. WALDHOLTZ] and the gentleman from Massachusetts [Mr. TORKILDSEN] and I put our heads together and came up with this idea. The gentleman from Massachusetts [Mr. TORKILDSEN] has been working on this issue for the last couple of years, and it is an important issue, not only to American families, but children everywhere.

The CHAIRMAN. The Chair would like to inquire from the gentleman from Texas, [Mr. SAM JOHNSON] whether he is going to control the 5 minutes or if he is yielding the control of the 5 minutes to the gentleman from Arizona.

Mr. SAM JOHNSON of Texas. I will maintain control of the time, Mr. Chairman.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I just think that this amendment makes a great deal of sense. Here we are talking about child support enforcement, and I can tell my colleagues that for instance in my State of Maryland $500 million plus is in arrears, and only $300 million has been aid.

I say to my colleagues, Now, if you're going to have this amendment in order, this means that, if somebody from Maryland has a deadbeat parent who may be in Florida in a marvelous palazzo which has been purchased, this will allow her to be able to put a lien, have a lien put on, that property in order to help to support the children that have been parented by both of them.

I think it makes a great deal of sense. Current law allows the imposition of liens by processing orders through the judicial system, but it is really a very difficult, if not impossible, process for an out-of-State parent to utilize. So this bill would eliminate such a system. It would order states to give full faith and credit to any lien imposed by another State in the pursuit of child support collection. When we cannot collect child support by utilizing all the means that we have available, and this is a means that is available, then taxpayers pay, and children, children, suffer.

So, Mr. Chairman, I certainly urge strong support of this amendment.

Mr. SALMON. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I want to commend the authors of this amendment, including my colleague from Massachusetts. Our State has taken the lead on this issue. Governor Weld and his Lieutenant Governor Salucci believe this is absolutely essential to any welfare reform, but, speaking of all the States, I say to my colleagues, If you look around this country, and look at Massachusetts, and Wisconsin, State after State have engaged in stronger welfare reform than we're talking about here. The States are way ahead of this Congress in tightening up and changing this welfare system, and we better get our act together here, and pass this amendment and pass this bill so we can do what we said we're going to do, and reform our welfare system and catch up to all those State governments out there.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Chairman, this is an amendment designed to help make parents meet their moral and legal responsibility to support their children. In our mobile society, many parents evade their child support obligations simply by moving to another State. Thirty percent of delinquent child support cases involve parents who have moved to another State, while the families they left behind suffer.

The bill we are debating today includes strong new measures to enforce child support orders and track down deadbeat parents. But, we can make a good provision even better with this amendment.

The Salmon-Waldholtz-Torkildsen amendment will help ensure that when a State issues a child support order, the debt can be collected regardless of where the noncustodial parent lives or owns property. This amendment streamlines the process of collecting past due child support by allowing liens to attached to property automatically, without registration of the original child support order in the State in which the deadbeat parents' property is located. All 50 States allow some sort of lien to arise automatically, by operation of law. This amendment will not require States to significantly chance their laws, but does require that liens for past due child support be accorded this most simplified kind of enforcement to avoid the expense and time of registering liens in various jurisdictions.

The Salmon-Waldholtz-Torkildsen amendment is not an unfunded mandate and it does not alter State law regarding lien priority. The amendment does not impose additional costs on the States. What it does do, is simplify the procedure for enforcing valid child support orders and does away with the current incentive for irresponsible parents to move out of State to try to dodge their obligations.

The bill is supported by the National Child Support Enforcement Association, the Association for Children for Enforcement of Support, and by my home State of Utah which is well-known for objecting to Federal mandates.

Nothing in our society is more simple than a parent's duty to support their child. This simple amendment will make it easier to enforce that duty against parents who ignore it.

I urge my colleagues to support the Salmon-Waldholtz-Torkildsen amendment.

Mr. FORD. Mr. Chairman, I yield 20 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I want to congratulate the gentleman on an excellent, excellent amendment. I wish he had had more input into this very bad bill, but I support it strongly. I think it is the one bright spot in this terrible bill.

Mr. FORD. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I think this is a good amendment, but, as Ann Richards, Governor of Texas, said, "Just because you dress up a pig, that doesn't mean it still isn't a pig," and that is what this bill is.

I think we are going to make the same mistake that this Congress made a long time ago under President Nixon. President Nixon worked hard. He got through this House on a bipartisan basis a sweeping welfare reform bill, and then, when it went to the Senate, it got killed because it was crunched between extreme conservatives on one side and extreme liberals on the other side. And so this country went for years without welfare reform.

Now I am afraid we are going to see the same thing. I think we are seeing in this House the chances of this bill becoming law being destroyed by the extremism of those who are supporting the committee Republican bill. I do not think the public wants us to pursue ideology. I do not think they want us to pursue our pet theory of social engineering. I think the public wants us to focus on how to move people on welfare to work; that ought to be the sole question. They want to know what works in the real world.

It seems to me that the crucial difference between the Deal amendment and the base bill which we are debating is that the Deal amendment is more real. It deals with real world situations. It will move more people into the world of work. The committee bill tries to do that on the cheap. It is not going to work. It will fail the basic responsibility that we have to the American people.

So, Mr. Chairman, I would urge us to support the Deal amendment when we get the opportunity.

Mr. SALMON. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I rise to express my concern over title VII subtitle G section 459(h)(1)(A)(ii)(V) of H.R. 1214, which would permit garnishment of veterans disability compensation. While I support the bill, I oppose the particular provisions regarding garnishment of VA disability compensation.

Mr. Chairman, there is an alternative to garnishment. VA has long had a process known as apportionment, which accomplishes essentially the same result as garnishment. As directed by 38 CFR 3.451, VA can apportion disability benefits by considering the:

> Amount of VA benefits payable; other resources and income of the veteran and those dependents in whose behalf apportionment is claimed; and special needs of the veterans, his or her dependents, and the apportionment claimants. The amount apportioned should generally be consistent with the total number of dependents involved. Ordinarily, apportionment of more than 50 percent of the veterans benefit would constitute undo hardship—on the veteran, while apportionment of less than 20 percent of the benefits would not provide a reasonable amount for any apportionee.

I would like to work with my distinguished colleague, Mr. ARCHER, chairman of the Committee on Ways and Means, to ensure the interests of the disabled veterans and their dependents are protected. As chairman of the Veterans' Affairs Committee, I intend to review VA's apportionment authority under chapter 53 of title 38.

There is a good reason to retain the current method of apportioning VA disability pay. That is the presence of a disability which impairs the earning power of the veteran. There is an agency which is best suited to judge the fairness of an application for apportionment; an agency with the most knowledge of the case, and that is the VA.

Children of disabled veterans do not suffer because the authorities are unable to locate the veteran to enforce child support or alimony orders. A disabled veteran who receives a disability benefit must have a mailing address.

There is a long history of special treatment of disability payments to veterans. They are tax-exempt. They have generally been safe from garnishment.

I believe disabled veterans should meet their parental obligations whenever they are financially able to do so.

In 1994, there were approximately 22,729 cases in which VA apportioned compensation or pension benefits.

There is a system in place—the VA and its authority to apportion. I hope my concerns can be addressed as this measure moves through the Senate and into conference.

Mr. SALMON. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, from the other side of the aisle we have heard a lot of comments during the debate on this amendment about taking food out of the mouths of children. I would just like to observe that this amendment, colleagues, does exactly the opposite of that. It puts food in the mouths of children because this is an amendment that has to do with parental responsibility, with deadbeat dads and occasionally, perhaps, a deadbeat mom. But this is a bill that does exactly the opposite of what they are accusing it of not doing. This amendment puts food in the mouths of children, and the debate during this time ought to be focused on this amendment. I am very pleased that the last two speakers on that side of the aisle did admit, after all of the diatribe before, that this, in fact, was a good amendment and should be supported, and I support it, too.

Mr. FORD. Mr. Chairman, I yield 10 seconds to the gentlewoman from Colorado [Mr. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I just want to point out that we are glad these amendments are bringing this bill up to the level of the Deal bill, and that is all we are talking about here.

Mr. FORD. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman H.R. 4 is a big failure. H.R. 4 does not create a single job. It is reform in name only. It cuts the school lunch program. It cuts resources for child care. It cuts health care. It cuts transportation. It cuts the tools that make a difference in whether someone keeps a stable job or ends up back on welfare.

Haste makes waste. Republicans are in a hurry to pay for the tax breaks for the rich at the expense of hungry children, the elderly and veterans. Once the sound bites are over, the American people will realize that the contract "with" is a contract "on."

Shame, shame, shame, Republican shame.

Mr. Chairman, I rise today in support of the Mink substitute which will transform the AFDC program into a program that will really move people from welfare to work.

The Mink substitute significantly increases the funding for education, job training, employment services, and child care for welfare recipients. These components are essential to any program to help people move into the work force. This amendment helps to make sure that States move people off of welfare and into real jobs.

H.R. 4 is a bad bill. It is a mean-spirited bill because it does not provide the tools needed to help people work and lift themselves out of poverty. Yes, we need real reform that helps people get off welfare for good and helps them to take care of their own families. But H.R. 4 does not create a single job. It repeals the main job training program even though education and job training are the keys off welfare. This bill is a big failure; it is reform in name only:

It cuts resources for child care.

It cuts health care.

It cuts transportation.

It cuts the tools that make the difference in whether someone keeps a stable job or ends up back on welfare.

I urge my colleagues to support the Mink substitute to improve this bad bill that the majority has shamelessly rushed through the House.

Shame, shame, shame on the Republicans.

The Republican bill is just part of a bigger GOP plan to rush bad legislation through so Americans won't see the fine print in the Contract on America.

Haste makes waste. Republicans are in too much of a hurry to pay for tax breaks for the rich at the expense of hungry children, the elderly, and veterans. Once the sound bites are over, the American public will realize that this slash and burn lawmaking will only hurt the most vulnerable in America.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas, Mr. SAM JOHNSON, for 1½ minutes.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I would like to point out for starters that Ann Richards is the ex-Governor of Texas. I believe Mr. George Bush is the Governor down there now by acclamation.

I might add that the Deal bill, which my colleagues have been talking about at length all day, is really the Clinton deal, phony deal, bill. Let me just say that it does not talk to any of the issues that we have been discussing. Our bill is totally more substantive than that. It talks to fugitives that are in food stamps. It talks to the food stamps. It talks to the kids.

Mr. Chairman, with the amendments we have we have a far stronger bill than the Deal bill, the Clinton deal, phony deal, bill ever thought of being. As a matter of fact, the Clinton deal is an unfunded mandate on the States. Medicaid transitional assistance is increased from 1 year to 2 years. States must provide additional Medicaid benefits which, according to CBO, the Deal bill, the Clinton deal, phony deal, bill will cost the States an additional $1.5 billion between now and the year 2000.

Mr. Chairman, I yield back the balance of my time.

Mr. FORD. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, as my colleagues know, the gentleman from Arizona [Mr. SALMON] mentioned earlier that the Democrats are talking about the bill in general and not talking about the amendment that is before the Congress today. I would say his amendment was offered in the full committee. We tried, as Democrats, in every way to perfect the bill at the subcommittee level and the full committee level. We debated this particular amendment. We debated the next amendment that will be on this House floor. Democrats voted for this amendment in the full committee, Republicans voted no against both amendments in the subcommittee and full committee.

□ 1700

Better still, the gentleman from Florida [Mr. SHAW] indicated to us that we would have an opportunity to bring this particular amendment on child support enforcement to the full committee. We thought these provisions would have been in the bill. They were not included in the bill. Plus, the Democrats tried to go before the Committee on Rules with 104 Democratic amendments. We wanted to perfect this bill on the House floor. The Republicans are denying the Democrats an opportunity to perfect the bill. We think the Deal substitute is the right answer to this welfare issue before this House today.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. SALMON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Arizona [Mr. SALMON] will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 31 printed in House Report 104–85.

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. ROUKEMA:

Page 387, after line 10, insert the following:

SEC. 768. STATE LAW AUTHORIZING SUSPENSION OF LICENSES.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 715, 717(a), and 723 of this Act, is amended by adding at the end the following:

"(15) AUTHORITY TO WITHHOLD OR SUSPEND LICENSES.—Procedures under which the State has (and uses in appropriate cases) authority to withhold or suspend, or to restrict the use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.".

The CHAIRMAN. Pursuant to the rule, the gentlewoman from New Jersey [Mrs. ROUKEMA] and a Member opposed will each control 10 minutes.

Does the gentleman from Tennessee [Mr. FORD] seek control of the time in opposition?

Mr. FORD. Yes, Mr. Chairman, I do.

The CHAIRMAN. The gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 10 minutes, and the gentleman from Tennessee [Mr. FORD] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the provisions of this bill go far. With the last amendment, with the provisions in the bill, we are probably 90 percent close to closing this circle, the circle of loopholes that have existed in law regarding interstate child support enforcement. I hope that we can close that full circle.

I do not know whether or not we can this year, but for my colleagues who do not have the background, I want you to know this has been a 10-year effort with two major reforms, and now I would hope that in the interests of the children, and in the interests of the taxpayers, that we recognize that we have to deal firmly and strongly with this national disgrace of child support enforcement and the deadbeats.

The amendment before us is very straightforward. States must have in place a program of their own design and choosing that provides for the revocation, suspension, or restriction of driver's licenses, professional and occupational licenses, and recreational licenses for deadbeat parents. We are talking, remember, about willful violation, repeated willful violation of legal child support orders.

As we debate this amendment today, I want to point out that we as Republicans have referred to the States as the laboratories of democracy, and here we can learn in this amendment exactly how effective States have been in terms of leading the way on effective child support enforcement. These reforms have saved taxpayers millions of dollars in a relatively very short time.

By the way, there are at least 19 States, and some say closer to 25, that already have these kinds of measures on the books. For example, the State of Maine has been a leader in this respect and has come to be known for its effectiveness in terms of using the prospect of losing a license. They have collected multiple millions of dollars in very short time, less than a year, in delinquent child support payments, and they have only had to suspend, believe it or not, 41 licenses. The State of California has had a very similar experience. They have collected $10 million in a short time and have not revoked even one single license. I think what it shows is when the law means business, deadbeat parents miraculously come up with the money which they swore was not available.

Effective child support enforcement reforms are an essential component of true welfare prevention. Research has been conducted by various groups, whether it is Columbia University or the Department of Health and Human Services, that show up to 40 percent of mothers on public assistance would not be on welfare today if they were receiving the legal support orders to which they are legally and morally entitled.

It is a national disgrace, as I have said before. Our child support enforcement system continues to allow the most obvious things to go on and people are neglecting their children, their moral obligations, and their legal obligations. Make no mistake about it: If we close this circle and close the loopholes, as we are about to do today, the so-called enforcement gap, the difference between how much child support can be collected and how much child support is actually collected, has been estimated conservatively at $34 billion.

Perhaps the most salient fact we must keep in mind as we seek to improve our system is that our interstate system is only as good as its weakest link. States that have been enforcing and collecting child support payments that have given it a priority are penalized by those States who fail to reciprocate. That is precisely why we need comprehensive reform, to ensure that all States come up to the highest level and not sink to the lowest common denominator.

So what this amendment is about is putting into practice what our language has been, family values, needs of children, and, of course, to save the taxpayer.

Mr. Chairman, I reserve the balance of my time.

Mr. FORD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], the great woman warrior of child support enforcement on the Committee on Ways and Means.

Mrs. KENNELLY. Mr. Chairman, there has been much disagreement on this floor the last 2 days, and honest disagreement, on the way we are going forward in welfare reform. Of course, that is what this process is about and what this democracy is about. But when we come to the amendment of the gentlewoman from New Jersey [Mrs. ROUKEMA], the amendment for child support enforcement, revoking the licenses of delinquent parents, I think it is very nice we can come together on both sides of the aisle and agree on this amendment to revoke licenses of people who do not pay.

When we say licenses, we are talking about a driver's license, we are talking about a professional license. We are talking about saying to somebody if you want to have what society can give you and be according to the law in the area of what you want to do, such as drive a car under the rulings of the State, then you will pay your child support.

When this amendment came up in the Committee on Ways and Means, we had a 17 to 17 tie. The committee discussed it on both sides of the aisle, much talk, and we sat and figured out how this could be acceptable to all of us. I am delighted that the gentlewoman from New Jersey [Mrs. ROUKEMA] has got this amendment on the floor. The Women's Caucus, with all the other members, the gentlemen that are members of the caucus over the years, this is the idea, to be serious about child support enforcement.

This is tough. This says to people we should collect child support enforcement, and if you are going to have to be inconvenienced, it might be quite a real inconvenience. I must say in this situation, you do not necessarily immediately take away the license. If someone comes forth and says "I am willing to make an agreement, I can only give so much," and they are up front about it, this can work. It worked in New Hampshire, it worked in 19 other States, and I think it can work in a Federal way. I think it is nice we can come together on an amendment and agree. I thank the gentlewoman for bringing it forth on the floor and the gentleman from Florida [Mr. SHAW] for bringing it up again after the committee.

Mr. Chairman, I would like to express my strong support for this amendment on revoking the licenses of delinquent parents.

I offered an identical amendment in the Ways and Means Committee, which I regret to say rejected the provision on a 17 to 17 tie vote. I said then, and say again now, we should not be squeamish about being as tough on delinquent parents as the bill is on mothers and children.

Nineteen States are already experimenting with restricting professional and driver's licenses of delinquent parents and the initial indications are very good. For example, Maine has collected $23 million in additional collections just since August 1993. The State only had to revoke 41 licenses to get this money: in other words, the threat was almost always enough.

California increased collections by $10 million without revoking a single license—just by sending out notices to delinquent parents.

The Department of Health and Human Services look at this evidence and estimated that nationwide license revocation could increase child support collections by $2.5 billion over 10 years.

Let us say once and for all that both parents share responsibility for their children. I urge my colleagues to support this amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, this license revocation amendment is so very important to child support enforcement. It had its inception in the Women's Caucus child support bill in the last Congress. It was also contained in the Women's Caucus bill this year, too.

The caucus has always felt that license revocation is critical to any effective child support reform. I want to thank the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentlewoman from Connecticut [Mrs. KENNELLY], and others for their strong support, and the strong support of the gentleman from Georgia [Mr. COLLINS] for this amendment.

Why must it be done on a Federal level? Because States have been notoriously lax in implementing strong child support reforms. This says States must have license revocation procedures in place. We now have 19 States that have revocation procedures in place, and in those cases we have found that people immediately get out and write their checks for child support, because they do not want to lose their hunting license, their driver's license, or their professional license.

Using as one of the examples Maine, Maine has collected nearly $13 million in back support and only revoked 15 licenses. Let us support this important amendment.

Mr. SAM JOHNSON of Texas. Mr. Chairman, to extend debate as Mr. ARCHER's designee, I move to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman is entitled to 5 minutes on his pro forma amendment and may control that time or allow that time to be controlled by others.

Mr. FORD. Mr. Chairman, to extend debate as Mr. GIBBON's designee, I move to strike the last word and ask unanimous consent to merge that additional time with time I am currently controlling.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SHAW], our distinguished chairman of the committee that designed such a wonderful welfare bill.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman. I would like to stand in support of the amendment, and I want to direct my remarks to the gentlewoman from Connecticut [Mrs. KENNELLY] who offered this in the committee, at which time I did vote against it. We concocted a variation of it, a much weaker one which expressed the desire of the Congress to put this, for the States to put this in their own bill. It is effective and it is.

I would like to say to the gentlewoman I have come along to your way of thinking on this and intend to support it, and wanted to be sure that I did come forward and congratulate you for being as persistent as you were, and also to congratulate the gentlewoman from New Jersey [Mr. ROUKEMA] as well as other Members of this Congress, who did work hard to see that this became a part of the bill.

Mrs. KENNELLY. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Chairman, we did have some good discussion in committee. I thank the chairman.

Mrs. ROUKEMA. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Chairman, I think this amendment reflects an idea that works. In the United States a very interesting statistic is that 4 percent of our population, 4 percent of our population, is behind on their car payments. Almost 50 percent of the population that is legally obligated to pay child support is behind on their child support payments. This amendment works. It is a good idea.

Now, some people will say that it is not a good amendment, it is not a good idea, because you are taking away the ability for these people obligated to pay child support from driving to work. But I ask you to take a look at the statistics where it has been tried.

For example, in Maine, they only had to revoke 41 licenses. Just the fear of the revoking of the license brought in $23 million. In California, they collected $10 million without revoking one license.

Mr. Chairman, I commend the sponsors on both sides of the aisle on this amendment. This is an idea that works.

Mr. FORD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

□ 1715

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Tennessee for yielding time to me. I thank the gentlewoman from New Jersey for bringing this forward.

The prior speakers have pointed this out. Thank goodness we have had the bipartisan Women's Caucus or we would not have this great alliance, because the Women's Caucus has been working on this year after year after year. And let me tell you how disappointed we were when the committee marked up the welfare reform bill of the majority side, the Republican side, and there were some Members who had a press conference and said how pleased they were it was father friendly.

Well, let me tell you, first of all, it is not just fathers who miss payments. this is really a deadbeat parent issue, unfortunately, anymore. But the women have constantly rallied and the Congresswoman from New Jersey is reminding us all of that to say that children in a divorce should be held economically harmless as long as possible. And that is what this is about. This is welfare prevention.

My colleague from Colorado points out that car payments are made almost automatically and yet child support payments are ignored. They are going to dig this society up and think that we worship cars and did not like our children. There is something wrong with that picture.

I am really glad there has been a change of heart on the other side and that they are now going to put this in their bill and that now all the bills will be as strong as they can be on child support enforcement because it has been much too long in coming.

The children of America deserve this. They deserve not to have to live under the taint of welfare because one parent decided that they had had enough of that and wanted to escape. This is about responsibility. This is about taking responsibility and enforcing it. It is very, very important.

Again, I thank my colleague from New Jersey and all the Congresswomen and the members of the caucus across the aisle who have stood for this for so long.

This is a good day in that no matter what happens, we are going to have the highest standard here, and it is about time.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of this amendment and in support of this legislation.

Mr. Chairman, I rise in strong support of the child support provisions in H.R. 1214, the Personal Responsibility Act, including the amendments to it that we will consider today.

I would like to take this opportunity to commend my colleagues on the Congressional Caucus for Women's Issues who have worked long and hard on child support issues. In particular, Congresswomen MARGE ROUKEMA and BARBARA KENNELLY, who served on the U.S. Commission on Interstate Child Support, have brought years of leadership and experience to our debate. The Child Support Responsibility Act, which we introduced earlier this year along with Congresswomen CONNIE MORELLA, PATRICIA SCHROEDER, and ELEANOR HOLMES NORTON, has been largely adopted into the welfare reform bill before us today.

Consequently, I am extremely pleased that the child support title in this bill will go a long way toward solving some of the most difficult problems in the system. If focuses on locating parents who move from State to State in order to avoid paying support, and puts into effect tough enforcement mechanisms that will force reluctant parents into paying even when we already know their whereabouts. The legislation sets up interacting State databases of child support orders, which will be matched against basic "new hire" data so that State child support officials can locate missing, non-paying parents. It applies the same wage withholding and enforcement rules to Federal employees, including military personnel, as currently apply to the rest of the workforce. It makes enforcement of orders for parents who are self-employed easier through a number of means, such as the newly adopted amendment to administer liens on an interstate level.

Finally, this legislation contains my provision adopted in the Ways and Means Committee that will put work requirements on many noncustodial parents who are behind in paying child support, often due to their not having a job. Just because a person is not employed does not mean his or her obligation to support the child ends. Many children are on welfare because one parent is not paying their court-ordered child support. This provision requires parents to either pay their child support, enter into a repayment plan through the courts, or work in a government-sponsored program. Since the government is paying for the child's support through a welfare check, it is entirely reasonable to expect something in return from the non-paying parent. And we do.

I am confident that the child support legislation we have before us today will result in millions upon millions more dollars being put toward the support of children by their parents. It is with great enthusiasm that I support the child support enforcement title of the bill, as well as the bill as a whole.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the amendment. I would like to advise the gentlewoman from Colorado, it is the Republican bill that is passing it. The democrats would not bring it up.

Mr. FORD. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman from Tennessee for yielding time to me. I rise to thank the gentlewoman from New Jersey [Mrs. ROUKEMA] for her leadership on this issue and certainly my colleague and friend, the gentlewoman from Connecticut [Mrs. KENNELLY], who has been in the forefront of this fight, as have others on this floor.

Mr. Chairman, every able-bodied American must understand it is wrong to have children you cannot or will not care for and support. The message we are sending with this amendment is, if you are a deadbeat parent, we are going to pursue you and demand you meet your moral and legal obligations to those children you brought into this world.

It is a simple but a very compelling and important message.

We understand during the course of this debate that one problem with children in America today is that too many people believe that having children is a spectator sport. Too many deadbeat dads, unfortunately, believe it is a nonparticipatory event after birth.

This amendment says, you need to care for and support, to the extent of your ability, your child. And if you do not, the rest of us, who will clearly want to support that child, will, however, exact a price from you.

This is a good amendment. This moves in the right direction. The gentleman from Colorado made a very salient point, nobody wants to lose their car so they stay current with their car payments. They ought to be much more responsible when it comes to caring for the dearest thing they may ever have. And that is their child.

I thank the gentlewoman for offering this amendment.

Mr. Chairman, every able-bodied American must understand—it is wrong to have children you cannot or will not care for.

And the message we are sending with this amendment is if you are a deadbeat parent, we are going to pursue you and demand you meet your moral and legal responsibilities to those children you brought into this world.

This amendment puts real teeth into the child support enforcement system.

It would require States to establish procedures under which they could withhold, suspend, or restrict State issued licenses of persons delinquent in making court ordered child support payments.

It would give my State of Maryland an additional weapon in its fight to collect $771 million in uncollected child support from deadbeat parents.

Last week, the Health and Human Services Department released a study which tracked the revocation of State issued licenses from parents ignoring child support obligations.

It estimates that if similar programs were in place nationwide, child support collections would grow by $2.5 billion over 10 years. Clearly, the mere threat of not receiving or keeping licenses has caused deadbeat parents to pay what they owe in child support.

Moreover, the Congressional Budget Office estimates the Federal Government could save $146 million over the first 5 years as a result of a nationwide license revocation program. This is a direct savings to the American taxpayers.

If there is a way we can cause deadbeat dads and moms to support their children, we must. This amendment provides us with a responsible and just action by helping to instill in parents the values needed in child rearing. I urge my colleagues to support it.

Mrs. ROUKEMA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I thank the gentlewoman for yielding, time to me and applaud her efforts today.

Mr. Chairman, once again I rise to speak out on the important issue of forcing deadbeat parents to pay their fair share of child support. In threatening to revoke the drivers or professional licenses of parents whose payments are in arrears, Mrs. ROUKEMA has proposed to us an enforcement mechanism that will truly go a long way toward collecting more money for children in need. Similar to Mr. UPTON's amendment offered earlier, Mrs. ROUKEMA is championing a plain old question of right and wrong. The message is simple if you do not want to play by the rules, do not expect privileges from the State. What is more, this measure will work.

Maine instituted the same reform and sent over 22,000 notices in a year and a half to deadbeat parents informing them that they were in danger of losing their licenses.

While over 13 million dollars in back support was recovered, only 41 licenses needed to be revoked.

I cannot think of any better evidence of this measure's effectiveness.

Mr. FORD. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, it is encouraging that at least we have found one subject on which we all agree, and it is a terribly important subject. And whether it is men or women legislators or Republicans and Democrats, we realize something has to be done.

We all know that the single greatest correlative factor to poverty and, thus, welfare dependency is teenage girls becoming pregnant, out of wedlock, without a man to support the family.

One thing we may not be aware of, I was shocked when I found out, is that the vast majority of the men that are causing teenage pregnancies are significantly older adult men. They are men who oftentimes are financially independent, and they skip out on their responsibilities. But this is much more than skipping out on one's responsibilities.

What we are left with is a program that in effect punishes the parent who raises the child, who assumes responsibility for the discipline, the structure, the financial support of that child, worries every day about their health care, about their child care, about their discipline, while the man who is at least equally responsible has no concern for what is happening to the family they created.

There is probably no greater scandal in American society today than to think of the millions of young children of families who are living in poverty because of the lack of responsibility and accountability by the men who caused those families, who are equally responsible for their support. If nothing else happens, we at least will make sure that they have to assume their responsibility when welfare reform legislation is passed.

Mr. FORD. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I thank the gentleman from Tennessee for yielding time to me.

I rise in support of the Roukema amendment. I would like to salute the gentlewoman from New Jersey for her decade-long effort on this as well as the gentlewoman from Connecticut [Mrs. KENNELLY] and the women that have worked long before me in the House of Representatives through the bipartisan Women's Causus.

Mr. Chairman, this bipartisan measure would put real teeth in the enforcement of child support payments by requiring states to establish license revocation programs for deadbeat parents.

According to a recent HHS study, 19 States have already adopted this. Just the threat of revoking licenses has raised $35 million in nine States that collect these statistics. In fact, my own State of California has collected over $10 million of outstanding child support since beginning its program in late 1992.

If similar programs were in place nationwide—as this amendment would require-child support collections would grow by $2.5 billion over 10 years and Federal welfare spending would shrink by $146 million in half that time.

Mr. Chairman, revoking a license is a powerful tool for enforcing child support. The Roukema amendment would put this tool in the hands of officials who need it and put money in the pockets of families who deserve it and where it should be. I urge my colleagues to support this bipartisan proposal.

And again, I would like to pay tribute to the gentlewomen, the great women that have served before us and those that have brought this forward.

Mr. FORD. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of the Roukema amendment to the child support enforcement provisions contained in this bill. Many members of the congressional caucus for women's issues, particularly Congresswomen BARBARA KENNELLY and LYNN WOOLSEY, have long worked for comprehensive, fundamental reforms of the child support enforcement system. We are pleased that many of the provisions of the caucus bill were incorporated into the current bill by the Ways and Means Committee.

Child support enforcement is essential to the reform of the welfare system. Deadbeat parents in the United States owe over $34 billion to their children—more than the cost of the entire welfare system. To help families stay off welfare in the first place, we must strengthen the child support enforcement system and demand that parents support the child they bring into this world.

This amendment, building on the work of Congresswoman KENNELLY, does just this: It strengthens the enforcement provisions in the bill. We're reforming the system now, because families and children can't enforce the laws on their own. They need our help.

By requiring States to establish procedures under which they would withhold, suspend, or restrict the State-issued licenses of persons who are delinquent in making court-ordered child support payments, the amendment provides the leverage States need to convince deadbeat parents to pay-up. This amendment, by giving children and families the assurance that States will take away privileges this society has granted to parents, should send a strong message that those parents must fulfill their obligations to their own offspring. What is more, we know this works in the States that have already established license revocation procedures.

Let us build on what works and pass this amendment. Let's help children recover the support owed to them.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman, I thank the gentleman for yielding time to me.

I just want a chance to say that I want to commend all who worked on this amendment—the gentlewoman from New Jersey, as well as the gentlewoman from Connecticut who offered it in committee. I thought it was a good amendment in committee.

I voted present, but I have had a chance to look at it since then, and I am prepared to vote for it today and urge my colleagues to support it.

Mrs. ROUKEMA. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, talk about a great idea whose time has come. This certainly is such an idea. I really wanted to express my appreciation to the gentlewoman from New Jersey [Mrs. ROUKEMA] for her leadership on this.

I would like to point out one thing with respect to this bill that I think is particularly important with respect to this amendment.

That is, when you combine the establishment of a paternity requirement along with this revocation of a license requirement, what you are going to do is for the first time you are going to actually create consequences for teenage boys who will have to think twice about the consequences of their actions because they will become accountable. They will become accountable in a way that will have maybe a lot more impact than anything that we have done to date.

That is the car keys. We are going to take away the car keys, and I believe it will have a profound impact on promiscuity. And we will really do what we have not been able to do in other ways.

I rise in strong support, and I thank the gentlewoman for yielding time to me.

Mr. FORD. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Roukema amendment to strengthen the welfare reform bill's child support enforcement provisions.

As a mother of four, I know that child support enforcement is the mother of welfare reform. The best way to reform our welfare system is to prevent mothers from going on welfare in the first place, and that is what these provisions will do. It is time that both parents take responsibility for themselves and for their children.

I applaud the child support provisions in the welfare reform bill before us, which are based on the Child Support Responsibility Act that I, along with many members of the congressional caucus for women's issues, cosponsored. I was distressed to learn, however, that the Ways and Means Committee omitted a critical provision which requires States to enact laws denying professional, occupational, and driver's licenses to deadbeat parents. The Roukema amendment would reinsert this critically important enforcement provision.

The child support provisions are built around a key element of the Child Support Responsibility Act, the creation of centralized registries for child support orders and "new hires" information, and the centralization of child support collections and distribution. Interstate coordination is critical to reach the high percentage of deadbeats who try to escape responsibility by residing in other States.

Although I strongly urge my colleagues to support the Roukema amendment to ensure that both parents take responsibility for their children, this is a good amendment to a bad bill. I also urge my colleagues to support the Deal substitute that would also allow States to suspend the licenses of those in arrears in their child support payments while being tough on work without punishing children.

□ 1730

Mrs. ROUKEMA. Mr. Chairman, I would ask how much time I have remaining.

The CHAIRMAN. The gentlewoman from New Jersey [Mrs. ROUKEMA] has 1 minute remaining.

Mrs. ROUKEMA. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise to strongly support this amendment, and all the work the gentlewoman has done on this. Child support enforcement is another issue which has bipartisan support, as we have seen today, and for good reason.

There now exists about $45 billion in back child support owed. About 5 million mothers are on welfare because fathers do not pay. At least $10 billion in child support goes unpaid each year.

A Columbia University study found almost 40 percent of welfare beneficiaries could be self-sufficient if noncustodial parents paid their support. The proposal to deny licenses, along with other measures in our bill to crack down on deadbeat dads, would increase child support collections by $24 billion over 10 years, and help 800,000 mothers and children off welfare.

We need to send parents all across the country a loud signal: if you neglect your responsibility to support your children, we will suspend your license, garnish your pay, track you down, and make you pay. My State discovered this some number of years ago, and has very high rankings in the area of paternity and child support payment.

Mr. Chairman, I encourage us all to support this amendment.

Mr. FORD. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I am pleased and proud to rise in support of the Roukema amendment. We need to penalize parents who do not support their children. I think we will find that there is no disagreement in this House. Democrats and Republicans alike do not like deadbeat dads. I think this is an example of the kind of cooperation we could have had on welfare reform if we had had a little bit of reasoned cooperation.

Mr. Chairman, I would like to say it is a good amendment, again, to a bad bill. I still think the bill is bad because we are taking money, we are taking food out of the mouths of children in order to provide tax cuts for the rich. I think we are punishing teenaged parents unfairly when we should be training them to become independent.

Mr. Chairman, I would like to plead with my colleagues to please do something about that portion of the bill that would deny cash benefits to disabled children. I have discovered that deaf children, I have discovered that crippled children, and mentally retarded children are going to be terribly hurt by this legislation. Their parents will have no way of getting people to help them while they are working, and it is unfair.

If Members want to do better and cooperate in the way that we have been cooperating on the deadbeat dads, I would ask them to eliminate that from their bad bill, and I think we could do something about real reform.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield the remainder of our time to the gentleman from Georgia [Mr. COLLINS], our colleague on the Committee on Ways and Means.

The CHAIRMAN. The gentleman from Georgia [Mr. COLLINS] is recognized for 3½ minutes.

Mr. COLLINS of Georgia. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise as a cosponsor of this amendment and its role in the debate on how and why a change to the welfare system is needed.

Mr. Chairman, why is change needed? Because today's welfare system provides an income-based subsidy for 26 percent of the families in this country.

In 1965, President Johnson launched the war on poverty which was supposed to be a short-term investment. For the next 5 years, the rolls of AFDC grew from 4.3 to 9.6 million—this was a record growth for welfare during 5 years when unemployment averaged 3.8 percent—the lowest unemployment rate in 40 years. It is evident the lack of jobs was not the reason for the growth.

What was the reason? The 1960's expansion of the welfare system taught a new generation of Americans that it is your right as a citizen to depend on the Government to provide an income. The welfare system of the sixties said it is fine to have children out of wedlock if you cannot afford them—because it is your right to have the Federal Government support them. The welfare system of the sixties said it was fine for children to have children; and, acceptable for deadbeat parents to evade responsibility because it is your right to transfer the needs of your children to the Federal Government. The welfare expansion of the 1960's changed the attitudes and behavior of millions of people.

That attitude is wrong—but that attitude still exists today and that attitude is the major problem with the current welfare system. Middle-income American workers are tired of working hard to make ends meet, only to have more money taken out of their family budgets, to pay for those who think it is their right to depend on the Government.

This legislation will change welfare assistance so that it is not seen as a citizen's right—but instead a vehicle for temporary, transitional assistance—an alternative of last resort.

This amendment, under very flexible parameters, will require States to establish procedures for the revocation of driver's, professional, occupational, and recreational licenses for noncustodial parents that have failed to be responsible for their children. It will send a strong message to noncustodial parents that they can no longer push the responsibility of supporting their children onto someone else.

The Personal Responsibility Act will continue to provide assistance to families while eliminating the nature of the status quo.

I urge support of this amendment and this welfare change bill.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. FORD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I was called off the floor. I just wanted to make sure from the chairman, the gentleman from Florida [Mr. CLAY SHAW], whether or not the language in the Roukema amendment is the same language we had in the Committee on Ways and Means, which we referred to as the Kennelly amendment.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, in the Committee on Ways and Means I do not believe we have the statutory language, so it is different, but the intent is the same. I think I made that very clear in my short statement on the floor, in which I addressed the gentlewoman from Connecticut [Mrs. KENNELLY].

Mr. RANGEL. Mr. Chairman, I thank the gentleman.

Mr. FORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say that I join with the Women's Caucus, and join with my Democratic colleagues who offered this amendment in the Committee on Ways and Means. I certainly join with all of those here today in giving strong support to this amendment.

Mr. Chairman, we tried to perfect this bill in the full committee. We said to our Republican colleagues who voted this amendment down in the Committee on Ways and Means that this was the right thing to do.

Even though we will vote in a few minutes, and hopefully we will pass this amendment, this does not make up for the cuts and the pain that they will have caused on the children with this passage of the Personal Responsibility Act that is before this committee today. They will take the $69.4 billion in cuts and give it to the privileged few of America. It will be painful on children in this Nation, and it certainly will send the wrong message.

Although we will vote on a very good amendment that will help perfect this bill, by no means will this make up for the pain that it will cause and the cruelty that there will be on the children of the welfare population of this Nation.

Mr. Chairman, I would urge my friends to vote for this amendment, but I want the Republicans to know by no means will they make up for what they are doing to the children of this Nation.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

First, amendment No. 30 offered by the gentleman from Arizona [Mr. SALMON];

Second, amendment No. 31 offered by the gentlewoman from New Jersey [Mrs. ROUKEMA].

AMENDMENT OFFERED BY MR. SALMON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona [Mr. SALMON] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote, followed by a 5-minute vote on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA].

The vote was taken by electronic device, and there were—ayes 433, noes 0, not voting 1, as follows:

[Roll No. 264]

AYES—433

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—1

Hefley

□ 1759

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which the following vote will be taken by electronic device.

AMENDMENT OFFERED BY MRS. ROUKEMA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 5, not voting 3, as follows:

[Roll No. 265]

AYES—426

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler

Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—5

Chenoweth
Cubin
Skaggs
Stupak
Watt (NC)

NOT VOTING—3

Bunn
Meek
Miller (FL)

☐ 1808

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, during rollcall vote 265, the Roukema amendment, I was unfortunately unable to be present.

I would have voted "yes" on the amendment.

PERSONAL EXPLANATION

Mrs. MEEK of Florida. Mr. Chairman, I missed rollcall vote No. 265. I was unavoidably detained. If I had been here I would have voted "yes."

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. DEAL of Georgia: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individual Responsibility Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Amendment of the Social Security Act.

TITLE I—TIME-LIMITED TRANSITIONAL ASSISTANCE

Sec. 101. Limitation on duration of AFDC benefits.
Sec. 102. Establishment of Federal data base.

TITLE II—MAKE WORK PAY

Subtitle A—Health Care

Sec. 201. Transitional medicaid benefits.

Subtitle B—Earned Income Tax Credit

Sec. 211. Notice of availability required to be provided to applicants and former recipients of AFDC, food stamps, and medicaid.
Sec. 212. Notice of availability of earned income tax credit and dependent care tax credit to be included on W–4 form.
Sec. 213. Advance payment of earned income tax credit through State demonstration programs.

Subtitle C—Child Care

Sec. 221. Dependent care credit to be refundable; high-income taxpayers ineligible for credit.
Sec. 222. Funding of child care services.

Subtitle D—AFDC Work Disregards

Sec. 231. Option to increase disregard of earned income.
Sec. 232. State option to establish voluntary diversion program.
Sec. 233. Elimination of quarters of coverage requirement for married teens under AFDC–UP program.

Subtitle E—AFDC Asset Limitations

Sec. 241. Increase in resource thresholds; separate threshold for vehicles.
Sec. 242. Limited disregard of amounts saved for post-secondary education, the purchase of a first home, or the establishment or operation of a microenterprise.

TITLE III—THE WORK FIRST PROGRAM

Sec. 301. Work first program.
Sec. 302. Regulations.
Sec. 303. Applicability to States.
Sec. 304. Sense of the Congress relating to availability of work first program in rural areas.
Sec. 305. Grants to community-based organizations.

TITLE IV—FAMILY RESPONSIBILITY AND IMPROVED CHILD SUPPORT ENFORCEMENT

Subtitle A—Eligibility and Other Matters Concerning Title IV–D Program Clients

Sec. 401. State obligation to provide paternity establishment and child support enforcement services.
Sec. 402. Distribution of payments.
Sec. 403. Due process rights.
Sec. 404. Privacy safeguards.

Subtitle B—Program Administration and Funding

Sec. 411. Federal matching payments.
Sec. 412. Performance-based incentives and penalties.
Sec. 413. Federal and State reviews and audits.
Sec. 414. Required reporting procedures.
Sec. 415. Automated data processing requirements.
Sec. 416. Director of CSE program; staffing study.
Sec. 417. Funding for secretarial assistance to State programs.
Sec. 418. Reports and data collection by the Secretary.

Subtitle C—Locate and Case Tracking

Sec. 421. Central State and case registry.
Sec. 422. Centralized collection and disbursement of support payments.
Sec. 423. Amendments concerning income withholding.
Sec. 424. Locator information from interstate networks.
Sec. 425. Expanded Federal Parent Locator Service.
Sec. 426. Use of social security numbers.

Subtitle D—Streamlining and Uniformity of Procedures

Sec. 431. Adoption of uniform State laws.
Sec. 432. Improvements to full faith and credit for child support orders.
Sec. 433. State laws providing expedited procedures.

Subtitle E—Paternity Establishment

Sec. 441. Sense of the Congress.
Sec. 442. Availability of parenting social services for new fathers.
Sec. 443. Cooperation requirement and good cause exception.
Sec. 444. Federal matching payments.
Sec. 445. Performance-based incentives and penalties.
Sec. 446. State laws concerning paternity establishment.
Sec. 447. Outreach for voluntary paternity establishment.

Subtitle F—Establishment and Modification of Support Orders

Sec. 451. National Child Support Guidelines Commission.
Sec. 452. Simplified process for review and adjustment of child support orders.

Subtitle G—Enforcement of Support Orders

Sec. 461. Federal income tax refund offset.
Sec. 462. Internal Revenue Service collection of arrears.
Sec. 463. Authority to collect support from Federal employees.

Sec. 464. Enforcement of child support obligations of members of the Armed Forces.
Sec. 465. Motor vehicle liens.
Sec. 466. Voiding of fraudulent transfers.
Sec. 467. State law authorizing suspension of licenses.
Sec. 468. Reporting arrearages to credit bureaus.
Sec. 469. Extended statute of limitation for collection of arrearages.
Sec. 470. Charges for arrearages.
Sec. 471. Denial of passports for nonpayment of child support.
Sec. 472. International child support enforcement.
Sec. 473. Seizure of lottery winnings, settlements, payouts, awards, and bequests, and sale of forfeited property, to pay child support arrearages.
Sec. 474. Liability of grandparents for financial support of children of their minor children.
Sec. 475. Sense of the Congress regarding programs for noncustodial parents unable to meet child support obligations.

Subtitle H—Medical Support

Sec. 481. Technical correction to ERISA definition of medical child support order.
Sec. 482. Extension of medicaid eligibility for families losing AFDC due to increased child support collections.

Subtitle I—Effect of Enactment

Sec. 491. Effective dates.
Sec. 492. Severability.

TITLE V—TEEN PREGNANCY AND FAMILY STABILITY

Subtitle A—Federal Role

Sec. 501. State option to deny AFDC for additional children.
Sec. 502. Minors receiving AFDC required to live under responsible adult supervision.
Sec. 503. National clearinghouse on adolescent pregnancy.
Sec. 504. Incentive for teen parents to attend school.
Sec. 505. State option to disregard 100-hour rule under AFDC-UP program.
Sec. 506. State option to disregard 6-month limitation on AFDC-UP benefits.
Sec. 507. Elimination of quarters of coverage requirement under AFDC-UP program for families in which both parents are teens.
Sec. 508. Denial of Federal housing benefits to minors who bear children out-of-wedlock.
Sec. 509. State option to deny AFDC to minor parents.

Subtitle B—State Role

Sec. 511. Teenage pregnancy prevention and family stability.
Sec. 512. Availability of family planning services.

TITLE VI—PROGRAM SIMPLIFICATION

Subtitle A—Increased State Flexibility

Sec. 601. State option to provide AFDC through electronic benefit transfer systems.
Sec. 602. Deadline for action on application for waiver of requirement applicable to program of aid to families with dependent children.

Subtitle B—Coordination of AFDC and Food Stamp Programs

Sec. 611. Amendments to part A of title IV of the Social Security Act.
Sec. 612. Amendments to the Food Stamp Act of 1977.

Subtitle C—Fraud Reduction

Sec. 631. Sense of the Congress in support of the efforts of the administration to address the problems of fraud and abuse in the supplemental security income program.
Sec. 632. Study on feasibility of single tamper-proof identification card to serve programs under both the Social Security Act and health reform legislation.

Subtitle D—Additional Provisions

Sec. 641. State options regarding unemployed parent program.
Sec. 642. Definition of essential person.
Sec. 643. "Fill-the-gap" budgeting.
Sec. 644. Repeal of requirement to make certain supplemental payments in States paying less than their needs standards.
Sec. 645. Collection of AFDC overpayments from Federal tax refunds.
Sec. 646. Territories.
Sec. 647. Disregard of student income.
Sec. 648. Lump-sum income.

TITLE VII—CHILD PROTECTION BLOCK GRANT PROGRAM

Sec. 701. Establishment of programs.
Sec. 702. Repeals and conforming amendments.
Sec. 703. Effective date.

TITLE VIII—SSI REFORM

Subtitle A—Eligibility of Children for Benefits

Sec. 801. Restrictions on eligibility.
Sec. 802. Continuing disability reviews for certain children.
Sec. 803. Disability review required for SSI recipients who are 18 years of age.
Sec. 804. Applicability.

Subtitle B—Denial of SSI Benefits by Reason of Disability to Drug Addicts and Alcoholics

Sec. 811. Denial of SSI benefits by reason of disability to drug addicts and alcoholics.

TITLE IX—FINANCING

Subtitle A—Treatment of Aliens

Sec. 901. Extension of deeming of income and resources under AFDC, SSI, and food stamp programs.
Sec. 902. Requirements for sponsor's affidavits of support.
Sec. 903. Extending requirement for affidavits of support to family-related and diversity immigrants.

Subtitle B—Limitation on Emergency Assistance Expenditures

Sec. 911. Limitation on expenditures for emergency assistance.

Subtitle C—Tax Provisions

Sec. 921. Certain Federal assistance includible in gross income.
Sec. 922. Earned income tax credit denied to individuals not authorized to be employed in the United States.
Sec. 923. Phaseout of earned income credit for individuals having more than $2,500 of taxable interest and dividends.
Sec. 924. AFDC and food stamp benefits not taken into account for purposes of the earned income tax credit.

TITLE X—FOOD ASSISTANCE REFORM

Subtitle A—Food Stamp Program Integrity and Reform

Sec. 1001. Authority to establish authorization periods.
Sec. 1002. Specific period for prohibiting participation of stores based on lack of business integrity.
Sec. 1003. Information for verifying eligibility for authorization.
Sec. 1004. Waiting period for stores that initially fail to meet authorization criteria.
Sec. 1005. Bases for suspensions and disqualifications.
Sec. 1006. Authority to suspend stores violating program requirements pending administrative and judicial review.
Sec. 1007. Disqualification of retailers who are disqualified from the WIC program.
Sec. 1008. Permanent debarment of retailers who intentionally submit falsified applications.
Sec. 1009. Expanded civil and criminal forfeiture for violations of the Food Stamp Act.
Sec. 1010. Expanded authority for sharing information provided by retailers.
Sec. 1011. Expanded definition of "coupon".
Sec. 1012. Doubled penalties for violating food stamp program requirements.
Sec. 1013. Mandatory claims collection methods.
Sec. 1014. Reduction of basic benefit level.
Sec. 1015. Pro-rating benefits after interruptions in participation.
Sec. 1016. Work requirement for able-bodied recipients.
Sec. 1017. Extending current claims retention rates.
Sec. 1018. Coordination of employment and training programs.
Sec. 1019. Promoting expansion of electronic benefits transfer.
Sec. 1020. One-year freeze of standard deduction.
Sec. 1021. Nutrition assistance for Puerto Rico.
Sec. 1022. Other amendments to the Food Stamp Act of 1977.

Subtitle B—Commodity Distribution

Sec. 1051. Short title.
Sec. 1052. Availability of commodities.
Sec. 1053. State, local and private supplementation of commodities.
Sec. 1054. State plan.
Sec. 1055. Allocation of commodities to States.
Sec. 1056. Priority system for State distribution of commodities.
Sec. 1057. Initial processing costs.
Sec. 1058. Assurances; anticipated use.
Sec. 1059. Authorization of appropriations.
Sec. 1060. Commodity supplemental food program.
Sec. 1061. Commodities not income.
Sec. 1062. Prohibition against certain State charges.
Sec. 1063. Definitions.
Sec. 1064. Regulations.
Sec. 1065. Finality of determinations.
Sec. 1066. Relationship to other programs.
Sec. 1067. Settlement and adjustment of claims.
Sec. 1068. Repealers; amendments.

TITLE XI—DEFICIT REDUCTION

Sec. 1101. Dedication of savings to deficit reduction.

TITLE XII—EFFECTIVE DATE

Sec. 1201. Effective date.

SEC. 3. AMENDMENT OF THE SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—TIME-LIMITED TRANSITIONAL ASSISTANCE

SEC. 101. LIMITATION ON DURATION OF AFDC BENEFITS.

Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) by striking "and" at the end of paragraph (44);

(2) by striking the period at the end of paragraph (45) and inserting "; and"; and

(3) by inserting after paragraph (45) the following:

"(46) in the case of a State that has exercised the option provided for in paragraph (52), provide that—

"(A) a family shall not be eligible for aid under the State plan if a member of the family is—

"(i) prohibited from participating in the State program established under subpart 1 of part G by reason of section 497(b); or

"(ii) prohibited from participating in the State program established under subpart 2 of part G by reason of section 499(a)(4); and

"(B) each member of the family shall be considered to be receiving such aid for purposes of eligibility for medical assistance under the State plan approved under title XIX for so long as the family would be eligible for such aid but for subparagraph (A).".

SEC. 102. ESTABLISHMENT OF FEDERAL DATA BASE.

Section 402 (42 U.S.C. 602) is amended by inserting after subsection (c) the following:

"(d) The Secretary shall establish and maintain a data base of participants in State programs established under parts F and G which shall be made available to the States for use in administering subsection (a)(46).".

TITLE II—MAKE WORK PAY

Subtitle A—Health Care

SEC. 201. TRANSITIONAL MEDICAID BENEFITS.

(a) Extension of Medicaid Enrollment for Former AFDC Recipients for 1 Additional Year.—

(1) In general.—Section 1925(b)(1) (42 U.S.C. 1396r-6(b)(1)) is amended by striking the period at the end and inserting the following: ", and that the State shall offer to each such family the option of extending coverage under this subsection for any of the first 2 succeeding 6-month periods, in the same manner and under the same conditions as the option of extending coverage under this subsection for the first succeeding 6-month period.".

(2) Conforming amendments.—Section 1925(b) (42 U.S.C. 1396r-6(b)) is amended—

(A) in the heading, by striking "Extension" and inserting "Extensions";

(B) in the heading of paragraph (1), by striking "Requirement" and inserting "In general";

(C) in paragraph (2)(B)(ii)—

(i) in the heading, by striking "period" and inserting "periods", and

(ii) by striking "in the period" and inserting "in each of the 6-month periods";

(D) in paragraph (3)(A), by striking "the 6-month period" and inserting "any 6-month period";

(E) in paragraph (4)(A), by striking "the extension period" and inserting "any extension period"; and

(F) in paragraph (5)(D)(i), by striking "is a 3-month period" and all that follows and inserting the following: "is, with respect to a particular 6-month additional extension period provided under this subsection, a 3-month period beginning with the 1st or 4th month of such extension period.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to calendar quarters beginning on or after October 1, 1997, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

Subtitle B—Earned Income Tax Credit

SEC. 211. NOTICE OF AVAILABILITY REQUIRED TO BE PROVIDED TO APPLICANTS AND FORMER RECIPIENTS OF AFDC, FOOD STAMPS, AND MEDICAID.

(a) AFDC.—Section 402(a) (42 U.S.C. 602(a)), as amended by sections 101 and 102 of this Act, is amended—

(1) by striking "and" at the end of paragraph (46);

(2) by striking the period at the end of paragraph (47) and inserting "; and"; and

(3) by inserting after paragraph (47) the following:

"(48) provide that the State agency must provide written notice of the existence and availability of the earned income credit under section 32 of the Internal Revenue Code of 1986 to—

"(A) any individual who applies for aid under the State plan, upon receipt of the application; and

"(B) any individual whose aid under the State plan is terminated, in the notice of termination of benefits.".

(b) Food Stamps.—Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)) is amended—

(1) in paragraph (24) by striking "and" at the end;

(2) in paragraph (25) by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (25) the following:

"(26) that whenever a household applies for food stamp benefits, and whenever such benefits are terminated with respect to a household, the State agency shall provide to each member of such household notice of—

"(A) the existence of the earned income tax credit under section 32 of the Internal Revenue Code of 1986; and

"(B) the fact that such credit may be applicable to such member.".

(c) Medicaid.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(63) provide that the State shall provide notice of the existence and availability of the earned income tax credit under section 32 of the Internal Revenue Code of 1986 to each individual applying for medical assistance under the State plan and to each individual whose eligibility for medical assistance under the State plan is terminated.".

SEC. 212. NOTICE OF AVAILABILITY OF EARNED INCOME TAX CREDIT AND DEPENDENT CARE TAX CREDIT TO BE INCLUDED ON W-4 FORM.

Section 1114 of the Omnibus Budget Reconciliation Act of 1990 (26 U.S.C. 21 note), relating to program to increase public awareness, is amended by adding at the end the following new sentence: "Such means shall include printing a notice of the availability of such credits on the forms used by employees to determine the proper number of withholding exemptions under chapter 24 of the Internal Revenue Code of 1986.".

SEC. 213. ADVANCE PAYMENT OF EARNED INCOME TAX CREDIT THROUGH STATE DEMONSTRATION PROGRAMS.

(a) In General.—Section 3507 of the Internal Revenue Code of 1986 (relating to the advance payment of the earned income tax credit) is amended by adding at the end the following:

"(g) State Demonstrations.—

"(1) In general.—In lieu of receiving earned income advance amounts from an employer under subsection (a), a participating resident shall receive advance earned income payments from a responsible State agency pursuant to a State Advance Payment Program that is designated pursuant to paragraph (2).

"(2) Designations.—

"(A) In general.—From among the States submitting proposals satisfying the requirements of subsection (g)(3), the Secretary (in consultation with the Secretary of Health and Human Services) may designate not more than 4 State Advance Payment Demonstrations. States selected for the demonstrations may have, in the aggregate, no more than 5 percent of the total number of household participating in the program under the Food Stamp program in the immediately preceding fiscal year. Administrative costs of a State in conducting a demonstration under this section may be included for matching under section 403(a) of the Social Security Act and section 16(a) of the Food Stamp Act of 1977.

"(B) When designation may be made.—Any designation under this paragraph shall be made no later than December 31, 1995.

"(C) Period for which designation is in effect.—

"(i) In general.—Designations made under this paragraph shall be effective for advance earned income payments made after December 31, 1995, and before January 1, 1999.

"(ii) Special rules.—

"(I) Revocation of designations.—The Secretary may revoke the designation under this paragraph if the Secretary determines that the State is not complying substantially with the proposal described in paragraph (3) submitted by the State.

"(II) Automatic termination of designations.—Any failure by a State to comply with the reporting requirements described in paragraphs (3)(F) and (3)(G) has the effect of immediately terminating the designation under this paragraph (2) and rendering paragraph (5)(A)(ii) inapplicable to subsequent payments.

"(3) Proposals.—No State may be designated under subsection (g)(2) unless the State's proposal for such designation—

"(A) identifies the responsible State agency,

"(B) describes how and when the advance earned income payments will be made by that agency, including a description of any other State or Federal benefits with which such payments will be coordinated,

"(C) describes how the State will obtain the information on which the amount of advance earned income payments made to each participating resident will be determined in accordance with paragraph (4),

"(D) describes how State residents who will be eligible to receive advance earned income payments will be selected, notified of the opportunity to receive advance earned income payments from the responsible State agency, and given the opportunity to elect to participate in the program,

"(E) describes how the State will verify, in addition to receiving the certifications and statement described in paragraph (7)(D)(iv), the eligibility of participating residents for the earned tax credit,

"(F) commits the State to furnishing to each participating resident and to the Secretary by January 31 of each year a written statement showing—

"(i) the name and taxpayer identification number of the participating resident, and

"(ii) the total amount of advance earned income payments made to the participating resident during the prior calendar year,

"(G) commits the State to furnishing to the Secretary by December 1 of each year a written statement showing the name and taxpayer identification number of each participating resident,

"(H) commits the State to treat the advanced earned income payments as described in subsection (g)(5) and any repayments of excessive advance earned income payments as described in subsection (g)(6),

"(I) commits the State to assess the development and implementation of its State Advance Payment Program, including an agreement to share its findings and lessons with other interested States in a manner to be described by the Secretary, and

"(J) is submitted to the Secretary on or before June 30, 1995.

"(4) AMOUNT AND TIMING OF ADVANCE EARNED INCOME PAYMENTS.—

"(A) AMOUNT.—

"(i) IN GENERAL.—The method for determining the amount of advance earned income payments made to each participating resident is to conform to the full extent possible with the provisions of subsection (c).

"(ii) SPECIAL RULE.—A State may, at its election, apply the rules of subsection (c)(2)(B) by substituting 'between 60 percent and 75 percent of the credit percentage in effect under section 32(b)(1) for an individual with the corresponding number of qualifying children' for '60 percent of the credit percentage in effect under section 32(b)(1) for such an eligible individual with 1 qualifying child' in clause (i) and 'the same percentage (as applied in clause (i))' for '60 percent' in clause (ii).

"(B) TIMING.—The frequency of advance earned income payments may be made on the basis of the payroll periods of participating residents, on a single statewide schedule, or on any other reasonable basis prescribed by the State in its proposal; however, in no event may advance earned income payments be made to any participating resident less frequently than on a calendar-quarter basis.

"(5) PAYMENTS TO BE TREATED AS PAYMENTS OF WITHHOLDING AND FICA TAXES.—

"(A) IN GENERAL.—For purposes of this title, advance earned income payments during any calendar quarter—

"(i) shall neither be treated as a payment of compensation nor be included in gross income, and

"(ii) shall be treated as made out of—

"(I) amounts required to be deducted by the State and withheld for the calendar quarter by the State under section 3401 (relating to wage withholding), and

"(II) amounts required to be deducted for the calendar quarter under section 3102 (relating to FICA employee taxes), and

"(III) amounts of the taxes imposed on the State for the calendar quarter under section 3111 (relating to FICA employer taxes),

as if the State had paid to the Secretary, on the day on which payments are made to participating residents, an amount equal to such payments.

"(B) ADVANCE PAYMENTS EXCEED TAXES DUE.—If for any calendar quarter the aggregate amount of advance earned income payments made by the responsible State agency under a State Advance Payment Program exceeds the sum of the amounts referred to in subparagraph (A)(ii) (without regard to paragraph (6)(A)), each such advance earned income payment shall be reduced by an amount which bears the same ratio to such excess as such advance earned income payment bears to the aggregate amount of all such advance earned income payments.

"(6) STATE REPAYMENT OF EXCESSIVE ADVANCE EARNED INCOME PAYMENTS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, in the case of an excessive advance earned income payment a State shall be treated as having deducted and withheld under section 3401 (relating to wage withholding), and therefore is required to pay to the United States, the repayment amount during the repayment calendar quarter.

"(B) EXCESSIVE ADVANCE EARNED INCOME PAYMENT.—For purposes of this section, an excessive advance income payment is that portion of any advance earned income payment that, when combined with other advance earned income payments previously made to the same participating resident during the same calendar year, exceeds the amount of earned income tax credit to which that participating resident is entitled under section 32 for that year.

"(C) REPAYMENT AMOUNT.—The repayment amount is equal to 50 percent of the excess of—

"(i) excessive advance earned income payments made by a State during a particular calendar year, over

"(ii) the sum of—

"(I) 4 percent of all advance earned income payments made by the State during that calendar year, and

"(II) the excessive advance earned income payments made by the State during that calendar year that have been collected from participating residents by the Secretary.

"(D) REPAYMENT CALENDAR QUARTER.—The repayment calendar quarter is the second calendar quarter of the third calendar year after the calendar year in which an excessive earned income payment is made.

"(7) DEFINITIONS.—For purposes of this section—

"(A) STATE ADVANCE PAYMENT PROGRAM.—The term 'State Advance Payment Program' means the program described in a proposal submitted for designation under paragraph (1) and designated by the Secretary under paragraph (2).

"(B) RESPONSIBLE STATE AGENCY.—The term 'responsible State agency' means the single State agency that will be making the advance earned income payments to residents of the State who elect to participate in a State Advance Payment Program.

"(C) ADVANCE EARNED INCOME PAYMENTS.—The term 'advance earned income payments' means an amount paid by a responsible State agency to residents of the State pursuant to a State Advance Payment Program.

"(D) PARTICIPATING RESIDENT.—The term 'participating resident' means an individual who—

"(i) is a resident of a State that has in effect a designated State Advance Payment Program,

"(ii) makes the election described in paragraph (3)(C) pursuant to guidelines prescribed by the State,

"(iii) certifies to the State the number of qualifying children the individual has, and

"(iv) provides to the State the certifications and statement set forth in subsections (b)(1), (b)(2), (b)(3), and (b)(4) (except that for purposes of this clause (iv), the term 'any employer' shall be substituted for 'another employer' in subsection (b)(3)), along with any other information required by the State.".

(b) TECHNICAL ASSISTANCE.—The Secretaries of Treasury and Health and Human Services shall jointly ensure that technical assistance is provided to State Advance Payment Programs and that these programs are rigorously evaluated.

(c) ANNUAL REPORTS.—The Secretary shall issue annual reports detailing the extent to which—

(1) residents participate in the State Advance Payment Programs,

(2) participating residents file Federal and State tax returns,

(3) participating residents report accurately the amount of the advance earned income payments made to them by the responsible State agency during the year, and

(4) recipients of excessive advance earned income payments repaid those amounts.

The report shall also contain an estimate of the amount of advance earned income payments made by each responsible State agency but not reported on the tax returns of a participating resident and the amount of excessive advance earned income payments.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of providing technical assistance described in subsection (b), preparing the reports described in subsection (c), and providing grants to States in support of designated State Advance Payment Programs, there are authorized to be appropriated in advance to the Secretary of the Treasury and the Secretary of Health and Human Services a total of $1,400,000 for fiscal years 1996 through 1999.

Subtitle C—Child Care

SEC. 221. DEPENDENT CARE CREDIT TO BE REFUNDABLE; HIGH-INCOME TAXPAYERS INELIGIBLE FOR CREDIT.

(a) CREDIT TO BE REFUNDABLE.—

(1) IN GENERAL.—Section 21 of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is hereby moved to subpart C of part IV of subchapter A of chapter 1 of such Code (relating to refundable credits) and inserted after section 34.

(2) TECHNICAL AMENDMENTS.—

(A) Section 35 of such Code is redesignated as section 36.

(B) Section 21 of such Code is redesignated as section 35.

(C) Paragraph (1) of section 35(a) of such Code (as redesignated by subparagraph (B)) is amended by striking "this chapter" and inserting "this subtitle".

(D) Subparagraph (C) of section 129(a)(2) of such Code is amended by striking "section 21(e)" and inserting "section 35(e)".

(E) Paragraph (2) of section 129(b) of such Code is amended by striking "section 21(d)(2)" and inserting "section 35(d)(2)".

(F) Paragraph (1) of section 129(e) of such Code is amended by striking "section 21(b)(2)" and inserting "section 35(b)(2)".

(G) Subsection (e) of section 213 of such Code is amended by striking "section 21" and inserting "section 35".

(H) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 35 of such Code".

(I) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Expenses for household and dependent care services necessary for gainful employment.

"Sec. 36. Overpayments of tax.".

(J) The table of sections for subpart A of such part IV is amended by striking the item relating to section 21.

(b) HIGHER-INCOME TAXPAYERS INELIGIBLE FOR CREDIT.—Subsection (a) of section 35 of such Code, as redesignated by subsection (a), is amended by adding at the end the following new paragraph:

"(3) PHASEOUT OF CREDIT FOR HIGHER-INCOME TAXPAYERS.—The amount of the credit which would (but for this paragraph) be allowed by this section shall be reduced (but not below zero) by an amount which bears the same ratio to such amount of credit as the excess of the taxpayer's adjusted gross income for the taxable year over $60,000 bears to $20,000. Any reduction determined under the preceding sentence which is not a multiple of $10 shall be rounded to the nearest multiple of $10.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 222. FUNDING OF CHILD CARE SERVICES.

(a) ELIMINATION OF CHILD CARE PROGRAMS.—

(1) AFDC AND TRANSITIONAL CHILD CARE PROGRAMS.—

(A) REPEALER.—Section 402(g) (42 U.S.C. 602(g)) is hereby repealed.

(B) CONFORMING AMENDMENTS.—

(i) Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended by striking "other than services furnished pursuant to section 402(g)".

(ii) Section 403(e) (42 U.S.C. 603(e)) is amended—

(I) by striking ", 402(a)(43), and 402(g)(1)," and inserting "and 402(a)(43)"; and

(II) by striking the 2nd sentence.

(2) AT-RISK CHILD CARE PROGRAM.—Sections 402(i) and 403(n) (42 U.S.C. 602(i) and 603(n)) are hereby repealed.

(3) CHILD CARE PROGRAMS UNDER THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is hereby repealed.

(b) FUNDING OF CHILD CARE SERVICES THROUGH SOCIAL SERVICES BLOCK GRANT PROGRAM.—Title XX (42 U.S.C. 1397-1397f) is amended by adding at the end the following:

"SEC. 2008. CHILD CARE.

"(a) CONDITIONAL ENTITLEMENT.—In addition to any payment under section 2002 or 2007, each State with a plan approved under this section for a fiscal year shall be entitled to payment of an amount equal to the special allotment of the State for the fiscal year.

"(b) STATE PLANS.—

"(1) CONTENT.—A plan meets the requirements of this paragraph if the plan—

"(A) identifies an appropriate State agency to be the lead agency responsible for administering at the State level, and coordinating with local governments, the activities of the State pursuant to this section;

"(B) describes the activities the State will carry out with funds provided under this section;

"(C) provides assurances that the funds provided under this section will be used to supplement, not supplant, State and local funds as well as Federal funds provided under any Act and applied to child care activities in the State during fiscal year 1989;

"(D) provides assurances that the State will not expend more than 7 percent of the funds provided to the States under this section for the fiscal year for administrative expenses;

"(E) provides assurances that, in providing child care assistance, the State will give priority to families with low income and families living in a low-income geographical area;

"(F) ensures that child care providers reimbursed under this section meet applicable standards of State and local law;

"(G) provides assurances that the lead agency will coordinate the use of funds provided under this section with the use of other Federal resources for child care provided under this Act, and with other Federal, State, or local child care and preschool programs operated in the State;

"(H) provides for the establishment of such fiscal and accounting procedures as may be necessary to—

"(i) ensure a proper accounting of Federal funds received by the State under this section; and

"(ii) ensure the proper verification of the reports submitted by the State under subsection (f)(2);

"(I) provides assurances that the State will not impose more stringent standards and licensing or regulatory requirements on child care providers receiving funds provided under this section than those imposed on other child care providers in the State;

"(J) provides assurances that the State will not implement any policy or practice which has the effect of significantly restricting parental choice by—

"(i) expressly or effectively excluding any category of care or type of provider within a category of care;

"(ii) limiting parental access to or choices from among various categories of care or types of providers; or

"(iii) excluding a significant number of providers in any category of care; and

"(K) provides assurances that parents will be informed regarding their options under this section, including the option of receiving a child care certificate or voucher.

"(2) FORM.—A State may submit a plan that meets the requirements of paragraph (1) in the form of amendments to the State plan submitted pursuant to section 658E of the Child Care and Development Block Grant Act of 1990, as in effect before the effective date of section 222 of the Individual Responsibility Act of 1995.

"(3) APPROVAL.—Not later than 90 days after the date the State submits a plan to the Secretary under this subsection, the Secretary shall either approve or disapprove the plan. If the Secretary disapproves the plan, the Secretary shall provide the State with an explanation and recommendations for changes in the plan to gain approval.

"(c) SPECIAL ALLOTMENTS.—

"(1) IN GENERAL.—The special allotment of a State for a fiscal year equals the amount that bears the same ratio to the amount specified in paragraph (2) for the fiscal year, as the number of children who have not attained 13 years of age and are residing with families in the State bears to the total number of such children in all States with plans approved under this section for the fiscal year, determined on the basis of the most recent data available from the Department of Commerce at the time the special allotment is determined.

"(2) AMOUNT SPECIFIED.—The amount specified in this paragraph is—

"(A) $1,400,000,000 for fiscal year 1997; and

"(B) $1,450,000,000 for each of fiscal years 1998, 1999, and 2000.

"(d) PAYMENTS TO STATES.—

"(1) PAYMENTS.—The Secretary shall provide funds to each State with a plan approved under this section for a fiscal year from the special allotment of the State for the fiscal year, in accordance with section 6503 of title 31, United States Code.

"(2) EXPENDITURE OF FUNDS BY STATES.—Except as provided in paragraph (3)(A), each State to which funds are paid under this section for a fiscal year shall expend such funds in the fiscal year or in the immediately succeeding fiscal year.

"(3) REDISTRIBUTION OF UNEXPENDED SPECIAL ALLOTMENTS.—

"(A) REMITTANCE TO THE SECRETARY.—Each State to which funds are paid under this section for a fiscal year shall remit to the Secretary that part of such funds which the State intends not to, or does not, expend in the fiscal year or in the immediately succeeding fiscal year.

"(B) REDISTRIBUTION.—The Secretary shall increase the special allotment of each State with a plan approved under this part for a fiscal year that does not remit any amount to the Secretary for the fiscal year by an amount equal to—

"(i) the aggregate of the amounts remitted pursuant to subparagraph (A) for the fiscal year; multiplied by

"(ii) the adjusted State share for the fiscal year.

"(C) ADJUSTED STATE SHARE.—As used in subparagraph (B)(ii), the term 'adjusted State share' means, with respect to a fiscal year—

"(i) the special allotment of the State for the fiscal year (before any increase under subparagraph (B)); divided by

"(ii)(I) the sum of the special allotments of all States with plans approved under this part for the fiscal year; minus

"(II) the aggregate of the amounts remitted to the Secretary pursuant to subparagraph (A) for the fiscal year.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Funds provided under this section shall be used to expand parent choices in selecting child care, to address deficiencies in the supply of child care, and to expand and improve child care services, with an emphasis on providing such services to low-income families and geographical areas. Subject to the approval of the Secretary, States to which funds are paid under this section shall use such funds to carry out child care programs and activities through cash grants, certificates, or contracts with families, or public or private entities as the State determines appropriate. States shall take parental preference into account to the maximum extent possible in carrying out child care programs.

"(2) SPECIFIC USES.—Each State to which funds are paid under this section may expend such funds for—

"(A) child care services for infants, sick children, children with special needs, and children of adolescent parents;

"(B) after-school and before-school programs and programs during nontraditional hours for the children of working parents;

"(C) programs for the recruitment and training of day care workers, including older Americans;

"(D) grant and loan programs to enable child care workers and providers to meet State and local standards and requirements;

"(E) child care programs developed by public and private sector partnerships;

"(F) State efforts to provide technical assistance designed to help providers improve the services offered to parents and children; and

"(G) other child care-related programs consistent with the purpose of this section and approved by the Secretary.

"(3) LIMITATIONS ON USE OF FUNDS.—A State to which funds are paid under this section for a fiscal year shall use not less than 80 percent of such funds to provide direct child care assistance to low-income parents through child care certificates or vouchers, contracts, or grants.

"(4) METHODS OF FUNDING.—Funds for child care services under this title shall be for the benefit of parents and shall be provided through child care vouchers or certificates provided directly to parents or through contracts or grants with public or private providers.

"(5) PARENTAL RIGHTS OF CHOICE.—Any parent who receives a child care certificate under this title may use such certificate with any child care provider, including those providers which have religious activities, if such provider is freely chosen by the parent from among the available alternatives.

"(6) CHILD CARE CERTIFICATES.—

"(A) IN GENERAL.—For purposes of this title, a child care certificate is a certificate issued by a State directly to a parent or legal guardian for use only as payment for child care services in any child care facility eligible to receive funds under this Act.

"(B) REDEMPTION.—If the demand for child care services of families qualified to receive such services from a State under this Act exceeds the available supply of such services, the State shall ration assistance to obtain such services using procedures that do not disadvantage parents using child care certificates, relative to other methods of financing, in either the waiting period or the pecuniary value of such services.

"(C) COMMENCEMENT OF CERTIFICATE PROGRAM.—Beginning not later than 1 year after the date of the enactment of this section, each State that receives funds under this title shall offer a child care certificate program in accordance with this section.

"(D) AUTHORITY TO USE CHILD CARE FUNDS FOR CERTIFICATE PROGRAM.—Each State to which funds are paid under this title may use the funds provided to the State under this title which are required to be used for child care activities to plan and establish the State's child care certificate program.

"(7) OPTION OF RECEIVING A CHILD CARE CERTIFICATE.—Each parent or legal guardian who receives assistance pursuant to this title shall be provided with the option of enrolling their child with an eligible child care provider that receives funds through grants, contracts, or child care certificates provided under this title. Such parent shall have the right to use such certificates to purchase child care services from an eligible provider of their choice. The State shall ensure that parental preference is considered to the maximum extent possible in awarding grants or contracts.

"(8) RIGHTS OF RELIGIOUS CHILD CARE PROVIDERS.—Notwithstanding any other provision of law, a religious child care provider who receives funds under this Act may require adherence by employees to the religious tenets or teachings of the provider.

"(9) ELIGIBLE CHILD CARE PROVIDERS.—Any child care provider who meets applicable standards of State and local law shall be eligible to receive funds under this section. As used in this paragraph, the term 'child care provider' includes—

"(A) proprietary for-profit entities, relatives, informal day care homes, religious child care providers, day care centers, and any other entities that the State determines appropriate subject to approval of the Secretary;

"(B) nonprofit organizations under subsections (c) and (d) of section 501 of the Internal Revenue Code of 1986;

"(C) professional or employee associations;

"(D) consortia of small businesses; and

"(E) units of State and local governments, and elementary, secondary, and post-secondary educational institutions.

"(10) PROHIBITED USES.—Any State to which funds are paid under this section may not use such funds—

"(A) to satisfy any State matching requirement imposed under any Federal grant;

"(B) for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility; or

"(C) to provide any service which the State makes generally available to the residents of the State without cost to such residents and without regard to the income of such residents.

"(f) REPORTING REQUIREMENTS.—

"(1) NOTICE TO SECRETARY OF UNEXPENDED FUNDS.—Each State which has not completely expended the funds paid to the State under this section for a fiscal year in the fiscal year or the immediately succeeding fiscal year shall notify the Secretary of any amount not so expended.

"(2) STATE REPORTS ON USE OF FUNDS.—Not later than 18 months after the date of the enactment of this section, and each year thereafter, the State shall prepare and submit to the Secretary, in such form as the Secretary shall prescribe, a report describing the State's use of funds paid to the State under this section, including—

"(A) the number, type, and distribution of services and programs under this section;

"(B) the average cost of child care, by type of provider;

"(C) the number of children serviced under this section;

"(D) the average income and distribution of incomes of the families being served;

"(E) efforts undertaken by the State pursuant to this section to promote and ensure health and safety and improve quality; and

"(F) such other information as the Secretary considers appropriate.

"(3) GUIDELINES FOR STATE REPORTS; COORDINATION WITH REPORTS UNDER SECTION 2006.—Within 6 months after the date of the enactment of this section, the Secretary shall establish guidelines for State reports under paragraph (2). To the extent feasible, the Secretary shall coordinate such reporting requirement with the reports required under section 2006 and, as the Secretary deems appropriate, with other reporting requirements placed on States as a condition of receipt of other Federal funds which support child care.

"(4) REPORTS BY THE SECRETARY.—

"(A) REPORTS TO THE CONGRESS OF SUMMARY OF STATE REPORTS.—The Secretary shall annually summarize the information reported to the Secretary pursuant to paragraph (2) and provide such summary to the Congress.

"(B) REPORTS TO THE STATES ON EFFECTIVE PRACTICES.—The Secretary shall annually provide the States with a report on particularly effective practices and programs supported by funds paid to the State under this section, which ensure the health and safety of children in care, promote quality child care, and provide training to all types of providers.

"(g) ADMINISTRATION AND ENFORCEMENT.—

"(1) ADMINISTRATION.—The Secretary shall—

"(A) coordinate all activities of the Department of Health and Human Services relating to child care, and, to the maximum extent practicable, coordinate such activities with similar activities of other Federal entities;

"(B) collect, publish, and make available to the public a listing of State child care standards at least once every 3 years; and

"(C) provide technical assistance to assist States to carry out this section, including assistance on a reimbursable basis.

"(2) ENFORCEMENT.—

"(A) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall review and monitor State compliance with this section and the plans approved under this section for the State, and shall have the power to terminate payments to the State in accordance with subparagraph (B).

"(B) NONCOMPLIANCE.—

"(i) IN GENERAL.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

"(I) there has been a failure by the State to comply substantially with any provision or requirement set forth in the plan approved under this section for the State; or

"(II) in the operation of any program for which assistance is provided under this section there is a failure by the State to comply substantially with any provision of this section;

the Secretary shall notify the State of the findings and that no further payments may be made to such State under this section (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to such program or activity) until the Secretary is satisfied that there is no longer any such failure to comply or that the noncompliance will be promptly corrected.

"(ii) ADDITIONAL SANCTIONS.—In the case of a finding of noncompliance made pursuant to clause (i), the Secretary may, in addition to imposing the sanctions described in such subparagraph, impose the other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this section, and disqualification from the receipt of financial assistance under this section.

"(iii) NOTICE.—The notice required under subparagraph (A) shall include a specific identification of any additional sanction being imposed under clause (ii).

"(C) ISSUANCE OF RULES.—The Secretary shall establish by rule procedures for—

"(i) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this section; and

"(ii) imposing sanctions under this subsection.

"SEC. 2009. CHILD CARE DURING PARTICIPATION IN EMPLOYMENT, EDUCATION, AND TRAINING; EXTENDED ELIGIBILITY.

"(a) CHILD CARE GUARANTEE.—

"(1) IN GENERAL.—Each State agency referred to in section 2008(b)(1)(A) shall guarantee child care in accordance with section 2008—

"(A) for any individual who is participating in an education or training activity (including participation in a program established under part G of title IV) if the State agency approves the activity and determines that the individual is participating satisfactorily in the activity;

"(B) for each family with a dependent child requiring such care to the extent that such care is determined by the State agency to be necessary for an individual in the family to accept employment or remain employed, including in a community service job under part H of title IV; and

"(C) to the extent that the State agency determines that such care is necessary for the employment of an individual, if the family of which the individual is a member has ceased to receive aid under the State plan approved under part A of title IV by reason of increased hours of, or income from, such employment or by reason of section 402(a)(8)(B)(ii)(II), subject to paragraph (2) of this subsection.

"(2) LIMITATIONS ON ELIGIBILITY FOR TRANSITIONAL CHILD CARE.—A family shall not be eligible for child care under paragraph (1)(C)—

"(A) for more than 12 months after the last month for which the family received aid described in such paragraph;

"(B) if the family did not receive such aid in at least 3 of the most recent 6 months in which the family received such aid;

"(C) if the family does not include a child who is (or, if needy, would be) a dependent child (within the meaning of part A of title IV);

"(D) for any month beginning after the caretaker relative (within the meaning of such part) in the family has terminated his or her employment without good cause; or

"(E) with respect to a child, for any month beginning after the caretaker relative in the family has refused to cooperate with the State in establishing or enforcing the obligation of any parent of the child to provide support for the child, without good cause as determined by the State agency in accordance with standards prescribed by the Secretary which shall take into consideration the best interests of the child.

"(b) STATE ENTITLEMENT TO PAYMENTS.—Each State with a plan approved under section 2008 shall be entitled to receive from the Secretary for any fiscal year an amount equal to—

"(1) the total amount expended by the State to carry out subsection (a) during the fiscal year; multiplied by

"(2) the greater of—

"(A) 70 percent; or

"(B) the Federal medical assistance percentage (as defined in the last sentence of section 1118, increased by 10 percentage points.".

(c) EFFECTIVE DATE.—The amendments and repeals made by this section shall take effect on October 1, 1996.

Subtitle D—AFDC Work Disregards

SEC. 231. OPTION TO INCREASE DISREGARD OF EARNED INCOME.

Section 402(a)(8)(A) (42 U.S.C. 602(a)(8)(A)) is amended—

(1) by striking "and" at the end of clause (vii); and

(2) by adding at the end the following:

"(ix) if electing to disregard clauses (ii) and (iv), shall disregard from the earned income of any child, relative, or other individual specified in clause (ii) an amount equal to not less than the first $120 and not more than the first $225 of the total of such earned income not disregarded under any other clause of this subparagraph, plus not more than one third of the remainder of such earned income; and".

SEC. 232. STATE OPTION TO ESTABLISH VOLUNTARY DIVERSION PROGRAM.

Section 402(a) (42 U.S.C. 602(a)), as amended by sections 101, 102, and 211(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (47);

(2) by striking the period at the end of paragraph (48) and inserting "; and"; and

(3) by inserting after paragraph (48) the following:

"(49) at the option of the State, and in such part or parts of the State as the State may select, provide that—

"(A) upon the recommendation of the caseworker who is handling the case of a family eligible for aid under the State plan, the State shall, in lieu of any other payment under the State plan to a family during a time period of not more than 3 months, make a lump-sum payment to the family for the time period in an amount not to exceed—

"(i) the amount of the monthly benefit to which the family is entitled under the State plan; multiplied by

"(ii) the number of months in the time period;

"(B) a lump-sum payment pursuant to subparagraph (A) shall not be made more than once to any family; and

"(C) if, during a time period for which the State has made a lump-sum payment to a family pursuant to subparagraph (A), the family applies for and (but for the lump-sum payment) would be eligible for aid under the State plan for a greater monthly benefit than the monthly benefit to which the family was entitled under the State plan at the time of the calculation of the lump sum payment, then, notwithstanding subparagraph (A), the State shall, for that part of the time period that remains after the family becomes eligible for the greater monthly benefit, provide monthly benefits to the family in an amount not to exceed—

"(i) the amount by which the greater monthly benefit exceeds the former monthly benefit, multiplied by the number of months in the time period; divided by

"(ii) the whole number of months remaining in the time period.".

SEC. 233. ELIMINATION OF QUARTERS OF COVERAGE REQUIREMENT FOR MARRIED TEENS UNDER AFDC-UP PROGRAM.

(a) IN GENERAL.—Section 407(b)(1)(A)(iii)(I) (42 U.S.C. 607(b)(1)(A)(iii)(I)) is amended by inserting "except in the case of a family in which the parents are married and neither parent has attained 20 years of age," after "(I)".

(b) EXTENSION OF AFDC-UP PROGRAM.—Section 401(h) of the Family Support Act of 1988 (42 U.S.C. 602 and note, 607) is amended by striking "1998" and inserting "2000".

Subtitle E—AFDC Asset Limitations

SEC. 241. INCREASE IN RESOURCE THRESHOLDS; SEPARATE THRESHOLD FOR VEHICLES.

Section 402(a)(7)(B) (42 U.S.C. 602(a)(7)(B)) is amended—

(1) by striking "$1,000 or such lower amount as the State may determine" and inserting "$2,000"; and

(2) in clause (i), by striking "such amount as the Secretary may prescribe" and inserting "the dollar amount prescribed by the Secretary of Agriculture under section 5(g) of the Food Stamp Act of 1977".

SEC. 242. LIMITED DISREGARD OF AMOUNTS SAVED FOR POST-SECONDARY EDUCATION, THE PURCHASE OF A FIRST HOME, OR THE ESTABLISHMENT OR OPERATION OF A MICROENTERPRISE.

(a) DISREGARD FROM RESOURCES.—Section 402(a)(7)(B) (42 U.S.C. 602(a)(7)(B)) is amended—

(1) by striking "or" before "(iv)"; and

(2) by inserting ", or (v) any amount not exceeding $8,000 in 1 qualified asset account (as defined in section 406(i)) of 1 member of such family" before "; and".

(b) DISREGARD FROM INCOME.—

(1) IN GENERAL.—Section 402(a)(8)(A) (42 U.S.C. 602(a)(8)(A)), as amended by section 231 of this Act, is amended—

(A) by striking "and" at the end of clause (viii); and

(B) by inserting after clause (ix) the following new clause:

"(x) shall disregard any interest or income earned on a qualified asset account (as defined in section 406(i)) and paid into the account, to the extent that the total amount in the account, after such payment, does not exceed $8,000; and".

(2) NONRECURRING LUMP SUM EXEMPT FROM LUMP SUM RULE.—Section 402(a)(17) (42 U.S.C. 602(a)(17)) is amended by adding at the end the following: "; and that this paragraph shall not apply to earned or unearned income received in a month on a nonrecurring basis to the extent that such income is placed in a qualified asset account (as defined in section 406(i)) the total amount in which, after such placement, does not exceed $8,000;".

(3) TREATMENT AS INCOME.—Section 402(a)(7) (42 U.S.C. 602(a)(7)) is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the semicolon at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) shall treat as income any distribution from a qualified asset account (as defined in section 406(i)(1)) that is not a qualified distribution (as defined in section 406(i)(2));".

(c) DEFINITIONS.—Section 406 (42 U.S.C. 606) is amended by adding at the end the following:

"(i)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of an individual receiving aid to families with dependent children to be used for a purpose described in paragraph (2).

"(2) The term 'qualified distribution' means a distribution for expenses directly related to 1 or more of the following purposes:

"(A) The attendance of a member of the family at any postsecondary education program.

"(B) The purchase of residential real property for the family that the family intends to occupy, if no member of the family has an ownership interest in such a property.

"(C) The establishment or operation of a microenterprise owned by a member of the family.

"(j) The term 'microenterprise' means a commercial enterprise which has 5 or fewer employees, 1 or more of whom owns the enterprise.".

TITLE III—THE WORK FIRST PROGRAM

SEC. 301. WORK FIRST PROGRAM.

(a) STATE PLAN REQUIREMENT.—Section 402(a) (42 U.S.C. 602(a)), as amended by sections 101, 102, 211(a), and 232 of this Act, is amended—

(1) by striking "and" at the end of paragraph (48);

(2) by striking the period at the end of paragraph (49) and inserting "; and"; and

(3) by inserting after paragraph (49) the following:

"(50) provide that the State—

"(A) shall develop an individual responsibility plan in accordance with part F for each applicant for, or recipient of, aid under the State plan who—

"(i) has attained 18 years of age; or

"(ii) has not completed high school or obtained a certificate of high school equivalency, and is not attending secondary school;

"(B) has in effect and operation—

"(i) a work first program that meets the requirements of subpart 1 of part G (or, for any fiscal year for which the Secretary has approved a State plan under subpart 2 of part G, such subpart 2); and

"(ii) a community service program that meets the requirements of part H, or a job placement voucher program that meets the requirements of part I, but not both;

"(C) shall provide a position in the workfare program established by the State under part H, or a job placement voucher under the job placement voucher program established by the State under part I to any individual who, by reason of section 497(b), is prohibited from participating in the work first program operated by the State, and shall not provide such a position or such a voucher to any other individual; and

"(D) shall provide to participants in such programs such case management services as are necessary to ensure the integrated provision of benefits and services under such programs.".

(b) ESTABLISHMENT AND OPERATION OF PROGRAM.—Title IV (42 U.S.C. 601 et seq.) is amended by striking part F and inserting the following:

"Part F—Individual Responsibility Plan

"SEC. 481. ASSESSMENT.

"The State agency referred to in section 402(a)(3) shall make an initial assessment of the skills, prior work experience, and employability of each individual for whom section 402(a)(50)(A) requires the State to develop an individual responsibility plan.

"SEC. 482. INDIVIDUAL RESPONSIBILITY PLANS.

"(a) IN GENERAL.—On the basis of the assessment made under section 481 with respect to an individual, the State agency, in consultation with the individual, shall develop an individual responsibility plan for the individual, which—

"(1) shall provide that participation by the individual in job search activities shall be a condition of eligibility for aid under the State plan approved under part A, except during any period for which the individual is employed full-time in an unsubsidized job in the private sector;

"(2) sets forth an employment goal for the individual and a plan for moving the individual immediately into private sector employment;

"(3) sets forth the obligations of the individual, which may include a requirement that the individual attend school, maintain certain grades and attendance, keep school age children of the individual in school, immunize children, attend parenting and money management classes, or do other things that will help the individual become and remain employed in the private sector; and

"(4) may require that the individual enter the State program established under part G, if the caseworker determines that the individual will need education, training, job placement assistance, wage enhancement, or other services to become employed in the private sector.

"(b) TIMING.—The State agency shall comply with subsection (a) with respect to an individual—

"(1) within 90 days (or, at the option of the State, 180 days) after the effective date of this part, in the case of an individual who, as of such effective date, is a recipient of aid under the State plan approved under part A; or

"(2) within 30 days (or, at the option of the State, 90 days) after the individual is determined to be eligible for such aid, in the case of any other individual.

"SEC. 483. PROVISION OF PROGRAM AND EMPLOYMENT INFORMATION.

"The State shall inform all applicants for and recipients of aid under the State plan approved under part A of all available services under the State plan for which they are eligible.

"SEC. 484. REQUIREMENT THAT RECIPIENTS ENTER THE WORK FIRST PROGRAM.

"(a) IN GENERAL.—Beginning with fiscal year 2004, the State shall place recipients of aid under the State plan approved under part A, who have not become employed in the private sector within 1 year after signing an individual responsibility plan, in the first available slot in the State program established under part G, except as provided in subsection (b).

"(b) EXCEPTIONS.—A State may not be required to place a recipient of such aid in the State program established under part G if the recipient—

"(1) is ill, incapacitated, or of advanced age;

"(2) has not attained 18 years of age;

"(3) is caring for a child or parent who is ill or incapacitated; or

"(4) is enrolled in school or in educational or training programs that will lead to private sector employment.

"SEC. 485. PENALTIES.

"(a) STATE NOT OPERATING A WORK FIRST PROGRAM UNDER A STATE MODEL OR A WORKFARE PROGRAM.—In the case of a State that is not operating a program under subpart 2 of part G or under part H:

"(1) FAILURE TO COMPLY WITH INDIVIDUAL RESPONSIBILITY PLAN OR AGREEMENT OF MUTUAL RESPONSIBILITY.—

"(A) PROGRESSIVE REDUCTIONS IN AID FOR 1ST AND 2ND FAILURES.—The amount of aid otherwise payable under the State plan approved under part A to a family that includes an individual who fails without good cause to comply with an individual responsibility plan (or, if the State has established a program under subpart 1 of part G and the individual is required to participate in the program, an agreement of mutual responsibility) signed by the individual (other than by reason of conduct described in paragraph (2)) shall be reduced by—

"(i) 33 percent for the 1st such act of noncompliance; or

"(ii) 66 percent for the 2nd such act of noncompliance.

"(B) DENIAL OF AID FOR 3RD FAILURE.—In the case of the 3rd such act of noncompliance, the family of which the individual is a member shall not thereafter be eligible for aid under the State plan approved under part A.

"(C) ACTS OF NONCOMPLIANCE.—For purposes of this paragraph, a 1st act of noncompliance by an individual continues for more than 1 calendar month shall be considered a 2nd act of noncompliance, and a 2nd act of noncompliance that continues for more than 3 calendar months shall be considered a 3rd act of noncompliance.

"(2) DENIAL OF AFDC TO ADULTS REFUSING TO WORK, LOOK FOR WORK, OR ACCEPT A BONA FIDE OFFER OF EMPLOYMENT.—

"(A) REFUSAL TO WORK OR LOOK FOR WORK.—If an unemployed individual who has attained 18 years of age refuses to work or look for work—

"(i) in the case of the 1st such refusal, aid under the State plan approved under part A shall not be payable with respect to the individual until the later of—

"(I) a period of not less than 6 months after the date of the first such refusal; or

"(II) the first date the individual agrees to work or look for work.

"(ii) in the case of the 2nd such refusal, the family of which the individual is a member shall not thereafter be eligible for aid under the State plan approved under part A.

"(B) REFUSAL TO ACCEPT A BONA FIDE OFFER OF EMPLOYMENT.—If an unemployed individual who has attained 18 years of age refuses to accept a bona fide offer of employment, the family of which the individual is a member shall not thereafter be eligible for aid under the State plan approved under part A.

"(b) OTHER STATES.—In the case of any other State, the State shall reduce, by such amount as the State considers appropriate, the amount of aid otherwise payable under the State plan approved under part A to a family that includes an individual who fails without good cause to comply with an individual responsibility plan signed by the individual.

"Part G—Work First Program

"Subpart 1—Federal Model

"SEC. 491. ESTABLISHMENT AND OPERATION OF STATE PROGRAMS.

"A work first program meets the requirements of this subpart if the program meets the following requirements:

"(1) OBJECTIVE.—The objective of the program is for each program participant to find and hold a full-time unsubsidized paid job, and for this goal to be achieved in a cost-effective fashion.

"(2) METHOD.—The method of the program is to connect recipients of aid to families with dependent children with the private sector labor market as soon as possible and offer them the support and skills necessary to remain in the labor market. Each component of the program should be permeated with an emphasis on employment and with an understanding that minimum wage jobs are a stepping stone to more highly paid employment.

"(3) JOB CREATION.—The creation of jobs, with an emphasis on private sector jobs, shall be a component of the program and shall be a priority for each State office with responsibilities under the program.

"(4) USE OF INCENTIVES.—The State shall use incentives to change the culture of each State office with responsibilities under the State plan approved under part A, improve the performance of employees, and ensure that the objective of each employee of each such State office is to find an unsubsidized paid job for each program participant.

"(5) CASEWORKER TRAINING.—The State may provide such training to caseworkers and related personnel (including through the use of incentives) as may be necessary to ensure successful job placements that result in full-time public or private employment (outside the State agencies with responsibilities under part A) for program participants. The State shall reward any caseworker who enters an agreement of mutual responsibility with a program participant that provides for education or training activities as well as work.

"(6) REPORTS.—Each office with responsibility for operating the program shall make monthly statistical reports to the governing body of the State, county, and city in which located, of job placements and the number of program participants who are no longer receiving aid under the State plan approved under part A as a result of participation in the program.

"(7) CASE MANAGEMENT TEAMS.—

"(A) DUTIES.—The program requires the State to assign to each individual required or allowed to participate in the program a case management team that shall meet with the program participant and develop an agreement of mutual responsibility for the individual.

"(B) DEADLINE.—

"(i) IN GENERAL.—The case management team shall comply with subparagraph (A) with respect to a program participant within 30 days (or, at the option of the State, within a period not exceeding 90 days) after the later of—

"(I) the date the application of the program participant for aid under the State plan approved under part A was approved; or

"(II) the date this subpart first applies to the State.

"(ii) REPEAT PARTICIPANTS.—Within 30 days after the State makes a determination under section 497(b)(2) to allow an individual to participate in the program, the case management team shall meet with the individual and develop an agreement of mutual responsibility for the individual.

"(8) AGREEMENTS OF MUTUAL RESPONSIBILITY.—The agreement of mutual responsibility for a participant shall—

"(A) contain an individualized comprehensive plan, developed by the team and the participant, to move the participant into a full-time unsubsidized job, through activities under section 492, 493, 494, 495, or 496;

"(B) to the greatest extent possible, be designed to move the participant as quickly as possible into whatever type and amount of work as the participant is capable of handling, and increases the responsibility and amount of work over time until the participant is able to work full-time;

"(C) where necessary, provide for education or training of the participant;

"(D) provide that aid under the State plan is to be paid to the participant based on the number of hours that the participant spends in activities provided for in the agreement;

"(E) provide that the participant shall spend at least 30 hours per week (or, at State option, at least 20 hours per week during fiscal years 1997 and 1998, and at least 25 hours per week during fiscal year 1999) in activities provided for in the agreement;

"(F) provide that the participant shall accept any bona fide offer of unsubsidized full-time employment, unless the participant has good cause for not doing so;

"(G) at the option of the State, require the participant to undergo appropriate substance abuse treatment; and

"(H) at the option of the State, require the participant to have his or her children receive appropriate immunizations against disease.

"(9) OPTIONS FOR PARTICIPANTS.—The case manager for a program participant shall present the participant with each option offered under the State program through which the participant will, over time, be moved into full-time unsubsidized employment.

"(10) ONE-STOP EMPLOYMENT SHOPS.—

"(A) IN GENERAL.—In carrying out the program, the State shall utilize and make available to each program participant, through the establishment and operation or utilization of appropriate Federal or State one-stop employment shops, services under programs carried out under the following provisions of law:

"(i) Part A of title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.) (relating to the adult training program).

"(ii) Part B of title II of such Act (29 U.S.C. 1630 et seq.) (relating to the summer youth employment and training programs).

"(iii) Part C of title II of such Act (29 U.S.C. 1641 et seq.) (relating to the youth training program).

"(iv) Title III of such Act (29 U.S.C. 1651 et seq.) (relating to employment and training assistance for dislocated workers).

"(v) Part B of title IV of such Act (29 U.S.C. 1691 et seq.) (relating to the Job Corps).

"(vi) The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

"(vii) The Adult Education Act (20 U.S.C. 1201 et seq.).

"(viii) Part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.) (relating to Even Start family literacy programs).

"(ix) Subtitle A of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421) (relating to adult education for the homeless).

"(x) Subtitle B of title VII of such Act (42 U.S.C. 11431 et seq.) (relating to education for homeless children and youth).

"(xi) Subtitle C of title VII of such Act (42 U.S.C. 11441) (relating to job training for the homeless).

"(xii) The School-to-Work Opportunities Act of 1994.

"(xiii) The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

"(xiv) The National Skill Standards Act of 1994.

"(B) COORDINATION.—In utilizing appropriate Federal or State one-stop employment shops described in subparagraph (A), the State shall ensure coordination between the caseworker of each program participant and the administrators of the programs carried out under the provisions of law described in such subparagraph.

"(11) NONDISPLACEMENT.—The program may not be operated in a manner that results in—

"(A) the displacement of a currently employed worker or position by a program participant;

"(B) the replacement of an employee who has been terminated with a program participant; or

"(C) the replacement of an individual who is on layoff from the same position given to a program participant or any equivalent position.

"SEC. 492. REVAMPED JOBS PROGRAM.

"A State that establishes a program under this subpart may operate a program similar to the program known as the 'GAIN Program' that has been operated by Riverside County, California, under Federal law in effect immediately before the date this subpart first applies to the State of California.

"SEC. 493. USE OF PLACEMENT COMPANIES.

"(a) IN GENERAL.—A State that establishes a program under this subpart may enter into contracts with private companies (whether operated for profit or not for profit) for the placement of participants in the program in positions of full-time employment, preferably in the private sector, for wages sufficient to eliminate the need of such participants for cash assistance.

"(b) REQUIRED CONTRACT TERMS.—Each contract entered into under this section with a company shall meet the following requirements:

"(1) PROVISION OF JOB READINESS AND SUPPORT SERVICES.—The contract shall require the company to provide, to any program participant who presents to the company a voucher issued under subsection (d) intensive personalized support and job readiness services designed to prepare the individual for employment and ensure the continued success of the individual in employment.

"(2) PAYMENTS.—

"(A) IN GENERAL.—The contract shall provide for payments to be made to the company with respect to each program participant who presents to the company a voucher issued under subsection (d).

"(B) STRUCTURE.—The contract shall provide for the majority of the amounts to be paid under the contract with respect to a program participant, to be paid after the company has placed the participant in a position of full-time employment and the participant has been employed in the position for such period of not less than 5 months as the State deems appropriate.

"(c) COMPETITIVE BIDDING REQUIRED.—Contracts under this section shall be awarded only after competitive bidding.

"(d) VOUCHERS.—The State shall issue a voucher to each program participant whose agreement of mutual responsibility provides for the use of placement companies under this section, indicating that the participant is eligible for the services of such a company.

"SEC. 494. TEMPORARY SUBSIDIZED JOB CREATION.

"A State that establishes a program under this subpart may establish a program similar to the program known as 'JOBS Plus' that has been operated by the State of Oregon under Federal law in effect immediately before the date this subpart first applies to the State of Oregon.

"SEC. 495. MICROENTERPRISE.

"(a) GRANTS AND LOANS TO NONPROFIT ORGANIZATIONS FOR THE PROVISION OF TECHNICAL ASSISTANCE, TRAINING, AND CREDIT TO LOW INCOME ENTREPRENEURS.—A State that establishes a program under this subpart may make grants and loans to nonprofit organizations to provide technical assistance, training, and credit to low income entrepreneurs for the purpose of establishing microenterprises.

"(b) MICROENTERPRISE DEFINED.—For purposes of this subsection, the term 'microenterprise' means a commercial enterprise which has 5 or fewer employees, 1 or more of whom owns the enterprise.

"SEC. 496. WORK SUPPLEMENTATION PROGRAM.

"(a) IN GENERAL.—A State that establishes a program under this subpart may institute a work supplementation program under which the State, to the extent it considers appropriate, may reserve the sums that would otherwise be payable to participants in the program as aid to families with dependent children and use the sums instead for the purpose of providing and subsidizing jobs for the participants (as described in subsection (c)(3)(A) and (B)), as an alternative to the aid to families with dependent children that would otherwise be so payable to the participants.

"(b) STATE FLEXIBILITY.—

"(1) Nothing in this subpart, or in any State plan approved under part A, shall be construed to prevent a State from operating (on such terms and conditions and in such cases as the State may find to be necessary or appropriate) a work supplementation program in accordance with this section and section 494 (as in effect immediately before the date this subpart first applies to the State).

"(2) Notwithstanding section 402(a)(23) or any other provision of law, a State may adjust the levels of the standards of need under the State plan as the State determines to be necessary and appropriate for carrying out a work supplementation program under this section.

"(3) Notwithstanding section 402(a)(1) or any other provision of law, a State operating a work supplementation program under this section may provide that the need standards in effect in those areas of the State in which the program is in operation may be different from the need standards in effect in the areas in which the program is not in operation, and the State may provide that the need standards for categories of recipients may vary among such categories to the extent the State determines to be appropriate on the basis of ability to participate in the work supplementation program.

"(4) Notwithstanding any other provision of law, a State may make such further adjustments in the amounts of the aid to families with dependent children paid under the plan to different categories of recipients (as determined under paragraph (3)) in order to offset increases in benefits from needs-related programs (other than the State plan approved under part A) as the State determines to be necessary and appropriate to further the purposes of the work supplementation program.

"(5) In determining the amounts to be reserved and used for providing and subsidizing jobs under this section as described in subsection (a), the State may use a sampling methodology.

"(6) Notwithstanding section 402(a)(8) or any other provision of law, a State operating a work supplementation program under this section—

"(A) may reduce or eliminate the amount of earned income to be disregarded under the State plan as the State determines to be necessary and appropriate to further the purposes of the work supplementation program; and

"(B) during 1 or more of the first 9 months of an individual's employment pursuant to a program under this subpart, may apply to the wages of the individual the provisions of subparagraph (A)(iv) of section 402(a)(8) without regard to the provisions of subparagraph (B)(ii)(II) of such section.

"(c) RULES RELATING TO SUPPLEMENTED JOBS.—

"(1) A work supplementation program operated by a State under this section may provide that any individual who is an eligible individual (as determined under paragraph (2)) shall take a supplemented job (as defined in paragraph (3)) to the extent that supplemented jobs are available under the program. Payments by the State to individuals or to employers under the work supplementation program shall be treated as expenditures incurred by the State for aid to families with dependent children except as limited by subsection (d).

"(2) For purposes of this section, an eligible individual is an individual who is in a category which the State determines should be eligible to participate in the work supplementation program, and who would, at the time of placement in the job involved, be eligible for aid to families with dependent children under an approved State plan if the State did not have a work supplementation program in effect.

"(3) For purposes of this subsection, a supplemented job is—

"(A) a job provided to an eligible individual by the State or local agency administering the State plan under part A; or

"(B) a job provided to an eligible individual by any other employer for which all or part of the wages are paid by the State or local agency.

A State may provide or subsidize under the program any job which the State determines to be appropriate.

"(4) At the option of the State, individuals who hold supplemented jobs under a State's work supplementation program shall be exempt from the retrospective budgeting requirements imposed pursuant to section 402(a)(13)(A)(ii) (and the amount of the aid which is payable to the family of any such individual for any month, or which would be so payable but for the individual's participation in the work supplementation program, shall be determined on the basis of the income and other relevant circumstances in that month).

"(d) COST LIMITATION.—The amount of the Federal payment to a State under section 403 for expenditures incurred in making payments to individuals and employers under a work supplementation program under this subsection shall not exceed an amount equal to the amount which would otherwise be payable under such section if the family of each individual employed in the program established in the State under this section had received the maximum amount of aid to families with dependent children payable under the State plan to such a family with no income (without regard to adjustments under subsection (b)) for the lesser of—

"(1) 9 months; or

"(2) the number of months in which the individual was employed in the program.

"(e) RULES OF INTERPRETATION.—

"(1) This section shall not be construed as requiring the State or local agency administering the State plan to provide employee status to an eligible individual to whom the State or local agency provides a job under the work supplementation program (or with respect to whom the State or local agency provides all or part of the wages paid to the individual by another entity under the program), or as requiring any State or local agency to provide that an eligible individual filling a job position provided by another entity under the program be provided employee status by the entity during the first 13 weeks the individual fills the position.

"(2) Wages paid under a work supplementation program shall be considered to be earned income for purposes of any provision of law.

"(f) PRESERVATION OF MEDICAID ELIGIBILITY.—Any State that chooses to operate a work supplementation program under this section shall provide that any individual who participates in the program, and any child or relative of the individual (or other individual living in the same household as the individual) who would be eligible for aid to families with dependent children under the State plan approved under part A if the State did not have a work supplementation program, shall be considered individuals receiving aid to families with dependent children under the State plan approved under part A for purposes of eligibility for medical assistance under the State plan approved under title XIX.

"SEC. 497. PARTICIPATION RULES.

"(a) IN GENERAL.—Except as provided in subsection (b), a State that establishes a program under this part may require any individual receiving aid under the State plan approved under part A to participate in the program.

"(b) 2-YEAR LIMITATION ON PARTICIPATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual may not participate in a State program established under this part if the individual has participated in the State program established under this part for 24 months after the date the individual first signed an agreement of mutual responsibility under this part, excluding any month during which the individual worked for an average of at least 25 hours per week in a private sector job.

"(2) AUTHORITY TO ALLOW REPEAT PARTICIPATION.—

"(A) IN GENERAL.—Subject to subparagraph (B) of this paragraph, a State may allow an individual who, by reason of paragraph (1), would be prohibited from participating in the State program established under this part to participate in the program for such additional period or periods as the State determines appropriate.

"(B) LIMITATION ON PERCENTAGE OF REPEAT PARTICIPANTS.—

"(i) IN GENERAL.—Except as provided in clause (ii) of this subparagraph, the number of individuals allowed under subparagraph (A) to participate during a program year in a State program established under this part shall not exceed—

"(I) 10 percent of the total number of individuals who participated in the State program established under this part or the State program established under part H during the immediately preceding program year; or

"(II) in the case of fiscal year 2004 or any succeeding fiscal year, 15 percent of such total number of individuals.

"(ii) AUTHORITY TO INCREASE LIMITATION.—

"(I) PETITION.—A State may request the Secretary to increase to not more than 15 percent the percentage limitation imposed by clause (i)(I) for a fiscal year before fiscal year 2004.

"(II) AUTHORITY TO GRANT REQUEST.—The Secretary may approve a request made pursuant to subclause (I) if the Secretary deems it appropriate. The Secretary shall develop recommendations on the criteria that should be applied in evaluating requests under subclause (I).

"SEC. 498. CASELOAD PARTICIPATION RATES; PERFORMANCE MEASURES.

"(a) PARTICIPATION RATES.—

"(1) REQUIREMENT.—A State that operates a program under this part shall achieve a participation rate for the following fiscal years of not less than the following percentage:

"Fiscal year:	**Percentage:**
1997	16
1998	20
1999	24
2000	28
2001	32
2002	40
2003 or later	52.

"(2) PARTICIPATION RATE DEFINED.—

"(A) IN GENERAL.—As used in this subsection, the term 'participation rate' means, with respect to a State and a fiscal year, an amount equal to—

"(i) the average monthly number of individuals who, during the fiscal year, participate in the State program established under this part or the State program (if any) established under part H; divided by

"(ii) the average monthly number of individuals for whom an individual responsibility plan is in effect under section 482 during the fiscal year.

"(B) SPECIAL RULE.—For each of the 1st 12 months after an individual ceases to receive aid under a State plan approved under part A by reason of having become employed for more than 25 hours per week in an unsubsidized job in the private sector, the individual shall be considered to be participating in the State program established under this part, and to be an adult recipient of such aid, for purposes of subparagraph (A).

"(3) STATE COMPLIANCE REPORTS.—Each State that operates a program under this part for a fiscal year shall submit to the Secretary a report on the participation rate of the State for the fiscal year.

"(4) EFFECT OF FAILURE TO MEET PARTICIPATION RATES.—

"(A) IN GENERAL.—If a State reports that the State has failed to achieve the participation rate required by paragraph (1) for the fiscal year, the Secretary may make recommendations for changes in the State program established under this part and (if the State has established a program under part H) the State program established under part H. The State may elect to follow such recommendations, and shall demonstrate to the Secretary how the State will achieve the required participation rates.

"(B) SECOND CONSECUTIVE FAILURE.—Notwithstanding subparagraph (A), if a State fails to achieve the participation rate required by paragraph (1) for 2 consecutive fiscal years, the Secretary may—

"(i) require the State to make changes in the State program established under this part and (if the State has established a program under part H) the State program established under part H; and

"(ii) reduce by 5 percent the amount otherwise payable to the State under paragraph (1) or (2) (whichever applies to the State) of section 403(a).

"(b) PERFORMANCE STANDARDS.—The Secretary shall develop standards to be used to measure the effectiveness of the programs established under this part and part H in moving recipients of aid under the State plan approved under part A into full-time unsubsidized employment.

"(c) PERFORMANCE-BASED MEASURES.—

"(1) ESTABLISHMENT.—The Secretary shall, by regulation, establish measures of the effectiveness of the State programs established under this part and under part H in moving recipients of aid under the State plan approved under part A into full-time unsubsidized employment, based on the performance of such programs.

"(2) ANNUAL COMPLIANCE REPORTS.—Each State that operates a program under this part shall submit to the Secretary annual reports that compare the achievements of the program with the performance-based measures established under paragraph (1).

"Subpart 2—Optional State Plans

"SEC. 499. STATE ROLE.

"(a) PROGRAM REQUIREMENTS.—Any State may establish and operate a work first program that meets the following requirements, unless the State is operating a work first program under subpart 1:

"(1) OBJECTIVE.—The objective of the program is for each program participant to find and hold a full-time unsubsidized paid job, and for this goal to be achieved in a cost-effective fashion.

"(2) METHOD.—The method of the program is to connect recipients of aid to families with dependent children with the private sector labor market as soon as possible and offer them the support and skills necessary to remain in the labor market. Each component of the program should be permeated with an emphasis on employment and with an understanding that minimum wage jobs are a stepping stone to more highly paid employment. The program shall provide recipients with education, training, job search and placement, wage supplementation, temporary subsidized jobs, or such other services that the State deems necessary to help a recipient obtain private sector employment.

"(3) JOB CREATION.—The creation of jobs, with an emphasis on private sector jobs, shall be a component of the program and shall be a priority for each State office with responsibilities under the program.

"(4) FORMS OF ASSISTANCE.—The State shall provide assistance to participants in the program in the form of education, training, job placement services (including vouchers for job placement services), work supplementation programs, temporary subsidized job creation, job counseling, assistance in establishing microenterprises, or other services to provide individuals with the support and skills necessary to obtain and keep employment in the private sector.

"(5) 2-YEAR LIMITATION ON PARTICIPATION.—The program shall comply with section 497(b).

"(6) AGREEMENTS OF MUTUAL RESPONSIBILITY.—

"(A) IN GENERAL.—The State agency shall develop an agreement of mutual responsibility for each program participant, which will be an individualized comprehensive plan, developed by the team and the participant, to move the participant into a full-time unsubsidized job. The agreement should detail the education, training, or skills that the individual will be receiving to obtain a full-time unsubsidized job, and the obligations of the individual.

"(B) HOURS OF PARTICIPATION REQUIREMENT.—The agreement shall provide that the individual shall participate in activities in accordance with the agreement for—

"(i) not fewer than 20 hours per week during fiscal years 1997 and 1998;

"(ii) not fewer than 25 hours per week during fiscal year 1999; and

"(iii) not fewer than 30 hours per week thereafter.

"(7) CASELOAD PARTICIPATION RATES.—The program shall comply with section 498.

"(8) NONDISPLACEMENT.—The program shall comply with section 491(11).

"(b) ANNUAL REPORTS.—

"(1) COMPLIANCE WITH PERFORMANCE MEASURES.—Each State that operates a program under this subpart shall submit to the Secretary annual reports that compare the achievements of the program with the performance-based measures established under section 490(b).

"(2) COMPLIANCE WITH PARTICIPATION RATES.—Each State that operates a program under this subpart for a fiscal year shall submit to the Secretary a report on the participation rate of the State for the fiscal year.

"SEC. 500. FEDERAL ROLE.

"(a) APPROVAL OF STATE PLANS.—

"(1) IN GENERAL.—Within 60 days after the date a State submits to the Secretary a plan that provides for the establishment and operation of a work first program that meets the requirements of section 499, the Secretary shall approve the plan.

"(2) AUTHORITY TO EXTEND APPROVAL DEADLINE.—The 60-day deadline established in paragraph (1) with respect to a State may be extended in accordance with an agreement between the Secretary and the State.

"(b) PERFORMANCE-BASED MEASURES.—The Secretary shall, by regulation, establish measures of the effectiveness of the State program established under this subpart and (if the State has established a program under part H) the State program established under part H in moving recipients of aid under the State plan approved under part A into full-time unsubsidized employment, based on the performance of such programs.

"(c) EFFECT OF FAILURE TO MEET PARTICIPATION RATES.—

"(1) IN GENERAL.—If a State reports that the State has failed to achieve the participation rate required by section 499(a)(7) for the fiscal year, the Secretary may make recommendations for changes in the State program established under this subpart and (if the State has established a program under part H) the State program established under part H. The State may elect to follow such recommendations, and shall demonstrate to the Secretary how the State will achieve the required participation rates.

"(2) SECOND CONSECUTIVE FAILURE.—Notwithstanding paragraph (1), if the State has failed to achieve the participation rates required by section 499(a)(7) for 2 consecutive fiscal years, the Secretary may require the State to make changes in the State program established under this subpart and (if the State has established a program under part H) the State program established under part H.

"Part H—Workfare Program

"SEC. 500A. ESTABLISHMENT AND OPERATION OF PROGRAM.

"(a) IN GENERAL.—A State that establishes a work first program under a subpart of part G may establish and carry out a workfare program that meets the requirements of this part, unless the State has established a job placement voucher program under part I.

"(b) OBJECTIVE.—The objective of the workfare program is for each program participant to find and hold a full-time unsubsidized paid job, and for this goal to be achieved in a cost-effective fashion.

"(c) CASE MANAGEMENT TEAMS.—The State shall assign to each program participant a case management team that shall meet with the participant and assist the participant to choose the most suitable workfare job under subsection (e), (f), or (g) and to eventually obtain a full-time unsubsidized paid job.

"(d) PROVISION OF JOBS.—The State shall provide each participant in the program with a community service job that meets the requirements of subsection (e) or a subsidized job that meets the requirements of subsection (f) or (g).

"(e) COMMUNITY SERVICE JOBS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each participant shall work for not fewer than 30 hours per week (or, at the option of the State, 20 hours per week during fiscal years 1997 and 1998, not fewer than 25 hours per week during fiscal year 1999, not fewer than 30 hours per week during fiscal years 2000 and 2001, and not fewer than 35 hours per week thereafter) in a community service job, and be paid at a rate which is not greater than 75 percent (or, at the option of the State, 100 percent) of the maximum amount of aid payable under the State plan approved under part A to a family of the same size and composition with no income.

"(2) EXCEPTION.—(A) If the participant has obtained unsubsidized part-time employment in the private sector, the State shall provide the participant with a part-time community service job.

"(B) If the State provides a participant a part-time community service job under subparagraph (A), the State shall ensure that the participant works for not fewer than 30 hours per week.

"(3) WAGES NOT CONSIDERED EARNED INCOME.—Wages paid under a workfare program shall not be considered to be earned income for purposes of any provision of law.

"(4) COMMUNITY SERVICE JOB DEFINED.—For purposes of this section, the term 'community service job' means—

"(A) a job provided to a participant by the State administering the State plan under part A; or

"(B) a job provided to a participant by any other employer for which all or part of the wages are paid by the State.

A State may provide or subsidize under the program any job which the State determines to be appropriate.

"(f) Temporary Subsidized Job Creation.—A State that establishes a workfare program under this part may establish a program similar to the program operated by the State of Oregon, which is known as 'JOBS Plus'.

"(g) Work Supplementation Program.—

"(1) In general.—A State that establishes a workfare program under this part may institute a work supplementation program under which the State, to the extent it considers appropriate, may reserve the sums that would otherwise be payable to participants in the program as a community service minimum wage and use the sums instead for the purpose of providing and subsidizing private sector jobs for the participants.

"(2) Employer agreement.—An employer who provides a private sector job to a participant under paragraph (1) shall agree to provide to the participant an amount in wages equal to the poverty threshold for a family of three.

"(h) Job Search Requirement.—The State shall require each participant to spend a minimum of 5 hours per week on activities related to securing unsubsidized full-time employment in the private sector.

"(i) Duration of Participation.—

"(1) In general.—Except as provided in paragraph (2), an individual may not participate for more than 2 years in a workfare program under this part.

"(2) Authority to allow repeated participation.—

"(A) In general.—Subject to subparagraph (B), a State may allow an individual who, by reason of paragraph (1), would be prohibited from participating in the State program established under this part to participate in the program for such additional period or periods as the State determines appropriate.

"(B) Limitation on percentage of repeat participants.—

"(i) In general.—Except as provided in clause (ii), the number of individuals allowed under subparagraph (A) to participate during a program year in a State program established under this part shall not exceed 10 percent of the total number of individuals who participated in the program during the immediately preceding program year.

"(ii) Authority to increase limitation.—

"(I) Petition.—A State may request the Secretary to increase the percentage limitation imposed by clause (i) to not more than 15 percent.

"(II) Authority to grant request.—The Secretary may approve a request made pursuant to subclause (I) if the Secretary deems it appropriate. The Secretary shall develop recommendations on the criteria that should be applied in evaluating requests under subclause (I).

"(j) Use of Placement Companies.—A State that establishes a workfare program under this part may enter into contracts with private companies (whether operated for profit or not for profit) for the placement of participants in the program in positions of full-time employment, preferably in the private sector, for wages sufficient to eliminate the need of such participants for cash assistance in accordance with section 493.

"(k) Maximum of 3 Community Service Jobs.—A program participant may not receive more than 3 community service jobs under the program.

"Part I—Job Placement Voucher Program

"SEC. 500B. JOB PLACEMENT VOUCHER PROGRAM.

"A State that is not operating a workfare program under part H may establish a job placement voucher program that meets the following requirements:

"(1) The program shall offer each program participant a voucher which the participant may use to obtain employment in the private sector.

"(2) An employer who receives a voucher issued under the program from an individual may redeem the voucher at any time after the individual has been employed by the employer for 6 months, unless another employee of the employer was displaced by the employment of the individual.

"(3) Upon presentation of a voucher by an employer to the State agency responsible for the administration of the program, the State agency shall pay to the employer an amount equal to 50 percent of the total amount of aid paid under the State plan approved under part A to the family of which the individual is a member for the most recent 12 months for which the family was eligible for such aid.".

(c) Funding.—Section 403 (42 U.S.C. 603) is amended by inserting after subsection (b) the following:

"(c)(1) Each State that is operating a program in accordance with subpart 1 of part G (or in accordance with a plan approved under subpart 2 of part G), and a program in accordance with part H or I shall be entitled to payments under subsection (d) for any fiscal year in an amount equal to the sum of the applicable percentages (specified in such subsection) of its expenditures to carry out such programs (subject to limitations prescribed by or pursuant to such parts or this section on expenditures that may be included for purposes of determining payment under subsection (d)), but such payments for any fiscal year in the case of any State may not exceed the limitation determined under paragraph (2) with respect to the State.

"(2) The limitation determined under this paragraph with respect to a State for any fiscal year is the amount that bears the same ratio to the amount specified in paragraph (3) for such fiscal year as the average monthly number of adult recipients (as defined in paragraph (4)) in the State in the preceding fiscal year bears to the average monthly number of such recipients in all the States for such preceding year.

"(3)(A) The amount specified in this paragraph is—

"(i) $1,500,000,000 for fiscal year 1997;

"(iii) $2,000,000,000 for fiscal year 1998;

"(iv) $2,600,000,000 for fiscal year 1999;

"(v) $3,100,000,000 for fiscal year 2000; and

"(vi) the amount determined under subparagraph (B) for fiscal year 2001 and each succeeding fiscal year.

"(B) The amount determined under this subparagraph for a fiscal year is the product of the following:

"(i) The amount specified in this paragraph for the immediately preceding fiscal year.

"(ii) 1.00 plus the percentage (if any) by which—

"(I) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the most recent 12-month period for which such information is available; exceeds

"(II) the average of the Consumer Price Index (as so defined) for the 12-month period ending on June 30 of the 2nd preceding fiscal year.

"(iii) The amount that bears the same ratio to the amount specified in this paragraph for the immediately preceding fiscal year as the number of individuals whom the Secretary estimates will participate in programs operated under part G, H, or I during the fiscal year bears to the total number of individuals who participated in such programs during such preceding fiscal year.

"(4) For purposes of this subsection, the term 'adult recipient' in the case of any State means an individual other than a dependent child (unless such child is the custodial parent of another dependent child) whose needs are met (in whole or in part) with payments of aid to families with dependent children.

"(d)(1) In lieu of any payment under subsection (a), the Secretary shall pay to each State that is operating a program in accordance with subpart 1 of part G (or in accordance with a plan approved under subpart 2 of part G), and a program in accordance with part H or I, and to which section 1108 does not apply, with respect to expenditures by the State to carry out such programs, an amount equal to 70 percent, or the Federal medical assistance percentage (as defined in section 1905(b)) increased by 10 percentage points, whichever is the greater, of the total amount expended during the quarter for the operation and administration of such programs.

"(2) In lieu of any payment under subsection (a), the Secretary shall pay to each State that is operating a program in accordance with subpart 1 of part G (or in accordance with a plan approved under subpart 2 of part G), and a program in accordance with part H or I, and to which section 1108 applies, with respect to expenditures by the State to carry out such programs (including expenditures for child care under section 402(g)(1)(A)), an amount equal to—

"(A) with respect to so much of such expenditures in a fiscal year as do not exceed the State's expenditures in the fiscal year 1987 with respect to which payments were made to such State from its allotment for such fiscal year pursuant to part C of this title as then in effect, 90 percent; and

"(B) with respect to so much of such expenditures in a fiscal year as exceed the amount described in subparagraph (A)—

"(i) 50 percent, in the case of expenditures for administrative costs made by a State in operating such programs for such fiscal year (other than the personnel costs for staff employed full-time in the operation of such program) and the costs of transportation and other work-related supportive services under section 402(g)(2); and

"(ii) 70 percent or the Federal medical assistance percentage (as defined in the last sentence of section 1118) increased by 10 percentage points, whichever is the greater, in the case of expenditures made by a State in operating such programs for such fiscal year (other than for costs described in clause (i)).

"(3) With respect to the amount for which payment is made to a State under paragraph (2)(A), the State's expenditures for the costs of operating such programs may be in cash or in kind, fairly evaluated.

"(4) Not more than 10 percent of the amount payable to a State under this subsection for a quarter may be for expenditures made during the quarter with respect to program participants who are not eligible for aid under the State plan approved under part A.".

(d) Secretary's Special Adjustment Fund.—Section 403 (42 U.S.C. 603) is amended by adding at the end the following:

"(p)(1) There shall be available to the Secretary from the amount appropriated for payments under subsection (c) for States' programs under parts G and H for fiscal year 1996, $300,000,000 for special adjustments to States' limitations on Federal payments for such programs.

"(2) A State may, not later than March 1 and September 1 of each fiscal year, submit to the Secretary a request to adjust the limitation on payments under this section with respect to its program under part G (and, in fiscal years after 1997) its program under part H for the following fiscal year. The Secretary shall only consider such a request from a State which has, or which demonstrates convincingly on the basis of estimates that it will, submit allowable claims for Federal payment in the full amount available to it under subsection (c) in the current fiscal year and obligated 95 percent of its full amount in the prior fiscal year. The Secretary shall by regulation prescribe criteria for the equitable allocation among the States of Federal payments pursuant to adjustments of the limitations referred to in the preceding sentence in the case where the requests of all States that the Secretary finds reasonable exceed the amount available, and, within 30 days following the dates specified in this paragraph, will notify each State whether one or more of its limitations will be adjusted in accordance with the State's request and the amount of the adjustment (which may be some or all of the amount requested).

"(3) The Secretary may adjust the limitation on Federal payments to a State for a fiscal year under subsection (c), and upon a determination by the Secretary that (and the amount by which) a State's limitation should be raised, the amount specified in either such subsection, or both, shall be considered to be so increased for the following fiscal year.

"(4) The amount made available under paragraph (1) for special adjustments shall remain available to the Secretary until expended. That amount shall be reduced by the sum of the adjustments approved by the Secretary in any fiscal year, and the amount shall be increased in a fiscal year by the amount by which all States' limitations under subsection (c) of this section and section 2008 for a fiscal year exceeded the sum of the Federal payments under such provisions of law for such fiscal year, but for fiscal years after 1997, such amount at the end of such fiscal year shall not exceed $400,000,000.".

(e) CONFORMING AMENDMENTS.—

(1) Section 402(a) (42 U.S.C. 602(a)) is amended by striking paragraph (19).

(2) Section 403 (42 U.S.C. 603) is amended by striking subsections (k) and (l).

(3) Section 407(b)(1)(B) (42 U.S.C. 607(b)(1)(B)) is amended—

(A) by adding "and" at the end of clause (iii);

(B) by striking "; and" at the end of clause (iv) and inserting a period; and

(C) by striking clause (v).

(4) Section 407(b)(2)(B)(ii)(I) (42 U.S.C. 607(b)(2)(B)(ii)(I)) is amended by striking "under section 402(a)(19) or".

(5) Section 407(b)(2)(C) (42 U.S.C. 607(b)(2)(C)) is amended by striking "section 402(a)(19) and".

(6) Section 1115(b)(2)(A) (42 U.S.C. 1315(b)(2)(A)) is amended by striking ", and 402(a)(19) (relating to the work incentive program)".

(7) Section 1108 (42 U.S.C. 1308) is amended—

(A) in subsection (a), by striking "or, in the case of part A of title IV, section 403(k)"; and

(B) in subsection (d), by striking "(exclusive of any amounts on account of services and items to which, in the case of part A of such title, section 403(k) applies)".

(8) Section 1902(a)(19)(A)(i)(I) (42 U.S.C. 1396a(a)(19)(A)(i)(I)) is amended by striking "482(e)(6)" and inserting "486(f)".

(9) Section 1928(a)(1) (42 U.S.C. 1396s(a)(1)) is amended by striking "482(e)(6)" and inserting "486(f)".

(f) INTENT OF THE CONGRESS.—The Congress intends for State activities under section 494 of the Social Security Act (as added by the amendment made by section 301(b) of this Act) to emphasize the use of the funds that would otherwise be used to provide individuals with aid to families with dependent children under part A of title IV of the Social Security Act and with food stamp benefits under the Food Stamp Act of 1977, to subsidize the wages of such individuals in temporary jobs.

(g) SENSE OF THE CONGRESS.—It is the sense of the Congress that States should target individuals who have not attained 25 years of age for participation in the program established by the State under part G of title IV of the Social Security Act (as added by the amendment made by section 301(b) of this section) in order to break the cycle of welfare dependency.

SEC. 302. REGULATIONS.

The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to implement the amendments made by this title.

SEC. 303. APPLICABILITY TO STATES.

(a) STATE OPTION TO ACCELERATE APPLICABILITY.—If a State formally notifies the Secretary of Health and Human Services that the State desires to accelerate the applicability to the State of the amendments made by this title, the amendments shall apply to the State on and after such earlier date as the State may select.

(b) STATE OPTION TO DELAY APPLICABILITY UNTIL WAIVERS EXPIRE.—The amendments made by this title shall not apply to a State with respect to which there is in effect a waiver issued under section 1115 of the Social Security Act for the State program established under part G of title IV of such Act, until the waiver expires, if the State formally notifies the Secretary of Health and Human Services that the State desires to so delay such effective date.

(c) AUTHORITY OF THE SECRETARY OF HEALTH AND HUMAN SERVICES TO DELAY APPLICABILITY TO A STATE.—If a State formally notifies the Secretary of Health and Human Services that the State desires to delay the applicability to the State of the amendments made by this title, the amendments shall apply to the State on and after any later date agreed upon by the Secretary and the State.

SEC. 304. SENSE OF THE CONGRESS RELATING TO AVAILABILITY OF WORK FIRST PROGRAM IN RURAL AREAS.

It is the sense of the Congress that the Secretary of Health and Human Services and the States should consider the needs of rural areas in designing State plans under part G of title IV of the Social Security Act.

SEC. 305. GRANTS TO COMMUNITY-BASED ORGANIZATIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services may make grants in accordance with this section to community-based organizations that move recipients of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act or under other public assistance programs into private sector work.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1996 and $50,000,000 for fiscal years 1997, 1998, 1999, and 2000.

(c) ELIGIBLE ORGANIZATIONS.—The Secretary of Health and Human Services shall award grants to community-based organizations that—

(1) receive at least 5 percent of their funding from local government sources; and

(2) move recipients referred to in subsection (a) in the direction of unsubsidized private employment by integrating and co-locating at least 5 of the following services—

(A) case management;

(B) job training;

(C) child care;

(D) housing;

(E) health care services;

(F) nutrition programs;

(G) life skills training; and

(H) parenting skills.

(d) AWARDING OF GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants based on the quality of applications, subject to paragraphs (2) and (3).

(2) PREFERENCE IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall give preference to organizations which receive more than 50 percent of their funding from State government, local government or private sources.

(3) DISTRIBUTION OF GRANT.—The Secretary shall award at least 1 grant to each State from which the Secretary received an application.

(4) LIMITATION ON SIZE OF GRANT.—The Secretary shall not award any grants under this section of more than $1,000,000.

(e) ISSUANCE OF REGULATIONS.—Not less than 6 months after the date of the enactment of this section, the Secretary shall prescribe such regulations as may be necessary to implement this section.

TITLE IV—FAMILY RESPONSIBILITY AND IMPROVED CHILD SUPPORT ENFORCEMENT

Subtitle A—Eligibility and Other Matters Concerning Title IV-D Program Clients

SEC. 401. STATE OBLIGATION TO PROVIDE PATERNITY ESTABLISHMENT AND CHILD SUPPORT ENFORCEMENT SERVICES.

(a) STATE LAW REQUIREMENTS.—Section 466(a) (42 U.S.C. 666(a)) is amended by inserting after paragraph (11) the following:

"(12) USE OF CENTRAL CASE REGISTRY AND CENTRALIZED COLLECTIONS UNIT.—Procedures under which—

"(A) every child support order established or modified in the State on or after October 1, 1998, is recorded in the central case registry established in accordance with section 454A(e); and

"(B) child support payments are collected through the centralized collections unit established in accordance with section 454B—

"(i) on and after October 1, 1998, under each order subject to wage withholding under section 466(b); and

"(ii) on and after October 1, 1999, under each other order required to be recorded in such central case registry under this paragraph or section 454A(e), except as provided in subparagraph (C); and

"(C)(i) parties subject to a child support order described in subparagraph (B)(ii) may opt out of the procedure for payment of support through the centralized collections unit (but not the procedure for inclusion in the central case registry) by filing with the State agency a written agreement, signed by both parties, to an alternative payment procedure; and

"(ii) an agreement described in clause (i) becomes void whenever either party advises the State agency of an intent to vacate the agreement.".

(b) State Plan Requirements.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) provide that such State will undertake—

"(A) to provide appropriate services under this part to—

"(i) each child with respect to whom an assignment is effective under section 402(a)(26), 471(a)(17), or 1912 (except in cases where the State agency determines, in accordance with paragraph (25), that it is against the best interests of the child to do so); and

"(ii) each child not described in clause (i)—

"(I) with respect to whom an individual applies for such services; and

"(II) (on and after October 1, 1998) each child with respect to whom a support order is recorded in the central State case registry established under section 454A, regardless of whether application is made for services under this part; and

"(B) to enforce the support obligation established with respect to the custodial parent of a child described in subparagraph (A) unless the parties to the order which establishes the support obligation have opted, in accordance with section 466(a)(12)(C), for an alternative payment procedure."; and

(2) in paragraph (6)—

(A) by striking subparagraph (A) and inserting the following:

"(A) services under the State plan shall be made available to nonresidents on the same terms as to residents;";

(B) in subparagraph (B)—

(i) by inserting "on individuals not receiving assistance under part A" after "such services shall be imposed"; and

(ii) by inserting "but no fees or costs shall be imposed on any absent or custodial parent or other individual for inclusion in the central State registry maintained pursuant to section 454A(e)"; and

(C) in each of subparagraphs (B), (C), and (D)—

(i) by indenting such subparagraph and aligning its left margin with the left margin of subparagraph (A); and

(ii) by striking the final comma and inserting a semicolon.

(c) Conforming Amendments.—

(1) Section 452(g)(2)(A) (42 U.S.C. 652(g)(2)(A)) is amended by striking "454(6)" each place it appears and inserting "454(4)(A)(ii)".

(2) Section 454(23) (42 U.S.C. 654(23)) is amended, effective October 1, 1998, by striking "information as to any application fees for such services and".

(3) Section 466(a)(3)(B) (42 U.S.C. 666(a)(3)(B)) is amended by striking "in the case of overdue support which a State has agreed to collect under section 454(6)" and inserting "in any other case".

(4) Section 466(e) (42 U.S.C. 666(e)) is amended by striking "or (6)".

SEC. 402. DISTRIBUTION OF PAYMENTS.

(a) Distributions Through State Child Support Enforcement Agency to Former Assistance Recipients.—Section 454(5) (42 U.S.C. 654(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting "except as otherwise specifically provided in section 464 or 466(a)(3)," after "is effective,"; and

(B) by striking "except that" and all that follows through the semicolon; and

(2) in subparagraph (B), by striking ", except" and all that follows through "medical assistance".

(b) Distribution to a Family Currently Receiving AFDC.—Section 457 (42 U.S.C. 657) is amended—

(1) by striking subsection (a) and redesignating subsection (b) as subsection (a);

(2) in subsection (a), as redesignated—

(A) in the matter preceding paragraph (2), to read as follows:

"(a) In the Case of a Family Receiving AFDC.—Amounts collected under this part during any month as support of a child who is receiving assistance under part A (or a parent or caretaker relative of such a child) shall (except in the case of a State exercising the option under subsection (b)) be distributed as follows:

"(1) an amount equal to the amount that will be disregarded pursuant to section 402(a)(8)(A)(vi) shall be taken from each of—

"(A) amounts received in a month which represent payments for that month; and

"(B) amounts received in a month which represent payments for a prior month which were made by the absent parent in the month when due;

and shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to such family during such month;";

(B) in paragraph (4), by striking "or (B)" and all that follows and inserting "; then (B) from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to any other State or States shall be paid to such other State or States and used to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and then (C) any remainder shall be paid to the family.".

(3) by inserting after subsection (a), as redesignated, the following new subsection:

"(b) Alternative Distribution in Case of Family Receiving AFDC.—In the case of a State electing the option under this subsection, amounts collected as described in subsection (a) shall be distributed as follows:

"(1) an amount equal to the amount that will be disregarded pursuant to section 402(a)(8)(A)(vi) shall be taken from each of—

"(A) amounts received in a month which represent payments for that month; and

"(B) amounts received in a month which represent payments for a prior month which were made by the absent parent in the month when due;

and shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to such family during such month;

"(2) second, from any remainder, amounts equal to the balance of support owed for the current month shall be paid to the family;

"(3) third, from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to the State making the collection shall be retained and used by such State to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(4) fourth, from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to any other State or States shall be paid to such other State or States and used to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and

"(5) fifth, any remainder shall be paid to the family.".

(c) Distribution to a Family Not Receiving AFDC.—

(1) In general.—Section 457(c) (42 U.S.C. 657(c)) is amended to read as follows:

"(c) In Case of Family Not Receiving AFDC.—Amounts collected by a State agency under this part during any month as support of a child who is not receiving assistance under part A (or of a parent or caretaker relative of such a child) shall (subject to the remaining provisions of this section) be distributed as follows:

"(1) first, amounts equal to the total of such support owed for such month shall be paid to the family;

"(2) second, from any remainder, amounts equal to arrearages of such support obligations for months during which such child did not receive assistance under part A shall be paid to the family;

"(3) third, from any remainder, amounts equal to arrearages of such support obligations assigned to the State making the collection pursuant to part A shall be retained and used by such State to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(4) fourth, from any remainder, amounts equal to arrearages of such support obligations assigned to any other State pursuant to part A shall be paid to such other State or States, and used to pay such arrearages, in the order in which such arrearages accrued (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on October 1, 1999.

(d) Distribution to a Child Receiving Assistance Under Part E.—Section 457(d) (42 U.S.C. 657(d)) is amended, in the matter preceding paragraph (1), by striking "Notwithstanding the preceding provisions of this section, amounts" and inserting the following:

"(d) In Case of a Child Receiving Assistance Under Part E.—Amounts".

(e) Suspension or Cancellation of Debts Upon Marriage of Parents.—Section 457 (42 U.S.C. 657) is amended by adding at the end the following:

"(e) Suspension or Cancellation of Debts to State Upon Marriage of Parents.—

"(1) Circumstances requiring suspension or cancellation.—In any case in which a State has been assigned rights to support owed with respect to a child who is receiving or has received assistance under part A and—

"(A) the parent owing such support marries (or remarries) the parent with whom such child is living and to whom such support is owed and applies to the State for relief under this subsection;

"(B) the State determines (in accordance with procedures and criteria established by the Secretary) that the marriage is not a sham marriage entered into solely to satisfy this subsection; and

"(C) the combined income of such parents is less than twice the Federal poverty line,

the State shall afford relief to the parent owing such support in accordance with paragraph (2).

"(2) SUSPENSION OR CANCELLATION.—In the case of a marriage or remarriage described in paragraph (1), the State shall either—

"(A) cancel all debts owed to the State pursuant to such assignment; or

"(B) suspend collection of such debts for the duration of such marriage, and cancel such debts if such duration extends beyond the end of the period with respect to which support is owed.

"(3) NOTICE REQUIRED.—The State shall notify custodial parents of children who are receiving aid under part A of the relief available under this subsection to individuals who marry (or remarry).".

(f) STATE OPTIONS TO PASS THROUGH AND TO DISREGARD CHILD SUPPORT AMOUNTS.—

(1) STATE OPTION TO PASS THROUGH CHILD SUPPORT.—Section 457(b)(1) (42 U.S.C. 657(b)(1)) is amended to read as follows:

"(1) at State option, an amount determined by the State, equal to all or a portion of the monthly support obligation, may be paid to the family from each of—

"(A) amounts received in a month which represent payments for that month; and

"(B) amounts received in a month which represent payments for a prior month which were made by the absent parent in the month when due;".

(2) STATE OPTION TO DISREGARD CHILD SUPPORT.—Section 402(a)(8)(A)(vi) (42 U.S.C. 602(a)(8)(A)(vi)) is amended—

(A) by striking "shall disregard the first $50" and inserting "may disregard all or any portion";

(B) by striking "the first $50" and inserting "and all or any portion"; and

(C) by striking "section 457(b)" and inserting "section 457(a)".

(g) PASS THROUGH AND DISREGARD OF SUPPORT COLLECTED ON BEHALF OF A FAMILY SUBJECT TO THE FAMILY CAP.—

(1) PASS THROUGH.—Section 457 (42 U.S.C. 657), as amended by subsection (e) of this section, is amended by adding at the end the following:

"(f) PASS THROUGH OF SUPPORT COLLECTED ON BEHALF OF A FAMILY SUBJECT TO THE FAMILY CAP.—Amounts collected by a State agency under this part during any month as support of a child who is a member of a 1-parent family subject to section 402(a)(51) shall be distributed to the family.".

(2) DISREGARD.—Section 402(a)(8)(A)(vi) (42 U.S.C. 602(a)(8)(A)(vi)) is amended by inserting ", except that, in the case of a 1-parent family subject to paragraph (51), all support payments collected and paid to the family under section 457(f) shall be disregarded" before the semicolon.

(h) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations—

(1) under part D of title IV of the Social Security Act, establishing a uniform nationwide standard for allocation of child support collections from an obligor owing support to more than one family; and

(2) under part A of such title, establishing standards applicable to States electing the alternative formula under section 457(b) of such Act for distribution of collections on behalf of families receiving Aid to Families with Dependent Children, designed to minimize irregular monthly payments to such families.

(i) CLERICAL AMENDMENT.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (11), by striking "(11)" and inserting "(11)(A)"; and

(2) by redesignating paragraph (12) as subparagraph (B) of paragraph (11).

SEC. 403. DUE PROCESS RIGHTS.

(a) IN GENERAL.—Section 454 (42 U.S.C. 654), as amended by section 402(f) of this Act, is amended by inserting after paragraph (11) the following new paragraph:

"(12) provide for procedures to ensure that—

"(A) individuals who are applying for or receiving services under this part, or are parties to cases in which services are being provided under this part—

"(i) receive notice of all proceedings in which support obligations might be established or modified; and

"(ii) receive a copy of any order establishing or modifying a child support obligation, or (in the case of a petition for modification) a notice of determination that there should be no change in the amount of the child support award, within 14 days after issuance of such order or determination;

"(B) individuals applying for or receiving services under this part have access to a fair hearing that meets standards established by the Secretary and ensures prompt consideration and resolution of complaints (but the resort to such procedure shall not stay the enforcement of any support order); and

"(C) individuals adversely affected by the establishment or modification of (or, in the case of a petition for modification, the determination that there should be no change in) a child support order shall be afforded not less than 30 days after the receipt of the order or determination to initiate proceedings to challenge such order or determination;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on October 1, 1997.

SEC. 404. PRIVACY SAFEGUARDS.

(a) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C. 454) is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding after paragraph (24) the following:

"(25) will have in effect safeguards applicable to all sensitive and confidential information handled by the State agency designed to protect the privacy rights of the parties, including—

"(A) safeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, or to establish or enforce support;

"(B) prohibitions on the release of information on the whereabouts of one party to another party against whom a protective order with respect to the former party has been entered; and

"(C) prohibitions on the release of information on the whereabouts of one party to another party if the State has reason to believe that the release of the information may result in physical or emotional harm to the former party.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on October 1, 1997.

Subtitle B—Program Administration and Funding

SEC. 411. FEDERAL MATCHING PAYMENTS.

(a) INCREASED BASE MATCHING RATE.—Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended to read as follows:

"(2) The applicable percent for a quarter for purposes of paragraph (1)(A) is—

"(A) for fiscal year 1997, 69 percent,

"(B) for fiscal year 1998, 72 percent, and

"(C) for fiscal year 1999 and succeeding fiscal years, 75 percent.".

(b) MAINTENANCE OF EFFORT.—Section 455 (42 U.S.C. 655) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking "From" and inserting "Subject to subsection (c), from"; and

(2) by inserting after subsection (b) the following new subsection:

"(c) MAINTENANCE OF EFFORT.—Notwithstanding the provisions of subsection (a), total expenditures for the State program under this part for fiscal year 1997 and each succeeding fiscal year, reduced by the percentage specified for such fiscal year under subsection (a)(2)(A), (B), or (C)(i), shall not be less than such total expenditures for fiscal year 1996, reduced by 66 percent.".

SEC. 412. PERFORMANCE-BASED INCENTIVES AND PENALTIES.

(a) INCENTIVE ADJUSTMENTS TO FEDERAL MATCHING RATE.—Section 458 (42 U.S.C. 658) is amended to read as follows:

"INCENTIVE ADJUSTMENTS TO MATCHING RATE

"SEC. 458. (a) INCENTIVE ADJUSTMENT.—(1) IN GENERAL.—In order to encourage and reward State child support enforcement programs which perform in an effective manner, the Federal matching rate for payments to a State under section 455(a)(1)(A), for each fiscal year beginning on or after October 1, 1998, shall be increased by a factor reflecting the sum of the applicable incentive adjustments (if any) determined in accordance with regulations under this section with respect to Statewide paternity establishment and to overall performance in child support enforcement.

"(2) STANDARDS.—(A) IN GENERAL.—The Secretary shall specify in regulations—

"(i) the levels of accomplishment, and rates of improvement as alternatives to such levels, which States must attain to qualify for incentive adjustments under this section; and

"(ii) the amounts of incentive adjustment that shall be awarded to States achieving specified accomplishment or improvement levels, which amounts shall be graduated, ranging up to—

"(I) 5 percentage points, in connection with Statewide paternity establishment; and

"(II) 10 percentage points, in connection with overall performance in child support enforcement.

"(B) LIMITATION.—In setting performance standards pursuant to subparagraph (A)(i) and adjustment amounts pursuant to subparagraph (A)(ii), the Secretary shall ensure that the aggregate number of percentage point increases as incentive adjustments to all States do not exceed such aggregate increases as assumed by the Secretary in estimates of the cost of this section as of June 1995, unless the aggregate performance of all States exceeds the projected aggregate performance of all States in such cost estimates.

"(3) DETERMINATION OF INCENTIVE ADJUSTMENT.—The Secretary shall determine the amount (if any) of incentive adjustment due each State on the basis of the data submitted by the State pursuant to section 454(15)(B) concerning the levels of accomplishment (and rates of improvement) with respect to performance indicators specified by the Secretary pursuant to this section.

"(4) FISCAL YEAR SUBJECT TO INCENTIVE ADJUSTMENT.—The total percentage point increase determined pursuant to this section with respect to a State program in a fiscal year shall apply as an adjustment to the applicable percent under section 455(a)(2) for payments to such State for the succeeding fiscal year.

"(5) Recycling of incentive adjustment.—A State shall expend in the State program under this part all funds paid to the State by the Federal Government as a result of an incentive adjustment under this section.

"(b) Meaning of Terms.—For purposes of this section—

"(1) the term 'Statewide paternity establishment percentage' means, with respect to a fiscal year, the ratio (expressed as a percentage) of—

"(A) the total number of out-of-wedlock children in the State under one year of age for whom paternity is established or acknowledged during the fiscal year, to

"(B) the total number of children born out of wedlock in the State during such fiscal year; and

"(2) the term 'overall performance in child support enforcement' means a measure or measures of the effectiveness of the State agency in a fiscal year which takes into account factors including—

"(A) the percentage of cases requiring a child support order in which such an order was established;

"(B) the percentage of cases in which child support is being paid;

"(C) the ratio of child support collected to child support due; and

"(D) the cost-effectiveness of the State program, as determined in accordance with standards established by the Secretary in regulations.".

(b) Adjustment of Payments Under Part D of Title IV.—Section 455(a)(2) (42 U.S.C. 655(a)(2)), as amended by section 411(a) of this Act, is amended—

(1) by striking the period at the end of subparagraph (C)(ii) and inserting a comma; and

(2) by adding after and below subparagraph (C), flush with the left margin of the subsection, the following:

"increased by the incentive adjustment factor (if any) determined by the Secretary pursuant to section 458.".

(c) Conforming Amendments.—Section 454(22) (42 U.S.C. 654(22)) is amended—

(1) by striking "incentive payments" the first place it appears and inserting "incentive adjustments"; and

(2) by striking "any such incentive payments made to the State for such period" and inserting "any increases in Federal payments to the State resulting from such incentive adjustments".

(d) Calculation of IV–D Paternity Establishment Percentage.—(1) Section 452(g)(1) (42 U.S.C. 652(g)(1)) is amended in the matter preceding subparagraph (A) by inserting "its overall performance in child support enforcement is satisfactory (as defined in section 458(b) and regulations of the Secretary), and" after "1994,".

(2) Section 452(g)(2) (42 U.S.C. 652(g)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking "paternity establishment percentage" and inserting "IV–D paternity establishment percentage"; and

(ii) by striking "(or all States, as the case may be)";

(B) in subparagraph (A)(i), by striking "during the fiscal year";

(C) in subparagraph (A)(ii)(I), by striking "as of the end of the fiscal year" and inserting "in the fiscal year or, at the option of the State, as of the end of such year";

(D) in subparagraph (A)(ii)(II), by striking "or (E) as of the end of the fiscal year" and inserting "in the fiscal year or, at the option of the State, as of the end of such year";

(E) in subparagraph (A)(iii)—

(i) by striking "during the fiscal year"; and

(ii) by striking "and" at the end; and

(F) in the matter following subparagraph (A)—

(i) by striking "who were born out of wedlock during the immediately preceding fiscal year" and inserting "born out of wedlock";

(ii) by striking "such preceding fiscal year" both places it appears and inserting "the preceding fiscal year"; and

(iii) by striking "or (E)" the second place it appears.

(3) Section 452(g)(3) (42 U.S.C. 652(g)(3)) is amended—

(A) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(B) in subparagraph (A), as redesignated, by striking "the percentage of children born out-of-wedlock in the State" and inserting "the percentage of children in the State who are born out of wedlock or for whom support has not been established"; and

(C) in subparagraph (B), as redesignated—

(i) by inserting "and overall performance in child support enforcement" after "paternity establishment percentages"; and

(ii) by inserting "and securing support" before the period.

(e) Reduction of Payments Under Part D of Title IV.—

(1) New requirements.—Section 455 (42 U.S.C. 655) is amended by inserting after subsection (b) the following:

"(c)(1) If the Secretary finds, with respect to a State program under this part in a fiscal year beginning on or after October 1, 1997—

"(A)(i) on the basis of data submitted by a State pursuant to section 454(15)(B), that the State program in such fiscal year failed to achieve the IV–D paternity establishment percentage (as defined in section 452(g)(2)(A)) or the appropriate level of overall performance in child support enforcement (as defined in section 458(b)(2)), or to meet other performance measures that may be established by the Secretary, or

"(ii) on the basis of an audit or audits of such State data conducted pursuant to section 452(a)(4)(C), that the State data submitted pursuant to section 454(15)(B) is incomplete or unreliable; and

"(B) that, with respect to the succeeding fiscal year—

"(i) the State failed to take sufficient corrective action to achieve the appropriate performance levels as described in subparagraph (A)(i) of this paragraph, or

"(ii) the data submitted by the State pursuant to section 454(15)(B) is incomplete or unreliable,

the amounts otherwise payable to the State under this part for quarters following the end of such succeeding fiscal year, prior to quarters following the end of the first quarter throughout which the State program is in compliance with such performance requirement, shall be reduced by the percentage specified in paragraph (2).

"(2) The reductions required under paragraph (1) shall be—

"(A) not less than 6 nor more than 8 percent, or

"(B) not less than 8 nor more than 12 percent, if the finding is the second consecutive finding made pursuant to paragraph (1), or

"(C) not less than 12 nor more than 15 percent, if the finding is the third or a subsequent consecutive such finding.

"(3) For purposes of this subsection, section 402(a)(27), and section 452(a)(4), a State which is determined as a result of an audit to have submitted incomplete or unreliable data pursuant to section 454(15)(B), shall be determined to have submitted adequate data if the Secretary determines that the extent of the incompleteness or unreliability of the data is of a technical nature which does not adversely affect the determination of the level of the State's performance.".

(2) Conforming amendments.—

(A) Section 403 (42 U.S.C. 603) is amended by striking subsection (h).

(B) Section 452(a)(4) (42 U.S.C. 652(a)(4)) is amended by striking "403(h)" each place such term appears and inserting "455(c)".

(C) Subsections (d)(3)(A), (g)(1), and (g)(3)(A) of section 452 (42 U.S.C. 652) are each amended by striking "403(h)" and inserting "455(c)".

(f) Effective Dates.—

(1) Incentive adjustments.—(A) The amendments made by subsections (a), (b), and (c) shall become effective October 1, 1997, except to the extent provided in subparagraph (B).

(B) Section 458 of the Social Security Act, as in effect prior to the enactment of this section, shall be effective for purposes of incentive payments to States for fiscal years prior to fiscal year 1999.

(2) Penalty reductions.—(A) The amendments made by subsection (d) shall become effective with respect to calendar quarters beginning on and after the date of enactment of this Act.

(B) The amendments made by subsection (e) shall become effective with respect to calendar quarters beginning on and after the date one year after the date of enactment of this Act.

SEC. 413. FEDERAL AND STATE REVIEWS AND AUDITS.

(a) State Agency Activities.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (14), by striking "(14)" and inserting "(14)(A)";

(2) by redesignating paragraph (15) as subparagraph (B) of paragraph (14); and

(3) by inserting after paragraph (14) the following new paragraph:

"(15) provide for—

"(A) a process for annual reviews of and reports to the Secretary on the State program under this part, which shall include such information as may be necessary to measure State compliance with Federal requirements for expedited procedures and timely case processing, using such standards and procedures as are required by the Secretary, under which the State agency will determine the extent to which such program is in conformity with applicable requirements with respect to the operation of State programs under this part (including the status of complaints filed under the procedure required under paragraph (12)(B)); and

"(B) a process of extracting from the State automated data processing system and transmitting to the Secretary data and calculations concerning the levels of accomplishment (and rates of improvement) with respect to applicable performance indicators (including IV–D paternity establishment percentages and overall performance in child support enforcement) to the extent necessary for purposes of sections 452(g) and 458.".

(b) Federal Activities.—Section 452(a)(4) (42 U.S.C. 652(a)(4)) is amended to read as follows:

"(4)(A) review data and calculations transmitted by State agencies pursuant to section 454(15)(B) on State program accomplishments with respect to performance indicators for purposes of section 452(g) and 458, and determine the amount (if any) of penalty reductions pursuant to section 455(c) to be applied to the State;

"(B) review annual reports by State agencies pursuant to section 454(15)(A) on State program conformity with Federal requirements; evaluate any elements of a State program in which significant deficiencies are indicated by such report on the status of complaints under the State procedure under section 454(12)(B); and, as appropriate, provide to the State agency comments, recommendations for additional or alternative corrective actions, and technical assistance; and

"(C) conduct audits, in accordance with the government auditing standards of the United States Comptroller General—

"(i) at least once every 3 years (or more frequently, in the case of a State which fails to meet requirements of this part, or of regulations implementing such requirements, concerning performance standards and reliability of program data) to assess the completeness, reliability, and security of the data, and the accuracy of the reporting systems, used for the calculations of performance indicators specified in subsection (g) and section 458;

"(ii) of the adequacy of financial management of the State program, including assessments of—

"(I) whether Federal and other funds made available to carry out the State program under this part are being appropriately expended, and are properly and fully accounted for; and

"(II) whether collections and disbursements of support payments and program income are carried out correctly and are properly and fully accounted for; and

"(iii) for such other purposes as the Secretary may find necessary;".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to calendar quarters beginning on or after the date one year after enactment of this section.

SEC. 414. REQUIRED REPORTING PROCEDURES.

(a) ESTABLISHMENT.—Section 452(a)(5) (42 U.S.C. 652(a)(5)) is amended by inserting ", and establish procedures to be followed by States for collecting and reporting information required to be provided under this part, and establish uniform definitions (including those necessary to enable the measurement of State compliance with the requirements of this part relating to expedited processes and timely case processing) to be applied in following such procedures" before the semicolon.

(b) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C. 654), as amended by section 404(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting "; and"; and

(3) by adding after paragraph (25) the following:

"(26) provide that the State shall use the definitions established under section 452(a)(5) in collecting and reporting information as required under this part.".

SEC. 415. AUTOMATED DATA PROCESSING REQUIREMENTS.

(a) REVISED REQUIREMENTS.—(1) Section 454(16) (42 U.S.C. 654(16)) is amended—

(A) by striking ", at the option of the State,";

(B) by inserting "and operation by the State agency" after "for the establishment";

(C) by inserting "meeting the requirements of section 454A" after "information retrieval system";

(D) by striking "in the State and localities thereof, so as (A)" and inserting "so as";

(E) by striking "(i)"; and

(F) by striking "(including" and all that follows and inserting a semicolon.

(2) Part D of title IV (42 U.S.C. 651–669) is amended by inserting after section 454 the following new section:

"AUTOMATED DATA PROCESSING

"SEC. 454A. (a) IN GENERAL.—In order to meet the requirements of this section, for purposes of the requirement of section 454(16), a State agency shall have in operation a single statewide automated data processing and information retrieval system which has the capability to perform the tasks specified in this section, and performs such tasks with the frequency and in the manner specified in this part or in regulations or guidelines of the Secretary.

"(b) PROGRAM MANAGEMENT.—The automated system required under this section shall perform such functions as the Secretary may specify relating to management of the program under this part, including—

"(1) controlling and accounting for use of Federal, State, and local funds to carry out such program; and

"(2) maintaining the data necessary to meet Federal reporting requirements on a timely basis.

"(c) CALCULATION OF PERFORMANCE INDICATORS.—In order to enable the Secretary to determine the incentive and penalty adjustments required by sections 452(g) and 458, the State agency shall—

"(1) use the automated system—

"(A) to maintain the requisite data on State performance with respect to paternity establishment and child support enforcement in the State; and

"(B) to calculate the IV–D paternity establishment percentage and overall performance in child support enforcement for the State for each fiscal year; and

"(2) have in place systems controls to ensure the completeness, and reliability of, and ready access to, the data described in paragraph (1)(A), and the accuracy of the calculations described in paragraph (1)(B).

"(d) INFORMATION INTEGRITY AND SECURITY.—The State agency shall have in effect safeguards on the integrity, accuracy, and completeness of, access to, and use of data in the automated system required under this section, which shall include the following (in addition to such other safeguards as the Secretary specifies in regulations):

"(1) POLICIES RESTRICTING ACCESS.—Written policies concerning access to data by State agency personnel, and sharing of data with other persons, which—

"(A) permit access to and use of data only to the extent necessary to carry out program responsibilities;

"(B) specify the data which may be used for particular program purposes, and the personnel permitted access to such data; and

"(C) ensure that data obtained or disclosed for a limited program purpose is not used or redisclosed for another, impermissible purpose.

"(2) SYSTEMS CONTROLS.—Systems controls (such as passwords or blocking of fields) to ensure strict adherence to the policies specified under paragraph (1).

"(3) MONITORING OF ACCESS.—Routine monitoring of access to and use of the automated system, through methods such as audit trails and feedback mechanisms, to guard against and promptly identify unauthorized access or use.

"(4) TRAINING AND INFORMATION.—The State agency shall have in effect procedures to ensure that all personnel (including State and local agency staff and contractors) who may have access to or be required to use sensitive or confidential program data are fully informed of applicable requirements and penalties, and are adequately trained in security procedures.

"(5) PENALTIES.—The State agency shall have in effect administrative penalties (up to and including dismissal from employment) for unauthorized access to, or disclosure or use of, confidential data.".

(3) REGULATIONS.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

"(j) The Secretary shall prescribe final regulations for implementation of the requirements of section 454A not later than 2 years after the date of the enactment of this subsection.".

(4) IMPLEMENTATION TIMETABLE.—Section 454(24) (42 U.S.C. 654(24)), as amended by sections 404(a)(2) and 414(b)(1) of this Act, is amended to read as follows:

"(24) provide that the State will have in effect an automated data processing and information retrieval system—

"(A) by October 1, 1995, meeting all requirements of this part which were enacted on or before the date of enactment of the Family Support Act of 1988; and

"(B) by October 1, 1999, meeting all requirements of this part enacted on or before the date of enactment of the Individual Responsibility Act of 1995 (but this provision shall not be construed to alter earlier deadlines specified for elements of such system), except that such deadline shall be extended by 1 day for each day (if any) by which the Secretary fails to meet the deadline imposed by section 452(j);".

(b) SPECIAL FEDERAL MATCHING RATE FOR DEVELOPMENT COSTS OF AUTOMATED SYSTEMS.—Section 455(a) (42 U.S.C. 655(a)) is amended—

(1) in paragraph (1)(B)—

(A) by striking "90 percent" and inserting "the percent specified in paragraph (3)";

(B) by striking "so much of"; and

(C) by striking "which the Secretary" and all that follows and inserting ", and"; and

(2) by adding at the end the following new paragraph:

"(3)(A) The Secretary shall pay to each State, for each quarter in fiscal year 1996, 90 percent of so much of State expenditures described in subparagraph (1)(B) as the Secretary finds are for a system meeting the requirements specified in section 454(16), or meeting such requirements without regard to clause (D) thereof.

"(B)(i) The Secretary shall pay to each State, for each quarter in fiscal years 1997 through 2001, the percentage specified in clause (ii) of so much of State expenditures described in subparagraph (1)(B) as the Secretary finds are for a system meeting the requirements specified in section 454(16) and 454A, subject to clause (iii).

"(ii) The percentage specified in this clause, for purposes of clause (i), is the higher of—

"(I) 80 percent, or

"(II) the percentage otherwise applicable to Federal payments to the State under subparagraph (A) (as adjusted pursuant to section 458).".

(c) CONFORMING AMENDMENT.—Section 123(c) of the Family Support Act of 1988 (102 Stat. 2352; Public Law 100–485) is repealed.

(d) ADDITIONAL PROVISIONS.—For additional provisions of section 454A, as added by subsection (a) of this section, see the amendments made by sections 421, 422(c), and 433(d) of this Act.

SEC. 416. DIRECTOR OF CSE PROGRAM; STAFFING STUDY.

(a) Reporting to Secretary.—Section 452(a) (42 U.S.C. 652(a)) is amended in the matter preceding paragraph (1) by striking "directly".

(b) Staffing Studies.—

(1) Scope.—The Secretary of Health and Human Services shall, directly or by contract, conduct studies of the staffing of each State child support enforcement program under part D of title IV of the Social Security Act. Such studies shall include a review of the staffing needs created by requirements for automated data processing, maintenance of a central case registry and centralized collections of child support, and of changes in these needs resulting from changes in such requirements. Such studies shall examine and report on effective staffing practices used by the States and on recommended staffing procedures.

(2) Frequency of studies.—The Secretary shall complete the first staffing study required under paragraph (1) by October 1, 1997, and may conduct additional studies subsequently at appropriate intervals.

(3) Report to the congress.—The Secretary shall submit a report to the Congress stating the findings and conclusions of each study conducted under this subsection.

SEC. 417. FUNDING FOR SECRETARIAL ASSISTANCE TO STATE PROGRAMS.

Section 452 (42 U.S.C. 652), as amended by section 415(a)(3) of this Act, is amended by adding at the end the following new subsection:

"(k) Funding for Federal Activities Assisting State Programs.—(1) There shall be available to the Secretary, from amounts appropriated for fiscal year 1996 and each succeeding fiscal year for payments to States under this part, the amount specified in paragraph (2) for the costs to the Secretary for—

"(A) information dissemination and technical assistance to States, training of State and Federal staff, staffing studies, and related activities needed to improve programs (including technical assistance concerning State automated systems);

"(B) research, demonstration, and special projects of regional or national significance relating to the operation of State programs under this part; and

"(C) operation of the Federal Parent Locator Service under section 453, to the extent such costs are not recovered through user fees.

"(2) The amount specified in this paragraph for a fiscal year is the amount equal to a percentage of the reduction in Federal payments to States under part A on account of child support (including arrearages) collected in the preceding fiscal year on behalf of children receiving aid under such part A in such preceding fiscal year (as determined on the basis of the most recent reliable data available to the Secretary as of the end of the third calendar quarter following the end of such preceding fiscal year), equal to—

"(A) 1 percent, for the activities specified in subparagraphs (A) and (B) of paragraph (1); and

"(B) 2 percent, for the activities specified in subparagraph (C) of paragraph (1).".

SEC. 418. REPORTS AND DATA COLLECTION BY THE SECRETARY.

(a) Annual Report to Congress.—(1) Section 452(a)(10)(A) (42 U.S.C. 652(a)(10)(A)) is amended—

(A) by striking "this part;" and inserting "this part, including—"; and

(B) by adding at the end the following indented clauses:

"(i) the total amount of child support payments collected as a result of services furnished during such fiscal year to individuals receiving services under this part;

"(ii) the cost to the States and to the Federal Government of furnishing such services to those individuals; and

"(iii) the number of cases involving families—

"(I) who became ineligible for aid under part A during a month in such fiscal year; and

"(II) with respect to whom a child support payment was received in the same month;".

(2) Section 452(a)(10)(C) (42 U.S.C. 652(a)(10)(C)) is amended—

(A) in the matter preceding clause (i)—

(i) by striking "with the data required under each clause being separately stated for cases" and inserting "separately stated for (1) cases";

(ii) by striking "cases where the child was formerly receiving" and inserting "or formerly received";

(iii) by inserting "or 1912" after "471(a)(17)"; and

(iv) by inserting "(2)" before "all other";

(B) in each of clauses (i) and (ii), by striking ", and the total amount of such obligations";

(C) in clause (iii), by striking "described in" and all that follows and inserting "in which support was collected during the fiscal year;";

(D) by striking clause (iv); and

(E) by redesignating clause (v) as clause (vii), and inserting after clause (iii) the following new clauses:

"(iv) the total amount of support collected during such fiscal year and distributed as current support;

"(v) the total amount of support collected during such fiscal year and distributed as arrearages;

"(vi) the total amount of support due and unpaid for all fiscal years; and".

(3) Section 452(a)(10)(G) (42 U.S.C. 652(a)(10)(G)) is amended by striking "on the use of Federal courts and".

(4) Section 452(a)(10) (42 U.S.C. 652(a)(10)) is amended by striking all that follows subparagraph (I).

(b) Data Collection and Reporting.—Section 469 (42 U.S.C. 669) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) The Secretary shall collect and maintain, on a fiscal year basis, up-to-date statistics, by State, with respect to services to establish paternity and services to establish child support obligations, the data specified in subsection (b), separately stated, in the case of each such service, with respect to—

"(1) families (or dependent children) receiving aid under plans approved under part A (or E); and

"(2) families not receiving such aid.

"(b) The data referred to in subsection (a) are—

"(1) the number of cases in the caseload of the State agency administering the plan under this part in which such service is needed; and

"(2) the number of such cases in which the service has been provided."; and

(2) in subsection (c), by striking "(a)(2)" and inserting "(b)(2)".

(c) Effective Date.—The amendments made by this section shall be effective with respect to fiscal year 1996 and succeeding fiscal years.

Subtitle C—Locate and Case Tracking

SEC. 421. CENTRAL STATE AND CASE REGISTRY.

Section 454A, as added by section 415(a)(2) of this Act, is amended by adding at the end the following:

"(e) Central Case Registry.—(1) In General.—The automated system required under this section shall perform the functions, in accordance with the provisions of this subsection, of a single central registry containing records with respect to each case in which services are being provided by the State agency (including, on and after October 1, 1998, each order specified in section 466(a)(12)), using such standardized data elements (such as names, social security numbers or other uniform identification numbers, dates of birth, and case identification numbers), and containing such other information (such as information on case status) as the Secretary may require.

"(2) Payment Records.—Each case record in the central registry shall include a record of—

"(A) the amount of monthly (or other periodic) support owed under the support order, and other amounts due or overdue (including arrears, interest or late payment penalties, and fees);

"(B) the date on which or circumstances under which the support obligation will terminate under such order;

"(C) all child support and related amounts collected (including such amounts as fees, late payment penalties, and interest on arrearages);

"(D) the distribution of such amounts collected; and

"(E) the birth date of the child for whom the child support order is entered.

"(3) Updating and Monitoring.—The State agency shall promptly establish and maintain, and regularly monitor, case records in the registry required by this subsection, on the basis of—

"(A) information on administrative actions and administrative and judicial proceedings and orders relating to paternity and support;

"(B) information obtained from matches with Federal, State, or local data sources;

"(C) information on support collections and distributions; and

"(D) any other relevant information.

"(f) Data Matches and Other Disclosures of Information.—The automated system required under this section shall have the capacity, and be used by the State agency, to extract data at such times, and in such standardized format or formats, as may be required by the Secretary, and to share and match data with, and receive data from, other data bases and data matching services, in order to obtain (or provide) information necessary to enable the State agency (or Secretary or other State or Federal agencies) to carry out responsibilities under this part. Data matching activities of the State agency shall include at least the following:

"(1) Data bank of child support orders.—Furnish to the Data Bank of Child Support Orders established under section 453(h) (and update as necessary, with information including notice of expiration of orders) minimal information (to be specified by the Secretary) on each child support case in the central case registry.

"(2) Federal parent locator service.—Exchange data with the Federal Parent Locator Service for the purposes specified in section 453.

"(3) AFDC and medicaid agencies.—Exchange data with State agencies (of the State and of other States) administering the programs under part A and title XIX, as necessary for the performance of State agency responsibilities under this part and under such programs.

"(4) INTRA- AND INTERSTATE DATA MATCHES.—Exchange data with other agencies of the State, agencies of other States, and interstate information networks, as necessary and appropriate to carry out (or assist other States to carry out) the purposes of this part.".

SEC. 422. CENTRALIZED COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS.

(a) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C. 654), as amended by sections 404(a) and 414(b) of this Act, is amended—

(1) by striking "and" at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting "; and"; and

(3) by adding after paragraph (26) the following new paragraph:

"(27) provide that the State agency, on and after October 1, 1998—

"(A) will operate a centralized, automated unit for the collection and disbursement of child support under orders being enforced under this part, in accordance with section 454B; and

"(B) will have sufficient State staff (consisting of State employees), and (at State option) contractors reporting directly to the State agency to monitor and enforce support collections through such centralized unit, including carrying out the automated data processing responsibilities specified in section 454A(g) and to impose, as appropriate in particular cases, the administrative enforcement remedies specified in section 466(c)(1).".

(b) ESTABLISHMENT OF CENTRALIZED COLLECTION UNIT.—Part D of title IV (42 U.S.C. 651–669) is amended by adding after section 454A the following new section:

"CENTRALIZED COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS

"SEC. 454B. (a) IN GENERAL.—In order to meet the requirement of section 454(27), the State agency must operate a single centralized, automated unit for the collection and disbursement of support payments, coordinated with the automated data system required under section 454A, in accordance with the provisions of this section, which shall be—

"(1) operated directly by the State agency (or by two or more State agencies under a regional cooperative agreement), or by a single contractor responsible directly to the State agency; and

"(2) used for the collection and disbursement (including interstate collection and disbursement) of payments under support orders in all cases being enforced by the State pursuant to section 454(4).

"(b) REQUIRED PROCEDURES.—The centralized collections unit shall use automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures—

"(1) for receipt of payments from parents, employers, and other States, and for disbursements to custodial parents and other obligees, the State agency, and the State agencies of other States;

"(2) for accurate identification of payments;

"(3) to ensure prompt disbursement of the custodial parent's share of any payment; and

"(4) to furnish to either parent, upon request, timely information on the current status of support payments.".

(c) USE OF AUTOMATED SYSTEM.—Section 454A, as added by section 415(a)(2) of this Act and as amended by section 421 of this Act, is amended by adding at the end the following new subsection:

"(g) CENTRALIZED COLLECTION AND DISTRIBUTION OF SUPPORT PAYMENTS.—The automated system required under this section shall be used, to the maximum extent feasible, to assist and facilitate collections and disbursement of support payments through the centralized collections unit operated pursuant to section 454B, through the performance of functions including at a minimum—

"(1) generation of orders and notices to employers (and other debtors) for the withholding of wages (and other income)—

"(A) within two working days after receipt (from the directory of New Hires established under section 453(i) or any other source) of notice of and the income source subject to such withholding; and

"(B) using uniform formats directed by the Secretary;

"(2) ongoing monitoring to promptly identify failures to make timely payment; and

"(3) automatic use of enforcement mechanisms (including mechanisms authorized pursuant to section 466(c)) where payments are not timely made.".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1998.

SEC. 423. AMENDMENTS CONCERNING INCOME WITHHOLDING.

(a) MANDATORY INCOME WITHHOLDING.—(1) Section 466(a)(1) (42 U.S.C. 666(a)(1)) is amended to read as follows:

"(1) INCOME WITHHOLDING.—(A) UNDER ORDERS ENFORCED UNDER THE STATE PLAN.—Procedures described in subsection (b) for the withholding from income of amounts payable as support in cases subject to enforcement under the State plan.

"(B) UNDER CERTAIN ORDERS PREDATING CHANGE IN REQUIREMENT.—Procedures under which all child support orders issued (or modified) before October 1, 1996, and which are not otherwise subject to withholding under subsection (b), shall become subject to withholding from wages as provided in subsection (b) if arrearages occur, without the need for a judicial or administrative hearing.".

(2) Section 466(a)(8) (42 U.S.C. 666(a)(8)) is repealed.

(3) Section 466(b) (42 U.S.C. 666(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)";

(B) in paragraph (5), by striking all that follows "administered by" and inserting "the State through the centralized collections unit established pursuant to section 454B, in accordance with the requirements of such section 454B.";

(C) in paragraph (6)(A)(i)—

(i) by inserting ", in accordance with timetables established by the Secretary," after "must be required"; and

(ii) by striking "to the appropriate agency" and all that follows and inserting "to the State centralized collections unit within 5 working days after the date such amount would (but for this subsection) have been paid or credited to the employee, for distribution in accordance with this part.";

(D) in paragraph (6)(A)(ii), by inserting "be in a standard format prescribed by the Secretary, and" after "shall"; and

(E) in paragraph (6)(D)—

(i) by striking "employer who discharges" and inserting "employer who—(A) discharges";

(ii) by relocating subparagraph (A), as designated, as an indented subparagraph after and below the introductory matter;

(iii) by striking the period at the end; and

(iv) by adding after and below subparagraph (A) the following new subparagraph:

"(B) fails to withhold support from wages, or to pay such amounts to the State centralized collections unit in accordance with this subsection.".

(b) CONFORMING AMENDMENT.—Section 466(c) (42 U.S.C. 666(c)) is repealed.

(c) DEFINITION OF TERMS.—The Secretary shall promulgate regulations providing definitions, for purposes of part D of title IV of the Social Security Act, for the term "income" and for such other terms relating to income withholding under section 466(b) of such Act as the Secretary may find it necessary or advisable to define.

SEC. 424. LOCATOR INFORMATION FROM INTERSTATE NETWORKS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 423(a)(2) of this Act, is amended by inserting after paragraph (7) the following:

"(8) LOCATOR INFORMATION FROM INTERSTATE NETWORKS.—Procedures ensuring that the State will neither provide funding for, nor use for any purpose (including any purpose unrelated to the purposes of this part), any automated interstate network or system used to locate individuals—

"(A) for purposes relating to the use of motor vehicles; or

"(B) providing information for law enforcement purposes (where child support enforcement agencies are otherwise allowed access by State and Federal law),

unless all Federal and State agencies administering programs under this part (including the entities established under section 453) have access to information in such system or network to the same extent as any other user of such system or network.".

SEC. 425. EXPANDED FEDERAL PARENT LOCATOR SERVICE.

(a) EXPANDED AUTHORITY TO LOCATE INDIVIDUALS AND ASSETS.—Section 453 (42 U.S.C. 653) is amended—

(1) in subsection (a), by striking all that follows "subsection (c))" and inserting the following:

", for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations—

"(1) information on, or facilitating the discovery of, the location of any individual—

"(A) who is under an obligation to pay child support;

"(B) against whom such an obligation is sought; or

"(C) to whom such an obligation is owed,

including such individual's social security number (or numbers), most recent residential address, and the name, address, and employer identification number of such individual's employer; and

"(2) information on the individual's wages (or other income) from, and benefits of, employment (including rights to or enrollment in group health care coverage); and

"(3) information on the type, status, location, and amount of any assets of, or debts owed by or to, any such individual."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "social security" and all that follows through "absent parent" and inserting "information specified in subsection (a)"; and

(B) in paragraph (2), by inserting before the period ", or from any consumer reporting agency (as defined in section 603(f) of the

Fair Credit Reporting Act (15 U.S.C. 1681a(f))";

(3) in subsection (e)(1), by inserting before the period ", or by consumer reporting agencies".

(b) Reimbursement for Data From Federal Agencies.—Section 453(e)(2) (42 U.S.C. 653(e)(2)) is amended in the fourth sentence by inserting before the period "in an amount which the Secretary determines to be reasonable payment for the data exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the data)".

(c) Access to Consumer Reports Under Fair Credit Reporting Act.—(1) Section 608 of the Fair Credit Reporting Act (15 U.S.C. 1681f) is amended—

(A) by striking ", limited to" and inserting "to a governmental agency (including the entire consumer report, in the case of a Federal, State, or local agency administering a program under part D of title IV of the Social Security Act, and limited to"; and

(B) by striking "employment, to a governmental agency" and inserting "employment, in the case of any other governmental agency)".

(2) Reimbursement for Reports by State Agencies and Credit Bureaus.—Section 453 (42 U.S.C. 653) is amended by adding at the end the following new subsection:

"(g) The Secretary is authorized to reimburse costs to State agencies and consumer credit reporting agencies the costs incurred by such entities in furnishing information requested by the Secretary pursuant to this section in an amount which the Secretary determines to be reasonable payment for the data exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the data).".

(d) Disclosure of Tax Return Information.—(1) Section 6103(l)(6)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking ", but only if" and all that follows and inserting a period.

(2) Section 6103(l)(8)(A) of the Internal Revenue Code of 1986 is amended by inserting "Federal," before "State or local".

(e) Technical Amendments.—

(1) Sections 452(a)(9), 453(a), 453(b), 463(a), and 463(e) (42 U.S.C. 652(a)(9), 653(a), 653(b), 663(a), and 663(e)) are each amended by inserting "Federal" before "Parent" each place it appears.

(2) Section 453 (42 U.S.C. 653) is amended in the heading by adding "FEDERAL" before "PARENT".

(f) New Components.—Section 453 (42 U.S.C. 653), as amended by subsection (c)(2) of this section, is amended by adding at the end the following:

"(h) Data Bank of Child Support Orders.—

"(1) In general.—Not later than October 1, 1998, in order to assist States in administering their State plans under this part and parts A, F, and G, and for the other purposes specified in this section, the Secretary shall establish and maintain in the Federal Parent Locator Service an automated registry to be known as the Data Bank of Child Support Orders, which shall contain abstracts of child support orders and other information described in paragraph (2) on each case in each State central case registry maintained pursuant to section 454A(e), as furnished (and regularly updated), pursuant to section 454A(f), by State agencies administering programs under this part.

"(2) Case information.—The information referred to in paragraph (1), as specified by the Secretary, shall include sufficient information (including names, social security numbers or other uniform identification numbers, and State case identification numbers) to identify the individuals who owe or are owed support (or with respect to or on behalf of whom support obligations are sought to be established), and the State or States which have established or modified, or are enforcing or seeking to establish, such an order.

"(i) Directory of New Hires.—

"(1) In general.—Not later than October 1, 1998, In order to assist States in administering their State plans under this part and parts A, F, and G, and for the other purposes specified in this section, the Secretary shall establish and maintain in the Federal Parent Locator Service an automated directory to be known as the directory of New Hires, containing—

"(A) information supplied by employers on each newly hired individual, in accordance with paragraph (2); and

"(B) information supplied by State agencies administering State unemployment compensation laws, in accordance with paragraph (3).

"(2) Employer information.—

"(A) Information required.—Subject to subparagraph (D), each employer shall furnish to the Secretary, for inclusion in the directory established under this subsection, not later than 10 days after the date (on or after October 1, 1998) on which the employer hires a new employee (as defined in subparagraph (C)), a report containing the name, date of birth, and social security number of such employee, and the employer identification number of the employer.

"(B) Reporting method and format.—The Secretary shall provide for transmission of the reports required under subparagraph (A) using formats and methods which minimize the burden on employers, which shall include—

"(i) automated or electronic transmission of such reports;

"(ii) transmission by regular mail; and

"(iii) transmission of a copy of the form required for purposes of compliance with section 3402 of the Internal Revenue Code of 1986.

"(C) Employee defined.—For purposes of this paragraph, the term 'employee' means any individual subject to the requirement of section 3402(f)(2) of the Internal Revenue Code of 1986.

"(D) Paperwork reduction requirement.—As required by the information resources management policies published by the Director of the Office of Management and Budget pursuant to section 3504(b)(1) of title 44, United States Code, the Secretary, in order to minimize the cost and reporting burden on employers, shall not require reporting pursuant to this paragraph if an alternative reporting mechanism can be developed that either relies on existing Federal or State reporting or enables the Secretary to collect the needed information in a more cost-effective and equally expeditious manner, taking into account the reporting costs on employers.

"(E) Civil money penalty on noncomplying employers.—(i) Any employer that fails to make a timely report in accordance with this paragraph with respect to an individual shall be subject to a civil money penalty, for each calendar year in which the failure occurs, of the lesser of $500 or 1 percent of the wages or other compensation paid by such employer to such individual during such calendar year.

"(ii) Subject to clause (iii), the provisions of section 1128A (other than subsections (a) and (b) thereof) shall apply to a civil money penalty under clause (i) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).

"(iii) Any employer with respect to whom a penalty under this subparagraph is upheld after an administrative hearing shall be liable to pay all costs of the Secretary with respect to such hearing.

"(3) Employment security information.—

"(A) Reporting requirement.—Each State agency administering a State unemployment compensation law approved by the Secretary of Labor under the Federal Unemployment Tax Act shall furnish to the Secretary of Health and Human Services extracts of the reports to the Secretary of Labor concerning the wages and unemployment compensation paid to individuals required under section 303(a)(6), in accordance with subparagraph (B).

"(B) Manner of compliance.—The extracts required under subparagraph (A) shall be furnished to the Secretary of Health and Human Services on a quarterly basis, with respect to calendar quarters beginning on and after October 1, 1996, by such dates, in such format, and containing such information as required by that Secretary in regulations.

"(j) Data Matches and Other Disclosures.—

"(1) Verification by social security administration.—(A) The Secretary shall transmit data on individuals and employers maintained under this section to the Social Security Administration to the extent necessary for verification in accordance with subparagraph (B).

"(B) The Social Security Administration shall verify the accuracy of, correct or supply to the extent necessary and feasible, and report to the Secretary, the following information in data supplied by the Secretary pursuant to subparagraph (A):

"(i) the name, social security number, and birth date of each individual; and

"(ii) the employer identification number of each employer.

"(2) Child support locator matches.—For the purpose of locating individuals for purposes of paternity establishment and establishment and enforcement of child support, the Secretary shall—

"(A) match data in the directory of New Hires against the child support order abstracts in the Data Bank of Child Support Orders not less often than every 2 working days; and

"(B) report information obtained from such a match to concerned State agencies operating programs under this part not later than 2 working days after such match.

"(3) Data matches and disclosures of data in all registries for title IV program purposes.—The Secretary shall—

"(A) perform matches of data in each component of the Federal Parent Locator Service maintained under this section against data in each other such component (other than the matches required pursuant to paragraph (1)), and report information resulting from such matches to State agencies operating programs under this part and parts A, F, and G; and

"(B) disclose data in such registries to such State agencies,

to the extent, and with the frequency, that the Secretary determines to be effective in assisting such States to carry out their responsibilities under such programs.

"(k) Fees.—

"(1) For SSA verification.—The Secretary shall reimburse the Commissioner of Social

Security, at a rate negotiated between the Secretary and the Commissioner, the costs incurred by the Commissioner in performing the verification services specified in subsection (j).

"(2) FOR INFORMATION FROM SESAS.—The Secretary shall reimburse costs incurred by State employment security agencies in furnishing data as required by subsection (j)(3), at rates which the Secretary determines to be reasonable (which rates shall not include payment for the costs of obtaining, compiling, or maintaining such data).

"(3) FOR INFORMATION FURNISHED TO STATE AND FEDERAL AGENCIES.—State and Federal agencies receiving data or information from the Secretary pursuant to this section shall reimburse the costs incurred by the Secretary in furnishing such data or information, at rates which the Secretary determines to be reasonable (which rates shall include payment for the costs of obtaining, verifying, maintaining, and matching such data or information).

"(l) RESTRICTION ON DISCLOSURE AND USE.—Data in the Federal Parent Locator Service, and information resulting from matches using such data, shall not be used or disclosed except as specifically provided in this section.

"(m) RETENTION OF DATA.—Data in the Federal Parent Locator Service, and data resulting from matches performed pursuant to this section, shall be retained for such period (determined by the Secretary) as appropriate for the data uses specified in this section.

"(n) INFORMATION INTEGRITY AND SECURITY.—The Secretary shall establish and implement safeguards with respect to the entities established under this section designed to—

"(1) ensure the accuracy and completeness of information in the Federal Parent Locator Service; and

"(2) restrict access to confidential information in the Federal Parent Locator Service to authorized persons, and restrict use of such information to authorized purposes.

"(o) LIMIT ON LIABILITY.—The Secretary shall not be liable to either a State or an individual for inaccurate information provided to a component of the Federal Parent Locator Service section and disclosed by the Secretary in accordance with this section.".

(g) CONFORMING AMENDMENTS.—

(1) TO PART D OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 454(8)(B) (42 U.S.C. 654(8)(B)) is amended to read as follows:

"(B) the Federal Parent Locator Service established under section 453;".

(2) TO FEDERAL UNEMPLOYMENT TAX ACT.—Section 3304(16) of the Internal Revenue Code of 1986 is amended—

(A) by striking "Secretary of Health, Education, and Welfare" each place such term appears and inserting "Secretary of Health and Human Services";

(B) in subparagraph (B), by striking "such information" and all that follows and inserting "information furnished under subparagraph (A) or (B) is used only for the purposes authorized under such subparagraph;";

(C) by striking "and" at the end of subparagraph (A);

(D) by redesignating subparagraph (B) as subparagraph (C); and

(E) by inserting after subparagraph (A) the following new subparagraph:

"(B) wage and unemployment compensation information contained in the records of such agency shall be furnished to the Secretary of Health and Human Services (in accordance with regulations promulgated by such Secretary) as necessary for the purposes of the directory of New Hires established under section 453(i) of the Social Security Act, and".

(3) TO STATE GRANT PROGRAM UNDER TITLE III OF THE SOCIAL SECURITY ACT.—Section 303(a) (42 U.S.C. 503(a)) is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; and"; and

(C) by adding after paragraph (9) the following new paragraph:

"(10) The making of quarterly electronic reports, at such dates, in such format, and containing such information, as required by the Secretary of Health and Human Services under section 453(i)(3), and compliance with such provisions as such Secretary may find necessary to ensure the correctness and verification of such reports.".

SEC. 426. USE OF SOCIAL SECURITY NUMBERS.

(a) STATE LAW REQUIREMENT.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 401(a) of this Act, is amended by inserting after paragraph (12) the following:

"(13) SOCIAL SECURITY NUMBERS REQUIRED.—Procedures requiring the recording of social security numbers—

"(A) of both parties on marriage licenses and divorce decrees; and

"(B) of both parents, on birth records and child support and paternity orders.".

(b) CLARIFICATION OF FEDERAL POLICY.—Section 205(c)(2)(C)(ii) (42 U.S.C. 405(c)(2)(C)(ii)) is amended by striking the third sentence and inserting "This clause shall not be considered to authorize disclosure of such numbers except as provided in the preceding sentence.".

Subtitle D—Streamlining and Uniformity of Procedures

SEC. 431. ADOPTION OF UNIFORM STATE LAWS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 401(a) and 426(a) of this Act, is amended inserting after paragraph (13) the following:

"(14) INTERSTATE ENFORCEMENT.—(A) ADOPTION OF UIFSA.—Procedures under which the State adopts in its entirety (with the modifications and additions specified in this paragraph) not later than January 1, 1997, and uses on and after such date, the Uniform Interstate Family Support Act, as approved by the National Conference of Commissioners on Uniform State Laws in August, 1992.

"(B) EXPANDED APPLICATION OF UIFSA.—The State law adopted pursuant to subparagraph (A) shall be applied to any case—

"(i) involving an order established or modified in one State and for which a subsequent modification is sought in another State; or

"(ii) in which interstate activity is required to enforce an order.

"(C) JURISDICTION TO MODIFY ORDERS.—The State law adopted pursuant to subparagraph (A) of this paragraph shall contain the following provision in lieu of section 611(a)(1) of the Uniform Interstate Family Support Act described in such subparagraph (A):

"'(1) the following requirements are met:

"'(i) the child, the individual obligee, and the obligor—

"'(I) do not reside in the issuing State; and

"'(II) either reside in this State or are subject to the jurisdiction of this State pursuant to section 201; and

"'(ii) (in any case where another State is exercising or seeks to exercise jurisdiction to modify the order) the conditions of section 204 are met to the same extent as required for proceedings to establish orders; or'.

"(D) SERVICE OF PROCESS.—The State law adopted pursuant to subparagraph (A) shall recognize as valid, for purposes of any proceeding subject to such State law, service of process upon persons in the State (and proof of such service) by any means acceptable in another State which is the initiating or responding State in such proceeding.

"(E) COOPERATION BY EMPLOYERS.—The State law adopted pursuant to subparagraph (A) shall provide for the use of procedures (including sanctions for noncompliance) under which all entities in the State (including for-profit, nonprofit, and governmental employers) are required to provide promptly, in response to a request by the State agency of that or any other State administering a program under this part, information on the employment, compensation, and benefits of any individual employed by such entity as an employee or contractor.".

SEC. 432. IMPROVEMENTS TO FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

Section 1738B of title 28, United States Code, is amended—

(1) in subsection (a)(2), by striking "subsection (e)" and inserting "subsections (e), (f), and (i)";

(2) in subsection (b), by inserting after the 2nd undesignated paragraph the following:

"'child's home State' means the State in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the State in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month period.";

(3) in subsection (c), by inserting "by a court of a State" before "is made";

(4) in subsection (c)(1), by inserting "and subsections (e), (f), and (g)" after "located";

(5) in subsection (d)—

(A) by inserting "individual" before "contestant"; and

(B) by striking "subsection (e)" and inserting "subsections (e) and (f)";

(6) in subsection (e), by striking "make a modification of a child support order with respect to a child that is made" and inserting "modify a child support order issued";

(7) in subsection (e)(1), by inserting "pursuant to subsection (i)" before the semicolon;

(8) in subsection (e)(2)—

(A) by inserting "individual" before "contestant" each place such term appears; and

(B) by striking "to that court's making the modification and assuming" and inserting "with the State of continuing, exclusive jurisdiction for a court of another State to modify the order and assume";

(9) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(10) by inserting after subsection (e) the following:

"(f) RECOGNITION OF CHILD SUPPORT ORDERS.—If one or more child support orders have been issued in this or another State with regard to an obligor and a child, a court shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction and enforcement:

"(1) If only one court has issued a child support order, the order of that court must be recognized.

"(2) If two or more courts have issued child support orders for the same obligor and child, and only one of the courts would have continuing, exclusive jurisdiction under this section, the order of that court must be recognized.

"(3) If two or more courts have issued child support orders for the same obligor and child, and only one of the courts would have continuing, exclusive jurisdiction under this section, an order issued by a court in the current home State of the child must be recognized, but if an order has not been issued in the current home State of the child, the order most recently issued must be recognized.

"(4) If two or more courts have issued child support orders for the same obligor and child, and none of the courts would have continuing, exclusive jurisdiction under this section, a court may issue a child support order, which must be recognized.

"(5) The court that has issued an order recognized under this subsection is the court having continuing, exclusive jurisdiction.";

(11) in subsection (g) (as so redesignated)—

(A) by striking "Prior" and inserting "Modified"; and

(B) by striking "subsection (e)" and inserting "subsections (e) and (f)";

(12) in subsection (h) (as so redesignated)—

(A) in paragraph (2), by inserting "including the duration of current payments and other obligations of support" before the comma; and

(B) in paragraph (3), by inserting "arrears under" after "enforce"; and

(13) by adding at the end the following:

"(i) Registration for Modification.—If there is no individual contestant or child residing in the issuing State, the party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another State shall register that order in a State with jurisdiction over the nonmovant for the purpose of modification.".

SEC. 433. STATE LAWS PROVIDING EXPEDITED PROCEDURES.

(a) State Law Requirements.—Section 466 (42 U.S.C. 666) is amended—

(1) in subsection (a)(2), in the first sentence, to read as follows: "Expedited administrative and judicial procedures (including the procedures specified in subsection (c)) for establishing paternity and for establishing, modifying, and enforcing support obligations."; and

(2) by adding after subsection (b) the following new subsection:

"(c) Expedited Procedures.—The procedures specified in this subsection are the following:

"(1) Administrative action by state agency.—Procedures which give the State agency the authority (and recognize and enforce the authority of State agencies of other States), without the necessity of obtaining an order from any other judicial or administrative tribunal (but subject to due process safeguards, including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal), to take the following actions relating to establishment or enforcement of orders:

"(A) Genetic testing.—To order genetic testing for the purpose of paternity establishment as provided in section 466(a)(5).

"(B) Default orders.—To enter a default order, upon a showing of service of process and any additional showing required by State law—

"(i) establishing paternity, in the case of any putative father who refuses to submit to genetic testing; and

"(ii) establishing or modifying a support obligation, in the case of a parent (or other obligor or obligee) who fails to respond to notice to appear at a proceeding for such purpose.

"(C) Subpoenas.—To subpoena any financial or other information needed to establish, modify, or enforce an order, and to sanction failure to respond to any such subpoena.

"(D) Access to personal and financial information.—To obtain access, subject to safeguards on privacy and information security, to the following records (including automated access, in the case of records maintained in automated data bases):

"(i) records of other State and local government agencies, including—

"(I) vital statistics (including records of marriage, birth, and divorce);

"(II) State and local tax and revenue records (including information on residence address, employer, income and assets);

"(III) records concerning real and titled personal property;

"(IV) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

"(V) employment security records;

"(VI) records of agencies administering public assistance programs;

"(VII) records of the motor vehicle department; and

"(VIII) corrections records; and

"(ii) certain records held by private entities, including—

"(I) customer records of public utilities and cable television companies; and

"(II) information (including information on assets and liabilities) on individuals who owe or are owed support (or against or with respect to whom a support obligation is sought) held by financial institutions (subject to limitations on liability of such entities arising from affording such access).

"(E) Income withholding.—To order income withholding in accordance with subsection (a)(1) and (b) of section 466.

"(F) Change in payee.—(In cases where support is subject to an assignment under section 402(a)(26), 471(a)(17), or 1912, or to a requirement to pay through the centralized collections unit under section 454B) upon providing notice to obligor and obligee, to direct the obligor or other payor to change the payee to the appropriate government entity.

"(G) Secure assets to satisfy arrearages.—For the purpose of securing overdue support—

"(i) to intercept and seize any periodic or lump-sum payment to the obligor by or through a State or local government agency, including—

"(I) unemployment compensation, workers' compensation, and other benefits;

"(II) judgments and settlements in cases under the jurisdiction of the State or local government; and

"(III) lottery winnings;

"(ii) to attach and seize assets of the obligor held by financial institutions;

"(iii) to attach public and private retirement funds in appropriate cases, as determined by the Secretary; and

"(iv) to impose liens in accordance with paragraph (a)(4) and, in appropriate cases, to force sale of property and distribution of proceeds.

"(H) Increase monthly payments.—For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages (subject to such conditions or restrictions as the State may provide).

"(I) Suspension of drivers' licenses.—To suspend drivers' licenses of individuals owing past-due support, in accordance with subsection (a)(16).

"(2) Substantive and procedural rules.—The expedited procedures required under subsection (a)(2) shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:

"(A) Locator information; presumptions concerning notice.—Procedures under which—

"(i) the parties to any paternity or child support proceedings are required (subject to privacy safeguards) to file with the tribunal before entry of an order, and to update as appropriate, information on location and identity (including Social Security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer); and

"(ii) in any subsequent child support enforcement action between the same parties, the tribunal shall be authorized, upon sufficient showing that diligent effort has been made to ascertain such party's current location, to deem due process requirements for notice and service of process to be met, with respect to such party, by delivery to the most recent residential or employer address so filed pursuant to clause (i).

"(B) Statewide jurisdiction.—Procedures under which—

"(i) the State agency and any administrative or judicial tribunal with authority to hear child support and paternity cases exerts statewide jurisdiction over the parties, and orders issued in such cases have statewide effect; and

"(ii) (in the case of a State in which orders in such cases are issued by local jurisdictions) a case may be transferred between jurisdictions in the State without need for any additional filing by the petitioner, or service of process upon the respondent, to retain jurisdiction over the parties.".

(c) Exceptions from State Law Requirements.—Section 466(d) (42 U.S.C. 666(d)) is amended—

(1) by striking "(d) If" and inserting the following:

"(d) Exemptions From Requirements.—

"(1) In general.—Subject to paragraph (2), if"; and

(2) by adding at the end the following new paragraph:

"(2) Nonexempt requirements.—The Secretary shall not grant an exemption from the requirements of—

"(A) subsection (a)(5) (concerning procedures for paternity establishment);

"(B) subsection (a)(10) (concerning modification of orders);

"(C) subsection (a)(12) (concerning recording of orders in the central State case registry);

"(D) subsection (a)(13) (concerning recording of Social Security numbers);

"(E) subsection (a)(14) (concerning interstate enforcement); or

"(F) subsection (c) (concerning expedited procedures), other than paragraph (1)(A) thereof (concerning establishment or modification of support amount).".

(d) Automation of State Agency Functions.—Section 454A, as added by section 415(a)(2) of this Act and as amended by sections 421 and 422(c) of this Act, is amended by adding at the end the following new subsection:

"(h) Expedited Administrative Procedures.—The automated system required under this section shall be used, to the maximum extent feasible, to implement any expedited administrative procedures required under section 466(c).".

Subtitle E—Paterntity Establishment

SEC. 441. SENSE OF THE CONGRESS.

It is the sense of the Congress that social services should be provided in hospitals to women who have become pregnant as a result of rape or incest.

SEC. 442. AVAILABILITY OF PARENTING SOCIAL SERVICES FOR NEW FATHERS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 401(a), 426(a), and 431 of this Act, is amended by inserting after paragraph (14) the following:

"(15) Procedures for providing new fathers with positive parenting counseling that stresses the importance of paying child support in a timely manner, in accordance with regulations prescribed by the Secretary.".

SEC. 443. COOPERATION REQUIREMENT AND GOOD CAUSE EXCEPTION.

(a) CHILD SUPPORT ENFORCEMENT REQUIREMENTS.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by inserting after paragraph (24) the following:

"(25) provide that the State agency administering the plan under this part—

"(A) will make the determination specified under paragraph (4), as to whether an individual is cooperating with efforts to establish paternity and secure support (or has good cause not to cooperate with such efforts) for purposes of the requirements of sections 402(a)(26) and 1912;

"(B) will advise individuals, both orally and in writing, of the grounds for good cause exceptions to the requirement to cooperate with such efforts;

"(C) will take the best interests of the child into consideration in making the determination whether such individual has good cause not to cooperate with such efforts;

"(D)(i) will make the initial determination as to whether an individual is cooperating (or has good cause not to cooperate) with efforts to establish paternity within 10 days after such individual is referred to such State agency by the State agency administering the program under part A of title XIX;

"(ii) will make redeterminations as to cooperation or good cause at appropriate intervals; and

"(iii) will promptly notify the individual, and the State agencies administering such programs, of each such determination and redetermination;

"(E) with respect to any child born on or after the date 10 months after enactment of this provision, will not determine (or redetermine) the mother (or other custodial relative) of such child to be cooperating with efforts to establish paternity unless such individual furnishes—

"(i) the name of the putative father (or fathers); and

"(ii) sufficient additional information to enable the State agency, if reasonable efforts were made, to verify the identity of the person named as the putative father (including such information as the putative father's present address, telephone number, date of birth, past or present place of employment, school previously or currently attended, and names and addresses of parents, friends, or relatives able to provide location information, or other information that could enable service of process on such person), and

"(F)(i) (where a custodial parent who was initially determined not to be cooperating (or to have good cause not to cooperate) is later determined to be cooperating or to have good cause not to cooperate) will immediately notify the State agencies administering the programs under part A of title XIX that this eligibility condition has been met; and

"(ii) (where a custodial parent was initially determined to be cooperating (or to have good cause not to cooperate)) will not later determine such individual not to be cooperating (or not to have good cause not to cooperate) until such individual has been afforded an opportunity for a hearing.".

(b) AFDC AMENDMENTS.—

(1) Section 402(a)(11) (42 U.S.C. 602(a)(11)) is amended by striking "furnishing of" and inserting "application for".

(2) Section 402(a)(26) (42 U.S.C. 602(a)(26)) is amended—

(A) in each of subparagraphs (A) and (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II);

(B) by indenting and redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iv), respectively;

(C) in clause (ii), as redesignated—

(i) by striking "is claimed, or in obtaining any other payments or property due such applicant or such child," and inserting "is claimed;"; and

(ii) by striking "unless" and all that follows through "aid is claimed; and";

(D) by adding after clause (ii) the following new clause:

"(iii) to cooperate with the State in obtaining any other payments or property due such applicant or such child; and";

(E) in the matter preceding clause (i) (as so redesignated) to read as follows:

"(26) provide—

"(A) that, as a condition of eligibility for aid, each applicant or recipient will be required (subject to subparagraph (C))—";

(F) in subparagraph (A)(iv), as redesignated, by striking ", unless such individual" and all that follows through "individuals involved";

(G) by adding at the end the following new subparagraphs:

"(B) that the State agency will immediately refer each applicant requiring paternity establishment services to the State agency administering the program under part D;

"(C) that an individual will not be required to cooperate with the State, as provided under subparagraph (A), if the individual is found to have good cause for refusing to cooperate, as determined in accordance with standards prescribed by the Secretary, which standards shall take into consideration the best interests of the child on whose behalf aid is claimed—

"(i) to the satisfaction of the State agency administering the program under part D, as determined in accordance with section 454(25), with respect to the requirements under clauses (i) and (ii) of subparagraph (A); and

"(ii) to the satisfaction of the State agency administering the program under this part, with respect to the requirements under clauses (iii) and (iv) of subparagraph (A);

"(D) that (except as provided in subparagraph (E)) an applicant requiring paternity establishment services (other than an individual eligible for emergency assistance as defined in section 406(e)) shall not be eligible for any aid under a State plan approved under this part until such applicant—

"(i) has furnished to the agency administering the State plan under part D the information specified in section 454(25)(E); or

"(ii) has been determined by such agency to have good cause not to cooperate;

"(E) that the provisions of subparagraph (D) shall not apply—

"(i) if the State agency specified in such subparagraph has not, within 10 days after such individual was referred to such agency, provided the notification required by section 454(25)(D)(iii), until such notification is received; and

"(ii) if such individual appeals a determination that the individual lacks good cause for noncooperation, until after such determination is affirmed after notice and opportunity for a hearing; and"; and

(H)(i) by relocating and redesignating as subparagraph (F) the text at the end of subparagraph (A)(ii) beginning with "that, if the relative" and all that follows through the semicolon;

(ii) in subparagraph (F), as so redesignated and relocated, by striking "subparagraphs (A) and (B) of this paragraph" and inserting "subparagraph (A)"; and

(iii) by striking "and" at the end of subparagraph (a)(ii).

(c) MEDICAID AMENDMENTS.—Section 1912(a) (42 U.S.C. 1396k(a)) is amended—

(1) in paragraph (1)(B), by inserting "(except as provided in paragraph (2))" after "to cooperate with the State";

(2) in subparagraphs (B) and (C) of paragraph (1) by striking ", unless" and all that follows and inserting a semicolon; and

(3) by redesignating paragraph (2) as paragraph (5), and inserting after paragraph (1) the following new paragraphs:

"(2) provide that the State agency will immediately refer each applicant or recipient requiring paternity establishment services to the State agency administering the program under part D of title IV;

"(3) provide that an individual will not be required to cooperate with the State, as provided under paragraph (1), if the individual is found to have good cause for refusing to cooperate, as determined in accordance with standards prescribed by the Secretary, which standards shall take into consideration the best interests of the individuals involved—

"(A) to the satisfaction of the State agency administering the program under part D, as determined in accordance with section 454(25), with respect to the requirements to cooperate with efforts to establish paternity and to obtain support (including medical support) from a parent; and

"(B) to the satisfaction of the State agency administering the program under this title, with respect to other requirements to cooperate under paragraph (1);

"(4) provide that (except as provided in paragraph (5)) an applicant requiring paternity establishment services (other than an individual eligible for emergency assistance as defined in section 406(e), or presumptively eligible pursuant to section 1920) shall not be eligible for medical assistance under this title until such applicant—

"(i) has furnished to the agency administering the State plan under part D of title IV the information specified in section 454(25)(E); or

"(ii) has been determined by such agency to have good cause not to cooperate; and

"(5) provide that the provisions of paragraph (4) shall not apply with respect to an applicant—

"(i) if such agency has not, within 10 days after such individual was referred to such agency, provided the notification required by section 454(25)(D)(iii), until such notification is received); and

"(ii) if such individual appeals a determination that the individual lacks good cause for noncooperation, until after such determination is affirmed after notice and opportunity for a hearing.".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to applications filed in or after the first calendar quarter beginning 10 months or more after the date of the enactment of this Act (or such earlier quarter as the State may select) for aid under a State plan approved under part A of title IV or for medical assistance under a State plan approved under title XIX.

SEC. 444. FEDERAL MATCHING PAYMENTS.

(a) INCREASED BASE MATCHING RATE.—Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended to read as follows:

"(2) The applicable percent for a quarter for purposes of paragraph (1)(A) is—

"(A) for fiscal year 1996, 69 percent;

"(B) for fiscal year 1997, 72 percent; and

"(C) for fiscal year 1998 and succeeding fiscal years, 75 percent.".

(b) MAINTENANCE OF EFFORT.—Section 455 (42 U.S.C. 655) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking "From" and inserting "Subject to subsection (c), from"; and

(2) by inserting after subsection (b) the following:

"(c) MAINTENANCE OF EFFORT.—Notwithstanding subsection (a), total expenditures for the State program under this part for fiscal year 1996 and each succeeding fiscal year, reduced by the percentage specified for such fiscal year under subparagraph (A), (B), or (C)(i) of paragraph (2), shall not be less than such total expenditures for fiscal year 1995, reduced by 66 percent.".

SEC. 445. PERFORMANCE-BASED INCENTIVES AND PENALTIES.

(a) INCENTIVE ADJUSTMENTS TO FEDERAL MATCHING RATE.—Section 458 (42 U.S.C. 658) is amended to read as follows:

"INCENTIVE ADJUSTMENTS TO MATCHING RATE

"SEC. 458. (a) INCENTIVE ADJUSTMENT.—

"(1) IN GENERAL.—In order to encourage and reward State child support enforcement programs which perform in an effective manner, the Federal matching rate for payments to a State under section 455(a)(1)(A), for each fiscal year beginning on or after October 1, 1997, shall be increased by a factor reflecting the sum of the applicable incentive adjustments (if any) determined in accordance with regulations under this section with respect to Statewide paternity establishment and the overall performance of the State in child support enforcement.

"(2) STANDARDS.—

"(A) IN GENERAL.—The Secretary shall specify in regulations—

"(i) the levels of accomplishment, and rates of improvement as alternatives to such levels, which States must attain to qualify for incentive adjustments under this section; and

"(ii) the amounts of incentive adjustment that shall be awarded to States achieving specified accomplishment or improvement levels, which amounts shall be graduated, ranging up to—

"(I) 5 percentage points, in connection with Statewide paternity establishment; and

"(II) 10 percentage points, in connection with overall performance in child support enforcement.

"(B) LIMITATION.—In setting performance standards pursuant to subparagraph (A)(i) and adjustment amounts pursuant to subparagraph (A)(ii), the Secretary shall ensure that the aggregate number of percentage point increases as incentive adjustments to all States do not exceed such aggregate increases as assumed by the Secretary in estimates of the cost of this section as of June 1994, unless the aggregate performance of all States exceeds the projected aggregate performance of all States in such cost estimates.

"(3) DETERMINATION OF INCENTIVE ADJUSTMENT.—

"(A) USE OF PERFORMANCE INDICATORS.—The Secretary shall, for fiscal year 1998 and each succeeding fiscal year, determine the amount (if any) of incentive adjustment for each State on the basis of the data submitted by the State pursuant to section 454(15)(B) with respect to performance indicators established by the Secretary.

"(B) MINIMUM PERFORMANCE REQUIRED.—

"(i) IN GENERAL.—The Secretary shall not determine an incentive adjustment for a State for a fiscal year if the level of performance of the State for the fiscal year with respect to such performance indicators is below the performance threshold established by the Secretary for the State for the fiscal year.

"(ii) ESTABLISHMENT OF STATE PERFORMANCE THRESHOLD.—The performance threshold with respect to such performance indicators for a State and a fiscal year shall be at or above the greater of—

"(I) the national average level of performance with respect to such indicators, as of the date of the enactment of this section; or

"(II) the level of performance of the State with respect to such indicators for the immediately preceding fiscal year.

"(C) DEADLINE FOR ISSUANCE OF REGULATIONS.—Within 90 days after the date of the enactment of this section, the Secretary shall issue regulations setting forth the criteria for awarding incentive adjustments.

"(4) FISCAL YEAR SUBJECT TO INCENTIVE ADJUSTMENT.—The total percentage point increase determined pursuant to this section with respect to a State program in a fiscal year shall apply as an adjustment to the percent applicable under section 455(a)(2) for payments to such State for the succeeding fiscal year.

"(b) DEFINITIONS.—As used in subsection (a):

"(1) STATEWIDE PATERNITY ESTABLISHMENT PERCENTAGE.—The term 'Statewide paternity establishment percentage' means, with respect to a fiscal year, the ratio (expressed as a percentage) of—

"(A) the total number of out-of-wedlock children in the State under one year of age for whom paternity is established or acknowledged during the fiscal year, to

"(B) the total number of children born out of wedlock in the State during such fiscal year.

"(2) OVERALL PERFORMANCE OF THE STATE IN CHILD SUPPORT ENFORCEMENT.—The term 'overall performance of the State in child support enforcement' means a measure or measures of the effectiveness of the State agency in a fiscal year which takes into account factors including—

"(A) the percentage of cases requiring a child support order in which such an order was established;

"(B) the percentage of cases in which child support is being paid;

"(C) the ratio of child support collected to child support due; and

"(D) the cost-effectiveness of the State program, as determined in accordance with standards established by the Secretary in regulations.".

(b) TITLE IV-D PAYMENT ADJUSTMENT.—Section 455(a)(2) (42 U.S.C. 655(a)(2)), as amended by section 415(a) of this Act, is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(2) by adding after and below subparagraph (C), flush with the left margin of the subsection, the following:

"increased by the incentive adjustment factor (if any) determined by the Secretary pursuant to section 458.".

(c) CONFORMING AMENDMENTS.—Section 454(22) (42 U.S.C. 654(22)) is amended—

(1) by striking "incentive payments" the 1st place such term appears and inserting "incentive adjustments"; and

(2) by striking "any such incentive payments made to the State for such period" and inserting "any increases in Federal payments to the State resulting from such incentive adjustments".

(d) CALCULATION OF IV-D PATERNITY ESTABLISHMENT PERCENTAGE.—

(1) Section 452(g)(1) (42 U.S.C. 652(g)(1)) is amended in the matter preceding subparagraph (A) by inserting "its overall performance in child support enforcement is satisfactory (as defined in section 458(b) and regulations of the Secretary), and" after "1994,".

(2) Section 452(g)(2)(A) (42 U.S.C. 652(g)(2)(A)) is amended in the matter preceding clause (i)—

(A) by striking "paternity establishment percentage" and inserting "IV-D paternity establishment percentage"; and

(B) by striking "(or all States, as the case may be)".

(3) Section 452(g)(3) (42 U.S.C. 652(g)(3)) is amended—

(A) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(B) in subparagraph (A) (as so redesignated), by striking "the percentage of children born out-of-wedlock in a State" and inserting "the percentage of children in a State who are born out of wedlock or for whom support has not been established"; and

(C) in subparagraph (B) (as so redesignated)—

(i) by inserting "and overall performance in child support enforcement" after "paternity establishment percentages"; and

(ii) by inserting "and securing support" before the period.

(e) TITLE IV-A PAYMENT REDUCTION.—Section 403 (42 U.S.C. 603) is amended—

(1) in subsection (a), by striking "1958—" and inserting "1958—" (subject to subsection (h))—";

(2) in subsection (h), by striking all that precedes paragraph (3) and inserting the following:

"(h)(1) If the Secretary finds, with respect to a State program under this part in a fiscal year beginning on or after October 1, 1996—

"(A)(i) on the basis of data submitted by a State pursuant to section 454(15)(B), that the State program in such fiscal year failed to achieve the IV-D paternity establishment percentage (as defined in section 452(g)(2)(A)) or the appropriate level of overall performance in child support enforcement (as defined in section 458(b)(2)), or to meet other performance measures that may be established by the Secretary, or

"(ii) on the basis of an audit or audits of such State data conducted pursuant to section 452(a)(4)(C), that the State data submitted pursuant to section 454(15)(B) is incomplete or unreliable; and

"(B) that, with respect to the succeeding fiscal year—

"(i) the State failed to take sufficient corrective action to achieve the appropriate performance levels as described in subparagraph (A)(i), or

"(ii) the data submitted by the State pursuant to section 454(15)(B) is incomplete or unreliable,

the amounts otherwise payable to the State under this part for quarters following the end of such succeeding fiscal year, prior to quarters following the end of the first quarter throughout which the State program is in compliance with such performance requirement, shall be reduced by the percentage specified in paragraph (2).

"(2) The reductions required under paragraph (1) shall be—

"(A) not less than 1 nor more than 2 percent, or

"(B) not less than 2 nor more than 3 percent, if the finding is the 2nd consecutive finding made pursuant to paragraph (1), or

"(C) not less than 3 nor more than 5 percent, if the finding is the 3rd or a subsequent consecutive such finding."; and

(3) in subsection (h)(3), by striking "not in full compliance" and all that follows and inserting "determined as a result of an audit to have submitted incomplete or unreliable data pursuant to section 454(15)(B), shall be determined to have submitted adequate data if the Secretary determines that the extent of the incompleteness or unreliability of the data is of a technical nature which does not adversely affect the determination of the level of the State's performance.".

(f) EFFECTIVE DATES.—

(1) INCENTIVE ADJUSTMENTS.—(A) The amendments made by subsections (a), (b), and (c) shall become effective October 1, 1996, except to the extent provided in subparagraph (B).

(B) Section 458 of the Social Security Act, as in effect immediately before the date of the enactment of this section, shall be effective for purposes of incentive payments to States for fiscal years before fiscal year 1998.

(2) PENALTY REDUCTIONS.—(A) The amendments made by subsection (d) shall become effective with respect to calendar quarters beginning on and after the date of enactment of this Act.

(B) The amendments made by subsection (e) shall become effective with respect to calendar quarters beginning on and after the date that is 1 year after the date of enactment of this Act.

SEC. 446. STATE LAWS CONCERNING PATERNITY ESTABLISHMENT.

(a) STATE LAWS REQUIRED.—Section 466(a)(5) (42 U.S.C. 666(a)(5)) is amended—

(1) by striking "(5)" and inserting the following:

"(5) PROCEDURES CONCERNING PATERNITY ESTABLISHMENT.—";

(2) in subparagraph (A)—

(A) by striking "(A)(i)" and inserting the following:

"(A) ESTABLISHMENT PROCESS AVAILABLE FROM BIRTH UNTIL AGE EIGHTEEN.—(i)"; and

(B) by indenting clauses (i) and (ii) so that the left margin of such clauses is 2 ems to the right of the left margin of paragraph (4);

(3) in subparagraph (B)—

(A) by striking "(B)" and inserting the following:

"(B) PROCEDURES CONCERNING GENETIC TESTING.—(i)";

(B) in clause (i), as redesignated, by inserting before the period ", where such request is supported by a sworn statement (I) by such party alleging paternity setting forth facts establishing a reasonable possibility of the requisite sexual contact of the parties, or (II) by such party denying paternity setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact of the parties;";

(C) by inserting after and below clause (i) (as redesignated) the following new clause:

"(ii) Procedures which require the State agency, in any case in which such agency orders genetic testing—

"(I) to pay costs of such tests, subject to recoupment (where the State so elects) from the putative father if paternity is established; and

"(II) to obtain additional testing in any case where an original test result is disputed, upon request and advance payment by the disputing party.";

(4) by striking subparagraphs (C) and (D) and inserting the following:

"(C) PATERNITY ACKNOWLEDGMENT.—(i) Procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and a putative father can sign an acknowledgment of paternity, the putative father and the mother must be given notice, orally, in writing, and in a language that each can understand, of the alternatives to, the legal consequences of, and the rights (including, if 1 parent is a minor, any rights afforded due to minority status) and responsibilities that arise from, signing the acknowledgment.

"(ii) Such procedures must include a hospital-based program for the voluntary acknowledgment of paternity focusing on the period immediately before or after the birth of a child.

"(iii) Such procedures must require the State agency responsible for maintaining birth records to offer voluntary paternity establishment services.

"(iv) The Secretary shall prescribe regulations governing voluntary paternity establishment services offered by hospitals and birth record agencies. The Secretary shall prescribe regulations specifying the types of other entities that may offer voluntary paternity establishment services, and governing the provision of such services, which shall include a requirement that such an entity must use the same notice provisions used by, the same materials used by, provide the personnel providing such services with the same training provided by, and evaluate the provision of such services in the same manner as, voluntary paternity establishment programs of hospitals and birth record agencies.

"(v) Such procedures must require the State and those required to establish paternity to use only the affidavit developed under section 452(a)(7) for the voluntary acknowledgment of paternity, and to give full faith and credit to such an affidavit signed in any other State.

"(D) STATUS OF SIGNED PATERNITY ACKNOWLEDGMENT.—(i) Procedures under which a signed acknowledgment of paternity is considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within 60 days.

"(ii)(I) Procedures under which, after the 60-day period referred to in clause (i), a signed acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

"(II) Procedures under which, after the 60-day period referred to in clause (i), a minor who signs an acknowledgment of paternity other than in the presence of a parent or court-appointed guardian ad litem may rescind the acknowledgment in a judicial or administrative proceeding, until the earlier of—

"(aa) attaining the age of majority; or

"(bb) the date of the first judicial or administrative proceeding brought (after the signing) to establish a child support obligation, visitation rights, or custody rights with respect to the child whose paternity is the subject of the acknowledgment, and at which the minor is represented by a parent, guardian ad litem, or attorney.";

(5) by striking subparagraph (E) and inserting the following:

"(E) BAR ON ACKNOWLEDGMENT RATIFICATION PROCEEDINGS.—Procedures under which no judicial or administrative proceedings are required or permitted to ratify an unchallenged acknowledgment of paternity.";

(6) by striking subparagraph (F) and inserting the following:

"(F) ADMISSIBILITY OF GENETIC TESTING RESULTS.—Procedures—

"(i) requiring that the State admit into evidence, for purposes of establishing paternity, results of any genetic test that is—

"(I) of a type generally acknowledged, by accreditation bodies designated by the Secretary, as reliable evidence of paternity; and

"(II) performed by a laboratory approved by such an accreditation body;

"(ii) that any objection to genetic testing results must be made in writing not later than a specified number of days before any hearing at which such results may be introduced into evidence (or, at State option, not later than a specified number of days after receipt of such results); and

"(iii) that, if no objection is made, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy."; and

(7) by adding after subparagraph (H) the following new subparagraphs:

"(I) NO RIGHT TO JURY TRIAL.—Procedures providing that the parties to an action to establish paternity are not entitled to jury trial.

"(J) TEMPORARY SUPPORT ORDER BASED ON PROBABLE PATERNITY IN CONTESTED CASES.—Procedures which require that a temporary order be issued, upon motion by a party, requiring the provision of child support pending an administrative or judicial determination of parentage, where there is clear and convincing evidence of paternity (on the basis of genetic tests or other evidence).

"(K) PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS.—Procedures under which bills for pregnancy, childbirth, and genetic testing are admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for such services and testing on behalf of the child.

"(L) WAIVER OF STATE DEBTS FOR COOPERATION.—At the option of the State, procedures under which the tribunal establishing paternity and support has discretion to waive rights to all or part of amounts owed to the State (but not to the mother) for costs related to pregnancy, childbirth, and genetic testing and for public assistance paid to the family where the father cooperates or acknowledges paternity before or after genetic testing.

"(M) STANDING OF PUTATIVE FATHERS.—Procedures ensuring that the putative father has a reasonable opportunity to initiate a paternity action.''.

(b) NATIONAL PATERNITY ACKNOWLEDGMENT AFFIDAVIT.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting '', and develop an affidavit to be used for the voluntary acknowledgment of paternity which shall include the social security account number of each parent'' before the semicolon.

(c) TECHNICAL AMENDMENT.—Section 468 (42 U.S.C. 668) is amended by striking ''a simple civil process for voluntarily acknowledging paternity and''.

SEC. 447. OUTREACH FOR VOLUNTARY PATERNITY ESTABLISHMENT.

(a) STATE PLAN REQUIREMENT.—Section 454(23) (42 U.S.C. 654(23)) is amended by adding at the end the following new subparagraph:

''(C) publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support through a variety of means, which—

''(i) include distribution of written materials at health care facilities (including hospitals and clinics), and other locations such as schools;

''(ii) may include pre-natal programs to educate expectant couples on individual and joint rights and responsibilities with respect to paternity (and may require all expectant recipients of assistance under part A to participate in such pre-natal programs, as an element of cooperation with efforts to establish paternity and child support);

''(iii) include, with respect to each child discharged from a hospital after birth for whom paternity or child support has not been established, reasonable follow-up efforts (including at least one contact of each parent whose whereabouts are known, except where there is reason to believe such follow-up efforts would put mother or child at risk), providing—

''(I) in the case of a child for whom paternity has not been established, information on the benefits of and procedures for establishing paternity; and

''(II) in the case of a child for whom paternity has been established but child support has not been established, information on the benefits of and procedures for establishing a child support order, and an application for child support services;''.

(b) ENHANCED FEDERAL MATCHING.—Section 455(a)(1)(C) (42 U.S.C. 655(a)(1)(C)) is amended—

(1) by inserting ''(i)'' before ''laboratory costs'', and

(2) by inserting before the semicolon '', and (ii) costs of outreach programs designed to encourage voluntary acknowledgment of paternity''.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall become effective October 1, 1997.

(2) The amendments made by subsection (b) shall be effective with respect to calendar quarters beginning on and after October 1, 1996.

Subtitle F—Establishment and Modification of Support Orders

SEC. 451. NATIONAL CHILD SUPPORT GUIDELINES COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''National Child Support Guidelines Commission'' (in this section referred to as the ''Commission'').

(b) GENERAL DUTIES.—The Commission shall develop a national child support guideline for consideration by the Congress that is based on a study of various guideline models, the benefits and deficiencies of such models, and any needed improvements.

(c) MEMBERSHIP.—

(1) NUMBER; APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 12 individuals appointed jointly by the Secretary of Health and Human Services and the Congress, not later than January 15, 1997, of which—

(i) 2 shall be appointed by the Chairman of the Committee on Finance of the Senate, and 1 shall be appointed by the ranking minority member of the Committee;

(ii) 2 shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives, and 1 shall be appointed by the ranking minority member of the Committee; and

(iii) 6 shall be appointed by the Secretary of Health and Human Services.

(B) QUALIFICATIONS OF MEMBERS.—Members of the Commission shall have expertise and experience in the evaluation and development of child support guidelines. At least 1 member shall represent advocacy groups for custodial parents, at least 1 member shall represent advocacy groups for noncustodial parents, and at least 1 member shall be the director of a State program under part D of title IV of the Social Security Act.

(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 2 years. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), clauses (ii) and (iii) of subparagraph (G), and subparagraph (H) of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner in which such provisions apply to the Prospective Payment Assessment Commission.

(e) REPORT.—Not later than 2 years after the appointment of members, the Commission shall submit to the President, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a recommended national child support guideline and a final assessment of issues relating to such a proposed national child support guideline.

(f) TERMINATION.—The Commission shall terminate 6 months after the submission of the report described in subsection (e).

SEC. 452. SIMPLIFIED PROCESS FOR REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS.

(a) IN GENERAL.—Section 466(a)(10) (42 U.S.C. 666(a)(10)) is amended to read as follows:

''(10) PROCEDURES FOR MODIFICATION OF SUPPORT ORDERS.—

''(A)(i) Procedures under which—

''(I) every 3 years, at the request of either parent subject to a child support order, the State shall review and, as appropriate, adjust the order in accordance with the guidelines established under section 467(a) if the amount of the child support award under the order differs from the amount that would be awarded in accordance with such guidelines, without a requirement for any other change in circumstances; and

''(II) upon request at any time of either parent subject to a child support order, the State shall review and, as appropriate, adjust the order in accordance with the guidelines established under section 467(a) based on a substantial change in the circumstances of either such parent.

''(ii) Such procedures shall require both parents subject to a child support order to be notified of their rights and responsibilities provided for under clause (i) at the time the order is issued and in the annual information exchange form provided under subparagraph (B).

''(B) Procedures under which each child support order issued or modified in the State after the effective date of this subparagraph shall require the parents subject to the order to provide each other with a complete statement of their respective financial condition annually on a form which shall be established by the Secretary and provided by the State. The Secretary shall establish regulations for the enforcement of such exchange of information.''.

Subtitle G—Enforcement of Support Orders

SEC. 461. FEDERAL INCOME TAX REFUND OFFSET.

(a) CHANGED ORDER OF REFUND DISTRIBUTION UNDER INTERNAL REVENUE CODE.—Section 6402(c) of the Internal Revenue Code of 1986 is amended by striking the 3rd sentence.

(b) ELIMINATION OF DISPARITIES IN TREATMENT OF ASSIGNED AND NON-ASSIGNED ARREARAGES.—(1) Section 464(a) (42 U.S.C. 664(a)) is amended—

(A) by striking ''(a)'' and inserting ''(a) OFFSET AUTHORIZED.—'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''which has been assigned to such State pursuant to section 402(a)(26) or section 471(a)(17)''; and

(ii) in the second sentence, by striking ''in accordance with section 457 (b)(4) or (d)(3)'' and inserting ''as provided in paragraph (2)'';

(C) in paragraph (2), to read as follows:

''(2) The State agency shall distribute amounts paid by the Secretary of the Treasury pursuant to paragraph (1)—

''(A) in accordance with section 457 (a)(4) or (d)(3), in the case of past-due support assigned to a State pursuant to section 402(a)(26) or section 471(a)(17); and

''(B) to or on behalf of the child to whom the support was owed, in the case of past-due support not so assigned.'';

(D) in paragraph (3)—

(i) by striking ''or (2)'' each place it appears; and

(ii) in subparagraph (B), by striking ''under paragraph (2)'' and inserting ''on account of past-due support described in paragraph (2)(B)''.

(2) Section 464(b) (42 U.S.C. 664(b)) is amended—

(A) by striking ''(b)(1)'' and inserting ''(b) REGULATIONS.—''; and

(B) by striking paragraph (2).

(3) Section 464(c) (42 U.S.C. 664(c)) is amended—

(A) by striking ''(c)(1) Except as provided in paragraph (2), as'' and inserting ''(c) DEFINITION.—As''; and

(B) by striking paragraphs (2) and (3).

(c) TREATMENT OF LUMP-SUM TAX REFUND UNDER AFDC.—

(1) EXEMPTION FROM LUMP-SUM RULE.—Section 402(a)(17) (42 U.S.C. 602(a)(17)) is amended by adding at the end the following: ''but this paragraph shall not apply to income received by a family that is attributable to a child support obligation owed with respect to a member of the family and that is paid to the family from amounts withheld from a Federal income tax refund otherwise payable to the person owing such obligation, to the extent that such income is placed in a qualified asset account (as defined in section 406(j)) the total amounts in which, after such placement, does not exceed $10,000;''.

(2) QUALIFIED ASSET ACCOUNT DEFINED.—Section 406 (42 U.S.C. 606), as amended by

section 402(g)(2) of this Act, is amended by adding at the end the following:

"(j)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of a family receiving aid to families with dependent children to be used for qualified distributions.

"(2) The term 'qualified distribution' means a distribution from a qualified asset account for expenses directly related to 1 or more of the following purposes:

"(A) The attendance of a member of the family at any education or training program.

"(B) The improvement of the employability (including self-employment) of a member of the family (such as through the purchase of an automobile).

"(C) The purchase of a home for the family.

"(D) A change of the family residence.".

(d) Effective Date.—The amendments made by this section shall become effective October 1, 1999.

SEC. 462. INTERNAL REVENUE SERVICE COLLECTION OF ARREARS.

(a) Amendment to Internal Revenue Code.—Section 6305(a) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by inserting "except as provided in paragraph (5)" after "collected";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting a comma;

(4) by adding after paragraph (4) the following new paragraph:

"(5) no additional fee may be assessed for adjustments to an amount previously certified pursuant to such section 452(b) with respect to the same obligor."; and

(5) by striking "Secretary of Health, Education, and Welfare" each place it appears and inserting "Secretary of Health and Human Services".

(b) Effective Date.—The amendments made by this section shall become effective October 1, 1997.

SEC. 463. AUTHORITY TO COLLECT SUPPORT FROM FEDERAL EMPLOYEES.

(a) Consolidation and Streamlining of Authorities.—

(1) Section 459 (42 U.S.C. 659) is amended in the caption by inserting "INCOME WITHHOLDING," before "GARNISHMENT".

(2) Section 459(a) (42 U.S.C. 659(a)) is amended—

(A) by striking "(a)" and inserting "(a) Consent To Support Enforcement.—

(B) by striking "section 207" and inserting "section 207 of this Act and 38 U.S.C. 5301"; and

(C) by striking all that follows "a private person," and inserting "to withholding in accordance with State law pursuant to subsections (a)(1) and (b) of section 466 and regulations of the Secretary thereunder, and to any other legal process brought, by a State agency administering a program under this part or by an individual obligee, to enforce the legal obligation of such individual to provide child support or alimony.".

(3) Section 459(b) (42 U.S.C. 659(b)) is amended to read as follows:

"(b) Consent to Requirements Applicable to Private Person.— Except as otherwise provided herein, each entity specified in subsection (a) shall be subject, with respect to notice to withhold income pursuant to subsection (a)(1) or (b) of section 466, or to any other order or process to enforce support obligations against an individual (if such order or process contains or is accompanied by sufficient data to permit prompt identification of the individual and the moneys involved), to the same requirements as would apply if such entity were a private person.".

(4) Section 459(c) (42 U.S.C. 659(c)) is redesignated and relocated as paragraph (2) of subsection (f), and is amended—

(A) by striking "responding to interrogatories pursuant to requirements imposed by section 461(b)(3)" and inserting "taking actions necessary to comply with the requirements of subsection (A) with regard to any individual"; and

(B) by striking "any of his duties" and all that follows and inserting "such duties.".

(5) Section 461 (42 U.S.C. 661) is amended by striking subsection (b), and section 459 (42 U.S.C. 659) is amended by inserting after subsection (b) (as added by paragraph (3) of this subsection) the following:

"(c) Designation of Agent; Response to Notice or Process.—(1) The head of each agency subject to the requirements of this section shall—

"(A) designate an agent or agents to receive orders and accept service of process; and

"(B) publish (i) in the appendix of such regulations, (ii) in each subsequent republication of such regulations, and (iii) annually in the Federal Register, the designation of such agent or agents, identified by title of position, mailing address, and telephone number.".

(6) Section 459 (42 U.S.C. 659) is amended by striking subsection (d) and by inserting after subsection (c)(1) (as added by paragraph (5) of this subsection) the following:

"(2) Whenever an agent designated pursuant to paragraph (1) receives notice pursuant to subsection (a)(1) or (b) of section 466, or is effectively served with any order, process, or interrogatories, with respect to an individual's child support or alimony payment obligations, such agent shall—

"(A) as soon as possible (but not later than fifteen days) thereafter, send written notice of such notice or service (together with a copy thereof) to such individual at his duty station or last-known home address;

"(B) within 30 days (or such longer period as may be prescribed by applicable State law) after receipt of a notice pursuant to subsection (a)(1) or (b) of section 466, comply with all applicable provisions of such section 466; and

"(C) within 30 days (or such longer period as may be prescribed by applicable State law) after effective service of any other such order, process, or interrogatories, respond thereto.".

(7) Section 461 (42 U.S.C. 661) is amended by striking subsection (c), and section 459 (42 U.S.C. 659) is amended by inserting after subsection (c) (as added by paragraph (5) and amended by paragraph (6) of this subsection) the following:

"(d) Priority of Claims.—In the event that a governmental entity receives notice or is served with process, as provided in this section, concerning amounts owed by an individual to more than one person—

"(1) support collection under section 466(b) must be given priority over any other process, as provided in section 466(b)(7);

"(2) allocation of moneys due or payable to an individual among claimants under section 466(b) shall be governed by the provisions of such section 466(b) and regulations thereunder; and

"(3) such moneys as remain after compliance with subparagraphs (A) and (B) shall be available to satisfy any other such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.".

(8) Section 459(e) (42 U.S.C. 659(e)) is amended by striking "(e)" and inserting the following:

"(e) No Requirement To Vary Pay Cycles.—".

(9) Section 459(f) (42 U.S.C. 659(f)) is amended by striking "(f)" and inserting the following:

"(f) Relief From Liability.—(1)".

(10) Section 461(a) (42 U.S.C. 661(a)) is redesignated and relocated as section 459(g), and is amended—

(A) by striking "(g)" and inserting the following:

"(g) Regulations.—"; and

(B) by striking "section 459" and inserting "this section".

(11) Section 462 (42 U.S.C. 662) is amended by striking subsection (f), and section 459 (42 U.S.C. 659) is amended by inserting the following after subsection (g) (as added by paragraph (10) of this subsection):

"(h) Moneys Subject to Process.—(1) Subject to subsection (i), moneys paid or payable to an individual which are considered to be based upon remuneration for employment, for purposes of this section—

"(A) consist of—

"(i) compensation paid or payable for personal services of such individual, whether such compensation is denominated as wages, salary, commission, bonus, pay, allowances, or otherwise (including severance pay, sick pay, and incentive pay);

"(ii) periodic benefits (including a periodic benefit as defined in section 228(h)(3)) or other payments—

"(I) under the insurance system established by title II;

"(II) under any other system or fund established by the United States which provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by the individual or any other individual;

"(III) as compensation for death under any Federal program;

"(IV) under any Federal program established to provide 'black lung' benefits; or

"(V) by the Secretary of Veterans Affairs as pension, or as compensation for a service-connected disability or death (except any compensation paid by such Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his retired pay in order to receive such compensation); and

"(iii) worker's compensation benefits paid under Federal or State law; but

"(B) do not include any payment—

"(i) by way of reimbursement or otherwise, to defray expenses incurred by such individual in carrying out duties associated with his employment; or

"(ii) as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code, as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty.".

(12) Section 462(g) (42 U.S.C. 662(g)) is redesignated and relocated as section 459(i) (42 U.S.C. 659(i)).

(13)(A) Section 462 (42 U.S.C. 662) is amended—

(i) in subsection (e)(1), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii); and

(ii) in subsection (e), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B).

(B) Section 459 (42 U.S.C. 659) is amended by adding at the end the following:

"(j) DEFINITIONS.—For purposes of this section—".

(C) Subsections (a) through (e) of section 462 (42 U.S.C. 662), as amended by subparagraph (A) of this paragraph, are relocated and redesignated as paragraphs (1) through (4), respectively of section 459(j) (as added by subparagraph (B) of this paragraph, (42 U.S.C. 659(j)), and the left margin of each of such paragraphs (1) through (4) is indented 2 ems to the right of the left margin of subsection (i) (as added by paragraph (12) of this subsection).

(b) CONFORMING AMENDMENTS.—

(1) TO PART D OF TITLE IV.—Sections 461 and 462 (42 U.S.C. 661), as amended by subsection (a) of this section, are repealed.

(2) TO TITLE 5, UNITED STATES CODE.—Section 5520a of title 5, United States Code, is amended, in subsections (h)(2) and (i), by striking "sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662)" and inserting "section 459 of the Social Security Act (42 U.S.C. 659)".

(c) MILITARY RETIRED AND RETAINER PAY.—

(1) DEFINITION OF COURT.—Section 1408(a)(1) of title 10, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding after subparagraph (C) the following new paragraph:

"(D) any administrative or judicial tribunal of a State competent to enter orders for support or maintenance (including a State agency administering a State program under part D of title IV of the Social Security Act).";

(2) DEFINITION OF COURT ORDER.—Section 1408(a)(2) of such title is amended by inserting "or a court order for the payment of child support not included in or accompanied by such a decree or settlement," before "which—".

(3) PUBLIC PAYEE.—Section 1408(d) of such title is amended—

(A) in the heading, by striking "to spouse" and inserting "to (or for benefit of)"; and

(B) in paragraph (1), in the first sentence, by inserting "(or for the benefit of such spouse or former spouse to a State central collections unit or other public payee designated by a State, in accordance with part D of title IV of the Social Security Act, as directed by court order, or as otherwise directed in accordance with such part D)" before "in an amount sufficient".

(4) RELATIONSHIP TO PART D OF TITLE IV.—Section 1408 of such title is amended by adding at the end the following new subsection:

"(j) RELATIONSHIP TO OTHER LAWS.—In any case involving a child support order against a member who has never been married to the other parent of the child, the provisions of this section shall not apply, and the case shall be subject to the provisions of section 459 of the Social Security Act.".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective 6 months after the date of the enactment of this Act.

SEC. 464. ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES.

(a) AVAILABILITY OF LOCATOR INFORMATION.—

(1) MAINTENANCE OF ADDRESS INFORMATION.—The Secretary of Defense shall establish a centralized personnel locator service that includes the address of each member of the Armed Forces under the jurisdiction of the Secretary. Upon request of the Secretary of Transportation, addresses for members of the Coast Guard shall be included in the centralized personnel locator service.

(2) TYPE OF ADDRESS.—

(A) RESIDENTIAL ADDRESS.—Except as provided in subparagraph (B), the address for a member of the Armed Forces shown in the locator service shall be the residential address of that member.

(B) DUTY ADDRESS.—The address for a member of the Armed Forces shown in the locator service shall be the duty address of that member in the case of a member—

(i) who is permanently assigned overseas, to a vessel, or to a routinely deployable unit; or

(ii) with respect to whom the Secretary concerned makes a determination that the member's residential address should not be disclosed due to national security or safety concerns.

(3) UPDATING OF LOCATOR INFORMATION.—Within 30 days after a member listed in the locator service establishes a new residential address (or a new duty address, in the case of a member covered by paragraph (2)(B)), the Secretary concerned shall update the locator service to indicate the new address of the member.

(4) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make information regarding the address of a member of the Armed Forces listed in the locator service available, on request, to the Federal Parent Locator Service.

(b) FACILITATING GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS.—The Secretary of each military department, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to facilitate the granting of leave to a member of the Armed Forces under the jurisdiction of that Secretary in a case in which—

(A) the leave is needed for the member to attend a hearing described in paragraph (2);

(B) the member is not serving in or with a unit deployed in a contingency operation (as defined in section 101 of title 10, United States Code); and

(C) the exigencies of military service (as determined by the Secretary concerned) do not otherwise require that such leave not be granted.

(2) COVERED HEARINGS.—Paragraph (1) applies to a hearing that is conducted by a court or pursuant to an administrative process established under State law, in connection with a civil action—

(A) to determine whether a member of the Armed Forces is a natural parent of a child; or

(B) to determine an obligation of a member of the Armed Forces to provide child support.

(3) DEFINITIONS.—For purposes of this subsection:

(A) The term "court" has the meaning given that term in section 1408(a) of title 10, United States Code.

(B) The term "child support" has the meaning given such term in section 462 of the Social Security Act (42 U.S.C. 662).

(c) PAYMENT OF MILITARY RETIRED PAY IN COMPLIANCE WITH CHILD SUPPORT ORDERS.—

(1) DATE OF CERTIFICATION OF COURT ORDER.—Section 1408 of title 10, United States Code, is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection (i):

"(i) CERTIFICATION DATE.—It is not necessary that the date of a certification of the authenticity or completeness of a copy of a court order or an order of an administrative process established under State law for child support received by the Secretary concerned for the purposes of this section be recent in relation to the date of receipt by the Secretary.".

(2) PAYMENTS CONSISTENT WITH ASSIGNMENTS OF RIGHTS TO STATES.—Section 1408(d)(1) of such title is amended by inserting after the first sentence the following: "In the case of a spouse or former spouse who, pursuant to section 402(a)(26) of the Social Security Act (42 U.S.C. 602(26)), assigns to a State the rights of the spouse or former spouse to receive support, the Secretary concerned may make the child support payments referred to in the preceding sentence to that State in amounts consistent with that assignment of rights.".

(3) ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.—Section 1408(d) of such title is amended by adding at the end the following new paragraph:

"(6) In the case of a court order or an order of an administrative process established under State law for which effective service is made on the Secretary concerned on or after the date of the enactment of this paragraph and which provides for payments from the disposable retired pay of a member to satisfy the amount of child support set forth in the order, the authority provided in paragraph (1) to make payments from the disposable retired pay of a member to satisfy the amount of child support set forth in a court order or an order of an administrative process established under State law shall apply to payment of any amount of child support arrearages set forth in that order as well as to amounts of child support that currently become due.".

SEC. 465. MOTOR VEHICLE LIENS.

Section 466(a)(4) (42 U.S.C. 666(a)(4)) is amended—

(1) by striking "(4) Procedures" and inserting the following:

"(4) LIENS.—

"(A) IN GENERAL.—Procedures"; and

(2) by adding at the end the following new subparagraph:

"(B) MOTOR VEHICLE LIENS.—Procedures for placing liens for arrears of child support on motor vehicle titles of individuals owing such arrears equal to or exceeding two months of support, under which—

"(i) any person owed such arrears may place such a lien;

"(ii) the State agency administering the program under this part shall systematically place such liens;

"(iii) expedited methods are provided for—

"(I) ascertaining the amount of arrears;

"(II) affording the person owing the arrears or other titleholder to contest the amount of arrears or to obtain a release upon fulfilling the support obligation;

"(iv) such a lien has precedence over all other encumbrances on a vehicle title other than a purchase money security interest; and

"(v) the individual or State agency owed the arrears may execute on, seize, and sell the property in accordance with State law.".

SEC. 466. VOIDING OF FRAUDULENT TRANSFERS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 401(a), 426(a), 431, and 442 of this Act, is amended by inserting after paragraph (15) the following:

"(16) FRAUDULENT TRANSFERS.—Procedures under which—

"(A) the State has in effect—

"(i) the Uniform Fraudulent Conveyance Act of 1981,

"(ii) the Uniform Fraudulent Transfer Act of 1984, or

"(iii) another law, specifying indicia of fraud which create a prima facie case that a debtor transferred income or property to avoid payment to a child support creditor, which the Secretary finds affords comparable rights to child support creditors; and

"(B) in any case in which the State knows of a transfer by a child support debtor with respect to which such a prima facie case is established, the State must—

"(i) seek to void such transfer; or

"(ii) obtain a settlement in the best interests of the child support creditor.".

SEC. 467. STATE LAW AUTHORIZING SUSPENSION OF LICENSES.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 401(a), 426(a), 431, 442, and 466 of this Act, is amended by inserting after paragraph (16) the following:

"(17) AUTHORITY TO WITHHOLD OR SUSPEND LICENSES.—Procedures under which the State has (and uses in appropriate cases) authority (subject to appropriate due process safeguards) to withhold or suspend, or to restrict the use of driver's licenses, and professional and occupational licenses of individuals owing overdue child support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.".

SEC. 468. REPORTING ARREARAGES TO CREDIT BUREAUS.

Section 466(a)(7) (42 U.S.C. 666(a)(7)) is amended to read as follows:

"(7) REPORTING ARREARAGES TO CREDIT BUREAUS.—(A) Procedures (subject to safeguards pursuant to subparagraph (B)) requiring the State to report periodically to consumer reporting agencies (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) the name of any absent parent who is delinquent by 90 days or more in the payment of support, and the amount of overdue support owed by such parent.

"(B) Procedures ensuring that, in carrying out subparagraph (A), information with respect to an absent parent is reported—

"(i) only after such parent has been afforded all due process required under State law, including notice and a reasonable opportunity to contest the accuracy of such information; and

"(ii) only to an entity that has furnished evidence satisfactory to the State that the entity is a consumer reporting agency.".

SEC. 469. EXTENDED STATUTE OF LIMITATION FOR COLLECTION OF ARREARAGES.

(a) AMENDMENTS.—Section 466(a)(9) (42 U.S.C. 666(a)(9)) is amended—

(1) by striking "(9) Procedures" and inserting the following:

"(9) LEGAL TREATMENT OF ARREARS.—

"(A) FINALITY.—Procedures";

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and by indenting each of such clauses 2 additional ems to the right; and

(3) by adding after and below subparagraph (A), as redesignated, the following new subparagraph:

"(B) STATUTE OF LIMITATIONS.—Procedures under which the statute of limitations on any arrearages of child support extends at least until the child owed such support is 30 years of age.".

(b) APPLICATION OF REQUIREMENT.—The amendment made by this section shall not be read to require any State law to revive any payment obligation which had lapsed prior to the effective date of such State law.

SEC. 470. CHARGES FOR ARREARAGES.

(a) STATE LAW REQUIREMENT.—Section 466(a) (42 U.S.C. 666(a)), as amended by sections 401(a), 426(a), 431, 442, 466, and 467 of this Act, is amended by inserting after paragraph (17) the following:

"(18) CHARGES FOR ARREARAGES.—Procedures providing for the calculation and collection of interest or penalties for arrearages of child support, and for distribution of such interest or penalties collected for the benefit of the child (except where the right to support has been assigned to the State).".

(b) REGULATIONS.—The Secretary of Health and Human Services shall establish by regulation a rule to resolve choice of law conflicts arising in the implementation of the amendment made by subsection (a).

(c) CONFORMING AMENDMENT.—Section 454(21) (42 U.S.C. 654(21)) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to arrearages accruing on or after October 1, 1998.

SEC. 471. DENIAL OF PASSPORTS FOR NONPAYMENT OF CHILD SUPPORT.

(a) HHS CERTIFICATION PROCEDURE.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 (42 U.S.C. 652), as amended by sections 415(a)(3) and 417 of this Act, is amended by adding at the end the following new subsection:

"(l) CERTIFICATIONS FOR PURPOSES OF PASSPORT RESTRICTIONS.—

"(1) IN GENERAL.—Where the Secretary receives a certification by a State agency in accordance with the requirements of section 454(28) that an individual owes arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months' worth of child support, the Secretary shall transmit such certification to the Secretary of State for action (with respect to denial, revocation, or limitation of passports) pursuant to section 471(b) of the Individual Responsibility Act of 1995.

"(2) LIMIT ON LIABILITY.—The Secretary shall not be liable to an individual for any action with respect to a certification by a State agency under this section.".

(2) STATE CSE AGENCY RESPONSIBILITY.—Section 454 (42 U.S.C. 654), as amended by sections 404(a), 414(b), and 422(a) of this Act, is amended—

(A) by striking "and" at the end of paragraph (26);

(B) by striking the period at the end of paragraph (27) and inserting "; and"; and

(C) by adding after paragraph (27) the following new paragraph:

"(28) provide that the State agency will have in effect a procedure (which may be combined with the procedure for tax refund offset under section 464) for certifying to the Secretary, for purposes of the procedure under section 452(l) (concerning denial of passports) determinations that individuals owe arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months' worth of child support, under which procedure—

"(A) each individual concerned is afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and

"(B) the certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require.".

(b) STATE DEPARTMENT PROCEDURE FOR DENIAL OF PASSPORTS.—

(1) IN GENERAL.—The Secretary of State, upon certification by the Secretary of Health and Human Services, in accordance with section 452(l) of the Social Security Act, that an individual owes arrearages of child support in excess of $5,000, shall refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual.

(2) LIMIT ON LIABILITY.—The Secretary of State shall not be liable to an individual for any action with respect to a certification by a State agency under this section.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective October 1, 1996.

SEC. 472. INTERNATIONAL CHILD SUPPORT ENFORCEMENT.

(a) SENSE OF THE CONGRESS THAT THE UNITED STATES SHOULD RATIFY THE UNITED NATIONS CONVENTION OF 1956.—It is the sense of the Congress that the United States should ratify the United Nations Convention of 1956.

(b) TREATMENT OF INTERNATIONAL CHILD SUPPORT CASES AS INTERSTATE CASES.—Section 454 (42 U.S.C. 654), as amended by sections 404(a), 414(b), 422(a), and 471(a)(2) of this Act, is amended—

(1) by striking "and" at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting "; and"; and

(3) by inserting after paragraph (28) the following:

"(29) provide that the State must treat international child support cases in the same manner as the State treats interstate child support cases.".

SEC. 473. SEIZURE OF LOTTERY WINNINGS, SETTLEMENTS, PAYOUTS, AWARDS, AND BEQUESTS, AND SALE OF FORFEITED PROPERTY, TO PAY CHILD SUPPORT ARREARAGES.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 401(a), 426(a), 431, 442, 466, 467, and 470(a) of this Act, is amended by inserting after paragraph (18) the following:

"(19) Procedures, in addition to other income withholding procedures, under which a lien is imposed against property with the following effect:

"(A) The distributor of the winnings from a State lottery or State-sanctioned or tribal-sanctioned gambling house or casino shall—

"(i) suspend payment of the winnings from the person otherwise entitled to the payment until an inquiry is made to and a response is received from the State child support enforcement agency as to whether the person owes a child support arrearage; and

"(ii) if there is such an arrearage, withhold from the payment the lesser of the amount of the payment or the amount of the arrearage, and pay the amount withheld to the agency for distribution.

"(B) The person required to make a payment under a policy of insurance or a settlement of a claim made with respect to the policy shall—

"(i) suspend the payment until an inquiry is made to and a response received from the agency as to whether the person otherwise entitled to the payment owes a child support arrearage; and

"(ii) if there is such an arrearage, withhold from the payment the lesser of the amount of the payment or the amount of the arrearage, and pay the amount withheld to the agency for distribution.

"(C) The payor of any amount pursuant to an award, judgment, or settlement in any action brought in Federal or State court shall—

"(i) suspend the payment of the amount until an inquiry is made to and a response is received from the agency as to whether the person otherwise entitled to the payment owes a child support arrearage; and

"(ii) if there is such an arrearage, withhold from the payment the lesser of the amount of the payment or the amount of the arrearage, and pay the amount withheld to the agency for distribution.

"(D) If the State seizes property forfeited to the State by an individual by reason of a criminal conviction, the State shall—

"(i) hold the property until an inquiry is made to and a response is received from the agency as to whether the individual owes a child support arrearage; and

"(ii) if there is such an arrearage, sell the property and, after satisfying the claims of all other private or public claimants to the property and deducting from the proceeds of the sale the attendant costs (such as for towing, storage, and the sale), pay the lesser of the remaining proceeds or the amount of the arrearage directly to the agency for distribution.

"(E) Any person required to make a payment in respect of a decedent shall—

"(i) suspend the payment until an inquiry is made to and a response received from the agency as to whether the person otherwise entitled to the payment owes a child support arrearage; and

"(ii) if there is such an arrearage, withhold from the payment the lesser of the amount of the payment or the amount of the arrearage, and pay the amount withheld to the agency for distribution.".

SEC. 474. LIABILITY OF GRANDPARENTS FOR FINANCIAL SUPPORT OF CHILDREN OF THEIR MINOR CHILDREN.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 401(a), 426(a), 431, 442, 466, 467, 470(a), and 473 of this Act, is amended by inserting after paragraph (19) the following:

"(20) Procedures under which each parent of an individual who has not attained 18 years of age is liable for the financial support of any child of the individual to the extent that the individual is unable to provide such support. The preceding sentence shall not apply to the State if the State plan explicitly provides for such inapplicability.".

SEC. 475. SENSE OF THE CONGRESS REGARDING PROGRAMS FOR NONCUSTODIAL PARENTS UNABLE TO MEET CHILD SUPPORT OBLIGATIONS.

It is the sense of the Congress that the States should develop programs, such as the program of the State of Wisconsin known as the "Children's First Program", that are designed to work with noncustodial parents who are unable to meet their child support obligations.

Subtitle H—Medical Support

SEC. 481. TECHNICAL CORRECTION TO ERISA DEFINITION OF MEDICAL CHILD SUPPORT ORDER.

(a) IN GENERAL.—Section 609(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(2)(B)) is amended—

(1) by striking "issued by a court of competent jurisdiction";

(2) by striking the period at the end of clause (ii) and inserting a comma; and

(3) by adding, after and below clause (ii), the following:

"if such judgment, decree, or order (I) is issued by a court of competent jurisdiction or (II) is issued by an administrative adjudicator and has the force and effect of law under applicable State law.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1996.—Any amendment to a plan required to be made by an amendment made by this section shall not be required to be made before the first plan year beginning on or after January 1, 1996, if—

(A) during the period after the date before the date of the enactment of this Act and before such first plan year, the plan is operated in accordance with the requirements of the amendments made by this section, and

(B) such plan amendment applies retroactively to the period after the date before the date of the enactment of this Act and before such first plan year.

A plan shall not be treated as failing to be operated in accordance with the provisions of the plan merely because it operates in accordance with this paragraph.

SEC. 482. EXTENSION OF MEDICAID ELIGIBILITY FOR FAMILIES LOSING AFDC DUE TO INCREASED CHILD SUPPORT COLLECTIONS.

Section 402(a) (42 U.S.C. 602(a)), as amended by the other provisions of this Act, is amended—

(1) by striking "and" at the end of paragraph (55);

(2) by striking the period at the end of paragraph (56) and inserting "; and"; and

(3) by inserting after paragraph (56) the following:

"(57) provide that each member of a family which would be eligible for aid under the State plan but for the receipt of child support payments shall be considered to be receiving such aid for purposes of eligibility for medical assistance under the State plan approved under title XIX for so long as the family would (but for such receipt) be eligible for such aid.".

Subtitle I—Effect of Enactment

SEC. 491. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise specifically provided (but subject to subsections (b) and (c))—

(1) provisions of this title requiring enactment or amendment of State laws under section 466 of the Social Security Act, or revision of State plans under section 454 of such Act, shall be effective with respect to periods beginning on and after October 1, 1996; and

(2) all other provisions of this title shall become effective upon enactment.

(b) GRACE PERIOD FOR STATE LAW CHANGES.—The provisions of this title shall become effective with respect to a State on the later of—

(1) the date specified in this title, or

(2) the effective date of laws enacted by the legislature of such State implementing such provisions,

but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) GRACE PERIOD FOR STATE CONSTITUTIONAL AMENDMENT.—A State shall not be found out of compliance with any requirement enacted by this title if it is unable to comply without amending the State constitution until the earlier of—

(1) the date one year after the effective date of the necessary State constitutional amendment, or

(2) the date five years after enactment of this title.

SEC. 492. SEVERABILITY.

If any provision of this title or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this title which can be given effect without regard to the invalid provision or application, and to this end the provisions of this title shall be severable.

TITLE V—TEEN PREGNANCY AND FAMILY STABILITY

Subtitle A—Federal Role

SEC. 501. STATE OPTION TO DENY AFDC FOR ADDITIONAL CHILDREN.

(a) IN GENERAL.—Section 402(a) (42 U.S.C. 602(a)), as amended by sections 101, 102, 211(a), 232, and 301(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (49);

(2) by striking the period at the end of paragraph (50) and inserting "; and"; and

(3) by inserting after paragraph (50) the following:

"(51) at the option of the State, provide that—

"(A)(i) notwithstanding paragraph (7)(A), the needs of a child will not be taken into account in making the determination under paragraph (7) with respect to the family of the child if the child was born (other than as a result of rape or incest) to a member of the family—

"(I) while the family was a recipient of aid under the State plan; or

"(II) during the 6-month period ending with the date the family applied for such aid; and

"(ii) if the amount of aid payable to a family under the State plan is reduced by reason of subparagraph (A), each member of the family shall be considered to be receiving such aid for purposes of eligibility for medical assistance under the State plan approved under title XIX for so long as such aid would otherwise not be so reduced; and

"(B) if the State exercises the option, the State may provide the family with vouchers, in amounts not exceeding the amount of any such reduction in aid, that may be used only to pay for particular goods and services specified by the State as suitable for the care of the child of the parent (such as diapers, clothing, or school supplies).".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to payments under a State plan approved under part A of title IV of the Social Security Act for months beginning after the date of the enactment of this Act, and to payments to States under such part for quarters beginning after such date.

SEC. 502. MINORS RECEIVING AFDC REQUIRED TO LIVE UNDER RESPONSIBLE ADULT SUPERVISION.

Section 402(a)(43) (42 U.S.C. 602(a)(43)) is amended by striking "at the option of the State,".

SEC. 503. NATIONAL CLEARINGHOUSE ON ADOLESCENT PREGNANCY.

(a) IN GENERAL.—Title XX (42 U.S.C. 1397–1397f), as amended by section 222(b) of this Act, is amended by adding at the end the following:

"SEC. 2010. NATIONAL CLEARINGHOUSE ON ADOLESCENT PREGNANCY.

"(a) NATIONAL CLEARINGHOUSE ON ADOLESCENT PREGNANCY.—

"(1) ESTABLISHMENT.—The responsible Federal officials shall establish, through grant or contract, a national center for the collection and provision of programmatic information and technical assistance that relates to adolescent pregnancy prevention programs, to be known as the 'National Clearinghouse on Adolescent Pregnancy Prevention Programs'.

"(2) Functions.—The national center established under paragraph (1) shall serve as a national information and data clearinghouse, and as a training, technical assistance, and material development source for adolescent pregnancy prevention programs. Such center shall—

"(A) develop and maintain a system for disseminating information on all types of adolescent pregnancy prevention program and on the state of adolescent pregnancy prevention program development, including information concerning the most effective model programs;

"(B) develop and sponsor a variety of training institutes and curricula for adolescent pregnancy prevention program staff;

"(C) identify model programs representing the various types of adolescent pregnancy prevention programs;

"(D) develop technical assistance materials and activities to assist other entities in establishing and improving adolescent pregnancy prevention programs;

"(E) develop networks of adolescent pregnancy prevention programs for the purpose of sharing and disseminating information; and

"(F) conduct such other activities as the responsible Federal officials find will assist in developing and carrying out programs or activities to reduce adolescent pregnancy.

"(b) Funding.—The responsible Federal officials shall make grants to eligible entities for the establishment and operation of a National Clearinghouse on Adolescent Pregnancy Prevention Programs under subsection (a) so that in the aggregate the expenditures for such grants do not exceed $2,000,000 for fiscal year 1996, $4,000,000 for fiscal year 1997, $8,000,000 for fiscal year 1998, and $10,000,000 for fiscal year 1999 and each subsequent fiscal year.

"(c) Definitions.—As used in this section:

"(1) Adolescents.—The term 'adolescents' means youth who are ages 10 through 19.

"(2) Eligible entity.—The term 'eligible entity' means a partnership that includes—

"(A) a local education agency, acting on behalf of one or more schools, together with

"(B) one or more community-based organizations, institutions of higher education, or public or private agencies or organizations.

"(3) Eligible area.—The term 'eligible area' means a school attendance area in which—

"(A) at least 75 percent of the children are from low-income families as that term is used in part A of title I of the Elementary and Secondary Education Act of 1965; or

"(B) the number of children receiving Aid to Families with Dependent Children under part A of title IV is substantial as determined by the responsible Federal officials; or

"(C) the unmarried adolescent birth rate is high, as determined by the responsible Federal officials.

"(4) School.—The term 'school' means a public elementary, middle, or secondary school.

"(5) Responsible federal officials.—The term 'responsible Federal officials' means the Secretary of Education, the Secretary of Health and Human Services, and the Chief Executive Officer of the Corporation for National and Community Service.".

(b) Effective Date.—The amendment made by this section shall become effective October 1, 1994.

SEC. 504. INCENTIVE FOR TEEN PARENTS TO ATTEND SCHOOL.

Section 402(a) (42 U.S.C. 602(a)), as amended by sections 101, 102, 211(a), 232, 301(a), and 501(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (50);

(2) by striking the period at the end of paragraph (51) and inserting "; and"; and

(3) by inserting after paragraph (51) the following:

"(52) provide that the amount of aid otherwise payable under the plan for a month to a family that includes a parent who has not attained 20 years of age and has not completed secondary school (or received a certificate of high school equivalency) may be reduced by 25 percent if, during the immediately preceding month, the parent has failed without good cause (as defined by the State in consultation with the Secretary) to maintain minimum attendance (as defined by the State in consultation with the Secretary) at an educational institution.".

SEC. 505. STATE OPTION TO DISREGARD 100-HOUR RULE UNDER AFDC-UP PROGRAM.

Section 407(a) (42 U.S.C. 607(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) A standard prescribed pursuant to paragraph (1) that imposes a limit on the amount of time during which a parent who is the principal earner in a family in which both parents are married may be employed during a month shall not apply to a State if the State plan under this part explicitly provides for such inapplicability.".

SEC. 506. STATE OPTION TO DISREGARD 6-MONTH LIMITATION ON AFDC-UP BENEFITS.

Section 407(b)(2)(B) (42 U.S.C. 607(b)(2)(B)) is amended by adding at the end the following:

"(iv) A regulation prescribed by the Secretary that limits the length of time with respect to which a family of a dependent child in which both parents are married may receive aid to families with dependent children by reason of this section shall not apply to a State if the State plan under this part explicitly provides for such inapplicability.".

SEC. 507. ELIMINATION OF QUARTERS OF COVERAGE REQUIREMENT UNDER AFDC-UP PROGRAM FOR FAMILIES IN WHICH BOTH PARENTS ARE TEENS.

Section 407(b)(1)(A)(iii) (42 U.S.C. 607(b)(1)(A)(iii)) is amended by striking "(iii)(I)" and inserting "(iii) neither of the child's parents have attained 20 years of age, and (I)".

SEC. 508. DENIAL OF FEDERAL HOUSING BENEFITS TO MINORS WHO BEAR CHILDREN OUT-OF-WEDLOCK.

(a) Prohibition of Assistance.—Notwithstanding any other provision of law, a household whose head of household is an individual who has borne a child out-of-wedlock before attaining 18 years of age may not be provided Federal housing assistance for a dwelling unit until attaining such age, unless—

(1) after the birth of the child—

(A) the individual marries an individual who has been determined by the relevant State to be the biological father of the child; or

(B) the biological parent of the child has legal custody of the child and marries an individual who legally adopts the child;

(2) the individual is a biological and custodial parent of another child who was not born out-of-wedlock; or

(3) eligibility for such Federal housing assistance is based in whole or in part on any disability or handicap of a member of the household.

(b) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Covered program.—The term "covered program" means—

(A) the program of rental assistance on behalf of low-income families provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) the public housing program under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(C) the program of rent supplement payments on behalf of qualified tenants pursuant to contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(D) the program of interest reduction payments pursuant to contracts entered into by the Secretary of Housing and Urban Development under section 236 of the National Housing Act (12 U.S.C. 1715z-1);

(E) the program for mortgage insurance provided pursuant to sections 221(d) (3) or (4) of the National Housing Act (12 U.S.C. 1715l(d)) for multifamily housing for low- and moderate-income families;

(F) the rural housing loan program under section 502 of the Housing Act of 1949 (42 U.S.C. 1472);

(G) the rural housing loan guarantee program under section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h));

(H) the loan and grant programs under section 504 of the Housing Act of 1949 (42 U.S.C. 1474) for repairs and improvements to rural dwellings;

(I) the program of loans for rental and cooperative rural housing under section 515 of the Housing Act of 1949 (42 U.S.C. 1485);

(J) the program of rental assistance payments pursuant to contracts entered into under section 521(a)(2)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)(A));

(K) the loan and assistance programs under sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486) for housing for farm labor;

(L) the program of grants and loans for mutual and self-help housing and technical assistance under section 523 of the Housing Act of 1949 (42 U.S.C. 1490c);

(M) the program of grants for preservation and rehabilitation of housing under section 533 of the Housing Act of 1949 (42 U.S.C. 1490m); and

(N) the program of site loans under section 524 of the Housing Act of 1949 (42 U.S.C. 1490d).

(2) Covered project.—The term "covered project" means any housing for which Federal housing assistance is provided that is attached to the project or specific dwelling units in the project.

(3) Federal housing assistance.—The term "Federal housing assistance" means—

(A) assistance provided under a covered program in the form of any contract, grant, loan, subsidy, cooperative agreement, loan or mortgage guarantee or insurance, or other financial assistance; or

(B) occupancy in a dwelling unit that is—

(i) provided assistance under a covered program; or

(ii) located in a covered project and subject to occupancy limitations under a covered program that are based on income.

(4) State.—The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

(c) Limitations on Applicability.—Subsection (a) shall not apply to Federal housing assistance provided for a household pursuant to an application or request for such assistance made by such household before the effective date of this Act if the household was receiving such assistance on the effective date of this Act.

SEC. 509. STATE OPTION TO DENY AFDC TO MINOR PARENTS.

(a) In General.—Section 402(a) (42 U.S.C. 602(a)), as amended by sections 101, 102, 211(a), 232, 301(a), 501(a), and 504 of this Act, is amended—

(1) by striking "and" at the end of paragraph (51);

(2) by striking the period at the end of paragraph (52) and inserting "; and"; and

(3) by inserting after paragraph (52) the following:

"(53)(A) at the option of the State, provide that—

"(i) in making the determination under paragraph (7) with respect to a family, the State may disregard the needs of any family member who is a parent and has not attained 18 years of age or such lesser age as the State may prescribe; and

"(ii) if the amount of aid payable to a family under the State plan is reduced by reason of subparagraph (A), each member of the family shall be considered to be receiving such aid for purposes of eligibility for medical assistance under the State plan approved under title XIX for so long as such aid would otherwise not be so reduced; and

"(B) if the State exercises the option, the State may provide the family with vouchers, in amounts not exceeding the amount of any such reduction in aid, that may be used only to pay for—

"(i) particular goods and services specified by the State as suitable for the care of the child of the parent (such as diapers, clothing, or cribs); and

"(ii) the costs associated with a maternity home, foster home, or other adult-supervised supportive living arrangement in which the parent and the child live.".

(b) Applicability.—The amendments made by subsection (a) shall apply to payments under a State plan approved under part A of title IV of the Social Security Act for months beginning on or after January 1, 1998, and to payments to States under such part for quarters beginning after such date.

Subtitle B—State Role

SEC. 511. TEENAGE PREGNANCY PREVENTION AND FAMILY STABILITY.

(a) Findings.—The Congress finds that—

(1) long-term welfare dependency is increasing driven by illegitimate births;

(2) too many teens are becoming parents and too few are able to responsibly care for and nurture their children;

(3) new research has shown that spending time in a single-parent family puts children at substantially increased risk of dropping out of high school, having a child out-of-wedlock, or being neither in school nor at work; and

(4) between 1986 and 1991, the rate of births to teens aged 15 to 19 rose 24 percent, from 50.2 to 62.1 births per 1,000 females.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) children should be educated about the risks involved in choosing parenthood at an early age;

(2) reproductive family planning and education should be made available to every potential parent so as to give such parents the opportunity to avoid unintended births;

(3) States should use funds provided under title XX of the Social Security Act to provide comprehensive services to youth in high risk neighborhoods, through community organizations, churches, and schools; and

(4) States should work with schools for the early identification and referral of children at risk for parenthood at an early age.

SEC. 512. AVAILABILITY OF FAMILY PLANNING SERVICES.

Section 402(a)(15)(A) (42 U.S.C. 602(a)(15)(A)) is amended by striking "out of wedlock".

TITLE VI—PROGRAM SIMPLIFICATION

Subtitle A—Increased State Flexibility

SEC. 601. STATE OPTION TO PROVIDE AFDC THROUGH ELECTRONIC BENEFIT TRANSFER SYSTEMS.

Section 402(a) (42 U.S.C. 602(a)), as amended by sections 101, 102, 211(a), 232, 301(a), 501(a), 504, and 509(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (52);

(2) by striking the period at the end of paragraph (53) and inserting "; and"; and

(3) by inserting after paragraph (53) the following:

"(54) at the option of the State, provide for the payment of aid under the State plan through the use of electronic benefit transfer systems.".

SEC. 602. DEADLINE FOR ACTION ON APPLICATION FOR WAIVER OF REQUIREMENT APPLICABLE TO PROGRAM OF AID TO FAMILIES WITH DEPENDENT CHILDREN.

Section 1115 (42 U.S.C. 1315) is amended by adding at the end the following:

"(e) The Secretary shall approve or deny an application for a waiver under this section with respect to a requirement of section 402, not later than 90 days after the Secretary receives the application, unless otherwise agreed upon by the Secretary and the applicant.".

Subtitle B—Coordination of AFDC and Food Stamp Programs

SEC. 611. AMENDMENTS TO PART A OF TITLE IV OF THE SOCIAL SECURITY ACT.

(a) State Option to Use Income and Eligibility Verification System.—Section 1137(b) (42 U.S.C. 1320b-7(b)) is amended—

(1) by striking paragraphs (1) and (4), and redesignating paragraphs (2), (3), and (5) as paragraphs (1), (2), and (3), respectively; and

(2) in paragraph (2) (as so redesignated), by adding "or" at the end.

(b) State Option To Use Retrospective Budgeting Without Monthly Reporting.—Section 402(a)(13) (42 U.S.C. 602(a)(13)) is amended—

(1) by striking all that precedes subparagraph (A) and inserting the following:

"(13) provide, at the option of the State and with respect to such category or categories as the State may select and identify in the State plan, that—"; and

(2) in each of subparagraphs (A) and (B), by striking ", in the case of families who are required to report monthly to the State agency pursuant to paragraph (14)".

(c) Exclusion From Income of All Income of Dependent Child Who is a Student.—Section 402(a)(8)(A)(i) (42 U.S.C. 602(a)(8)(A)(i)) is amended—

(1) by striking "earned"; and

(2) by inserting "applying for or" before "receiving".

(d) Exclusion From Income of Certain Energy Assistance Payments Based on Need.—

(1) In general.—Section 402(a)(8)(A) (42 U.S.C. 602(a)(8)(A)), as amended by sections 231 and 242(b)(1) of this Act, is amended—

(A) by striking "and" at the end of clause (ix); and

(B) by adding at the end the following:

"(xi) shall disregard any energy or utility-cost assistance payment based on need, that is paid to any member of the family under—

"(I) a State or local general assistance program; or

"(II) another basic assistance program comparable to general assistance (as determined by the Secretary); and".

(2) Inclusion of energy assistance provided under the LIHEAP program.—Section 402(a)(8)(B) (42 U.S.C. 602(a)(8)(B)) is amended—

(A) by striking "and" at the end of clause (i); and

(B) by adding at the end the following:

"(iii) shall not disregard any assistance provided directly to, or indirectly for the benefit of, any person described in subparagraph (A)(ii) under the Low-Income Home Energy Assistance Act of 1981, notwithstanding section 2605(f)(1) of such Act; and".

(e) Applicability to AFDC of Future Income Exclusions Under Food Stamp Program.—Section 402(a)(8)(A) (42 U.S.C. 602(a)(8)(A)), as amended by sections 231, 242(b)(1) of this Act and by subsection (d)(1) of this section, is amended—

(1) by striking "and" at the end of clause (x); and

(2) by adding at the end the following:

"(xii) shall disregard from the income of any child, relative, or other individual described in clause (ii) applying for aid under the State plan, any child, relative, or other individual so described receiving such aid, or both, any funds that a Federal statute (enacted after the date of the enactment of this clause) excludes from income for purposes of determining eligibility for benefits under the food stamp program under the Food Stamp Act of 1977, the level of benefits under the program, or both, respectively.".

(f) Periodic Reviews.—Section 402(a) (42 U.S.C. 602(a)), as amended by sections 101, 102, 211(a), 232, 301(a), 501(a), 504, 509(a), and 601 of this Act, is amended—

(1) by striking "and" at the end of paragraph (53);

(2) by striking the period at the end of paragraph (54) and inserting "; and"; and

(3) by inserting after paragraph (54) the following:

"(55) provide that the State shall, not less frequently than annually review each determination made under the State plan with respect to the eligibility of each recipient of aid under the State plan;".

(g) Exclusion From Resources of Essential Employment-Related Property.—Section 402(a)(7)(B) (42 U.S.C. 602(a)(7)(B)), as amended by section 242(a) of this Act, is amended—

(1) by striking "or" at the end of clause (iv); and

(2) by inserting ", or (vi) the value of real and tangible personal property (other than currency, commercial paper, and similar property) of a family member that is essential to the employment or self-employment of the member, until the expiration of the 1-year period beginning on the date the member ceases to be so employed or so self-employed" before the semicolon.

(h) Exclusion From Resources of Equity in Certain Income-Producing Real Property.—Section 402(a)(7)(B) (42 U.S.C. 602(a)(7)(B)), as amended by section 242(a) of this Act and by subsection (g) of this section, is amended—

(1) by striking "or" at the end of clause (v); and

(2) by inserting ", or (vii) the equity of any member of the family in real property to which 1 or more members of the family have sole and clear title, that the State agency determines is producing income consistent with the fair market value of the property" before the semicolon.

(i) Exclusion From Resources of Life Insurance Policies.—Section 402(a)(7)(B) (42 U.S.C. 602(a)(7)(B)), as amended by section 242(a) of this Act and by subsections (g) and (h) of this section, is amended—

(1) by striking "or" at the end of clause (vi); and

(2) by inserting ", or (viii) any life insurance policy" before the semicolon.

(j) Exclusion From Resources of Real Property That the Family Is Making a Good Faith Effort to Sell.—Section 402(a)(7)(B)(iii) (42 U.S.C. 602(a)(7)(B)(iii)) is amended—

(1) by striking "for such period or periods of time as the Secretary may prescribe"; and

(2) by striking "any such period" and inserting "any period during which the family is making such an effort".

(k) Prompt Restoration of Benefits Wrongfully Denied.—Section 402(a) (42 U.S.C. 602(a)), as amended by sections 101, 102, 211(a), 232, 301(a), 501(a), 504, 509(a), and 601 of this Act and by subsection (f) of this section, is amended—

(1) by striking "and" at the end of paragraph (54);

(2) by striking the period at the end of paragraph (55) and inserting "; and"; and

(3) by inserting after paragraph (55) the following:

"(56) provide that, upon receipt of a request from a family for the payment of any amount of aid under the State plan the payment of which to the family has been wrongfully denied or terminated, the State shall promptly pay the amount to the family if the wrongful denial or termination occurred not more than 1 year before the date of the request or the date the State agency is notified or otherwise discovers the wrongful denial or termination.".

SEC. 612. AMENDMENTS TO THE FOOD STAMP ACT OF 1977.

(a) Certification Period.—(1) Section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2012(c)) is amended to read as follows:

"(c) 'Certification period' means the period specified by the State agency for which households shall be eligible to receive authorization cards, except that such period shall be—

"(1) 24 months for households in which all adult members are elderly or disabled; and

"(2) not more than 12 months for all other households.".

(2) Section 6(c)(1)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(1)(C)) is amended—

(A) in clause (ii) by adding "and" at the end;

(B) in clause (iii) by striking "; and" at the end and inserting a period; and

(C) by striking clause (iv).

(b) Inclusion of Energy Assistance in Income.—

(1) Amendments to the Food Stamp Act of 1977.—Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended—

(A) in subsection (d)—

(i) by striking paragraph (11); and

(ii) by redesignating paragraphs (12) through (16) as paragraphs (11) through (15), respectively; and

(B) in subsection (k)—

(i) in paragraph (1)(B) by striking ", not including energy or utility-cost assistance,"; and

(ii) in paragraph (2)—

(I) by striking subparagraph (C); and

(II) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (J), respectively.

(2) Amendments to the Low-Income Home Energy Assistance Act of 1981.—Section 2605(f) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)) is amended—

(A) in paragraph (1) by striking "food stamps,"; and

(B) by amending paragraph (2) to read as follows:

"(2) Paragraph (1) shall not apply for any purpose under the Food Stamp Act of 1977.".

(c) Exclusion of Certain JTPA Income.—Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)), as amended by subsection (b), is amended—

(1) by striking "and (15)" and inserting "(15)"; and

(2) by inserting before the period the following:

", and (16) income received under the Job Training Partnership Act by a household member who is less than 19 years of age".

(d) Exclusion of Educational Assistance From Income.—Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by amending paragraph (3) to read as follows: "(3) all educational loans on which payment is deferred (including any loan origination fees or insurance premiums associated with such loans), grants, scholarships, fellowships, veterans' educational benefits, and the like awarded to a household member enrolled at a recognized institution of postsecondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent thereof,"; and

(2) in paragraph (5) by striking "and no portion" and all that follows through "reimbursement".

(e) Limitation on Additional Earned Income Deduction.—The 3rd sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking "earned income that" and all that follows through "report", and inserting "determining an overissuance due to the failure of a household to report earned income".

(f) Exclusion of Essential Employment-Related Property.—Section 5(g)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(3)) is amended to read as follows:

"(3) The value of real and tangible personal property (other than currency, commercial paper, and similar property) of a household member that is essential to the employment or self-employment of such member shall be excluded by the Secretary from financial resources until the expiration of the 1-year period beginning on the date such member ceases to be so employed or so self-employed.".

(g) Exclusion of Life Insurance Policies.—Section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

"(6) The Secretary shall exclude from financial resources the cash value of any life insurance policy owned by a member of a household.".

(h) In-Tandem Exclusions From Income.—Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended by adding at the end the following:

"(n) Whenever a Federal statute enacted after the date of the enactment of this Act excludes funds from income for purposes of determining eligibility, benefit levels, or both under State plans approved under part A of title IV of the Social Security Act, then such funds shall be excluded from income for purposes of determining eligibility, benefit levels, or both, respectively, under the food stamp program of households all of whose members receive benefits under a State plan approved under part A of title IV of the Social Security Act.".

(i) Application of Amendments.—The amendments made by this section shall not apply with respect to certification periods beginning before the effective date of this section.

Subtitle C—Fraud Reduction

SEC. 631. SENSE OF THE CONGRESS IN SUPPORT OF THE EFFORTS OF THE ADMINISTRATION TO ADDRESS THE PROBLEMS OF FRAUD AND ABUSE IN THE SUPPLEMENTAL SECURITY INCOME PROGRAM.

The Congress hereby expresses support for the efforts of the Social Security Administration to reduce fraud and abuse in the supplemental security income program under title XVI of the Social Security Act by implementing a structured approach to disability decisionmaking that takes into consideration the large number of disability claims received while providing a basis for consistent, equitable decisionmaking by claims adjudicators at each level, that provides for the following:

(1) A simplification of the monetary guidelines for determining whether an individual (except those filing for benefits based on blindness) is engaging in substantial gainful activity.

(2) The replacement of a threshold severity requirement for determining whether a claimant has a medically determinable impairment with a threshold inquiry as to whether the claimant has a medically determinable physical or mental impairment that can be demonstrated by acceptable clinical and laboratory diagnostic techniques.

(3) The comparison of an impairment referred to in paragraph (2) with an index of disabling impairments that contains fewer impairments, has less detail and complexity, and does not rely on the concept of "medical equivalence".

(4)(A) The consideration of whether an individual has the ability to perform substantial gainful activity despite any functional loss caused by a medically determinable physical or mental impairment.

(B) The definition of the physical and mental requirements of substantial gainful activity.

(C) The objective measurement, to the extent possible, of whether an individual meets such requirements.

(D) The development, with the assistance of the medical community and other outside experts from disability programs, of standardized criteria which can be used to measure an individual's functional ability.

(E) The assumption by the Social Security Administration of primary responsibility for documenting functional ability using the standardized measurement criteria, with the goal of developing functional assessment instruments that are standardized, accurately measure an individual's functional abilities, and are universally accepted by the public, the advocacy community, and health care professionals.

(F) The use of the results of the standardized functional measurement with a new standard to describe basic physical and mental demands of a baseline of work that represents substantial gainful activity and that exists in significant numbers in the national economy.

(5)(A) An evaluation of whether a child is engaging in substantial gainful activity, whether a child has a medically determinable physical or mental impairment that will meet the duration requirement, and whether a child has an impairment that meets the criteria in the index of disabling impairments.

(B) The development, with the assistance of the medical community and educational experts, of standardized criteria which can be used to measure a child's functional ability to perform a baseline of functions that are comparable to the baseline of occupational demands for an adult.

(C) The conduct of research to specifically identify a skill acquisition threshold to measure broad areas required to develop the ability to perform substantial gainful activity.

SEC. 632. STUDY ON FEASIBILITY OF SINGLE TAMPER-PROOF IDENTIFICATION CARD TO SERVE PROGRAMS UNDER BOTH THE SOCIAL SECURITY ACT AND HEALTH REFORM LEGISLATION.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall conduct a study of the feasibility of issuing, in counterfeit-resistant form, a single identification card which would combine the features of the social security card now issued pursuant to section 205 of the Social Security Act and any health security card which may be provided for in health reform legislation enacted in the 104th Congress. In such study, the Commissioner shall devote particular consideration to—

(1) employment in such card of finger-print identification, bar code validation, a photograph, a hologram, or any other identifiable feature,

(2) the efficiencies and economies which may be achieved by combining the features of the social security card as currently issued and the features of any health security card which might be issued under health reform legislation, and

(3) any costs and risks which might result from combining such features in a single identification card and possible means of alleviating any such costs and risks.

(b) REPORT.—The Commissioner of Social Security shall, not later than 1 year after the date of the enactment of this Act, transmit a report to each House of the Congress setting forth the Commissioner's findings from the study conducted pursuant to subsection (a). Such report may include such recommendations for administrative or legislative changes as the Commissioner considers appropriate.

Subtitle D—Additional Provisions

SEC. 641. STATE OPTIONS REGARDING UNEMPLOYED PARENT PROGRAM.

(a) DURATION OF UNEMPLOYMENT AND RECENCY-OF-WORK TESTS.—Section 407(b)(1)(A) (42 U.S.C. 607(b)(1)(A)), as amended by section 507 of this Act, is amended—

(1) by striking the matter preceding clause (i) and inserting the following:

"(A) subject to paragraph (2), shall provide for the payment of aid to families with dependent children with respect to a dependent child within the meaning of subsection (a)—".

(2) in clause (i), by striking "whichever" and inserting "when, if the State chooses to so require (and specifies in its State plan), whichever";

(3) in clause (ii), by inserting "when" before such parent; and

(4) in clause (iii), by inserting "when, if the State chooses to so require (and so specifies in its State plan)" after "(iii)".

(b) STATE OPTION TO EXPAND PROGRAM.—Section 407(a) (42 U.S.C. 607(a)) is amended by inserting "or the unemployment (as defined (if at all) by the State in the State plan approved under section 402)" before "of the parent".

(c) EFFECTIVE DATE.—Subsection (b) and the amendments made by subsection (a) shall become effective October 1, 1996.

SEC. 642. DEFINITION OF ESSENTIAL PERSON.

(a) GENERAL REQUIREMENT.—Section 402 (42 U.S.C. 602), as amended by section 222(a)(1)(A) of this Act, is amended by inserting after subsection (f) the following:

"(g) In order that the State may include the needs of an individual in determining the needs of the dependent child and relative with whom the child is living, such individual must be living in the same home as such child and relative, and—

"(1) furnishing personal services required because of the relative's physical or mental inability to provide care necessary for herself or himself or for the dependent child (which, for purposes of this subsection only, includes a child receiving supplemental security income benefits under title XVI); or

"(2) furnishing child care services, or care for an incapacitated member of the family, that is necessary to permit the caretaker relative—

"(A) to engage in full or part-time employment outside the home, or

"(B) to attend a course of education designed to lead to a high school diploma (or its equivalent) or a course of training on a full or part-time basis, or to participate in the program under part G on a full or part-time basis.".

SEC. 643. "FILL-THE-GAP" BUDGETING.

(a) IN GENERAL.—Section 402(a)(8)(A) (42 U.S.C. 602(a)(8)(A)), as amended by sections 231, 242(b)(1), and 611(d)(1) of this Act, is amended—

(1) by striking "and" at the end of clause (xi); and

(2) by adding at the end the following:

"(xiii) in addition to any other amounts required or permitted by this paragraph to be disregarded in a month, may exempt countable income identified in the State plan by type or source and by amount, but in an amount not exceeding the difference between the State's standard of need applicable to the family and the amount from which all remaining nonexempt income is subtracted to determine the amount of aid payable under the State plan to a family of the same size with no other income;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1997.

SEC. 644. REPEAL OF REQUIREMENT TO MAKE CERTAIN SUPPLEMENTAL PAYMENTS IN STATES PAYING LESS THAN THEIR NEEDS STANDARDS.

Section 402(a)(28) (42 U.S.C. 602(a)(28)) is hereby repealed.

SEC. 645. COLLECTION OF AFDC OVERPAYMENTS FROM FEDERAL TAX REFUNDS.

(a) AUTHORITY TO INTERCEPT TAX REFUND.—(1) Part A of title IV (42 U.S.C. 601-617) is amended by adding at the end the following:

"COLLECTION OF OVERPAYMENTS FROM FEDERAL TAX REFUNDS

"SEC. 418. (a) Upon receiving notice from a State agency administering a plan approved under this part that a named individual has been overpaid under the State plan approved under this part, the Secretary of the Treasury shall determine whether any amounts as refunds of Federal taxes paid are payable to such individual, regardless of whether such individual filed a tax return as a married or unmarried individual. If the Secretary of the Treasury finds that any such amount is payable, he shall withhold from such refunds an amount equal to the overpayment sought to be collected by the State and pay such amount to the State agency.

"(b) The Secretary of the Treasury shall issue regulations, approved by the Secretary of Health and Human Services, that provide—

"(1) that a State may only submit under subsection (a) requests for collection of overpayments with respect to individuals (A) who are no longer receiving aid under the State plan approved under this part, (B) with respect to whom the State has already taken appropriate action under State law against the income or resources of the individuals or families involved as required under section 402(a)(22) (B), and (C) to whom the State agency has given notice of its intent to request withholding by the Secretary of the Treasury from their income tax refunds;

"(2) that the Secretary of the Treasury will give a timely and appropriate notice to any other person filing a joint return with the individual whose refund is subject to withholding under subsection (a); and

"(3) the procedures that the State and the Secretary of the Treasury will follow in carrying out this section which, to the maximum extent feasible and consistent with the specific provisions of this section, will be the same as those issued pursuant to section 464(b) applicable to collection of past-due child support.".

(2) Section 6402 of the Internal Revenue Code of 1986 (as amended by section 443(a) of this Act) is amended—

(A) in subsection (a), by striking "(c) and (d)" and inserting "(c), (d), and (e)";

(B) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(C) by inserting after subsection (d) the following:

"(g) COLLECTION OF OVERPAYMENTS UNDER TITLE IV-A OF THE SOCIAL SECURITY ACT.—The amount of any overpayment to be refunded to the person making the overpayment shall be reduced (after reductions pursuant to subsections (c) and (d), but before a credit against future liability for an internal revenue tax) in accordance with section 418 of the Social Security Act (concerning recovery of overpayments to individuals under State plans approved under part A of title IV of such Act).".

(b) CONFORMING AMENDMENT.—Section 552a(a)(8)(B)(iv)(III) of title 5, United States Code, is amended by striking "section 464 or 1137 of the Social Security Act" and inserting "section 419, 464, or 1137 of the Social Security Act."

SEC. 646. TERRITORIES.

(a) IN GENERAL.—Section 1108(a) (42 U.S.C. 1308(a)) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) for payment to Puerto Rico shall not exceed—

"(A) $82,000,000 with respect to fiscal years 1994, 1995, and 1996, and

"(B) $102,500,000 or, if greater, such amount adjusted by the CPI (as prescribed in subsection (f)) for fiscal year 1997 and each fiscal year thereafter;

"(2) for payment to the Virgin Islands shall not exceed—

"(A) $2,800,000 with respect to fiscal years 1994, 1995, and 1996, and

"(B) $3,500,000 or, if greater, such amount adjusted by the CPI (as prescribed in subsection (f)) for fiscal year 1997 and each fiscal year thereafter; and

"(3) for payment to Guam shall not exceed—

"(A) $3,800,000 with respect to fiscal year 1994, 1995, and 1996, and

"(B) $4,750,000 or, if greater, such amount adjusted by the CPI (as prescribed in subsection (f)), for fiscal year 1997 and each fiscal year thereafter.".

(b) CPI ADJUSTMENT.—Section 1108 (42 U.S.C. 1308) is amended by adding at the end the following:

"(f) For purposes of subsection (a), an amount is 'adjusted by the CPI' for months in calendar year by multiplying that amount by the ratio of the Consumer Price Index as prepared by the Department of Labor for—

"(1) the third quarter of the preceding calendar year, to

"(2) the third quarter of calendar year 1996, and rounding the product, if not a multiple of $10,000, to the nearer multiple of $10,000.".

SEC. 647. DISREGARD OF STUDENT INCOME.

(a) IN GENERAL.—Section 402(a)(8)(A)(i) (42 U.S.C. 602(a)(8)(A)(i)) is amended by striking "dependent child" and all that follows and inserting "individual who has not attained 19 years of age and is an elementary or secondary school student".

(b) CONFORMING AMENDMENTS.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (8)(A)(vii)—

(A) by striking "a dependent child who is a full-time student" and inserting "an individual who has not attained 19 years of age and is an elementary or secondary school student"; and

(B) by striking "such child" and inserting "such individual"; and

(2) in paragraph (18), by striking "of a dependent child" and inserting "of an individual under age 19".

SEC. 648. LUMP-SUM INCOME.

Section 402(a)(8)(A) (42 U.S.C. 602(a)(8)(A)), as amended by sections 231, 242(b)(1), 611(d)(1), and 643(a) of this Act, is amended—

(1) by striking "and" at the end of clause (xii); and

(2) by adding at the end the following:

"(xiv) shall disregard from the income of any family member any amounts of income received in the form of nonrecurring lump-sum payments other than payments made pursuant to an order for child or spousal support being enforced by the agency administering the State plan approved under part D;".

TITLE VII—CHILD PROTECTION BLOCK GRANT PROGRAM

SEC. 701. ESTABLISHMENT OF PROGRAMS.

Part B of title IV (42 U.S.C. 620–635) is amended to read as follows:

PART B—CHILD PROTECTION BLOCK GRANT PROGRAM

"SEC. 420. PURPOSES; AUTHORIZATIONS OF APPROPRIATIONS.

"The purpose of this part is to enable States to carry out a program of child welfare and child protection services which includes—

"(1) child protection services for children who are, or are suspected of being or at risk of becoming, victims of abuse or neglect;

"(2) preventive services and activities, including community-based family support services, designed to strengthen and preserve families and to prevent child abuse and neglect; and

"(3) permanency planning services and activities to achieve planned, permanent living arrangements (including family reunification, adoption, and independent living) for children who have been removed from their families.

"SEC. 421. STATE PLANS.

"(a) IN GENERAL.—In order to be eligible for payment under this part, a State must have an approved plan (developed jointly by the Secretary and the State agency, after consultation with persons and entities specified in subsection (b)) for the provision of services to children and families which meet the requirements of subsection (c).

"(b) CONSULTATION WITH APPROPRIATE ENTITIES.—A State, in developing its plan for approval under this part, shall consult with concerned persons and entities, including—

"(1) public and nonprofit private agencies and community-based organizations with experience in administering programs of child welfare services for children and families; and

"(2) representatives of and advocates for children and families.

"(c) STATE PLAN REQUIREMENTS.—A State plan under this part shall—

"(1) describe the services and activities to be performed, and the service delivery mechanisms (including service providers and statewide distribution of services) to be used, to provide—

"(A) child protection services described in section 420(1) (including such services provided under this part and part E);

"(B) preventive services described in section 420(2) (and shall provide for delivery of such services through a statewide network of local nonprofit community-based family support programs, in collaboration with existing health, mental health, education, employment, training, child welfare, and other social services agencies); and

"(C) permanency planning services described in section 420(3) (including family reunification, adoption, and independent living);

"(2)(A)(i) declare the State's goals for accomplishments under the plan is in operation in the State, and (ii) be updated periodically to declare the State's goals for accomplishments under the plan by the end of each fifth fiscal year thereafter;

"(B) describe the methods to be used in measuring progress toward accomplishment of the goals; and

"(C) contain a commitment that the State—

"(i) will perform an interim review of its progress toward accomplishment of the goals after the end of each of the first 4 fiscal years covered by the goals, and on the basis of such interim review will revise the statement of goals in the plan, if necessary, to reflect changed circumstances or other relevant factors; and

"(ii) will perform, after the end of the last fiscal year covered by the goals, a final review of its progress toward accomplishment of the goals and prepare a report to the Secretary on the basis of such final review;

"(3) provide assurances that reasonable amounts will be expended under this part to carry out each of the purposes specified in paragraphs (1) through (3) of section 420; and

"(4) provide assurances that the State has in effect a program of foster care safeguards meeting the requirements of section 425.

"(d) SECRETARIAL APPROVAL.—The Secretary shall approve a State plan that meets the requirements of this section.

"SEC. 422. RESERVATIONS; ALLOTMENTS TO STATES.

"(a) IN GENERAL.—The Secretary shall allot the amount specified in subsection (b) for each fiscal year in accordance with subsections (c) through (f).

"(b) FEDERAL FUNDING.—The amount specified for purposes of this section shall be—

"(1) $653,000,000 for fiscal year 1996;

"(1) $682,000,000 for fiscal year 1997;

"(1) $713,000,000 for fiscal year 1998;

"(1) $737,000,000 for fiscal year 1999; and

"(1) $763,000,000 for fiscal year 2000.

"(c) PROJECTS OF NATIONAL SIGNIFICANCE.—Two percent of the amount specified under subsection (b) for each fiscal year shall be reserved for expenditure by the Secretary for projects of national significance related to the purposes of this part.

"(d) TRAINING AND TECHNICAL ASSISTANCE.—Two percent of the amount specified under subsection (b) for each fiscal year shall be reserved for expenditure by the Secretary for training and technical assistance to State and local public and nonprofit private entities related to the program under this part.

"(e) INDIAN TRIBES.—One percent of the amount specified under subsection (b) for each fiscal year shall be reserved for allotment to Indian tribes in accordance with section 424.

"(f) STATES.—From the balance of the amount specified for each fiscal year under subsection (b) remaining after the application of subsections (c), (d), and (e), the Secretary shall allot to each State an amount which bears the same ratio to the amount specified as the total amount that would have been allotted to the State for such fiscal year under this part, as in effect on September 30, 1995, bears to the total amount that would have been so allotted to all States for such fiscal year.

"SEC. 423. PAYMENTS TO STATES.

"(a) ENTITLEMENT TO PAYMENT; FEDERAL SHARE OF COSTS.—Each State which has a plan approved under this part shall be entitled to payment, equal to its allotment under section 422 for a fiscal year, for use in payment by the State of 75 percent of the costs of activities under the State plan during such fiscal year. The remaining 25 percent of such costs shall be paid by the State with funds from non-Federal sources.

"(b) PAYMENT INSTALLMENTS.—The Secretary shall make payments in accordance with section 6503 of title 31, United States Code, to each State from its allotment for use under this part.

"SEC. 424. PAYMENTS TO INDIAN TRIBES.

"(a) IN GENERAL.—The Secretary shall make payments under this part for a fiscal year directly to the tribal organization of an Indian tribe with a plan approved under this part, except that such plan need not meet any requirement under such section that the Secretary determines is inappropriate with respect to such Indian tribe.

"(b) ALLOTMENT.—From the amount reserved pursuant to section 422(e) for any fiscal year, the Secretary shall allot to each Indian tribe meeting the conditions specified in subsection (a), an amount bearing the same ratio to such reserved amount as the number of children in all Indian tribes with State plans so approved, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary.

"SEC. 425. FOSTER CARE PROTECTION.

"In order to meet the requirements of this section, for purposes of section 421(c)(4), a State shall—

"(1) since June 17, 1980, have completed an inventory of all children who, before the inventory, had been in foster care under the responsibility of the State for 6 months or more, which determined—

"(A) the appropriateness of, and necessity for, the foster care placement;

"(B) whether the child could or should be returned to the parents of the child or should be freed for adoption or other permanent placement; and

"(C) the services necessary to facilitate the return of the child or the placement of the child for adoption or legal guardianship;

"(2) be operating, to the satisfaction of the Secretary—

"(A) a statewide information system from which can be readily determined the status, demographic characteristics, location, and goals for the placement of every child who is (or, within the immediately preceding 12 months, has been) in foster care;

"(B) a case review system (as defined in section 475(5)) for each child receiving foster care under the supervision of the State;

"(C) a service program designed to help children—

"(i) where appropriate, return to families from which they have been removed; or

"(ii) be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement; and

"(D) a replacement preventive services program designed to help children at risk of foster care placement remain with their families; and

"(3)(A) have reviewed (or by October 31, 1995 will have reviewed) State policies and administrative and judicial procedures in effect for children abandoned at or shortly after birth (including policies and procedures providing for legal representation of such children); and

"(B) be implementing (or by October 31, 1996, will be implementing) such policies and procedures as the State determines, on the basis of the review described in clause (i), to be necessary to enable permanent decisions to be made expeditiously with respect to the placement of such children.

SEC. 702. REPEALS AND CONFORMING AMENDMENTS.

(a) ABANDONED INFANTS ASSISTANCE.—

(1) REPEAL.—The Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

(2) CONFORMING AMENDMENT.—Section 421(7) of the Domestic Violence Service Act of 1973 (42 U.S.C. 5061(7)) is amended to read as follows:

"(7) the term 'boarder baby' means an infant who is medically cleared for discharge from an acute-care hospital setting, but remains hospitalized because of a lack of appropriate out-of-hospital placement alternatives.".

(b) CHILD ABUSE PREVENTION AND TREATMENT.—

(1) REPEAL.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is repealed.

(2) CONFORMING AMENDMENTS.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by striking section 1404A.

(c) ADOPTION OPPORTUNITIES.—The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.) is repealed.

(d) FAMILY SUPPORT CENTERS.—Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481–11489) is repealed.

(e) FOSTER CARE.—Section 472(d) (42 U.S.C. 672(d)) is amended by striking "422(b)(9)" and inserting "425".

SEC. 703. EFFECTIVE DATE.

The amendments and repeals made by this title shall take effect on October 1, 1995, and shall apply with respect to activities under State programs on and after that date.

TITLE VIII—SSI REFORM

Subtitle A—Eligibility of Children for Benefits

SEC. 801. RESTRICTIONS ON ELIGIBILITY.

(a) IN GENERAL.—Section 1614(a)(3)(A) (42 U.S.C. 1382c(a)(3)(A)) is amended—

(1) by inserting "(i)" after "(3)(A)";

(2) by inserting "who has attained 18 years of age" before "shall be considered";

(3) by striking "he" and inserting "the individual";

(4) by striking "(or, in the case of an individual under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity)"; and

(5) by adding after and below the end the following:

"(ii) An individual who has not attained 18 years of age shall be considered to be disabled for purposes of this title for a month if the individual has any medically determinable physical or mental impairment (or combination of impairments) that meets the requirements, applicable to individuals who have not attained 18 years of age, of the Listings of Impairments set forth in appendix 1 of subpart P of part 404 of title 20, Code of Federal Regulations, or the individual has a combination of impairments the effect of which should be considered disabling for purposes of this title. In applying this clause, such Listings shall not include maladaptive behavior or psychoactive substance dependence disorder (as specified in the appendix setting forth such Listings).".

(b) TRANSITION TO NEW ELIGIBILITY CRITERIA.—Within 3 months after the date of the enactment of this Act, the Commissioner of Social Security shall establish a functional equivalency standard separate from the Listing of Impairments (set forth in appendix 1 of subpart P of part 404 of title 20, Code of Federal Regulations (revised as of April 1, 1994)) under which a child with a combination of impairments should be considered disabled for purposes of the supplemental security income program under title XVI of the Social Security Act. Within 10 months after the date of the enactment of this Act, the Commissioner shall review the case of each individual who, immediately before such date of enactment, qualified for benefits under such program by reason of an individualized functional assessment in order to determine eligibility under such Listings and the criteria established under such standard.

SEC. 802. CONTINUING DISABILITY REVIEWS FOR CERTAIN CHILDREN.

Section 1614(a)(3)(G) (42 U.S.C. 1382c(a)(3)(G)) is amended—

(1) by inserting "(i)" after "(G)"; and

(2) by adding at the end the following:

"(ii)(I) Not less frequently than once every 3 years, the Commissioner shall redetermine the eligibility for benefits under this title of each individual who has not attained 18 years of age and is eligible for such benefits by reason of disability.

"(II) Subclause (I) shall not apply to an individual if the individual has an impairment (or combination of impairments) which is (or are) not expected to improve.

"(III) Subject to recommendations made by the Commissioner, parents or guardians of recipients whose cases are reviewed under this clause shall present, at the time of review, evidence demonstrating that funds provided under this title have been used to assist the recipient in improving the condition which was the basis for providing benefits under this title.".

SEC. 803. DISABILITY REVIEW REQUIRED FOR SSI RECIPIENTS WHO ARE 18 YEARS OF AGE.

(a) IN GENERAL.—Section 1614(a)(3)(G) (42 U.S.C. 1382c(a)(3)(G)), as amended by section 802 of this subtitle, is amended by adding at the end the following:

"(iii)(I) The Commissioner shall redetermine the eligibility of a qualified individual for supplemental security income benefits under this title by reason of disability, by applying the criteria used in determining eligibility for such benefits of applicants who have attained 18 years of age.

"(II) The redetermination required by subclause (I) with respect to a qualified individual shall be conducted during the 1-year period that begins on the date the qualified individual attains 18 years of age.

"(III) As used in this clause, the term 'qualified individual' means an individual who attains 18 years of age and is a recipient of benefits under this title by reason of disability.

"(IV) A redetermination under subclause (I) of this clause shall be considered a substitute for a review required under any other provision of this subparagraph.".

(b) REPORT TO THE CONGRESS.—Not later than October 1, 1998, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the activities conducted under section 1614(a)(3)(G)(iii) of the Social Security Act.

(c) CONFORMING REPEAL.—Section 207 of the Social Security Independence and Program Improvements Act of 1994 (42 U.S.C. 1382 note; 108 Stat. 1516) is hereby repealed.

SEC. 804. APPLICABILITY.

(a) NEW ELIGIBILITY STANDARDS AND DISABILITY REVIEWS FOR CHILDREN.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by sections 801 and 802 shall apply to benefits for months beginning more than 9 months after the date of the enactment of this Act, without regard to whether regulations have been issued to implement such amendments.

(2) TRANSITIONAL RULE.—

(A) IN GENERAL.—For months beginning after the date of the enactment of this Act and before the first month to which the amendments made by section 801 apply under paragraph (1) and subject to subparagraph (B), no individual who has not attained 18 years of age shall be considered to be disabled for purposes of the supplemental security income program under title XVI of the Social Security Act solely on the basis of maladaptive behavior or psychoactive substance dependence disorder.

(B) EXCEPTION FOR CURRENT BENEFICIARIES.—Subparagraph (A) shall not apply in the case of an individual who is a recipient of supplemental security income benefits under such title for the month in which this Act becomes law.

(b) DISABILITY REVIEWS FOR 18-YEAR OLD RECIPIENTS.—The amendments made by section 803 shall apply to benefits for months beginning after the date of the enactment of this Act.

Subtitle B—Denial of SSI Benefits by Reason of Disability to Drug Addicts and Alcoholics

SEC. 811. DENIAL OF SSI BENEFITS BY REASON OF DISABILITY TO DRUG ADDICTS AND ALCOHOLICS.

(a) IN GENERAL.—Section 1614(a)(3) (42 U.S.C. 1382c(a)(3)) is amended by adding at the end the following:

"(I) Notwithstanding subparagraph (A), an individual shall not be considered to be disabled for purposes of this title if alcoholism or drug addiction would (but for this subparagraph) be a contributing factor material to the Commissioner's determination that the individual is disabled.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1611(e) (42 U.S.C. 1382(e)) is amended by striking paragraph (3).

(2) Section 1631(a)(2)(A)(ii) (42 U.S.C. 1383(a)(2)(A)(ii)) is amended—

(A) by striking "(I)"; and

(B) by striking subclause (II).

(3) Section 1631(a)(2)(B) (42 U.S.C. 1383(a)(2)(B)) is amended—

(A) by striking clause (vii);

(B) in clause (viii), by striking "(ix)" and inserting "(viii)";

(C) in clause (ix)—

(i) by striking "(viii)" and inserting "(vii)"; and

(ii) in subclause (II), by striking all that follows "15 years" and inserting a period;

(D) in clause (xiii)—

(i) by striking "(xii)" and inserting "(xi)"; and

(ii) by striking "(xi)" and inserting "(x)"; and

(E) by redesignating clauses (viii) through (xiii) as clauses (vii) through (xii), respectively.

(4) Section 1631(a)(2)(D)(i)(II) (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amended by striking all that follows "$25.00 per month" and inserting a period.

(5) Section 1634 (42 U.S.C. 1383c) is amended by striking subsection (e).

(6) Section 201(c)(1) of the Social Security Independence and Program Improvements Act of 1994 (42 U.S.C. 425 note) is amended—

(A) by striking "—" and all that follows through "(A)" the 1st place such term appears;

(B) by striking "and" the 3rd place such term appears;

(C) by striking subparagraph (B);

(D) by striking "either subparagraph (A) or subparagraph (B)" and inserting "the preceding sentence"; and

(E) by striking "subparagraph (A) or (B)" and inserting "the preceding sentence".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995, and shall apply with respect to months beginning on or after such date.

(d) FUNDING OF CERTAIN PROGRAMS FOR DRUG ADDICTS AND ALCOHOLICS.—Out of any money in the Treasury of the United States not otherwise appropriated, the Secretary of the Treasury shall pay to the Director of the National Institute on Drug Abuse—

(1) $95,000,000, for each of fiscal years 1997, 1998, 1999, and 2000, for expenditure through the Federal Capacity Expansion Program to expand the availability of drug treatment; and

(2) $5,000,000 for each of fiscal years 1997, 1998, 1999, and 2000 to be expended solely on the medication development project to improve drug abuse and drug treatment research.

TITLE IX—FINANCING

Subtitle A—Treatment of Aliens

SEC. 901. EXTENSION OF DEEMING OF INCOME AND RESOURCES UNDER AFDC, SSI, AND FOOD STAMP PROGRAMS.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), in applying sections 415 and 1621 of the Social Security Act and section 5(i) of the Food Stamp Act of 1977, the period in which each respective section otherwise applies with respect to an alien shall be extended through the date (if any) on which the alien becomes a citizen of the United States (under chapter 2 of title III of the Immigration and Nationality Act).

(b) EXCEPTION.—Subsection (a) shall not apply to an alien if—

(1) the alien has been lawfully admitted to the United States for permanent residence, has attained 75 years of age, and has resided in the United States for at least 5 years;

(2) the alien—

(A) is a veteran (as defined in section 101 of title 38, United States Code) with a discharge characterized as an honorable discharge,

(B) is on active duty (other than active duty for training) in the Armed Forces of the United States, or

(C) is the spouse or unmarried dependent child of an individual described in subparagraph (A) or (B);

(3) the alien is the subject of domestic violence by the alien's spouse and a divorce between the alien and the alien's spouse has been initiated through the filing of an appropriate action in an appropriate court; or

(4) there has been paid with respect to the self-employment income or employment of the alien, or of a parent or spouse of the alien, taxes under chapter 2 or chapter 21 of the Internal Revenue Code of 1986 in each of 20 different calendar quarters.

(c) HOLD HARMLESS FOR MEDICAID ELIGIBILITY.—Subsection (a) shall not apply with respect to determinations of eligibility for benefits under part A of title IV of the Social Security Act or under the supplemental income security program under title XVI of such Act but only insofar as such determinations provide for eligibility for medical assistance under title XIX of such Act.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 1995.

SEC. 902. REQUIREMENTS FOR SPONSOR'S AFFIDAVITS OF SUPPORT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act is amended by inserting after section 213 the following new section:

"REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT

"SEC. 213A. (a) ENFORCEABILITY.—

"(1) IN GENERAL.—No affidavit of support may be accepted by the Attorney General or by any consular officer to establish that an alien is not excludable under section 212(a)(4) unless such affidavit is executed as a contract—

"(A) which is legally enforceable against the sponsor by the Federal Government, by a State, or by any political subdivision of a State, providing cash benefits under a public cash assistance program (as defined in subsection (f)(2)), but not later than 5 years after the date the alien last receives any such cash benefit; and

"(B) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (e)(2).

"(2) EXPIRATION OF LIABILITY.—Such contract shall only apply with respect to cash benefits described in paragraph (1)(A) provided to an alien before the earliest of the following:

"(A) CITIZENSHIP.—The date the alien becomes a citizen of the United States under chapter 2 of title III.

"(B) VETERAN.—The first date the alien is described in section 901(b)(2)(A).

"(C) PAYMENT OF SOCIAL SECURITY TAXES.—The first date as of which the condition described in section 901(b)(4) is met with respect to the alien.

"(3) NONAPPLICATION DURING CERTAIN PERIODS.—Such contract also shall not apply with respect to cash benefits described in paragraph (1)(A) provided during any period in which the alien is described in section 901(b)(2)(B) or 901(b)(2)(C).

"(b) FORMS.—Not later than 90 days after the date of enactment of this section, the Attorney General, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall formulate an affidavit of support consistent with the provisions of this section.

"(c) NOTIFICATION OF CHANGE OF ADDRESS.—

"(1) REQUIREMENT.—The sponsor shall notify the Federal Government and the State in which the sponsored alien is currently resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1)(A).

"(2) ENFORCEMENT.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall be subject to a civil penalty of—

"(A) not less than $250 or more than $2,000, or

"(B) if such failure occurs with knowledge that the sponsored alien has received any benefit under any means-tested public benefits program, not less than $2,000 or more than $5,000.

"(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

"(1) REQUEST FOR REIMBURSEMENT.—

"(A) IN GENERAL.—Upon notification that a sponsored alien has received any cash benefits described in subsection (a)(1)(A), the appropriate Federal, State, or local official shall request reimbursement by the sponsor in the amount of such cash benefits.

"(B) REGULATIONS.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

"(2) INITIATION OF ACTION.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to commence payments, an action may be brought against the sponsor pursuant to the affidavit of support.

"(3) FAILURE TO ABIDE BY REPAYMENT TERMS.—If the sponsor fails to abide by the repayment terms established by such agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

"(4) LIMITATION ON ACTIONS.—No cause of action may be brought under this subsection later than 5 years after the date the alien last received any cash benefit described in subsection (a)(1)(A).

"(f) DEFINITIONS.—For the purposes of this section:

"(1) SPONSOR.—The term 'sponsor' means an individual who—

"(A) is a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence;

"(B) is 18 years of age or over; and

"(C) is domiciled in any State.

"(2) PUBLIC CASH ASSISTANCE PROGRAM.—The term 'public cash assistance program' means a program of the Federal Government or of a State or political subdivision of a State that provides direct cash assistance for the purpose of income maintenance and in which the eligibility of an individual, household, or family eligibility unit for cash benefits under the program, or the amount of such cash benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit. Such term does not include any program insofar as it provides medical, housing, education, job training, food, or in-kind assistance or social services.".

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 213 the following:

"Sec. 213A. Requirements for sponsor's affidavit of support.".

(c) EFFECTIVE DATE.—Subsection (a) of section 213A of the Immigration and Nationality Act, as inserted by subsection (a) of this section, shall apply to affidavits of support executed on or after a date specified by the Attorney General, which date shall be not earlier than 60 days (and not later than 90 days) after the date the Attorney General formulates the form for such affidavits under subsection (b) of such section 213A.

SEC. 903. EXTENDING REQUIREMENT FOR AFFIDAVITS OF SUPPORT TO FAMILY-RELATED AND DIVERSITY IMMIGRANTS.

(A) IN GENERAL.—Section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) is amended to read as follows:

"(4) PUBLIC CHARGE AND AFFIDAVITS OF SUPPORT.—

"(A) PUBLIC CHARGE.—Any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is excludable.

"(B) AFFIDAVITS OF SUPPORT.—Any immigrant who seeks admission or adjustment of status as any of the following is excludable unless there has been executed with respect to the immigrant an affidavit of support pursuant to section 213A:

"(i) As an immediate relative (under section 201(b)(2)).

"(ii) As a family-sponsored immigrant under section 203(a) (or as the spouse or child under section 203(d) of such an immigrant).

"(iii) As the spouse or child (under section 203(d)) of an employment-based immigrant under section 203(b).

"(iv) As a diversity immigrant under section 203(c) (or as the spouse or child under section 203(d) of such an immigrant).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens with respect to whom an immigrant visa is issued (or adjustment of status is granted) after the date specified by the Attorney General under section 902(c).

Subtitle B—Limitation on Emergency Assistance Expenditures

SEC. 911. LIMITATION ON EXPENDITURES FOR EMERGENCY ASSISTANCE.

(a) IN GENERAL.—Section 403(a)(5) (42 U.S.C. 602(a)(5)) is amended to read as follows:

"(5) in the case of any State, an amount equal to the lesser of—

"(A) 50 percent of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children; or

"(B) the greater of—

"(i) the total amount expended under the State plan during the fiscal year that immediately precedes the fiscal year in which the quarter occurs; multiplied by

"(I) 4 percent, if the national unemployment rate for the United States (as determined by the Secretary of Labor) for the 3rd or 4th quarter of the immediately preceding fiscal year is at least 7 percent; or

"(II) 3 percent, otherwise; or

"(ii) the total amount expended under the State plan during fiscal year 1995 as emergency assistance to needy families with children.".

(b) AUTHORITY OF STATES TO DEFINE EMERGENCY ASSISTANCE.—Section 406(e)(1) (42 U.S.C. 606(e)(1)) is amended to read as follows:

"(e)(1)(A) The term 'emergency assistance to needy families with children' means emergency assistance furnished by an eligible State with respect to an eligible needy child to avoid destitution of the child or to provide living arrangements in a home for the child.

"(B) As used in this paragraph:

"(i) The term 'emergency assistance' means emergency assistance as provided for in the State plan approved under section 402 of an eligible State, but shall not include care for an eligible needy child or other member of the household in which the child is living to the extent that the child or other member is entitled to such care as medical assistance under the State plan under title XIX.

"(ii) The term 'eligible needy child' means a needy child—

"(I) who has not attained 21 years of age;

"(II) who is or (within such period as the Secretary may specify) has been living with any relative specified in subsection (a)(1) in a place of residence maintained by 1 or more of such relatives as the home of the relative or relatives;

"(III) who is without available resources; and

"(IV) whose requirement for emergency assistance did not arise because the child or relative refused without good cause to accept employment or training for employment.

"(iii) The term "eligible State" means a State whose State plan approved under section 402 includes provision for emergency assistance.".

Subtitle C—Tax Provisions

SEC. 921. CERTAIN FEDERAL ASSISTANCE INCLUDIBLE IN GROSS INCOME.

(a) IN GENERAL.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. CERTAIN FEDERAL ASSISTANCE.

"(a) IN GENERAL.—Gross income shall include an amount equal to the specified Federal assistance received by the taxpayer during the taxable year.

"(b) SPECIFIED FEDERAL ASSISTANCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'specified Federal assistance' means—

"(A) aid provided under a State plan approved under part A of title IV of the Social Security Act (relating to aid to families with dependent children), and

"(B) assistance provided under any food stamp program.

"(2) SPECIAL RULE.—In the case of assistance provided under a program described in subsection (d)(2), such term shall include only the assistance required to be provided under section 21 or 22 (as the case may be) of the Food Stamp Act of 1977.

"(c) INDIVIDUALS SUBJECT TO TAX.—For purposes of this section—

"(1) AFDC.—Aid described in subsection (b)(1)(A) shall be treated as received by the relative with whom the dependent child is living (within the meaning of section 406(c) of the Social Security Act).

"(2) FOOD STAMPS.—In the case of assistance described in subsection (b)(1)(B)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), such assistance shall be treated as received ratably by each of the individuals taken into account in determining the amount of such assistance for the benefit of such individuals.

"(B) ASSISTANCE TO CHILDREN TREATED AS RECEIVED BY PARENTS, ETC.—The amount of assistance which would (but for this subparagraph) be treated as received by a child shall be treated as received as follows:

"(i) If there is an includible parent, such amount shall be treated as received by the includible parent (or if there is more than 1 includible parent, as received ratably by each includible parent).

"(ii) If there is no includible parent and there is an includible grandparent, such amount shall be treated as received by the includible grandparent (or if there is more than 1 includible grandparent, as received ratably by each includible grandparent).

"(iii) If there is no includible parent or grandparent, such amount shall be treated as received ratably by each includible adult.

"(C) DEFINITIONS.—For purposes of subparagraph (B)—

"(i) CHILD.—The term 'child' means any individual who has not attained age 16 as of the close of the taxable year. Such term shall not include any individual who is an includible parent of a child (as defined in the preceding sentence).

"(ii) ADULT.—The term 'adult' means any individual who is not a child.

"(iii) INCLUDIBLE.—The term 'includible' means, with respect to any individual, an individual who is included in determining the amount of assistance paid to the household which includes the child.

"(iv) PARENT.—The term 'parent' includes the stepfather and stepmother of the child.

"(v) GRANDPARENT.—The term 'grandparent' means any parent of a parent of the child.

"(d) FOOD STAMP PROGRAM.—For purposes of subsection (b), the term 'food stamp program' means—

"(1) the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977), and

"(2) the portion of the program under sections 21 and 22 of such Act which provides food assistance."

(b) REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding at the end the following new section:

"SEC. 6050Q. PAYMENTS OF CERTAIN FEDERAL ASSISTANCE.

"(a) REQUIREMENT OF REPORTING.—The appropriate official shall make a return, according to the forms and regulations prescribed by the Secretary, setting forth—

"(1) the aggregate amount of specified Federal assistance paid to any individual during any calendar year, and

"(2) the name, address, and TIN of such individual.

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name of the agency making the payments, and

"(2) the aggregate amount of payments made to the individual which are required to be shown on such return.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

"(c) DEFINITIONS AND SPECIAL RULE.—For purposes of this section—

"(1) APPROPRIATE OFFICIAL.—The term 'appropriate official' means—

"(A) in the case of specified Federal assistance described in section 91(b)(1)(A), the head of the State agency administering the plan under which such assistance is provided,

"(B) in the case of specified Federal assistance described in section 91(b)(1)(B), the head of the State agency administering the program under which such assistance is provided, and

"(C) in the case of specified Federal assistance described in section 91(b)(1)(C), the head of the State public housing agency administering the program under which such assistance is provided.

"(2) SPECIFIED FEDERAL ASSISTANCE.—The term 'specified Federal assistance' has the meaning given such term by section 91(b).

"(3) AMOUNTS TREATED AS PAID.—The rules of section 91(c) shall apply for purposes of determining to whom specified Federal assistance is paid."

(2) PENALTIES.—

(A) Subparagraph (B) of section 6724(b)(1) of such Code is amended by redesignating clauses (ix) through (xiv) as clauses (x) through (xv), respectively, and by inserting after clause (viii) the following new clause:

"(ix) section 6050Q (relating to payments of certain Federal assistance),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by redesignating subparagraphs (Q) through (T) as subparagraphs (R) through (U), respectively, and by inserting after subparagraph (P) the following new subparagraph:

"(Q) section 6050Q(b) (relating to payments of certain Federal assistance),".

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for part II of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 91. Certain Federal assistance."

(2) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding at the end the following new item:

"Sec. 6050Q. Payments of certain Federal assistance."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits received after December 31, 1995.

SEC. 922. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT AUTHORIZED TO BE EMPLOYED IN THE UNITED STATES.

(a) IN GENERAL.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's taxpayer identification number, and

"(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse."

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of such Code is amended by adding at the end the following new subsection:

"(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act)."

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of such Code (relating to the definition of mathematical or clerical errors) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by inserting after subparagraph (E) the following new subparagraph:

"(F) an omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 923. PHASEOUT OF EARNED INCOME CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,500 OF TAXABLE INTEREST AND DIVIDENDS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) PHASEOUT OF CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,500 OF TAXABLE INTEREST AND DIVIDENDS.—If the aggregate amount of interest and dividends includible in the gross income of the taxpayer for the taxable year exceeds $2,500, the amount of the credit which would (but for this subsection) be allowed under this section for such taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to such amount of credit as such excess bears to $650."

(b) INFLATION ADJUSTMENT.—Subsection (j) of section 32 of such Code (relating to inflation adjustments), as redesignated by subsection (a), is amended by striking paragraph (2) and by inserting the following new paragraphs:

"(2) INTEREST AND DIVIDEND INCOME LIMITATION.—In the case of a taxable year beginning in a calendar year after 1996, each dollar amount contained in subsection (i) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof.

"(3) ROUNDING.—If any amount as adjusted under paragraph (1) or (2) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 924. AFDC AND FOOD STAMP BENEFITS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF THE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to the earned income tax credit), as amended by section 932(b) of this Act, is amended by adding at the end the following new subsection:

"(l) ADJUSTED GROSS INCOME DETERMINED WITHOUT REGARD TO CERTAIN FEDERAL ASSISTANCE.—For purposes of this section, adjusted gross income shall be determined without regard to any amount which is includible in gross income solely by reason of section 91.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1995.

TITLE X—FOOD ASSISTANCE REFORM

Subtitle A—Food Stamp Program Integrity and Reform

SEC. 1001. AUTHORITY TO ESTABLISH AUTHORIZATION PERIODS.

Section 9(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2018(a)(1)) is amended by adding at the end the following: "The Secretary is authorized to issue regulations establishing specific time periods during which authorization to accept and redeem coupons under the food stamp program shall be valid.".

SEC. 1002. SPECIFIC PERIOD FOR PROHIBITING PARTICIPATION OF STORES BASED ON LACK OF BUSINESS INTEGRITY.

Section 9(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2018(a)(1)), as amended by section 1001, is amended by adding at the end the following: "The Secretary is authorized to issue regulations establishing specific time periods during which a retail food store or wholesale food concern that has an application for approval to accept and redeem coupons denied or that has such an approval withdrawn on the basis of business integrity and reputation cannot submit a new application for approval. Such periods shall reflect the severity of business integrity infractions that are the basis of such denials or withdrawals.".

SEC. 1003. INFORMATION FOR VERIFYING ELIGIBILITY FOR AUTHORIZATION.

Section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended—

(1) in the first sentence by inserting ", which may include relevant income and sales tax filing documents," after "submit information" ; and

(2) by inserting after the first sentence the following: "The regulations may require retail food stores and wholesale food concerns to provide written authorization for the Secretary to verify all relevant tax filings with appropriate agencies and to obtain corroborating documentation from other sources in order that the accuracy of information provided by such stores and concerns may be verified.".

SEC. 1004. WAITING PERIOD FOR STORES THAT INITIALLY FAIL TO MEET AUTHORIZATION CRITERIA.

Section 9(d) of the Food Stamp Act of 1977 (7 U.S.C. 2018(d)) is amended by adding at the end the following: "Regulations issued pursuant to this Act shall prohibit a retail food store or wholesale food concern that has an application for approval to accept and redeem coupons denied because it does not meet criteria for approval established by the Secretary in regulations from submitting a new application for six months from the date of such denial.".

SEC. 1005. BASIS FOR SUSPENSIONS AND DISQUALIFICATIONS.

Section 12(a) of the Food Stamp Act of 1977 (7 U.S.C. 2021(a)) is amended by adding at the end the following: "Regulations issued pursuant to this Act shall provide criteria for the finding of violations and the suspension or disqualification of a retail food store or wholesale food concern on the basis of evidence which may include, but is not limited to, facts established through on-site investigations, inconsistent redemption data, or evidence obtained through transaction reports under electronic benefit transfer systems.".

SEC. 1006. AUTHORITY TO SUSPEND STORES VIOLATING PROGRAM REQUIREMENTS PENDING ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) Section 12(a) of the Food Stamp Act of 1977 (7 U.S.C. 2021(a)), as amended by section

1005, is amended by adding at the end the following: "Such regulations may establish criteria under which the authorization of a retail food store or wholesale food concern to accept and redeem coupons may be suspended at the time such store or concern is initially found to have committed violations of program requirements. Such suspension may coincide with the period of a review as provided in section 14. The Secretary shall not be liable for the value of any sales lost during any suspension or disqualification period.".

(b) Section 14(a) of the Food Stamp Act of 1977 (7 U.S.C. 2023(a)) is amended—

(1) in the first sentence by inserting "suspended," before "disqualified or subjected";

(2) in the fifth sentence by inserting before the period at the end the following: ", except that in the case of the suspension of a retail food store or wholesale food concern pursuant to section 12(a), such suspension shall remain in effect pending any administrative or judicial review of the proposed disqualification action, and the period of suspension shall be deemed a part of any period of disqualification which is imposed."; and

(3) by striking the last sentence.

SEC. 1007. DISQUALIFICATION OF RETAILERS WHO ARE DISQUALIFIED FROM THE WIC PROGRAM.

Section 12 of the Food Stamp Act of 1977 (7 U.S.C. 2021) is amended by adding at the end the following:

"(g) The Secretary shall issue regulations providing criteria for the disqualification of approved retail food stores and wholesale food concerns that are otherwise disqualified from accepting benefits under the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) authorized under section 17 of the Child Nutrition Act of 1966. Such disqualification—

"(1) shall be for the same period as the disqualification from the WIC Program;

"(2) may begin at a later date; and

"(3) notwithstanding section 14 of this Act, shall not be subject to administrative or judicial review.".

SEC. 1008. PERMANENT DEBARMENT OF RETAILERS WHO INTENTIONALLY SUBMIT FALSIFIED APPLICATIONS.

Section 12 of the Food Stamp Act of 1977 (7 U.S.C. 2021), as amended by section 1007, is amended by adding at the end the following:

"(h) The Secretary shall issue regulations providing for the permanent disqualification of a retail food store or wholesale food concern that is determined to have knowingly submitted an application for approval to accept and redeem coupons which contains false information about one or more substantive matters which were the basis for providing approval. Any disqualification imposed under this subsection shall be subject to administrative and judicial review pursuant to section 14, but such disqualification shall remain in effect pending such review.".

SEC. 1009. EXPANDED CIVIL AND CRIMINAL FORFEITURE FOR VIOLATIONS OF THE FOOD STAMP ACT.

(a) Forfeiture of Items Exchanged in Food Stamp Trafficking.—Section 15(g) of the Food Stamp Act of 1977 (7 U.S.C. 2024(g)) is amended by striking "or intended to be furnished".

(b) Civil and Criminal Forfeiture.—Section 15 of the Food Stamp Act of 1977 (7 U.S.C. 2024)) is amended by adding at the end the following:

"(h)(1) Civil Forfeiture for Food Stamp Benefit Violations.—

"(A) Any food stamp benefits and any property, real or personal—

"(i) constituting, derived from, or traceable to any proceeds obtained directly or indirectly from, or

"(ii) used, or intended to be used, to commit, or to facilitate,

the commission of a violation of subsection (b) or subsection (c) involving food stamp benefits having an aggregate value of not less than $5,000, shall be subject to forfeiture to the United States.

"(B) The provisions of chapter 46 of title 18, relating to civil forfeitures shall extend to a seizure or forfeiture under this subsection, insofar as applicable and not inconsistent with the provisions of this subsection.

"(2) Criminal Forfeiture for Food Stamp Benefit Violations.—

"(A)(i) Any person convicted of violating subsection (b) or subsection (c) involving food stamp benefits having an aggregate value of not less than $5,000, shall forfeit to the United States, irrespective of any State law—

"(I) any food stamp benefits and any property constituting, or derived from, or traceable to any proceeds such person obtained directly or indirectly as a result of such violation; and

"(II) any food stamp benefits and any of such person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation.

"(ii) In imposing sentence on such person, the court shall order that the person forfeit to the United States all property described in this subsection.

"(B) All food stamp benefits and any property subject to forfeiture under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding relating thereto, shall be governed by subsections (b), (c), (e), and (g) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), insofar as applicable and not inconsistent with the provisions of this subsection.

"(3) This subsection shall not apply to property specified in subsection (g) of this section.

"(4) The Secretary may prescribe such rules and regulations as may be necessary to carry out this subsection.".

SEC. 1010. EXPANDED AUTHORITY FOR SHARING INFORMATION PROVIDED BY RETAILERS.

(a) Section 205(c)(2)(C)(iii) (42 U.S.C. 405(c)(2)(C)(iii)) (as amended by section 316(a) of the Social Security Administrative Reform Act of 1994 (Public Law 103–296; 108 Stat. 1464) is amended—

(1) by inserting in the first sentence of subclause (II) after "instrumentality of the United States" the following: ", or State government officers and employees with law enforcement or investigative responsibilities, or State agencies that have the responsibility for administering the Special Supplemental Nutrition Program for Women, Infants and Children (WIC)";

(2) by inserting in the last sentence of subclause (II) immediately after "other Federal" the words "or State"; and

(3) by inserting "or a State" in subclause (III) immediately after "United States".

(b) Section 6109(f)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 6109(f)(2)) (as added by section 316(b) of the Social Security Administrative Reform Act of 1994 (Public Law 103–296; 108 Stat. 1464)) is amended—

(1) by inserting in subparagraph (A) after "instrumentality of the United States" the following: ", or State government officers and employees with law enforcement or investigative responsibilities, or State agencies that have the responsibility for administering the Special Supplemental Nutrition Program for Women, Infants and Children (WIC)";

(2) in the last sentence of subparagraph (A) by inserting "or State" after "other Federal"; and

(3) in subparagraph (B) by inserting "or a State" after "United States".

SEC. 1011. EXPANDED DEFINITION OF "COUPON".

Section 3(d) of the Food Stamp Act of 1977 (7 U.S.C. 2012(d)) is amended by striking "or type of certificate" and inserting "type of certificate, authorization cards, cash or checks issued of coupons or access devices, including, but not limited to, electronic benefit transfer cards and personal identification numbers".

SEC. 1012. DOUBLED PENALTIES FOR VIOLATING FOOD STAMP PROGRAM REQUIREMENTS.

Section 6(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(b)(1)) is amended—

(1) in clause (i)—

(A) by striking "six months" and inserting "1 year"; and

(B) by adding "and" at the end; and

(2) striking clauses (ii) and (iii) and inserting the following:

"(ii) permanently upon—

"(I) the second occasion of any such determination; or

"(II) the first occasion of a finding by a Federal, State, or local court of the trading of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), firearms, ammunition, or explosives for coupons.".

SEC. 1013. MANDATORY CLAIMS COLLECTION METHODS.

(a) Section 11(e)(8) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(8)) is amended by inserting "or refunds of Federal taxes as authorized pursuant to 31 U.S.C. 3720A" before the semicolon at the end.

(b) Section 13(d) of the Food Stamp Act of 1977 (7 U.S.C. 2022(d)) is amended—

(1) by striking "may" and inserting "shall"; and

(2) by inserting "or refunds of Federal taxes as authorized pursuant to 31 U.S.C. 3720A" before the period at the end.

(c) Section 6103(1) of the Internal Revenue Code (26 U.S.C. 6103(1)) is amended—

(1) by striking "officers and employees" in paragraph (10)(A) and inserting "officers, employees or agents, including State agencies"; and

(2) by striking "officers and employees" in paragraph (10)(B) and inserting "officers, employees or agents, including State agencies".

SEC. 1014. REDUCTION OF BASIC BENEFIT LEVEL.

Section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended—

(1) by striking "and (11)" and inserting "(11)";

(2) in clause (11) by inserting "through October 1, 1994" after "each October 1 thereafter"; and

(3) by inserting before the period at the end the following:

", and (12) on October 1, 1995, and on each October 1 thereafter, adjust the cost of such diet to reflect 102 percent of the cost, in the preceding June (without regard to any previous adjustment made under this clause or clauses (4) through (11) of this subsection) and round the result to the nearest lower dollar increment for each household size".

SEC. 1015. PRO-RATING BENEFITS AFTER INTERRUPTIONS IN PARTICIPATION.

Section 8(c)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)(2)(B)) is amended by striking "of more than one month".

SEC. 1016. WORK REQUIREMENT FOR ABLE-BODIED RECIPIENTS.

(a) WORK REQUIREMENT.—Section 6(d) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)) is amended by adding at the end the following:

"(5)(A) Except as provided in subparagraphs (B), (C), and (D), an individual who has received an allotment for six consecutive months during which such individual has not been employed a minimum of an average of 20 hours per week shall be disqualified if such individual is not employed at least an average of 20 hours per week, participating in a workfare program under section 20 (or a comparable State or local workfare program), or participating in and complying with the requirements of an approved employment and training program under paragraph (4).

"(B) The provisions of subparagraph (A) shall not apply in the case of an individual who—

"(i) is under eighteen or over fifty years of age;

"(ii) is certified by a physician as physically or mentally unfit for employment;

"(iii) is a parent or other member of a household that includes a minor child;

"(iv) is participating a minimum of an average of 20 hours per week and is in compliance with the requirements of—

"(I) a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

"(II) a program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or

"(III) another program for the purpose of employment and training operated by a State or local government, as determined appropriate by the Secretary; or

"(v) or would otherwise be exempt under subsection (d)(2).

"(C) The Secretary may waive the requirements of subparagraph (A) in the case of some or all individuals within all or part of State if the Secretary finds that such area—

"(i) has an unemployment rate of over 7 percent; or

"(ii) does not have a sufficient number of jobs to provide employment for individuals subject to this paragraph. The Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the basis in which the Secretary made this decision.

"(D) An individual who has been disqualified from the food stamp program by reason of subparagraph (A) may reestablish eligibility for assistance—

"(i) by meeting the requirements of subparagraph (A);

"(ii) by becoming exempt under subparagraph (B); or

"(iii) if the Secretary grants a waiver under subparagraph (C).

"(E) A household (as defined in section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2015(i)) that includes an individual who refuses to work, refuses to look for work, turns down a job, or refuses to participate in the State program if the State places the individual in such program shall be ineligible to receive food stamp benefits. The State agency shall reduce, by such amount the State considers appropriate, the amount otherwise payable to a household that includes an individual who fails without good cause to comply with other requirements of the individual responsibility plan signed by the individual.

"(F) The State agency shall make an initial assessment of the skills, prior work experience, and employability of each participant not exempted under subparagraph (B) within six months of initial certification. The State agency shall use such assessment, in consultation with the program participant, to develop an Individual Responsibility Plan for the participant. Such plan—

"(i) shall provide that participation in food stamp employment and training activities shall be a condition of eligibility for food stamp benefits, except during any period of unsubsidized full-time employment in the private sector;

"(ii) shall establish an employment goal and a plan for moving the individual into private sector employment immediately;

"(iii) shall establish the obligations of the participant, which shall include actions that will help the individual obtain and keep private sector employment; and

"(iv) may require that the individual enter the State program approved under part G or part H of title IV of the Social Security Act if the caseworker determines that the individual will need education, training, job placement assistance, wage enhancement, or other services to obtain private sector employment.".

(b) ENHANCED EMPLOYMENT AND TRAINING PROGRAM.—Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025 (h)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "$75,000,000" and inserting "$150,000,000"; and

(B) by striking "1991 through 1995" and inserting "1996 through 2000";

(2) by striking subparagraphs (B), (C), (E) and (F) and redesignating subparagraph (D) as subparagraph (B); and

(3) in subparagraph (B) (as so redesignated), by striking "for each" and all that follows through "of $60,000,000" and inserting "the Secretary shall allocate funding".

(c) REQUIRED PARTICIPATION IN WORK AND TRAINING PROGRAMS.—Section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)), is amended by adding at the end the following:

"(O) The State agency shall provide an opportunity to participate in the employment and training program under this paragraph to any individual who would otherwise become subject to disqualification under paragraph (5)(A).".

(d) COORDINATING WORK REQUIREMENTS IN AFDC AND FOOD STAMP PROGRAMS.—Section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)), as amended by subsection (c), is amended by adding at the end the following:

"(P)(i) Notwithstanding any other provision of this paragraph, a State agency that meets the participation requirements of paragraph (ii) may operate its employment and training program for persons receiving allotments under this Act as part of its Work First Program under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), except that sections 487(b) and 489(a)(4) shall not apply to any months during which a person participates in such program while not receiving income under part A of subtitle IV of the Social Security Act (42 U.S.C. 601 et seq.). If a State agency exercises the option provided under this subparagraph, the operation of this program shall be subject to the requirements of such part F, except that any reference to 'aid to families with dependent children' in such part shall be deemed a reference to food stamp benefits for purposes of any person not receiving income under such part A.

"(ii) A State may exercise the option provided under clause (i) if it provides any persons subject to the requirements of paragraph (5) who is not employed at least an average of 20 hours per week or participating in a workfare program under section 20 (or a comparable State or local program) with the opportunity to participate in an approved employment and training program. A State agency shall be considered to have complied with the requirements of this subparagraph in any area for which a waiver under subsection (5)(4)(C) is in effect.".

SEC. 1017. EXTENDING CURRENT CLAIMS RETENTION RATES.

Section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by striking "September 30, 1995" each place it appears and inserting "September 30, 2000".

SEC. 1018. COORDINATION OF EMPLOYMENT AND TRAINING PROGRAMS.

(a) Section 8(d) of the Food Stamp Act of 1977 (7 U.S.C. 2019(d)) is amended—

(1) by inserting "or any work requirement under such program" after "assistance program"; and

(2) by adding at the end the following:

"If a household fails to comply with a work requirement in the program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the household shall not receive an increased allotment under this Act as a result of a decrease in the household's income caused by a penalty imposed under such Act, and the State agency is authorized to reduce the household's allotment by no more than 25 percent.".

SEC. 1019. PROMOTING EXPANSION OF ELECTRONIC BENEFITS TRANSFER.

Section 7(i) of the Food Stamp Act of 1977 (7 U.S.C. 2016(i)(1)) is amended—

(1) by amending paragraph (1) to read:

"(1)(A) State agencies are encouraged to implement an on-line electronic benefit transfer system in which household benefits determined under section 8(a) are issued from and stored in a central data bank and electronically accessed by household members at the point-of-sale.

"(B) Subject to paragraph (2), a State agency is authorized to procure and implement an electronic benefit transfer system under the terms, conditions, and design that the State agency deems appropriate.

"(C) The Secretary shall, upon request of a State agency, waive any provision of this subsection prohibiting the effective implementation of an electronic benefit transfer system consistent with the purposes of this Act. The Secretary shall act upon any request for such a waiver within 90 days of receipt of a complete application.";

(2) in paragraph (2), by striking "for the approval"; and

(3) in paragraph (3), by striking "the Secretary shall not approve such a system unless" and inserting "the State agency shall ensure that".

SEC. 1020. ONE-YEAR FREEZE OF STANDARD DEDUCTION.

Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended in the second sentence by inserting "except October 1, 1995" after "thereafter".

SEC. 1021. NUTRITION ASSISTANCE FOR PUERTO RICO.

Section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended—

(1) by striking "1994, and" and inserting "1994,"; and

(2) by inserting "and $1,143,000,000 for fiscal year 1996," before "to finance".

SEC. 1022. OTHER AMENDMENTS TO THE FOOD STAMP ACT OF 1977.

(a) CERTIFICATION PERIOD.—(1) Section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2012(c)) is amended to read as follows:

"(c) 'Certification period' means the period specified by the State agency for which households shall be eligible to receive authorization cards, except that such period shall be—

"(1) 24 months for households in which all adult members are elderly or disabled; and

"(2) not more than 12 months for all other households.".

(2) Section 6(c)(1)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(1)(C)) is amended—

(A) in clause (ii) by adding "and" at the end;

(B) in clause (iii) by striking "; and" at the end and inserting a period; and

(C) by striking clause (iv).

(b) INCLUSION OF ENERGY ASSISTANCE IN INCOME.—

(1) AMENDMENTS TO THE FOOD STAMP ACT OF 1977.—Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended—

(A) in subsection (d)—

(i) by striking paragraph (11); and

(ii) by redesignating paragraphs (12) through (16) as paragraphs (11) through (15), respectively; and

(B) in subsection (k)—

(i) in paragraph (1)(B) by striking ", not including energy or utility-cost assistance,"; and

(ii) in paragraph (2)—

(I) by striking subparagraph (C); and

(II) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (J), respectively.

(2) AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981.—Section 2605(f) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)) is amended—

(A) in paragraph (1) by striking "food stamps,"; and

(B) by amending paragraph (2) to read as follows:

"(2) Paragraph (1) shall not apply for any purpose under the Food Stamp Act of 1977.".

(c) EXCLUSION OF CERTAIN JTPA INCOME.—Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)), as amended by subsection (b), is amended—

(1) by striking "and (15)" and inserting "(15)"; and

(2) by inserting before the period the following:

", and (16) income received under the Job Training Partnership Act by a household member who is less than 19 years of age".

(d) EXCLUSION OF EDUCATIONAL ASSISTANCE FROM INCOME.—Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by amending paragraph (3) to read as follows: "(3) all educational loans on which payment is deferred (including any loan origination fees or insurance premiums associated with such loans), grants, scholarships, fellowships, veterans' educational benefits, and the like awarded to a household member enrolled at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent thereof,"; and

(2) in paragraph (5) by striking "and no portion" and all that follows through "reimbursement".

(e) LIMITATION ON ADDITIONAL EARNED INCOME DEDUCTION.—The 3rd sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking "earned income that" and all that follows through "report", and inserting "determining an overissuance due to the failure of a household to report earned income".

(f) EXCLUSION OF ESSENTIAL EMPLOYMENT-RELATED PROPERTY.—Section 5(g)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(3)) is amended to read as follows:

"(3) The value of real and tangible personal property (other than currency, commercial paper, and similar property) of a household member that is essential to the employment or self-employment of such member shall be excluded by the Secretary from financial resources until the expiration of the 1-year period beginning on the date such member ceases to be so employed or so self-employed.".

(g) EXCLUSION OF LIFE INSURANCE POLICIES.—Section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

"(6) The Secretary shall exclude from financial resources the cash value of any life insurance policy owned by a member of a household.".

(h) IN-TANDEM EXCLUSIONS FROM INCOME.—Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended by adding at the end the following:

"(n) Whenever a Federal statute enacted after the date of the enactment of this Act excludes funds from income for purposes of determining eligibility, benefit levels, or both under State plans approved under part A of title IV of the Social Security Act, then such funds shall be excluded from income for purposes of determining eligibility, benefit levels, or both, respectively, under the food stamp program of households all of whose members receive benefits under a State plan approved under part A of title IV of the Social Security Act.".

(i) APPLICATION OF AMENDMENTS.—The amendments made by this section shall not apply with respect to certification periods beginning before the effective date of this section.

Subtitle B—Commodity Distribution

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Commodity Distribution Act of 1995".

SEC. 1052. AVAILABILITY OF COMMODITIES.

(a) Notwithstanding any other provision of law, the Secretary of Agriculture (hereinafter in this subtitle referred to as the "Secretary") is authorized during fiscal years 1996 through 2000 to purchase a variety of nutritious and useful commodities and distribute such commodities to the States for distribution in accordance with this subtitle.

(b) In addition to the commodities described in subsection (a), the Secretary may expend funds made available to carry out the section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), which are not expended or needed to carry out such sections, to purchase, process, and distribute commodities of the types customarily purchased under such section to the States for distribution in accordance to this subtitle.

(c) In addition to the commodities described in subsections (a) and (b), agricultural commodities and the products thereof made available under clause (2) of the second sentence of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), may be made available by the Secretary to the States for distribution in accordance with this subtitle.

(d) In addition to the commodities described in subsections (a), (b), and (c), commodities acquired by the Commodity Credit Corporation that the Secretary determines, in the discretion of the Secretary, are in excess of quantities needed to—

(1) carry out other domestic donation programs;

(2) meet other domestic obligations;

(3) meet international market development and food aid commitments, and

(4) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act; shall be made available by the Secretary, without charge or credit for such commodities, to the States for distribution in accordance with this subtitle.

(e) During each fiscal year, the types, varieties, and amounts of commodities to be purchased under this subtitle shall be determined by the Secretary. In purchasing such commodities, except those commodities purchased pursuant to section 1060, the Secretary shall, to the extent practicable and appropriate, make purchases based on—

(1) agricultural market conditions;

(2) the preferences and needs of States and distributing agencies; and

(3) the preferences of the recipients.

SEC. 1053. STATE, LOCAL AND PRIVATE SUPPLEMENTATION OF COMMODITIES.

(a) The Secretary shall establish procedures under which State and local agencies, recipient agencies, or any other entity or person may supplement the commodities distributed under this subtitle for use by recipient agencies with nutritious and wholesome commodities that such entities or persons donate for distribution, in all or part of the State, in addition to the commodities otherwise made available under this subtitle.

(b) States and eligible recipient agencies may use—

(1) the funds appropriated for administrative cost under section 1059(b);

(2) equipment, structures, vehicles, and all other facilities involved in the storage, handling, or distribution of commodities made available under this subtitle; and

(3) the personnel, both paid or volunteer, involved in such storage, handling, or distribution; to store, handle or distribute commodities donated for use under subsection (a).

(c) States and recipient agencies shall continue, to the maximum extent practical, to use volunteer workers, and commodities and other foodstuffs donated by charitable and other organizations, in the distribution of commodities under this subtitle.

SEC. 1054. STATE PLAN.

(a) A State seeking to receive commodities under this subtitle shall submit a plan of operation and administration every four years to the Secretary for approval. The plan may be amended at any time, with the approval of the Secretary.

(b) The State plan, at a minimum, shall—

(1) designate the State agency responsible for distributing the commodities received under this subtitle;

(2) set forth a plan of operation and administration to expeditiously distribute commodities under this subtitle in quantities requested to eligible recipient agencies in accordance with sections 1056 and 1060;

(3) set forth the standards of eligibility for recipient agencies; and

(4) set forth the standards of eligibility for individual or household recipients of commodities, which at minimum shall require—

(A) individuals or households to be comprised of needy persons; and

(B) individual or household members to be residing in the geographic location served by the distributing agency at the time of application for assistance.

(c) The Secretary shall encourage each State receiving commodities under this subtitle to establish a State advisory board consisting of representatives of all interested entities, both public and private, in the distribution of commodities received under this subtitle in the State.

(d) A State agency receiving commodities under this subtitle may—

(1)(A) enter into cooperative agreements with State agencies of other States to jointly provide commodities received under this subtitle to eligible recipient agencies that serve needy persons in a single geographical area which includes such States; or

(B) transfer commodities received under this subtitle to any such eligible recipient agency in the other State under such agreement; and

(2) advise the Secretary of an agreement entered into under this subsection and the transfer of commodities made pursuant to such agreement.

SEC. 1055. ALLOCATION OF COMMODITIES TO STATES.

(a) In each fiscal year, except for those commodities purchased under section 1060, the Secretary shall allocate the commodities distributed under this subtitle as follows:

(1) 60 percent of such total value of commodities shall be allocated in a manner such that the value of commodities allocated to each State bears the same ratio to 60 percent of such total value as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line. Each State shall receive the value of commodities allocated under this paragraph.

(2) 40 percent of such total value of commodities shall be allocated in a manner such that the value of commodities allocated to each State bears the same ratio to 40 percent of such total value as the average monthly number of unemployed persons within the State bears to the average monthly number of unemployed persons within all States during the same fiscal year. Each State shall receive the value of commodities allocated to the State under this paragraph.

(b)(1) The Secretary shall notify each State of the amount of commodities that such State is allotted to receive under subsection (a) or this subsection, if applicable. Each State shall promptly notify the Secretary if such State determines that it will not accept any or all of the commodities made available under such allocation. On such a notification by a State, the Secretary shall reallocate and distribute such commodities in a manner the Secretary deems appropriate and equitable. The Secretary shall further establish procedures to permit States to decline to receive portions of such allocation during each fiscal year in a manner the State determines is appropriate and the Secretary shall reallocate and distribute such allocation as the Secretary deems appropriate and equitable.

(2) In the event of any drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county, or parish, the Secretary may request that States unaffected by such a disaster consider assisting affected States by allowing the Secretary to reallocate commodities from such unaffected State to States containing areas adversely affected by the disaster.

(c) Purchases of commodities under this subtitle shall be made by the Secretary at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All commodities so purchased for each such fiscal year shall be delivered at reasonable intervals to States based on the allocations and reallocations made under subsections (a) and (b), and or carry out section 1060, not later than December 31 of the following fiscal year.

SEC. 1056. PRIORITY SYSTEM FOR STATE DISTRIBUTION OF COMMODITIES.

(a) In distributing the commodities allocated under subsections (a) and (b) of section 1055, the State agency, under procedures determined by the State agency, shall offer, or otherwise make available, its full allocation of commodities for distribution to emergency feeding organizations.

(b) If the State agency determines that the State will not exhaust the commodities allocated under subsections (a) and (b) of section 1055 through distribution to organizations referred to in subsection (a), its remaining allocation of commodities shall be distributed to charitable institutions described in section 1063(3) not receiving commodities under subsection (a).

(c) If the State agency determines that the State will not exhaust the commodities allocated under subsections (a) and (b) of section 1055 through distribution to organizations referred to in subsections (a) and (b), its remaining allocation of commodities shall be distributed to any eligible recipient agency not receiving commodities under subsections (a) and (b).

SEC. 1057. INITIAL PROCESSING COSTS.

The Secretary may use funds of the Commodity Credit Corporation to pay the costs of initial processing and packaging of commodities to be distributed under this subtitle into forms and in quantities suitable, as determined by the Secretary, for use by the individual households or eligible recipient agencies, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs. The Secretary shall ensure that any such payments in kind will not displace commercial sales of such commodities.

SEC. 1058. ASSURANCES; ANTICIPATED USE.

(a) The Secretary shall take such precautions as the Secretary deems necessary to ensure that commodities made available under this subtitle will not displace commercial sales of such commodities or the products thereof. The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate by December 31, 1997, and not less than every two years thereafter, a report as to whether and to what extent such displacements or substitutions are occurring.

(b) The Secretary shall determine that commodities provided under this subtitle shall be purchased and distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under this subtitle in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities.

SEC. 1059. AUTHORIZATION OF APPROPRIATIONS.

(a) PURCHASE OF COMMODITIES.—To carry out this subtitle, there are authorized to be appropriated $260,000,000 for each of the fiscal years 1996 through 2000 to purchase, process, and distribute commodities to the States in accordance with this subtitle.

(b) ADMINISTRATIVE FUNDS.—

(1) There are authorized to be appropriated $40,000,000 for each of the fiscal years 1996 through 2000 for the Secretary to make available to the States for State and local payments for costs associated with the distribution of commodities by eligible recipient agencies under this subtitle, excluding costs associated with the distribution of those commodities distributed under section 1060. Funds appropriated under this paragraph for any fiscal year shall be allocated to the States on an advance basis dividing such funds among the States in the same proportions as the commodities distributed under this subtitle for such fiscal year are allocated among the States. If a State agency is unable to use all of the funds so allocated to it, the Secretary shall reallocate such unused funds among the other States in a manner the Secretary deems appropriate and equitable.

(2)(A) A State shall make available in each fiscal year to eligible recipient agencies in the State not less than 40 percent of the funds received by the State under paragraph (1) for such fiscal year, as necessary to pay for, or provide advance payments to cover, the allowable expenses of eligible recipient agencies for distributing commodities to needy persons, but only to the extent such expenses are actually so incurred by such recipient agencies.

(B) As used in this paragraph, the term "allowable expenses" includes—

(i) costs of transporting, storing, handling, repackaging, processing, and distributing commodities incurred after such commodities are received by eligible recipient agencies;

(ii) costs associated with determinations of eligibility, verification, and documentation;

(iii) costs of providing information to persons receiving commodities under this subtitle concerning the appropriate storage and preparation of such commodities; and

(iv) costs of recordkeeping, auditing, and other administrative procedures required for participation in the program under this subtitle.

(C) If a State makes a payment, using State funds, to cover allowable expenses of eligible recipient agencies, the amount of such payment shall be counted toward the amount a State must make available for allowable expenses of recipient agencies under this paragraph.

(3) States to which funds are allocated for a fiscal year under this subsection shall submit financial reports to the Secretary, on a regular basis, as to the use of such funds. No such funds may be used by States or eligible recipient agencies for costs other than those involved in covering the expenses related to the distribution of commodities by eligible recipient agencies.

(4)(A) Except as provided in subparagraph (B), to be eligible to receive funds under this subsection, a State shall provide in cash or in kind (according to procedures approved by the Secretary for certifying these in-kind contributions) from non-Federal sources a contribution equal to the difference between—

(i) the amount of such funds so received; and

(ii) any part of the amount allocated to the State and paid by the State—

(I) to eligible recipient agencies; or

(II) for the allowable expenses of such recipient agencies; for use in carrying out this subtitle.

(B) Funds allocated to a State under this section may, upon State request, be allocated before States satisfy the matching requirement specified in subparagraph (A), based on the estimated contribution required. The Secretary shall periodically reconcile estimated and actual contributions and adjust allocations to the State to correct for overpayments and underpayments.

(C) Any funds distributed for administrative costs under section 1060(b) shall not be covered by this paragraph.

(5) States may not charge for commodities made available to eligible recipient agencies, and may not pass on to such recipient agencies the cost of any matching requirements, under this subtitle.

(c) VALUE OF COMMODITIES.—The value of the commodities made available under subsections (c) and (d) of section 1052, and the funds of the Corporation used to pay the costs of initial processing, packaging (including forms suitable for home use), and delivering commodities to the States shall not be charged against appropriations authorized by this section.

SEC. 1060. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

(a) From the funds appropriated under section 1059(a), $94,500,000 shall be used for each fiscal year to purchase and distribute commodities to supplemental feeding programs serving women, infants, and children or elderly individuals (hereinafter in this section referred to as the "commodity supplemental food program"), or serving both groups wherever located.

(b) Not more than 20 percent of the funds made available under subsection (a) shall be made available to the States for State and local payments of administrative costs associated with the distribution of commodities by eligible recipient agencies under this section. Administrative costs for the purposes of the commodity supplemental food program shall include, but not be limited to, expenses for information and referral, operation, monitoring, nutrition education, start-up costs, and general administration, including staff, warehouse and transportation personnel, insurance, and administration of the State or local office.

(c)(1) During each fiscal year the commodity supplemental food program is in operation, the types, varieties, and amounts of commodities to be purchased under this section shall be determined by the Secretary, but, if the Secretary proposes to make any significant changes in the types, varieties, or amounts from those that were available or were planned at the beginning of the fiscal year the Secretary shall report such changes before implementation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) Notwithstanding any other provision of law, the Commodity Credit Corporation shall, to the extent that the Commodity Credit Corporation inventory levels permit, provide not less than 9,000,000 pounds of cheese and not less than 4,000,000 pounds of nonfat dry milk in each of the fiscal years 1996 through 2000 to the Secretary. The Secretary shall use such amounts of cheese and nonfat dry milk to carry out the commodity supplemental food program before the end of each fiscal year.

(d) The Secretary shall, in each fiscal year, approve applications of additional sites for the program, including sites that serve only elderly persons, in areas in which the program currently does not operate, to the full extent that applications can be approved within the appropriations available for the program for the fiscal year and without reducing actual participation levels (including participation of elderly persons under subsection (e)) in areas in which the program is in effect.

(e) If a local agency that administers the commodity supplemental food program determines that the amount of funds made available to the agency to carry out this section exceeds the amount of funds necessary to provide assistance under such program to women, infants, and children, the agency, with the approval of the Secretary, may permit low-income elderly persons (as defined by the Secretary) to participate in and be served by such program.

(f)(1) If it is necessary for the Secretary to pay a significantly higher than expected price for one or more types of commodities purchased under this section, the Secretary shall promptly determine whether the price is likely to cause the number of persons that can be served in the program in a fiscal year to decline.

(2) If the Secretary determines that such a decline would occur, the Secretary shall promptly notify the State agencies charged with operating the program of the decline and shall ensure that a State agency notify all local agencies operating the program in the State of the decline.

(g) Commodities distributed to States pursuant to this section shall not be considered in determining the commodity allocation to each State under section 1055 or priority of distribution under section 1056.

SEC. 1061. COMMODITIES NOT INCOME.

Notwithstanding any other provision of law, commodities distributed under this subtitle shall not be considered income or resources for purposes of determining recipient eligibility under any Federal, State, or local means-tested program.

SEC. 1062. PROHIBITION AGAINST CERTAIN STATE CHARGES.

Whenever a commodity is made available without charge or credit under this subtitle by the Secretary for distribution within the States to eligible recipient agencies, the State may not charge recipient agencies any amount that is in excess of the State's direct costs of storing and transporting to recipient agencies the commodities minus any amount the Secretary provides the State for the costs of storing and transporting such commodities.

SEC. 1063. DEFINITIONS.

As used in this subtitle:

(1) The term "average monthly number of unemployed persons" means the average monthly number of unemployed persons within a State in the most recent fiscal year for which such information is available as determined by the Bureau of Labor Statistics of the Department of Labor.

(2) The term "elderly persons" means individuals 60 years of age or older.

(3) The term "eligible recipient agency" means a public or nonprofit organization that administers—

(A) an institution providing commodities to supplemental feeding programs serving women, infants, and children or serving elderly persons, or serving both groups;

(B) an emergency feeding organization;

(C) a charitable institution (including hospitals and retirement homes and excluding penal institutions) to the extent that such institution serves needy persons;

(D) a summer camp for children, or a child nutrition program providing food service;

(E) a nutrition project operating under the Older Americans Act of 1965, including such projects that operate a congregate nutrition site and a project that provides home-delivered meals; or

(F) a disaster relief program; and that has been designated by the appropriate State agency, or by the Secretary, and approved by the Secretary for participation in the program established under this subtitle.

(4) The term "emergency feeding organization" means a public or nonprofit organization that administers activities and projects (including the activities and projects of a charitable institution, a food bank, a food pantry, a hunger relief center, a soup kitchen, or a similar public or private nonprofit eligible recipient agency) providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

(5) The term "food bank" means a public and charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products thereof, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis.

(6) The term "food pantry" means a public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress.

(7) The term "needy persons" means—

(A) individuals who have low incomes or who are unemployed, as determined by the State (in no event shall the income of such individual or household exceed 185 percent of the poverty line);

(B) households certified as eligible to participate in the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

(C) individuals or households participating in any other Federal, or federally assisted, means-tested program.

(8) The term "poverty line" has the same meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(9) The term "soup kitchen" means a public and charitable institution that, as integral part of its normal activities, maintains an established feeding operation to provide food to needy homeless persons on a regular basis.

SEC. 1064. REGULATIONS.

(a) The Secretary shall issue regulations within 120 days to implement this subtitle.

(b) In administering this subtitle, the Secretary shall minimize, to the maximum extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed on eligible recipient agencies.

(c) The Secretary shall as early as feasible but not later than the beginning of each fiscal year, publish in the Federal Register a nonbinding estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available under the commodity distribution program under this subtitle during the fiscal year.

(d) The regulations issued by the Secretary under this section shall include provisions that set standards with respect to liability for commodity losses for the commodities distributed under this subtitle in situations in which there is no evidence of negligence or fraud, and conditions for payment to cover such losses. Such provisions shall take into consideration the special needs and circumstances of eligible recipient agencies.

SEC. 1065. FINALITY OF DETERMINATIONS.

Determinations made by the Secretary under this subtitle and the facts constituting the basis for any donation of commodities under this subtitle, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

SEC. 1066. RELATIONSHIP TO OTHER PROGRAMS.

(a) Section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) shall not apply with respect to the distribution of commodities under this subtitle.

(b) Except as otherwise provided in section 1057, none of the commodities distributed under this subtitle shall be sold or otherwise disposed of in commercial channels in any form.

SEC. 1067. SETTLEMENT AND ADJUSTMENT OF CLAIMS.

(a) The Secretary may—

(1) determine the amount of, settle, and adjust any claim arising under this subtitle; and

(2) waive such a claim if the Secretary determines that to do so will serve the purposes of this subtitle.

(b) Nothing contained in this section shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28, United States Code, to conduct litigation on behalf of the United States.

SEC. 1068. REPEALERS; AMENDMENTS.

(a) REPEALER.—The Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is repealed.

(b) AMENDMENTS.—

(1) The Hunger Prevention Act of 1988 (7 U.S.C. 612c note) is amended—

(A) by striking section 110; and

(B) by striking section 502.

(2) The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note) is amended by striking section 4.

(3) The Charitable Assistance and Food Bank Act of 1987 (7 U.S.C. 612c note) is amended by striking section 3.

(4) The Food Security Act of 1985 (7 U.S.C. 612c note) is amended—

(A) by striking section 1562(a) and section 1571; and

(B) in section 1562(d), by striking "section 4 of the Agricultural and Consumer Protection Act of 1973" and inserting "section 1060 of the Commodity Distribution Act of 1995".

(5) The Agricultural and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended—

(A) in section 4(a), by striking "institutions (including hospitals and facilities caring for needy infants and children), supplemental feeding programs serving women, infants and children or elderly persons, or both, wherever located, disaster areas, summer camps for children,";

(B) in subsection 4(c), by striking "the Emergency Food Assistance Act of 1983" and inserting "the Commodity Distribution Act of 1995"; and

(C) by striking section 5.

(6) The Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 612c note) is amended by striking section 1773(f).

Title XI—DEFICIT REDUCTION

SEC. 1101. DEDICATION OF SAVINGS TO DEFICIT REDUCTION.

(a) Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays), as adjusted, set forth in 601(a)(2) of the Congressional Budget Act of 1974 for each of fiscal years 1996 through 1998 as follows:

(1) For fiscal year 1996, reduce new budget authority by $1,420,000,000 and reduce outlays by $1,420,000,000.

(2) For fiscal year 1997, reduce new budget authority by $1,420,000,000 and reduce outlays by $1,420,000,000.

(3) For fiscal year 1998, reduce new budget authority by $1,470,000,000 and reduce outlays by $1,470,000,000.

(b) Reductions in outlays resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XII—EFFECTIVE DATE

SEC. 1201. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on October 1, 1996.

The CHAIRMAN. Pursuant to the rule, the gentleman from Georgia [Mr. DEAL] will be recognized for 30 minutes and the gentleman from Florida [Mr. SHAW] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Georgia [Mr. DEAL].

PARLIAMENTARY INQUIRY

Mr. FORD. Mr. Chairman, may I inquire as to whether or not as the designee of the gentleman from Florida [Mr. GIBBONS], it would be in order for 5 minutes to be reserved for debate time under the rule?

The CHAIRMAN. It is not in order.

Mr. FORD. Under the substitute it is not in order?

The CHAIRMAN. It is not in order.

Mr. FORD. So the 5 minutes would not be granted?

The CHAIRMAN. The gentleman is correct.

Mr. DEAL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today is the day for change, today is the time to reaffirm our basic belief in work. Hard work has built this Nation and hard work continues to sustain it.

Today we are here to talk about changing the institution of welfare and replacing it with work. This should not be a partisan debate, we should all share in seeking the best answers regardless of whose ideas they are.

The substitute is brought to you by six Members and their hard-working staffs, none of whom are chairmen or ranking members, and three of whom were freshmen when this issue began in our group last Congress. In this time of basketball fever with the final four being talked about, I would suggest that our bill is assigned a real label that has made it to the final three and for that I am grateful.

I express my appreciation to the leadership for allowing this issue of welfare reform to come to the floor and to the members of the Committee on Rules and its chairman for allowing our substitute to be presented for debate.

We believe that work is the only long-term solution to the issue of welfare, and we believe that our plan presents the best alternative with the resources to the States to achieve that transition.

In the 30 minutes that we are allotted, we will do our best to reveal to Members why we believe that our plan presents the best alternative of making the transition from welfare to work.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise in strong support of the Deal bill.

On Tuesday, Representative CASTLE said the Republican bill is a big-bang approach to changing welfare.

He was right—and it is the kids who are getting banged up.

I rise today to support the Deal substitute, the only bill before us which makes fundamental changes to the current system while protecting our children.

The Deal bill is tough on work.

It is fair to kids.

It holds recipients accountable, and it makes both parents responsible for taking care of their children.

The Deal bill is tougher on work than any proposal before the House.

Each person on welfare will be required to sign a comprehensive individualized responsibility plan.

Each recipient is required to start looking for work immediately.

Nobody who refuses to work will get benefits.

Unlike the Republican bill, the Deal bill makes sure no kid will go to school hungry. It makes sure no kid will be left alone when Mom or Dad goes to work.

It cracks down on deadbeat parents to make sure they live up to their responsibility to support their children.

Both Democrats and Republicans agree the current welfare system is broken.

The Deal bill is the change we need to end welfare as we know it.

I urge support for the Deal substitute, which truly ends welfare as we know it.

Mr. DEAL. Mr. Chairman, I reserve the balance of my time.

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Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. ARCHER], the chairman of the full Committee on Ways and Means.

Mr. ARCHER. Mr. Chairman, it is curious to note the Democrat welfare bill that we have before us today is only offered in response to the strong action taken by Republicans on this issue. When the Democrats ran the Congress, they ran away from welfare reform. They did nothing about our crumbling cities, our decaying families, and our impoverished children. Only now that Congress is under Republican control did the Democrats muster the will to say, "Me, too," on this vital issue.

Let us take a look, Mr. Chairman, at this late and reluctant arrival at welfare reform. What is wrong with this amendment? Let me tell you. Their substitute spends more on welfare than the current law, $2 billion more.

This Democrat welfare bill raises taxes to do so on millions of middle-income working Americans. Let me repeat that: The Democrat welfare bill raises taxes on millions of middle-income working Americans.

It was only 5 months ago that the American people voted the Democrat people out of office because of their big-taxing, big-spending ways. Now, more than 2 million Americans will have their taxes raised as a result of this amendment.

Mr. Chairman, the Democrats' true colors are showing. Their approach to welfare, just like their approach to all problems, is to raise taxes and spend more money. This is a repeat of 1988. The last welfare reform bill, you remember, "Let us put a few more billion in with the promise that more people will work and get off of welfare 5 years later."

Here we are, 6 years later, about to do the same thing under the Deal amendment. The Democrats in Washington still do not understand that Government is too big and spends too much. So, once again, they raise taxes on working Americans to redistribute wealth to those who do not work. Their tax hikes hit working parents with children the hardest. These are not rich people. They are middle-income working Americans with children who will lose their tax credit for child care.

As bad as their tax hikes are, there are other problems in this bill. The Deal substitute maintains the worst features of the failed welfare status quo. This amendment leaves welfare as an entitlement, and it continues to force Governors into inflexible positions when they appeal to Washington on bended knee to obtain waivers so that they can help their own citizens. The Democrats treat as sacred the failed welfare system that has us in this mess in the first place.

For 30 years the Democrats built this failed system based on a faulty foundation. Now that true reform is at hand, they just cannot bear to see their failed creation come to an end, over $5 trillion of Government money spent on welfare in the last 30 years, and now they want to spend more.

I have a simple message for the Democrats who are fighting to keep the failed welfare status quo alive: Let it go, let it go, let it go. Help the poor by taking welfare off of its life support system.

There are other features in the Deal substitute which deserve comment. It does not put people to work, it puts Federal bureaucrats to work. It does not discourage out-of-wedlock births, it maintains the status quo. And it creates unfunded mandates on the States; the President signed a bill yesterday to stop this.

Mr. Chairman, welfare has left a sad mark on the American success story. It has created a world in which children have no dreams for tomorrow, and parents have abandoned their hopes for today. Crime runs rampant. Fathers run away. And leaders run from real solutions.

The time has come to pull the plug on the failed welfare state and to put in its place a new system, a system based on work, personal responsibility, and a system that dismantles the Federal bureaucracy and gives control where it can do the most good, at the State and local level.

The Deal substitute does not get the job done. It punishes the taxpayer and maintains the failed welfare status quo. The bill is not a good deal for anyone. It is a bum deal for everyone, and is should be defeated.

Mr. DEAL of Georgia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Chairman, I rise today in support of work and education as fundamental to real welfare reform—endorse the Deal substitute—and oppose H.R. 4. Unlike H.R. 4, the Deal substitute provides meaningful work opportunities immediately by moving individuals off of welfare and into work. The Deal substitute requires that a job search begin immediately. H.R. 4 does not even require people to read the want ads.

We all agree the current welfare system simply does not work. The current system does not result in the very values we wish to encourage—work, family and responsibility—that are the underpinning of a productive society.

For welfare reform to work, the American people first must have job opportunities that pay enough for them to be self-supporting. Half the people on welfare in my community work, but at wages too low to afford the basic necessities. Half of our welfare caseload remains on welfare just to get the health benefit that their private sector job does not provide.

If we are to be successful, our goal must be rooted in a strong economy that produces good-paying jobs. We must require parents to assume responsibility for themselves and their families. Any reform effort must move people toward literacy and skills advancement to get them off welfare and ultimately into jobs that pay a living wage. There's something wrong with an economy that produces more rent-a-workers than factory jobs.

Welfare must be structured as a system that offers a helping hand in time of need, while also providing the path to self-sufficiency and personal responsibility. States should be given the flexibility to make the system work for them, but in turn we must demand that job-readiness and living wage jobs are the end result. Job training, child care, transportation, and education can go a long way in moving people off the rolls. It will be the States responsibility to address these needs. We must make sure that uniform standards apply to all States. Furthermore, it will be the recipients responsibility to use these services to move off welfare rolls into real jobs.

In February, I brought together community leaders in my District for a forum on welfare reform. I brought together welfare recipients with elected officials, human service workers with human service directors. Together we came to a consensus on what is truly needed to reform welfare and in my judgment the Deal proposal comes closest to those recommendations.

NORTHWEST OHIO RECOMMENDATIONS

I would like to outline for my colleagues the recommendations made by my community on welfare reform. To be successful, welfare reform must begin on the frontlines with recipients and case workers who know what works and what does not, on an individualized basis. We must emphasize individualized contracts with a local case manager who is allowed to work with a family on its specific needs regarding work, education, skills training opportunities and building whole families. The current system perpetuates people being on service programs, not getting them off. We must focus our attention on incentives to help the working poor and working families move up and out of poverty.

Case managers should be professional social workers trained in strength-based assessments, not needs-based assessment. We must change our focus from providing overly bureaucratic eligibility determinations to one of partnership and coordination of services. This can be done by using an Individualized Family Service Plan, in which the family picks its strengths and weaknesses, goals and objectives, and the case manager finds the services in the community to meet those needs. This approach empowers the family and gives them the tools to get off and stay off welfare.

INTERGOVERNMENTAL RESPONSIBILITIES

FEDERAL STANDARDS

At a minimum, the Federal Government should provide a national framework which outlines the categorical eligibility criteria and minimum benefits standards to ensure that the poorest citizens receive equitable treatment. Local agencies should not have to devote precious time to determining and redetermining eligibility of recipients and administering the programs. Initial determination of eligibility should be a federal responsibility set up like local Social Security offices. Local governments could then devote their efforts toward training and work activities, and employment and related supportive services such as child care. The Federal Government should establish a person's eligibility like Social Security does, and develop and monitor performance standards so that States' programs can be measured. Federal standards are critical. When the Federal Government has failed to do so in the past, what resulted was the "Mississippi Syndrome"—great inequity among States. Without Federal standards and performance measures, States will not comply, as has been demonstrated historically. Federal regulations on confidentiality prohibit local agencies—Head Start, welfare offices, WIC, Department of Agriculture, PCI—from sharing necessary information about clients. Since these agencies, along with many others, service the same populations, the Federal Government should permit cross referencing at the local level.

STATE PARTNERSHIP, SIMPLIFICATION AND LOCAL EMPOWERMENT

Federal block grants to the States must not permit States to forgo their fair contribution to alleviating poverty. States must be encouraged to "earn" Federal payments. Flexibility is essential. What happens if there is not enough money in a given year to finish that year? People would be completely cut off until the next year. States must be allowed to carry over funds and not be penalized for good management of money.

Human service regulations in my home State of Ohio are some of the most complicated in the Nation. The application is 37 pages long. We should not assume that if the Federal Government cashes programs out to the States, the system in Ohio or any other State will be streamlined. The Federal Government must force States to streamline regulations.

It should further be required that, as a condition of receiving Federal funds, States be required to sign contractual arrangements with the local human service administering agency that places each on an equal plane. Counties, or any other local administering entity, should be given equal status with the State government to administer programs through contractual arrangements.

SIMPLIFICATION

The ideal system should encourage a team approach with a case manager—as opposed to a caseworker—determining what services are needed for a specific family, then bringing together a team at a location which is easily accessible and user friendly. Computer linkage at the local level is needed to ensure the success of a team approach. Interagency contracts must be established within each case management situation to avoid limits between agencies because of confidentiality requirements, and these contracts must be filtered down to the staff level.

A common intake form should be designed by the Federal Government, along with similar eligibility criteria for all human service programs: Medicaid, AFDC, food stamps. Definition of eligibility relative to poverty guidelines varies across Federal programs; it should be simplified and made the same for all of them. Local welfare personnel complain they spend incredible hours of time—an average of 2 hours per client—ascertaining a client's eligibility. They are required to answer over 700 different questions about that client.

EDUCATION, TRAINING AND HEALTH INSURANCE

Two areas of policy that must be a part of Federal welfare reform are education and job training.

Fifty thousand adults in northwest Ohio are illiterate, many of them on welfare. I am sure many other Districts across our Nation face the same situation. Welfare reform must address this problem. Skills training and education must be incorporated into welfare reform. The Federal Government must assure educational institutions—such as some proprietary schools—will not rip off clients and deprive them of their futures. Vocational and proprietary schools must be held to uniform accreditation standards. Further, they must be required to give labor market statistics about each of their courses of study on a regular basis. For example, northwest Ohio has a glut of nurses, yet schools continually market nursing as an excellent field with plenty of job opportunities available.

Half of welfare recipients in northwest Ohio remain on the program to receive health insurance, therefore, welfare must be reformed to offer people health insurance in private sector entry level jobs. Perhaps there could be a partnership formed at the local level between potential employers, human service agencies, and clients. For example, perhaps Federal health insurance such as Medicaid could be used to transition citizens for a period into private sector employment. Any person receiving welfare should be able to keep health insurance coverage after employment at least until his or her wages rise above the poverty level. If States receive incentives for performance, they will address health insurance.

OTHER RECOMMENDATIONS

Emphasis must be placed on paternity orders, with identification of absent fathers being key to the receipt of benefits. The IRS should be the primary collector of child support payments. Stronger, swifter, and more certain sanctions for failure to cooperate in the order establishment are needed. Any proposed work plan must include a provision for at least minimal child support payments. The reporting of nonsupport should be rewarded. Workers currently have no incentive to follow up on leads provided by custodial parent, so they don't do anything.

SSI

We should anticipate the trend toward increased SSI benefits when work is made mandatory. SSI benefits to drug and alcohol dependent persons, many of whom are mentally ill, should, therefore, not be cut off automatically; rather, cases should be assessed individually and funds should be channeled to local substance abuse treatment agencies to work with the client in his or her interest.

KEEP FAMILIES TOGETHER

Low-income families must be allowed to remain together without being penalized monetarily. Accounts of mothers and fathers are currently separate and based on eligible work quarters. Families should be treated as families.

DEVELOPMENTAL PROGRAMMING

Mandatory classes in budgeting, parenting, and nutrition, and registration of children in Head Start or other quality preschool programs should be required of recipients.

FOOD STAMPS

The Food Stamp Program where possible should be cashed out and the money used for regular benefits, health insurance, or education associated with moving people off the program. We must accord people respect enough to assume they will spend the cash on food, after giving them nutrition counseling and education.

UTILITY

Assistance plans—like PIP—must be reformed. They leave the recipient with a debt which must be paid before utilities can be turned on in one's name at another residence.

HOUSING

Finally, incentives should be provided for people to leave public housing. If one has no income, one pays no rent. The safety of knowing one can always stay even if not paying anything prevents people from trying to get out of the system.

Mr. DEAL of Georgia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I ask my colleagues to vote for the Deal substitute to move people from welfare to work without punishing children.

Mr. Chairman, I support bold reforms of our welfare system. The current system is broken and must be dramatically changed, not just tinkered with.

I support strong work requirements for welfare recipients. I support job training programs to prepare people for work, and aggressive placement services to move people into the workforce. I support time limits so that welfare is a transition to work—not a way of life. I support strong child support enforcement to assure that both parents are responsible, and to keep many mothers off welfare to begin with. And I support State flexibility so that States can experiment and find innovative ways to reform welfare.

But I do not support punishing children by cutting programs that work and disguising these cuts as block grants. Block grants do allow those closest to the people with the flexibility to meet the unique needs of a certain area, but I strongly oppose the block grants proposed in the Personal Responsibility Act. The child nutrition block grant would cut the School Lunch Program and the WIC Program—two programs that are proven successes.

School districts in my congressional district serve 413,017 lunches each day, keeping children healthy and ready to learn. Based on the numbers of partially and fully-paid for lunches in my district, block granting the School Lunch Program would effectively mean the end of the School Lunch Program. I have met with school district administrators, teachers, and children in my district, and I know that the School Lunch Program has been incredibly successful. I ate one of these lunches last week with children at Mark Twain Elementary School in my district and saw firsthand the value of the School Lunch Program.

I also do not support taking away the child protective services: the services that are the last resort for many kids. I heard from the Los Angeles County Supervisors—Democrats and Republicans—who worry about the huge increase in numbers of children who would fall through the cracks under the Personal Responsibility Act.

Denying welfare benefits to many mothers and then cutting child protective services is not welfare reform, it is punishing children.

Proponents of the Personal Responsibility Act would balance ill-timed tax cuts on the backs of vulnerable children. Any savings from welfare reform should go toward reducing the deficit—not toward tax cuts. The Rules Committee rejected a proposed lock box amendment similar to the bill I introduced in the House 2 weeks ago. We must ensure that a cut is a cut.

While I oppose the Personal Responsibility Act in its present form, I strongly support the Deal substitute. It is true welfare reform. It would move people off welfare and into work and it would give States greater flexibility to administer their own programs. It would allow California to continue its successful GAIN Program. It would establish time limits and require recipients to work for their benefits. It would crack down on deadbeat parents; stronger child support enforcement laws would mean fewer mothers on welfare in the first place. It would also require minors who have children to live with a responsible adult in order to receive benefits. As a mother of four, I know that teens cannot raise children on their own; they need supervision. The Deal substitute's emphasis on pregnancy prevention is a critical component of welfare reform—helping to keep young women off welfare in the first place.

I urge my colleagues to vote for the Deal substitute to move people from welfare to work without punishing children.

Mr. DEAL of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], one of the original cosponsors of the bill.

Mr. CLEMENT. Mr. Chairman, we have a real opportunity. The American people are watching us. They are expecting us to pass a welfare reform package.

I do not know where the Republicans are coming from when they talk about taxes and trying to deceive the American people about the Deal substitute. I am one of the six founders, you might say, of this welfare reform package. It offers an opportunity for a future rather than welfare recipients being trapped like they are now. They want a future. Under the Deal substitute, which I strongly support, we require individuals to begin work or a work-related activity immediately.

Does H.R. 4, the Republican version? No.

The Deal substitute has real work requirements for each and every individual in the work program. Does H.R. 4, the Republican version?

We require each recipient to sign an individualized contract of mutual responsibility outlining their road to work and self-sufficiency and the obligations they must meet. Does H.R. 4, the Republican version? No.

We also include specific provisions to make work pay. Does H.R. 4, the Republican version? No.

We remove the barriers to work by providing child care and health care to working recipients, those returning to work, and those working and struggling to stay off welfare. Does the Republican version, H.R. 4? No.

The Deal substitute provides the funding to ensure that the funds are their to meet the additional financial obligations of increased work requirements, child care, and assistance to move recipients to a private, unsubsidized job. Does H.R. 4, the Republican version? No.

Our substitute preserves the school lunch program, and I know a lot of them are wearing those "Save the Children" ties, I do not see any Republicans wearing them, and other proven child nutrition programs ensuring that our children have a full belly and a fighting chance to get through life. Does H.R. 4, the Republican version?

And finally, the Deal substitute will rid the children's SSI program of fraud and abuse while ensuring that much-needed benefits for those severely disabled children are afforded due process and that they are not indiscriminately cut off. Does H.R. 4? No.

Support the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I respect the effort of my colleague, the Gentleman from Georgia [Mr. DEAL], whose bill does many of the things we know need to be done now to make the current approach workable. But it only loosens the reins of Washington in those areas we see as necessary now. When flexibility is needed for States to implement a new idea, it will again take years for States to gain temporary waivers and even longer for Congress to change the law.

Let me give you an example. The Deal bill does not give States the right to make rent payments directly to landlords. Under current law, States must comply with cumbersome Federal regulations on a case-by-case basis to prove the recipient is not capable of managing his or her financial affairs. This is so burdensome and takes so long that States simply do not pursue it. Yet the need is compelling.

A recent grand jury investigating crime in a Connecticut police department uncovered a direct tie between welfare dollars and the drug trade. When taxpayer-provided benefit checks hit the streets, drug purchases soared. In the same city, kids are not staying in the same school the whole school year. Many classes turn over nearly 100 percent each year, compromising children's education severely. Families are on the move, and children are the victims due to nonpayment of rent, due to parents' drug addiction, subsidized with taxpayer dollars.

Can we not do better from Washington? We simply cannot construct a flexible enough system to meet the needs of kids and their parents.

Direct payment of rent is only one example of the need for far greater State control and authority than the Deal bill provides. It absolutely goes in the right direction, but the only block grant with Federal accountability that can foster development of a welfare system that will move people off welfare into jobs is the Republican alternative.

Are we taking a risk by creating a block grant system? Yes. Change is inherently risky, but it is a solid risk, because in every other sector of our society, pushing authority and responsibility down to frontline folks has worked.

This week we have the opportunity to rise to the challenge of making systemic real reform in America's welfare system.

Vote to move from caretaking dollars to wage dollars, to restore dignity to need.

Vote against the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, let me say that I rise to support the Deal amendment, because it truly takes care of the children with child care and trains the parents for work.

Mr. Chairman, I rise today in support of H.R. 1267, which offers a comprehensive proposal to reform our Nation's welfare system. This bill, sponsored by my colleague NATHAN DEAL of Georgia, focuses on promoting work and individual responsibility without punishing innocent children. Moreover, this bill gives states the flexibility to initiate different approaches while establishing clear guidelines and principles.

H.R. 1267 requires welfare recipients to maintain a job or be enrolled in a job training program. It also establishes the principle that our Government must help welfare recipients to find jobs and not terminate assistance to individuals that are willing to work but are unable to find a job. And yes, it provides child care!

During this debate on reform of the welfare system, I have emphasized empowering people instead of punishing them. Like many of my colleagues, I acknowledge that the current system has failed in many ways. However, the welfare reform bill favored by the Republican leadership will not help millions of Americans lead productive lives. We are a caring nation. In making public policy, we must exhibit compassion as well as promote individual responsibility. I believe that H.R. 1267 achieves these important objectives.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, unlike the Republican plan, the Deal substitute offers real welfare reform. Deal is real reform, because it is tough and compassionate. It links strict work requirements with training opportunities and gives support services recipients need to move from welfare to work.

It is tough, because it sets a time limit for benefits and requires recipients to accept individual responsibility plans for education, parenting, budgeting, and substance abuse.

It is compassionate because it makes available public service jobs after 2 years of unsuccessful job search. It ensures work will pay more than welfare by extending transitional health care benefits, giving an earned income tax credit, and providing the essential element of child care during training and work.

And on top of that, it gives States flexibility to do innovative things like programs to avoid teenage pregnancy.

The Deal substitute is modeled after the Georgia Peach and Work First Programs which have moved Georgians from welfare to work.

We need reforms that make programs more efficient and effective and do not just destroy them and empower families through training and jobs but do not just cut off, that promote individual responsibility and not just abdicate it.

For real welfare reform, we need the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CAMP], another member of the committee.

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Mr. CAMP. Mr. Chairman, we have the opportunity to fix a badly broken welfare system. A system that has literally become a prison from which there is little chance of escape.

Unfortunately, I can sum up the Deal substitute by saying "The more things change, the more they stay the same."

The Deal substitute does not require work. It talks about work, their press releases talk about work. But while long on rhetoric, it is short on requirements.

It is our understanding from legislative counsel that the Deal substitute has no individual work requirement until the year 2005. In contrast, our proposal allows States to require work for benefits from day one as opposed to just looking for work.

Under the Deal substitute, looking for work is the same as having a job . . . and for States who do not meet the work requirement, there is no penalty. Under our bill, the States can lose up to 5 percent of the block grant if they do not meet the work requirement.

If this legislation passes, a total of over 15 percent of the welfare recipients would be exempted from the "work-first and "workfare" time limits.

This substitute also attempts to fudge the numbers by counting everyone who leaves the welfare rolls with earnings as meeting the work requirement. Under our proposal, only an increase in the number of people working can count toward meeting the work requirement. The number of people required to work under the Deal substitute is actually lowered by 500,000 people per month.

I urge my colleagues to vote against the Deal substitute. In order to free families from the welfare trap, a real and meaningful work requirement is necessary. The Deal substitute fails that crucial test.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Deal substitute. And in response to my friend, welfare reform must have one overriding goal, and that is to move people from dependency to self-sufficiency by putting people to work.

Utah has a welfare reform program which is working. In the past 2 years they have reduced AFDC grants by one-third. It has been reported that the Republican bill was patterned after the Utah work program.

But let me read from the Utah State Department of Human Services memo: "The prescriptive requirements of title I are not congruent with our policy." They go on to describe what the Utah work policy is: Of the hours required, at least 8 must be in a job search and the remaining hours can be any combination of employment, education, or training. They go on to say that the act, as drafted, would prohibit this approach. The Deal substitute is the only bill patterned after a Utah-type program, and I urge you to support the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Chairman, I spoke to the Republican Governors of this Nation this morning, and they asked me to express their strongest opposition to the Deal substitute. I quote: "The Deal substitute undermines all our efforts to reform the welfare systems in our States." Governor Allen, Governor Wilson, Governor Whitman, and Governors Engel, Weld, Thompson, and a host of others oppose the Deal substitute. It is the big-government solution, to the Clinton deal, the bad deal.

Mr. DEAL of Georgia. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. I thank the gentleman from Georgia, and I rise in strong support of the Deal substitute and in opposition to H.R. 4.

Mr. Chairman, I rise in opposition to H.R. 4 and in support for the Individual Responsibility Act of 1995 as offered by Mr. DEAL and Mr. STENHOLM.

Mr. Chairman, for more than 60 years, the Federal and State governments have attempted to provide a safety net for the poorest among us who have fallen upon hard times. While originally intended to be short-term assistance to cushion the fallout from the business cycle, the system has trapped a portion of its beneficiaries in a long-term cycle of poverty. All of us will agree that the various public assistance programs, while helping many, have failed to cure long-term poverty. All of us will agree that we must change the welfare program if we are to try and cure the cycle of poverty. But, Mr. Chairman, H.R. 4 neither meets this goal nor does it try to, rather, it merely focuses on spending cuts among the poorest to pay for tax cuts among the wealthiest individuals and corporations. It is a short-term diversion of funds which will result in exacerbating long-term problems. it is irresponsible to cut this program without reforming it to move people into the workforce. It is economically questionable to do so in order to fund tax cuts and bloat the deficit, but that is exactly what H.R. 4 does. What it does not do is reform welfare.

H.R. 4 as submitted by the Republican leadership does not attempt to address the cycle of poverty. It requires no work or training during the first two years of assistance, nor does it provide adequate assistance for such training. It cuts child care, making it harder for parents to hold work. It cuts nutrition programs. It cuts job training. It ignores the inefficiency of the tax code which makes welfare pay more than work. Rather than focusing on training and placing able-bodied adults in private sector employment it goes after children, poor by no fault of their own. This ill-conceived legislation will most likely result in putting more people out on the street with no means of employment. Whether you are a conservative, liberal or moderate, you must agree that increasing the pool of the untrained unemployed in deeper poverty will not help the economy and will eventually cost the country more. Further, it loads the problem onto the states in a form which would otherwise be called an unfunded mandate. It is one thing to transfer programs from the federal government to the states, it is another to do so with less funding, no assurance to cover the increased costs of a recession, and extreme mandates.

This bill makes no sense. If you want to get tough on welfare, why not require work, today. H.R. 4 does not, the Deal substitute does.

Mr. Chairman, this House can make history today, and it can do so by rejecting H.R. 4 and supporting the Deal substitute. Make no mistake about it, if you support a welfare bill which will take people off the welfare rolls and put them on payrolls, you must support the Deal bill. The Deal substitute requires immediate job action by welfare recipients while H.R. 4 does not. The Deal substitute lays out a plan, working with the States and the private sector to require recipients to enter the job market, today, not in two years. It is tough on non-compliance and it adjusts the tax code to make work pay more than welfare. H.R. 4 does not. The Deal substitute, and not H.R. 4, puts teeth in child support for which the Republican Leadership abdicated its responsibility. The Deal substitute provides the means by which people who must find work can be assured of child care, which the Republican bill does not.

The Deal substitute understands the necessity to ensure adequate funding in times of recession when unemployment increases by maintaining the entitlement status. It understands the importance of maintaining nutrition programs. It also understands the need to reduce the deficit by eliminating wasteful spending and reducing the deficit. Quite simply, the Deal substitute is a tough bill and a smart bill which requires people on welfare to find work, now, not in two years. It helps those who cannot through no fault of their own. The Deal substitute provides training, community work, and a 15-percent recycle provision for those who try but are unable to find steady private sector work in 4 years. It penalizes those who do not try. It provides the necessary means to allow people to hold jobs including child care and health care. It adjusts the tax code to ensure that work pays more than welfare. It is a cost effective, cost conscious measure which seeks to address the cycle of poverty with work. For sure, the goals between this substitute and the Contract with America are quite different. The Deal substitute attempts to put people back to work to remedy the welfare situation. H.R. 4 simply cuts spending, without sufficient work or training requirements and no long-term goal for ending the cycle of poverty. H.R. 4 puts the issue on the backs of States and the taxpayers. And, if we adopt the Republican Leadership's bill, and not the Deal substitute, I assure you we will be back here later realizing the mistake we made in not trying to really reform welfare rather than pay for a tax cut and increase the deficit. Support real welfare reform, a real work bill, support the Deal substitute.

Mr. DEAL of Georgia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. I thank the gentleman for yielding me time, and I rise in strong support of the Deal substitute.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. I thank the gentleman for yielding this time to me.

Mr. Chairman, this evening the Democratic Party stands united in support of the Deal bill and in unyielding opposition to the callousness offered by the Republican Party. There is not even a work requirement in the Republican bill that is offered. They are tough on kids and they are weak on work.

Mr. DEAL deserves extraordinary credit for bringing Democrats together from every region of this country. Tonight we are going to offer a credible alternative that stands up under scrutiny. I offered Governor Weld's amendments at the Committee on Ways and Means, and the Republican Party turned them down.

We have a chance tonight, I think, to stand in support of a welfare reform bill that we all acknowledge needs change. Stand in support of the Deal alternative. It is credible and stands up under the magnifying glass of critical analysis.

The CHAIRMAN. The gentleman from Georgia [Mr. DEAL] has 22½ minutes remaining, and the gentleman from Florida [Mr. SHAW] has 19½ minutes remaining.

The Chair states that he would like it to be reasonably balanced.

Mr. DEAL of Georgia. Mr. Chairman, in light of that, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise in support of the Deal substitute and congratulate the gentleman from Georgia [Mr. DEAL] for coming up with a consensus solution to our welfare dilemma.

Mr. Chairman, the current welfare system rewards staying home over work and permits dead-beat parents to shirk their obligations to their children and is a national embarrassment and outrage. The current welfare system contradicts the American work ethic, and undermines the American dream for millions. As a nation, we cannot afford to support a program that encourages able-bodied adults to stay at home rather than look for a job.

Mr. Chairman, for these reasons and more, I rise in support of Congressman DEAL's welfare reform substitute to the Personal Responsibility Act. The Deal proposal addresses the critical need for substantial reform in the current welfare system, and includes tough work requirements and a 2-year time limit on benefits, while maintaining a safety net for our children. The Republican plan does not do this. The Deal substitute would permanently remove people from welfare dependency by helping them find and retain real jobs, not by simply kicking them into the streets.

Real welfare reform must be about economic self-sufficiency. It must be the primary goal of any valid proposal, and the Deal substitute faces this issue head-on. In meeting the goal of economic self-sufficiency, individuals must be required to look for a job, and there ought to be a time limit on receiving benefits. Mr. DEAL's plan gives States the flexibility to design a strong "Work First" program to ensure that individuals are moved off welfare and into work. This could mean job training, education, job placement services, assistance in creating microenterprises, or any other program developed by the State to move an individual into private, unsubsidized employment. After 2 years of participation in the Work First program, individuals would no longer be eligible for AFDC, but would be eligible for a private employment subsidy or workfare program. The Deal substitute includes a 2-year time limit—a necessary incentive for welfare recipients to take advantage of the work opportunities provided in the bill. From the moment a person enters the welfare system, they will be on their way out—out to economic opportunity and self-sufficiency. The Republican plan does not do this.

Real welfare reform must be about job preparedness. An initial investment in job preparedness and placement will result in long-term savings, and do more for our long-term economic security than a tax cut for the rich ever would. Welfare recipients must learn marketable skills to find better jobs. And enduring job skills will prevent repeat visits to the welfare rolls. By providing welfare recipients with a real opportunity to find a permanent, well-paying job, the Federal Government will soon be rewarded with lower welfare costs, higher worker productivity, and increasing revenues. The Republican plan cannot do this.

But real welfare reform does not stop here. Staying in a job is just as critical as finding one in the first place. Health and child care benefits must be part of any welfare reform plan that seeks to keep people at work, not on the Government rolls. Going to work should not mean losing health care benefits. And children must have a safe, supervised place to grow and learn while their parents are at work. The Republican plan does not do this. "Personal Responsibility" should not mean putting the health and safety of our children at risk.

Welfare reform must also be about responsibility. I am outraged that parents can shirk their responsibility to their families by leaving them destitute and not paying child support. The Republican plan lets them do this. Any worthwhile reform effort must send a clear message to these deadbeats: you must support your children. Through streamlined, advanced technology, states can and should track down these parents. Tough enforcement mechanisms such as garnishing wages and taking away drivers licenses should be enacted and enforced.

The Republican Personal Responsibility Act is a shameful pretense at real welfare reform. The Republicans would simply throw people out on the streets and call that cruelty "reform." This most outrageous proposal as a solution to welfare dependency while not adequately addressing the issue of work.

In seeking to reform the broken welfare system, we must not forget our moral responsibility to the workers and children of America. Welfare reform should be about work, responsibility, and families, not about a tax cut for the wealthy. The most enduring legacy of welfare reform will be its effect on those children and families who rely on it in tough times. The current welfare system encourages perpetual dependence and distorts American values. We must enact real welfare reform to restore their hope and their futures and break the cycle of dependency. Our future depends on it.

Mr. DEAL of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. I thank the gentleman for yielding this time to me.

Mr. Chairman, the sponsors of the Deal substitute are committed to making major changes to our welfare system.

We understand that real welfare reform must be about replacing a welfare check with a paycheck.

The Deal substitute is designed to get people into work as quickly as possible. It requires all recipients to enter into a self-sufficiency plan within 30 days of receiving benefits and no benefits will be paid to anyone who refuses to work, refuses to look for work, or who turns down a job.

The Republican bill allows welfare recipients to receive benefits for up to 2 years before they are required to go to work, or even to look for work.

Mr. Chairman, we believe the Government should assist welfare recipients in becoming self-sufficient, but we understand that in the end individuals must be responsible for their own welfare.

The Deal substitute provides welfare recipients with the resources they need to move from welfare to work, but it also requires individuals to be responsible by setting a 2-year time limit on cash assistance.

After 2 years, States may allow individuals to work for benefits by providing them with a voucher to supplement private sector wages.

But no benefits are available after 4 years.

Mr. Chairman, the Deal substitute is the only welfare reform bill which gives the American people exactly what they want: welfare reform which makes work the number one priority, welfare reform which requires individuals to be responsible for their own actions, and welfare reform which gives the States the flexibility they need to make it succeed.

Mr. Chairman, I say to my friends, let us give the American people what they want. Support the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the chairman of the Committee on Agriculture, the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank the gentleman for yielding this time to me.

The Deal substitute does not represent real food stamp reform. Rather than allowing States to harmonize AFDC and food stamp rules for those families receiving assistance from both programs, the substitute clings to the waiver system. Rather than taking the food stamp program off of automatic pilot, the Deal substitute continues the pattern of ever escalating runaway costs. Rather than demanding workfare for able-bodied people, the substitute simply mandates that States do provide the make-work jobs and training, but provides, really, less than half the money. It is an unfunded mandate.

But here is the real deal, I did not know this, I read the CBO report: The Deal substitute would count:

Benefit payments from the AFDC and food stamp programs would be included in income subject to income tax. You are taxing food stamps? That is a mean deal.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 1 minute.

First of all, I respond to the gentleman's comments: Yes, we believe that for those who are taking Federal assistance through food stamps and AFDC and earning the same amount of money as hardworking poor people, that a dollar of welfare ought to be worth the same thing as the dollar you work for. That is the reason for it.

In responding to the issue of who supports whom in this issue, I would like to quote briefly from a letter. I would like to quote briefly from a letter dated March 20, 1995, from the National League of Cities, in which they say, "We believe the pending bill, H.R. 4, could affect local government. The bill could be one of the greatest mandates ever imposed upon our communities."

Governor Carper of Delaware, in responding to the Republican bill, says, "In sum, this legislation would not transform the welfare. Rather, it would not severely undercut our efforts to reform the welfare system in our State."

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I too want to commend the gentleman from Georgia [Mr. DEAL] and the others for putting together this bill, and I rise in strong support of the Deal substitute.

In responding to the distinguished chairman of the Committee on Agriculture, you know, one of the problems that I have with the Republican bill—and I intend to oppose it—is there are a lot of areas that are not working and have not been thought through. I think, in the case of food stamps, that is one of the areas where we have a lot of fraud and problems with the food stamp system.

What we have done in the Deal bill is we have worked through those problems. We have 19 specific areas where we have addressed the problems in the Deal substitute. The Republicans have not done this. They have punted it to the States.

So I think we ought to be clear about what has happened here. We have a bill that has worked together with the AFDC system, it is all integrated, we make sure it flows together, and we have addressed problems. It is the toughest bill dealing with the fraud and abuse and other problems that we have in the food stamp system.

I ask you to support the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this point I would like to paraphrase for the RECORD from a letter dated March 22, from the Republican Governors' Association, signed by a number of Governors. This is a letter addressed to the gentleman from Georgia [Mr. DEAL]. In referring to his bill, they say that it maintains the individual entitlements, highly prescriptive Federal rules remain intact. It turns back the clock and has a chilling effect on the Governors' plans—including his own State of Georgia, I might add. It increases taxes by penalizing working Americans. By reducing dependent care tax credit for working women, you are sending a message that work, for these women, does not pay. It is an unfunded mandate, and they end by saying, "We must oppose this bill."

Mr. Chairman, the full text of the letter is as follows:

REPUBLICAN GOVERNORS ASSOCIATION,
Washington, DC, March 22, 1995.

Hon. NATHAN J. DEAL,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DEAL: Although we salute your good intentions on welfare reform key elements of your bill will, we believe, substantially hinder real welfare reform efforts in the states.

Your bill maintains the individual entitlements and does not provide states with a block grant. Current highly prescriptive Federal rules intact. We need the flexibility of block grants to design programs that will work in our states.

Under you bill, states would be prohibited from removing an individual from cash welfare without first providing 2 years of education and training benefits. This provision will turn back the clock on many state programs already operating and will have a chilling effect on Governors' plans to put individuals to work as soon as we determine they are ready to do so.

Further, your bill increases taxes by reducing the dependent care tax credit. In effect, you are financing two years of education and training for welfare recipients by penalizing working Americans. Working women in particular will be hurt by these changes. The costs associated with child care for working mothers are work related. By reducing the dependent care tax credit for working women, you are sending the message that work for these women doesn't pay.

The work requirements in your bill are highly prescriptive and seriously restrict state flexibility. The two years of additional Medicaid coverage required by your bill is an unfunded mandate on states and will cost states an additional $1.5 billion by the year 2000.

For all of the above reasons we must oppose your bill.

Sincerely,

Tommy Thompson, Jim Edgar, Ed Schafer, and 5 others.

Mr. SHAW. Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 15 seconds in order to respond.

I also have a letter, and since I have not received the one the gentleman from Florida quoted from, I have a letter from his own school board in which they say they do support our legislation.

Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, as the only Member of this body who has actually been a single, working mother on welfare, I support the Deal substitute.

Mr. Chairman, Representative RICH NEAL of Massachusetts and I co-chaired the Democratic task force on welfare reform, and I want to compliment the many Members who made this substitute worthy of widespread support: NATHAN DEAL, PATSY MINK, SANDY LEVIN, XAVIER BECERRA, ELEANOR

HOLMES NORTON, BILL ORTON, and many others worked long and hard to create a bill that reforms welfare without punishing poor women and children.

The Deal substitute offers a fair deal. It invests in education; job training; and child care to get people into jobs.

Mr. Chairman, the choice comes down to this: We either punish poor children as the Republican bill does or, as in my case we invest in families so they can get off welfare permanently.

Let us put politics aside and put our children first. Support the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the Deal amendment and in support of H.R. 4.

Mr. Chairman, I rise today in opposition to the Deal substitute and in support of H.R. 4, the Personal Responsibility Act, the key word here being "responsibility." It is time we take responsibility for this nation by ending the dependence on government which too many recipients have come to know. We all agree that the current system is in need of reform. H.R. 4 gives people now on the welfare roll the opportunity to take responsibility for themselves by moving to the payroll. What greater gift can we give these recipients than the gift of responsibility, freedom and dignity that comes with supporting themselves and their families?

My home State of Alabama obviously has different needs than the State of California, and even the different counties in my district have diverse needs. Consolidating Federal programs into more flexible block grants allows States to respond more effectively to the needs of their residents. Eliminating the cumbersome Federal bureaucracy and the maze of redtape and regulations which have beset the welfare program will permit Congress to send more funds to the States to spend on programs such as school lunches and WIC.

H.R. 4 provides welfare families with education, training, job search, and work experience needed to prepare them to discontinue welfare assistance. At the same time H.R. 4 protects children and families by maintaining a food stamp program, which grows in a recession, as a Federal safety net. Furthermore, a safeguard has been placed in the Federal nutrition grant which mandates that at least 80 percent of the money must be spent on low-income children. That's the same ratio found in current nutrition programs.

We can no longer sit back and allow millions of poor Americans to be trapped in the black hole of a failed welfare system. It is unfortunate that the very system created to assist persons in getting back on their feet has trapped them in a cycle of government dependency. We have spent $5 trillion in the war on poverty and the status quo will no longer cut it; let's start taking responsibility for this Nation and pass H.R. 4. Vote "no" on this substitute and vote "for" H.R. 4.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. MCCRERY], a member of the Committee on Ways and Means.

Mr. MCCRERY. I thank the gentleman for yielding this time to me.

Mr. Chairman, this Deal substitute, unfortunately, is just more of the same, micromanaging from a Federal level, trying to maintain the status quo. We cannot afford more of the same in this country with respect to our welfare programs. We must have fundamental change. That is what H.R. 4 represents. Let me talk about one section of this bill, particularly the SSI disability for children program.

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Mr. Chairman, I want to compliment again the good work that some Members on the Democrat side have done. The gentlewoman from Arkansas [Mrs. LINCOLN], the gentleman from Wisconsin [Mr. KLECZKA]; they have done good work.

Unfortunately though, Mr. Chairman, I think, when they put together this Deal substitute, they got snookered by some people on their side who did not want to change much about the SSI disability program for children.

Yes, the Deal substitute does away with the individualized functional assessment, the IFA, the rather vague qualifying standard that children are getting in on now. But in the next section of their bill they recreate the IFA. They say the commissioner of Social Security must set up a functional equivalent standard. So they are going to call it the FES instead of the IFA.

Big deal. No pun intended.

That is just going right back to the same vague standard. It invites abuse of the program.

Cash. They continue cash for all children on SSI. That is the problem with the program now. At the level where the disability is not so bad that a child must be institutionalized or have the threat of institutionalization they are getting these parents coaching their kids to act crazy. Even in the literature that the gentleman from Georgia [Mr. DEAL] handed out it says we cure the crazy check problem. I say to my colleagues, "No, you don't. You invite it all over again by leaving that lure of cash out there for the parents."

The Deal substitute does not fix the problem, they do not fix the IFA. The GAO report right here issued this month says, "You can't fix it, you can't fix it."

Mr. DEAL of Georgia. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I rise in strong support of the fairest, most humane reform bill that has been offered in this House in many, many years.

Mr. DEAL of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM], one of the original cosponsors of this legislation.

Mr. STENHOLM. Mr. Chairman, I am constantly shocked by what I hear on the floor and what I see being put out. Deal taxes welfare moms' benefits. Thirty-three percent of the kids in America do not even qualify for a tax cut, and yet we have a wonderful yellow sheet put together by a political consultant designed for a 20-second spot on TV.

Now let us talk about Deal raises taxes on the middle class. I am surprised to hear that coming from this side of the aisle.

Mr. Chairman, I ask my good friend, the gentleman from Florida [Mr. SHAW], "Do you remember March 29, 1990, roll call 57? We lost that day on the ABC bill. We lost 195 to 225, but you did a heck of a job rounding up Republican votes. All but 14 voted for the same language today that you criticized."

Now we talk about Medicaid spending. Let us talk about Medicaid spending in the Deal bill compared to H.R. 4. Let us talk about that welfare mother that has a child, and takes a job, and earns $1 more than the law allows, and then has to lose her Medicaid coverage. There is not a man or woman on this floor that would take a job under those circumstances, and I say to the gentleman, "You're got the gall to criticize the Deal bill for being inadequate?"

I cannot believe some of the stuff. We have talked about differences that we have got, but some of the criticisms, taxes, Medicaid spending, welfare moms, taxing benefits, absolutely ridiculous.

Mr. Chairman, first, I would like to thank you for the opportunity to debate this important issue and particularly, the Deal substitute. I rise in strong support of Mr. DEAL'S substitute and commend him for his leadership in this effort.

I believe that we have put together a real, workable reform package that achieves the goal we are all striving for—changing the face of our welfare system. The Deal substitute people off welfare and into work and it provides the funding to do so.

By maintaining the funding necessary to carry out our program, the Deal substitute avoids unfunded mandates and increased state and local burdens. In contrast, the National Conference of State Legislatures says that "H.R. 4 contains many un- and underfunded mandates including a federal work requirement with hefty participation rates". The United States Conference of Mayors also says of H.R. 4 that "in addition to the significant negative impact the proposal would have on low income people, it will also further strain local budgets."

As you can see from the chart, the savings from H.R. 4 are much more drastic than the savings in the Deal substitute. In other words, states will receive $18.8 billion less to care for the needy and help get individuals into jobs under the base bill than they would receive under the Deal substitute. More importantly, the Deal substitute directs all of our savings—approximately $7.5 billion—to deficit reduction, not tax cuts for the wealthy. This substitute is the only proposal that can claim any deficit reduction because it is the only proposal which locks those savings away from being spent again.

In addition, the Deal substitute maintains the current federal nutrition programs, such as school lunch and WIC. Rather than being driven by spending cuts, our proposal focuses on moving people from welfare to work. School lunch programs, therefore, should not be, and are not, part of our welfare reform proposal.

We have heard a great deal of talk about nutrition programs, particularly school lunch programs. The talk that really caught my attention, however, was the input I received from the school superintendents in the 17th District. They couldn't understand why we would want to change our school lunch program, when they don't see anything wrong with the way it is now. Because they work in the program at the local level, I trust that they know how well the program is working.

The Deal substitute also follows a responsible approach to changes in the Food Stamp Program, including strong provisions to cut down on fraud and abuse. The Food Research and Action Center [FRAC] has endorsed the Deal substitute as a "far better approach toward meeting the nutrition needs of families, children, and elderly."

I strongly urge your support for real, workable welfare reform. Support the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON], a member of the committee.

Mr. HOUGHTON. Mr. Chairman, there is much appeal to the Deal amendment, and I have great respect for Mr. DEAL himself in terms of changes in the trend in the current welfare plan, States requiring participation, a whole variety of things like that, but it seems to me the basic weakness comes down to two things. First, there is continued cash payments, and I know I am being repetitive here. Second, there is an open-ended entitlement concept, and I say to my colleagues, if you're going to change welfare, I don't know how you do it with cash payments and open-ended entitlement. It's absolutely contrary to what we're trying to do, and I frankly think the Republican bill here, what we're approaching, is humane, and yet it has an element of discipline and reality to it.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I point out that under the Republican bill it is 2 years before anybody ever has to go to work, but in ours 30 days after they enter they have to begin a job search and sign a self-sufficiency plan.

Mr. Chairman, I yield 2 minutes to the ranking member of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I say to my colleagues, I urge you to vote for the substitute bill prepared by Mr. DEAL and others. The food stamp title of this substitute includes all of the antifraud proposals of the U.S. Department of Agriculture. No one can say that the substitute isn't tough on waste, fraud, and abuse. The food stamp substitute requires people to work. No one can say that this substitute does not have a work provision to receive food stamp benefits.

After 6 months, anyone who is unable to find work, we also have provisions for employment and training. The substitute bill will promote expansion of electronic benefit transfers, or EBT. The substitute requires, and this is very important, this difference between the substitute and H.R. 4: We reduce legitimate costs, but we will not reduce costs from legitimate users of food stamps. These are not the no counts, not the anything else. What H.R. 4 does, it keeps the thrifty food plan at 103 percent, but with no increase. If the cost of food goes up; too bad, you go hungry. We don't do that. And also the substitute bill requires that all net savings must go to reducing the deficit. It does not go to anything else.

Mr. Chairman, let us not punch holes in the safety net in the name of welfare. I say to my colleagues, don't talk to the Ag Committee about reducing expenditures. We have done over $60 billion in 12 years, but, Mr. Chairman and my colleagues, I refuse to use hungry people to get moneys to give tax breaks to wealthy people. The Deal substitute mandates you to use the savings only for deficit reduction.

I urge colleagues to vote for the substitute bill prepared by Mr. DEAL and others. We have worked with Mr. DEAL on the food stamp provisions of that substitute and believe that they present a much better option than the food stamp provisions of H.R. 4.

The food stamp title of the substitute includes all of the antifraud proposals of the U.S. Department of Agriculture, proposals incorporated in H.R. 1093, a bill I introduced on March 1. Although a number of the USDA proposals were included in H.R. 4 as a result of an amendment I offered at our welfare reform markup, the substitute includes all of the Department's proposals. The most significant of the substitute's antifraud provisions will authorize criminal and civil forfeiture when food retailers traffic in food stamps. This provision will create a significant disincentive to food stamp trafficking. The substitute also doubles the penalties for individuals violating program rules, and requires the collection of certain claims against households by Federal tax and salary offset.

The substitute will require that food stamp recipients work at least half-time, participate in a public service program in return for their benefits, or participate in an employment and training program. This requirement will be imposed on able-bodied recipients who have no children, after they have received food stamps for 6 months. This category of recipient is very likely to find work on their own during the first 6 months and no longer need food stamps. if they are unable to find work within that 6 month period and continue to need food stamps, the work requirements will be imposed. Every recipient wishing to continue to receive food stamp benefits after 6 months who is unable to find work, will be assured of a slot in an employment and training program rather than being kicked off of the food stamp program. Of course, the elderly and disabled are exempt, and those families receiving AFDC will be required to follow the AFDC work rules.

The substitute will provide greater coordination between food stamps and AFDC by requiring in many instances that the same rules be used to calculate income and assets. This provision will help caseworkers who now must use different rules for different programs.

The substitute will promote the expansion of electronic benefits transfer, or EBT, by allowing States to begin using EBT without seeking USDA approval first. Of course, the EBT requirements of the Food Stamp Act will still apply, and USDA will still monitor States to make sure that their EBT systems are in compliance with the law, but States will no longer have to prepare and have approved by USDA their plan for EBT. This provision should make it easier for States to implement EBT, and EBT will help us reduce fraud in the program.

The substitute requires that food stamp allotments be based on 102 percent of the thrifty food plan. The thrifty food plan is the cheapest of four food plans designed by USDA, and it assures a family a nutritionally adequate diet. It is adjusted annually to reflect the current cost of food, and food stamp allotments are then adjusted to reflect the changes in the thrifty food plan. This is one way that food stamps are responsive to changes in the economy. When food costs go up, food stamp allotments go up by the same percentage. H.R. 4 will discontinue use of this mechanism to keep food stamp benefits in line with the cost of food, and it will simply require that allotments be raised by 2 percent each year, no matter how much food costs might increase. CBO estimates that by fiscal year 1998, food stamp benefits will fall below what a family will need to maintain a nutritionally adequate diet if H.R. 4 is enacted. The substitute bill will not let that happen. The annual adjustments to reflect the cost of food will still be made, and instead of families getting 103 percent of what they need, they will get 102 percent—the extra 2 percent addresses the lag between the time that the thrifty food plan adjustment is made and when benefits are issued over the next 15 months.

This reduction in food stamp benefits, and several other provisions of the substitute, are included to provide some savings in the projected cost of the food stamp program. I understand that OMB projects the savings from these food stamp provisions at approximately $4 billion over 5 years. These are painful cuts, but we are providing those savings in as humane a way as we possibly can. The substitute bill requires that any net savings must go to deficit reduction and nothing else. This will assure that any reductions in benefits will only go to the employment and training programs, the coordination of AFDC and food stamps, or deficit reduction. To reduce benefits and allow the savings to be used for any other purpose is unacceptable.

Finally, the bill coordinates four commodity distribution programs: the Emergency Food

Assistance Program, the Commodity Supplemental Food Program, the program for soup kitchens and food banks, and the program for charitable institutions. These programs will be consolidated into one discretionary program.

This substitute will maintain the safety net for all welfare recipients who are willing to work but unable to find jobs. It will help those recipients find work, and train them for work if that is what is needed. The policy behind the substitute demands that we reform our welfare system so that it is humane and effective as it moves people off of welfare and into jobs. Let us not punch holes in the safety net in the name of welfare reform.

Mr. SHAW. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, may I ask my friend, the gentleman from Texas [Mr. DE LA GARZA], what are the savings in this bill that are going to go against the deficit?

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I say to the gentleman, you haven't told us. You refuse to tell us.

Mr. ARCHER. I am talking about their bill.

Mr. DE LA GARZA. The substitute mandates that it goes to deficit reduction.

Mr. ARCHER. Where are the savings in the Deal substitute?

Mr. DE LA GARZA. The savings are in the way that we revamp the food stamp program and not as much as you revamped it, you reduced them, but——

Mr. ARCHER. I will say to the gentleman, your bill spends $2 billion more.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the majority whip, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I rise in strong opposition to the Clinton-Deal substitute, and I applaud the gentleman from Georgia [Mr. DEAL] for his efforts to bring a conservative Democrat approach to welfare as we know it. For 30 years we have seen a series of Presidents, from Lyndon Johnson, to Jimmy Carter, to Bill Clinton, who have failed to deliver on their promise to end welfare as we know it. Now we have another approach to tinker around the edges, and a very weak effort in my opinion. The Clinton-Deal bill throws more money at the problem, creates more programs on top of programs, more job programs on top of over 150 job programs that are already out there failing, and it is amazing to me under this bill welfare spending is going to increase from $300 billion this year to $500 billion by the end of this decade.

The gentleman from Texas [Mr. STENHOLM] is so exercised on that kind of issue because the savings under our bill would not explicitly go to deficit reduction. The irony here is there are no substantial savings in the Clinton-Deal substitute to go to deficit reduction under it and a paltry $10 billion in savings as described by the previous speaker over the next 5 years out of a trillion dollars in spending on welfare.

What we have here is very basic. We have a conservative approach by the Democrat Party to take a system that asks a 14-year-old child that has a baby out of wedlock to stay in a public housing system, be isolated in a torn-down public housing unit, live among the rats and cockroaches with the drug pushers standing outside the door, and, as long as she does not get married or work, the cash will keep flowing. Their new system is all of that, living in public housing, not getting married, with the drug pushers standing outside the door. As long as she worked a little bit, the cash will keep flowing.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 15 seconds to respond to the gentleman from Texas [Mr. DELAY].

Mr. Chairman, I wish he would read my bill. It says we do not continue those benefits to underage mothers. They have to live at home with a parent or an adult, and they do not have the freedom to live in that public housing, and we require they go back to school and complete their high school education.

I would also point out there is no Clinton-Deal bill. It is the Clement-Deal bill. The gentleman from Tennessee [Mr. CLEMENT] has previously spoken.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I further say to the gentleman from Texas [Mr. DELAY], "Why don't you stop talking labels and start talking substance? It is about time. There is a way to reform welfare, and we must do it, and that is work, work."

Mr. Chairman, the key to breaking cycles of dependence and poverty is moving people on welfare into productive work, and that is why I support the Deal bill. The Republican bill talks about work, but lets participation goals be met by States without a single person being put to work and without putting a single dollar into a Federal partnership with States to get people off work into welfare.

Welfare reform on the cheap will not work. The Deal bill ensures the necessary incentives, including child and medical care, to the person who should move from welfare and additional resources to the States to help make it really happen with reasonable time limits.

In a word, Mr. Chairman, the Deal plan is likely to move people off welfare into work. The Republican plan is more likely to move people off welfare to nowhere at all. The Republican plan is not only weak on work, it is harsh on kids from its hit on school lunches and other nutrition programs to its mandates to the States that they cannot provide a cash benefit for a child if it is born to teen mothers or if it is a second child.

The Republicans' punitive approach is seen in their treatment of middle and low income families with a seriously handicapped, physically handicapped, kid. It cuts $15 billion from the current program and replaces it with a block grant of only $3.8 billion. The Deal bill gets at abuses without being abusive to handicapped kids.

The Republican approach to SSI is a vivid example of the painful fact the Republican bill is extreme. The Deal bill is mainstream. Let us support the Deal bill.

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a member of the committee.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, as I have reviewed this so-called Deal substitute, and we do know there is no Clinton bill; I will concede that point; I can understand why there was no bill offered in committee, and I can understand why there was no bill passed by the other side of the aisle last session. What they have offered here is a tax and spend approach to welfare reform which is not going to fly because it is tied to the existing failed welfare system. This bill has cash flow problems because under it cash flows to minors, cash flows to aliens, cash flows to welfare families who have additional kids, and States are even required to pay cash to some who are not working.

Mr. Chairman, State flexibility is gutted under this bill. States need to come back to Washington to get permission to reform their welfare system. Power stays with the HHS bureaucracy, and under this bill, under this existing entitlement structure, the welfare system was preserved like a fly in amber.

There is also a $1.5 billion unfunded mandate on the States, and let us talk about taxes. I say to my colleagues, "You may want to wake up. This is an applause line for you because we're going to talk about how you're raising taxes. You raise taxes on working moms in families with a $60,000 income range. You impose taxes on AFDC benefits and food stamps."

□ 1900

Mr. DEAL of Georgia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN], one of the original cosponsors of the amendment.

Mrs. LINCOLN. Mr. Chairman, I would just like to get one thing straight, and that is definitely that this bill is not the status quo. If people would learn to check their party sometimes at the door and take a listen to what their people are saying at home to put people above politics and read what we have got here, we would know that.

In my weekly trips home to Arkansas, I constantly hear stories of a government program called "crazy checks." Teachers, doctors, bankers complain to me that parents are coaching their children to misbehave in school to get a no-strings-attached government check. Well, if we do not do something about this program, we are the ones that are crazy.

So in February of last year, I asked the GAO to investigate both the allegations of coaching and the overall integrity of the program.

And after a year of study, the GAO results confirmed my escalating concerns. The program has grown 300 percent since 1989, and the subjective IFA standard left the door open for abuse.

The GAO said, the high level of subjectivity leaves the process susceptible to manipulation and the consequent appearance that children fake mental impairments to qualify for benefits. A more fundamental problem is determining which children are eligible for benefits using this new IFA process.

Well, we eliminate that IFA program, and we do reform that program by trimming 25 percent off the rolls, but we are not cruel to disabled children.

The Office of the Inspector General at HHS said that SSI payments are not being used for special needs of children with disabilities so that they can be engaged in substantial gainful activity.

We are the only bill that holds the parent accountable to prove that they are using those funds toward the disability of that child. For the first time, we put that accountability into a program.

The Republicans in our letters that we received certainly from the subcommittee was that all of the governors opposed H.R. 4 in terms of the SSI disability for children program.

I acknowledge the hard work that my colleagues Mr. MCCRERY and Mr. KLECZKA have put in. Though I disagree with their approach to solving the problem, I certainly applaud them for making the effort.

The Deal bill is the best one there, and I urge my colleagues to support it.

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada [Mr. ENSIGN], a member of the committee.

Mr. ENSIGN. Mr. Chairman, the Deal bill increases taxes on middle-class families. It increases taxes by $2.2 billion by phasing out a child care credit for middle-class working families, $2.2 billion. I campaigned on a middle-class tax cut, not to raise taxes on middle-class families.

The Deal bill also will cost the American taxpayer, get this, $64 billion more than the Republican bill over 5 years. That is $64 billion.

The Deal bill is also weak on work. Let me give you an example of how in the formula you can play games with this. If somebody goes off of welfare into work, does that three times during the year, under the Deal bill this would be counted as three people going into work. That is how you can play games with the formula, and that is why this bill, one of the reasons this bill is so flawed. This bill is more symbolism than it is substance.

I urge my colleagues to vote against the Deal bill and for the Personal Responsibility Act, and I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida [Mrs. THURMAN], one of the original cosponsors of this amendment.

Mrs. THURMAN. Mr. Chairman, the Republicans pledged to enact a tough welfare reform bill. The Republican plan is more than tough. It is downright cruel. It is brutal to children, the elderly and families that are trying to get back on their feet.

The bottom line here is that the Republican plan takes food out of the mouths of hungry children, children whose only sin is having parents who are working through tough times or elderly folks who have to make daily decisions between buying food or medicine.

Let us set the record straight right now. This not about welfare cheats. This is about food. Make no mistake, $25 billion in cuts in food stamps alone means less food for children and the elderly.

Oh, we have heard the excuses over the weeks. A little here, a little there, it will not hurt anybody. But when a child misses a meal, it hurts that child. It hurts me. And, Mr. Chairman, it should hurt my colleagues on both sides of the aisle because the bill threatens the very future of our society.

I stand up tonight to say this is wrong. Our children are our future. When we sacrifice their well-being, we sacrifice the future of America. The Republican plan will cause children to suffer from cognitive development problems due to malnutrition. They do not eat; they do not learn. They grow up hungry, and they cannot get a job. Then where do we stand?

The Republican plan reduces the ability of hungry people to buy food. In a few years, food stamp benefits will fall below the amount needed to purchase the thrifty food plan, the bare-bones plan that was developed under the Nixon and Ford administrations. What this means is that, first, kids get no butter on their bread, then no bread on their plates, then no vegetable, then no meat. And, finally, the people of the Third World will be watching our starving children on the evening news.

Today, the benefit level is set at 103 percent of that thrifty food plan cost. The Deal plan does drop it to 102 percent but guarantees that it will never drop below the basic benefit level. The Deal plan provides the safety net for those who need it the most. Here is the Deal safety net. Here is the Republican safety net disappearing quickly.

The goal of welfare reform should be to create the most effective welfare system. I beg you to vote for the Deal plan.

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the Deal substitute is as weak as water on the subject of work. They say that it is work first. It ought to be called job search first. If you listen closely, they keep talking about job search. They keep talking about work-related activity.

Under the Deal substitute, a person could spend up to 2 years in job search without ever doing any real work. And, ladies and gentlemen, looking is not working.

Then the Deal substitute has a loophole big enough for 500,000 welfare recipients to walk through. You see, caseload attrition counts as work participation. It is a kind of caseload revolving door. One person going on and off the rolls three times in a year would count as three people going to work. The Republican plan requires not only real work but a real net decrease in the caseload.

The Deal substitute does virtually nothing on the subject of illegitimacy and out-of-wedlock births, though the President himself has admitted the clear link between welfare and out-of-wedlock births.

Incredibly, the Deal substitute raises taxes on working moms with children, over $2 billion at the very time we are trying to provide tax relief for the American family. The Deal substitute has spending increases. It is going to cost $2 billion more over the next 5 years, while the GOP plan saves billions of dollars. It is tax and spend again and again, and the American people do not want a welfare reform plan that is going to cost more money.

Mr. SHAW. Mr. Chairman, I yield a minute and a half to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I rise in opposition to the Deal amendment.

First, let me say I appreciate the efforts of Mr. DEAL and his colleagues to work towards a welfare bill that would reduce the dependency on welfare, but there are several provisions in there that I find very troubling.

My opposition to the welfare system as we know it today is that I think it ruins the American family. It creates incentives for women to leave their husbands in order to receive benefits, it penalizes families that stick together, and it ultimately undermines the family as an institution in our society.

Provisions in this bill which end up taxing working mothers who are relying on the earned income tax credit and increase the marriage penalty in that program, I think, would be counterproductive.

I also think that allowing a statement that we are going to accept 50 percent illegitimacy rates as being OK sends the wrong signal in this country. We have to be against illegitimacy and strengthen the family and strengthen the roots that it creates in order to overcome the deep social problems that we have in this country.

So, Mr. Chairman, for that reason, I would urge my colleagues to vote against the Deal substitute and stay with the bill that came out of committee.

Mr. DEAL of Georgia. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in strong support of the Deal substitute, the only deficit reducing welfare reform plan.

Mr. Chairman, we must reform the welfare system from top to bottom. The current system does not work. It was intended to be a safety net for poor children and families, but it has become a burned-out bureaucracy that encourages laziness and discourages people from finding work.

I support welfare reform, and I am going to vote for the strongest plan possible. I am cosponsoring a plan drafted by the coalition, which is a group I belong to made up of conservative and moderate House Members.

The plan I support is tough but fair. It is the best plan before Congress to get people off welfare and get them into the workforce.

The welfare reform plan I support would:

Impose a 2-year lifetime limit on welfare benefits.

Demand that people who get welfare start their job search immediately upon receiving benefits.

Impose tougher enforcement of child support, with provisions to revoke driver's licenses and withhold income of people who fail to pay child support.

Provide States with funding for job training for recipients so they can get off welfare and into work.

While other welfare proposals have been criticized for cutting the National School Lunch Program, the plan I support does not affect school lunches or any other nutrition program.

The problem with the current welfare system is not the School Lunch Program. The problem is the welfare system doesn't give people any incentive to work.

The plan I support provides benefits for a limited amount of time, during which you must look for a job. No more something for nothing.

My plan is the only one that reduces the deficit. It costs less than the current system, and it specifically directs the savings to go toward deficit reduction. Other plans put their savings toward paying for tax cuts.

This proposal is tough but sensible. It provides reasonable assistance for those in need for a limited amount of time. It provides the means and the incentive to get off welfare and get a job.

The House is expected to hold votes on the coalition's welfare reform plan and competing proposals by Friday afternoon.

Mr. DEAL of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. TANNER], one of the original cosponsors of this legislation.

Mr. TANNER. Mr. Chairman, I want to thank the gentleman from Georgia [Mr. DEAL] and say that the six of us who have been working on this for 3, almost 4 years now, none of us are committee chairmen, none of us are ranking members of a committee, and so the gentleman was right when he said it is really, I think, a tribute to the merit of this work that our staffs and others have done that we are even on the floor tonight.

We looked at our welfare system again about 4 years ago and decided that we needed to change it for three or four reasons.

One, the present system encouraged unwed motherhood, and that is wrong, and we changed that in our bill.

Second, it discouraged two-parent families, and that is wrong, and we changed incentives in the system in this bill.

Third, we knew we had to do child care and some things for kids so that people could accept a job and go to work, and we went about this in a way that was quiet in many respects. But it was like this. We went with one guiding principle, and that is if life, as one man once said, is about nothing else, it is about the dignity that comes with earning one's own way.

Our bill is the only one that really and truly tries to get people back to work with self-sufficiency contracts, with a partnership with the State. We try to fix the things that are wrong with the Federal system before we dump it on the governors and the legislatures and the cities of this Nation.

I have letters from the U.S. Conference of Mayors, the National League of Cities against H.R. 4 because of what they see coming down the road in terms of unfunded mandates. But I am not going to get into all that tonight.

Let me tell you what I am going to talk about with the little time I have got left. Very similar to our bill, 162 Republicans in the last Congress signed a bill just like this, almost like it, and we have been working with them a long time.

The six of us that are sponsors of this bill cannot be accused of being partisan voters. We have had, we collectively have, I would suggest, the most nonpartisan voting record in this House over the time we have been here. And for the criticism that comes from the Republicans tonight on some of the things that they have been for until it was here tonight as our bill, I think, is disgusting and disgusting for this reason. The American people have got enough sense to know that neither party has got a monopoly on wisdom and virtue. And they are tired of partisan gamesmanship and this unbelievable rhetoric at the level that there is, and 162 of you were for it when we had this almost same bill in the last Congress, and now all of a sudden it is bad.

I think it is a shame. I think the American people want this Congress to work for them and do something about our problems. We have got a chance to do it tonight, and I would urge us to lay aside our partisan differences and try to do that.

□ 1915

Mr. SHAW. Mr. Chairman, I would say to the previous speaker that if we started pointing out the good parts, they would start losing votes on that side.

Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding time to me.

Let us look at what the Republican bill actually does. It actually requires actual people actually on the welfare case load to work; 2,225,000 people by the beginning of the next decade will have to work under the Republican bill. And it is work as the American people understand work, working at a job.

Let us look at what the Deal bill has. It has job search. It has education and training. It has personal employability plans. Where have we seen that before? In the 1988 welfare bill, which was also called a workfare bill. Do you know how many people are working now that we have had the 1988 bill for 6 years, 26,000 people out of 4½ million people are working. That is how many people are going to be working under the Deal bill. It is the same old wine and it is not even in new bottles. It is the same old wine in the same old bottles.

We are taxing middle-class Americans. We are pouring the money into billions and billions of dollars worth of new bureaucracies, personal employability plans, education and training. No where does the bill define work as work, and nobody will be working.

The bill does nothing about illegitimacy. It allows the illegitimacy rate to continue to grow. It creates new bureaucracies instead of requiring work. It maintains the Federal lock hold on the welfare system. It is the kind of welfare reform that we have had in the past.

Mr. Chairman, it proves that we need not just to end welfare as we know it, we need to end welfare reform as we know it.

Vote for the Republican welfare bill and against the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to oppose Mr. DEAL's substitute amendment to the Personal Responsibility Act. The current welfare system is fundamentally broken. We must replace it, instead of tinkering around the edges.

The Deal substitute retains ultimate power in the hands of Federal bureaucrats. Allow me to give some examples:

States will still have to come to Washington bureaucrats to get waivers to try anything new or innovative. These waivers can take years to obtain.

The Deal substitute also preserves the Federal bureaucrats power over work programs. More "Washington Knows Best." Job placement vouchers, work supplementation and workfare are all subject to the blessing of Federal bureaucrats.

I support the Personal Responsibility Act because it will not require Governors—who are far ahead of Washington when it comes to welfare reform—to seek permission from Federal bureaucrats for their innovate welfare-to-work programs.

The bottom line is that the Deal substitute fails to meet the public demand to end welfare as we know it. I urge my colleagues to vote against the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. COLLINS], a member of the committee.

Mr. COLLINS of Georgia. Mr. Chairman, I thank the gentleman for yielding time to me.

Members, opportunity knocks only once. But temptation will beat your door down. The Deal substitute is a temptation. It is a temptation that continues an open-end entitlement program.

What is an entitlement? An entitlement simply means that if you fit the criteria of a program, you are entitled to the money that comes from that program. Should not states have the opportunity to adjust their criteria? No, under the Deal substitute, they continue to be faced with mandates of how to beat that criteria.

States should have the flexibility to adjust. A lot has been said about Governors, Republican Governors, mainly, but I want to mention a Democrat Governor from Georgia, Zell Miller, a real leader in welfare reform.

Just last December, he said, "MAC, when it comes to welfare reform, just send me the money. Even if you have to send it be less, I will handle welfare reform in Georgia." And he has and he will continue to do so.

Let us end the Washington bureaucracy. Let us give the States and the local governments the ability to assist their citizens. Compassion begins at home, my colleagues, not in Washington.

Mr. SHAW. Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of the Deal amendment.

I support the substitute offered by Representative DEAL which provides real reform of our Nation's welfare system without penalizing children, seniors, or economically disadvantaging people. Congress must provide training and transitional assistance to move Americans from welfare to work. Without providing the helping hand to welfare participants, Congress will force them to make a choice between health care benefits, child care and housing assistance, or work. No one should be forced to pick between their children or work.

We must take charge and reform the welfare system which penalizes families for staying together or trying to obtain work which will cause the loss of several assistance programs. The Deal substitute does provide this assistance in the crucial transition period. A 2-year extension for medical assistance allows a welfare recipient to better their life and keep their health care benefits.

The Deal substitute is tough love but it provides the helping hand for recipients to move on to a better life. Deal requires double the number of people to work than the Republicans do and provides more assistance. While the Republicans claim they are tough on requiring work for welfare, the Deal substitute requires it.

The Deal substitute allows nutrition programs to continue under current law. The Republican bill cuts school lunch and completely changes the entire program. Under the Republican's bill, school breakfast and lunch funding is guaranteed to Governors but there is no guarantee of a school lunch meal for our children. The block grant funding system does not allow for any of this and will force the State of Texas to make up for lost funding either by raising taxes or cutting services. Cutting services means fewer meals.

The Comptroller for the State of Texas estimated a loss of federal revenues of over $1 billion in the next 2 years if the Republican welfare bill is passed. Congress must not force this massive cost shift onto the States. We passed the unfunded mandates but this will be an unfunded mandate beyond any other. The State of Texas will be forced to take charge of programs which the Federal Government is abandoning.

We must not turn our backs on the children, seniors, or any Americans. I support the Deal substitute and I ask for its passage.

Mr. DEAL. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, I rise in strong support of the Deal substitute. I have worked with him over the past 6 weeks, and we have looked closely at this bill. And we strongly support this substitute for a real work bill.

Mr. DEAL. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise in support of the Deal bill.

Mr. DEAL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I said at the outset that we are the Cinderella team here. We are just pleased to be invited to the ball. We had to come as we were. One of our stepsisters got invited. They were supposed to be the one that wore the shipper. We have taken 2 days and 31 visits to the beauty shop to try to improve their dress, to improve their hair style and to give them a facial makeover.

But we are glad to be invited to the ball. We thank all of you for that opportunity.

Let me address some of the issues that you have stated previously. First of all, we think that unfortunately, if you are going to break welfare, you have to get people to work. You saw the charts that were displayed on this side.

The one glaring error is that on the Republican bill you can count somebody in your work requirements just by simply kicking them off the rolls whether they ever to go work or not. We do not allow that.

Let us look at the percentages here. You will see the percentages. As you notice, one of the makeovers did increase the percentages, but it did not give the States any additional revenue to achieve these goals. If it costs money to get people to work, where is the extra revenue to get them to work? We believe it is one of the largest unfunded mandates that States and communities will ever see.

We have a letter from the Conference of Mayors, indicating they think that it is a shift, made reference to the fact that the Governors, Republican Governors Association endorsed a letter against us. I notice that only eight of them signed it. I thought you had significantly more than that. Maybe they will get around to signing it later.

Let me talk to you about the issue of flexibility. We talk about flexibility, and we talk about funding. This is the funding mechanism. you are not going to be able to get people off of work by cutting child care benefits. You are not going to get people off of work without giving them the incentive for additional transitional Medicaid so that a working mother does not lose the health care for her children. And that costs the money. You have got to have incentives for people to go to work. We do it and we save money.

How much is it going to cost? I want to talk to you about how much it is going to cost.

The CBO scores these things. That is what they are there for, and they are now under the Republicans' control. And we have talked about how much things are going to cost.

CBO has scored both bills, and they have looked at it from the standpoint of are you achieving the goal of getting people off of welfare and into work. What do they say? They say that we can meet our work requirements under the bill and probably not use all of the resources.

What do they say about the Republican version? They simply say that none of the 50 States, including the territories, will be able to reach the goals of work that they schedule.

You can talk about us being able to allow people to look for jobs and job search. Yes, we do require that within 30 days from the time we began. But, gentleman and ladies on the other side, you allow people to sit at home for 2 years and never have to go to work. They do not even have to look in the yellow pages or in the work section of the newspaper.

I would urge Members to look at this bill on the merits. We think it is a substantial improvement over what is being offered.

We are Cinderella, and we believe at the end of the ball we will be wearing the slipper.

Mr. SHAW. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have had a long few days. I think we have had some good moments in this Chamber, and I think we have had some of our worst moments in this Chamber. But I am struck by the fact that no one has come to the floor and defended the status quo, despite the fact that for so many years the Democrats of this House have prevented real welfare reform.

The gentleman from Tennessee who spoke just a few moments ago about working with us on other legislation, he has. The gentleman from Texas [Mr. STENHOLM] mentioned the child care bill. We worked on that together, and we got good legislation.

The problem is here there is too much politics and there is not enough cure. But let us look for a minute. I want to be very complimentary of the gentleman from Georgia [Mr. DEAL] for doing this and being able to bring about some of the Members of his party who are dead fast against any reform to bring them on board.

You say you have been back and forth to the beauty parlor. Some areas you have sat under the dryer too long, I might say. I think that there are areas that your bill is very commendable. But I am not here to tell you where you did good.

I am here to tell you where you messed up. And I know you messed up because of the compromises that you had to make to bring so many of your Members aboard.

You increase the deficit by $2 billion. This is not a time to do this. The Republican bill decreases the deficit. It adds back to $67 billion. That is a big, big difference.

You increase taxes. That is a mistake in this atmosphere. It is a mistake to increase taxes, and you increase it on over 2 million middle-income families. That is a very, very big mistake. You should not have done it. You should not have weakened to that.

It is weak on work. There is no question about it. When you say someone is looking for work, that counts as work. And you say you are tough on work. All you have to do is go home and say, I am working on my résumé or send your résumé to be president of General Motors and by God you are looking for work. But that should not score.

On our side we say that you cannot, it is not a question of sitting home 2 years. Many of the Governors today, they provide that you have got to work the first day. You absolutely gut the program that is now in place in places such as Massachusetts and Michigan, where they are requiring them to go to work.

Under the Deal bill they can say, I am getting an education and training. I am not going to go to work. I got 2 years.

Under our bill, the States can say, no, you do not. You are going to work right now, because there is work out there and it is there for you and you are going to be able to take it.

The unfunded mandates and keeping the bureaucracy here in Washington is the greatest tragedy of this bill.

Vote "no" on the Deal bill.

Mr. HOYER. Mr. Chairman, the current welfare system is at odds with the core values Americans share: work, opportunity, family, and responsibility.

Instead of strengthening families and instilling personal responsibility, the system penalizes two-parent families, and lets too many absent parents who owe child support off the hook.

It is long past time to "end welfare as we know it." We need to move beyond political rhetoric, and offer a simple compact that provides people more opportunity in return for more responsibility.

I have a few common-sense criteria which any welfare plan must meet to get my vote.

It must require all able-bodied recipients to work for their benefits.

It must require teenage mothers to live at home or other supervised setting.

It must create a child support enforcement system with teeth so that deadbeat parents support their children.

It must establish a time limit so that welfare benefits are only a temporary means of support.

It must be tough on those who have defrauded the system.

And it must give States maximum flexibility to shape their welfare system to their needs, while upholding the important national objectives I have just listed.

Tuesday, in debate on the House floor, Mr. CASTLE said the Republican bill is a "big bang" approach to changing welfare. He was right—and it's the kids who are getting banged up.

As Governor Mike Lowry of Washington State says regarding the Republican bill, "I recognize the serious need to reshape and revitalize our public welfare system, but I oppose prescriptive Federal mandates that would harm children."

I rise today to support the Deal substitute. This is the only bill before this House which meets my criteria. It is the only bill before us which makes fundamental changes to the current system without hurting children.

The Deal substitute reinforces the values which Americans share: Hard work, self-discipline and personal responsibility. It is tough on work, fair to kids, holds recipients accountable to the Government, and makes both parents responsible for taking care of their children.

The Deal bill is tougher on work than any proposal before the House. As Governor Tom Carper of Delaware wrote, the Republican bill "will not do what the public is demanding—that is, ensure that welfare recipients work."

Under the Deal bill, each individual coming onto AFDC will be required to sign a comprehensive individualized responsibility plan. This contract outlines what welfare recipients must do in order to receive Government assistance. The plan requires that each recipient begin to look for a job immediately, and work to gain the tools which will move them from welfare to work. Nobody who refuses to work will get benefits.

In addition, the Deal bill requires States to meet higher participation rates than the Republican bill does. The Republican bill would count any kind of caseload reduction toward States' work participation rates, whether people are working or not. Under the Deal bill, people will be given the opportunity to gain the skills they need to get a job—with time limits that create the right incentives to do so.

The Deal bill is also better than the Republican bill for what it does not do—it does not make children pay for the behavior of their parents. As Governor Benjamin Cayetano of Hawaii says, "The Republican proposal will bite into the already overburdened safety nets of State and local government and numerous nonprofit organizations. It will bite into the tight budget of families working hard to get off welfare. And, most unfortunately, it will be the children in these families who will suffer the most."

Unlike the Republican bill, the Deal bill maintains the guarantee that no kid will go to school hungry. The Deal bill budgets enough funding for child care to make sure no kid will be left at home alone when mom and dad go to work. As Governor Dean points out, the Republican bill "not only appears to reduce child care assistance by roughly 20 percent over 4 years, it would not account for projected increases in child care needs for welfare recipients who are required to work under the bill." The Deal bill makes sure welfare recipients can go to work without fearing for their children's safety—a critical element of workable welfare reform.

As Governor Roy Roemer of Colorado points out, "it is unacceptable to expect a parent to enter employment if it means their children's safety and well-being is jeopardized by lack of child care or medical assistance." Governor Gaston Caperton of West Virginia tells us that "we need to eliminate the disincentives to work running through our welfare system, by providing transitional health and child care benefits." Unlike the Republican bill, the Deal bill provides adequate funding for child care, and extends Medicaid eligibility for an additional year to help people move from welfare to work.

The Deal bill also cracks down on deadbeat parents to make sure they live up to their responsibility to support their kids. It sends a crystal clear message to all Americans: You should not become a parent until you are able to provide and care for your child.

The Deal bill puts the teeth into our child support enforcement system that the Republicans took out of their bill. It includes the provisions Mrs. KENNELLY and I fought for in the Rules Committee last week which withholds or suspends the professional and driver's licenses of people who have not made their child support payments.

The Deal bill will send a strong message that parents—even teenagers—must be responsible for their children. Under this bill, teen mothers will be required to live at home and stay in school. We will send the message that we will support children of teenagers only while their parents are preparing to support them independently.

The Deal bill is also better than the Republican bill for what it does not do. The Republican bill wages an attack on the basic food programs that make sure every child in this country has at least one good meal a day. Despite rhetoric to the contrary, the Republican bill cuts spending for child nutrition programs almost $7 billion below the funding that would be provided by current law.

Do not just rely on me to tell you. Gov. Howard Dean of Vermont says, the Republican bill "would decrease funding, repeal nutritional standards and permit States to siphon off school lunch funds to pay for other programs. This is wrong and it should be stopped in its tracks."

In the Republican bill, funding for the Women, Infants and Children Program is reduced compared to current law—and provisions requiring competitive bidding on baby formula have been removed. That decision alone will take $1 billion of food out of the mouths of children each year, and put the money in the pockets of big business. This simply defies common sense. No one in America could possibly argue that this is "reform."

The Deal bill maintains the current-law competitive requirements in WIC that save money for the taxpayers—and increase the number of women and children we can help in this program.

The Deal bill also maintains current funding levels for foster care. Adoption and foster care services are already overloaded, and are failing our children. At a time when the need for foster care, group homes, and adoption is likely to rise dramatically, the Republican welfare plan would cut Federal support for foster care and adoption by $4 billion over 5 years.

As Governor Lowry says, "The overall effect of the welfare reform proposal may force more children into foster care; yet the State will have fewer funds to meet this increased need. Moreover, if the funds provided are diverted primarily into foster care, then there will be even less money available for family support and preservation, adoption, finding permanent homes for children, or prevention."

The Republican bill restricts State flexibility. Gov. Mel Carnahan of Missouri says that H.R. 1214 "would undermine the reform that has already begun in States like Missouri" because it would "provide (block grants) with very little flexibility. The legislation is full of micromanagement prescriptions. Furthermore, the funding to achieve true reform and provide for recipients in harsh economic periods would be, at best, uncertain." Governor Dean says that H.R. 1214 "is overly prescriptive by telling States how to design their reforms and who they can serve. It fails to meet the commitment of the leadership to grant States the flexibility we view as critical to successful State-based welfare reform."

As Governor Carnahan says, the Deal bill "acknowledges what is needed to help people move from welfare to work. This measure would emphasize work requirements, bind recipients to an individual responsibility contract in order to receive benefits, and encourage responsible parenting."

Both Democrats and Republicans agree the current welfare system needs to be overhauled. The Deal bill is tough on work without being tough on kids. It represents true welfare reform—not the wealth-fare reform the Republicans propose.

The Deal bill is the change we need to end welfare as we know it. I urge your support for this bill.

I would like to submit the text of these letters from Governors across the country for the RECORD.

OFFICE OF THE GOVERNOR,
Montpelier, VT, March 22, 1995.

Hon. RICHARD GEPHARDT,
Democratic Leader, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEPHARDT: As the House of Representatives debates welfare reform, I wanted to share with you my concerns about the Republican proposal, H.R. 1214, The Personal Responsibility Act.

Vermont was the first state in the nation to implement a statewide welfare reform initiative that includes both work requirements and time limits. Our goals are to strengthen incentives to work, make dependence on cash assistance transitional, and promote good parenting and individual responsibility. Although our reforms took effect in July we are already seeing encouraging results. In the first six months of operation, the number of employed parents in our program increased by 19 percent and their average monthly earnings grew by 23 percent.

We were hopeful that federal reforms promised by the 104th Congress would complement and propel Vermont's reform initiative. However, after closely following the progress of welfare reform in the House and examining the details of H.R. 1214, I can only conclude that this proposal will deal a severe blow to our efforts in Vermont by shifting responsibility and costs to the states.

First, I believe there is a national interest in protecting children and that a child in Mississippi is no less important than a child in Minnesota. Any welfare reform should embrace this national priority and ensure that children are protected and not penalized for the mistakes of others. The Personal Responsibility Act fails to meet this minimum test of decency and represents a declaration of war on America's children.

The failure of the leadership to meet this test is best illustrated by their proposal to block grant the school lunch program, a program that works and puts food directly into the mouths of hungry children. The bill would decrease funding, repeal national nutrition standards and permit states to siphon off school lunch funds to pay for other programs. This is wrong and it should be stopped dead in its tracks.

Second, states have asked for flexibility to tailor welfare reforms to meet the special circumstances present in every state. H.R. 1214 is overly prescriptive by telling states how to design their reforms and who they can serve. It fails to meet the commitment of the leadership to grant states the flexibility we view as critical to successful state-based welfare reform.

Finally, I am convinced, based on our experience in Vermont, that real welfare reform will not save the states or the federal government money in the short run. If the leadership is serious about moving people from welfare to real and meaningful work, it has missed the mark. Slashing $69 billion dollars over five years from the very programs that would help people transition from welfare to work is a demonstration of the leadership's seriousness of purpose in welfare reform. Without sufficient federal support for true welfare reform, H.R. 1214 is simply another unfunded mandate imposed on the states.

Dick, I stand ready to work with you in any way to improve this bill and I appreciate your leadership on this critical issue. Please feel free to call on me if I can be of any assistance.

Sincerely,

HOWARD DEAN, M.D.
Governor.

EXECUTIVE CHAMBERS,
Honolulu, HI, March 21, 1995.

Hon. RICHARD GEPHARDT,
House Democratic Leader, U.S. Capitol, Washington, DC.

DEAR CONGRESSMAN GEPHARDT: On behalf of the State of Hawaii, I want to express my strong support for the efforts of the House Democrats to craft a bill that would produce meaningful and effective welfare reform.

The State of Hawaii believes that real welfare reform invests in people. This means welfare programs that train people for the kinds of jobs that will allow them to earn a decent living, to live a life off welfare, to be self sufficient. Our state Department of Human Services is taking action to make this kind of program a reality. We have in place programs which require recipients to work part-time while receiving job skills training. This type of program empowers the recipients by providing them with meaningful work experience concurrent to learning more effective job skills. It also will save the state millions of dollars.

Under the House Republican bill, welfare stands a good change of becoming well-unfair. Unfair to welfare recipients who will see basic benefits cut and eligibility standards devised which do not work in the real world. And, unfair to the states who will find themselves paying out of their own pocket for programs mandated, but not funded, by Congress.

On the surface, the House Republican bill's goals of turning 336 welfare programs into 8 block grants sounds appealing. It sounds like common sense. It sounds like government being wise. In reality, the sound bites of the House Republicans are just that—sound bites. The Republican proposal will bite into the already overburdened safety nets of state and local government and numerous nonprofit organizations. It will bite into the tight budget of families working hard to get off welfare. And, most unfortunately, it will be the children in these families who will suffer most.

We in Hawaii cannot let this happen. Our community will not stand idly by while others attempt to hobble our ability to care for our vulnerable populations.

I and other Democratic Governors believe that the health and safety of children should be protected. That means welfare reform with compassion. The House Republicans proposal overlooks this key guiding principle of welfare.

This proposal also restricts a state's ability to gain meaningful welfare reform tailored to the specific needs of an individual state. I stand with my fellow Democratic Governors in asking for significant state flexibility which is free of the bureaucratic prescriptive language and hazy funding mechanisms.

Congressman Gephardt, your leadership in crafting a reality based welfare reform bill is heartily appreciated in the Aloha State. The Democratic Governors have been national leaders in the welfare reform movement, and we stand ready to help you in any way possible to fashion a welfare bill that will emphasize personal responsibility, promote self-sufficiency, provide economic opportunity and encourage families to stay together.

With warmest personal regards.

Very truly yours,

BENJAMIN J. CAYETANO,
Governor.

OFFICE OF THE GOVERNOR,
Jefferson City, MO, March 22, 1995.

Hon. RICHARD GEPHARDT,
House Democratic Leader, Washington, DC.

DEAR DICK: I am writing to express my concerns about the welfare reform proposal, H.R. 1214, scheduled this week for debate on the House floor. Unfortunately, this legislation is not a serious attempt to reform welfare. If passed, it would cause more damage than good to Missourians who are trying to improve their lives.

Democratic governors want to accomplish real welfare reform and understand how to achieve it. It has been Democratic governors who have instituted statewide programs to help recipients break the cycle of dependency and go to work. Democratic governors know that to achieve true change, people must become self-sufficient, find and maintain a job, and be responsible for their families.

The welfare reform legislation that was passed in Missouri last year accomplishes all of these goals and more. Missouri's program emphasizes jobs and self-sufficiency. AFDC recipients, for example must enroll in self-sufficiency pacts that are time-limit contracts with a 24-month time limit and possible 24-month extension. Minor parents must live in their parent's home to receive AFDC.

Missouri's reform does not stop there. Work is rewarded by allowing families to keep a greater share of the money they earn without experiencing a sudden loss of resources. Wage supplements go to employers who create jobs in low-income neighborhoods. Child care is made accessible for those who go to work. Paternity acknowledgment at birth is increased. Perhaps most importantly, Missouri does not tear away the "safety net" for children. These are the responsible ways to help people to help themselves.

Unfortunately, the same cannot be said for H.R. 1214. Self-sufficiency and work are not emphasized. Support for children is not ensured. In fact, this legislation would undermine the reform that has already begun in states like Missouri. For example:

Block grants (which are by their nature intended to provide flexibility to states) would be provided along with very little flexibility. The legislation is full of micro-management prescriptions that are required of States. Furthermore, the funding to achieve true reform and provide for recipients in harsh economic periods would be, at best, uncertain.

Welfare recipients are denied the training, child care, and health care that are needed to help recipients to qualify for, obtain, and keep jobs. In fact, child care assistance would be reduced approximately 20% over the next five years.

Innocent children would be punished because federal funds could not be used to support children born to a young mother, born to current AFDC recipients, or born into a family that has received AFDC for more than five years. Foster care protections currently in place would be eliminated by this bill and the guarantee of child nutrition programs for low-income children would be eliminated.

These are only a few examples of the problems that are evident with the Republican approach to welfare reform. As for alternative approaches, the proposal put forth by Congressman Nathan Deal (the Individual Responsibility Act of 1995) seems to be a much more legitimate approach to improving the current welfare system. This measure acknowledges what is needed to help people move from welfare to work. This measure would emphasize work requirements, bind recipients to an individual responsibility contract in order to receive benefits, and encourage responsible parenting.

Dick, I appreciate your leadership in trying to achieve true welfare reform. There are ways to reform welfare without punishing those who are less fortunate. I am proud of what we are doing in Missouri and pleased to see many other Democratic governors striving to better serve the people of their states.

Please let me know if there are more ways we can work together with Congress to reward self-sufficieny, hard work, and personal responsibility.

Very truly yours,

MEL CARNAHAN,
Governor.

STATE OF DELAWARE,
OFFICE OF THE GOVERNOR,
March 21, 1995.

Hon. RICHARD GEPHARDT,
Washington, DC.

DEAR DICK: As one of the NGA's two lead governors on welfare reform, let me take this opportunity to bring to your attention my serious concerns about the House Republican welfare plan, H.R. 1214, which I understand will be considered by the House this week.

You may be aware that earlier this year, I announced my statewide welfare reform initiative, "A Better Chance." My plan seeks to ensure that 1) work pays more than welfare; 2) welfare recipients exercise personal responsibility; 3) welfare is transitional; 4) both parents help support a child; and, 5) two-parent families are encouraged, and teenage pregnancy is discouraged.

Under this plan, welfare recipients who go to work will receive an additional year of child care assistance and Medicaid, as well as part of their welfare grants for their families and an individual development account for continuing education, job training, and economic stability. Welfare recipients will be required to sign contracts of mutual responsibility, and a two-year time limit on cash assistance for recipients over 19 will be imposed, after which recipients will be required to work for their AFDC checks. Teenagers will be required to stay in school, immunize their children and participate in parenting education. To discourage teenage pregnancy, I've begun a grassroots and media outreach campaign to convince teens to postpone sexual activity or avoid becoming or making someone else pregnant.

In essence, Delaware's plan contains strong work requirements, addresses the critical need for child care and health care for poor working families, helps recipients find private-sector jobs, outlines a contract of mutual responsibility between welfare recipients and the state, imposes real time limits on benefits, and lifts barriers to the creation of two-parent families.

As I've reviewed the House Republican plan, H.R. 1214, I believe that it will undercut our efforts in Delaware to enact real welfare reform. As written, H.R. 1214 will not ensure that welfare recipients make the transition to work, will not give states the flexibility needed to enact real welfare reform, and will not assure adequate protection for children.

WORK

The House Republican plan, H.R. 1214, will not ensure that welfare recipients make the transition to work. The litmus test for any real welfare reform is whether or not it adequately answers the following three questions 1) Does it prepare welfare recipients for work? 2) Does it help welfare recipients find a job? 3) Does it enable welfare recipients to maintain a job? The Republican proposal, H.R. 1214, fails to meet this litmus test. This proposal will not do what the public is demanding, that is, ensure that welfare recipients work.

Real, meaningful welfare reform requires recipients to work and my welfare reform plan for Delaware contains stiff work requirements. However, this proposal not only does not include any resources for the creation of private sector jobs, but it would repeal the JOBS program, a program focused on assisting welfare recipients in preparing for and obtaining private sector jobs, and reduce funding for combined AFDC and work requirements. The JOBS program, a central component of the 1988 Family Support Act, received strong bipartisan support from Members of Congress, the Reagan Administration, and the National Governors' Association. The JOBS program in Delaware, "First Step", has been nationally recognized for its success in training and placing thousands of welfare recipients in jobs. While I certainly support greater state flexibility in the use of JOBS funding, I am concerned that the elimination of this program without replacing it with a means for ensuring the transition from welfare to work would reduce the focus of welfare reform on work. I believe that additional resources, not less, should be targeted to ensuring that welfare recipients can successfully make the transition to work.

The Republican proposal, H.R. 1214, will not assure that families who work will be better off than those who don't because it would deny welfare recipients who go to work the child care, health care, and nutrition assistance they need to improve their lives and to keep their children healthy and safe. That is simply impractical and wrong.

For example, H.R. 1214 will not assure child care assistance to welfare recipients who go to work, or participate in job training or job search activities. In my state, I will be requiring welfare recipients to go to work, and to ensure that they can prepare for, find and maintain a job, I will be providing significant new state dollars for child care assistance. However, this legislation not only appears to reduce the child care assistance by roughly 20 percent over five years, but it would not account for projected increases in child care needs for welfare recipients who are required to work under the bill. I believe that it is unrealistic to expect many welfare recipients to keep working or participate in job training if they are not provided some assistance with child care.

Additionally, H.R. 1214 allows the one-year extension of Medicaid benefits for welfare recipients who go to work to expire at the end of fiscal year 1998. The expiration of this provision will remove both the work incentive that this provision provides, as well as the assurance that welfare recipients who go to work and their children can continue to receive health care coverage. I authored the one-year extension of Medicaid benefits which was adopted by the House in the 1988 Family Support Act, and I am disappointed that this legislation would not extend such a work incentive. I would urge consideration of an additional year extension of Medicaid for welfare recipients who go to work, as I am seeking in my federal waiver application.

STATE FLEXIBILITY

The House Republican plan, H.R. 1214, will not give states the flexibility needed to enact real welfare reform. In addition to the roughly $69 billion projected loss in funding for these programs, H.R. 1214 significantly alters the federal-state partnership which has assured both federal and state support for children and families in need. Under H.R. 1214, states would not be able to count on increased federal support during times of recession, to help the thousands, perhaps millions of children and families who will need government assistance.

When I came to the Congress in 1982, I recall the state of our nation's economy. Working families who never thought they'd need the government's support, applied for government assistance. Both the federal and state governments reached out to these families and their children by providing critical support through this difficult time. I am deeply concerned about the next recession, or the next disaster, or the next unforeseen circumstance that will occur in my state, in any of our states or in our country, in which the people in our states will call for our assistance. This proposal makes no attempt to address these unforeseen calamities—it does not include adequate adjustments for recessions, population growth, disasters, and other events that could result in an increased need for services. As you may recall, the welfare reform resolution which was unanimously approved by the governors at the National Governors Association meeting in January called for any block grant proposal to address such factors. I've attached a February 23 letter to Chairman Archer, signed by Governors Thompson, Engler, Carlson, Dean, Camahan, and me, outlining these and other concerns.

While I recognize that the bill includes a Rainy Day Fund, the meager size of the fund and the fact that it is a loan fund which states are required to repay within three years, rather than a grant to states, makes it a wholly inadequate anti-recessionary tool.

In addition, H.R. 1214 expressly prohibits states from using the funding under the cash assistance block grant to serve children born to unmarried mothers under 18, additional children born to mothers who currently receive AFDC, and children and families who have received AFDC for five years or more. Decisions on which populations to serve should be determined at the state level, not mandated by Congress. These provisions should be modified as state options.

Furthermore, states are required, under H.R. 1214, to reduce AFDC benefits for children for whom paternity is not yet established. I favor requiring full cooperation in paternity establishment as a condition of AFDC receipt, but I believe that this particular provision in H.R. 1214 discriminates against women who have fully cooperated.

I believe that this proposal's significant reduction in funding, lack of a safety net and recessionary tools, as well as its numerous prescriptive mandates, threatens to limit the very flexibility I am seeking to ensure successful reform of the welfare system in my own state, and very likely in other states.

CHILDREN

The House Republican proposal, H.R. 1214, will not assure adequate protection for children because it reduces the federal commitment to some of the country's most vulnerable children in a number of significant ways.

For example, H.R. 1214 eliminates the safety net for children by removing the entitlement status of AFDC. Under H.R. 1214, states are expressly prohibited from using these federal funds to serve millions of children, and the bill does not assure children, whose parents go to work, child care, adequate nutritional assistance, or health care coverage. By requiring states to reduce benefits to children for whom paternity has not yet been established, H.R. 1214 will negatively impact millions of children. The most egregious examples are the bill's dramatically reduced federal commitment to assist disabled children, children in foster care and adoptive placements, and children who are abused and neglected. Historically, Congress determined a federal responsibility to support children placed in foster care who came from AFDC-related households in the same way parents continue to pay child support while their children are in foster care. To end this relationship is a fundamental change in the federal government's national commitment to children.

In addition, H.R. 1214 reduces the federal commitment to a number of crucial child nutrition programs, namely school lunch and school breakfast, as well as WIC. During my tenure in Congress, I, along with most of my colleagues in the House, strongly supported the school lunch and breakfast programs because these programs have been critical in ensuring childrens' health and nutrition, and also strongly supported fully funding the WIC program. Over the past twenty years, WIC has been a critical program in dramatically improving the nutritional status of mothers and their infants. Proper nutrition during pregnancy and in the early years of life is the most critical element in the development of a child. WIC is cost-effective, as a noted Harvard study demonstrated—every dollar invested in WIC saves three Medicaid dollars. I am disappointed that this legislation reduces WIC funding, and eliminates federal cost containment requirements to competitively bid formula rebate contracts, a provision which reduced WIC costs by a billion dollars in FY94.

I am concerned about the serious negative impact of all of the above provisions on children. None of these provisions are essential to transforming the welfare system and in some instances, e.g. child care reductions and removal of a federal guarantee of child care for welfare recipients who go to work, they will have the direct opposite effect on reform efforts.

It is disturbing to me that children who are most at risk are targeted under this bill—this will only serve to put more children at risk and further exacerbate an already overburdened child welfare system. Early proposals in the Contract with America, spoke to the potential increased need for a safety net of foster care when hard time limits for welfare reform are put in place. To reduce funding for foster care while acknowledging increased demand from the very population federal foster care was designed to protect is illogical at best. Essentially, these provisions are outright discriminatory and unconscionable, and should either be modified or entirely removed from the bill.

In sum, this legislation will not transform the welfare system. Rather, it would severely undercut our efforts to reform the welfare system in my state. As I am seeking to ensure that welfare recipients prepare for, find, and maintain jobs, I am deeply troubled by this legislation's negative effect on reforming the welfare system here and elsewhere.

I am strongly opposed to H.R. 1214 and I would urge Members of Congress to vote against this legislation, and instead, support the Deal substitute, which in my view, represents real welfare reform. Representative Deal's legislation focuses on providing assistance to prepare welfare recipients for work, and to help welfare recipients find and maintain jobs, as well as ensure that work pays more than welfare, which H.R. 1214 fails to do.

Representative Deal's legislation, in contrast to H.R. 1214, appropriately establishes the framework of a federal-state partnership to transform the welfare system by giving the states the flexibility to pursue innovative approaches and the resources to successfully implement work-focused welfare reform.

I appreciate the opportunity to share my concerns with you, and I look forward to continuing to work with you in the effort to transform our nation's welfare system.

Sincerely,

TOM CARPER,
Governor.

STATE OF WASHINGTON,
OFFICE OF THE GOVERNOR,
Olympia, Washington, March 22, 1995.

The Hon. RICHARD GEPHARDT,
House Democratic Leader,
Washington, DC.

DEAR CONGRESSMAN GEPHARDT: I am writing to express my concerns about the proposed Personal Responsibility Act (PRA). I believe this bill, which would essentially dismantle this country's social safety net and replace it with a series of block grants, will be detrimental to Washington State and the nation as a whole. This bill contains a number of provisions that will harm children and likely result in higher, hidden costs to states and local governments.

The welfare reform provisions of this bill would disallow cash assistance to both mother and child when a mother under age 18 bears a child out of wedlock. The bill will also deny additional cash assistance for a child born while a parent is on welfare, bar most legal immigrants from receiving public assistance, and stop aid to families with an adult not cooperating with the child support enforcement system.

While I support the broad program goals of the PRA and recognize the serious need to reshape and revitalize our public welfare system, I oppose prescriptive federal mandates that would harm vulnerable children. I would like to see specific policies in place that protect the well-being and safety of children. This is not a state-by-state interest, but a national one. I favor retaining Aid to Families with Dependent Children (AFDC) as an entitlement program open to any needy family and child who qualifies for benefits.

I am also concerned that block granting will not provide our state with the funding needed to make the radical changes to our welfare system mandated by this legislation. Block granting cash welfare as proposed represents the worst of both worlds—not only reduced funding, but also higher program costs for states to meet expensive conditions and restrictions. If block grants are going to be created then the entitlement nature of the programs must be retained and the prescriptive mandates eliminated. Each state should have the flexibility to determine what reform will work best in that state.

Further, the PRA food and nutrition proposals will be determined to the children of Washington State. Due to effective targeting and outreach, there has been a 43 percent increase in the number of children receiving low and no cost school lunches in Washington State over the past four years. We have enjoyed a 23 percent increase in the number of children eating school breakfasts. The need for these programs by the children of our state is growing at a rate much faster than the graduated increases allowed in the proposed federal legislation. The dollars invested in the entire continuum of food programs, beginning with WIC and continuing through the Child and Adult Care Food, school lunches, breakfasts and summer meals are wisely invested in our children. The quantity and quality of these meals must be protected.

The proposed changes to the child welfare programs will eliminate the entitlement to foster care and adoption support. Again, the block grant funding would be capped by a formula that is calculated to be particularly harmful to Washington State. Under my administration, we have moved dramatically toward local control of many prevention and early intervention programs to address the problems faced by our communities and our youth. The overall effect of the welfare reform proposal may force more children into foster care; yet the state will have fewer funds to meet this increased need. Moreover, if the funds provided are diverted primarily into foster care then there will be even less money available for family support and preservation, adoption, finding permanent homes for children or prevention.

The PRA also proposes denying Supplemental Security Income (SSI) for drug addicts and alcoholics. We believe that any progress states have made in helping and treating this population will unravel with this change. There is a clear need to provide these individuals—many of whom have serious medical problems and who are marginally attached to the workforce—with a basic safety net. Because that need will not disappear, state, city and county resources will be taxed. To support this provision, state and local governments need assurance there will be federal funding available to enhance their capacity to provide these individuals with support services and treatment they need for rehabilitation.

In shaping national policies, flexibility in the design and implementation of reform programs is critical if states are to make optimum use of agency resources and develop strategies and approaches that can achieve maximum results. As Congress considers these issues, I urge you to consider the likely outcomes of these reform measures and to give states the latitude to vary from the current proposal in areas we feel will work for us.

I believe there are several key elements that warrant special attention by decision makers. First, these measures would have a devastating effect on the safety net now in place for many low-income families and children. Because the needs of these individuals will continue and likely grow, it could result in more poverty and more spending by states and local communities when we desperately need less. Passage of the bill could well increase the number of children in foster care and other expensive alternative living situations. I understand the need to challenge parents to take responsibility for their own lives and for the children they bring into this world, but I disagree with the approach taken in the PRA, which would punish children for the shortcomings of their parents.

Second, I welcome the opportunity to tailor programs and services in ways that meet the unique needs of our individual states, but the current proposal to cap block grant funding does not take into account uncertain variables like recessions, higher unemployment and other changes that result in higher costs to states. I would like to see fiscal protections in place beyond the "rainy day" fund to ensure states have adequate resources to meet the needs of low-income families and children.

Third, information technology is fundamental for states to effectively deliver services to clients and meet federal reporting requirements. Federal resources must be brought to bear so that states can make necessary changes to their current information systems as well as keep up with advances in management information technology.

Finally, as Governor of a state with a large, growing and vibrant immigrant population, I am concerned that we not tip the balance against these families. While the intent of the legislation is not cost-shifting to states, that would be its effect. In addition, the well-being of many immigrant families and children could be jeopardized.

I urge you to consider amendments which would protect children and give states the funding and support needed to turn the corner on poverty and dependency. Effective welfare reform must include a license suspension program for child support enforcement, continuation of the child care guarantee, and safety net provisions to protect children if jobs are not available to their parents.

I appreciate this opportunity to raise these concerns on the proposed legislation. I want to work with you to create and shape a public welfare system that can make a positive difference in the lives of those in need.

Sincerely,

MIKE LOWRY,
Governor.

STATE OF COLORADO,
Denver, Colorado, March 22, 1995.

Hon. RICHARD GEPHARDT,
House Democratic Leader,
Washington, DC.

DEAR CONGRESSMAN GEPHARDT: As the House of Representatives initiates its floor debate on welfare reform, I am writing to express my encouragement for the development of a bill that will respond to the needs of the nation's children and at the same time effectively reform the welfare system. The current Republican proposal falls short of these goals in my opinion.

I believe true welfare reform should be based on the following principles:

1 States need maximum flexibility in managing the programs to address their unique circumstances and needs.

2. Moving welfare recipients into employment and keeping them there ought to be the primary goal of any legislation. However, in order to accomplish this goal, there must be upfront investments in education, skill development, and job training.

3. Support services such as child care, medical care, transportation and housing are also critical to successful welfare reform. It is unacceptable to expect a parent to enter employment if it means their children's safety and well being is jeopardized by a lack of child care or medical assistance. These services are costly. For example, in Colorado, a parent with two children, making around $9.50/hour would spend from 25 to 40 percent of their income to purchase child care alone. Even though costly, these services are necessary for parents to obtain and maintain a job.

4. Any legislation must establish a requirement for state fiscal participation in its welfare reform effort. Without this commitment, there will be a tendency for programs to be reduced to the level of available federal funding which will be inadequate. Those states choosing to spend state funds to augment their programs may become magnet states for the population seeking employment opportunities. This "race to the bottom" is a short-sighted approach to public policy.

5. Funding must be adequate to support the total cost of work initiatives and support services cited above. Efforts to balance the budget by reducing the federal participation for these programs either shifts costs to the states or results in inadequate work programs to meet the objective of welfare reform. For example, under the current proposal, Colorado would have to increase state spending by over $200 million over the next five years to maintain its existing programs. Increasing participation in employment programs as required in proposed legislation will expand this cost beyond the savings generated by increased flexibility.

Thank you Congressman Gephardt, for your leadership in trying to craft a bill that will lead to real welfare reform.

Sincerely,

ROY ROMER,
Governor.

STATE OF WEST VIRGINIA,
OFFICE OF THE GOVERNOR,
Charleston, WV, March 21, 1995.

Hon. RICHARD GEPHARDT,
House of Representatives,
U.S. Capitol, Washington, DC.

DEAR CONGRESSMAN GEPHARDT: I am writing in support of your efforts to craft a sensible welfare reform strategy that encourages and supports personal initiative of people involved in our welfare system.

West Virginia has made great strides in recent years bringing its economy back from an enduring recession in the 1980s. We are adding jobs, our population is up and our unemployment is the lowest in 15 years.

Yet, even in the best of times there are hard-working, honorable West Virginians that are unable to find work. Contrary to most stereotypes, in West Virginia the majority of people on welfare live in families headed by two parents. In spite of a lifetime of various manual jobs, these parents may now lack the skills to work in our changing economy. Or they may be unable to afford the child care or health care insurance needed for their children while working a minimum wage job.

We have both a moral and an economic obligation to help these families help themselves. Arbitrary "cut-off" deadlines will not return these people to work nearly as effectively as creating meaningful economic opportunities for them through education and real work experience. Rather, we need to eliminate the disincentives to work running through our welfare system, such as providing transitional health and child care benefits.

Our state's economy used to rely on natural resources extraction. As in other states, jobs in these sectors are declining while technical and service jobs are increasing. This trend has caused and will continue to cause significant disruption and dislocation to families in our state. As public officials, we need to support, not punish, these families in this increasingly complex and competitive world by creating opportunities and expectations to return to the world of work. I am concerned that current proposals under discussions are long on expectations, but short on opportunity. They must go together.

I look forward to working with you and the members of Congress as you address meaningful and effective welfare reform.

Sincerely,

GASTON CAPERTON,
Governor.

Mr. RICHARDSON. Mr. Chairman, I am proud that Congress this week will be saying no to the status quo and yes to welfare reform.

It is time to get rid of the fraud and abuse in a welfare system designed to help people get back to work.

Democrats have worked hard at finding smart ways to fix a system that has been overcome with problems.

The Democratic bill is tough on fraud, it gets rid of abuse, and most importantly, it gets people to work.

The Democratic bill requires responsibility and accountability, provides real programs to move people into work, and does not punish children.

The Democratic bill ensures that recipients are not penalized for working. It provides temporary medical assistance, expands the use of earned income tax credits, and gives parents necessary child care while working.

The Democratic bill requires that recipients establish an individual responsibility plan to move from assistance to the workforce and if a recipient refuses to work—AFDC benefits will be terminated; this is the sort of responsibility and practicality we must demand.

The democratic bill sets an aggressive and realistic compliance schedule for the States, but also allows States to accommodate economic cycles.

The Democratic bill is tough on child support enforcement—requires a central registry to track support orders, makes interstate enforcement uniform, and enforces income withholding for irresponsible parents.

The Democratic bill makes teen parents responsible without punishing their children—it requires teen parents to live at home and sends benefit checks to a responsible adult; most importantly—it demands that teen parents stay in school and establishes a national campaign to stop teen pregnancy.

Finally, the Democratic bill is fair in its treatment of legal immigrants—legal immigrants who have worked and paid taxes in this country for 5 years and not denied benefits, and all legal immigrants can receive medical care.

I support the Democratic bill because it does not tolerate people who refuse to work or parents who abandon their children; also, it does not seek to destroy families or condemn children who are born poor.

The Democratic bill gets to the heart of the matter; it creates a rational, comprehensive, and compassionate avenue to move people from welfare to work—to truly end welfare as we know it.

Mr. REED. Mr. Chairman, throughout the debate on welfare reform, I have stated that real welfare reform must meet three important tests: Does the proposed plan promote work? Does it provide States with adequate resources? Does it protect children? Although the bill offered by Representative DEAL as a Democratic substitute is not perfect, I believe that it meets these three tests.

Individual responsibility is at the heart of this bill. On the first day an individual applies for welfare benefits, that individual will be required to sign a comprehensive individualized responsibility plan detailing what the individual is expected to do to find a job and what the State is expected to do to assist them in achieving this goal. If an individual refuses to sign such a plan, that individual will not be eligible for AFDC benefits. In contrast, the Republican bill does not require that an individual actively look for a job for 2 years. In fact, the Congressional Budget Office [CBO] has stated in its analysis of the Republican bill that all 50 States will fail to meet the job requirements of the bill.

In addition, whereas the Republican bill simply requires States to move a growing percentage of their welfare caseload off of the welfare rolls, the Democratic bill requires States to move a growing percentage of their welfare caseload off of the welfare rolls and into jobs.

The substitute also removes traditional barriers to employment by recognizing the reality of our changing work force. If welfare reform is successful and truly about work, the demand for child care will increase as individuals move from welfare to work. The substitute guarantees that child care assistance will be provided to any parent on AFDC who needs child care assistance to accept and keep a job or participate in a work program. In recognition of this accepted increase in demand, the substitute increases child care assistance for the working poor by $424 million over 5 years above current projections. Under our current system, States are often forced to choose between providing child care assistance to individuals on welfare and the working poor.

The Deal bill recognizes that real welfare reform is not cheap, and it provides States with the resources needed to move recipients from welfare to work. The bill provides $9 billion to assist States in establishing programs to move people into the work force.

The Democratic substitute also maintains the current structure of successful child nutrition programs. In contrast, the Contract With America proposal would have consolidated dozens of programs into block grants and handed over responsibility, without the necessary resources, to the states. As one of my colleagues recently stated, "their bill is about who gets the problem, not how to fix the problem".

The Deal bill does not make children suffer for the shortcomings, real or imagined, of their parents. The bill does not require that States deny benefits to teen mothers or their children, but the bill does require, however, that teen mothers live with a responsible adult and that the teen mother stay in school.

The Deal bill also retains the guarantee that abused and neglected children will receive foster care and adoption assistance.

There has been a lot of talk about the abuses in the Supplemental Security Income Program [SSI]. The Deal bill attempts to get at the abuses in the program without harming the medically disabled children the program was established to assist. And perhaps most importantly, the bill retains the decisionmaking power on how to care for a disabled child with the family, not with a State bureaucrat. In contrast, the Republican bill would deny cash benefits to 700,000 disabled children in the SSI Program.

This is welfare reform that is tough, but fair. It promotes work, provides States with the resources to design effective programs, and provides protection for our children. At the heart of the Democratic welfare reform bill is work—at the heart of the Republican welfare reform bill is shifting responsibility, not resources to States. The Democratic bill represents real welfare reform that does not take from our children to pay for tax cuts for the rich.

Mrs. LOWEY. Mr. Chairman, we all agree that reform of the welfare system is long overdue. The current system is costing billions of dollars and is not solving the problem. It does not put people to work but instead has created an unhealthy cycle of dependency.

In reforming the welfare system, our focus must be on moving people into real jobs. I will vote against the Republican bill for many reasons—but primarily because it makes no guarantee that welfare recipients will move into work.

Under that bill, there is less accountability for the dollars spent than under the current system. They do nothing to improve access to and the quality of existing education and training, so that people have the skills they need to get a job. The majority's bill moves to the extreme—and will only create another system that fails families and taxpayers by creating a whole class of women and children with no hope of becoming self-sufficient.

The Deal substitute provides a balance in this debate. It is tough on work, requiring participants to establish contracts detailing what they will actually do to secure private sector employment. The substitute provides a serious deadline: Participants can participate in a workfare program for 2 years. After 2 years are up, States have some flexibility to work with these populations—but ultimately people must work, or they lose their cash benefits. The Deal substitute also provides States with resources to improve existing workfare systems, so that participants actually attain the skills they need to get and hold a job. Without those skills, any employer will tell you, they just won't find work.

The Deal amendment provides State resources for child care, so families can work while ensuring adequate care for their children. The Deal amendment preserves the nutrition programs that are essential underpinning for the health of our Nation's children. The Deal amendment includes tough provisions to strengthen the current child support enforcement system so that millions of young people will be supported by parents who have the means to do so—instead of being supported by taxpayers. Finally, the Deal amendment helps address the crisis of teenage pregnancy and provides communities with the resources they need to prevent teenage pregnancy.

In short, the Deal substitute provides sensible responses to the American public's demand for reform, but does not in the process hurt vulnerable children or simply shift costs to other programs.

I urge my colleagues to support the Deal substitute. We must reform the welfare system to move people from welfare to work. We cannot afford to fail.

I request unanimous consent to revise and extend my remarks.

Ms. PELOSI. Mr. Chairman, I rise today in support of the Deal substitute to the Personal Responsibility Act.

The Deal alternative, unlike the legislation before us, was crafted to make good on the promise of moving people from welfare to work. It ensures the welfare recipients will be better off economically be taking a job rather than staying on welfare.

While the Republican welfare proposal offers no real resources for able-bodied recipients to find work, the Deal substitute engages each AFDC recipient in an individual responsibility plan detailing the ways in which he or she can find work and how the State can assist in this goal.

This morning, the front page of the Washington Post told us that the Congressional Budget Office estimates that none of the States will be able to meet the Republican welfare proposal's work requirements. We see now that the Republican majority has given us a bill that is not only mean, but also completely unworkable.

The Deal substitute works in partnership with State and local governments to ensure that special situations receive adequate resources and flexibility and that the goal of getting people off welfare into work can be met.

Individuals can begin a job search with the assistance of a Work First program and resources for child care. They have the option of starting or continuing education. This plan acknowledges that, in order to get people to work and to keep working, we must assist them with their individual needs. No one situation is the same, and this substitute addresses that dilemma.

Further, the Deal substitute explicitly states that all savings from the bill will be applied to deficit reduction, not to pay for tax cuts for the wealthy.

And most importantly, the Deal substitute does not in any way attempt welfare reform at the expense of poor children.

Mr. Chairman, I urge my colleagues to support the Deal substitute. It is a realistic and responsible means by which to end the cycle of welfare dependency by focusing on work.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Georgia [Mr. DEAL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 228, not voting 1, as follows:

[Roll No. 266]

AYES—205

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—228

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—1

Tucker

□ 1946

Mr. BLILEY changed his vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TUCKER. Mr. Chairman, I missed the last vote. Had I been here I would have voted "aye."

Ms. FURSE. Mr. Chairman, I support responsible welfare reform that is prowork and prochildren. But H.R. 4—the Republicans' bill—undercuts children and it undercuts work.

We all agree: the current welfare system is broken and needs to be fixed. I am committed to welfare reform that moves people from welfare to work. In order to do that, we must ensure that people receive the necessary support to get off welfare and into liveable-wage jobs.

The Republican proposal does nothing to enable adult welfare recipients to become self-sufficient, and it would hurt their children by denying them the basic necessities of life, including nutrition, shelter, and health care. I am committed to providing those necessities to all children living in poverty while we require their parents to assume responsibility for themselves and their family.

Children must not be victimized by welfare reform. Whatever we may feel about the behavior or situation of their parents, as a nation we must not allow children to become victims.

Our focus must be on eliminating poverty and creating the economic conditions in which jobs can flourish. Any welfare reform effort that limits access to welfare without reducing the need for welfare will only increase poverty and hurt needy families.

Mr. Speaker, we committed $264 billion for production of weapons and preparations for war this year. If our Nation is able to do that, we have a moral responsibility to ensure that our citizens do not go hungry, have adequate housing and access to basic health care, and are given opportunities to work at a living wage.

GETTING PEOPLE OFF WELFARE ROLLS AND INTO JOBS

Welfare reform means requiring and assisting people to move out of dependency and into self-sufficiency. It means getting people off the welfare rolls and into jobs.

From the very first day an individual receives benefits, the central focus of any welfare reform legislation should be work. H.R. 4, however, has no work requirements for the first 2 years benefits are received.

I am disappointed the Deal substitute was rejected tonight. I hope the other body will give its provisions thoughtful consideration.

The Deal substitute required individuals who enter the AFDC program to develop a plan which addresses who they will move into the work force. The Deal approach did not wait for 2 years to address the issue of work, as the Republicans' bill does.

I believe in tough, but fair, work requirements. From the very first day of receiving benefits, individuals will only receive assistance if they play by the rules under the Deal substitute. Those who refuse to work or turn down a bona fide job offer will not receive benefits.

As my State's newspaper, the Oregonian, stated, at a time when national attitudes toward welfare reform focus on linking recipients' assistance to behavior, Oregon has a message to send: incentives help.

We have a Federal waiver in Oregon that allows us to make public assistance to teen parents contingent on their participation in the Job Opportunities and Basic Skills Program, and the strategy pays off. Four years into the program, 89 percent of teen parents on assistance are cooperating in educational plans or have already completed their high school diplomas or GEDs.

The critical yardstick is how many people are moving off the welfare rolls into self-sufficiency. And it's working in Oregon. Recipients are finding work faster. The State's welfare caseload has actually declined.

H.R. 4 doesn't train people for jobs. Few people can pull themselves up by their bootstraps if they haven't any boots. The reality is that some people not only lack basic skills, but also don't know how to go about looking for work in the first place.

The Deal substitute focused on work. It ensured that a welfare recipient would be better off economically by taking a job than by remaining on welfare. From day one of receiving benefits, its focus was on helping individuals join the work force. It extended the amount of time people could retain their health care benefits after leaving welfare for a private sector job from 1 year to 2 years.

Unlike the Republicans' bill, the Deal substitute added $9 billion to assist States in establishing programs to move people into work. As introduced, the Republicans' bill did include $9.9 billion for work funding but that funding has now been removed.

The Deal substitute provided State and local governments the flexibility and resources necessary to deal with the specific conditions they face and move individuals from welfare to work. The school lunch block grants in H.R. 4 will leave States to bear the burden of increased costs from inflation or increased caseload. H.R. 4 will force States and local governments to bear the financial burden of welfare reform.

The Congressional Budget Office has estimated that under the provisions of H.R. 4, none of the 50 States will be successful in reaching the employment goals of the bill. Their views echo those of scholars who have studied welfare-to-work programs.

The U.S. Conference of Mayors has recognized H.R. 4 as just exactly what it is, a huge cost shift to the State and local governments. People need jobs, but we don't need this unfunded mandate.

FEEDING OUR CHILDREN

I want to talk about the damage H.R. 4 does to our Nation's school lunch programs.

In my State, Oregon, 5,800 students would lose eligibility for free or reduced-price lunches. Currently, 62 percent of Portland students qualify for free or reduced-price lunches. Kids are caught in the middle and will pay a heavy price for this change.

Well-fed children learn better than poorly fed children. These cuts set up a cruel cycle where kids fall behind when they've barely begun to grow. School lunches are an education program, not a welfare program. Until now, they have enjoyed bipartisan support.

This reform is mean-spirited and does direct harm to our children. It means $1.2 million less for Oregon alone next year. It certainly does not take into account increases in enrollment, poverty, and food prices. There are no nutritional guidelines. The block grants in H.R. 4 provide incentives to serve fewer and fewer children.

H.R. 4 decreases the amount of funds that must be spent on poor children. The Republicans' bill requires targeting of 80 percent of the funding for children below 185 percent of poverty, while USDA reports that closer to 90 percent of school meal funds are currently spent on these children.

For a family of four, 185 percent of poverty is $27,380 a year. In 1992, one in four children in America lived in poverty. That was up from one in five in 1987. Cutting the School Lunch Program truly hurts the poor and the working poor.

When Republican leaders talk about defense spending, they expect maintaining existing spending levels as a minimum, adjusted for inflation. When they talk about programs to feed kids, provide medical care for veterans, or retirement security for seniors, they use a different measure. They use phrases like "controlling the growth of programs," which means "feed kids less or feed less kids."

H.R. 4 increases bureaucratic requirements for school lunch providers. It retains most Federal administrative burdens such as meal counting and income verification, adds another layer of State bureaucracy, and requires program managers to establish a system to identify the citizenship and visa status of participants.

The School Lunch Program was established in 1946 to prevent future generations from suffering the malnutrition that disqualified many of the draftees for service during World War II.

Today our national security is just as dependent on the nutrition programs put at risk by H.R. 4. That kind of national security—well-fed children—is of at least equal value to the Pentagon which we continue to feed lavishly.

I do not oppose cutting waste in government. Last week, I tried to offer an amendment to the rescissions bill that would have but $8 billion for cold war weapons systems that are still in their research stage, but are no longer needed. Unfortunately, the Republican leadership did not accept my amendment for consideration.

Mr. Speaker, Jesus said, "Suffer the little children to come unto me, for theirs is the Kingdom of heaven." He did not say, "Make the children suffer."

Let's get our priorities straight.

Mr. VENTO. Mr. Chairman, there are many problems with H.R. 4, the Republican welfare reform bill which patches together disparate policy changes on AFDC, governance, School Lunch, Food Stamps, SSI Disability and numerous other public assistance programs. The GOP welfare measure is punitive without purpose or promise and in the final analysis turns out to be weak on work and tough on children and families. There is nothing in this bill that would successfully move welfare recipients back into the world of work. There are certainly problems with our current welfare system but the GOP policy effort is not going to solve those problems. This bill will punish children and leave people to languish on AFDC for 2 years before they would be required to work or be actively engaged in job search or job training. The Republican bill doesn't have the best interests of children or their families at heart. It perpetuates a cruel hoax and is fundamentally flawed in its core "solutions." Current and former welfare recipients have to fight day by day for child care, health care, education and training, all within the shadow of a welfare stigma to become successful. The Federal Government has a role in helping these people and their children.

Today in our society the number of people earning and holding minimum wage jobs is expanding and increasingly, these minimum and low wage workers can't support themselves and their families. Therefore, such low wage workers slide into the welfare system to make ends meet or to make a transition to a skilled, better compensated position. This phenomenon is a reflection of social, economic and numerous other changes in the latter years of the 20th Century and the shortfalls in existing education, training, unemployment and numerous public assistance programs. We need policies that will help people move off of welfare for good. People need jobs that will pay a livable wage with which they will be able to support themselves and their children. They need the transitional services which will enable them to achieve a stable situation in which they can maintain a home, pay their bills and feed their children. This is common sense and the Federal, State and private sectors ought to be partners in such endeavors. This requires more than cutting off benefits with the notion that you can forcefeed change through such harsh action. A rational policy would start with work so that a person is doing what they can for themselves, fostering independence rather than dependence and passivity. Our purpose must be to change the public assistance system once and for all; to protect children; to empower families; and to take the time honored values of the dignity of work and the significance of the individual and place these values at the core of the policy reforms we shape.

Last Friday, I met with two women from my district, St. Paul, Minnesota, who had received welfare, one is now employed and has moved off of AFDC and the other is about to leave the system. One of these women shared with me her experience prior to receiving assistance when she worked in a minimum wage job, diligently trying to support her child and found she was unable to do so. Most minimum wage jobs do not provide health care benefits and adequate, affordable child care is very difficult to find, perhaps the most important threshold need for the single parent.

Yes, there are problems with the current system and they are especially stark when it comes to making the transition from welfare to work in today's economic environment. We already have long waiting lists for child care in my Minnesota district. Cutting funds for child care programs, which this Republican bill does, flies in the face of that need. Child care is a crucial need for single parent families attempting to move away from dependence on welfare and into productive work.

This Republican bill launches an extreme and broad-based attack on poor children and families. From cutting funds for nutrition programs to reducing funds, incredibly, for families who are maintaining a disabled child at home. There have been problems with the SSI Disability Program, but this bill attacks the program without taking proper account of the needs of disabled children and their families. Congress can do better, we can make changes to the system that ensure that the truly disabled are effectively served. The changes in this bill are focused on change at the bottom link producing enough money for tax breaks for the well off, not empowering families with special challenges to successfully participate and achieve greater independence for individual with disabilities.

In my Minnesota district there is a large population of Southeast Asian immigrants, mostly Hmong from Laos. Many of the Hmong are citizens but some are not because of an unusual problem. It has been estimated that 6,000 to 7,000 noncitizens in Ramsey County, Minnesota will lose benefits under the Republican welfare bill. Most of the Hmong in Minnesota face special obstacles to becoming citizens. The Hmong did not have a written language until more recent times and many, especially the older people among them had their lives disrupted in their homeland of Laos by the Vietnam war. Members of that generation have found it very difficult to learn English and to become U.S. citizens. Many are struggling to learn English and are working to improve the lives of their families, becoming productive members of American society.

This Republican bill hurts the Minnesota Hmong by denying these tax-paying families the regular and usual help accorded others in our society. The significant obstacles which the Hmong face to supporting themselves and their families and in becoming citizens is exaggerated by this poor policy of denying noncitizens assistance. The Republican welfare bill arbitrarily drops people, dumping them on the doorstep of the States and counties in which they live. Minnesota and specifically my area didn't choose to be the home of the Hmong; secondary migration has greatly contributed to this concentration. But the Hmong and other noncitizens will continue to have needs which will have to be met and it will be left to the State and local governments to meet these needs without the Federal Government bearing its share of the burden. I might add that even the regular refugee and new immigrant assistance grants were prematurely curtailed and that non-profit groups have done an outstanding job in helping our communities cope with this challenge.

Yet another policy area of deep concern is child protection services which are overburdened today, reducing these resources will not help children or their families. The GOP cuts to child protection services put children in danger. What alternative would such children have when the monetary and professional resources are not there to help their families change their circumstances? How can a family be held together or a child be removed if they are at risk?

Mr. Chairman, initially I thought there were virtually no positive benefits from the Republican welfare reform bill but then it would be positive for one segment of our society—the affluent. This measure gives new meaning to the phrase, "Women and children first." This bill is fundamentally punitive—punishment for children born into a circumstance not of their making—punishment for mistakes that young women and men make. Will this punitive action result in social justice, or a better society. Visiting the minor parent's sins upon their new born child is a big step backwards, it is beyond the pale of a society which is thought of as civilized. Those working at the community level are worried and we should readily understand why. The real needs persist where the rubber meets the road. That is where the programs are implemented and if the House Republican welfare bill were the law they would not have adequate resources to meet the needs and be strapped with punitive new Republican social engineering policies so contradictory to basic fairness, common sense and decency.

I assume we could all support moving welfare recipients from welfare to work but there is nothing in this Republican welfare bill which will have this effect. This Republican bill has all sorts of requirements. It requires that, after being maintained on AFDC for a certain period, that people work but it does not help facilitate States in meeting such requirements. The Republicans say that this measure will move people off of welfare, off of SSI, off of Food Stamps and reduce spending by nearly $70 billion over 5 years. The question is: where are the children, women and the elderly going? The GOP wants to take away their entitlement, the social safety net of education, training, child care, shelter, medical care and food and admonishes the Congress to trust the States because flexibility and block grants are held forth as a cure for all ailments, that frankly makes no sense. No realistic economic countercyclical capacity exists in this GOP policy. There is no common sense to this Republican policy path. The only cents in this bill are the $70 billion worth of cuts that are being extracted from poor and working American families and bestowed on the affluent through the Republican tax give aways already passed by the Ways and Means Committee. The fiscal deficit won't be helped by this action. The States will experience a trickle down tax increase and America's human deficit; the numbers of kids below the poverty level, the underemployed and unemployed, the malnourished, the abused women and kids, the noncitizens without recourse will grow by leaps and bounds. Mr. Chairman, it is time to stop blaming the poor for being poor—stop our abandonment of people in need and to renew real investment in our greatest asset—the American people. We can't afford to desert people, even those who may have made a mistake or two, certainly not those who are simply born into poverty. Mr. Chairman, it seems in this Chamber that some have strayed far from the common sense path of compassion and human understanding. They profess an understanding of cost in dollars but understand the value of nothing. They are incorrect on all counts. This GOP measure should be defeated.

Mr. YOUNG of Alaska. Mr. Speaker, I voted for the rule on H.R. 4, however, I am deeply disturbed and angered that the Rules Committee has chosen to ignore a major committee which has jurisdiction on issues which affect the daily lives of American Indians and Alaska Natives. Many of my colleagues in the Committee on Resources are very concerned that this body has chosen to overlook the concerns of American Indians and Alaska Natives in the welfare reform bill and how deeply this action will affect them. American Indians and Alaska Natives have contributed much to this great country of ours and yet, again have been placed at the bottom of the totem pole.

I offered a bi-partisan amendment to the Rules Committee, however, my amendment was not accepted. My proposed amendment would have set aside 3 percent of appropriations for block grants to Indian tribes. This would have allowed Indian tribes to operate their own block grant programs on the same basis as states. For those tribes who would have declined to assume this program funding, the funds would have reverted to the State. The State would then operate the program in the tribes service area according to their population. My amendment would have allowed American Indians and Alaska Natives to participate fully in the welfare reform process.

Mr. Speaker, there is an obligation here, a trust obligation of fair and honorable dealings with American Indians and Alaska Native tribes. Tribes have a government to government relationship with the Federal Government and a right to self-determination in the operation of programs intended to benefit Indians. Congress and Presidents Nixon to President Reagan have recognized the special government to government relationship. Yet, the Rules Committee has failed to recognize the long standing trust obligations that this body and the Federal Government have to tribes.

At current time, tribal programs suffer from two problems which handicap tribal social service programs. First, tribes generally can only contract for operation of secondary social service programs, since the Bureau of Indian Affairs programs are secondary and available only if an Indian is not eligible for other generally available programs (AFDC). Consequently, reform of the primary welfare system operating in tribal communities is beyond tribal control. Second, tribal social service programs, such as Indian Child Welfare Act, were funded on a competitive basis for 1 to 3-year terms. This disrupts tribal programs when funding interruptions occur. Despite the problems above, tribally run social service programs generally outperform State operated programs in tribal communities. [Indian Child Welfare: A Status Report (IHS/BIA 1988)].

Efforts by tribes to reform welfare programs have been opposed by the Bureau of Indian Affairs [BIA], which in fiscal year 1994 attempted to cut off funding for tribally initiated Tribal Work Experience Program [TWEP] in the Tanana Chiefs Conference and Tlingit and Haida Central Council regions in my State of Alaska. It is interesting to note for this member of Congress that the Assistant Secretary of Indian Affairs took credit for the very TWEP program the Bureau tried to nullify. Within Indian country there is a consensus that welfare reform is needed and that tribes are best equipped to accomplish that task. By excluding tribes from reform of the primary welfare programs, this Congress has abandoned one segment of society truly in need and supportive of welfare reform.

Tribes have some of the highest levels of poverty in the country. At least 51 percent of all reservation Indian families are below the poverty line. While the merits of the current welfare system can be reasonably debated, there is little doubt that it is not working for Indian people. This bill as written, excludes tribes from the primary welfare program. While it provides a 3 percent set aside for one program only, the Child Care Block Grant program, the bill excludes funding for tribes in all of the other programs of the bill. Again, this body is not meeting the obligation of trust responsibility to American Indians and Alaska Natives and I must voice my grave concern with this inequity. Thank you for the opportunity to vote my objections in omitting American Indians and Alaska Natives in participating in the welfare reform bill currently being debated by this body.

Mr. RANGEL. Mr. Chairman, during my tenure here in Congress, I have seen and participated in several attempts at reforming welfare. The Democrats have always crafted bipartisan bills and the far-reaching 1988 Family Support Act with its JOBS component is one result of cooperative work between Democrats and Republicans. However, in crafting the Personal Responsibility Act, Republicans apparently do not believe in continuing this bipartisan spirit. Out of the 150 amendments submitted to the Rules Committee, only 33 were accepted. And of the 33, only 7 will be offered by the Democrats with the Republicans offering 26 of their own amendments.

It is a shame that an issue that will impact millions of low-income and poor families in our nation is not debated in a democratic forum. The Republicans continue to exclude us even after they have incorporated some of the Democrats' ideas such as allowing immigrants who are veterans and fought to protect this country access to public assistance if they fall on hard times. And although some of the Republican amendments attempt to correct the mean-spirited provisions such as letting states give vouchers to teen mothers, vouchers cannot pay rent or the bus fare to work.

Critics of our welfare system always divide the poor into two groups: the deserving and the underserving poor. Never before have I seen the so-called reformers exaggerate the undeservingness of our poor as I have seen in the past couple of months. The Republicans vilify the poor and use misinformation to justify their welfare cuts.

The typical AFDC mother is seen as an African American teenage girl who has at least three children and is breeding more for money. This gross exaggeration and misperception is used over and over again. The truth is that only 10–15% stay on welfare continuously for five year or more. The rest cycle on and off welfare, finding jobs but never one secure or stable enough to stay off welfare permanently. These people who look for jobs want to work and need help and training so that they can find secure and permanent jobs. Instead, they are described erroneously as undeserving.

Republicans also argue that out of wedlock births and single parenthood causes poverty which in turn, fuels a host of all these other social problems like crime and moral decay. Their cause and effect equation is all wrong. What they fail to see is that poverty is the source of social problems, and joblessness is what destroys hope and dignity. We need to train these parents and educate their children so that they are able to take advantage of opportunities and overcome poverty.

Welfare reform is about helping and investing in people so that they can become economically independent which is not the same thing as refusing help. The Republican welfare bill will refuse to help AFDC recipients who are looking for jobs, those who are working but need child care, and those who are teen mothers. The Republican bill will deny benefits to: 70,000 children whose mothers are under eighteen; 2.2 million children because of they happen to be born to a family on AFDC; 4.8 million children due to the 5 year cutoff even if their parents cannot find jobs; 3.3 million children because they cannot establish paternity even though they are fully cooperating and the states are slow to officially establish paternity.

By the year 2005, an estimated 6.1 million children will be ineligible for welfare benefits. Is this really welfare reform or is it just refusal to help—a refusal to help poor people and children just for the sake of the bottom line or even worse, to finance a tax cut for families making $200,000 a year.

There has been talk of compassion and tough love but is it compassionate to tell a family who cannot find a decent job in 5 years that they will no longer get benefits? Is it compassionate to tell a legal alien who has been working and contributing in the United States for over 20 years that he can't get public assistance? Is it compassionate to cut money for school lunches for poor children just to save money?

Republicans want to foster personal responsibility in these AFDC recipients but the federal government will be guilty of abrogating our responsibility to the poor families and their children in the United States if we pass the bill.

The Federal government should bear part of the responsibility for ensuring that AFDC recipients find jobs or get training to be more marketable so that they can get jobs. This Republican bill doesn't ensure that they are working but rather, counts people who are cutoff from the welfare rolls as meeting work participation rates even if they do not have jobs. In my book, work participation is about people in jobs, not just kicking them off the rolls.

Beyond this issue of welfare reform is this role of the federal government. We have a necessary role to invest in our people, in our children and to rebuild broken families. It is in our national interest to make sure that American families can contribute and that their children can grow up to be productive citizens.

This so-called Personal Responsibility Act does not invest in our people and help make America more productive. Instead, it denies help to people and cuts funding for programs that feed children and in the long run, the human consequences of this bill will come back to haunt us. This bill encourages joblessness, drug abuse, crime and perpetuates hopelessness. In this case, the Republicans are willing to spend $60,000 a year to lock a kid up in jail but not spend $6,000 to keep that kid in school

This bill is not about investment in our children and country but a conspiracy to end assistance to the neediest Americans.

Mr. DINGELL. Mr. Chairman, several amendments have been offered to improve the unwise and unwarranted provisions of H.R. 4, the Personal Responsibility Act, relating to legal immigrants. Sadly, none of them goes far enough to correct a serious defect in this poorly drafted bill.

The legislation now before us prohibits most legal immigrants from receiving certain welfare benefits, food stamps and Medicaid. It also contains an ill-advised "deeming until citizenship" provision that could render legal immigrants ineligible for benefits under a wide range of federal, state and local programs. This punitive approach, that runs counter to our best traditions of fairness and decency, is strongly opposed by the Catholic Church, the Council of Jewish Federations and a host of other prominent organizations.

As we discuss this issue, I would remind my colleagues that under current law legal immigrants are effectively barred from receiving most welfare benefits for several years after entry. Moreover, they are required to fulfill virtually the same responsibilities as citizens. They must pay taxes, and they can be drafted.

Under the proposed restriction, a legal immigrant, who has been working for years and paying taxes, will be denied assistance if he becomes disabled. Many others who have worked hard but never officially become citizens will be refused coverage for valuable health care services.

For those who assert that legal immigrants represent a drain on Government, I commend to them a study conducted last year by the Urban Institute. The Institute estimated that immigrants contribute $30 billion more in revenue than they collect in services each year. These findings echoed an earlier study by the Federal Reserve Bank of New York showing that immigrant families on average contribute about $2,500 a year more in taxes than they obtain in public services. We should also remember why many immigrants come here. Like many of our ancestors they land on these shores because they want to work and be productive, self-sustaining individuals.

I believe it can only be characterized as callous and mean-spirited to bar taxpaying, law-abiding persons from participating in programs that they must help support.

Refusing benefits to legal immigrants will clearly not translate into savings for everyone. State and local governments will be forced to make increased expenditures as those noncitizens left with no means of support turn to their programs. Under the proposed bill, states and localities are able to deny assistance to legal immigrants. However, I believe the damaging repercussions of such a decision will make them reluctant to do so.

I am sure that state and local officials around the country are surprised to see my colleagues creating these financial burdens less than a week after Congress sent unfunded mandate legislation to President Clinton, which he signed.

Eliminating Medicaid coverage for legal immigrants will be particularly costly to state and local governments, as well as hospitals. 1.7 million noncitizens—many of whom are children—will be forced to let their illnesses go untreated until they become emergencies. As we all know, treating persons on this basis is generally far more expensive than providing routine care.

Past experience shows that it can also be fatal. Two studies that appeared in the New England Journal of Medicine are particularly instructive. One focused on the State of California's decision to terminate Medicaid eligibility for 270,000 people in 1982. Public health experts examined the effect on a number of patients with high blood pressure. Within 6 months of losing coverage, these patients suffered an average increase in blood pressure associated with a four-fold increased risk of death.

Another study focused on New Hampshire's limitation on prescription drug coverage in 1981. This policy change, which was reversed 11 months later, limited people to three prescriptions per months. Among chronically-ill elderly patients nursing home and hospital admissions rose significantly. In fact, the resulting increase in mental health costs alone exceeded the $400,000 savings realized by a ratio of more than a 17 to 1.

It is clear that this poorly drafted legislation will leave states and hospitals with unfair choices. Do they absorb 100% of the costs of providing non-emergency care, or do they only treat legal immigrants on an emergency care basis? Focusing on emergency care potentially risks the health of citizens, as well. In addition, as CBO noted in its cost estimate for this legislation, this approach requires significant federal spending. Medicaid expenditures will be needed to finance emergency services and disproportionate share payments to hospitals.

These are just a few examples of the dangers that America's less fortunate will have to face with passage of H.R. 4. I would welcome the opportunity to work with my colleagues across the aisle to enact well-reasoned and effective welfare reform legislation that does not imperil the children, elderly, and legal immigrants of this nation. However, I refuse to blindly support extreme legislation that is contrary to personal responsibility.

Mr. PACKARD. Mr. Chairman, 30 years of "Great Society" Government handouts has transformed America into a tragic society. Our current welfare system subsidizes illegitimacy and promotes personally destructive behavior. It tears apart the very fabric of our society—the American family.

For too long, liberal lawmakers fooled Americans into believing that big Government programs provide the best solution to poverty. Americans have seen the disastrous results and will no longer tolerate the liberal lie. They know that the so-called welfare safety net is really a web which traps welfare recipients in a cycle of dependency and despair.

Hard-working families have poured more than $5 trillion into this bureaucratic black hole. They demand and deserve more for their money. That is why they overwhelmingly support the Republican Personal Responsibility Act.

Our welfare reform bill works to restore family values by replacing the failed welfare system with compassionate solutions. Our bill offers tough love reforms based on the dignity of work and the strength of family. It breaks the cycle of dependency by promoting personal responsibility and self-worth.

Mr. Chairman, the Personal Responsibility Act emphasizes work and life attitudes to rebuild a family-based society. The family represents the core of our society. We must act now to mend the tattered values blanket before another family gets trapped in the Federal bureaucratic safety net.

Mr. RANGEL. Mr. Chairman, the rule governing debate on H.R. 4—the welfare reform bill—was narrowly passed yesterday. I voted no on that rule with a clear conscience because the rule the Republican majority crafted makes certain that we will never debate the fundamental issues raised by welfare reform. Worried about their ability to keep their own troops in line, the Republicans picked 31—minor and generally non-controversial—amendments for debate.

From a policy perspective, their priorities are baffling. Rather than debate whether to guarantee a safe foster home for abused or neglected children, or discuss whether welfare benefits should be terminated if the person is able and willing to work but cannot find a job, the Republican majority chose to have us debate ways of tracking down deadbeat dads who have died, and sense of the Congress language that blames single-parents for crime, violence and most other ills of our society.

In the interest of full disclosure, let me share with you some of the important amendments that Democrats sought to debate. In each instance, the Republican majority REFUSED to grant our request.

A Stenholm (TX) amendment to require that net reductions from this bill be used for deficit reduction.

A Matsui (CA) and Kennedy (MA) amendment to guarantee foster care and adoption assistance for any child who is abused or neglected.

A Kleczka (WI) and Rangel (NY) amendment to give States the option of waiving the 5-year time limit for any individual who is willing to work, but for whom no job is available.

A Kennelly (CT) amendment stipulating that child care be made available for the children of parents required to participate in work, training or education programs.

A Clayton (NC) amendment to require that an individual employed or participating in a work or workfare program shall be paid at least the minimum wage.

A Hall (OH) amendment to preserve the WIC and school lunch and breakfast programs.

A Kleczka (WI) and Kennelly (CT) amendment to prevent States from reducing cash assistance to a family when the child's paternity has not been established due to a State backlog or inefficiency.

A Levin and Rivers (MI) amendment to pay benefits to a teen mother and her child only if she lives under adult supervision, stays in school and cooperates with paternity establishment.

A Levin (MI) amendment to require all States to report child support obligations to credit bureaus.

A McDermott (WA) amendment to require that a State not terminate a recipient's benefits unless it had made available necessary counseling, education, training, substance abuse treatment, and child care.

A Torricelli (NJ) amendment to preclude States from providing welfare to a family who has not vaccinated their minor children.

A Miller (CA) amendment to require that States continue to comply with national nutritional standards until they develop their own standards that the Secretary of Agriculture approves.

A Rangel (NY) amendment to prohibit the use of Federal funds to displace currently employed workers from their jobs.

These are issues the American people expect us to debate. But we can't because the Republican majority has gagged us. That makes me wonder, why are the Republicans afraid to vote on these amendments? Are they simply playing politics or are they interested in true welfare reform? The American people can judge.

Mr. GIBBONS. Mr. Chairman, my Republican colleagues have chafed at suggestions that their welfare reform bill—H.R. 4—is cruel to children. I say again what I have said on the floor: The truth hurts. Let me list for you just ten examples of the cruel policies embedded in the Republican Contract on America:

10. It punishes the child (until the mother is 18 years old) for being born out-of-wedlock to a young parent (title I). Number of children punished: 70,000.

9. It punishes a child—for his entire childhood—for the sin of being born to a family on welfare, even though the child didn't ask to be born (title I). Number of children punished: 2.2 million.

8. It punishes a child—by denying cash aid—when a State drags its feet on paternity establishment (title I). Number of children punished: 3.3 million.

7. It leaves children holding the bag if the State runs out of Federal money (title I). Number of children punished: ?

6. It does not assure safe child care for children when their parents work (title I). Number of children punished: 401,600.

5. It allows children to die while in State care without requiring any State accountability beyond reporting the death (title II). Number of children punished: ?

4. It throws some medically disabled children off SSI because of bureaucratic technicalities (title IV). Number of children punished: 75,943.

3. It denies SSI benefits to children who didn't become disabled soon enough (title IV). Number of children punished: 612,800.

2. There is no guarantee of foster care for children who are abused or neglected (title II). Number of children punished: ?

1. It cuts aid to poor children to pay for tax cuts for the rich. Number of children punished: 15 million.

Is this a cruel bill? I suggest my colleagues ask those 15 million children. There is no question in my mind. Taking $70 billion dollars from programs for poor children to pay for tax cuts for the rich is—without question—cruel.

Mr. FORD. Mr. Chairman, since introducing H.R. 4, the Republican majority has changed the allocation formula for title I of the welfare reform bill four times. Those changes mean millions to the affected States.

For example, Speaker GINGRICH'S State of Georgia gained $45 million after backroom negotiations produced a new formula in the Rules Committee. Those same private deals reduced California's block grant funding over 5 years by $670 million. In every public discussion of the bill, California's share was higher. And, on the way to the Rules Committee, New York lost $275 million.

But that's not all; there's more. After criticism that the subcommittee bill looked like a sweetheart deal for two Republican Governors—in Michigan and Wisconsin—the formula was revised. Michigan lost $430 million and Wisconsin lost $200 million. By the time the bill got to the Rules Committee, Michigan had recouped $225 million of what they lost. Wisconsin was still nearly $200 million in the hole.

And, Representative BILL ARCHER must have been persuasive in those behind-closed-doors caucuses that Republicans held. By the time the bill left Ways and Means, he had gathered up more than $20 million for his home State of Texas and—surprise, surprise—he held on to most of it in the Rules Committee.

The facts are simple. Under the latest formula, 17 States get less money than the Ways and Means Committee approved; 32 States are winners. The losers are: Alabama, Arizona, California, Colorado, Florida, Guam, Illinois, Indiana, Iowa, Maryland, Minnesota, Missouri, New Mexico, New York, Texas, Virgin Islands, and West Virginia.

For the record, every time the Republicans changed the formula, four States got less. They are: Iowa, Maryland, Minnesota, and West Virginia. Eight States were winners every time. They are: District of Columbia, Hawaii, Idaho, Kansas, Nevada, Puerto Rico, Rhode Island, and Virginia.

And the important point for the American people to understand is this: All of these changes happened without 1 minute of public discussion. So much for government in the sunshine. I guess the Republican majority thinks secret closed-door meetings are OK—so long as they are the ones having the meetings and making the deals. The American people deserve better.

Ms. PELOSI. Mr. Chairman, I rise today to remind my colleagues of the most critical aspect of this welfare reform debate—the effect this legislation will have on poor children in our Nation.

Child poverty is an enormous drain on the Nation's economy. Every year of child poverty will end up costing billions of dollars in lower future productivity, special education, crime, foster care, and teenage pregnancy.

We must create long-term solutions for this shameful problem of child poverty in our country. Yet this Republican welfare reform bill seeks to solve this problem by punishing our Nation's children simply for this misfortune of being born to a family without means or resources.

This bill punishes children born out of wedlock, born to an unmarried teenage mother, born to a welfare family, or born without established paternity.

Poor young children in working families are victims of this bill. Twenty six percent of children under 6 years old live in poverty, nearly twice the number of poor adults over 18. Yet the Republican proposal would reduce Federal funding for child care by 20 percent over 5 years. Child care assistance is often the key to whether families can move from welfare to work. How can reform succeed if this need is not sufficiently addressed?

Disabled children are victims of this bill. The Republican proposal would cut SSI benefits to disabled children by $10.9 billion over 5 years. Within 6 months, 250,000 of the 900,000 severely disabled children now receiving benefits would lose them. These children already face difficulties in coping with the world, only to be met with more challenges in these cuts.

Abused and neglected children are victims of this bill. Incidents of child abuse number up to 3 million a year, yet child welfare and protection programs, including foster care and adoption assistance, will be replaced with a block grant, cutting $2.7 billion in funding over 5 years.

Hungry children are victims of this bill. The School Breakfast and Lunch programs and the WIC program will be replaced with nutrition block grants. Funding for these block grants is set below the funding which would have occurred under the current programs, yet the number of families in need of these programs continues to rise.

We are responsible for our children's future. When our children are neglected, our Nation will suffer. President Harry Truman said that nothing is more important in our national life than the welfare of our children. If you believe this as I do, you will join with me in opposition to this legislation that will undeniably harm our most valuable resource.

Ms. PELOSI. Mr. Chairman, I rise today to oppose amendments which restrict the rights of legal immigrants to collect Government benefits, such as Medicaid, food stamps, and disability aid.

Denying basic safety net services to noncitizens who, in many cases, have resided in the United States for much of their lives, discriminates among residents who have paid their taxes, contributed to the growth of the U.S. economy, served in the Armed Forces, and, like millions of their native-born counterparts, have played by the rules in the hope of realizing their own American dream.

This legislation would erode basic American values by denying equal treatment under law to law-abiding taxpayers who have done nothing but choose to make the United States their home. This bill punishes legal immigrants for making that decision.

This legislation also robs communities all over the country of the taxes paid by legal immigrant residents—taxes that would be taken by the Federal Government, but not returned to those same communities in the form of health care and other needed benefits. Recent studies show that immigrants pay $25 to $30 billion more in taxes each year than they use in services. Such funds will no longer flow back to our local communities under this bill.

This bill would also deny basic survival assistance to children who are legal permanent residents. Most of these children will go to school, and some day work, and pay taxes, and contribute to American society together with our own children. Denying them benefits is a failure to invest in our own future.

Mr. Chairman, the anti-immigrant provisions contained in this extreme Republican measure are ill-conceived and mean-spirited. They will result in increased costs to our cities and States and will worsen the discrimination already felt by many in our Nation's immigrant communities.

I urge my colleagues to vote against H.R. 4 and vote for the Mink substitute.

Mr. SHAW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALVERT having assumed the chair), Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 26 AND H.R. 209

Mr. CHRYSLER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 26 and H.R. 209.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PUTTING AMERICA'S CHILDREN AT RISK

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, I submit to my distinguished colleagues in this chamber that the lives and well-being of some 21.6 million of our nation's children are at risk if we are to allow the proposed welfare reform bill to pass.

I do not believe there has ever been any disagreement on both sides of the aisle of the need to reform our welfare programs. But to do so with such haste as if there is no tomorrow, or that because the Contract With America must be signed, sealed and nailed to the cross within the 100-day period—literally begs the question of why all the rush? Thank God for the U.S. Senate.

Some of my friends across the aisle have repeatedly said the best way to administer these welfare programs is to let the States do it. And without question some States have been very successful at getting people off the welfare rolls, and give them productive jobs and add more meaning to their lives.

The problem, Mr. Speaker, is that not all States operate with the same efficiency, and I can just imagine that with 50 different bureaucracies, with 50 different sets of laws and regulations, with 50 different state court rulings, with 50 different budgetary priorities—will result in what I suspect will be utter chaos and confusion—and if I'm correct Mr. Speaker, when you block-grant a federal program to a state, that state does not necessarily have to spend the funds for what Congress had intended—and if that is the case, Mr. Speaker, my heart goes out to those 21.6 million children that are not going to receive the full benefits of such federal programs.

Let us reform our welfare system, Mr. Speaker, but let us do it like we are flying like eagles, and not run around doing so like a bunch of turkeys.

Mr. Speaker, I include for the RECORD newspaper editorials on this subject, as follows:

WHAT SPECIAL INTEREST?

(By Bob Herbert)

MARCH 22, 1995, NY TIMES.—On Sunday more than 1,000 people, many of them children, rallied outside the Capitol in Washington to protest cuts in the school lunch program, which is just one of many excessive and cruel budget proposals the Republican majority in Congress is trying to hammer into law.

The theme of the rally was "Pick on Someone Your Own Size," which was another way of saying that the G.O.P. bully boys might consider spreading the budget-cutting pain around, rather than continuing their obscene offensive against the young, the poor, the crippled, the weak and the helpless.

The Republican reaction to the rally was interesting. Amazing even. Spokesmen for the party denounced the protest organizers as exploiters of children and defenders of special interests. Exploiters of children! What an accusation from a party that is trying to throw poor children off the welfare rolls; a party that would eliminate Federal nutritional standards for school meals; a party that would cut benefits for handicapped children; a party that would reduce protection for abused and neglected children, even though reported cases of abuse and neglect tripled between 1980 and 1992.

Please, a reality check.

And "defenders of special interests"? A Republican in the era of Newt can say that with a straight face? On Monday, Richard L. Berke wrote in The Times:

"Indeed, many Republicans are seeking to punish groups that did not support them in the past to insure that they are never again abandoned. While Democrats have never been timid about hitting up lobbyists, Republicans are going even further, to the point of dictating whom business groups should hire."

The cold truth is that the Republicans currently in Congress are raising the phenomenon of special interests to dangerous new heights. The lead paragraph on a Washington Post article on March 12 said:

"The day before the Republicans formally took control of Congress, Rep. Tom DeLay strolled to a meeting in the rear conference room of his spacious new leadership suite on the first floor of the Capitol. The dapper Texas Congressman, soon to be sworn in as House majority whip, saw before him a group of lobbyists representing some of the biggest companies in America, assembled on mismatched chairs amid packing boxes, a huge, unplugged copying machine and constantly ringing telephones."

The eager lobbyists had wasted no time in taking up Mr. DeLay's offer to collaborate in the drafting of legislation that would scrap Federal safety and environmental rules that big business felt were too tough. When the bill and the debate moved to the House floor, the Post story said, "lobbyists hovered nearby, tapping out talking points on a laptop computer for delivery to Republican floor leaders."

The mind boggles at the very idea of a Gingrich Republican criticizing anyone as a captive of special interests. Republicans in the era of Newt aggressively hunt down special interests and demand to be taken captive. If, of course, those interests have lots of money.

And when it comes time to make sacrifices to bring the Federal deficit under control, those interests are spared. No pain inflicted there. The Republican zeal for budget cuts comes to an abrupt halt in the face of the real special interests. The so-called Contract With America is actually a contract with big business. Keep in mind the lobbyists writing legislation in Tom DeLay's office. They weren't representatives of the American people, poor or middle class. They represented the real beneficiaries of the contract.

According to the National Center for Children in Poverty, 24 percent of all American children under the age of 6 are poor. Under the twisted values of the new Republican majority, these children become like wounded swimmers in shark-infested waters. Their very vulnerability is a signal that they should be attacked.

James Weill, general counsel of the Children's Defense League, said, "They are taking that part of the American population that is in the deepest trouble to begin with, the group with the highest poverty, the greatest vulnerability, and because they are so politically powerless they are attacking them the most. That, to me, is the worst aspect of what they are doing."

HOUSE TAKES UP LEGISLATION TO DISMANTLE SOCIAL PROGRAMS

(By Robert Pear)

WASHINGTON, March 21.—The House of Representatives today took up sweeping legislation that would dismantle many elements of the social welfare systems put in place by the Federal Government over the last 60 years.

There was little suspense about the outcome; Republicans predicted that the bill would be approved late this week on a party-line vote.

"Based on the hysterical cries of those who seek to defend the failed welfare state, you would have thought Republicans were eliminating welfare in its entirety," rather than just slowing its growth, said Representative Bill Archer, the Texas Republican who is chairman of the Ways and Means Committee.

Mr. Archer, declaring that "the Republican welfare revolution is at hand," said the Republican bill sought "the broadest overhaul of welfare ever proposed."

For their part, Democrats acknowledged that their substitute measure had little chance of passage but predicted that they would make political gains in the debate by attacking the Republicans as cruel to children. Representative John Lewis, Democrat of Georgia, for instance, infuriated the Republicans when he said their "onslaught" on children, poor people and the disabled was reminiscent of crimes committed in Nazi Germany.

Representative E. Clay Shaw Jr., Republican of Florida, said the comparison was "an absolute outrage."

The Congressional Budget Office said this week that the Republican bill would cut $69 billion, or 6 percent, from projected spending of $1.1 trillion on welfare, food assistance, child care, Medicaid and other programs over the next five years. The cuts appear larger—about 11 percent of projected spending. If Medicaid is omitted from the calculations, as Democrats say it should be. The bill makes only minor changes in Medicaid, the health program for low-income people.

The outlook for the bill in the Senate is murky. Senators of both parties have expressed doubts about the House Republican plan to give each state a lump sum of Federal money to help the poor, with few Federal standards or guarantees. Many senators say the Federal Government must retain more responsibility for the use of revenue raised through Federal taxing power.

Representative Harold L. Volkmer, Democrat of Missouri, attacked the Republican bill as "very mean-spirited, very radical." Much of the money saved by cutting aid to the poor would be used to finance tax cuts for the wealthy, he said.

The welfare bill, a cornerstone of the Republicans' Contract With America, would replace several programs, like Aid to Families With Dependent Children and the school lunch program, which guarantee benefits to anyone who meets the eligibility criteria, with direct cash payments to states. The states could then use the money in any way they chose to assist low-income people.

Republicans are still wrestling with the concerns of anti-abortion groups and some Republican lawmakers who say that provisions of the bill would encourage abortions. Those provisions would prohibit use of Federal money to provide cash assistance to children born to unmarried women under 18 or to women of any age already receiving welfare.

House Republican leaders said the ban on cash assistance for those children would probably remain in the House bill. But they said they might accept amendments allowing such families to receive assistance in the form of vouchers, which could be used to buy diapers and clothing for the children.

Representative Bill Goodling, Republican of Pennsylvania, said current welfare programs had "enslaved" the poor. And Representative Gerald B. H. Solomon, Republican of upstate New York, asked, "What is compassionate about welfare programs that encourage dependency for two, three or four generations?" Democrats said they were not defending the current welfare system.

In its report on the bill, the Congressional Budget Office made these points: The proposed work requirements for welfare recipients are unrealistic. The bill says that half of single parents and 90 percent of two-parent families on welfare must work. Based on experience with work programs in the past, the office predicted that no states would meet those requirements.

The Federal Government would save more than $5 billion a year by making legal aliens ineligible for Government benefits that they now receive. The budget office said 1.7 million aliens would lose Medicaid coverage, while 1.1 million would be denied food stamps.

The bill would cut $20 billion, or 14 percent, from projected spending on food stamps over the next five years. About 800,000 of the 27 million people now on the rolls would lose their benefits because of work requirements, which stipulate that able-bodied people 18 to 50 with no dependents must work at least 20 hours a week.

Of the 5 million families now receiving Aid to Families With Dependent Children, 2.8 million would lose some or all of their benefits. The number of disabled children receiving cash benefits under the Supplemental Security Income program would be reduced to 538,000 from 900,000.

Representative Sander M. Levin, Democrat of Michigan, told the Republicans, "You use a meat ax against handicapped children and their parents."

WORK REQUIREMENTS—TEMPORARY FAMILY ASSISTANCE BLOCK GRANT

(Mr. ORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTON. Mr. Speaker, we do need to reform the welfare system. I rise in support of the Deal substitute and wanted to raise one issue to my colleagues.

Yesterday during this debate the Utah demonstration, welfare demonstration, was raised by one of my colleagues on the Republican side as an example of work requirements which work, which H.R. 4 was patterned after. I would like to just share a memorandum from the State of Utah Department of Human Services and let me quote:

> We do need to alert you to the impact which one key element, prescriptive work requirements, will have on our own very successful welfare reform demonstration program. Our understanding is that the work requirements were modeled after Utah's program. The following is meant to clarify that the prescriptive work requirements of title I are not congruent with our policy.

They go on to say that the act, as drafted, would prohibit this approach, the act, as drafted, would require dramatic changes in how SPED is operated in Utah. I would urge my colleagues to support the only bill which does follow the Utah work requirements approach, the Deal substitute.

[The letter referred to follows:]

STATE OF UTAH, DEPARTMENT OF
HUMAN SERVICES, OFFICE OF EXECUTIVE DIRECTOR, SALT LAKE
CITY, UT.

To: Laurales Sorensen, Legislative Analyst, Governor's Office, Washington, D.C.

From: Robin Arnond-Williams D.S.W., Deputy Director.

Date: March 9, 1995.

Re: Work Requirements—Temporary Family Assistance Block Grant.

It has come to our attention that the House Ways and Means Committee has now completed its mark-up of welfare reform including Title I. Temporary Family Assistance Block Grant. On behalf of the Department of Human Services, I want to express our appreciation to you and Joanne for allowing us maximum opportunity to provide input into this process. While we believe the final product embodies the core tenets of welfare reform and will strengthen efforts to move individuals off assistance and out of poverty, we do need to alert you to the impact which one key element—prescriptive work requirements—will have on our own very successful welfare reform demonstration program. Our understanding is that the work requirements were "modeled" after Utah's program. The following is meant to clarify that while the concept of requiring participation and work are integral to both Utah's single parent Demonstration Program (SPED) and our Working Towards Employment Program (formerly EWP), the prescriptive requirements of Title I are not congruent with out policy. To summarize our requirements:

SPED requires universal participation in self-sufficiency related activities by all single parent recipients of cash assistance—no exemptions are provided. 90% of recipients actively participate, those who choose not to participate are sanctioned $100 per month.

Two-parent families are served under the Working Towards Employment Program. Universal participation of 40 hours per week for one parent and 20 hours per week for the second parent is required. Cash assistance is received only after completion of these participation requirements. Of the hours required, at least 8 hours must be in job search, the remaining hours can be any combination of employment, education, or training.

While most adults in SPED participate in job search or work prior to education or training, this is not appropriate in all cases. Often, we involve participants simultaneously in employment/job search and education/training activities under the philosophy that employment and education go together.

Twenty-five percent of SPED recipients are working in unsubsidized employment which strongly show Utah's commitment to employment (this compares with a national rate of approximately 10%). About 27% of recipients are involved in education activities ranging from basic education to GED to short-term skills training to college. Over half of these recipients are also involved in employment, job search, or mental health counseling. For the remaining recipients, two issues are paramount:

First, for those in GED, short-term training or English as a Second Language educational activities, our experience has shown that the best course is for them to concentrate their full-time efforts on completing these educational paths and then moving into employment that will eventually move them off the system. The act as drafted would prohibit this approach. If we expect a recipient without basic education, specific skills or a work history to immediately go into job search and employment there is a danger of setting them up for failure, producing only short term results, and encouraging the "revolving door" approach to receipt of public assistance.

Second, some individuals cannot work 20–30 hours a week as well as attend school, particularly persons with other barriers such as mental health problems, a disabled child, or transportation problems. This will be particularly detrimental to our rural SPED sites where geographical distances may add as many as 2–3 hours of driving time as a recipient goes from home to child care to place of employment to school to child care to home is a given day. The act as drafted would require dramatic changes in how SPED is operated in our rural areas.

Under SPED. we often push adults to complete education and training as soon as possible. Often we require 40 hours of participation with no time off for summer etc. This significantly reduces their stay on assistance. We expect that the language restricting participation in education and training, could double the length of time some participants are actually involved in education or training and therefore, remain on assistance.

Finally, we need to once again express our concern regarding this level of prescriptive statutory language. In order to effectively meet the goals of welfare reform, states must have maximum flexibility. Public welfare programs must be designed to allow states to respond to rapidly changing environments. The reason we are struggling with AFDC today is that the prescriptive statute has not kept pace with changes in public attitudes, economics, social conditions. etc.

Once again, we appreciate the opportunity to provide input. Thanks for all that you are doing on this important issue.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CALVERT). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

TERM LIMITS DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. GUTIERREZ] is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, assuming, for argument's sake, that term limits really will have the beneficial effect on the Congress that their proponents claim, why should we pass a term limits amendment that does not apply with full force to current members?

Do current members possess some special virtue which immunizes them from the hazards of extended incumbency? My good friend Rep. MCCOLLUM has said that "those of us who believe in term limits * * * need to stay longer" to make sure that a term limits amendment is passed.

Do I sense a contradiction here? By the same reasoning, we should encourage the alcoholic to continue drinking, so that he will be able to keep his goal of quitting one day.

But the McCollum resolution doesn't just buy the alcoholic a drink; it gives him an open tab at the bar.

Were the McCollum resolution to be ratified by the states and become part of the constitution immediately following next year's elections, Mr. MCCOLLUM himself would still be eligible to serve in the Congress until 2008. By the time he retired, he would have been in Congress for 28 years.

Twenty-eight years.

Of course, the states can take up to seven years to ratify the term limits amendment. If the states do so, then Mr. MCCOLLUM—who has already served for 14 years—will have 19 more years to talk about our need for "citizen legislators" while he waits for his term limit to take effect. Under this scenario, when Mr. MCCOLLUM's term limits amendment finally forces him out of this body, he will have served for 33 years.

It's a tough situation for Rep. MCCOLLUM. As he himself has noted, "The worst thing that anybody could do who supports term limits as a sitting member of Congress is to step aside right now." (Press Conference on Term Limits, 5/4/92)

Every once in a while Members of this House are called upon to cast a truly difficult vote, one that affects their own lives directly. Such is the constitutional amendment mandating retroactive term limits, of which I am an original sponsor. Members who have already served six terms when the amendment passes will be ineligible to run again. This amendment will give Members who really believe in term limits a chance to vote for a term limits amendment with teeth.

But while we're waiting for term limits to pass, there's something else we can do to clean up Congress, to make elections something more than the "mockery" which our Speaker has said they often are, to reduce the overpowering advantages of incumbency in the American political system.

I am talking about campaign finance reform.

I've noticed that the Contract With America is completely silent on the issue of campaign finance reform.

Yet the rhetoric about term limits grows louder by the day. Whether you are on this floor, in your car listening to the radio, or at home watching your television, it's everywhere these days.

Yes, it's true, we have too many Members of Congress who have been working here so long that they now feel that they are entitled to be Members of Congress.

And we have too many lobbyists, too many "public relations" specialists in this town, and they certainly have a lot more influence over the legislation that is produced by this body than the average working man or woman does.

But this problem does not exist because people are serving in Congress too long; many of our greatest statesmen have had unusually long Congressional careers.

This problem exists because of the way elections are paid for.

To hear them talk, you would think my Republican friends are boldly leading the way into the era of Citizen Legislator, and that term limits are the definitive answer to the problem of the professionalization of politics.

But all the while, my Republican friends are completely ignoring the legislation that will do more than anything else to release the Congress from its bondage to the lobbyists and the special interests—campaign finance reform.

The McCollum term limits resolution is really nothing more than an incumbency protection resolution. This is why more than 30 Members who have already been in Congress for 12 years or more support it so enthusiastically.

Instead of following such an uncertain and indirect path to reform, wouldn't it be much simpler to pass real campaign finance reform, and take away the money and influence that allow people to stay in this body for year after year by drowning their opponents in a sea of money?

Wouldn't it be much simpler to stop talking about phony term limits resolutions and instead do something to seriously limit the influence of big money campaign donors on our political system?

But the Contract With America is silent on this issue.

It's time to stop posturing on this issue and do the right thing.

If you are for term limits—really for term limits—support the real thing, support retroactive term limits.

But even more importantly, let's reform the campaign finance laws and restore equity to the electoral process.

Whether you are in your first term or your twentieth, let's try to create a political system in which the citizens rule, and in which the dollar is no longer king.

QUOTABLE QUOTES ON TERM LIMITS

"This is a tool that I think will do for Congress exactly what I did with a pitchfork for my dad's stable."—Dick Armey (first elected, 1984) (Seelye, N.Y. Times. 1/12/95)

"I have served here now in my 13th year. I am not ready to walk away from here until Teddy Kennedy and you guys want to voluntarily walk away. Those of us who believe in term limits and those of us who want to see things change around here need to stay longer, unfortunately, because the system is the way it is, in order to have the influence it takes when you get a few years in here."—Bill McCollum (Testimony before Subcmte. on Civil and Constitutional Rights, 11/18/93)

"If the Republicans can straighten out the House, I think Americans will find their enthusiasm for term limits waning quite a bit".—Dick Armey, after Nov, '94 elections (AP, 12/6/94).

"Term limits are essential for a healthy and open political system."—Dick Armey, one week later (AP, 12/6/94).

"I am for them [term limits] myself, but the retroactive feature is not a fair feature. It's not the way the Florida statute reads.* * * I think that's unconstitutional."—Bill McCollum, CNN's *Crossfire*, 11/29/94.

"***I think systematically the balance of power in favor of professional politicians as incumbents is so great that in fact it may—in many places it has made a mockery of the process of open elections."—Newt Gingrich (Press Conference on Term Limits, 1/11/95).

SUPPORTERS OF NON-RETROACTIVE TERM LIMITS WHO WOULD BE FORCED TO STEP DOWN UNDER RETROACTIVE 12-YEAR LIMITS

Dornan (1976), Solomon (1978), Roth (1978), Packard (1982), Stump (1976), Crane (1969), Fields (1980), McCollum (1980), Hansen (1980), Bereuter (1978), Gekas (1982), Gunderson (1980), Leach (1976), Saxton (1982), Schaefer (1983), Shaw (1980), Wilson (1972), Goodling (1974), Gingrich (1978).

SUPPORT TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, I have just heard the gentleman from Illinois say it to everybody out there that, gee, MCCOLLUM must not really believe in term limits because he does not believe in the particular version that the gentleman prefers, with retroactivity in it. I hope every Member on that side of the aisle who wants to support their version will do the same thing I am going to do, and that is make a pledgest and then live up to it to vote for whatever version of term limits comes out of here next Wednesday when we finally get a chance after all of these years to vote on term limits and vote for whatever version is on the floor for final passage.

If it is the gentleman's version out here with retroactivity in it, BILL MCCOLLUM is going to vote for it. I urge them to do so. I happen not to prefer that, I prefer another version, but I think we need to put all of the term limits business in perspective, and that is why I am out to help do that a little bit this evening.

Next week this House of Representatives is going to have an opportunity to cast a historic vote. For the first time in the history of this country in either the House or the Senate, we are going to get to vote on a constitutional amendment to limit the terms of Members of the House and Senate. Just two Congresses ago, in the 102d, there were not more than about 33 Members of the House willing to publicly support term limits. In the last Congress, in the 103d, thanks to the sophomore class that came in of both parties last time, we got up to 107. Now we are trying to get to 290, the magic number it takes to pass a constitutional amendment to give us term limits throughout this Nation.

I do not know if we are going to achieve 290, but I think it is going to be a very big successful day for term limits getting to the floor and having the vote. And I believe we are going to go well over 200. We have a good chance and we are working very hard to get 290, but we need everybody who says they support term limits, and I hope they really do, to be there, to be there on the final vote, to cast their vote yes for whatever is out here.

There are going to be four options. Yes, my bill is the base bill, but it may not be the one that is finally there standing. I personally favor 12 years in the Senate, 12 years in the House. I think it makes a lot more sense than versions that have a shorter number of years in the House of Representatives to cap the length of time you can serve here. I personally believe that it would be a very serious problem in terms of the power of the House versus the power of the Senate if we had the House serving less time. I think you would have a stronger Senate vis-a-vis the House and a weaker House if that occurred, and I do not think that is smart for us to do 6 or 8 years for the House and 12 years for the Senate.

So I think 12 and 12 is the right balance.

I also think 6 years is too short, but that version is going to be out here. I think it is too short in the sense from my experience here, as complex as this government is, you need to be here about that length of time, 6 years before I want you to be a full committee chairman or in leadership of either of the parties, but that is a judgment call on my part.

Mr. ENGLISH is also going to offer 6 and 12. If it gets enough votes to be here on final passage, I am going to vote for that, I am going to encourage you to vote for it.

Then we are going to have an option out on the floor, Mr. HILLEARY's option that will say we pass a 12-year cap for the House and Senate and if the States want to decide under that 12-year cap whatever they want to decide in lesser years, then they ought to be allowed to do that and we will put it in the Constitution. I personally do not favor that. I happen to think that that is going to allow a lot of hodge-podge around the country for years to come with some States with 6 for the House and some 8 and gosh, maybe 4 and 10 and so forth.

☐ 2000

I do not think that is good Government. I think uniformity throughout the Nation is preferable. My particular proposal is going to be silent with regard to what the Supreme Court is going to decide. It would not preempt the State. If the Supreme Court decides in the Arkansas case later on this spring that the State provisions that have been passed around the country for 6, or 8 or other years is a constitutional thing to do, then they will indeed prevail but the 12-year cap will be there, and the Hilleary idea will be ingrained into law by virtue of the Supreme Court decision, but I do not think it is a good idea, and I think, if the Supreme Court decides the present powers of the States do not exist in the Constitution to do this, then we should not give them the additional powers. We should go ahead and pass my version of the amendment, and then it would become at that point, if the court rules otherwise, it rules that States cannot do this, the uniform national 12-year standard. But if the Hilleary proposal prevails here and it is the wisdom of the majority to have it as the substitute amendment, I am going to vote for that on final passage, and I hope my colleagues do, too.

And, yes, the Democrat version with retroactivity is in there. I do not agree with that. I happen to think that all 22 States that have passed term limit proposals in the States are right. They did not pass retroactivity in any of those States, and in the one State it came up, in Washington State, they defeated it and had to come back later with one that was not retroactive. I do not think that is smart. We can debate it out here, but, if that version happens to prevail, I am going to vote for it, too, on final passage.

The bottom line is we have a chance finally to do what the American people, nearly 80 percent, have been saying all along, and that is for us to pass a term limits constitutional amendment, and nobody should try to hide or be allowed to hide under dodge of one preference or the other. The key is going to be to get to final passage and vote yes. I say to my colleagues, "If you don't vote yes for term limits on final passage, don't come back to your voters next year and tell them you're for term limits."

H.R. 4 REWARDS THE RICH, CHEATS THE CHILDREN AND IS WEAK ON WORK

The SPEAKER pro tempore (Mr. CALVERT). Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, in one hand I have letters from the students of Cesar Chavez Elementary School in San Francisco asking President Clinton and the Congress not to cut the school lunch program. In the other hand I have H.R. 4, the Republican so-called welfare reform bill. Mr. Speaker, I hope never the twain shall meet. I hope that the children of Cesar Chavez Elementary School, or any of the other children throughout this country, never have to feel the pain of this legislation. I hope it does not pass.

Mr. Speaker, why I hope it does not pass is because in this legislation is contained provisions that will cut the children's nutritional programs, and, yes, even the school lunch programs. Why? Because it does not provide enough money to cover all of those programs because it does not require the Governors of the States to spend 100 percent of the school lunch monies that are sent to the State, but only 80 percent because it eliminates the nutritional standards that are contained in the school lunch program presently, because it eliminates the eligibility that is contained presently in it so that poor children, who really need nutrition, will suffer from this legislation.

And why is that?

That is because our Republican colleagues want to save money for a tax break for the wealthiest Americans. Why start with children first? Women and children first were traditionally those first to the lifeboats. Here they are first to the gangplank, to walk the plank.

Mr. Speaker, I yield now to the gentleman from California [Mr. FARR]. As he comes up, I want him to join me in recognizing that this school lunch program cut will cut 503,000 children, will be dropped from the school lunch program under the Republican plan in the first year.

Mr. Speaker, that is why I say that H.R. 4, the Republican so-called welfare reform bill, rewards the rich, cheats the children and is weak on work, and in our State of California, and the gentleman from California [Mr. FARR] and I will place this on the map together—67,900 children will be cut from the school lunch program in just the first year.

I urge my colleagues to vote no on H.R. 4, and I am pleased to yield to my colleague from California.

Mr. FARR. Mr. Speaker, I really appreciate the gentlewoman yielding to me, and I want to bring up a point about H.R. 4.

It takes food away from poor kids to fund tax breaks for the wealthy, sort of Robin Hood in reverse. According to the California Department of Education, each day 745,000 children will no longer be eligible for school and child care needs. Almost 1,000,000 kids a day, will no longer be eligible for meals.

H.R. 4 really hurts because it abolishes the donated food program, donated food. Right now 49 counties in California have been declared natural disasters. More than 6,000 pounds of food has already been delivered.

In the Loma Prieta earthquake 880,000 pounds of food were delivered. H.R. 4 eliminates those food donation programs.

People in my district are livid. A letter from John Cruz, superintendent of Fowler Unified School District in Fowler, California, writes:

> Living in an agricultural area with a large population of low-income students, I am keenly aware of the negative impact this legislation will have on our students and parents. You can rest assured that a large number of students will come to school hungry. We make every effort to overcome obstacles so that we can effectively educate our students. But hunger has no remedy but a warm meal, served in the comfort of a school cafeteria. I understand that tough decisions must be made, but please don't make them at the expense of our kids.

This is a bad bill. I urge everyone to oppose it.

Not to mention the fact that this bill abolishes the donated food program—donated food, Mr. Speaker—which is crucial during natural disasters like the devastating floods that have pounded my district this year. More than 880,000 pounds of food was delivered to needy families who fell victim to the natural disasters of the Loma Prieta and Northridege earthquakes. Six thousand pounds have already been delivered during the recent floods in my district.

I have received hundreds of letters from community leaders across California and throughout the country who are alarmed by the threat this GOP bill poses to kids. John Cruz, superintendent, of Fowler Unified School District in Fowler, California writes:

> Living in an agricultural area with a large population of low-income students, I am keenly aware of the negative impact this legislation will have on our students and parents. You can rest assured that a large number of students will come to school hungry. We make every effort to overcome obstacles so that we can effectively educate our students. But hunger has no remedy but a warm meal, served in the comfort of a school cafeteria. I understand that tough decisions must be made, but please don't make them at the expense of our kids.

Suzanne Du Verrier, supervisor for Alisal School District food services department in Salinas, California writes:

> School lunch is not a welfare program. Including school lunch in Personal Responsibility Act as a part of the nutrition block grant would become an administrative nightmare for States and the various school districts. All the work that has been done to bring meal requirements into a healthier realm will evaporate. Our Nation's children must not pay for the sins of the Nation's adults.

Maria Doyle, from Monterey, writes:

> This approach will increase child care costs for low- and middle-income parents, even forcing children out of regulated care and back into latch-key situations.

Finally, little 8-year-old Annie Brown of Salinas, writes:

> Everyone needs to learn to love, please don't hurt the children.

Mr. Speaker, don't be mistaken, Democrats across the board are demanding change. Democrats want to reform welfare, but we know we can do it without putting the health of innocent children at risk.

Democrats believe that we must move people from welfare to work not homeless shelters. We should demand and reward work rather than punishing those who go to work. This mean-spirited GOP measure will hurt far more than it will help Americans who want to free themselves from the destructive grasp of social welfare programs. It will only throw them out into the street, without the benefit of the training they need for meaningful employment or the child care they need for their children.

H.R. 4 is poorly conceived legislation and deserves to be rejected. It's been rushed through Congress for one purpose and one purpose only: campaign P.R. and a spot on the nightly news. The children of my district can't stand up to this Speaker's bully pulpit, but I can, and I encourage my colleagues to do so as well.

Ms. PELOSI. Mr. Speaker, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. Mr. Speaker, I thank my colleague from California, and I would simply like to rise to oppose H.R. 4 because I think there is some misinformation around, and that is that the H.R. 4 does not cut school lunch. There is something about a 4.5 percent increase, and let me simply say to you that first of all H.R. 4 has no money for school lunches, and, second of all, the cash assistance does not take into consideration the value of direct food purchases, and there is no guaranteed funding level. We in Texas lose some $690 million in school nutrition programs or total nutrition programs, and let me tell you that the State of Texas loses 58,400 children that will not have lunch.

Let us vote against H.R. 4. Let us stand for the children.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman from Texas [Ms. JACKSON-LEE] for her leadership on this issue and for informing us of the impact of the Republican cuts in Texas.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. CHABOT] is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker I yield to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I just want to point out in this child nutrition school based block grant and current law, CRS report dated March 20, that in the State of California the increase from 1996 over 1995 on these school based programs is from $808 million to $854 million, an increase of $46 million.

Mr. CHABOT. Reclaiming the balance of my time, Mr. Speaker, I would like to read a direct quote, what one of our former Presidents said about welfare. Here is what he said:

> The lessons of history show conclusively the continued dependence upon relief induces a spiritual and moral disintegration fundamentally disruptive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit.

Now some of my liberal Democratic colleagues on the other side of the aisle would probably call that statement mean spirited. But do you know who said that? Which one of our Presidents? Well, he was a Democrat. It was Franklin Delano Roosevelt. He was speaking to Congress, and he was absolutely right.

Sadly, Congress did not listen. Instead the Federal welfare monstrosity tore families apart. It destroyed individual initiative and mocked the concept of personal responsibility. It has become the narcotic, the destroyer of the human spirit, that Franklin Roosevelt decried. The welfare system has trapped millions upon millions of Americans in a snare of dependency.

□ 2015

Generation after generation of people in this country never work. They get a welfare check every month, and they live off those Americans who do work. It is an absolute disgrace, in fact. And here may be the saddest fact of all. Innocent children born into the welfare habit are 300 percent more likely than others to be on welfare when they grow up.

We have kids all over this country who grow up in homes where they never see an adult in the home go to work. But I refuse to believe that we should write off entire generations and consign them forever to desperate and unproductive lives.

As terrible and as horrifying as it is, there are some politicians who have a vested interest in perpetuating the current system of handouts. This determination to hold people down is sickening, but the huge Federal welfare bureaucracy has real political power.

The architects of the current disgraceful system fight hard to keep what they have created, and those who have been complicit in creating the cycle of dependence that is our current welfare system simply do not want to see any changes at all.

When those of us who are working for reform propose some initial efforts to break the bonds of dependence, we are told to sit down and shut up.

Well, Mr. Speaker, we will not sit down, and we will not shut up. We are going to stand up for the hopes of future generations. We are going to speak out on behalf of victims of the current system, both recipients, yes, and the taxpayers.

If the only coherent, straightforward argument made against welfare reform is the two command words to shut up, then maybe the protectors of the present system ought to consider at least getting out of the way.

The intellectual wellspring of the status quo seems to have run dry after a torrent of rhetoric and $5 trillion of taxpayer money spent over the last 30 years on this ridiculous system of welfare that we have. The nay sayers simply have not made the case for protecting a bureaucratic Federal welfare system that penalizes work and rewards irresponsibility and writes off whole segments of our community.

So this Congress, I hope, is finally prepared to pass welfare reform. This bill is based upon true compassion. It has the work requirement. It protects children.

It seeks to discourage teenage sex and to crack down on deadbeat dads who want the Government to take the responsibilities for kids that they produce. They ought to own up and pay for these kids themselves. These deadbeat dads have been getting off for far too long.

Our welfare reform eliminates taxpayer-financed subsidy payments for drug addicts and alcoholics. We have been paying drug addicts and alcoholics welfare benefits and SSI benefits. It is disgraceful.

Importantly, it ends discrimination in adoption.

It is time for welfare reform. It is long overdue. We are finally going to pass this tomorrow.

CHILD SUPPORT ENFORCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. WELLER] is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, as one of the chief sponsors of the Family Reinforcement Act, I rise in strong support of the goals of child support enforcement provisions and the Personal Responsibility Act. All are Republican welfare reform initiatives.

The condition of America's families is of utmost importance to the future of our country. We must act quickly and decisively to restore and encourage and protect our most fundamental unit of America society, the family.

I am here today to voice my support for the common-sense goals of H.R. 4, reducing welfare dependency by ensuring that parents support their children, strengthening and streamlining the State-based child support system and giving the States the tools they need to get the job done.

Too many single parent families have had nowhere else to turn but to resort to government support programs. Too many children go to bed hungry or do without, all because their deadbeat parents outrun the current bureaucratic and time-consuming child support collection system. This has got to stop.

Republicans are working to change our child support collection system. Republicans want to help the needy children of America, particularly when we see that today $34 billion is owed to children today by deadbeat parents. In my own State of Illinois, that is $176 million on unmet obligations to the children of Illinois.

Let us look at what is in H.R. 4 regarding child support. The Personal Responsibility Act has three goals in child support: to reduce welfare dependency by ensuring that parents support their children, strengthening the State-based child support system and giving the States the tools they need to get the job done.

It provides for strong measures to establish paternity, requiring applicants and recipients of public aid to establish paternity for their children, granting States financial incentives for establishing paternity.

The bill also provides better tools to locate absent parents, making additional information available to the States, including law enforcement systems and data on licenses, newly hired employees and members of organized labor.

H.R. 4 also provides streamlined procedures to collect child support. In fact, if you look at the States' caseload, which has grown almost 150 percent since 1983, then you will discover that this plan helps States manage caseloads more effectively by providing expedited procedures to order genetic testing, enter default orders and issue subpoenas.

It also removes the barriers that exist when parents reside in different States by requiring States to honor the child support orders of one State so no parent can avoid child support by leaving the State their child lives in.

And it also puts in place tough techniques, tough tools so States can enforce child support orders, strengthening the States' enforcement capability by allowing States to use assets, income and even lottery prizes to satisfy child support debt.

It also requires licensing agencies to collect social security numbers so States may match child support and licensing records and impose restrictions on licenses held by people who fail to support their children.

With adoption of the Salmon amendment today, it allows States to place liens on property of deadbeat parents who fled their States, such as someone who would flee my home State of Illinois, to avoid their responsibility to their own children.

Ladies and gentleman, H.R. 4 provides tough tools to help deadbeat parents be located and, of course, be forced to meet their responsibilities. If you look at the facts, if you look at the record, H.R. 4 helps kids. In fact, when you know the facts, that too many deadbeat participants have stiffed their own flesh and blood for far too long, then it is time to support the Personal Responsibility Act.

Let us vote for real reform that helps kids, helps children. Let us pass H.R. 4 tomorrow on Friday.

REMOVAL OF NAME OF MEMBER AND REQUEST OF MEMBER ON SPECIAL ORDERS LIST

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent to have my name replace that of the distinguished gentleman from New York [Mr. OWENS] on the list for special orders.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina [Mr. CLYBURN]?

There is no objection.

WELFARE TO WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I think we can all agree that the welfare system is in need of reform. But the Republicans' idea of welfare reform is to callously toss welfare recipients off the government rolls without much thought to getting or keeping them on payrolls.

You will get no arguments from me that the best way to reduce the welfare rolls is to find jobs for many of the recipients. But merely requiring welfare recipients to find jobs without looking at the factors that make it difficult for them to get or keep these jobs is a reform measure that is primed for failure.

H.R. 4, is the GOP's "Personal Responsibility Bill," takes practically no responsibility for providing mechanisms by which these welfare recipients can make a realistic transition from welfare to work.

First, the bill that we are debating here today contains no funding for work programs. Under this bill, welfare recipients can receive government assistance for up to two years before they are required to work. Why not begin right away with helping these recipients find gainful employment?

Second, this is the same bill that would put low-income working mothers in a bind by cutting federal funds to existing childcare programs.

Let's look at South Carolina, for example. Under this bill, federal childcare programs would be consolidated into a State block grant that would cut $31 million in Federal funds to the State over five years—meaning that over 5,000 fewer children would receive Federal childcare assistance that year. When are they going to realize that affordable and reliable childcare is a major factor in a single mother's ability to find and keep a job?

Also, another crucial factor in getting welfare recipients to work and in keeping them working, is income. We can not realistically expect a working mother to be able to take care of a family while only earning minimum wage. If we are going to require welfare recipients to go to work, why not require that these jobs provide a liveable wage so that working moms may be able to sustain themselves and their families?

And although this is a separate issue, if you look at the fact that a single mom stands to lose Medicaid benefits for themselves and their children in lieu of a low-paying job with no health benefits, it would make more sense to stay on welfare.

Mr. Speaker, I have long been an advocate of welfare reform. But I support realistic and humane welfare reform—one that includes programs that will train current recipients for real jobs; one that addresses the real need for reliable and affordable day care; and one that take into consideration the need for real wages so that these recipients can become self-supporting, productive members of society.

ILLEGITIMACY AND REDUCTION OF POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, tonight we are talking about welfare, and the reason we are talking about welfare is that H.R. 4 is on the floor and for the first time in 40 years we are going to undertake to reform a failed system.

How do we know that this system has failed? Well, first of all, I suppose we know because there is acclamation on the point. I do not think anybody is arguing it. But, besides that, what we can do is look at certain indicia of whether or not it is a success. What have we done, what have we gotten after 35 years of great society?

Well, what we have gotten is we have spent about $5.3 trillion on welfare since the early 1960s, $5.3 trillion. Have we reduced poverty in that time? No, we have not reduced poverty. In fact, what we have found is that provety was coming down year by year by year by year, right from the beginning of this century to the late 1950s and early 1960s, and since we have been throwing money at the problem in tremendous amounts poverty has leveled off and stayed flat.

But the amount of money that we have thrown at the problem has increased and increased and increased and increased by any measure, by measure of nominal dollars, current year dollars or by measure of percentage of Gross Domestic Product. In fact, when you measure by Gross Domestic Product, we have increased the amount from about less than 1 percent of GDP to nearly 4 percent of GDP that we are spending on welfare.

What have we gotten? Have we reduced poverty? No, we have not reduced poverty. What have we done? Well, we have found that we are in a situation with respect to illegitimacy that is truly alarming, truly alarming because it has more impact, it has more implications for what will happen in the 21st century than any other social challenge that we face.

Let us look at numbers for a minute. First of all, we know that in the minority community among blacks two out of every three births is now out of wedlock. For all those people that think this is a problem that is somehow only in the minority community, let me tell you that is absolutely wrong. One out of four white babies is now born illegitimate. Fully one out of three of all births in this country is now illegitimate.

What do we know will happen with respect to kids who grow up in single-parent homes? Well, we know that welfare has failed children more than anyone. It is the cruelest thing that we could be doing to our children.

□ 2030

We know it for a number of reasons. First of all, children in families which are dependent on AFDC for prolonged periods have more developmental problems than children dependent for shorter periods. Sixty-nine percent of children in chronically dependent welfare families score in the bottom third of all children on vocabulary and language skill tests. The source on that is the Life Circumstances and Development of Children in Welfare Families, a profile based on national survey data in the Child Trends Magazine.

We also know being raised in a family dependent on welfare dramatically reduces a child's intellectual abilities and life prospects. Researchers from Baruch College in New York City studied the effects of being raised in a welfare family on the intellectual abilities of children aged three to six. Children on welfare do worse in school, they tend to have other developmental problems, they are three times more likely to end up on welfare themselves. And teenage girls who grow up in fatherless families are far more likely to have early intercourse, pregnancies and abortions than those from two parent families.

What kind of perverse and cruel form of compassion would encourage children to have children? And then condemn them to a dead end cycle of government dependency? What could possible be more cruel to children than this failed system?

We could not have consciously designed a more destructive system than the one that we currently have. And that is what perplexes me the most about how it is that liberals are defending this system.

What you hear from my friends on the other side of the aisle is well, yes, we need reform, but. It reminds me of the "me too, but" disease, where you say "Yes, we are going to fix this now. We didn't bother for the past 30 years, even though we have been in control of this place for the past 40 years. But now we agree with you, we need to fix this, we need to have reform, but."

Then you start to equivocate and change and not come up with the real reforms that in fact will do the two things that we must do in order to restore some sort of confidence in a welfare system that will actually help people, to give them dignity. And those two things are to encourage marriage and to encourage work.

NUMBERS OF CHILDREN AND SCHOOL LUNCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, last night, we showed how the Republicans are playing a shell game with the Nation's child nutrition programs. We illustrated that the Republicans would rob Peter to pay Paul in order to support programs, such as school lunch, school breakfast, and WIC. Tonight, no games—just the sad, sorry truth.

The truth is if the Republican welfare reform proposal is enacted, thousands of children in this country will lose their access to a nutritious school lunch. The number I am placing on this map tonight represents the 3,600 children in my homestate of Connecticut who will be dropped from the School Lunch Program under the Republican proposal—and that's in the first year alone. The Republican plan cuts funding for school lunch and by doing so it cuts kids. The Republican plan takes money away from programs, like school lunch, which are efficient, effective, and working to keep our kids healthy and productive, for one reason and one reason only—to pay for tax cuts for the rich.

This is the truth. This is why the Republican welfare proposal must be defeated. I urge my colleagues to look at this map and contemplate the horror of these number. These numbers represent children—children who need our help and who are relying on us to do the right thing. I urge my colleagues to remember their needs when the time comes to cast this important vote.

Mr. Speaker, I yield to my colleague from Puerto Rico [Mr. ROMERO-BARCELÓ].

Mr. ROMERO-BARCELÓ. Mr. Speaker, we are witnessing an assault on the children of this Nation. Many of our colleagues from the other side of the aisle know this and they still have time to address the draconian measures contained in the Republican welfare bill.

Good programs that work, that have bipartisan support, are being sacrificed under the guise of efficiency and savings. For example, the School Lunch Program has no guaranteed funding level in this bill, contrary to current law. Governors and State bureaucrats may assign only 80 percent of the funds of the block grant for school meals and will be able to divert up to 20 percent to other welfare programs. This may lead to the neglect of legitimate and vital nutrition needs for our children.

The concept of block grants is being sold as a panacea for all the ills related to welfare. The Republicans claim that administrative costs and bureaucracy will be cut by block granting programs. In fact, the Republican bill actually increases bureaucracy. Under current law, the administrative cap on the child nutrition programs—except WIC—is 1.8 percent. The proposed block grant increases such costs to 2 percent and adds another layer of State bureaucracy, charged now with even determining the immigration status of children.

The cuts to nutrition programs for children are real. The Congressional Budget Office estimates that this bill cuts $7 billion in the next 5 years. To add insult to injury, the so-called savings will be used to finance tax cuts, subsidies, and perks for wealthy individuals and corporations. The Republicans admit that these moneys are not geared toward deficit reduction but will go to pay for their special tax package, which will cost America over $180 billion in the next 5 years. The cost is even higher when we take into consideration the harm this bill can inflict in programs that truly help our children.

Beginning in October, the start of the fiscal year, the School Lunch Program will suffer a cut of over $140 million forcing approximately 503,000 needy children out of the program. This is only the tip of the iceberg, more children will be either forced out or underserved in years to come.

In my district, Puerto Rico, just as everywhere else in the Nation, the school breakfast and lunch programs have been excellent programs for many years. I assure you that healthy children equate with healthy minds. Feeding our students mean that they are ready and able to learn. As I have stated before, this is a simple premise, but it is a premise that has worked well since the original School Lunch Program was signed into law in 1946.

As a former mayor and Governor, I believe that it is a shame to destroy such a successful program. I have grave reservations about the effectiveness of a system of block grants where vitally necessary nutrition programs are forced to compete against each other for increasingly scarce dollars. Local officials will have to juggle powerful local interests which will affect the distribution of the funds available under this massive block grant.

In Puerto Rico, for instance, the reduction of $129 million less in Federal funding for nutrition assistance programs in the next 5 years, would limit our children's access to this important program, severely risking our children's nutrition and health.

There are many children in school in Puerto Rico who, unfortunately, must depend on the school nutrition program. Remember, Mr. Speaker, that these children can't vote and have no way to defend themselves in this welfare war. No student in Puerto Rico or elsewhere in the United States deserves to go to school hungry or suffer from malnutrition. Taking school lunches and breakfasts away from children will result in more children falling further behind because children simply don't learn as well when they are hungry.

Don't cut the school lunch program and other important nutrition programs. Don't continue expensive and inefficient corporate welfare programs and tax subsidies for wealthy corporations at the expense of our children's physical and emotional health. We need true welfare reform that helps people—not this mean-spirited Contract With America proposal that threatens our children, the handicapped, the poor, and the elderly.

Ms. DELAURO. Mr. Speaker, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I thank my colleague.

Mr. Speaker, we all agree that reform of the welfare system is long overdue. The current system is costing billions and not solving the problem. It does not put people to work but instead has created an unhealthy cycle of dependency. But this bill does nothing to improve the welfare system so that children in poor families can themselves be successful and avoid a cycle of dependency. It does not make welfare work for children by moving their parents into work—rather, it would hurt children by moving their parents off the welfare rolls and onto the streets.

Let me outline the effect the majority's bill would have on children in New York: Over the next 5 years, 24,240 children would lose access to child care; 16,592 children would lose access to assistance and medical services under the SSI Program; 477,000 children living in poverty would lose cash assistance by the year 2000; in 1996, some 8,500 children would no longer receive assistance to buy school lunches.

Mr. Speaker, the majority's bill will not work for children and their families. That's why we support a bill that promotes work—and works for children.

Welfare to work—not welfare to nowhere.

WELFARE RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding. I simply want to quickly respond to two previous speakers. The gentlewoman from Connecticut made reference to cuts in the School Lunch Program in her State. Actually under our proposal Connecticut will receive more than $3 million over what they received in this year's allotment.

The gentlewoman from New York also referenced reductions. We will actually increase funding under the Republican proposal by $29.78 million in the State of New York. So this discussion of cuts in the School Lunch Programs is pure mythology.

Mr. GUTKNECHT. Mr. Speaker, I would like to read a poem that I read earlier today, because we are hearing an awful lot about children in this discussion, and I think in some respects the children are being used in this debate as pawns in a much larger play.

But I would like to read a poem from Bill Bennett's "Book of Virtues." It is entitled "The Bridge Builder." I read it earlier today, and would like to read it again.

"An old man, going a lone highway,
Came, at the evening, cold and gray,
To a chasm, vast, and deep, and wide,
Through which was flowing a sullen tide.
The old man crossed in the twilight dim;
The sullen stream had no fears for him;
But he turned, when safe on the other side,
And built a bridge to span the tide.
"Old man," said a fellow pilgrim, near,
"You are wasting strength with building here;

Your journey will end with the ending day;
You never again must pass this way;
You have crossed the chasm, deep and wide—
Why build you the bridge at the eventide?"
The builder lifted his old gray head:
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth, whose feet must pass this way.
This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for him.'"'

Mr. Speaker, when we talk about welfare reform, when we talk about reforming the way business has been done in Washington, when we talk about balancing the budget, what we are really talking about is saving the American dream for future generations. This is not some mean-spirited accounting exercise. It is serious business. Because right now when we talk about the children, what we are doing to the children, the truth of the matter is, and I think everyone here knows this, we are saddling our kids with a debt that they will not be able to pay off. The President's own advisors last year said if the Congress does not do something about this, by the time our children reach middle age they will be confronted with a tax rate of 82 percent just to finance the debt and social programs. Since Congress did nothing last year, the President came forward this year and slipped under our desk a note that said we are now talking about 84 percent.

So when we talk about what we are doing to the children, I think we also have to look at what we are doing to the children of the next generation when they become of age. It is just simply wrong.

In 1994 as we were told earlier, President Lyndon Johnson declared war on poverty. I think it is time that we as a Congress take a look around and count the casualties. Fortunately, or unfortunately for us, we do not have to go very far from this Capitol to see many of the casualties. As a matter of fact, if you walk about 10 blocks in any direction from the U.S. Capitol, you will see those casualties. You will see the hopelessness. You will see the despair. You will see the ingrained poverty which we have created.

I want to read a quote, and I think it is so good and it says so much.

> By intervening directly in depriving society of its responsibility, the social assistance state leads to a loss of human energies and an inordinate increase of public agencies which are dominated more by bureaucratic ways of thinking than by concern for serving their clients and which are accompanied by an enormous increase in spending.

It was not me who said that, it was not NEWT GINGRICH who said that; it was Pope John Paul II, and he was absolutely right. The social welfare system created by Federal bureaucracies simply does not work. The tragedy of our welfare system in part is that it is costing too much money, and we are burdening our kids with a debt they will never be able to pay off.

But the real tragedy of their inalienable rights to use their God-given talents. We are with the perverse incentives of the welfare system today creating a system that creates dependency.

We have perverse incentives within the system. Children raised in families who receive welfare are three times more likely to be on welfare when they become adults. This system just simply is broke, and tinkering around the edges is not going to solve it.

Mr. Speaker, the American people are way out in front of us on this issue. They demand welfare reform. They want it this year. Thankfully, I think we are going to give it to them finally.

DO NOT CHANGE SCHOOL LUNCH PROGRAM

The SPEAKER Pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, all of us agree the welfare system needs major changes, but I have not met anybody in my district, students parents, teachers, school administrators, cafeteria workers, that think that we need to radically change the school lunch program.

Earlier this week I visited Tennyson Elementary School in Sheffield Lake, OH, east of where I live in Lorain County. I was taken around this wonderful little school by a couple of young men, 9-year-olds, third graders, named Will Emery and Zach Russell. I also met with Jennifer, Kelly, and Sarah Ward, three sisters at the school, and lots of other children; Mrs. Urmston, the principal, some people on the school board, administrators, and others.

It is clear. Every one of them said:

> Do not mess with the school lunch program. It works. We do not want any changes in the school lunch program.

Unfortunately, Republicans in this radical proposal do not see it the same way in their move toward their extremism.

□ 2045

I would like to put on this board, add to this board what the school lunch cuts will mean in Ohio, another 13,400 children will lose their school lunches as a result of this Republican extremism.

Mr. HOKE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. HOKE. Have you seen this CRS report?

Mr. BROWN of Ohio. I have seen it. Every speaker that comes up uses the CRS report.

Mr. HOKE. We are both from Ohio. We both care about Ohio. It shows that there is an increase in funding for school nutrition programs, school lunch, $11,500,000, 1996 over 1995. Why are we not on the same page with this?

Mr. BROWN of Ohio. Every teacher, every PTA, every group out there, every organization, every individual that knows about this understands the mean-spiritedness of these cuts. You claim $7 billion in savings on the one hand so you can score for your tax cuts for your wealthiest constituents on the west side of Cleveland, and yet, on the other hand, you are saying "we are not making any cuts."

Mr. Speaker, I yield to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. I thank the gentleman for yielding. I want to get in on this a little bit, too. The fact of the matter is that the block grant program, with some increase, is really the amount of children right now in the State that requires nutritional help. If there are more, as one of my colleagues has said earlier, it is like counting up to 100 and saying the rest of you are out of luck.

It does not take into account any recession. It does not take into account the fact that 20 percent of that block grant can be used for anything in the world that the State wants to use it for, even to build a bridge, if they like.

Mr. BROWN of Ohio. If the economy goes bad in a certain area, there are a lot of parents laid off, those school lunches will not be increased for those kids.

Ms. SLAUGHTER. Correct. There is nothing more coming from here. Nothing more will come from here. The States, there is nothing in the world to make the States do anything, including putting people to work. As a matter of fact, the Republican head of the Congressional Budget Office said just today that there was not a single state in the union that was going to meet the goal of putting people to work that is in this contract. That is the Republican CBO director. That is the word we got from him today.

We are trying, on our side, to get people back to work. We do not think that just after the amount of time that you can spend on welfare is up and you are thrown out in the street, we do not consider that success. We look at success in getting somebody to a job that they badly need and they badly want.

The Republican bill does not do any of that. It simply gives you the amount of time. If there are more children that need food than the block grant allows for, tough.

Now, if we can feed children in Somalia, we can feed people in the United States.

I yield back to the gentleman from Ohio, after I stick this on New York, 7800 children in my district alone will go without lunch.

Mr. BROWN of Ohio. Reclaiming my time, we will see, instead of running the School Lunch Program the way it has been run for 49 years to the satisfaction of almost every one in this country, we will turn it over to 50 State bureaucracies.

We will lose the power buying, if you will, and some of the savings that way, particularly in the WIC program, where infant formula will cost as much as $1 billion more, several groups have estimated, because we will lose competitive bidding. We will end up in a situation where we have programs that work and instead we may turn them into programs that do not work.

If something is working, certainly the welfare needs reform, but something like the School Lunch Program standing alone works. I see no reason to change it.

MORE ON THE SCHOOL LUNCH PROGRAM

The SPEAKER pro tempore (Mr. CALVERT). Under a previous order of the House, the gentleman from Illinois [Mr. LAHOOD] is recognized for 5 minutes.

Mr. LAHOOD. Mr. Speaker, I yield to the distinguished gentleman from Ohio, [Mr. HOKE].

Mr. HOKE. I thank my friend from Illinois. I just have to point out that each time we see one of these little pins go up on the map, there is a fundamental deceit going on. It is the only way that I can describe it.

In the State of California, I am sorry, in the State of New York, 1996 over 1995, under the block grant program, there is a $28,798,000 increase in funding for school lunch programs. In the State of Ohio, $11,500,000 increase in funding.

All that I can do is, I have to wonder if there is not something else going on. Who is being represented? What vested special interest is being represented? Could it be government bureaucrats? If we look at this, what have we got, $1,900,000 that has been contributed by Federal employee PACs to Republicans; $17,682,000 contributed by Federal employee PACs to Democrats, about a 10-to-1 ratio.

What is going on here? Are the children being represented? Or are the government bureaucrats, the Federal Washington bureaucrats being represented?

Mr. LAHOOD. Reclaiming my time, I yield to the distinguished gentleman from Georgia, [Mr. KINGSTON].

Mr. KINGSTON. I still was confused if the State of Ohio is getting, is this 11 million, $11.5 million more?

Mr. HOKE. Eleven and a half million dollars more in 1996 under the block grant program than in 1995.

Mr. KINGSTON. I just want to make sure the record is complete. One of the other statements of the previous speaker was that the program has been rocking along for 41 years to everyone's satisfaction and there have not been any problems.

Here is the problem, and this is something really, I wish the President was watching tonight. We spend the third largest item on our national budget is interest on the national debt. We have not had a balanced budget since 1969. The third largest item is interest. It is just short of $20 billion a month that we pay in interest on the national debt. To say that this program is not a problem is to me unbelievable.

Program after program is okay, not this program, not this one, everything is running fine, hunky-dory, no problems at all.

If you want to help children, you keep the country from going broke. How many kids are you going to feed when you are broke? You cannot do it. I am telling you, you cannot always lead with your heart. You have to use your brain and the formula.

Mr. LAHOOD. Reclaiming my time, I have not said one word yet on my own time, but I want to tell the American people what is happening here.

Last night we saw the distinguished gentleman from California stand up here with his paper plate display and move them around and try and shift things around to try to persuade the American people that if you say something often enough, my gosh, they might even believe you.

So we move this paper plate here and this one here and this one here and, all of a sudden, we have moved a bunch of paper plates around. But we have not proved anything.

So tonight we get a little geography lesson. They bring a map of the United States of America. And we are trying to teach a little geography. And we bring these little cutouts of children to try and tell the American people again to continue the drumbeat, as I said, if we say it often enough, somebody is going to believe us, we are cutting school lunch programs.

You believe that if you tell the American people something often enough they will believe you. That is why you have been on the floor every night. And the truth is, and you know it is the truth, there is not one Member in this House, not one Republican, not one Democrat that want to cut the school lunch program. Nobody wants to do that. Nobody wants to do it.

But what we want to do is what you could not do when you had control of the White House, the House of Representatives, and the U.S. Senate. We want to reform welfare. You had your chance to do it. Where were you? You had two years to do it. You talk a good game. You talk a great game. But you never produce.

WELFARE REFORM

Tomorrow the House of Representatives will deliver on one of President Clinton's own campaign promises. We will "end welfare as we know it." But it will be a Republican-controlled House of Representatives forging ahead with this revolutionary task—not his own Democrat-controlled House.

This piece of legislation, the Personal Responsibility Act, is quite possibly the most important piece of legislation that I will vote on as a Member of Congress.

We have fought the war on poverty and, unfortunately, we have lost that war. We must now turn to solutions that will stop this cycle of generational poverty. Even though Americans remain compassionate people, we have to do something to stop kids from having kids—to make fathers and mothers more responsible—and to encourage able-bodied members of the work force to provide a proper livelihood for their families.

Welfare has exploded into an industry that no longer cares for—or effectively deals with—what Lyndon Johnson envisioned. His temporary assistance has turned into permanent poverty. The collapse of work and family has spawned crime, drug use, problematic educational environments, and other social ills—and the people who have suffered the most are the ones we want to help the most—the children.

Residents of my hometown of Peoria have been horrified last week by an occurrence on the north side. A young boy, age 11, was found dead in a vacant lot covered with plastic garbage bags. He has been beaten with a metal pipe and suffocated to death, a 14-year-old "friend" was charged with the murder. The mother of the slain boy was alleged to have allowed the child to smoke marijuana when he was 5. He was put in a foster home at a young age, but, later, was given back to his mother—a mother who has been convicted on prostitution charges, and is currently facing another charge for the same offense. And neighbors say the slain boy would wander the neighborhood late at night—sometimes being locked out of his house. This is just another in a long succession of American tragedies. This takes place, only with different names, in cities all across our Nation. This is shameful—and immoral—and we must have the courage to face up to the tragedy of circumstances like this and do something about it.

This monumental task of reform will not be accomplished without naysayers decrying at every attempt. One example of this has been the Women, Infants, and Children [WIC] program. Liberals have been racing around breathlessly accusing Republicans of gutting the WIC program. When, in fact, the $25 million rescission is coming out of a $3.5 billion-a-year program. But, this is not a cut, as you and I understand the program. Each year, the WIC program runs a $55 million to $125 million carry-over of funds. In other words, this is what they usually have left over, because they have not yet been able to spend all of their budget. When the Federal Government is adding $200 billion a year to the national debt, one place to start saving money to balance the budget is in carry-over funds.

More lies have been told about the school lunch program. Liberals have again accused Republicans of either cutting or abolishing these programs. The fact is that our plan would do neither. Our Nation's school lunch program for children would not be abolished or cut. School lunch spending will, in fact, grow by 4.5 percent every year through to the end of this century. Far from cutting its programmatic spending, the block grants would increase from $6.7 billion next year to $7.8 billion over the next 4 years. Our bill seeks to turn over all of the program's money to the States and let them run it in the most efficient way possible.

Finally, the $27 billion food stamp program will be reformed by capping its growth to 2 percent a year and combining four other food programs into one. The bill preserves food stamps as a federal program to guarantee that any American who needs food will continue to have access to nutrition assistance. The reforms will result in a savings of over $26 billion in 5 years.

The Republican proposal will break this vicious cycle of welfare. All able-bodied welfare recipients between the ages of 18 and 50, who do not have children, will be required to work. Having more children will no longer be rewarded. And we will means test for the nutrition block grant programs.

You will hear much crying this week from old-line liberals. We are about to bring changes to some of their favorite programs—programs that have been proven failures. These changes are desperately needed to change this system into a trampoline—not a hammock—for its recipients.

Mr. GENE GREEN of Texas. Mr. Speaker, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. Let me remind, I have heard it tonight that we started with Lyndon Johnson's Great Society, 1969 was the last time we had a balanced budget. That was the last budget Lyndon Johnson submitted. So even though you trace it to 1965, the last budget, after 18 years of Republican leadership in the White House, we have not had a balanced budget since the last one President Johnson submitted.

Mr. LAHOOD. Reclaiming my time, I am happy to say that we have all supported a balanced budget amendment. We could not get some of you to help us.

ON REPUBLICAN AND DEAL PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, the former speakers keep talking about how they are not cutting money and then they start talking about how they are cutting the deficit. So which is it?

Mr. Speaker, the current welfare system has created a culture of dependency.

The system offers several incentives for welfare clients to shun independence and stay on the dole.

A single mother who goes to work could lose here child care, forcing her to leave her children home alone.

She could lose Medicaid benefits and go without health insurance.

And she could lose the food stamps that help her feed her children.

And for what?

To get a low-paying job that will leave her worse off financially, uninsured, and unable to supervise her children during the day.

You might ask, what could possibly be worse?

The answer is, H.R. 4 the Republican's Personal Responsibility Act.

The Republican bill would worsen poverty and hunger for innocent children by making deep cuts in benefits, especially during economic downturns.

It would do far too little to empower welfare recipients to rejoin the work force with education and training.

It would scale back the very child care funding that would liberate welfare recipients to go to work.

The plan is punitive, irresponsible, and cruel to children.

The Republican plan could render millions of Americans with nothing to lose.

No cash assistance, no housing, no day care, no medical care, and no jobs.

In New York City alone, experts are projecting that by the year 2000: 76,000 poor children will lose AFDC benefits, an allowance they need for food, shelter and clothing; 300,000 more children will require child care slots so their mothers can work. However, the Republican plan cuts child care spending by $1.6 billion; 60,000 children would be dropped from the school lunch programs; 640,000 children would see their food stamps decrease by 30 percent.

Simply saying, "No more welfare, go get job" is not welfare reform.

The Republicans want people off of welfare. The Democrats want people to get a job.

The Deal substitute is not perfect.

But it is far better than the Republican plan.

Although it was defeated tonight parts of it should be a model when the Senate takes up the bill.

At least, the Deal substitute operates in the real world.

It recognizes that for welfare recipients to go to work, child care is essential.

So it invests in comprehensive child care.

It recognizes that for welfare recipients to go to work, they need skills and training.

So the plan invests in comprehensive training, education, and workfare programs.

The Deal plan's Work First Program supplies a vehicle of real assistance for recipients to move into the work force.

And once they do find a job, the Deal plan would extend their medical coverage for 1 to 2 years.

These are the tools of economic empowerment which are tragically absent from the Republican plan.

But make no mistake: this is a tough plan.

People must develop and carry out comprehensive plans to get back to work or they lose their benefits.

The Deal substitute requires teenage recipients to stay in school and make the grade or they lose their benefits.

It calls for punitive measures for deadbeat parents, like direct income withholding, revoking their drivers' license, or revoking their professional licenses, thus paralyzing their careers until they do right by their children.

And the Deal substitute targets a major source of welfare dependency—teen pregnancy—with major prevention.

The Republican plan contains no prevention plan except to cut off benefits, and hope less children are born.

It could be described as tough love.

The Republican bill just tells children, "tough luck."

The Democratic bill requires work and demands responsibility.

I would like to put this into the map illustrating the children cut off of school lunches.

Mr. Speaker, I include the following information for the RECORD.

CRS REPORT ON CHILD NUTRITION—TALKING POINTS

CRS released a report Tuesday comparing 1996 estimated state funding levels for the child nutrition programs under current law and under the Republican block grant. The numbers in the report are calculated differently for the school based block grant that we have seen before, showing a $73 million increase in school lunch and breakfast funding under the block grant when compared to USDA's 1996 baseline. The Republicans are using these numbers to show that they do not cut school meals even when compared to the USDA baseline projection in 1996.

The report supports Democratic statements about total cuts:

Over $800 million CUT in the total amount available for child nutrition programs in 1996

CRS supports CBO's estimate of a total child nutrition cut of $7 billion over 5 years (this is not stated in this report but is the CRS stated position)

The report assumes a cut in school meal service to children:

Because the block grant provides so little ($1.5 million per state, on average) over what schools will need to serve their students just lunch and breakfast, the CRS chart assumes that schools will not use these funds to operate summer food or after school food programs.

The report compares projected spending for lunch and breakfast under current law in 1996 to the Republican's entire school meal block grant. The block grant is supposed to be used for lunch, breakfast, summer food, and after school food. It compares apples to oranges.

The summer and after school/child care food programs serve some of our nation's poorest children. Summer food programs, in particular, have proven essential to the health and safety of children in high poverty areas—these children get what may be their only nutritious meal of the day and become involved in planned community group activities. Summer food keeps kids off the streets and in the school yards.

Furthermore, the report states the, "FY 1995 and FY 1996 estimates of spending under current law are likely to be understated. The amounts shown in the tables do not reflect the actual amounts of funding that States will receive either under current law or under the proposed block grants. They should be used only for the purpose of comparing the likely shifts in spending among the States under the proposed block grants."

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I thank the gentlewoman for yielding.

I really had not intended to get involved in this until I had heard one of the most flagrant misstatements that might have ever been made on the House floor when my friend from Georgia said, you know, we want to put this money towards the deficit.

Less than an hour and a half ago, the Republican Members of this body had an opportunity to vote for cuts that would have put the money towards the deficit. Unanimously, they voted against it because they want to give that money to millionaires who got all the tax breaks during the 1980s so they can get more tax breaks now.

□ 2100

MEMBERS' DISCUSSION RELATIVE TO RECOGNITION IN SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Illinois, Mr. EWING, is recognized.

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that my name be substituted for that of Mr. EWING.

The SPEAKER pro tempore. Without objection.

Mr. GENE GREEN of Texas. Mr. Speaker, I would object.

Mr. GREENWOOD. Would that be the gentleman to whom I yielded half my time last night objecting?

Mr. GENE GREEN of Texas. I thought we were under a five-minute rule. I would be glad to yield time when I come, but, Mr. Speaker, if we are going to have that as a procedure, then we will probably have about 20 Democrats over here.

Mr. GREENWOOD. It was a procedure that your side began earlier in the evening.

Mr. GENE GREEN of Texas. We have someone who has already spoken, Mr. Speaker.

Mr. GREENWOOD. No, I have not spoken.

Mr. LAHOOD. Parliamentary inquiry.

The SPEAKER pro tempore. State your inquiry.

Mr. LAHOOD. Previously when a Member from the other side asked to have their name substituted earlier this evening, it was allowed. But if you do not want to play by those rules, that is fine, Mr. GREEN, but that is what we were doing earlier on.

Mr. GENE GREEN of Texas. Mr. Speaker, I was under the impression that Mr. GREENWOOD had spoken earlier under the 5-minute rule. If he has not, and I will take your word for it because I know you spoke, but maybe it was yielded because we have been yielding time to many different people.

The SPEAKER pro tempore. The gentleman has not spoken on his own time.

Mr. GENE GREEN of Texas. I will withdraw my objection.

Mr. GREENWOOD. Actually, my intention is to yield some time to your side because I think the Nation deserves a little debate.

Mr. BROWN, if you would like to step up, I would like to yield some time to you so we could have a colloquy here because I was mystified by your comments.

SCHOOL LUNCH PROGRAM

Mr. GREENWOOD. Mr. Speaker, the gentleman from Ohio [Mr. BROWN] took the microphone earlier this evening and talked about the State of Ohio losing X number of dollars under the Republicans' proposal for the school lunch program. And we checked, and in fact under what we are proposing to do, compared to what would have happened had we done nothing, the State of Ohio gains $11.5 million.

Then I think your colleague from Ohio [Mr. HOKE] queried you and said, gee, why are we not on the same page here?

The Congressional Research Service tells us that the plan the Republicans have proposed, a 4.5 percent increase gives Ohio $11.5 million. Your response was, well, just ask PTA leaders or the teachers. We are supposed to be here providing the Nation with some information.

Now, let us get it straight. Here are the facts:

When the Democrats, and I went through this last night, when the Democrats controlled the House and the Senate and the White House just last year, you made available for the school lunch program an increase of 3.1 percent. The President of the United States in his budget proposal for this year said, let us take it up to 3.6 percent increase this year. So we say how about 4.5 percent? And how about 4.5 percent for the next 5 years?

Now, I would like to know what the assumptions are that you use to put your little stickers up on the map. What is the assumption that you use as to why there is a cut in the program when we are increasing it 4.5 percent for the next five years, which is far more than the President has proposed in his budget? How does that become a cut?

Mr. BROWN of Ohio. The fact is you talked, the Republicans over and over and over again take credit for $7 billion in savings.

Mr. GREENWOOD. Wait, I reclaim my time. I will yield you time if you will and if you can respond to the question. And the question is this:

The Congressional Research Service says, quite logically, if we increase funding for the school lunch program by 4.5 percent compared to what your President asked for, our President asked for, 3.6 percent, Ohio receives an $11 million windfall. Now, you have said Ohio is going to get cut. If you can and if you will respond to that question, I will yield you time. Comments I have no time for.

Mr. BROWN of Ohio. There is an overall cut in nutrition funding. That money can be in at least one of these nutrition programs, children nutrition programs.

Mr. GREENWOOD. We are talking about the school lunch program.

Mr. BROWN of Ohio. The fact is that with inflation, with more children in the program, with bad years that can happen when parents are laid off in a school district, that there will not be enough money for school lunches.

Mr. GREENWOOD. Reclaiming my time. Reclaiming my time.

That is what I thought. That is what I thought. The fact of the matter is that the Office of Budget and Management in the White House looked at inflation in the food market, looked at the trends in the growth of the school population for the whole country, and said if you want this program to continue to meet all of the eligibility requirements, if you want to produce the benefit, if you want to anticipate growth in the program, if you want to anticipate inflation in the food market, in the food basket, you are going to need 3.6 percent in the coming fiscal year. We said we want to do better than that. We went to 4.5 percent.

Now your hypotheticals are, well, what if there is a recession? What if children appear from another planet unpredicted by the White House? Now, come on, let us get serious.

Mr. BROWN of Ohio. If the gentleman would yield, the President has a 6.5 percent increase built into his budget. There is no——

Mr. GREENWOOD. In the school lunch program?

Mr. BROWN of Ohio. No. Overall in the child nutrition program.

Children, it is not necessarily a national recession or children falling from another planet. It is a plant closing in a community when a lot of parents all of a sudden are out of work and there is no help for those families, they turn to the school lunch program.

Mr. GREENWOOD. Reclaiming my time.

So, in other words, the cuts on your map, despite the fact that we are increasing funding for every State, the cuts that you are illustrating on your map are anticipating hypothetical plant closings?

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. GREENWOOD. Hypothetical recessions, hypothetical depressions?

Mr. BROWN of Ohio. Will the gentleman let me finish a sentence?

Mr. GREENWOOD. Sure.

Mr. BROWN of Ohio. The fact is you claim $7 billion in savings so you can fund tax cuts for millionaires, not deficit reduction.

Mr. GREENWOOD. Reclaiming my time. That is a diversion. I am reclaiming my time, Mr. Speaker.

The fact of the matter is that every time we try to pin you down about what these funny numbers are about compared to the realities, compared to the truth.

Mr. BROWN of Ohio. Where in the legislation does it say 4.5 percent? If the gentleman would yield? It does not. It is a number that you have manufactured to try to hide the cut in school lunches and cut in child nutrition.

SCHOOL LUNCH PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 5 minutes.

Mr. BECERRA. Mr. Speaker, let me try to respond a bit to the colloquy that has occurred in the last few minutes and say that it does not make any difference what CRS says or what we say. Ultimately, it is what the principals in our schools say about their School Lunch Programs that matters. And what they will tell you is that each time they get more children.

The point I wish to make is, ultimately, what matters is what the principal says about how much money she will have to feed those kids through a School Lunch Program, given the growing number of children and the growing cost of feeding those children. That is what counts most.

What is worse about this bill, H.R. 4, that you have in the Contract on America is that when you say you are going to increase funding 4.5%, that is just talk. Because, quite honestly, what you have done in H.R. 4 in the Contract on America is you have changed the game. No longer do you guarantee a child that lunch.

Because, see, you may want to give 4.5 percent increases. I may want to give 4.5 percent increases. We do not make the decision. The appropriators do in this House of Congress. And if the appropriators do not allocate your 4.5 percent increase, if they do not allocate a dime, those children do not get a dime.

That is not current law. Current law does not leave itself at the whims of politicians to decide what children will get. Current law says, we do not want to put this in the political realm. Let us leave it for the children, and let us make sure they are guaranteed an opportunity to have a decent lunch or breakfast.

Your bill, the Contract on America bill, does not do that, and that is perhaps the most important point. You can claim you are increasing funding by billions of dollars. You can claim percentage increases over what we have this year. It is all just a claim because you cannot guarantee you are going to do one thing or the other.

In fact, you are already making changes to your own Contract on America welfare proposal from what was in writing and what you promised people in November 1994. So why should anyone believe that what you promised in November, which has already changed, is what you are going to do in 1997?

Let me go on to something further I prefer to discuss because it is getting very little attention.

For children who are disabled right now, we should beware. If you are a parent of a child who is disabled, it is tough enough right now to raise a family. But if you have disabled kids, I suspect you can tell just about anybody in this room, in this floor right now, that it is an even more daunting challenge, regardless of your income level.

But if you are a parent trying to raise a family and if you are a parent trying to raise a family with a disabled child, beware because H.R. 4, the Newt Gingrich Contract on America welfare proposal, will tell your children you are no longer going to get supplemental security income which helps you supplement your family income to provide services to your disabled child.

Beware because about 225,000 children in America are going to be dumped from a program where families are assisted in aiding their disabled child. And over the next 5 years, around 700,000 disabled children will be denied SSI as a result of the Contract on America welfare proposal.

In Los Angeles, roughly 20,000 disabled children and also blind children receive SSI. H.R. 4 changes all of that.

Now, we hear claims by the supporters of H.R. 4 that we have parents who are abusing SSI. The supporters of H.R. 4 say that the caseload in SSI for disabled children is growing because parents are teaching their kids to pretend that they are retarded in order for them to qualify for SSI.

Are there parents abusing SSI? Are there 225,000 disabled children faking their disability? Well if there is fraud, then let us deal with that aspect within the eligibility process for SSI for disabled kids. But the political Contract on America goes too far. It is overkill.

Let me give two or three quick examples.

Six-year-old Jennifer suffers from congenital bowel malformation which requires a colostomy. She also suffers from eye problems and lacks peripheral vision which causes her to run into walls. At age 6 she was not yet toilet trained.

Kendra, 2 years old, suffers from a rare growth condition in which one arm is twice as long as the other, causing loss of balance, motor impairment and spinal curvature and a loss of lung volume.

Both of these two young children probably will not qualify for SSI. So here we see it. Cuts to kids. Cuts to school lunch. And what else do we have? Cuts to taxes for the rich and wealthy. $66 billion is saved under H.R. 4. What is it for? Tax cuts for the wealthy. This is not the way to go.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

Mrs. SEASTRAND. Mr. Speaker, here we are debating what I believe to be one of the most important issues of our time, welfare reform.

This has not been a particularly civil debate. Frankly, I am amazed by the rhetorical warfare being waged by the opponents of welfare reform. And that is exactly what they are—opponents of welfare reform who are defending a failed system which has cost this Nation almost $5 trillion and has hurt the very people it was designed to help.

In addition, many of the comments made by these welfare reform opponents have been completely out of line. I find it ironic that the standard lines Democrats have used for years—lines like dividing the country along racial lines; deceiving the public by hiding the facts; engaging in class warfare; favoring the rich at the expense of the poor are precisely—are precisely—what the Democrats themselves are doing.

What we are trying to do is fundamentally reform a system that does not work.

How compassionate is it to continue with a system that has quadrupled illegitimacy rates over the last 25 years; where 68 percent of black children and 23 percent of white children are born out of wedlock?

The current welfare system has created a cycle of dependency where the average length of stay, including repeat periods, is 13 years. The current system robs people of the dignity of work. Of the 5 million families on welfare, only 20,000 people work. Is it compassionate to maintain this kind of system?

There are rampant abuses in the current system such as in the SSI Program. The number of recipients in this program has nearly tripled over the past 5 years because SSI isn't going solely to the disabled children where it's supposed to go. It is going to drug addicts and alcoholics who are not eligible for these benefits yet continue to receive them.

Is it compassionate to maintain this kind of system?

Then there is the exploding cost of maintaining the current welfare system. Over the past 30 years, the Federal Government has spent almost $5 trillion on various forms of welfare assistance. If we do not act, welfare spending will increase from $325 billion in 1993 to $500 billion in 1998.

Is this what the Democrats call reinventing government and cutting spending?

The Republican reform bill will fundamentally change the welfare system of America, but not in the way our opponents have described. Allow me to remind welfare reform opponents and the American people of the facts in the Republican bill:

First, the Republican welfare reform bill saves $66.3 billion dollars over 5 years by slowing the growth of, or freezing, welfare spending not by cutting it. Only in Bill Clinton's Washington would reductions in the rate of increase or a freeze be considered a cruel slashing of spending.

Second, with all of the reforms Republicans intend to make in the current welfare system, spending will still increase from 1 year to the next.

For example, under the Republican plan, funding for school lunch programs increases 4.5 percent in each of the next 5 years—which is more than Bill Clinton's proposal.

Third, the Republican bill addresses the critical problem of skyrocketing illegitimacy by no longer rewarding those on welfare with additional benefits for having more children.

Fourth, the Republican bill is based on the belief that work is necessary, essential, dignified, and is the best opportunity for moving welfare recipients into jobs.

Fifth, the Republican bill puts American citizens first by eliminating welfare assistance—not emergency medical services—to noncitizens.

Sixth, the Republican bill cracks down on the deadbeat parents who would abdicate their responsibilities by establishing uniform state procedures and computer registries.

Seventh, the crux of the Republican bill is an acknowledgement that the Federal Government has not done a good job of administering aid to those in need and that the States can do a much better job of providing this aid—if they are given the flexibility to do so.

Mr. Speaker, there is nothing that would more clearly demonstrate a lack of compassion than not making fundamental reforms to our welfare system. When Bill Clinton campaigned for President, he told America that he was going to "end welfare as we know it." In reality, what the President and the Democrats are doing is defending welfare as we know it.

The Republican bill will make the welfare system more just, more compassionate, more efficient, and more responsible. It does this by recognizing and facing up to the fact that the current system simply does not work. The current system has compounded the problems that it set out 30 years ago to eliminate.

If we are truly interested in breaking the cycle of dependency; if we are truly interested in maintaining a safety net for those who are unable to help themselves; if we are truly interested in offering credible and responsible solutions for the 21st century; and if we are truly interested in creating and expanding opportunities for all Americans; then we must pass the Personal Responsibility Act. Now.

□ 2115

The SPEAKER pro tempore (Mr. CALVERT). Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, thank you for allowing me to address the House. I ask permission to revise and extend my remarks.

Mr. Speaker, I have listened carefully to this debate on welfare reform over the past 2 days. I have read my mail, trying to understand how the people I represent feel about this important issue. And, yesterday, I received some correspondence from the Christian Coalition, a group whom I respect, articulating their strong support for H.R. 4, the Republican welfare reform bill, and at the same time, their equally strong support for the $500 per child tax break for families with incomes up to $200,000.00 per year. And, having grown up in a fundamentalist church, being a southern Baptist by personal choice, I have struggled in my spirit to understand these seemingly disparate views.

The Christian Coalition, as have other religious groups in the past, has chosen to enter the political arena and to use the weight of their membership to influence public policy. The particular position of the Christian Coalition on any given issue is almost always the Republican position and that's understandable. After all, it is run and financed by Rev. Pat Robertson, a former Republican presidential candidate. The vote of each member of Congress is recorded on a scorecard and sent out to the membership of the Christian Coalition and, by and large, Democrats score poorly. And, as a result of that, although it is not explicitly stated, the inference drawn by Christian Coalition members is that Democrats are less Christian, more ungodly. This is, afterall, the "Christian" scorecard.

As a Democrat, as a Christian, as a southern Baptist, as someone who fundamentally believes in the words of the Bible, this approach troubles me greatly. Not because of what a low score on the Christian Coalition scorecard means to my political career. Everybody puts out scorecards—we have so little control over what people say about us or how they judge us. That doesn't bother me. What troubles me is when I see a particular position taken by the Christian Coalition, that position being portrayed as the "Christian position" and yet in my heart I feel, as someone who has shared this basic Christian culture all my life, that the position doesn't match up to my understanding of the Bible.

Which brings me to this debate on welfare reform. Let me say that I do not believe that God's response to the poor is some wild-eyed liberalism running around with a guilt ridden conscience, trying to do more things, asking neither responsibility nor good judgment from those whom we seek to help. Not realizing that often in our desire to do good, we build systems that end up manipulating and controlling the poor, more than liberating them.

But, neither do I believe that God's response to the poor is to treat them as though they are the least priority, almost as though they are a nuisance to be dealt with. And, if the words of the Scripture are true, God would never have us stand in judgment of a poor person by saying in our hearts or assuming in our minds that "there he stands in the midst of rural Appalachian poverty or ghetto tenements, among the homeless, the dispossessed, the disenfranchised because he chooses to be there." God would never condone that presumptuous attitude.

And with all due respect to the Christian Coalition and its position on this, the recission bill and the tax relief legislation next week, where does it say in the Scriptures that the character of God is to give more to those who have and less to those who have not? I understand that there is still an overall increase in the growth of the federal spending for some of these programs, but it is questionable as to whether or not that will keep up with the need, and in any case, it should not be the position of the Christian community to slow down the growth of assistance to the poor while increasing the growth of assistance to the wealthy. Out of a $1,600 billion budget less than $300 billion go directly to support the poor.

If there is one thing evident in the Scriptures, it is that God gives priority to the poor. In the Old Testament, the subject of the poor is the second most prominent theme only to idolatry. In the New Testament, one out of every 16 verses is about the poor.

In Christ's first sermon at Nazareth, he laid down the mission of his ministry, He said:

> The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and to give sight to the blind, to let the oppressed go free.

In the Beatitudes from the Sermon on the Mount, time and again he says, blessed are the poor.

He said in the day of judgment:

> I will say enter my good and faithful servant, you have been faithful over a few things, now I will make you master over many things. When I was thirsty you gave me drink, when I was hungry you fed me, when I was naked you clothed me, when I was in prison you visited me.

And we will say in that moment,

> Lord when did I do these things?

And he will say,

> When you did it to the least of these my brethren, you did it to me.

The least, the poorest, those who are at the bottom-most rung of the ladder—these are the ones to whom God gives the priority. This to me is the Christian message as I understand the scriptures.

Mother Teresa last year spoke to us about God coming to us in the "distressing disguise of the poor."

Dorothy Day of the Catholic Worker said this:

> The mystery of the poor is this: that they are Jesus and what you do for them you do for Him. It is the only way we have of knowing and believing in our love. The mystery of poverty is that by sharing in it, making ourselves poor in giving to others, we increase our knowledge of and belief in love.

I do not question nor judge Rev. Robertson nor the Christian Coalition, nor my colleagues here who embrace this legislation. I do not believe they are mean-spirited. They are all good people, I'm sure they are true to their faith and desiring to do what is right.

But, I pray that you do not judge me, or any other Democrat, in the name of the Christian faith as though the leading of the Holy Spirit within us is somehow less valid or less Christian than the way you are led by that same Spirit.

WHAT DO YOU WANT TO BE WHEN YOU GROW UP?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, as I go through life, there are many events and things people say that become very riveting and memorable for me, and one of the most memorable events that I experienced in my campaign for the U.S. Congress was when I met a man who was an administrator of one of the hospitals in my community in the 15th District of Florida, and this gentleman told me that, before he had moved to Florida, he had lived in Oklahoma, and he had taken part in a program where he would go into inner city housing projects and read to young children in those projects. This program started because it has been shown in research studies that, if you read to a child, you can improve their reading score. Actually there are some studies that show that, if you read to a child, you may actually be able to raise their IQ slightly, and he told me something that I will never forget.

He was going into those projects and reading to those kids, and those children were, by and large, children of single parents on welfare, and he would ask, many of them 5, 6, and 7-year-old children, "What do you want to be when you grow up?" And, yes, some of them would say I want to be a fireman or a nurse, but some of them would say:

"I don't want to work. I want to collect a check."

Mr. Speaker, a program that does that to millions of children is not a program of compassion and caring to children. It is a program that is cruel and mean spirited to children.

Today a young male being born to a mother, a single mother on welfare in the United States, has a greater likelihood of ending up on drugs or in the penitentiary than graduating from high school. The problem that we have with illegitimacy in our Nation today is a problem that has been created by the program that we are trying to change, and you cannot fix this problem by tinkering around the edges. The illegitimacy rate in this country has gone up from 5 percent to almost 25 percent in the white community. In the black community it has gone from less than 25 percent to, in some areas, as high as 70 percent.

If you look at what correlates best, what correlates in communities with problems like teenage pregnancy, drug use, illiteracy, juvenile crime, the thing that correlates best in those problems in those communities, Mr. Speaker, is the amount of illegitimacy, the amount of fatherlessness in those communities. A program that perpetuates and cultivates things like this is a cruel and mean-spirited program, and that program needs to be changed, and our bill makes a serious attempt at doing that.

We are not talking about tinkering around the edges. We are talking about promoting family unity, discouraging teen-age pregnancy and illegitimacy.

The fact that this program perpetuates it, Mr. Speaker, was driven home to me when I was a medical student working in an inner-city obstetrics clinic, and I had a 15-year-old girl come in to see me who was pregnant, and I had never seen this before, and I was so upset. I was grieved to see this. I looked at her and said her life is ruined, she cannot go to college, and I said to her, "How did this happen, why did this happen," and she looked up to me and told me that she did it deliberately because she wanted to get out from under her mother in the project, and she wanted her own place and her own welfare check.

This program needs to stop. The people have asked for it; we are trying to deliver.

Mr. Speaker, I encourage the Members of the minority to stop their partisan rhetoric and join with us in reforming welfare and creating a program for the poor and the needy that strengthens family, does not undermine them, that strengthens the bonds of marriage, because it is strong families that make strong communities that makes strong nations, and our Nation cannot survive with a perpetuation of a program like this.

THE DIFFERENCE BETWEEN THE TWO WELFARE REFORM PLANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, I am happy to add my little figure of the 8,200 students in my district in Massachusetts who are in danger of losing their School Lunch Program.

Mr. Speaker, we are nearly at the end of the debate on the Welfare Reform Program, and I do not understand really how anybody who has been listening to this debate or watching this debate could really understand the essential differences between the major bills, the Deal bill named after Congressman NATHAN DEAL from Georgia, and the Republican bill because I have rarely seen such deliberate misrepresentation in a debate. Today we saw Republican Representative from Missouri—and each of us has our charts—claiming with his chart that the Deal bill does not require work, does not require people to work, when the fact is that because—it was only because the Republican bill was ridiculed all over the country for not requiring work that they added an amendment just yesterday that brought the work requirement in their bill close to the Deal bill.

□ 2130

We had another top Republican leader from Pennsylvania going to the very edge of personal vilification today in suggesting to a Member that it was corrupt and immoral, yes, the words corrupt and immoral, not to support the Republican version of this legislation.

Well, my colleagues, the Deal bill had the strongest work requirement of any of the bills by honestly recognizing that if you care about getting people to work, you have also got to combat illiteracy and provide people with job training and a good piece of education and maybe some job placement services and reliable and safe child care so that parents can go to work.

All of those programs were cut under the Republican bill. All of those provisions were cut under the Republican bill.

Also a bill, by the way, that does not cut breakfast and lunches in a mixture, in a whole shell game of block grants. And it does not cut protection for abused children, and it does not cut day care for children so that their parents can work.

That was the kind of a bill that every Member of my party proudly voted for, and it represented real reform and a real opportunity to change the way we deal with welfare people in this country.

Now, Mr. Speaker, the Republicans say that the war on poverty is lost, so they are substituting a war on poor children for the war on poverty. Five million families with 9.5 million children who are living on AFDC, plus millions more families with millions more children who are working families but low-income working families, those families would, under the Republican bill, lose $50 billion of income and of food and of care for children while the parents work.

And for protection for children, protective services for abused children, all of those would be given over instead to some of the wealthiest people in America.

It is not to balance the budget, not even to deal with the deficit that we have in this country that we have been running. That is the kind of deficit that has been building, those huge deficits under President Reagan and President Bush year after year after year after a nearly balanced budget for many years beforehand. Not to do anything like that because they added an amendment that allows this money to not be used for the deficit but to be used for the tax cut that I have described.

This $50 billion, and I have left out the $17 billion that is used to pay by way of legal immigrants and changes in the legal immigrant status, this $50 billion is exactly the amount of money that would be used in the next 5 years to provide tax cuts for the top 2 percent of Americans, those families making more than $200,000 per year.

Mr. Speaker, only in NEWT GINGRICH's Washington would cutting $50 billion in food and housing and income for low-income working and nonworking people and shifting that to the wealthiest Americans, only in NEWT GINGRICH's America would that be even possible.

REMOVAL OF NAME OF MEMBER AND REQUEST OF MEMBER ON SPECIAL ORDERS LIST

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent to speak out of order and substitute for the gentlewoman from Washington [Mrs. SMITH].

The SPEAKER pro tempore. Is there objection?

There is no objection.

CREATIVITY IN ARGUMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, it is interesting to listen to the Democrats talk. They have the fantasy of Disney, the creativity of Steven Spielberg. And if they could speak as eloquently as Bill Clinton, they, too, would be in the White House.

Let me start by yielding the floor to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I want to point out that, with respect to the State of Massachusetts from which the gentleman from Massachusetts [Mr. OLVER], who just spoke on the other side of the aisle, comes and actually comes from a town that is close to my heart. I happened to go to Amherst College, and I believe that is the city he represents, among others in western Massachusetts.

According again to CRS, the State of Massachusetts will see a $7.255 million increase in the block grant program, 1996 over 1995, for school-based child nutrition programs.

If anybody can show us how that is a cut over the CBO baseline, over demographics, over interest rates, over inflation rates, please come forward and show us how that is a cut. I keep seeing these red flags appear, and I am baffled. All I can do is go back to this other chart.

Mr. OLVER. Would the gentleman yield?

Mr. KINGSTON. I control the time, but I would be happy to yield to you.

Mr. OLVER. I think if the gentleman from Ohio [Mr. HOKE] would remember, I was very careful to point out that my 8,000 children are at risk of losing their school lunches, and the major reason why that is possible is because we have lumped several programs together in a block grant, which is the movement of the plates that has been talked about from last night.

In that process, 20 percent of that money can be moved at the whim of the Governor of Massachusetts to other programs in a whole series of different block grants. So there is extreme danger that a very large number of children may be left out of food in this particular program.

Mr. KINGSTON. Let me reclaim my time only to keep it going quickly because we have got 5 minutes.

I yield to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. If there is extreme danger of any child being at risk in the State of Massachusetts in 1996 for nutrition programs, then there would be even greater danger that that child would be at risk under the CBO baseline, the President's own numbers for 1996, because we are increasing the amount from 1996 under the block grant program more than under the CBO baseline program for the administration.

Mr. KINGSTON. If the gentleman would yield back.

Also, the Governor of Massachusetts could put that 20 percent into the nutrition program rather than take it out.

Now I do not know who the Governor is, but I would trust my Governor. My Governor is a Democrat Governor of Georgia, and the Democrat Governor of Georgia, who is a big NEWT GINGRICH supporter—he is in the national Democratic clique—he says, "Give me the money. I can spend it better."

Now, whether your Governor is Democrat or Republican, I will bet our Governor will be willing to go up there and show you fine people up in the Commonwealth of Massachusetts how to better spend your money. And if the people of Massachusetts do not trust him, maybe it is time to change water. That might be true also of the State senate and State legislature.

Mr. OLVER. Would the gentleman yield?

Mr. KINGSTON. I am going to yield to you, but we have got a real brief time, so please go quickly. No speeches.

Mr. OLVER. The gentleman is correct in indicating that it would be possible to move money from others of the five large block grants in this welfare bill. But take, for instance, the child care bill. You claim you want to put people to work. Our bill requires people to go to work.

Mr. KINGSTON. Reclaiming my time. When we are talking nutrition, and I guess we scored a hit because the gentleman has moved over to another field, let me say this real quickly. There is something that is very fundamentally important about this whole welfare debate, and I am glad we are here tonight. I am glad to hear folks like you talking about the Deal bill because it would have never gotten to the floor of the House had the Republican majority not taken over.

It just frankly was a very, I think, fairly responsible moderate proposal, but it never would have made it to the floor last year, and it did it now.

You know, the President said he is going to end welfare as we know it. He never offered a bill. Never. He ended welfare debate as we know it by not offering a bill.

Mr. HOKE. Would the gentleman yield for a question?

Mr. KINGSTON. Yes.

Mr. HOKE. How many years did the Democrats control the House?

Mr. KINGSTON. Forty.

Mr. HOKE. When did the Great Society start?

Mr. KINGSTON. 1965.

Mr. HOKE. 1965. So the Democrats, is this their welfare program that we are talking about?

Mr. KINGSTON. Generally.

Mr. HOKE. Did they try to reform it? Have they changed it?

Mr. KINGSTON. No. They got a lot of religion November 8.

FOOD ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, tomorrow, the debate in the House on the Personal Responsibility Act will conclude. We will take a vote, and it may pass. But that will not end the fight. This struggle will continue in the Senate. And if the bill passes there in substantially the same form as the House, that will not end the fight. In America, nothing becomes law until both the House and Senate have acted and until the President of the United States has signed the bill. If the Personal Responsibility Act passes the House and Senate in its current form, it is my hope that the President will veto the bill.

Tomorrow, we will also consider the Mink substitute. Either the Deal substitute or the Mink substitute would be better alternatives to the Personal Responsibility Act. Both Deal and Mink provide resources to help move recipients from welfare to work—resources such as education, training, child care, and transportation.

The Deal substitute received a significant number of votes tonight. There is a chance that it may have more votes than the Personal Responsibility Act will get. In that case, it will pass the House.

One of the issues that remains as a point of contention is whether the Personal Responsibility Act cuts or increases spending for child nutrition programs. According to the Congressional Budget Office, an office now headed by a Republican appointee, the bill cuts child nutrition programs by $7 billion over the next 5 years.

In 1996, we will spend $300 million less on these programs than we are spending this year. When less is being spent from year to year, that is a cut in spending, not an increase. And, while there are dollar increases in spending in the years beyond 1996, those increases make no provision for inflation; population increases, that are certain; or for economic downturns. In other words, any increases in spending in the out years, will be offset by other cost considerations. Under current law, those cost considerations are taken into account.

By changing current law, the effect is that we are spending less for nutrition programs. When we spend less, that is a cut. Worse yet, under the block grant proposal, the States will be able to shift one-fifth of the funds to nonnutrition uses. When 20 percent of the money goes elsewhere, that is a cut.

The Republican majority calls these cuts "savings." But, while insisting on calling them "savings," they refuse to apply the money to deficit reduction. Instead, they intend to apply these "savings" to tax cuts for the wealthiest Americans. It may seem confusing; however, let me summarize. The Republicans say their bill will increase spending. To increase spending, they want to "reduce" spending and call a cut a "savings", but instead of applying the "savings" to "reduce" the deficit, they want to apply the "savings" to a tax cut. By applying the "savings" to a tax cut, they will "increase" spending. Does that make it more clear? Some refer to this logic as "sincere confusion." In my State of North Carolina, we call it "sleight of hand." If it wasn't so sad, it would be very funny. They claim they want to help children, but their bill hurts children.

Under their bill, there is no guarantee that poor children will receive free meals when they are hungry. Under current law, children in poverty levels get their meals free. Under their bill, only 90 percent of funding is targeted for children at certain levels of poverty. Under current law, about 10 percent more of such funding is targeted for these same children.

They say that block grants will save on administrative costs. But under their bill 80 percent of the "savings" or cuts will come directly from food assistance. Tomorrow, the debate on the Personal Responsibility Act will conclude in the House. We will take a vote, and it may pass. But that will not end the fight.

WELFARE REFORM NEEDED IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I would like to yield to my friend, Mr. HOKE.

Mr. HOKE. Mr. Speaker, I just want to point out to the gentlewoman from North Carolina [Mrs. CLAYTON], that according to the CRS report of March 20, 1995, that for her fine State of North Carolina there will be a $10,343,816 increase from 1995 to 1996 in the Republican block grant program for school-based child nutrition programs.

□ 2145

Mr. NORWOOD. Mr. Speaker, I rise this evening to speak about fathers. In our debate on this critical welfare reform bill, it seems to me that in all our talk of mothers and children, we have forgotten the role of fathers. Now I know that our welfare reform bill includes tough legislation to make deadbeat dads pay for the children they have fathered. But I would ask my colleagues to consider the much larger issue of why we have such a problem with absentees fathers. The tragedy of the present welfare system is that it has lead to an increase in illegitimacy.

Could the welfare system be any more destructive to the family than it is? It has made fathers trivial. The illegitimacy rate in this Nation has risen from 7 percent in 1965 to 32 percent in 1992. The more I think about it the more I am struck by one simple question—where have the fathers of these illegitimate children gone? The answer is terrifying. Fathers have been replaced by the Federal Government through the welfare system. What a ridiculous idea. The Federal Government is nobody's father. The Federal Government should never try to serve as anyone's father. It is disgraceful that so many people have become dependent upon the Federal Government.

Mr. Speaker, when I was growing up in Valdosta, Georgia, my father Charles Norwood was there for me. He was a simple man, a printer, and he was there for me, to teach me right from wrong, to let me know in no uncertain terms when I behaved unacceptably. My father put bread on our table, clothes on our backs, and a roof over our head.

All I learned about respect and responsibility, I learned from my Democratic father. From him, I learned that I needed to be responsible for myself, not ever once considering that government would take care of me.

Mr. Speaker, an entire generation of young people are being born today without fathers. Why do children need fathers in today's America? The food on their table comes from food stamps. The roof over their head comes from public housing. When you need a doctor, there's always Medicaid. And of course the clothes on their backs come by way of a welfare check. We are replacing the financial importance of fathers with the power of the Federal Government to take from one man's labor and give to others. But what of the moral importance of fathers? That role has simply been abandoned by the welfare system. The social fabric of our society is being torn apart by the disappearance of the family unit.

Mr. Speaker, our welfare reforms are an important step forward in trying to restore the value of fatherhood in this Nation, because we say to those people who would seek the assistance of government * * * you must be responsible in having children; you cannot continue to expect an additional payment simply for having an additional child. We say to welfare mothers, you must name the father of your child * * * and we say to those fathers, you must be responsible for your actions. Our reforms force people to consider the responsibility of their behavior in parenting.

Mr. Speaker, I know the debate has tended to focus on welfare mothers, but I'm deeply concerned about the fathers of the 1 in 3 babies born out of wedlock. I want to say to them, be a man and accept your responsibilities. Parenting is not a game; it means tremendous obligation that you must uphold. It is not just a financial responsibility, it is being there for your children, it is teaching them right from wrong, it is teaching them values and making sure they know what it means to be a productive member of our society. It is being sure that your children learn to take care of themselves. It is making sure that your children live a better and more productive life than their parents. It is making sure that you leave your children a better America.

To my colleagues on the other side, I would ask you to step back and consider what has happened to our society. This bill is not simply about welfare mothers and their children. This bill is about the destruction of families. You cannot possibly defend what the welfare system has done to families. It is deplorable; it is immoral; it is undeniably wrong. Mr. Speaker, I urge my colleagues to drop the nasty rhetoric we have used the past few days, and do what is so clearly right to reestablish the sanctity of the American family.

FALLACIES IN REPUBLICAN REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GENE GREEN] is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I want to address some of the CRS report Mr. HOKE brought up tonight and last night, because we have had a chance to analyze that. Mr. Speaker, I want to place in the record a letter from a student I received today from the Aldine School District who talks about how important the school lunch is to her and how she believes the Preamble to the Constitution pointed out that we are supposed to provide for the general welfare. Now, we need to reform welfare, but we need to recognize that is still a part of our Constitution.

The student praises the benefits of the school lunch program in the Aldine community, and last night Members from the Republican side and Congressman HOKE talked about the CRS memorandum, that I had a chance to read today and claims that school lunch funding under the welfare block grants was sufficient.

However, this memorandum points out that the children under the Department of Defense were left out, were left out, until it was put in on the floor, because three committees looked at it and forgot 57,000 children. This memo says that was left out.

The memo does not take into effect the programs folded into the school nutrition block grant. The memo does not estimate the 1997 to year 2000 funding based on the assumption that the CRS did not want to guess at what new programs would be established by the States.

This does not do anything except talk about next year. When they talk about the State of Ohio getting $11 million, we hope the Committee on Appropriations in 1997, 1998, and 1999 would fund that money, but there is no guarantee. This assumes the system will change in such a dramatic way that the current assumptions will not work. That is what this CRS report says.

That is why it is extreme to stand up here and talk about it in this bill. What Members of Congress should focus on is the shell game that this does. It takes away that guarantee of that school lunch for an authorization and maybe an appropriation, maybe.

In the amendment today we had a chance to vote on the school lunch program in Mr. DEAL's amendment. The school lunch program would have been protected in current law. But we saw on a party line vote who wanted to protect the school lunch program, and that vote failed on the Deal substitute.

Current law provides that school districts are reimbursed for every meal and the Republicans' promise of an increase again depends on what will happen in their Committee on Appropriations.

Let's take for example what happened last week in the rescissions bill. We have a track record already in the first 100 days of cuts in summer jobs programs for students, and I would hope the U.S. Senate would take that out. I would be glad to pin my label on there for the State of Texas, because our comptroller estimates we will lose $35 million in school lunch funding.

HOUSTON, TX.

Hon. GENE GREEN,
Longworth House Office Bldg.,
Washington, DC.

DEAR GENE GREEN: My name is LaDeirdre C. Lane and I am an 8th grade student at Kentwell, Aldine I.S.D. In my history class our teacher gave us an assignment to write a government official talking about an issue that we feel very strongly about.

I feel strongly about the welfare reform. I feel that this is one proposal that shouldn't get past Congress. For one, it would take money out of our school lunch plan. Many of the students in my school already eat free or reduced lunch. For some of these students it might just be the only hot meal that they get all day. Secondly there are people out there who abuse these government fundings, but for every one who abuses, there are two who really need it. Without welfare many families would end up starving and in poor health.

Also another reason is stated in the preamble of the Constitution that we the people must promote the general welfare and in this one saying that must take effect. I would appreciate if you would take my ideas into consideration.

Thank you for your time, and I hope that my ideas have begun to turn the wheels of progress, I will be waiting to hear a response from you.

Sincerely yours,
LADEIRDRE C. LANE.

MODERN WELFARE SYSTEM HAS NOT WORKED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, the issue before us this evening is what has worked and what has not worked in the modern welfare society of America. Clearly the current system has not worked. It has encouraged dependency upon the Federal Government; it has encouraged illegitimacy; it has discouraged self-reliance and the basic idea of work.

In short, it has promoted many of the behaviors and values that are exactly opposite of what every single Member of this body would raise their own families by.

Mr. Speaker, the original intent of the welfare system has been lost. What was intended to be a compassionate provision to help people has turned into a destructive and permanent fixture of dependency for many who are entrapped within it. Sadly, many of these people have chosen to make their living for themselves and their families without working by choosing to take AFDC, food stamps, and countless other programs which cost over $300 billion annually. This is wrong and unfair for them and taxpayers, and it must stop.

What the Personal Responsibility Act aims to do is to require individuals to look to themselves and their families and not to Washington in order to become productive members of society.

I cannot help but consider it worthy of mentioning a couple of startling facts about a county in my home State of Tennessee, one that I partially represent, the county of Shelby, which includes Memphis. According to the Commercial Appeal, the local daily newspaper in Memphis and Shelby County, one out of every four families with children under the age of 18 draws monthly welfare checks. According to the same publication, when Federal welfare dollars are combined with State welfare dollars, that total amount is the single largest source of money for Shelby County, TN. Not the payroll of Maybelline, not the payroll of Schering-Plough, not even the payroll of Federal Express; not the payroll of any single business or industry can match the welfare dole of the Government in Shelby County, TN. That is what welfare is doing for one of Tennessee's most populous counties. And while maybe not to such a large degree, that is what welfare is doing to all the rest of the country, and that is what we are trying to change.

Mr. Speaker, I have listened in recent days to the inappropriate charge that children are going to be hurt with our bill. I sat here and listened as we have gone about our Contract With America and attempted to make those changes we said we would make in our contract. On the balanced budget amendment, I have heard about poor children there. In tort reform, I heard about poor children being hurt there. In regulatory reform, I heard about poor children being hurt there. Unfunded mandates, the same thing. The crime bill, the same thing. Even in the national security bill, I heard about poor children being hurt.

I am most eager, as we begin to talk about term limits next week, to see how they are going to say poor children are going to be hurt by that. But we are not going to hurt children by term limits.

Just as we heard from the other side that Republicans do not have a monopoly on Christianity, and I agree on that, the Democrats do not have a monopoly on love of children. We have got some fathers and some grandfathers on this side, and to do that you have to have children.

We are not going to hurt children. What is hurting children is the current system of welfare. It encourages kids to have kids, and fathers to abandon their responsibilities, and families to set poor examples for their children by not working. The Republican welfare reform plan requires work and other responsibility. It changes the status quo. It encourages dignity, and it gives hope to all who may use it to succeed.

VICTIMS OF THE REPUBLICAN CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. OBERSTAR] is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, last Friday in Duluth, in my congressional district, I met with a group of people I can only describe as victims of the Republican contract: College students who will lose their financial aid; poor, elderly people who will lose their home heating assistance; elementary school children who will lose their school lunch and school milk programs; and foster grandparents who work with disadvantaged youth.

□ 2200

Then at the end of the day, late that evening I got a phone call from my son Ted, a graduate student in theology, saying he would lose his summer job if the Republican cuts are enacted.

Let me tell you about Ted. He is a Notre Dame graduate with a double major in theology and great books.

Following graduation, he committed a year to volunteer service at a job placement center for the homeless, Saint Joseph the Worker in Phoenix, AZ, living with five other Notre Dame graduates on $60 a month. And on weekends he volunteered in youth ministry at a neighborhood parish.

Ted then spent 2 years in campus ministry at Sacramento State University and is now in his second year of study towards a master's degree in theology. His career goal is community service. He wants to work to make life better for the less fortunate of our brothers and sisters.

The accumulation of material goods has never been an objective for Ted. He worked hard on construction jobs and other jobs to earn his way through college and last year, to help pay his graduate school cost, Ted worked at a summer youth job program funded by one of the programs the Republicans propose to cut or eliminate with their cuts last week and those yet to come.

I want to take a close look at this program. He worked with 160 disadvantaged young people, 40 special ed children with learning and developmental disabilities, providing them with academic enrichment and physical development help. He also worked with another group of 120 kids who test below a grade level, are out of school and out of work. His job, teach them how to fill out job applications, how to interview on the phone and in person for jobs, and work with them to improve their basic academic skills.

If the Republican cuts prevail, there are going to be 161 losers this summer. The next group of 160 kids and Ted.

Society will be victimized because these young people will be denied an opportunity to become productive members of our economy.

By the way, Ted's wife Julie, who teaches children with learning disabilities, was planning to do her masters thesis on this project to demonstrate how such a program can be a model curriculum for special ed student's enrichment and move them to jobs and work.

I raise this personal story because I think it is important to put flesh and blood on the statistics we deal with, to put a face on the numbers and to translate the issues into tangible reality. And sometimes that reality hurts personally.

TEENAGE PREGNANCY

The SPEAKER pro tempore (Mr. CALVERT). Under a previous order of the House, the gentlewoman from Washington [Mrs. SMITH] is recognized for 5 minutes.

Mrs. SMITH of Washington. Mr. Speaker, throughout the welfare debate we have argued about just about everything. And when I came in tonight and heard a little bit of discussion about religion, I realized just about how far crazy it had gone.

We have argued about how much the school lunch program is supposed to go up, at least it is going up, and we have argued over whether Federal programs work better than the local ones. But we are not talking about cutting them out, just who controls them.

We have even argued about who understands compassion better. But if there is one thing that we have agreed on, without exception, is the fact that our welfare system is failing. The intent of the system was always a noble one, because Americans are kind, loving, noble people. And it was to help those people that were down get back up on their feet and become independent and help those that could not help themselves because of severe handicaps or they were too young until they did not need help any longer.

And for awhile, that is what it was. But then like so many other government bureaucracies, it began to grow. People started taking advantage of it and using it, a practice that has hurt taxpayers. But I want to tell you something, if it only hurt taxpayers, it would not be so bad. But you know, welfare has spawned a social disease that is suddenly destroying our society. And that social disease is illegitimacy. It is babies being born without daddies.

Today the number of illegitimate births in our country is 30 percent. In some major towns, it is 50 percent. That means that we have a major, major problem in our society.

Now, this would not be too bad if it were not that we could look to the inner cities and see that it is worse. Inner city poor, there are 80 percent born out of a married family in the black inner city poor neighborhoods.

It is interesting that we have been so compassionate as some of us were marching liberals in the 1960s that we said it did not make any difference if a baby was born out of wedlock. But I want to stand here tonight and tell you that I was wrong when I was a marching liberal in the 1960s with long ironed hair, because now we see what has happened in this society. We see little girls having babies in their own apartments, where older guys are fathering, not teenagers, folks, they are fathering half of those children, a moral decay, a loss of life for those young teenagers.

But what I want to talk about briefly is those children that we are talking about being so compassionate to as we fight to keep their mothers in poverty by giving them welfare when they are teenagers.

Do you know that these little girls that are born are three times as likely to be little girls that become teenage girls that also go on welfare and have babies when they are still babies?

Did you know these little boys are multi-times, depending on the cities, more likely to go into gangs if they do not of a mommy and daddy at both home? Do you also know that they are born weaker, lower birth weight? Do you know that?

I think that that is what we are addressing with this welfare reform. We are talking about a new world that says no to the liberal 1960s and some of us are going to stand here and we are going to apologize for what we did when we thought telling those young girls yes was okay. We are going to say, we know that was wrong, that the most compassionate thing we can do for these little kids and their kids is to not give them cash grants, to not go on and reward the wrong decisions, to not reward sometimes their mothers who encourage them in some tenement house to go get pregnant so they can get the welfare that they have learned to live on.

The Republican welfare bill does some wonderful things that we can see in the future and be proud of. It says we will take care of these kids and that we will make sure we take care of their babies but we will not lock them into poverty.

SCHOOL LUNCH CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I am here tonight to remind our colleagues and the American people that what we are really talking about tonight in this so-called welfare reform debate, what we are really talking about is really politics. And it is really the politics of the rich and the poor.

Some of you may remember that book, the Politics of the Rich and Poor. It was written by Kevin Phillips. He was President Reagan's economic advisor.

And this politics of the rich and poor that we are talking about tonight goes against children, the nutrition program. The savings that you hear so much tonight that is going to come forth from the Republican proposal is not going for the deficit. It is not going to reduce the debt. It is going to go to the tax breaks in two weeks on this floor for the big corporations and for the wealthiest of this country. So let us talk about little bit about the poor.

The poor tonight are the people in Michigan, the working folks who are sending their kids to school. And after this bill goes through tomorrow, and it will go through because they have more votes than we do, 7,100 children in Michigan will be denied the nutrition program. Michigan will lose $1.5 million for nutrition programs. These are the poor in Michigan who will lose tomorrow afternoon underneath the nutrition program.

But who will win? Who is going to win in this whole program? AFDC. I do not mean Aid for Dependent Children. I mean aid for dependent corporations, the rich. If you look at it, in the fiscal year that we are in right now, $167.2 billion will be given to corporations as tax breaks, $167.2 billion. For each taxpayer out there listening tonight, that is $1388 is going to support corporate tax breaks, and all these dreaded programs you heard about tonight, what is it going to cost us as a country, $50 billion, $1415 for each taxpayer, three times less.

But if this bill goes through and the cuts that we are going to talk about the next day or two, and we are going to turn around the savings and give it for another tax break for the rich, where does the money go? Why are we giving millions of dollars to McDonald's Corporation to sell chicken nuggets overseas as a tax break but yet we are going to cut $7 billion over five years of the school nutrition program and all these students will be denied? Why do we give Campbell's Soup millions of dollars to sell soup overseas but yet we are going to cut our children $7 billion over five years.

It is the politics of the rich and the poor all right. Today we had a chance to try to correct it with Mr. DEAL's bill, the Democratic bill on welfare reform.

Yes, we have to do some things differently. Mr. DEAL put forth a proposal that made a lot of sense and was defeated by party lines, 205 to 228, one Republican joined us.

What did the Democratic bill say? It was a welfare reform bill. That means requiring and assisting people to move out of the dependency of welfare and into self-sufficiency, work. Democrats believe in tough and fair work requirements, something their bill, which is right here, 1214, never had until yesterday.

At least they are learning from us. What else did the Democrat bill have? We believe that individuals need education and job training to become self-sufficient. You just do not cut them off and say, go get a job. Individuals need the opportunity to find work.

Welfare needs to be linked to work. That is what the Democratic proposal meant. That is what we believe in.

Unfortunately, it was defeated, strictly on party lines.

So as we do this debate tonight, remember, it is the politics of the rich and the poor. The poor are those who will be cut. Their cuts will go to pay for the tax breaks for the rich. AFDC, not Aid for Dependent Children, it is aid for dependent corporations.

MORE ON WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I have enjoyed listening tonight to many different viewpoints. I listened with great interest to my good friend from Illinois who could no longer stay with us on the floor.

Let me pause at this juncture to yield to my friend from Ohio [Mr. HOKE] who I think wants to read into the RECORD a couple of items of great import with reference to our friend from Michigan who preceded me in the well.

Mr. HOKE. I just want to point out that from the CRS report with respect to Michigan, there is a $10,489,000 increase in the block grant program from 1996 over fiscal 1995. And in the state of Illinois, we have got a $14 million increase. In the state of Texas we have a $33 million increase. So as those flags go up, we see that in fact CRS has shown very clearly that there are increases.

Mr. HAYWORTH. I thank the gentleman from Ohio.

My friend from Illinois raised a valid point, and I think it is one we should all remember, that good people can agree to disagree, that good people can interpret in different manners the statistics available and the implications of various policy decisions, and, in fact, we can disagree on holy scripture.

I celebrate religious and spiritual diversity in this country. I thank my Creator that we live in a country where we are free to engage in the exercise of religion as we see fit.

□ 2215

But I would simply point out to my friend from Illinois, when he quoted Christ and the Gospel according to Matthew, Christ said when you do this to the least of these, you have done it also to me. He did not say when government does this for the least of these.

And then again there can be a legitimate difference of opinion about that. Perhaps some interpret the "you" to be a universal you, to be a government so powerful, so all encompassing that we would leave for government the responsibility to change the hearts of man, that we would leave for government the responsibility of charity and compassion, that it be the sole province of the Federal Government to provide the same according to its own definition. And that is a legitimate policy difference.

That is fine. Good people can disagree. But, Mr. Speaker, again, and I visited in a moment of almost levity with one of our distinguished colleagues on the other side today who looked at me with a wink and smile and asked me to calm down, and I nodded. But I will tell you, when people on the other side do as they did yesterday, comparing those of us in the new majority to members of the Third Reich or those of us involved in legitimate policy differences with a different vision for America to slaveholders of the Civil War days, you wonder what is really at stake. Have we so perverted legitimate policy divisions and discussions that we are willing to engage in reckless name calling?

My friend from Michigan salutes the Deal bill. That is his right. I would simply point out, Mr. Speaker, to those assembled and to our audience gathered beyond this hall via television, that we have a different interpretation of who would have gone to work or who will go to work under our resolution as opposed to the work requirements in the Deal bill. Good people can disagree.

My friend from Minnesota came to talk about the personal nature of the so-called cuts, and I think that term is inaccurate, but he is entitled to that term because I believe he assumes that there is a vacuum into which his son is stepping and which there is no escape. But I know when I heard him speak of his son that his son has the wherewithal and the ability to take a detour in plans. It may not have been what he intended, but he will find another way to help. That his daughter-in-law, so intent on teaching children with learning disabilities, does not rely solely on the province of the Federal Government to do the same.

And I would invite my colleagues to come with me to the Sixth District of Arizona, to the small town of Holbrook, and visit a single mother who has battled the odds to open a restaurant and who time and again offers to the welfare-collecting youth of that city employment, and she tells me invariably after three weeks time the youngsters employed there leave. Why? Because it is simpler to take a check and a handout instead of a hand up.

WELFARE REFORM

The SPEAKER pro tempore (Mr. CALVERT). The gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. I thank the gentlewoman for yielding.

The other side said that Michigan would actually gain money. That is only if the bill is not revised, and your CRS report, page 1, says that is subject to a base assumption you make as long as you do not revise it.

But you have revised it. Go to your bill, H.R. 1214. Go to page 122. And what do you do on the nutrition, the food block grants for these kids? You cut it 20 percent and put it in other programs. You have $6.6 billion, take away 20 percent. It is $1.3 billion.

You increase the administrative costs from 1.8 percent to 5 percent, add another $334 million for administrative costs. The first year alone you cut $1.6 billion from the nutrition program. Michigan gets nailed by $1.5 million.

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues tonight to talk about the Republicans' mean-spirited welfare plan. A plan that will gut the welfare system and shred the safety net for over 15 million children.

I know firsthand about welfare and the importance of a safety net because 27 years ago, I was a single, working mother receiving no child support. I was forced to go on welfare, even though I was employed, in order to give my three small children, ages 1, 3, and 5, the health care, child care, and food they needed.

My colleagues, that experience never leaves me.

My ideas about welfare do not come from books or theories. I know it * * * I lived it. And I am continually amazed that any of you presume that you know what it is like. Make no mistake, I also know the welfare system is broken. It doesn't work for recipients or for taxpayers, and it needs fundamental change.

Unfortunately, the Republican ideas for change are weak on work and tough on children.

The Republican plan does nothing, absolutely nothing, to prepare welfare recipients for jobs that pay a livable wage, or to help recipients make the transition from welfare to work.

There's no job training; there's no education; there's not nearly enough child care.

All the Republicans care about is reducing the welfare rolls, and if that means putting families on the streets, then so be it!! The Chair of the House Budget Committee, JOHN KASICH, told us last week that these cuts will be applied to the Republican plan to cut taxes * * * the great majority of which apply to the very wealthy.

And their bill literally takes food out of the mouths of our kids.

In my district alone, Marin and Sonoma counties in California, almost 7,000 school children will be denied a school meal under the Republican's mean-spirited plan.

If the Republicans think their plan doesn't punish children, they should talk to some of the wonderful children I ate lunch with when I was back in California earlier this week.

When I asked these kids why they liked their lunches so much, they told me that they can not learn or pay attention in class when they are hungry.

One of their teachers told me that when she asked her students to make a list of wishes for their families, over 50 percent of the kids wished for food. I remind you, these are children who live in one of the most affluent counties, in one of the richest Nations in the world.

After meeting these kids, I have only one thing to say about NEWT's peabrained plan to wreck child nutrition programs: "States don't get hungry, NEWT, children do." and, starving our children is not the solution to the welfare mess.

Democrats, on the other hand, know that we can fix the welfare system without punishing poor women and children.

Democrats offer welfare recipients a fair deal!!

Democrats invest in education; job training; and child care in order to get families off welfare and into jobs that pay a livable wage.

Mr. Speaker, the choice comes down to this: we either punish poor children, as the Republican bill would do, or, as in my case, we invest in families so they can get off welfare permanently.

Let us do what is right for our children. Let us defeat the mean-spirited Republican welfare bill.

WAR ON POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 5 minutes.

Mrs. CHENOWETH. Mr. Speaker, as I stand before you, we have got to realize that America has been at war, and that war has been called a war on poverty. America has spent 30 years in this war, and we have spent over $3.5 trillion.

You know, it only cost America $21 billion to win World War I, but that war that we are losing now is the war on poverty at great expense, not just taxpayers' dollars expense but expense to a whole class of people that have been held in bondage for generation after generation and cannot get out of the bondage.

If we were at war, what would you expect the generals to do, Mr. Speaker? What would the American people expect the generals to do? The American people would expect that the generals would come together and plan a new strategy. And that is exactly what the Republican majority is doing, planning a new strategy to free a whole class of Americans.

Unfortunately, this class of Americans has not been able to see the light at the end of the table or at the end of the tunnel. This class of Americans have never really been able to realize that unique gifting that our Creator has given them and them alone to be all they can be in this society.

You know, I stand here before you, Mr. Speaker, as a woman who raised two teenage children when I was found to be a single parent, and my income was at the poverty level. But sometimes to get through life it takes a bit of a struggle and sometimes to realize all you can be takes a bit of a struggle.

And, you know, what our new program will do will be able to free people up to begin to realize what their level of self-esteem is. Because you can only find your self-esteem by being able to produce something in the workplace and the home. This is the most compassionate of all programs that we have seen in the last 30 years.

You know, my father told me that one of the best things that a person can do for another friend is not to give them a fish that would feed them for just 1 day but to really help them understand how to craft a fishing pole and then be able to feed himself for life.

Yes, the Republican plan is tough love, but it is a plan that will free people, free them to be all they can be in this great Nation.

WELFARE REFORM AND JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I am very pleased this evening to rise to discuss the issue of welfare reform and jobs and perhaps looking at it at a different perspective than some of my colleagues who have stood today. It is amazing what people do not say on this issue, and I think far too many Members of this body are looking through the wrong end of the telescope on opportunity.

There is no question that America's families and America's welfare families often fail to remain whole because America's job-producing machine is failing.

In my own home district of northwest Ohio, half the people, I repeat, half the people on welfare are working people. Half the men, half the women are not unwilling to work. They work everyday. Some work two and three jobs. But they still remain on welfare.

Half the people on welfare in my home district are there for one reason only, and that is to receive the health benefit. Half cannot receive a health benefit through their private sector employment and so they fall on to the welfare rolls as the only hope to receive health insurance.

About 15 percent of the people on welfare in my home region are blind or disabled or elderly, and the remaining 30 percent, adults and children, are really what most of this discussion has been focused on.

And we are all for moving able-bodied people into the work force, but I want to concentrate on the half of the welfare rolls that nobody talks about, and those are the people who are out there hustling everyday, and they do not earn enough to buy the basic necessities.

And I have found it rather ironic that, as the House has labored through this welfare reform discussion, it has been interesting to read the newspaper headlines today. In the Washington Post, the lead story, U.S. trade gap soared in January, economists warn of weaker dollar, and the economic growth of this country over the next year dropping a full percentage point because of difficulties we face in our trade and economic policies.

The Wall Street Journal, major story today, United States trade deficit widened in January to a record $12 billion as peso woes and the problems with NAFTA and the Mexico bailout have a terrible impact inside our own economy. And for every billion dollars of additional deficit another 20,000 jobs lost in this country.

□ 2230

And nobody in Washington really cares.

Another article, "Dollar Declines Still Further on News of Trade Gap," and it talks in the New York Times, "United States Trade Deficit Soars to Record, Mexico Worsens Problem."

Today the value of the U.S. dollar dropped again on international markets, and today it was also reported that our Nation's trade imbalance in January dropped 68 percent, got 68 percent worse, the largest ever in a single month in the history of this Nation, another 20,000 jobs, times 20,000, times 20,000, $12 billion of additional deficit, more lost jobs in this country in sectors that the newspapers tell us are very clear in telecommunications, another 30,000 jobs will be lost, in electrical machinery, in office computing machines, the places where we would like to put people who still remain on welfare and are not working, into good jobs, will not be there. The numbers are telling us this.

We know that the wages and buying power of our people have not gone up for 20 years, and we know that thousands and thousands of jobs are being eliminated across this country at companies like Boeing, which is going to lay off another 7,000 workers, and companies like Fisher Price in New York who just announced several hundred more workers out, but do you think anybody here in Washington really hears or understands what is going on?

And there is a major continental economic crisis here in North America that nobody is really talking about in this Chamber caused by NAFTA that is already causing market instability and is going to have far reaching economic consequences for our Nation and for Mexico, lower wages, higher interest rates, a worsening trade situation for our Nation with more lost sales and jobs and a deluge of cheap Mexican imports coming into our market. Five billion dollars from our Treasury has already gone down to Mexico, and another 15 billion scheduled as soon as it can be drawn down.

Does the Contract on America say anything about America's economic plight? No.

Does it say anything about what I have just discussed? No.

The blame is all put on welfare recipients, the majority of whom work in my district. What a shame.

WELFARE—A SPIDER WEB OF BUREAUCRACY

The SPEAKER pro tempore (Mr. CALVERT). Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I followed the debate very closely during the day today and actually all of this week as we have been debating welfare reform, and it is amazing to me that, as much as everybody says that we need change, there is also such a strong effort to support the status quo, to support a failed welfare state, a welfare state that in the name of compassion we funded a system that is cruel and, experience has shown us over the last 40 years, has been destroying the American family. We have a failed welfare state. Welfare spending now exceeds over $305 billion per year, $5 trillion since 1965. Three hundred five billion dollars is roughly three times the amount needed to raise all poor Americans above the poverty line.

What kinds of results have we seen? Since 1970, Mr. Speaker, the number of children in poverty has increased by 40 percent, the juvenile arrest rate for violent crimes has tripled since 1965, and since 1960 the number of unmarried pregnant teens has nearly doubled and teen suicide has more than tripled.

Next week, Monday, in my Subcommittee on Oversight and Investigations of the Committee on Economic and Educational Opportunities we may take a look at why all of this spending and why all of this bureaucracy in Washington has failed to deliver the kind of results that we all would have wanted to see for America, and I think what we are going to see is that what we have developed is we built off of a system that inherently is wrong. We have the right motivations, but we have developed a system that cannot deliver the kind of results that need to be delivered.

I have a couple of charts here, and what we are going to be doing on Monday in the subcommittee is we are going to have members of the subcommittee, as well as staff, break into different groups and actually go through the process of applying for the benefits of 19 different welfare programs, and I think we are going to find that the process that the poor and those in poverty face and what they take a look at in Washington is a spider web of bureaucracy, regulations, mandates, and a system that just does not work for them.

In the House of Representatives we have 10 committees, 20 subcommittees, that take a look at all of these programs. When you take a look, and I do not know how well it will show up tonight, but this is the spider web and the confusion that we see here between the House and the Senate of different kinds of programs that affect children and families. Certain committees have responsibility for income subsidies, social services, health, housing, nutrition, education, and training. This is what we want to attack in the Republican bill.

We are not going after women and children. We want to get benefits to women and children. We want to actually go through and tear up this bureaucracy in Washington and actually deliver results and benefits back to them and back to women and children so that we do not end up eating the dollars here in Washington.

We need a new process, a new focus, a focus on women, children, and families, not a focus on bureaucracies, and bureaucrats, and rules and regulations here in Washington. We are going to go through these 19 programs, and they are only a small sample of the many programs and many different bureaucracies that we have here in Washington.

In the next chart that we are going to develop that we will not have an opportunity to take a look at on Monday, but will be to take a look at it from the user standpoint, the people that are supposed to be getting these benefits, the ones that we are supposed to be lifting and helping up out of poverty.

There has been discussion tonight earlier that we need more job training programs, we need more money and more programs for child care. The problem is not programs. The problem is not dollars as we are working off a failed model and a failed system.

PROFILE OF WELFARE RECIPIENTS IN OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 5 minutes.

Mr. FAZIO of California. Mr. Speaker, there has been a tremendous amount of discussion about welfare in the last couple of days, and we all understand the welfare system has to change. But sometimes I think many of us have a different concept of the welfare system, who is on welfare, how they got there and how they get off, and perhaps the facts would document. So I thought perhaps in my brief time tonight I would speak a little bit to the profile of recipients in our society.

There are some five million families on Aid to Families With Dependent Children, but I think many people are shocked to know that two-thirds of the people who are benefited by that program are children. There is also, I think, some stereotypical beliefs about who in our society is on welfare: 38.9 percent of all the beneficiaries of AFDC are white, 37.2 percent are African-American, and 17.8 percent are Hispanic. The average family size is only 2.9 people.

There is an assumption, I think, on the part of many of our constituents that AFDC is a very remunerative source of income. The facts do not really buttress that assertion. The average monthly benefit is $373 per month. That is less than $4,500 a year, and I might say that in 1970, in current dollars, the average monthly benefit was $300 a month more, $676 a month. We have seen a decline in real dollars of $300 a month in the last 25 years.

Of course some States are more generous. In the contiguous 48 States, Mr. Speaker, New York has a $703 per month average benefit; Mississippi, $120 a month, which goes, I think, to the issue of attempting, as we debate this bill, to establish some national norms so that people are not solving their economic problems when they are poor by moving from one State to another.

People, I think, have a misimpression of what welfare contributes to our overall budget. I hear people estimating that it may range close to 40 to 50 percent of what we spend at the Federal level. In fact, $13.8 billion is total Federal spending for AFDC. That is less than 1 percent of the Federal budget, and, if you add in State spending, it only comes to $25 billion, State and Federal, across the country, an average of $156 for each American taxpayer.

There is also, I think, an assumption in our rhetoric that those people who are on AFDC are somehow all teenagers, and we are all concerned about young girls becoming pregnant and becoming welfare recipients, but in fact in 1993 only 1.2 percent of AFDC mothers were under 18 years of age. In fact only 7.6 percent were under 20. In fact many people are surprised to learn that 11.8 percent are over 40. There is no question that there are misimpressions about who it is that is on the welfare rolls.

I think it may be even more impressive though to realize that AFDC is not a safety net without holes. In fact the safety net is frayed. Of all poor children in our society, only 40 percent of them are on AFDC. In fact 60 percent of the poor children in this country benefit. Forty percent are still out there struggling to find basic sources of income to put a roof over their heads.

Why are people on welfare? Divorce or separation amounts to 45 percent of all the people who end up, chiefly women, on welfare, and you have heard the gentlewoman from California [Ms. WOOLSEY] talk about her 3-year experience on welfare as a result of her divorce. It is not an uncommon phenomenon. Only 30 percent of the people on welfare get there because, in fact, they were unmarried when they had a child. Twelve percent, as the gentlewoman from Ohio indicated in her comments, are on welfare simply because the earnings of the single mother fall, making them eligible, giving them the additional incentive of getting health care for their children.

But why do people leave the welfare rolls? Thirty-five percent through marriage, 21 percent because the mother earns more income and can afford to leave, 14 percent because of a rise in other benefits, chiefly food stamps, and 11 percent because children grow and leave the home and the mother is no longer eligible. Not enough leave the welfare rolls because of employment, because of the opportunity to work.

It is important, I think, to point out that child support is chiefly available to upper income women. Unmarried mothers above the poverty level who get child support from their fathers amount to 43 percent. For poor women it is only 25 percent.

□ 2245

REMOVAL OF NAME OF MEMBER AND REQUEST OF MEMBER ON SPECIAL ORDERS LIST

Mr. FOX of Pennsylvania. Mr. Speaker, I would make a unanimous consent request that I be able to substitute for the gentleman from California [Mr. RIGGS] on this time.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Pennsylvania [Mr. FOX] asks unanimous consent to go out of order.

Is there objection?

There is no objection.

CHANGES IN WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I think the ladies and gentlemen of this House have to realize if you want real change the Republican proposal provides the real change.

Able-bodied people who are on welfare want to be off welfare. In fact, under our proposal, they will have, through job counseling, job placement and job training, the opportunity to have real jobs that are meaningful to help their families.

More than that, our food and nutrition programs, despite what you may have heard from those who would not tell all the facts, realize that in the next five years 4.5 percent per year food and nutrition programs will be increased for our students across the United States.

What we are going to do is we are eliminating 15 percent of the administrative costs the Federal Government normally would expend. We are sending it to the States that can better administer the program, and we are capping their administrative costs at 5 percent.

That 10 percent that would have gone to wasteful bureaucratic expenditure is going to feed more children more often all across these United States in every single State. This is a compassionate and caring program that the Republican majority has presented.

In addition, we have a nationwide system for tracking the child enforcement. Under amendments we passed today that will, hopefully, will be adopted in the final bill, we will be able to make sure that we have more of the child support go to our children to make sure they are fed, to make sure they are clothed better than any other system we have had.

In the State of Maine, they have made sure that they have the collection of child support where you have a parent in one case or another not paying the child support by making sure that we have a system that says, "If you don't pay your child support, you are going to lose your driver's license." That threat of loss of a driver's license has made sure that the Maine system has really been a model for the country.

Here we have a possibility to make meaningful change under the Republican proposals, a tax cut that is meaningful, a $500 tax cut for families with children. We are going to have deficit reduction more than we have ever had, and we are going to have spending reductions.

We have had an out-of-control Congress up until this point, but this 104th Congress has the opportunity in a bipartisan manner for real change.

Beyond the line-item veto, beyond the balanced budget amendment and having the prohibition of unfunded mandates, we are going to have with welfare reform the first real opportunity to make sure we spend less on bureaucrats and we spend more on people.

This is a compassionate Republican proposal which I believe will have bipartisan support, as most of our Contract items have. I think if people read through the rhetoric and move away from the scare tactics, they will realize that the welfare reform, that the reform for America in this Contract With America is the best plan possible and one that is meaningful.

CAUSES OF POVERTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Vermont [Mr. SANDERS] is recognized for 35 minutes as the designee of the minority leader.

Mr. SANDERS. Mr. Speaker, I am pleased to be joined tonight by several other Members who will be speaking in a moment.

Mr. Speaker, most of the discussion today dealt with the need for welfare reform, of which there is not a whole lot of disagreement, but I was rather shocked at how superficial in many ways the discussion about welfare reform today has been.

Illegitimate children and the problem of drug addiction and the very serious crime problem that we face as a Nation are not the causes of poverty and are not the causes of the need for welfare. Rather, to a large degree, it is the reverse, the opposite that is true.

In many respects, our country is becoming a poorer and poorer Nation. And not to talk about the causes of poverty, the loss of millions of good-paying manufacturing jobs, the decline in the wages that our working people are receiving, the growth of low-wage jobs, not to talk about that reality when we talk about welfare is absolutely absurd.

Mr. Speaker, between 1979 and 1992, the number of full-time workers earning wages under the poverty line increased from 12 to 18 percent. Eighteen percent of our workers now are earning poverty wages. Between 1990 and 1992, half of the women in the United States who found full-time jobs were earning the poverty wage.

Mr. HOKE. Mr. Sanders, would you be willing to engage in a debate on precisely this point?

Mr. SANDERS. I will tell you what. We have only 35 minutes, and we have got four of us here. I would really love to do that. And if we do agree to do it sometime later this week or next week, I really would love to do that.

But we have got four people. We do not have Rush Limbaugh and G. Gordon Liddy.

Mr. HOKE. You have got the Washington Post.

Mr. SANDERS. I think not. I think not. But I thank you. I would love to do it. I really would.

Mr. HOKE. Thank you.

Mr. SANDERS. In terms of welfare, not to understand that the $4.25 minimum wage today is virtually a starvation wage which forces people into welfare is not to understand the reality of what is going on in America today. The minimum wage today is 20 percent lower in purchasing power than it was in 1970.

If we are serious, it seems to me, about welfare reform, then we must begin to talk about a real jobs program which rebuilds America. There is an enormous amount of work that could be done. We could take people off of welfare and put them to work rebuilding America, but we are not hearing that discussion from our Republican friends.

If we are serious about welfare reform, we must talk about raising the minimum wage to a living wage so people can escape from poverty and earn enough money to take care of their children.

If we are serious about welfare reform, we must improve our child care capabilities. What mother, what father can go out to work and leave his or her children abandoned in a house or an inadequate child care capabilities? That would be wrong.

If we are serious about welfare reform, we must educate our people and provide job training so they can, in fact, go out and earn the wages that they need and the dignity that they want.

The last point I want to make before I give the floor over to my good friend from Ohio [Ms. KAPTUR] is to say that when we talk about welfare reform, which is a very important subject, we should also understand that welfare reform for the poor is only one part of the issue. We should also be talking about welfare reform for the rich and welfare reform for the large multinational corporations.

Studies done by conservative groups such as the CATO Institute, liberal groups like Ralph Nader's Public Citizen, moderate groups like the Democratic Leadership Council's Progressive Policy Institute have demonstrated that there are tens and tens and tens of billions of dollars in welfare that go to the rich and go to the big corporations. So if we are serious about welfare reform, I think it is appropriate we begin that debate as well.

I am now happy to introduce my good friend from Ohio, MARCY KAPTUR.

Ms. KAPTUR. I want to thank Congressman SANDERS for your refreshing point of view and as the only independent Member of the House of Representatives for the extra effort that you put into trying to look behind the curtain and see what is really going on in important programs like the welfare program which is so much in need of reform.

What I liked about the Deal bill that was before us today was it absolutely linked work with welfare reform, and it provided mechanisms to move people into at least reading the want ads, having job conferences, trying to get the skills right away, the minute that the bill went into effect under the Republican version that I guess we will vote on on Friday. You don't even have to read the want ads for two years.

So I like the tight linkage in the measure that we considered earlier today.

But you mentioned women in the work force. And, of course, there are a lot of women and children on welfare in our country today.

And there was a new Brookings Institution study of women who were in their 20's who had received welfare at some point during the late 1970's and 1980's, and what was very interesting about that study was that it showed they did leave welfare. Two-thirds of the people do. But the women earned a median wage of about $5.20 an hour. That is too little to pull a family of three above the poverty line even with full-time work.

And low wages are the reason that two-thirds of those who leave welfare return within 3 years for some period of time, usually to get their footing again, and then they go back out there. I meet these women in my own district, working in bakeries, working in laundromats, working in restaurants.

By the way, nonunion restaurants, where they are not guaranteed of health benefits. But a lot of them fall back on to welfare. They don't want to be there.

I am sure there are loafers on every program, and we have problems with family structure in this country, but let us recognize that for many people and half of the people in my district on welfare work.

What a terrible, terrible indictment of this society that people who go out there, 40, 50, 60 hours a week, are on welfare. The system isn't working for them. In fact, the numbers show that a person who works 40 hours a week, 50 weeks per year at the current $4.25 minimum earns only $8,500 a year, not really enough to support a family.

If the gentleman would just indulge me one extra minute here.

I was thinking as I was driving through my city the other day about my mother's life. And she doesn't get C–SPAN. She doesn't get cable. So she can't hear me tonight. But how her life really differed from those of the women who are growing up in the neighborhoods that she lived in that she grew up as a child.

And the big difference is that the jobs that were there that she could walk to, because no family was more poor than my mother's family poor. Champion Sparkplug is no longer in Toledo. Chase Bank, that was right up the street where my aunt worked, closed its door, moved offshore. The glove factory that my cousin worked at isn't there anymore. Dana Corporation moved 3,500 jobs to Mexico and out of our city. Bostwick Brown. Durwick Corporation. Swift and Armour. All the bicycle manufacturing capacity of the country was moved to Taiwan. When you think about what has happened to people, it isn't easy for them to find good-paying jobs.

Mr. SANDERS. If I could just jump in and say not to understand that reality and when we discuss welfare reform is totally absurd.

If I might, we have been joined by the gentleman from Louisiana [Mr. FIELDS]. An interesting night because we have somebody from the Midwest, somebody from the south, Mr. BECERRA is from California, and I am from Vermont, so I think it should be a good discussion.

□ 2300

Mr. FIELDS, would you like to join us.

Mr. FIELDS of Louisiana. I thank the gentleman from Vermont for yielding. I just wanted to echo some of the sentiments of my colleagues about the need to create jobs and the need to improve the minimum wage. We have people wake up every morning, as each of you know, and they go to work everyday, and at the end of the day they are still poor. It is not because they are lazy, but simply because we need to raise the minimum wage.

We have Members of this Congress who have the gall to walk into this august body making $560 a day and telling people making $680 a month that they do not deserve a minimum wage increase, and then we say we need to get people off of welfare and we need to put people on payrolls. And if we really want to put people on payrolls, I mean, does the gentleman realize last week we took 600,000 or 1.2 million young people off the payrolls? So if you really want to put people on payrolls, you do not do it by cutting summer jobs. So I think all this is all somewhat inconsistent.

But if I may, if the gentleman would yield a few more seconds, I would like to make note of a scroll I received from my district, to change the subject a little bit, because students at Queensborough Elementary School received a lot of criticism, the teachers as well, by Rush Limbaugh, because these students decided to write a scroll and send this scroll to Washington, DC, concerned about their school lunch program. I just take strong issue with anybody criticizing students for writing their Member of Congress.

Mr. SANDERS. Rush Limbaugh is that low income fellow that has a hard time feeding himself, is that the fellow?

Mr. FIELDS of Louisiana. I do not think he has missed a meal.

Mr. SANDERS. That makes $25 million a year, I believe, the same fellow.

Mr. FIELDS of Louisiana. If not more. The problem I have with that, the kids have a right to be concerned about their school nutrition program, because the fact of the matter is if you look at the Republican proposal, there is no nutritional standards in the school nutrition program. Not only that, 20 percent of their money can be used for other purposes.

So I want to thank the gentleman for yielding, and I want to thank these kids and all these teachers for writing these very, very distinguished scrolls.

Mr. SANDERS. I yield to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. I thank the gentleman from Vermont for not only yielding, but also for scheduling this special order and giving us all an opportunity to discuss further some of the aspects of this whole debate we are going through on the contract on America. I am glad I can join my colleagues. Ms. KAPTUR and Mr. FIELDS on this particular debate, because it is very interesting.

We are now at a point where we are discussing so-called welfare reform, and what we find in the bill before us, H.R. 4 on the floor, it is the version, sort of a pseudo-version of what was in the contract on America.

What we find is that the Republicans claim that they are going to save about $66 billion through this welfare reform package, yet they are not going to cut school lunches, day-care. Somehow they are going to save without making cuts they say, but we know in fact they will cut.

But perhaps the most egregious aspect of these cuts is not just that they go after kids, not just that some of these cuts they are making overall go after elderly, not that they go after the disabled, but the use of these cuts. We had yesterday debated on the floor of this House a particular amendment that was supposed to be technical. It was a change that was made, and I know the cameras can't pick this up for our colleagues to see, but what I want to read what that amendment said. This is what we had to spot. It said page 393, strike line 4 and all that follows through line 7. Page 393, strike line 5, strike "technical amendment."

What that line did was it changed what the bill said which required that monies that would be cut and therefore would be available for deficit reduction would no longer be earmarked for deficit reduction, but instead could be used for things like financing tax cuts. Which tax cuts? Well, we know the capital gains tax cut is being proposed under the Republican's contract on America, and they need about $200 billion to pay for these tax cuts.

So all of a sudden we are finding that welfare reform, which is being used by the Republicans to save monies by cutting children's programs, school lunch, by cutting the disabled programs, by cutting programs for the elderly, are going to be used no longer for deficit reduction, as much as you may not have liked all the cuts, but now they are available to be used for tax cuts. As the gentleman from Vermont has indicated, most of these tax cuts will go to the wealthiest Americans earning more than $200,000.

Mr. SANDERS. Next week I believe the tax bill will be coming before the House. Last week the House Committee on Ways and Means, as I understand it, passed a provision, this is hard to believe, especially for people, those real deficit hawks concerned about the large deficit, that would repeal the minimal corporate tax.

Now, some people may remember that in the early 1980's, when the large corporations in America were writing tax law in this country, what we had is the outrage, was the outrage of huge multibillion dollar corporations like General Electric, AT&T, du Pont, wealthy, powerful corporations, who were paying in the early 1980's zero in taxes. Zero in taxes.

Well, the embarrassment became so deep that finally in 1986, a minimal corporate tax was passed that said, corporations, even with all your good lawyers you can go through all the loopholes you have put into the system and you pay nothing in taxes, there has got to be a minimal tax.

Recently, last week, the House Committee on Ways and Means proposed to do away with that minimal tax. But I know that there is another aspect of corporate welfare that has interested Ms. KAPTUR very, very much, and that is the bailout of Mexico. And maybe in terms of the discussion that we are having now, in which last week we cut back, the Republicans voted to cut back on fuel assistance for 5 million Americans, cut back on the WIC program, cut back on senior citizen housing, now, tell us perhaps how could we find $20 billion, not just the Republican problem by the way, how can we find $20 billion to bail out Mexico?

Ms. KAPTUR. I am glad you asked that question Congressman SANDERS, because it is just another one of those Washington miracles that happens without a vote of Congress. As hard as we tried to get the Speaker of this House to bring a bill on the floor to allow us to stop disbursements of additional dollars to Mexico, he would not bring up that bill, because he was a partner to the decisions that were made by the Clinton administration.

Mr. SANDERS. Let us be fair. This was bipartisan leadership.

Ms. KAPTUR. Yes, about six Caucasian men made this decision for 250 million people. And we effectively, the other 432 Members of this body, had nothing to say about it, and it is amazing to me how few people are even raising their voices. And yet $5 billion is out the door, another $15 billion is ready to go, and who knows how much more, because three banks in Mexico collapsed a week and a half ago.

They are having difficulty refinancing their tesobono offerings, and yet our Government could find $20 billion basically to give to Mexico so she could pay her Wall Street creditors, the speculators who are earning 66 percent interest on bonds that they had bought. They should have eaten their losses, as they ate their earnings over the last 5 years. But they have a special call at the Treasury of the people of the United States, and yet the people from my district, 25,000 of them who got their heating assistance cut, they had no special call in Washington. No Washington miracle happened for them. For those millions of kids that will not get a summer job, there was no Washington miracle for them.

Mr. SANDERS. If I might interrupt, Mr. FIELDS from Louisiana, what does it look like when kids are going to see cutbacks in nutrition programs and $20 billion is spent bailing out Mexico?

Mr. FIELDS of Louisiana. It is quite hard to go home and explain to kids in Louisiana that will not have a summer job this summer if this proposal passes the Senate and is signed by the President of the United States of America. It is difficult to stand up in a town hall meeting and tell the parent of a kid who will not have a summer job that we just sent $20 billion to Mexico.

Then to add insult to injury, while we cut domestic aid, we spend $14 billion overseas. It is all right if you live outside of America and you want a summer job, because we are going to spend $14 billion to do it. It is all right if you live outside of America and you want a balanced meal, because we are going to spend $2.2 billion to do that.

The last point I want to make to the gentleman is we spent a lot of time on the balanced budget amendment. We should be spending some time on a balanced meal amendment, because under this proposal that will pass this House tomorrow, there is no standard, no national standard whatsoever. Yes, you got groups looking at it, talking about what should be done in the future, but there is no national standard. I think that is an insult to the children of our country.

Mr. SANDERS. Mr. BECERRA, what does it look like to the people in California?

Mr. BECERRA. Let me tell you, I have a chart here that I would like to go through a bit with all of my colleagues here, because I think it makes a very interesting point. We find that in the contract with America, we have those who gain, and those who lose. And although I think the writing may be a little bit difficult to read from a distance, what we are talking about is in terms of those who gain, $200 billion, well, if you happen to earn more than $75,000 a year, $94 billion of the 200 billion you can expect to go to you. That group of people. Of course, if you earn over $200,000 a year, you find you get the lion's share of that money. Those between $50,000 and 75,000 in income get 51 billion. You start to go to those of $40- to 50,000 income, 24 billion. Income of 30- to 40,000 dollars, you get 22 billion of the 200 billion.

□ 2310

Incomes of 20,000 to 30,000, you are going to get about 13 billion out of an entire 200 billion pot. If you earn less than 20,000, you will get about 5 billion. So when you look at the average American family, incomes probably below 50,000, you see that you get less than a third of all the benefits of these tax cuts that are being proposed in the Contract on America.

That is not bad enough. Let us take a look at who pays: 24 billion is paid for by poor families with children, mostly through the cuts that we are hearing about in the welfare bill that we have, H.R. 4; 2 billion is being taken from abused and neglected children programs; 19 billion is being taken from food stamp recipients, 12 billion is being taken from kinds who lose school lunches, child care and WIC; 21 billion taken from legal aliens.

I want to mention something here. These are individuals who have every night to be in this country. Ultimately will become U.S. citizens once they achieve 5 years in this country. They are law abiding. They pay every single tax that a citizen must pay. They even serve in our armed services defending this country in time of war.

So they are law abiding. They provide every single kind of tax that is a citizen does, yet they are bearing the brunt of the cost in the so-called reform of welfare under the Republican welfare reform bill. We are taking $10 billion from Medicare. We are taking 12 billion from Civil Service pensions, people who have worked, a lot of them, in our military. And we are taking $100 billion in spending cuts yet to be identified. That means, in other words, that those who sponsor the Contract on America have not yet told us where they are getting 100 billion. So clearly those who gain, if you earn over $100,000, you gain. Those who lose, well, usually if you are middle income or low income, you will pay for those tax cuts that are going to go to top, that earn over $100,000 or $200,000.

Mr. SANDERS. If I could just ask the gentleman a question, within the last couple of months there were two very well publicized fundraising events here in the Nation's Capital. On one night, I believe it was about a month ago, the Republican party raised in one night $11 million. On another occasion, Senator GRAMM, who is a Republican candidate for their nomination for president, raised, I believe, over $3 million on one night. On another occasion, Speaker GINGRICH held a fundraiser for his television network at $50,000 a plate.

Now, I find it interesting that the Contract With America, must have been just an oversight, I am sure, just by accident, they forgot to put in campaign finance reform. clearly an oversight, clearly has nothing to do with what you have just been talking about.

In other words, we all understand that this system is dominated by money and big money. When people contribute $11 million in one night, when the wealthiest people in America make those contributions, they are not doing it because they are nice guys. It is an investment. And the investment that they are making is precisely what Mr. BECERRA was talking about a moment ago. Tax breaks for the rich.

Mr. BECERRA. I think we should point out one particular aspect of that third fundraising event that you mentioned. That is the event where Speaker NEWT GINGRICH helped raise money for his television network that has a political slant to it. That $50,000 a plate dinner was tax deductible. So about a third of the cost of that $50,000 that is contributed for what will ultimately be fairly political activities, is being written off by those wealthy individuals. And who pays? Obviously, the rest of us middle- and low-income taxpayers, because somebody has to make up the cost of that subsidy that we are paying the wealthy individuals to take.

Mr. SANDERS. At the same time as we are talking about defunding public radio and public television.

Ms. KAPTUR, the relationship of campaign finance reform to our discussion.

Ms. KAPTUR. Maybe we could work out a deal for our senior citizens who just got cut off their heating assistance. Maybe we could give them an equal tax cut where they could get a credit just like those companies got that contributed $50,000, did you say, a plate? But we will turn it into a new form of tax credit and refund their winter heating assistance to them in the same way.

I wonder if Speaker GINGRICH would help us amend the Tax Code in order to help all those seniors across this country who come from northern climates that are going to have a very difficult time paying their bills? It seems to me what is fair is fair. And I do not support that form of backdoor campaign financing, but I would think we might use the same measure for people who are truly in need.

Mr. SANDERS. Mr. FIELDS, do many of your constituents spend $50,000 for a dinner.

Mr. FIELDS of Louisiana. Very few. As a matter of fact, I do not know any right off the bat, any of my constituents who would spend that kind of money. It goes to show you this whole debate is not about helping poor people and making them self-sufficient. It is about taking as much as possible away from the poor and giving it to the rich.

It is no surprise that 68 percent of these cuts are coming, laying on the backs of poor people and children. And there is certainly no surprise, the fact that we got people who live on trust funds who try to tell people on welfare how to live. When they talk about how they want to make people self-sufficient and then they penalize babies and they say, we are not penalizing babies.

This is not a surprise to me, and I am sure it is no surprise to you that an infant cannot wake up in the morning and buy milk. An infant just cannot do that. When you take milk away from an infant, you are penalizing the baby. You are not penalizing the mother as much as you are penalizing that infant.

Mr. BECERRA. There is something really strange and perverse about a society when we can have people fly from across the country, if they are wealthy enough to come lobby Members of Congress, go out and have lunch. Deduct it because it is a business expense of coming down here, deduct that $50 lunch that they may have, deduct it and come over here and tell us that we should be cutting school lunch programs for kids while they are writing off as a tax deduction a business tax deduction, the cost of a lunch they may have at a very expensive restaurant. What we are doing is, a lot of us are standing up and saying, what is going on here?

We want to reform welfare. We just voted on a Democratic alternative by some Members, more conservative Members of the Democratic Caucus, that would have reformed welfare but what it would have said is, let us make you work. If you are on welfare, it is a transition to get you to work. And let us understand that we have to be realistic. If you have got a daughter or a son and you need to go to work, well, you are going to probably need some day care. So we are going to help you so you can keep that job by providing you with some day care, making sure you do not lose your medical benefits because, obviously, as soon as you lose those medical benefits and you have some problems with the child getting sick, you are going to drop your job and you are going to get back on welfare.

So let us be realistic. Let us reform, but let us make sure in the process of reforming what we are saying is, get to work.

Mr. SANDERS. If I might, I find really one of the more outrageous outrages of the Contract With America is when we talk, every single day on the floor of this House, people talk about the virtues of education. We hear it all of the time. And yet built within the Contract With America are major cutbacks which will make it increasingly difficult for millions of young Americans to afford to go to college.

I am sure the situation is the same in Ohio, Louisiana, or California. Certainly it is in Vermont. I am getting letters every day where people say, Congressman SANDERS, do not let them cut back on the Pell grants. That is what keeps me in college. Do not have them force me to pay interest while I am in college on my loans. It means I am going to drop out of college. Do not let them cut back the work study program.

When everybody understands that it is extremely difficult today to earn a good living without a college degree, the shortsightedness and the selfishness of saying to working-class Americans, sorry, we are giving tax breaks to the rich or maybe we are going to put $50 billion in star wars, but for young Americans, I got a letter today, Congressman SANDERS, I am working two jobs, taking a full-time load in my college in Vermont. Do not let them cut back. Yet some people think star wars, tax breaks for the rich, are a greater priority.

I do not understand that at all.

Mr. FIELDS of Louisiana. National Service is a prime example, National Service. The Republican party decided to take money away from National Service, a program that gives young people an opportunity to earn their way through college, not welfare, but a workfare program, a program where young people go to work every morning and work with civic service organizations and then pay their way through college. Cut it out.

Is that real welfare reform? And is that real, is that what we do for our young people in America? I think not. I think that is one of the problems in this country. It is all about what we do for those who have the most.

Mr. SANDERS. Ms. KAPTUR.

Ms. KAPTUR. I wanted to add a comment there on student loans. In the State of Ohio, we literally, in the last month and a half, have had students arrested. I have not seen this in a couple generations. Arrested in our capital city of Columbus, concerned about the fact that what you said, Congressman SANDERS, that the cost of their loans would be going up even more than they have already gone up, that they would have to be paying interest on their borrowings immediately. And we know that even now most of the students that graduate, graduate in huge debt. And when they graduate, what kind of a job can they go to?

□ 2320

A lot of them are going into jobs that are $14,000-a-year jobs, and they are shocked even with a college degree at how little they earn. I know I have talked to people from Congressman FIELD's State, women who work on those shrimp, in those shrimp operations where they are doing I do not know how many hundreds of those things an hour, they all get carpal tunnel syndrome by the time they are in their mid 30s, and they are making about 3 bucks an hour. Now, those are working people and yet they do not earn a living wage, so whether you are a college graduate in this country, loaded up with debt and the contract says we are going to load you up with more debt and more interest or whether you are working in a shrimping operation in Louisiana or in a dry cleaners shop in Toledo, OH, you can't earn a living wage even if you work 40 hours a week.

Mr. SANDERS. I would just simply say, and I say this, by the way, as an independent, and in my view it is wrong just to blame the Republicans and not to hold Democrats in criticism as well, but I think one thing that has disturbed me very much as we discuss the problems facing this country is that in this recent election in November when the Republicans took power in both houses, all of 38 percent of the American people came out to vote. Sixty-two percent of the people are so turned off by the political system they did not bother to vote. Most poor people in America, many working people in America do not vote. So what ends up happening is you have 38 percent of the people who vote, you have people who contribute huge amounts of money to the political system, they are able to finance candidates of their choice, so you have one whole group is invisible. If you do not vote and you are earning the minimum wage, who do you think is going to care about you? If somebody contributes, they buy a table for $10,000 at the Republican fundraiser, that 10 people will have far more influence over the political process than 20,000 people in Louisiana who are working for minimum wage or farmers in Vermont who are trying to get by on $10,000 a year.

So I would simply hope that we can revitalize the political process. If we increase voter turnout by 20 percent, this institution would be radically different. Mr. BECERRA.

Mr. BECERRA. I thank the gentleman for yielding again.

I think the gentleman from Vermont is hitting on a very important point. I think a lot of us take our time at 11:30 at night to be here to discuss this because obviously we are not just trying to talk to our colleagues but we are also trying to communicate to the American people. We have to make sure we let folks understand what is going on. This Contract that was a political contract lobbied and campaigned upon back in November, what did it mean, and what is happening with that because really when you take a look at what is being done, there really is an inconsistency with trying to be American and promote America, and what is being done in contracts that say things and when you read those find details of the contract, you find something different. The gentleman from Vermont raised an interesting point. We are talking right now over the last week or so about cuts to children's programs, school lunches, other nutrition programs, child care for kids. You have to say what is next. Then all of a sudden you find on the horizon that the next thing is not just on kids, but now it is on our young people that are getting ready to go to college with student loans and student grants where we are going to cut a lot of the moneys that we provide for our young people to afford a college education.

I have got to say one thing here. I have a 22-month-old daughter. I sat down with a financial planner, my wife and I about 3 months ago, 4 months ago, and we asked that financial planner what will it cost us to get our child through college when she grows up. We were told, well, it depends. Public school, you can probably count on something approaching $150,000. Private school, and I was very fortunate to go to Stanford University, they said Stanford University, you can expect to spend about $400,000 for your child to get educated. What is next? Student loans. My goodness.

Mr. SANDERS. I thank the gentleman from California [Mr. BECERRA], the gentleman from Louisiana [Mr. FIELDS], and the gentlewoman from Ohio [Ms. KAPTUR] very much.

WELFARE REFORM

The SPEAKER pro tempore (Mr. CALVERT). Under the Speaker's announced policy of January 4, 1995, the gentleman from Kentucky [Mr. LEWIS], is recognized for 35 minutes as a designee of the majority leader.

Mr. LEWIS of Kentucky. Mr. Speaker, I would like to yield my time right now to my good friend from Ohio to start us off this evening.

Mr. CHABOT. I thank my good friend from Kentucky [Mr. LEWIS], for yielding this time. What we are going to be doing is discussing the welfare system in this country and why Republicans and some Democrats as well believe that the welfare has been so destructive in this country that we feel very strongly that we need to change the welfare system dramatically.

We have heard a lot of Democrats this week, and in fact since I have been a Member of Congress, be cute when they refer to the Contract With America, and they keep saying it is a Contract On America, which is ludicrous.

It is a Contract With America. This is a document that we all signed. After talking with people all across this country, and they said these are the things that we want. If we elect a majority of Republicans, these are the things we would like you to change when you get there.

Well, the people in my district saw fit to send me here, and one of the main things they wanted to change was the welfare system. They realized, I heard over and over again, that the welfare system is wrong. We spend far too much money on welfare, and most of that money is counterproductive. We are hurting more people than we are helping on welfare.

I was a school teacher in Cincinnati for a number of years in an inner city school. I worked for the recreation department in an inner city area, and I saw kids over and over and over again who came from homes where there was no father in the home.

The vast majority of these families did not have a father in the home. They had the government, in effect, as their father. The Federal Government sent a welfare check every month. No father in the home, no father figure. They expected the government to pay for them from basically from cradle to grave, and that is what we have to change.

We have got kids in homes all across this country who never see an adult in the home go to work. We have to change that. The welfare system is broken.

What I think we are hearing on the other side of the aisle, what we have been hearing the past couple of days from particularly the liberal Democrats on the other side of the aisle is the last gasps of a dying philosophy, a philosophy that says the government is the way to go, the government owes everybody a living, people do not have to work, people do not have to be responsible for their own lives, American families are to support other people's kids.

Not only do they have to support their own kids, but the Federal Government takes a large portion of their money, sends it up here to Washington, it gets eaten up in this bureaucracy, this welfare bureaucracy.

Some of it gets sent back to the States, and much of that money is wasted, and it is counterproductive. We have to change that, and that is what we are here to talk about this evening.

I am very pleased that I am joined here by my good friend from Ohio [MARTIN HOKE], and a very good friend from Arizona [J.D. HAYWORTH], who are also going to contribute and talk in this colloquy.

Mr. HOKE. May I ask the gentleman a question?

Mr. CHABOT. Absolutely.

Mr. HOKE. Does this sound familiar? Who said, "I will eliminate welfare as we know it today"? Does that sound familiar?

Mr. CHABOT. I believe it was our President who said that in the campaign a couple of years ago.

Mr. HOKE. A couple years ago, 1992, all summer 1992. Was this a sucker punch?

Mr. LEWIS of Kentucky. Yes.

Mr. HOKE. Is that what was going on? Now, in the 103d Congress I do not recall any welfare reform bill whatsoever ever coming to the floor of this Congress.

Mr. CHABOT. That is exactly right. Of course, that is the same President who told us he was going to give us a middle-class tax cut and then did just the opposite and raised taxes on the American people. That is one reason that the American people said enough and changed Congress and sent folks like us here to change Congress.

Mr. HAYWORTH. If my friends from Ohio would yield, and I recognize my friend from Kentucky controls the time, and as I have been checking in other quarters, a certain school from Kentucky controls the basketball game tonight.

Mr. LEWIS of Kentucky. Good

Mr. HAYWORTH. Between the University of Kentucky and Arizona State. Much to his delight, much to my chagrin. But it really brings forth a description of both that basketball tournament and I believe it is safe to say what has transpired here in the halls of the Congress, and that is March madness that is really without parallel. I could not help but notice my friends on the other side during the course of their 35-minute special order enlist the help of one of their aides, and I am not here to demean that aide in any ways, but I thought it was very interesting, a scroll that was festooned about his person, I suppose in documentation of the working poor, and I would salute the working poor, indeed we are holding them up and championing their efforts.

I listened with interest to the gentlelady from Ohio, but I could not help but notice the similarity of that gentleman working to provide that visual aid, if you will.

□ 2330

And instead of really offering stirring testimony to the working poor, it really resembled someone wearing a bed sheet as a ghost as if this were Halloween, and I could not help notice the parallels because this is what it has come down to, a debate from the other side largely devoid of fact, filled with sentiment, much of it heartfelt, but also much of it, I would say, calculated, designed, to scare everyone in America; first the elderly, then the working poor, and now the children.

Children have been used in this debate as pawns in the political process, teachers requesting that students write letters not born of any heartfelt philosophical viewpoint on the part of the young students, but born of an indoctrination of a failed liberal state.

Again I want to say we are not here to demonize those who are down on their luck. We are not here to discourage the working poor. Quite the contrary. We salute their efforts, but what we are here to do in this 104th Congress is to change for the better a failed system, perhaps noble in its intent, but somehow glaringly ignoble because it deprives the very people it purports to help, it deprives them of their dignity, it deprives them of the opportunity to work, and it robs from them not only their rights as individuals, but their responsibilities in a free society.

Mr. HOKE. I wonder if I could ask you to yield some time here because I thought the gentleman from Vermont began the remarks of the earlier special order with what was a pretty honest beginning, and that was to say that we have not spent enough time actually debating the underlying issue here, and the underlying issue has to do with causation, and, by the way, I think I should point out with respect to the remarks of the gentleman from Vermont, whom I have a lot of respect for, he has pointed out a number of times that he is an Independent and the only Independent in the Congress, but I think it is probably only fair and instructive to state that he votes with the Democrats almost all of the time. His committee seniority is with the Democrats, he sits with the Democrats on the committees that he is on, and, as the mayor of Burlington, he was not an Independent, he was a socialist. So I do not know if that means that the Democrats are not liberal enough for him, but I think that—I mean just in the interests of fairness I think those things ought to be pointed out. But I think he was right to ask the question, "Why aren't we talking more about the root causes," and what he would say is that the root causes of the behaviors, and the behaviors he is talking about I think are illegitimacy, developmental problems in school, the chances of being on welfare as a welfare child becoming a welfare mother herself, a welfare child becoming a male on welfare himself. Those behaviors, he clearly stated, are the result of poverty.

What I would like to do is explore that just a little bit because DANIEL PATRICK MOYNIHAN, Democratic Senator from New York, has written extensively on this, and he wrote in 1964, quote, poverty is the principal reason why these young men fail to meet those physical and mental standards. He was saying poverty is the problem; in 1964 he said that. Then in 1989, in his book "Towards a Post-Industrial Society," he wrote, "Why did I write that this was the result, these behaviors were the result, of poverty in 1965? Why did I write that? Why did I not write that poverty was the result of this; ignorance?"

As Dr. Johnson observed, I do not know how to describe my understanding of social structure a quarter of a century ago except to say that it was not especially formed. He went on to say, "What I had not adequately grasped was the degree to which these unequal distributions of property were, in fact, themselves dependent upon a still more powerful act, the behavior of individuals in communities. In other words, I had not,"—DANIEL PATRICK MOYNIHAN—"I had not myself understood that it is the behaviors that have fundamental impact on the results as opposed to the result, poverty, being the agent that causes the behaviors," and that goes precisely to what the gentleman from Vermont was talking about, and it truly does inform the differences in the debate and the differences in how you can come up with an in-government-we-trust solution, which is what we have gotten from the other side as opposed to in individual responsibility in the private sector, in neighborhoods, in communities we trust, in G-d we trust attitude that we are trying to reform welfare on this side.

Mr. LEWIS of Kentucky. The bottom line is that the War on Poverty has not taken care of poverty. I ask, "Isn't it true we have more poverty now than when we started?"

Mr. CHABOT. That is exactly what has happened.

As my colleagues know, it really started getting out of control during the so-called Great Society, the Lyndon Johnson years in the sixties, and it has grown worse, and worse, and worse, and illegitimacy has grown in tremendous numbers since that time as have welfare payments. They have both been pretty consistently going up, and you know the real tragedy of the way the current system works now is basically our government, under the way welfare works, it makes a deal with welfare mothers all over this country. It says: "We'll send you a check every month. We'll get you food stamps, free housing, free cash money. You got to do two things though to get this money. No. 1, you got to not work. You're not allowed to work. And the other thing: You can't get married to anybody who works."

Mr. Speaker, that is just a prescription for tragedy, and that is what happened in this country, and that is what we are going to change starting tomorrow.

Mr. HOKE. Can you imagine saying to your daughter as she is reaching the age of maturity, 19, 20, 21, 22, getting ready to leave home; you say, "Well, honey, I want you to know that we will always be here for you. We're always going to be behind you 100 percent, and we're going to support you financially. We're going to be there, you can count on us, but there are two conditions. No. 1 is you've got to agree—it's wonderful you have kids; that's great. But you got to agree you won't get married. And No. 2, you got to agree you won't go to work, and we'll continue to support you."

That is what we do as a Federal Government. We are saying to your son, "Son, listen. You know I'm always going to be there for you, but I want you to know one thing. You can go out and father as many children by as many different women as you want; that's great. But just don't marry them, don't get married, and I don't want you to work either. As long as you do those things, we'll continue to support you."

It is insane, it is perverse. What a perverse norm. What a sick and twisted form of compassion that is. None of us would do that as parents, and yet that is exactly what the Federal Government is doing. How could you possibly expect anything but the kind of results that we are getting?

Mr. LEWIS of Kentucky. Absolutely, and you know the other side keeps saying Contract on America instead of what we actually signed was a Contract With America, and I would like to say right now the Contract With America is not a Republican contract, it is an American contract that the Republicans signed onto to do the will of the American people.

And let me say if there is a Contract on America, it has been the last 30 years of a welfare system that has destroyed individuals and families.

Mr. HAYWORTH. And the incredible observation that we hear from the other side—our good friend from Wisconsin [Mr. ROTH] says it is the yeahbuts. The gentleman from Ohio [Mr. HOKE], my friend, had another description earlier on this. It boggles the mind, and I believe it is summed up in Marvin Olasky's new book entitled, "The Tragedy of American Compassion," and, Mr. Speaker, it is wonderful to have this time here tonight for a little straight talk among friends and to realize that we are poised to change this system for the better.

□ 2340

Mr. HAYWORTH. I wish we could say that in every circumstance in every human endeavor things will change for the better, but I think that would be both practically and intellectually dishonest. We harbor no delusions that this is a perfect plan. But we have seen the height of imperfection and the notion of tragedy born of the last 30 years of so-called compassion.

To spend in excess of $5 trillion, and understand we are just approaching that in terms of our national debt, and that in itself is a tragedy, but to spend in excess of $5 trillion on programs noble in their intent, since we should always assume the best of those with whom we disagree, but to have them fail so completely.

As has often been noted during the course of this debate, if you were going to declare war on the American family, on responsibility, on our very fabric as a society, you could not have done better than the so-called war on poverty, because it, in essence, changed the scope of how we react as a society; and it took away the notion that for every right there is a responsibility.

Indeed, it seems that now the defenders of the old order would say, "I am, therefore I am entitled," instead of, "I understand as an American that I have rights and those rights are coupled with responsibilities and my rights stretch only as far as the rights of another, and it is my responsibility not to infringe on another's rights."

Instead, now we have a situation where the working poor and those who are not classified in the working poor, those who are fortunate enough to prosper in this society, many who come to this Nation from other shores legally to live the American dream, find themselves paying and paying and paying into this system.

Mr. LEWIS of Kentucky. Mr. HAYWORTH, I just want to add to that. Another tragedy, and you have just led up to that, is that the average family, the working family, we hear the working class and the working family, the working family today is paying on an average 40 percent of their income in State and local and Federal taxes, 40-plus. If you add in the hidden taxes, it is probably reaching close to 50 percent, utility taxes, gasoline taxes. That is a tragedy.

We wonder why mothers and fathers are both having to work. Because they have to pay their Federal bill. That is a burden that cannot go on. And that is why we are trying to fix this system so that we can have good, wholesome, strong, prosperous families all across this Nation.

Mr. CHABOT. That is an excellent point.

The thing that really gets me is when you think of the average middle-class families out there where sometimes one parent, sometimes both parents are working, they are trying to raise their kids, they are obeying the laws, they are paying their taxes and so much of their money comes up here to Washington or in some instances goes to the State capitals. But it goes to government. And then in our welfare system we then send those dollars back to people who basically are not supporting their own kids.

And as the gentleman from Ohio [Mr. HOKE] had said, so many of these fathers are going around fathering kids and are just assuming somebody else is going to take care of their kids. Because that is the way it works, quite frankly. Let us face it. They are fathering kids now, and they are not supporting those kids, and we are doing it. The taxpayers, the middle-class people out there, are paying higher taxes so they cannot take care of their families to the degree they want to because they are sending their money up here to Washington.

I was watching a program a couple of weeks ago, it was 48 Hours, on welfare reform. I found an excellent segment on there. They had a young woman, single mother in a wheelchair. This woman was working two jobs to support her own kids, and she was saying, "I would not go on welfare. I am going to work as hard as I can. I am going to support my own kids."

But the thing that she was complaining about was that so much of her money was taken in taxes and given to other people who would not support their own kids.

That is not fair. That is what is wrong with the system. That is why we have got to fix it. And we begin to do that tomorrow when we finally vote for welfare reform.

Mr. HOKE. I thought one of the most moving speeches I have heard here recently was from our good friend, the gentleman from Georgia [Mr. NORWOOD] earlier this evening. I do not know if you all heard it, but he spoke about his own father. He spoke about the absolute necessity of fathers in our lives.

I thought of my father, who created an example. He created on a daily basis an example of integrity and character. And when I did not measure up to it, he made sure that I knew it, and he made sure that I was accountable, not always in ways that I particularly appreciated at the time but I do sure appreciate today.

It did occur to me that there is absolutely no substitute for that. There is no substitute whatsoever on Earth. The government cannot be the substitute. There is no substitute.

Mr. HAYWORTH. The gentleman from Ohio [Mr. HOKE] is absolutely right.

And what we have done is we have taken an uncle, Uncle Sam, and not even plugged him as a surrogate father. Instead, we have made him Big Brother in Orwellian fashion, in 1994 instead of 1984.

And now, 1995, we have a significant segment of a once-proud political party engaged in Orwellian newspeak and the tactics of fear, saying that opportunity is somehow perverse, saying that work and responsibility, while giving a rhetorical tip of the cap to those virtues but maintaining that it is the government that is the sole generator of same, and I do not believe that we have seen for those, and I know you have run across people like this.

I think one of the throw-away lines we encounter from time to time is, "There is not a dime's worth of difference between the two major parties." I would beg to differ a great deal.

But the irony will be we will see a number of fair-minded Democrats come with us because, as we have seen on other items in this Contract, when you get away from the smoke and mirrors, when you get away from the Orwellian newspeak, when you get away from the tragedy of a once-proud party now bereft of new ideas, indeed one publication on the Hill said of the Deal plan that the leadership of the other side grudgingly accepted that as an alternative.

Mr. HOKE. I have to share something with you.

Mr. HAYWORTH. Sure.

Mr. HOKE. Name that tune. Name that speaker. Because if we are going to bash the Democrats, and maybe there is something that we can learn here, "The lessons of history confirmed by the evidence immediately before me show conclusively that continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit."

Who spake those words?

□ 2350

Mr. LEWIS of Kentucky. Franklin D. Roosevelt.

Mr. HOKE. Franklin D. Roosevelt. The father of the modern Democratic Party spoke those words. John Kennedy spoke not dissimilar words in his inaugural address. He inspired me, inspired I know many of my colleagues. And yet somehow that has gone so, so incredibly awry.

I want to share, if I can, one other item, maybe to lighten the mood a little. This is from P.J. O'Rourke, that I think you might enjoy. He says in his preface to the Mystery of Government, "I have only one firm belief about the American political system, and that is this:"

You have to remember P.J. O'Rourke. I feel a very special kinship with P.J., because we are both sort of refugees from the sixties in disguise. I know we do not talk about this very much, but I know there are many on this side of the aisle who also have been reclaimed from the sixties as well.

But he says:

> I have only one firm belief about the American political system, and that is this: God is a Republican and Santa Claus is a Democrat.
>
> God is an elderly or, at any rate, middle-aged male, a stern fellow, patriarchal rather than paternal and a great believer in rules and regulations. He holds men strictly accountable for their actions. He has little apparent concern for the material well-being of the disadvantaged. He is politically connected, socially powerful and holds the mortgage on literally everything in the world. God is difficult. God is unsentimental. It is very hard to get into God's heavenly country club.
>
> Santa Claus is another matter. He's cute. He's nonthreatening. He's always cheerful. And he loves animals. He may know who's been naughty and who's been nice, but he never does anything about it. He'd give everyone everything they want without thought of a quid pro quo. He works hard for charities, and he's famously generous to the poor. Santa Claus is preferable to God in every way but one: There is no such thing as Santa Claus.

Thank you, P.J. O'Rourke.

Mr. LEWIS of Kentucky. You know, there is one thing though that I have noticed in the debate the last few days that I do not think our friends on the other side of the aisle are too willing to give, and that is a tax break to the middle class of this country.

Mr. HAYWORTH. What I find amazing, and we do not want to move too quickly, because I think that we have almost numbed the American people, I hope at the end of these 100 days, when we enact these sweeping changes, I know the reaction of the liberal media in this town and the folks who make up this culture, almost diametrically opposed to the reforms we bring, they will try to stifle a yawn and say, "Well, so what?" We can predict that reaction.

But the American people, and this is the key, as my friend from Kentucky points out, the American people recognize that their work helps generate the wealth that they have a stake in that wealth by their very labor, and that they are entitled to keep more of their hard-earned money, and send less of it to Washington, D.C.

My friend from Ohio, from Cincinnati, said it so well, as there is a myopia, or a tunnel vision when it comes to this topic. So many times I have heard other friends, and maybe we just disagree, talk about the money they will quote-unquote "lose" in certain projects, but they fail to understand this: It is not the government's money. The President may have proposed it in the largest tax increase in American history. It may have won by one vote in this Chamber, in the 103d Congress, by one vote in the Chamber in the 103d Congress. It may have been foisted upon the American people in the name of so-called deficit reduction, even though those numbers we know are subject to sleight of hand, or shall we say a charitable interpretation by the White House.

But the fact is, the money does not belong to the Federal Government. It belongs to those who labor those hours, who earn that money, and who give in unparalleled fashion freely, voluntarily, into our tax system, obeying our tax code in so many ways. And it is not the Federal Government's money. It is just interesting to see that interpretation that would be so statused in its approach that it would begin and end with the Federal Government.

To the contrary, we say. It begins with the individual and it end with the individual, and responsibility rests with the individual, working together in corporate fashion, for education, for spiritual enlightenment, and, yes, for government, based on a society of law, and for civil order.

And it is an all-encompassing picture that recognizes the sanctity and the primacy of the individual and the freedom and the liberty he or she enjoys in this Nation, in this constitutional Republic. We place our faith not only in God, but ultimately in the American people to decide what is best for themselves.

Mr. CHABOT. I have heard this, and I think your points are absolutely correct, J.D., and I know we are almost out of time, so we probably need to wrap it up.

I guess a couple points I want to make. One thing is I have heard the term mean-spirited so many times the last couple of days from our colleagues on the other side of the aisle that if I hear it one more time I think I am going to scream. But I think there is no question in my mind that there could be nothing more mean-spirited to the kids of this country than the welfare system that we have got now. It destroys lives; it will continue to do so until we change it. We are ready finally to change it.

The school lunch program, they still keep saying, I heard it tonight, that we are going to cut the school lunch program. We are increasing the funding to the school lunch programs all across this country. What we are doing is we are cutting out the bureaucrats here in Washington, and we are sending the money directly to the States. Let the school teachers and the local school boards and the parents decide how they want to spend their own money. Not our money, their money.

Finally, I think the bottom line, and I have only been here 2 months, but what I have seen from my colleagues such as the gentlemen that are here this evening, the difference I think between this side and the folks on the other side of the aisle, is the bottom line is the folks on the other side over there think that Washington knows best, that the decisions ought to be made up here where we are tonight. We ought to decide how the American people's money should be spent, that Washington knows better than the people all over this country.

I do not believe that. I think the decisions should be made and those families, the moms and dads ought to decide how they want to spend money for their kids, not the bureaucrats up here in Washington. Despite all the rhetoric I have heard, calling us mean spirited, we do not care about kids, for God's sake, I have kids myself, a 5-year-old son and 13-year-old daughter, probably in bed right now so they cannot hear me talking, hopefully, because they have school tomorrow, but I think the American people can see through all this rhetoric.

Mr. HAYWORTH. What is more mean spirited than leaving an ever-increasing debt and burden and responsibility like that on the younger generation and on generations yet unborn? The time to change it is now. The steps are being taken in these first 100 days. We take another major step tomorrow with welfare reform.

Mr. HOKE. STEVE, I absolutely agree with you. I think the American people, I have absolute utter confidence in their ability to discern. They cast their ballots last November. They asked that we keep our word, we keep our promises. We are doing everything we can to do that.

Frankly, I think we are right where we ought to be, we are on the right path. We have to keep our shoulder to the wheel and keep pushing and keep telling the truth, because it is obvious there is a massive disinformation campaign going on. We have got to cut through that.

But you know what? We do not have to do all of that work. We have to do a lot of the work, but the public is not going to be fooled. The people will find out. They will find out on their own. They care enough to discern it, to require the information, and to find it, and I am very confident about that.

Mr. LEWIS of Kentucky. I think it goes back to what I said earlier, that we are keeping a contract that we signed, that the American people gave to us. We found out what they wanted, and we said we are going to do it, and we are. We are going to keep our word and we are going to do it. And we are going to reform the welfare system and make it work for people that have real needs.

Mr. CHABOT. I think the American people are a whole lot smarter than the people on the other side of the aisle give them credit for.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FIELDS of Louisiana) to revise and extend their remarks and include extraneous material:)

Mr. GUTIERREZ, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, today.

Mr. OLVER, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. FURSE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. NEAL of Massachusetts, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. HILLIARD, for 5 minutes, today.

Mr. ROMERO-BARCELO, for 5 minutes, today.

Mr. MANTON, for 5 minutes, today.

Mr. CARDIN, for 5 minutes, today.

Mr. ORTON, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. CHABOT, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. LAHOOD, for 5 minutes, today.

Mr. EWING, for 5 minutes, today.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes, today.

Mrs. SMITH of Washington, for 5 minutes each day, today and on March 24.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. ENSIGN, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. COLLINS of Georgia, for 5 minutes, today.

Mr. BRYANT of Tennessee, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. GREENWOOD, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. BILBRAY, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

(Mr. SMITH of Michigan for 5 minutes each day today and on March 28 and 30.)

Mr. WELLER, for 5 minutes, today.

Mr. JONES, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FIELDS of Louisiana) and to include extraneous matter:)

Mr. BONIOR.

Ms. LOFGREN.

Mr. MONTGOMERY.

Mr. ANDREWS.

Ms. DELAURO.

Mr. FRANK of Massachusetts.

Mr. JACOBS.

Mr. COLEMAN.

Mr. REED.

Mr. STARK, in two instances.

Ms. PELOSI.

Mr. TORRES, in two instances.

Mr. SCHUMER.

Mr. SKELTON, in two instances.

Mr. RUSH, in two instances.

Mr. FAZIO.

Mr. MILLER of California.

Ms. RIVERS.

Mr. MANTON.

Mr. DINGELL.

Mr. KENNEDY of Rhode Island, in two instances.

Mr. FARR.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. MARTINI, in two instances.

Mr. FIELDS of Texas.

Mr. CLINGER.

Mr. QUINN, in two instances.

Mr. YOUNG of Alaska.

Mr. GILMAN, in two instances.

Mrs. VUCANOVICH.

Mr. PACKARD.

Mr. BATEMAN.

Mr. MILLER of Florida.

Mr. SMITH of Michigan.

(The following Members (at the request of Mr. LEWIS of Kentucky) and to include extraneous matter:)

Mr. FALEOMAVAEGA.

Mr. ANDREWS.

Mr. FILNER.

Mr. MARTINI.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock p.m.), the House adjourned until Friday, March 24, 1995, at 10 a.m.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1994 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, March 10, 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with Section 4(a) of Public Law 85–804 (50 U.S.C. 1431–35), I am reporting to the House of Representatives on all 1994 calendar year actions taken by the National Aeronautics and Space Administration (NASA) under authority of that Act which involve actual or potential cost to the United States in excess of $50,000. These actions include the granting of extraordinary contractual relief and the indemnification of certain contractors.

During calendar year 1994, the NASA Contract Adjustment Board did not meet to consider any cases and granted no requests for extraordinary contractual relief under Public Law 85–804.

During calendar year 1994, NASA provided for indemnification in one prime contract under the Memorandum Decision dated November 5, 1989, to provide indemnification to certain NASA Space Transportation System contractors for specified risks arising out of contract performance directly related to NASA space activities. NASA also provided indemnification in one prime contract under the Memorandum Decision dated July 11, 1990. That decision authorized NASA to provide indemnification to certain NASA contractors involved in providing commercial Expendable Launch Vehicle launch services for NASA spacecraft or for activities which are carried out by NASA on behalf of the United States. A summary description of the contracts which now provide for indemnification is enclosed.

Any future decisions to provide indemnification will be the subject of subsequent Memorandum Decisions by the Administrator.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

Enclosure.

CONTRACTORS INDEMNIFIED DURING CALENDAR YEAR 1994

Name of contractor: International Business Machines (IBM). Date: September 16, 1994.

Affected NASA contract(s): NAS 9–18817.

Name of contractor: General Dynamics Commercial Launch Services Inc. Date: March 9, 1994.

Affected NASA contract(s): NAS 3–23440.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

588. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $57,800,000 in budget authority for the Department of Housing and Urban Development, and to designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–52); to the Committee on Appropriations and ordered to be printed.

589. A letter from the Secretary of the Navy, transmitting notification that the C/MH-53E and Standard Missile 2 Block IV Programs have breached the unit cost threshold, pursuant to 10 U.S.C. 2433; to the Committee on National Security.

590. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation entitled, "United States Mint Managerial Staffing Act of 1995"; to the Committee on Banking and Financial Services.

591. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Germany for defense articles and services (Transmittal No. 95-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

592. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 95-09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

593. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Jordan (Transmittal No. 14-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

594. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95-16, authorizing the furnishing of assistance from the emergency refugee and migration assistance fund to meet the urgent needs of refugees in Chechnya, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

595. A letter from the Acting General Counsel, U.S. Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of five implementing agreements negotiated by the Joint Compliance and Inspection Commission [JCIC]; to the Committee on International Relations.

596. A letter from the Secretary, Department of the Treasury, transmitting a financial report on the Department of the Treasury forfeiture fund, pursuant to Public Law 102-393, section 638(b)(1) (106 Stat. 1783); to the Committee on Government Reform and Oversight.

597. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report that during calendar year 1994, the NASA Contract Adjustment Board did not meet to consider any cases and granted no requests for extraordinary contractual relief under Public Law 85-804, pursuant to 50 U.S.C. 1434; to the Committee on Government Reform and Oversight.

598. A letter from the Deputy Director, General Services Administration, transmitting a Federal courthouse construction program; to the Committee on Transportation and Infrastructure.

599. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation entitled, "National Science Foundation Authorization Act for Fiscal Years 1996 and 1997," pursuant to 31 U.S.C. 1110; to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1216. A bill to amend the Atomic Energy Act of 1954 to provide for the privatization of the United States Enrichment Corporation; with an amendment (Rept. 104-86). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1217. A bill to amend parts B and C of title XVIII of the Social Security Act to extend certain savings provisions under the Medicare Program, as incorporated in the budget submitted by the President for fiscal year 1996 (Rept. 104-87, Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 1218. A bill to extend the authority of the Federal Communications Commission to use competitive bidding in granting licenses and permits (Rept. 104-88). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASICH: Committee on the Budget. H.R. 1219. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and reduce the discretionary spending limits, and for other purposes; with an amendment (Rept. 104-89 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLUTE (for himself and Mr. FRANK of Massachusetts):

H.R. 1304. A bill to deauthorize a feature of the project for navigation, Fall River Harbor, MA and Rhode Island; to the Committee on Transportation and Infrastructure.

By Mr. COSTELLO:

H.R. 1305. A bill to require employers to notify workers before health care benefits or retirement benefits are terminated; to the Committee on Economic and Educational Opportunities.

By Mr. FALEOMAVAEGA (for himself and Mr. GALLEGLY):

H.R. 1306. A bill to approve a multiyear program for the economic development and self-sufficiency of the U.S. territory of American Samoa; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself and Mr. BLUTE):

H.R. 1307. A bill to establish the New Bedford Whaling National Historical Park in New Bedford, MA and for other purposes; to the Committee on Resources.

By Mr. HUNTER:

H.R. 1308. A bill to withdraw and reserve certain public lands in the State of California utilized in the mission of the Naval Air Facility, El Centro, CA; to the Committee on Resources, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIGHTFOOT (for himself, Mr. LAZIO of New York, Mr. CLINGER, Mr. DORNAN, Mr. LANTOS, Mrs. MEEK of Florida, Mrs. MALONEY, Mr. NADLER, Mr. RAHALL, Mr. SCHAEFER, Mr. SHAYS, Mr. STARK, Mr. VENTO, Mr. WELDON of Florida, and Mr. WYNN):

H.R. 1309. A bill to amend title 49, United States Code, to require the use of child safety restraint systems approved by the Secretary of Transportation on commercial aircraft; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H.R. 1310. A bill to provide for the management of Voyageurs National Park, and for other purposes; to the Committee on Resources.

By Ms. SLAUGHTER:

H.R. 1311. A bill to provide for a review of all Federal programs that assess or mitigate the risks to women's health from environmental exposures, and for a study of the research needs of the Federal Government relating to such risks; to the Committee on Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 1312. A bill to establish a freeze on bank fees for accounts held by average taxpayers; to the Committee on Banking and Financial Services.

H.R. 1313. A bill to establish community support requirements for mortgage banks, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. ZIMMER (for himself and Mr. HYDE):

H.R. 1314. A bill to amend the Internal Revenue Code of 1986 to modify the pension plan rules applicable to State judicial retirement plans; to the Committee on Ways and Means.

By Mr. BONIOR (for himself and Mr. BLUTE):

H. Con Res. 47. Concurrent resolution honoring the memory of the victims of the Armenian Genocide; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

24. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to urging the President and the Congress of the United States not to close Piscatinny Arsenal; to the Committee on National Security.

25. Also, memorial of the Senate of the State of Missouri, relative to the flow of the Missouri River; to the Committee on Transportation and Infrastructure.

26. Also, memorial of the General Assembly of the State of New Jersey, relative to urging the President and the Congress of the United States not to close Piscatinny Arsenal; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. COLEMAN introduced a bill (H.R. 1315.) for the relief of Kris Murty; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. UNDERWOOD.

H.R. 28: Mr. RIGGS.

H.R. 94: Mrs. JOHNSON of Connecticut, Mr. TALENT, Mr. BRYANT of Tennessee, Mr. WELLER, Ms. DANNER, Mr. STUMP, Mr. HOUGHTON, and Mr. BLILEY.

H.R. 118: Mr. ZIMMER.

H.R. 127: Mr. SERRANO and Mr. ANDREWS.

H.R. 218: Mr. KIM.

H.R. 246: Mr. BACHUS and Mr. ISTOOK.

H.R. 263: Mr. MORAN.

H.R. 264: Mr. MORAN.

H.R. 353: Ms. LOWEY and Mr. SMITH of New Jersey.

H.R. 359: Ms. MOLINARI, Mr. COSTELLO, Mr. BRYANT of Texas, Mr. KINGSTON, and Mr. GILCHREST.

H.R. 364: Mrs. LINCOLN, Mr. MANTON, Mr. KNOLLENBERG, Mr. SMITH of New Jersey, Mr. BREWSTER, Mrs. MEYERS of Kansas, Mr. UPTON, Ms. MOLINARI, and Mr. HEFLEY.

H.R. 370: Mr. TORKILDSEN.

H.R. 485: Mr. EHLERS.

H.R. 501: Mr. ROSE, Mr. PASTOR, Mrs. CHENOWETH, and Mr. JONES.

H.R. 534: Mr. FROST, Mr. MINETA, Mr. HOEKSTRA, Mr. DURBIN, Mr. HAYES, Mr. HALL of Ohio, Mr. CAMP, Mr. JOHNSTON of Florida, Mr. LANTOS, Mr. RAHALL, Mr. HINCHEY, Mr. STEARNS, Mr. LAFALCE, Mr. CLINGER, Mr. STENHOLM, Mr. GORDON, Mr. OXLEY, and Mr. METCALF.

H.R. 553: Mr. HASTINGS of Florida and Ms. MCKINNEY.

H.R. 558: Mr. GENE GREEN of Texas.

H.R. 613: Ms. RIVERS.

H.R. 655: Mr. WELDON of Florida.

H.R. 656: Mr. CANADY, Mr. HANCOCK, and Mr. SAXTON.

H.R. 660: Mr. KIM, Mr. YOUNG of Alaska, and Ms. DUNN of Washington.

H.R. 674: Mrs. MORELLA and Mr. DELLUMS.

H.R. 721: Ms. WOOLSEY, Mr. FOGLIETTA, Ms. HARMAN, Mr. SABO, and Mr. MARKEY.

H.R. 733: Mr. KNOLLENBERG and Mr. LATOURETTE.

H.R. 734: Mr. LEVIN and Mr. KNOLLENBERG.

H.R. 752: Mr. CAMP, Mr. BARR, Mr. TRAFICANT, Mr. JACOBS, Mr. THORNBERRY, Mr. COBLE, Mr. LAHOOD, and Mr. BACHUS.

H.R. 757: Mr. MATSUI and Mrs. LINCOLN.

H.R. 783: Mr. BRYANT of Tennessee, Mr. WAMP, Mr. TANNER, Mr. HEFNER, Mr. LEWIS of Kentucky, and Mr. ALLARD.

H.R. 784: Mr. EMERSON and Mr. LINDER.

H.R. 849: Mr. PICKETT, Ms. ROS-LEHTINEN, Mr. GOODLATTE, and Mr. ROTH.

H.R. 852: Mr. FATTAH and Mrs. LOWEY.

H.R. 858: Mr. TORRICELLI, Mr. REED, Mr. EHRLICH, Mr. WAXMAN, Mr. BONO, Mr. FATTAH, Mr. MCHUGH, Mr. COLEMAN, Mr. CARDIN, Mr. UNDERWOOD, Mr. COSTELLO, and Mr. STARK.

H.R. 864: Mr. LAFALCE, Mr. MCHUGH, Mr. FROST, Mr. BLILEY, and Mr. WILLIAMS.

H.R. 873: Mr. FOX, Mr. POMBO, Mr. MILLER of Florida, Mrs. CHENOWETH, Mr. HOYER, Mr. ALLARD, Mr. SHAYS, Mr. COOLEY, and Mr. HILLIARD.

H.R. 910: Mr. YATES, Mr. TORRES, Ms. FURSE, Mr. HOLDEN, Ms. RIVERS, and Mr. RANGEL.

H.R. 911: Mr. STUPAK.

H.R. 969: Mr. LEWIS of Georgia, Mr. WAXMAN, Mrs. LOWEY, Mr. NADLER, and Mr. WILSON.

H.R. 995: Mr. COOLEY, Mr. ENGLISH of Pennsylvania, and Mr. PORTER.

H.R. 996: Mr. COOLEY, Mr. ENGLISH of Pennsylvania, and Mr. PORTER.

H.R. 1005: Mr. BONO, Mr. EWING, Mr. STUMP, and Mr. CHRISTENSEN.

H.R. 1020: Mr. COBLE and Mr. FOLEY.

H.R. 1023: Mr. CLEMENT.

H.R. 1024: Mr. CALVERT.

H.R. 1037: Mr. BREWSTER.

H.R. 1052: Mr. GIBBONS and Mr. DORNAN.

H.R. 1103: Mr. WELDON of Florida, Mr. GORDON, Mr. UPTON, and Mr. DOOLEY.

H.R. 1118: Mr. SAM JOHNSON, Mr. WELDON of Florida, Mr. WELLER, and Mr. HERGER.

H.R. 1137: Mr. SANFORD.

H.R. 1202: Mr. SPENCE, Mr. MANTON, Mr. FRELINGHUYSEN, Ms. MOLINARI, and Mr. PAYNE of New Jersey.

H.R. 1210: Mr. BOEHLERT.

H.R. 1220: Mr. ROHRABACHER, Mrs. CHENOWETH, Mr. LEACH, Mr. LIGHTFOOT, Mr. HOSTETTLER, Mr. ROBERTS, Mr. GILLMOR, Mr. HERGER, Mr. MCHUGH, and Mr. COOLEY.

H.R. 1271: Mr. GILMAN, Mr. BURTON of Indiana, Mr. SHAYS, Mr. ZELIFF, Mr. SHADEGG, and Mr. MARTINI.

H.J. Res. 76: Mr. BALLENGER, Mr. CHAMBLISS, Mr. EWING, Mr. ROHRABACHER, Mr. COX, Mr. SOLOMON, Mr. FOX, Mr. COOLEY, Mr. CHABOT, Mr. BURR, Mrs. CHENOWETH, Mr. COBLE, Mr. FRANKS of New Jersey, Ms. DANNER, Mr. SMITH of Michigan, Mr. GUNDERSON, and Mr. HAYWORTH.

H.J. Res. 79: Mr. WYNN and Mr. KIM.

H. Con. Res. 43: Mr. MCNULTY, Mr. LIPINSKI, Mr. KENNEDY of Massachusetts, Mr. BROWN of Ohio, Mr. TORRICELLI, Ms. DELAURO, Mr. MEEHAN, Mr. EVANS, Mr. LAZIO of New York, Mr. SHAYS, Mr. FATTAH, and Mr. DOYLE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 26: Mr. CHRYSLER.

H.R. 209: Mr. CHRYSLER.

EXTENSIONS OF REMARKS

HONORING GREEK INDEPENDENCE DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. BONIOR. Mr. Speaker, I am pleased to join the Greek community to celebrate the 174th anniversary of Greek independence.

On March 25, 1821, the Archbishop of Patras blessed the Greek flag at the Aghia Lavra monastery near Kalavrita, marking the beginning of the Greek war of independence in which nearly 400 years of Ottoman rule was turned aside.

Since the war for independence, Greece has become a steadfast ally of the United States. But that alliance and freedom have not come without a price. More than 600,000 Greeks died while fighting with the Allied forces in World War II against fascism.

Ancient Greece was the birthplace of democratic values. It brought forth the notion that the ultimate power to govern belongs in the hands of the people. It inspired a system of checks and balances to ensure that one branch of government does not dominate any other branch.

These ideals inspired our Founding Fathers as they wrote the Constitution. In the words of Thomas Jefferson, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness."

These democratic principles, formed more than 2,500 years ago, have affected change around the world. Witness our own Revolutionary War, the renewal of Greek independence, and the dramatic recent changes in Eastern Europe, the former Soviet States, and around the globe.

Today, the United States is enriched not only by Greek principles but also by its sons and daughters. Greek-Americans have made major contributions to American society, including our arts, sports, medicine, religion, and politics.

My home State of Michigan has been enhanced by the Greek community. In Macomb and St. Clair Counties, we are served by St. John's Greek Orthodox Church and Assumption Greek Orthodox Church. These institutions provide a multitude of community services and add to the rich diversity of the area.

In this changing world of ours, the challenges today include protecting the integrity of the borders of Greece and promoting the democratic ideals which originated in that country. Let us not forget the sacrifices Greeks have made to preserve freedom and enhance democracy.

Mr. Speaker, I join the people of Greece and those of Greek ancestry around the world celebrating Greek Independence Day. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

TRIBUTE TO LEROY HARRIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. RUSH. Mr. Speaker, I rise today with great sadness to ask my colleagues to join me in expressing our respects and sympathies to the family of Leroy Harris, who passed from this life on March 20, 1995, at the age of 81.

Mr. Harris was born in Mobile, AL. He was both a businessman and professional athlete, having been a semi-professional baseball player in the old Negro Baseball League from 1935–45. After his career as a pitcher, which was reported to be exemplary, Mr. Harris worked at American Radiators and later was an employee for the New York Telephone Co. in Buffalo, N.Y. until his retirement in 1977. Always a hard worker, Mr. Harris bought a taxi cab business after his retirement from the telephone company and successfully ran the operation there until his health failed him in 1992. Since that time, he was fortunate to spend his remaining days with his family and friends in Chicago, IL.

Mr. Harris leaves behind a large family of sons, daughters, grandchildren, and great grandchildren. I ask my colleagues, then, to join with me in expressing our deep condolences to the extended Harris family. Thank you, Mr. Speaker, and I yield back my time.

HONORING OLYMPIC DIVING CHAMPION PAT McCORMICK

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. TORRES. Mr. Speaker, I rise to recognize Olympic Diving Champion Pat McCormick. Pat is America's most successful female Olympic diver, having won two Gold medals at the 1952 Melbourne Games and two more at the 1956 Helsinki Games.

At Melbourne, Pat won both the 10 meter platform and 3 meter springboard competition. She repeated her Gold Medal performance in both events at Helsinki. She is the only woman to have ever won four Gold Medals in these events. Adding to her Olympic Golds, Pat also garnered 27 National Diving Titles during her illustrious career. She received additional recognition in 1956 when she was awarded the coveted Sports Illustrated Sullivan Award as the Nation's most outstanding amateur athlete of the year.

Pat, a long-time resident of Seal Beach, CA, will be inducted into the Orange County Sports Hall of Fame, on March 25, 1995. On display at the Hall of Fame in the "Pat McCormick Exhibit," will be her four Olympic Gold Medals.

Following her retirement from competition, Pat established the Pat McCormick Education Foundation to provide at-risk students an opportunity to graduate from high school and pursue a college education. The Education Foundation provides motivation, counseling, tutoring, and funding all the way through college for participating students. As told by Pat on numerous occasions, the foundation has helped high school students destined for academic failure to become honor students at many of our Nation's top universities.

Mr. Speaker, it is with pride that I rise to recognize Pat McCormick on the occasion of her Gold Medal Retirement Celebration, and I ask my colleagues to join me in extending best wishes and congratulations to Pat, our Gold Medal champion.

BART CHARLOW HONORED FOR LEADERSHIP IN MENTAL HEALTH CARE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Ms. LOFGREN. Mr. Speaker, I rise today to recognize and commend Mr. Bart Charlow for his uncompromising advocacy on behalf of mental health care in Santa Clara County, CA, which includes the 16th Congressional District that I represent in this 104th Congress.

For 15 years, Mr. Charlow has actively helped families—and particulary children—touched by mental illness to overcome disability and lead rich and productive lives. As president and CEO of the Adult and Child Guidance Center in San Jose, CA, he fashioned mental health services specially designed to address the needs of many of the community's most neglected populations. As a result, the Adult and Child Guidance Center offers one-of-a-kind programs for adolescents, the hearing impaired, and Southeast Asian immigrants, among others. True to its charitable nature, the center strives to provide a treatment alternative for those who fall short of public-sector assistance.

Those who know Mr. Charlow know that his efforts carry far beyond his own organization. During my tenure as a local government official, I worked closely with Mr. Charlow and others to build a comprehensive system of mental health care for the needy and to preserve those vital health services as local government budgets for such services shrank. As president of the local contract agencies association and delegate to the countywide mental health board budget committee, he was key to these efforts.

Mr. Charlow has participated on too many community boards to mention at this time, yet it is worth noting that he has placed a particular emphasis—importantly—on efforts helping children.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, on March 27, 1995, Mr. Charlow will be honored by colleagues and friends for his intelligent and passionate leadership in the field of mental health. I would like to express my own gratitude to Mr. Charlow on behalf of my constituents in the 16th district and the U.S. House of Representatives.

TRIBUTE TO WILLIAM O. HIATT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. SKELTON. Mr. Speaker, today I wish to honor an outstanding Missourian, William O. Hiatt, Jr., of Sedalia, who was recently the recipient of the Center for Human Services' Life Achievement Award. This lifetime achievement award is a tribute for his many years of service to the Children's Therapy Center located in Sedalia, MO.

Hiatt has been involved with the center since 1967. During those years he has been a member of the board and served as president from 1982 until 1992. Hiatt worked for Missouri Public Service, until his retirement 8 years ago. He is also actively involved with other community organizations, such as the United Way, Lions Club, and the Boy Scouts.

The Center for Human Services has benefited from the countless contributions by William Hiatt. I urge my colleagues to join me in commending him for his dedication and perseverance on all his achievements through the years.

CUT THE TECHNO-PORK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. STARK. Mr. Speaker, Mr. T.J. Rodgers, the CEO of Cypress Semiconductor located in San Jose, CA, wrote the following memo for the Red Herring magazine, January 1995 issue.

He makes some excellent points: Government megascience programs all too often become the grossest of pork projects. Keep it small, keep it simple, keep it seed money for merit-based research is his message. It is a message worth heeding.

The article follows:

CYPRESS SEMICONDUCTOR

January 9, 1994.

To: The Congress of the United States of America.

From: T.J. Rodgers, CEO of Cypress Semiconductor.

Re: Cut the Techno-Pork!

My advice to the new Congress on technology policy is to kill government science megaprograms, get out of the technology-subsidy business, and double science and technology funding for universities through thousands of small grants. These priorities are particularly important for Republicans who find big-science wonders hard to resist.

With the possible exception of the Manhattan Project, government science megaprograms have a terrible record of return on the taxpayers' investment. Remember synfuels? This scheme to create gasoline from coal followed the classic, eight-step scenario for wasteful government megaprograms:

(1) Scare the hell out of them. (What happens when the oil cartel shuts off the gasoline?)

(2) Declare that the program is so big, only the government can pull it off. (Translation: No other sucker could be convinced to invest in this loser.)

(3) Get expert advice. (Translation: Listen to oil industry lobbyists who are paid to know that what is good for the oil industry is good for America.)

(4) Create a consensus. (Translation: Spread the pork out to enough states to get the bill passed.)

(5) Execute. (Translation: Use government funds to hire a large P.R. staff.)

(6) Fail.

(7) Lose $88 billion.

(8) Blame the Republicans for underfunding the project.

Remember the superconducting supercollider (SSC)? I debated a particle physicist from the University of Texas-Arlington on National Public Radio on its merits. He claimed that $12 billion was a cheap price to discover the sixth and elusive "top quark" subatomic particle. I argued that the genius of the physics community would find a cheaper way to float the top quark in electric and magnetic fields long enough to take its picture. A few weeks later, Congress canceled the SSC. A few weeks after that, the top quark had its first snapshot taken at Chicago's Fermi labs. Then, a Texas entrepreneur proclaimed the $4 billion 10-mile hole in the ground created for the SSC an ideal spot for growing mushrooms.

Boeing and Lockheed have just teamed up to work on Space Shuttle II. What did Space Shuttle I accomplish to justify the next multibillion dollar investment? Certainly, it launched many satellites, but they could have been launched more cheaply with disposable rockets. Indeed, if the American taxpayer had not been forced to subsidize those shuttle satellite launches (wiping out any possible competition that would have had to pay full cost), there might now be a viable private American corporation capable of launching satellites—a boon to the entrepreneurs waiting in line for years for a satellite launch.

NASA has run out of useful work for the shuttle, let alone its successor. So we are bombarded by reports of German and Russian astronauts using the Canadian robot arm to perform ecology experiments. The large P.R. efforts that form in step 5 of all government megascience endeavors have learned that spreading the pork (step 4) now must be both an international and a politically correct endeavor.

Some shuttle experiments—at a cost of about $500 million each—are simply ludicrous. Who cares or will ever care if spiders spin their webs differently in zero gravity? And technology con men are having a field day. One University of Houston professor convinced NASA to spend $2.5 billion on five shuttle flights to make space-grown gallium arsenide (GaAs) semiconductor wafers, the starting material for GaAs computer chips. The flight produced five wafers at a cost of about $100 million each. The promise is that in the near-perfect vacuum of space, the shuttle will produce GaAs semiconductor wafers nearly perfect in crystal structure. Eventually, the space-grown wafer cost is projected to drop to $10,000 per wafer.

I am a member of the board of directors of the largest GaAs chip maker in the United States. Here are the facts:

(1) Current terrestrial GaAs wafers cost $500.

(2) The hypothesized improvement in the crystal structure of space-grown wafers is irrelevant, since the GaAs chip manufacturing process destroys and rebuilds the crystal as part of the process.

(3) All GaAs companies would go out of business if their wafers cost $10,000 each.

The basic problem with megaprogram funding is that particle physicists, space scientists, and big-company technology experts can have their way with a lay Congress that barely comprehends the complex technologies it is funding. And even that minimal comprehension comes only when huge sums are expended on ever-increasing congressional staffs.

After eliminating the big-science megaprograms, Congress should attack the technology subsidies that Secretary of Labor Rober Reich reasonably calls "corporate welfare". The corporate subsidy most often touted as a success by the Clinton administration (yes, they speak on both sides of the issue) is Sematech, the Austin-based semiconductor research facility that has been given $1 billion in two five-year grants so far. A reasonably well-run organization, Sematech recently announced it would not seek a third $500-million grant. (Of course, the original Sematech promise was that it would not come back to Congress the second time.) The Clinton administration believes Sematech should be replicated in other industries. But its record is not one that warrants replication:

Sematech has as members only 12 of America's 200 semiconductor companies.

Two of Sematech's original 14 members quit because even with their dues halved by government subsidy they could not justify the investment.

The big companies that control Sematech's board designed the consortium's dues structure to prevent small, entrepreneurial companies from joining. A $20-million chip company that may someday be the next Intel must pay 5 percent of revenue, while Intel itself pays only 0.15 percent of its revenue—a 33-to-1 ratio, which is the primary reason so few companies joined Sematech originally. Of course, Intel, which makes over $1 billion a quarter in pre-tax profits, needs the subsidy a lot less than the small companies that were excluded. But the political system provides the opposite results: Only big companies can muster the lobbying resources to convince Congress to subsidize them. And why would they share the pork with the upstarts?

Sematech used its government subsidy to attack directly the other 100-plus American chip companies that were not Sematech members. After the checks were signed and the TV lights turned off, Sematech began granting funds to companies that make the critical equipment for the production of computer chips—in return for contracts to hold back the most advanced equipment from all but Sematech members for up to one year. (The deals, which Sematech denied repeatedly, were discovered during a lawsuit.) It is no wonder that Sematech insisted on and received antitrust immunity as part of its funding legislation.

If Sematech's silicon-chip subsidy represents the Clinton/Gore model for government subsidies, it's up to the new Republican Congress to stop its replication. Let's not copy a system that allows well-heeled corporations to use their lobbying clout to entrench themselves with taxpayer subsidies, to the detriment of new companies with new ideals.

The flow of bright, well-educated technologists into industry is much more important to American high-tech businesses than are subsidies to prop up ailing giants. And by cutting out science megaprograms and corporate technology subsidies, the new Congress can both cut the federal budget and free up funds to increase university research funding.

Many Silicon Valley venture capitalists—no friends of big government—believe that the defunct DARPA (Defense Advanced Research Projects Agency) was one of the most effective government technology programs. They credit it with funding such winning pre-venture capital investments as the UNIX computer operating system work done by Sun Microsystems founder Bill Joy.

DARPA funded my doctoral studies on transistor physics at Stanford. The high-performance chips I worked on may or may not have improved national defense, but I became one of the hundreds of DARPA-funded Ph.D.s who flooded into Silicon Valley from Stanford and Berkeley. What caused an unlikely agency like DARPA to provide decent return on government investment?

DARPA conducted classified military research, which kept Congress on a need-to-know basis. Thus DARPA projects avoided having to spread the pork or to hire a P.R. staff to maintain viability.

DARPA contracts were awarded by competent technical experts on a merit basis without much political consideration. DARPA also had a "customer," the Pentagon, that had at least a long-run interest in the usefulness of what it funded.

DARPA tended to fund the large number of small programs, rather than wasteful megaprojects. The agency was on the right side of the economic tradeoff that demands the sacrifice of 1,000 chances to fund the next Bill Joy/Sun Microsystems in order to fund one superconducting supercollider.

Unfortunately, today's ARPA, the non-defense version of the old DARPA, is drifting back into politics. Members of Congress fantasize about "dual use" (military and commercial) technology, with the hope of picking losers and winners, the latter preferably in their districts. There are debates about where the "retraining" funds should be spent when military programs are shut down.

Some of this is inevitable—ARPA's mission is hazier and more politicized that DARPA's. But the agency's best chance for success is if Congress leaves it alone, allowing it to set technical priorities and give out thousands of small grants to universities based only on a peer-review meritocracy.

The new Congress has an opportunity to shrink the federal government and simultaneously help America's technology industries. It involves getting politics out of the laboratory and supporting education on a non-partisan, merit basis.

OPPOSITION TO SUMMER YOUTH PROGRAM RESCISSIONS

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. QUINN. Mr. Speaker, I rise today in opposition to the proposed elimination of the Summer Youth Program. I fully support the program and will fight to restore its funding when the rescissions bill is sent to the conference committee later this year.

At the same time, I encourage private sector businesses to contribute to the Summer Youth Program so they may make a contribution to the communities in which they do business. In these times of tight budgetary constraints, it is my hope that local businesses can assist in ways that the Government can no longer afford.

Although I support the Summer Youth Program, I also saw the need for reducing the deficit. If we continue to spend money we don't have, we will be passing the financial burden on to our children.

Mr. Speaker, I urge all of my colleagues, especially the members of the Appropriations Committee, to work to restore the funds necessary to continue the summer youth program.

FAIR COMPENSATION FOR KRIS MURTY

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. COLEMAN. Mr. Speaker, today I have introduced legislation which would allow for the Federal Government to right an injustice wrought upon one of its own over 8 years ago. In January 1985, the Department of the Army extended a job offer to Mr. Kris Murty, then of Houston, TX, for a position at Ft. Bliss, TX. He received orders authorizing reimbursement for miscellaneous expenses, unexpired lease expenses, and temporary quarters subsistence expense. It was with this understanding that Mr. Murty accepted the position. Upon his relocation to Ft. Bliss Mr. Murty was awarded an advance for his travel costs.

Several months later, Mr. Murty was notified that the Army had erred. At that time, Mr. Murty was instructed that he must make restitution for the Army's mistake. Without recourse, his wages were garnished.

Mr. Murty acted in good faith with the Department of the Army. His acceptance of the position hinged on the Army's assurances that it would cover these expenses. Mr. Murty has spent the last 8 years exhausting all possible avenues of redress. His last recourse is the bill of private relief which I have introduced today.

The Comptroller General of the United States has reviewed Mr. Murty's claim and agrees that his case deserves to be favorably considered by Congress. I urge the committee of jurisdiction to take up this legislation expeditiously so that this issue will be fairly and judiciously settled once and for all.

TRIBUTE TO MR. AND MRS. HEINDL

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. CLINGER. Mr. Speaker, I rise today to recognize Mr. and Mrs. Heindl for the many acts of kindness they have bestowed on our community. It is an honor and a privilege to express my gratitude to this generous couple. Truly, the Heindls epitomize the type of people that make our local communities great. These are the real life heros that kindle the spirit of giving in each one of us.

When we look at role models in history, the ones who get recognized the most are sometimes the least worthy. I hope that volunteers like the Heindls continue to be recognized as they are most deserving. One of the traits that make people like the Heindls so special is that they do it out of the goodness of their heart. The only motives behind their actions is the hope that those around them will in some way be bettered by their hard work. I can speak for everyone when I say that we have all been touched by their philanthropy.

One of the most important facets in our society is the education system; it lays the foundation for future leaders. Contributions, like those of the Heindls, prove to enhance the system and benefit community members for years to come. The Ridgway residents I am speaking of today have made significant contributions to the Ridgway Area Public Schools. They have selflessly donated their time and resources to ensure that new facilities would be constructed for use by all students. By giving of themselves so freely, they set an example for all of us to follow.

Mr. Speaker, it is my distinct pleasure to recognize Mr. and Mrs. Heindl for all of their kindness and dedicated service on behalf of the Ridgway community. I extend to them my best wishes for continued health and happiness.

WISHING "BO" WILBURN AND SUSIE BOWES WELL ON THEIR WEDDING DAY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. FIELDS. Mr. Speaker, thank you for allowing me to take a moment to wish two very special people well as they prepare to join in holy matrimony this Saturday in Texas.

Mark "Bo" Bryan Wilburn of Dayton, TX, will marry Kathleen Sue Bowes of Houston at the Heaven on Earth plantation in Missouri City, TX, this Saturday. "Bo" is a peace officer in the Houston area, while Susie is a fifth grade teacher at Timber Elementary School in Humble. Following their wedding, the couple plans to live in the Humble area.

"Bo" is the son of Tom and Janet Wilburn of Dayton, TX, and Susie is the daughter of William and Barbara Bowes of Houston. Since I first took office in January 1981, Barbara has served as my district coordinator, while Bill has for many years served as chairman of my Service Academy Nominations Board.

Mr. Speaker, thank you for allowing me this opportunity to observe this upcoming union, and thank you for joining with me in wishing "Bo" and Susie much happiness on their wedding day and throughout their lives together.

CELEBRATING THE LIFE OF JIM GRANT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. GILMAN. Mr. Speaker, this week I was privileged to participate in a very special event to mark the life of Jim Grant, one of the most extraordinary public servants the world has ever seen, who died earlier this year at the age of 77.

Memorial services are often held at which the passing of a noted public figure is lamented. But, for those who gathered in the Russell caucus room to remember Jim Grant, it was in celebration of a life that was devoted with energy, enthusiasm, endless persistence and, yes, joy, to saving and improving the lives of children in the world's poorest countries.

Those who offered remembrances of Jim Grant included Congressmen DAVID OBEY and TONY HALL; Warren Unna, John Sewell, president of the Overseas Development Council; Dr. Richard Jolly of UNICEF; Mrs. Margaret Catley-Carlson of the Population Council, and two of Jim's sons, John and James D. Musical interludes were provided by the World Children's Choir.

One of Jim's greatest gifts was his ability to imbue others with that same sense of demanding dedication that motivated his own life, and that was how the speakers recalled him.

Jim Grant was one of the most remarkable men it has ever been my privilege and my pleasure to know and to work with.

Never elected to public office, he nonetheless was one of the most effective politicians and diplomats I can recall, particularly when it came to working the Halls of Congress.

His special constituents were the children in the world's poorest countries. He worked tirelessly to improve their conditions.

Jim used his role as executive director of UNICEF as a bully pulpit to prod, pull, and pummel the international community into facing the awful realities of malnourishment and disease that annually claims the lives of millions of children.

Jim Grant placed special emphasis on adapting new findings in the drug and health industries—immunization, breastfeeding, oral rehydration therapy—to low-cost applications that parents could use at home to care for their children.

He was relentless in pursuit of resources to support programs to save and improve the lives of children. Jim's motto was, the difficult gets done immediately, the impossible takes a little longer.

Jim was a leader who went out to see for himself. No project was too remote to escape his interest. Traveling with Jim in Africa meant bouncing around in Land Rovers and Jeeps to check on village health programs in the remote bush.

His flair for promotion and publicity enabled him to attract as celebrity spokesmen for UNICEF leading figures of the entertainment world such as Danny Kaye, Peter Ustinov, Harry Belafonte and Audrey Hepburn, to name just a few.

Shakespeare's Marc Antony lamented in his funeral oration for Julius Caesar that the "good that men do is oft interred with their bones." In Jim Grant's case the good he has done lives on.

During his tenure as the executive director of UNICEF, immunization levels in developing countries increased from 20 percent in 1980 to nearly 80 percent today the number of polio victims fell from 500,000 a year to fewer than 100,000. More than a million lives are saved each year thanks to the oral rehydration therapy works makes Jim strongly advocated.

Jim Grant was an American hero and a world treasure. His presence is greatly missed, but his spirit and his good works continue as a legacy of his persistence, his energy and his humanity. We shall all miss him.

TRIBUTE TO JOHN BYRNE

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mrs. VUCANOVICH. Mr. Speaker, I want to salute John Byrne upon his retirement from the International Brotherhood of Electrical Workers, the I.B.E.W.

Mr. Byrne graduated from Storey County High School in May 1943, and completed his electrical apprenticeship in Medford, OR, in 1947. He returned to Reno in 1950 as general foreman for Landa Electric and became a member of the I.B.E.W. Local Union No. 401, in Reno, in 1951.

From 1957 to 1966 he served as financial secretary/business manager of the I.B.E.W. Local Union No. 401, until his appointment as secretary/business representative of Northern Nevada Building Trades Council. He was reelected secretary/business representative in 1967 and 1969.

In January 1971 he accepted an interim appointment as secretary/business representative of the Honolulu Building Trades Council. However, he returned to Reno in July 1971 when he was reelected as financial secretary and business manager of I.B.E.W. Local Union No. 401, a post in which he served until 1987.

In addition, Mr. Byrne has been active in his community throughout his life. He served on the Washoe County Building Code Appeal Board from 1960 to 1964, the Reno Electrical Board of Examiners from 1960 to 1966, the Nevada Employment Security Board of Review from 1963 to 1971, the Nevada State Apprenticeship Council from 1963 to 1971, the Nevada OSHA Review Board from 1981 to 1985, the Governor's Committee for the Restoration of Virginia City, the Nevada State Industrial Safety Code Revision Committee, and the Construction Opportunity Trust. He also served as chairman of the Nevada OSHA Review Board from 1985 to 1989, president of the California State Electrical Association from 1982 to 1983, and coordinator of the Construction Opportunity Trust.

Further, Mr. Byrne's achievements were recognized by the Northern Nevada Chapter of the Associated General Contractors who awarded him their prestigious Service, Integrity, Responsibility [S.I.R.] Award, the only time that award has been given to a labor representative in Nevada.

I would like to extend my sincere thanks to Mr. Byrne for his accomplishments and my warm wishes for an enjoyable retirement.

HONORING JAMES C. HOUGE ON HIS RETIREMENT FROM THE MONTEBELLO POLICE DEPARTMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize James C. Houge, who is retiring from the Montebello Police Department after 30 years of dedicated and superior service. Lieutenant Houge will be honored at a special ceremony on Friday, March 24, 1995.

Born in Baldwin Park, CA, Lieutenant Houge attended local schools and earned his associate of science degree from Mount San Antonio Junior College. He enlisted in the U.S. Army on October 31, 1961, and was honorably discharged on October 21, 1963.

In 1965, Lieutenant Houge began his tenure serving the people of Montebello as a police officer. In 1971, his on-the-job performance earned him the status of senior officer. Three years later he was promoted to detective and, in 1979, sergeant. In 1985, Lieutenant Houge was instrumental in leading an investigation which resulted in the seizure of 131 kilos of high-grade cocaine, approximately $300,000 of U.S. currency and the arrest of three foreign nationals. On March 26, 1987, he achieved his present rank of lieutenant and was assigned the responsibility of overseeing the department's K–9 unit.

In recognition of his dedicated and committed service, in 1992, Lieutenant Houge was awarded the Career Contribution Management Award.

Mr. Speaker, it is with pride that I rise to recognize one of Montebello's finest, James C. Houge, on the occasion of his retirement from the Montebello Police Department and I ask my colleagues to join me in saluting him for his 30 years of outstanding service to the residents and community of Montebello.

TRIBUTE TO THE SANTA CLARA COUNTY LEGAL AID SOCIETY ADVOCATES FOR JUSTICE HONOREES

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Ms. LOFGREN. Mr. Speaker, I rise today to pay tribute to the five honorees who will be receiving awards tonight, March 23, on the occasion of the 35th anniversary of the Legal Aid Society of Santa Clara County.

The honorees will include the Rotary Club of San Jose, the law firm of Wilson, Sonsini, Goodrich & Rosati, Santa Clara law professor

Eric Wright, and deputy district attorney Rolanda Pierre-Dixon. Plaintiffs cocounsel Morrison & Forester will be receiving the prestigious W. Robert Morgan Legal Services Award for donating its services to school desegregation suit against San Jose Unified School District.

President of the board of the Legal Aid Society, Susan L. Sutton said, "Our mission is to be the catalyst for community—we want to ensure that the right thing happens on behalf of our client community without regard to the client's ability to pay. We understand that in some segments of the country that's an idea that has gone out of fashion. But it's still a notion of some currency here in San Jose, good people of this community need to be recognized for their contributions. That is why we created our Advocates for Justice Program."

The Legal Aid Society of Santa Clara County provides legal advice and representation for the indigent community in civil matters including family law, custody, visitation, support, and domestic violence, government benefits, health access advocacy, consumer rights, landlord-tenant law, fair housing, home financing and foreclosure issues, individuals rights and immigration, offers family law and housing self-help clinics, and mediation assistance in landlord-tenant matters.

The following honorees were selected for their community contributions:

Rotary Club of San Jose. This 435 member volunteer organization participates in a broad spectrum of community activities. The club is honored by LASSCC for its works in conjunction with the San Jose Housing Authority, building the 102 unit Marrone Garden complex off Branham Lane in San Jose.

Jim San Sebastian chaired the Rotary committee that had the mission to promote a moderate income senior citizen housing complex in San Jose, for which the club donated personal, professional, and financial assistance beginning in 1988. The project opened in September 1994, and since that time the club members continue to provide assistance to the residents. The Rotary Club's financial contributions totaling $100,000 stacked a library, bought a piano, and provided art work for the project of one bedroom apartments that are available for seniors. The Rotary members' contribution of time was priceless.

Wilson, Sonsini, Goodrich & Rosati. For its pro bono and philanthropic aid to the community, particularly for the efforts of Larry Sonsini in setting the tone of the largest private law firms in the county. The work of Wilson, Sonsini, Goodrich & Rosati in the Silicon Valley has resulted in jobs for local residents of all ages, backgrounds, and abilities as various high technology clients have prospered. LASSCC believes a growing economy offers more access to the community's mainstream of its client base. That alone would be basis for an Advocates for Justice Award. But Wilson, Sonsini, Goodrich, & Rosati has contributed generously to charitable causes with attorneys time and their money.

Prof. Eric Wright. Professor Wright has brought a number of agencies together in creating the East San Jose Community Law Center. Professor Wright sought and obtained two separate grants in 1993 to establish a low-income law office in East San Jose. Starting on a shoe-string budget the law center represented day laborers on their wage and hour claims at the outset.

After receiving a grant from the Legal Services Corporation and from the U.S. Department of Education, the center branched further into employment law and immigration law services. Professor Wright is the unpaid center director and has added a community law practice class to the Santa Clara University Law School curriculums well as a street law class involving students in teaching law to middle school and high school students in low income areas of San Jose.

Deputy District Attorney Rolanda Pierre Dixon. Ms. Pierre-Dixon's job requires her to prosecute domestic violence crimes. It doesn't require her to give more than eight speeches a month on that issue to schools and community groups. She is recognized as the Advocate for Justice for her tireless voluntarism on domestic violence issues and her work with community legal groups, including serving on the board of LASSCC. She is past president of the South Bay Black Lawyers, the chair of the Santa Clara County Bar Association and committee on minority access to the Santa Clara County Bar Association.

Morrison & Foerster. The winner of the W. Robert Morgan Legal Services Award is Morrison & Foerster. Their activities cover a full range of public interest work from staffing of legal services clinics and counseling over 140 nonprofit organizations, to handling high impact litigation. The areas of greatest effort during the past year were assisting children in poverty, civil rights and civil liberties cases, representing immigrants, handling issues of housing and homelessness, and AIDS-related matters.

W. Robert Morrison is a founder and benefactor of LASSCC where personal and professional activities exemplify the highest possible commitment to community service.

Morgan & Foerster attorneys spent over 65,000 hours on pro bono work in 1993, an average of 123 hours per lawyer. Among other accomplishments, the firm won a $1 million civil rights jury verdict for Latin women who were strip-searched after they were arrested while attending a school board meeting; obtained HMO coverage of life-saving home nursing care for critically ill infants; won an order safeguarding a Chinese citizen brought into a U.S. court to give testimony coerced with threats of execution; and sought writs of habeas corpus for persons under death sentence in four States.

All of these distinguished recipients should be commended on their extraordinary work in the service of others.

TRIBUTE TO THE LATE CAPT. MARK P. McCARTHY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. SKELTON. Mr. Speaker, today I wish to pay tribute to a member of the U.S. Air Force 510th Fighter Squadron, Capt. Mark P. McCarthy, who died while participating in aerial combat maneuvers over the Adriatic Sea on January 26, 1995. Captain McCarthy was a devoted aviator who faithfully served the Air Force and his country.

Hand-picked to assist the 510th Fighter Squadron as assistant operations officer, Captain McCarthy displayed leadership qualities which earned him the utmost respect as an aviator. In addition, his superb instructional abilities led to the squadron's 100-percent success rate supporting U.N. resolutions by enforcing the no-fly zone over Bosnia and Herzegovina.

Captain McCarthy's commendable military record is reflected through his abundant accomplishments. He was named distinguished graduate at the pilot instructor course, AT–38 Fighter lead in, F–16 RTU, and Squadron Officer School, and Squadron Top Gun on many occasions. In addition, he was twice named Air Training Command Professional Performer. His decorations include the Air Medal with one oak leaf cluster, Aerial Achievement Medal with one oak leaf cluster, Meritorious Service Medal, Air Force Achievement Medal, Combat Readiness Medal, National Defense Service Medal, and the Southwest Asia Service Medal with one devise.

I know that the Members of this body join me in sending the deepest sympathy to Captain McCarthy's entire family. A devoted husband and father, he is survived by his wife Patricia, his three children, Bryan, David, and Christina, his parents, General and Mrs. McCarthy, his sisters, Kathleen, Susan, and Ann, his brother Michael, and Patricia's parents, Colonel and Mrs. Harry MacGregor.

IN MEMORY OF EDWARD ROBERTS—WORLD LEADER FOR THE DISABLED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. STARK. Mr. Speaker, Edward Roberts, a highly acclaimed activist for the rights of persons with disabilities and a personal friend, died March 14 of cardiac arrest at his home in Berkeley, CA.

Mr. Roberts was a tireless fighter for the rights of the disabled, even though he himself was severely disabled. At the age of 14, Edward Roberts became paralyzed from the neck down as a result of polio. Although this paralysis would dramatically change his life, Mr. Roberts found the courage to not only exist, but to excel. He became infuriated when a counselor informed him he would never work because of his disability. Ironically, Mr. Roberts later became the supervisor of that same counselor.

A driving force in Edward Roberts' life was his love of a challenge. Being able to move only one finger, Mr. Roberts was one of the first disabled individuals to attend the University of California at Berkeley. While attending college, he and a group of his fellow classmates organized a counseling program for persons with disabilities. This innovative program was named "Rolling Quads".

After graduation, Mr. Roberts continued his fight to enhance the lives of those who had disabilities. In 1972, he cofounded the Center for Independent Living. This program won acclaim for the incredible work it accomplished and for the fact that it was the first organization run by and for persons with disabilities. This program was an inspiration to people around the Nation. It spawned 400 similar institutions throughout the United States.

In 1975, Gov. Jerry Brown appointed Edward Roberts to head the State Department of Rehabilitation. He utilized the organization's 2,500 employees and its $140 million budget to implement programs that promoted self-reliance for those with disabilities. Mr. Roberts ran this organization until 1983, at which time he founded the World Institute on Disability [WID]. This think tank is involved in creating and monitoring programs that help individuals with disabilities.

Over his 56 years, Edward Roberts positively impacted a countless number of lives. Deborah Kaplan, the president of the WID Program and a disability rights lawyer, said "There are literally thousands of people whose lives have been influenced by Ed." Through his leadership skills as well as his intense drive to overcome discrimination, Mr. Roberts was a great role model for those with and without disabilities. Friends as well as colleagues will mourn this immense loss.

LIHEAP

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. QUINN. Mr. Speaker, I rise today to speak to an issue of utmost importance to my district in western New York.

Mr. Speaker, I applaud congressional efforts to trim Federal spending and reduce our deficit. We are making some bold and difficult decisions. The rescissions bill takes many steps in the right direction.

It is an injustice, however, to eliminate programs—which unlike the Small Business Administration's Tree Planting Program—people depend upon to meet their basic needs.

I am referring to the Low Income Home Energy Assistance Program or LIHEAP. I know this might not be a big concern to citizens in Florida or Arizona—but to those who live in areas like Buffalo, NY, it can be a matter of life or death.

LIHEAP provides fuel assistance to disabled, working poor, and low-income senior citizens who cannot meet their own total energy needs; 55 percent of households receiving assistance have at least one child under age 18 and 43 percent include senior citizens.

Some argue that LIHEAP was conceived in a time of energy crisis and that is no longer needed. We must remember, however, that energy is still not affordable to everyone.

LIHEAP recipients have an average income of $8,257 per year—without some assistance their heat could be cut off; 18 percent of their incomes are spent on energy needs.

LIHEAP is a vital program which is certainly not pork or luxurious Federal spending.

I am very worried about the families and seniors from my district and districts across the Nation who may be unable to properly heat their homes next winter. I hope that the good and bad aspects of eliminating the LIHEAP Program will be more properly addressed during the appropriations process.

TRIBUTE TO THE MURRAY HOUSE

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. MARTINI. Mr. Speaker, I would like to take a moment to recognize a truly outstanding organization in the Eighth Congressional District of New Jersey, and the very special family who have done so much to support it over the years.

On February 19, 1995, I was honored to attend the annual dinner-dance on behalf of the Murray House, a facility in Passaic County, NJ, which provides for the needs of the developmentally disabled.

Murray House was the first group home in the State of New Jersey. It was created through the love and dedication of the family of Jimmy Murray of Passaic County. Jimmy, the first of five children of Kit and Jim Murray, was born a healthy baby. But during his first year, he suffered a fever that left him with brain damage.

As is so often the case, it was an unfortunate circumstance that has resulted in so much good for the people of northern New Jersey. Through Jimmy's situation, the Murray family came to know Monsignor John B. Wehrlen, who to this day is still fondly called Father Jack. Inspired by the need to create a new ministry to address the needs of families with disabled children, Father Jack founded the Department of Persons with Disabilities within the Diocese of Paterson.

It was through this relationship that Murray House came to be. Father Jack wanted to find a home, instead of an institution, for disabled adults whose parents had passed away or had no family to care for them. In 1970, he found his home—a 150-year-old diocese building on Main Street in Paterson.

It was with the help and efforts of special people like the Murray family that Father Jack was able to transform a once-vacant building into a home that could nurture and serve the needs of those with disabilities. With the help of others in the community, including churches, civic organizations and students, New Jersey's first group home was opened. It was named "Murray House," after Jimmy Murray.

Since then, Jimmy's brother, Dennis M. Murray, and other members of the Murray family, have dedicated their lives to helping others by raising much-needed funds for the Department for Persons with Disabilities, which operates Murray House and more than a half-dozen other group homes, supervised apartments, and vocational programs for the disabled of north Jersey.

I recently had the pleasure of meeting the Murray family and several hundred of their supporters. This family is a shining example of how a few committed and caring people can change the lives of hundreds or thousands. Their selfless dedication and concern for persons with disabilities is remarkable, and reminds us all that there are lessons about love and compassion we can each learn from the tireless efforts of our friends and neighbors.

ZINGERMAN'S DELI'S PAUL AND ARI

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Ms. RIVERS. Mr. Speaker, today, I am pleased to recognize Paul Saginaw and Ari Weinzweig, owners of Zingerman's Delicatessen in Ann Arbor, MI. Since opening Zingerman's in 1982, Paul and Ari have worked tirelessly to enrich the lives of the less fortunate people in their community.

To help alleviate the problem of hunger in the Ann Arbor area, Paul and Ari established Food Gatherers, which collects surplus food from restaurants, dorms, and stores and distributes the food to homeless shelters and halfway houses. Since the program was established almost 6 years ago, more than a half million pounds of food has been delivered.

Paul and Ari's generosity extends to their own delicatessen business as well. They hire, train, and promote recently arrived immigrants as well as employees with special needs and they offer job training for members of Trailblazers, an organization that helps those recovering from mental illness. Furthermore, Paul and Ari give financial backing to these employees who wish to become partners in new business ventures.

As a result of their kind endeavors, Paul and Ari are the recipients of the Jewish Federation of Washtenaw County's first annual Humanitarian Award. I can think of none more deserving of this honor than Paul and Ari. I would like to congratulate both of them as well as express my deep pride and admiration in having such fine citizens in my community.

LAWRENCE KORB: THERE IS NO READINESS GAP

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, it has occurred to me that people who are thinking of launching military action against the United States are probably likeliest to do it in November of every year, because it is in November, just before the budget is prepared and sent to us, that our friends in the Pentagon and their supporters often argue that America is militarily vulnerable and must spend billions of dollars more than we were planning to spend to defend ourselves.

Most recently, this came in the form of an argument that our readiness was below where it should have been. Lawrence Korb, who was in part responsible for maintaining readiness during the Reagan administration as an assistant secretary of defense, very effectively refutes this argument in the article he published in the Sunday New York Times of February 26. Lawrence Korb has done his country enormous service, both when he was in government, and even more so afterward by his willingness to speak out forcefully and honestly, even when this has unfortunately been at some cost to his own professional career. His refutation of the most recent arguments that have been advanced to send an already excessively high Pentagon budget even higher make an extremely contribution to our national debate and I ask that they be printed here.

[From the New York Times, Feb. 26, 1995]

THE READINESS GAP

(By Lawrence J. Korb)

To listen to Republicans and the military brass, you would think America's armed forces have fallen into the same 1970's morass that spawned the term "hollow military" and gave Ronald Reagan a potent issue for the 1980 campaign. Is it possible that just four years after one of the most stunning military triumphs in modern times the services could be suffering from inadequate training, shortages of spare parts and poisonous morale? Just to pose the question in those terms points strongly to the commonsense answer—of course not. This is not the 1970's and the Clinton Administration is not repeating the mistakes of the Carter Administration.

Today, the United States spends more than six times as much on defense as its closest rival, and almost as much on national security as the rest of the world combined. In 1995, Bill Clinton will actually spend $30 billion more on defense, in constant dollars, than Richard Nixon did 20 years ago and substantially more than his own Secretary of Defense argued was necessary in 1992.

Since the collapse of the Berlin wall, the Pentagon's forces have declined by 25 percent and financing for new weapons has fallen by 50 percent while readiness spending has dropped by only 10 percent. In the last year, readiness accounts increased by $5 billion while the overall military budget dropped by 3 percent. The Pentagon now spends more on readiness (about $60,000 per person) than it did in the Reagan and Bush Administrations (when readiness hit all-time highs) and 50 percent more than during the Carter years.

And the quality of entering recruits is still very high (96 percent) and retention rates are so good that the Pentagon is still dismissing people.

If readiness spending is higher than in the Reagan and Bush years, and if the manpower situation is still so solid, why do so many politicians and generals warn darkly about a readiness gap? That—not the theological question of whether our forces are combat ready—is the crucial question. The answer is more nuanced than most people would imagine, and sheds a great deal of light on Pentagon politicking in the post-cold-war era.

I first encountered the politics of military readiness 30 years ago when I was a Naval flight officer in the Far East. One Sunday afternoon, in response to a call from the Seventh Fleet, I reported that only 3 of our 12 planes were ready for combat. For my honesty, I received a severe tongue-lashing from my commanding officer, who informed me that whenever headquarters called we were always ready. The military, he explained correctly, prized a "can do outfit," and the services promoted those who performed regardless of circumstances.

My next encounter was in 1980, when I was preparing a monograph on the subject for the American Enterprise Institute. When word of my project reached the Pentagon I was drowned in data (some of which was highly classified) and anecdotes from normally tight-lipped bureaucrats. When I went to the Pentagon to conduct some interviews, I was treated like a foreign dignitary.

One of my conclusions was that readiness is a slippery and poorly understood concept. To most people it is a synonym for military capability or preparedness. To the military, however, readiness is only one of four components of preparedness, and not necessarily the most important one. To obtain a true picture, one had to look at the other three pillars—force structure (the number of ships, planes, tanks), modernization (the age of the forces) and sustainability (staying power). Thus, a very ready force could be considered militarily impotent if it was too small, too old and lacked staying power. By the same token, a force that was bigger, more sophisticated and better armed than its adversaries could be deemed unready if it was considered improperly trained and outfitted.

I also concluded that readiness is a hot-button political issue, subject to unlimited manipulation. Even the informed public can't judge such matters as the appropriate force structure, the proper time to replace a plane or tank and the level of effort necessary to win a war. But everybody wants and expects a ready force.

Military leaders were quick to grasp the political potential of readiness scares. In the late 70's, word went out that reports of readiness problems would be welcomed by headquarters. The only exception was the Marine Corps. I was told by a general that the Marines had been C–2 (ready) for 200 years!

I also came to understand that measuring readiness is hardly an exact science. Each service defined readiness differently, and I found similar units with similar problems reporting different levels of readiness. The Air Force claimed that a fighter pilot needed to fly 20 hours a month to stay battle fit. The Navy and Marine Corps said their pilots needed a minimum of 24 hours a month; Air National Guard units needed only 10 hours per month. No one could ever explain why readiness demanded that Army tanker trucks drive 800 miles a year, why ships needed to steam 55 days per quarter or why helicopter pilots needed only 14 hours a month flying time.

Finally, I discovered that a unit's readiness was determined by the lowest grade it received in any of the four categories (personnel, equipment and supplies on hand, equipment readiness and training). Thus, a fully manned unit with modern equipment in perfect working order would be classified as not ready if it trained for only a brief period of time.

Nonetheless, my report for the American Enterprise Institute concluded that the armed forces were indeed experiencing severe readiness problems, for three reasons. Given the threat posed by our principal adversary, the Soviet Union, military expenditures in the 1970's were too low. Moreover, the civilian and military leaders of the Department of Defense decided to spend the few extra dollars they received on stealth war planes, cruise missiles and other new technologies at the expense of flying hours and spare parts. Finally, the Carter Administration allowed military pay and benefits to fall 25 percent behind comparable rates in the private sector. Consequently, the quality of recruits fell below acceptable standards and retention rates dropped precipitously.

My conclusions were attacked by the Secretary of Defense but embraced by the military and candidate Reagan. My reward, following the Reagan triumph, was to be appointed "readiness czar" in the Pentagon.

Once in office, I was introduced to another side of the politics of readiness. The military chiefs, having skillfully used the issue to help secure a large spending increase, were much less interested in fixing readiness than in modernizing and enlarging their forces. The same Army chief who had coined the term "hollow military" told the Secretary of Defense that the best way to improve a soldier's readiness was to buy him a new rifle.

Spending for readiness did increase by about 20 percent, or nearly $10,000 per person (in total, less than one-fifth the increase in procurement). Nonetheless, according to the Joint Chiefs, by 1984 the readiness of all major units, except Navy ships, had gone down and I was being pilloried by the Democrats.

How did this happen? Without telling their civilian "superiors," the service chiefs had raised the standards for readiness right along with the Reagan buildup. After these standards were made more realistic, readiness began to grow significantly during the last half of the 1980's, reaching all-time highs. The performance of the American forces in the gulf in 1990 and 1991 showed just how capable and ready they were.

With the ascension of Bill Clinton to the Presidency, readiness once again emerged as the hot-button issue. Senator John McCain, the Arizona Republican, issued a report called "Going Hollow," in which he drew heavily on the views of the Joint Chiefs of Staff. Last December, a weakened President Clinton pledged an additional $25 billion for readiness. Nevertheless, it is obvious that the current readiness gap, like others since the 1970's, was designed and manufactured by the Pentagon to serve its political agenda—to maintain the cold war status quo.

Despite several reviews of force structure in recent years, the services remain configured to contain a non-existent Soviet empire. The Navy still keeps three active carrier battle groups, with thousands of battle-ready marines, while the Army and Air Force have nearly 200,000 troops stationed in Europe and Asia. Thus, when a crisis erupts in a Haiti or a Rwanda, these forces must take on these assignments as "extra tasks," for which they often lack training and equipment. The question here is not readiness but why we continue to train and deploy forces for cold war tasks.

Additionally, the services have inflated the threat against which readiness is measured. According to President Clinton, the armed forces should be prepared to fight two major regional wars simultaneously: one against Iraq and one against North Korea. According to the Pentagon and many Republicans, the services have neither the money nor the forces to accomplish this. Since defense spending is at about 85 percent of its average cold war level, this leads to the absurd conclusion that Iraq and North Korea (which together spend less than $20 billion a year on the military) equal 85 percent of the might of the Soviet empire.

Finally, the joint chiefs are simply manipulating the system. Two of the three Army divisions that they identified as unready were in the process of being demobilized. Other units were not able to do routine training because they were involved in a real war, that is, the October deployment to the Persian Gulf to deal with Saddam's thrust toward Kuwait. The Marines, who have finally caught on, now say that their readiness is lower than in 1980!

The U.S. has the finest and best financed military in the world. It is also the most ready, prepared to go thousands of miles on short notice. But it is inadequately controlled by its civilian superiors. Because of Bill Clinton's perceived political vulnerability on defense issues, the civilian leaders do not wish to risk a confrontation with the Republicans or the military chiefs. As a result, the "nonpolitical" admirals and generals running the military are taking all of us to the cleaners, using the readiness gap to snatch up precious dollars to defend against a threat that no longer exists.

DELAURO HONORS LOCAL HERO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Ms. DELAURO. Mr. Speaker, today, I would like to ask my colleagues to join me in mourning the passing of a true hero. Mr. John Willsher of Woodbridge, CT, died of a heart attack last month after helping to rescue two young boys, whom he had never met, from the freezing waters of Lily Pond in New Haven.

Having stopped to buy gas, he heard the boys screaming from across the street and ran to help. As part of a brave and selfless rescue effort, he helped remove the boys from the frigid waters of the pond. After making the rescue, John Willsher suffered a fatal heart attack.

Mr. Willsher died the same way he lived for 57 years—helping others. He was known among relatives and neighbors as helpful and generous. His countless acts of selflessness cannot be listed, but will long be remembered by those who knew him.

Mr. Willsher is remembered by his friends and family for his good sense of humor, his interest in politics, and his love of cooking. He and his wife, Elizabeth (Buddy), to whom he had been married for 30 years, and his three children, Michael, Peter, and Jennifer, were very close.

Mr. Willsher moved to the United States from Colchester, England in 1963. He worked as a plumber for 18 years at the AlliedSignal Corp. in Stratford and was 2 years away from retirement.

John Willsher reminds us of the best in people. His generosity and selflessness renew our faith in ourselves.

I am confident that my colleagues in the House join me as I send my deepest condolences to the Willsher family and my gratitude for the selflessness and bravery demonstrated by John throughout his life.

STATE ROUTE 905—NAFTA's MISSING LINK

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. FILNER. Mr. Speaker, I hope my colleagues will be interested in testimony I gave today before the Transportation Subcommittee of the Committee on Appropriations:

Mr. Chairman, thank you for this opportunity to provide testimony on a project that is critical to the economic success of the North American Free Trade Agreement [NAFTA] and the economic development of not only southern California, but the whole Nation.

When the 103d Congress approved and the President signed NAFTA, we all knew that ensuring the success of the agreement would require that all parties provide the necessary infrastructure to facilitate the flow of trade. I am asking this committee and this Congress to honor this commitment to San Diego.

State Route 905 is the critical missing link in our United States-Mexico border trade and transportation system on the West Coast. The current road serves as the only connection between the Otay Mesa point of entry [POE] in San Diego and the Nation's interstate highway system. State Route 905 is a part of that infrastructure which is needed to accommodate international trade and deserves to be funded and completed.

I am here today to urge you to consider funding this vital link during your upcoming deliberations of transportation projects to be funded during fiscal year 1996.

DEMONSTRATION PROJECTS

There is a critical need for continued Federal funding of "special highway demonstration projects." States undergo a constant struggle to build and maintain their own intrastate roads and bridges. They do not have sufficient funds to single-handedly complete highway projects which supplement the national highway system and which support Federal trade policy—as in our case.

This project will produce benefits far beyond the local region as only 16 percent of trade using this border crossing has a San Diego origin or destination. Every State in the continental United States, Hawaii, Canada, Asia, and the Canal Zone all profit from trade through this point of entry.

The Federal Highway Administration has proposed that this road be a part of the National Highway System—and I am confident that the Committee on Transportation and Infrastructure will include this in its list of authorized projects.

LOCAL COMMITMENT

The city of San Diego and the State of California already have demonstrated their good faith commitment to their share of this project. They have invested $14 million and have begun work to widen the existing road from four to six lanes of traffic. However, due to the increasingly heavy flow of transborder commercial traffic, this road will be at—or above—capacity when completed. This is only a short-term solution, however, and a permanent answer to America's growing trade with Mexico is needed.

We have worked closely with the city and county of San Diego, the State Department of Transportation [CALTRANS], and the local regional council of governments in identifying this as our county's top transportation need.

In addition, CALTRANS, the General Services Administration and the California Highway Patrol Department all concur on the vital need for completion of this highway to meet the pressing needs created by the substantial increase in trade transportation.

TRADE FACILITATION

This is a necessary and vital road because the Otay Mesa crossing is the only commercial vehicle border crossing facility between the two largest cities on the United States-Mexico border. With the recent opening of a new border crossing facility at Otay Mesa, this point of entry handles the third highest value of commerce along the entire United States-Mexico border.

The recent Federal Highway Administration report to Congress estimated that, because of the adoption of NAFTA, the value of commercial goods crossing the border would increase by 208 percent by the year 2000—but only if additional infrastructure improvements are made. If we achieve this 208 percent growth—the estimated value of goods crossing this border would be $18.8 billion annually.

The Otay Mesa border crossing facility can handle this increase in business. We simply need an additional incremental investment on the part of the Federal Government to put us in a position to take full advantage of future increases in trade.

The one road that leads from the interstate highway, to this border crossing cannot accommodate the increase in traffic. This link is a four-lane city street—Otay Mesa Road—which is already over capacity and which has been the location of a number of fatal vehicular accidents due to its congestion. This road was never intended to handle heavily loaded cargo trucks travelling at high speeds to and from the international border. We need a highway to take this commercial traffic inland.

Mr. Chairman, the Federal Government made the decision to process all international commercial traffic at the Otay Mesa border crossing. The Federal Government also made the decision to approve NAFTA—which will soon double the volume of our cross-border traffic. These two new federal trade policies have created the urgent need for this highway. Not funding this project would be the worst kind of unfunded mandate. The Federal Government must meet this responsbility—our local communities simply cannot.

TRAFFIC AND SAFETY

As I have mentioned, an overcrowded four lane city street—Otay Mesa Road—provides the only connection between the Otay Mesa point of entry and the interstate highway system. This road, which has the appearance of a country road, was not intended to carry a high volume of automobile traffic and certainly never a high volume of heavy commercial vehicles.

With the closing of the nearby San Ysidro border crossing to commercial traffic, an additional 1,200 trucks per day carrying commercial goods to and from Mexico now travel on this city street. While the average mix of commercial trucks on any city street is 5 percent, this road experiences a 20 to 25 percent truck mix during regular business hours. Wear and tear on this road is occurring at an alarming rate due to these heavy loads.

When major traffic accidents occur on this road—as they do with increasing frequency now—all border traffic slows to a stop. It is typically 4 hours and occasionally more before accidents are cleared away and traffic returns to normal. This constitutes a major impediment to the implementation of NAFTA.

This road also does not meet requirements for the transportation of hazardous materials through communities. With the closing of the San Ysidro crossing to commercial traffic, trucks carrying hazardous materials must travel to the Calexico-Mexicali point of entry to cross the border—a 90-mile detour!

COST

We are asking that the Federal Government help San Diego accommodate this increasing international trade by approving a three-year project to build State Route 905, which would link the Otay Mesa border crossing with the interstate highway system, and to make the necessary street improvements to manage this commercial traffic that is so vital to our economic growth.

While the total cost for the 3-year project is $96.7 million, our request for fiscal year 1996 is $500,000. These funds would allow for the completion of necessary environmental and cultural reports on the proposed route of the new highway. These studies are important and invaluable as they will influence the highway's alignment and potentially reduce expensive mitigation costs in the future. Funding for these studies is critical for this project to move forward.

CONCLUSION

It is a Federal responsibility to connect ports of entry with the interstate highway system. The Federal Government has not met its obligations. The State of California and the city of San Diego have invested more than $14 million in interim remedies. The private sector has invested far more than that to finance the necessary local street network. Existing State and Federal funds are being used to improve two existing highways, Interstates 5 and 15. These two highways would carry NAFTA-related traffic from the new highway to destinations throughout the county and beyond.

San Diego County's transportation and infrastructure needs are many. I hope that this committee will agree that the relatively small Federal investment required for this critical portion of border infrastructure, State Route 905, is in the national interest and that you will include funding for this road in our fiscal year 96 budget.

AMERICAN HOLOCAUST SURVIVOR HUGO PRINCZ

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to bring your attention and that of my colleagues to the case of Hugo Princz. Mr. Princz is the only known America survivor of the Nazi death camps. He has been denied Holocaust reparations by Germany for 40 years because of his U.S. citizenship while in the camps, despite numerous diplomatic entreaties on his behalf by successive administrations and Congress.

During the 103d Congress, the House and Senate unanimous resolutions supporting Mr. Princz and took numerous other steps on his behalf, including unanimous passage last October in the House, and near passage in the Senate, of legislation I authored which would have permitted the lawsuit he filed against Germany in 1992 to proceed; the courts had found Germany immune from the suit. My colleagues and I are prepared to reintroduce that bill in this Congress should the latest diplomatic efforts to resolve the case founder.

Much has been written about the Princz case, but a superb column by Eric Breindel, editorial page editor of the New York Post, describes the Princz story in especially eloquent and dramatic detail. Entitled "Germans stick to 'principle'—and the price is decency," it was published in the Post on January 19, 1995. Mr. Speaker, I ask its inclusion in the RECORD and urge my colleagues to read it.

I want to underscore one point made by Mr. Breindel. He rightly praises the key role in the Princz matter played by William R. Marks, a D.C. attorney, and his firm, Atlanta-based Powell, Goldstein, Frazer & Murphy. Mr. Marks and Powell, Goldstein—led in this effort by partner Simon Lazarus—have been tireless champions of Mr. Princz since they took the case on 20 months ago. They have so successfully raised its profile on the political, diplomatic and media fronts that a breakthrough may finally be possible. And that they accepted the case *pro bono* is a true testament to their commitment to resolving this unique humanitarian issue. I commend Mr. Marks, Mr. Lazarus, and Powell, Goldstein, and look forward to continued work with them and with Steven Perles, Mr. Princz' top-notch litigation attorney, as we try and bring this case to a successful conclusion.

[From the New York Post, Jan. 19, 1995]

GERMANS STICK TO "PRINCIPLE"—AND THE PRICE IS DECENCY

(By Eric Breindel)

Tuesday's refusal by the U.S. Supreme Court to hear the case of Hugo Princz—a 72-year-old Holocaust survivor who wants to sue the German government in an American court—will be hailed by well-meaning lawyers as a victory for the ancient principle of "sovereign immunity."

In fact, Hugo Princz's story represents a case study in the abandonment of ordinary decency for abstract principle.

The Princz affair is almost a Manichean morality play. Princz himself, who endured the ultimate in barbarism as a Jewish inmate at Maidanek, Auschwitz and Dachau, is driven by a quest to realize some semblance of justice—to make his tormentors pay, if only in a meager, monetary way, for abusing him and murdering his family.

The Germans are animated in part by parsimony and in great measure by a determination to close the book on a past they've never fully been willing to face. Meanwhile, handicapped by an addiction to absolute order and an aversion to creative problem-solving, Berlin refuses to recognize that dealing with Hugo Princz as a special case would have spared Germany a good deal of unhappy publicity.

Notwithstanding the Supreme Court's ruling, the Princz story isn't over—largely because the aging survivor has managed to find vocal champions. Two of them stand out Rep. Charles Schumer (D-N.Y.) and William R. Marks, a young, Washington-based lawyer who's taken on Princz as a pro bono client.

Marks, a graduate of Harvard and Georgetown, persuaded his law firm colleagues that Princz's struggle against the German government deserved attention for humanitarian reasons. Schumer, a powerful House Democrat and skillful parliamentarian, means to introduce legislation that would strip Germany of its sovereign immunity for "acts of genocide" committed against American citizens. The bill, in short, would apply only to Princz. There is no other living American who survived the Nazi Holocaust as a U.S. citizen.

Princz and his family were American nationals living in Slovakia in 1942 when the German SS—assisted by Slovak Collaborators—sent them to the Maidanek death camp in Poland because they were Jewish. Twenty years old at the time, Princz had been born an American citizen. The Princz family—blessed with valid U.S. citizenship papers—should have been able to join a Red Cross prisoner-exchange transport. But in the night and go of war, Princz, his parents and five siblings were hustled onto Maidanek-bound cattle cars.

It's well to note that Princz and his father tried many times to secure appropriate papers for passage to America during the course of 1938 and 1939; despite their desperate circumstances—as Jews under impending Nazi rule—they were rebuffed by the U.S. embassy in Prague.

Apart from the curious fact of their nationality, the Princz family's fate was akin to that experienced by most East European Jews. Both his parents and his three sisters were shipped to Treblinka from Maidanek and gassed on arrival. Hugo and his brothers spent most of the war as slaves at Auschwitz. Both brothers perished. Princz himself was tasked with stacking the bodies of his fellow Jews after they were murdered. Near the war's end, he was marched into the German interior and wound up as a slave laborer at Dachau—where he was liberated in 1945 by U.S. troops.

As an American, Princz was spared interment in a Displaced Persons camp: After recuperating in a U.S. military hospital, he came to the U.S.—finally—in 1946.

This circumstance caused the German government to reject his original 1955 application for reparations: Insofar as he hadn't been either a German national or a DP, Princz was declared ineligible, notwithstanding Germany's professed willingness to recognize its moral obligation to make restitution to Holocaust survivors.

After 37 years of humiliating application and reapplication, Princz filed suit in federal court in 1992. The German government had broadened its eligibility criteria in 1965, but failed to notify Princz. When he finally submitted new forms, the long-suffering survivor was told that the statute had lapsed. Princz's lawsuit required him to advance a serious damages claim—thus, he's seeking $17 million for "false imprisonment, assault and battery and infliction of emotional distress." (It's wrenching to see the Holocaust reduced to the language of tort law.) He also seeks payment from private German firms for the slave labor he performed.

The real debt may not be $17 million, if it's calculated in accordance with what other survivors were awarded. (Princz insists that his goal is retroactive parity.) Still, the debt is a good deal larger that the $3,400 lump-sum payment, plus a $340-per-month stipend, that Germany's lawyers offered Princz Tuesday after the high court ruled against him.

The Germans claim they can't strike an entirely separate deal with Princz, lest doing so invite additional litigation. ("The concern is groundless. Princz's circumstances are entirely unique.") On a less than compelling note, the Germans contend that the settlement they're now offering is "all the German government can afford."

This sordid business has gone far enough. If Berlin can find funds to pay military pensions to ex-members of the murderous Latvian SS, it should be possible to locate money to "compensate" Hugo Princz.

Schumer's bill—which has lots of cosponsors and supporters on both sides of the aisle and in both houses of Congress—may help concentrate Berlin's mind and promote a focus on settling the case. After all, it's hard to imagine that Germany wants to see a genuine Holocaust trial take place in an American courtroom.

COMMENDING NATIONAL SERVICE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. MILLER of California. Mr. Speaker, in light of the continuing debate about increasing Federal fiscal responsibility, it is extremely important that we recognize those programs that offer a substantial national return on the Federal investment. One such initiative, the National and Community Service Program, is a successful Federal program which provides volunteer placements for young people who choose to perform thousands of hours of work serving their country in return for educational assistance. Unfortunately, this program is also one of the many victims of misplaced Republican budgetary cuts.

As my colleagues are aware, the National and Community Service Program took a large hit in the recent House-passed rescissions bill. In response to this action, I would like to draw your attention to Mary McGrory's article in today's Washington Post which complements the program as a "model enterprise." The article describes "rampaging Republicans" in the House who would like to eliminate National Service even though the program is overwhelmingly supported by both Democratic and Republican Governors across the Nation and by the communities that are recipients of the valuable work performed.

In 1994, approximately 20,000 AmeriCorps volunteers worked to confront unmet human, educational, environmental and public health needs. Roughly 350 of these volunteers worked in eight units of the National Forest System to combat the severe backlog of maintenance, improvement, and rehabilitation needs—work which is important but far from glamorous. The task undertaken on our public lands are those which are too undesirable or too costly for Forest Service personnel or contract employees to perform. Yet, this work directly benefits all Americans. Some of the AmeriCorps' accomplishments in the national forests include:

In San Bernardino National Forest, in California, AmeriCorps volunteers have taken important steps to prevent erosion by rehabilitating 12,000 acres of land burned by fires;

In Six Rivers National Forest, also in California, National Service volunteers have rehabilitated 3.5 miles of hiking and horse trails and reforested and restored wildlife habitat on 10 acres of land which was once a gold mine waste area;

Volunteers planted 2,390 trees in several campgrounds, enhanced fish habitat, built a nature trail, and improved timber stands in the Rouge River National Forest in Oregon. AmeriCorps volunteers have also improved overall forest health on 55 acres by pruning second growth trees;

In Washington's Olympic National Forest, AmeriCorps volunteers have maintained 4 miles of trails, rehabilitated campground sites, completed handicapped access in six recreation sites, completed restoration of two historic sites, surveyed species habitat, and pruned 120 acres of timber stands;

In the Arizona National Forests, volunteers maintained 15 miles of trails, rehabilitated 10 campground sites, improved wildlife habitat on 300 acres, and obliterated 2 miles of road, returning the land to its natural state; and

AmeriCorps volunteers improved paths and maintained roads in Bienville National Forest in Mississippi.

These accomplishments represent only some of the projects AmeriCorps participants have completed. Elsewhere across the Nation, AmeriCorps volunteers have performed emergency response work to mitigate the effects of floods, fires and earthquakes, cleaned-up our urban areas, increased disaster prevention efforts and worked with citizens to improve their quality of life.

Mr. Speaker, I would ask that my colleagues remember that the entire Nation reaps the benefits of the National Service Program.

[From the Washington Post, Mar. 23, 1995]

CRIB DEATH FOR NATIONAL SERVICE

(By Mary McGrory)

The House Republicans' strangling of national service in its crib has to be seen not as a criticism of the agency's performance but simply as another expression of the party leadership's notion that no government program is worth a damn.

If they were going by performance, the Republicans might have to applaud AmeriCorps as a model enterprise. It is modestly funded, locally directed and dramatic evidence that American youth is not cynical or self-serving. AmeriCorps has had rave reviews from coast to coast for its 20,000 volunteers, who are doing things nobody else tackles, everything from helping to build housing for the poor and tutoring inner-city school pupils to cleaning polluted streams in Baltimore's watershed.

A case in point is Howard Hogin, a 1994 graduate of Georgetown University. He is living in a cramped barracks at the Aberdeen Proving Grounds. He spent September fighting forest fires in Idaho and much of the fall in helping build a riding ring for disabled children. Now he's trying to clean up Maryland's polluted steams. He hopes to pay off his college loans. AmeriCorps pays its workers a minimum wage and an annual $4,725 toward college expenses.

Service is in Hogin's genes, and by his family's standards, he is a big success. His parents are both social workers and his ancestors experienced big trouble, like the Irish famine and the Holocaust. He says lots of his Georgetown classmates have the same impulse to leave the country a better place but "just can't afford to do it."

Hogin is tactful about the mugging AmeriCorps suffered when the House cut $416 million, or 72 percent, from its $575 million budget. He was voted outstanding teenage Republican in his high school class. "I understand that we have tremendous deficits and the taxpayers are heavily burdened, but if we give up what is best about America, what kind of a legacy do we leave?"

No such considerations figured in the thinking of House Republicans. The rap on AmeriCorps was not just that it was a government program, it is Bill Clinton's favorite program. Said Rules Committee Chairman Gerald B.H. Solomon, "It's get-even time."

It is also get-nervous time for the rampaging Republicans. They are winning victory after victory on the floor, but they are losing in public opinion. They have long since maintained that they know exactly what Nov. 8 was about, that the country wanted government to be shrunk and ordinary people, especially the poor, to pull up their socks. But a recent Washington Post-ABC poll shows that the public thinks Republicans have gone too far. And in his effort to save programs for the poor, Clinton has picked up some unexpected allies; the Roman Catholic bishops. They were reserved about him during the campaign because of his abortion rights stand. But they think now that pitiless Republicans pose a worse threat of increased abortions.

The Republicans' greatest tactical mistake was to meddle with the school lunch program, a popular and scandal-free operation that has helped many a hungry child get through the school day. In vain, the Republicans protested that they had not cut the funds but merely slowed the increase in the growth rate. Nonetheless, the ranks have begun to wince in the iron corset of the contract, and this week, 102 members rebelled against tax breaks for the rich.

The Democrats, who have been having their best week since the calamity of Nov. 8, were sporting "Save the Children" neckties on the House floor.

Eli Segal, the chief executive officer of the National Service Corps, has been summoned before the House Appropriations Subcommittee on Housing and Urban Development and Veterans Affairs for a discussion of the 1996 budget, which since the House action stands at $159 million, a sum that prohibits serious action.

He has been traveling the country inspecting the workers, deriving solace from moderate Republican governors who are keen about the corps' activities in conflict resolution, environmental cleanup, tutoring and other contributions to urban peace. They agree with him that pulling the plug after less than a year is bad practice. Segal's hope is that they will transmit their enthusiasm to their brother moderates in the Senate, which has become the haven for storm-tossed programs.

Republican Christopher Shays of Connecticut was the only member of his party to vote against the amendment that mortally wounded national service. He is a Peace Corps alumnus and believes passionately in the importance of youthful involvement.

"A colossal mistake," he calls his party's action. "I hope the president has the fortitude to veto the bill. I would support his veto."

REAL FOUNDER OF SPECIAL OLYMPICS HAPPY WITH SELECTION OF SHRIVER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. JACOBS. Mr. Speaker, if one were to say that President John F. Kennedy launched the Peace Corps, one would be right. But if one were to say that President John F. Kennedy thought up the Peace Corps, one would be mistaken. The author was Hubert Humphrey.

If one were to say that the nobly civil minded Eunice Kennedy Shriver brought her considerable talents to bear in order to launch the

Special Olympics nationally, one would be right. But if one were to say that Ms. Shriver thought up the idea of a Special Olympics, one would be mistaken. Judge Ann McGlone Burke is the author of the idea.

As Judge Burke has generously said, she is happy that Ms. Shriver is being honored by the 1995 Special Olympics Silver Dollar Commemorative. But it is worthwhile too for all Americans to know that Judge Burke should also be honored as the author.

REAL FOUNDER OF SPECIAL OLYMPICS HAPPY WITH SELECTION OF SHRIVER

(By Michel E. Orzano)

The woman who founded the Special Olympics in 1968 is pleased that the games for mentally and physically handicapped children and adults will be recognized with a commemorative coin.

But her portrait won't be the one on the 1995 Special Olympics silver dollar commemorative. That's because Anne Burke of Chicago—former Chicago physical education teacher, retired lawyer and judge—not Eunice Shriver Kennedy, is the real founder of the games.

The law authorizing the coin permits the striking of 800,000 silver dollars and each will bear a $10 per coin surcharge going to the Special Olympics. The Citizens Commemorative Coin Advisory Committee rejected the idea of a portrait of a living American but Secretary of the Treasury Robert Rubin approved the design choice. Shriver will become the first living American woman to have her portrait on a coin and only the fifth living American to bear that distinction.

Chicagoan Burke, who now serves as special counsel on child welfare to Illinois Gov. Jim Edgar, told *Coin World* that she's pleased the program she started will benefit from the coin. But as far as the claim of founder goes, that resides with Burke.

In 1965, Burke, then Anne McGlone, was a young physical education teacher who taught mentally retarded youngsters in a special summer program sponsored by the Chicago Park District. By 1967, she said, there were 10 locations throughout the Chicagoland area with 150 children participating in the free program.

Burke said she knew at the time there were probably more people out there who could benefit from involvement in sports and other activities because there wasn't mandatory education for mentally retarded people. But, she said, she also knew families of mentally retarded children and adults were often very protective of them and shunned involvement in public programs.

But by the end of the summer of 1967, after Burke and participants put on the play "The Sound of Music," Chicago Park officials were so pleased with the response they sanctioned her idea of sponsoring a citywide track meet for mentally retarded youngsters the following summer.

Once she was given the official green light, Burke turned her attention to planning the event that fall and winter. Burke said while refining the idea, a professor she was working with at Southern Illinois University suggested she contact the Joseph P. Kennedy Jr. Foundation to request funding for the proposed program.

Shortly thereafter, Burke wrote to Shriver, she said, who was living in Paris with her husband, Sargent Shriver, then ambassador to France. Burke said Shriver was intrigued with the idea and suggested a meeting in Washington, D.C.

After meeting with Shriver, Burke said she re-wrote the proposal including Shriver's suggestion to involve children from other states and re-submitted her funding request. The foundation responded with $25,000 for the program. Burke invited Shriver to attend the 1st National Chicago Special Olympics, which were held July 20, 1968. Children from 23 different states participated that year and, as Burke notes, "The rest is history."

She said she is still actively involved with the Special Olympics program in the Chicago area. Her concern for children has always seemed to touch her professional life as ateacher, mother and a lawyer. But she also acknowledges the contributions Shriver has made to Burke's original idea.

"Without the Kennedy Foundation the Games wouldn't be the Games. There is no other family with the charisma or the wherewithal to do this," Burke said. "[Shriver] deserves the recognition. What has happened has been incredible and it [who's portrait appears] really makes no difference now."

But Burke admits she is disappointed that Chicago, its park employees and the late Mayor Richard J. Daly, never have been recognized by the Kennedy Foundation nor Shriver for the innovation shown in planning and hosting those first Games.

"We took the chances," Burke said, describing the view of many at the time that such games might exploit the mentally retarded. "I think the other side [of the Special Olympics coin] should recognize Chicago, not anyone's name, just Chicago."

When asked if she planned to buy any of the commemoratives, Burke said she thought Shriver should give coins to each of the first participants and employees of the Chicago Park District who planned and hosted the first event.

THE BURKE CONNECTION

Dateline: The Chicago line . . . but it was Chicagoan Anne (McGlone) Burke, during her tenure at the Chicago Park District, who gave Shriver the idea for the Special Olympics in a written proposal, and who organized the first Special Olympics event, which was held in Chicago and attended by Mrs. Shriver. Shriver bit, and the rest is history.

Conclusion: Shriver should be honored for giving the Olympics a happy life, but it was Burke who gave it birth.

THE JOSEPH P. KENNEDY, JR.,
FOUNDATION,
Washington, DC, July 23, 1968.

MRS. ANN BURKE,
Chicago Park District, 425 East 14th Boulevard, Chicago, IL.

DEAR ANN: When the history of the Chicago Special Olympics is written, there will have to be a special chapter to recount the contributions of Ann Burke. You should feel very proud that your dedicated work with retarded children in Chicago has culminated in an event of such far reaching importance.

We all owe you a debt of gratitude, but I know that what means most to you is that the Olympics will continue and that children all over the country will benefit from your idea.

My warmest personal thanks.

Sincerely,
EUNICE KENNEDY SHRIVER.

THE JOSEPH P. KENNEDY, JR.,
FOUNDATION,
Washington, DC, January 29, 1968.

Miss ANNE MCGLONE BRUKE,
Chicago Park District, 425 East 14th Boulevard, Chicago, IL.

DEAR MISS MCGLONE: Thank you so much for your letter of January 23d informing me about your plans to initiate a National Olympics for retarded children through the Chicago Park District. Both Mr. Shriver and Dr. Hayden have spoken to me about your project and I think it is a most exciting one. I sincerely hope that you are successful in launching it.

This is certainly a large undertaking and we know that you will need a great deal of assistance of many kinds. When you have been able to formalize your plans and put them into a written proposal the Kennedy Foundation will be very happy to send it out to the members of our physical education and recreation advisory boards for their review and comment. All requests to the Foundation for funds in these areas are handled in this manner and I am sure that the suggestions from these people would be very helpful to you.

Once again, let me say how delighted I am to know of your plans. I will look forward to hearing from you again as they progress.

Yours sincerely,
EUNICE KENNEDY SHRIVER.

DIRECT LOANS WORK

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. ANDREWS. Mr. Speaker, the March 13, 1995, issue of U.S. News & World Report includes an excellent article entitled, "The College Aid Face-Off." The article reports on the current debate in Congress on the future of the direct loan program as well as on major cuts in the student financial aid programs. With respect to direct loans the conclusions of the article are striking—direct loans work. Direct loans are simpler, faster and more efficient for student borrowers, student financial aid administrators and schools. In addition, direct loans save the taxpayers money. Opposition to direct loans comes from banks and other student loan middlemen who fear the loss of billions of dollars of profits and whose lobbying efforts are fueled by at least $11.3 million in campaign contributions. The full text of the article follows, and I commend it to my colleagues.

[From the U.S. News & World Report, Mar. 13, 1995]

THE COLLEGE AID FACE-OFF

(Clinton fights the GOP and bankers over what students get and who runs the loan business)

(By James Popkin and Viva Hardigg with Susan Headden)

Believe it or not, there is a group of Americans who truly delight in one of the things Bill Clinton has accomplished as president, who think that a government-run program that handles gobs of money is preferable to one run by the private sector and think that the paperwork created by public bureaucrats is easier to navigate than the forms devised by well-run corporations. They are the thousands of college students who got their loans last fall directly from the government instead of from banks. The verdict from Anthony Gallegos, a 22-year-old journalism major at Colorado State University: "It's the best thing since microwavable brownies."

But all is not entirely happy in loan land. Even though many students at 104 schools say they got their money with fewer hassles in a fraction of the time it usually takes and taxpayers might benefit because banks and middlemen didn't collect subsidies to make the loans, the direct-lending program is now the object of a bitter new battle in Washington. In fact, every major federal college aid program is considered a target in one form or another by the new Republican majority in Congress. The disputes have all the hallmarks of postmodern politics: None really centers on principle; almost everyone in Washington believes the government has a useful and morally defensible role to play in helping more kids get into college and pay for it. The fight so far centers on the spoils system—whether the public or private sector administers the program—and arcane federal budget accounting questions.

MILLIONS AFFECTED

Those are not inconsequential issues, because billions of dollars of profits (for banks) or potential savings (for taxpayers) are at issue. But the bigger fight will come as Congress deals with the budget. It will feature the first serious talk of major cuts in college loans and grants since the early days of the Reagan administration. "What is at stake is nothing less than access to higher education for millions of middle- and lower-income students at a time when public-college tuition is rising sharply," says Terry Hartle, a vice president of the American Council on Education. The biggest dispute could center on a plan circulating among Republicans to cut loan subsidies to needy students during their time in school—a move that might save $9 billion over five years and could hit 6 million students with higher debt and payments.

This sets up a political showdown that Clinton is unusually pleased to face. He has called for increasing federal funds for college aid by 10 percent to $35.8 billion as part of his middle-class "Bill of Rights," including expansion of many of the programs Republicans are eyeing for cutbacks. Clinton won major reforms in federal college aid initiatives in 1993 as part of his national service program, which he heralds as a cornerstone of his "New Covenant" to provide government help to those who help themselves. Asked if Clinton is willing to renegotiate any feature of the national service or college aid programs, one senior White House aide responded: "My guess is his answer is between 'No' and 'Hell, no.'" "A probable Clinton veto of any cuts in college aid means that these programs will survive intact for now, but there is still a good chance that his plans to expand them could be held up.

In coming weeks, the direct-lending program will grab the most attention. One of the reforms enacted in national service was the gradual phase-in of a system that would have the federal Government lend money to students directly rather than provide financial incentives and guarantees to coax banks into making the loans. Even though new workers will have to be hired by the Department of Education to run the program, it still saves considerable sums. That's why Clinton wants to accelerate its availability to all the nation's 7,000 eligible schools. But bankers and other firms that trade student loans for investors have aggressively battled the loss of this lucrative line of business and heatedly dispute Clinton's claim that the program saves money.

Their lobbying fueled by at least $11.3 million in campaign contributions, has helped encourage Republican congressional leaders Rep. William Goodling of Pennsylvania and Sen. Nancy Kassebaum of Kansas to push legislation that would limit the expansion of the program to 10 percent of all student loans. Some moderate Democrats like Rep. Bart Gordon of Tennessee also support the move on the theory that the new lending program should be tested before it becomes the norm for all colleges. House Speaker Newt Gingrich wants to kill the program. He argues that Clinton's reforms vest too much power in the Government, especially because the lending program is run by the Department of Education, which has allowed fraud to flourish in aid programs for decades.

However, the first reports about direct lending are very positive. Students and college-based loan officers say funds are available to students in weeks rather than months. The paperwork is simpler, and college officials have to deal with only one federal office rather than many banks. "Being in direct loans has been almost a spiritual experience," says Kay Jacks, director of financial aid at Colorado State University. "Ithelps us provide better service to students, period," Karen Fooks, the financial aid director at the University of Florida, says her whole office threatened to quit if it was ordered to return to the bank system from direct lending.

PAY AS YOU CAN

But bankers argue that doling out money is the easy part. Collecting it is something the government hasn't done very well. Many new loans will be on a "pay as you can" basis letting borrowers pay back a portion of their earnings over many years, rather than a fixed monthly payment. Administrating that will tax even the most efficient agency.

That is why one thoughtful critic, author Steven Waldman, has argued that this upcoming struggle misses the main point. Waldman, who wrote the recently released book, The Bill, about the legislative battle over national service, believes Clinton has achieved an enormously beneficial reform in the "pay as you can" scheme. It relieves some of the financial pressure on borrowers and potentially encourages them to choose socially useful—but less-high-paying—careers like teaching because their loans are pegged to their ability to pay. But Waldman argues that Clinton's achievement is jeopardized because neither banks nor the federal education bureaucracy can prevent the program from becoming another boondoggle. His solution: Call in the IRS, the only agency that "could accurately and efficiently assess a person's income and be sure to collect."

An idea like that puts tough-minded Republicans in a bind. If they want to fix a potentially flawed Clinton idea and do right by taxpayers, their best bet is to vest more power in a much-feared federal agency. Who knows, maybe the students who have newfound appreciation for the easier-to-fathom lending system run by the government might not balk too much at paying when the bills come due.

AMERICAN SAMOA ECONOMIC DEVELOPMENT ACT OF 1995

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce the American Samoa Economic Development Act of 1995.

For too many years American Samoa has been receiving assistance from the Federal Government on an annual basis. When 20 percent of a government's funding is dependent on annual appropriations of discretionary funds, it is difficult to make long-term plans.

The bill I have worked on with Congressman ELTON GALLEGLY, chairman of the Subcommittee on Native American and Insular Affairs, provides a secure source of funding for the territory of American Samoa. Coupled with other efforts, I believe we can develop American Samoa's infrastructure and reduce our Nation's annual deficit at the same time.

I want to thank Chairman GALLEGLY for his support and assistance in preparing this legislation. Our bipartisan effort on this bill continues a long history of bipartisan legislation in the subcommittees which have had jurisdiction over the insular areas. As the new ranking Democratic member of the subcommittee, I intend to make every effort to continue this tradition.

Mr. Speaker, I am submitting a copy of the bill for printing in the CONGRESSIONAL RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Samoa Economic Development Act of 1995".

SEC. 2 FINDINGS.

The Congress finds that—

(1) funding for the United States territory of American Samoa has been based on the joint resolution entitled "Joint Resolution to provide for accepting, ratifying, and confirming cessions of certain islands of the Samoan group in the United States, and for other purposes", as amended (48 U.S.C. 1661), with commitments being made on a yearly basis;

(2) American Samoa is locally self-governing with a constitution of its own adoption and the direct election of the Governor since 1977;

(3) the territory of American Samoa has had difficulty in planning and implementing comprehensive and sustainable infrastructure based solely on annual ad hoc grants; and

(4) the territory of American Samoa and the United States would benefit from a multiyear funding commitment which promotes economic development and self-sufficiency and requires compliance with financial management accounting standards, the establishment of semiautonomous public utility authorities utilizing cost-recovery principles, and the phase-out of Federal subsidies for government operations.

SEC. 3. AUTHORIZATION OF FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of the Interior for the Government of American Samoa $34,500,000, backed by the full faith and credit of the United States, for each of fiscal years 1996 through 2005. Such amounts shall, subject to the limits specified in the table in subsection (b), be used for—

(1) construction of capital assets of American Samoa;

(2) maintenance and repair of such capital assets;

(3) the operations of the Government of American Samoa; and

(4) reduction of unbudgeted debt incurred by the Government of American Samoa in fiscal years prior to 1996.

(b) TABLE OF MULTIYEAR FUNDING.—The table referred to in this subsection is as follows:

[In millions of dollars]

Fiscal year	Year No.	Operations	Construction	Deficit reduction (100% match)	Maintenance and repair (100% match)	Total
1996	1	23.0	5.5	3.0	3.0	34.5
1997	2	23.0	5.5	3.0	3.0	34.5
1998	3	23.0	5.5	3.0	3.0	34.5
1999	4	21.0	7.5	3.0	3.0	34.5
2000	5	18.0	10.5	3.0	3.0	34.5
2001	6	15.0	16.5		3.0	34.5
2002	7	12.0	19.5		3.0	34.5
2003	8	9.0	22.5		3.0	34.5
2004	9	6.0	25.5		3.0	34.5
2005	10	3.0	28.5		3.0	34.5

(c) MULTIYEAR AVAILABILITY OF APPROPRIATIONS.—Amounts not expended in the year appropriated shall remain available until expended.

SEC. 4. ESTABLISHMENT OF TRUST.

(a) IN GENERAL.—The Government of American Samoa shall establish a trust into which the amounts appropriated pursuant to section 3 are placed.

(b) TRUSTEE.—

(1) IN GENERAL.—A trustee to administer the trust established by this section shall be nominated by the Governor of American Samoa and passed by both Houses of the Legislature of American Samoa pursuant to local law and shall be a nongovernmental entity, bonded in an amount no less than 110 percent of the maximum amount of funds which will be held in trust during any given fiscal year (hereafter in this Act referred to as the "trustee"). The trustee shall not be the independent auditor required by section 7.

(2) REPLACEMENT.—The trustee may be terminated only by mutual agreement, or at the end of its contract for services as trustee, or for good cause. Termination of a trustee for good cause must be recommended by the Governor of American Samoa and approved by both Houses of Legislature of American Samoa.

(3) OTHER TERMS AND CONDITIONS.—The trustee shall be subject to such other conditions as the Government of American Samoa may provide under local law.

(c) TRUST FUNDS.—

(1) DEPOSIT; INVESTMENT.—The trust funds shall be deposited in an account or accounts of a financial institution insured by the Federal Deposit Insurance Corporation, and may be invested by the Government of American Samoa, or the trustee if so designated, in only federally insured accounts or issues of bonds, notes or other redeemable instruments of the Government of the United States.

(2) USE OF INTEREST AND DIVIDENDS.—Interest or dividends earned from investment of trust funds under paragraph (1) may be used for projects contained on the approved master plan of capital needs developed under section 5, or for the costs of managing the trust.

(3) AVAILABILITY AND USE OF FEDERAL FUNDS.—Federal funds made available for the purposes described in section 3(a)(1) may be used only on projects from the approved master plan of capital needs.

(d) REPORTS.—Within 90 days after the end of each fiscal year, the trustee shall submit an annual report to the chairmen and ranking minority members of the Committee on Energy and Natural Resources and the Committee on Appropriations of the UnitedStates Senate, the Committee on Resources and the Committee on Appropriations of the United States House of Representatives, and the Government of American Samoa. The report shall include at a minimum the financial statements of the account or accounts in which it holds trust funds pursuant to this Act.

SEC. 5. USES OF TRUST FUNDS.

(a) CAPITAL NEEDS.—

(1) MASTER PLAN OF CAPITAL NEEDS.—For fiscal year 1997 and all following years, no funds appropriated pursuant to this Act shall be released by the trustee for construction of capital assets without the submission by the Government of American Samoa to the trustee of a master plan of capital needs that ranks projects in order of priority for at least five years. The master plan shall be approved by the Governor and passed by both Houses of the Legislature of American Samoa pursuant to such laws as the Government of American Samoa may enact. The master plan of capital needs may be amended at any time, but all amendments must be approved by the Governor and passed by both Houses of the Legislature of American Samoa. The plan shall include the capital needs of all the islands of American Samoa.

(2) FUNDS FOR CONSTRUCTION OF CAPITAL ASSETS.—Funds for the construction of capital assets shall be paid to the Government of American Samoa only after approval by the trustee. The trustee shall approve the release of funds only for construction projects for a public purpose in the areas of communications, electrical power, water, waste water, roads, schools, school transportation system, air, water and surface transportation, ports, harbors, storage and transportation facilities of fuels or other forms of energy, health, and construction of government-owned buildings. Funding made available pursuant to section 3(a)(1) for construction of capital assets may only be used for projects listed on the master plan of capital needs as set forth in this section. To the extent an appropriation is available, the projects contained on the master list with the highest priority are to be funded.

(3) REQUIREMENT OF SEMIAUTONOMOUS AGENCIES.—Beginning with fiscal year 1997, no funds for the construction of capital assets shall be released by the trustee in the areas of communications, electrical power, public health, transportation, water, and waste water until there is established by local law semiautonomous government agencies of the Government of American Samoa.

(4) MAINTENANCE PLAN AND FUNDING.—For fiscal year 1997 and all following years, no funds appropriated pursuant to this Act shall be released by the trustee for the construction of capital assets until the Government of American Samoa, or the appropriate semiautonomous government agency if required, submits to the trustee a maintenance plan covering the anticipated life of the project and the project is initially funded. The maintanence plan shall include the estimated cost of maintaining and repairing the project and identify a source to fund the estimated maintenance and repairs for the anticipated life of the project. The initial funding for this maintenance plan shall be in the amount of 10 percent of the cost of the project. Federal funds made available for the purposes described in section 3(a)(2) may be used for one-half of the initial funding. Other Federal funds made available pursuant to this Act may not be used for this purpose. Funds set aside pursuant to this paragraph may be used for the maintenance and repair of any capital asset within the purview of the government or the appropriate semiautonomous agency.

(b) DEBT REDUCTION.—Any funding made available pursuant to section 3(a)(4) used to reduce the unbudgeted debt of the Government of American Samoa must be matched, on a dollar for dollar basis, by funds provided by the Government of American Samoa from revenue raised from non-Federal sources.

(c) MAINTENANCE AND REPAIR.—Any funding made available pursuant to section 3(a)(2) used for the maintenance or repair of the capital assets of the Government of American Samoa must be matched, on a dollar for dollar basis, for funds provided by the Government of American Samoa from revenue raised from non-Federal sources.

(d) PROHIBITED USES OF FUNDS.—Neither the funds appropriated pursuant to this Act, nor any interest or dividends earned on those funds may be transferred to other accounts, or loaned to other accounts or agencies, nor may these funds, interest or dividends be used as collateral for loans made by the local governments.

SEC. 6. DISBURSEMENT OF TRUST FUNDS.

(a) OPERATIONS.—Trust funds to be used for the operations of the Government of American Samoa shall be disbursed in equal amounts on a monthly basis, on the first business day of each month of the fiscal year. An extra drawdown may be made once each fiscal year in an amount not to exceed ten percent of the amounts appropriated for the fiscal year for the purposes of section 3(a)(3), and only for purposes caused by extreme or national emergencies deemed unforseeable by the trustee.

(b) CONSTRUCTION.—Trust funds to be used for the construction of capital assets shall be released by the trustee—

(1) to the Government of American Samoa, only upon completion of identifiable portions of the construction work if the work is performed by employees of the Government of American Samoa, or

(2) a bona fide contractor of the Government of American Samoa pursuant to the terms of a construction contract, on an invoice presented to the Government of American Samoa and approved by an appropriate official of the Government of American Samoa.

(c) DEBT REDUCTION; MAINTENANCE REPAIR.—Trust funds to be used for unbudgeted debt reduction or maintenance and repair made available under sections 3(a)(2) and 3(a)(4) shall be released by the trustee on submission by the Government of American Samoa of proof of payment from non-Federal sources for either debt reduction, maintenance, or repair, and proof acceptable to the trustee of an obligation due and owing for the appropriate category.

SEC. 7. AUDITS.

(a) IN GENERAL.—Beginning with fiscal year 1996, the Government of American Samoa must obtain, at its own expense, a comprehensive financial audit meeting the requirements of chapter 75 of title 31, United States Code, and subtitle A of title 43, Code of Federal Regulations, and upon which an independent auditor expresses an opinion that the financial statements of the Government of American Samoa present fairly, in all material respects, the financial position of the Government of American Samoa, and were prepared in conformity with generally accepted accounting principles. The audit shall include the funds held in trust pursuant to the Act.

(b) SUBMISSION OF AUDIT REPORT TO UNITED STATES.—Reports of audits required in this section shall be transmitted by the Governor of American Samoa to the chairmen and ranking members of the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and the Committee on Appropriations of the United States House of Representatives within 180 days of the end of each fiscal year for which the United States provides funding under this Act.

(c) FAILURE TO OBTAIN AUDIT.—In the event the Government of American Samoa does not obtain the audit within the time required by this section, the trustee shall not disburse additional funds pursuant to a section 3(a)(3) for the operations of the Government of American Samoa until such time as a qualifying audit is received and the report of that audit is forwarded as required by this section. Notwithstanding the preceding sentence, one emergency disbursement may be made per year under the provisions of section 6 of this Act, even if a qualifying audit report is not obtained.

SEC. 8. AUTHORITY OF UNITED STATES TO AUDIT.

The Comptroller General of the United States and the Inspector General of the Department of the Interior shall have the authority to conduct audits of all funds of all branches and semiautonomous authorities of the Government of American Samoa. Nothing in this Act shall be construed to restrict the authority of these or other Federal agencies to audit government funds as authorized by Federal law.

SEC. 9. SETTLEMENT OF DISPUTES.

The High Court of American Samoa is authorized to resolve disputes which arise under this Act pursuant to its rules of procedure.

TRIBUTE TO ANTHONY P. MANGINELLI

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. MARTINI. Mr. Speaker, I would like to take this opportunity as a member of Moose International to congratulate a man of great accomplishment and the fine charitable organization that he represents.

Anthony P. Manginelli, supreme governor of Moose International will be coming to my hometown of Clifton tomorrow night to welcome a new class of members into the fraternity. A resident of Syracuse, NY, Mr. Manginelli has been a member of the fraternity since 1946, and just last year attained our organization's highest rank, that of supreme governor. In this role, he has led our 1.2 million-member organization with pride and dignity, advancing the high goals of the Moose on an international level.

As a relative newcomer to the Moose myself, I can say that I am nothing but proud to be associated with my fellow members both in my local chapter, and in the much larger international organization. But Moose International is so much more than a medium through which outstanding men and women can socialize. It is a perfect way to get involved in challenges faced by our local towns and cities, and through its Mooseheart and Moosehaven communities, to make an impact on a much larger scale. Every day, Mooseheart and Moosehaven provide support for the neediest associated with our organization in a loving and nurturing way.

Congratulations to my newly inducted brothers in the Moose, and to Supreme Governor Anthony Manginelli. Please continue your fine work in spreading the compassionate message of Moose International around the country, and around the world.

IN MEMORY OF BILL BAILEY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a legendary figure of San Francisco's waterfront, William "Bill" Bailey, who passed away on Monday, February 27, 1995.

Bill Bailey was born in Jersey City, NJ, and brought up in Hoboken and the tough Hell's Kitchen section of Manhattan. Shipping out to sea at the age of 14, he joined the Industrial Workers of the World—the Wobblies—and began his career as a labor activist from the day forward.

Active in the maritime unions, Bill was a member of the generation of young radicals who transformed the labor movement of our country. He participated in the walkout on the waterfront which became San Francisco's famed general strike of 1934. In 1935, Bill and a group of seamen boarded a German liner tied up in New York Harbor, the *Bremen*, and tore its Nazi flag from the bow mast. Accounts from that incident recollect that a security force of nearly 300 were unable to stop Bill and his group.

In 1937, Bill went to Spain as a member of the Abraham Lincoln and George Washington battalions. Wounded several times, he participated in almost all the major engagements of the war.

In 1939, after returning to the United States, he resumed his leadership role in the maritime industry, and was elected vice president of the West Coast Maritime Firemen's Union. In the early 1950's, during the height of the McCarthy era, Bill was kicked out of the union under a screening program imposed by the U.S. Coast Guard. He then joined the International Longshoremen's and Warehousemen's Union, rising to the vice presidency of San Francisco Local 10.

After retiring from the waterfront in 1975, Bill began a second career as an writer and actor, working in a major TV series on the Spanish civil war and appearing in several feature films and documentaries. He published his memoir, "The Kid from Hoboken," in 1993. But he never retired from his lifelong commitment to social and economic justice, continuing his activism until his dying day.

Mr. Speaker, Bill Bailey was part of the proud waterfront history and tradition of San Francisco. On Sunday, March 20, Bill was remembered at a memorial service convened by the waterfront unions which he loved. On behalf of the Congress, allow me to express our condolences to his son, Michael, and pay tribute to his work as a labor and civic leader for San Francisco.

HOUSE OF REPRESENTATIVES—*Friday, March 24, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. CUNNINGHAM].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 24, 1995.

I hereby designate the Honorable RANDY "DUKE" CUNNINGHAM to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

For the sun to brighten the day, for the rains to nurture the land, for challenges to be confronted and responsibilities to be accepted, for sacrifices to be endured and for all of life to be fully lived, for friends to accompany and for family to love, we offer these words, O God, of thanksgiving and praise. We earnestly pray that we will be faithful to the opportunities and the tasks that are before us, so that in all things, we will do Your will and serve people according to their need. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania [Mr. FOX] come forward and lead the House in the Pledge of Allegiance.

Mr. FOX of Pennsylvania led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that there will be 20 1-minute speeches on each side.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, last fall House Republicans entered into a Contract With America, for the first time in American political history a written contract with the American people.

We have done more in the first 80 days of this Congress than was done in the entire 103d Congress. We have an opportunity to make more changes of substance than have been made in the past 10 years.

Our contract states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else, cut committee staffs by one-third, and cut the congressional budget. We have done all of that.

It continues that in the first 100 days we will vote on the following items:

A balanced budget amendment. We kept our promise. We passed it.

Unfunded mandates legislation. We kept our promise, with your help, and we passed it.

Line-item veto. We kept our promise.

A crime package. We kept our promise.

National security restoration to protect our freedoms. We kept our promise.

Government regulatory reform. We kept our promise.

Commonsense legal reform to end frivolous lawsuits. We kept our promise.

Welfare reform to encourage work, not dependence. We are doing it right now. We will pass it.

Family reinforcement to crack down on deadbeat dads, tax cuts for middle-income families, congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

GEJDENSON ELECTION STILL NOT SETTLED

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, as a former secretary of the state of Connecticut, I have every reason to be proud of my State's tradition of honest elections and a revered court system. So it was with chagrin that I learned yesterday of a decision not to dismiss the challenge of our seated Congressman, SAM GEJDENSON, from the Second District, a decision in stark contrast to precedents established in 47 previous cases since 1969.

The facts are clear. Our colleague from Connecticut's Second District was elected and not once, not twice, but three times declared the victor, election night, in an automatic recount, and by the highest court of the State of Connecticut, our supreme court, headed by Chief Justice Peters, a revered court legalist.

"The cloud that Mr. Munster perceives," it was said by the court, "has no basis in fact, law or reason. It simply does not exist."

Mr. Speaker, we have laws, precedents, and standards which should govern our actions. The people of Connecticut will have every right not only to be surprised but amazed that these decisions have been set aside.

REAL WELFARE REFORM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, for 40 years the Democrats controlled the Congress. They did nothing but protect and expand to the tune of $5 trillion a cruel welfare bureaucracy.

For 2 years the Democrats controlled the House, the Senate, and the White House and still promoted this destructive government-run, one-size-fits-all program that perpetuates a cycle of dependency.

For 2 years the President talked and talked and talked about ending welfare as we know it but did nothing, and this year, guess what? He is still silent. But since January 4, the Republican Congress has replaced talk with action, replaced rhetoric with real change.

The Republican welfare bill does not lack compassion. It is born out of compassion. The real lack of compassion was shown by those who stood by and did nothing while more and more Americans were pushed further and further away from the American dream.

Today we will pass real welfare reform and give America back that dream.

PAN AM 103 AND THE CIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is a record $4 million reward out on the

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

heads of two Libyans accused of blowing up Pan Am 103.

I say this is not a reward, this is a diversion. Records show that it was Iran, not Libya, that ordered the destruction of 103. In fact, Iran hired Syria and Ahmed Jabril picked 103 because it was insulated by our own CIA whose operatives were helping them get some of our hostages released. They say "nonsense" at the CIA.

Ladies and gentleman, it is time for the CIA to tell the American people and the families of the victims the truth. As an old sheriff, let me tell you this. If Qadhafi was responsible for 103, these two guys would have choked on a chicken bone by now. The families of victims overseas are demanding a new investigation.

My God, Congress. Let us get to the bottom of 103. This is a diversion.

WELFARE REFORM

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, I hear the other side wail and whine that we are hurting the children. Perhaps they are so busy defending the status quo that they fail to see the dismal failure our system has become. Perhaps they think it is compassionate for our system to encourage illegitimacy. Perhaps they think that it is OK for 1 in 3 babies in this Nation to be born out of wedlock. Perhaps they think it is OK that the average length of stay on welfare today is 13 years. But it is not OK, Mr. Speaker. It is unbelievable that we ever allowed the Federal Government to become the caretakers for so many people. Fortunately, Mr. Speaker, the American people know better. They realize that we can do nothing worse than to keep the current system. It is just sad to see that the other side is so wedded to big government, nanny-State programs that they fail to see what is right. * * * What is right is voting to end the current welfare system today.

A BAD REPUBLICAN WELFARE BILL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I was proud last night to join all my Democratic colleagues in voting for real welfare reform. The Deal substitute was real welfare reform—it demands more responsibility by requiring that welfare recipients go to work after 2 years, and it provides more opportunity by making sure that that work pays more than welfare.

But the Republican bill before us today is more intent on punishing our children than in putting welfare recipients to work.

This bill would cut $2.3 billion from school-based nutrition programs and $7 billion from all child nutrition programs over the next 5 years. That means 2 million children would be thrown out of the School Lunch Program—20,000 in my home State of Connecticut alone.

This Republican bill punishes children in order to pay for a tax cut for the wealthiest Americans, the richest 1 percent of the people in this Nation. That is what this is all about. Today we can stop this war on kids. Vote against a bad Republican bill.

SAVE THE CHILDREN: END WELFARE AS WE KNOW IT

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, I really feel sorry for the liberal Democrats. They call their $5 trillion welfare nightmare compassionate. Their system is not compassionate, their system is obscene.

Today, we have an unprecedented opportunity to save the lives of millions of children who would otherwise be trapped in the system which has ruined previous generations. We cannot be intimidated by the liberals in Congress and in the media who offer no solutions, only scare tactics. They throw out words like "cruel" and "mean" but I ask you, Mr. Speaker, what is more cruel, what is more mean, than to condemn a child to life on the liberal welfare dole. That is the cruelest punishment imaginable. We cannot allow another generation of American children to fall victim to the "compassion" of the American left. We must be strong, we must be bold, and we must act now for H.R. 4. Our children deserve no less.

VOTE AGAINST H.R. 4, PERSONAL RESPONSIBILITY ACT

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, yesterday I too voted for real welfare reform under the Deal bill. But the Republican welfare bill, commonly known as the let-the-children-go-hungry-so-the-rich-can-feast bill, cuts $66 billion from school breakfasts and lunches, food stamps from the elderly retirees and working poor, child care from working mothers, and yet the mean-spirited radical right majority says they are not cutting any of these programs but spending more.

Sorry, folks. They are cutting $66 billion from the needy, from school lunches and breakfasts, from the Women, Infants and Children Program, from food stamps, from AFDC and from child care, in order to give those billions to large corporations and the wealthy in tax cuts next week.

It is a sad day for our great Nation when this Congress, the people's house, takes food from the mouths of innocent children so that the rich can have pheasant under glass.

Vote against H.R. 4. It only punishes babies and children and it does not reform welfare.

REPUBLICAN WELFARE REFORM

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, the average American family has spent over $50,000 in taxes on the war on poverty since 1965. This is an obscene amount of money, especially since it has gone to an unsuccessful cause. We must reduce this heavy burden which has been placed on the working family.

The Republican welfare proposal will save the American people approximately $60 billion over a 5-year period. The savings will go to deficit reduction and to reduce the burden of government, which in turn reduces taxes for the American people.

States will have authority to design their own programs to lift the poor out of poverty and to give them hope for the future.

We cannot deny this opportunity for the citizens of this country. Let us join forces to pass this pro-country, pro-responsibility, and pro-family legislation.

DEMOCRATS UNITE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last night Democrats united on welfare reform. We showed the American people that Democrats from across the country, from Mississippi to New York, from New Mexico to Maine, from left to right ideologically were able to come together and fight the Republican war against hard-working middle-class Americans and children.

Mr. Speaker, there are a lot of Republicans walking around with broken arms nursing their wounds because of the pounding they took from their leadership.

Mr. Speaker, the Democratic plan says no work, no welfare. Our plan is tough on fraud and abuse in welfare. It cuts Federal bureaucracy and gets people back to work. It puts savings into deficit reduction for middle-class Americans and prevents Republicans from giving special interests a tax cut.

Mr. Speaker, the Republican contract with special interest America is collapsing. Democrats are back. Our contract is with hard-working middle-class America and we are going to keep it.

CHANGING THE WELFARE MESS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, when President Clinton was a candidate, he promised to end welfare as we know it. But for the past 2 years, neither the President nor the Democrat-controlled Congress did a thing to change the welfare mess.

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Then came November, and the American people said it is time for a change. Now the Republican majority is doing something that the Democrats could never bring themselves to do. We are changing the current broken-down welfare system that traps people in a hopeless cycle of dependence into a system that offers hope for the future.

Tough work requirements, personal responsibility, and emphasis on the family. The change is here.

WELFARE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the welfare reform legislation we have been considering this week has critical implications for our Nation's children. Coupled with the rescission package this body passed last week, and the promise of further cuts in programs for our children to pay for tax cuts for the richest percent of Americans, we are facing the complete dismantling of the safety net for children.

This past weekend, I held a town meeting in my congressional district to seek the views of those from the front lines who deal with troubled children on a daily basis on the consequences of the welfare reform package pushed by GINGRICH and the Republicans. The rescission proposals. I heard from a broad spectrum of people—children's advocates, the educational and medical communities, professionals in child care and child protection services, the mayor of our largest city, parents and children themselves.

The picture they painted was one of abandonment—abandonment of the Federal commitment to supporting children and families. In these times when entitlement has become a dirty word, they graphically reaffirmed why entitlements exist, and how critical they are to the well-being of the children of this Nation. They also confirmed that we will be shortsighted, indeed, if we cut the fiscal lifelines that mean education, jobs, innovation, training, in our low-income communities, and our children will suffer more.

THE CONTRACT AND WELFARE REFORM

(Mrs. KELLY asked and was given permission to address the House for 1 minute.)

Mrs. KELLY. Mr. Speaker, this morning we will pass the Personal Responsibility Act of 1995. This is by far the most sweeping and farsighted piece of social welfare legislation to come out of Congress in the last 40 years. We not only provide a true safety net for those less fortunate in our society, but we do so in the larger contexts of fiscal accountability and personal responsibility.

We save hard-working American families $69 billion, while putting more food on the plates of hungry children. This is the true spirit of our Contract With America.

Last November, Americans decided that they no longer wanted a government at odds with the people, but rather a government that worked in partnership with the people. A subtle yet striking difference in leadership.

This welfare reform package, and the contract as a whole, give the American people the leaner, more efficient, and dramatically more responsive Federal Government that they demanded last November.

Mr. Speaker, I am proud of this legislation, and I am proud of our contract. We are keeping our promises, and I believe that is what our democracy is all about.

MAKING WAR ON POOR CHILDREN

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, the Republicans say that the war on poverty has been lost so they are making war on poor children instead. I have got to hand it to them, though, they do not just target welfare kids. The Republican contract on America cuts income and food stamps and school breakfast and lunches, and nutrition for young mothers and care for abused children, and day care for children while their parents work, $50 billion in cuts for nearly 10 million families whose income is less than $20,000 a year, both working families and nonworking families, the Republicans do not seem to care which, families where more than 20 million children get their start in life.

Are the Republicans using those $50 billion to cut the explosion of deficits from 12 years under voodoo economics? Not on your life. They are using those $50 billion taken from low-income families and their children to give tax cuts to the richest 2 percent of Americans.

Only in NEWT GINGRICH's America would taking $50 billion from 25 percent of Americans and giving it to American millionaires be even thinkable.

THE IMPORTANCE OF BIODIVERSITY

(Mr. GILCHREST asked and was given permission to address the House for 1 minute.)

Mr. GILCHREST. Mr. Speaker, today, I would like to talk to you about the drug taxol. Taxol was first used on a trial basis in 1983 to treat ovarian and breast cancer. Today, it is the most effective treatment for achieving remission in advanced ovarian cancer. It took researchers over 20 years, testing thousands of plant and animal extracts from all over the world to come up with a safe and effective compound able to kill cancer in humans. Now, taxol gives new hope to many of the women who suffer from breast and ovarian cancer, which now kills almost 40,000 women a year.

This amazing drug was originally derived from a tree called the Pacific yew. The yew tree is found in the old-growth forests of the Pacific Northwest and was once burned as scrap. It takes from 3 to 12 trees to provide enough taxol for each cancer patient. Each tree takes about 100 years to reach maturity.

It is important for us to see the connection between the Endangered Species Act, biological diversity, and taxol.

WHO IS IMMORAL AND WHO IS CORRUPT?

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, my dear friends and colleagues, yesterday I was attacked by one of my Republican friends as supporting a corrupt and immoral welfare system, and then he scurried off the floor. This morning, I was attacked by my Speaker for being wedded to an immoral welfare system. But it was not on the floor. It was in a plush hotel in New York City, being dined by some of the most successful businessmen that we have.

Mr. Speaker, wherever you are, whether it is old policy or Old Testament or New Testament, leave that beautiful hotel before you come back to your job and visit the lesser among us, visit those who are hungry, some without homes, without jobs, and without hope and see what is corrupt and immoral when we in this House have seen fit to cut from these people $69 billion.

Is this to reduce the deficit, is this for our national interests? No, it is for special interests.

Let us see who is immoral and who is corrupt.

REINVENTING WELFARE

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, reinventing welfare has been tried six times. The result: More and more spending, less and less results.

Today we will decide whether we want so-called reinvented welfare or whether we want fewer individuals on the cruel cycle of government dependence. Today, we decide if we believe those in our local communities know better how to help their own communities or whether Washington knows best. Today we decide between ending the welfare entitlement mentality or spending more money to perpetuate the current cruel welfare state.

Those of us who are ready to end the failed liberal welfare system have to stand up and cast a tough vote. The defenders of the current welfare state will accuse us of being cruel, not acknowledging that the current system turns welfare clients into its victims. Our vote will begin the process of changing a cruel welfare system into a system of hope, independence and opportunity based on the dignity of work and personal responsibility. We must act today.

CONCEPTS IN THE DEAL BILL WILL SURVIVE

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the Deal bill did not receive a majority of the votes yesterday but its basic concepts will survive, indeed prevail.

The potentially historic unanimous vote of Democrats on the Deal substitute resulted not only from hard work but mainly from its content.

In a word, Deal is mainstream, the House Republican version is extreme.

The status quo on welfare is dead; the question is what will replace it.

I predict that the version coming out of the Senate will be much closer to Deal than to the House Republican version.

As to work—the key to welfare reform—as the CBO has started, Deal will move people from welfare to work; the House Republican version is mainly a hollow promise.

Likewise on child and medical care for children of parents who should be required to move off of welfare to work.

The Senate also will not adopt the House Republicans' punitive provisions relating to children of teen mothers, second children; hundreds of thousands of seriously handicapped children; kids in foster care or up for adoption, as well as legal taxpaying immigrants.

Deal will indeed live another day.

SECRETARY CISNEROS SHOULD MAKE PUBLIC COPIES OF GIFT TAX RETURNS FOR YEARS IN QUESTION

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, HUD Secretary Henry Cisneros had a reason to lie to the FBI when he told them that he never gave his former mistress more than $10,000 a year unless he filed gift tax returns reporting higher payments. Federal tax law gives individuals a $10,000 annual exemption from gift taxes to a single donee, or $20,000 if the donor's spouse joins in the gift.

Secretary Cisneros ought to make public copies of all gift tax returns for years he gave his former mistress more than $10,000. If he fails to do so, the Attorney General should broaden her request for an independent counsel to look into possible tax law violations by Cisneros.

A PROMISE OF SIMPLE DECENCY TO IMMIGRANTS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, yesterday, the chairman of the Ways and Means Committee pointed with pride to ancestors who came here not with their hands out, but to work.

I must ask the chairman, did any of his distinguished ancestors receive free government land?

The great State of Texas was founded by pioneers drawn there by government land grants. For example, in 1838, Texas gave one John Archer more than a thousand acres in Shelby County.

I guess that is not welfare.

We remember this history with pride because such grants brought to our shores people who built not only the State of Texas, but the wealthiest Nation on Earth.

The time for free land is over. But as the son of immigrants, I ask from the sons and daughters of earlier settlers a simple promise to those who came later: If you come here legally, if you work hard, if you pay your taxes, and abide by our laws, and fall on hard times through no fault of your own, you will be eligible to help your sick child, or infirm wife. That is simple human decency. We do not want land, we just want fairness.

HELPING AMERICANS GET OFF WELFARE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, not long ago a fisherman off the coast of Savannah discovered if he sailed his boats to a certain spot each day and fed a school of dolphins that they would start gathering at that spot daily. Next he observed a lot of Yankees heading south on I-95 who had pockets and briefcases and purses full of money.

So, being an astute entrepreneur, he then put one and one together and he said, hey tourists, want to see some fish? For 20 bucks I will take you out in my boats. You will see hundreds of them, and for an extra 5 bucks I will throw in a fish head and you too can play Jacques Cousteau, and the tourists just kept pulling off I-95 and jamming the exit.

The fisherman was growing rich and the dolphins fat. Then enter Fish and Wildlife. Hold everything, they said, you cannot do this; you are making the fish dependent, you are disturbing their ability to fend for themselves. And they were right. It was not in the best long-term interests of the dolphins.

Question: Why do not we elevate people to the same status of dolphins? Let us consider what the welfare system is doing to our fellow man.

If the dolphin beaches itself, let us help it back out to the ocean. If a fellow American falls down, let us help him get back up, but let us not throw him in a hopeless mire of a welfare system that does not work.

SUFFER THE LITTLE CHILDREN

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I have listened these past few days with growing disbelief to the things said by Republicans about welfare and welfare recipients. I ask my colleagues: Do you live in the same America the rest of us live in? Get out of your warm cars. Do as I do; walk, walk, on the streets of America because you will see homeless on the streets of America, and there are thousands and thousands of children who are homeless, and they are hungry, and they are cold, and they are frightened, and they live in America.

I have read so many stories about how religious so many of the new Members are, how they go to Bible study and prayer meetings, and I say to them remember what Christ said. He said: "Suffer the little children to come unto me."

I ask you, no I beg you, remember that quote and not make the little children suffer any more. Put the children first, not this phony contract with the wealthiest of Americans.

Vote "no" on this cruel welfare bill.

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SUPPORT REAL CHANGE IN WELFARE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I am tired of the misleading rhetoric from the other side of the aisle regarding welfare reform.

They talk about real welfare reform. They talk about being mean to children. That is just incorrect.

They would have us believe that every welfare family is an "Ozzie and Harriet" family, the family next door, fallen on hard times. Ladies and gentlemen, those families will still have welfare available to them if they need it.

Welfare reform is aimed at those who are on it for generations and who use the rewards for their personal pleasure, not to help their children.

It is time that if you really want welfare reform you quit saying it and put your actions where your words are. Do not just say you really want change when you really want to just throw more money at a failed system.

WHAT SHOULD THE AMERICAN PEOPLE BELIEVE?

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, the Republicans claim that they will spend 4.5 percent more money on feeding children. They are outraged that we accuse them of cutting spending for kids.

But they have a problem. Because they also say they will spend less on food for kids—$6.5 billion less over 5 years. They plan to use the $6.5 billion to pay for tax cuts.

The Republicans say they are cutting bureaucrats, not food. But the entire annual cost to administer the Food and Nutrition Service is $146 million. At that rate, if we do not spend any money on bureaucrats, it will take 44 years to save $6.5 billion.

So what should the American people believe? The Republicans tell our children they are not cutting their school lunches, but they are using these savings to cut taxes for the wealthy.

I think the American people know what to believe.

HELPING THE PRESIDENT DELIVER ON HIS PROMISE

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. This is it, America. Today is the day. We are going to pass welfare reform. We are going to give to the President what his own party for 2 years could not give him. We are going to give him the pledge that he made to all of America, the pledge that his own party could not help him deliver for 2 years. We are going to past welfare reform and reform a system that has been lousy.

We are going to require people to work. We are not going to reward people for having more children. We are going to reform a lousy system.

For 2 years the Democrats have controlled this House, the U.S. Senate, and the White House, and they could not deliver on their promise. So today we will do that.

And I know that there will be those on their side that will join us as we pass welfare reform, because they know it is a lousy system, it does not work, and they want to help their President deliver on his promist to end welfare as we know it.

WELFARE REFORM: DO NOT PUNISH CHILDREN

(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. MASCARA. Mr. Speaker, it saddens me that the debate over welfare reform has not been more bipartisan.

It is clear that a majority of Members on both sides of the aisle agree the current system is broke and needs to be fixed.

All of us agree benefits should be limited, that recipients should be required to find work, and that illegitimate births should not be rewarded

But the proper way to resolve these problems is to reform the system, not to punish children for the indiscretions of their parents.

And that is exactly what we stand ready to do today, punish children by cutting back vital nutrition programs which have proven over the years to be so successful.

Last Monday, I had lunch with students at Charleroi Elementary School in my hometown. One-third of the school's 780 children receive free or reduced priced lunch.

During my visit, I also presented a flag frown over our Capitol to a fifth grade student who wrote a winning essay on "What It Means To Be an American."

The bill we are about to enact is un-American. It will ultimately cut funding and reduce the number of those children entitled to receive these lunches, in some cases their major source of nutrition for the day.

These children are our tomorrow. If we do not provide for them, we are turning our back on our future.

My colleagues on the other side of the aisle know this is not right. Vote "no" on H.R. 4.

Mr. Speaker, I include two winning essays for the RECORD.

WHAT IT MEANS TO ME TO BE AN AMERICAN

(By Jared Dumm)

I am proud to be an American because I live in the greatest country in the world. America fought hard to gain peace, freedom, and rights for all her citizens. I would like to describe what the letters in AMERICAN mean to me.

A is for America, the greatest, strongest country in the world.

M is for the monuments, built to remember our great leaders and events in our history.

E is for equality, which insures that, no matter what our color, nationality, or religion, we are treated fairly and equally.

R is for the respect and rights we have, including free speech, religion, press, and the right to assemble.

I is for independence, for which our armed services fought, so that we can stand united and strong against our enemies.

C is for the Constitution, the greatest document in the world, which protects and guarantees us life, liberty, and the pursuit of happiness.

A is for our anthem, "The Star Spangled Banner," which makes us swell with pride when we hear it.

N is for our nation, the best in the world, where we can live in freedom and peace.

For all the above reasons, I feel very lucky and proud to be an American.

WHAT IT MEANS TO ME TO BE AN AMERICAN

(By Holly McLoy)

I'm only eleven years old but my mother has taught me to love my country. I admire the customs and traditions of my country. It makes me have a feeling that I belong.

If I were raised in another country I probably would be a much different person. As an American I can attend the church of my choice. If I lived in another country I may be forced to go to a church not of my choice.

I have the freedom of attending public school instead of being forced to attend school separated from my family.

As a child I respect the American flag. It is very special to me. The flag represents the United States of America. When the flag passes in a parade I place my hand over my heart.

As an American I feel free I can do as I please, I can choose between right and wrong and tell the difference between good and bad.

I am proud to be an American. When I attended a prade in Belle Verion honoring all the men and women who served their country in Operation Desert Storm I was sad and happy at the same time. I was happy the war wasover but sad for the ones that died. This occusin made me more aware that I was an American. America is a great land to live in.

REFORMING THE WELFARE PROGRAM

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, today is truly a historic day in the House as it is on the verge of doing what should have been done many years ago, reform a welfare program that does not work for the poorest Americans.

The Republican welfare reform bill will cap benefits and allow States to decide for themselves how to prioritize their resources. Our bill tightens up enforcement provisions against deadbeat dads, encourages welfare recipients to work; and discourages illegitimacy.

I have a message for the other side of the aisle and it is the same message the American people sent last November: The time has come to reassess the Federal Government's role in the lives of the American people. That means making the tough decisions and learning for the first time in Washington to say "No."

Mr. Speaker, our position is clear: The new majority is passing its contract. Bills that matter to the American people. Meanwhile, the minority is reduced to scare-tactics aimed at children and the elderly.

Mr. Speaker, the wheels are not coming off this contract, they are just beginning to turn.

THE LINE-ITEM VETO

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, my colleagues, have you seen the line-item veto bill that the Senate passed last night? In order to take care of their concerns, their legitimate concerns, that some of us in the House share about the potential unconstitutional nature of allowing a President a line-item veto, of allowing a President to reach inside of an appropriation bill and strike a section of it, in order to get around that constitutional provision, they passed a line-item veto bill which would require the President to veto not 1 of 13 appropriation bills that we would send him; we would now send him one bill for every item appropriated.

We would now, under line-item veto, send the President a minimum of 10,000 appropriations bills, 10,000 appropriation bills instead of the current 13.

I think that, instead of trying to find Rube Goldberg convoluted ways to subvert the Constitution, we ought to pay more attention to trying to discipline our own spending habits.

BREAKING THE CYCLE OF DEPENDENCY

(Mr. FOX of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, our current welfare system erodes the basic building blocks of our society, discourages work, destroys families, and forces reliance on the Government.

Just since 1989, the welfare rolls have grown 31 percent.

As President Franklin Delano Roosevelt said in 1935, to dole out relief is to administer a narcotic, a subtle destroyer of the human spirit.

That is why we are here this week, to break the cycle of dependency created by the narcotic of welfare and restore hope and independence to millions of Americans. The Republican welfare reform plan would help able-bodied people come off welfare with job counseling, job training, and job placement.

It increases funding for school nutrition programs, day care for children, and WIC, and lets States decide how best to run their own welfare program. It eliminates discriminatory delays in adoption.

That is sound, compassionate policy, Mr. Speaker. It is time we applied the principles of family, work, and self-reliance that built our country. The Republican welfare reform plan moves us significantly in this direction.

For the sake of our children and grandchildren, let us reform welfare now.

CONTRACT AGAINST AMERICA'S CHILDREN AND FAMILIES

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, last night we witnessed an all-out war waged by the Republican majority against the most vulnerable of our society, our impoverished children.

My colleagues on the other side of the aisle will tell us that block grants will actually provide more services for less money.

Well, Mr. Speaker, let me tell the American people that this is not the case.

Under the Republican plan, actual disbursement funds for school lunches and WIC programs will be cut by more than $2 billion.

Over the past several weeks I have received thousands of letters, cards, and drawings from young children in my district, who under this plan, will be forced to carry the burden of tax cuts for the wealthy on their tiny shoulders. They tell me how much they need these programs to grow up healthy and strong. They tell me that without school lunches they will go to school hungry and not ready to learn.

Mr. Speaker, we are witnessing an all-out attack on the most defenseless of our society by the majority party in Congress. We must make a stand against these callous actions. We cannot let the poor and the hungry in the Nation fall victim to this outdated and cold-hearted legislative agenda.

SUPPORT AND PASS THE NEW WELFARE REFORM PACKAGE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, this country has spent $5 trillion over the last 30 years on a system that has produced more people than ever in poverty. It is a broken system that teaches exactly the wrong things. It is antiwork, it is antiproperty, and it is antifamily.

Because of this system, we have condemned second and third generations to the same life of poverty, not only financial poverty but poverty of spirit.

People need to work. You cannot have self-esteem without accomplishment. You cannot have accomplishment without work.

Let us give our people hope, dignity through work. Let us pass H.R. 4, the new welfare reform package.

THE DEAL SUBSTITUTE SOLVED THE WELFARE MESS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, everyone concedes, Democrat, Republican, and Independent alike, that the welfare system in America is a failure. My political party, the Democrats, should not be so proud that they do not concede that fact as well. But the Republicans should not be so spiteful or short-sighted as to believe that just ending or getting tough on welfare will solve the problem.

We have got to take people off of welfare and put them to work. That is why we had 205 Members, 1 courageous Republican, and all of the Democrats on this side of the aisle who voted, voted for the Deal substitute last night. Liberals, conservatives came together and said, "Let us put people to work."

Why does the Republican welfare reform bill fail when it comes to work? Because they will not invest money in education, training, day care, the obvious things you need to bring someone off welfare.

What do the Republicans do with the money they save from their welfare reform? They put it into a tax cut, a tax cut for the privileged few. Now, does that make sense?

If we are going to solve the welfare mess for good, take people off welfare permanently. We need to put them to work. The Deal substitute did it. The Republican welfare plan does not.

TIME TO CHANGE THE WELFARE SYSTEM

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker and my colleagues, it is hard to know what to make of my liberal colleagues as they come to the well and ooze compassion and sport their politically correct ties, when they claim they want to end welfare as we know it. After all, they had ample opportunity to change the system during the last 2 years when they controlled both Houses of Congress and the White House.

But the sad fact is they do not want to change the welfare system, because they like it. They like it because it is good for them politically, and the truth of the matter is that the welfare bureaucracy and welfare recipients have become a core constituency of the national Democratic Party.

The American people know the current welfare system is a disaster, especially for children. Children on welfare do worse in school. They tend to have more developmental problems, and they are far more likely to end up on welfare themselves.

How can my liberal colleagues come down here and defend the current welfare systems, one which promotes intergenerational dependency on welfare, which leads to family disintegration and soaring rates of illegitimacy? How can they look the American people in the eye and say we need more of the same?

It is time to change the welfare system in America, Mr. Speaker, and change it we will for the children of this country.

CHILDREN WILL BE HURT BY THE REPUBLICAN WELFARE REFORM PROPOSAL

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, today Congress will pass a welfare bill that will cut $35.1 million out of the school lunches in the State of Texas, according to my outside-the-beltway analysis from our State comptroller in Texas.

Today the Republican majority will rejoice, but the children will be hurt. Many of my Democratic Members have been sporting ties and scarves from Save the Children, and I even heard this morning one Republican Member offered to have a secondary market in used ties.

But I am going to save mine until October and November of 1996, so when the kids start getting their lunches taken away from them, the voters will remember in November who took those lunches away.

MEANINGFUL WELFARE REFORM TODAY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, the gentlewoman from Oregon offered us a scriptural admonition this morning. She quoted the words of Jesus Christ, "Suffer the little children and let them come unto me." No interpretation, no translation of that scripture have I seen that ever said, "Let them go unto a Federal Government."

Mr. Speaker, it is a simple fact, liberal Democrats oppose changing this welfare state. It suits them just fine. They created it, and they have supported it since the 1960's.

Despite the overwhelming evidence that welfare has played a major role in the breakdown of American society, liberal Democrats continue their love affair with this failed system. They seem willing to do anything to defend this failed welfare state, including a curious inability to properly count wholesale distortion of facts and shameful name-calling.

Mr. Speaker, the good news today is that the liberal Democrats' days are numbered. They no longer have a monopoly over this Congress, and their pals in the media can count fewer and fewer followers. The only refuge now for these liberal Democrats is the bureaucracy, but even this will not escape the glare of public scrutiny.

The American people have grown tired of seeing this Federal Government become the charity of first resort. Today we will have meaningful welfare reform.

□ 1045

EFFECTS OF THE REPUBLICAN WELFARE PLAN ON FLORIDA

(Mrs. THURMAN asked and was given permission to address the House for 1 minute.)

Mrs. THURMAN. Mr. Speaker, the Deal bill was not about the status quo. But let me tell you what the Republicans do to my State of Florida, and I hope my colleagues from Florida are listening also.

Block-granting cash assistance for needy families will result in Florida receiving $412 million less.

Block-granting Federal funding for abused and neglected children and children in foster care, Florida lost $121 million. Repealing nutrition programs including school lunch and WIC for needy families and replacing them with a lump sum capped at less than the rate of inflation will result in $338 million less to Florida. The Republican plan would impose a rigid cap on food stamp spending allowing no adjustments for economic slumps. As a result, a $1.2 billion loss to Florida. These are just a few of the cuts. When you add them up, Florida will lose $3.87 billion.

Mr. Speaker, it is not about change on that side, it is not about change, it is about our children. We are not talking about status quo here.

CURRENT WELFARE SYSTEM IS CRUEL TO CHILDREN

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, over the last few days we have spent a great deal of time listening to opponents of the Republican welfare overhaul talking about how cruel this bill is to children. Mr. Speaker, let me tell you what cruelty is. Cruelty is the current welfare system that has wasted $5 trillion of taxpayer money and yet has failed to lift children from poverty.

Cruelty is the current welfare system that condemns so many of these children to a life surrounded by crime and violence and lack of ambition.

Cruelty is the current welfare system that condemns the children of these children to face the same circumstances in an endless cycle of poverty and hopelessness.

Mr. Speaker, let me tell you what the most cruel and mean-spirited act of all is: It is the cruelty found in the current liberal opposition to our bill. The liberals in Congress built this current welfare system, the system is a failure.

Today the Congress will overhaul this failed system and end cruelty to children.

WELFARE REFORM

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, as the Gingrich Republicans prepare for their blitzkrieg against the poor, and say things that I hope they do not mean, I would like to read a letter from one of their supporters, obviously inspired by their rhetoric.

The letter reads:

> After watching your Negro boss do her jungle act about bringing back the brown shirts, I think we need some color shirts to control these Negro females who pop out —— Negro children like monkeys in the jungle. No, I think the monkeys are more civilized. We real Americans don't intend to support —— Negro children who live like rats in a hole and don't have a chance to become human. The welfare system is the cause. Even whites are becoming trash just like Negroes who pop out all these —— Negro children. Don't you understand that we Americans are trying to civilize you? Why do you fight it so hard? The jungle is in Africa, though you have turned D.C. into an American jungle. Grow up and become an American.

Mr. Speaker, the spirit of GOP welfare reform lives in these words.

TERM LIMITS

(Mr. COOLEY asked and was given permission to address the House for 1 minute.)

Mr. COOLEY. Mr. Speaker, as a strong supporter of term limits, I have underscored my commitment by cosponsoring several measures that would allows States to determine their own limits on U.S. Representatives while ensuring that some measure of limitation would be placed on Representatives whose States did not enact term limits.

I and most of my colleagues want term limits. I also have no desire whatsoever to preempt States Law.

However, I have no intention of letting this historic opportunity pass us by. I would hope that the scorched-earth critics who will accept no less than their position also see the light. We may not always agree on the number of years but, we do agree on the necessity of limits.

More importantly, I believe that the people who elected us realize that we do not live in a perfect world. They realize that some limits are better than no term limits at all.

Mr. Speaker, I hope that during the debate on term limits we will not lose sight of our ultimate goal—to enact term limits that will return this body to the people.

FOOD ASSISTANCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, today the debate in the House on the Personal Responsibility Act will conclude.

One of the issues that remains as a point of contention is whether the Personal Responsibility Act cuts or increases spending for child nutrition programs.

When we spend less, that is a "cut." The Republican majority calls these cuts "savings.".

But, while insisting on calling them savings, they refuse to apply the money to deficit reduction.

Instead, they intend to apply these savings to tax cuts for the wealthiest Americans.

It may seem confusing—however—let me summarize.

The Republicans say their bill will "increase" spending. To increase spending, they want to "reduce" spending and call a cut a savings—but instead of applying the savings to reduce the deficit, they want to apply the savings to a tax cut. By applying the savings to a tax cut—they will increase spending. Does that make it more clear?

Some refer to this logic as "sincere confusion."

In my State of North Carolina, we call it sleight of hand.

If it was not so sad, it would be very funny.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUNNINGHAM). This concludes the 1-minutes this morning. Further 1-minutes will be taken at the end of legislative business.

PERSONAL RESPONSIBILITY ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 119 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4.

☐ 1057

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, March 23, 1995, the amendment in the nature of a substitute consisting of the text of H.R. 1267 offered by the gentleman from Georgia [Mr. DEAL], had been disposed of.

For what purpose does the gentlewoman from Hawaii [Mrs. MINK] rise?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mrs. MINK of Hawaii:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Stability and Work Act of 1995".

SEC. 2. REFERENCE TO SOCIAL SECURITY ACT.

Except as otherwise specifically provided, wherever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Reference to Social Security Act.
Sec. 3. Table of contents.

TITLE I—IMPROVING AID TO FAMILIES WITH DEPENDENT CHILDREN

Sec. 101. Increase in standard earned income disregard.
Sec. 102. Increase in State flexibility regarding recipient participation in jobs program.
Sec. 103. Elimination of different treatment of 2-parent families.
Sec. 104. Extension of transitional child care guarantee.
Sec. 105. Increase in Federal matching rates for child care.
Sec. 106. Increase in jobs program funding.
Sec. 107. Requirement with respect to jobs program participation rate.
Sec. 108. Increase in matching rates for States whose recipients leave AFDC for paid employment.
Sec. 109. Increase in at-risk child care funding.
Sec. 110. Improvements in jobs program self-sufficiency planning and case management.
Sec. 111. Change in mandatory services and activities under the jobs program.
Sec. 112. Jobs creation and work experience program.
Sec. 113. Provisions generally applicable to the jobs program.

TITLE II—MAKING WORK PAY

Sec. 201. Transitional medicaid benefits.
Sec. 202. Temporary exclusion of earned income for purposes of determining rent paid for units in federally assisted housing.
Sec. 203. Continuation of food stamp benefits.

TITLE III—IMPROVING CHILD SUPPORT ENFORCEMENT

Subtitle A—Eligibility and Other Matters Concerning Title IV-D Program Clients

Sec. 301. State obligation to provide paternity establishment and child support enforcement services.
Sec. 302. Distribution of payments.
Sec. 303. Due process rights.
Sec. 304. Privacy safeguards.

Subtitle B—Program Administration and Funding

Sec. 311. Federal matching payments.
Sec. 312. Performance-based incentives and penalties.
Sec. 313. Federal and State reviews and audits.
Sec. 314. Required reporting procedures.
Sec. 315. Automated data processing requirements.
Sec. 316. Director of CSE program; staffing study.
Sec. 317. Funding for secretarial assistance to State programs.
Sec. 318. Reports and data collection by the Secretary.

Subtitle C—Locate and Case Tracking

Sec. 321. Central State and case registry.
Sec. 322. Centralized collection and disbursement of support payments.
Sec. 323. Amendments concerning income withholding.
Sec. 324. Locator information from interstate networks.
Sec. 325. Expanded Federal Parent Locator Service.
Sec. 326. Use of social security numbers.

Subtitle D—Streamlining and Uniformity of Procedures

Sec. 331. Adoption of uniform State laws
Sec. 332. Improvements to full faith and credit for child support orders.
Sec. 333. State laws providing expedited procedures

Subtitle E—Paternity Establishment

Sec. 341. State laws concerning paternity establishment.
Sec. 342. Outreach for voluntary paternity establishment.

Subtitle F—Establishment and Modification of Support Orders

Sec. 351. National Child Support Guidelines Commission.
Sec. 352. Simplified process for review and adjustment of child support orders.

Subtitle G—Enforcement of Support Orders

Sec. 361. Federal income tax refund offset.
Sec. 362. Internal revenue service collection of arrears.

Sec. 363. Authority to collect support from Federal employees.
Sec. 364. Enforcement of child support obligations of members of the Armed Forces.
Sec. 365. Motor vehicle liens.
Sec. 366. Voiding of fraudulent transfers.
Sec. 367. State law authorizing suspension of licenses.
Sec. 368. Reporting arrearages to credit bureaus.
Sec. 369. Extended statute of limitation for collection of arrearages.
Sec. 370. Charges for arrearages.
Sec. 371. Denial of passports for nonpayment of child support.
Sec. 372. International child support enforcement.

Subtitle H—Medical Support

Sec. 381. Technical correction to ERISA definition of medical child support order.

Subtitle I—Effect of Enactment

Sec. 391. Effective dates.
Sec. 392. Severability.

TITLE IV—REAUTHORIZATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT

Sec. 431. Reauthorization of child care and development block grant.

TITLE V—AMENDMENTS TO THE INTERNAL REVENUE CODE

Sec. 501. Increase in top marginal rate under section 11.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—IMPROVING AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 101. INCREASE IN STANDARD EARNED INCOME DISREGARD.

Clause (ii) of section 402(a)(8)(A) (42 U.S.C. 602(a)(8)(A)(ii)) is amended by striking "$90" and inserting "$170".

SEC. 102. INCREASE IN STATE FLEXIBILITY REGARDING RECIPIENT PARTICIPATION IN JOBS PROGRAM.

(a) CHANGES IN STATE PLAN REQUIREMENTS.—Paragraph (19) of section 402(a) (42 U.S.C. 602(a)(19)) is amended to read as follows:

"(19) provide—

"(A) that the State has in effect and operation a job opportunities and basic skills training program which meets the requirements of part F;

"(B) that, not later than 30 days after approving the application of a family for aid under the State plan approved under this part, the State shall—

"(i) conduct an initial assessment of the self-sufficiency needs of the family that includes an assessment of the family circumstances, the educational, child care, and other supportive services needs, and the skills, prior work experience, and employability of each recipient;

"(ii) determine whether it would be appropriate to require or permit any member of the family to participate in the program of the State under part F; and

"(iii) advise the family of the availability of child care assistance under section 402(g) for participation in education, training, and employment;

"(C) that—

"(i) the costs of attendance by a recipient at an institution of higher education (as defined in section 481(a) of the Higher Education Act of 1965), or a school or course of vocational or technical training, shall not constitute federally reimbursable expenses for purposes of section 403; and

"(ii) the costs of day care, transportation, and other services which are necessary (as determined by the State agency) for such attendance in accordance with section 402(g) are eligible for Federal reimbursement so long as the recipient is making satisfactory progress in such institution, school, or course and such attendance is consistent with the employment goals in the recipient's self-sufficiency plan developed under part F;

"(D) that—

"(i) if an individual who is required by the State to participate in the program of the State under part F fails without good cause to participate or refuses without good cause to accept employment in which such individual is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined to be a bona fide offer of employment—

"(I) the family of the individual shall cease to be eligible for aid under this part; unless

"(II) such individual is a member of a family in which both parents are living at home, and his or her spouse has not failed to comply under this clause, in which case the needs of such individual shall not be taken into account in making the determination with respect to his or her family under paragraph (7) of this subsection;

"(ii) any sanction described in clause (i) shall continue until the failure to comply ceases;

"(iii) no sanction shall be imposed under this subparagraph—

"(I) on the basis of the refusal of an individual to accept any employment (including any employment offered under the program), if the employment does not pay at least the Federal minimum wage under section 6(a) of the Fair Labor Standards Act of 1938; or

"(II) on the basis of the refusal of an individual to participate in the program or accept employment (including any employment offered under the program), if child care (or day care for any incapacitated individual living in the same home as a dependent child) is necessary for an individual to participate in the program or accept employment, such care is not available, and the State agency fails to provide such care; and

"(H) the State agency may require a participant in the program to accept a job only if such agency assures that the family of such participant will experience no net loss of cash income resulting from acceptance of the job; and any costs incurred by the State agency as a result of this subparagraph shall be treated as expenditures with respect to which section 403(a)(1) or 403(a)(2) applies;".

(b) CHANGE IN PAYMENT TO STATES.—Section 403(l) (42 U.S.C. 603(l)) is amended by striking paragraph (2).

SEC. 103. ELIMINATION OF DIFFERENT TREATMENT OF 2-PARENT FAMILIES.

(a) IN GENERAL.—Section 402(a) (42 U.S.C. 602(a)) is amended by striking paragraph (41).

(b) CONFORMING AMENDMENTS.—

(1) Section 402(a)(38)(B) (42 U.S.C. 602(a)(38)(B)) is amended by striking "or in section 407(a)".

(2) Section 402(a) (42 U.S.C. 602(a)) is amended by striking paragraph (42).

(3) Section 402(g)(1)(A)(ii) (42 U.S.C. 602(g)(1)(A)(ii)) is amended by striking "hours of, or increased income from," and inserting "income from".

(4) Section 406(a)(1) (42 U.S.C. 606(a)(1)) is amended by striking "who has been deprived" and all that follows through "incapacity of a parent".

(5) Section 406(b)(1) (42 U.S.C. 606(b)(1)) is amended by striking "and if such relative" and all that follows through "section 407".

(6) Section 407 (42 U.S.C. 607) is hereby repealed.

(7) Section 472(a) (42 U.S.C. 672(a)) is amended by striking "or of section 407".

(8) Section 473(a)(2)(A)(i) (42 U.S.C. 672(a)(2)(A)(i)) is amended by striking "or section 407".

(9) Section 1115(b) (42 U.S.C. 1315(b)) is amended by striking paragraph (5).

(10) Section 1115 (42 U.S.C. 1315) is amended by striking subsection (d).

(11) Section 1902(a)(10)(A)(i) (42 U.S.C. 1396a(a)(10)(A)(i)) is amended by striking subclause (V) and by redesignating subclauses (VI) and (VII) as subclauses (V) and (VI), respectively.

(12) Section 1905 (42 U.S.C. 1396d) is amended by striking subsection (m).

(13) Section 1905(n)(1) (42 U.S.C. 1396d(n)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking "(or" and all that follows through "407)"; and

(ii) by adding "or" at the end; and

(B) by striking subparagraph (B).

(14) Section 1925(a) (42 U.S.C. 1396r–6(a)) is amended by striking "hours of, or income from," and inserting "income from".

(15) Section 204(b)(2) of the Family Support Act of 1988 (42 U.S.C. 681 note) is amended by striking the semicolon and all that follows through "1998".

SEC. 104. EXTENSION OF TRANSITIONAL CHILD CARE GUARANTEE.

Clause (iii) of section 402(g)(1)(A) (42 U.S.C. 602(g)(1)(A)(iii)) is amended to read as follows:

"(iii) A family shall only be eligible for child care provided under clause (ii)—

"(I) for a period of 24 months after the last month for which the family received aid to families with dependent children under this part; or

"(II) until the income of the family exceeds by more than 200 percent the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;

whichever occurs first.".

SEC. 105. INCREASE IN FEDERAL MATCHING RATES FOR CHILD CARE.

(a) AFDC AND TRANSITIONAL CHILD CARE.—

(1) INCREASE IN RATES FOR SEVERAL STATES AND DISTRICT OF COLUMBIA.—Clause (i) of section 402(g)(3)(A) (42 U.S.C. 602(g)(3)(A)(i)) is amended by striking "1905(b))." and inserting "1905(b)), increased by 10 percentage points.".

(2) INCREASE IN RATES FOR OTHER STATES.—Clause (ii) of section 402(g)(3)(A) (42 U.S.C. 602(g)(3)(A)(ii)) is amended by striking "1118)." and inserting "1118), increased by 10 percentage points.".

(b) AT-RISK CHILD CARE.—Subparagraph (A) of section 403(n)(1) (42 U.S.C. 603(n)(1)(A)) is amended by inserting "increased by 10 percentage points" before "of the expenditures".

SEC. 106. INCREASE IN JOBS PROGRAM FUNDING.

Paragraph (3) of section 403(k) (42 U.S.C. 603(k)(3)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking "and each succeeding fiscal year," and inserting a comma at the end; and

(3) by inserting after subparagraph (F) the following:

"(G) $1,500,000,000 in the case of fiscal year 1997,

"(H) $1,900,000,000 in the case of fiscal year 1998, "(I) $2,800,000,000 in the case of fiscal year 1999,

"(J) $3,700,000,000 in the case of fiscal year 2000, and

"(K) $5,000,000,000 in the case of fiscal year 2001,".

SEC. 107. REQUIREMENT WITH RESPECT TO JOBS PROGRAM PARTICIPATION RATE.

(a) REQUIREMENT.—Section 402 (42 U.S.C. 602) is amended by inserting after subsection (c) the following:

"(d)(1) With respect to the program established by a State under part F, the State shall achieve a participation rate for the following fiscal years of not less than the following percentage:

"Fiscal year:	Percentage:
1997	15
1998	20
1999	25
2000	30
2001	35
2002	40
2003 or later	50.

"(2) As used in this subsection, the term 'participation rate' means, with respect to a State and a fiscal year, an amount equal to—

"(A) the average monthly number of individuals who, during the fiscal year, participate in the State program established under part F; divided by

"(B) the average monthly number of individuals who, during the fiscal year, are adult recipients of aid under the State plan approved under part A or participate in the State program established under part F.

"(3) Each State that operates a program under part F for a fiscal year shall submit to the Secretary a report on the participation rate of the State for the fiscal year.

"(4)(A) If a State reports that the State has failed to achieve the participation rate required by paragraph (1) for the fiscal year, the Secretary may make recommendations for changes in the State program established under part F. The State may elect to follow such recommendations, and shall demonstrate to the Secretary how the State will achieve the required participation rates.

"(B) Notwithstanding subparagraph (A), if a State fails to achieve the participation rate required by paragraph (1) for 2 consecutive fiscal years, the Secretary may require the State to make changes in the State program established under part F.".

(b) CHANGE IN PAYMENT TO STATES.—Section 403(l) (42 U.S.C. 603(l)) is amended by striking paragraphs (3) and (4).

SEC. 108. INCREASE IN MATCHING RATES FOR STATES WHOSE RECIPIENTS LEAVE AFDC FOR PAID EMPLOYMENT.

(a) INCREASE IN JOBS MATCHING RATE.—Section 403(l) (42 U.S.C. 603(l)), as amended by section 102(b), is amended by inserting after paragraph (1) the following:

"(2)(A) Notwithstanding paragraph (1), the Secretary shall pay to a State, with respect to expenditures made by the State that are described in paragraph (1)(A)(ii)(II), an amount equal to the greater of 70 percent or the Federal medical assistance percentage (as defined in section 1118 in the case of any State to which section 1108 applies, or as defined in section 1905(b) in the case of any other State) increased by 10 percent if the number of qualified families with respect to the State for a fiscal year equals or exceeds the proportion specified in subparagraph (B) for such year of the total number of individuals participating in the State program established under part F during such year.

"(B) The proportion specified in this subparagraph is—

"(i) ¼ for fiscal year 1998;

"(ii) ⅓ for fiscal year 1999;

"(iii) ½ for fiscal year 2000, and for each fiscal year thereafter.

"(C) For purposes of subparagraph (A), the term 'qualified family' means, with respect to a State for a fiscal year, a family—

"(i) that was receiving aid from the State under this part during such year;

"(ii) a member of which ceased to participate in the State program established under part F during such year as the result of the employment of such member in a job (other than a job provided under the job creation and work experience program under section 482(e)); and

"(iii) ceased to receive such aid as a result of such employment."

(b) INCREASE IN TRANSITIONAL CHILD CARE RATE.—Paragraph (3) of section 402(g) (42 U.S.C. 602(g)(3)) is amended by adding at the end the following:

"(C) Notwithstanding subparagraph (A), in the case of amounts expended for child care pursuant to paragraph (1)(A)(ii) by any State that satisfies the requirement in section 403(l)(2)(A), the applicable rate for purposes of section 403(a) shall be the percentage specified in subparagraph (A) for such amounts, increased by 10 percentage points.".

SEC. 109. INCREASE IN AT-RISK CHILD CARE FUNDING.

Subparagraph (B) of section 403(n)(2) (42 U.S.C. 603(n)(2)(B)) of the Social Security Act is amended—

(1) in clause (iv), by striking "and" at the end;

(2) in clause (v), by striking "1995, and for each fiscal year thereafter." and inserting "1995;"; and

(3) by adding at the end the following:

"(vi) $300,000,000 for fiscal year 1996;

"(vii) $800,000,000 for fiscal year 1997;

"(viii) $1,300,000,000 for fiscal year 1998;

"(ix) $1,800,000,000 for fiscal year 1999;

"(x) $2,300,000,000 for fiscal year 2000; and

"(xi) $2,800,000,000 for fiscal year 2001.".

SEC. 110. IMPROVEMENTS IN JOBS PROGRAM SELF-SUFFICIENCY PLANNING AND CASE MANAGEMENT.

Section 482(b) (42 U.S.C. 682(b)) is amended—

(1) by amending the subsection heading to read as follows:

"(b) SELF-SUFFICIENCY PLAN.—";

(2) by striking paragraph (1)(A), redesignating paragraph (1)(B) as paragraph (1)(A), and adjusting the placement and margins of paragraph (1)(A) (as so redesignated) accordingly;

(3) in paragraph (1)(A) (as redesignated by paragraph (2))—

(A) by striking "such assessment," and inserting "the initial assessment of self-sufficiency under section 402(a)(19)(B),"; and

(B) by striking "employability plan" each place such term appears and inserting "self-sufficiency plan";

(4) in paragraph (2)—

(A) by striking "initial assessment and review and the development of the employability plan" and inserting "initial assessment of self-sufficiency and the development of the self-sufficiency plan";

(B) by striking "the State agency may require" and inserting "the State agency shall require"; and

(C) by striking "If the State agency exercises the option under the preceding sentence, the State agency must" and inserting "The State agency must"; and

(5) in paragraph (3)—

(A) by striking "may assign" and inserting "shall assign"; and

(B) by adding at the end the following:

"Case management services under this paragraph shall continue for a period of not fewer than 90 days after a participant becomes employed, and, at the option of the State, the State may extend such period to not more than 365 days.".

SEC. 111. CHANGE IN MANDATORY SERVICES AND ACTIVITIES UNDER THE JOBS PROGRAM.

(a) MANDATORY AND PERMISSIBLE SERVICES AND ACTIVITIES.—Subparagraph (A) of section 482(d)(1) (42 U.S.C. 682(d)(1)(A)) is amended to read as follows:

"(d) SERVICES AND ACTIVITIES UNDER THE PROGRAM.—(1)(A) In carrying out the program, each State shall make available a broad range of services and activities to aid in carrying out the purpose of this part. Such services and activities—

"(i) shall include—

"(I) educational activities (as appropriate), including high school or equivalent education (combined with training as needed), basic and remedial education to achieve a basic literacy level, and education for individuals with limited English proficiency;

"(II) job skills training;

"(III) job readiness activities to help prepare participants for work;

"(IV) job development and job placement;

"(V) a job creation and work experience program as described in subsection (e); and

"(VI) group and individual job search as described in subsection (f); and

"(ii) may include—

"(I) on-the-job training; and

"(II) any other work experience program approved by the Secretary.".

(b) ELIMINATION OF REQUIREMENT WITH RESPECT TO CERTAIN EDUCATIONAL ACTIVITIES.—Section 482(d) (42 U.S.C. 682(d)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 112. JOBS CREATION AND WORK EXPERIENCE PROGRAM.

Section 482 (42 U.S.C. 682) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h); and

(3) by inserting after subsection (d) the following:

"(e) JOBS CREATION AND WORK EXPERIENCE PROGRAM.—

"(1) IN GENERAL.—In carrying out the program, each State shall establish a jobs creation and work experience program in accordance with this subsection.

"(2) GENERAL REQUIREMENTS.—A jobs creation and work experience program is a program that provides employment in the public sector or in the private sector in accordance with the following requirements:

"(A) PARTICIPATION.—A State shall require an individual to participate in the jobs creation and work experience program if the individual—

"(i) is eligible to receive aid under the State plan approved under part A;

"(ii) is prepared to commence employment, as determined under the self-sufficiency plan developed for the individual under subsection (b)(1)(A); and

"(iii) has demonstrated that the individual is not otherwise able to obtain employment in the public or private sectors.

"(B) PERIODIC JOB SEARCH REQUIRED.—As a continuing condition of eligibility to participate in the jobs creation and work experience program, each participant in the program shall periodically engage in job search.

"(C) ENTRY-LEVEL POSITIONS.—

"(i) IN GENERAL.—Subject to clause (ii), the jobs creation and work experience program shall provide entry-level positions, to the extent practicable.

"(ii) NO INFRINGEMENT ON PROMOTIONAL OPPORTUNITIES.—A job shall not be created in a promotional line that will infringe in any way upon the promotional opportunities of persons employed in jobs not subsidized under this subsection.

"(D) MAXIMUM PERIOD OF SUBSIDIZED EMPLOYMENT AT SAME POSITION.—The jobs creation and work experience program shall not permit an individual to remain in the program for more than 24 months.

"(E) MINIMUM WAGE REQUIREMENT.—An individual participating in the jobs creation and work experience program may not be required to accept any employment if the wage rate for such employment does not equal or exceed the minimum wage rate then in effect under section 6 of the Fair Labor Standards Act of 1938.

"(3) WAGES TREATED AS EARNED INCOME.—Wages paid under a program established under this subsection shall be considered to be earned income for purposes of any provision of law.

"(4) PRESERVATION OF ELIGIBILITY FOR CHILD CARE ASSISTANCE AND MEDICAID BENEFITS.—Any individual who becomes ineligible to receive aid under a State plan approved under part A by reason of income from employment provided under a program established under this subsection to the caretaker relative of the family of which the individual is a member shall for purposes of eligibility for child care benefits under section 402(g)(1)(A)(i) and for purposes of eligibility for medical assistance under the State plan approved under title XIX, be considered to be receiving such aid for so long as the subsidized employment provided to the individual under this subsection continues.".

SEC. 113. PROVISIONS GENERALLY APPLICABLE TO THE JOBS PROGRAM.

Section 484 (42 U.S.C. 684) is amended by striking subsections (b), (c), and (d) and inserting the following:

"(b)(1)(A) Funds provided for a program established under section 482 may be used only for programs that do not duplicate any employment activity otherwise available in the locality of the program.

"(B) Funds provided for a program established under section 482 shall not be paid to a private entity to conduct activities that are the same or substantially equivalent to activities provided by a State in which the entity is located or by an agency of local government with jurisdiction over the locality in which the entity is located, unless the requirements of paragraph (2) are met.

"(2)(A) An employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by the employer of a participant in a program established under section 482.

"(B) No work assignment under a program established under section 482 shall result in any infringement of the promotional opportunities of any employed individual.

"(C)(i) A participant in a program established under section 482(e) shall not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of the employee.

"(ii) A participant in a program established under section 482 shall not perform any services or duties or engage in activities that—

"(I) will supplant the hiring of employed workers; or

"(II) are services, duties or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.

"(iii) A participant in a program established under section 482 shall not perform services or duties that have been performed by or were assigned to any—

"(I) presently employed worker if the participant is in a program established under section 482(e);

"(II) employee who recently resigned or was discharged;

"(III) employee who—

"(aa) is the subject of a reduction in force; or

"(bb) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;

"(IV) employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

"(V) employee who is on strike or is being locked out.

"(c)(1) Sections 142(a), 143(a)(4), 143(a)(5), and 143(c)(2) of the Job Training Partnership Act shall apply to employment provided through any program established under section 482 of this Act.

"(2) Sections 130(f) and 176(f) of the National and Community Service Act of 1990 shall apply to employment provided through any program established under section 482 of this Act.

"(d)(1) A participant in a program established under subsection (e) of section 482 may not be assigned to fill any established unfilled position vacancy.

"(2)(A) A program established under section 482 may not be used to assist, promote, or deter union organizing.

"(B) A program established under section 482 may not be used to impair existing contracts for services or collective bargaining agreements.".

TITLE II—MAKING WORK PAY

SEC. 201. TRANSITIONAL MEDICAID BENEFITS.

(a) EXTENSION OF MEDICAID ENROLLMENT FOR FORMER AFDC RECIPIENTS FOR 1 ADDITIONAL YEAR.—

(1) IN GENERAL.—Section 1925(b)(1) (42 U.S.C. 1396r–6(b)(1)) is amended by striking the period at the end and inserting the following: ", and that the State shall offer to each such family the option of extending coverage under this subsection for any of the first 2 succeeding 6-month periods, in the same manner and under the same conditions as the option of extending coverage under this subsection for the first succeeding 6-month period.".

(2) CONFORMING AMENDMENTS.—Section 1925(b) (42 U.S.C. 1396r–6(b)) is amended—

(A) in the heading, by striking "EXTENSION" and inserting "EXTENSIONS";

(B) in the heading of paragraph (1), by striking "REQUIREMENT" and inserting "IN GENERAL";

(C) in paragraph (2)(B)(ii)—

(i) in the heading, by striking "PERIOD" and inserting "PERIODS", and

(ii) by striking "in the period" and inserting "in each of the 6-month periods";

(D) in paragraph (3)(A), by striking "the 6-month period" and inserting "any 6-month period";

(E) in paragraph (4)(A), by striking "the extension period" and inserting "any extension period"; and

(F) in paragraph (5)(D)(i), by striking "is a 3-month period" and all that follows and inserting the following: "is, with respect to a particular 6-month additional extension period provided under this subsection, a 3-month period beginning with the first or fourth month of such extension period.".

(b) IMPOSITION OF PREMIUM PERMITTED ONLY DURING ADDITIONAL EXTENSION PERIODS.—

(1) IN GENERAL.—Section 1925(b)(5)(A) of such Act (42 U.S.C. 1396r–6(b)(5)(A)) is amended by striking "(D)(i))," and inserting "(D)(i)) occurring during the second or third additional extension period provided under this subsection,".

(2) CONFORMING AMENDMENT.—Section 1925(b)(1) of such Act (42 U.S.C. 1396r–6(b)(1)), as amended by subsection (a)(1), is amended by inserting after "same conditions" the following: "(except as provided in paragraph (5)(A))".

(c) EXTENSION OF COVERAGE FOR LOW-INCOME CHILDREN.—Section 1925(b) of such Act (42 U.S.C. 1396r–6(b)) is amended by adding at the end the following new paragraph:

"(6) EXTENSION OF COVERAGE FOR LOW-INCOME CHILDREN.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, each State plan approved under this title shall provide that the State shall offer (in the last month of the third additional extension period provided under paragraph (1)) to each eligible low-income child who has received assistance pursuant to this section during each of the 6-month periods described in subsection (a) and paragraph (1) the option of coverage under the State plan, in the same manner and under the same conditions as the option of extending coverage under paragraph (1) for the second and third additional extension periods provided under such paragraph.

"(B) ELIGIBLE LOW-INCOME CHILD DEFINED.—In subparagraph (A), the term 'eligible low-income child' means an individual who has not attained 18 years of age and whose family income does not exceed 200 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after October 1, 1996, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 202. TEMPORARY EXCLUSION OF EARNED INCOME FOR PURPOSES OF DETERMINING RENT PAID FOR UNITS IN FEDERALLY ASSISTED HOUSING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the amount of rent payable by a qualified family for a qualified dwelling unit may not be increased because of the increased income due to the employment referred to in subsection (b)(2)(A) for the period that begins upon the commencement of such employment and ends—

(A) 24 months thereafter, or

(B) upon the first date after the commencement of such employment that the income of the family exceeds 200 percent of the official poverty line (as defined by the Office of Management and Budget and revised periodically in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved,

whichever occurs first.

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) QUALIFIED DWELLING UNIT.—The term "qualified dwelling unit" means a dwelling unit—

(A) for which assistance is provided by the Secretary of Housing and Urban Development in the form of any grant, contract, loan, loan guarantee, cooperative agreement, rental assistance payment, interest subsidy, insurance, or direct appropriation, or that is located in a project for which such assistance is provided; and

(B) for which the amount of rent paid by the occupying family is limited, restricted, or determined under law or regulation based on the income of the family.

(2) QUALIFIED FAMILY.—The term "qualified family" means a family—

(A) whose income increases as a result of employment of a member of the family who was previously unemployed; and

(B) who was receiving aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act immediately before such employment.

SEC. 203. CONTINUATION OF FOOD STAMP BENEFITS.

(a) AMENDMENT.—Section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) is amended by adding at the end the following:

"Notwithstanding any other provision of this subsection, in the case of a household that receives benefits under part A of title IV of the Social Security Act and whose income increases because a member of such household obtains employment, the earned income from such employment shall be excluded during a 2-year period for purposes of determining eligibility under such standards unless the aggregate income of such household exceeds the poverty line by more than 200 percent.".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to certification periods beginning before the date of the enactment of this Act.

TITLE III—IMPROVING CHILD SUPPORT ENFORCEMENT

Subtitle A—Eligibility and Other Matters Concerning Title IV–D Program Clients

SEC. 301. STATE OBLIGATION TO PROVIDE PATERNITY ESTABLISHMENT AND CHILD SUPPORT ENFORCEMENT SERVICES.

(a) STATE LAW REQUIREMENTS.—Section 466(a) (42 U.S.C. 666(a)) is amended by adding at the end the following new paragraph:

"(12) USE OF CENTRAL CASE REGISTRY AND CENTRALIZED COLLECTIONS UNIT.—Procedures under which—

"(A) every child support order established or modified in the State on or after October 1, 1998, is recorded in the central case registry established in accordance with section 454A(e); and

"(B) child support payments are collected through the centralized collections unit established in accordance with section 454B—

"(i) on and after October 1, 1998, under each order subject to wage withholding under section 466(b); and

"(ii) on and after October 1, 1999, under each other order required to be recorded in such central case registry under this paragraph or section 454A(e), except as provided in subparagraph (C); and

"(C)(i) parties subject to a child support order described in subparagraph (B)(ii) may opt out of the procedure for payment of support through the centralized collections unit (but not the procedure for inclusion in the central case registry) by filing with State agency a written agreement, signed by both parties, to an alternative payment procedure; and

"(ii) an agreement described in clause (i) becomes void whenever either party advises the State agency of an intent to vacate the agreement.".

(b) STATE PLAN REQUIREMENTS.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) provide that such State will undertake—

"(A) to provide appropriate services under this part to—

"(i) each child with respect to whom an assignment is effective under section 402(a)(26), 471(a)(17), or 1912 (except in cases where the State agency determines, in accordance with paragraph (25), that it is against the best interests of the child to do so); and

"(ii) each child not described in clause (i)—

"(I) with respect to whom an individual applies for such services; and

"(II) (on and after October 1, 1998) each child with respect to whom a support order is recorded in the central State case registry established under section 454A, regardless of whether application is made for services under this part; and

"(B) to enforce the support obligation established with respect to the custodial parent of a child described in subparagraph (A) unless the parties to the order which establishes the support obligation have opted, in accordance with section 466(a)(12)(C), for an alternative payment procedure."; and

(2) in paragraph (6)—

(A) by striking subparagraph (A) and inserting the following:

"(A) services under the State plan shall be made available to nonresidents on the same terms as to residents;";

(B) in subparagraph (B)—

(i) by inserting "on individuals not receiving assistance under part A" after "such services shall be imposed"; and

(ii) by inserting "but no fees or costs shall be imposed on any absent or custodial parent or other individual for inclusion in the central State registry maintained pursuant to section 454A(e)"; and

(C) in each of subparagraphs (B), (C), and (D)—

(i) by indenting such subparagraph and aligning its left margin with the left margin of subparagraph (A); and

(ii) by striking the final comma and inserting a semicolon.

(c) CONFORMING AMENDMENTS.—

(1) Section 452(g)(2)(A) (42 U.S.C. 652(g)(2)(A)) is amended by striking "454(6)" each place it appears and inserting "454(4)(A)(ii)".

(2) Section 454(23) (42 U.S.C. 654(23)) is amended, effective October 1, 1998, by striking "information as to any application fees for such services and".

(3) Section 466(a)(3)(B) (42 U.S.C. 666(a)(3)(B)) is amended by striking "in the case of overdue support which a State has agreed to collect under section 454(6)" and inserting "in any other case".

(4) Section 466(e) (42 U.S.C. 666(e)) is amended by striking "or (6)".

SEC. 302. DISTRIBUTION OF PAYMENTS.

(a) DISTRIBUTIONS THROUGH STATE CHILD SUPPORT ENFORCEMENT AGENCY TO FORMER ASSISTANCE RECIPIENTS.—Section 454(5) (42 U.S.C. 654(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting "except as otherwise specifically provided in section 464 or 466(a)(3)," after "is effective,"; and

(B) by striking "except that" and all that follows through the semicolon; and

(2) in subparagraph (B), by striking ", except" and all that follows through "medical assistance".

(b) DISTRIBUTION TO A FAMILY CURRENTLY RECEIVING AFDC.—Section 457 (42 U.S.C. 657) is amended—

(1) by striking subsection (a) and redesignating subsection (b) as subsection (a);

(2) in subsection (a), as redesignated—

(A) in the matter preceding paragraph (2), to read as follows:

"(a) IN THE CASE OF A FAMILY RECEIVING AFDC.—Amounts collected under this part during any month as support of a child who is receiving assistance under part A (or a parent or caretaker relative of such a child) shall (except in the case of a State exercising the option under subsection (b)) be distributed as follows:

"(1) an amount equal to the amount that will be disregarded pursuant to section 402(a)(8)(A)(vi) shall be taken from each of—

"(A) amounts received in a month which represent payments for that month; and

"(B) amounts received in a month which represent payments for a prior month which were made by the absent parent in the month when due;

and shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to such family during such month;";

(B) in paragraph (4), by striking "or (B)" and all that follows and inserting "; then (B) from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to any other State or States shall be paid to such other State or States and used to any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and then (C) any remainder shall be paid to the family.".

(3) by inserting after subsection (a), as redesignated, the following new subsection:

"(b) ALTERNATIVE DISTRIBUTION IN CASE OF FAMILY RECEIVING AFDC.—In the case of a State electing the option under this subsection, amounts collected as described in subsection (a) shall be distributed as follows:

"(1) an amount equal to the amount that will be disregarded pursuant to section 402(a)(8)(A)(vi) shall be taken from each of—

"(A) amounts received in a month which represent payments for that month; and

"(B) amounts received in a month which represent payments for a prior month which were made by the absent parent in the month when due;

and shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to such family during such month;

"(2) second, from any remainder, amounts equal to the balance of support owed for the current month shall be paid to the family;

"(3) third, from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to the State making the collection shall be retained and used by such State to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(4) fourth, from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to any other State or States shall be paid to such other State or States and used to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and

"(5) fifth, any remainder shall be paid to the family.".

(c) DISTRIBUTION TO A FAMILY NOT RECEIVING AFDC.—

(1) IN GENERAL.—Section 457(c) (42 U.S.C. 657(c)) is amended to read as follows:

''(c) In Case of Family Not Receiving AFDC.—Amounts collected by a State agency under this part during any month as support of a child who is not receiving assistance under part A (or of a parent or caretaker relative of such a child) shall (subject to the remaining provisions of this section) be distributed as follows:

''(1) first, amounts equal to the total of such support owed for such month shall be paid to the family;

''(2) second, from any remainder, amounts equal to arrearages of such support obligations for months during which such child did not receive assistance under part A shall be paid to the family;

''(3) third, from any remainder, amounts equal to arrearages of such support obligations assigned to the State making the collection pursuant to part A shall be retained and used by such State to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

''(4) fourth, from any remainder, amounts equal to arrearages of such support obligations assigned to any other State pursuant to part A shall be paid to such other State or States, and used to pay such arrearages, in the order in which such arrearages accrued (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).''.

(2) Effective date.—The amendment made by paragraph (1) shall take effect on October 1, 1999.

(d) Distribution to a Child Receiving Assistance Under Title IV-E.—Section 457(d) (42 U.S.C. 657(d)) is amended, in the matter preceding paragraph (1), by striking ''Notwithstanding the preceding provisions of this section, amounts'' and inserting the following:

''(d) In Case of a Child Receiving Assistance Under Title IV-E.—Amounts''.

(e) Regulations.—The Secretary of Health and Human Services shall promulgate regulations—

(1) under part D of title IV of the Social Security Act, establishing a uniform nationwide standard for allocation of child support collections from an obligor owing support to more than one family; and

(2) under part A of such title, establishing standards applicable to States electing the alternative formula under section 457(b) of such Act for distribution of collections on behalf of families receiving Aid to Families with Dependent Children, designed to minimize irregular monthly payments to such families.

(f) Clerical Amendment.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (11), by striking ''(11)'' and inserting ''(11)(A)''; and

(2) by redesignating paragraph (12) as subparagraph (B) of paragraph (11).

(g) Mandatory Child Support Pass-Through.—

(1) In general.—Section 402(a)(8)(A)(vi) (42 U.S.C. 602(a)(8)(A)(vi)) is amended—

(A) by striking ''$50'' each place such term appears and inserting ''$50, or, if greater, $50 adjusted by the CPI (as prescribed in section 406(i));''; and

(B) by striking the semicolon at the end and inserting ''or, in lieu of each dollar amount specified in this clause, such greater amount as the State may choose (and provide for in its State plan);''.

(2) CPI adjustment.—Section 406 (42 U.S.C. 606) is amended by adding at the end the following:

''(i) For purposes of this part, an amount is 'adjusted by the CPI' for any month in a calendar year by multiplying the amount involved by the ratio of—

''(1) the Consumer Price Index (as prepared by the Department of Labor) for the third quarter of the preceding calendar year, to

''(2) such Consumer Price Index for the third quarter of calendar year 1996,

and rounding the product, if not a multiple of $10, to the nearer multiple of $10.''.

SEC. 303. DUE PROCESS RIGHTS.

(a) In General.—Section 454 (42 U.S.C. 654), as amended by section 102(f) of this Act, is amended by inserting after paragraph (11) the following new paragraph:

''(12) provide for procedures to ensure that—

''(A) individuals who are applying for or receiving services under this part, or are parties to cases in which services are being provided under this part—

''(i) receive notice of all proceedings in which support obligations might be established or modified; and

''(ii) receive a copy of any order establishing or modifying a child support obligation, or (in the case of a petition for modification) a notice of determination that there should be no change in the amount of the child support award, within 14 days after issuance of such order or determination;

''(B) individuals applying for or receiving services under this part have access to a fair hearing that meets standards established by the Secretary and ensures prompt consideration and resolution of complaints (but the resort to such procedure shall not stay the enforcement of any support order); and

''(C)(i) individuals adversely affected by the establishment or modification of (or, in the case of a petition for modification, the determination that there should be no change in) a child support order shall be afforded not less than 30 days after the receipt of the order or determination to initiate proceedings to challenge such order or determination; and

''(ii) the State may not provide to any noncustodial parent of a child representation relating to the establishment or modification of an order for the payment of child support with respect to that child, unless the State makes provision for such representation outside the State agency;''.

(b) Effective Date.—The amendment made by subsection (a) shall become effective on October 1, 1997.

SEC. 304. PRIVACY SAFEGUARDS.

(a) State Plan Requirement.—Section 454 (42 U.S.C. 454) is amended—

(1) by striking ''and'' at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting ''; and''; and

(3) by adding after paragraph (24) the following:

''(25) will have in effect safeguards applicable to all sensitive and confidential information handled by the State agency designed to protect the privacy rights of the parties, including—

''(A) safeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, or to establish or enforce support;

''(B) prohibitions on the release of information on the whereabouts of one party to another party against whom a protective order with respect to the former party has been entered; and

''(C) prohibitions on the release of information on the whereabouts of one party to another party if the State has reason to believe that the release of the information may result in physical or emotional harm to the former party.''.

(b) Effective Date.—The amendment made by subsection (a) shall become effective on October 1, 1997.

Subtitle B—Program Administration and Funding

SEC. 311. FEDERAL MATCHING PAYMENTS.

(a) Increased Base Matching Rate.—Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended to read as follows:

''(2) The applicable percent for a quarter for purposes of paragraph (1)(A) is—

''(A) for fiscal year 1997, 69 percent,

''(B) for fiscal year 1998, 72 percent, and

''(C) for fiscal year 1999 and succeeding fiscal years, 75 percent.''.

(b) Maintenance of Effort.—Section 455 (42 U.S.C. 655) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking ''From'' and inserting ''Subject to subsection (c), from''; and

(2) by inserting after subsection (b) the following new subsection:

''(c) Maintenance of Effort.—Notwithstanding the provisions of subsection (a), total expenditures for the State program under this part for fiscal year 1997 and each succeeding fiscal year, reduced by the percentage specified for such fiscal year under subsection (a)(2) (A), (B), or (C)(i), shall not be less than such total expenditures for fiscal year 1996, reduced by 66 percent.''.

SEC. 312. PERFORMANCE-BASED INCENTIVES AND PENALTIES.

(a) Incentive Adjustments to Federal Matching Rate.—Section 458 (42 U.S.C. 658) is amended to read as follows:

''INCENTIVE ADJUSTMENTS TO MATCHING RATE

''Sec. 458. (a) Incentive Adjustment.—

''(1) In general.—In order to encourage and reward State child support enforcement programs which perform in an effective manner, the Federal matching rate for payments to a State under section 455(a)(1)(A), for each fiscal year beginning on or after October 1, 1998, shall be increased by a factor reflecting the sum of the applicable incentive adjustments (if any) determined in accordance with regulations under this section with respect to Statewide paternity establishment and to overall performance in child support enforcement.

''(2) Standards.—

''(A) In general.—The Secretary shall specify in regulations—

''(i) the levels of accomplishment, and rates of improvement as alternatives to such levels, which States must attain to qualify for incentive adjustments under this section; and

''(ii) the amounts of incentive adjustment that shall be awarded to States achieving specified accomplishment or improvement levels, which amounts shall be graduated, ranging up to—

''(I) 5 percentage points, in connection with Statewide paternity establishment; and

''(II) 10 percentage points, in connection with overall performance in child support enforcement.

''(B) Limitation.—In setting performance standards pursuant to subparagraph (A)(i) and adjustment amounts pursuant to subparagraph (A)(ii), the Secretary shall ensure that the aggregate number of percentage point increases as incentive adjustments to all States do not exceed such aggregate increases as assumed by the Secretary in estimates of the cost of this section as of June 1995, unless the aggregate performance of all

States exceeds the projected aggregate performance of all States in such cost estimates.

"(3) Determination of incentive adjustment.—The Secretary shall determine the amount (if any) of incentive adjustment due each State on the basis of the data submitted by the State pursuant to section 454(15)(B) concerning the levels of accomplishment (and rates of improvement) with respect to performance indicators specified by the Secretary pursuant to this section.

"(4) Fiscal year subject to incentive adjustment.—The total percentage point increase determined pursuant to this section with respect to a State program in a fiscal year shall apply as an adjustment to the applicable percent under section 455(a)(2) for payments to such State for the succeeding fiscal year.

"(5) Recycling of incentive adjustment.—A State shall expend in the State program under this part all funds paid to the State by the Federal Government as a result of an incentive adjustment under this section.

"(b) Meaning of Terms.—For purposes of this section—

"(1) the term 'Statewide paternity establishment percentage' means, with respect to a fiscal year, the ratio (expressed as a percentage) of—

"(A) the total number of out-of-wedlock children in the State under one year of age for whom paternity is established or acknowledged during the fiscal year, to

"(B) the total number of children born out of wedlock in the State during such fiscal year; and

"(2) the term 'overall performance in child support enforcement' means a measure or measures of the effectiveness of the State agency in a fiscal year which takes into account factors including—

"(A) the percentage of cases requiring a child support order in which such an order was established;

"(B) the percentage of cases in which child support is being paid;

"(C) the ratio of child support collected to child support due; and

"(D) the cost-effectiveness of the State program, as determined in accordance with standards established by the Secretary in regulations.".

(b) Adjustment of Payments Under Part D of Title IV.—Section 455(a)(2) (42 U.S.C. 655(a)(2)), as amended by section 111(a) of this Act, is amended—

(1) by striking the period at the end of subparagraph (C)(ii) and inserting a comma; and

(2) by adding after and below subparagraph (C), flush with the left margin of the subsection, the following:

"increased by the incentive adjustment factor (if any) determined by the Secretary pursuant to section 458.".

(c) Conforming Amendments.—Section 454(22) (42 U.S.C. 654(22)) is amended—

(1) by striking "incentive payments" the first place it appears and inserting "incentive adjustments"; and

(2) by striking "any such incentive payments made to the State for such period" and inserting "any increases in Federal payments to the State resulting from such incentive adjustments".

(d) Calculation of IV-D Paternity Establishment Percentage.—(1) Section 452(g)(1) (42 U.S.C. 652(g)(1)) is amended in the matter preceding subparagraph (A) by inserting "its overall performance in child support enforcement is satisfactory (as defined in section 458(b) and regulations of the Secretary), and" after "1994,".

(2) Section 452(g)(2) (42 U.S.C. 652(g)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking "paternity establishment percentage" and inserting "IV-D paternity establishment percentage"; and

(ii) by striking "(or all States, as the case may be)";

(B) in subparagraph (A)(i), by striking "during the fiscal year";

(C) in subparagraph (A)(ii)(I), by striking "as of the end of the fiscal year" and inserting "in the fiscal year or, at the option of the State, as of the end of such year";

(D) in subparagraph (A)(ii)(II), by striking "or (E) as of the end of the fiscal year" and inserting "in the fiscal year or, at the option of the State, as of the end of such year";

(E) in subparagraph (A)(iii)—

(i) by striking "during the fiscal year"; and

(ii) by striking "and" at the end; and

(F) in the matter following subparagraph (A)—

(i) by striking "who were born out of wedlock during the immediately preceding fiscal year" and inserting "born out of wedlock";

(ii) by striking "such preceding fiscal year" both places it appears and inserting "the preceding fiscal year"; and

(iii) by striking "or (E)" the second place it appears.

(3) Section 452(g)(3) (42 U.S.C. 652(g)(3)) is amended—

(A) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(B) in subparagraph (A), as redesignated, by striking "the percentage of children born out-of-wedlock in the State" and inserting "the percentage of children in the State who are born out of wedlock or for whom support has not been established"; and

(C) in subparagraph (B), as redesignated—

(i) by inserting "and overall performance in child support enforcement" after "paternity establishment percentages"; and

(ii) by inserting "and securing support" before the period.

(e) Reduction of Payments Under Part D of Title IV.—

(1) New requirements.—Section 455 (42 U.S.C. 655) is amended by inserting after subsection (b) the following:

"(c)(1) If the Secretary finds, with respect to a State program under this part in a fiscal year beginning on or after October 1, 1997—

"(A)(i) on the basis of data submitted by a State pursuant to section 454(15)(B), that the State program in such fiscal year failed to achieve the IV-D paternity establishment percentage (as defined in section 452(g)(2)(A)) or the appropriate level of overall performance in child support enforcement (as defined in section 458(b)(2)), or to meet other performance measures that may be established by the Secretary, or

"(ii) on the basis of an audit or audits of such State data conducted pursuant to section 452(a)(4)(C), that the State data submitted pursuant to section 454(15)(B) is incomplete or unreliable; and

"(B) that, with respect to the succeeding fiscal year—

"(i) the State failed to take sufficient corrective action to achieve the appropriate performance levels as described in subparagraph (A)(i) of the paragraph, or

"(ii) the data submitted by the State pursuant to section 454(15)(B) is incomplete or unreliable,

the amounts otherwise payable to the State under this part for quarters following the end of such succeeding fiscal year, prior to quarters following the end of the first quarter throughout which the State program is in compliance with such performance requirement, shall be reduced by the percentage specified in paragraph (2).

"(2) The reductions required under paragraph (1) shall be—

"(A) not less than 6 nor more than 8 percent, or

"(B) not less than 8 nor more than 12 percent, if the finding is the second consecutive finding made pursuant to paragraph (1), or

"(C) not less than 12 nor more than 15 percent, if the finding is the third or a subsequent consecutive such finding.

"(3) For purposes of this subsection, section 402(a)(27), and section 452(a)(4), a State which is determined as a result of an audit to have submitted incomplete or unreliable data pursuant to section 454(15)(B), shall be determined to have submitted adequate data if the Secretary determines that the extent of the incompleteness or unreliability of the data is of a technical nature which does not adversely affect the determination of the level of the State's performance.".

(2) Conforming amendments.—

(A) Section 403 (42 U.S.C. 603) is amended by striking subsection (h).

(B) Section 452(a)(4) (42 U.S.C. 652(a)(4)) is amended by striking "403(h)" each place such term appears and inserting "455(c)".

(C) Subsections (d)(3)(A), (g)(1), and (g)(3)(A) of section 452 (42 U.S.C. 652) are each amended by striking "403(h)" and inserting "455(c)".

(f) Effective Dates.—

(1) Incentive adjustments.—

(A) The amendments made by subsections (a), (b), and (c) shall become effective October 1, 1997, except to the extent provided in subparagraph (B).

(B) Section 458 of the Social Security Act, as in effect prior to the enactment of this section, shall be effective for purposes of incentive payments to States for fiscal years prior to fiscal year 1999.

(2) Penalty reductions.—

(A) The amendments made by subsection (d) shall become effective with respect to calendar quarters beginning on and after the date of enactment of this Act.

(B) The amendments made by subsection (e) shall become effective with respect to calendar quarters beginning on and after the date one year after the date of enactment of this Act.

SEC. 313. FEDERAL AND STATE REVIEWS AND AUDITS.

(a) State Agency Activities.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (14), by striking "(14)" and insert "(14)(A)";

(2) by redesignating paragraph (15) as subparagraph (B) of paragraph (14); and

(3) by inserting after paragraph (14) the following new paragraph:

"(15) provide for—

"(A) a process for annual reviews of and reports to the Secretary on the State program under this part, which shall include such information as may be necessary to measure State compliance with Federal requirements for expedited procedures and timely case processing, using such standards and procedures as are required by the Secretary, under which the State agency will determine the extent to which such program is in conformity with applicable requirements with respect to the operation of State programs under this part (including the status of complaints filed under the procedure required under paragraph (12)(B)); and

"(B) a process of extracting from the State automated data processing system and transmitting to the Secretary data and calculations concerning the levels of accomplishment (and rates of improvement) with respect to applicable performance indicators (including IV–D paternity establishment percentages and overall performance in child support enforcement) to the extent necessary for purposes of sections 452(g) and 458.".

(b) Federal Activities.—Section 452(a)(4) (42 U.S.C. 652(a)(4)) is amended to read as follows:

"(4)(A) review data and calculations transmitted by State agencies pursuant to section 454(15)(B) on State program accomplishments with respect to performance indicators for purposes of section 452(g) and 458, and determine the amount (if any) of penalty reductions pursuant to section 455(c) to be applied to the State;

"(B) review annual reports by State agencies pursuant to section 454(15)(A) on State program conformity with Federal requirements; evaluate any elements of a State program in which significant deficiencies are indicated by such report on the status of complaints under the State procedure under section 454(12)(B); and, as appropriate, provide to the State agency comments, recommendations for additional or alternative corrective actions, and technical assistance; and

"(C) conduct audits, in accordance with the government auditing standards of the United States Comptroller General—

"(i) at least once every 3 years (or more frequently, in the case of a State which fails to meet requirements of this part, or of regulations implementing such requirements, concerning performance standards and reliability of program data) to assess the completeness, reliability, and security of the data, and the accuracy of the reporting systems, used for the calculations of performance indicators specified in subsection (g) and section 458;

"(ii) of the adequacy of financial management of the State program, including assessments of—

"(I) whether Federal and other funds made available to carry out the State program under this part are being appropriately expended, and are properly and fully accounted for; and

"(II) whether collections and disbursements of support payments and program income are carried out correctly and are properly and fully accounted for; and

"(iii) for such other purposes as the Secretary may find necessary;".

(c) Effective Date.—The amendments made by this section shall be effective with respect to calendar quarters beginning on or after the date one year after enactment of this section.

SEC. 314. REQUIRED REPORTING PROCEDURES.

(a) Establishment.—Section 452(a)(5) (42 U.S.C. 652(a)(5)) is amended by inserting ", and establish procedures to be followed by States for collecting and reporting information required to be provided under this part, and establish uniform definitions (including those necessary to enable the measurement of State compliance with the requirements of this part relating to expedited processes and timely case processing) to be applied in following such procedures" before the semicolon.

(b) State Plan Requirement.—Section 454 (42 U.S.C. 654), as amended by section 104(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting "; and"; and

(3) by adding after paragraph (25) the following:

"(26) provide that the State shall use the definitions established under section 452(a)(5) in collecting and reporting information as required under this part.".

SEC. 315. AUTOMATED DATA PROCESSING REQUIREMENTS.

(a) Revised Requirements.—

(1) Section 454(16) (42 U.S.C. 654(16)) is amended—

(A) by striking ", at the option of the State,";

(B) by inserting "and operation by the State agency" after "for the establishment";

(C) by inserting "meeting the requirements of section 454A" after "information retrieval system";

(D) by striking "in the State and localities thereof, so as (A)" and inserting "so as";

(E) by striking "(i)"; and

(F) by striking "(including" and all that follows and inserting a semicolon.

(2) Part D of title IV (42 U.S.C. 651–669) is amended by inserting after section 454 the following new section:

"AUTOMATED DATA PROCESSING

"Sec. 454A. (a) In General.—In order to meet the requirements of this section, for purposes of the requirement of section 454(16), a State agency shall have in operation a single statewide automated data processing and information retrieval system which has the capability to perform the tasks specified in this section, and perform such tasks with the frequency and in the manner specified in this part or in regulations or guidelines of the Secretary.

"(b) Program Management.—The automated system required under this section shall perform such functions as the Secretary may specify relating to management of the program under this part, including—

"(1) controlling and accounting for use of Federal, State, and local funds to carry out such program; and

"(2) maintaining the data necessary to meet Federal reporting requirements on a timely basis.

"(c) Calculation of Performance Indicators.—In order to enable the Secretary to determine the incentive and penalty adjustments required by sections 452(g) and 458, the State agency shall—

"(1) use the automated system—

"(A) to maintain the requisite data on State performance with report to paternity establishment and child support enforcement in the State; and

"(B) to calculate the IV–D paternity establishment percentage and overall performance in child support enforcement for the State for each fiscal year; and

"(2) have in place systems controls to ensure the completeness, and reliability of, and ready access to, the data described in paragraph (1)(A), and the accuracy of the calculations described in paragraph (1)(B).

"(d) Information Integrity and Security.—The State agency shall have in effect safeguards on the integrity, accuracy, and completeness of, access to, and use of data in the automated system required under this section, which shall include the following (in addition to such other safeguards as the Secretary specifies in regulations):

"(1) Policies restricting access.—Written policies concerning access to data by State agency personnel, and sharing of data with other persons, which—

"(A) permit access to and use of data only to the extent necessary to carry out program responsibilities;

"(B) specify the data which may be used for particular program purposes, and the personnel permitted access to such data; and

"(C) ensure that data obtained or disclosed for a limited program purpose is not used or redisclosed for another, impermissible purpose.

"(2) Systems controls.—Systems controls (such as passwords or blocking of fields) to ensure strict adherence to the policies specified under paragraph (1).

"(3) Montioring of access.—Routine monitoring of access to and use of the automated system, through methods such as audit trails and feedback mechanism, to guard against and promptly identify unauthorized access or use.

"(4) Training and information.—The State agency shall have in effect procedures to ensure that all personnel (including State and local agency staff and contractors) who may have access to or be required to use sensitive or confidential program data are fully informed of applicable requirements and penalties, and are adequately trained in security procedures.

"(5) Penalties.—The State agency shall have in effect administrative penalties (up to and including dismissal from employment) for unauthorized access to, or disclosure or use of, confidential data.".

(3) Regulations.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

"(j) The Secretary shall prescribe final regulations for implementation of the requirements of section 454A not later than 2 years after the date of enactment of this subsection.".

(4) Implementation timetable.—Section 454(24) (42 U.S.C. 654(24)), as amended by sections 304(a)(2) and 314(b)(1) of this Act, is amended to read as follows:

"(24) provide that the State will have in effect an automated data processing and information retrieval system—

"(A) by October 1, 1995, meeting all requirements of this part which were enacted on or before the date of enactment of the Family Support Act of 1988; and

"(B) by October 1, 1999, meeting all requirements of this part enacted on or before the date of enactment of this Act.

(but this provision shall not be construed to alter earlier deadlines specified for elements of such system), except that such deadline shall be extended by 1 day for each day (if any) by which the Secretary fails to meet the deadline imposed by section 452(j);".

(b) Special Federal Matching Rate for Development Costs of Automated Systems.—Section 455(a) (42 U.S.C. 655(a)) is amended—

(1) in paragraph (1)(B)—

(A) by striking "90 percent" and inserting "the percent specified in paragraph (3)";

(B) by striking "so much of"; and

(C) by striking "which the Secretary" and all that follows and inserting ", and"; and

(2) by adding at the end the following new paragraph:

"(3)(A) The Secretary shall pay to each State, for each quarter in fiscal year 1996, 90 percent of so much of State expenditures described in subparagraph (1)(B) as the Secretary finds are for a system meeting the requirements specified in section 454(16), or meeting such requirements without regard to clause (D) thereof.

"(B)(i) The Secretary shall pay to each State, for each quarter in fiscal years 1997 through 2001, the percentage specified in clause (ii) of so much of State expenditures described in subparagraph (1)(B) as the Secretary finds are for a system meeting the requirements specified in section 454(16) and 454A, subject to clause (iii).

"(ii) The percentage specified in this clause, for purposes of clause (i), is the higher of—

"(I) 80 percent, or

"(II) the percentage otherwise applicable to Federal payments to the State under subparagraph (A) (as adjusted pursuant to section 458).".

(c) CONFORMING AMENDMENT.—Section 123(c) of the Family Support Act of 1988 (102 Stat. 2352; Public Law 100–485) is repealed.

(d) ADDITIONAL PROVISIONS.—For additional provisions of section 454A, as added by subsection (a) of this section, see the amendments made by sections 21, 322(c), and 333(d) of this Act.

SEC. 316. DIRECTOR OF CSE PROGRAM; STAFFING STUDY.

(a) REPORTING TO SECRETARY.—Section 452(a) (42 U.S.C. 652(a)) is amended in the matter preceding paragraph (1) by striking "directly".

(b) STAFFING STUDIES.—

(1) SCOPE.—The Secretary of Health and Human Services shall, directly or by contract, conduct studies of the staffing of each State child support enforcement program under part D of title IV of the Social Security Act. Such studies shall include a review of the staffing needs created by requirements for automated data processing, maintenance of a central case registry and centralized collections of child support, and of changes in these needs resulting from changes in such requirements. Such studies shall examine and report on effective staffing practices used by the States and on recommended staffing procedures.

(2) FREQUENCY OF STUDIES.—The Secretary shall complete the first staffing study required under paragraph (1) by October 1, 1997, and may conduct additional studies subsequently at appropriate intervals.

(3) REPORT TO THE CONGRESS.—The Secretary shall submit a report to the Congress stating the findings and conclusions of each study conducted under this subsection.

SEC. 317. FUNDING FOR SECRETARIAL ASSISTANCE TO STATE PROGRAMS.

Section 452 (42 U.S.C. 652), as amended by section 115(a)(3) of this Act, is amended by adding at the end the following new subsection:

"(k) FUNDING FOR FEDERAL ACTIVITIES ASSISTING STATE PROGRAMS.—(1) There shall be available to the Secretary, from amounts appropriated for fiscal year 1996 and each succeeding fiscal year for payments to States under this part, the amount specified in paragraph (2) for the costs to the Secretary for—

"(A) information dissemination and technical assistance to States, training of State and Federal staff, staffing studies, and related activities needed to improve programs (including technical assistance concerning State automated systems);

"(B) research, demonstration, and special projects of regional or national significance relating to the operation of State programs under this part; and

"(C) operation of the Federal Parent Locator Service under section 453, to the extent such costs are not recovered through user fees.

"(2) The amount specified in the paragraph for a fiscal year is the amount equal to a percentage of the reduction in Federal payments to States under part A on account of child support (including arrearages) collected in the preceding fiscal year on behalf of children receiving aid under such part A in such preceding fiscal year (as determined on the basis of the most recent reliable data available to the Secretary as of the end of the third calendar quarter following the end of such preceding fiscal year), equal to—

"(A) 1 percent, for the activities specified in subparagraphs (A) and (B) of paragraph (1); and

"(B) 2 percent, for the activities specified in subparagraph (C) of paragraph (1).".

SEC. 318. REPORTS AND DATA COLLECTION BY THE SECRETARY.

(a) ANNUAL REPORT TO CONGRESS.—(1) Section 452(a)(10)(A) (42 U.S.C. 652(a)(10)(A)) is amended—

(A) by striking "this part;" and inserting "this part, including—"; and

(B) by adding at the end the following indented clauses:

"(i) the total amount of child support payments collected as a result of services furnished during such fiscal year to individuals receiving services under this part;

"(ii) the cost to the States and to the Federal Government of furnishing such services to those individuals; and

"(iii) the number of cases involving families—

"(I) who became ineligible for aid under part A during a month in such fiscal year; and

"(II) with respect to whom a child support payment was received in the same month;".

(2) Section 452(a)(10)(C) (42 U.S.C. 652(a)(10)(C)) is amended—

(A) in the matter preceding clause (i)—

(i) by striking "with the data required under each clause being separately stated for cases" and inserting "separately stated for (1) cases";

(ii) by striking "cases where the child was formerly receiving" and inserting "or formerly received";

(iii) by inserting "or 1912" after "471(a)(17)"; and

(iv) by inserting "(2)" before "all other";

(B) in each of clauses (i) and (ii), by striking ", and the total amount of such obligations";

(C) in clause (iii), by striking "described in" and all that follows and inserting "in which support was collected during the fiscal year;";

(D) by striking clause (iv); and

(E) by redesignating clause (v) as clause (vii), and inserting after clause (iii) the following new clauses:

"(iv) the total amount of support collected during such fiscal year and distributed as current support;

"(v) the total amount of support collected during such fiscal year and distributed as arrearages;

"(vi) the total amount of support due and unpaid for all fiscal years; and".

(3) Section 452(a)(10)(G) (42 U.S.C. 652(a)(10)(G)) is amended by striking "on the use of Federal courts and".

(4) Section 452(a)(10) (42 U.S.C. 652(a)(10)) is amended by striking all that follows subparagraph (I).

(b) DATA COLLECTION AND REPORTING.—Section 469 (42 U.S.C. 669) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"'(a) The Secretary shall collect and maintain, on a fiscal year basis, up-to-date statistics, by State, with respect to services to establish paternity and services to establish child support obligations, the data specified in subsection (b), separately stated, in the case of each such service, with respect to—

"(1) families (or dependent children) receiving aid under plans approved under part A (or E); and

"(2) families not receiving such aid.

"(b) The data referred to in subsection (a) are—

"(1) the number of cases in the caseload of the State agency administering the plan under this part in which such service is needed; and

"(2) the number of such cases in which the service has been provided."; and

(2) in subsection (c), by striking "(a)(2)" and inserting "(b)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to fiscal year 1996 and succeeding fiscal years.

Subtitle C—Locate and Case Tracking

SEC. 321. CENTRAL STATE AND CASE REGISTRY.

Section 454A, as added by section 315(a)(2) of this Act, is amended by adding at the end the following:

"(e) CENTRAL CASE REGISTRY.—

"(1) IN GENERAL.—The automated system required under this section shall perform the functions, in accordance with the provisions of this subsection, of a single central registry containing records with respect to each case in which services are being provided by the State agency (including, on and after October 1, 1998, each order specified in section 466(a)(12)), using such standardized data elements (such as names, social security numbers or other uniform identification numbers, dates of birth, and case identification numbers), and containing such other information (such as information on case status) as the Secretary may require.

"(2) PAYMENT RECORDS.—Each case record in the central registry shall include a record of—

"(A) the amount of monthly (or other periodic) support owed under the support order, and other amounts due or overdue (including arrears, interest or late payment penalties, and fees);

"(B) the date on which or circumstances under which the support obligation will terminate under such order;

"(C) all child support and related amounts collected (including such amounts as fees, late payment penalties, and interest on arrearages);

"(D) the distribution of such amounts collected; and

"(E) the birth date of the child for whom the child support order is entered.

"(3) UPDATING AND MONITORING.—The State agency shall promptly establish and maintain, and regularly monitor, case records in the registry required by this subsection, on the basis of—

"(A) information on administrative actions and administrative and judicial proceedings and orders relating to paternity and support;

"(B) information obtained from matches with Federal, State, or local data sources;

"(C) information on support collections and distributions; and

"(D) any other relevant information.

"(f) DATA MATCHES AND OTHER DISCLOSURES OF INFORMATION.—The automated system required under this section shall have the capacity, and be used by the State agency, to extract data at such times, and in such standardized format or formats, as may be required by the Secretary, and to share and match data with, and receive data from, other data bases and data matching services, in order to obtain (or provide) information necessary to enable the State agency (or Secretary or other State or Federal agencies) to carry out responsibilities under this part. Data matching activities of the State agency shall include at least the following:

"(1) Data Bank of Child Support Orders.—Furnish to the Data Bank of Child Support Orders established under section 453(h) (and update as necessary, with information including notice of expiration of orders) minimal information (to be specified by the Secretary) on each child support case in the central case registry.

"(2) Federal Parent Locator Service.—Exchange data with the Federal Parent Locator Service for the purposes specified in section 453.

"(3) AFDC and Medicaid Agencies.—Exchange data with State agencies (of the State and of other States) administering the programs under part A and title XIX, as necessary for the performance of State agency responsibilities under this part and under such programs.

"(4) Intra- and Interstate Data Matches.—Exchange data with other agencies of the State, agencies of other States, and interstate information networks, as necessary and appropriate to carry out (or assist other States to carry out) the purposes of this part.".

SEC. 322. CENTRALIZED COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS.

(a) State Plan Requirement.—Section 454 (42 U.S.C. 654), as amended by sections 304(a) and 314(b) of this Act, is amended—

(1) by striking "and" at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting "; and"; and

(3) by adding after paragraph (26) the following new paragraph:

"(27) provide that the State agency, on and after October 1, 1998—

"(A) will operate a centralized, automated unit for the collection and disbursement of child support under orders being enforced under this part, in accordance with section 454B; and

"(B) will have sufficient State staff (consisting of State employees), and (at State option) contractors reporting directly to the State agency to monitor and enforce support collections through such centralized unit, including carrying out the automated data processing responsibilities specified in section 454A(g) and to impose, as appropriate in particular cases, the administrative enforcement remedies specified in section 466(c)(1).".

(b) Establishment of Centralized Collection Unit.—Part D of title IV (42 U.S.C. 651–669) is amended by adding after section 454A the following new section:

"CENTRALIZED COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS

"Sec. 454B. (a) In General.—In order to meet the requirement of section 454(27), the State agency must operate a single centralized, automated unit for the collection and disbursement of support payments, coordinated with the automated data system required under section 454A, in accordance with the provisions of this section, which shall be—

"(1) operated directly by the State agency (or by two or more State agencies under a regional cooperative agreement), or by a single contractor responsible directly to the State agency; and

"(2) used for the collection and disbursement (including interstate collection and disbursement) of payments under support orders in all cases being enforced by the State pursuant to section 454(4).

"(b) Required Procedures.—The centralized collections unit shall use automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures—

"(1) for receipt of payments from parents, employers, and other States, and for disbursements to custodial parents and other obligees, the State agency, and the State agencies of other States;

"(2) for accurate identification of payments;

"(3) to ensure prompt disbursement of the custodial parent's share of any payment; and

"(4) to furnish to either parent, upon request, timely information on the current status of support payments.".

(c) Use of Automated System.—Section 454A, as added by section 315(a)(2) of this Act and as amended by section 321 of this Act, is amended by adding at the end the following new subsection:

"(g) Centralized Collection and Distribution of Support Payments.—The automated system required under this section shall be used, to the maximum extent feasible, to assist and facilitate collections and disbursement of support payments through the centralized collections unit operated pursuant to section 454B, through the performance of functions including at a minimum—

"(1) generation of orders and notices to employers (and other debtors) for the withholding of wages (and other income)—

"(A) within two working days after receipt (from the directory of New Hires established under section 453(i) or any other source) of notice of and the income source subject to such withholding; and

"(B) using uniform formats directed by the Secretary;

"(2) ongoing monitoring to promptly identify failures to make timely payment; and

"(3) automatic use of enforcement mechanisms (including mechanisms authorized pursuant to section 466(c)) where payments are not timely made.".

(d) Effective Date.—The amendments made by this section shall become effective on October 1, 1998.

SEC. 323. AMENDMENTS CONCERNING INCOME WITHHOLDING.

(a) Mandatory Income Withholding.—(1) Section 466(a)(1) (42 U.S.C. 666(a)(1)) is amended to read as follows:

"(1) Income Withholding.—

"(A) Under Orders Enforced Under the State Plan.—Procedures described in subsection (b) for the withholding from income of amounts payable as support in cases subject to enforcement under the State plan.

"(B) Under Certain Orders Predating Change in Requirement.—Procedures under which all child support orders issued (or modified) before October 1, 1996, and which are not otherwise subject to withholding under subsection (b), shall become subject to withholding from wages as provided in subsection (b) if arrearages occur, without the need for a judicial or administrative hearing.".

(2) Section 466(a)(8) (42 U.S.C. 666(a)(8)) is repealed.

(3) Section 466(b) (42 U.S.C. 666(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)";

(B) in paragraph (5), by striking all that follows "administered by" and inserting "the State through the centralized collections unit established pursuant to section 454B, in accordance with the requirements of such section 454B.";

(C) in paragraph (6)(A)(i)—

(i) in inserting ", in accordance with timetables established by the Secretary," after "must be required"; and

(ii) by striking "to the appropriate agency" and all that follows and inserting "to the State centralized collections unit within 5 working days after the date such amount would (but for this subsection) have been paid or credited to the employee, for distribution in accordance with this part.";

(D) in paragraph (6)(A)(ii), by inserting "be in a standard format prescribed by the Secretary, and" after "shall"; and

(E) in paragraph (6)(D)—

(i) by striking "employer who discharges" and inserting "employer who—(A) discharges";

(ii) by relocating subparagraph (A), as designated, as an indented subparagraph after and below the introductory matter;

(iii) by striking the period at the end; and

(iv) by adding after and below subparagraph (A) the following new subparagraph:

"(B) fails to withhold support from wages, or to pay such amounts to the State centralized collections unit in accordance with this subsection.".

(b) Conforming Amendment.—Section 466(c) (42 U.S.C. 666(c)) is repealed.

(c) Definition of Terms.—The Secretary shall promulgate regulations providing definitions, for purposes of part D of title IV of the Social Security Act, for the term "income" and for such other terms relating to income withholding under section 466(b) of such Act as the Secretary may find it necessary or advisable to define.

SEC. 324. LOCATOR INFORMATION FROM INTERSTATE NETWORKS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 323(a)(2) of this Act, is amended by inserting after paragraph (7) the following new paragraph:

"(8) Locator Information From Interstate Networks.—Procedures ensuring that the State will neither provide funding for, nor use for any purpose (including any purpose unrelated to the purposes of this part), any automated interstate network or system used to locate individuals—

"(A) for purposes relating to the use of motor vehicles; or

"(B) providing information for law enforcement purposes (where child support enforcement agencies are otherwise allowed access by State and Federal law),

unless all Federal and State agencies administering programs under this part (including the entities established under section 453) have access to information in such system or network to the same extent as any other user of such system or network.".

SEC. 325. EXPANDED FEDERAL PARENT LOCATOR SERVICE.

(a) Expanded Authority To Locate Individuals and Assets.—Section 453 (42 U.S.C. 653) is amended—

(1) in subsection (a), by striking all that follows "subsection (c))" and inserting the following:

", for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations—

"(1) information on, or facilitating the discovery of, the location of any individual—

"(A) who is under an obligation to pay child support;

"(B) against whom such an obligation is sought; or

"(C) to whom such an obligation is owed, including such individual's social security number (or numbers), most recent residential address, and the name, address, and employer identification number of such individual's employer; and

"(2) information on the individual's wages (or other income) from, and benefits of, employment (including rights to or enrollment in group health care coverage); and

"(3) information on the type, status, location, and amount of any assets of, or debts owed by or to, any such individual."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "social security" and all that follows through "absent parent" and inserting "information specified in subsection (a)"; and

(B) in paragraph (2), by inserting before the period ", or from any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))";

(3) in subsection (e)(1), by inserting before the period ", or by consumer reporting agencies".

(b) Reimbursement for Data From Federal Agencies.—Section 453(e)(2) (42 U.S.C. 653(e)(2)) is amended in the fourth sentence by inserting before the period "in an amount which the Secretary determines to be reasonable payment for the data exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the data)".

(c) Access to Consumer Reports Under Fair Credit Reporting Act.—

(1) Section 608 of the Fair Credit Reporting Act (15 U.S.C. 1681f) is amended—

(A) by striking ", limited to" and inserting "to a governmental agency (including the entire consumer report, in the case of a Federal, State, or local agency administering a program under part D of title IV of the Social Security Act, and limited to"; and

(B) by striking "employment, to a governmental agency" and inserting "employment, in the case of any other governmental agency)".

(2) Reimbursement for reports by state agencies and credit bureaus.—Section 453 (42 U.S.C. 653) is amended by adding at the end the following new subsection:

"(g) The Secretary is authorized to reimburse costs to State agencies and consumer credit reporting agencies the costs incurred by such entities in furnishing information requested by the Secretary pursuant to this section in an amount which the Secretary determines to be reasonable payment for the data exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the data).".

(d) Disclosure of Tax Return Information.—(1) Section 6103(1)(6)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking ", but only if" and all that follows and inserting a period.

(2) Section 6103(1)(8)(A) of the Internal Revenue Code of 1986 is amended by inserting "Federal," before "State or local".

(e) Technical Amendments.—

(1) Sections 452(a)(9), 453(a), 453(b), 463(a), and 463(e) (42 U.S.C. 652(a)(9), 653(a), 653(b), 663(a), and 663(e)) are each amended by inserting "Federal" before "Parent" each place it appears.

(2) Section 453 (42 U.S.C. 653) is amended in the heading by adding "FEDERAL" before "PARENT".

(f) New Components.—Section 453 (42 U.S.C. 653), as amended by subsection (c)(2) of this section, is amended by adding at the end the following:

"(h) Data Bank of Child Support Orders.—

"(1) In general.—Not later than October 1, 1998, In order to assist States in administering their State plans under this part and parts A, F, and G, and for the other purposes specified in this section, the Secretary shall establish and maintain in the Federal Parent Locator Service an automated registry to be known as the Data Bank of Child Support Orders, which shall contain abstracts of child support orders and other information described in paragraph (2) on each case in each State central case registry maintained pursuant to section 454A(e), as furnished (and regularly updated), pursuant to section 454A(f), by State agencies administering programs under this part.

"(2) Case information.—The information referred to in paragraph (1), as specified by the Secretary, shall include sufficient information (including names, social security numbers or other uniform identification numbers, and State case identification numbers) to identify the individuals who owe or are owed support (or with respect to or on behalf of whom support obligations are sought to be established), and the State or States which have established or modified, or are enforcing or seeking to establish, such an order.

"(i) Directory of New Hires.—

"(1) In general.—Not later than October 1, 1998, In order to assist States in administering their State plans under this part and parts A, F, and G, and for the other purposes specified in this section, the Secretary shall establish and maintain in the Federal Parent Locator Service an automated directory to be known as the directory of New Hires, containing—

"(A) information supplied by employers on each newly hired individual, in accordance with paragraph (2); and

"(B) information supplied by State agencies administering State unemployment compensation laws, in accordance with paragraph (3).

"(2) Employer information.—

"(A) Information required.—Subject to subparagraph (D), each employer shall furnish to the Secretary, for inclusion in the directory established under this subsection, not later than 10 days after the date (on or after October 1, 1998) on which the employer hires a new employee (as defined in subparagraph (C)), a report containing the name, date of birth, and social security number of such employee, and the employer identification number of the employer.

"(B) Reporting method and format.—The Secretary shall provide for transmission of the reports required under subparagraph (A) using formats and methods which minimize the burden on employers, which shall include—

"(i) automated or electronic transmission of such reports;

"(ii) transmission by regular mail; and

"(iii) transmission of a copy of the form required for purposes of compliance with section 3402 of the Internal Revenue Code of 1986.

"(C) Employee defined.—For purposes of this paragraph, the term 'employee' means any individual subject to the requirement of section 3402(f)(2) of the Internal Revenue Code of 1986.

"(D) Paperwork reduction requirement.—As required by the information resources management policies published by the Director of the Office of Management and Budget pursuant to section 3504(b)(1) of title 44, United States Code, the Secretary, in order to minimize the cost and reporting burden on employers, shall not require reporting pursuant to this paragraph if an alternative reporting mechanism can be developed that either relies on existing Federal or State reporting or enables the Secretary to collect the needed information in a more cost-effective and equally expeditious manner, taking into account the reporting costs on employers.

"(E) Civil money penalty on non-complying employers.—(i) Any employer that fails to make a timely report in accordance with this paragraph with respect to an individual shall be subject to a civil money penalty, for each calendar year in which the failure occurs, of the lesser of $500 or 1 percent of the wages or other compensation paid by such employer to such individual during such calendar year.

"(ii) Subject to clause (iii), the provisions of section 1128A (other than subsections (a) and (b) thereof) shall apply to a civil money penalty under clause (i) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).

"(iii) Any employer with respect to whom a penalty under this subparagraph is upheld after an administrative hearing shall be liable to pay all costs of the Secretary with respect to such hearing.

"(3) Employment security information.—

"(A) Reporting requirement.—Each State agency administering a State unemployment compensation law approved by the Secretary of Labor under the Federal Unemployment Tax Act shall furnish to the Secretary of Health and Human Services extracts of the reports to the Secretary of Labor concerning the wages and unemployment compensation paid to individuals required under section 303(a)(6), in accordance with subparagraph (B).

"(B) Manner of compliance.—The extracts required under subparagraph (A) shall be furnished to the Secretary of Health and Human Services on a quarterly basis, with respect to calendar quarters beginning on and after October 1, 1996, by such dates, in such format, and containing such information as required by that Secretary in regulations.

"(j) Data Matches and Other Disclosures.—

"(1) Verification by social security administration.—(A) The Secretary shall transmit data on individuals and employers maintained under this section to the Social Security Admistration to the extent necessary for verification in accordance with subparagraph (B).

"(B) The Social Security Administration shall verify the accuracy of, correct or supply to the extent necessary and feasible, and report to the Secretary, the following information in data supplied by the Secretary pursuant to subparagraph (A):

"(i) the name, social security number, and birth date of each individual; and

"(ii) the employer identification number of each employer.

"(2) Child support locator matches.—For the purpose of locating individuals for purposes of paternity establishment and establishment and enforcement of child support, the Secretary shall—

"(A) match data in the directory of New Hires against the child support order abstracts in the Data Bank of Child Support Orders not less often than every 2 working days; and

"(B) report information obtained from such a match to concerned State agencies operating programs under this part not later than 2 working days after such match.

"(3) DATA MATCHES AND DISCLOSURES OF DATA IN ALL REGISTRIES FOR TITLE IV PROGRAM PURPOSES.—The Secretary shall—

"(A) perform matches of data in each component of the Federal Parent Locator Service maintained under this section against data in each other such component (other than the matches required pursuant to paragraph (1)), and report information resulting from such matches to State agencies operating programs under this part and parts A, F, and G; and

"(B) disclose data in such registries to such State agencies,

to the extent, and with the frequency, that the Secretary determines to be effective in assisting such States to carry out their responsibilities under such programs.

"(k) FEES.—

"(1) FOR SSA VERIFICATION.—The Secretary shall reimburse the Commissioner of Social Security, at a rate negotiated between the Secretary and the Commissioner, the costs incurred by the Commissioner in performing the verification services specified in subsection (j).

"(2) FOR INFORMATION FROM SESAS.—The Secretary shall reimburse costs incurred by State employment security agencies in furnishing data as required by subsection (j)(3), at rates which the Secretary determines to be reasonable (which rates shall not include payment for the costs of obtaining, compiling, or maintaining such data).

"(3) FOR INFORMATION FURNISHED TO STATE AND FEDERAL AGENCIES.—State and Federal agencies receiving data or information from the Secretary pursuant to this section shall reimburse the costs incurred by the Secretary in furnishing such data or information, at rates which the Secretary determines to be reasonable (which rates shall include payment for the costs of obtaining, verifying, maintaining, and matching such data or information).

"(l) RESTRICTION ON DISCLOSURE AND USE.—Data in the Federal Parent Locator Service, and information resulting from matches using such data, shall not be used or disclosed except as specifically provided in this section.

"(m) RETENTION OF DATA.—Data in the Federal Parent Locator Service, and data resulting from matches performed pursuant to this section, shall be retained for such period (determined by the Secretary) as appropriate for the data uses specified in this section.

"(n) INFORMATION INTEGRITY AND SECURITY.—The Secretary shall establish and implement safeguards with respect to the entities established under this section designed to—

"(1) ensure the accuracy and completeness of information in the Federal Parent Locator Service; and

"(2) restrict access to confidential information in the Federal Parent Locator Service to authorized persons, and restrict use of such information to authorized purposes.

"(o) LIMIT ON LIABILITY.—The Secretary shall not be liable to either a State or an individual for inaccurate information provided to a component of the Federal Parent Locator Service section and disclosed by the Secretary in accordance with this section.".

(g) CONFORMING AMENDMENTS.—

(1) TO PART D OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 454(8)(B) (42 U.S.C. 654(8)(B)) is amended to read as follows:

"(B) the Federal Parent Locator Service established under section 453;".

(2) TO FEDERAL UNEMPLOYMENT TAX ACT.—Section 3304(16) of the Internal Revenue Code of 1986 is amended—

(A) by striking "Secretary of Health, Education, and Welfare" each place such term appears and inserting "Secretary of Health and Human Services";

(B) in subparagraph (B), by striking "such information" and all that follows and inserting "information furnished under subparagraph (A) or (B) is used only for the purposes authorized under such subparagraph;";

(C) by striking "and" at the end of subparagraph (A);

(D) by redesignating subparagraph (B) as subparagraph (C); and

(E) by inserting after subparagraph (A) the following new subparagraph:

"(B) wage and unemployment compensation information contained in the records of such agency shall be furnished to the Secretary of Health and Human Services (in accordance with regulations promulgated by such Secretary) as necessary for the purposes of the directory of New Hires established under section 453(i) of the Social Security Act, and".

(3) TO STATE GRANT PROGRAM UNDER TITLE III OF THE SOCIAL SECURITY ACT.—Section 303(a) (42 U.S.C. 503(a)) is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; and"; and

(C) by adding after paragraph (9) the following new paragraph:

"(10) The making of quarterly electronic reports, at such dates, in such format, and containing such information, as required by the Secretary of Health and Human Services under section 453(i)(3), and compliance with such provisions as such Secretary may find necessary to ensure the correctness and verification of such reports.".

SEC. 326. USE OF SOCIAL SECURITY NUMBERS.

(a) STATE LAW REQUIREMENT.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 301(a) of this Act, is amended by adding at the end the following new paragraph:

"(13) SOCIAL SECURITY NUMBERS REQUIRED.—Procedures requiring the recording of social security numbers—

"(A) of both parties on marriage licenses and divorce decrees; and

"(B) of both parents, on birth records and child support and paternity orders.".

(b) CLARIFICATION OF FEDERAL POLICY.—Section 205(c)(2)(C)(ii) (42 U.S.C. 405(c)(2)(C)(ii)) is amended by striking the third sentence and inserting "This clause shall not be considered to authorize disclosure of such numbers except as provided in the preceding sentence.".

Subtitle D—Streamlining and Uniformity of Procedures

SEC. 331. ADOPTION OF UNIFORM STATE LAWS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 301(a) and 328(a) of this Act, is amended by adding at the end the following new paragraph:

"(14) INTERSTATE ENFORCEMENT.—

"(A) ADOPTION OF UIFSA.—Procedures under which the State adopts in its entirety (with the modifications and additions specified in this paragraph) not later than January 1, 1997, and uses on and after such date, the Uniform Interstate Family Support Act, as approved by the National Conference of Commissioners on Uniform State Laws in August, 1992.

"(B) EXPANDED APPLICATION OF UIFSA.—The State law adopted pursuant to subparagraph (A) shall be applied to any case—

"(i) involving an order established or modified in one State and for which a subsequent modification is sought in another State; or

"(ii) in which interstate activity is required to enforce an order.

"(C) JURISDICTION TO MODIFY ORDERS.—The State law adopted pursuant to subparagraph (A) of this paragraph shall contain the following provision in lieu of section 611(a)(1) of the Uniform Interstate Family Support Act described in such subparagraph (A):

"'(1) the following requirements are met:

"'(i) the child, the individual obligee, and the obligor—

"'(I) do not reside in the issuing State; and

"'(II) either reside in this State or are subject to the jurisdiction of this State pursuant to section 201; and

"'(ii) (in any case where another State is exercising or seeks to exercise jurisdiction to modify the order) the conditions of section 204 are met to the same extent as required for proceedings to establish orders; or'.

"(D) SERVICE OF PROCESS.—The State law adopted pursuant to subparagraph (A) shall recognize as valid, for purposes of any proceeding subject to such State law, service of process upon persons in the State (and proof of such service) by any means acceptable in another State which is the initiating or responding State in such proceeding.

"(E) COOPERATION BY EMPLOYERS.—The State law adopted pursuant to subparagraph (A) shall provide for the use of procedures (including sanctions for noncompliance) under which all entities in the State (including for-profit, nonprofit, and governmental employers) are required to provide promptly, in response to a request by the State agency of that or any other State administering a program under this part, information on the employment, compensation, and benefits of any individual employed by such entity as an employee or contractor.".

SEC. 332. IMPROVEMENTS TO FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

Section 1738B of title 28, United States Code, is amended—

(1) in subsection (a)(2), by striking "subsection (e)" and inserting "subsections (e), (f), and (i)";

(2) in subsection (b), by inserting after the 2nd undesignated paragraph the following:

"'child's home State' means the State in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the State in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month period.";

(3) in subsection (c), by inserting "by a court of a State" before "is made";

(4) in subsection (c)(1), by inserting "and subsections (e), (f), and (g)" after "located";

(5) in subsection (d)—

(A) by inserting "individual" before "contestant"; and

(B) by striking "subsection (e)" and inserting "subsections (e) and (f)";

(6) in subsection (e), by striking "make a modification of a child support order with respect to a child that is made" and inserting "modify a child support order issued";

(7) in subsection (e)(1), by inserting "pursuant to subsection (i)" before the semicolon;

(8) in subsection (e)(2)—

(A) by inserting "individual" before "contestant" each place such term appears; and

(B) by striking "to that court's making the modification and assuming" and inserting "with the State of continuing, exclusive jurisdiction for a court of another State to modify the order and assume";

(9) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(10) by inserting after subsection (e) the following:

"(f) RECOGNITION OF CHILD SUPPORT ORDERS.—If one or more child support orders have been issued in this or another State with regard to an obligor and a child, a court shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction and enforcement:

"(1) If only one court has issued a child support order, the order of that court must be recognized.

"(2) If two or more courts have issued child support orders for the same obligor and child, and only one of the courts would have continuing, exclusive jurisdiction under this section, the order of that court must be recognized.

"(3) If two or more courts have issued child support orders for the same obligor and child, and only one of the courts would have continuing, exclusive jurisdiction under this section, an order issued by a court in the current home State of the child must be recognized, but if an order has not been issued in the current home State of the child, the order most recently issued must be recognized.

"(4) If two or more courts have issued child support orders for the same obligor and child, and none of the courts would have continuing, exclusive jurisdiction under this section, a court may issue a child support order, which must be recognized.

"(5) The court that has issued an order recognized under this subsection is the court having continuing, exclusive jurisdiction.";

(11) in subsection (g) (as so redesignated)—

(A) by striking "PRIOR" and inserting "MODIFIED"; and

(B) by striking "subsection (e)" and inserting "subsections (e) and (f)";

(12) in subsection (h) (as so redesignated)—

(A) in paragraph (2), by inserting "including the duration of current payments and other obligations of support" before the comma; and

(B) in paragraph (3), by inserting "arrears under" after "enforce"; and

(13) by adding at the end the following:

"(i) REGISTRATION FOR MODIFICATION.—If there is no individual contestant or child residing in the issuing State, the party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another State shall register that order in a State with jurisdiction over the nonmovant for the purpose of modification.".

SEC. 333. STATE LAWS PROVIDING EXPEDITED PROCEDURES.

(a) STATE LAW REQUIREMENTS.—Section 466 (42 U.S.C. 666) is amended—

(1) in subsection (a)(2), in the first sentence, to read as follows: "Expedited administrative and judicial procedures (including the procedures specified in subsection (c)) for establishing paternity and for establishing, modifying, and enforcing support obligations."; and

(2) by adding after subsection (b) the following new subsection:

"(c) EXPEDITED PROCEDURES.—The procedures specified in this subsection are the following:

"(1) ADMINISTRATIVE ACTION BY STATE AGENCY.—Procedures which give the State agency the authority (and recognize and enforce the authority of State agencies of other States), without the necessity of obtaining an order from any other judicial or administrative tribunal (but subject to due process safeguards, including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal), to take the following actions relating to establishment or enforcement of orders:

"(A) GENETIC TESTING.—To order genetic testing for the purpose of paternity establishment as provided in section 466(a)(5).

"(B) DEFAULT ORDERS.—To enter a default order, upon a showing of service of process and any additional showing required by State law—

"(i) establishing paternity, in the case of any putative father who refuses to submit to genetic testing; and

"(ii) establishing or modifying a support obligation, in the case of a parent (or other obligor or obligee) who fails to respond to notice to appear at a proceeding for such purpose.

"(C) SUBPOENAS.—To subpoena any financial or other information needed to establish, modify, or enforce an order, and to sanction failure to respond to any such subpoena.

"(D) ACCESS TO PERSONAL AND FINANCIAL INFORMATION.—To obtain access, subject to safeguards on privacy and information security, to the following records (including automated access, in the case of records maintained in automated data bases):

"(i) records of other State and local government agencies, including—

"(I) vital statistics (including records of marriage, birth, and divorce);

"(II) State and local tax and revenue records (including information on residence address, employer, income and assets);

"(III) records concerning real and titled personal property;

"(IV) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

"(V) employment security records;

"(VI) records of agencies administering public assistance programs;

"(VII) records of the motor vehicle department; and

"(VIII) corrections records; and

"(ii) certain records held by private entities, including—

"(I) customer records of public utilities and cable television companies; and

"(II) information (including information on assets and liabilities) on individuals who owe or are owed support (or against or with respect to whom a support obligation is sought) held by financial institutions (subject to limitations on liability of such entities arising from affording such access).

"(E) INCOME WITHHOLDING.—To order income withholding in accordance with subsection (a)(1) and (b) of section 466.

"(F) CHANGE IN PAYEE.—(In cases where support is subject to an assignment under section 402(a)(26), 471(a)(17), or 1912, or to a requirement to pay through the centralized collections unit under section 454B) upon providing notice to obligor and obligee, to direct the obligor or other payor to change the payee to the appropriate government entity.

"(G) SECURE ASSETS TO SATISFY ARREARAGES.—For the purpose of securing overdue support—

"(i) to intercept and seize any periodic or lump-sum payment to the obligor by or through a State or local government agency, including—

"(I) unemployment compensation, workers' compensation, and other benefits;

"(II) judgments and settlements in cases under the jurisdiction of the State or local government; and

"(III) lottery winnings;

"(ii) to attach and seize assets of the obligor held by financial institutions;

"(iii) to attach public and private retirement funds in appropriate cases, as determined by the Secretary; and

"(iv) to impose liens in accordance with paragraph (a)(4) and, in appropriate cases, to force sale of property and distribution of proceeds.

"(H) INCREASE MONTHLY PAYMENTS.—For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages (subject to such conditions or restrictions as the State may provide).

"(I) SUSPENSION OF DRIVERS' LICENSES.—To suspend drivers' licenses of individuals owing past-due support, in accordance with subsection (a)(16).

"(2) SUBSTANTIVE AND PROCEDURAL RULES.—The expedited procedures required under subsection (a)(2) shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:

"(A) LOCATOR INFORMATION; PRESUMPTIONS CONCERNING NOTICE.—Procedures under which—

"(i) the parties to any paternity or child support proceedings are required (subject to privacy safeguards) to file with the tribunal before entry of an order, and to update as appropriate, information on location and identity (including Social Security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer); and

"(ii) in any subsequent child support enforcement action between the same parties, the tribunal shall be authorized, upon sufficient showing that diligent effort has been made to ascertain such party's current location, to deem due process requirements for notice and service of process to be met, with respect to such party, by delivery to the most recent residential or employer address so filed pursuant to clause (i).

"(B) STATEWIDE JURISDICTION.—Procedures under which—

"(i) the State agency and any administrative or judicial tribunal with authority to hear child support and paternity cases exerts statewide jurisdiction over the parties, and orders issued in such cases have statewide effect; and

"(ii) (in the case of a State in which orders in such cases are issued by local jurisdictions) a case may be transferred between jurisdictions in the State without need for any additional filing by the petitioner, or service of process upon the respondent, to retain jurisdiction over the parties.".

(c) EXCEPTIONS FROM STATE LAW REQUIREMENTS.—Section 466(d) (42 U.S.C. 666(d)) is amended—

(1) by striking "(d) If" and inserting the following:

"(d) EXEMPTIONS FROM REQUIREMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), if"; and

(2) by adding at the end the following new paragraph:

"(2) NONEXEMPT REQUIREMENTS.—The Secretary shall not grant an exemption from the requirements of—

"(A) subsection (a)(5) (concerning procedures for paternity establishment);

"(B) subsection (a)(10) (concerning modification of orders);

"(C) subsection (a)(12) (concerning recording of orders in the central State case registry);

"(D) subsection (a)(13) (concerning recording of Social Security numbers);

"(E) subsection (a)(14) (concerning interstate enforcement); or

"(F) subsection (c) (concerning expedited procedures), other than paragraph (1)(A) thereof (concerning establishment or modification of support amount).".

(d) AUTOMATION OF STATE AGENCY FUNCTIONS.—Section 454A, as added by section 115(a)(2) of this Act and as amended by sections 121 and 122(c) of this Act, is amended by adding at the end the following new subsection:

"(h) EXPEDITED ADMINISTRATIVE PROCEDURES.—The automated system required under this section shall be used, to the maximum extent feasible, to implement any expedited administrative procedures required under section 466(c).".

Subtitle E—Paternity Establishment

SEC. 341. STATE LAWS CONCERNING PATERNITY ESTABLISHMENT.

(a) STATE LAWS REQUIRED.—Section 466(a)(5) (42 U.S.C. 666(a)(5)) is amended—

(1) by striking "(5)" and inserting the following:

"(5) PROCEDURES CONCERNING PATERNITY ESTABLISHMENT.—";

(2) in subparagraph (A)—

(A) by striking "(A)(i)" and inserting the following:

"(A) ESTABLISHMENT PROCESS AVAILABLE FROM BIRTH UNTIL AGE EIGHTEEN.—(i)"; and

(B) by indenting clauses (i) and (ii) so that the left margin of such clauses is 2 ems to the right of the left margin of paragraph (4);

(3) in subparagraph (B)—

(A) by striking "(B)" and inserting the following:

"(B) PROCEDURES CONCERNING GENETIC TESTING.—(i)";

(B) in clause (i), as redesignated, by inserting before the period ", where such request is supported by a sworn statement (I) by such party alleging paternity setting forth facts establishing a reasonable possibility of the requisite sexual contact of the parties, or (II) by such party denying paternity setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact of the parties;";

(C) by inserting after and below clause (i) (as redesignated) the following new clause:

"(ii) Procedures which require the State agency, in any case in which such agency orders genetic testing—

"(I) to pay costs of such tests, subject to recoupment (where the State so elects) from the punitive father if paternity is established; and

"(II) to obtain additional testing in any case where an original test result is disputed, upon request and advance payment by the disputing party.";

(4) by striking subparagraphs (C) and (D) and inserting the following:

"(C) PATERNITY ACKNOWLEDGMENT.—(i) Procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and a putative father can sign an acknowledgment of paternity, the putative father and the mother must be given notice, orally, in writing, and in a language that each can understand, of the alternatives to, the legal consequences of, and the rights (including, if 1 parent is a minor, any rights afforded due to minority status) and responsibilities that arise from, signing the acknowledgment.

"(ii) Such procedures must include a hospital-based program for the voluntary acknowledgment of paternity focusing on the period immediately before or after the birth of a child.

"(iii) Such procedures must require the State agency responsible for maintaining birth records to offer voluntary paternity establishment services.

"(iv) The Secretary shall prescribe regulations governing voluntary paternity establishment services offered by hospitals and birth record agencies. The Secretary shall prescribe regulations specifying the types of other entities that may offer voluntary paternity establishment services, and governing the provision of such services, which shall include a requirement that such an entity must use the same notice provisions used by, the same materials used by, provide the personnel providing such services with the same training provided by, and evaluate the provision of such services in the same manner as, voluntary paternity establishment programs of hospitals and birth record agencies.

"(v) Such procedures must require the State and those required to establish paternity to use only the affidavit developed under section 452(a)(7) for the voluntary acknowledgment of paternity, and to give full faith and credit to such an affidavit signed in any other State.

"(D) STATUS OF SIGNED PATERNITY KNOWLEDGMENT.—(i) Procedures under which a signed acknowledgment of paternity is considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within 60 days.

"(ii)(I) Procedures under which, after the 60-day period referred to in clause (i), a signed acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

"(II) Procedures under which, after the 60-day period referred to in clause (i), a minor who signs an acknowledgment of paternity other than in the presence of a parent or court-appointed guardian ad litem may rescind the acknowledgment in a judicial or administrative proceeding, until the earlier of—

"(aa) attaining the age of majority; or

"(bb) the date of the first judicial or administrative proceeding brought (after the signing) to establish a child support obligation, visitation rights, or custody rights with respect to the child whose paternity is the subject of the acknowledgment, and at which the minor is represented by a parent, guardian ad litem, or attorney.";

(5) by striking subparagraph (E) and inserting the following:

"(E) BAR ON ACKNOWLEDGMENT RATIFICATION PROCEEDINGS.—Procedures under which no judicial or administrative proceedings are required or permitted to ratify an unchallenged acknowledgment of paternity.";

(6) by striking subparagraph (F) and inserting the following:

"(F) ADMISSIBILITY OF GENETIC TESTING RESULTS.—Procedures—

"(i) requiring that the State admit into evidence, for purposes of establishing paternity, results of any genetic test that is—

"(I) of a type generally acknowledged, by accreditation bodies designated by the Secretary, as reliable evidence of paternity; and

"(II) performed by a laboratory approved by such an accreditation body;

"(ii) that any objection to genetic testing results must be made in writing not later than a specified number of days before any hearing at which such results may be introduced into evidence (or, at State option, not later than a specified number of days after receipt of such results); and

"(iii) that, if no objection is made, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy."; and

(7) by adding after subparagraph (H) the following new subparagraphs:

"(I) NO RIGHT TO JURY TRIAL.—Procedures providing that the parties to an action to establish paternity are not entitled to jury trial.

"(J) TEMPORARY SUPPORT ORDER BASED ON PROBABLE PATERNITY IN CONTESTED CASES.—Procedures which require that a temporary order be issued, upon motion by a party, requiring the provision of child support pending an administrative or judicial determination of parentage, where there is clear and convincing evidence of paternity (on the basis of genetic tests or other evidence).

"(K) PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS.—Procedures under which bills for pregnancy, childbirth, and genetic testing are admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for such services and testing on behalf of the child.

"(L) WAIVER OF STATE DEBTS FOR COOPERATION.—At the option of the State, procedures under which the tribunal establishing paternity and support has discretion to waive rights to all or part of amounts owed to the State (but not to the mother) for costs related to pregnancy, childbirth, and genetic testing and for public assistance paid to the family where the father cooperates or acknowledges paternity before or after genetic testing.

"(M) STANDING OF PUTATIVE FATHERS.—Procedures ensuring that the putative father has a reasonable opportunity to initiate a paternity action.".

(b) NATIONAL PATERNITY ACKNOWLEDGMENT AFFIDAVIT.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting ", and develop an affidavit to be used for the voluntary acknowledgment of paternity which shall include the social security account number of each parent" before the semicolon.

(c) TECHNICAL AMENDMENT.—Section 468 (42 U.S.C. 668) is amended by striking "a simple civil process for voluntarily acknowledging paternity and".

SEC. 342. OUTREACH FOR VOLUNTARY PATERNITY ESTABLISHMENT.

(a) STATE PLAN REQUIREMENT.—Section 454(23) (42 U.S.C. 654(23)) is amended by adding at the end the following new subparagraph:

"(C) publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support through a variety of means, which—

"(i) include distribution of written materials as health care facilities (including hospitals and clinics), and other locations such as schools;

"(ii) may include pre-natal programs to educate expectant couples on individual and joint rights and responsibilities with respect to paternity (and may require all expectant recipients of assistance under part A to participate in such pre-natal programs, as an element of cooperation with efforts to establish paternity and child support);

"(iii) include, with respect to each child discharged from a hospital after birth for whom paternity or child support has not been established, reasonable follow-up efforts (including at least one contact of each parent whose whereabouts are known, except where there is reason to believe such follow-up efforts would put mother or child at risk), providing—

"(I) in the case of a child for whom paternity has not been established, information on the benefits of and procedures for establishing paternity; and

"(II) in the case of a child for whom paternity has been established but child support has not been established, information on the benefits of and procedures for establishing a child support order, and an application for child support services;".

(b) ENHANCED FEDERAL MATCHING.—Section 455(a)(1)(C) (42 U.S.C. 655(a)(1)(C)) is amended—

(1) by inserting "(i)" before "laboratory costs", and

(2) by inserting before the semicolon ", and (ii) costs of outreach programs designed to encourage voluntary acknowledgment of paternity".

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall become effective October 1, 1997.

(2) The amendments made by subsection (b) shall be effective with respect to calendar quarters beginning on and after October 1, 1996.

Subtitle F—Establishment and Modification of Support Orders

SEC. 351. NATIONAL CHILD SUPPORT GUIDELINES COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "National Child Support Guidelines Commission" (in this section referred to as the "Commission").

(b) GENERAL DUTIES.—The Commission shall develop a national child support guideline for consideration by the Congress that is based on a study of various guideline models, the benefits and deficiencies of such models, and any needed improvements.

(c) MEMBERSHIP.—

(1) NUMBER; APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 12 individuals appointed jointly by the Secretary of Health and Human Services and the Congress, not later than January 15, 1997, of which—

(i) 2 shall be appointed by the Chairman of the Committee on Finance of the Senate, and 1 shall be appointed by the ranking minority member of the Committee;

(ii) 2 shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives, and 1 shall be appointed by the ranking minority member of the Committee; and

(iii) 6 shall be appointed by the Secretary of Health and Human Services.

(B) QUALIFICATIONS OF MEMBERS.—Members of the Commission shall have expertise and experience in the evaluation and development of child support guidelines. At least 1 member shall represent advocacy groups for custodial parents, at least 1 member shall represent advocacy groups for noncustodial parents, and at least 1 member shall be the director of a State program under part D of title IV of the Social Security Act.

(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 2 years. A vacancy in the Commission shall be filed in the manner in which the original appointment was made.

(d) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), clauses (ii) and (iii) of subparagraph (G), and subparagraph (H) of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner in which such provisions apply to the Prospective Payment Assessment Commission.

(e) REPORT.—Not later than 2 years after the appointment of members, the Commission shall submit to the President, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a recommended national child support guideline and a final assessment of issues relating to such a proposed national child support guideline.

(f) TERMINATION.—The Commission shall terminate 6 months after the submission of the report described in subsection (e).

SEC. 352. SIMPLIFIED PROCESS FOR REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS.

(a) IN GENERAL.—Section 466(a)(10) (42 U.S.C. 666(a)(10)) is amended to read as follows:

"(10) PROCEDURES FOR MODIFICATION OF SUPPORT ORDERS.—

"(A)(i) Procedures under which—

"(I) every 3 years, at the request of either parent subject to a child support order, the State shall review and, as appropriate, adjust the order in accordance with the guidelines established under section 467(a) if the amount of the child support award under the order differs from the amount that would be awarded in accordance with such guidelines, without a requirement for any other change in circumstances; and

"(II) upon request at any time of either parent subject to a child support order, the State shall review and, as appropriate, adjust the order in accordance with the guidelines established under section 467(a) based on a substantial change in the circumstances of either such parent.

"(ii) Such procedures shall require both parents subject to a child support order to be notified of their rights and responsibilities provided for under clause (i) at the time the order is issued and in the annual information exchange form provided under subparagraph (B).

"(B) Procedures under which each child support order issued or modified in the State after the effective date of this subparagraph shall require the parents subject to the order to provide each other with a complete statement of their respective financial condition annually on a form which shall be established by the Secretary and provided by the State. The Secretary shall establish regulations for the enforcement of such exchange of information.".

Subtitle G—Enforcement of Support Orders

SEC. 361. FEDERAL INCOME TAX REFUND OFFSET.

(a) CHANGED ORDER OF REFUND DISTRIBUTION UNDER INTERNAL REVENUE CODE.—Section 6402(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking "The amount" and inserting "(1) IN GENERAL.—The amount";

(2) by striking "paid to the State. A reduction" and inserting "paid to the State.

"(2) PRIORITIES FOR OFFSET.—A reduction";

(3) by striking "has been assigned" and inserting "has not been assigned", and

(4) by striking "and shall be applied" and all that follows and inserting "and shall thereafter be applied to satisfy any past-due support that has been so assigned.".

(b) ELIMINATION OF DISPARITIES IN TREATMENT OF ASSIGNED AND NON-ASSIGNED ARREARAGES.—(1) Section 464(a) (42 U.S.C. 664(a)) is amended—

(A) by striking "(a)" and inserting "(a) OFFSET AUTHORIZED.—";

(B) in paragraph (1)—

(i) in the first sentence, by striking "which has been assigned to such State pursuant to section 402(a)(26) or section 471(a)(17)"; and

(ii) in the second sentence, by striking "in accordance with section 457 (b)(4) or (d)(3)" and inserting "as provided in paragraph (2)";

(C) in paragraph (2), to read as follows:

"(2) The State agency shall distribute amounts paid by the Secretary of the Treasury pursuant to paragraph (1)—

"(A) in accordance with section 457 (a)(4) or (d)(3), in the case of past-due support assigned to a State pursuant to section 402(a)(26) or section 471(a)(17); and

"(B) to or on behalf of the child to whom the support was owed, in the case of past-due support not so assigned.";

(D) in paragraph (3)—

(i) by striking "or (2)" each place it appears; and

(ii) in subparagraph (B), by striking "under paragraph (2)" and inserting "on account of past-due support described in paragraph (2)(B)".

(2) Section 464(b) (42 U.S.C. 664(b)) is amended—

(A) by striking "(b)(1)" and inserting "(b) REGULATIONS.—"; and

(B) by striking paragraph (2).

(3) Section 464(c) (42 U.S.C. 664(c)) is amended—

(A) by striking "(c)(1) Except as provided in paragraph (2), as" and inserting "(c) DEFINITION.—As"; and

(B) by striking paragraphs (2) and (3).

(c) TREATMENT OF LUMP-SUM TAX REFUND UNDER AFDC.—

(1) EXEMPTION FROM LUMP-SUM RULE.—Section 402(a)(17) (42 U.S.C. 602(a)(17)) is amended by adding at the end the following: "but this paragraph shall not apply to income received by a family that is attributable to a child support obligation owed with respect to a member of the family and that is paid to the family from amounts withheld from a Federal income tax refund otherwise payable to the person owing such obligation, to the extent that such income is placed in a qualified asset account (as defined in section 406(j)) the total amounts in which, after such placement, does not exceed $10,000;".

(2) QUALIFIED ASSET ACCOUNT DEFINED.—Section 406 (42 U.S.C. 606), as amended by section 302(g)(2) of this Act, is amended by adding at the end the following:

"(j)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of a family receiving aid to families with dependent children to be used for qualified distributions.

"(2) The term 'qualified distribution' means a distribution from a qualified asset account for expenses directly related to 1 or more of the following purposes:

"(A) The attendance of a member of the family at any education or training program.

"(B) The improvement of the employability (including self-employment) of a member of the family (such as through the purchase of an automobile).

"(C) The purchase of a home for the family.

"(D) A change of the family residence.".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1999.

SEC. 362. INTERNAL REVENUE SERVICE COLLECTION OF ARREARS.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 6305(a) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by inserting "except as provided in paragraph (5)" after "collected";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting a comma;

(4) by adding after paragraph (4) the following new paragraph:

"(5) no additional fee may be assessed for adjustments to an amount previously certified pursuant to such section 452(b) with respect to the same obligor."; and

(5) by striking "Secretary of Health, Education, and Welfare" each place it appears and inserting "Secretary of Health and Human Services".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1997.

SEC. 363. AUTHORITY TO COLLECT SUPPORT FROM FEDERAL EMPLOYEES.

(a) CONSOLIDATION AND STREAMLINING OF AUTHORITIES.—

(1) Section 459 (42 U.S.C. 659) is amended in the caption by inserting "INCOME WITHHOLDING," before "GARNISHMENT".

(2) Section 459(a) (42 U.S.C. 659(a)) is amended—

(A) by striking "(a)" and inserting "(a) CONSENT TO SUPPORT ENFORCEMENT.—

(B) by striking "section 207" and inserting "section 207 of this Act and 38 U.S.C. 5301"; and

(C) by striking all that follows "a private person," and inserting "to withholding in accordance with State law pursuant to subsections (a)(1) and (b) of section 466 and regulations of the Secretary thereunder, and to any other legal process brought, by a State agency administering a program under this part or by an individual obligee, to enforce the legal obligation of such individual to provide child support or alimony.".

(3) Section 459(b) (42 U.S.C. 659(b)) is amended to read as follows:

"(b) CONSENT TO REQUIREMENTS APPLICABLE TO PRIVATE PERSON.—Except as otherwise provided herein, each entity specified in subsection (a) shall be subject, with respect to notice to withhold income pursuant to subsection (a)(1) or (b) of section 466, or to any other order or process to enforce support obligations against an individual (if such order or process contains or is accompanied by sufficient data to permit prompt identification of the individual and the moneys involved), to the same requirements as would apply if such entity were a private person.".

(4) Section 459(c) (42 U.S.C. 659(c)) is redesignated and relocated as paragraph (2) of subsection (f), and is amended—

(A) by striking "responding to interrogatories pursuant to requirements imposed by section 461(b)(3)" and inserting "taking actions necessary to comply with the requirements of subsection (A) with regard to any individual"; and

(B) by striking "any of his duties" and all that follows and inserting "such duties.".

(5) Section 461 (42 U.S.C. 661) is amended by striking subsection (b), and section 459 (42 U.S.C. 659) is amended by inserting after subsection (b) (as added by paragraph (3) of this subsection) the following:

"(c) DESIGNATION OF AGENT; RESPONSE TO NOTICE OR PROCESS.—(1) The head of each agency subject to the requirements of this section shall—

"(A) designate an agent or agents to receive orders and accept service of process; and

"(B) publish (i) in the appendix of such regulations, (ii) in each subsequent republication of such regulations, and (iii) annually in the Federal Register, the designation of such agent or agents, identified by title of position, mailing address, and telephone number.".

(6) Section 459 (42 U.S.C. 659) is amended by striking subsection (d) and by inserting after subsection (c)(1) (as added by paragraph (5) of this subsection) the following:

"(2) Whenever an agent designated pursuant to paragraph (1) receives notice pursuant to subsection (a)(1) or (b) of section 466, or is effectively served with any order, process, or interrogatories, with respect to an individual's child support or alimony payment obligations, such agent shall—

"(A) as soon as possible (but not later than fifteen days) thereafter, send written notice of such notice or service (together with a copy thereof) to such individual at his duty station or last-known home address;

"(B) within 30 days (or such longer period as may be prescribed by applicable State law) after receipt of a notice pursuant to subsection (a)(1) or (b) of section 466, comply with all applicable provisions of such section 466; and

"(C) within 30 days (or such longer period as may be prescribed by applicable State law) after effective service of any other such order, process, or interrogatories, respond thereto.".

(7) Section 461 (42 U.S.C. 661) is amended by striking subsection (c), and section 459 (42 U.S.C. 659) is amended by inserting after subsection (c) (as added by paragraph (5) and amended by paragraph (6) of this subsection) the following:

"(d) PRIORITY OF CLAIMS.—In the event that a governmental entity receives notice or is served with process, as provided in this section, concerning amounts owed by an individual to more than one person—

"(1) support collection under section 466(b) must be given priority over any other process, as provided in section 466(b)(7);

"(2) allocation of moneys due or payable to an individual among claimants under section 466(b) shall be governed by the provisions of such section 466(b) and regulations thereunder; and

"(3) such moneys as remain after compliance with subparagraphs (A) and (B) shall be available to satisfy any other such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.".

(8) Section 459(e) (42 U.S.C. 659(e)) is amended by striking "(e)" and inserting the following:

"(e) NO REQUIREMENT TO VARY PAY CYCLES.—".

(9) Section 459(f) (42 U.S.C. 659(f)) is amended by striking "(f)" and inserting the following:

"(f) RELIEF FROM LIABILITY.—(1)".

(10) Section 461(a) (42 U.S.C. 661(a)) is redesignated and relocated as section 459(g), and is amended—

(A) by striking "(g)" and inserting the following:

"(g) REGULATIONS.—"; and

(B) by striking "section 459" and inserting "this section".

(11) Section 462 (42 U.S.C. 662) is amended by striking subsection (f), and section 459 (42 U.S.C. 659) is amended by inserting the following after subsection (g) (as added by paragraph (10) of this subsection):

"(h) MONEYS SUBJECT TO PROCESS.—(1) Subject to subsection (i), moneys paid or payable to an individual which are considered to be based upon remuneration for employment, for purposes of this section—

"(A) consist of—

"(i) compensation paid or payable for personal services of such individual, whether such compensation is denominated as wages, salary, commission, bonus, pay, allowances, or otherwise (including severance pay, sick pay, and incentive pay);

"(ii) periodic benefits (including a periodic benefit as defined in section 228(h)(3)) or other payments—

"(I) under the insurance system established by title II;

"(II) under any other system or fund established by the United States which provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by the individual or any other individual;

"(III) as compensation for death under any Federal program;

"(IV) under any Federal program established to provide 'black lung' benefits; or

"(V) by the Secretary of Veterans Affairs as pension, or as compensation for a service-connected disability or death (except any compensation paid by such Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his retired pay in order to receive such compensation); and

"(iii) worker's compensation benefits paid under Federal or State law; but

"(B) do not include any payment—

"(i) by way of reimbursement or otherwise, to defray expenses incurred by such individual in carrying out duties associated with his employment; or

"(ii) as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code, as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty.".

(12) Section 462(g) (42 U.S.C. 662(g)) is redesignated and relocated as section 459(i) (42 U.S.C. 659(i)).

(13)(A) Section 462 (42 U.S.C. 662) is amended—

(i) in subsection (e)(1), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii); and

(ii) in subsection (e), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B).

(B) Section 459 (42 U.S.C. 659) is amended by adding at the end the following:

"(j) DEFINITIONS.—For purposes of this section—".

(C) Subsections (a) through (e) of section 462 (42 U.S.C. 662), as amended by subparagraph (A) of this paragraph, are relocated and redesignated as paragraphs (1) through (4), respectively of section 459(j) (as added by subparagraph (B) of this paragraph, (42 U.S.C. 659(j)), and the left margin of each of such paragraphs (1) through (4) is indented 2 ems to the right of the left margin of subsection (i) (as added by paragraph (12) of this subsection).

(b) CONFORMING AMENDMENTS.—

(1) TO PART D OF TITLE IV.—Sections 461 and 462 (42 U.S.C. 661), as amended by subsection (a) of this section, are repealed.

(2) TO TITLE 5, UNITED STATES CODE.—Section 5520a of title 5, United States Code, is

amended, in subsections (h)(2) and (i), by striking "sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662)" and inserting "section 459 of the Social Security Act (42 U.S.C. 659)".

(c) MILITARY RETIRED AND RETAINER PAY.—

(1) DEFINITION OF COURT.—Section 1408(a)(1) of title 10, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding after subparagraph (C) the following new paragraph:

"(D) any administrative or judicial tribunal of a State competent to enter orders for support or maintenance (including a State agency administering a State program under part D of title IV of the Social Security Act).";

(2) DEFINITION OF COURT ORDER.—Section 1408(a)(2) of such title is amended by inserting "or a court order for the payment of child support not included in or accompanied by such a decree of settlement," before "which—".

(3) PUBLIC PAYEE.—Section 1408(d) of such title is amended—

(A) in the heading, by striking "to spouse" and inserting "to (or for benefit of)"; and

(B) in paragraph (1), in the first sentence, by inserting "(or for the benefit of such spouse or former spouse to a State central collections unit or other public payee designated by a State, in accordance with part D of title IV of the Social Security Act, as directed by court order, or as otherwise directed in accordance with such part D)" before "in an amount sufficient".

(4) RELATIONSHIP TO PART D OF TITLE IV.—Section 1408 of such title is amended by adding at the end the following new subsection:

"(j) RELATIONSHIP TO OTHER LAWS.—In any case involving a child support order against a member who has never been married to the other parent of the child, the provisions of this section shall not apply, and the case shall be subject to the provisions of section 459 of the Social Security Act.".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective 6 months after the date of the enactment of this Act.

SEC. 364. ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES.

(a) AVAILABILITY OF LOCATOR INFORMATION.—

(1) MAINTENANCE OF ADDRESS INFORMATION.—The Secretary of Defense shall establish a centralized personnel locator service that includes the address of each member of the Armed Forces under the jurisdiction of the Secretary. Upon request of the Secretary of Transportation, addresses for members of the Coast Guard shall be included in the centralized personnel locator service.

(2) TYPE OF ADDRESS.—

(A) RESIDENTIAL ADDRESS.—Except as provided in subparagraph (B), the address for a member of the Armed Forces shown in the locator service shall be the residential address of that member.

(B) DUTY ADDRESS.—The address for a member of the Armed Forces shown in the locator service shall be the duty address of that member in the case of a member—

(i) who is permanently assigned overseas, to a vessel, or to a routinely deployable unit; or

(ii) with respect to whom the Secretary concerned makes a determination that the member's residential address should not be disclosed due to national security or safety concerns.

(3) UPDATING OF LOCATOR INFORMATION.—Within 30 days after a member listed in the locator service establishes a new residential address (or a new duty address, in the case of a member covered by paragraph (2)(B)), the Secretary concerned shall update the locator service to indicate the new address of the member.

(4) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make information regarding the address of a member of the Armed Forces listed in the locator service available, on request, to the Federal Parent Locator Service.

(b) FACILITATING GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS.—The Secretary of each military department, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to facilitate the granting of leave to a member of the Armed Forces under the jurisdiction of that Secretary in a case in which—

(A) the leave is needed for the member to attend a hearing described in paragraph (2);

(B) the member is not serving in or with a unit deployed in a contingency operation (as defined in section 101 of title 10, United States Code); and

(C) the exigencies of military service (as determined by the Secretary concerned) do not otherwise require that such leave not be granted

(2) COVERED HEARINGS.—Paragraph (1) applies to a hearing that is conducted by a court or pursuant to an administrative process established under State law, in connection with a civil action—

(A) to determine whether a member of the Armed Forces is a natural parent of a child; or

(B) to determine an obligation of a member of the Armed Forces to provide child support.

(3) DEFINITIONS.—for purposes of this subsection:

(A) The term "court" has the meaning given that term in section 1408(a) of title 10, United States Code.

(B) The term "child support" has the meaning given such term in section 462 of the Social Security Act (42 U.S.C. 662).

(c) PAYMENT OF MILITARY RETIRED PAY IN COMPLIANCE WITH CHILD SUPPORT ORDERS.—

(1) DATE OF CERTIFICATION OF COURT ORDER.—Section 1408 of title 10, United States Code, is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection (i):

"(i) CERTIFICATION DATE.—It is not necessary that the date of a certification of the authenticity or completeness of a copy of a court order or an order of an administrative process established under State law for child support received by the Secretary concerned for the purposes of this section be recent in relation to the date of receipt by the Secretary.".

(2) PAYMENTS CONSISTENT WITH ASSIGNMENTS OF RIGHTS TO STATES.—Section 1408(d)(1) of such title is amended by inserting after the first sentence the following: "In the case of a spouse or former spouse who, pursuant to section 402(a)(26) of the Social Security Act (42 U.S.C. 602(26)), assigns to a State the rights of the spouse or former spouse to receive support, the Secretary concerned may make the child support payments referred to in the preceding sentence to that State in amounts consistent with that assignment of rights.".

(3) ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.—Section 1408(d) of such title is amended by adding at the end the following new paragraph:

"(6) In the case of a court order or an order of an administrative process established under State law for which effective service is made on the Secretary concerned on or after the date of the enactment of this paragraph and which provides for payments from the disposable retired pay of a member to satisfy the amount of child support set forth in the order, the authority provided in paragraph (1) to make payments from the disposable retired pay of a member to satisy the amount of child support set forth in a court or an order of an administrative process established under State law shall apply to payment of any amount of child support arrearages set forth in that order as well as to amounts of child support that currently become due.".

SEC. 365. MOTOR VEHICLE LIENS.

Section 466(a)(4) (42 U.S.C. 666(a)(4)) is amended—

(1) by striking "(4) Procedures" and inserting the following:

"(4) LIENS.—

"(A) IN GENERAL.—Procedures"; and

(2) by adding at the end the following new subparagraph:

"(B) MOTOR VEHICLE LIENS.—Procedures for placing liens for arrears of child support on motor vehicle titles of individuals owing such arrears equal to or exceeding two months of support, under which—

"(i) any person owed such arrears may place such a lien;

"(ii) the State agency administering the program under this part, shall systematically place such liens;

"(iii) expedited methods are provided for—

"(I) ascertaining the amount of arrears;

"(II) affording the person owing the arrears or other titleholder to contest the amount of arrears or to obtain a release upon fulfilling the support obligation;

"(iv) such a lien has precedence over all other encumbrances on a vehicle title other than a purchase money security interest; and

"(v) the individual or State agency owed the arrears may execute on, seize, and sell the property in accordance with State law.".

SEC. 366. VOIDING OF FRAUDULENT TRANSFERS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 301(a), 328(a), and 331 of this Act, is amended by adding at the end the following new paragraph:

"(15) FRAUDULENT TRANSFERS.—Procedures under which—

"(A) the State has in effect—

"(i) the Uniform Fraudulent Conveyance Act of 1981,

"(ii) the Uniform Fraudulent Transfer Act of 1984, or

"(iii) another law, specifying indicia of fraud which create a prima facie case that a debtor transferred income or property to avoid payment to a child support creditor, which the Secretary finds affords comparable rights to child support creditors; and

"(B) in any case in which the State knows of a transfer by a child support debtor with respect to which such a prima facie case is established, the State must—

"(i) seek to void such transfer; or

"(ii) obtain a settlement in the best interests of the child support creditor.".

SEC. 367. STATE LAW AUTHORIZING SUSPENSION OF LICENSES.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 301(a), 328(a), 331, and 166 of this Act, is amended by adding at the end the following new paragraph:

"(16) Authority to Withhold or Suspend Licenses.—Procedures under which the State has (and uses in appropriate cases) authority (subject to appropriate due process safeguards) to withhold or suspend, or to restrict the use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue child support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.".

SEC. 368. REPORTING ARREARAGES TO CREDIT BUREAUS.

Section 466(a)(7) (42 U.S.C. 666(a)(7)) is amended to read as follows:

"(7) Reporting Arrearages to Credit Bureaus.—(A) Procedures (subject to safeguards pursuant to subparagraph (B)) requiring the State to report periodically to consumer reporting agencies (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) the name of any absent parent who is delinquent by 90 days or more in the payment of support, and the amount of overdue support owed by such parent.

"(B) Procedures ensuring that, in carrying out subparagraph (A), information with respect to an absent parent is reported—

"(i) only after such parent has been afforded all due process required under State law, including notice and a reasonable opportunity to contest the accuracy of such information; and

"(ii) only to an entity that has furnished evidence satisfactory to the State that the entity is a consumer reporting agency.".

SEC. 369. EXTENDED STATUTE OF LIMITATION FOR COLLECTION OF ARREARAGES.

(a) Amendments.—Section 466(a)(9) (42 U.S.C. 666(a)(9)) is amended—

(1) by striking "(9) Procedures" and inserting the following:

"(9) Legal Treatment of Arrears.—

"(A) Finality.—Procedures";

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and by indenting each of such clauses 2 additional ems to the right; and

(3) by adding after and below subparagraph (A), as redesignated, the following new subparagraph:

"(B) Statute of Limitations.—Procedures under which the statute of limitations on any arrearages of child support extends at least until the child owed such support is 30 years of age.".

(b) Application of Requirement.—The amendment made by this section shall not be read to require any State law to revive any payment obligation which had lapsed prior to the effective date of such State law.

SEC. 370. CHARGES FOR ARREARAGES.

(A) State Law Requirement.—Section 466(a) (42 U.S.C. 666(a)), as amended by sections 301(a), 328(a), 331, 366, and 367 of this Act, is amended by adding at the end the following new paragraph:

"(17) Charges for Arrearages.—Procedures providing for the calculation and collection of interest or penalties for arrearages of child support, and for distribution of such interest or penalties collected for the benefit of the child (except where the right to support has been assigned to the State).".

(b) Regulations.—The Secretary of Health and Human Services shall establish by regulation a rule to resolve choice of law conflicts arising in the implementation of the amendment made by subsection (a).

(c) Conforming Amendment.—Section 454(21) (42 U.S.C. 654(21)) is repealed.

(d) Effective Date.—The amendments made by this section shall be effective with respect to arrearages accruing on or after October 1, 1998.

SEC. 371. DENIAL OF PASSPORTS FOR NONPAYMENT OF CHILD SUPPORT.

(a) HHS Certification Procedure.—

(1) Secretarial Responsibility.—Section 452 (42 U.S.C. 652), as amended by sections 315(a)(3) and 317 of this Act, is amended by adding at the end the following new subsection:

"(l) Certifications for Purposes of Passport Restrictions.—

"(1) In general.—Where the Secretary receives a certification by a State agency in accordance with the requirements of section 454(28) that an individual owes arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months' worth of child support, the Secretary shall transmit such certification to the Secretary of State for action (with respect to denial, revocation, or limitation of passports) pursuant to section 171(b) of this Act.

"(2) Limit on liability.—The Secretary shall not be liable to an individual for any action with respect to a certification by a State agency under this section.".

(2) State CSE Agency Responsibility.—Section 454 (42 U.S.C. 654), as amended by sections 304(a), 314(b), and 322(a) of this Act, is amended—

(A) by striking "and" at the end of paragraph (26);

(B) by striking the period at the end of paragraph (27) and inserting "; and"; and

(C) by adding after paragraph (27) the following new paragraph:

"(28) provide that the State agency will have in effect a procedure (which may be combined with the procedure for tax refund offset under section 464) for certifying to the Secretary, for purposes of the procedure under section 452(l) (concerning denial of passports) determinations that individuals owe arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months' worth of child support, under which procedure—

"(A) each individual concerned is afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and

"(B) the certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require.".

(b) State Department Procedure for Denial of Passports.—

(1) In general.—The Secretary of State, upon certification by the Secretary of Health and Human Services, in accordance with section 452(l) of the Social Security Act, that an individual owes arrearages of child support in excess of $5,000, shall refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual.

(2) Limit on liability.—The Secretary of State shall not be liable to an individual for any action with respect to a certification by a State agency under this section.

(c) Effective Date.—This section and the amendments made by this section shall become effective October 1, 1996.

SEC. 372. INTERNATIONAL CHILD SUPPORT ENFORCEMENT.

(A) Sense of the Congress That the United States Should Ratify the United Nations Convention of 1956.—It is the sense of the Congress that the United States should ratify the United Nations Convention of 1956.

(b) Treatment of International Child Support Cases as Interstate Cases.—Section 454 (42 U.S.C. 654), as amended by sections 304(a), 314(b), 322(a), and 371(a)(2) of this Act, is amended—

(1) by striking "and" at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting "; and"; and

(3) by inserting after paragraph (28) the following:

"(29) provide that the State must treat international child support cases in the same manner as the State treats interstate child support cases.".

Subtitle H—Medical Support

SEC. 381. TECHNICAL CORRECTION TO ERISA DEFINITION OF MEDICAL CHILD SUPPORT ORDER.

(a) General.—Section 609(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(2)(B)) is amended—

(1) by striking "issued by a court of competent jurisdiction";

(2) by striking the period at the end of clause (ii) and inserting a comma; and

(3) by adding, after and below clause (ii), the following: "if such judgment, decree, or order (I) is issued by a court of competent jurisdiction or (II) is issued by an administrative adjudicator and has the force and effect of law under applicable State law.".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Plan amendments not required until January 1, 1996.—Any amendment to a plan required to be made by an amendment made by this section shall not be required to be made before the first plan year beginning on or after January 1, 1996, if—

(A) during the period after the date before the date of the enactment of this Act and before such first plan year, the plan is operated in accordance with the requirements of the amendments made by this section, and

(B) such plan amendment applies retroactively to the period after the date before the date of the enactment of this Act and before such first plan year.

A plan shall not be treated as failing to be operated in accordance with the provisions of the plan merely because it operates in accordance with this paragraph.

Subtitle I—Effect of Enactment

SEC. 391. EFFECTIVE DATES.

(A) In General.—Except as otherwise specifically provided (but subject to subsections (b) and (c))—

(1) provisions of this title requiring enactment or amendment of State laws under section 466 of the Social Security Act, or revision of State plans under section 454 of such Act, shall be effective with respect to periods beginning on and after October 1, 1996; and

(2) all other provisions of this title shall become effective upon enactment.

(b) Grace Period for State Law Changes.—The provisions of this title shall become effective with respect to a State on the later of—

(1) the date specified in this title, or

(2) the effective date of laws enacted by the legislature of such State implementing such provisions, but in no event later than the first day of the first calender quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) Grace Period for State Constitutional Amendment.—A State shall not be found out of compliance with any requirement enacted by this title if it is unable to comply without amending the State constitution until the earlier of—

(1) the date one year after the effective date of the necessary State constitutional amendment, or

(2) the date five years after enactment of this title.

SEC. 392. SEVERABILITY.

If any provision of this title or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this title which can be given effect without regard to the invalid provision or application, and to this end the provisions of this title shall be severable.

TITLE IV—REAUTHORIZATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT

SEC. 431. REAUTHORIZATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

"SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subchapter—

"(1) such sums as may be necessary for fiscal year 1995;

"(2) $1,000,000,000 for fiscal year 1996;

"(3) $1,500,000,000 for fiscal year 1997;

"(4) $2,000,000,000 for fiscal year 1998;

"(5) $2,500,000,000 for fiscal year 1999;

"(6) $3,000,000,000 for fiscal year 2000; and

"(7) $3,500,000,000 for fiscal year 2001.".

TITLE V—AMENDMENTS TO THE INTERNAL REVENUE CODE

SEC. 501. INCREASE IN TOP MARGINAL RATE UNDER SECTION 11.

(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are amended by striking "35" and inserting "36.25":

(1) Section 11(b)(1).

(2) Section 11(b)(2).

(3) Section 1201(a).

(4) Paragraphs (1) and (2) of section 1445(e)

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after October 1, 1996, except that the amendment made by subsection (a)(4) shall take effect on October 1, 1996.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on October 1, 1996.

The CHAIRMAN. Pursuant to the rule the gentlewoman from Hawaii [Mrs. MINK] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to speak for the millions of women and children whose lives will be deeply affected by what we do. In the name of reform, we are about to destroy the foundations which have been built over the years to build a framework of support and help. What was a reform effort has now turned into a savage effort to cut away needed funds for our most vulnerable children in order to pay for the tax cuts for the wealthiest in America. Changing the AFDC Program from an entitlement to a block grant means that you blow away its foundation of support. Changing the National School Lunch Program from an entitlement to a block grant means that you place every schoolchild in jeopardy that their school may have to drop out of the program. What good is it to say that there are funds for needy children if the schools they attend have no school lunch program at all? Changing the child care programs from entitlements to block grants means that you diminish the level of commitment to child care as the most important element required to achieve work and self-sufficiency.

The Republican attack against our efforts to build back a future for welfare families by job training, job search, and child care argues that all we do is defend the status quo. For most of this century America has stood tall as a country that helped its poor, and fed its children, and nursed its sick. If this is the status quo, I am proud to defend it because this is what I believe America is all about.

It is not about bashing women as illicit and unfit mothers. It is not about bashing legal aliens. It is not about bashing children because they were born out of wedlock.

America is about having the greatness to offer help where needed. I rise today because I passionately reject the meanness that I see and hear. I reject that the poor are less deserving of our love and affection.

The facts my colleagues is what gives me the spirit to fight back today. The facts, if you care to read, tell you that 50 percent of the adult poor on welfare, work. You don't need to force them to get up everyday like you think. They struggle to feed their families. They know that they want something better for themselves. They don't need a law to force them to love their children. More than half of the adults on welfare have 4 years of work experience. They are not lazy and seeking dependency as a way of life. They are despondent because of events beyond their control, sickness, being laid off a job because of corporate downsizing, divorce, or death.

Our substitute bill that we offer is the truth about America. It acknowledges that States should have greater flexibility in designing the job training and child care programs. But we guarantee the funds with which to do it. If Federal funds are to be spent there must be uniformity throughout the Nation on such things as eligibility standards, but beyond that the States must have the ability to decide how to achieve the goals of job placement which are required in this bill.

We reward families that work by not pulling them out of essential support like food stamps, housing, and child care.

We extend support to low-income working families not on welfare, but as much in need of help, by providing them with child care services as well.

In truth, Mr. Chairman, this substitute bill which has 75 cosponsors is an expression of belief and hope which is the icon of American ideology. Best of all it demeans no one because they are poor, and it protects children and legal aliens by refusing to segregate their rights and privileges because of status, and assures stability of Federal support while allowing maximum flexibility to the States to provide for jobs, job training and child care. Yes, it cuts off support if the parent refuses a job offer, but it does not set an arbitrary time limit which could not be met either by the State or by the community. To cut off a family in need when there is neither job, nor job offer, is cruel. What will the children do to survive? Separate the siblings in foster care, in orphanages? A job must be found before any funds are cut. That is the object, isn't it? Help families find work that earns their way off of welfare. This is our goal. This is the goal of an American that cares. This is not the status quo, because there is no such goal in current law. Vote for the Mink substitute.

FAMILY STABILITY AND WORK ACT (H.R. 1250)

SPONSORED BY CONGRESSWOMAN PATSY T. MINK

SUMMARY

The Welfare debate has been centered around getting people off of welfare through arbitrary time limits and denying benefits to teenage mothers and children born into welfare families, all in an attempt to reduce federal welfare spending. Very little has centered around what is truly necessary to help families get off of welfare and stay off.

The Mink plan is a forthright and honest plan which seeks to move welfare families to self-sufficiency through employment. It provides the resources necessary to give welfare recipients the education, job training, job research assistance and child care that they need to find a job and sets them on a course toward employment through the Job Creation and Work Experience program. It also includes a strong work requirement and increases state flexibility.

Foremost is the fact the Mink plan protects children. It does not allow states to deny benefits to teenage mothers and children born into families already on AFDC. It does not allow children to be out on the street because they have been thrown off of welfare after two years. It helps to keep children and families off of welfare by allowing health care, child care, housing and Food Stamp benefits to continue for a short term after the family is off of AFDC. It increases child support enforcement so that single-parent families have a contribution from the absent parent to help sustain the family. And it eliminates the discrimination of two parent families in the AFDC system.

The major differences between the Mink plan and other welfare proposals are: retains entitlement status of the program; no arbitrary cut off of benefits (people who refuse to work or turn down a job are denied benefits);

protects children because it does not include requirement to deny benefits to teenage mothers or children who are born to families already on AFDC; rewards states for successfully moving welfare recipients into jobs; makes the investments necessary to prepare welfare recipients for work; helps families stay off of welfare by allowing them to retain health, child care, housing and Food Stamp benefits for up to two years, and does not finance welfare by denying benefits to legal immigrants.

I. WORK OPPORTUNITIES AND REQUIREMENTS

Work and preparing for work are essential elements in a welfare reform. The Mink plan provides welfare recipients with the education, job training and child care necessary to obtain a job and stay employed. State are provided more flexibility in implementing the JOBS program to help prepare welfare recipients for work and enhances JOBS with a new work program (The Jobs Creation and Work Experience Program). This is not a one-size fits all approach. It eliminate cumbersome requirements under the JOBS program and allows states flexibility in determining who is required to participate in JOBS and who is exempt. There is no arbitrary time limit for AFDC benefits but allows states to work with individual families to determine what is necessary to get them off of welfare and become self-sufficient through employment.

The Mink plan includes a strong work requirement. Every recipient with a self-sufficiency plan must be in a job after the education, training or job search activities required in their self-sufficiency plan are completed. If they cannot find a job they must participate in the Job Creation and Work Experience Program for two years. States are given maximum flexibility to design the Work program to fit the needs of their AFDC families and their community.

The basic components of this program are:

Participation rates.—States decide who participates and who is exempt, so long as the following participation rates are achieved: 15 percent of AFDC families in FY 1997; 20 percent of AFDC families in FY 1998; 25 percent of AFDC families in FY 1999; 30 percent of AFDC families in FY 2000; 35 percent of AFDC families in FY 2001; 40 percent of AFDC families in FY 2002; and 50 percent of AFDC families in FY 2003 and each succeeding year.

Self-sufficiency plan.—Within 30 days of being determined eligible for AFDC, a preliminary assessment of the self-sufficiency needs of the family and whether they quality for the JOBS program is required. A more detailed self-sufficiency plan must be developed for every participant in the JOBS program. The plan will explain how the State will help and what the recipient will do to pursue employment. It will identify the education, training and support services that will be provided to reach the goal of self-sufficiency, and it will set a timetable for achieving the goals.

Work Requirement.—Every recipient with a self-sufficiency plan must work after education, training, job search or any other preparatory activity required by their self-sufficiency plan. If the recipient cannot find a job, the state must provide a subsidized job through the Job Creation and Work Experience program for at least two years.

Components of the Job Creation and Work Experience Program.—Each State designs its own program to provide employment in the public or private sector for AFDC recipients. The jobs must pay at least Federal minimum wage and may be subsidized. Child care and Medicaid eligibility must be sustained throughout the program. Protections against displacing existing employees at a company or organization participating in a subsidized job program are included.

Time limits.—There are no arbitrary time limits on AFDC benefits. Requires a recipient to get a job once they have completed education or training as determined by their self-sufficiency plan. If a job is not available, they must be placed in the Job Creation and Work Experience program for at least two years. Any one who refuses to work or turns down a job will be cut off of welfare. However, AFDC recipients who play by the rules but cannot find a job because there are no jobs do not get punished by being cut off of welfare.

Jobs and work funding.—The Job Creation and Work Experience Program is a new program under JOBS. Funding for JOBS will continue to be based on a Federal/State share and remain a capped entitlement to the States at the following levels (including the $1 billion currently authorized for JOBS): $1.5 billion in FY 1997; $1.9 billion in FY 1998; $2.8 billion in FY 1999; $3.7 billion in FY 2000, and $5.0 billion in FY 2001.

Rewards success.—Increases Federal share of the JOBS program and Transitional Child Care program by 10 percent for States which meet a certain success rate in moving families on welfare into work (actual rate increase for JOBS program would equal 70% or the Federal Medicaid Match plus 10%). In order to receive the increased federal share the number of JOBS participants who leave the AFDC program due to employment (does not include subsidized employment) within the given year must equal: ¼ of JOBS participants in fiscal year 1998, ⅓ of JOBS participants in fiscal year 1999, and ½ of JOBS participants in fiscal year 2000 or any year thereafter.

Promotes families.—Eliminates requirements discriminating against two-parent families.

II. CHILD CARE

Child Care is essential in order for AFDC mothers to work or participate in an education or job training program. Child care is often the most difficult support service for mothers to find and the most expensive. The Mink plan increases the Federal investment in child care so that AFDC mothers can work to support their families and extend transitional child care assistance so that families who have left the AFDC system can stay off of welfare. In addition, the Mink plan makes a significant investment in child care for other low-income families through the At-Risk Child Care program and the Child Care Development Block Grant program.

Child Care Guarantee.—Retains the Child Care Guarantee for AFDC recipients and JOBS participants. Extends the Transitional Child Care program for families who leave AFDC for an additional year. (current program is one year). Families who leave AFDC would be eligible for transitional child care for two years or until their family income reaches 200% of poverty.

Increase Federal Match.—Increases the federal share for the AFDC & Transitional Child Care by 10%.

Child Care for Non-AFDC families.—Increases the Federal Match for the At-Risk Child Care program by 10% and increases capped entitlement to: $800 million in fiscal year 1997; $1.3 billion in fiscal year 1998; $1.8 billion in fiscal year 1999; $2.3 billion in fiscal year 2000, and $2.8 billion in fiscal year 2001.

Reauthorizes the Child Care Development Block Grant program for five years with the following authorization levels: $1.0 billion in fiscal year 1996; $1.5 billion in fiscal year 1997; $2.0 billion in fiscal year 1998; $2.5 billion in fiscal year 1999; $3.0 billion in fiscal year 2000, and $3.5 billion in fiscal year 2001.

III. MAKING WORK PAY

Helping former AFDC families stay off of welfare must be one of our primary goals. Currently over ½ of the AFDC population cycles on and off of welfare. Low wage jobs which do not provide enough money to sustain a family coupled with the loss of health care, child care, housing and food stamps, often puts a family right back into the dire financial situation which put them on welfare in the first place. We must reward AFDC recipients who go to work and not punish them by taking away necessary assistance which will help stabilize the family. The Mink plan allows AFDC families to retain short-term assistance in the areas of health, housing, nutrition and child care to help stabilize the family and assure that they will not fall back into welfare, including:

Rewards work.—Eliminates disincentives for AFDC recipients to work by increasing the amount of earned income not included in calculation of AFDC benefits from $120 per month to $200 per month in the 1st year and $90 to $170 after the first year.

Transitional health benefits.—Extends Medicaid benefits for an additional year (with state option to require families to pay a portion of the premium) after a family leaves AFDC and extends Medicaid benefits for the children until they reach 18 years of age or the family's income reaches 200 percent of poverty.

Transitional nutrition benefits.—Income earned by AFDC recipients and former AFDC recipients will not be counted for the purposes of Food Stamp eligibility until the family's income reaches 200% of poverty or for two years after the termination of AFDC benefits.

Transitional housing benefits.—Income earned by AFDC recipients and former AFDC recipients will not be counted for the purposes of Federal Housing assistance eligibility or rent determination until the family's income reaches 200% of poverty or for two years after the termination of AFDC benefits.

IV. CHILD SUPPORT

Failure to enforce child payments plays a key role in keeping single parent families in poverty. The FSWA incorporates the child support enforcement provisions developed by the Women's Caucus. It improves state and interstate child support enforcement through:

Establishment of state automated systems on child support orders;

Establishment of a Federal automated system which will include state data on child support orders and a directory of new hires;

Requiring all states to adopt the Uniform Interstate Family Support Act, which establishes a framework for determining which state retains jurisdiction of interstate cases and governs the relationship amongst states in this area.

Improved sanctions including, state guidelines for driver's license suspension, and the denial of passports for individuals who are more than $5,000 or 24 months arrears;

Granting families who are owed child support first right of access to an IRS refund credited to a delinquent non-custodial parent;

Increasing the Federal matching rate from 66% to 75% and including incentive payments of up to 15% for states based on paternity establishment and overall performance of state program. 80% Federal matching rate for the development of automated systems.

V. FINANCING

Corporate America benefits from billions of dollar worth of corporate welfare—subsidies, tax breaks, credits, direct federal spending—every major corporation and business receives some kind of benefit from the Federal government. Corporations must do their share in investing in our nation's most vulnerable in our society.

The Mink bill is financed through raising the top corporate income rate by 1.25% to 36.25 percent. This is estimated to raise $20.25 billion over 5 years.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania [Mr. GOODLING] rise?

Mr. GOODLING. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 30 minutes.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the Mink substitute. I believe it is an expansion of our current system rather than real reform.

Mr. Chairman the fundamental difference with the substitute, of course, is that it retains the entitlement status of the AFDC. But it goes beyond that, it increases the administrative burdens and imposes costly new unfunded Federal mandates on the States. It is mostly deficient for what it does not do. It does not give the States the flexibility to respond to the crisis we have before us.

Mr. Chairman, during our Committee on Ways and Means hearings on welfare reform we repeatedly heard from Governors and others closer to the delivery of public assistance that in order to affect real welfare reform, we need to stop the one-size-fits-all Federal approach and let States design welfare programs that are designed to meet the real needs of the population.

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Such an approach removes a whole layer of expensive Federal bureaucracy that will free up more resources, more resources, Mr. Chairman, to try innovative, new approaches at the local level to truly change people's lives. This substitute before us does not do that. It keeps the same expensive Washington welfare bureaucracy in place, and, in fact, increases costs and Federal requirements. It requires States, as an example, to provide a public sector or subsidized private sector job paying minimum wage for at least 2 years for each recipient. It raises the jobs program participation requirements 5 percent annually, and it guarantees former AFDC families child care indefinitely, until their income reaches 200 percent of poverty. It is the status quo, as the gentlewoman from Hawaii [Mrs. MINK] has said, but it is more than that. It is more of the same.

Again, I believe this substitute traps us in the failed welfare system of the past, so what we need to do is we need to end the perverse incentives of the past. We need to make people work, we need to encourage families to stay together, we need to slash the costly and ineffective Federal welfare bureaucracy.

Thomas Jefferson once said, "I believe that the States can best govern our home concerns." I think he was right. Many of today's thinkers echo those words, sociologist James Q. Wilson among others. Quite frankly, Mr. Chairman, we have to oppose this substitute because it just increases the bureaucracy and the failed welfare system. We need to look ahead. We need to support the committee bill which gives our State partners the flexibility they need.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS], a member of my Committee on Economic and Educational Opportunities.

Mr. WILLIAMS. Mr. Chairman, along with the gentlewoman, I, too, along with many of my colleagues, have spent a lot of time thinking about welfare and trying to figure out how to reform it, a thing that this Congress has done many times, by the way, since welfare was first created. It is not easy, but there are some clear conclusions that one arrives at.

First, and the American people agree with this more than anything else, we have got to make being off of welfare more profitable than being on it. This bill does that better than any bill before us. The American people say, "You've got to educate people, you've got to job train them to take that job once they get on welfare."

Now check it. This bill, Mr. Chairman, the gentlewoman from Hawaii's bill, does that better than any bill that is before us. I say to my colleagues, "You have to improve employment services so that the former welfare recipients now trained for a job can actually find a job." No bill does that better than this bill offered by the gentlewoman from Hawaii [Mrs. MINK], and it does something else. It is tough. It requires that the States increase the number of recipients who take jobs from the current 15 percent up to 50 percent, and I think it does that better than any bill that is before us.

I say to my colleagues, "If you ask the American people what they don't want to do in welfare reform, they'd say, 'For heaven's sakes, don't cut the kids nutrition programs, don't cut school lunch.'" This bill does not cut it.

Mr. Chairman, I voted for the Deal bill last night because I thought it was a lot better than the Republican substitute. I say to my colleagues, "I like Mrs. MINK's bill even better than the Deal bill,"

Now let me finally say a word about the Republican substitute. I know it is a major part of the contract, almost the crown jewels of the contract, and Republicans talk a lot about change. Now here is their great idea for change on welfare reform: Pass the buck to the Governors. Let the Governors do it.

I ask, "Is that the best you can do in your contract? Is that the only change you could think of for welfare reform, if we don't know how to do it, let's let the Governors do it?"

No wonder the American people want their money back on the contract.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that my time be controlled by the gentlewoman from Kansas [Mrs. MEYERS].

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose the Mink substitute. It maintains the entitlement nature of this program, and I think that is a serious mistake. It vastly expands the welfare state. It means a $13 billion increase in expanded jobs training programs. It means a $14.9 billion increase in expanded child care programs. It extends Medicare coverage for an additional year after beneficiary begins working. They already have 1 year Medicaid, I believe. It lets welfare beneficiaries earn more and still collect welfare.

Mr. Chairman, all of this will add over $30 billion a year to the $70 billion that we spend on the AFDC population now.

After 2 years in a job training program, the Federal Government requires States to provide make-work public jobs or subsidized employment for at least 2 years under the substitute offered by the gentlewoman from Hawaii. Now, while in this make-work job, beneficiaries must earn more than they did on AFDC. In other words, the Government is required to give them a job. While they are in this make-work job, they must earn more than they did on AFDC.

The corporate tax rate is going to be increased by 1.25 percent to subsidize welfare workers who are doing make-work jobs.

The Mink substitutes does not address out-of-wedlock births at all. Mr. Chairman, by the year 2000, 80 percent of minority children and 40 percent of all children in this country are going to be born out of wedlock. The younger that a woman has a child, the more likely it will be that she will end up on welfare and stay there for at least 8 to 10 years.

We know, Mr. Chairman, statistically—I am not saying that welfare children are bad. I do not believe that. Many children turn out extremely well, but we know from statistics and studies that children who get started in the welfare system get a very bad start in life sometimes. They do not have a lot of structure in their life. Frequently they do not have a father. Sometimes they do not even have enough food and clothing, and statistically we know that throughout their life they are going to have more trouble with education, health and crime. We are consigning people to a very bad life when we expand this system, and I vigorously oppose the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I stand to support the substitute offered by the gentlewoman from Hawaii [Mrs. MINK]. She definitely reforms AFDC, and that is where most of the problems are.

I say to my colleagues, "Now, you can put any label on us as you want to. You can call us liberals or conservatives. But the main thing the children and the people of this country want: Benefits. They want services. They don't care what party you're in, and they don't care what rhetoric you spout. When a hungry stomach is hungry, they care nothing about whether you're conservative or liberal. That's why PATSY MINK is saying, 'Get a way to get us out of this morass, get some jobs, define them, show them how to get there.'"

Now there are jobs out there, and I say to my colleagues, "Don't let anyone fool you, there are jobs, but you must train people to get to the jobs, and that's what PATSY MINK does. She requires them to work, but with some skill so they can keep those jobs and not get on this hamburger chain from one McDonald's and one Burger King to the other because of all these ill-defined job programs that just making the people who started this train of illiteracy and poor work habits get on the train and not help them as they've never been."

So let us make a deal. Deal tried to do it last night. My colleagues would not accept his substitute.

Let us make a deal and show that the substitute offered by the gentlewoman from Hawaii [Mrs. MINK] delivers a better trail, it delivers better jobs, it delivers better work, it delivers better benefits for poor people.

Now let me tell my colleagues something about helping people on welfare. The substitute offered by the gentlewoman from Hawaii does this, does job training, it does education, it will put emphasis on quality child care.

I ask, "How do you expect people to work, mothers, if they don't have child care?" Knowing that their babies are safe will make them have some incentive to go out and find a job. It will put emphasis on school lunches, that children are hungry. Go out there in the community, and my colleagues will see these hungry children.

It is time to do the real reform. We do not care about labels. I say to my colleagues, "It's not what you call me, it's what I answer to."

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Chairman, it appears that the Mink substitute is yet another form of big government—more money, more bureaucracy, fewer answers. For more than 30 years we have tried welfare one way. What do we have to show for it?

We have a system that penalizes families, that penalizes a mother for wanting to marry the father of her children, that penalizes savings, and penalizes the person who wants to own property.

The Mink substitute increases spending by at least $1 billion over 5 years just for transitional child care. And, that's only one tiny part. For example, it expands the JOBS program by $14.9 billion and that program has not been proven effective. And it also increases taxes to the point where business may not be able to provide the very jobs we are training them to fill.

And that is just the beginning.

I would ask all of us to consider, What do we have to show for 30 years of throwing money at a problem?

We have more people on welfare with no hope of getting off. One of the other results is an inflated, overextended budget. Currently, the bankrupt budget burdens families with excessive taxes.

We need to get beyond the old law. We're the government and we're to help to the point where we can say, we're the government and we're going to get out of the way and let you dream your dreams.

Beyond the problems of the Mink substitute, there is a philosophical shift that needs to be made here. We need to make sure that we no longer measure compassion by how many people are on welfare and how much money we throw at welfare but by how few people are on welfare and how little money we take from our citizens to get those who are down and out addicted to the government dole.

We have tried it one way for 30 years now and it hasn't worked. Throwing more money at the problem and increasing the bureaucracy is not the answer.

The answer lies in restoring hope—offering a helping hand—in the form of temporary assistance and then giving a hand up not just a hand out. The Mink substitute is not the answer. I urge a "no" vote.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to our distinguished ranking member, the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I am proud to serve as a cosponsor of the Mink substitute because it is the most humane of the three proposals before us.

The Mink substitute is justifiably silent on the nutrition issues that have so divided this House during the welfare reform debate. It says nothing about these issues because it doesn't need to say anything. Existing Federal nutrition programs work remarkably well. Leave the system alone. Each day, 26 million children are fed school lunches, and 7 million women, infants, and children participate in the WIC Program. The Mink substitute reminds us not to throw the baby out with the bath water.

Mr. Chairman, not one witnesses who testified before the Committee on Economic and Educational Opportunities this session supported block granting Federal nutrition programs.

Our Republican colleagues keep denying that their bill will hurt women and children. In fact they have become rather angry, complaining that they are being unfairly accused of cutting WIC and school lunch and breakfast programs. But the truth is, the Republican bill doesn't just cut these nutrition programs, it decimates them. National nutrition standards, gone; summer food programs, gone; child care food programs, gone; the guarantee that all children will be protected from hunger, gone; the automatic trigger to increase nutrition support when the economy worsens, gone. The Republican proposal relieves the Federal Government of all responsibility and blame.

Mr. Chairman, my Republican colleagues claim the will increase funds for nutrition programs. This is part of the distortion. It is the big lie. They quote authorizations as appropriations.

At least 6 million children will go to bed hungry every night if this bill becomes law. This Republican bill is not designed to address the programs of those on welfare, but to relieve the well-to-do of any tax obligations. It is nothing more than a money-laundering scheme, a shell game; take from the poor and give to the rich.

Mr. Chairman, if one child goes hungry because of the Republican proposal, shame on this Congress. If one child is born prematurely because his mother is denied WIC services, shame on this Congress. If one child dies from malnourishment because a tax cut was given to the rich, shame on this Congress, and on those insensitive voters who are supporting the callous provisions of this obnoxious Contract With America.

I urge my Republican colleagues to support the Mink substitute. It protects our Nation's children from the nightmare of the Republican bill.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. SOUDER].

□ 1115

Mr. SOUDER. Mr. Chairman, listening to this debate, I am struck by self-doubt. Maybe the Democrats are right. Maybe we are being too rash and too impulsive in trying to change the welfare system from the last three decades.

John Lennon said give peace a chance. Maybe my friends are correct that we just need to give the welfare state a chance. After all, we have only been at it for about 30 years. Nearly two-thirds of the households at the lowest one-fifth of the income distribution are headed by persons who work. Today that has declined by one-third. But maybe we should just give it a little bit more time and spend just a little bit more money.

In 1966 when the war on poverty began, the poverty rate was 14.7 percent. Today's poverty rate is even worse, 15.1 percent. But maybe we are being rash on this side and we should not really try to reform the system and just put a little bit more money in and that will help. Should we wait until illegitimacy rates reach 95, 100 percent in our public housing projects? Should we wait until 50 to 75 percent of white babies and over 90 to 100 percent of African-American babies are out of wedlock?

At what point do we decide that the system is broken, that the way we are doing it does not require just a little bit more money or a little bit more Federal program, but rather that we need a radical overhaul, that we need to put it back to the States where people can look at the local level, see what is working, see what is not working, tinker with the edges rather than having it directed from here in Washington?

As you go around and see young children and see that hope out of their eyes, they are not getting it from this welfare system. Maybe this system will not be that much better, but it can not be worse, and with economic opportunity and jobs we can at least try to put hope back in children's lives.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 15 seconds to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, can I ask my colleague, what page do you find the jobs on that is in the Republicans Personal Responsibility Act, because I have been looking for the last week. I have not found these jobs that you are talking about.

We have offered, you know, a work responsibility provision in the welfare reform package, but I cannot find it in the Republican bill.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman from Hawaii for yielding.

Mr. Chairman, I proudly stand here for her bill. Her substitute is the right substitute, and let me add to what the gentleman from Tennessee [Mr. FORD] just said. You know, early on the Republicans appointed June O'Neill. She is their appointee to be head of the Congressional Budget Office, and she says their bill is weaker on work than the current system. The Washington Post editorial says theirs is weaker on work than the current system.

The question today, ladies and gentlemen, is do we want reform, which is the Mink bill, which helps people go to work, or do we want to be totally retro, do we want to go back to orphanages or do we want to go back to really making this almost a poor house mentality?

I do not think so. I think we want to go forward. That is what Americans want to do. They want to help teach people to fish. This is the teach people to fish bill. We have heard them say there is perverse incentives in this bill. Oh, yeah? I do not know what is wrong. How can you call a perverse incentive the fact that if you are offered a job you have to take it. That is a wonderful incentive. I would not call that perverse at all.

We also hear people saying, "Oh, well, we like the block grants so much better." What you are really saying there is let us take all these problems and throw them at the Governors and hope it works.

Let me tell you, it is not going to work in States like mine because the block grants are always going to be much lower than the population increase. There will be States getting our money based on prior censuses, and we got their people.

So we are going to have a real shortfall. So this reform is really going to crunch growing States. But basically this goes to the dignity of work. It goes to the dignity of the individual. This goes to what this country was about. In other nations you were what your parents were. In this Nation you are what your children become. But your children cannot become much if you cannot help them work and go forward.

Mr. Chairman, I want to put a poem in the RECORD from a woman from my district.

(By Lisa R. Spano, Colorado)

Such a little thing missing
The tines on this simple tool
But you see without them being there
My food just slips right through
Noodles won't work and neither will chicken
And most of us don't like squid
But how can I expect you to listen to me
When I'm just a little kid?
I don't know how it got there
This hole in the middle of my spoon
My mommy says it's a budget cut
But to me it's just less food at noon
Soup won't work, it just falls right through
That holes just too darn big
But how can I expect you to understand
When I'm just a little kid.

I thank the gentlewoman from Hawaii for getting the right idea, and I hope everybody votes for her amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise today in opposition to the Mink substitute. It not only retains our failed social welfare system, but embodies the tenets that have converted our social safety net into a trap of dependency and irresponsibility. The Mink substitute retains AFDC as an entitlement program and continues the failed practice of providing cash benefits to teenage mothers.

It is not compassionate to simply give a girl, with a child, a meager monthly check. I worked with abused and neglected children, and I know from experience that cash assistance is not the only assistance a pregnant child needs. She needs guidance to assume the responsibility of being a parent.

In this debate, my party has been unfairly accused of not caring for children. But the real brutality, the true cruelty is to turn our eyes away from the existing failed system and allow children, trapped in the welfare syndrome, to stay there.

H.R. 4 offers a responsible, humane solution to reducing and discouraging out-of-wedlock births. While this bill ends direct cash benefits to teenage mothers, it ensures that both children—mother and child—receive proper care. H.R. 4 provides teenage mothers with the education and parenting skills needed to achieve self-reliance and economic independence.

I encourage all of my colleagues to vote "no" on the Mink substitute.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentlewoman from Kansas for yielding this time to me.

Mr. Chairman, I rise in opposition to the substitute bill offered by Mrs. MINK of Hawaii. As I looked through the Mink substitute I arrived at the impression that this bill is simply more "business as usual" for the current failed welfare system. Indeed, it exacerbates it.

First, the Mink substitute fails to acknowledge that our Nation's current welfare system has failed—it has failed recipients, it has failed those who administer the programs, and it has failed taxpayers who fund the programs. The Federal programs which make up the welfare system have assisted folks with basic needs such as food and shelter. However, they have not supported—and in fact have been a major roadblock—for people who want to get up, off, and out of public assistance.

The Mink substitute does not fix what is broken. It does not take steps to curb fraud and abuse in the Food Stamp Program; it does not consolidate and streamline employment and training programs; and it does not address the endless cycles of poverty. What this bill does do is promise more and more benefits with no end in sight and preserve the failed welfare system.

I urge my colleagues to start measuring compassion by how few people are on welfare, and not by how much money the Federal Government pours into the welfare system. I urge my colleagues to oppose "business as usual" and oppose the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of the Mink substitute.

Mr. Chairman, I rise in strong support of the substitute by Representative PATSY MINK to H.R. 4, the Personal Responsibility Act.

The Republicans have been claiming that they wish to reform the welfare system. Their idea of reform, however, is to cut and slash every program that helps feed and care for children and guts every attempt to help poor Americans get back on their feet. It fails to create a single job and instead hits poor Americans from all sides simply because they are in need of a helping hand.

By contrast, the Mink substitute offer real reform by increasing funding for education, job training, employment services, and child care in order to provide Americans in poverty a chance to improve their lives and their children's lives. Instead of cutting welfare to pay for a tax cut for the wealthy, the Mink substitute increases the corporate tax on the wealthiest companies to pay for a path out of poverty for poor Americans.

I was in my district for a townhall meeting earlier this month and had the opportunity to talk with one of my constituents, Ms. Donna McAdams. I would like to relate the story that she shared with me because, in my view, it describes exactly why H.R. 4 is so nefarious and should be rejected and why the Mink substitute is so important and deserves our support.

Ms. McAdams lives in the Robert Taylor Homes in my district in Chicago with her three children. She did not grow up on welfare. She was reared by her grandparents in Englewood on Chicago's south side because her mother abandoned her when she was 6 months old and she never knew her father. her grandmother was a registered surgical nurse and her grandfather worked for the railroad. They worked hard to raise Ms. McAdams who studied hard and was a member of the National Beta Society and National Honors Society in high school. After graduating, she took her State nursing boards and became a licensed practical nurse. Since she was pregnant at the time and lacked a pharmacology certificate, she was not able to take a nursing job. Instead, Ms. McAdams began working full time at McDonalds, making $3.35 an hour.

After the baby was born, Ms. McAdams was on welfare for 2 months, but returned to her job at McDonalds when her child was 4 months old. However, her $3.50 salary was not enough to make ends meet and pay the $350 monthly rent so she obtained a loan to go back to school to become a medical assistant. She had completed her program and internship when she unexpectedly became pregnant again. Unlike her mother, Ms. McAdams decided to keep her babies and not give them up. Unfortunately, at this time, her grandmother was recovering from surgery and her grandfather from a stroke. Ms. McAdams married her baby's father and they began to receive general assistance aid. She soon had to leave her husband because of domestic violence and rear her children on her own.

Currently, Ms. McAdams is going to college 1 day a week to get her pharmacology certificate in order to obtain a job as a nurse. She is also volunteering at her children's Head Start Program and trying to get into Project Chance which would help her with child care and transportation while she looks for a job.

When asked about the welfare reform proposals being debated, Ms. McAdams said:

> All the things that the politicians are talking about just makes me tired. They want to cut everything that helps, even housing. Where are we going to go if we lose our apartment? I can't imagine me and my kids out on the street. I'm trying to hurry myself through school, but there's no guarantee that I'll get a job. I'm trying but each time I try it seems like I get another roadblock. I want to be a good role model for my children. I want to have a good job and a better place to live. But I know I can't do it by myself. Sometimes I just get so tired.

Mr. Chairman, the vast majority of welfare recipients are like Ms. McAdams. They are trying as best as they can to make their lives better and to provide for their children. Maybe they have hit some roadblocks though and need additional assistance to get back on their feet.

The Mink substitute would help to put Ms. McAdams on a self-sufficient course because it invests in welfare recipients by preparing them for work and rewarding States that successfully move them into jobs. It promotes work by providing the training and education needed to obtain jobs and guarantees child care for aid recipients and job training participants and increases funding for child care for at-risk families so that parents do not have to choose between caring for their children or maintaining a job. More importantly, the Mink substitute does not contain any of the extremist measures of H.R. 4 that punish newborns because their parents are not married or are already on welfare and have other children. It also does not take away children's school nutrition programs to pay for a tax break for wealthy Americans.

I urge my colleagues to reject the Republicans' tax cut for the wealthy out of the mouth of babes plan and support the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I rise in strong support of the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Mink substitute to H.R. 4.

Mr. Chairman, this substitute provides a realistic framework for creating a positive and lasting reform that promotes self-sufficiency and the elimination of poverty through job training and supportive services, not simply through the reduction of AFDC rolls at any human cost.

As compared to the punitive approach of the Republican bill, the Mink substitute is compassionate and recognizes that all people have human and civil rights, especially the 68 percent of AFDC recipients across this country who are children.

The Mink substitute helps to move families out of the perpetual cycle of poverty by providing opportunities to gain permanent employment with sufficient security and advancement. The Mink substitute distinguishes itself from other welfare reform proposals through its realism and its sensitivity to human need.

Mr. Chairman, it deserves the support of every Member of Congress who values promoting long-term economic self-sufficiency for American families over a quick-fix approach based solely on reducing the assistance to the neediest in our society. Support the Mink substitute for meaningful and effective welfare reform.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to recognize that the gentleman from Georgia [Mr. DEAL] has worked in a bipartisan manner in the past, but to gain support from the liberal members of his party, he had to increase the spending and raise taxes, the liberal answers to meet all problems.

He referred to Cinderella. The Mink bill, and the gentlewoman, I want to make clear I am talking about the bill because the gentlewoman is a friend, but the bill is the ugly sister of all sisters.

This bill increases the deficit by even billions of dollars and also increases taxes. The question has been should we give to the States the power. The States have proven that they have been able to manage the welfare programs much better than the Federal Government.

We happen to believe that the Government works best the closest to people. The Karl Marx Democrats want the bureaucracy to control everybody's life. Why? Because that gives them the power to dole out the money to get reelected. That is what the real answer is here.

They are fighting to keep their precious bureaucracy. We are increasing the amount for kids for food, we are increasing the responsibility, we are bringing deadbeat dads together, we are bringing families together. What they cannot stand is that we are taking their power of big bureaucracy away.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, Members of the House, I want to strongly associate myself with the remarks of the gentlewoman from Hawaii [Mrs. MINK] a woman of great strength and of great principle. I want to associate myself with her remarks and promotion of her amendment, because what her amendment does is promote child nutrition over the Republican alternative that slashes $7 billion from child nutrition programs, $2 billion from the School Lunch Program, $145 million in 1996 alone.

It promotes work over the Republican proposal where CBO says none of the States, none of the States can make the work program in the Republican bill work for people on welfare. It promotes child protections for children who are abused over no Federal protections in the Republican bill. It promotes protection for severely disabled children rather than throwing them off of the SSI rolls, seriously disabled children with mental disabilities, with physical disabilities, children suffering from cerebral palsy and other afflictions like that.

No, the Republicans throw them off. What we cannot stand about the Republican bill is its cruelty, its concerted attack on America's children. Whether they are infants, whether they are in the womb, whether they are toddlers, whether they are in child care, whether they are in school, the Republicans attack them. That is what we cannot stand.

But we have a choice. We are going to have a choice in a few minutes to vote for the Mink substitute, a substitute that promotes work, promotes child protection, promotes child nutrition. That is what Americans want. They want people on welfare to go to work. And yet the Republicans have constructed a dynamic that is not favored by the people in the States who run work programs; it is not favored by the WIC directors; it is not favored by the school lunch people. And these are supposedly the people that know best because they are closest, and they are saying do not do what the Republicans want to do to nutrition and to work and to the women and infants and children's programs. Stop the cruelty, stop the cruelty, and vote for PATSY MINK.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself 5 seconds to say that the States will structure the work programs, and what CBO said was that our standards were tougher, not easier.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

□ 1130

Mr. TRAFICANT. Mr. Chairman, I voted for the Deal substitute. I will not vote for this substitute. I will vote for H.R. 4.

I was raised in a poor home as everybody else. Our policies in the welfare system penalize achievement and work, promote illegitimacy, reward dependency, destroy family, and have created a class system.

We have talked about the middle class on this floor. It is not a Freudian slip. Is there an upper class, Congress? Is there now a lower class in America? We/they, they/we, politics of race, politics of fear, politics of division, politics of a welfare system.

Uncle Sam was never supposed to be mom and dad. We do not have mom and dads in America anymore.

I do not think the Republicans are trying to cut anybody's head off at all. We have a system that does not work. Schools now teach morality. Police and judges straighten out the kids. Food stamps feed our kids. HUD gives them a roof.

What a sad deal for our country. Where is mom and dad?

I can remember an interview with Wes Unseld. What was significant, they asked him, what is the greatest thing your dad ever did for you? And do you know what he said, "The greatest thing my dad did for me is my dad loved my mom."

We are destroying families. We are playing politics.

I liked Deal better and maybe when it comes back from the Senate there will be some Democrat language in there. But I am not going to stand today and vote for the status quo. I am not going to do that. And this vote does not help me. It hurts me politically.

I think it is time we do what is best for our country. Our kids have been left on the street. They are strung out. They need a mom; they need a dad.

I am a Democrat as well as anybody else. But the Democrats have had 40 years. The problem is, there are no damn jobs. And the Democrats in 40 years have not done a thing about jobs. Our jobs have gone overseas. The Republicans cannot give them any jobs. There is no jobs out there. The Democrats cannot give them any jobs. Trade policies have taken our work overseas, and then we talk about trying to incentivize work.

Ladies and gentlemen, let me say this: Uncle Sam is not a good parent. Uncle Sam is a great country but was not designed to be the parents for the children of this Nation. And you are not going to resolve it with any of these bills. But I am not going to vote to sustain the status quo, and I am not going to demean the bill that has come from the other side of the aisle.

Anybody who supports the status quo, in my opinion, is antifamily, antikids and, damn it, anti-American. I will have no part of it.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, we have some tough cowboys here on the floor of the House. This is a new interesting kind of wagon train in which the cowboys have decided to throw the women and infants and the children and the senior citizens out of the wagon train so they can get where they are going faster.

It is cruel. And for anyone, Democrat or Republican, to defend this approach really questions the credibility of this entire Congress, because no one among the tough guys have offered to do anything about the 85 billion dollars' worth of welfare subsidies for corporate America in this year's budget. No one stood up to do anything about the $150 billion of tax giveaways and loopholes to American corporations.

Aid to Dependent Corporations, as the Cato Institute has said, is driving a hole in the Federal budget. But we have all of these willing people who are so eager to lighten the load of America by casting aside the poor.

This is an unfortunate moment in the history of this country, and I would say to some of my millionaire colleagues that they are on the wrong side of history today, in this debate and on this subject.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, the Mink substitute substitutes commonsense welfare reform with increased taxes. Instead of bringing real change to our broken welfare system, this amendment flies in the face of the will of the people by increasing taxes by $20 billion. Clearly, a $20 billion tax increase is not what the voters asked for last November. This substitute retains the failed welfare status quo by retaining AFDC entitlements that have created a cycle of big Government dependency for millions of Americans. It guarantees that former AFDC families will continue receiving benefits almost indefinitely. This substitute is antigrowth and antijob and does little to fix a failed welfare system that has already consumed over $5 trillion in taxpayer dollars since its inception 30 years ago. Mr. Chairman, the Republican welfare reform proposal promotes personal responsibility and creates incentives for families to remain intact instead of creating lifelong dependency on welfare. It discourages illegitimacy by not rewarding unwed mothers that have additional children. It cuts endless, unnecessary Federal regulations and bureaucrats by returning power and flexibility to the States and communities where help for the needy can best be delivered. Let us not take steps backward. Instead, let us move forward and make substantive and fundamental changes in our current welfare system for our future generations. Vote "no" on the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I support this substitute. The Mink bill corrects a popular misconception. The Mink bill provides a real opportunity for people on welfare to demonstrate that they are willing to work. They want to work. Throughout this debate, there has been a recurring and underlying theme. Members have suggested, and many believe, that people on welfare want that status. That belief ignores certain, real situations.

Yesterday morning I was at breakfast with a single mother of six children. She was married at one time, then divorced. Her children needed to be fed. She got on welfare. She had no choice. But, she was willing to work. She wanted to work. Alone, she obtained the G.E.D. She then graduated from college, with a 3.7 grade point average. She is now pursuing a master's degree at the University of North Carolina. And, she is working. She is willing to work. She wants to work. Her's is a story that is old and new. There are many like her. They are willing to work. They want to work. They prefer a chance over charity.

The Personal Responsibility Act is weak on work. The Mink bill is strong on work. It provides funding to ensure that, when a person leaves welfare, a job is available. Welfare reform without a job is no reform. The Mink bill does not impose arbitrary time limits on finding a job, removing recipients only if there is a job. It recognizes that, in this economy, jobs are not easy to find. And, the Mink bill retains child care programs. Working mothers need reasonable and affordable child care. In short, Mr. Chairman, the Mink bill provides a serious and realistic framework for moving from welfare and into work. Mink is strong on work.

Finally, Mr. Chairman, I support the Mink bill because it does not provide for block grants. It does not slash the School Breakfast and Lunch Program. It does not remove thousands of women, infants and children from the WIC Program. And, it does not eliminate national nutrition standards. It retains one standard for our children. The Mink bill is strong on work and sensitive to poor families and children. And, that is as it should be.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I represent Florida where we have many lakes and natural reserves. If you visit these areas, you may see a sign like this that reads, "do not feed the alligators."

We post these signs for several reasons. First, because if left in a natural state, alligators can fend for themselves. They work, gather food and care for their young.

Second, we post these warnings because unnatural feeding and artificial care creates dependency. When dependency sets in, these otherwise able-bodied alligators can no longer survive on their own.

Now, I know people are not alligators, but I submit to you that with our current handout, nonwork welfare system, we have upset the natural order. We have failed to understand the simple warning signs. We have created a system of dependency.

The author of our Declaration of Independence, Thomas Jefferson, said it best in three words: "Dependence begets servitude."

Let us heed these warnings. Today we have a chance to restore that natural order, to break the change of dependency and stop the enslavement of another generation of Americans.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I want to say, do not feed the alligators but please feed the children.

Seldom, my friends, does this body have the opportunity to make wholesale change in a bad and a dysfunctional system, and we are about to blow it if we do not support the Mink substitute, because the Republican bill fails the reality test.

It is an invitation to do welfare on the cheap. A State has to do nothing, nothing to provide jobs. And they will do nothing. We know that from what happened in the 1987 bill.

If we provide an unemployment office for people who have been recently attached to the work force and provide nothing to people who have never had a job, how do we expect them to get off of the rolls?

Do my colleagues know what the inner city unemployment for people who have recently had work was in 1993? In this city it was 88.6 percent; in Detroit, it was 13.7 percent. And I could go on down that list.

When I go across the river to Anacostia, my friends, no one ever says to me, "Brother, can you spare a dime" or "give me some more welfare." They say, "Sister, can you get me a job."

This bill will not get anybody a job and that is what we need to do. This bill does exactly what the American people told us not to do. It repeals the entitlement of children to food and shelter. It is a bill that allows a State to refuse to put up a single dollar of its own money to support its own children.

People told us what to do. They told up help get the parents off welfare. Do you make things worse for the kids.

Your bill, the Republican bill, betrays the public trust. It is not welfare reform. It is welfare fraud.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding time to me.

What I want to do is engage, very briefly, in a colloquy with the chairman of the subcommittee on educational and economic opportunities.

A clarification, I am requesting, Mr. Chairman. After considering the unique purpose of the Family Violence Prevention and Services Act, I understand that the Committee on Economic and Educational Opportunities decided not to authorize the Committee on Ways and Means to consolidate the act into the child protection grant.

I am asking, Mr. Chairman, if you would confirm that this was, in fact, the case and that the Committee on Economic and Educational Opportunities chose not to consolidate the program into the block grant but to keep it as it was intended?

Mr. CUNNINGHAM. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, because of the importance of the act, the gentlewoman is correct.

Mrs. MORELLA. I thank the gentleman.

Mr. Chairman, as the House has debated the Personal Responsibility Act, H.R. 4, I have been asked to clarify the purpose of certain provisions in the new child care block grant which simplifies and extends the child care and development block grant.

I have been asked if it is the intention of the child care block grant to retain the preeminence of parent choice through certificates to parents. The House strongly believes that parental choice in child care should be maintained and that the use of parent certificates is preferable over contracts or grants for child care subsidy assistance. We have simplified many aspects of the child care and development block grant, but the parent choice provisions are sound and have not been modified. Because of this, the administration should not need to make significant regulatory changes regarding parent choice.

In addition, we inserted a program goal into the block grant regarding consumer information. This was written to ensure that parents will be provided with full and accurate information about their right to choose child care arrangements, their right to a child care certificate, information about complaint procedures and recourse to ensure parent choice, and complete information about the child care options available to them, including religious providers.

I would also like to address the important issue of the role of extended families in caring for children. We believe a child is best cared for by a member of his or her own extended family. We understand this is not always possible. But in the interest of encouraging the strengthening of families, we encourage States to pursue pro-family policies. Applicants for services funded by this block grant should be asked whether a qualified family member can provide care before counselors direct their child into other settings.

Regarding directing the States to spend a specific amount of funds for direct services, the child care block grant does not take this approach. But I want to be clear that the House has removed the current law's 25-percent set-aside for the specific purpose of freeing as much funding as possible for direct services. H.R. 4 gives States final say over this matter, but we believe that in most cases, funding for direct services is the best use of funding by the State.

Finally, regarding quality improvement, accreditation continues to be an appropriate means of quality improvement. We would encourage States to use a variety of child care program accreditations and various teacher training and credential programs in addition to the Child Development Association Program.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I am here to speak for the Mink substitute, which puts work first, which invests in people, which builds upon what is functioning in our society.

There are many successful examples of programs in place, and they are accountable. Problems today in our communities are because they are on overload, poverty, unemployment. Job programs, fully funded, will accomplish the task and will deal with what has become a growing human deficit in our society, not just a fiscal deficit but a human deficit, those on poverty.

Mink incorporates child support and fully funds the program, not just paper promises.

A vote for Mink is a vote for moving families into the world of work, in to the mainstream of our society, taxpaying families, independent, not dependent.

The Republican legislation is legislation by negative anecdote. It is demonizing people who have devoted their lives to helping those in need. The Republican program has no entitlement. The numbers do not count. No State match. That money is not going to be put in place. It takes 1 million kids and disabled off the Social Security supplemental.

It gives a new meaning to "women and children first," the wrong meaning.

Welfare is meant to be a safety net for people in times of need. Children are 70 percent of the recipients of welfare. The children will suffer as a result of this Republican bill. Our focus in reforming the system should not destroy the social safety net. Our Nation must maintain a safety net while providing the services need to move welfare recipients into the work force. Cutting families off without reasonable support in terms of child care and education and job training will not help the States to achieve the work requirements which the Republicans want to establish. The CBO report pointed that fact out explicitly. Services help people to achieve a stable lifestyle and independence. The Republicans idea of flexibility for the States is to set work requirements and cut the funding the States need to achieve such standards. The Republican's proposal gives up on people abandoning people in need. This bill would have us give up on low-income families, give up on noncitizens and give up on disabled children. But giving up on the poor will not make the problems evaporate; they will persist as the poverty numbers grow; the homeless and a group of folks without hope or recourse. That is not the future or vision of the people we represent, but is the policy path of this GOP proposal. Despite what some would have you think there have been many successes as a result of the JOBS Program, which was signed into law in 1988. Unfortunately, the program has been underfunded, leaving States unable to move as many people into the work force as all had sought. Well, if we pass the Republican bill we will be increasing the burden on States while we cut the funding for child care, for temporary assistance, for child protection and child nutrition. The Mink substitute would help the States to achieve the goal of moving people toward independence and into the world of work. The Mink substitute sets a requirement that people be in work or in training to work and backs it up with the real resources for child care and temporary assistance to families who have found it impossible to make it on the minimum of low-wage job, without health care benefits that they are able to find. The Mink substitute is a realistic approach to the needs of low-income children and families struggling to support themselves.

Individuals in our society are upset about the amount of taxes that they pay. We should be looking at the corporations in our country who are receiving benefits in the form of corporate welfare and paying less in corporate taxes than they were paying 25 years ago. We should not be responding to those same interests by further depreciating the programs of the poor taking food away from children as an example. We need to look at the benefits which the corporations are receiving from the Federal Government and whether they are performing for our Nation or simply for the bottom line.

Support a bill that will do something to help children and families and reform the current welfare system, support the Mink substitute.

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Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, can we make an agreement here this morning that we are all for children? Can we start from that premise that nobody has a bad motive, that nobody has suspicious intent?

The question we are going to face here is, What is the delivery system? That is the real question here. If you only believe in a Washington bureaucracy, if you are only convinced that nobody can protect children but Washington, DC, then vote against the Republican welfare reform proposal. Then vote for the status quo. If that is what you believe, and that is a legitimate opinion, but that is the debate. It is not a debate about whether we are for or against children.

We have these discussions about school lunch. It seems to me that pretty soon we are going to agree that we are increasing the numbers on school lunch every year.

I would ask my Democratic colleagues, take a second and consider what happens if we do nothing with school lunch in this proposal. Is there any one of you who really believes that in the context of deficit reduction we should subsidize every school student, every full-price-paying student, every banker's child to the tune of 18 cents a lunch, which is $516 million a year?

You take $516 million out of the existing school lunch program and tell me, how are you going to run that system?

What have we done? We have eliminated the means testing and we have increased by 4.5 percent a year the guarantee to the States to run that program.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Mink substitute. It is the most responsible, comprehensive, and humane measure offered in this debate. It addresses the real problems confronted by poor families today offering them the tools they need to achieve self-sufficiency and dignity through work.

By contrast, the Republican bill plays a cruel game on many people of this country. It is a game where there are clear winners and losers.

In the Republican bill, by the year 2000, up to 2 million children will lose school lunches so that wealthy families with incomes of $200,000 will get a $500 tax break for each child.

The winners? The wealthy.

The losers? Two million children.

In the Republican bill, more than 700,000 disabled children will lose assistance so that families making over $200,000 will gain from a reduced capital gains tax.

The winners? The wealthy.

The losers? Seven hundred thousand disabled children.

In the Republican bill, 15 million children will be punished as a result of so-called reform while the contract calls for a $700 billion tax cut over 10 years with half the benefits going to families making over $100,000 a year.

The winners? The wealthy.

The losers? The rest of the American people.

It is for these reasons that I am supporting the Mink substitute, a bill that is strong on work and job training, strong on child care opportunities, and strong on giving poor families and children a chance to succeed.

Mr. Chairman, we don't need a public assistance program that is strong on homelessness, hunger, and despair. That is not about teaching people a lesson.

The choice is clear: Pork on the fancy china of the wealthy or food on our children's plates.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself 30 seconds.

The system that we have has not worked. We expanded the program in 1988 by $13 billion. We said we would have job training, job readiness, job search, day care, and 5 years later less than 1 percent of the welfare population is working. Let us not expand it again.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I happen to be an individual that comes from a working-class background with a neighborhood where there are a lot of welfare recipients but also a lot of middle-class working people.

I also happened to have been privileged to serve as a supervisor of a welfare system that was larger than the majority of the States of this Union. Let me tell you the frustration those of us that were trying to provide programs to the poor, especially when the Federal Government would stop us from doing innovative things.

I think the problem here is a credibility gap. We did not hear about this 10 years ago. In 1978 when my county proposed an idea, we were called cruel, we were called inhumane, we were called terrible, because we proposed a concept called workfare in 1978, and the gentleman and the gentlewomen from the other side of the aisle attacked us in San Diego County for that.

We proposed that people who get part-time jobs should not have their money taken away from them dollar for dollar in their benefits if they try to work out. The Federal bureaucracy has fought us for 10 years in this program. We just finally got them to get off our back so we can help the poor.

The fact is my working-class people complain about the abuses of the welfare system. It is not the rich, powerful people who complain. It is the people that are in the neighborhoods who see the abuses. When they say they want to fight the abuses, it is the Federal bureaucracy that stands in the way, Mr. Chairman.

I ask that we oppose the amendment and support the Republicans because they are the only ones with credibility.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of the substitute offered by the gentlewoman from Hawaii. I consider this substitute to be the most viable welfare reform bill before us today.

Mr. Chairman, the Republican welfare reform bill is nothing but an assault on America's children, and on America's future. It would cut $46 billion from vital family survival programs, denying benefits to millions of children who are in desperate need. During this debate, my colleagues have eloquently described the great harm to children that would result from the Republican bill. From cuts in nutrition programs, to eliminating AFDC for children born to unwed mothers younger than 18 and, if States so choose, 21, the Republican alternative will cause suffering—or worse—for millions of innocent children nationwide.

The costs of the Republican welfare reform proposal would be vast. While children would suffer, States would be left to bear the financial burden of the long-term damage the bill would cause.

I authored an amendment which the Rules Committee did not permit to be considered on the House floor. The amendment called for the Federal Government to pay for the additional direct and indirect costs incurred as a result of reduced funding to certain Federal social programs. So, for example, States would not be burdened with the additional long-term costs of treating the brain damage caused in children by malnutrition resulting from elimination of WIC and other nutritional programs. This amendment, which would have helped States deal financially with the long-range devastation caused by the Republican bill was rejected for consideration on the floor of the House. It would seem that some merely want to cut benefits for children now, without addressing the long-term harm that would result, and the long-term costs that would be incurred.

The substitute before us now is a much more effective means of facilitating and rewarding independence. The Mink substitute emphasizes work and education, improves child support collections, and invests in child care assistance for low-income working parents. It also invests in nutrition programs, and in health coverage to protect the well-being of mothers and children. It encourages work by investing in real training. It does not discriminate against tax-paying, legal immigrants by denying them benefits. And it does not punish children by imposing an arbitrary cutoff of benefits. This substitute would result in real opportunities for those currently receiving assistance instead of arbitrarily penalizing those in need. I urge my colleagues to support this very positive amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise today in strong support of the Mink substitute and against the mean-spirited Republican bill which takes food out of children's mouths and gives tax breaks to the wealthy.

The Mink substitute provides for education and job training, two essential components to get people off welfare. The Republican plan does not.

The Mink proposal provides for child care which is important if welfare people are going to go to work. The Republican plan does not.

The Mink plan maintains child nutrition and school lunches. The Republican plan does not.

The Mink plan ensures that welfare recipients are better off economically by taking a job than by staying on welfare. The Republican plan does not.

Block grants, my friends, only work if you fully fund them. If you do not fully fund them, you are literally robbing children, particularly with this proposal that you can take 20 percent of funds and move them around.

I am for welfare reform, Mr. Chairman, but the Republican plan is mean-spirited and goes too far. Support the Mink substitute.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Chairman, the tale being weaved by Democrats, grown adults who are misleading the American public, is really a travesty. We are talking about building the future, restoring decency and dreams for all Americans.

Children, parents and families who have had a tough go of it deserve to have a break. This Republican bill restores hope, it restores opportunity, respect, and the Democrats who have been protectors of a broken, demeaning system ought to be ashamed of themselves for misleading the American public.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise in support of the Democratic alternatives and in strong opposition to the Republican bill.

Mr. Chairman, the current welfare system is a national embarrassment and outrage. Democrats are committed to reforming a system that contradicts the American work ethic, and undermines the American dream for millions. As a nation, we cannot afford to support a program that encourages able-bodied adults to stay at home rather then look for a job.

Economic self-sufficiency must be the primary goal of any valid proposal, and the Democrats face this issue head-on.

The Deal substitute's work requirement for the first year is four times higher than the Republicans'.

Welfare recipients must have the opportunity to learn marketable skills to find better jobs—opportunities the Democrats provide. Enduring job skills will prevent repeat visits to the welfare rolls and end the cycle of dependency.

Mr. Chairman, the Republican proposal is only an outrageous pretense at real welfare reform.

The Personal Responsibility Act does not create a single viable avenue to move families away from dependency and in to work. Instead, it cuts essential programs, such as day care services which enable parents to go to work while leaving their children in safe, reliable day care.

The Republicans would force the States to create work programs at a breakneck speed, without regard to effectiveness. The resulting Republican programs could not be anything but sloppy and cheap.

Tremendous savings can be earned in the long run through an initial investment in job preparedness and placement. By providing welfare recipients with a real opportunity to find a permanent, well-paying job, the Democrats would permanently reduce welfare costs, raise worker productivity, and increase revenues.

The Republican plan ignores this reality, and now does not even pretend to use their spending cuts for deficit reduction. Instead, the Republicans would give the rich the $69 billion they took from the poor.

Mr. Chairman, I am gravely disappointed in the Republicans and their plan. We all want change, but this plan does not begin to break the cycle of dependency. It breaks the backs of our families and children, and does nothing to demand work.

Mrs. MINK of Hawaii. I yield such time as he may consume to the gentleman from Illinois [Mr. RUSH].

Mr. RUSH. Mr. Chairman, I rise in strong support of the Mink substitute.

Mr. Chairman, I rise today in strong support of the substitute offered by my colleague from Hawaii, PATSY MINK.

I do so as an original cosponsor of her proposal because in the real world, it helps people find real solutions to their real problems: Jobs.

Mr. Chairman, I have listened to the debate surrounding the welfare reform bill.

I have been disturbed to hear the name of a constituent of mine who was killed last year, young Eric Morse.

His name was invoked several times by majority party members as a way of compelling support for H.R. 1214.

I agree with those Members that Eric's death was a senseless tragedy, and that Eric and nearly 100,000 of my constituents who reside in public housing live—and sometimes die—amidst great hardship.

However, I vigorously disagree with the conclusions that my Republican colleagues draw from his death.

Mr. Chairman, it escapes me why those who support the coldblooded, coldhearted Republican bill feel that anything it contains could have prevented Eric's death.

I also fail to understand why all of the discussions have merely been about symptoms rather than diseases.

There is certainly no better example of that sort of public policy nonsense than H.R. 1214.

I challenge each Member from the other side of the aisle to come to the south side of Chicago and ask a dozen of my constituents what is the most important missing element in their lives or in their communities.

I guarantee to you that every single one of that random group would have one answer and one answer only: We need jobs.

And that, Mr. Chairman, is the reason why we must attach Congresswoman MINK's substitute to the underlying bill.

For, despite the Republican bill's requirement that recipients work, it does nothing to help them find and keep real jobs.

Nor does this bill make sure that jobs are made available in areas like my district which have astronomical unemployment rates.

Mr. Chairman, I urge my colleagues, if you indeed have genuine respect for the memory of little Eric Morse, to vote in favor of the Mink substitute to provide jobs.

Only by doing so can this Congress bring about genuine welfare reform instead of welfare window dressing and fake, sound bite reform.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I rise in support of the Mink amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. You see, Mr. Chairman, I was on welfare, I know that the Mink amendment is the right way to go.

Mr. Chairman, as the only Member of this body who has actually been a single, working mother on welfare, I rise to give my strong support to the Mink substitute.

My ideas about welfare reform do not come from books or theories, Mr. Chairman. They come from experience and I know the Mink substitute is what we need.

I know the welfare system is broken. It doesn't work for recipients and it doesn't work for taxpayers. It needs fundamental change.

First, we must have jobs that pay a livable wage. If, in the end, a recipient is better off on welfare than in the work force, we have wasted the taxpayers' money.

Second, we must help recipients make the transition from welfare to work by increasing funding for education, job training, child care, and health care.

Third, we must be flexible about transition from welfare to work. It took me 3 years to get off welfare and I was educated, healthy, and working.

Fourth, if we collected all the child support owed by deadbeat parents, we could move 300,000 mothers, and over half a million children, off the welfare rolls immediately—tomorrow.

The Mink substitute meets each of these criteria, and I commend the gentlewoman from Hawaii on this excellent bill. It is a fair and just plan that moves recipients into work by supporting poor women and children, not by punishing them.

Mr. Chairman, the choice comes down to this: We either punish poor children, as the Republican bill does, or, as in my case, we invest in families so they can get off welfare permanently. Let's do what is right for our children. Support the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I rise in strong support of the Mink amendment and against the mean-spirited, anti-children Republican amendment.

Mr. Chairman, I rise in emphatic opposition to the so-called Personal Responsibility Act.

It has long been clear to most thinking people that our current welfare system is failing the very people it is meant to help. But the approach of the Personal Responsibility Act will make the situation of the poor much worse, not better.

Perhaps the clearest sign that this bill is totally wrong-headed is that is saves so much money. Everyone know it takes more spending, not less, to give poor mothers the tools they need to get and keep jobs and to escape poverty—they need education, training, job search assistance, day care for their children, jobs. Cost is the main reason Congress has been slow to face welfare reform in the past.

But this bill cuts the programs that sustain our neediest families at the same time it cuts the programs that might give them a hand up. And why? To cut taxes for big corporations and the well-to-do. What a scandal.

A very, very big problem with this bill is how it treats our children. I hardly know where to begin.

If we pass this bill, we risk increasing the number of babies born too small to thrive.

We punish the neediest children because we don't approve of their parents' conduct.

We shortchange child care even as we attempt to force more mothers into the work force.

We leave abused and neglected children in grave danger for lack of child protection resources.

We put children's nutrition at risk, threatening their ability to learn and grow into healthy adults and productive participants in our economy.

This bill slashes the safety net for poor children and families. It removes the entitlement—the guarantee that some modest assistance will be there for those families whose desperate circumstances make them eligible. If Federal funds run out, what recourse will these wretched families have?

It cuts off whole classes of people—most legal immigrants, babies born to unwed mothers under 18, people who have received 5 years of assistance—however dire their circumstances. And that is in good times, never mind recession.

Mr. Chairman, another big problem with the bill is title IV, the provisions related to immigrants. That the United States is a nation of immigrants is a cliché precisely because it is true. We all have roots beyond the borders of the United States; we all have ancestors, as near as parents or as remote as many-time-great grandparents, who, willingly or not, came to America.

We know that immigrants do not come for public assistance; they come to join family members already here and to provide a better life for their children. They work, they pay taxes, they participate in community life, and they play by the rules. Why should they be targeted by this bill?

If these restrictions were only to affect future immigrants, who would know the rules before they immigrated, well, I would disagree with the policy but it would be a little fairer. However, title IV, in cutting off people who are already here—and who face horrendous backlogs when they try to naturalize—makes sense only as a spending offset. It is certainly not fair to immigrants or their families and sponsors.

A relatively small problem, Mr. Chairman, but one with a big impact is that under this bill, there will be no national nutritional standards for the nutrition block grants. Nutritional needs do not vary among the States, and 50-plus separate standards will make uniform national data collection and evaluation impossible. This bill won't just permit States to substitute Kool-Aid for milk if they're short of funds, it will make it impossible to tell what the nutrition picture is nationally or by State.

Mr. Chairman, I could go on about the failings of this ugly, mean-spirited bill—frozen block grants, transfers among grants, distribution formulas that stress participation rates but not serving the neediest.

But instead, Mr. Chairman, I will just mention that I am a cosponsor and strong supporter of the Family Stability and Work Act, which the gentlewoman from Hawaii [Mrs. MINK] is offering as a substitute. Her approach is, I believe, the right one.

Mrs. MINK's amendment seeks to move welfare families to self-sufficiency through work.

It retains entitlement status for the safety net.

It protects children.

It invests in preparing welfare recipients for work.

It does not automatically cut anyone's benefits unless they refuse to work or refuse a job.

It continues critical benefits for up to 2 years after a family gets off welfare.

It doesn't overreach by fooling around with existing nutrition, child care, or child welfare programs.

It rewards States for success in moving welfare recipients into the work force.

It does not finance itself on the backs of legal immigrants.

Mr. Chairman, I believe this is the right way to go. I urge all my colleagues to reject the Personal Responsibility Act and support the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I rise in support of the only welfare bill that feeds children, not alligators.

Mr. Chairman, I join my colleague from Hawaii in strong support of her substitute to the Republican welfare reform. The Mink substitute is a fair and comprehensive plan devoted to moving people from welfare to work. It ensures that adequate funds are available for education, job training, employment services, and child care while at the same time providing incentives not punishment in order to help welfare recipients move into the work force.

I want to raise two points missing from the current debate: First, the impact of the Republican bill on non-State areas such as Guam and, second, the denial of SSI benefits to U.S. citizens in the territories.

Many colleagues are upset about the GOP plan to cap Federal spending of antipoverty programs over the next 5 years. Guam is already operating under caps on AFDC and the end result is that the local government provides 80 percent, with only 20 percent from Federal grants.

If the Republican bill is approved, Guam stands to lose $35 million more from existing caps. Local governments take notice—this fate awaits you.

Second, it is not clearly known that not all U.S. citizens participate in the SSI Program. Let me repeat this: If you are a U.S. citizen from Guam you are ineligible for SSI benefits. Wherever you stand on noncitizens qualifying for SSI, we should all support all U.S. citizens receiving SSI benefits.

In this debate, I've heard supporters of the Republican bill have argued that they resent people on welfare and that their bill does not punish children unfairly. Are we to conclude that welfare policy should be based on resentment and punishing children fairly? We must resist all efforts to turn welfare reform into an effort to tap into resentment, an effort to punish rather than reward; if we have learned nothing from rearing children or the development of public policy, it is that punishment does not work—and that abuse begets abuse; let us work at attacking poverty, not attacking poor people.

The Democratic alternatives to welfare reform are fair to children, realistic on work expectations, and generous on resources that support welfare to work programs. I urge my colleagues to vote for the Mink substitute and the Deal substitute; let us get off the welfare debate and let's get on with the business of helping to improve the lives of innocent children, the elderly, and the less fortunate amongst us.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I support the Mink amendment.

Why must we divide America to cure welfare?

Let me give an example of what I am talking about.

Just recently a township in my State decided to do away with and refuse the Federal School Lunch Program. They decided instead to have a sharing table where less fortunate children could come to the sharing table and take up the scraps, the half sandwiches and the unfinished cokes that were left by the more affluent students.

I believe this is dehumanizing, I believe this is destructive of any kind of self-esteem and pride, and I believe that this is what would happen when we give the States and localities the authority to handle the problems as they see fit.

I have heard, No. 1, some horrible statements today. I will attempt my best to overcome my emotion to ignore the statement comparing welfare recipients to alligators made by my very wealthy friend the gentleman from Miami.

Before you vote for final passage, think of your own child or grandchild cowering in shame as he approaches the sharing table.

That's not the America I want to see for our children.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I was asked whether I wanted to get up and correct all the misstatements that were made in relationship to school lunch/child nutrition programs. The answer is no.

If they don't believe what the nonpartisan entities tell us, they there is not anything I can do to correct that.

What I can say, however, is, "Don't feed the bureaucrats. Feed the children." That is exactly what we are doing in H.R. 4.

We can talk about what everybody apparently agrees on, at least that is what I get for the last 3 weeks, 4 weeks of our discussion. Everybody agrees the present system has failed millions of Americans, has enslaved them, has prevented them from ever getting an opportunity to get part of the American dream.

So what can we do?

Well, there are three approaches, I suppose.

We can hope and pray. If you think hoping and praying will do it, then just hope and pray. I do not believe it will.

Or we can put more money into the same failed system. That is the usual approach the Federal Government has taken. If you just do more programs, more money, it will all correct itself. I do not believe that will happen.

There is a third alternative. The third alternative is to admit the system failed, which I think everybody is, and then do something to correct it.

I believe that in H.R. 4 we have finally given those who have been trapped all these years an opportunity to get a part of that American dream. I would hope that that is the approach we would take. We owe it to those people who have been trapped.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, one of the speakers on the other side said, "Can we accept that we are all for children?"

Well, we can't for a couple of reasons. First of all when one of the Members on that side used the analogy of feeding alligators as the basis for his argument for cutting off welfare entitlements, I heard no protests on that side.

He cited the Declaration of Independence. Apparently in his version it says all men are created equal to alligators and we will treat them equally. That kind of dehumanizing and degrading analogy is why we cannot take seriously that profession.

There is another reason. You are block-granting everything here and you say, "Well, why is that a problem?" Because it is very clear. When the Republican Party cares about something, they don't block-grant it.

When they were worried about manufacturers' liability, they went into the States, took it out, and brought it up.

When the elderly complained about elderly nutrition being block-granted, they dropped it out of their bill.

If taking it and block-granting it is such a good thing for the children, are we to believe you are penalizing the elderly?

I mean, you were originally going to block-grant elderly lunches and children's lunches. Now you are only doing it for the children. Is that because you are mad at the elderly, you are showing how tough you are?

Nonsense. It is because they have the political clout to get out of your scheme, and I am glad they do.

The same with food stamps. You almost all voted against an effort to really block-grant food stamps yesterday because the farmers did not want you to do that.

□ 1200

As a matter of fact we here all of these arguments against even entitlements. I will be waiting to see my friend from Kansas and my friend from Wisconsin when we talk about the antimeans testing of entitlements in America, the ones that go to wealthy farmers and the wealthier you are the more you are entitled to get. Let us see how antientitlement you are then.

Finally, we have a jobs program in this bill and it is a public jobs program because we do not believe everybody now on welfare is going to be hired in the private sector, especially with the Fed trying to slow it down.

What does that bring forward? Denigration. The gentlewoman from Kansas sneers at "make-work jobs." Well, when you sneer at public service jobs in that tone you are hardly showing a respect for the work ethic.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, the Mink substitute contains many bad provisions, but the one I want to focus on, that I believe is one of the worst, is the fact that it is going to increase the tax rate for corporations from its current 35 percent to 36.25 percent.

The Democrats raised income taxes and they raised corporate income tax in 1993 and now they want to do it again.

This income tax rate increase makes absolutely no sense. The point of welfare reform is to take people off of the welfare rolls and to put them on the tax rolls.

How are current welfare recipients going to move into the work force if we have a job-killing tax increase? This is not a tax increase on big corporations. Corporations do not pay taxes. People pay taxes. This is a tax increase on the little guy, employees of large corporations, the people who own stock through a pension plan or a mutual fund and the people who supply products and services to large corporations. They are the ones that ultimately will pay for this tax increase.

Republicans want to create jobs. We need to not pass this bill.

Mr. GIBBONS. Mr. Chairman, this is an important debate and I am going to ask unanimous consent that we be allowed to extend the debate time equally divided by 5 minutes on each side.

The CHAIRMAN. A unanimous-consent request in the Committee of the Whole cannot overrule a resolution from the Committee on Rules adopted by the House.

Mr. GIBBONS. I was under the impression you could ask unanimous consent to do almost anything around here. Mr. Chairman. That has always been my understanding. Unanimous consent waives all of the rules including the Committee on Rules' rules. I think the Chair is wrong, Mr. Chairman.

The CHAIRMAN. The Parliamentarian has advised me if the time is allotted equally on both sides as the rule provides, the Committee of the Whole can do that.

Mr. GIBBONS. I wanted to allocate it. This is an important debate and there are lots more speakers.

The CHAIRMAN. Is the gentleman making a unanimous-consent request?

Mr. GIBBONS. Yes, I am making a unanimous-consent request.

The CHAIRMAN. Five minutes each side?

Mr. GIBBONS. Five minutes additional on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mrs. MEYERS of Kansas. Reserving the right to object, Mr. Chairman, what is the gentleman requesting, how much additional time?

Mr. GIBBONS. If the gentlewoman will yield, it gives you 5 minutes and gives Mrs. MINK an additional 5 minutes, that is all. That is reasonable.

Mr. BURTON of Indiana. Reserving the right to object——

The CHAIRMAN. The gentlewoman from Kansas has the reservation.

Mr. BURTON of Indiana. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, let me just say that the rules have been established for debate, and we have already on one occasion extended the debate time on a previous bill, and it seems to me that we should object to this. And if the gentlewoman will not, I will.

The CHAIRMAN. The gentlewoman from Kansas still controls the time.

Mrs. MEYERS of Kansas. Mr. Chairman, after consultation with the two chairmen involved in this, I would request that we have an additional 5 minutes for each side.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] has 8 minutes remaining, the gentlewoman from Hawaii [Mrs. MINK] has 7½ minutes remaining.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. RANGEL], a member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Chairman, the reason I support the Mink substitute is because it is about jobs. All I can say is that we did not promise $200 billion to the richest people in America. We did not promise $780 billion. We did not promise a 50-percent tax cut in capital gains.

But we do not blame you for doing it. It worked for you. But worse than making a bad campaign promise is keeping it. We cannot afford to give away that type of revenue with the deficit we have.

But more importantly, we cannot do it by taking $68 billion away from the poorest among us. If you want people to have jobs, for God's sake, give them training, give them an education, a place to live, give them hope, give them an opportunity to be productive. But you do not cut off a child who did not ask to be born just to show how mean you can be. You do not really just tell somebody they cannot get assistance when there are no jobs available.

If you really want a strong America, you do not beat up on immigrants, but give them a chance to become participating and productive so that we can become competitive.

There is an opportunity to have a tax cut when we get rid of the deficit and we all move forward together in a more equal way. But you will have it on your conscience by passing the Government's responsibility and say pass it on to the Governors. One day the Governors are going to come back and say we do not have the money and then what are we going to do?

This is a great opportunity under the Mink substitute, not for welfare but for jobs. That is what we want. And if you are not prepared for a job you cannot get employment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Chairman, in view of the fact that the alligator analogy was hissed and booed, I thought I should bring up another story that is near and dear to my State. My home State is Wyoming, and recently the Federal Government introduced wolves into the State of Wyoming, and they put them in pens and they brought elk and venison to them every day.

This is what I call the wolf welfare program. The Federal Government introduced them and they have since then provided shelter and they have provided food, they have provided everything that the wolves need for their existence.

Guess what? They opened the gate to let the wolves out and now the wolves will not go. They are cutting the fence down to make the wolves go out and the wolves will not go.

What has happened with the wolves, just like what happens with human beings, when you take away their incentives, when you take away their freedom, when you take away their dignity, they have to be provided for.

The biologists are now giving incentives outside of the gates, trying to get them out. What a great idea.

Mrs. SCHROEDER. Mr. Chairman, will the gentlewoman yield?

Mrs. CUBIN. No, I will not yield. What a great idea. Give more welfare.

The CHAIRMAN. The gentlewoman will suspend. The Committee will be in order. This is not adding to the dignity of this debate.

Mrs. CUBIN. Just like any animal in the species, any mammal, when you take away their freedom and their dignity and their ability, they cannot provide for themselves, and that is what the Democrats' proposal does on welfare.

Let us give our folks dignity and initiative and jobs.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 15 seconds to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, in my 34 years here I thought I had heard it all, but we have a millionaire from Florida comparing children to alligators and we have a gentlewoman in red over here comparing children to wolves. That tops it all.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in support of the Mink proposal. I support it because I know something about this subject matter.

As a little girl growing up in St. Louis in a welfare family, I know what it means to be hungry, to be cold, to be without health care, to have to put cotton in a cavity because there is no preventive care.

I know what it means to be a frightened little child, thinking everybody hates you. I often said that if I ever had the opportunity to support children, to be an advocate, to talk about what you could do to get families off welfare, I would do that.

This proposal gives me that opportunity. It provides child care. That is what my mother needed. She needed some training, she needed to be educated. This proposal would allow that. She needed a transition period in which to wind off welfare. This proposal provides that.

Do not be mean, do not be cruel, do not knock children on disability off welfare. Do not make the children victims.

I know what it takes and I would ask Members to listen to me. Let us have a fair proposal in the form of the Patsy Mink proposal that really speaks for the needs of welfare families.

If you want to make families independent, let a welfare child tell you how to do it. It can happen. And let me reiterate, whatever penny, whatever dollar, whatever dime was invested in this welfare child, it has paid off for America and for our people.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I listen to the Democrats, and it sounds like to me they have a corner on the market as far as poverty is concerned. Believe it or not, some of the Republicans grew up in very difficult situations. I myself did. You do not believe that. Listen to this.

My mother was a waitress for 18 years and I shined shoes at a place called J.D. Rushton's Barber Shop and we did not get welfare back in those days. They did not have it. You had to go to the township trustees.

But one of the great things we had going for us was we lived in America and we were a land of opportunity, and we would pick ourselves up by our bootstraps and move out of the white ghetto and make something of ourselves. As a result, my brother, my sister, and I have succeeded to a degree.

Now let me just tell you this. The dependency that has been created by the Great Society back in the 1960's has led us to the condition we are in today where the vast majority of the people on welfare are in a cycle of dependency and they cannot get out. That was why the people of this country changed the way Congress was made up last November. They want that cycle of dependency broken, and we are trying to do it.

You keep telling the people of this country we are trying to take money and food out of the mouths of hungry children. That is insane. We are spending 4½ percent more on the Children's Lunch Program than we were before. we are giving more, but we are taking it away from the bureaucrats and giving it to the Governors so they can handle it within block grants.

We want to break the cycle of dependency and you do not. You want to keep the people of this country dependent on you so you can get reelected and reelected and reelected.

The times have changed. The times have changed.

Mrs. MINK of Hawaii. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] has 5 minutes remaining, and the gentlewoman from Hawaii [Mrs. MINK] has 3½ minutes remaining.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I would like to respond to some of the comments we have heard in this discussion this morning. Americans are a generous people and they have long demonstrated their commitment to help their neighbors and families and children in need. But the American people also demand results for their investment.

We all know and it is agreed upon that the American welfare system right now is a $5 trillion failure. We have talked about the School Lunch Program that the Republican plan increases that by 4½ percent a year.

But I want to mention something else that was inserted as an amendment on the floor by the women Republicans, and that is the Day-Care Program.

Mr. Chairman, the Day-Care Program in the Republican plan adds $2.1 billion a year for child day-care for women who are working off of the welfare rolls on to work. We know it can be a problem for them, and the Republican day-care plan helps individuals meet that responsibility by giving them peace of mind as they move off the welfare rolls back into work.

Mr. Chairman, last Saturday at home I met with a group of Head Start women who were unanimous and emphatic in their desire to get off AFDC and off welfare. The one thing they asked for was help in child care. Help them find good, safe, child care and they will find work in the private sector.

I urge rejection of the Mink amendment and support of the Republican bill, H.R. 4.

□ 1215

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in support of the Mink amendment. Block grant, Mr. Chairman, is a copout.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, I rise in strong support of the Mink substitute.

Mr. Chairman, today I rise in support of H.R. 1250, the Family Stability and Work Act because the Personal Responsibility Act is an all-out assault on America's children, on America's elderly, on America's poor, on our most vulnerable populations.

My colleagues claim that they are not out to get women and children, that the Personal Responsibility Act does not punish poor people, that we need to have an honest discussion about this proposal.

I don't know that we can have an honest discussion about legislation that was built on distortions and misperceptions.

The truth is that kids are hurt. The Family Stability and Work Act does not set arbitrary time limits on poverty, because there is no cut off of benefits for those who make a concerted effort to find work. There is no pandering to assumptions that poor people have no work ethic.

It protects children because it does not include a requirement to deny benefits to teenage mothers or children who are born to families already on AFDC.

H.R. 1250, helps families in the critical transition from welfare to work because it retains crucial support systems that allow families to keep health, child care, housing, and food stamps for up to 2 years, until they accrue the security to do it themselves.

Three weeks ago, I offered an amendment during Economic and Educational Opportunities deliberations on welfare reform that would protect our Nation's children. My amendment would allow children, whose family income fall under 130 percent of poverty, to continue to receive free meals at school. This program was eliminated in H.R. 999, the Welfare Reform Consolidation Act. My amendment was unilaterally defeated by the supporters of the so-called contract.

And since under this rule, I am not permitted to offer the amendment during this process, I have introduced the measure as a House resolution.

So what if we go into another recession? We can't meet existing need. There is no failsafe approach for American children in the Contract With America.

Are young people, who have no agenda, no vote, any less important because they don't vote? If the Personal Responsibility Act, becomes law, States or school districts will decide whether or not to provide any free meals at all; States will not be required to serve meals to children who cannot afford to pay for them.

As a former teacher, I know that you cannot teach a hungry child, because hunger impairs their ability to learn.

I remember the deep conviction of the American people and their compassion for the less fortunate. I urge my colleagues to continue that tradition by supporting the Family Stability and Work Act.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, we are not talking about alligators. We are not talking about wolves. We are talking about America's children. We are talking about human beings.

The Republicans have gotten on the floor. They have said that some of them have come from less than meritorious beginnings. If that is true, then they need to remember those humble beginnings, because but for the grace of God, there go you. We are talking about human beings.

You said that there are no cuts. Sixty-six billion dollars' worth of cuts: We are concerned about these cuts, because this is food that could go into the mouths of our children. This is money that you are going to use to put in the hands of rich people who do not need a tax break. This is what we are talking about.

Mr. Chairman, we are talking about not crippling our Nation's poor, but we are talking about empowering them. Yes, we know that welfare can be a drug. This is why the Mink substitute is talking about empowering our children and our poor by giving them job training, by giving them child care, so they can go out and be more productive members of society.

If this bill, this underlying bill, is not mean spirited, I do not know what is.

The way we can help America is by not giving them a handout but a hand. This country needs a hand, and the Mink substitute accomplishes that.

The Republicans have said that they have accomplished it, but all we see with them is the operation is a success, but the patient dies.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, perhaps not by design, but certainly by experience, the welfare system has become corrupt and immoral. The Mink substitute seeks not to end that welfare system, not to reform that welfare system, but to expand it.

Why would anyone want to spend more on a system that has not only failed but has become corrupt and immoral? It is immoral to take money away from hard-working middle-class Americans and give it to people who refuse to work.

The welfare system defines corruption. Study after study has shown it is fraught with waste, fraud, and abuse. Studies of the Food Stamp Program have shown up to 20 percent of the money ends up in waste, fraud, and abuse. Why do we want to expand that system?

One of the speakers who was on the floor here from the other side a few minutes ago proposed a couple of years ago to give $100 a week to people to keep well groomed. We cannot afford this, folks. We have got to stop the immorality. We have got to stop the corruption.

Reform the system. Do not vote for the Mink amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I thank the gentlewoman for yielding time.

I cannot think of anything more corrupt than to take from the poor to give tax breaks for the rich, and I cannot think of anything more immoral than to punish people who are poor just because they are poor.

Reject the bill before us and support the Mink amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in strong support of the Mink amendment.

Mr. Chairman, I rise in strong support of the Mink amendment.

This amendment embodies the belief all of us say we share: that our welfare system will never be a success until it becomes a system which actively works to make itself obsolete.

The Republican proposal downsizes welfare simply by kicking out the most vulnerable in our society to sink or swim. It will succeed only in perpetuating the cycle of hopelessness into which far too many American families have fallen.

It would say to immigrants who have chosen to make the United States their home that—despite the taxes they pay, despite the businesses they have formed, despite the educational success of their children which contribute so much to this Nation—their well-being isn't any cause for concern.

Those who have become the most strident in criticizing immigrants in America frequently use the same criticism that has been used for generations—that immigrants are not assimilating into American society quickly enough.

Yet the Republican bill actively pushes these newest Americans toward the margins of our society.

Well, Mr. Chairman, I can assure every Member of this Chamber that the Asian Pacific-American and Latino communities in this Nation will never forget that insult.

In contrast to the punitive proposals in the Republican bill, the Mink amendment takes the steps necessary to truly build a system of public assistance that moves Americans in need toward independence—through job training, child care, and educational assistance.

It is fair, it is workable, and it is just. To me, that is the definition of good public policy. I urge my colleagues to support the Mink amendment, and enact meaningful welfare reform for America.

Mrs. MINK of Hawaii. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from New York [Mr. OWENS] for closing on our side.

Mr. OWENS. Mr. Chairman, of all the proposals on the table, only the Mink substitute insures that families are given the tools they need to obtain living-wage jobs and achieve self-sufficiency, independence, and dignity.

We have welfare in this country because welfare is so much cheaper than full employment. The average welfare payment per month is about $350, $350 to survive. That is far different than a minimum-wage job. The substitute also contains the most stringent work requirements we will see on the House floor. Every welfare recipient with a self-sufficiency plan must be in a job after the various education and job-training activities are completed. Investing in jobs is the best investment we can make.

Even the Congressional Budget Office has acknowledged a 1-percent reduction in the unemployment rate leads to a net gain of $40 to $50 billion to the Treasury. Let us put people to work.

Republicans do not support bills that put people to work. In H.R. 1214, Republicans are merely continuing a hostile pattern of neglect that they have always had toward jobs.

In order for Republicans to save money, they do not have to take money away from the free lunches. We do not have to tell the children of America there is a fiscal crunch, and this Nation needs their lunch. We do not have to do that.

We can save money in many other ways. Sixteen billion dollars is spent on aid to children; $16 billion is spent on aid to rich farmers. Rich farmers receive the welfare without any means-testing. Let us take some of the money away from rich farmers to pay for the training and job experience in this bill.

I urge my colleagues to support this bill. It is the only effective proposal for welfare reform. Vote for the Mink substitute.

Mr. Chairman, I rise in strong support of the Mink substitute for H.R. 1214. Congresswoman MINK's substitute is the most comprehensive welfare reform plan that we are considering this week because it focuses on what welfare recipients need and want most—jobs.

American voters have spoken loud and clear about their job fears and anxiety. In the interviews at the exit polls on November 8, working people explained their anger. Wages are too low. Corporate downsizing, streamlining, and the pursuit of slave labor in Mexico and China have intensified the fears of those who are working today about losing their jobs tomorrow. And among the millions who have been unemployed for many months, and some for years, all hope of ever getting a decent job is fading fast.

Welfare recipients have the same fears and anxiety. They wonder what will happen to them and their children if their benefits are taken away, but education, job training, child care, and job search assistance are not provided for them. Of all the proposals on the table, only the Mink substitute ensures that families are given the tools they need to obtain living wage jobs and achieve self-sufficiency, independence, and dignity.

Instead of eliminating the current Job Opportunities and Basic Skills [JOBS] program, the Mink substitute sensibly enhances it by striking cumbersome mandates and increasing the States' flexibility to determine who is required to participate in JOBS and who is exempt. There is no arbitrary time limit for AFDC benefits, but the substitute allows states to work with families to determine what is necessary to get them off welfare and into jobs.

The substitute also contains the most stringent work requirement we will see on the House floor. Every welfare recipient with a self-sufficiency plan must be in a job after the various education and job training activities are completed. If they are unable to find a job on their own, then they still must go to work at a job that either has been created or is subsidized by their State.

Investing in jobs is the best investment we can make. A full employment economy is an economy that grows and can afford to do more. People with jobs produce goods and services, generate income, buy goods and services, pay taxes, and consume less government transfer payments such as Aid to Families with Dependent Children [AFDC] and unemployment insurance. Even the Congressional Budget Office [CBO] has acknowledged that a 1-percent reduction in the unemployment rate leads to a net gain in the U.S. Treasury of $40 to $50 billion.

In a report to the Ways and Means Committee last Monday, the CBO concluded that States will not be able to meet the work requirements in H.R. 1214 calling for 50 percent involvement in job training or work programs by 2003, and 90 percent involvement for two-parent families. That conclusion should not be surprising. Welfare-to-work programs have been consistently underfunded. Specifically, the JOBS program has only received about $1 billion a year even though it would need $6 billion a year to operate at full capacity and enable all eligible AFDC recipients to participate.

In H.R. 1214, Republicans are merely continuing this pattern of hostile neglect. In contrast to the Mink Substitute, the Republican bill provides no job or job training guarantees, and it is not funded with any additional money to make sure that people work.

CBO has estimates that it will cost $11,440 a year to place just one welfare mother in a welfare-to-work program. That includes the costs of child care, paying supervisors, job training, and paying wage subsidies. But my friends on the other side of the aisle are not interested in such details. Their message to the middle- and upper-income earners in this country is as follows: we are going to save money by stripping poor people of the few benefits they have so that we can give you a tax cut. We will talk about how we want poor people to go to work, but we are not going to spend one dime or create a single job to make that happen. That would cost too much money, and our economy depends on the existence of an underclass of serfs anyway.

The Republicans have completely skewed the welfare reform debate. We should not be talking about cutting one form of welfare in this country without talking about cutting all forms of welfare. If sacrifices must be made to balance the budget, then everyone must share in the pain.

In order for the Republicans to save money, they do not have to single out AFDC. In 1993, the Federal Government spent $16 billion on AFDC, but the Federal Government also spent $16 billion on commodity price and farm income support programs.

Despite the fact that the Government has been spending the same amount of money on programs for tobacco and peanuts as the AFDC program, Republicans have not attacked the agriculture expenditures as vigorously. Somehow, it's alright to subsidize agribusiness, but it's not alright to make sure that single mothers and their children continue to have food on the table, roofs over their heads, and shirts on their backs. There is a double standard here that smacks of racism.

Therefore, the test of a true and comprehensive welfare reform plan is not merely whether it is vigilant about reforming the AFDC program, but whether it is just as vigilant about reforming our welfare system for agribusiness and all other corporations. For, wealthy corporations in this country are spoon-fed a whole variety of pork, ranging from huge tax breaks for multinational corporations which export American jobs overseas, to hundreds of millions of dollars to agribusiness corporations to market and promote their products abroad. The Mink substitute passes this test.

The Mink substitute pays for the cost of welfare reform by attacking the hundreds of billions of dollars in handouts to corporations by increasing the top corporate income tax rate by a modest 1.25 percent. That sends the right message to working-class Americans—that the fat-cat freeloaders can no longer belly-up to the Government trough.

Mr. Chairman, the Mink substitute represents real welfare reform because it ensures that everyone who is willing and able to work will obtain a minimum wage job. It therefore addresses the deficit about which Americans are most concerned—the jobs deficit. I enthusiastically endorse this approach and urge all of my colleagues to vote for the Mink substitute.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise to correct obvious misstatements by a colleague on the other side about a school district in my district.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 3 minutes, the remainder of my time, to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentlewoman for yielding and allowing me to close on this debate.

The hollering and shouting, the innuendoes and name calling are hopefully now over, and we will be asked in not too long to decide between the status quo and the Republican welfare reform bill.

History tells us that they came from farms, they came from all over this Nation in search of a better life for themselves and their families. They settled in the cities, they settled in the coal mines, and they were hard-working because there was a hard-work ethic.

Then the jobs went away, after these people who they themselves and their ancestors built the greatest economic machine on the face of this Earth. So when the jobs left the big cities and the mines closed, why did not the same people who were the children of the ones who came to the factories, who came to the cities seeking a better way of life, why did they not follow suit? Why did they not go where there were better jobs and better opportunities? They did not because the Congress of the United States, this Government, put into place a welfare system that was corrupt, although well-meaning, was destructive, although thought to be kind and gentle, and for generations now, we have seen this destructive welfare system stay in place and keep people where they are, a system that is destructive of future self-esteem, destructive of family, destructive of the basic moral fiber that has held this Nation together and the work ethic that we have been so proud of as Americans.

Now is the time to sweep this away.

The gentleman from Georgia yesterday and again the day before said that now the Republicans are coming for the poor and the children. Yes, they are. We are coming for them to pull them out of the life of dependency and poverty, and we are going to ask you the Democrat side, after the passage of welfare reform, hopefully some before, to join with us, because we are only on the first step to the road of doing something about taking people out of poverty. We are sweeping away a destructive system, and we are putting in a system that can work.

But we cannot now walk away from it, because the road of the poor is going to be a tough road. It is going to be a treacherous road. It is going to be a road that we in the Congress are going to have to do more after the passage of welfare reform to take people out of poverty in this country.

For once, after we pass this, let us join together in a new meaning of the American spirit and solve the problem of poverty in this country to give people back self-dignity, to discourage illegitimacy, to promote the family and to promote the values that have made this country great.

I urge a "yes" vote on H.R. 4. I urge a "no" vote on the Mink substitute.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of the Mink substitute, and in opposition to H.R. 4.

Mr. Chairman, I submit to my distinguished colleagues that the lives and well-being of some 21.6 million of our Nation's children are at risk if we allow the Republican welfare reform bill to become law.

We are all in agreement that our welfare programs need reform. And in fact, Democrats intended to reform these programs this year; however, as the people of this country are seeing, our minority status is now working to the detriment of our Nation's children.

Some of my friends across the aisle have repeatedly said the best way to administer our welfare programs is to give block grants to the States. Without question, some States have been successful at getting people off the welfare rolls and getting them into productive jobs, but so have the Federal programs.

The problem, Mr. Chairman, is that not all States operate with the same efficiency, and I can just imagine that with 50 different bureaucracies, with 50 different sets of laws and regulations, with 50 different State court rulings, with 50 different budgetary priorities—well, let me just say that I suspect the result will be utter chaos and confusion. We are going to have people moving from one State to another just to obtain better benefits. But of course the States that provide the better benefit packages will be overwhelmed and will have to lower the quality of their packages to that of their neighbors so they do not continue to be overwhelmed. And if I am correct, Mr. Speaker, when you block grant a Federal program to a State, the States have considerably more latitude with the funds, and they do not necessarily have to spend the funds as Congress would like or have intended.

Unlike H.R. 4, which does nothing more than cut the funds expected to be needed to support our nation's children, Congresswoman MINK's substitute is an honest plan which seeks to move welfare families off welfare by training them and putting them to work.

Mr. Chairman, the Congressional Budget Office has estimated that all 50 States will likely fail to meet the job requirements contained in H.R. 4. Shouldn't that send a message to our friends across the aisle? Shouldn't that alert those with the ability to change this bill to do so now? Are they simply going to say it's not true, or it doesn't matter, we can fix it in conference?

Mr. Chairman, I would find that position rather embarrassing to be associated with, and I want to use this opportunity to state unequivocally my strongest opposition to H.R. 4, and my strongest support for the Mink substitute.

Mr. STOKES. Mr. Speaker, I rise today to express my support for the Family Stability and Work Act. I commend my distinguished colleague from Hawaii, PATSY MINK, on her efforts in crafting meaningful legislation in response to the issue of welfare reform.

The Family and Stability Act replaces the punitive measures of H.R. 4 with a much more realistic and focused alternative. It is sound, sensible and compassionate and deserves the full support of this House. I am supportive of this legislation because it provides a safety net of training and support services to help welfare recipients into gainful employment. In addition, this plan does not impose time limits on recipients, or repeal the entitlement status of essential nutritional and child care programs.

The Mink substitute logically attempts to reform our Nation's welfare system. It demonstrates that we can effectively reform the welfare system without hurting the very people that it is designed to help. This alternative recognizes that reducing other programs which assist the poor is counterproductive.

Of the 14 million people on AFDC, 10 million are children. This substitute sensibly invests in those programs that most benefit our Nation's youth. Furthermore, it takes necessary steps toward ensuring that recipients are helped out of dependency and into self-sufficiency.

Work and preparing for work are essential elements in welfare reform. The Mink plan provides welfare recipients with education and job training necessary to obtain a job and stay employed. The Mink substitute guarantees child care to parents who are working, or in work preparation programs. According to the Department of Health and Human Services, 378,000 children from low-income families struggling to get off welfare or remain independent would no longer have Federal child care assistance under the Republican proposal. It is irrational and unrealistic to expect young mothers to get into the work force without adequate child care.

The welfare plan proposed by my colleague from Hawaii would attempt to exercise compassion for welfare recipients without encouraging dependency. It includes provisions which do not impose time limits for low-income individuals receiving aid to families with dependent children [AFDC]. In a congressional district such as mine, more than 40 percent of the population lives below poverty. I believe the Mink substitute addresses this issue by helping families stay off of welfare, and allowing them to retain essential health, housing, and food stamp benefits for up to 2 years.

One of the most unjustifiable aspects of the personal responsibility act is the block-granting of highly successful nutrition and childcare programs. Under the Mink welfare substitute, the entitlement status of important services like AFDC, nutrition programs, child care programs and child welfare programs would be retained, thereby ensuring that poor families and children are protected.

The challenge that our Nation faces is to provide aid to those in need while ensuring adequate training and support to enable recipients to move into gainful employment. The welfare reform package proposed by Representative MINK addresses this problem by effectively assisting recipients to overcome barriers to work.

As we continue our debate on welfare reform, and stress personal responsibility, let us not forget our own responsibility as legislators, as leaders, and as a voice for those who cannot speak in the this Chamber. For these reasons, I urge my colleagues to support the Mink substitute.

Ms. BROWN of Florida. Mr. Chairman, I rise today in support of the Mink substitute which will transform the AFDC Program into a program that will really move people off welfare and into real jobs.

The Mink substitute significantly increases the funding for education, job training, employment services, and child care for welfare recipients. These components are essential to any program to help people move into the work force.

H.R. 4 is the wrong way to go. It eliminates the entitlement status of important programs and ends our long-term national commitment to make sure that all Americans have a safety net. Block grants to the States is not the way to go.

H.R. 4 is weak on work. The work requirements in the Republican's bill are weaker than current law. Even the Congressional Budget Office says the GOP plan will not put people to work. It will only hurt children, the elderly, and the Nation's veterans.

Beware Republicans. American's will not be hoodwinked for long.

Mr. ABERCROMBIE. I rise in strong support of the Mink substitute because it addresses the causes of poverty rather than penalizing people for falling on hard times.

The Mink substitute would provide families with real opportunities to get off welfare and lead a successful self-sufficient lifestyle.

Yes, Mr. Chairman, we do need to change the welfare system;

But it is cruel and mean-spirited to dismantle altogether the safety net and basic services for poor families and disadvantaged children.

The Republican's answer to welfare reform is to drop hungry children from the school lunch program, deny basic assistance to lawful immigrants who pay Federal taxes, pit foster children against victims of domestic violence for the same scarce funds, eliminate assistance to disabled kids, and cut programs to reduce child abuse.

In the State of Hawaii, we stand to lost $68 million over the next 5 years in Aid to Families With Dependent Children under the Personal Responsibility Act.

The Republican plan caps cash assistance with total disregard for the unique economic situations in each State.

Last year Hawaii experienced an unexpected increase in enrollment for AFDC.

In February, Hawaii's Department of Human Services Director Susan Chandler testified before the Hawaii State Legislature that this increased caseload was the direct result of the depressed economy in Hawaii and its growing unemployment rate.

As a result the Department requested an emergency appropriation of $8 million for the State share of AFDC payments to be matched by $8 million from the Federal Government.

Without this appropriation Hawaii's poor families would have been cut off from AFDC for 4 months.

This emergency appropriation would be impossible under the Republican's welfare reform proposal.

Under their bill, AFDC payments would not increase accordingly with changes in the economy or unemployment rate.

If the Republican proposal had been law, Hawaii's AFDC recipients—most of them children—would have been left to fend for themselves, abandoned by the Government in their time of greatest need.

The Mink substitute would reform the welfare system without causing undue suffering for our poor families.

It provides the resources necessary to give welfare recipients the education, job training, job search assistance, and child care that they need to find a job and get off welfare.

It includes a strong work requirement and increases State flexibility.

It allows children and families to continue to receive vital assistance such as health care, child care, housing and food stamp benefits for a short term after the family leaves the AFDC rolls.

We need to recognize that simply eliminating assistance for poor families does not eliminate their needs.

Most importantly, we cannot forget who is receiving the assistance.

In Hawaii, approximately 42,698 children received AFDC benefits in fiscal year 1994.

If we pass the Republican bill we will be abandoning our children.

We know that family poverty harms children significantly and places young children at risk.

Ultimately society will suffer for the abandonment of families and States will have to shoulder the burden of homelessness, crime, family violence, substance abuse, and health problems.

We have an opportunity to improve the lives of the poor in this country by changing the welfare system in a positive, not punitive, effort.

I urge my colleagues to support the Mink substitute.

Mr. RICHARDSON. Mr. Chairman, I rise in support of the Mink substitute bill because it demands work and responsibility from recipients, but does not pay for future tax cuts by punishing legal immigrants and children.

The Mink bill sets aggressive work requirements, and is tough on those who do not work—recipients who refuse to work will have their benefits terminated.

Unlike current Republican proposals, the Mink bill makes the investments necessary in education and training to prepare recipients for work, and this is critical.

We must not adopt legislation, merely for the sake of change, that ignores the root causes of poverty—otherwise we will be faced with many more years of failed policy.

The Mink bill makes work pay. It provides short-term nutrition, medical, and housing assistance to stabilize families as they move into the work force.

The Mink bill gives States flexibility: States may design work and education programs to fit local needs, and States are not forced to interfere with family size or family planning.

The Mink bill strengthens child support collection methods so that primary responsibility for children is where it belongs: With their parents.

Finally, the Mink bill is not financed by denying help to children and legal immigrants; rather, it cuts corporate welfare by asking companies who make in excess of $10 million in profits per year to pay an additional 1.25 percent in taxes.

Mr. Chairman, the Mink bill departs from the status quo by creating responsible, realistic welfare reforms.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Mink substitute to the welfare reform legislation. The Mink plan is a straightforward proposal for reform which can effectively accomplish what the Republican proposal simply will not do—move welfare families from dependency to self-sufficiency through work.

The emphasis is on the poor finding work and keeping it. Through a self-sufficiency plan individualized for each participant in the JOBS program, welfare recipients can work to identify their goals and needs and achieve them.

The Mink substitute retains the entitlement status of AFDC, child care programs, nutrition programs, and child welfare programs to insure that poor families are protected while they try to break out of the prison of poverty.

Most importantly, the Mink plan protects our most valuable resource and the innocent victims in the welfare reform debate—our children. It does not include requirements to deny benefits to children of teenage mothers of children born to families already on AFDC. It provides critical resources necessary to obtain a job, such as education, job training, and child care.

The Mink plan also does not discriminate by denying benefits to legal immigrants, very few of whom come to the United States seeking public assistance.

Mr. Chairman, the Mink substitute seeks a positive and realistic long-term solution to the problem of welfare dependency. I support this amendment, and urge my colleagues to do the same.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentlewoman from Hawaii [Mrs. MINK].

The question was taken; and the Chairman announced that three-fifths of those present not having voted in the affirmative, the noes appeared to have it.

RECORDED VOTE

Mrs. MINK of Hawaii. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 336, not voting 2, as follows:

[Roll No. 267]

AYES—96

Abercrombie
Ackerman
Barcia
Becerra
Bishop
Bonior
Brown (FL)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
Dellums
Dicks
Dingell
Dixon
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Johnson, E. B.
Johnston
Kennedy (RI)
Kennelly
Lantos
Lewis (GA)
Lofgren
Martinez
Matsui
McDermott
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Nadler
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Stark
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates

NOES—336

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger

Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Brown (CA)
Furse

□ 1243

Messrs. McINTOSH, HEFNER, and MOAKLEY changed their vote from "aye" to "no."

Mr. GEJDENSON changed his vote from "no" to "aye."

So, three-fifths of those present not having voted in the affirmative, the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. QUINN. Mr. Chairman, I rise today in support of the family-based nutrition block grant contained in H.R. 4, the Personal Responsibility Act, which combines funding for WIC, the Child Care Food Program, the Summer Food Program, and the Homeless Children Nutrition Program.

There have been concerns raised regarding the future of the WIC program under this proposal. I believe, however, it will work well. States are often in a better position than Washington to determine what is best for their area and how funds could be used most efficiently.

Funds under the block grant must be used for those in greatest need—the low-income families who require assistance, not the administrators. A provision caps the percentage of funding that may be used for administrative costs, once again less money for bureaucrats. WIC is certainly not forgotten—at least 80 percent of the funding under the grant is earmarked for the WIC Program.

The quality of the WIC is also not left behind. The nutrition standards provision in the bill provides for the development of model nutrition standards for the programs. This makes good nutritional sense and will ensure healthy supplemental foods.

Mr. Chairman, the value of the WIC Program cannot be disputed. It finds bipartisan support because it is effective in improving the nutrition and health of low-income pregnant, postpartum, and breastfeeding women as well as infants and children who are determined to be at nutritional risk. This leads to better health and decreased medical costs.

Mr. Chairman, H.R. 4 will help us to continue to meet the needs of low-income children and pregnant and nursing mothers and actually increase funding by $500 million over 5 years.

I am pleased to support the family-based nutrition block grant. I hope that opponents' fears will be diminished when they see how effectively the States can administer these important nutrition programs while at the same time retaining the quality demanded of them.

Mr. LUTHER. Mr. Chairman, everyone agrees that the current welfare system in America is broken and needs to be fixed. The American people are fed up with inefficient spending and questionable programs that result in little or no bang for the taxpayer buck.

While I support strong efforts to reform our Nation's welfare system, I am concerned by the direction in which some have chosen to take this debate. Partisan policies and the quest for a quick fix have resulted in proposed policies that simply fail to take a long-term view and are counterproductive to our country's future.

Welfare abuses exist today and they need to be dealt with strictly. But, many Americans aren't proud to be on welfare and they don't aspire to make it a way of life. In many cases, they are on welfare because we have failed to create the proper incentives to move them from welfare to work. The focus of welfare reform must be on getting these people off welfare and to work as quickly as possible. To do this, we need to give people the supportive environment necessary to get a job. Welfare can then serve as the temporary safety net it was meant to be.

Representative NATHAN DEAL'S substitute welfare reform bill has the necessary ingredients to get people off the welfare rolls and into the work force. While setting a time limit in which one can receive assistance, it requires people to actively search for a job or get the necessary training. The Deal plan rewards work by raising asset thresholds which, for years, have been a disincentive to getting a job. The plan also consolidates and expands child care opportunities and maintains the integrity of the Head Start, school lunch, and Meals on Wheels programs. Finally, the Deal substitute works to reduce the deficit. By streamlining existing programs, fighting fraud and abuse, and moving people into jobs, the Deal plan will cut long-term costs as it increases the number of Americans contributing productively in our society.

Let's rise above partisan politics today and restore the opportunity for millions of Americans to live a better life than they are living today.

Mrs. MEEK of Florida. Mr. Chairman, there is no question that our welfare system needs to be reformed. The American people want a welfare system that is tough, but fair. They want welfare checks to be replaced with paychecks and they want vulnerable children protected while their parents work.

But the American people also want the job done right, not a rush job like this one, which is being rammed through the House to meet an arbitrary deadline set by the Contract With America. The terribly flawed bill before us is not reform; it is a sham. It is weak on work, but very hard on poor children and pregnant women. It punishes the poor instead of helping them to move into the mainstream economy.

The driving force behind the Republican welfare reform bill is not concern for the least fortunate in our society—the vast majority of whom are children. The real purpose of this bill is not to help poor people aggressively prepare for work and look for a job.

Rather, the purpose of this bill is to scrape up dollars to fund tax breaks for the already well-off. Because of this bill, the people of Florida will have to pay $3.87 billion over the next 5 years to fund tax relief for the wealthy at the expense of the poor. Instead of saving money, this bill simply shifts costs onto State and local taxpayers.

This bill also demonstrates to all what the opportunity society contemplated by the Contract With America really means—seizing the opportunity to exploit the vulnerable and the poor for the benefit of privileged special interests.

It is good policy to promote work and require it of those capable of holding a job. But what is needed to help people get off and stay off welfare is not to be found in this bill: Education; job training; day care so that parents can safely leave their children while they work; health care; and counseling for people who have never written a résumé or called an employer for an interview. This bill assumes that work will somehow just happen.

The bill proposes a new, consolidated child-care block grant program that will mean a cut nationally of $2.4 billion in funding over the next 5 years. In Florida alone, more than 20,000 children are awaiting child care services so that their parents can work. This bill ignores the problem, at a loss to Florida of an estimated $388 million.

This bill merges the National School Lunch Program with other school-based nutrition programs, completely eliminates Federal nutrition standards, and caps the funding. The only reason they are attacking these programs, which work quite well, is to fund the Republican tax breaks.

Mr. Chairman, on Monday of this week, I visited Frederick Douglass Elementary School in the Overtown neighborhood in Miami. This neighborhood is so poor that 97 percent of the children there are eligible for free school lunches.

I ate lunch there with a group of third graders, and I asked them what they thought about lunch. One little girl was particularly loquacious. "Oh, the lunches are good," she said. "If we didn't get our lunch, we would be hungry."

And, Mr. Chairman, I can report that there were no picky eaters in that cafeteria; the food was good, and these children ate everything. For most, this was their best meal of the day. The authors of this bill should come to my district and eat with these children. They are not statistics or numbers on some ledger book. They are the little ones who need our help the most—and this bill pushed them aside in the name of fiscal responsibility.

The bill also repeals the supplemental nutrition program for women, infants, and children [WIC]—widely regarded as one of the most effective Federal programs ever—and other child nutrition programs and replaces them with a family nutrition block grant. It cuts food stamp spending by $14.4 billion over 5 years—more than $1.2 billion from the State of Florida alone.

The authors of this bill boast that it will save $7.2 billion in nutrition funding over the next 5 years. But at what cost? This bill puts the health and development of little children at risk, needlessly, in the name of cost savings. This kind of false economy is unconscionable.

Finally, the bill is terribly unfair to legal U.S. immigrants. These are lawful U.S. residents who played by the rules and became legal residents by faithfully following our laws.

Mr. Chairman, U.S. immigration law is a matter of national policy. The Federal Government decides how many legal immigrants are allowed into our country each year—not Dade County, and not the State of Florida. Since these are Federal decisions, the Federal Government must pay. But this bill says that local taxpayers must pay.

Legal immigrants are not a drain on our economy; in fact, they earn an estimated $240 billion each year and pay over $90 billion in taxes in the United States. Many of them serve in our Armed Forces. By working, paying taxes, and creating jobs, legal immigrants more than carry their weight. The fact that they are not yet U.S. citizens in no way increases the burden on the Government.

Mr. Chairman, this bill punishes children for the sin of being born to a family on welfare. It punishes children, until the mother is 18 years of age, for being born out of wedlock. It punishes children if a State drags its feet on paternity establishment. It eliminates guaranteed foster care to any child who is abused or neglected.

This bill is neither compassionate nor fair. It is not reform. It is the legislative equivalent of clearcutting a forest—cut, cut, cut, with little regard to the consequences.

Mr. LAZIO of New York. Mr. Chairman, I rise today to support H.R. 4, the Personal Responsibility Act. The vast social welfare policies of the past 30 years have been a miserable failure. They have failed to adequately serve our needy neighbors, and in the process, they have ripped apart our communities and hurt us all. This bill is the first step on the road to rejecting these policies, healing our communities, and helping our children.

The reality in 1995 is that far too many of our Nation's communities contain deep pockets of poverty and dependence. In some urban areas, an alarming 8 in 10 children are born out of wedlock, many into a world of poverty. The unfortunate fact is that these children are three times more likely than children from families with married parents to go on welfare as adults. We have learned that a spending policy that is not value-driven is a recipe for failure. It is imperative that this cycle be broken.

I have visited Job Corps sites in the south Bronx and met young women who had never learned how to open a checking account, write a résumé, or go on a job interview. The system that fostered this must be changed to provide these young people with the incentive and tools to enter the job market and become productive members of the community. It is time to look to the future. These young people are where our energies must lie. They provide us the opportunity to help break the dead-end cycle of poverty and dependence. They will be the key to healing our communities.

We must not be deterred by those who claim that we are not compassionate. We are compelled to help all Americans, particularly our neighbors struggling to survive in the poorest neighborhoods. Our current social welfare policies have not demonstrated compassion to those trapped by poverty, rather, they have failed them miserably. Those who would continue these policies are doing the same. There is no compassion in that.

Mrs. MORELLA. Mr. Chairman, I rise to speak on the subject of the Personal Responsibility Act.

There is considerable disagreement within this body, and certainly among the American public at large, about the legislation that we have, before us today. Yet there is one point upon which we can all agree—our present welfare system has failed. It has failed our families in poverty, it has failed our children who depend upon it, and it has failed the American taxpayers who support it.

The question than, Mr. Chairman, is not whether we should implement far-reaching reforms in our welfare system but how we should implement these reforms. After many, many months of debate on this issue, after countless meetings with constituents, social workers, "welfare mothers," business people, and others, I concluded that the best proposal for overhauling our Nation's welfare system was the one proposed by Congressman NATHAN DEAL of Georgia.

I voted for the Deal proposal because it struck a wise balance between the need for comprehensive reform and our duty as a society to maintain a basic safety net for our citizens. This proposal, which was put forth by a group of respected, moderate Members, embraced the center—rather than either the left or the right wing extreme—of the welfare debate.

The Deal bill contained work requirements that were more stringent, yet more effective, than those in the Personal Responsibility Act. It would have placed a 4-year limit—rather than the 5-year limit contained in the Personal Responsibility Act—for individuals to remain on AFDC. The Deal bill would have required AFDC recipients to work for benefits or participate in mandatory education and training programs aimed at transitioning them to private sector employment. The Personal Responsibility Act, on the other hand, contains no job training or other mechanisms to ensure that individuals can get—and keep—a job. If we're not willing to train low-skilled individuals for private sector employment, how do we expect them to stay off of welfare?

Second, the Deal proposal would have guaranteed child care for mothers with young children who participate in the bill's mandatory work programs. The Personal Responsibility Act, on the other hand, does not contain a guarantee of child care. How can we ensure that mothers on welfare will enter and stay in the work force if they have no safe place to leave their children during the day? Clearly, without some guarantee of child care, our efforts to transition mothers from welfare to work cannot succeed.

Third, the proposal put forth by Mr. DEAL preserves the highly successful nutritional programs upon which many poor and working class Americans have come to depend—in particular, WIC and the school lunch program. These programs enjoy broad bipartisan support, and there is widespread agreement that they are remarkably effective in their current form. These programs work. Millions of poor and working class children are fed cheaply and nutritiously thorough these programs. We do not need to toss them into the jumble of the welfare debate.

In addition, Mr. Chairman, in its well-intentioned efforts to discourage illegitimacy and teen-age births, the Personal Responsibility Act contains some measures which are so punitive as to be completely illogical. For instance, the bill cuts the cash assistance grant of children whose paternity is not legally established, yet it makes no distinction between children whose paternity is unestablished as a result of their mother's failure to cooperate with State officials, and children whose paternity is unestablished because, in spite of the mother's full cooperation, the father has successfully evaded State officials or managed to escape a DNA test. The Deal proposal on the other hand, recognizes that parents—not children—are the ones who should be penalized for evading their families responsibilities.

In addition to these points, Mr. Chairman, I believe that the Deal substitute is preferable to the Personal Responsibility Act because it preserves, subject to time limits and other restrictions, a basic safety net to which indigent Americans can turn in times of need. The Personal Responsibility Act, on the other hand, goes too far in its effort to devolve the Federal Government of responsibility in the realm of public assistance. In its effort to seek greater flexibility for State governments—a goal with which I wholeheartedly agree—the Personal Responsibility Act weakens the modest safety net that we, as a society, believe should be in place for our citizenry.

Finally, the Deal bill contained important and historic reforms in our Nation's child support enforcement laws—reforms that, as Republican cochair of the Congressional Caucus for Women's Issues, I have advocated for many years. In particular, the Deal bill adopted child support legislation that I had coauthored with the caucus earlier this year—the Child Support Responsibility Act of 1995. I also worked successfully to incorporate these reforms into the Personal Responsibility Act and am gratified that they were, in fact, included in the final bill. I commend the Republican leadership for incorporating these provisions into the act. On balance, however, the child support reforms in the Personal Responsibility Act were not enough to overcome my other objections to the bill.

Mr. Chairman, you can be assured that I will work with my colleagues in the Senate to ensure that Congress enacts meaningful, far-reaching, and comprehensive welfare reform.

Mr. OXLEY. I rise today in strong support of the Contract With America's Personal Responsibility Act. Welfare has become a way of life for too many recipients. By making it easier to collect a hand out than to work, the system has destroyed individual initiative and actually perpetuated poverty. Bureaucratic barriers frustrate motivated recipients who want to get a job or acquire an education. We've seen an alarming breakdown of the family occur under programs that simply are not working.

The Personal Responsibility Act will reform our welfare system to provide a helping hand, not a handout, to millions of Americans caught in this dead-end trap. I've heard a lot of talk lately that the Republican plan would be hard on children. This couldn't be further from the truth. Our plan will actually increase funding for many children's services. For example under our plan funding for school lunch and breakfast programs would actually increase by $1 billion over 5 years. By eliminating the Federal middle man, and block granting funds, the savings we achieve now could be used for providing increased assistance to needy children.

Mr. Chairman, in the name of short-term compassion we have inflicted long-term cruelty. Let us pass this legislation so we can offer hope for our children's future, not despair.

Mr. FOGLIETTA. Mr. Chairman, why do we have to divide America to cure welfare?

We divide America when we pull families apart.

We divide America when we make teenage mothers give up their children, or encourage them to have abortions.

We divide America when we use arbitrary deadlines that will move families who have depended on welfare because they can't get jobs, into homelessness.

We divide America when we punish children by dismantling the school lunch program.

We divide America when we use hot rhetoric like we heard in this debate—when one compares people on welfare to wolves or alligators, when one compares welfare to the $600 toilet seat of the Pentagon, when one says that he would not let some welfare mothers take care of a cat.

We didn't need this kind of talk, and we don't need to create two Americas to reform welfare.

Our Republican colleagues may insist that they are not engaging in the politics of division, but that's just what happened during this debate over welfare reform.

Let me give you an example of how one aspect of the majority bill will encourage a divisive America.

The Philadelphia Inquirer told a story the other day of a suburban township near my district.

Many years ago, they decided to reject Federal school lunch dollars, and do away with reduced price school lunches for low-income children. In its place, they use a so-called sharing table—a place where a hungry student can pick up a left-over peanut butter and jelly sandwich that a better-off student left behind.

Some people like the idea of the sharing table, but I don't. To me, it sounds like "Oliver Twist."

I can't think of anything more humiliating for a young child than having to rely on leftovers from their classmates. This deepens the divide in our society between the haves and the have nots.

What's worse, I'm afraid that it will teach kids to beg—that's not what American kids should be learning in school. I wanted to share with my colleagues an editorial from the Philadelphia Daily News, lest there be any confusion about my criticism of this program.

I supported the Mink substitute because it would have worked to accomplish the goal we all want to accomplish—moving people from welfare to work. It didn't use gimmicks, or arbitrary deadlines. It also didn't feed into the cynical politics of hate, division and making children victims.

What I don't want to see are begging tables at schools across America.

I hoped before my colleagues voted for this legislation, that they could think of their own child or grandchild cowering in shame as he approaches the sharing table.

That's not the America I want to see for our children.

[From the Philadelphia Daily News, Mar. 23, 1995]

NO LUNCH? TRY THE "SHARING TABLE"

There is a fanciful, down-the-rabbithole quality to Republican welfare "reform" legislation being debated in the House of Representatives.

In the wonderland inhabited by Newt Gingrich and the Contract with America crowd, the outrageous idea that "less is more" has become an article of faith.

But not to worry. Instead of scrambling to close the funding gaps likely to be created by welfare "reform," social-service agencies and public schools can find a model for Life Under the Contract close to home—in Upper Darby, Delaware County.

Back in 1982, Upper Darby dropped out of the federal school lunch program, and with it, federal nutrition standards. Local officials made the move because the program was losing money, kids didn't like the food and free lunches weren't needed.

Replacing the free- and reduced-price lunch meals is the "sharing table" sort of a give-what-you-can/take-what-you-need approach to combating child hunger. On the sharing table sits a "sharing can" for spare change.

It works like this: If Johnny eats only one of his two sandwiches, he leaves the extra on the "sharing table," where Sarah—who perhaps came to school without breakfast—can have if free, along with some coins to buy a drink.

It's a simple neighbor-helping-neighbor kind of thing.

But what if Sarah is too embarrassed to come to the sharing table? And what if children who regularly show up without lunches or lunch money turn down offers of "sharing table" assistance out of pride and fear of being stigmatized?

Doing without the federal lunch program would be less problematic if Upper Darby were a wealthy community—which it isn't. Welfare rolls are growing—up 15 percent since last year, to 956 children. Yet only 300 kids signed up recently for a free milk program—perhaps a sign of reluctance to expose their need.

Upper Darby school officials explain it with denial. The need just isn't that great they say.

Denial is likely to be a useful tool when the full GOP welfare reform package hits town.

Following the Upper Darby model, we should start with the premise that those lazy ol'poor people don't need any assistance. And for those who do (destitute teen mothers, for instance), we could erect "sharing tables" everywhere—near steam grates, bus stops, homeless shelters, soup kitchens and schools.

For disable kids cut from SSI, there could be medical sharing tables, from which to borrow walkers, wheelchairs, prescriptions and other medical services.

The possibilities are endless * * *

And absurd.

Every credible analysis of poverty and illegitimacy acknowledges that making the chronically dependent self-sufficient will cost more in the near future rather than less—because of multiple expenditures for child care, education and training, and public works jobs if the private sector cannot provide employment.

"Sharing tables" and denial obscure that reality—but can't change it.

Mr. GIBBONS. Mr. Chairman, during this debate, the Democratic record on welfare reform has been regularly maligned. Republicans have frequently suggested that Democrats are simply defenders of the status quo—who have done little or nothing in the 40 years that we controlled the House of Representatives to improve the programs that serve our most vulnerable citizens. Any responsible examination of the record quickly shows this is not the case.

In the past decade alone, Democrats have enacted reforms to virtually every part of our social safety net—usually without much support from Republicans. Those reforms have been carefully crafted to improve the system without inflicting irresponsible and unnecessary damage on the families who have turned to us for support.

For example, in the 103d Congress, Democrats passed and the President signed into law:

The Family Preservation and Support Act.—This was the first significant reform of child welfare programs in 12 years. It provides flexible funds to States to strengthen families and prevent child abuse and neglect. It will also help State courts assess and expedite judicial child welfare proceedings, so that more foster children find permanent homes.

Legislation making these reforms was vetoed once by President Bush in 1992 but signed into law in 1993. The reforms are just now taking effect, yet the Republican majority wants to dismantle them in favor of untested block grants that leave abused and neglected children with no guarantee of foster care when they need it.

OBRA 93.—Amendments included in this budget reconciliation bill encouraged marriages for families on welfare by relaxing the rules for counting the income of a stepparent, made certain that children owed child support also get health insurance when the noncustodial parent has such coverage, significantly expanded the earned income tax credit to encourage work and offset Federal taxes paid by low-income working families. OBRA 93 also authorized empowerment zones and enterprise communities to test comprehensive solutions to the problems of distressed areas.

The Social Security Administrative Reform Act of 1994.—This reform bill limited the SSI eligibility of substance abusers to no more than 3 years. It also created the Commission on Childhood Disability to recommend ways to eliminate fraud in the SSI children's program—report due in 1995. Legislation authorizing the Commission was vetoed once by President Bush in 1992. Instead of waiting for the Commission report, Republicans are attempting to dismantle the SSI children's program in this bill.

The Social Security Administrative Reform Act of 1994 also included reforms to the child welfare and foster care programs. If reduced paperwork burdens for State child welfare programs by modifying the reviews required under section 427 of the Social Security Act. Legislation making these reforms was vetoed once by President Bush in 1992.

The Unemployment Compensation Act of 1993.—Miscellaneous amendments attached to this unemployment compensation bill reformed the SSI program to require that sponsored aliens, for the first 5 years after the alien's entry into the United States, be qualified for SSI benefits based on the income of their sponsor. The Republican proposal—included in this bill—denies virtually all benefits to legally admitted aliens.

In the 102d Congress, Democrats passed and the President signed into law

The Child Support Recovery Act of 1992.—This bill imposed a Federal criminal penalty for willful failure to pay a past-due child support obligation.

Democrats also passed the Revenue Act of 1992 which President Bush vetoed. That bill would have established a tax deduction for the costs of adopting children with special needs, such as those with a physical or mental impairment, encouraged welfare families to save—up to $10,000—for education, to purchase a home, or to move to a safer neighborhood, and allowed welfare families to save—up to $10,000—to start a business.

In the 101st Congress, Democrats passed and the President signed into law:

OBRA 90.—This law guaranteed child care for low-income families at risk of going onto welfare, improved the quality of child care services, and required States to report known instances of child abuse or neglect of children receiving AFDC, foster care, or adoption assistance.

OBRA 89.—This law reformed the AFDC quality control program to improve protections against fraud and abuse in the AFDC system.

In the 100th Congress, Democrats passed and the President signed into law:

The Family Support Act of 1988.—This comprehensive welfare reform measure strengthened work, education, and training requirements for welfare recipients and, for the first time, required mothers of young children to actively participate in work and training. It also barred discrimination against needy two-parent families and guaranteed transitional child care and health benefits for families leaving AFDC for work. Under the law, increasing numbers of welfare recipients must be engaged in work-related activities. As a result, 595,000 families are now engaged in work activities.

The Family Support Act contained child reforms as well. It mandated State use of uniform guidelines for child support awards, required States to initiate the establishment of paternity for all children under the age of 18, set paternity establishment standards for the States and encouraged them to create simple civil procedures for establishing paternity in contested cases.

Finally, the act provided Federal financial assistance to States to improve the quality and licensing of child care services.

In the 99th Congress, Democrats passed and the President signed into law:

The Tax Reform Act of 1986.—This comprehensive reform of our Nation's tax system eliminated the tax obligations of millions of America's poorest families and provided adoptive families with a one-time payment to offset the costs associated with adopting children with special needs, such as those with a mental or physical disability.

In the 98th Congress, Democrats passed and the President signed into law:

The Social Security Disability Amendments of 1980.—This law established the requirement that sponsored aliens, for the first 3 years after their entry in the United States, must include the income of the sponsor to be eligible for SSI.

The Child Support Enforcement Amendments of 1984.—These comprehensive amendments created the Internal Revenue Service collection mechanism to withhold from Federal tax refunds any past-due child support owed to children of non-AFDC families, expanded the child support enforcement program to nonwelfare families, required States to develop uniform guidelines for setting child support award amounts, extended research and demonstration authority for States to test innovative approaches to child support enforcement, and authorized special project grants to improve the collection of interstate child support orders.

Mr. MFUME. Mr. Chairman, I rise today in opposition to H.R. 4, the Personal Responsibility Act as offered. This legislation, the Republican version of welfare reform, is a wolf in sheep's clothing.

This legislation has significant ramifications for Americans both poor and nonpoor. We pride ourselves on being one of the most caring, compassionate, and advanced countries in the world. Yet, for a variety of reasons, this bill takes food from the mouths of babies, and cuts mothers off welfare, for the purpose of funding an upcoming tax break for the wealthy.

Clearly, the Nation's welfare system is in need of repair. No community yearns more for welfare reform than the people of my district. But they have said overwhelmingly, do not support reform for the sake of reform.

Most want, and I support, reform that genuinely allows America's poor to move from welfare to work. The House GOP bill will not do that. I stand opposed to this bill both for what it will and will not do. This bill does not meet our community's desperate need for jobs. Successful reform of welfare means jobs, jobs, and more jobs; it means child care for both poor women and men, and it means a commitment to ensure the rights of all children.

However, this bill fails to create a single job, but requires welfare recipients to work after 24 months and be tossed off the rolls after 5 years. This bill provides no additional funding to support the welfare-to-work transition, but requires States to have an increasing percentage of their welfare population in the work force.

Since cash assistance would no longer be an entitlement and States could determine who and how many get aid, States could increase their work participation rate simply by denying aid to a large number of currently eligible families.

In addition, this bill cuts resources for child care, health care, transportation, and other necessary support services; factors keeping many on welfare today. Under this act more than 7,500 children would lose their Federal child care assistance in my State of Maryland alone. Mr. Chairman, more than 1,700 children in Maryland will lose all SSI benefits and Medicaid benefits under this bill. I am mindful of the difficult fiscal choices facing us at this time and must evaluate the competing claims on our Nation's diminishing discretionary resources, but I do not believe that children should be the losers.

Furthermore, the bill ignores the Nation's economic trends. In an economy in which wages have declined for the working poor since the mid-1970's and in which the number of working poor has grown phenomenally, this bill is a dismal failure. We must consider welfare reform in the context of our Nation's overall economic condition.

This bill forces children, who may be the object of violence and sexual abuse in some cases, back to the homes where the abuse took place. Our children are our future. Unfortunately, the Personal Responsibility Act is not likely to be an investment at our children's future. America cannot afford to leave its children dangling in the wind.

We were elected to represent the views of our constituents on issues of national, economic, and social significance. The opportunity for welfare reform is one of the most important issues facing America. In this critical time in our Nation's history, we should not allow politics to interfere with the responsibility to be fair to our children. Today, we have an opportunity to demonstrate the gravity of our commitment to children, the poor, to deficit reduction, and our commitment to redirecting our efforts to the critical needs of the American people.

I urge my colleagues to vote for our children, vote for our future, and vote against the bill as offered.

Mr. YOUNG of Florida. Mr. Chairman, I rise in strong support of H.R. 4, the Personal Responsibility Act.

The American voters spoke last November and demanded a change in the way Government operates. For too long, past Congresses saw Washington as the solution to every problem, and created Federal program after Federal program in an attempt to eliminate poverty. Unfortunately, those programs, many which were born during the Great Society push of 30 years ago, failed. After spending more than $5 trillion on Federal welfare programs, the number of welfare recipients, illegitimate births, and fraudulent welfare claims have skyrocketed. We have to change the welfare system that has failed so badly to meet the needs of our society.

With this legislation, Congress can begin to break the cycle of poverty and hopelessness that has trapped generation after generation of Americans. It is a welfare system that often penalizes those trying to break their reliance on Government subsidies, money doled out by a Federal bureaucracy that has become too big, too inefficient, and too expensive. To free the next generation of Americans from this trap, the Personal Responsibility Act, one of the most critical components of the Republican Contract With America, promises comprehensive reform of the American welfare system.

The present system penalizes the working poor, and offers little incentive to leave the welfare rolls once they begin receiving benefits. We must reform these programs to discourage people from ever becoming dependent on welfare in the first place, and do everything we can to get them off as quickly as possible. This bill gives States broad flexibility to design work training and education programs, and tells welfare recipients they will have to work in order to receive cash benefits. The Personal Responsibility Act will teach people job skills, assist them in assuming more productive roles in society, and help them earn the dignity that comes from working for a living.

For too long, many welfare recipients have taken their benefits for granted, and forgotten that their actions have consequences. This bill would deter teen pregnancies by ending cash payments to unwed mothers under 18. States could use these savings to establish programs to help young mothers with pregnancy prevention and counseling, adoption services, small-group homes, and other helpful innovations. Additionally, the bill streamlines procedures to collect child support and implements strict policies to enforce child support orders, to ensure that both parents live up to their responsibilities.

Despite the misleading rhetoric of those opposed to this legislation, the Personal Responsibility Act offers far greater hope for children than the current system. Aside from its tough enforcement of child support—which ensures that parents, not the taxpayers, care for their children—the legislation significantly increases the funds that will actually go toward serving the needs of our Nation's children.

Currently, programs that provide school lunches and breakfasts, low-cost milk for children, and nutritional supplements for pregnant women and infants are all run from Washington with separate rules for eligibility, regulations for operation, and sources of funding. While Congress will continue to fund these programs, their day-to-day operations will be left to the States, who know how to meet the needs of their own residents far better than bureaucrats in Washington, who attempt to design one program that meets the needs of people in 50 very different States. As a result, the funds spent helping children, as opposed to feeding the bureaucracy, will actually increase under this bill.

For example by capping administrative costs in State agencies administering child care programs at 5 percent, the Personal Responsibility Act will make 95 cents of every dollar available for direct child services. This is in sharp contrast to the 68 cents per dollar that currently goes directly for child care services. Thirty-two cents of every dollar is being lost in layers of bureaucracy and centralized planning activities.

Eliminating administrative overhead will make available $162 million more for direct child care services next year alone. In addition, with the adoption of an amendment Wednesday, which I strongly supported, we provide another $150 million per year to care for children so their parents can work. This means with the additional funding and administrative savings, there will be $322 million more available for direct child care services next year, an increase of 17.5 percent.

There are also increases in other areas. Many of my constituents and many State and local officials from Florida from whom I have received input on this legislation, stress the success and importance of the Women, Infants, and Children Program, or WIC. This legislation addresses those concerns by guaranteeing that not less than 80 percent of the funds provided for family nutritional programs will go to WIC, ensuring an increase of $588 million over the next 5 years.

With regard to the School Lunch Program, this legislation provides for a $1.2 billion, or 17.5-percent increase in funding over the next 5 years. Moreover, States would be required to devote not less than 80 percent of these funds to meet the needs of low-income children. No more than 2 percent of the funds may be spent on administrative costs.

By ending cash benefits to certain groups such as noncitizens, unwed mothers under 18, and individuals with fraudulent claims, and by limiting administrative overhead, section after section of this legislation makes greater resources available for those trying to put themselves back on their feet. As they do this, by taking advantage of the federally-funded—but State and locally run—job training and child care programs to get off the welfare rolls, an even smaller pool of welfare recipients will have access to even more help.

By cutting layer upon layer of Washington bureaucracy out of the equation and allowing State and local governments to care for their own people, we will create a more effective, less costly system that will truly put children and families first.

This legislation does not threaten needy Americans willing to take responsibility for their lives. It threatens Washington bureaucrats and entrenched lobbyists that make their living tending to the cruel, ineffective welfare trap that has developed over 30 years. We have an opportunity with this legislation to bring about real reform that makes those who have opposed progress for decades uncomfortable. They had 30 years to change a crumbling and ineffective welfare system, and did nothing. Now they are forced to defend the status quo where only one of every 250 people on welfare work, where one-third of the children born in our country are to unwed mothers, and where the average welfare family receives benefits on-and-off for 13 years. This must change.

Mr. Chairman, the welfare reform provisions of the Contract With America are designed to give people a way out of poverty, not surround them with it for the rest of their lives. These bold reforms are expected to put 1.5 million welfare recipients to work and save the American taxpayer almost $80 billion over the next 5 years. The emphasis on self-reliance will make welfare a program of temporary assistance, not a way of life. Americans who believe in a day's pay for a day's work are the cornerstones of our society. The programs Congress passes should foster this attitude, instead of encouraging millions of people to depend on the American taxpayers for their livelihood. The Personal Responsibility Act meets this goal, fulfills our contract promise, and responds to the wishes and demands of the American people.

Mr. HAYWORTH. Mr. Chairman, I voted for the rule on H.R. 1214 and I support passage of this legislation. I do, however, want to express my concern with the Rules Committee failure to make in order an amendment which would have reaffirmed our Nation's obligation to American Indian communities.

A bipartisan amendment, offered by Resources Chairman DON YOUNG, would have set aside 3 percent of appropriations for block grants to native American communities. This amendment was important because it would have recognized the unique nature of the Federal Government's relationship with native American tribes.

My concern is that direct block grants to the States may adversely affect tribes for two reasons: One, States do not have the same obligations to tribes that the Federal Government has; and two, some tribes, like the Navajo Nation, cross State borders and would have to petition more than one State for funding. The Young amendment would have addressed this concern, and I regret that it was not made in order.

Mr. Chairman, I want to assure concerned tribal leaders that, although the Rules Committee did not make this amendment in order, our bipartisan efforts to secure protections in H.R. 1214 for native Americans will continue.

Mr. ORTON. Mr. Chairman, I rise in opposition to the Archer-Kasich amendment.

It is absurd to call this measure a technical correction. In actuality, this amendment strikes language in the bill which prohibits savings in the bill from being used to pay for tax cuts.

If we are ever to balance the budget, we must make cuts in Federal spending which are difficult, require sacrifice, and reduce benefits to individuals. Savings from such spending cuts should reduce the deficit, not be spent on tax cuts.

Mrs. LOWEY. Mr. Chairman, we all agree that reform of the welfare system is long overdue. The current system is costing billions of dollars and is not solving the problem. It is not putting people to work but instead has created an unhealthy cycle of dependency.

WORK

In reforming the welfare system, our focus must be on moving people into real jobs. I will vote against the Republican bill for many reasons—but primarily because it makes no guarantee that welfare recipients will move into work. In fact, a recently released Congressional Budget Office report found that their bill is doomed to fail in achieving that end. Furthermore, under that bill, there is less accountability for the dollars spent than under the current system. They do nothing to improve access to and the quality of existing education and training, so that people have the skills they need to get a job.

Last year, I introduced my own Work First welfare reform plan that was designed to get people off of welfare and into jobs. My bill removed the crazy disincentives to work that exist in the current welfare system. The majority of Americans get up every morning and go to work to support themselves and their families—and they resent the fact that billions of tax dollars are spent supporting people who don't have to do the same. We must reform welfare to assure able-bodied Americans work. That is a matter of simple fairness.

EFFECTIVE PROGRAMS—CHILD CARE AND NUTRITION

We cannot afford to fail in this effort. But moving to the extreme—as the majority's proposal will do—will only create another system that fails families and taxpayers. Their proposal will push families with young children into the street and create a whole class of women and children with no hope of becoming self-sufficient. The Republican proposal cuts child care and nutrition—programs that are critically important to supporting working families. Why does this bill block grant the WIC Program—when leaders of corporate America have testified to its cost-effective benefits to the health of women and children? Why does this bill do away with the School Lunch Program as we know it, when this program helps children from working families get the nutrition they need to succeed in school? Why does this bill cut assistance for child care, when Americans know that child care is crucial to the ability of people who truly want to work to stay in the work force?

TEENAGE PREGNANCY

There is another area of critical importance on which this bill fails the American people—the crisis of teenage pregnancy. Earlier this year, I introduced a bill to: First, require teenagers who are parents themselves to live with an adult family member or in an appropriate adult-supervised setting in order to receive benefits; and second, require teenage parents to continue to receive education and training in order to receive assistance. In addition, my bill would provide grants to localities to design teen pregnancy prevention programs. This approach balances responsibility with opportunity. It promotes responsibility so that teenage parents understand that they must assume responsibility for the consequences of their action. At the same time, it invests in preventing teenage pregnancy so that fewer children are born to teens.

The majority's bill denies most benefits to teenage parents and their children, but goes no further. It includes no provisions to encourage responsible behavior among teenage parents—and no provisions to realistically discourage teenagers from becoming parents in the first place. Most troubling, the majority bill punishes innocent newborns for the actions of their parents.

CHILD SUPPORT ENFORCEMENT

There's another issue of great importance in this debate: Child support enforcement. The Republican bill was originally silent on the need for parental responsibility for child support—in spite of the fact that each year deadbeat parents fail to pay more than $5 billion they owe to support their own offspring. Many of their children are reliant on welfare as a result. This is more than 40 percent of the entire Federal cost of AFDC. At the beginning of this Congress, I cosponsored H.R. 785, the Child Support Responsibility Act of 1995, along with other members of the Congressional Caucus for Women's Issues. The caucus leadership testified on behalf of our bill before the Ways and Means Committee. I am pleased that—as a result of persistence on our part—the bill has now been modified to include strong child support enforcement provisions. I do, of course, support these provisions and hope that they will become law through some means very soon.

THE DEAL SUBSTITUTE

The Deal substitute provides a balance in this debate. It is tough on work, requiring participants to establish contracts detailing what they will actually do to secure private sector employment. The substitute provides a serious deadline: Participants can participate in a workfare program for 2 years. After 2 years are up, States have some flexibility to work with these populations—but ultimately people must work, or they lose their cash benefits. The Deal substitute also provides States with resources to improve existing workfare systems, so that participants actually obtain the skills they need to get and hold a job. Without those skills, any employer will tell you, they just won't find work.

The Deal amendment increases State resources for child care, so families can work while ensuring adequate care for their children. The Deal amendment preserves the nutrition programs that are essential underpinning for the health of our Nation's children. I support the Deal substitute because it reforms welfare programs without destroying programs that have proven effective and important to millions of working Americans and their families. The Deal amendment includes tough provisions to strengthen the current child support enforcement systems so that millions of young people will be supported by parents who have the means to do so—instead of being supported by taxpayers. Finally, the Deal amendment helps address the crisis of teenage pregnancy and provides communities with the resources they need to prevent teenage pregnancy. In short, the Deal substitute provides sensible responses to the American public's demand for reform, but does not in the process hurt vulnerable children or simply shift costs to other programs.

The Deal substitute does reform legal immigrants' eligibility for benefits. It builds on good ideas that already exist in the law, but which have not worked as they should. First and foremost, legal immigrants would be required to have sponsors who agree—in a legally binding document—that they will be financially responsible for the immigrant for the life of the immigrant or until the immigrant becomes a citizen. This amendment recognizes the problems that exist in current law—that sponsorship currently ends after 5 years regardless of the citizenship status of the immigrant and that sponsorship is not a legally binding obligation—and effectively corrects them.

I urge my colleagues to support the Deal substitute. We must reform the welfare system to move people from welfare to work. We cannot afford to fail.

Mr. PORTMAN. Mr. Chairman, we are in the midst of a historic effort to change Government as we know it. Not since the New Deal has Congress had such an active legislative agenda to address the most pressing problems of our day. But our philosophy of governing is very different from the New Deal and different from the President's approach: consistent with the Founders of this great country, our goal is to give government back to the people.

In addressing the role of the Federal Government, Thomas Jefferson once said, "I believe that the states can best govern our home concerns." We share Jefferson's fundamental faith in the ability of people to organize in their neighborhoods, towns, cities, counties, and States all across our Nation to identify and resolve our toughest problems. As a result, we have already begun to shrink the Federal Government and return power to communities, to the people back home where it does the most good.

Our new ideas to reduce the size and scope of government and give States and communities the freedom to fashion solutions that work are embodied in our proposal to fix our failing welfare system. The current system is broken, big Government programs are lifeless and impersonal and it has become clear that large bureaucracies based in Washington do little to uplift the poor. It is a bad system that is cruel to children, and cruel to families.

Republicans recognize that Washington does not have all the answers and are willing to give States real flexibility and resources to try what they find works. We know today's welfare system is full of perverse incentives that destroy families, denigrate the work ethic and trap people in a cruel cycle of government dependency. We're committed to replacing that failed system of despair with reforms based on the dignity of work and the strength of families, and yes, parental responsibility. By not accepting the status quo in Washington, we are moving solutions closer to home where we offer real hope for the future.

Today, the House passed a new plan to fix welfare that returns power and flexibility to States, cutting out a whole level of Federal bureaucracy and giving the States the ability to respond in innovative ways to real needs. By reducing the role of the large and costly bureaucracy, and by slashing redtape, we will free up more resources to try new local programs that will help change people's lives.

The defenders of the status quo have had every opportunity to fix the failed welfare system. But they chose not to do so. Now, they continue to fight change—using irresponsible scare tactics to blur the debate and confuse the American people about our plan. It's simple. Our plan does three things: it makes people work; it stresses personal and parental responsibility and creates incentives for families to remain intact; and it cuts the endless, unnecessary Federal regulations and bureaucracy typical of the current system.

Mr. ALLARD. Mr. Chairman, I rise to say it is about time. Since President Johnson declared a war on poverty 30 years ago, we have spent over $5 trillion and created 336 programs to fight this war. So, who won? No one. Not the welfare recipient or the taxpayer. The amount we spend in a year on welfare is roughly three times the amount needed to raise the incomes of all poor Americans above the income thresholds.

My constituents tell me that the current welfare system does not work, they want reform. Those who oppose reform continue to say that the number of people on welfare will grow and thus more money is needed. If that is the case then this system can only be called a massive failure. Misguided policy incentives have resulted in a program that encourages economic dependence rather than independence. Welfare is supposed to help people become responsible and self sufficient.

The Personal Responsibility Act will give the decisionmaking back to the States. State officials know what will work best. The "one size fits all" approach of the Federal Government has not worked. The States have consistently been the places where new ideas have been allowed to grow and work. It is time to allow the States to have the flexibility and resources to get people back to work and off the dependence treadmill.

This bill has a tough work requirement, it is tough on illegitimacy, and tough on deadbeat parents. No longer will alcoholics and drug addicts get cash payments to help them continue their addiction with taxpayer money.

Contrary to what the other side is saying, this bill will not cut off assistance to kids. Low-income children will still receive school lunch and WIC benefits, but no longer will the money be micromanaged by the Federal Government middle man. This means that more money will make it to women and children in need, instead of Federal bureaucrats.

Reforming the welfare system should not cost more money or add more people to the rolls. It should save money and be more efficient than the current system. The Personal Responsibility Act saves $66.3 billion over 5 years by slowing the growth of welfare spending—without eliminating the safety net for those who truly need it. We should not measure compassion for the poor by how much the Government spends on welfare or the number of people collecting checks. We should measure compassion by how few people are trapped in welfare and dependent on the Government. If we want to protect our children, then we must reduce Government spending, balance the budget, and foster an economy that will create opportunities and jobs. That is why I am supporting H.R. 4, the Personal Responsibility Act.

Mr. GANSKE. Mr. Chairman, there has been a lot of talk about the welfare problem plaguing our country. Everyone agrees that something must be done; everyone that is, but my colleagues on the other side of the aisle who seem content with the status quo. I fail to understand how opponents can be satisfied with a welfare state that has seen a 25-percent increase in out-of-wedlock births since 1960. There are areas in my hometown of Des Moines, IA, where the illegitimacy rate is as high as 60 percent.

This is totally unacceptable. We must provide incentives that help get individuals off of welfare. We can no longer reward young mothers for having more children out-of-wedlock. We can no longer be satisfied with the lifestyle of welfare dependency being passed from generation to generation.

I was encouraged to see the language added to the Personal Responsibility Act which provides an incentive to States to decrease their rate of illegitimate births, a provision I recommended during my testimony earlier this year before the Ways and Means Committee. This is clearly a step in the right direction.

Let's continue this step in the right direction and pass the Personal Responsibility Act.

Ms. LOFGREN. Mr. Chairman, I would like to add my voice to the debate on welfare reform.

A true welfare reform proposal should seek to end dependency, promote employment and offer a helping hand to those who deserve it. What the Republican majority has offered us in H.R. 4, the Personal Responsibility Act, however, is nothing more than another give-away to big business and the wealthy. By adopting Mr. ARCHER's amendment Republicans assured that the savings from this legislation will go directly toward the funding of the GOP tax cut bill.

The Republican welfare reform bill cuts vital programs that provide financial and nutritional assistance to low-income families. According to the Congressional Budget Office, the GOP bill will likely cause nearly 3 million families to lose $2.8 billion in benefits over the next 5 years. After that, the situation only gets worse. Cash payments are reduced 50 percent by the year 2003. Needy families will suffer these losses through the elimination or reduction of programs like aid to families with dependent children [AFDC], food stamps, school lunches, disability payments, foster care and nutrition supplements for pregnant women and infant children.

Children and legal immigrants are the real victims of this bill. No needy child should be denied lunch at school or food stamps at home because his or her parents applied after the set allocation had dwindled. Withdrawing assurance of help to children who are needy, hungry, abused, or disabled is simply unacceptable. Children should not suffer because their parents cannot provide.

Nor should legal immigrants who have played by the rules and paid taxes be denied in their time of need. Making legal immigrants ineligible for public assistance should they become sick, disabled or unemployed 10 or 20 years after their arrival in this country is unfair and cruel. If the aim of the Personal Responsibility Act is to teach welfare recipients about work, family and responsibility, then why does it scapegoat a group that is the embodiment of these values?

Under the Republican proposal States would get the same amount of money block granted to them each year—regardless of changes in the number of needy children or newcomers. This would result in some States being hurt disproportionately. Fewer immigrants and disabled children will be eligible for supplemental security income [SSI], with legal immigrants being denied AFDC, food stamps and Medicaid as well.

This bill would be a disaster for my home State of California, which alone stands to lose $15.177 billion over the next 5 years. The House Republican welfare proposal would eliminate Federal funding for family preservation and support and several other programs that work to prevent child abuse and neglect. It would restrict welfare for legal immigrants, resulting in a $7.777 billion loss in Federal funding for California's residents. California would also receive $2.486 billion less in funding for food stamps and $1.099 billion less in nutrition assistance.

Not only does this bill cut much-needed assistance, but it does shamefully little in the way of moving welfare recipients into the work force. Those individuals who can work should work. But the GOP bill offers no help to people who need training or other assistance to get and hold a job.

Unfortunately, the Republican bill is filled with rigid guidelines and unrealistic mandates. It compounds these drawbacks with a surprising lack of practical solutions, such as the opportunity for recipients to improve their education or gain practical work experience. Simply cutting off assistance will not prepare recipients to join the work force or provide them with jobs. True reform would offer education, training and transitional assistance to those individuals who want to exchange a welfare check for a paycheck.

The so-called Personal Responsibility Act is nothing more than a tax gift for the rich and a surrender of responsibility to the States. It attacks the very elements of our society we should most want to help—needy children who do not vote, have done nothing wrong, and desperately need our assistance to survive. It erodes basic American values by denying survival assistance to children and equal treatment under the law to all. This is certainly not my idea of welfare reform and you can be assured that I will oppose it at every turn.

As a member of the board of supervisors for Santa Clara County for 14 years, I learned a lot about welfare. The county administers the welfare programs for the Federal and State governments. I know very well the need to change welfare—to make it more effective, less bureaucratic and to promote work. The Republican bill does none of this. It is not reform, but is instead just a budget cut and a cost shift to local government.

Mr. PACKARD. Mr. Chairman, our current welfare epidemic continues to erode the American family and work ethic. For a growing segment of the population, America no longer represents the land of opportunity but rather the land of the welfare check. Our current welfare system discourages work and promotes Government dependency. Republican reforms work to get people off of the Government dole and back on their own feet.

Currently, there are over 5 million families on welfare. Only 20,000 of those people work. For 30 years we have been measuring compassion by how many people are on welfare. Isn't it time we began measuring compassion by how few people are on welfare?

Our Personal Responsibility Act, H.R. 4 puts the millions of people now on the welfare rolls onto payrolls. Republicans replace a failed welfare system of despair with a more compassionate solution focusing on work and offering hope for the future. Our bill encourages people to earn the freedom, responsibility, and dignity that comes with working.

The welfare message of the past 30 years is clear. Liberal Federal handouts promote Government reliance and dependency. We must end this depressing trend. Working today prevents welfare despair and dependency tomorrow. Our Republican Personal Responsibility Act restores lost dignity and promotes a strong work ethic.

Mr. KLECZKA. Mr. Chairman, I was prepared to vote for true welfare reform today. As the only Democrat on the House Ways and Means Committee to support that panel's reform proposal earlier this month, I believe it represented real change of our welfare system.

Though well-intentioned, that system is indefensible and in dire need of massive changes. It encourages a cycle of poverty, hopelessness, and despair. At the same time, it discourages family cohesiveness, constructive behavior, and self-reliance.

The Ways and Means bill, while not perfect, would have started us down the path to dramatic, yet meaningful reform. I worked long and hard on the plan's SSI reforms and am proud of the outcome in that area. Moreover, turning welfare over to the States is a bold step forward and it represents an improvement over the status quo.

Unfortunately, the bill that passed the House today contains a fatal flaw that I could not, in good conscience, support. Namely, it reduces funds for child nutrition in the name of welfare reform. Because of this mean-spirited provision, I will vote against this measure.

According to Congressional Budget Office statistics—the most reliable and non-partisan figures available—this legislation is projected to underfund child nutrition programs by $11.77 billion over the next 5 years. At that level, funds will not keep pace with demand: CBO says child nutrition dollars will increase by only 2.1 percent per year, while demand has historically grown at a much higher level. For example, the Agriculture Department reports that between the 1990 and 1994 school years, demand for school lunches increased by 23 percent.

In my judgement, that lower level is unconscionable. We have the compassion to meet the basic nourishment needs of our children. Surely feeding children is not too much to ask of this great Nation.

All along, I have been clear about my opposition to these changes in the child nutrition program. In a letter to Speaker GINGRICH last week, I indicated that while I could support the Ways and Means bill because it represents true welfare reform, the school lunch program should not be included in the bill. My request unfortunately was ignored by the Speaker.

I deeply regret that we could not vote on just the Ways and Means Committee's welfare reform plan today. It is my hope that cooler heads will prevail in the Senate and that Chamber will leave child nutrition intact while returning to the House true welfare reform. If and when that occurs, I stand ready and willing to support it.

Mr. POSHARD. Mr. Chairman, I have long supported reforming our Nation's welfare system, because I believe our current system discourages welfare recipients from going to work and encourages our children to have children without the means to provide for them in their future. I supported President Clinton's efforts last year to reform welfare, and I strongly believe we must continue to work to create a welfare system that truly assists people.

Though the Personal Responsibility Act attempts to reform our current welfare system, I am afraid it takes us in the wrong direction. This bill takes away benefits from our Nation's poor without providing a sensible path for them to find and maintain work.

This bill cuts funding that would provide child care services to welfare recipients. How can we expect those on welfare to go to work when they are unable to pay for any type of child care? The bill mandates States to require welfare recipients to go to work after receiving benefits for 2 years, but it fails to provide for increased funding for needed welfare-to-work programs.

Instead, the bill repeals the Job Opportunities and Basic Skills Program, which currently provides 90 percent Federal matching funds for education, training, and support services for welfare recipients. The bill also includes no requirements for States to include education, training, and support services in their welfare programs.

The bill also replaces our Nation's School Lunch and School Breakfast Programs with a school-based nutrition block grant. By converting these important nutrition programs targeted at our children into a block grant, we would be capping these benefits and ultimately, we would be cutting access to this program to some 2 million children.

In the 19th Congressional District, over 1.3 million meals are subsidized by this program each year, and I can not imagine having to turn away one child who looks to this program for their only nutritious meal of the day. As rural Americans face high unemployment in their communities, these programs are often necessary to bridging the gap between the loss of work and future economic stability.

Like many of the block grants created in this bill, States would get a fixed amount of money to fund school-based nutrition programs. If a recession occurred, States would receive no additional Federal funding to assist the increased number of children who would be eligible for this program. During the last recession, the number of low-income children receiving meals under this program increased by 1.2 million.

I believe the State of Illinois will be seriously affected by this block grant legislation that would reduce Federal support for child welfare by $5.6 billion over 5 years. This would mean a 5-year loss of $512 million in Federal child welfare funds to Illinois between 1996 and 2000. In an attempt to put parents back to work, we would end up only punishing the children caught in this difficult situation.

Finally, the savings from this bill are not going to deficit reduction or even to programs that will help people leave welfare. Instead, the $69.4 billion is going to finance a number of tax cuts proposed in the Contract With America. I can not support a bill that takes from the poor in order to provide tax cuts to businesses and wealthy Americans, especially when Congress is working to balance the Federal budget.

I support the Deal substitute for welfare reform, because I feel this plan would successfully move recipients from welfare to work. The plan helps welfare recipients move into the work force by increasing funding for education, job training, and child care. In addition, it creates a work first program that puts people back to work, and requires States to increase participation by welfare recipients in this program over 8 years.

The Deal substitute limits welfare benefits going to a recipient after 2 years. Welfare recipients would then be eligible, for an additional 2 years, for either a workfare job or a job placement voucher. The Deal plan is reasonable and workable, because it contains provisions to ensure that welfare recipients are better off economically by taking a job rather than staying on welfare.

It is vital that we pass welfare reform that puts people back to work, but it is equally important to do it in a reasonable manner. The Republican bill clearly fails to provide an opportunity to welfare recipients, because it cuts or eliminates important programs that allow people to make the transition into the workplace. Unless we can guarantee welfare recipients a fair and sensible chance to go back to work, Congress must continue to develop a reform package that helps and not hurts people in need.

Mr. RICHARDSON. Mr. Chairman, the legislation before us today, the Personal Responsibility Act, H.R. 4, will drastically alter the welfare system in our Nation. I support welfare reform, but there are serious flaws in this bill. One of the primary problems of the bill is that it does not even mention the 1.2 million Native Americans or the 553 federally recognized American Indian tribes who reside in this country. To remedy this situation, Members from both sides of the aisle worked together to develop an amendment to allow Indian tribes access to the block grant provisions in the bill. Mr. Young of Alaska, the distinguished chairman of the Resources Committee, and I sponsored this amendment, but remarkably, the

Rules Committee would not accept it for presentation on the floor. I am outraged that the Rules Committee has chosen to ignore the recommendations of the Resources Committee, and more importantly, the vital needs of Native Americans.

The amendment would restore existing block grants to tribal governments that have been repealed by H.R. 4. The amendment is consistent with many current Federal statutes, including a 3 percent allocation to tribes under the child care and development block grant and a 3.3 percent allocation to tribes under the Job Training Partnership Act. It is also consistent with longstanding policy, endorsed by every administration since the early 1960's, that we must maintain government-to-government relationships with tribes, and further Native American self-determination.

These principles take on heightened significance as we restructure our welfare system. Establishing direct allocations to native Americans provides tribal governments with the same meaningful opportunity to develop new assistance programs that is being afforded each of the 50 States. Indian tribes are not subunits of State governments. Their relationship is on a government-to-government basis with the Federal Government.

Tribes and tribal organizations are service providers and are in the best position to develop and administer services in their communities. Tribal governments are no different than State and local governments in understanding they have unique knowledge and qualifications critical to providing effective services to their communities. Political leaders and program administrators throughout the United States recognize that community-based assistance programs are typically cost effective and deliver better services, and tribal leaders share these views.

Tribes have developed local infrastructures to manage funds and administer programs despite the fact that their access to Federal funding has been inconsistent and below amounts given to States. Tribal programs include cash assistance, child care, education, job training, and law enforcement.

I am deeply concerned that State block grants and spending cuts will have acute effects on native Americans. Tribal communities experience some of the highest levels of poverty of any group in the United States. According to the 1990 census, 31 percent of Indian people live below the poverty line, the highest rate of any single group reported. Nearly 40 percent of native American children live in poverty. Certain State rates for Indian children living in poverty are astounding: 63 percent in South Dakota, 58 percent in North Dakota, 57 percent in Nebraska, 50 percent in New Mexico, 49 percent in Wyoming, and 47 percent in Utah. Tribal families face serious challenges to becoming self-sufficient: 27 percent are headed by women with no husband present, and 50 percent of those families live in poverty. Increased funding and locally-based services are critical to improving these statistics.

As currently proposed, State block grants would result in disparate treatment for native Americans. Native Americans will be treated differently from State to State, even where their tribal boundaries spread across State lines, which is illogical and unfair. Also States may overlook the unique cultural, geographic, and economic needs of native Americans.

Mr. Chairman, the Rules Committee must accept personal responsibility for destroying current block grants to native Americans. By denying Members the opportunity to vote on our bipartisan amendment, tribal governments have been shut out of welfare reform. Native Americans had the first contract with America; once again, we have failed to honor that contract.

Mr. HORN. Mr. Chairman, all parties to this debate acknowledge that our current welfare system is flawed to the point of indefensibility. It is a program that, despite the initial good intentions of its founders, has spun out of control to the point where it now generally keeps too many people who are economically poor, and ensures that their children will likely end up economically poor as well.

We have a welfare system that rewards not working, instead of working. We have a system which, if not directly encouraging out-of-wedlock births, is certainly guilty of providing the oxygen needed to spark illegitimacy into a full-fledged fire. We have a welfare system which has led to the dissolution of the family, which has pushed the father out of his duty and responsibility to provide for his children, and then heaped sin upon error by ensuring that critical child support payments are not collected. We have a welfare system which perpetuates a degrading and intergenerational economic dependency. We have a welfare system which has forgotten the need for personal responsibility and undercut the American ethic of rewarding those who struggle to better themselves. Instead, we provide sustenance to those who are content to do nothing to improve their own condition. That must change. That will change. H.R. 4, The Personel Responsibility Act, is designed to do just that.

Nothing like our discussion over how to reform our failed welfare system reveals the ideological chasm which exists in this House. Those opposed to the Republican-led welfare reform effort have leveled accusations that this bill goes too far, that it is too extreme, that it is mean-spirited, that it attacks children, that it makes cuts in welfare spending to make room for tax cuts for the rich. Such attacks are to be expected, wrong as they may be. They come from those whose compassion is so misguided that they are willing to perpetuate failure in face of the fear that the changes we propose may place at risk those who already live in poverty. Thus, we hear claims of acceptance of the need for change without a commitment to do anything to reform our truly warped system.

We hear claims of the need for more funding, without a commensurate willingness to attack the social pathologies which underlie and are reinforced by our welfare system. Yes, we need to preserve our sense of compassion, our commitment to help those who are temporarily unable to help themselves. But compassion must come with common sense. It must be coupled with a sense of vision and recognition of the need for change. Defending what has not worked is not acceptable public policy. We must conclude that spending dollars is not the same as creating solutions. A handout does not help. It perpetuates the dependency of the person seeking help. And that cannot be construed as doing someone a favor.

The campaign to paint Republicans as pillagers of the school lunch program is egregious in its deliberate falseness and intent to mislead. Of course, the opponents of this bill fail to mention that spending on the WIC Program and the school nutrition program will be increased every year for the next 5 years. The school lunch program will rise 4½ percent each year. These opponents fail to accept that, at some point, simply throwing more money at a problem does not work. However, on a range of issues, reasonable people may differ. The democratic process we have in this House is designed to ensure that those differences are explored and debated, and then voted upon.

What makes this an important bill is that it forthrightly addresses the two major issues in the welfare debate: work and illegitimacy. This bill ends the entitlement now current enshrined in law that mandates cash payments even to those who refuse to work. In its place, tough work requirements are enacted. By the year 2003, 50 percent of the one-parent families caseload will be required to be working. By 1998, 90 percent of two-parent family welfare recipients must be working. All welfare recipients must be working after 5 years, and the States have the option of making that 2 years if they so choose. Contrast this to the current system, in which 65 percent of the 5 million families on welfare will be on welfare for 8 years or more, where the average length of stay for people on welfare at any given time is 13 years. Those statistics are unacceptable. Time limits and the teaching of skills so one can become self-sufficient are an integral part of ensuring that welfare dependency comes to an end.

On the issues of illegitimacy, this bill is equally clear-headed. Mothers under the age of 18—commonly known as teenagers—who have a child out of wedlock will be ineligible for Federal assistance. Thus, we end the perverse rewarding of children having children. Likewise, we prohibit the payment of additional benefits for children born to families already on welfare. The taxpayer has no responsibility to provide additional levels of financial support to those who cannot support themselves before they choose to bring another life into the world. Finally, no cash payments will be allowed for mothers who refuse to help establish the paternity of their child.

Certainly, there will be instances when the result of these changes will seem punitive, but this step must be taken if we are to put an end to children bringing into the world other children for whom they do not have the wherewithal to care. Today, this new family is left unable to cope for itself and is caught in a cycle of dependency, bereft of the education, the work training, the skills, and the resources to become self-supporting. How can anyone claim that putting an end to this reward is harmful of children? I, for one, feel that we do a great disservice to the lives of children by encouraging illegitimacy than we do by taking steps to reverse this unsustainable, cruel tide.

The last major point of contention is the return of control of the welfare system to the States through the use of block grants. Opposition to these block grants reflects a philosophy of Federal control, that believes at its core that States cannot and should not be trusted to attend to the needs of their own residents. It is a philosophy that I reject. We have built a Federal system that dares to presume that administrative rules and a bureaucracy based in Washington, DC, have all the answers to the localized, individualized problems in States ranging from California, to Maine, to Mississippi. The failure of the current system reveals the fallacy in that notion.

The existing welfare system proves that the creation of new program after new program is not an answer that works. In contrast, this bill takes the reverse tack of consolidating the numerous welfare programs into several targeted block grants. These dollars would be returned to the States, with important but minimal Federal standards, to be used in the manner that the States regard as the most efficient. I believe that the States will be more fully able to adjust their welfare programs to the particularized needs without having to come to the Federal Government to get approval to take the necessary action. An approach that gives power to those closest to the problem is one that will work.

Mr. Chairman, great change inevitably is accompanied by great controversy. Such is the case with this bill. But if we are to reverse the course of failure, if we are to refocus the welfare program to one that requires work, one that no longer rewards out-of-wedlock births, one that requires fathers to participate in the financial well-being of their children, one that gives States the freedom and resources to develop welfare programs that are compatible with the welfare needs they see, one that helps restore a sense of values to our welfare system, then we must be bold.

We can quibble around the edges. We can argue about funding levels. But the solution to obvious failure is not to perpetuate the system responsible for that failure. Instead, we must change course and seek answers in new and innovative approaches. This bill does that. And that is why H.R. 4—the Personal Responsibility Act has my support.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1245

Accordingly the Committee rose, and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, pursuant to House Resolution 119, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment thereto?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GIBBONS. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GIBBONS of Florida moves to recommit the bill H.R. 4 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end, add the following new section:

SEC. . DEFICIT REDUCTION

Reductions in outlays from the enactment of this Act shall be used to reduce the deficit and shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

PARLIAMENTARY INQUIRY

Mr. GIBBONS. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GIBBONS. Mr. Speaker, as I understand the procedure we are under now, the proponents and the opponents of the motion to recommit have a total of 5 minutes each.

Is that correct?

The SPEAKER pro tempore. That is correct. Under the rules of the House the gentleman is recognized for 5 minutes.

Mr. GIBBONS. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GIBBONS. Would it be in order if I were to request by unanimous consent that the gentleman from Texas [Mr. ARCHER] have 5 additional minutes and that the gentleman from Florida, myself, have 5 additional minutes?

The SPEAKER pro tempore. The gentleman's request is in order by a unanimous-consent request.

REQUEST FOR ADDITIONAL DEBATE TIME ON MOTION TO RECOMMIT

Mr. GIBBONS. Mr. Speaker, I make a unanimous-consent request.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GIBBONS] is making a unanimous-consent request that time for debate on the motion to recommit be extended to 10 minutes a side; is that correct?

Mr. GIBBONS. Yes, I make that unanimous-consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. ARCHER. Mr. Speaker, reserving the right to object, the motion to recommit is very simple. It is an issue that has been debated for hours in this House already. I see no reason why the standard rules of operation of 10 minutes on a motion to recommit with instructions should not be followed as it routinely has been over all the years that I have been in this House of Representatives.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRIES

Mr. ROEMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ROEMER. Mr. Speaker, is it not considered proper under the rules of the House for the manager of the majority's time to ask for up to an hour of debate on a motion to recommit? Is that not correct?

The SPEAKER pro tempore. If the majority manager of the time requests it, yes.

Mr. ROEMER. So, under the rules, Mr. Speaker, it would be OK to get an hour, and we are asking for 5 minutes.

The SPEAKER pro tempore. The unanimous-consent request was to extend time by 5 additional minutes on each side. Objection was heard under the rules of the House.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS] for 5 minutes.

Mr. GIBBONS. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GIBBONS. Did the Chair say I can ask for an hour?

The SPEAKER pro tempore. The gentleman from Florida is incorrect. Under the rules the manager of the bill, the gentleman from Texas [Mr. ARCHER], could ask for up to an hour.

Mr. GIBBONS. Oh, he could?

The SPEAKER pro tempore. The gentleman is correct.

The chair recognizes the gentleman from Florida [Mr. GIBBONS] for 5 minutes.

Mr. GIBBONS. I yield myself 1 minute.

Mr. Speaker, the motion to recommit is very straightforward and very easily understood. It has passed this House on record vote on this issue by substantial bipartisan support. I hope it will be adopted on a bipartisan basis.

Mr. Speaker, it says simply that the 70 billion dollars' worth of savings here that comes out of the mouths of hungry children can only be spent for deficit reduction.

Now charges have been made that this $70 billion will be spent for an untimely tax reduction for some people whose names I will not mention, but this is very simple, very straightforward. It takes this money, puts it in a lockbox and says, "This $70 billion can only be used for deficit reduction."

It seems fair that, if we are going to take this money from these children, we at least ought to not leave them with debt.

Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, let us do the math.

Mr. Speaker, let us see if we can figure out how the Republicans will pay for those tax cuts they have promised their rich friends. Look at this chart and see how it would work.

The tax cuts cost about $200 billion over the next 5 years with nearly a half of that going to people earning more than $100,000 a year.

Who pays for this gift from Uncle Sam to the privileged few in this country? Let us take a look at it.

Twenty-four billion dollars is donated by poor families with children. Food stamp recipients contribute $19 billion. Kids who lose school lunches, child care, WIC, ante up another $12 billion. Abused and neglected children pay $2 billion. Legal immigrants contribute about $21 billion. The only thing we can be certain of now is that the $70 billion is going to be taken from the children and the poor of this country to go to the rich.

I say to my Republican colleagues, Pick on someone your own size.

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Speaker, may I make another parliamentary inquiry?

The SPEAKER, pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GIBBONS. Mr. Speaker, I was wondering if the gentleman from Texas [Mr. ARCHER] would like to yield to some Republican at this point.

The SPEAKER pro tempore. The gentleman from Florida must use his time now, and the gentleman from Texas [Mr. ARCHER] has his 5 minutes after the gentleman from Florida [Mr. GIBBONS] has completed.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, every 2 minutes this Nation spends $1 million on interest on the national debt, every 2 minutes. I say to my colleagues:

> In a moment you're going to have an opportunity to say enough is enough, that we're going to save some money, but we're going to take that money and apply to towards the deficit and apply it towards the debt rather than giving millionaires a tax break.

Mr. Speaker, again I would like to make the point that every 2 minutes the citizens of this country are paying $1 million on interest on the national debt. That is not going toward principal, that is just the interest.

Now in a moment the people in this Chamber will have an opportunity to make a vote toward reducing the deficit and, hopefully, reducing the debt, or my colleagues can vote no and give millionaires another tax break.

I say to my colleagues:

> If you care about the people of this country, vote to reduce the deficit. If you are what you told the people back home last fall, be a real conservative and vote to reduce the deficit.

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Speaker, may I make another parliamentary inquiry?

The SPEAKER pro tempore. The gentleman shall state his parliamentary inquiry.

Mr. GIBBONS. I would like to yield to a few Members for unanimous-consent requests, but I do not want it to come out of my time. Am I correct that unanimous-consent requests do not come out of the remaining 3 minutes that I have?

The SPEAKER pro tempore. The gentleman from Florida [Mr. GIBBONS] has 2 minutes remaining, and the time for unanimous-consent requests does not come out of his remaining 2 minutes providing the Members do not make speeches when they ask for unanimous consent to revise and extend.

Mr. GIBBONS. I understand that, Mr. Speaker, yes, that is fair.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I rise to support the motion to recommit and in opposition to H.R. 4.

Mr. Speaker, I rise in strong opposition to H.R. 4, it is bad public policy and it is bad politics.

The American people sent both Republicans and Democrats here to reform our welfare system.

As a member of our Democratic task force on welfare reform, I join my colleagues in acknowledging that the current welfare system is broken and must be fixed.

We want to reform the system so it can truly fulfill its original purposes and promises—to lift people out of poverty, move them into real jobs, and empower them to become independent, self-supporting and productive citizens.

To achieve these goals, welfare reform must include a renewed sense of individual responsibility through a commitment to work.

Real jobs, real job training and transitional child care must be a part of any bill that we realistically expect to change things for the better.

Mr. Speaker, H.R. 4 ignores all of these critically important aspects of true reform.

I cast my vote against the bill because: It slashes benefits—most of which go to children;

It fails to articulate guidelines and principles for the States as it washes the Federal Government's hands of a responsibility that has had bipartisan support for decades;

It makes no provisions for providing real jobs, real training and child care that would free the minds of welfare parents from their worries about their children's safety and care while they struggle to turn their lives around;

It fails to protect the very health of our children by cutting into longstanding, bipartisan school and family nutrition programs that, for decades, helped form the foundation of our Nation's very humanity; and

Most egregious of all, Mr. Speaker, is the fact that the purported budget savings of H.R. 4 have been earmarked by my colleagues in the majority for tax breaks for many of our most well-to-do citizens.

This $66-billion redistribution of wealth—from the very poor to the rather comfortable—disregards entirely the will of the American people who have made it clear that, what they want most, is deficit reduction.

Mr. Speaker, my Democratic colleagues, Mr. DEAL and Mrs. MINK, offered welfare bills comprising real reform, and I voted to support those bills.

Mr. Speaker, I also voted to recommit the short-sighted and punitive H.R. 4 to the Ways and Means Committee for revisions.

I will continue to raise my voice in support of effective, constructive welfare reform that includes heavy doses of both compassion and individual responsibility.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, I rise in support of this motion to recommit. It is a clear choice between bringing down the deficit and spending money on tax cuts.

Make no mistake about it. This is an opportunity to do something good for children. A "no" vote is an insult to injury. We will hurt children today by taking food out of their mouth and the programs they need, and we will hurt children tomorrow by leaving them a staggering national debt.

There is no possible justification for a "yes" vote.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DIXON].

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, I rise today in strong opposition to H.R. 4, the Personal Responsibility Act. The Republicans claim that their bill will break the cycle of poverty for welfare families. Nothing can be further from the truth. The measure does not provide the education and training people need to move from welfare to work, would allow States to produce illusory work program participation rates, and punishes children. I thought the goal of reforming the welfare system was to provide people with real opportunities to become self-sufficient, not to set up faulty work requirements and to place children at risk.

Contrary to the Republican rhetoric, there are no real work requirements in this legislation. It only requires States to run welfare-to-work programs and increase participation rates to 50 percent by 2003. H.R. 4 repeals the Job Opportunities and Basic Skills [JOBS] Program under the Family Support Act, which provided education and training to enable people to find employment. According to the Department of Health and Human Services, as of fiscal year 1993, 17 percent of the AFDC caseload is working or participating in JOBS. Under H.R. 4, only 4 percent of a State's caseload has to be participating in any kind of work activity in fiscal year 1996.

Moreover, in calculating the number of people who must be engaged in work activities, States may count people kicked off the rolls as being employed or working toward employment. This does not appear to be a good incentive for the States to provide work opportunities. Indeed, we may be creating a system that encourages States to disqualify as many welfare recipients as possible in order to meet participation requirements.

By ending the entitlement status of nutrition programs, such as the School Breakfast and Lunch Programs, the Child and Adult Care Food Program, and the Special Supplemental Food Program for Women, Infants, and Children [WIC], this legislation removes the safety net for the most vulnerable in our society. Over 5 years, the block grants and meager funding levels provided in H.R. 4 will have the effect of taking $6.6 billion from children's nutrition programs when the number of poor increases due to rescissions. According to the Children's Defense Fund, cuts to the child care food program alone would result in 1 million children losing meals in the fifth year of the act's implementation.

The bill even eliminates national nutrition standards that guarantee America's children access to healthy meals at school, standards developed over 50 years of the programs' operations.

Through their faulty work requirements and the elimination of nutritious meals for children, the Republican welfare plan offers nothing but continuing unemployment, hunger, and homelessness. I strongly urge my colleagues to oppose these misguided efforts to reform our welfare system.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I rise in support of the motion to recommit.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I rise in support of the recommittal motion.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. ROEMER].

□ 1300

Mr. ROEMER. Mr. Speaker, it is lunchtime in Indiana, and the Republican meat ax has fallen, not just on chicken and sausage, but on carrots, peas, milk, and orange juice. Now, we can have on this amendment, if you are going to take those nickels and dimes and quarters from children, you have the opportunity to at least put it to deficit reduction if you vote for the motion to recommit. Or if you do not, that nickel and dime and quarter will go for tax breaks, tax cuts for people making up to $190,000 a year.

Vote for the motion to recommit. Vote for children.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, I rise in favor of the motion to recommit.

Mr. Speaker, I rise to state my vociferous opposition to the Republican welfare bill that is being considered today.

Mr. Speaker, the Republican welfare reform proposal does not succeed in delivering to the American public what they want: a welfare system that encourages parents to work to support their families and protects vulnerable children.

The American people want a welfare plan that replaces a welfare check with a paycheck. The Republican bill, however, takes the State flexibility aspect to the extreme by block granting programs to the States with few strings attached. For example, the Republican bill subjects only 4 percent of the caseload to a work requirement in 1996. It effectively lets the States do nothing for 2 years, then it cuts people off without a safety net. Mr. Speaker, this is not a work-based welfare system.

There is also no requirement for education, training, and support services. If we truly want welfare families to support themselves, education, training, and job placement services must be a part of each State program.

Let me also cite a few facts of the Ways and Means passed version of this bill affecting children:

The Republican bill punishes a child—until the mother is 18 years old—for being born out-of-wedlock to a young parent—title I.

The Republican bill punishes a child—for his or her entire childhood—for the sin of being born to a family on welfare, even though the child did not ask to be born—title I.

The Republican bill punishes a child, by denying cash aid, when a State does not establish paternity in a reasonable time.

The Republican bill leaves children out in the cold when a State runs out of Federal money—title I.

The Republican bill throws some medically-disabled children off SSI because of bureaucratic technicalities.

The Republican bill eliminates our most precious national entitlement, that foster care will be guaranteed to any child who is abused or neglected—title II.

And finally, the Republican bill cuts aid to poor children to pay for tax cuts for the rich, as stated by the Budget Committee chairman the other day.

For my State of Texas, the effects of the Personal Responsibility Act could be devastating. By replacing the Aid to Families with Dependent Children [AFDC], Emergency Assistance [EA], child care, child welfare, and nutrition assistance with block grants to the States, this bill will ensure that Texas and its residents will receive less funding for welfare related programs.

A recent Department of Health and Human Services study showed that Texas could lose $5.208 billion over 5 years. The number of Texas children losing AFDC benefits because of block granting is estimated at 297,000.

Further, block grant funding will not make all the States share equally in the reduced cost of Federal aid. The formulas disproportionately hurt States that have a growing population, especially the States with high percentages of young people in poor and near-poor families and that have historically been conservative in paying for their federally aided social services programs. That description fits Texas to a "T".

Texas will lose in welfare-related programs, from Medicaid to AFDC to nutrition to nursing homes, while richer, no-growth, higher benefit States gain because the block grants are based on what States are doing for whom right now. Texas is growing. It is like buying a full wardrobe for an adolescent boy. Pretty soon he will need new clothes.

Even more, the community that I represent, El Paso, TX, has historically never done well in block grant funding distributed by our State capital. My district, located almost 600 miles from Austin, has recently been the focus of a court of inquiry exploring the reasons why it has never received funding at the levels of other similarly sized Texas cities. When the Federal Government abdicates its responsibilities to the States, El Paso will again be the overlooked sibling.

The Republicans finance their plan by cutting welfare to legal immigrants. Mr. Speaker, this is the wrong way to go. We are talking about taxpaying residents of this country. Legal immigrants are less likely than native-born citizens to use welfare. A legal immigrant who has worked hard, paid his taxes, and has an unforeseen disaster is ineligible for benefits under SSI, temporary family assistance block grant [AFDC], the child protection block grant, and the title XX block grant regardless of the circumstances. In addition, the Republican bill encourages States and localities to deny assistance to legal immigrants.

But there is a provision hidden away in this bill that gives benefits to a special category of agricultural workers known as foreign agricultural guestworkers [H–2A's]. Mr. Speaker, these H–2A's are made eligible for public benefits, while our hardworking and poor American farmworkers who are displaced from these very jobs are made ineligible for those same benefits. This provision is surely an agribusiness handout from the committee of jurisdiction.

Our Nation's welfare system needs an overhaul. It locks many families in generational poverty. It creates disincentives for fathers to live at home with their families. It fails to offer a clear road back to the work force for those who have stumbled along the way. However, the Republican proposal is clearly not a better alternative. It would force single parents to choose between the dignity of work and safety of their children.

Despite the stereotypes, welfare is not a way of life for most AFDC recipients. Most leave welfare within 2 years, and many do not return. Much of what lies at the core of this debate is divisive and hypocritical. Other national problems burden the Federal Treasury more than welfare. Other categories of "handouts" extend billions of Federal benefits to corporate recipients. Where is the Republican outrage over that kind of dependency?

Mr. Speaker, in their eagerness to deliver on their campaign promise, the Republicans are rushing to act on the welfare question without taking the time to examine their reforms. This bill is so bad that the Rules Committee approved more than 30 amendments in a vain attempt to fix this bill. Let me tell my colleagues on the other side that if they adopt some of these amendments, the bill will not be fixed; it will be worse than before. The Senate will be forced to start from scratch to develop their welfare proposal, because this bill is too extreme.

Mr. Speaker, this is the wrong bill to address the welfare dilemma. I oppose it, and urge my colleagues to do the same.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. I rise in support of the motion to recommit for children.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM], the granddaddy of the economy drive around here, and the granddaddy of the balanced budget amendment.

Mr. STENHOLM. Mr. Speaker, this motion to recommit could not be more clear. It is the exact same motion that I wished to give as part of the regular bill, but was denied under the rule. It says simply reductions in outlays resulting from this act shall be used to reduce the deficit.

Proponents of H.R. 4 have claimed impressive savings from their welfare reform, trusting that the public will hear the word "savings" and interpret that to mean deficit reduction. I want to make it perfectly clear, on this vote there is not 1 cent of the Republican welfare reform guaranteed to go for deficit reduction, unless we approve this motion to recommit. Do not be fooled into believing anything to the contrary.

I am appalled that organizations which have claimed to be for deficit reduction have now chosen to key vote in opposition to recommittal. It is one thing to say you support the reforms in this bill, which many do, and that is an honest position to hold. It is entirely different to say that you do not want to guarantee deficit reduction.

My friends who have always claimed that deficit reduction is of the highest priority, vote yes on this motion to recommit, and be for deficit reduction. We may not have many more opportunities.

The SPEAKER pro tempore (Mr. KOLBE). The time of the gentleman from Florida [Mr. GIBBONS] has expired.

The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I strongly oppose the Democrat's latest attempt to dress their big spending, big taxing ways in the clothes of a deficit cutter. Just yesterday the Democrats' welfare substitute showed their true colors. They proposed to increase welfare spending by $70 billion more than our proposal, and they raised taxes on middle-income working Americans to pay for their extra spending.

Mr. Speaker, that is going precisely in the wrong direction. Government is too big and it spends too much. Republicans intend to cut the size of Government and, in doing so, to give the taxpayers a well-deserved tax refund. The taxpayers should not have to pay again and again so that bureaucrats in Washington can add more failure to the failed welfare state. That is why I am proud that our bill cuts spending by $66 billion, and we do not raise taxes.

Make no mistake about it, the American people are overtaxed. And when you look at the broken welfare system that we stand on the verge of fixing, you can see why. As we fix welfare, of course, we intend to stop making taxpayers pay for failure. We intend to let the working people of this country keep more of the money that they make.

When it comes to welfare reform, I believe Congress should say to the taxpayers and welfare beneficiaries, satisfaction guaranteed or your money back. The failed welfare state has not guaranteed satisfaction to anyone, not to welfare beneficiaries, and certainly not to taxpayers. It is time that taxpayers got their money back. After all, it is their money to begin with. It is not ours. We have no business taking it from them in the first place if we are only going to spend it on a failed program. We are fixing welfare, Mr. Speaker, and the taxpayers deserve a piece of the fix.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I want everybody on both sides of the aisle to know that in May, we are all going to have this great opportunity to vote on the largest deficit reduction package achieved by spending cuts in the history of this Congress. This May we are going to vote on it, and we are going to watch how we all vote.

Mr. Speaker, it is truly incredible when we come back in April we are going to lay down a package that not only give American taxpayers some of their money back, but it is going to have $60 billion in greater deficit reduction than the President's package. In fact, his package when scored under actual 1995 spending, sends up the deficit by over $30 billion. We have done better than what the President has done in just March, and we have not even got until May, when we are going to lay the whole package down.

Let me suggest to all of you here, come May, and I am not just talking to my friends on the Democrat side, I am talking to my colleagues as well, in May we are going to come through these doors and we are going to have a card and we are going to be able to vote on balancing the budget.

Now, let me tell you, I saw one of my American heroes this morning. I see him every morning. You know who he is? He is out in Crystal City. He sells newspapers. He runs from one car to another car to another car. He is out there when it is raining, he is out there when it is snowing, he is out there when it is hot, he is out there when it is cold. He is wet. He does his job. And you know what? If we are going to take any money out of his pocket, it better be for real good things. Government does not have a right to take more than what it needs out of that gentleman's pocket. And do you know what we are going to do?

The SPEAKER pro tempore. The House will be in order.

Mr. ARCHER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. KASICH] yield for a parliamentary inquiry?

Mr. KASICH. Mr. Speaker, does it go off my time?

The SPEAKER pro tempore. Yes, it does.

Mr. KASICH. Mr. Speaker, I will not yield if it goes off my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. KASICH] has 15 seconds remaining. The gentleman may proceed.

Mr. KASICH. Mr. Speaker, my dad carried mail on his back. You know why he wants us to have a prosperous country through capital gains? So his kid could become educated and become a Congressman.

Let me tell you one other thing. You know who hates the rich? You know who hates the rich? Guilty rich people hate the rich. That is who hate the rich.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY], the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we have come to the end of a long and arduous task. Over 3 years our minority leader, Mr. Michel, created the first task force on welfare reform because he knew we must do something about this system, not because people abuse the system, but because the system so much, so often, abuses the people.

In those days when we were in the minority we had only a task force with which to take recourse to try to develop legislative initiatives, and we despaired of the unwillingness of the majority to address the issue.

We took heart during the campaign of 1992 when the Democrat candidate for President said we must do something to end welfare as we know it, because it is as we know it too cruel to the Nation's children, and we thought real reform would come forward when they won their majority in both houses and the White House.

It did not happen. It did not come forward. Last November, we had a new charge and a new responsibility, a new opportunity, a new opportunity to move beyond task forces and into the committees, and three committees have worked long and hard and worked in a way that has been more inclusive than I have ever seen before, including all the Governors with whom we would charge this responsibility.

We have created a truly compassionate reform. This reform effort has been assaulted. We have often as individuals been assaulted, all too often with language that is neither kind nor gentlemanly.

Now they use this motion to recommit to try to stop the contract because they could not stop this reform.

Mr. Speaker, I ask my colleagues to vote no on this motion to recommit; vote yes on the bill.

PARLIAMENTARY INQUIRIES

Mr. GIBBONS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Florida will state it.

Mr. GIBBONS. Mr. Speaker, could we possibly get as much time as the majority leader spent?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas will state it.

Mr. DELAY. Has it not been the longstanding tradition of this House to allow the majority leaders of both parties, including the Speaker of both parties, to have a little extra time when they are speaking?

□ 1315

The SPEAKER pro tempore (Mr. KOLBE). The gentleman is making an observation, not stating a parliamentary inquiry.

All time on the motion to recommit has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GIBBONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 228, not voting 2, as follows:

[Roll No. 268]

AYES—205

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Díaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—228

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Brown (CA)
Mollohan

□ 1332

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 199, not voting 2, as follows:

[Roll No. 269]

AYES—234

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)

Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—199

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—2

Brown (CA)
Skelton

□ 1350

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROWN of California. Mr. Speaker, on rollcall Nos. 267, 268, and 269, I was unavoidably detained away from the Capitol. Had I been present, I would have voted "yes" on rollcall No. 267, "yes" on No. 268, and "no" on No. 269.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4, the clerk be authorized to make technical corrections and conforming changes, and to correct section references, in the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 889, EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SENSENBRENNER). Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, I take this time to simply note that for the last 2 days, this side of the aisle has been trying to find out what the process would be by which we would go to conference, who would be on that conference, and when this motion would be made.

It was not until literally 2 or 3 minutes ago that I was informed what the decision had been. No opportunity was given to me to consult the members of my committee who would not be contemplated as being conferees and no consultation was made on this side of the aisle about the wisdom of dividing conferees between the defense conference and the domestic conference, even though it is the apparent intention of the majority party to raid domestic programs in order to finance defense add-ons.

It was explained to us that the Speaker was even considering the unprecedented action of reducing the number of Democratic conferees below the ratio that we hold on the committee in order to provide a stacked deck for the conference. We had no knowledge about who would be on the conference until just several moments ago.

Given the fact that I have had no opportunity at all to consult with Members on my side of the aisle and given the fact that the majority party apparently intends to go to conference on Tuesday and given the fact that they can still do that if they wait until next week to make this motion, I object.

The SPEAKER pro tempore. Objection is heard.

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, as the gentleman from Wisconsin readily knows, for the last 40 years it has been the rules of this House for the Speaker of the House to determine the conferees, and we have always, as Members of the former minority, been told who the conferees would be and have had to adhere to the restrictions laid down by the Speaker.

But the gentleman also might know that I hold in my hand a list of proposed conferees dated March 23, 1995, which we gave to the gentleman as far back as yesterday——

Mr. OBEY. Two minutes ago.

Mr. LIVINGSTON. Yesterday the gentleman had this exact list, either directly or through his staff. It is exactly what we have been talking with the Speaker about and have gotten agreement on.

The gentleman's objections are way off base. I would simply urge all Members to let us go to conference as rapidly as possible.

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, I would simply note with all due respect to my friend the gentleman from Louisiana, that it is true that we were given a tenative list of conferees yesterday but at the same time we were told by persons on that side of the aisle that the Speaker was contemplating changing that list. We were told we would be notified when the decision was made so we would have an opportunity to discuss that issue with our side of the aisle and were given no such opportunity.

I feel we are perfectly within our rights to object because of the way this has been handled.

Mr. LIVINGTSTON. Will the gentleman yield?

Mr. OBEY. Surely.

Mr. LIVINGSTON. The gentleman is free to object, but the fact is that the identical list of proposed conferees that was given his staff yesterday has been agreed to.

The Speaker under 40 years of Democrat rule of the House of Representatives had taken it unto himself to have sole prerogative over who the conferees are. That has not changed. I am at a loss to understand how the gentleman has been put out of sorts by the agreement on a list that his staff had yesterday.

I am reminded, to go one step further, that the gentleman from California [Mr. MILLER] once called a conference, adjourned the House, went back to the Cloakroom, confected the conference, reported out the reports of the conference all within the space of 2 minutes, and the minority was given no opportunity to object. The gentleman has had ample opportunity to give input.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Speaker, I would simply note that with all due respect to what may happen on other committees, on our committee there has always been a tradition of due notice and due consultation before any such appointments have been made.

I would also ask the gentleman if he can tell me any time in the past during which the Speaker has threatened to reduce the number of Democratic conferees on an appropriations conference below that of the ratio on the committee.

Mr. LIVINGSTON. Will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. The gentleman well knows that this entire conference centers around a national security problem. The gentleman knows that because of the deployment of troops around the world in many forgotten spots of this wide globe of ours that the readiness, maintenance, operations, training hours, and many other importance areas have been depleted within the Pentagon, and we have had to come forward and try to replace those moneys so that the Pentagon, the Defense Department of this country, can carry out its mission without running short of money.

□ 1400

Now, it has been the point of view of the gentleman from Louisiana and the gentleman from Florida, the distinguished chairman of the subcommittee——

Mr. OBEY. Reclaiming my time for just one second to correct something the gentleman said, the fact is the guts of this conference is not solely the provision of the authority that the gentleman is talking about. It is also the intent of the majority party to take domestic accounts to pay for Pentagon bills in a bill which is not even fully paid for and which adds to the deficit.

Until we can get an understanding about not adding to the deficit, I am going to object.

PARLIAMENTARY INQUIRIES

Mr. LIVINGSTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SENSENBRENNER). The gentleman will state his parliamentary inquiry.

Mr. LIVINGSTON. It is my understanding, or am I correct in understanding that if the gentleman's objection is heard and we cannot go to conference using the very same names of the conferees that were submitted to his staff yesterday, that we are going to be forced to roll over until Tuesday and not appoint conferees until Tuesday, and that the critical interests of the Defense Department will not be met because the conference will not be had until later than that?

Mr. OBEY. Mr. Speaker, that is not a point of order.

The SPEAKER pro tempore. The gentleman from Wisconsin is correct.

Mr. OBEY. You can go to conference on Tuesday at the same time as you could under your motion.

The SPEAKER pro tempore. The gentleman from Wisconsin is correct. This is not a proper parliamentary inquiry.

Mr. LIVINGSTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LIVINGSTON. Mr. Speaker, to rephrase my parliamentary inquiry, the gentleman from Louisiana is under the impression that with the gentleman's objection, we cannot go to conference. Is that correct?

The SPEAKER pro tempore. That is correct.

Mr. LIVINGSTON. All right. Then further parliamentary inquiry, Mr. Speaker, when might we be able to go to conference on this critical defense issue?

The SPEAKER pro tempore. The gentleman from Louisiana knows that there are two ways by which a bill can be committed to conference. One is by unanimous consent, and second is by a motion made pursuant to rule XX of the Rules of the House, or by a rule from the Committee on Rules. That is a third way.

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. OBEY. Is it not true that the gentleman can easily find himself in conference on Tuesday just as he would have found himself in conference on Tuesday if he makes this motion Tuesday using the right rule?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. OBEY. It may not be, but it is a fact.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I ask for this time to inquire of the distinguished majority leader about the schedule for the following week.

Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman from Missouri for yielding.

Mr. Speaker, the House will not be in session on Monday, March 27.

On Tuesday, March 28, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business to consider five bills under suspension of the rules:

H.R. 849, the Age Discrimination Employment Act Amendments of 1995;

H.R. 529, the Targhee National Forest Land Exchange;

H.R. 606, the Dayton Aviation Heritage Preservation Act Amendments;

H.R. 622, the Northwest Atlantic Fisheries Convention Act of 1995; and

H.R. 256, the Fort Carson and Pinyon Canyon Land Withdrawal.

If any recorded votes are ordered, they will not take place before 5 p.m. on Tuesday. After we complete action on the five suspensions, we will take up the rule for House Joint Resolution 73, the term limits constitutional amendment.

For Wednesday, March 29, and the balance of the week, the House will complete consideration of House Joint Resolution 73.

Meeting times for the House are 11 a.m. on Wednesday and 10 a.m. on Thursday.

The House will not be in session on Friday, March 31.

Mr. GEPHARDT. Mr. Speaker, first, it is probably clear, but maybe we need to make it clear, I take it there are no more votes today?

Mr. ARMEY. If the gentleman will yield, that is correct.

Mr. GEPHARDT. I thank the gentleman.

Second, I would like to ask regarding the days off next week, can the gentleman advise whether or not he expects votes on Thursday? I assume that he will be meeting on Thursday on some of these matters.

Mr. ARMEY. If the gentleman will yield, yes, that is correct. We do expect votes on Thursday. If everything goes well, we are hopeful we will be able to make a 3 o'clock departure time on Thursday.

Mr. GEPHARDT. Again, the intent is not to have votes on Friday? That is the clear intent?

Mr. ARMEY. The gentleman is correct.

Mr. GEPHARDT. A further question, can the gentleman give any advice to Members on whether other days will be given away prior to the April recess? In particular, I am thinking of Monday, April 3, or Friday, April 7. Does the gentleman have any advice on that at this point?

Mr. ARMEY. If the gentleman will yield, at this point I can only tell the gentleman with respect to both of those days I have only high hopes, but no clear enough picture to be able to advise you.

Mr. GEPHARDT. And then, fourth, regarding the rule on the tax bill which is coming in the last week, it is my understanding that the Committee on Rules will meet on the tax bill on Wednesday. I would like to ask if it is true that just one substitute may be made in order; will Members on both sides of the aisle be permitted to offer substitutes for that bill?

Mr. ARMEY. If the gentleman will yield, we have made no decisions regarding that. I think that it is true that the committee will meet on that and, I believe, start taking testimony on Wednesday, if that is correct, 10 o'clock in the morning next week.

Mr. GEPHARDT. Ten o'clock on Wednesday. So Members who want to offer substitutes or amendments should be willing to appear on Wednesday morning?

Finally, I would like to ask about the timing on the budget resolution. As the gentleman knows, it is traditional under our rules to have completed a budget resolution by the middle of April. I am told that you intend to start in the first part of May, and I just am wondering when you are thinking of trying to bring a budget to the floor.

Can the distinguished majority leader give me a sense of when we might get to the floor on the budget?

Mr. ARMEY. If the gentleman will yield, of course, as the gentleman knows, in many, many instances in the past several years it has been impossible to make that exact deadline, and we certainly intended to move on a budget bill as soon after our reconvening after the April work period as possible. So I would say as early in May as we can get our work done we will be announcing that to the floor.

Mr. GEPHARDT. I yield to the gentleman from Minnesota [Mr. SABO], the ranking member of the Committee on the Budget.

Mr. SABO. I am curious as it relates to the tax bill, what other bills will be combined with that? I am thinking particularly of the bill we voted out of the Committee on the Budget and other bills that have come out of Energy and Commerce and other committees, the additional changes in Medicare out of Ways and Means. Are those all going to be combined in one bill?

Mr. ARMEY. If the gentleman will yield, I can only tell you that the Committee on Rules will be meeting on Wednesday. They will be taking testimony on Wednesday, and we will begin to see what form that takes as that proceeds.

Mr. SABO. So we do not know yet what the exact form of the legislation of the final week before the recess will be, whether it is one bill or several bills?

Mr. ARMEY. If the gentleman will yield, that is correct.

Mr. SABO. If the minority leader will yield further, I would only indicate to the House that in recent years the House has completed its action on budget resolutions well in advance of April 15.

Mr. GEPHARDT. I just have one additional last question. Does the gentleman expect us to go to conference on the line-item veto bill next week?

Mr. ARMEY. If the gentleman will yield, as the gentleman knows, conference reports may be brought up at any time. We would certainly want to move as quickly as we can on that, and having the Senate's action only just last night, we will get to it as soon as we can. I cannot make an announcement at this time.

Mr. GEPHARDT. I thank the gentleman.

ADJOURNMENT FROM FRIDAY, MARCH 24, 1995, TO TUESDAY, MARCH 28, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Tuesday, March 28, 1995, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MILITARY TRAINING AND READINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, during the last Congress when my colleagues on the other side of the aisle were in the majority, many of us testified that the extension of Somalia was, first of all, going to cost American lives; second, that it was going to cost billions and billions of dollars, and at the same time it was going to eliminate readiness, because the amount of training that our military was able to do during the extension of Somalia in peacekeeping would be diminished.

We also recognized that a policy change from humanitarian to go after General Aideed would be disastrous, and during that time those decisions were made and my colleagues on the other side of the aisle, in a partisanship vote, passed the extension of Somalia.

We take a look at us going into Haiti. It is costing us billions and billions of dollars in nation building.

We look at the money we have given to the former Soviet Union, Russia. We gave Russia over a billion dollars to dismantle nuclear weapons. We gave them billions of dollars in nation building.

But last year they built and are steaming five nuclear class Typhoon submarines and three other submarines that are developed just to tap into our communications cables in the Atlantic and the Pacific. They are building MiG-35's, which are superior to our F-14 and F-15. They are building AA-10 missiles, which are superior to our AMRAAM, but yet, many say the cold war is over.

And we look at the billions of dollars we are spending in Bosnia and across the, the Members on the other side of the aisle, they are decrying we are cutting, we are cutting, we need to apply the money to the deficit. Well, I say, Mr. Speaker, we would have billions of dollars to apply to the deficit and we would also not have a military with its readiness and national security forces so low.

I sit on the former Committee on Armed Services which is now called the Committee on National Security, and we have had the Joint Chiefs testify that we are on the razor's edge, or another term was buffet, which means the position just before you stall an airplane, on our national security.

□ 1415

And just a minute ago, the gentleman from Wisconsin [Mr. OBEY] objected to a motion that would allow us to bring an appropriations bill forward to help the readiness. Our men and women, many agree, need better equipment, less troops and high technology. But we must help and support the appropriations bill on Tuesday.

We would have hoped that we could have filed it today because we are risking the men and women's lives.

Kara Hultgreen, a young lady, highly trained and motivated, and the first F-14 driver in the U.S. Navy, she came around the corner just a few weeks ago on an F-14 aboard the U.S.S. *Abraham Lincoln*. She had an engine failure.

On our side of the aisle. Republicans tried to get additional money to replace those engines because the compressor stalls. But many of the liberals on that side said, "Let's cut defense." They cut it $177 billion. What we are seeing—we lost five Navy airplanes in the last 2 months, the Air Force has lost four to faulty parts and engines and poor training. I would say, Mr. Speaker, if we really care about our men and women that we expect to fight and, in some cases, die for this country, that we need to support them.

I beg Members from the other side of the aisle to consider, take a look at what we have done in the past. We need to stay out of countries like Haiti, Somalia, Rwanda, and Bosnia. Let us support things back home.

THE MOST IMPORTANT WEEK OF THE 104TH CONGRESS: WELFARE REFORM

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentleman from North Carolina [Mr. FUNDERBURK] is recognized for 5 minutes.

Mr. FUNDERBURK. Mr. Speaker, I said two nights ago that this was the most important week of the 104th Congress. This week we decided between two very different visions of America. The first vision is offered by the same people who stood guard over 30 years of disintegrating families, children having children, burned out cities, a 30-percent illegitimacy rate, and three generations of Americans who do nothing but sit at home waiting for the next government check to arrive.

The Democrats are the guardians of business as usual; more taxes, more bureaucrats, more Washington. Having lost faith in the American dream, they have nothing to offer except more of the same shopworn programs which degrade and enslave millions. They have made generations of Americans nothing more than animals in the Government barn. They promise you happiness in exchange for a handout and the loss of your freedom. Their notion of reform is to spend more of other peoples' money.

Take a look at their so-called answers to our Personal Responsibility Act. One raises taxes on every business—big and small—in America and the other cuts off child tax credits for almost half of the families in this country. Each Democratic welfare bill says the Government must give you a job and if the State doesn't have any jobs to give it will pay someone in the private sector to hire you.

This is what the liberals have in store for us. This is their version of reform: Have a child out of wedlock, don't have a job and don't live with a man who is working. If you do these things the taxpayer will provide you with everything you need. Uncle Sam will give you a check each month, with free medical care, free food, and under Mr. Clinton's plan, a Federal job and free child care.

Mr. Speaker, I really feel sorry for the Democrats. They actually believe it is an act of kindness to hand able-bodies Americans womb to tomb care, demanding nothing in return. They call this $5 trillion nightmare that they have created—a system which dooms millions to a life of poverty and condemns helpless children to perpetual despair—compassionate. Their system is not compassionate, their system is obscene.

The ugly sideshow of the liberal's welfare system is the notorious child welfare bureaucracy. The massive increase in illegitimacy that the liberals want to subsidize has created a horrendous explosion in the number of abused and neglected children. As Mona Charen noted yesterday, "social services and charities are overburdened by the caseload but they are also overburdened by liberal thinking." Clinton Democrats are formally committed to a philosophy and practice which in most cases sends an abused and neglected child back to the parents who have hurt him, all in the name of family preservation. The Republican welfare reform bill recognizes this nonsense for the folly that it is. We believe that it is a far greater kindness to place a child with loving adoptive parents rather than to give an abusive violent parent another dozen chances to hurt that child.

Before I came to Washington, I watched the liberal Democrats and their allies in the permanent poverty industry heap scorn upon anyone who dared stand up and say that welfare socialism was destroying our country from within. But on November 8, 1994 we the people finally rose up and said enough is enough. We had enough of the professionally compassionate robbing us of our hard-earned money, dumbing down our schools, promoting deviant behavior and creating a suffocating culture of dependency for our poorest families. They had 30 years to do something about welfare and they sat on their hands and did nothing.

Mr. Speaker, I said at the beginning of my remarks that we are debating two visions of America. We know where the liberal vision has taken us. The second vision—the conservative vision—begins and ends with individual liberty. Our view of society is one in which people have the right and the opportunity to work, invest, and raise their children as they see fit. We have faith in the energy of the American people, the liberals have faith in Washington, DC.

The Republican reform bill takes aim at the heart of the welfare problem—the underage mother who enters the welfare rolls after conceiving an out-of-wedlock child. Our reform denies benefits to those who continue to have children without having any means to independently support those children. We also eliminate the Federal middleman and cut the heart out of the Washington welfare bureaucracy.

We send power back to the people. We say the real welfare reformers are in the States and counties. These are the people closest to the problem. They know their communities' needs. They are on the front line in the war against poverty. They understand its causes and they will provide the moral and spiritual leadership so many of our people so desperately need.

Mr. Speaker, we were sent to Washington to put people to work and get the Government's hand out of working people's pockets. We say if the American people give you a hand-up you will find a real job or we will cut off your benefits in 2 years.

Let me tell you where we will be if we do not put a brake on the runaway welfare train. Today Federal welfare spending stands at $387 billion, by 2000 we will spend $537 billion on welfare entitlements. The madness has to stop.

We have an unprecedented opportunity to save the lives of millions of children who would otherwise be trapped in the system which has ruined previous generations. We cannot be intimidated by the liberals in Congress and the media who offer no solutions, only scare tactics. They throw out words like cruel and mean but I ask you Mr. Speaker, what is more cruel, what is more mean, than to condemn a child to life on the liberal welfare dole.

That is the cruelest punishment imaginable. We cannot allow another generation of American children to fall victim to the compassion of the American left. We must be strong, we must be bold, and we must act now. Our children deserve no less.

THE REPUBLICAN WELFARE REFORM BILL IS FLAWED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I am going to pick up where the last speaker left off, perhaps in a little different refrain. I might add he just accused the Democratic Party of 30 years of not tending this problem. It actually did in 1988, when it worked with President Reagan to pass the welfare reform bill which is the basis under which this Federal Government has been operating since 1988.

So if you want to place some blame, talk to President Reagan about that. He, of course, is a well-known Socialist.

Now, I want to talk about the welfare reform bill. I want to talk about why I voted against it.

I voted against it because the GOP version, the Republican version, does not stress work adequately. I voted against it because it does not preserve but instead cuts the School Lunch Program. I voted against it because the money that saved the estimated $68 billion does not go for deficit reduction.

Let me make that clear: It does not go to reduce the budget deficit, but it is going to go fund a tax cut that is going to go sailing through here in a couple of weeks that will provide 65 percent of its benefits for everyone over $75,000 a year while providing less than 5 percent of the benefits for those under $30,000 a year. That is not a good trade.

We all want welfare reform. That is why I introduced a bill earlier this year that has many of the elements that have been common to these welfare reform bills. My bill has a 2-year requirement in it and after 2 years a person must go off the welfare rolls.

Mine has a tough work requirement modeled after what we have done in past years in West Virginia. Mine required, for instance, that people seek education and that they do public sector work, if necessary. But there are a lot of other things, unfortunately, that were not included in the Republican version.

A lot of things, for instance, that the Republicans do not tell us, did not talk much about. How about the fact that the Congressional Budget Office, which now has a Republican appointee—not a Democrat appointee—but the Congressional Budget Office recently scored this bill and said that not one of the 50 States, not one—not West Virginia, not any one of the States—would be able successfully to move the required amounts of people from welfare to work.

What kind of statement is that, when the Republican-dominated Congressional Budget Office itself issues a bad report?

I think it important as well to look at what the States think of this, particularly, my State. We have heard a lot about how this is going to free up the States. Take a look, for instance, at what it does for the States.

Many of us raised concerns on the House floor about what would happen when the School Lunch Program was put into a block grant with the Women, Infants, and Children Program, which was put into a block with the other nutrition programs. We raised concerns about this. They said not to worry, the States will love it. And, of course, they said there would be a real increase. And, of course, it is not an increase in the block grant, because while you can give technically the School Lunch Program a 4.5-percent increase per year, what you are not telling the people is that at the same time you are permitting the Governors to shift 20 percent of that money elsewhere. You are not telling them that the current law provides more assistance than the new law, and you are not telling them that all the Federal nutritional standards are being removed.

You are also not telling them that in order to do that, you have to savage other nutrition programs in the block grants, such as the important Women, Infants, and Children Program.

I think it is very important to note, Mr. Speaker, that I am holding a concurrent resolution, a concurrent resolution No. 37, from the West Virginia Legislature, signed by the speaker of the house Chuck Chambers and the president of the West Virginia State Senate, Earl Ray Tomblin.

In that concurrent resolution, one of the last acts passed by our State legislature, they urged the Congress not to vote for this welfare reform act put forward by the GOP for the reason that it decimated WIC. They point out that the Women, Infants, and Children Program serves 55,000 West Virginians, provides 28 million dollars' worth of assistance, but more than that, helps young woman bring healthy babies to term.

I think it is very significant that the legislature which would be charged with enacting this legislation went on record as opposing the legislation.

I think it is also important to note that the West Virginia Board of Education, our State board of education, which is in charge of implementing the school lunch program and the school nutrition programs which you would think under the philosophy of the GOP they would be most eager to accept the School Lunch Program, the school nutrition program in a block grant; they went on record in resolution on the 10th day of March 1995 opposing this legislation and urging that the school lunch and school nutrition programs not be block-granted, because they understand it would be even more of an administrative nightmare.

The also understand that the school lunch and nutrition programs would be pitted against each other.

So, I want a bill, Mr. Speaker, that stresses work. This did not stress work. I want a bill that preserves the School Lunch Program and the nutrition programs and does not cut them. I want a bill that reduces the deficit and does not give, does not give the savings for a large tax cut for the wealthiest individuals in this country. This bill does not do that either.

For that reason, I voted against its passage.

THE NEED FOR REFORMING OSHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, recently the Subcommittee on Workforce Protection heard testimony from Assistant Secretary for Occupational Safety and Health Joe Dear. Among the many things Mr. Dear told the subcommittee, he said this: "Every year, work-related accidents and illnesses cost an estimated 56,000 American lives * * * At the time I was not certain if Mr. Dear and his friends over at OSHA were afraid of real OSHA reform. But for them to be using scare tactic statistics like these in an effort to puff up a supposed need for OSHA, well they must be utterly terrified of OSHA reform. Using incomplete and speculative statistics makes for incomplete and poor policy decisions. As we look to make real reforms in the way OSHA does business, we need to insure that any legislative action is based on sound and scientific information. We must use peer review to determine the effectiveness of a regulation. But when you consider how loose OSHA is willing to play with the facts, it makes you wonder whether OSHA can possibly be reformed.

Mr. Speaker, the problem with Mr. Dear's statement is that he has stated with certainty about statistics where there is considerable uncertainty. There is great disagreement and dispute about the number of fatalities from workplace illnesses. But there is a consensus about fatalities resulting from workrelated accidents, although this was not always the case. Several years ago, the Bureau of Labor Statistics initiated a new program called the Census of Fatal Occupational Injuries. This program obtains an actual count, rather than an estimate, of the number of workplace fatalities. That count for 1993, the latest year for which we have numbers is 6,271. The census is intended to pick up deaths caused by workplace exposures to toxic substances. Although the Bureau of Labor Statistics acknowledges that it probably does not produce a complete count of fatal illnesses. In fact, at this point in time, no one has a completely accurate count of workplace-related fatal illnesses. But the best numbers we do have are those produced by the Bureau of Labor Statistics. We pay the Bureau of Labor Statistics quite a bit of money to compile these statistics. I would think that the good Secretary of OSHA would use his own department's numbers rather than using the disputed, speculative numbers of others. If Mr. Dear is right, and I doubt that he is, if there are really 56,000 workplace fatalities instead of the Bureau of Labor Statistics reported number of 6,271, if the Bureau of Labor Statistics are wrong by that much, if they are only counting 7 percent of all workplace fatalities, someone down there needs to be fired, if Joe Dear is right.

Mr. Speaker, two other points about the number of fatalities should be highlighted. First, the number and rate of workplace fatalities have been declining steadily since the 1930's. This is significant when one considers that OSHA did not come into existence until the 1970's. Consequently, it is a matter of debate as to how effective OSHA has been in reducing workplace fatalities.

Second, most workplace fatalities are not caused by factors which one would normally consider workplace hazards. For example, according to Census on Workplace Fatalities, in 1993 there were 6,271 workplace fatalities. However, over 60 percent of these fatalities were due to transportation accidents, homicides, suicides, and drownings. As one of my colleagues once said "unless OSHA teaches employees how to drive, fly, swim, and cope better, it's not going to have any impact on these deaths."

I believe the American people are frustrated by burdensome regulations. Every day small business people are pulling their hair out and fretting about regulatory mandates they can't possibly comply with. I know that many of my liberal colleagues scoff at this assertion. But I suggest that if they got out of their cloistered existence for just a short time and experience what small business people all over this country have to put up with, they would change their tune soon enough.

OSHA is one agency that has turned a reasonable and important mission into a bureaucratic nightmare for the American economy. Common sense was long ago shown the door at OSHA. OSHA is one agency that needs to be restructured, reinvented, or just plain removed.

□ 1430

THE WELFARE REFORM PROGRAM

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, I rise to speak today on an issue that is extremely important to me. It is one that I think will affect every American. It is one that will undoubtedly create a great deal of injustice. It will create a great deal of anxiety. It will create a great deal of problems for many American families in the years to come. I speak about one element of the Republican Contract With America, the welfare reform program.

Mr. Speaker, some people have not had the opportunity to travel outside of their State or even outside of this country, but thanks to CNN and other national networks we are able to see how other people live in other countries. When we looked at the slums in India, the slums in Haiti, the slums in China, we said, my God, how can people live in these type conditions?

But if we wonder about how they eat and how they sleep, then we all ought to think about home. In America, the poorest families, the poorest of the poor can live in subsidized housing that is healthy, that is safe, that is clean.

As it stands now, through food stamps and other certain types of child nutrition programs, lunch programs and breakfast programs we know that they can eat. Yes, we have the homeless, sometimes those who cannot find a place to stay, those that cannot find food to eat, but the majority of Americans go home to a place to stay that is heated, and they have food to eat.

That is because over the years we have been sensitive. We have understood that the American dream is not for everyone, that there are certain people born with certain inequalities that cannot be corrected by man: the blind, the disabled, and others with so many other special type of disabilities. We have made provisions for them.

And there are special circumstances where people for no reason of their own are without jobs: layoffs and other type downsizing problems.

There are some places in America on Indian reservations, in the blight belt of Alabama, Appalachia, and other places in this country where there are no jobs, and for the next two or three decades there probably will not be any jobs. Many of those people migrate to our cities, creating additional problems because it is so expensive to live in the city. We have been sensitive to those needs and those situations.

But then there are situations created by nature, floods, hurricanes, mudslides, earthquakes, and other types of natural disasters, that cause problems in this country. If we do not make provisions for those Americans, then we ought to do for the least of those what we should do for everyone.

Mr. Speaker, I am submitting that the cuts in the program that have been proposed today are un-American, and those who proposed them are disloyal Americans, and they are not sensitive to the needs of other Americans.

I think that in this country one of the greatest reasons why it is the greatest country in this world is because we have always looked out for those who were unfortunate, those who were unable to fend for themselves. And in special circumstances like floods and so forth, we look out for those who ordinarily would be able to look out for themselves.

We did them a disservice this day. And I know that this issue will be debated for years to come, but if in the Senate this becomes law, then we may want to revisit those slums in Haiti, in China, and in India. Because I submit to you because of the high cost of housing in this country, because of the low wages we pay, $4.25 an hour, a wage that no one can subsist on anywhere in America, we will have those type of slums.

It would be detrimental not only to the health and the welfare of those people who live in those places but to every American everywhere.

So, Mr. Speaker, I ask the Senate to make sure that this bill, this Robin Hood bill, this "create heaven" bill never becomes law.

WELFARE REFORM IS NOT UN-AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I have got to tell you I feel very honored to be a part of something today where we literally changed the way the Federal Government operates today in this House.

We have stopped or begun the process of stopping a process that for 30 years has encouraged destructive behavior, that has rewarded illegitimacy, that has paid people not to work, that has broken down families, that has torn apart communities, and has turned those inner cities that we hear so much about into war zones that are at times worse off than conditions in Third World countries.

Our welfare reform bill that supposedly is going to be so harmful to everybody just requires a few basic things; and, unfortunately, I have to disagree with the last speaker. There is nothing un-American or disloyal about the concepts contained in this bill.

What could be more American than the basic belief that if you are going to get paid, you have to work? Is that un-

American? I do not think so. I think that is a basic concept that this country was created on.

It also trusts families and communities more than it trusts Federal bureaucrats and agencies. You know, it was 200 years ago that Thomas Jefferson said that the government that governs least governs best.

And James Madison, while drafting the Constitution, a very American document, mind you, stated we have staked the entire future of the American civilization not upon the power of government but upon the capacity of each of us to govern ourselves, to control ourselves and to sustain ourselves according to the Ten Commandments of God. That was James Madison, a man who drafted the Constitution, a man who was not un-American or disloyal.

And yet, Mr. Speaker, if you listen to the debate that has gone on this week, throwing out terms like disloyal and mean spirited has been part of a very shameful demagogic approach on this issue of welfare reform.

I have seen Members going around with ties with children on it. I just think that is grand. But that does not mean you like children. When you continue to allow a system to go forward that has hurt children for 30 years, you are not helping children.

And you can wear a tie, but I will tell you, of those people that were wearing ties with children on them, it is about the only thing they did during this welfare debate because they sure did not come up with an alternative to get rid of a system that rewards illegitimacy and unproductive behavior.

They brought nothing to the table. They were shameless in their approach, saying we were going to hurt children because we wanted to finally get rid of this corrupt system.

It reminds me of a movie I saw a few years ago. At the end of the movie a politician, who was basically trying to take over the world, was being shot at, and he held up a child as a body shield as he ran out. And the cameras clicked, and it showed up in the papers the next day that this politician was so shameful that he used a child as his shield.

□ 1445

Well, ladies and gentlemen, we have seen where life has imitated art. Because this week liberal protectors of the status quo of the corrupt system that has destroyed our inner cities have held up little children because they want to protect their power. They want to protect the bureaucracies up and down these avenues. They want to protect their way of life, their corrupt way of life.

Let me tell you something. We have spent $5 trillion over the past 30 years in this so-called war on poverty, and we have failed. It has ended up as a war on families, and war on hard work, a war on personal responsibility and a war on American values.

Look at the figures. It is uncontroverted. You can wear your ties all you want to. You can talk about how we are cutting school lunch programs. That is not the case. The fact of the matter is funding on school lunch programs for the next 4 years goes up.

Let us get used to the new math, folks. One plus one equals two. If you spend more money on school lunch programs in the year 2000 than you are spending now, that is an increase. Well, we are changing the way Washington works. Stay tuned.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this, my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida [Mr. BILIRAKIS]?

There was no objection.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. BILIRAKIS. Mr. Speaker, I rise today as I have each March for the last dozen years here in the Hall of American democracy, to honor the spirit of freedom that lies at the heart of our political system. It is the idea of democratic government, brought forth by the ancient Greeks and which today sweeps the modern world.

It is, indeed, fitting that we celebrate this magnificent concept of democratic government this week because this Saturday, March 25, is the date that people of Greek heritage and the Greek Orthodox faith—as well as freedom-loving individuals everywhere—celebrate the symbolic Rebirth of Democracy: Greek Independence Day.

March 25, 1995, will be the 174th anniversary of the beginning of Greece's struggle for independence from more than 400 years of foreign domination. It was on this historic day that the Greek people began a series of uprisings against their Turkish oppressors, uprisings that soon turned into a revolution attracting wide international support.

The Greeks' long and arduous struggle against the Ottoman Empire is a perfect example of the ability of mankind to overcome all obstacles if the will to persevere is strong enough and the goal—in this case, the dream of freedom—is bright enough.

The United States of America is surely the truest expression of this dream today. It remains an imperfect dream, yes, but it is still the shining example which oppressed people throughout the world have looked to for generations and from which they have gained strength in their struggles to overcome their oppressors.

This dream of democracy—born so long ago in Greece—and its greatest tangible expression in our great Democratic republic, Mr. Speaker, forms the common bond between our two nations. Furthermore, it is a bond that has stretched throughout history, from ancient times to the present day.

The history of the Greek war for independence also is filled with heroes and heroism, remarkable events by many peoples in a common cause. It is partly the story of the Klephts, who descended upon the invaders from their mountain strongholds. It is also the story of the Hydriots, seafarers who broke the Ottoman naval blockade; and it is the story of the Philhellenes, who took these tales of courage to Europe where their significance was not overlooked.

These stories woven together formed the fabric of a free and independent Greece, of democracy returned to the cradle where it was born, and defended by the defiant cries of the Greek patriots: "Eleftheria I Thanatos"—Liberty or Death.

As probably a typical illustration of courage in that fight is a story told in the newspaper "The Greek American" by writer Eva Catafygiotu Topping tells us of the fight by the Greeks of the Island of Psara in the Aegean Sea.

I yield to the gentlewoman from New York [Mrs. MALONEY] for her statement.

Mrs. MALONEY. Thank you, Mr. BILIRAKIS.

Mr. Speaker, it is a distinct honor to join my friend, Mr. BILIRAKIS, and other advocates of Greek-American relations in this important special order.

This is my third year in Congress and the third time that I have stood together with the esteemed gentleman from Florida to celebrate Greek Independence Day and to discuss a few of the pressing issues on the Hellenic agenda.

The presence of the various Members on the floor today proves that support for Greece and Greek-Americans is an issue that unites Democrats and Republicans, liberals and conservatives, and Members from all across this great Nation.

Mr. Speaker, this Sunday I will be humbled to receive one of the greatest honors to be bestowed on me in my entire career in public life. I will be the grand marshall of the annual Greek Independence Day parade on Fifth Avenue in Manhattan.

There are a number of reasons why this honor means so much to me.

First, because I will be joined by thousands of my neighbors and constituents. I am privileged to represent one of the largest and most vibrant Greek-American and Cypriot-American communities in the Nation. In the wonderful neighborhood of Astoria, Queens, where tens of thousands of Greek-Americans reside, I have always been overwhelmed by the warmth and enthusiasm with which the community has welcomed me.

Marching side by side with my Greek-American friends on Sunday will once again instill me with respect and admiration for this special people and their remarkable heritage. And it is this heritage that we celebrate today.

March 25 marks the 174th anniversary of the day when the Greek people won back their independence after nearly 400 years of cruel domination by the Ottoman Empire. One hundred and seventy-four years ago, the Greek people were able to resume their rightful place as an exemplar of democratic ideals to the rest of the Western world. In fact, our own American revolution and fight for independence was inspired by the ancient Greek paradigm of democracy and individual liberties.

Perhaps the American philosopher Will Durant put it best when he said "Greece is the bright morning star of that Western civilization which is our nourishment and life."

Mr. Speaker, in the year that has passed since our last special order, my colleagues and I who advocate for Hellenic issues have been heartened by some important victories and challenged by other developments. I would like to take a few minutes to touch on some of these issues.

First, a great victory. Many of us in this Chamber worked long and hard on behalf of the Omonia Four, ethnic Greeks who were unfairly and unjustly imprisoned by the Albanian Government on trumped up charges of espionage. Month after month, week after week, Members of Congress and others, like Mrs. Kathryn Porter of Illinois and the writer Nicholas Gage, lobbied our State Department and the Albanian Government for a resolution of this problem.

Finally, just a few weeks ago, the Albanian Supreme Court ordered the release of these long-suffering individuals. I commend Albanian President Berisha for this gesture, but I also want to let him know that we in Congress will continue to closely monitor the human rights situation of the Greek minority in Northern Epirus.

And now to another important issue. Mr. Speaker, make no mistake: Macedonia is Greek.

Over the past year, there have been important developments concerning the controversy over the former Yugoslav Republic of Macedonia. Unfortunately, in a move that I strongly opposed, the U.S. Government recognized FYROM. But to date, thanks in large measure to the strong opposition of many of us on the floor tonight, we have refrained from establishing formal diplomatic relations with this republic.

I had the opportunity to visit Greek Macedonia, the real Macedonia. On this trip, I was able to witness firsthand the much justified passion that this issue engenders. This is not just about a simple name. In fact, when Tito changed the name of the republic to "Macedonia" in 1944, the United States strongly opposed this action as "unjustified demagoguery representing no ethnic or political reality."

It should be the policy of the United States not to weigh in unilaterally on one side of this dispute but to support honest negotiations between Greece and FYROM to resolve these issues.

It is for this reason that I am proud to report that Mr. BILIRAKIS and I have reintroduced our bill, House Concurrent Resolution 31, which calls on the United States to support Greece in its efforts to reach a solution which promotes a solid, cooperative relationship between the two countries. And just as significantly, our resolution—which is cosponsored by dozens of pro-Greek Members of this House—would delay any establishment of formal diplomatic relations with FYROM until this just and fair relationship is established.

Finally, Mr. Speaker, we cannot celebrate the magnificent occasion of Greek Independence Day without touching on the tragic situation on Cyprus.

You do not have to be a Greek-American or a Cypriot-American to feel the outrage and pain felt by Cypriots who have had their land brutally and illegally occupied by Turkish forces for over 20 years. But it helps immeasurably to go to Cyprus like I have and look into the eyes of the people whose lives and families have been hurt, even destroyed, by this dark moment in world history.

And I have shared the pain of some of my own constituents in Astoria whose beloved family members are still missing from the Turkish invasion.

Twenty years is far too long for the families of the 1,619 missing to wait. But even if it takes another 20 years, we can never turn our backs on those who suffered in the invasion and those who continue to suffer on that beautiful island even today.

Mr. Speaker, I am pleased to be a cosponsor of a resolution authored by Mr. ENGEL and Mr. PORTER which will put this House on record once again in insisting that this intolerable situation come to an end. In fact, last year, these two gentlemen and several of us passed a bill that will hopefully, finally, bring about an accounting of the five Americans missing from the invasion.

Later this spring, I will welcome to Astoria the Honorable Richard Beattie, President Clinton's Special Emissary to Cyprus, who will brief the community on the ongoing negotiations between the Government of Cyprus and the Turkish Government.

And under the leadership of Mr. ANDREWS of New Jersey, several of us have introduced a bill which would prohibit United States aid to Turkey unless and until the Turkish Government begins its withdrawal from Cyprus, improves its abysmal human rights record, and removes its unconscionable blockade of Armenia. And this bill will call on the Turkish Government to cease its military operations against Kurdish civilians.

Suffice it to say that many of us in this House are very, very concerned about the current Turkish operation in northern Iraq and the reports that civilians are being killed.

It is unfortunate, Mr. Speaker, that a special order dedicated to celebrate the birth of Greece and the democratic ideals and institutions that Greece has bestowed upon the world must also inevitably turn to the activities of the Turkish Government. But it is our duty to ensure that United States taxpayer dollars do not go toward subsidizing Turkish human rights abuses.

In conclusion, I simply want to wish all of my Hellenic friends and constituents, and any who may be watching, a very happy Greek Independence Day.

I pledge to you that every year that I am privileged to serve in Congress, I will come to the well of the House in March and extol the indomitable, life-giving spirit of the Greek people.

□ 1500

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman who, yes, indeed, in every March of every year comes to the well of this House. Also, I might add, in July of every year she comes to sort of commemorate, if we can call it that, the tragedy of the invasion of Cyprus some 20 years ago. Thank you for all your great work.

Mr. Speaker, at this point I would yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman specifically for this day and for his continuing efforts to make certain that special orders are created for the purpose of celebrating, commemorating, the 25th of March every single year.

It becomes more important to me almost every year, Mr. Speaker, and I say to the Members, to parallel the history of our own country with that of Greece.

In 1776, when our Nation launched its quest for independence, it was at a time when Greece was at the darkest period of its history under the yoke, for then 400-plus years, of the Ottoman Empire. But we are certain from anecdotal and other kinds of evidence that news of the American Revolution seeped into Greece and to the intelligentsia and to the villagers even in Greece, and little by little news of the successes of the Americans against the British became a watchword for the Greeks, who began to plan for their ultimate revolution.

So we know that the American Revolution inspired in great measure the Greek Revolution that began in 1821.

But that is not where the parallels end, as I look back on history. First of all, we had the impetus for the launching of the American Revolution, the Declaration of Independence. It is little recognized that the Greeks of that period also had a declaration of independence that emanated from Corinth, which was, is a bastion of freedom and liberty and classical splendor in the country of Greece.

That declaration of independence by the then patriots in the 1820's paralleled much of the language that we saw in the Declaration of Independence. Where we pledged our sacred honor as Americans, they pledged all that they had, the sacrifice of life and of family and of nationhood forever in the quest for liberty.

But that is not where the parallels end. We had our George Washington, a hero a patriarch, a leader of men, a diplomat, a soldier. The Greeks had Kolokotronis, the spelling of which I will supply the clerk afterwards or the stenographer, who paralleled that history. If I were a new Plutarch paralleling lives of Americans with other greats in other nations, I would parallel Washington with Kolokotronis.

Then at one period in American revolutionary history there came to the side of Washington, to the aid of the American revolutionists, a foreigner, Lafayette, who came from a foreign country, France, to help the Americans in their quest for liberty.

Guess what? In Greece there came to their side a lord, a poet, a nobleman of England. Lord Byron left England during the height of the revolution in Greece, came there, saw the splendors that he had always admired in Greece, wrote abundant poetry and prose having to do with his love of Greece and its history, and then, not satisfied with just rhetoric, not satisfied with just poetry, he entered the battle. At the battle of Missolonghi, the spelling of which I will provide the stenographer, at the battle of Missolonghi, he fought side by side, as did Lafayette with Washington, side by side with the Greeks in one of their most devastating battles, and lost his life. Lord Byron was killed on the very soil which he had so proudly described in his lyric poetry.

So the parallels go on and on. Patrick Henry said give me liberty or give me death, and that is what was contained in the declaration by the Greeks in their movement toward independence, liberty or death. It is not just a coincidence.

The point that I want to make, of which I am so proud, is that Americans of Greek descent recognize that the history of our country, the history of America that is, is intertwined inextricably with that of Greece. Not just from the Jeffersonian classical derivations that he himself, that great American was able to inculcate into the other men at the Constitutional Convention, with the ideals of intellectualism and freedom and democracy that Greece meant even back then, but then to see in their moment of woe and of misery, to see the President of the United States in 1822, James Monroe, issue a declaration and a message to Congress saying that that great classical country, from which we learned so much and on which we based so much of our own Nation, deserves our help, our sympathy, in the cry out for freedom that they themselves are bespeaking during their revolution.

Henry Clay, one of the greatest orators of all time, stood in a well similar to that which is occupied by our colleagues here today, and in that legislative session of the House of Representatives in the Congress of the United States began a marvelous recitation of why America should never be anything except a benefactor of Greece, as was Greece a benefactor of the origins of America, as he put it.

It goes on and on. The parallelisms are astounding and would make for a book, which I pledge to the Speaker I will attempt to write about what I speak here today, and reemphasize that, as Americans who have that extra privilege of having Greek heritage in our backgrounds, we are better Americans for it.

Thank you.

Mr. BILIRAKIS. I thank my colleague for his wisdom, for his wise words, and for that history which we all need to hear over and over again.

At this point I recognize the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] for arranging this special order permitting us to observe this very special day of historical significance for all who cherish freedom and revere independence from foreign domination.

On March 25, we will mark the 174th anniversary of the beginning of the revolution that ended with the people of Greece gaining their freedom from the Ottoman Empire.

For nearly 400 years, from the fall of Constantinople in 1453, until their declaration of independence in 1821, Greece had been under Ottoman rule. It was a period when people were deprived of civil rights, schools and churches were shuttered, Christian and Jewish boys were taken from their families to be raised as Moslems to serve the Sultan.

The people of Greece raised their flag of independence just 45 years after we in America "fired the shot heard 'round the world." Our Nation served as their role model, and the echoes of our War for Independence against Great Britain resounded in the Aegean, and have served to forge a special kinship between the United States and Greece.

By the same token, our Founding Fathers drew heavily upon the civic history of ancient Greece in formulating our own form of government. As James Madison and Alexander Hamilton wrote in "The Federalist Papers":

> Among the confederacies of antiquity the most considerable was that of the Grecian republics [which] bore a very instructive analogy to the present confederation of the American states.

I am pleased to join with my colleagues in recognizing this very important milestone in the world's march to freedom. And as we recognize this important historical event for Greece, let us pause to recall the 1,600 Greece Cypriots who regrettably are still listed as missing as a result of the Turkish invasion of Cyprus more than 20 years ago.

And let us hope and pray that by next year's celebration or Greek Independence Day, that Cyprus will be reunited and that the missing Cypriots will be fully accounted for.

Mr. BILIRAKIS. Mr. Speaker, I thank my colleague, who also joins us year after year after year, a wonderful fellow Hellene, friend of human rights all over the world. We thank you, BEN, for your wonderful friendship you have shown over the years.

Mr. Speaker, earlier I alluded to this article in the newspaper called the Greek American. It is an article entitled "Liberty or Death: Psara, July 1824," by Eva Topping. I will read from that article as follows:

LIBERTY OR DEATH: PSARA, JULY 1824

(By Eva Catafygiotu Topping)

To find tiny Psara on the island-studded map of the Aegean Sea is not easy. Sixteen square miles of barren rock and mountainous terrain. It lies twelve miles off the northwest coast of Chios. Homer mentions it once in the Odyssey. Then, as if buried under the blue Aegean waters, Psara disappeared for centuries from recorded history.

Suddenly, however, in the eighteenth century the island came to life, a prosperous naval and commercial center. And during the Greek Revolution in the next century, Psara made history. On July 4, 1824, it achieved immortality when its brave people chose death rather than surrender to the Turks. In the long and rich history of the Greeks' unending struggle for liberty there exists no more stirring example of heroic idealism.

On the island of Zakynthos in the Ionian Sea, Dionysios Solomos, a young twenty-six year old poet, responded immediately to the story of Psara with a haunting epigram of six verses.

Ston Psaron ten olomavri rahi
perpatontas e Doxa monahi,
meleta ta lambra palikaria,
kai stin komi stephani phorei
yinomeno ap ta liga hortaria
pou eihan meni stin eremi yi.

On Psara's all-blackened ridge,
Glory walking alone

mediates on noble heroes.
And on her hair She wears a crown
made of the few blades of grass
that had been left on the desolate earth.

Needless to say, no translation (including mine) adequately conveys the extraordinary pathos and beauty of Solomos' masterpiece. His is the perfect tribute to the Psariots' glorious passion for freedom.

One hundred and seventy-one years later, the story of Psara that inspired Solomos still deserves to be told.

In 1824, the Greek War of Independence, begun on 22 March 1821, was in its fourth year. The people of Psara had been among the first to join the Revolution. Moreover, Psariots had also been among the first to join the secret revolutionary Society of Friends (Philiki Hetairia) founded in Odessa (1814).

On Easter Sunday, April 23, 1821, at a solemn meeting of the entire population, the people of Psara declared themselves free and independent. (On that same day in Constantinople, the Turks hanged the Patriarch and began a reign of terror against the Greek population in the empire.)

On Psara, the people raised a flag of their own design. Their flag was made of white cloth bordered with red. The name of the island appears at the top in red letters. Standing on a crescent in reverse, a large red cross dominates the flag. The cross is flanked on one side by a sword, on the other by a serpent killed by a bird. Straight across the flag are inscribed in bold, red capital letters the words Eleftheria e Thanatos (Liberty or Death).

The red color, the symbols, the words, all expressed the Psariots' determination to win their freedom. Their choice lay between two absolutes. No compromise was possible. If Psariots could not be free, they would die. In July 1824, the proud flag of Psara proved tragically prophetic.

From the beginning of the struggle for Greek independence, the brave sailors and captains of the tiny Aegean island had dedicated their lives and ships to the sacred cause, freedom from Ottoman rule. No sooner had the Psariots declared their independence than their little ships sailed out to fight. Cruising up and down the sea from the Dardanelles to Rhodes, they terrorized the Turkish population all along the Asia Minor coast. They destroyed or captured Turkish ships, thus paralyzing Turkish attempts to supply their forces in Greece. Although Psara was the smallest of the four "naval islands," her sailors participated conspiciously in every naval campaign against the Turks from 1821–1824. Sometimes they fought alone. The failure of the Turks to crush the Greek "rebellion" after three years was in large measure due to the exploits of the sailors and ships from Psara, Hydra, Spetses, and Kasos.

True children of the Aegean (it was said that Psariots went to sea at age six), their sailors were the most daring, their captains the most skillful, and their little ships the lightest and fastest. Always outnumbered and outgunned, again and again they proved themselves Greek Davids against the Turkish Goliath.

Psara distinguished itself not only by the patriotism and the indefatigable activity of its seamen, but also by the illustrious deeds of one of its sons, Konstantinos Kanaris. A virtuoso of the dreaded fire-ship, this intrepid Psariot captain avenged the brutal massacre of Chios (1822) by setting fire and destroying the flagship of the Turkish fleet lying at anchor offshore the devastated island. This and similar exploits brought Kanaris international fame. Across the Atlantic, Herman Melville described in Moby Dick how "the pith and sulphur-freighted brigs" of "bold" Kanaris "issuing from their midnight harbors . . . bore down upon the Turkish frigates, and folded them in conflagrations."

The spectacular victories of the Greek fleets, especially those of the Psariots and their fireships, quickened hopes of independence. At the same time, they convinced the Sultan that unless he crushed these islanders, he would never command the seas and thus never invade Greece where the population was determined to defend its liberty. He decided therefore to paralyze the Greeks by destroying Psara and Kasos, their two most exposed naval stations. Especially angry at the Psariots, he asked for a map in order to locate their home base. Having located tiny Psara, he vowed to wipe it off the map, out of existence. To this end, he ordered a great fleet to be assembled at Constantinople. Its sailors and soldiers were promised twelve times the prizes and booty received at the holocaust of Chios two years earlier.

Kasos was destroyed first. In early June a large fleet from Egypt manned by 3000 Albanians attacked the island. 500 Kasiot seamen fell in the fighting. 2000 women and children were captured, destined for the slave markets of Alexandria. Plunder and looting were allowed for twenty-four hours.

Meeting in the historic church of St. Nicholas, patron saint of sailors, it was decided to fight to the death on the island for the island. To ratify the decision, a solemn liturgy was then celebrated, at which the people of Psara vowed again that they would die rather than surrender.

The formidable fleet from Constantinople arrived on July 1. The armada consisted of 180 ships of different types. Aboard were 14,000 soldiers, including a number of the feared Janissaries, trained and ready to land and fight on the island. On July 2 Greeks and Turks exchanged some indecisive fire, encouraging the Psariot defenders that they could hold their positions.

The battle for Psara began the next morning. During the night Turkish troops had landed on the unprotected north and now threatened the town in the southwest corner of the island. French officers left vivid accounts of "le spectacle" they witnessed from two ships nearby. Despite desperate Psariot resistance to the Turkish advance, they were overpowered.

Nevertheless, they inflicted heavy casualties on the enemy and died fighting. Not a single Psariot laid down his weapon.

At the sight of the Turks on the hills above the town, panic seized the population. While the fleet shelled the town, women with their children jumped to death on the rocks or in the sea. Men, women and children rushed to the shore, hoping to escape in overcrowded boats. Many of these capsized, covering the sea with corpses. Fierce fighting took place in the town. The streets ran with blood. The French officers described the day as one of carnage.

The heroic but futile resistance of the Psariots ended on July 4. The last stand was made at Palaiokastro, an old fort above the town, where several hundred soldiers, women and children had taken refuge. Having taken down the proud Psariot flag that flew over the fort, 2000 Turks stormed it. The moment they entered the fort, Antonios Vratsanos lit the fuse to a magazine of gunpowder, blowing up all the Psariots along with their enemy. The valiant Psariots, defenders of their liberty, were faithful to their flag. They chose to die rather than to live as slaves. A French officer who heard and saw the explosion compared it to a volcanic eruption of Vesuvius.

By the end of July 4, 1824, Psara was no more. Part of its population had been brutally massacred. Another part had been taken captive, cargo for the slave markets of Smyrna. And a part had managed to escape, including Kanaris. No one remained on the island except, so it was said, for one monk. The fine houses and twenty churches of the town were looted. Finally, the town was set on fire. Although surviving seamen from Psara never stopped sailing against the Turks, a Psariot fleet no longer existed to frustrate the Sultan's plans.

The refugees from Psara were settled on Monemvasia and on Euboea where they founded the village of New Psara. Psara itself remained under Turkish control until 1912.

Notwithstanding the passage of 171 years since July 4, 1824. Glory still walks on the hallowed rocks and mountains of tiny Psara. And with her let us meditate and honor the heroic islanders for whom liberty was more precious than life.

At this point I yield to the gentleman from Pennsylvania [Mr. KLINK] who I know has a long five or so hour drive to Pittsburgh to his home. He could have left better than an hour ago after the last vote, but decided to stay to be a part of this special order.

Mr. KLINK. Mr. Speaker, the chairman is very kind. I thank him for yielding. I will tell the Speaker that I am very proud to join all of my colleagues here today, particularly proud to join Chairman BILIRAKIS, because we share not only a Greek heritage together, but it just so happens our families came from the same small island of Kalimnos in the Aegean Sea. So we are very proud as Kalimnosians that we were able to represent not only our districts and our people here, but those people of our forefathers who settled and worked very hard on that tiny island.

When you look back at the quotes that have been made about this Nation, about this great Nation of the United States that we are so proud to live in, and you look at the quotes that were made about Greece, it is hard to differentiate one from the other. For example, I will read a quote. It says, "Our Constitution is called a democracy because power is in the hands not of the minority, but of the whole people. When it is a question of settling private disputes, everyone is equal before the law. When it is a question of putting one person before another in positions of public responsibility, what counts is not a membership of a particular class, but the actual ability which that man possesses."

□ 1515

Those comments were not made in this Nation although they could have been made. They were made by Pericles in an address in Greece 2000 years ago and Plato of "The Republic" said democracy is a charming form of government, full of variety and disorder, and dispensing a kind of equality to equals and unequals alike.

Again, those same comments would be made for our Nation. I enjoyed the bit of history lesson that we got from our colleague, Mr. GEKAS. I appreciated also the fact that as we take a look at the 174 years of Greek independence, that our other colleague, Mr. GILMAN, also brought the comment, none of us can be truly free if all of us are not free. He talked about over 20 years ago the invasion of Cyprus and the fact that 1600 Greeks are still unaccounted for, and American citizens are still not accounted for, and we in this body need to stand up to make sure that there is an accounting given for those Greeks and those Americans that we do not know what occurred to them over 20 years ago.

Thomas Jefferson said of the ancient Greeks, we are all indebted for the light which has led ourselves, speaking of the American colonists, out of Gothic darkness. So again, the many things that have brought these two nations together. We have inspired each other. Our Government here being inspired of what the vision of quality and of democratic debate that was that of the Greeks and the Greeks during some very hard times when they were under the domination of the Ottoman Empire, drawing their power, drawing their light from an American Revolution that had taken place just over four decades earlier, a Greek commander in chief appealed to the citizens of the United States and he said, having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, honoring her name we invoke yours at the same time. Trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you, it is for you, citizens of America, to crown this great glory.

That is true. We honor each other with our governments. It is true that by being Americans, we have the distinct honor, Mr. Chairman, Mr. BILIRAKIS and I happen to have Greek blood. I will talk about Percy Bysshe Shelley who said, and this is a great quote, "We are all Greeks, our laws, our literature, our religion, our art, all have their roots in Greece. And so we are all brothers together."

Mr. BILIRAKIS. I thank the gentleman for staying to join in this special order. It is great to have gotten to know him.

We have seen over the years that democracy—which places the hands of the common man on the wheel of destiny—brings with it dangers as well. Freedom often brings with it old antagonisms, nationalist disputes that must be reconciled—and the old truism that warfare is only an extension of diplomacy is no better demonstrated than in the Balkans.

The former Yugoslavia—cobbled together out of many competing ethnic factions and for years held together by the force of communism—has fragmented, often explosively. Fighting continues over Bosnian independence and in Yugoslavia's southern region an old dispute threatens the cradle of democracy, Greece itself.

In 1945, the Greek Government protested when Yugoslavia's Communist dictator, Tito, usurped the name "Macedonia" for a province carved out of southern Yugoslavia to diminish the power of Serbia. This served only to inflame competing interests in a region stretching well beyond the borders of Yugoslavia and unstable since the days of Alexander the Great.

While this province now understandably seeks its sovereignty, the concept of Macedonia must in no way be restricted within the borders of this tiny land. To recognize this province as an independent nation under the name "Macedonia" would, I fear, unleash antagonisms already bubbling at the boiling point.

European leaders—among them the former Greek President Constantine Karamanlis, himself a Macedonian—have been voicing concerns to the European community over the Republic's request for recognition as an independent state.

As recounted in the New York Times, constitutional language regarding a future "union" of the wider lands of ancient Macedonia—which reach into Bulgaria, Albania, and Greece—spark resentments and suspicion. Promises to protect the cultural, economic, and social rights of Macedonians in surrounding countries are equally ominous.

More blatant still are maps that have been circulated in the region and bearing the seal of the Macedonian National Liberation Army; maps that depict the envisioned nation of Macedonia with borders reaching into eastern Albania, southwestern Bulgaria, and a full quarter of mainland Greece.

In short, Mr. Speaker, there is much more at stake here than a name. Rushing in with official recognition could add another Bosnia-type conflict to a region already suffering from widespread violence. As Greek and other European officials recognize, freedom is indeed a magnificent thing, a precious gift, but unless existing differences are peacefully reconciled now, very dark days could lie ahead.

Regrettably, however, the administration on February 8, 1994, went ahead unilaterally with recognition of Skopje under the provisional name of the "former Yugoslav Republic of Macedonia." Many of us here in Congress were dismayed by this decision.

On February 9, 1994, I assembled a delegation letter to President Clinton. The letter expressed our extreme disappointment and disagreement with the administration's decision to recognize the "former Yugoslav Republic of Macedonia" under that name.

The letter also stated to the President that "this issue is a bipartisan one that has strong support in the Congress" and that "we fear that this formal recognition sends precisely the wrong message" to Skopje and Greece "at precisely the wrong time. The prospect of peace in the region will not be enhanced by your action; indeed, it may very well be compromised."

In times such as these, we must reflect on democracy as a goal worth the effort in ensuring its peaceful attainment. Indeed, we must reflect seriously on the democratic principles offered by ancient Greece.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the hands of the people themselves. The dream of self-rule was made reality as our Founding Fathers drew heavily on the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone we owe a great debt to the Greeks.

In the American colonial period, during the formative years of what would be our great Republic, no feature was more prominent than the extent to which Greek and Roman sources were cited by the framers of the Constitution. The very basis of our Constitution derives from Aristotle and was put into practice in ancient Rome, in 18th-century England and in the early State constitutions, before it was given its national embodiment by the Convention of 1787.

The overriding appreciation was for Aristotle's sense of balance, since the Delegates viewed the tyrant and the mob as equally dangerous. Indeed, both James Madison and John Adams emphasized what Aristotle had written in "The Politics," that "the more perfect the admixture of the political elements, the more lasting will be the state."

Through the recognition of the idea of a separation of powers, a system of checks and balances was instituted in American Government. Thus, as another of the ancient Greeks, Polybius, foresaw and wrote, "when one part, having grown out of proportion to the others, aims at supremacy and tends to become too dominant * * * none of the three is absolute * * *."

Our Founding Fathers were eager to relate the American experiment to the efforts of the ancient Greeks to establish a balance of powers. Such a relationship, it was hoped by the framers, would permit America to escape the disintegration of Government that had proven inevitably fatal to other political systems throughout history.

It is the example of the ancient Greeks that we celebrate each March 25, that and the return of democracy to Greece on this day of glory for the Greek people. The spirit of democracy and of this day lives on in the defense of the principles for which so many of the free world's citizens have given their lives.

Mr. Speaker, today we celebrate together with Greece in order to reaffirm the democratic heritage that our two nations share so closely. These principles are not uniquely Greek or American, but they are our promise to the world—and they form a legacy that we cherish and have a responsibility to protect and defend.

Moving now to another current event of consequence. The Greek-Orthodox faith faces yet another potentially explosive situation. Recently, there have been successive terrorist attempts to desecrate and destroy the premise of the Ecumenical Patriarchate in the Fanar area of Istanbul [Constantinople], in Turkey.

On the night of March 30, 1994, three bombs were discovered in the building where the Patriarch—the first among equals in the Orthodox Church and the spiritual center for more than 250,000,000 Orthodox Christians worldwide—lives.

Fortunately, the bombs were discovered before any harm was done to the Patriarchate. However, since that time, the Patriarchate has received no further protection from Turkish officials. Turkish officials have also been lackadaisical in investigating who the perpetrators are that planted those explosives.

Therefore, I plan to introduce legislation that would express the Sense of the Congress that the United States should use its influence with the Turkish Government as a permanent Member of the United Nations Security Council to suggest that the Turkish Government ensure the proper protection for the Patriarchate and all Orthodox faithful residing in Turkey.

Furthermore, my bill asks the Turkish Government to do everything possible to find and punish the perpetrators of any proactive and terrorist act against the Patriarchate.

I would ask all of my colleagues who believe in the first amendment's freedom of religion, to sign on to this very important bill of particular interest to the more than five million orthodox faithful that reside in the United States.

"Democracy," in the words of the American clergyman Harry Emerson Fosdick, "is based upon the conviction that there are extraordinary possibilities in ordinary people." It calls upon each and every one of us to rise above ourselves, to understand that freedom requires sacrifices both large and small and to recognize that the common man is capable of magnificently uncommon actions.

The people of Greece in the early years of the last century were certainly common, ordinary people who rose to extraordinary, uncommon actions. They are to be saluted and thanked again and again.

Thank you.

Mr. SCHUMER. Mr. Speaker, I rise before you today to bring to your attention to the importance of Greek Independence Day tomorrow, March 25. Greek Independence Day is an important day in our Nation not only to those of the Greek heritage, but to all Americans. This day commemorates the unique bond Greeks share in our commitment to democracy. The democracy that originated in Greece 2,500 years ago was the inspiration of our Founding Fathers when creating our democratic system. As James Madison and Alexander Hamilton wrote,

> Among the confederacies of antiquity the most considerable was that of the Grecian republics . . . From the best accounts transmitted of this celebration institution analogy to the present confederation of the American states.

As Members of Congress, serving in this body born out of Greek ideals, Greek Independence Day will be a celebration of our common bond to liberty and freedom. To this day my constituents of Greek descent are proud of the influence their heritage has had on this country—and so am I.

It is very appropriate as we salute Greece's past that we also salute the strong bonds between us in the present and future. Greece and the United States have developed close ties, as members of both NATO and the European Community. Greek civilization is alive; it moves in every breath of mind that we breathe; so much of it that none of us in one lifetime can absorb it all.

March 25th marks the 174th anniversary of the revolution which freed the Greek people from the Ottoman Empire. Let us continue to celebrate the independence of a nation that has contributed so much to our country.

Mr. ENGEL. Mr. Speaker, I rise today in observance of Greek Independence Day, commemorated this Sunday, March 25, 1995. I am proud to join the millions of people of Greek heritage around the world in commemorating the 174th anniversary of the freeing of Greece from the Ottoman Empire. I also stand today to express pride in celebrating the common bond that links our two peoples together—the commitment to democracy and love of freedom.

As Thomas Jefferson said, "* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." For indeed, ancient Greece gave birth to the ideals of democracy that guided our Nation. Our Founding Fathers nurtured those same ideals to build a stable democratic society founded on justice and equality. In turn, the United States provided inspiration to Greece during its own valiant struggle for freedom in the 1820s. Our Declaration of Independence served as a model for Greece's own Declaration of Independence.

Greece is a valued member of the international community, of NATO and of the European Union. It is one of only three nations, beyond the former British Empire, in the world that has supported the United States in every major international conflict in this century. Over 600,000 Greeks died fighting on the side of the Allies in World War II. We remember them today for their valiant struggle against fascism and their later battle against communist expansion.

Today, as the tragedy in the Balkan region continues, it is important that the United States and Greece take that same cooperative action they took to defend the world from the enemies of freedom and democracy 50 years ago. Once again, our two countries must work together, this time, to end the violence in the former Yugoslavia and promote lasting peace.

On this historic Greek Independence Day, I urge you, my colleagues, to join me in paying tribute to the contributions of individuals of Greek heritage to the American cultural mosaic and to the world. Let us celebrate the success of our past efforts together and ensure that they will continue well into the future.

Mr. PORTER. Mr. Speaker, as many of my colleagues know, I feel very strongly that, in the wake of the cold war, the United States must remain engaged overseas and exercise our new status as the only remaining superpower to promote our values of democracy, human rights, rule of law, and free markets to the far corners of the globe. As telecommunications and transportation systems grow faster and cheaper and international trade becomes more and more important in our economy, it becomes increasingly evident that our Nation has strong interests overseas that need to be addressed and nurtured rather than ignored.

In this period when our former rival, the Soviet Union, lies shattered into pieces and greatly weakened militarily and economically, it is easy to be tempted to forget the importance of our close allies around the world and take for granted our good relations with traditionally friendly nations. During World War II and the darkest days of the cold war, some nations stood side by side with the U.S. against the forces of totalitarianism.

Greece is one of these nations. Greece and the United States have had excellent diplomatic relations for over 150 years and, as others have mentioned here today, Greece is one of only three nations allied with the U.S. in every major conflict in the 20th century. The people of Greece and the United States also share many values in common. As nearly every Member in this Chamber knows, Greek-Americans are a vibrant and integral part of the American fabric who are active role models in their communities.

I join with my colleagues in celebrating the 174th anniversary of the independence of Greece from the Ottoman Empire. This day has been billed as a "National Day of Celebration of Greek and American Democracy" and it truly is a celebration of the bond between the two nations. During the Greek War for Independence—begun a mere 45 years after the American colonists declared independence in Philadelphia—the Greek freedom fighters took inspiration from an understandable source, the U.S. Declaration of Independence, which is reported to have been circulating freely among the Greek troops. In many ways, the drafting of the Declaration of Independence and the emergence of democracy in North America in 1776 is a continuation of the process begun in the agora at the foot on the acropolis over 2,000 years ago. Both the Greek and American societies have, and continue to, draw inspiration and strength from each other.

Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS], for calling this special order and I am pleased to extend my congratulations to the people of Greece and the Greek diaspora. I urge all Members to take the opportunity to reflect on the history of democracy and to also reflect on the future of democracy and America's obligation to promote government by the people the world over rather than stepping back at this important point.

Mr. FRELINGHUYSEN. Mr. Speaker, for Greek-Americans and those who practice the Greek Orthodox faith, I rise in their honor to join in the commemoration of the 174th anniversary of Greek Independence Day.

Our mutual respect for freedom and liberty for all mankind dates back to the late 18th century when our Founding Fathers looked to ancient Greece for direction on writing our own Constitution. Benjamin Franklin and Thomas Jefferson persuaded a noted Greek scholar, John Paradise, to come to the United States for consultation on the political philosophy of democracy. Later, the Greeks adopted the American Declaration of Independence as their own, sealing a bond which has endured between our two nations ever since.

Tomorrow, March 25, marks the date when in 1821, the Greek people rose against four centuries of Ottoman rule. Under the leadership of Alexander Ypsilanti, for 8 years, the Greek people fought valiantly in pursuit of freedom and self-rule. In 1827, allied forces finally lent support, and in 1829, not only did they defeat the Turkish forces, but they also gained recognized independence by the very oppressive power they overthrew.

The Greek people continued their struggle against the threat of nondemocratic regimes into the 20th century. At the height of World War II, when Nazi forces appeared to soon overrun Europe, the Greek people fought courageously on behalf of the rest of the world—at a cost of a half a million lives. Prime Minister Winston Churchill declared: "In ancient days it was said that Greeks fight like heroes, now we must say that heroes fight like Greeks."

During the Truman administration, the United States finally realized Greece's unwavering commitment to democracy. President Truman, recognizing this commitment, included Greece in his economic and military assistance program—the Truman doctrine. And, in 1952, Greece joined the North Atlantic Treaty Organization, which was later tested when Russia threatened to crush the Acropolis unless Greece abandon the alliance. Greece stood firm.

Mr. Speaker, tomorrow marks Greece's accomplishment as an independent nation and, more importantly, this day symbolizes their continued defense of democracy which thought first began in 510 B.C.—in Athens.

I am grateful for the opportunity to join in observing this very important celebration. Tomorrow I will remember where our own democratic principles were derived, and I will honor the countless, invaluable contributions Greek-Americans brought to this country. The more than 700,000 Greeks who have come here, have benefitted us with a stronger, civilized and more cultured heritage. Mr. Speaker, I salute Greek-Americans for their outstanding achievements.

Mrs. LOWEY. Mr. Speaker, 174 years ago today, the Greek people began their revolution in pursuit of independence from the Ottoman Empire. In doing so, just as our Founding Fathers looked to the ancient Greek democracy in establishing our own form of government, Greek intellectuals translated our own Declaration of Independence and used it as their own as they pursued freedom.

Over the years, Greece and the United States have been close allies. In fact, Greece has been allied with the United States in every major international conflict in this century. During World War II, fully 9 percent of the Greek population—over 600,000 dedicated individuals—fought and died in pursuit of the Allied cause. Likewise, as the Greek people fought Communist rebels after that war, the American people were committed to their success.

Our relationship over the years is clear proof of the strength both of democracy and of alliances of free peoples. And our ties have added immensely to world culture and knowledge. All Americans have benefited by the contributions of our Greek-American friends. Thanks to Dr. George Papnicolaou, lives have been saved because of the Pap test which he developed. Thanks to Dr. George Kotzias, suffers of Parkinson's disease have found help in L-dopa. Thanks to Maria Callas, we have all been blessed by the beauty of exceptional musical talent. And, thanks to many Greek-American leaders, this Nation of ours is a better land than it would otherwise have been.

As we recognize this special occasion, let us all join together in support of a strong and secure Greece. Our two democracies have nurtured one another at times of stress and our cultures have enriched each other in many ways over the years. Today, as in years past, I pledge my full effort to maintain the ties which have served both of our nations so well. I urge every American to join in this celebration of freedom, democracy and friendship between Greece and our own United States.

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to Greek Independence Day, and I wish to thank my colleague from Florida [Mr. BILIRAKIS] for organizing this tribute to the long history of friendship and shared values between Greece and America. Indeed, Mr. Speaker, it is difficult to imagine what life in America, and throughout the Western world, would be like if it hadn't been for the genius of the first Western society: Greece. Clearly, our own society would be much poorer if it were not for the influences of the many sons and daughters of Greece who have come to this country and made such lasting contributions in so many fields.

When our country's Founding Fathers created our system of government, they turned to the ancient Greeks' philosophy of democracy. In a speech made well over 2,000 years ago, Pericles stated, "Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people." This concept is the underlying foundation of our Nation's Government.

Not only did the Greeks provide us with our Government's overarching fundamental concepts, but they also helped our Nation battle and ultimately defeat communism. Between the years of 1944 and 1949, Moscow, along with Communist Yugoslavia, attempted to take over Greece. United States support and Greek determination crushed the Communist takeover. Had it not been for the defeat of the Communist regime, the former Soviet Union would have gained access to and domination of vital Middle East oil supplies. Our Greek NATO ally played a critical role in ending the Communists' dictatorial reign in Europe.

The arts and humanities provide one of the most visible areas to witness the Greek influence on our society. One only needs to visit a museum or art exhibit to discover how ancient Greek art flourishes, thousands of years after its creation. If one goes to the theater, one can observe how our plays of today borrow heavily from the dramatic conventions established so many years ago by the ancient Greeks.

Mr. Speaker, Greek-Americans have provided substantial contributions to our society. In the medical profession, for example, Dr. George Kotzias discovered L-dopa to help fight Parkinson's disease, and Dr. George Papanicolaou developed the Pap test for cancer. In the world of sports, Pete Sampras, a Greek-American tennis champion, has thrilled millions of fans the world over with the brilliant, fast-paced play that puts him at the very top of the game. But, beyond recognizing the celebrities—and there are many, many more—I would like to pay tribute to the millions of people of Greek descent who have enriched our society with their hard work and commitment to family. They are the real heroes, living in every part of our country.

Mr. Speaker, I am proud to participate in the celebration of Greek Independence Day. The Greeks have given much to our society and surely must be recognized for their achievements and influences.

Mr. TORRICELLI. Mr. Speaker, I rise today in celebration of Greek Independence Day, which will take place tomorrow, March 25, 1995. Greek Independence Day is a national day of celebration of Greek and American democracy.

This day marks the 17th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. The Greeks were finally liberated after years of oppressive treatment and civil rights violations. Their communities were slowly deteriorating; schools and churches were being closed down, and Christian and Jewish boys were kidnapped and raised as Moslems to serve the Sultan.

Greece is one of only three nations in the world allied with the United States in every major international conflict this century. During the early 1900's, one in every four Greek males between the ages of 15 and 45 departed for the United States. Through their extraordinary compatibility with the people of America, Greek-Americans became very successful in the United States.

The American Revolution became one of the ideals of the Greeks as they fought for their independence in the 1820's. Greek intellectuals translated our Declaration of Independence and used it as their own declaration. The second generation of Greek-Americans currently rank at the top among American ethnic nationalities regarding their median educational attainment.

In 1953, after Greece's post-World War II struggle against the Communist rebels, President Dwight D. Eisenhower appropriately said:

> . . . Greece asked no favor except the opportunity to stand for those rights which it believed, and it gave to the world an example of battle, a battle that thrilled the hearts of all free men and free women everywhere.

Mr. Speaker, as a supporter of issues of concern in the Greek-American community, I am proud to recognize this population and their interests. Greek civilization touches our lives as Americans, and enhances the cultural existence of this great Nation.

Mr. CRANE. Mr. Speaker, it is, indeed, a pleasure and an honor to join in this commemoration of Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

It is fitting that the House of Representatives is the scene for this observance, as this Chamber is an arm of the Government which leads the world in guaranteeing freedom for its citizens. And, it was ancient Greece which really invented democracy—giving to the people the true power to govern themselves.

Saturday, March 25, marks the 174th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire. What could be more appropriate than for the United States to observe that occasion with Greece. It is a time to again rejoice in the democratic heritage which links our two nations.

As our Founding Fathers successfully drew up the Constitution for this country—a document which has never been equaled in the over two centuries which have passed since its signing—they had a historic outline to work from. That outline was provided by the leaders of ancient Greece who succeeded in defining and granting freedom to their people.

Our friendship has been linked not only by our democratic foundations, but by the blood the soldiers of each country shed as they joined to fight common enemies in both World War I and World War II.

May these two great nations continue their friendship and may their citizens continue to enjoy the freedom that has been theirs for almost two centuries in the case of Greece, and for over two centuries for our own Nation.

Mr. REED. Mr. Speaker, on March 25, 1821, Greek patriots declared their independence from the Ottoman Empire. The 174 years that have passed since that important day have tested the Greek people, as the whole world has also been tested by those who seek to dominate free men and women and crush the human spirit.

However, throughout the centuries it could always be said that the valor, courage, and love of freedom by the Greek people has never waned.

The defense of independence by Greeks has always been a constant in the world, but in the years since the founding of America, another truth has emerged in the history of Greek people. * * * and that is the special relationship between the United States and Greece.

There are an estimated 3 million Greek-Americans living in the United States today. From the boardroom, to the operating room, from the halls of Government to the halls of academia, Greek-Americans have made a significant contribution to all aspects of American culture. The positive contribution made by Greek-Americans to American society has been especially true in my home State of Rhode Island, where a proud and prosperous Greek-American community has helped enrich the lives of all the citizens of our State.

In recognition of Greek Independence Day, I wish to extend my deepest respect and warmest congratulations to all Greek-Americans and all the citizens of Greece.

Mr. MANTON. Mr. Speaker, I am proud to rise today to join my colleague, Mr. BILIRAKIS, in celebrating Greek Independence Day. Today we celebrate the lasting tradition of Greek and American friendship and democracy.

Mr. Speaker, March 25, 1995, will mark the 174th anniversary of the beginning of the revolution which freed the people of Greece from nearly 400 years of the oppressive and suffocating rule of the Ottoman Empire. We as Americans, as well as each of the new and older democracies of the world, owe much to the country of Greece because of their important role in fostering the freedom and democracy we know today.

The relationship between Greece and the United States is one based on mutual respect and admiration. The democratic principles used by our Founding Fathers to frame our Constitution were born in ancient Greece. In turn, our Founding Fathers and the American Revolution served as ideals for the Greek people when they began their modern fight for independence in the 1820's. The Greeks translated the United States Declaration of Independence into their own language so they, too, could share the same freedoms of the United States.

Mr. Speaker, in modern times, the relationship between the Greeks and the United States has only grown stronger. Greece is one of only three nations in the world that has allied with the United States in every major international conflict this century. More than 600,000 Greek soldiers died fighting against the Axis Powers in World War II. After World War II, the Greek soldiers returned to their homefront to again defend their democratic foundation from the threat of Communist rebels. Fortunately, democracy prevailed and Greece emerged the strong and victorious nation it is today.

Mr. Speaker, on this occasion commemorating the strong relationship between the United States and Greece, I would like to urge my colleagues to join me in cosponsoring House Concurrent Resolution 31 introduced by Congresswoman MALONEY. This legislation supports the country of Greece in its efforts to bring about peace within the neighboring former Yugoslav Republic of Macedonia.

Mr. Speaker, in honor of Greek Independence Day, I celebrate the strong and lasting bond between the people of the United States and Greece. I urge my colleagues to join me on this special day in paying tribute to the wisdom of the ancient Greeks, the friendship of modern Greece, and the important contributions Greek-Americans have made in the United States and throughout the world.

Mr. FAZIO. Mr. Speaker, I am pleased as always to rise in support of our annual special order in recognition of Greek Independence Day.

Democracy eluded Greece and its people for nearly 400 years—from the fall of Constantinople in 1453, until Greece declared its independence in 1821, and finally gained its freedom from the Ottoman Empire nearly 10 years later. Yet, it is in Greece where democracy—the people's government—was born. As the poet, Percy Bysshe Shelley declared, "We are all Greeks. Our laws, our literature, our religion, our art, have their roots in Greece." And as Thomas Jefferson noted, "* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness."

Greek Independence Day is a tribute to the courage, determination, and perseverance of the Greek people, and to their love of and commitment to freedom and democracy. It is a symbol of the mutual respect and shared values between our two countries. On this day we are reminded of our own indebtedness to Greece, the birthplace of democracy.

I commend my colleague, the distinguished gentleman from Florida [Mr. BILIRAKIS], for calling this special order, and I thank my colleagues for their involvement.

Ms. PELOSI. Mr. Speaker, I would like to thank my colleague from Florida, Mr. BILIRAKIS, for calling this special order tonight to commemorate Greek Independence Day.

On Saturday, March 25, we will celebrate Greek Independence Day—a national day of celebration of Greek and American democracy. This date marks the 174th anniversary of the revolution which ultimately resulted in Greece's independence from the shackles of the Ottoman Empire.

On this occasion, it is fitting to reflect on the important bonds between our two countries. Just as the writings of Plato and Aristotle served to inspire our Founding Fathers during the American Revolution, Greek patriots fighting for their independence during the 1820's were equally inspired by Jefferson, Madison, and George Washington.

Greece's contributions in the fields of culture, drama, arts, architecture, and philosophy have led the world. In addition, as Atlanta prepares for the 1996 Olympiad, we should remember Greece as the birthplace of the modern Olympic games.

In my district of San Francisco, the contributions of the Greek-American community are a vital part of my city's diverse community. I am proud of the Greek community's successful participation in all facets of American life.

Again I thank my colleague, Mr. BILIRAKIS, for calling this special order and join him in recognizing the 174th anniversary of Greek Independence Day.

Mr. BATEMAN. Mr. Speaker, today marks the 174th anniversary of the declaration of Greek independence from the Ottoman Empire. It is with great pleasure that I salute the Greek people and join in the celebration and remembrance of this day.

Ages ago, Greek culture began as Indo-European migrants settled among the people of Minoan and Mycenean civilizations. Out of this diversity came a dynamic people whose culture has been a bright spark of innovation and creativity upon the stage of human history.

Among its great accomplishments, Greece led the world for more than three millennium with its cultural innovation, intellectual pursuits, and scientific inquiry. From homeric tradition to Alexander, through the birth of the Socratic method, Aristotelian logic and countless artistic and architectural endeavors, the Greek people have left an indelible impression on mankind.

Of all the contributions Greece made toward the betterment of the human race, the most enduring achievement has been democracy. Majority rule with full respect for the rights of the minority, indeed the basic concept of inherent equality of all people before the law were revolutionary concepts in the organizing of society and human civilization. From the Greek example, our forefathers chose democracy among all other political structures to be the basis of our country. Inspired by our success, the patriots of 19th century Greece looked to our Constitution as they created their own and declared independence from the Ottoman Empire in 1821.

Our two countries share in embracing and nurturing an idea instrumental in bringing freedom and prosperity to mankind. We take great pleasure in wishing the Greek people well, and join in their celebration on this, the 174th anniversary of their independence and freedom.

□ 1530

GUAM COMMONWEALTH ACT

The SPEAKER pro tempore (Mr. FUNDERBURK). Under the Speaker's announced policy of January 4, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, this afternoon I want to go on record and discuss an issue that is of serious concern to people in small territories. It is going to take a great deal of attention and I am going to provide it as much context as I can because it is an issue that is frequently not understood in the context of national issues in the United States.

Taking a page from the previous speaker who discussed the meaning of democracy and the ties between Greece and the United States, I would like to, in the same vein, talk about the application of democracy, the full application of democracy, to the entire country, and not just the 50 States and not just the District of Columbia but, indeed, all of the offshore territories.

Today the United States holds a number of offshore territories that are small in nature, that are sometimes seen as not serious political issues, and are sometimes seen as areas that lead idyllic existences that somehow don't merit the attention and consideration that they deserve.

These include Guam, American Samoa, the Commonwealth of the Northern Marianas, the Virgin Islands, and Puerto Rico. Puerto Rico is a slightly different example from the rest because the other four share something that Puerto Rico does not have and, that is, that they share a very small size. Most of these areas have populations that number under 150,000. All but one, the Northern Marianas, is represented in this body by a delegate.

On February 24, 1995, I introduced H.R. 1056 called the Guam Commonwealth Act with 41 cosponsors from both sides of the aisle. This draft act, this commonwealth draft act that we are proposing and we are hopeful will get the serious attention that it deserves during the life of the 104th Congress represents the expressions of the hopes of the people of Guam that have been associated with the United States since the Spanish-American War in 1898.

As a result of the Spanish-American War, the United States acquired the Philippines, Puerto Rico, and Guam. The case of the Philippines was resolved after World War II with full independence, the situation of Puerto Rico remains unresolved to some extent, and the situation of Guam remains unresolved to a much greater extent.

The commonwealth draft act that we have proposed is composed of 12 articles and it took approximately 5 years to draft, from its very beginning, through an electoral process which was taken upon by the government of Guam on its own, despite the fact that the Federal Government, the U.S. Government, is obligated and has willingly placed small territories on a United Nations list of areas to be decolonized, the Federal Government and the Federal policy in these areas has been unclear, erratic, and inconsistent. At no point in the entire history of Guam's relationship with the United States has the Federal Government ever taken the issues of political status on its own as an obligation to fulfill. It has always been instead an effort on the part of Guam to try to get at the substance of the issues that underline the problems that we face.

The commonwealth draft act is composed of three basic parts: One deals with some historical injustices, some of which I will touch on. Another deals with the nature of the relationship between the government of Guam and the Federal Government. And the third deals with some economic issues which remain areas of serious contention between Guam and the United States, especially if we hope to develop in a more autonomous fashion.

Our act, the Guam Commonwealth Act, H.R. 1046, works toward improving the Federal-territorial relationship between Guam and the United States. The commonwealth that we are proposing is something that has not been proposed before. It is something that pushes the envelope of Federal-territorial relations.

Currently whenever Guam asks to do something, we are constantly and it is a mind-set and it is a natural mind-set, it is something that is part and parcel of the American psyche when it comes to discussing issues of government, and, that is, that the Federal Government is seen only in its connection and its relationship to States. There are such things as State-Federal relationships. There is the District of Columbia, which in the Constitution has a special relationship. But then there is the case of territories in which the Constitution refers to as having plenary, the Congress has plenary authority over the territories but there is no clear definition of what it means to have Federal-territorial relations.

Every time that in the past Guam attempts to do something to expand its autonomy, sometimes that is compared on the basis of what is allowable in the context of the Federal Government and the State relationship, Federal-State relationships. In fact, in many instances, in many discussions that I have participated in over the life of being very directly involved with the issue of political status change for 15 years, sometimes the comment is made that you can't ask for that because not even States are allowed to do something. Not even States are allowed to have that kind of authority over their own existence, so that somehow or other State is seen as the apex of the system, as the standard against which territories will be measured. And sometimes almost in the same breath you will hear the subtle reminder, and, by the way, Guam will never be a State.

There you have the amazing quandary in which small territories find themselves. Small territories are composed of U.S. citizens. What does it mean to be a U.S. citizen from Guam versus a U.S. citizen from Wisconsin? What does it mean to have your territorial government relate to the Federal Government when you are fully aware that statehood is really not on the table for you?

What do you need in order to reshape that relationship, catch the attention of important people so that they understand it, so that they understand that there are bits of America that are not likely to become States, how do you resolve that fundamental principle that you seek when you say you want political equality for citizens for everybody who is a U.S. citizen and yet they continue to survive and exist in areas of the United States which are small territories not likely to be candidates for States and are living in a kind of permanent political limbo?

That is why I feel very strongly that we need to push the envelope on this.

We need to conceptualize and think of what are some possible new relationships which territories may aspire to which will give them the dignity that they deserve, which will give them as individuals, as residents, as individual citizens the kind of dignity that they deserve, because they have the same basic obligations to this country.

There is no area of the United States that has provided on a per capita basis as many people to join the armed services as has Guam. There are more people who died per capita in Vietnam in comparison to other jurisdictions that died from Guam. There is always the quandary that there are people from Guam who joined the service and are asked to put their lives on the line for the supreme sacrifice to that flag and if by chance they happen to die, they come home in a casket under that flag, but lo and behold they cannot vote for President, lo and behold, they have no voting representation in this House, and lo and behold, there is no mechanism, no Federal-territorial relationship which will give them the dignity and increased autonomy over their existence that could perhaps compensate for the fact that they will not ever be full States of the Union. That is what we are proposing and that is what we are putting on the table.

Since the arrival of the Clinton administration, there has been a lot of attention to a concept called REGO, reinventing government.

□ 1545

Since the victory of the majority party, the Republican party, in November, there has been a lot of attention addressed to devolution, the returning of power to the States. The question, of course, that you must ask if you are a resident of a territory is that when the Federal Government says that they are returning power to the States, does that mean that they are returning power to the territories? And the answer is it is not clear.

When the Clinton administration says they are reinventing government in order to make it more user friendly and also create a new pattern, a new federalism, which will increase autonomy in local governments, does that include the territories? And again, the answer is not clear, because in point of fact, neither the Republican Contract With America nor the reinventing government initiatives under Vice President GORE addreses territories.

So there you have yet another item in which when you represent a small area like I do and the other Delegates that represent small areas, in fact, sometimes, I tell people that whenever I raise these issues, I get the response that, you know, this was an oversight; "We forgot, we are sorry. It was not that we intended to forget about you. It was an oversight." And I have always replied that one day if I was ever fortunate enough to become a committee chairman or a subcommittee chairman, I would have an oversight hearing on all the oversights that I have experienced, and certainly all the oversights that territories have experienced.

So there is no clear answer in the new federalism because there is no attempt to try to interpret what the new federalism means in the case of some 4.1 million American citizens that live outside the 50 States.

Now, one of the core principles of American government and one of the core principles of democracy is that government flows from the consent of the governed, and yet clearly in the case of the small territories, this is not the case. There is no consent of the governed in terms of passing the laws that are passed right in this body. This is the people's House, we are always reminded, and I am a person, I think I am one of the people, but yet my powers, my role of participation in this is circumscribed.

And in that, when they pass laws, the full application of these laws are expected to fall with the same weight as they would on citizens in Wisconsin or Montana, as they would on the citizens of Guam or American Samoa, and yet there is no meaningful participation in terms of voting by which you could legitimately say that there is consent of the governed, because there is not voting representation in the House of Representatives.

So what we have offered in our Commonwealth Draft Act is a process which will, in a sense, compensate for that, which will attempt to provide a new mechanism to deal with that, because we do not want to get into the issue of whether voting representation will resolve that issue, because that will take a constitutional amendment. It is tough enough passing a constitutional amendment when the issue has serious national attention. The odds against passing a constitutional amendment for territorial representation in this House are long, very long, and I recognize that.

But instead, perhaps we could pass some legislation in this body mindful of its responsibility to perfect and apply democracy wherever the U.S. flag flies and see if some kind of mechanism cannot be established by which there is consent of the governed.

And we have offered that in the context of our Commonwealth Draft Act, and we have labeled it mutual consent, and basically what we are saying is that if we pass this Commonwealth Draft Act as it stands is that we say that in order to change the Draft Act it should be incumbent on both sides to agree. That is in lieu of the fact we have forgone the possibility of being full in the sense of consent of the governed, but we are seizing upon a document which will clearly outline and bring clarity to the nature of the Federal Government's relationship with the territories.

In this bill, the Guam Commonwealth Draft Act has been introduced. This makes the fourth successive Congress, two by my predecessor, the Honorable Ben Blaz, two by myself. In that, we have always deferred to the administration, because we knew that the administration has to get its support behind it, and with the onset of the Clinton administration, we were able to get a representative of that administration in the person of I. Michael Heyman. A few weeks ago Mr. Heyman decided that he no longer wished to engage in this. It was not lack of interest. It was basically a concern about all the other responsibilities he has.

What this means for us is that if the administration does not replace Mr. Heyman in short order, then valuable time will be wasted in terms of discussing some of the specifics of the Draft Act with the administration so that a hearing can be held here in Congress in which this administration comes with a coherent position. Because of the far-reaching nature of our Draft Act, which talks about taxation, which talks about military issues, which talks about transportation issues, as well as the political relationship, we felt it, as did the administration, as did the congressional leadership, that it is most important that some kind of clear, coherent, comprehensive position be drafted by the administration and then that be presented in the form of a congressional hearing.

Well, time is running short on this time period in the 104th Congress. If we do not get that person on board, if we do not get them on board in short order, then I fear that we will not be able to complete the time, the process of discussion which will inevitably lead to a congressional hearing.

Guam's relationship with the United States is a long one and is most known to most people, I guess, by the context, its military relationship, and, indeed, it is no surprise that that is the very reason, because of its military strategic location, that Guam came to be part of the United States family to begin with.

But the world is changing, and what we have now on Guam is that at one point in time in our existence and especially in the time period after World War II and during the cold war, during the height of the cold war, Guam played a very important and integral part of a huge forward presence by the United States in East Asia. Well, that time period has shifted, and good relationships and military security depends much more on good relationships than it does on good weaponry, and so the role of Guam in that process has shifted, and we recognize that.

But we sometimes get very confused signals. In the recent proposal by the

Department of Defense, before the Base Realignment and Closure Commission, the Department of Defense has argued for the closure of four military facilities on Guam which will effectively put out of a job 10 percent of the entire work force. This is an enormous cut. This has enormous impact. If this were carried out in the State of California it would have proportionately had the effect of cutting 1.5 million jobs. So the magnitude of this proposal indicates that the nature of the relationship between Guam and the United States is entering a new transition period.

I would also like to point out that even though military spending forms an integral part of the Guam economy, it is a declining part of the Guam economy, and I would also like to point out that Guam probably, among the small territories, is clearly the most self-sufficient in terms of its economy. We have approximately 1 million tourists a year come to Guam, primarily from the Asian market. Two-thirds of the world's people live within a 4-hour flight from Guam, just to bring into context the possibilities and the economic possibilities of tourism and doing business on Guam, even for United States interests, as they do business in East Asia.

So we have opportunities, and we have a great deal of self-sufficiency. In fact, in terms of the kinds of Federal assistance that the Federal Government gives to Guam, we did an analysis of this, and 35 States have a higher percentage of direct Federal assistance into their local operating revenues, and Guam ranks No. 17, if you look from the bottom, if you look at all the States and the territories.

So we are not a political welfare case. We are not a political charity case. We are a proud people, looking for a new mechanism through which we can become even more autonomous, obtain some political dignity, and receive some of the freedoms that every other American enjoys and takes for granted.

When you are a territory, you live in an existence, in a political existence, in which any Federal bureaucrat, in which any Federal official may misunderstand whether you are a domestic entity, whether you are a foreign entity, or whether you are a nonentity.

And in this, I would just give you some examples. Federal aviation—for purposes of airline routes, we are regulated as a domestic entity.

For communications—for purposes of communication, we are regulated, we are treated as a foreign country. What does that mean? Well, basically what that means is, if you are trying to run a viable economy on Guam, is that you have telephone rates that are incredibly high because you are treated as a foreign country.

And if you want to bring more air routes in from the surrounding area in order to contribute to the growth of your tourist industry, you are not able to because the routes that Guam, the Guam-to-Japan routes, Guam-to-Taiwan routes, Guam-to-the-Philippines routes are part of the basic negotiation of United States-foreign country routes.

So you can see in those two examples right there how sometimes we are being in a sense jerked around. Basically, it seems like the Federal Government, when it is favorable to the Federal Government, we are treated as a domestic entity. When it is favorable to the Federal Government to treat us as a foreign country, we are treated as a foreign country.

So we have a number of trade arrangements we would like to engage in. We seek clarity in these arrangements. We seek political autonomy. We seek political dignity.

And in all of these dimensions, we try to be open. We are clearly, clearly a political anomaly which needs solution.

It is unconscionable for this country to continue to keep small territories in political limbo, not clearly offering them the option of being full participants as States, but instead seemingly only offering the option of being a political dependency in which your dignity as a people, in which your rights as a citizen are clearly mitigated, misunderstood on a daily basis.

If I could be afforded, Mr. Speaker, a personal note, there is no individual from Guam, there is no individual on Guam, there is no elected political official from Guam or from any of the territories who could feel or understand what this continual turmoil is on this issue of political status than the people who sit as Delegates. On a daily basis, you are reminded that for one reason or another—some historical, some military—you are part of this great country, and you are a U.S. citizen. But for reasons that are equally sometimes unclear, you are not part of the full participation of this body.

If you look around this room, you will see the seals of each of the 50 States that are on the ceiling, as you look around the room, and you will see in a corner, tucked away, seals of various territories as an afterthought.

When voting time comes, we are given—Delegates are given—a card, and everyone calls it a voting card. But I guess in the case of Delegates it is really a nonvoting card. You put it in the machine and nothing happens, because you are ineligible to vote, and most importantly and most, I guess, where if symbols count, and this is the House of the people, and the people come to vote, and the people's Representatives come to be represented, your name is not even listed on the board up there, so that you become a nonperson.

That is not meant to bemoan that existence, because every Delegate who gets elected to this body clearly knows the parameters of working and living in this body, but what it is meant to note is that when the territories and when Representatives, elected officials of the territories, have a proposal in hand which seeks to resolve the anomalous status of these jurisdictions, that it is the obligation, I think, of people who propound almost on a daily basis on the meaning of democracy to entertain those in as serious a manner as possible.

And on that note I would like to close by asking for cosponsorship by all the Members of the House of H.R. 1056.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. HILLIARD, for 5 minutes, today.

Mr. TUCKER, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, on March 29.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. FUNDERBURK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. GALLEGLY.

Mr. DORNAN.

Mr. FIELDS of Texas.

Mr. FRANKS of New Jersey.

Mr. PACKARD.

Mr. SOLOMON in two instances.

Mr. FORBES.

Mr. HAYWORTH.

Mr. ROTH.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. TORRICELLI.

Mr. KENNEDY of Rhode Island in two instances.

Mr. MONTGOMERY.

Mr. JACOBS.
Mr. MANTON.
Mr. BARCIA.
Mr. HEFNER.
Ms. LOFGREN.
Mr. BONIOR.

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. ALLARD.
Mr. COSTELLO.
Mrs. LOWEY.
Mr. STARK.
Mr. WILLIAMS.
Mr. RICHARDSON in two instances.
Mr. MOORHEAD.
Mrs. MEEK of Florida.
Mr. HOYER in three instances.
Mr. BEREUTER.
Mr. DINGELL.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Tuesday, March 28, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the XXIV, executive communications were taken from the Speaker's table and referred as follows:

600. A letter from the Assistant Secretary of Defense, transmitting a report entitled, "Personnel Assistance Program: Report on the Transition Assistance Program for FY 1994"; to the Committee on National Security.

601. A letter from the Chairman, Reserve Policy Board, Department of Defense, transmitting a report entitled, "Reserve Component Programs Fiscal Year 1994"; to the Committee on National Security.

602. A letter from the Administrator, U.S. Agency for International Development, transmitting the annual report to Congress on activities under the Denton amendment, pursuant to 10 U.S.C. 402; to the Committee on National Security.

603. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to reauthorization appropriations for the U.S. contribution to the 10th replenishment of the International Development Association, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

604. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. contribution to the interest subsidy account of the successor [ESAF II] to the enhanced structural adjustment facility of the International Monetary Fund, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

605. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize consent to and authorize appropriations for the U.S. contribution to the fourth replenishment of the resources of the Asian Development Bank; to the Committee on Banking and Financial Services.

606. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report entitled, "Consumer Waivers of the Right of Rescission Under the Truth in Lending Act"; to the Committee on Banking and Financial Services.

607. A letter from the Chairman, Federal Trade Commission, transmitting the 17th annual report to Congress on the administration of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Banking and Financial Services.

608. A letter from the Secretary of Energy, transmitting the 28th report to Congress on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds; to the Committee on Commerce.

609. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 95-19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

610. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 95-18), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

611. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 95-17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

612. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Lebanon for defense articles and services (Transmittal No. 95-16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

613. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office in the United States [TECRO] for defense articles and services (Transmittal No. 95-15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

614. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Kuwait for defense articles and services (Transmittal No. 95-14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

615. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in February 1995, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

616. A letter from the Judicial Conference of the United States, transmitting the Conference's report on the admission of character evidence in certain cases under the Federal Rules of Evidence; to the Committee on the Judiciary.

617. A letter from the Secretary of Defense and the Attorney General of the United States, transmitting a report entitled, "Conversion of Closed Military Installations into Federal Prison Facilities"; jointly, to the Committee on the Judiciary and National Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER of California (for himself and Mr. CALVERT):

H.R. 1316. A bill to amend the Internal Revenue Code of 1986 to provide tax credits to businesses with employees performing services in their residences or in telecommuting centers; to the Committee on Ways and Means.

By Mr. BLILEY (for himself, Mr. DINGELL, Mr. SOLOMON, Mr. MINETA, Mr. PAXON, Mr. POMEROY, Mr. BURTON of Indiana, Mr. SAXTON, Mr. HAYES, Mr. KINGSTON, Mr. TANNER, Mr. UPTON, Mr. DAVIS, Mr. GILLMOR, Mr. SCHAEFER, Mr. BILBRAY, Mrs. KENNELLY, Mr. MEEHAN, Mr. BASS, and Mr. LEWIS of California):

H.R. 1317. A bill to ensure that sellers and underwriters of insurance are qualified and subject to State consumer protection requirements; to the Committee on Commerce.

By Mr. HEFLEY (for himself, Mr. SOLOMON, and Mr. INGLIS of South Carolina):

H.R. 1318. A bill to provide for the elimination of the Department of Education, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. MEEHAN (for himself, Mr. SANFORD, Mr. PALLONE, Mr. DEAL of Georgia, Mr. BEREUTER, Mrs. LINCOLN, Mrs. JOHNSON of Connecticut, Mr. UPTON, Mr. GENE GREEN of Texas, Mr. ACKERMAN, Mrs. MINK of Hawaii, Mr. PETE GEREN of Texas, Mr. MARTINEZ, Mr. STUPAK, and Mr. MORAN):

H.R. 1319. A bill to amend the Social Security Act to improve the information made available in Social Security account statements and to provide for annual distribution of such statements to beneficiaries; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 1320. A bill to impose restrictions on the use of certain special purpose aircraft; to the Committee on Transportation and Infrastructure.

By Mr. SCHUMER:

H.R. 1321. A bill to prevent handgun violence and illegal commerce in firearms; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. MILLER of California, Mr. GEJDENSON, Mr. FATTAH, Mr. HINCHEY, and Mr. LIPINSKI):

H.R. 1322. A bill to amend the Internal Revenue Code of 1986 to allow a $100,000 lifetime deduction for net capital gain; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Mr. PETRI, Mr. LAUGHLIN, and Mr. BREWSTER):

H.R. 1323. A bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1324. A bill to enforce the law regulating the height of buildings in the District of

Columbia by prohibiting the District of Columbia from issuing any building or occupancy permit for the proposed development located at 1328 G Street, NW., unless the development is modified to conform to such law; to the Committee on Government Reform and Oversight.

By Mr. TRAFICANT:

H.R. 1325. A bill to amend the Public Buildings Act of 1959 concerning the calculation of public building transactions; to the Committee on Transportation and Infrastructure.

By Mr. STARK:

H.J. Res. 80. Joint resolution disapproving the action of the District of Columbia Council in approving the Closing of a Public Alley and Establishment of an Easement in Square 253, S.O. 88–107, Act of 1994; to the Committee on Government Reform and Oversight.

By Mr. MANTON (for himself and Mr. KNOLLENBERG):

H. Con. Res. 48. Concurrent resolution concerning the economy of India and relations between the United States and India; to the Committee on International Relations.

By Mr. PAYNE of New Jersey:

H. Con. Res. 49. Concurrent resolution expressing the sense of the Congress that any legislation passed by the Congress relating to assistance for School Lunch and Breakfast Programs should include a requirement to provide free lunches and breakfasts to economically disadvantaged students; to the Committee on Economic and Educational Opportunities.

MEMORIALS

Under clause 4 of rule XXII,

27. The SPEAKER presented a memorial of the House of Representatives of the State of South Carolina, relative to H.R. 842, the Truth in Budgeting Act; jointly, to the Committees on the Budget, Government Reform and Oversight, and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. CALVERT.

H.R. 65: Mr. MASCARA and Mrs. VUCANOVICH.

H.R. 89: Mr. PETRI.

H.R. 103: Mr. UNDERWOOD, Mrs. SCHROEDER, and Mrs. CLAYTON.

H.R. 112: Mrs. LOWEY, Mr. SKELTON, Ms. RIVERS, Mrs. CLAYTON, and Mr. HILLIARD.

H.R. 244: Mr. FRANK of Massachusetts and Mr. COSTELLO.

H.R. 303: Mr. MASCARA and Mrs. VUCANOVICH.

H.R. 325: Mr. DOYLE and Mr. RUSH.

H.R. 357: Ms. PELOSI, Mr. GONZALEZ, Mr. PORTER, Mr. LAHOOD, Mr. LEWIS of Georgia, and Mr. NADLER.

H.R. 393: Mr. PETE GEREN of Texas.

H.R. 470: Mr. FRANK of Massachusetts.

H.R. 483: Mrs. CHENOWETH.

H.R. 516: Mr. SCHIFF.

H.R. 570: Mr. TORRICELLI and Mr. SKEEN.

H.R. 580: Mr. CUNNINGHAM, Mr. DOYLE, Mr. BRYANT of Tennessee, Mr. BLUTE, Mr. GORDON, Mr. SCHAEFER, Mr. METCALF, Mr. DORNAN, Mr. SENSENBRENNER, Mr. BARCIA of Michigan, and Mr. DOOLITTLE.

H.R. 682: Mr. TORRES.

H.R. 708: Mr. HILLIARD.

H.R. 753: Mr. ZIMMER.

H.R. 791: Mr. LAHOOD.

H.R. 801: Mr. SENSENBRENNER, MR. MORAN, Mr. CLYBURN, Mr. JACOBS, Mr. SCOTT, Mr. SMITH of New Jersey, and Ms. MOLINARI.

H.R. 803: Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. STEARNS, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. FATTAH, and Mr. WELLER.

H.R. 820: Mr. LINDER, Mr. BURR, and Mr. SPRATT.

H.R. 835: Mr. HILLIARD, Mr. CLAY, Mr. SKELTON, Mr. YATES, Mr. WYNN, Mr. EVANS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MORELLA, Mr. ANDREWS, Mr. WALSH, Mrs. MINK of Hawaii, Mr. PASTOR, Mr. BONIOR, Mr. RANGEL, Mr. PARKER, Mr. DEUTSCH, Ms. BROWN of Florida, Ms. NORTON, Mr. JEFFERSON, Mr. OLVER, Mr. MONTGOMERY, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. JACOBS, Mr. CALVERT, Mr. FROST, Mr. FOGLIETTA, Mr. TOWNS, and Mr. MARTINEZ.

H.R. 899: Mr. HOKE, Mr. HALL of Texas, Mr. ALLARD, Mr. BURR, Mr. WHITFIELD, Mr. FRANK of Massachusetts, Mr. BUNNING of Kentucky, Mrs. MYRICK, Mr. JONES, Mr. FUNDERBURK, and Mr. FOX.

H.R. 939: Mr. SKEEN.

H.R. 945: Mr. GENE GREEN of Texas, Mr. MCINNIS, Mr. REED, Mr. BROWN of Ohio, Mr. BAESLER, Mrs. VUCANOVICH, Mr. UPTON, Mr. LEWIS of Kentucky, Mr. SANDERS, Mr. ANDREWS, Mr. FILNER, Mr. SAM JOHNSON, Mr. POSHARD, and Mr. TOWNS.

H.R. 957: Mr. RAHALL, Mr. ENGLISH of Pennsylvania, and Ms. LOFGREN.

H.R. 958: Mr. HAYES.

H.R. 979: Mr. DICKEY.

H.R. 997: Mr. BUCHUS, Mrs. JOHNSON of Connecticut, Mr. KLUG, Mr. ROSE, and Mr. SABO.

H.R. 1003: Mrs. CLAYTON.

H.R. 1044: Ms. MOLINARI.

H.R. 1061: Mr. REYNOLDS, Ms. LOFGREN, and Mr. CALVERT.

H.R. 1110: Mr. BACHUS, Mr. MILLER of Florida, and Mr. FORBES.

H.R. 1153: Ms. MOLINARI, and Mr. WAXMAN.

H.R. 1154: Mr. SHAYS, Ms. LOWEY, Mr. DOYLE, and Mr. FARR.

H.R. 1172: Mr. RADANOVICH, Mr. PORTER, Mr. OWENS, Mr. FROST, Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. ENGLISH of Pennsylvania, Mr. WILSON, Mrs. MALONEY, and Mrs. WALDHOLTZ.

H.R. 1184: Mr. BONO, Mr. NEY, Mr. ALLARD, Mr. CALVERT, Mr. CANADY, Mr. DAVIS, Mr. KNOLLENBERG, Mr. LARGENT, Mr. PACKARD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAEFER, and Mr. SCHIFF.

H.R. 1208: Mr. CALVERT.

H.R. 1229 Mr. ACKERMAN, Mr. FROST, Mr. GEJDENSON, Mr. FRAZER, Mr. FATTAH, Ms. RIVERS, Ms. NORTON, and Mr. COSTELLO.

H.R. 1234: Mr. MCHUGH and Mr. ROTH.

H.R. 1242: Mr. BONILLA, Mr. BURR, and Mr. GILLMOR.

H.R. 1249: Mr. GOODLING.

H.R. 1252: Mr. FUNDERBURK.

H.R. 1258: Mr. FORBES.

H.J. Res. 41: Mr. DUNCAN.

H.J. Res. 73: Mr. COMBEST.

H. Con. Res. 22: Mr. EVANS, Ms. JACKSON-LEE, and Mr. WAXMAN.

H. Con. Res. 23: Mrs. CLAYTON, Mr. WILSON, Mr. SCHUMER, Mr. SAWYER, and Ms. MCKINNEY.

H. Res. 94: Mrs. LINCOLN, Ms. FURSE, and Mr. EDWARDS.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition 2, March 22, 1995, by Mr. STOCKMAN on House Resolution 111, has been signed by the following Members. Steve Stockman, Dana Rohrabacher, Lindsey O. Graham, Steve Largent, Marcy Kaptur, Duncan Hunter, Cliff Stearns, James A. Traficant, Jr., Joe Scarborough, Helen Chenoweth, Dan Burton, Tom A. Coburn, Mark E. Souder, David Funderburk, Michael F. Forbes, Andrea Seastrand, Zach Wamp, Richard Burr, Cass Ballenger, Mel Hancock, Ernest J. Istook, Jr., Jon D. Fox, Wes Cooley, Jack Metcalf, Mark Neuman, Van Hilleary, Jon Christensen, Steve Chabot, Spencer Bachus, Matt Sanford, J.D. Hayworth, Mark Foley, Thomas W. Ewing, Todd Tiahrt, Sam Johnson, Frank Riggs, Peter A. DeFazio, and Gene Taylor.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. CHAPMAN on H.R. 125: John D. Dingell, Bill Orton, James (Jimmy) H. Quillen, Tim Holden, Scott McInnis, Gene Taylor, Frank Riggs, and Richard H. Baker.

SENATE—*Friday, March 24, 1995*

(Legislative day of Thursday, March 23, 1995)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND.]

PRAYER

The Chaplain, the Reverend John Lloyd Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Nation and gracious Father of our lives, You have placed a homing spirit within us and made our hearts restless until they rest in You. The heart of the matter always is the heart. Our hearts are lonely until they return and find their home in You. You receive us as we are with unqualified grace. Thank You, Father, for the strength, security, and serenity You provide us in the midst of strain and stress. You offer us perfect peace in the midst of pressure and the tyranny of the urgent.

We also thank You that we find each other as we return to You. You give us the miracle of unity in diversity, oneness in spite of our differences. You hold us together when otherwise ideas, policies, and resolutions would divide us. Make us sensitive to one another, especially when a vote makes conspicuous our differences. Help us to reach out to each other to affirm that we are one in the calling to lead our Nation. May we neither savor our victories or nurse our disappointments, but press on.

So we fall on the knees of our hearts seeking Your blessing for our work this day. To know You is our greatest privilege and to grow in our knowledge of Your will is our most urgent need. Our strength is insufficient; bless us with Your wisdom. Our vision is incomplete; bless us with Your hope. Carpe diem. We grasp the day. In Your holy name, Yahweh, through Christ, our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. COATS. Mr. President, this morning, leader time has been reserved, and there will be a period for morning business until the hour of 10 a.m. At the hour of 10 a.m., the Senate will begin consideration of H.R. 831, the self-employed health insurance deduction bill. That bill will be considered under a 5-hour time limitation which was agreed upon last evening.

The majority leader has announced that there will be no rollcall votes during today's session of the Senate. Senator DOLE has also indicated that it will be his intention to proceed to the regulation moratorium bill on Monday.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the Senator from Arizona [Mr. MCCAIN] is recognized to speak for up to 15 minutes.

The distinguished Senator from Arizona.

Mr. MCCAIN. Mr. President, I expect to be joined in a few minutes by my friend and colleague from the other side of the aisle, Senator KERREY of Nebraska. We may engage in a brief colloquy after our remarks. But I will begin with my remarks.

CIVILITY IN PUBLIC DISCOURSE

Mr. MCCAIN. Mr. President, there has been considerable media discussion lately about the decline of civility in our public discourse. I agree that political rhetoric often seems quite harsh these days. I have also observed that the people who report on politicians, and who are often among the first to decry the incivility of politics, seem more inclined lately to allow their reporting to cross from tough to cruel.

That said, I cannot claim with certainty that manners in either politics or the press have truly degenerated to new lows. I suspect that every American generation in our history has had occasion to be repulsed by unnecessarily mean attacks from within and upon politics that are unavoidable in a free society. Political cartoonists, for instance, have throughout our history spared few public figures from ridicule. Often the ridicule is earned. Sometimes it is not. Sometimes even the license given cartoonists cannot excuse an especially malignant attack.

Such was the case last Sunday when Mr. Garry Trudeau decided to use his comic strip to scorn the military service of the majority leader, Senator DOLE.

The author of the comic strip "Doonesbury," Mr. Trudeau has made it his business to lampoon not only Republicans, but anyone whose devotion to the looniest of left wing causes he suspects is less robust than his own. His increasingly strident attacks have forsaken whatever humor might have once distinguished his cartoons from the silly rantings of your garden variety conspiracy theorist. Even former admirers of his comic strip tell me that he has become decidedly unfunny in recent years.

For this singular contribution to American culture, Mr. Trudeau feels he should be permitted to dispense with the encumbrances of good manners. Apparently, artists of his caliber cannot be burdened by the bonds that hold most of us together in our disparate society—bonds like honor and respect.

Ordinary Americans, of course, feel it appropriate to show gratitude to Americans who have ransomed their life to the defense of their freedom. Ordinary Americans would recoil from the suggestion that there is humor in ridiculing the sacrifice borne by an American who took up arms to defend them, and sustained grave injury in that cause.

Ordinary Americans, Mr. President, would honor a service rendered to them at such great cost.

But not Mr. Trudeau. His is far too important a calling for it to be constrained by humility, gratitude, or ordinary good taste. I do not want to dwell too much on Mr. Trudeau. He is not really worth the ink used to ridicule him. Suffice it to say that I hold him in utter contempt. I hold him in contempt for his small heart, for the cruelty he inflicts on others to obscure the weaknesses in his own character, and for his immense ingratitude to those who have had the strength of character to protect Mr. Trudeau's right to pollute—for profit, of course—political debate in America.

I would rather talk a little bit about BOB DOLE. Anyone who has read Richard Ben Kramer's book, "What It Takes," knows what kind of man is BOB DOLE. He answered his country's call to take up arms in a war for the future of the world. He helped save that world. Of course, he did so in a time when even political cartoonists believed such service to be honorable.

As a proud young man of great promise and an excellent athlete, BOB DOLE went to Italy. Like others of his generation, he paid a dear price for his love of country. He was gravely wounded. That he recovered at all from that wound is testament to the extraordinary courage that defines BOB DOLE, and that sets him apart from others.

BOB DOLE bears the discomfort and the challenge of that wound today, 50 years after he sustained it. He bears it with a quiet dignity that is—in every respect—worthy of our utmost admiration. I have known him for a long time now. I have never—never—heard him complain about his injury even though

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I know not a waking hour passes when he does not feel that pain. Neither have I ever heard him use his injury for political advantage, although he is—as he should be—proud of his service. Most people—indeed, almost everyone save Mr. Trudeau—is proud of him for his service and for the dignity with which he has accepted its consequences.

The problem for Mr. Trudeau, I suspect, is that he has never done anything for which he can be proud and therefore cannot understand how other people could take pride in the moment when they answered their country's call.

Mr. President, I am the son and grandson of admirals. Military service has been my family's business since the American Revolution. I have thus been blessed to have spent much time in the company of heroes. I know what they look like. I know how they act. BOB DOLE is the genuine article. Duty and honor are not relative concepts to him. They are absolute standards. Thank God, ours is still a country that knows the worth of such men even if the odd cartoonist does not.

Mr. President, I have a hard time maintaining self-restraint when I contemplate the injustice of Mr. Trudeau's disrespect for the brave service of a young man who left his family and friends in a small town in Kansas to defend his country's interests on foreign soil, and who as a consequence of his courage helped make the world safe—even for cartoonists.

It is a pity Mr. Trudeau never bothered to wear the uniform of his country. The experience would have no doubt improved his manners. Since little is likely to improve the poverty of his manners now, perhaps he could just limit his cartoon to a subject better matched to his skills and his character—perhaps the O.J. trial. At a minimum, if Mr. Trudeau cannot find it in himself to honor the service of people like BOB DOLE, I would hope he could just remain silent. I think he will find that fewer and fewer people are listening anyway.

Mr. President, I would like to yield at this time to the Senator from Nebraska and possibly at the end engage in a short discourse with the Senator from Nebraska.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I must state at the beginning I normally read, when I have the opportunity, Mr. Trudeau's comics or cartoons and find much humor in them. In this one, however, not only did I find no humor but I found in it great sadness and much in fact to be ridiculed.

First, let me say that I have only on a number of relatively small occasions been moved by the words of another politician. I say that straight out. I sometimes say that I was moved. But it is rarely the case where I am genuinely and deeply moved.

One such occasion was in, I believe, 1988 when—it might have been 1987—Senator DOLE announced his intent to run for the Presidency in Russell, KS. I watched him on television and watched him recollect his homecoming to Russell, KS, and the kindness that was expressed by the people of Russell, KS, to him, and he could not go on.

Now, this is a man whose persona is, to say the least, a tough persona. This is a man, as the Senator from Arizona has just said, who never complains about his injury. At least he has not complained to me, he has not complained in my presence, and he has not complained in the presence of anybody that I know. This is a man who does not talk about his injuries and does not talk about his injuries easily when he does.

For the cartoonist to portray Mr. DOLE as sort of playing upon his war wound is a lie on its face. It does not happen. Quite the contrary, Mr. President. Senator DOLE, as I indicated, feels great warmth and is moved by people who saved his life. I have heard Senator DOLE talk about the people who restored his life and put his life back together.

On a second occasion when I was moved—I must say I find it odd that Senator DOLE, who is supposed to be one of the meanest guys in politics today—that is his reputation anyway—has on two occasions moved me so deeply.

The second one was I believe the Larry King interview, or it might have been—it was not Larry King. It was one of the other journalists who was interviewing Senator DOLE at length, and he began to talk about his father coming to visit him while he was in the hospital.

On many occasions when asked how is it that I could admire BOB DOLE, since he is the Republican leader and I am a proud member of the Democratic party, how is it that I could admire BOB DOLE and like BOB DOLE, my answer almost always begins with a declaration that this man loves his country and is a patriot.

It guides him, in the end, to make decisions that sometimes are not in his best political interest. He did not serve in World War II as a consequence of calculating what was going to be in his best interest. It did not turn out to be in his best physical interest.

He started to describe this moment when his father came to see him and described the swollen ankles of his father. He, once again, could not go on. He was moved, not by his own suffering, Mr. President, not by his wound.

He did not go before this journalist, he did not stand before an audience in Russell, KS, and say, "Pity me for this wound." Quite the contrary. What he did on both occasions was say, to a certain extent: Pity the audience. My sympathy goes to them. My appreciation goes to them. My respect and admiration go to them for what they did for me.

I have great personal respect for Senator DOLE and admiration for his patriotism. And, above all of the things, his ability to put his life back together, his capacity to put his life back together, I admire deeply.

He has never worn his war record or his injuries in front of the public as if it was some sort of badge of honor. I have never heard him talk about, never heard him express that. Quite the contrary.

So I, like the Senator from Arizona, am deeply offended by this cartoon. It says something about Americans who served that is reprehensible. And it says something about a great American patriot that is particularly reprehensible.

Very often those of us who have been wounded are described that way. "BOB KERREY, wounded in the war in Vietnam." I do not ask to be described that way, but that is how it occurs. We are described that way.

And in today's modern journalism, the way things get beat around electronically, very often that comes back and somebody says, "Well, I saw you made a statement that says you were wounded in the war." I did not make a statement. And Senator DOLE does not talk about his injuries, but he gets labeled with it.

Unfortunately, today, in modern politics, the tendency is to look for the worst. And in Senator DOLE, not only do we not have the worst, we have the best impulses of human beings and of Americans—an American who was willing to serve and willing to come back and not with bitterness say, "You owe me," but an American who was willing to come back and say, "The debt is still on my side. I feel compassion to those in Russell, KS, who welcomed me home. I feel compassion and respect for my father, who did the same. I feel compassion and respect for all Americans who continue to try to struggle not just with their lives but to overcome adversity, as well."

Mr. President, I yield the floor.

I would be pleased to engage in a colloquy with my friend from Arizona.

Mr. MCCAIN. Mr. President, I just want to thank my friend from Nebraska for stepping forward.

We cannot do anything about someone like Mr. Trudeau, but we intend to try.

I do believe that when something as egregious and outrageous as this is—and, frankly, Senator DOLE would not like to hear me say this—but it has to hurt when one's service and sacrifice to one's country is demeaned and denigrated in this fashion.

I am grateful that someone like Senator KERREY would step forward and condemn it. I do not know if it stops this kind of thing. I do not know what beneficial effect it has. But I do know this: For Senator KERREY and me to remain silent in the face of this outrage would be a dereliction of duty on our part, if I may use a phrase from our previous incarnation.

So I want to thank Senator KERREY for saying this.

I do not intend to belabor the point, and I know Senator KERREY does not, but I hope the American people know—and especially BOB DOLE knows—that the cynicism and sarcasm of Mr. Trudeau is not shared by the overwhelming majority of the American people.

Mr. KERREY. Mr. President, if I could add one additional thing.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, the public should not view this as a couple of old veterans wandering down here to the floor to defend another old veteran that got beat up by a cartoonist.

Senator DOLE has the capacity to make fun of himself, as I do and as does the Senator from Arizona. This is not saying our skin is so thin we cannot take a cartoonist's deprecating comments about us. Lord knows, it happens all the time. It is hard to pick up an account of something you have said or done and not find something being said in a deprecating fashion. I do not mind that at all. I do not object to any cartoonist or journalist that wants to take some foible of mine, a weakness of mine, and magnify it and have some fun with it.

But that is not what is occurring in this case. There is a deep offense given, as a consequence, to isolating something that, in fact, does not occur. Senator DOLE does not wear his wound out in front of the public. He does not try to use it to gain some kind of advantage. Quite the contrary is the case.

I am here this morning to say that I admire that. Indeed, beyond admiring it, I believe that it is sort of something that Americans need to emulate—to emulate a man who says, "I may be suffering, but my concern is for my friends and neighbors who welcomed me home. My concern is with my father who made a trip to Chicago to visit me. My concern is still with others who are struggling in their lives."

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see the managers are waiting. I would like to make one additional comment on a different subject.

THE LINE-ITEM VETO

Mr. MCCAIN. Mr. President, last night we passed in the Senate something that I have been working on for 10 years. I know that everyone is aware that it did not happen because of the efforts only of Senator COATS and myself.

We are very grateful for the help and efforts that Senator DOLE engaged in in bringing together enough of us that it was an overwhelming victory. Senator DOMENICI and Senator STEVENS were very instrumental in that.

And, of course, we respected very much the participation of Senator BYRD. I think years from now when people read the CONGRESSIONAL RECORD of the debate that was conducted, I think they will be illuminated by his remarks.

Also, Senator EXON, the manager on the other side of the bill, and Senator LEVIN, whose amendment I think was extremely helpful.

Sheila Burke spent many, many hours in meetings in an effort to bring Republicans together on this issue. Sharon Soderstrom, the able assistant of Senator COATS, and Megan Gilly did an outstanding job; David Crane, Bill Hoagland, Dave Hoppe, Eric Ueland, Joe Donoghue, and Mark Buse.

So I would like to thank all of them for their enormous assistance, not only in recent weeks but in recent years, in helping us achieve what I think is one of the most important changes in the way that this country does business since 1974, when the Budget and Impoundment Act was passed.

I thank my colleagues for their patience.

Mr. President, I yield back the remainder of my time.

SANBORNTON MAN CROSSES REMAGEN BRIDGE IN WORLD WAR II

Mr. SMITH. Mr. President, I rise today to pay tribute to Guy J. Giunta, Sr., a resident of Sanbornton, NH, who played a significant role in the infamous capture by the Americans of the bridge at Remagen during World War II. This offensive resulted in shortening the war and saving thousands of lives.

Guy was a private first class in the 78th Infantry Division. He was one of the American soldiers who crossed the bridge at Remagen over the Rhine River, 50 years ago this month. This battle illustrated the American military strength which caught the Germans by surprise. The events of March 7, 1945, were known as the "Miracle of Remagen."

Guy left his native Italy for the United States in 1927 where he worked as a machinist making parts for turbines for the U.S. Navy when the war broke out. Deferments as an essential worker kept him out of the war until 1943, but after learning of friends dying overseas, he enlisted in a war that included his birthland.

When soldiers reached a plateau above Remagen on March 7, they saw German troops and civilians retreating across the Ludendorff Bridge. Violating instructions to proceed down the Rhine, Gen. William M. Hoge ordered his men to take the bridge. After refusing, the men heard a "whoosh" as 660 pounds of dynamite lifted the bridge from its stone piers.

There was still shooting as soldiers fought their way up the big cliff on the eastern end of the bridge. Twenty-four Americans died on or around the bridge. Guy Giunta was one the 600 brave men who were involved in taking the bridge, including 200 engineers who cut wires to the unexploded dynamite. Guy's medals from the war include three major battle stars: the Ardennse, the Rhineland, and Central Europe.

Guy Giunta is a retired Westinghouse machinist. His wife, Rina Passi, also a native Italian, didn't meet her future husband until after the war, but knew of him because she translated his mother's letters to him from Italian into English. They have lived in a white farmhouse in Sanbornton since 1985.

I commend Guy for sharing his experiences at this important World War II battle with many in New Hampshire. His courage and patriotism are an inspiration to us all. It is an honor to represent Guy Giunta, Sr., and his family in the U.S. Senate.

TRIBUTE TO DICK REINERS

Mr. DASCHLE. Mr. President, today I want to take a moment to commemorate the long and distinguished life of my dear friend, Richard H. Reiners, an outstanding American, who passed away earlier this year.

Dick Reiners was born September 24, 1907, on a small farm east of Lennox, SD, and passed away on January 15, 1995, at his rural home north of Worthing, SD. Throughout his life he was dedicated to his family, his community, and the land in which he lived.

As a father and husband, Dick epitomized the term "family values." He was faithful, honest, and loyal and he passed those values on to his children and grandchildren. As a member of the community, Dick was constantly active in improving the quality of people's lives. He served on numerous boards, including his church, his children's school district, the Farmers Home Administration, and the South Dakota Farmers Union. He was also actively involved in politics and labored tirelessly for the people he believed in.

As a farmer, Dick held a reverence for the land and its capacity for production. He was a hard worker and an eternal optimist.

Dick spoke his mind. He never gave up. He was always a kind and thoughtful man.

During my travels as a U.S. Senator, I am constantly humbled by the people of my State—people like Dick

Reiners—and the basic principles by which they live their lives: a love of family, an obligation to community service, and a strong commitment to an honest day's work. Those who knew Dick Reiners learned much from him, and I am honored to say that he was my friend. He will not be forgotten.

TRIBUTE TO THE 87TH ENGINEER BATTALION (HEAVY PONTOON)

Mr. NUNN. Mr. President, I rise today to pay tribute to an outstanding Army organization in recognition of its distinguished service to this Nation and extraordinary performance during World War II. The 87th Engineer Battalion was the first heavy pontoon battalion activated at Fort Benning, GA, on August 1, 1940. Also trained at Fort Benning, this battalion went ashore at Utah Beach in the Normandy landing to build the bridges needed to liberate France. Among the many rivers that had to be crossed were the Meuse, the Saar, and the Moselle. The 87th Engineers bridged them all.

This brought the 87th Engineer Battalion to the most awesome and difficult of all European rivers, the Rhine. Fifty years ago today, on March 24, 1945, the 87th Engineer Battalion made history when they constructed the longest pontoon bridge in the world across the Rhine River at Oppenheim. Despite shortages of personnel and equipment, the 87th was ordered to move Patton's 3d Army across the Rhone. They built a 1,237 foot span in 13 hours while under constant enemy attack. Their efforts resulted in the establishment of the second American bridgehead across the Rhine and contributed directly to the overall success of Allied operations. When they were not building bridges, the soldiers of the 87th Engineer Battalion assisted in hauling thousands of tons of critical supplies from the beaches to the interior depots. Their successful accomplishment of this critical mission helped to maintain the Allied momentum throughout the war.

The soldiers of the 87th Engineer Battalion repeatedly distinguished themselves as professional soldiers, technically competent engineers, and great Americans whose performance of duty was outstanding.

For their efforts and impressive successes, it is my privilege to wish the World War II veterans of the 87th Engineer Battalion the best in the years ahead and join the Nation in expressing our heartfelt thanks for their dedication and selfless devotion and service to the United States of America.

GREEK INDEPENDENCE DAY 1995

Mr. LIEBERMAN. Mr. President, tomorrow marks the 174th anniversary of the opening of the struggle by the Greek people for independence from the Ottoman Empire. I am honored to be a sponsor of the resolution designating tomorrow, March 25, 1995, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

Greek Independence Day celebrates the independence the Greek people achieved after almost 400 years of foreign control. In all those years of domination and repression, the people of Greece retained their passion for democracy. This passion is alive and well today.

The United States and Greece have a long history of shared democratic ideals and beliefs, when our Founding Fathers designed the American form of government, they took inspiration from the democratic traditions of ancient Greece. Later, Greek patriots in the struggle against the Ottoman Sultan followed the example of the American Revolution in their fight for freedom and their efforts to design their new government.

In this century, Greece has been an outstanding ally and leader in the fight for democracy; 9 percent of all Greeks, gave their lives to help stop the tyranny of Hitler. Together Greece and the United States fought against communism throughout the cold war and together we must work to solve the problems of the post-cold-war era.

On this special occasion, it is fitting to pay tribute to all the contributions that the Greek people have made to American life, both as valuable members of our own society and as members of a nation that was the birthplace of democracy.

GREEK INDEPENDENCE CELEBRATION

Mr. MOYNIHAN. Mr. President, I rise once again to join the Greek American community as they celebrate the 174th anniversary of the beginning of their revolution for independence from under the yoke of the Ottoman Empire.

I and 47 of my colleagues in the Senate jointed together to commemorate this historic event by cosponsoring Senate Resolution 79, a resolution commemorating March 25, 1994, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

From their first settlement in the 18th century in St. Augustine, FL, to one of the largest Greek communities in America, Astoria, NY, the Greek people have been an influential segment of American society. Their history, culture, language, religion, and of course native culinary artistry, have enriched all of America. Greece has contributed great things in the areas of arts, education, medicine, and philosophy, but no contribution was more precious than that of democracy.

Born in Athens during the age of Pericles and nurtured in the United States, the principles of democracy are now being practiced throughout the world. This new wave of democracy, would never have come to fruition had it not been for Hellenistic political thought. We will always be indebted to Greece for giving us this most precious gift.

AG WEEK

Mr. DOLE. Mr. President. This week is National Ag Week. It is the one week of the year that we take time out to applaud America's farmers for what they give to us every week of the year. Undoubtedly, they are the most progressive, most efficient, and most productive in the world.

American agriculture is an industry to be proud of. America exports more than 43 billion dollar's worth of food products every year—that is a trade surplus of $17 billion. Agriculture also employs more that 21 million Americans.

But those numbers don't tell the whole story. Every day, Americans eat. So every day, we all depend on the American farmer. We expect the best from our farmers—and they deliver. We have a cheap, wholesome, safe, and dependable food supply. No doubt about it, we as consumers are getting a pretty good deal.

Agriculture has made exciting advances this last year. Most important, GATT and NAFTA have opened up new trade opportunities for American agriculture. Finally, America's farmers will gain access to millions of new customers around the world.

At home, Republicans are leading the charge to reduce the regulatory, paperwork, and tax burdens which depress the farmer's bottom line. As we work to rein in the Federal Government, we will focus on preserving the programs that advance American agriculture in the world market place.

Today, agriculture is on the verge of a new era. I believe that 100 years from now, historians will look back and recognize this time as a turning point in the history of American agriculture. Both locally and globally, things are changing fast.

Agriculture is now a global industry—an industry where American farmers will play an increasingly important role. The Census Bureau estimates that the world population will increase by 50 percent in the next 20 years. Today, 1 American farmer can feed 129 people. Tomorrow that farmer must feed more.

America's farmers have already started preparing to meet these demands. Less than 100 years ago, the first gasoline tractor was built. Now, farmers are using satellite technology to customize planting and fertilizer use. That increases yields, reduces costs, and benefits the environment. These are the types of innovative programs we should encourage in the 1995 farm bill.

Mr. President, there is a saying in Kansas: If you do not eat, then do not worry about the farmer. So this week, National Ag Week, we recognize that each of us has a vested interest in the vitality of American agriculture. I look forward to working with my colleagues during this pivotal year to ensure that American agriculture remains a world leader in this new era.

NATIONAL AGRICULTURE WEEK

Mr. BAUCUS. Mr. President, today, as America celebrates National Agriculture Week, I rise to pay tribute to our country's farmers and ranchers.

THE GROWING SEASON

This Tuesday was the first day of spring. The time of rebirth and renewal. All over the country, farmers are preparing to till the soil and plant the seeds that they hope will lead to a bountiful harvest. Ranchers see newborn calves and lambs. In Montana and across America, producers are getting ready for the future with hope and confidence.

They know only too well that lack of rain, too much rain, or other uncontrollable natural events can destroy their crop. They know they are in a risky business. And yet they continue to brave the risks and work long hours, because of the satisfaction that comes with working and living on your own land.

These are hard working folks. They are survivors who make up Montana's number one industry, creating nearly $2 billion a year for our economy. And their work gives Americans the best, cheapest and safest food supply in the world.

BEFORE THE FARM PROGRAM

Today we take all that for granted. We think it is natural. But it is not. It is the result of careful policy, and cooperation between producers, consumers, and government.

As we begin to redraft our farm bill this year—and as some with short memories call for eliminating farm programs completely—we should remember what happened before we had any farm programs.

In those days, producers lived through drastic cycles of boom and bust. A hard-working and prosperous family one year could be destitute the next.

As Mike Malone recalls in his book "Montana: A History of Two Centuries":

> During 1929–1930, a new ordeal of drought and depression began in Montana . . . By midsummer of that terrible year, twenty-eight of Montana's fifty-six counties had filed for aid from the Red Cross. Most of those counties lay in the arc of dry-farming and stockgrowing lands that reached from the High Line north of the Missouri River to the southeast along the Dakota state line . . .
>
> An amount of wheat worth $100 in 1920 brought only $19.23 in 1932. Beef cattle sold for $9.10 per hundredweight in 1929; in 1934, the price was only $3.34. Sheep brought $8.14 per hundredweight in 1929 but only $3.12 in 1934.
>
> Daniels County, in the state's northeastern corner, typified the crisis. During the good years of the late 1920s, the country seat, Scobey, had advertised itself as the world's largest wheat shipping point. By the spring of 1933, 3,500 of the county's 5,000 people needed relief assistance.

SUCCESS OF AMERICAN AGRICULTURE

This disaster was only the worst in a series. The heartland suffered equally traumatic disasters in 1893, 1907 and 1920. But this time, Franklin Roosevelt responded by creating the first Federal farm support programs.

Since then, we have had good times and bad. But farm programs have prevented crises on that scale. And during this time, American farmers have created a productive revolution unmatched in history.

They have revolutionized agricultural productivity. They have used hard work and state-of-the-art research, to develop new sustainable farming techniques, thus protecting our natural resources. And they continue to be most productive agricultural producers in the world.

According to USDA's Economic Research Service, farm output per unit of input increased by 26 percent between 1982 and 1991.

As a result, Americans spend the lowest amount of their disposable income on food of any nation in the world. Just 9.3 percent, less than a dime in a dollar of income.

THE 1995 FARM BILL

Today, if the Congress goes too far in a thoughtless rush to eliminate farm programs simply for the sake of cutting, we could return to those days of boom and bust.

Less severe consequences could include lower soil and water quality. Loss of wildlife habitat.

Lower farm incomes, and thus higher rates of outmigration from rural America. From the consumer's point of view, if we are not careful, America could wind up depending on imports of food to give our citizens enough to eat each day.

We must help our producers make American agriculture more competitive and more profitable in the international market place. We must continue to develop new sustainable farming techniques. We must make sure the children and grandchildren of today's rural families can still live and work on their own land.

Mr. President, I look forward to the job. The FFA, the national youth organization for the improvement of agriculture, begins their creed with the statement, "I believe in the future of farming." I believe in that future, too.

Thank you, and I yield the floor.

GREEK INDEPENDENCE DAY

Mr. DOLE. Mr. President, I rise today to speak in honor of Greek Independence Day, a national day of celebration marking 174 years of freedom for the modern Greek people. The achievements of ancient Greece in art, architecture, science, mathematics, philosophy, drama, literature, and most importantly—democracy—have become legacies for succeeding ages to emulate. Modern Greece, born of these same roots, also has given much to the present day world and especially to the United States.

Many Americans can trace their heritage back to the glory of Athens. Greek-American Dr. George Kotzias developed medicine to combat the scourge of Parkinson's disease. Maria Callas, the Brooklyn-born opera soprano, provided us a legacy of beautiful music. Young Pete Sampras reminds us of the important contribution the Greeks have made in the field of athletics as he continues his outstanding command of the game of tennis. Greek-Americans have also contributed to the might of America's business and industry showing true entrepreneurial spirit. In Operation Desert Storm, Lt. Gen. William "Gus" Pagonis, U.S. Army, retired, successfully commanded the most complex sea, land, and air mobilization executed by a military force since the Second World War. And, of course, in this body today are two of the most outstanding Greek-American citizens in this country, Senator OLYMPIA SNOWE and Senator PAUL SARBANES.

On Monday, I will be visiting with a number of other Greek-American leaders to commemorate Greek Independence Day. Foremost among them will be his His Eminence Archbishop Iakovos, the spiritual leader of the Greek Orthodox Archdiocese of North and South America.

On this day, it is important to remember that American democracy would not exist today had the Greeks not believed in the power of the people to govern. As Pericles said some 2,000 years ago, "our constitution is called a democracy because power is in the hands not of the minority, but of the whole people * * * everyone equal before the law."

So as we honor the modern Greeks and their sons and daughters in America today, let me paraphrase Thomas Jefferson—we Americans are all indebted to the ancient Greeks for the light of democracy which led us out of the darkness of tyranny.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, March 23, the Federal debt stood at $4,845,959,175,160.98. On a per capita basis, every man, woman, and child in America owes $18,395.34 as his or her share of that debt.

THE 50TH ANNIVERSARY OF THE BATTLE OF IWO JIMA

Mr. NUNN. Mr. President, today I want to commemorate the 50th anniversary of the conclusion of the World War II battle for Iwo Jima.

Exactly 50 years ago today, the U.S. Marines successfully finished a fierce battle for a small dot in the Pacific that had been turned into one of the most heavily fortified islands in the world by a hard-as-nails Samurai warrior Japanese Lieutenant General Kurabayashi.

The battle for Iwo Jima had started on February 19, 1945. American military planners half-a-world away came up with only one way to make Iwo into the needed U.S. forward base: an attack right into the teeth of the Japanese defenses.

The ensuing 33-day battle was the basest form of struggle—individual against individual, inch by inch. Artillery, mortars, naval gunfire, and air—the traditional combined arms of the Marines—provided only marginal help to the attackers. The most powerful weapon was the individual marine who had to drive the enemy from gun emplacements, caves, tunnels, and spider holes.

There were 2,500 marines killed on that first day—February 19, 1945. The death toll tripled by the time the first marine fire team fought to the top of Mt. Suribachi 6 days later. Mt. Suribachi was the strategic high point from which the defenders were pinning the marines down on the beaches and was the dominating feature of the entire island.

Three reserve marines, two regular marines, and one Navy corpsman joined together in a moment that captured the soul of a service. They raised Old Glory atop that 550-foot extinct volcano. Those on the beach below saw the red, white, and blue flutter in the breeze. Secretary of the Navy James Forrestal, there with the Marine Commander Major General "Howling Mad" Smith, turned and said: "The raising of the flag on Mt. Suribachi means a Marines Corps for the next five hundred years."

I certainly hope so.

Though organized resistance continued until mid-March, the flag raising, which produced perhaps the most famous and inspiring combat photograph of World War II, symbolized one of the hardest won victories of that war.

Military historian Allan Millett has written of Iwo Jima that, "Of all the unpleasant islands the marines saw, Iwo Jima was the nastiest—prepared by nature and the Japanese armed forces as a death trap for any attacker." And so it was.

There were 70,000 marines locked in combat on this tiny island in the Pacific; 5,931 died; 17,372 were wounded; Presidential and Navy Unit Citations were awarded and 22 marines earned the Medal of Honor.

The fighting was so brutal, and the determination and bravery of the marines so stunning, that Adm. Chester Nimitz, Commander in Chief of the Pacific Fleet, was moved to say that on Iwo Jima "uncommon valor was a common virtue."

They fought and died so that others might live in freedom. The purpose of wresting Iwo Jima from the Japanese was to establish a forward air base on the island which served, among other things, as an interim emergency landing base for United States bombers making the long run between the Marianas to targets in Japan. More than 25,000 airmen in the Army Air Force subsequently used Iwo Jima for emergency landings.

Mr. President, I know I speak for all in saying we honor both those who fell on Iwo Jima and those who fought but managed to survive. I know it must have been a very emotional ceremony last week on the black sands of Iwo Jima when thousands of the survivors joined Secretary of the Navy John Dalton and current Marine Commandant Gen. Carl Mundy in paying tribute to their bravery and sacrifice and to commemorate those who did not return.

I felt of that same emotion when I was fortunate to be on the Senate floor March 2, 1995, when Senator JOHN GLENN was making a very moving tribute about the marines who fought on Iwo Jima. This was part of a series of speeches about that battle by Senators who have served as marines. Each spoke about a different aspect of Iwo Jima.

We would all benefit from reading all these speeches and so I ask unanimous consent to have printed in the RECORD the names of the Senators, the date of their speech, and the page in the CONGRESSIONAL RECORD where their remarks can be found.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RECORD SPEECHES—IWO JIMA

Senator	Date	Vol.	No.	Page(s)
Senator Robb	Feb. 10, 1995	141	27	S2455
Senator Thomas	Feb. 13, 1995	141	28	S2533–S2534
Senator Burns	Feb. 14, 1995	141	29	S2596–S2597
Senator Bumpers	Feb. 15, 1995	141	30	S2732–S2736
Senator Heflin	Feb. 16, 1995	141	31	S2774–S2775
Senators Chafee and Warner.	Feb. 23, 1995	141	34	S3034–S3036
Senator Glenn	Mar. 2, 1995	141	39	S3376–S3377

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). MORNING BUSINESS IS CLOSED.

SELF-EMPLOYED HEALTH INSURANCE DEDUCTIONS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 831, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) PERMANENT EXTENSION.—Subsection (l) of section 162 of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended by striking "25 percent" and inserting "30 percent".

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

(2) INCREASE.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1994.

SEC. 2. REPEAL OF NONRECOGNITION ON FCC CERTIFIED SALES AND EXCHANGES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking part V (relating to changes to effectuate FCC policy).

(b) CONFORMING AMENDMENTS.—Sections 1245(b)(5) and 1250(d)(5) of the Internal Revenue Code of 1986 are each amended—

(1) by striking "section 1071 (relating to gain from sale or exchange to effectuate polices of FCC) or", and

(2) by striking "1071 AND" in the heading thereof.

(c) CLERICAL AMENDMENT.—The table of parts for such subchapter O is amended by striking the item relating to part V.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) sales and exchanges on or after January 17, 1995, and

(B) sales and exchanges before such date if the FCC tax certificate with respect to such sale or exchange is issued on or after such date.

(2) BINDING CONTRACTS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any sale or exchange pursuant to a written contract which was binding on January 16, 1995, and at all times thereafter before the sale or exchange, if the FCC tax certificate with respect to such sale or exchange was applied for, or issued, on or before such date.

(B) SALES CONTINGENT ON ISSUANCE OF CERTIFICATE.—A contract shall be treated as not binding for purposes of subparagraph (A) if the sale or exchange pursuant to such contract, or the material terms of such contract, were contingent, at any time on January 16, 1995, on the issuance of an FCC tax certificate. The preceding sentence shall not apply if the FCC tax certificate for such sale or exchange is issued on or before January 16, 1995.

(3) FCC TAX CERTIFICATE.—For purposes of this subsection, the term "FCC tax certificate" means any certificate of the Federal Communications Commission for the effectuation of section 1071 of the Internal Revenue Code of 1986

(as in effect on the day before the date of the enactment of this Act).

SEC. 3. SPECIAL RULES RELATING TO INVOLUNTARY CONVERSIONS.

(a) REPLACEMENT PROPERTY ACQUIRED BY CORPORATIONS FROM RELATED PERSONS.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) NONRECOGNITION NOT TO APPLY IF CORPORATION ACQUIRES REPLACEMENT PROPERTY FROM RELATED PERSON.—

"(1) IN GENERAL.—In the case of a C corporation, subsection (a) shall not apply if the replacement property or stock is acquired from a related person. The preceding sentence shall not apply to the extent that the related person acquired the replacement property or stock from an unrelated person during the period described in subsection (a)(2)(B).

"(2) RELATED PERSON.—For purposes of this subsection, a person is related to another person if the person bears a relationship to the other person described in section 267(b) or 707(b)(1)."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to involuntary conversions occurring on or after February 6, 1995.

(b) APPLICATION OF SECTION 1033 TO CERTAIN SALES REQUIRED FOR MICROWAVE RELOCATION.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions), as amended by subsection (a), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) SALES OR EXCHANGES TO IMPLEMENT MICROWAVE RELOCATION POLICY.—

"(1) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this subsection to a qualified sale or exchange, such sale or exchange shall be treated as an involuntary conversion to which this section applies.

"(2) QUALIFIED SALE OR EXCHANGE.—For purposes of paragraph (1), the term 'qualified sale or exchange' means a sale or exchange before January 1, 2000, which is certified by the Federal Communications Commission as having been made by a taxpayer in connection with the relocation of the taxpayer from the 1850–1990MHz spectrum by reason of the Federal Communications Commission's reallocation of that spectrum for use for personal communications services. The Commission shall transmit copies of certifications under this paragraph to the Secretary."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to sales or exchanges after March 14, 1995.

SEC. 4. DENIAL OF EARNED INCOME CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,450 OF INVESTMENT INCOME.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) DENIAL OF CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,450 OF INVESTMENT INCOME.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) for the taxable year if the aggregate amount of disqualified income of the taxpayer for the taxable year exceeds $2,450.

"(2) DISQUALIFIED INCOME.—For purposes of paragraph (1), the term 'disqualified income' means—

"(A) interest which is received or accrued during the taxable year (whether or not exempt from tax),

"(B) dividends to the extent includible in gross income for the taxable year, and

"(C) the excess (if any) of—

"(i) gross income from rents or royalties not derived in the ordinary course of a trade or business, over

"(ii) the sum of—

"(I) expenses (other than interest) which are clearly and directly allocable to such gross income, plus

"(II) interest expenses properly allocable to such gross income."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 5. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULE.—For purposes of this subtitle, if any United States citizen relinquishes his citizenship during a taxable year—

"(1) except as provided in subsection (f)(2), all property held by such citizen at the time immediately before such relinquishment shall be treated as sold at such time for its fair market value, and

"(2) notwithstanding any other provision of this title, any gain or loss shall be taken into account for such taxable year.

Paragraph (2) shall not apply to amounts excluded from gross income under part III of subchapter B.

"(b) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this subsection) be includible in the gross income of any individual by reason of subsection (a) shall be reduced (but not below zero) by $600,000.

"(c) PROPERTY TREATED AS HELD.—For purposes of this section, except as otherwise provided by the Secretary, an individual shall be treated as holding—

"(1) all property which would be includible in his gross estate under chapter 11 were such individual to die at the time the property is treated as sold,

"(2) any other interest in a trust which the individual is treated as holding under the rules of subsection (f)(1), and

"(3) any other interest in property specified by the Secretary as necessary or appropriate to carry out the purposes of this section.

"(d) EXCEPTIONS.—The following property shall not be treated as sold for purposes of this section:

"(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the date the individual relinquishes his citizenship, meet the requirements of section 897(c)(2).

"(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

"(B) FOREIGN PENSION PLANS.—

"(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

"(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

"(e) RELINQUISHMENT OF CITIZENSHIP.—For purposes of this section, a citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(1) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(2) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(3) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(4) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Paragraph (1) or (2) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—For purposes of this section—

"(A) GENERAL RULE.—A beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

"(B) SPECIAL RULE.—In the case of beneficiaries whose interests in a trust cannot be determined under subparagraph (A)—

"(i) the beneficiary having the closest degree of kinship to the grantor shall be treated as holding the remaining interests in the trust not determined under subparagraph (A) to be held by any other beneficiary, and

"(ii) if 2 or more beneficiaries have the same degree of kinship to the grantor, such remaining interests shall be treated as held equally by such beneficiaries.

"(C) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(D) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(i) the methodology used to determine that taxpayer's trust interest under this section, and

"(ii) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(2) DEEMED SALE IN CASE OF TRUST INTEREST.—If an individual who relinquishes his citizenship during the taxable year is treated under paragraph (1) as holding an interest in a trust for purposes of this section—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets immediately before the relinquishment for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (B)(ii).

"(g) TERMINATION OF DEFERRALS, ETC.—On the date any property held by an individual is treated as sold under subsection (a), notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate, and

"(2) any extension of time for payment of tax shall cease to apply and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) RULES RELATING TO PAYMENT OF TAX.—

"(1) IMPOSITION OF TENTATIVE TAX.—

"(A) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the individual relinquishes United States citizenship, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the date of such relinquishment.

"(B) DUE DATE.—The due date for any tax imposed by subparagraph (A) shall be the 90th day after the date the individual relinquishes United States citizenship.

"(C) TREATMENT OF TAX.—Any tax paid under subparagraph (A) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(2) DEFERRAL OF TAX.—The provisions of section 6161 shall apply to the portion of any tax attributable to amounts included in gross income under subsection (a) in the same manner as if such portion were a tax imposed by chapter 11.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations providing appropriate adjustments to basis to reflect gain recognized by reason of subsection (a) and the exclusion provided by subsection (b).

"(j) CROSS REFERENCE.—

"For termination of United States citizenship for tax purposes, see section 7701(a)(47)."

(b) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(47) TERMINATION OF UNITED STATES CITIZENSHIP.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)."

(c) CONFORMING AMENDMENT.—Section 877 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any individual who relinquishes (within the meaning of section 877A(e)) United States citizenship on and after February 6, 1995."

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation."

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to United States citizens who relinquish (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) United States citizenship on or after February 6, 1995.

(2) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(1)(B) of such Code shall in no event occur before the 90th day after the date of the enactment of this Act.

The PRESIDING OFFICER. There are 5 hours of debate, equally divided.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I do believe the distinguished chairman of the committee wishes to speak first.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank the Chair.

Mr. President, "Amici attenti." These are the opening words in the play "Fiorello" when Fiorello LaGuardia is first campaigning for Congress in 1916. The set—and I saw it first in New York—is a wonderful set. As he is campaigning, to give the sense of ethnic campaigning, he has a little box and they put it on the left of the stage. He stands up, and as he is speaking to Italian immigrants, he says, "Amici attenti, Trieste must be free as we must be free."

Trieste was then a port disputed between what is now Italy and what we used to call Yugoslavia. It was then part of the Austro-Hungarian Empire.

Italy, of course, was allied on our side during World War I, and the Austro-Hungarian Empire was against us. And one of the big issues in American politics where there was ethnic campaigning—people of Italian ancestry—was the issue of Trieste.

Many of us today would understand it in a different venue—Cyprus, those of Greek and Turkish ancestry; Jerusalem, those of Jewish and Moslem faith. The issues may change, but not the methods.

It was interesting to watch "Fiorello" in New York because at the end of his little pitch to those of Italian ancestry, the box is simply moved to the other side of the stage, and he stands up and he is speaking to those of Jewish background in Yiddish, with whatever may have been at the time in 1916 appropriate for an appeal to that group.

As I went to law school at New York University, that was all I needed, or anybody familiar with New York needed, to give the impression of ethnic campaigning.

I saw the play produced at an Oregon high school some years later, and it was interesting the way the scene was done. They did the "amici attenti," moved the box on the other side, and spoke in Yiddish. Then they moved it back, and there is the same type of interlude in Swedish. They moved it back again on the other side, and it was in Scottish.

Afterward, I talked to the high school producer and asked him did he know he had added this. He said, yes, he had seen "Fiorello."

I asked, "Why did you add it?"

He said, "Because the students here are familiar with the Johnsons and the Eriksons and the MacGivers, but not the Giadellis, Bergers, or Cohens. And so, for this audience to give the impression of what ethnic campaigning was like, it had to be put in a form understandable to that audience.

I thought to myself, we are all products of our environment and where we grew up. And we may see things in a different light and often at a different time.

You may remember the difficulty that Ed Muskie had in 1972 when he used, or was alleged to have used, the word "Canuck," a term of derogation, a term not to be used, and it hurt him in the campaign.

Yet, you can go back not more than 60, 70 years to the musical "Naughty Marietta" and the captain, Captain Dick. Captain Dick's infantry was almost a free-booter in terms of this little private army, and in the Victor Herbert musical, "Naughty Marietta," you recall the lines:

Tramp, tramp, tramp now clear the roadway.
Room, room, room the world is free.
We are Planters and Canucks.
Virginians and Kaintucks.
Captain Dick's own infantry.

There it was used as a term of geography, perhaps, but really used as a term for rural Americans. It does not matter if we are Canucks of French Canadian background or planters or Kaintucks. The times had changed and times do change.

I remember well January or February 1942. My father was a lobbyist for the principal Oregon business group, now called Associated Oregon Industries, and then called Columbia Empire Industries. He used to go to the legislature. He was a house counsel for them, not outside. He attempted to explain to me in 1942 an incident that I could not grasp at the time.

I grew up practically every day after school at the neighborhood YMCA—swimming, tumbling, basketball—and it was, indeed, a neighborhood youth center, and we had a number of boys, members of Japanese ancestry. One day they disappeared. Gone.

My father attempted to explain the relocation. He attempted to explain these were American citizens—he was also a member of the American Civil Liberties Union, even though he was a business lobbyist—and the unfairness in what he thought was clearly an unconstitutional act, and surely the Supreme Court would strike it down.

I remember him calling to my attention that we were not going to imprison any Americans whose names were Shultz or Heindrich of German ancestry, even though at the time German submarines were sinking ships 5 and 10 miles off our coast.

It was a difference in the way we looked at ethnic backgrounds.

Mr. MOYNIHAN. Or Giadelli.

Mr. PACKWOOD. Exactly. We did not imprison any Giadellis or any DeAngelos; only those of Japanese ancestry. So as we look at things, our whole growing up and our whole background influence us.

I noticed the glass ceiling report the other day on women and employment. I can understand the report. It is hard for me to grasp, in terms of my own employment practices. The women in my office are my chief of staff, my press secretary, my legislative director, my staff director, and chief counsel on the Finance Committee. All of the principal positions of leadership in my offices are held by women. All of my campaigns have been managed by women for the last four campaigns.

On average, although we did this study 8 or 9 months ago, women made, on average, $10,000 more a year than men in the office. I once had a man—I do not know if he was facetious or not—who talked to me about affirmative action and the feeling that somehow men were not treated quite as equally.

In my office, if I had to have a quota system, I would have to fire two or three women and probably lower the salaries of many others in order to reach some kind of equality.

So, again, we are all products of our background. We all see things as we saw them when we grew up, and often people who grow up in a different era, or are treated differently, come at things in a different way.

I think rather than being harsh with each other and judgmental, we are often better to be kind.

One of the nicest eulogies I think I ever read was by Winston Churchill when Neville Chamberlain died. He died in about 1942. Chamberlain had been the Prime Minister of Great Britain. He had been really the head of the pacifists and had negotiated with Hitler for peace for our time. He had been proven utterly wrong, and had to resign almost in disgrace at the start of the war.

Churchill, all during the thirties and during the ascendancy of Neville Chamberlain, said, "Watch out for that man. This Hitler is evil. We are going to go to war. The pacifists are wrong. We should be arming, not disarming." Everything Chamberlain did, Churchill disagreed with, and Churchill was right.

Churchill's wonderful eulogy is as follows:

> At the lychgate, we may all pass our own conduct and our own judgments under a searching review. It is not given to human beings happily for them for otherwise life would be intolerable, to foresee or to predict to any large extent the unfolding course of events. In one phase, men seem to have been right, in another, they seem to have been wrong. Then again, a few years later, when the prospective of time has lengthened, all stands in a different setting. There is a new proportion. There is another scale of values. History with its flickering lamp stumbles along the trail of the past, trying to reconstruct its scenes, to revive its echoes, and kindle with pale gleams the passion of former days.

He goes on for another three or four paragraphs in his book and he concludes that, "We do honor to one." Churchill would have had every right if he had wanted to say this man was wrong, but he did not.

Now, Mr. President, with that background, let me come to this bill. The issue of this bill, de facto, is whether or not we are going to fund, for those who are self-employed, enough money so that they can deduct 25 percent in the first year and 30 percent thereafter of the cost of their health insurance premiums. There is no debate about that subject. There is barely any debate about the funding levels. We would all like it to be higher, but there is no debate about what we have done. And in the discussion of this bill, I think relatively little controversy, if any, would be generated about the purpose of the bill.

But the bill became a flash point when it passed the House and part of the financing—we have continued it in the Senate—was the elimination of what are known as minority and women certificates at the Federal Communications Commission, whereby certificates of preference, in essence, are given to sellers or others of broadcast properties if they will sell them to minorities or to women.

This brings us, really, to the issue—and it is interesting that in the Washington Post this morning there is a long story and in USA Today is the longest story I have ever seen for USA Today—four pages—on the issue of affirmative action. I thought it ironic that on the day we start this debate, those stories would be in two principal newspapers. It is doubly ironic that we start this debate on a bill that comes from the Finance Committee. We have jurisdiction of many things on this committee, but never in my wildest imagination would I have thought the first debate on one of the major issues to face this country would come out of this committee. But so be it. Like generals, you cannot choose where you want to fight. You fight where you have to.

Let me discuss what the issues involved are and what we face, because I think in this bill and in this issue, whether or not we want to have preferences is really oblique. But what will come after this may be set by the tenor of the debate today. Take a look at the history of civil rights enforcement, and it really falls into three categories: individual discrimination, individual remedy, and then past discrimination, where the remedy was a group entitlement rather than just an individual remedy. The last is a situation is where you have no discrimination shown in the past at all, but you have group entitlements because you want to change the ratios of employment, or admittance to colleges, or whatever, but no showing of past discrimination. Those three—the first is individual discrimination and individual right; the second is past discrimination and group right, even though everybody in the group may not have been discriminated against. And the last is, where there is no evidence of discrimination.

Take the first, individual discrimination. Suzy Goldberg is Jewish, and Suzy wants to buy a house in a housing development. The developers have a covenant that they cannot sell to Jews. Suzy sues and wins and gets the house, and Suzy gets damages. An individual wrong and an individual remedy. And that was what we thought we meant, I think, by civil rights and civil rights enforcement, that all people were to be judged on their individual merits and treated individually. Then we moved to a second phase. I remember this era because I was here. To digress for a moment, it is interesting, when we were debating the budget the other day, I mentioned a 1972 bill in which we were voting whether or not to give to President Nixon the power to cut the budget when it exceeded $250 billion. One of the younger staff members, one of our permanent staff members, came up and said to me, "Senator, that was very interesting, but if we had term limits, would anybody know about that except some historian? I thought her point was well taken, perhaps because I am going to go back now in history. I am not sure, if we had term limits, that anybody would know.

Anyway, we went through this first phase of individual remedies for individual discrimination—and Hubert Humphrey's wonderful comment is cited over and over on the 1964 Civil Rights Act. He said:

> I will start eating the pages, one after another, if there is any language which provides that an employer will have to hire on the basis of percentage or quota related to color.

He was thinking individual remedy for individual discrimination. But the difficulty came when you started getting into a situation where you had businesses that simply had a history of discrimination. Women would not rise above a certain position. No blacks would be hired. And you had this 30, 40, or 50 years of discrimination. What do you do? How does one individual remedy solve an almost aggregated problem?

So the Johnson administration—and my good friend, Senator MOYNIHAN, the ranking member of the Finance Committee, is well familiar with this era. He was in the Kennedy administration in the Department of Labor and certainly is familiar with everything that went on as we got to the Office of Federal Contract Compliance and the effort to get employers and those who contract with the Government to do better at hiring minorities and women. But the administration, I think, correctly was afraid to actually set quotas. They did not want to use the word "quotas." Therefore, business, on the other hand, was not quite sure what goal they were to hit. Ironically, it fell to a Republican administration to really address this—there had been a couple of court decisions, but the first set out a remedy that went way beyond any remedy to rectify discrimination to an individual person. It was called the Philadelphia plan. Here again, when I say I have been here long enough to remember this, I am not sure if we had term limits, if anyone would know this.

The Under Secretary of Labor was Larry Silberman. He was the author of the Philadelphia plan. He is now on the court of appeals. I knew him well. I was on the Labor and Public Welfare Committee and dealt with him then. More importantly, I got to know his wife, and she was my press secretary for several years in the 1970's. So it is a longstanding association. Larry Silberman, now Judge Silberman, was the author of the Philadelphia plan. In Philadelphia, in the building trades, they had a history of discrimination. Initially, we thought against blacks, but I recall, 20 years ago, Larry saying it was not against blacks, it was against anybody not related to somebody already in the trades. You hired your cousin or your uncle's nephew, or somebody like that. It was a closed show. But it was totally closed to blacks.

So the administration came up with the Philadelphia plan. Larry Silberman, Under Secretary of Labor, now Judge Silberman on the court of appeals, was simply decreeing that, henceforth, the building trades would have to hire a certain number of minorities, and there had to be a timetable and a goal to be reached. And the problem was—and Larry Silberman said, in retrospect, and he set this forth in a wonderful Wall Street Journal article in 1977—he said that inevitably the goals and the timetables became quotas. How could you know if somebody was meeting the goal without counting? And the counting became quotas. And, finally, the employers, out of frustration and fear, started setting quotas. If there were 20 percent blacks in the area, you try to hire 20 percent blacks, if you can.

I might quote one paragraph from that Wall Street Journal article that Larry Silberman wrote in 1977:

> I now realize that the distinction we saw between goals and timetables on the one hand, and unconstitutional quotas on the other, was not valid. Our use of numerical standards in pursuit of equal opportunity has led ineluctably to the very quotas, guaranteeing equal results, that we initially wished to avoid.

So now we have gone from an individual remedy, for an individual act of discrimination, to a group entitlement and having to hire a certain percentage of minorities, even though many in the minority may have never suffered any individual discrimination in hiring. They never applied and had never been turned down. As Larry Silberman said, once the Philadelphia plan was adopted, we began to apply it nationwide like Johnny Appleseed, scattering it every place, and even starting to apply it where there was no evidence of discrimination. Just assuming that after 200 years there had been discrimination and therefore, Mr. or Ms. Employer, if you want to contract with the Federal Government, you better have so many percentages of different minorities.

That brings us to the issue at hand. It is the issue of the Federal Communications Commission and the issuance of tax certificates. We are principally talking about sellers of broadcast properties receiving a tax credit when they sell to a minority. And the sellers are the ones that make, initially, the great profit. Here is an example: Let us say you bought a radio station for $1 million 10 years ago and you want to sell it now. It is now worth maybe $5 million.

The FCC says if a person sells it to a minority, they need pay no taxes on the profits if, within 2 years, they reinvest them in a similar property. No capital gains, no nothing.

So they have a $1 million station, they sell to a white person for $5 million, they have to pay taxes on $4 million. Sell to a minority, they have $4 million profit, and roll it into a similar profit and they pay no taxes.

What brought this issue to a head was the so-called Viacom deal, and this was a big deal. This was a sale of about $2.4 billion and a deferral of taxes, $400 to $600 million of taxes. That is what caused this issue to come to a head.

Here is the problem with the FCC tax certificate program. First, there is no history of discrimination in the sale of broadcast properties. If a person wants to sell their radio station, they will sell it to the highest bidder. One fellow said, "I don't care if they have blue skin and an eye in the center of their forehead. If they have the most money, they get to buy the station."

There is utterly no history of discrimination in the sale of properties. Yet the FCC wanted to ensure that minorities could get properties, and they had to hinge it on something, as they had no history of discrimination in the sale of these properties.

So they came up with the idea of diversity broadcasting. It is not a new idea; it is a policy they have followed for years. But normally we would have thought of it as economic concentration. A person was not allowed to own two radio stations in the same town. They came up with a policy that said, "You have to sell one." Involuntary conversion. You sold it, you got the tax certificate because the Government made you sell it.

Pretty soon they said a person could not have a newspaper and television station in the same town, and they required the divesting of the involuntary diversions, and the tax certificates were used because they changed policy. It was almost as if they were thinking they did not want William Randolph Hearst to own the television station, radio station, and newspaper—almost an economic antitrust.

The argument is people wanted diversity. In 1978, the FCC, Federal Communications Commission, started the policy of diversity; you sell to minorities and you want diverse voices owning television and radio so you could get a different kind of editorial opinion and a different kind of news.

Here is where the interesting linchpin comes. It is a difference of opinion as to how one reads the studies. I have now read all the studies. I think I mistakenly had not read enough when it went through the Finance Committee. I thought initially that the studies proved that minority-owned radio stations and television stations programmed differently. I have now, I think, read all of the studies that were relied upon, and I will cite a few.

One was done by Marilyn Fife in 1984, an associate professor at Michigan State University. It was a relatively modest study, of two local television stations in Detroit. One was owned by a minority and one not, and her conclusions were as follows: There was no significant difference between the stations as to news and coverage of international politics or issues. No significant difference existed regarding coverage of community events and human interest stories. No significant difference existed as to coverage of crime, accidents and fire. And there was no significant difference in the amount of time devoted to racially significant stories. In sum, she could find in that study no evidence that minorities programmed to minorities.

She did another study in 1986. This time she studied four television stations, one in Corpus Christi which was owned by Hispanics; another one in Detroit—the minority owned station she had studied previously; one in Jackson, MS, that was black-owned; and a station in Bangor, ME, that was 100 percent black-owned, principally by 35 black professionals who were mostly from Chicago.

What she discovered was interesting. In Corpus Christi, which is 48 percent Hispanic, this station owned by Hispanics attempted to broadcast marginally to Hispanics but they had difficulty getting advertising revenue, and they did the best they could. But she also discovered that there were other stations in Corpus Christi. These are radio stations owned by whites that were broadcasting to Hispanics—48 percent of the market. We can understand why.

The Detroit study was no different than she had seen 2 years before. The two stations—one black-owned, one not—still broadcast similarly.

In Jackson, MS, about 40 percent of the population is black. But the black-owned station did not program any differently than the other stations programmed. All of the stations were aware that there was a 40 percent black audience; it did not matter if they were owned by minorities or not.

Then in Bangor, ME—the interesting one—Bangor has only about .2 percent black population. And although the station studied was totally owned by blacks, they said it was first and foremost a profit-oriented entity. The goal of the news management was to have similar news coverage as the other two local stations. It is understandable.

Then we have the Trotter study in Boston in 1987. This study compared the types of news coverage by five newspapers and then three television stations and two radio stations, one white-owned and one black-owned.

They discovered among the newspapers, initially, a tremendous diversity in the way the news was covered depending upon whether you were black-owned or not. But then look at the papers that were being studied. The Boston Globe and the Boston Herald were immense big dailies, not black-owned. The three black-owned papers were the Bay State Banner and the Boston Greater News, both published weekly; and the Roxbury Community News, published monthly.

They, in essence, were "narrow casting" as can be done in the print. We still find all kinds of foreign language newspapers in this country, printed in this country, for a narrow population. Those three black-owned papers in Boston, two weeklies and a monthly, were programmed to some extent to a black audience. But we can do that in print; a person can do that. Say, if I have 5, 10 percent or 15 percent interest in this, I can make a little profit on it. But the two big papers, the Boston Globe and the Boston Herald that were in essence printing broadly for everybody, printed for the broad audience.

Then regarding the radio stations studied in Boston—one white-owned and one black-owned—again what the Trotter study concluded was interesting. We should think of it in the context of our use of the words "narrow" and "broad." What do we call the function of radio and television stations? We call it broadcasting. It is almost impossible to limit your signal to a particular segment—to broadcast it to a particular segment of the population. A person might get a particular segment to listen —broadcast country and western, or soul, or all news. Whoever likes that will listen. No way can a person shut out everybody else who might want to listen.

What the Trotter study discovered on the broadcast properties was that they all broadcast "broad" whether they were owned by whites or owned by minorities. They all regarded themselves as part of the overall community. No significant difference.

Then we get to the CRS study, the Congressional Research Service study, which admitted in itself it had some shortcomings. It was done in 1986, but it was done by sending out a questionnaire. It had, basically, sort of multiple choice and then check boxes as to what kind of programs are done, no personal interviews. All the stations did not respond, but it was a broad study. There is a question as to whether it was deep or not—it is hard to tell.

From this study came the principal reliance of the courts, or the principal criticism by the courts, of the FCC's policy, because it finally came to the courts. And, in the Metro Broadcasting case, the Supreme Court, in a 5-to-4 decision—although it is interesting that 4 of the 5 in the majority are now gone and have been replaced by the other 4 that have been appointed since 1990—it relied upon, basically, the CRS study and said there is evidence that a minority-owned station programs more likely to a minority audience than would a nonminority-owned station.

But in a blistering dissent when the same case was in a lower court, Judge Williams said as follows:

> Hispanic targeting is obviously more likely to be profitable in Miami than in Minneapolis. Thus, if specific minorities are more likely to own stations in areas where they are numerous (which seems likely), the difference in "targeting" that the Report hesitantly attributes to the owners' racial characteristics may be due simply to their rational responses to demand.

This was the difficulty with the study. How do you tell if a station—if it is in a city that has a 30- or 40- or 50-percent Hispanic listening audience or a 25- or 35- or 40-percent black audience and is owned by a minority—programs a certain way because it is owned by a minority or programs that way because that is the audience there is to listen to it? And that is what the minority, both at the lower court and then 5 to 4, with Sandra Day O'Connor writing the dissent in the Supreme Court—that was the difficulty they found. And she says, "First," in the dissent, "the market shapes the programming to a tremendous extent. Second, station owners have only limited control over the content of programming. Third, the FCC had absolutely no factual basis for the nexus when it adopted the policies and has since established none to support its existence."

In essence, she said there is no evidence to conclude that because minorities own a station they broadcast to minorities.

Now, however you look at these two or three reports, where you could read them one way or the other, there are two glaring problems with them. One, the CRS, the biggest study, did not include television in its analysis. So you have no evidence. They just did not cover any television stations. And, while they included women, the report basically concludes that women-owned stations do not program specifically to women. So if your hope in giving a minority certificate to a seller who sells to women is to get whatever women's programming might be—whatever that is—you do not get it. It is no different than any other station that is owned by a man.

So, in these multiple studies, you have this situation: Some arguable evidence—some—that a minority-owned station might program to minorities. But to me, the overwhelming evidence is that it depends upon the market that you are in, rather than the ownership. Second, as to women, there is no evidence that they program to women at all.

In fact, again, I started this speech talking earlier about my experiences. In Oregon—I do not know if this is true in many other States—our second biggest market is Eugene, OR. I know what its population is. I do not know what the thrust or radius of the broadcasting market is, but I would guess 300,000; and Medford, OR, I guess would be our third biggest market, and I guess it would be 200,000. Each of the towns have the three network affiliates. In each of the towns, two of the network affiliates are owned by women. Ironically, in each of the towns, the affiliates are owned—I mean in Medford and Eugene—each of the affiliates are owned by the same woman. So in Eugene, OR, you have Carolyn Chambers owning a television station, going head to head with Patsy Smullin, who owns a television station. And in Medford, OR, the same two women own two stations, going head to head in competition. I defy you to go to Eugene, OR, and watch any of the stations and try to figure out from looking at what is on it whether it is owned by a man or a woman. You cannot. I understand why. These are two canny women. They are successful businesswomen. They understand their markets.

So now you ask yourself—and this is where we are coming, now, down to the third issue. Remember, I said there are three types of remedies in the history of civil rights litigation.

One is remedies for individual discrimination. Suzy Goldberg cannot buy the house. She is discriminated against. She sues, she wins, she gets the house and damages. That is one.

Two, you have remedies based on a history of discrimination. Let us say it is in employment. A business has not hired blacks, or trade unions have not let minorities in for years, and you sue and your remedy is a class entitlement in which you say: We are going to require the business to hire so many women or promote so many women; or we are going to require the trade union to let in so many minorities until they reach a certain quota and we are going to give this preferential hiring right to any number of people in the class that has been discriminated against even though they individually have not been discriminated against, but you have a history of discrimination.

And then the third type of remedy is in a situation where you have no history of discrimination. This is where the difficulty comes in Federal programs, and it is an interesting distinction that the Court makes. When the Court is reviewing discrimination on the part of State or local governments, or businesses or trade unions, there must be evidence of past discrimination before there can be a remedy of any kind. But if the Federal Government is imposing some kind of hiring preference or admittance preference or whatever, the Court does not require any showing of discrimination. They have made a distinction between Federal actions, whether they are administrative or congressional fiat or findings; they do not require any finding of past discrimination.

That brings you to the situation where we are now with the Federal Communications Commission, where you have no history of showing of past discrimination in the sale of broadcasting properties, and where at best the only justification for the minority tax certificates is the argument that minorities or women program differently, and you get diversity. As I say, the evidence on this is mixed. Is that a sufficient justification for setting aside part of the television and radio spectrum for women and minorities?

Without getting into the argument as to whether it is or it is not, the question you ask yourself is: Do we want a Government policy that says we are going to attempt to help minorities or to help women where there is no evidence of discrimination? And in order to help them, we will give them a preference and, of necessity, as there is a limited amount of these properties, the preference will have to exclude somebody else who could have otherwise bought the station or might have otherwise bought the station.

I want to tell you what I think is the danger of this policy. It is not so much a danger as to whether or not we want to have a policy of giving preference where there is no discrimination. What bothers me is that the Federal Government is first defining minority and deciding what voices it wants to hear in broadcasting.

I will tell you one group that is not included that I would think would have a legitimate complaint. It is Americans of Arab ancestry. They do not count as a minority. They are Caucasian, so they do not count. I would wager that the average American watching television news today thinks of anybody of Arab ancestry as a terrorist—they are going to blow up the plane, blow up the World Trade Center, or assassinate our diplomats. It is totally unfair to the millions of Americans of Arab ancestry who are hardworking, decent Americans, who send their kids to school—but they do not count as a minority. They cannot get any tax preference for the purchase of a radio station or television station because the Federal Government has made its decision as to which voices will be allowed. And when any government has the right to make that decision, that is a danger to be frightened of.

Most of us in the Senate can still remember the attacks that came before, during, and after Nazi Germany about the Jewish-owned press. The New York Times was singled out by the Fascists as supported by the Government. They were not, but it was the allegation: supported by the Government. It was a front for Franklin Roosevelt. That is the kind of fear I have, a fear of the consequences when governments begin to determine who is going to have the right to be the voice of the people.

You think back in history. Again I come back to what in my mind amounts to discrimination against Americans of Arab ancestry. It is particularly ironic if you think back in history. When we were going through the Dark Ages and Western Christendom was going through the Dark Ages, we progressed through holding on to repositories of learning in a few monasteries for practically 1,000 years. You had these great Moslem centers of learning, and Jewish centers of learning. Ironically, almost all of them were in what is present-day Iraq. Here were the candles of learning and education which we kept burning. Western Christendom was almost on the brink of intellectual extinction.

So times change. Were there periods in our history where we needed to have group entitlements to remedy past discrimination? I emphasize that again. Group entitlements to remedy evidence of past discrimination? Maybe. Maybe not. That was the Philadelphia plan. The Philadelphia plan, for all of its good intentions, when it set goals and timetables could not avoid quotas because there was no way to get there without counting.

But I really want to ask a broader question—we do not need to answer it really today in this bill—as to whether or not we want group entitlements where there is no evidence of past discrimination. Not an iota. And we allow the group entitlements at the expense of others in different groups because of the Government decision that we want to prefer some people over others where there is no evidence of discrimination.

So as we start this debate—I do not mean today—as we start it in this Congress and in this country, and it is coming in the years, I hope we begin this debate with understanding and not malice. I hope we can conduct this debate with gentleness rather than rancor. I hope we conclude this debate with love, charity, and the hope that all individuals of any race or ethnic background can finally achieve their rightful day in the Sun where they do not have to live in the shadow of the suspicion that they got there because of a preference.

I wish that we had not had to come to this today or any other day. But we are here.

So let us continue, as I hope, in spirit of fairness and let us make the decision as to whether or not this country wants to go down the path of group entitlements without any evidence of discrimination.

I thank the Chair.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I begin by—once again, not the first time and not for the last—expressing my great admiration for the clarity, openness, and wisdom with which the Senator from Oregon, the distinguished chairman of our committee, has spoken. I have nothing of the depth or breadth of his observations to offer myself today.

But I would make just a very few comments, some of which might resonate with the chairman. He mentions that I was in the Kennedy administration. I was, in fact, Assistant Secretary of Labor for policy planning in the Kennedy and Johnson administrations. I was present at the creation, if you could say, when Vice President Johnson went down Pennsylvania Avenue, and left this Chamber. He had two principal activities in the Federal Government, not many, after rather enormous energy was given to assignments: The space committee, which was mostly interested in whether—the great issue at the time—that would we build the supersonic transport. All the major transport planes in this country had been begun as military models. They had gotten bigger and faster and so forth.

Finally, they came along with the supersonic. It could get you anywhere in no time at all but with only a platoon of marines. And was it really worth it? The Defense Department said we will turn it over to civilian manufacture, if they want to. In the end, as you know, we decided not to and the Europeans decided to do so.

Vice President Johnson would concentrate on that, and have meetings all Saturday and Sunday. But mostly he was concerned with a Department of Labor subject of the employment of minorities in units. He threw himself into that effort.

I can remember walking into Secretary of Labor, Arthur Goldberg's office one morning and there on Steve Schulman's desk were three pink slips saying "Call Camel." He was in Afghanistan, the Vice President at that point, in that celebrated effort in which he took a camel driver, and gave him a truck and ruined the man's life. They did not have any spare parts for the trucks but with camels you could go. But he was thinking of this mission and all.

When he became President and was dealing, he was confronting, and you were very sensitive. If I can say to the Senator that Judge Silverman, commenting on the Philadelphia plan, pointed out that they discovered that the absence of other groups in those building trade unions was not a matter of discrimination against as discrimination for. There has been a great deal of literature, apocalyptic, grandiose, about the nature of the labor movement and what it would do for the world, transformation, and so forth.

But still the most demanding text was written out of the University of Wisconsin in the 1920's by Selig Perlman, called the "A Theory of the Labor Movement," in which he broke the hearts of a whole generation of progressives by saying the labor movement arises from the perception of the scarcity of economic opportunity. There are not many jobs. There are only some jobs for plumbers in this town, and it would be very careful who gets to do the plumbing, trying to restrict it to your circle because the economic opportunity was scarce. That was published, "A Theory of the Labor Movement," in 1928.

But it also became clear as we began these efforts that we were dealing with issues of caste in American life, then very real, but also class. Particularly in the Labor Department they had been able to understand the class issues; that these merged in many circumstances.

There is in the current issue of The New Republic an article by Richard Kahlenberg called "Class, Not Race." It proposes a distinction which is real. But I do not think an exclusive consideration of either one gets you into a lot of difficulty. But he points out. He said:

> In Lyndon Johnson's June 1965 address to Howard University in which the concept of affirmative action was first unveiled did not ignore class. In a speech drafted by MOYNIHAN, Johnson spoke of the aftermath of caste discrimination which had the effect of class disadvantage. That was the first assertion of affirmative action as a Presidential policy.

The speech was given in June 1965, and on September 24, Executive Order 11246, part one, nondiscrimination in Government employment. This was directed to discrimination and nondiscrimination in employment by Government contractors and subcontractors, addressing yourself to the old refrain "no Irish need apply" phenomenon.

We provided that the Federal contractor had to agree to take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color or national origin. That is the first use of affirmative action.

In 1967, I had departed then but all work was done in the Labor Department—very important, the Labor Department—in 1967, the Executive Order 11246 was amended to apply to gender discrimination as well, by President Johnson. And then again in 1969—and peripatetically I am back, I am in the White House—President Nixon went further in Executive Order 11478 to speak basically to quantitative measures:

> The head of each executive department and agency in the United States Government shall establish and maintain an affirmative action program of equal employment opportunity within his jurisdiction, in accordance with the policy set forth in section 1, to assure that recruitment activities reach all sources of job candidates.

At this point, not to sound too theoretical, we are getting behavior of organizations. Two phenomena took place. One is that Federal executives seeking to bolster the legitimacy and widen the support for these affirmative action programs included successively new groups identified in one form or another, thinking that this would widen support—Native Americans, an obvious example.

But I remember, in the 1970's, running into a list that had been compiled in the Department of Health, Education and Welfare which on one line in a list of categories had the category Maylays and Aleuts. It is a little hard to be clear what exactly the relationship between Maylays and Aleuts was, but somebody had it in their head. We will deal more effectively, with the kind of openness of mind and heart that the Senator has spoken of, if we are aware that we are not alone in this matter. Ethnic divisions are the primary source of division in the world today, class division having turned out to be much less powerful—not absent but much less powerful. The problem is, as the Senator has referred, once you list 10 groups, you have excluded 110 groups. So then you go to 11 and then you will go to 12. But you never reach a point where there is nobody that has not been excluded, and indeed our affirmative action programs today on behalf of minorities cover about 75 percent of the population.

The second point to make, if I may—and I am sure the distinguished Presiding Officer would recognize this—it is invariably, inexorably the pattern of bureaucratic behavior—I know it is a bad word but it is a reality—to seek to quantify. They will say count up and then we will know. It is Weberian uniformity. I have got to be able to say I have the same standards you have and let us measure by these same standards which will turn out to be quantitative. Let us see who has done the better job.

I think if we demystify a lot of this, we will do a better job in handling it, with the openness that the Senator talks about, because let us not have any illusion about the problems of equality in the United States. There are very real problems of equality. The Senator from Oregon nodded agreement at this point. They are enduring problems and a democracy inevitably and properly addresses them, and does so in settings of great emotion because the one basic fact is that we are a Nation defined by credo rather than by territory and blood, and the credo of equality is very powerful in the United States. In the end, you have to be very sensitive to perceptions that it is not being equally applied, and that is one of the things we are going to deal with here.

If my friend would permit, however, I would like to address the more pedestrian but yet more urgent matter before us which is the restatement of the 25-percent tax deduction for the health insurance expenses of the self-employed, which is the measure before us today.

Authority for this tax deduction expired at the end of 1993. The health care reform legislation reported by the Finance Committee last year would have reinstated it on a timely basis, but obviously we did not get that legislation passed. Thus, we have a situation where the filing deadline for the 1994 tax year is fast approaching and the self-employed are left with no health insurance deduction. It is imperative that we act promptly on this legislation so that more than 3 million self-employed individuals across this country can file their 1994 tax return by the April 17 filing deadline. We must act quickly, and I am confident we will.

Of course, reinstating the deduction costs revenue. In order to avoid increasing the deficit, we must offset its cost with other provisions. And I was concerned, with colleagues on both sides of the aisle, that we have decided to pay for the health insurance deduction with a provision that has a long history and is controversial, as the chairman observed.

I refer to section 1071 of the Internal Revenue Code which authorizes the Federal Communications Commission to provide tax deferral to sellers of broadcast properties when such sales effectuate FCC policies, including sales to minority purchasers to foster program diversity. This bill would retroactively repeal section 1071 so that even those transactions which had been negotiated in reliance on section 1071 could not go forward. One thing is clear as we consider this bill—there were other ways to pay for the reinstatement of the deduction.

Mr. President, many assertions have been made about the FCC tax certificate program, some justified, some not.

I, and many of my colleagues, recognize that valid questions have been raised about the way that section 1071 is currently being administered. But, before we act on this bill, we should be clear that other options were available, short of outright repeal on a retroactive basis. I proposed an amendment in the Finance Committee that would have paid for the health insurance deduction at an increased level of 30 percent, avoid the issue of retroactivity, and provided a moratorium of up to 2 years on the FCC's issuance of tax certificates. During the moratorium period, no FCC tax certificates would be issued and applications for tax certificates would not be processed by the FCC. The Administration is undertaking a comprehensive review of all Federal affirmative action programs. The moratorium would have provided adequate time for the Congress to take a careful look at section 1071, consider any recommendations from the administration, and make changes in an orderly way. Section 1071 was enacted more than 50 years ago, in 1943, and its application to sales of broadcast properties to minority purchasers has been in place for 17 years, since 1978. It is only reasonable to expend more than a few weeks when making significant changes to the provision. Unfortunately, the necessity of acting quickly on the extension of the self-employed health insurance deduction has precluded that kind of deliberation.

The amendment that I offered in the Finance Committee to this legislation would have eliminated the retroactive aspect of the repeal of section 1071. Our colleagues in the other body, and more recently the Senate Finance Committee, have voted to repeal section 1071 on a retroactive basis—that is, retroactive to January 17 of this year, the date on which the Chairman of the Ways and Means Committee issued a press release raising concerns about the provision. The best information we have is that there are at least 19 transactions that were negotiated in reliance on the existence of section 1071 and had FCC tax certificate applications pending on January 17. In many of these cases, the parties had signed definitive purchase agreements, subject only to issuance of an FCC tax certificate, filed applications for FCC tax certificates, and expended hundreds of thousands—in some cases, millions—of dollars in negotiation costs. All done in reliance on an FCC policy that had been in place for 17 years and had been expressly reaffirmed by Congress in each annual appropriations bill for the FCC since 1987, most recently in appropriations legislation passed in August 1994.

Businesses cannot plan, cannot negotiate, and cannot compete on a fair basis under the threat of this kind of retroactive reversal of the law. The critical issues are adequate notice and justified reliance. Many of us believe that the affected parties justifiably relied on the law in effect when they entered into their transactions, and that the notice they received was not adequate. This kind of retroactive legislating should not be done. I regret that it is in this bill, but the time has now run out for alternatives if we are to get the self-employed health insurance deduction reinstated within a reasonable period before tax returns for 1994 must be filed.

Mr. President, we could have addressed the need to extend the self-employed health insurance deduction in a timely manner without retroactively repealing the Minority Broadcast Tax Preference Program. We must act promptly to reinstate the 25 percent tax deduction for the health insurance expenses of the self-employed. And, we will. I regret, however, that my colleagues did not accept the amendment I offered in the Finance Committee which would have allowed us to review this provision more carefully, correct what must be fixed and retain what has clearly worked for so many years.

Mr. President, I see the Senator from Maine has been on the floor. I think he wishes to address this.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Maine.

Mr. COHEN. Mr. President, first let me say that we have heard presentations here this morning by, I believe, two of the most intellectually gifted, eloquent Members of the U.S. Senate, both of whom have a long record in the field of civil rights and affirmative action programs that attempt to rectify policies of discrimination.

The PRESIDING OFFICER. Let me interrupt the Senator.

Who is yielding time?

Mr. PACKWOOD. Mr. President, I yield as much time as the Senator may need.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COHEN. I thank the Senator for yielding.

I would like to discuss the broader issue involved here. Since this particular bill is said to be the first wave of an oncoming assault on all affirmative action programs, I would like to discuss the subject in a broader context.

First, commenting on the statement of the Senator from New York, we are trying to provide very much needed relief to the self-employed, a tax benefit that had expired last year for self-employed individuals who need to purchase health insurance. That deduction expired last year. It needs to be restored.

In my own opinion, we need to expand it as we try to reform our health care system. Many of us would like to see the self-employed put on the very same footing as the employers who now claim a 100-percent deduction. Obviously, that will involve a revenue loss and we will have to find ways to pay for it. That, of course, is the second component of what we are talking about here today, finding ways to pay for the restoration of a tax benefit that we would like to see not only restored but increased.

I think what is remarkable from my perspective, in reading today's Washington Post front page story about the mood that is sweeping the country, one that the polls tell us is overwhelming, that is the rejection of the whole notion of affirmative action.

Many people assert today that we are living in a color-blind society. I feel that is a flagrant falsehood. I do not for one moment believe that we live in a color-blind society. I think, quite to the contrary, perhaps we are more color conscious than ever by virtue of the social developments that have taken place in the past 10, 20, 30 years.

There is also a notion that not one of us should ever be held responsible for past discrimination. In other words, you could have what you call 2 centuries or 4 centuries of absolutely reprehensible conduct and its impact on the minority groups, and there should be no curative or restorative responsibility borne by today's generation. That is a sentiment which apparently is very widely held.

Another widely held view is that unqualified blacks and minorities are taking jobs away from more qualified white males, and some would even argue genetically intellectually superior individuals. They refer to "The Bell Curve."

It has also been stated that reverse discrimination—which, I think, is a misnomer, reverse discrimination, because discrimination really means you have the power to discriminate, to hold someone down or back. For most people who fall into the category of minority, they do not have power. But, nonetheless, assuming you accept the phrase "reverse discrimination," some have said it is an evil equal to slavery. I find that to be more than a mild exaggeration, given the history of what has taken place in this country.

And, of course, most people believe, and all of us here share in that belief, that we are fundamentally opposed to discrimination.

On one hand, we are fundamentally opposed to discrimination; namely, basing our decisions and judgments of people on the color of their skin or the texture of their hair, their gender. We are all opposed to that, but we also reject any affirmative programs to rectify discrimination where, in fact, it exists.

I would like to say, respectfully, to my colleagues that we have yet to fully and honestly confront the fact that racism is an evil that is not simply a stained chapter in our history books. It still flourishes in many overt and, I would suggest, even more subtle ways.

We tell ourselves that we practice our religious teachings in terms of loving our fellow man, until a controversy arrives or a conflict in our emotions or our loyalties, and then the darker angels of our nature surface and they lash out and they blame or condemn those whose race or gender is different from our own.

I recall during the Iran-Contra hearings—those were chaired by our distinguished colleague from Hawaii—by virtue of the fact that we had a very popular lieutenant colonel testifying before that committee, the hate mail started to pour in, hate mail directed at Senator INOUYE—a floodtide of nasty, negative epithets directed toward a man who had given his limb, offered his life in defense of this country. And yet, because he had the audacity to question a Marine, a popular Marine, suddenly the hate surfaced and was directed at him.

I thank our colleague from New Hampshire, Senator Rudman, who spoke out vocally and strongly against that, condemning the indulgence of racial hatred. Because, suddenly, the poisonous emotions started to bubble up, and the hate-mongerers said, "Ah-ha, there is a minority. How dare he challenge one of us."

And so, this has been our past and I think it will continue to be our future unless there are major changes that will take place, hopefully during our lifetime, but I doubt that.

So we have to go back and ask what was the basis for affirmative action.

The Senator from Oregon, gave a very perceptive analysis of its birth. But I think it is partly guilt, partly guilt on our part. And with reference to the Philadelphia story, so to speak, the Philadelphia plan, some saw it as partly political expediency.

The guilt came about because we had recognized that we had perpetrated a monstrous evil, that we had enslaved a people, that we had called them only three-fifths human, that we had destroyed their families, their dignity, their pride, and that we had deprived them of opportunity. We had prohibited them from learning to read or write or vote. And then we insisted that they should be willing to fight and die for America, but they could not sleep in the same barracks, they could not eat in the same dining halls, they could not drink from the same fountains.

I do not know whether the Senator from Oregon saw the article that appeared in the Washington Post about a week or two ago about the Tuskegee airmen. It was a poignant story. It was a reunion of the Tuskegee airmen, a group of black pilots who flew back in World War II. It was a very emotional reunion for them. There were tears welling up in their eyes as they were telling their stories.

They had to fight two wars. They had to fight a war against Hitler and they had to fight one against an inner rage that was burning inside them toward a society that said they could be equal only on the fields of slaughter.

We recall not too long ago in our history that we were turning German shepherd dogs on blacks who were marching or sitting in, hoping to enjoy the equal rights and privileges that we have under the Constitution. We blasted them with fire hoses.

It was in the wake of the marches and the sit-ins and, I might suggest, the assassination of Martin Luther King, Jr., that we, as a society, finally recognized and admitted that we had not measured up to our professed ideals, either as individuals or as a nation.

That gave birth to the affirmative action programs to break down the barriers in the worlds of construction and housing and corporate finance and banking and, yes, even eventually in the communications world.

The purpose, as the Senator from Oregon has suggested, was not to give unqualified people special preferential rights, but rather to give people who were, in fact, qualified and eager and ambitious the opportunity to enter into fields that had been denied them solely by virtue of the color of their skin or their gender. That was the purpose of the affirmative action program.

The Senator from Oregon said it was inevitable—quoting those who were the formulators of the program—inevitable that the affirmative action programs would lead to quotas—inescapable. All of us are opposed to quotas, because it is just the reverse of what we are trying to do; namely, not give any group preferential treatment by virtue of the color of their skin or the nature of their gender who are unqualified, but rather to use some affirmative action to allow those who are, in fact, gifted and willing and able to break through barriers that may be made of glass or concrete.

I mentioned expedience, by the way. The Senator from Oregon pointed to the Philadelphia plan. It has been written that Richard Nixon seized upon the plan back in the seventies, to get at the Democrats, to break through the trade and contruction unions who had at that point, and to this day, I suspect, still basically support the Democratic Party. That this was a way to really drive a wedge into the Democratic Party by opening up that particular marketplace, so to speak, to blacks who had been denied that opportunity.

So the question is, have we been successful? I suggest only partly. The Senator from Oregon rightly talks about stereotypes. What happens to Arab-Americans in this country? We immediately see the stereotype of a terrorist. How unfair, as he has pointed out.

The same thing is true for African-Americans in this country. We see them, do we not, as athletes? We are witnessing the return of Michael Jordan and a tremendous outpouring of pride and near hysteria at his returning. We see them as entertainers. But do we see them as entrepreneurs, as such? Not really.

As a matter of fact, there have been stories about the problem out in L.A. right now. All of us—not all of us, but many millions of people in this country—are mesmerized by the trial going on in Los Angeles right now. Why is it, as the trial attorney Jerry Spence suggests, that African-Americans look through a different lens than we do because they have had a different experience than we have had. That experience has not been a pleasant one, apparently, in Los Angeles.

Story after story starts to emerge about prominent actors or athletes who have been followed right to their homes, to their doorsteps because they happen to be driving a Mercedes or another expensive car, and immediately, of course, what do the police suspect? "Must be a stolen car." Either that or, "He is a drug dealer. Let's arrest him or stop him. Let's see the identification and make him prove ownership." So there are still stereotypes which exist to this very day.

Talking about affirmative action programs, I think the Senator from Oregon pointed out the CRS study was at least deficient in one respect. It had not analyzed television. I was going to ask the Senator from Oregon or the Senator from New York as to whether or not there is any relationship between minority ownership in programming, whether he has ever watched Black Entertainment Television? That is minority owned. There is a great story involved in that particular television station.

The owner, Robert Johnson, when he was applying to college, Princeton, was initially denied admission, except that he was then allowed to enter through a minority admissions program. He ended up finishing sixth in his class.

What he gained from that entry into Princeton was access to other Princetonians, access to capital, access to influence. And had he not had that opportunity to break through that barrier that initially had been denied him, he would not be in the position that he is today.

So he started Black Entertainment Television about 20 years ago with a personal investement of—I do not know— $25,000, $30,000, $40,000, whatever it was. Today, that station is probably worth $300 or $400 million.

I challenge anyone to watch the program. Is it different than CBS programming or NBC or CNN? I suggest to you the programming is quite different. It is quite different. And I suggest that that relationship between the ownership and his status has a great deal to do with that programming.

The Senator from Oregon asked the question: Do we want to grant preferential treatment to groups where there is no evidence of past discrimination? But there is another question I think we can also ask: How do those who have been victims of past or present discrimination ever acquire that access to the capital that is necessary for them to be in a position to acquire radio stations or television stations?

In other words, if you take the position that you have historically denied education to a group, let us say African-Americans, equal to that of another group, namely, white Americans, and then you, as an employer, say, "I can't find any qualified blacks," that is the circular argument that those who are struggling to break through the barriers find themselves confronting.

I come back to the issue of stereotypes. All of us recall the Clarence Thomas hearings and the Anita Hill testimony. What was really remarkable to me is the reaction of the people to those hearings. They said, "Isn't it amazing there were so many articulate blacks testifying during the course of that hearing?" Now, why should that be so stunning? The word associated with those blacks being "articulate," as if we expected them to be inarticulate. Again, another stereotype that they have to confront. We expect them to not be as educated or articulate as those in the white community.

Mr. President, I ask the question: Should we discontinue preferential treatment to veterans in this country? I see the Senator from New York is rising quickly on his feet, having been a noble sailor in his youth. But we grant preferential treatment to veterans. Why? Because of the sacrifice they have made in serving their country as a group.

Not every one of them served in the Persian Gulf or in Korea on Pork Chop Hill or in Vietnam or at Iwo Jima—wherever it might be. Some stayed right here in the United States. Some sat behind a desk, never facing the threat of a bullet or a bayonet or a bomb. But we as a society say, nonetheless in hiring practices, we give preferences to our veterans, and we decide that.

When the Senator from Oregon says it is dangerous whenever a Government decides to determine who is in and who is out, well, we are the Government. We are the elected officials. We decide. We are held accountable by our constituents, and we have decided that there is merit in that particular case.

So I think this is just the beginning of a debate that needs to be approached, as the Senator from Oregon has said, with great sensitivity, with a recognition that this is a very powerful issue in this country; that it has the potential to become not only a wedge issue but a very damaging, polarizing issue in our society. We have to look to see whether or not everything should be scrapped in dealing with affirmative action. Let us say, for example, we have abuses in the Food Stamp Program, do we not? We have abuses in the welfare program, do we not? We have abuses in the Federal procurement programs, do we not? We have abuses in the workman's compensation programs and in the disability insurance programs. Has our answer been to terminate them, just kill the programs, they do not work. Or to stop feeding people and let them fend for themselves? We say, wait a minute, let us see if we cannot modify them.

Maybe the States have a better idea. Maybe there are ingenious Governors, creative individuals at the State and local level, that can do a better job than we have done. But the answer has not been, let us just terminate it, it is not working.

That is my fear, as we begin this debate, not on this issue specifically, but on the broader discussion of affirmative action, because if we simply go by what the polls say, there is no contest. But I think we have a higher duty than to simply read the polls and to really examine what is at stake here.

The stereotypes continue, as I have said. I recall reading an article by columnist Michael Wilbon, a Washington Post sports writer. He described an incident where he and five friends, an investment banker, a venture capitalist, a manufacturing executive, a lawyer, and an international marketing director for a large company, went down to the Super Bowl. They were dining in a restaurant and the waitress kept coming over to the table saying, "Who do you play for?" Well, he is a noted sports writer, and he was in the company of a reputable lawyer and, as I recall, an accountant, and an investment banker. But the waitress would not take that for an answer. "No, no, no, who do you play for?"

So we have to deal with the issue of the stereotypes and what that means and what they continue to mean for individuals who try to break out of the stereotypes, who are trying to get into occupations and positions and to start a on a level playing field, which has not existed to date.

Whatever failures have been in affirmative action programs, let us look at them carefully and let us try to see if we cannot change them. If there is no evidence of past discrimination in the field of communications, that is one thing. If this is indeed a system which has been exploited and abused by white corporate owners and not really serving the minority community, then it is time for a change and indeed maybe in this case even a termination.

But I hope, Mr. President, as we begin this debate on affirmative action, that we approach it in the concluding words and with the concluding sentiments expressed by my friend from Oregon—with a sense of responsibility, not with a sense of hate or malice, or vindictiveness, or a simple urge to purge our laws as such of their preferential treatment to groups that historically have been discriminated against and continue to be discriminated against every day—every day of their lives.

So I commend my colleague from Oregon and also my friend from New York. I hope that we can begin this process of fixing those programs that have been misused or abused. But I hope we will refrain from playing the wedge issue, which I know the Senator from Oregon, the Senator from New York would never do, because those wedge issues can become polarizing, divisive issues that will not serve this country well.

I wanted to take the floor to express those sentiments. I know that is not the fashion in which you have proceeded. I commend the Senator for his comments as he expressed them.

Mr. PACKWOOD. Mr. President, I want to respond to my good friend from Maine. He and I have probably been on the same side of more issues than any other person in this Chamber. He mentioned Bob Johnson, the founder of Black Entertainment Television. Well, I met him. Despite the fact that he was a Princeton man and as qualified as anybody, his problem was access to capital. I do not know what I would have done as a banker 20 years ago if somebody came to me and said, listen, I have this idea for an all black entertainment channel. I do not know. It is interesting how he got the money. He could not get it from the banks. He went to John Malone of TCI. I think Malone is maybe one of the finest entrepreneurs in this country. Bob Johnson explained what he wanted to do. John Malone said, "How much do you need?" Bob said, "$500,000." Malone said—and I thought this is where Bob Johnson was so humorous. He said, "All right, I will put up $125,000, but I want 20 percent of your stock. I will loan you $375,000." Malone did not know that Johnson would have given him 80 percent of the stock. He got the $500,000 and he said to John Malone, "I have not really been in a business. Do you have any advice? Malone said, "Keep your expenses below your income." From that grew Black Entertainment Television.

There is an interesting difference. Cable is more like the ethnic newspapers. Cable is narrowcasting. This is where a smart entrepreneur can say, I can make money on 5 or 6 percent of the audience, not 60 percent. As you skim through the channels now, whether it is education, discovery, or history, I doubt if any of them have 50 percent of the audience, but they have

5, 10, 20 percent. There is money to be made.

The Senator put his finger, I think, on the most interesting issue here. No question, in my judgment, there is no discrimination in the sale of the broadcast property. If you have a radio station and you want to retire, you are going to sell to the highest bidder. One owner said, "Even if you have blue skin and an eye in the center of your forehead, you will get it." The potential is limited to those who have the money to buy. Minorities, and maybe women to a lesser extent, did not have access.

So now the question becomes this, and I do not know the answer. Because minorities have been discriminated against for centuries, and because women could never rise above—you remember the settlement with AT&T 15 years ago. There was a glass ceiling. You could be a Ph.D and be first in your class in all the schools, and there is a level beyond which you were not going to go. Because of the past discrimination and because of the past access to capital—the lack of it—we set up a preference program in an area where there has been proven discrimination, simply to say we want 5 percent women or 10 percent women to own, and we want 10 percent Asians and 5 percent this and 5 percent that. You just do it. I am not sure I know the answer. But clearly, that is the discussion we are going to have.

Mr. COHEN. Here is another example of the problems confronting minorities in this city. Many years ago—almost more than 20 now—I had a problem with a car. I purchased a used car. I had a problem with it and took it over to a dealer, which will remain unnamed. The dealer told me the cost for fixing that particular automobile would be $1,800. I said, "$1,800? That is more than I paid for the car." I then came back to Capitol Hill and inquired, "Does anybody know a good mechanic?" which is hard to find in any city. They gave me the name of Clarence Davis. I went to see Clarence and I said, "Can you fix this car?" He said, "Well, let me look around." He kind of tapped it here and there. He said, "I can fix it." I said, "How much?" He said, "Do not worry about the money." I said, "No, no, how much?" He said, "I am telling you do not worry about the money." So I, with my trusting soul, handed him the keys to the car and said, "OK, fix the car." Do you know what the bill was? It was $68. I will repeat that. It was $68. Behold, I had found a man, an honest mechanic. And sooner will a camel pass through the eye of a needle than you will find a mechanic that will charge you $68 for something somebody else wanted $1,800 for.

I have maintained a relationship with this individual. He ended up working for another station on the hill, owned by a Korean family. He was their real source of income, because everybody wanted to go to Clarence in order to have their automobiles fixed. He is really a genius in fixing automobiles. Then it occurred to him that he is working for somebody else, and would he like to go into business for himself? The answer was: Of course he would. He had a clientele of mostly Senators and Congressmen. But guess what? He could not get a loan. No matter that he had his eye an a piece of property that was prime territory; it was a great bargain and it was an old Exxon station; it was closed down. He had a list of clients at least 75 long of Members of Congress and executive branch, who testified to his competence, and he showed a stream of income that would have more than paid for the mortgage. He could not get a loan. I sent him to every bank in Washington. He could not get a loan. So then I contacted a wealthy, white friend of mine, whom I had never asked a favor from in my life. I said, "Here is a person who is talented, brilliant, and he cannot get a loan in this city." And the individual made the loan, and the business is there and is flourishing today. It shows the barriers that people are up against.

Now here we are, in a predominantly black city, with a predominantly black clientele. Suppose now that individual, with a great record, history, clientele could not get a loan.

That is what I am talking about when I say "access to capital." Give a person the access to capital and they can perform and prevail as anyone else. But that has been the history of denial in this country.

I say to my friend that I do not have the answer to it. I think the affirmative action programs were designed to achieve that. If they have gone astray, we ought to try to modify them as best we can. If it becomes the collective judgment of the people in this country, this Congress, that they no longer serve a socially useful goal, then obviously they will be terminated.

I must say that we have not yet reached our ideal of a colorblind society. There are still many, many, racial stereotypes that exist today. They will not be easily eliminated. So we still have an obligation, I think, to help those who have the talent and the ambition and the desire to share fully in the real benefits and bounty of this country, who have been denied that opportunity.

Mr. PACKWOOD. Mr. President, I yield such time as the Senator from Delaware may need.

Mr. ROTH. Mr. President, I thank the distinguished chairman.

Mr. President, what we are doing today is a most important step, one I have worked for for quite some time. I would like to thank the majority leader and the Finance Committee chairman for moving so quickly to pass this legislation—legislation that is extremely important for our hard-working farmers, as well as our job-creating small business men and women.

Few people understand how very difficult it is to get a tax bill passed through both Houses of Congress within about 2 months' time. I believe we have been successful not only because of the efforts of Senators DOLE, GRASSLEY, PRYOR, and me, but because our esteemed colleagues understand how important, how fair, this measure is.

It has been my objective, along with Senators DOLE, PRYOR, GRASSLEY, and others, to get the self-employed health insurance deduction passed retroactively for 1994; to have it passed before the filing deadline next month.

Personally, I will continue to do everything I can to get this bill passed and out of conference with the House before April 17, the deadline this year for filing our taxes.

This is so important to me that at the conclusion of the Senate session last year, I held up a vital Securities and Exchange Commission funding bill as long as I could because it was the last tax bill leaving the Congress. Since it was our last chance, as well, to get the 25-percent deduction extended, I wanted to attach this legislation to that bill so that there would not be this administrative nightmare facing small businesses and farmers, because they might have to file amended tax returns.

The Finance Committee chairman at that time, Senator MOYNIHAN, joined in a colloquy agreeing we would take up the legislation early this year if I would let the SEC bill go forward. I reluctantly agreed. The new Finance Committee chairman, Senator PACKWOOD, has kept that promise to move quickly, and we have. In fact, to pay for this bill, we have used some of the ways I suggested last year. In particular, I am pleased that we have enacted some of the changes I have been recommending on the earned-income tax credit.

Earlier this year, in an effort to encourage the House to pass the 25-percent health insurance deduction, I circulated a letter with my good friend and colleague, Senator PRYOR, which was signed by 75 Senators.

That letter, sent to both leaders, stated that in order to move quickly, we would all agree not to support or offer any amendments to the legislation to extend the 25-percent deduction for health insurance for the self-employed when it reached the floor of the Senate. I believe this letter was instrumental in helping get this bill passed quickly.

Finally, I want to mention that we are not done with the deduction for self-employed, even though this bill will enact the legislation on a permanent basis for the first time. I believe it must still go forward. I believe we need to increase the 30-percent deduction to a full 100 percent, just like major corporations get for that health insurance. In fact, it was my amendment in the Finance Committee that increased the 25-percent deduction to 30-percent beginning in 1995 and forever after that.

Although my amendment made progress, we have to go a lot further. I will continue to do everything I can to increase the deduction to 100 percent.

Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

I ask that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I would like to take just 2 minutes in support of the pending bill. Then I would ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MOYNIHAN. Mr. President, I am happy to yield such time as indicated to my distinguished friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from New York. I did not know we were under a time agreement.

First, let me say that I believe the matter of providing retroactively the 25-percent tax deduction for sole proprietorships and self-employed—including farmers—is very, very important.

We should not have let that expired. It did. But now to make it retroactive, so that it is a seamless 25 percent, makes a lot of sense. I believe we ultimately ought to make sure that sole proprietorships are able to deduct 100 percent of their health care costs, just as corporations are. My State is a lot like old England. It is a State of shopkeepers, small business people, many of whom are sole proprietors and unincorporated, including family farmers. Across the street may be someone who is incorporated. They can, under current law, deduct all of their health care costs as a business expense. On the other side of the street someone in business, but unincorporated, is now able to deduct zero. With the passage of this piece of legislation, he will be able to deduct only 25 percent; 25 percent is a step forward. That is good. We certainly need to restore that. But I have introduced legislation and supported legislation and fought for legislation for years to make sure that we treat all businesses alike—unincorporated and incorporated.

Health care costs ought to be fully, 100 percent deductible as a business expense for farmers and sole proprietorships just as it now is for corporations.

So I commend the Senator from New York and the Senator from Oregon for bringing this legislation to the floor. I fully support it. I think the work the two Senators have done to correct this is admirable work and I hope we all can work together for a full 100-percent deduction for all sole proprietorships in the years ahead.

Mr. PACKWOOD. Mr. President, I yield as much time to the Senator from Rhode Island as he may need.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first I thank the distinguished chairman of the Finance Committee and the ranking member of the Finance Committee, the former chairman, for giving me this time.

Mr. President, I am very pleased that this bill has come to the floor today and will be considered in an expeditious manner. I believe Congress needs to pass this legislation promptly so that hundreds of thousands of self-employed taxpayers can complete the filing of their 1994 income tax returns.

The bill reported by the Finance Committee includes sufficient revenues to pay for the extension of the health insurance deduction. That is covered. We also came up with additional money which will reduce the deficit by about $1.4 billion over the next 5 years. In terms of the entire Federal budget this is a modest amount—$1.5 billion over 5 years. But it represents a step in the right direction.

What concerns me about this bill, Mr. President, is that it provided a modest test—not a gigantic test but a modest test—of our desire to reduce the deficit; and I am afraid that we are in danger of failing that test.

Let me review the bidding. The immediate need which prompted the quick consideration of this legislation was a desire to extend the 25-percent deduction for the health insurance of self-employed individuals for 1994. Absent this action, they would not have been able to take that 25 percent deduction because it expired at the end of 1993. And we wanted to get this done before the filing date of April 17 for the income tax returns. That is the way it started out—take care of this year.

In the Ways and Means Committee the members chose to permanently extend the deduction. In other words, the 25 percent deduction for health care costs paid by the self-employed was to remain permanently on the books. The Finance Committee went a step further by not only making it permanent but also increasing the deduction from 25 to 30 percent for the year 1995 and thereafter.

So what started off as a bill that would have cost $500 million, a half a billion dollars, to address an immediate need, turned into a bill that costs $3.5 billion over the next 5 years.

I strongly support the 25 percent health insurance deduction for the self-employed. Always have. The mainstream coalition health care legislation that we presented last year included it. Indeed, we phased it up to a 100 percent over a period of years. And so, therefore, I can understand and sympathize with the effort to not only give the self-employed the 25-percent deduction but to bring it up to 30 percent next year and the years thereafter. All that is understandable.

I would make the point; however, that those who are working for a business where their insurance is not paid for by the employer and the individual must obtain his or her own insurance, cannot deduct a nickel of his or her payments for health insurance. The self-employed can, but if you are working for somebody else, you are employed by a corporation or a self-employed person, you cannot deduct the cost of your health insurance. You cannot deduct anything.

So, yes, it is nice that we have gotten it up to 30 percent for the self-employed. But we have not done anything for those who work for corporations.

But here is my concern, Mr. President. Sixty-six Senators in this body voted in favor of a constitutional amendment to provide a balanced budget amendment by the year 2002. Achieving that goal is going to take incredible effort. We are going to have to reduce Federal spending from what it otherwise would have been over these 7 years by $1.2 trillion.

Now, even for somebody from Washington, DC, $1.2 trillion is a lot of money. That is a monumental challenge. Yet, here we have a bill that gave us some money to start down this deficit reduction path, to use toward the $1.2 trillion, and what is the action we take? We increase the deduction and make it permanent.

I am going to support this bill as it was reported by the Finance Committee because we did exercise some discipline by providing for a modest amount of deficit reduction.

But I greatly fear that, in the conference, the House conferees will say, "Well, the Senate increased the deduction from 25 percent to 30 percent. There is additional money in the bill that is directed toward deficit reduction. But let us not use it for deficit reduction. Let us use it to increase the deduction from 30 percent to 35 percent or 40 percent," whatever the traffic will bear. And that, Mr. President, would be a very great mistake, a very great mistake.

So I just want to go on record here to say that, should the conferees come back using up the money we set aside for deficit reduction for another purpose, I will not support that conference report. I believe it would be a great mistake. We in this body are determined to do something about these deficits. And to do something about it means we have got to make tough choices. It means we have to forgo attractive proposals, such as increasing the self-employed health insurance deduction.

I thank the Chair, and I thank the managers for giving me this time.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I yield as much time to the Senator from Missouri as he may want.

The PRESIDING OFFICER. The Senator from Missouri.

LINE-ITEM VETO

Mr. ASHCROFT. Mr. President, on occasion after occasion, you and I have heard it said that under the dark of night, in the late hours of evening or the early hours of the morning, this body does things that are a discredit to a democratic society—pay raises, pork-barrel projects, and profligate spending. The kind of things that we would not want to have brought to the light of day.

But late last night, something very befiting of this body took place. And, Mr. President, it did so at your hand and at the hand of your colleague, Senator MCCAIN of Arizona. Because under your leadership, late last night, the U.S. Senate passed the line-item veto. And in so doing, we placed a tool in the hands of Presidents which will allow us to move toward the aspiration of a balanced budget. In the cover of darkness, we uncovered the darkest parts of our behavior, and said no more. We put the national interest ahead of the special interests. We said that in the future, if you want to put projects in an appropriations bill, you will have to contend with the possibility of a veto by the President of the United States.

So I rise today, Mr. President, to draw attention to the importance of the action taken late last night to change the culture and structure of spending here in Washington.

Forty-three of the 50 States have some variant of the line-item veto. During the debate, however, we heard people talk hypothetically about potential abuses. It is important to note that, of the 43 States, there has not been a single effort by any of the legislatures to repeal the line-item veto authority. In fact, it works so well that there is a consensus in the States that it should be left in place so that they might continue to provide a foundation for the financial integrity of the Nation.

Someone came to me recently and said, "JOHN, there is a State that has changed their line-item veto. In 1990, the State of Wisconsin amended their provision." Well, it was interesting when I looked at what the amendment really said. It reads, and I quote: "in approving an appropriations bill in part, the Governor may not create a new word by rejecting individual letters in a word of the enrolled bill."

Mr. President, what the legislature said was that the Governor could not change the word "cannot" into "can" by striking out the last three letters of the word. That is not a real change in the philosophy behind the veto authority. It is simply a housekeeping detail about making the measure what it ought to be, namely, the capacity of the executive to knock those things out of spending bills which are not in the best interest of the State. So, it is important as we go to conference to understand the success that the line-item veto has enjoyed in the States.

In the end, I was encouraged by the vote last night. Sixty-nine votes in favor of the line-item veto reflected a strong understanding that we must adopt measures to restrain spending, and reduce the deficit. So we have made a significant step forward. For if the people sent us here for any purpose at all, it was to enact changes, such as this, that will fundamentally alter the way we do business.

I look forward to the time when the conference report comes back and we again have an opportunity to address this issue. It is critically important. The vote last night was encouraging. However, while the battle has been won, the war is not over. And as we work out the differences between the two bills, I hope that the end product gives us as great a promise for financial integrity as the measure we passed last night.

Mr. President, as the Senator from Indiana, you are to be commended for your role, along with Senator MCCAIN. It was your hard work that ensured we arrived at a product which could be subscribed to by such a broad majority of the Senate. I hope that this body acts on the conference report as it did last night. It was nighttime behavior, maybe somewhat reminiscent of times when we have done the wrong thing under the cover of darkness. Last night's behavior, however, was commendable in that it was in the national interest. We should seek to replicate it in the future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will suspend his request. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the Senator from Vermont would like 10 minutes to discuss and discourse on what was the once and possibly future national pastime. I yield those 10 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT OF 1995

Mr. LEAHY. Mr. President, I thank my good friend, the distinguished senior Senator from New York and my neighbor. And like the distinguished Senator from New York, I, too, hope that we will some day actually have baseball played. I share his sense of patriotism in all things. I admire his sense of history. But I suspect he, like I, is at many, many events this time of year when our national anthem is played. We are all very proud to hear it, but we sometimes, as spring arrives, wait for the words, "Play ball," right after it is played.

So the Major League Baseball Antitrust Reform Act of 1995 is being introduced, Mr. President. It is being introduced by Senators HATCH, THURMOND, and myself. I want the Senate to know why I back this.

Senator THURMOND and I introduced on February 14 an earlier version of this legislation to remove the antitrust law exemption that major league baseball has enjoyed for over 70 years. Major league baseball, unlike practically any other business in this country, has an exemption from the antitrust laws, and Senator THURMOND, Senator HATCH, and I, and others, feel that should be removed.

Actually, we are just saying that nobody should be above the law. We did this for Congress. We passed the Congressional Accountability Act, something I backed for years, which applies the same laws to Congress as apply to everybody else. We are just saying baseball should live by the same laws as everybody else.

I regret very much that the owners of major league baseball teams and major league baseball players have been unable to get through their impasse. Mediation has not been successful. Presidential entreaties could not do it. Congressional pleas for a voluntary settlement have gone for nought.

What we have always thought of as our national pastime may become a thing of the past. I am afraid that what we saw as children when we would follow games, when we would go to our Little League games and identify with various major leaguers at that time is gone. Seniors who look forward to the joys of spring training and following their favorite teams on radio, youngsters who identify with heroes in the world of baseball, this will be gone.

And let us not forget so many who make monthly mortgage payments by being vendors of everything from T-shirts to hot dogs, who park the cars, who take the tickets. These people are also out of a job.

There is a public interest in the resumption of major league baseball. I am concerned that the owners show no intent of really getting a strong commissioner who might look out for the best interest of baseball. That is what the commissioner is supposed to do—not the private interest of those who make the money from baseball, whether owners or players, but rather for the best interests of baseball itself.

Our antitrust laws are designed to protect consumers, but for over 70 years consumers have not seen these applied to baseball, on the assumption that there would be a strong commissioner and the major league would operate in the best interest of baseball. But that is not what is going on.

In Vermont, where I grew up, virtually everybody was a Red Sox fan. Now there is divided loyalty between the Red Sox and the Montreal Expos, and there is also the minor league team, the Vermont Expos.

We also have jobs in the State of Vermont that rely on baseball. There is a company called Moot Wood Turnings in Northfield Falls, VT. "Turnings" is wood turnings. They make the souvenir, replica baseball bats, the little bats that have been passed out for 40 years on bat day at baseball games. They had to drop a third of their 24-person work force because of the strike last summer. That is just one small company. These are not people who make a great deal of money. They make $5 and $6 an hour, and they were out of work because a small group of people cannot figure out how to divide up $2 billion. It makes absolutely no sense.

We had a chance last year to right this situation when we were considering a bill to repeal baseball's antitrust exemption, but we decided to hold off in the Senate, thinking that maybe everybody would work it out. Right after that, negotiations between the major league baseball owners and players disintegrated. We saw a preemptive strike, the unilateral imposition of a salary cap, failed efforts at mediation, the loss of one season and likely obliteration of a second, and pleas from all corners to get it going again.

I think if we had repealed this out-of-date, judicially proclaimed immunity from the antitrust laws, this matter would not still be festering. No other business, professional or amateur sport, has this exemption from law that major league baseball has enjoyed and, Mr. President, has abused.

In fact, one of the players who testified at the Judiciary Committee hearing this year asked a very perceptive question. He said, let us suppose that baseball did not have an antitrust exemption and let us suppose they were in the sorry state they are in today and then let us suppose baseball came to Congress and said, "Oh, by the way, we cannot clean up this mess we have, but would you kindly give us an antitrust exemption? Would you pass a special law to exempt us from the antitrust laws"—something nobody else has. Mr. President, they would get laughed off Capitol Hill. There would be no antitrust exemption passed for them.

So the question is, if we would not enact it today, why do we allow them to have it? Why do we not just end it? It is something that should be done.

I am concerned about the interest of the public. I am concerned particularly about the interest of baseball fans. I am not here to speak on behalf of the baseball owners or the players. Former commissioner Fay Vincent said:

> Baseball is more than ownership of an ordinary business. Owners have a duty to take into consideration that they own a part of America's national pastime—in trust. This trust sometimes requires putting self-interest second.

I am also concerned about some of the answers I got from some of major league baseball's representatives. In fact, I should note here on the floor that the answers that they sent, their written answers, are in severe variance with their hearing testimony on several points. In other words, they said one thing at the hearing and they said something else after, in their answers. I think the public should look at what they did, because either they are grossly mistaken on one point or they are not telling the truth on another.

For example, I asked the acting commissioner whether fans who reject replacement players and replacement games would retain season tickets when the strike ended and major league players return? He testified unequivocally and without hesitation, "Yes, sir." But in his written response to the same question, he did not confirm his testimony. Instead, he responded that policies with regard to season tickets and priority seating are handled by the clubs individually.

Well, he has given two answers. One has to be honest, and one contradicts the other. At the hearing, I asked whether major league baseball owners, who benefit from a special antitrust exemption in order to be able to join together with regard to sports broadcasting, would make an unqualified commitment that major league baseball playoff and World Series games would continue to be broadcast over free television through the year 2010.

The acting commissioner responded in the affirmative. But when he got away from the TV lights and cameras and the hearing, he answers that "it is not possible to make an unqualified commitment that far into the future."

I think the public is being shortchanged by the policies and practices of major league baseball and by such disregard for the interests of the fans as evidenced from the hearing record.

They ought to have a little bit of competition. If we withdraw the antitrust exemption, they will have it. There is no joy here in Washington as we continue these proceedings—just a sense of loss, lost opportunities, lost innocence, and lost stature for a game that once symbolized America like no other.

I commend our chairmen, Senators HATCH and THURMOND, for taking up this challenge. We will move forward on it.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, in the spirit of bipartisan harmony I would like to yield 5 minutes, or such time as he requires, to the distinguished senior Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I want to express my sincere appreciation to my good friend, the senior Senator from New York. We have worked together on many important projects.

This is a measure before the Senate today that is very important to small business people all across this country. Today, the person who operates a small business has many problems. There is nothing so glaring as the failure of the code, as it now stands, to give any deduction for the payment of health insurance for the business owner or that owner's family.

This 25-percent deduction level, as we all know, expired December 31, 1993. According to the Treasury Department, approximately 3.2 million self-employed taxpayers cannot currently deduct any of their health insurance premiums, unless this is corrected. The 3.2 million taxpayers represent approximately 30 percent of the unincorporated business owners in America today.

We had hoped last year, and we talked a great deal in health reform, about the need to put the small business owner on the same footing as the employee of a large corporation who can receive, essentially, 100 percent deductions for the cost of health care premiums.

Large corporations already are able to exclude these costs, and their employees do not have to report them on their tax returns. We are putting entrepreneurs at a very, very serious disadvantage. This problem afflicts small business owners who are farmers, who are ranchers, who are truck drivers. These people deserve fair tax credit treatment.

One of the biggest concerns that we have today is that without this deduction many families are left without health insurance because of its already high cost. We think this is a terrible impact on the families. It is very hard to imagine a more difficult problem for them to face. Nearly one-quarter or 23 percent of the self-employed are uninsured today. About 4 million of those who do not carry health insurance are in families headed by a self-employed worker.

This deduction makes insurance more affordable and helps to get the families the health insurance that they need and deserve to get. Whether these are small businesses in the town or the city, or farmers, or truck drivers, as I said, or ranchers, these people deserve to have the same kind of tax treatment.

The bill provides for a permanent extension of the deduction, which I think is long overdue, and would provide retroactive deduction for the 1994 returns. These returns are due April 17.

We must act swiftly so that those people who have paid the health insurance claims last year will be able to deduct them. Unfortunately, we were not able to act in time for farmers' returns, which were due on March 1.

If we delay this bill further and are not able to get it to the President on time, even more people who are eligible for the deduction will have to file amended returns.

This is going to burden the IRS with paperwork, not to mention what is even more important, the burdens on the people who have to refile. Mr. President, it is tough enough to have to file an income tax return one time. It is certainly no pleasure to have to file one again.

I think it is also very, very important—and I commend the managers of the bill and the sponsors of the legislation—that we are making this measure permanent. For years the self-employed have been subjected to the uncertainty of not knowing whether the extension would be granted for the deduction. I think it has made it very difficult for those people to plan. This should take that problem away.

I am concerned about the fiscal pressures and the need for deficit reduction, but this is not an area where we ought to economize. Small business, farmers, ranchers, truck drivers—they and their families need to have the health care that this will encourage them to have.

I would like to go further. If we have an opportunity, if the money its available, count me in on seeing if we cannot get the deduction to a par with those people who work for large corporations. But I am very pleased we are moving on this. I commend the managers of the bill, the chairman and ranking member of the committee as well as the sponsors. This will have important impacts on the health of many, many people, many of those who are in small businesses and their families.

I thank the distinguished Senator from New York for yielding the time and I urge my colleagues to support this very important measure.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from New York.

Mr. MOYNIHAN. Mr. President, I know I speak for the distinguished chairman when I thank the senior Senator from Missouri for his incisive remarks.

I am pleased to see on the floor our colleague from the Committee on Finance, the distinguished Senator from Illinois. I yield her 10 minutes, as she evidently desires, but in fact as much time as she requires for her statement, which I look forward to.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from New York, and the chairman of our committee. I stand to speak with regard to H.R. 831.

I am a strong supporter of the provision that is at the heart of H.R. 831, the permanent extension and increase of the deduction of health insurance costs for the self-employed. There is no question that the health insurance expenses of millions of self-employed individuals around this country should be treated more like taxpayers who work for larger businesses.

Corporations that provide health insurance coverage for their employees get 100-percent deductibility for the portion of the health insurance costs of their employees that they pay. The employees of those companies use after-tax dollars only for that portion of health insurance costs not paid for by their employers.

Most businesses in this country provide health insurance coverage for their employees, as does the Federal Government, and State and local government. Employer-provided health insurance is at the heart of this country's system of health insurance coverage, and the tax deductibility of employer-financed health insurance costs encourages employers to provide that insurance.

However, millions of Americans do not work for large corporations and do not have access to the kind of group health insurance plans that large corporations often provide. Because they are self-employed, these Americans usually have to pay more for their health insurance. Because they are self-employed, there is no 100-percent tax deduction for the employer-provided portion of health insurance costs.

Congress has attempted to at least partially remedy this serious inequity by providing a 25-percent deduction of the health insurance costs of the self-employed. This provision of the Tax Code, however, was only temporary, and expired at the end of 1993. What that means is that, unless this Congress acts—now—all of the self-employed Americans across this country will face a serious tax increase when they file their 1994 tax returns next month.

That is clearly a totally unacceptable result. It is unfair, it is inequitable. It is simply wrong. That is why I strongly support the provisions in the pending substitute for H.R. 831 that restores the 25-percent deduction for health insurance expenses retroactively, so that it covers the 1994 tax year, the provisions that increase that deduction to 30 percent, beginning in 1995, and the provisions that make that deduction permanent, eliminating any possible future repetition of the kind of situation we find ourselves in right now.

Restoring the deduction, increasing it, and making it permanent is the right thing to do. It eliminates the kind of anxiety and uncertainty that self-employed Americans are facing right now, and assures them that Congress is committed to addressing the disparity in the tax treatment of health insurance costs incurred by self-employed Americans, and Americans who work for larger businesses, for the nonprofit sector, or for government.

Self-employed Americans are hard-working and make an enormous contribution to our economy. We should not, we must not, make it more difficult for them to make that contribution by handicapping their ability to access health care.

Unfortunately, Mr. President, the Finance Committee has chosen to end this unacceptable, inequitable, and unfair situation by creating another one. The price for a public policy of moving towards greater equity in the Tax Code treatment of the health insurance expenses of the self-employed, is the creation of a totally unacceptable, inequitable, and unfair policy in the tax treatment of the purchase of broadcast or certain other communications businesses by minority Americans, and, in some circumstances, women. I am, of court, speaking of the provisions in the committee substitute repealing the provisions known as section 1071.

I strongly oppose the repeal of section 1071 for both procedural and substantive reasons. It is a statement that Congress does not care about diversity of voice in major portions our Nation's communications industry which, after all, are using the public airwaves, or franchises granted by the public. And it is a statement that Congress does not care about Americans who have proceeded in good faith to spend literally millions of dollars based on the existence of section 1071. They are being taught a very bitter, expensive lesson, never to rely on the government's word, or to take actions based on the law, because the Government may decide, in a matter of just a few weeks to repeal that law—retroactively.

Most Americans, I am sure, have never heard of section 1071, and it is fair to say that, until 2 months ago, most Members of Congress knew little or nothing about it. And there was no particular reason for Congress to focus on the section. After all, it was enacted in 1943 as part of the revenue act of that year to help implement a new policy that prohibited the owners of radio stations from owning more than one radio station in a given market.

What section 1071 action does is to provide the Federal Communications Commission with the authority to defer capital gains taxes arising from transactions involving communications properties. Essentially, it permits those gains to be rolled over as a nontaxable event. It does not eliminate even one dollar of tax liability; it simply postpones the date when that tax liability must be paid.

As initially reported by the Senate Finance Committee in 1943, the provision would have allowed a rollover if the sale or exchange of the property was required by the FCC as a condition of the granting of the application. However, the provision was broadened during the conference with the House of Representatives. The conference report stated that, because:

> . . . the Commission does not order or require any particular sale or exchange, it has been deemed more appropriate to provide that the election, subject to other conditions imposed, shall be available upon certification by the commission that the sale or exchange is necessary or appropriate—I want to emphasize this part—to effectuate the policies of the commission with respect to ownership or control of radio broadcasting stations.

In 1954, the FCC's authority to defer capital gains taxes in transactions involving the sale of radio stations was broadened to include television stations. In 1973, the FCC's authority in this area was broadened yet again, to encompass cable systems.

Until 1978, this authority was used virtually exclusively by the kind of people who then owned radio, television, and cable systems, and that certainly, at the time, did not include minorities or women.

It was not until 1956 that even one radio station in this entire country was owned by a minority, and it was not until 1973 that there was even one television station in the Nation owned by a minority. It was not until 1974 that the FCC first awarded a new radio station license to a minority-owned company the same way it had awarded tens of billions of dollars' worth of broadcast spectrum to nonminorities—for free—by an FCC comparative hearing.

The truth is, Mr. President, that the FCC initially handed out virtually all of the broadcast spectrum to nonminorities free of charge, and then used section 1071 over and over and over again to allow them to roll over the huge capital gains they made in tax-free transactions that allowed them to defer their tax liability. The FCC, as it handed out the spectrum owned by all Americans relied heavily on the question of the previous broadcast experience of competing applicants in awarding new licenses. Yet for several decades, even broadcast training was denied to minorities in this country and in some parts of this country as a matter of law.

State universities were legally barred from admitting minorities at the time these stations were originally given out. State-owned public broadcasting authorities refused to hire or train them. State legislatures denied black State colleges the funds to start broadcasting programs or to apply for broadcasting licenses. For example, the FCC routinely granted broadcast licenses to colleges and universities that were segregated by law, such as WBKY–FM, serving the University of Kentucky, which was licensed in 1941, WUNC–FM, serving the University of North Carolina, which was licensed in 1952, and KUT–FM, serving the University of Texas, among many others.

These segregated policies helped ensure that a generation of minorities would be denied the skills and the access necessary to enter the broadcast industry—with the FCC's full endorsement and ratification.

The extent of the FCC's complicity is illustrated by the case of Broward County Broadcasting versus FCC. This 1963 case involved a radio station, WIXX, located in a community with a large African-American population, a population that received no black-oriented programming from any station serving that market. WIXX decided to devote its program schedule to black-oriented news, public affairs, and music. The city government complained to the FCC that WIXX was offering a format which the city did not need and did not want. The FCC, in turn, threw the station into a public revocation proceeding, which placed its broadcast license in jeopardy. Faced with the loss of the ability to do business, the station dropped its black programming, and the FCC quietly dropped the charges of "character violation."

These policies kept minorities from participating in the free broadcast spectrum "gold rush" that was going on in America. And by the time these policies were ended, the gold rush was over, and there was no more spectrum to allocate for free.

In 1978, the FCC finally recognized its role in denying minorities any opportunity to participate in the gold rush and to enter the broadcast or cable industries. That year, the FCC announced a policy of promoting ownership of broadcast facilities by offering an FCC tax certificate to those who voluntarily sell such facilities to minority individuals or minority-controlled entities. The FCC's policy was based on the view that minority ownership of broadcast properties would provide a significant means of fostering the inclusion of the views of minority Americans in programming, thereby better serving the needs and interests of the minority community and enriching the range of material available to the nonminority audience. The FCC subsequently expanded its policy to cover the sale of cable systems, as well.

In 1982, during the Reagan administration, the FCC further expanded its tax certificate program. At that time, the FCC decided that, in addition to those who sell properties to minorities, investors who contribute to the stabilization of the capital base of a minority enterprise would be able to receive a tax certificate on the subsequent sale of their interest in the minority entity.

This became an incentive for investors to help with preserving and expanding diversity of voice.

The FCC program is not a set-aside or a quota. It functions in the same voluntary manner as the FCC's other uses of tax certificates. The FCC does not require a percentage of licenses to be controlled by minorities, it does not require media properties to be sold to minority-controlled businesses, it does not require a set percentage, nor does it require a nonminority seller of media property to a minority-controlled business to even request a tax certificate.

So there is nothing compulsory. There are no quota aspects of the tax certificate policy at all. The direct beneficiaries of the tax certificate may or may not be the minority member. In many instances it may be the nonminority seller and/or the investors who participate in the acquisition with the minority purchaser. The benefit to potential minority purchasers is the incentive it creates for sellers, and the enhanced access to capital it provides.

The FCC certificate program then operates as a key to unlock the door of opportunity for minorities who have a role in the broadcast industry in our Nation.

There can be no question that minority entrepreneurs have a tougher time accessing the capital markets of this country. The FCC recognized this fact, and the minority ownership program has expanded that access to capital.

In 1987, Congress explicitly endorsed the FCC's actions in expanding the tax certificate program to encourage expanded minority ownership of broadcast and cable systems. That year's Commerce, State, Justice, appropriations bill contained language locking in the tax certificate program, they thought. The committee report on the bill stated "Diversity of ownership results in diversity of programming and improved service to minority and women audiences." Similar language has been included in every annual appropriations bill since that time, until now.

Between 1978 and 1994, the FCC issued 317 tax certificates under its minority ownership program. Radio stations represented about 83 percent of the certificates issued, television stations 8 percent, and cable systems, about 9 percent. These certificates helped minorities enter a business which, as I have outlined, was virtually completely closed to them. And it did so not by taking away a license from anyone, or through any form of direct financial assistance to the minority buyers, but, as I have already stated, through tax deferrals for potential sellers of radio and TV stations, and cable systems, and potential investors who were willing to enter partnerships with minority buyers to purchase these properties.

The program has begun to make a difference, but it is worth keeping in mind that, out of the 1,342 television stations operating in the United States, only 26, or about 1.9 percent are owned by women. African-Americans owned less than that, only 21 stations, Hispanics owned 9, and Asians owned 1.

In radio, the situation is a little better. Out of the 10,244 radio stations operating in the United States, 394, or about 3.8 percent are owned by women, another 172 are owned by African-Americans, 111 by Hispanics, 4 by Asians, and 5 by native Americans.

These are the public airwaves we are talking about, Mr. President, and cable systems that require public approvals in order to function. Every American ought to have the right to participate in this industry, and there should be enough diversity of voice to ensure that our broadcast and cable systems meet the needs of all of our people.

And research confirms a link, or the nexus, between expanding minority ownership and diversity of voice.

By diversity of voice we mean the notion that the airwaves that we communicate on as Americans will include the views of everybody and not just one segment of the population or community, but of all segments of the population and the community. And in that diversity comes the kind of vitality that will keep our Nation vital and keep our democracy alive.

You will recall George Orwell talked in "1984" about the wave of communication happening, and big brother sent one message to the people at all times. There were no alternative messages, alternative points of view, alternative perspectives to encourage people to think for themselves. The whole idea of diversity of voice is that the entire community benefits when it has the point of view and the perspective of all our people, when the perspective and the information that is communicated through the public airwaves represents the whole panoply of Americans in this country and that we can all participate and draw from our diversity as a source of our strength.

The Supreme Court made this clear, in a case of Metro Broadcasting, Inc. versus FCC. In that case, the Supreme Court held that benign, race-conscious measures mandated by Congress are constitutionally permissible, based on a record of empirical evidence demonstrating a nexus between minority ownership and diversity in programming.

There were five studies of this connection cited in the Metro case, including a study by the Congressional Research Service, "Minority Broadcast Station Ownership and Programming: Is There a Nexus?" (1988).

That is to say, does minority ownership encourage diversity of views?

This study, which looked at radio data collected by the FCC from over 9,000 radio and TV stations, showed a strong correlation between minority ownership and programming targeted to minority ownerships and expansion of diversity of voice for everyone. The other studies all had similar findings, showing differences in programming, including news programming, and differences in the willingness to hire women and minorities as employees.

Mr. President, what the Finance Committee and the House of Representatives are now proposing with this legislation, however, is to terminate this progress toward diversity, to terminate the 1071 tax certificate program and to do so retroactively and with virtually no notice at all.

The committee report sets out three reasons for terminating the program. It says that the tax certificate program has evolved far beyond what Congress originally intended. The report makes this argument even though it was Congress that gave the FCC broad discretion to set the terms of the tax certificate program.

Second, the committee report argues that the FCC standards for issuing the certificates are vague and therefore subject to significant abuse. It asserts that the FCC's determination of control does not guarantee that a minority purchaser will continue to manage the broadcast or cable property after the tax certificate has been issued.

Third, the report argues that the tax certificate program is not supervised and reviewed by the Internal Revenue Service, and that the FCC does not request information regarding the size of the tax benefit or otherwise act to ensure that the nonminority seller does not get the entire benefit of the certificate.

Mr. President, these arguments, it seems to me, are sufficient to warrant a reasoned, deliberate and careful review of this program and not the total elimination retroactively of it. As a general matter, I believe that all Federal programs should be periodically reviewed. We should take a look at everything to make sure it works as it was intended to work by this Congress, to make sure that it is more efficient. However, that commonsense principle, I believe, should not be exploited as a blanket license to just carelessly throw out longstanding Federal laws without any review before the fact, without any chance to take a look at it. And yet that is exactly what we are saying here.

No study of the effectiveness of section 1071 was undertaken by the House of Representatives before it rushed to repeal this legislation. Nor has the Senate undertaken the opportunity to fully study the merits of section 1071. The majority leader of this body stood in the Chamber just last week talking about the fact that there are over 160 Federal programs he would like to see reviewed as part of a comprehensive review of Federal affirmative action policies. And the majority leader asked two Senate committees to hold hearings as part of that review. The majority leader also commended this administration for its ongoing review of affirmative action policies and programs.

All of these suggestions that there be a review indicate to me that the Finance Committee should have at least awaited the results of the administration's efforts and should have considered whether or not section 1071 was working, whether it had problems, whether its objectives were important ones, and whether or not reform rather than retroactive elimination would have been more appropriate.

That is not what is happening with this bill, Mr. President. Instead, we see a rush to judgment. Instead, what we see is an unwillingness to confront the fact that minorities and women have been excluded from the broadcast and cable industries and that minorities and women continue to have access-to-capital problems that are significantly greater and different than other potential acquirers.

Indeed, what we see is a total disregard of the policy considerations having to do with diversity of voice that led to the creation of this tax certificate program in the first place.

This hasty repeal would not just eliminate a genuinely worthy minority ownership program; it would also repeal all of the other uses of the FCC tax certificates. For example, a broadcast or cable licensee is eligible for a tax certificate when it divests a media property in order to comply with the FCC's cable/broadcast cross-ownership policy and the newspaper/TV cross-ownership policy. Repeal of section 1071, therefore, eliminates a reasonable incentive for FCC licensees to comply with FCC policies.

Repealing section 1071, moreover, does not mean ending capital gains rollovers in the future. There will still be many, many ways to structure transactions in ways that will avoid capital gains taxes. And in fact the experience is that the most recent sales in the cable industry have all been tax-free transactions that did not involve the tax certificate program which was calculated to give minorities and women a chance.

Some recent examples illustrate this point. Time/Warner announced in January of 1995 that it will acquire KBL Communication from Houston Industries in a tax-free stock transaction with an estimated purchase price of $2.2 billion. Time/Warner has also announced a tax-free acquisition of Summit Communications for $350 million via a stock exchange. Again, no tax rollover questions there. Cox Cable acquired Times Mirror Cable in a tax-free merger with an estimated price of $2.3 billion. Minority entrepreneurs, however, because they frequently lack the access to capital of long-established companies, cannot rely on section 328 of the Tax Code which authorizes those tax-free transactions. Instead, they have had to rely and have relied on section 1071.

That is why it is particularly troubling that the proposal before the Senate is to retroactively repeal section 1071 simply because a particular African-American businessman is involved in a large transaction that is eligible for a tax certificate and the resulting capital gains tax deferral. The rush to undo this transaction ignores, in my opinion, some important facts. The first is that the transaction that precipitated the House Committee's action, the so-called Viacom transaction, is not the only pending transaction at the FCC. There are at least 19 others.

Second, all of these acquirers have justifiably relied on the existence of section 1071, which has now been in place for over 17 years and which has been explicitly endorsed by Congress over and over again through the appropriations process.

In the Viacom transaction, the purchasing group has incurred literally millions of dollars in out-of-pocket expenses for costs such as legal fees, commitment fees, and travel. The prospective minority purchaser has made it clear that he was entering into the transaction in order to run the company, not to purchase it for a quick resale or turnover. Enormous amounts of time and energy and faith in our Government have been placed in putting this transaction together. Major banks have committed to participate. And the transaction was not hastily entered into in the last 30 days in order to get in under the wire before the repeal of this section. But the House of Representatives and the Finance Committee seemed to ignore all the time and money and energy that have been expended, all the faith and confidence in laws that have been around for 17 years and seemingly went out of its way to repeal this section with a retroactive effective date to get at this transaction which because of its size had made the newspapers.

Mr. President, I believe what we see here is a good example of why people are so cynical about Government. What we see here is an effort to ignore the facts, to ignore the good-faith reliance on section 1071 exhibited by the prospective purchaser in all transactions now pending before the FCC. What we see here is a total disregard of the equities and due process in an effort to rush to judgment.

Mr. President, retroactive effective dates are very unusual in the Senate. In fact, this body has a long and consistent history of using one of three dates as the effective date of a tax change that reduces or eliminates tax redemptions, exclusions or similar provisions. The usual choice for those effective dates are the date of enactment, the first December 31st of the year of enactment, or the first taxable year beginning after one of the first two dates.

Putting aside tax rate changes, Mr. President, the Senate has departed from the usual effective dates only in rare circumstances where there has been a legitimate concern about the ability of taxpayers to rush the market and therefore avoid changes. Even in those rare cases where Congress was closing loopholes in the tax law because taxpayers were abusing the system, Congress adhered to the standards of fairness to ensure that taxpayers would have sufficient notice and could plan their private transactions, so that the business community could plan, the taxpayers could plan, so they could order their affairs in reliance on our activity.

That is not what has happened here, Mr. President. The provisions repealing section 1071 therefore represent a dramatic departure from the general procedure for drafting effective dates. After reviewing the facts and precedents, I remain convinced there is no policy reason to justify singling out this particular section of the Internal Revenue Code for an unprecedented formulation of an effective date.

It is worthwhile to compare the effective date for the repeal of section 1071 in this bill to the precedents. First, there is the January 17, 1995, effective date. What is the significance of this date? Well, Mr. President, it is the date on which the chairman of the House Ways and Means Committee issued a press release indicating the committee would review this section and that they might consider repealing the section, in which case he intended to use a January 17 effective date.

When has this body ever allowed a single Member of the House of Representatives to unilaterally dictate the effective date of a tax change? When the chief of staff of the Joint Committee on Taxation was asked this question during the Ways and Means markup, I understand that he cited the tax-exempt leasing bill that was introduced by former Congressman Jake Pickle. Well, in that case, the majority leader, Senator DOLE, introduced a companion bill in the Senate. And in that case, the retroactive effective date was made all but moot by three very generously, broadly applicable transition rules and a host of targeted rules.

The most recent and more relevant example of an effective date that was sent by press release occurred in the Tax Reform Act of 1986. However, in that case, taxpayers were put on notice in 1984—2 years before the press release—when Treasury published a tax reform proposal. In that case, a press release was issued to revolve the difference between a retroactive January 1, 1986, effective date in a House provision dealing with tax-exempt bonds, and a Senate provision with a January 1, 1987 prospective date. What is important to note is that this was a joint press release; it was signed not only by both chairman of the House and Senate tax-writing committees, but also by the two ranking members and the Secretary of the Treasury. It is also interesting that the parties involved chose a date well after the retroactive January 1, 1986, House bill; they agree instead on September 1, 1986.

It is interesting, in that situation also there was consensus, an agreement between both bodies with regard to the setting of an effective date. Again, that is not what happened here. Here, because of a press release of one Chamber by one individual, the Senate has rushed to judgment to adopt that and thereby undo the work that all these actors in the private sector have undertaken in reliance on section 1071.

This is the precedent that this body will overrule if we approve the effective date in H.R. 831 for the repeal of section 1071.

I mentioned earlier that Congress has departed from the general rule where there was a perceived abuse of the tax law. The general practice in those situations has been to use the date of the committee action as the effective date, and even then to provide fair and reasonable transition rules. For example, in the 1990 revenue reconciliation bill, Congress shut down a loophole through an amendment to section 355 of the Internal Revenue Code. The 1990 act was passed on October 27, 1990, and signed into law on November 5, of that year. In that case, the general effective date applied to securities purchased after October 9, 1990—the day before the Ways and Means Committee reported out the bill, but Congress also provided a transition rule where the material terms of a transaction were described in a written public announcement before October 10, 1990, and SEC filing was made before that date. The same rule was provided in another section of the 1990 act dealing with debt exchanges.

Another example is provided by the 1989 Revenue Reconciliation Act. Again, there were perceived abuses by businesses making debt-financed stock sales to ESOP's; there, the general effective date for an amendment that modified the partial interest exclusion for ESOP loans was for loans made after July 10, 1989, the day before that provision was presented in a chairman's mark to the Ways and Means Committee.

In the Revenue Act of 1987, which was signed into law on December 22, 1987, Congress closed a loophole that allowed "C" corporations to avoid LIFO recapture by converting to "S" corporation status. There the effective date was December 16, 1987—the date of the conference committee action. Moreover, a transition rule was provided where there was a board of directors resolution before the December 16 date.

Why are taxpayers with applications pending before the FCC not deserving of transition relief? The only concrete answer that I have received to this question is that the size of the one of those transactions, the Viacom transaction, is just too great—the implication is that we would somehow save tax revenues if we refuse to provide a reasonable and appropriate transition rule—and so the committee substitute before the Senate has no reasonable and appropriate transition rule.

Just yesterday, Mr. President, this Senate, by a very strong vote of 69 to 29, approved a form of line-item veto authority for the President of the United States. Senator after Senator stood up to explain how unfair it was that the Congress was, in effect, blackmailing the President, by linking pork-barrel items with must items in a single bill. Yet that is what we see here today. Those who want the Senate to consider the option of reforming section 1071 have no choice but to be linked up, in effect, be blackmailed by the fact that we also want to see the reform with the self-employed health insurance deduction issue. We want to see the health insurance passed, but now we are being forced by the committee action to accept this ill-considered rush-to-judgment, unfair, retroactive repeal of section 1071.

As I stated at the outset, I am a strong supporter of that provision; and I agree that it needs expedited consideration. However, there is no reason that the section 1071 issue had to be linked to that provision. The committee substitute now before us has offsets sufficient to ensure budget neutrality even without the provision repealing section 1071.

However, the provision repealing section 1071 is in the bill. And it is clear that the need for action in the next 2 weeks to complete action on the health insurance provisions effectively precludes this Senator, or any member of the Senate, from acting to try to slow down this train, and to ensure that the objectives of the minority ownership tax certificate program get the attention they deserve.

Let me conclude by reminding my colleagues that diversity of voice in our electronic media remains critically important, and that we have a responsibility to every American to see that entry is open enough to permit that business to meet the needs of all of our citizens. It is also critically important that Government act responsibly, and that Government keep it word. By repealing section 1071 retroactively, we are failing to meet our obligation to those who have in good faith relied on the law of the land, and our obligation to the American people generally to legislate responsibly.

By repealing this section retroactively, we have also, I believe, taken a rush to judgment and put at great peril an important policy consideration having to do with diversity of voice.

Mr. President, I intend to continue working on the issue raised by section 1071 and I intend to continue working to try to convince my colleagues in this body that the objectives of diversity of voice are important ones that must be preserved. I intend to continue speaking out on the issue of the importance of inclusion of women and minorities in every industry in this Nation, but certainly in communications, which has such a broad-range effect on the way that people see our country, the way that people see the world, the kind of information to which they are given access.

It is access to information that is at the heart of the section 1071 program. And the notion that access to that information ought to come from as many places as we can manage, to the extent that section 1071 has had a positive effect in encouraging diversity of voice, encouraging diversity of ownership, allowing women and minorities a chance to participate in an industry in which they were historically deliberately excluded, it had a salutary effect and meaning and reason, and it is something that we should protect and preserve in this body, and not otherwise.

I think it is unfortunate that this retroactive repeal has been associated with this important health care initiative. I think it is something that I intend to continue to fight. And I hope, that as we move down the road in consideration of this tax legislation, we will not lose the one opportunity we had to unlock the door, to provide opportunity as a way of responding to concerns that may be misplaced, to concerns that need to be articulated and talked about, but concerns that we really have not looked closely enough at to see the benefit for all Americans.

And so I hope that the health care deduction passes. I want to support that. I want to help that. But on section 1071, the fight is not over. The fight continues.

I hope that what has happened here with regard to this retroactive repeal is a wake-up call to women, to minorities, to people in this country who care about diversity, who think that it is important, that we cannot sit back. And, as complex as this issue may seem, fundamentally it is a very simple one. It is an issue of whether or not the airwaves of this country are for all Americans or for some Americans. I believe that inclusion and diversity is the strength of our country and not otherwise, and I will fight to maintain access to the airwaves for all Americans.

Thank you, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I most emphatically wish to state the debt in which we all find ourselves to the Senator from Illinois for her powerful and persuasive statement; her first on this particular subject, but not, I dare think and hope, her last.

We will continue now with this debate.

Mr. President, I yield 5 minutes to my friend and colleague, the senior Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my good friend, as well, the senior Senator from New York.

Mr. President, in Montana, we have a saying—"it's not what you say, it's what you do."

For too long, Members of Congress said they only wish they could permanently extend the health insurance premium for the self-employed but that they didn't have the money to get the job done.

For too long, Members said they wanted to increase the deduction beyond 25 percent—but they did not have the money.

Today, we will vote on legislation that, at long last, permanently extends the health insurance premium deduction for the self-employed, and increases it from 25 to 30 percent for 1995 and afterward.

What does this mean back home? Well, this is real. This means farmers and small business people get relief.

I heard from Randy Koutnik in Helena who was planning to go into his own business. He needed the deduction so he could continue to afford health insurance coverage. I think this legislation is needed. It will help Randy, and many other hardworking, gutsy entrepreneurs like him start out on their own.

Polly Burke of Missoula called me up to say how angry she was that self-employed individuals were losing their 25-

percent health insurance premium deduction while corporations kept their 100-percent deduction. And I think Polly is right to be angry.

Today we will take a first step to help Polly, Randy, and all self-employed across America.

My only complaint is that we should have acted earlier. For the cash-basis farmers who had to pay their taxes by March 1, Congress is 3 weeks late.

It is true that those farmers can amend their returns and collect a refund. But amending the return will take time and, unless their accountants work for free, will cost these farmers money. Probably 30 to 50 bucks apiece.

But with today's action, Congress will at least do the right thing.

We will permanently extend the health insurance premium deduction so Montana farmers, small business people, and all of America's self-employed have at least one less thing to worry about in the years ahead.

Mr. President, I intend to vote for this legislation and I strongly encourage my colleagues to vote for it. And I will push hard to make sure it gets to the President's desk fast, so the deduction is available to all the self-employed filing their tax returns before April 17.

I thank the Chair, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon [Mr. PACKWOOD] for deferring to me briefly so that I might make a brief statement.

BLACK HUMOR

Mr. BYRD. Mr. President, a cartoon by Mr. Garry Trudeau appeared in the Washington Post last Sunday, March 19, 1995, and I assume in many other newspapers, in which he is syndicated, a cartoon which is an unfortunate example of tasteless, offensive, black humor. It belittles the war record, bravery, and selfless sacrifice of the distinguished majority leader, Mr. DOLE, by ridiculing the wounds he suffered and still carries, and always will, from the Italian campaign of World War II. The war record of all elected officials is usually a matter of some attention during political campaigns, and Mr. DOLE is no exception. But why anyone would take an excursion into cynical dark cartoon humor over this is incomprehensible and inexcusable.

Our political system and culture must be based on civility, mutual respect and honor. The discourse and debate in Presidential campaigns, indeed any campaign, should properly focus on the positions of the candidates on the major issues of the day, and what solutions are being offered. We have had too much of personal attacks, negative campaigning, and the politics of cynicism in America in recent years. I think it would be beneficial if we all tried a little more to elevate the political discourse in America, and that we focus on where we should, constructively, lead the Nation. Our attitude should certainly be positive and, while we differ on many issues, strive for unfailing courtesy and respect.

Mr. DOLE carries with him the symbol and the physical result of his valor in combat, defending our country, defending the very ability of cartoonists to exercise their trade in freedom, and our very ability to conduct an honorable, civil, enlightened debate in a democracy. Mr. DOLE has dedicated his entire life to the service of the Nation. Mr. Trudeau, I believe, owes Mr. DOLE an apology for this entirely inappropriate attack and innuendo.

Mr. President, I yield the floor.

SELF-EMPLOYED HEALTH INSURANCE COSTS DEDUCTION

The Senate continued with the consideration of the bill.

MATERIAL TERMS UNDER THE BINDING CONTRACT EXCEPTION IN H.R. 831

Ms. MOSELEY-BRAUN. Mr. President, I rise to request a clarification to a provision in H.R. 831 relating to the binding contract exception to the repeal of section 1071.

Binding contract exceptions to changes to the tax laws are commonly included in tax legislation to protect taxpayers who, in reliance on the laws, entered into legally binding agreements prior to the effective date of the statutory change but where the transaction itself will not be completed until after that effective date. H.R. 831 includes such a binding contract exception to the repeal of section 1071. The intent of this exception is to honor taxpayers' good faith reliance on the law.

The binding contract exception in this bill, however, would not apply if the contract, or the material terms of the contract, are contingent on issuance of an FCC tax certificate. It is not clear what would constitute a material term being contingent on the issuance of an FCC tax certificate for purposes of this legislation.

It is important that we provide the FCC and the Internal Revenue Service with appropriate guidance in determining whether a contract for the sale of a broadcasting station qualifies for the binding contract exception to the repeal of section 1071 and therefore eligible for an FCC tax certificate. If a transaction contemplates a third-party action, such as the FCC issuing a tax certificate, but the contract requires that the transaction go forward even if the third-party action does not occur, it is only reasonable that the parties to the agreement provide in that agreement for a relatively minor adjustment to offset the effects of the failure of the third-party to act. Such a contract clearly is still binding—the transaction must go forward with the contract-required adjustment. It is my understanding that the "material terms" of a contract are not to be considered contingent on the issuance of an FCC tax certificate simply because the parties provided for a relatively minor adjustment of less than 10 percent of the selling price if the FCC certificate is not issued. Is this consistent with your understanding of what is intended by the clause "or the material terms of such contract"?

Mr. PACKWOOD. Yes, the clause "or the material terms of such contract" is not intended to exclude binding contracts from the benefits of the legislation's binding contract rule simply because the parties included a relatively minor price adjustment of less than 10 percent in the original binding contract to compensate for the failure of the FCC to issue a tax certificate.

Mr. President, we are waiting for Senator DOLE to come, and then we will be ready to close up on this bill, I believe. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I am here to support this proposal and to praise the Finance Committee and those in the House of Representatives who thought of a way in which to do justice on both sides of the equation of a tax proposal and to provide an extension and ultimately an increase in an overwhelmingly just—but still inadequate—deduction for the health care expenses of the self-employed.

For many years, the Tax Code has permitted a modest deduction of 25 percent of the health care insurance costs of the self-employed—modest, of course, in comparison with the very, very large number of Americans who have health care insurance premiums paid for by their employers, fully deductible to those employers. Yet, even this 25-percent deduction for the self-employed, for hard-working Americans in small towns and large cities and on farms across this country, is threatened. It has for years been a deduction with a terminal point. In every previous year in which that terminal point was reached, the Congress has extended the deduction for a few more years.

In 1994, it did not do so and technically there is no such provision today. There will be, however, if this bill passes. A deduction will be effective for the current year and will move up modestly from 25 to 30 percent next year. I believe that almost every Member of this body hopes that the time will come that, with a more sound and all-encompassing set of health care reforms, we will be able to allow the deduction of 100 percent of such health care insurance costs. In the meantime, however, to extend the present deduction and modestly to increase the present deduction is clearly overwhelmingly in the public interest.

Standing alone, that would not be a difficult task, except for its effect on the budget deficit. It is here that the thoughtfulness and the genius of the sponsors of this bill are in particular evidence. This bill is going to be paid for by four changes in the Internal Revenue Code, three of which are of considerable significance with respect to the amount of money that they produce.

The first is a denial of the earned-income tax credit to those who have substantial unearned income; that is to say, investment income. The earned-income tax credit, of course, is designed to see to it that the working poor—those who are trying to move out of poverty, who are below the level at which they would normally pay an income tax—literally get some money back from the Government as a reward for that work. To allow it, however, to those who have low levels of earned income but significant levels of unearned income is, of course, a perversion of the whole design of the earned-income tax credit itself. So this narrowing, this focus of the earned-income tax credit on those who are truly the working poor is a matter of tax justice and fiscal equity without regard for its use for this health care insurance deduction.

Second, we are for the first time actually going to penalize those Americans, those I think perverse Americans, who renounce their citizenship in order to save on taxes. They will be hit when they renounce that citizenship with what amounts to a capital gains tax on the assets they take with them out of the United States. The Finance Committee, I should note, has said that this provision is not designed to be a direct offset against the health care insurance premium deduction for the self-employed, but literally to be a modest contribution to our budget deficit.

The most significant of the tax changes, of course, is the cancellation of section 1071 of the Internal Revenue Code, which started out as a recognition of forced sales some 50 or more years ago, when we first developed rules that did not allow more than one radio station, in that case, to be owned by the same people in the same community; but since, that has become a rather famous and notorious form of affirmative action.

This provision, of course, was triggered by a huge sale involving Viacom and one member of a minority group, the cost of which to the Federal Treasury would be over half a billion dollars. It may very well have been one of the triggering causes of the attention being paid today to the whole subject of affirmative action. Yet, I think it is safe to say that this provision should be repealed without regard to the varying views of Members of this body and of the public as a whole on affirmative action overall. The kind of affirmative action that benefits one quite successful and fairly wealthy member of a minority group at the cost of half a billion dollars to the State treasury is a perversion of any kind of theory of equity, affirmative action or otherwise.

We will have in this body more than enough time to debate the whole subject of affirmative action, whether or not it has been a success, whether or not it deserves continuation in whole or in part in the future. In the meantime, however, we need to pass this bill in order to prevent this perverse use of affirmative action and in order to provide justice for literally hundreds of thousands of self-employed Americans. Here, a handful of people who do not deserve tax benefits will be penalized. Hundreds of thousands of hard-working self-employed Americans will at least retain, and ultimately have a slight increase, in a tax deduction for a highly worthy social and economic purpose.

This bill, in other words, does justice to the self-employed, ends a terrible loophole in the field of affirmative action, ends a loophole in the earned-income tax credit, and ends up helping us in some slight manner to reduce our deficit.

We very rarely get bills through this House in which every single element is a plus for our society, and it deserves the support of all Members of the Senate.

Mr. DOMENICI. Mr. President, April 15, is only 22 days away and unless the President signs a bill restoring the 25-percent health insurance deduction for the self-insured more than 4 million small business persons will experience yet another tax increase.

If a person is doing business as a corporation, health insurance is 100 percent deductible. Under the tax law in effect without this legislation, zero percent, zip, none of their health insurance costs is deductible for the self-employed. There is no tax policy justification for treating corporations one way and the self-employed another. The majority of all businesses in this country are self-employed. These are often firms with very little cash, a good idea and talent struggling to make a success. Once they do succeed, they are the ones that create nearly two out of every three net new jobs. These small firms have sustained this job-creating record for more than 20 years. Clearly, the Tax Code should not treat them so shabbily.

The need for the deduction is indisputable. Unincorporated business owners experience the worst of all possible worlds in the health insurance marketplace. Usually they can only buy an insufficient health insurance policy for a very high price and they are denied the same incentives and tax treatment enjoyed by incorporated, bigger businesses.

If this legislation becomes law, the self-employed will be able to take 25-percent deduction for their health insurance costs on their 1994 taxes and receive a 30-percent deduction for tax years 1995 and beyond. I am pleased that Congress is taking this step to address the health insurance deductibility gap and to make it permanent.

We really should be working to achieve 100-percent parity and equity with corporations so that all businesses, regardless of form, would be treated the same. Total deductibility has been a top priority of the various State small business conferences which have been held prior to the 1995 White House Conference on Small business. In the mid-1980's, I sponsored legislation that was enacted calling for a White House Conference on Small Business once every Presidential term. These are valuable conferences because they help identify legislative priorities. In the past, a vast majority of the Small Business Conference recommendations have been enacted into law. I hope we will be able to make good on that record when it comes to the deduction of health insurance for the self-employed.

In addition to tax policy fairness and job creation, restoring the deduction for the self-employed is important because the self-employed are one of the largest groups of uninsured citizens in America. There are 3 million self-employed Americans without health insurance. The 30-percent deduction is a small, but meaningful incentive for unincorporated business owners to purchase health insurance for themselves and their families.

In New Mexico, there are 75,000 self-employed individuals about one-third of them take advantage of the deduction. This number does not include farmers and ranchers who are another group that will benefit from the tax law change we are making today.

I sincerely hope the Congress can complete it work on this legislation in time for the April 15 filing deadline. Making the deduction permanent will stop the uncertainty that has historically accompanied this section of the Tax Code. It will help millions of small business entrepreneurs, farmers, and ranchers provide health insurance for their families.

Mr. GRASSLEY. Mr. President, I want to lend my strong support for H.R. 831 to make the self-employed deduction permanent and to raise it to 30 percent.

There had been a number of threats to hold this legislation up by filibustering or offering numerous contentious amendments. I'm very glad that these threats disappeared, because holding up this bill would have only hurt the millions of taxpayers that are waiting for this relief.

Mr. President, most of the major health care bills introduced in the last Congress called for an increased extension of the 25 percent health insurance deduction for the self-employed. There's a broad consensus that an increased health insurance deduction would contribute to tax fairness and would also lead to a significant reduction in the number of uninsured Americans.

Unfortunately, as we all know, the self-employed health insurance deduction expired on December 31, 1993, with the understanding that an extension, and possible expansion, would be part of health care reform in 1994. However, we all know what happened to President Clinton's disastrous health care reform effort. And, unfortunately, the self-employed deduction went down with it.

Mr. President, if the 25-percent deduction is not retroactively reinstated, the self-employed will be hit with a sizable tax increase. Moreover, it would be a tax increase on predominantly middle-income persons since about 73 percent of those persons who pay self-employment tax earn under $50,000 in adjusted gross income.

Mr. President, I have introduced a separate bill that would reinstate the 25-percent deduction for the 1994 tax year, and then increase the deduction to 50 percent this year, 75 percent next year, and 100 percent the year after.

Organizations as diverse as the Farm Bureau, the National Federation of Independent Businesses, the Association for the Self-Employed, and the National Restaurant Association support this legislation.

I look forward to the Congress finally dealing with this problem by taking care of the 1994 tax year, making it permanent and increasing it to 30 percent. Hopefully, we will be able to expand the deduction up to 100 percent at a later date.

Mr. McCAIN. Mr. President, I strongly support legislation to permanently extend and expand the health insurance tax deduction for self-employed individuals. In addition to allowing these individuals and their dependents to deduct 25 percent of the cost of their health insurance for 1994, it will allow them to deduct 30 percent of these costs for all future years. This bill, which addresses one of the most unfair provisions in the Tax Code, is fully paid for without adding a penny to the budget deficit by eliminating an outdated and inequitable corporate tax break.

This issue has justifiably been a major concern to the small business community for a long time. The 25 percent deduction for the self-employed was first contained in the tax Reform Act of 1986. Due to congressional inaction, it expired at the end of 1993. Consequently, if we didn't pass an extension before April 15, self-employed individuals would not have been able to deduct any of their health insurance expenses this year. This would have been incredibly unfair. Employees of corporations continue to be able to deduct almost all of their health insurance costs.

Since 1989, we have been keeping small business in limbo each year while Congress decides whether to re-extend this tax deduction. Small businesses are extremely important to our country. In Arizona, they are the fastest growing component of our economy and, in aggregate, our largest source of employment. They rely upon the modest insurance tax benefit that they are entitled to receive. By passing this bill today, and by making it retroactive so that the deduction can be taken this year, we make a major step forward in providing equity and certainly to small business people throughout our Nation.

Throughout the health reform debate last year, I argued that the deduction for self-employed individuals should be expanded to be comparable to the full deduction that other employees receive. I further contended that the result of allowing the deduction to expire would have been to substantially increase the number of uninsured Americans. It would have imposed a large burden on individuals who we should be helping, those who have taken the initiative and risk associated with small business and self-employment. Today, we vote to start to remedy their problems.

Passing this extension and expansion of the self-employed insurance tax deduction today is a major step in the right direction. I urge President Clinton to sign this bill into law as soon as possible. It is outrageous that self-employed individuals are not permitted to deduct the same percentage of their health insurance costs as do employees of large corporations. It is even more outrageous that we almost took away the small amount that they can currently deduct, and may still do so if President Clinton does not act quickly.

I remain committed to ensuring that all Americans receive the same tax advantages in deducting their health insurance, and to creating a more equitable and efficient health care system.

Mr. KENNEDY. Mr. President, with passage of H.R. 831, the Senate begins the effort to pick up this year where we left off last year on the very important issue of health care reform.

To some extent, this legislation simply extends a tax break for health insurance for small business that expired last year because it was closely related to other health reforms that also failed to pass.

Many of us had hoped to use this legislation as an opportunity to revise this tax deduction and make it fairer to all those involved in small businesses—employees as well as owners.

But because the tax deadline is so near, there is no real opportunity to have such a debate at this time. Small businesses deserve to have the expired provision extended as soon as possible, so that the applicable law will be clear as they file their tax returns for 1994. Many of them purchased their health insurance in expectation that the tax deduction would be continued, and it would be unfair to them to let it lapse now. So I join with many other Senators in expediting action on this bill.

But it is appropriate to point out the key issues involved in this tax incentive, and I am confident we will have an opportunity to address them on other tax bills and as part of our effort in the coming months to enact health reform in this Congress.

In the wake of our failure to enact health reform last year, the health care crisis facing American families has continued to grow worse. Last year, the number of uninsured increased by more than 1 million, to over 40 million of our fellow citizens. If current trends continue, the number of uninsured will exceed 50 million in the year 2000—1 in every 5 nonelderly Americans. But for the expansion of public health insurance coverage to more than 10 million people in the past decade, the current situation would be even worse.

Even those who have insurance are not secure. No family can be confident that the insurance which protects them today will be there for them tomorrow if serious illness strikes.

The decline in health insurance coverage on the job is especially serious. As recently as 1988, two-thirds of all nonelderly Americans received coverage through their employer. Today, that number has fallen to 61 percent. By the year 2000, only about half of all nonelderly Americans will be able to depend on private, job-based coverage for the health protection they need for their families and themselves.

Few, if any, people are more seriously victimized by the health care crisis than small business owners and their employees. If they try to buy coverage, they routinely face insurance company markups as much as eight times greater than large businesses. Despite reforms enacted by many States in recent years, small businesses in many areas of the country still face exorbitant prices or are denied coverage altogether if someone in the business is in poor health, or is elderly, or lives in the wrong part of town, or works in the wrong occupation.

The legislation before us provides some tax assistance for the self-employed, including the owners of small businesses, but I am disappointed that the imminent tax filing deadline prevents us from taking this opportunity to deal with the problems in a more balanced and more effective way.

The legislation offers a tax subsidy of $800 million a year—$8 billion over the next 10 years—to help the self-employed purchase the coverage they need. Many, many citizens in our society need help in purchasing health insurance. For $800 million a year, we could do a great deal to insure children, or give greater health security to workers who lose their jobs, or more assistance to senior citizens struggling desperately to pay the high cost of long-term care or prescription drugs.

But the entire $8 billion in this bill goes to the owners of small businesses. No one else benefits—not even the employees of those businesses. In fact, more than $3 billion of these funds goes to people making more than $50,000 a year. More than $2 billion goes to people making $75,000 or more—and that isn't fair. The wealthier they are, the bigger their tax benefit. Changing the tax deduction to a tax credit would be fairer, and making the tax credit refundable would be even fairer.

But if we're going to make the current system fairer to small business owners, we should at least make it fairer to their employees too. Small business owners and their families deserve help—but so do their employees and their families.

Under current tax law, any business, large or small, that provides health insurance to its employees can deduct the cost of that insurance as a business expense, just as it can deduct the wages paid to its employees.

The employees who receive the insurance get a significant tax break too, because the value of the insurance is a fringe benefit that is not counted as income to the employees for tax purposes.

This favorable tax treatment was one of the principal engines driving the expansion of private, job-based health insurance coverage in the past generation. It has also been a major factor in helping to make the loss of coverage in recent years less serious than it would otherwise have been.

This tax exclusion for fringe benefits is also one of the most expensive tax subsidies in the entire Internal Revenue Code. It will cost the Treasury $60 billion this year, and that revenue loss will rise to $94 billion in the year 2000.

Under a quirk in the tax laws, however, owners of small businesses that are not incorporated were not eligible for this tax break. In fact, they were at a serious disadvantage. No matter what contribution they made to health insurance coverage for their workers—and some small businesses do make such a contribution—the owners still could not deduct the cost of their own insurance.

So in 1986, Congress reduced this disparity by granting a separate tax deduction for small business owners, equal to 25 percent of the cost of the insurance they bought for themselves. Many people feel that the deduction should be 100 percent, in order to achieve full parity with managers of large corporations, and there is a good deal of merit in that view, at least in cases where the owners provide coverage for their employees.

The 1986 deduction was enacted on a temporary basis. It was extended by Congress on several occasions, but it expired at the end of 1993. A further extension was considered in 1994 as part of comprehensive health reform, but it died when the overall health reform effort failed.

The question now is whether, in this time of limited resources, it is fair to restore the subsidy—and make it permanent—and even sweeten it from a 25 percent deduction to a 30 percent deduction—for small business owners at a cost of $800 million a year, but do nothing for the employees of those small businesses.

Even large corporations don't do this well. The managers of large, self-insured corporations are not eligible for a tax break that is greater than the tax break given to their workers. Yet under the committee bill, owners of small businesses are eligible for the tax break even if they make no contribution at all to the cost of their workers' coverage.

Yet employees of small businesses have even more difficulty than their employers in obtaining good coverage. It is bad enough that 18 percent of all workers are uninsured. It is worse that 25 percent of the self-employed are uninsured. But it is even worse that 33 percent of workers in firms with fewer than 10 workers are uninsured.

The smaller the business, the more serious the problem. More than 90 percent of firms with over 250 employees offer coverage to their workers. But only a third of firms with fewer than 10 workers offer coverage to their employees.

This legislation does the right thing by helping the self-employed. But it should have gone farther. It should have helped both the owners and their employees.

Under this bill, mom and pop, the owners of the small mom and pop store, get a tax break, but the cashier or the worker in the stock room does not.

The partners in the law firms get the tax break, but the secretaries and the filing clerks and the paralegals do not.

The doctors in the group practice get the tax break, but the nurses and technicians and lab assistants and receptionists do not. And that isn't fair.

A fairer bill could have maintained the 30 percent deduction for the small business owners, as provided in the committee bill. But it should have required them to make group health insurance available to their workers as a condition of taking the deduction for themselves.

The owners would not have had to make any contribution to the cost of the coverage for their employees. They would only have to make the coverage available for the employers to purchase themselves. But employees exercising this choice should also be eligible for the same 30 percent tax break available to the owner.

This proposal is not an employer mandate. It does not require employers to contribute to the cost of coverage. It does not even require employers to offer coverage to their employees. All it says is that if they want to take advantage of a tax break to purchase health insurance for themselves, they will have the minimal obligation of arranging the availability of group coverage for their employees.

This proposal is a modest one. It does not even go as far as the Republican health reform bills offered by Senator DOLE and Congressman Michel last year. The Michel bill required all employers to make coverage available to their workers, regardless of whether the employers took a tax deduction for their own coverage. The Dole bill required all employers to administer a payroll deduction program for their employees, even if the employers took no tax deduction for themselves.

This proposal is not an expensive one—just a fair one. Final cost estimates are not yet available from the Joint Tax Committee. But it is likely that the program could be financed by using some of the excess revenue generated by the bill before us, or by retaining the level of the deduction at 25 percent instead of raising it to 30 percent.

Small business owners on the whole are not a wealthy group, and they often have trouble obtaining affordable insurance. They need the help that we are providing in this bill. But their employees have even lower incomes and are even less likely to be insured. Surely, they are at least as deserving a tax subsidy as the owners of the business.

This proposal has other benefits for workers, in addition to the tax subsidy it provides. Group coverage is less expensive than individual coverage. A majority of States have adopted limits on preexisting conditions and limits on premiums. They guarantee the issue of policies and the renewal of policies for such group coverage.

But only a handful of States have enacted comparable rules for individual coverage. By assuring the availability of group coverage to a broader number of people, the benefits of the insurance reforms already enacted by some States can be extended to many more citizens who need them.

Finally, a fair bill should provide tax parity for small business owners who do contribute to the cost of insurance coverage for their employees. They should be able to deduct 100 percent of the cost of their own coverage, if they pay the full coverage of their workers as well, as some small businesses already do.

Under the reform I favor, whatever share they provide to their workers would also be deductible for them. If they pay 70 percent of the premium for their workers, they could deduct 70 percent of their own premiums. They would have full parity with the manager of a large business.

In summary, the committee bill provides a tax subsidy for health insurance for the owners of small business. I regret that it does not provide a similar tax subsidy for the employees of small business too.

During the course of this Congress, there will be opportunities to consider measures to expand health care for the employees of small businesses, for other members of working families, for children, and for senior citizens. When these reforms come to a vote, I hope that the Members of the Senate will remember that these Americans need health care, too.

I also intend to do all I can, in these times of deep budget cuts and limited Federal resources, to see that the large tax subsidies now available through the Internal Revenue Code meet the same strict scrutiny that Congress is giving to other forms of Federal spending. We made bipartisan progress yesterday by extending the line-item veto to tax subsidies, and we need to do more to rein in this rapidly growing part of the Federal budget.

Mr. GRAMM. Mr. President, I rise today to voice my support for H.R. 831 and the protections it will provide to America's self-employed business owners—the men and women who create the jobs on Main Street.

Today, the Senate is finally ready to deliver the tax relief that should have been provided a long time ago.

And today, more than 3 million small business men and women—including as many as 146,000 in my home State of Minnesota—are breathing a sigh of relief.

Up until last year, the self-employed were allowed to deduct 25 percent of their health insurance premiums.

It was a powerful incentive: Small business owners were much more likely to buy insurance for their employees when they were offered an incentive to purchase health insurance for themselves.

That deduction, however, was allowed to lapse in December 1993 when it appeared that Congress would address health care reform in 1994.

But health care reform never materialized—and Congress never restored the deduction.

The self-employed have seen their 25-percent deduction expire five times over the past 8 years, leaving them in the precarious position of trying to second guess Congress each time as to whether the deduction would be extended.

H.R. 831 will restore the 25-percent deductibility for 1994—increase it to 30 percent this year—and make it permanent.

That is good news for the 3.2 million unincorporated, self-employed Americans the U.S. Treasury Department estimates would claim the deduction on their 1994 returns.

H.R. 831 moves us in the right direction, and I am pleased to join my colleagues in acting swiftly today to approve this desperately needed tax relief.

Yet, Mr. President, we should not look at 30 percent deductibility as our final goal.

We should use this opportunity during the 104th Congress to give small businesses the same benefit enjoyed by big business and their employees—by increasing the health insurance deduction to 100 percent for 1995 and beyond.

That is why I have also committed my support to S. 262, the Grassley-Roth-Pryor-Dole 100 percent deductibility bill.

Self-employers face the worst of all possible worlds in the health insurance marketplace.

Far too often, there aren't enough options—the price is too high—and the self-employed are denied the very incentives and tax treatment big business has come to expect.

And too often, the self-employed lack access to cost-saving managed care arrangements because insurers are reluctant to create and market them in the small towns and rural areas where most self-employers are located.

Even when they do buy insurance, self-employed business owners often pay approximately 30 percent more than larger companies for similar benefits.

That is because of costly State mandates for specific types of insurance coverage, which prevent self-employed business owners from shopping for only the basic care that they and their employees might need.

Larger firms that self-insure, on the other hand, are not subject to these costly mandates. The health insurance deduction helps small business owners defray at least some of the high cost of insurance.

The businesses that would benefit most from deductibility legislation represent almost 10 percent of the working population, and cover a tremendous variety of employers—from farmers and florists—grocers and bankers—to smalltown clothing stores, hardware stores, and photographers.

Mr. President, a tax deduction for the cost of insurance premiums would go a long way to help these self-employed business owners and their employees—especially in high-risk fields such as agriculture, where the hazards of the job often result in relatively high health insurance costs.

The health deduction is simply good business—a simple way for the Federal Government to help the people who create the jobs and deliver the paychecks on Main Street.

Small business needs encouragement, along with some incentives, to survive and continue creating jobs—providing for their employees. It is in our best interest to see that they do.

Since the 1970's small business has created two of every three new jobs in this country, and a substantial majority of those jobs were created in firms with fewer than five employees.

Congress should not neglect these entrepreneurs, Mr. President.

Self-employed business owners are the very people whose firms will have to thrive in order to create the jobs of the future.

These are often people with very little cash, but a lot of good ideas and talent, struggling to make their ideas work.

For them, the health insurance deduction could mean the difference between an "Open for Business" sign on the door and one reading "Going Out of Business."

It is time, Mr. President, for Washington to treat America's job providers equally.

I want to thank my colleagues for coming together in a bipartisan manner to ensure that 3.2 million more Americans will have access to more affordable care.

In fact, this is our first step toward serious and sensible health care reform.

It is legislation like H.R. 831 which I believe helps restore the people's faith in this great institution.

Mr. President, our ultimate aim should be to give the self-employed the same 100 percent health insurance deduction we've granted to incorporated businesses.

But today, passage of H.R. 831 moves us closer toward a goal we all share: Insuring more people, under policies that cost less, that allow them greater access to the health care services and providers they choose.

Mr. DASCHLE. Mr. President, I am pleased we will pass legislation today that, if enacted, will finally make permanent the health insurance deduction for the self-employed. This certainly will be a victory for small business in America.

During my entire tenure in the Senate, I have supported and cosponsored legislation to make the deduction permanent. It is very gratifying, therefore, to see that an overwhelming number of my colleagues share this goal.

Extension of the deduction is a bipartisan issue—one on which there is a very broad consensus. A letter signed by 75 Members of this body, earlier this year, bears testimony to that fact.

For too long, small businesses, including farmers, have been treated unfairly compared to corporations. Corporations may deduct 100 percent of the cost of qualified health insurance they purchase. But the self-employed do not receive equal treatment. In the past they have been able to deduct only 25 percent of the cost of purchasing health insurance for themselves and their families.

What is more, small businesses have not been able to rely on the availability of this deduction from year to year, preventing them from budgeting for their health insurance costs. For many, the existence of the deduction means the difference between having health insurance or not having it at all.

Frankly, it is not clear why this deduction was subject to sunset in the first place, often forcing an annual extensions of the measure. This is not a case of a controversial provision needing further review. Virtually all Members agree that, as a matter of fairness, the self-employed should be able to deduct at least some portion of these costs, if not the full amount.

I am also pleased that the deduction will be increased to 30 percent. It is my hope that at some point in the future we can increase the amount of the deduction; though it is of paramount importance that any further extension be offset appropriately.

I regret that we were unable to pass this measure earlier this year. Most farmers who are self-employed faced a March 1 filing deadline for their 1994 tax returns. Assuming the measure we are considering today is passed, they will have to go to the expense of filing amended returns for 1994. This situation could have been avoided if not for unnecessary delay in the House of Representatives unrelated to the self-employed deduction.

I am concerned that funding for this measure relies on the repeal of section 1071 benefits used to promote minority ownership of broadcast facilities. I would prefer that section 1071 benefits be reviewed in the context of a comprehensive analysis of affirmative action programs, as the administration has suggested. I ask unanimous consent that the administration's "Statement of Administration Policy" on H.R. 831 be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. DASCHLE. I am pleased that the Senate was able to move this bill so quickly. In light of this, I am optimistic that the extension of the deduction will be enacted in time for the remaining self-employed to take advantage of it before they file their returns on April 15.

With the passage of the permanent extension of the self-employed health insurance deduction today, we can all claim victory for bringing greater fairness in the Tax Code to small businesses and for helping ensure that more Americans are covered by health insurance.

EXHIBIT 1

STATEMENT OF ADMINISTRATION POLICY

H.R. 831—PERMANENTLY EXTEND THE TAX DEDUCTIBILITY FOR HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS (ARCHER (R) TX AND 3 COSPONSORS)

The Administration supports the primary purpose of H.R. 831, as reported by the Senate Finance Committee—to reinstate for 1994 the 25 percent tax deduction for health insurance premiums for self-employed individuals and increase the deduction to 30 percent on a permanent basis thereafter.

The Administration, however, opposes one of the bill's offsets—i.e., the outright repeal of the current tax treatment for the sale of radio and television broadcast facilities and cable television systems to minority-owned businesses (so-called "section 1071 benefits"). The Administration is undertaking a comprehensive review of affirmative action programs, including certain aspects of section 1071 benefits. As part of the section 1071 review, the Administration will consider possible modifications to the ownership and holding period requirements as well as caps on the amount of gain eligible for deferral.

While the Administration, in the FY 1996 Budget, proposed limiting earned income tax credit (EITC) eligibility based on certain kinds of investment income, the Administration strongly believes that the cap on such income—as set forth in this bill—should be indexed for inflation.

The Administration supports the provision in H.R. 831 that would tax expatriating citizens on untaxed gains—a provision which is very similar to one included in the President's FY 1996 Budget.

SCORING FOR PURPOSES OF PAY-AS-YOU-GO

H.R. 831 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990.

The Administration's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 831 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA.

PAY-AS-YOU-GO ESTIMATES

[Receipts in millions]

	1995	1996	1997	1998	1999	2000	1999–2000
SE Health	−513	−525	−571	−621	−678	−740	−3648
FCC	399	449	213	220	226	233	1740
EITC		23	464	507	543	576	2113
Citizen	60	200	300	410	530	650	2150
Other	8	23	32	40	44	48	195
Totals	−46	170	438	556	665	767	2550

Note.—

SE Health — 30 percent tax deduction for self-employed persons (includes 25 percent tax deduction retroactive to 1994).

FCC — Repeal of current tax treatment on sale of broadcast facilities to minority-owned businesses.

EITC — Modification of the Earned Income Tax Credit.

Citizen — Bar citizens from renouncing their citizenship to avoid tax obligations incurred before they renounced.

Other — Change in Section 1033 of the Internal Revenue Code.

Ms. SNOWE. Mr. President, I rise this morning to express my strong support for passage of H.R. 831, legislation which restores the 25-percent tax deduction for the health insurance costs of the self-employed.

At a time when America's small businesses are under virtual attack from Federal regulations and mandates, we must take a leadership role in Congress to bring them the relief they deserve.

In order to create jobs in Maine and across America, we need to assist small businesses in any way we can; they are the engine that keeps our Nation's economy running. Businesses with fewer than 10 employees make up more than 85 percent of Maine's jobs, and, nationally, small businesses employ 54 percent of the private work force. In 1993, small businesses created an estimated 71 percent of the 1.9 million new jobs. When we call small businesses the engine of our economy, we mean it—and America's small businesses are jump-starting our economy in all 50 States.

From investors to startup businesses, self-employed workers make up an important and vibrant part of the small business sector—and too often they are forgotten in providing benefits and assistance. Indeed, 11 percent of uninsured workers in America are self-employed. By extending tax credits for health insurance to these small businesses—which is what H.R. 831 does—we will help provide health care coverage to millions of Americans.

There is an old saying that is particularly appropriate this time of year: "Nothing is certain but death and taxes." The 3 million self-employed in this country are particularly aware of the tax part this year, as they have sat and watched and worried about whether we would restore the 25-percent deduction before they had to pay Uncle Sam on April 17.

Earlier this year, I joined 74 of my colleagues in asking the majority leader and the minority leader to expedite the passage of this legislation because of its importance to the self-employed.

In doing so, I promised that I would not offer any amendments and that I would vote against any amendments offered, again, in order to expedite its passage. At this late date, we cannot keep the self-employed taxpayer hostage any longer. As it is, we have forced them to wait until the very end of the tax period to file.

I would like to thank the Senator from Oregon [Mr. PACKWOOD], chairman of the Finance Committee, for getting this bill to the floor and for getting agreement to make this deduction a permanent part of the tax code. That way, neither the self-employed, nor Congress, will have to go through this exercise again. I know that the 74,000 self-employed in my home State of Maine will breathe a sigh of relief once we complete action on this bill.

After all, it is not as if there is disagreement on the need to assist the self-employed in this manner. In fact, amid all the disagreement on health care reform over the last 2 years, this is one of the areas where we all agreed. Why? Because the self-employed—the hard-working, tax-paying, job-creating small business men and women of America—cannot afford their own health care insurance. I am particularly pleased that the bill before us expands the deduction to 30 percent for the 1995 tax year. This is an important step in the right direction, as I believe we should expand it further, and grant the same tax treatment to the self-employed that we provide for corporations. In fact, I have introduced a bill to assist small businesses which includes phasing in a 100-percent deduction.

So I urge my colleagues to join me in support of H.R. 831 and in support of the 3 million self-employed Americans who need our help today.

Mr. PRESSLER. Mr. President, let me begin by emphasizing the fundamental reason why we are here today—to extend the 25 percent tax deduction for health insurance costs of self-employed Americans. This is one of the most important items Congress will consider this year.

We must put the needs of self-employed Americans—small business men and women, farmers and ranchers—at the forefront of our agenda. Passing the 25 percent deduction on a permanent basis is a step in that direction. By doing so, these hard-working individuals can make their business plans knowing they can depend on this reasonable deduction. Without the deduction, self-employed individuals will see their taxes increase and their ability to afford health insurance decrease. That is unfair, and must not happen.

Frankly, Mr. President, the legislation we are considering today is a modest deduction, particularly when compared to the corporate deduction of 100 percent, but it is nonetheless critical. It is critical to the 48,000 small business men and women, farmers and ranchers in South Dakota, as well as the millions of other self-employed people across this country.

As a member of the Finance Committee I supported the legislation before the Senate today. It retroactively reinstates the 25 percent deduction for last year. More importantly, it permanently increases the deduction to 30 percent for 1995 and thereafter. This legislation is a first step toward bringing self-employed individuals onto equal footing with corporations, which are allowed to deduct 100 percent of their health insurance costs.

We have already done a great disservice to our family farmers by not passing this legislation prior to the March 1 filing deadline for their Federal tax returns. It is my hope that we will not do the same for all the other self-employed individuals by missing the April 17 deadline, thereby creating a paperwork avalanche of amended returns.

Approximately 67,200 South Dakotans are either self-employed or are employed by the self-employed. These men and women represent almost 20 percent of South Dakota's total work force—many of them are farmers and ranchers. This tax deduction makes insurance more affordable for them and their families. Immediate passage of this bill should be a top priority for the Senate.

I know that most of my colleagues agree that this is a bill of critical importance. However, as we all know, controversy surrounds the offset. This is unfortunate because it threatens the timely passage of the 25 percent provision.

I support the offset so that we can get this legislation permanently placed in law and also expand it to 30 percent. The FCC tax certificates program—the program we terminate to pay for this legislation—is no longer justifiable.

When the choice is between giving multibillion dollar corporations a tax break or giving small businesses, farmers, and ranchers relief for health insurance coverage, the choice is clear: I side with the hard-working small business people, and farmers and ranchers—not large corporations.

I encourage my colleagues to recognize the core issue here today and to vote to retroactively reinstate the 25 percent deduction for 1994 and to permanently extend the deduction at the 30 percent level thereafter. We must do this for the sake of our farmers, ranchers, small business people, and the families and employees who rely upon them.

I urge my colleagues to vote for H.R. 831 as approved by the Finance Committee, and urge our colleagues in the House to approve it as well.

SECTION 1071

Mr. BRADLEY. Mr. President, section 1071 of the Internal Revenue Code authorizes the FCC to permit sellers of broadcast properties to defer capital gains taxes on a sale or exchange if the sale or exchange is deemed by the agency to be necessary or appropriate to effectuate a change in a policy of, or adoption of a new policy by, the Commission with respect to the ownership and control of radio broadcasting stations. As such, the Commission has used tax deferral certificates for, among other things, the promotion of minority ownership of broadcasting stations and cable television systems.

From a tax perspective, I believe that the FCC's tax deferral program is not appropriate tax policy. Over the past 16 years, and as the author of the Tax Reform Act of 1986, I have consistently advocated that we spend just as easily through the Tax Code as we do through appropriated and mandatory spending. I have consistently opposed these special interest loopholes. Indeed, in this bill, I offered an amendment that eliminated the granddaddy of all tax loopholes—one that benefits those who renounce their U.S. citizenship. By closing this expatriate loophole, we raise $1.3 billion that incredibly benefitted only 12 taxpayers.

Tax loopholes raise taxes on those in society who do not use them and distort rational economic decisionmaking. Thus, as a member of the Finance Committee, I voted to place a moratorium on section 1071 effective as of January 17, 1995, thereby overturning commercial transactions that would have sheltered approximately $500 million in capital gains taxes.

I am profoundly disturbed, however, that the issue of affirmative action has been interjected into the underlying issue of how to finance the 25 percent health insurance deduction for self-employed individuals. I support the concept of affirmative action, which is a remedial measure designed to identify qualified women and minorities and afford them the opportunity to enter the mainstream of American life and contribute their skills and talents to make America more competitive on the world stage. Further, I thought it best to consider affirmative action in full, not simply one small provision. As such, I voted in committee to place a 2-year moratorium on the application of section 1071 so that Congress could study the program and alternative ways to increase broadcast diversity.

As the affirmative action debate rages, I will attempt to broaden the discussion to deal with the underlying issues of race in American society. In addition, I will be offering my views and suggestions about how to assure that individuals who are truly discriminated against on the basis of race and gender have a means of obtaining a remedy, not simply lip service. I challenge my colleagues to join me in this discussion.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will take but a few moments here so we can finish this bill. First, I want to congratulate the managers of the bill, Senator PACKWOOD and Senator MOYNIHAN.

Mr. President, we start debate today on an issue that is important to many Americans across the country. H.R. 831 seeks to make permanent the deductibility of health care insurance costs for self-employed individuals.

Since 1986, Congress has allowed the self-employed a 25-percent deduction for their health care insurance costs. Almost every year, we have had to extend the deduction, but we failed to extend it last year when it expired on December 31, 1993. We were told that we would address this matter in the health care reform debate. And we did address it. In some bills, including mine and Senator PACKWOOD's, we sought to allow up to 100 percent dedication phased in over a period of time. But, in the end, we did nothing. None of the health care reform bills had enough support to pass last year, and so, here we are today again looking at this issue.

H.R. 831 seeks to make this deduction permanent. We don't want to leave the 3.2 million tax filers in 1994, hanging on the edge of a cliff every year. And we do not want to tell them that although corporations can deduct 100 percent of their health care insurance costs, small businesses cannot. We decided 9 years ago that in order to make the playing field more equitable, we should allow small businesses to deduct their health care insurance costs. But we did not give them 100 percent, we gave them only 25 percent—one quarter of what corporations are allowed to deduct. Today, we seek to increase that amount permanently to 30 percent. And we must continue to fight for parity.

In fact, many small businesses strongly believe that increasing the deductibility begins to solve the disparity between self-employed and incorporated businesses and will give even more individuals access to affordable health insurance. I agree when them. I have received many letters from various small business and agricultural associations supporting my efforts to increase the deduction even more than the 30 percent in the committee bill. Letters from: The National Federation of Independent Business, the American Farm Bureau Federation, the National Restaurant Association, the National Association of Wheat Growers, the National Corn Growers Association, the American Soybean Association, the Small Business Legislative Council, the National Small Business Unified, the National Association of Home Builders, the Healthcare Equity Action League [HEAL], Communicating for Health Consumers, U.S. Chamber of Commerce, the National Association of Private Enterprise, and the Society of American Florists.

I know that many in this Chamber share their belief—so much, in fact, that the minority leader and I have sent a letter to both the chairman of the Senate Finance Committee and the chairman of the House Ways and Means Committee to strongly consider raising the deductible percentage higher than 30 percent, but within the confines of the offsetting revenues.

EMPLOYEE DEDUCTION

I also share the concerns of many of my colleagues over the many employees who pay their own health insurance, but do not get to deduct any amount. There is no doubt, that these people deserve fair and equal treatment as well. I am hopeful that when we return to health care reform we will address this issue.

Many believe that the health care reform issue is dead, but it is not. We still have people without insurance. We still have people who are denied insurance because of existing illness. We still have people who cannot change their jobs in fear of losing health insurance. To me, and many of my colleagues, health care reform is still very much alive, and the issue of taxation of employees who pay for their own health insurance, will be addressed.

OFFSETTING REVENUES

In the Senate Finance Committee last week, under Chairman PACKWOOD's leadership, we passed a bill that not only extended the deduction permanently, we raised the deductibility percentage to 30 percent. And we did so by repealing a Federal Communications Commission [FCC] program that I believe is not only ineffective, but costs the Federal Government billions of dollars. This program has gained notoriety in the newspapers in the recent months because one particular transaction could cost the Government in excess of $500 million. One company, 500 million dollars.

The FCC, the agency that administers this program, does not know how much the entire program has cost the Government. And neither does the Treasury Department. The program has been in existence for 17 years, and yet we have no idea how much this has cost the Government. One of my distinguished colleagues on the Finance Committee said it right, "If you are looking for the enemy, the enemy is us." And so, members of the Senate Finance Committee overwhelmingly repealed this program.

THE FCC'S TAX CERTIFICATE PROGRAM

Congress, in 1943, gave the FCC authority to grant tax deferrals to owners of broadcast facilities who were forced to sell their properties to break up monopolies during World War II. Congress' intent was to, and I quote, "Alleviate the burden of taxpayers who had been forced to sell their radio stations under difficult wartime circumstances."

The FCC, in 1978, expanded the provision to give a tax preference to radio, television, and later cable broadcasters who sold their properties to minority-owned firms. For this policy, the FCC defines minorities as including "Blacks, Hispanics, American Indians, Alaska Natives, Asians and Pacific Islanders."

The greatest flaw in this program is that the economic benefit does not go to the minority buyer, the economic benefit goes to the seller. It is like a kickback. If you sell to me and not the other guy, I will give you a little extra something. And I will not be paying for it, the American taxpayer will. I do not understand it, and I do not understand why people would think this is benefiting minorities when the monetary gain is going to the seller.

These are also million-dollar deals. These are tax breaks to millionaires. The average sales price for transactions in which tax certificates were granted is $3.5 million for radio, and $38 million for television. Although there is no data currently available for the cable industry, one of the transactions in the cable industry seeking to utilize the tax certificate, is $2.3 billion.

EFFECTIVE DATE

Some have tried to say that this bill's effective date is retroactive. And that this bill is crafted to target one particular transaction—the Viacom transaction. I disagree.

Chairman ARCHER of the House Ways and Means Committee issued a press release on January 17 of this year entitled, "Archer Announces Review of FCC Tax Provision," putting all FCC tax certificate transactions on notice. It reads, and I quote:

> The Committee on Ways and Means will undertake this review immediately to explore possible legislative changes to section 1071, including the possibility of repeal. Any changes to section 1072 may apply to transactions completed, or certificates issued by the FCC, on or after today, January 17, 1995.

Two days later, on January 19, representatives from Viacom, House Ways and Means Committee, and the Joint Tax Committee met. And Viacom was fully apprised of the situation and the possible consequences on their transaction.

Nevertheless, the parties in the Viacom transaction signed an asset purchase agreement the following day. and even then I do not believe it was not a binding contract. The purchase agreement is contingent upon the FCC granting a tax certificate. They filed a tax certificate application with the FCC on February 3, with full knowledge that Congress would be acting to repeal the program. On February 6, 1995, H.R. 831 was introduced, and reported by the Ways and Means Committee on February 8. The bill passed the House on February 21.

This transaction is not a small one. This a $2.3 billion transaction. the parties involved are sophisticated players in the mergers and acquisitions world. A world where players are accustomed to reacting quickly. It is clear to me that the parties of this transaction were given reasonable expectation that the FCC tax certificate program would be repealed. And it is clear to met that they decided to sign their agreement regardless. And, remember, they did not file for an FCC tax certificate until February 3. Their agreement continues to be contingent upon a tax certificate being granted.

TURNING TAX BREAKS AND LOOPHOLES FOR MILLIONAIRES INTO HEALTH CARE FOR THE ORDINARY CITIZEN

Let me be clear, if we do not pass this legislation today, then what we are doing is raising taxes for 3.2 million Americans. Make no mistake about it. If we do nothing today, then they will pay more in taxes this year than they did last year.

What we are trying to do here today; what we will accomplish here today is taking a million dollar, unjustifiable tax break for millionaires, not minorities, and turn them into health care for ordinary Americans. Americans who really need it.

Let me also remind everyone here that this bill passed the House of Representatives with an overhwelming majority vote of 388 to 44. I urge my colleagues to vote for this bill.

AFFIRMATIVE ACTION

Mr. DOLE. As the Washington Post reported today, the overwhelming majority of the American people believe that the race-counting game has gone too far.

I am proud of my own civil rights record. I have supported affirmative action in the past. That's no secret.

But my past record did not disqualify me last December from asking the Congressional Research Service to compile a list of all Federal preference laws and Regulations.

And my record does not disqualify me today from raising legitimate questions about the continuing fairness and effectiveness of affirmative action, particularly when the affirmative-action label is used to describe quotas, set-asides, and other group preferences.

Equal treatment, not preferential treatment, should be the standard. Equal opportunity, not equal results, must be the goal.

Earlier today, my distinguished colleague from Maine, Senator COHEN, gave a very eloquent speech on the Senate floor where he pointed out that America is not a color-blind society, and he is right. Discrimination continues to exist. The color-blind ideal is just that—an ideal that has yet to be achieved in the America of 1995.

But, Mr. President, do you become a color-blind society by dividing people by race? Do you achieve the color-blind ideal by granting preferences to people simply because they happen to belong to certain groups? Do you continue programs that have outlived their usefulness or original purpose? The answer to these questions is, of course, a resounding "no."

I look forward to the completion of the President's review of all Federal affirmative action policies, but if the President is seeking a magical "third way," I suspect he is going to run into a dead end: When it comes to the issue of group preferences, you are either for them or against them. There can be no splitting the difference, no "third way."

With that said let us hope that reason prevails as we continue down this road. If we keep our voices low and our intentions good, the debate over affirmative action can, in fact, be an opportunity to unite the American people, and not divide us.

Mr. PACKWOOD. Mr. President, I believe we are prepared to yield back our time.

Mr. MOYNIHAN. Mr. President, I yield back our remaining time.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 831), as amended, was passed.

Mr. PACKWOOD. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PACKWOOD. Mr. President, I move that the Senate insist on its amendment to H.R. 831, request a conference with the House, and that the chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. MOYNIHAN, Mr. BAUCUS, Mr. BRADLEY, and Ms. MOSELEY-BRAUN conferees on the part of the Senate.

MORNING BUSINESS

Mr. PACKWOOD. Mr. President, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD NUTRITION PROGRAMS

Mrs. MURRAY. Mr. President, I rise today to talk about my deep concern over the House proposal on the child nutrition program and stand before you today to speak about the questions that I have asked and the answers I have looked to to find out whether this is the right road for this body to go down.

I want to relate some of that to you today. The National School Lunch Program, as we all know, began in 1946 in response to concerns that our national security was jeopardized because many of our incoming military personnel suffered from nutrition-related illness.

The Federal Government made a decision that it is in the national security interest of this country to feed and nourish our youth to ensure a strong population and a strong nation.

If we take the time to review this program's record, we will clearly find that it has been successful in boosting health and achievement among our children.

This program touches every family in America. Its elimination will shake the very foundation of the family: health, nutrition, education, and opportunity.

Here is why: Every single school day, more than 25 million children in 93,000 schools across America eat a lunch provided through the National School Lunch Program. More than half of these children receive the meal free or at a reduced price.

I doubt my colleagues know what it is like to sit in a classroom as a small child and try to concentrate on learning when you have not had a meal for several hours.

I doubt that many know what it is like to teach these children.

As a mother and a pre-school teacher, I can assure you that for hungry children, learning is not a priority. It cannot be. Often, the meals they get at school are their only meals for the day.

Often, these lunches are the only nutritious meal they get. I can tell you from first-hand experience that food makes a child—any child—happy and healthy and willing to learn.

Teachers are overburdened as it is. The last thing we need to do is to put more hungry children in our classrooms and then ask our teachers to teach them.

The Women, Infants, and Children Program [WIC], another nutrition program targeted for block granting, is one of the most successful forms of health care cost containment that we have today. It has an outstanding record of reducing the incidence of low-birth-weight babies born to poor women, and saving lives.

This program serves nearly 7 million mothers and children each month at a cost of less than $1.50 a day for each participating child. The Medicaid savings this program produces outweigh the costs by a 3 to 1 ratio.

It is a model program which should not be lost in the welfare reform debate but rather one we can and should learn from.

I think it is important to point out that these programs have rightfully enjoyed bipartisan support in this body. The Senate has affirmed the issue of nutrition as one of health for our children.

It is one of economics too. This Nation will pay so much more later if growing children do not get the nutrition they need now and if women do not get the parental care they need now.

Let me touch on a few other aspects of this legislation. One of the reasons these nutrition programs have been so successful is because of national nutrition standards. Where do you think the campaign for the five basic food groups came from?

The House proposal would eliminate these and ask each State to set their own. So, instead of one proven, workable national program, we will have 50 individual bureaucracies experimenting on our children.

But that is not all. If we look further into the legislation, we realize that despite what the House would have us believe, their proposal will cut nutrition funds to many States.

The claim that the school lunch program will see a 4.5-percent increase cannot be found in this legislation. What you can say is that the school nutrition block grant would provide 2.5-percent more funding in fiscal year 1996 than schools will receive in fiscal year 1995. However, this does not take into account food price inflation or increases in participation.

Under current law, these programs would see a 5-percent increase in order to keep pace with food costs and participation. Because block grants do not take these into account, the bill will actually provide $170 million less in fiscal year 1996 than would be provided under current law.

By fiscal year 2000, the block grant would provide $760 million less than the levels needed to keep pace with inflation and participation. Over a 5-year period, the block grant would provide $2.3 billion less than current law. These are not block grants; they are block cuts.

The House proposal shifts these funds to discretionary spending. Once this happens, 1996 is the only year funds can be guaranteed. Afterward, State nutrition programs would be subject to arbitrary spending caps, across-the-board cuts, and other money savings gimmicks without regard to the impact on children.

The House proposal does not take into account the possibility of a recession. Nor does it compensate for any increases in population or poverty.

It puts our States in a position of setting nutrition standards they may not be able to afford. It caps administrative costs which will limit each State's ability to establish the new State regulations.

What does this mean? When States run out of funds—and believe me, they will—The children will not eat. The end result will be devastating to our children, our schools, our families, our communities, and our economies.

I have talked with many people since the introduction of this proposal. I know that my State of Washington will lose under the current block grant formula.

I know that hard working parents who need WIC or school lunches are afraid of what the future holds for their children. I know that children are worried about their families.

I understand and share their fears and I urge all of my colleagues to get out and talk with those people who participate in these programs.

Talk to parents, to teachers, and to children so that when the Senate takes up this issue you have a clear and deep understanding of just what you will be doing if you support this effort.

Mr. President, one last issue I want to touch on in regard to this whole block grant effort is the issue of welfare and how it has become associated with abuse and irresponsibility.

I share the view that the programs I just discussed are investments in our future.

The overwhelming majority of those people involved are using these programs as a last resort and not because they choose to. They are necessary for survival.

Mr. President, I have several letters from families in the Washington WIC programs which I ask unanimous consent to print in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am very grealfut for the WIC Program, and to the nurses I have meet. I have learned alot about nutristion.

If I was not recieving WIC, Moniqua my two year old would not have enough milk.

I have felt very support by the ladies that wort there.

There are a lot of ladies that come to the WIC office to learn how to take good care of their new babies. Without the WIC a lot of babies would go hungrey. They givee formula, baby food and sopport you if the mother would like to Breast feed their Baby. These nurses help to keep a lot of Babies healthy.

In school my older girl would not beable eat, because not all the time, I have enough food to send with her for lunch, she able to eat and worry about how hungrey she is. she can concentrate on her school work.

I know what it is like to go to school and be hungrey and not beable to think very clear.

Katheran Northrop.

The WIC program has really helped supply my family with the nutritious foods we need. It has supplemented the food stamps we receive I always feel that the staff here at WIC is very dedicated to the welfare of our children.

Susan Bess.

DEAR SENATOR MURRY: I'm hoping that they don't cut the WIC program because it has really helped me the past 3½ years. Baby milk is really expensive and when you are on a fixed income and only recieve a certain amount of Food stamps it becomes a problem with finance. The WIC program helps us women and children afford milk for their children and even help us afford some things we need but if there wasn't the program we would have alot of under nurished babies. So you see Sen. Murry we really need the WIC program. * * *

Julie Allen.

DEAR SENATOR MURRY: I just want to say that the WIC program has helped me so much and many others that I know. Without the WIC program I don't think I could of made it threw. Formula is very expensive. It would cost about 150.00 dollars more a month if I had to buy it myself then I would probably have to seek other assistance.

Sarah Zottman.

DEAR SENATOR MURRAY: I would like to encourage you to Keep funding WIC. It is a fantastic program. This is my second Child to have on WIC my first was five years ago, She is a healthy beautiful little girl. I am expected another baby in April and thanks to WIC I know this baby will have the Formula She or he will need to grow strong and healthy. WIC is wonderful. WIC is a program that really benifits the Children.

Sincerely,

Diane Aston.

DEAR SENATOR MURRAY: Please continue to support the WIC Program. I'm glad I've join this program because I have learn a lot for my pregnancy this time. Also, the WIC Program help my family a lot for all. Such as financially & family support, etc.

Thank you for your attention.

Sincerely,

Fondy Lee.

Being a mother of three small children ranging from 7 years of age to 3 months, I am currently enrolled in a local WIC Program. I must take this opportunity to tell you how happy and grateful I am to be provided this opportunity.

I started receiving WIC September of 1994 when my husband of 3½ years walked out on me and my children. I was five months pregnant at the time and worrying about the stress involved in caring for my family.

The WIC Program was a life saver. Not only was I able to take care of myself during my pregnancy but it helped to provide for my other children. I learned more about pregnancy and infant care than I knew the two previous pregnancies. I am currently breastfeeding my three month old, and providing overall better nutrition to myself and my children.

None of these things would have been possible without WIC.

Please do not cut WIC funding.

Sincerely,

Janet L. Pettie.

DEAR SENATOR GORTON: I'm writing to inform you of the importance for a WIC Program. Me and my family used WIC for approximately one year and if it hadn't been for the program we wouldn't have made it. WIC enabled me and my family to get on our feet, thus giving us the ability to give back. So please don't cut this program because it would be creating a problem rather than solving one.

Sincerely,

Eddie Carter and Family.

DEAR SENATOR MURRAY: The WIC Program has made a huge difference in the life of all four of my children. My last two pregnancy were monitored by WIC. The nutrition conceling nurse care and social work were invaluable. My daughter age 4 and son age 2 have been on WIC since before they were born. Having WIC has ment they would always have formula or milk. They probably would not have had milk everyday if it wasn't for WIC. I am a working mom and make just a little too much to stay on foodstamps. So WIC has bridged a big gap in our food budget.

Thank you for all the help in the past.

And please don't take it away from the children who really need it.

My family uses WIC and w/out their help I don't know what I would have done. My son used a special formula that was very expensive and I couldn't afford it on my own. Also, being a first time parent, they informed me about all the right foods to feed my child and at what age he should start these foods. They have helped me out in so many ways.

Sincerely,

Martina Sambrano.

DEAR SENATOR MURRAY: Please do not vote to cut the WIC Program. Without it I would not be able to give my kids milk once a day and probably not once a week. We are a struggling family of 7 with a small business. We hope to not need help soon but there are a lot of people still out there who wouldn't survive without this program.

Thank you for your time.

Mischel V. Sullivan.

SENATOR PATTY MURRAY: My infant daughter and I have greatly enjoyed the WIC program. The services are excellent. The staff are profesional and the classes and information are valuable.

Now that I am home with my daughter, (she is our first child), motherhood is a completely new and different world. The WIC program has helped me learn a lot about nutrition. Our daughter is very physically small and the formula provided has greatly helped her growth. In addition, the nutrition program has benefited our entire family.

Please do not reduce the WIC funds. The infants & children we raise today will be our furture leaders, such as yourself. (We need as many positive factors towards their development.)

Thank you.

Mary Jane Brogan.

I am writing to you regarding the WIC program. I was informed today that for some reason you are trying to erase WIC from Seattle. Obviously you do not know the importance of WIC to thousands of pregnant women & their children. Women must eat, receive proper medical care, good social care, & correct knowledge & advise to bring healthy babies (like you once were yourself) into this world. Mothers will do almost anything to protect & provide for their babies including theft & illegal ways of making money. With WIC, these women do not have to submit themselves to the ugly ways of life, but instead feel that they have a whole building of friends they can always come to. Nobody wants to rely on anyone else, but in these days & ages, life is so vastly unfair, that sometimes your low days do outnumber your high days. So, until then, when everyone in this world is totally self-sufficient, programs like WIC are needed & worth every penny the government puts towards it.

Sondra Erskine.

WIC help me to get in Heath for kind good for my children on WIC we learn a lot of how to feed my children to eat good food for health.

Saeleuon, Koi Fong.

WIC has been very helpful to me as a single mother—to be sure that I have the basics. Milk, peanut butter is a real comfort. I don't know what I would do without the support of this office, the vouchers and the support in general. WIC is a great program.

P.S. I'm not on food stamps but I think that program should be more like WIC where there are specific foods allowed—people will be healthier, better educated and tax payers less resentful.

Jennifer Meltzer.

Please don't cut WIC. It means a lot to our family. It helps a lot with the children. We need WIC to help like families like ours. In times of need.

Thanks,

Barbara Wilkens.

The WIC program is extremely good, the program help my child so much as he was growing. They had choices of milk for him. A lot of it is very expensive and with my income God knows how I would have purchase what he needed. They (WIC) were very helpful in the right foods he needed and just very helpful in all my questions. I highly recommend WIC for any mother and wish the program would stay around for many years to come.

Phyllis Sanders.

I support continued funding of the Women, Infants and Children (WIC) program. I do not believe we should make any cuts to the funding of this program. This program is extremely vital to the well being of many of our country's young children. We need to continue to ensure the well being of these children by continuing all funding to programs, such as WIC, that help children begin life with a healthy start.

Donna M. Fine.

Mrs. MURRAY: Let me quote a few:

I am writing to you regarding the WIC program. I was informed today that for some reason you are trying to erase WIC from Seattle. Obviously, you do not know the importance of WIC to thousands of pregnant women and their children. Women must eat, receive proper medical care, good social care, and correct knowledge and advice to bring healthy babies (like you once were yourself) into this world. Mothers will do almost anything to protect and provide for their babies. Including theft and illegal ways of making money.

She goes on to say that:

Nobody wants to rely on anyone else, but in these days and ages, life is so vastly unfair, that sometimes your low days outnumber your high days. So until then, when everyone in this world is totally self-sufficient, programs like WIC are needed and worth every penny the government puts towards it.

Another letter writer talks about how important WIC has been to her children and ends by saying that:

Having WIC has meant my children would always have formula or milk. They probably wouldn't have had milk everyday if it weren't for WIC. I am a working mom and make just a little too much to stay on food stamps so WIC has bridged a big gap in our food budget. Please don't take it away from the children. They need it.

Another letter:

We are a struggling family of 7 with a small business. We hope to not need help soon but there are a lot of people still out there who wouldn't survive without this program.

I think you will find that these are caring, responsible, hard-working individuals who have benefited tremendously from this program. It has been the safety net they need.

Finally, I want to share a few quotes from some letters children wrote:

"If we don't get our lunch we would starve. Don't do this to us. You are breaking our hearts."

"Instead of taking something that we do not need you are taking something that we do need. I am one of those children that needs those programs."

"We need school lunches because we do not have lunch at home. I do not like you for taking this away."

I could go on and on but will not as time will not allow it.

I will, however, submit these for the record so that others can read them. I wanted to make the point that these are caring, responsible, hard-working individuals who have benefited tremendously from these programs.

These are children who know the only full meal they or many of their friends get is at school. It has been the safety net they need. These letters make that point so much better than I can.

In closing, I want to say that I do not argue that our welfare system is in need of some change. What I do not like is the assumption that every person utilizing these programs is out to take the Government and the taxpayers.

Like so many other issues, the House has gone too far on child nutrition.

Welfare reform merits in-depth, serious consideration and I am anxious to begin that process. I think a little common sense will go a long way on this issue.

However, in the case of child nutrition programs, I am appalled that such little time or consideration was taken before this bill was reported out of committee. We cannot afford to follow the House lead and expect responsible, effective legislation to result.

This legislation affects a group of Americans who are completely unable to come to Congress and speak out. I strongly urge my colleagues to oppose the wholesale slashing of child nutrition when the issue comes to the Senate.

I yield the floor.

THE BALANCED BUDGET AMENDMENT DEBATE

Mr. DORGAN. Mr. President, there was a column in the Washington Post this morning entitled, "More 'Trust Fund' Whoppers" by a columnist named Charles Krauthammer. I felt it necessary to come over and respond to this column. Mr. Krauthammer was upset about a response that Senator CONRAD and I had written to the Washington Post in response to his first column about us that was titled "Social Security 'Trust Fund' Whopper."

His first column was so devoid of facts and reasonable conclusions that we wrote a column back and said, in our part of the country we expect people to tell the whole truth. We did not like what he had done in his first column in which he called our arguments with respect to the constitutional amendment to balance the budget and looting of the trust funds in Social Security to do so as "fraudulent." Now he is upset at the column we wrote back and so he wrote a second long column, a long-winded column this morning.

As I read that, I was thinking, I come from ranching country in southwestern North Dakota. And occasionally you refer to people as "all hat and no cattle." I thought about that when I finished reading his column this morning. It was hard for me to understand how, with facts so evident, he can reach a conclusion so flawed.

The Presiding Officer, the Senator from Wyoming, also comes from ranching country, and I brought along a piece of cowboy poetry that I thought might describe the difference in perspectives, and the difference, sometimes, is simply that some do not have the capability of understanding the clear perspective. It is sort of described as the difference between tongue and egg in this poem.

A cowboy poet, whose name I do not have, wrote a piece and I thought about this piece as it might apply to the disconnect of logic in Mr. Krauthammer's column. Let me read the piece to you, the poem called "The Disputed Epicure." It is about a cowboy who is queried by a high-born lady.

"What's your favorite cut of beef?"
The high-born lady queried.
Of an old cowboy who long ago
Had grown, both wise and wearied,
Of direct infernal questions
On the ways of cowpoke lore.
So he considered on this question
That he'd not been asked before.
With rapt anticipation,
On his pause, the lady hung.
Until, at last the cowboy said,
"I'd have to say it's tongue.
Tongue's got flavor, 'n texture,
And nary a bit of bond.
A cinch to cook. I'd put her up
On top there, all alone."
Recoiling, the lady said aghast,
"Surely air, you jest."
The idea is disgusting.
Your grossness I protest.
Eat something from out a cow's mouth?
Your suggestion's crude, I beg."
The cowboy then said softly,
"Don't s'pose you've ate no egg."

Sometimes cowboy poets are able to say simply and clearly what we in politics fumble around to try to express.

I guess this difference between us and Charles Krauthammer is really kind of the tongue and egg difference here. Mr. Krauthammer, in his column today, first is upset that I responded to his first column on the balanced budget amendment and the misuse of the Social Security trust fund by saying on the floor of the Senate that, based on his column, I thought he might qualify as a candidate for O.J.'s defense team. He seems almost unmoved by facts and evidence.

He was upset by that, and, maybe I overreached. It may be I overreached because the column Mr. Krauthammer writes today demonstrates his talent is not in law, his talent truly is in fiction. Let me go through, if I might, the fiction that I see in Mr. Krauthammer's column, and perhaps just briefly review the dispute.

The dispute is that, briefly, in 1983 we had to solve some problems in the Social Security System. We did that by deciding to save for the long term. We, in fact, forced a national pool of savings so that each year we would raise more money in Social Security than we spent. This year we will raise $69 billion more than we spend. That surplus in the Social Security System is not an accident. Mr. Krauthammer, in his last column, said this is a pay-as-you-go system. But that is not true. This is not an accident. This is a deliberate strategy to force a national pool of savings in the Social Security trust funds to meet the time when the baby boomers retire after the turn of the century.

Since the surplus began to accumulate it has been used as an offset to show a lower Federal deficit. I do not think there is much dispute about that. And it is also true, and demonstrably true that, since 1983 when I offered the first amendment on the Ways and Means Committee, and time after time after time on the floor of the House and on the floor of the Senate, I have raised the question, offered the amendments, and objected to the looting of the Social Security trust fund or using those moneys to offset against a lower budget deficit because I think it is dishonest budgeting.

Then we had a constitutional amendment brought to the floor of the Senate and the constitutional amendment was written very precisely. It prescribed that by the year 2002, the U.S. budget shall be in balance and it shall be in balance when you use all expenditures and all receipts counting toward that balance. Under that constitutional amendment to balance the budget it would enshrine forever the practice, that I have objected to in recent years, of looting the Social Security trust funds to balance the budget. In fact, the way the constitutional amendment to balance the budget was written, it was clear that is the case. Senator REID offered an amendment to provide that would not happen. That amendment was defeated. So it was clear that is exactly what would happen and we were told, my colleague Senator CONRAD and I, that those who offer this amendment had no intention of using the Social Security trust funds to balance the budget.

But back in that room behind this Chamber we were told by the same people, "Look fellows, let's all be honest. We cannot balance the Federal budget without using the Federal trust funds." Those are direct quotes. Then they gave us handwritten pieces of paper that said we will stop using the trust funds in the year 2012; and then the second piece of paper said we will stop using the trust funds—that they were saying we will not do any time—by the year 2008; in other words, we will stop doing something we claim we are not doing 13 years from now. What twisted sense of logic that is.

Senator CONRAD and I refused to budge. We said we will support the constitutional amendment to balance the budget, but you must guarantee we are not going to enshrine in the Constitution the use of the Social Security trust funds to get there. They refused to do that. We refused to budge.

I happen to think that the Social Security System is important in this country. I happen to think the principles that I was involved with in 1983 when I helped write the Social Security Reform Act were important. I just refused to change the Constitution in a way that would have guaranteed in the next 13 years what I consider the misuse of $1.3 trillion of Social Security trust funds.

So the Krauthammer column was calling our argument fraudulent. We responded and said Mr. Krauthammer was clearly misinformed. He was offering a misinformed defense of an indefensible practice, some neat trick for a pundit.

Now, there is a new column from Mr. Krauthammer. And I would like to go through just a couple of points in this new column. Mr. Krauthammer, if I can review this column, says a number of things. First, he says that he had checked with our offices because he says he wonders about the sincerity of our charge about looting the Social Security trust funds. He says if we were sincere about that, could we provide evidence that we had complained about that before? Well, yes. He did call our office. My first thought was to respond by telling his assistant: "Do your own research. You make lots of money." But then I thought better of that.

So we sent many examples of what I said on the floor of the Senate and on the floor of the House—yes, during President Clinton's Presidency and during previous Presidencies—saying this practice is wrong; this practice is dishonest budgeting. So he had the examples. He apparently chose to ignore them or misrepresent them by saying we had not been sincere because we had not complained about that before. Speaking for myself, he knows better than that, and he has an obligation to put that in his column.

Second, he says that Senators CONRAD and DORGAN then accused him of seeking to enshrine a procedure in the Constitution of counting Social Security in calculating the deficit in the Constitution. He said this is pure invention. This balanced budget amendment is entirely silent on the issue. "It is up to Congress to decide whether to count Social Security surpluses in calculating the budget," he says. Oh, really? I am trying to figure out what Mr. Krauthammer is reading. Has he read the proposal before the Congress, the proposal that says in the Constitution, "all revenues and all expenditures" would be counted? Is there some new law school that you can apply to on the back of a matchbook that teaches a different kind of law, one that allows you to misread these proposals?

Well, you know. Some of us believe, especially out in western ranching country, that things mean what they say they mean. If you write it, that is what you mean. If you say it, that is what you mean.

Mr. Krauthammer says no, that is pure invention. Apparently a Washington thought, not one that I subscribe to. The constitutional amendment means what the words in the amendment say it means, and until Mr. Krauthammer wrote this column, I did not think there was any serious dispute about that.

Mr. Krauthammer says, third, until 1969, it was not our practice to use surpluses in calculating the deficit. Only since 1983 have we begun developing a consistent, deliberate strategy of very large surpluses to save for the future. So what counts is after 1983, Mr. Krauthammer would probably know.

In any event, he misses the point on the 1983 amendment. He apparently just missed the whole body of law in which we decided that we would enforce a national pool of savings. Mr. Krauthammer said, you know, the Social Security system is a pay-as-you-go system, and the reason we have all this money is because we have these baby boomers working. False! Wrong! As with a lot of the rest of his column. He knows it. We told him he was wrong, of course. He did not point out in his column that, yes, he had made an error. Had he read the 1983 amendments, he would have known it is not a pay-as-you-go system. It is a system designed now with a tax base to create a deliberate national pool of savings with which to meet our future obligations.

Mr. Krauthammer says the amendment that CONRAD and DORGAN killed would have required a balanced budget by law—it would not be by law, of course. It would have to be by Constitution, unlike other such laws that could not be changed by a movement of truth, by a cowardly Congress. "It would have forced people like CONRAD and DORGAN to stop scaring the electorate and buckle down to the real deficit reduction problem."

I wonder what Mr. Krauthammer would write with respect to buckling down in 1993? We buckled down. In 1993, we passed the deficit reduction package through this Chamber that raised some taxes that were unpopular. I understand that. It cut some spending that was unpopular. I understand that. It was an act to reduce the deficit of over $500 billion, and the actual experience is over $600 billion in deficit reduction in 5 years.

Do you know something? We did not even get one accidental vote from the other side of the aisle, Mr. Krauthammer's friends. You would expect somebody to vote wrong by accident now and then. It took every single vote we could muster to win on that issue because it was unpopular, and we knew it. We had the courage to do what was necessary to try to reduce the deficit. We did not get one single vote from Mr. Krauthammer's friends.

So I say, when Mr. Krauthammer uses words like "cowardice," and so on, he might want to rethink who has exhibited courage in recent years, who has decided that they are willing to do what is unpopular if it is right, in order to help their country.

Well, we will, of course, send another response to try to correct some of the whoppers in Mr. Krauthammer's column. Again, I keep thinking that Mr. Krauthammer must believe that double-entry bookkeeping means you can use the same money twice. Of course, the first accounting course you take tells you that is not what double entry means. You cannot use the same money twice. There are some bookkeepers in America that have done that. They are now doing 4 years of hard tennis in minimum security prisons. You cannot use the same money twice. You cannot do it in businesses, and you cannot do it in the Federal budget.

When I finished reading his column this morning, it reminded me of something Clement Freud's grandson said. Clement Freud's grandson said this: "When you hit someone over the head with a book and get a hollow sound, it does not mean the book was empty."

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to thank my colleague from North Dakota.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I ask my friend from North Dakota how much time he would like?

Mr. CONRAD. Ten minutes.

Mr. MOYNIHAN. Mr. President, I am happy to yield 10 minutes off the bill to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from New York for his courtesy, and I thank my colleague from North Dakota for his discussion of the latest Krauthammer column.

Let me just say that it is very apparent to me why Mr. Krauthammer is a columnist and not an accountant, because he clearly does not get it. He just does not understand why it is wrong to take Social Security trust fund moneys to balance the Federal operating budget. He does not understand why it is wrong to take a dedicated trust fund and use it to pay the other operating expenses of Government. But most people understand why that is wrong. Most people understand that you do not take a trust fund and loot it in order to pay other expenses and then say you have balanced the budget.

Mr. Krauthammer, in his latest work, indicates that the balanced budget amendment is "entirely silent on the issue." The issue he is talking about is taking trust funds and using them for the other operating expenses of Government. It makes me wonder if Mr. Krauthammer has ever read the amendment that was before this body.

I brought along just one section of the balanced budget amendment that was before this Chamber. It says very clearly. "Total receipts shall include all receipts of the United States Government * * * total outlays shall include all outlays of the United States Government."

By definition, this amendment was including the Social Security funds because they are receipts of the U.S. Government. And, of course, Social Security is not contributing to the deficit. Social Security is in surplus.

So, by definition, Social Security surplus moneys would have been used, and used to balance the operating budget of the Federal Government. And those surpluses would have been used to pay other expenses. That is precisely the point.

Mr. President, to say you are balancing the budget when you are using trust fund moneys is a fraud. It reminds me of the Reverend Jim Bakker. Do you remember Rev. Jim Bakker, Jim and Tammy, that used to have the show "PTL" on television? He was an evangelist, a television evangelist. Does anyone know where he has been for the last several years? He has been in a Federal facility in Minnesota. He has been in a Federal jail. He has been there because he raised money for one purpose and used it for another, and that is called fraud.

That is precisely what is happening with the Social Security trust funds. We are taking money from people's paychecks. We are telling them that is going to be used to secure their retirement. We are taking that money and the part that is in surplus is being used to pay for other operating expenses of Government. The trust fund? There is no money in the trust fund. IOU's are in the trust fund, but there is no money there because we have spent it.

We are as guilty of fraud as Rev. Jim Bakker. And at some point the chickens are going to come home to roost in this country. To have put that kind of flawed policy in the Constitution of the United States would have been a profound mistake because then we would have had very little chance to change it.

Let me give an example of what is wrong with the Krauthammer thinking. Let us take a company that is earning $1 million a year, has $1 million of income but is spending $1.5 million a year. That company is experiencing losses of $500,000.

Now, of course, it could borrow from the retirement funds of its employees and say that it is balancing the budget. That is the kind of approach that apparently Mr. Krauthammer would endorse. I do not think many people in this country would think, if you were earning $1 million a year as a company and were spending $1.5 million, and you were making up the difference by looting the trust fund of your employees, you would balance the budget. But that is the policy that he endorses. That is the policy Mr. Krauthammer thinks makes sense. I think most people would recognize you may have balanced cash against cash, but you have run up a $500,000 liability. You owe it, and you are going to have to pay it back or you are going to renege on your obligation.

Mr. President, that is what is wrong with the approach we are taking. That is what is wrong with what we would have done if we would have put that principle into the Constitution of the United States.

Mr. Krauthammer apparently belongs to the school of thought which believes that in order to save Social Security we must loot the Social Security trust funds. I do not belong to that school of thought. I think that is a profound mistake.

Mr. Krauthammer has one thing right. One of the threats to Social Security is the debt that we are accumulating in this country. When we spend more than we take in, we are mortgaging the long-term future of this country—no question about it. That is a threat to Social Security just as it is a threat to the economic security of the United States.

There is a second threat. The second threat to Social Security is the raiding of the Social Security trust funds. The reason we are running a surplus now, and the reason we are going to be running surpluses for the next 10 or 15 years is to prepare for the day the baby boom generation retires. That generation, which is twice as large in terms of people who are eligible to receive Social Security as the current generation, is going to put enormous pressure on the system. When we changed the Social Security methodology in 1983, we changed it in order to prepare for the day when the baby boom generation retires. That is why we are running surpluses. That is why those surpluses ought to be preserved.

The notion that the only way to save Social Security is to loot its trust funds is mere nonsense. That is the position Mr. Krauthammer endorses. I think he is entirely wrong in that proposition. I think the people of this country have the common sense to reject that theory. I think by all of the reaction we have received from the balanced budget amendment debate the people of this country recognize we are on a course that cannot be sustained. It ought to be changed. Mr. Krauthammer might want to be a guardian at the gate of the gridlock of the past, the policies of the past. Senator DORGAN and I do not choose to join him in that endeavor. We do not think defending the policies of the past is defensible. There ought to be a change. To have enshrined those failed policies in the Constitution of the United States would have been an insult to the Framers of that document who put together, after all, a method of operating for this Government that has made us the envy of the world. That document has made this Nation the greatest country in human history. We should not tamper with it lightly. We certainly should not enshrine in it a flawed policy, one that says you have balanced the budget when you have looted trust funds in order to do so. That is not a policy that belongs in the Constitution of the United States.

I thank the Chair. I yield the floor.

COMMEMORATING GREEK INDEPENDENCE DAY

Mr. BRADLEY. Mr. President, I rise today to commemorate Greek Independence Day—a national day of celebration of Greek and American democracy. Tomorrow, on March 25, 1995, all people of Greek descent will celebrate the 174th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire.

A historic bond exists between Greece and America, forged by our shared democratic heritage. America is truly indebted to the ancient Greeks for giving the world the first example of direct democracy. As the solid stone of this neoclassically designed building provides a protected place for our own democratic government to flourish, the philosophical and democratic influences of the ancient Greeks provides the inspiration. It is therefore fitting that Members of this Chamber join in paying tribute to the long struggle for freedom that Greece endured.

On March 25, 1821, when Germanos, the archbishop of Patros, proclaimed Greek independence, another link between Greece and the United States was forged. The American revolution served as a model for the Greek struggle for freedom and when the Declaration of Independence, translated into Greek, served as the declaration of the end of the Greek struggle, a circle was completed.

The interconnection between Greek and American democracies lies not only in the philosophical underpinnings of our Government, but in many areas of American life. Percy Bysshe Shelley once said, "We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece." The tremendous influence that Greece has had on American life continues today through the activities of the vibrant Greek community in America. In every field—politics, entertainment, business, and education—Greek-Americans continue to contribute to American life.

In particular, I wish to pay a tribute to the Greek-American community in New Jersey. Groups that are leaders in the New Jersey Greek community include: the Greek American Chamber of Commerce of New Jersey, the Greek American Voters League of New Jersey, the Hellenic American Bar Association of New Jersey, the Pan Gregorian Enterprises & Foundation, P.G.E.I. of America Charitables Foundation, Inc., the Council Generals of Greek Cypriot, the Order of AHEPA and the Joint Public Policy Committee of Hellenic American Women. On behalf of these organizations, the Greek community in New Jersey and all Americans of Greek descent, I am honored to pay tribute, on behalf of the Nation, to the Greek community on the anniversary of their independence day.

Mr. DASCHLE. Mr. President, I will use some of my leadership time to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DR. FOSTER TO BE SURGEON GENERAL

Mr. DASCHLE. Mr. President, I want to take this opportunity to state my concern about the direction and tenor of the debate on the nomination of Dr. Henry Foster to be Surgeon General.

I spoke on the floor a month ago about this nomination. At that time, I expressed hope that this debate could be restored to its proper perspective—an honest assessment of whether Dr. Henry Foster's skills fit the Nation's needs for the position of Surgeon General.

So far, Mr. President, that has not occurred.

First of all, there has not been much substantive discussion about this nomination. At a time when many of the public health problems historically addressed by the Surgeon General are reaching crisis proportions, it seems that there should be more discussion about the contributions Dr. Foster can make in this capacity and the urgency of approving his nomination.

Unfortunately, what little debate there has been has not centered on Dr. Foster's qualifications, skills, and contributions to society. Instead, it has revolved around Dr. Foster's performance of a legal medical procedure, and how many times he has performed it.

Little attention has been paid to the thousands of lives Dr. Foster has brought into the world over his 35-year career, or the hundreds of lives he has saved.

Little attention has been paid to the evidence that supports President Clinton's evaluation that Dr. Henry Foster has much to contribute as Surgeon General of the United States.

Do not be fooled into believing the evidence is lacking. Nothing can be further from the truth.

Before being nominated to the post of Surgeon General, Dr. Foster was perhaps best known for his efforts in establishing the I Have A Future Program. This teen pregnancy prevention program, which stresses abstinence and attempts to help teens understand the positive reasons for delaying pregnancy, was selected by President Bush as one of his Thousand Points of Light.

Listen to the words of Dr. Louis Sullivan, President Bush's Health and Human Services Secretary.

> [The] I Have a Future [program] turns young people's lives around . . . [it is] the kind of program that the country needs.

Dr. Foster has pledged to focus on teen pregnancy prevention as Surgeon General. That cause certainly should be a national priority, and Dr. Foster would bring great experience and credibility to it.

Little attention has been paid to the stories of Dr. Foster's commitment and heroism. Like the time he saved the life of the mayor's son when his wife developed complications with her pregnancy.

Or the time a pregnant patient of Dr. Foster's called him up in the middle of the night because she was bleeding, and Dr. Foster met her at the hospital in his bedroom slippers.

Or the time Dr. Foster talked a young, pregnant and unmarried woman out of having an abortion. Her child later went on to become high school valedictorian.

These are the elements that are missing in the debate over the Surgeon General nomination. These are the reasons Dr. Foster deserves every consideration for this post.

It is my sincere hope that Dr. Foster will receive a fair hearing. It is unfair to judge a candidate before having heard all the facts. I hope that those who have reservations about the nomination will keep an open mind until committee hearings are held.

I also hope that these hearings will be held sooner rather than later. The Nation needs a Surgeon General.

Every day approximately 2,781 teenagers become pregnant.

Mr. President, this many teenagers become pregnant while we wait to confirm a Surgeon General who plans to make teen pregnancy prevention the centerpiece of his tenure in that post.

We should not delay action on this nomination. I urge the Chair of the Labor Committee to schedule hearings on this issue as soon as possible and do everything within her power to ensure that Dr. Foster is given a full and fair hearing.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, is there a time limit for morning business?

The PRESIDING OFFICER. It has been 10 minutes per Senator.

FARM POLICY REFORM

Mr. KERREY. Mr. President, every year the President of the United States is required by law to send an economic report not just to the Congress but to the people of the country. It is a very, very important report. It provides us with the administration's assessment of where the economy is and what needs to be done both to sustain economic recovery and to adjust in certain areas.

There is a section in the President's economic report described as farm policy reform. I would like to comment upon that here this afternoon in the time that I am allowed.

Mr. President, one of the first statements that this document says is:

> Efficiency requires that farmers be given greater opportunity to respond to marketing incentives, and the cost-effective public policies used to correct market failures in agriculture. Revising agriculture to meet better these objectives will help unleash more of the innovative energy that has long characterized American agriculture.

Mr. President, there is very little barrier between the farmer and the marketplace today, notwithstanding a lot of the political rhetoric that seems to imply that somehow agriculture is heavily subsidized. If agriculture was heavily subsidized, Mr. President, one would expect an economic analysis to reveal very low rates of productivity. That is typically what one sees.

If I subsidize somebody a great deal—we hear this in the welfare debate—subsidize somebody a great deal, it is apt to encourage not increased productivity, it encourages just the opposite.

If agriculture was heavily subsidized, one would expect to see very low rates of productivity and would expect to see economic analysis, particularly analysis that showed how the agriculture sector compared to other sectors of the U.S. economy and our international competitors, it would show that we are relatively unproductive. Just the opposite, Mr. President.

Compared to our OECD competitors, agriculture is more productive than computers, more productive than automobiles, more productive than steel, more productive than pharmaceuticals, more productive than chemicals, more productive than all other sectors of our economy.

This report, Mr. President, implies that the Government of the United States of America somehow is standing in between farmers out there who would like to be competitive and the market, and it just is not true.

The report, in my judgment, distorts what is actually in plain view out there in the countryside. The report says that "The farm sector no longer looms large in the macroeconomy."

Now, that is based on a GAO analysis that showed that only 2 percent of the U.S. population is now in agriculture production. But 18 percent of all the jobs, according to this report, are either directly or indirectly related to agriculture production. So if farmers are not making money, if the profit shifts someplace else, Mr. President, these businesses are going to have a tough time making ends meet and, thus, production in agriculture is still vital not just in the micro-sense but in the macro-sense of the entire U.S. economy.

Now, let me provide what I would have hoped this kind of report would have provided. Instead of beginning with, I think, an incorrect identification of what is going on in agriculture, let me provide those in America who are wondering what this farm program is all about with some basic facts.

First, there are only 500,000 full-time farmers left in this country. This report has a statement in here, a commonly applied statement, that agriculture production is increasingly concentrated. Well, you would think—increasingly concentrated—does that mean that it is like automobiles, where we have three? Is that like pharmaceuticals, where we have 9 or 10? Is that like computers, where we have half a dozen? Is that what we are talking about? No.

There are 500,000 fully competitive, relatively small businesses—even a big farm is relatively small, Mr. President. A farm that an economist might describe as a large farm might not have as much revenue as an average McDonald's restaurant, for gosh sakes. So these are very competitive businesses.

Indeed, if you ask a Nebraska farmer, "Honestly, what is your idea of an enlightened policy?", they will say, "We pray for bad weather in Iowa." Well, you know, we do not honestly do that.

But the truth is, it is very competitive. We are competing out there not just with each other, but we are competing throughout the world. We would not be this productive were we not faced with the blessing of having this large number, still relatively large number, of full-time, highly competitive small businesses, family-operated businesses, mostly, that are manufacturing food products.

Now, one of the common things that I very often hear, not just in Washington, but I hear in Grand Island or Hastings and other communities in Nebraska, they will say, "Well, why do we have to have any kind of a Government program?"

Well, there are a couple of reasons that we do this. This report here, by the way, traces it all the way back to the 1920's and 1930's. It says in this report, "Today's agriculture commodity support programs are rooted in landmark New Deal legislation that followed the agricultural depression of the 1920's and 1930's." Again, feeding a misperception that this is a 60-year old program, started by Franklin Roosevelt, no longer needed; modern times no longer needs this sort of thing.

Well, Mr. President, one thing today is true that was true in 1930. And Americans who wonder why we have a program need to take this into consideration. Unlike other manufacturing businesses that I have referenced—automobiles, textiles, computers—we manufacture food out of doors. You might think that is kind of a silly and simple observation, but as long as we manufacture food out of doors we are always going to be dependent upon God to give us good weather. If we do not have good weather, if we have drought, we do not produce food. It is as simple as that, Mr. President.

You think, well, that is not a big deal.

Well, in 1987, I remember just after I left the office of Governor and went back into business, in 1987, swirling in the country was this big debate: What are we going to do with these enormous reserves that built up after the 1985 farm program was enacted? It is too costly—$125 billion a year, I believe it was. What are we going to do with these large reserves?

We had a drought in 1987. Then in 1988, we had another drought. I was campaigning at the time for the U.S. Senate. I almost remember the day when the American people stopped talking about these excess reserves and they started to say to themselves, "Oh, my gosh. Maybe we do not have enough inventory." Suddenly, the reserves became an inventory.

Now, I say that to Americans who are saying, "Is this worth it?"

We have an $8 billion program, the Commodity Credit Corporation program. There are $450 billion worth of food purchases in the United States. So you really pay $458 billion, $8 billion through farm price deficiency payments and $450 billion at the supermarket.

The reason that this reserve issue is important, I say to consumers, is because—I will tell you, as somebody who represents about 55,000 of those full-time farmers in the State of Nebraska, if we cut this program back too much and listen to the rhetoric, both Republican and Democrat, around here, it leads me to believe that may happen. You may find this Senator on the floor saying to the American consumer, no longer are we going to maintain a reserve, because that reserve serves the American consumer, Mr. President. It does not serve the producer.

In spite of what this report says, that reserve is there because the American consumer is concerned about what happens if we find ourselves short of food. You say, "Well, that's an exaggeration." It is not.

In 1993—and again, this report would lead you to believe that farm policy does not have any impact at all on macroeconomic policies—in 1993, the Secretary of Agriculture, at that time Secretary Espy, was having to make a decision: What should our reserve program be? Should we set a 5-percent reserve, a 10-percent reserve, a 0-percent reserve? What should our reserve be?

The farmers in Nebraska, the farmers in Iowa, but particularly in Nebraska where we are polled a lot, said, "Set it at 10 percent acreage reduction program."

Secretary Espy said out loud and in public, "I am going to set a 0-percent acreage reduction program." Go back and look at what Secretary Espy said. He said:

> I'm afraid if I set a 10-percent ARP that my food prices are going to be higher, and if food prices get higher, inflation comes back in the economy, high interest rates could come back in the economy and this entire recovery could get shut down.

That was the economic analysis done by the administration. You say, "Well, OK, so he did that, what is the impact?" It is a big impact. Farmers were asking for a 10-percent acreage reduction program. They got a 0-percent acreage reduction program, and here is the effect:

In 1993, the corn payments under CCC in the State of Nebraska were $600 million. In 1994, they dropped to $160 million. This year they are probably in the $700 million range again. You say, "My gosh, why are they going back and forth? Why is it 600, 160, 700?" The answer is, the price is impacted by the decision that the Secretary makes to set the reserve. When the Secretary set the reserve at 0 percent, farmers wanted 10 percent. When he set the reserve at 10 percent, we produced a bumper crop in 1994, along with tremendous weather that we had in 1994, we have lower prices and higher deficiencies in 1995.

So the higher budget exposure in 1995, which would probably be $700 million in my State, is not something I asked for. I asked for a 10 percent reserve which probably would have cost the taxpayers $160 million again. But USDA says, "No, we're going to go with the 0-percent reserve." The cost to the taxpayers ends up being four times greater, and guess who gets blamed? The farmer. The farmers in Nebraska are accused of wanting more welfare. The farmers in Nebraska are accused of wanting more money from the Government. Mr. President, American taxpayers should understand that the farmers were asking for a higher reserve which would have resulted in lower payments by the Federal Government.

Now it may be, I must say, that this kind of language, and others that I have heard, will result this year in deficiency payments being cut back. Perhaps the permission granted to this program is going to be pulled out if we change it radically. Mr. President, if we change it radically, consumers need to understand that this representative for American farmers is going to come to the floor and say we ought to get out of the reserve business altogether. No more reserve for the American consumer, no more holding food back on behalf of the American consumer, and we will just let the market set the prices. There will be times, as a consequence of that, when the price ends up being much higher.

This is not the only area where increasingly we come down and hear this mantra: Well, 60 years of failure, 40 years of failure. You hear it a lot about welfare today. You hear it a lot about other programs. I heard the chairman of I guess it is called the Health and Economic Opportunity Committee. They renamed it over on the House side. The committee chairman, Representative GOODLING, stood on the floor of the House of Representatives the other evening—I watched on C–SPAN—and he said, "Just name me one thing this Federal Government of ours does well. Just name me one."

I wish that he was a Senator in some way so in unlimited debate we had an opportunity to challenge that. I would have said, "Senator Goodling, how about you, are you one good thing? Are you efficient and effective? Because, if you are not, get out of here, resign and let somebody else take your job. If the answer is yes, then at least we found one."

Then I would pursue it.

How about your staff, buddy? They work about 16 hours a day. Are they efficient and effective? Are the taxpayers getting their money's worth out of your staff? How about those folks over at NIH trying to find a cure for AIDS or cancer? Are you getting your money's worth? How about those folks up in the *Endeavor* a week ago exploring space? Are you getting your money's worth there?

I must say, Mr. President, I think as we come and debate, particularly as we are trying to find ways to balance the Federal budget and trying to find ways to restore America's confidence in Government, we ought to take care not to throw out those things and, in fact, to work it and take care not to throw out those things that, in fact, are lifting a little bit of hope in the country.

I find, as well, a tendency to blame the wrong people, blaming farmers for the farm program, while farmers are arguing for something that would cost taxpayers less; blaming the poor, for gosh sakes, for their own behavior. We know that the nonpoor behavior is having some difficulty as well.

Mr. President, I came to the floor because I did not like the language in the President's economic report to the Nation. I hope, though I am not overly optimistic given what I have seen thus far, I hope that we are, in 1995, able to write not just a farm program but a health program, a children's program, an education program, a welfare program that takes into account what is going on in the countryside.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before my friend from Nebraska leaves the Senate floor, I would like to respond through the Chair to my friend the Congressman from the State of Pennsylvania that I do believe without any question that we do have in this body a person who is efficient and effective, and I believe the State of Nebraska is certainly getting its money's worth from the junior Senator from the State of Nebraska.

NEVADA PARTNERS

Mr. REID. Mr. President, we come to this floor often, and most of the things we talk about are in a negative sense, whether it is the farm program, taxes, delinquency, schools, students, teachers, health care, floods, earthquakes, deficits, lost species, endangered species, all types of crimes—murders, rapes, robberies, battering of women—unemployment.

Mr. President, I am here today to talk about something on a positive note, something that has taken place in the State of Nevada that is now to the point where we can talk about it as being effective and having worked.

We all know that work is the cornerstone upon which we can do something about welfare reform. I have long been a supporter of a welfare-to-work program. I, with a couple of my colleagues in this body, sponsored legislation that would have modern-day American welfare programs handled like they were handled during and after the Depression, programs like the Civilian Conservation Corps, the Works Progress Administration, where people who needed Government help would work in exchange for that help.

That legislation—five pilot programs—passed the House and the Senate and was sent to the President. Because this very important legislation was part of an overall tax bill that President Bush did not like, he vetoed the legislation. I am sorry that our bill was part of the tax bill because, on its face, I am sure he would not have vetoed it. But those are the kinds of programs that we need to recognize have worked in the past and will work again if we allow them to come into being.

As we continue to debate these welfare-to-work proposals, Mr. President, I think it is important that we, as an example, look to the private sector, programs there that we know are already successful, and are placing people into the work force. A program in Nevada like that is called Nevada Partners.

Nevada Partners came into being after the Rodney King riots that took place in southern California and in Las Vegas, NV. We had significant civil unrest in Las Vegas, and the community joined together to find out what could be done so that this would not take place in the future. This effort was led by Gov. Robert Miller, who was then Governor and is still Governor of the State of Nevada. This was in 1992. He was the guiding light, along with the mayor of Las Vegas, Jan Laverty Jones, a number of State legislators, and others, to set up a program that has worked very well.

Nevada Partners works with business, industry, and government, to provide job readiness, training, and placement to the at-risk and disadvantaged and unemployed in southern Nevada. Too often, we have people who we train, but they are trained for jobs that do not exist or jobs that they cannot find. Well, this program includes all them all.

I want to take a minute here to talk about the reason this program came into being. It was as a result of the generosity of one man by the name of Kirk Kerkorian. He is a man who came from, to say the least, humble beginnings, a person who has made it on his own, and who is now, it is no secret, one of the richest men in America. Kirk Kerkorian has been a very successful businessman all over the United States, but especially in Nevada. It was as a result of his generous contribution of a million dollars that this program was able to get started. The program received its funding from an organization that he established called the LINCY Foundation. Nevada Partners now is wholly funded by the private sector. It receives no Government funding, not a single penny.

Since its inception, Nevada Partners has placed more than 2,200 applicants into the work force. This is not a statistic used to make a report to some Government agency just to look good. These are 2,200 people who are actually working now and who were not working previously. As part of their job readiness training, participants with Nevada Partners must take a 2-week class focusing on personal success, pre-employment and post-employment issues such as stress management, hygiene, dressing for success, interviewing techniques, résumé writing, filling out an application, and what to expect from an employer.

Remember, Mr. President, many of these people are people who have never worked and if, in fact, they have worked, it has been unsuccessful, or they would not be out of work now, most of the time. In addition, Nevada Partners, in collaboration with the Training Station, which is a private sector computer training school, offers a 3-week computer fundamentals course designed to equip the trainee with the skills necessary to obtain positions requiring some computer literacy.

What is unique about Nevada Partners is that this program not only assists those on public assistance, but—and this is important—it helps many avoid the welfare rolls. It has been successful in that we have taken people who are on welfare and put them into the work force. But it has also taken people who are on the verge of going on welfare and put them to work.

This program deals especially with young people. It recognizes the importance of reaching out to our young people to break the cycle of dependency. That is why, Mr. President, we must be concerned about the summer jobs programs that have taken such a hit in the other body. I was happy to see in the original markups over here that the committees of jurisdiction within the Appropriations Committee have not treated them accordingly. I think that is good.

We must reach out to youth. Mr. President, the Youth Employment for the Summer Program that is part of this Nevada Partners Program targets youths ages 16 to 21. This program, which is known as the YES Program, is a summer jobs program offering a series of workshops designed to help applicants to gain an understanding of the tools and skills necessary to obtain employment. Working with local employers who have committed to providing summer opportunities, Nevada Partners offers these young people critical exposure to professional environments, as well as the opportunity to become acquainted with community role models.

Mr. President, I had the good fortune many years ago, when I practiced law, to be one of the attorneys in my law firm representing the interests of Kirk Kerkorian and his family. He has done a lot of things of which he is very proud. He created thousands and thousands of jobs in America. But there is nothing that he is any more proud of than what has happened here with Nevada Partners. As a result of his investment, we now have over 2,200 people working. And from the time these remarks were outlined for me, we have a lot more. The number is unknown.

One of Nevada Partners' most compelling programs—perhaps a model for welfare reform—is the Women in Transition Program. Women in Transition provides 6 weeks of in-depth transition training in addition to task-oriented counseling provided by the University of Nevada-Las Vegas masters of social work interns. Focusing on empowerment issues such as domestic violence, evaluating and selecting child care, and women in the work force, this pilot project is providing an alternative to public assistance by successfully placing women in the work force.

The key ingredient to the success of Nevada Partners is the commitment and participation of the private sector. Private sector involvement allows Nevada Partners and its participants to respond more quickly to changes in the business climate than many Government programs allow. Moreover, the private sector can easily and readily assist in identifying real job opportunities and has a vested interest in ensuring new employees become trained team members as quickly as possible. Here is one of the good things that comes from programs like this. More than 80 businesses, including hotels, casinos, banks, and utilities are consistently providing employment opportunities for Nevada Partners' applicants.

Programs such as Nevada Partners provide an invaluable service to southern Nevada and all of its communities. Providing individuals with work greatly enhances their self-esteem, their sense of responsibility and citizenship. Employment is a key factor, as we know, in reducing drug use, crime, teen pregnancy, and other social ills that affect all of America. This program saves untold amounts of money in our criminal justice system, our welfare system, and our educational system.

Mr. President, I believe that people want to lead productive lives, not collect handouts. I think it is programs like this that we, the Government, can use as a model to develop successful welfare-to-work programs. I look forward to the debate that is coming soon dealing with welfare and to talking with my colleagues about the program that has worked in Nevada, a program that we can use to help formulate what we need to do to reform welfare on the Federal level.

Mr. President, I look forward to working with my colleagues in the ensuing months to formulate welfare-to-work proposals that include and incorporate programs that are working—programs like Nevada Partners.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

EXECUTIVE SESSION

CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS

Mr. DOLE. I ask unanimous consent that the Senate proceed to executive session to consider the following treaty: convention on prohibitions or restrictions on the use of certain conventional weapons (Treaty Cal. 1).

I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification: that the seven conditions recommended by the Committee on Foreign Relations be considered as having been offered and agreed to, en bloc, and that the motion to reconsider be laid upon the table; that no other amendments, conditions, declarations, provisos, reservations or understandings be in order; that any statements be inserted in the CONGRESSIONAL RECORD as if read; that when the resolution of ratification is agreed to, the motion to reconsider be laid upon the table; that the President be notified of the Senate's action and that the following disposition of the treaty, the Senate return to legislation session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for consideration of the resolution of ratification by a division vote.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolution of ratification will please stand and be counted. [After a pause.]

Those opposed to ratification please rise and stand to be counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to as follows:

Resolved (two-thirds of the Senators present concurring therein), That (a) the Senate advise and consent to the ratification of the following Convention and two accompanying Protocols, concluded at Geneva on October 10, 1980 (contained in Treaty Document 103-25), subject to the conditions of subsections (b) and (c):

(1) The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects (in this resolution referred to as the "Convention").

(2) The Protocol on Non-Detectable Fragments (in this resolution referred to as "Protocol I").

(3) The Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its technical annex (in this resolution referred to as "Protocol II").

(b) The advice and consent of the Senate under subsection (a) is given subject to the following conditions, which shall be included in the instrument of ratification of the Convention:

(1) RESERVATION.—Article 7(4)(b) of the Convention shall not apply with respect to the United States.

(2) DECLARATION.—The United States declares, with reference to the scope of application defined in Article 1 of the Convention, that the United States will apply the provisions of the Convention, Protocol I, and Protocol II to all armed conflicts referred to in Articles 2 and 3 common to the Geneva Conventions for the Protection of War Victims of August 12, 1949.

(3) UNDERSTANDING.—The United States understands that Article 6(1) of Protocol II does not prohibit the adaptation for use as booby-traps of portable objects created for a purpose other than as a booby-trap if the adaptation does not violate paragraph (1)(b) of the Article.

(4) UNDERSTANDING.—The United States considers that the fourth paragraph of the preamble to the Convention, which refers to the substance of provisions of Article 35(3) and Article 55(1) of Additional Protocol I to the Geneva Conventions for the Protection of War Victims of August 12, 1949, applies only to States which have accepted those provisions.

(c) The advice and consent of the Senate under subsection (a) is given subject to the following conditions, which are not required to be included in the instrument of ratification of the Convention:

(1) DECLARATION.—Any amendment to the Convention, Protocol I, or Protocol II (including any amendment establishing a commission to implement or verify compliance with the Convention, Protocol I, or Protocol II), any adherence by the United States to Protocol III to the Convention, or the adoption of any additional protocol to the Convention, will enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, Section 2, Clause 2 of the Constitution of the United States.

(2) DECLARATION.—The Senate notes the statements by the President and the Secretary of State in the letters accompanying transmittal of the Convention to the Senate that there are concerns about the acceptability of Protocol III to the Convention from a military point of view that require further examination and that Protocol III should be given further study by the United States Government on an interagency basis.

Accordingly, the Senate urges the President to complete the process of review with respect to Protocol III and to report the results to the Senate on the date of submission to the Senate of any amendments which may be concluded at the 1995 international conference for review of the Convention.

(3) STATEMENT.—The Senate recognizes the expressed intention of the President to negotiate amendments or protocols to the Convention to carry out the following objectives:

(A) An expansion of the scope of Protocol II to include internal armed conflicts.

(B) A requirement that all remotely delivered mines shall be equipped with self-destruct devices.

(C) A requirement that manually emplaced antipersonnel mines without self-destruct devices or backup self-deactivation features shall be used only within controlled, marked, and monitored minefields.

(D) A requirement that all mines shall be detectable using commonly available technology.

(E) A requirement that the party laying mines assumes responsibility for them.

(F) The establishment of an effective mechanism to verify compliance with Protocol II.

Mr. DOLE. Mr. President, I ask unanimous consent a letter directed to the chairman be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 22, 1995.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Armed Services has conducted a brief review of the military implications of the Convention on Conventional Weapons (Treaty Document 103-25). We understand that the Administration has requested the Senate to provide its advice and consent to ratification at the earliest possible time, so that the United States may participate in the Review Conference scheduled to begin September 25, 1995.

The Committee's understanding is that for humanitarian purposes the Convention is intended to restrict the use of specific types of conventional weapons in armed conflicts, specifically, landmines and booby-traps.

Like the Committee on Foreign Relations, the Committee on Armed Services has concerns about the Treaty, which include:

(1) The effectiveness of the Convention having been ratified by only 42 States Parties;

(2) Future amendments to the Convention, that are meant to improve its effectiveness; and,

(3) The impact of Protocol III on NATO operations.

EFFECTIVENESS OF CONVENTION

We understand that the Convention is part of a broader program of humanitarian conventions to restrict the production, use, and export of landmines, which the Administration would like to have other countries join, to reduce civilian casualties.

The United States military services have identified landmines as a significant threat to future force projections and military operations other than war, including peacekeeping and humanitarian assistance. The use of landmines in internal conflicts in undeveloped countries is particularly acute in Africa, Asia, and Latin America. Training and education assistance for humanitarian landmine clearing activities, as well as development of technology for mine detection, classification, mapping and neutralization, is being provided to these regions by the Department of Defense and the military services.

The Committee strongly urges the Administration to encourage the countries in the regions in which the United States is providing assistance in humanitarian landmine activities, to ratify, and adhere to the Convention. Additionally, the Committee urges the Administration to seek assistance from the other parties to the Convention, during the Review Conference, and in bilateral discussions with non-parties, to encourage the undeveloped nations of Africa, Asia and Latin America to ratify the Convention.

FUTURE AMENDMENTS TO THE CONVENTION

The Committee understands that the Administration intends to offer amendments to the Convention during the September 1995 Review Conference with regard to establishing a verification and compliance commission, to tighten restrictions on the use of landmines, and to ensure exclusion of command-detonated Claymore mines from such restrictions.

The Committee enjoins the Administration to consult closely with the relevant congressional committees prior to the tabling and negotiation of amendments to the Convention.

NATO OPERATIONS AND PROTOCOL III

The United States is concerned about restrictions on the use of air-delivered incendiaries in Protocol III, from both a military and humanitarian perspective, and as such, the Administration did not submit it to the Senate for its advice and consent to ratification.

During a briefing on the Convention with the Administration interagency team, it was brought to the Committee's attention that with the exception of France, all other countries ratifying the Convention accepted Protocol III.

The Committee is concerned about the impact on NATO operations resulting from ratification of Protocol III by a number of our alliance partners.

COMMITTEE RECOMMENDATION

The Committee has reviewed the Convention on Conventional Weapons Convention Resolution of Ratification approved by the Committee on Foreign Relations on March 22, 1995. With the following concerns noted, the Committee agrees with the Foreign Relations Committee's actions on this Treaty.

The Committee is concerned about the Administration's plans for amendments to the Convention, particularly the establishment of a Commission. The Committee believes it is important to ensure that a large, expensive bureaucracy is not established and that the precedent-setting nature of an enforcement commission must be carefully considered.

Second, the Committee believes that command-detonated Claymore-type mines must be excluded from the coverage of any future amendments intended to tighten restrictions on the use of landmines.

We have consulted with all Members of the Committee on the views, recommendations, and understandings contained in this report.

We are pleased to advise you of the Committee's advice and consent to ratification of this Convention.

Sincerely,
SAM NUNN,
Ranking Member.
STROM THURMOND,
Chairman.

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of the following nominations on the Executive Calendar en bloc; Calendar Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48, and all nominations placed on the Secretary's desk; further that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Karen Nelson Moore, of Ohio, to be United States Circuit Judge for the Sixth Circuit, vice Robert B. Krupansky, retired.

Janet Bond Arterton, of Connecticut, to be United States District Judge for the District of Connecticut.

Willis B. Hunt, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

Charles B. Kornmann, of South Dakota, to be United States District Judge for the District of South Dakota.

DEPARTMENT OF JUSTICE

J. Don Foster, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years vice J.B. Sessions III, resigned.

Martin James Burke, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

DEPARTMENT OF STATE

Ray L. Caldwell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Burdensharing.

Philip C. Wilcox, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Coordinator for Counter Terrorism.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

John Chrystal, of Iowa, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997. (Reappointment)

George J. Kourpias, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997. (Reappointment)

Gloria Rose Ott, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

Harvey Sigelbaum, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

Nominations placed on the Secretary's desk:

IN THE COAST GUARD, FOREIGN SERVICE

Coast Guard nominations beginning Daniel V. Riley, Jr., and ending Heather L. Morrison, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 1995

Coast Guard nominations beginning Ralph R. Hogan, and ending John W. Kolstad, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 1995

Coast Guard nominations beginning Genelle T Vachon, and ending Gregory A Howard, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1995

Coast Guard nominations beginning James M. Begis, and ending Jon W. Minor, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 1995

Coast Guard nomination of Louise A. Stewart, which was received by the Senate and appeared in the Congressional Record of February 16, 1995

Foreign Service nominations beginning Christopher E. Goldthwait, and ending William L. Brant, II, which nominations were received by the Senate and appeared in the Congressional Record cf January 10, 1995

Foreign Service nominations beginning John Thomas Burns, and ending Van S. Wunder, III, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 1995

Foreign Service nominations beginning Luis E. Arreaga Rodas, and ending Jeffrey A. Wuchenich, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 1995

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MAKING MAJORITY PARTY APPOINTMENTS

Mr. DOLE. Mr. President, I send resolutions to the desk regarding Senator CAMPBELL's new committee assignments as a majority Member, and ask they be considered en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 92) amending Rule XXV of the Standing Rules of Senate; a resolution (S. Res. 93) making majority party appointments to the Energy and Natural Resources Committee, the Veterans' Affairs Committee, and the Committee on Indian Affairs; a resolution (S. Res. 94) making a majority party appointment.

The PRESIDING OFFICER. The question is on agreeing to the resolutions en bloc.

The resolutions (S. Res. 92, S. Res. 93, S. Res. 94) were agreed to en bloc as follows:

SENATE RESOLUTION 92

Resolved, That Rule XXV, paragraph 2, of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "18".

Strike the figure after "Energy and Natural Resources" and insert in lieu thereof "20".

SEC. 2. That Rule XXV, paragraph 3(c) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Indian Affairs" and insert in lieu thereof "16".

SENATE RESOLUTION 93

Resolved, That the following shall constitute the majority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. MURKOWSKI (Chairman), Mr. HATFIELD, Mr. DOMENICI, Mr. NICKLES, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. KYL, Mr. GRAMS, Mr. JEFFORDS, and Mr. BURNS.

Veterans' Affairs: Mr. SIMPSON (Chairman), Mr. MURKOWSKI, Mr. SPECTER, Mr. THURMOND, Mr. JEFFORDS, Mr. CAMPBELL, and Mr. CRAIG.

Indian Affairs: Mr. MCCAIN (Chairman), Mr. MURKOWSKI, Mr. GORTON, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. NICKLES, Mr. CAMPBELL, Mr. THOMAS, and Mr. HATCH.

SENATE RESOLUTION 94

Resolved, That the Senator from Colorado (Mr. CAMPBELL) is hereby appointed to the Committee on Agriculture, Nutrition, and Forestry, and that the following be the majority membership on that committee for the 104th Congress, or until their successors are appointed:

Agriculture, Nutrition and Forestry: Mr. LUGAR (Chairman), Mr. DOLE, Mr. HELMS, Mr. COCHRAN, Mr. MCCONNELL, Mr. CRAIG, Mr. COVERDELL, Mr. SANTORUM, Mr. WARNER, and Mr. CAMPBELL.

UNANIMOUS-CONSENT AGREEMENT—S. 219

Mr. DOLE. Mr. President, I ask unanimous consent that at 11:30 a.m., Monday, March 27, the Senate begin 6 hours of general debate equally divided in the usual form on the subject of S. 219, the regulatory moratorium bill; further that at the hour of 10 a.m., Tuesday, March 28, the Senate proceed to the consideration of S. 219.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—S. RES. 49

Mr. DOLE. Mr. President, I ask unanimous consent that Calendar No. 15, Senate Resolution 49 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–40. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

ASSEMBLY JOINT RESOLUTION NO. 5

"Whereas, the state has endured billions of dollars in losses through a disproportionate share of federal Department of Defense facilities closures mandated by the federally appointed Base Closure and Realignment Commissions in 1988, 1991 and 1993; and

"Whereas, it has been documented that this state has suffered more than its share of economic devastation during the current worldwide economic recession, and is the last of the states to show signs of positive recovery; and

"Whereas, the state has sustained disasters, both natural and manmade, in recent years from earthquakes in the San Francisco and Los Angeles areas, fires in northern and southern California, and from riots in the greater Los Angeles area; and

"Whereas, Southern California, through its particular world preeminence in the technologies of earth and space travel, military defense systems, and interglobal communications has been the free world's guarantor of peace through strength of leadership; and

"Whereas, the Long Beach Naval Shipyard is being considered for closure as part of the military base closure and realignment process; and

"Whereas, built in 1943, the Long Beach Naval Shipyard is the Navy's primary surface ship repair facility on the west coast in addition to having the highest aircraft carrier usage of any public shipyard; and

"Whereas, the Long Beach Naval Shipyard is a large, full service facility that includes 347 acres, four industrial piers, two wharves, and three drydocks; and

"Whereas, the Long Beach Naval Shipyard represents approximately $757,000,000 in total local spending and 10,100 jobs in the southern California region so that closing the shipyard would have a devastating impact on that area of the state; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature hereby memorializes the President and the Congress of the United States to provide for the continued operation of the Long Beach Naval Shipyard as an essential facility and as an integral part of the southern California economy; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–41. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

U.S. NAVAL AIR STATION AT BRUNSWICK, ME.

"Whereas, the Department of the Navy has maintained a naval air station at Brunswick, Maine during World War II and continuously since 1951; and

"Whereas, the United States Naval Air Station at Brunswick has performed in an exemplary manner throughout its more than 4 decades of history; and

"Whereas, the United States Naval Air Station at Brunswick is one of the most up-to-date facilities available in the United States for long-range maritime patrol; and

"Whereas, the United States Naval Air Station at Brunswick is the only remaining operational naval air station in the northeast quadrant of the United States and the only military airfield in northern New England; and

"Whereas, on the entire east coast, only the United States Naval Air Station at Brunswick and Key West has been identified as having "strategic military value"; and

"Whereas, the United States Naval Air Station at Brunswick offers unencumbered air space, no encroachment problems and expansion capability to handle all 7 of the projected Atlantic Fleet VP squadrons with no additional military construction required; and

"Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Air Station at Brunswick; now therefore, be it

"*Resolved:* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Air Station at Brunswick, Maine; and be it further

"*Resolved:* That We further urge the Congress of the United States to take all necessary action to ensure that the United States Naval Air Station at Brunswick remains an integral part of our nation's defense; and be it further

"*Resolved:* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-42. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

U.S. NAVAL SHIPYARD AT KITTERY, ME

Whereas, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

Whereas, the United States Naval Shipyard at Kittery has performed duties in an exemplary manner throughout its almost 2 centuries of history; and

Whereas, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

Whereas, the communities in Maine, New Hampshire and Massachusetts located near the Kittery shipyard offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; now, therefore, be it

"*Resolved:* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

"*Resolved:* That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

"*Resolved:* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-43. A joint resolution adopted by the Legislature of the State of New Jersey; to the Committee on Armed Services.

ASSEMBLY RESOLUTION NO. 130

"Whereas, the Pentagon is recommending the closure of the Bayonne Military Ocean Terminal; and

"Whereas, the closure of the terminal would cost 100 military and over 1,200 civilian jobs and indirectly almost 750 additional jobs; and

"Whereas, even though some of the present employees could be relocated to Fort Monmouth in Eatontown, New Jersey, this closure would create a significant disruption in employees' lives; and

"Whereas, the closure would also create a significant disruption in the economic life of Bayonne with the loss of about $44 million annually in contracts with New Jersey firms and about $71 million annually in salaries; and

"Whereas, the terminal performs critical functions in shipping and storing military cargo, providing sealift capability for the Pentagon, and handling traffic management for East Coast ports; and

"Whereas, with the location at the Bayonne Military Ocean Terminal of the Military Transportation Management Command Eastern Area Headquarters and the traffic management portion of the 1301st Major Port Command, the terminal is an integral part of the United States military operations; and

"Whereas, the closure of this terminal would not reflect sound financial or military logic; now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House calls upon the Base Closure and Realignment Commission to remove the Bayonne Military Ocean Terminal from the list of base closings recommended by the Pentagon and to maintain the operation of the terminal.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Base Closure and Realignment Commission, the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and every member of Congress elected from this State."

POM-44. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Armed Services.

BASE CLOSURE

"Whereas, military installations in this Commonwealth provide employment for 163,000 Pennsylvanians; and

"Whereas, military installations in this Commonwealth constitute 2.9 percent of all State employment and 4.1 percent of all State output and represent 2.7 percent of the Department of Defense budget spent within this Commonwealth; and

"Whereas, the closure or realignment of military installations in this Commonwealth could result in the termination of not only those jobs on operating bases, but also thousands of base-related jobs and the loss of millions of dollars in total income; and

"Whereas, this Commonwealth has lost 11.5 percent of all defense jobs eliminated in the United States as a result of the Defense Base Closure and Realignment Commission's 1991 and 1993 recommendations; therefore be it

"*Resolved*, that the Senate of the Commonwealth of Pennsylvania memorialize the President of the United States and Congress to oppose the closure or realignment of military installations in Pennsylvania for the reasons stated in this resolution; and be it further

"*Resolved*, that copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress, to each member of Congress from Pennsylvania and to the members of the Defense Base Closure and Realignment Committee."

POM-45. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

"Whereas, the future success of Hawaii's economy and the future welfare of its citizens rests upon its ability to increase the employment skills and competitiveness of its people and to stimulate economic growth; and

"Whereas, the improvement of Hawaii's employment capabilities and competitiveness of its people requires high quality education; and

"Whereas, increases in the productivity and competitiveness of Hawaii's education and library system are essential to upgrading the quality of the existing education system; and

"Whereas, the development of an advanced state-of-the-art telecommunications infrastructure, utilizing modern information processing technology in Hawaii's education and library system, linked locally, nationally, and internationally to businesses, residences, and other public and private services, is essential for achieving a quality educational system in a cost-effective manner; and

"Whereas, the development of an advanced state-of-the-art telecommunications infrastructure in Hawaii is essential to promoting the economic competitiveness of the State, improving the literacy and employment skill level of its citizens, and ensuring the future vitality of its educational and library systems; and

"Whereas, Hawaii must ensure that the State benefits from telecommunications infrastructure advances and ensure universal access to information and education resources for all residents of the State; and

"Whereas, Hawaii must assume a position of economic leadership and national prominence in the information age by funding school and library information infrastructure; and

"Whereas, current funding mechanisms may not provide Hawaii's schools and libraries with the funds needed to construct the infrastructure necessary to take advantage of telecommunications technologies and services, to purchase those services, or to provide the educational, training, and information they are intended to service; and

"Whereas, the current Congress of the United States has expressed its belief in the concept that the individual states are better able to determine their individual needs and are better positioned to determine who moneys should be spent to address those needs; and

"Whereas, the Federal Communications Commission (FCC) is charged with the responsibility of administering the radio frequency spectrum as a national asset for the benefit of the American public; and

"Whereas, the FCC is currently conducting an auction of radio spectrum that will be used by winners of that auction to provide personal communications services (PCS); and

"Whereas, the FCC auction will generate moneys in excess of $4,000,000,000 that should be shared with the individual states such that they will be better able to construct their education infrastructure; now, therefore, be it

"*Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995,* That the Congress of the United States is requested to enact whatever laws are necessary to allow the individual states to share in the proceeds of the current Federal Communications Commission auction of radio spectrum for purposes of funding the states' schools' and libraries' telecommunications and information infrastructure; and

"*Be it further resolved,* That the Public Utilities Commission, the Consumer Advocate, and the Department of Education are requested to prepare a plan for the efficient expenditure of revenues received by the State of Hawaii as a result of this Resolution; and

"*Be it further resolved,* That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation."

POM-46. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

S.C.R. No. 20

"Whereas, the future success of Hawaii's economy and the future welfare of its citizens rest upon its ability to increase the employment skills and competitiveness of its people and to stimulate economic growth; and

"Whereas, the improvement of Hawaii's employment capabilities and competitiveness of its people require high quality education; and

"Whereas, increases in the productivity and competitiveness of Hawaii's education and library system are essential to upgrading the quality of the existing education system; and

"Whereas, the development of an advanced state-of-the-art telecommunications infrastructure, utilizing modern information professing technology in Hawaii's education and library system, linked locally, nationally, and internationally to businesses, residences, and other public and private services, is essential for achieving a quality educational system in a cost-effective manner; and

"Whereas, the development of an advanced state-of-the-art telecommunications infrastructure in Hawaii is essential to promoting the economic competitiveness of the State, improving the literacy and employment skill level of its citizens, and ensuring the future vitality of its educational and library systems; and

"Whereas, Hawaii must ensure that the State benefits from telecommunications infrastructure advances and ensure universal access to information and education resources for all residents of the State; and

"Whereas, Hawaii must assume a position of economic leadership and national prominence in the information age by funding school and library information infrastructure; and

"Whereas, current funding mechanisms may not provide Hawaii's schools and libraries with the funds needed to construct the infrastructure necessary to take advantage of telecommunications technologies and services, to purchase those services, or to provide the educational, training, and information they are intended to service; and

"Whereas, the current Congress of the United States has expressed its belief in the concept that the individual states are better able to determine their individual needs and are better positioned to determine how moneys should be spent to address those needs; and

"Whereas, The Federal Communications Commission (FCC) is charged with the responsibility of administering the radio frequency spectrum as a national asset for the benefit of the American public; and

"Whereas, The FCC is currently conducting an auction of radio spectrum that will be used by winners of that auction to provide personal communications services (PCS); and

"Whereas, the FCC auction will generate moneys in excess of $4,000,000,000 that should be shared with the individual states such that they will be better able to construct their education infrastructure; now, therefore, be it

"*Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, the House of Representatives concurring,* That the Congress of the United States is requested to allow the individual states to share in the proceeds of the current Federal Communications Commission auction of radio spectrum for purposes of funding the states' public schools', universities', and libraries' telecommunications and information infrastructure; and

"*Be it further resolved,* That the Public Utilities Commission, the Consumer Advocate, and the Department of Education are requested to prepare a plan for the efficient expenditure of revenues received by the State of Hawaii as a result of this Concurrent Resolution; and

"*Be it further resolved,* That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, the public utility/public service commissions of the fifty states, the National Association of Regulatory Utility Commissioners, the National Governors Association, the National Conference of State legislatures, the National Association of State Universities and Land Grant Colleges, and EDUCOM."

POM-47. A concurrent resolution adopted by the Legislature of the State of Iowa; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 17

"Whereas, the Federal Trade Commission has published an agreement containing a consent order, file number 941-0124, dealing with the proposed acquisition of Alpo by Nestle Food Company; and

"Whereas, Nestle Food Company owns a processing facility in Fort Dodge, Iowa, operating as Friskies PetCare Products; and

"Whereas, the consent order requires Nestle to divest the Fort Dodge Friskies PetCare plant within 12 months; and

"Whereas, the Friskies PetCare Products has operated in Fort Dodge for more than 19 years and has been an excellent corporate citizen, providing good jobs and benefits to 141 employees; and

"Whereas, the direct economic impact of the Friskies plant in Webster County and Fort Dodge approaches $100 million per year; and

"Whereas, the complaint filed with the Federal Trade Commission alleges that the acquisition of Alpo by the Nestle Food Company will eliminate substantial actual competition between Nestle and Alpo, increase the likelihood that Nestle will unilaterally exercise market power in the relevant market, and increase the likelihood of, or facilitate collusion or coordinated interaction among, firms in the relevant market; and

"Whereas, the relevant market in the complaint is the manufacture and production of canned cat food for the geographies market of the United States of America; and

"Whereas, the Fort Dodge facility produces 24,000,000 cases of canned pet food per year of which 66 percent is canned cat food and 33 percent is canned dog food; and

"Whereas, Nestle officials have stated that they will increase the production at other Nestle-owned plants to replace the lost production from the sale of the Fort Dodge plant; and

"Whereas, the Federal Trade Commission has indicated that it is unlikely that it will allow the sale of the Fort Dodge plant to any other major competitor in the pet food industry; and

"Whereas, the citizens of Fort Dodge and Webster County, the Mayor and City Council of Fort Dodge, the Webster County Board of Supervisors, the employees of Friskies, and the Webster County Industrial Development Commission all believe that the remedy proposed by the Federal Trade Commission will not accomplish the stated goals, and will, in fact, result in the loss of 141 good jobs in Fort Dodge and have a disastrous effect on the local economy, including the loss of more than $200,000 per year in Iowa sales taxes; now therefore, be it "*Resolved by the House of Representatives, the Senate concurring,* That the Federal Trade Commission is urged to amend the agreement containing consent order, file number 941-0124, so that Nestle is not required to divest itself of the Fort Dodge Friskies PetCare Plant; and

"*Be it further resolved,* That the entire Iowa congressional delegation, Governor Branstad, and the Director of the Iowa Department of Economic Development are urged to support the citizens of Fort Dodge in their efforts to appeal to the Federal Trade Commission to amend the consent order; and

"*Be it further resolved,* That copies of this resolution be sent to the Governor, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairperson of the Federal Trade Commission, and members of the Iowa congressional delegation."

POM-48. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation.

SUPPORT AMTRAK

"Whereas, Amtrak is energy-efficient and environmentally beneficial, consuming about ½ as much energy per passenger mile as airlines and causing less air pollution; and

"Whereas, Amtrak provides mobility to citizens of many smaller communities poorly served by air and bus services, as well as to those senior citizens, people with disabilities, students and people with medical conditions who need trains as a travel option; and

"Whereas, Amtrak is 9 times safer than driving per passenger mile and operates even in severe weather conditions; and

"Whereas, Amtrak travel rose 48% from 1982 to 1993 and Amtrak dramatically improved coverage of its operating costs from revenues; and

"Whereas, expansion of Amtrak service using existing rail rights-of-way would cost less and use less land than new highways and airports and would further increase the advantage of Amtrak's efficiency; and

"Whereas, federal investment in Amtrak has fallen in the last decade while it has risen for airports and highways; and

"Whereas, states may use highway trust fund money as an 80% federal match for a variety of nonhighway programs but are prohibited from using the money for Amtrak projects; and

"Whereas, Amtrak pays a fuel tax that airlines do not pay; and

"Whereas, Amtrak workers and vendors pay more in taxes than the Federal Government invests in Amtrak; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully urge the President and Congress of the United States not to reduce federal funding of Amtrak; to exempt Amtrak from paying fuel taxes that airlines do not pay; to allow the states flexibility in using federal highway trust fund money on Amtrak projects; and to require that federal officials include a strong Amtrak system in any plans for a national transportation system; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM–49. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Commerce, Science, and Transportation.

LEGISLATIVE RESOLUTION 48

"Whereas, the Nebraska Educational Telecommunications Commission employees an impressive variety of television and radio broadcast and non-broadcast technologies to serve the residents of this state; and

"Whereas, the commission is a major cultural and educational resource serving and unifying Nebraska residents of all ages and locations; and

"Whereas, the commission is widely recognized as both the pioneer employer of educational communications technologies and one of the premiere statewide educational and public telecommunications systems in the United States; and

"Whereas, the Commission assists every Nebraska educational sector and institution, public and private, in providing quality teaching and learning and making education more readily accessible; and

"Whereas, the commission brings a wide variety of national, international, and Nebraska-produced programs to the schools and homes of the state, as well as repeatedly brings national recognition to Nebraska; and

"Whereas, the commission is the only entity, public or private, with both the capability to provide picture and sound throughout Nebraska and the responsibility to employ that capacity to pursue educational equity, maintain educational quality, and provide responsible and constructive programming for the people of Nebraska; and

"Whereas, the commission provides on a daily basis children's, cultural, public affairs, informational, and distance-learning programs of impressive substance and quality; and

"Whereas, the commission employs an appropriate and interdependent mix of state, federal, and private funding to address this important mission on behalf of the people of Nebraska; now, therefore, be it

"*Resolved by the Members of the ninety-fourth Legislative of Nebraska, first session:*

"1. That the Legislative commends the Nebraska Educational Telecommunications Commission for forty years of exemplary service, and urges the Congress of the United States, in partnership with the people of Nebraska, to continue critical support of educational and public telecommunications and the national public broadcasting organizations providing programs of significant quality to rural and urban residents alike, which are of particular importance as Nebraska and the nation move increasingly into the information age and the next century.

"2. That the Clerk of the Legislative transmit a copy of this resolution to the Speaker of the House of Representatives, and President of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States."

POM–50. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Armed Services.

"Whereas, Picatinny Arsenal at Dover, New Jersey, traces its roots to the "middle Forge" which was established in 1749 at the foot of Picatinny Peak and later became part of the Mount Hope Iron Works, which provided cannon shot, bar iron, shovels and axes for the Revolutionary Army; and

"Whereas, the Army purchased the site and established the Picatinny Powder Depot in 1880 when the War Department needed a location which to construct a black powder magazine; and

"Whereas, Picatinny Arsenal produced high explosives and ammunition from 1902 until 1977, when its role as an arsenal changed from manufacturing to research and development; and

"Whereas, Picatinny Arsenal is the United States Army's principal research, development and engineering facility for assigned weapon systems, responsible for developing 90 percent of the Army's weaponry; and

"Whereas, the Army Armament Research, Development and Engineering Center (ARDEC) at Picatinny Arsenal has assignments which include artillery, infantry, surface vehicle mounted and aircraft mounted weapons and ammunition; rocket and missile warhead sections; fire control systems; demolition munitions; mines, bombs and grenades, pyrotechnic systems and munitions; explosives and propellants; and practice and training munitions; and

"Whereas, for the past four years, ARDEC management has downsized and reduced operating costs while retaining core capabilities and the ability to expand to accommodate new missions or to respond to national emergencies; and

"Whereas, Picatinny is staffed by more than 5,000 civilian engineers, scientists and support personnel, with a technical staff of whom more than 30 percent have graduate degrees; and

"Whereas, Picatinny Arsenal has a national mission and represents a unique intellectual community that cannot easily be duplicated; and

"Whereas, if the arsenal is closed, no assurance exists that the functions therein performed can be replaced or will be assumed anywhere else; and

"Whereas, the kind of institutional knowledge located at Picatinny Arsenal is critical because U.S. laws restrict the munitions and weapons marketplace, both domestic and international, deterring industry from substantial investment or retention of staff and facilities in a commodity arena where there is no commercial market; and

"Whereas, Picatinny Arsenal, invaluable to the Nation's defense with its specialized facilities on 6,500 acres, faces possible consolidation or closure as the Department of Defense reduces its budget with another round of base closures; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House urges the President and the Congress of the United States to carefully examine the impact of the closure of the Picatinny Arsenal upon the Nation's defense readiness and to reject such closure.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives and every member of Congress elected from this State."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S. 617. An original bill making additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and other purposes (Rept. No. 104–17).

By Mr. THURMOND, from the Committee on Armed Services:

Special report entitled: "The Activities of the Committee on Armed Services United States Senate, 103d Congress, First and Second Sessions" (Rept. No. 104–18).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 611. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. GRAHAM, and Mr. MURKOWSKI):

S. 612. A bill to amend title 38, United States Code, to provide for a hospice care pilot program for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself, Mr. GRAHAM, Mr. AKAKA, Mr. DORGAN, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. DASCHLE, Mr. LEAHY, Mrs. MURRAY, and Mr. WELLSTONE):

S. 613. A bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 614. A bill to confer jurisdiction of the U.S. Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. CRAIG):

S. 615. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN:

S. 616. A bill to amend the Tariff Act of 1930 to provide parity between the United States and certain free trade agreement countries with respect to the exemption for personal and household effects purchased abroad by returning residents, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD:

S. 617. An original bill making additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. COATS (for himself and Mr. LIEBERMAN):

S. 618. A bill to provide a low-income school choice demonstration program; to the Committee on Labor and Human Resources.

By Mr. SMITH (for himself, Mr. LAUTENBERG, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. SIMON, Mr. MACK, Mr. BOND, Mr. GRAHAM, Mr. LIEBERMAN, Mr. WARNER, and Mr. REID):

S. 619. A bill to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. DOMENICI):

S. 620. A bill to direct the Secretary of the Interior to convey, upon request, certain property in Federal reclamation projects to beneficiaries of the projects and to set forth a distribution scheme for revenues from reclamation project lands; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself, Mr. CAMPBELL, Mr. BROWN, Mr. JEFFORDS, Mr. STEVENS, and Mr. HATCH):

S. 621. A bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System, and for other purposes.

By Mr. LEVIN (for himself, and Mr. ABRAHAM):

S. 622. A bill to amend the Clean Air Act to provide that a State containing an ozone nonattainment area that does not significantly contribute to ozone nonattainment in its own area or any other area shall be treated as satisfying certain requirements if the State makes certain submissions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself and Mr. HATCH):

S. 623. A bill to reform habeas corpus procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 624. A bill to establish a Science and Mathematics Early Start Grant program, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 92. A resolution amending Rule XXV of the Standing Rules; considered and agreed to.

S. Res. 93. A resolution making majority party appointments to the Energy and Natural Resources Committee, the Veterans' Affairs Committee, and the Committee on Indian Affairs; considered and agreed to.

S. Res. 94. A resolution making a Majority party appointment; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 611. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; to the Committee on Energy and Natural Resources.

FERC-ISSUED LICENSE AUTHORIZATION EXTENSION ACT

• Mr. BRADLEY. Mr. President, I introduce legislation which would allow the Federal Energy Regulatory Commission to extend a license already granted to the Mount Hope pumped storage project. It is my understanding that the FERC has no objection to this extension and that the agency itself would grant the extension, if it were not statutorily prohibited from doing so.

I am very pleased to have Senator LAUTENBERG as a cosponsor on this legislation.

The Mt. Hope project is an advanced pumped-storage hydroelectric plant. It will be constructed on an existing industrial site that has been active for almost 300 years. It will be largely underground, once it is established, and should have a very limited environmental impact.

This project will cost $1.8 billion to construct and will be financed entirely by the private sector. It is estimated that this single project will create up to 1,300 jobs during construction and provide about $20 million annually in property taxes.

Mr. President, the project's existing license will expire in August, 1996. When the license was originally requested and granted in the early 1990's, the sponsors presumed that the financing would be complete and construction underway by 1996, as required. Unfortunately, the extended economic recession intervened. Because of the general economic climate and the difficulty of financing any project of this magnitude, the start-up date has slipped.

Normally, I am very hesitant to intervene in any way in a regulatory process. However, since I understand that the FERC has no objections and will support this extension, I am willing to move ahead. I also understand that the Congressman representing this district, Rodney Frelinghuysen, is preparing companion legislation.

When the FERC granted the original license, they required public hearings and an extensive environmental analysis. While I understand that there is substantial local support for this project, this legislation will now be the subject of additional hearings. Before agreeing to move the legislation in the Senate, I will weigh carefully any new comments or concerns about the project and I will be contacting local community members to gauge the level of their enthusiasm and support.

Mr. President, I ask unanimous consent to have the text of the bill printed following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitation of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 9401 is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 and the Commission's procedures under such section, to extend until August 3, 1999, the time required for the licensee to commence the construction of such project. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under section 13) of the period required for commencement of construction of such project.•

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. GRAHAM, and Mr. MURKOWSKI):

S. 612. A bill to amend title 38, United States Code, to provide for a hospice care pilot program for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

VETERANS' HOSPICE CARE SERVICES ACT

• Mr. ROCKEFELLER. Mr. President, in the spirit of strengthening our commitment to provide a comprehensive package of health care benefits to veterans eligible for care in the VA health care system, I am today introducing a bill that would require VA to conduct a hospice care pilot program to determine how best to provide hospice care services to terminally ill veterans. I am proud that Senators DASCHLE, GRAHAM, and MURKOWSKI have joined with me as original cosponsors. As the number of veterans who are elderly or have terminal illnesses continues to grow, the need and demand for VA hospice care is likely to increase. We must stay ahead of the surge and explore the various ways to provide such care, so our veterans and their families will have the best choices available to them.

Our legislation is derived from S. 1141, which I sponsored and which was incorporated into the committee bill, S. 1030, of the 103d Congress. Though S.

1030 passed the Senate, it did not pass the House. The bill also builds upon S. 1358 of the 102d Congress which Senator GRAHAM introduced on June 24, 1991, and the Senate passed on October 16, 1991.

Although VA has expanded and improved hospice care services over the past 4 years, it continues to fall short of the goals we envisioned. Thus we feel compelled to introduce the Veterans' Hospice Care Services Act of 1995.

SUMMARY OF PROVISIONS

Mr. President, this legislation would expand comprehensive VA hospice care programs and promote VA research on hospice care. The bill would amend chapter 17 of title 38 to establish a new subchapter VII, the provisions of which would:

First, require VA, during the period beginning on October 1, 1995, and ending on December 31, 2000, to conduct a pilot program in order to assess the desirability of furnishing hospice care services to terminally ill veterans, and determine the most effective and efficient means of furnishing such services.

Second, require VA to furnish hospice care services under the pilot program to any veteran who has a life expectancy of 1 year or less, as certified by a VA physician and who is entitled to VA hospital care, eligible for and receiving VA hospital or nursing home care, eligible for and receiving care in a community nursing home under a VA contract, or eligible for and receiving care in a State veterans home for which VA is making per diem payments to offset the costs of that care.

Third, specify that the hospice care services that VA must provide to veterans under the pilot program are: The services to which Medicare beneficiaries are entitled under the Medicare's hospice care benefit, and personal care services, including care or services relating to activities of daily living, such as dressing, personal hygiene, feeding, and housekeeping.

Fourth, require the Secretary to establish hospice care demonstration projects that would provide these services at not fewer than 15 but mote than 30 VA medical centers [VAMC's] by one of these means: A hospice operated by a VAMC, a non VA hospice under contract with a VAMC and pursuant to which the VA facility furnishes any necessary inpatient services, or a non-VA facility furnishes any necessary inpatient services.

Fifth, require that each of the three means for furnishing hospice care services be used at not fewer than five VAMC's.

Sixth, require the Secretary to ensure, to the maximum extent feasible, that VAMC's selected to conduct demonstration projects under the pilot program include facilities that: Are located in urban areas and rural areas, encompass the full range of affiliations between VAMC's and medical schools, operate and maintain various numbers of beds, and meet any additional criteria or standards that the Secretary may deem relevant or necessary.

Seventh, provide that the amount paid by VA or a non-VA hospice under a hospice care services contract generally may not exceed the amount that would be paid to that hospice under the Medicare hospice benefit, and authorize the Secretary to pay an amount in excess of the Medicare reimbursement rate, if the Secretary determines, on a case-by-case basis, that the Medicare rate would not adequate compensate the hospice for the costs associated with furnishing necessary care to a terminally ill veteran.

Eighth, require the Secretary to designate not fewer than 10 VAMC's that would function as a control group and furnish a less comprehensive range of hospice care services to terminally ill veterans that the range that VAMC's participating in the pilot program must provide, by VA personal providing one or more hospice care services to veterans at a VAMC, or VA personal monitoring the furnishing by non-VA provider of one or more hospice care services to veterans.

Ninth, require the Secretary to ensure, to the maximum extent practicable, that terminally ill veterans receive information regarding their eligibility, if any, for Medicare's hospice care benefit.

Tenth, require the Secretary, not later than September 30, 1996, and on an annual basis thereafter, until October 1, 2001, to submit periodic written reports to the House and Senate Committee on Veterans' Affairs about the pilot program.

Eleventh, require the Under Secretary for Health, not later than August 1, 1999, to submit to the House and Senate Committees on Veterans' Affairs a detailed final report on the pilot program, including an assessment of the desirability of furnishing hospice care services to terminally ill veterans, an assessment of the optimal means of furnishing hospice care services to terminally ill veterans, and his recommendations, if any, for additional legislation regarding such care.

Twelth, clarify that the pilot program would not preclude VA from furnishing hospice care services at VAMC's not participating in the pilot program or the control group.

BACKGROUND

Clearly, terminally ill veterans need an alternative to customary, curative care, and the Department of Veterans Affairs has made steady progress in meeting the demand.

However, VA headquarters officials have given only general guidance to VAMC's regarding the types of hospice care services they must provide and the manner in which they must provide them. Not surprisingly, significant variations exist in the manner in which VAMC's provide these services. Only 39 of 171 VAMC's operate their own hospice units. These units are freestanding buildings or separate units where a homelike atmosphere is created. Other VAMC's provide hospice in units that are converted patient rooms where cure-oriented care is administered adjacent to the hospice rooms. Still other VAMC's only provide some hospice services such as caregiver counseling and pain management. Many offer only an assessment of a terminally ill veterans' needs and referral to a non-VA hospice.

Neither uniformity nor marked variation in the provision of VA hospice care may be the answer. Each local area may need to tailor its programs and services to the unique needs of the veterans they serve, as well as the delivery modalities in their areas.

Yet I continue to believe that there are important questions that need to be asked and answered about the ways to provide such care. For example, some claim that we can best meet terminally ill veterans' needs by integrating hospice concepts into mainstream care for terminally ill persons. Others believe that because most VAMC's are affiliated with medical schools that emphasize technology-intensive, curative interventions, veterans would be better served if VA contracted with community hospice providers. There may not be only one correct approach, and that is fine. But I do know that we must address these difficult questions if we truly care about meeting terminally ill veterans' needs.

The pilot program this legislation envisions could be of great help in assessing these concerns. The bill calls for VA to establish hospice demonstration projects at 15 to 30 VAMC's that will provide a comprehensive range of hospice care services. Ten other VAMC's will constitute a control group and offer a less comprehensive range of hospice services. In essence, an experiment will be set up, whereby consistent data can be generated and valuable information extrapolated. This study will help health care providers identify veterans most likely to benefit from that program and tailor the program's services to meet their needs.

This year's bill, like S. 1030 of the 103d Congress, contains a provision that explicitly states that VA can continue to provide hospice care services at any VAMC, which would guarantee that no veteran will lose access to hospice care as a result of the pilot program. We certainly do not want VA to eliminate its existing hospice programs. Rather, we seek to ensure that VA studies and learns from them.

CONCLUSION

Mr. President, many terminally ill veterans do not want to spend their last days in a hospital environment receiving high technology, curative care.

These veterans, who have served our country with honor and dignity, choose a different type of environment, one where pain management and emotional support are the focus. They are veterans like Tom, a West Virginian whose plight the committee learned of in 1991. The executive director of the Hospice of Huntington, WV, Charlene Farrell, told the committee that while Tom was in the hospital, suffering from cancer, this depressed veteran asked that the drapes be closed so he could sit in darkness. Eventually, his daughters decided to use their modest resources to purchase hospice care from a non-VA provider, because their father longed for the type of care and support that a hospital simply cannot offer. We owe veterans like Tom nothing less than the best hospice care our Nation can provide. The Veterans Hospice Care Services Act of 1995 will help us meet our obligation to these brave men and women.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Hospice Care Services Act of 1995".

SEC. 2. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"§1761. Definitions

"For the purposes of this subchapter—

"(1) The term 'terminally ill veteran' means any veteran—

"(A) who is (i) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, (ii) eligible for hospital or nursing home care in such a facility and receiving such care, (iii) receiving care in a State home facility for which care the Secretary is paying per diem under section 1741 of this title, or (iv) transferred to a non-Department nursing home for nursing home care under section 1720 of this title and receiving such care; and

"(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

"(2) The term 'hospice care services' means—

"(A) the care, items, and services referred to in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)); and

"(B) personal care services.

"(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

"(4) The term 'medical facility of the Department' means a facility referred to in section 1701(4)(A) of this title.

"(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1762(b)(1)(D) of this title.

"(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

"§1762. Hospice care: pilot program requirements

"(a)(1) During the period beginning on October 1, 1995, and ending on December 31, 2000, the Secretary shall conduct a pilot program in order—

"(A) to assess the desirability of furnishing hospice care services to terminally ill veterans; and

"(B) to determine the most effective and efficient means of furnishing such services to such veterans.

"(2) The Secretary shall conduct the pilot program in accordance with this section.

"(b)(1) Under the pilot program, the Secretary shall—

"(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care services demonstration projects;

"(B) designate the means by which hospice care services shall be provided to terminally ill veterans under each demonstration project pursuant to subsection (c);

"(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that services are provided to terminally ill veterans by the designated means under each demonstration project; and

"(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such services by the designated means under each such project.

"(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care services to terminally ill veterans by a variety of means and in a variety of circumstances.

"(3) In carrying out the requirement described in paragraph (2), the Secretary shall, to the maximum extent feasible, ensure that—

"(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

"(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

"(C) such facilities vary in the number of beds that they operate and maintain; and

"(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care services to terminally ill veterans.

"(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be furnished under a demonstration project by one or more of the following means designated by the Secretary:

"(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

"(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

"(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

"(2)(A) The Secretary shall provide that—

"(i) care is furnished by the means described in paragraph (1)(A) at not less than five medical facilities of the Department; and

"(ii) care is furnished by the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five such facilities for each such means.

"(B) The Secretary shall provide in any contract under subparagraph (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

"(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such Act.

"(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish services whose value, together with any payment by the Secretary, exceeds such amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

"(A) the furnishing of such care to the veteran is necessary and appropriate; and

"(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

"§1763. Care for terminally ill veterans

"(a) During the period referred to in section 1762(a)(1) of this title, the Secretary shall designate not less than 10 medical facilities of the Department at which hospital care is being furnished to terminally ill veterans in order to furnish the care referred to in subsection (b)(1).

"(b)(1) Palliative care to terminally ill veterans shall be furnished at the facilities referred to in subsection (a) by one of the following means designated by the Secretary:

"(A) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

"(B) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

"(2) The Secretary shall furnish care by the means referred to in each of subparagraphs (A) and (B) of paragraph (1) at not less than five medical facilities designated under subsection (a).

"§ 1764. Information relating to hospice care services

"The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of their medical prognosis receive information relating to the eligibility, if any, of such veterans for hospice care and services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"§ 1765. Evaluation and reports

"(a) Not later than September 30, 1996, and on an annual basis thereafter until October 1, 2001, the Secretary shall submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives relating to the conduct of the pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. Each report shall include the following information:

"(1) The location of the sites of the demonstration projects provided for under the pilot program.

"(2) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1763 of this title.

"(3) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

"(4) The number of veterans being furnished such care under each such project and at or through each such facility.

"(5) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

"(b) Not later than August 1, 1999, the Secretary shall submit to the committees referred to in subsection (a) a report containing an evaluation and assessment by the Under Secretary for Health of the hospice care pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the desirability of furnishing hospice care services to terminally ill veterans.

"(c) The report under subsection (b) shall include the following:

"(1) A description and summary of the pilot program.

"(2) With respect to each demonstration project conducted under the pilot program—

"(A) a description and summary of the project;

"(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, subparagraphs (A) through (D) of section 1762(b)(3) of this title;

"(C) the means by which hospice care services care are being furnished to terminally ill veterans under the demonstration project;

"(D) the personnel used to furnish such services under the demonstration project;

"(E) a detailed factual analysis with respect to the furnishing of such services, including (i) the number of veterans being furnished such services, (ii) the number, if any, of inpatient admissions for each veteran being furnished such services and the length of stay for each such admission, (iii) the number, if any, of outpatient visits for each such veteran, and (iv) the number, if any, of home-care visits provided to each such veteran;

"(F) the direct costs, if any, incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

"(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs, if any, of the demonstration project that are attributable to (i) furnishing such services in facilities of the Department, (ii) furnishing such services in non-Department facilities, and (iii) administering the furnishing of such services; and

"(H) the unreimbursed costs, if any, incurred by any other entity in furnishing services to terminally ill veterans under the project pursuant to section 1762(c)(1)(C) of this title.

"(3) An analysis of the level of the following persons' satisfaction with the services furnished to terminally ill veterans under each demonstration project:

"(A) Terminally ill veterans who receive such services, members of the families of such veterans, and other individuals in close relationships with such veterans.

"(B) Personnel of the Department responsible for furnishing such services under the project.

"(C) Personnel of non-Department facilities responsible for furnishing such services under the project.

"(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1763(a)(1) of this title.

"(5) With respect to each such means, the information referred to in paragraphs (2) and (3).

"(6) A comparative analysis by the Under Secretary for Health of the services furnished to terminally ill veterans under the various demonstration projects referred to in section 1762 of this title and at or through the designated facilities referred to in section 1763 of this title, with an emphasis in such analysis on a comparison relating to—

"(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

"(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

"(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

"(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

"(7) An assessment by the Under Secretary for Health of the desirability of furnishing hospice care services by various means to terminally ill veterans, including an assessment by the Director of the optimal means of furnishing such services to such veterans.

"(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"1761. Definitions.

"1762. Hospice care: pilot program requirements.

"1763. Care for terminally ill veterans.

"1764. Information relating to hospice care services.

"1765. Evaluation and reports.".

(c) AUTHORITY TO CARRY OUT OTHER HOSPICE CARE PROGRAMS.—The amendments made by subsection (a) may not be construed as terminating the authority of the Secretary of Veterans Affairs to provide hospice care services to terminally ill veterans under any program in addition to the programs required under the provisions added by such amendments.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Veterans Affairs for the purposes of carrying out the evaluation of the hospice care pilot programs under section 1765 of title 38, United States Code (as added by subsection (a)), as follows:

(1) For fiscal year 1996, $1,200,000.

(2) For fiscal year 1997, $2,500,000.

(3) For fiscal year 1998, $2,200,000.

(4) For fiscal year 1999, $100,000.•

By Mr. ROCKEFELLER (for himself, Mr. GRAHAM, Mr. AKAKA, Mr. DORGAN, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. DASCHLE, Mr. LEAHY, Mrs. MURRAY, and Mr. WELLSTONE):

S. 613. A bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform; to the Committee on Veterans' Affairs.

VA STATE HEALTH CARE REFORM PILOT PROGRAM ACT

• Mr. ROCKEFELLER. Mr. President, although the efforts of the last Congress to provide national health care reform failed, many States have already enacted reform legislation. These States have taken the first, important steps on the road to universal coverage. I applaud the efforts of these courageous legislators. They are giving their citizens health care security. These State plans provide Congress with the perfect opportunity to learn from their successes and to study the effects of reform on existing Federal medical programs, including the VA medical system.

The VA medical system—the Nation's largest health care system—cannot participate fully in health care reform efforts in specific States because current Federal law makes it impossible for VA facilities to do so. This deprives VA of the kinds of experiences and information it needs to thrive under national health care reform. If this situation continues, we will miss a valuable opportunity to study the effects of reform.

At a February 9, 1994, Senate Committee on Veterans' Affairs' hearing on VA participation in State health care reform, then-Acting Deputy Under Secretary of Health, Elwood Headley, M.D., stated that as a public health care system, VA lacks experience in participating in a competitive environment.

Mr. President, I believe VA will do well in a national plan under which costs are controlled and coverage is expanded for all Americans, because VA already operates within a fixed budget. VA must, however, have the opportunity to learn what kinds of changes are needed in the VA medical system as a whole.

It is in the spirit of improving VA medical services for veterans that I am today introducing a bill that would require VA to conduct a pilot health care reform program. This VA State Health Care Reform Pilot Program would enable VA to participate in the health care reform programs of several States. I am delighted to be joined in sponsoring this bill by Committee members BOB GRAHAM, DAN AKAKA, BYRON DORGAN, FRANK MURKOWSKI, and JIM JEFFORDS, and by Senators TOM DASCHLE, PATRICK LEAHY, PATTY MURRAY, and PAUL WELLSTONE.

At the committee's February 9, 1994, hearing, John Bollinger, deputy executive director of the Paralyzed Veterans of America, testified that "the pilot programs will give VA in those states the opportunity to become a full participant in the health care system. It will also provide valuable experience to draw upon when the full VA system faces the same challenges in the context of national health care reform." I agree wholeheartedly.

SUMMARY OF PROVISIONS

Mr. President, this legislation would enable VA to evaluate the most appropriate means of participating in reformed State health care systems, providing invaluable information to help them prepare for national health care reform.

This bill would give VA the authority to select up to five States with comprehensive health benefit plans in place, or where such plans are imminent, to participate in the pilot program for a period of 2 years. The bill would authorize VA facilities in the selected States to offer free comprehensive care to all compensable service-connected veterans and to all veterans with incomes below the current levels that apply to inpatient care.

The legislation would grant the Secretary authority to waive certain laws and regulations that could interfere with the ability of VA facilities to participate in State health care reform activities.

This legislation would give VA medical center directors flexibility in allocating their resources, except with respect to regional programs, such as spinal cord injury services, post-traumatic stress disorder, blind rehabilitation, and substance abuse programs, which are funded from central office.

The bill would give the head of the VA in selected States—the VA health system director—the authority to contract out for medical services without prior review from VA central office. For other services, VA facilities within the State would have the authority to enter into contracts below $250,000 without prior review by central office. Contracts above $250,000 would be reviewed by central office, but would automatically be approved if central office did not make a decision within 30 days. This would give local VA facilities the autonomy they need to increase their number of providers in a timely manner.

This bill would also give local VA facilities more flexibility in the hiring process, by extending authority that is currently available for hiring certain title 38 personnel to the hiring of all staff. This is intended to help VA facilities hire the best possible employees in a timely manner.

The bill would exempt VA facilities in the pilot program from FTE cuts. Arbitrary FTE cuts could make it impossible for VA facilities to compete under health care reform.

The legislation would give the participating VA facilities the authority to carry over leftover funding from one year to the next. Again, this would help VA facilities make better use of limited funds.

Finally, this legislation would give VA the authority to collect employer contributions and other third-party payments for noncore veterans who choose VA health care. These payments would enable VA facilities to provide care for all veterans who choose VA health care, not just core veterans.

CONCLUSION

Mr. President, VA needs legislative relief from restrictions in current law which, although enacted for good and appropriate reasons, could prevent VA facilities from competing as providers in certain States. The major obstacle which must be overcome is that VA facilities cannot qualify as providers under some state plans because of current eligibility requirements. Under various State proposals, all citizens would be eligible to choose a provider, and all providers must offer the same basic package of services. In most States, VA could not be considered a provider for several reasons, including the restrictions which limit preventive and primary care.

Mr. President, the "VA State Health Care Reform Pilot Program" would provide VA with invaluable experience regarding how it needs to change in order to survive and thrive under health care reform. The "VA State Health Care Reform Pilot Program" will help us meet our obligation to the brave men and women who served in every branch of the Armed Forces, by improving the VA medical system that serves them.

Mr. President, one final note before closing. On Friday, March 17, 1995, Secretary of Veterans Affairs Jesse Brown submitted to our committee notice of a plan to realign the field management of the Veterans Health Administration. Pursuant to section 510(b) of title 38, United States Code, this realignment cannot go into effect for 90 days of continuous session of Congress.

Should there be no action of the Congress to modify the Secretary's proposed plan—and I know of no such proposed action at this point—VA will undertake a very significant realignment of the field management structure of VHA. I mention this possibility in the context of my introduction of this measure today, because it is likely that the proposed pilot authority would have to be modified in light of the realignment. Such changes in the legislation can be discussed later in the committee's consideration of the issue, at which time we will have a better sense of the outcome of the Secretary's proposed field realignment.

Mr. President, I am looking forward to working with Senator SIMPSON and all the members of the Senate Committee on Veterans' Affairs, as well as with the chairman of the House Committee on Veterans' Affairs, BOB STUMP, and chairman of the House Subcommittee on Hospitals and Health Care, TIM HUTCHINSON. This legislation was passed by the Senate in the last Congress, and I hope that we can move forward with it in this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "VA State Health Care Reform Pilot Program Act".

SEC. 2. PURPOSE OF PILOT PROGRAMS.

The purpose of this Act is to authorize the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform in order to evaluate the most appropriate means of enabling the Department health care system to participate in such systems and in the National health care system contemplated under any plans for National health care reform.

SEC. 3. HEALTH CARE PILOT PROGRAMS.

(a) IN GENERAL.—The Secretary may carry out pilot programs on the participation of the Department of Veterans Affairs health care system in the health care systems of States that have adopted comprehensive health benefit plans. The Secretary shall carry out any pilot program under this Act in accordance with the provisions of this Act.

(b) STATES ELIGIBLE FOR DESIGNATION.—(1) The Secretary shall designate each of not more than five States as a location for a pilot program under this Act. The Secretary shall complete the designation of States as locations for pilot programs not later than 30 days after the date of the enactment of this Act.

(2) The Secretary may designate a State as a location for a pilot program under this Act if the Secretary determines that—

(A) the State has enacted, or will soon enact, a statute establishing or providing for a comprehensive health benefit plan; and

(B) the participation of the health care system of the Department under the plan is feasible and appropriate in light of the purpose of this Act.

(c) DEPARTMENT PARTICIPATION IN STATE HEALTH BENEFIT PLANS.—(1) To the maximum extent practicable, the Secretary shall provide eligible persons under each pilot program under this Act with the comprehensive package of basic health care benefits that would otherwise be available to such persons under the comprehensive health benefit plan of the State in which the pilot program is carried out. The Secretary shall provide such benefits through the health care system of the Department in such State as if such system were a provider of such benefits under such plan.

(2) Notwithstanding any other provision of law, a State may not prohibit the participation of the Department under the comprehensive health benefit plan of the State under a pilot program unless the chief executive officer of the State certifies to the Secretary that—

(A) the benefits to be provided by the Department under the pilot program do not meet requirements for quality of benefits established by or provided under the plan; or

(B) the location of Department facilities (including facilities providing services by contract or agreement with the Secretary) in the State is such that the proximity of eligible persons to such facilities does not meet requirements so established for such proximity.

(3) Not later than 30 days after the designation of a State as a location for a pilot program under this Act, and at such other times as the Secretary may determine, the Secretary and the health system director for that State shall jointly determine the regulations under the authority of the Secretary the waiver or modification of which is necessary in order to facilitate the carrying out of the pilot program. Upon such determination, the Secretary shall waive or modify the application of such regulations to the pilot program.

(4) The Secretary shall furnish any eligible person living in a State in which a pilot program is carried out (including any eligible person electing to receive benefits under the pilot program and any eligible person not electing to receive benefits under the pilot program) with the health care benefits for which such person is eligible under chapter 17 of title 38, United States Code, notwithstanding that the comprehensive package of basic health care benefits provided under the comprehensive health benefit plan of the State does not otherwise include such health care benefits. The Secretary shall furnish any health care benefits under this paragraph in accordance with the provisions of that chapter.

(5) The Secretary may not provide any health care benefit under a pilot program under this Act that the Secretary is not otherwise authorized to provide under the laws administered by the Secretary.

(d) HEALTH SYSTEM DIRECTOR.—(1) The Secretary shall designate a health system director for each State in which a pilot program is carried out under this Act. To the maximum extent feasible, the Secretary shall delegate to the health system directors the responsibilities of the Secretary under this Act.

(2)(A) Subject to subparagraph (B), the Secretary shall designate an individual as health system director for a State from among nominees for that position selected by a panel composed of individuals who are senior management personnel of the Department medical centers located in that State.

(B) An individual selected for nomination to be a health system director of a State under subparagraph (A) shall be—

(i) the director or chief of staff of a Department medical center located in the State in which the pilot program is carried out; or

(ii) any other individual having experience with the Department medical system that is equivalent to the experience with that system of an individual in a position referred to in clause (i).

(e) ADMINISTRATIVE REORGANIZATION.—The Secretary may carry out any administrative reorganization of an office, facility, activity, or function of the health care system of the Department in a State in which a pilot program is carried out that the Secretary and the health system director jointly determine to be necessary in order to facilitate the carrying out of the pilot program. Section 510(b) of title 38, United States Code, shall not apply to any such administrative reorganization.

(f) PROVISION OF BENEFITS.—(1)(A) Except as provided in subparagraph (B), the Secretary shall provide health care benefits under a pilot program—

(i) through the direct provision of such services by the health care system of the Department in the State in which the pilot program is carried out; or

(ii) by contract or other agreement in accordance with paragraph (2).

(B) The Secretary may exclude facilities of the Department from participation in a pilot program. Any facilities so excluded shall continue to provide health care benefits to veterans and other persons eligible for such benefits in accordance with the provisions of laws administered by the Secretary.

(2) The health system director of a pilot program may enter into contracts and agreements for the provision of health care services and contracts and agreements for other services with respect to the pilot program under paragraph (1)(A)(ii). Any such contract or agreement (including any lease) shall not be subject to the following provisions of law:

(A) Section 8110(c) of title 38, United States Code, relating to contracting of services at Department health-care facilities.

(B) Section 8122(a)(1) of such title, relating to the lease of Department property.

(C) Section 8125 of such title, relating to local contracts for the procurement of health-care items.

(D) Section 702 of title 5, United States Code, relating to the right of review of agency wrongs by courts of the United States.

(E) Sections 1346(a)(2) and 1491 of title 28, United States Code, relating to the jurisdiction of the district courts of the United States and the United States Court of Federal Claims, respectively, for the actions enumerated in such sections.

(F) Subchapter V of chapter 35 of title 31, United States Code, relating to adjudication of protests of violations of procurement statutes and regulations.

(G) Sections 3526 and 3702 of such title, relating to the settlement of accounts and claims, respectively, of the United States.

(H) Subsections (b)(7), (e), (f), (g), and (h) of section 8 of the Small Business Act (15 U.S.C. 637(b)(7), (e), (f), (g), and (h)), relating to requirements with respect to small businesses for contracts for property and services.

(I) The provisions of law assembled for purposes of codification of the United States Code as section 471 through 544 of title 40 that relate to the authority of the Administrator of General Services over the lease and disposal of Federal Government property.

(J) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), relating to the procurement of property and services by the Federal Government.

(K) Chapter 3 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), relating to the procurement of property and services by the Federal Government.

(L) Office of Management and Budget Circular A–76.

(3)(A) Notwithstanding any other provision of law, contracts and agreements for the provision of health care services under this subsection may include contracts and other agreements with insurers, health care providers, or other individuals or entities that provide health care services.

(B) Contracts and agreements under this paragraph may be entered into without prior review by the Central Office of the Department.

(4)(A) Contracts and agreements under this subsection for services other than the services referred to in paragraph (3) (including contracts and agreements for procurement of equipment, maintenance and repair services, and other services related to the provision of health care services) shall not be subject to prior review by the Central Office if the amount of such contracts or agreements is less than $250,000.

(B) Contracts and agreements for services under this paragraph shall be subject to prior review by the Central Office if the amount of such contracts or agreements is $250,000 or greater. If the Central Office fails to approve or reject a contract or agreement under this clause within 30 days of its submittal to the Central Office, such contract or agreement shall be deemed approved by the Central Office.

(g) DEPARTMENT PERSONNEL.—(1) Notwithstanding any other provision of law and to the extent necessary to carry out the purpose of a pilot program, the Secretary may—

(A) appoint personnel to positions in the health care system of the Department in the State in which the pilot program is carried out in accordance with such standards for such positions as the Secretary may establish; and

(B) promote and advance personnel serving in such positions in accordance with such standards as the Secretary may establish.

(2) Not later than 60 days after the designation of a State as a location for a pilot program under this Act, or at such other time as the Secretary may determine, the Secretary shall request authority from the Director of the Office of Management and Budget to permit the Secretary to employ a number of full time equivalent employees in the health care system of the Department in that State which exceeds the number of such employees that would otherwise be authorized for such employment by the Director.

(3) Notwithstanding any other provision of law, employees of the Department at facilities of the Department under a pilot program shall not, during the carrying out of the pilot program, be subject to any reduction in the number of full time employees of the Department or as a result of a reduction in the number of full time employees of the Federal Government.

(h) ELIGIBLE PERSONS.—(1) A person eligible for health care benefits under a pilot program is any person residing in a State in which a pilot program is carried out as follows:

(A) Any veteran.

(B) Any spouse or child of a veteran.

(C) Any individual eligible for care under paragraph (2) or (3) of section 1713(a) of title 38, United States Code.

(2) Notwithstanding any other provision of law, a State may not require that any person other than a person referred to in paragraph (1) be eligible for health care benefits through the Department under a pilot program.

(i) COPAYMENTS AND OTHER CHARGES.—(1) Except as provided in paragraph (2), the Secretary may collect from or on behalf of any individual receiving health care benefits from the Secretary under a pilot program under this Act a premium, deductible, copayment, or other charge with respect to the provision of a benefit under the pilot program. The amount of the premium, deductible, copayment, or other charge collected with respect to a benefit provided under a pilot program may not exceed the maximum amount otherwise permitted for a premium, deductible, copayment, or other charge with respect to that benefit under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(2)(A) Except as provided in subparagraph (B), the Secretary shall not collect under the pilot programs premiums, deductibles, copayments, and other charges with respect to the benefits provided by the Department to the following:

(i) Veterans with compensable service-connected disabilities.

(ii) Veterans whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty.

(iii) Veterans who are in receipt of, or who, but for a suspension pursuant to section 1151 of title 38, United States Code (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veterans' continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

(iv) Veterans who are former prisoners of war.

(v) Veterans of the Mexican border period or of World War I.

(vi) Veterans who are unable to defray the expenses of necessary care, as determined in accordance with section 1722(a) of such title.

(B) The Secretary may collect premiums, deductibles, copayments, and other charges with respect to benefits provided under a pilot program to veterans referred to in subparagraph (A) from any third party obligated to provide, or to pay the expenses of, such benefits to or for such veterans under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(j) FUNDING.—(1) There is established in the Treasury a fund to be known as the Department of Veterans Affairs Health Care Reform Fund (hereafter referred to in this subsection as the "Fund").

(2)(A) Notwithstanding any other provision of law, amounts shall be deposited in the Fund as follows:

(i) Amounts collected under a pilot program in accordance with subsection (i).

(ii) Amounts made available to a pilot program based upon a determination under paragraph (3).

(iii) Amounts transferred to the Fund with respect to a pilot program under paragraph (4).

(iv) Such other amounts as the Secretary and the health system directors of the pilot programs jointly determine to be necessary in order to carry out the pilot programs.

(v) Such other amounts as may be appropriated to the pilot programs.

(B) The Secretary shall make available amounts under clauses (ii) and (iv) of subparagraph (A) from amounts appropriated to the Department of Veterans Affairs for the provision of health care services.

(C) The Secretary shall establish and maintain a separate account under the Fund for each pilot program carried out under this Act. Any deposits and expenditures with respect to a pilot program shall be made to or from the account established and maintained with respect to that pilot program.

(3)(A) For each year of the operation of a pilot program under this Act, the Secretary shall deposit in account of the Fund for the pilot program an amount (as determined by the Secretary) equal to the amount that would otherwise be made available to the health care system of the Department in the State in which the pilot program is carried out for the payment of the cost of health care services by such system in that State in that year. The Secretary shall deposit such amount at the beginning of such year.

(B) The costs referred to in subparagraph (A) shall not include costs relating to the provision by the Secretary of the following services:

(i) Services relating to post-traumatic stress disorder.

(ii) Services relating to spinal-cord dysfunction.

(iii) Services relating to substance abuse.

(iv) Services relating to the rehabilitation of blind veterans.

(v) Services relating to prosthetics.

(4) Funds deposited in the Medical-Care Cost Recovery Fund established under section 1729(g) of title 38, United States Code, during any fiscal year in an amount in excess of the Congressional Budget Office baseline (as of the date of the enactment of this Act) for deposits in that fund for that fiscal year shall not be subject to paragraph (4) of section 1710(f), 1712(f), or 1729(g) (as the case may be) of that title, but shall be transferred to the fund established under this subsection. Such transfer for any fiscal year shall be made at any time that the total of amounts so received less amounts estimated to cover the expenses, payments, and costs described in paragraph (3) of section 1729(g) of that title is in excess of the applicable Congressional Budget Office baseline.

(5)(A) Notwithstanding any other provision of law, the health system director for a State in which a pilot program is carried out shall determine the costs for which amounts in the Fund may be expended in carrying out the pilot program.

(B)(i) Except as provided in clause (ii), the costs of carrying out a pilot program under this paragraph shall include any costs of marketing and advertising under the program, costs of legal services provided to such pilot program by the General Counsel of the Department of Veterans Affairs, and costs relating to acquisition (including acquisition of land), construction, repair, or renovation of facilities.

(ii) Costs under this subparagraph shall not include any costs relating to a major medical facility project or a major medical facility lease as such terms are defined in subparagraphs (A) and (B) of section 8104(a)(3) of title 38, United States Code, respectively.

(C) Amounts in the Fund for the payment of costs of a pilot program under this subsection shall be available for such purpose without fiscal year limitation.

(k) TERMINATION.—A pilot program carried out under this Act shall terminate not later than 2 years after the date of the commencement of provision of benefits under the pilot program.

SEC. 4. REPORTS ON PILOT PROGRAMS.

(a) COLLECTION OF INFORMATION.—(1) The Secretary shall collect such information with respect to the provision of health care benefits under each pilot program as is necessary to permit the Secretary to evaluate the pilot program in light of the purpose of the pilot program under this Act.

(2) The information collected by the Secretary under paragraph (1) shall include aggregated data on the following:

(A) The number of persons participating in each pilot program, including the age, sex, health status, disability ratings (if any), employment status, and incomes of such persons.

(B) The nature of benefits sought by such persons under each pilot program.

(C) The nature and quantity of benefits provided to such persons under each pilot program.

(D) The cost to the Department of providing such benefits under each pilot program.

(b) REPORTS.—(1) Not later than 14 months after the date of the completion of the designation of States as locations for pilot programs under this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the progress of the Secretary in carrying out the pilot programs. Such report shall include the information referred to in subsection (a)(2) on the date of the report.

(2) Not later than November 30 of the year of the termination of the final pilot program under this Act, the Secretary shall submit to the committees referred to in paragraph (1) a report on the pilot programs carried out under this Act. The report shall include the following:

(A) The information referred to in subsection (a)(2), together with the comments and conclusions of the Secretary with respect to such information.

(B) An assessment by the Secretary of the utility of each pilot program for carrying out the purpose of this Act.

(C) An assessment by the Secretary of appropriate means of integrating the health care system of the Department into the health care systems of States that have enacted health care reform and into the National health care system contemplated under any plans for National health care reform.

(D) Such other information, assessments, and conclusions as the Secretary considers appropriate.

SEC. 5. DEFINITIONS.

For the purposes of this Act—

(1) The terms "Secretary", "Department", "veteran", "child" and "spouse" have the meanings given such terms in paragraphs (1), (2), (4), and (31) of section 101 of title 38, United States Code, respectively.

(2) The term "comprehensive health benefit plan", in the case of a State, means a plan or system established under the law of the State that—

(A) attempts to ensure the access of residents of the State to a comprehensive package of basic health care benefits; and

(B) ensures such access by providing that such benefits shall be provided directly or by contract by public and private entities.

(3) The term "comprehensive package of basic health care benefits" means the health care benefits provided for by a State under

the comprehensive health benefit plan of the State.

(4) The term "health care system of the Department", in the case of a State designated as a location for a pilot program, means the facilities and personnel of the Department located in that State that provide health care services under chapter 17 of title 38, United States Code.●

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 614. A bill to confer jurisdiction of the U.S. Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe, and for other purposes; to the Committee on the Judiciary.

PUEBLO OF ISLETA LAND CLAIMS ACT

Mr. BINGAMAN. Mr. President, I rise today with my good friend and distinguished colleague, Senator DOMENICI, to reintroduce a bill on behalf of our constituents, the people of the Pueblo of Isleta in New Mexico. The Senate approved and passed an identical version of this measure in the previous Congress. Unfortunately, the House adjourned before its Members were able to take action on our bill, but a similar measure was approved by the House in the 102d Congress.

The legislation we are introducing today will provide authority for New Mexico's Pueblo of Isleta to file an aboriginal land claim in the United States Court of Federal Claims under the Indian Claims Act. The bill does not pass judgment on the claim or give the Pueblo priority on the court's docket. If, however, the Pueblo of Isleta proves to the court that it does indeed have a valid claim of aboriginal land use and occupancy, then appropriate monetary compensation would be determined by the court.

In April 1992, the House Judiciary Subcommittee on Administrative Law and Governmental Relations held a hearing on an early version of our bill. During that hearing, testimony made clear that the Pueblo of Isleta—like all the Pueblo Tribes in New Mexico—had standing to pursue land claims under the Indian Claims Act of 1946. Under the act, claims could be based either on title to the land or aboriginal use, but all claims must have been filed by 1951.

Unfortunately, due to incomplete or improper advice from counsel, the Pueblo of Isleta filed only a limited claim based on a Spanish land grant, to which there was a written record, before the 1951 deadline. According to tribal leaders, their fore-fathers were not informed by counsel that they could file a claim based on aboriginal land use. Significantly, the Pueblo's counsel was a Bureau of Indian Affairs official who was later found by the court to have given erroneous advice on a similar matter to the Pueblo of Zuni. Like many other tribes, the Pueblos of Zuni and Isleta were completely dependent on the Bureau of Indian Affairs for advice and assistance regarding land claims during the 1940's and 1950's.

Mr. President, this legislation would simply allow the Pueblo of Isleta to pursue a claim today, much like legislation Congress approved some years ago for the Pueblo of Zuni. Again, the bill does not give the Pueblo priority on the court's docket, and it does not pass judgement on the claim itself.

The people of the Pueblo of Isleta are entitled to their day in court. This bill assures them of that right. I urge my colleagues to support its swift passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JURISDICTION.

(a) IN GENERAL.—Notwithstanding sections 2401 and 2501 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052, chapter 959), or any other law that would interpose or support a defense of untimeliness, jurisdiction is hereby conferred upon the United States Court of Federal Claims to hear, determine, and render judgment on any claim by the Pueblo of Isleta Indian Tribe of New Mexico against the United States with respect to any lands or interests therein in the State of New Mexico or any adjoining State that were held by aboriginal title or otherwise and that were acquired from the tribe without payment of adequate compensation by the United States.

(b) INTEREST.—As a matter of adequate compensation, the United States Court of Federal Claims may award interest at a rate of 5 percent per year to accrue from the date on which such lands or interests therein were acquired from the tribe by the United States.

(c) LIMITATIONS.—Such jurisdiction is conferred only with respect to claims accruing on or before August 13, 1946. All such claims must be filed not later than 3 years after the date of enactment of this Act.

(d) JURISDICTION IS NOT DEPENDENT ON EXHAUSTION.—Such jurisdiction is conferred notwithstanding any failure of the tribe to exhaust any available administrative remedy.

SEC. 2. CERTAIN DEFENSES NOT APPLICABLE.

Any award made to any Indian tribe other than the Pueblo of Isleta Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act, under any judgment of the Indian Claims Commission or any other authority, with respect to any lands that are the subject of a claim submitted by the tribe under section 1 shall not be considered a defense, estoppel, or set-off to such claim, and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claim.

By Mr. AKAKA (for himself and Mr. CRAIG):

S. 615. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans' Affairs.

VETERANS OUTPATIENT HEALTH CARE ACT

Mr. AKAKA. Mr. President, today I am introducing legislation that would ensure that all former prisoners of war [POW's] receive outpatient care provided by the Department of Veterans Affairs [VA]. Under current law, POW's with service-connected disabilities are entitled to outpatient medical services. However, POW's with less than 30 percent disability may be provided outpatient services at the discretion of VA. This distinction is unfair to many POW's and fails to recognize the trauma and brutality of imprisonment endured by all former POW's. I am pleased to have Senators CRAIG, ROCKEFELLER, and CAMPBELL join me as original cosponsors of this measure.

Mr. President, the need for this legislation is clear. All of America's POW's deserve to be treated equally. Americans would agree that those who served in defense of our Nation and were imprisoned by the enemy deserve special consideration.

Some may feel this legislation is unnecessary because VA has been providing outpatient services to POW's. But, when times get tough and funding becomes tight, POW's without service-connected disabilities, or with a lower disability rating, may be denied outpatient care. This is exactly what happened in 1990. Due to budgetary reasons, two midwestern VA medical centers began denying outpatient services to former POW's. Fortunately, through congressional intervention, this policy was reversed and POW's continued to receive ambulatory care. Although we are facing a lean fiscal climate, accountants should not determine whether our POW's receive outpatient care.

This bill only seeks to ensure that VA will continue to provide outpatient services at all times to POW's. As of January 1, 1995, there were only 62,676 former U.S. POW's, 94 percent of whom served in World War II. As we observe the 50th anniversary of the conclusion of World War II, this bill provides a fitting tribute to the sacrifices made by POW's on behalf of our country.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF FORMER PRISONERS OF WAR TO RECEIVE OUTPATIENT MEDICAL SERVICES FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1712(a)(1) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) to any former prisoner of war for any disability.".

AMERICAN EX-PRISONERS OF WAR,
NATIONAL CAPITAL OFFICE,
Washington, DC, March 22, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of our 33,000 members, I want to thank you very warmly for introducing the bill to guarantee outpatient care for ex-POWs.

This bill, which was passed in 1992 by the Senate, means a great deal to our members. Several years ago two VA Medical Centers discontinued outpatient care to ex-POWs to save money. Although outpatient care was restored to those Centers, we never know when this may occur again.

Senator Akaka, we consider you a good friend of the former prisoners of war, and we are looking forward to working with your colleagues to assure enactment by Congress.

Again our sincere gratitude to you for introducing this bill for us.

Sincerely,

CHARLES S. PRIGMORE,
National Commander.

• Mr. CRAIG. Mr. President, I am pleased to be joining my colleague from Hawaii, Senator AKAKA, in introducing legislation that will clarify veterans health services for ex-prisoners of war [ex-POW].

This bill will amend title 38 of the United States Code, ensuring access to outpatient medical services for any disability of a former prisoner of war. Mr. President, these services are currently being provided in accordance with a directive from the Secretary of the Veterans Administration. This bill is necessary in order to secure, by law, access to these services by our veterans who have suffered as prisoners of war.

The law currently covers inpatient medical services for ex-POWs. However, as medical care continues to convert into more outpatient care, we need to ensure that those who are in need of care can obtain it in the most cost-effective manner. In the long-term this should ensure that we continue to provide care in the most cost effective manner as more ailments are treated on an outpatient basis. In short, we will be better able to control costs and provide better delivery of care to those veterans who suffered at the hands of our enemies as prisoners of war.

Mr. President, I would like to point out that bills similar to this one have previously passed the Senate. However, they have never completed the process leading to enactment. I hope that my colleagues will see the merit in this legislation and support it so that we can see it signed into law during this Congress.•

By Mr. BINGAMAN:

S. 616. A bill to amend the Tariff Act of 1930 to provide parity between the United States and certain free-trade agreement countries with respect to the exemption for personal and household effects purchased abroad by returning residents, and for other purposes; to the Committee on Finance.

BORDER TARIFFS ACT

Mr. BINGAMAN. Mr. President, I rise today to offer a bill to correct an inequity that has developed along our border with Mexico with respect to tariffs on goods crossing the border.

The United States currently permits duty-free entry of $400 of retail goods for personal consumption each month. There is a 10-percent duty on the next 1,000 dollars' worth of purchases brought into the United States. Mexico, by contrast, limits the amount of goods that can be imported for personal consumption to $50 per day. Goods above that amount have a duty of approximately 33 percent.

Mr. President, this difference in policy obviously hampers trade along our borders. It is yet another burden on our border businesses, which are also currently struggling with the adverse effects of the peso crisis on the ability of Mexican citizens to purchase goods in the United States.

Before introducing this legislation in the 103d Congress, I had hoped that this problem could be corrected administratively. I wrote to the Secretary of State about this issue. With my fellow border Senators, I also contacted the Commissioner of Customs in our country and President Salinas in Mexico. All, ultimately, to no avail.

I still believe that there are two tracks we can take to persuade the Government of Mexico to increase its duty-free limit, and I believe that we should pursue both of them. The first is to get our Government to negotiate with the Government of Mexico to equalize the duties. My good friend and colleague from Arizona, Senator DeConcini, who retired at the end of the 103d Congress, inserted language in the fiscal year 1995 Commerce, State, Justice appropriations report that would direct the U.S. Trade Representative to make doing so a priority. It is my understanding that USTR officials have raised the issue in trade talks, but that the issue has yet to be resolved. Until it is resolved, I believe that we should pursue a second track, that of changing the exemption provided for in our tariff laws to match that of Mexico's. Together, these two actions can help ensure that retail businesses on both sides of the border are on the same footing.

So, today, I rise to again offer legislation that would equalize the amount of personal retail goods that can cross the border duty-free in either direction. This legislation simply says that our duty will not be lower than Mexico's.

By Mr. COATS (for himself and Mr. LIEBERMAN):

S. 618. A bill to provide a low-income school choice demonstration program; to the Committee on Labor and Human Resources.

SCHOOL CHOICE DEMONSTRATION ACT

Mr. COATS. Mr. President, I rise today, with my colleague from Connecticut, to introduce the School Choice Demonstration Act. This bill will establish 10 to 20 demonstration projects to study the effects of providing low-income parents and their children with financial assistance to enable them to select the public or private school of their choice.

This is a very simple and straightforward bill—we want to enable low-income parents to choose the school their children attend. They can select a public or a private school, but the point is that they will be able to make a choice. Up until now, only those families who can afford to send their children to private schools have had that option. Senator LIEBERMAN and I believe that all families should have the opportunity to choose where their children will be educated. For too long, we have asked everyone to pay for a particular type of education without ensuring that people have a say in what they receive for their money.

American education has reached a critical point. Time has taught us that we cannot simply throw more and more money at the public schools, and rely on that to improve education. As many of you know, annual per pupil spending has tripled in the last 30 years, while student achievement has dropped dramatically, evidenced by a decrease in average SAT scores of almost 90 points. Clearly, more money is not the solution.

We have to do something soon. In inner cities across America, almost half of all high school students fail to graduate. This is a chilling statistic. We should take it as a wake up call. Obviously, something is seriously wrong with our educational system. This bill proposes an option for some students who are not succeeding in the public education system.

Our bill is simple. It says, let us allot a small amount of funds, so that 10 to 20 demonstration grants can be awarded to local districts around the country who are interested in offering increased educational opportunities to their students. The funds granted by this bill will provide assistance to children from the lowest-income homes. The children eligible under this program are those children who qualify for reduced or free school lunches. These funds will only go to low-income families. And they are to be used to pay for education costs at public or private schools. The parents choose which school their child will attend.

We have incorporated a very strict civil rights and desegregation protection clause to make sure that participating schools can in no way discriminate on the basis of race. We also stipulate that demonstration projects cannot continue if they interfere with these desegregation plans.

The cost of this program will be $30 million and there will be no more than 20 projects. School districts would voluntarily apply for the grants through the secretary of education, and we have established some criteria for the secretary to make the determination as to which districts would be included.

This bill also requires that a nationwide evaluation of the demonstration program be conducted. Up until now, discussion concerning the actual effects of school choice policies has been limited by a lack of conclusive data. This bill addresses that need for objective data. An evaluation will give us a baseline from which to conduct our discussion at the Federal level.

Many localities are already experimenting with some type of school choice. My home State of Indiana, for example, has several existing choice initiatives under way. One program, originated by Golden Rule Insurance, helps low-income children in Indianapolis attend the private school of their choice by awarding them scholarships to cover up to half of the tuition costs. There are currently 1,100 students being sponsored, and 650 kids are on the waiting list. Our public schools are also experimenting with choice. Indianapolis public schools, for example, has initiated the select schools program, by which parents can choose which IPS school their child will attend. Eighty-six percent of IPS parents participated in this program this year.

I have spoken with educators in a district in Indiana who have already expressed an interest in the program. Some public school educators have met with private and parochial school educators and there is a real interest in testing the concept to see how it works, to work out the bugs, and to see if it would actually make a difference.

None of you should have any reason to oppose this bill. It is not a mandate. It is a purely voluntary program for those local education associations who are interested in broadening the educational opportunities offered in their community. This bill provides a basis by which we in Congress can evaluate the validity of this particular concept. If it results in substantially new opportunities for low-income children, then shouldn't such data be offered to school districts and education agencies across this country? Why would we not want to have this information available so we can make intelligent choices? After all, we are not here to protect a particular system. Our bottom line is to provide the best education opportunities to American children. For far too long, we have denied low-income families the educational choice that many others have.

It is important to understand what this bill does not do. It does not force choice on anyone. This bill presents a purely voluntary program. It will not upset the American public education system. Ten to twenty voluntary choice programs throughout the country will not upset public education.

Furthermore, Federal resources will not be drained from any public school or education system. The Secretary cannot reduce or deny funds that a public school would otherwise be eligible for, even though students in that school or school system opted out or numbers decreased. This bill does not violate civil rights protections. It does not destroy public education. In fact, I think it enhances public education.

My home is Fort Wayne, IN. For decades our education system has thrived on competition. We have a vigorous Catholic school education system in Fort Wayne, IN. We have a Lutheran school system because of our heavy concentration of people of Lutheran belief. They have established their own system.

These two systems exist, along with other private education opportunities, side by side with the public education system in Fort Wayne and they are all thriving. They are thriving because the parents and students of Fort Wayne have a choice. The competition between those three systems has caused each system to better their education program to compete with each other for the students, and they work hand in hand. Parents in Fort Wayne have opportunities which parents in many States and areas do not have.

This bill says that it is time for low-income families to have the same choice concerning their child's school that those who can afford to send their kids to private schools already have. Let's try this limited demonstration project and see if it improves the education of some of America's neediest children.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Low-Income School Choice Demonstration Act of 1995".

SEC. 2. PURPOSE.

The purpose of this Act is to determine the effects on students and schools of providing financial assistance to low-income parents to enable such parents to select the public or private schools their children will attend.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "choice school" means any public or private school, including a private sectarian school or a public charter school, that is involved in a demonstration project assisted under this Act;

(2) the term "eligible child" means a child in grades 1 through 12 who is eligible for free or reduced price lunches under the National School Lunch Act;

(3) the term "eligible entity" means a public agency, institution, or organization, such as a State, a State or local educational agency, a consortium of public agencies, or a consortium of public and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) carry out the activities described in its application under this Act;

(4) the term "evaluating agency" means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(5) the term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(6) the term "parent" includes a legal guardian or other individual acting in loco parentis;

(7) the term "school" means a school that provides elementary education or secondary education (through grade 12), as determined under State law; and

(8) the term "Secretary" means the Secretary of Education.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 and 1998, to carry out this Act.

SEC. 5. PROGRAM AUTHORIZED.

(a) Reservation.—From the amount appropriated pursuant to the authority of section 4 in any fiscal year, the Secretary shall reserve and make available to the Comptroller General of the United States 5 percent for evaluation of programs assisted under this Act in accordance with section 11.

(b) Grants.—

(1) In general.—From the amount appropriated pursuant to the authority of section 4 and not reserved under subsection (a) for any fiscal year, the Secretary shall award grants to eligible entities to enable such entities to carry out at least 10, but not more than 20, demonstration projects under which low-income parents receive education certificates for the costs of enrolling their eligible children in a choice school.

(2) Amount.—The Secretary shall award grants under paragraph (1) for fiscal year 1996 so that—

(A) not more than 2 grants are awarded in amounts of $5,000,000 or less; and

(B) grants not described in subparagraph (A) are awarded in amounts of $3,000,000 or less.

(3) Continuing eligibility.—The Secretary shall continue a demonstration project under this Act by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this Act for such preceding fiscal year.

(c) Use of Grants.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing education certificates to low-income parents to enable such parents to pay the tuition, the fees, the allowable costs of

transportation, if any, and the costs of complying with section 9(a)(1), if any, for their eligible children to attend a choice school; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides education certificates under this Act or 10 percent in any subsequent year, including—

(A) seeking the involvement of choice schools in the demonstration project;

(B) providing information about the demonstration project, and the schools involved in the demonstration project, to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(D) selecting students to participate in the demonstration project;

(E) determining the amount of, and issuing, education certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in section 11.

(d) SPECIAL RULE.—Any school participating in the demonstration program under this Act shall comply with title VI of the Civil Rights Act of 1964 and not discriminate on the basis of race, color, or national origin.

SEC. 6. AUTHORIZED PROJECTS; PRIORITY.

(a) AUTHORIZED PROJECTS.—The Secretary may award a grant under this Act only for a demonstration project that—

(1) involves at least one local educational agency that—

(A) receives funds under section 1124A of the Elementary and Secondary Education Act of 1965; and

(B) is among the 20 percent of local educational agencies receiving funds under section 1124A of such Act in the State and having the highest number of children described in section 1124(c) of such Act; and

(2) includes the involvement of a sufficient number of public and private choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

(b) PRIORITY.—In awarding grants under this Act, the Secretary shall give priority to demonstration projects—

(1) in which choice schools offer an enrollment opportunity to the broadest range of eligible children;

(2) that involve diverse types of choice schools; and

(3) that will contribute to the geographic diversity of demonstration projects assisted under this Act, including awarding grants for demonstration projects in States that are primarily rural and awarding grants for demonstration projects in States that are primarily urban.

SEC. 7. APPLICATIONS.

(a) IN GENERAL.—Any eligible entity that wishes to receive a grant under this Act shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application described in subsection (a) shall contain—

(1) information demonstrating the eligibility for participation in the demonstration program of the eligible entity;

(2) with respect to choice schools—

(A) a description of the standards used by the eligible entity to determine which public and private schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such eligible children;

(B) a description of the types of potential choice schools that will be involved in the demonstration project;

(C)(i) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

(ii) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each choice school;

(D) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children provided education certificates under this Act than the choice school does for other children;

(E) an assurance that each choice school operated, for at least 1 year prior to accepting education certificates under this Act, an educational program similar to the educational program for which such choice school will accept such education certificates;

(F) an assurance that the eligible entity will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

(G) a description of the extent to which choice schools will accept education certificates under this Act as full or partial payment for tuition and fees;

(3) with respect to the participation in the demonstration project of eligible children—

(A) a description of the procedures to be used to make a determination of eligibility for participation in the demonstration project for an eligible child, which shall include—

(i) the procedures used to determine eligibility for free or reduced price lunches under the National School Lunch Act; or

(ii) any other procedure, subject to the Secretary's approval, that accurately establishes the eligibility for such participation for an eligible child;

(B) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the eligible entity will—

(i) apply the same criteria to both public and private school eligible children; and

(ii) give priority to eligible children from the lowest income families;

(C) a description of the procedures to be used to ensure maximum choice of schools for participating eligible children, including procedures to be used when—

(i) the number of parents provided education certificates under this Act who desire to enroll their eligible children in a particular choice school exceeds the number of eligible children that the choice school will accept; and

(ii) grant funds and funds from local sources are insufficient to support the total cost of choices made by parents with education certificates under this Act; and

(D) a description of the procedures to be used to ensure compliance with section 9(a)(1), which may include—

(i) the direct provision of services by a local educational agency; and

(ii) arrangements made by a local educational agency with other service providers;

(4) with respect to the operation of the demonstration project—

(A) a description of the geographic area to be served;

(B) a timetable for carrying out the demonstration project;

(C) a description of the procedures to be used for the issuance and redemption of education certificates under this Act;

(D) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this Act for any participating eligible child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the education certificate was issued;

(E) a description of the procedures to be used to provide the parental notification described in section 10;

(F) an assurance that the eligible entity will place all funds received under this Act into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the eligible entity will cooperate with the Comptroller General of the United States and the evaluating agency in carrying out the evaluations described in section 11; and

(I) an assurance that the eligible entity will—

(i) maintain such records as the Secretary may require; and

(ii) comply with reasonable requests from the Secretary for information; and

(5) such other assurances and information as the Secretary may require.

SEC. 8. EDUCATION CERTIFICATES.

(a) EDUCATION CERTIFICATES.—

(1) AMOUNT.—The amount of an eligible child's education certificate under this Act shall be determined by the eligible entity, but shall be an amount that provides to the recipient of the education certificate the maximum degree of choice in selecting the choice school the eligible child will attend.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—Subject to such regulations as the Secretary shall prescribe, in determining the amount of an education certificate under this Act an eligible entity shall consider—

(i) the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project; and

(ii) the cost of complying with section 9(a)(1).

(B) SCHOOLS CHARGING TUITION.—If an eligible child participating in a demonstration project under this Act was attending a public or private school that charged tuition for the year preceding the first year of such participation, then in determining the amount of an education certificate for such eligible child under this Act the eligible entity shall consider—

(i) the tuition charged by such school for such eligible child in such preceding year; and

(ii) the amount of the education certificates under this Act that are provided to other eligible children.

(3) SPECIAL RULE.—An eligible entity may provide an education certificate under this Act to the parent of an eligible child who chooses to attend a school that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project or the cost of complying with section 9(a)(1).

(b) ADJUSTMENT.—The amount of the education certificate for a fiscal year may be adjusted in the second and third years of an eligible child's participation in a demonstration project under this Act to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that eligible child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent of the amount of the education certificate for the fiscal year preceding the fiscal year for which the determination is made. The amount of the education certificate may also be adjusted in any fiscal year to comply with section 9(a)(1).

(c) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of an eligible child's education certificate shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency in which the public school to which the eligible child would normally be assigned is located for the fiscal year preceding the fiscal year for which the determination is made.

(d) INCOME.—An education certificate under this Act, and funds provided under the education certificate, shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 9. EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.

(a) EFFECT ON OTHER PROGRAMS.—

(1) IN GENERAL.—An eligible child participating in a demonstration project under this Act, who, in the absence of such a demonstration project, would have received services under part A of title I of the Elementary and Secondary Education Act of 1965 shall be provided such services.

(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this Act shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

(b) COUNTING OF ELIGIBLE CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this Act may count eligible children who, in the absence of such a demonstration project, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

(c) SPECIAL RULE.—Notwithstanding section 9 of the National School Lunch Act, an eligible entity receiving a grant under this Act may use information collected for the purpose of determining eligibility for free or reduced price lunches to determine an eligible child's eligibility to participate in a demonstration project under this Act and, if needed, to rank families by income, in accordance with section 7(b)(3)(B)(ii). All such information shall otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this Act.

(d) CONSTRUCTION.—

(1) SECTARIAN INSTITUTIONS.—Nothing in this Act shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this Act.

(2) DESEGREGATION PLANS.—Nothing in this Act shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this Act.

SEC. 10. PARENTAL NOTIFICATION.

Each eligible entity receiving a grant under this Act shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

(1) describe the demonstration project;

(2) describe the eligibility requirements for participation in the demonstration project;

(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for an eligible child;

(4) describe the selection procedures to be used if the number of eligible children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

(5) provide information about each choice school, including information about any admission requirements or criteria for each choice school participating in the demonstration project; and

(6) include the schedule for parents to apply for their eligible children to participate in the demonstration project.

SEC. 11. EVALUATION.

(a) ANNUAL EVALUATION.—

(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the demonstration program under this Act.

(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate each demonstration project under this Act in accordance with the evaluation criteria described in subsection (b).

(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States—

(A) the findings of each annual evaluation under paragraph (1); and

(B) a copy of each report received pursuant to section 12(a) for the applicable year.

(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the demonstration program under this Act. Such criteria shall provide for—

(A) a description of the implementation of each demonstration project under this Act and the demonstration project's effects on all participants, schools, and communities in the demonstration project area, with particular attention given to the effect of parent participation in the life of the school and the level of parental satisfaction with the demonstration program; and

(B) a comparison of the educational achievement of all students in the demonstration project area, including a comparison of—

(i) students receiving education certificates under this Act; and

(ii) students not receiving education certificates under this Act.

SEC. 12. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under this Act shall submit to the evaluating agency entering into the contract under section 11(a)(1) an annual report regarding the demonstration project under this Act. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section 11(a)(2) of each demonstration project under this Act. Each such report shall contain a copy of—

(A) the annual evaluation under section 11(a)(2) of each demonstration project under this Act; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration program under this Act that summarizes the findings of the annual evaluations conducted pursuant to section 11(a)(2).

Mr. LIEBERMAN. Mr. President, I am very pleased to join Senator COATS today to introduce the Low-Income School Choice Demonstration Act. I know Senator COATS shares my deep commitment to improving education. All of our children deserve and need the best possible academic instruction. Increasing school choice will help give more children the opportunity they deserve.

Our bill authorizes up to 20 demonstration projects to determine the effects on students and schools of providing education vouchers to low-income parents for their children. Parents would use the vouchers to choose the public or private school their child would attend. The demonstration programs will give participating children new opportunities, and will provide those of us seeking to strengthen education with a fair evaluation of private school choice programs.

Education in America is in need of change. We are failing too many of our children. The performance of our kids lags behind that of children living in those countries we compete with in the global marketplace. While we have many fine schools, we have too many that do not give our children what they need to succeed.

I have visited many excellent public schools in Connecticut, and have met countless dedicated and effective teachers and administrators. I commend them for their work and am committed to supporting their efforts. At the same time, it is clear that the public schools are not working for all students, particularly in our poorest communities. We have a responsibility to seek more effective ways to address the needs of these children.

School choice programs expand opportunity for low-income children. They provide low-income children with the same options other kids have. For some that may mean another public school, for others a private or parochial school.

Private school choice opens doors for children in our poorest neighborhoods, where religious schools—particularly Catholic schools—often have had better results than public schools. I have long believed what some research has shown—that the success of parochial schools is in part due to their students' and teachers' shared beliefs and strong moral values. Lower-income parents who want their kids to learn in a religious environment should have that chance, just as wealthier parents do.

Some fear that school choice programs will hurt our public schools, but I think choice will help revitalize public education. A national panel of experts, the Panel on the Economics of Educational Reform, recently concluded that public schools have few incentives for innovation. Good, effective teachers are often not rewarded by greater pay. Programs are rarely evaluated systematically to see if they are working.

Choice programs and charter school programs hold schools accountable for results. Voucher programs let parents and students reward good schools—public or private schools—with their business. That increased competition may help those students who stay put as well as those who choose to attend a new school.

As a U.S. Senator I have worked to promote public and private school choice. Last year Congress passed legislation, which I had coauthored, to promote the establishment of charter schools—public schools that are freed from burdensome regulatory requirements and are instead held accountable for improving the performance of their students. I am pleased that Congress made a commitment to public school choice, and will work to ensure the new program the rapidly growing interest in charter schools.

This year Senator COATS and I are introducing legislation that establishes demonstration programs that provide parents with the ability to choose private or public schools, including public charter schools and private parochial schools. The demonstrations will allow low-income children to attend the public or private school of their choice. The bill will also fund evaluations so that we can learn more about how voucher programs affect public and private schools, and how they affect our children's ability to learn.

Improving public education is and must be our country's top priority. What we are trying to do is find new ways to accomplish that goal. School choice programs should be tested. They create competition for failing bureaucracies and failing schools. They reward public and private schools that work. And, most important, they give our poorest students the chance for a better education and a better life.

Mr. President, I thank Senator COATS for his leadership on this bill, and I look forward to continuing to work with him to ensure our children have the education and opportunity they deserve.

By Mr. SMITH (for himself, Mr. LAUTENBERG, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. SIMON, Mr. MACK, Mr. BOND, Mr. GRAHAM, Mr. LIEBERMAN, Mr. WARNER, and Mr. REID):

S. 619. A bill to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel-cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes; to the Committee on Environment and Public Works.

THE MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT

Mr. SMITH. Mr. President, today I am introducing the Mercury-Containing and Rechargeable Battery Management Act. I am pleased to be joined by Senators LAUTENBERG, FAIRCLOTH, MCCONNELL, LIEBERMAN, SIMON, MACK, BOND, GRAHAM, WARNER, and REID. This legislation is urgently needed to remove Federal barriers detrimental to much-needed State and local recycling programs for batteries commonly found in cordless products such as portable telephones, laptop computers, tools, and toys.

Since 1992, Federal battery legislation has been approved in various congressional forums, including passage by the Senate in 1994, but it did not become law because the legislation to which it was attached did not move forward. Our bill, which is virtually identical to the Senate-passed provisions last year, would—

First, facilitate the efficient and cost-effective collection and recycling or proper disposal of used nickel-cadmium [Ni-Cd] and certain other batteries by: establishing a coherent national system of labeling for batteries and products; streamlining the regulatory requirements for battery collection programs for regulated batteries; and encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries; and

Second, phase out the use of mercury in batteries.

Without this legislation, States and industry face Federal barriers to implementing State battery recycling programs across the country. Thirteen States, including New Hampshire, have enacted legislation requiring that Ni-Cd and small-sealed lead-acid batteries be labeled and are easily removable from consumer products. Of these 13 States, 9 have enacted legislation calling for the collection of Ni-Cd and small-sealed lead-acid batteries.

Mr. President, although industry has developed a national collection program to comply with these laws, without enactment of a Federal bill, EPA's current regulatory requirements preclude industry from fully implementing this program and from complying with the State collection requirements. Regulatory changes currently under consideration, even if promulgated, will not provide the necessary solution. Additional lengthy rulemaking procedures would also be necessary to make the regulation operational on a national basis. Further, we would still lack a coherent national system of labeling, which is necessary to facilitate nationwide marketing of batteries and products while advancing a national battery collection program. Federal legislation is the only real solution to removing the barriers to complying with State battery recycling laws, and to achieving a comprehensive recycling program.

The prompt passage of this legislation will achieve a number of important goals. First, by establishing uniform national standards to promote the recycling and reuse of rechargeable batteries, this legislation provides a cost effective means to promote the reuse of our Nation's resources. Second, our bill will further strengthen efforts to remove these potentially toxic heavy metals from our Nation's landfills and incinerators. Not only will this lower the threat of groundwater contamination and toxic air emissions, but it will also significantly reduce the threat that these materials pose to the environment. Third, this legislation represents an environmentally friendly policy choice that was developed as the result of a strong cooperative effort between the States, environmental groups and the affected industries. Our bill is strongly supported by the Electronic Industries Association [EIA], the Portable Rechargeable Battery Association [PRBA], and the National Electrical Manufacturers Association [NEMA]. For all of the reasons cited above, I believe that this legislation provides a substantial win-win from both an environmental as well as an economic standpoint.

Mr. President, I urge my colleagues to cosponsor this important legislation, and ask unanimous consent that a copy of the bill, a section-by-section outline of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Mercury-Containing and Rechargeable Battery Management Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

SEC. 3. DEFINITIONS.

In this Act:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Button cell.—The term "button cell" means a button- or coin-shaped battery.

(3) Easily removable.—The term "easily removable", with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) from a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) Mercuric-oxide battery.—The term "mercuric-oxide battery" means a battery that uses a mercuric-oxide electrode.

(5) Rechargeable battery.—The term "rechargeable battery"—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of easy removability and labeling under section 103, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

(iii) a battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

(iv) a rechargeable alkaline battery.

(6) Rechargeable consumer product.—The term "rechargeable consumer product"—

(A) means a product that, when sold at retail, includes a regulated battery as a primary energy supply, and that is primarily intended for personal or household use; but

(B) does not include a product that only uses a battery solely as a source of backup power for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(7) Regulated battery.—The term "regulated battery" means a rechargeable battery that—

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 103(d).

(8) Remanufactured product.—The term "remanufactured product" means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

SEC. 4. INFORMATION DISSEMINATION.

The Administrator shall, in consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

SEC. 5. ENFORCEMENT.

(a) Civil Penalty.—When on the basis of any information the Administrator determines that a person has violated or is in violation of any requirement of this Act, the Administrator—

(1) in the case of a willful violation, may issue an order assessing a civil penalty of not more than $10,000 for each violation and requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation, may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(b) Contents of Order.—An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

(c) Considerations.—In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(d) Finality of Order; Request for Hearing.—An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

(e) Hearing.—On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

(f) Subpoena Power.—In connection with any hearing on the record under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

(g) Continued Violation After Expiration of Period for Compliance.—If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

SEC. 6. INFORMATION GATHERING AND ACCESS.

(a) Records and Reports.—A person who is required to carry out the objectives of this Act, including—

(1) a regulated battery manufacturer;

(2) a rechargeable consumer product manufacturer;

(3) a mercury-containing battery manufacturer; and

(4) an authorized agent of a person described in subparagraph (A), (B), or (C),

shall establish and maintain such records and report such information as the Administrator may by regulation reasonably require to carry out the objectives of this Act.

(b) Access and Copying.—The Administrator or the Administrator's authorized representative, on presentation of credentials of the Administrator, may at reasonable times have access to and copy any records required to be maintained under subsection (a).

(c) Confidentiality.—The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

SEC. 7. STATE AUTHORITY.

Except as provided in sections 103(e) and 104, nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE I—RECHARGEABLE BATTERY RECYCLING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Rechargeable Battery Recycling Act".

SEC. 102. PURPOSE.

The purpose of this title is to facilitate the efficient recycling or proper disposal of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, other regulated batteries, and such rechargeable batteries in used consumer products, by—

(1) providing for uniform labeling requirements and streamlined regulatory requirements for regulated battery collection programs; and

(2) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

SEC. 103. RECHARGEABLE CONSUMER PRODUCTS AND LABELING.

(a) Prohibition.—

(1) In general.—No person shall sell for use in the United States a regulated battery that is ready for retail sale or a rechargeable consumer product that is ready for retail sale, which was manufactured on or after the date that is 12 months after the date of enactment of this Act, unless—

(A) in the case of a regulated battery, the regulated battery—

(i) is easily removable from the rechargeable consumer product; or

(ii) is sold separately; and

(B) in the case of a regulated battery or rechargeable consumer product, the labeling requirements of subsection (b) are met.

(2) Application.—Paragraph (1) does not apply to a sale of—

(A) a remanufactured product unit unless paragraph (1) applied to the sale of the unit when originally manufactured; or

(B) a product unit intended for export purposes only.

(b) Labeling.—Each regulated battery or rechargeable consumer product without an easily removable battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported, shall be labeled with—

(1)(A) 3 chasing arrows or a comparable recycling symbol;

(B)(i) on each nickel-cadmium battery, the chemical name or the abbreviation "Ni-Cd"; and

(ii) on each lead-acid battery, "Pb" or the words "LEAD", "RETURN", and "RECYCLE";

(C) on each nickel-cadmium regulated battery, the phrase "BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY."; and

(D) on each sealed lead acid regulated battery, the phrase "BATTERY MUST BE RECYCLED.";

(2) on each rechargeable consumer product containing a regulated battery that is not easily removable, the phrase "CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY." or "CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.", as applicable; and

(3) on the packaging of each rechargeable consumer product, and the packaging of each regulated battery sold separately from such a product, unless the required label is clearly visible through the packaging, the phrase "CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY." or "CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.", as applicable.

(c) EXISTING OR ALTERNATIVE LABELING.—

(1) INITIAL PERIOD.—For a period of 2 years after the date of enactment of this Act, regulated batteries, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages that are labeled in substantial compliance with subsection (b) shall be deemed to comply with the labeling requirements of subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—On application by persons subject to the labeling requirements of subsection (b) or the labeling requirements promulgated by the Administrator under subsection (d), the Administrator shall certify that a different label meets the requirements of subsection (b) or (d), respectively, if the different label—

(i) conveys the same information as the label required under subsection (b) or (d), respectively; or

(ii) conforms with a recognized international standard that is consistent with the overall purposes of this title.

(B) CONSTRUCTIVE CERTIFICATION.—Failure of the Administrator to object to an application under subparagraph (A) on the ground that a different label does not meet either of the conditions described in subparagraph (A) (i) or (ii) within 120 days after the date on which the application is made shall constitute certification for the purposes of this Act.

(d) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

(1) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries and rechargeable consumer products, and after public comment—

(A) promulgate labeling requirements for the batteries with different electrode chemistries, rechargeable consumer products containing such batteries that are not easily removable batteries, and packaging for the batteries and products; and

(B) promulgate requirements for easy removability of regulated batteries from rechargeable consumer products designed to contain such batteries.

(2) SUBSTANTIAL SIMILARITY.—The regulations promulgated under paragraph (1) shall be substantially similar to the requirements set forth in subsections (a) and (b).

(e) UNIFORMITY.—After the effective dates of a requirement set forth in subsection (a), (b), or (c) or a regulation promulgated by the Administrator under subsection (d), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery or rechargeable consumer product that is not identical to the requirement or regulation.

(f) EXEMPTIONS.—

(1) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of subsection (a) in accordance with the procedures under paragraph (2). The application shall include the following information:

(A) A statement of the specific basis for the request for the exemption.

(B) The name, business address, and telephone number of the applicant.

(2) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under paragraph (1), the Administrator shall approve or deny the application. On approval of the application the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with the requirements of this section and with an equivalent level of product performance without the product—

(A) posing a threat to human health, safety, or the environment; or

(B) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

(3) RENEWAL OF EXEMPTION.—A person granted an exemption under paragraph (2) may apply for a renewal of the exemption in accordance with the requirements and procedures described in paragraphs (1) and (2). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of the granting of the renewal.

SEC. 104. REQUIREMENTS.

For the purposes of carrying out the collection, storage, transportation, and recycling or proper disposal of used rechargeable batteries, batteries described in section 3(3)(C) or in title II, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, persons involved in collecting, storing, or transporting such batteries or products to a facility for recycling or proper disposal shall, notwithstanding any other law, be regulated in the same manner and with the same limitations as if the persons were collecting, storing, or transporting batteries subject to subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1993, except that sections 264.76, 265.76, and 268.7 of that title shall not apply.

SEC. 105. COOPERATIVE EFFORTS.

Notwithstanding any other law, if 2 or more persons who participate in projects or programs to collect and properly manage used rechargeable batteries or products powered by rechargeable batteries advise the Administrator of their intent, the persons may agree to develop jointly, or to share in the costs of participating in, such a project or program and to examine and rely on such cost information as is collected during the project or program.

TITLE II—MERCURY-CONTAINING BATTERY MANAGEMENT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Mercury-Containing Battery Management Act".

SEC. 202. PURPOSE.

The purpose of this title is to phase out the use of batteries containing mercury.

SEC. 203. LIMITATIONS ON THE SALE OF ALKALINE-MANGANESE BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

SEC. 204. LIMITATIONS ON THE SALE OF ZINC-CARBON BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any zinc-carbon battery manufactured on or after January 1, 1996, that contains mercury that was intentionally introduced as described in section 203.

SEC. 205. LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.

No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery for use in the United States on or after January 1, 1996.

SEC. 206. LIMITATIONS ON THE SALE OF OTHER MERCURIC-OXIDE BATTERIES.

(a) PROHIBITION.—On or after January 1, 1996, no person shall sell, offer for sale, or offer for promotional purposes a mercuric oxide battery for use in the United States unless the battery manufacturer—

(1) identifies a collection site that has all required Federal, State, and local government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal;

(2) informs each of its purchasers of mercuric-oxide batteries of the collection site identified under paragraph (1); and

(3) informs each of its purchasers of mercuric-oxide batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal.

(b) APPLICATION OF SECTION.—This section does not apply to a sale or offer of a mercuric oxide button cell battery.

SEC. 207. NEW PRODUCT OR USE.

On petition of a person that proposes a new use for a battery technology described in this title or the use of a battery described in this title in a new product, the Administrator may exempt from this title the new use of the technology or use of battery in the new product on the condition, if appropriate, that there exist reasonable safeguards to ensure that the resulting battery or product without an easily removable battery will not be disposed of in an incinerator, composting facility, or landfill (other than a facility regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6291 et seq.).

THE MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT—BILL SUMMARY (SECTION BY SECTION)

Sec. 1. Short Title

The "Mercury-Containing and Rechargeable Battery Management Act."

Sec. 2. Congressional Findings

This section finds that it is in the public interest to phase out the use of mercury in batteries and provide for efficient and cost effective collection and recycling or proper disposal of certain batteries; that uniform national labeling of certain batteries will significantly benefit recycling programs; and that battery recycling programs are to be encouraged.

Sec. 3. Definitions

Provides standard definitions for battery-related terms such as easily removable battery, rechargeable battery, rechargeable consumer product, regulated battery, and remanufactured product.

Sec. 4. Information Dissemination

Requires the Administrator to provide information to the public on proper handling and disposal of used batteries.

Sec. 5. Enforcement

Gives the Administrator the enforcement authority found in RCRA, and provides for fines not to exceed $10,000 for willful violations.

Sec. 6. Information Gathering and Access

Provides recordkeeping requirements for those subject to the Act, and gives the Administrator information gathering authority on battery collection and recycling.

Sec. 7. State Authority

Preserves State authority to enact and enforce standards or requirements more stringent than a standard or requirement established or promulgated under this Act, except as provided in sections 103(e) and 104.

Sec. 8. Authorization

Funds necessary to implement the requirements of this Act are authorized to be appropriated.

TITLE I. RECHARGEABLE BATTERY RECYCLING ACT

Sec. 101. Short Title

This Title may be cited as the "Rechargeable Battery Recycling Act."

Sec. 102. Purpose

The purpose of this Title is to facilitate the efficient recycling of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, and such rechargeable batteries in used consumer products, through uniform labeling requirements, streamlined regulatory requirements for regulated battery collection programs, and voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

Sec. 103. Rechargeable Consumer Products and Labeling

Twelve months after enactment of this Act, batteries and battery packs containing nickel-cadmium or small sealed lead-acid batteries must be easily removable from rechargeable consumer products, and must have specific labeling. The EPA Administrator may promulgate similar regulations for batteries with other electrode chemistries, and shall modify the required labeling to conform with recognized international standards (e.g., labeling standards adopted under NAFTA, GATT, or international standards organizations). These labeling standards would be imposed on batteries nationwide. Upon petition the EPA Administrator can grant a 2-year exemption from the easy removability requirements.

Sec. 104. Requirements

Batteries collected for recycling or proper disposal under the Act will be subject to the same requirements as lead-acid batteries are at present.

Sec. 105. Cooperative Efforts

Two or more persons who participate in projects or programs under this Act may inform the EPA Administrator of their intent to develop jointly or share in the costs of such a program, and may examine and rely upon cost information collected by the program.

TITLE II. MERCURY CONTAINING BATTERY MANAGEMENT ACT

Sec. 201. Short Title

This Title may be cited as the "Mercury-Containing Battery Management Act."

Sec. 202. Purpose

The purpose of this Title is to phase out the use of batteries containing mercury.

Sec. 203. Limitations on the Sale of Alkaline-Manganese Batteries Containing Mercury

No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury which may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

Sec. 204. Limitations on the Sale of Zinc Carbon Batteries Containing Mercury

No person shall sell, offer for sale, or offer for promotional purposes any zinc carbon battery manufactured on or after January 1, 1996, that contains any mercury that was intentionally introduced.

Sec. 205. Limitations on the Sale of Button Cell Mercuric-Oxide Batteries

No person shall sell, offer for sale, or offer for promotional purposes in the United States any button cell mercuric-oxide battery on or after January 1, 1996.

Sec. 206. Limitations on the Sale of Other Mercuric-Oxide Batteries

On or after January 1, 1996, no person shall sell, offer for sale, or offer for promotional purposes, non-button cell mercuric-oxide batteries for use in the United States unless the battery manufacturer 1) identifies a collection site that has all required government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal; and, 2) informs each of its purchasers of such batteries of such identified collection site; and 3) informs each of its purchasers of such batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal. This section does not apply to mercuric-oxide button cell batteries.

Sec. 207. New Product or Use

Allows persons proposing a new use for battery technology covered by this title or the use of any such battery in a new product to petition the Administrator for an exemption from this title. The Administrator may grant such an exemption, and, if appropriate, require that reasonable safeguards exist to assure that such batteries will not be disposed of in incinerators, composting facilities, or landfills (other than a RCRA-regulated facility).

By Mr. CRAIG (for himself and Mr. DOMENICI):

S. 620. A bill to direct the Secretary of the Interior to convey, upon request, certain property in Federal reclamation projects to beneficiaries of the projects and to set forth a distribution scheme for revenues from reclamation project lands; to the Committee on Energy and Natural Resources.

RECLAMATION FACILITIES TRANSFER ACT

Mr. CRAIG. Mr. President, I am today introducing legislation that would direct the Secretary of the Interior to transfer the Federal interest in certain Bureau of Reclamation projects to the project beneficiaries. This legislation has already been introduced in the other body by Congressman SKEEN.

I am introducing the identical legislative language in order to frame what I believe will be an interesting debate. The reclamation program was intended to assist in the settlement of the West, and it has been extraordinarily successful in that endeavour. There are many instances, throughout the West, where the objectives of individual projects have been fully accomplished. The project works have been constructed and the allocable repayment obligations have been satisfied. Operation and maintenance of the projects have been turned over to the project beneficiaries and the Federal Government simply holds bare legal title with little or no involvement with the project.

Those seem to me to be classic examples of the type of projects that should be fully turned over to the beneficiaries. The Federal Government incurs annual costs and is exposed to out-year liabilities for no other reason than it holds title to certain works. Given the downsizing of the Bureau of Reclamation, it seems all the more sensible that the Bureau conserve its personnel and resources. Just to have one person available for a project on which the Federal Government does nothing probably costs over $100,000. Given the needs elsewhere within the Department, each of those personnel could be better used.

I do not want anyone to think that this legislation is a final product, but it does serve to frame the debate. Many of our reclamation projects are multiple purpose, and we will need to be careful to ensure that we do not lose sight of those other objectives. Many projects provide important flood control and navigation benefits that are of national interest. That does not argue against a transfer of title, but it is a concern that we should be aware of. A very important consideration, at least to this Senator, will be the issue of the transfer of the water rights associated with the project. Luckily, we do not have to face the issue of Federal reserved water rights since under reclamation law, the Bureau has obtained water rights from the States in conformity with State water law for all its projects. We will, however, need to be careful to make certain that title to those rights is transferred to the appropriate entities or individuals and that the transfer is in conformity with State water law.

There are many other considerations as well, and I do not intend to be exhaustive in this statement but one item deserves mention. We dealt with some of those issues when we considered the transfer of the Solano project several years ago, and our inability to fully resolve all those issues, including the recreational responsibilities of the Bureau at Lake Berryessa, was the reason why we were unable to enact legislation. As drafted, this legislation only applies to fully paid-out projects. In particular instances, I think a case could be made to permit prepayment of the outstanding indebtedness much as we have done for other reclamation loans. That is another issue we will have to closely examine.

I want to congratulate Congressman SKEEN and his cosponsors for raising this issue. All of us in the West, and some from outside the West, have questioned from time to time, the future of the Bureau of Reclamation. Congressman SKEEN has proposed one answer for many projects. I fully expect that we may even find agreement within the Department of the Interior that on some projects there simply is no further role for the Federal Government. I do not expect that we will have a complete transfer of all projects, but that should not stop us from looking at the question. A fully paid out single purpose project located solely within one State will be the easy transfer. I hope we do not limit our vision that narrowly.

By Mr. BENNETT (for himself, Mr. CAMPBELL, Mr. BROWN, Mr. JEFFORDS, Mr. STEVENS, and Mr. HATCH):

S. 621. A bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System, and for other purposes.

GREAT WESTERN TRAIL STUDY ACT

Mr. BENNETT. Mr. President, today I am introducing a bill which would direct the U.S. Forest Service, in consultation with the Department of the Interior, to study the Great Western Trail to determine if it should be included in the National Scenic Trails System.

The Great Western Trail takes in some of the greatest outdoor and natural opportunities the West has to offer. The trail will be a continuous, multiple-use route that reaches from Mexico to Canada. It encompasses a series of existing trails, mostly on public lands, running through a corridor which extends through five States. The trail itself extends from the panhandle of Idaho to the southern tip of Arizona. Along the 2,400 mile length of the trail are numerous recreational opportunities for all interests, from cross-country skiers to backpackers, hikers, and off-road enthusiasts. The trail passes through areas rich in western heritage as well as some of the most spectacular scenery in the world.

Prior to designating the Great Western Trail as part of the National Trails System, a study must be conducted to determine its feasibility. This bill take the first step by instructing the Secretary of Agriculture, in consultation with the Secretary of Interior, to conduct a study of the current land ownership and use along the designated trail route. The study would include cost estimates of any necessary land acquisition as well as reporting on the appropriateness of including motorized activity along the trail route. Since the proposed trail route follows roads and trails already in existence, very little right-of-way acquisition would be required and minimal construction would be necessary.

This study will play an important role by determining land and resource capability, public safety needs, and the administrative requirements necessary to designate the trail as part of the National Trails System. It is also important to note that the trail takes advantage of and will rely heavily upon volunteer construction, maintenance, and management of the trail system.

Communities throughout the West will benefit tremendously from the Great Western Trail. The recreational opportunities and rural economic development that travel and tourism will bring to the region will not only provide an economic boost to the local economies, but will help those who travel the Great Western Trail to gain a greater appreciation for our Nation's heritage. The Great Western Trail will provide a positive experience for those who use it. It will become a significant and vital addition to America's system of national trails.

By Mr. LEVIN (for himself and Mr. ABRAHAM):

S. 622. A bill to amend the Clean Air Act to provide that a State containing an ozone nonattainment area that does not significantly contribute to ozone nonattainment in its own area or any other area shall be treated as satisfying certain requirements if the State makes certain submissions, and for other purposes; to the Committee on Environment and Public Works.

CLEAN AIR ACT OZONE TRANSPORT PROVISIONS AMENDMENT ACT

Mr. LEVIN. Mr. President, the bill that Senator ABRAHAM and I are introducing today is intended to help correct a significant flaw in the Clean Air Act. This flaw plagues communities in west Michigan, and affects many other areas of the country that are downwind from significant sources of ozone-causing emissions.

As it is written, the act is unfair. It does not equitably distribute the burden of reducing ozone emissions. Some areas, like west Michigan, could be required to undertake vehicle inspection and maintenance testing programs, although these programs will not be effective in reducing the local concentrations of ozone because their ozone is being transported by wind and weather from other States and parts of the country.

Let me explain the west Michigan situation, the outlook for which has changed significantly in recent weeks. Three west Michigan counties are currently designated as two separate moderate ozone nonattainment areas by the EPA pursuant to the Clean Air Act; Kent and Ottawa Counties are one, and Muskegon County is the other. Because of their classification as moderate ozone nonattainment areas, the State of Michigan was required by law to pass legislation imposing mandatory vehicle inspection and maintenance testing in these two areas starting in January 1995. This requirement would have made sense were these three counties the cause of either their own nonattainment or the nonattainment of other areas. But they aren't. Governor Engler recognized this inequity and halted the I/M program in late December 1994.

EPA has acknowledged that the three counties "are essentially overwhelmed by emissions coming from Chicago and northern Indiana." In a June 20, 1994, letter to the Michigan department of natural resources, EPA Administrator Carol Browner said, ". . . the USEPA recognizes that ozone transport may make it very difficult, if not impossible, for Muskegon and Grand Rapids, themselves, to achieve the NAAQS (National Ambient Air Quality Standards) for ozone by deadlines prescribed by the CAA (Clean Air Act)."

In a hearing held on Monday, July 25, 1994, before my Subcommittee on Oversight of Government Management, EPA acknowledged "that Muskegon County would be in attainment but for ozone transport." EPA also confirmed that Muskegon and Grand Rapids "are not the cause of Chicago and northern Indiana being in nonattainment . . ." In fact, EPA has not shown that any area is in nonattainment due to west Michigan's emissions. The Lake Michigan ozone study director states, ". . . that no matter what reductions are made in Michigan, the air quality will not be affected."

In short, these three counties are not the cause of their own or any other area's ozone problem and no matter what these counties do for themselves, it is unlikely that they will be able to achieve and stay in attainment. Because of ozone blown their way and their resultant classification as moderate nonattainment areas, they could be forced to implement a burdensome vehicle inspection program that would not make a significant difference. As stated succinctly in the Senate Environment Committee's report to accompany S. 1630, the Clean Air Act Amendments of 1989, "Because ozone is not a local phenomenon but is formed and transported over hundreds of miles and several days, localized control strategies will not be effective in reducing ozone levels." Unfortunately, this sentiment did not translate into the act's requirements and implementation. The inflexibility and inequity of the localized mandate undermines public support for the Clean Air Act and environmental laws—in an area of the country that is generally supportive of both.

Fortunately, the last 3 years of ozone monitoring data in the west Michigan area show no violations of the Federal ozone standard for the area, according to an expedited review that I requested of EPA. This means that Michigan can apply for redesignation to attainment, and Administrator Browner has indicated that that process is very "doable." But, once attainment has been achieved, it is possible that only one violation could force west Michigan to return to the I/M requirements. Though EPA has stated that the Agency would seek to avoid this outcome and would carefully examine the violation to determine whether it was caused by local or transported ozone before returning to those requirements, I believe that it would be best to correct the law before such circumstances arise. This bill is a step toward fixing it.

At the hearing mentioned previously, I asked Mary Nichols, Assistant Administrator for Air, if these three counties were treated in the same way rural areas are treated, would they qualify for an exemption from the Clean Air Act requirements. Ms. Nichols replied, "I believe that is correct." She is right. That is at the heart of the unfairness of the Clean Air Act. The legislation we are offering specifically addresses that unfairness. Whether such an area is rural or nonrural should not make any difference, if the area is not a significant cause of its own or any other area's nonattainment. It is the emissions from an area and not the number of people that live in an area that should matter.

This bill applies that principle and eliminates the illogical disparate treatment between rural and nonrural areas. EPA would be required to treat any ozone nonattainment area as a marginal ozone nonattainment area, if the State demonstrates to EPA that sources of ozone-causing emissions in that area do not make a significant contribution to ozone nonattainment measured in the area or in other areas. So, rather than arbitrarily denying the regulatory relief to a metropolitan statistical area, or an adjacent area, which is currently available to a rural transport area, the act's standards would apply equally to rural and nonrural areas. As a result, the burden would be placed more squarely on the shoulders of the "significant contributors," rather than the victims of transport. This is only fair.

Clearly, we may need to refine this legislation further or make the legislative history clear so that the definition of "significant contribution" is not subject to excessively narrow interpretation by an EPA Administrator and so that we can ensure protection for the west Michigan area from the unfair burdens associated with transported pollution. But, we also want to make sure that other areas who need to be reducing their emissions because they are transporting pollution elsewhere don't get off the hook. I know that the State of Michigan has the data to prove that west Michigan deserves relief under this bill, but we will work with the State, EPA, and the relevant congressional committees to insure that this legislative effort does not have unintended consequences.

After repeated urgings by myself and others, the EPA has issued a new ozone transport policy. Under the previous policy the west Michigan nonattainment areas would have been required by 1996 to meet clean air standards which they could not meet because of pollution carried by the winds from outside areas such as Chicago, areas with severe air pollution problems. The old policy was particularly unfair, since, under the law, these other more polluted areas do not need to meet the requirements themselves until the year 2007.

The EPA has informed me that the states will be permitted to present an analysis demonstrating the problem and that EPA will consider granting an extension of the 1996 deadline, possibly until 2007. This new policy should avoid further unfairness, as additional requirements could have been placed, in 1996, on the west Michigan area, triggered by pollution which is not generated in the local area.

While I appreciate EPA's efforts in providing this extension, the new policy was, according to Administrator Browner, to have held "areas responsible only for that portion of the ozone problem which they cause." However, this new policy only corrects one inequity in the act, to wit, the fact that downwind areas suffering from significant ozone and other pollution transported from more severely polluted areas have less time to achieve attainment. The change in attainment deadlines does not address the problem of areas inappropriately designated in the first place.

Mr. President, there appear to be a number of other States that contain victim of transport areas in situations similar to west Michigan. I am sure that my colleagues in New England, for instance, have been noticing a significant increase in public attention to the vehicle testing requirements. It will be argued that we should not reopen the Clean Air Act. But, we cannot permit an unfair regulatory burden to fall upon our constituents to correct a problem which they did not cause and which the regulatory requirements cannot cure. We should right that wrong.

Mr. President, I support the goals of the Clean Air Act. But, it needs to be applied with common sense, if it is to retain the support of the American people. Without that support, it cannot succeed.

By Mr. SPECTER (for himself and Mr. HATCH):

S. 623. A bill to reform habeas corpus procedures, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL HABEAS CORPUS REFORM ACT

Mr. SPECTER. Mr. President, the American people want government to do something about violent crime. Unfortunately, the crime bill that passed last year in the 103d Congress did nothing about one of the most serious aspects of the crime problem: the interminable appeals process that has made the death penalty more a hollow threat than an effective deterrent.

The crime bill abandoned key provisions which would have limited appeals in the Federal courts by State death row inmates. These appeals currently average more than 9 years and last as long as 17 years. Of all people sentenced to death since 1976, 266 have been executed, while over 2,900 sit in death row cells. Is it any wonder that in 1963, when the imposition of the death penalty was a real possibility that criminals had to worry about, there were 8,500 homicides in America, a rate of 4.5 homicides per 100,000 people; while in 1993 there were 23,760 homicides, and a more than doubled homicide rate of 9.3 per 100,000. The legal system has turned the death penalty into a toothless saw.

National polls continue to show fear of crime to be the No. 1 concern of most Americans. One survey conducted right after President Clinton's State of the Union Address last year found 71 percent thought more murders should be punishable by the death penalty. My own 12 years of experience in the Philadelphia District Attorney's office, first as an assistant district attorney and chief of the appeals division and later as district attorney, convinces me they are right.

The great writ of habeas corpus has been the procedure used to guarantee defendants in State criminal trials their rights under the U.S. Constitution. It is an indispensable safeguard because of the documented history of State criminal-court abuses such as the Scottsboro case. Unfortunately, it has been applied in a crazy-quilt manner with virtually endless appeals that deny justice to victims and defendants alike, making a mockery of the judicial system.

The best way to stop this mockery is to impose strict time limits on appeals. The bill I am introducing today, along with my distinguished colleague and the Chairman of the Judiciary Committee, Senator HATCH, will do just that.

Criminal justice experts agree that for any penalty to be effective as a deterrent, the penalty must be swift and certain. When years pass between the time a crime is committed and a sentence is carried out, the vital link between crime and punishment is stretched so thin that the deterrent message is lost.

Delays leave inmates, as well as victims, in a difficult state of suspended animation. In a 1989 case, the British Government declined to extradite a defendant to Virginia on murder charges until the local prosecutor promised not to seek the death penalty because the European Court of Human Rights had ruled that confinement in a Virginia prison for 6 to 8 years awaiting execution would violate the European Convention on Human Rights.

Similarly, for survivors of murder victims, there is an inability to reach a sense of resolution about their loved one's death until the criminal case has been resolved. The families do not understand the complexities of the legal process and suffer feelings of isolation, anger, and loss of control over the lengthy court proceedings. The unconscionable delays deny justice to all—society, victims, and defendants.

Since upholding the constitutionality of the death penalty in 1976, the U.S. Supreme Court has required more clearly defined death penalty laws. Thirty-eight States have responded to voters' expressions of public outrage by enacting capital punishment statutes that meet the requirements of the Constitution.

My 12 years experience in the Philadelphia District Attorney's office convinced me that the death penalty deters crime. I saw many cases where professional burglars and robbers refused to carry weapons for fear that a killing would occur and they would be charged with first-degree murder, carrying the death penalty.

One such case involved three hoodlums who planned to rob a Philadelphia pharmacist. Cater, 19, and Rivers, 18, saw that their partner Williams, 20, was carrying a revolver. The two younger men said they would not participate if Williams took the revolver along, so Williams placed the gun in a drawer and slammed it shut.

Right as the three men were leaving the room, Williams sneaked the revolver back into his pocket. In the course of the robbery, Williams shot and killed pharmacist Jacob Viner. The details of the crime emerged from the confessions of the three defendants and corroborating evidence. All three men were sentenced to death because, under the law, Cater and Rivers were equally responsible for Williams's act of murder.

Ultimately, Williams was executed and the death sentences for Cater and Rivers were changed to life imprisonment because of extenuating circumstances, because they did not know their co-conspirator was carrying a weapon. There are many similar cases where robbers and burglars avoid carrying weapons for fear a gun or knife will be used in a murder, subjecting them to the death penalty.

The use of the death penalty has gradually been limited by the courts and legislatures to apply only to the most outrageous cases. In 1925, the Pennsylvania Legislature repealed the mandatory death penalty for first-degree murder, leaving it to the discretion of the jury or trial court. More recently, in 1972, the Supreme Court struck down all State and Federal death penalty laws and prohibited capital punishment for all inmates on death row, or future executions, unless thereafter they contained detailed procedures for considering aggravating and mitigating circumstances.

Prosecutors customarily refrain from asking for the death penalty for all but the most heinous crimes. I did that when I was a district attorney, personally reviewing the cases where capital punishment was requested.

While the changes required by the Supreme Court help insure justice to defendants, there is a sense that capital punishment can be retained only if applied to outrageous cases. I agree with advocates who insist on the greatest degree of care in the use of capital punishment. I have voted for limitations to exclude the death penalty for the mentally impaired and the very young. However, I oppose those who search for every possible excuse to avoid the death penalty because they oppose it on the grounds of conscientious scruples.

While I understand and respect that moral opposition, our system of government says the people of the 38 States that have capital punishment are entitled to have those sentences carried out where they have been constitutionally imposed. In those jurisdictions, the debate is over until the statutes are repealed or the Constitution reinterpreted.

Many Federal habeas corpus appeals degenerate into virtually endless delays, where judges bounce capital cases like tennis balls from one court to another, exacerbated by repetitive petitions. Here is an example, Mr. President: After being convicted in California for a double murder in 1980, Robert Alton Harris filed 10 petitions for habeas corpus review in the State courts, 5 similar petitions in the Federal courts, and 11 applications to the U.S. Supreme Court. Many of those applications to invalidate the death penalty overlapped.

Habeas corpus reform is not a new issue in the Senate. In 1984, the Senate first passed a habeas corpus reform measure, but the House failed to consider it. In 1990, during the 101st Congress, I offered my first legislation to speed up and simplify Federal habeas corpus procedures in capital cases. That year, the Senate adopted the amendment that Senator THURMOND and I wrote to the omnibus anticrime bill that would have reformed habeas corpus procedures in death penalty cases. Unfortunately, at the insistence of the House conferees, our provision was dropped from the conference report.

Habeas corpus reform was revisited in the 102d Congress. Portions of my proposal, S. 19, were incorporated into the Republican habeas corpus reform package, which again became part of the Senate's omnibus anticrime legislation. This time, the conference committee on the Senate and House anticrime bills kept a habeas corpus reform provision in the conference report, but it was the House version. As reported by the conference committee, that version would have exacerbated the delay, not eased it. Despite late efforts at a compromise, habeas reform died with that crime bill.

Again in the 103d Congress, I introduced habeas corpus reform legislation. In 1993, when the new omnibus anticrime bill was being debated in the Senate, all habeas corpus reform provisions were stripped from the bill. I was dismayed. Even as the Senate was voting to establish a broad Federal death penalty, it was refusing to address the compelling need to expedite review of the death sentences once imposed.

When I demanded that the issue of habeas corpus reform be addressed by the Senate, I was given the opportunity to bring my bill to the floor for debate. Unfortunately, the legislation I introduced to eliminate the delays in carrying out death sentences was tabled by a vote of 65 to 34.

Which brings us to today, Mr. President. My new proposal, the Federal Habeas Corpus Reform Act of 1995, sets strict time limits on the filing of habeas corpus petitions and severely restricts the filing of any successive petition. It requires that the appropriate Federal court of appeals approve the filing of any successive petition. It ensures adequate counsel in habeas corpus proceedings. It imposes time limits on Federal judges to decide habeas corpus petitions in capital cases. And it does this so that imposition of the death penalty in State cases will become more certain and swift, making the death penalty again a meaningful sanction and deterrent.

This bill builds on some innovative strategies that I first proposed in 1990.

Already, much of that approach has become widely accepted as the basic building blocks of habeas corpus reform, namely establishing time limits on filing habeas corpus petitions and on Federal court consideration of capital habeas corpus petitions, and requiring that the filing of any successive petition be approved by the appropriate court of appeals under stringent standards.

Under this bill, a single Federal court review will resolve most death penalty cases in under 2 years. First, a Federal habeas corpus petition in a capital case must be filed within 6 months from the final action in State court proceedings. A final decision must be made by the Federal district court within 180 days from the filing of the habeas corpus petition. And a final decision must be made by the Federal court of appeals within 120 days from the filing of the final brief. No successive Federal court habeas corpus petition could be considered unless specific leave was granted by the appropriate court of appeals, and then only for very limited reasons.

In addition, the proposed expedited treatment of habeas corpus petitions in capital cases would apply only to States which agree to provide free, competent legal counsel for defendants during their State court appeals. The bill provides that the Federal government will provide free legal counsel during their Federal habeas corpus proceedings.

The compressed time frame is both just and practical. It would eliminate the lengthy delays and establish habeas corpus proceedings in death penalty cases as the highest priority in the Federal judicial system.

Unless there are unusually complicating factors, which must be detailed in the district court's opinion, I know that such cases can be heard within a few weeks, with no more than a week or two being required to write an opinion. Some district courts have sat on such cases for as long as 12 years. Even in States with the most prisoners on death row, such as Florida, Texas, and California, each district court judge would have such a case only every 1 to 3 years. Judges would not be overburdened.

Decisions on appeal to the court of appeals should be made within 120 days of briefing. That is manageable with priority attention to these relatively few capital cases. The authority of Congress to establish such time limits was exercised in the Speedy Trial Act of 1974, which calls for criminal trials to begin within 70 days unless delayed by specified causes. The key factor in this timetable is the requirement that competent, free counsel be provided to defendants in capital cases during their State and Federal habeas corpus proceedings.

I must stress, however, that the abbreviated timetable does not take effect until State court review of a sentence of death is completed. No time limit is placed by this legislation on the length of trial or on periods for consideration of post-trial motions and the State court appeals. During that period, most, if not all, of the complex factual and legal issues will be organized, analyzed and resolved by the State courts, so that these issues will not be novel when the case goes to Federal court.

Requiring prisoners on death row to file petitions within 6 months of final State court action is not only reasonable, but is necessary to end the abuse in which petitioners and their attorneys now engage. A perfect example of the abuse can be seen in a recent case from my own State of Pennsylvania.

Steven Duffey was convicted of a 1984 murder. His conviction and sentence were unanimously upheld by the Pennsylvania Supreme Court in 1988. From then on, he did nothing until after his death warrant had been signed in September 1994. Then, on the eve of his execution, Duffey's attorneys filed a habeas corpus petition and sought a stay of execution.

The Federal district judge thought himself bound to enter the stay so that the petition could be entertained. But the judge castigated the game-playing of Duffey and his lawyer. In his opinion, Judge Thomas Vanaskie of the Middle District of Pennsylvania hit on a central problem with the current system when he noted that "[t]here is an overwhelming incentive on the part of a death row inmate to ignore until the eleventh hour collateral challenges to his or her conviction." He then quoted the 1994 decision of the U.S. Court of Appeals for the Sixth Circuit in Steffen versus Tate, which had likewise found that "it is almost always in the interest of a death sentenced prisoner to delay filing a [habeas corpus] petition as long as possible."

Mr. President, this bill goes a long way toward restoring the death penalty as an effective deterrent. But to get the rest of the way there we need to address the endless delays caused by requiring defendants to exhaust all of their claims in State court before they are allowed to file Federal habeas corpus petitions.

The absurdity of this exhaustion requirement is illustrated by the series of decisions involving a Philadelphia criminal, Michael Peoples. Peoples was convicted in the State trial court in 1981 of setting his victim on fire during a robbery. Following this legal trail is not easy, but it illustrates the farcical procedures. After the Pennsylvania intermediate appellate court affirmed Peoples' conviction in 1983, the Pennsylvania Supreme Court denied review in a decision that was unclear as to whether it was based on the merits or on the Court's procedural discretion that there was no special reason to consider the substantive issues.

Peoples then filed a petition in 1986 for habeas corpus in the U.S. district court. That petition was denied for failure to exhaust State remedies, meaning the State court did not consider all his claims. The case was then appealed to the next higher court level, the Third Circuit Court of Appeals, which reversed the district court on the ground that the exhaustion rule was satisfied when the State Supreme Court had the opportunity to correct alleged violations of the prisoner's constitutional rights. Next, Peoples asked the U.S. Supreme Court to review his case.

Even though the Supreme Court was too busy to hear 4,550 cases in 1988, the Peoples case was one of 147 petitions it granted. After the nine justices reviewed the briefs, heard oral argument and deliberated, Justice Scalia wrote an opinion reversing the Court of Appeals for the Third Circuit.

The Third Circuit then undertook the extensive process of briefs and argument before three judges. It issued a complicated opinion concluding that the original petition for a writ of habeas corpus contained both exhausted and unexhausted claims. That ruling sent the case back to the district court for reconsideration.

Had the district court simply considered Peoples' constitutional claims on the substantive merits in the first instance, all those briefs, arguments and opinions would have been avoided. These complications arise from a Federal statute that requires a defendant to exhaust his or her remedies in the State court before coming to the federal court. The original purpose of giving the State a chance to correct any error and to limit the work of the Federal courts was sound. In practice, however, that rule has created a hopeless maze, illustrated by thousands of cases like those of Peoples and Harris.

The elimination of the statutory exhaustion requirement would mean that Congress, which has authority to establish Federal court jurisdiction, would direct U.S. district courts to decide petitions for writs of habeas corpus after direct appeals to the Supreme Court had upheld the death penalty. From my own experience, I have seen State trial court judges sit on such habeas corpus cases for months or years and then dismiss them in the most perfunctory way because the issues had already been decided by the State Supreme Court in its earlier decision.

Obviously, Mr. President, Federal habeas corpus is a complex and arcane subject. Its difficult and restrictive rules simply delay imposition of the death penalty and render it useless as a deterrent. The purposes of tough law enforcement are best served by full and prompt hearings instead of a procedural morass that defeats the substantive benefits of capital punishment.

In 1990, Chief Justice William H. Rehnquist said the current system for handling death penalty habeas corpus cases in the Federal courts "verges on the chaotic." He was charitable. If justice delayed is justice denied, there's little justice left in the Federal judicial treatment of death sentences.

My proposal for habeas corpus reform will bring practical reinstatement of the death penalty, so that meaningless procedures do not remain the enemy of substantive justice.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Habeas Corpus Reform Act of 1995".

SEC. 2. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

"(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

"(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and is made retroactively applicable; or

"(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

"(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.

SEC. 3. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

"(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

"(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

"(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

"(B) the final order in a proceeding under section 2255.

"(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

"(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).".

SEC. 4. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"Rule 22. Habeas corpus and section 2255 proceedings

"(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

"(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.".

SEC. 5. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

"(A) the applicant has exhausted the remedies available in the courts of the State; or

"(B)(i) there is an absence of available State corrective process; or

"(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

"(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

"(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

"(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

"(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

"(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

"(A) the claim relies on—

"(i) a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

"(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

"(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."; and

(5) by adding at the end the following new subsections:

"(h) Notwithstanding any other provision of law, in all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for an applicant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.".

SEC. 6. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth paragraphs; and

(2) by adding at the end the following new paragraphs:

"A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and is made retroactively applicable; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

"(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

"(2) a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable.".

SEC. 7. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting ", except as provided in section 2255.".

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

"(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

"(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

"(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

"(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

"(E) The grant or denial of an authorization by a court of appeals to file a second or success application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

"(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 8. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2262. Mandatory stay of execution; duration; limits on stays of execution; second or abusive petitions.

"2263. Filing of habeas corpus application; time requirements; tolling rules.

"2264. Scope of Federal review; district court adjudications.

"2265. Application to State unitary review procedure.

"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2261.".

SEC. 9. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended—

(1) in paragraph (4)(A), by striking "shall" and inserting "may";

(2) in paragraph (4)(B), by striking "shall" and inserting "may"; and

(3) by amending paragraph (9) to read as follows:

"(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.".

SEC. 10. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. HATCH. Mr. President, I thank my friend from Pennsylvania, my distinguished colleague on the Judiciary Committee, for his kind words. Senator SPECTER, a former prosecutor, is one of the most knowledgeable persons on the Judiciary Committee with respect to habeas corpus litigation. He has long been an advocate for habeas reform. Together, we have worked hard to craft a consensus bill that will enact meaningful reform of the Federal habeas corpus process. Today, we are introducing as legislation the product of those labors.

I am pleased to join with Senator SPECTER in introducing legislation to reform Federal habeas corpus procedures. This marks an important step in the process of ensuring that convicted criminals receive the punishment they justly deserve. A criminal justice system incapable of enforcing legally imposed sentences cannot be called just and must be reformed.

The statutory writ of habeas corpus is an important means of guaranteeing that innocent persons will not be illegally imprisoned. Indeed, the Constitution guarantees the writ against suspension. Unfortunately, this bulwark of liberty has been perverted by those who would seek to frustrate the demands of justice.

As of January 1, 1995, there were some 2,976 inmates on death row. Yet, only 38 prisoners were executed last year, and the States have executed only 263 criminals since 1973. In 1989, a committee chaired by then-retired Supreme Court Justice Lewis Powell found, among other things, extraordinary delays in the discharge of sentences and an abuse of the litigation process. The committee reported that Federal habeas corpus made up approximately 40 percent of the total delay from sentence to execution in a random sampling of cases. At that time, the shortest of these proceedings lasted for 2.5 years and the longest nearly 15 years.

The Powell committee concluded that the Federal collateral review process, with the long separation between sentence and effectuation of that sentence, "hamper[ed] justice without improving the quality of adjudication." [Powell Committee Report at 4.] This abuse of habeas corpus litigation, particularly in those cases involving lawfully imposed death sentences, has taken a dreadful toll on victims' families, seriously eroded the public's confidence in our criminal justice system, and drained State criminal justice resources. This was not the system envisioned by the Framers of our Constitution.

In my home State of Utah, for example, convicted murderer William Andrews delayed the imposition of a constitutionally imposed death sentence for over 18 years. The State had to put up millions of dollars in precious criminal justice resources to litigate his meritless claims. His guilt was never in question. He was not an innocent person seeking freedom from an illegal punishment. Rather, he simply wanted to frustrate the imposition of punishment his heinous crimes warranted.

Senator SPECTER and I have worked to draft a consensus habeas corpus reform measure that will respect the traditional roles of State and Federal courts, secure the legitimate constitutional rights of the defendant, and restore balance to the criminal justice system.

Habeas corpus reform must not discourage legitimate petitions that are clearly meritorious and deserve close scrutiny. Meaningful reform must, however, stop repeated assaults upon fair and valid State convictions through spurious petitions filed in Federal court.

As a consequence, the reform proposal Senator SPECTER and I have introduced sets time limits to eliminate unnecessary delay and to discourage those who would use the system to prevent the imposition of a just sentence. Manufactured delays breed contempt for the law and have a profound effect on the victims of violent crime.

Our proposed legislation limits second or successive Federal petitions to claims of factual innocence or in those instances in which the Supreme Court has created a new rule of constitutional law and applied that rule retroactively. Our bill also ensures that proper deference is given to the judgments of State courts, who have the primary obligation of trying criminal cases. After all, finality is a hallmark of a just system, and must be maintained in order to preserve the legitimacy of the criminal process.

Critics of meaningful habeas reform complain that the reformers are seeking to destroy the Constitution's guarantees of individual liberty. This specious argument is simply incorrect. It misstates the original understanding of the habeas process. The legislation Senator SPECTER and I have introduced will uphold the constitutional guarantees of freedom from illegal punishment, while at the same time ensuring that lawfully convicted criminals will not be able to twist the criminal justice system to their own advantage.

I believe that the bill we have introduced today will give the American people the crime control legislation they demand and deserve. I urge the support of my colleagues for this important legislation.

By Mr. HATFIELD:

S. 624. A bill to establish a Science and Mathematics Early Start Grant Program, and for other purposes; to the Committee on Labor and Human Resources.

SCIENCE AND MATH EARLY START GRANT PROGRAM ACT

Mr. HATFIELD. Mr. President, I regard the eight National Education Goals we codified in the Goals 2000 legislation as very important challenges; challenges we must make every effort to meet in order to ensure the future of the Nation. All of these goals are interconnected. We cannot afford to lag behind in any and expect to attain the rest. At this time, it appears that U.S. students continue to lag dangerously behind in mathematics and science achievement.

With the passage of Goals 2000 and the ESEA reauthorization, we hope to reduce that gap. Yet, there are still glaring holes in our math and science educational programs. The bill I am introducing today is designed to fill one of those holes. It is that, unfortunately, many currently funded Federal programs for children, especially preschool youngsters, such as Head Start do not usually include any special emphasis on math or science education. Even when math and science are included as part of the curriculum, they are often the weakest areas of emphasis.

Ask any parent to list the character traits of preschoolers and high on the list will be curiosity and a desire to learn "why." These children are naturally curious and eager to understand the world around them. I believe that we, as a nation of educators, are missing a tremendous opportunity when we fail to build on this natural curiosity by failing to provide these rich experiences.

Federal programs intended to provide additional support for low income children such as Head Start and chapter I should include activities rich in early math and science investigations. It is the very nature of science to answer the question "why." Early exposure to age-appropriate, inquiry-based science and mathematics experiences will provide the foundation on which later understanding rests.

Why, with rare exception, are educational programs rich in math and science missing from preschool curriculum? I believe that the major reason is that most preschool teachers have little experience with simple science and mathematics activities, feel uncomfortable with teaching science and mathematics, and are not prepared to teach age-appropriate and inquiry-based science and mathematics. This is an area of greatest need. While I do not underestimate the importance of language development and social experiences that are a large part of preschool programs, I feel that we can no longer minimize the importance of early science and math investigations. This is particularly true of the target group of Head Start as preschoolers from low-income families often have very limited opportunities to be exposed to science activities.

It is possible to provide these experiences to preschoolers? The answer is provided by a program conducted at Marylhurst College in Portland, OR. This wonderful program, now in its third year, is training Head Start teachers to use exciting, age-appropriate math and science activities in their classes. Picture the effect these activities have on disadvantaged and minority youth. In all likelihood, this is the first chance these children have to relate math and science to their lives. The teacher training program has been conducted for the past three years, and the results have been phenomenal.

Consider what two teachers, Sherry Wright and Debi Coffey, from the Albina Head Start program in Oregon had to say. "After two years of using the knowledge we gained from the Marylhurst College instructors, we truly feel confident in using science everyday. Our children have learned how to predict and discover the possible results to a problem. Our children will take the science experience that they learned in Head Start with them throughout the rest of their lives."

Andrey Sylvia, who had no science classes at all prior to the Marylhurst College Head Start Summer Institute, expressed the result excitedly and succinctly. "Now I am a science whiz!"

My legislation provides for a competitive grant program to establish demonstration sites to acquaint preschool teachers with the stimulating processes involved in the inquiry approach. The teachers themselves must experience the excitement of hands-on activities in order to communicate that excitement to children. No more than 25 percent of the funds can be used for the purchase of supplies necessary to carry out the activities.

A second part of the legislation provides funds to enable Head Start teachers to participate in professional development programs in science and mathematics teaching methods.

We simply cannot afford to miss the opportunity to replicate this concept throughout the preschool and Head Start programs nationwide. These programs are a positive investment in the lives of these disadvantaged children and will create a lifelong interest in math and science. That interest is critical to the future of the children and equally critical to the future of the Nation.

Mr. President, I ask unanimous consent that these letters from the president of Marylhurst College and Sarah Greene, chief executive officer of National Head Start Association, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARYLHURST COLLEGE,
Marylhurst, OR, March 20, 1995.

Hon. MARK O. HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: As President of Marylhurst College, an accredited, private, liberal arts college dedicated to making innovative post-secondary education accessible to self-directed students of all ages, I am delighted to offer this letter of support for the Science and Math Early Start Grant Program Act.

Despite national concern and reform efforts, science and mathematics education for preschool children remains limited, and ample studies demonstrate an even greater lack of science and math skills among low income students. A longitudinal study of disadvantaged children at the Perry Preschool in Ypsilanti, Michigan, found that for every dollar invested, seven dollars were returned to society in terms of higher income and fewer costs related to welfare and crime. Widely recognized as a successful intervention, Head Start provides low income children with basic education, but it has been criticized for not providing discipline-based instruction—especially in science—due to the teachers' lack of educational preparation. In fact, the final Report of the Advisory Committee on Head Start Quality and Expansion (12/93) recommends strengthening staff training and building partnerships with the private sector.

Marylhurst designed its Summer Science Institute to address this problem by training Head Start teachers to teach science and encourage their students to develop an interest in science. The pilot Institute—an intensive, experiential, four-week, college credit course covering basic scientific principles—has been offered to 53 Albina Head Start and Portland Public School teachers since 1992. Seventy-five percent reported that the experience completely changed their attitudes about science and their abilities to learn and teach science.

According to an independent evaluation by Northwest Regional Educational Laboratory, the Institute made a major contribution to science teaching in the Albina program. NWREL concluded that it also had "a positive systemic influence on the level of teacher and student self-esteem, which in turn has increased the effectiveness of student learning across their curriculum." The Portland Public School evaluation is currently in process. Marylhurst plans to replicate the successful model through Head Start college partnerships.

Through the Science and Math Early Start Program Act of 1995, Congress can provide seed money to encourage efficient replication of similar programs, which can be maintained without ongoing government support with funding provided by foundations and corporations. This legislation not only ensures that low income children are included in national science and math education reform efforts, but also improves Head Start teacher preparation so that they can better prepare their students for a more technologically and scientifically complex future.

Sincerely,

NANCY WILGENBUSCH,
President.

NATIONAL HEAD START ASSOCIATION,
Alexandria, VA, January 9, 1995.

Hon. MARK O. HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: The National Head Start Association supports efforts to expand the Summer Science Institute and make it an integral part of the education program for preschoolers. Dr. Nancy Wilgenbush, President, Marylhurst College, presented an overview of the Summer Science Institute to over 5,000 Head Start teachers, administrators, and parents during our annual conference in April 1993. She also conducted a workshop during the conference, it was packed. The presentation resulted in an overwhelming request for more information on project implementation. Our office, as well as Dr. Wilgenbush's, continue receiving such inquiries.

After receiving the absolutely positive results of the project conducted in Portland with Albina Head Start teachers, I am convinced of the need to implement the Summer Science Institute nationwide.

This early infusion of science for young low income children is essential if we are preparing them for the 21st Century.

Thank you for introducing a bill providing funds to implement this project.

Sincerely,

SARAH M. GREENE,
Chief Executive Officer.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DOLE, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. BROWN], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. LOTT], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 16, a bill to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Idaho [Mr. KEMPTHORNE], the Senator from New Hampshire [Mr. SMITH], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 388

At the request of Ms. SNOWE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 391

At the request of Mr. CRAIG, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 391, a bill to authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, and for other purposes.

SENATE RESOLUTION 92—AMENDING RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 92

Resolved, That Rule XXV, paragraph 2, of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "18".

Strike the figure after "Energy and Natural Resources" and insert in lieu thereof "20".

SEC. 2. That Rule XXV, paragraph 3(c) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Indian Affairs" and insert in lieu thereof "16".

SENATE RESOLUTION 93—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 93

Resolved, That the following shall constitute the majority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. Murkowski (Chairman), Mr. Hatfield, Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Campbell, Mr. Thomas, Mr. Kyl, Mr. Grams, Mr. Jeffords, and Mr. Burns.

Veterans' Affairs: Mr. Simpson (Chairman), Mr. Murkowski, Mr. Specter, Mr. Thurmond, Mr. Jeffords, Mr. Campbell, and Mr. Craig.

Indian Affairs: Mr. McCain (Chairman), Mr. Murkowski, Mr. Gorton, Mr. Domenici, Mrs. Kassebaum, Mr. Nickles, Mr. Campbell, Mr. Thomas, and Mr. Hatch.

SENATE RESOLUTION 94—MAKING A MAJORITY PARTY APPOINTMENT

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 94

Resolved, That the Senator from Colorado (Mr. Campbell) is hereby appointed to the Committee on Agriculture, Nutrition and Forestry, and that the following be the majority membership on that committee for the 104th Congress, or until their successors are appointed:

Agriculture, Nutrition and Forestry: Mr. Lugar (Chairman), Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, Mr. Santorum, Mr. Warner, and Mr. Campbell.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE CONSTITUTION

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Friday, March 24, 1995, at 9 a.m., in Senate Dirksen Room 226, on "The 10th Amendment and the Conference of the States."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE LINE-ITEM VETO

• Mr. SIMPSON. Mr. President, it was with the greatest of enthusiasm that I chose to support the line-item veto legislation.

In just a few weeks, all of us will be asked to cast our votes to raise the debt ceiling for this country to more than $5 trillion. It is difficult to comprehend the enormity of this figure. If you took those 5 trillion individual dollars and laid them end to end, they would span the vast icy distance between the Earth and Moon almost 2,000 times.

The line-item veto represents a small but most significant first step toward processes to ensure greater fiscal responsibility. I believe the measure that we recently passed is the best workable compromise between various approaches and will make this legislation very effective. I am particularly pleased by the inclusion of a "lockbox" provision to ensure that any spending that is "zeroed out" is earmarked for deficit reduction.

Our past experience with spending patterns here in Congress demonstrates why it was crucial to include this provision. I have seen a number of programs terminated on the Senate floor, after hours of spirited debate centered around the question—"can we afford it"? After concluding that we could not afford the program in question, we terminated the program, then failed to adjust the spending caps downward, meaning that we simply spent the money on something else. Such a "loophole" in this legislation would be a costly and destructive provision that would make a mockery of this measure. Without the lockbox provision the President could terminate a program with an eye toward seeing those funds reprogrammed in another direction. Or, Congress could simply retitle or reallocate the funding items which failed to pass muster. That would subvert the clear intention of this sharpened tool, which is to enable the President to assist in slowing down and reducing Government spending.

What pleases me the most about this legislation is that its modified form will permit the President to confront the problem of rising entitlement spending. This is, as we well know, the fastest growing category of Federal spending, and the single greatest cause of runaway debt. In the past, one overused tactic used to evade the discipline of discretionary spending caps has been to promote new programs in the form of mandatory entitlements. This designation has shielded them from annual scrutiny through the appropriations process and creates an ever expanding "black hole" into which our Federal dollars disappear. Giving the President a chance to ward off future trespasses in area will make this legislation much more effective in controlling spending.

Opponents of this measure have criticized the line-item veto on the basis of or experience with it at the State level. Sometimes they say that such authority is not easily applied at the Federal level, or worse yet, that it does not even work in the States. The latter contention is simply flat-out wrong.

The line-item veto does work effectively at the State level. We heard testimony to that effect in the Judiciary Committee, where we learned of countless instances in which governors have used the power to eliminate wasteful spending from appropriations bills. It is one reason why no State has a fiscal crisis on the order of compare to our Federal deficit.

I fully understand the sincerity of opponents of this measure when they voice fears that the line-item veto would give to much power to the President. The allegation has been made that the President could use this power to punish individual legislators, indeed to carry out a personal vendetta against a particular Congressman or Senator. I simply believe that due reflection on this matter will show that there is little to fear from such a situation occurring. First of all, these vetoes will not be made in secret. The press will eagerly report on the items rescinded, and they will be evaluated in their own right, quite apart from any personal issues surrounding them. Regardless of the President's personal feelings about any legislator, the final test of the issue will be whether or not the spending is appropriate. Both the President and the Congress will have to make the appropriate case as to whether or not the spending should occur.

I was extremely pleased when Bill Clinton, as a candidate for the Presidency, indicated his support for a line-item veto. We on our side of the aisle, have delivered such an option to him. It is a good time to do it—with a Republican Congress and Democratic President. It is a clear indication that this should not be a partisan issue. It should be an issue around which fiscally responsible legislators on both sides can rally.

Many of my colleagues are already very familiar with a process that I have seen too often in my 16 years of Senate service. We send a popular bill down to the other end of Pennsylvania Avenue only after we have loaded it up with a pile of pet pork projects, knowing full well that the President has to swallow everything in order to get the provisions that are so desired by him. There might be clearly wasteful spending in that package, but the President must nonetheless feel compelled to sign the bill simply because it is the only way to preserve "essential" spending or other legislative language.

This problem is compounded when the President is sent the appropriations bills at the 11th hour of the congressional session. The President must sign those, or else risk a temporary shutdown of vial Government functions.

The veto in its current form is a terribly crude blunt instrument, and it does not enable the President to deal effectively with these situations. Passage of the line-item veto will finely make it a more precise and agile tool, one which can be surgically wielded effectively on behalf of the U.S. taxpayer.•

CUBA: TIME TO CHANGE DIRECTION

• Mr. SIMON. Mr. President, my colleagues in the Senate know that I think that the policy of the United States toward Cuba does not make any sense at all.

I have introduced a bill which would permit Americans to travel to Cuba. To deny travel to any place, other than for security reasons, is an infringement of basic free speech.

We have to be able to learn as much as we can everywhere. To restrict travel is to restrict the thought and learning process.

The New York Times recently had an editorial titled "Cuba: Time to Change Direction."

It points out the ridiculousness of our present Cuban policy.

I ask that the New York Times editorial be printed in the RECORD.

The editorial follows:

[From the New York Times, Mar. 19, 1995]

CUBA: TIME TO CHANGE DIRECTION

The sight of Fidel Castro in a business suit being escorted about Paris this week as an honored guest deserves some consideration in Washington. With the Soviet Union gone and the cold war over, the only threat that the Cuban Communist poses to the United States lies in the imagination of ideological warriors like Senator Jesse Helms. While the time has not yet come to welcome Mr. Castro to Washington, a re-examination of Cuba policy is long overdue. The embargo of Cuba, begun when John Kennedy occupied the White House and Nikita Khrushchev was Soviet leader, has outlived its usefulness.

Conservatives still cling to the notion that isolating Cuba and creating misery for its people will eventually cause an uprising and sweep Mr. Castro from power. Now that he is without Soviet support and his economy is in tatters, they reason, sanctions should be tightened.

This scenario is unwise and inhumane. Cuba will survive because other nations are investing there and are not participating in the embargo. Last year when a resolution against the embargo came up at the U.N., it passed by 101 votes to 2. The kind of outright rebellion envisioned by Senator Helms and some Cuban-Americans, if it did occur, would bring bloodshed and more misery for many Cubans. At a time when Washington is trying hard to encourage peaceful transitions elsewhere in the region and world, it makes little sense to encourage bloodshed in Cuba.

An increasing number of younger, more moderate Cuban-Americans are fed up with the revenge fantasies of their elders, and would like to see more dialogue and commerce with Mr. Castro's regime. They feel that his repressive policies could not continue for long if the barriers were lifted and ordinary Cubans could have a taste of material success and a whiff of personal freedom from the north. Washington's anachronistic policy may even help Mr. Castro, by giving him a convenient scapegoat for all his failure at home.

Without the embargo, the excuses would be gone. Open communication with the United States, freedom for Cuban-Americans to invest in businesses back home, and access to North American goods could be first steps. More favorable trade conditions could be held out as incentives to further reforms. Mr. Castro's Paris visit illustrated the power of the friendly gesture. After his warm reception by President Mitterrand, Mr. Castro agreed to allow a French human rights group to visit.

There should be gradations in American policy toward repressive governments. When American national security is potentially threatened, as with Iran and its efforts to develop nuclear weapons, Washington is justified in banning commerce. In cases like China and Cuba, where internal policies are anathema to Americans but American security is not at risk, commerce can be encouraged but trade privileges should be withheld.

Scuttling the embargo would take some political courage. All the White House had to do last week to inspire Mr. Helms's wrath was to hint that it might consider lifting some additional sanctions imposed last year during the immigration crisis. But the political clout of the Cuban exile community has diminished in recent years as more Cuban-Americans have abandoned the traditional confrontational stance.

Long gone are the days when Soviet troops and bases in Cuba represented a real threat to the United States and Mr. Castro was exporting arms and revolution in the hemisphere. Cuba, absent the ghosts of the cold war, is an impoverished neighbor of the United States led by a dictator overtaken by history. American policy should reflect that reality rather than a world that no longer exists.•

NICKLES-REID SUBSTITUTE TO S. 219

• Mr. NICKLES. Mr. President, upon the consideration of S. 219, the Regulatory Transition Act, I will offer along with my colleagues, Senator HARRY REID, Senator KIT BOND, and Senator KAY BAILEY HUTCHISON, an amendment which provides for a 45-day congressional review of Federal regulations. During that time, Congress will be authorized to review and, potentially, reject regulations before they become final. This alternative provides an opportunity to move forward on the critical issue of regulatory reform in a bipartisan manner.

I ask that following my statement the text of the amendment be printed in the RECORD.

The proposed amendment follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Transition Act of 1995".

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) the proposed effective date of the rule; and

(iv) a complete copy of the cost-benefit analysis of the rule, if any.

(B) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 4 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 4 is enacted).

(3) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 4.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this Act may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 4 or the effect of a joint resolution of disapproval under this section. —

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this Act, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 4 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 4.—

(A) In applying section 4 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 4 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 4.—In applying section 4 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 4.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 4 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 4, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term "joint resolution" means only a joint resolution introduced after the date on which the report referred to in section 3(a) is received by Congress the matter after the resolving clause of which is as follows: "That Congress disapproves the rule submitted by the ___ relating to ___, and such rule shall have no force or effect." (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term "submission or publication date" means the later of the date on which—

(A) the Congress receives the report submitted under section 3(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged by the Majority Leader of the Senate or the Majority Leader of the House of Representatives, as the case may be, from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 5. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any significant rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 4, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 3(a).

(b) DEADLINE DEFINED.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term "Federal agency" means any "agency" as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term "significant rule" means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(C) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(4) FINAL RULE.—The term "final rule" means any final rule or interim final rule. As used in this paragraph, "rule" has the meaning given such term by section 551 of title 5, United States Code.

SEC. 7. CIVIL ACTION.

An Executive order issued by the President under section 3(c), and any determination under section 3(a)(2), shall not be subject to judicial review by a court of the United States.

SEC. 8. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act and shall apply to any significant rule that takes effect as a final rule on or after such effective date.•

LINE-ITEM VETO

• Mr. ROBB. Mr. President, I take this opportunity to speak briefly about yesterday's approval by the Senate of line-item veto legislation, which I supported. By giving the President and the Congress separate enrollment of appropriated items, new tax expenditures and new entitlements, we are better able to maximize our limited resources, make the wisest investments in our people and our Nation, and move more responsibly toward a balanced Federal budget.

Will a line-item veto solve all our fiscal problems? No, of course not. But I reject the notion that we should not use all available means to force the President and the Congress to prioritize Federal spending. Our inability, or unwillingness, to make these difficult choices has led to a nearly $5 trillion national debt.

Was the measure perfect? No, and I understand the legitimate concerns many Members of this body had about a line-item veto. I think most would agree, however, that changes need to be made in our budget process. Our $5 trillion debt is a testament to that fact. The differences lie in identifying the most desirable means to achieve responsible reform.

As I see it, the current problem lies in the fact that the Congress can ignore the rescissions proposed by the President. While the President can veto an entire appropriations bill, doing so forces the President to disapprove items which he supports as well. Thus, unless appropriations bills contain a particularly egregious item or items, Presidents now generally sign them, thereby permitting spending he considers unnecessary to continue in order to avoid striking down other items which he does approve.

The separate enrollment of each item will allow the President to reach only those items he disapproves, and Congress will have to accept those rescissions unless they are reinstated by a two-thirds vote in both the House of Representatives and the Senate.

Does this cede power to the President? Certainly. But, I am willing to give the Chief Executive a strong check on spending.

I am willing to give our President the tools to make some tough fiscal decisions because a chief executive has, in my judgment, a singular ability to envision national priorities and reconcile intense competition between disparate interests. It is infinitely easier for one individual to prioritize spending than it is for 535 individuals with varied and specific interests.

Not only will the measure passed last night allow the President to strike items in appropriations bills, but it will also allow the President to strike authorizations of new tax expenditures and new direct spending. These other types of spending contribute to our deficit even more than appropriated items, and should be included. To responsibly control spending, we have to put all options on the table.

I would, however, have preferred that the language covering tax expenditures been made more clear in the legislation. While I believe that the language included meets the same objectives as the Bradley amendment, of which I was a cosponsor, I believe we should have made it clear and free of all ambiguity that tax breaks are on the table. Nonetheless, I believe the language of similarly situated taxpayers will be interpreted broadly which will subject a wide range of tax breaks to a Presidential veto.

Mr. President, this body acted responsibly yesterday in approving line-item veto legislation. As a former Governor who had line-item veto authority, I understand its importance in imposing a measure of fiscal discipline on the budget process. We urgently need this discipline at the Federal level.•

THE DOLLAR'S DECLINE AS DOUBLE-EDGED SWORD

• Mr. SIMON. Mr. President, we are receiving regular reminders obliquely of the need for a balanced budget amendment.

In Sunday's Washington Post Jane Bryant Quinn's column ends with the words: "Big cuts in the Federal deficit would improve confidence abroad. But Congress and the voters aren't there yet."

And in a column by Stan Hinden there is reference to Donald P. Gould, a California money manager of a mutual fund.

In the Hinden column, among other things, he says: "Gould noted that the global strength of the dollar has been slipping for 25 years—except for an upward blip in the early 1980s."

It is not sheer coincidence that for 26 years in a row we have been operating with a budget deficit.

Hinden also notes in his column: "Since 1970, the dollar has lost more than 60 percent of its value in relation to the German mark and has dropped almost 75 percent in relation to the Japanese yen. In 1970, it took 3.65 German marks to buy one U.S. dollar. As of last week, you could buy a dollar with only 1.40 marks."

I served in Germany in the Army after World War II, and I remember it took a little more than 4 marks to buy a dollar.

The Washington Post writer also notes: "Gould, who is president and founder of the Franklin Templeton Global Trust—which used to be called the Huntington Funds—is not optimistic about the dollar's future. He sees little chance that the United States will be able to solve the fiscal and economic problems that have helped the dollar depreciate."

We are getting that message from people all over the world.

I cannot understand why we do not listen

Finally, Donald Gould is quoted as saying: "For the first time I am aware of, during a global flight to quality, that quality has been defined as marks and yen and not dollars."

I hope we start paying attention to this kind of information.•

ORDERS FOR MONDAY, MARCH 27, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10:30 a.m., on Monday, March 27, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for routine morning business until 11:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Mr. DOMENICI for 10 minutes, Mr. THOMAS for 10 minutes, and Mr. GRASSLEY for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, at 11:30 a.m. Monday, under a previous order, there will be 6 hours of debate on S. 219, the moratorium bill.

For the information of all Senators, no votes will occur during Monday's session of the Senate.

JIM EXON

Mr. DOLE. Mr. President, the States of Kansas and Nebraska share a common border. And the citizens of those two States also share common characteristics of hard work, honesty, and personal responsibility.

For the past 16 years, those characteristics could be seen here in the Senate, in the work of our colleague, JIM EXON.

As my colleagues know, Senator EXON announced on Friday that he will retire from the Senate in 1996, and I rise today to pay tribute to his distinguished public service career.

His service to Nebraska and to America began in 1942, when he enlisted in the U.S. Army, and served for 2 years in the Pacific theater.

After returning to Nebraska, Senator Exon would eventually serve for nearly 18 years as president of his own office equipment company.

In 1970, he brought his business experience to the Governor's office, where he served for 8 years, and earned a reputation as a guardian of tax dollars.

Since first coming to the Senate in 1979, Senator EXON has made a difference on a wide number of issues, including agriculture, trade, transportation, the budget, and national security.

I know I speak for all Members of the Senate and saying that we look forward to working with Senator EXON for the remainder of this Congress, and in wishing he and Pat many more years of health and happiness.

ADJOURNMENT UNTIL 10:30 A.M., MONDAY, MARCH 27, 1995

Mr. DOLE. Mr. President, if there be no further business to come before the Senate I move we stand in adjournment under the previous order.

The motion was agreed to, and the Senate, at 3:30 p.m., adjourned until Monday, March 27, 1995, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24, 1995:

DEPARTMENT OF STATE

RAY L. CALDWELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

PHILIP C. WILCOX, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR COUNTER TERRORISM.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOHN CHRYSTAL, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997.

GEORGE J. KOURPIAS, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997.

GLORIA ROSE OTT, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996.

HARVEY SIGELBAUM, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

KAREN NELSON MOORE, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE SIXTH CIRCUIT.

JANET BOND ARTERTON, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

WILLIS B. HUNT, JR., OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

CHARLES B. KORNMANN, OF SOUTH DAKOTA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA.

DEPARTMENT OF JUSTICE

J. DON FOSTER, OF ALABAMA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS.

MARTIN JAMES BURKE, OF NEW YORK, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING DANIEL V. RILEY, JR., AND ENDING HEATHER L. MORRISON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 1995.

COAST GUARD NOMINATIONS BEGINNING RALPH R. HOGAN, AND ENDING JOHN W. KOLSTAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 1995.

COAST GUARD NOMINATIONS BEGINNING GENELLE T. VACHON, AND ENDING GREGORY A. HOWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1995.

COAST GUARD NOMINATIONS BEGINNING JAMES M. BEGIS, AND ENDING JON W. MINOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 1995.

COAST GUARD NOMINATION OF LOUISE A. STEWART, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1995.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING CHRISTOPHER E. GOLDTHWAIT, AND ENDING WILLIAM L. BRANT II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN THOMAS BURNS, AND ENDING VAN S. WUNDER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING LUIS E. ARREAGA RODAS, AND ENDING JEFFREY A. WUCHENICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1995.

EXTENSIONS OF REMARKS

REMEMBER OUR "COLD WARRIORS"

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. DORNAN. Mr. Speaker, 10 years ago today, in Ludwigslust, East Germany, United States Army Maj. Arthur D. Nicholson, Jr., 38, became a casualty of the cold war. Major Nicholson was shot, by a Soviet soldier, without warning while on a routine patrol in a clearly marked United States Army vehicle.

Since his death, the world has witnessed many changes: The Soviet Union collapsed; the Berlin Wall crumbled; and the United States, and its commitment to freedom and democracy, emerged victorious in the cold war. Today, thanks in large part to the dedication and commitment of the brave men and women of our armed services, America is less threatened and our children less fearful of the once ominous nuclear threat.

As we look back on our Nation's cold war years, we must never forget the cost of our Nation's current-day freedom and security, and the men and women like Major Nicholson who made the ultimate sacrifice on behalf of their Nation.

On this 10th anniversary of Mayor Nicholson's tragic death, let us remember that he was more than just a soldier—he was a husband, a father, a brother, and a son. So on behalf of my colleagues in the U.S. House of Representatives, I extend our continuing sympathy and gratitude to Nick's family, especially his wife, Karen, and his daughter, Jenny. Today, we pledge to them, in the words of Abraham Lincoln, "that from [our Nation's] honored dead we take increased devotion to that cause for which they gave the last full measure of devotion."

We will never forget. And we will continue to fight for freedom in tribute to Nick and our Nation's other fallen heroes.

FALSE PRAISE FOR ANOTHER AUTHORITARIAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. SOLOMON. Mr. Speaker, I would like to bring to your attention an article that recently appeared in the Albany Times Union regarding France's warm welcome for Fidel Castro. The Mitterrands, who decry our cruel and barbarous treatment of Fidel the liberator, would do well to read up on their history before embracing another petty dictator. How quickly we forget that the socialist's dream of equality for all is nothing more than the tyranny of few in the name of many.

FIDEL CASTRO, FRENCH HERO

The Issue: He is hailed by the Mitterrands, who denounce the U.S. embargo of the island.

Our Opinion: They show an appalling ignorance of history.

Among many politicians and intellectuals in France there has been a tradition of viewing communist systems in an exceedingly favorable manner—no matter how brutally those regimes were in fact behaving. Mainstream French intellectual enthusiasms might shift from Moscow to Beijing or Havana, depending on the fashion, but they always had a red tint.

Against this history the Mitterrands warm embrace of Fidel Castro this week begins to make a little sense. For the Socialist French president and his wife, Fidel and the Cuban revolution never represented a threat to civilization as much as its promise.

Mrs. Mitterrand especially was effusive in her praise of Fidel and his work, singling out as his greatest achievement the "equality" he had "brought to the people." It did not seem to bother the president's wife that he had realized that goal at the considerable cost of liberty and fraternity.

We concede that equality has to a considerable degree been achieved in Cuba. Save for a small ruling class, the people are nearly equal in their poverty, equal in their ignorance (notwithstanding near universal "literacy"), equal in their servitude, and equal in their fear.

Furthermore, we cannot but agree with Mrs. Mitterrand when she says that the Cuban government has accomplished "the summit of what socialism could do." That, of course, is the problem. Communism promises paradise but is only able to deliver the gulag.

The French thinker, the late Raymond Aron, hit the mark when he called Marxism the opiate of the intellectuals. It is clearly a heady drug for many of them, an hallucinogen that induces cerebral giddiness and grossly distorts the senses. A lifelong imbiber like Mrs. Mitterrand can look across the Atlantic and see the American embargo as "cruel" and Fidel Castro as "nothing like a dictator."

Thankfully, the communist menace is almost wholly a thing of the past. Once, apologists of Marxist dictators posed a real security threat. Today they might give start to a good belly laugh.

YOUTH ART MONTH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, we will soon celebrate Youth Art Month, an opportunity for our Nation to recognize the special role art can play in enriching the lives of children.

Artistic expression is one of the things which distinguishes us as human beings. By offering children the opportunity to express feelings and thoughts through creative expression, we offer them the opportunity to reach their full potential. While all of us may not have the talent of a DaVinci or a VanGogh, we have potential to express and enrich ourselves through art. Children in particular can learn much from education in the arts. They can learn about themselves and about the world around them.

What President Kennedy said of poetry is true of the value of all forms of artistic expression, "poetry [is] the means of saving power from itself. When power leads man toward arrogance, poetry reminds him of his limitations. When power narrows the areas of a man's concern, poetry reminds him of the richness and diversity of his existence. When power corrupts, poetry cleanses. For art establishes the basic human truth which must serve as the touchstone of our judgment."

For these reasons, I commend Youth Art Month for the way it is enriching the lives of children today across America. I hope all Americans will take a little extra time next month to appreciate the contribution art makes to our national life.

A TRIPLE-A DIAMOND IN THE ROUGH

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. RICHARDSON. Mr. Speaker, as the chaos of major league baseball's labor dispute continues to unfold, the spirit of baseball is alive and well in minor league baseball and the 1994 Pacific Coast league champion Albuquerque Dukes are ready for the new season.

Regardless of the outcome of the major league strike, the Albuquerque Dukes will continue to set the pace for well-managed professional baseball businesses in the country. The Dukes boast 8 straight years of 300,000-plus in attendance, a record average gate for 1994, a waiting list for advertisers, and competitive teams every season.

The Dukes' general manager and president Pat McKernan personifies the enthusiasm and devotion that prevails in the hearts of all baseball fans. By combining old-fashioned business sense and community support, Pat McKernan provides one of the most affordable family entertainment offerings in New Mexico.

I recommend to all my colleagues the following article about Mr. McKernan and the Dukes which appeared in the Albuquerque Business Times on March 6, 1995. I believe all Members will be encouraged to see that baseball and business can coexist for the good of the community and the sport.

ALB.'S BOOMING BASEBALL BIZ

(By Michael G. Murphy)

ALBUQUERQUE.—Considered a gem—if not the gem—of Triple-A diamonds in the rough, the Albuquerque Dukes are buffing the bleachers, lifting new light towers, and making ready for '95.

Sometimes hidden by its on-field sports success, the local slice of America's pastime ranks year after year as one of the most prolific and well-managed professional baseball businesses in the United States.

This year—strike or settlement in the majors—stands to be yet another winning season in terms of gate, advertising, and general bang for entertainment buck.

The Dukes' boast eight straight years of 300,000 plus in attendance, a record average gate for '94, a waiting list for advertisers, not to mention competitive teams every season.

Business and the support of the community has been wonderful, said President and General Manager Pat McKernan.

Economic impact is not a useful phrase for him ("They make those numbers up, don't they?") but reluctantly, has led the charge. He has been flanked by Ron Nelson, president of the Uptown Association, and Cathy Leyendecker, board member of the Mark Twain Neighborhood Association.

Leyendecker has a different view for future projects, but sided with Salazar and Nelson in a uniform front he will point to the parent organization of the minors—the National Association of Professional Baseball Leagues (NAPBL)—which does dabble in financial figures.

According to a recent NAPBL model, an average Triple-A club generates about $13 million a year in everything from hotels, meals, travel, local goods and services, scouts, umpires, and salaries.

Now, that is a SWAG or Scientific Wild Ass Guess in NASA parlance, said Neil Thueson, an associate planner with the city of Albuquerque who also teaches a UNM market research class in sports administration.

"It had some validity because it is based on kind of a model, but it does not apply to any single city."

And that is one reason the city is embarking this year on its own SWAG that will measure the impact of the Dukes all by themselves, Theuson said.

There is one given: the Dukes provide one of the most affordable family entertainment offerings anywhere, and it doesn't happen accidentally.

"McKernan deliberately does keep the prices down so that it can appeal to the family. He really does understand what he is doing. He understands the difference between the types of pricing policies."

Thueson said he has tried over the years to explain McKernan's expertise and success to UNM athletics, and how it could benefit the university.

"We talked to them about overall profitability and tried to get them to understand . . . but they never would."

McKernan, the barrel-chested and bearded business and baseball guru prefers interesting conversation, which doesn't include talk of pricing policies, corporate management, or even how the Dukes will do this year ("I don't know," he says).

McKernan likes to ask your age, get an answer, then add, "Oh, you just look old." He also enjoys inquiring, "Your second marriage?" and how you managed to screw up such a promising job elsewhere to end up here.

But the Dukes' resident optimist, wearing a "what, me worry?" expression, did talk about how just about anything that could happen with the strike should benefit the organization, and all minor league ball for that matter.

If the strike continues without replacements, it's the only game in town.

If the strike continues with replacements, it's arguably going to be a better brand of the only game in town.

And if the strike is settled, any residual fan resentment at the major league level—live, on TV or radio—can only boost Dukes' attendance, and the listening and occasional viewing audience.

It is a win-win-win situation, McKernan said.

There is an "understanding" among baseball owners, major league players, and the minor league players to make sure minor leaguers don't endanger their future careers by getting in the middle of the strike, McKernan said.

Management has no intention of "twisting any arms" to try to get Triple A players to become replacements, he said.

"They understand the dilemma. And we understand the dilemma far more than the players' association."

If the strike continues, they will report to the Dukes, probably right before the first game, April 6.

There is one possible negative, and that has to do with the chance that Congress, in screwing around with baseball's federal antitrust exemption, will accidentally repeal a portion that allows major league financial support for the minors.

Still, McKernan, whose photo should be right next to laid-back in your Webster's, has not been losing any sleep. As he said, it is not something he can do much about, so he is not going to worry about it.

His cluttered office includes the Optimists Creed on his door, a Far Side calendar on his desk, a fish tank, and a photocopied motto that the "floggings will continue until morale improves."

The Dukes enjoy phenomenal community support. Last year, when they announced a ticket price increase of $1, local media published the story with variations on the theme of "it's about time" and still one of the best entertainment values in town, a bemused McKernan said.

It was the first price hike in eight years.

In about four weeks, the minor league boys of summer will strut their stuff in what promises to be an excellent and perhaps record-setting year.

Oh yeah, and the bottom line looks good again for the successful business that is the Dukes.

"We do all right . . . we survive in spite of ourselves," McKernan said.

COMMENDING THE HEROIC ACTIONS OF SECRET SERVICE AGENTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. HOYER. Mr. Speaker, as ranking member of the House Treasury, Postal Service and General Government Appropriations Subcommittee, I rise today to commend nine members of the U.S. Secret Service for their heroic efforts in helping rescue almost 2 dozen individuals from a burning building in Washington, DC.

Many Americans view the role of agents of the U.S. Secret Service as that of protecting the President of the United States and the members of his Cabinet—which it is. However, on March 14, officers Thomas F. Owens, Jr., Gregory S. Cleckner, Paolo Palumbo, Phillip M. Bernal, George L. Sax, Kenneth J. Bouley, Kenneth B. Parsons, and Sergeants William S. Rick and Charles F. Kuzmovich of the Uniformed Division of the Secret Service, went beyond their assigned duties and helped to evacuate 21 residents from an engulfed building on 14th Street NW in Washington, DC.

The Secret Service officers on the scene, even prior to the arrival of the fire department, not only went door to door and helped residents leave the structure, but they also assisted a number of individuals who were trapped in windows and were afraid to leave the structure.

Mr. Speaker, the quick-thinking efforts by these nine Secret Service agents undoubtedly helped to save the lives of a number of individuals and I hope my colleagues join me in saluting their heroic efforts.

CONGRATULATIONS TO JUDGE NICHOLAS TSOUCALAS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. MANTON. Mr. Speaker, I rise today to join the Queens Borough Lodge No. 878 in honoring Judge Nicholas Tsoucalas, Judge of the United States Court of International Trade, for his service to his community, his County, and the Second Department.

A native of New York City, Judge Tsoucalas, began his education in the public elementary and secondary schools of New York City. He continued his higher education of Kent State University where he received a B.S. degree in business administration in 1949. In 1951, he received an LL.B. from New York Law School where he also took graduate courses in immigrant law and federal practice and procedure.

Mr. Speaker, Judge Tsoucalas also has a distinguished military career. In 1944, Judge Tsoucalas entered the Navy where he served our country until 1946 as a radio operator on board APD and transport vessels in the European Theater of War as well as the Caribbean and North Atlantic. When the Korean conflict erupted 1951, he reentered the Navy and served on aircraft carrier, U.S.S. *Wasp,* until December 1952.

Mr. Speaker, following his service in the military, Judge Tsoucalas was admitted to the New York bar in April 1953. He specialized in immigration and admiralty law. Judge Tsoucalas has had a varied and distinguished legal career. Some of these positions include assistant U.S. attorney for Southern District of New York from 1955–59, appointed supervisor of the 1960 census for the 17th and 18th congressional districts in 1959, and finally, his appointment as Judge of the U.S. Court of International Trade by President Ronald Reagan on September 9, 1985.

In addition to his prestigious political and legal work, Judge Tsoucalas has been very active in his church and community. He is the former president of the board of directors of the Greek Orthodox Church of Evangelismos, and a member of the St. John's Theologos Society. Further, he was a member of the executive committee of the Republican Party of New York County. Judge Tsoucalas is married to Catherine Tsoucalas and has two lovely daughters, Stephanie (Mrs. Daniel Turriago) and Georgia (Mrs. Christopher Argyrople).

Mr. Speaker, I know my colleagues join me in commending Judge Nicholas Tsoucalas, for his outstanding legal career and his commitment and dedication to his community, church and family.

TRIBUTE TO DIALECTIC AND PHILANTHROPIC SOCIETIES OF THE UNIVERSITY OF NORTH CAROLINA

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. HEFNER. Mr. Speaker, I rise to note the 200th anniversary of the Dialectic and Philanthropic Societies of the University of North Carolina. These organizations, founded by the university's earliest students, were established to promote useful knowledge and the cultivation of lasting friendships. From their ranks have come such great Americans as President James K. Polk, Senator Samuel J. Ervin, Jr., novelist Thomas Wolfe and the distinguished former Representative from North Carolina, David Price.

It has been said that the history of the Dialectic and Philanthropic Societies is the history of the university. They are the oldest student organizations of the Nation's oldest public university. The societies claim the creation of the UNC's newspaper, yearbook and magazine, and giving the university its famous colors, blue and white.

The vision of these organizations can be seen most clearly in their first transaction; the purchase of books. These individual collections eventually resulted in the endowment of the university's library. The societies also began collecting portraits of their distinguished alumni and those representing their ideals. That collection is now the largest privately owned portrait collection in North Carolina.

It is entirely appropriate, Mr. Speaker, to pay tribute to these two societies whose innumerable contributions to the development of the University of North Carolina, cultivation of state and national leaders and steadfast commitment to noble objectives have guaranteed their honored place in North Carolina history.

THE 100TH ANNIVERSARY OF THE PEACE LUTHERAN CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the Peace Lutheran Church in Steeleville, IL. On August 9, 1996, the church will celebrate its 100th anniversary.

I would like to congratulate the Peace Lutheran Church and its pastor, Rev. Dr. James R. Little, on this momentous occasion. The community of Steeleville has greatly benefited from their inspirational efforts.

The church has been diligent in its commitment to the work of the Lord, and the good news gospel. Peace Lutheran Church works for the good of the community by servicing its congregation as a member of the southern conference affiliated with the central Illinois senate of the Evangelical Lutheran Church in America.

I ask my colleagues to join me as I acknowledge Peace Lutheran Church on their 100th anniversary and for their selfless dedication to their community.

SALUTE TO RON MEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a selfless public servant who—in addition to a long list of other accomplishments and commitments—has served for the past year as president of the Simi Valley Chamber of Commerce.

Ron Meek moved to Simi Valley 15 years ago and in that relatively brief period has established a record of community service to which lifelong residents should aspire.

The father of two young sons, Ron has always placed a major emphasis on children and has been a strong local advocate of the Boy Scouts of America, the Simi Valley Boys and Girls Club and has also served as a little league coach. His wife Jan is president of the Simi Valley Unified School District PTA and, together, they cook meals for the homeless each month.

As managing general partner of the Oakridge Athletic Club, Ron is also a local businessman who has successfully merged his professional life and his desire to make his city a better place to live.

He has donated health club equipment to the local schools, has supported the Simi Valley Education Foundation and, in his own right, has been a loyal chamber member.

As chamber president, Ron has compiled a long list of accomplishments that will endure far beyond his 1-year term.

He formulated a business retention and development division to ensure that the chamber was doing all it could to attract new businesses to Simi Valley and to retain existing ones. He introduced several new initiatives aimed at encouraging individual members to be more creative and to allow the chamber to capitalize on that creativity. He initiated a program to honor long-term members and—through his leadership—made the chamber more likely to attract new members.

Mr. Speaker, Ron Meek has established himself as someone who does more than pay lip service to his desire to help his friends and neighbors. In both his personal and professional life, Ron has proven that he is willing to do the hard, often thankless, work necessary to get results and to improve the quality of life for those around him.

I would like to thank him for his efforts on behalf of his community, congratulate him on a successful term as chamber president and wish him all the best in the future.

SSI REFORM

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. ALLARD. Mr. Speaker, early this year, I introduced H.R. 791, legislation to eliminate supplemental security income [SSI] disability payments for drug addicts and alcoholics. This legislation currently has 48 cosponsors. I am pleased to note that this proposal has been incorporated into the Personal Responsibility Act—the Republican welfare reform plan.

Over the years many of my constituents have complained about the fact that drug addiction and alcoholism are considered disabilities under Federal law. This classification entitles these individuals to hundreds of dollars of disability payments each month. Until last year, they were even entitled to large lump sum payments. In essence, hard working taxpayers are required to subsidize addicts. We all have compassion for people with a substance abuse problem, but giving cash benefits to addicts is not the way to deal with the problem. This approach does far more harm than good, often providing the very resources for addicts to continue their abuse and avoid treatment.

A General Accounting Office study found that between 1988 and 1994 the number of drug addicts and alcoholics receiving SSI disability payments rose almost 700 percent from 12,694 to 100,771. GAO expects a continued increase to over 200,000 by 1997 if nothing is done. This would be grossly unfair for the hard working Americans who pay the bills.

Under the Personal Responsibility Act, drug addicts and alcoholics lose SSI payments and Medicaid. The total savings to taxpayers is $1.7 billion over 5 years—$400 million of this is used to fund additional drug treatment and research. I am proud to support this reform. It is fair to taxpayers, and requires substance abusers to face up to their problems and get real help.

HONORING ANDREW BLACKBURN

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. ROTH. Mr. Speaker, today I rise to honor a soldier, patriot, philanthropist, and loving family man.

Andrew Blackburn was a good friend of mine, and a good friend to many in the community of Appleton, WI. His courageous spirit and generosity was known throughout the Fox Valley where he had a reputation as someone who could be counted on to get things done, whether it was as a designer at a paper company or as a volunteer for the Salvation Army.

With his passing, we mourn the loss of a man who made a difference wherever he went. He dedicated so much time and energy to his fellow man and was fully committed as a husband and father to his wonderful family.

Accomplishment came easy to Andrew Blackburn. He was blessed with boundless energy and possessed a limitless ability for helping others. Andy was known for his singular wit and his capacity for joy and laughter, which stemmed from a satisfying life of hard work and fulfilling activities.

Andy was born in 1913, far from the northwoods of Wisconsin, in Brooklyn, NY. He graduated from Polytech High School and received a degree from Brooklyn and Pratt Institute where he majored in chemistry.

While Andy will always be remembered as an active volunteer in his community, he also built an impressive career. Upon graduation, he worked for Nyanza Color and Chemical Co. as a colorist and managed the dye house for the Allen A. Co. in Bennington, VT. He worked for Western Felt Works in Chicago before moving to Appleton in 1955. In Appleton, Andy set up the quality control lab at Appleton Mills where he received a patent before his retirement as chief designer of papermaker felts.

Andy understood the value of sacrifice and commitment to others long before moving to Appleton. During World War II, Andy was in the Chemical Warfare Service stationed in England. He also served during the Battle of the Bulge and was commander of a prisoner of war camp in Liege, Belgium. After 24 years of service, Andy retired as a lieutenant colonel.

Some of Andy's greatest contributions, however, occurred during peacetime. He served as head usher at the First United Methodist Church for 17 years and was a member of the men's bowling league and Methodist Men. His Masonic affiliations also included 50 years as a member of Mount Anthony Lodge in Bennington, VT. Andy's Wisconsin affiliations included membership in Lodge 349 of Appleton; the Tripoli Shrine of Milwaukee and the Scottish Rite as a 32d degree Mason in Green Bay.

Andy's service to his community was as varied as it was enthusiastic. Among his civic duties were service on the youth board of the YMCA and as an executive for the United Way. He was also president of the Morgan School PTA and served on the citywide PTA council. The Kiwanis Club of Appleton also claimed his service for 35 years. He was lieutenant governor of his Kiwanis division from which he earned a Meritorious Service award in February 1995. Andy's service to the Salvation Army included 11 years on the board of directors. After bypass surgery in 1983, he became an ardent supporter of the Appleton Heart Club. He was also a member of the Bell Friends of Wisconsin and the American Bell Association. Andy's work in the Republican Party earned him the 1994 Outagamie County Republican of the Year Award, an honor shared with his wife, Lois.

Our prayers today are with Lois; his son and daughter-in-law Richard and Jill Blackburn; granddaughter Jennifer and daughter Christine Blackburn.

We will remember Andrew Blackburn for his generous and industrious spirit. America needs more people like Andy, who found it so easy to put the needs of others before his own.

In his passing, Andrew Blackburn leaves a legacy of accomplishment through giving, working and striving to help other people.

I would ask the members of this body and the American people to look at the life of Andrew Blackburn and realize the extent to which one person can make a difference in their surroundings. If we can work today with the same energy and commitment that Andrew Blackburn did, we can truly build a brighter future for our communities, the American people and those who will come after us.

GOP WELFARE REFORM PLAN SPENDS MORE ON SCHOOL LUNCHES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Omaha World-Herald on March 12, 1995.

Rush Limbaugh urged his listeners to complain to news organizations that have carried misstatements about a House GOP plan to convert the school lunch program into block grants. Many listeners, it is reported, followed his advice.

Their concerns are grounded in fact. As recent World-Herald editorials have noted, a good many people, including some writers and commentators, accept the falsehood that food would be taken away from poor kids if the Republicans had their way. In reality, the GOP plan would spend more, not less, on school lunches although spending would grow at a slower rate in the next few years.

The charge that poor kids would go hungry is only one of the ridiculous misrepresentations that have circulated about the proposal. Another misrepresentation has been addressed by Robert W. Goldberg, a researcher at Brandeis University.

School lunches aren't just for poor kids, he noted. School lunches have become a middle-class entitlement with most of the growth in recent years coming in wealthier school districts. The stupidy of subsidizing meals for non-needy kids was noted by President Jimmy Carter in 1980. But his attempt to preserve the benefits for low-income children while making others pay more of their own way failed to attract congressional support.

Little by little, the truth comes out. It should help the public evaluate the plan fairly to know that a previous liberal Democrat in the White House had concerns about school lunches that are similar to those now being voiced by House Republicans.

Jimmy Carter was right. Providing nutrition for needy children is one thing. But a government that is spending itself into bankruptcy can't afford to feed the rich and near-rich.

TRIBUTE TO JUDGE WILLIAM E. STECKLER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. JACOBS. Mr. Speaker, at the time of his death, Federal District Judge William E. Steckler was one of only six living Federal jurists appointed by President Harry Truman. As the following editorial from the Indianapolis News says, he served and endured a very long period on the Federal bench.

He will be missed.

[From the Indianapolis News, Mar. 10, 1995]

WILLIAM E. STECKLER

Many years ago a woman brought her young child along when she had some business in the courtroom of Federal Judge William E. Steckler.

After walking up the marble spiral staircase in the Federal Courthouse Building, they passed through an elaborate iron gate and then entered the towering courtroom with its beautiful stained glass windows, sculpted gold-leaf ceiling, velvet curtains, walnut pews and fresco wall murals. Upon entering this architectural splendor, the youngster tugged at his mother's hand, pulled her down to him and whispered nervously in her ear, "Are we here to see God?"

Steckler, who presided in that elaborate courtroom since being named a federal judge for the Southern District of Indiana in 1950, would chuckle when he told that story.

He appreciated the inherent humor of the tale and also was aware that he was very much a fallible human being striving to serve the ends of justice.

This week Steckler passed away.

At the time of his appointment nearly 45 years ago, Steckler was only the second person to serve as a federal judge in Indiana's Southern District.

Initially, he traveled throughout the southern two-thirds of Indiana by himself, trying cases in the far reaches of the district—New Albany, Evansville and Terre Haute.

During his nearly half century on the bench, Steckler tried cases involving the constitutionality of Unigov, legislative reapportionment, convicted Speedway bomber Brett Kimberlin, the legislative influence peddling case of former Senate President Pro Tem Martin K. Edwards, a patent case involving procaine penicillin, a case involving the Indianapolis Public Schools that set a legal precedent involving student newspapers and an antitrust case involving motion picture producers.

Steckler has been credited with instituting the pretrial conference as required practice in federal court, originating the practice of submitting written instructions to juries and developing a checklist of procedures for the trial of protracted cases, which became a national model.

He also taught courses to federal judges throughout the nation on judicial etiquette and decorum.

In 1982, Steckler stepped down as chief judge of this district, at the time having served the longest tenure of any active chief judge in the nation.

He remained on the bench initially as a federal judge and then as a judge of senior status.

Over the years, many lawyers and litigants undoubtedly took issue with Steckler's rulings. But most felt that he had granted them their day in court, had taken great pains to ensure that the judicial process worked and had agonized long and hard over the decision he had rendered.

Steckler had a full realization of the role of courts in society.

It is a legacy that he nourished and passed on to others in this district.

He will be greatly missed and long remembered.

CLINTON'S FOREIGN POLICY: SENDING THE WRONG MESSAGES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. SOLOMON. Mr. Speaker, I urge you to take note of an article which appeared in the Albany Times Union on March 23. It is not hard to understand why Russia is not taking our concerns seriously about Chechnya and nuclear proliferation when the Clinton administration publicly threatens and criticizes Russia for its actions, yet continues to act as if it is business as usual by celebrating the 50th anniversary of V–E Day in Moscow. Based on these empty threats it is no surprise that the Russians intensified their military operations in Chechnya following the President's decision to travel to Russia.

The article follows:

> AN UNTIMELY TRIP TO MOSCOW
>
> The issue: President Clinton intends to visit Boris Yeltsin despite criticism.
>
> Our opinion: He cannot escape the need to face up to Chechnya.
>
> The Clinton administration continues to bet its chips on President Boris Yeltsin's regime in Russia, despite cautions from many sides that doing so is backing a horse fading in mid-race.
>
> In agreeing to attend the Moscow celebrations on the 50th anniversary of the end of World War II in Europe, President Clinton overrode earlier objections, raised within the administration as well as by political opponents, to such a trip. The savage campaign by President Yeltsin to crush secessionists Chechnya was reason enough for the American president to abstain from a summit meeting.
>
> Furthermore, the incompetent performance of the Russian army forced Mr. Yeltsin to further distance himself from the modernizing forces in Russia, which oppose the Chechnya war, and become more beholden to nationalist and Communist elements, who are for it.
>
> The loser is the momentum to democratic refor. The United States' principal reason for strongly backing Mr. Yeltsin through several major crises was that he was the best instrument for developing democracy in Russia.
>
> To entice Mr. Clinton to come to Moscow, Mr. Yeltsin made a couple of gestures. He permitted international rights monitors into Chechnya, and he agreed to downplay the military aspects of the May 9 observance in Moscow.
>
> Furthermore, the Clinton administration did not wish to be indifferent to Moscow's argument that the Soviet people paid a fearful price—some 20 million dead—to help bring about the defeat of Nazi Germany.
>
> Those actions and arguments notwithstanding, Senate Republicans Jesse Helms and Mitch McConnell outspokenly oppose Mr. Clinton's journey to Moscow. They have a point.
>
> Specifically on Chechnya, the U.S. should have extracted more concessions from President Yeltsin, providing for ways to bring the civil war to an end. That would serve Boris Yeltsin most of all, and buttress those in Russia laboring for a more democratic society.
>
> Having decided to go, Mr. Clinton is obliged to try to accomplish face to face what lower level diplomacy could not.

IMPACT OF RESCISSIONS ON ELDERLY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, we have heard time and time again that the opposition is determined to provide less Government and lower taxes, but for who?

Well, now we have the answer. The cuts before us clearly show that the intention is to provide less help to those who most need it, and lower taxes for those who have the most.

For those who fear the onset of winter, and the long and cold nights that it brings, these cuts will force a choice between heating and eating. My State of Rhode Island was supposed to receive $8.8 million in energy assistance next winter. No more.

This bill turns its back on the 26,000 households, more than 59,000 individuals in Rhode Island, who rely on the little bit of help they get for energy assistance.

When the average heating bill in Providence is $1,200 a winter, a grant of $414 can make a world of difference.

To quote a couple from my State, writing about the assistance they received:

> Thank you so very much from our hearts to yours. By your compassion we're touched. May God bless you * * * Not one day did we live cold * * *

Sixty percent of the households in Rhode Island who receive energy assistance are either elderly, on fixed incomes, or working poor. Most have household incomes between $6,000 and $8,000. A capital gains tax cut will provide little comfort to these people in the dead of winter next year.

This cut is indefensible, and I suspect that is why the majority would not even allow an amendment restoring this money to make it to the floor.

They will be able to avoid the pain of a vote today, but our seniors will be forced to feel the pain of their cuts tomorrow.

The cuts to housing again hit at those most in need. Forty percent of the housing cuts will strike senior citizens, threatening the very viability and quality of their housing by slashing operating subsidies and modernization funds—maintenance, necessary improvements, and security will be cut back.

In Pawtucket, RI, the cut in modernization funds could mean that a planned central security station will have to be eliminated. What protection will the seniors living in Burns Manor derive from the big business loopholes in the tax package?

Is this the right way to begin cutting the budget? I do not think so.

When it comes to cutting the budget, let us start with the programs that are the weakest and not the programs for the weakest.

CELEBRATING TUFTONIA'S WEEK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. RICHARDSON. Mr. Speaker, this spring marks the 11th consecutive year in which alumni from Tufts University will celebrate their special relationship with their alma mater by participating in Tuftonia's Week and Tuftonia's Day activities.

This holiday for the 85,000-plus alumni of Tufts derives its name from the title of a venerable Tufts football fight song written by E.W. Hayes who graduated from the university in 1916.

The theme of this year's celebration is Tuftserve which focuses on Tufts alumni who volunteer in their community. These alumni enhance the quality of life in their communities. They help make our shared community a better place for all to thrive in.

Tuftonia's Week is recognized wherever Tufts has a campus. In addition to a formal proclamation ceremony on campus hosted by the president of Tufts, local observances through the years have ranged from small gatherings in restaurants or clubs to champagne receptions in museums, art galleries, and private homes.

Tufts graduates are a proud people who enjoy gathering to think Tufts, thank Tufts, and toast Tufts. This year, alumni will be honoring fellow graduates who also serve in the name of Tufts.

As Tufts University alumni celebrate Tuftonia's Week this year, I urge my colleagues to join me in wishing the university and the alumni a successful celebration.

MARYLAND'S MED-EVAC PROGRAM CELEBRATES FIRST 25 YEARS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. HOYER. Mr. Speaker, 25 years ago this week, the Maryland State Police made its first medical evacuation flight, transporting a patient to the University of Maryland's hospital in Baltimore. I ask that my colleagues join me in congratulating the Maryland State Police and the Maryland Institute for Emergency Medical Services System for their outstanding achievements since 1970. That year, a total of 197 medical transport flights were made with an 88 percent survival rate. Today, I want to recognize this maiden flight by Cpl. Gary Moore and Trooper First Class Paul Benson which started one of the Nation's first airborne medical evacuation programs. Maryland's Med-Evac program, operated by the Maryland State Police, has since established itself as a leader worldwide in performing this mission.

I want to share with my colleagues why Maryland's Med-Evac program has become the envy of other units throughout the world with the same mission. Since that maiden flight in March 1970, this unit has transported over 62,000 patients, delivering them to a hospital system that includes the University of

Maryland Hospital at Baltimore, where Dr. R. Adams Cowley pioneered his principle of the Golden Hour, the critical time following trauma when a patient's life is most vulnerable. Maryland's Med-Evac program is unique because it uses a multimission approach carried out by the Maryland State Police Aviation Division. This unit provides law enforcement, search and rescue, and medical evacuation, providing a high quality service for the least cost.

Working with other local officials, I was pleased that former Gov. William D. Schaefer agreed to upgrade the State's helicopter fleet to provide state of the art helicopters at each of the 8 bases throughout Maryland. In October 1994, a new American Eurocopter Dauphine began operating from its base in St. Mary's County for the southern Maryland area, making Maryland the only State that provides 24 hour per day Med-Evac coverage for its citizens, with the ability to fly in most weather conditions. This service has become an intricate, high-technology link in the statewide emergency medical services system, utilizing a sophisticated communications system to incorporate a systematic approach to interface with all licensed medical care institutions in an effort to match the needs of the patient with the most appropriate treatment center.

The significant achievements of the aviation division have not come without sacrifice. Six pilots have been killed while performing three separate missions. Following each tragedy, actions have been taken to upgrade the equipment and training needed to conduct this important mission.

Today, Major Johnny Hughes is the commander of the 144-person unit which operates 11 helicopters from the 8 sites throughout Maryland. All Maryland State Police flight paramedics are nationally registered EMT-paramedics, possessing emergency and critical care skills with the ability to function as complete pre-hospital practitioners.

Mr. Speaker, I am proud of the accomplishments of the Maryland State Police Aviation Division and the excellent continuous service they provide, along with the emergency medical services community in our great State. I ask that my colleagues join with me to commend them for this extraordinary record of service to the people of Maryland for the past 25 years.

TRIBUTE TO THE IHM SISTERS: SERVANTS OF THE IMMACULATE HEART OF MARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. BONIOR. Mr. Speaker, this coming Sunday, March 26, 1995, the IHM Sisters in my home State of Michigan, are celebrating their 150th anniversary.

The Sisters, servants of the Immaculate Heart of Mary were founded in 1845. One of the founders was Theresa Maxis, a member of the Oblate Sisters of Providence. She was an educated and deeply spiritual woman. Another founder was a young Redemptorist priest named Louis Florence Gillet. He was a missionary experiencing difficulty in recruiting religious women to educate young girls. Along with Oblate Charlotte Schaaf and Theresa Renauld, a young women from Fr. Gillet's Mission, they formed the new religious institute.

Maxis was the daughter of a Haitian woman and a British Army officer. As a women of color, she was subject to the racism that pervaded civic and ecclesial society. Discrimination against people of color and women was the norm. In many ways, the founders of the IHM's were visionaries who were ahead of their time. Together, they began an on-going mission of educating and advocating for spiritual and psychological development—and, social justice.

As a former seminarian, I feel a close affinity with the Sisters and their commitment to develop an understanding of the structural causes of injustice. This is not merely an academic exercise, but an attempt to alleviate oppression and provide the tools to critique and transform its causes.

The IHM's pursuit of this endeavor lead to the founding of Marygrove College in 1910. Moved from Monroe to Detroit in 1927, the Sisters of IHM continue to respond to the religious, intellectual, moral, and social well-being of men and women in our rapidly changing society.

The devotion the IHM Sisters have displayed to their faith and the community is an inspiration. Although they are a congregation of women in the Roman Catholic tradition, people of all faiths and denominations around the world have benefited from their work. Their social and spiritual contributions are many and they deserve our gratitude for their compassion and leadership.

As the Catholic community prepares for an afternoon of celebration and song, I ask my colleagues to join me in thanking the Sisters for their many contributions. May the next 150 years be a continued fruitful ministry.

A SALUTE TO AMERICAN LEGION MICHIGAN COMMANDER WILLIAM F. MILLER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. BARCIA. Mr. Speaker, we all owe a great debt to the many veterans of America's Armed Forces. Many of them have sacrificed greatly to protect our freedoms and to help make our Nation the greatest in the world. I know that our veterans who respect and revere true leadership also feel that a debt is owed to those individuals who lead our veterans' organizations, helping to gain public recognition of the contribution of veterans and the needs of many of their legion.

This weekend American Legion Post 18 is honoring William F. Miller, the Commander of the Department of Michigan of the American Legion for his years of service to his Legion, and to our Nation. Commander Miller will be completing his term as State Commander this July and is being recognized for his devotion to his beliefs. A Korean war veteran from Bay City Post 18, State Commander Miller has served the American Legion in many capacities, including both Commander of Post 18 and 10th District Commander. He also set new records for membership as the Department Membership Director, and then served as Department 4th Zone Vice Commander and as Chairman of the Vice Commanders.

Commander Miller's presence is well known throughout the Bay area and the State of Michigan. Having served as President of the local Chamber of Commerce, the Chairman of the Board for the Bay County Convention and Visitors Bureau, and as Director of the Bay County Growth Alliance, he has done all that he can to help promote his own community. He has done all of this while being a self-employed electrical contractor for more than 21 years.

Perhaps one of the greatest achievements is having been able to do all of these things with the strong support of his wife, Darlene, because we all appreciate that the demands for time often force us to make choices that ask others to make a sacrifice. Darlene has been a source of essential support having served herself as Past President of Unit 18 and the Auxiliary's 10th District.

It has been my great pleasure and honor as a Member of Congress to work closely with a number of veterans who have served their Nation well. In some cases the attention and assistance of Members of Congress is needed, but in more cases the representation of effective veterans' organizations like the American Legion and leaders like Commander William Miller is essential. I invite all of our colleagues in thanking Commander Miller for his services to our Nation and to the Legion, and wishing him the very best with the many new activities in which he is sure to excel.

TRIBUTE TO COL. NORME FROST

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise to pay tribute to a remarkable individual, Col. Norme Frost, of Tryon, NC. Earlier this year, Colonel Frost turned 99 years of age, and his local newspaper, the Tryon Daily Bulletin, briefly recounted a few of Norme's many contributions to our Nation. Norme is especially renowned in the field of aviation, where he was an early pioneer, and flier in both world wars.

Mr. Speaker, Norme has an equally outstanding wife, the former Betty Doubleday. Betty is related to Abner Doubleday, who is credited with inventing our national pastime, baseball. Betty met Norme overseas as a Red Cross executive during World War II. Today, Betty continues her charitable efforts by assisting many of the local charities in Tryon. Betty is also Tryon's unofficial town historian. I am sure that Norme owes much of his success to his lovely wife.

Mr. Speaker, Norme was not only a witness to history, he was also an active participant in making the history that has preserved and enriched our Nation. I congratulate Norme for his many accomplishments, and commend the following article to my colleagues' attention:

[From the Tryon Daily Bulletin, Jan. 25, 1995]

COL. NORME FROST: STILL FLYING HIGH AT 99

(By Bob Witty)

Today is the 99th birthday of Norme Frost, a legend in his time.

Born in another century, Jan. 25, 1896, to be exact, he has left a fascinating trail behind as he made his way from Central Lake, Michigan, to his beloved bower on Wilderness Drive.

He came out of an era when everyone started to work and contribute at an early age, out of a family where hard work was the watchword. To make ends meet in their cash-poor, small village environment, his mother "took in" washing, taught school, hung wallpaper and worked the family farm. His father was a musician, carpenter, master craftsman and inventor. It wasn't until one of his inventions, a different and progressive design for a motor boat, succeeded that things looked up for the Frosts.

Norme was the quintessential "American boy." Handy with his father's tools, always obsessed with gadgets, engines and woodworking, he tried his hand at everything that Michigan in the early 1900s afforded.

His jobs included hardware store clerk, farm hand and fishing guide, running a machine in the local factory, an attendant at the Insane Asylum at Traverse City, bellhop at a hotel, and as a conductor on the Saginaw Interurban Railway.

World War I interrupted his career as a jack-of-all-trades and he buckled down as a buck private, toting a rifle and preparing to make the world safe for Democracy. That adventure was short circuited when the war ended in 1918, whereupon he returned to Michigan.

His life took a new turn when he paid an itinerant barn-stormer to take him for his first flight in a patched up "Jenny" left over from the war. That was it!

As soon as possible, he enlisted as a Flying Cadet, pawned his saxophone and arrived at Brooks Field, San Antonio, with three dollars in his pocket, prepared for flight training. A 50-year odyssey in the AirCorps/Air Force had begun.

The rickety wood and fabric flying machines of the day were mostly leftover warplanes. But it was a wondrous time for a fledgling flyer. Norme remembers with fondness his favorite: "The SE-5 was a Sopwith pursuit plane that the RAF made famous in combat. It was light as a feather on the controls and could turn on a dime. My alltime favorite."

After graduation from famed Kelly Field, he was assigned to a tactical unit, and was the 733rd officer to be rated "pilot" by the Army. His serial "733" was one number behind Hoyt Vandenberg, who was later to be Chief of Staff, USAF.

Those were the wild and woolly days of flying. Generations of pilots still thrill and marvel at Norme and his cohorts performing at air races; tiny pursuit planes dancing their mad pas de deux around the pylons on a tight course, sometimes as little as 25 feet off the ground in a vertical bank! Daring young men indeed.

In World War II, as a Colonel, he served in General Doolittle's 15th Air Force as a Deputy Wing Commander. He took part in the first B-17 strike on the sub-pens and shipping at Naples, using the smoldering Mount Vesuvius as an initial point for the run-in to target.

But all the fun came to an end, and after his 1951 retirement parade at Hickam Airfield in Hawaii, he brought "whats 'er name" back here to their Wilderness Drive woodland and built her a house—with his own hands. There today, with bird-song at dawning and the cacophony of trilling tree-frogs at dusk, he lends his talents and energies to local activities, much as she devoted them to his flying career. He has performed so many feats of magic in lighting, photography, audio and construction for the Tryon Little Theater, The Fine Arts Center and other groups, that there is no room here to list them.

Let the words of the late Lou Perrottet as published in the Tryon Litter Theater Bulletin in 1978, speak for "Frostian" skills. "Colonel Norme Frost continues to leave his footprints on the cultural creations of this community. Not the least of accomplishments is his ability to merge technical disciplines with moments of sheer emotion and feeling."

Norme justified this accolade with his renowned production of "The Drama of Nature," and "A Place on Earth," his slide shows with music and narration.

And now, this man who saw both the automobile and airplane bow onto the world stage, has landed with both feet into the Computer Age. It would not surprise any of us if he were to become a full-fledged member of the "Fiber-Optic" journey into the future.

The 28 World War II military pilots now living in this area (the Helmet and Goggles and Scarf crowd) salute their compatriot, Colonel Norme Frost, pioneer aviator, naturalist, and gentle man. The poem which follows has become the most famous anthem to airmen ever written. It has, of course been quoted again and again, most notably by President Reagan when he addressed America at the time of the Challenger disaster. It was written by 19 year old RCAF pilot John Magee in England in 1941; he died in his Spitfire only a few weeks later:

HIGH FLIGHT

Oh! I have slipped the surly bonds of Earth
And danced the skies on laughter-silvered wings;
Sunward I've climbed and joined the tumbling mirth
Of sun-split clouds—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlit silence Hov'ring there.
I've chased the shouting wind along, and flung
My eager craft through footless halls of air.
Up, up the long, delirious burning blue
I've topped the windswept heights with easy grace.
Where never lark or even eagle flew—
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space.
Put out my hand and touched the face of God.

Happy Birthday Norme. Dominus Vobiscum.

HONORING THE NORTH MIAMI FOUNDATION FOR SENIOR CITIZENS' SERVICES, INC.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mrs. MEEK of Florida. Mr. Speaker, on Wednesday, April 26, 1995, the North Miami Foundation for Senior Citizens' Services, Inc. will be recognizing the volunteers who have provided assistance to the area's elderly for 21 years.

In 1994, these volunteers donated 25,499 hours of chore services; 43,370 hours of companionship visits; and 60,789 telephone reassurance calls. In addition, 9,931 hours of special projects were completed in conjunction with local organizations and schools. Truly demonstrative of community partnership, these volunteer hours are equivalent to 42 full-time paid positions.

As the entire Nation recognizes National Volunteer Week from April 23–29, I am sure that my colleagues will join me in thanking the North Miami Foundation and its volunteers. Theirs is an exemplary crusade that is of tremendous value to our community.

RULE REGARDING THE PERSONAL RESPONSIBILITY ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. WILLIAMS. Mr. Speaker, a couple of days ago I voted against the rule on welfare reform. The rule before us will preclude any debate on the effect of drastically altering our current welfare system on some of this country's neediest and most underserved individuals, its 1.2 million native Americans.

So much for bipartisanship. Recognizing the special government to government relationship that the U.S. Government has with the country's 533 federally recognized tribes, individuals from both sides of the aisle attempted to craft an amendment that would respect this special relationship and the tribes' treaty rights by providing native Americans direct access to the block-granting process. This rule precludes debate on the merits of this amendment.

This action signals a sad departure from the national trend toward native American self-determination and independence which was initially recognized by a Republican President, Richard Nixon. In his special message to Congress on July 8, 1970, then President Nixon articulated the right of Indian tribes to take over control or operation of federally funded and administered programs. Adoption of this rule throws self-determination out the door and signals a return to the failed paternalistic policies which have ill-served America's Indian peoples.

This rule silences the voice of the first Americans, native peoples.

THE INSURANCE STATE'S AND CONSUMERS' RIGHTS CLARIFICATION AND FAIR COMPETITION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. DINGELL. Mr. Speaker, today I am pleased to join with the distinguished chairman of the Commerce Committee as an original cosponsor of the Insurance State's and Consumers' Rights Clarification and Fair Competition Act. This is important consumer protection and competitiveness legislation that deserves strong bipartisan support.

This legislation requires that anyone who sells, underwrites, or solicits the purchase of insurance will have to comply with all applicable State insurance regulatory requirements. This will ensure a level competitive playing field and consistent consumer protection.

On September 22, 1994, Congresswoman COLLINS of Michigan, joined me in introducing a substantially similar bill, H.R. 5075, the Insurance Sales and Underwriting Consumer Protection Act of 1994. I commend the gentleman from Virginia for expanding upon those efforts.

While some of you may wonder at the necessity of having a Federal law saying that people in the insurance business must comply with State insurance laws, I assure my colleagues that it is very necessary indeed. The hearing record in past Congresses in the Energy and Commerce Committee's Oversight and Investigations Subcommittee and its Commerce, Consumer Protection, and Competitiveness Subcommittee, as well as recent actions by the Comptroller of the Currency and the courts, demonstrate the urgent need for this bill.

First, during our oversight hearings on the problems faced by financial services providers as a result of savings and loan failures, we discovered that a number of failed savings and loans had sold insurance products to their customers, and that they had done so without disclosing to these customers that the insurance products were not insured by the Federal Government. When the savings and loans failed—and the insurance company that had underwritten many of these policies also failed—customers were stunned to discover that the FDIC did not cover their insurance. As a result, they suffered both significant emotional and financial losses.

A second example can be found in the aftermath of the Los Angeles riots following the Rodney King trial. Many of the small business people devastated by the riots filed claims with their insurance companies, only to find out that these companies had violated California law by selling insurance in California without authorization. Many of these companies would not, or could not, pay these valid claims. Many of these businesses were forced to close and others suffered extreme financial difficulties because the insurance they purchased was no insurance at all.

Finally, there is the so-called retirement CD. This is a product, originally offered by the Blackfeet National Bank, that is designed to obtain FDIC insurance protection for an annuity, that is, insurance, product. The promoters of this product have described it as free from taxes on inside buildup, as is true of life insurance; as insured by the FDIC; and as free from all State insurance regulation, whether these regulations apply to underwriting financial requirements to protect the safety and soundness of the bank or to consumer protection requirements. In May 1994, the Comptroller of the Currency approved this product for bank sales subject to certain conditions, in apparent agreement with the proposition that Federal banking laws preempt State insurance laws, and that banks may provide insurance. Not only is it absolutely clear that Congress has never preempted State insurance laws as to banks providing insurance, it is also a clear misreading of the laws Congress has passed. The National Bank Act has been interpreted to prohibit national banks from engaging in the business of insurance. In addition, the Glass-Steagall Act prohibits banks from engaging in commerce.

In 1990, the Comptroller ruled that national banks could sell annuities. The Comptroller further concluded that annuities should be classified as investments, rather than as insurance. The Comptroller's ruling was challenged in Federal court by Variable Annuity Life Insurance Co., a unit of Houston-based American General. In January of this year, the Supreme Court ruled that national banks may sell annuities. Last month, a Federal judge in New Mexico ruled that the State insurance commissioner could not prevent First National Bank of Sante Fe from selling the retirement CD.

The impact of these decisions on consumers is troublesome and significant as pointed out by Jane Bryant Quinn this past Sunday, "Think Twice About New Retirement CDs." Washington Post, Sunday, March 12, 1995, at H2:

> The rates are lower than you would get on the open market. That's the price you pay for the tax deferral and the deposit insurance. But the banks can't pay you less than 3 percent. You face serious penalties for early withdrawal except in the case of death, disability or, at the Santa Fe bank, lengthy hospitalization.
>
> At maturity, you must turn at least one-third of your savings into a lifetime income from the same bank—so you shouldn't buy this CD unless you intend to keep it. You can't even switch banks without creating tax obligations on the money.
>
> Bottom line: There's no escape from a retirement CD except at considerable cost. With an insurance company annuity, you can switch to a new insurer, tax free, if the new one pays a better rate. But with a bank, you're stuck. The banks know you're trapped, which may tempt them to pay low yields every time you renew your CD.
>
> Even now, the bank's return is poor. Given a $51,000 accumulation, for a 65-year-old woman, the retirement CD would pay $229 to $279 a month for life at the banks now offering the product. By contrast, the top 10 insurance company annuities are paying an average of $386, according to Annuity Shopper magazine in Englishtown, N.J. That's a lot of money to give up for deposit insurance. I think the banks should try again.

It is no secret that the Oversight and Investigations Subcommittee has had many hearings on the inadequacy of the current State insurance regulatory system, and that I believe that there should be Federal regulation of this interstate and international industry. I still hold that belief. However, the State insurance regulatory system is all that currently exists to protect insurance consumers and to ensure the financial stability and safe operation of insurance providers. It is imperative, for the protection of consumers, and to ensure the financial soundness of insurance products, that, at the very least, existing State insurance standards and protections are met by everyone selling or underwriting insurance, whether they are a bank, foreign company, or insurance company.

The bill I am cosponsoring today, does not impose any new substantive requirements on anyone who provides insurance. It simply says that if you provide insurance in interstate commerce, regardless of who you are, you must comply with the insurance sales, licensing, and financial requirements of the State in which you are providing the insurance.

I urge my colleagues to support this sensible and fair legislation when it comes to the House floor.

TED W. MYATT RETIRES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. MONTGOMERY. Mr. Speaker, on March 31, Ted W. Myatt will retire after almost 19 years as Director of the Department of Veterans Affairs Regional Office in Houston, TX. Since August 1, 1976, when Ted became director, he has served the veterans of southern Texas with resolute dedication and sound leadership.

Theodore "Ted" W. Myatt was born and reared in Johnson County in north central Texas. He graduated from Decatur Baptist College and received his Juris Doctor degree from Baylor University Law School in 1955. He served as an enlisted man in the 2d and 5th Armored Divisions of the U.S. Army in 1948 and 1949. Ted served two terms in the Texas House of Representatives, 1956–59, representing the 61st Legislative District—Johnson, Hood, and Somervell counties. He served as county judge of Johnson County from 1959 to 1964. Ted resigned in 1964 to accept an appointment as deputy chief counsel, Area Redevelopment Administration, Department of Commerce, here in Washington. He later joined the Department of Veterans Affairs in Washington as a staff attorney in the Office of the General Counsel.

Ted returned to Texas with the VA serving as chief attorney and district counsel at the Waco Regional Office from 1968 to 1976, at which time he was appointed Director of the Houston Regional Office. This is one of VA's largest regional operations covering the southern half of Texas and American veterans residing in Mexico.

One of Ted's many extraordinary accomplishments is the development of the state-of-the-art regional office now being constructed on the grounds of the VA medical center in Houston. For the major part of his directorship, Ted worked unceasingly to secure approval and funding for this collocation project. Ted was committed to ensuring that regional office employees would be housed in a modern, stimulating work environment before he left the VA. In spite of many challenges and difficulties, Ted, with the help of many in central office, the area field director's office, and his own employees, finally achieved success.

This facility is the first to be developed by a private developer under the "enhanced use" legislation signed into law a few years ago. Collocation of VA regional offices on the campus of VA medical centers is a goal I have personally supported for many years. Ted has kept me advised of his progress from the beginning and, when I last visited Houston, gave me a tour of the site. The facility will be dedicated later this year, and the veterans of southern Texas will be the beneficiaries of this facility for decades to come.

Mr. Speaker, to show their appreciation for the outstanding leadership of Ted Myatt, the current and former employees of the regional office will dedicate the conference room in the new building in Ted's honor. What better gesture could be made of one's worth and value. Ted has always been known for his strong support for those who work under his direction, and this wonderful gesture clearly demonstrates his staff's affection and respect for Ted.

Mr. Speaker, Ted Myatt has been one of VA's very best regional office directors. Respected for his integrity and professionalism, Ted has testified before our committee many times, and those of us serving on the Veterans' Affairs Committee have greatly benefited from his counsel. We shall miss him.

Ted has two children, Wade Barkley Myatt of Bryan, TX, and Jeanne Melissa Myatt of Houston. Ted's lovely wife is the former Ana Proa of Gonzales, TX. As he leaves the Department of Veterans Affairs on March 31, we wish for him, Ana and the family, much happiness and the very best always.

SOMERSET COUNTY CELEBRATES ITS BICENTENNIAL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. MURTHA. Mr. Speaker, the history of the United States has been built on the western expansion of its population. The young days of the Republic saw ambitious men and women looking westward for opportunities which did not exist on the eastern seaboard. But the first obstacle they saw as they looked west was the Appalachian Mountain Range.

As settlers began the trek westward in the late 1700's, the difficulties they encountered were enormous. Many died; many turned back. But just as many persisted, and communities began to be established in the fertile lands west of the first range of the Appalachians. One area which attracted settlers was on a high plateau between two ranges of the Appalachians, and in 1795, Somerset County, PA was established.

In 1995, Somerset County is celebrating its bicentennial. The hard-working citizens of this area have seen many changes and challenges over the past 200 years, but the early pioneering spirit of the people who founded Somerset County can still be found there today. This spirit has led to vibrant communities throughout the county, proud of their heritage, but also looking forward to a bright future.

Travelers on the Pennsylvania Turnpike know Somerset as an exit high in the Pennsylvania mountains. Driving by, they see a magnificent county courthouse in the Borough of Somerset, and a spot to break up the trip to points east and west. But getting off the highway and traveling through the county would introduce them to many historic communities located in the beautiful Pennsylvania highlands which offer a great deal in terms of recreation and friendliness. As Somerset County, PA celebrates the 200th anniversary of its founding, I would like to offer my congratulations to its citizens as they move forward into a third century of work and growth, and invite my colleagues to come experience the celebrations planned to take place all summer long.

TRIBUTE TO MAYOR KATHRYN NACK

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. MOORHEAD. Mr. Speaker, I rise today to honor Mayor Kathryn Nack of Pasadena, CA, upon her retirement from a distinguished career in public service. Mayor Nack has been a member of the Pasadena City Council since 1987. She was elected by her colleagues as vice mayor in May 1992 and as mayor in May 1994. Prior to her service on the council, Mayor Nack was a member of the Pasadena Board of Education from 1979 to 1987, serving as the board's president for three terms. And from 1975 to 1979, she served as a member of the Pasadena Planning Commission.

During her 20 years of serving the citizens of Pasadena, Mayor Nack has been a leader on many issues, most notably in the area of children and families. In Pasadena, she was the driving force behind the development of the ground-breaking Pasadena Family Policy, and as a board member of both the League of California cities and National League of Cities, Mayor Nack's expertise was often highlighted in organizational panel discussions and workshops on the local government role in providing services to needy children and families. Her extensive knowledge of this subject has contributed heavily to Pasadena's reputation as a leader in the delivery of human services.

As a result of her dedicated public service, many people in my district may not realize that Mayor Nack is an architect by trade and became a pioneer among women in that profession. While in college in her native Texas, she was chosen as 1 of 100 female math and science majors to be selected for an intensive aeronautical engineering education program to replace aeronautical engineers during World War Ii. Eventually, Mayor Nack joined her husband Don to start their own architectural firm, all while raising six children.

On behalf of the citizens of Pasadena and California's 27th Congressional District, I wish Mayor Nack well in her retirement. She will be missed, but I have a feeling that she will continue to be involved in other civic activities and remain a strong presence in the Pasadena community.

HALL OF FAME

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. FORBES. Mr. Speaker, the Suffolk Y is the home of the New York Jewish Sports Hall of Fame, honoring Jewish sports figures who have distinguished themselves in the field of sport. This Sunday, March 26, 1995, induction ceremonies will be held at the Suffolk Y JCC to honor the 1995 inductees.

This year's inductees are Mel Allen, baseball; William Beroza, Lacross; Hank Greenberg, baseball; Nat Holman, basketball; Margaret Lambert, track and field; Fred Lebow, track; Sid Luckman, football; Dolph Schayes, basketball; and Allie Sherman, football.

The Hall of Fame's athlete of the year is Anita Kaplan, the women's basketball star at Stanford University.

The objective of the hall is to foster Jewish identity through athletics. The New York Jewish Sports Hall of Fame is housed at the Suffolk Y JCC, and a display of the inductees' plaques and memorabilia is permanently housed there as well.

Sports has always been the international language, the unifier among all peoples. Everyone who participates in sports is a winner, but when figures rise to the top of their class, as with the Hall of Fame inductees, the victory is even sweeter.

I urge my colleagues to join me in recognizing the superior career performances of these great athletes and fine individuals on the occasion of their induction into the Jewish Sports Hall of Fame.

FEDERAL ACTION IS NEEDED TO ENFORCE FEDERAL BUILDING HEIGHT LIMITATIONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. STARK. Mr. Speaker, Federal action is needed in order to preserve the letter and intent of Congress' Height of Buildings Act of 1910.

In introducing this legislation, I have no intention of interfering with the district's zoning decisions, only to enforce Federal law. I do not relish having to take this action, but it is out of a necessity generated by the desire of some to circumvent Federal law.

This legislation will simply enforce current law regulating the height of buildings constructed in the District of Columbia by prohibiting the District of Columbia from issuing any building or occupancy permit for a project located at 1328 G Street Northwest unless the project to be developed complies with the required building height limitation of 110 feet.

In order to get around the law, the developers of this project have argued against not only Federal law, but the laws of physics. No matter how much a developer might wish it to be so, a property cannot be in two places at the same time.

The plot of land in question is located in the middle of the 1300 block of G Street. Nonetheless, the developers claim that it actually "fronts" on 13th Street. As found by the National Trust for Historic Preservation, "that is not the case here—1328 G Street is clearly a mid-block building separated from 13th Street by 75 feet, two lots, and a public alley. Any suggestion that 1328 G Street 'fronts' on 13th Street is clearly an artifice, and would circumvent the requirements of the Building Height Act."

I am submitting for the RECORD a letter from the National Trust for Historic Preservation to the National Capital Planning Commission providing greater detail of the developer's shenanigans with this project.

Again, taking this action is not something that I relish, but it is necessary. It is necessary in order to enforce existing law, to protect the Federal interest, and to preserve the unique skyline of the Nation's Capital.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
Washington, DC, March 16, 1995.

Re closing of a public alley and establishment of an easement in square bounded by F, 13th, G, and 14th Streets, N.W. (D.C. Council Act 10-295).

Hon. THOMAS M. DAVIS III,
Chairman, District of Columbia Subcommittee, House Government Reform and Oversight Committee, Washington, DC.

DEAR MR. DAVIS: On behalf of the National Trust for Historic Preservation in the United States (the "National Trust"), I am writing to urge you to disapprove D.C. Council Act 10-295, which permits the closing of the alley referenced above. Allowing this alley closure to become effective would violate the Building and Height Limitation Act of 1910, ch. 263, 36 Stat. 452 (1910), by permitting a building at 1328 G Street to exceed the Act's height limitation. While we strongly support the District of Columbia's right to self-government on matters of purely local concern, it is appropriate for Congress to exercise its reserved oversight authority under the D.C. Home Rule Act when federal interests—such as upholding the integrity of the federal Height Limitation Act—are at stake as they are here.

The National Trust was chartered by Congress in 1949 as a private nonprofit organization to facilitate public participation in the preservation of our nation's historic resources. 16 U.S.C. §§461, 468. The National Trust has approximately 250,000 members nationwide, including 5,500 members in the District of Columbia. In addition to its headquarters building off Dupont Circle, two of the National Trust's eighteen historic house museums, Decatur House and Woodrow Wilson House, are located in Washington, D.C. Furthermore, the National Trust's Mid-Atlantic Regional Office in Philadelphia is specifically responsive to D.C. preservation concerns.

The National Trust has a strong interest in protecting important features of the Nation's Capital, including the sense of scale and proportion necessary to preserve the inspirational vistas of our historic national monuments and landmark federal buildings. This interest is protected by federal law—the Building and Height Limitation Act of 1910—as well as by the Preservation and Historic Features Element of the Comprehensive Plan for the National Capital.

The building whose construction would be facilitated by the D.C. Council's Act is 1328 G Street, N.W., which is located mid-block. Under federal law, the height of 1328 G Street should be limited to 110 feet, which is the width of the widest street on which the building fronts (G Street) plus 20 feet. Under the D.C. Council's Act, however, the building would be constructed to a height of 130 feet, based on the width of 13th Street, exceeding by nearly 20 percent the height limit for G Street. This is because the Council has used an alley closure to pretend that the building would front on 13th Street via a two-part artificial connection. First, 1328 G Street would "connect" to an elevated walkway to 1310 G Street, that already exceeds the G Street height limit by 20 feet in violation of federal law. Compounding this error, 1328 G Street would then, according to the City, "connect" through 1310 to a 75 foot parking lot on the corner of 13th and G streets. Because this parking lot *could* contain a building 130 feet tall, the Council has justified exceeding the height limit mid-block on G Street. The Council's action, therefore, skirts the requirements of federal law based on a loophole that could lead to a wholesale erosion of the height limitation.

In the National Trust's view, the D.C. Council's action in attempting to circumvent the congressionally mandated building height limitation raises serious legal questions. Moreover, the hearing report of the House District of Columbia Committee acknowledged that because "[t]he city accepts even fictitious buildings as the basis for exceeding the height limit," the developer of 1328 G Street asserts that it "is entitled to the same height as the non-existent [corner building]."

The federally prescribed height limitation, which has existed in some form since the founding of the Nation's Capital itself, enhances the architectural character of the capital city, and its nationally significant public buildings and historic monuments. The height limitation for the Nation's Capital is one of the important aesthetic features that distinguishes the City of Washington from other major cities and should be vigorously enforced. For this reason, we urge the Government Reform and Oversight Subcommittee on the District of Columbia to act swiftly to disapprove D.C. Council Act 10-295. Please feel free to contact me at 673-4255, if you have any questions.

Sincerely,

EDWARD M. NORTON, Jr.,
Vice President for Public Policy.

SENATE—*Monday, March 27, 1995*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend John Lloyd Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Senate and Lord of our lives, as we begin a new week filled with opportunities masquerading as complex problems, we claim Your promise, "Call on Me, and I will answer you, and show you great and mighty things which you do not know."—Jeremiah 33:3. So we press on with confidence to the work ahead. Irrespective of the intensity of our problems, You are with us. The bigger the problems, the more of Your abiding presence we will receive. The more complex the problems, the more advanced will be the wisdom You offer. Equal to the strain of each problem, will be the strength You release.

We ask for a fresh anointing of Your spirit. Our talents, training, and experience are insufficient to deal with the problems we face. We need Your x-ray discernment into the potential blessing wrapped up in what we call problems. Endow us with vision to see clearly the solutions we would not have discovered without Your help. Give us courage to follow Your guidance. Make us lodestar leaders who are on fire with enthusiasm. Set us ablaze with greater patriotism for our country and deeper commitment to our calling to be courageous problem-solvers by Your grace and guidance. Then make us compelling communicators who are able to share Your solutions and inspire others.

Thank you, Lord, for a week filled with serendipities, Your interventions to help us live at full potential for Your glory. Through Jesus Christ our Lord. Amen

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, I want to announce to my colleagues that there will be a period for morning business until the hour of 11:30 a.m. with Senators permitted to speak therein for up to 5 minutes each. Senator THOMAS will be recognized for up to 10 minutes.

At 11:30 we will begin 6 hours of debate on the subject of S. 219, the moratorium bill. There will be no votes during today's session, though I hope, if Members on either side have amendments which might be acceptable, that they will come to the floor and offer those amendments. Otherwise, there will be general debate.

Then on tomorrow at 10 o'clock we will be back on S. 219, the moratorium bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 10 minutes.

Mr. THOMAS. Thank you very much, Mr. President.

SELF-EMPLOYMENT TAX CREDIT

Mr. THOMAS. Mr. President, I rise to talk a little bit about the self-employment health insurance tax credit that was passed last Friday. This was the right thing to do. This was something that we needed to do and need to continue so that it will be retroactive for this tax year.

But I want to make the point that we have not finished yet. Last Friday was simply a reinstatement of what we have had in the past. But we need to go further. Last Friday's bill reinstates the 25-percent tax deduction for premiums on health care insurance for 1994 and increases the deduction to 30 percent for tax years beginning in 1995 and thereafter.

This is a very important issue, a very important item to Americans, and a very important item to health care. There are 12 million self-employed business men and women across this country, 19,000 of whom reside in Wyoming. These business men and women can now proceed with the filing of their 1994 tax returns knowing that a portion of their health insurance can be deducted. April 15th is grim enough, of course, with Uncle Sam digging deeper and deeper into the pockets of the American people. At least Congress can make it a deduction that is retroactive and finally make it permanent. That is the least that can be done because self-employed business owners, owners who put their families and hard-earned savings on the line in pursuit of the American dream, are treated unfairly and are treated without equity.

The Tax Code says people who strive to be their own boss are only permitted to deduct a small percentage of health insurance with after-tax dollars. However, if you are a large corporation, you are permitted to deduct 100 percent with before-tax dollars. After-tax dollars is a critical item because it makes basic medical care twice as expensive as if it were provided by the employer. Taxes must be paid first on what a self-employed person makes, and then health insurance can be bought with what is left over.

If last year's health care debate was really about expanding health care coverage, then Congress should take the opportunity to promote tax fairness among businesses large and small whether it is one employee or several hundred. There are 2.8 million uninsured self-employed proprietors in this country who could quickly purchase coverage if it was made affordable. Providing 100 percent health insurance tax deduction is at issue. The result of that would be coverage for another one-third of the population, not through Government takeover, not through price controls or employer mandates, but through a means of fairness in the Tax Code.

Last Friday's action on health care should not be the final action. This body should continue to pursue changes in our national health care infrastructure to supplement the self-employed health insurance tax credit. Vital changes such as portability, prohibiting the use of preexisting conditions, and the pooling of small businesses must also be included. The result will be the elimination of job lock and exorbitant premiums for Americans.

Malpractice liability reform and regulatory reform for health care providers must be included as we move forward on the list of health care costs that are ever increasing. This includes tax regulations as well as future regulations because we should be footing the bill for the unfunded mandates and will continue to do that. With the constraints facing us, Congress needs to move forward with health care reform, not in the form that we talked about last year, but to do those incremental things that we can do to make health care more affordable and more acceptable to Americans throughout the country.

This is a move in the right direction to provide fairness and to provide equity. Last Friday was the beginning.

I urge my colleagues to move forward with health care. It is not going to resolve everything, but there have been advances made in the private sector for the first time in 15 years and the cost to employers has gone down some. On the other hand, of course, Medicare and Medicaid continue to go up at an unacceptable rate. We have to do something about that.

So, Mr. President, I am pleased with the action of last Friday in this body. I look forward to continued reform in health care. I remain committed to working for that reform.

The PRESIDENT pro tempore. No response from the audience.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, what is the regular order?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Morning business is now closed.

REGULATORY TRANSITION ACT OF 1995

The PRESIDING OFFICER. Under the previous order, there will now be 6 hours for general debate on the subject of S. 219.

Mr. NICKLES. Mr. President, I rise today to talk about Federal regulations. We are going to be on Senate bill S. 219. I want to compliment Senator ROTH and the Governmental Affairs Committee for reporting this bill out. I also want to compliment the House of Representatives for their move in trying to make some progress on reining in the cost of excessive regulations. Federal regulations are estimated to cost about $581 billion, by some sources. It is hard to figure what that means, but per household, that is over $6,000—actually $6,100 per household for the cost of Federal regulations. That increases the cost of everything we buy. Whether you are talking about your automobile or your home or your electric bill or the price that you pay for gasoline, regulations are involved in all these and have inflated the costs on every single thing that we buy.

Many of us feel these regulations have been excessive and they have not been well thought out, or in some cases they are too expensive. I might mention, I guess almost all are probably well intended, and I do not fault anyone's intentions, whether it be the people who passed the legislation authorizing the regulations or the regulators. They may be well intended, but in many cases, the regulations have gone too far and they are far too expensive.

So we have several measures that are working their way through this body and through the Congress to try to limit excessive regulations.

The House passed a couple of measures. One was a measure called regulation moratorium. A similar bill was reported out of the Governmental Affairs Committee. That is the bill we have on the floor of the Senate today. I, along with my colleague and friend from Nevada, Senator REID, will be offering an amendment in the form of a substitute to that bill. I will discuss that in a moment.

Also the Governmental Affairs Committee has reported out a comprehensive bill dealing with regulation overhaul. I compliment them for that effort. I think it is a giant step in the right direction. Senator DOLE, myself, and others have introduced a very comprehensive bill. Likewise, I believe there is a markup scheduled in the Judiciary Committee on that bill as well.

I compliment Senator DOLE for his leadership because I think it makes sense. We should have regulations where the benefits exceed the costs. We should make sure we use real science. That is the purpose of both Senator ROTH's bill and Senator DOLE's bill that we will be considering on the floor my guess is sometime after the April recess.

But the bill we have before us many people support—the regulation moratorium bill, S. 219. I am a sponsor of that bill. I believe we have 36 sponsors. This is a bill that people have labeled a "moratorium." I even have heard some people mislabel it, including the President, who said it was a "moratorium on all regulations," good and bad regulations. I take issue with that because we had a lot of exceptions for good regulations and we had a lot of exceptions for regulations which people felt were necessary to go forward with, those regulations that dealt with imminent health and safety and regulations that dealt with ordinary administrative practices. The committee added more exceptions. The Committee on Governmental Affairs limited it to significant regulations. So we reduced the scope substantially.

Why was that bill introduced? That bill was introduced because on November 14, the administration announced or published in the Federal Register that they were working on 4,300 different regulations that were in progress and that would be finalized in the year 1995 and beyond. Many of us were concerned. That looked like an explosion of regulations. Many of those regulations had been held up during the previous year. It happened to be an election year, and they were held up and published in the Federal Register on November 14.

So we wanted to stop those or at least we wanted to have a chance to look at them. So this moratorium regulation was introduced with a lot of sponsors. It eventually passed the House with a lot of exceptions, came through the Senate, was marked up in the Governmental Affairs Committee, which added more exceptions and limited it to significant regulations. That was a moratorium.

The amendment that Senator REID, myself, Senator BOND, and Senator HUTCHISON are offering is a different approach. One, the moratorium that passed out of the Governmental Affairs Committee is a temporary moratorium. It expires when we pass comprehensive legislation, or it expires at the end of the year. So it was only a temporary moratorium. The legislation we are introducing today provides for 45-day congressional review of regulations. During that time, Congress will be authorized to review and potentially to reject regulations through a resolution of disapproval before they become final.

This alternative provides an opportunity to move forward on the critical issue of regulatory reform in a bipartisan manner. I think that is vitally important. This amendment will allow the authors of legislation in Congress to review and to ensure that Federal agencies are properly carrying out congressional intent. All too often agencies issue regulations which go beyond their intended purpose.

For future significant rules, the alternative provides a 45-day period following publication of the final rule before that rule can become effective. Under the current law, most rules are already delayed by 30 days pending the filing of an appeal. This delay in the effectiveness would only apply to significant regulations which the amendment defines as final rules that meet one of four criteria set by the administration under Executive Order 12866. For all other future nonsignificant rules, the regulation of disapproval is in order, but the final rule is not suspended during the 45-day period.

The alternative also provides an opportunity to review and reject significant rules which became final on or after November 20, 1994, and prior to the date of enactment. Such rules would not be suspended during the review period. Final regulations addressing threats to imminent health and safety or other emergencies, criminal law enforcement or matters of national security, could be exempted by Executive order from the postponement of the effective date provided for in this bill. However, a joint resolution of disapproval will still be eligible for fast-track consideration.

The expedited floor procedure has in it consideration of base closure legislation as well as consideration of Federal Election Commission regulations. Congress will have 45 calendar days to review final rules and consider a resolution of disapproval.

All final rules that are published less than 60 days before Congress adjourns sine die or that are published during sine die adjournment shall be eligible for review and fast-track disapproval procedures for 45 days beginning on the 15th day after a new Congress convenes. A joint resolution may be introduced by any Member of Congress, and the fast-track process for moving the joint resolution of disapproval to the calendar is enabled under two conditions; First, if the authorizing committee reports out the resolution; or, second, if following the resolution's introduction the committee does not act, the majority leader of either House discharges the committee from further consideration of the resolution and places the resolution of disapproval directly on the calendar. The motion to proceed to consideration of the resolution is privileged and is nondebatable.

I would like to note that last Thursday the Senate Governmental Affairs Committee reported out the comprehensive reform bill which includes this 45-day review proposal. However, it did not contain a look back to past regulations. Once the Senate has moved to proceed to the resolution of disapproval, the debate on the resolution is limited to 10 hours equally divided with no motions other than a motion to further limit debate or amendments being in order. If the resolution passes one body, it is eligible for immediate consideration on the floor of the other body.

The joint resolution, if passed by both Houses, would be subject to a Presidential veto and in turn a possible veto override. By providing the mechanism to hold Federal agencies accountable before it is too late, this alternative makes an important contribution to the critical regulatory reform effort. I hope that my colleagues will join me in this effort.

Mr. President, I would like to at this time mention and thank my friend and colleague, Senator REID, from Nevada for his support in offering and working with me to offer this alternative or substitute to the regulation moratorium. I have had the pleasure of working with Senator REID for many, many years now. We worked together on the measures that we called the Economic and Employment Impact Statement, a measure which is becoming law I guess as part of the unfunded mandate bill. He has been a real leader in trying to reform and limit the cost of excessive regulations. I compliment him for that successful effort in the past, and I look forward to a successful effort on this bill as well.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my friend from Oklahoma and my friend from Nevada for introducing this legislation, S. 219. Whenever it was announced that this bill was going to come to the floor at this time, I was pretty happy about it because a couple of weeks ago I chaired a field hearing in Kalispel, MT, to look at the new OSHA rules on the logging industry. I was as surprised as anybody.

We have been receiving a lot of mail in our office from northwest Montana on how these new regulations as suggested by OSHA were really out of bounds this time. After all, the State of Montana has in place regulations for safety in the workplace, especially in the logging industry, and they are not strangers to the logging industry because it has been a part of the Montana scene for many, many years. But to go to that hearing and hear these loggers sit down and tell some of the horror stories that happened to them under these new rules and regulations was really an eye opener for me.

We received comments not only from the State of Montana but folks from Idaho and folks from Oregon who flew over there to make that Saturday field hearing.

Randy Ingraham, just to give you an idea, who is a training consultant for the Association of Oregon Loggers, was there and had the same comment basically as the Montana loggers, that Oregon's OSHA forest activities code book is as effective as the Federal standards.

So what we have in this situation is regulations on top of regulations. If we really want to understand why Government is costing the taxpayers so many dollars nowadays, it is because of the redundancy. All the States, too, have an OSHA-type office that enforces safety rules in the workplace. States are familiar with the industries that are located within those States.

Randy Ingraham's comments were very welcome. Don Rathman said OSHA needs to listen more to the industry rather than to people who have a philosophical idea on what the rules should be.

Julie Espanosa: Return the control to States.

Bill Copenhaver, from Seeley Lake, MT, said the same thing, that Montana standards basically are a little bit higher than those found in the Federal rules but the States show a willingness to work with employers and employees to make sure that the workplace is safe rather than just coming out and saying this little item here, something is wrong with it, so I am going to fine you and if you want to change it, that is fine. But next week we will fine you again if you do not. In other words, they are reluctant to work with employees for a safe workplace.

Robert Cuddy, from Plains, MT; Dan Kanniburgh, from Marion, MT.

The list goes on.

Mr. President, I ask unanimous consent that I may put in the RECORD a couple statements from folks who testified at that committee hearing as they were given to me.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

My name is Arley Adams, doing business as Adams Wood Products.

I'm a second generation logger in the timber and saw mill industry. My son, Alan is the third generation in the business and works with me.

We have a logging and sawmill operation that can be operated by two or ten men, but with OSHA standards and Workmans Compensation rates, there is no way we can hire one man. You wonder why there is so much unemployment? Its called cause and effect.

The rules and regulations that OSHA has at this time are so far out of line that they will break every small operator.

Sure, our business is dangerous but so are a lot of other industries and sports.

We are professionals in our business and we have an excellent Safety Team in the Logging Association. We are well aware of the dangers we are up against—we work with them daily.

OSHA thinks that we are so incompetent that they must hold our hands and impede us with so much gear that they "OSHA" will be the cause of the accidents they are trying to prevent.

When they break us all—they will have to feed us because surely we can't be trusted with a dinner fork.

The entire situation OSHA is trying to impose upon us is a "Major Disaster." If California got Disaster Relief from the earthquake, we should be eligible too!

ARLEY A. ADAMS.

MARCH 9, 1995.

DEAR SENATOR BURNS: As a working foreman for a logging company in the state of Idaho, I work with safety problems on a daily basis. We have about thirty-five (35) other workers on the job.

We pride ourselves in being able to have OSHA, the State, or anyone else come on our job and see that we make the working conditions as safe as humanly possible.

We work closely with the people from the Idaho Logging Safety Program and we know that most of the other contractors in our area do also. We've put together safety programs, weekly safety meetings, monthly safety meetings, and anything else they've asked for.

Then all of a sudden here come these new OSHA rules telling us that we can't use diesel to start fires anymore and that we can't fuel any of our machines with the engines running. Do you people realize that you are talking to adults not five year old kids. How many injuries have there been in the State of Idaho from people using diesel to start a fire or from fueling a vehicle with the engine running?

These rules and some of the others I've read in the book 29 CFR 1910 and 1928 really have no place in a logging standard.

Why don't you live with the Idaho Code. It as least let's us use some common sense.

Sincerely,

TERRY STREETER,
Foreman, Babbitt Logging, Inc.

Senator Burns, members of the committee: My name is Paul Tisher. I live in Libby, Montana. My partner's name is Paul Brown and we own and operate TBC Timber, a small family-owned business. We've been in business for 15 years and have nine employees other than ourselves. We are (also) working members of our crew.

One of the new rules which concerns us most is under D. General Requirements #5 called Environmental Conditions. It read: All work shall terminate and each employee shall move to a place of safety when environmental conditions, such as but not limited to, electrical storms, high winds, heavy rain or snow, extreme cold, dense fog, fires, mudslide and darkness may endanger an employee in the performance of their job. Senator, the interpretation of these conditions can mean many things to different people. I can tell you, there have been many times when our crew has had to sit out a storm, whether it be wind, rain, or snow. But, the weather will be what it will be, and we as stewards of this land will be out there in the elements to support our families and sustain our communities.

Another proposed rule that ties in with these environmental conditions is under Tree Harvesting #2 Manual Felling Section #3. It reads: Each tree shall be checked for accumulations of snow and ice. Accumulation of snow and ice that may create a hazard for an employee shall be removed before felling is commenced in the area or the areas shall be avoided. I hope that OSHA didn't intend for us to remove the snow and ice by ourselves, especially knowing that this would create an even greater hazard. That leaves us with the two things that usually remove snow and ice from trees, and that is wind or rain. Senator, this really becomes confusing at this point. We can't work if there's too much snow or ice in the trees. So we finally get a good hard rain or some chinook winds that remove all the snow and ice, but we can't work under these conditions either. Then as conditions turn colder it starts to snow and we get more build up in the trees. This can go on for six or seven months in Montana and leaves us wondering how we're going to be able to work under this type of rule.

Who from OSHA can determine if conditions are too dangerous to work in? What degree of wind, rain, snow, cold or fog will constitute a total shutdown or the ensuing penalties if operations are still working when they arrive. What experience do they have in logging procedure and working with outdoor elements that tell them one or more of these conditions is too dangerous? We feel that the decisions on Environmental Conditions should be left to the people who make their living doing this and not by the Federal Government.

Being members of the Montana Logging Association, we as a crew have all had training in First Aid, CPR, Blood Borne Pathogens, Material Safety Data, and Safe Operating Procedures. This training is done annually and is a key to recognizing unsafe or potentially unsafe conditions. Holding ourselves to these standards has become the norm in this profession we call logging.

Having said that, I would like to comment on a procedure used by OSHA compliance officers during a jobsite visit. That is the use of a video camera when questioning employers and employees about the training they have had in reference to what I just talked about. This, "Camera In Your Face" session gives one the feeling that you've already done something wrong or why would they want to get it on film in the first place. I am sure that somewhere, in all of the many hours of training we have had, someone will forget something, but that doesn't mean all of a sudden we are in a hazardous situation. With the camera rolling and knowing that the wrong answer to a question can result in a training violation and cost an employer up to $7000 per violation and also knowing that you haven't done anything wrong and that you're not in a hazardous situation nor have you created a hazardous situation for a fellow worker, is frustrating and intimidating to the point that the easiest of answers can be forgotten.

Senator, logging always has been and always will be a dangerous occupation. We do not take this lightly. It is very clear to us that training for, and providing a safe work place will not only send us all home safely every night but it is also essential for a company to stay in business. If we believe in and practice these things then why do we need the Federal Government to enforce what is already being done. Common sense has been around a lot longer than OSHA and it will be on the job when OSHA isn't. Please Senator, lets not put any more rules into place that would jeopardize the use of good common sense.

Mr. BURNS. Mr. President, I do not know what the cost is, but in the new regulations they required boots for loggers that are not even being made. And I can see this fellow yet, who was described as the OSHA representative, up there to enforce these rules and regulations. You can pick him out of a thousand people. There he was.

For instance, the employer is required to make sure that the employee's vehicle, if he drives to on-site logging, is safe; in other words, passes all the safety conditions of the State. The employer responsible for an employee's own private automobile? Now, that is overstepping a little bit.

Also, I found out—and I am not a logger. I have been in the woods a little but not nearly that much. The renewable resource that I dealt with was grass. You do not take a chain saw to that; you take a cow to it. But, anyway, you have to use a Humboldt cut. In other words, when you take down a tree, you have to use the Humboldt cut. I had not heard of that. And neither, by the way, had the guy who wrote the rules. He said he just heard about it but he was not really familiar with what a Humboldt cut was. Basically, when you fell a tree, it is to prevent a kickback when the tree goes down. And that happens every now and again. In a select cut, no matter how remote or how steep, that tree can only be taken by mechanical means. Now, in some places you just do not get mechanical harvesters. What do you do? You let the tree just go, let it hang up and lose it? I do not think so.

But these are rules and regulations that have been imposed on an industry which were written by an organization with basically very little common sense when it comes to logging.

I just want to put these statements in the RECORD because I made a suggestion one time. After legislation is passed by this Congress, after it goes to the President for his signature and he signs it into law, what happens? That law is given to a faceless and nameless bureaucrat to write the administrative rules. We have enough evidence that most of those rules have nothing to do with the intent of the legislation. So I suggested that before the final rules go into the Federal Register, maybe they should come back to the committee of jurisdiction to make sure they do conform to the intent of the legislation.

I mentioned that to a colleague of mine, and he said, "Good Heavens, Senator, we never would get a law in place," at which I just grinned. I rested my case. Sometimes we should not have some of these laws passed. Maybe it should take a little longer. Maybe they should be debated a little more.

But I think we in this body, if we have been remiss in any part of our duty, it is in oversight and being involved in writing the administrative rules. If every Senator in this body went home and talked to the industry that is going to be affected, we would be acutely aware of the problems faced in private industry. And we wonder why they are struggling trying to make a living, especially our smaller companies, our small business people. Over 90 percent of the jobs in Montana are created by small business.

So I thank any friend from Oklahoma, who is the author of this bill. It gives us 45 days to look at those rules. We should look at the rules. We should become actively involved in the rulemaking, especially if we are sponsors of a piece of legislation that has so much to do with the workplace and the ability of a small businessman to make a living at this time. Not only are they taxed to death; they are also ruled and regulated to death. So we need to do what we are supposed to do.

It was suggested after the elections last year that Government reinvent itself. I do not know what the message was last November 8, but I will tell you this. You will get as many versions of that message as there are editorial writers or coffee klatches or Lions Clubs or Rotary Clubs, wherever people sit down and visit about the political arena. But I say they are saying to people involved in Government, it is time to sit down and reassess the real mission and the real role of Government. Why are we here and why is it costing the taxpayers so much money? And then we turn right around and force rules and regulations on them that cost them more.

Everybody wants a safe workplace. That is not to say that we should not have some rules and regulations. But I say that whenever you put it in the rules and regulations that your car has to be safe—and that is just a suggestion—once you write it into the rules, then an inspector who wants to make a name for himself can say, "Aha, that car is not safe. I will fine you $100," instead of saying, "We have some problems here. Let us work with each other, let us iron them out. Let us make a safe workplace." In the logging industry especially, most of the companies are small, where you have the man who owns the company, plus he has four or five of his friends—and I mean his friends, not his employees—he works with in the woods.

They know each other and they must know each other in order to have a safe environment in which to do business. They do not want to hurt each other, either. And they are all small.

But I am saying, when just a suggestion is made in the Federal Register, it gives an inspector an idea that this is hard law and he can fine for it. So we just need to be a little bit prudent about what we put into rules and regulations.

Nobody is arguing here that we take safety out of the workplace. We are saying we should approach it in a manner in which we can have the employee, the employer, and the Government entities, both State and Federal, work together to make that a safe workplace. I think this piece of legislation does it.

I congratulate my friend from Nevada, Senator REID, and my friend from Oklahoma. I wish his Oklahoma State Cowboys a lot of luck come this weekend.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague from Montana for his support for our amendment, and also thank him for his statement.

I also wish to compliment the Senator from Montana, because he did something that many of us have not been doing. He has held some oversight hearings. He has had some of those people, many times we call them faceless bureaucrats, but he has had them come into his State and talk about some of the problems, whether it be in logging or forestry, and let them talk and actually meet those that they regulate.

I believe the Senator said—correct me if I am wrong. The OSHA official who was writing the regs had not actually been involved in the logging industry but yet was writing rules and regulations dealing with everything from trucks to boots, and he has not actually met some of the people whom he was regulating.

Is that correct?

Mr. BURNS. That is correct.

I also want to congratulate that man, though. The Senator from Oklahoma is correct. But the man that really wrote the regs did come to the hearings in Kalispell, MT. He sat down and gave his testimony, but he also stayed and listened to those loggers. He listened to them when we took public comment. When it was all over, he sat down with them and they started working some things out. I think we made headway, and that is fine and dandy.

But basically, we should not have to do this. Common sense tells us it would be a lot better and a lot cheaper for everybody if we did not get ourselves into that kind of situation.

I thank the Senator from Oklahoma.

Mr. NICKLES. I appreciate my colleague having the hearing. My guess is that meeting would not have transpired had it not been for the Senator from Montana and his insisting on that meeting.

The fact is that those regulations or proposed regulations will probably be changed and improved dramatically because of the insistence of the Senator from Montana on having face-to-face meetings with people who are making the regulations and making the rules to meet with people that are directly impacted.

One of the real positive things which I hope will come out of this is that Congress will become more active in oversight, just as the Senator from Montana proved that it can make a difference, certainly in his State.

Again, I compliment him for it, and I thank him again for his statement.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, tomorrow, pursuant to the order—the bill not being before the Senate today—an amendment will be offered by the senior Senator from Oklahoma and this Senator as a substitute to S. 219. I believe, Mr. President, that the substitute is a good solution to the problem that we are all concerned about, and that is excessive bureaucratic regulation.

For example, Mr. President, the U.S. Chamber of Commerce has estimated the cost of complying with regulations in the United States on a yearly basis at over $500 billion. That is almost 10 percent of our gross domestic product. It has also been estimated that the time spent on paperwork is almost 7 billion hours.

Mr. President, I repeat that. Over $500 billion to comply with regulations and almost 7 billion man-hours to do that paperwork.

We all know, Mr. President, that regulations serve a valid purpose and an important purpose. In fact, because of the regulatory framework that has been put in place for the last 50 or 60 years, we have workplaces that are safer. Hard-working Americans are less likely to be seriously injured on the job. There has been a tremendous reduction in the loss of limb or permanent disfigurement in the workplace as a result of Government regulations that were promulgated after we passed laws in this and the other body.

We have, Mr. President, an airline industry that has the greatest safety record in the world; food that meets very safe requirements, but they are very strict. We have a country where, just 20-odd years ago, 80 percent of all rivers were polluted. Now, that is down to approximately 20 percent. The numbers have been reversed as a result of the Clean Water Act.

The problem is that all too often Congress passes a law with good intentions and very sound policy only to have the agencies, the governmental agencies, turn these simple laws into very complex regulations that go beyond the intent of Congress and many times make no sense. Ultimately, we create an environment where small businessowners must hire legal departments—and I do not say "lawyers"; legal departments—To comply with labor and environmental laws and other issues.

In some instances, the regulations are so complex that a small firm has to hire a multitude of experts so they can comply with the labor laws, the environmental laws, the tax laws. The reality has led Americans to become frustrated and skeptical of their Government as a result of overregulation.

In a survey conducted by the Times Mirror, they found that, since 1987, the number of Americans who believe regulations affecting businesses do more harm than good has jumped from 55 to over 63 percent. It was not very good in 1987. It has only gotten worse, though.

Why are we concerned?

Well, Mr. President, if we look at the new regulations that have been promulgated by Federal agencies—and this does not count State and local agencies; we are not going to have any impact on that.

But I have in my possession, and I show the Presiding Officer, regulations received since the 9th day of November 1994, that are economically significant, and those that are not economically significant.

Remember, for us, those are terms of art. For the American public, they are not. We are talking about those that are economically significant, to be over $100 million.

But look at them—page after page of these regulations. Those that are economically significant, 3 pages; those not economically significant, 12 pages of fine print.

Market promotion program regulations; Department of Defense selection criteria for clothing and realigning military installations. It covers everything. Protest disputes and appeals.

I would like to read that in more detail.

Wool and mohair payment programs for shorn wool, wool and unshorn lambs, and mohair, even though, as you know, Mr. President, we repealed the law, but we are still promulgating regulations in that regard.

Here is one that the Senator from California would, I am sure, appreciate, the junior Senator, I believe. Use of the term "fresh" on the labeling of raw poultry products.

As you may recall, there has been a dispute that has arisen, as to: When you get a fresh turkey at Thanksgiving, is it really fresh? We have regulations promulgated on that.

I am not going to go into more detail. We have 15 pages. And this is not up to date. This is a couple of weeks old.

So I think the American public has something to be concerned about. There really are too many regulations.

We have reason to believe that the American small business community really is concerned, and with good reason, for thinking that regulations do more harm than good.

I believe, Mr. President, that if you look at some, I should say, unusual things that have gone on—we heard the Senator from Montana, and during this debate that will take place this week, we will hear all kinds of things that are going on—they really do not make a lot of sense. Of course, there are a lot of things that make sense.

We need regulations, and the Senator from Nevada wants to make sure people understand, I am not against all regulations. I just want some commonsense direction for those regulations.

There is an article out of Business Week from a month or so ago that talks about some of the good regulations, about when you go to the airport and they have overbooked the airplane and you wanted to go across the country; now there is a regulation that says they can give you a free ticket if they bump you off the flight.

We have an example in the Clean Air Act where you can trade pollution rights, which is certainly very important, because we have had outlandish regulations.

A company, Amoco York County Refinery, was required to spend $31 million to reduce a small amount of benzene from its wastewater treatment plant when it could have reduced five times as much benzene elsewhere in the refinery at a cost of only $6 million. Those are some of the things that literally drive small businesses crazy and drive them out of business.

So there are good regulations and bad regulations, and this legislation, Mr. President, is going to allow us to have more common sense in the way regulations are promulgated.

I am convinced, and I have spoken with the Senator from Oklahoma at some length in this regard, that one of the things that will flow from this regulatory scheme that is in our substitute is that there will be fewer regulations promulgated because they know there will be a legal setup, a legal framework to review these regulations.

The Senator from Oklahoma and I have been long involved in trying to do something about regulations. We have written op-ed pieces for newspapers that have been published. We introduced legislation last year that passed the Senate and was killed in conference that would have put dollar limits on regulations.

Our approach this year with this substitute is an ongoing movement which we have tried to initiate to put common sense in the way regulations are promulgated. I repeat, I am convinced that our substitute will stop the issuance of many regulations.

I believe the way to eliminate many of these problems is to establish a safety mechanism that will enable Congress to look at these regulations that are being promulgated and decide whether they achieve the purpose they were supposed to achieve in a rational, economic, and less burdensome way. This substitute, which I have already indicated I have cosponsored with Senator NICKLES, goes a long way toward accomplishing this goal in a bipartisan fashion. I think this is important because I believe Americans want Congress to work together to make their Government work for them and not against them.

This bill, in my opinion—our substitute—should alleviate the talk in this body about regulations. If this passes, I think we have a framework established to take care of the problem. There will be some who think we need to go a lot further, but I do not. I think if we can get this in place, we will be in real good shape.

This bill has great potential, as I have indicated, for a bipartisan solution to the problem of costly and unnecessary regulations. The mechanics of this bill have been explained extremely well by the Senator from Oklahoma, and I am going to touch on it briefly.

It provides a 45-day period for Congress to review new regulations. If the rule has an economic impact over $100 million, it is deemed significant and the regulation will not go into effect during the 45-day review period. This 45-day review period will allow Congress to hold Federal agencies accountable before they become law and start impacting the regulated community.

Mr. President, if the rule does not meet the $100 million threshold, the regulation will go into effect but will still be subject to fast-track review. Even significant regulations may go into effect immediately if the President, by Executive order, determines that the regulation is necessary for health, safety, or national security, or is necessary for the enforcement of criminal laws. This is not subject to judicial review.

So that is the general outline. We know the 45-day review process will begin when the rule is sent to Congress.

We have spent a great deal of time, the Senator from Oklahoma and myself and our staffs, making sure that this legislation is constitutional. The Presiding Officer has had a long history of working on legal matters, having been attorney general, and this regulation, I am assured by all kinds of legal scholars, is constitutional.

In fact, the man that argued the case before the U.S. Supreme Court in 1983, the Chadha case, a man by the name of Mike Davidson, said:

> The key to Immigration and Naturalization Service v. Chadha was that Congress had excluded the President altogether from its repeal of the Kenyan's stay of deportation. By sending any "resolution of disapproval" to the President for a final decision, Congress sidesteps the separation-of-power questions raised by the Chadha case.

So we are covered legally in this matter. If, during the course of the debate, we need to get into more legal argument, I will be happy to talk to the chairman of the Governmental Affairs Committee, or anyone else concerned.

Mr. President, I believe that this is a significant step forward from the underlying bill. I believe this substitute will allow an orderly process whereby we can review regulations that the Federal branch of Government initiates. It will cause them to be more careful since the Chadha decision, in my opinion. Government agencies have been reckless, recognizing that there is not anything we can do about it. When this substitute passes, we will be able to do something about it, and I think it will rein in what I believe are some of the runaway rules that are being promulgated.

Before closing, I would like to express my appreciation to the chairman and the ranking member of the Governmental Affairs Committee for their hard work on this issue. I do not support the underlying legislation. I believe that this substitute is a significant improvement over what has come to us in the form of S. 219.

I also take this opportunity to express my appreciation to the senior Senator from Oklahoma for his work on this issue. He has been a stalwart ally over many years working on this issue. I believe that we have now found a piece of legislation on which we can achieve a bipartisan passage in this body and, hopefully, when the matter goes before the conference, they will see the wisdom of adopting this very workable procedure to rein in runaway Government bureaucracy.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator REID from Nevada, for his statement. I hope my colleagues had a chance to listen to it because I think it is well reasoned and shows there is bipartisan support for, I think, a commonsense idea, saying Congress should have an opportunity to review regulations and, if you are talking about really significant regulations, an expedited procedure to reject those.

There are thousands of regulations. My guess is that we will reject a very, very small percentage. But at least we will have the congressional oversight and Congress will be hopefully more involved, just as the Senator from Montana was in dealing with an OSHA regulation in logging. Hopefully, more of our colleagues will become involved in monitoring and reviewing and trying to limit excess regulations and maybe in oversight find out the regulation is not acceptable. Maybe we will find out that it is acceptable. The Senator from Nevada has helped make that happen, and I am delighted to work with him in this effort.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I come before the Senate today to discuss a piece of legislation that simply makes no sense. I am speaking about S. 219, the Regulatory Transition Act, or the regulatory moratorium, as it is more widely known. With all due respect to my colleagues who support this legislation—it is a bad bill, poorly conceived, arbitrary in scope, and reckless in its purpose. We should not be wasting our time on this legislation.

1. OVERVIEW

We all agree, I am sure, that the Federal regulatory process is in serious need of serious reform. Too many ill-considered and costly regulations are unfairly and unwisely weighing down our people, our businesses, and our State and local governments. Too often, Federal agencies are getting away with sloppy work that ends up costing jobs and economic growth across our great country. Yes, we need regulatory reform. But no, we do not need the regulatory moratorium.

The moratorium legislation has been described as providing a brief time out for agencies to pause and reflect on their regulations. It is, however, much more than that. It basically stops work on all significant regulations and related policy statements and guidance for as much as 19 months. The moratorium period is retroactive from November 9, 1994, through December 31, 1995, with an additional 5-month delay; that is, until the end of May 1996 for statutory or judicial deadlines for agency action.

This moratorium is unprecedented, and just plain wrong. It would stop good and bad regulations, alike. It's the old story of the thoughtless, stupid parent throwing out the baby with the bath water. I hope my remarks today will help my colleagues appreciate the heavy, heavy price that would be paid by the American people for this bill—death, injuries, disease, accidents, lost wages, lost investment, lost opportunities. A heavy price, indeed, for a freeze that fixes nothing.

Again, at what price. Just before coming to the floor, I met with Nancy Donley who every day relives the loss of her child to an E. coli infection caused by tainted hamburger. USDA's reform of its meat inspection regulations would be stopped by the moratorium. I don't think there is one supporter of the moratorium who would dare look Mrs. Donley in the eye and say that we should stop the very rules that can save other families from the horrible tragedy she, and hundreds of other parents like her, have suffered.

The moratorium is wrong, just plain wrong.

Before I discuss the bill in detail, let me make one point very clear. Tomorrow, when the bill is formally taken up, I understand that its proponents will offer a substitute amendment. They will seek to replace the moratorium provisions with a proposal for a congressional veto of regulations. I want to be sure that my colleagues understand what is going on here.

First, the plan for the substitute amendment shows that the proponents of the moratorium have finally realized how bad the moratorium really is. While they apparently cannot admit to its stupidity, they also cannot bring themselves to fight for it. So, they want to hide behind something new, something different, something that will not be ridiculed—and with the understanding that if the Senate passed it, there would be a conference with the House, in which the House-passed moratorium would be negotiated. Since conference reports are unamendable, this is a strategy for bringing to the Senate a moratorium that cannot be fixed. It is a blatant attempt to get through the back-door what the Republicans are now too ashamed to bring through the front-door—where it would be subject to sunshine and amendment.

As for the planned substitute, it is a legislative veto for rules. Versions of this proposal are found in current regulatory reform bills.

In fact, the Committee on Governmental Affairs, on which I serve, just last Thursday, March 23, voted unanimously—15 to zero, all the Republicans and all the Democrats—in favor of a legislative veto as an essential element in our comprehensive bipartisan regulatory reform bill. Let me add that for this larger accomplishment, the entire Senate owes a great deal of thanks to our committee chairman, Senator ROTH of Delaware. He has shown real leadership in fashioning a tough, very tough, bipartisan regulatory reform bill. This is the real reform bill that we should be discussing, not the moratorium.

Now, the legislative veto proposal, itself, is not a new idea. It is, I think, safe to say that it owes more to one of our colleagues, than to anyone else now in the Senate. The legislative veto is truly the brainchild of my good friend and colleague from Michigan, CARL LEVIN. Senator LEVIN has, since he came to the Senate 17 years ago, repeatedly proposed and argued for the legislative veto. Each and every version being considered in this Congress amounts to yet another revision of the Levin proposal of 1979.

I support the legislative veto. It will mean a significant increase in our work—we must all realize this fact—but it keeps accountability where it belongs—here, in Congress. Also, as a part of a comprehensive reform of the regulatory process, the legislative veto can play an important role in providing review and accountability. At the same time, it avoids endless litigation and extensive judicial review, which is a major problem, indeed a fatal flaw, in other regulatory reform proposals.

So, again, I support the legislative veto. But I do not support it as a moratorium substitute—not at all. First, we should not deal with the legislative veto as a stand-alone bill, because, as I said, it is in, and should be considered in the context of, the regulatory reform bills now moving toward the floor. Second, and even more importantly, it would be very dangerous for us to vote for the legislative veto as a substitute for S. 219. As I already said—the House has enacted a moratorium proposal.

If we pass S. 219, whatever its contents, it will be conferenced with the House-passed moratorium bill. We should not allow this result. We must not allow support for the legislative veto to divert us from the profound dangers of the underlying moratorium proposal.

To avoid this result, and whatever happens with any substitute, the entire Senate should go on record opposing any conference report that might contain any moratorium.

2. THE LEGISLATIVE RECORD OF THE REGULATORY MORATORIUM

Let me now review the moratorium proposal and what we discovered in considering this bill in the Governmental Affairs Committee.

The proposal originated in the House as H.R. 450. I ask unanimous consent to insert into the RECORD copies of two articles from the Washington Post, "Forging an Alliance for Deregulation," dated March 12, 1995, and "Truth Is Victim in Rules Debate," dated March 19, 1995, as well as a Post op-ed, by Jessica Matthews, dated March 5, 1995.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 12, 1995]

FORGING AN ALLIANCE FOR DEREGULATION—REPRESENTATIVE DELAY MAKES COMPANIES FULL PARTNERS IN THE MOVEMENT

(By Michael Weisskopf and David Maraniss)

The day before the Republicans formally took control of Congress, Rep. Tom DeLay strolled to a meeting in the rear conference room of his spacious new leadership suite on the first floor of the Capitol. The dapper Texas Congressman, soon to be sworn in as House majority whip, saw before him a group of lobbyists representing some of the biggest companies in America, assembled on mismatched chairs amid packing boxes, a huge, unplugged copying machine and constantly ringing telephones.

He could not wait to start on what he considered the central mission of his political career: the demise of the modern era of government regulation.

Since his arrival in Washington a decade earlier, DeLay, a former exterminator who had made a living killing fire ants and termites on Houston's wealthy west side, had been seeking to eradicate federal safety and environmental rules that he felt placed excessive burdens on American businesses.

During his rise to power in Congress, he had befriended many industry lobbyists who shared his fervor. Some of them were gathered in his office that January morning at the dawn of the Republican revolution, energized by a sense that their time was finally at hand.

The session inaugurated an unambiguous collaboration of political and commercial interests, certainly not uncommon in Washington but remarkable this time for the ease and eagerness with which these allies combined. Republicans have championed their legislative agenda as an answer to popular dissatisfaction with Congress and the federal government. But the agenda also represents a triumph for business interests, who after years of playing a primarily defensive role in Democratic-controlled Congresses now find themselves a full partner of the Republican leadership in shaping congressional priorities.

The campaign launched in DeLay's office that day was quick and successful. It resulted last month in a lopsided vote by the House for what once seemed improbable: a 13-month halt to the sorts of government directives that Democrats has viewed as vital to ensuring a safe and clean society but that many businesses often considered oppressive and counterproductive. A similar bill is under consideration in the Senate, where its chances of approval are not as certain.

Although several provisions of the "Contract With America" adopted by Republican House candidates last fall take specific aim at rolling back federal regulations, the moratorium was not part of that. In fact, as outline that day in DeLay's office by Gordon Gooch, an oversized, folksy lobbyist for energy and petrochemical interests who served as the congressman's initial legislative ghost writer, the first draft of the bill called for a limited, 100-day moratorium on rulemaking while the House pushed through the more comprehensive antiregulatory plank in the Contract.

But his fellow lobbyists in the inner circle argued that was too timid, according to participants in the meeting. Over the next few days, several drafts were exchanged by the corporate agents. Each new version sharpened and expanded the moratorium bill, often with the interests of clients in mind—one provision favoring California motor fleets, another protecting industrial consumers of natural gas, and a third keeping alive Union Carbide Corp.'s hopes for altering a Labor Department requirement.

As the measure progressed, the roles of legislator and lobbyist blurred. DeLay and his assistants guided industry supporters in an ad hoc group whose name, Project Relief, sounded more like a Third World humanitarian aid effort than a corporate alliance with a half-million-dollar communications budget. On key amendments, the coalition provided the draftsman. And once the bill and the debate moved to the House floor, lobbyists hovered nearby, tapping out talking points on a laptop computer for delivery to Republican floor leaders.

Many of Project Relief's 350 industry members had spent the past few decades angling for a place of power in Democratic governing circles and had made lavish contributions to Democratic campaigns, often as much out of pragmatism as ideology. But now they were in the position of being courted and consulted by newly empowered Republicans dedicated to cutting government regulation and eager to share the job.

No congressman has been more openly solicitous in that respect than DeLay, the 47-year-old congressional veteran regarded by many lawmakers and lobbyists as the sharpest political dealer among the ruling House triad that includes fellow Texan Richard K. Armey, the majority leader, and Speaker Newt Gingrich of Georgia.

DeLay described his partnership with Project Relief as a model for effective Republican lawmaking, a fair fight against Democratic alliances with labor unions and environmentalists. "Our supporters are no different than theirs," DeLay said of the Democrats. "But somehow they have this Christ-like attitude what they are doing [is] protecting the world when they're tearing it apart." Turning to business lobbyists to draft legislation makes sense, according to DeLay, because "they have the expertise."

But the alliance with business and industry demonstrated in the push for a moratorium is not without peril for Republicans, many GOP strategists acknowledge. The more the new Republican leaders follow business prescriptions for limited government in the months ahead, the greater the risk that they will appear to be serving the corporate elite and lose the populist appeal that they carried with them into power in last November's elections.

William Kristol, a key Republican analyst whose frequent strategy memos, help shape the conservative agenda, said the way congressional leaders deal with that apparent conflict could determine their prospects for consolidating congressional power. "If they legislate for special interests," he said, "it's going to be hard to show the Republican Party has fundamentally changed the way business is done in Washington."

THE EXTERMINATOR

After graduating from the University of Houston with a biology degree in 1970, Tom DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of Albo Pest Control, a little outfit whose name he hated but kept anyway because a marketing study noted it reminded consumers of a well-known brand of dog food.

By his account, DeLay transformed Albo into "the Cadillac" of Houston exterminators, serving only the finest homes. But his frustrations with government rules increased in tandem with his financial success. He disparaged federal worker safety rules, including one that required his termite men to wear hard hats when they tunneled under houses. And the Environmental Protection Agency's pesticide regulations, he said, "drove me crazy." The agency had banned Mirex, a chemical effective in killing fire ants but at first considered a dangerous carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. "I found out government was a cost of doing business," he said, "and I better get involved in it."

He arrived in the Texas legislature in 1978 with a nickname that defined his mission: "Mr. DeReg." Seven years later he moved his crusade to Washington as the congressman from Houston's conservative southwest suburbs. He sought to publicize his cause by handing out Red Tape Awards for what he considered the most frivolous regulations.

But it was a lonely, quixotic enterprise, hardly noticed in the Democrat-dominated House, where systematic regulation of industry was seen as necessary to keep the business community from putting profit over the public interest and to guarantee a safe, clean and fair society. The greater public good, Democratic leaders and their allies in labor and environmental groups argued, had been well served by government regulation. Countless highway deaths had been prevented by mandatory safety procedures in cars. Bald eagles were flying because of the ban on DDT. Rivers were saved by federal mandates on sewerage.

DeLay nonetheless was gaining notice in the world of commerce. Businessmen would complain about the cost of regulation, which the government says amounts to $430 billion a year passed along to consumers. They would cite what they thought were silly rules, such as the naming of dishwashing liquid on a list of hazardous materials in the workplace. They pushed for regulatory relief, and they saw DeLay as their point man.

The two-way benefits of that relationship were most evident last year when DeLay ran for Republican whip. He knew the best way to build up chits was to raise campaign funds for other candidates. The large number of open congressional seats and collection of strong Republican challengers offered him an unusual opportunity. He turned to his network of business friends and lobbyists. "I sometimes overly prevailed on" these allies, DeLay said.

In the 1994 elections, he was the second-leading fund-riser for House Republican candidates, behind only Gingrich. In adding up contributions he had solicited for others, DeLay said, he lost count at about $2 million. His persuasive powers were evident in the case of the National-American Wholesale Grocers Association PAC, which already had contributed $120,000 to candidates by the time DeLay addressed the group last September. After listening to his speech on what could be accomplished by a pro-business Congress, they contributed, another $80,000 to Republicans and consulted DeLay, among others, on its distribution.

The chief lobbyist for the grocers, Bruce Gates, would be recruited later by DeLay to chair his antiregulatory Project Relief. Several other business lobbyists played crucial roles in DeLay's 1994 fund-raising and also followed Gates's path into the antiregulatory effort. Among the most active were David Rehr of the National Beer Wholesalers Association, Dan Mattoon of BellSouth Corporation, Robert Rusbuldt of Independent Insurance Agents of America and Elaine Graham of the National Restaurant Association.

At the center of the campaign network was Mildred Webber, a political consultant who had been hired by DeLay to run his race for whip. She stayed in regular contact with both the lobbyists and more than 80 GOP congressional challengers, drafting talking points for the neophyte candidates and calling the lobbyist bank when they needed money. Contributions came in from various business PACs, which Webber bundled together with a good-luck note from DeLay.

"We'd rustle up checks for the guy and make sure Tom got the credit," said Rehr, the beer lobbyist. "So when new members voted for majority whip, they'd say, 'I wouldn't be here if it wasn't for Tom DeLay.'"

For his part, DeLay hosted fundraisers in the districts and brought challengers to Washington for introduction to the PAC community. One event was thrown for David M. McIntosh, an Indiana candidate who ran the regulation-cutting Council on Competitiveness in the Bush administration under fellow Hoosier Dan Quayle. McIntosh won and was named chairman of the House regulatory affairs subcommittee. He hired Webber as staff director.

It was with the lopsided support of such Republican freshmen as McIntosh that DeLay swamped two rivals and became the majority whip of the 104th Congress. Before the vote, he had received final commitments from 52 of the 73 newcomers.

THE FREEZE

The idea for Project Relief first surfaced before the November elections that brought Republicans to power in the House for the first time in 40 years. Several weeks after the election, it had grown into one of the most diverse business groups ever formed for specific legislative action. Leaders of the project, at their first post-election meeting, discussed the need for an immediate move to place a moratorium on federal rules. More than 4,000 regulations were due to come out in the coming months, before the Republican House could deal with comprehensive antiregulatory legislation.

DeLay agreed with the business lobbyists that a regulatory "timeout" was needed. He wrote a letter to the Clinton administration Dec. 12 asking for a 100-day freeze on federal rule-making. The request was rejected two days later by a mid-level official who described the moratorium concept as a "blunderbuss." DeLay then turned to Gooch to write legislation that would do what the administration would not.

At the Jan. 3 meeting in DeLay's office, Paul C. Smith, lobbyist for some of the nation's largest motor fleets, criticized Gooch's draft because it excluded court-imposed regulations. He volunteered to do the next draft and came back with a version that addressed the concerns of his clients. Under court order, the EPA was about to impose an air pollution plan in California that might require some of Smith's clients—United Parcel Service and auto leasing companies—to run vehicles on ultraclean fuels, requiring the replacement of their fleets.

Smith removed the threat with a stroke of his pen, extending the moratorium to cover court deadlines. He also helped Webber add wording in a later amendment that extended the moratorium from eight to 13 months.

Peter Molinaro, a mustachioed lobbyist for Union Carbide, had a different concern: He wanted to make sure the moratorium would not affect new federal rules if their intention was to soften or streamline other federal rules. The Labor Department, for example, was reviewing a proposal to narrow a rule that employers keep records of off-duty injuries to workers. Union Carbide, Molinaro noted in an interview, had been fined $50,000 for violating that rule and was eager for it to be changed.

For his part, Gooch wanted to make sure that the routing, day-to-day workings of regulatory agencies would not be interrupted by a moratorium. His petrochemical clients rely on the Federal Energy Regulatory Commission to make sure natural gas and oil, used in their production processes, flow consistently and at reasonable rates.

Gooch said he had "no specific mission" other than helping DeLay. "I'm not claiming to be a Boy Scout," he added. "No question I thought what I was doing was in the best interests of my clients."

THE WAR ROOM

On the first day of February, 50 Project Relief lobbyists met in a House committee room to map out their vote-getting strategy for the moratorium bill. Their keynote speaker was DeLay, who laid out his basic objective: making it a veto-proof bill by lining up a sufficient number of Democratic cosponsors. They went to work on it then and there.

Kim McKernan of the National Federation of Independent Business read down a list of 72 House Democrats who had just voted for the GOP balanced budget amendment, rating the likelihood of their joining the antiregulatory effort. The Democrats were placed in Tier One for gettable and Tier Two for questionable.

Every Democrat, according to participants, was assigned to a Project Relief lobbyist, often one who had an angle to play.

The nonprescription drug industry chose legislators with Johnson & Johnson plants in their districts, such as Ralph M. Hall of Texas and Frank Pallone Jr. of New Jersey. David Thompson, a construction industry official whose firm is based in Greenville, S.C., targeted South Carolina congressman John M. Spratt Jr.

Federal Express, with its Memphis hub, took Tennessee's John S. Tanner. Southwestern Bell Corp., a past campaign contributor to Blanche Lambert Lincoln of Arkansas, agreed to contact her. Retail farm suppliers picked rural lawmakers, including Charles W. Stenholm of Texas.

As the moratorium bill reached the House floor, the business coalition proved equally potent. Twenty major corporate groups advised lawmakers on the eve of debate Feb. 23 that this was a key vote, one that would be considered in future campaign contributions.

McIntosh, who served as DeLay's deputy for deregulation, assembled a war room in a small office just off the House floor to respond to challenges from Democratic opponents. His rapid response team included Smith, the motor fleet lobbyist, to answer environmental questions; James H. Burnley IV, an airline lobbyist who had served as transportation secretary in the Reagan administration, to advise on transportation rules; and UPS lobbyist Dorothy Strunk, a former director of the Occupational Health and Safety Administration, to tackle workplace issues. Project Relief chairman Gates and lobbyists for small business and trucking companies also participated.

When Republican leaders were caught off guard by a Democratic amendment or alerted to a last-minute problem by one of their allies, Smith would bang out response on his laptop computer and hand the disk to a McIntosh aide who had them printed and delivered to the House floor.

The final vote for the moratorium was 276 to 146, with 51 Democrats joining DeLay's side. Still 14 votes short of the two-thirds needed to override a veto, the support exceeded the original hopes of Project Relief leaders.

One week later, DeLay appeared before a gathering of a few hundred lobbyists, lawmakers and reporters in the Caucus Room of the Cannon House Office Building to celebrate the House's success in voting to freeze government regulations and, in a pair of companion bills, curtail them. He stood next to a five-foot replica of the Statue of Liberty, wrapped from neck to toe in bright red tape, pulled out a pair of scissors, and jubilantly snipped away.

Standing next to him, brandishing scissors of his own, was the chairman of Project Relief.

[From the Washington Post, Mar. 19, 1995]

TRUTH IS VICTIM IN RULES DEBATE—FACTS DON'T BURDEN SOME HILL TALES OF REGULATORY ABUSE

(By Tom Kenworthy)

As Congress wages war on the federal regulatory system, anecdotal evidence of nonsensical rules and innocent victims has been a powerful weapon in the push to enact measures that will temporarily halt rule-making, protect property owners and ensure new regulations are worth the cost.

Many of these purported examples, however, have the ring of truth, but not the substance.

Consider the "regulatory overkill" cited by Rep. Michael Bilirakis (R-Fla.) during floor debate last month. "The Drinking Water Act currently limits arsenic levels in drinking water to no more than two to three parts per billion," said Bilirakis. "However, a regular portion of shrimp typically served in a restaurant contains around 30 parts per billion."

Arsenic, a known human carcinogen, has been subject to regulation by the Environmental Protection Agency since 1976. The drinking water standard is now not two or three parts per billion, but 50 parts per billion. And according to EPA officials, the arsenic found in water and the arsenic found in shrimp and other seafood are chemically quite different. The type of arsenic found in seafood is organic; in water, arsenic is predominantly inorganic, and far more toxic.

Bilirakis, a former judge, declined a request for an interview, but his press spokesman explained that Bilirakis relied on his colleague, Rep. John L. Mica (R-Fla.), whose use of the shrimp example during a congressional hearing last year was reported in The Washington Post.

While rhetorical exaggerations or sloppy staff work are not new phenomena in congressional debates, the determination of House Speaker Newt Gingrich (Ga.) and other Republican leaders to push through their "Contract With America" agenda in 100 days or less has meant that complex and far-ranging legislation has been debated and passed in an unusually short period. And nothing in the contract deals with an area as complicated as regulatory reform or generates as much apocryphal rhetoric on both sides.

Veteran Democrats, who in some cases helped write the regulations now under attack, warned their colleagues during the debate of the consequences of moving so quickly. Rep. John D. Dingell (D-Mich.) said of the regulatory moratorium: "The unknown and unintended consequences caused by the hurried consideration of this legislation will emerge for members in embarrassing and unwanted ways in weeks and months ahead."

And Rep. Edward J. Markey (D-Mass.), lamented the making of "policy on the basis of false or misleading anecdotal information." Proponents, said Markey, "claim that the

Consumer Product Safety Commission had a regulation requiring all buckets have a hole in the bottom of them so water can flow through and avoid the danger of someone falling face down into the bucket and drowning. . . . Now, that would be ridiculous regulation, if it existed. But the truth is that there has never been such a rule."

Nothing slowed down the determination of House Republicans to change the regulatory system, and the debate now moves to the Senate, where the legislation is expected to emerge from committees in more moderate form.

During the two weeks the bills were considered in the House, the rhetoric on both sides was heated and the examples, even the hypothetical ones, not always precise.

Suppose scientists develop a vaccine for the AIDS virus but tests show it causes one case of cancer for every million patients, Rep. Robert S. Walker (R–Pa.) told reporters as the House took up the risk assessment bill. Because of that one cancer case, a provision of federal law called the Delaney Clause would require the Food and Drug Administration to keep the life-saving vaccine off the market, he said in a triumphant demonstration of the rigidity of federal regulation.

It sounded like a compelling argument—except for one not so small detail. The Delaney Clause has nothing to do with drug approvals. It is, as Walker conceded later when asked about it, a section of federal law that deals with carcinogens that could show up in processed food, primarily pesticide residues.

Even opponents of the House GOP's anti-regulatory agenda such as Environmental Protection Agency Administrator Carol M. Browner concede that there are examples of government heavy-handedness in enforcing laws on health and the environment.

"Unfortunately," Browner added, "much of the debate has been conducted in sound bites. Changes of this magnitude should be based on a vigorous debate with all of the facts on the table. What we saw was instance after instance of stories that don't even come close to resembling reality or the truth of the matter."

The property rights bill—which gives landowners the right to claim compensation from the government if a portion of their property loses 20 percent or more of its value because of rules governing wetlands, endangered species and other environmental restrictions—was also fertile ground for embellished anecdotes.

During the House debate, Rep. W.J. "Billy" Tauzin (D–La.), a leading advocate of the property rights legislation, told a moving story of what he called government "arrogance" in enforcing wetlands regulations. The tale involved the families of John Chaconas and Roger Gautreau in Ascension Parish, La., whom he characterized as victims of flawed wetlands laws and overzealous bureaucrats from the Army Corps of Engineers and the Environmental Protection Agency.

The Gautreaus, said Tauzin, built a home after getting approval from the Corps to dig a pond and use the fill as a foundation. Then they built another home on part of their property and sold it to the Chaconas family. According to Tauzin, the Corps then swept in, told the Gautreaus the dirt road that provides access to the two houses was on a wetland and could not be used, and told the Chaconas family they might have to forfeit their house.

John Chaconas, however, is refusing to play the part of victim assigned to him by Tauzin. In testimony prepared last week for delivery to a House task force on wetlands, Chaconas said he strongly supports wetlands regulation. He said he was victimized not by the government but by the Gautreaus, and that now his family "is being played as pawns by politicians to justify their opposition to current wetlands law."

In his prepared testimony, Chaconas tried to correct Tauzin's rendition of the story. Gautreau, said Chaconas, had failed to get a permit to dredge and fill wetlands despite being advised to do so by the Soil Conservation Service, and his actions had caused drainage problems for neighbors. Chaconas is now suing Gautreau and others over the real estate transaction.

[From the Washington Post, Mar. 5, 1995]

HORROR IN THE HOUSE

(By Jessica Mathews)

Every one of the most frequently cited horror stories used to justify the regulatory "reform" passed by the House last week is a fabrication. That tells a lot about the intent and the wisdom of the legislation.

You've almost surely heard about how states thousands of miles from Hawaii are forced to test their water for a pesticide used only on pineapples. (Truth: The pesticide was used on 40 crops before being banned as a probable carcinogen. It's been found in 16 of the 25 states that have tested for it, often at unsafe levels.)

Anchorage, so it is said, had to add fish wastes to its water so it could then remove them, thereby cleaning its sewage by the required 30 percent. (Truth: No one had to add fish wastes to the water—that's how they've been routinely disposed of. The 30 percent standard is the price of being exempted from secondary sewage treatment. Anchorage's complaint is about having to meet the most basic primary treatment standard.)

There is also the OSHA leaky bucket story, the rodent habitat that caused homes to burn in a wildfire and the baby teeth as hazardous wastes story. All sound too nutty to be true, and they are. The facts have been distributed—and ignored—all over Capitol Hill, but by now the stories are gospel.

As you might suspect from the quality of the rationale, the new legislation is not an honest attempt at regulatory reform. Like the balanced budget amendment, it is in part an admission of failure. Out of frustration at its inability to correct those laws and regulations that are flawed, Congress has grabbed at a measure to indiscriminately weaken all regulations, good and bad.

Far more perniciously, the bill is also a backdoor attempt to undo 35 years of environmental progress, a step for which there is so little public support that it would never be attempted frontally. Do not be misled. The measure effectively repeals the Clean Air Act, the Clean Water Act and every other statute that makes health, safety or environmental protection the guiding standard. If it becomes law, cost-effectiveness and "flexibility" (left undefined for the courts to figure out) will replace those standards.

What cost-effectiveness and flexibility appear to mean, in the opinion of former Republican senator Robert Stafford, is that providing asthma drugs to children who go to school near a paper mill could be the preferred choice over pollution controls on the mill. Former interior secretary James Watt's hat and suntan lotion solution to ozone depletion also leaps to mind.

The bill tries to pin down the Gulliver of government regulation in the worst possible way—with analyses, paperwork and endless opportunities for delay in the courts. It requires 22 separate analyses before a regulatory action. It opens 60 new bases for judicial challenge. EPA things the agency would need nearly 1,000 additional employees to fulfill its requirements.

Cost-benefit analysis is made a rigid, one-size-fits-all solution to every regulatory choice. While it is a modestly useful aid to decision-making, cost-benefit analysis cannot bear this burden. It does not reduce one whit the scientific and economic uncertainties that bedevil regulatory disputes, nor sidestep the need for value judgments. All it does is to put the guesswork into a formal analytical framework.

At the end, however, an assumption is an assumption no matter how sophisticated the mathematical trappings. The answers cost-benefit analysis provides can never be better than guesses about the future costs of new technology (nearly always exaggerated) or imponderables like the worth of 20 lost IQ points or the dollar value of wilderness. Frequently, the answers are far worse than what judgment can provide because any factor to which a number cannot be attached must be dropped from consideration, even if it happens to be the most important. Precisely because cost-benefit analysis seems to provide an objective, definitive answer, yet is so highly dependent on assumptions, it is ideally suited to ideological manipulation.

This latest bit of the "Contract With America" is not regulatory reform at all but a parody of reform. It takes the worst aspects of the present system—paperwork, delay, bureaucratic heavy-handedness—and makes them worse. It lessens regulators' opportunities to use common sense and makes them personable liable to huge fines for such crimes as "misallocating resources." It turns normal conflict-of-interest provisions inside out. Its intent is to throw sand in the government's crankcase, not to improve the quality of its actions.

Under normal circumstances the measure would stand little chance of becoming law. Its assault on three decades of bipartisan environmental achievement, in particular, is not what Americans want. But genius and the trap of Gingrich's 100-day deadline is that not only is there no time for legislators to understand what they're doing, neither the media nor the public can keep up. Major bills fly out of committee and onto the floor in a day or two and before anyone has taken a close look at one, another has taken its place. The House bill has a close match in the Senate sponsored by Majority Leader Robert Dole. And while the administration has made noises about a veto, so far the silence from the bully pulpit has been deafening.

Plenty of laws and regulations need reform. There's only one way to achieve it—the old-fashioned way, one law at a time, individually, on the merits.

Mr. GLENN. These articles show how the moratorium sprung from the minds of people intent not on a better or smarter Government, but a dumber Government—slow, inefficient, less likely to act on behalf the public interest.

A review of the progress of the House bill confirms my view of this bill. House sponsors moved the starting date around several times so that some rules could go forward and others would be caught. And despite the broad sweep of the moratorium, special exemptions were soon added.

The exemptions ranged from a promise in committee by the chief sponsor to protect watermelon marketing orders—according to the National Journal's Congress Daily, February 2, 1995, page 5—to floor amendments exempting a variety of FCC matters, China sanctions, customs modernization, airline safety, and other issues.

In the Senate, the record is quite similar to that of the House. On February 7, 1995, the Governmental Affairs Committee held the first of five regulatory reform hearings. On the seventh, we heard testimony from the majority leader and a number of other Senators, including the primary sponsor of the moratorium, Senator NICKLES. As our committee's majority report says:

> Senator Nickles stated that the purpose of the temporary moratorium is to give Congress enough time to pass legislation to comprehensively change the regulatory process.

With due respect to my colleague from Oklahoma, since that hearing we have devoted several weeks to the moratorium and now are on the floor to debate it—this is all time that has taken away from regulatory reform, I am sorry to say, not added to it.

On February 22, 1995, the committee devoted an entire hearing to the moratorium. This hearing reinforced my conviction that the moratorium is a bad idea. Mr. Rainer Mueller, a businessman from California, described his personal tragedy of the death of his 13-year-old son to E. coli infection and the impact of the moratorium on USDA regulations. Witnesses from the Department of Transportation and the Food and Drug Administration described specific health and safety rules that would be stopped by the moratorium. Examples of such rules from other agencies provided a clear picture of the potential destructive impact of the moratorium on important government actions on behalf of public health and safety.

While other witnesses told of regulations that certainly should be reviewed, if not rescinded, the thought of stopping all rules, including the meat inspection rules, in an effort to get at those bad rules, was simply not convincing. And ironically, one witness pointed out that the revised moratorium proposal before the committee would only stop significant rules, the very rules that already undergo the most rigorous regulatory analysis under Presidential Executive order.

Finally, Sally Katzen, Administrator of OMB's Office of Information and Regulatory Affairs [OIRA] told of the President's current order to agencies to review existing rules and eliminate or revise outdated or conflicting rules. This review will be completed in about ten weeks. It seems to me that we should get this information before even thinking about stopping regulations.

When asked about requirements for regulations, Ms. Katzen also confirmed something that the former Republican EPA general counsel, Donald Elliot, told the committee on February 15, 1995. As much as 80 percent of all rules are mandated by Congress. This is a very important fact. It shows that if anything, we in Congress are the problem, not the agencies. We pass strict laws that agencies must implement section by section, letter by letter.

It is simply the worst kind of legislative schizophrenia for Congress to pass laws and require agencies to implement them, and then turn around and tell them to stop doing what we just asked them to do in the first place—and with a few exceptions, without even regard to human health and safety.

Again, I can only say that an effort targeted at bad rules makes sense, but to shoot down all rules, good and bad alike, just makes no sense at all.

On March 7 and 9, 1995, the committee met to mark up the moratorium bill. Debate among the committee members about the scope of the bill and its exemptions and exceptions highlighted one of the biggest problems with the moratorium; that is, the way in which it would stop important regulations, such as those that protect the American people from serious health and safety risks.

While purporting to be a moratorium on all significant regulations, the bill's sponsors recognized that this broad sweep is not a good idea and accepted several amendments to exempt specific rules. But, they also rejected others. To look at what was accepted and what was rejected shows the arbitrary nature of the bill.

The committee accepted the following exemptions:

First, an exemption for rules to "ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund."

Second, an exemption for rules on "commercial, recreational, or subsistence * * * hunting, fishing, or camping." Among other things, this would allow the annual revision of duck hunting regulations to go forward. These rules are very important to the economic health of many regions in our country. Just ask Senator PRYOR from Arkansas, or Senator WELLSTONE from Minnesota—their States would be significantly hurt by even a delay in the hunting season.

Third, an exemption for rules on overflights on national parks.

Fourth, an exemption for any rule to enforce "statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin, or handicapped or disability status."

Fifth, an exemption for aircraft safety, including rules "to improve airworthiness of aircraft engines."

Sixth, an exemption for "safety and training standards for commuter airlines."

Seventh, an exemption for EPA rules to "protect the public from exposure to lead from house paint, soil or drinking water."

Eighth, an exemption for rules on "highway safety warning devices" at railroad crossings.

Ninth, an exemption for negotiated rulemakings under the Indian Self-Determination Act Amendments of 1994.

Tenth, an exemption for rules to "provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses, as provided by the Persian Gulf War Veterans' Benefits Act."

Even with that wide range of exemptions, the committee's majority rejected the following exemptions:

First, an exemption for USDA rules to "reduce pathogens in meat and poultry."

Second, an exemption for EPA rules to "control of microbial and disinfection byproduct risks in drinking water supplies."

Third, an exemption for rules to ensure safe and proper disposal of radioactive waste, as well as any action regarding decontamination and decommissioning of NRC-licensed sites.

Fourth, an exemption for health and safety rules, where the agency "has concluded to the extent permitted by law that the benefits justify the costs."

Fifth, an exemption for any rule that "enforces constitutional rights of individuals."

Sixth, an exemption for rules required by statutory or judicial deadlines.

Seventh, an exemption for rules that are the "consensual product of regulatory negotiation pursuant to the Regulatory Negotiation Act."

These amendments were rejected, and they were rejected on a straight party-line vote. To show how arbitrary these votes were, let me just compare one or two of the amendments that were accepted with amendments that were rejected.

The committee accepted an amendment to exempt from the moratorium EPA rules to "protect the public from exposure to lead from house paint, soil or drinking water," but rejected an amendment to exempt EPA rules to "control of microbial and disinfection supplies." Why lead and not water—don't my Republican friends recall that Cryptosporidium in drinking water killed over 100 people in Milwaukee, WI, and made 400,000 people sick?

The committee accepted an amendment to exempt rules that would clarify responsibilities among railroad companies, State and local governments "regarding highway safety warning devices" at railroad crossings, but rejected an amendment to permit the reform of USDA meat inspection rules that will help reduce the 500 annual deaths and 20,000 annual instances of disease, not to mention the millions of dollars in costs, caused by foodborne illness.

Or perhaps, we should compare railroad crossing safety with radioactive waste cleanup. Again, the majority of the committee accepted the railroad crossing exemption—offered by a Republican member of the committee—but rejected on a party-line vote my amendment to exempt rules to ensure rules on safe disposal of radioactive waste. I hope to come back to this issue later, but I cannot understand how my colleagues could so easily dismiss standards for disposing of plutonium-contaminated waste—radioactive waste that must be kept safely from humans for at least 10,000 years.

The majority of the committee also rejected several important amendments offered by Senator LEVIN that would actually have helped the proposal make more sense. Retroactivity, an extra moratorium for deadlines, onerous reporting requirements, ill-defined definitions—these were provisions that just made no sense, as Senator LEVIN correctly pointed out. But these were rejected, as well. As usual, my good friend from Michigan saw through the rhetoric, could appreciate the details, not to mention the broad policy issues, and accurately pointed out the internal flaws of the moratorium process—but to no avail. The marching orders were given, and the votes made.

I am simply at a loss to understand how my esteemed colleagues across the aisle can explain these votes. What in the world will you tell the American people? Here you are, saying that you want to reform the regulatory process, that you want to stop bad regulations, that you want rules to pass cost/benefit tests, and that you want agencies to be governed by scientific risk assessments.

But when it comes time to vote, then the special interests come to call, and you listen. And who pays the price? Rainer Mueller and Nancy Donley can tell you the price they paid. Which of your constituents do you want to share in Mr. Mueller's or Ms. Donley's pain? I am sorry, but with all due respect, I do not want to have that pain, that injury, that sickness, that suffering, that death on my conscience. The sorrow for me, however, is that as a Member of this body, if we pass a moratorium bill, we will all share in the blame. We will bring the Senate down yet again in the eyes of our people. No wonder they have lost respect for Washington.

As I asked at the markup, "Are we saying that we'll protect the rights of duck hunters, but not the right our children to eat safe food?" This makes no sense.

Do my Republican colleagues really understand what burden they are taking on when they support the moratorium. I only hope they can admit to having second thoughts, and think better of their too-hasty endorsement of a bill that would make government more arbitrary, more senseless, more unwielding, more blind, more insensitive, more of what Americans do not want from their Government.

Finally, with regard to committee action on the moratorium, let me point out that the majority in the committee voted to expand the moratorium to cover: first, wetlands, determinations; and second, any action that "withdraws or restricts recreational, subsistence, or commercial use" of public land.

I have a lot of sympathy with those who are fed up with the way the wetlands program is run. I think it should be closely scrutinized and reformed in a number of ways. I do not think, however, that a regulatory moratorium is the way to accomplish that reform.

Regarding the second expansion, that is, the inclusion in the moratorium of any action that "withdraws or restricts recreational, subsistence, or commercial use" of public land, I am, again, at a loss. Do the supporters of the moratorium really mean to stop virtually all government action in our national parks, forest, refuges, and monuments?

This provision would mean, as we wrote in our minority views on the committee report:

> That National Park Service employees would not be able to carry out basic management responsibilities in our national parks. The Park Service would not be able to prevent hot rods from racing in national parks, restrict access to fragile archaeological sites, or close dangerous passes on snow-covered peaks. As the National Parks and Conservation Association has said, "This prohibition against rulemaking effectively eliminates the abilities of the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service and the Forest Service to manage federal lands for resource protection."

While the moratorium's supporters reject these questions and criticisms with the statement that the bill permits the President to exempt rules he thinks are really important, I take our legislative responsibility seriously. I am confronted by a bill that makes no sense on its own and makes no sense in the context of regulatory reform. So, I cannot support it. It is as simple as that.

So that my colleagues can truly appreciate the damage that would be done by this legislation, I ask unanimous consent to include in the RECORD a summary of the amendments considered by the committee in its markup on March 7 and 9; letters regarding the moratorium's impact on the American people; a copy of our minority views to the committee report on the moratorium bill; and a list of rules that would be stopped by the moratorium.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNMENTAL AFFAIRS COMMITTEE MARKUP OF S. 219

Accepted:

(1) Roth Substitute for S. 219 (voice vote, 3/7): Limits moratorium to "significant regulatory action taken during the moratorium period" (no longer action "made effective" during the moratorium); extends moratorium period to "time beginning November 9, 1994, and ending on December 31, 1995, unless an Act of Congress provides for an earlier termination date for such a period." limits judicial review language to "No determination under this Act shall be subject to adjudicative review before an administrative tribunal of court of law."

(2) Cochran amendment to exempt "any action taken to ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund." (voice vote, 3/7).

(3) Pryor amendment to exempt "any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action." (voice vote, 3/7).

(4) Akaka amendment to exempt "the promulgation of any rule or regulation relating to aircraft overflights on national parks by the Secretary of Transportation or the Secretary of Interior pursuant to the procedures specified in the advanced notice of proposed rulemaking published on March 17, 1994, at 59 Fed. Reg. 12740 et seq." (voice vote, 3/7).

(5) Levin amendment to exempt "any significant regulatory action which establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin or handicapped or disability status." (voice vote, 3/7).

(6) Glenn amendment to exempt "any regulatory action to improve safety, including such an action to improve airworthiness of aircraft engines." (voice vote, 3/7).

(7) Glenn amendment to exempt "any regulatory action that would upgrade safety and training standards for commuter airlines to those of major airlines." (voice vote, (3/9).

(8) Glenn amendment to exempt "any regulatory action by the Environmental Protection Agency that would protect the public from exposure to lead from house paint, soil or drinking water." (voice vote, 3/9).

(9) Thompson amendment to exempt "any clarification of existing responsibilities regarding highway safety warning devices" (intended to cover railroad crossings). (voice vote, 3/9).

(10) McCain amendment to exempt actions "limited to matters relating to negotiated rulemaking carried out between Indian tribal governments and that agency under the 'Indian Self-Determination Act Amendments of 1994 (Public Law 103–413'." (voice vote, 3/9).

(11) Grassley amendment to include in the moratorium actions to "carry out the Interagency Memorandum of Agreement Concerning Wetlands Determinations for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act (59 Fed. Reg. 2920); or any method of delineating wetlands based on the Memorandum of Agreement for purposes of carrying out subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)." (voice vote, with opposition, 3/7).

(12) Stevens amendment to extend the moratorium to include any action that "withdraws or restricts recreational, subsistence, or commercial use of any land under control of a Federal agency, except" with respect to "military or foreign affairs or international trade" or "principally related to agency organization, management, or personnel." and

to define "public property" as "all property under the control of a Federal agency, other than land" (in order to preclude any Presidential exemptions of public land rules under the public property exemption in section 5(F). (accepted 8-5, 3/7).

(13) Glenn amendment to exempt "any regulatory action to provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses, as provided by the Persian Gulf War Veterans' Benefits Act." (accepted 8-6, 3/9).

Rejected:

(1) Glenn amendment to exempt "any regulatory action to reduce pathogens in meat and poultry taken by the Food Safety and Inspection Service of the U.S. Department of Agriculture, including Hazardous Analysis Critical Control Point (HACCP) regulations." (rejected 7-7, 3/7).

(2) Glenn amendment to exempt "any regulatory action by the Environmental Protection Agency that relates to control of microbial and disinfection byproduct risks in drinking water supplies." (rejected 7-8, 3/9).

(3) Glenn amendment to exempt "any regulatory actions to ensure safe and proper disposal of radioactive waste, as well as any action regarding decontamination and decommissioning of NRC-licensed sites. (rejected 7-8, 3/9).

(4) Levin amendment to exempt "any significant regulatory action the principal purpose of which is to protect or improve human health or safety and for which a cost-benefit analysis has been completed and the head of the agency taking such action has concluded to the extent permitted by law that the benefits justify the costs." (rejected 7-7, 3/7).

(5) Levin amendment to: Eliminate retroactivity of the moratorium, making the period "from the date of enactment of this Act until December 31, 1995" (rather than starting on November 9, 1994); require the President to "publish in the Federal Register a list of all rules covered by [the moratorium]" (a one-time reporting rather than a monthly reporting requirement); and limit the moratorium to significant, final rules (no longer extending the moratorium to a "substantive rule, interpretative rule, statement of agency policy, guidance, guidelines, or notice of proposed rulemaking"). (rejected 7-8, 3/9).

(6) Levin amendment to exempt any deadlines from the moratorium that are statutorily or judicially mandated. (The amendment deletes "Section 4. Special Rule on Statutory, Regulatory, and Judicial Deadlines"). (rejected 7-8, 3/9).

(7) Levin amendment to delete the five month extension of the moratorium for deadlines. (the current bill states that "any deadline for . . . any significant regulatory action . . . is extended for 5 months after the end of the moratorium, whichever is later.") (rejected 7-8, 3/9).

(8) Levin amendment to exempt "any significant regulatory action which is the consensual product of regulatory negotiation pursuant to the Regulatory Negotiation Act." (rejected 7-8, 3/9).

Tabled:

(1) Levin amendment to exempt "any significant regulatory action which enforces constitutional rights of individuals." (Table 8-7, 3/7).

S. 219 as amended was reported out of Committee on March 9, 1995 (vote 6-5).

GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,
Washington, DC, March 16, 1995.

DEAR SENATOR: I am writing you on behalf of the General Board of Church and Society, the public policy advocacy agency of The United Methodist Church, to express strong opposition to S. 219, the Regulatory Transition Act.

On March 4, 1995, our Board of Directors from throughout the country stated the following: "Public protections, such as those dealing with food safety, safe drinking water, worker health and safety, equal educational opportunity, civil rights, motor vehicle safety, toxic pollution, the well-being of children, and health care, are under attack through Congressional initiatives [such as S. 219] to reduce or eliminate federal laws and regulations. We believe the federal government has an important role in protecting the public interest and in improving quality of life. We believe that undermining federal safeguards will cause serious harm to people and the environment. These Congressional initiatives also jeopardize services provided by public charities and religious and governmental entities valued by our society . . . Accordingly, we oppose any actions that might be taken by the Congress to undermine sensible safeguards."

The health and safety of people and the planet has always been an important concern for our Church. I urge you not to let the popular cry of cutting red tape lead to the sacrifice of the health and wholeness of our children and God's Creation. Vote no on S. 219.

Sincerely yours,

DR. THOM WHITE WOLF FASSETT,
General Secretary.

THE LEAGUE OF WOMEN VOTERS,
March 16, 1995.

To: Members of the U.S. Senate.
From: Becky Cain, President.
Re: Anti-Regulatory Legislation.

The League of Women Voters is deeply distresed over current anti-regulatory legislation designed to seriously undermine the regulatory process as it applies to health, safety and environmental protections. We urge you to oppose such legislation.

We believe that extreme anti-regulatory measures would subvert the federal government's authority and ability to protect the health and well-being of the American people. For many years, we have watched the progress as the lives of citizens have been improved through the projections provided by federal regulations. By requiring risk/benefit analysis and additional layers of review, the proposed legislation will not streamline regulatory procedures, but will complicate and add years and costs to the regulatory process.

The League of Women Voters has long supported efforts to assure that government provides opportunities for citizen participation in government decision making, promotes the conservation and wise management of natural resources in the public interest and protects the well-being of our citizens—particularly children. We believe that the underlying premise that regulations should be based solely on the basis of their cost to the private and public sectors is fundamentally wrong. It is essential that the benefits to the American people, such as health and safety, be an integral and paramount part of the regulatory process.

The League is equally concerned about the "takings" provisions of anti-regulatory proposals. Again, legislation is couched in pro-citizen terms, but would result in a more burdensome regulatory process. The "takings" proposals being considered by Congress would require the government to compensate property owners when a government regulation may reduce value by even a small amount. The affected regulations include those that protect the environment, provide for food safety, and protect individual citizens. "Takings" legislation could cost federal, state and local governments billions of dollars, while costing citizens their health and safety.

The League of Women Voters urges you to consider thoughtfully and carefully the current anti-regulatory moves on Capitol Hill. While there may be individual regulatory processes that need some streamlining, extremist proposals are not the solution. It is critical that we not lose sight of the purpose of these regulations, which is to provide a cleaner environment and a brighter future for our children. We urge you to vote against extreme anti-regulatory legislation brought before the Senate.

CENTER FOR SCIENCE
IN THE PUBLIC INTEREST,
March 16, 1995.

DEAR SENATOR: On behalf of our more than 800,000 members nationwide, the Center for Science in the Public Interest (CSPI) urges you to oppose S. 219, the Regulatory Transition Act. CSPI is a non-profit consumer advocacy organization that focuses on matters relating to nutrition and health.

We urge you to oppose S. 219 because the bill will prevent government agencies from issuing new regulations that will: Modernize our nation's meat safety inspection system and reduce thousands of deaths now caused by contaminated food; set new nutritional standards for school lunches and improve the dietary habits of our nation's children; establish safety standards for the labeling and packaging of iron supplements, which have caused fatal poisoning in children.

These are just a few of the many essential measures that government agencies should be allowed to take in order to safeguard our health and safety. Efforts to impose a moratorium on new government regulations could cost thousands of American lives. A moratorium means that government agencies responsible for protecting consumer health will be stopped in their tracks and prevented from doing their jobs.

Accordingly, we urge you to oppose S. 219.

Sincerely,

BRUCE SILVERGLADE,
Director of Legal Affairs.

CONSUMERS UNION,
March 16, 1995.

DEAR SENATOR: Consumers Union urges you to vote NO on S. 219, the Regulatory Transition Act of 1995, when it comes to a vote on the Senate floor next week. S. 219 is a bad idea for consumers and for the public health and safety.

S. 219, with few exceptions, would paralyze until the end of this year most agency activities to develop health and safety—as well as other important—regulations.

Among the pending rulemakings that the bill would halt is one by the U.S. Department of Agriculture to deal with deadly bacteria in our meat and poultry supply. You are well aware of the recent, tragic deaths and serious illnesses that have resulted from e. coli bacteria in meat. The Department should be congratulated and encouraged to, not delayed from, dealing with this serious public health problem—and others like it.

Also pending is an Environmental Protection Agency rulemaking to deal with cryptosporidium in public water supplies. This is the bacterium that recently caused one-hundred deaths and four-hundred thousand illnesses when it contaminated Milwaukee's water supply. This proposed testing standard, too, as well as other pending EPA public health rules, would be frozen in mid-process by S. 219.

Surely, consumers should be able to eat from the commercial food supply and drink from public water supplies without risking their lives or their health. But S. 219 will stand in the way of moving closer quickly to this goal.

A "NO" vote on S. 219 will be a "yes" vote for public health and safety. And for common sense. Please vote "NO".

Sincerely,

MARK SILBERGELD,
Codirector.

CITIZENS FOR SENSIBLE SAFEGUARDS

COALITION OPPOSES REGULATORY MORATORIUM (S. 219)

Citizens for Sensible Safeguards, a coalition of more than 200 organizations representing working men and women and those concerned about environmental, educational, civil rights, disability, health, social services, low income, and consumer issues, strongly opposes a regulatory moratorium (enclosed is a Citizens for Sensible Safeguards Statement of Principles and a listing of members). We strongly urge members of the Senate to vote against S. 219, The Regulatory Transition Act of 1995.

We are opposed to this bill because it would jeopardize the health and safety of all Americans. Proponents of the bill point out that there is an exemption for regulatory activities that present an "imminent threat to health or safety or other emergency" or for enforcement of criminal laws. However, the bill does not define an "imminent threat to health or safety". Would a regulation that has been in progress for a year be considered an "imminent" threat?

The proposed bill places a higher premium on protecting rules for duck hunters than for our children. There is a specific exemption from the moratorium for rules dealing with duck hunting, but when Committee amendments were offered dealing with protections for children, Republicans defeated them. We think that is inappropriate.

The coalition also feels that the moratorium raises serious Constitutional concerns. In one fell swoop, the bill suspends the power of the executive branch to implement laws and of the courts to enforce regulatory adjudication. This bill has enormous repercussions for the separation of powers established under the Constitution and will seriously limit the ability of the President to faithfully execute the laws of the land.

There are many unintended consequences of the bill. For example, an amendment offered by Sen. Stevens (R-AK) adds to the definition of "significant" any agency action that in any way "restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency." He stated that he doesn't want commercial activity on public lands to suffer because of the moratorium. However, this would block virtually all pro-environmental agency actions on public lands, including national parks, and would only serve to hurt the environment, permitting as it does new agency rules to accommodate "forest health" logging.

Overall, the coalition believes that a regulatory moratorium is a flawed idea. No number of exemptions from the moratorium will be enough to fix the bill.

Discussions are occurring at the present time concerning the substitution of alternative bills such as legislation allowing a Congressional veto of regulations. Under such a plan, the Congress would have 45 days to review final "major" rules and then be able to pass a Joint Resolution to disapprove of any such rules. The President could veto the resolution and then the Congress would have authority to override the veto. Such a bill would have a chilling impact on the agency regulatory process and permit powerful special interests to shape regulations by threatening Congressional action. Accordingly, the Coalition opposes such a substitute to S. 219.

CITIZENS FOR SENSIBLE SAFEGUARDS

STATEMENT OF PRINCIPLES

Public protections, such as those dealing with food safety, safe drinking water, worker health and safety, equal educational opportunity, civil rights, motor vehicle safety, toxic pollution, the well-being of children, and health care, are under attack through Congressional initiatives to reduce or eliminate federal laws and regulations. The following organizations believe the federal government has an important role in protecting the public interest and in improving quality of life. We believe that undermining federal safeguards will cause serious harm to citizens. These Congressional initiatives also jeopardizes services provided by public charities and religious and governmental entities valued by our society.

Buried in the Contract with America's rhetoric about shrinking government and rolling back red tape is a plan to undo laws, and safeguards that citizens have struggled long and hard to champion. We strongly support improving laws and safeguards that protect citizens while recognizing the need to reduce unnecessary and red tape. The zeal to minimize regulatory burdens, however, must be balanced with the need to ensure protections for all Americans. Accordingly, we oppose actions taken by Congress to undermine sensible safeguards.

We urge President Clinton and Congress not to let the popular cry of cutting red tape—something we all believe in—become a guise for dismantling federal safeguards that should be preserved.

COALITION STRUCTURE

Citizens for Sensible Safeguards has three standing committees: National Strategy Committee, chaired by American Federation of State, County, and Municipal Employees, National Education Association, and OMB Watch; Grassroots Strategy Committee, chaired by OMB Watch, Sierra Club Legal Defense Fund, and United Cerebral Palsy Associations; and Media/Message Committee, chaired by American Oceans Campaign and Service Employees International Union.

A Steering Committee overseas coalition activities. The Steering Committee is currently comprised of AFL–CIO, American Civil Liberties Union, American Federation of State, County, and Municipal Employees, American Oceans Campaign, the Arc, Families USA, Leadership Conference on Civil Rights, National Education Association, Natural Resources Defense Council, OMB Watch, Public Citizen, Service Employees International Union, Sierra Club Legal Defense Fund, United Auto Workers, United Cerebral Palsy Associations, United Methodist Church, and US PIRG. OMB Watch chairs the coalition.

Signers (as of 3/3/95):

20/20 Vision; Action of Smoking and Health; Advocated for Youth; AFL–CIO.

Citizens for Public Action on Blood Pressure and Cholesterol, Inc.; Citizens For Reliable And Safe Highways; Clean Water Action; Clearinghouse on Environmental Advocacy and Research; Coalition for New Priorities; Coalition on Human Needs; Coast Alliance; Colorado Rivers Alliance; Common Agenda Coalition; Communications Workers of America; Community Nutrition Institute; Community Women's Education Project; Consumer Federation of America; Cornucopia Network of New Jersey; Council for Exceptional Children; Defenders of the Wildlife; Department for Professional Employees, AFL–CIO; Disability Rights Education and Defense Fund; Earth Island Institute; Earth Island Journal; Ecology Center of Ann Arbor; Ecology Task Force; Environmental Action Foundation; Environmental Defense Center; Environmental Defense Fund.

Environmental Research Foundation; Environmental Working Group; Epilepsy Foundation of America; Families USA; Family Service America; Food and Allied Service Trades Department, AFL–CIO; Food Research and Action Center; Friends Committee on National Legislation; Friends of the Earth; Frontlash; Great Lakes United; Hamlet Response Coalition; Harmarville Rehabilitation Center; Health and Development Policy Project; Helen Keller National Center; Humane Society of the United States; Interfaith Impact; Inter/National Association of Business, Industry and Rehabilitation; International Association of Fire Fighters; International Brotherhood of Teamsters; International Chemical Worker's Union; International Federation of Professional and Technical Engineers; International Ladies' Garment Workers' Union; International Longshoreman's and Warehouseman's Union; International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers; Izaak Walton League of America; James C. Penney Foundation; Justice for All; Kentucky Waterways Alliance.

Ozone Action; Pacific Rivers Council; People For the American Way Action Fund; Philaposh; Physicians for Social Responsibility; Protestant Health Alliance; Public Citizen; Public Employee Department, AFL–CIO; Public Employees for Environmental Responsibility; Public Voice for Food and Health Policy; Rhode Island Committee on Occupational Safety and Health; River Network; Rivers Council of Washington; Safefood Coalition; Scenic America; Service Employee's International Union; Sierra Club; Sierra Club Legal Defense Fund; Society For Animal Protective Legislation; Southern Utah Wilderness Alliance; Special Vocational Education Services in PA; Spina Bifida Association of America; S.T.O.P.—Safe Tables Our Priority; Telecommunications for the Deaf, Inc.; The Arc; The Loka Institute; The Newspaper Guild; The Wilderness Society; Trout Unlimited.

Union of American Hebrew Congregations; Union of Concerned Scientists; Unitarian Universalist Association; Unitarian Universalist Service Committee; United Auto Workers; United Brotherhood of Carpenters and Joiners of America, AFL–CIO; United Cerebral Palsy Associations; United Church of Christ, Office for Church in Society; United Electrical, Radio, and Machine Workers of America; United Food and Commercial Workers International Union; United Methodist Church, General Board of Church and Society; United Mineworkers Union; United Rubber, Cork, Linoleum, and Prospect Workers of America; United Steelworkers of America; US PIRG; Vocational Evaluation and Work Adjustment Association; Western Massachusetts Coalition for Occupational Safety & Health; Western New York Council on Occupational Safety and Health; Wider Opportunities for Women; Women Employed;

Women of Reform Judiasm, The Federation of Temple Sisterhoods; Women's Environment and Development Organization; Women's International League for Peace and Freedom; Women's Legal Defense Fund; Women's National Democratic Club.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, March 16, 1995.

DEAR SENATOR: Next week, the Senate will be considering the Regulatory Moratorium bill, S. 219. This legislation will impose a moratorium on all federal regulatory actions from November 9, 1994 until December 31, 1995. Any regulatory action affecting the environment, public health or safety, or impacting the economy by $100 million or more in any calendar year would be halted.

I am writing to urge you to oppose S. 219, the Regulatory Moratorium bill. This legislative bludgeon, adopted by the House in February, would halt major federal environmental programs, such as regulations implementing the Clean Air Act, or establishing new guidelines for mineral development on public lands.

The Regulatory Moratorium is a crude instrument being used to address concerns about specific federal regulatory programs, however, health and safety programs, food and drug programs, the environment, housing and all other branches of government will be affected.

The devastating impact of a regulatory moratorium on the government is further compounded by an amendment introduced by Senator Ted Stevens (R-AK), and adopted by the Senate Government Affairs Committee last week. The Stevens Amendment would stop the federal government from taking *any action* to restrict "recreational, subsistence or commercial use of the public lands." The effect of the Stevens Amendment on federal programs is staggering.

Land use planning efforts to balance resource uses and values on the National Parks, Refuges, National Forests and Bureau of Land Management (BLM) lands would be stopped.

Most permitting activities of the federal land management agencies would be held up.

The federal government's ability to respond to fire, flood and other threats would be thwarted.

* * * * *

NATIONAL WILDLIFE
REFUGE ASSOCIATION,
March 16, 1995.

DEAR SENATOR: The National Wildlife Refuge Association opposes the Stevens amendment to S. 219, the pending regulatory moratorium legislation. This amendment, if enacted, will ensure that incompatible uses on refuges continue unchecked resulting in the needless loss and harassment of wildlife and, in some cases, that refuge visitor safety is compromised. Following are examples of scenarios that can be expected System-wide if the Stevens amendment is enacted:

Red Rock Lakes NWR (MT): For approximately two weeks in the autumn migratory bird and big game hunting seasons overlap on the Refuge. A popular site for big game hunting is a large clearing that lies between a lake and an access road where elk frequently browse without the benefit of cover. Under current regulations hunters are permitted to shoot at big game in the clearing once out of their vehicles and off the road. Naturally, not all shots connect with their targets and, in the case of more powerful rifles, can conceivably reach the lake. But during the time of season overlap, duck hunters can be found along the edge of the lake. Because of the potential safety hazards, the refuge manager intends to alter hunting patterns during the overlap. The Stevens amendment will make it impossible for the refuge manager to rectify this dangerous situation.

Chincoteague NWR (VA), E.B. Forsythe NWR (NJ): While beach-oriented recreational activities are permitted approximately nine months of the year on these two refuges, the areas must be closed from May through August while piping plovers nest along the beach. Under the Stevens amendment, seasonal closures would be prohibited and recreational activities would be permitted that could seriously impact plover nesting activities.

Crystal River NWR (FL): In wintertime, Crystal River draws nearly a quarter of the known manatee population because of a warm spring that flows into the cooled waters. During this time, the FWS closes the refuge to boating and jet-skiing in an effort to help the manatees avoid being struck by boat and jetski hulls, and cut by hazardous propellers. The Stevens amendment would prohibit this seasonal closing, thereby exposing the concentrated numbers of manatees to increased hazards.

The National Wildlife Refuge System is the only public land system dedicated primarily to the conservation of wildlife. In addition it also provides significant opportunities for recreation including hunting, fishing, wildlife viewing, hiking and other wildlife-dependent activities. By enacting legislation that permits incompatible commercial and recreational activities to continue on our Nation's Wildlife Refuges, the Congress is not only jeopardizing our valuable wildlife resources but also the recreational opportunities that depend on them. Please oppose the Stevens amendment to S. 219.

Sincerely,

GINGER MERCHANT,
Executive Vice President.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, March 16, 1995.

DEAR SENATOR: On behalf of the 2.2 million members of the National Education Association, I strongly urge you to vote against S. 219, the Regulatory Transition Act of 1995.

S. 219 would place a moratorium on a broad range of important federal regulations until December 31, 1995, and retroactively freeze regulations in effect since November 9, 1994. If enacted, S. 219 will undermine and negate many important safeguards and protections for Americans, and lead to confusion and uncertainty among state and local governments and employers attempting to comply with federal laws.

Among the hundreds of regulatory actions that could be negated this bill are:

Department of Labor final regulations to implement the Family and Medical Leave Act, scheduled to take effect on April 16.

Department of Education guidance to states and school districts on implementation of the Gun-Free Schools Act;

Regulations currently being developed by the Education Department that are necessary to implement the provisions of the reauthorized Elementary Secondary Education Act;

Education Department regulations and guidance on the new college student Direct Loan program, which will save the federal government billions of dollars;

Proposed OSHA standards to protect workers from harmful indoor air pollutants;

Expected FCC regulations to implement the Children's Television Act; and Consumer Product Safety Commission protections against choking hazards from toys.

This bill would drastically curtail the ability of the federal government to ensure that workers have safe workplaces; that Americans have safe food, drinking water, and clean air; and that children are protected from a broad range of hazards. NEA again urges that you vote against final passage of S. 219.

Sincerely,

MARY ELIZABETH TEASLY,
Interim Director.

PHYSICIANS FOR
SOCIAL RESPONSIBILITY,
Washington, DC, March 16, 1995.

DEAR SENATOR: A proposed freeze on federal regulations (S. 219) and risk assessment legislation (S. 343) would effectively paralyze our national ability to protect the public health. So concludes one of America's leading pediatric and environmental medicine experts, Philip J. Landrigan, M.D., who testified on the severe public health impact of comparable legislation in the House. This legislation would sabotage America's ability to contain deadly, emerging threats such as cryptosporidium in drinking water and particulate air pollution. Public health impacts are critical in evaluating the merits of freezing federal regulations or requiring costly, cumbersome new risk assessments, far in excess of those already used by government agencies. Listed below are just a few reasons why S. 219 and 343 would undermine public health in America and should be rejected:

A freeze and endless studies would grind public health agencies to a halt "[E]normously cumbersome and extraordinarily bureaucratic requirements imposed on the regulatory process in the name of government simplification will seriously hinder" the prevention of disease. (House Commerce Subcommittee testimony of Philip Landrigan, M.D., 2/2/95, p. 1, ¶ 3) The goal is to save lives, not to engage in unending study. (Landrigan testimony p. 7, ¶ 1)

A costly new layer of bureaucracy would harm public health A "dreadful and tragic misuse of legislative power [would] enshrine the false science of quantitative risk assessment as the law of the land," creating "a grossly obese and unnecessary bureaucracy" that would "set the stage for disease, disability and untimely death" in America. (p. 7, ¶ 2)

Less gridlock saves kids; More gridlock hurts workers Removing lead from gasoline is one of the most successful federal efforts ever to protect children's health, saving money and improving Americans' lives. But with a moratorium and the detailed regulatory analysis Congress is considering, we would still have lead in gasoline—and more childhood lead poisoning—today. Meanwhile, additional risk assessment required for an OSHA benzene standard wasted seven years and may have caused nearly 500 workers to die needlessly from leukemia. "The human consequence of this insistence upon quantitative tidiness has been grim." (p. 5, ¶ 6)

Public health regulations save workers' lives and American jobs Contrary to massive job loss claims, public health regulations not only protect workers, but can also help save American jobs by stimulating efficient, less dangerous production (Testimony Addendum p. 2).

Very truly yours,

JOSEPH M. SCHWARTZ,
Associate Director for Policy.

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
Washington, DC.

DEAR SENATOR: During debate on the regulatory moratorium legislation, S. 219, the Committee on Governmental Affairs adopted an amendment offered by Senator Stevens to prevent any regulations or rules that "withdraw or restrict recreational, subsistence, or commercial use of any federal land under the control of a Federal agency." This prohibition against rulemaking effectively eliminates the abilities of the Bureau of Land Management, the National Park Service (NPS), the Fish and Wildlife Service and the Forest Service to manage federal lands for resource protection. We encourage you to support efforts to eliminate this provision from the bill when it is considered on the Senate floor.

The National Parks and Conservation Association (NPCA) is concerned about the bill's likely impacts on management of the National Park System. The NPS is not perceived as a regulatory agency; yet, the NPS depends upon regulations to protect the resources of our national parks. The moratorium would be retroactive to November 9, 1994. Since that time the NPS has issued a number of significant rules, which include: recreational fishing rules for the Everglades National Park that are consistent with state fishing regulations, closure of high visitation areas to hunting at Pictured Rocks National Seashore, protection for archeological resources in all cultural and historical parks, authority to eliminate most solid waste sites within park boundaries, altering approved off-road vehicle areas at Cape Cod National Seashore in order to protect the endangered piping plover, implementing a pre-registration period for mountain climbing in Denali National Park.

NPCA does not believe any of these regulations are overburdensome, nor are they stifling the productivity of the country. These examples demonstrate why the Stevens amendment to S. 219 overreaches.

In addition to the efforts listed above, the NPS is working on regulations that will: require greater environmental compliance at oil and gas development sites within the parks; limit flights over parks where noise and safety have become a concern; limit fishing activities in parks where stocks are becoming depleted; and put in place more stringent limits on solicitation within the boundaries of national park units. These are efforts to improve visitor services, ensure safety, and, most importantly, protect our national heritage.

IMPACTS OF THE REGULATORY MORATORIUM REQUIRED BY THE STEVENS AMENDMENT TO S. 219

NATIONAL PARK SERVICE

Below are the NPS actions, notices, regulations or rules that would not be implemented because of the Stevens Amendment. These are not the type of actions that are stalling America's business engine.

Alaska

Denali National Park and Preserve—preregistration requirements for mountain climbing and information for mountaineering activities in the park.

Glacier Bay National Park and Preserve—new regulations to adjust daily number of permitted entries of vessels into the bay; also rules to prohibit commercial fishing within park boundaries.

Katmai National Park—rules to determine safe distances for human contact with bears in the park.

Alaska wide—establishing regulations for subsistence hunting on federal lands.

Arizona

Grand Canyon National Park—issuance of general management plan.

Lake Mead National Recreation Area—implementation of general management plan for Willow Beach.

California

Joshua Tree National Park—notice of intent to prepare an environmental impact statement for a wilderness and backcountry management plan.

Juan Bautista de Anza National Historic Trail—issuance of draft comprehensive management plan.

Florida

Big Cypress National Preserve—requirement for bonding and environmental compliance for all oil and gas operations within the park.

Dry Tortugas National Park—regulations to protect certain locally threatened shell fish from harvest; adjustment of boundary lines.

Everglades National Park—rules to achieve consistency with state fishing guidelines.

Timucuan Ecological and Historic Preserve—issuance of management and land protection plans.

Hawaii

Kaloko Honokohau National Historic Park—implementation of general management plan for the park.

Idaho

City of Rocks National Preserve—issuance of final comprehensive management plan for the park.

Louisiana

Jean Lafitte National Historic Park and Preserve—temporary closure to address excessive nutria population.

OMB WATCH,
Washington, DC, March 16, 1995.

DEAR SENATOR: We are writing in opposition to S. 219, the Regulatory Transition Act of 1995.

The Regulatory Transition Act imposes a moratorium on developing or implementing all significant regulatory actions from November 9, 1994 to December 31, 1995. The moratorium also suspends court order deadlines to carry out significant regulatory actions.

The regulatory moratorium is a blunt instrument that has little to do with regulatory reforms and, in fact, the moratorium is a threat to public protections and must be opposed. Every poll, including those of exiting voters last November, shows an electorate that wants stronger federal protections for our environment and our health and safety. The moratorium would directly undermine that objective.

The proposed bill will have unintended consequences and proposals to exempt certain activities is not a solution to making the bill workable. Thus, the concept of a moratorium is fundamentally flawed.

The proposed bill also raises serious constitutional concerns by prohibiting the executive branch from implementing the laws of the land and prohibiting the courts from enforcing regulatory adjudications. In selected cases, Congress would let the executive branch implement laws but not without going through a series of bureaucratic hoops. This bill has enormous repercussions for the separation of powers under the Constitution and will seriously limit the ability of the President to faithfully execute the laws of the land.

The moratorium is a means for gutting federal laws and protections. By passing this bill, Congress could undo the implementation of many laws. Conservative Republicans are using the moratorium as a vehicle to stop federal protections until such time as they can pass other laws to dismantle these protections. They have listed laws that they want to rewrite such as the Endangered Species Act, Clean Air and Water Acts, Occupational Safety and Health Act, Truth in Lending Act, and the Community Reinvestment Act.

The effect of this legislation would be to essentially shut government down. This was not the intent of the voters in November. The public wants to streamline government and to make it work more efficiently. But the public also wants improved protections and safeguards. It does not want to throw the baby out with the bath water—which will be the results of a regulatory moratorium.

The moratorium has enormous consequences yet there has been virtually no debate on the proposed bill. The public has a right to know about what Congress is planning and a right to publicly debate these plans. Let's not resort to backhanded approaches, such as the regulatory moratorium, to achieve outcomes that may be inconsistent with popular sentiment.

We urge you to vote against S. 219, the Regulatory Transition Act of 1995.

Sincerely,

GARY D. BASS,
Executive Director.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
March 16, 1996.

DEAR SENATOR: On behalf of The Commission on Social Action of Reform Judaism and the Central Conference of American Rabbis, I urge you to oppose S. 219, The Regulatory Moratorium. If passed, this bill will jeopardize the protection of our food and drinking water, worker health and safety, civil rights, motor vehicle safety, and the well being of our children.

This bill and others like it are part of a systematic attack against government regulation. Although stemming from legitimate concerns about bureaucracy and regulatory entanglements, they respond to these concerns with a cure that is worse than the illness. These anti-regulatory measures go far beyond an attempt to make government more responsive and efficient—they threaten the ability of government to fulfill its primary mission: protection of the common good.

This moratorium is extremely far reaching, severely constraining the regulatory abilities of the FDA, EPA, FAA, USDA, DoE, FEC, INS, FCC, and the Transportation, Labor, Health and Human Services, and Housing and Urban Development Departments. In addition, rather than eliminating bureaucracy, this bill will create a new form of delay. For these reasons, a coalition of over 200 national public interest groups has asked the Senate to rethink S. 219 carefully and preserve public health and safety protections.

The last election showed great public concern over the size and efficacy of the government. However, this should not be seen as a desire to weaken environmental health and safety standards. The latest Times-Mirror poll says that 82% of the public wants such standards to become stricter. Congress must not jeopardize our health and safety in a hasty attempt to address the problems of the federal government. S. 219 will have just this effect.

The "Regulatory Moratorium" begins the process of dismantling the federal government. The moratorium will prevent federal agencies from taking actions necessary to protect the public. S. 219 would suspend all final regulations approved by any government agency since November 9, 1994 and prohibit any work on new regulations until December 31, 1995.

* * * * *

NATIONAL SAFE KIDS CAMPAIGN,
Washington, DC, March 16, 1995.

DEAR SENATOR: I am writing to you, on behalf of the National Safe Kids Campaign, to express our serious concerns regarding S. 219, the Regulatory Transition Act of 1995. We believe this bill jeopardizes regulations that will protect our children from preventable injuries—the number one killer of children ages 14 and under.

Each year, unintentional injuries kill nearly 7,200 children and leave 50,000 disabled. Not only is there a staggering emotional toll to childhood injury, but there is a monetary toll as well—unintentional injuries cost society $13.8 billion annually.

Fortunately, prevention saves lives and money. One dollar spent on a bike helmet saves society $30; one dollar spent on a child safety seat saves society $32; one dollar invested in a poison control center saves society almost $8; one dollar spent on a smoke detector saves society between $44 and $70. However, prevention fails when safety products are defective.

A fundamental component of successful injury prevention is the sensible regulation of certain consumer products which pose a danger to children. However, S. 219 would undermine the progress being made towards the safe and sensible regulation of products which could harm children.

Specifically, the President is given too much discretion under Section 5(2)(A) to determine whether a regulatory action should be exempted because there is an "imminent threat to human health or safety." The intent of this provision is vague and will result in an additional, unnecessary bureaucratic layer. This provision flies in the face of the intent of the bill—to streamline the regulatory process. Indeed, Section 5(2)(A) could easily delay or stop important regulatory activity that could save children's lives.

S. 219 could result in needless injuries and deaths to children. Responsible regulations such as the children's safety regulations currently under consideration save lives and dollars. These activities and others like them should move forward. Prevention-related regulations which save lives and dollars include:

Requirements for child-resistant packaging for certain household products and medications.

There were 1.2 million reported poison exposures among children ages 12 and under in 1992. The primary source of poisonings were cosmetics, personal care items and cleaning products. Final rules are currently being developed for packaging standards for several household products and prescription drugs.

Safety standards for bicycle helmets to ensure that all helmets sold meet certain accepted effectiveness criteria. Each year, approximately 300 children ages 14 and under are killed in bicycle-related incidents—often as a result of head trauma. Currently, helmets may be sold which do not provide adequate protection against head trauma. At the express direction of Congress, a standard for bicycle helmets drawing from existing voluntary standards is currently being developed.

Performance standards for baby walkers. In 1993 alone, 25,000 children required emergency room treatment due to the use of baby walkers. The Consumer Product Safety Commission (CPSC) is currently working on a Notice of Proposed Rule making to develop design or performance requirements for baby walkers.

Toy labeling and choking reporting regulations. In 1992, there were 142,700 toy-related injuries to children ages 14 and under. The Child Safety Protection Act of 1994 required the Consumer Product Safety Commission to issue rules banning certain small toys, establishing standards for toy labels identifying choking hazards, and requiring the reporting of choking incidents related to toys. The CPSC approved the final rules in February, 1995.

Flammability Standard for Upholstered Furniture. Each year, approximately 1,000 children ages 14 and under die in residential fires. More than 60 percent of these children are ages 4 and under. Playing with matches and lighters is the leading cause of fire deaths and injuries in young children. A substantial proportion of fires are associated with the flame ignition of upholstered furniture. A proposed flammability standard currently is being developed by the CPSC.

The National SAFE KIDS Campaign is the first and only nationwide campaign solely dedicated to the prevention of unintentional childhood injuries. The Campaign with its more than 170 State and Local Coalitions, through community-based programs that provide education, promote environmental and product modifications, and support appropriate public policy. On behalf of the Campaign, our Chair, Dr. C. Everett Koop, M.D., and the children whose lives are saved daily through sensible regulations, I ask that you oppose the regulatory moratorium proposed in S. 219.

Sincerely,

HEATHER PAUL, Ph.D.,
Executive Director.

THE HUMANE SOCIETY OF
THE UNITED STATES,
Washington, DC, March 16, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of The Humane Society of the United States (HSUS), the largest animal protection organization in the country with over 2.3 million members and constituents, I am writing to urge you to oppose S. 219, the Regulatory Transition Act of 1995. This bill will irreparably harm efforts to protect the public and the environment on which we depend, including endangered species, our public lands, and animal protection efforts generally. The public at large will also be harmed, through paralysis of government oversight of food safety, safe drinking water, worker health and safety, civil rights, and other critical areas.

The HSUS is gravely concerned about the breadth and scope of attacks against environmental and animal protection regulations in general. Federal regulations have provided effective protection for endangered wildlife and wild lands, nourishing the American spirit while supporting a strong economy and a healthy environment. Without these protections America would not be able to enjoy the wonders of national parks or the mysteries of wild animals such as bison and bald eagles.

S. 219 would jeopardize some of the most critical wildlife and animal protection laws. Regulations under the Wild Bird Conservation Act and the newly reauthorized Marine Mammal Protection Act would be stopped, leaving large numbers of wild populations vulnerable to continued depletion. Decisions on listing endangered species, already backlogged from years of inaction, would be delayed, further limiting the options for finding creative and economically viable paths toward preventing extinctions.

The American people did not vote last November to eliminate the environmental and animal protection legislation they have worked so hard to put in place. Neither did they vote to create an endless tangle of litigation and rule-making to be funded at taxpayer expense. I urge you, then, to vote no on S. 219.

Sincerely,

JOHN W. GRADY, Ph.D.,
Vice President,
Wildlife and Habitat Protection.

WOMEN'S LEGAL DEFENSE FUND,
Washington, DC, March 16, 1995.

DEAR SENATOR, The Women's Legal Defense Fund urges you to oppose S. 219 and S. 343. These so-called "regulatory reform" bills would gut the enforcement of some of our most important environmental, consumer, civil rights, and health and safety protections.

S. 219, the regulatory moratorium, would retroactively freeze all regulations issued since November 9, 1994. This bill could stop or delay the enforcement of existing rules affecting:

Mammogram quality—The moratorium would suspend regulations designed to ensure minimum quality standards for breast cancer screening. These regulations could mean the difference between life and death for countless women; holding them up in the name of reform plays games with women's lives.

The Family and Medical Leave Act—The Department of Labor's final rule implementing the FMLA would be suspended under the proposed moratorium. The final rules clarify many uncertainties in the law's application: employers and employees should not be deprived of this guidance just as they are learning their rights and responsibilities under this new law.

Child support—Rules to improve paternity establishment would be suspended. At a time when Congress is working to strengthen child support enforcement, delaying the implementation of these rules would be counterproductive.

S. 343 threatens to dismantle the federal government's ability to protect us, our children, and our environment by bringing the rulemaking process to a grinding halt. Agencies would be required to perform time-consuming risk assessment and cost-benefit analyses, not only on proposed new regulations, but also on any existing "major" regulation that is challenged. And costs of implementation would be the paramount concern, not the health and safety of American workers and their children.

If enacted, S. 219 and S. 343 would have a truly devastating effect on women and their families. Please vote against these draconian measures.

Sincerely,

JUDITH L. LICHTMAN,
President.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
Washington, DC, March 13, 1995.

DEAR SENATOR: This week the Senate is expected to take up the proposed regulatory moratorium bill (S. 219). The UAW strongly opposes this proposal that threatens to weaken or eliminate hundreds of safeguards that now protect families and children in their homes, workplaces and communities. We urge you to vote against S. 219 when it comes to the Senate floor.

This legislation would have far-reaching consequences for the way the federal government carries out its responsibilities to safeguard public health, the environment and workplace safety. The moratorium bill would stop the issuance of most new federal regulations, retroactive to November 9, 1994. This moratorium would remain in place through the end of 1995, or until Congress approves a comprehensive overhaul of federal safeguards. The bill would effect regulations that are expected to have an annual impact on the economy of $100 million or more. This is an arbitrary threshold that makes no distinction between good or bad regulations.

A number of key amendments that would have improved S. 219 were rejected by narrow margins in the Senate Governmental Affairs Committee. The UAW was disappointed that an attempt to exempt worker safety and health protections from the moratorium was defeated on a tie vote. In addition, other amendments to exempt food safety programs, toxic waste disposal and safe drinking water protections were defeated as well. Although powerful timber and grazing industries and other special interests were able to obtain exemptions from the regulatory moratorium, few exemptions were provided for regulations that deal with safeguards for ordinary citizens. Thus, the net effect of S. 219 would be to stop regulations that deal with workplace health and safety, such as the proposed ergonomics standard, worker protections like the Family and Medical Leave Act, and public health measures such as regulations dealing with food poisoning.

For these reasons, the UAW is strongly opposed to S. 219. In our judgment, this measure would undermine the ability of the federal government to play a positive role in safeguarding the health and safety of our children, our families, our workplaces, and our communities. We urge you to vote against S. 219 when the Senate takes up the legislation.

Sincerely,

ALAN REUTHER,
Legislative Director.

PUBLIC CITIZEN,
Washington, DC, March 16, 1995.

DEAR SENATOR: Sometime in the next week, you will be asked to vote against public health and safety. The Senate may vote on S. 219, the Regulatory Transition Act, a regulatory moratorium which slams the door on government efforts to protect American people. The Senate may also consider a bill to give Congress a veto power over regulations, a provision which will inappropriately bring enforcement of laws back into the political arena.

On behalf of Public Citizen and its members, I urge you to oppose these attacks on public health and safety.

The regulatory moratorium is a crude, poorly understood, meat-axe approach to an extremely complicated issue. The moratorium will disrupt thousands of pending programs, including efforts to upgrade archaic meat inspection systems. American children are already dying from E. Coli contamination of their food—contamination which could be prevented. American children will continue to die as a result of further delay on these types of safeguards.

The regulatory moratorium would override statutory mandates which Americans support, without the scrutiny of public debate. Polls show that Americans want stronger federal protection for public health and safety. If Congress wants to repeal the Clean Air Act, the Food, Drug and Cosmetic Act or the Occupational Safety and Health Act, they should debate the substance of those statutes, rather than attack the regulatory system on which these protections are built.

The regulatory moratorium would be costly to taxpayers and to business. Taxpayer money would be wasted while federal agencies charged with implementing laws passed by Congress are stopped in their tracks. Delays in regulations effecting planning cycles will add to business costs.

Special business interests have been able to win exemptions for regulations that will help line their pocket books. But the American public has not been able to get a special exemption for government safeguards that will protect our very lives.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, March 16, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the Natural Resources Defense Council, a national membership organization dedicated to the protection of public health and the environment, I urge you to vote No on the regulatory moratorium (S. 219) and regulatory reform bills now pending before the Senate. These bills would place polluters before the public and undermine 25 years of bipartisan environmental success.

Regulatory Moratorium. S. 219 would block new rules aimed at protecting the public and streamlining government. For example, the bill would bar the regulation of cryptosporidium, the parasite that contaminated Milwaukee's drinking water, sickening 400,000 and killing more than 100 people. A moratorium on new rules is the wrong tool to identify and fix defects in existing rules.

Nor is the solution a proposal now being considered as an alternative to a regulatory moratorium—a 45-day delay in issuing rules pending Congressional review. Every rule will have its special interests pounding the pavement on Capitol Hill to stop it, diverting limited Congressional resources from more pressing matters.

I also urge you to oppose efforts to expand any moratorium to actions other than rulemakings. Amendments like that offered by Senator Stevens in the Government Affairs Committee preventing any action that "restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency" will bring to a halt efforts to preserve our public lands for future generations. Restricting actions to enforce existing limitations on the use of public lands will penalize law-abiding citizens who have been good stewards of our federal lands.

AMERICAN OCEANS CAMPAIGN,
Washington, DC, March 15, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: American Oceans Campaign is a national, non-partisan organization working to protect our world's oceans and marine environment. We strongly urge you to Vote No on S. 219, the Regulatory Transition Act of 1995.

This bill will have devastating effects on our nation's fisheries, coastal programs, and rules to ensure public health and safety, such as protections in the Safe Drinking Water Act and Clean Water Act. Even negotiated rules agreed to by all parties to address disinfection by-products and cryptosporidium in drinking water would be halted. Such safeguards are critical to protecting the public from known carcinogens and dangerous pathogens in drinking water supplies across the country.

American Oceans Campaign strongly opposes S. 219. Uniform federal protections and safeguards are necessary to ensure public health and conserve our precious natural resources. Government reform is essential, but public and environmental protections should not be eviscerated in the process. S. 219 uses a sledgehammer where a surgeon's scalpel is needed. Any revisions should be made on a case by case basis, not in an ad hoc fashion. We are available to assist you in this endeavor, as we support common sense initiatives like ending subsidies to polluters and encouraging pollution prevention programs.

In poll after poll, American voters overwhelmingly support strengthening federal standards for environmental and public health protection. As public servants, it is incumbent on Congress to craft the most responsible policy for the nation. S. 219 is not responsible legislation. We urge you to resist any temptation to pass this or any bill which threatens protections for the American people and the air we breathe, water we drink, and land on which we live.

Sincerely,

TED DANSON,
President.

CAMPAIGN FOR SAFE AND AFFORDABLE DRINKING WATER

TWO GOOD REASONS TO OPPOSE S. 219

1. Urgently needed protections to control the deadly bug cryptospordium and cancer-causing chlorine by-products would be stopped.

The Safe Drinking Water Act [SDWA], last amended in 1986, does not include regulations on cryptospordium, the protozoa from animal wastes that caused 400,000 people to become ill and over 100 to die in Milwaukee in 1993. Cryptospordium, giardia and other bacteria contribute largely to the nearly one million people that the Centers for Disease Control estimate are made ill from their drinking water each year. A recent report documented 116 water-borne disease outbreaks in the U.S. 1986–1994. Due to chronic under-reporting, this is just the tip of the iceberg.

Many people are at higher risk to serious illness or even death from cryptospordium and giardia, including infants and children, pregnant women, people with AIDS and the elderly.

The SDWA also fails to adequately control dangerous by-products of chlorine and similar disinfectants. These disinfection by-products (DBPs) are found in the drinking water of over 100 million people. A recent study by doctors from Harvard and Wisconsin found that DBPs may be responsible for 10,700 or more rectal and bladder cancers per year. Doctors from the Public Health Service found that certain birth defects are significantly associated with DBPs. EPA has found that DBPs can also cause liver and kidney damage.

2. S. 219 hijacks the political process

Responding to the new scientific and public health data documenting these real and immediate public health threats, the EPA convened a "negotiating team" to develop reasonable, cost-effective solutions. Representative from all sides of the debate on providing safe drinking water were included in this negotiation process—public water systems, state and local health agencies, consumer groups, state and local governments and environmental organizations.

This team agreed to develop modest controls of DBPs and microbial contaminants, to gather more information and research and to continue negotiations after gathering this information. The drafting of the rules controlling cryptospordium and DBPs was a ground-breaking effort to include all parties in the decision making process.

This carefully constructed agreement, balancing public health risks and costs, would be thrown out the window by S. 219. In a rush to score political points, S. 219 would delay these urgently needed standards, leaving the public exposed to health threats which have already caused tremendous pain and suffering.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 16, 1995.

DEAR SENATOR: The American Public Health Association representing over 50,000 health professionals and community health leaders along with its 52 state affiliated organizations opposes S. 219, Regulatory Transition Act. The bill would create a moratorium on the development or implementation of any new federal regulation until the end of 1995.

APHA believes that this legislation and other cost benefit and risk assessment proposals (as currently drafted) present a threat to human health and safety. Important contributions have been made over the past few decades to the nation's public health and its environment by the enactment of reasonable and scientifically based legislation. This bill will halt substantial progress on a number of important initiatives on tobacco, food safety and workplace hazards.

We urge you and your colleagues in the Senate to oppose this legislation and other attempts to limit the ability of federal agencies to safe lives and prevent injuries.

Sincerely,

FERNANDO M. TREVINO, PhD, MPH,
Executive Director.

CENTER FOR MARINE CONSERVATION,
Washington, DC, March 15, 1995.

DEAR SENATOR: The Center for Marine Conservation and its 125,000 members urge you to oppose S. 219 when it reaches the Senate floor. The bill imposes a moratorium on the development and implementation of all federal regulations from November 9, 1994 through December 31, 1995, even regulations mandated by court order. The moratorium falls particularly hard on the environment:

1. The commercial fishing industry would be severely affected if you halt regulations allocating allowable harvests and bycatch limits in the New England and Alaskan groundfish fisheries, and limiting access to certain other federal fisheries.

2. Regulations authorizing the nonlethal deterrence of marine mammals would be blocked, exposing fishermen to prosecution under the Marine Mammal Protection Act.

3. Regulations establishing a plan to manage the Florida Keys Marine Sanctuary designated by Congress in 1992 would be blocked, delaying the protection of the Keys fragile marine resources so essential to the local economy.

4. All listings and critical habitat designations under the Endangered Species Act—regardless how imminent the extinctions—would be halted and certain species with listings pending, like Pacific salmon and steelhead trout, could become extinct.

The moratorium would stop roughly 900 regulations, many of them meritorious and important actions ordered by Congress. Examples include pending regulations to foster competition in the electric power industry, regulations to provide for safety in nuclear facilities, and renewable energy incentives. This blunderbuss approach to government policy-making should not be condoned. Even regulations that protect the public against "imminent threat to human health or safety or other emergency" would be delayed while they undergo prolonged review within the OMB.

To prevent unintended results, such as the cancelling of the duck hunting season, the House adopted a series of exceptions. Exceptions for good regulations turns government on its head; it is the bad regulations that need to be addressed. If certain regulations impose undue burdens, as some do, they should be carefully judged on their individual merits. Carving out exceptions to the moratorium on an ad hoc basis can never replace a thoughtful legislative process, with full opportunity for public debate and legislative hearings.

We urge you to reject this dangerous and ill-conceived proposal, and oppose S. 219 when it is considered on the Senate floor.

Very truly yours,

ROGER E. MCMANUS,
President.

NATIONAL AUDUBON SOCIETY,
Washington, DC, March 16, 1995.

DEAR SENATOR: I am writing to express the opposition of the National Audubon Society to S. 219, the "Regulatory Transition Act of 1995." The regulatory moratorium embodied in S. 219 would have serious unintended consequences that would harm public health and the environment by delaying important rules and creating chaos and confusion in the regulatory process.

Because of our long-standing interest in the protection of public lands, the National Audubon Society opposes the Stevens Amendment to S. 219. This proposal would prohibit the federal government from taking almost any regulatory action that restricts "recreational, subsistence or commercial uses" on public lands. Such regulations would qualify as "significant," according to this amendment, and thus would be frozen under the moratorium. If this legislation passes, federal agencies would be unable to manage an enormous variety of mining activities, logging, off-rode vehicle use, development of oil, gas and geothermal leases, and other uses of public lands, all of which may cause serious harm to the nation's natural resources.

Finally, Audubon also opposes any attempts to substitute an "alternative" moratorium for S. 219, including a potential proposal to institute a 45-day period in which Congress may disapprove new regulations. Such a bill would allow special interests who oppose a regulation an opportunity to defeat the rule while it is being reviewed.

On behalf of the 550,000 members of the National Audubon Society, I urge you to oppose S. 219, the regulatory moratorium bill, in the interest of protecting our public lands, the environment and public health and safety.

Sincerely,

ELIZABETH RAISBECK,
Senior Vice President for
Regional and Government Affairs.

ASSOCIATION OF STATE
AND TERRITORIAL HEALTH OFFICIALS,
Washington, DC, March 16, 1995.

DEAR SENATOR: On behalf of the Association of State and Territorial Health Officials (ASTHO), which represents the public health departments in each state and U.S. territory, I am writing to express our serious concerns with S.219, the proposed regulatory moratorium to be considered by the Senate within the next few days.

ASTHO applauds many senators' earnest efforts to streamline the federal bureaucracy. State agencies are very familiar with the burdens necessitated by collaboration with the federal government. However, state health officers have serious concerns with the substance of S. 219.

The bill makes absolutely no distinction between overly burdensome regulations and those which are necessary to improve the public's health. In fact, members of the Government Affairs Committee acknowledged that certain regulations deserved exemptions from the moratorium. Among the public health-oriented regulations to be affected by the moratorium are the following:

Food safety: federal safeguards against food poisoning requiring increased sanitation in food processing.

Safe mammograms: uniform quality standards for mammograms enforced by an inspection and certification program.

Child labor: strengthening provisions so that a job may not interfere with a child's schooling, health or well-being.

Drunk driving prevention: Establishes criteria for grants to support states that impose stricter drunk driving rules for underage drinkers.

Safe drinking water: a final rule to require drinking water supplies to be tested for cryptosporidium, a life-threatening parasite which sickened 400,000 people in the Milwaukee area recently.

Although the moratorium exempts regulations that would pose an "imminent health or safety danger", this exception is meaningless without a clear definition that includes ongoing public health concerns, regardless of "immanence." (Revised language in section 5 might read: an exemption is granted to a regulatory action if it is necessary because of "the reasonable expectation of endangerment of the public's health" or safety or other emergency . . .)

We urge you to contact your state health department before voting on this bill. In their unique role as the entity statutorily responsible for the health of the population, they can give you an accurate perception of how the moratorium will affect your state's public health efforts.

ASTHO's position is that this regulatory reform effort requires more scrutiny before passage. Thank you for your consideration.

Sincerely,

CHRISTOPHER ATCHISON,
Director, Iowa Department of Public Health and President, Association of State and Territorial Health Officials.

DEFENDERS OF WILDLIFE,
Washington, DC, Mar. 16, 1995.

DEAR SENATOR: On behalf of Defenders of Wildlife's over 100,000 members, I am writing to urge that you oppose S. 219, the Regulatory Transition Act of 1995.

As you know, this legislation would impose a fourteen-month moratorium on federal regulations and virtually all actions taken to restrict commercial, recreational and subsistence uses on public lands. S. 219 is a blunt instrument that would stop implementation of a broad range of new rules needed to protect public health, the environment and wildlife. The bill would also open our national parks, forests and refuges to commercial exploitation and recreational excesses that could have long-lasting impacts for wildlife and their habitats.

The Stevens amendment, added to S. 219 during consideration by the Governmental Affairs Committee, would have especially serious consequences for wildlife. Under this provision, federal agencies would be prohibited from taking virtually any action to restrict "recreational, subsistence, or commercial" activities on the public lands. This provision would have broad national impacts including:

Hindering federal land managers from taking quick action to protect the public from fires, floods and other disasters through the imposition of road closures and other access restrictions (before making each closure order, a Presidential exemption would be required);

Precluding the National Park Service from regulating activities that might impair visitor enjoyment or harm wildlife such as altering approved off-road vehicle areas at Massachusetts' Cape Cod National Seashore to protect the endangered piping plover;

Precluding the Fish and Wildlife Service from regulating recreational activities on national wildlife refuges (an action which could force refuge managers not to allow an activity at all) such as regulating boating and jet-skiing to protect endangered manatees at Florida's Crystal River National Wildlife Refuge;

Precluding the Forest Service from balancing resource values and uses as mandated under the National Forest Management Act such as in the agency's efforts to maintain viable wildlife populations in Alaska's Tongass National Forest, the nation's largest national forest, through the establishment of habitat conservation areas.

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United Steelworkers of America, AFL–CIO/ CLC,
Washington DC, March 15, 1995.

DEAR SENATOR: The Senate may soon consider S. 219, The Regulatory Moratorium Bill.

While the Committee approved several limited modifications to the moratorium (i.e., any regulation dealing with "an imminent threat to human health and safety or other emergency"), this legislation itself is an imminent threat to the health, safety, and well-being of millions of Americans who depend upon their Federal government to protect the quality of the food they eat, the water they drink, the medicines they take, and the health and safety of the places where they work.

What possible purpose can such a moratorium accomplish? Is there some special value to arbitrarily stopping Federal agencies from issuing regulations for 9½ months? Or is this legislation the first step in undermining the organic laws which protect Americans from risks which they cannot control themselves?

It has become increasingly apparent in recent weeks with the passage of legislation on so-called unfunded mandates, paperwork reduction, regulatory reform, and private property rights that the real agenda of many in Congress is not to make government more efficient or effective, but inoperative. It would simply stop government from regulating at all wherever and whenever possible. The regulatory moratorium is only the latest legislative vehicle for accomplishing this political objective.

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SERVICE EMPLOYEES INTERNATIONAL UNION, AFL–CIO, CLC,
Washington, DC, March 9, 1995.

DEAR SENATOR: On behalf of the Service Employees International Union's 1.1 million members, I urge you to oppose S. 219—the Regulatory Moratorium. This legislative proposal will not, as its proponents claim, "reform government," Instead, S. 219 will bring much of government to a grinding halt and prevent important safeguards and protections from being instituted.

SEIU is particularly concerned about the impact this moratorium will have on our members' safety and health in their workplaces. In the service and public sectors, where our members work, the rates of injuries and illnesses are continuing to increase with no adequate safeguards. For instance, in our nation's nursing homes, the rate of worker injuries now exceeds that for construction workers, having doubled in the last ten years. Back injuries and other crippling ergonomic injuries are the fastest growing type of injury among American workers.

S. 219 is designed to stop immediately the progress OSHA has made for worker health and safety by issuing long awaited and needed standards. For example, OSHA recently issue standards to protect healthcare workers from exposure to blood diseases, including HIV and hepatitis B infections. With the re-emergence of tuberculosis, healthcare workers and patients are now at increased risk of infection. Many workers and patients are contracting and dying from diseases that are resistant to current antibiotics. Workers need OSHA to issue standards to ensure that they are protected from these and other workplace hazards and diseases. Legislating moratoria on all regulations will stymie OSHA's work to address this as well as other growing health epidemics.

SEIU believes the federal government must play a role in protecting workers and their families. While we recognize the need to reduce time delays and streamline lengthy processes, priority. Accordingly, I urge you to oppose S. 219.

Very truly yours,

JOHN J. SWEENEY,
International President.

MINORITY VIEWS

1. OVERVIEW: REGULATORY REFORM, NOT A FREEZE

The regulatory moratorium established by S. 219 would suspend all significant proposed and final regulations, policy statements, guidance and guidelines issued or to be issued from November 9, 1994, through December 31, 1995—and all statutory and judicial deadlines for such actions from November 9, 1994, through May 1996. While comprehensive regulatory reforms is clearly needed for the Federal government, this legislation is not an appropriate or necessary way to achieving such reform as its proponents claim.

S. 219 as reported by our Committee is dangerous; it does not distinguish between good and bad regulations. It suspends regulations designed to protect public health and safety but exempts regulations solely because they may ease administrative requirements. It is arbitrary and reckless. Based seemingly on whim, it exempts some regulations but not others even though the regulations may be comparable.

There are indeed overly burdensome rules and regulations. As the majority points out, the cumulative costs of Federal regulations have risen over the past twenty years. (The majority states, however, that the cost of regulations is "conservatively estimated" at $560 billion for 1992. That estimate is highly questionable and is certainly not "conservative". A GAO review of that estimate submitted to the Committee on March 8, 1995, suggests serious problems in the methods used in that particular study.) Congress must be sensitive to this fact. We must ensure that the laws we pass meet public needs effectively and efficiently. The mounting costs of regulations require that we closely examine both the regulatory process and the laws that result in regulations. But, we must not ignore the significant improvements that regulations can bring to the daily lives of Americans. For example, since the Occupational Safety and Health Administration came into being in 1970, the workplace fatality rate has dropped by over 50 percent. The Food and Drug Administration has made our food and medicines safer. Thanks to the work of the Environmental Protection Agency, our country now enjoys cleaner air and water.

Clearly the work of government is not finished. The government still has a vital role to play in protecting public health and safety, ensuring equal opportunities in education, employment and housing, promoting a healthy economy, and protecting the environment. With diminishing resources, the question becomes how we can provide these services in a cost-effective way. The Congress and the Executive Branch must work together to continue to improve the way the government does business, and in fact several initiatives are already underway—from government streamlining and reengineering to regulatory reform.

Much more is at stake, however, than merely improving government processes. The regulatory moratorium legislation implies that Federal agencies have simply run amok by issuing too many regulations and that process controls will fix everything. This is just not true. As stated in one of the hearings before the Committee, perhaps 80 percent of all agency rules are required by law. Agencies regulate because the law requires them to do so. Thus, while the majority accurately describes the increase in regulations over the last twenty years, it ignores the twenty years of legislation (most signed by Republican Presidents) that led to this increase in rules. While nameless "regulations" may be a convenient whipping boy, it ignores the reality of the harder task of tackling individual substantive law. This is a major reason that, while the majority report suggests that there is universal support for a moratorium, the proposal is, to the contrary, actually quite controversial. More than 200 groups have opposed the moratorium, including the American Heart and Lung Associations, the Child Welfare League of America, the Consumer Federation of America, the Epilepsy Foundation of America, the Leadership Council on Civil Rights, the League of Women Voters in the U.S., and the National Council of Senior Citizens.

Finally, whatever the interests of its proponents, the moratorium legislation is truly unnecessary. The President has required all Federal agencies to review their regulations and to report back by June 1 on those which should be eliminated or changed. This report will provide the information we need to reform regulations *and* programs smartly, avoiding arbitrary and potentially grave, unintended consequences. In addition, there are various regulatory reform initiatives underway in this and other committees to strengthen our regulatory system—risk assessment, cost-benefit analysis, review of existing rules, centralized regulatory review, and more. A moratorium does nothing toward real regulatory reform.

2. THE FLAWS OF S. 219

While proponents of the moratorium state that its purpose is to improve efficiency and effectiveness and allow for "Congress to rationalize the regulatory reform process," the moratorium is ironically an inefficient, ineffective, and irrational approach. The moratorium will create delays in good regulations, waste money, and create great uncertainty for citizens, businesses, and others. The report speaks of the regulatory process being "ossified, unresponsive, and inefficient." The moratorium will only add to that. For example:

While the moratorium purports to be a neutral "time-out" for all significant regulatory actions, the targeted rules and the variety and number of exceptions are evidence that the legislation is really an example in political "ticket fixing."

During the Committee mark-up numerous exceptions to the moratorium were accepted. Members offered twenty-two amendments to S. 219. Many were to exempt specific health and safety rules from the moratorium; others were to exempt broad categories of regulations; two were put forth that would expand the scope of the moratorium. Thirteen amendments were accepted, eight rejected, and one tabled. There appeared to be very little logic in what was rejected or accepted. Although meat and water safety amendments were defeated, others, such as exemptions related to commuter air safety, railroad crossing safety, duck hunting, and lead poisoning prevention, were passed. We fully supported all amendments that would limit the moratorium. The inconsistency, however, of the majority only heightens our concerns about the legislation.

The bill's exemption of rules that address any "imminent threat to health and safety" is unclear and the majority report's interpretation leaves unanswered many questions about what would and would not be covered. The bill would permit the President, upon written request by an agency head, to exempt a significant regulatory action from the moratorium upon a finding that the regulatory action "is necessary because of an imminent threat to human health or safety or other emergency" (sec. 5(a)(2)(A)). For certain amendments in the mark-up, the majority argued that specific exemptions were unnecessary because of the broad exemption authority given to the President under section 5 of the legislation. The majority could not, however, provide a consistent interpretation of "imminent" or how it would be applied.

For example, an amendment to exempt regulatory actions to reduce pathogens in meat poultry was rejected. This amendment would address rules to update inspection techniques for meat and poultry and would provide a safeguard against E. Coli and other contamination. Mr. Rainer Mueller, whose son died from E. Coli-contaminated hamburger, testified before the Committee on February 22, and poignantly described the personal tragedy and ultimate price paid for unsafe food. In January, the U.S. Department of Agriculture released a proposed Hazardous Analysis Critical Control Point regulation to improve meat and poultry inspection. This rule would mandate rigorous sanitation requirements and scientific testing for bacteria in meat and poultry processing. While the minority argued that E. Coli was indeed a serious health threat, it would probably not be considered "imminent," and therefore it should be specifically included as an exemption in the bill. Chairman Roth stated, "S. 219 depends on the use of common-sense judgment by the President. 'Imminent' is not intended to pose on insurmountable obstacle. . . . We are actually empowering the President to take appropriate action in such situations. . . ."

Senator Glenn also proposed an amendment to exempt actions by EPA to control microbial and disinfection byproduct risks, such as cryptosporidium, in drinking water supplies. Cryptosporidium killed over 100 people in Milwaukee, Wisconsin, and made 400,000 sick. Again, this amendment was rejected, with the bill's proponents citing the Presidential discretion to exempt rules that deal with imminent health and safety problems.

At the very end of the markup, however, the Committee reversed this thinking by accepting an amendment to exempt rules relating to lead poisoning prevention. Senator Roth stated, "I do think it fails within the exemptions [of "imminent threat"], but we are willing to accept the amendment." This broad amendment would exclude from the moratorium any action by the EPA that would protect the public from exposure to lead from house paint, soil or drinking water. Included in the regulations that would be affected by the moratorium would be requirements that home buyers and renters be informed if there are known lead hazards prior to making purchases or rental decisions, and that all lead abatement workers are certified to professional standards of practice.

The majority report attempts to resolve the uncertainties left from the mark-up by stating that USDA's meat inspection rules should be exempted "so long as there are no accompanying extraneous requirements or arbitrary rules". We are at a loss to understand the meaning of that condition. The report also states that "this Committee does not intend this exemption area to apply to OSHA's regulations prescribing ergonomic protection standards," but that the Bureau of Alcohol, Tobacco and Firearms rule on alcoholic beverage container recall information "could be excluded from the moratorium under this provision." The minority is simply at a loss to understand the majority's logic, or the legislative record on which to base such findings.

The Committee's treatment of these regulations and the "imminent threat" exemption leaves a completely inconsistent record. And despite the majority's suggestion, "imminent" will not cover most important health and safety rules. The statutory language refers to "imminent threat to human health or safety *or other emergency* " (emphasis added). Moreover, the definition of "imminent" is "likely to occur at any moment, impending; threateningly or menacingly near or at hand." Most health and safety rules, while designed to addressed pressing problems, simply can not be described as emergency rules in any common understanding of the term.

What deserves to be exempted "just in case" and what does not? There was much discussion on the intent of the moratorium, and what some of the unintended consequences might be. Clearly the Committee decided that rules related to public health (e.g., meat and poultry inspections, drinking water safety) did not need to be specifically exempted "just in case" they were not exempted under other provisions in the bill. Others, including some that had potential to be exempted through other language in the bill, were nonetheless included as specific amendments. For example, the Committee accepted an amendment to exempt any regulatory action to provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses. While some on the majority argued that the rule to allow the Secretary of Veterans Affairs to provide such compensation would be already included under exemptions for "benefits" or for "military affairs," the Committee decided to vote in favor of this amendment "just in case."

The Committee also accepted an amendment that would exempt agency action that "establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping." This amendment would ensure that duck-hunting season would not be affected by the moratorium. Senator Cochran stated, "The point of the moratorium was never to interfere with this kind of regulation. . . . [T]he word gets all over the country that this legislation is going to have this unintended consequence. So the point of the amendment is to make certain that nobody can misunderstand this."

In addition, the Committee decided to accept an amendment that would exempt from the moratorium any clarification by the Department of Transportation of existing responsibilities regarding highway safety warning devices. The intent of this amendment is to clarify state and local authority for determining whether a railroad crossing device is necessary and the installation of such a device. The Committee also accepted amendments related aircraft safety, commuter plane safety, and aircraft flights over national parks.

As stated earlier, other health and safety amendments were rejected, even though it is not at all clear that they will fall under the exemption for "imminent" health and safety threats. For example, an amendment to exempt rules relating to safe disposal of nuclear waste and to decontamination and decomissioning standards for NRC-licensed facilities was not accepted. The Chairman argued that this would qualify as an "imminent threat" and would therefore not be needed. However, it is difficult to argue that some waste, which has been sitting in temporary storage for decades, now presents an "imminent" hazard, or that standards for decontaminating or decommissioning NRC-licensed sites, which have been under development for some time, now fall under an "imminent" exemption.

The Committee accepted as amendment to exempt any actions to establish or enforce rights that prohibit discrimination on the basis of race, religion, sex, age, national origin, or handicapped or disability status. Directly after accepting this amendment, the Committee voted to table an amendment that would have exempted any actions to enforce the constitutional rights of individuals, on the grounds that there was "a certain amount of ambiguity." These amendments are similar to ones included by the Committee in the unfunded mandates legislation. As Senator Levin stated, "This is a lot less ambiguous than [other amendments adopted by the Committee]. These are constitutional rights, and constitutional rights have been clearly defined. . . . If we are going to protect statutory rights to non-discrimination, . . . surely we ought to give the same protection to constitutional rights that are being implemented or enforced by law. . . . We should not put constitutional rights on a lower level than the statutory rights."

The Committee accepted an amendment to exempt any rules under the Indian Self-Determination Act which had been the product of regulatory negotiation. Yet, when Senator Levin proposed an amendment to exclude all consensual rulemakings, the amendment was rejected.

In addition to the indiscriminate acceptance and rejection of amendments in Committee on specific rules, the majority report lists rules that are meant to be covered by the moratorium. In not one instance did the Committee in any of its deliberations make any finding on the merits of any of these rules. There may well be good arguments for stopping some or all of these rules, but that is not the point. The majority is creating exemptions from specific agency decisions with no legislative record.

The juxtaposition in the majority report of these so-called "bad rules" with what appear to be special interest "good rules" shows how inequitable and unfair this process is. There is no legislative record in the Committee to support the findings, let alone discussion, of the "good" regulations referred to in the Committee report. Consider the following striking examples of rules that the majority report stated should not be included in the moratorium and for which the Committee has absolutely no record:

"final regulations governing the alteration of producer recall information on containers of distilled spirits, wine and beer under the Federal Alcohol Administration Act of 1935 (27 U.S.C. 105e)";

"final regulations governing trade practices under the Federal Alcohol Administration Act of 1935 (26 U.S.C. 201 et seq.)" relating to "alcohol promotional practices";

"the final rules issued by the United States Department of Agriculture (and published in the Federal Register on Dec. 6, 1994) on meat derived from advanced separation machinery"; and

Department of Transportation "HM-181 standards . . . for open-head fibre drums used for the transportation of liquids."

The retroactivity of the moratorium stops regulations that have already been issued and creates unnecessary confusion. The bill applies both prospectively and retroactively. It would apply to all significant regulatory actions that occurred as of November 9, 1994. Retroactively stopping rules is extremely unfair to businesses and individuals who have complied with the regulatory process, playing by the rules, and counting on the finality of the regulations already in effect. Many businesses have already spent money to comply with regulations, or made investments based upon regulations that have been issued. Retroactively suspending final rules could give a competitive advantage to businesses that chose to ignore regulations issued since November. Similarly, it is unfair to companies that made investments to comply with those regulations. Regulatory reform should be prospective not retroactive; to do otherwise is wasteful and confusing.

Moreover, the stated purpose of the moratorium is to stop regulatory actions that may benefit from future regulatory reform legislation. However no regulatory reform bill that the Senate is now considering would apply retroactively. So rules that are final since November 9, 1994, would not be covered by the regulatory analysis requirements proposed under any pending reform legislation. Thus, subjecting such rules to a moratorium accomplishes nothing, except to suspend the effectiveness of the rule for the period of the moratorium.

Reporting and decision requirements will completely bog down the President. The structure that the bill uses is cumbersome and one that encourages extensive lobbying throughout the life of the moratorium. In order to exempt a rule, the agency head must make a determination in writing that a rule meets one of the exceptions and then present that determination to the President who must then review it and make a determination whether or not to support the agency head's recommendation. If the President agrees, he must file a notice in the Federal Register, stating that a rule has been exempted from the moratorium (or, it appears, whether a rule previously exempted is no longer exempt). The requirement of monthly reports means that the agency heads and the President will be routinely lobbied by persons affected by covered rulemakings as to whether or not a rulemaking should be in or exempt from the moratorium. It is a nightmarish process except from the perspective of a lobbyist.

The five-month extension for deadlines is arbitrary, unnecessary, and merely draws out this problematic legislation. The Committee bill includes in the moratorium all deadlines that have been imposed either by a court or statute with respect to a significant regulatory action. Senator Levin offered an amendment to strike this section of the bill so that statutory and judicial deadlines would not be affected by the moratorium. Deadlines are dates that have been set previously by statute—passed by both houses of Congress and the President—to require that a regulatory action be taken by a date certain. Congress did not set those deadlines unwittingly; we set them because we were concerned enough about the particular situation to place the timing for action into law. The Consumer Product Safety Commission rule on choking hazards of toys for small children is one such example. Congress passed a law in 1994 requiring the CPSC to act by July 1, 1994, on rules implementing toy labeling provisions for choking hazards. Similarly, we have courts which have set deadlines based on extensive legal records and proceedings. As with the issue of retroactivity, inclusion of deadlines in the moratorium is useless, because many of these deadlines involve rules that are already final and have already become effective. Regulatory reform legislation will not likely affect these rules.

Moreover, the Committee bill establishes a new and longer time period for the moratorium as it applies to deadlines. The moratorium for significant regulatory actions is from November 9, 1994, to December 31, 1995, but for statutory or judicial deadlines, the moratorium extends for five months beyond December 31st, to May 31, 1996. The majority states that the purpose for the extended deadline is to avoid all the deadlines coming into effect at the same time the moratorium is lifted from the rulemakings. We do not see the logic in this argument nor do we know of one request from an agency that such an extended moratorium be provided for deadlines.

Many of the terms and definitions are unclear and will likely compound the problems of unintended consequences. For example, the bill's definition of "significant regulatory action" includes any "statement of agency policy, guidance, guidelines." There was no discussion by the majority of what this would actually cover. Thus, when the Committee accepted an amendment to include in the "significant" definition any action that "withdraws or restricts recreational, subsistence, or commercial use" of public land, the majority was unable to explain what would or would not be included.

The Stevens amendment has wide-reaching, detrimental effects for public lands. Meriting separate discussion is the amendment by Senator Stevens that the Committee adopted concerning Federal agency actions on Federal lands. The Stevens amendment added to the definition of "significant regulatory action" (and thus to coverage of the moratorium) any agency action which "withdraws or restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency. . . ."

The Committee had an extensive discussion about the amendment in an attempt to fully understand its scope. While there was considerable uncertainty during the mark-up as to the actual effect of the amendment, subsequent review has demonstrated that the scope of the amendment is sweeping and would stop not only regulatory actions but virtually all enforcement of regulations on Federal lands. That means that National Park Service employees would not be able to carry out basic management responsibilities in our national parks. The Park Service would not be able to prevent hot rods from racing in national parks, restrict access to fragile archaeological sites, or close dangerous passes on snow-covered peaks. As the National Parks and Conservation Association has said, "This prohibition against rulemaking effectively eliminates the abilities of the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service and the Forest Service to manage federal lands for resource protection." According to the Wilderness Society, "This sweeping amendment would undermine fundamental protections for our national parks, national wildlife refuges, national forests, and all other public lands." The same strong point has been made by other conservation and environmental groups. The Committee's adoption of the Stevens Amendment demonstrates the lack of understanding the Committee had with respect to the full consequences of its actions on this bill.

3. CONCLUSION

The Committee hearing on February 22, 1995, and the mark-up on March 7 and 9, 1995, highlighted many problems with the moratorium proposal. The majority report only compounds these issues. In the views above we have again discussed many of these issues. Unfortunately, the outlined problems involve only those examples that we know of now. We believe there could well be many other important rules that would be inadvertently or otherwise inappropriately be stopped. The public will be the victims of such arbitrary congressional action. The moratorium is a bad idea.

There are most probably many rules that should be examined and even rescinded. We would support any reasonable effort to target specific regulatory problem areas—again, that is what the President is currently doing. We cannot, however, support an arbitrary, across-the-board freeze. We should fix the regulatory process, we should not freeze it and the benefits that flow from it.

JOHN GLENN.
SAM NUNN.
CARL LEVIN.
DAVID PRYOR.
JOSEPH I. LIEBERMAN.
DANIEL K. AKAKA.

EXAMPLES OF REGULATIONS STOPPED BY THE REGULATORY MORATORIUM (S. 219)

PUBLIC HEALTH AND SAFETY

(1) Improved Poultry Inspections (USDA)
(2) Seafood Safety (HHS)
(3) Motor Vehicle Safety Standards for Passenger Car Brake Systems (DOT)
(4) Standardization of Aviation Rules (DOT)

(5) Airport Rates and Charges (DOT)
(6) Head Impact Protection (DOT)
(7) Airline Crew Assignments (DOT)
(8) Flight Attendant Duty Period Limitations and Rest Requirements (DOT)
(9) Alcoholic Beverage Labeling (Treasury)
(10) Pesticide Regulation Flexibility (EPA)
(11) Flammability Standard for Upholstered Furniture
(12) Meat and Poultry Inspection Efforts (USDA) (exemption rejected by GAC)
(13) Standards for Nuclear Waste Disposal (EPA) (exemption rejected by GAC)
(14) Cleanup of Nuclear Facilities, Decontamination and Decommissioning Standards (NRC) (exemption rejected by GAC)
(15) Drinking Water Standards (exemption rejected by GAC)

WORKER SAFETY

(1) Logging Safety (DOL)
(2) Safe Practices for Diesel Equipment in Underground Coal Mines (DOL)
(3) Worker Exposure to Cancer Causing Agents (DOL)
(4) Reducing Exposure to Tuberculosis in the Workplace (DOL)
(5) Worker Exposure to Reproductive and Developmental Risks (DOL)

ECONOMIC GROWTH AND OPPORTUNITY

(1) Cruise Ship Access to Glacier Bay, Alaska (DOI)
(2) Energy Efficient Appliances (DOE)
(3) Forestry Regulations (Streamlining timber payments to tribes) (DOI)
(4) Landowner Relief Under Spotted Owl Regulation (DOI)
(5) Personal Communications Systems Auctions (FCC)
(6) Cable Rate Restructuring (FCC)
(7) Lower Electric Rates (FERC)
(8) Utility Rate Recovery (FERC)
(9) Shrimp Harvesting (DOC)

ENVIRONMENT

(1) Alternative fuel Providers (DOE)
(2) Great Lakes Protection (DOT)
(3) Standardizing Regulations for Domestic Shipments of Hazardous Waste (DOT)
(4) Prevention of Oil Spills (DOT)
(5) Agreement Establishing Water Quality Standards for San Francisco Bay Delta (EPA)
(6) Reducing Toxic Air Emissions (EPA)
(7) Cleanup at Uranium Processing Sites (EPA)
(8) Wetlands Determinations and Delineations (amendment to include in the moratorium, accepted by GAC)
(9) Withdrawals or Restrictions of Recreational, Subsistence, or Commercial Use of Public Land (amendment to include in the moratorium, accepted by GAC)

GOVERNMENT REFORM

(1) Personal Use of Campaign Funds by a Federal Candidate (FEC)
(2) Public Financing for Presidential Candidates (FEC)
(3) Political Campaign Disclaimers (FEC)
(4) Government Securities Large Position Reporting Requirements (Treasury)

OTHER

(1) Fisheries management (DOC)
(2) Noncitizen Housing Requirements (HUD)
(3) Preference for Elderly Families, Reservation for Disabled Families in Section 8 Housing (HUD)
(4) Continuation of Federal Home Loan Mortgage Corporation and Federal National Mortgage Association Housing Goals (HUD)
(5) Community Development Block Grants Economic Development Guidelines (HUD)
(6) Avoiding Homeowner Foreclosure (HUD)
(7) Reducing FHA Fund Losses (HUD)
(8) Increasing Home Ownership Opportunities for First Time Buyers (HUD)
(9) Family and Medical Leave Act (DOL)
(10) Procedure for Removal of Local Labor Organization Officers (DOL)
(11) Emergency Broadcast System (FCC)
(12) Video Dialtone (FCC)
(13) Caller ID (FCC)
(14) Recovery of License Fees (NRC)
(15) Enforcement of Constitutional Rights of Individuals (exemption tabled by GAC)

Mr. GLENN. Let me say on the issue of what rules might be covered by the moratorium: The reported Senate bill covers significant rules and related statements or actions, as well as any wetlands determinations, and any actions—not just rules—that affect the use of public land. The list of rules that I am submitting for the RECORD only covers the category of "significant" rules—those having an annual impact on the economy of over $100 million, or are otherwise determined to be of major importance. This list has 58 entries.

I have no idea how many wetlands determinations there might be during the moratorium. I also doubt that anyone could come up with a reliable list of all the actions that might be taken by any Federal agency relating to public lands—no trail closing, maybe no closing picnic areas at night, or restricting the number of people who can climb up the Statue of Liberty. I do not know.

But this is not all. In addition to the Senate bill, we must remember that the House-passed bill covers all rules, significant or insignificant. This could total over 4,000 a year, if you include every little rule. I saw one list, just of important agency rules that might be covered by the House bill, and it had over 147 entries.

The thought of simply stopping government decisions, to show that we are serious about regulatory reform, is just about the dumbest thing Congress could do. Let us reform the regulatory process, not freeze it. Let us show the American people that we are doing our job, not that we are out to lunch.

3. REAL REGULATORY REFORM

In addition to understanding the moratorium, it is also very important to understand the status of regulatory reform. Again, according to the Governmental Affairs Committee's majority report, the supporters of the moratorium have said that "the purpose of the temporary moratorium is to give Congress enough time to pass legislation to comprehensively change the regulatory process."

In addition to our committee's hearing on the moratorium, Chairman ROTH held regulatory reform hearings on February 8, 15, and March 8. The result was the committee's markup last Thursday, March 23, 1995, in which we considered, amended, and voted favorably on a bill—15 to 0. Every member of the committee, Democrat and Republican, voted to report out a real tough, regulatory reform bill.

We should be back working on the committee report right now, but here we are—debating the moratorium—wasting time on damage control, when we could be working on real reform.

We in the Governmental Affairs Committee are, of course, not alone in the regulatory reform effort. The majority leader's bill—S. 343—will probably be marked up this week by the Judiciary Committee. They, too, have had several hearings.

The Energy Committee is also ready to mark up a bill that will, I believe, provide Government-wide reform.

When one consider the ongoing agency review of current rules, with a report due to the President by June 1, and these regulatory reform bills that should all be ready to come to the floor within a matter of a few weeks, there simply is no need for the moratorium—even if one could ever explain how and why it was needed in the first place.

Let us get on with the business of governing and of real reform. Let us leave the ill-conceived moratorium where it belongs—in the museum of stupid ideas.

Mr. President, I do not know if anyone could disagree with the Senator from Nevada when he talks about the intrusion of rules and regulations on our society. I agree with him on that.

We have all had many people come up to us at public events back in our States and talk about how they are being impacted by rules and regulations, that they think are nonsensical and really defy any rationality. I have agreed with them.

But that is not the issue here. We all favor regulatory reform. We passed out of the Governmental Affairs Committee, by unanimous vote of that committee—Democrat and Republican—last week, a regulatory reform bill, which has within it a legislative veto provision. There are some differences between that and this proposal today. But as I have already said, my basic problem goes even more deeply than just the differences between these two bills. The House-passed moratorium bill throws out the baby with bath water. It throws out the good rules with the bad, and needlessly.

The Senator from Nevada was talking of the alternative, about how many of these rules should come back to us, instead. Do you know why we have so many regulations that are nonsensical now? We had testimony that 80 percent of the rules and regulations—80 percent of the rules and regulations—are written because we specifically required them to be written in legislation. We required them to write them. If there are excesses, should they come back for review? Yes, and I do not quarrel with that. I support a legislative veto. There is no problem with that. But I do not think a moratorium that just throws out the good with the bad makes any sense at all. And I can tell you again what things will be affected by this.

We had testimony in committee by Rainer Mueller, and we had a press conference this morning with Nancy Donley, both of whom had lost children to E. coli bacteria. The USDA, U.S. Department of Agriculture, has new rules that have been proposed that make new inspections for meat that would prevent that happening. Here are people who have actually lost children, and we are talking about putting in a moratorium that would stop a rule that might save other families from having to go through that same kind of tragedy.

We are talking about final rules on airline safety. There is probably not a person in this Chamber who has not flown on an airline. We have new rules that are being promulgated to take care of things such as airline crew assignments; standardization of aircraft rules; we have air worthiness of aircraft engines. These are things that involve the safety of the American public. We are talking about saying we can put a moratorium on things like that just because we want to throw a broad net, but we are going to catch all these things.

We have had some bad rules and regulations—I am the first one to say that here—and we ought to correct those. But to say at the same time that we are going to throw out these things that are safety and health matters for the people of this country to get the few bad regulations, I just do not think makes any sense.

Why do I bring it up when the Senator from Nevada is discussing a 45-day hold over? Because I know the original sponsors of this legislation want the same bill the House passed, which is far more draconian and throws out most everything. That is what they passed over in the House.

We debated this bill in committee and had many amendments, some were accepted, many were rejected. The bill was then reported out of committee. Now we have see the fallback position, that rather than bringing up that straight moratorium here on the floor, we will have a 45-day review, almost a 45-day moratorium. But this 45-day idea is what would go to conference with the House on the far more draconian bill that they already have passed over there.

What happens when you get to conference with the House? I do not know. But I know the tendency will be, since the original intent of the sponsors here in the Senate was to do what the House has already done, probably will want to compromise in the direction of the House. That is what concerns me very, very much.

The bill as proposed here is one that would affect all rules, as I understand it. It is retroactive to November 9. As I also understand it, any Member can call up a rule for review.

Now, the Governmental Affairs Committee has passed out a regulatory reform bill, a comprehensive regulatory reform bill that covers this idea of a legislative veto in that legislation. But what we do with that legislative veto is we make it apply to major rules and make it prospective so it does not go back and undo things that business, industry, and communities already are planning for. In that legislation we provided that it would take a petition by 30 Members to bring a rule back up for consideration.

Now, I thought that was probably a little high. I thought we did not need 30. I am sure we could debate that on the Senate floor when that legislation comes out. Whether we need 10 Members on a petition or some other number, we do need a number of Senators that say, "Yes, this is bad, so we should reconsider that rule or that regulation, and bring that back up here on the floor."

We cannot have it where just one Member can call something up and say, "This affects my State and I disagree," although it might be something that is agreeable for all the rest of the whole United States. I do not think we want to waste our time on things like that.

Much has been made out of the fact that the President could exempt imminent health and safety matters. In committee, I challenged this time after time after time to please have the sponsors define "imminent." They could not do that. "Imminent" means something, according to Webster's dictionary, that will happen right away—now. It is impending, right now. That would not cover such things as aircraft safety or airworthiness of airline engines. These are design things. They are new criteria. Nothing is imminent—even though it improves safety of the aircraft involved or the crew training involved. We do not expect the airplane to go down within hours or not complete the flight. But the overall safety of airlines is of major significance. Why should things like that ever be held up for a moratorium? Why should we have to debate about what is or is not "imminent?"

This is just one problem with the moratorium. And now our attention is turned to the 45-day legislative veto. But what we really should be doing, instead of piecemealing this effort, is to deal with the whole regulatory reform problem.

Again, that is the legislation that we voted out of the Governmental Affairs Committee just last week. Final reports on that will be written and then we would be able to bring that up on the floor and debate the whole regulatory reform process, including a legislative veto.

The danger of this one being brought up separately is that it will go over and be conferenced with the House, as I understand what is being proposed here. That means we are up against the House with their complete moratorium, going clear back to shortly after the election last fall. That is far more draconian. And it lasts a year. It lasts until the ends of this year.

If our conferees on the bill would give in to some of the House provisions, it means we really are placing Americans, a far greater number of Americans, at risk for this year. That is, if that is what was agreed to.

I repeat, I do not disagree with the legislative veto. We are the ones that caused much of the problem. Why should we not go back on major rules and reconsider those where we believe people over in the agencies really have gone too far, where they have not sufficiently reflected the will of the Congress.

I do not see why we cannot bring up the Regulatory Reform Act of which a legislative veto is a part, not just pick this out separately so that it can now go to conference with the House. That is the danger in this, as I see it.

Mr. President, so far there have been only about 127 examples that have come out of the different agencies, 127 examples that we were able to get on the short basis of items that would be held up, that I felt, and many other Members on our committee and the administration felt, were things that should not have a moratorium applied to them.

But is that a complete list? No. We do not even know at this point what other E. coli situations or cryptosporidium situations may exist out there across this country, because we have not yet had a complete review of all the rules and regulations. That is ongoing right now.

President Clinton issued a directive to all the departments and agencies and said, "Scan all the rules and regulations, go through them all, see which ones are overbearing and too intrusive, which ones should be taken out, which ones should be modified, and give me a complete list of all those, a complete review of all rules and regulations across Government." Now that is in the process. It is in the process now. It is not a 2- or 3-year study. It is not something that goes on into the future. We get it by June 1.

June 1, it turns out, is only 30 working days from now. If you look at the calendar and count out the Easter break and what we planned there, June 1 is just 30 working days from right now. I counted it up this morning on the calendar myself, just to see what time we would have on this.

The administration has guaranteed us repeatedly, the Office of Information and Regulatory Affairs, Sally Katzen, has guaranteed us we are going to have that list by the 1st of June. Why go ahead and do a partial job of looking into rules and regulations when we have a complete list that is going to be available for us on the 1st of June? Do you know how many significant rules, those that have a $100 million impact or above, are made every year in this country? Between 800 and 900; that was the testimony we had in committee. So when we have come up just with 127 rules that would be particularly affected by moratorium legislation, we are just nibbling around the edges. They are going through, not only those 800 to 900 over the last year or so, but the 800 to 900 per year that passed back for a long time. There are going to be several thousands of these rules that will be reviewed. We will get recommendations. Then we can take action on these things.

We can take action on some we separate out, some we may not agree with the administration about. I may disagree with them on a lot of them and be willing to go back and repass those things, or if necessary send them back to committee here to be reconsidered, if that is what is necessary. I am that dedicated to getting to real, honest-to-goodness regulatory reform. We need that. I support it. I worked on it the last 3 years in the Governmental Affairs Committee when I was still chairman, and I am still working on it now.

Our new committee chairman, Senator ROTH, has picked this up and he is pushing regulatory reform, to his everlasting credit. I complimented him the other day in public and will do so here on the floor again today. He really has been a champion in pushing regulatory reform. And what we voted out last week is an excellent bill. It is a tough regulatory bill. It is not draconian; it is very realistic. That is what we should be doing, considering regulatory reform on that basis, and not just picking out a little moratorium portion of this or a legislative veto portion of that for consideration separately. We have at hand a bill through which we can really make major regulatory reform, which is what we are all after.

As I started my comments, we have all heard over and over again the unhappiness of our people back home, of business and industry and farms and just individuals, impacted in their daily lives by rules and regulations that should never be out there.

I heard somebody berating the Clinton administration on this a couple of days ago. That is not the problem. The rules and regulations have been building up for the last 10 years or more. You can see a huge increase in regulations—really a bipartisan increase—thinking about the laws that led to those rules. So I look forward to having bipartisan solutions to this problem, also. I think we do it by taking a broad approach to regulatory reform, of which legislative review is one part of that legislation, and if the 45-day legislative veto would apply prospectively, I would support that.

I know my distinguished colleague from Michigan, Senator LEVIN, who has worked very hard on regulatory reform on the Governmental Affairs Committee, probably is as expert in this area as anyone we have in the Senate—I know he favors that, and I do, too. I see nothing wrong with that.

I do not like it going back. I do not like it retroactive.

I hope, Mr. President, we could get together, perhaps, and work this out so we get leadership to bring up the regulatory reform package, the total bill of which something like this is a part, and bring it up at a very early date. If we can do that, then we will have done a great service for this country. We will have gone a long ways toward telling people that, yes, we know the regulatory impact has been too heavy. We are doing something about it.

But at the same time, we should not be saying that we are going to throw out important health and safety rules. And why would even think of doing that? Not even because we disagree with all those rules and regulations, but because we are just saying everything should go out, even the good—this makes no sense.

That is what I disagree with on a moratorium, and what I disagree with strongly on the approach the House took. If we want to see who is at fault with regulations into the future, then, as I said earlier, we look in the mirror. Let's stop this. Let's be a part of fixing the process. Let's not make it worse.

Mr. President, I think we are on limited time—parliamentary inquiry; are we on limited time this morning?

The PRESIDING OFFICER. Time is limited.

Mr. GLENN. How is time divided?

The PRESIDING OFFICER. Three hours was accorded to each side for today.

Mr. GLENN. Mr. President, I ask unanimous consent that a Washington Post editorial dated March 26, 1995, entitled "Good Move on Regulation," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 1995]

GOOD MOVE ON REGULATION

The United States has become an overregulated society. It is not just the volume or even the cost of regulation that is the problem, but the haphazard pattern—a lack of proportion. The government too often seems to be battling major and minor risks, widespread and narrow, real and negligible, with equal zeal. The underlying statutes are not a coherent body of law but a kind of archeological pile, each layer a reflection of the headlines and political impulses of its day. The excessive regulations discredit the essential. Too little attention is paid to the cost of the whole and the relation of cost to benefit.

The election results last November at least in some degree reflected resentment and impatience about this—and rightly so. The Republican-led Congress so understood and set about to fix this system, which unlike some things the government tries to fix, clearly is "broke." The trick is to make sure the fix will itself be the right one, and one that will not end up killing good regulation along with bad.

The Senate Governmental Affairs Committee last week unanimously reported out a bipartisan regulatory reform bill the likely effect of which would be to improve the process rather than mangle it. It's a vast improvement over the merely anti-regulatory legislation too hastily passed several weeks ago by the House, as well as various rival bills in the Senate, including a proposal by majority leader Bob Dole. "A restoration of common sense," Sen. William Cohen, a member of the governmental affairs committee, called the bill, and he is right.

The House voted both to impose a clumsy retroactive freeze on federal regulatory activity and to standardize and weaken in a single stroke the carefully worked out, separate regulatory standards in a broad array of health and safety and environmental legislation. The Senate committee bill would do neither of those things. Rather, it would require cost-benefit and other studies of all new major regulations and the regulatory process generally. Some of these are already done by executive order, others not.

With the studies as part of the basis for judgment, all major new regulations would then be submitted to Congress. The two houses together would have a set period in which to disapprove them; a resolution of disapproval would have to be signed and could be vetoed by the president. Some advocacy groups complain that this would politicize and harm the regulatory process. We think that, to the contrary, it would serve to legitimize and strengthen regulations once issued by putting them on a sounder political footing. Congress, under the present dispensation, can have it both ways. It passes broad regulatory statutes with laudable goals—clean air, clean water, pure food and drugs—and then denounces as heavy-handed and too costly the resulting regulations. Given a legislative veto, it would have to take responsibility for the fruits of its own handiwork. If some regulations were then struck down before they could take effect, it would finally be up to the voters to decide whether that was good or bad.

The bill would also require agencies to do cost-benefit analyses and risk assessments of existing major regulations over a number of years; to do comparative risk analyses in order to make sure that within their purviews they were attacking the greatest risks first; and to take part in the compilation of a "regulatory accounting" every two years, setting forth the benefits and compliance costs of regulations government-wide. The idea is to give Congress and the executive branch alike a better basis than they have now on which to make regulatory policy.

The measure wouldn't solve all regulatory excess. But it would put the regulatory process on a steadier and more rational footing, and expose regulatory decisions to the political process early on and in a healthy way. It's a good framework, and we hope Mr. Dole and the Senate stick to something like it.

PRIVILEGE OF THE FLOOR—S. 219

Mr. GLENN. Mr. President, I ask unanimous consent also that during the consideration of S. 219, Jenny Craig of my staff be granted the privilege of the floor during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I reserve the remainder of our time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the Senator from Oklahoma yield me a few minutes?

Mr. NICKLES. I yield the Senator such time as he desires.

Mr. REID. Mr. President, I want to make sure there is no misunderstanding about the substitute. We do not intend to throw the baby out with the bath water, but I think what we have is a reasonable framework to review all regulations promulgated by Federal agencies. This is not a blanket. We can pick and choose those that we feel are appropriately reviewable. It saves those regulations, which will be the vast majority of them, and those which are bad we can take a look at.

I repeat, one of the reasons I like this approach so much is it will have regulators be more cautious in the regulations that they promulgate. We know, following the Chadha decision, that regulators have said they do not care what we think of the regulations they promulgate; there is nothing we can do about it. This substitute will no longer allow bureaucrats to say that to Congress. If they are in very tight with their President, and we review those regulations and turn them down and the President wants to veto them, then it is up to us as a legislative body to see if we can get a two-thirds vote to override the veto. I would rather not have it that way, but that is what we have to have in order to work within the confines of the Chadha decision.

We have here a substitute that is on all fours—totally and irrevocably constitutional. I was necessarily off the floor for a minute, but I did understand that my friend from Ohio, the senior Senator from Ohio, indicated that E. coli, the disease that swept this country that was so difficult—if this were, in effect, the substitute, they could not issue such a regulation to deal with that disease. That is not true. We specifically have an exemption in our substitute that would allow matters of public health and safety to go forward.

There is also an argument that has been propounded that this legislation, the substitute, is a broad net that will kill a large number of regulations just to get at a few bad ones.

I hope that is not the case. But I hope, in reverse order, if there are a large number of bad regulations, that they will not be proposed.

Finally, Mr. President, this Senator does not like the underlying legislation. That is why I am so much in support of the substitute. I believe the substitute is good legislation. I believe it is something that will make this body proud. I believe it is something that the American public wants. The American public does not want us to stop all regulations. There are some good regulations. I went over some of them. We know the Food and Drug Administration does some good work, and they have gotten better in recent years.

So I want the substitute passed. I want it passed by an overwhelming majority so that when we go to conference with the House, we will have a strong position within which to negotiate. Mr. President, I hope that this legislation, this substitute, that has been offered by the Senator from Oklahoma and myself, will be supported by a large bipartisan vote. This legislation is among the best that I think I have ever worked on. It answers a significant problem that big business faces, that small business faces, and the American public generally feels; that is, too much regulation.

Interestingly, as I have indicated, all business is not opposed to regulation. We know there is a basis for regulation. And, in fact, I served as the chairman of the toxic subcommittee for 4 years, and would have this year but for the fact that the Republicans took control of the Senate. We did, I think, some very good work there. We dealt with all kinds of toxic substances. But one of the groups I worked with that was continually before my subcommittee was the Chemical Manufacturers Association as we dealt with things they deal with.

There is an interesting article in the Atlanta Journal of January 11 that talks about the Chemical Manufacturers Association. I was surprised to read this. The Chemical Manufacturers Association, which has more than 180 members, including large companies like Dow, Du Pont, and Monsanto, said:

> We are not necessarily in favor of revolutionizing how we approach regulations because some of them, according to Chemical Manufacturers, are good.

The article says:

> The association supports regulatory reform but it also sounds downright worried that some of the extremist, anti-environmental rhetoric now coming out of Congress will lead to deregulation schemes that will get out of control and go too far.

That is a quote from an official of the Chemical Manufacturers Association.

Says Fred Webber, president of the Chemical Manufacturers Association, from the same article:

> Reform, let me say this very clearly, is not the same as repeal. The current system of . . . regulations has accomplished a great deal over the past quarter of a century. We do not want to undo that success, and we do not want to tolerate any retreat from our commitment of protecting the people and the environment.

I could not say it any better. That is also how I feel. What we are charged to do in this body is to make what we have better. That is what this substitute does. It does not repeal all regulations. It does not say we are not going to have any more regulations. It is not a blanket moratorium. What it says is that in the future, bureaucrat, be careful what you do because we are watching, and we have a regulatory veto scheme that meets the constitutional requirements of the U.S. Supreme Court.

Mr. President, I hope that my colleagues on this side of the aisle will understand what is going on here. We want to pass a bipartisan bill. The Senator from Oklahoma and the Senator from Nevada are sponsoring a substitute amendment that we believe should have unanimous support, if not heavy support. It is a commonsense way to approach regulatory reform. It is not regulatory repeal. I hope that my friends on this side of the aisle will join in this venture to improve the way regulations are handled in this country.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator REID from Nevada, for his comments, and I would like to respond briefly to some of the statements that were made by my friend and colleague from Ohio, Senator GLENN.

I think the thrust of what I heard in his comments was that he was afraid, if we pass this and go to conference, that we might have that terrible House bill. Let me just state it is my intention, if we are successful in passing this bill—and I expect that we will be successful in passing this bill—to do everything I can do to get the House to concur with the Senate position. I think the Senate bill, I tell my friend from Ohio—I was a sponsor of both—that this substitute is preferable to the moratorium legislation reported by the Governmental Affairs Committee. I think substitute is a better approach. Let me tell my friend and colleague from Ohio that, one, the substitute is permanent. The House bill and the Senate bill, the one that was reported out of the Governmental Affairs Committee, are temporary moratoriums. Those will expire as soon as we pass a comprehensive regulatory reform bill. That may be a couple of months.

So the temporary moratorium bill has received a lot of attention and a lot of partisan bickering, and there may be a very short period of time that it would be in effect, even if it did pass and even if it survived a Presidential veto, both of which are in doubt somewhat. The President indicated he would veto it. The House did not have quite the votes to override the veto. I do not think we would have the votes to override the veto in the Senate. I do not mind sending the bill to the President and letting him veto it. However, that is not my intention. I would like to pass significant regulatory relief regulation this year and have the President sign it.

I think the substitute that Senator REID and I are proposing will do that. I think the President will sign it. I see no reason why he will not sign it. I am interested in passing the bill that Senator REID and I are offering, the 45-day congressional review substitute which will be permanent law. So, whereas the temporary moratorium may succeed, if it were successful, in delaying some regulations for a few months, that time period would soon be gone and you would have nothing. This would be permanent law. This would be a significant response. This would give real energy, I think, for Members of Congress to review the regulators and to hold them accountable.

So I tell my friend and colleague from Ohio that, if I should be appointed a conferee, I would work very energetically to see that the Senate's position would prevail. I am very familiar with both pieces of legislation. I have heard my colleague from Ohio mention the underlying bill, the one reported out of the Governmental Affairs Committee, and he also referred to the House bill as a terrible bill and one that would throw out all regulations and cut out all of these rules and regulations whether they are good or bad. I disagree with that interpretation.

Looking at the bill as reported, S. 219, it has all kinds exemptions. One of the reasons I am not as excited about S. 219 as reported is because we have so many exemptions. I question how effective it would be. There are many regulations that will be covered by these exemptions. We have exemptions for imminent threat to human health and safety and other emergencies. I have heard E. coli mentioned. I have heard problems about drinking water. I have heard of air traffic problems or flight safety.

I think that the President, under the bill reported out of the Governmental Affairs Committee and also by the House, could exempt all of the rules mentioned previously by my colleague from Ohio. However, again, I am not here to debate S. 219 as reported. I am offering a substitute to it. But I think it is important to show for the record that a lot of the scare tactics used against the House-passed bill and the Senate bill that passed the Governmental Affairs Committee are not as egregious, not as outlandish, and not as heartless as some people would indicate.

S. 219 as reported out of committee also has exemptions for a regulation which has as its purpose the enforcement of criminal law or a regulation that has as its principal effect fostering economic growth, repealing, narrowing, streamlining the regulation and administrative process or otherwise reducing regulatory burdens. I have heard some people, including the President of the United States, say the moratorium bill would throw out all regulations, good ones and bad ones. As I have stated, there are clearly exceptions for good regulations.

We also have an exception for routine administrative actions and regulations related to public property, loans, grants, benefits, or contracts. I mention that one because the President of the United States said that if this moratorium bill is adopted, we will not be able to bury people in Arlington National Cemetery or that we would not be able to have duck hunting, both of which are routine administrative actions.

I just mention that. I am not here to defend this bill. I look at all these eight exemptions. The committee added a couple of others. My point being there are lots of exemptions. The President would probably exempt a great number of regulations under these. In addition, he would probably veto the moratorium legislation. So my thought is why not do something that we can pass? Why not do something that the President can sign? Why not do something that would not be temporary? Why not do something that would have, I believe, a long-lasting impact in reducing the impact of expensive, unnecessary regulations?

There are thousands of potential regulations. How many would Congress move on? On how many would Congress pass a resolution of disapproval? Probably only a few. But at least it would make Congress responsible.

I wonder how many Members of Congress have said, well, we passed the law—for example the Americans With Disabilities Act or the Clean Air Act or maybe it was some other very well-intentioned bill—and then a Member of Congress is flabbergasted to find out, that a city in your State is no longer in compliance with the Clean Air Act, and therefore the city is not able to accept a new plant or new factory because of clean air constraints. The member would say I did not know. Where did this happen? The Member would be told it happened as a result of the Clean Air Act. How did that happen? It happened as a result of regulations that were just issued and, therefore, the city in your State is in nonattainment. Well, it came from regulations implementing the clean air bill. On and on, people kind of washing their hands.

Well, the legislation was well-intended, it had good intentions, but now the regulations have become so cumbersome, so expensive, so Congress is kind of washing its hands. The regulators say, no, Congress said so. And now they are implementing hundreds and maybe thousands of pages of regulations. My point is that Congress should be more accountable. Congress should hold the regulators accountable. So of all the thousands of regulations that are in process, we are saying Congress should have a 45-day expedited procedure where we can stop them if we think they are egregious or if we disagree with their intent.

I am pleased that the more comprehensive bill that Senator GLENN alluded to that passed the Governmental Affairs Committee, that will likely be taken up on the Senate floor sometime in May, did call for congressional review. But I might mention, as I understand the legislation approved by the Governmental Affairs Committee, the 45-day review provision applies only to significant regulations. Why should we limit this Congress to only review significant regulations? If we want to repeal a regulation—and under our bill it takes a majority of both Houses to pass it—we should have that opportunity.

Again, of the thousands of regulations, my guess is we will only do a few, but at least we will have the opportunity to hold bureaucrats accountable whether it is a small regulation or large regulation.

I think the proposal that we have, the substitute that we have is a commonsense approach. It is not outlandish. I will just again repeat to my friend and colleague, my intentions would be to try to convince our colleagues in the House that this approach achieves the same objective they are trying to achieve in the House on limiting unwarranted regulation and it is something we can pass and it is something we should pass and hopefully get the House to recede to the Senate when we go to conference.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

The Senator from Oklahoma brings up the key phrase that we debated long and hard in the Governmental Affairs Committee. Let me read from our minority report of that bill: The bill's exemption of rules that addresses any "imminent threat to health and safety" is unclear and the majority report's interpretation leaves unanswered many questions about what would and would not be covered. The bill would permit the President, upon written request by an agency head, to exempt a significant regulatory action from the moratorium upon a finding that the regulatory action "is necessary because of an imminent threat to human health or safety or other emergency."

That is the same language that is in the proposal by my distinguished colleague from Oklahoma that we are considering here.

For certain amendments in the markup, the majority argued that specific exemptions were unnecessary because of the broad exemption authority given to the President under section 5 of the legislation. The majority could not, however, provide a consistent interpretation of "imminent" or how it would be applied.

Now, let me tell you what we did. In committee, I repeatedly asked for a definition of "imminent." I even got the definition out of Webster's, which said "impending, immediate," and so on. It would not cover such things as airline safety, even though we know those rules and regulations should not be held up; there are no reasons why they should be held up.

But of more immediate importance this morning is this. I would ask my distinguished colleague from Oklahoma to listen to what I proposed in committee. I proposed in committee the E. coli prevention standards that he referred to, that we make an exemption for them; E. coli is a threat. We know that. We have had deaths from it. The amendment was voted down.

I brought up an amendment on cryptosporidium. It killed 100 people up in Wisconsin, and 400,000 fell ill. Once again, it was voted down as not being something that should be exempted. They were against it. Now, with that being the situation, I do not know what can be classified as imminent health and safety threats. While people have died, I'm not sure it would qualify as an "imminent threat" and therefore covered under that exemption.

So that is the reason I do not understand quite what we are doing. I appreciate the statement by my colleague from Oklahoma that he wants to convince the House that their bill is bad and that this one would be better. I certainly take him at his word on that.

Why not consider this then? Consider the proposal today out from under the umbrella of what the House has done so that we will not have the moratorium as a conferenceable item. Why not have the legislative veto as a separate bill? Why not go to the underlying bill here, S. 219, and not have an amendment? Instead, we could strike the moratorium and consider just the legislative veto amendment by itself, not as something that will go to conference with the House.

I do not know whether my distinguished colleague from Oklahoma would be willing to do that or not, but I have pointed out that the Nickles-Reid substitute, I felt, was perhaps an attempt to avoid Senate debate of the amendment on the underlying regulatory moratorium. If the objective is to go to conference with the House, which has passed a draconian—and I would repeat that word, which my distinguished colleague repeated himself a moment ago quoting me—regulatory moratorium bill, the result of the conference, when it comes back to us, would be unamendable.

Now, maybe I am wrong about this as being their strategy. Perhaps I am too suspicious. Maybe that is not the purpose of the substitute. Maybe the sponsors really just intended to use S. 219 as a convenient vehicle for the content of their amendment.

If that is the purpose, they need only to wait until a comprehensive regulatory reform bill, such as S. 343 or S. 291, comes to the floor, as they will, since both bills have been reported out by the Governmental Affairs Committee and both contain provisions for legislative veto of major regulations.

I do not know why we cannot wait until S. 343 or S. 291 comes to the floor. Maybe they just want their amendment to be considered now for other reasons. I think there would be an easy way to test whether the purpose of this amendment is to get it to a moratorium on regulations in a conference with the House or whether they just want their amendment considered as a stand-alone proposal. The test is whether there will be an objection to consider the substitute as a stand-alone bill.

If I made a unanimous consent request to consider the amendment as a stand-alone bill, I do not know what the response would be on the other side. But that would take away any opportunity as to what the intent of this legislation is.

I will not proceed with it at this point, but if I asked for unanimous consent—I am not asking for it formally now—but if I ask unanimous consent that the Nickles-Reid substitute amendment to S. 219 be sent to the desk as a stand-alone bill and that it be given immediate consideration, and that S. 219 be put aside indefinitely or until the Senate takes up and disposes of either S. 343 or S. 291, or other similar bills on comprehensive regulatory reform, would the distinguished Senator from Oklahoma object to that? If he would, I ask why.

Mr. NICKLES. I apologize. I was in another conference.

But if the thrust of the Senator's question was would I object to having a unanimous consent request that we have this as a freestanding bill instead of S. 219——

Mr. GLENN. The reason I asked is because the Senator says he wants to go to conference with the House and does not plan, of course, to give in to the moratorium in the House, even though he proposed the same thing originally. Then, if the intent is just to get the legislative veto, which we have already voted out of the Governmental Affairs Committee in the regulatory reform bills, why not set S. 219 aside? We would let this amendment proceed as a freestanding bill, if it is intended just for the 45-day legislative veto, and not take this to conference with the House.

Mr. NICKLES. As the Senator knows, it takes two Houses to pass anything. The House already passed one bill. If we pass this free standing, then they would have to consider another piece of legislation entirely. They went through a lot of pain to get where they are today. I think that would create a lot of hard feelings over there. I do not want to do that.

I have told my friend and colleague—the Senator said I was against the House bill—I did not say that. I would like to correct my colleague. I would like to correct him on a little bit of the interpretation of the House bill.

But my point is, I favor this approach. I think this is a better approach. I think the moratorium, as the Senator has alluded to, made a lot of sense when we were in January. Now, we are at the end of March.

I would like to have something passed. I believe if we pass this tomorrow, hopefully we can convince the House to pass it—basically recede to the Senate—and we may have a bill on the President's desk very soon; this week, possibly. I would like to see that happen.

I am afraid if we did the freestanding approach that the Senator alluded to, we may end up with nothing. And I think that would be a mistake.

Mr. GLENN. If the Senator will yield, we are talking about not having action in the House. The House would have to consider this, too, and so they would have to go back and reconsider this substitute to the moratorium.

Why not consider this as a freestanding bill, rather than as something to be conferenced between the House moratorium bill that was passed and this bill? Why not consider this separately, if this is a good idea on its own?

Mr. REID. Will the Senator from Oklahoma yield?

Mr. NICKLES. Let me finish replying, but I will be happy to yield. The Senator from Ohio has the floor.

The House has already passed the legislation. If we pass entirely new freestanding legislation, then it has not even made the first hurdle. We are ready to go to conference very soon. If we pass this in the Senate tomorrow, as I hope and expect that we will, the House could recede. Both sides have to appoint conferees. If we could convince our colleagues in the House that this is a better approach, given the fact that the year has already moved along and so on—and I might tell my friend and colleague, originally we were talking about a 100-day moratorium back in November. So time has been moving. This is more permanent, more significant.

If we can convince our House colleagues of that, we could possibly have a bill on the President's desk in a short period of time.

Mr. GLENN. The House is going to have to take action one way or the other. Why not take action on this?

You are saying you hope to convince the House to come to your persuasion on the substitute to the moratorium. Why not pass the legislative veto separately and send it over to the House? They would take action on it, and it would get to the President's desk in the same length of time. The way you are talking about it, there is going to have to be a conference with the House on this bill, with the chance that we may wind up with most of what is in the House bill now. We do not know how strongly they may feel about this. I would feel much better about this if we had this as a freestanding bill. And if the intent of the sponsors is as they say it is, then I do not see why you would object to this procedure.

Mr. REID. Will the Senator from Ohio allow the Senator from Nevada to respond to the question?

Mr. GLENN. Yes.

Mr. REID. We have the underlying bill that is now before the Senate. Tomorrow, it has been the decision of the Senator from Oklahoma and the Senator from Nevada to offer a substitute. Of course, if the substitute passes, the vehicle that will be before the Senate will be our substitute.

I say to my friend from Ohio, it is pretty standard procedure around here to say, "Why don't you drop your amendment? You can bring it up as a freestanding bill."

Well, we know why we do not want to do that. Because momentum would be lost for our legislation.

It seems to me quite clear if our substitute passes, there will be a significant opportunity. If in fact—and I mentioned this in my earlier statement—if, in fact, the Senate, in a strong bipartisan fashion, passes this substitute, it will give the Senate conferees real direction on how to deal with the House. I support the substitute. I do not support the underlying legislation.

Mr. LEVIN. Will the Senator yield?

Mr. GLENN. Let me just ask one question, then I will yield, because I have held the floor long enough already and I know the Senator wants to speak.

Mr. LEVIN. No, I just wanted you to yield for a question.

Mr. GLENN. Go ahead.

Mr. LEVIN. Is it not true, in fact, that we would pass this more quickly if it were done as a freestanding bill, as was just adopted by the House, because you could then avoid the conference?

Mr. GLENN. Absolutely. I think that would be exactly the case.

I come back to my previous point, and I did not get an answer to that. I would like to, here on the Senate floor, finally and at last hear a definition of imminent threat to health and safety or other emergency.

Now, I know Webster's definition. But the definition of imminent threat did not explicitly include in committee E. coli or cryptosporidium.

I would like, here on the Senate floor, before I have to decide how I am going to vote on this bill, to have a firm definition of imminent threat to health and safety or other emergencies.

In committee, they said, "Well, we leave this up to the President." That is not good enough; we are critical around here all the time of what the President interprets or does not interpret out of legislation.

What is a clear-cut definition of imminent threat to health and safety?

Mr. NICKLES. Would the Senator like a response?

Mr. GLENN. Yes.

Mr. NICKLES. I would just tell my colleague, in looking at the bill on page 9, its says "the President finds in writing." The President makes that determination.

I might also tell my colleague that we did not have it subject to judicial review. So if the President finds, if the President determines that E. coli, or anything else, is an imminent threat to health and safety or other emergency, it would be exempted. We give that kind of discretion. I happen to think that is a very broad provision, where we would give that to the President and not try to limit it, not try to micromanage it.

As the Senator knows, he alluded to the fact, there are thousands of regulations. To go through and try to enumerate which ones would qualify and which ones would not, we would be looking at a bill that would be very difficult. We were not trying to do that.

Just as when the original legislation was drafted, we did not say duck hunting would be exempted because we did have a provision that said routine administrative action would be taken. And, as an author of this, we did not feel that it was necessary to go through and define 4,000 exemptions. That was not our intent.

But the approach that Senator REID and I are now taking, I think is a good one, because we do not have to get into that debate.

One of the reasons I think the bill that was reported out of the Governmental Affairs Committee is not worth very much is because almost all regulations could be exempted. There are 4,300 regulations that are in process. The Governmental Affairs Committee says this bill only applies to significant regulations. That is about 900 out of the 4,500. Then all of the exemptions, apply that to those 900; Many more of the 900 would be exempted under the exemptions outlined in the bill.

So this bill only lasts for a few months and probably only applies to a few hundred regulations. The House bill is somewhat broader, but we end up with almost nothing, because I think the President could determine it as a threat to public health and safety or a routine regulation or a regulation fostering economic growth. He could drive a very broad path through these exemptions.

So I am saying that the approach of Senator REID and myself is to let the President go forward on the routine regulatory framework and, Congress, you can review those regulations, and, if we get a majority vote in both Houses of Congress for disapproval, we can try to stop them. If the President still disagrees with us, he has the veto, and we will have to override the veto. That is not an easy challenge.

Mr. GLENN. Mr. President, giving the President broad authority is one thing and giving him broad interpretive authority over what is imminent and what is not is another matter entirely.

When the committees of Congress and when we on the floor refuse to define "imminent," and we say that is up to the President and his people and we give him broad authority in that area, when the President depends on his people to give him advice on what is imminent or what is not, they go back to what was intended in the legislation in the Congress.

What they have to go on right now is a vote in the Governmental Affairs Committee that said that standards to protect the public from E. coli or cryptosporidium should not be exempted. It is not clear to me whether they would be exempted under the "imminent threat" exemption or not. I voted to exclude them from the moratorium just to make sure. I do not think we have a good definition of "imminent."

I know my friend from Michigan wants to make some remarks, and I will not belabor this any further. If we do not adequately define imminent threat to health or safety or other emergency, we leave it up to the President and then we will criticize him in specific cases if his judgment is not what we agree with. We should have a better definition of this term. We were unable to get it in committee. We were unable to get it on the floor, too, as far as I see it. The legislative history right now would show that standards to protect against E. coli and cryptosporidium are not clearly and explicitly exempted from the moratorium.

I reserve the remainder of time. I ask how much time we have left on our side.

The PRESIDING OFFICER. The Senator from Ohio has 2 hours 50 seconds—just slightly over 2 hours.

Mr. GLENN. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. If the Senator from Michigan will give me a couple minutes, I am not here to debate the underlying bill. But on the committee report, page 14, "Section 5. Emergency exceptions; exclusions":

> It is the committee's understanding that the President has ample authority to except from the moratorium the promulgation of rules and regulations that are necessary to make food safe from E. coli bacteria, so long as there are no accompanying extraneous requirements or arbitrary rules. Several witnesses so testified at this committee's hearing.

I can read on, but I think the committee report will show the committee does think the President has that authority and would be able to make that determination.

Mr. President, the point I make now and, hopefully, my colleagues will comprehend is that under the proposal of Senator REID and myself, regulatory agencies can make their regs, they can promulgate their rules and regulations. Senator REID and I are saying they have that authority, they can do so, and except for the big ones, they all go into effect as planned, except that we have the opportunity to have expedited procedures to rescind them or to repeal them. On the large ones, the ones that have significant impact, they would be postponed, there would be a moratorium of their effective date for 45 days to give Congress a chance to review those.

That, I think, is a proper check and balance on the regulators. So if the administration came out with regulations dealing with E. coli, if nobody pushed resolutions of disapproval, they would go into effect. If the administration has regulations dealing with air traffic safety or something, they would go into effect unless both Houses passed a resolution of disapproval. So it puts the burden on Congress to select which ones are wrong.

My colleague from Ohio makes a good point in saying under the previous legislation, under the legislation that was reported out of the Governmental Affairs Committee, all discretion was given to the President; the President makes the determinations, the President determines the exemptions.

I think he had ample opportunity under the legislation, as passed out of the Governmental Affairs Committee, to exempt lots of regulations, maybe all regulations. He could say there is a positive health impact or threat to danger, or threat to health and safety or that they had a positive economic impact.

So he could exempt anything, I think, under the bill that passed out of the Governmental Affairs Committee. That was all given to the President. The President had sole authority to make the determination on the exceptions. That was the bill that was reported out of the Governmental Affairs Committee.

We are saying, no, Congress has a responsibility, Congress should be making some determinations. Congress can let these rules go into effect if we desire. Under Senator REID's approach and mine, Congress would take the initiative, and if we did not like the rule or regulation, we have an expedited procedure to review it and possibly repeal it. So it puts some of the burden back on Congress instead of, under the bill as reported out of committee, all that burden was on the executive branch.

I think it is a good approach, and I hope my colleagues will concur.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask the Senator from Ohio if he can yield me 20 minutes.

Mr. GLENN. I yield whatever time is needed.

Mr. LEVIN. Mr. President, the bill that we will be taking up tomorrow, S. 219, the regulatory moratorium bill, is really Government at its worst. It is arbitrary, it is extreme, it is unfair, it is a reckless piece of legislation.

As Senator GLENN has already described, S. 219 would stop or suspend all regulatory action taken between November 9, 1994, and December 31, 1995. In other words, it is also retroactive. It not only stops regulations from being issued this year through December 31, it goes back, picks an arbitrary date and suspends all regulatory actions taken from November 9 to the present, even those that are final and effective; even those that people, industries, and businesses have counted on, have changed their method of operation in order to accommodate, even those which industry and businesses have pleaded with us to put into effect. And there are such regulations, and I will get into some of those in a moment.

The Governmental Affairs Committee amended S. 219 in reporting it to the floor by applying it to significant regulatory actions, which are about 800 to 900 in any one year. But the committee did not alter the retroactive feature of this bill.

I want to go back and look at how this thing started in the House.

According to an article that appeared in the Washington Post on March 12, lobbyists gamed the system in the House as the bill was being drafted in order to keep the rules out that they wanted to take effect and keep the rules in that they wanted to stop.

First, they started with an effective date of November 9, arguing that the day after the election had significance for pending regulations, but then they changed the date from November 9 to November 20. This is in the House.

Why did they do that? Why was it November 20 instead of November 19 or November 18 or November 21? Because one Member of the House whose support they wanted had a rule that he cared about, that he wanted to go into effect. It was a marketing order for borrowing. He had been waiting for that marketing order. He did not want that one caught up in the moratorium. That one took effect November 19. So he said, "Well, make it November 20 and now you have my support." So they picked the first day after that particular rule took effect. Forget the fact that the moratorium blocks all other marketing orders, like cherries or sugar or flowers or anything else.

The principle involved in this decision was not that marketing orders should be exempt because they are central to the promotion and sale of key commodities; the principle that was operating in this case was the principle of political expedience, picking the date based on the desire to protect the rule for one particular Member.

Well, I have marketing orders that I am interested in, too. We have a cherry marketing order that will affect cherry production. We are number one in the entire market for cherries in the country. That one probably will not take effect—if it does—until later this year. Well, is my marketing order less important than that Representative's marketing order? Is one more significant than the other? Are we going to say, well, we will exempt this and that, and pluck this from the sky and pull this one from the ground, and we will exempt particular rules from this moratorium where a Member has a particular interest, out of thousands that are pending? Is that the way we are going to legislate? That is the way this bill was done in the House—cover barley, and then we will get another vote for a moratorium. It is arbitrary in the way it was done, both in the House and here.

There were a lot of other exemptions that were considered. Lobbyists from many sides bid for exemption. But the House rejected every exemption concerning rules to protect public health and safety and accepted numerous amendments to protect specific business-related items.

For instance, the House exempted from the moratorium a rule that was published on December 2 relative to the conditional release of textile imports; a rule that related to customs modernization; a rule that related to the transfer of spectrum by the Federal Communications Commission, and so forth. If you can catch the interest of a Member, you can get your rule exempted from the moratorium. I do not have any problem with exempting from the moratorium any of those rules. I am all in favor of that, because I do not think the moratorium makes sense. It is not as though I do not think we ought to exempt textiles or we should not exempt spectrum. I think we should have a rational way of legislating, which is to state a principle, not just willy-nilly pick items out of the blue which may have particular appeal to a particular Member.

One of the reasons this moratorium did not make sense is because it would catch up rules such as those enumerated. But it is going to catch up a lot of other rules which make sense, as well. It is not just a textile rule that it catches up. Well, that was exempt. It catches up a rule that finally gives us some sanity in the area of bottled water.

The water bottlers have been waiting for a decade for this rule; they want the rule. They have been asking for a rule to label bottled water so that the public knows what it is getting. It says "spring water" or "artesian water" or "seltzer water," "well water," or whatever it is. The bottling industry wants rules so the public is not misled. They want rules in order to restrict the amount of particular chemicals that can be in bottled water. They have been waiting for this rule. They wrote us in strong opposition to this moratorium, because it catches up rules that they have been waiting for.

Now, the textile folks are exempted, and it is fine with me. But how about the water bottlers; they are not exempted? What is the rationale for this? What is the reason behind that? Where is the fairness behind that?

Now, as the House bill came over to the Senate, this is the way it looked. It applies to all regulatory actions, big and small. It does not even permit agencies to receive comments from the public on pending rulemaking. This is the House bill, I emphasize. This is the one we are going to face in conference. All regulatory actions are stopped in the House bill, not just final regs. Agencies are not able to receive comment, issue guidance, nothing; stop it, everything. I do not know what we expect the folks at the agencies to do this year. Nonetheless, everything stops in its tracks. They cannot receive comments from the public—a grinding halt. It applies retroactively. It indiscriminately exempts some rules and not others. It does not exempt any rule pertaining to public health and safety, except it has an imminent threat stamp.

Well, as the Senator from Ohio says, the definition of "imminent" is not there. So we have to try to figure out now whether or not the President is going to exempt a rule that the Product Safety Commission is going to promulgate on bike helmets. Is that an imminent threat? They are looking at a rule which will require that items which are sold as bike helmets to protect the heads of bicyclists from injury, in fact, be structurally strong enough so that they will be able to perform that function. That is the Product Safety Commission that is doing that.

The industry wants it; they want these regs. But is that an imminent threat? Is the President just supposed to pick some kind of decision out of the air? Does that depend upon what the prediction is as to how many people will die within what period of time? Is that imminent? Is it one person a year? If it averages one per month, is that imminent or not? If it averages 10 per month, is that imminent or not imminent?

Choking toys. The Product Safety Commission, I think, has already issued regulations on toys which are a threat to children under 4 years old, which they can choke on. Now, is it imminent or is it not imminent? We do not know. But none of these are exempted. The bike helmets are not exempted. The E. coli bacteria is not exempted. The choking toy is not exempted. But we have exemptions for all kinds of other things that are more business-related exemptions, such as sale of spectrum by the FCC, or the textile regulation; those are specifically exempted in the House bill. But nothing relating to public health and safety is exempted. Instead, there is an imminent threat requirement that the President has to apply.

There is one other thing the House bill does. Again, I emphasize this is what we are going to face in conference. The Senate bill makes some changes—the underlying Senate bill. But the House bill extends statutory and judicial deadlines. In other words, where there is a rule which is required by law, be it judicial or statutory, to come into effect as of a particular date, in that case, the bill says, well, we want it to be longer by 5 months. The moratorium for December 31 is not good enough if the deadline for a rule has been set by a statute or by a court. There, for some reason—totally inexplicable to me—the deadline is extended 5 months beyond December 31. Mind you, if Congress set a statutory deadline for a rule to come into effect, and that one is moratoriumed until December 31, that becomes May 31. I do not know that logic. They tried to change that one in committee in the Senate version without any success. We never got an explanation as to the logic of that one. You would think if we set a deadline for a rule to come into effect, we would treat ourselves as well, at least when there is no such deadline for a regulation coming into effect. But we do not. This moratorium, I believe, is a diversion from the real job of drafting tough regulatory reform legislation.

We hope that we could just set this moratorium idea aside and get on with the real work of regulatory reform, the real work that the committees of this Congress are doing, which the Governmental Affairs Committee did by unanimous vote in adopting the Roth regulatory reform approach. Another committee of this Senate is doing work on regulatory reform. That is the serious work. Timely item review, cost benefit analysis, looking at each regulation, to weigh whether or not its benefits outweigh the costs.

In our bill, having a legislative veto provision—which I think is a very important and significant approach, one that I have supported since I got here. As a matter of fact, one which I supported before I got here.

When the moratorium bill that the committee took up, S. 219, came before the committee for markup, it was a doozy of a markup. There were 22 amendments at our markup. I want to go through this markup briefly just to show how arbitrary this bill before the Congress is.

Senator COCHRAN offered an amendment to exempt any action taken to ensure the safety and soundness of a farm credit system institution, or to protect the farm credit insurance fund. That amendment was accepted.

Senator PRYOR offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action. That amendment was designed to exempt a regulation that permits duck hunting season to open. That was accepted.

Senator AKAKA offered an amendment to exempt the promulgation of any rule or regulation relating to aircraft overflights on national parks by the Secretary of Transportation or the Secretary of the Interior pursuant to the procedures specified in the advance notice of proposed rulemaking, published on March 17, 1994. That amendment was accepted.

Senator GLENN offered an amendment to exempt "any regulatory action to improve air safety including such an action to improve airworthiness of aircraft engines." That amendment was accepted. Senator GLENN offered another amendment to exempt any regulatory action that would upgrade safety and training standards for commuter airlines to those of major airlines. That amendment was accepted.

Senator THOMPSON offered an amendment to exempt any clarification of existing responsibilities regarding highway safety warning devises which was intended to cover railroad crossings. That amendment was accepted.

Senator GLENN offered an amendment to exempt any regulatory action to bring compensation to Persian Gulf war veterans for disabilities for undiagnosed illnesses as provided by the Persian Gulf Veterans Benefits Act. That amendment was accepted.

Senator GLENN offered an amendment to exempt regulatory action by the EPA to protect the public from exposure from lead in house paints, soil, or drinking water. That amendment was accepted.

Now, each of those amounts was offered in an effort to exempt particular rules from coverage of the moratorium. I support each one of those amendments. They are fine. The problem is not that there is a problem with the amendments that were adopted. The problem is amendments which nobody offers to cover important regulation which have as much claim to be exempted from this moratorium as the ones that we exempted. Certain Senators, familiar with certain rules, offer an exemption from the moratorium. It gets adopted. That is fine. What about the ones where we are not familiar, acting on a matter of weeks upon thousands and thousands of regulations that get caught up in the net? They are caught up in a moratorium. How many rules are there that are just as important as the ones that we exempt that are still going to be subject to the moratorium, and with similar or even more serious consequences than these rules? There are hundreds of these rules, potentially, since we have been told there is perhaps 800 to 900 significant regulatory actions in any one year.

All these amendments identified about eight, eight that some Senators are familiar with. How many others? We do not have the vaguest idea. Some of them that we do know about we tried to offer amendments on. These are some of the ones that failed. See if there is any coherence to this.

Senator GLENN offered an amendment to exempt any regulatory action to reduce pathogens in meat and poultry taken by the Food Safety and Inspection Service of the U.S. Department of Agriculture. That one was defeated. We accepted the exemption for lead paint. That one was adopted. But when it came to a rule to protect against tainted meat, that exemption from the moratorium was rejected.

Now, maybe somebody can come up with a logic here as to why we should proceed without a moratorium to a rule on lead paint, but we should not proceed without a moratorium to a rule which protects citizens from tainted meat.

I think we ought to proceed with both unless on a one-by-one basis Congress, pursuant to a legislative veto, feels that a regulation is not consistent with the law that drives it or is not worth the cost.

That is the alternative approach to this moratorium. That is the coherent approach. That is the approach where we will be forced to rationally look at any regulation, one by one, not lumping them all together in one bushel basket and stopping the whole bushel, except for one or two or three, up to eight, which people have picked out of the bushel, but where we deal rationally with regulations one on one.

Then Senator GLENN offered an amendment to exempt any regulatory action by the EPA that relates to control of microbe risks in drinking water supplies. That is the one that addresses the concern about cryptosporidium in public drinking water. That was rejected.

Is the lead paint threat more imminent than the cryptosporidium threat? That is the decision of this committee, and, therefore, one is going to be subject to a moratorium and the other one is exempt. It beats me what the logic is. I do not see it.

I offered an amendment to exempt any significant regulatory action the principal purpose of which is to protect or improve human health or safety and for which a cost-benefit analysis has been completed and the head of the agency taking such action has concluded, to the extent permitted by law, that the benefits justify the cost. That one was rejected on a 7 to 7 vote.

There is so much inconsistency in this bill that it is really the totally wrong way for Congress to legislate. One rule is exempted just in case it might get caught by the moratorium, but a similar rule is not exempted because, well, it appears that it would not be caught by the moratorium. There is no rhyme or reason to why the committee specifically exempts air safety regulations and lead paint regulations, but refuses to specifically exempt meat safety and cryptosporidium regulations. There is no rhyme nor reason to that.

Surely we want to protect ourselves from dangerous situations in the air, from lead paint, from dangerous meat, and from cryptosporidium. We want to protect ourselves from all. Where is the logic?

Now, I offered an amendment which the committee accepted. Here is the way this amendment read: "We will exempt from the moratorium, regulations that establish or enforce statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin or handicap or disability status." That one was accepted. Those are exempt from the moratorium.

But then I offered an amendment rejected by the committee—I cannot figure the logic it—to exempt any significant regulatory action which enforces constitutional rights of an individual. That one we did not exempt. Statutory rights that prohibit discrimination are exempt, but regulations to enforce constitutional rights are not exempt from the moratorium.

The committee accepted an amendment by Senator MCCAIN to exempt actions that "limit it to matters relating to negotiated rulemaking carried out between Indian tribal governments and at agency under the 'Indian Self-Determination Act Amendments of 1994'." Fair enough; no problem with that exemption.

But how about an amendment to exempt any regulation issued pursuant to the consensual product of regulatory negotiation—not just the ones relating to Indian tribal governments but any product of regulatory negotiation; not just that product?

So it went, and so we have just a hodgepodge of exemptions that defy consistency or rationality.

We also add items of coverage to the moratorium. Senator GRASSLEY offered an amendment that the committee adopted which added the interagency memorandum of agreement concerning wetlands determinations to the moratorium. Mind you, this is just a interagency memorandum. This is not a regulation or rule, this is just a memorandum between agencies. That one is added to the moratorium on regulations. So that one is suspended during the moratorium period.

Senator STEVENS offered an amendment to extend the moratorium to include any action that "* * * restricts commercial use of land under the control of a Federal agency"—any action, not just a regulation or rule, any action restricting the "commercial use of land under the control of a Federal agency."

We are still trying to figure out the ramifications of that amendment. Already the results are pretty stunning.

Under the Stevens amendment, the Federal agencies in charge of protecting Federal lands would presumably not be able to carry out enforcement proceedings against individual actions that could despoil the land or endanger human life. For instance, the National Park Service could presumably not close a dangerous pass in a national park because of drifting snow; it could not stop hikers using certain paths in a park that may be dangerous because of bears or high water.

The Department of the Interior has reviewed this amendment. Here is what it predicts if this amendment ever became law:

> The Bureau of Land Management would not have authority to enforce existing permits or plans of operations for mineral leases; the Bureau of Reclamation would not be able to regulate boating, swimming and fishing on Federal land near dams and reservoirs; the Fish and Wildlife Service would not be able to regulate a variety of recreational activities on wildlife refuges; the National Park Service would not be able to regulate activities that might impair visitor enjoyment or protect the parks; the Department of Defense could not obtain additional public lands for military purposes without qualifying for Presidential exemption.

It goes on and on. Those are the impacts of the amendment just adopted in committee, which is added to a moratorium on regulation.

I just cannot believe that the members of the Governmental Affairs Committee ever intended that the Government be so limited in its ability to protect its people and its natural resources, but that is what we did in reporting this bill to the full Senate.

As I said, this bill also has a rather strange provision added in committee concerning statutory and judicial deadlines. That provision adds an additional 5 months to the length of a moratorium where deadlines have been established by either statute or a court case with respect to a regulation.

The first question is why would we want to include deadlines in the moratorium bill in the first place—particularly statutory deadlines where we, in Congress, have stated explicitly the date by which we want a rule issued? But, second, why should regulations with statutory or judicially imposed deadlines be singled out for an additional 5-months moratorium?

When I asked the question the answer that I got was that it would be too much for the agencies to handle all of the proposed and final regulations coming into effect at the same time when the moratorium ends, as well as the deadlines. But that does not make any sense. The lifting of a moratorium on proposed and final regulations does not force the agencies to take any scheduled action with respect to those regulations, and to the extent that the agencies do take action they will have the entire period of the moratorium to prepare for taking those actions. Moreover, when I asked whether any agency had asked for this kind of consideration, so to speak, the answer was "no."

But the report of the committee is just as telling. The report contains a litany of various selected rules that are referenced for purposes of determining whether or not they are covered by the moratorium. The committee members did not consider these rules individually. Most of them—maybe all of them—were not even mentioned in the committee markup or in documents circulated to committee members. Yet they appear in the report as though the committee acted intentionally and knowingly on them.

Here is one—this is from the committee report.

> The Department of Transportation is currently considering whether alternative standards to the existing HM-181 standards are appropriate for open-head fibre drums used for the transportation of liquids. If the Department of Transportation determines that such alternative standards are appropriate, that decision could result in eliminating an unnecessary regulatory burden on the fibre-drum industry.

What is wrong with that? Nothing. That is great. I am all for exempting them from the moratorium. I do not want any unnecessary regulatory burden on the fibre-drum industry more than I want it on any industry. But here is a typical exception from the moratorium. It suddenly appears in the committee report. We never discussed this. It is just helter-skelter, willy-nilly. Can you get a Senator to put a little reference in there to exempting some regulation from a moratorium?

Here is another one. Similarly, the Bureau of Alcohol, Tobacco and Firearms is about to issue final regulations governing trade practices under the Federal Alcohol Administration Act that could simplify alcohol promotional practices. If so, these regulations could be excluded from the moratorium under this provision. Terrific, I am all for it.

What about the hundreds of others that should be excluded from the moratorium that are not named in here? What is the origin of naming one or two regulations, unless we want to go through these things in some rational way and name hundreds of regulations that ought to be exempted that will reduce burdens on industry?

How about that bottled water regulation that the bottled water industry has been waiting for, for a decade, one decade? Let me read the letter from the Water Bottlers Association.

"On behalf of the Bottled Water Association I am providing, at your request, information. * * * Et cetera, et cetera.

> In addition to this final rule, I will describe two additional amendments to the bottled water standard of quality which, according to FDA, will be published this spring. IBWA strongly supports the finalization of these public health standards as well.
>
> * * * * *
>
> The December 1, 1994 final rule, which was identified at your committee hearing last Wednesday, significantly adds to the number of standard of quality levels that must be met by a bottled water product and as a result, will be a significant benefit to American consumers. Briefly, it establishes or modifies allowable levels in bottled water for 9 inorganic chemicals (IOCs) and 26 synthetic organic chemicals (SOCs) including 11 synthetic volatile organic chemicals (VOCs), 14 pesticides, and polychlorinated biphenyls (PCBs). The final rule presently becomes effective on May 1, 1995. Once effective, this final rule provides even greater assurance to American consumers that the bottled water they drink is the safest in the world. IBWA strongly supported FDA's efforts to finalize these quality levels and has consistently worked with FDA to develop and implement these rules. While IBWA members already voluntarily test for these substances, as part of a voluntary annual inspection program which is a condition of membership, making this final rule effective will ensure that the entire bottled water supply sold in the United States, from both domestic and foreign firms, conform to these valuable public health and safety standards.

This is their conclusion. I think it will resonate with every Member of the Senate.

> The three standard of quality rules described herein have a material impact on the safety of all bottled water sold in this country. The standard of identity rules ensure that consumers are not mislead and legitimate bottled water producers not injured due to false or misleading names given to specific types of bottled water. IBWA and its members have devoted enormous time, technical resources, and money for over a decade to develop these federal standards. It would be a major setback to the bottled water industry and consumers to have these federal rules, so close to finalization, arbitrarily frozen. IBWA strongly supports the efforts of you and others to ensure that this highly damaging possibility does not become a reality.

Presumably maybe we could have exempted bottled water standards. Or maybe somebody can argue that there is an imminent health hazard that these address. It is pretty hard to argue. These have been in the works for a decade. What is so arbitrary about this bill, what is so unfair, is that it singles out some, picks them out of the blue, some pending regulations and says we will exempt these. We will exempt the textile regulations from this moratorium but these other 800, well, who knows about them? Let me emphasize. I am familiar with that textile regulation. I want to exempt it from the moratorium, too. But what about the other hundreds that have an equal claim to be exempt from the moratorium?

What about mammograms? On this floor on a bipartisan basis we had a law passed that required high-quality standards for mammograms and that they be uniform. We had speeches from Members all over this floor saying how important it was that mammograms in this country meet certain high-quality standards. We lose thousands of women unnecessarily to breast cancer because we do not have high-quality mammograms in this country. And we all sit around here and stood around here and made speeches as to how critically necessary it was that we get these standards in place. Where are they? Caught in a moratorium. Or are they caught? Is it imminent? Is it legally imminent? Is there less of a claim for an exemption from a moratorium for a mammogram regulation than it is for the duck hunting season? I have to share with Senator GLENN the same strong feeling. We do not want to mess up the duck hunting season. So we should exempt them. I have no problem with doing that. But what about mammograms? Is there less of a claim? I do not think so.

This bill has been turned into a vehicle for special interest pleading. That is what is so fundamentally disturbing about this moratorium. Who gets in and who gets out depends on whether you can get a Member's ear or attention and time to get a particular request in. In some cases it is a request to be excluded from the moratorium. In others it is a request to be covered by the moratorium. What about those who do not have the lobbyists or the representatives to adequately argue their case? What about them?

This represents arbitrary Government at its worst. What is ironic is that it is part of an effort to reduce the intrusion of arbitrary Government, an effort that I share.

There is going to be a substitute offered, the principle of which is an important principle and it is a principle that I very strongly support. The principle is that we as a Congress should be forced to look at the product of our laws and not just write general laws. We as a Congress should be forced to look at regulations that come out of these laws we write, not simply vote on the law and then move on to the next problem and think we have solved the first one. Because the regulations that are spawned by our laws can frequently create as many problems as they can cure.

I came to this Senate believing in legislative veto. And I think the first legislative veto in the 1980's was one that I cosponsored for Senator Boren, a so-called Levin-Boren legislative veto on the Federal Trade Commission. We passed it. We would have liked to have had a generic one, by the way, but the

Supreme Court intervened and created some problems in the way it was done.

So I am all for legislative veto. I think it ought to be done the right way. I have some suggested changes in the one that is going to be offered as a substitute. But make no mistake about it. We are going to face this moratorium again in conference even if we substitute a legislative veto for this across-the-board regulatory moratorium. That does not unhappily put an end to this arbitrary and reckless approach to Government. We are going to face it again in conference.

It is important that this Senate go on record, not only as favoring the alternative, which is a legislative veto that will be offered, a totally different approach, one that looks at regulations one at a time that forces us in the legislative body to do our work instead of capturing all of the regulatory process in the executive branch in a net, willy-nilly. It is a very different approach. I hope we adopt something like the one that is going to be offered by Senator NICKLES and Senator REID. But it is also important in adopting that substitute that we put to rest, that we end, the threat of a moratorium which we are still going to face in conference, which I believe is one of the most arbitrary pieces of legislation that I have seen in my 16 years in the Senate.

I want to commend Senator GLENN for the effort that he has led against this moratorium. Hopefully tomorrow we will take step one in putting this thing to rest. But he is very right in alerting us to the fact that this is just step one. If we do in fact adopt this alternative approach that we not proceed along with this broad across-the-board regulatory moratorium but instead move to a legislative veto approach, that it is just phase one in this effort. Phase two will be in a conference where the folks who support the moratorium have already indicated publicly that they are going to try to get that moratorium enacted.

Mr. President, again with thanks to Senator GLENN for leading the effort to defeat this moratorium and to get an alternative approach utilizing the legislative veto or regulatory reform, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Texas.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that David Davis, a Fellow in my office, be granted floor privileges during the consideration of S. 219.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. KYL. Mr. President, I would like to follow through on some of the remarks of the Senator from Michigan.

Mr. GLENN. Mr. President, parliamentary inquiry, if I might. Did we reserve the remainder of our time on this side so we do not have it charged against us?

The PRESIDING OFFICER. That is correct.

Mr. KYL. Mr. President, I listened with care to comments of the Senator from Michigan. I think he raised some legitimate points regarding both the House bill and also the Senate bill, S. 219, which came from the committee.

At the conclusion of his remarks, he got to the point that I would like to speak to; that is, the Nickles-Reid substitute which he indicated would most assuredly answer many of the questions that he had raised, that it constituted the concept of legislative veto that would enable the House and Senate to examine these regulations each one by themselves to determine whether they could conform to the intent of the legislative branch which pass the laws in the first place. I think that is the bottom line here. That is the question.

We should be able to rely upon the majority of the House and Senate to understand what we intended when we passed a law, and whether the regulations being issued by the regulatory agencies conform to our original intent. I suspect in most of those cases we will find that we agree with the regulations being proposed. But in those cases where we do not, we will have the opportunity to say so, and during the debate indicate why we think they perhaps do not conform to our original intent and, therefore, how the agencies can rewrite the regulations.

Most of the consequences of the House bill, or Senate bill, S. 219, that the Senator spoke of are answered, it seems to me, by the Nickles-Reid substitute. You have concerns expressed I think with either a moratorium or a lookback except that during the lookback to November 9, 1994, the regulations remain in effect. And so there should be no real concern because those regulations remain extant and they are only stopped if the House and Senate decide that they need to be changed. And the 45-day moratorium with the exceptions for emergencies and for public health and safety reasons that require an immediate implementation of a regulation is not really much of a delay considering the fact that many regulations, most regulations are delayed 30 days from implementation anyway. It seems to me the opportunity to look at these regulations and determine whether they conform to congressional intent is good and that we give up very little because the regulations already in effect remain in effect until we look at them and those regulations which are not emergencies are only delayed for a period of 45 days.

The concern that many of us have is twofold: The cost of regulations to our families, to our businesses and to society in general and also the burden of regulations today cry out for solution.

There are two charts here which I would like to briefly use to demonstrate that point. The pages of the Federal Register is some rough measure of the burden of these regulations, and we are almost up now to 67,000 pages in the Federal Register. You can see from the year 1976 that regulations went all the way up to 73,000 pages during the 1978 and 1979 period, down to a low during 1986 of about 44,000 pages in the Federal Register; last year, almost 65,000, and as I said now almost 67,000 pages in the Federal Register as of this date.

And by the way, that is pretty fine print so we are not talking about regulations just of one or two to a page. This demonstrates in at least some gross way the size of the burden that we are imposing on people.

I defy anybody to understand what is in all of these regulations. We spend billions of dollars trying to comply with the law. We all remember as school kids we learned the phrase "ignorance of the law is no excuse," but in fact Americans, all of us, are ignorant of the law. We cannot possibly know what is in all of these regulations and comply with them, and we hire people to help us with that, spending billions of dollars in the process.

That gets to the second chart, Mr. President. The cost of Government per household 2 years ago, 1993, for the Federal regulatory burden was $6,000 compared to the Federal tax burden of $12,000. As a matter of fact, depending upon which study you look at, the cost by the end of 1993 of complying with Federal regulations overall, counting businesses as well, was just about equal to the Federal tax burden.

So if you include businesses as well as families in this, what you find is that we are paying as much to comply with regulations as we are money to the Federal Treasury. In rough dollar terms, about $1 trillion we pay into the Federal Treasury, about $1.3 trillion, as I recall. And the cost of complying with regulations is somewhere in that rough area, of roughly $1 trillion a year.

It is hard for any of us to comprehend what $1 trillion is, but for the average household we can understand $6,000 a year to comply with Federal regulations. We know that it is hard to know what is in them all. We know that it is expensive and burdensome. We know that they are not all necessary.

That is what our effort is all about, to have the Congress have at least the opportunity to look at them before they go into effect, to say, yes, that is needed, that is what we intended, let it go. Or, wait a minute, this goes far beyond what the Congress intended when we passed this law. This is not the kind of burden that we intended to impose upon society, upon our families, upon small businesses, for example. Or for some other reason to say, time out, hold this regulation up; this is not an appropriate extension of the law.

Mr. President, I just want to conclude with this story. When I first went to law school, I remembered thinking about the difference between administrative law and statutory law. I had never had occasion to think about that distinction before. The legislative branch passes laws, the executive branch signs those laws and then implements them. That is what I had learned in high school and in college.

However, I came to appreciate a distinction, that when you get to the way it really works in the real world with the Federal Government, you have the legislative branch passing laws that are usually not very many pages. Now, we like to talk about all these big laws and most of them are not that big. And then we tend to forget about it. This is what we intend to happen or to prevent from happening. It is then the job of the executive branch of Government to translate that into all of the rules and regulations by which the law is implemented.

A funny thing happens. The regulators end up taking far more space in the Federal Register writing many, many times the number of words to explain precisely what it is that Congress meant. And Congress does not go back and look at that until constituents come to us and say, "Do you realize what you did when you passed this law? Do you realize what this regulator is making me do?" Frequently we say, "Well, now, that is not what we intended." But we never get around to changing the regulations. We literally have to go back and amend the law.

Well, this allows us a more efficient procedure, a shortcut, if you will, an opportunity before the fact, before the regulations hurt people to say, time out, Mr. Regulator friend of ours here in the executive branch, you are going beyond what we intended when we passed the law. So scale it back in this regard and then that will be what we intended and that is what our constituents then can live with.

I believe that this is long overdue. I have constituents back home who have pleaded with me to please try to do something to solve this problem. And I think that in the Nickles-Reid amendment we have really come to a good balance. We have found a way to look at old regulations and to consider new regulations and a way to ensure that they conform with congressional intent without preventing the executive branch through proper administration to deal with emergencies, to deal with public safety and the like. I think it is a good balance, and I think it is important for us to adopt this kind of approach. I am looking forward to the next day or two of debate hoping that we can get the Nickles-Reid substitute passed, go to conference with the House version of their bill, and quickly get a bill signed and sent to the President for his signature.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in strong support of the Nickles-Reid amendment. My friend and colleague from Arizona has done an excellent job of pointing out some of the burdens of regulation. I will not reiterate those, but I will make them a part of my full statement in the RECORD.

He has talked about the annual costs and economic terms of regulations. This is a study—I understand done in 1992—by Thomas D. Hopkins on the regulatory policy in Canada and the United States. He is talking about billions of dollars, in 1991 dollars, and shows back in 1977 they were running slightly under $550 billion, but at that time we projected that the 1995 burden would be about $600 billion annually.

Now, as chairman of the Small Business Committee, I suppose the one thing that I hear most from small businesses in my State and in the other States I have visited is that you are killing us with all these regulations. We are in business to make money, to hire people, to provide a product or a service. How are we going to keep up with the minute details, the tremendous volume of directions that you are giving to us. How are we supposed to run our business and still read all this stuff?

Now, before me, I have two stacks of regulations the Clinton administration has put forward since the election. I would have stacked them one on top of the other for more dramatic impact, but I am sure I would have been in violation of some regulation of OSHA because they could be very dangerous if you stacked up all of this material and put it where it could fall over on somebody. Unfortunately, it is the business person, the individual, the farmer, the retail store owner who is supposed to know everything that is in here.

Oh, by the way, just received today, March 27, 1995. You think you have problems getting to sleep tonight. This is what you need to read today as the regulatory burden that the Government is proposing to put on you today.

This is today's reading. The admonition that the problems of today are sufficient, do not worry about tomorrow; well, the Bible did not understand that the Federal Register could make the burdens of today as significant as this.

But this is what the small business person is supposed to know and supposed to follow.

The Clinton administration has proposed 4,300 regulatory actions and has some 2,000 final rules planned. This is going to enable this administration to surpass the dubious record of the Carter administration in the issuance of new regulations.

Another way of looking at the volume of regulations is how many bureaucrats does it take to write the regulations? In 1970, we had 28,000 people in the Federal bureaucracy telling us how to run our lives and what kind of regulations we have to obey. By today, glory be, that number has risen to 127,842 people trying to tell the small business person in my hometown, your hometown, or anyplace in this country how they live their lives and what they ought to do.

Now, let me make clear as we begin this debate, we are not saying all regulations are bad. And I do not believe any of the proponents of this legislation or this amendment are going to say that. People still rely, as they must, as they should, on the Government to provide basic functions to ensure that we have clean water to drink, ensure safe and effective medicines to take, and safe food to eat. I want to be able to rely on that. But the people I talk to, the people I am hearing, want Government brought under control. They are tired of looking at Government and seeing how it runs and thinking to themselves, "You could never run a business that way."

The question I suggest, Mr. President, is how to get the best results from the regulations we must have? How do we use our finite resources best? If we waste time and effort and energy on complicated or unwise or overly prescribed regulations, we cannot put those resources and that time into being productive. It results in loss of jobs and a lower standard of living.

We ought to take a look at these regulations and ask some important questions. And that is what this 45-day period under the Nickles-Reid amendment would permit us to do. It would enable us to say: Would this regulation actually improve things or would it endanger lives? Could the same amount of spending be applied better in another way? Is this regulation the best way to allocate the resources in our globally competitive economy?

Let me just take two examples that might be under the heading of risk assessment.

According to the Office of Management and Budget, under the EPA's hazardous waste disposal ban, $4.2 billion would have to be spent before one single premature death is prevented. Again according to OMB, under EPA's formaldehyde occupational exposure limit, $119 billion to prevent one premature death. That is not to say that it is not a laudable goal to prevent deaths that would result from exposure to hazardous substances. The question we must ask is whether this is the best way to allocate these billions of dollars in resources? If resources were used a different way, could we not, in fact, save more lives and prevent more illness?

The money spent complying with regulations might be better spent. If society could take the resources spent to comply with the formaldehyde occupational exposure limit, $119 billion, and spent it on developing new lifesaving drug therapies, then 331 new drugs could be developed and brought to market. If the $92 billion that it will take to avoid one death under the atrazine/alachlor drinking water standard were used for cancer research, we could quadruple the research budget at the National Cancer Institute for the next 12 years. If we took the $168.2 million that it is estimated to cost to avoid just one death under the benzene nesahp standard, we could put 3,064 more police officers on the street.

Let me give you just a couple of examples, Mr. President, of some of the things that we have heard about before. I think our colleagues have heard about how dangerous it is to rescue a colleague, a fellow worker, who is in danger of death in a collapsed trench. Senator KEMPTHORNE has talked about it.

My one of my favorite columnist Dave Barry, wrote in "Wit's End" about this story in Idaho. He said:

> But before we do anything, let's salute the Occupational Safety and Health Administration (OSHA) office in Idaho for its prompt action regarding. . .
>
> Improperly attired rescue personnel: Here's what happened, according to an article in the Idaho Statesman.
>
> On May 11, two employees of DeBest Inc., a plumbing company, were working at a construction site in Garden City, Idaho, when they heard a backhoe operator yell for help. They ran over, and found that the wall of a trench—which was not dug by DeBest—had collapsed on a worker, pinning him under dirt and covering his head.
>
> "We could hear muffled screams," said one of the DeBest employees.
>
> So the men jumped into the trench and dug the victim out, quite possibly saving his life.
>
> What do you think OSHA did about this? Do you think it gave the rescuers a medal? If so, I can see why you are a mere lowlife taxpayer, as opposed to an OSHA executive. What OSHA did—I am not making this up—was fine DeBest Inc. $7,875. Yes. OSHA said that the two men should not have gone into the trench without (1) putting on approved hard hats, and (2) taking steps to ensure that other trench walls did not collapse, and water did not seep in. Of course this might have resulted in some discomfort for the suffocating victim ("Hang in there! We should have the OSHA trench-seepage-prevention guidelines here within hours!"). But that is the price you pay for occupational health and safety.
>
> Unfortunately, after DeBest Inc. complained to Idaho Sen. Dirk Kempthorne, OSHA backed off on the fines. Nevertheless this incident should serve as a warning to would-be rescuers out there to comply with all federal regulations, including those that are not yet in existence, before attempting to rescue people. Especially if these people are in, say, a burning OSHA office.

But let me tell you what OSHA came up with. They did repeal the fine. They pushed it through in the first place, and then they pulled it back. And now OSHA has decided to provide for that.

So if you are thinking about a rescue situation, and here you are, this is any worker, this is any small contractor on a hazardous site, you have to know this before you try to rescue somebody.

This is from the Federal Register of Tuesday, December 27, 1994, volume 58, page 66,613—that will tell you something. And I quote:

> (f) No citation may be issued to an employer because of a rescue activity undertaken by an employee of that employer with respect to an individual in imminent danger unless:
>
> (1)(i) Such employee is designated or assigned by the employer to have responsibility to perform or assist in rescue operations, and
>
> (ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment, or
>
> (2)(i) such employee is directed by the employer to perform rescue activities in the course of carrying out the employee's job duties, and
>
> (ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or
>
> (3)(i) such employee is employed in a workplace that requires the employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, perform excavations, or perform construction over water; and
>
> (ii) such employee has not been designated or assigned to perform or assist in rescue operations and voluntarily elects to rescue such an individual; and
>
> (iii) the employer has failed to instruct employees not designated or assigned to perform or assist in rescue operations of the arrangements for rescue, not to attempt rescue, and of the hazards of attempting rescue without adequate training or equipment.
>
> (4) For purposes of this policy, the term "imminent danger" means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice ban be abated.

And I close the quote there.

Is that not refreshing to know what the good Samaritan must know before he or she rescues somebody's life?

Mr. President, I think that is the kind of thing that, if it came up here for a 45-day look, we could say, "I don't think so."

I do not think we really need to go into all that detail. I do not think we really need to have everybody in America read this in case they would become a good Samaritan and rescue somebody in serious, serious condition.

These are the kind of things that are driving small businesses, individuals in all walks of life nuts in this country today.

Another example: The head of the Occupational Safety and Health Administration testified before Congress the horror stories were not true. He testified OSHA does not require material safety sheets for the normal use of consumer products, and workers must be informed of risks only when they are regularly exposed to high levels of substances that actually pose health risks.

This is a copy of a citation issued last July to a specialty food shop in Evanston, IL, for a serious violation and a proposed $2,500 fine. What is the violation? The company did not have a written hazard communication program. The primary chemicals used are used in the kitchen and bathroom areas. The chemicals used that were so dangerous were not limited to but included automatic dishwashing detergent and bleach. And for failure to have a hazardous notification—this is a serious violation and "the employer did not develop, implement and/or maintain at the workplace a written hazard communication which describes how the criteria will be met."

As I said, the primary chemicals used were automatic dishwashing detergent and bleach. My goodness, I used automatic dishwashing detergent this morning. I did not have a hazard notification. Am I in imminent danger? I do not think so.

But, Mr. President, businesses across the country, small companies, are in imminent danger of being hit with a $2,500 fine if they do not have that kind of written hazardous communication warning them about dishwashers and bleaches and automatic detergent.

I think these problems are what the bill, as amended by the Nickles-Reid amendment, intends to fix. Under this bill, Congress is held accountable, as it should be, for delegating responsibility to implement regulations. This measure would give Congress 45 days to review significant regulations and to pass a joint resolution of disapproval to block the implementation. The 45-day layover adds to the checks and balances between the legislative branch and the executive branch by bringing back to Congress major regulations so that we can see if they really do what we meant and, second, if we meant what we said, and, third, are they unnecessarily restrictive or proscriptive?

Too long we in Congress have taken the credit for solving problems. We have somebody come in and talk about regulations and we say, "Oh, well, I'll get after somebody and we won't have to have you comply with that particular provision." But rather than try to come in after, would it not make sense for us to take a good hard look up front? That is what Congress needs to do.

Frankly, I think that a 45-day period before Congress will have a very salutary effect because I just believe that many people in the executive agencies are getting the message: We are going to start taking a look at what you write, and if you do not want it to be overturned, let us make it simple. Do not write it so complicated that people cannot understand it.

I have a U.S. Department of Housing and Urban Development notice to renters on lead-paint poisoning. These are all single-spaced sheets. There are four sheets. You tell me somebody who may be getting assistance in housing is going to be able to read all that and understand it? I tell you, I have gone through it and I have gotten lost and I have had some training, supposedly, in reading regulations.

I do not think that we are serving our people well when we put burdens of tremendous regulations on them, kill a lot of trees to boot and wind up with systems that often do not make any sense.

I believe one of the messages that the people of America gave us in November 1994 was: Enough is enough, get off our back. Stop weighing us down with these kinds of overly restrictive, proscriptive regulations.

Regulations to protect health and safety, simple ones that people can understand, that is fine. We anticipate those when we pass legislation calling for regulations. It is time that we in Congress got back into the process and made sure that we stop some of this idiocy before it is placed on the backs of an already overburdened economy, dragged down by more than $600 billion worth of regulatory burden each year.

For small businesses, the burden is disproportionately high. No one can say how many new small businesses were never started, or new products that never get developed, or how many jobs are destroyed because of the burden of regulations out of control.

One group that thrives on the confusion and fear of regulators is regulatory consultants. All across this country consultants profit from helping businesses, especially small businesses, navigate the regulatory maze and figure out how to comply. A new and complex regulation is a boon to these consultants. In the environmental sector, the consulting market was estimated at $9 billion on 1993 by Farkas, Berkowicz & Co., a Washington-based consulting firm. These firms also conduct mock OSHA inspections and make inquiries to OSHA for their clients. Businesses do not want to call OSHA themselves because they are fearful it would trigger an inspection and fines. These are businesses who want to comply and are trying hard to comply, but are too afraid to call the agency themselves.

Congress has been unaccountable for the burdens it creates. Most of the regulatory burden results from the ways laws are written here in Congress. Let me quote from the special report on regulatory overkill published by the Kansas City Business Journal:

> The Congress passes laws in a very sloppy manner. They don't spell things out in great detail the way they should, because that requires hard work and technical expertise, and those are two things that are in short supply in Congress.

Congress' reliance on agency bureaucrats to flesh out lawmakers' intentions gives unelected officials vast discretionary powers, but "oftentimes regulators are confused about what Congress wants and then Congress loses control over what regulators do. The regulators prescribe very unworkable solutions, and Congress says that's not what we had in mind, but by then, we're all stuck with the regulations."

> Lost jobs, businesses that can't grow, products that can't be developed, a loss of research and development. All of these are fundamental dangers that affect not just business, but ultimately every citizen in this country if the system is allowed to continue unchecked.

That problem, Mr. President, is what this bill seeks to fix. Under this bill, Congress is held accountable for the regulations that result from the laws it passes. The Nickles-Reid substitute will give Congress 45 days to review significant regulations and a chance to pass a joint resolution of disapproval to block implementation.

The Nickles substitute brings accountability to Congress and the Federal agencies.

The 45-day layover adds to the checks and balances between the legislative branch and the executive branch by returning major regulations to Congress to see if they match congressional intent.

For too long Congress has taken the credit for solving the crisis of the hour—but when the check comes due, Congress has ignored the costs to States, cities, business, and individuals—no more.

This makes Congress accountable for its laws—many of our environmental laws do not allow the agency to take costs into consideration. Example: RCRA requires EPA to issue rules for land disposal of hazardous wastes that establish treatment standards using the best demonstrated available technology without regard for cost or risk.

This makes Federal agencies accountable for their rules—too often EPA ignores the discression it has. Example: The Clean Air Act Amendments of 1990 required major sources of hazardous air pollutants to engage in enhanced monitoring. EPA has taken these two words into a huge new regulatory program. EPA estimates the proposed rule would cover 30,000 sources at 10,000 facilities at a cost of over $1 billion. This is not for emissions reductions, it's just for monitoring.

This forces us to confront antiquated laws—sometimes the facts of the situation changes, so today the law means something quite different than when it was passed. Example: When the Delaney clause was adopted in 1958, we were measuring contaminants in parts per million, today we're measuring in parts per billion or parts per quadrillion. The advance in technology has converted the Delaney clause from a reasonable rule to a ridiculous one.

A vote for the Nickles amendment is a vote for accountability in Congress and the agencies.

Who can disagree with that? If a majority in Congress believe a regulation should not be put in place to implement a law passed by Congress, then proper oversight action should be taken. Congress might weigh the consequences of the laws it passes and must ensure that regulatory agencies do not overstep the boundaries set by Congress. Congress delegates a great deal of decisionmaking authority to the regulators and if the regulators abuse that power, Congress should have the power to act quickly and decisively.

Mr. President, I strongly support the Nickles-Reid amendment, and I urge my colleagues to adopt it.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my understanding that Senator DORGAN is not ready yet, so I am going to go forward.

First, I want to thank my colleague from Missouri, Senator BOND. I am privileged to serve with Senator BOND as cochair of the regulatory reform task force that is trying to put some common sense into the regulations of our country, trying to bring them under control.

Senator BOND and I are having a good time, actually. He has given some of the examples that we have found from ordinary citizens and small business people who are fed up to here with the overregulation of our country, and I applaud him for his efforts. I appreciate the fact that he has just read all of the regulations that are stacked on his desk. I am sure it was great bedtime reading.

Mr. President, I rise in support of the Nickles regulatory review substitute bill. I am proud to be a cosponsor of this bill. Senator BOND and I and Senator NICKLES have been working for months, really, trying to see what we could do to give the business people and the individuals in our country some relief. In fact, Congress passes laws and they delegate the implementation to the regulators. But if the regulators do not do what is envisioned by the Congress, it is our responsibility to step in and to say, "No, this is not really what we intended. In fact, Congress intended for you to go in this direction."

This bill will inject some democracy into what has been an increasingly arbitrary regulatory process. Americans have the right to expect that their

Government will work for them, not against them. Instead, Americans have had to fight their Government to drive their cars, graze cattle on their ranches, build a porch on their homes, or operate their small businesses in a reasonable, commonsense manner.

This legislation would provide lawmakers with a tool for ensuring that Federal agencies are, in fact, carrying out Congress' regulatory intent properly and within the confines of what Congress intended and no more.

Agencies have gotten into the habit of issuing regulations which go so far beyond the intended purpose we hardly recognize them anymore. This bill is simply an extension of the system of checks and balances which has served our country so well for more than two centuries.

In November, the message came loud and clear from the voters of America: "We're tired of bigger Government; we are tired of business as usual in Washington, DC, and we are tired of the arrogance that we see in our Federal Government."

Nothing demonstrates that arrogance more than the volumes of one-size-fits-all regulations which pour out of this city and impact on the daily lives of American people. The voters went to the polls because they felt harassed by the Government that issues these regulations without considering the impact on small business.

The egregious stories about the enforcement of some of these regulations have become legendary, and the people are asking us to call a timeout, and that is what we are doing today.

Common law has always relied on a reasonable-person approach. The standard behind our laws should be what would a reasonable person do in these circumstances? But many of our Federal regulations have been designed to dictate the way in which a person, reasonable or otherwise, must act in every single situation, something that is impossible to do. In short, we must make reasonable persons not an oxymoron in this country. We have literally taken the common sense out of the equation and completely failed to allow for the application of common sense. It is for that reason that this debate is dominated by example of Government regulators out of control.

When you have the city of Big Spring, TX, being forced to spend $6 million to redesign its reservoir project, to protect the Concho snake, which they are told is endangered, only to find out that the Concho snake is not really endangered after all, but after they have spent the $6 million, you find the unreasonable man coming to the forefront.

When you have a plumbing company in Dayton, TX, cited for not posting emergency phone numbers at a construction site, and the construction site is three acres of empty field, and OSHA actually shut the site down for 3 days until the company constructed a freestanding wall in order to meet the OSHA requirement to post emergency phone numbers on that wall. Or when the Beldon Roof Co. in San Antonio, TX, is cited for not providing disposable drinking cups to their workers, despite the fact that the company went to the additional expense of providing high-energy drinks free to their employees in glass containers, which the employees in turn used for drinking water. In this case, you have a company going the extra mile and being cited because they did not meet a lesser standard.

What about when the EPA bans the smell of fresh bread from the air and forces bakeries, like Mrs. Baird's, to spend $5 million for a catalytic converter to take that smell out of the air? Or the case of Mrs. Clay Espy, a rancher from Fort Davis, TX. She allowed a student from Texas A&M to do research on plants on her ranch. He discovered a plant which he thought to be endangered and reported his findings. The Department of the Interior subsequently told Mrs. Espy that she could no longer graze her cattle on the ranch on which her family had grazed cattle for over 100 years because her cattle might eat this particular weed. It took a lawsuit and an expenditure of over $10,000 before the Department reversed its ruling and declared that the weed was in fact not endangered.

And then there is Rick's High-Tech Auto Motive Service in Katy, TX; they have eight employees. Ten months ago, he spent $30,000 purchasing a console analyzer and an additional $3,500 in training. But new EPA regulations came out for inspection and maintenance which pulled the rug out from under him, and he will now have to fire at least two employees.

And Howard Goldberg in El Paso, TX, owns Supreme Cleaners. Two years ago, he bought all new equipment. When the State implementation program mandated that he install recovery dryers, it cost him an additional $19,000 and rendered his new equipment totally useless and also unsalable. He is a dry cleaner. He is a small business person.

These numerous horror stories which have come forward since we began our efforts for regulatory reform provide evidence of a Government out of control. It demonstrates the need to introduce common sense and reasonableness into the system where these qualities are sorely lacking.

That is why one of the messages sent by the American people in 1992, and again in 1994, was: We have had enough. Fix this.

The question is: Have the people in Washington heard the message? Will it take this time? I am not sure, because I am not sure some people in Washington yet realize the frustration level of people in America. With this bill, we are sending a message to America: Signal received.

It is going to be difficult, but we are going to reverse this disastrous trend. Our goal must be to put the Federal Government's financial house in order, decrease the size of the Federal Government, return Federal programs to the States, reauthorize the 10th amendment of the Constitution of this country, which said that the Federal Government will have limited powers and everything else will be left to the States and to the people.

The Federal Government was supposed to be a strong, but small, efficient Government, with very limited powers, and I think we have gone in the other direction.

What are the stakes here? Mr. President, if we are going to be able to compete in the new global economy, we must change the regulatory environment and the litigation environment so our businesses can compete.

To put this in perspective, for business, the cost of complying with current Federal regulations is $430 billion a year. The overall cost to the economy of regulatory compliance, if you put the mandates on State and local governments, is $900 billion. Now, to put that in perspective, our income tax brings in approximately $700 billion. So when you are writing out your taxes in the next few weeks, look at the stealth tax that is on top of the bill that you are paying, and that is going to be double—double—what you are writing the check for, and that is the real Federal encroachment on your life.

We need to let people manage their own lives and their own money instead of having Washington do it, I think we are perfectly capable of giving it to the American people.

We need to turn the regulatory engines around. The Nickles substitute is an important first step on the road to regulatory reform in this process.

I have been working on this legislation with Senator NICKLES and Senator BOND for years. I hope my colleagues will side with the American people, who have called on us to get the bureaucracy under control and vote in favor of a bill that will begin to tell the American people that we got the message in November 1994, and we are going to do something about it.

Mr. President, that is the mission. That is what we must do. We must show the people of this country that things are changing in Washington, DC, that they are getting the message inside the beltway and relief is on the way. That is what this bill will do. I urge my colleagues to support it.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I listened with interest to the previous two speakers, and I have also listened today to Senator GLENN from Ohio who has spoken on this subject, as well as the Senator from Michigan, Senator LEVIN, and others.

This subject is regulations. I suspect it is safe to say that not many people like regulations. It is also safe to say that the fewer regulations probably the better, for most parts of our country. However, there are certain specific areas I think most people would say we want to make sure the regulations are there and work. For example, there are important regulations relating to air safety. I have flown some in my life. I have not flown nearly as much as the Senator from Ohio who has his own plane and has orbited the Earth, as a matter of fact. He understands when you take off with a bearing and leave the ground there are certain regulations about at what height you can stay.

If a plane is flying east, it can fly at a certain altitude. If it is flying west, it can fly at another altitude. It may or may not be cumbersome, but it is comfortable when flying east to understand the person flying west is not flying at your same altitude.

That is a regulation, and one that is perfectly reasonable, of course. There are a lot of regulations in our country that have grown of public need.

I was reading the other day about the early 1900's—1904, 1905, 1906—when there were scandals in this country about the quality of meat, and some stories about some meatpacking plants. The plants were infested with rats. In order to get rid of the rats in the meat factory plant, they put out bread laced with poison. So the rats would eat the bread laced with poison, and the poison would kill them. The dead rats came out of the same shoots as the meat, and of course the public scandal was that that injured the people of this country, and citizens finally wanted to know what they were eating. Were they eating beef, or pork, or chicken, or rat, or poison, or poisoned bread, for that matter?

From that grew a series of increasingly tough standards with respect to meatpacking in this country. Finally, when people began to purchase meat from the grocery store shelves, they understood that this was inspected. It was produced under certain conditions that required safety and cleanliness. And people had some confidence in that product.

Those series of regulations now over nearly 80 or 90 years were born not of someone's interest in interfering, but were born of the interest in public health and safety. That is true of a lot of regulations.

It is also true, as previous speakers have alleged, that regulations often become oppressive, and regulations that flow from well-intended law become regulations that do not make any common sense when issued, and are not able to easily be complied with by mom and pop businesses on the Main Streets of our country.

In many cases, regulations have caused substantial anger and substantial anxiety. I think that unreasonable and excessive regulation has caused a lot of people to go very sour on the subject of Government itself.

I do not disagree at all that if we miss the message in the last election, we missed something important. The message in the last election is that American people want some change. Among the important changes that this Congress will offer shall be changes with respect to Federal regulations.

There is a right way to do that and a wrong way to do that. Some would say that we should just throw everything out. They contend that all regulations are essentially bad and we must get rid of them.

That is not, in my judgment, a thoughtful way to do it. In my judgment that is a very thoughtless way to approach it. A thoughtful way to do this is to decide that we need to make sure when decisions are made by the U.S. Congress on the subject of clean air or clean water or poultry inspection or dozens of other things that the American people feel are important to their lives, that the rules and regulations that flow from that are rules and regulations that make common sense and that stick with the intent of the legislation itself.

Now we have a couple of proposals floating around, some of which I think make a great deal of sense, and some of which make no sense at all.

I know Senator GLENN and Senator LEVIN have talked about the bill that we dealt with in the Governmental Affairs Committee recently on the subject of the regulatory moratorium. The proposal was, "Gee, we had this message in the last election. Regulations are essentially bad. So let's have a moratorium and prevent any regulation from moving at this point, until a date certain. Just throw a blanket over all of them and decide we will shut this down completely."

Well, I did not support that. I do not think it made any sense. When the moratorium bill was marked up in the Governmental Affairs Committee, we raised a number of examples and offered amendments. It became clear to me that those who proposed the moratorium had no notion at all about what the consequences would be. Some of the consequences would be just as inflammatory and detrimental as the consequences of saying there is no problem here at all, and let the current circumstance stand.

For example, we raised questions about many rules that are now in the pipeline that really need to be issued. A regulation that deals with standards on mammography. Should that not be issued? Sure, it probably should be issued.

A rule that deals with improving inspection techniques for meat and poultry to prevent the loss of lives because of E. coli and other food contaminates. We received testimony from a father who lost a son to E. coli infected meat. He obviously believes very strongly we ought not interrupt the process of making sure that regulations needed to improve that area continue to move.

We should not have a moratorium on regulations that deal with that sort of thing. The moratorium bill would prevent timely issuance of rules needed to control the microbial and disinfection byproduct risks, such as cryptosporidium in our drinking water. The cryptosporidium issue came from recent outbreak in Milwaukee, WI, in which over 100 people died and hundreds of thousands of people became ill.

Those are the kind of things that get prevented when we establish a moratorium. We would interrupt very laudatory regulatory goals that we ought not interrupt such as those dealing with nuclear waste, with work safety, with seafood inspection, and a whole series of other things.

Let me give another example. If we say we will have no regulations at this point, at all, I raise the question where there are some good regulations we want.

There is a regulation, for example, about to be issued allowing a larger harvest of shrimp in the Gulf of Mexico because the previous regulated harvest can now be increased. There are more shrimp out there. So by regulation, they will allow that to increase.

I say to the proponents of the moratorium bill, would you not want that to be able to proceed? Why should we have those folks out there making their living on shrimp be prevented from harvesting a greater number of shrimp that now is deemed appropriate? We should not have a moratorium on a regulation like that. That is a helpful regulation.

So, those are the kind of things when we propose a moratorium that I think render the proposal of a moratorium pretty much a thoughtless proposal. That does not make much sense. It is sort of like saying we cannot differentiate, or we cannot distinguish, or we do not have the time for judgment.

So, we will shut everything down. Shut down, then, the good with the bad. And we shut down a whole range of things that, I think, can in a detrimental way affect people's daily lives.

That is why the moratorium bill I think is not being brought to the floor. We raised a lot of these questions about it. We offered amendments, almost none of which were accepted. And, interestingly enough, after it was passed out of the Governmental Affairs Committee over our objections the decision has been made, I think, that this moratorium bill is probably not now a good idea.

Well, it is nice to see that that judgment was made. Now we can go on to some other things. We have since written another bill in the Governmental Affairs Committee which deals with comprehensive reform of the regulatory process which I did support, which Senator ROTH, the chairman of that committee, and the ranking minority member, Senator GLENN supported. It makes eminent good sense.

It says Congress and Federal agencies must change the way we do business on regulations. When we pass a law, and we decide we want to do something that represents something good for this country, such as the Clean Air Act, we want to make sure that the regulations that come from that are regulations that meet a common sense standard and are regulations that can conform to cost-benefit analysis and risk assessment made prior to the issuance of the regulation.

We will also have proposals on the floor of the Senate that provide for a legislative veto so that significant regulations that are proposed by agencies would have to provide a time window by which the Congress review those regulations and decide to veto those regulations if the Congress said, "This is not what we meant at all. This goes far afield from what this Congress intended," and we can veto those regulations.

Both of those approaches make good sense to me and are the right way to deal with the regulatory reform issue. Regulatory reform is not being debated as to whether we should have regulatory reform. The debate is how. Those who bring the issue of the moratorium to the floor or through the committees, I think, have understood their remedy for how to reform the regulations is an inappropriate remedy. This is why we see them stalling on that and deciding they will not bring it.

The "how" that is appropriate, I think, are the two approaches on cost-benefit analysis and risk assessment, and the legislative veto that are incorporated in the recently passed Governmental Affairs Committee bill. I think this is a rare instance, and I would like to see more instances, where Republicans and Democrats will join hands and agree that this makes good public policy. This makes good sense.

That is that we have here on the issue of regulations. This is not a case of who can bring the biggest stack of regulations to the Chamber. I suppose as we debate these things we will have a wheelbarrow carting out all the regulations. Sign me up for saying some of them are dumb. Some of them make no sense. Sign me up for saying at least when I am flying at 5,500 feet, I want to know the guy flying in my direction is at 6,500 feet, because the regulation separates each plane by 1,000 feet.

There are a lot of good regulations that are necessary for health and safety for good living in our country. I certainly want to support those at the same time as we try and streamline this whole area.

I was thinking as I was waiting to speak today, we have learned a lot. That also is what has caused Members to develop different standards in our lives.

When I was a young boy, my father ran a gasoline station, and the gasoline station, like all gasoline stations in our country, would accept automobiles to do oil changes and lube jobs and so on. You would bring a car in and put it up on a hoist and drain the crankcase of oil, and we would put it in this big barrel. I lived in a town of 300 people, with dirt streets. When barrel got full at my dad's station, our station and the other station in town, because there were two—that is called competition in a small town—both stations did a public service with their used oil. When it was time and the barrel was full, my dad would have me go get the little co-op tractor, hook it up to this tank and they had a pipe across the back with some holes in the pipe that you could unleash and then I would drive up and down Main Street and drip that used car oil on Main Street of our hometown. So did the other gas station, for that matter. So both of us were performing a public service and everybody thought it was great because that was blacktop, at least in our small town at that point. You would drop used oil on Main Street to keep the dust down on Main Street. Of course now, if I were doing that, I suppose I would be sent to Leavenworth or somewhere. It really is a very serious felony offense.

Why? Because what we learned over the years is you destroy or you injure your drinking water. This seeps into groundwater and you cause all kinds of human health problems.

So what we have done over the years is we have learned a lot about water and air and safety. We have done a lot of very good things with respect to regulations.

I was around one day in my father's station when a fellow named Pete, who was kind of a handy guy, was working on a combine and Pete cut off all his fingers. I just happened to be there. There were no chain guards or anything on combines at that point. He was fixing a chain and the chain around the sprocket—there were no safety features, no guards—he was trying to monkey with the chain, the thing engaged and cut off all his fingers. The nearest hospital was 50 miles away and my father asked me to pick up all the fingers that were there. There was not microsurgery then, I should say, but we took him and his fingers 50 miles to a hospital. They could not reattach his fingers because we did not know about microsurgery back then.

The fact is today he probably would not have cut off his fingers in that combine because now they have chain guards and safety devices. All of that, yes, might be a nuisance for some people, but it is also something that saves fingers and hands and accidents. So we have made a lot of progress in a lot of these areas.

I again want to say I think the question about regulatory reform is appropriately asked, not whether we have regulatory reform, because all of us in this Chamber believe that we need to reform our regulatory system; the question is how?

The answer for me is that a moratorium is a relatively thoughtless approach and one in which we simply say, "Let us not be thinking about the specifics, let us sort of throw a blanket over all of it and not worry about what the consequences of it might be. Let us decide we cannot issue standards on mammographies, mammogram machines. Let us decide we cannot issue standards on the regulation of computer airlines. Let us decide we cannot do all of these things because we have decided a moratorium is the right approach."

A moratorium is not the right approach. The right approach is for us to do what we have done already in a risk assessment bill and for us also to decide that we can, even as we look at regulatory reform, do some things that I think will get the agencies to understand that risk assessment must relate to regulation, to the consequences of the regulation for the American people.

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, I see the minority leader is here. If he will indulge me for about 2 more minutes, I would like to make one additional point on another subject today because I think it is important. I wanted to make it last week but I did not. I was not able to. I want to make it today.

Last week it was announced that the January trade deficit, the merchandise trade deficit, in our country was $16.3 billion, the worst in our history.

The reason I mention that is we have seen great angst on the floor of the Senate and the House about the Federal budget deficit, and it is an enormously important problem for our country, which we must address. But it is almost a conspiracy of silence with respect to the trade deficit. We are suffering the worst trade deficit in human history in this country. The merchandise trade deficit is terrible and it is growing, higher than it has ever been. It relates to jobs moving from our country overseas.

I want to show my colleagues just two charts. The January trade deficit shows our trade problems with China and Japan and Mexico have all grown. There is not one major trading partner with which this country does business where we now have a positive trade balance—not one. Japan is well over $65 billion a year. We have a trade deficit with Japan of $65 billion a year. With China, we now have a trade deficit of nearly $30 billion a year. You can see what has happened. It has grown exponentially. This is an outrage. This means the loss of American jobs and American opportunity.

You can see what is happening with Mexico. This chart simply reflects the January balance. Multiply it by 12. We start with a surplus, 1992; 1993 a small surplus, 1994 a minuscule surplus. Now in January of this year we have the first deficit. If you multiply that deficit by 12, you will find out what some of us who opposed NAFTA have said for a long, long while. We are going to be stuck with a big trade deficit with Mexico.

The fact is the devaluation of the peso has meant American goods are much, much more expensive in Mexico and Mexican goods are much, much cheaper here in the United States.

I might also observe that the trade deficit with Japan—and I do not have a chart on that at this point—the trade deficit with Japan has increased at the very time the dollar has fallen against the yen to some of its lowest levels ever.

This trade strategy is not working. It is a bipartisan failure. This country needs a new Bretton Woods Conference that takes trade out of foreign policy and decides to stand up for the interests of this country. Not protectionist, not building walls, but to decide that this trade strategy hurts America and one-way trade rules that allow our country to be a sponge for everything everyone makes and allow their countries to keep American goods out is a trade strategy that we must stop.

It is time for us to decide, nearly 50 years after the end of the Second World War, that our trade policy ought not be a foreign policy. Our trade policy ought to be to stick up for the economic interests of Americans: producers, workers, entrepreneurs, risktakers. They deserve this country to stick up for their interests and demand fair trade—not preferential trade, fair trade. Fair trade from Japan, fair trade from China, fair trade from Mexico, fair trade from all of our trading partners. Anything less than that, in my judgment, is failing this country.

As I said, I think there is almost a conspiracy of silence about the worst trade deficit in human history. I do not understand why. Our Trade Ambassador, Mickey Kantor, is the best we have had since I have been in Washington, DC. He has taken on Japan and taken on China. But, still the problem gets worse with both China and Japan. I hope one of these days we can find others who feel as I do that that trade strategy is hurting this country and there is a better way and a new day to set this country right.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Democratic leader.

REGULATORY TRANSITION ACT OF 1995

Mr. DASCHLE. Let me commend the distinguished Senator from North Dakota for his comments on both issues. I will talk more about trade on another day, but certainly what the Senator said about the wisdom of the moratorium could not be better said. I appreciate his leadership and that of the distinguished ranking member of the Governmental Affairs Committee, who is on the floor now and who has already discussed this matter at some length.

Mr. President, I think it is fair to say, it is accurate to say that the moratorium is dead. There is no moratorium. It is over. There will not be a moratorium in spite of whatever decisions or promises the House may have made. The clear recognition in the Senate is that the moratorium is worse medicine than the disease itself, that the cure in this case is too broad, too problematic, and far too imprudent for us to support. So the moratorium is over. It is dead. I am very pleased that legislation is now pending to replace this moratorium that will be debated tomorrow.

Let me say, if it reappears, then I am confident that Members, at least on this side of the aisle in this Chamber, will again kill it. Everyone recognizes we must deal with problematic regulations. Everyone recognizes that this is not a partisan issue, that indeed we have to confront the proliferation of regulation and recognize that there are some which simply do not make sense.

Bringing balance and common sense to the regulatory process is something Democrats have argued for a long time. With bipartisan support, the Governmental Affairs Committee approved just last week a better and more meaningful way to address regulatory problems. As I understand it, the Judiciary Committee and the Energy Committee are meeting this week to do the same thing. So by the end of the week, three committees of the Senate will have done what we should do: Develop a framework to analyze and address many of the problems that have proliferated as a result of irresponsible regulation.

In my view, that is what we should do. That is the subject of the President's review that will be made available to us before the end of June, and I am very pleased that the White House as well as the Congress is working on this in a very comprehensive way.

Comprehensive reform is what is necessary, not the shortsighted, simplistic approach recommended by some of our Republican colleagues, especially on the House side.

So the moratorium is dead. And I think that this week we can come up with a meaningful way to achieve regulatory reform. Hopefully, this will be the first in a two-step process, one that provides us with an opportunity to deal with regulations in a meaningful way.

Frankly, we could have accomplished comprehensive reform in one step. We could have done it at a later date, once we have had a more thorough debate. That would have been my preference. But certainly, this can work. I think there is broad base of support for examining alternatives to the moratorium and we will begin that process tomorrow.

I think the Reid-Nickles legislation can give us an opportunity to review regulation in a selective and meaningful way. It can at least begin to address some of the problems that many of us have articulated with regard to reform for some time.

Again, the way to accomplish regulation reform is not through a sweeping moratorium that halts the progress of the good along with the bad. We should always be wary of temporary "one-size-fits-all" solutions that do not address the underlying source of the problem. It is an approach that will have unintended negative consequences. It is our responsibility here in the Congress to distinguish between the rules that are good and necessary and those that must be fixed or scrapped altogether. Clearly, the authors of the moratorium do not seem to feel such a need and would stop even those rules that would have broad-based support. That is what I would like to address this afternoon.

I would like to cite a few examples of the kinds of rules that a moratorium would have stopped, had it passed. Fortunately, because the moratorium, as I said is dead, we do not have to worry about it. But had a moratorium been passed, these types of rules would have been detrimentally affected. I want to address those briefly this afternoon.

First of all, our meat and poultry inspection process, as everyone understands, is outdated and unable to satisfactorily detect bacterial contamination. The results, as we have seen, can be lethal.

In the last Congress, I was chairman of the Agriculture Nutrition Subcommittee and Research, Conservation, Forestry, and General Legislation. We conducted four hearings to explore the issue of meat and poultry inspection in this country.

At every one of these hearings, there was a clear consensus that we must modernize our meat and poultry inspection system. During the hearing we uncovered a number of troubling facts. For example, it has been estimated that major bacterial pathogens are responsible for up to 5 million illnesses and 4,000 deaths annually. Foodborne illness attack persons at a greater risk such as children and the elderly. In the Pacific Northwest four children died after eating contaminated meat, while hundreds became ill.

That tragic event prompted everyone involved in this issue to seek a more sensitive and responsible alternatives to the current meat and poultry inspection system—one that would prevent such a tragedy from every happening again. In fact, the American meat industry even petitioned USDA to propose a new rule.

The current meat and poultry inspection system is based upon sight and smell and cannot detect the presence of some deadly human pathogens. To correct this problem, the Department of Agriculture on February 3 proposed a regulation to improve the inspection of meat and poultry.

This rule is the product of several years' worth of debate with the scientific community and food industries. As we all know, the moratorium would substantially delay this rule. In the meantime, how many more outbreaks will occur? How many more children will become ill and perhaps die?

Americans enjoy the safest and most abundant food supply in the world. But it can and should be improved. Adopting a science-based meat and poultry inspection process is an important step. The ill-conceived and politically motivated moratorium must not be used to delay implementation of this long-overdue regulation.

The same can be true of seafood inspection.

Mr. President, on January 28, the Food and Drug Administration proposed a rule to improve the inspection of seafood. This is a sensible thing to do, given the desire on the part of most of us to have the safest food supply possible, but the moratorium would block it. Apparently, either those who push this regulatory moratorium are unwilling to support the changes necessary to have a safer food supply, or the moratorium will have the unintended consequence of stopping yet another reasonable and necessary rule. I find neither case acceptable.

The rule, which is based on the same principles used to overhaul the meat and poultry inspections, is designed to better ensure the safe processing and importing of fish and fish products.

The rule will benefit both the seafood industry and consumers. The industry will benefit, as consumers will have greater confidence in seafood products, leading them to purchase greater quantities of seafood, while consumers will benefit by having access to safer fish.

Unless this rule is covered by the safety and health exception—and it is far from clear that it is—then the moratorium will stop this rule in its tracks.

Are we willing to play politics with our food supply, needlessly endangering the public in order to score a few cheap political points? Or are we going to take responsibility for the health of Americans and acknowledge that many of these rules like the seafood safety rule, make sense and should move forward?

The same can be said about head injuries. Mr. President, the Department of Transportation has issued a rule requiring protection against head impacts in the upper interior of cars, light trucks, and light multipurpose passenger vehicles. Each year we delay implementing this rule, 1,000 Americans will lose their lives and several hundred crippling head trauma injuries will occur.

The costs associated with these injuries will continue to drive up health care costs, insurance rates, and time away from work for injured victims.

The greatest tragedy is that these deaths and injuries will have been prevented if the regulations had been kept in place. The moratorium would, at a minimum, delay this rule from taking effect for many months, costing what otherwise would have been preventable deaths and injuries. Is that the result intended by the authors of this moratorium? I cannot believe that it is.

Third, with respect to radioactive waste, although we have identified safer alternatives for nuclear waste disposal, that continues to represent a very serious problem. In spite of the fact that we are making progress, serious problems continue to exist with regard to how we dispose of nuclear wastes in the future. Efforts have been underway for years to identify better places and practices that would assure the safe disposal of nuclear waste for the many thousands of years that the waste remains dangerous.

This year, after considerable deliberation and analysis, the Environmental Protection Agency proposed long-awaited rules for the disposal of nuclear waste. While I do not expect that we are at the end of our quest for safe nuclear waste disposal, these rules represent a giant step in the right direction. This rule would apply in particular to the first national nuclear waste repository, the waste isolation pilot project in New Mexico.

The nuclear power industry and the Defense Department, as well as the Department of Energy, are looking forward to these rules to help create additional certainty and safety in the disposal of nuclear waste. The moratorium would halt the implementation of these rules. Given the high stakes in this debate, including the public health issues, risks and economic factors, does it make sense to place a moratorium on rules that would move us closer to a means of more safely disposing of nuclear waste? I do not think so.

Finally, during the Governmental Affairs Committee markup, Senator GLENN offered an amendment to exempt from the moratorium Environmental Protection Agency regulations to control contamination and disinfection byproducts in drinking water. As many of us remember, the city of Milwaukee not long ago experienced a serious outbreak of disease due to contamination of the city's water supply. In 1993, a microscopic parasite known as cryptosporidium got into Milwaukee's drinking water supply. Ultimately, the outbreak resulted in over 100 deaths and 400,000 illnesses. There are numerous other cities that have experienced the ravages of bacterial contamination in their water supply. Just ask the people of Carrollton, GA; Cabool, MO; or Jackson County, OR. In the wake of these episodes, the committee nevertheless rejected the Glenn amendment. Given the recent experience of residents in Milwaukee and other areas, I cannot imagine how anyone could defend the moratorium on regulations designed to protect the public water supply from contamination.

So, Mr. President, let us be clear. The regulatory moratorium is not a tool of genuine reform. It is a blunt tool of expediency and, if enacted, it would have serious negative consequences.

Fortunately, the moratorium, as I have said, is dead. Real reform requires hard work. Real reform allows a serious consideration of proposals that will allow us to make a difference in the regulatory process by defining good from bad. And that is exactly what we want to do here. We want to provide meaningful alternatives to the moratorium, and I believe that the so-called Nickles-Reid approach is a beginning in that effort. It allows us to assess in a more constructive way which regulations ought to be issued and gives us the opportunity to stop those that are not well-intended or certainly are not prudent. But we will get into that debate tomorrow.

My purpose in coming to the floor today is simply to say that the moratorium is recognized here as something that cannot work, a blunt instrument that in our view is far more serious in remedy than the actual problem that it is trying to cure.

So I am hopeful that as we go through this deliberative process, first with regard to the very limited nature of the Nickles-Reid amendment, and then ultimately in a more comprehensive way later on, we can deal with the regulatory proliferation as we know it should be dealt with, in a way that provides us an opportunity to use discretion, and in a way that gives us an opportunity to make better decisions about regulations as they affect the American people.

With that, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to respond just briefly to a couple of comments made by the minority leader, Senator DASCHLE, my friend from South Dakota.

I noticed he said the GOP moratorium. We are not debating moratorium because we do have the substitute to it, but in his charts he said it would block better meat, poultry, and seafood inspection. I take issue with that because I do not think it does.

I happen to be the sponsor of the moratorium bill, and, again, we are going to offer a substitute, something I think is even better. But we do have exceptions. We have exceptions for imminent threat to health or safety or other emergencies. That is determined by the President of the United States. Maybe Senator DASCHLE does not have any confidence in the President of the United States, but we allow the President of the United States to make that determination.

It also says protection against head injuries and so on. Again, I think if the President felt that was a threat to health and human safety, he could exempt it. Or if he felt it was necessary for the enforcement of criminal laws, he could have exempted it. Or I heard some comments about the Safe Drinking Water Act, or could not differentiate between good and bad.

Again, in the bill, on page 9 of the bill, it says the President could exempt a regulation if he found that the regulation has as its principal effect fostering economic growth, repealing, narrowing, streamlining rule regulation, administrative process, or otherwise reducing regulatory burdens. The President could exempt it. Senator DASCHLE mentioned safe drinking water. Again, if the President felt it was necessary to enact such a regulation in order to save lives—I heard the comments of hundreds of lives or something—certainly the President would have that authority. As a matter of fact, we did not have judicial review. His authority would have been accepted without court review or anything.

So I just mention that. We do not have to continue debating this bill. I know Senator DASCHLE said the moratorium is dead and now we are looking at this more streamlined Nickles-Reid bill.

Let me compare this to the moratorium. The bill that Senator REID and myself are proposing is congressional review of all regulations. The moratorium bill that passed out of the Governmental Affairs Committee did not review all regulations. It reviewed only a small percentage and then allowed the President to exempt those.

We started out with eight exemptions. The committee added another two or three and then had some exemptions on specific amendments. So there are like 10, at least 10 exemptions in the Governmental Affairs Committee but that only applied to significant regulations.

So for people to say that was so draconian and so unfair and so much a terrible disaster, I would say the Nickles-Reid substitute is a lot more comprehensive because it has the potential of stopping any regulation. It says Congress can review them. It puts the burden on Congress. Granted, the bill that was reported out of the Governmental Affairs Committee had the responsibility on the executive agencies, had the responsibility on the President of the United States. The President would have to exempt those regulations, due to the following exemptions. Now it is on Congress if we are successful.

Congress has the responsibility—and I want to underline the word "responsibility," because Congress, in my opinion, in many cases has abdicated that responsibility. We have passed laws and then we forget about them. We are busy. We do not have time to go in and actually follow up and do congressional oversight. And so we pass the laws, and bureaucrats take over and enforce them and come up with the rules and regulations to make those things happen.

Now Congress is going to have some responsibility to review those rules. Particularly those rules that have significant impact, we are going to have to find out does the rule make sense? Is it a good idea? And maybe even some of those rules that do not have significant impact—maybe they do not have to have $100 million of economic impact—we should review those rules as well, and if our constituents are telling us that these rules are far too costly or too expensive or bureaucratic or too complicated to comply with, maybe we will listen to them and maybe we will stop them. Maybe we will make the administration more accountable. And I think it is one of the reasons why President Clinton should support this legislation. I expect that he will. I expect that he will sign this legislation because this will make the bureaucrats more accountable. They will know if they come up with a regulation, they cannot hide behind the legislation. They know that Members of Congress can have them appear before the various committees and they will have to justify the regulations. If there is a serious opposition to it, they will have to justify it in such a way or else, if we can get a majority vote in both Houses, we can rescind it. We can repeal it. We can stop it. We can reject it, as we should.

Mr. President, I know this chart behind me talks about the number of pages that are in the Federal Register. It shows the growth that we had basically during the Carter years in 1977, 1978, 1979, and in 1980, we reached an all-time high. We had actually 73,258 pages in the Federal Register. It declined significantly under Ronald Reagan's term, fell all the way down at the end of his first term in 1984 down to 48,000-some pages. In 1986, it reached the low point, I guess, of 44,821. In 1988, it had gone up to 50,000. At the end of 1992—and I guess that was the end of President Bush's term—we were up to 57,000. And under President Clinton's term, the first couple of years, the number of pages has increased up to almost 65,000, and seems to be continuing to increase.

A lot of these regulations are good and a lot of them are not good. A lot of them are not well thought out. Some of them need congressional review.

The Senator from Montana talked about having a hearing in Montana a couple weeks ago. Senator BURNS talk about having a hearing dealing with logging and had somebody from OSHA there who had actually been designing the rules and regulations and having that kind of oversight. We need more of that. We need the regulators to know that they can be held accountable by Congress and, if they pass or try to implement egregious rules, that we can have the opportunity to overturn those in an expedited process.

This bill has bipartisan support. I think it is a good substitute. I think it is a better substitute, frankly, than the underlying bill. I happen to be involved in both of these. And I think this one, because it is permanent, because it has, I think, a very good chance of passage and signature by the President of the United States, Mr. President, I think are very positive reasons why it should be enacted. I hope my colleagues would concur.

I yield the floor.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 629 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 43 minutes remaining.

Mr. GLENN. I thank the Chair.

Mr. President, I hate to take exception with my distinguished colleague from Oklahoma, but he said that we are not debating the moratorium bill. Yes, we are. I hate to disagree, but we are. That is exactly what we are debating today. That is what is before us.

The proposed Nickles-Reid substitute is one that we will address tomorrow. I know that the debate today has gotten off on that subject a number of times.

The bill that was voted out of committee, S. 219, the moratorium bill, as proposed by the Senator from Oklahoma, with a few changes that were made in the committee, was, as I understand it, almost exactly the same as H.R. 450, the House bill that has already passed. And that is the bill that we are addressing a lot of our concerns toward today, as well as S. 219.

When the Nickles-Reid substitute comes up tomorrow, I may well vote for that. I am not against the legislative veto. What I am concerned about is the moratorium bill. The House passed a devastating bill that is basically the same as S. 219, and that is what we are debating today.

I want to run through some of the regulations that would be stopped under a moratorium. I have about 40 minutes remaining, and I would like to go through some of these particular regulations that would be knocked out if we pass the House bill or if we passed a version that would then go to conference and be changed according to the House bill.

So we are debating the moratorium today and not what may occur tomorrow or what may be addressed tomorrow.

Now what would be affected? Well, we would have a lot of regulations. I will not go through all of them here. We have about 120 of them we could bring up. Some of them have already been mentioned today.

Shrimp harvesting that the States of Alabama, Mississippi, Florida, Louisiana, and Texas want would be cut back. The final rule was published on that December 28, 1994, so that would be affected.

Another one is on fisheries management under the Department of Commerce, National Marine Fisheries Service. The moratorium would affect all States with fisheries. The rules that would be affected restrict the number of fish that commercial fishermen can catch in certain fisheries each year.

They are based on scientific data and designed to allow for the maximum take of fish, while at the same time preventing depletion of fish stocks. Depletion has been a serious problem in many fisheries around the country.

Beneficiary of the rule include all fishermen and the consuming public. So the impact of S. 219 and H.R. 450 would be that many of these management specifications were published after November 20, 1994, and a moratorium could suspend these specifications, potentially allowing unlimited fishing in these fisheries, which could lead to long-term decline in the number of fish available for future fishing.

How about seafood safety administered by the Department of Health and Human Services and the Food and Drug Administration? What States will be affected? All.

The rule: FDA is proposing regulations to utilize hazardous analysis critical control point [HACCP] principles as a most effective way to ensure the safe processing and importing of fish and fishery products. HACCP procedures can be used by food processors and importers. Beneficiaries of the rule include consumers and the seafood industry. Consumers will benefit from safer products and will gain additional health benefits by substituting seafood products in place of other meats higher in fats and cholesterol.

The seafood industry will benefit from increased consumer confidence in safer seafood products and more uniform inspection procedures.

What would be the impact of S. 219 and H.R. 450? Unless this rule is included in a health and safety exception, passage of a moratorium bill will prevent the implementation of a final rule, consumption of seafood may continue to decrease, and consumers' lack of confidence in the safety of seafood products would persist.

That proposed rule was published January 28 of this year, and the final rule is slated for publication in the summer of 1995. That would be knocked out if H.R. 450 and S. 219 prevail.

Another issue: Noncitizen housing requirements of the Department of Housing and Urban Development.

All States would be affected.

This rule would restrict HUD housing assistance to U.S. citizens, nationals, and certain categories of legal immigrants. The beneficiaries of the rule would be citizens and legal immigrants who would be deprived of limited available housing assistance.

What would be the impact of S. 219 and H.R. 450? U.S. citizens and legal immigrants would be deprived of the limited housing assistance offered by HUD and, instead, this housing could be available to illegal immigrants. That final rule was submitted to OMB on December 30, 1994.

Another issue: Continuation of Federal Home Loan Mortgage Corporation and Federal National Mortgage Association housing goals administered by the Department of Housing and Urban Development.

I believe in the Governmental Affairs Committee, the Senator from Oklahoma asked that that be addressed and it was, but it is not in H.R. 450.

All States would be affected.

The rule: By statute, HUD is required to establish housing goals to direct the purchase of mortgages by Freddie Mac and Fannie Mae on housing for low- and moderate-income families, housing located in central cities, housing located in rural and underserved areas, and housing meeting the needs of low-income families and very low-income families.

In October 1993, HUD established these goals for 1993 and 1994. This rule extended into 1995 the 1994 housing goals pending the issuance of a more comprehensive final rule.

Beneficiaries of the rule? Very low- to moderate-income families in central cities and rural areas and other underserved areas.

The impact of H.R. 450 and S. 219: A moratorium could put a halt to Fannie Mae and Freddie Mac meeting housing goals set by HUD in accordance with the law and in recognition of the responsibilities of Fannie Mae and Freddie Mac under their charters. The needs of moderate-, low-, and very low-income families would not be served, and the opportunities for such families to purchase homes would be greatly reduced.

The final rule was published November 30, 1994, after the election.

Community development block grants is another issue also administered by HUD.

All States are affected by this.

The rule establishes guidelines to assist the community development block grant recipients to evaluate and select economic development opportunities for CDBG funds. The rule also makes changes for the use of CDBG funds for economic development.

Who benefits from this rule? State and local communities who receive these CDBG funds. The rule reduces administrative burdens on the recipients and focuses on assisting residents of low- and moderate-income neighborhoods.

The impact of H.R. 450 and S. 219: State and local governments will have limited use of CDBG funds for economic development which will adversely affect the communities served by these State and local governments.

The final rule on this was published January 5, 1995.

We can see just from these few I read so far that if we agree to H.R. 450 from the House or if we pass S. 219 here, which is what is before us at the moment, then, indeed, as the minority leader said a few moments ago, we can assume, I think, that the moratorium is dead; the moratorium is dead.

This is only a beginning. I have probably another 75 or so, and I will not be able to go through all of them today, but I plan to go through a few more to show that I, too, believe that the moratorium is dead and that the more the American people know about what the moratorium, H.R. 450 in the House, proposes and what S. 219, its companion bill here, which is before us today, proposes, the more they will agree that these are ill-considered pieces of legislation and should not have been proposed.

I think whatever changes we may make in this tomorrow and whatever bill we may wind up sending over to the House, I want the record to be full and complete in the Senate that what would happen under that bill in the House, if we accepted it or if we accepted S. 219 here, would be devastating to the lives of all individuals in many of these different areas. I am just addressing a very, very few on the floor today.

Another one out of the Park Service: Cruise ship access to Glacier Bay.

Only Alaska is affected.

The rule: The Department of the Interior recently decided to allow increased vessel traffic in Glacier Bay. New vessel management plan regulations are planned to implement this policy decision.

The beneficiaries of the rule include travelers to Glacier Bay, area businesses, cruise ship industry, and businesses in Alaska.

The impact of S. 219 and H.R. 450: A moratorium could delay the implementation of this new policy, which could reduce the number of potential cruise ship passengers and diminish trade to businesses in the area.

The rule is planned for publication during 1995.

Another one, administered by the Department of Labor, is the Family and Medical Leave Act regulations.

All States will be affected.

The regulation would implement the Family and Medical Leave Act of 1993, which allows eligible employees to take up to 12 weeks of unpaid leave a year for the birth of a child, adoption of a child, or to care for a seriously ill relative.

The beneficiaries of the rule include both employers and employees, who will benefit from the clarification and guidance provided in the final rules, including, for example, clarification of what a serious health condition really is.

The impact of H.R. 450 and S. 219, without the final rules: Uncertainties raised by the law and the interim regulations would remain.

The final rules were published on January 6, 1995, and they will become effective on April 6, 1995.

Another one is under OSHA, the Occupational Safety and Health Administration, on logging safety. All States are affected. This rule addresses the major causes of logger deaths and serious injuries by providing safety provisions for chain saws, logging machinery, tree harvesting procedures, training, and personal protective equipment.

Logging companies are expected to benefit from over 4,000 fewer lost workday injuries and a standardization of industry safety requirements. This rule is expected to prevent an average of 111 logger deaths, 4,759 lost workday injuries, and 2,639 other serious injuries each year.

The impact of H.R. 450 or S. 219: The logging occupation has the highest death rate of all occupations—14,000 per 100,000 workers—almost three times the private sector rate. If S. 219 would pass, or H.R. 450 were to be accepted, it would allow continuation of the carnage that now takes place in the logging industry. Most of the final rule went into effect on February 9, 1995, with 12 provisions of the final rule having been stayed until August 1995.

Another one is administered by the Labor, Mine Safety and Health Administration. All the coal mining States would be affected. The rule relates to the use of diesel-powered equipment in underground coal mines, which has mushroomed in the past 18 years, without special safety and health regulations or equipment approval regulations necessary to control fire hazards and health concerns of acute and long-term exposure to diesel exhaust gases. This rule will provide basic common sense standards for use of this potentially dangerous machinery.

The beneficiaries of the rule are mine workers and mine operators.

State regulatory officials have strongly supported finalizing diesel regulations. Many mine operators have already begun implementing some improvements in anticipation of the standard rule. The impact of H.R. 450 or S. 219, a moratorium, would allow diesel equipment to continue to be used without specific regulation or safety controls.

In a 13-year period, there were 10 diesel-related fires investigated. Suspension of this rule would stall or halt the good-faith efforts that many mine operators have begun to work toward in improving the use of diesel equipment in underground coal mines. The final rule is to be issued in March 1995—this year. I do not know whether it has been issued yet or not.

Another one from OSHA is a rule to reduce exposure to tuberculosis in the workplace. All States are affected. Based on the Centers for Disease Control recommendation, this proposed rule will protect employees from occupationally acquired tuberculosis, for engineering controls, administrative controls, work practice controls, respiratory protection, medical surveillance, and training. In order to reduce the regulatory burden on facilities with low incidence of TB, this rule will be especially tiered on the basis of the location and type of facility.

The beneficiaries of the rule will be the 4½ million workers covered under this rule, and the employers who will have fewer lost workdays to this disease. The impact of H.R. 450 or S. 219: Unless workplace transmission of TB presented an imminent threat to health and safety, a moratorium could prevent effective control of this virulent disease, especially in high-risk workplaces and locations.

Another area that is covered by the Department of Transportation is standardizing regulations for domestic shipments of hazardous materials. All States are affected. The rule standardizes regulations for shipments of domestic hazardous materials, making them more consistent with similar international regulations.

The beneficiaries of the rule are shippers and carriers of hazardous materials that are engaged in both domestic and international shipments. Without revisions to the final rule, carriers would have to comply with differing rules for domestic and international shipments of hazardous materials.

The impact of S. 219 and H.R. 450: They would increase the cost of doing business for international and domestic shippers and carriers of hazardous materials, placing an unfair burden on U.S. businesses. Moreover, requiring different regulations for domestic and international shipments may stifle exports of hazardous materials, which had a positive balance of trade of approximately $17 billion in 1994. The rule was in effect as of January of this year.

Mr. President, we can go on with others. I would like to state a couple more here in this area, and then I want to get over into some of the nuclear matters.

Airworthiness directives were mentioned by Senator DORGAN a few moments ago on the floor. These are administered by the FAA. All States are affected.

Periodically, the FAA issues airworthiness directives—AD's, as they are known as in the industry. They are designed to rectify potential safety problems in aircraft—potential, not imminent.

Several examples of airworthiness directives that could be suspended are: Restrictions on the operation of the ATR–42 and ATR–72 aircraft in icing conditions following the October crash in Indiana that we remember from last year. Another revision to the airplane flight manual to prohibit takeoff in certain icing conditions unless either an inspection is performed or specific take off procedures are followed. That is applicable to the Fokker F–28 model aircraft; inspection modification of the tail cone release assembly of certain McDonnell Douglas aircraft to ensure that passengers can escape during an emergency evacuation; inspection and repair of landing gear brakes for certain Airbus aircraft. This was prompted by an accident in which an aircraft was unable to stop on a wet runway. Another one: Replacement of bolts, nuts, and washers that hold together parts of the wing flap; the new attachments prevent failures that could cause the aircraft to roll over upon liftoff, and that is applicable to Boeing 757 aircraft. Another requires measures to prevent the sliding cockpit side windows from rupturing in certain Airbus models. Failure to prevent that can potentially result in rapid decompression of the aircraft.

The impact of S. 219 and H.R. 450: The moratorium could prevent these types of directives from being issued. The safety concerns they address, though significant, may not be sufficiently imminent—repeat, imminent—to qualify for an exception under S. 219.

I know we had discussions this morning about the President making his own judgments on these things, because Congress is apparently not willing to define what it means by imminent.

These airworthiness directives were published after November 20, 1994. They are out there now. If S. 219, as it came out of committee, or H.R. 450, was accepted, those airworthiness directives would not be in effect.

Standardization of aviation rules is another one that is put out by the FAA or followed by the FAA. They standardize regulations between the U.S. and European joint aviation authorities regarding flight operations, aircraft safety considerations.

Commuter airlines safety standards are another one where all States are affected. The proposed rule is supposed to be issued in March of this year, with final rules planned for December 1995. The rule would upgrade the standards for commuter airlines to those of major airlines—something I am sure we all would like to see happen and not be held up by any legislation such as this.

So once again, I say, when the minority leader came out a little while ago and made his statement that the moratorium is dead, I agree with that. These are just a few of the things I have been running through here today. But the moratorium had better be dead, or we are going to have a great deal of discussion on this when it comes back from conference with the House, if the House moratorium legislation would prevail, as was proposed in S. 219, which is before us today here on the Senate floor.

This is not all on airplanes and on health and safety matters.

We also have Government securities, large position reporting required by the Treasury. The proposed rule for public comment was put out on January 24 of this year.

Another is an agreement to establish water quality standards in the San Francisco Bay delta area. The final rule was published January 24 of this year.

We go on and on. Reducing toxic air emissions, the Environmental Protection Agency rule allows industries—this is one industry wants—to obtain pollution credits for voluntarily reducing air pollution before they are required to by law. Thus, this rule allows interested companies—those who now want to invest in clean air—to take credit now for early compliance.

So we get the benefits of cleaner air sooner. Everybody gets a benefit of that. Industry wants that.

Twenty-one companies have applied for the program and 17 more have indicated an interest. This is the proposal that came out November 21, 1994. The final is supposed to come out later this year. That would be held up by any moratorium.

For lead poisoning prevention, most regulations and guidelines have been proposed, and are to be finalized in summer or fall. Lead is a threat to children, regardless of family income, and adversely affects the nervous system, kidney, the hematopoietic system, causing decreased intelligence, impaired neurobehavioral patterns, coma, convulsions, hypertensions, and even death in children. Regulations on these matters would be held up if H.R. 450 or S. 219 would happen to prevail.

Mr. President, I would like to focus for a few minutes on the effects a regulatory moratorium would have on an area which I have long been concerned—health and safety as it pertains to nuclear facilities, nuclear cleanup, and radiation protection. As we shall see, the proposed moratorium will delay a number of important regulatory actions that have been crafted to provide for the public's health and safety—in a cost-effective manner.

Let me start by making a basic observation. Radiation protection, nuclear safety, and radioactive cleanup are complex, technical issues. It follows that the regulations governing these issues are also complex. To wield indiscriminately the meat ax of a regulatory moratorium at the existing nuclear regulatory framework is precisely the wrong way to go about improving this situation.

As currently proposed, the regulatory moratorium would delay the implementation of many important nuclear-related regulations—from standards for nuclear waste disposal to standards for cleaning up radioactively contaminated sites to rules for improving the safe operation of Government nuclear facilities to rules governing health studies of contaminated or potentially contaminated populations.

Now, Mr. President, I do not deny that the existing regulatory framework for radiation protection standards can be improved. But a moratorium is not the way to do it. In fact, I have been working for some time to improve the Federal radiation regulatory framework. I would like to call my colleagues' attention to an October 27, 1994, "Dear Colleague" letter which I sent to all Senators on this issue. I would like to quote from the letter, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

DEAR COLLEAGUE: I want to draw your attention to the enclosed GAO report on federal radiation protection standards and regulations (Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RCED-94-190). The GAO finds that:

"Historically, interagency coordination of radiation protection policy, . . . has been ineffective. Time-consuming and potentially costly dual regulation of nuclear licensees has been an issue between EPA and the Nuclear Regulatory Commission (NRC), and standards for major sources of radiation have been lacking for years because interagency disagreements have delayed the completion of regulations." "At present, it is apparent that agencies' radiation standards and protective approaches ultimately reflect a general lack of interagency consensus on acceptable radiation risk to the public."

Congressional concerns in this area are long-standing. In 1979, I introduced legislation that prompted the Carter Administration to form a federal radiation policy council (later dissolved by the Reagan administration). In 1982, I again introduced legislation which, though never enacted, helped spur formation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC), whose primary purpose is to coordinate Federal radiation policy. The enclosed report indicates that, while there has been limited progress recently, much remains to be done.

A coherent, rational approach to these issues is long overdue. By helping to rationalize this important area of regulation, we will lighten the regulatory burden, streamline the federal bureaucracy and, enhance public protection and public confidence. Another clear benefit from a coherent, consistent radiation protection regime will be a savings of taxpayer dollars from the resulting efficiencies in Federal facility cleanup.

I believe, consistent with GAO's recommendations, the EPA should take the lead to develop a plan for broadening and strengthening its ongoing radiation protection harmonization effort. I have asked that the EPA report to me with a plan for a path forward to rectify the current radiation regulation regime.

Such a plan should be developed with input from effected agencies, including the NRC, DOE, and DOD. Clearly, CIRRPC should serve in a coordinating role to assist in this plan's development. I have asked that this plan be developed prior to the beginning of the 104th Congress. After reviewing the interagency plan, I will consider whether any legislative remedies may be necessary to create a coordinated approach to this field of regulation.

Radiation protection standards affect our entire population. I encourage you and your staff to read this report, and would be interested in any comments you may have. My Governmental Affairs staff contact on this issue is Chris Kline (4-7954).

Best regards.

Sincerely,

JOHN GLENN,
Chairman.

Mr. GLENN. Mr. President, quoting from the letter:

DEAR COLLEAGUE: I want to draw your attention to the enclosed GAO report on federal radiation protection standards and regulations (Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RCED-94-190). The GAO finds that:

"Historically, interagency coordination of radiation protection policy, . . . has been ineffective. Time-consuming and potentially costly dual regulation of nuclear licensees has been an issue between EPA and the NRC, and standards for major sources of radiation have been lacking for years because interagency disagreements have delayed the completion of regulations. At present, it is apparent that agencies' radiation standards and protective approaches ultimately reflect a general lack of interagency consensus on acceptable radiation risk to the public."

My letter continues by describing past executive and legislative efforts, including several pieces of legislation which I introduced, the purpose of which was to coordinate Federal radiation policy. The GAO report describes some 26 radiation protection standards, rules and regulations, which, when taken together, still result in gaps, overlaps, and inconsistencies. In my view, and that of the GAO, the radiation protection framework is broken and needs to be fixed.

That is why, Mr. President, on the same day I circulated the "Dear Colleague" letter mentioned earlier, I wrote to Administrator Browner of the EPA, Chairman, Selin of the NRC, and Dr. Gibbons of OSTP requesting that they develop a plan for a "path forward" to address the inconsistencies, gaps, and overlaps in current radiation protection standards. In my letters to these officials, which I ask to be made part of the record, along with their subsequent responses, I stated that this plan should clearly identify and prioritize the standards and issues which need to be resolved. I asked also that the plan identify feasible milestones on which there is consensus agreement for progress to move forward.

Mr. President, I ask unanimous consent to have these letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.
HON. CAROL BROWNER,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR BROWNER: Since coming to the Senate, one of my primary interests has been protecting our citizens' health and safety from unnecessary exposure to ionizing radiation. Radiation protection standards affect all Americans, and directly influence the way that billions of taxpayer dollars are spent as we attempt to clean up contaminated facilities. As you clearly know, the Environmental Protection Agency (EPA) plays a key role in the Federal government with regards to regulating radiation. With this in mind, I wanted to bring to your attention a recent General Accounting Office (GAO) report that directly concern programs under your jurisdiction.

The report "Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RED-94-190)" examines the existing set of radiation protection standards and analyzes whether these standards provide a coherent, complete, federal framework for public protection. The report describes a federal regulatory regime for radiation that is inconsistent, overlapping and incomplete. The GAO finds large disparities in the standards established by different agencies and no consensus emerging on what those standards should be. In fact, GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these agree numerically, but others differ.

Over the years I have chaired numerous Governmental Affairs Committee hearings and made several legislative proposals which address this issue. For example, in response to legislation I introduced in 1979, President Carter created a federal radiation policy council. While this organization was disbanded by President Reagan, the problems it was intended to address did not go away. I then introduced legislation in 1982 which would have created an interagency council to address the fragmented and inconsistent nature or radiation protection regulation. This proposal spurred the creation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). Since the mid-80's I have chaired hearings which have highlighted similar problems with the regulation of medical radiation, as well as the impact of inconsistent radiation protection guidance on federal facility cleanup operations.

The GAO report points out—and I would like to underscore—the progress that has recently been made between EPA and the NRC concerning the recent Memorandum of Understanding on this subject. I congratulate you and your staff for the leadership you have displayed thus far, and strongly encourage you to expand this effort into a government-wide exercise in coordination and harmonization of radiation exposure standards and regulations.

I concur with the GAO's recommendation that the EPA should take the lead in creating coherent, consistent standards in cooperation with other agencies and CIRRPC. A coherent federal approach to these issues is long overdue. By rationalizing this important area of regulation, the EPA could ease the burden on the regulated community while at the same time enhancing public protection and public confidence.

However, past history has proven that initial progress on this subject can easily become ensnared in interagency disputes and bureaucratic infighting. For this reason, I would request that, prior to the date the 104th Congress convenes, EPA and NRC, in coordination with CIRRPC, develop a plan for a "path forward" to address the inconsistencies, gaps, and overlaps in current radiation protection standards. This plan should clearly identify and prioritize the standards and issues which need to be resolved. The plan should also identify feasible milestones on which there is consensus agreement for progress to move forward. Should the EPA prove unable to develop and implement such a plan, I will strongly consider introducing legislation to create an interagency body which would be mandated to produce and carry out this plan.

I appreciate your past and ongoing efforts in this very important area, and I am willing to assist future activity in any way that I can. Should you have any questions, please do not hesitate to contact me directly. My staff contact on the Governmental Affairs Committee is Chris Kline (202) 224-7954.

Best regards.
Sincerely,
JOHN GLENN,
Chairman.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.
Hon. IVAN SELIN,
Chairman, U.S. Nuclear Regulatory Commission, Washington, DC.

DEAR MR. CHAIRMAN: Since coming to the Senate, one of my primary interests has been protecting our citizens' health and safety from unnecessary exposure to ionizing radiation. Radiation protection standards affect all Americans, and directly influence the way that billions of taxpayer dollars are spent as we attempt to clean up contaminated facilities. As you clearly know, the Nuclear Regulatory Commission (NRC), along with the Environmental Protection Agency (EPA) play key roles in the Federal government with regards to regulating radiation. With this in mind, I wanted to bring to your attention a recent General Accounting Office (GAO) report that raises a number of important issues.

The report "Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RED-94-190)" examines the existing set of radiation protection standards and analyzes whether these standards provide a coherent, complete, federal framework for public protection. The report describes a federal regulatory regime for radiation that is inconsistent, overlapping and incomplete. The GAO finds large disparities in the standards established by different agencies and no consensus emerging on what those standards should be. In fact, GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these agree numerically, but others differ.

Over the years I have chaired numerous Governmental Affairs Committee hearings and made several legislative proposals which address this issue. For example, in response to legislation I introduced in 1979, President Carter created a federal radiation policy council. While this organization was disbanded by President Reagan, the problems it was intended to address did not go away. I then introduced legislation in 1982 which would have created an interagency council to address the fragmented and inconsistent nature of radiation protection regulation. This proposal spurred the creation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). Since the mid-80's I have chaired hearings which have highlighted similar problems with the regulation of medical radiation, as well as the impact of inconsistent radiation protection guidance on federal facility cleanup operations.

The GAO report points out—and I would like to underscore—the progress that has recently been made between EPA and the NRC concerning the recent Memorandum of Understanding on this subject. I congratulate you and your staff for the leadership you have displayed thus far, and strongly encourage you to expand this effort into a government-wide exercise in coordination and harmonization of radiation exposure standards and regulations.

I concur with the GAO's recommendation that the EPA should take the lead in creating coherent, consistent standards in cooperation with other agencies and CIRRPC. A coherent federal approach to these issues is long overdue. By rationalizing this important area of regulation, the EPA could ease the burden on the regulated community while at the same time enhancing public protection and public confidence. The NRC, however, as the federal agency with the most relevant and diverse experience in regulating radiation must provide crucial technical assistance and policy guidance based on your experience in this complex field.

However, past history has proven that initial progress on this subject can easily become ensnared in interagency disputes and bureaucratic infighting. For this reason, I would request that, prior to the date the 104th Congress convenes, EPA and NRC, in coordination with CIRRPC, develop a plan for a "path forward" to address the inconsistencies, gaps, and overlaps in current radiation protection standards. This plan should clearly identify and prioritize the standards and issues which need to be resolved. The plan should also identify feasible milestones on which there is consensus agreement for progress to move forward. Should the EPA, in coordination with CIRRPC, the NRC and other agencies, prove unable to develop and implement such a plan, I will strongly consider introducing legislation to create an interagency body which would be mandated to produce and carry out this plan.

I appreciate your past and ongoing efforts in this very important area, and I am willing to assist future activity in any way that I can. Should you have any questions, please do not hesitate to contact me directly. My staff contact on the Governmental Affairs Committee is Chris Kline (202) 224-7954.

Best regards.

Sincerely,

JOHN GLENN,
Chairman.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

JOHN H. GIBBONS,
Director, Office of Science and Technology Policy, Washington, DC.

DEAR MR. GIBBONS: Since coming to the Senate, I have maintained a keen interest in protecting our citizens from unnecessary exposure to ionizing radiation. Radiation protection standards affect all Americans, and directly influence the way that billions of taxpayer dollars are spent as we attempt to clean up contaminated Federal facilities.

Historically, the federal government's program of standards and regulations for radiation exposure have been fragmented, overlapping, and poorly coordinated. In 1979 and 1982 I introduced legislation to address this situation that later prompted the creation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) which was chartered under the Federal Coordinating Council for Science, Engineering and Technology, Office of Science and Technology Policy. CIRRPC currently reports to the National Science and Technology Committee's Committee on Health, Safety & Food R&D.

In light of CIRRPC's role as a coordinating body for federal radiation policy, I want to bring to your attention a recent General Accounting Office (GAO) report on the current status of federal radiation policy coordination. In its report, "Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RCED-94-190)," GAO finds that despite some initial efforts at coordination between the EPA and NRC, the federal program for regulating radiation risks is characterized by "ongoing disagreements on jurisdictional and philosophical issues, including protective strategies. Also, in recent years EPA and CIRRPC have coordinated federal radiation policy ineffectively."

The GAO recommends that EPA and NRC expand on their recent coordinating activities to include the effective participation of other agencies and CIRRPC in pursuing interagency consensus on radiation policy. I have asked that the EPA take the lead in implementing this recommendation and report to me on its plans within 90 days. I want to encourage CIRRPC to assist in this endeavor.

Should EPA, in coordination with CIRRPC and other agencies, be unable to develop and implement such a plan, I will strongly consider introducing legislation to create an interagency body with the mandate to produce and carry out this mission.

A coherent federal approach to these issues is long overdue. By helping to rationalize this important area of regulation, the CIRRPC could lighten the regulatory burden on the regulated community while at the same time enhancing public protection and public confidence. Another important benefit likely to spring from a coherent, consistent federal radiation protection policy is reduced cost to the taxpayer for the cleanup of contaminated federal facilities.

I would appreciate learning of your plans for improving CIRRPC's effectiveness, as well as any other proposals you may have for addressing the issues raised by the GAO. Please do not hesitate to contact me directly should you wish to discuss this matter. My Governmental Affairs Committee staff contact is Chris Kline (202) 224-7954.

Best regards.

Sincerely,

JOHN GLENN,
Chairman.

(Mr. CRAIG assumed the chair.)

Mr. GLENN. Mr. President, I would note that a regulatory moratorium does none of these things. A regulatory moratorium doesn't ask for a plan. It doesn't provide for careful analysis of the existing regulatory framework. A regulatory moratorium is a blind and ignorant attempt to address complex issues.

In late January and February of this year, I received the responses from NRC, EPA, and OSTP. As a result of my efforts the current Federal radiation protection framework is being restructured. The previous coordinating body, the Committee on Interagency Radiation Research and Policy Coordination is being disbanded. While CIRRPC has had some success in addressing some issues, it was widely viewed as being ineffective.

In its place, the National Science and Technology Council, chaired by Dr. Gibbons, has formed a subcommittee to coordinate interagency radiation research activities. This move will more effectively integrate radiation research into the rest of the Federal R&D effort.

I ask unanimous consent to have printed letters concerning this.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, Feb. 10, 1995.

DR. ALVIN L. YOUNG,
Chairman, Committee on Interagency Radiation Research and Policy Coordination, Washington, DC.

DEAR DR. YOUNG: Thank you for your letter of December 2 regarding the future of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). We owe you a great debt of gratitude for your outstanding service over the years and accept your decision to resign as chairman of the committee.

For a number of years CIRRPC has successfully complemented radiation research and policy activities of the Federal agencies. Under your able leadership CIRRPC has produced a number of highly referenced documents and provided a forum for the resolution of often contentious policy and scientific issues. However, a number of factors have led to a recent examination of CIRRPC as the appropriate body to coordinate radiation matters among agencies, evaluate radiation research and provide advice on the formulation of radiation policies. The creation of the National Science and Technology Council (NSTC) as the Administration's mechanism for addressing interagency science and technology issues, the October 1994 General Accounting Office report on nuclear health and safety, and our efforts to create a government that works better and costs less are some of those factors.

The NSTC Committee on Health, Safety and Food (CHSF) leadership has reviewed CIRRPC's role in relation to the charter and the factors described above and recommended that CIRRPC phase out its activities. I have accepted this recommendation with the understanding the CHSF will establish a new subcommittee to coordinate interagency radiation research activities in accordance with the NSTC roles and responsibilities. Accordingly, the CIRRPC charter will not be renewed.

I want to thank you for your unwavering commitment and leadership over the past decade in the interagency radiation research and policy environs. You clearly have played a critical role in CIRRPC's many successes, and I commend you for your work and dedication.

Sincerely,

JOHN H. GIBBONS,
Assistant to the President for Science and Technology.

THE WHITE HOUSE,
Washington, Feb. 24, 1995.

Hon. JOHN GLENN,
Washington, DC.

DEAR SENATOR GLENN: This letter is to update you on the actions that have been taken since your October 27, 1994 letter regarding the GAO report, "Consensus on Acceptable Radiation Risk to the Public is Lacking."

Office of Science and Technology Policy (OSTP) representatives met with the Environmental Protection Agency (EPA), the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE), and with your Governmental Affairs Committee staff to explore better mechanisms to coordinate radiation standards and radiation effects research activities among Federal agencies.

I would like to summarize the results of these discussions. The Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) has undergone a review by its parent committee, the Committee on Health, Safety, and Food (CHSF) of the National Science and Technology Council

(NSTC). For over a decade, CIRRPC has coordinated radiation related matters among agencies, evaluated radiation research, and provided advice on the formulation of radiation policies. As a result of the CHSF review, I have decided that CIRRPC's charter will not be renewed. I believe there are more effective and less costly ways of coordinating radiation issues and activities and that we have some excellent mechanisms in place which, with minor reconfiguration, can better achieve national goals.

First, EPA and NRC agreed to expand the scope of the present Interagency Steering Committee on Radiation Clean-up Standards, which currently includes EPA, NRC, DOE and the Department of Defense (DoD). The Steering Committee will immediately begin to develop a consensus on how to address the issues cited in the GAO report, including acceptable radiation risk to the public, the establishment of consistent risk assessment and management approaches, and completeness and uniformity in radiation standards and methods of public education on radiation safety. The Steering Committee will report its progress to OSTP, the Office of Management and Budget (OMB), and to agency heads.

Second, since many of the issues involve "risk assessment" in the promulgation of Federal regulations, the Interagency Steering Committee referenced above will bring to the Subcommittee on Risk Analysis those regulatory issues that require review by the senior level of government. I chair the Subcommittee on Risk Analysis which is under the Regulatory Working Group chaired by Sally Katzen of OMB.

Finally, the CHSF will establish a new subcommittee to be charged with coordinating interagency radiation effects research activities across the Federal agencies. This body will provide advice on the needs and priorities of radiation effects research.

EPA and NRC have shared with us their responses to your October 27 correspondence on this same matter. I am encouraged by their efforts to coordinate radiation activities, particularly the development of an EPA/NRC joint risk harmonization white paper.

I deeply appreciate your interest in radiation issues and believe that the recent events, which you have helped promote, will provide better and more effective coordination in the years to come.

Sincerely,

JOHN H. GIBBONS,
Assistant to the President for Science and Technology.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 27, 1995.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR MR. GLENN: I am responding on behalf of the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) to your letters dated October 27, 1994, concerning the Federal government's responsibility to protect the public from ionizing radiation. Your letters discussed the recent General Accounting Office (GAO) report on this subject, "Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (GAO/RCED-94-190), and requested that EPA and NRC, in coordination with the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) develop a plan, prior to the date the 104th Congress convenes, for a "path forward" to address inconsistencies, gaps, and overlaps in current radiation protection standards.

The GAO report combines 26 radiation-related standards or guidelines into three categories: (1) general public, (2) source—(or media-) specific, and (3) occupational. It also identifies differences in "estimated lifetime risks" to members of the public, as well as gaps and overlaps among the standards making up categories 1 and 2. Such inconsistencies are explainable in part by legal mandates, regulatory responsibilities, and varied technical assumptions underlying each of the standards (see attachment). However, we recognize the need for more coherent, complete, and consistent radiation standards, as well as a clear communication of these standards throughout agencies and to the general public.

The report note several ongoing efforts by EPA and NRC to resolve many of these issues. For example, EPA has led an interagency effort to develop and coordinate federal radiation cleanup standards for contaminate sites. The effort has been overseen by the Interagency Steering Committee on Radiation Cleanup Standards composed of senior agency managers. NRC has closely coordinated with EPA in developing standards for the decommissioning of NRC-licensed facilities.

Also, on December 23, 1994 EPA proposed new federal radiation protection guidance for the public. This guidance has been developed with the help of a working group composed of representatives from 13 federal agencies and a representative of the Conference of Radiation Control Program Directors (CRCPD).

Finally, the report cited a Memorandum of Understanding (MOU) signed by EPA and NRC in 1992. The MOU provides a formal mechanism for agency cooperation on issues relating to environmental regulation of radionuclides subject to NRC licensing authority. Among other things, the MOU committed the agencies to "actively explore ways to harmonize risk goals" and "avoid unnecessary duplicative or piecemeal regulatory requirements for NRC licensees, consistent with the legal responsibilities of the two agencies[.]"

Pursuant to the MOU, EPA and NRC are developing a joint Risk Harmonization White Paper which outlines the similarities and differences in the agencies' approaches to radiation risk assessment and risk management. NRC and EPA are currently reviewing a drafting of this paper with other federal agencies involved in enhancing the consistency of federal radiation protection standards. Based on the findings of this white paper, the agencies plan to develop a specific set of actions.

EPA and NRC have also been working to eliminate unnecessary regulatory duplication. For example, on July 15, 1994, EPA published a final rule rescinding its Clean Air Act (CAA) standards (40 CFR 61, subpart T) for NRC-licensed uranium mill tailings disposal sites after the regulations under the Atomic Energy Act (AEA) were revised to conform with the CAA standard. EPA has proposed to rescind the CAA standard for nuclear power reactors (40 CFR 61, subpart I) and intends to issue a final rescission soon. For NRC-licensed facilities other than nuclear power reactors, EPA and NRC have just resolved a key issue and expect to agree soon on a process to rescind subpart I for this category as well. In each case, rescission will be based on a determination by EPA that the NRC program provides an ample margin of safety to protect public health.

There has also been a considerable amount of cooperation between EPA and the Department of Energy (DOE) on radiation protection issues. DOE has and continues to work actively with EPA in such areas as EPA's radiation cleanup standards, federal radiation protection guidance for workers and the general public, CAA radionuclide standards, radiation dose and risk assessment models, and in the development of DOE implementing Orders and rules for radiation under the AEA.

The GAO report recommended that EPA, in cooperation with NRC, take the lead in sustaining and broadening the ongoing EPA-NRC harmonization effort to include the effective participation of other agencies. Your letter underscored this recommendation and requested the development of a plan to address the inconsistencies, gaps, and overlaps in the standards.

As stated in our preliminary response to your letter on November 8, 1994, we welcome your request and agree that more effective federal leadership in radiation policy is needed. We also accept GAO's recommendation that EPA take the initiative in addressing the deficiencies in federal radiation standards. We are taking steps to broaden our ongoing harmonization efforts with the NRC to include senior-level participation from other agencies as part of our "path forward." We have already begun to coordinate this effort with the Office of Science and Technology Policy (OSTP) and the Committee on Health, Safety, and Food (CHSF).

Accordingly, the plan EPA proposes is to continue the efforts of EPA and NRC that are effective and that were cited by GAO; to expand the scope of the Interagency Steering Committee on Radiation Cleanup Standards to include review of other radiation standards; and to select and prioritize new issues for coordination. The committee is an appropriate existing body that can effectively address uniformity of all radiation protection standards. Its membership includes senior level agency representatives from NRC, DOE, EPA, and the Department of Defense (DOD). We also believe there is a need for public information on radiation protection and have incorporated this into our plan.

More specifically, the plan includes the following:

1. Continue to develop the Federal Radiation Protection Guidance for the General Public.

Reach a consensus on how much radiation risk to the public is acceptable.

Hold public hearings on proposed Federal Radiation Protection Guidance for Exposure of the General Public on February 22–24, 1995.

Explore approaches to provide information to the public concerning radiation exposure.

Finalize recommendations on the guidance for the President's approval by January 1, 1996.

2. Complete the draft NRC-EPA Risk Harmonization White Paper.

Complete a coordinated EPA review of the draft white paper by June 1, 1995 and add a description of NRC's and EPA's approaches to selecting acceptable risk standards and dose limits and a discussion of the extent to which the agencies may be subject to legislative constraints which inhibit greater risk harmonization.

Conduct a review of the draft white paper by involved agencies including OSTP by June 1, 1995.

Develop a set of actions based on interagency review of the draft white paper and submit the proposed actions for approval by the Administrator and Commission by September 30, 1995.

3. Based on the white paper, explore development of consistent risk assessment and risk management approaches to ensure consistency of radiation standards and sufficient protection of the public.

Begin implementation of actions developed from the white paper after interagency review and approval by November 30, 1995.

Publish interagency consensus tables of nuclide-specific risks from ingestion, inhalation, and direct exposure for uniform federal risk assessments (Federal Guidance Report No. 13) by February 1, 1996.

4. Reduce gaps and conflicting overlaps in radiation standards.

Expand the scope of the current Interagency Steering Committee on Radiation Cleanup Standards to review, prioritize, and reduce the gaps and overlaps in radiation standards in key policy areas including:

CAA regulation of NRC-licensed facilities;

Low-level radioactive waste disposal standards;

Radioactive mixed wastes;

Naturally-occurring and accelerator produced radioactive materials (NARM);

Recycling.

Hold the first meeting of this refocused, senior level steering committee in February 1995.

The Steering Committee will report its progress to agency heads and OSTP within six months.

This proposal has been shared with OSTP and the principal affected federal agencies whose standards were cited in the report, namely, the NRC, DOE, and the Department of Labor (DOL).

EPA and NRC greatly appreciated your concern and efforts to protect the public from radiation and hope that this plan meets with your approval. We thank you for your offer to assist us and look forward to continuing to work with you on this important public issue.

Sincerely yours,

MARY D. NICHOLS,
Assistant Administrator for Air and Radiation.

ATTACHMENT

GAO recognized that the different risks associated by the report with the standards result in part from different technical assumptions. For example, the first high risk standard in category two is the cleanup standard for radium contamination in soil at uranium mill tailings sites. GAO estimated that this standard (both the EPA standard and the corresponding NRC implementing regulation) results in a lifetime risk or 1 in 50, by assuming that an individual resides on land with extensive deposits of soil contaminated at this level. However, this is an unrealistic assumption, and such lifetime risks would not likely occur. Given the actual conditions at the 26 sites to which this standard applies, cleanup to the standard will usually result in essentially total removal of the contamination. When this is taken into account, the maximum risk level is substantially lower and, since these disposal sites are located in sparsely populated, arid regions, the chance of exposure is small.

Further, two of the cited standards (NRC's 1982 low-level radioactive waste (LLW) standards and EPA's 1977 uranium fuel cycle standards) are regulations that use an old methodology to specify dose (which can be related to specific risk levels). This methodology has been superseded by the committed effective dose equivalent (CEDE) methodology used by NRC and EPA in more recent rulemakings (e.g. EPA's 1993 high-level waste disposal standards, draft cleanup and LLW disposal standards, as well as NRC's draft decommissioning standards). Therefore, comparing the estimated risks from these two sets of standards is complicated by the change in dose units and dose assessment methodology. However, a detailed analysis shows that although the two sets of standards are numerically different, they nonetheless provide a similar degree of protection.

The report also recognized that the 26 standards or guidelines (see Appendix II of the report) are indicative of the standards' different regulatory applications and separates them into three categories: (1) general public, source- (or media-) specific, and (3) occupational. It correctly distinguishes between standards applicable to all sources of exposure combined (category 1) and standards that apply only to specific sources or individual pathways (category 2). However, the report fails to emphasize that different (lower) standards for category 2 are generally justified. This is because people may be exposed to several different sources or pathways at the same time. On December 23, 1994, (59 Fed. Reg. 66414) EPA proposed new federal guidance that would bring the existing standards applicable to all sources of exposure combined into conformity, and provide explicit guidance for relating these upper bound limits to the (lower) source- and pathway-specific standards.

The other high risk "standard" cited in the report, EPA's indoor radon action level, is unlike the other examples in the second category because it is not a regulatory standard. Pursuant to the Indoor Radon Abatement Act, EPA uses a nonregulatory approach consisting of a series of action levels indicating the risks associated with different levels of indoor radon and the cost and technological feasibility of reducing radon exposure. Importantly, the Agency does not recommend the cited level as a "safe" or "acceptable" level but emphasizes that, since significant health risk exists below the action level, mitigation of indoor radon is valuable at lower levels.

Therefore, although the radiation protection standards listed in Table 1 (and Appendix II) of the report may initially seem inconsistent, further examination reveals that many do in fact provide a consistent degree of protection or are different for legitimate reasons.

The GAO report also noted that the gaps and overlaps in standards reflect individual legal mandates and independent development by agencies to fulfill their different responsibilities. NRC regulates its licensees under the AEA, for the most part, on a *site-by-site* basis under the "umbrella" of an upper-bound dose limit. This limit is based on international and national recommendations of the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection and Measurements (NCRP). The limit is coupled with the required application of procedures and engineering controls to reduce potential public doses to levels that are as low as is reasonably achievable (ALARA), which almost always results in significant reductions in actual risk levels.

EPA, in its primary role as a standards-setting (rather than licensing) agency under the AEA and other statues, regulates by *class of facility or source, pollutant, or environmental media*. In setting its standards, EPA uses either a risk objective and considers further risk reduction if it is justified by cost/benefit considerations for the class as a whole, or a contaminant goal (often mandated by legislation) and considers technological feasibility, costs, and other factors in determining levels to be achieved in practice. EPA's standards for radionuclides are also significantly influenced by its effort to be consistent with its regulatory policies for chemicals under environmental statutes, most notably the CAA, Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Although the agencies have often worked together successfully, their differing legal mandates and regulatory responsibilities described above have contributed in large part to the gaps and overlaps cited in the report including: (1) radionuclide air emissions from NRC licensees under the CAA, (2) groundwater protection requirements for radionuclides, (3) radioactive mixed wastes, and (4) NARM.

Mr. GLENN. Now, as far as the regulatory agencies—EPA and NRC—are concerned, they still will play the key role in improving the existing radiation protection framework. As part of the administration's plan, EPA and NRC will expand the scope of the present interagency steering committee on radiation cleanup standards to address other radiation issues identified by the GAO, including acceptable radiation risk to the public, the establishment of consistent risk assessment and management approaches, and completeness and uniformity in radiation standard, and public education on radiation safety.

Mr. President, the decision to expand the scope of this interagency steering committee was made because it had been successful in addressing one of the primary problems identified by GAO, inconsistencies in how different agencies approach radiation protection. This steering committee effectively coordinated EPA's proposed radiation cleanup standards with NRC's proposed decontamination and decommissioning standards. As a result, these two major regulatory actions reflect the same risk and protection levels—something that has been notably absent from previous efforts.

Now Mr. President, some people may argue that the proposed EPA and NRC standards go too far, or not far enough. In fact, I have some concerns that these standards may not be enough to protect the public. However, through this interagency steering committee, any changes that might be made to the rules, based on public and scientific input, will be reflected in both rules. At long last we will begin to move away from the illogical situation that has existed for some time which has led to different levels of protection based solely on the agency that is doing the regulating.

Let me make clear, this interagency committee will have the authority to examine the current radiation regulatory framework, recommend ways that it can be improved—including consolidating or eliminating duplicative standards—and then implement their recommendations. Where legislative action may be needed, I am prepared to assist the committee's effort.

Mr. President, I would note that the proposed moratorium would sabotage the progress that has recently been made to coordinate these standards, resulting in delayed cleanup and increased costs.

Mr. President, a number of other rules concerning nuclear safety and public exposure to radiation will be delayed as a result of this moratorium. Let me list these for the information of my colleagues.

Epidemiology and Other Health Studies Financial Assistance Program [10 CFR 602, Final Rule Published Jan. 31, 1995, DOE]. This rule establishes open and competitive procedures for providing financial assistance relating to health studies. These health studies support the Department of Energy's mission to protect the health of DOE and contractor workers, as well as residents living near DOE facilities.

Standards for Nuclear Waste Disposal—primarily for Waste Isolation Pilot Plant in New Mexico—proposed January 31, 1995, EPA. This proposed rule sets standards for transuranic waste disposal, low levels of plutonium among other radionuclides. This guidance has already been delayed for many years and is critical to solving the nuclear waste disposal problem.

Cleanup at Uranium Processing Sites, EPA. This new final rule, issued on January 11, 1995, sets out cost-effective standards for preventing and cleaning up ground water contamination at inactive uranium processing sites. This rule replaces a restrictive and costly interim standard.

Cleanup of NRC-licensed facilities, NRC. This proposed rule provides cleanup criteria for the decontamination and decommissioning of NRC-licensed sites. These criteria include the cleanup and release of these facilities for unrestricted and restricted use. These standards are the ones I referred to earlier which have been developed in coordination with EPA's general standards for radioactive cleanup.

Rulemaking expected by June 30, 1995. Nuclear Safety Management [10 CFR Part 830, DOE]. This action establishes requirements for DOE contractors and subcontractors for ensuring nuclear safety at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the radiological and chemical hazards posed by these facilities.

Mr. President, a moratorium on this last rulemaking would result in delays to long-sought efforts to bring DOE's nuclear facilities closer to commercial standards as far as safety is concerned.

To conclude, I strongly support regulatory reform, and good sense efforts to improve the current system. The unfortunate fact, which the proponents of the moratorium do not seem to fully grasp, is that to improve a regulatory system you must first understand what it is you are trying to fix. A meat ax isn't the way to solve the problem; better to use a scalpel to save this patient.

As I have outlined here today, a responsible regulatory reform effort for radiation issues is currently underway. The proposed moratorium would delay this effort for no good reason. I urge my colleague to oppose this moratorium.

I would summarize by saying a moratorium would bring all of this rulemaking to a stop, and the American people would not get the protection they deserve. And that is what we are debating today.

This goes on to describe some of our efforts on the committee to get that as an exception while the bill was in committee, and we failed. It was a party line vote on E. coli. If there is ever an imminent threat to health and safety, that would be it.

During the committee markup, I submitted an amendment to exempt regulatory actions that would reduce pathogens in meat and poultry. That amendment was rejected. I would like to discuss this important rule to show that the moratorium is indeed both dangerous and arbitrary.

This amendment I offered would address rules to update inspection techniques for meat and poultry and would provide a safeguard against E. coli and other contamination. Mr. Mueller, whose 13-year-old son died from E. coli-contaminated hamburger, testified before the committee on February 22.

He stated:

> I am here to tell you about the dire consequences that would result in enactment of this moratorium. In the fall of 1993, my thirteen year old son died from eating a cheeseburger. A new meat inspection rule which would have prevented his death would be stopped by this legislation.

In January, the U.S. Department of Agriculture released a proposed hazardous analysis critical control point [HACCP] regulation to improve meat and poultry inspection. This rule would mandate rigorous sanitation requirements and scientific testing for bacteria in meat and poultry processing.

Under HACCP, workers regularly monitory hazards in a production system on the basis of risk. They identify risks, they monitor the controls, and they sample end products periodically to check the HACCP process.

Under HACCP, emphasis is placed on the process rather than the end product. Instead of monitoring every carcass for a defect, plant employees will regulatory monitor the processing of carcasses: the temperature of storage areas, the cleanliness of the equipment, or the consistency of carcass washes or other solutions used.

The employees will keep records of their observations. Samples of end products will be tested to make sure that the process is working properly and the Government will review company HACCP records.

HACCP has been endorsed by the United Nations, the World Health Organization, the General Accounting Office, the National Food Processors Association, the National Broiler Council, the American Meat Institute, and the Safe Food Coalition. Ten years ago, the National Academy of Sciences recommended that the USDA adopt HACCP for meat and poultry inspections. Industry petitioned USDA to mandate the program. Now the implementation of HACCP is threatened by this moratorium.

The meat and poultry inspection laws were written in 1906. Federal inspectors are limited to touching, smelling, and visually inspecting carcasses to determine whether they are fit for consumption. We all know that inspectors are not going to find harmful bacteria like E. coli without microscopes and sampling. Clearly, this inspection program should be updated.

As you know, the moratorium bill allows for the President to exempt imminent threats to health and safety. The majority in our committee argued that E. coli and other contaminants in meat and poultry would be an imminent threat to health and safety. We simply do not agree. The meat inspection rules are not emergency rules designed to address an immediately pressing event or disaster. They have been under development for several years now.

Therefore, I and others strongly believed that we should specifically exempt these inspection rules from the moratorium.

We cannot afford to pass a law that would end up with more needless deaths. While we do need to reform our regulatory process, we must not give up our responsibility to protect the public health and safety. As Mr. Mueller stated in his testimony before our committee, "My son paid the ultimate price for eating one of his favorite foods." We have the ability to prevent this from happening again, and we should—by opposing the moratorium all together.

Mr. President, I addressed very briefly a moment ago the subject of airline safety. I will make a few more comments about that.

The lack of thought that went into the moratorium is seen in many ways. Once example is the effort it took to ensure protections for airline safety.

In the House, the supporters of the moratorium resisted all arguments for an exemption for airline safety—in committee and on the floor, where they defeated an amendment that contained an exemption for aircraft safety. At the last minute, however, on the floor, the managers of the bill finally realized what a terrible idea it was, so they accepted an exemption.

In the Senate, the moratorium also contained no exemption for airline safety. Even after the bill was redrafted for our committee markup, the supporters did not think it important enough to protect the traveling public from unsafe aircraft equipment and operations.

Finally, in markup, I offered amendments that the majority could not reject. We exempted:

FAA airworthiness directives—these are rules that govern aircraft safety, such as standards for aircraft engines, wing flap repairs, landing gear brakes, et cetera; and

Commuter airline safety standards—these rules would upgrade standards for commuter airlines to those of major airlines.

Mr. President, I ask unanimous consent to include in the RECORD a letter I received from the Airline Pilots Association describing the urgent need for the commuter airline rules.

Commuter carriers, which operate aircraft with fewer than 30 seats, represent one of the fastest growing segments of the U.S. airline market and often dominate airline service to many medium-sized cities and rural areas. This set of rules would require pilots on small commuter aircraft to go through the same training as pilots of the large carriers. The rules will also increase crew flight and rest requirements.

These rules were issued on Friday as proposed rules, and the new rules are supported by both the Regional Airline Association and the Air Line Pilots Association.

The proposed rules will be available for public comment for 90 days. I am sure that some will find provisions to object to, and I am sure that the FAA will make changes. Given the projected cost of these rules—over $275 million—I am also confident that OMB will use its Executive order powers to ensure that the rules are supported by a cost benefit analysis.

This is how the process should work—rules to protect the public from harm or to serve some other purpose are proposed, made available for comment, analyzed, reviewed and discussed. This is government working.

I believe the regulatory process needs reform. I've said that many times now. But, these air safety rules just prove my point about the moratorium. Does the American public want Government shut down, while some in Congress talk about reform, or do they want Government to try to make good decisions and protect them from harm, while we do our job of reform?

That is the issue. Let us work together to reform the regulatory process—which is what we have been doing in the Governmental Affairs Committee. Let us not waste time fighting over important protections that all agree save lives.

Mr. President, I ask unanimous consent that a letter I received from the Airline Pilots Association describing the urgent need for these commuter airline rules be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AIR LINE PILOTS ASSOCIATION,
March 8, 1995.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GLENN: It is my understanding that during the committee's deliberations on S. 219, a bill to establish a moratorium on federal rulemaking, that you will offer an amendment to exempt proposed rules that the Department of Transportation and the Federal Aviation Administration plan to issue later this month which would bring commuter airlines up to the same safety standards as the larger carriers. On behalf of the 42,000 members of the Air Line Pilots Association, I wish to express our strong support for this amendment and urge its adoption.

The Air Line Pilots Association has long advocated "One Level of Safety" for all U.S. scheduled airline service. These proposed rules were not developed in a vacuum. Many of them have been pending for years and have already undergone intensive review and analysis. Some originated with recommendations from the National Transportation Safety Board. In addition, because of the spate of accidents last year, Secretary Peña, convened a two-day safety conference in January, where hundreds of representatives from industry and government worked together to develop the top 70 priorities for increased air safety. ALPA was deeply involved in this process and we believe the regulations that will be put forward later this month will go a long way on the road toward the goal of "Zero Accidents." Now is not the time to delay, it is the time to proceed.

ALPA understands and agrees with the goals of eliminating burdensome, costly regulations and to bring common sense into rulemaking. However, safety should not be compromised in the process. The traveling public should not have to wait for a fatal accident before the government acts. We should be in the business of preventing accidents rather than responding to them.

I strongly urge that the committee adopt your amendment and allow these much needed safety regulations to go forward.

Sincerely,
J. RANDOLPH BABBITT,
President.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes 54 seconds remaining.

Mr. GLENN. Mr. President, we could go on for a number of hours here reading all of these things, but I think I have made my point. I hope today we could agree that a straight moratorium, as proposed by S. 219, which is the bill we are debating here today—the substitute has not been laid down yet, and H.R. 450, its companion piece over in the House—is indeed ill thought out, ill considered, and bad for America and the American people, American business and industry.

In what time I have remaining I would like to just read a short table of contents of different regulations. Some of these have several regulations that would be held up if we passed this moratorium legislation. All of these have some beneficial effect on the American public, or in particular businesses or industries.

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Mr. President, I read all these to show the diverse nature of what we are dealing with here. This is not some little minor matter. It affects all businesses and industries. A moratorium would affect health and safety for this country and all of our people. I go on at this length today talking about these things because H.R. 450 has already passed over in the House. When we go to conference, we will be dealing with all these things I mentioned today and more. We have not even listed all the impacts of what this moratorium would do.

I realize tomorrow we will have the Nickles-Reid substitute for this, which provides for legislative veto. I have favored legislative veto. But I do not want to see it combined in conference with some of the things I have mentioned here today, which go too far and which I think never should have been proposed to begin with.

Our status on regulatory reform is this: We have passed regulatory reform out of the Governmental Affairs Committee. It is a good bill. Senator ROTH deserves a lot of credit for bringing that bill to the floor and making it a good, tough, solid bill. We should not be just picking little bits and pieces, such as a legislative veto, out of that bill. Those are parts of that bigger bill, and it is voted out now. It will be ready for floor action shortly. I see no reason why we should be picking out pieces of it for separate legislation unless the intent is to go to conference with the House and come back with something that goes part way toward what the House has done with H.R. 450 and which has been proposed here in the Senate with S. 219.

The President last September issued a directive to all Government agencies and departments to go through all rules and regulations and come up with a sweeping proposal for correcting the problems we have with the rules and regulations in effect now—all of them.

That will be with us on the 1st of June. They have committed to having it to us on the 1st of June. So this legislation just makes little sense to me. We will have the President's proposals before us on the 1st of June, which is just about 30 working days from now if you take out the Easter break period. We will be able to take up those considerations along with regulatory reform and not even try to do something where we go to conference with the House on their moratorium bill.

I may have more to say on this subject tomorrow. We will be looking forward to the proposal I know the distinguished Senator from Oklahoma is going to make tomorrow. But I hope we could get ahead with regulatory reform on a broad front and not just on this narrow issue of legislative veto. If we make it something that has to be conferenced with the House, as I see it, we can only lose.

If we go over to the House with this and we say it is this or nothing, the House is liable to not agree with that. I do not know where we go from there with compromise, which is usually the way we get by our conferences.

So, Mr. President, we will have more to say on this tomorrow, I am sure. I have asked for extensive things to be put in the RECORD today, I realize. But I think it is so important because, as the minority leader said a little while ago here on the floor, the moratorium is dead. If it is not, it should be. We want to make sure that it is.

As for the legislative veto, we may be able to vote on that tomorrow. I do not know. If we can say the moratorium is dead and regulatory or legislative veto is what we are really going to stick with, and we are not going to come back with something that accommodates the House, then I think legislative veto may be the way we all want to go. We might even get a unanimous vote tomorrow. I do not know.

I thank the Chair. I look forward to more debate on this subject tomorrow.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have just a couple of very brief comments.

How much time remains on our side?

The PRESIDING OFFICER. The Senator has 70 minutes and 20 seconds.

Mr. NICKLES. It will be my intention to yield most of that time in just a few moments.

Mr. President, after listening to the long list of regulations that are so important and so effective, I wonder how we could be safer with big Government doing so many wonderful things for us and saving so many lives. When you listen to the litany of regulations affecting everything, all the way down to safety zones for America's Cup—I did not know we had regulations dealing with safety zones for America's Cup, but I am sure they will be a lot safer. But I hasten to add that the bill that was before us only applied to regulations that had significant economic impact. So the moratorium that passed out of the Governmental Affairs Committee would not have limited the regulations dealing with safety zones for America's Cup. It would have had no impact on them. As a matter of fact, most of the regulations that were mentioned would not have been impacted by the legislation that was reported out of the Governmental Affairs Committee because the committee decided to only impact significant regulations.

I have heard a couple of my colleagues say the moratorium bill is dead. But I should mention that the bill that Senator REID and I are pushing has a moratorium on significant regulations for 45 days to give Congress a chance to review them, and maybe a chance to repeal them. So there is a moratorium on significant regulations, just as there is a moratorium that passed out of the Governmental Affairs Committee. The Governmental Affairs Committee moratorium would last until we pass a comprehensive bill. We may pass a comprehensive bill in 45 days and have it signed by the President. Or it could last until the end of the year. I make mention of that.

I think when people said there is no moratorium, actually we have a moratorium on significant regulations. That is what was in the bill that was passed out of the Governmental Affairs Committee. But we have it for different purposes. In the bill that passed out of the Governmental Affairs Committee, it said we would exempt the small regulations and then the President could exempt. The moratorium would only apply to significant regulations, and then the President had lots of exceptions, A through H in exceptions, that the President could determine would be exempt. My thought was that they ended up with almost no regulations covered.

The substitute that Senator REID and I will be pushing allows Congress to review all regulations. It is not just the significant ones that we are able to review for all regulations. Hopefully, Congress will do that. Hopefully, Congress will do a better job. We may even have the opportunity to review the safety zones for America's Cup. I do not know why I am intrigued by that. But I did not know the Federal Government had to be involved in making safety zones for America's Cup. You would think that they would be quite able to do that without the big hand of Federal Government. Maybe that is necessary. I am not sure.

But I see my friend and colleague from Rhode Island. Mr. President, it is my intention to yield back the remainder of the time shortly after Senator CHAFEE's comments.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished senior Senator from Oklahoma for the time he has given me. My comments will not be too long.

Mr. President, tomorrow the Senator will vote on an amendment by the Senators from Oklahoma and Nevada; that is, a complete substitute to the moratorium bill that is currently before us in the Senate. When we take that action, the Senate will be on record in opposition to a 1-year moratorium. Will they be for a moratorium? Yes. But it is a 45-day moratorium, as the Senator from Oklahoma pointed out, solely applying to what are defined as significant regulations.

But this concern that I have is when the Reid-Nickles substitute goes to conference with the House bill, that some version of the moratorium incorporated in the House bill will come back from that conference. The moratorium in the House bill applies to all regulations, and it is for a year.

I share the concern that others have voiced that the legislation that comes back from the House will include some significant moratorium, or let us say 6 months, or maybe even a year. I would vigorously oppose a conference report if it included that type of moratorium.

There are many other problems with the House-passed bill. First, the House bill makes no distinction between good regulations that are needed and poor regulations that are poorly designed and unneeded.

For instance, the Senator from Michigan has mentioned the rules-setting quality standards for bottled drinking water which are to be issued by the Food and Drug Administration this coming April, next month. These rules would be blocked by the House bill. The bottled water industry actually wants these rules to restore consumer confidence. They have been urging FDA action, the Food and Drug Administration action, for years, but they would be blocked by the House bill. The proponents in the House would say President has the power to exempt rules like that for bottled drinking water because they are needed to address an imminent threat to public health and safety. But it is hard to believe that the bottled water industry would want the President of the United States to declare that their product represents an imminent threat to health and to the people of the United States before this rule could be issued.

There are many other regulations that are supported by the regulated community that would be suspended by the House bill. For example, last December, EPA, the Environmental Protection Agency, and the Fish and Wildlife Service, issued a rule that resolves a 20-year dispute between agriculture interests, the cities, and environmentalists over waters discharged into the San Francisco Bay. This comes under the Clean Water Act. Reaching an agreement involving all those California interests was some accomplishment. Even though all the affected interests now support the agreement, it would be set aside for a year under the House bill. As a result, sensitive wetland resources in the San Francisco Bay area would experience further damage for no good reason.

One frequently heard argument for the House moratorium of 1 year is the need to establish new procedures for development and review of major regulations. What we need, the reason we have to have this year's waiver, is we need some new approaches. We have to have a cost-benefit analysis and risk assessment. But most major rules already use those tools. There are many regulations that are necessary to protect health, safety, and the environment that have been designed by using cost-benefit analyses and risk assessments. These would be needlessly delayed by the moratorium.

For example, in February, the U.S. Department of Agriculture proposed changes to meat and poultry inspections to prevent life-threatening infections. The science supporting that regulation is not going to be different between now and next year. They are already using risk assessment and cost-benefit analyses. Yet, that rule would be set aside. There is a possibility of more lives being endangered in the interim.

Those on the other side supporting the House measure would say, "Oh, well. Those foods currently represent an imminent threat to health, and the President could, therefore, exempt them from the delay." But that action by the President of the United States could be challenged in court and in the House bill. There is judicial review in the House bill. Thus, they could be held up for a considerable time.

Another major concern with the House bill that has not been discussed here on the floor is the impact of the moratorium on the efforts by the States to carry out the Clean Air Act and other laws. Let me explain. The way the Clean Air Act works is State plans to reduce smog and carbon monoxide pollution must be promulgated as Federal regulations before they become effective. In other words, the State comes up with a plan, files a plan, and the EPA then issues the regulations. But it is the Federal Government that issues the regulations. EPA actually proposes the State plan in the Federal Register.

What the EPA does is take what the States have given them, puts it in the Federal Register, considers comments and then promulgates the State plan as a Federal rule. States have been working for 4 years to develop new plans under the 1990 amendments to the Clean Air Act. Just as they are completing this difficult job, the House bill would impose a year-long recess on their efforts. These are plans, mind you, that are written by the States, and they are going to be delayed.

Now, what is the purpose of all that? The House moratorium is also retroactive. It repeals regulations already in effect only to reinstate them at a later time, a year from now. This is going to cause a lot of confusion in the regulated community and actually can impose some very unfair costs on some industries.

Example: Under the moratorium bill passed by the House, the Clean Air Act program for reformulated gasolines that became effective last January 1 would be suspended, which would cost the oil companies that are complying with this rule tens of millions of dollars as noncomplying gasoline, nonreformulated gasoline would be allowed to enter into the reformulated market areas. Now, perhaps this will surprise some.

By the way, this is not some kookie regulation dreamed up by a bunch of tree huggers from EPA. Reformulated gasoline is a requirement of the Clean Air Act that was added to the law by an amendment on the floor sponsored by the two leaders, the current Democratic and current Republican leader; namely, Senators DOLE and DASCHLE. That came when the Clean Air Act amendments were before the Senate in 1990. The regulation went into effect last January 1. But that is during the period covered by the House moratorium. So the requirement would be suspended.

The oil companies subject to the regulation have built up stocks of millions of gallons of reformulated gasoline to meet the demand in their markets. Information from the Congressional Research Service indicates the oil industry now has 1.85 billion—that is not million, that is billion, B as in billion—gallons of reformulated gasoline in storage right now.

If the House moratorium bill should be enacted, the reformulated gasoline requirement would be suspended and cheaper conventional gasoline could be brought into those markets. The oil companies that are complying with the law could probably still sell their reformulated gasoline. Sure, they could sell it, but they would have to obviously do it at the price of conventional gasoline, which is some 3 cents a gallon less expensive because of the costs that have gone into making the reformulated gasoline. So that will be a loss of about $55 million—$55 million—if the House moratorium were enacted.

Mr. President, my vote on the final bill will, of course, depend upon the amendments that might be offered and adopted during the course of this debate. But I did want to join with others to express my grave concerns about the House moratorium bill. Should I vote for this bill later this week, I would oppose any report that came back from the conference with a regulatory moratorium, that is, a year, 6 months, something to that effect, which is quite different from the 45-day delay that is in this legislation here before us.

I thank the Chair.

Mr. NICKLES. Mr. President, I know of no other Senators who wish to speak on this issue. So I will yield back the remainder of our time.

MORNING BUSINESS

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the impression simply will not go away; the enormous Federal debt greatly resembles the energizer bunny on television. The Federal debt keeps going and going and going—always at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game, when they go home to campaign about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted for one bloated spending bill after another during the 103d Congress, which could have been a primary factor in the new configuration of U.S. Senators as a result of last November's elections.

In any event, Mr. President, as of Friday, March 24, at the close of business, the total Federal debt stood—down to the penny—at exactly $4,846,988,457,046.59 or $18,399.25 per person.

The lawyers have a Latin expression which they use frequently—"res ipra loquitur"—"the thing speaks for itself." Indeed it does.

TRIBUTE TO GOVERNOR MIKE O'CALLAGHAN

Mr. REID. Mr. President, today, I rise as a matter of personal privilege to share with the Senate a Nevadan whose life is a role model for all Americans. This man, Mike O'Callaghan, has not only had an impact on me personally, but also the State of Nevada, our country, and many parts of the world. Mike O'Callaghan is a man of unbridled energy who has had an enviable and remarkable career as a war hero, an educator, a public servant, a distinguished State Governor, a newspaper editor and publisher, and a citizen of the world.

I first met Mike O'Callaghan in 1956 when he began teaching U.S. Government classes at Basic High School in Henderson, NV. He had been decorated as a marine in the Korean conflict and was awarded 2 Purple Hearts, a Bronze Star with valor, and a Silver Star for heroism. Unfortunately, he had also lost a leg in battle, but he never used that injury as an excuse.

I learned a lot about government from Mr. O'Callaghan, but I learned more about life. He was my boxing coach, my adviser, my mentor, and my friend. And he was largely responsible for helping me obtain scholarships and personally assisting me with money to go to college.

This was not unusual, for Mr. O'Callaghan took an active interest in all of his students and pushed all of them to do their best. We stood in awe of him, we feared him, and we deeply respected him, and all of us students were better because of him.

While I was away in college and law school, Mike continued working for others as Las Vegas chief probation officer and as Nevada's first director of health and human services. He also worked in various capacities in the Federal service including being a program management director at Job Corps and also leading region 9 of the Office of Emergency Preparedness, the predecessor to the Federal Emergency Management Agency.

In 1970, as a distinct underdog, he ran for Governor of Nevada and in one of the State's biggest upsets, he was elected chief executive of the State. That same year, I was fortunate to have been elected Lieutenant Governor. Once again, Mike O'Callaghan took me under his wing as my mentor and teacher. He guided the State through turbulent times and provided the kind of leadership that only one of his strength and determination could.

After leaving the Governor's mansion, Mike O'Callaghan returned to the private sector but he never left public life. He became editor of the Las Vegas Sun, and as publisher of the Henderson Home News and the Boulder City News, Governor O'Callaghan has been a staunch advocate for working people, for families, and for the community. He upholds the great principle that "The vital measure of a newspaper is not its size, but its spirit—that is, its responsibility to report the news fully, accurately and fairly."

In addition, Governor O'Callaghan has worked tirelessly to help those in underdeveloped countries to be more democratic and economically viable. He has served as a peace negotiator in Central America, monitored elections in Iraq, and facilitated distribution of food and humanitarian supplies all over the world. Whether it is working with Mosquito Indians in Nicaragua, refugees in Iraq, or impoverished residents of Mexico, Mike O'Callaghan has indeed proven himself to be a citizen of the world, and he has been revered everywhere he has traveled.

But his best work in a foreign land has been his assistance to the people of Israel. From his role as a tank mechanic to his position of cabinet adviser, the people of Israel have always benefited from his involvement.

I am proud to have Mike as my friend and he continues to be my teacher. He and his wife, Carolyn, and their five wonderful children have made Nevada a better place for all of us who live there. They have given much more than they will ever get in return. In fact, Mike O'Callaghan's most noteworthy contribution to me has been the example he has set as a father and grandfather.

On April 2, 1995, Governor O'Callaghan will be honored by Hadassah for his unceasing efforts on behalf of others. I want the entire country to know of Mike's achievement and to join those of us in Nevada in paying tribute to this great leader.

MEASURES PLACED ON THE CALENDAR

The following bills, previously received from the House, were read the first and second times by unanimous consent and placed on the calendar:

H.R. 421. An act to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes; and

H.R. 517. An act to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-51. A resolution adopted by the Assembly of the Municipality of Florida, Puerto Rico relative to nuclear devices; to the Committee on Energy and Natural Resources.

POM-52. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Energy and Natural Resources.

"LEGISLATIVE RESOLUTION 49

"Whereas, the Clinton Administration and the Congress of the United States are considering proposals to sell the five federal power marketing administrations, including the Western Area Power Administration, in order to fund a tax cut for middle-income Americans; and

"Whereas, Nebraska's publicly-owned electric utilities receive a low-cost hydroelectric power from federal dams operated by the Western Area Power Administration, the University of Nebraska receives approximately eighty percent of its power from the Western Area Power Administration, and the privatization of the Western Area Power Administration will significantly increase wholesale power costs for electric utilities statewide which will result in increased rates for Nebraska ratepayers; and

"Whereas, Nebraska is the only all-public-power state in the nation, with Nebraska's electric utilities offering rates among the lowest ten percent in the nation, and selling the Western Area Power Administration will lessen this rate advantage which will detrimentally impact economic development in

Nebraska and will also burden the existing agriculture and business industry in Nebraska, including the fact that a portion of the federal hydropower allocated to Nebraska is specifically designated for irrigation; and

"Whereas, the Nebraska Power Association has estimated that this proposal could cost Nebraska ratepayers more than fifty million dollars annually, the proposal is unnecessary and burdensome, and the ratepayers purchasing electricity through the Western Area Power Administration have repaid a major part of the original investment with interest; now, therefore, be it

"*Resolved by the members of the Ninety-fourth Legislature of Nebraska, first session:*

"1. That the Legislature opposes the sale, transfer, exchange, lease, or other disposition of the Western Area Power Administration due to the significant fiscal impact such a sale would have on Nebraska ratepayers.

"2. That the Clerk of the Legislature transmit a copy of this resolution to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Nebraska delegation to the Congress of the United States."

POM-53. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Energy and Natural Resources.

"ENROLLED JOINT RESOLUTION NO. 3, SENATE

"Whereas, the Federal Energy Regulatory Commission has prepared an environmental impact statement analysis for the Altamont Natural Gas Pipeline; and

"Whereas, the Altamont Natural Gas Pipeline will have a significant adverse economic impact upon the employment and service-related sectors of certain areas of the state of Wyoming; and

"Whereas, the adverse economic impact will affect local, county and Wyoming state government; and

"Whereas, the Altamont Natural Gas Pipeline will also have an adverse effect upon natural gas producers in this state since the pipeline will carry natural gas produced in Canada and will carry such gas into an already declining market; and

"Whereas, the pipeline may have adverse impacts upon historical resources in South Pass; Now, therefore, be it

"*Resolved by the members of the Legislature of the State of Wyoming:*

"Section 1. That Congress direct the Federal Energy Regulatory Commission to reconsider in its final environmental impact statement the socioeconomic impacts arising from construction of the pipeline and the adverse economic impacts and resultant effects upon the employment, government and natural gas industry in this state caused by importation of natural gas from Canada.

"Section 2. That Congress direct the Secretary of the Interior to prevent issuance by the Bureau of Land management of the required right-of-way grant across public lands in Wyoming until the Federal Energy Regulatory Commission has completed reconsideration of the socioeconomic impacts of the project.

"Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of the Interior and to the Wyoming Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 226. A bill to designate additional land as within the Chaco Culture Archeological Protection Sites, and for other purposes (Rept. No. 104–19).

S. 444. A bill to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes (Rept. No. 104–20).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER:

S. 625. A bill to amend the Land Remote Sensing Policy Act of 1992; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD (for himself and Mr. COCHRAN):

S. 626. A bill to amend the Watershed Protection and Flood Prevention Act to establish a waterways restoration program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. LEAHY, Mr. MOYNIHAN, and Mr. GRAHAM):

S. 627. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mr. HELMS):

S. 628. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. SIMPSON, and Mr. PRESSLER):

S. 629. A bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 630. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRADLEY:

S. 631. A bill to prevent handgun violence and illegal commerce in firearms; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD (for himself and Mr. COCHRAN):

S. 626. A bill to amend the Watershed Protection and Flood Prevention Act to establish a waterways restoration program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WATERWAYS RESTORATION ACT

Mr. HATFIELD. Mr. President, development of the water resources of the United States have been a vital factor in the growth and prosperity of this country. Our water resources have brought us a strong agricultural base, power generation, navigation, and domestic and industrial water supplies. However, the gains we have made in terms of productivity and efficiency have in many cases exacted a toll on our water resources. Despite a concerted effort to improve the quality of our waterways, recent estimates indicate that 38 percent of our rivers, 44 percent of our lakes, and 97 percent of the Great Lakes remain degraded.

This is a continuing problem worthy of the earnest efforts of each of us. The Clean Water Act has made great improvements in the quality of the Nation's waterways. The goals of the Clean Water Act reauthorization legislation now pending on the Senate calendar certainly focus much needed attention on the continuing dilemma we face with respect to our water resources.

Today, I am proud to join with Senator THAD COCHRAN, to introduce the Waterways Restoration Act in the hope of providing additional tools to improve the waterways of the United States. The legislation I introduce today is the companion to legislation introduced in the House by Congresswoman ELIZABETH FURSE of Oregon. I compliment Congresswoman FURSE for her fine leadership in this area and I am proud to introduce the Senate version of this fine proposal.

The Waterways Restoration Act would establish a technical assistance and grant program for waterway restoration programs within the Soil and Conservation Service [SCS] at the U.S. Department of Agriculture. No new money would be required to fund this program. Rather, the program would draw on existing funds by redirecting 20 percent of the SCS's existing Watershed Protection and Flood Prevention Program budget to fund nonstructural, community-based projects.

Waterway restoration is a cost effective way to control flooding, erosion and pollution runoff. This legislation would fund local projects to establish riparian zones, stabilize stream banks, and restore areas polluted by urban runoff. Both urban and rural areas would be eligible for project funding. The bill also contains an environmental justice provision that would place a priority on projects in historically disadvantaged communities overlooked by Federal cleanup efforts.

Mr. President, this is sound, progressive legislation. It addresses in an effective way the pressing water resource problems continuing to face this Nation. As we search for ways to reinvent our Government to make it more responsive to the citizens of this country, we should look more and more to proposals—like this one—that draw on the initiative and ingenuity bubbling over in our communities rather than one-size-fits-all, top-down Federal programs. As Congresswoman FURSE has noted, this is a funded Federal nonmandate, which allows communities to design and implement the restoration projects they want for the streams, creeks, and rivers in their neighborhoods.

I look forward to working with members of the Senate Agriculture Committee to advance this meritorious proposal.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Waterways Restoration Act of 1995".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) restoring degraded streams, rivers, and other waterways to a natural state is a cost effective means of controlling flooding, excessive erosion, sedimentation, and nonpoint pollution, including stormwater runoff;

(2) protecting and restoring watersheds provides critical ecological benefits by restoring and maintaining biodiversity, providing fish and wildlife habitat, filtering pollutants, and performing other important ecological functions;

(3) waterway restoration and protection projects can provide important economic and educational benefits by rejuvenating waterfront areas, providing recreational opportunities such as greenways, and creating community service jobs and job training opportunities in waterway restoration for disadvantaged youths, displaced resource harvesters, and other unemployed persons;

(4) restoring waterways helps to increase the fishing potential of waterways and restore diminished fisheries, which are important to local and regional cultures and economies; and

(5) low income and minority communities frequently experience disproportionately severe degradation of waterways, but historically have had difficulty in meeting eligibility requirements for Federal watershed projects under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) due to Federal policy obstacles such as local cost share requirements and formulas for assessing costs and benefits that favor high land values.

(b) POLICY.—Congress declares it in the national interest to—

(1) protect and restore the chemical, biological, and physical components of waterways and associated ecological systems such that the biological and physical structures, diversity, functions, and dynamics of the waterways and systems are restored;

(2) replace deteriorating stormwater structural infrastructures and physical waterway alterations that are ecologically damaging with cost effective, low maintenance, and ecologically sensitive projects;

(3) promote the use of nonstructural means to manage and convey streamflow, stormwater, and flood waters;

(4) increase the involvement of the public and youth conservation or service corps in the monitoring, inventorying, and restoration of watersheds to improve public education, prevent pollution, and develop coordinated citizen and governmental partnerships to restore damaged waterways; and

(5) benefit business districts, local economies, and neighborhoods through the restoration of waterways and the development of multiuse greenway corridors.

SEC. 3. DEFINITION OF WORKS OF IMPROVEMENT.

Section 2 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1002) is amended by striking "Each project" and all that follows through "of the project.".

SEC. 4. WATERWAYS RESTORATION PROGRAM.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"SEC. 14. WATERWAYS RESTORATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) BIOTECHNICAL SLOPE PROTECTION.—The term 'biotechnical slope protection' means the use of live or dead plant material, alone or in conjunction with an inert material, to repair and fortify a watershed slope, roadcut, stream bank, or other site vulnerable to excessive erosion, using systems such as brush piling, brush layering, brush matting, fascines, joint plantings, live stakes, seeding, stem cuttings, and pole cuttings.

"(2) CHANNELIZATION.—The term 'channelization' means removing the meanders and vegetation from a river or stream to accelerate storm flow velocity, filling habitat to accommodate land development or existing structures, or stabilizing a bank with concrete or riprap.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a tribal or local government, flood control district, water district, conservation district (as defined by section 1201(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(2))), agricultural extension 4–H program, nonprofit organization, or watershed council; or

"(B) an unincorporated neighborhood organization, watershed council, or small citizen nongovernmental or nonprofessional organization for which an incorporated nonprofit organization is acting as a fiscal agent.

"(4) FISCAL AGENT.—The term 'fiscal agent' means an incorporated nonprofit organization that—

"(A) is acting as a legal entity that can accept government or private funds and pass the funds on to an unincorporated community, cultural, or neighborhood organization; and

"(B) has entered into a written agreement with the unincorporated organization that specifies the funding, program, and working arrangements for carrying out a project under the program.

"(5) GREENWAY.—The term 'greenway' means a floodplain, floodprone, or project right-of-way that provides flood risk reduction, floodwater conveyance, fish and wildlife habitat, or ecological benefits, and that may provide public access, including a waterfront.

"(6) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from tax under section 501(a) of the Code.

"(7) PROGRAM.—The term 'program' means the waterways restoration program established by the Secretary under subsection (b).

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(9) STRUCTURE.—The term 'structure' means a physical project component used to restore a native ecosystem, including a rock, wood cribwall, geotextile netting, geogrid, dirt-filled gabion, weir, gully check dam, jack, groin, or fence.

"(10) WATERSHED COUNCIL.—The term 'watershed council' means a representative group of local watershed residents (including representatives from the private, public, government, and nonprofit sectors) organized to develop and carry out a consensus watershed restoration plan that includes restoration, acquisition, and related activities.

"(11) WATERWAY.—The term 'waterway' means a natural, degraded, seasonal, or created wetland on private or public land, including—

"(A) a river, stream, riparian area, marsh, pond, bog, mudflat, lake, or estuary; or

"(B) a natural or humanmade watercourse on public or private land that is culverted, channelized, or vegetatively cleared, including a canal, irrigation ditch, drainage way, or navigation, industrial, flood control, or water supply channel.

"(12) YOUTH CONSERVATION OR SERVICE CORPS PROGRAM.—The term 'youth conservation or service corps program' means a full-time, year-round youth corps program or a full-time summer youth corps program as described in section 122(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(2)).

"(b) ESTABLISHMENT.—The Secretary shall establish and carry out a waterways restoration program, under which the Secretary shall provide technical assistance and grants, on a competitive basis, to eligible entities to assist the entities in carrying out waterway restoration projects.

"(c) ADMINISTRATION.—

"(1) OBJECTIVES.—A project shall be eligible for assistance under the program if the project is designed to achieve ecological restoration or protection and—

"(A) flood damage reduction;

"(B) erosion control;

"(C) stormwater management; or

"(D) water quality enhancement.

"(2) USES.—Funds made available for an eligible project may be used for—

"(A) restoration and monitoring of a degraded waterway, including revegetation, restoration of a biological community, or a change in land management practices;

"(B) restoration or establishment of a wetland or riparian environment as part of a multiobjective stormwater management system, in which the restored or established area provides stormwater storage, detention, and retention, nutrient filtering, wildlife habitat, and increased biological diversity;

"(C) reduction of runoff;

"(D) stream bank restoration using the principles of biotechnical slope stabilization;

"(E) establishment and acquisition of a multiobjective floodplain riparian and adjacent floodprone land, including a greenway, for sediment storage, floodwater storage and conveyance, wildlife habitat, and recreation;

"(F) removal of a culvert or storm drain to reestablish natural ecological conditions and reduce flood damage;

"(G) organization of a local watershed council, in conjunction with the implementation of an on-the-ground action education or restoration project;

"(H) training of a participant, including a youth conservation or service corps program participant, in restoration techniques, in conjunction with the implementation of an on-the-ground action education or restoration project;

"(I) development of a waterway restoration or watershed plan that will be used within a grant agreement period, referred to in subsection (d)(2), to carry out a specific restoration project;

"(J) restoration of a stream channel to reestablish a meandering, bankfull flow channel, riparian vegetation, or a floodplain to—

"(i) restore the functions and dynamics of a natural stream system to a previously channelized waterway so that channel dimensions and floodplain zones are appropriately sized to the watershed and the slope of the watershed, bankfull discharges, and sediment sizes and transport rates; or

"(ii) convey larger flood flows as an alternative to a channelization project;

"(K) release of a reservoir flow to restore a riparian or instream habitat;

"(L) a watershed or wetland project that has undergone planning pursuant to another Federal, State, tribal, or local program and law and has received any necessary environmental review or permit; and

"(M) an early action project that a watershed council wants to implement prior to the completion of the final consensus watershed plan, if the project meets the watershed management objectives of the council and is useful in fostering citizen involvement in the planning process.

"(3) LOCATION OF PROJECT.—A project may be carried out under the program on—

"(A) Federal lands; or

"(B) State or private lands, if the State or the private land owner is a sponsor or cosponsor of the project or otherwise consents.

"(4) PRIORITY PROJECT.—In determining funding priorities, a project shall have priority if the project—

"(A) is located in or directly benefits a low income or economically depressed area that is adversely impacted by poor watershed management;

"(B) restores or creates a business or occupation in the project area, including a public access opportunity for a waterfront greenway;

"(C) provides an opportunity for a participant in a Federal, State, tribal, or local youth conservation or service corps and provides training in waterway restoration, monitoring, and inventory work;

"(D) serves a community composed of minorities or Native Americans, including a project that develops an outreach program to facilitate the participation by minorities or Native Americans in the program;

"(E) is identified as a regional priority, planned in a regional context, and coordinated with Federal, State, tribal, and local agencies;

"(F) will restore wildlife or a fishery that has commercial, recreational, subsistence, or scientific concern;

"(G) trains or employs a fisher or other resource harvester whose livelihood has been adversely impacted by habitat degradation;

"(H) provides a significant improvement in ecological values and functions in the project area; or

"(I) was approved under this Act prior to the date of enactment of this section, and the project meets or was redesigned to meet the requirements of this section.

"(5) COST-BENEFIT ANALYSIS.—A project shall only be eligible for assistance under the program if an interdisciplinary team, established under subsection (e), determines that the local social, economic, ecological, and community benefits of the project based on local needs, problems, and conditions equal or exceed the local social, economic, ecological, and community costs of the project.

"(6) FLOOD DAMAGE REDUCTION.—A project to reduce flood damage shall be designed for the level of risk selected by the local sponsor and cosponsors to best meet—

"(A) the needs of the local sponsor and cosponsors for reducing flood risks;

"(B) the ability of the local sponsor and cosponsors to pay project costs; and

"(C) community objectives to protect or restore environmental quality.

"(7) INELIGIBLE PROJECT.—A project involving channelization, stream bank stabilization using a method other than biotechnical slope protection, construction of a reservoir, or construction of a structure shall not be eligible for assistance under the program unless the project is necessary for the reestablishment of the structure, function, and diversity of a native ecosystem.

"(d) PROGRAM ADMINISTRATION.—

"(1) DESIGNATION OF PROGRAM ADMINISTRATORS.—The Secretary shall designate a program administrator for each State who shall be responsible for administering the program in the State. Except as provided by paragraph (2), the Secretary shall designate the State Conservationist of the Natural Resources Conservation Service as the program administrator of the State.

"(2) APPROVAL OF A STATE AGENCY.—

"(A) IN GENERAL.—A State may submit to the Secretary an application for designation of a State agency to serve as the program administrator of the State.

"(B) CRITERIA.—The Secretary shall approve an application of a State submitted under subparagraph (A) if the application demonstrates—

"(i) the ability of the State agency to solicit, select, and fund projects within a 1-year grant administration cycle;

"(ii) responsiveness by the State agency to the administrative needs and limitations of small nonprofit organizations and low income or minority communities;

"(iii) the success of the State agency in carrying out State or local programs that are similar to the program; and

"(iv) the ability of the State agency to jointly plan and carry out with Indian tribes programs similar to the program.

"(C) REDESIGNATION.—If the Secretary determines, after a public hearing, that a State agency approved under this paragraph no longer meets the criteria set forth in subparagraph (B), the Secretary shall so notify the State and, if appropriate corrective action has not been taken within a reasonable time, withdraw the approval of the State agency as the program administrator of the State and designate the State Conservationist of the Natural Resources Conservation Service as the program administrator of the State.

"(3) TECHNICAL ASSISTANCE.—The State Conservationist of a State shall carry out the technical assistance portion of the program in the State regardless of approval under paragraph (2)(B).

"(e) ESTABLISHMENT OF INTERDISCIPLINARY TEAMS.—

"(1) IN GENERAL.—There shall be established in each State an interdisciplinary team of specialists to assist in reviewing any project application submitted under the program.

"(2) APPOINTMENT.—The interdisciplinary team of a State shall be composed of—

"(A) individuals to be appointed on an annual basis by the program administrator of the State, including at least 1—

"(i) hydrologist;

"(ii) plant ecologist;

"(iii) aquatic biologist;

"(iv) biotechnical slope protection expert;

"(v) landscape architect or planner;

"(vi) member of the agricultural community;

"(vii) representative of the fish and wildlife agency of the State; and

"(viii) representative of the soil and water conservation agency of the State; and

"(B) 4 representatives from Federal agencies (5 representatives from Federal agencies located in coastal States), to be appointed on an annual basis by the appropriate regional or State director of the agency, from—

"(i) the Natural Resources Conservation Service;

"(ii) the Environmental Protection Agency;

"(iii) the United States Fish and Wildlife Service;

"(iv) the Corps of Engineers; and

"(v) the National Marine Fishery Service (in coastal States).

"(3) AFFILIATION OF REPRESENTATIVES.—A representative appointed pursuant to paragraph (2)(A) may be an employee of a Federal, State, tribal, or local agency or a nonprofit organization.

"(4) FEDERAL ADVISORY COMMITTEE ACT.—Sections 9, 10(a)(2), and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an interdisciplinary team established under this subsection.

"(5) NOTICE.—An interdisciplinary team shall provide adequate public notice before conducting a meeting under this section, including notification in the official State journal.

"(f) CONDITIONS FOR RECEIVING ASSISTANCE.—

"(1) PROJECT SPONSOR AND COSPONSORS.—

"(A) REQUIREMENT.—To be eligible for assistance under the program, a project shall have as project participants—

"(i) a citizens organization; and

"(ii) a State, regional, tribal, or local governing body, agency, or district.

"(B) PROJECT SPONSOR.—A project participant referred to in subparagraph (A) shall be designated as the project sponsor. The project sponsor shall make the grant application and have the primary responsibility for executing the grant agreement, submitting invoices, and receiving reimbursements.

"(C) PROJECT COSPONSOR.—A project participant that is not the project sponsor shall be designated as the project cosponsor. The project cosponsor shall, jointly with the project sponsor, support and actively participate in the project. There may be more than 1 cosponsor for a project.

"(2) USE OF GRANT FUNDS.—Grant funds made available under the program shall not supplant other available funds for a waterway restoration project, including developer fees, mitigation, or compensation required as a permit condition or as a result of a violation of this Act or any other law.

"(3) MAINTENANCE REQUIREMENT.—At least 1 project sponsor or cosponsor shall be responsible for ongoing maintenance of the project.

"(g) SELECTION OF A PROJECT.—

"(1) APPLICATION.—To receive assistance to carry out a project under the program in a State, an eligible entity shall submit to the program administrator of the State an application in such form and containing such information as the Secretary may by regulation require.

"(2) REVIEW OF APPLICATIONS BY INTERDISCIPLINARY TEAMS.—

"(A) TRANSMITTAL.—Each application for assistance under the program received by the program administrator of a State shall be transmitted to the interdisciplinary team of the State established pursuant to this section.

"(B) REVIEW.—On an annual basis, the interdisciplinary team of each State shall—

"(i) review the applications transmitted to the team pursuant to subparagraph (A);

"(ii) determine the eligibility of proposed projects for funding under the program;

"(iii) make recommendations concerning funding priorities for the eligible projects; and

"(iv) transmit the findings and recommendations of the team to the program administrator of the State.

"(C) PROJECT OPPOSITION BY CERTAIN REPRESENTATIVES.—

"(i) IN GENERAL.—If 2 or more of the members of an interdisciplinary team of a State appointed pursuant to clause (vii) or (viii) of subsection (e)(2)(A) or clause (ii), (iii), or (v) of subsection (e)(2)(B) are opposed to a project that is supported by a majority of the members of the interdisciplinary team, a determination on whether the project may receive assistance under the program shall be made by the Chief of the Natural Resources Conservation Service.

"(ii) CONSULTATION.—In making a determination under this subparagraph, the Chief shall consult with the Administrator of the Environmental Protection Agency, the Director of the Fish and Wildlife Service, and, in coastal areas, the Assistant Administrator of the National Marine Fisheries Service.

"(iii) MONITORING.—The Secretary shall conduct such monitoring activities as are necessary to ensure the success and effectiveness of a project determination made pursuant to this subparagraph.

"(3) FINAL SELECTION.—The final determination on whether to provide assistance for a project under the program shall be made by the program administrator of the State and shall be based on the recommendations made by the interdisciplinary team of the State pursuant to paragraph (2)(B).

"(h) GRANT APPLICATION CYCLE.—

"(1) IN GENERAL.—A grant under the program shall be awarded on an annual basis.

"(2) GRANT AGREEMENTS.—The program administrator of a State may enter into a grant agreement with an eligible entity to permit the entity to phase in a project under the program for a period of not to exceed 3 years, subject to reevaluation each year as part of the annual funding cycle.

"(i) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided by paragraph (2), the non-Federal share of the cost of a project under this section, including structural and non-structural features, shall be 25 percent.

"(2) ECONOMICALLY DEPRESSED COMMUNITIES.—The Secretary may waive all or part of the non-Federal share of the cost of a project that is carried out in an economically depressed community.

"(3) IN-KIND CONTRIBUTIONS.—Non-Federal interests may meet any portion of the non-Federal share of the cost of a project under this section through an in-kind contribution, including a contribution of labor, involvement of a youth service or conservation corps program participant, material, equipment, consulting services, or land.

"(4) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations to establish procedures for granting waivers under paragraph (2).

"(j) LIMITATIONS ON COSTS OF ADMINISTRATION AND TECHNICAL ASSISTANCE.—Of the total amount made available for any fiscal year to carry out this section—

"(1) not more than 15 percent may be used for administrative expenses; and

"(2) not more than 25 percent may be used for providing technical assistance.

"(k) CONSULTATION WITH A FEDERAL AGENCY.—In establishing and carrying out a program under this section, the Secretary shall consult with the heads of appropriate Federal departments or agencies, including the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Civil Works, the Director of the United States Fish and Wildlife Service, the Commissioner of the Bureau of Reclamation, the Director of the Geological Survey, the Chief of the Forest Service, the Assistant Administrator for the National Marine Fishery Service, or the Director of the National Park Service.

"(l) CITIZENS OVERSIGHT COMMITTEE.—

"(1) ESTABLISHMENT.—The Governor of each State shall establish a citizens oversight committee to evaluate management of the program in the State. The membership of a citizens oversight committee shall represent a diversity of regions, cultures, and watershed management interests.

"(2) COMPONENTS TO BE EVALUATED.—Program components to be evaluated by a citizens oversight committee established under paragraph (1) are—

"(A) program outreach, accessibility, and service to low income and minority ethnic communities and displaced resource harvesters;

"(B) the manageability of grant application procedures, contracting transactions, and invoicing for disbursement for small nonprofit organizations;

"(C) the success of the program in supporting the range of the program objectives, including evaluation of the environmental impacts of the program as implemented;

"(D) the number of jobs created for identified target groups;

"(E) the diversity of job skills fostered for long-term watershed related employment; and

"(F) the extent of involvement of youth conservation or service corps programs.

"(3) ANNUAL REPORT.—The program administrator of each State shall issue an annual report summarizing the program evaluation under paragraph (1). The report shall be signed by each member of the citizens oversight committee of the State and shall be submitted to the Secretary.

"(4) FEDERAL ADVISORY COMMITTEE ACT.—The requirements of sections 9, 10(a)(2), 10(e), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a citizens oversight committee established under this subsection.

"(5) NOTICE.—A citizens oversight committee shall provide adequate public notice before conducting a meeting under this section, including notification in the official State journal.

"(m) FUNDING.—

"(1) FUNDING PRIORITY.—The Secretary shall give priority to a waterways restoration project under this section in making funding decisions under this Act.

"(2) TRANSFERRED FUNDS.—The Secretary may accept the transfer of funds from other Federal departments and agencies to carry out this section.

"(3) APPLICABILITY OF REQUIREMENTS.—Funds made available to carry out this section, and financial assistance provided with the funds, shall be subject to this section and, to the extent the requirements are consistent with this section, other provisions of this Act.".

By Mr. HATCH (for himself, Mr. THURMOND, Mr. LEAHY, Mr. MOYNIHAN, and Mr. GRAHAM):

S. 627. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT

Mr. HATCH. Mr. President, up until now those of us who have supported reforming the application of the antitrust laws to baseball have been divided between competing approaches. I, together with Senators MOYNIHAN, GRAHAM, and others, introduced S. 415. Senator THURMOND, together with Senator LEAHY, introduced S. 416.

I am pleased to introduce today a bill that brings together these competing approaches and that has the consolidated support of Senator THURMOND, Senator LEAHY, Senator MOYNIHAN, and Senator GRAHAM. We believe that this bill will bring about sound reforms that ensure that baseball is treated fairly and properly under the antitrust laws. We believe that in the long run our bill will contribute to constructive labor relations between the players and the owners. We believe that the reforms proposed by this bill are worth making even apart from the existence of the ongoing dispute between baseball owners and players.

Let me emphasize that our bill would not impose a big-government solution to the current dispute between the owners and the players. On the contrary, it would get government out of the way by eliminating a serious government-made obstacle to settlement.

Seventy-three years ago, the Supreme Court ruled that professional baseball is not a business in interstate commerce and is therefore immune from the reach of the federal antitrust laws. This ruling was almost certainly wrong when it was first rendered in 1922. Fifty years later, in 1972, when the Supreme Court readdressed this question, the limited concept of interstate commerce on which the 1922 ruling rested had long since been shattered. The Court in 1972 accurately noted that baseball's antitrust immunity was an "aberration" that no other sport or industry enjoyed. But it left it to Congress to correct the Court's error.

A limited repeal of this antitrust immunity is now in order. Labor negotiations between owners and players are impeded by the fact that baseball players, unlike all other workers, have no resort under the law if the baseball owners act in a manner that would, in the absence of the immunity, violate the antitrust laws. This aberration in the antitrust laws has handed the owners a huge club that gives them unique leverage in bargaining and discourages them from accepting reasonable terms. This is an aberration that Government has created, and it is an aberration that Government should fix.

The legislation that I am introducing would provide for a limited repeal of professional baseball's antitrust immunity. This repeal would not affect the two matters that owners say that the immunity legitimately protects: Namely, franchise relocation rules, and the minor leagues. Under our bill, major league baseball's ability to control franchise relocation and to deal with the minor leagues would remain unchanged. Our bill also would not affect any other sport or business.

I urge my colleagues in the Senate and the House to support this legislation.

Mr. THURMOND. Mr. President, I rise today in support of the Major League Baseball Antitrust Reform Act of 1995, which I am cosponsoring with Senator HATCH, Senator LEAHY, and others. Our legislation would repeal the antitrust exemption which shields major league baseball from the antitrust laws that apply to all other sports and unregulated businesses in our Nation. This bill is a result of discussions between myself and Senators HATCH and LEAHY following the recent hearing which I chaired on this important issue. I am particularly pleased that this legislation focuses on the ongoing policy issues relating to baseball's special antitrust exemption.

The Hatch-Thurmond-Leahy legislation eliminates baseball's antitrust exemption, with certain exceptions, and is based on S. 416, the Major League Baseball Antitrust Reform Act, which Senator LEAHY and I introduced on February 14, 1995. One substantive change has been made to include a provision relating to franchise relocation, in order to address concerns raised by some about the practical effect of ending baseball's antitrust exemption. As I have previously stated, however, it is my belief that it may be worthwhile reviewing the franchise relocation issue as it relates to all professional sports.

The Hatch-Thurmond-Leahy legislation would also maintain the status quo for the minor leagues. It is important to protect the existing minor league relationships in order to avoid disruption of the more than 170 minor league teams which exist throughout our Nation. the Hatch-Thurmond-Leahy bill also makes clear that it does not override the provisions of the Sports Broadcast Act of 1961, which permits leaguewide contracts with television networks.

Our bill is not specially drafted in an attempt to resolve the baseball's current labor dispute. The legislation does not affect the so-called nonstatutory labor exemption, which shields employers from the antitrust laws when they are involved in collective bargaining with a union. Removing the antitrust exemption will not automatically resolve baseball's problems, but I believe it will move baseball in the right direction.

I noted earlier that as the chairman of the Senate Judiciary Committee's Antitrust, Business Rights, and Competition Subcommittee, I held a hearing on baseball's antitrust exemption on February 15, 1995. At the hearing, the subcommittee heard from both players and owners on whether the exemption helps or hurts the sport, and what effect repeal would have on labor relations and other issues. The subcommittee very directly told the owners and players that it is up to them to resolve their differences quickly and play ball for the sake of the American public.

Mr. President, I do not believe that the Congress should interfere in baseball's ongoing labor dispute. But it is my belief that the Congress should repeal the Court imposed antitrust exemption and restore baseball to the same level playing field as other professional sports and unregulated businesses. By removing the antitrust exemption, the players and owners will have one less distraction from their negotiations, and the Congress will no longer be intertwined in baseball's special antitrust exemption.

By Mr. KYL (for himself and Mr. HELMS):

S. 628. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

FAMILY HERITAGE PRESERVATION ACT

Mr. KYL. Mr. President, I rise today with my colleague from North Carolina, Senator HELMS, to introduce the Family Heritage Preservation Act, a bill to repeal Federal estate and gift taxes, and the tax on generation-skipping transfers. A companion bill, H.R. 784, was introduced in the House of Representatives last month by Congressman CHRIS COX of California.

The Federal estate tax is one of the most wasteful and unfair taxes currently on the books. It penalizes people for a lifetime of hard work, savings, and investment. It hurts small business and threatens jobs. It causes people to spend time, energy, and money finding ways to avoid the tax—by setting up trusts and other devices—when they could otherwise devote those resources to more productive economic uses.

The estate tax is particularly onerous for small family businesses. According to a 1993 survey by Prince & Associates—a Stratford, CT, research and consulting firm—9 out of 10 family businesses that failed within 3 years of the principal owner's death said that trouble paying estate taxes contributed to their companies; demise.

That is a travesty. As if the Federal Government didn't tax enough during life, it has to prey upon people and their grieving families ever after death. As a constituent of mine, Pearle Wisotsky Marr, wrote in a recent letter to me:

> Since my father died, our lives have been a nightmare of lawyers and trust companies with the common theme, 'you have to protect the family business.' It was hard enough trying to recuperate after my father's long illness, and then adjusting to the reality he was gone.

That's wrong, and it's economically destructive. The Marr family built up a small business from just one employee 35 years ago to 200 employees today. Creating badly needed jobs in the community is not something for which the Marr family should be penalized. It's something that should be encouraged.

A study published by the Institute for Research on the Economics of Taxation [IRET] looked at how the Nation's economy would have performed had the transfer taxes been repealed in 1971. The simulation showed that, by 1991, the gross domestic product [GDP] would have been $46.3 billion higher, there would have been 262,000 more full-time equivalent jobs, and the stock of capital would have been $398.6 billion greater than the respective actual amounts in that year.

The report went on to project that if the transfer taxes were repealed in 1993, the nation would experience significant economic benefits by the year 2000. "GDP would be $79.22 billion greater, 228,000 more people would be employed, and the amount of accumulated saving and capital would be $630 billion larger than projected under present law."

These taxes have an impact on Americans of all income levels. As noted in the IRET's report, "by discouraging private saving and capital formation, these taxes depress labor productivity and real income. Transfer taxes, thus, impede labor's upward mobility."

Mr. President, I invite my colleagues to join me in cosponsoring the Family Heritage Preservation Act. I ask that the text of the bill be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Heritage Preservation Act".

SEC. 2. FINDINGS.

Congress finds that:

(1) Hard working American men and women spend a lifetime saving to provide for their children and grandchildren, paying taxes all the while. Throughout their lives, they pay taxes on the income and gains from their labor and their investment. Because of the heavy burden of income taxes, property taxes, and other levies, it is enormously difficult to accumulate savings for a family's future. Worst of all, when the purpose of that hard earned saving is about to be achieved, families discover that between 37 percent and 55 percent of their after-tax savings is confiscated by Federal inheritance taxes.

(2) These transfer, estate, and gift taxes punish lifelong habits of thrift; they discourage entrepreneurship; they penalize families;

and they have a negative effect on other tax revenue sources.

(3) These taxes raise almost no material revenue for the Federal Government. In fiscal year 1994, they produced only 1 percent of total Federal revenues.

(4) The waste and economic inefficiency caused by inheritance taxes is well known. American families employ legions of tax accountants and lawyers each year to set up trusts and other prolix devices designed to avoid these onerous levies. The make-work imposed upon the economy comprises billions of dollars.

(5) In order to pay these excessive taxes, many small businesses must liquidate all or part of their assets. By causing business closures, these taxes constrict business activity, increase unemployment, and reduce tax revenues to the Federal Government.

(6) Independent analyses indicate that, were these onerous taxes repealed, the Nation's GDP, Federal and State tax revenues, employment base, and capital formation would increase substantially. According to one such survey, repealing these taxes would increase GDP by $79,220,000,000, create 228,000 new jobs, and increase savings by $630,000,000,000 by the end of the century.

(7) Repealing these taxes will ensure economic fairness for all American families and businesses, as well as economic growth and prosperity for the Nation as a whole.

SEC. 3. REPEAL OF FEDERAL TRANSFER TAXES.

(a) GENERAL RULE.—Subtitle B of the Internal Revenue Code of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to the estates of decedents dying, and gifts and generation-skipping transfers made, after the date of the enactment of this Act.

By Mr. THOMAS (for himself, Mr. SIMPSON, and Mr. PRESSLER):

S. 629. A bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands; to the Committee on Environment and Public Works.

GRAZING PERMIT RENEWAL LEGISLATION

Mr. THOMAS. Mr. President, I rise today to introduce legislation that is of very significant importance to the farmers and ranchers in my State of Wyoming and throughout the West.

Let me preface by saying that Wyoming is more than 50 percent owned by the Federal Government. That includes BLM lands and includes forest lands and park lands, of course. So the decisions made by public land managers is very important to us.

Recent decisions by the court have indicated that the U.S. Forest Service and perhaps the BLM, as well, must now complete environmental impact statements on environmental assessments on all term grazing permits that expire on December 31 of this year.

As most of you know, much of the land in these western States is intermingled private land, Federal land, State land. So that in order to put together an economic unit of livestock, there is private land, generally, with the water, and winter feeding, and summer grazing is quite often on Federal land. And these ranchers graze there with a permit based on animal unit months and they are 10-year permits generally.

Under this new environmental assessment, the review must be done under NEPA regulations. This is in addition to the environmental assessments that are already made on the forest plan. Each 10 years, each forest goes through a plan. They talk about grazing, they talk about mining, they talk about oil and gas, and other uses of these various lands.

The problem now is that, in addition to that already done evaluation on grazing, the courts at least have implied that there has to be this new environmental assessment on each of these grazing leases.

There are approximately 4,500 Forest Service grazing leases that expire at the end of this year. There are nearly 200 of those in Wyoming.

The problem is twofold. The first part of the problem, which I think has to do with what we are talking about here, is that we already have a mechanism for taking a look at the impact of grazing on forests. We do this in a very extensive process every 10 years, and it can be amended and renewed at any time.

Furthermore, those rangers and BLM employees who supervise this, any time that there is damage to grazing lands, they have the authority to do something about it. So it is redundant. It is an expense that we do not need to have.

The second problem is that, assuming that it did go forward, there is no way that these can all be done prior to the end of 1995, when these grazing permits expire, and we are faced with the proposition of not having the opportunity to put these animals on public lands, and eventually the impact would be that farmers and ranchers would very likely go out of business.

So, Mr. President, this bill simply says that the NEPA requirements that go below the Forest Service level would not have to be carried out.

I think it is very consistent with what we are doing here on regulations. It is very consistent with saving a very important economic industries in the West. I urge my fellow Senators to take a look at this bill, particularly those of us from the West, and I urge the support of those who come from outside of the West for the enactment of this important bill.

Because of recent court cases, it has been determined that the U.S. Forest Service must now complete an environmental assessment [EA] or full-blown environment impact statement [EIS] on all term-grazing permits that expire on December 31 of this year, in order to comply with National Environmental Policy Act [NEPA] guidelines.

This is in addition to the environmental analysis that is already required under NEPA for individual forest plans, which considers grazing, timber sales, mining, oil and gas permits and other actions on Forest Service System lands. This is a redundant process, and since the Forest Service has decided that livestock grazing is a continuation of an existing use for which environmental concerns have been addressed in forest plans, creates an enormous workload burden for the agency.

What is worse, is the fact that no grazing permit will be reissued without the proper environmental evaluations. Forest Service officials will have to scramble to complete all of the work that will be required, and the chances of some permits being altered or dropped altogether are high. This creates a great deal of uncertainty for folks who depend on these permits for grazing livestock as their livelihood.

The bill that I am introducing today corrects this problem by stating that no action needs to be taken under NEPA for renewal of a grazing permit on national Forest Service lands, which was not already addressed in the forest plan.

Nationwide, approximately 4,500 Forest Service grazing permits expire at the end of this year—and within the next 3 years—1995–97—a large majority of grazing permits will expire throughout the country.

In my State of Wyoming, 191 Forest Service grazing permits expire at the end of this year. I have heard from many ranchers who are extremely concerned about this process, and are worried they will not be able to graze their livestock if NEPA compliance is not completed in a timely fashion.

While farmers and ranchers continue to become more productive and more efficient, they are continually faced with increased paperwork and Federal intrusion into their lives.

Likewise, even though President Clinton requested an increase of $25 million for the Forest Service's fiscal year 1996 budget to help complete NEPA requirements, no permit holder is safe from losing their grazing privileges.

Mr. President, it is critical for Congress to address this issue and prevent the economic problems that will occur if some relief is not given. With issues such as grazing fees and rangeland reform resurfacing again, it is important to stop this heavy-handed directive, which will put many small- and medium-sized ranchers out of business, and potentially destroy the practice of multiple use on Forest Service lands.

I am proud to sponsor this piece of legislation because farming and ranching are valuable assets to Wyoming and the rest of the Western United States. Besides addressing the short-term crisis that exists with the number of grazing permits set to expire this year, the initiative also addresses the long-term effects for permits expiring in the years to come. I believe we have an excellent opportunity to work with the Forest Service and ranchers alike, on a bipartisan basis, to change this unnecessary burden and restore hope to America's farm and ranch families. I urge my colleagues to support this bill and look forward to working with them in the coming months.

Mr. President, I yield the floor.

By Mr. D'AMATO:

S. 630. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

IRAN FOREIGN SANCTIONS ACT

• Mr. D'AMATO. Mr. President, I am introducing the Iran Foreign Sanctions Act of 1995.

Two months ago when I introduced S. 277, the Comprehensive Iran Sanctions Act of 1995, many stated that while a total trade embargo between the United States and Iran, as called for in S. 277, could have a real effect on Iran, the effects on foreign corporations would be negligible. This bill is designed to address this issue.

My legislation will place procurement and export sanctions on any foreign person or corporation that has engaged in any trade with Iran in any goods or technology, as defined in the Export Administration Act of 1979. Simply put, a foreign corporation or person will have to choose between trade with the United States or trade with Iran.

As long as Iran continues to support terrorism, seeks to obtain weapons of mass destruction, and continues its abysmal human rights practices, foreign companies and persons will be proscribed, with only a few exceptions, from trading with the United States.

There is great precedence for this approach and I will list some of these instances:

The Comprehensive Anti-Apartheid Act, which authorizes the President to limit the importation into the United States of any product or service of a foreign country to the extent to which that country benefits from the sanctions imposed on South Africa by this act;

The Foreign Relations Act of 1994, which incorporated the Nuclear Proliferation Prevention Act, providing for a ban on U.S. Government procurement from any third country company which assists another country to acquire nuclear weapons;

Missile Technology Control Regime sanctions attached to the Arms Export Control Act [AECA] and the Export Administration Act [EAA] that denies U.S. Government procurement; licenses for the transfer of any item on the U.S. munitions list [AECA] or the dual-use technologies list [EAA]; and the importation into the United States of any product of the foreign company; and

The AECA also has similar sanctions for chemical and biological weapons proliferation, as does the Iran-Iraq Non-Proliferation Act of 1992, as well as various anti-Arab boycott pieces of legislation.

Mr. President, my legislation has precedent, and as such, I feel is a useful tool to counter those who state that any ban on U.S. companies will only hurt U.S. companies. I want to send the message that when you deal with Iran, you are making a mistake. We cannot afford to provide this brutal regime with the hard currency so vital to its existence. As long as companies trade with Iran, we will have a regime that is capable of supporting terrorism and aggression.

If there is anything that we can learn from last week's revelations of the positioning of Iranian chemical weapons in the Straits of Hormuz, it is that Iran is a dangerous and aggressive nation with which appeasement will not work.

We cannot sit back and wish this entire problem away, we have to take action and send the message to the world that Iran's actions can no longer be tolerated. Until the regime stops these offensive and violent actions, the world will not trade with it or deal with it at all.

Mr. President, I urge my colleagues to support this bill because it is important for the United States and our allies. Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Foreign Sanctions Act of 1995".

SEC. 2. IMPOSITION OF SANCTIONS ON PERSONS ENGAGING IN TRADE WITH IRAN.

(a) Determination by the President.—

(1) In general.—The President shall impose the sanctions described in subsection (b) if the President determines in writing that, on or after the date of enactment of this Act, a foreign person has, with requisite knowledge, engaged in trade with Iran in any goods or technology (as defined in section 16 of the Export Administration Act of 1979).

(2) Persons against which the sanctions are to be imposed.—The sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent or subsidiary of that person if that parent or subsidiary with requisite knowledge engaged in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that person if that affiliate with requisite knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(b) Sanctions.—

(1) Description of sanctions.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, as follows:

(A) Procurement sanction.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(B) Export sanction.—The United States Government shall not issue any license for any export by or to any person described in subsection (a)(2).

(2) Exceptions.—The President shall not be required to apply or maintain the sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(c) Supersedes Existing Law.—The provisions of this section supersede the provisions of section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (as contained in Public Law 102-484) as such section applies to Iran.

SEC. 3. WAIVER AUTHORITY.

The provisions of section 2 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 4. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(3) FOREIGN PERSON.—The term "foreign person" means—

(A) an individual who is not a United States national or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a United States national.

(4) IRAN.—The term "Iran" includes any agency or instrumentality of Iran.

(5) NUCLEAR EXPLOSIVE DEVICE.—The term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) DEFINITION.—For purposes of this subsection, the term "requisite knowledge" means situations in which a person "knows", as "knowing" is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2).

(7) UNITED STATES.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(8) UNITED STATES NATIONAL.—The term "United States national" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).•

By Mr. BRADLEY:

S. 631. A bill to prevent handgun violence and illegal commerce in firearms; to the Committee on the Judiciary.

HANDGUN CONTROL AND VIOLENCE PREVENTION ACT

• Mr. BRADLEY. Mr. President, handgun violence is redefining the American way of life. We must own up to this reality and bring desperately needed rationality to our gun laws. This is why I rise today to introduce the Handgun Control and Violence Prevention Act of 1995. This legislation is one more important step in ensuring that the madness of gun violence in this country will be brought to an end.

Every year, more than 24,000 Americans—65 a day—are killed with handguns, in homicides, by committing suicide, and by unintentional injuries. Handguns account for only one-third of all firearms, but are responsible for over two-thirds of all firearm-related deaths. Handguns are used in over 80 percent of all firearm murders. Ninety-five percent of the people injured by a handgun each year require emergency care or hospitalization. Of these, 68 percent require overnight care and 32 percent require a hospital stay of 8 days or more. In 1991, the United States led the developed world with 14,373 gun murders, as compared to 186 gun murders in Canada, 76 in Australia, 60 in England, and 74 in Japan. One difference between the United States and the other countries cited is that the other countries all have much stricter gun control laws.

Mr. President, these statistics are not just idle numbers. A few days ago, Sheila Gillespie, a 65-year-old widowed mother of four, was shot in the forehead when she got out of her car to open her garage door at her home in West Caldwell, NJ. Two carjacking assailants, ages 17 and 19, followed her home, viciously shot her, stole her 1990 Honda and were later apprehended driving the car. Ms. Gillespie, who attended mass every day at her local church and is well-known as an outgoing and friendly person, is currently fighting for her life in an intensive care unit at University Hospital in Newark, NJ.

Moreover, a few days after the senseless shooting in West Caldwell, four people were murdered and another critically injured in an apparent robbery attempt at a postal substation in my hometown of Montclair, NJ. Mr. President, two postal workers, Ernest Spruill and Scott Walensky, and two customers, Robert Leslie and George Lomaga, were forced into a backroom and made to lie down on the floor. They were then shot at point blank range, execution style, with a 9-millimeter Taurus semi-automatic pistol containing a high capacity magazine holding 15 deadly, flesh-ripping Black Talon bullets. A third customer, David Grossman, entered the post office as the robbery was in progress. He was shot in the face and is currently fighting for his life in the hospital.

Mr. President, the victims of the Montclair massacre were shot by an assault weapon. Because of a bullet from an assault weapon, Mr. President, Blanche Spruill, who telephoned her husband of 34 years, Ernest, at the post office on the day of the murder and got no answer, will never see nor talk to him again. Mr. President, because of a bullet fired from an assault weapon, Scott Walensky will never again see his wife, Mary Ann, or his three children. Mr. President, this is exactly the type of situation we intended to prevent when the assault weapons ban was passed in the 1994 omnibus crime law. Thus, any discussion regarding a repeal of the assault weapons ban must begin with the tragic fact that the wife of Scott Walensky is now a widow and his three children are now fatherless.

Everyone is aware of the devastating gun violence that occurs on the streets of urban America. However, the recent mass murder in Montclair occurred in a community that was described in the recent issue of New Jersey Monthly as "a desirable community where parents feel safe allowing young children to ride their bicycles around town." The plague of gun violence has engulfed America, and, Mr. President, the American people want to know one question from their elected officials: When will the spiraling, senseless gun violence occurring in the cities and suburbs of this country cease? This legislation, Mr. President, is an attempt to stop the senseless violence.

Mr. President, some will argue that these grim statistics are the result of weak law enforcement, light sentencing, legitimate fear, and the waning of family values. Others will argue that they are the result of joblessness, poverty, and long-term neglect of our most violent neighborhoods. I have no doubt that the growing rate of violent activity has been aggravated in part by all these factors. However, accepting many of these causes of handgun violence does not erase the reality that crime and deviant behavior have become much more of a burden on our society because of the explosive growth in handguns. Disputes that were settled with fists and knives 10 years ago are now being settled with guns. The number, availability, and destructive ability of handguns has contributed significantly to this tragedy.

Every single handgun used in a crime starts out as a legal gun. However, Mr. President, many of the weapons used in crimes are purchased illegally. The black market in illegal handguns is enormous and deadly. Gunrunners go to States with lax gun control laws, purchase hundreds of guns using fake identification, and then sell them on the street corners of our cities to anyone with available cash. Straw purchasers with clean records often stand in to buy guns for criminals and gunrunners. We must crack down on these rogue dealers, gunrunners, and straw purchasers. Only then can we prevent the illegal sale and use of guns. Only then can we help drive guns off our streets, out of our schools, and from our communities.

The purpose of this bill, Mr. President, is to make it at least as difficult to use a handgun as it is to drive a car. A gun, like a car, can be a dangerous instrumentality. As such, since we require purchasers of cars to have valid operator's licenses, we should, at the very least, require that the purchaser of a gun obtain a license. Mr. President, when the evidence on the danger of handguns is made clear to us every day, it is irresponsible to allow an instrument which can cause so much physical and psychological damage to be made available to people on such a liberal basis.

This bill makes it illegal to purchase a handgun without a valid, nationally uniform, State-issued handgun license. The license would be similar to a driver's license and consist of an identification card with a photograph. In order to acquire the license, a person would have to undergo a background check, present proof of residency in the State of purchase, get fingerprinted, and pass a handgun safety course offered by a local law enforcement officer. Only new purchases of handguns would require a license. Those who currently possess handguns would not have to acquire a license unless they wanted to purchase more handguns.

To stop the transfer of handguns from strawman purchasers to criminals and others intending to commit crimes, this legislation requires that all handgun transfers be registered with appropriate law enforcement officials. If the person transferring the weapon does not register the transfer, he or she will be in violation of Federal law.

To curb interstate gunrunning, this bill limits the purchase of a handgun by any one person to one gun a month. Mr. President, citizens have the right to possess a gun for personal protection. However, Mr. President, I honestly cannot say that someone who purchases 15 to 20 guns at one time is doing so for personal protection. Mr. President, when this provision goes into effect, maybe Interstate 95 will lose its nickname, the "Iron Road," as it becomes more difficult to run guns from States with little gun control to States, like New Jersey, that already enjoy some of the protections in this bill.

This bill also includes tough standards for Federal firearms dealers licenses. Federally licensed firearms dealers will have to pass strict background checks and meet all State and local laws. This will help guard against rogue gun dealers, who illegally sell thousands of firearms to drug gangs and violent criminals.

Mr. President, this legislation also imposes stiff penalties on gun thieves. It further requires that dealers provide adequate security against theft from the dealer's place of business.

Mr. President, this bill also increases the licensing fees for federally licensed firearm dealers to $3,000 over a 3-year period. Today, there are more gun dealers than grocery stores. This is outrageous, and I hope this bill will change that situation.

Mr. President, the first anniversary of the Brady law recently passed. The Bureau of Alcohol, Tobacco and Firearms [ATF] estimates that the number of applications to purchase handguns that were denied in the Brady States nationwide was approximately 41,000. In a survey of selected jurisdictions, ATF found that more that 15,500 persons who applied to purchase handguns, including 4,365 convicted felons and 945 fugitives, had their applications denied.

Of equal importance, Mr. President, is the fact that as a result of enforcement of the Brady law and provisions in the Federal crime bill, there are now more gas stations than gun dealers in this country. As incredible as it sounds, Mr. President, just a few years ago there were more gun dealers than gas stations in America. These encouraging results, Mr. President, indicate that with strong legislation and tough enforcement, we can win the war on senseless gun violence.

In closing, Mr. President, we must continue our fight to end the death and destruction of our children and our families, which is too easily becoming a fact of life in our cities and towns. I urge support for this responsible handgun licensing and registration legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Handgun Control and Violence Prevention Act of 1995".

SEC. 2. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) crimes committed with firearms threaten the peace and domestic tranquility of the United States and threaten the security and general welfare of the Nation and its people;

(2) crimes committed with firearms, especially those committed with handguns, have imposed a substantial burden on interstate commerce;

(3) firearms are easily transported across State boundaries and, as a result, individual State action to regulate firearms is made ineffective by lax regulation by other States; and

(4) it is necessary to establish uniform national laws governing all aspects of the firearms industry, requiring handgun licensing and registration, expanding the categories of persons prohibited from possessing firearms, limiting Federal firearms licensees to bona fide importers, manufacturers, and dealers, and prohibiting the sale of semiautomatic assault weapons and other dangerous weapons.

SEC. 3. TABLE OF CONTENTS.

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TITLE I—NATIONAL HANDGUN CONTROLS

SEC. 101. STATE LICENSE REQUIRED TO RECEIVE A HANDGUN.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(y)(1) It shall be unlawful for any person to sell, deliver, or otherwise transfer a handgun to an individual who is not licensed under section 923 unless—

"(A) the transferor (or a licensed dealer, if State law so directs or allows) has verified that the transferee possesses a valid State handgun license by—

"(i) examining the State handgun license;

"(ii) examining, in addition to the State handgun license, a valid identification document (as defined in section 1028(d)) containing a photograph of the transferee; and

"(iii) contacting the chief law enforcement officer of the State that issued the State handgun license to confirm that the State handgun license has not been revoked; and

"(B) the transferor (or licensed dealer) has provided to the chief law enforcement officer of the State in which the transfer is to take place a completed State handgun registration form for the handgun to be transferred.

"(2) It shall be unlawful for any person to sell, deliver, or otherwise transfer handgun ammunition to an individual who is not licensed under section 923 unless the transferor (or licensed dealer, if State law so directs or allows) has verified that the transferee possesses a valid State handgun license by—

"(A) examining the State handgun license; and

"(B) examining, in addition to the State handgun license, a valid identification document (as defined in section 1028(d)) containing a photograph of the transferee.

"(3) It shall be unlawful for any individual who is not licensed under section 923 to receive a handgun or handgun ammunition unless the individual possesses a valid State handgun license.

"(4) As used in this subsection, the term 'chief law enforcement officer of the State' means the chief, or equivalent officer, of the State police force, or the designee of that officer.

"(5) As used in this subsection, the term 'State handgun license' means a license issued under a State law that, at a minimum, meets the following requirements:

"(A) The State law provides that—

"(i) the chief law enforcement officer of the State shall issue State handgun licenses, which shall meet such requirements as to form, appearance, and security against forgery as are prescribed by the Secretary in regulations, in accordance with such procedures as are prescribed by the Secretary in regulations;

"(ii) the State handgun license issued to a licensee shall contain—

"(I) the name, address, date of birth, physical description, and a photograph of the licensee; and

"(II) a unique license number; and

"(iii) a State handgun license shall be valid for a period of not more than 2 years from the date of issue, unless revoked.

"(B) The State law provides that a State handgun license may not be issued unless the chief law enforcement officer of the State determines that the applicant—

"(i) is at least 21 years of age;

"(ii) is a resident of the State, by examining, at a minimum, in addition to a valid identification document (as defined in section 1028(d)), documentation such as a utility bill or lease agreement;

"(iii) is not prohibited from possessing or receiving a handgun under Federal, State, or local law, based upon name- and fingerprint-based research in all available Federal, State, and local recordkeeping systems, including the national instant criminal background check system established by the Attorney General pursuant to section 103 of the Brady Handgun Violence Prevention Act; and

"(iv) has been issued a State handgun safety certificate.

"(D) The State law may authorize the chief law enforcement officer of the State to charge a fee for the issuance of a State handgun license.

"(E) The State law provides that, if the chief law enforcement officer of the State determines that an individual is ineligible to receive a State handgun license and the individual in writing requests the officer to provide the reasons for that determination, the officer shall provide the reasons to the individual in writing not later than 20 business days after receipt of the request.

"(F)(i) The State law provides for the revocation of a State handgun license issued by the chief law enforcement officer of the State if the chief law enforcement officer determines that the licensee no longer satisfies 1 or more of the conditions set forth in subparagraph (B).

"(ii) The State law provides that, not later than 10 days after a person possessing a State handgun license that has been revoked receives notice of the revocation, the person shall return the license to the chief law enforcement officer who issued the license.

"(G)(i) The State law provides that, not later than 24 hours after a State handgun licensee discovers that a handgun has been stolen from or lost by the licensee, the licensee shall report the theft or loss to—

"(I) the Secretary;

"(II) the chief law enforcement officer of the State; and

"(III) appropriate local authorities.

"(ii) The State law shall provide that failure to make the reports described in clause (i) shall be punishable by a civil penalty of not less than $1,000.

"(6) As used in this subsection, the term 'State handgun registration form' means a handgun registration form prescribed under a State law that, at a minimum, meets the following requirements:

"(A) The State law provides that a handgun registration form shall not be considered completed by an individual with respect to a handgun, unless the form contains, at a minimum—

"(i) information identifying the individual, including the name, address, date of birth, and number on the State handgun license issued to the individual; and

"(ii) information identifying the handgun, including the make, model, caliber, and serial number of the handgun.

"(B) The State law provides that the chief law enforcement officer of the State shall furnish information from completed handgun registration forms to Federal, State, and local law enforcement authorities upon request.

"(C) The State law may authorize the chief law enforcement officer of the State to charge a fee for the registration of a handgun.

"(7) As used in this subsection, the term 'State handgun safety certificate' means a certificate issued under a State law that, at a minimum, meets the following requirements:

"(A) The State law provides that the chief law enforcement officer of the State shall issue State handgun safety certificates.

"(B) The State law provides that a State handgun safety certificate is not to be issued to an applicant, unless the chief law enforcement officer of the State determines that the applicant—

"(i) is a resident of the State, by examining, at a minimum, in addition to a valid identification document (as defined in section 1028(d)), documentation such as a utility bill or lease agreement;

"(ii) has completed a course of not less than 2 hours of instruction in handgun safety, that was taught by law enforcement officers and designed by the chief law enforcement officer; and

"(iii) has passed an examination, designed by the chief law enforcement officer, testing the applicant's knowledge of handgun safety.

"(C) The State law may authorize the chief law enforcement officer of the State to charge a fee for the handgun safety course and examination described in subparagraph (B).".

(b) DEFINITION OF HANDGUN AMMUNITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(33) The term 'handgun ammunition' means—

"(A) a centerfire cartridge or cartridge case less than 1.3 inches in length; or

"(B) a primer, bullet, or propellent powder designed specifically for use in a handgun.".

(c) REGULATIONS.—Section 926 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d) The Secretary shall, for purposes of section 922(y), prescribe regulations—

"(1) governing the form and appearance of State handgun licenses;

"(2) establishing minimum standards that such licenses must meet to be secure against forgery; and

"(3) establishing minimum standards that States must meet in issuing such licenses in order to prevent fraud or theft of such licenses.".

(d) PENALTIES FOR VIOLATIONS OF SECTION 922(y) OF TITLE 18.—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "or (w)" and inserting "(w), or (y)".

(e) TECHNICAL CORRECTION TO BRADY ACT.—Section 922(t)(1)(B)(ii) of title 18, United States Code, is amended by inserting "or State law" after "section".

(f) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date that is 180 days after the date of enactment of this Act.

(g) FUNDING.—

(1) GRANTS FOR ESTABLISHING SYSTEMS OF LICENSING AND REGISTRATION.—The Attorney General shall, subject to the availability of appropriations, make a grant to each State (as defined in section 921(a)(2) of title 18, United States Code) to be used for the initial startup costs associated with establishing a system of licensing and registration consistent with the requirements of section 922(y) of title 18, United States Code, as added by subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under paragraph (1) not more than $200,000,000, to remain available until expended.

SEC. 102. PROHIBITION OF MULTIPLE HANDGUN TRANSFERS.

Section 922 of title 18, United States Code, as amended by section 101(a), is amended by adding at the end the following new subsection:

"(z)(1) It shall be unlawful for any licensed dealer—

"(A) during any 30-day period, to sell 2 or more handguns to an individual who is not licensed under section 923; or

"(B) to sell a handgun to an individual who is not licensed under section 923 and who purchased a handgun during the 30-day period ending on the date of the sale.

"(2) It shall be unlawful for any individual who is not licensed under section 923 to purchase 2 or more handguns during any 30-day period.

"(3) Paragraph (1) shall not apply to an exchange (with or without consideration) of a handgun for a handgun.".

SEC. 103. PROHIBITION OF ENGAGING IN THE BUSINESS OF DEALING IN HANDGUNS WITHOUT SPECIFIC AUTHORIZATION; REQUIREMENT THAT AUTHORIZATION BE PROVIDED IF APPLICANT DEMONSTRATES SIGNIFICANT UNMET ECONOMIC DEMAND.

(a) PROHIBITION AGAINST ENGAGING IN THE BUSINESS OF DEALING IN HANDGUNS WITHOUT SPECIFIC AUTHORIZATION.—Section 922(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) to engage in the business of dealing in handguns, or in the course of such business, to ship, transport, or receive any handgun in interstate or foreign commerce, unless the person is specifically authorized to do so under section 923(d)(2)(A); or".

(b) REQUIREMENT THAT AUTHORIZATION BE PROVIDED IF APPLICANT DEMONSTRATES THAT IT IS IN THE PUBLIC INTEREST.—Section 923(d) of title 18, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2)(A) The Secretary shall authorize a licensed dealer (or a person whose application for a license to engage in the business of dealing in firearms is required to be approved by the Secretary) to engage in the business of dealing in handguns if the licensed dealer (or the applicant) demonstrates to the Secretary, in accordance with regulations that the Secretary shall prescribe, that there is significant unmet lawful demand for handguns in the market area (as defined by the Secretary) served by the licensed dealer (or to be served by the applicant).

"(B) For purposes of paragraph (3) of this subsection and subsections (e) and (f), a request for authority to engage in the business of dealing in handguns shall be considered to be an application for a license under this section, and the provision of such authority shall be considered to be the issuance of such a license.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) 2-YEAR GRANDFATHERING OF LICENSED DEALERS.—During the 2-year period that begins on the effective date specified in paragraph (1), the amendments made by this section shall not apply to any person who, on the effective date, is a licensed dealer (as defined in section 921(a)(11) of title 18, United States Code).

TITLE II—TRACING OF GUNS USED IN CRIMES

SEC. 201. DEALER ASSISTANCE WITH TRACING OF FIREARMS.

(a) PROVISION OF RECORD INFORMATION.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(8) Each licensee shall, at such times and under such conditions as the Secretary shall prescribe by regulation, provide all record information required to be kept by this chapter, or such lesser information as the Secretary may specify, as may be required for determining the disposition of a firearm in the course of a law enforcement investigation.".

(b) NO CRIMINAL PENALTY.—Section 924(a)(1)(D) of title 18, United States Code, is amended by inserting ", except section 923(g)(6)" after "chapter".

SEC. 202. COMPUTERIZATION OF RECORDS.

Section 926 of title 18, United States Code, as amended by section 101(c), is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by adding at the end the following new subsection:

"(e) The Director of the Bureau of Alcohol, Tobacco, and Firearms shall centralize all records of receipts and disposition of firearms obtained by the Bureau and maintain such records in whatever manner will enable their most efficient use in law enforcement investigations.".

SEC. 203. INTERSTATE TRANSPORTATION OF FIREARMS.

Section 922(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) for any person not licensed under section 923 to transport a firearm from one State into another State; but

"(B)(i) subparagraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than the person's State of residence from transporting the firearm into or receiving the firearm in the person's State of residence, if it is lawful for the person to possess the firearm in the person's State of residence; and

"(ii) subparagraph (A) shall not apply to—

"(I) the transportation or receipt of any firearm obtained in conformity with subsection (b)(3);

"(II) the transportation of any firearm acquired in any State before the effective date of this chapter;

"(III) the transportation of any firearm in accordance with section 926A; and

"(IV) the transportation of any firearm, under contract or agreement with a person licensed under section 923, by a person who ships or transports goods in the ordinary course of business;".

SEC. 204. GUN RUNNING.

(a) PROHIBITIONS.—Section 922 of title 18, United States Code, as amended by section 102, is amended by adding at the end the following new subsection:

"(aa) It shall be unlawful for a person not licensed under section 923 to receive a firearm with the intent to transfer the firearm for profit.".

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) Except as provided in subparagraph (B), a person who violates section 922(aa) shall be fined under this title, imprisoned not less than 6 months and not more than 3 years, or both.

"(B) A person who violates section 922(aa) with respect to 5 or more firearms during a 30-day period shall be fined under this title, imprisoned not less than 3 years, or both.".

SEC. 205. HANDGUN BARREL REGISTRATION.

Section 923(i) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(i)"; and

(2) by adding at the end the following:

"(2) Each licensed manufacturer shall, in accordance with regulations prescribed by the Secretary—

"(A) maintain records of the ballistics of handgun barrels made by the licensed manufacturer and of the serial numbers of such barrels; and

"(B) make such records available to the Secretary.".

SEC. 206. NATIONAL FIREARMS TRACING CENTER.

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish in the Bureau of Alcohol, Tobacco, and Firearms a National Firearms Tracing Center, which shall be operated for the purpose of tracing the chain of possession of firearms and ammunition used in crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the establishment and operation of the National Firearms Tracing Center there are authorized to be appropriated to the Secretary of the Treasury $20,000,000 for each of fiscal years 1995, 1996, and 1997.

TITLE III—DEALER RESPONSIBILITY

SEC. 301. COMPLIANCE WITH STATE AND LOCAL FIREARMS LICENSING LAWS AS CONDITION TO ISSUANCE OF FEDERAL FIREARMS LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(G) in the case of an application for a license to engage in the business of dealing in firearms—

"(i) the applicant has complied with all requirements imposed on persons desiring to engage in such a business by the State and political subdivision of the State in which the applicant conducts or intends to conduct such business;

"(ii) the business to be conducted pursuant to the license is not prohibited by the law of the State or locality in which the business premises is located; and

"(iii) the application includes a written statement that—

"(I) is signed by the chief of police of the locality, or the sheriff of the county, in which the applicant conducts or intends to conduct such business, the head of the State police of such State, or any official designated by the Secretary; and

"(II) certifies that the information available to the signer of the statement does not indicate that the applicant is ineligible to obtain such a license under the law of such State and locality.".

SEC. 302. BACKGROUND INVESTIGATION OF LICENSEES.

(a) IN GENERAL.—Section 923(d)(1)(B) of title 18, United States Code, is amended—

(1) by inserting "after a thorough investigation of" before "the applicant"; and

(2) by striking "association)" and inserting "association), which investigation shall include checking the applicant's fingerprints against all appropriate compilations of criminal records, the Secretary determines that the applicant".

(b) INSPECTION OF APPLICANT'S PREMISES.—Section 923(d)(1) of title 18, United States

Code, as amended by section 301, is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(H) the Secretary has conducted an inspection of the place at which the applicant is to conduct business pursuant to the license.".

(c) BUSINESS PREMISES REQUIRED OF APPLICANT.—Section 923(d)(1)(E) of title 18, United States Code, is amended by inserting "business" after "(i)".

(d) EXTENSION OF PERIOD FOR APPROVING OR DENYING APPLICATION.—Section 923(d)(3) of title 18, United States Code, as redesignated by section 103(b), is amended by striking "60-day" and inserting "180-day".

SEC. 303. INCREASED LICENSE FEES FOR DEALERS.

Section 923(a)(3) of title 18, United States Code, is amended to read as follows:

"(3) If the applicant—

"(A) is a dealer in destructive devices or ammunition for destructive devices, a fee of $2,000 per year; or

"(B) is a dealer not described in subparagraph (A), a fee of $3,000 for 3 years.".

SEC. 304. INCREASED PENALTIES FOR MAKING KNOWINGLY FALSE STATEMENTS IN CONNECTION WITH FIREARMS.

Section 924(a)(3) of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

SEC. 305. DEALER INSPECTIONS.

Section 923(g)(1)(B) of title 18, United States Code, is amended by striking all after "warrant—" and inserting " as necessary to ensure compliance with this chapter, to further a criminal investigation, or to determine the disposition of one or more particular firearms.".

SEC. 306. GUN SHOWS.

(a) PROHIBITION OF CERTAIN HANDGUN TRANSFERS AT GUN SHOWS.—Section 922(b) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) any handgun to any person who is not a licensed importer, licensed manufacturer, or licensed dealer, at any place other than the location specified on the license of the transferor.".

(b) TECHNICAL AMENDMENTS.—Section 923 of title 18, United States Code, is amended—

(1) in the first sentence of subsection (j), by inserting ", consistent with section 922(b)(6)," before "temporarily"; and

(2) by redesignating subsection (1), as added by section 110307 of the Violent Crime Control and Law Enforcement Act of 1994, as subsection (*l*).

SEC. 307. ACQUISITION AND DISPOSITION RECORDS OF DEALERS SUSPECTED OF SERVING AS SOURCES OF ILLEGAL FIREARMS.

Section 923(g)(1) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(E) If the Secretary, during a 1-year period, has identified a licensed dealer as the source of 3 or more firearms that have been recovered by law enforcement officials in criminal investigations, or if the Secretary has reason to believe that a licensed dealer is a source of firearms used in crimes, the Secretary may require the dealer to produce any or all records maintained by the dealer of acquisition and disposition of firearms, and may continue to impose that requirement until the Secretary determines that the dealer is not a source of firearms used in crimes.".

SEC. 308. DEALER RESPONSIBILITY FOR SALES TO FELONS OR MINORS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 922 the following new section:

"§ 922A. Tort liability of licensed dealers

"(a)(1) Any person suffering physical injury arising from a crime of violence (as defined in section 924(c)(3)) in which a qualified firearm is used may bring an action in any United States district court against any qualified licensed dealer for damages and such other relief as the court determines to be appropriate.

"(2) As used in paragraph (1), the term 'qualified firearm' means a firearm that—

"(A) has been transferred by a licensed dealer to a person who—

"(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year; or

"(ii) has not attained the age of 18 years; and

"(B) is subsequently used by any person in a crime of violence (as defined in section 924(c)(3)).

"(3) As used in paragraph (1), the term 'qualified licensed dealer' means, with respect to a firearm, a licensed dealer who transfers the firearm to a person, knowing or having reasonable cause to believe that the person is prohibited by Federal or State law from receiving the firearm.

"(b)(1) The defendant in an action brought under subsection (a) shall be held liable in tort, without regard to fault or proof of defect, for all direct and consequential damages arising from the crime of violence referred to therein, except as provided in paragraph (2). The court, in its discretion, may award punitive damages.

"(2) There shall be no liability under subsection (a) if it is established by a preponderance of the evidence that the plaintiff suffered the physical injury while committing the crime of violence referred to therein.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 922 the following new item:

"Sec. 922A. Tort liability of licensed dealers.".

SEC. 309. INTERSTATE SHIPMENT OF FIREARMS.

Section 922(e) of title 18, United States Code, is amended—

(1) in the first sentence by striking "It shall be" and inserting the following:

"(2) It shall be";

(2) in the second sentence by striking "No common or contract carrier" and inserting the following:

"(3) No common or contract carrier";

(3) by inserting "(1) Any common or contract carrier that undertakes to transport or deliver firearms in interstate or foreign commerce shall, not less frequently than monthly, obtain from the Secretary a list of licensed dealers. The Secretary shall provide to any common or contract carrier, upon request and without charge, a list of licensed dealers and their license numbers." after "(e)";

(4) in paragraph (2), as designated by paragraph (1)—

(A) by striking ", to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors,"; and

(B) by striking "ammunition" the first place it appears and all that follows through "passenger" and inserting "ammunition—

"(A) without providing written notice to the carrier that the firearm or ammunition is being transported or shipped; and

"(B) if the intended recipient of the package or container is a licensed dealer, providing written notice of the dealer's license number,

except that any passenger"; and

(5) by adding at the end the following new paragraph:

"(4) A common or contract carrier shall be considered to have cause to believe that a shipment of firearms would violate this chapter if it is alleged to the carrier that the intended recipient of the shipment is a licensed dealer and the carrier fails to verify that the intended recipient is a licensed dealer.".

TITLE IV—THEFT OF FIREARMS

SEC. 401. DEALER REPORTING OF FIREARM THEFTS.

Section 923(g)(6) of title 18, United States Code, is amended to read as follows:

"(6) Each licensee shall report to the Secretary, and to the chief law enforcement officer (as defined in section 922(s)(8)) of the locality in which the premises specified on the license is located, any theft of firearms from the licensee, as soon as practicable after discovery of the theft, but in no event later than the close of business on the first business day after the day on which the licensee discovers the theft.".

SEC. 402. THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(o) A person who steals any firearm that is moving as, or is a part of, or that has moved in, interstate or foreign commerce shall be fined under this title, imprisoned not less than 2 nor more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(n) A person who steals any explosive materials that are moving as, or are a part of, or that have moved in, interstate or foreign commerce shall be fined under this title, imprisoned not less than 2 nor more than 10 years, or both.".

SEC. 403. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 402(a), is amended by adding at the end the following new subsection:

"(p) A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 402(b), is amended by adding at the end the following new subsection:

"(o) A person who steals explosive materials from a licensed importer, licensed manufacturer, licensed dealer, or any permittee shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 404. SECURITY OF LICENSED FIREARMS DEALERS.

(a) REQUIREMENT.—Section 923 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(m) A licensed dealer shall provide for security against theft of firearms from the dealer's business premises, in accordance with regulations prescribed by the Secretary.".

(b) DENIAL OF DEALER'S LICENSE.—Section 923(d)(1)(G) of title 18, United States Code, as added by section 301(3), and amended by section 302(b)(2), of this Act, is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iv) the applicant has provided for security against theft of firearms from the place at which business is to be conducted pursuant to the license, in accordance with regulations prescribed under subsection (m).".

TITLE V—ARMED FELONS

SEC. 501. DENIAL OF ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS PROHIBITIONS; INADMISSIBILITY OF ADDITIONAL EVIDENCE IN JUDICIAL REVIEW OF DENIALS OF SUCH ADMINISTRATIVE RELIEF FOR OTHER PERSONS.

(a) IN GENERAL.—Section 925(c) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(1)" before "A person";

(B) by inserting "(as defined in section 921(a)(1) (other than an individual))" before "who is prohibited"; and

(C) by striking "his" and inserting "the Secretary's";

(2) by striking the second and third sentences;

(3) in the fourth sentence—

(A) by striking "A licensed importer" and inserting the following:

"(2) A licensed importer";

(B) by inserting "person (as defined in section 921(a)(1) (other than an individual)) who is a" before "licensed importer"; and

(C) by striking "his" and inserting "the person's"; and

(4) by amending the fifth sentence to read as follows:

"(3) When the Secretary grants relief to a person under this section, the Secretary shall promptly publish in the Federal Register a notice of the action, which shall include—

"(A) the name of the person;

"(B) the disability with respect to which the relief is granted, and, if the disability was imposed by reason of a criminal conviction of the person, the crime for which, and the court in which, the person was convicted; and

"(C) the reasons for the action.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief, and actions for judicial review, that are pending on or after the date of enactment of this Act; and

(2) applications for administrative relief filed, and actions for judicial review brought, on or after the date of enactment of this Act.

SEC. 502. CLARIFICATION OF DEFINITION OF CONVICTION.

Section 921(a)(20) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(A)" after "(20)"; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the second sentence by striking "What" and inserting the following:

"(B) What"; and

(3) by striking the third sentence and inserting the following:

"(C) A State conviction that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, shall not be considered to be a conviction for purposes of this chapter if—

"(i) the expungement, setting aside, pardon, or restoration of civil rights applies to a named person and expressly authorizes the person to ship, transport, receive, and possess firearms; and

"(ii) the State authority granting the expungement, setting aside, pardon, or restoration of civil rights has expressly determined that the circumstances regarding the conviction, and the person's record and reputation, are such that—

"(I) the applicant will not be likely to act in a manner that is dangerous to public safety; and

"(II) the granting of the relief would not be contrary to the public interest.

"(D) Subparagraph (C) shall not apply to a conviction for a violent felony (as defined in section 924(e)(2)(B)) or a serious drug offense (as defined in section 924(e)(2)(A)).".

SEC. 503. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Section 924(c)(1) of title 18, United States Code, is amended by striking "and if the firearm is a short-barreled rifle, short-barreled shotgun" and inserting "if the firearm is a semiautomatic firearm, a short-barreled rifle, or a short-barreled shotgun,".

(b) SEMIAUTOMATIC FIREARM.—Section 921(a) of title 18, United States Code, as amended by section 101(b), is amended by adding at the end the following new paragraph:

"(34) The term 'semiautomatic firearm' means a repeating firearm that—

"(A) utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round; and

"(B) requires a separate pull of the trigger to fire each cartridge.".

SEC. 504. VIOLATION OF FIREARMS LAWS IN AID OF DRUG TRAFFICKING.

Section 924(j) of title 18, United States Code, is amended to read as follows:

"(j)(1) A person who, with the intent to engage in or to promote conduct described in paragraph (2), violates any provision of this chapter or attempts to do so shall be imprisoned not more than 10 years, fined under this title, or both.

"(2) Conduct is described in this paragraph if it is conduct that—

"(A) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(B) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

"(C) constitutes a crime of violence (as defined in subsection (c)(3)).".

SEC. 505. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) ONE PRIOR CONVICTION.—Section 924(a)(2) of title 18, United States Code, is amended by inserting ", and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony or a serious drug offense (as defined in subsection (e)(2) (A) and (B)), a sentence imposed under this paragraph shall include an additional term of imprisonment of not less than 5 years" before the period.

(b) TWO PRIOR CONVICTIONS.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(q)(1) Notwithstanding subsection (a)(2), a person who violates section 922(g) and has 2 previous convictions by any court for a violent felony (as defined in subsection (e)(2)(B)) or a serious drug offense (as defined in subsection (e)(2)(A)), for which a term of imprisonment exceeding 1 year has been imposed, committed on occasions different from one another shall be fined under this title, imprisoned not less than 10 nor more than 20 years, or both.

"(2) Notwithstanding any other law, the court shall not suspend the sentence of, or grant a probationary sentence to, a person described in paragraph (1) with respect to the conviction under section 922(g).".

(c) TECHNICAL CORRECTION.—Section 924 of title 18, United States Code, is amended by redesignating paragraph (5), as added by section 110201(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (6).

TITLE VI—VIOLENT MISDEMEANANTS

SEC. 601. PROHIBITION OF DISPOSAL OF FIREARMS OR AMMUNITION TO, OR RECEIPT OF FIREARMS OR AMMUNITION BY, PERSONS CONVICTED OF A VIOLENT CRIME OR SUBJECT TO A PROTECTION ORDER.

(a) PROHIBITION OF DISPOSAL.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by inserting after paragraph (8) the following new paragraphs:

"(9) has been convicted in any court of an offense that—

"(A) is punishable by imprisonment for more than 6 months; and

"(B)(i) has, as an element, the use, attempted use, or threatened use of physical force against another person; or

"(ii) by its nature, involves a substantial risk that physical force against a person described in subparagraph (A) may be used in the course of committing the offense; or

"(10) is required, pursuant to an order issued by a court in a case involving the use, attempted use, or threatened use of physical force against another person, to refrain from contact with or maintain a minimum distance from that person.".

(b) PROHIBITION OF RECEIPT.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the comma at the end of paragraph (8) and inserting a semicolon; and

(3) by inserting immediately after paragraph (8) the following new paragraphs:

"(9) who has been convicted in any court of an offense that—

"(A) is punishable by imprisonment for more than 6 months; and

"(B)(i) has, as an element, the use, attempted use, or threatened use of physical force against another person; or

"(ii) by its nature, involves a substantial risk that physical force against a person described in subparagraph (A) may be used in the course of committing the offense; or

"(10) who is required, pursuant to an order issued by a court in a case involving the use, attempted use, or threatened use of physical force against another person, to refrain from contact with or maintain a minimum distance from that person,".

TITLE VII—AMMUNITION

SEC. 701. FEDERAL LICENSE TO DEAL IN AMMUNITION.

(a) DEFINITIONS.—

(1) DEALER.—Section 921(a)(11)(A) of title 18, United States Code, is amended by inserting "or ammunition" after "firearms".

(2) COLLECTOR.—Section 921(a)(13) of title 18, United States Code, is amended by inserting "or ammunition" after "firearms".

(3) ENGAGED IN THE BUSINESS.—Section 921(a)(21) of title 18, United States Code, is amended—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) as applied to a dealer in ammunition, a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of ammunition, but such term does not include a person who makes occasional sales, exchanges, or purchases of ammunition for the enhancement of a personal collection or for a hobby, or who sells all or part of the person's personal collection of ammunition;".

(b) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) (as amended by section 103(a))—

(i) by amending subparagraph (A) to read as follows:

"(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce; or";

(ii) by striking "; or" at the end of subparagraph (B) and inserting a period; and

(iii) by striking subparagraph (C);

(B) in paragraphs (2), (3), and (5) by inserting "or ammunition" after "firearm" each place it appears;

(2) in subsection (b)(3)—

(A) by inserting "or ammunition" after "firearm" each place it appears; and

(B) by inserting ", or ammunition for a rifle or shotgun," after "shotgun";

(3) in subsection (c)—

(A) by inserting "or ammunition" after "firearm" the first, third, fourth, fifth, sixth, and seventh places it appears;

(B) by inserting "or any ammunition other than for a shotgun or rifle," after "rifle," the first place it appears; and

(C) by inserting "or ammunition for a shotgun or rifle," after "rifle," the second place it appears;

(4) in subsection (e) (as amended by section 309) by inserting "or ammunition" after "firearms" each place it appears; and

(5) in subsection (q)(2)—

(A) in subparagraph (A) by inserting "or ammunition" after "firearm"; and

(B) by adding at the end the following new subparagraph:

"(C) Subparagraph (A) shall not apply to the possession of ammunition—

"(i) on private property not part of school grounds;

"(ii) if the individual possessing the ammunition is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State requires that, before an individual obtain such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

"(iii) that is in a locked container;

"(iv) by an individual for use in a program approved by a school in the school zone;

"(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

"(vi) by a law enforcement officer acting in the officer's official capacity; or

"(vii) that is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.".

(c) LICENSING.—Section 923 of title 18, United States Code, is amended—

(1) in the first sentence of subsection (a) by striking "importing or manufacturing";

(2) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "and ammunition" after "firearms" the first place it appears;

(II) by striking "firearms" the second place it appears; and

(III) by striking "or any licensed importer or manufacturer of ammunition,"; and

(ii) in each of subparagraphs (B)(iii) and (C)(ii) by inserting "or rounds of ammunition" after "firearms"; and

(B) in paragraph (2)—

(i) by inserting "or ammunition" after "firearm"; and

(ii) by inserting "or ammunition" after "firearms";

(C) in paragraph (8), as added by section 201(a), by inserting "or ammunition" after "firearm"; and

(D) in paragraph (9), as added by section 401, by inserting "or ammunition" after "firearms";

(3) in subsection (d)(1)(G)(iv), as added by section 404(b), by inserting "or rounds of ammunition" after "firearms";

(4) in subsection (j)—

(A) by inserting "or ammunition" after "firearms" the second place it appears; and

(B) by inserting "and ammunition" after "firearms" the third place it appears; and

(5) in subsection (m), as added by section 404(a), by inserting "or ammunition" after "firearms".

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (g) by inserting "or ammunition" after "firearm";

(2) in subsection (h) by inserting "or ammunition" after "firearm" each place it appears;

(3) in subsection (o), as added by section 402(a), by inserting "or ammunition" after "firearm"; and

(4) in subsection (p), as added by section 403(a), by inserting "or ammunition" after "firearm".

(e) INTERSTATE TRANSPORTATION.—Section 926A of title 18, United States Code, is amended—

(1) in the section heading by inserting "**and ammunition**" after "**firearms**"; and

(2) in the text by inserting "or ammunition" after "firearm" in the first, second, third, and fourth places it appears.

(f) POSSESSION IN FEDERAL FACILITIES.—Section 930 of title 18, United States Code, is amended—

(1) in the section heading by inserting "**, ammunition,**" after "**firearms**";

(2) by inserting ", ammunition," after "firearm" each place it appears; and

(3) in subsection (d)(3) by inserting ", ammunition," after "firearms".

(g) TECHNICAL AMENDMENTS.—The chapter analysis for chapter 44 of title 18, United States Code, is amended—

(1) in the item relating to section 926A by inserting "and ammunition" after "firearms"; and

(2) in the item relating to section 930 by inserting ", ammunition," after "firearms".

SEC. 702. REGULATION OF THE MANUFACTURE, IMPORTATION, AND SALE OF CERTAIN PARTICULARLY DANGEROUS BULLETS.

Section 921(a)(17) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) The term 'armor piercing ammunition'—

"(i) means—

"(I) a projectile or projectile core that may be used in a handgun and that is constructed entirely (excluding the presence of traces of other substances) from 1 or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium;

"(II) a jacketed, hollow point projectile that may be used in a handgun and the jacket of which is designed to produce, upon impact, evenly spaced sharp or barb-like projections that extend beyond the diameter of the unfired projectile; or

"(III) a jacketed projectile that may be used in a handgun and the jacket of which has a weight of more than 25 percent of the total weight of the projectile; but

"(ii) does not include—

"(I) shotgun shot required by Federal or State environmental or game regulations for hunting purposes;

"(II) a frangible projectile designed for target shooting;

"(III) a projectile that the Secretary finds is primarily intended to be used for sporting purposes; or

"(IV) any other projectile or projectile core that the Secretary finds is intended to be used for industrial purposes, including a charge used in an oil or gas well perforating device.".●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from New Hampshire [Mr. SMITH], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 442

At the request of Ms. SNOWE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 442, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 524

At the request of Mr. WELLSTONE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 524, a bill to prohibit insurers from denying health insurance coverage, benefits, or varying premiums based on the status of an individual as a victim of domestic violence and for other purposes.

S. 615

At the request of Mr. AKAKA, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 615, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Monday, March 27, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on supplemental security income (SSI).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, March 27, 1995, at 2 p.m. to hold a hearing on U.S. dependence on foreign oil.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

Mr. MCCONNELL. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Margaret Cohen, a member of the staff of Senator KASSEBAUM, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 10 to April 19, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Cohen in this program.

The select committee received notification under rule 35 for Martha James, a member of the staff of Senator INHOFE, to participate in a program in Korea sponsored by the A-san Foundation from April 16 to April 22, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. James in this program.

The select committee received notification under rule 35 for Steven Shimberg, a member of the staff of Senator CHAFEE, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 8 to April 20, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Shimberg in this program.

The select committee received notification under rule 35 for Kelly Johnston, a member of the staff of Senator NICKLES, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to April 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Johnston in this program.

ADDITIONAL STATEMENTS

THE VISIT OF NEW ZEALAND'S PRIME MINISTER

• Mr. THOMAS. Mr. President, I would like to take this opportunity to call my colleagues' attention to the visit to the United States this week of New Zealand's Prime Minister, the Rt. Hon. James Bolger. This is the first visit of a sitting Prime Minister to our country in over a decade.

New Zealand and the United States have had traditionally close relations based largely on shared cultural ties to Great Britain and security concerns in the South Pacific. We have been close allies in both world wars, and New Zealand has participated with us and Australia in the regional ANZUS security alliance. We both participate in such economic organizations as APEC [Asia Pacific Economic Corporation], PECC [Pacific Economic Cooperation Council], and the PBEC [Pacific Basin Economic Committee].

But the relationship has not been without its tensions. The primary focus of United States-New Zealand relations over the last 10 years has revolved around port visits by nuclear armed and powered United States Navy ships. In the mid-1980's, New Zealand enacted legislation declaring the country a nuclear-free zone. As a result, United States nuclear powered or armed Navy ships were banned from New Zealand ports. Since it is not U.S. policy to identify which ships are or are not nuclear—some 40 percent are—the effect was to prohibit any port calls by our Navy. Washington retaliated by formally abrogating our defense treaty relationship with New Zealand, ceasing to share intelligence information, and cutting off all high-level ties between governments.

Mr. President, while this issue is one of importance in our bilateral relationship and thus should not be swept under the rug, I choose not to dwell on it today for several reasons. First, it is not the only facet to our relationship. The rift has narrowed somewhat over the years; and in spite of it, we have continued to work side-by-side with New Zealand on other security issues. New Zealand has been an active participant in a series of peacekeeping missions, and fought with American troops in the gulf. More recently, New Zealand was the first country to make a monetary contribution to KEDO in furtherance of the agreed framework with North Korea.

In addition, New Zealand has made important and impressive economic strides over the past decade which deserve our attention. In the 1950's, New Zealand was one of the world's five wealthiest countries; but by the late 1970's, it had fallen to near 20th. The reason appears to have been the country's economic policies which bordered on almost Socialist central-market control. New Zealand had one of the most insulated and restrictive economies in the region; the Government heavily regulated most industries, and nationalized others. It subsidized exports, while at the same time shutting internal market access to protect its domestic industries. Finally, the Government ran high deficits, instituted wage and price controls, and promulgated tight limits on both interest rates and international flows of capital. Between the 1960's and 1970's, the marginal tax rate facing the typical family rose from 23 to 35 percent—the top rate was 66 percent. Inflation was high, averaging more than 10 percent. In 1978, for the first time ever, the unemployment rate passed 1 percent. By 1983, it topped 5 percent.

In 1984, the Government began to institute a series of economic reforms. It scrapped controls on wages, prices, and interest rates. It also phased out almost all subsidies and incentives for farming, and began charging market price for its energy supplies. Taxes were reduced—the maximum tax was halved to 33 percent.

More importantly, the Government opened the economy to the outside world. In 1985, it abolished limits on foreign ownership of banks and other industries. Eventually, New Zealand privatized a great deal of its public enterprises, including telecommunications, computer services rail, airways, and so forth. This has been a boon for U.S. business. For example, Wisconsin Central Railroads purchased a large interest in the formally nationalized New Zealand Railways. Cyberstar, another Wisconsin firm, recently concluded a contract to lay fiber-optic cable in the Nelson area. Ameritech and Bell Atlantic each have a 24.82 percent interest in Telecom New Zealand, the largest company in the country by stock market capitalization. Other U.S. firms which have made substantial investments in the country are Bell South, MCI, and Time Warner,

The Government announced the phaseout of export incentives, export credits, and import quotas. It also moved to end limits on who would bid for import licenses and how many such licenses each individual could hold. In addition, New Zealand allowed people to borrow from, and lend to, foreigners without Government control and ended exchange controls. Finally, the Government embarked on a downsizing in the ranks of Government employees. The Government work force has been cut by almost 53 percent in all sectors, resulting in a substantial savings to the budget. Think of it, Mr. President; if only we could emulate this feat. The subsequent turnaround in the economy has been quite dramatic. The following 1994 figures are illustrative of the results:

[In percent]

Category	New Zealand	United States	Japan
Inflation	2.8	2.7	0.7
GDP	6.2	3.8	0.2
Budget Surplus (percent GDP)	+2.6	−1.8	−1.8
Gov't Debt (percent GDP)	50.7	64.7	83.4
Unemployment	7.8	5.4	2.9

Mr. President, the Subcommittee on East Asian and Pacific Affairs, which I chair, will hold a hearing on these accomplishments on Wednesday. I look forward to hearing from the American firms scheduled to testify, and learning more about the economic changes the last decade has wrought. In the same vein, I look forward to meeting with Prime Minister Bolger tomorrow when he visits the Senate. I believe that there are some important lessons for us to learn from New Zealand's turnaround. I, for one, will be paying close attention to what he has to tell us.•

RETIREMENT OF JOHN BYRNE

• Mr. BRYAN. Mr. President, I rise today to recognize one of Nevada's dedicated citizens, on the event of his retirement. It is my privilege to recognize the accomplishments and achievements of John Byrne, a native of Nevada, as he is retiring from the International Brotherhood of Electrical Workers.

John comes from a pioneering family in Virginia City, a small community in northern Nevada. He has played an enormous role in the restoration of Virginia City and continues to play an active role as he serves on the Governors Committee For the Restoration of Virginia City. John is also a member of the Nevada State Industrial Safety Code Revision Committee and a board member and coordinator of Construction Opportunity Trust.

I know John as one of the most respected labor leaders in northern Nevada. He served as business manager and financial secretary for the local Northern Nevada International Brotherhood of Electrical Workers for almost 25 years. His professional accomplishments also include his appointment in 1966 as secretary, and business representative of Northern Nevada Building Trades Council where he was reelected in 1967 and 1969. John also served an interim appointment as secretary business representative of the Honolulu Building Trades Council.

John's abundant leadership capabilities have benefited many groups in the State. His many accomplishments in the community include his election to serve on the Nevada Employment Security Board of Review, where he served under numerous Governors, including myself.

John is the only labor representative in Nevada to receive the Service, Integrity & Responsibility (SIR] Award which is presented by the northern Nevada chapter of the Associated General Contractors.

On March 30, friends, family, union, and community members will join in honoring John, thanking him for the many contributions he has made to the community. I am disheartened that I will be unable to attend, but I would like to extend him my best wishes.•

THE U.S.S. LST SHIP MEMORIAL

• Mr. SHELBY. Mr. President, I would like to take this opportunity to inform my colleagues about a truly outstanding group of American veteran LST [landing ship tank] sailors that intend to sail a 50-year-old World War II LST 13,000 miles from the Far East to our shores. Their plans are for this vessel to arrive and sail under the Golden Gate Bridge on August 14, 1995, to commemorate the 50th anniversary of the end of World War II in the Pacific and to honor the thousands of LST sailors that served on them over the past half century.

After a 10-day layover on the west coast the seasoned crew of 70 sailors will sail the ship to its homeport, the National D-Day Museum in New Orleans. I say seasoned because these men sailed on LST's during World War II when they were just 18 to 24 years old. Now, 50 years later they will again be sailing an LST. This time the voyage will be during the peace they fought for so nobly and that we all now enjoy.

One member of the crew is a constituent of mine, William Irwin of Huntsville, AL. During World War II he was a decorated lieutenant who served aboard LST 277. During the return voyage of the LST Ship Memorial, he will again be sailing as a lieutenant (3d deck officer). To be considered, he and other members of the crew completed 4 months of training and were tested with Coast Guard standards; Lieutenant Irwin's score was 100 percent. All will meet rigid physical and professional requirements. I am enclosing a list of the proposed crew that includes sailors from 24 States.

The crew will spend 10 days aboard the vessel checking out equipment and preparing for the historical voyage that is planned to commence upon its departure from the Far East on June 20, 1995. There will be stops in the Philippines, Guam, and Kwajalein along the 13,000-mile homeward trek. Departing the Marshall Islands, the crew intends to proceed to the Equator and sail eastward until they cross the international dateline. They will continue on to Pearl Harbor in Hawaii and then will proceed to San Francisco. The voyage will require 47 days at sea with the LST traveling at an average of 7 knots.

This project has become a reality through the combined efforts of the U.S. LST Association, the National D-Day Museum, and the Navy that will provide the crew and its training. The LST Ship Memorial, that will be funded by private donations, will be the only one of its kind, worldwide.

It is my understanding that the LST Memorial will be homeported 6 months of the year at the National D-Day Museum, located on Lake Pontchartrain, LA. For the remaining 6 months it is the intention of the organization to sail our inland waterways. The crew will stop along the route and allow free public access for viewing, to keep alive the memories of World War II and remind the public of the heroism, bravery, and sacrifice of the 2 million men that served and sailed on these gallant vessels. Plans are underway in the first year to sail the LST inland via the Mississippi, Ohio, Illinois, and Missouri rivers, as well as the Great Lakes, as the U.S. Navy did in 1945 and 1946. The following year the LST will sail the east coast and the third year she will sail along the west coast, repeating the cycle every 3 years.

Mr. President, I would like to commend Lt. William Irwin, Chief Milan Gunjak, president of the United States LST Association, Dr. Stephen Abrose, founder of the National D-Day Museum, Comdr. Robert Jornlin, vice president of the U.S.S. LST Ship Memorial, Comdr. Jack Melcher, Sr., president of U.S.N. and project director and all their supporters for their hard work and efforts in securing this fitting memorial to an important naval vessel and to the sailors who served aboard LST's during World War II.

Mr. President, I ask that a proposed list of the LST crew be printed in the RECORD.

The crew list follows:

U.S.S. LST SHIP MEMORIAL CREW LIST

LST	Name	Rank	Assignment	State
AGC–7	Roland Bowling	Captain	Master	CA
825	Robert Jornlin	Comdr.	Executive officer	IL
1126	Jack Melcher Sr.	Comdr.	Chief engineer	OR
(Pending)	Francis Donovan	Vice Adml.	1st deck officer	VA
762	Douglass Vander Meer	Lt/Comdr.	1st engineer officer	CA
468	Vincent Peltier	1st/Lt.	2d deck officer	FL
1126	Keith Rader	1st/Lt.	2d engineer officer	OH
277	William Irwin	2d/Lt.	3d deck officer	AL
1150	Gilbert Hartlove	2d/Lt.	3d engineer officer	VA
576	John Chooljian	2d/Lt.	Radio officer	NJ
569	Harry Andrews	Ensign	Jr. deck officer	WI
560	Walter Wittholz	Ensign	Jr. engineer officer	OH
1141	Clayton Nickerson	Chief	Quartermaster	FL
466	William Clarke	Chief	Boatswain	FL
734	Gerald Robertson	Chief	Engineman	TX
32	Kurt Popp	Chief	Electrician	FL
73*	William Reinard	Chief	Hull technician	VA
828	Norval Jones	Chief	Medical technician	MI
1149	Milan Gunjak	Chief	Food service	OH
525	Lawrence Taylor	MM/1C	Machinest	MI
725	Bruce Voges	BM/1C	Boatswain	IL
642	Fred Holp	SM/1C	Signalman	CA
697	Jack Stephens	SK/1C	Storekeeper	PA
1016	Frank Conway	EN/1C	Engineman	NJ
44	Arther Cook	EM/1C	Electrician	AR
880	John Oleska	ET/1C	Electronic-technician	PA
220	Lauren Whiting	EN/1C	Engineman-enc.	NY
454	William Gollan	QM/1C	Quartermaster	OR
1117	Charles Witmer	EM/1C	Electrician	AZ
980	James Couch Sr.	CK/1C	Cook	FL
792	Donald Shunk	EN/2C	Engineman	PA
18	James Bouscher	RM/2C	Machinery repairman	OH
221*	John Kobe	BM/2C	Boatswain	FL
834	Clair Ernest	CK/2C	Cook	OH
28	James Edwards	EM/2C	Electrician	TX
685	Warren Slaughter	EN/2C	Engineman	GA
859	Lee Hunter	BT/2C	Boiler technician	IN
40	Jerome Machado	RM/2C	Radioman	IL
668	Austin Kurtz	CK/2C	Cook	PA
17	Oliver Poe	SM/2C	Signalman	OK
468	Charles Williams Sr.	HT/2C	Hull technician	GA
929	William Welch	BM/3C	Boatswain	NV
888	Allan DeMuth	QM/3C	Quartermaster	CA
1078	Robert Patterson	CK/3C	Cook	IN
876*	Edward Whitman	EN/3C	Engineman	WY
627	Frank Bua	EM/3C	Electrician	WI
574	Albert White	EN/3C	Engineman	NM
722	Roald Zvonik	BM/3C	Boatswain	IL
		CK/3C	Cook	
USCG	Don Molzahn	SK/3C	Storekeeper	WI
USMC	John Baltes	RM/3C	Radioman	WI
		SD/3C	Steward	
		SS/3C	Special service	
468	Fred Delano	SN/1C	Seaman	CA
572	Jim Liverca	SN/1C	......do	IA
610	Hichael Nedeff	SN/1C	......do	OH
483	John Calvin	SN/1C	......do	FL
468	Dick Janes	SN/1C	Seaman/BM/2C	CA
1158	Raymond Hacck	SN/1C	Seaman	MI
		SN/1C	......do	
266	Edward Dyar	SN/SS	Seaman/SS	MI
760	Earl Potter	FN/1C	Fireman/EN/2C	NE
446	David Baird	FN/1C	Fireman	IL
533	Freeman Ballard Jr.	FN/1C	Fireman/EM/2C	LA
630	William Sharpe Jr.	FN/1C	Fireman	NJ
574	Harold Slemmons	FN/1C	Fireman/EN/3C	TX
1084	Herbert Renck	FN/1C	Fireman/EN/2C	FL
612	Thomas Cappetpa	FN/1C	......do	MI•

TRIBUTE TO FRANK HEALD

• Mr. JEFFORDS. Mr. President, in my home State of Vermont, above my home city of Rutland, the Coolidge Range of the Green Mountains dominates the skyline. One of the kings of this range is the great rounded summit of Pico Peak, 3,957 feet high.

On the northern and western slopes of this Vermont giant are the ski trails of Pico Ski Resort, one of Vermont's oldest ski areas. Long known as the Friendly Mountain, it is the place where my family has skied. Believe me, some of its trails test the friendly description.

Since 1971, Frank Heald, a good friend of mine, has well served Pico and Vermont. Frank is now retiring as Pico's executive vice president and general manager holding the later post since 1982.

Under Frank's leadership, Pico has grown into a major Vermont ski area, a major eastern ski area. His accomplishments loom nearly as large as the mountain itself.

When I was a youngster, the ski area reached only to a sub-summit of Pico, the grand mass of the main mountain hardly utilized at all by the ski area. Now the lift lines and ski trails go all the way to the top, not only on Pico but on surrounding summits. On a cloudy day, the trails seem to descend from the sky.

With Frank's sure guidance, modern lifts have been installed, as have a sports center and trailside condo complexes. New trails have been cut, snowmaking has been upgraded. Summer has become almost as busy as winter with an alpine slide, crafts fairs, concerts. Some 150,000 skiers visit the mountain each year.

But Frank has not limited his talents to serving Pico. His community and his State have benefited from his many talents, time and again. He currently serves as chair of the Blue Cross/Blue Shield of Vermont board and as president of the Alpine Pipelines Co. He's a trustee of the Vermont Historical Society and a member of the Rutland Redevelopment Authority and is a past president of the Vermont Ski Areas Association. And he has long worked to bring inner-city kids to Pico to experience Vermont outdoor recreation. Also, he chaired my Congressional Youth Awards Program in Vermont.

That is only a partial list of the worthwhile enterprises which Frank has graced with his unfailingly sound judgment and boundless energy. Vermont is the better for his having come our way.

Pico is a place of legends. The Mead family, legends of American skiing, founded the area and on it many ski champions have learned the sport and developed into world class skiers. The most famous of all was Andrea Mead, the first American woman to win an Olympic ski medal.

When the stories of Pico and its famed sons and daughters are recalled at firesides down the long winter nights of Vermont winters ahead, the name of Frank Heald will be mentioned with the greats as a true pioneer and entrepreneur of Vermont skiing. His contributions are worthy of recognition here in the U.S. Senate.●

ORDERS FOR TUESDAY, MARCH 28, 1995

Mr. NICKLES. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Tuesday, March 28; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, there be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes with the exception of the following: Senators DOMENICI and BIDEN, 10 minutes equally divided; Senator COVERDELL for up to 15 minutes; Senator THOMAS for up to 35 minutes. I further ask that at the hour of 10 a.m., the Senate begin consideration of S. 219, the moratorium bill, and that the Senate recess between the hours of 12:30 and 2:15 for the weekly party luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all my colleagues, the Senate will begin consideration of the moratorium bill tomorrow at 10 a.m. Amendments may be offered at that time, so all Members should be aware that rollcall votes are expected throughout tomorrow's session.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:38 p.m., recessed until Tuesday, March 28, 1995, at 9 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 28, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 29

9:00 a.m.

Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold oversight hearings on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
SH-216

9:30 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
To hold hearings on welfare reform proposals.
SD-215

Labor and Human Resources
Business meeting, to mark up S. 141, to repeal the Davis-Bacon Act, S. 555, Health Professions Education Consolidation and Reauthorization Act of 1995, S. 184, Office for Rare Disease Research Act of 1995, proposed legislation authorizing funds for programs of the Ryan White Care Act, and pending nominations.
SD-430

10:00 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.
S-146, Capitol

Armed Services
Closed business meeting, to consider certain pending military nominations.
SR-222

Banking, Housing, and Urban Affairs
Housing Opportunity and Community Development Subcommittee
Hud Oversight and Structure Subcommittee
To hold joint hearings on the reorganization of the Department of Housing and Urban Development.
SD-538

10:30 a.m.

Foreign Relations
To resume hearings on the ratification of the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (The START II Treaty) (Treaty Doc. 103-1).
SD-419

Indian Affairs
Business meeting, to mark up S. 349, to authorize funds through fiscal year 1997 for the Navajo-Hopi Relocation Housing Program, S. 441, authorizing funds through fiscal year 1997 for programs of the Indian Child Protection and Family Violence Prevention Act, S. 510, authorizing funds through fiscal year 1999 for the Native American Social and Economic Development Strategies Grant Program administered by the Administration for Native Americans, and S. 325, to make certain technical corrections in laws relating to Native Americans, and to consider other pending committee business.
SR-485

2:00 p.m.

Banking, Housing, and Urban Affairs
To hold a closed briefing with the Committee on Energy and Natural Resources on the political and economic situation in Mexico, and the key factors affecting it, including oil reserves and production, and other matters.
S-407, Capitol

Energy and Natural Resources
To hold a closed briefing with the Committee on Banking, Housing, and Urban Affairs on the political and economic situation in Mexico, and the key factors affecting it, including oil reserves and production, and other matters.
S-407, Capitol

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine market reform in New Zealand.
SD-419

2:30 p.m.

Armed Services
Airland Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on tactical aviation issues.
SR-222

MARCH 30

9:00 a.m.

Armed Services
Readiness Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on current and future Army readiness.
SR-232A

9:30 a.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 506, to reform Federal mining laws, and S. 504, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims.
SD-366

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on S. 440, to provide for the designation of the National Highway System, focusing on transportation conformity requirements.
SD-406

Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold oversight hearings to examine direct lending practices.
SD-430

Rules and Administration
To hold hearings to examine the future of the Smithsonian Institution.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD-192

Banking, Housing, and Urban Affairs
To hold hearings on issues related to the Mexican peso.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the science programs of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the National Science Foundation and activities of the Office of Science and Technology Policy (Executive Office of the President).

SR-253

Governmental Affairs

To hold oversight hearings on the General Accounting Office, focusing on a study by the National Academy of Public Administration.

SD-342

Judiciary

Business meeting, to consider pending calendar business.

SD-226

2:00 p.m.

Armed Services

Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on Reserve component programs.

SR-222

Armed Services

Acquisition and Technology Subcommittee

To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the Counter-proliferation Support Program.

SR-232A

MARCH 31

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.

SR-332

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.

SD-138

10:00 a.m.

Judiciary

To hold hearings to examine the right to own property.

SD-226

APRIL 3

9:30 a.m.

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings on S. 565, to regulate interstate commerce by providing for a uniform product liability law.

SR-253

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.

SD-138

APRIL 4

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.

SR-332

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Air Force programs.

SD-106

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.

SD-138

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To continue hearings on S. 565, to regulate interstate commerce by providing for a uniform product liability law.

SR-253

10:00 a.m.

Governmental Affairs

To hold hearings on the earned income tax credit.

SD-342

Small Business

To hold hearings to examine the Small Business Administration's 8(a) Minority Business Development Program.

SH-216

APRIL 5

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.

SD-192

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the U.S. Forest Service land management planning process.

SD-366

Labor and Human Resources

To hold hearings to examine activities of the Department of Health and Human Services' Food and Drug Administration, focusing on the future of American biomedical and food industries.

SD-430

Rules and Administration

To resume hearings to examine the future of the Smithsonian Institution.

SR-301

Indian Affairs

To hold hearings on providing direct funding through block grants to tribes to administer welfare and other social service programs.

SR-485

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.

SD-138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.

S-146, Capitol

Governmental Affairs

To continue hearings on the earned income tax credit.

SD-342

APRIL 6

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Navy programs.

SD-106

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.

SD-138

Commerce, Science, and Transportation

Business meeting, to mark up S. 565, to regulate interstate commerce by providing for a uniform product liability law.

SR-253

Labor and Human Resources

To continue hearings to examine activities of the Department of Health and Human Services' Food and Drug Administration, focusing on the future of American biomedical and food industries.

SD-430

10:00 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on S. 440, to provide for the designation of the National Highway System, focusing on issues related to the Woodrow Wilson Bridge and the innovative financing of transportation facilities.

SD-406

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.

SD-116

APRIL 26

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.

SD-116

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.

SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.
SD–116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.
SD–192

CANCELLATIONS

MARCH 28

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.
SD–116

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues relating to access to health care clinics.
SD–192

MARCH 30

2:00 p.m.
Energy and Natural Resources
Energy Production and Regulation Subcommittee
To hold hearings on S. 283, to extend the deadlines applicable to two hydroelectric projects in Pennsylvania, S. 468, to extend the deadline applicable to the construction of a hydroelectric project in Ohio, S. 543, to extend the deadline applicable to the construction of a hydroelectric project in Oregon, S. 547, to extend the deadlines applicable to certain hydroelectric projects in Illinois, S. 549, to extend the deadline applicable to the construction of three hydroelectric projects in Arkansas, S. 552, to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana, and S. 595, to provide for the extension of a hydroelectric project located in West Virginia.
SD–366

POSTPONEMENTS

MARCH 29

9:30 a.m.
Special on Aging
To hold hearings to examine ways that individuals and families can better plan and pay for their long-term-care needs.
SD–628

SENATE—*Tuesday, March 28, 1995*

(Legislative day of Monday, March 27, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend John Lloyd Ogilvie, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He shall direct your paths—Proverbs 3:5–6.

Lord, what You desire from us You inspire in us. You use whom You choose; You provide for what You guide; You are working Your purposes out and know what You are about. We trust You with all our hearts. Infuse us with Your spirit and use us.

We praise You for the challenges of this day that will force us to depend more on You. Knowing that You never forget us, help us never to forget to ask for Your help. Set us free of any worries that would break our concentration on the work You have given us to do today. We entrust to Your care our loved ones and friends, those who are ill or confronting difficulties. And Lord, help us to be sensitive to the needs of people with whom we work today. Let us take no one for granted assuming that a polished exterior is the result of a peaceful interior. So enable us to be to others what You have been to us. Help us to live this day as if it were the only day we had left. So if there is any kindness we can show, and affirmation we can give, any care we can impart, Lord, help us to express it today. May we be a boost and not a burden; a source of courage and not of cynicism. Lord, this is the day You have made and we plan to rejoice and be glad in it. In Your holy name.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. DOMENICI. Mr. President, this morning the leader time has been reserved and there will be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the exception of the following: Senators DOMENICI and BIDEN, 5 minutes each, Senator COVERDELL for up to 15 minutes, and Senator THOMAS for up to 35 minutes.

At the hour of 10 a.m., the Senate will begin consideration of S. 219, the moratorium bill. Amendments are expected to the bill. Therefore, Senators should be aware that rollcall votes are possible throughout today's session. Also, the Senate will stand in recess between the hours of 12:30 and 2:15 for the weekly party luncheons to occur.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from New Mexico [Mr. DOMENICI] is recognized to speak for up to 5 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI and Mr. WELLSTONE pertaining to the introduction of S. 632 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE STATE OF AMERICA'S CHILDREN

Mr. WELLSTONE. Mr. President, today, the Children's Defense Fund, a wonderful organization—and thank God there is such an organization with a strong voice for children—has issued a report, "The State of America's Children."

I would, for my State of Minnesota, like to release some statistics from this report on the floor of the Senate and then I would like to talk about what these statistics mean in personal terms for my State and for the politics of the country for this Congress.

Minnesota's children at risk—this report was issued today by the Children's Defense Fund: 60,615 children lacked health insurance in the years 1989 to 1991—over 60,000 children lacking health insurance; 27,462 reported cases of child abuse and neglect, 1992—27,462 reported cases; 116 young men died by violence, 1991; 48 children were killed by guns, 1992.

Only 71.4 percent of 2-year-olds were fully immunized, 1990—30 percent of children not fully immunized. This is my State of Minnesota and, in my humble opinion, that is the greatest State in the country; 35 percent of 4th grade public school students lacked basic reading proficiency, 1992.

Those are Minnesota's children at risk.

Mr. President, on the back of this report released today by the Children's Defense Fund, there are the following statistics, which I have read on the floor of the Senate before, but this is a new report, new data:

Every day in America, three children die from child abuse.

Every day in America, 15 children die from guns.

Every day in America, 27 children—a classroomful—die from poverty.

Every day in America, 95 babies die before their first birthday.

Every day in America, 564 babies are born to women who had late or no prenatal care.

Every day in America, 788 babies are born at low birthweight, less than 5 pounds 8 ounces.

Every day in America, 1,340 teenagers give birth.

Every day in America, 2,217 teenagers drop out of school—each day.

Every day in America, 2,350 children are in adult jails.

Every day in America, 2,699 infants are born into poverty.

Every day in America, 3,356 babies are born to unmarried women.

Every day in America, 8,189 children are reported abused or neglected.

Every day in America, 100,000 children are homeless.

Every day in America 135,000 children bring guns to school.

Every day in America, 1.2 million latchkey children come home to a house in which there is a gun.

Mr. President, I would like to, from this Children's Defense Fund report that came out today on the state of America's children, talk about what this means with Minnesota children at risk.

> A Nation that would rather send someone else's child to prison for $15,496 a year, or to an orphanage for over $36,000 a year, then invest in $300,000 worth of immunization and $100,000 worth of prenatal care to give a child a healthy start, $1,800 to give that child a summer job to learn a work ethic, lacks both family values and common and economic sense.

Mr. President, let me just add that as long as we are going to be talking about a budget deficit and addressing that budget deficit, I think it is time that we also address a spiritual deficit in our Nation. I have brought an amendment to the floor of the U.S. Senate four times which has been defeated. I will bring it back on the floor this week, especially with the rescissions bill over here.

I commend Senator HATFIELD, and others, for their fine work in at least

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restoring some of the cuts for some programs that are so important. I know that I met with citizens back in Minnesota about cuts to the Low Energy Assistance Program. In my State of Minnesota, over 100,000 households, 300,000 individuals, I say to my colleagues, 30 percent elderly, members of household, 40 percent child, over 50 percent someone working; this was a grant of about $350 that enabled somebody to get over a tough time, with 40 percent using it only 1 year. People were terrified. I will thank Senator HATFIELD and others for not zeroing out that program.

As I look at these cuts that are before us, Mr. President, I would like to raise some questions not about the budget deficit but about the spiritual deficit. Minnesota children at risk. I will have this amendment on the floor and I will ask one more time for my colleagues to go on record that we will not pass any legislation, take any action that would increase the number of hungry or homeless children in America. That amendment has failed in four separate votes, though the support for the amendment is going up; the last time it received 47 votes.

Mr. President, I want to ask the following question: Who decides that we are going to cut child nutrition programs but not subsidies for oil companies? Who decides that we are going to cut the Headstart Program but not subsidies for insurance companies? Who decides that we are going to cut child care programs but not tobacco company subsidies? Who decides, Mr. President, that we are going to cut educational programs for children, but not military contractors?

Mr. President, some people are very generous with the suffering of others. And it is time that we understand that we should not be making budget cuts based on the path of least political resistance, making cuts that affect citizens with the least amount of clout that are not the heavy hitters and do not have the lobbyists.

There needs to be a standard of fairness. I will insist on that during this debate. Mr. President, if you will allow me 15 seconds for a conclusion, over and over again on the floor of the U.S. Senate, I will, if you will, shout it from the mountain top. There will not be any real national security for our Nation until we invest in the health and the skills and the intellect and the character of our children. That is what this debate is about.

I thank the Chair and I thank my colleagues for their generosity and graciousness.

The PRESIDING OFFICER. The Senator from Georgia is recognized to speak for up to 15 minutes.

OUR NATION'S STRIKING DILEMMA

Mr. COVERDELL. Mr. President, I want to begin by thanking the members of the bipartisan commission that concluded its work last year—the entitlement commission and the Congressional Budget Office and the Senate Budget Committee, and others, who have contributed to my purpose and reason for speaking to the Senate this morning.

In perusing their work—and we do get inundated with information in this Capital City—but as I was going through the material they had provided, I suddenly fell upon a page for which this chart is a near replica. It has been improved and modified with new information. But this single page riveted my attention, and I think if known, it would command the attention of every American, every American family, and every American business. It poses for our Nation a striking dilemma.

Mr. President, what it points to is this fact and this condition: Within 10 years—maybe 8, maybe 12—the entirety of all U.S. revenues—all U.S. revenues—are consumed but by five outlays, five expenditures. You just have to think for a moment of the thousands and thousands of Federal expenditures that we accrue each year. When you start saying that, within a decade, I suppose most everybody within the sound of my voice, with God's permission, expects to be here in 10 years. In 10 years, all of our Government's revenues are consumed by just five expenditures.

Mr. President, those expenditures are Social Security, Medicare, Medicaid, Federal retirement, and the interest on the United States of America's debt. Those five things will consume every dime the country has.

This chart shows those five expenditures and U.S. revenues meeting in the year 2006, but 10 years away. I believe it will occur sooner than that.

But, in any event, on or about this date, we are confronted with this calamity. We were just listening to the Senator from Minnesota talk about a program for children in which he has great interest. The point is that if we allow this to happen to ourselves, within 10 years, anything the U.S. Government wanted to do either could not be done because there would be no revenue to do it, or we would have to borrow it. In short, we would be saying that to run the U.S. Government, the Defense Department, to build a road, a canal, to widen a port, to take care of the program for children mentioned by the Senator from Minnesota, and the School Lunch Program which has been debated in the House, it would either have to be discontinued, or we would have to borrow to do it. Think of it—borrow to run the entirety of the U.S. Government, or not do it, because all the money will have been consumed but by five outlays.

Mr. President, from time to time, in America's history, Americans have been called upon to do extraordinary things—those that founded the Nation, those that fought to keep it a union, the Americans that went to Europe in the name of freedom in 1918, and again in 1940. Mr. President, my view is that no generation of Americans—none—will have ever been called upon to do more than the current generation of Americans as they face this staggering crisis.

I repeat that: I do not believe there is any generation of Americans other than those living today that will have been asked to do more in the name of saving this Union.

Mr. President, this is not a message of gloom. Mr. President, this is a message of challenge. Challenge. I have never known a generation of Americans that would flinch or cower from facing a crisis that had to do with the saving of the Union.

First, Americans have to know about this problem, which I do not believe they do. I think Americans understand that we have difficulties and problems. But they do not know that the problem is at their back door. They have heard policymakers for years talk about the growing crisis of our fiscal affairs.

What they do not realize is that there is not another generation to pass this problem to. We cannot pass the baton to someone else. It is our problem. We are going to have to confront it now. We are going to have to try to prevail. That means move to a balanced budget. That means it has to be done fairly and evenhandedly.

Mr. President, we are going to have to take steps in these Chambers to remove the burdens of business so that we can expand our economy.

I contend that when we look at this conversion of but five outlays that consume all of our revenues, we are going to have to confront what I would characterize as generational contracts. We are going to have to take these entitlements and honor our agreements to those who are at the end of their work careers. But for those coming into the work career, we are going to have to entertain and shape new agreements.

Mr. President, this generation of Americans has a choice. It can do those things I just talked about—tighten the belt, move to a balanced budget, expand the economy, move to generational contracts on entitlements. If we do that, the American dream, which has been a part of this country since its inception—that life would always be better for the new generation, that the new generation would have more opportunity, be better educated, it would be a stronger nation—is still possible. If we do the tightening of the belt, if we enter into generational contracts, if we do the things to expand the economy, we will create millions of new jobs for America's future. If we do these things, we will create thousands of new businesses. And in forming the new businesses, we will generate new ideas and better ways to live, and we will elevate our standard of living in this country.

But what if we choose to flinch? What if we ignore what we have been told—that five expenditures will consume all of our revenues in but a decade. What if we ignore this, while history is full of nations in ruins because they failed to confront this kind of crisis?

If we let this happen, the future generations will have to bear an 82-percent tax rate to pay for our failure to confront this issue. Mr. President, 82 percent of earned wages would be consumed just in order to take care of our fiscal abuse.

We would be saying to the future that the present is all we are worried about. We do not care about those jobs in the future. We do not care about the burden of the working family in the future.

Mr. President, I began these remarks by saying that I believe that this generation of Americans will be called upon as no other. We are at a unique crossroads in the history of this Nation.

The other enemies were outside our borders. They were easier to identify—Hitler marching. Across America, the great divide in our Nation, this is a battle amongst ourselves. This is an insidious, creeping development that is much harder to recognize.

Just as sure as the Sun comes up in the morning and sets in the West, this generation of Americans will have to confront this crisis or we will undo our own Nation.

I want to add one other thing, Mr. President. There is only one world power today. We all acknowledge that we are still living in a very dangerous world. If we destabilize our currency, if we wound ourselves because we lack the discipline to manage our fiscal affairs, we will make the world a very dangerous place for the future families of America. It will not be difficult for our world adversaries to know that if we do not care for our financial health, we will be unable to defend our freedom here or anywhere else in the world.

I have but one request, Mr. President. I hope that every American family will take a look at this very simple chart that says within 10 years, we will consume all U.S. revenues with but five expenditures—Social Security, Medicare, Medicaid, Federal retirement, and the interest on debt—and put that chart on their kitchen table and contemplate what that means to the planned retirement of the parents, to the aspirations for education and jobs of the children, and the future of their country. I believe, from around that kitchen table, will come the will and the resolve to confront this great moral challenge for the United States.

I ask them to do this for themselves, Mr. President, and for their families, and for this Union.

Mr. President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 35 minutes.

HOW TO PROCEED ON WELFARE REFORM

Mr. THOMAS. Mr. President, I am pleased today to join my freshman colleagues to discuss some of the solutions and some of the facts, the interest, that go into the Nation's welfare system.

Before the debate on welfare reform can proceed, however, it seems to me that we have to make some stipulations. We have to begin with the basic premise, the premise that everyone in this Chamber is compassionate about helping over 26 million people climb out of poverty. That is not the question.

I think if we are really seeking some solutions to our welfare problems, some solutions to help Americans advance themselves, we have to get away from this idea of saying that this group—because they have a different view—wants to throw everybody out in the cold.

I think we do all start with that notion that every day, each person has a responsibility to make this a better place to live. With that premise, we wanted to talk some about the fundamental question of how we proceed, and what is the role of the Federal Government; how can we make changes that will cause some changes in the results of the welfare program?

Mr. President, let me first recognize the Senator from Arizona.

Mr. KYL. Mr. President, I thank my colleague for yielding. The 11 freshman Republican Senators have made it a point to come to the Chamber and speak each week on an important topic because we have just gone through an election, have just spoken very directly with our constituents, with a large segment of the block of voters who called for change in this last election. The Presiding Officer experienced that as well, and knows the fervor with which our constituents approach the issues of reform and change.

No issue that they talked about in the last campaign had more emotional feeling to it, I think, than the issue of welfare reform. Because they not only recognized that welfare reform could result in huge savings of money to the Federal Government, but that we were destroying generations of people, creating a cycle of dependency from which too many people were finding it impossible to extricate themselves.

So it is a very personal challenge as well as a sound, prudent fiscal policy that causes us to look to the issue of welfare reform. We do that this week because we want to compliment our House colleagues for passing a meaningful fundamental welfare reform package, the first real effort to reform our failed welfare system in decades, and to say to our House colleagues: You got the ball rolling and now it is our opportunity in the Senate to take advantage of the momentum you have created, to take the legislation you have passed and to try to improve upon it if we can, and to get a bill to the President which he can sign, truly ending welfare as we know it.

The House bill, in most people's view, is not a perfect bill. But it is a very good start toward this issue of welfare reform. As I said, it is now our opportunity.

Let me just make four quick points about what I think our approach to this problem ought to be.

Our current system, I think almost everyone has now recognized, does not foster independence, and family, and responsibility—all values that we know are essential, but, instead, perpetuates both material and behavioral poverty. The most compassionate, responsible course of action that I think we can take is to find a way to free our Nation's children and families from dependency in this terribly flawed welfare system.

Toward that premise I think we should first admit that continued dramatic increases in Federal social welfare spending have failed to reduce the number of people in poverty in this country and that more money is simply not the answer. The Federal Government has spent more than $5 trillion on social welfare programs since President Johnson declared the war on poverty, yet, according to the Congressional Budget Office figures, total spending will rise to 6 percent of the gross national product by 1998. Since the mid-1960's, poverty has actually increased from 14.7 percent to 15.1 percent today. So after spending all this money we have not eradicated poverty. It is more in our land than before.

Second, the Federal Government does not know best how to spend our hard-earned dollars. One of our colleagues gave us a test. If you inherit $100,000 and because you are a good citizen you want to, in effect, tithe a tenth of that to solve the problem of social deconstruction in our country, to whom would you give that $10,000? What organization would you give it to, to best help eradicate poverty in your own community? I daresay none of us would invest that in the U.S. Government. None of us would say the Federal Government welfare programs are pretty good, let us give the $10,000 to them. We would pick the local homeless shelter or Salvation Army or some other local group that really knows how to stretch the dollars and make the individual decisions in the community that we know work.

It is interesting, several Governors, including Tommy Thompson from Wisconsin, whose welfare roles have declined 25 percent over the past few years, have had to ask for literally hundreds of waivers from the U.S. Government in order to achieve welfare reform in their own States. So giving States more flexibility to quickly achieve welfare reform will help those in need.

Third is the point the Senator from Wyoming just made, and it is a very important point, we must end the damaging and incorrect rhetoric which suggests that somehow by reforming welfare we are going to be taking food out of the mouths of young children. This is rhetoric of the worst kind. The House bill, for example, has been criticized, but few point out that the House bill actually increases funding for school lunch programs by 4.5 percent each and every year for the next 5 years, an increase of $1 billion; and that the block grants to the States will save money and enable them to apply those funds to the children.

Fourth, the Federal Government and the States must continue to search for ways, whether they be difficult initial choices or not, which foster self-sufficiency, encourage marriage, and work. The House bill contains several such incentives. For example, we should eliminate the marriage penalty created in the Tax Code. Fathers should be required to live up to their financial responsibilities. Again, giving States the flexibility to design programs which will effectively reduce out-of-wedlock births and other similar conditions which create poverty are an important element of any welfare reform program.

There is more, but I think we make the point that there are several things that need to be done here. The House was on the right track and we in the Senate need to give our backing to that in the kind of bill we pass out of Senate and not let this momentum flag but be able to send a bill to the President.

I conclude with this point. There is a big difference between taking care of people and caring for people. Taking care of people was the philosophy of the Great Society programs. It has not worked. True compassion is caring for people in a way that provides them a hand up, not a handout. That should be the guiding philosophy to end the cycle of dependency that has been created by 40 years of misguided welfare policies. That should be the guiding philosophy of true welfare reform that comes out of the U.S. Senate.

Mr. President, I thank the Chair and the Senator from Wyoming for again getting the freshmen Members of the Senate here to talk about this important subject.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. The Senator from Arizona, I think, has made one of the key points in this whole discussion, and that is this is a compassionate society. All of us are committed to the concept that we help people help themselves. Unfortunately, almost everyone agrees that the war on poverty has failed, and that we have more of a problem now than we did when it began. That is what this is about—how do we have a better system of helping the people help themselves.

One of the persons who has worked very hard and very diligently, and I think is most knowledgeable in this area, is the Senator from Pennsylvania, who last year in the House was basically the author and principal architect of the proposal put together by the Ways and Means Committee that would accomplish some of those things.

I yield to the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Wyoming for yielding the time. I appreciate the kind words in the introduction.

I, too, want to say the Senator from Wyoming and Senator from Arizona have hit the nail on the head. I think the reason, the impetus behind us being here this morning is really to start this debate out on welfare reform with a little different tone than it took in the House of Representatives. The fact of the matter is, the debate in the House, with ample support from the national media, turned into a really disgraceful event that turned so mean-spirited and accusatory that it focused very little on what actually was going to occur and what the underlying principles were in the reform effort that were underway. It focused just on name-calling and, I think, outrageous allegations about the mean-spiritedness of the Republican proposal.

We are here this morning as the freshman class to say we have examined and are examining this proposal, and we see it as a very positive move forward in helping people get out of poverty. That is what this is all about. You will hear some say, "The Republicans, they just want to cut people off." I would tell you that I would not be here today—and I do not think any of us would be here today—if we thought that was the motivation behind the welfare reform proposal, just to hurt people.

I am not in the business of hurting people. I do not like hurting people. I want to try to help folks. But I truly believe, as I think my colleagues will also state, that you do not help people, as Senator KYL said, by taking care of them, by making them dependent on you, by providing for them instead of giving them the opportunity to provide for themselves. That is not truly taking care of. That is not truly helping people.

So when you look at these proposals, look at it not as to how much are we doing for somebody, but how much are we helping them help themselves. How much opportunity are we creating; not how much are we taking care of. That is really the test here, because we know from our history that taking care of people destroys them, destroys communities, destroys families, destroys country. That is what is brewing in our communities that are heavily laden with welfare populations today. That destructive element of Government dependency is taking control and is not creating better communities, families, individuals, and neighborhoods.

I have been asked, because of my background in the House on this issue, what the prospects are here in the Senate. The general conventional wisdom is the Senate will water it down and we will get something that is just sort of tinkering with the system, that they will not be nearly as dramatic as the House. I say this: The more the Senate looks at the problem, the more we focus in and see the absolute destruction that is occurring in our neighborhoods today, the morality behind what we have to do—this is not an economic issue; providing for the poor in our society is a moral issue. We have to look at it in that context.

When you look at what we are doing to children, families, communities, and our Nation, I believe the U.S. Senate will follow the path very similar to the House of Representatives.

The chairman of the Finance Committee just yesterday said that the block grant idea has merit and that we should move forward on that track. It does have merit. Why? Because it takes all of the power and control out of this town that thinks it knows best for everybody, where we make sure that everything is taken care of from here and that all the decisions are made here, and puts them back into the States and, more particularly, into the communities and into the families of America. That is the right direction for us to take when it comes to taking responsibility for the poor in this country. That is the right direction. I believe that is the direction we all will take here in the U.S. Senate.

It will be a dramatic bill that comes out of this Senate. It will not be a watered down version that looks very much like the system today. I do not believe the Senate will stand for that. And I think we can get bipartisan support to do it. I am encouraged by that.

There will be some who stand up and defend the status quo. They will stand up because they were the creators of the status quo, and they will defend the system and accuse anybody who wants to change it as being cruel, inhumane, and mean spirited. And they will say in many cases, as happened in the House, outrageous things about our intent.

Let me clear the air one more time about our intent. Our intent is to help people help themselves. Our intent is to get people off the welfare rolls. I find it absolutely incredulous that when you have a program in place that actually gets people off the welfare rolls, that is bad. What? A good welfare program gets more people on the welfare rolls? Is that what we want? Is that our analysis? Is that our benchmark as to what is good? Getting more people on welfare, making more people dependent? That is good? No. What is good is solving poverty, not sustaining it. Moving people off the welfare rolls is good. Decreasing those rolls is good. That is a good objective. That is what we hope to accomplish here.

Those who stand up and say so many people are going to be cut off and all these people are going to be leaving. That is good. People leaving welfare and on to productive jobs in America is good. That is what this program is going to be all about. You will hear people say, "Well, you cannot change this. You are going to harm children." Folks, look at all the welfare payments, AFDC, SSI, on down the list. How many of those benefits get paid directly to the children? How many of them? The answer is none. A child in this country does not get any money paid directly to them. It all goes to parents. They all go to parents.

So when you hear this argument we are going to cut children off, we are going to hurt children, think of where the money goes and think of where that money is being spent and by whom it is being spent; not the children. I wish the money could be sent directly to those children so they could get the food and education that they need. But, unfortunately, in many cases it does not.

Let us focus in on the real problem. The people who are going to defend the status quo have put forward a plan for the past 30 or 40 years that has increased poverty, decreased hope and opportunity, has increased crime and decreased the sense of community safety and neighborhood, has increased illegitimacy from 5 percent in the midsixties—5 percent of children in this country were born out of wedlock—30 percent today and rising. As a result, we have seen a decrease in fathers taking responsibility for their children and a resulting increase in gang activity because fathers bond with other males instead of bonding with females to take care of children. It is a vicious cycle that is created by very good intentions of the people who created this system; very good intentions, but very wrong programs.

I challenge the national media to give us a break. Tell the truth. Quit printing that we are repealing the School Lunch Program when they know darned well we are increasing the money. We are cutting out, as was said in the House, the lunches, the free lunches, here in Washington by the bureaucrats who suck money from the system before it even gets to the kids. Tell the truth about what is going to go on here in the U.S. Senate with the welfare reform. Do not be afraid that your friends on the other side will not like you by telling the truth about helping people, that the Republicans can actually be kind, compassionate, and be for a more progressive and uplifting opportunity type of society for the poor. Do not be afraid of that. Stand up and tell the truth about what is going on here in the U.S. Senate.

Finally, the welfare system in this country has to change, and there are four principles we have to accomplish. First, work. The only true measure of success of a welfare program is how it gets people off welfare and into work. Work has to be a central component.

Second, there has to be a system that supports families and does not tear families apart, that supports marriage and does not foster fathers walking away from their children.

Third, it has to focus on flexibility to provide States and communities the opportunity to have programs that truly do tailor their needs to the individual families and communities and not be bureaucratic and regulatory from the Federal level.

Finally, we have to save money. We heard so much about the people program, cutting people off. The Republican program allows welfare to grow over the next 5 years 32 percent. If we did nothing, it would grow 39 percent. I do not think cutting the program that is scheduled to grow to 39 percent is mean spirited or draconian. In fact, a lot of people listening would probably say, "Why don't you do more?" We do not do more because we want to try to help and not just be handing out. That costs money, but it is a good investment. We are willing to make the investment of helping people get out of poverty, but we are going to stop throwing money at people who stay in poverty.

I thank the Senator from Wyoming for yielding the time. I appreciate his indulgence in my discourse. I look forward to the rest of the day.

Thank you.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Wyoming [Mr. THOMAS].

Mr. THOMAS. The Senator from Pennsylvania has obviously given a great deal of thought to this. I think it is interesting that almost everyone in this country, including President Clinton, says welfare is broken and needs to be fixed. Yet, when you begin to look at it and take the opportunity to seek to find a better way to deliver services, then we run into all of this criticism and, as the Senator says, untruths about what is really happening. But I think there is a real opportunity this time to do something.

One of the reasons is that there are people in this body who are new here and who are bringing to the body a brandnew idea, some of it having come from the campaign, some of it having come from living regular lives. And one of those is the Senator from Tennessee. I would like to yield time to him.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank the Senator from Wyoming for his leadership in this area and also the Senator from Pennsylvania for his eloquent remarks and for his leadership in this area, both in the House of Representatives and in the U.S. Senate. He, as usual, assesses the problem very precisely.

I would like to lend my remarks to my own assessment of the situation as we begin this debate because we are indeed addressing one of the most fundamental problems facing the Nation at this time. I think if one true thing can be said about the welfare system, it is that the American people have overwhelmingly concluded that we have a mess on our hands and an intractable problem that we must do something about for the preservation of our society as we know it.

Too often the program has been run by the wrong level of government, by the wrong people.

We have spent $5 trillion trying to address the welfare program in this Nation, and we have created more poverty, more out-of-wedlock births, a higher crime rate, more dependency than we ever thought would be possible. If the Federal Government had deliberately gone out and tried to wreak such havoc with $5 trillion, it would not have been able to do it, yet we have done by accident what could not be done by design.

Mr. President, I think it would be appropriate, as we address this problem, that we do so with a certain amount of humility. We are not the first people to address this problem. This is not the first time the Senate has addressed it. This is not the first time the House of Representatives has addressed this problem. It has been with us for many years. It has been growing and growing. Many people have come up with different ideas and different people of good faith can have different ideas about this.

So I think as we proceed into this debate, we ought to be openminded. We ought to be constructive. I think there is only one thing that we should not tolerate and that is the status quo. We have a miserable system now that is in large part participating in the decline of the United States of America; a country that we have all grown up in and has been the strongest, most powerful and most respected Nation not only in the world but in the history of the world.

The time has come for change. It seems to me these problems fester and are debated for years on end, but finally there comes a time when we really have to face up to them. I think we are beginning to do that in the Senate, and in the Congress of the United States with regard to many areas for the first time. We are talking about changing the way we do business in the Congress of the United States, and there is no more clear example of that than our approach to the problems in our welfare system.

I think that going into it we can certainly conclude there are certain things that have been proven not to work. We know, for example, that merely throwing money into a failed system is not the answer. We could have taken all of the assets of all the Fortune 500 companies in America and given those assets to the poor and still have saved money. That alone gives us some indication of the amount of money we have poured into a system, and a rising poverty level indicates the results we have achieved from that money.

I think it is also clear that large Federal programs are not the answer. We are now talking about workfare. We are talking about job training as if this was the first time these ideas have come about. Some people think if you take a little more money out of this pot and put it in here or if we reduce a program a little bit and add it to another, if we fine tune it enough, we are smart enough that we can come up with the right solution to solve this problem from Washington, DC.

We have been trying this for 30 years to no avail. We are dealing with a single problem, and that is poverty. It is a problem that has many causes. We are trying with one set of overlay programs from Washington, DC, to cover situations where on the one hand we have a person who is trying to get off welfare and trying their best to get out of a temporary hardship; on the other hand we have people who have been on welfare for generations and have no interest in working until they are absolutely forced to do so. The same program from Washington, DC, cannot cover the myriad of conditions and circumstances that we face.

There are certain principles we can adhere to as we begin to address this problem, and one is that we must give the States more flexibility. We must get this problem down closer to the people who can see their neighbors, who know the person down the street or across the way, and who knows who is trying and who is not trying and who legitimately needs help and who should be told it is time to go to work. All of the innovation that has taken place in this country with regard to the welfare problem in the last decade has been at the State and local level.

We have to take advantage of those innovations and those remarkable Governors we see all across this Nation who are coming up with solutions and trying different things under heavy criticism and heavy barrages of acrimonious statements but are standing tall and standing strong and changing those programs and showing that certain basic programs and changes of motivation of people can really work and help the system.

We should not be embarrassed to ask local churches, local communities, private organizations to step up to the plate and do more. That is the way it used to be in this country. It is not turning back the clock. It is a way of moving forward. I still believe that this country is full of well-meaning, caring, big-hearted people who, if they knew the nature of the problem, they knew someone down the way who really was having a hard time, would be willing to jump in and lend a hand. If it were brought to our attention and we had the responsibility and felt the responsibility to do something about it, there are millions of people out there who would be willing to step forward and do something about it. They cannot take care of the whole problem, and we cannot turn over the whole problem to them overnight, but they have to be brought back into the system. People have to feel a sense of responsibility for their neighbors the way they used to in this country.

We have to have a system that pays more to work than it does not to work. As I travel around the State of Tennessee and go into these little restaurants and coffee shops and see these young women working hard, many hours a day, some of them with a child or maybe two children at home, never been on welfare, you talk to them, working at low-wage jobs trying their best, working hard, and they see someone down the street from them or across the road who does not work, who has never worked and are netting out more than they are in terms of take-home pay, they see that, Mr. President. People see that. It has a debilitating effect on them and our country. It has a debilitating effect on these people, young people especially, who are not into the welfare mentality, who have worked all their lives and want to work, and we are delivering a message to them that really it pays more sometimes not to work.

We have to change a system like that. As the Senator from Pennsylvania pointed out, there will be those against reform. There will be those who want to stay with the status quo. A lot of people have done very well on the system that we have. A lot of people in Washington, DC, elected representatives over the years by sending out more money and getting more votes have done very well for themselves under the current system. Certainly the bureaucracies that run the tremendous system that we have now, that siphon off most of the money before it ever gets to anybody that it can help, have done very well under the system. They will come up with every horror story known to man to keep from having to do without a little more money for their agency or a few less jobs as we try to move this down to the State and local level where the problem is and where people know what to do better to solve that problem.

So, Mr. President, these are my observations as we go into this debate. We have a problem on which we all agree. We all know that we have been trying for years to do something about it, essentially nibbling around the edges. I think we have all concluded now that the time has come for action; that we must take bold action; we must change. We are better than this. We cannot go down the road to destruction of this Nation. The people who genuinely need help in this country deserve a better system, and the people who work hard for a living and pay for this system deserve better.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has 5 minutes and 24 seconds remaining.

Mr. THOMAS. Mr. President, we got started a little late. We would like to have about 15 more minutes, if there is no objection.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. THOMAS. Mr. President, I think it is exciting; I think it is exciting that Senators like the Senator from Tennessee and others are willing to take a look at this program. It has been a long time since we have said: Does this program work? What are the results? How do we measure the results? What is the measurement of success?

Instead of that, over the years, we have simply said: We have a program. It is not working. Let us put some more money in to make it bigger.

Now we have an exciting opportunity, and that opportunity is to evaluate it, to change it, to find better systems, to look for duplications, and to eliminate some of the things that do not work.

One of our colleagues who has had an opportunity to work with this very closely at the local level as Lieutenant Governor is the Senator from Ohio. I yield to the Senator.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, let me first thank the Senator from Wyoming for putting this group together this morning. His comments are certainly well taken, as are the comments of my colleagues from Arizona, Pennsylvania, and Tennessee.

I think it is fitting and appropriate that the new Members of the Senate, who just finished the campaign, just finished talking directly to the American people, should be the ones who are on the floor this morning talking about welfare reform, because I am sure that the experience my friend from Wyoming, or my friends from Tennessee, Pennsylvania, and Arizona, had was the same experience that I had.

I could not find one person—not one person—in the State of Ohio who thought welfare worked. And that included people who were on welfare. It included taxpayers. It included the average citizens, whom I see day after day after day. I could not find anybody who thought welfare works. So it is appropriate that we, really, in this country engage in this national debate.

Mr. President, the House has just concluded this debate and the Senate will take up this debate in a few weeks. In this debate, we seem to be focusing on adults, on money, on jobs. But, Mr. President, underlying all these considerations is really the future of our children, because that is really what this debate is all about. It is about our children. It is about breaking the cycle of poverty. It is about breaking the cycle of despair.

We are, it is true, Mr. President, trying to rescue the adults who are trapped in the welfare system. But if we are brutally frank and honest with ourselves, I think most of us will admit that it is our concern for the children that really underlies this debate and makes it so imperative that we do something, that we do something different.

Fixing welfare will not be easy, and it will not be done overnight. And fixing welfare, frankly, is not all we have to do. We also have to tackle the broader problems of violence, poverty, and lack of education that is posing such a threat to the well-being of our country's children.

Mr. President, the fact is that America's children are in crisis, and welfare dependency is part of the cause of that crisis.

The statistics in regard to our young people today are absolutely staggering and frightening. In 1960, about 5 percent of the children born in America were illegitimate. Today, almost one-third are. In some major cities, that figure is now at two-thirds, and in some cities, even higher than that.

Since 1972, the rate of children having children has doubled. What happens to these children, Mr. President? According to the Congressional Budget Office, half of all teenage unwed mothers are on public assistance within 1 year of having their first child, and within 5 years, 77 percent are on public assistance. This takes a huge toll on the children. The poverty rate among children is the highest of any age group in the country.

Our young people today are the only age group in America—listen to this—the only age group in America that does not have a longer life expectancy than their parents did at the same age. A recent study revealed that of the children born to a married adult with a high school education, only 8 percent live in poverty. But of the children born to unmarried minors without a high school diploma, 80 percent live in poverty.

The children born out of wedlock are three times more likely than the children of married parents to become welfare clients when they grow up.

What kind of a life are these children being prepared for? What kind of values are they learning in a family where many times no one works, and bare subsistence income is given by, frankly, a distant and grudging Federal Government?

Mr. President, what do we do? That is what we are going to be talking about in the weeks and months ahead.

I think it might be tempting, particularly for those of us on this side of the aisle, now that Republicans control the Senate and Republicans control the House, to once again do what we have done in this country time and time and time again, and that is to impose a Washington solution on this problem. I think, however, Mr. President, that would be a mistake. I think it is very tempting to do this now that we are in control, but I believe it would be a grave mistake because history has simply taught us that Washington does not have all the answers.

I do believe that there will be times, as we debate this bill and this reform, when I will vote for some uniformity. I think, for example, that it makes eminent sense in the area of child support enforcement, an area that has been a problem for many, many years, to have more uniformity, to have more cooperation between the States. I saw this 20 years ago as a young assistant county prosecuting attorney when we tried to enforce child support. I saw the problems we had in going from State to State to State. I think uniformity in that area does make sense.

But I think, in most cases, we are going to be much better off in allowing the Governors, the legislators, and the people of the States to design their own programs.

Too often, Mr. President, we think, here in Washington, we have all the answers. Indeed, the crisis of welfare dependency in today's America is, I believe, in large measure a consequence of Federal policies written right here in this Capitol.

Mr. President, to be very blunt, I do not believe we should replace the Democratic Party's version of Federal micromanagement with the Republican version of Federal micromanagement of our welfare system. I think it would be a mistake. The answers are not here in Washington, not even on this side of the aisle.

If we are going to find answers, we need to be looking to the States and the local communities.

My colleague from Tennessee, Mr. THOMPSON, said it very, very well. Who better knows their neighbors, their friends, their communities? Who better knows the solution to this problem than the people of the local community?

I believe, Mr. President, that welfare reform experiments in Ohio, Wisconsin, Michigan, and other States do in fact show a great deal of promise. But we should not try to force all States into a single mold. We still have a great deal to learn about what works in welfare, and we certainly know already what does not work.

We should not standardize the Federal solution to which all States and communities have to conform. We need the States to continue to experiment, to be the laboratories of democracy, and to lead the way toward a 21st century welfare system in this country that does, in fact, work.

Finally, Mr. President, we, I believe, as we approach this welfare debate, must always remember that welfare is not, first and foremost, a money problem. Over the last few weeks, we have heard a great deal about the money side of welfare, and that is quite natural. Some say we are taking money away from the needy. Others say we are saving money for the taxpayers.

But beyond the welfare debate in regard to money is something much more important, and that is human beings, and that is young children.

The problem, frankly, Mr. President, is the kind of culture we are building in this country and the kind of lives America's children will inherit.

As we begin this debate, I propose a very radical solution. It is particularly radical for this town and this city, this Capitol Building, this Chamber. And the radical solution is to say, "We don't have all the wisdom here. We don't know all the answers."

Let us trust the States to be the laboratories of democracy. Let us turn back power to the States and let them try things, and let them find out what will work and what will not work.

They cannot do a worse job than the Federal Government has done. That may be a radical solution. It may be something that is foreign to Congress in the past. Quite frankly, Mr. President, we have tried everything else. I think it is time for a radical solution, a radical change, and I think, quite frankly, that it will work. Thank you very much.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to wrap up our focus, our effort this morning.

Let me just say, again, that I congratulate the House on what they have done. I think they moved forward. I think they have examined and have come up with new ideas. Do I support all of it? Probably not. Is it a perfect bill? Of course not. But it gives us an opportunity to take a new look at something that needs a new look.

What we are seeking is the best way to deliver services, the best way to help people help themselves, to find a way to help people who need help back into the workplace. That is what it is all about. That is the purpose of this program.

I went into our welfare office in Casper, WY. I expected to find a staff that was very defensive when we talked about change. That is not true. They felt frustrated with the program that they now have to administer. The director showed me this whole shelf full of regulations. He said, "God, I spend half my time working on regulations." They come from different Departments. They come from Agriculture, they come from Housing, they come from the welfare program. We need to put them together so that they do work.

We try to do something to encourage people to work, and if a mother on AFDC does not have a job or does not look for one or does not do what is required, they seek to reduce the payments. They reduce the payments here and they go up in food stamps, they go up in housing. They are very frustrated that they are not being able to accomplish what they want to accomplish.

There is a perception that more Government is needed by some, that more money is needed. Since the war on poverty, the Federal Government has spent nearly $5 trillion on social welfare programs. Federal, State and local governments combined now spend $350 billion a year, 20 percent more than the Government spends on national defense.

Separate Medicaid from food stamps and aid to families with dependent children and you find a program that costs taxpayers approximately $90 billion a year, more than five times what it was in 1981.

Specifically, the Federal share for Medicaid spending in the State of Wyoming has grown from $42 million to over $107 million from 1990 to 1994. The State's share for that program has grown from $24 to $61 million in that same period of time. And we all know what the results have been.

We have heard a great deal of criticism from the administration regarding the Republicans' efforts to reform welfare. On the other hand, that is what the President talked about when he came here. He said, "We're going to change welfare as we know it." Unfortunately, we have not heard much lately from the administration. The proposal introduced by the President in 1994 exempted all welfare mothers born before 1972 and proposed $9.3 billion in additional spending. Exempting 80 percent of the current caseload is not an answer, nor is the infusion of more money without change.

So what we are talking about is a great opportunity to provide real help, to provide a system that delivers the help to the people who need the help, not take it off on the way there.

I hope that we can start, as we said in the beginning, with a stipulation that everyone in this place is compassionate about children, everyone in this place wants to find a system that works and that we do not polarize ourselves by saying, "These folks want to throw everybody out; these folks want to help everybody." That is not the case.

Like the Senator from Pennsylvania, I call on the media to help, to help really say what the facts are, to really lay out that cuts are not cuts, reductions in spending proposals are not cuts, that consolidation of programs can end up with more benefit to recipients, and that is where we are.

Mr. President, we appreciate this opportunity in the morning time, and we look forward to participating in developing a program of assistance to Americans that will bring them out of poverty and into the workplace.

I yield the floor.

GREEK INDEPENDENCE DAY

Mr. PRESSLER. Mr. President, last Saturday the people of Greece celebrated 172 years of Greek independence from the Ottoman Empire. The Greek emancipation from the reins of tyranny brings to mind our own ancestors' struggle for freedom. Greece and the United States share a common struggle rooted in a common philosophy of liberty and self-governance put forth by the ancient Greeks.

Thomas Jefferson looked to the ancient Greeks when he made the case for representative democracy. Jefferson once said, " * * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." The Declaration of Independence closely mirrors the ideals of ancient Greek philosophers. Greek Independence Day not only commemorates Greece's victory over oppression, but also celebrates deeply rooted philosophical symmetry—one honed by great statesmen from Aristotle to Thomas Jefferson.

America's relationship with the Greeks came full circle when, on the eve of their revolution for independence, the Greek commander in chief, Petros Mavomichalis implored Americans for assistance:

> Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you * * * it is for you, citizens of America, to crown this glory.

Cognizant of the familiar ideals upon which the United States was founded, Greeks emigrated to the United States en masse during the early 1900's. Thus, generations of Greek-Americans have been able to contribute to the reaffirmation of their ancestors' political philosophies.

Greek immigrants emulated their ancestors' drive for knowledge. By 1970, Greek-Americans already topped other ethnic groups in median educational achievement. Combined with this intellectual drive, Greeks brought with them a diligent work ethic. Greek Independence Day also gives us an opportunity to pay special tribute to the industrious traditions of Greek-Americans and their outstanding contribution to our society.

I take this opportunity to wish all Greeks, whether they be in Greece or my home State of South Dakota, the very best during this 172d year of Greek independence.

TRIBUTE TO JENNIE BLAIR

Mr. HEFLIN. Mr. President, the Democratic Party of Alabama lost one of its most ardent supporters and activists on March 12, when Madison County Chairwoman Jennie Blair passed away. She was a strong, dedicated woman who contributed greatly to her State and community over the years.

Jennie was a very eloquent spokesperson for the causes and programs that help the people who are least able to help themselves. She was a positive force for good. Activists on the other side felt a kindred spirit with her, and also felt the loss.

She was a retired South Central Bell employee and labor activist who had long been involved in local Democratic Party politics. Just last month, Jennie was elected to a 4-year term as Madison County chairwoman. Huntsville, Alabama's third-largest city, is located in Madison.

A native of Lincoln County, TN, she was a member of the Communications Workers of America and a delegate to the Democratic National Convention. She held many other leadership positions in the State and national party, and played a pivotal role in the 1992 convention.

Jennie Blair's determination, energy, enthusiasm, and drive will be sorely missed by those who knew and worked with and against her. She took her politics seriously, and truly believed in the principles of the Democratic Party. She believed that Government can be a positive force in people's lives and was never shy about expressing that view. She was a dynamic example of the best things about politics and public service.

RECOGNITION OF INAH MAE ABRAMSON

Mr. HEFLIN. Mr. President, we all know those special people who just seem to epitomize selfless devotion and service to others. They cheerfully go about helping others in numerous ways that help to brighten countless lives, asking for nothing in return.

One such woman is Inah Mae Abramson, of Florence, AL, who was the subject of a recent article in her local newspaper. I ask unanimous consent that a copy of the article, which appeared in the Florence TimesDaily, be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it so ordered.

(See exhibit 1.)

Mr. HEFLIN. I want to commend and congratulate Inah Mae Abramson for the hard work, love of people, generous spirit, and genuine concern she always displays through service to those around her. She truly is a living example of civility, dedication, affection, and love.

EXHIBIT 1

[From the Florence (AL) TimesDaily]

WORK THAT'S NEVER DONE: ABRAMSON BELIEVES IN PUTTING HERSELF LAST, DOING GOOD DEEDS FOR OTHERS

(By Lucille Prince)

The old saying "Man may work from sun to sun, but women's work is never done" still applies to Inah Mae Abramson, even though she retired 28 years ago.

When she is not busy in her office at home, she's out visiting the sick, the elderly or people in nursing homes working at the community center or attending a church meeting.

One of her pet projects is sending "sunshine cards," and she keeps an assortment of cards on hand. She has special cards that are sold by the United Methodist Women of Wesley Chapel, with proceeds going to missions. She is the secretary-treasurer of the historic cemetery located at Wesley Chapel.

A charter member of the Florence Business and Professional Women's club, she has served the club as president, secretary, treasurer, district director and member of the state board. For six years, she was chairman of the BPW Santa Claus, securing gifts for mental hospitals.

Abramson was once head of a BPW fund to secure a piano, stereo and speaker stand for Mitchell-Hollingsworth Annex. This was accomplished when Dr. C.F. Lucky made a memorial for his mother toward purchase of a piano. The club simply completed this project.

During World War II, she wrote regularly to all men from her church and places of employment who were in service, and she sent them small gifts.

"I love to do things for people," Abramson said. "My parents, James Emmett and Annie B. Darby Young, were Christians. Mama said that if you do other people good and put yourself last, you'll come out on top."

The various awards Abramson has received indicate that she listened to her mother.

In 1960, the Florence Business and Professional Women's Club named her Women of the Year.

In 1967, she received the first Special Citizen Award presented by the Muscle Shoals Chamber of Commerce. The award was given on Nov. 14, 1967, just 10 days before her marriage to Henry Benhart Abramson. The chamber president at that time was the late Dick Biddle.

In presenting the award, Biddle said, "Miss Young, soon to be Mrs. Abramson, gives unselfishly to others each day of her life. She lives and appreciates people. Her family and friends know they can call on her anytime, and she is never too busy to help anyone in need. Realizing this, Gov. (George) Wallace chose her to serve as chairman of the Women's Division of Lauderdale County on the State Traffic Commission." (The purpose of the commission was to make motorists more aware of traffic rules.)

In 1987, she was named Alumnus of the Year by the Central High Alumni Association.

Abramson was once given the title "Miss Methodism" by a district Methodist newspaper. This honor came because she was volunteer secretary for three district superintendents before the Florence District opened a full-time office.

A history enthusiast, Abramson has been a student of history all of her life. She likes to keep up with the current events, which, she reminds everyone, will soon become history.

She attended Beulah Elementary School, and was salutatorian when she finished Central High School in 1936.

"I decided on a business career and attended Bob Jones University, then located at Cleveland, Tenn.," she said. "My first job was with my cousins, Murphy Brothers Store in Central Heights. I later worked for one year at the county agent's office, then worked another year for W.D. Peeler, registrar at the courthouse."

In 1939, she accepted a job at First National Bank and worked there until 1945, the year that many men returned from World War II. She left the bank to operate Blue Bird Ice Cream and Sandwich Shop for one year.

"In November 1947, I was employed by Florence Clinic as secretary to a group of 11 physicians and remained there until October 1967," she said.

She vividly remembers that when the Sabine Vaccine Program was begun in Lauderdale County, Dr. J.G. Middleton was chairman. As an employee of the Florence Clinic, she became his assistant in setting up and promoting the vaccine program.

"My job was to help him set up places and times to give out the vaccine and to let people know that it was free," she said. "Since I was a member of the BPW Club, I solicited the club's help in promoting this cause."

She recalled that during the years she was with the bank and clinic, there were few electrical machines.

"There were no electric typewriters, and computers were unknown," she said.

"About that time, Florence was just emerging into growth," she added. "Working in the bank, I knew all the attorneys in Florence at that time. Being in the customer-service department gave me a chance to know most of the patrons of the bank. In the 1940s, bank statements had not caught on, and patrons brought their passbooks in to get employees to balance their bank books for them."

When she married at age 49, she gave up her professional career.

"I just started another career," she said.

Her husband was also an ardent church and community worker. As a couple, they spent much time and effort serving both the church and their community. He was one of the planners and board members of the Central Volunteer Fire Department, and she served as secretary.

Abramson said that she and her husband had 19 happy years before his death Oct. 24, 1986. She still lives in their home at Central, and she says that she is blessed with wonderful neighbors and family who are constantly with her.

Wesley Chapel and Central will always have special meaning to Abramson. She was born in the Central Heights community Feb. 16, 1918. She became a part of the church when her parents took her to a service there at age three weeks. She became a member in 1929, when the church was a part of the Cloverdale Charge of three churches and another added later. She was the charge recorder for many years. When she returned from college, she became active as a teacher, youth counselor, treasurer and a member of the United Methodist Women, then called the Woman's Missionary Society. She was district counselor of youth subdistrict events and secretary of the district Christian Workers School.

One of her former employers once introduced Inah Mae Abramson as "a person who not only performs her work efficiently, with cheerfulness and zeal, but she always has a smile on her face and exemplifies a truly dedicated Christian woman whose work is never done."

BIRMINGHAM-SOUTHERN COLLEGE: NAIA NATIONAL CHAMPIONS

Mr. HEFLIN. Mr. President, I want to congratulate and commend the men's basketball team of my undergraduate alma mater, Birmingham-Southern College. Birmingham-Southern won its second national title in 6 years on the night of March 20 when it defeated Pfeiffer College of North Carolina 92 to 76 in the NAIA national tournament championship game.

The Panthers of Birmingham-Southern rolled through the tournament just as they did the season, winning five games here. They ended their magnificent season with 32 straight wins and a 35–2 season overall, a school record.

I ask unanimous consent that an article from the Birmingham Post-Herald on the Panthers' basketball championship game be printed in the RECORD. I heartily congratulate Birmingham-Southern Coach Duane Reboul and all his players for their hard work, team spirit, winning attitude, and overall class. They are the epitome of champions.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham Post-Herald, Mar. 21, 1995]

PANTHERS HIT PEAK: NAIA TITLE CROWNS SEASON

(By Richard Scott)

TULSA, OK.—It started with the lowest preseason expectations in six seasons under Coach Duane Reboul.

It ended at the highest point in six years, with a national championship adding the perfect ending to a season of highs for the Birmingham-Southern Panthers.

The fifth-seeded Panthers continued their climb toward their peak performance last night by reaching the pinnacle of NAIA basketball, beating 11th-seeded Pfeiffer 92–76 for the title.

"It's hard to put into words just how we feel after what we've accomplished this year and what we've overcome," senior point guard Tommy Dalley said. "If you ever want to see what the word 'team' means, this is it. we've stepped up to meet every challenge."

Despite being picked to finish fourth in the Southern States Conference preseason poll, the Panthers (35–2) added their second James A. Naismith national championship trophy in six years to a season that saw the Panthers extend the nation's longest winning streak to 32 games, set a school record for victories in a single season and go undefeated in 14 conference games.

But last night, the Panthers completed their seasonlong ride toward their peak by opening up a tight game with a 19–9 run the final four minutes, 45 seconds of the game.

The Panthers also did it with a depth and versatility that has been at the foundation of their success. While forward James Cason had 27 points and 10 rebounds and earned the tournament most valuable player award, the Panthers also got 16 points and eight rebounds from forward Paul Fleming, 14 points off the bench from forward Eddie Walter (who sank six-of-seven shots), 10 each from reserve guard Chris Armstrong and Dalley, and seven points and 10 rebounds from Nigel Coates.

"Eddie Walter was everywhere with big plays, Fleming was slashing to the basket and Nigel to the boards," Raboul said. "It was everybody. It wasn't just one player."

The combination of eight quality players seeing at least 11 minutes each proved to be too much for Pfeiffer (25–8), especially down the stretch.

BSC opened the game with its most uncertain half of the tournament and trailed by four, 36–32, with 3:46 left in the half.

Despite 10 first-half turnovers, the Panthers still managed to take a 45–43 lead into halftime when Walter scored on a three-point play with 48.1 seconds left and hit Cason with a lob for a layup with 5.4 seconds to go.

Walter also helped BSC get off to a good start in the second half with a three-point shot that put BSC up 50–45 at 17:28.

Then the Panthers finally hit their first spurt. After a Pfeiffer basket, Dalley got BSC going with two strong assists, hitting Armstrong cutting to the basket for a layup and then feeding Fleming under the basket for another layup. When Marvin Graves' three-pointer rolled in and out for Pfeiffer, Armstrong nailed a 24-footer from the top of the key for a 57–47 lead and a Pfeiffer timeout at 13:28.

When the Falcons cut BSC's lead to 65–60, Walter came through with another big play. This time, he out-leaped a taller opponent for what seemed to be an impossible rebound and fed Damon Wilcox for a layup on the way down. Then he rebounded a Dalley miss and put it back to put the lead back at 10, 71–61, at 7:24.

But with 5:05 left, the Falcons still trailed by just six, 73–67, and the Panthers needed one of those knockout punches they have used to put opponents away all season.

"The first half was a war," Reboul said, "but we had a few more players than they did and I think that took its toll."

Fleming drew the first blood, with a drive for a three-point play and a 75–67 lead at 4:21. Then another drive by Fleming led to a 78–67 lead at 4:21.

On Pfeiffer's next trip down the floor, Dalley came upon with a loose ball and hit Walter downcourt with a long bomb. Walter could have taken it in himself but he gave up to Cason for an uncontested dunk and BSC's largest lead, 80–67, at 3:49.

"I thought they played with great effort, great energy and great enthusiasm," Reboul said. "The game was tight and we realized it, but one thing we've had all year long is competitors."

The way the Panthers played during the final five minutes brought back something Reboul said just minutes before the game.

"The saddest part of all this is that it ends tonight, no matter what," he sad. "It's been a great season."

A great season that ended at the top of the peak.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID "YES"

Mr. HELMS. Mr. President, the enormous Federal debt, which has already soared into the stratosphere, is in about the same category as the weather: Everybody talks about it but almost nobody had undertaken to do anything about it—until, that is, immediately following the November elections.

When the 104th Congress convened in January, the U.S. House of Representatives promptly approved a balanced budget amendment to the U.S. Constitution. And in the Senate, while all but one of the 54 Republicans supported the balanced budget amendment, only 13 Democrats supported it. Thus, the balanced budget amendment failed by one vote—but there'll be another vote on it later this year or next year.

This episode—the one-vote loss in the Senate—emphasizes the fact that too many politicians talk a good game, when they are back home, about bringing Federal deficits and the Federal debt under control. But then they come back to Washington and vote in support of bloated spending bills rolling through the Senate.

As of the close of business yesterday, Monday, March 27, the Federal debt stood, down to the penny, at exactly $4,847,680,358,682.01. This debt, remember, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government must never be able to spend even a dime unless and until authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

So, don't be misled by politicians who falsely declare that the Federal debt was run up by some previous President. These passing-the-buck declarations are false because, as I said earlier, the Congress of the United States is the culprit. The Senate and the House of Representatives have been the big spenders for the better part of 50 years.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred a few years previously.

Which sort of puts it in perspective—does it not?—that it was Congress that ran up this incredible Federal debt totaling 4,847 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 847 billion, 680 million, 358 thousand, 682 dollars, and 1 cent. It'll be even greater at closing time today.

SELF-EMPLOYED HEALTH INSURANCE COSTS DEDUCTION

Mr. HATCH. Mr. President, I rise today to express my support for H.R. 831, a bill that will finally provide long-promised relief for farmers and other self-employed taxpayers who must pay for their own health insurance expenses. I am very pleased that this measure passed the Senate on Friday. And, I congratulate my colleagues on both sides of the aisle for acting promptly on this legislation.

The 25-percent deduction for the health insurance costs for the self-employed and farmers expired on December 31, 1993. All during the long debate on health care reform last year, both Congress and the Clinton administration in effect promised these taxpayers that, as part of the final bill, their deductions for health insurance costs would be reinstated and made permanent. When our efforts to forge a workable health care reform package broke down last year, so did our promise to extend the health insurance deduction.

Unfortunately, this congressional inaction has left over 3 million taxpayers in a tight spot with respect to their 1994 tax returns. Over 60,000 of these taxpayers are in my home State of Utah. Because of our repeated promises to extend the deduction to cover 1994, many of these taxpayers have held off the filing of their 1994 tax returns. This is because if the extension is enacted, they can deduct a portion of their 1994 health insurance costs and thus lower their tax bill for the year. However, if the bill is not enacted until after the due date for filing 1994 tax returns, April 17, 1995, all of these taxpayers will have to file amended tax returns.

Each day that passes without final action on this bill means thousands of taxpayers will be subject to the extra time, expense, and bother of filing an amended return. This is because many self-employed taxpayers do not want to wait for the last minute to file their tax return. Sometimes it seems that only Congress waits until the last minute to do important things.

Many taxpayers have already had to file their returns. We have already missed the deadline for those taxpayers who are engaged in the business of farming or ranching. Because of the estimated payment rules, those taxpayers face a practical deadline of March 1 for their tax returns. Therefore, many thousands of taxpayers are already facing the prospect of filing an amended tax return, because of slow congressional action.

In case some of our colleagues mistakenly believe that filing an amended tax return is merely a minor inconvenience, Mr. President, let me mention a couple of facts that may clarify this. First off, we need to recognize that filing an amended tax return is no simple affair for the those who are intimidated by IRS tax forms, and who is not? There is a special form, called Form 1040X, which comes with its own special instructions, that is used for making corrections to a previously filed tax return. Getting one of these forms usually requires a trip to the post office or library. This form is much different than the normal Form 1040. Filling it out requires time and effort in reading and understanding the instructions. In essence, the taxpayer must recompute his or her tax after including the deduction for the health care insurance. This can be complicated and confusing.

As all of my colleagues know, many taxpayers do not even bother to fill out their own tax returns. They have concluded that our tax system is so complex and intimidating that they pay professionals to prepare their returns for them. These taxpayers face an additional burden beyond the hassle of having to go find a Form 1040X and learning how to fill it in. They must go back to their tax preparer and have him or her file the amended return. This means additional cost.

And, frankly, the processing of amended returns is not free for the IRS either. It just seems sensible to me that Congress get this legislation passed in a timely fashion.

Not only does H.R. 831 take care of the deduction for 1994, it also makes the deduction permanent at 30 percent. This is an important feature of the bill and positive move toward better tax policy. I have long been troubled by Congress' tendency toward making certain tax provisions temporary. Temporary tax provisions make for poor tax policy, plain and simple. They also increase taxpayer cynicism for Congress. By making the deduction permanent, H.R. 831 will increase taxpayers' confidence in our tax system and assist them in planning.

I am also glad to see that the Finance Committee was able to increase the percentage of the deduction from 25 to 30 percent. However, we must not forget that our ultimate goal for this deduction should be to increase it to 100 percent. This is a matter of fairness, Mr. President. The fact of the matter is that our tax system discriminates against the self-employed, in that individuals who work for corporations as employees are allowed to totally exclude 100 percent of their employer-provided health insurance. This is equivalent to a 100-percent deduction. Why should a worker who takes risks by creating a business and working for himself or herself be penalized by only being able to deduct a portion of his or her health care expenses? Our tax code should encourage entrepreneurship, not discourage it. So, I hope we can increase the percentage of deductibility up to 100 percent later this year.

Mr. President, I am most pleased that the majority leader was able to gain a unanimous-consent agreement to consider this bill in an expedited manner and to keep it clean of all amendments. This shows that my colleagues agree that, in the midst of many important issues, enacting this bill as soon as possible to avoid extra time, hassle, and expense for these taxpayers, stands out as the most important priority today. I congratulate Senator DOLE for his leadership and all of my colleagues for their bipartisanship and forbearance in attempting to amend this bill.

I especially want to thank those Senators who have expressed major reservations with the revenue offsets contained in the bill for agreeing to the unanimous-consent agreement. Like most bills considered by Congress, this one is far from perfect. H.R. 831 includes some particularly interesting, though controversial, provisions that have been included to offset the revenue loss associated with extending and making permanent the deduction for health insurance expenses.

Indeed, I have my own concerns about two of these provisions. First, I am not pleased with the portion of the bill that retroactively repeals section 1071 of the Internal Revenue Code, dealing with minority tax certificates for the sale of broadcast or cable facilities. I recognize that many of our colleagues believe that this provision represented an unwarranted tax benefit, or even a huge loophole, that needed to be retroactively closed. However, by setting the effective date of the repeal of section 1071 to a date prior to the date of enactment of this bill, we will cause a handful of taxpayers who had consummated or nearly consummated transactions in full reliance on the law to suffer financial setbacks. I do not believe that this is fair. Nevertheless, Mr. President, because the greater need of immediately taking care of the long-promised health insurance deduction for millions of self-employed taxpayers outweighs the fairness concern for a handful of taxpayers, I did not attempt to change this bill in the Finance Committee.

I am also less than satisfied that the provisions dealing with taxing those who renounce their U.S. citizenship are the best that we could do. The Finance Subcommittee on Taxation held a hearing on this issue this week, and we heard a great deal of concern from the witnesses that this provision should be changed to ensure fairness and consistency with sound tax policy. Again, because of the necessity of moving this bill toward final passage in the fastest possible manner, I have withheld from offering any amendments to improve this provision. As this bill goes to conference with the House, I would urge the conferees to see if improvements can be made, so long as those improvements do not delay enactment of the bill.

In conclusion, Mr. President, I again want to thank the leaders and our colleagues for showing a great deal of leadership and restraint in bringing this matter to the floor under an agreement that lets us move this bill quickly. This is what our constituents want and this is what makes the most sense from a tax policy point of view.

INDIAN SOCIAL SERVICES BLOCK GRANTS

Mr. BAUCUS. Mr. President, S. 285 would bring some fairness to our Federal social services program by setting aside 3 percent of the Federal title 20 social services block grant funds to be used solely by native American tribes and tribal organizations. This change would provide tribes with a badly needed $84 million annually for social services; including special education, rehabilitation, aid to disadvantaged children, legal support, and developmental disabilities.

Mr. President, this change must be made. There is ample evidence that many States are not treating native Americans fairly when allocating title 20 funds. A recent report by the inspector general of the Department of Health and Human Services found unfair treatment of native Americans by the States to be pervasive, with 15 of the 24 States with large native American populations allocating no title 20 funds to tribes from 1989 to 1993.

Why have native Americans been denied funds that we have appropriated? In part, this is because the Federal Government gives all title 20 funds directly to State governments instead of awarding part of the funds to tribes. Moreover, States are neither required nor encouraged to share funds with tribes as a condition of receiving title 20 funding. This is one case where "giving money to the States" adds another step of bureaucracy.

There are few places in America where the need for social services is greater then in Indian country. Yet these needs are obviously not being met. The tribal counsels of the Crow, Northern Cheyenne, Fort Peck, Fort Belknap, Rocky Boy, Blackfeet, and Flathead Indian Reservations in Montana have expressed their frustrations to me. We have a trust responsibility to see that the needs of our first Americans are met; that the men, women, and children living too often in poverty on Indian reservations are given an opportunity to help themselves.

In recent years, Federal funding for tribes has fallen significantly. In 1993, 471 of the 542 federally recognized tribes received no child welfare funding under title IV-B because the eligibility criteria and award formulas effectively exclude many tribes. Furthermore, although the Bureau of Indian Affairs in the Department of the Interior provides the largest amount of Federal funding for tribal child welfare services, the Indian Child Welfare Act, for example, does not assign to any Federal agency the responsibility for assuring State compliance with its requirements.

It is time to change our policy and provide direct funding to tribes under title 20.

RECOGNITION OF GLENN T. CARBERRY, NORWICH CITIZEN OF THE YEAR

Mr. DODD. Mr. President, I rise to extend my warm congratulations to attorney Glenn T. Carberry, of Norwich, CT, who was recently named Citizen of the Year by the Eastern Connecticut Chamber of Commerce.

A long-time community and political activist in Norwich, Glenn has served as vice chairman and economic development chairman of the chamber, fundraising chairman of the American Cancer Society, and director of the Norwich Lion's Club. Glenn, managing partner of the New London law firm Tobin, Levin, Carberry & O'Malley, has also served on numerous civic committees and boards, including the Mohegan Park Advisory Committee, the Eastern Connecticut Housing Opportunities Commission, and the United Community Services Commission.

The best example of Glenn's commitment to the community was his leadership of a successful community-wide effort to bring the minor league Albany Yankees to Norwich. As an avid baseball fan, Glenn studied the history of minor league baseball and envisioned enormous potential for a new Connecticut team. For months, he worked tirelessly to turn his dream into reality. Securing permits and garnering financial support from State and community leaders, Glenn was the key to the project's success. The team, now known as the Norwich Navigators, will officially open its first season in Connecticut on April 17 at the Thomas Dodd Memorial Stadium.

As a result of Glenn's efforts, thousands of families will have the opportunity to see the Norwich Navigators in action. In addition to its entertainment value, the Navigators and the team's new stadium have already had a tremendous and long-lasting impact on the regional economy. Hundreds of construction jobs have been filled, and hundreds more service-related positions will be created in the coming months. Eastern Connecticut also expects the tourism industry and local small businesses to expand and prosper because of the team.

In keeping with the tradition of the Eastern Connecticut Chamber of Commerce, Glenn has wholeheartedly championed the economic interests of eastern Connecticut. Through his advocacy of economic growth and commerce, he has provided a wonderful example of citizenship and community responsibility. He is a tremendous asset to Norwich and the entire State of Connecticut. Without question, Glenn Carberry is the Citizen of the Year.

I ask unanimous consent that an editorial from the New London Day on Glenn Carberry be printed at this point in the RECORD.

There being no objection, the editional was ordered to be printed in the RECORD, as follows:

GLENN CARBERRY'S TALENTS—THIS NORWICH ATTORNEY HAS DEVELOPED A CLEAR VISION OF HOW SOCIAL, ECONOMIC PROGRESS DEPEND ON REGIONAL COOPERATION

The Eastern Connecticut Chamber of Commerce recognized a real go-getter in choosing attorney Glenn Carberry as citizen of the year. The award speaks most directly to his championing the successful effort to attract the Norwich Navigators' Yankee baseball team, but Mr. Carberry deserves the award for more important reasons.

He has committed his considerable talents as a lawyer, politician and economic-development specialist to shape a regional sense of community.

He understood early on what others only recently have learned and what still others have yet to understand; that economic development is regional. More than that point, however, Mr. Carberry knows that the benefits of an orderly society that prospers and offers opportunity to a broad range of citizens happen only when people understate their differences and recognize their similarities.

Mr. Carberry, who ran unsuccessfully for Congress in the 2nd District, has served as an adviser to the Rowland campaign and administration, on the Otis Library Board, in efforts to provide housing through several agencies, and as an active member of the chamber in Norwich.

The Eastern Connecticut Chamber will honor him at a dinner April 7 at the Ramada Hotel in Norwich. Perhaps the most fitting tribute to this impressive young man, however, would be continued efforts to form a regional organization that merges the Eastern Chamber with the Southeastern Connecticut Chamber of Commerce in New London.

Such a chamber would exemplify the progressive thinking and regional outlook that has made Mr. Carberry a leader for progress in this area.

CONGRATULATING RICO TYLER AND CYNTHIA HILL-LAWSON

Mr. FORD. Mr. President, I am pleased to have this opportunity today to recognize Rico Tyler and Cynthia Hill-Lawson, two secondary school teachers from the Commonwealth of Kentucky who were recently presented with Presidential Awards for Excellence in Science and Mathematics Teaching.

As you may know, the Presidential Awards for Excellence in Science and Mathematics Teaching Program was established over a decade ago to recognize and reward outstanding teachers and to encourage high-quality educators to enter and remain in the teaching field. Both Rico, in his work with the astronomy program at Franklin-Simpson High School, and Cynthia, who teaches math at Beaumont Middle School in Lexington, have demonstrated that they are committed to providing a quality education to their students. I am very proud of them—as I am sure their friends, colleagues and family are—for they represent the triumphs in our educational system that often go unheralded.

Again, Mr. President, I congratulate Rico and Cynthia for this tremendous achievement and wish them many more years of success in the classroom.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REGULATORY TRANSITION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 219, the Regulatory Transition Act of 1995, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Transition Act of 1995".

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on certain significant regulatory actions is imposed and an inventory of such actions is conducted.

SEC. 3. MORATORIUM ON REGULATIONS.

(a) MORATORIUM.—During the moratorium period, a Federal agency may not take any significant regulatory action, unless permitted under section 5. Beginning 30 days after the date of enactment of this Act, the effectiveness of any significant regulatory action taken during the moratorium period but before the date of the enactment shall be suspended until the end of the moratorium, unless an exception is provided under section 5.

(b) Inventory of Rulemaking.—Not later than 30 days after the date of enactment of this Act, and on a monthly basis thereafter, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget shall conduct an inventory and publish in the Federal Register a list of all significant regulatory actions covered by subsection (a), identifying those which have been granted an exception as provided under section 5.

SEC. 4. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) In General.—Any deadline for, relating to, or involving any action dependent upon, any significant regulatory action prohibited or suspended under section 3 is extended for 5 months or until the date occurring 5 months after the end of the moratorium period, whichever is later.

(b) Deadline Defined.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

(c) Identification of Postponed Deadlines.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

SEC. 5. EXCEPTIONS.

(a) In General.—Except as provided in subsection (b), section 3(a) or 4(a), or both, shall not apply to a significant regulatory action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the President, and a copy thereof to the appropriate committees of each house of the Congress;

(2) the President finds, in writing, the action is—

(A) necessary because of an imminent threat to human health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) related to a regulation that has as its principal effect fostering economic growth, repealing, narrowing, or streamlining a rule, regulation, administrative process, or otherwise reducing regulatory burdens;

(D) issued with respect to matters relating to military or foreign affairs or international trade;

(E) principally related to agency organization, management, or personnel;

(F) a routine administrative action, or principally related to public property, loans, grants, benefits, or contracts;

(G) limited to matters relating to negotiated rulemaking carried out between Indian tribes and the applicable agency under the Indian Self-Determination Act Amendments of 1994 (Public Law 103-413; 108 Stat. 4250); or

(H) limited to interpreting, implementing, or administering the internal revenue laws of the United States; and

(3) the Federal agency head publishes the finding in the Federal Register.

(b) Inapplicability of Exceptions.—The authority provided under subsection (a) shall not apply to any action described under section 6(B)(ii).

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) Federal agency.—The term "Federal agency" means any "agency" as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) Moratorium period.—The term "moratorium period" means that period of time beginning November 9, 1994, and ending on December 31, 1995, unless an Act of Congress provides an earlier termination date for such period.

(3) Significant regulatory action.—The term "significant regulatory action" means any action that—

(A)(i) consists of the issuance of any substantive rule, interpretative rule, statement of agency policy, guidance, guidelines, or notice of proposed rulemaking; and

(ii) the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(I) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(II) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(III) materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(IV) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866; or

(B)(i) withdraws or restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency, except for those actions described under paragraph (4) (K) and (L); or

(ii) is taken to carry out—

(I) the Interagency Memorandum of Agreement Concerning Wetlands Determinations for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act (59 Fed. Reg. 2920) (referred to in this clause as the "Memorandum of Agreement"); or

(II) any method of delineating wetlands based on the Memorandum of Agreement for purposes of carrying out subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

(4) Rule; guidance; or guidelines.—The terms "rule", "guidance", or "guideline" mean the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. Such term shall not include—

(A) the approval or prescription, including on a case-by-case or consolidated case basis, for the future of rates, wages, corporate or financial structures or reorganization thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(B) any action taken in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, the Federal Home Loan Banks, or Government sponsored housing enterprises, or to protect the Federal deposit insurance funds;

(C) any action taken to ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund;

(D) any action taken in connection with the reintroduction of non-essential experimental populations of wolves before the date of the enactment of this Act;

(E) any action by the Environmental Protection Agency that would protect the public from exposure to lead from house paint, soil, or drinking water;

(F) any action to provide compensation to Persian Gulf War veterans for disability from undiagnosed illnesses, as provided under the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103-446; 108 Stat. 4647) and the amendments made by that Act;

(G) any action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines;

(H) any action that would upgrade safety and training standards for commuter airlines to the standards of major airlines;

(I) the promulgation of any rule or regulation relating to aircraft overflights on national parks by the Secretary of Transportation or the Secretary of the Interior pursuant to the procedures specified in the advanced notice of proposed rulemaking published on March 17, 1994, at 59 Fed. Reg. 12740 et seq., except that this subparagraph shall not apply to any such overflight in the State of Alaska;

(J) any clarification of existing responsibilities regarding highway safety warning devices;

(K) any action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action; or

(L) the granting of an application for or issuance of a license, registration, or similar authority, granting or recognizing an exemption, granting a variance or petition for relief from a regulatory requirement, or other action relieving a restriction, or taking any action necessary to permit new or improved applications of technology or allow manufacture, distribution, sale, or use of a substance or product.

(5) License.—The term "license" means the whole or part of an agency permit, lease, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission, including any such form of permission relating to hunting and fishing.

(6) Public property.—The term "public property" means all property under the control of a Federal agency, other than land.

SEC. 7. EXCLUSIONS.

This Act shall not apply to any significant regulatory action that establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin, handicap, or disability status.

SEC. 8. CIVIL ACTION.

No determination under this Act or agency interpretation under section 6(4) shall be subject to adjudicative review before an administrative tribunal or court of law.

SEC. 9. SEVERABILITY.

(a) Applicability.—This Act shall apply notwithstanding any other provision of law.

(b) Severability.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 410

(Purpose: To ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes)

Mr. NICKLES. Mr. President, on behalf of myself and Senators REID, BOND, and HUTCHISON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. REID, Mr. BOND and Mrs. HUTCHISON, proposes an amendment numbered 410.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Transition Act of 1995".

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) the proposed effective date of the rule; and

(iv) a complete copy of the cost-benefit analysis of the rule, if any.

(B) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 4 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 4 is enacted).

(3) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 4.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this Act may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 4 or the effect of a joint resolution of disapproval under this section. —

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this Act, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 4 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 4.—

(A) In applying section 4 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 4 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 4.—In applying section 4 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 4.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 4 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 4, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term "joint resolution" means only a joint resolution introduced after the date on which the report referred to in section 3(a) is received by Congress the matter after the resolving clause of which is as follows: "That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect." (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term "submission or publication date" means the later of the date on which—

(A) the Congress receives the report submitted under section 3(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged by the Majority Leader of the Senate or the Majority Leader of the House of Representatives, as the case may be, from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a

motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 5. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any significant rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 4, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 3(a).

(b) DEADLINE DEFINED.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term "Federal agency" means any "agency" as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term "significant rule" means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(C) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(3) FINAL RULE.—The term "final rule" means any final rule or interim final rule. As used in this paragraph, "rule" has the meaning given such term by section 551 of title 5, United States Code.

SEC. 7. CIVIL ACTION.

An Executive order issued by the President under section 3(c), and any determination under section 3(a)(2), shall not be subject to judicial review by a court of the United States.

SEC. 8. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. EXEMPTION FOR MONETARY POLICY.

Nothing in this Act shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act and shall apply to any significant rule that takes effect as a final rule on or after such effective date.

Mr. NICKLES. Mr. President, this is an amendment that Senator REID and myself and several other Senators discussed at length yesterday, so I do not think I have to go into too much detail.

But just to summarize what this amendment would do, this amendment would provide for a 45-day congressional review of regulations—all regulations. Significant regulation would have a moratorium. They would be suspended for 45 days.

This would give Congress an expedited procedure to where we could repeal or reject those regulations if we deem it necessary. We could reject any of the regulations, whether they be significant or whether they be smaller regulations.

We also have a look back. We can look back at the significant regulations that were enacted since November 20, 1994, and have a chance to reject or repeal those. Those regulations would not be suspended. They would still be in effect, but if Congress so desired, if we were successful in passing a resolution of disapproval through both Houses and if that resolution is signed by the President, then those regulations would be repealed.

Likewise, on any of the prospective regulations that might come out, we would have 45 days for an expedited procedure, and if Congress passed a resolution of disapproval, then those regulations would be stopped. Of course, again, the President would have the opportunity to veto that resolution and we would have the opportunity to override that veto.

Mr. President, I think this is good reform. It is a substitute to the bill as reported out of the Governmental Affairs Committee. I think, frankly, in my opinion, it is a significant improvement. I was a sponsor of the bill that came out of the Governmental Affairs Committee. We had 36 cosponsors. That is the so-called reg moratorium.

Some of my colleagues have labeled that bill draconian, they say it will be a disaster, so on. My final analysis was that bill would not do very much because the bill, as reported to the House, pertained to all regulations with lots of exceptions. When it was reported out of the Governmental Affairs Committee, it applied to significant regulations.

To put this in a framework, the administration on November 14 published in the Federal Register that they were reviewing and working on 4,500 rules and regulations that would be effective for the years 1995, 1996, and 1997—4,500. Many of those had significant economic impact. I thought we should have a review of those or stop those. But the bill that passed out of the Governmental Affairs Committee applied only to significant. That would be several hundred, maybe 800 or 900 out of the 4,500, and then the Governmental Affairs Committee had several exceptions.

We had several exceptions when we introduced the bill. I believe we had eight exceptions: For imminent public health and safety; exceptions for actions that would streamline the process and make Government work more efficiently and effectively; exceptions dealing with criminal statutes.

The Governmental Affairs Committee had a lot more exceptions. The net result was, in my opinion, the bill passed out of the Governmental Affairs Committee was a temporary moratorium. It would only last until Congress passed a comprehensive reform bill. My guess is we will probably do that in 2 or 3 months. So instead of having a year moratorium as people anticipated, the bill said it would last until the end of the year or until Congress passed a comprehensive regulatory reform bill. I think we will do that in a couple of months. I hope we do. I think it is important to do with cost-benefit analysis and risk assessment. So my guess is the temporary moratorium would only last a couple months. And then, like I said, it would apply not only to significant regulations. The bill before us gives Congress an expedited procedure to reject all regulations, whether significant or not. I think it is more permanent, because we are talking about permanent statutory change. So not only this Congress—not just for the next 100 days or for this year—but this Congress and future Congresses will have the right and the responsibility, in my opinion, to not only review, but to analyze these regulations and to reject those that we find are too expensive, reject those we find do not make sense. Again, it applies to all regulations, not just to the significant ones.

I think it is an improvement on the bill as reported out of the Governmental Affairs Committee. I thank Senator ROTH and other colleagues for their work on that. I know it was not an easy markup in conference.

I think the substitute we have today, which is supported by Senators DOLE, ROTH, and several others, is a better substitute for another reason. It is bipartisan. I want to compliment Senator REID for his cosponsoring this approach, as well as several other colleagues on the other side of the aisle that have mentioned to me they think this is a good approach. This should actually pass regardless of whether you have a Republican-controlled Congress or a Democrat-controlled Congress. This says Congress should be making the decision. Congress should use their oversight and should have the responsibility to make sure the bureaucrats, the regulators, actually follow through with our intentions and desires on legislation. This will give us that responsibility.

I am optimistic. I think this is a good substitute, one that deserves very strong bipartisan support. I hope we have a very strong vote in the Senate later today and one that I hope my colleagues in the House would concur is an improvement over the House-passed bill and, hopefully, they will recede to the Senate when we go to conference.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, might I inquire, what is the parliamentary procedure now?

The PRESIDING OFFICER. The Senator from Oklahoma offered an amendment to the committee substitute for S. 219.

Mr. HARKIN. The substitute is the pending business?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 411 TO AMENDMENT NO. 410

(Purpose: To condemn the conviction and sentencing of American citizens held in Iraq)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 411 to amendment No. 410.

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) On Saturday, March 25, 1995, an Iraqi court sentenced two Americans, William Barloon and David Daliberti, to eight years imprisonment for allegedly entering Iraq without permission.

(2) The two men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq.

(3) The Department of State has stated that the two Americans have committed no offense justifying imprisonment and has demanded that they be released immediately.

(4) This injustice worsens already strained relations between the United States and Iraq and makes resolution of differences with Iraq more difficult.

(b) SENSE OF SENATE.—The Senate strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and urges their immediate release from prison and safe exit from Iraq. Further, the Senate urges the President of the United States to take all appropriate action to assure their prompt release and safe exit from Iraq.

Mr. HARKIN. Mr. President, this amendment is a sense-of-the-Senate resolution and not really related to the bill at hand. But it responds to an urgent matter.

On Saturday morning, March 25, an Iraqi judge sentenced two American citizens, David Daliberti and William Barloon, to 8 years in prison for illegal entry into Iraq, under paragraph 24 of Iraq's residence law.

Apparently, the men had innocently and mistakenly entered Iraqi territory last March 13 while attempt to go visit friends at the U.N. observer mission in the demilitarized zone.

According to the State Department, no American official was present at the trial, which lasted about 1½ hours. Both Americans were represented by a court-appointed Iraqi attorney. The Polish authorities, who are representing us in Iraq, were given less than an hour's notification before the trial was to begin.

One of those Americans sentenced, William Barloon, is from New Hampton, IA. He is an engineer for the McDonnell Douglas Corp. He has lived, for the past 2 years, in Kuwait with his wife, Linda, and their three children. His family and friends are rightfully shocked, angered, and frustrated by the sentence. I share the concerns of Mr. Barloon's family and friends in Iowa and offer this amendment to publicly support them to do whatever I can to ensure the prompt and swift return of their loved one.

I have been, and my staff has been, closely monitoring the diplomatic efforts underway and have expressed my concern to the Secretary of State, Warren Christopher.

Mr. President, there is absolutely no justification for these sentences. These two Americans, who work for private contractors in Kuwait, inadvertently crossed over into Iraq when attempting to visit friends in the demilitarized zone between Iraq and Kuwait. They committed no offense justifying jail sentences. Allegations of espionage to the contrary, these men were not in Iraq for any nefarious purpose. They did not commit any criminal actions.

In addition, Mr. President, their stay in Iraq was very brief. They had then attempted to return back into Kuwait, probably when they discovered that they had crossed over. According to the State Department, they were merely charged with being in Iraq illegally, without proper documents, in violation of that country's residence law.

Mr. President, I have long been a defender of human rights throughout the world. And today I rise to speak out in defense of the human rights of two Americans unjustly sentenced to 8 years in prison for what essentially amounts to an honest mistake of not knowing where they were.

Imprisonment in this case is unconscionable. Both Mr. Daliberti and Mr. Barloon, on the basis of their fundamental human rights and humanitarian considerations, should be immediately and unconditionally released.

Finally, it has been suggested that Iraq may be seeking to take advantage of this incident as leverage in whatever real or perceived grievances Iraq has with the United States, or to gain some advantage internationally. I do not know if that is the case. I do not wish to comment on that. I just hope it is not the case. But if that is the case, then I urge them to reconsider using this incident in such a manner, because I can tell you one thing—any attempt to use this incident in such a manner can only be counterproductive, there is nothing for Iraq to gain by using this incident in the hopes of gaining leverage in bilateral or international relations.

I urge my colleagues to unanimously support this amendment. It will put the United States Senate on record as condemning Iraq's actions in this case and urges the President to take all appropriate measures to secure the immediate release of Mr. Daliberti and Mr. Barloon so they may be reunited with their family and friends.

I ask unanimous consent to have printed at this point in the RECORD two articles from The New York Times of this morning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN HOMETOWNS, SPY CHARGES BY BAGHDAD ARE DISMISSED

(By Dirk Johnson)

NEW HAMPTON, IA, March 27.—This Iowa town was draped in yellow ribbons today in a gesture of support for its native son, William Barloon, who with another American, David Daliberti, has been sentenced to an eight-year prison term in Iraq after their puzzling foray into that country two weeks ago.

Nobody here could imagine any good reason for the two men to cross the Kuwaiti border, which is marked with a 10-foot-deep, 16-foot-wide trench. Even so, friends and family of the two men, civilian workers for American defense contractors in Kuwait, scoff at the accusation by Iraq that the men were involved in underhanded activity.

"From what I know of Billy, I don't think he'd make a very good spy," said Kevin Kennedy, a lawyer in this town of 4,000, adding that Mr. Barloon was "better at telling a story than keeping a secret."

Mr. Daliberti's father, Raymond Daliberti, said it was ridiculous to believe that his soon was a spy. "If he is, he must be the dumbest spy in the world," the elder Mr. Daliberti said in Jacksonville, Fla.

State Department officials, who have denounced the prison sentences, say the two men mistakenly crossed into Iraqi territory while trying to visit friends in the demilitarized zone between Kuwait and Iraq.

Mr. Barloon, 39, worked for the McDonnell Douglas Corporation in Kuwait on support crews for F-18 fighter jets. Mr. Daliberti, 41, worked for Kay and Associates, a subcontractor for McDonnell Douglas.

A spokesman for McDonnell Douglas, Tom Williams, said the men "wound up in Iraq by accident—an honest mistake." He said he had no details to add to the reports of officials in Washington.

Mr. Barloon, who moved away from here in 1973, grew up in a brick-and-frame house on Hamilton Street, where his mother, Mary Rethamel, still lives. His father, Ed Barloon, a tavern owner, drowned in a quarry here when the son was about 5. As a teen-ager, he worked summers at a truck stop, and joined the Navy after his junior year in high school.

The Rev. Carl Schmitt, pastor of St. Joseph's Roman Catholic Church, whose elementary school Mr. Barloon attended, said townspeople here were indignant over the severity of the punishment imposed by Iraq.

"We feel devastated and frustrated," Father Schmitt said. "People are trying to deal with the anger. I tell people we aren't going to gain anything by spreading more hatred in the world."

Mr. Daliberti was born in Tennessee, but spent most of his childhood in Jacksonville, where his father worked as an aviator machinist at Cecil Field Naval Air Station, and where he would develop a passion for jets. After four years in the Navy and a string of civilian jobs near Jacksonville, Mr. Daliberti took a job in Kuwait three years ago as a trainer of mechanics on F-18 jets.

"He loved the people over there and was getting along great," his father said.

UNITED STATES DENIES TWO AMERICANS ENTERED IRAQ AS SABOTEURS

(By Steven Greenhouse)

WASHINGTON, March 27.—The Clinton Administration today rejected assertions from Baghdad that two Americans being held prisoner there had crossed into Iraq as saboteurs or spies.

White House and State Department officials said again today that the two had strayed mistakenly and innocently into Iraq while trying to visit a friend south of the border in Kuwait and did not deserve the eight-year prison sentences an Iraqi court imposed on them on Saturday.

"It was an innocent mistake," said Michael D. McCurry, the White House spokesman. "These two crossed across the border and had no intention to conduct any kind of sabotage at all." He also denied their motive was espionage.

Saddi Mehdi Saleh, the Speaker of Iraq's Parliament, told The Associated Press today: "We have no aggressive intentions toward these two Americans. But we have just applied Iraqi law according to the manner we do to all the foreigners who are coming for sabotage or other political reasons."

He added: "Sending spies or saboteurs, we reject this equation and don't agree with it. The United States of America must understand this fact."

Mr. Saleh later denied that he had said the two Americans planned acts of sabotage. Instead, he asserted that their aim was to create an incident that would prolong United Nations sanctions against Iraq.

United States officials said today that the two men—David Daliberti, 41, of Jacksonville, Fla., and William Barloon, 39, of New Hampton, Iowa—had apparently made a wrong turn and strayed into Iraq when they were seeking to visit a Danish friend at a United Nations compound in Kuwait, a half-mile south of the Iraqi border.

According to interviews with American and United Nations officials, the two Americans drove north from Kuwait City on March 13 to visit their friend, who was in a Danish engineering unit that is part of the 1,142-member United Nations Iraq-Kuwait Observer Mission.

It is well known that many Westerners who live in Kuwait visit acquaintances who are part of the United Nations mission because alcoholic beverages are readily available in its compounds, unlike elsewhere in Kuwait.

The two, who worked on a McDonnell Douglas contract to maintain Kuwaiti military aircraft, were apparently allowed to pass into Iraq by both a United Nations border patrol and an Iraqi border patrol. Iraqi police arrested them a few minutes later when they sought to cross back into Kuwait.

One American official said "we're as baffled as everyone else" how they could have mistakenly entered Iraq.

Secretary of State Warren Christopher told reporters: "The sentences were unjustified. These men strayed into Iraq and we certainly think they should be promptly released. There's no basis for the kind of sentences that were imposed."

Mr. Christopher specifically denied suggestions that the two men were working for the Central Intelligence Agency, telling reporters, "There is no basis for those reports." He said such rumors would complicate efforts to win their release "only if" the Iraqis "let it complicate it."

Mr. HARKIN. I thank the Senator from Oklahoma for letting me speak and propose this amendment at this time.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, Senator HARKIN from Iowa, for this amendment. I am sympathetic to it and I will support it.

I might tell my colleagues we do not expect to vote now, and probably we will ask for the vote. We will check and see on the Democrat side if it is OK to vote at 12 noon. If not, we will announce the vote shortly.

I am sympathetic for a lot of reasons. Certainly it is an injustice when we have two American citizens who are working for a company, McDonnell, to be taken hostage and be sentenced for 8 years for mistakenly crossing the border.

I am sympathetic for another reason, because I found out the hard way. We had an Oklahoman that also was taken captive and held in Iraq for some time in 1993, Ken Beaty, an Oklahoman from Mustang, OK. He worked for an oil company. He was jailed for 205 days, I tell my colleague, in April 1993 through November 1993. He is 45 years old. Eventually we were successful. My colleague, Senator BOREN, Members might recall, went to Iraq to obtain his release. I hope we will have even a speedier resolution for these two individuals. Certainly it is an outrage that this type of a sentence was given for an innocent trespass. Eight years is certainly outrageous.

I concur with my colleague. The Senate should speak out in this amendment. I have no objection, and I suspect we will be voting on it around 12 o'clock.

Mr. HARKIN. If the Senator will yield, I want to thank the Senator from Oklahoma.

I know the managers of the bill—we do not want to load the bill with amendments and resolutions, but this is important. I appreciate his willingness to go away and get this up and get the Senate to express itself on this amendment. Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MALMSTROM AIR FORCE BASE

Mr. BAUCUS. Mr. President, this weekend, the Base Closure and Realignment Commission comes to Great Falls for a hearing on the future of Malmstrom Air Force Base. And as both the Great Falls community and the BRAC Commissioners prepare for the hearing, I would like to recall a piece of history many have forgotten.

In 1942, as the United States entered the Second World War, President Roosevelt and Gen. George Marshall selected Malmstrom Air Force Base for a critically important mission. They chose this to be the main base for Lend-Lease supplies to the Soviet Army.

Over the next 3 years, 1942 to 1945, Malmstrom pilots made over 10,000 flights to the Soviet Union. They gave the Soviet Army trucks, tank parts, and other supplies crucial to the defense of Leningrad, the Battle of Kursk, and other watershed events in the European theater.

Now, you may ask, why Malmstrom? The answer is simple. This air base is practically at the geographic center of North America. Thus it is the one place that is most secure military locations anywhere. At the same time, because flights to Europe and Northern Asia fly over the North Pole, there is no continental airbase closer to Japan and Russia than Malmstrom.

So, paradoxically, Malmstrom Air Force Base is among two very important groups: First, the bases most secure against foreign attack, and second, the bases most strategically important in wartime.

I am pleased to say that the Air Force recognizes this. In their report to the President last March 1, they said Malmstrom should remain a principal site for our land-based strategic nuclear forces.

But they also made a more puzzling recommendation. They asked the President to reverse two previous BRAC decisions, and move Malmstrom's squadron of KC–135 tanker aircraft to Florida.

Though I do not believe this would make much military sense. So I hope the BRAC Commissioners look closely at Malmstrom, listen to the community, and make the right decision to keep the tankers where they are now.

As the 1992 BRAC found, Malmstrom is a good place for the tanker squadron, and can support an expanded rather than a contracted flying mission.

That is no accident. Since the days of Roosevelt and Marshall, the Air Force has put a great deal of money into making Malmstrom a top-level base for our nuclear missiles and for the flying missile. They have done a good job; and they had good reasons to do it.

First of all, we may again need Malmstrom's service in wartime.

Everything human—whether it is technology, relations between governments, or anything else—is subject to change. But geography is not. We will never have a better location for a strategic airbase than Malmstrom, which is both invulnerable to naval attack and as close as a continental airbase can be to Eurasia.

Second, Malmstrom is ideal for peacetime operations. The Great Falls area is perfect for Air Force training missions, because they do not call Montana the Big Sky State for nothing.

The airspace around Malmstrom is wide open. Visibility is excellent. There are no big mountains or even buildings for that matter nearby. And the weather is almost always sunny and dry. In fact, Malmstrom has the best flying weather in the area, and is already an alternative landing site for the other bases in the region. And, as the prairie is thinly populated, there are very few big metropolitan areas where frequent training missions could annoy local residents.

Third, Malmstrom will remain an ideal location for the foreseeable future. The Cascade County and Great Falls municipal governments work closely with base commanders to keep plenty of open ground between Malmstrom and the town.

Because we are a thinly populated State, the Air Force can be confident that even if there is substantial local growth, no property developer will build right up to the wire.

So disruption to the local community will always be minimal. Complaints by local citizens will be few or nonexistent. And, perhaps most important, the open ground ensures that base security will always be protected much more effectively than it could be in a heavily urban area like MacDill.

Finally, of course, Malmstrom has top-quality facilities for flying.

It has an airstrip good enough to support 10,000 Lend-Lease flights. And it has first-class maintenance capability to protect today's high-performance aircraft. In fact, Malmstrom is the only airbase in the Pacific Northwest with an anticorrosion facility.

Mr. President, we are very confident, that a careful, unbiased review will show that Malmstrom Air Force Base is an unequalled national security resource. Its strategic location, excellent flying and maintenance facilities, and multiple-mission capability make it a perfect site for this tanker squadron.

So Great Falls welcomes Commissioners Cox, Davis and Kling to the community. They can expect a warm, hospitable Montana reception. And we look forward to the chance to make our case this weekend.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the vote on the HARKIN amendment numbered 411 occur today at 2:15.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending amendment is the Harkin amendment to the Nickles amendment to the substitute.

Mr. LEAHY. Mr. President, I am presently asking recognition, and I will speak briefly and ask permission to be able to do that as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CALAMITY IN AFRICA

Mr. LEAHY. Mr. President, I have listened to the recent proposals of several Republican Senators for deep cuts in our foreign assistance program. Some of these proposals do not mention cuts specifically, but that is the thinly veiled consequence of what they propose. We pride ourselves for our generosity, but our foreign assistance accounts for less than 1 percent of the total Federal budget. These proposals would cut that even further, with the deepest cuts in the funds that go to help the neediest people in the world.

I will speak at length on this subject in the coming weeks, but I wanted to talk briefly about what are talking about if these proposals gain support.

At the same time that Republicans are pushing for drastic reductions in aid to needy American children and families, they would have us turn our backs on people around the world who are even more desperate. Let me mention one example, that was described in the Washington Post on March 17.

Uganda, once a prosperous, peaceful country, was destroyed by Idi Amin in the 1970's. Today, the average yearly income is $170 per person, and as Uganda struggles to rebuild from civil war it is being destroyed from within again. One of every fifteen Ugandans is HIV positive. Half a million Ugandan children have lost a parent to AIDS. By 1998, 10,000 Ugandan children will have died from AIDS, and another 300,000 children will be infected.

In towns like Kakuuto with 70,000 residents, 30 percent of the people are either infected with HIV or already suffering from AIDS. There are 17,000 orphans in that town alone.

The article describes a typical girl who became the head of her family at the age of 13, when her mother died from AIDS. AIDS had already killed her father. She now cares for her four younger brothers and sisters.

In 1990 I went to Uganda, and I saw the devastation caused by AIDS. I saw the heroic efforts of people there, everyday people, trying to fight the epidemic, a battle they could not possibly win without the help of countries like ours.

The article goes on to describe similar stories in Kenya, where Father Angelo D'Agostino, a Jesuit priest and a personal friend of mine, founded a home in Nairobi for AIDS orphans. He gets calls seeking a home for 100 AIDS babies every month. He has room for only 80 children, many of whom watched their parents die.

Mr. President, there are more rescissions coming from the House, and there are proposals to cut the foreign assistance program. Meanwhile, in Africa there are 10 million people infected with HIV, and the number continues to climb. Close to a million and a half are children. Many of the HIV infections were spread by sexually transmitted diseases that are common wherever there is poverty. These diseases are common in our own country, but here we have the vaccines or medicines to cure them. There they do not, and they become HIV positive, and they die.

There is no cure for AIDS. Would those who would cut the meager funds we spend to fight AIDS in places like Uganda, or India where it is spreading like wildfire among a population of a billion people, have us seal our borders? Tell future generations of Americans that if they leave our shores they cannot return?

Mr. President, this is one of a dozen examples I could mention of what will happen if we cut these foreign assistance programs. It makes a great press release today. We might just as well be sentencing our children and grandchildren to death.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 17, 1995]

African AIDS Epidemic Creating a Society of Orphans—Hundreds of Thousands of Children Left Parentless as Scourge Sweeps the Continent

(By Stephen Buckley)

Kakuuto, Uganda.—Elizabeth Nakaweesi, 17, became head of her household at 13.

In 1989, her mother died of AIDS. In 1991, AIDS killed her father. That left Elizabeth to care for her four brothers and sisters, now aged 10 to 15.

Instead of spending her days in school, she spends them making straw mats and cultivating her family's half-acre of banana trees. She makes $40 a year.

"It is painful to have no parents," Elizabeth said recently, sitting in her family's battered clay hut. "If they were here, they would take care of us: we would have the things we do not have."

Nakaweesi's plight has become a familiar one in Africa, where AIDS has left millions of children without parents and has afflicted thousands of others who contracted the AIDS virus through their mothers.

Statistics on the impact of AIDS among African children are sketchy but nonetheless grim. UNICEF predicts that by 1999, up to 5 million African children will have lost their mothers to AIDS. Of the 9.5 million people in sub-Saharan Africa who either have the human immunodeficiency virus (HIV)—which causes AIDS—or the disease itself, an estimated 1.3 million are children.

AIDS has ravaged the continent in part because of cultural mores that assent to men having simultaneous sexual partnerships with more than one woman. Researchers also have found that a high rate of nonfatal sexually transmitted diseases among both genders has made Africans more vulnerable to HIV.

AIDS specialists fear that the impact of the disease on children will slash school enrollments, roll back gains in infant morality rates and further tax family structures already shattered by political and economic crises in many African countries.

Uganda's AIDS crisis is among the most urgent in Africa, as 1.5 million of the nation's population of 17 million are HIV-positive. An estimated 519,000 Ugandan children have lost at least one parent to AIDS, and the government reports that by 1998 about 150,000 children will have died of it and another 300,000 will be infected.

"What we have seen is staggering," said Omwony Ojwok, director of the Uganda AIDS Commission. "The families in particular are simply at a breaking point. You have some adults with 10 orphans in their house, plus their own children. Eventually, you run out of adults to take care of the children."

The town of Kakuuto, three hours west of Kampala, has been hit especially hard. An estimated 30 percent of its 70,000 residents are either HIV-positive or have AIDS. Relief workers estimate that there are 17,000 orphans. Some are left on their own, but many more live with grandparents who often are too old to provide the economic and emotional security of a mother and father.

Alandrena Nakabiito, 62, was left with six orphans, ages 5 to 13, when two relatives died of AIDS in the early 1990s. Nakabiito, who reared four of her own children, said that she never expected to be cast in this role.

"I never thought of it," she said, waving her arms in her dark, narrow, two-room hut. "I built this small house for myself." Now eight people, including Nakabiito's 72-year-old sister, live there.

Nakabiito said she makes about $60 a year, adding that she would work harder on her acre of land but age has drained her strength. She digs only in the morning, resting in the afternoon. The slight woman, whose hands bear scars of a hard farm life, said she is especially sad that she cannot help Lucky Nakkazi, the 13-year-old, with her studies. Lucy can go to school only because the World Vision relief organization pays fees for her and about 2,500 other orphans in Kakuuto.

"I would try to help, but I have poor sight at night," Nakabiito said, referring to Lucy's school work.

Lucy attends Kakuuto Central Primary School, where headmaster Kyeyune Gelazius said that 220 of his 450 students have lost parents to AIDS. he predicts that within five years, 75 percent of his students will be orphans. He said that generally their attendance is sporadic and their behavior disruptive and that they lag academically.

"They don't get the attention they need at home," said Gelazius, who has seen 11 relatives die of AIDS. "Their grandparents are usually too old, and the children don't respect them."

A study in neighboring Tanzania found that children who have lost their mothers to AIDS "have markedly lower enrollment rates and, once enrolled, spend fewer hours in school" than youngsters with two parents, the World Bank Research Observer reported. The same study concluded that by 2020 the AIDS death rate among children in Tanzania will have cut primary and secondary-school enrollments by 14 and 22 percent, respectively.

Doctors also fear that AIDS will wipe out improvements in infant mortality rates over the past decade. For now, the rate remains stable, but a 1994 World Bank report on AIDS in Uganda warned: "Because of the large numbers of women carrying the virus, there are increasing numbers of infants and children infected. This together with the loss of mothers due to AIDS will increase infant and child mortality significantly." At the Kakuuto offices of Doctors of the World, a medical relief group, AIDS program coordinator Fred Sekyewa said babies born to mothers with AIDS have a 25 to 50 percent chance of being infected and that one in three pregnant women examined here tests HIV-positive.

Sekyewa added that many women with AIDS have babies because of cultural pressures. "In African societies it is an abomination for a woman to die without a child," he said. "A woman in her twenties who has AIDS will say, 'I must have a child now because I may die before I get the opportunity.'"

In Nairobi, Kenya, hundreds of HIV-positive children die in hospitals annually after being abandoned by their mothers. Three years ago, the Rev. Angelo D'Agostino, a Jesuit priest, founded a home in Nairobi for such children. A surgeon and psychiatrist who taught at George Washington University for 14 years, D'Agostino said he gets calls from hospitals and social workers seeking homes for 100 AIDS babies every month.

D'Agostino, 69, has taken in about 80 children. He said that some have become healthy after receiving a steady diet of nutritious meals and attention.

"They were born with their mother's HIV antibodies, so they initially tested positive. But they never got infected," D'Agostino said. "So after a while, they're fine. But usually these kids die of malnutrition or something else in a hospital; because they once tested positive, everybody gives up on them."

The priest said that his children, most of whom are under 5, often show the strains of losing their parents. They cry for hours. They have nightmares. They stare into space.

"They talk about seeing their parents die," D'Agostino said. "They talk about being alone with their 10- or 12-year-old sibling."

Elizabeth Nakaweesi understands their pain. The teenager said she quit school in the sixth grade to care for her young siblings after her parents' deaths because "there was nobody else to do it."

Elizabeth's father, who died at 51, had collected taxes at the local market. Her mother, who was 39, had cultivated their plot of bananas, sweet potatoes and cassavas.

Sometimes, when crops are poor and her straw mats are not selling, Nakaweesi must beg neighbors for help. She said that without assistance from neighbors and World Vision—which pays school fees, bought her a bicycle and provides other necessities—she and brothers and sisters would not survive.

Elizabeth works hard to foster a spirit of family teamwork. After her siblings return from school, everyone works in the field before dinner. At supper time, one child fetches water. Another finds firewood. Another picks bananas. Another puts out bowls and eating utensils. Another does the cooking.

But the teenager knows that she cannot replace her parents. When she tries to speak of them, tears well in her eyes. She turns her face to the wall.

"They must be mother and father now," said Grace Mayanja, a staff worker with World Vision, referring to children in Kakuuto left to raise siblings. "But in their hearts, they're still little girls."

STOP HIDDEN KILLERS: THE GLOBAL LANDMINE CRISIS

Mr. LEAHY. Mr. President, over the years, I have spoken often about the problem of landmines. I have done so on this floor and as a member of the U.S. delegation to the United Nations, where I addressed the Disarmament Committee of the United Nations. I have been urging the U.S. Government and the United Nations to do whatever they can to stop the proliferation and use of antipersonnel landmines.

Sometimes when we think of landmines, we think of these huge floating mines in a shipping lane, but in fact, what we usually mean is a weapon about the size of a can of shoe polish. Antipersonnel landmines are tiny, and in some of them the only metal part is about the size of a thumb tack, so it is virtually impossible to detect. They cost about $2 or $3, and can be concealed beneath the surface of the ground. They are strewn by the thousands and they explode when somebody steps on them, no matter whether that person is a civilian or combatant. They kill an estimated 70 people each day. In the 2 hours since the Senate opened session this morning, at least eight people have been killed or maimed in the world from landmines. We are talking about 70 people each day, 26,000 people each year. There are an estimated 85 to 110 million landmines in 60 to 65 countries waiting to explode.

To give you some idea of this, parts of the Netherlands, and Denmark, are still too dangerous to go into, because of landmines left from World War II. But the vast majority of these hidden killers have been spread in just the past few years. In fact, even though the Russians followed our lead and declared that it would stop exporting antipersonnel landmines, that policy apparently does not apply to Chechnya. The Russians have been spreading landmines in Chechnya and doing it in such a way that nobody is ever going to know where they are—they are being dropped by the thousands out of airplanes—and there will be people, years from now, still dying and being maimed from them.

This January, at a press conference attended by representatives of some 40 countries, Secretary of State Christopher announced the release of the State Department's report "Hidden Killers: The Global Landmine Crisis." It tells the gruesome story of the carnage caused by landmines.

Last year alone, on top of that 100 million or so unexploded landmines, we now have another several million that were laid, mostly in the former Yugoslavia. Estimates of the cost to locate and remove them are in the tens of billions of dollars. That does not even count the millions of mines that will be laid in the future.

Three years ago, almost nobody was paying attention to what has aptly been called a "weapon of mass destruction in slow motion." Far more civilians have died and been injured by landmines than by nuclear weapons.

They are a weapon of mass destruction, they just claim their victims slowly. Then the Senate passed, by 100–0, an amendment I sponsored to halt U.S. exports of antipersonnel landmines. That is the only time I know of when the U.S. Senate acted with unanimity on an issue of this kind.

The purpose of that amendment was to focus attention of the landmine crisis and to urge other countries to join us in trying to solve it. Because the Senate acted with such unanimity—Republicans and Democrats, across the political spectrum—and spurred on by the President of the United States, Secretary of State Christopher, and U.N. Ambassador Madeleine Albright, 18 other countries have declared export moratoria. Last September, at the United Nations, President Clinton announced a U.S. goal of the eventual elimination of antipersonnel landmines. On December 15, 1994, the U.N. General Assembly adopted a U.S. resolution calling on all countries to stop exports, and for further efforts toward the goal of the eventual elimination of antipersonnel landmines.

This is the first time, Mr. President, in recent history, since the banning of chemical weapons, that the world community has singled out a type of weapon for total elimination. It reflects a growing consensus that these weapons are unacceptable because they are indiscriminate, and because they are used routinely to terrorize civilian populations.

Imagine if the area from the Capitol Building to the Washington Monument were seeded with antipersonnel landmines, each one buried in the ground and waiting to explode. Who is going to go there? What if all of New England, or all of California, were strewn with mines? That is the reality for dozens of countries where millions of people go about their daily lives in fear of losing a leg or an arm, or their children's lives, from landmines.

I remember being in Uganda several years ago. From legislation of mine, we started a program to make artificial arms and legs for people who have lost limbs from landmines. My wife, who is a registered nurse, was with me and she saw a young boy, 10 or 12 years old, hopelessly crippled from polio. She could not believe that there was someone who was crippled from polio, when there are such low-cost vaccines.

It turned out that UNICEF had sent polio vaccine to Uganda, but that little boy had not got the vaccine. The medical personnel could not go to his part of Uganda, to his village, because of the landmines strewn around there. So in a country where to survive it is necessary to be able bodied, this little boy is hopelessly crippled.

Here is a photograph of a young boy in Mozambique, Mr. President. Look at him from the waist down. There is nothing there. Those are two wooden legs. Artificial legs in a very poor country, a growing boy who will outgrow them and probably did outgrow them months after this picture was taken.

Look at this Kurdish boy. Can anyone, as human beings, as parents, look at this and not be horrified? I think of my children, when they were this age. One badly damaged leg. An arm missing at the shoulder. The other leg torn off at the knee. And these children are considered the lucky ones because they were close enough to medical care to get help. They did not die, as many do, just from the loss of blood.

These are not combatants, but these are typical of what I have seen every place I have gone in the world where they have landmines. I am told that you cannot walk down the street of Phnom-Penh without seeing people an arm or leg gone. They say that in Cambodia they are clearing the landmines an arm and a leg at a time.

Not only do these weapons endanger civilians most of all—and that is why they are terrorist weapons—but they kill and maim American soldiers, whether in combat or peacekeeping missions. They threaten our Peace Corps volunteers and other Americans who are involved in humanitarian work.

Ken Rutherford of Colorado testified here last year. He told about being in Somalia driving in his jeep, while he was working for the International Rescue Committee. He heard the blast and the bang, and the next thing he knew he was sitting in shock, holding his foot in his hand trying to reattach it to his shattered leg. Of course, that could never be. Ken has courageously gone through painful surgery after surgery, to be able to walk again.

Hidden killers is an indictment of a weapon that even Civil War General Sherman, who is not remembered as a great humanitarian, called a violation of civilized warfare over a century ago. A violation of civilized warfare. That is when a tiny number of them were used. Now there are millions.

During the month of January, officials of governments, including the United States, met in Geneva to discuss proposals for strengthening the Conventional Weapons Convention, the one existing international agreement covering the use of landmines. Signed in 1980, the Senate finally ratified it last Friday.

I want to praise the distinguished majority leader, Senator DOLE, the distinguished Democratic leader, Senator DASCHLE, and others, Senator HELMS, Senator PELL, and Senator LUGAR, for bringing the convention before the Senate for ratification.

The fact that the talks are going on in preparation for a U.N. conference next September to strengthen the 1980 convention is important by itself. The convention is universally regarded as woefully inadequate, and John Molander, the Swedish chairman of the talks, deserves credit for his efforts.

But these negotiations have shown how reluctant governments are to turn rhetoric into reality. I mentioned that Russia had said it had stopped exports of landmines. I praise President Yeltsin for that. I had talked to him about it personally, as I did Foreign Minister Kozyrev. Russia is obviously a country that has one of the largest stockpiles of landmines and they have the ability to manufacture them.

But now we see that they have no reluctance to sow them from airplanes over Chechnya. What army is being deterred by that? What army? It is the armies of old women and old men going out to find firewood to make a fire so they do not die from the cold. What army? It is an army of little children trying to go to school. Those are the armies that are terrified and maimed and killed by the indiscriminate use of landmines.

It is a blight, Mr. President, it is a blight. It is a moral blight. It is an evil blight. They should be treated the same way as we treat poison gas and chemical warfare. They do not distinguish between civilians and combatants. And yet we there are some who would have us give a Good Housekeeping seal of approval to a certain types of landmines.

Balderdash. What difference does it make? A landmine is a landmine. Cheap, deadly, long-life mines can blow the leg off the best trained, best equipped America soldier. If we treat some antipersonnel mines as acceptable, we run the risk of making the goal of eliminating them more elusive. Thousands of innocent people will continue to die. Every 15 minutes of every day of every year someone—usually an innocent civilian, often a child, or civilian—loses a leg or an arm.

Large areas of countries like Bosnia, Angola, and Cambodia have been contaminated with mines. The people cannot return to their fields to grow food, collect water, or firewood without risking their lives. Their children are being blown to pieces when they play outside or walk to school.

Refugees cannot go home. The Pakistani Ambassador to the United Nations tells me that over 1 million Afghan refugees are stranded in his country. Why? They cannot go home to Afghanistan; it is littered with landmines. And so they are in an area where they are devastating the forest, causing all kinds of problems and they are an enormous drain on Pakistan because they cannot go back to Afghanistan.

It is a global catastrophe. People everywhere are calling for an end to this madness. Three weeks ago the Belgium Parliament voted a 5-year total ban on antipersonnel mines. Mexico, Sweden, Ireland, Estonia, Colombia, and Cambodia have already announced a total ban.

Only a year or two ago that seemed inconceivable. The United States has led the way, and we should continue to lead. We are the only superpower, and we can afford to set an example. We do not need these weapons for our security. What army is going to march against the United States? We have the most secure borders in the world.

Mr. President, we are blessed as no democracy in history has been blessed, not only with the resources of our own land and the resource of our own people, but with the security we have as a nation. But let us think what happens when we set foot outside of our country, when we send humanitarian missions, or send the men and women from our military to help in peacekeeping. We find this terrorist weapon used against us. And we are only the tip of the iceberg, because it is a terrorist weapon used most often against those who are most defenseless.

We should treat antipersonnel landmines with the same stigma as poison gas and other indiscriminate, inhumane weapons. Only when the price of using them is to be branded a war criminal and am international pariah will this mayhem stop. There are always going to be Saddam Husseins, who would commit any outrage against their own people. But they will become more and more the exception.

Last week we did take the next step. We ratified the Conventional Weapons Convention, including the landmine protocol. The United States can now participate fully in the conference to amend the convention this September. I intend to go to that conference. I think it is an important opportunity to try to give the convention the teeth it currently lacks. Between now and then I will be speaking with the President of the United States, the Secretary of State, and others, about ways to strengthen it.

Mr. President, there are some weapons that are so inhumane that they do not belong on this Earth. They do not fit in our natural law right of self-preservation and defense. Even within that natural law, and even with our right of self-defense, we do not have the right to use any kind of weapon under any circumstances. Antipersonnel landmines are so inhumane that they fall into that category. They have ruined far too many innocent lives already.

Anyone who doubts that need only look at these photographs. See what happens. I started speaking 15 minutes ago. During that time this has happened to at least one person on this Earth since I started speaking, possibly another child like these. When the Senate recesses this noon—and we all in the security of our caucuses and the security of this beautiful building, the symbol of democracy, eat our lunches—a half-dozen more people will be killed and maimed somewhere in the world. And for what? Do these children threaten anybody? These children had a life hard enough already. Now they have one leg or one arm, or, as in this case, no legs. Can you imagine what their lives are like?

I am going to speak again as I have, many, many times before, Mr. President, about this subject. I will continue to speak about it. I applaud and compliment those of my colleagues, Republicans and Democrats alike, who have joined me in this crusade.

We should tell the world that we will treat the use of antipersonnel landmines the same way that we treat poison gas and other indiscriminate, inhumane weapons, and ban them altogether.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I understand the pending business is the amendment offered by the Senator from Iowa, is that correct?

The PRESIDING OFFICER. That is correct; the Harkin amendment numbered 411.

Mr. GRAHAM. Mr. President, on Saturday, March 25, an Iraqi court sentenced two Americans, David Daliberti of Jacksonville, FL, and William Barloon of Iowa, to 8 years in prison. Their crime was an innocent and inadvertent crossing into Iraq from Kuwait.

These two men, both of whom were employed by United States contractors working in Kuwait, have been converted from free citizens working in an important area of national responsibility for Kuwait on behalf of United States contractors to prisoners in an Iraqi cell.

David Daliberti and his partner have done nothing to deserve this sentence. As the observers at the trial last Saturday stated, these men are innocent of the charges levied against them. The crossing was an honest mistake. This mistake has been admitted, but it is not a criminal offense.

The Iraqis must understand several things. First, that we will not allow them to utilize this inadvertent crossing of the border for political purposes. They must understand that their outrageous action toward these two men is the equal of the outrageous action that they have taken when they refuse to abide by the international standards that would be necessary for a lifting of the economic embargo against their country; that their use of these two men for political purposes will in no way lead to a lifting of the embargo or a modification of the U.N. resolutions regarding sanctions.

Mr. President, President Clinton should be commended for the action that he has taken in this regard. He has been steadfast, he has been personally involved and committed to see that the United States takes all efforts within its power and by organizing international forces in order to accomplish the objective of the release of these two men.

I would also like to thank the representatives of the Polish Government who represent United States interests in Baghdad. They have, as they have done in previous cases, performed a great service for this country. They have represented our interests well in the past, and I am confident that they will do so on behalf of these two Americans.

I have written to the United Nations and received assurance from Mr. Boutros Boutros-Ghali that the United Nations will do everything within its power to ensure the release of these individuals.

Mr. President, I ask unanimous consent to print in the RECORD a letter dated March 24, from the Secretary General, relative to the commitment of the United Nations, at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, there have been a variety of voices raised on this matter. The most compelling have been those of the voices of the families directly involved. The family of Mr. David Daliberti live in Jacksonville, FL. I have had the opportunity to talk with his mother, father, and last Friday with his wife, Kathy. They are, obviously, extremely distressed and anxious about the future of their son and husband.

We must convey to them that it is the commitment of the United States of America to do everything within its power to gain the safe and expeditious release of their loved ones. The same commitment will be made to the Barloon family who, I am certain, is experiencing the same level of anxiety.

The Iraqis must understand that we will hold them fully responsible for the treatment that they are according these two innocent men; that they will be held accountable in the court of international opinion and law for any adverse actions taken against these two Americans.

There have been a variety of proposals made, Mr. President, as to what we should do, ranging from diplomatic to economic to military. I personally believe that we should not take any option off the table. We should not give to Saddam Hussein the confidence that would come by his knowing what we will not do.

However, affirmatively, I believe that we should place our confidence and place our faith in the individual who has the constitutional responsibility to lead United States efforts in a matter of this type, and that is the President of the United States.

On Friday, I met with the President at the White House, and I was impressed with the degree to which he was personally knowledgeable of the minute details of this issue; that he had been in personal contact with key figures who have the capability of bringing maximum pressure upon the Iraqis, and his commitment to see that these two men are released as expeditiously and in the best possible circumstances.

So, Mr. President, I support the resolution that is before us today. I think it is important that the United States Senate send a strong signal to Baghdad as to our outrage at their action and that their action will not secure any steps which will be beneficial to the country of Iraq.

The irony is that the control of the future of Iraq and its people, the ability to lift the economic sanctions and to begin a process of restoring Iraq to a membership in an international community of law-abiding nations lies totally within the Government of Iraq itself and particularly its leader, Saddam Hussein.

For months, that regime has rejected its opportunity and responsibility to take those actions. Now they are potentially attempting to use these two innocent Americans as a lever to achieve that result.

They shall not succeed. The United States, with our international allies and with the coalition that is being organized by President Clinton, will bring both maximum force, maximum diplomatic, economic and, if necessary, other initiatives in order to achieve the release of these men, while at the same time standing firm behind the sanctions which Iraq imposed upon itself by its lawless activities.

So, Mr. President, I urge my colleagues to adopt this resolution and send the signals that have the best opportunity to achieve the release of these two men to the regime in Baghdad and to reinforce the leadership which is being provided by our President in Washington.

Thank you, Mr. President.

EXHIBIT 1

MARCH 24, 1995.

Senator BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Thank you for your letter of 23 March 1995 expressing your grave concern for the two United States citizens who have been detained by the Government of Iraq since 13 March after accidentally crossing the border between Kuwait and Iraq. Please be assured that I share your concern.

Since the incident occurred, General Krishna Thapa, the Force Commander of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), which is situated along the international border between the two countries, has been repeatedly in contact with Iraqi authorities to ascertain the whereabouts of the two individuals, obtain assurances of their well-being, and urge the Government to release them immediately.

Mr. Kofi Annan, Under-Secretary-General for Peace-keeping, has also been in touch with the Permanent Representative of Iraq to the United Nations to protest the incident and to urge the Government of Iraq to take immediate steps to obtain release of the detainees. Mr. Annan is also keeping the Permanent Representative of the United States informed of any developments in this regard as they occur.

You may be assured that the United Nations will continue to do everything we can to bring about the rapid release of the detainees. Please convey to their families my deep concern, together with my personal wishes that their families will soon be reunited.

Please accept, Sir, the assurances of my highest consideration.

BOUTROS BOUTROS-GHALI.

Mr. FEINGOLD. Mr. President, I commend the Senator from Iowa, Senator HARKIN, for his leadership on this issue. The virtual kidnaping of two innocent American businessmen by Iraq is a very serious matter.

Obviously, I will vote for this amendment because it strongly condemns the Government of Iraq for its unjustified action. I also think it empowers the President as he strives to assure the prompt release and safe exit of our two citizens from Iraq.

At the same time, though, I want to explain for the RECORD that in voting for a resolution which urges the President to "take all appropriate action" in this matter, I do not believe that Congress is authorizing any broad use of military action. While the President may initiate an emergency operation to rescue American citizens, any military action beyond that into Iraq would have to be specifically authorized by Congress.

I make this point, Mr. President, because I have seen in the past how sometimes we quickly and quite appropriately pass some foreign policy resolutions to express a sense of the Senate, only to have them reinterpreted as a broad authority for some unforeseen or even uncontemplated military action later. I hardly expect that to be the case with this amendment, but I wanted to set the record straight from the outset.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS-CONSENT AGREEMENT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to conduct morning business and request that the Senate stand in recess following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON and Mr. NUNN pertaining to the introduction of S. 635 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. Mr. President, I ask unanimous consent, if I might, to be listed as an original cosponsor of the legislation just introduced by the Senator from Texas and extend my commendations to her for proposing this long-overdue reform in the treatment of our highest national military leadership.

Mrs. HUTCHISON. Mr. President, I am proud to have the Senator from Florida be an original cosponsor of the bill, and I look forward to working with him to correct this inequity that we have seen occur over the last few years.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m.

There being no objection, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 411

The PRESIDING OFFICER. The question occurs on amendment No. 411 offered by the Senator from Iowa [Mr. HARKIN].

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire [Mr. SMITH] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Smith

So the amendment (No. 411) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter before this body?

AMENDMENT NO. 410

The PRESIDING OFFICER. The pending question is amendment No. 410, offered by the Senator from Oklahoma.

Mr. REID. Mr. President, the senior Senator from Oklahoma and I, among others, have offered this substitute to S. 219 because we believe it is a good solution to the problem of excessive bureaucratic regulation.

Mr. President, yesterday on the Senate floor, I outlined in some detail the merits of this substitute amendment. During that period of time, the Senator from Oklahoma and I, in a number of exchanges, laid the foundation for this legislation. What this is all about is the fact that we have too many regulations that, in effect, are given to us—and when I say "us," I mean the American public—without the Congress having any ability whatsoever to review these regulations.

In fact, Mr. President, since the Chadha decision, the bureaucrats have, in effect, laughed at the Congress. When we were concerned about an area in which they were going to promulgate regulations, there was not a thing we could do about it because they, in effect, said you tried once to put up a legislative framework to review regulations and you were told by the Supreme Court you could not do it. So, as a result of that, I believe personally that we have had a lot of regulations that were unnecessary and, in effect, the bureaucrats have told the Congress: We will do what we want.

It is estimated by the U.S. Chamber of Commerce that complying with Federal regulations costs over $500 billion a year. The amount of time filling out paperwork for these same procedures is about 7 billion hours—not million, but billion hours. Multiply that times the minimum wage, and it is a lot of money. But, of course, it is more than minimum wage.

Mr. President, we all know that regulations serve a valid purpose if they are implemented properly and they serve the intent, what the legislature intended, in allowing them to go forward with the regulations. We all know that the workplace is a lot safer today than it was 50 years ago. We know that there are people today who are not permanently disfigured as a result of the workplace rules that are in place.

We have an airline industry that has the finest safety record of any airline industry in the world. We know that we have problems that have developed, but, generally speaking, our food regulations allow the American public to clearly eat food that is given to them.

Some good things have happened. Twenty years ago, Mr. President, 80 percent of the rivers were polluted. Now it is 20 percent. It has just reversed. It used to be, 20 years ago, that 20 percent of the rivers were unpolluted; now 80 percent of the rivers are not polluted. So we have made progress and a lot of this is because of meaningful legislation and the meaningful implementation of regulations.

The problem is, though, that too often Congress passes a law with good intentions and sound policy, only to have the agencies turn these simple laws into complex regulations that even the regulators do not understand. And certainly they go beyond the intent of Congress.

There are a myriad of stories that each of us have in our offices of how businesses, large and small, have to hire large legal departments. And if that is not enough, they have to have people who specialize in other areas, dealing with regulations that have been promulgated.

The reality is that Americans have become frustrated and skeptical about our Government. One reason, I believe, is because of the myriad of regulations over which they feel and we as a Congress feel we have no control.

As an example, a survey was conducted by Times Mirror, which found that since 1987, the number of Americans who believe regulations affecting business usually do more harm than good has jumped from 55 to 63 percent. In just these few short years, people feel worse about government rather than better. So we should get the message.

Mr. President, yesterday I pointed out to the Members of this body the number of regulations that have been placed in effect just since the last election. It is a large number of regulations, about 15 pages of very fine print that we have of new regulations.

I talked, Mr. President, about some of the—for lack of a better description—ridiculous things that have happened because of some regulations. I talked yesterday about a number of companies. One that I talked about was a New York company which was told to get benzene out of its water supply. They said, "Fine," because they knew how much benzene was in their water that they could remove. The manufacturer said, "But we will make you a better deal. We have other processes in this plant where we can get rid of significantly more benzene and it will only cost us a fraction more of the $31 million that it would take to remove the benzene in the water."

The regulators said, "No deal." So, in effect, they spent $31 million and removed a little bit of benzene, where they could have spent a few dollars more and removed a lot of benzene. But, no; that is how far into space some of these regulations go.

The Senator from Oklahoma and I believe that we need to eliminate many of the problems. To do that, we need to establish a safety mechanism that will enable Congress to look at the regulations that are being promulgated and decide whether they achieve the purpose they are supposed to achieve in a rational, economic, and less burdensome way. The substitute does just that.

The Senator from Oklahoma and I have worked for many years in a bipartisan fashion to do something about Government regulations. We approached this in the past. In fact, last year, this body passed legislation that we introduced which would have put a dollar number on regulations that were promulgated.

Well, I believe this is a more realistic way to approach the problem. The legislation that we introduced last year that passed was knocked out in a conference committee. So this is a bipartisan approach to accomplishing the goal of making Government more meaningful.

I would like to just mention briefly, Mr. President, that this bill provides a 45-day period where Congress can review new regulations. We can enact a joint resolution of disapproval and we would do it on a fast-track basis. If the rule would have an economic impact of over $100 million, it is deemed to be significant and the regulation will not go into effect until the 45-day period has expired. This 45-day review will allow Congress to hold Federal agencies accountable before the regulations become, in effect, law and start impacting the regulated community.

If the rule does not meet the $100 million threshold, the regulation will go into effect but will still be subjected to fast-track review.

Even significant regulations may go into effect immediately if the President, by Executive order, determines that the regulations are necessary for health, safety, national security or are necessary for the enforcement of criminal law. This is not subject to judicial review.

On issuing a rule, the Federal agency must forward a report to Congress containing a copy of the rule.

Mr. President, this 45-day review process will begin when the rule is sent to Congress or is published in the Federal Register, whichever is sooner.

I want to spend just a very brief time talking about the Chadha case. In that case, the Supreme Court ruled that Congress had no right to veto a regulation unless the President was involved in it; in effect, unless we treated this like regular legislation.

In the Chadha instance, the President had no power to do anything. It would just be the Congress would overturn the regulation.

No matter whether you agree with the reasoning of the Court or not, that is the rule of the land, and so to meet the problems that were encompassed in that decision, the Senator from Oklahoma and I drafted this substitute so that the President would have the right to veto our legislative veto.

If a regulation is submitted to us and we do not like it, both Houses turn it down, and the President does not like it, he can veto it. The only way we can override his veto is by a two-thirds vote. That is fair. I am sorry we have to take it to the President, but that is what the Supreme Court said we have to do.

I think this procedure meets all the constitutional requirements that people raised in the past.

Mr. President, I hope that we can have a strong bipartisan vote on this bill. It is time that we worked together on issues. There is not a Member of this body, on either side of the aisle, who does not recognize, I hope, that we have all kinds of problems with regulations. If one goes home to a townhall meeting and there is a businessman there, big or small, that is what they complain about more than anything else, the paperwork that is burying them. And in the process of burying them, people are losing jobs, and it is just not good for the American process.

So I hope that we will respond with a strong vote. This bill sets forth procedures that are designed to make sure the process of evaluating new regulations does not give an advantage to either the President or to the Congress. So I hope that we can move forward on this bill at the earliest possible date.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I, too, share the concerns about regulations that the Senator from Nevada just talked about. We all have heard from our people back home, our constituents, our businessmen, our industry, our farmers, our average citizens about the impact of Federal regulations. How we deal with that is something else again. That is what we are grappling with.

We have had a couple things happen here. One, over in the House there is H.R. 450, which we view as rather draconian. It would stop everything from just a few days after the election on for a year, stop all rules and regulations from going into effect.

That is draconian in that it throws out the good with the bad. We have a lot of rules. Many of them are final rules and some of them are proposed rules that have taken effect since the election last year. Many had been in preparation for a year, a year and a half, some of them maybe even a little bit longer than that.

But the rules on health and safety, for instance, would be thrown out by that House legislation. They would be held up. In other words, the protections against E. coli bacteria, which killed children, or cryptosporidium, which killed 100 people in Wisconsin and some 400,000 ill, were not in effect.

Airline safety is another one where we have rules and regulations that would be held up now even though they should be in there.

Those are some examples of things that would be held up if we passed that House bill. That is not what we are dealing with today. But the companion bill in the Senate is S. 219, which was introduced by the distinguished Senator from Oklahoma. S. 219 drew a lot of amendments, a lot of fire in committee, enough so that when it was finally voted out of committee, over our objections on the minority side, this substitute for it was brought forward.

This substitute is a legal veto or legal reconsideration which is a long ways from the original S. 219 that it replaces.

If we then sent this legislative veto to the conference with approval today, and it is goes to conference with the original bill in the House, H.R. 450, they are poles apart in what they provide; what our concern has been all along is that if we go to conference with the House and then give in to the House, we could come back with something completely unacceptable, and it will not be amendable by our rules for consideration of conference reports.

There is another situation we have. In the Governmental Affairs Committee, we already considered and voted out a regulatory reform bill, of which a similar legislative veto like this is a part. I have wished, if things had been different, that we would be working on that bill on the floor instead of on this measure that only encompasses part of the regulatory reform problem.

That is not what we are voting on, though, today. I think most of us will probably vote for the legislative veto provision that the Senator from Oklahoma has proposed. We do have some perfecting amendments. Senator LEVIN, who is not on the floor at the moment but I understand will be here very shortly, has two or three amendments. I have one I may propose later this afternoon. I think there are a couple on the other side of the aisle to be proposed.

Regulatory reform is a very, very complex matter. It is not easy. I think we should be taking it up in its entirety and not just piecemeal with things like this where we drag out parts of it for consideration and do not consider the other parts of it.

Our regulatory reform that we voted out of committee, for instance, had provisions in it for risk assessment and cost-benefit analysis for rules above $100 million. It had a requirement that all the regulations be reviewed at least once every 10 years. If they were not reviewed, they would be sunset. We had the 45-day legislative veto in that legislation, which this substitute amendment to S. 219 provides, and we had judicial review only on the final rule.

That is a good, tough bill. Let me say that Senator ROTH, our committee chairman now on the majority side, moved that bill through committee, and I think it is an excellent bill.

We supported that bill. We voted it out of committee 15 to 0, our committee membership being a total of 15. All Democrats, all Republicans got together. It is a good, tough, workable regulatory reform bill. I hope that we could consider it shortly.

But meanwhile, just a part of that bill—in effect, the 45-day legislative veto—is what we are considering now as a substitute for S. 219. Yesterday we held the floor for several hours talking about our concerns and what could happen under the original moratorium bill, which is H.R. 450, or the S. 219 as voted on the floor. What we are doing today is substituting this legislative veto for S. 219.

I have gone through this a couple of times because it is a little bit complex, and in talking to some of our Members, they do not understand exactly where we stand with regard to the legislative veto or the moratorium bill.

So the legislative veto substitute, in effect, replaces the Senate version of the moratorium bill, S. 219. So the examples I gave on the floor for a couple of hours yesterday were things that would occur if we went to conference and came back basically with the House bill, which we think goes way, way, way too far.

So I think Senator LEVIN will be on the floor shortly with some amendments to be proposed first, and then I hope we can move along and complete action on this bill today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE NEW ZEALAND PRIME MINISTER

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes for the Members to come to the floor and pay their respects to the distinguished Prime Minister of New Zealand, Mr. James Bolger.

There being no objection, the Senate, at 3:16 p.m., recessed until 3:23 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ABRAHAM].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Michigan, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF CHICK REYNOLDS

Mr. BYRD. Mr. President, Chick Reynolds, chief reporter of the Official Reporters of Debates, will retire from the Senate effective July 7, 1995.

Mr. Reynolds' career in stenotype reporting began in 1949, when he was employed by the Department of Defense. In 1950, he went to work for the Alderson Reporting Co. in Washington, DC, where he stayed until 1971, at which time he opened his own stenographic reporting firm. In 1974, he was appointed an official reporter with the Senate Official Reporters of Debates and became chief reporter in 1988.

During his working career as a stenotype reporter, Chick was considered one of the fastest and most accurate writers in the country.

His assignments covered every aspect of his profession, some of which put him in the center of the headlines of the day. He reported Federal agency hearings and various committees in both the House and the Senate. He reported the Joseph McCarthy and Jimmy Hoffa hearings on Capitol Hill. He was assigned to cover the White House during the Kennedy, Johnson, and Nixon administrations. During his assignment with the Kennedy administration, he reported President Kennedy's famous Berlin speech and was also in the Presidential motorcade on that tragic day in Dallas, TX, when President Kennedy was assassinated.

Mr. Reynolds has served the Senate and the Nation with distinction and loyalty for the past 21 years.

I know all Senators will join me in thanking Chick for his long and dedicated service, and extending our prayerful wishes to him and his wife, Lucille, in the coming days.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, this is the first chapter of one of the most significant debates that will occur during the 104th Congress: the debate about regulatory reform.

If we take the right approach to regulatory reform, we can provide more protection for public health. At the same time, we can cut costs and cut red tape.

But if we take the wrong approach, we may jeopardize public health. And we may create more redtape, litigation, and delay.

So the stakes are high. Fortunately, it looks like we are getting off to a good start.

Last week, I was not so sure. We faced a short term moratorium that would have blocked some urgently needed rules. We also faced a long-term reform bill that would repeal some of the laws that protect our air, our water, and our neighborhoods.

In both cases, we seem to be coming to our senses. The moratorium is about to be replaced with the Nickles-Reid amendment. And the Government Affairs Committee declined to adopt radical versions of long-term regulatory reform. Instead, it reported a solid, bipartisan bill.

CONCERNS ABOUT THE MORATORIUM

Today we are considering the bill to impose a short-term moratorium. Let me briefly explain why such a flat, broad-based moratorium is a bad idea.

In a nutshell, it does not distinguish good rules from bad.

All too many rules fall into the second category: stupid, unnecessary rules that impose high costs and just plain make people angry.

For example, OSHA recently proposed new rules that would require loggers to wear steel-toed boots.

Seems to make sense. Unless you are working in western Montana in winter, on a steep slope and frozen ground. In that case, steel-toed boots may be slippery and unsafe. Especially if you are carrying a live chain saw.

For that reason, western Montana loggers thought that the rules made no sense at all. So we convinced OSHA to back off, talk to Montana loggers, and reconsider. But there are other rules that do make sense. That protect public health. That protect the environment. And that are urgently needed.

Yesterday, Senator GLENN gave some very compelling examples: E. coli; airline safety; radioactive waste; and others.

Let me mention one such rule, which is of particular concern to the Environment and Public Works Committee. It is the rule, or cluster of rules, for cryptosporidium. Cryptosporidium is a deadly pathogen. It occurs in drinking water. As we all know, it was responsible for the deaths of hundreds of people, and the illness of hundreds of thousands more, in Milwaukee.

EPA has been working with public water suppliers to develop an information collection rule. This rule will provide EPA, States, and public water suppliers with critical information about the occurrence of cryptosporidium and other pathogens. It also will provide information about the effectiveness of various treatment methods. It will be the cornerstone of our efforts to prevent further poisoning.

However, if the moratorium is enacted, the information collection rule cannot be issued. If that happens, water suppliers will not be able to monitor for cryptosporidium during spring runoff, when it is thought to be more prevalent. That will prevent us from gathering data for at least another year. And that, in turn, will further delay the development of an effective treatment method. As a result, we will run the risk that another outbreak will occur, and that hundreds more people will die.

THE NICKLES-REID AMENDMENT

Fortunately, the moratorium is being withdrawn, at least for now. Instead, we are considering the Nickles-Reid amendment.

To my mind, this amendment is much closer to the mark. It requires that Government agencies submit their new rules to Congress. And it sets up a fast-track process for reviewing those rules. That way, Congress can distinguish good rules from bad. If an agency goes haywire, like OSHA did with its logging rule, Congress can reject the rule. But if an agency is doing a good job, the rule will go into effect, and public health will not be jeopardized.

Of course, the amendment is not perfect. In particular, I hope that we can improve some of the fast-track procedures. But, on balance, the Nickles-Reid amendment improves the process for reviewing agency rules.

CONCLUSION

Mr. President, I also believe that the Nickles-Reid amendment does something more. It sets the right tone for the upcoming debate about regulatory reform. We must get past the slogans, and get down to the hard work of making Government rules more effective and understandable.

I look forward to continuing to work with the members of the Government Affairs Committee and with all Senators to accomplish this important objective.

Mr. NICKLES. Mr. President, I might mention to our colleagues that we have made significant progress in the last couple of hours in negotiations on a few amendments. I appreciate the cooperation of Senator REID, and also Senator LEVIN, Senator GLENN, and Senator DOMENICI, who have had some amendments, and we are working those out. Hopefully, we will be able to agree to some of those.

I might mention to my colleagues, I discussed this with the majority leader, and he very much would like to pass this bill tonight. It is our expectation to finish this bill tonight, partly because we need to go to the supplemental appropriations or the rescissions bill that was reported out of the Appropriations Committee last Friday. That may take some time.

So the majority leader has let it be known that he plans to go to that bill tomorrow. So we need to finish this bill.

I want to thank my colleagues who have been cooperative in working with us in trying to come to a resolution of some of the items in dispute on this package. I am optimistic that we will be successful.

I am ready to consider an amendment by the Senator from Michigan, and I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank the Senator from Oklahoma for his work on this substitute. It is a very important substitute. It embodies a principle which is a very important principle, and that is that the Congress should be responsible and accountable for these major regulations that are imposed on people. We should not just simply pass laws and then go on to the next law without keeping a very sharp focus on what the agencies do through the regulatory process.

So what we used to call legislative veto—something I supported even before I came to the Senate and have continued to do so—we now are going to call legislative review because it is slightly different from the veto mechanism which was adopted about a decade ago.

This legislative review process of the Senator from Nevada and the Senator from Oklahoma is a very, very significant improvement, I believe, on what the current process is of regulatory review. Of course, it is a major change in approach from the moratorium which is before us.

Before I offer my amendment, I want to commend my friend from Oklahoma and the Senator from Nevada for the work that they have done on this legislative review substitute.

AMENDMENT NO. 412 TO AMENDMENT NO. 410

Mr. LEVIN. Mr. President, I now send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. GLENN, proposes an amendment numbered 412 to amendment No. 410.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 2, strike everything after "discharged" through the period of line 6 and insert the following: "from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate or by motion of the Majority Leader supported by the Minority Leader, and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved."

Mr. LEVIN. Mr. President, this amendment is sent to the desk on behalf of Senator GLENN and myself. It is something which we have worked out with the floor managers. I thank them for their efforts.

This amendment modifies the procedure for discharging a joint resolution of disapproval from committee. By amending the substitute this way, this will conform much more closely to the legislative review provision which was passed in the Governmental Affairs

Committee last week by a vote of 15-0 on the regulatory reform bill.

This amendment would continue to allow for a committee to vote by majority to discharge a joint resolution of disapproval of a regulation. That would continue as it is in the substitute. The majority of a committee could discharge a resolution of disapproval of a regulation.

What this would add is that where a petition is filed by 30 Members of the Senate, or by the consent of the majority and minority leaders, that we also then would have the discharge of a resolution of disapproval of a regulation. The intent is to protect rights of a significant minority of the Senate to obtain the discharge of a resolution of disapproval.

Since the discharge triggers these expedited procedures, it is important that it be a balanced and a fair process and that a significant minority of Senators have the opportunity to accomplish that.

This amendment, we think, does accomplish that. I want to thank my cosponsor, as well as the managers, for their willingness to work this out.

Mr. GLENN. Mr. President, I fully support the amendment by the Senator from Michigan. I think it does several things. It protects the rights of the minority. It provides a dual method of getting rules and regulations considered. It can be initiated not only by the majority and minority leaders, but also by a petition of 30 Members.

And this does something else. It means that we will not just have frivolous actions brought up. If you have to get 30 Members of the Senate of the United States to agree on anything on a petition, it is going to be something significant; it is not going to be a frivolous matter. You are not going to be able to get a couple of friends and be able to call a rule up, or get a buddy-buddy vote out of somebody and call a rule up on that basis.

When you have to get 30 Members to do it, it has to be something substantive, and I agree with that. That is why I am very glad to support the proposal by the Senator from Michigan.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friends and colleagues from Michigan and Ohio, as well as Senator REID and Senator BOND. All four Senators have been involved in this issue in trying to make sure that we protect minority rights, and that is what this amendment does. I think it is an improvement.

We have no objection on this side, and I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 412) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I come to the floor to compliment Senators NICKLES and REID on their amendment. Very shortly, hopefully, I will have an amendment that I will talk about. But let me just speak to the substitute amendment that was offered by the Senator from Oklahoma, Senator NICKLES, and the Senator from Nevada, Senator REID.

First, there is no question that there is plenty, plenty of blame to go around for the unreasonable, irrational regulatory maze that exists in this country. There is plenty of blame to go around, because Congress passes laws that require regulations.

Bureaucrats decide that they have to write regulations, and many times we tell them they must. The courts of this land are very prone to get involved in the adequacy of regulations. And so between the agencies of Government and those who write regulations, and courts who interpret them, it is really obvious to millions of Americans that we have a very unworkable regulatory system.

Many of the ultimate regulations, as implemented, in particular against small business people, are sufficiently unreasonable and unworkable that they are causing millions of Americans—men and women—to be very angry at their country. As a matter of fact, one of the single most reasons for Americans being angry at their country is regulations that do not make sense, or are unintelligible or cost too much for what the entity regulates knows they are being asked to do. And there is no easy way to fix it. As a matter of fact, I have spent well on a year trying to figure out some generic ways to address this maze of regulatory, burdensome regulations causing great anxiety among men and women, in particular, small business people. I am sure as we move through our next step beyond that bill to try to get regulatory reform, there will be some more good ideas.

(Ms. SNOWE assumed the Chair)

Mr. DOMENICI. But for now, an approach that will say new regulations, before they become effective, must go to the committees of jurisdiction on the Hill for their perusal to see whether or not the committees that pass the laws think that the regulations passed by the regulators are beyond the law and unreasonable and unworkable and will have a chance to look at them. And, yes, under this 45-day moratorium, prior to the final adoption, Congress occasionally can pick one of those and do it in an expedited manner, deny its efficacy, and say it is not going to be carried out.

So in a very real sense, we have set upon the committees of the Congress—that is, Senate and House and the staff that works for us—a very difficult job, because now we are saying in a couple of years we will have looked at the new regulations in this process, and if we let them get by, shame on us. If we have this overview process thrust upon us by this amendment and we let the regulations get by, and 2 years after they are in place, we go to a hearing in Maine, New Mexico, Idaho, or Ohio—or we might even have a hearing in Oklahoma, but that would be very difficult—the people would say, "Look at this regulation; it does not have any common sense and it is too expensive. There is no cost benefit ratio that is meaningful." Shame on us, because this bill, which I hope becomes law, is going to say: Congress, you had a shot at it because these significant regulations which we estimate based on past performance may be 900 a year, and we are going to have a chance to look at them.

Madam President, shortly, an amendment is going to be offered that I have authored. It has been worked on by both sides to try to make sure that we all understand it. But it came to me that there is a governmental entity that works for us called the GAO. And they have been, in the past, asked by committees, asked by individual Members of Congress, to go check on something, go audit something, go review something. And I will admit that, in the past, they were subject to some very, very proper criticism. I do believe they got very cozy with certain Members. I do believe many of their reports were not clear peer review because they were doing them for a certain purpose. But I believe, nonetheless, that they have a great quality of expertise and a desire to be helpful to the Congress.

So, essentially, what I suggested to my friends, Senator NICKLES, Senator REID, and others from the Government Operations Committee, including the ranking member, Senator GLENN, I suggested that we ought to use the GAO in this process, so that as our committees have to do these reviews, we will have the benefit of a pool of resources to go check on the agencies and to advise us as to whether or not they have done their job regarding the significant regulations they are going to be issuing.

I, frankly, believe the GAO is perfectly fit for this job. We still have a very significant GAO. Some will say it is going to be cut. Some here want to cut it in half. I guess some would want to do away with it. But I do not believe any of those things are going to happen. It may get a good reduction in amount, but it is going to be here because it does some very positive things.

When we had the S&L crisis, it was important that they did a lot of auditing. We would have to go out and hire independents to do that, and would they be at Congress' beck and call and have real professionalism? I do not know.

We are going to offer an amendment that is going to essentially say that the General Accounting Office gets into this new process of review, by being our arm in looking carefully at what the regulators have put together to make sure that they have complied with the legal requirements. And, yes, upon request, they can look at the cost-benefit ratio. Essentially, they are going to be there before we ever get these regulations to the committee; they are going to be seeing whether the agencies did it right. I think that is invaluable. I think we will, 3 or 4 years from now, thank the Lord that we put them in this process, because it is so tough to review these regulations, especially the significant ones, that I am not sure the committees and our staffs would get it done, or they would constantly, most probably, be in a catch-up state because it is so tough.

You have to do it timely if you are going to kill any of these because they are infective, because after 45 days, you cannot do anything to them; they are final. That is our own law that we are about to adopt here. To make that period any longer probably prejudices the regulatory process. So I think we will have to live with that. I compliment those who put it together, and I urge the Senate to adopt an amendment which puts the GAO in this with their resources to advise and help the committees as we attempt to review the process of reviewing the significant regulations affecting our lifestyles, businesses, and many individual Americans that are regulated by our Government.

I thank the Chair and I yield the floor.

Mr. GLENN. Madam President, I appreciate very much the comments of my colleague from New Mexico. I know he has considered this very carefully. As to his initial comments about the bill and the need for it, the need for regulatory reform, I could not agree more. I think we are long overdue in addressing this issue. We have dealt with regulatory reform in the Governmental Affairs Committee. In fact, we have voted out a bill.

Let me compliment my chairman, Senator BILL ROTH, on this. We have voted a bill out that does all of the things that the distinguished Senator from New Mexico just enumerated. The regulatory reform bill that we voted out requires risk assessments and cost-benefit analyses. Cost-benefit analysis now, under current law, is done by Executive order. But under the regulatory reform bill, we would lock that in and say that all major regulations have to have a risk assessment and cost-benefit analysis done. And then in that legislation we voted out, also, we required that there be a review of those regulations not less than once every 10 years. In other words, there is a sunset provision in there that says that no matter how good the regulations are, they should be looked at for adequacy and for improvement and for sunsetting at least once every 10 years.

Now, in that legislation we also have a 45-day legislative veto, which is about the same as what we have here. That legislative veto would apply to all significant rules.

Once it is modified, the committee could call it up the same as this legislation now. We also provided that when a final rule is written, we would allow judicial review.

That is not the legislation that is before Congress today. That is the regulatory reform bill we voted out, and I think that is the one we should be considering because it includes not only the 45-day legislative veto that we are talking about here today as a substitute for S. 219, but it would add the whole package of regulatory reform—risk assessment, cost-benefit analysis—not just by Executive order of the President, as it is now, but require it in law.

We would also require a review of all major rules on a 10-year basis; we would have a 45-day legislative veto similar to the one we have here; and we would provide for judicial review on the final rule. That is a complete package and one I hope we have up very shortly.

Now, specifically, as to the comments of the Senator from New Mexico on the GAO, I agree on the excellence of GAO's capability and the excellent work that they do. They are an ideal group to look at these matters.

My only concern is whether we might be overloading GAO. When we are talking about requiring GAO to do a complete analytical analysis of everything that comes up, that is one thing. If we are requiring them to make sure that the procedures required by law have been met by each agency and department in putting their risk assessment or cost-benefit together, if it is a procedural analysis to make sure everything is done, that is quite a different thing.

GAO is ideally situated to do the second of those, to make sure that all the boxes have been checked, to make sure that all the procedures have been followed. If we are to ask GAO to do their own complete risk assessment and cost-benefit analysis, completely separate from any that the agencies have done, that is something else entirely, of course.

I point out that just the significant rules number some 800 or 900 a year; some years, probably 1,000. With the average number of work days a year here being somewhere between 250 and 270, that means that GAO would have to crank out about three to four of these analyses every single working day. That is an enormous job.

To require GAO to do these new tasks when there have been proposals in the budget to cut GAO by 25 percent does not make much sense. But I agree that this is a good thing for GAO to be looking at. They are ideally situated to do it.

In the other bill, the regulatory reform bill that we have voted out of committee, there are provisions for peer review for cost-benefit analyses and risk assessments. We did that because we thought the job was going to be sufficiently large that we would not be able to just ask GAO or someone else to do all that analytical and assessment work. Yet, we wanted somebody to say that the agencies and departments were doing a reasonable job. So we set up a peer review process.

I am sure when that legislation comes to the floor, we will be debating that provision to see its adequacy compared to just having GAO do it. So there are two different procedures here that we are looking at.

On the regulatory reform bill that I hope we consider within the next month or so, we provided for peer review as a way of doing the same thing that the Senator from New Mexico is talking about doing with GAO.

I certainly do not object to the GAO proposal so long as we understand, when the Senator proposes it, that it will be on the basis of making sure that the processes have all been gone through that are requested. That would be what GAO would be certifying. GAO would not be required to do their own complete, independent, cost analysis, cost-benefit ratio and risk assessment, as a completely independent action, which would tie up several times the number of people we have in GAO.

I think that is what the Senator from New Mexico intended that it be—a review to make sure that all the proper procedures have been gone through.

I know he has not formally submitted the amendment yet, but I made those comments on it anyway, in advance. I wanted to point out the details of the regulatory reform bill that I hope we have on the floor within the next 30 or 45 days.

It would require risk assessment/cost-benefit not just by Executive order, but in law. No future President could just take that off, out of effect, by just taking out the Executive order. These would be required by law, risk assessments and cost-benefit analyses.

Each one of those regulations would be reviewed on not less than a 10-year basis or it would sunset. We have the same 45-day legislative veto that would be in this legislation here now. All significant rules would come back to the committee and they would be asked to see whether they want to be notified for judicial review on each rule.

That is a complete regulatory reform package. We did a lot of work for which Senator ROTH deserves a lot of credit. We stuck with this complete reform package and molded it. It was a bipartisan effort. We voted it out, on a unanimous basis, of the Governmental Affairs Committee, 15 to 0.

I think it is a very powerful, tough bill. I hope we consider it, because what we are considering today is just part of that bill. It is a separate 45-day legislative veto.

I look forward to having that bill out on the floor.

I yield the floor.

Mr. DOMENICI. Madam President, I thank the Senator for his kind remarks.

AMENDMENT NO. 413 TO AMENDMENT NO. 410

(Purpose: To provide reports to Congress from the Comptroller General)

Mr. DOMENICI. Madam President, I send an amendment to the desk on behalf of myself and Senator NICKLES, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself and Mr. NICKLES, proposes an amendment numbered 413 to amendment No. 410.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike lines 6 through 20, and insert in lieu thereof and renumber accordingly:

"(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request:

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604 section 605 section 607, and section 609 of P.L. 96-354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of P.L. 104-4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required with subsection (A)(iv) through (vii).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subsection (2)(A) of this section."

On page 14, at the beginning of line 5, insert, "section 3(a)(1)-(2) and", and on line 5 strike "3(a)(2)" and insert in lieu thereof "3(a)(3)".

Mr. DOMENICI. Madam President, this is the amendment that I allude to in my brief remarks about the 45-day holdover or moratorium while Congress is given an opportunity to review regulations and processes.

We have changed it in two or three ways since I first submitted a draft of this amendment. I think it is very workable now. Essentially, we are now talking, as I understand it, about the significant—significant—regulations. My friend from Oklahoma says that that is about 900 a year.

We have made the Federal agencies promulgating the rule responsible to make available to each House of Congress and the Comptroller General, upon request, information that is necessary so we can see if they have done a good job. That means the GAO will not have to be involved in any one of those, nor will they have to give every cost-benefit analysis, but rather the ones they request.

I believe we will be very pleased we adopted this in a few years, when we find out what a resource GAO will be, and how much more effective they will make our committees and our committee staff, both here and in the House.

I do not think I have to say any more. I hope the amendment is adopted soon.

I yield the floor.

Mr. NICKLES. Madam President, I wish to congratulate and compliment my friend and colleague from New Mexico, Senator DOMENICI, for his amendment.

I think it is an amendment which improves this bill. It basically says the Federal agency, when they promulgate the rule, shall make it available to each House of Congress. That was in our bill.

But he also says it needs to be made available to the Comptroller General. This is for them to analyze it, for them to make sure that the cost-benefit analysis has been made, that they are complying with the unfunded mandates legislation.

I just compliment the Senator. I think this improves it. I think this enables Congress to be able to rely on GAO and the Comptroller General to make sure that some of these regulations are not excessive in cost. So, this is a compliment to the bill.

I also want to thank my friend and colleague, Senator REID, for his help on this, as well as Senator LEVIN and Senator GLENN, as we were negotiating on this amendment and actually combining this amendment with an amendment that Senator LEVIN and also Senator BOND were working on.

So, we have had several Senators trying to make some improvements in this section. I think this has made our legislation better, so I urge my colleagues on both sides to agree to the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I extend my appreciation to the senior Senator from New Mexico for improving this substitute. I say that because I look at this legislation a little differently than some in this Chamber. I know there are some who are saying we are going to have a bill later on that is going to be a lot better. Having served here and in the other body for a while, I recognize we have to do the best we can with what we have at a given time. The better we make this bill, the better it is going to be for the American people in case something better does not come along later.

So I appreciate very much the work of the Senator from New Mexico. He and I go back 6 or 8 years working on the General Accounting Office. I think this is a responsibility they should have. They are equipped to do a good job on this assignment they will be given. I think it is a good amendment and I hope it is adopted very quickly.

Mr. DOMENICI. I thank the Senators from Nevada and Ohio. I do believe this will help the bill. Senator NICKLES and I are pleased to be helpful. I think in a few years the process you were recommending will be working very well and we will know a lot more about bad regulations before they get placed in effect and then find out later they are hurting our people.

Thank you very much.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I wanted to clarify a couple of matters here. We have in the reporting by the Comptroller General, as I understand it—we say he will—

. . . provide a report on each significant rule to the committees of jurisdiction to each House of Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required with subsection (A)(iv) through (vii).

I think those words were added. I presume they were. I just wanted to check and make sure that is the wording that was in the legislation?

Mr. DOMENICI. They are in the legislation. And after discussing the issue with all four Senators and their staffs, I think those are appropriate words, because I do not think in 12 to 15 days the GAO can do a thorough substantive review, but they can do a procedural review as prescribed.

Mr. GLENN. I agree with my colleague. That clarifies it and makes sure what we are not expecting from the GAO is their own complete risk assessment and cost-benefit analysis as original work. That would overburden them on the 800 or 900 significant regulations that are issued each year and leaves it open that once one of these regulations or rules is reported back, if a committee wishes to get into it more, then they can. Or they could possibly even ask for a complete GAO original study as we do now of different pieces of legislation. That would still be possible. But this limits it to the GAO reviewing whether the agency has complied with procedural steps required in law. I am glad to have that clarified.

With that understanding I believe we would be happy to accept this on our side.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, we have no objection to this amendment on this side and urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 413) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Madam President, I ask that I may use just a minute or two of my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET CUTS

Mr. DOLE. Madam President, President Clinton won big headlines today with his proposal to cut $13 billion from four Government agencies over the next 5 years. I have learned recently maybe $8 billion of that is already in the President's budget, so I am not certain what the figure really is. But we certainly welcome the President's interest in trimming Government spending. The Washington Post even suggested today that the President's interest may be related to last November's election results. Certainly we hope he is hearing the message.

The President now has a real opportunity to get on the spending-cuts bandwagon tomorrow because the Senate will consider more than $13 billion in spending cuts and the American people will not have to wait 5 years to see the savings. These are cuts in this fiscal year. This is $13 billion the Government will not be able to spend during the next 6 months, not the next 5 years.

The American people want more than tinkering around the edges; they want dramatic results and want better use of their tax dollars, starting now.

The American people sent a loud and clear message to Washington last November: Rein in the Federal Government, reduce the size of Government and cut spending. We are prepared to provide the leadership once again to turn that message into action. We hope the President will join us in this effort to give the American people real spending cuts.

I hope the President will take a look at the supplemental appropriation bill, send us a letter supporting those cuts, and then he will really be on record for real cuts this year, not 5 years down the road, particularly if $8 billion of the $13 billion he talks about is already in the President's budget.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator yield 1 minute?

Mr. DOLE. I will be happy to yield 2 or 3 or 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Madam President, first, I want to compliment the Republican leader for his adroitness here. He quickly caught the fact that the President is making a big to-do about almost nothing today. First of all, it is my understanding that of this $13 billion, $8 billion of it is in the President's budget.

Everybody knows that budget does not cut anything. So what really happened is he cuts a little bit there and increases things elsewhere. So, of this big package, alleged big package of $13 billion, $8 billion is in the President's budget. It was already there and we knew about it. What did we say about that budget? We said that budget put up the white flag of surrender against deficits. So, certainly, this activity of cutting $13 billion is no big victory. It is still a white flag of surrender.

I would go beyond our distinguished leader and say we are going to look forward to the President's support when we produce a budget resolution that gets us a balanced budget by the year 2002, in 7 years. That is what the American people want. They do not want an announcement that a little piece of Federal Government is being changed and everybody in America is supposed to think we are really getting the deficit under control. We are not getting the deficit under control. It will be with us at $200 to $250 billion a year for as far as the eye can see and our children will be burdened with it beyond anything we ever imagined. This announcement will not do very much to alleviate that burden on them or on this country.

Mr. GREGG. Will the Senator from New Mexico yield for a question?

Mr. DOMENICI. I will be pleased to yield.

Mr. GREGG. Madam President, I say to the chairman of the Budget Committee, as I understand it, my quick calculation is that the $13 billion of cuts which the President is proposing over 5 years represents one-twentieth of 1 percent of the spending that is going to occur over that 5-year period. Whereas the bill that we are bringing forward tomorrow, under Senator DOLE's leadership and under Senator PACKWOOD's leadership, represents a real $13 billion in cuts—ironically, the same number. It is going to occur this year, immediately. Is that correct?

Mr. DOMENICI. That is correct. As a matter of fact, the $13 billion is about 3 percent of the appropriated accounts, whereas the dollar number the President has in his of just the appropriated accounts over the next 5 to 7 years is far less than half a percent—of just the appropriated accounts—perhaps as low as a quarter of a percent. I have not done the arithmetic, but almost unnoticeable in the cuts and restraints and reductions that we are going to have to make.

Mr. GREGG. So, if the Senator will yield for an additional question, Madam President, if you wish to undertake real budget savings, what you should be doing is supporting the rescission package that is coming forward and then work with the President to take the $13 billion of additional cuts and maybe raise it up to a level that is a real reduction in spending so we move toward a balanced budget over 5 years?

Mr. DOMENICI. Madam President, the Senator is absolutely correct. Let me be precise. The President is trying to make a case for deficit reduction. He is talking about $13 billion in reductions over the next 5 years.

What the President really ought to be doing is to be saying loud and clear: "I compliment the House and Senate for a rescission package, and I hope you send it to me quickly." And he ought to be saying, "I will sign it," because it will accomplish in 6 months as much savings as he pledges in 5 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I certainly do not intend to get into a debate with the very learned chairman of the Budget Committee, but I think, in fairness to the White House, you have to give him credit for what he is doing. It may not be all that everyone wants, but I think the fact that the Federal payroll has been cut by some 150,000 people since he has been President, and this will be the third year in a row that we have had a decline in the deficit, the first time in some 50 years this has happened—we all know he has significant problems with the deficit.

In the balanced budget amendment that they established were three things. They established, No. 1, that we have a problem with the deficit; No. 2, we have to do something about it; and, No. 3, we need to do it and not burden Social Security.

I am not going to get into a long debate with my friend from New Mexico other than to say I think we have to give the President credit for having taken a number of steps that are important in the overall need to balance the budget. It is not going to be done in one fell swoop. It is going to be a series of small things that add up to something big. And the work that the President and the Vice President did yesterday—and the Vice President was given another 60-odd days to report to the President on some other things—needs to be done. Let us give them credit for making good-faith efforts to solve the crisis and the problems that face this country.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 414 TO AMENDMENT NO. 410

(Purpose: To require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes)

Mr. REID. Madam President, in behalf of the minority leader, the Senator from South Dakota, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DASCHLE, proposes an amendment numbered 414 to amendment No. 410.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

TITLE ___—TERM GRAZING PERMITS

SEC. ___01. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this Act as the "Secretary") administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, 1 of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this Act is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. ___02. DEFINITIONS.

In this Act:

(1) EXPIRING TERM GRAZING PERMIT.—The term "expiring term grazing permit" means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term "term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled "An Act to facilitate and simplify the work of the Forest Service, and for other purposes", approved April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

SEC. ___03. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit ; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36,

Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. ___04. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section ___03(a) shall not be subject to administrative appeal or judicial review.

SEC. ___05. REPEAL.

This Act is repealed effective as of January 1, 2001.

Mr. GLENN. Madam President, we have been through the details of this. I think it is justified. We would be glad to accept it on this side.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. NICKLES. Madam President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment (No. 414) was agreed to.

Mr. REID. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VISIT TO THE SENATE BY THE KING OF THE HASHEMITE KINGDOM OF JORDAN, KING HUSSEIN I, AND QUEEN NOOR

Mr. HELMS. Madam President, we have in the Chamber two distinguished guests, one a native of the United States, the Honorable King of Jordan, King Hussein, and his bride, Queen Noor.

RECESS

Mr. HELMS. Madam President, I ask unanimous consent that we stand in recess so that Senators may greet our guests after which time we resume.

There being no objection, the Senate, at 4:36 p.m. recessed subject to the call of the Chair; whereupon, at 4:43 p.m. the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 415 TO AMENDMENT NO. 410

(Purpose: To ensure that a migratory birds hunting season will not be canceled or interrupted, and that commercial, recreational, or subsistence activities related to hunting, fishing, or camping will not be canceled or interrupted)

Mr. PRYOR. Mr. President, at this time, I rise to offer an amendment with my friend, Senator STEVENS of Alaska, and also Senator PRESSLER, Senator WELLSTONE, and Senator COCHRAN. This amendment would ensure that the 45-day suspension of a significant rule does not include the regulations opening duck hunting season. The amendment I am offering at this time was adopted by the Governmental Affairs Committee when it considered S. 219, but it was not included in the Nickles-Reid substitute.

The substitute would suspend for 45 days any significant rule to give Congress time to review the regulation. The annual rule regulating duck hunting, which has a direct effect on the economy of $686 million annually, would be considered a significant rule. The effect of this 45-day suspension on the duck hunting season would be most severe. The Fish and Wildlife Service is required by law to issue regulations each year to open and close the duck hunting season. Each year, in late July, after the young birds are large enough to be counted, the Fish and Wildlife Service then gathers information about the various duck populations. They then have roughly 2 months to draft and finalize the duck hunting regulations, which are typically issued 2 or 3 days before the hunting season begins.

Because these regulations are significant regulations, they would be suspended for 45 days, which would cut a month and a half from the duck hunting season. I do not believe this effect on duck hunting is necessary or useful. It is counterproductive, and it may be a classic case of unintended consequences.

Our amendment today simply says that for the purposes of the Nickles-Reid substitute, duck hunting regulations would not be considered significant and, therefore, would not be suspended for 45 days. The duck hunting rule, like all other rules under the Nickles-Reid substitute, would still be reported to Congress.

Mr. President, I do not think that in the name of regulatory reform, we should eliminate 45 days of the duck hunting season. I believe our amendment is simple and it is straightforward. I thank my colleagues for cosponsoring this amendment with me.

I sincerely appreciate the help and the strong support of my good friend and colleague from Alaska, Senator STEVENS, who has worked with us very carefully to develop this amendment as it is.

Mr. President, I have not actually sent my amendment to the desk. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mr. STEVENS, Mr. PRESSLER, Mr. WELLSTONE, and Mr. COCHRAN, proposes an amendment numbered 415 to amendment No. 410.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, beginning on line 12, strike all through line 8 on page 14 and insert in lieu thereof the following:

"(2) SIGNIFICANT RULE.—The term "significant rule"—

(A) means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping."

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am very pleased to join Senator PRYOR. We are delighted Senator PRESSLER and several others on the committee have joined now.

The amendment, I think, addresses concerns many others have had concerning the potential impact this amendment would have on hunting, camping, or fishing activities. In Alaska, those activities are of major importance to our daily life.

The amendment will make it clear now that regulatory actions to open, close, or manage commercial, recreational, and subsistence hunting, fishing, and camping activities will not be included under the definition of "significant rule."

As an example, let me point out to the Senate that over 54 percent of all the fish that are caught commercially in waters off the United States are caught off my State of Alaska. These fisheries are some of the world's largest and they certainly are the healthiest in all the world because of our proper fisheries management concepts.

In some cases, the delay of even 24 hours in closing a fishery could have tremendously detrimental impacts on the health of the fish resource. Yet the action to close the fishery could be found to have an adverse effect on a sector of the economy, namely the fishing vessels that might have to stop fishing.

We cannot afford to risk the long-term health of our fisheries if someone could successfully argue that closing of a fishery or restriction on the use of certain gear in an area is a significant rule that must be delayed for 45 days under this bill.

This is not hypothetical. There are people that will do just that. Just last month, the Secretary of Commerce, based on a recommendation from our North Pacific Regional Fishery Management Council, issued an emergency order to shut down scallop fishing in Federal waters off Alaska.

That is a major fishery, but it had to be done. The emergency order was necessary because one boat, just one boat—it was called Mr. Big, incidentally—found a loophole in the law that allowed it to take more scallops than the State of Alaska had allowed all boats of the fleet to take for the whole season.

I do hope Members here will join in supporting this amendment unanimously. It is essential to duck hunters. I hope we are all duck hunters—up our way, we are all duck hunters. And I do hope people understand it means a great deal to some of the people who rely on subsistence hunting and fishing in my State.

It is an essential amendment. It is one I tried to offer in committee, and some people did not understand it. I am happy to see that now they do.

Thank you, Mr. President.

Mr. GLENN. Mr. President, I want to clarify a couple of things. We have been through this. I think it is satisfactory.

I want to be sure the definition that was made in the committee on the previous amendment was something that could not be expanded into things never intended as far as the hunting and routine rules and regulations and others that are done on an annual basis. I think this just changes the definition of what is considered a significant rule. In effect, what it does by changing the designation a little bit, as I understand it, is permit all the previous rules, regulations, and procedures to continue as they have in the past so they will not be cut out.

Is that correct?

Mr. STEVENS. Mr. President, if the Senator will yield, it really, from my perspective, looks at the management tools of the State, and Federal fish and game management agencies in particular—there are others involved also—and says that they can continue their management practices that are designed to protect the resource base. Some open, some close, some limit, some alter, some add, and some subtract. But they are done on a basis of public knowledge. But the public knowledge is of the regulations that give them the opportunity to step in and issue an emergency regulation to take care of a situation or to change a pattern of, say, hunting in order to protect the species. I think that is in the public interest. That is what we intended all along. This is excepted from the 45 days.

The Senator referred to the prior bill—not Senator PRYOR's bill but the former bill. I think the Senator may be referring to an amendment that I offered because of the form of that bill to deal with specific circumstances in Alaska. I do not have to offer that amendment because this is a 45-day general moratorium now, and those amendments that I talked about in committee are in fact covered under this type of general regulation now in terms of the significant-rule concept.

Mr. GLENN. As I understood it from the explanation given earlier this afternoon, I understood that this does not provide any new exemptions for additional hunting or additional opening up of tracts or anything that is not there right now.

Mr. STEVENS. It could. I just gave an example of one. Just this last month the Secretary of Commerce issued a regulation closing the scallop fishery because an emergency developed. That is the kind of thing that cannot wait 45 days. That is a type of action that has been taken care of in the process of protecting our migratory waterfowl. Ducks Unlimited comes in with a study and says, "Look, you should change this anyway. You should open that flyway. You should change that season." They will come in for some emergency modifications during the period for hunting season. This says that the Fish and Wildlife Service are to know to go ahead. That is what you are supposed to do; no delay on those items of the kind we have mentioned. Subsection B and subsection A carry some specific concepts about what has to be affected.

Mr. GLENN. I certainly have no objection to that because that provides regulations in the same way it has been done for a long time. It does not really provide any new escape hatch for anybody, as I understand it. So I think that would be acceptable on our side.

Mr. CHAFEE. Mr. President, on this floor and in the Senate as a whole, there have been a lot of attacks on environmental regulations. That seems to be the way to go these days. But I think the Senator from Alaska gave a very powerful talk on illustrating why these regulations are necessary. Indeed, he felt so strongly that he did not want—I agree with him—these regulations that apply to fishing, hunting, and camping to be held up for 45 days. In his powerful statement, the Senator from Alaska illustrated that in some cases these regulations have to go into effect immediately.

So I hope that rebuts some of the feeling around this floor that all environmental regulations are useless and that we ought to attack them, which is, unfortunately, too often said around here. I am not saying necessarily right here on the floor. I am talking about in the committees, in the conversations. Thank goodness we have some of these environmental regulations.

So, Mr. President, I commend the Senator from Alaska. Somebody can contradict me, but there are certain regulations under this bill we are dealing with that are held up for 45 days. Under this category they fall under "significant regulations." But what the Senator from Alaska has done is he has said that significant regulations or delay for 45 days does not apply to this category of regulation that he has defined; namely, those that establish, modify, open, close, or conduct regulatory programs for commercial, recreational, or subsistence activities relating to hunting, fishing, or camping.

So I think it makes sense. I congratulate the Senator from Alaska and hope he will be a strong fighter for environmental regulations here on the floor in the future.

Mr. STEVENS. Mr. President, I seldom get personal on the floor, but I recall standing behind my friend 45 years ago when we entered law school. And we signed into the same law school, but I do not think we have agreed in the 45 years since. I am delighted we have once, despite our prior disagreements. It is nice to have one time for agreement. There are some environmental regulations that are useless. We should burn the paper they are on. But this is not one of them.

Mr. GLENN. Mr. President, I am happy to accept the amendment.

The PRESIDING OFFICER (Mr. COCHRAN). Is there further debate?

Mr. NICKLES. Mr. President, we have reviewed this amendment. I compliment my friends and colleagues, Senator PRYOR from Arkansas and Senator STEVENS, and I compliment Senator STEVENS for his leadership. I think it is a good amendment. It further clarifies that what we are doing in this bill in no way would have any harmful impact whatsoever on hunting and fishing and delay those activities in any way whatsoever.

I urge its adoption.

Mr. STEVENS. Mr. President, if the Senator will yield for just one moment, I failed to thank my good friend John Roots on our behalf, who has worked so hard on this staff and Senator PRYOR's staff. I thank him very much.

Mr. PRYOR. Mr. President, if I may, I do not want to spoil the opportunity to pass this amendment because I think it is going to be accepted by everyone. So I will sit down. I could not help but catch it when my good friend and colleague from Alaska was talking about his good friend and our colleague from Rhode Island when he referred to their "prior disagreements." I am very hopeful that they will just use "former disagreements." I think that would be a little more helpful here. [Laughter.]

Mr. President, I thank the managers. I thank them for the support for this amendment. I hope it will be adopted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 415) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 413, AS MODIFIED

Mr. NICKLES. Mr. President, I send to the desk technical amendments. This changes a couple of letters and numerals. They are technical corrections to amendment No. 413 that were made earlier.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 413), as modified, is as follows:

On page 2, strike lines 6 through 20, and insert in lieu thereof and renumber accordingly:

"(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request:

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604, section 605, section 607, and section 609 of P.L. 96–354;

(iii) the agency's actions relevant to Title II, section 202, section 203, section 204, and section 205 of P.L. 104–4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by subsection B(i) through (iv).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subsection (2)(A) of this section."

On page 14, at the beginning of line 5, insert "section 3(a)(1)–(2) and ", and on line 5 strike "3(a)(2)" and insert in lieu thereof "3(a)(3)".

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, the Governmental Affairs Committee's unanimous bipartisan regulatory reform bill has a legislative veto of major rules in it. Major rules. I believe this is a good proposal, because there are anywhere from between 700 to 900, some estimates have gone as high as 1,000, "major" or "significant" rules issued each year. And that word "significant" means something special, because these are the rules that have an annual impact on the economy of $100 million per year or more, or otherwise have a significant impact on the economy or a region of the country, or other important effect.

These 700 to 900 major rules or regulations are the big rules out of the approximately 4,000 rules that are issued every year—4,000. One estimate today when we were discussing another bill was that these rules in some years run as high as 4,800 to 5,000.

Let us say an average of 4,000 rules are issued each year by Federal agencies. A legislative veto, where we call rules back up or have the potential for calling them back up for review, for all 4,000 rules, I think, is just too much. What kind of regulatory overload are we putting on the Congress? Will we be so overloaded in these rules that we will not be able to adequately consider ones that we should consider?

It is the major rules that we care about, the ones that are significant. These are the big rules that implement the primary policies and requirements of our laws on public health and safety, on environmental protection, economic policy, communications, farm policy, and all the rest.

We have a hard enough time getting our work done the way things are. I do not think we should create an almost automatic process to bring up every rule under the Sun.

Let me give some examples. Just from yesterday's Federal Register, I see rules on drawbridge closings, rules on safety zones in New Jersey's Metedeconk River, Federal prison work compensation program rules, Justice Department claims settlement rules, FAA—the Federal Aviation Administration—class D airspace rules.

And I would say from some personal experience, FAA just a short time ago redid all the airspace designations, A, B, C, D, and F, right on down the line, to show what areas planes can fly into and out of without radios, being on instrument control, visual flight rules, and so on. These kind of rules are still being flushed out and changed a bit. So one of the things in the Federal Register is for class D airspace rules.

There is the postsecondary education "borrower defenses" regulations.

Let us not forget that the reason we have agencies and an open "notice and comment" administrative process is so that Government can get its work done in a fair and orderly and semiefficient process. At least, that is the goal.

We need regulatory reform. And I am first to support regulatory reform. We worked on it for several years in the Governmental Affairs Committee. So we know we need regulatory reform, and I am all for it. I have been saying that for some time. But we do not need to create more gridlock by trying to run, or have the potential of running, 4,000 rules through Congress each year. That is a bottleneck that we just do not need.

We are trying to make Government work better, not grind to a complete halt.

So I think we need to keep the legislative veto focused on the big rules that really matter, that really mean something, ones that we should be addressing.

The amendment I was going to submit limits the legislative veto to significant rules—just significant rules, not all the smaller rules, the significant ones—that fit the definition that I gave a moment ago. Again, this matches the scope of the provision we passed in the Governmental Affairs Committee by a vote of 15 to 0—eight Republicans and seven Democrats.

The amendment that I was planning to submit would make the following changes to the Nickles-Reid substitute:

One, the amendment would insert the word "significant" into the substitute at three places—in sections 3(a)(1)(A), 3(b), and 3(d)(1). With this change, the congressional hold-over and process covers "significant rules" instead of all "rules."

No. 2, the amendment would have stricken one subsection, section 3(a)(3). This would have deleted the paragraph relating to effective date for other rules which refers to the submission of nonsignificant rules to Congress for review.

Again, the single purpose of this amendment would have been making the legislative veto process apply to significant rules. This is what the Governmental Affairs Committee supports unanimously, and I think it makes good sense.

The alternative, congressional review of potentially all 4,000 rules issued each year, makes little sense to me at all.

Mr. President, I will not submit this amendment. I did want to address it, but I will not submit it because I know from discussions with the floor leaders that we are not going to get this adopted. The votes are there to defeat this.

So I would rather not have a vote on it now. I think the best thing to do is not submit it, but talk a little bit about it and let people know how important I think it is and, hopefully, out of the conference process with the House, we might be able to address this problem.

But let me just say a couple more things. Four thousand rules could be sent to Congress and parceled out to appropriate committees—just think of that—4,000 rules. That would be the potential. I am not saying all 4,000 rules are going to be called up every time. But let me say this: For each rule, you sure are going to have some lobbyists out there interested in that rule. We are going to have lobbyists coming out of the woodwork to lobby one or more Members to move a resolution of disapproval through the appropriate committee. That can be done through committee. So these lobbyists would be trying to get Members to move that resolution of disapproval.

If the committee does not act within 20 days, the lobbyists will work to get 30 Members to sign a petition of discharge or will pressure the majority and minority leaders to discharge the committee.

So the lobbyists and special interests will have special ways of doing this, first with committee members. If that does not work, then they will try for the majority or minority leaders, or within 20 days they can do the 30-Members approach of signing a petition to have that particular rule brought up for reconsideration.

If the committee reports out a resolution of disapproval or the committee is discharged, the disapproval of the rule will be the subject of lobbying by those parties affected. All this could happen; the potential is there for it to happen up to 4,000 times a year.

If we think the demands for lobby reform have been great before, you just wait until the public sees the lobbying feeding frenzy, like piranhas, looking at this legislation, and the potential for redoing legislation that they may have just lost a point on in the recent past when the original legislation was passed.

So that kind of a lobbying feeding frenzy could take place after we provide expedited procedures for congressional review of all these rules.

That might just be for starters. Consider what will happen if we pass a controversial bill that produces significant political argument. All these things are not bound up just in money. Significant rules can have a basis other than money.

Think of this one: We pass a controversial bill that produces significant political argument—let us take a hot button item like abortion. We know what happens every time that issue comes up in the Congress. When we have to debate abortion legislation, every regulation, every rule, no matter how minor, will have a whole string of Senators and lobbyists and outside groups who will want to bring that regulation back to the floor, not necessarily because they think the regulation does not reflect congressional intent—it may be perfect and may have passed with a majority and have expressed congressional intent perfectly. Because what they want under our expedited procedures is to spend 10 hours in political and ideological argument, regardless of the original bill that might have just passed. So we are opening all of that up.

I had hoped to close some of that up by designating just the significant rules for reconsideration.

When we open up this additional time under our expedited procedures to spend extra hours, the 10 hours in political or ideological argument, about something that just passed—and I used the example of abortion because we all know how impassioned the pleas get around here and how emotional that issue is, think of what happens if we pass something in that regard and we are out here with the agencies doing rules and regulations to back up what the Congress just passed. Then we find that once the rules and regulations are written, do we think that the lobbying groups will not immediately come back up and do everything they possibly can do to get that back on the floor again for additional discussion? You can bet they will.

Is that what we want? Do we want to provide a forum for continually revisiting issues that have been settled by a vote because a vocal and determined minority will now have the review of regulation by Congress as a convenient trigger for such debate?

Well, I know when to put amendments in, I hope, and I know when the amendments are not worthy to be put in because they are just going to be voted down. I think the second is the situation I find myself in right now.

I think this would be better legislation if we had in there the amendment I was going to propose. But since we will not have it in there, I just want everyone to know that I will be voting for the legislative veto, but with my fingers crossed that we do not wind up creating a real gridlock in legislative reconsideration of legislation just passed for which the rules and regulations are being written.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 412, AS MODIFIED, TO AMENDMENT NO. 410

Mr. LEVIN. Mr. President, I send to the desk a copy of amendment No. 412, which has already been adopted, and I ask unanimous consent that the amendment be modified as indicated on this document that I am sending to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I have been working with my friend and colleague, Senator LEVIN, as well as Senator BYRD from West Virginia. We have no objection to this amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, with its modification, is as follows:

On page 9, line 2, strike everything after "discharged" through the period on line 6 and insert the following: "from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate, and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved."

Mr. LEVIN. Mr. President, I thank the Chair and I thank the Senator from Oklahoma, and I particularly thank Senator BYRD for pointing out to us the problem which could have been raised unintentionally by that amendment.

AMENDMENT NO. 416 TO AMENDMENT NO. 410

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 416 to amendment No. 410.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, strike lines 3 through 7, and insert in lieu thereof:

"SEC. 7. JUDICIAL REVIEW.

No determination, finding, action, or omission under this Act shall be subject to judicial review."

Mr. LEVIN. Mr. President, this amendment addresses the issue of judicial review. It has been agreed to by the managers of the bill, and I thank them for their cooperation and support.

I want to thank the Senator from Ohio also for the tremendous work that he has put in on this amendment and also on the entire bill. I will have something more to say about his comments relative to which rules should be subject to legislative review, because I happen to agree with his comments a few moments ago.

The purpose of this amendment, which I understand has been agreed to by the managers of the bill, is to be more precise on the question of judicial review. The substitute that is before us in two sections specifies that they are not subject to judicial review, and the problem is that there could be an ambiguity raised unintentionally about the reviewability then of other sections which do not have that language.

So the concern that some of us have is the implication relative to other sections of the bill by the specific language in two sections of the bill.

My amendment states that no determination, finding, action or omission under this act shall be subject to judicial review, which clarifies the judicial nonreviewability of this act. I understand that this has been cleared by the managers.

The PRESIDING OFFICER (Mr. GRAMS). Is there further debate on the amendment of the Senator from Michigan?

Mr. NICKLES. Mr. President, I thank my friend and colleague from Michigan. We have no objection to this amendment. This amendment precludes judicial review of determinations, findings, actions, or omissions with respect to this act. However, judicial review of regulations not disproved by Congress is not affected by this act. Of course, it is expected that the courts will give affect to any disapproval of the regulation.

Moreover, instructions to the courts contained in the act, such as section 3(g) regarding inferences not to be drawn from this inaction are neither determinations, findings, actions or omissions, within the meaning of the amendment; and therefore courts are expected to accept such direction from the Congress. Therefore, we have no objection to this amendment.

Mr. GLENN. Mr. President, I ask unanimous consent that I be permitted to be a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 416) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 414, AS MODIFIED

Mr. REID. Mr. President, as to amendment No. 414, which was previously accepted, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment, as modified, is as follows:

Page 5 of amendment No. 414 is modified as follows:

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term "term grazing permit" means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled "An Act to facilitate and simplify the work of the Forest Service, and for other purposes", approved April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

SEC. 03. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, regulation, policy, court order, or court sanctioned settlement agreement, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit; or

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 8 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Iowa?

The Senator from Iowa is recognized.

DEPARTMENT OF DEFENSE APPROPRIATIONS

Mr. GRASSLEY. Mr. President, I want to speak for the fifth and probably final time—at least for a few days—on this subject of Department of Defense appropriations and the continuing program budget mismatch.

If Congress rolled back DOD's spending plans at the height of the cold war in the mid-1980's—and we did that on May 2, 1985—then why would Congress now move to pump up the defense budget when the cold war is over and the Soviet threat is gone? It makes no sense to me.

Mr. President, the General Accounting Office has prepared an interesting set of tables that portray the evolution of the future years defense program for the Defense Department and the budget mismatch with that future years plain. I ask unanimous consent to have this printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOTAL OBLIGATIONAL AUTHORITY REFLECTED IN DOD'S FUTURE YEARS DEFENSE PROGRAMS[a]

[In billions of dollars]

Fiscal Year	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
1971[b]	79.4	77.0	73.5	70.1	69.1	69.8	69.0									
1972		76.8	75.3	79.2	82.0	81.3	80.7	81.7								
1973			75.1	78.1	83.2	87.3	86.6	85.6	84.0							
1974				77.7	81.0	85.0	89.0	88.8	87.0	89.1						
1975					80.5	87.1	92.6	96.9	95.2	96.8	98.5					
1976						85.0	89.0	104.7	112.4	116.6	120.4	122.3				
1977							87.9	98.3	112.7	119.7	125.8	129.8	132.1			
1978								97.5	110.2	120.4	139.1	149.4	160.2	169.0		
1979									108.3	116.8	126.0	145.1	154.6	165.2	177.4	
1980										116.5	125.7	135.5	150.4	159.1	169.2	181.5
1981											124.8	139.3	158.7	183.6	205.6	228.7
1982												142.2	178.0	222.2	224.9	250.0
1983													176.1	214.2	258.0	285.5
1984														211.4	240.5	274.1
1985															238.7	259.1
1986																258.2
1987																
1988																
1989[c]																
1990																
1991																
1992																
1993																
1994																
1995																
1996																
Difference[d]	n/a	n/a	n/a	n/a	n/a	n/a	$18.9	$15.8	$24.3	$27.4	$26.3	$19.9	$44.0	$42.4	$61.3	$76.8
Percent Change[e]	n/a	n/a	n/a	n/a	n/a	n/a	27.4%	19.4%	29.0%	30.8%	26.7%	16.3%	33.3%	25.1%	34.6%	42.3%

[a] Each column begins with the initial planning estimate for that year. The 2nd through the 5th amounts in each column represent subsequent changes to the initial estimates as the initial estimate ultimately becomes the budget submission. The last amount in each column represents the actual appropriated amounts. The intersection of the same year represents that year's budget proposal.

[b] Note that each row displays the prior year, the current year, the budget year and 4 or 5 out years.

[c] DOD did not produce a revised FYDP for FY 1989. The data in the 1989 row is taken from the President's budget submission.

[d] Dollar difference between initial plan and ultimate appropriation.
[e] Percentage change between the initial planning estimate and the ultimate appropriation.
[f] Insufficient data for analysis.

Source: US General Accounting Office Analysis of DOD Data.

TOTAL OBLIGATIONAL AUTHORITY REFLECTED IN DOD'S FUTURE YEARS DEFENSE PROGRAMS [a]—Continued

[In billions of dollars]

Fiscal Year	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
1971 [b]																	
1972																	
1973																	
1974																	
1975																	
1976																	
1977																	
1978																	
1979																	
1980																	
1981	253.8																
1982	278.3	296.2															
1983	331.7	367.6	405.6														
1984	326.8	357.3	386.2	425.2													
1985	305.7	350.3	379.9	412.2	446.8												
1986	265.3	314.4	354.8	402.4	439.7	478.6											
1987	280.1	296.4	312.3	341.3	363.6	397.7	415.7										
1988		280.5	286.3	304.1	324.1	370.4	392.6	416.1									
1989 [c]			279.5	283.2	299.5	316.4	333.7	351.6	370.2								
1990				288.6	292.7	306.6	321.7	336.4	351.5	366.3							
1991					292.2	292.3	297.3	320.9	337.2	350.1	365.0						
1992					293.8	274.3	279.0	278.6	279.0	281.5	283.4	288.2					
1993							309.1	286.1	271.3	268.6	270.7	271.3	275.5				
1994								286.1	272.9	255.0	253.2	242.7	236.1	241.5	264.0		
1995									270.0	251.7	253.5	244.2	241.5	247.5	253.8		
1996											252.6	246.0	242.8	249.7	256.3	266.2	276.6
Difference [d]	$26.3	($17.6)	($126.1)	($136.6)	($154.6)	($204.3)	($106.6)	($130.0)	($100.2)	([f])	([f])	([f])	([f])	([f])	([f])	([f])	([f])
Percent Change [e]	10.3%	−5.9%	−31.1%	−32.1%	−34.6%	−42.7%	−25.6%	−31.2%	−27.1%	([f])	([f])	([f])	([f])	([f])	([f])	([f])	([f])

[a] Each column begins with the initial planning estimate for that year. The 2nd through the 5th amounts in each column represent subsequent changes to the initial estimates as the initial estimate ultimately becomes the budget submission. The last amount in each column represents the actual appropriated amounts. The intersection of the same year represents that year's budget proposal.
[b] Note that each row displays the prior year, the current year, the budget year and 4 or 5 out years.
[c] DOD did not produce a revised FYDP for FY 1989. The data in the 1989 row is taken from the President's budget submission.
[d] Dollar difference between initial plan and ultimate appropriation.
[e] Percentage change between the initial planning estimate and the ultimate appropriation.
[f] Insufficient data for analysis.

Source: US General Accounting Office Analysis of DOD Data.

Mr. GRASSLEY. Mr. President, I hope that we can see through all the fog. I hope that the gap between the future years defense plan and the budget does not mean the military has unfunded needs.

A superficial examination shows that the future years defense plan topline matches exactly the topline in the President's budget.

In theory, then, that means that all military requirements are met. That does not happen to be the real world, however.

History teaches us that the cost of the Department of Defense future years defense plan, which is 6 years out, almost always exceeds money in the budget. That is called overprogramming.

The projected cost of the future years defense plan exceeds what Congress finally appropriates.

If the Budget Committee sent a resolution to the floor with a Department of Defense-style overprogramming, I feel the Parliamentarian would rule it out of order.

So what we are faced with is a lack of truth in budgeting.

First, the leaders in the Pentagon keep us, and perhaps themselves, in the dark with bad information—bad numbers.

Second, the leaders at the Pentagon fail to manage. They avoid the tough decisions. They finance the programs, and they use maneuvers called the "buy in" and "front loading" to get the camel's nose under the tent for a specific program. The tent happens to be the future years' defense plan, 6 years of planning. To get the whole camel in the tent, the tent either has to be made bigger or the camel gets smaller.

DOD knows this, but they will not tell us. They really will not admit it. When Congress balks, the Department of Defense buys half a camel and then blames Congress for the mess, what eventually becomes a stretch out. It is kind of a process of extortion. The camel, which could be any of these defense programs, has to be reconfigured to fit under the tent of the future years' defense plan. So instead of buying a whole camel like we thought and need, we end up buying half a camel.

This is the downside of the plans/reality mismatch, which is all too evident in every defense budget.

This process undermines our force structure. Pretty soon, the military cannot do its assigned missions. The force is just too small.

There is yet another way to look at the problem and that is, once a program gains a solid foothold in the future years' defense program and that plan gets rolling, its true costs start to ooze out.

As its costs rise, overly optimistic funding levels do not materialize. The topline, then, is pressed downward by us in the Congress because we only have so much money to spend, including borrowing money, including for defense.

Congress is faced with fiscal realities and is forced to lower the topline. Costs are underestimated and available funding is overestimated. That is why the camel will not fit into the tent. The money squeeze keeps making the tent smaller.

The *Seawolf* submarine is an excellent case in point. When it was sold to the Congress, the Navy promised that it would cost no more than $1 billion a copy. Now the costs are all the way up to $3 billion, and perhaps even more.

The F-22 fighter is another perfect example of the front-loading operation, where a particular plan will not fit into the budget with the available money that we have to appropriate.

When the *Seawolf* and the F-22 front-loading operations are repeated hundreds or even thousands of times in each future years' defense plan for each separate program, we are staring down the throat of a ravenous monster.

This produces what I call a future years' defense plan blivet. Costs go up, projected funding comes down, and it is like trying to stuff 10 pounds of manure into a 5-pound bag.

Front loading is a wasteful and destructive practice.

The worst part about it is that the military does not get what it needs to do its job.

With the *Seawolf* and the F-22, the military will never get enough subs and fighters to modernize the force as we know it.

The GAO's ongoing historical studies of procurement programs show that the Department of Defense pays more but gets less.

For example, 130 percent is paid for 80 percent of a program. We must find a way to control this monster. Leadership, integrity, courage, and good information—that is what is needed. With leadership and good information, Pentagon managers might have the courage to make the hard choices needed to squeeze all of the programs into the money sack that we finally approve.

More money cannot be the answer because we all know that the Pentagon has an insatiable appetite for more money and, quite frankly, we cannot appropriate enough money to satisfy the appetite of the Defense to spend. Caspar Weinberger taught us that lesson the hard way.

Mr. President, that famous budget analyst over there at DOD, Chuck Spinney, whom I spoke about a couple speeches ago, the man who got his picture on the front cover of Time magazine, is still cranking out his spaghetti diagrams. He is doing it over there in the bowels of the Pentagon. His new briefing is called "Anatomy in Decline."

Like before, his data is derived from the future year defense plans. It sounds like the same old story to me, but we need to be sure. I believe that Chuck Spinney has a great deal of credibility, but I suppose since so many people in this body might not agree, then we have to do other work to make sure that it is backed up.

Senator ROTH and I have asked the General Accounting Office to conduct an independent analysis and validation of the data and methodology used in this new Spinney study. Hopefully, the General Accounting Office will help put the problem in a very much understandable perspective.

Mr. President, I would now like to wrap up my thoughts on the integrity of the Department of Defense budget. In a nutshell, Mr. President, we have financial chaos at the Pentagon.

We have meaningless accounting numbers. We have meaningless budget numbers. We have meaningless cost estimates. To make matters worse, the numbers are not just meaningless; they are also misleading and they are deceptive. Bad financial information leads to bad decisions. And there is no accountability for fiscal mismanagement.

The top leadership in the building has been aware of the problems for a long time. Even former Secretary Les Aspin talked about his fiscal horror show. Secretary Perry has also talked about his.

Despite all the hand wringing in the Pentagon, despite all the misleading accounting and the misleading budget information, it still all continues to be tolerated at the top levels.

It is almost a joke. Officials openly laugh about it. The chief financial officer of any company would be fired on the spot for presenting such inaccurate and misleading fiscal data. He or she might even be jailed.

Now I know that the new comptroller over there, Mr. Hamre, is trying to fix the problem. But trying is not enough, although I do give him good marks, marks for being well intentioned and trying to overcome all the obstacles that are over there for the comptroller to do the job that he is charged with doing.

I say "trying is not enough" because he has to do it, and heads will have to roll because this job is done. Bad accounting and budget numbers keep Congress and the American people in the dark. That is an undemocratic process of our constitutional responsibility of control. It is undemocratic because it is unaccountable to the people.

We have a duty and a responsibility to the citizens of this country to give them a complete and a very accurate accounting of how we are spending their money.

Today, we are unable to do that as far as the Defense budget is concerned. We do not know how the money was used last year, and we do not know how the money will be used next year.

My message, Mr. President, is quite simple: If we do not know where we are and we do not know where we have been, we cannot possibly figure out where we are going. In regard to this defense issue, we could be lost. We cannot make good budget decisions until we get some good numbers.

Until the Department of Defense budget shambles is cleaned up, I do not think anyone knows for sure how much is needed for national defense right now.

Yet the President wants to put $25 billion more in, and people in this body want to put still, on top of that, another $55 billion. Why would we want to throw more good money after bad? It is beyond me, Mr. President.

I hope some of my colleagues on this side of the aisle will join me in being a frugal hog. That means opposing any increase in the defense budget. Instead, we should work hard for better management, more accurate information, and for sure, accountability. Otherwise, we are all doomed to repeat the mistakes of the 1980's.

Mr. President, I yield the floor, as I have concluded my statements on the integrity, or lack thereof, of the Defense Department budget.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 415, AS MODIFIED

Mr. NICKLES. Mr. President, I ask unanimous consent that I may modify amendment No. 415, which was previously agreed to.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, No. 415, as modified, is as follows:

On page 13, beginning on line 1, strike all through line 22 and insert in lieu thereof the following:

"(2) SIGNIFICANT RULE.—The term "significant rule"—

(A) means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations or recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping."

Mr. NICKLES. Mr. President, I might mention, this modification is just changing paragraph and page in the amendment that has already been agreed upon.

Mr. JOHNSTON. I have a question about the effect of the Nickles-Reid substitute on a regulation by the Department of Transportation to reduce the liability limit of deepwater ports like the Louisiana Offshore Oil Port [LOOP]. As the Senator may be aware, the Oil Pollution Act of 1990 established a new Federal regime governing liability for oilspill damages and cleanup. As part of that regime, liability limits were established for different types of vessels and facilities and, in the case of deepwater ports, the liability limit was established at $350 million. Recognizing that this limit might be inordinately high, however, the Oil Pollution Act required that the Department of Transportation undertake a study and propose a lower limit if appropriate. The Coast Guard study was completed in October 1993. It concluded that the use of deepwater ports is the least risky means of importing crude oil to the United States and that a lower liability limit is appropriate. The rulemaking to lower LOOP's liability limit was initiated on February 8, 1995. It could reduce the liability limit from its present level at $350 million to $50 million—a $300 million difference. yet the economic impact of this change, as I think the committee intended it to be measured, will be much more limited, consisting primarily of the lower annual insurance costs LOOP will incur which reflect the lower risk associated with deepwater ports such as LOOP. Am I correct in understanding that the proposed rule to lower LOOP's liability limit would not be considered a significant rule under the substitute, and therefore would take effect without a 45-day delay?

Mr. NICKLES. The Senator has an excellent point. Although our substitute provides that the administrator of the Office of Information and Regulatory Affairs makes the determinations of what will qualify as "significant rules," it appears clear on its face that in this case, the measurement of the economic impact of the regulation would be the cost savings to LOOP, not the dollar amount by which its liability limit is reduced, and therefore in my opinion, it probably would not be considered a significant rule by OIRA for purposes of this legislation.

Mr. JOHNSTON. I thank the Senator for his interpretation of the standard of measurement for economic impact and its application to the rule reducing LOOP's liability limit.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 417 TO AMENDMENT NO. 410

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. GLENN, proposes an amendment numbered 417 to amendment No. 410.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14 of the amendment, line 2, strike the period and insert: ", except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matters."

Mr. LEVIN. Mr. President, agencies issue probably thousands of rules each year that pertain only to one person or business. These are rules that are issued on a routine basis—opening a bridge, changing a flight path, exempting a person from meeting general standards that do not apply to that person's particular situations. I do not think these rules are included in that 4,000 count that we sometimes use as the rules that would be covered by this legislative review provision.

These are the rules of specific, particular applicability that have no general applicability, and that it is not our intent, I believe—I should not say that, but I do not believe it is the intent of the makers of the substitute here—to cover by the substitute.

So this amendment makes it clear that these rules of particular applicability and these routine rules are not covered by this legislative review substitute.

I believe the amendment has been cleared by the managers of the bill?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate my colleague's amendment. We have worked with him and his staff on this amendment. We have no objections and urge its adoption.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I compliment the Senator from Michigan for his work on this. He has worked long and hard on rules and regulations in the Governmental Affairs Committee. This is one example of how thorough he is in these areas.

Even though we can pass laws—we can pass rules and regulations—there are coincidences that apply in particular cases or places, or things are found to be unfair with the local people. And, where that can be corrected, it should be corrected.

This provides for that kind of a correction where otherwise people would be dealt with very unfairly by their government. We are trying to make this as fair as possible for everybody.

That is what the Senator from Michigan is doing. I compliment him and am glad to cosponsor his amendment.

Mr. LEVIN. I thank the Senator from Ohio.

Mr. President, I do not know of any further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment (No. 417) is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

REINVENTING GOVERNMENT

Mr. DASCHLE. Mr. President, a little while ago the majority leader spoke on the floor regarding the administration's Reinventing Government proposal.

The majority leader suggested that the President has jumped on the budget-cutting bandwagon and that he has done so in response to the November 1994 election.

Mr. President, the President and the Vice President, since before the November 1992 election, have stated and proven their commitment to the process of streamlining government. The proposal announced yesterday has been labeled "REGO II," because it is the second phase in a Reinventing Government process that began over 2 years ago.

Through that process headed by Vice President GORE, we have already taken steps to cut back the Federal Government. The Federal work force is today the smallest it has been since John Kennedy was in the White House. The proposal announced yesterday would cut $13.1 billion and eliminate 4,805 Government positions over the next 5 years.

Reinventing Government has been an ongoing, thoughtful process based on careful analysis of the ways with which to cut the bureaucracy while ensuring the Government's ability to meet our policy goals.

To suggest that the President or the Vice President have jumped on the bandwagon is off base.

The majority leader also suggested that the rescissions bill the Senate is about to consider will provide immediate savings and is, therefore, superior to the President's Reinventing Government proposal.

First, Mr. President, the administration's Reinventing Government proposal and the rescissions package are not in competition. It is not an either/or. We can and should cut waste and streamline Government whenever and wherever it makes sense and fits within our national priorities.

But if the comparison is going to be made, it should be accurate. I would hate for anyone to be left with the impression that the Republican rescissions package provides over $13 billion in cash savings in fiscal year 1995, because it does not.

According to the Congressional Budget Office, the proposal would cut $13.2 billion in budget authority in fiscal year 1995, but the outlay savings would be $11.48 billion spread over the next 5 years. The analysis from CBO shows that, while $13.2 billion in budget authority would be cut in fiscal year 1995, the Republican proposal would cut only $1.138 billion in outlays in fiscal year 1995.

I ask unanimous consent that a CBO analysis issued today on the rescissions package be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY: SECOND SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1995 (S. 617), STATUS: SENATE REPORTED

[Note: estimates based on April 1, 1995 enactment; by fiscal year, in millions of dollars]

	Budget authority	Outlays—				
		1995	1996	1997	1998	1999
Emergencies						
Fiscal year 1995	1,900	335	67	1,498	0	0
Contingent Emergencies						
Fiscal year 1996	4,800	0	0	346	1,981	2,474
Supplementals						
Fiscal year 1995	2	(15)	20	304	99	0
Discretionary	(7)	(24)	20	304	99	0
Mandatory	9	9	0	0	0	0
Fiscal year 1996	251	0	(41)	22	0	0
Fiscal year 1997	(40)	0	0	(60)	21	0
Fiscal year 1998	(39)	0	0	0	(43)	3
Total, Fiscal years 1995–98	174	(15)	(21)	265	77	3
Discretionary	165	(24)	(21)	265	77	3
Mandatory	9	9	0	0	0	0
Rescissions						
Fiscal year 1995	(13,152)	(1,138)	(2,939)	(2,454)	(1,981)	(2,912)
Emergencies	(62)	(*)	(2)	(2)	(2)	(4)
Non-Emergencies	(13,090)	(1,138)	(2,937)	(2,452)	(1,979)	(2,908)
Fiscal year 1996—Non-Emergencies	(26)	0	(26)	0	0	0
Fiscal year 1997—Non-Emergencies	(29)	0	0	(29)	0	0
Total Fiscal years 1995–97	(13,208)	(1,138)	(2,965)	(2,484)	(1,981)	(2,912)
Emergencies	(62)	(*)	(2)	(2)	(2)	(4)
Non-Emergencies	(13,146)	(1,138)	(2,963)	(2,481)	(1,979)	(2,908)
Total Bill						
FY 1995–98:						
Emergencies	6,700	335	67	1,844	1,981	2,474
Supplementals	174	(15)	(21)	265	77	3
Rescissions	(13,208)	(1,138)	(2,965)	(2,484)	(1,981)	(2,912)
Total	(6,334)	(818)	(2,919)	(374)	77	(435)

*Congressional Budget Office, Mar. 28, 1995.

Mr. DASCHLE. Mr. President, I hope we can avoid the politicization of the debate about reorganizing government. Democrats and Republicans both recognize the need to reinvent government, to find ways to run our Federal Government in a much more efficient manner.

The President and the Vice President should be congratulated—not criticized—for leading the effort to find new ways, going all the way back to the very beginning of this administration, to both reduce the cost and the size of government in a meaningful way.

With that, I yield the floor.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be added as a cosponsor to the pending substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I support the substitute. I have supported what we call legislative review—the earlier form being called legislative veto—not only when I got to the U.S. Senate but before I got to the U.S. Senate. It was actually, believe it or not, part of my election platform when I first ran for the U.S. Senate in 1978, because I believed that elected officials should have the responsibility to review important regulations of the bureaucracy.

I found, as a local official, that I was too often confronted with regulations which had major impacts on my community, and I was told, if you want to go and complain about those regulations, go to the agencies somewhere out in the yonder somewhere, see if you can find that agency or the regional office of that agency somewhere. I was shunted around from unelected official to unelected official. I wanted very much to have an elected person accountable to me for major regulations, be it an elected President or be it an elected Member of Congress.

So I very much supported legislative veto starting in 1979 when I worked with Elliott Levitas in the House and Harrison Schmitt in the Senate on Government-wide legislative veto, as well as a specific provision for the Federal Trade Commission.

As a matter of fact, Senator Ribicoff, who was then chairman of the Governmental Affairs Committee, held a series of hearings on regulatory reform, did a major study which was the basis for an omnibus regulatory reform bill called S. 1080 that passed the Senate in 1982 but died in the House.

I sponsored the legislative veto provision that was added to the FTC. The reason we did that was because of some major controversial rulings of the FTC relative to used-car dealers and funeral directors and other major industries and segments of our economy.

Senator Schmitt and I, in March 1982, offered a Government-wide legislative review amendment to the regulatory reform bill that I have made reference to. And some of the same key players who are active now—Senators NICKLES, GRASSLEY, and COCHRAN—were all cosponsors of that legislative veto provision. That amendment was adopted by an overwhelming vote. We would be in a lot better shape today had that provision been enacted into law.

That provision, like Nickles-Reid, required a joint resolution of disapproval as distinguished from just a concurrent resolution or a simple resolution. The Supreme Court in Chadha had ruled that the concurrent resolution form of legislative veto was unconstitutional.

After the defeat of that omnibus regulatory reform bill, S. 1080, in the

House, Senator GRASSLEY tried to resurrect it in the 98th Congress. I supported that effort. But, again, we did not make it.

So, Mr. President, with that kind of long history of support for legislative veto, here called legislative review because it is somewhat different from those original forms, I am happy to cosponsor the substitute that is before us. And I am particularly pleased because I think this has a good chance of becoming law. This is real reform.

I believe it is the most significant reform that we can make in this area, because regulation is legislative in nature. Except for these rules of specific applicability or individual applicability which we have now exempted, when rules are adopted by agencies, they are significantly legislative in effect. They apply to large numbers of people, usually prospectively. And it is because of that legislative nature of these major rules that we should keep some political accountability. We should be politically responsible for the actions of the agencies to make sure that what they are doing carries out our intent and to make sure that what they are doing in fact is cost effective.

Mr. President, the delay that is involved in this form of legislative review is insignificant. The Administrative Procedures Act already has a mandatory 30-day delay before a rule can become effective. There may be a little problem when Congress is out of session, but we are just going to have to live with that. But this 45-day period of delay to give Congress an opportunity to use an expedited process to review a rule that it chooses to on an individual basis makes us accountable for the rules that affect large numbers of people's lives in this country. We should accept that responsibility. We should be accountable for this kind of agency activity.

This legislative review approach will do just that, and it does it in a very reasonable way. It is not a lumping of all rules together like that moratorium was and say freeze everything. This, to the contrary, takes a look at individual rules by the Congress, and the only delay that is involved, that 45-day delay, makes it possible for us legislatively to look individually at rules to make sure again that, before a rule goes into effect, it is cost effective and carries out our intent.

So, Mr. President, again, I am pleased to cosponsor this substitute. I congratulate Senator NICKLES and Senator REID on this substitute. The Senator from Oklahoma and the Senator from Nevada are to be congratulated on this substitute and I think it has been improved by a series of amendments.

I yield the floor.

Mr. LEAHY. Mr. President, today the Senate began debate on overhauling how the Federal Government imposes regulatory regulations. This legislation is the first of several bills the Senate may consider that have far-reaching implications for every policy that we consider on the floor.

In the last 20 years, this Congress has passed many laws to protect the public health and safety. The regulations to implement these laws were largely written by Presidents Ford, Reagan, and Bush.

The theory behind this legislation is that regulators have been running amok.

If that is so, they have been running very slowly. Today, every car ad brags about airbags, but it took 20 years to get the regulations in place to protect us from accidents.

In 1987, I started trying to get meat inspection reformed. It has taken 8 years to get those regulations issued—they are not final—even though they will save 4,000 lives a year.

The Senate Judiciary Committee will soon consider a bill that will delay them at least 2 years more.

This proposed legislation is not an antidote to regulators run amok. It is regulatory reform run amok. I believe in regulatory reform. The Laxalt-Leahy regulatory reform bill passed the Senate unanimously in 1982—13 years ago.

I believe that first, Congress should decide what responsibility we have to avoid harming our neighbors—what values it wants to protect. Then the agencies should use cost-benefit analysis—and whatever other tools are available to make the best decision.

This bill takes a fundamentally different approach to regulatory reform.

This bill is hypocritical.

Under this legislation USDA will continue to give a "grade A" label to unsafe meat.

This bill is so unworkable that the corporate lawyers insist on being exempted from it. Permits to put a product on the market are exempt from all reform. To protect the public, however, you have to do a judicially reviewable, peer reviewed, cost-benefit analysis and a peer reviewed, judicially reviewable, risk assessment.

This bill is unworkable. My regulatory reform bill used cost-benefit analysis as a tool to make sure regulation is done right. This bill takes a useful tool, and turns it into a rigid rule.

My bill made sure that rules were based on a cost-benefit analysis. This bill is a recipe for paralysis.

Instead of making sure there are good decisions, it makes sure that there will be no decisions.

This bill is antidemocratic. Even the Reagan Department of Justice rejected putting the courts in charge of cost-benefit analysis because it was antidemocratic.

An elite group of economists using formulas we do not understand, and values we do not share, will veto laws passed by Congress designed to protect the health and safety of the American people.

Perhaps this legislation can be fixed. If not, President Clinton should veto it.

Mr. KOHL. Mr. President, I rise with great ambivalence about the legislation that we are considering today. I have expressed grave reservations about efforts to impose a regulatory moratorium, similar to that reported out of the Governmental Affairs Committee. I believe such legislation to be extreme, because it assumes all regulations are bad, and does not allow for distinctions between necessary regulations and superfluous regulations.

While I agree that we should scrutinize regulations to assure that they are justified and reasonable, I believe a straight moratorium to be irresponsible. In that context, I am pleased that a bipartisan substitute has been offered to change the focus of this bill toward a legislative veto, which allows Congress to formally review major regulations.

However, even though the substitute we are considering today is reasonable, I am concerned that the regulatory moratorium concept is not dead. The House has passed moratorium legislation, and will be pushing to have that version enacted.

Foremost among my concerns with a moratorium is the status of pending drinking water regulations addressing cryptosporidium. Just under 2 years ago, the residents of Milwaukee experienced a debilitating outbreak of the parasite cryptosporidium in the drinking water. Buy the time the parasite infestation had fully run its course, 104 Milwaukee residents had died, and over 400,000 had suffered from a debilitating illness.

And it turns out that this problem was nothing new to this Nation. In reality, while the Milwaukee incident is the largest reported cryptosporidium outbreak in U.S. history, it is just one of many outbreaks nationwide. Other major outbreaks in recent years include a 1987 cryptosporidium outbreak in Carrollton, GA, that sickened 13,000 people, and a 1992 incident in Jackson County, OR, that caused 15,000 people to become ill. There are numerous other examples of parasite contamination nationwide.

But despite these outbreaks, no regulatory actions had been taken to protect consumers against future outbreaks. With the Milwaukee disaster, the Nation finally woke up to the problem. In the aftermath of Milwaukee, EPA is now in the process of promulgating a package of regulations to require communities to test for cryptosporidium in their drinking water, and ultimately to treat the water to remove cryptosporidium threats. These regulations are long overdue and must not be delayed any further.

Mr. President, I offer the cryptosporidium example to remind my colleagues that there are instances in which the Federal Government has not done enough. Much of the rhetoric of recent months has been focused on the extreme horror stories of overregulation. While some of these concerns are valid, we must also remember the horror stories of underregulation. I believe that the 104 deaths and 400,000 illnesses in Milwaukee are a testimony to the dangers of government inaction.

I certainly believe that the cryptosporidium threat in this Nation constitutes an imminent threat to human health and safety, and should, therefore, be theoretically exempted from any regulatory moratorium bill. However, I am concerned that the bureaucratic process necessary to make a declaration of imminent threat will cause unnecessary delay and place the people of this Nation at future risk.

So while I will support this substitute to establish a legislative veto, I do so with reservations about the potential of a resurrected regulatory moratorium. If such an effort is renewed in this body, I will strongly oppose such legislation.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 418 TO AMENDMENT NO. 410

Mr. REID. Mr. President, I believe the last matter this evening, at least as far as the Senator from Nevada is concerned, is an amendment offered on behalf of the Senator from Minnesota [Mr. WELLSTONE]. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WELLSTONE, proposes an amendment numbered 418 to amendment No. 410.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, after line 24, insert the following:

"(4) FAILURE OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding the provisions of paragraph (2), the effective date of a rule shall not be delayed by operation of this Act beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 4.

On page 8, line 4, delete everything from "after" through "Congress" and insert on line 5 "including the period beginning on the date on which the report referred to in section 3(a) is received by Congress and ending 45 days thereafter,".

Mr. REID. Mr. President, the staffs have been working on this amendment most of the afternoon. It is technical in nature. It clarifies what was the intent of the Senator from Nevada and the Senator from Oklahoma. I believe the Senator from Oklahoma has cleared the amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed this amendment, and we have no objection to it. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 418) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 419 TO AMENDMENT NO. 410

(Purpose: Making technical corrections to the Nickles-Reid substitute)

Mr. NICKLES. Mr. President, I send an amendment making technical corrections to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 419 to amendment No. 410.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 7, strike the word "significant";

On page 13, line 2, of amendment No. 415, strike the words ", issued after November 9, 1994,";

On page 14, line 23, strike the word "significant".

Mr. NICKLES. Mr. President, as I mentioned, this is a technical amendment, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 419) was agreed to.

Mr. NICKLES. Mr. President, I know of no further amendments on this bill.

Mr. REID. The Senator from Nevada knows of none on this side.

The PRESIDING OFFICER. If there are no further amendments, the question then is on agreeing to amendment No. 410, as amended, the substitute offered by the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Nickles-Reid amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to Nickles-Reid substitute amendment No. 410, as amended.

The amendment (No. 410), as amended, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent that final passage occur on S. 219, as amended, at 10:45 a.m. on Wednesday, March 29, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator REID.

I wish to thank him and the Senator from Michigan and the Senator from Ohio, Senator GLENN, for their leadership and cooperation in enabling us to come to final passage.

I will remind my colleagues, for those who have not been following this, that we will have final vote tomorrow at 10:45. We were discussing 11, but it has been requested that the vote be at 10:45 a.m.

MORNING BUSINESS

REPORT ON THE HEALTH CARE FOR NATIVE HAWAIIANS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Indian Affairs.

To the Congress of the United States:

I transmit herewith the Report of the Health Care for Native Hawaiians Program, as required by section 11 of the

Native Hawaiians Health Care Act of 1988, as amended (Public Law 102–396; 42 U.S.C. 11701 *et seq.*).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995*.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since September 26, 1994, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with the United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of September 20, 1994.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports*: Luanda and Katumbela, Benguela Province; *Ports*: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points*: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from September 26, 1994, through March 25, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about $50,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995*.

MESSAGES FROM THE HOUSE

At 6:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the Houses thereon; and that the following Members be appointed as the managers of the conference on the part of the House:

For consideration of Senate amendments numbered 3, 5, 6, 7, and 10 through 25, and the Senate amendment to the title of the bill: Mr. LIVINGSTON, Mr. MYERS of Indiana, Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. WOLF, Mrs. VUCANOVICH, Mr. CALLAHAN, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. WILSON, Mr. HEFNER, Mr. COLEMAN, and Mr. MOLLOHAN.

For consideration of Senate amendments numbered 1, 2, 4, 8 and 9: Mr. YOUNG of Florida, Mr. MCDADE, Mr. LIVINGSTON, Mr. LEWIS of California, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. NEUMANN, Mr. MURTHA, Mr. DICKS, Mr. WILSON, Mr. HEFNER, Mr. SABO, and Mr. OBEY.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Products Safety Commission for the remainder of the term expiring October 26, 1996.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. BIDEN, Mrs. KASSEBAUM, Mr. BINGAMAN, Mr. JEFFORDS, and Mr. WELLSTONE):

S. 632. A bill to create a national child custody database, to clarify the exclusive continuing jurisdiction provisions of the Parental Kidnapping Prevention Act of 1980, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR:

S. 633. A bill to amend the Federal Deposit Insurance Act to provide certain consumer protections if a depository institution engages in the sale of nondeposit investment products, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO (for himself and Mr. DOLE):

S. 634. A bill to amend title XIX of the Social Security Act to provide a financial incentive for States to reduce expenditures under the Medicaid Program, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. NUNN, Mr. THURMOND, and Mr. GRAHAM):

S. 635. A bill to amend title 10, United States Code, to provide uniformity in the criteria and procedures for retiring general and flag officers of the Armed Forces of the United States in the highest grade in which served, and for other purposes; to the Committee on Armed Services.

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 636. A bill to require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 637. A bill to remove barriers to interracial and interethnic adoptions, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (by request):

S. 638. A bill to authorize appropriations for United States insular areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL (for himself and Mr. JOHNSTON):

S. 639. A bill to provide for the disposition of locatable minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. REID, Mr. BOND, Mr. GRAHAM, and Mr. MCCONNELL):

S. 640. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. HATCH, Mr. JEFFORDS, Mr. FRIST, Mr. PELL, Mr. DODD, Mr. COATS, and Mr. SIMON):

S. 641. A bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. ROCKEFELLER):

S. 642. A bill to provide for demonstration projects in six States to establish or improve a system of assured minimum child support payments, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mrs. MURRAY):

S. 643. A bill to assist in implementing the Plan of Action adopted by the World Summit for Children; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Res. 95. A resolution making minority party appointments to the Committee on Energy and Natural Resources, and the Committee on Veterans' Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BIDEN, Mrs. KASSEBAUM, Mr. BINGAMAN, Mr. JEFFORDS and Mr. WELLSTONE):

S. 632. A bill to create a national child custody database, to clarify the exclusive continuing jurisdiction provisions of the Parental Kidnapping Prevention Act of 1980, and for other purposes; to the Committee on the Judiciary.

THE CHILD CUSTODY REFORM ACT OF 1995

Mr. DOMENICI. Mr. President, I am this morning going to introduce a bill that I am hopeful the Judiciary Committee of the U.S. Senate will take into consideration rather quickly and report something to the U.S. Senate akin to what I am going to talk about for the next few minutes.

There is much talk about seeing to it that we insist that parents be responsible and that, where there are custody situations in a split household, divorce or otherwise, the obligations to pay child support get enforced across the land. The President speaks of it, everyone speaks of it, in more or less the notion of the need for parental responsibility and the fact that responsible parents alleviate some of the Government's expenditures if they were paying their legally obligated payments to their children.

And so today I want to discuss briefly where we are with reference to that and what we ought to do.

Let me talk now about the bill itself.

Over the past few months, we in Congress have spoken a great deal about the need to get our Nation's fiscal house in order. Although we may disagree on exactly how we should get there, the debate on this matter has demonstrated at least one matter on which we all agree. This central point of agreement is about the future, and what responsibilities and burdens we will be handing to generations yet to come. Concern for the future of our children and grandchildren must be the defining issue. I believe this our foremost responsibility, and I know there are many women and men in this body who share this commitment.

The need to provide for the future of our children and, indeed, the Nation, however, does not hinge solely on fiscal policy. The responsibilities we hold for the children of America span all aspects of life and incorporate many elements of the law. Children hold a special status under the law. We recognize that without a responsible parent or guardian, children are at the mercy of society. In the absence of measures to protect them, they are our most vulnerable and needy citizens. In such a case, the law becomes their primary protector and provider, and often their last source of relief in many instances in this country. I am addressing these issues today because I rise to introduce a bill that seeks to further support children in this country, and which will assist in protecting them when their best interests are not being served.

THE CHILD CUSTODY REFORM ACT OF 1995

In 1980, Congress passed the Parental Kidnapping Prevention Act—the PKPA. This bill sought to end the common situation where feuding parents, whether divorced, separated, estranged, or otherwise, used their children as pawns in their personal vendettas against each other. Often, this would take the form of one parent kidnapping the child and moving to another State. Once in the other State, the parent could petition that State court in order to obtain a new custody ruling. In the event that a different ruling was handed down, the legal battles began, with the child being used as leverage in a vicious parental battle that often played out over many years. The children thrown into the middle of these situations obviously suffered, some think they suffered irreparable harm, and congress had to step in to bring this practice to a halt. The PKPA did much to alleviate this situation, and solidified the statutes that protect children involved in custody disputes. Several years of this law in actual practice, however, have demonstrated that some gaps exist in this legislation, and there remain a few loopholes through which this situation can continue.

So today I rise to introduce the Child Custody Reform Act of 1995. We have worked diligently on this with various entities in our country and with the American Bar Association because we have one of these typical situations in the law that is spoken of when you go to law school as conflicts of interest, or conflict law. So this bill is going to put a cap on some of these inconsistencies and to further help resolve a troubling situation that continues to this day.

The Child Custody Reform Act that I am introducing amends the PKPA in two ways: First, this act would clarify the language of the PKPA so that future jurisdictional disputes are eliminated altogether. And second, this act would establish a national child custody registry so that the courts and officers of the court would have quick and accurate access to information regarding the status of any child in the Nation for whom a custody decree has been issued.

It would not pry into anyone's life. It would just take a matter of court record and produce that in a manner that would be available interstate, so that in a legal battle in State X with two children involved, the court can immediately find out whether those two children are already involved in a legal situation in another State.

So, what we are going to do in this law is as follows.

Current PKPA provisions still allow a second State to issue a separate and oftentimes conflicting child custody ruling. This flaw allows a second State to modify a custody ruling made by a first State by determining on its own that the first State no longer had jurisdiction under its own law.

That is kind of legal jargon, but essentially if there is a valid decree affecting children in State A and one of the parents moves to State B, State B has found a way to avoid State A's decree which was made and is valid by finding that the first court did not have jurisdiction, and so they would take it all over in the second court.

We have worked long and hard with experts in the bar association on the law of conflicts and the law of custody.

This flaw allows the second State to modify the ruling where only one of the parents or one of the contending parties is present.

So under these proposed changes, the court of the second State would not be allowed to issue a ruling modifying the initial custody decree as long as one of the contestants still remained in the State that issued the original ruling.

This will say, as a matter of law nationally, the second State attempting to change the ruling in a State that already ruled, that that court has no jurisdiction as a matter of law in America, and the case must be returned to the first State. That means that a contestant will enter a motion in court setting this statute up as a defense and the judge will have clearly before him or her a national statute that says they must defer this back to the State of original jurisdiction.

If the original issuing State declines to exercise continuing jurisdiction, the second State would then be free to modify the ruling as it sees fit. This, I believe and many in the legal profession believe, will go a long way to stop jurisdictional disputes between States and their courts over contesting parties where there is a child or children in the middle of this battle from ever occurring.

We are, obviously, open to better language. We are, obviously, open to the Judiciary Committee of the U.S. Senate with its good legal counsel and Members of the Senate who have worked on this issue long and hard, to see if they can do better by language than we have, but we think this will go a long way.

Currently, States are required to keep a listing of existing child custody decrees. I repeat, that is not new. What exists right now is that States are required to keep a listing. No way of exchanging this between States is currently in the law of the land or being accomplished by any kind of standardization.

So what we decided to do in this bill—myself and cosponsors and I am sure there will be others—we have decided that we should encourage the establishment of a national registry in conjunction with the already existing Federal parent locater service where information on these children or their legal status could be entered. Thus, it would be available between States, and States would not get hoodwinked where a parent could take the children to another State, leave one parent behind, and want to start anew, ignoring what has already happened.

Obviously, the second court would know that those children were the subject of a custody decree in another State, and unless the original State declines to exercise jurisdiction, that would be returned to the original State that entered the decree, thus, not permitting parents to use their children as pawns and decide they will move to another State to change custody or change the obligation to pay child support.

So when a proceeding is commenced anywhere in the country, an officer of the court could immediately check with the registry of each State, which would be available to them, to see if a standing custody order currently exists or if a custody proceeding is currently pending in another court.

In the event that another ruling on the same child or children exists, the second court, in compliance with the PKPA, would immediately know not to proceed any further. If the adult guardian or parent still wished to move for a modification of the decree, they would have to petition the State in which the original custody decree was issued.

Thus, we can see that the registry would help immensely in eliminating jurisdictional fights that occur these days that are not in the interest of the children of the adult contestants.

SENSE-OF-THE-SENATE RESOLUTION FOR SUPERVISED VISITATION CENTERS

In addition to the changes in the PKPA, this bill would express the sense of the Senate that local governments should take full advantage of the funds allocated in last year's crime bill, under the provisions for local crime prevention block grants, to establish supervised visitation centers for children involved in custody disputes. These centers would be used for the visitation of children when one or both of the parents are believed to put the children at risk of physical, emotional, or sexual abuse.

CONCLUSION

I believe this bill is a valuable and needed step to ensure that the children of America are looked after in a responsible and caring manner. It is unfortunate that we need to pass laws of this nature. One would think that good sense and responsible adult behavior would resolve this problem on its own. This presently is not the case, however. As a result, the law must step in and serve the public interest, and the best interests of children enduring these hardships. I am greatly encouraged that my colleagues, Senators JEFFORDS, BINGAMAN, BIDEN, and WELLSTONE have joined me in support of this bill, and I look forward to further consideration by the entire Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Reform Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) parents who do not find a child custody ruling to their liking in one State will often start a custody proceeding in another State in the hope of obtaining a more favorable ruling;

(2) although Federal and State child custody jurisdictional laws were established to prevent this situation, gaps still exist that allow for confusion and differing interpretations by various State courts, and which lead to separate and inconsistent custody rulings between States;

(3) in the event that a different ruling is handed down in the second State's court, the problem then arises of which court has jurisdiction, and which ruling should be granted full faith and credit under the Parental Kidnapping Prevention Act of 1980;

(4) changes in the Parental Kidnapping Prevention Act of 1980 must be made that will provide a remedy for cases where conflicting State rulings exist—

(A) to prevent different rulings from occurring in the first instance by clarifying provisions with regard to continuing State jurisdiction to modify a child custody order; and

(B) to assist the courts in this task by establishing a centralized, nationwide child custody database; and

(5) in the absence of such changes, parents will continue to engage in the destructive practice of moving children across State borders to escape a previous custody ruling or arrangement, and will continue to use their helpless children as pawns in their efforts at personal retribution.

SEC. 3. MODIFICATION OF REQUIREMENTS FOR COURT JURISDICTION.

Section 1738A of title 28, United States Code, is amended—

(1) by amending subsection (d) to read as follows:

"(d)(1) Subject to paragraph (2), the jurisdiction of a court of a State that has made a child custody determination in accordance with this section continues as long as such State remains the residence of the child or of any contestant.

"(2) Continuing jurisdiction under paragraph (1) shall be subject to any applicable provision of law of the State that issued the initial custody determination in accordance with this section, when such State law establishes limitations on continuing jurisdiction when a child is absent from such State.";

(2) in subsection (f)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively; and

(B) in paragraph (1), as so redesignated, by inserting "pursuant to subsection (d)," after "the court of the other State no longer has jurisdiction,"; and

(3) in subsection (g), by inserting "or continuing jurisdiction" after "exercising jurisdiction".

SEC. 4. ESTABLISHMENT OF NATIONAL CHILD CUSTODY REGISTRY.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended by adding at the end the following new subsection:

"(g)(1) Subject to the availability of appropriations, the Secretary of Health and Human Services, in cooperation with the Attorney General, shall expand the Federal Parent Locator Service established under this section, to establish a national network to allow State courts to identify every proceeding relating to child custody jurisdiction filed before any court of the United States or of any State. Information identifying custody determinations from other countries will also be accepted for filing in the registry.

"(2) As used in this subsection—

"(A) the term 'information' includes—

"(i) the court or jurisdiction where a custody determination is filed;

"(ii) the name of the presiding officer of the issuing court;

"(iii) the names and social security numbers of the parties;

"(iv) the name, date of birth, and social security numbers of each child; and

"(v) the status of the case;

"(B) the term 'custody determination' has the same meaning given such term in section 1738A of title 28, United States Code;

"(C) the term 'custody proceeding'—

"(i) means a proceeding in which a custody determination is one of several issues, such as a proceeding for divorce or separation, as well as neglect, abuse, dependency, wardship, guardianship, termination of parental rights, adoption, protection from domestic violence, and Hague Child Abduction Convention proceedings; and

"(ii) does not include a judgment, decree, or other order of a court regarding paternity or relating to child support or any other monetary obligation of any person, or a decision made in a juvenile delinquency, status offender, or emancipation proceeding.

"(3) The Secretary of Health and Human Services, in cooperation with Attorney General, shall promulgate regulations to implement this section.

"(4) There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

SEC. 5. SENSE OF SENATE REGARDING SUPERVISED VISITATION CENTERS.

It is the sense of the Senate that local governments should take full advantage of the Local Crime Prevention Block Grant Program established under subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994, to establish supervised visitation centers for children who have been removed from their parents and placed outside the home as a result of abuse or neglect or other risk of harm to them, and for children whose parents are separated or divorced and the children are at risk because of physical or mental abuse or domestic violence.

Mr. BIDEN. Mr. President, there is no greater legacy we leave on this Earth than our children. Keeping our children safe and helping them grow into productive adults is our greatest challenge and responsibility—as individuals and as a society.

For the most part, parents assume this responsibility willingly. But with more than 50 percent of marriages ending in divorce, some of our children face special risks.

Notwithstanding the fact that many divorced parents are sensitive to their children's needs and act in their best interests, in some cases, custody battles become prolonged wars. When this occurs, children can suffer severe emotional damage.

More seriously, when conflict escalates, it can place children at risk physically through parental kidnapping; in 1988 alone, an estimated 354,000 children were abducted by parents or family members nationwide.

In extreme cases, disputes between parents can even become fatal conflicts. Consider two recent chilling events in my State of Delaware:

In one incident, the father picked up his three children in Delaware for a visit, but then drove them to North Carolina—where he shot them in the head, set the van they were in on fire, and then killed himself in a nearby field.

In a second case, a father killed his two young children as they slept, then turned the gun on himself.

The result of these incidents, which occurred in the space of 2 weeks time—five children dead, all innocent victims of divorce and custody disputes. Of course, these are extreme cases, but they illustrate what can happen when custody disputes escalate.

That is why over the years, we have worked to ensure that the justice system works as smoothly and effectively as possible at handling custody matters, and in particular at making sure that interstate conflicts in custody orders are resolved quickly and appropriately.

Between 1969 and 1983, all 50 States adopted the Uniform Child Custody Jurisdiction Act, reducing the incentive for parents to abduct their children to another State in an attempt to obtain a favorable custody order.

The act spelled out when a State has jurisdiction to issue a custody order and when it has to enforce the order of another State.

We also addressed a second problem, because States had different views of when custody orders—which are subject to modification—were adequately final so as to trigger the full faith and credit requirements of the Constitution.

In 1980, Congress enacted the Parental Kidnapping Prevention Act to impose a Federal duty on the States to enforce and not modify the custody orders of sister States that issued orders consistent with the act.

This act gives priority to States with home State jurisdiction over States that have what is called significant connections jurisdiction.

It also provides that the State that issued the first custody order has continuing jurisdiction as long as the child or any contestant resides in that State.

Unfortunately, over the years, cracks have surfaced in the application of this law, and contrary to congressional intent, many State courts have continued to modify the custody orders of States that retain continuing jurisdiction.

Take for example a case in which a married couple obtained a divorce in Michigan in 1988. Custody of their child was awarded to the mother, with visitation rights to the father. The decree specifically set-out that Michigan would maintain jurisdiction over the parents and the child.

But 6 months later, the mother, who had moved with the child to Illinois, petitioned an Illinois court to modify the father's visitation rights under the Michigan order. The Illinois trial court denied her motion, ruling that it had no jurisdiction.

Yet the Illinois Court of Appeals reversed and remanded the case, holding in part that Illinois could "* * * modify a foreign custody judgment even if the other State has jurisdiction so long as the Illinois court has jurisdiction * * *."

The Child Custody Reform Act of 1995 that we introduce today makes it clear that in the case I just described, Illinois could not modify the Michigan court's grant of visitation rights because the father continued to reside in Michigan—and thus, Michigan maintained continuing jurisdiction to protect his interests.

The Child Custody Reform Act of 1995 will help prevent conflicting custody orders and jurisdictional deadlock. I would like to commend Senator DOMENICI for his leadership on this issue.

The act clarifies that a sister State may not enter a new custody order nor may it modify an existing custody order, as long as the original court acted pursuant to the Parental Kidnapping Prevention Act.

It also clarifies that continuing jurisdiction exists as long as the child or one of the contestants continues to reside in the State.

There are two exceptions to this rule:

If the State that issued the initial custody order declines to exercise jurisdiction to modify such determination; or

If the laws of the State that issued the initial custody order otherwise limit continuing jurisdiction when a child is absent from such a State.

Thus, the act we proposed today does not tread on a State's ability to formulate child custody policy. Instead, it merely provides a Federal obligation to give full faith and credit to the custody orders of sister States.

The importance of this legislation is that it sets a clear line to guide State decisions by requiring that a State cannot modify and must enforce a custody order issued by a sister State that retains jurisdiction under the Parental Kidnapping Prevention Act.

A second problem the legislation that we are introducing addresses is that judges do not now have a reliable, efficient way to know that a judge in another State may have already issued a custody order relating to a particular child.

In our age of advanced computer capabilities, we have the technology at our fingertips. So, let's put cyberspace to good use for our children. And we don't need to reinvent the wheel here—we can build on what we know works.

The Federal Parent Locator Service, which has operated effectively and efficiently under the Social Security Administration for the last decade, already works to enforce State child support obligations. This legislation will expand this service to establish a child custody registry.

We must give judges in different States the ability to communicate about custody cases, and computers are the tools to do that. State courts already are automated.

With modest additional effort, we can link this information and put it to work for our children to prevent interstate custody battles.

Finally, this legislation encourages local governments to take advantage of visitation centers funded under the 1994 crime law. We can never be 100 percent certain when, how, and even if children will return safely from visits with noncustodial parents.

But visitation centers can provide a safe haven where parents can transfer their children for visitation, or leave their children for court-ordered, supervised visits.

Such centers, which Senator WELLSTONE advocated successfully last year, should be established in communities in existing facilities, such as schools, neighborhood centers, in public housing complexes, and other convenient locations.

So, by clarifying and strengthening the Parental Kidnapping Prevention Act, by putting critical child custody information at the fingertips of judges, and by providing State and local governments with the funding to open visitation centers, Mr. President, we can go a long way toward protecting our children from being caught in the middle of painful, sometimes violent custody battles.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first, let me thank my colleague, someone whom I consider to be a good friend and someone I admire as a legislator and a Senator. I am very proud to be an original cosponsor of this legislation.

By Mr. PRYOR:

S. 633. A bill to amend the Federal Deposit Insurance Act to provide certain consumer protections if a depository institution engages in the sale of nondeposit investment products, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE BANK CUSTOMER CONFIDENTIALITY AND PROTECTION ACT OF 1995

Mr. PRYOR. Mr. President, I rise to introduce the Bank Customer Confidentiality and Protection Act of 1995. This legislation has been crafted to address problems in the area of bank sales of uninsured products, such as mutual funds, identified during a continuing investigation conducted by my staff on the U.S. Senate Special Committee on Aging.

After hearing the stories of numerous older Americans who claim they did not know what they were buying when they purchased an uninsured product through their bank and then lost much of their life savings, I am convinced that more stringent protections are needed to ensure that financially inexperienced bank customers fully understand what they are buying when they invest in uninsured products.

Mr. President, this legislation is intended to help those who really need its protections, such as the 72-year-old widow in Florida who had always put her savings into FDIC-insured certificates of deposit until she was contacted by telephone by an employee of her bank offering a product with a higher rate of return. This woman then went into her bank, listened to the advice of a man whom she thought was a banker, and then transferred all her savings into an uninsured government bond fund. Even though she did not exactly understand the risks associated with the product, she trusted the bank to do her right.

Two years later, the value of the fund declined and she lost about a quarter of her life savings, savings that she had intended to use in the years ahead to avoid being a burden to her children. It is this sort of tragedy, Mr. President, that this legislation is intended to prevent.

Mr. President, under our present banking system financially inexperienced customers have reason to be concerned about the safety of their deposits. During our investigation, my Senate Aging Committee staff found that some banks were, for example, routinely:

Sharing detailed customer financial information with people selling securities, without customers' explicit knowledge;

Avoiding full and clear disclosure about the risks associated with uninsured products;

Discouraging bank customers from investing in certificates of deposit [CD's], savings accounts, and other similar FDIC-insured investments;

Establishing commission structures that provide incentives for securities salespeople to offer the bank's in-house investment products, regardless of the products' suitability for a particular customer; and

Operating in a manner that leads some customers to not fully understand the relationship between the securities salesperson and the depository institution.

I and a number of my colleagues consider these to be questionable marketing practices and find them especially troubling because of the special place banks have in our communities.

Mr. President, many older bank customers hold their bank and the people who work there in high regard and feel comfortable about taking advice from them about where to put their money.

In addition, when some customers see the FDIC emblem—something analogous to the Good Housekeeping seal of approval for many—they may believe that the FDIC coverage applies to all products offered in the institution. As customers who have seen their principals drop have realized, this is not the case.

While all bank customers need to exercise caution, older customers need to be particularly vigilant when it comes to uninsured investments such as mutual funds, principally because the savings of the elderly do not represent a renewable resource and the loss of such savings cannot be written off as lessons learned for the future.

Mr. President, to explore the impact on older Americans further, in September 1994 I chaired a U.S. Senate Special Committee on Aging hearing entitled "Uninsured Bank Products: Risky Business for Seniors?" At this hearing, we had older bank customers, former bank-based brokers, and industry experts come and discuss how some banks' brokerage businesses are selling inappropriate products to older customers.

It is clear that something must be done about these questionable practices. While I would prefer to avoid legislation, it appears that there may be no other option. Although some banks recently have taken steps to clean up their practices, many are continuing business as usual. In addition, the banking regulators' joint guidelines and the industry's voluntary guidelines, while well-intended, do not appear to have been totally effective in addressing marketing abuses.

Mr. President, let me address one part of these guidelines, the provision that banks have their customers sign "disclosure" documents before they make a purchase. One concern I have is that the format of these disclosure forms vary from bank to bank. Some banks or their investment subsidiaries do a fine job putting in plain English required disclosure information, such as the fact that uninsured investment products are not backed by the Federal Deposit Insurance Corporation. Other banks, however, present the information in such a way that you would have to be an attorney or an experienced investor and have great eyesight in order to understand what they mean.

Then there is the even more problematic issue of oral disclosure—what bank customers are told. More than a few financially inexperienced bank customers have told me that when they looked over the disclosure forms they did not understand what they meant. These customers typically would then ask the investment salespeople to interpret the forms for them. In these cases, the salespeople told their customers that the documents were just a formality to open the account or that the forms simply restated what the salespeople had told the customers. The problem is that in some cases the salespeople had made misleading or false statements about the nature of the uninsured products when they described them, such as that they were "as safe as the money in your pocket and will only lose money if the Federal Government goes bankrupt" or "backed by something better than the FDIC."

Mr. President, the legislation I am introducing, which has been crafted after numerous meetings with industry and consumer groups, would provide needed consumer protections for financially inexperienced customers.

The legislation would provide protections by:

Requiring full and clear disclosure about the risks associated with uninsured products;

Limiting the compensation that institution employees receive for making referrals to securities salespeople;

Establishing guidelines for uninsured products' promotional materials;

Requiring common-sense physical separation of deposit and nondeposit sales products;

Prohibiting the sharing of bank customers' personal financial information without customers' explicit consent; and

Improving the coordination of enforcement-related activities between the Federal banking agencies and the Securities and Exchange Commission.

These protections will be especially important if the remaining legal barriers that currently restrict banks' involvement in the securities and insurance industries are broken down, as called for by Treasury Secretary Robert E. Rubin and several congressional proposals. These changes to our banking system that Secretary Rubin and others are advocating are not necessarily bad ones, and I will consider them with an open mind if they come to the floor of the Senate. However, without the consumer protections called for by my legislation, dropping the remaining restrictions likely would create even more confusion among customers over which products at a bank are federally insured and which are not.

In the meantime, as we consider the legislation I am introducing today, we need to continue reminding all bank customers that not everything they put money in at the bank is backed by the FDIC or the bank—regardless of what somebody might lead them to believe.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bank Customer Confidentiality and Protection Act of 1995".

SEC. 2. CUSTOMER PROTECTIONS REGARDING NONDEPOSIT INVESTMENT PRODUCTS.

(a) AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(q) SAFEGUARDS FOR SALE OF NONDEPOSIT INVESTMENT PRODUCTS.—

"(1) DEFINITIONS.—For purposes of this subsection—

"(A) the terms 'broker', 'dealer', and 'registered broker or dealer' have the same meanings as in section 3 of the Securities Act of 1934;

"(B) the term 'customer'—

"(i) means any person who maintains or establishes a deposit, trust, or credit relationship with an insured depository institution;

"(ii) includes any person who renews an account in an insured depository institution and any person who rolls over a deposit in any such account; and

"(iii) any person who contacts an insured depository institution, in person or otherwise, for the purpose of inquiring about or purchasing a nondeposit investment product;

"(C) the term 'Federal securities law' has the meaning given to the term 'securities laws' in section 3(a)(47) of the Securities Exchange Act of 1934;

"(D) the term 'nondeposit investment product'—

"(i) includes any investment product that is not a deposit; and

"(ii) does not include—

"(I) any loan or other extension of credit by an insured depository institution;

"(II) any letter of credit; or

"(III) any other instrument or investment product specifically excluded from the definition of such term by regulations prescribed jointly by the Federal banking agencies after consultation with the Securities and Exchange Commission;

"(E) the term 'nonpublic customer information'—

"(i) means information regarding any person which has been derived from any record of any insured depository institution and pertains to the person's relationship with the institution, including the provision or servicing of a credit card; and

"(ii) does not include information about a person that could be obtained from a credit reporting agency that is subject to the restrictions of the Fair Credit Reporting Act by a third party that is not entering into a credit relationship with the person, but that otherwise has a legitimate business need for that information in connection with a business transaction involving the person; and

"(F) the term 'self-regulatory organization' has the same meaning as in section 3(a)(26) of the Securities Exchange Act of 1934.

"(2) MISREPRESENTATION OF GUARANTEES.—It shall be unlawful for any insured depository institution sponsoring, selling, or soliciting the purchase of any nondeposit investment product to represent or imply in any manner whatsoever that such nondeposit investment product—

"(A) is guaranteed or approved by the United States or any agency or officer thereof; or

"(B) is insured under this Act.

"(3) CUSTOMER DISCLOSURE.—

"(A) IN GENERAL.—An insured depository institution shall, concurrently with the opening of an investment account by a customer or with the initial purchase of a nondeposit investment product by a customer, prominently disclose, in writing, to that customer—

"(i) that nondeposit investment products offered, recommended, sponsored, or sold by the institution—

"(I) are not deposits;

"(II) are not insured under this Act;

"(III) are not guaranteed by the insured depository institution; and

"(IV) carry risk of a loss of principal;

"(ii) the nature of the relationship between the insured depository institution and the broker or dealer;

"(iii) any fees that the customer will or may incur in connection with the nondeposit investment product;

"(iv) whether the broker or dealer would receive any higher or special compensation for the sale of certain types of nondeposit investment products; and

"(v) any other information that the Federal banking agencies jointly determine to be appropriate.

"(B) CUSTOMER ACKNOWLEDGMENT OF DISCLOSURE.—

"(i) IN GENERAL.—Concurrently with the opening of an investment account by a customer or with the initial purchase of a nondeposit investment product by a customer, an insured depository institution or other person required to make disclosures to the customer under subparagraph (A) shall obtain from each such customer a written acknowledgment of receipt of such disclosures, including the date of receipt and the name, address, account number, and signature of the customer.

"(ii) RECORDS OF CUSTOMER ACKNOWLEDGEMENT.—An insured depository institution shall maintain appropriate records of the written acknowledgement required by this subparagraph for an appropriate period, as determined by the Corporation. Such record shall include the date on which the acknowledgment was obtained and the customer's name and address.

"(iii) DURATION OF ACKNOWLEDGEMENT.—Written acknowledgement shall not be considered valid for purposes of this subparagraph for a period of more than 5 years, beginning on the date on which it was obtained.

"(C) PROHIBITION ON INCONSISTENT ORAL REPRESENTATIONS.—No employee of an insured depository institution shall make any oral representation to a customer of an insured depository institution that is contradictory or otherwise inconsistent with the information required to be disclosed to the customer under this paragraph.

"(D) MODEL FORMS AND REGULATIONS.—The Federal banking agencies, after consultation with the Securities and Exchange Commission, shall jointly issue appropriate regulations incorporating the requirements of this paragraph. Such regulations shall include a requirement for a model disclosure form solely for such purpose to be used by all insured depository institutions incorporating the disclosures required by this paragraph.

"(4) REFERRAL COMPENSATION.—A one-time nominal referral fee may be paid by an insured depository institution to any employee of that institution who refers a customer of that institution either to a broker or dealer or to another employee of that insured depository institution for services related to the sale of a nondeposit investment product, if the fee is not based upon whether or not the customer referred makes a purchase from the broker, dealer, or other employee.

"(5) PROHIBITION OF JOINT MARKETING ACTIVITIES.—No nondeposit investment product may be offered, recommended, or sold by a person unaffiliated with an insured depository institution on the premises of that institution as part of joint marketing activities, unless the person marketing such nondeposit investment product—

"(A) prominently discloses to its customers, in writing, in addition to the disclosures required in paragraph (3), that such person is not an insured depository institution and is separate and distinct from the insured depository institution with which it shares marketing activities; and

"(B) otherwise complies with the requirements of this subsection.

"(6) LIMITATIONS ON ADVERTISING.—

"(A) MISLEADING ADVERTISING.—No insured depository institution may employ any advertisement that would mislead or otherwise cause a reasonable person to believe mistakenly that an insured depository institution or the Federal Government is responsible for the activities of an affiliate of the institution, stands behind the affiliate's credit, guarantees any returns on nondeposit investment products, or is a source of payment of any obligation of or sold by the affiliate.

"(B) NAMES, LETTERHEADS, AND LOGOS.—In offering, recommending, sponsoring, or selling nondeposit investment products, an insured depository institution shall use names, letterheads, and logos that are sufficiently different from the names, letterheads, and logos of the institution so as to avoid the possibility of confusion.

"(C) SEPARATION OF LITERATURE.—All sales literature related to the marketing of nondeposit investment products by an insured depository institution shall be kept separate and apart from, and not be commingled with, the banking literature of that institution.

"(7) LIMITATIONS ON SOLICITATION.—The place of solicitation or sale of nondeposit investment products by an insured depository institution shall be—

"(A) physically separated from the banking activities of the institution; and

"(B) readily distinguishable by the public as separate and distinct from that of the institution.

"(8) SALES STAFF REQUIREMENT.—Solicitation for the purchase or sale of nondeposit investment products by any insured depository institution may only be conducted by a person—

"(A) who—

"(i) is a registered broker or dealer or a person affiliated with a registered broker or dealer; or

"(ii) has passed a qualification examination that the appropriate Federal banking agency, in consultation with the Securities and Exchange Commission, determines to be comparable to those used by a national security exchange registered under section 6 of the Securities Exchange Act of 1934, or a national securities association registered under section 15A of that Act, for persons required to be registered with the exchange or association; and

"(B) whose responsibilities are restricted to such nondeposit investment products.

"(9) NO FAVORING OF CAPTIVE AGENTS.—No insured depository institution may directly or indirectly require, as a condition of providing any product or service to any customer, or any renewal of any contract for providing such product or service, that the customer acquire, finance, negotiate, refinance, or renegotiate any nondeposit investment product through a named broker or dealer.

"(10) RESTRICTIONS ON USE OF NONPUBLIC CUSTOMER INFORMATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no insured depository institution may use or disclose to any person any nonpublic customer information for the purpose of soliciting the purchase or sale of nondeposit investment products.

"(B) EXCEPTION BASED ON DISCLOSURE.—An insured depository institution may use or disclose nonpublic customer information for the purpose of soliciting the purchase or sale of nondeposit investment products if, before such use or disclosure—

"(i) the customer gives explicit written consent to such use or disclosure; and

"(ii) such written consent is given after the institution has provided the customer with written disclosure that—

"(I) the information may be used to target the customer for marketing or advertising for nondeposit investment products;

"(II) such nondeposit investment products are not guaranteed or approved by the United States or any agency thereof; and

"(III) such nondeposit investment products are not insured under this Act.

"(C) RECORDS OF CUSTOMER CONSENT.—An insured depository institution shall maintain appropriate records of the written consent required by subparagraph (B) for an appropriate period, as determined by the Corporation. Such record shall include the date on which the consent was signed and the customer's name and address.

"(D) DURATION OF CONSENT.—Written consent shall not be considered valid for purposes of this paragraph for a period of more than 5 years, beginning on the date on which it was obtained.

"(E) ADDITIONAL RESTRICTIONS.—The Corporation may, by regulation or order, prescribe additional restrictions and requirements limiting the disclosure of nonpublic customer information, including information to be used in an evaluation of the credit worthiness of an issuer or other customer of that insured depository institution and such additional restrictions as may be necessary or appropriate to avoid any significant risk to insured depository institutions, protect customers, and avoid conflicts of interest or other abuses.

"(11) SCOPE OF APPLICATION.—

"(A) APPLICATION LIMITED TO RETAIL ACTIVITIES.—The Federal banking agencies, after consultation with the Securities and Exchange Commission, may waive the requirements of any provision of this subsection, other than paragraph (10), with respect to any transaction otherwise subject to such provision between—

"(i) any insured depository institution or any other person who is subject, directly or indirectly, to the requirements of this section; and

"(ii) any other insured depository institution, any registered broker or dealer, any person who is, or meets the requirements for, an accredited investor, as such term is defined in section 2(15)(i) of the Securities Act of 1933, or any other customer who the Federal banking agencies, after consultation with the Securities and Exchange Commission, jointly determine, on the basis of the financial sophistication of the customer, does not need the protection afforded by the requirements to be waived.

"(B) NO EFFECT ON OTHER AUTHORITY.—No provision of this subsection shall be construed as limiting or otherwise affecting—

"(i) any authority of the Securities and Exchange Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury under any Federal securities law;

"(ii) any authority of any State securities regulatory agency; or

"(iii) the applicability of any Federal securities law, or any rule or regulation prescribed by the Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury pursuant to any such law, to any person.

"(12) ENFORCEMENT.—The provisions of this subsection shall be enforced in accordance with section 8.".

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, after consultation with the Securities and Exchange Commission, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) shall jointly promulgate appropriate regulations to implement section 18(q) of the Federal Deposit Insurance Act, as added by subsection (a) of this section.

SEC. 3. REGULATION BY THE SECURITIES AND EXCHANGE COMMISSION.

(a) SEC RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall, after consultation with the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), promulgate regulations that—

(1) would afford customers of brokers and dealers that affect transactions on behalf of insured depository institutions and customers of affiliates of insured depository institutions protections that are substantially similar to section 18(q) of the Federal Deposit Insurance Act (as added by section 2 of

this Act) and the regulations promulgated thereunder; and

(2) are consistent with the purposes of that section 18(q) and the protection of investors.

(b) ENFORCEMENT.—The Commission shall have the same authority to enforce rules or regulations promulgated under subsection (a) as it has to enforce the provisions of the Securities Exchange Act of 1934.

SEC. 4. ENFORCEMENT COORDINATION.

The Federal banking agencies and the Securities and Exchange Commission shall work together to develop comparable methods of securities enforcement and a process for the interagency exchange of enforcement-related information.

By Mr. D'AMATO:

S. 634. A bill to amend title XIX of the Social Security Act to provide a financial incentive for States to reduce expenditures under the Medicaid Program, and for other purposes; to the Committee on Finance.

THE STATE MEDICAID SAVINGS INCENTIVE ACT OF 1995

• Mr. D'AMATO. Mr. President, I introduce the State Medicaid Savings Incentive Act of 1995. This bill will reward States that act decisively to contain Medicaid spending by allowing such States to keep 20 percent of the resulting savings to the Federal Government.

This legislation is based on an idea put forward by New York's Governor, George Pataki, when he testified recently before the House Ways and Means Committee. New York is one of several States moving to trim the cost of their Medicaid programs through greater use of managed care. As a result of New York's efforts, the Federal Government stands to save nearly $2 billion. Governor Pataki is right in suggesting that if States like New York can save the Federal Government money through cost-saving initiatives such as Medicaid managed care, then the States should be allowed to share in that savings as a reward. This creates a strong incentive for States to put in place programs that can both improve the care of Medicaid beneficiaries and lower the bill for American taxpayers.

Federal Medicaid spending will cost American taxpayers an estimated $90 billion in 1995. Over the past 5 years it has grown at a rate of over 18 percent a year. And since 1984 it has grown from 18 percent of all Federal health spending to over 28 percent in 1993.

The Congressional Budget Office's current estimates are that the cost of Medicaid will nearly double by the year 2000. That should serve as a wake up call to all of us.

With Medicaid representing the largest portion of many State budgets, our Nation's Governors are increasingly beginning to employ strategies such as increased use of managed care in an effort to keep rising Medicaid costs in check. Forty-four States already use managed care plans to serve some portion of their Medicaid population. According to the Department of Health and Human Services, about 23 percent of the nearly 34 million people enrolled in Medicaid now receive their medical care through managed care delivery systems—up from 14 percent in 1993.

These efforts not only hold the potential to lower costs, they also provide an opportunity to improve the quality of care for many Medicaid beneficiaries. This is a point on which there is bipartisan agreement. It is a view shared by HCFA Administrator Bruce Vladeck, who has said that managed care programs can, in his view, meet the needs of Medicaid recipients especially well, particularly because they emphasize preventive and primary care. That means better health care for Medicaid recipients, and a reduction in the inappropriate use of hospital emergency rooms as a source of primary care services.

We need to do more to encourage States to make their Medicaid programs more efficient. That is what our bill would do.

Our proposal would give States a strong incentive to restrain their Medicaid spending by allowing them to keep a share of any Federal savings that are achieved as a result. Under our bill, the Secretary of HHS would establish a spending baseline for each State. States that are successful in holding Medicaid below the baseline would receive a payment equal to 20 percent of the resulting savings to the Federal Government.

No State would be penalized for spending above the baseline, but those that spend below the baseline would be rewarded. And rewarding States that save the Federal Government money makes sense.

Containing the growth of Medicaid can only be accomplished with the help and cooperation of our Nation's Governors. This bill sends the message that the Federal Government stands ready to work in partnership with those States that have the determination to do what must be done to bring Medicaid costs under control.

I am pleased that this bill has the support of the majority leader; I believe it deserves the strong support of each of my colleagues, and should be enacted without delay to encourage our Nation's Governors to carry out the important and difficult work of reforming Medicaid.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Medicaid Savings Incentive Act of 1995".

SEC. 2. MEDICAID SAVINGS INCENTIVE PAYMENTS.

(a) INCENTIVE PAYMENTS.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) in paragraph (7), by striking the period and inserting "; plus"; and

(2) by adding at the end the following new paragraph:

"(8) in the case of a State to which subsection (x) applies, the amount of the incentive payment determined under such subsection.".

(b) INCENTIVE PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

"(x)(1) For purposes of subsection (a)(8), if a State achieves a rate of growth for a fiscal year which is less than the State baseline rate of growth for such fiscal year established under paragraph (3), the Secretary shall make an incentive payment to the State for the fiscal year in the amount determined under paragraph (2).

"(2) The amount of any incentive payment shall be equal to the amount that is 20 percent of the difference between the amount that the Federal Government would have paid to a State in a fiscal year for providing medical assistance in accordance with this title, if State expenditures for providing such assistance had increased by the State baseline rate of growth established under paragraph (3) for such fiscal year, and the amount that the Federal Government paid to such State in the fiscal year for providing medical assistance in accordance with this title using the actual State rate of growth for State expenditures for providing such assistance.

"(3) At the beginning of each fiscal year, the Secretary shall determine for that fiscal year a baseline rate of growth for medicaid expenditures for each State with a State plan approved under this title based on—

"(A) the historical rate of growth for such expenditures in the State; and

"(B) such other factors as the Secretary deems appropriate.".•

By Mrs. HUTCHISON (for herself, Mr. NUNN, Mr. THURMOND, and Mr. GRAHAM):

S. 635. A bill to amend title 10, United States Code, to provide uniformity in the criteria and procedures for retiring general and flag officers of the Armed Forces of the United States in the highest grade in which served, and for other purposes; to the Committee on Armed Services.

MILITARY RETIREMENT LEGISLATION

Mrs. HUTCHISON. Mr. President, the bill that we are introducing today will streamline the process for retirement of military officers who hold 3- or 4-star rank.

Under present law, the highest permanent rank that an officer may hold is that of two stars. All active duty appointments to 3- and 4-star rank are temporary appointments made by the President of the United States and must be approved by the Senate.

The President must also nominate every 3- and 4-star office for retirement in his highest grade, and the Senate must approve of that promotion again, or, under the law, the officer retires with two-star rank.

Mr. President, I am well aware of the historical precedents for the current law, but I feel that it is time that we conformed retirements for officers in the highest flag and general officer grades to those for general and flag officers in one and two star grades.

The bill we are introducing today will accomplish that. Once officers in 3- and 4-star grades have served 3 years in grade, they will be allowed to retire in grade without further action by the Senate. This will reduce the administrative work load of the Senate Armed Services Committee and the Department of Defense.

Our proposed bill will not, however, curtail Senate prerogative over the confirmation of senior military officers for active duty assignments. The President will still be required to nominate each 3- and 4-star officer for any new assignments. The Senate will have to review those nominations and approve each and every assignment while on active duty. We simply seek to expedite the ability of the Department of Defense to retire officers in grade who have completed a statutorily imposed period of honorable service and bring more equity into the system. In no other area of life does a person retire at a lower level than his or her highest rank.

The president of a business does not retire at vice president unless repromoted by the board. The GS–15 doe not retire as a GS–14—he or she retires at the grade last served, with pay based on the highest 3 years of service. I believe our highest military officers should have the same treatment.

If a person serves honorably in the last promotion in business, government, or the military—he or she should have retirement at that level.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNIFORM CRITERIA AND PROCEDURES FOR RETIRING GENERAL AND FLAG OFFICERS IN HIGHEST GRADE IN WHICH SERVED.

(a) APPLICABILITY OF TIME-IN-GRADE REQUIREMENTS.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking out "and below lieutenant general or vice admiral"; and

(2) in the first sentence of subsection (d)(2)(B), by striking out "and below lieutenant general or vice admiral".

(b) REPEAL OF REQUIREMENTS FOR SENATE CONFIRMATION.—Sections 1370(c), 3962(a), 5034, and 8962(a) of title 10, United States Code, are repealed.

SEC. 2. TECHNICAL AND CLERICAL AMENDMENTS.

(a) REDESIGNATION OF SUBSECTIONS.—(1) Subsection (d) of section 1370 of such title is redesignated as subsection (c).

(2) Sections 3962(b) and 8962(b) of such title are amended by striking out "(b) Upon" and inserting in lieu thereof "Upon".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 505 of such title is amended by striking out the item relating to section 5034.

SEC. 3. EFFECTIVE DATE FOR AMENDMENTS TO PROVISION TAKING EFFECT IN 1996.

The amendments made by sections 1(a)(2) and 2(a) shall take effect immediately after subsection (d) of section 1370 of title 10, United States Code, takes effect.

Mr. NUNN. Mr. President, I am pleased to join with Senator HUTCHISON in introducing legislation to establish equity in military retirement procedures. This legislation will provide that the retirement of 3- and 4-star officers will be considered under the same standards and procedures as other general and flag officers at the 1- and 2-star level. It will also ensure that 3- and 4-star officers facing retirement are not subjected to confirmation procedures that do not apply to their civilian superiors or other civilian government officials. In other words, this legislaion would apply the same procedures to 3- and 4-star officer retirements that apply to other military and civilian officials seeking retirement.

By way of background, promotions to 3- and 4-star positions are treated as temporary, rather than permanent promotions. This means that the individual holds the 3- or 4-star grade only while serving in the 3- or 4-star position. The member also may hold the grade for brief transitional periods to cover transfers between assignments, hospitalization, and before retirement.

Because these grades are temporary, an individual who is in a 3- or 4-star grade retains his or her permanent grade, which is typically a 2-star grade. This means that if the individual is not nominated, confirmed, or appointed to another 3- or 4-star position, the individual will revert to his or her permanent—for example, 2-star grade.

Under current law, these considerations apply to retirements as well as promotions. As a result, if a 3- or 4-star officer who retires is not nominated, confirmed, or appointed to retire in a permanent 3- or 4-star grade, the individual will revert to his or her permanent—for example, 2-star grade upon retirement—with the attendant loss of retired pay and status.

This situation applies uniquely to 3- and 4-star officers. Other flag and general officers, as well as other commissioned officers, retire in the highest grade held, subject to minimum time-in-grade requirements, without a requirement for nomination, Senate confirmation, and appointment to a retired grade.

Similarly, civilian officials who retire from the civil service are not required to face Senate confirmation, no matter how high their grade. Thus, a cabinet or subcabinent official, as well as career civil service officials, who qualify for civil service retirement will receive their full retired pay—based on years of service and high-3 years rate of pay—without action by the President or the Senate.

The effect is that 3- and 4-star officers are the only Government officials who are subject to losing retired pay and status as a result of a requirement that they be confirmed in a retired grade. Neither their civilian superiors nor any other Government officials can have their retired pay and status reduced through the confirmation process.

The proposal we are introducing today would end the requirement for retiring 3- and 4-star officers to be nominated, confirmed, and appointed in a permanent 3- and 4-star grade. The result would be that 3- and 4-star officers would retire under the same conditions as other officers—for example, 2-star officers. That is, they will retire in the highest grade they held, subject to minimum time in grade requirements.

The proposal would not change the current requirement for nomination and Senate confirmation of all 3- and 4-star active duty promotions, assignments, and reassignments.

Mr. President, I want to commend the Senator from Texas [Mrs. HUTCHISON] for preparing this proposal. I believe the concept warrants favorable consideration, but the details should receive careful review and study. The Committee on Armed Services will obtain the views of the Department of Defense, and the proposal will be considered by the Personnel Subcommittee. I look forward to working on this issue with Chairman THURMOND, and with Senator COATS, the chairman of the Personnel Subcommittee, and Senator BYRD, the ranking minority member of the subcommittee.

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 636. A bill to require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

GRAZING PERMITS LEGISLATION

Mr. DASCHLE. Mr. President, as part of its management of the national grasslands, the U.S. Forest Service issues permits to ranchers so that they might graze livestock on those lands. Through these permits, the Forest Service ensures that ranchers who utilize these public lands obey basic stewardship requirements and other important standards. Typically, permits are issued for 10 years and therefore must be reviewed and reissued at the end of that period.

In many cases, the ability of ranchers to graze on national grasslands means the difference between success and failure of their operations. Understandably, they are concerned, therefore, about reports that the Forest Service is facing shortfalls in funding needed to perform the National Environmental Policy Act [NEPA] analysis required to reissue grazing permits. Through no fault of their own, these ranchers may face the loss of their grazing privileges simply because the Federal bureaucracy is unable to fulfill its statutory responsibilities in a timely fashion.

As the Forest Service looks for funds to perform the required analysis, the resulting uncertainty leaves South Dakota ranchers, and indeed ranchers throughout the Nation, in an untenable economic situation. Moreover, this unfortunate predicament is compounded by the possibility that the Forest Service may divert funding allocated to other important activities, such as the timber program, research or recreation, for the permit renewal process. This prospect is akin to robbing Peter to pay Paul. At a time when there are insufficient resources to carry out basic management activities; diverting funds to perform the NEPA work on grazing allotments in a rushed manner could seriously jeopardize other priority programs.

In light of these concerns, I have drafted legislation to require the Forest Service to issue new permits for grazing on National Forest System lands where existing grazing permits have expired or will expire. This bill would assure ranchers that they could continue to graze livestock, even if the Forest Service is unable to complete the necessary NEPA analysis this year. Moreover, it would relieve pressure on the Forest Service to take funds away from other important activities such as timber sale preparation in the rush to complete this NEPA work.

My legislation would require the Forest Service to reissue permits to ranchers who are in compliance with the terms of their permits even if the NEPA work has not been completed. The terms of the new permits would be 3 years or until the necessary NEPA work is completed, whichever is sooner. It would not cover ranchers whose permits have been revoked for violations of the rules or new applications. These, I believe, are fair and reasonable conditions.

It is not my intention to overturn the requirements of NEPA. I believe that NEPA assessments provide valuable insight into the effects of range management, insights that in turn can be used to strengthen the entire grazing program. But it has become clear that in this time of funding constraints, some permits may not be reissued on time for procedural rather than substantive reasons. That is not acceptable.

Penalizing ranchers for a failure of the Federal Government to perform the necessary NEPA analysis is neither fair nor defensible. I hope that my colleagues will join me in supporting this effort to ensure the unbroken use of the range by ranchers who have complied with the terms of their permits and thus deserve to have them renewed. I ask unanimous consent that the entire text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this Act as the "Secretary") administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, 1 of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this Act is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. 2. DEFINITIONS.

In this Act:

(1) EXPIRING TERM GRAZING PERMIT.—The term "expiring term grazing permit" means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term "term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled "An Act to facilitate and simplify the work of the Forest Service, and for other purposes", approved April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

SEC. 3. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit ; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321

et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. 4. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section 3(a) shall not be subject to administrative appeal or judicial review.

SEC. 5. REPEAL.

This Act is repealed effective as of January 1, 2001.

By Mr. McCAIN:

S. 637. A bill to remove barriers to interracial and interethnic adoptions, and for other purposes; to the Committee on Finance.

THE ADOPTION ANTIDISCRIMINATION ACT OF 1995

• Mr. McCAIN. Mr. President, I am pleased to introduce the Adoption Antidiscrimination Act of 1995, a bill that will prevent discrimination on the basis of race, color, or national origin in the placement of children with adoptive families.

There are few situations in this world more tragic than a child without a family. Such children do not have the basic security of parents and a permanent home environment that most of us take for granted, and that is so important to social development. Consequently, there is little that a society could do that is more cruel to a child than to deny or delay his or her adoption by a loving family, particularly if the reason for the denial or delay is that the child and family are of different races. Yet, this is precisely what our public policy does.

In the late 1960's and early 1970's, over 10,000 children were adopted by families of a different race. This was before many adoption officials decided, without any empirical evidence, that it is essential for children to be matched with families of the same race, even if they have to wait for long periods for such a family to come along. The forces of political correctness declared interracial adoptions the equivalent of cultural genocide. This was, and continues to be, nonsense.

Sound social science research has found that interracial adoptions do not hurt the children or deprive them of their culture. According to Dr. Howard Alstein, who has studied 204 interracial adoptions since 1972, "We categorically have not found that white parents cannot prepare black kids culturally." He further concluded that "there are bumps along the way, but the transracial adoptees in our study are not angry, racially confused people" and that "They're happy and content adults."

Since the mid-1970's, there have been very few interracial adoptions. For example, African-American children who constitute about 14 percent of the child population currently comprise over 40 percent of the 100,000 children waiting in foster care. This is despite 20 years of Federal efforts to recruit African-American adoptive families and substantial efforts by the African-American community. As stated by Harvard Law Prof. Randall Kennedy concerning the situation in Massachusetts, "Even if you do a super job of recruiting, in a State where only 5 percent of the population is black and nearly half the kids in need of homes are black, you are going to have a problem."

The bottom line is that African-American children wait twice as long as other children to be adopted. Our discriminatory adoption policies discouraging interracial adoptions are hurting these children, and this is entirely unacceptable.

Last year, Senator METZENBAUM attempted to remedy this problem by introducing the Multi-Cultural Placement Act of 1994. That bill was conceived and introduced with the best of intentions. Its stated purpose was to promote the best interests of children by decreasing the time that they wait to be adopted, preventing discrimination in their placement on the basis of race, color, or national origin, and facilitating the identification and recruitment of foster and adoptive families that can meet children's needs.

Unfortunately, the Metzenbaum bill was weakened throughout the legislative process and eviscerated by the Clinton administration Department of HHS in conference. After the original bill was hijacked, a letter was sent from over 50 of the most prominent law professors in the country, including Randall Kennedy, imploring Congress to reject the bill. They warned that it "would give congressional backing to practices that have the effect of condemning large numbers of children—particularly children of color—to unnecessarily long stays in institutions or foster care." Their admonition was not heeded, and the bill was passed as part of the Goals 200 legislation last year.

As Senator METZENBAUM concluded, "HHS intervened and did the bill great harm." The legislation that was finally signed by the President does precisely the opposite of what was originally intended. It allows race to continue to be used as a major consideration and effectively reinforces the current practice of racial matching. Consequently, adoption agencies receiving Federal funds continue to discourage interracial adoptions, increasing the time children must wait to be adopted and permitting discrimination in the adoption process. I am informed that 43 States have laws that in some way keep children in foster care due to race.

The bill that I am introducing today repeals the Metzenbaum law and replaces it with a clear unambiguous requirement that adoption agencies which receive Federal funds may not discriminate on the basis of race, color, or national origin. By far the most important consideration concerning adoptions must be that children are placed without delay in homes with loving parents, irrespective of their particular racial or ethnic characteristics. This overriding goal must take precedence over any unproven social theories or notions of political correctness.

Mr. President, if we owe children without families anything, we owe them the right to be adopted by families that want them without being impeded by our social prejudices and preconceptions. Denying adoption on the basis of race is no less discrimination than denying employment on the basis of race. And the consequences are certainly no less severe. Let us, finally get beyond race and allow people who need each other—children and familes—to get together.

Mr. President, I request unanimous consent that the text of the bill, and a letter of support from the National Council for Adoption, be included in the RECORD. As a result of the efforts of Congressman BUNNING, similar legislative language has been incorporated into the Personal Responsibility Act, H.R. 4.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Adoption Antidiscrimination Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted, and minority children often wait

twice as long as other children to be adopted; and

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures.

(b) PURPOSE.—The purpose of this Act is to promote the best interests of children by—

(1) decreasing the length of time that children wait to be adopted; and

(2) preventing discrimination in the placement of children on the basis of race, color, or national origin.

SEC. 3. REMOVAL OF BARRIERS TO INTERRACIAL AND INTERETHNIC ADOPTIONS.

(a) PROHIBITION.—A State or other entity that receives funds from the Federal Government and is involved in adoption or foster care placements may not—

(1) deny to any person the opportunity to become an adoptive or a foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or

(2) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(b) PENALTIES.—

(1) STATE VIOLATORS.—A State that violates subsection (a) shall remit to the Secretary of Health and Human Services all funds that were paid to the State under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) (relating to foster care and adoption assistance) during the period of the violation.

(2) PRIVATE VIOLATORS.—Any other entity that violates subsection (a) shall remit to the Secretary of Health and Human Services all funds that were paid to the entity during the period of the violation by a State from funds provided under part E of title IV of the Social Security Act.

(c) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—Any individual or class of individuals aggrieved by a violation of subsection (a) by a State or other entity may bring an action seeking relief in any United States district court or State court of appropriate jurisdiction.

(2) STATUTE OF LIMITATIONS.—An action under this subsection may not be brought more than 2 years after the date the alleged violation occurred.

(d) ATTORNEY'S FEES.—In any action or proceeding under this Act, the court, in the discretion of the court, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses and costs, and the States and the United States shall be liable for the fee to the same extent as a private individual.

(e) STATE IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution from an action in Federal or State court of appropriate jurisdiction for a violation of this Act.

(f) NO EFFECT ON INDIAN CHILD WELFARE ACT OF 1978.—Nothing in this Act shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SEC. 4. REPEAL.

Subpart 1 of part E of title V of the Improving America's Schools Act of 1994 (42 U.S.C. 5115a) is amended—

(1) by repealing sections 551 through 553; and

(2) by redesignating section 554 as section 551.

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

NATIONAL COUNCIL FOR ADOPTION,
Washington, DC, March 23, 1995.
Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The National Council For Adoption is very supportive of your proposed legislation to end racism in our child welfare system. The research on transracial adoptions shows that:

Children of color wait twice as long as white children for permanent loving homes simply because of the color of their skin.

While African-Americans make up to 12–14 percent of the population an overwhelming 40 percent of the estimated 100,000 children waiting for homes are black. The numbers don't match.

Children of color raised in white homes are not "lost" to their ethnic heritage, they do well academically, feel good about themselves and become productive citizens.

The Multi-Ethnic Placement Act of 1994 ought to be repealed as the legislative language and its purposes were hopelessly hijacked by amendments insisted upon by the Administration.

We applaud your interest and your proposed legislation which is aimed at reducing the time children of color spend without homes. We stand ready to work closely with you to ensure timely passage.

Sincerely,
CAROL STATUTO BEVAN, Ed.D.,
Vice President for Research and Public Policy.•

By Mr. MURKOWSKI (by request):

S. 638. A bill to authorize appropriations for United States insular areas, and for other purposes; to the Committee on Energy and Natural Resources.

THE INSULAR DEVELOPMENT ACT

• Mr. MURKOWSKI. Mr. President. At the request of the administration, I am today introducing legislation "to authorize appropriations for United States insular areas, and for other purposes". The legislation was transmitted by the Assistant Secretary of the Interior for Territorial and International Affairs to implement the funding recommendations contained in the President's proposed budget for fiscal year 1996. The legislation, if enacted, would replace the current annual guaranteed funding for the Commonwealth of the Northern Mariana Islands with a new program. The new program would complete the infrastructure funding contemplated under the agreement negotiated by the administration with the Commonwealth and redirect the balance of the funds to other territorial needs.

For the current fiscal year, Congress redirected a portion of the Commonwealth funding to support of efforts by the Departments of Justice, Labor, and the Treasury to work with the Commonwealth government to address a variety of concerns that have arisen in the Commonwealth. A report on that effort is due from the Department of the Interior shortly, and we will want to consider the findings and recommendations in that report to determine whether some of these funds might be better spent in support of those activities. I am also concerned with that provision of the proposed legislation that would provide operational grants to Guam and the Commonwealth for compact impact assistance. I do not have any particular objections to providing that assistance if it is justified, if the budget limitations allow funding, and if that assistance is a higher priority than other needs. My concern is providing that assistance through an entitlement rather than through discretionary appropriations. The central objective of the current 7 year agreement with the Commonwealth is to eliminate operational assistance and focus on necessary infrastructure needs. Replacing one type of operational assistance with another seems to me to be a step back.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Insular Development Act of 1995.

SEC. 2. NORTHERN MARIANA ISLANDS.

There is authorized to be appropriated to the Secretary of the Interior for the Commonwealth of the Northern Mariana Islands $6,140,000, backed by the full faith and credit of the United States, for each of fiscal years 1996 through 2001, for capital improvement projects in the environmental, health, and public safety areas, administration and enforcement of immigration and labor laws, and contribution toward costs of the compacts of free association (for the same duration and purposes as are applied to Guam in Public Law 99–239 as amended by section 3 of this Act).

SEC. 3. IMPACT OF THE COMPACT.

(a) Paragraph (6) of subsection (e) of section 104 of Public Law 99–239 (99 Stat. 1770, 48 U.S.C. 1681 note), is amended by striking everything after the word "after" and inserting in lieu thereof the following language: "September 30, 1995 and ending September 30, 2001, $4,580,000 annually, backed by the full faith and credit of the United States, for Guam, as a contribution toward costs that result from increased demands for education and social program benefits by immigrants from the Marshall Islands, the Federated States of Micronesia, and Palau."

SEC. 4. CAPITAL INFRASTRUCTURE.

There is authorized to be appropriated to the Secretary of the Interior $17,000,000 for each fiscal year beginning after September 30, 1995 and ending September 30, 2001, backed by the full faith and credit of the United States, for grants for capital infrastructure construction in American Samoa, Guam, and the United States Virgin Islands, *Provided*, That the annual grant to American Samoa shall not exceed $15,000,000 and the annual grants for Guam and the United States Virgin Islands shall not exceed $3,000,000 each.

SEC. 5. CAPITAL INFRASTRUCTURE FUNDING REQUIREMENTS.

(a) No funds shall be granted under this Act for capital improvement projects without the submission by the respective government of a master plan of capital needs that

(1) ranks proposed projects in order of priority, and (2) has been reviewed and approved by the Department of the Interior and the United States Army Corps of Engineers. The insular areas' individual master plans, with comments, shall be presented in the Department of the Interior's annual report on the State of the Islands, and shall be the basis for any requests for capital improvement funding through the Department of the Interior or the Congress.

(b) Each grant by the Department of the Interior shall include a five percent payment into a trust fund, to be administered by the Governor (as trustee) of the territory in which the project is located, solely for the maintenance of such project. No funds shall be paid pursuant to a grant under subsection (a) of this section without the prior appropriation and payment by the respective territorial government to the trustee, of an amount equal to the federal contribution for maintenance of the project. A maintenance plan covering the anticipated life of each project shall be adopted by the Governor of the respective insular area and approved by the Department of the Interior before any grant payment for construction is released by the Department of the Interior.

(c) The capital infrastructure funding authorized under this Act is authorized to be extended for an additional three-year phase-out period: *Provided*, That each grant during the additional period contains a dollar sharing by each grantee and the grantor in the following ratios: twenty-five/seventy-five percent for the first year, fifty/fifty percent for the second year, seventy-five/twenty-five percent for the third year; *Provided further*, That funding for capital infrastructure for the Commonwealth of the Northern Mariana Islands shall not exceed $3,000,000 annually during the period of such extension.

SEC. 6. REPEAL.

Effective after September 30, 1995, no additional funds shall be made available under subsection (b) of section 4 of Public Law 94-241 (90 Stat. 263, 48 U.S.C. 1681 note), and such subsection is repealed.

SECTION-BY-SECTION ANALYSIS

Section 1 states the short title of the Act to be the "Insular Development Act of 1995."

Section 2 authorizes a full faith and credit appropriation in an annual amount of $6.14 million for fiscal years 1996 through 2001 to the Secretary of the Interior for Commonwealth of the Northern Mariana Islands (CNMI) devoted to the following purposes: (1) capital improvement projects in environmental, health, and public safety areas, (2) administration and enforcement of immigration and labor laws, and (3) contribution toward costs of the compacts of free association incurred by the CNMI.

Section 3 amends the law authorizing payments to United States Pacific jurisdictions for costs associated with the compacts of free association to provide a specific $4.58 million annual full faith and credit payment to Guam as a contribution toward such costs incurred by Guam.

Section 4 authorizes a full faith and credit appropriation in the annual amount of $17 million for fiscal years 1996 through 2001 to the Secretary of the Interior for capital infrastructure construction in American Samoa, Guam, and the Virgin Islands. The insular area with the greatest need, American Samoa, would receive annual grants of between $11 million and $15 million; Guam and the Virgin Islands would each receive annual grants of up to $3 million.

Section 5(a) provides that capital infrastructure funds granted under sections 2, 4, and 5 of the bill would be subject to master plans developed by the respective government that rank projects in priority order. The plans would be subject to review and approval by the Department of the Interior and United States Army Corps of Engineers.

Section 5(b) provides that five percent of each Interior grant for capital infrastructure and a matching amount by the respective insular government be paid into trust funds solely for expenditure on maintenance of each project, according to a maintenance plan approved by Interior. The respective insular governor would be the trustee.

Section 5(c) provides for extension of only the capital infrastructure program, authorized in section 4, for an additional three-year phase-out period. The federal share of construction grants would decrease to seventy-five percent in the first year, fifty percent in the second year, and twenty-five percent in the third year, before termination of the program.

Section 6, repeals subsection (b) of section 4 of Public Law 94-241 (which mandates continuing payments of $27.7 million to the Commonwealth of the Northern Mariana Islands until otherwise provided by law). The provision explicitly states that no additional funds shall be made available under this subsection of the 1976 law after fiscal year 1995.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, February 27, 1995.

Hon. ALBERT GORE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "(t)o authorize appropriations for United States insular areas, and for other purposes."

The Department of the Interior recommends that the bill be introduced, referred to the appropriate committee, and enacted.

The bill would terminate the mandatory financial assistance paid to the Commonwealth of the Northern Mariana Islands (CNMI) and shift such mandatory assistance to more pressing territorial needs, i.e., contribution to Guam and the CNMI for impact of immigration caused by the Compacts of Free Association, and capital infrastructure construction. The bill would follow-through on a commitment by the Congress to contribute to the defraying of impact costs incurred by Guam and the CNMI, and would represent a commitment to the territories by President Clinton and the Congress to address the territories' most pressing capital infrastructure needs. The draft bill is consistent with the budgetary requirements under "Paygo."

The Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Covenant) committed the federal government to mandatory funding for the CNMI for a period of seven years—1979 through 1985. A total of $228 million in full faith and credit funding for a subsequent seven-year period was approved by the Congress in legislation (Pub. L. 99-396, 100 Stat. 840) that provided—

"(u)pon the expiration of the period of Federal financial assistance . . ., payments of direct grant assistance shall continue at the annual level provided for the last fiscal year of the additional period of seven fiscal years until Congress otherwise provides by law."

Congress has not over the last two years approved a third and final financial assistance agreement, nor acted on Administration proposals transmitted with the 1994 and 1995 budgets.

With no additional provisions of law by the Congress, however, the CNMI continues to receive $27.7 million annually as it did in fiscal year 1992, the final year of the second seven-year period.

PROVISIONS OF THE DRAFT BILL

The draft bill addresses specific concerns shared by the Congress, the Administration and the insular areas.

CNMI

The bill would authorize $6,140,000 a year for the Commonwealth of the Northern Mariana Islands through the year 2001 for the purposes of capital improvement projects, administration and enforcement of immigration and labor laws, and contribution to costs of the compacts of free association. Flexibility would be accorded the CNMI in allocating the funding among such purposes. If authorized, the CNMI will have received a total of $120 million during the period of fiscal years 1993 through 2001—the equivalent of the 1992 agreement reached with the CNMI representatives.

The bill would shift remaining mandatory funding to other priority insular needs, i.e., territorial infrastructure needs, and the congressional commitment to reimburse United States jurisdictions for the impact of the compacts of free association.

Guam

When the Compact of Free Association for the Marshall Islands and the Federated States of Micronesia was approved by the Congress, section 104(e)(6) of the Public Law 99-239 authorized the payment of impact of the Compact costs incurred by United States Pacific island jurisdictions due to the extension of education and social services to immigrants from the freely associated states. The Palau Compact legislation (Public Law 99-658) included Palau by reference. The Governments of Guam and the CNMI contend that they have incurred costs in excess of $75 million. While definitions of eligible costs and the magnitude of the costs may be in question, all agree that Guam and the CNMI have sustained substantial expenses due to the Compact. With the implementation of the Palau Compact, which occurred on October 1, 1994, we anticipate that the problem will be compounded. Under the draft bill, funds to defray costs for the CNMI would be a part of the CNMI authorization contained in section 2 of the draft bill. Annual payments of $4.58 million for Guam would help defray Guam's expenses. The contributions would cease at the end of the Compact period, September 30, 2001.

Capital infrastructure

The remaining $17 million in mandatory funding would be redirected to pressing capital infrastructure needs in American Samoa, Guam and the Virgin Islands for a minimum period of six years. American Samoa has unfunded capital infrastructure needs well in excess of $100 million. Guam and the Virgin Islands have substantial needs in the environmental, health, and public safety areas.

The draft bill would give recognition to the fact that of the four small United States territories, American Samoa has the greatest need for capital infrastructure, but lacks resources for financing construction.

The bill would allow American Samoa to receive up to $15 million annually for capital infrastructure projects. Guam and the United States Virgin Islands would receive up to $3 million annually for capital infrastructure projects related to the environment, health, and public safety.

Capital infrastructure funds would be released only after an insular area—

Develops a capital infrastructure master plan approved by the Department of the Interior and the United States Army Corps of Engineers, and

Contributes five percent of the project cost to a maintenance fund for the project to be expended according to the project's maintenance plan.

Phase out

After the initial six years of mandatory funding, the program may be extended for an additional three-year, phase-out period, with grantee/federal sharing as follows: 25/75 percent in the first year, 50/50 percent in the second year, and 75/25 percent in the third year. Because section 2 of the draft bill which includes capital infrastructure funding for the Northern Mariana Islands will terminate at the end of the fiscal year 2001, the Northern Mariana Islands would participate in the phase-out years of the capital infrastructure program in annual amounts up to $3 million, like Guam and the Virgin Islands.

The proposed bill would have no negative effect on the Federal budget and meets "Paygo" requirements by shifting the purpose of existing mandatory funding. Discretionary savings would result by shifting existing discretionary infrastructure funding for the purposes identified in the bill to this proposed replacement program.

The Office of Management and Budget advises that there is no objection to presentation of this draft bill from the standpoint of the Administration's program.

Sincerely,

LESLIE M. TURNER,
Assistant Secretary, Territorial and International Affairs.•

By Mr. CAMPBELL (for himself and Mr. JOHNSTON):

S. 639. A bill to provide for the disposition of locatable minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOCATABLE MINERAL MINING REFORM ACT OF 1995

• Mr. JOHNSTON. Mr. President, I am pleased to join my colleague from Colorado, Senator CAMPBELL, as a cosponsor of this legislation and I commend him for his leadership in this area. As a member of the Energy and Natural Resources Committee, the Senator has been very active in working for a mining law reform bill that will make needed reforms, get this issue behind us, and give the mining industry some certainty.

The bill we are introducing today, with one exception, is very similar to the so-called 8-2 chairman's mark which we crafted last summer during the House-Senate conference on mining law reform. While we were not able to enact this proposal, I think it embodied a balanced and middle ground approach to most of the key issues involved in this controversy. Frankly, I believe this bill represents a better starting point for our deliberations this year than either of the other proposals currently before the committee. Some may feel this bill goes too far in some areas; others may think it does not go far enough in addressing certain issues. While I am certain that this bill will undergo some changes, I think the measure Senator CAMPBELL and I are proposing will provide a vehicle which will facilitate the enactment of a mining law reform bill this year.

The one significant difference between this bill and last year's chairman's mark is in the area of State water rights. Senator CAMPBELL has replaced the water provisions of last summer's bill with language which protects the ability of the States to make decisions regarding water quality and quantity consistent with existing State and Federal law. Certainly the water issue was one of the most contentious issues we dealt with last year, and I am sure it will be again.

Mr. President, I look forward to working with Senator CAMPBELL, as well as Senator CRAIG and Senator BUMPERS, to confect a bill that can pass both the Senate and the House and that the President will sign.•

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. REID, Mr. BOND, Mr. GRAHAM, and Mr. MCCONNELL):

S. 640. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE WATER RESOURCES DEVELOPMENT ACT OF 1995

Mr. WARNER. Mr. President, I am pleased to introduce today, along with my colleagues, Senator CHAFEE, Senator REID, Senator MCCONNELL, Senator BOND, and Senator GRAHAM, the Water Resources Development Act of 1995.

This legislation authorizes civil works programs for the U.S. Army Corps of Engineers which preserves the navigation of our harbors and channels so critical to the shipping of agricultural products and industrial goods. It also provides for flood control and storm damage reduction essential to protecting lives and property.

Mr. President, since 1986, when the Congress established the landmark principles for non-Federal cost-sharing of water resource projects, the authorization of the Corps of Engineers civil works programs has occurred on a biennial basis.

This 2-year authorization cycle has provided our local partners in water resources development a level of continuity which has aided their planning and budgeting needs.

Unfortunately, this 2-year cycle was broken by Congress last year when we failed to enact this legislation.

I believe my colleagues will find this bill to be a modest reauthorization proposal that maintains the uniform requirements of cost-sharing between the Federal Government and non-Federal project sponsors.

This legislation responds to water resource needs that are in the Federal interest and meet the benefit to cost ratio of 1 to 1. This means that for every Federal dollar invested in a project, the taxpayer receives more than a dollar in benefits in return.

Mr. President, this legislation also funds projects consistent with the requirements of current law. I must state that I do not support the recommendations contained in the President's fiscal year 1996 budget submittal to terminate Federal participation in local flood control and hurricane protection because I believe that there is significant justification for continuing an appropriate level of Federal funding for these projects.

Yes, the Corps of Engineers, like all Federal agencies, must achieve significant reductions in its budget. In Congress, we must give close scrutiny to water resource needs to determine if Federal funding is warranted under severe budget constraints. We must not, however, unwisely and abruptly abandon the corps' central mission: to protect lives and property.

Such a policy may only serve to shift costs to other Federal agencies and departments. We must recognize that there will always be unforeseen circumstances, times of national emergency, or situations too costly for economically strapped communities to handle expensive projects by themselves.

Mr. President, since I was first elected to the Senate in 1979, and for the following 7 years, I sponsored legislation in each Congress to provide for the deepening and maintenance of our deep-draft ports. Developing a strong partnership with our non-Federal sponsors through cost-sharing was the cornerstone of my legislation.

During the years, since 1976, the Congress and the executive branch had been gridlocked over the financing of water resource projects. Also at that time, global demand for steam coal skyrocketed. But, our ports could not respond to this world demand. In Hampton Roads Harbor, colliers were lined up in the Chesapeake Bay to enter the coal terminals. Upon loading, they would wait for high tide to leave the harbor.

The 1986 Water Resources Development Act [WRDA] was the culmination of our efforts to resolve many contentious issues—including cost-sharing.

I remain committed to the principle of cost-sharing which has become the cornerstone of a successful corps program. As intended, it has ensured that only those projects with strong local support are funded and it has leveraged substantial non-Federal money. Since the enactment of WRDA 1986, funding for Virginia projects has totalled $590 million in Federal funds which has stimulated more than $343 million in non-Federal money.

It was no easy task to devise reasonably fair cost-sharing formulas which were mindful of the difficulty of small communities to contribute to the costs of constructing flood control projects, of our coastal communities to receive credit for the value of property to be protected from hurricanes and of our commercial ports and inland waterways to remain competitive in a shrinking global marketplace.

WRDA 1986 has worked well in three major respects. First, by requiring our local partners to share these costs, it has succeeded in ensuring that the most worthy projects receive Federal funding. Second, it has ensured that our commercial ports and inland waterways remain open for commercial traffic and are now able to serve the larger bulk cargo ships, including the super coal colliers. Third, it has allowed the United States to meet our national security commitments abroad.

Mr. President, these principles remain valid today as we judge those projects which will provide the greatest return for our investment of limited Federal dollars. For these reasons, it is appropriate that Congress continue the Corps' fundamental missions of navigation, flood control, floodplain management, and storm damage reduction.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator JOHN WARNER and others in cosponsoring legislation to reauthorize the civil works program at the U.S. Army Corps of Engineers. With the exception of 1994, the Congress has authorized this necessary infrastructure program on a biennial basis since 1986.

WRDA 1986

As many in the Senate are aware, the 1970's and early 1980's brought a departure from the previous practice of approving omnibus authorization bills and predictable appropriations for the construction of water resources projects. In 1986, however, we broke the logjam. After years of legislative and executive policy confrontations over the role of the Federal Government in water policy, Congress approved the Water Resources Development Act of 1986. The legislation is often referred to as WRDA.

The 1986 Act was landmark legislation because we finally instituted a reasonable framework for local cost-sharing of Army Corps' projects and feasibility studies. This was a huge step in the right direction. I helped author those cost-sharing provisions because there was a real need to recognize our limited Federal resources and the financial responsibility of local project sponsors.

COST SHARING

In establishing cost-sharing formulas for these projects and studies, the Congress accomplished at least two important objectives. First, by reducing the Federal contribution toward individual projects, we have been able to use roughly the same level of total Federal funding for many additional proposals which, despite their particular merit, had previously gone by the wayside without full Federal funding.

Second, by requiring a local match, we have brought the locally affected parties into the decisionmaking process. Even though improvements are still necessary on that score, I think it is fair to say that our State and local partners have much greater input than they once did.

BUDGET REDUCTION

Now we face a period of even greater fiscal austerity. In an effort to find spending reductions in the out years, the administration has proposed to significantly reduce Federal involvement in the construction of new flood control and coastal storm protection projects. Also being discussed are plans to phase out the Federal maintenance of harbors and ports which do not contribute to the harbor maintenance trust fund.

Perhaps such dramatic change is necessary if we are to reverse the trend of debt spending in Washington. Perhaps this sort of reduction in Federal involvement is exactly what the voters called for last November. I happen to believe that a need still exists for Federal involvement in some of these areas. The interstate nature of flooding warrants Federal coordination and assistance.

Yet, spending reductions must be made. As in 1986, we are being called upon to make tough choices in the effort to define the appropriate Federal role for construction and management of water-related resources.

WRDA 1995

I believe that Senator WARNER has struck a careful balance in the legislation he is proposing today. This bill is cost conscious. Preliminary estimates conducted by the Congressional Budget Office score the authorization level of this measure at less than 50 percent of the nearly $3 billion authorized by WRDA 1992. Even though significant cost and scope reductions are made here—we still authorize a broad mix of navigation, flood control, shoreline protection, and environmental restoration projects and studies.

While the administration has every right to propose long-term savings through broad, overarching policy shifts and program phase-outs, I am convinced that we can achieve more significant and equitable spending reductions through the authorization process.

I am grateful that Senator WARNER has taken the lead this year on water resources reauthorization. Mr. President, with his direction and with the cooperation of colleagues, I am confident that we will see passage of this bill this year.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. HATCH, Mr. JEFFORDS, Mr. FRIST, Mr. PELL, Mr. DODD, Mr. COATS, and Mr. SIMON):

S. 641. A bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes; to the Committee on Labor and Human Resources.

THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, on behalf of myself and Senators KENNEDY, HATCH, PELL, JEFFORDS, FRIST, DODD, COATS, and SIMON, I introduce the Ryan White CARE Reauthorization Act of 1995.

The CARE Act has played a critical role in improving the quality and availability of medical and support services for individuals with HIV disease and AIDS. The most significant assistance under this act is provided through titles I and II. Title I provides emergency relief grants to cities disproportionately affected by the HIV epidemic. Title II provides formula grants to States and territories to improve the quality, availability, and organization of health care and support services.

As the HIV epidemic continues, the need for this important legislation remains. There is a need as well to modify its provisions to take into account the changing face of the HIV epidemic since the CARE Act was first enacted in 1990. Once primarily a coastal urban area problem, the HIV epidemic now reaches the smallest and most rural areas of this country. In addition, minorities, women, and children are increasingly affected.

This reauthorization bill builds on the successful four-title structure of the current CARE Act and includes many important improvements. Chief among these are changes in the funding formulas which would ensure greater funding equity and which provide a single appropriation for titles I and II.

The General Accounting Office [GAO] has identified large disparities and inequities in the current distribution of CARE Act funding. This legislation, developed with GAO input, authorizes equity formulas for titles I and II based on an estimation of the number of individuals currently living with AIDS and the costs of providing services. In addition, the new title II formula includes an adjustment to offset the double-counting of individuals by States, when such States also include title I cities.

The purpose of these changes is to assure a more equitable allocation of funding, based on where people with the illness are currently living. With any formula change, there is always the concern about the potential for disruption of services to individuals now receiving them. To address this concern, the bill maintains home-harmless floors designed to assure that no entity receives less than 92.5 percent of its 1995 allocation over the next 5 years.

In an effort to target resources to the areas in greatest need of assistance, the bill also limits the addition of new title I cities to the program. Beginning in fiscal year 1998, current provisions which establish eligibility for areas with a cumulative AIDS caseload in excess of 2,000 will be replaced with provisions offering eligibility only when over 2,000 cases emerge within a 5-year period.

The legislation makes a number of other important modifications:

First, it moves the Special Projects of National Significance Program to a new title V, funded by a 3-percent set-aside from each of the other four titles. In addition, it adds Native American communities to the current list of entities eligible for projects of national significance.

Second, it creates a statewide coordination and planning process to improve coordination of services, including services in title I cities and title II States.

Third, it extends the administrative expense caps for title I and II to subcontractors.

Fourth, it authorizes guidelines for a minimum State drug formulary.

Fifth, it modifies representation on the title I planning councils to more accurately reflect the demographics of the HIV epidemic in the eligible area.

Sixth, for the title I supplemental grants, a priority is established for eligible areas with the greatest prevalence of comorbid conditions, such as tuberculosis, which indicate a more severe need.

I believe that the changes proposed by this legislation will assure the continued effectiveness of the Ryan White CARE Act by maintaining its successful components and by strengthening its ability to meet emerging challenges. Putting together this legislation has involved the time and commitment of a wide variety of individuals and organizations. I want to acknowledge all of their efforts, and I particularly appreciate the constructive and cooperative approach which Senator KENNEDY has lent to the development of this legislation. It is my hope that the Senate can act promptly in approving this measure. I ask unanimous consent a summary of this bill be made a part of the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE REAUTHORIZATION ACT

1. The current four-title structure of the Ryan White CARE Act is maintained.

Title I: Provides emergency relief grants to eligible metropolitan areas (EMAs) disproportionately affected by the HIV epidemic. One-half of the Title I funds are distributed by formula; the remaining one-half is distributed competitively.

Title II: Provides grants to states and territories to improve the quality, availability, and organization of health care and support services for individuals with HIV disease and their families. The funds are used: to provide medical support services for individuals who are not included in the Title I areas; to continue insurance payments; to provide home care services; and to purchase medications necessary for the care of these individuals. Funding for Title II is distributed by formula.

Title III(b): Supports early intervention services on an out-patient basis—including counseling, testing, referrals, and clinical, diagnostic, and other therapeutic services. This funding is distributed by competitive grants.

Title IV: Provides grants for research and services for pediatric patients.

2. A single appropriation for Title I grants to eligible metropolitan areas and Title II grants to states is authorized for fiscal year 1996.

A single appropriation should help unify the interest of grantees in assuring funding for all individuals living with AIDS, regardless of whether they live in EMAs or states.

The appropriation is divided between the two titles based on the ratio of fiscal year 1995 appropriations for each title. Sixty-four percent is designated for Title I. The Secretary is authorized to develop and implement a method to adjust the distribution of funding for Title I and Title II to account for new Title I cities and other relevant factors for fiscal year 1997 through fiscal year 2000. If the Secretary does not implement such a method, separate appropriations for titles I and II are authorized, beginning in fiscal year 1997 and extending through fiscal year 2000.

3. Equity formulas are authorized for Titles I and II based on an estimation of the number of individuals living with AIDS and the costs of providing services.

The present distribution formulas have led to disparity in funding for individuals living with AIDS based on where they live. This is due to: a caseload measure which is cumulative, the absence of any measure of service costs, and the counting of EMA cases by both the Titles I and II formulas.

The equity formulas will include an estimate of living cases of AIDS. This estimate is calculated by applying a different weight to each year of cases reported to the Centers for Disease Control and Prevention over the most recent ten-year period. A cost index is determined by using the average Medicare hospital wage index for the three-year period immediately preceding the grant award. Over a five-year period, hold-harmless floors for the formulas are provided in order to assure that no entity receives less than 92.5 percent of its 1995 allocation. The phase-in is provided to avoid disruption of services to beneficiaries, while still allowing for the redistribution of funds.

4. The addition of new Title I cities will be limited.

The current designation criteria for Title I cities was developed to target emergency areas. Five years after the initial enactment of the Ryan White CARE Act, the epidemic persists. However, the needs have changed from emergency relief to maintenance of existing efforts. In addition, Title II funding has been used to develop infrastructure in large metropolitan areas, decreasing the relative need for emergency Title I funding.

However, to allow for true future emergencies, the Title I definition is refined to include only those areas which have a population of at least 500,000 individuals and a cumulative total of more than 2,000 cases of AIDS in the preceding five years. This requirement will not apply to any area that is deemed eligible before fiscal year 1998.

5. A priority for the Title I supplementary grants is established.

The severity of illness has a major impact on the delivery of services. The reauthorization establishes a priority for the distribution of funds which accounts for co-morbid conditions as indicators of more severe HIV-disease. Such conditions include sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, and homelessness.

6. The Special Projects of National Significance (SPNS) and the AIDS Education and Training Centers are included in a new Title V.

Currently, SPNS is part of Title II and is funded by a 10 percent Title II set-aside. The reauthorization bill provides that the SPNS program will receive a 3 percent set-aside from each of the other four titles. The SPNS project will address the needs of special populations, assist in the development of essential community-based service infrastructure, and ensure the availability of services for Native American communities.

The AIDS Education and Training Centers program is transferred from federal health professions education legislation. This program provides funding for the training of health personnel in the diagnosis, treatment, and prevention of HIV disease. Its purpose is to assure the availability of a cadre of trained individuals for the CARE Act programs.

7. A statewide coordination and planning process is created to improve coordination of services, including services in Title I cities and Title II states.

8. Representation on the Title I planning councils is changed to more accurately reflect the demographics of the HIV epidemic.

9. Guidelines for a minimum state drug formulary are authorized.

Therapeutics improve the quality of life of patients with HIV disease and minimize the need for costly inpatient medical care. The medical state of the art is constantly changing. The guidelines will help states to keep abreast of these changes and to develop a drug formulary which is composed of available Food and Drug Administration approved therapies.

10. Administrative caps for Titles I and II are extended to contractors and subcontractors.

Administrative costs for grantees and subcontractors are tightly defined and limited. This limitation will ensure monies are utilized to provide services for people living with AIDS rather than subsidizing excessive administrative expenses.

BACKGROUND ON THE AIDS EPIDEMIC

1. The HIV epidemic continues to be a national problem:

The number of AIDS cases has increased to 441,000; one-fifth of the new cases occurred in 1994.

AIDS is now the leading cause of death for all Americans between the ages of 25 to 44.

Cases are distributed across the United States—with only relative sparing of a few Northern Plains and Mountain states.

2. Trends:

The Northeast incidence is higher for the injecting drug user than for other populations.

The Southern region cases remain primarily among the gay male population.

The proportion of the epidemic among gay males in the Midwest and the West has stabilized.

The heterosexual AIDS epidemic is increasing dramatically.

Heterosexual transmission is now the leading cause of AIDS in women.

The highest concentration of infected women is in the coastal Northeast, the mid-atlantic, and the Southeast.

Cases in the Northeast remain primarily within urban centers, while cases in the Southeast are more likely to be located in small towns and cities.

3. Minorities:

Blacks and latinos comprise nearly 75 percent of all women infected.

The rates of infection for black women range from 7 to 27 times higher than the rates for caucasian women.

4. Adolescents:

Adolescents have the fastest growing rate of infection.

The rates of infection among adolescents are similar among women and men, but the rates are the highest among blacks.•

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KASSEBAUM in introducing the Ryan White CARE Reauthorization Act of 1995.

For 15 years, America has been struggling with the devastating effects of AIDS. More than a million citizens are infected with the AIDS virus. AIDS itself has now become the leading killer of young Americans ages 25 to 44. AIDS is killing brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives.

More than 400,000 Americans have been diagnosed with AIDS. Over half have already died—and yet the epidemic marches on unabated.

As the crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem.

The epidemic has cost the Nation immeasurable talent and energy in young and promising lives struck down long before their time. We must do better to provide care and support for those caught in the epidemic's path. And with this legislation, we will.

Five years ago, in the name of Ryan White and all the other Americans who had lost their battle against AIDS, Congress passed and President Bush signed into law the Comprehensive AIDS Resources Emergency Act.

Since then, the CARE Act has been a model of bipartisan cooperation and effective Federal leadership. Today that bipartisan tradition continues.

The CARE Act provides emergency relief for cities hardest hit by the AIDS epidemic, and additional funding for all States to provide health care, early intervention, and support services for individuals and families with HIV disease in both urban and rural areas.

In Boston, the CARE Act has led to dramatically increased access to essential services. This year, because of Ryan White, 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements. This assistance is reducing hospitalizations, and is making an extraordinary difference in people's lives.

While much has changed since 1990, the brutality of the epidemic remains the same. When the act first took effect, only 16 cities qualified for "emergency relief." In the past 5 years, that number has more than tripled—and by next year it will have quadrupled.

This crisis is not limited to major urban centers. Caseloads are now growing in small towns and rural communities, along the coasts and in America's heartland. From Weymouth to Wichita, no community will avoid the epidemic's reach.

We are literally fighting for the lives of hundreds of thousands of our fellow citizens. These realities challenge us to move forward together in the best interest of all people living with HIV. And that is what Senator KASSEBAUM and I have attempted to do.

The compromise in this legislation acknowledges that the HIV epidemic has expanded its reach but we have not forgotten its roots. While new faces and new places are now affected, the epidemic rages on in the areas of the country hit hardest and longest.

The pain and suffering of individuals and families with HIV is real, widespread, and growing. All community-based organizations, cities, and States need additional support from the Federal Government to meet the needs of those they serve.

The revised formulas in this legislation will make these desperately needed resources available based on the relative number of people living with HIV disease—and the relative cost of providing these essential services.

The new formula will increase the medical care and the support services available to individuals with HIV in many cities, including Boston, Los Angeles, Philadelphia, and Seattle, and in many States.

Equally important, the compromise will ensure the ongoing stability of the existing AIDS care system in areas of the country with the greatest incidence of AIDS. The HIV epidemic in New York, San Francisco, Miami, and Newark is far from over—and in many ways, the worst is yet to come.

This legislation represents a compromise, and like most compromises, it is not perfect and it will not please everyone. But on balance—it is a good bill—and its enactment will benefit all people living with HIV everywhere in the Nation. We have sought common ground. We have listened to those on the frontlines. We have attempted to support their efforts, not tie their hands.

Congress and the AIDS community must put aside political, geographic, and institutional differences to face this important challenge squarely and successfully. The structure of the CARE Act—affirmed in this reauthorization—provides a sound and solid foundation on which to build that unity.

Hundreds of health, social service, labor, and religious organizations helped to shape the act's provisions and have made its promise a reality. The act has been praised by Governors, mayors, county executives, and local and State AIDS directors and health officers. It has required all levels of government to join together in providing services and resources. And success stories of this coordination are now plentiful.

Community-based AIDS service organizations and people living with HIV have had critically important roles in the development and implementation of humane and cost-effective service delivery networks responsive to local needs.

Although the resources fall far short of meeting the growing need, the act is working. It has provided life-saving care and support for hundreds of thousands of individuals and families affected by HIV and AIDS. Through its unique structure, it has quickly and efficiently directed assistance to those who need it most.

The Ryan White CARE Reauthorization Act, however, is about more than Federal funds and health care services. It is also about caring and the American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what has happened in his name. His example, and the hard work of so many others, are bringing help and hope to our American family with AIDS. I urge my colleagues to support this vital initiative.

By Mr. DODD (for himself and Mr. ROCKEFELLER):

S. 642. A bill to provide for demonstration projects in six States to establish or improve a system of assured minimum child support payments, and for other purposes; to the Committee on Finance.

THE CHILD SUPPORT ASSURANCE ACT OF 1995

• Mr. DODD. Mr. President, I reintroduce a piece of legislation whose subject should be central to our debate over welfare reform. I say this because the Child Support Assurance Act of 1995 promotes work, family, self-sufficiency, and personal responsibility. At the same time, it seeks to put a stop to one of the principal causes of child poverty in this country, lack of financial support from absent parents. I am delighted to be joined in this effort by my colleague from West Virginia, Senator ROCKEFELLER, who has long been a champion of children's causes and this concept in particular.

WELFARE REFORM, WELFARE PREVENTION

I firmly believe we will not succeed in reforming welfare until we succeed in reforming child support. Of course, we need welfare reform that will encourage people to become self-sufficient and leave Government assistance. But just as important, we need welfare prevention policies to allow people to avoid welfare in the first place. We need to seriously ask ourselves, what can we as a nation do to support families in danger of sliding into poverty?

At or near the top of our list of answers should be putting some teeth and some assurances into our child support system. Lack of child support is one of the principal causes of poverty for one-parent families. The Census Bureau illustrated this fact when it estimated that between 1984 and 1986 approximately half a million children fell into poverty after their father left home.

In 1989 alone, the children and single parents of America were owed $5.1 billion in unpaid child support. If every single-parent family had an award and the awards were paid in full, it would mean $30 billion a year for the children of America. Can you imagine the difference it would make if our kids received the sums they are being cheated out of annually?

Connecticut is no different from any other State. Despite a child support enforcement system that ranks among the best in the Nation, its child support delinquencies now total nearly half a billion dollars. That is half a billion dollars in a State of only 3½ million people.

The clear connection between child support and welfare was illustrated during a hearing of the Subcommittee on Children I chaired in the last Congress. Geraldine Jensen testified about struggling as a single mother and receiving no help from her exhusband. She had to work 60 hours a week just to make ends meet. One day she realized her kids had gone from two parents to one parent when her husband left, and then from one parent to none when she had to take her second job. She was working so much that she had no time for her children.

So Ms. Jensen quit her jobs and went on AFDC. She finally collected the child support owed her 7 years later, and she was able to get back on her feet.

CHILD SUPPORT AND POVERTY

Unfortunately, the reality today is that there are far too many families out there like Ms. Jensen's. And far too many children are plunged into poverty when their parents do not live up to their responsibilities. The poverty rate for single-parent families headed by women is nearly 33 percent. This compares to a poverty rate of under 8 percent for two-parent families.

Why is the poverty rate so high for households led by single women? The primary reason is a lack of support from absent fathers—42 percent of single mothers do not even have child support orders for their children. For poor women, this figure is 57 percent. And even a child support order is no guarantee of support. In 1989, half of all mother-led families with child support orders received no support at all or less than the amount due.

We have known for some time now that our child support system needs a major overhaul. The Child Support Amendments of 1984 and the Family Support Act of 1988 made modest improvements. For every 100 child support cases in 1983, there were 15 in which there was a collection. In 1990, there were 18. Out of 100, 15 to 18 is a step in the right direction, but we clearly have a long, long way to go.

ENFORCEMENT AND ASSURANCE CRITICAL

As the Senate considers proposals for welfare reform, I suggest that putting teeth into our child support enforcement system is absolutely critical to the goal of moving people off welfare and into self-sufficiency.

It is time for us to stop this slide toward public assistance by insisting that parents meet the responsibilities they have for the children they bring into the world. The children of America will be the true winners of such a policy, but the taxpayers will also come out ahead because of reduced welfare expenditures. Toward this end, Senator BRADLEY, myself, and others have introduced a tough enforcement bill, supported by Members on both sides of the aisle.

The bill I am introducing today would take us further down the road toward an effective child support system. It would create incentives for responsible behavior: incentives for custodial parents to seek child support orders, incentives for noncustodial parents to follow those orders, and incentives for States to make sure this whole process works. As a last resort, it would provide a minimum level of support for all children not living with both parents.

Right now, the poor children of America are the ones paying for the failings of our families and the failings of our child support system. It is my view that the welfare reform bill passed by the House of Representatives last week takes us further in the direction of punishing children. I strongly believe that welfare reform that does not try to prevent families from slipping into welfare dependency is doomed to failure.

RIGOROUS REQUIREMENTS

The child support assurance bill would authorize demonstration grants to six States for use in guaranteeing child support benefits. Participating States would have to meet a rigorous set of requirements. To qualify, States would already have to be doing a good job of collecting child support and would have to be at, or above, the national median for paternity establishment. And during the course of the grant, the State would have to show real, measurable improvement in paternity establishment, child support orders, and collections.

Just as the Child Support Assurance Act calls on participating States to meet their obligations, it would do the same for participating families. To qualify, the custodial parent would have to possess, or be seeking, a child support award or have a good reason not to.

We hope that this approach will serve as a model for the country. To test this proposition, the Department of Health and Human Services would conduct 3- and 5-year evaluations of the demonstration programs to gauge the effectiveness of the approach.

I hope my colleagues will join Senator ROCKEFELLER and me in supporting this legislation and demanding that we all meet our responsibilities to America's children.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Assurance Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the number of single-parent households has increased significantly;

(2) there is a high correlation between childhood poverty and growing up in a single-parent household;

(3) family dissolution often brings the economic consequence of a lower standard of living for the custodian and children;

(4) children are nearly twice as likely to be in poverty after a family dissolution as before a family dissolution;

(5) one-fourth of the single mothers who are owed child support receive none and another one-fourth of such mothers receive only partial child support payments;

(6) single mothers above and below the poverty line are equally likely to receive none of the child support they are owed; and

(7) the failure of children to receive an adequate level of child support limits the ability of such children to thrive and to develop their potential and leads to long-term societal costs in terms of health care, welfare, and loss in labor force productivity.

(b) PURPOSE.—It is the purpose of this Act to enable participating States to establish child support assurance systems in order to improve the economic circumstances of children who do not receive a minimum level of child support from the noncustodial parents of such children and to strengthen the establishment and enforcement of child support awards. The child support assurance approach is structured on a demonstration basis in order to implement and evaluate different options with respect to the provision of intensive support services and mechanisms for administering the program on a national basis.

SEC. 3. ESTABLISHMENT OF CHILD SUPPORT ASSURANCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—In order to encourage States to provide a guaranteed minimum level of child support for every eligible child not receiving such support, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants to not more than 6 States to conduct demonstration projects for the purpose of establishing or improving a system of assured minimum child support payments in accordance with this section.

(b) CONTENTS OF APPLICATION.—An application for a grant under this section shall be submitted by the Chief Executive Officer of a State and shall—

(1) contain a description of the proposed child support assurance project to be established, implemented, or improved using amounts provided under this section, including the level of the assured benefit to be provided, the specific activities to be undertaken, and the agencies that will be involved;

(2) specify whether the project will be carried out throughout the State or in limited areas of the State;

(3) estimate the number of children who will be eligible for assured minimum child support payments under the project, and the amounts to which they will be entitled on average as individuals and in the aggregate;

(4) describe the child support guidelines and review procedures which are in use in the State and any expected modifications;

(5) contain a commitment by the State to carry out the project during a period of not less than 3 and not more than 5 consecutive fiscal years beginning with fiscal year 1997;

(6) contain assurances that the State—

(A) is currently at or above the national median paternity establishment percentage (as defined in section 452(g)(2) of the Social Security Act (42 U.S.C. 652(g)(2));

(B) will improve the performance of the agency designated by the State to carry out the requirements under part D of title IV of the Social Security Act by at least 4 percent each year in which the State operates a child support assurance project under this section in—

(i) the number of cases in which paternity is established when required;

(ii) the number of cases in which child support orders are obtained; and

(iii) the number of cases with child support orders in which collections are made; and

(C) to the maximum extent possible under current law, will use Federal, State, and local job training assistance to assist individuals who have been determined to be unable to meet such individuals' child support obligations;

(7) describe the extent to which multiple agencies, including those responsible for administering the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act and child support collection, enforcement, and payment under part D of such title, will be involved in the design and operation of the child support assurance project; and

(8) contain such other information as the Secretary may require by regulation.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out a child support assurance project designed to provide a minimum monthly child support benefit for each eligible child in the State to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) REQUIREMENTS.—

(1) IN GENERAL.—A child support assurance project funded under this section shall provide that—

(A) any child (as defined in paragraph (2)) with a living noncustodial parent for whom a child support order has been sought (as defined in paragraph (3)) or obtained and any child who meets "good cause" criteria for not seeking or enforcing a support order is eligible for the assured child support benefit;

(B) the assured child support benefit shall be paid promptly to the custodial parent at least once a month and shall be—

(i) an amount determined by the State which is—

(I) not less than $1,500 per year for the first child, $1,000 per year for the second child, and $500 per year for the third and each subsequent child; and

(II) not more than $3,000 per year for the first child and $1,000 per year for the second and each subsequent child;

(ii) offset and reduced to the extent that the custodial parent receives child support in a month from the noncustodial parent;

(iii) indexed and adjusted for inflation; and

(iv) in the case of a family of children with multiple noncustodial parents, calculated in the same manner as if all such children were full siblings, but any child support payment from a particular noncustodial parent shall only be applied against the assured child support benefit for the child or children of that particular noncustodial parent;

(C) for purposes of determining the need of a child or relative and the level of assistance, one-half of the amount received as a child support payment shall be disregarded from income until the total amount of child support and Aid to Families With Dependent Children benefit received under part A of title IV of the Social Security Act equals the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) that is applicable to a family of the size involved;

(D) in the event that the family as a whole becomes ineligible for aid to families with dependent children under part A of title IV of the Social Security Act due to consideration of assured child support benefits, the continuing eligibility of the caretaker for aid to families with dependent children under such title shall be calculated without consideration of the assured child support benefit; and

(E) in order to participate in the child support assurance project, the child's caretaker shall apply for services of the State's child support enforcement program under part D of title IV of the Social Security Act.

(2) DEFINITION OF CHILD.—For purposes of this section, the term "child" means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided for by the law of the State in which such individual resides.

(3) DETERMINATION OF SEEKING A CHILD SUPPORT ORDER.—For purposes of this section, a child support order shall be deemed to have been "sought" where an individual has applied for services from the State agency designated by the State to carry out the requirements of part D of title IV of the Social Security Act or has sought a child support order through representation by private or public counsel or pro se.

(e) CONSIDERATION AND PRIORITY OF APPLICATIONS.—

(1) SELECTION CRITERIA.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section and shall approve not more than 6 applications which appear likely to contribute significantly to the achievement of the purpose of this section. In selecting States to conduct demonstration projects under this section, the Secretary shall—

(A) ensure that the applications selected represent a diversity of minimum benefits distributed throughout the range specified in subsection (d)(1)(B)(i);

(B) consider the geographic dispersion and variation in population of the applicants;

(C) give priority to States with applications that demonstrate—

(i) significant recent improvements in—

(I) establishing paternity and child support awards;

(II) enforcement of child support awards; and

(III) collection of child support payments;

(ii) a record of effective automation; and

(iii) that efforts will be made to link child support systems with other service delivery systems;

(D) ensure that the proposed projects will be of a size sufficient to obtain a meaningful measure of the effects of child support assurance;

(E) give priority, first, to States intending to operate a child support assurance project on a statewide basis, and, second, to States that are committed to phasing in an expansion of such project to the entire State, if interim evaluations suggest such expansion is warranted; and

(F) ensure that, if feasible, the States selected use a variety of approaches for child support guidelines.

(2) REQUIREMENTS FOR GRANTEES.—Of the States selected to participate in the demonstration projects conducted under this section, the Secretary shall require, if feasible—

(A) that at least 2 provide intensive integrated social services for low-income participants in the child support assurance project, for the purpose of assisting such participants in improving their employment, housing, health, and educational status; and

(B) that at least 2 have adopted the Uniform Interstate Family Support Act.

(f) DURATION.—During fiscal year 1996, the Secretary shall develop criteria, select the States to participate in the demonstration, and plan for the evaluation required under subsection (h). The demonstration projects conducted under this section shall commence on October 1, 1996, and shall be conducted for not less than 3 and not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(g) COST SAVINGS RECOVERY.—The Secretary shall develop a methodology to identify any State cost savings realized in connection with the implementation of a child support assurance project conducted under this Act. Any such savings realized as a result of the implementation of a child support assurance project shall be utilized for child support enforcement improvements or expansions and improvements in the Aid to Families With Dependent Children Program conducted under part A of title IV of the Social Security Act within the participating State.

(h) EVALUATION AND REPORT TO CONGRESS.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the effectiveness of the

demonstration projects funded under this section. The evaluation shall include an assessment of the effect of an assured benefit on—

(A) income from nongovernment sources and the number of hours worked;

(B) the use and amount of government supports;

(C) the ability to accumulate resources;

(D) the well-being of the children, including educational attainment and school behavior; and

(E) the State's rates of establishing paternity and support orders and of collecting support.

(2) REPORTS.—Three and 5 years after commencement of the demonstration projects, the Secretary shall submit an interim and final report based on the evaluation to the Committee on Finance and the Committee on Labor and Human Resources of the Senate, and the Committee on Ways and Means and the Committee on Economic and Educational Opportunities of the House of Representatives concerning the effectiveness of the child support assurance projects funded under this section.

(i) STATE REPORTS.—The Secretary shall require each State that conducts a demonstration project under this section to annually report such information on the project's operation as the Secretary may require, except that all such information shall be reported according to a uniform format prescribed by the Secretary.

(j) RESTRICTIONS ON MATCHING AND USE OF FUNDS.—

(1) IN GENERAL.—A State conducting a demonstration project under this section shall be required—

(A) except as provided in paragraph (2), to provide not less than 20 percent of the total amounts expended in each calendar year of the project to pay the costs associated with the project funded under this section;

(B) to maintain its level of expenditures for child support collection, enforcement, and payment at the same level, or at a higher level, than such expenditures were prior to such State's participation in a demonstration project provided by this section; and

(C) to maintain the Aid to Families With Dependent Children benefits provided under part A of title IV of the Social Security Act at the same level, or at a higher level, as the level of such benefits on the date of the enactment of this Act.

(2) EXCEPTION.—A State participating in a demonstration project under this section may provide not less than 10 percent of the total amounts expended to pay the costs associated with the project funded under this section in years after the first year such project is conducted in a State if the State meets the improvements specified in subsection (b)(6)(B).

(k) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—For purposes of—

(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(2) title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

(3) section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(4) sections 221(d)(3), 235, and 236 of the National Housing Act (12 U.S.C. 1715*l*(d)(3), 1715z, 1715z–1);

(5) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(6) title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(7) child care assistance provided through—

(A) part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); or

(C) title XX of the Social Security Act (42 U.S.C. 1397 et seq.),

any payment made to an individual within the demonstration project area for child support up to the amount which an assured child support benefit would provide shall not be treated as income and shall not be taken into account in determining resources for the month of its receipt and the following month.

(l) TREATMENT OF CHILD SUPPORT BENEFIT.—Any assured child support benefit received by an individual under this Act shall be considered child support for purposes of the Internal Revenue Code of 1986.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of fiscal years 1996, 1997, 1998, 1999, 2000, and 2001 to carry out the purposes of this Act.•

• Mr. ROCKEFELLER. Mr. President, as we focus on the issues of welfare reform and child support enforcement, I am proud to join my distinguished colleague from Connecticut, Senator CHRIS DODD, in introducing a demonstration project to explore the merits of child support assurance. This is a bipartisan idea to ensure minimum support to single parents as a way to promote work and responsibility.

I first became interested in the innovative idea of child support assurance as Chairman of the bipartisan National Commission on Children which endorsed a demonstration of child support assurance in its unanimous 1991 report, "Beyond Rhetoric, a New American Agenda for Children and Families."

The Commission urged the Federal Government, in partnership with several States, to undertake a demonstration to design and test the effects of an assured child support plan that combines enhanced child support enforcement with a Government-insured minimum benefit for children.

Under our demonstration, eligible parents would have to have a child support award in place or be fully cooperating in establishing paternity which would create a real incentive for parents to get a child support award. Once such an award is established, the Federal and State Government can aggressively seek to collect the payments from absent parents. But the minimum assured benefit will protect the innocent child from hardship and economic uncertainty when one parent is shirking his/her obligation.

Such stable, consistent support is vital for children. A 1994 study by the National Institute of Child Health and Human Development noted that children of single-parent families are at increased risk. It notes that the single most important factor in accounting for the lower achievement of children in single-parent families is poverty and economic insecurity. Income differences account for half of the increased risk for disadvantages. The researchers noted that because income is such an important factor in the increased risk for disadvantages among children in single-parent families, policies that serve to minimize the negative economic impact on children may help reduce their difficulties.

The National Child Support Assurance Consortium issued a compelling report called "Childhood's End" in January 1993 that outlined what happens to children when child support payments are missing, or just plain late. Let me share just a few of the report's significant findings about what happens to children when child support is not paid.

Fifty-five percent of mothers reported that their children missed regular health check-ups;

Thirty-six percent of mothers reported that their children did not get medical care when they became ill; and

Fifty-seven percent of the mothers reported that their children lost their regular child care.

The list goes and on, and it is tragic that absent parents are not living up to their financial obligations and placing their own children at risk. President Clinton estimates that 800,000 people could leave the welfare system and dependency if they were paid the child support that they are owed. It is wrong to penalize these families and push them into dependency. Rather we must aggressively move on child support enforcement and explore the benefits of providing a minimum Government benefit in cases where our State enforcement efforts fail to timely collect child support owed to children.

As Chairman of the National Commission on Children, I want to put this child support assurance demonstration project into perspective. Our bipartisan commission report clearly stated that children do best in stable, two-percent families. I wish that every child could grow up in a caring home with both parents and financial security.

But in reality, over 15.7 million children are living in a single-parent household and in need of child support. Demographers warn us that 1 out of every 2 children growing up today will spend some time living with only one parent; and, therefore, half of children today will depend on child support at some point.

I strongly believe that both parents—mothers and fathers—have a moral obligation to financially and emotionally support their children.

The Government has a role to play in ensuring that parents accept their financial obligations to support their children. This does not ignore or discount the importance of emotional support from both parents. But realistically, the Federal Government is limited in its ability to address parental involvement and emotional support. I support other legislation to encourage demonstrations projects to improve meditation and visitation issues among parents as way to respond to this other key facet.

But the Federal Government can have a major effect on child support enforcement and child support assurance. It must be involved because families that do not get the child support payments they deserve, often turn to Federal assistance programs including Aid to Families with Dependent Children [AFDC] and food stamps to make ends meet. Instead of allowing families to slip into dependency, I believe it would be better to invest in systems and incentives to collect the more than $30 billion in unpaid child support.

I want to emphasize that this is a bipartisan idea intended to promote work and independence. In its 1991 report, "Moving Ahead: Initiatives for Expanding Opportunity in America," the House Wednesday Group recommended Federal funding for large-scale demonstrations of child support assurance and time-limited welfare. The report notes that:

> Child support assurance has several attractive features. First it is not welfare. The benefit would be universal; all single-parent families would be eligible for the assured benefit. For most families, the absent parent would pay more than the assured benefit; the government would then recapture its expenditure and the rest would be forwarded to the child. For families in which the absent parent did not pay at least the amount of the assured benefit, the government would pay the amount guaranteed to the child and then attempt to recoup its outlays by vigorous child support enforcement. One way to think of the assured benefit, then, is government's commitment to guarantee at least a given level of cash support to all custodial parents.
>
> The assured benefit can also be seen as a program that encourages independence . . . The assured benefit is a blanket of insulation between a single mother and dependency on welfare. Equally important, unlike welfare payments, the assured benefit may have the attractive feature of minimizing work disincentive.

While noting some questions about child support assurance, the House Wednesday Group did support a demonstration project to test the potential of this innovative concept. Other groups supporting our proposal include: the Center for Law and Social Policy, the Women's Legal Defense Fund, and the Children's Defense Fund.

Mr. President, as we consider dramatic reform of our welfare system, we also should focus on child support enforcement and child support assurance as promising alternatives to promote responsibility and work over welfare and dependence.●

By Mr. JEFFORDS (for himself and Mrs. MURRAY):

S. 643. A bill to assist in implementing the plan of action adopted by the World Summit for Children; to the Committee on Foreign Relations.

WORLD SUMMIT FOR CHILDREN IMPLEMENTATION ACT

Mr. JEFFORDS. Mr. President, I rise today to introduce, on behalf of myself and Senator MURRAY, the James P. Grant World Summit for Children Implementation Act of 1995.

This is a bill designed to help the United States implement its commitment to our children and to children at risk throughout the world.

In 1990, the United States and 158 other nations participated in the World Summit for Children at which they signed a plan of action setting goals to be reached by the year 2000. Those goals were: To reduce child death rates by at least one-third; to reduce maternal deaths and child malnutrition by one-half; to provide all children access to basic education; to provide all families access to clean water, safe sanitation, and family planning information; and to reduce medical costs for children.

Our legislation also urges full funding by the year 2001 for Head Start, a program that dramatically improves the performance of children in their early years in school.

Internationally, this bill would shift funds within the U.S. foreign assistance budget to meet the urgent needs of children. Specifically, it would increase allocations in foreign assistance for a few cost-effective programs: Child survival, basic education, nutrition programs, UNICEF, AIDS prevention, CARE, refugee assistance, and family planning.

If we are truly concerned about the kind of future we leave for our children, we must look beyond our borders to the world they will inherit as they come of age. If we want our Nation to be prosperous, we must invest in our future. In times of fiscal restraint, it is more important than ever we clearly focus on our top priorities. Children, both here and throughout the world, are the top priority.

Mrs. MURRAY. Mr. President, I am proud to join my colleague from Vermont, Senator JEFFORDS, in introducing the James P. Grant World Summit for Children Implementation Act of 1995. I take this opportunity to commend Senator JEFFORDS for his leadership on this issue, and I am proud to be associated with this effort.

Because the nations of the world have become so interdependent, there can be no doubt that the well-being of children around the globe affects us here in the United States. Children are the foundation of our society, of our economy, of our future.

It seems obvious, then, that we would provide adequately for the world's children, but sadly we do not.

According to UNICEF, every week, more than 250,000 children die of easily preventable illness and malnutrition.

Every day, measles, whooping cough, and tetanus—all of which can be prevented by an inexpensive course of vaccines—kill nearly 8,000 children.

Every day, diarrheal dehydration—preventable at almost no cost—kills almost 7,000 children.

Every day, pneumonia—fully treatable by low-cost antibiotics—kills more than 6,000 children.

And for every child that dies, several more live on with poor growth, ill health, and diminished potential.

The world's political leadership can ill-afford to ignore these statistics. We are all in this together. The success or failure of economies thousands of miles away can directly affect us here at home. This is especially true in my trade-dependent home State of Washington.

As the old saying goes, we are only as strong as our weakest link. If our trading partners in Asia or Latin America cannot provide the necessary education or health care for their children, we will not have strong partners to trade with in the next generation. And in the end, alleviating poverty promotes economic development, which serves us all.

So it is extremely important that we continue to work to implement the plan of action adopted at the 1990 U.N. World Summit for Children, which rightly placed the needs of children at the top of the world's development agenda.

That is why Senator JEFFORDS and I are introducing the James P. Grant World Summit for Children Implementation Act of 1995, legislation that supports life-saving, cost-effective programs to protect the health and well-being of children worldwide.

The world's children have a right to adequate nutrition, full immunization, education, and health care. The United States must continue to lead the world in promoting that message.

To reach children, of course, we must reach out to the world's women—who are often overlooked in traditional development programs. Fortunately, the World Summit for Children recognized that to improve the lot of the world's children, the status of the world's women also had to improve.

For example, recognizing the important link between child survival and family planning, the world summit for children called for universal access to family planning education and services by the end of this decade.

Family planning saves the lives of both women and children. We know that babies born in quick succession, to a mother whose body has not yet recovered from a previous birth, are the least likely to survive. Increasing funds in this area has been a top priority for me in my work in the U.S. Senate, and is addressed in the legislation we are introducing today.

I realize that in this current political climate, foreign aid is often under attack and misunderstood. While foreign aid has never been popular, it has always served our Nation well. The money needed to support the kinds of programs we are concerned about in this bill is not large in the scope of our budget—indeed, our total foreign aid program represents less than 1 percent of our entire Federal budget. In my view, our foreign aid dollars are best spent when we are investing in programs that strengthen families around the globe, and give a special helping hand to women and children.

For these reasons, I urge my colleagues to join Senator JEFFORDS and me in support of this important legislation.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DOLE, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 5, a bill to clarify the war powers of Congress and the President in the post-cold war period.

S. 254

At the request of Mr. LOTT, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 256

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 442

At the request of Ms. SNOWE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 442, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 539

At the request of Mr. COCHRAN, the names of the Senator from Mississippi [Mr. LOTT], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 539, a bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools.

S. 565

At the request of Mr. PRESSLER, the names of the Senator from Montana [Mr. BURNS] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 565, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 578

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 578, a bill to limit assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act until that country complies with certain human rights standards.

S. 631

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 631, a bill to prevent handgun violence and illegal commerce in firearms.

SENATE RESOLUTION 95—RELATIVE TO COMMITTEE APPOINTMENT

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 95

Resolved, That the following shall constitute the minority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, Mr. Heflin, and Mr. Dorgan.

Veterans' Affairs: Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Dorgan, and Mr. Wellstone.

AMENDMENTS SUBMITTED

THE REGULATORY TRANSITION ACT OF 1995

NICKLES (AND OTHERS) AMENDMENT NO. 410

Mr. NICKLES (for himself, Mr. REID, Mr. BOND, Mrs. HUTCHISON, Mr. LEVIN, and Mr. HATFIELD) proposed an amendment to the bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Transition Act of 1995".

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) the proposed effective date of the rule; and

(iv) a complete copy of the cost-benefit analysis of the rule, if any.

(B) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 4 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 4 is enacted).

(3) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 4.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this Act may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 4 or the effect of a joint resolution of disapproval under this section. —

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this Act, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first

convenes, section 4 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 4.—

(A) In applying section 4 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 4 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 4.—In applying section 4 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 4.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 4 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 4, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term "joint resolution" means only a joint resolution introduced after the date on which the report referred to in section 3(a) is received by Congress the matter after the resolving clause of which is as follows: "That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect." (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term "submission or publication date" means the later of the date on which—

(A) the Congress receives the report submitted under section 3(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged by the Majority Leader of the Senate or the Majority Leader of the House of Representatives, as the case may be, from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 5. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any significant rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 4, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 3(a).

(b) DEADLINE DEFINED.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term "Federal agency" means any "agency" as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term "significant rule" means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(C) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(3) FINAL RULE.—The term "final rule" means any final rule or interim final rule. As used in this paragraph, "rule" has the meaning given such term by section 551 of title 5, United States Code.

SEC. 7. CIVIL ACTION.

An Executive order issued by the President under section 3(c), and any determination under section 3(a)(2), shall not be subject to judicial review by a court of the United States.

SEC. 8. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. EXEMPTION FOR MONETARY POLICY.

Nothing in this Act shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act and shall apply to any significant rule that takes effect as a final rule on or after such effective date.

HARKIN (AND OTHERS) AMENDMENT NO. 411

Mr. HARKIN (for himself, Mr. GRAHAM, and Mr. D'AMATO) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) On Saturday, March 25, 1995, an Iraqi court sentenced two Americans, William Barloon and David Daliberti, to eight years imprisonment for allegedly entering Iraq without permission.

(2) The two men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq.

(3) The Department of State has stated that the two Americans have committed no offense justifying imprisonment and has demanded that they be released immediately.

(4) This injustice worsens already strained relations between the United States and Iraq and makes resolution of differences with Iraq more difficult.

(b) SENSE OF SENATE.—The Senate strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and urges their immediate release from prison and safe exit from Iraq. Further, the Senate urges the President of the United States to take all appropriate action to assure their prompt release and safe exit from Iraq.

LEVIN (AND GLENN) AMENDMENT NO. 412

Mr. LEVIN (for himself and Mr. GLENN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 9, line 2, strike everything after "discharged" through the period on line 6 and insert the following: "from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate or by motion of the Majority Leader supported by the Minority Leader, and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved."

DOMENICI (AND NICKLES) AMENDMENT NO. 413

Mr. DOMENICI (for himself and Mr. NICKLES) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 2, strike lines 6 through 20, and insert in lieu thereof and renumber accordingly:

"(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request:

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604 section 605 section 607, and section 609 of P.L. 96–354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of P.L. 104–4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required with subsection (A)(iv) through (vii).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subsection (2)(A) of this section."

On page 14, at the beginning of line 5, insert, "section 3(a)(1)–(2) and", and on line 5 strike "3(a)(2)" and insert in lieu thereof "3(a)(3)".

DASCHLE (AND PRESSLER) AMENDMENT NO. 414

Mr. REID (for Mr. DASCHLE and Mr. PRESSLER) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

At the appropriate place insert the following:

TITLE ___—TERM GRAZING PERMITS

SEC. ___01. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this Act as the "Secretary") administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, 1 of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this Act is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. ___02. DEFINITIONS.

In this Act:

(1) EXPIRING TERM GRAZING PERMIT.—The term "expiring term grazing permit" means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term "term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land

Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled "An Act to facilitate and simplify the work of the Forest Service, and for other purposes", approved April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

SEC. ___03. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit ; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. ___04. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section ___03(a) shall not be subject to administrative appeal or judicial review.

SEC. ___05. REPEAL.

This Act is repealed effective as of January 1, 2001.

PRYOR (AND OTHERS) AMENDMENT NO. 415

Mr. PRYOR (for himself, Mr. STEVENS, Mr. PRESSLER, Mr. WELLSTONE, and Mr. COCHRAN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 13, beginning on line 12, strike all through line 8 on page 14 and insert in lieu thereof the following:

"(2) SIGNIFICANT RULE.—The term "significant rule"—

(A) means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping."

LEVIN (AND GLENN) AMENDMENT NO. 416

Mr. LEVIN (for himself and Mr. GLENN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 14, strike lines 3 through 7, and insert in lieu thereof:

"SECTION 7. JUDICIAL REVIEW.

No determination, finding, action, or omission under this Act shall be subject to judicial review."

LEVIN (AND GLENN) AMENDMENT NO. 417

Mr. LEVIN (for himself and Mr. GLENN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 14 of the amendment, line 2, strike the period and insert: ", except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matters."

WELLSTONE AMENDMENT NO. 418

Mr. REID (for Mr. WELLSTONE) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 8, line 4, delete everything from "after" through "Congress" on line 5 and insert "during the period beginning on the date on which the report referred to in section 3(a), is received by Congress and ending 45 days thereafter,".

NICKLES AMENDMENT NO. 419

Mr. NICKLES proposed an amendment to amendment No. 410 proposed by him to the bill S. 219, supra; as follows:

On page 12, line 7, strike the word "significant";

On page 13, line 2, of amendment No. 415 strike the words ", issued after November 9, 1994,";

On page 14, line 23, strike the word "significant".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a markup on Wednesday, March 29, 1995, beginning at 10:30 a.m., in room 485 of the Russell Senate Office Building on S. 325, a bill to make certain technical corrections in laws relative to native Americans, and for other purposes; S. 441, a bill to reauthorize Public Law 101–630, the Indian Child Protection and Family Violence Prevention Act; S. 349, a bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program; S. 510, a bill to extend the reauthorization for certain programs under the Native American Programs Act of 1974, and for other purposes; and to approve the committee's budget views and estimates.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR–301, Russell Senate Office Building, on Thursday, March 30, 1995, to hold a markup.

The Committee will consider the following legislative item: Senate Resolution 24, providing for the broadcasting of press briefings on the floor prior to the Senate's daily convening, and an amendment in the nature of a substitute to Senate Resolution 24.

For further information concerning these hearings, please contact Mark Mackie of the committee staff on 224–3448.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 28, 1995, at 9:30 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 28, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to consider the nomination of Daniel R. Glickman to be Secretary of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Tuesday, March 28, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on child support enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 28, 1995, at 10 a.m. to hold a hearing on U.S. Assistance to Europe and the NIS.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 28, 1995, at 11 a.m. to hold a hearing on judicial nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 28, at 2 p.m. to hold hearing on "Federal Habeas Corpus Reform: Eliminating Prisoners' Abuse of the Judiciary Process."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Hearing on S. 454—Health Care Liability Reform and Quality Assurance Act of 1995, during the session of the Senate on Tuesday, March 28, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, March 28, 1995, in open session, to receive testimony on the defense technology and industrial base policy in review of the Defense authorization request for fiscal year 1996 and the future year's defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on International Finance, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 28, 1995, at 2:30 p.m. to conduct a hearing on the reauthorization of the export-import banks tied aid warchest.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia be permitted to meet during a session of the Senate on Tuesday, March 28, 1995, at 9:30 a.m., to hold a hearing on reducing the cost of Pentagon travel processing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, March 28, 1995, at 9:30 a.m., in open session to receive testimony on U.S. ballistic missile defense requirements and programs in review of the Defense authorization request for fiscal year 1996 and the future year's defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of Congressional action on the budget through March 24, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion. $2.3 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated March 13, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 27, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through March 24, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 13, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS MAR. 24, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
On-budget:			
Budget authority	$1,238.7	$1,236.5	$−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	0.8
1995–99[3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,756.4	−208.7
Off-budget:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	*0
Social Security Revenues:			
1995	360.5	360.3	−0.2

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS MAR. 24, 1995—Continued

[In billions of dollars]

	Budget resolution (H. Con. Res. 218) [1]	Current level [2]	Current level over/under resolution
1995–99	1.998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve funded.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

*Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON–BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS MAR. 24, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions			
Revenues	(*)	(*)	$978,466
Permanents and other spending legislation	$750,307	$706,236	(*)
Appropriation legislation	738,096	757,783	(*)
Offsetting receipts	(250,027)	(250,027)	(*)
Total previously enacted	1,238,376	1,213,992	978,466
Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	(*)
Total current level [1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	(*)
Over budget resolution	(*)	(*)	766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

*Less than $500 thousand.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.•

TURKEY'S INVASION OF IRAQ

• Mr. KERRY. Mr. President, I commend the Senator from Rhode Island for his principled stand on this issue and I'm pleased to join him as an original cosponsor of Senate Resolution No. 91, which condemns Turkey's invasion of Iraq.

On March 20, an estimated 35,000 Turkish troops poured across Iraq's northern border in a massive assault on the Kurdish guerrilla group known as the Kurdistan Workers' Party, or PKK. Although Turkish Prime Minister Tansu Ciller defended the invasion as a legitimate act of self-defense, the nature and extent of Turkey's invasion of northern Iraq belie this assertion. Accordingly, this resolution calls on President Clinton to express strong opposition to Turkey's invasion and to request that the United Nations Security Council condemn the invasion and seek an immediate and unconditional withdrawal of Turkey's forces back to Turkey.

Turkey's invasion contradicts its obligations under the United Nations Charter and the Organization for Security and Cooperation in Europe which oblige Turkey to respect the territorial integrity of other states, and to support the human rights, fundamental freedoms, and the self-determination of all peoples.

I and many of my colleagues sympathize with Turkey's struggle to defeat the Marxist PKK which has been engaged in a struggle for over a decade to establish an independent Kurkish state and has adopted terrorism as the principle means toward that end. However, the nature and brutality of the tactics Prime Minister Ciller and the military have adopted to combat the PKK are unacceptable, counterproductive, and unlikely to succeed.

The invasion, besides violating the fundamentals of international law, is likely to exacerbate the conflict rather than calm it. Moreover, Turkey's action seriously detracts from its standing in the international community. For a nation seeking to convince the world—and the European Union in particular—that it is committed to democracy, the rule of law, and respect for human rights, the invasion of Iraq and the ongoing military campaign to eliminate the PKK undermine Turkey's commitment to these principles and raises legitimate questions about the nature and extent of our relationship with Turkey.

Turkey, I fear, has fallen victim to the temptation to combat terrorism with reciprocal and punitive acts of violence more destructive than PKK acts of terrorism. The Turkish military has systematically emptied Kurdish villages and uprooted many Kurdish citizens from their homes. Human rights organizations have documented extensive human rights abuses, including torture and political assassination. The military's actions often wreak havoc and destruction on innocent Kurds and provide an incentive for Kurds to support the PKK.

I fear that relations between our two nations will deteriorate unless Turkey takes demonstrable steps to improve its human rights record, abandon the military campaign, and seek alternative solutions to the Kurdish problem. Turkey's recognition, that its Kurdish civilians have civil, cultural, political, and human rights is an essential first step. Failure to recognize these rights would be folly, for it is simply inconceivable for Turkey, if it is to remain committed to the fundamentals of democracy, the rule of law, and respect for human rights, to seek a military solution where one-fifth of the Turkish population—15 million—is Kurdish.

Turkey has long been a loyal and trusted allay and a valuable member of NATO. Like all nations, Turkey is struggling with the difficult task of defining its diplomatic, security, and economic roles in the post-cold-war era. This task is compounded by the need to combat PKK terrorism and the expansion of violent Islamic fundamentalism. However, these challenges, difficult though they may be, in no way legitimize Turkey's invasion of northern Iraq, and the United States must make it clear to Turkey that such behavior is damaging to our relationship and inconsistent with the announced goals of democracy, human rights, and the rule of law.•

SOCIAL SECURITY FUNDS NOT IMMUNE FOREVER

• Mr. SIMON. Mr. President, one of the interests of all Members of the House and Senate, I am sure, is to preserve Social Security. We may differ on the avenue to achieve that, but we share that concern.

What should be clear to anyone who looks at the Social Security matter with any serious concern is that the national debt is the threat to Social Security.

I have just finished reading an editorial column in Congressional Quarterly written by David S. Cloud, titled "Social Security Funds Not Immune Forever."

In that article he says what is the simple reality: "The longer Congress and the White House delay dealing with the deficit, the greater the threat to Social Security's long-term existence."

No one can seriously question the validity of that statement.

I hope that sometime between now and the time this Congress adjourns, we can get one more vote for the balanced budget amendment.

At this point, I ask unanimous consent to print the complete David Cloud editorial column in the RECORD.

The column follows:

CQ ROUNDTABLE—SOCIAL SECURITY FUNDS NOT IMMUNE FOREVER

(By David S. Cloud)

If Republicans and Democrats in Congress are as dedicated to eliminating the federal deficit as they profess, someday soon they will have to answer serious questions about the future of Social Security. Otherwise, neither party's promise to preserve Social Security—or to balance the budget—can be considered altogether credible.

Congressional debates about Social Security center almost entirely on charges that one party or the other is plotting to deny benefits to retirees or is looting the trust funds of payroll tax revenue. While deep cuts in Social Security are certainly possible in coming years, it won't happen because of some secret desire by elected officials; it will happen because Congress is left with no other choice.

The relationship between Social Security and the deficit is not obvious. Thanks to big payroll tax increases enacted in 1977 and 1983, Social Security recovered from near-bankruptcy and is now taking in more revenue from workers' paychecks than it pays out in benefits every year. The result is a growing trust fund balance, expected to be about $900 billion by 2000, that many view as a nest egg to pay benefits for baby boomer retirees next century. The surplus is often used as justification for leaving Social Security alone.

There are indeed good reasons to view Social Security as unique. No other program has such a broad base or such a strongly implied contract: Workers sacrifice now in the form of payroll deductions for the security of benefits after they retire. And the program has an uncontested record of sharply reducing poverty among the elderly.

But defending Social Security in isolation from the rest of the federal budget is as misleading as it is enticing. Politicians are especially prone to try.

House Speaker Newt Gingrich, R-Ga., has singled out Social Security as the only program immune from cuts as Republicans work to balance the budget by 2002. Senate Democrats recently killed the constitutional amendment to require a balanced budget after they failed to win special protections for Social Security.

But all this ignores a central fact: It is unlikely that the budget can be balanced without affecting a program that now constitutes more than a fifth of federal spending.

Why can't Social Security be left alone as long as it is self-financing? For openers, a program of Social Security's immenity—$330 billion in fiscal 1994—consumes tax revenue that could otherwise go toward reducing the deficit, if Congress didn't have to keep payroll taxes at such high levels to finance the Social Security system. Some of those benefits are going to retirees who, by any definition, are well-off. In 1990, families with income above $100,000 received more than $8 billion in Social Security benefits.

The logic of capturing some of that money for deficit reduction proved inescapable in 1993, when Congress raised taxes on some upper-income retirees by taxing more of their Social Security benefits. (House Republicans now want to repeal that tax increase.) There seems to be no appetite for undertaking a bolder attempt at scaling back Social Security benefits among recipients further down the income scale. The other option—increasing payroll taxes—does not seem likely.

Yet the longer Congress and the White House delay dealing with the deficit, the greater the threat to Social Security's long-term existence.

The reason rests with what is happening to all those surplus dollars Social Security is now accumulating. The trust funds are being invested in U.S. Treasury bonds, with the promise that the money plus interest will be paid back next century. In other words, the government is borrowing from the Social Security trust funds and eventually will have to repay those funds.

But continuation of massive borrowing from now until then will only make it harder to repay the obligations when the baby boomers retire.

When will this demongraphic crunch hit? Baby boomers will begin to retire around 2010. According to the 1994 Social Security Board of Trustees report, the trust funds will not run dry until 2036, absent further congressional action. But the fiscal strain will actually arrive much sooner—beginning around 2013, when the Social Security system starts drawing heavily on interest payments from the Treasury to pay for benefits.

If the federal government is still running a deficit, making those interest payments to the Social Security trust funds will necessitate a massive addition to government borrowing, or a big income tax increase.

All of the choices will be unappetizing—a mountain of additional debt, angry workers asked to more heavily subsidize retirees, or sharp cuts in Social Security benefits. And any effort by today's politicians to segregate Social Security from the rest of the budget will matter not a whit.•

STEWART L. BELL: A NEW FACE IN POLITICS

• Mr. REID. Mr. President, it is a pleasure for me to rise today to congratulate a good friend of mine and of the State of Nevada for a lifetime of outstanding achievement, Clark County District Attorney Stewart Bell.

Stew Bell has been a resident of southern Nevada since 1954. He graduated from Western High School with honors in 1963 while also distinguishing himself as the Nevada State High School Mathematics Champion. In 1967, he graduated with distinction from the University of Nevada, Las Vegas and, 3 years later, was awarded a Juris Doctorate from UCLA.

He returned to Las Vegas to work in the Clark County Public Defender's Office and, in 1973, he went into private practice and became a senior partner of one of the State's most prestigious firms.

Throughout his entire legal career, Stew Bell has distinguished himself as an outstanding trial attorney, defending thousands of criminal, civil, business, and domestic cases. He is one of the few attorneys to receive the Martindale-Hubbell A V Rating, the highest possible attorney rating for professional competence and ethics.

In addition to professional achievements, Stew Bell has also been a committed leader in the legal and civic community of Nevada. He has served as president and vice president of both the Nevada bar and the Clark County Bar Associations, on numerous State legal panels, as a court appointed special prosecutor, and as an alternate municipal judge and juvenile court referee.

Stew has also contributed hundreds of hours to youth programs such as the Variety Club for Handicapped Children, the Boys and Girls Club, and the Vegas Girls Soccer League. His list of civic achievements is too lengthy to enumerate, and I have always been amazed at his ability to juggle his civic, church, family, and professional responsibilities. Yet he has always done so with energy, enthusiasm, and zest.

A dedicated family man, Stew is married to Jeanne Bell and together, they have raised four wonderful children: Linda, a recent graduate of the University of San Diego School of Law; Kristen, who is currently attending the University of Nevada, Reno; Stephen, a student at Bonanza High School, and Greg, who is attending Cashman Junior High.

Last year, Stew Bell entered into his first political campaign, for the prestigious position of district attorney for Clark County. Because of his ernest reputation and his commitment to hard work, Stew was able to win the election handily.

On Sunday, April 2, the Paradise Democratic Club will be honoring Stewart Bell with the "Outstanding Democrat of the Year Award." I can think of no one more deserving of this award. Stew Bell represents all that is good about public service, and he is an excellent role model for the children and adults of our State.•

PERSPECTIVE: BACKS DR. HENRY FOSTER'S NOMINATION

• Mr. SIMON. Mr. President, the President of the United States has nominated Dr. Henry Foster to become Surgeon General of the United States.

I have had the chance to visit with him and see him at one public meeting in action, and I have been favorably impressed.

I believe there has been great distortion of who he is and what he stands for.

I was interested in seeing in the Chicago Defender the other day, a statement by the president of Fisk University on the Henry Foster nomination.

Because of its insights, I ask that the statement be printed in the RECORD.

The statement follows:

[From the Chicago Defender, Mar. 13, 1995]

BACKS DR. HENRY FOSTER'S NOMINATION

(By Dr. Henry Ponder)

I support Dr. Henry Foster's nomination to become the next surgeon general of the United States.

I would speak against the three most-mentioned reasons why he should not be confirmed. They are: (1) the number of abortion procedures he has performed over the last 30 years; (2) his integrity; and (3) the bungling of his nomination by the White House.

Regarding the first point, it is yet to be proven that Foster committee any crime or illegalities in the years that he has practiced medicine as one of America's premier board-certified obstetrician/gynecologists.

It must be reiterated that abortion is not considered illegal in America for, under *Roe* vs. *Wade*, the Supreme Court has ruled that abortion procedures performed by a doctor, however abhorrent and immoral it is to a sizable portion of Americans, is still constitutionally acceptable. Until that ruling is reversed, Foster and any number of other doctors will not be in violation of the law.

Ironically, Foster pointed out recently on "Nightline" with Ted Koppel, that he "abhors abortion." In cases which he had to perform abortion procedures, he said they were only "for rape, incest and saving the life of the mother." Should a man be castigated for something his society allows or permits as lawful, or should his society confer good behavior upon him for being law-abiding? I think rational men and women would agree with the latter rather than the former.

It can be clearly shown that Foster has done nothing wrong, illegal or unconstitutional. He has stayed within the confines of his professional ethical code and parameters and societal jurisprudence. He should be commended and not assailed.

The second issue being used to stop Foster's nomination is integrity. It is said that, at different times. Foster said he performed about 12, 39 or some 700 abortions over the last 30 years. Foster said that he misspoke about the number of abortion procedures he has performed in his career. How many of us have not misspoken and corrected ourselves when we learned the facts?

I think the worst kind of man is the one who refuses upon learning he is mistaken to correct himself. Foster, before the nation and on "Nightline," stated that upon reflection and in hindsight, he should have consulted his records more thoroughly about it. When Foster had the chance to reexamine his files, he, as any man with integrity will do, correct himself and apologized for the error.

This should not taint one's character. It should rather brighten it. But, unfortunately, in today's America, contrition on the part of anyone is a sign of "a damaged good" that is irreparable.

Even the good book, the Holy Bible, says that one should be forgiven in their contrition. Integrity to me is being able to say you are wrong when you discover that you are.

Foster should not be raked over the coals for admitting error, if in the process, he sets his records straight.

Thirdly, there is no question that the White House bungled this nomination. They have said as much, this whole affair could have been handled better in a straight and clearer manner by presenting Foster as a nationally renowned medical practitioner who, over 30 years, has performed abortion procedures to save the life of the mother, or due to rape or incest. It would also have been communicated that he abhors abortions and only performed them under the rarest of such cases.

I accept the statements by the president's staff that they made a mistake in handling the nomination and concur with them that the strong credentials Foster brings to the position of surgeon general outweighs presidential staff bungling and error or at worst misjudgment.

I wholeheartedly support foster's nomination and I ask the Senate to confirm him and for the country to stand by the president's excellent choice. He shouldn't be punished or scapegoated for the controversy and the tensions that abortion brings to the political arena for there are rational people on both sides of the battle.

Better yet, there are some who are working to eliminate at the root, the instances that lead to teenage pregnancy. Foster is a general in this army and he deserves to be confirmed as surgeon general.●

PEACE IN NORTHERN IRELAND

● Mr. LEAHY. Mr. President, I recently returned from a short visit to Ireland, Northern Ireland, and London, England, where I met with government officials and representatives of the political parties in Northern Ireland, on developments in the peace process there. This is an exciting time in Northern Ireland, where a ceasefire is holding for the first time in a quarter century. I ask that the report of my trip be printed in the RECORD.

The report follows:

CODEL LEAHY—TRIP REPORT, REPUBLIC OF IRELAND, NORTHERN IRELAND, ENGLAND, FEBRUARY 17–21

From February 17–21, I traveled to the Republic of Ireland, Northern Ireland, and London, England, to meet with leaders of Irish and British Governments and representatives of the political parties in Northern Ireland, and to observe the use of funds administered by the International Fund for Ireland (IFI). In London, in addition to meeting with British and American officials on developments in Northern Ireland, I also discussed efforts to limit the proliferation and use of antipersonnel landmines. I was accompanied by Tim Rieser and Kevin McDonald of my personal staff. Travel was by commercial air and rental car.

INTRODUCTION

I have closely followed the situation in Northern Ireland for many years. I was among those who last year urged President Clinton to grant Gerry Adams, leader of Sinn Fein, the political arm of the Irish Republican Army (IRA), a visa to travel to the US. That decision is widely credited with having led to the IRA ceasefire and the peace process that is now unfolding.

The timing of this trip was important because of developments in Northern Ireland since the December 1993 Joint Declaration between former Irish Prime Minister Reynolds and British Prime Minister Majors. That Declaration initiated the latest attempt to resolve the Northern Ireland conflict which has claimed over 3,200 lives in the past 25 years. Most importantly, the two leaders agreed that any change in the status of the North could only occur with the consent of a majority of the people there.

In August 1994, shortly after Gerry Adams received a visa to visit the US, the IRA announced a unilateral cease-fire which led to October cease-fires by Protestant paramilitary groups. Since then, informal talks have been conducted between the Irish Government and Sinn Fein. I arrived in the Republic just six days before the publication of a controversial "Framework Document," which contains proposals put forth jointly by Irish and British Governments aimed at bringing about a permanent settlement of the conflict.

DUBLIN

Meeting with Tainiste Dick Spring: I arrived in Dublin on February 17. Senator George Mitchell, who last December was appointed the President's Special Advisor on Economic Initiatives in Ireland, was also in Dublin that day accompanied by a delegation of officials from the White House and Commerce Department, and our two delegations met over lunch with Tainiste Dick Spring. Our discussions focused on the Framework Document, which Tainiste Spring has had a central role in negotiating, and plans for the May 1995 Trade and Investment Conference.

Representatives of the Irish and American business communities, and the political parties, will meet in Washington over a three day period to discuss potential American-Irish joint ventures and other investment opportunities in the Republic and Northern Ireland.

There is universal agreement among all factions that economic development, especially in areas of high unemployment in the North, is key to any lasting peace since there is a direct correlation between high levels of unemployment and violence. There is also widespread recognition of the crucial role that the United States can play in promoting economic investment. Four areas with high potential have already been identified: tourism, food processing; pharmaceuticals; and telecommunications.

Senator Mitchell, after quoting President Franklin Roosevelt that "the best social program is a job," stressed that this is to be an economic conference, not a political conference, although it is inevitable that politics will play a part. Ireland has much to recommend it, including its highly trained, English-speaking workforce and location at the gateway to 350 million European consumers. Setting up follow-up mechanisms to assist potential investors will be particularly important. Senator Mitchell and I stressed that while the U.S. can help facilitate investment in Northern Ireland, this is a long-term endeavor which depends on the sustained efforts of all the people on the island.

There was also a general discussion about the important role the International Fund for Ireland has played in bringing economic development to disadvantaged areas during a period when the Northern Ireland violence caused many potential investors to go elsewhere.

Address to peace and Reconciliation Forum: Shortly after the IRA cease-fire, the Irish Government initiated a "Peace and Reconciliation Forum" as a way to quickly bring Sinn Fein into informal discussions with the government and other political parties. Although the Unionist parties complained that the Forum was an Irish Government affair and declined to participate, the Forum has provided a bridge between the cease-fire and formal all-party talks which are anticipated in the future.

Senator Mitchell and I were each invited to address the Forum, which is held each Friday at Dublin Castle. Among the audience of approximately two hundred were Tainiste Spring of the Irish Government, Gerry Adams of Sinn Fein, and John Alderdice of the Alliance Party. After introductions by Forum Chair Judge Catherine McGinness and Ambassador Jean Kennedy Smith, I explained that I had come at this pivotal time to give encouragement to all the parties involved in the peace process, and to emphasize that the United States would fully support their efforts in an even-handed way. I stressed that the Framework Document, portions of which had been leaked to the press and were already the focus of much debate and intense criticism from Unionists, should be treated as a discussion document rather than a final blueprint. I said that as long as it was based on the principle of consent, it should threaten no one.

Senator Mitchell, who was in the final day of his visit, described the strong desire he had sensed among the people for a better life and the importance of moving quickly to attract economic investment. He noted that the majority of the 44 million Irish immigrants in the U.S. are non-Catholics, and that economic hardship in Northern Ireland is felt by both Catholics and Protestants. He mentioned several items that will be on the May conference agenda, including: establishment of U.S.-owned plants; support for community banking; tax free regimes for U.S. investors; duty free status for Irish imports; addressing the problem of under-represented communities in the workforce; the problem of dual currencies in North an South; and the MacBride principles.

Our speeches were followed by a general discussion among the participants, which included several appreciative comments about the important role of the United States in moving the peace process forward.

Meeting with Taoiseach John Bruton: Although there was some initial speculation in the press that Taoiseach Bruton might not be as seized with the peace process as his predecessor, he has won praise for keeping the process moving steadily forward. Senator Mitchell and I met privately with the Taoiseach for approximately 45 minutes. We discussed the Framework Document and events leading up to it, and how he thought it would be received. We also emphasized President Clinton's strong, personal interest in the peace process and the importance of pressing ahead despite Unionist threats to boycott the talks.

Dinner hosted by Ambassador Smith: A dinner hosted by the Ambassador included Judge Catherine McGinness, Senator Maurice Manning, Reverend Roy Magee, and Dr. Martin Mansergh, all of whom have had a role in the peace process. I discussed the British Government's demand that the IRA decommission some of its weapons before Sinn Fein is rewarded with a seat at the negotiating table. The general view was that Prime Minister Major has backed away from this position somewhat, recognizing that the IRA is unlikely to respond favorably at this point and that it would be a mistake to link further progress in the peace talks to this single issue. The point was made that turning over weapons by one side has never happened in Irish history, and that the aim should be to keep the dialogue moving forward. The issue of disarmament by all parties will be dealt with in the process of the talks. (Since my return, Sinn Fein leader Gerry Adams, in response to President Clinton's decision to permit him to raise funds in the United States, agreed to discuss the issue of disarmament with the British Government at the ministerial level. Although the President's decision was criticized by British officials, I am hopeful that it will lead to further progress towards peace which would be to everyone's advantage.)

The Northern Ireland conflict has been winding down since about 1989. The IRA concluded that violence was accomplishing very little, and that the political process might offer more. On the other hand, the Unionists, lacking imaginative and dynamic leadership, have lost touch with the people, who desperately want peace. But while the war is over, the guns are not going to be relinquished immediately. As the British move their troops out, the IRA and Protestant paramilitary groups will surrender their weapons incrementally as further progress is made towards a final peace agreement. It was also suggested that the British Government exaggerated the amount of weapons possessed by the IRA to suit their own ends, and it also coincidently benefitted the IRA. Now it is a problem for both, and there is no way to prove how many weapons they have. Giving up a small amount of semtex to a third party such as the United Nations or the United States, as I and others have suggested, would be a positive gesture that could help build confidence.

Meeting with former Taoiseach Albert Reynolds: Without the forceful leadership of former Taoiseach Reynolds it is doubtful that there would be a cease-fire or peace process today. Reynolds told me that the Unionists, who claim they were not consulted on the text of the Framework Document, had significant input into the 1993 Joint Declaration. Reynolds said it was his idea to replace Article 3 of the Irish Constitution, which contains Britain's claim of sovereignty over Northern Ireland, with the principle of consent. The aim was to shift responsibility for the status of the North to a majority of the people there. This was a crucial initiative that has become the cornerstone of the Framework Document.

Reynolds described the future as unpredictable. The demographics of the North are changing. Today, 57 percent are Protestant, down from 63 percent a decade ago. In another generation the majority may be Catholic. But not all Catholics want to be part of the Republic.

Reynolds said that both sides accept the reality that the weapons will have to be surrendered, but it will take time. As the process develops it will become less of an issue. He said the IRA will never turn over their weapons to the British, since it would imply surrender. It will have to be to a third party. Reynolds said United States support for the peace process has been critical. He said the decision to grant Adams a visa was what led to the cease-fire, but that there was no way Adams would or could renounce terrorism at that time and that anyone who thought so was naive. He agreed with the view that the Unionist leadership is out of touch. They never thought a cease-fire would happen, and in the unlikely event that it did they assumed it would be short-lived. They have not thought about what they would do in the absence of violence, and were unprepared for the situation they now find themselves in.

BELFAST

The trip from Dublin to Belfast was notable for the dramatic change that has occurred at the border, where just six months ago a British military checkpoint slowed traffic to a crawl and subjected travelers to close scrutiny by armed soldiers and searches of any suspicious vehicles. Today, the checkpoint is unmanned and vehicles pass through without delay. Although British military observation posts still protrude from the tops of hills, the military presence generally is far from what it was. In Belfast, where armored troop carriers and helmeted troops regularly patrolled the streets in large numbers, daytime patrols there have ended. British troops now wear berets instead of helmets.

The reduced British military presence in Northern Ireland has won wide acclaim from Catholics. However, the day before I arrived in Northern Ireland heavily armed British troops conducted a raid in the IRA-stronghold are of Crossmaglen near the border, which drew strong criticism from Sinn Fein as well as Irish Government officials, who felt that the eve of publication of the Framework Document was a time for both sides to show restraint.

Dairy Farm IFI Project: Shortly after arriving in Belfast I toured the 'Dairy Farm" shopping center with International Fund for Ireland Chairman Willie McCarter, and IFI Joint Directors General Chris Todd and Brendan Scannell. The center, located in a Catholic area of West Belfast, is a community-owned project developed with $3.8 million from the IFI. It includes a retail complex with a large supermarket, multi-purpose civic center, library, retail units, and service businesses that have brought life to a depressed community that lacked any of these facilities.

In later meetings with IFI officials, I discussed past management problems with the Fund and reports that the House and Senate Budget Committees have proposed to eliminate United States funding for the IFI in FY 1996. They assured me that the IFI is no longer financing golf courses and other kinds of projects that drew past criticism, including from myself. It targets disadvantaged communities, Catholic and Protestant, in the North and in border counties in the Republic. Since its inception a decade ago, the IFI, with total contributions of about $400 million from the US and the European Community, has leveraged twice that amount in private sector investment. These funds have been used to support economic regeneration projects in some 300 communities.

I pointed out that whether or not there is an earmark for the IFI in the foreign aid appropriation, the President has said he will provide a $30 million contribution to it in each of FY 1996 and FY 1997, a $10 million increase from FY 1995. IFI officials, and indeed everyone I spoke to in Dublin, Belfast and London concerned with the situation in Northern Ireland, argued persuasively that continued United States funding is an important measure of its support for the peace process.

Comber Orange Lodge: In preparation for my visit to Northern Ireland, I requested the opportunity to speak to a Unionist audience. Arrangements were made for me to address the Orange Order in Comber, a middle-class community near Belfast. The Orange Order is the oldest and largest Protestant organization in Northern Ireland, with over 80,000 active members, and some 4,000 members in the Republic. They regard themselves as British subjects and are intensely pro-Unionist.

My purpose in addressing the Orange Order was, as an Irish American Catholic, to attempt to counter the impression that the United States Government, and especially Irish American Catholics like myself, seek a particular outcome in the North. I stressed that the United States has one goal only, peace, and that it will support the peace process even-handedly. I expressed support for the principle that the status of the North should not change without the consent of a majority of its people. I also stressed the importance of protecting the civil rights of all people, majority and minority.

Several people in the audience vigorously criticized the Framework Document. I responded that rather than reject a document that has not yet been published, they should look towards bringing their ideas and concerns to the negotiating table and to treat the Framework for what it is, a discussion paper rather than a final settlement.

Unionists fear that the British Government's real purpose in seeking a resolution to the Northern Ireland conflict is to abandon them, and they see the United States as part of a pro-Nationalist plot. They fear being isolated—foresaken by Britain and unwilling to become Irish. Lacking dynamic and imaginative leadership, they are at risk of history passing them by. Many long for a past that never was, dream of a future that never would be, and they fear a present they do not understand.

Members of the Comber Orange Lodge were impassioned, but respectful. They claimed to support tolerance and jobs for all people, and pointed out that many Protestants are as bad off as Catholics. Several complained about not being able to interest the US media in their cause, although they refuse the press access to their own meetings.

Meeting with Gerry Adams: I spent about an hour with Gerry Adams. I commended the efforts he, John Hume and Albert Reynolds have made to seize this opportunity for peace. We discussed Adams' request to raise funds in the United States, which at the time was under consideration by the Clinton Administration. He felt that British opposition to it was nothing more than an effort to control the peace talks, since it is even inconsistent with their own policy of letting him raise funds there. He added that Sinn Fein can already raise funds in the United States, only he and certain other leaders are banned from doing so. I told him that the fundraising issue is an issue primarily because the British have made it one.

Adams said the United States contribution to the IFI enables the Administration and the Congress to speak with credibility on the peace process. He added that the Catholics were organized and ready to make proposals to the Fund, unlike the Protestants, but that Protestant leaders have since been impressed by the Fund's accomplishments.

Adams raised the case of an IRA prisoner in Tucson, Arizona, who is charged with buying explosive detonators. He expressed concern about the conditions of his imprisonment.

Meeting with West Belfast Catholics: On Sunday morning, after meeting with Sister Mary Turley and Father Myles Kavanaugh of the Flax Trust, which like the IFI funds projects in disadvantaged neighborhoods in Belfast, I met with a group of Catholic community workers in West Belfast. Geraldine McAteer, the spokesperson for the group, explained that they work in both Catholic and Protestant neighborhoods. She said there was a great desire for peace, and that with the ceasefire they were finally able to stop living in fear of seeing their children beaten or killed. She said people of both traditions want equal social and cultural rights. She emphasized the importance of equal self-esteem. She said Unionists should be able to act British if they choose, and Nationalists should be able to act and feel Irish. She said there is room on the island for both, and that both have much in common.

We talked about why there was a sense that this time the conflict might really be over. They said that working class Protestants have come to recognize that although they always thought being tied to Britain would make them better off, it has not turned out that way. Their kids are doing worse in school than Catholics. They said the Unionists need to learn to fend for themselves, because the government is not going to do it for them. Catholics realized that a long time ago.

They said the Unionists fear that a united Irish Catholic majority would mistreat them as they have mistreated the Catholic minority in the North. At the same time, when they as Catholics imagine a united Ireland, they become concerned about being part of a religious state. They favor separation between church and state, and the right of all to worship as they please.

Ms. McAteer mentioned the planned construction of a public university on land within their community, funded in part with £5 million from the IFI. She expressed support for the project because of the economic benefits it will bring, but concern that too little has been done to involve community members in the planning of the project. She fears that many of the high paying jobs will go to outsiders, and local people will be left only the menial jobs. I later conveyed her concern to IFI Chairman Willie McCarter.

LONDON

Meeting with Ambassador William Crowe and Under Secretary Peter Tarnoff: At an evening meeting with Ambassador Crowe and Under Secretary Tarnoff, we discussed a wide range of issues including Northern Ireland and the problem of the proliferation of antipersonnel landmines. The issue of Gerry Adams' request to raise funds in the United States came up, and the Ambassador expressed concern that the IRA has done nothing since the cease-fire to enhance confidence in its commitment to peace. Ambassador Crowe also expressed concern about the landmine problem and described some of his own experiences with landmines in combat.

Meeting with Under Secretary Sir Timothy Daunt: I met for approximately 90 minutes with Under Secretary Daunt and three members of his staff on funding for UN peacekeeping operations, international efforts to stop the proliferation and use of antipersonnel landmines, and developments in Northern Ireland.

Sir Timothy and his staff expressed alarm at proposals under consideration in Congress which would have the effect of drastically reducing United States funding for UN peacekeeping operations. They specifically mentioned legislation that would apply the cost of in-kind contributions, such as transport costs and materiel, towards UN assessments. They said the effect of this, if applied to Britain, would be that the UN would owe Britain hundreds of millions of dollars it does not have and UN peacekeeping would quickly end. The logical results would be greater direct United States military involvement in regional peacekeeping activities. I told them that I agreed that these proposals are misguided, and that what is needed is a permanent UN logistical force that can respond to humanitarian crises without unnecessary delay.

On the subject of landmines, Sir Timothy said that Britain and the US are near agreement on a comprehensive agreement ("control regime") on the production, use and transfer of antipersonnel landmines. He said Britain accepts elimination of antipersonnel landmines as the final goal. They favor restructuring landmine stockpiles in favor of mines that self-destruct or deactivate within 48–72 hours, if they are not in marked and guarded minefields.

I explained the problems posed by such an approach, namely, that they do not always self-destruct and that it assures the continued use of non-self-destruct mines by countries that cannot afford the more expensive alternative. Sir Timothy said that while Britain recognizes these arguments, which are also put forward by certain Members of Parliament and nongovernmental organizations, the government continues to regard landmines as a legitimate and necessary weapon. He said that in the future there may be alternatives and changes in military strategy, but that elimination of these weapons is not feasible in the short or medium term. He added that the British military believes they can assure a failure rate of self-destruct mines of not more than 1/1000. I said that while the United States and British Governments can say they will use only self-destruct mines, Third World governments will be unmoved. They are not going to declare war against either of our countries, but they are going to keep using them against their own people and their neighbors.

The British officials expressed concern that insurgent groups would not comply with a complete ban on antipersonnel mines. I said that while there will always be some who ignore a ban, if the use of landmines is treated as a war crime they will be rarely used. This is what we have seen with chemical weapons. Sir Timothy said they are afraid to take an "all or nothing approach" that could jeopardize support in the Third World for less drastic measures. I pointed out that the approach being advanced involves an elaborate, largely unenforceable scheme that will not solve the problem.

The subject of demining was discussed. I was told that Britain has contributed £7 million towards this effort, and that 67 British troops are involved in training deminers in Cambodia. While this is important, all agreed it was a far cry from what is needed.

Finally, we discussed the Northern Ireland situation. Sir Timothy spoke of the strong sense of alienation felt by Unionists in the North. He said the overwhelming majority of people in Britain want to get out, but they also have a sense of responsibility that is reflected in the £4.5 billion in aid Britain sends to Northern Ireland annually.

Meeting with Member of Parliament Paul Murphy: Paul Murphy is the Labour Party's chief spokesman on Northern Ireland. He began the meeting by describing his contacts with leaders of Sinn Fein, who he said are skillful and well-informed, if somewhat unsure of how to proceed. They clearly want to get back into the political process, and are anxious to be treated as politicians although they control only 8–12 percent of the vote. He said Sinn Fein is a growing political threat to John Hume's Social Democratic and Labour Party. He said he is encouraged that Protestant gunmen have also spoken about the need to solve social problems. The armed groups have become used to peace, to being able to walk around without fear. He believes that anyone who threatens that will be harshly criticized.

I told Murphy that I was very impressed with Prime Minister Major's leadership on the Northern Ireland issue, and Murphy confirmed that the British Labour Party fully supports the British government's policy. He said both have strong Unionists in their ranks, but agree on the principles in the Framework Document. He added that there may be some disagreement over the pace of moving ahead. He said the Ulster Unionist Party is facing a successionist vote, and that it's current head, James Molyneaux, may resign in favor of David Trimble who has been a vocal opponent of the Framework. He said no Unionist can embrace any kind of "all Ireland" structures, although the obvious and intelligent solution is to have one approach in such areas as energy, tourism, trade, and agriculture. He said he understands the Unionists' fear of being absorbed into a theocracy, but questioned why they are so upset when they know the Framework enshrines the principle of consent and they constitute a majority. He said the Unionists will complain about the Framework but they will be under considerable pressure from their constituents, who want peace, to join the process.

We discussed the issue of Gerry Adams' request to raise funds in the United States. Murphy said he has no objection to this as long as the proceeds are not used to buy weapons. We also discussed the need for reform of the Royal Ulster Constabulary, the Protestant police force in Belfast which is hated and feared by Catholics. Murphy said that any Catholic who joined the RUC would be killed. Sinn Fein favors disbanding the RUC and creating a new, united police force for the whole island.

Meeting with Minister of State Tony Baldry: Minister Baldry's portfolio includes North America, foreign assistance, and international counternarcotics programs. We discussed recent changes in the Congress, and the need for more interaction between legislators from our two countries. We also discussed Northern Ireland, and the use of the British Virgin Islands as a transhipment point by narcotics traffickers.

CONCLUSIONS

The single most compelling message I heard from the people of the Irish Republic and Northern Ireland was that they are done with violence, and that anyone who returns to violence would be condemned by a majority of people of both traditions. I could feel an intense desire on the island to find a way for both Catholics and Protestants to coexist. However, I also sensed that some Unionists, who have willingly seen themselves as British subjects their whole lives, are so fearful that their way of life is coming to an end that they could ignite renewed violence if they are not reassured otherwise.

Despite this danger, I was very impressed with the momentum the peace process has gained. The visionary leadership of John Hume coupled with the courageous decision of British Prime Minister Major, former Irish Prime Minister Reynolds, and Prime Minister Bruton, to seize this opportunity, have constructed a process that I am optimistic will lead to lasting peace.

The much-anticipated Framework Document was published the day after I arrived back in Washington, where it was very well received. Since then, President Clinton has agreed to permit Gerry Adams to raise funds in the United States, and Adams responded by declaring his readiness to discuss the decommissioning of arms with the British Government. The British Government reciprocated by withdrawing 400 of its troops from Northern Ireland. Ministerial level talks between Britain and Sinn Fein are expected soon. I believe this is crucial to reassuring Unionists that they will not be left defenseless to a renewed IRA threat.

The role of the United States in this effort cannot be overstated. After a somewhat inauspicious beginning, the International Fund for Ireland has served a vital role in creating jobs—29,000 at last count, and bringing hope to hundreds of the most depressed communities, both Catholic and Protestant, in Northern Ireland and the border countries of the Republic. The IFI is clearly a short-term solution. If peace takes hold, private investment should replace the IFI as the engine of economic development within two or three years. Until then, the IFI is an important symbol of U.S. support for the peace process and a tangible way to support that process during this fragile period.

In addition, President Clinton's willingness to take political risks that the Irish and British Governments were either unwilling or unable to take themselves, has made an enormous difference. My hope is that my reinforcing his message in Dublin, Belfast and London I was able to give some added impetus towards lasting peace in the land of my father's father.●

REGULATORY REFORM

● Mr. SIMON. Mr. President, the March 6, 1995 edition of the New Yorker included a thoughtful piece on regulatory reform by James Kunen. He recalls the history that led to the enactment of laws and agency regulations designed to protect the public from unsafe foods and warns against regulatory reforms that will doom us to repeat that history.

This article deserves the attention of the Senate as we prepare for the upcoming debate on regulatory reform so I ask that it be printed in the RECORD.

The article follows:

[From the New Yorker, Mar. 6, 1995]

RATS: WHAT'S FOR DINNER? DON'T ASK.

Ninety years ago, Upton Sinclair's immensely popular documentary novel "The Jungle" exposed the conditions then prevailing in the American meat-packing industry. "Rats were nuisances, and the packers would put poisoned bread out for them; they would die, and then rats, bread, and meat would go into the hoppers together," Sinclair wrote, in one of many vivid passages based on his research in Chicago, and he added, "There were things that went into the sausage in comparison with which a poisoned rat was a tidbit."

Peering back in time from the moral heights of the present, we may find it hard to make out why the captains of industry circa 1905 conducted their businesses so rapaciously. Were their hearts more resistant to the promptings of conscience than those of today's corporate executives? Or did Sinclair's villains do what they did because it kept costs down and, besides, they could get away with it? Such questions are of more than just literary interest right now, for what can be got away with may be on the brink of vast expansion.

Sinclair's best-seller helped spur the passage by Congress, in 1906, of America's first great consumer-protection measures—a federal meat-inspection law and the Pure Food and Drug Act, which together prohibited the shipment of adulterated or mislabeled foods in interstate commerce. The first great political obstruction of consumer protection quickly ensued. When producers of dried fruit complained that limits on the use of sulfur as a preservative might hurt sales, President Roosevelt's Secretary of Agriculture, James Wilson, backed down. "We have not learned quite enough in Washington to guide your business without destroying it," Mr. Wilson explained to them apologetically, no doubt omitting to deride the inside-the-Beltway outlook of the Department's scientists only because the Beltway had yet to be built. Pro- and anti-regulatory forces have grappled for advantage ever since. This week, the House Republicans, as part of their Contract with America, are striving to rout the rulemakers once and for all with a set of measures they imaginatively call the Job Creation and Wage Enhancement Act of 1995. The legislation would erect new obstacles in the already tortuous path of risk assessment.

GLENCOE STUDENTS WIN ENGINEERING AWARD

● Mr. SIMON. Mr. President, more than 1.8 million Americans are employed as engineers, making it the Nation's second largest profession.

National Engineers Week has been celebrated annually since 1951 in order to increase recognition of the contributions that engineering and technology make in the quality of our lives. During the week of February 19 to 25, more than 40 well-known engineers participated in a variety of activities to help promote engineering.

Among those activities was the national engineers week future city competition. This competition encourages middle-school students to help envision solutions to facing our Nation's cities. These seventh- and eighth-grade students use math and science skills to design tabletop models of futuristic cities, and each group of students is assisted by a teacher and a volunteer engineer.

This year a team of students from Glencoe, IL, was among the seven teams from around the country that went to the final competition at the National Science Foundation, and I was pleased when they took third place in the competition.

Those deserving special recognition are Stephanie Richart, Alexandra Wang, and Denise Armbruster, and their teacher, Barbara James, of Central School in Glencoe, and also Bob Armbruster who volunteered his services in helping the group with their project.●

MAKING MINORITY APPOINTMENTS TO COMMITTEES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 95 at the desk, which was submitted earlier by the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 95) making minority party appointments to the Committee on Energy and Natural Resources, and the Committee on Veterans' Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 95) was agreed to, as follows:

Resolved, That the following shall constitute the minority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, Mr. Heflin, and Mr. Dorgan.

Veterans' Affairs: Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Dorgan, and Mr. Wellstone.

ORDERS FOR WEDNESDAY, MARCH 29, 1995

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m., Wednesday, March 29, 1995, and that following the prayer, the Journal of the proceedings be deemed to be approved to date, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of routine morning business not to extend beyond the hour of 10:45 a.m., with Members recognized to speak for up to 5 minutes each, with the following exceptions: Senator CAMPBELL, 10 minutes; Senator

MOSELEY-BRAUN, 40 minutes; Senators NICKLES and REID, for a combination of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Under the previous order, at 10:45 a.m., a rollcall vote will occur on the passage of the regulatory moratorium bill, S. 219.

Mr. REID. Mr. President, I would like to take this opportunity to express to my friend from Oklahoma, my appreciation for his patience, perseverance, and his diligence in arriving at this point.

I think the bill to be voted on, as amended by the substitute, is a very important piece of legislation for this country. This could not have been done but for the leadership of my friend from Oklahoma. I have enjoyed the process. I think it has been one that has been educational for us all, and I think as we proceed through the calendar this year, we will look back to this as a significant improvement in the lives of the American public.

I say that the American public should understand that it is possible to do things on a bipartisan basis. My friend from Oklahoma is chairman of the conference committee. I have a like position on the Democratic side. Again, I publicly commend and applaud the Senator from Oklahoma for his work in this matter.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator REID. We have worked together on many issues over the years in the Senate. It has been a pleasure to work with him on this issue. I think this is a significant bill and one that has been improved because it has been bipartisan. I again thank Senator LEVIN and Senator GLENN, and many other colleagues on this side of the aisle, for some of their amendments that we agreed to today. I think we have improved the bill as well.

ORDER TO PROCEED TO H.R. 1158

Mr. NICKLES. I ask unanimous consent that the Senate begin consideration of H.R. 1158 immediately following passage of S. 219.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all Senators, a vote will occur tomorrow at 10:45 on passage of the regulatory moratorium bill, and the Senate will then begin the supplemental disaster assistance bill.

Therefore, votes can be expected to occur throughout Wednesday's session of the Senate. The Senate could also be asked to remain in session into the evening on Wednesday in order to make progress on the appropriations bill.

ORDER TO RECESS

Mr. NICKLES. I now ask that following the remarks of Senator JEFFORDS, the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I may proceed for a period not to exceed 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 643 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Mr. President, I yield the floor.

RECESS UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess.

Thereupon, the Senate, at 7:14 p.m., recessed until Wednesday, March 29, 1995, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 28, 1995:

DEPARTMENT OF ENERGY

JAMES JOHN HOECKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2000. (REAPPOINTMENT.)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LLOYD W. NEWTON [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5137:

CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL

To be vice admiral

HAROLD M. KOENIG, MEDICAL CORPS [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, March 28, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. LONGLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 28, 1995.

I hereby designate the Honorable JAMES B. LONGLEY, Jr. to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore (Mr. LONGLEY). Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA] for 5 minutes.

IN WELCOME OF THE PRIME MINISTER OF NEW ZEALAND, THE HONORABLE JIM BOLGER

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today on behalf of my colleagues in the Congress to extend a warm and heartfelt welcome to the Honorable Jim Bolger, the Prime Minister of New Zealand and members of his delegation. This is indeed an historic occasion, as it has been over a decade since New Zealand's Prime Minister has been invited to Washington to meet with our President. And I want to commend President Clinton, Secretary of State Warren Christopher, Secretary of Defense William Perry, and Assistant Secretary Winston Lord for bringing about this normalization of our relations with the leaders and good people of New Zealand. I also want to welcome our Nation's Ambassador to New Zealand, the Honorable Josiah Beeman, who is also in Washington.

As some of our colleagues may know, in 1987, the United States Government restricted political, military, and security contacts with the nation of New Zealand in response to her adoption of antinuclear legislation that was perceived to be inconsistent with United States military interests in the South Pacific.

Although I can understand why our defense ties and Anzus obligations to New Zealand were terminated, I have never supported an across-the-board snubbing that our country forced New Zealand to endure for years. While we restricted high-level contacts with New Zealand, I find it ironic that our Government had no problem in meeting with leaders from totalitarian states and Communist regimes.

New Zealand is a longstanding and respected democracy that shares our values, and has historically been a close friend of the United States for most of this century. The people of New Zealand and America are much alike and have much in common—including a shared language, a common heritage of multiculturalism, and a firm commitment to the principles of free market economies.

Our two nations, as allies, have fought at each others' side against aggression in virtually every major conflict in recent times. From World War I and World War II, to the Korean, Vietnam, and the Persian Gulf wars, New Zealand has joined with America to combat those forces that have threatened democracy and undermined international security and peace.

As a member of the U.N. Security Council, New Zealand has actively supported the United States in multilateral collective security efforts. This has included joint operations with America in U.N. peacekeeping missions to Cambodia, Somalia, Rwanda, and Haiti, as well as contributions to U.N. peacekeeping efforts in Bosnia, Angola, and Mozambique.

In the Asia-Pacific, both New Zealand and the United States support the Asean Regional Forum, which provides the best promise for engaging the major Pacific powers in a new multilateral security architecture for the region. In furtherance of nonproliferation controls, New Zealand early on supported United States negotiations resolving the North Korean nuclear crisis, and has strongly worked with the United States for indefinite extension of the Nuclear Nonproliferation Treaty.

Moreover, New Zealand has played an active and positive role in supporting United States efforts in international economic fora, such as the Uruguay round of GATT, APEC, the Pacific Economic Cooperation Council, and the Pacific Basin Economic Committee.

Given the nature of this long and extraordinarily deep relationship between our democracies, I strongly applauded the Clinton administration's policy change last year to resume senior-level diplomatic contacts with New Zealand for discussion of political, strategic, and broad security matters. The removal of New Zealand's diplomatic handcuffs has been long overdue.

Although several Members in both Houses of Congress lobbied the administration for years to lift the unfair restrictions, certainly Prime Minister Bolger deserves a good part of the credit. During the Seattle APEC summit, his brief meeting with President Clinton resulted in a promise to review the relationship between our nations. No doubt their personal exchange expedited the review process, resulting in removal of constraints between our governments and resumption of high level dialog.

The Honorable Jim Bolger has been Prime Minister of New Zealand since 1990. Although the breakthrough in bilateral relations with the United States has been a significant accomplishment during his tenure, certainly Prime Minister Bolger must also be commended for the dramatic and dynamic revitalization of New Zealand's economy. Under Prime Minister Bolger's leadership, New Zealand has undergone comprehensive economic reforms, changing from one of the most insulated and restrictive economies in the OECD to one of the most open and competitive.

Today, New Zealand stands as a model for the rest of the world as to the benefits of free market reforms. The country's annual GDP exceeds 6 percent, inflation has been curbed at 2 percent, unemployment is rapidly declining along with foreign debt, while government budget surpluses are increasing.

To accomplish this feat, New Zealand has undertaken several initiatives, such as liberalizing trade by slashing tariffs and removing imports quotas, encouraging financial liberalization by eliminating controls on prices, interest rates, and wages, while introducing a floating exchange rate, broadening the tax base, by implementing a value-added tax, while cutting corporate and personal tax rates, reducing government budgets by privatizing public enterprises and removing subsidies, and substantial deregulation across most sectors of the economy, with a monetary policy targeting price stability as the major objective.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These free market reforms have culminated in the World Competitiveness Report in 1994 ranking New Zealand first for long-term competitiveness among the advanced economic nations of the OECD.

Mr. Speaker, in recognition of this historic trip to Washington, it is my distinct privilege and pleasure to congratulate Prime Minister Bolger and the good people of New Zealand for their unwavering commitment to democracy and outstanding economic accomplishments of its government.

On this great occasion, Mr. Speaker, I submit to my distinguished colleagues in this Chamber, to join me by welcoming Prime Minister Bolger and members of his delegation to our Nation's Capital. As my Polynesian cousins, the Maoris of New Zealand would say, "Kia ora."

Tinei mauriora! Tena koutou, tena koutou, tena koutou katoa. Te whare e tu nei, temarae e takoto nei, tena korua. Nga hau e wha, nga iwi e tau nei, tena koutou katoa. The breath of life! Greetings, greetings, greetings! To the House, to the land, greetings to you both. People of the four winds, people gathered here, greetings to all of you.

UNITED STATES OCCUPATION OF HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, today is day 191 of the United States occupation of Haiti. The United States occupation of Haiti is scheduled to end in 3 days. The invasion will be over.

What will we be leaving behind in Haiti besides one billion United States taxpayers' dollars? Are we leaving a stable and secure government? I think not. Unfortunately, the evidence is in, and we are leaving a mess. We are leaving 2,500 of our troops there to do some peacekeeping with some other troops from some other countries in a situation that is far from optimistic.

There is a requirement that Congress has put on the White House for regular reporting about what is going on, and I asked for that report as we neared the end of this occupation time.

The White House tells us that things are fine in Haiti. Quoting from a letter from President Clinton to the Speaker, dated the 21st of March, it says: "Overall, Haiti has remained calm and relatively incident-free since the deployment of United States and MF forces. The level of political violence has decreased substantially since the departure of the de facto government," et cetera, et cetera.

I think it is time that the folks in the White House started reading the newspaper. Things are not quite that way.

I go back to a New York Times article that came out just as recently as this Sunday, and I say, quoting, "Only a week before the responsibility for maintaining security here is to shift from the United States to the United Nations, the Haitian government is struggling to contain a sudden surge in crime and street violence. Frustration over the crime wave, which has included slaying of political figures as well as robberies and break-ins, has led to a series of vigilante attacks against suspected lawbreakers," et cetera, et cetera.

Reading on from the same New York Times article last week, that was a week ago, after a series of daring daylight holdups and car thefts, the capital was hit by spasms of vigilante violence. Over 2 days, 21 suspected thieves were beaten, stoned or hacked to death by enraged groups, mainly residents of working class neighborhoods.

This seems to belie the statement that calm has returned to Haiti. This seems to belie the statement that we now have a secure and stable environment, as the United Nations asserts. I guess it is all right for them to assert it since we are maintaining the maximum exposure, we as the Americans, and our forces down there.

I think that the media is breaking down the misrepresentations that are coming out of the administration on why we are in Haiti and what we are about there. What is important for Haiti is that we do establish democracy and we try to help it in an intelligent way.

The implications for our upcoming elections, given this wave of violence and the breakdown that is going on there, are not good. Candidates have been killed.

We have got elections for parliament in June. We need a parliament in Haiti. We do not have one; and, in fact, we have a de facto dictatorship. We have no justice system and no parliament, so we have a de facto dictatorship.

And where people are being discouraged, they are not only being discouraged, they are being assassinated if they run for office. That is pretty strong discouragement.

The implications for business, we have had 20,000 of our combat troops down there. If we cannot get prosperity, security, and create an investment climate with that kind of stability, what is going to happen when those troops leave in 3 days?

So, clearly, we are not doing well in the area of encouraging investor, and unfortunately the facts show that very well also.

The implications for security are not so good, either. President Aristide, quoting him from another newspaper report, said, "Mr. Aristide was particularly critical of the remaining Haitian police and judicial authorities, whom he described as, 'cowardly and derelict in their duties'."

When the President of your country gets up there and says you cannot count on your police, that does not contribute to calm. When he goes further than that and says, "Look, folks, you better be prepared to take care of yourselves and the workers down in the slum part of Port-au-Prince, down in Cite Soleil, are encouraged to go out and take care of themselves, that means they are down there sharpening their machetes."

And indeed we do have exactly that report, that the people in Cite Soleil are back, going back to protect their homes, are sharpening up their machetes and are preparing for even more violence. This is not a stable and secure environment by any stretch of the imagination.

We do not have a parliament. We are pulling out American troops. We do not have a government that has got any confidence in its police force for stability. The justice system is breaking down.

They found that when they went to one prison out of something like 527 inmates only 15 of them had actually been convicted. So they turned loose 200 people who are actually people who should have been brought to justice but the system had broken down. And then the decent folk in Haiti were enraged that they were turning criminals loose on the streets. That is another system that has broken down.

It is critical in a democracy to have the three branches of government working, and in Haiti not any of the branches of Government are working. Rather than delude ourselves and declare victory, let us look at the real situation and get a foreign policy that is comprehensive, works and does build democracy in Haiti and stop kidding ourselves with these false reports from the White House.

THE CONTRACT IS HURTING AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Oregon [Ms. FURSE] is recognized during morning business for 2 minutes.

Ms. FURSE. Mr. Speaker, it is day 83 of the Republican contract. And every day a Republican has come down on this floor and told us what part of the contract they passed. But what they have not told us is what it did to us. So I am here to tell you who got hurt in the contract and who didn't. Who are the winners. Who are the losers.

Well, kids got hurt. Changes in the School Lunch Program made it harder for them to learn.

Single parents got hurt. Child care was cut. Now working families, maybe just a single mom or a single dad at home, they won't have somebody to look after their kids when they are out working.

And then pregnant women, they got hurt. At a time when good nutrition is essential, we cut the WIC Program. Children will suffer, and the taxpayer will suffer because they will be paying for those expensive low-birth-weight babies.

Seniors got hurt. Housing assistance, heating assistance, those programs got cut in the contract.

Students got hurt. If they were hoping to go to college, they will find fewer student loans to help them.

And the disabled, they got hurt. Fewer will receive assistance, and many parents with disabled children will have their stipend eliminated. Consumers got hurt. Their ability to redress wrongs has been reduced. All poor people got hurt, and most middle-income people got hurt.

The Coast Guard got hurt. That means less safety for boaters and fishers, less drug interdiction. And, of course, the environment, that got hurt. Clean air and water safety, that has been cut. Fish and wildlife programs cut.

And veterans, they got hurt. Their medical benefits and housing assistance has been cut.

The taxpayers got hurt.

And, most of all, America got hurt.

Well, now I want to tell you about who did not get hurt. Who were the winners under the contract?

Well, the very wealthy, they did fine. There are tax breaks coming their way.

The Pentagon did fine, no cuts, not even the $1 cut I asked or the $8 billion cut I asked.

Corporations didn't get hurt. They did fine.

Polluters did fine.

I suggest to my Republican colleagues when they go back for the Easter break that they realize that they represent all Americans, not just the wealthy, the polluters, and the corporations.

CAPTIVITY IN IRAQ OF DAVID DALIBERTI

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to protest the treatment of David Daliberti and his fellow American, William Barloon, by the nation of Iraq. After accidentally straying across the Iraqi border, these two men were tried in a questionable court and sentenced to a prison term that lends new meaning to the phrase "cruel and unusual punishment."

Mr. Daliberti and Mr. Barloon are private United States citizens employed by an American company doing business in Kuwait. On their way to visit friends with the U.N. peacekeeping force patrolling the border, they were misdirected by the U.N. Iraq-Kuwait observer mission and found themselves in Iraqi territory. As even their Iraqi court-appointed attorney said at their trial, they were carrying no weapons, no cameras, no maps, no compasses—nothing that could indicate these men were anything other than innocent victims of an unintentional mistake. And, according to the Polish diplomat who attended the trial on behalf of the United States, even the judge in the case was sympathetic to their plight. Nevertheless, Iraqi law is Iraqi law and the men were sentenced to 8 years.

Mr. Speaker, I don't want to see these men used as political pawns. If the statement yesterday by the Iraqi Parliament leader is truthful, it is a good sign when he said, and I quote, "we don't think that we are going to facilitate the question of the sanctions through detaining these two Americans."

As Mr. Daliberti and Mr. Barloon languish in an Iraqi prison, I urge the White House, State Department and foreign diplomats working on our behalf to spare no effort in securing their release at the earliest possible date. I also recommend that the Clinton administration dispatch a high-level delegation to Iraq to negotiate for the release of these men. And although I am fully aware that we have no diplomatic relations with Iraq, I call upon the Iraqi authorities to do the right and humane thing and release these American citizens today.

The trial of these two men was wrong, their sentence was unfair, and their release is imperative. The wives and families of these men, especially Kathy Daliberti with whom I've already spoken to express my support—are counting on their Government to employ whatever means necessary to bring them safely home.

TERM LIMITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Ohio [Ms. KAPTUR] is recognized during morning business for 2 minutes.

Ms. KAPTUR. Mr. Speaker, I would ask today whether you would like to fly with an experienced pilot or an inexperienced pilot? Or would you like to go to an experienced dentist or an inexperienced dentist?

Today, I rise in opposition to all the proposals that will be debated here for term limits on Members of this body as a direct undermining of our Constitution. There are many days here when I know I am the only voice the people in my district have here in the Congress of the United States, and I know that I am better, I am smarter, I am more experienced than I was when first elected.

I think it is important to say for the record that the problem of politics in Washington isn't the number of years that people are elected. It is the amount of money that is being put into campaigns, trying to influence people's views when they get elected here.

Campaign financing reform is not in the contract. It is one of the important missing elements in the contract. It does not matter if you serve here for 6 years or 60 years. If we do not limit and control the money that is controlling this political process, term limits won't matter.

For you say in whose interest is it to have term limits? In whose interest is to have juvenile representation here, to have constant upheaval where Members do not even know one another on the floor?

There has been a two-thirds change in this Chamber just in the last 6 years. In whose interest is it to have this place in constant upheaval?

We have had turnover. People have been thrown out of office. But, for one, I do not want to give up JOHN GLENN in the Senate. Who knows more about the defense of this Nation? Or RALPH REGULA of Ohio on trade or SAM NUNN and JACK MURTHA on defense?

Or even though I do not agree with these gentleman, JOHN CHAFEE in the Senate and BILL ARCHER in this House on tax and budget policy? Or PAT LEAHY on agriculture or NICKY RAHALL on mining or ALAN SIMPSON with that acrid sense of humor that sometimes keeps us in balance here or OLYMPIA SNOWE in the Senate or LEE HAMILTON or DALE BUMPERS or RON DELLUMS or RICHARD LUGAR on foreign policy or JERRY SOLOMON on veterans?

I, for one, do not want to undermine the Constitution. I, for one, want a blend of experience and people who cannot be bought in this Chamber.

I do not support term limits. It undermines the Constitution, and we ought to stand up for what is right for the American people and once and for all put a limit on campaign spending.

CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, as we are drawing near to this 100-day closure, I think it is very important to talk about what we have done and look at this.

I think for children what we have done has been absolutely outrageous. It is like we tied them to the tracks, the railroad tracks, and let the contract roll over them like it was a huge, huge freight train.

Why do I say they were tied to the tracks? Well, first of all, we did things that were not quite as serious, I suppose, but the taking away of things or the cutting of the wings of Big Bird and some of the only decent programming on television, cutting of nutrition programs all across the board, the absolute zeroing out of summer jobs for adolescents in the city, strangling the National Service Program which was a way many young people got their college education. We absolutely almost zeroed that out totally, attacking math and science programs in the public schools when heaven only knows we need that, taking on student loans, one of the main ways that young people today are able to get their college education.

Yes, all of those things have been put on the table, and all of those things have been chopped during this first 100 days. And why? Why? To create this great crown jewel of the contract, tax cuts, tax cuts for the special interests that sent people here. It is tax cuts for the rich, and the kids pay the bill.

And I think there is something terribly wrong with that math, and so I am not happy about this first 100 days.

But there is another part of this first 100 days that I think is very troubling. For everyone else in the contract, this contract went rolling along like mad, but when it came to the politicians' interests, the contract comes to a screeching halt.

Watch it come to a screeching halt today on term limits. You are going to find that is the one area of the contract they are going to decide to amend or play with or whatever.

Now I do not happen to be for term limits. I believe the Constitution and this great Republic have lived over 200 years without this and so I do not think it needs to be there. But many people played on the cynicism that was out there and said this was important.

And yet we are seeing cynicism piled up at the door of this body every single day. We are seeing admissions in Time magazine that they are letting special interests into Members' offices to write the legislation and to write amendments.

Never seen that before. Absolutely rotten, I think. And that may be why kids were on the line. They do not have anybody giving big money that could get into Members' offices and write this legislation.

We saw the gift ban turned down. On the very, very first day of this body, the gift ban got turned down. Nobody wanted to stop the gifts. Well, I did, and I think that is an important reform that we needed.

We have seen nothing moving on campaign finance reform that the gentlewoman from Ohio was talking about that is so important. And we have seen the Committee on Standards of Official Conduct play all sorts of games with the rules. They have changed the rules. And we see ethics violations that are allegedly being piled up at the door, and nothing happening.

So it is very interesting. For everyone else, you are going to get your crown jewel. Special interests, you are getting to write the legislation. The kids are going to pay the bill. And for politicians things aren't going to change.

I do not think that is what the American people had in mind when they started into this whole contract. But I certainly hope they look at this and look at it very carefully.

Because I think if we are going to see more of this after this 100 days, we are in deep trouble in this country as we are breaking all sorts of commitments we shouldn't be breaking to the only hope we have for the next century and that is our children, that is our young people, and to treat them this way and this rashly in the name of paying back the folks who paid the campaign winners' bills in the last election is positively wrong morally and every other way.

TERM LIMITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. McCOLLUM] is recognized during morning business for 5 minutes.

Mr. McCOLLUM. I have heard quite a bit of discussion our here today about all the pain that is going on. I have not seen much of it, quite frankly, in the first 100 days except the difficulty of spending the hours that it takes for us to write those programs into law, at least get them passed through the House and sent on to the Senate that we promised as Republicans in the campaign to do.

As you know, I am sure my colleagues do, nothing that we have suggested is all that dramatic a departure except that we are sending things back to the States where I think, and most of us on this side think, that there is much greater wisdom about how to do those things than there is here in Washington, especially things like crime fighting, which is primarily local, and welfare which can be best handled by those back home who know how to do it.

But the money and the resources are going back there. Nobody is going to be destitute because of what we are doing, a lot of hand wringing going on about what we have not gotten to. Well, gosh, we have done more in the first 100 days than any Congress in 50, 60, 70 years has, maybe in the history of this country.

But I come to the point of what we are going to discuss today and tomorrow as the legislative agenda, and that is term limits.

Some on the other side of the aisle, including a couple of the speakers this morning, have alluded to the idea somehow we are not going to be able to fulfill this part of the contract. I do not know if we are going to get to 290 votes, but I know if about 50 percent of the Democrats would help us, we would get there.

We have 85 percent or better of the Republicans who are going to vote for term limits out here, hopefully vote for final passage. I believe they will on whatever version. But in order to succeed it takes two-thirds of the Congress.

We have only 230 Republicans. And quite a number, 30 or more, out of conviction really genuinely do not believe in term limits, are going to vote no.

We need to get a balance on the other side. Fifty percent is at least what it is in the populous out there. Because with nearly 80 percent of the American public supporting term limits, we know that is evenly divided between Democrats and Republicans in the general public, but it has not been in this House.

And maybe that is a reflection of why this is the first time in history we have had a term limits debate out here. The Democrats have controlled the U.S. House of Representatives for 40 consecutive years, and only with a lot of pressure in the last Congress did they even hold hearings in committee, let alone consider bringing a bill to the floor of the House for debate that would provide a constitutional amendment to limit the terms of House and Senate Members.

It is time to make this change. It is time to do it deliberatively. And let's think about why for a minute.

First of all, if we look back in history, the Founding Fathers of this country could not have envisioned when they wrote the Constitution the kind of full-time Congress we have today or the career orientation that Members have developed.

If you think about it, Congressmen in the early days, in fact for the first 100-plus years of our country, only served 1 or 2 months a year up here in Washington. And they went back home and did their businesses and did the ordinary things they do in the community. And, very frequently, they only served one or two terms. It was a rare exception for them to serve longer.

Then beginning about the middle of this century, moving on until now, Congress became a full-time, year-around job, partly because the size and scope of the Federal Government became exceptionally big.

□ 1300

While I would like to reduce it, we are not going to immediately reduce it. The truth of the matter is, when that occurred there became a different breed of attitude in Congressmen here in the sense that men and women could not do the jobs back home. They basically had to give them up.

Today, there are actually laws in the books that prohibit certain occupations like attorneys and accountants from practicing their professions, and most Members of Congress today have no outside earnings outside of those investments that a few may have.

Mr. Speaker, today we have a career-oriented Congress, Congressmen who come here thinking that they have to give up a job. And many of them, for security reasons or otherwise, are looking to stay here for longer periods of time.

That has been the pattern with committee chairmen, requiring you to be in service for 12, 15 years to be one, and sometimes committee chairmen serving for 15 or 20 years. That is wrong, and it has led to rather poor decisionmaking.

Members seeking to make a career out of this place tend to want to please every interest group to get reelected, not to get campaign funds but to please the groups to get votes, to please the groups that are basic to them, whatever group that may be, however small it is. The idea being if you do not displease anybody then you are going to get them to vote for you next time since they are the ones that are the squeaky wheels paying attention.

Consequently, that is why we have so much trouble balancing the budget and getting some common sense in government around here.

Mr. Speaker, it seems to me only logical then that the way we can reform and the only way we can truly reform permanently Congress is to change the Constitution to make things balanced again, much like the Founding Fathers had originally thought it should be.

The best way, the only way to do that is to set term limits. I propose a 12-year limit on the House and Senate. My version of the term limit amendment that will be out here as the base bill for a vote tomorrow is one which says that we serve 12 in the House and 12 in the Senate as a permanent deal.

There is no retroactivity. There is no preemption of the States. Whatever the Supreme Court decides in the pending cases and the Arkansas case before it will be the law of the land. If they decide against the States, then the 12-year limit will be uniform. If they decide for the States, there will be somewhat of a hodgepodge potentially out there.

Mr. Speaker, the bottom line is I think that a difference between the House and Senate terms, say 6 for the House and 12 for the Senate, would make the House an inferior body to the Senate. It would make it weaker. That does not make sense to me.

I would urge my colleagues to vote for term limits and vote for the 12-year version.

DISAPPOINTMENT WITH WELFARE BILL

The SPEAKER pro tempore (Mr. LONGLEY). Under the Speaker's announced policy of January 4, 1995, the gentlewoman from California [Ms. WOOLSEY] is recognized during morning business for 3 minutes.

Ms. WOOLSEY. Mr. Speaker, as the only Member of Congress who has been a single, working mother on welfare, I am very disappointed by the welfare plan that House Republicans approved last week.

I am disappointed because we had a real opportunity to fix our broken welfare system, and instead, House Republicans approved a plan that guts the system and shreds the safety net for 15 million children. The same safety net that enabled my family to get back on our feet 27 years ago.

As someone who came to Congress to improve the lives of our children and families, defending them from attacks by House Republicans is not the way I intended to spend my time.

Poor women and their children did not sign on the dotted line of the contract on America, but they are certainly in line to suffer its disastrous consequences.

The bill does nothing, absolutely nothing, to prepare welfare recipients for jobs that pay a livable wage.

There is no job training. There is no education. And while the Republicans have put some money toward child care, following intense pressure from the Democrats, there is still not nearly enough.

And, their bill literally takes food out of the mouths of our kids.

In my district alone, Marin and Sonoma Counties in California, almost 7,000 school children will be denied a school meal.

I have only one thing to say about their plan to wreck child nutrition programs:

"States don't get hungry, children do."

And, starving our children is not the solution to the welfare mess.

I am also disappointed that Chairman HENRY HYDE and I were not given the opportunity to offer our amendment to federalize child support collection. We believe that federalization is the best way to collect outstanding child support, and we will continue our bipartisan effort to make sure children receive the support they are owed.

Mr. Speaker, the choice comes down to this: We either punish families because they are poor, or, as was the case with my family, we invest in them so they can get off welfare permanently.

As this bill moves to the Senate, it is essential that harsh and punitive measures in the House welfare bill be removed. We can get families off welfare without punishing women and children. We can produce a welfare bill that is worthy of widespread bipartisan support.

PATENT PROBLEMS WITH GATT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized during morning business for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I would like to draw public attention to a great miscarriage of justice that will happen to American citizens starting June 8 unless the Congress acts now.

Most people do not understand the importance of patent rights for the American people, but let me be concise and just say that as we are entering this information age and this new era of technology unless we guarantee the protection for the creativity and genius of the American people and for the investment of American investors in new technology, America will fall behind.

Mr. Speaker, in the past, America has always led the way economically because we protected people's property rights, including their intellectual property rights. In fact, most people do not know the U.S. Constitution includes a strong provision about patent rights. So from the very beginning our Founding Fathers, like Thomas Jefferson and Benjamin Franklin, who were themselves innovators and technicians, ensured that our country would place a great deal of value on the protection of new inventions and intellectual property rights.

In fact, for 150 years the tradition has been that American citizens would have 17 years of protection in which they would own any new technology that they invented. Well, that is what has happened for 150 years.

Unfortunately, last year during the GATT process, during our negotiations with other powerful interests around the world, a provision was snuck into the GATT implementation legislation that was not mandated by the GATT treaty itself. Let me repeat that. Something was put into the legislation for the GATT which is about an international trade agreement that was not required by what we had agreed to with those other trading partners to be in the GATT legislation.

What that provision was, was something that reduced the number of years of patent protection for American citizens. Today, we have 17 years of protection, as we have had for 150 years. If one files a patent, no matter how long it takes that person to be issued a patent, that means when a patent is finally issued the investors will have 17 years to recoup.

The change that was snuck into GATT says that once someone files for a patent the clock starts ticking, and he only has 20 years. No matter how long it takes for that patent to be issued, after 20 years that person no longer owns that technology.

Mr. Speaker, do you know what that means? That means that our most innovative Americans who created new technologies will see that their patent rights are reduced dramatically, the people producing new technology.

What was snuck into the GATT language over my strenuous objection and many others was this law that will mean billions of dollars that would be coming to Americans who invent new technologies now will stay in the corporate bank accounts of multinational corporations and Japanese corporations. Billions and billions of dollars that used to come to Americans are now being kept overseas. Our people were betrayed. Their rights were reduced.

Now, if you ask our Patent Office why that happened, why did they sneak that in there, why did they keep Congressman like myself in the dark until 10 days before GATT was actually put before this body and wouldn't tell us what was in there concerning patent rights? Well, we have got to do something to correct the patent system because they have something called the submarine patent in which some patent holders, some people who have applied for patents, maneuver through the system and actually have a longer period than the 17 years of protection because they manage to have the patent not issued.

The submarine patent problem can be corrected administratively and should have been. It is like a hangnail on your toe. An infected tow with a hangnail feels really bad, but the last thing you want to do when you have a hangnail is to cut your foot off.

Instead of correcting the hangnail problem, what our leaders have done is use a hangnail as an excuse to cut the feet off of the American investor. When that happens, we are not going to be moving forward. We are not going to be able to compete because we are not going to be able to outrun the foreign competition. Mr. Speaker, what will happen when this change takes effect is that American inventors will lose control of their technology after a few short years.

I am asking my Members and my colleagues, my friends here in the house, to join me in sponsoring H.R. 359 which will restore to the American people a guaranteed 17 years of protection. We can then move forward to correct some of the problems at the Patent Office. We can do so administratively and without costing the American people billions of dollars.

Let us protect American intellectual property rights and join me on H.R. 359.

POTENTIAL CUT IN STUDENT LOANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, my message today goes out to college students, their parents, educators across our country and across the State of West Virginia.

Last month, we had to fight the battle of school lunches and, incredibly enough, unbelievably, there was actually a proposal and it passed on the floor of the House to eliminate the school lunch as we know it. And this involved parents and educators and school children across our country.

This month, I am warning people in advance. You had better be fighting for your student loan, your guaranteed student loans that keeps you in college, the one that the Federal Government helps subsidize your education knowing that that small amount of subsidy is going to be repaid time after time and time again in increased earnings and increased tax revenues. Because, yes, incredibly enough, under the Contract With America this, too, is at risk.

Last month, the school lunch; this month, the school loan.

So we are going to see probably the school loans cut. Because why would the student loans be cut? They would be cut for a tax cut. They call it a middle income tax cut.

And if you earn over $100,000 a year, yes, it is a tax cut for you. If you are below $30,000 a year, you are going to see almost nothing. If you are below $13,000 a year, you are going to see nothing at all.

So what we are going to see is that middle-income people are going to see their student loans cut so that the upper incomes can have their taxes cut. It does not sound like a good deal to me.

So when those students this month take their final exams, be careful. They could be more final than you think. When school lets out this summer, let us hope that they are not letting out for good.

So I am calling on students across our State and across the country to mobilize, to say, "No. Enough is enough. This is a growth. Those loans are growth. They are not simply deficit spending."

The changes that have been proposed and talked about could cost as much as $20 billion over 5 years. The most important one is the interest subsidy that goes to children below a certain income level by which while they are in college the Federal Government pays their interest rate. Once they are out of college, then they are responsible for repaying that rate. It is estimated that eliminating that subsidy could cost students anywhere from 20 to 50 percent more on the cost of their loans.

Now, like a lot of people in this country, I worked my way through school. I had to work my way through college, and I had to work at the same time. If you saddled me at the time with an 8 or 9 percent interest rate, I could not have made it; and a lot of others I think are in my situation as well. So this is penny wise and pound foolish.

Many of our veterans remember that the single greatest economic accelerator was following World War II when this country put money into the GI Bill of Rights and sent millions to college. What we saw was an explosion of technology, of growth, of development, particularly in our economy, and so this would be.

What the Contract With America puts at risk is the Stafford loan program, the work study program, supplemental education opportunity grants, the Perkins loan program; all on the chopping block.

The impact on West Virginia would be severe. Thirty-five thousand students alone in our State have these subsidized loans by which the Federal Government is assisting to pay the interest while they are in college. That calculates to about $11 million annually in interest. Yet that $11 million could jeopardize the college careers and future careers of many of our West Virginia students.

Already, West Virginia colleges are well aware of the impact if these kinds of cuts should pass this Congress. As I had one college president tell me, "It is going to make the difference in our college as to whether many of our students can attend or whether they are not going to be able to attend."

Mr. Speaker, are we really going to cut the future off for many of our students like this? Middle-income parents, middle-income students need to be aware of what is out there, need to be aware that they have to mobilize and the time is short.

Because when this tax cut package hits the floor next week, and I presume it is going to pass and get muscled through like everything else has been muscled through the last 100 days, when this tax cut package passes, they are not going to tell you what the cuts are. But the cuts come right after that, and those cuts are going to involve student loans as sure as I am sitting here.

Nobody would believe that they would go after student lunches. They did. Now they are going after student loans. It is time to mobilize. Time to make ourselves heard. It is time to let the word go out: We want the country to grow.

One of the single greatest accelerators and one of the single greatest growth initiatives for my State of West Virginia as well as the Nation has been the student loan program. We want more students in higher education, not less. We want more students about to contribute to the economy, not less.

Mr. Speaker, what most middle-income people say they would like more than a tax cut that basically goes to the upper-income people, they want deficit reduction, yes, but, more importantly, they want the chance for their students, their young people, their children, to improve and to have a chance and a start in this life.

RESPONSIBILITY ON TERM LIMITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, this time this week we are going to consider for the very first time ever term limits in the House of Representatives. I just wanted to take the opportunity to talk about that for a couple of minutes this morning. Because one of the things that we are going to find out this week is exactly where every single Member of this House stands with respect to term limits.

What we found out already is that the country as a whole is certainly in favor of the, 75, 80 percent. We now have term limits enacted in 21 States across the United States. We have term limits with something like 35 governors. Obviously, the President of the United States is term-limited to two 4-year terms.

The question is going to be before this House, will we have the guts, will we have the courage, will we, frankly, have the representative responsibility to go along with what the people of the United States want?

You are going to hear all kinds of crazy arguments in opposition to term limits. The one that I like the best, the one that I think is the least credible is the one that says—

> This is a tough job that requires a great deal of technical skill, and it takes a long time to get it. It wasn't true maybe 100 years ago or 150 years ago, but now it is true because government is really very, very complex, and it is very, very difficult to understand all of it. And so the longer that you are here the better that you get to know it.

What I would say to that is that, frankly, to the extent that that is true and maybe in some aspects it is true, to whatever extent that is true, it means the Government is too big. It means that Government has gone out of control, and it has become too complex.

What you need in a Representative are some fairly fundamental character traits. You have to understand that, first of all, there is a balance between leadership on the one hand and representation on the other hand.

What does it take to be a good Representative in this Congress? It seems to me that it is pretty simple. What it takes is listening, the ability to listen, the ability to not talk, to shut up and to listen to what constituents say. What is it exactly that they want to have represented in the U.S. Congress? What concerns them? What is on their minds? What is on their hearts? What is it that they want to have amplified for them right here on the floor of this House?

You have to balance that ability to represent by listening with leadership. What is it that we want in leaders? What is it that we are looking for? What qualities do we want for leaders and what is it that is important for leadership?

I would say to you there are a number of things. There are a number of qualities. But certainly it is not a big mystery as to what you put together: good judgment, common sense, compassion, patriotism, a commitment to the future, a commitment to where we are going in this country, caring about our children.

But I think that, fundamentally, common sense has got to be way out in front on this issue. Because without common sense, without a basic understanding of what makes the world go round, we will never, we will never be able to accomplish anything of lasting value in this House.

Let us look back at some of the most famous Members of the House. Henry Clay. What did he bring to the party? First of all, he was here seven times. He served seven terms in the House and not one time did he run as an incumbent. Can you imagine that?

Right now, the statistics are that if you are running as an incumbent in November for the House of Representatives, chances are 9 out of 10 that you are going to get elected. They are actually greater than that. It is about 93 percent.

The system is completely rigged from franked mail to campaign financing. All the way from soup to nuts it is rigged by us Members that are here right now to make it easier for incumbents to get reelected.

Mr. Speaker, what you can see is that year after year after year, notwithstanding the elections in 1992 and 1994, if once you get to the general election if you are facing an incumbent, the incumbent wins 9 times our of 10.

If you look at the statistics on committee chairmen, which is a really scary one, and I use the word "chairmen" specifically because in the 103d Congress no women were committee chairs in the Democrat 103d Congress, the average tenure of each of the Chairs was 28 years. Twenty-eight years.

Is there any wonder that we have brought more legislation in the first 85 days of this Congress to the floor of the House than had brought up in the entire last Congress? Well, the reason for that is that this legislation had all been bottled up by committee chairs that had been chairmen on an average of 28 years. It is going to be an interesting debate, Mr. Speaker.

Mr. Speaker, I urge all of my colleagues to support all of the term limits bills that are going to be on this floor. We have got to limit terms here.

CUTS IN ASSISTANCE PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. VOLKMER] is recognized during morning business for 5 minutes.

Mr. VOLKMER. Mr. Speaker, last week was a very sad week for the children of America, for the needy of America, for the elderly and the poor of America. Because last week the Republican majority did something that is very destructive to the elderly, to the needy, and to children.

What did they do that was so radical that will injure these people? Well, they cut $66 billion out of programs for those people. They stand on this floor and they stand over here or at that microphone over there and repeatedly say, no, they are sending more money out for school lunches, for food stamps, for AFDC. They are sending more out. And yet CBO, their own people, admit they have cut $66 billion, not million, billion dollars out of those programs.

What does it mean? Well, to my people back in Missouri, back in the Ninth District of Missouri I have had breakfast with some of the children that have reduced prices or free because they cannot afford to pay. I have had lunches with school children the same way in my district. I know of elderly who rely on food stamps, especially in the wintertime in order to eat because of the high winter rate for heating their homes and the fact that they have to live on $250 or $300 or $350 a month in Social Security checks or SSI.

Those people know. I talked to them. They know what is coming down the pike. They know when the Senate passes that bill that they are in for a hardship unless our President, and I understand from the Chief of Staff of the White House that when this bill reaches his desk the President would probably veto it.

I say amen, amen. For shame that the majority party, for shame, would do this to the people of this country. At the same time, they are talking about giving more foreign aid, big foreign aid to other countries to help other people. That is a disgrace. That is a disgrace to the people of this country.

Mr. Speaker, it just shows you how they do things here in this new majority. They have the votes, so they are going to run right over anybody that gets in their way. That is what they have been doing.

It is an abuse of power. That is what it is, a gross abuse of power.

Who is running the show? Right from the leadership on down, they have got big bosses telling them what to do. A lot of their legislation is drafted by the special interests right here in Washington, DC. They do not even draft it. Lobbyists do it, because the lobbyists want the money.

Where is that money going to go, folks? You know where that money is going to go that is coming out of the mouths of children in my district in Missouri, that is going to be taken away from the elderly with heating assistance in my district in Missouri? I have got thousands of people that would be injured by this.

Where is the money going to go? It is not going to go to reduce the deficit. No, they rejected that. Overwhelmingly, they rejected it. Of all the thousands of people taken away from that need it in my district, I have got about 1,500 very wealthy people in my district that are going to get the benefit from the tax bill that they are going to take up.

And they are going to pass it next week, folks. They are going to give people at $200,000 in income, if they are married and they have four children, they are going to give them $2,000 for their children. $2,000 for their children.

Who are they taking away from? They are taking away from kids in my district whose parents are making 10 and 12 and $14,000. They say that those kids do not need it. They say that the person who makes $200,000, their children need it. Ladies and gentlemen, that to me is gross hypocrisy.

They say again, no cuts in these programs. Well, if there are no cuts, folks, again I say to you, where does the $66 billion that is going to go to the wealthy, where does it come from? It does not come from trees. It does not come from the sky. It is coming out of those poor people of median income, hard-working people in my district. That is where it is coming from.

PROBLEMS IN THE WELFARE SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. BILBRAY] is recognized during morning business for 5 minutes.

Mr. BILBRAY. Mr. Speaker, last week and again this morning, I happened to witness discussions about a system that we call the welfare system.

Now, Mr. Speaker, I grew up in a neighborhood and I had friends and where we were was a working class neighborhood, but many of my friends and their families were on welfare. I also happened to have served for 10 years as a county supervisor in the county of San Diego which has a welfare system larger than 32 States of this Union.

Let me tell you as somebody who grew up in the neighborhood and had to run the system, anybody who can face off with the American public and honestly say what we have called the welfare system for the last 30 or 40 years is somehow a great contribution to our country obviously ignores the atrocities that have been done under this so-called welfare system.

The system that we call welfare is nothing short of subsidized misery. In fact, if you or I would treat our children in the manner that welfare treats children, it would not only by immoral, it would be illegal.

Mr. Speaker, I will give you one example. If I gave my teenage daughter a check and told her to go live by herself in her own apartment, I would not only be abandoning my child, I would be actually committing child abuse by definition in the State of California and most States in this Union. I, as a parent, am not allowed to take a minor child and send him or her off to live by themselves. But, Mr. Speaker, that is what our welfare system has done for over 40 years.

It is time that we rethink our well-intentioned but misguided concept here, that we have actually taken children and sent them off on their own under the guise that we have committed some great privilege and helped this individual.

We have actually punished people who have tried to work their way out of welfare for decades in this country. If you were on welfare and you got a part-time job, what did Uncle Sam say to you? They said, "For every dollar you earn in part-time, we will take a dollar away from you in benefits." Then we wonder why people do not work their way out of welfare.

Mr. Speaker, I just would like to point out that the best welfare in society is a job, and we will work on that. I come from the county that started workfare in 1978, and it was called cruel. It was called heartless. It was called right wing radicalism. But as somebody who grew up in the neighborhood and operated the system, it was the most humane proposal we ever had, and it is time we bring dignity back.

Mr. Speaker, I will tell you as somebody who administered the programs, you take off the Federal strings, you stop telling us how to run the system, and the people at the State and local level will provide the services that the so-called people who claim to be liberals always say ought to be provided.

We are going to give free lunches to our children. We are just not going to give it to the Federal bureaucrats.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 28 minutes a.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MCINNIS] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Encourage each person, O loving God, to examine the issues that they encounter and on which they must act, and to have discernment as they face the decisions of the time. Help us to be forthright in our desire for knowledge realizing that the gift of truth is not to be scorned, but with virtuous hearts and sincere minds we should seek to understand the issues of life and endeavor, in all things, to remember the words of the Proverbs that "the fear of the Lord is the beginning of wisdom, and the knowledge of the Holy One is insight." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance?

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4. An act to grant the power to the President to reduce budget authority.

APPOINTMENT OF MEMBERS OF THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 5(b) of Public Law 93-191, the Chair announces the Speaker's appointment as members of the House Commission on Congressional Mailing Standards the following Members of the House:

Mr. THOMAS of California, Chairman; and Messrs. ROBERTS of Kansas; NEY of Ohio; FAZIO of California; CLAY of Missouri; and GORDON of Tennessee.

There was no objection.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. WELLER asked and was given permission to address the House for 1 minute.)

Mr. WELLER. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence—we kept our promise; congressional term limits to make Congress a citizen legislature—we are starting this today; family reinforcement to protect our children; tax cuts for middle-income families; and Senior Citizens' Equity Act to allow our seniors to work without Government penalty.

This is our Contract With America.

CONSTITUTION AND BILL OF RIGHTS DOES NOT APPLY TO IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the brass of the Internal Revenue Service has now testified they oppose changing the burden of proof in a tax case for civil matters. They say it would tie their hands by extending the same rights under the Constitution given to any other court proceeding. They would actually have to show evidence and cause, and it would make it difficult for them to collect money.

Let us look at it another way; what is the IRS really saying to us? The Bill of Rights and the Constitution are great, they are really great but not for the IRS. They should apply everywhere else but do not put it on us.

Let me tell you something, folks, we could ensure that those questions they need answered could be answered, but when it gets into a courtroom every American should be treated fairly and the Bill of Rights should stand by every American.

I do not buy it. I think it is time for Congress to begin to run our country again.

WHO REALLY CARES ABOUT OUR CHILDREN?

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, who really cares about America's children?

Mr. Clinton and the congressional minority claim that they do. This is the same White House whose budget will add $250 billion to our existing $5 trillion debt over the next 5 years. This is the same Democratic Party which killed the balanced budget amendment, and fought tooth and nail against a minuscule 1 percent cut in Federal spending this year. This is the same crowd which has saddled each and every child in America with $17,000 of debt the minute they are born.

Mr. Speaker, I will tell you what real concern is. It is enacting $100 billion in real spending cuts in foreign aid, the Federal bureaucracy, Amtrak, Legal Services, the arts, and welfare. So you see Mr. Speaker, there is one party which cares enough to spare the future generations of American children from the suffocating burden of debt. We were sent here to safeguard the future of every poor, middle, and working class child. We will show we really care about our children by gutting Federal spending and ending business as usual.

TERMS LIMITS A BAD IDEA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, term limits are a bad idea whose time has not come. We already have term limits. They are called elections every 2 years. We do not need another constitutional amendment to change what the voters already have done, and that is change the Congress and the political system.

Since I came to Congress 12 years ago, 75 percent of the House has changed. If you want entrenched bureaucrats, if you want lobbyists and if you want staff to run the Congress, then vote for term limits.

It is also hypocritical for Members to vote term limits but exclude themselves from the law.

Mr. Speaker, campaign finance reform is what is needed. Let us put elections on a more equitable basis, let us have a gift ban, let us have ethics reform, but let us not use term limits as the ruse for the problems that exist in this country.

Term limits are a bad idea and I am proud to say that.

PASS TERM LIMITS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, last week the bipartisan majority passed a welfare reform package that overhauls the current welfare system to offer hope for the future. Today, we are continuing to keep our promise with the American people by bringing to the floor an historic vote on a constitutional amendment on term limits to make Congress a true citizen legislature.

Everyone here knows that a constitutional amendment needs 290 votes to pass the House. The Republicans cannot do it on their own. We will deliver at least 80 percent of our Members on the term limit vote, but we need at least 50 percent of the Democrats to vote yes, also. Today I challenge the Democrats to deliver the necessary votes to pass term limits. It's in the Democrat hands to pass this.

So what is it going to be—yes, or no.

Let's pass term limits and make Congress a true citizen legislature that's accountable to the people.

TERM LIMITS

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute.)

Mr. PETERSON of Florida. Mr. Speaker, I agree with the last speaker. We should pass term limits. This week we will debate term limits all week long.

This is a subject whose time has come. There are several proposals out there. One of them is mine and I am not a latecomer to term limits. I supported term limits in 1989, the first time I campaigned for office, and I have stood fast on that ever since. On January 11 of this year I dropped a bill on term limits, restricting to 12 years, but different from everybody else's. I said it should apply to me and every other Member of this House.

That is the argument we are going to have this year, and this week we are going to be asked to stand up and be counted. America says term limits applies to us. If they are angry at Congress, can it not be that they are angry at us?

SUPPORT TERM LIMITS

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, over 200 years ago the Founders of this Nation established a system of government which contained considerable checks and balances, and they established this form of government because they wanted to limit the power of an individual or a group to take over.

We have found it necessary to modify the Constitution by limiting the term of a President to 8 years, further limiting the power of an individual to take over the country or to do more than he or she should do.

The House of Representatives this year took action to limit the Speaker to 8 years under the same philosophy, and we also limited committee chairmen to 6 years to prevent abuse of power.

This week it is time for us to carry out the next logical step, and that is to limit the power of the present length of term of individual Members of Congress.

I believe it is a logical next step, it is an important next step, and I urge this Congress to vote to put in place term limits on individual Members of Congress. It is a historic vote and the first opportunity this Congress has ever had to cast this vote. I urge that it be a "yes" vote.

OPPOSE SALE OF POWER MARKETING AGENCIES

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, today my friend and colleague, the gentleman from Oregon [Mr. COOLEY], and I delivered a bipartisan letter to the Speaker of the House urging him to help us defeat the administration's proposal to increase electric rates by selling off the power marketing agencies or PMA's.

If the goal of this Congress is to make Government run smarter, this plan would not stand a chance. The PMA's run at no cost to taxpayers, but make a big difference in the electric rates paid by over 100,000 in North Dakota and millions nationwide.

There is one thing that has become clear since this idea was first suggested. This idea will not save the Federal Treasury a dime, but it will cost electric ratepayers millions.

If sold, these agencies could well go to the highest bidder, driving up electric rates higher than those paid today.

Mr. Speaker, 52 House Members who have signed this letter will not accept that. We are going on record today. We are opposed to the PMA sale and we are opposed to higher electric rates for our constituents.

MAXED OUT CREDIT

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, most of us sit around the kitchen table once a month to pay the bills. The mortgage payment, the car payment, and insurance take out the majority of the paycheck. Then we notice the car insurance went up and we had unexpected medical bills. Sometimes we glance at the credit card bills and find they too are maxed out. We call this monthly kitchen table financial reality.

Kitchen table financial reality has hit our Nation. Our Nation's bills keep growing, and the country's credit cards are maxed out. Just as families decide to cut the monthly expenses and quit using the credit cards, so too has the Republican majority faced up to controlling the Federal bureaucracy from its uncontrolled spending habits and we are putting a hold on the credit cards.

Cutting the deficit to save the next generation of children from being born into bankruptcy won't be easy. It will require sacrifice from all Americans, just as mothers and fathers sacrifice for our children everyday.

WE NEED TERM LIMITS TODAY

(Mr. TATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TATE. Mr. Speaker, what a difference an election makes. Just last year the Speaker of the House was suing the citizens of my fair State, Washington State, because he was against term limits.

Well, this year what a difference. On January 4 the Speaker of the House limited his terms to 8 years. We limited the terms of our committee chairs and ranking minority, and we will bring out here on the House floor for the first time in American history term limits.

We are going to deliver 80 percent of our Members. We need you to deliver at least 50 percent of yours.

But what is the Democrat response on term limits? Retroactivity. It has been on the ballot once in the history of this country, in Washington State, and it was defeated.

The people purporting this plan have been in office longer than I have been alive. It is a crock. It is a sham. If you really want term limits, vote for the Hilleary amendment which is truly allowing State rights to go forth. Vote for term limits. We need it today.

STUDENT LOANS

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, in their increasing effort to pay for a capital gains tax cut for the wealthiest of society and to assure that the supporters of the Republican contract for America now have a new target for spending cuts—students.

Under the Republican contract rescissions package, $63 million is eliminated for the State Incentive Grant Program, which effectively cuts the entire program; $104 million is eliminated for the Pell Grant Program and; Federal direct student loans are cut by $47 million. Over 50 percent of all students currently attending college receive some type of financial aid which will be directly affected by these cuts.

In Kentucky alone last year, there were over 70,000 student loans granted totaling over $180 million.

Of these 70,000 loans, students of the University of Louisville received over 7,000 loans totaling over $23 million. Mr. Speaker, these figures represent only one State and only one school, the true effects of these cuts are more far-reaching and will prohibit millions from obtaining an education.

Mr. Speaker, If we truly value education in our society, we will be committed to providing the necessary assistance to enable all Americans to obtain a college degree. I hope that we can make this commitment together.

TERM LIMITS AMENDMENT

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, our Founding Fathers while drafting the Constitution provided a simple but decisive and important process for the American people to properly amend the Constitution. Through the years, our country has adopted important amendments to improve the public's role; such as the right to vote. Now, it is time to continue the process with term limits.

Over 75 percent of the American public believe they deserve the right to personally vote on term limits.

Anyone who sits in this Congress who disagrees with giving the citizens of this country a chance to vote on this very popular and important issue, in my opinion, shows no confidence in the people which elected them.

I strongly believe that if any elected official cannot put aside their own self-interests for the good of the American people, then maybe they have been inside the beltway too long.

STUDENT LOANS

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, I rise today in strong protest to yet another Republican plan to penalize the middle class in the name of tax cuts for the rich. The majority party is endangering the future of our country, the future of our young people, by targeting student loan opportunities for cuts, in order to finance their special interest tax breaks.

The various government-funded student loan programs account for over 75 percent of financial aid that is distributed in this country every year. Cuts to student assistance will end up costing middle class Americans over $20 million over the next 5 years. This is a burden too heavy to force onto the working families of this country.

In this day and age, a person cannot achieve success without a good education. I am a firm believer that bright and talented young people should be given every opportunity for success. No young person who is capable of learning should be denied the opportunity to persue higher education. We have an obligation to fulfill, an obligation to these kids, to ourselves, and to America's future.

LORD ACTON WAS RIGHT

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, the growing support for term limits is a recognition of Lord Acton's dictum: "Power corrupts, and absolute power corrupts absolutely." Long-term incumbency does change the outlook of elected officials.

In 1969, over 25 years ago, I introduced the first term limits bill, the bill that launched the modern struggle for term limits. As a Washington State Senator, I saw that long-term service concentrated power in the hands of a few, thus reducing effective representation by the majority of the body, be it Congress or the State legislature.

Fundamental to the idea of a citizen Congress is the principle that Members serve a limited time and then return home to live under the laws they have made.

I support the initiative passed by the voters of the State of Washington establishing a 6-year term limit for Members of Congress. This is the mandate from the people: "Pass a term-limit amendment on the Congress as we did for the Presidency."

OPPOSE CUTS IN STUDENT AID

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, once again, Republicans are asking middle class families to sacrifice in order to pay for their tax giveaway to the wealthy. This time they have zeroed in on student loan programs that have helped educate generations of middle class kids.

The Contract With America puts four crucial student aid programs on the chopping block. Together, these programs account for 75 percent of the financial aid currently awarded to college students.

If these mean-spirited cuts are approved, it would cost students and their families $20 billion over the next 5 years—making this the largest increase in college costs in history. Middle class families rely on student aid. In fact, NEWT GINGRICH and DICK ARMEY took out student loans to pay for their education. Now, they want to pull up the ladder behind them and deny that opportunity to the students of today. Don't let Professor GINGRICH cancel class for hundreds of thousands of college students. Oppose cuts in student aid.

TERM LIMITS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, this week for the first time in history, we will vote to limit the number of terms Members of Congress can serve. The new, open, GOP Congress will bring not one, not two, not three, but four term limit proposals to the floor for a first-ever vote to replace career politicians with citizen legislators and return the balance of power back to the people.

Republicans are committed to term limits but, alone we can not give the overwhelming majority of Americans what they want—we need the support and votes from our Democratic colleagues. Even if all 230 Republicans vote for term limits, we would still need 60 Democrats in order to pass this constitutional amendment.

So, today the fate of term limits and the will of the American people rest in your hands [pointing towards Democrats]. It is up to you to either join our effort to return the people's body to the people and pass a term limits amendment—or—to fight for the status quo of congressional careerism and the influence of high-powered, Washington lobbyists.

Mr. Speaker, it is time to put partisan politics aside and give America what 22 States have already demanded: term limits.

OPPOSING CUTS IN STUDENT AID

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the best investment the Federal taxpayer makes is in getting young people an education. So I think student loans make all the sense in the world, and we ought to be sure that every young person who has the will, the desire, and the ability to go to school also has the economic wherewithal.

Now, why do I say that is the best investment? Because we all know someone with a higher education makes a whole lot more money, so they are going to be paying higher taxes. You do not need new math, and you do not have to be a rocket scientist to figure that one out.

And yet, so what are these guys going to do to save this crown jewel of the contract, the tax cut for the rich? Well, they are going to cut student loans. That is really penny-wise and pound-foolish, and it is absolutely unfair to the next generation of our young people.

If anyone thinks that we can do well in the 21st century with our young people having less education, go ahead, go for the cuts, but I will not.

INTRODUCTION OF THE TUITION ACCOUNT ASSISTANCE ACT OF 1995

(Mr. ENGLISH of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. ENGLISH of Pennsylvania. Mr. Speaker, well, I agree with the last speech that a college education is an important strategic investment. That is why today I am introducing the Tuition Account Assistance Act of 1995.

This bipartisan bill will eliminate the tax liability on the value of State prepurchased college tuition credits. Our TAP program in Pennsylvania has been hurt by the IRS when it treats appreciated credits purchased in this program as a capital gain.

This bill will enable middle-class families to save for their children's education without capital gains penalties, and it is supported by Pennsylvania's State system of higher education.

While the program in the State of Pennsylvania is relatively young, several other States with similar programs have had problems with the capital gains tax including Florida and Michigan.

To me, this issue highlights how capital gains tax affects the middle class. One thing that has been lost in some of this floor discussion is that nearly 60 percent of tax returns claiming a capital gain were filed by taxpayers with less than $50,000 income.

WISHING AWAY THE BUDGET DEFICIT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, I rise to commend the distinguished Republican Chair of the Senate Budget Committee, Senator DOMENICI, for his straightforward comment on Saturday that, "My goal as chairman of the committee is to produce a balanced budget without any tax cut." Such candor has been rare from House Republicans who are constructing a budget in a dream world. It is based on the first law of Disney appropriate for Fantasyland that wishing will make it so.

We cannot wish away the budget deficit. We cannot wish away and get a balanced budget and provide tax breaks for those who earn $200,000 a year and more, and yet that is what they proposed.

Indeed, they have cut last week's school lunches, and now we are about to see them attempt to cut on the big brothers and the big sisters of those same children when they cut student loans.

Fortunately and finally last week over 100 House Republicans questioned whether providing a tax break for those at the $200,000 level made any sense. It does not. This move represented a half step, but that is better than the kind of lockstep that we have seen of late.

IT IS TIME TO SET TERM LIMITS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I do not see how anyone could have watched the debate over welfare reform last week and not come away in favor of term limits.

Even though just about everybody agrees that the current welfare system is a mess, in fact, an abysmal failure, we saw last week the architects of the present welfare system stream to this floor to denounce attempts at reform. Sure, they couched their opposition in politically correct terms. They have learned how to do that around here.

We do need change, they admit, just not this change. The very people who fought the hardest against welfare reform were the same Members who for decades have voted to fund and expand the welfare monstrosity.

Some folks seem to be a little too proud of their handiwork and a little too close to the bureaucracies they have built.

Mr. Speaker, last week we set term limits on welfare recipients. Now we ought to set term limits on the group that created the welfare mess in this country in the first place.

GOP HAS SUPERMAJORITY ON TERM LIMITS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, make no bones about it, the fate of term limits rests squarely on the shoulders of the Democrats in Congress.

More than 80 percent of Republican Members support and will vote for term limits.

That's more than a majority. That is more than a supermajority. Why that might even be more than a superduper majority.

All we need is the support of just one-half of the Democrats.

Not even a majority, just 50 percent.

No one can say that Republicans have not listened to the American people who overwhelmingly support term limits.

Mr. Speaker, I ask just half my colleagues on the other side of the aisle to listen to the American people.

To them I would say, stop the arrogance of Washington. Vote "yes" on term limits.

□ 1430

TERM LIMITS: BOUND BY THE VOICE OF MY CONSTITUENTS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, a few years ago when the great debate began back in our constituencies about the possibility of term limitations, I debated that very same subject with various groups in our district. I took the position then, which I felt was justified, that term limits were a province of the voters, who every 2 years could exert their judgment and determine whether or not the term of that particular officeholder should be ended.

Well, the debate went on and on and finally I decided to resolve the question by having an item in my annual questionnaire as to how our people felt about term limitations. By a count of 70 or more in that grandiose count that we made of opinion in our district, people were in favor of term limitations.

So as we begin the dateline here today on the debate on term limitations, I am bound by the voice of my people and I will vote in favor of term limitations. And no matter what the outcome, they will determine, in November of 1996, whether my term should expire.

SELLING BONNEVILLE POWER ADMINISTRATION IS A BAD IDEA

(Mr. COOLEY asked and was given permission to address the House for 1 minute.)

Mr. COOLEY. Mr. Speaker, I rise today to inform my colleagues that selling the Bonneville Power Administration is a bad idea for now.

If we are looking for someone to buy BPA, the only buyer I know, foolish enough to take on an investment like this, is Uncle Sam himself. In fact, if we did find such a buyer, they would probably have a deed to the Brooklyn Bridge.

Here are just five of the reasons that make Bonneville a bad candidate for privatization. First, there will be incredible costs associated with the Endangered Species Act requirements.

Second, nuclear plant investments have gone bad, creating more costs to cut profit margins.

Third, this year alone, it is recommended that BPA spend $500 million on fish and wildlife mitigation costs.

Fourth, you cannot sell what is not yours. Numerous counties and cities have vested interests in the facilities and transmission equipment.

Finally, there are treaty considerations with Canada that will profoundly complicate matters.

Clearly, while privatization sounds good for the taxpayer, there is a right way and wrong way to go about it. Now is not the time for BPA.

TERM LIMITS: A CITIZEN LEGISLATURE

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, today in this body we begin a historic debate. Not since 1787 when the Framers of the Constitution first discussed the concept of a citizen legislature has the concept of limited terms been debated by those chosen to represent their respective States.

It was during that historic debate that the gentleman from Virginia, George Mason, stated that:

> Elected representatives should be subject to periodical rotation. For nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people from whence he was taken and where he must participate in their burdens.

It is with that in mind that I challenge you, my colleagues, with remembering that 22 States have already enacted term limits for their elected Members.

I urge you to support term limits and return this elected body to a citizen legislature.

THANKS FOR ENDING WELFARE AS WE KNOW IT

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, I must admit to being a little depressed when I left here last week.

With calls of "Shame, Shame, Republican, Shame," still ringing in my ears, I wondered: Was I really mean-spirited?

Did our welfare plan deserve the name-calling and the references to Nazi Germany?

I was heartened, though, when I boarded the plane at National and the flight attendant did not tell me to sit down and shut up; further encouraged when the dog did not bite me and the kids were happy to see me; happier still when the folks back home—those who get up every morning at 5:30, carry a lunch box, pay their taxes, and obey the law—called to say thanks for ending welfare as we know it.

But it was not until Sunday morning, when I got the paper out of the tube and saw this cartoon, that my spirits truly soared and I was able to separate rhetoric from reality.

My thanks to cartoonist Kelley from the San Diego Union-Tribune. In this picture, Tom has five apples and Ed has one. Tom gives three of his apples to Ed, and now Ed claims that his apple has been cut in two. The query by the cartoonist is "How can that be?" And the answer is "That's a Democrat."

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

(H. DOC. NO. 104–53)

The SPEAKER pro tempore (Mr. MCINNIS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on the developments since September 26, 1994, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of September 20, 1994.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through this Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from September 26, 1994, through March 25, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about $50,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995.*

REPORT ON HEALTH CARE FOR NATIVE HAWAIIANS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

I transmit herewith the Report on the Health Care for Native Hawaiians Program, as required by section 11 of the Native Hawaiians Health Care Act of 1988, as amended (Public Law 102–396; 42 U.S.C. 11701 et. seq.).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995.*

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE OVERSIGHT

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Oversight.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, March 24, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: In my letters to you of January 18, 1995 assigning various functions to the House Officers, I indicated that assignment of these responsibilities constituted a first step in the ongoing restructuring of House operations, and that further changes may be directed as they become necessary.

Based on further review, and pursuant to the authority vested in the Committee on House Oversight by House Rule X, clause 1(h) and clause 4(d)(2), the Committee directs that operational and financial responsibility for the House Document Room is assigned to the Clerk of the House of Representatives effective on March 27, 1995.

Best regards,

BILL THOMAS,
Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS OF 1995

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 849) to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

The Clerk read as follows:

H.R. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Age Discrimination in Employment Amendments of 1995".

SEC. 2. REINSTATEMENT OF EXEMPTION.

(a) REPEAL OF REPEALER.—Section 3(b) of the Age Discrimination in Employment Amendments of 1986 (29 U.S.C. 623 note; Public Law 99-592) is repealed.

(b) EXEMPTION.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623), as in effect immediately before December 31, 1993—

(1) is hereby reenacted as such, and

(2) as so reenacted, is amended by striking "attained the age" and all that follows through "1983, and", and inserting the following:

"attained—

"(A) the age of hiring or retirement in effect under applicable State or local law on March 3, 1983; or

"(B) if the age of retirement was not in effect under applicable State or local law on March 3, 1983, 55 years of age; and".

SEC. 3. STUDY AND GUIDELINES FOR PERFORMANCE TESTS.

(a) STUDY.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Equal Employment Opportunity Commission (in this section referred to as "the Chairman") shall conduct, directly or by contract, a study that will include—

(1) a list and description of all tests available for the assessment of abilities important for completion of public safety tasks performed by law enforcement officers and firefighters,

(2) a list of such public safety tasks for which adequate tests do not exist,

(3) a description of the technical characteristics that performance tests must meet to be compatible with applicable Federal civil rights Acts and policies,

(4) a description of the alternative methods available for determining minimally acceptable performance standards on the tests described in paragraph (1),

(5) a description of the administrative standards that should be met in the administration, scoring, and score interpretation of the tests described in paragraph (1), and

(6) an examination of the extent to which the tests described in paragraph (1) are cost effective, safe, and comply with Federal civil rights Acts and regulations.

(b) ADVISORY GUIDELINES.—Not later than 4 years after the date of enactment of this Act, the Chairman shall develop and issue, based on the results of the study required by subsection (a), advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of their jobs.

(c) CONSULTATION REQUIREMENT; OPPORTUNITY FOR PUBLIC COMMENT.—(1) The Chairman shall, during the conduct of the study required by subsection (a), consult with—

(A) the United States Fire Administration,

(B) the Federal Emergency Management Agency,

(C) organizations that represent law enforcement officers, firefighters, and their employers, and

(D) organizations that represent older individuals.

(2) Before issuing the advisory guidelines required in subsection (b), the Chairman shall allow for public comment on the proposed guidelines.

(d) DEVELOPMENT OF STANDARDS FOR WELLNESS PROGRAMS.—Not later than 2 years after the date of the enactment of this Act, the Chairman shall propose advisory standards for wellness programs for law enforcement officers and firefighters.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL EFFECTIVE DATE.—Section 2(b)(1) shall take effect on December 31, 1993.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] will be recognized for 20 minutes, and the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we are considering today, the Age Discrimination in Employment Amendments of 1995, would restore the public safety exemption under the Age Discrimination in Employment Act [ADEA] and permit police and fire departments to use maximum hiring and mandatory retirement ages as part of their overall personnel policies. When the upper age limit for coverage under the ADEA was removed in 1986, the use of such age criteria was made generally impermissible under the act. Legislation to restore the public safety exemption was twice considered and passed by the House during the last Congress, but failed to clear the Senate.

H.R. 849 amends section 4 of the ADEA to allow, but not require, State and local governments that used age-based hiring and retirement policies for law enforcement officers and firefighters as part of a bona fide hiring or retirement plan as of March 3, 1983, to continue to use such policies. It also amends section 4 to allow States and local governments that either did not use or stopped using age-based hiring or retirement policies to adopt such policies with the proviso that the mandatory retirement age be not less than 55 years of age. In addition, H.R. 849 directs the EEOC to identify particular types of physical and mental fitness tests that are valid measures of the ability and competency of public safety officers to perform their jobs and to promulgate guidelines to assist State and local governments in the administration and the use of such tests.

The flexibility to use age-based criteria as part of an overall personnel policy is being sought by both management and labor in the public safety field. The Subcommittee on Employer-Employee Relations received compelling testimony from organizations representing rank-and-file firefighters and police officers, as well as local government, arguing that age was an effective proxy for job fitness in these extremely dangerous and physically demanding occupations. These organizations contend that tests of physical and mental fitness have not proven a feasible alternative to an age proxy because such tests do not replicate the stress inherent in an actual emergency. Testing also places these organizations in the bind that many private sector employers find themselves in—namely, that they must use tests to avoid the use of arbitrary selection criteria, but every test they select is subject to challenge for its other discriminatory effects and for its job relatedness.

I find persuasive the arguments of these law enforcement and firefighting organizations which, after all, represent those on the frontlines of public safety. I do not feel that we can discount their judgment and there is obviously a commonsense recognition that there is some decline in physical ability with age. The potential threat to public safety posed by the expiration of the exemption demands that the Congress act to allow State and local governments closest to the needs of law enforcement and firefighting to make their own decisions about hiring and retirement policies.

I might add that I strongly support the protections against arbitrary age discrimination inherent in the ADEA. The public safety field is one of the rare exceptions where one's age is relevant to one's ability to perform effectively as a firefighter or law enforcement officer. Perhaps at some point, the age proxy will no longer be necessary and effective tests will be available. As I mentioned, to that end, the bill we are considering today directs the Equal Employment Opportunity Commission [EEOC] to develop and to issue advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of their jobs. Until the point that adequate tests are in place however, I feel that the public safety exemption to the ADEA is necessary and that H.R. 849 should be quickly enacted. I urge the support of the legislation.

Mr. Speaker, I would also very much like to thank the gentleman from New York [Mr. OWENS], who did quite a lot of work on this bill last year, and the gentleman from California [Mr. MARTINEZ] for their longstanding support and outstanding leadership regarding this legislation. During the last Congress, Mr. OWENS twice shepherded a similar bill to passage on the House floor only to see it languish and die in the other body. My hope is that our colleagues on the other side will now move on the bill and that this important legislation will indeed finally be enacted.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 849. As the Honorable Member, the gentleman from Illinois [Mr. FAWELL], chairman of the Subcommittee on Employer-Employee relations has said, this bill has been before us in previous Congresses. In the 103d Congress, Mr. OWENS of New York was the chief author of the bill, and as the gentleman from Illinois [Mr. FAWELL] has said, it passed with the widest of margins.

□ 1445

But it failed in the Senate, and, although there may be some who are still not in total support of this bill, this bill is a good bill, and this bill solves the problem raised by the municipalities who have demonstrated that the provision allowing them to implement an age-based retirement system, but not mandating that they do so, will provide them with the flexibility they need to continue to ensure the public safety and their residents and citizens.

This responds to the needs of the employees—those police and firefighters who feel so strongly that the public and their fellow public safety workers will be best served by the flexibility this change to the ADEA will allow. And, because it is not mandatory, but provides the authority to base a mandatory retirement program on age; city managers, fire chiefs, police chiefs, and their own elected officials can develop their own policies based on what works best for them.

I am proud to support this bill, and I ask my colleagues to do the same.

Mr. Speaker, I had intended to yield to the gentleman from New York [Mr. OWENS] who is not here, and I would ask if the gentleman from Illinois [Mr. FAWELL] is going to ask for the 5 legislative days for comment by our colleagues.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from Illinois.

Mr. FAWELL. Yes, I will.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 849, to amend the Age and Discrimination in Employment Act of 1967. This bill will reinstate an exemption for certain bona fide hiring and retirement rules applicable to firefighters and law enforcement officials. The bill also instructs the Equal Employment Opportunity Commission Chairman to conduct a study as to whether there should be mandatory retirement ages for these public employees. Ultimately, this bill seeks to clear up the confusion which has come about due to differing court decisions throughout the country on this issue over the past several years.

In 1986, the Congress passed a law which exempted fire and police departments from the ADEA for a period of 7 years. This exemption expired on January 1, 1994. It has long since been time to act and with this bill today we are fulfilling our responsibility to those who put their lives on the line for each American every day.

All of us know how physically demanding firefighting is. We also recognize the importance of protecting our communities. Mr. Speaker, the ability for firefighters and law enforcement officials to perform their duties at peak level is literally a matter of life and death for each and every American. Clearly age affects and individuals ability to perform the duties associated with these jobs.

Mr. Speaker, the study which followed the passage of this legislation in 1986 clearly concluded that age has a direct impact on a person's ability to work as a police officer or firefighter. We took this measure up twice last year and both times if passed unanimously in the House. The inaction of the Senate in the last Congress is no excuse for us not to act favorably on this measure again in the 104th Congress and I urge its adoption here today.

For all of the hard and dedicated work that these public employees perform each and every day it is our responsibility to ensure that the rules governing their employment and retirement are adequate and fair. This is exactly what H.R. 849 seeks to achieve. Let us today demonstrate our support of firefighters and law enforcement officials throughout the country with the speedy, unanimous passage of this bill. Thank you.

Mr. OWENS. Mr. Speaker, I rise in strong support of H.R. 849, the Age Discrimination in Employment Act Amendments of 1995. This legislation would permanently exempt State and local public safety agencies from the Age Discrimination in Employment Act in order to permit them to consider age in their hiring and retirement policies. This exemption is urgently needed to provide State and local agencies the flexibility they need to ensure that all public safety employees are fit and able to carry out their very demanding jobs. Comparable legislation passed the House unanimously on two occasions last year but was prevented from even being considered by the Senate by the threat of a filibuster. It is imperative that there be no further delay.

As a rule, Congress must avoid exempting whole classes of employees from the protection of civil rights laws unless it is absolutely necessary. We should not carve out exemptions merely because an employer finds civil rights compliance to be costly or inconvenient. Exemptions must be made only when there is a strong compelling need to do so and there is no other reasonable alternative. This is one of those rare instances.

State and local fire and police agencies must be exempted from the ADEA in order to protect and promote the safety of the public. This is literally a life or death matter. If a police officer or firefighter cannot adequately perform their duties, people die and people get hurt.

Age does indeed affect an individual's ability to perform the duties of a public safety officer. This is not a stereotype. This is not ageism. This is a medical fact. Physical ability declines with age. For example, aerobic capacity declines at a rate of 1 percent per year after age 30. Strength declines at a rate of 10–13 percent every decade. The risk of sudden incapacitation also clearly increases with age, increasing sixfold between the age of 40 and 60 years of age. These physical effects are not experienced by all people to the same degree or at the same precise time. But they pose a significant problem to public safety agencies in their efforts to maintain a fit and effective work force.

A public safety agency can respond to age-related declines in ability in 1 of 2 ways. It can establish an age-based mandatory retirement policy. This will reduce the risks to public safety, but it may result in some capable individuals being forcibly retired.

Alternatively, an agency can try to use performance and physical ability testing to try to screen out employees who might pose a threat to public safety. Unfortunately, there are numerous problems with trying to use tests as an alternative to age which makes this option untenable.

It is simply not possible to devise a test for all tasks carried out by a public safety employee. For example, no test could have possibly simulated the kinds of physical conditions public safety employees in California have faced over the past few weeks of severe flooding. No test, no matter how comprehensive, can measure all of the skills and abilities a public safety employee must possess.

Moreover, there is no current test that can effectively screen for the risk of sudden incapacitation among asymptomatic individuals. A mandatory retirement age, used in conjunction with screening for other risk factors, continues to be the most effective way of reducing the risk of sudden incapacitation by public safety officers.

Testing can also have a very serious negative impact on other individuals and groups that historically have been discriminated against in employment. Tests have been proven to have an adverse impact on women and minorities. Women on average are less strong than men. Written tests may underpredict the on-the-job performance of minorities. To assure that such factors did not prevent women and minorities from serving in public safety positions, many agencies within-group normed the results of certain tests. Unfortunately, a provision of the Civil Rights Act of 1991 now prohibits that practice. As a result, any increase in the use of physical and mental testing of public safety employees will jeopardize employment opportunities for women and minorities.

Another, but lesser concern is that it is enormously expensive to administer performance and ability tests on a periodic basis to all public safety employees, consuming scarce resources that are needed to keep police on the streets. In addition, testing often entails considerable litigation over the content of the tests. In Tennessee, for example, there were several years of litigation over the State wildlife officer's entrance exam which focused on the question of whether the fences recruits had to scale should be 8 or 10 feet tall.

For these reasons, testing does not today represent a viable alternative to age-based mandatory retirement policies for public safety agencies. If public safety agencies are exempted from the ADEA, those agencies who wish to experiment with testing in lieu of retirement ages will be able to do so. But given the uncertainty about the effectiveness, effects and implications of using tests as a substitute for age, the Congress must not force every public safety agency to implement them. This would be the effect if we did not enact an exemption.

I urge my colleagues to join me in supporting passage of H.R. 849. All public safety employees must be fit, effective, and fully capable of fulfilling their duties. An ADEA exemption will assure that State and local police and fire agencies will be able to pursue that goal using the same age-based employment criteria which is now used by the FBI, the Secret Service and other Federal public safety agencies.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to express my strong support for H.R. 849, the Age Discrimination in Employment Safety Exemption Act. As the founder of the congressional fire services caucus, I have worked tirelessly to promote fire safety at the national level. For this reason, I am a cosponsor of H.R. 849 and am grateful that my colleague from Illinois has brought this issue to the floor today.

The ability of all public safety officers to perform their duties at peak level is literally a matter of life or death for millions of Americans. I can tell you first hand that the physical demands of firefighting are overwhelming. For this reason, in 1986, Congress agreed to exempt fire and police departments from ADEA while an official study was conducted regarding the validity of age criteria for public safety occupations. The study verified what I have been saying for years, that the ability to work as a fire or police officer declines with age.

Fitness tests are not a valid alternative to age limits. I've been surrounded by a 6-foot wall of fire, and I'm telling you there is no adequate simulation. In addition, fitness tests have been consistently struck down by courts as discriminatory. In absence of a valid fitness test, age limits ensure our public safety teams are in peak condition.

In addition, this bill will continue to protect State and local governments who in the past have been threatened with costly litigation in their efforts to defend age policies. Lives are at stake; we cannot let this issue become another litigation nightmare played out in our Nation's courts.

H.R. 849 is supported by those who are directly affected by its passage, the fire and police officers who rely on the ability of their colleagues to perform each and every day. In addition, the measure enjoys a broad and diverse range of support from organizations such as the AFL–CIO, the International Association of Fire Chiefs, the Fire Department Safety Officers Association, the International Association of Chiefs of Police, and the National Association of Counties to name but a few.

Mr. Speaker, I support passage of H.R. 849 and urge my colleagues to support Congressman FAWELL's efforts to strengthen our emergency service teams.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time.

Mr. FAWELL. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McINNIS). The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and pass the bill, H.R. 849.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TARGHEE NATIONAL FOREST LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 529) to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming, as amended.

The Clerk read as follows:

H.R. 529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF EXCHANGE.

(a) CONVEYANCE.—Notwithstanding the requirements in the Act entitled "An Act to Consolidate National Forest Lands", approved March 20, 1922 (16 U.S.C. 485), and section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) that Federal and non-Federal lands exchanged for each other must be located within the same State, the Secretary of Agriculture may convey the Federal lands described in section 2(a) in exchange for the non-Federal lands described in section 2(b) in accordance with the provisions of this Act.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this Act, the land exchange authorized by this section shall be made under the existing authorities of the Secretary.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary shall not carry out the exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

SEC. 2. DESCRIPTION OF LANDS TO BE EXCHANGED.

(a) FEDERAL LANDS.—The Federal lands referred to in this Act are located in the Targhee National Forest in Idaho, are generally depicted on the map entitled "Targhee Exchange, Idaho-Wyoming—Proposed, Federal Land", dated September 1994, and are known as the North Fork Tract.

(b) NON-FEDERAL LANDS.—The non-Federal lands referred to in this Act are located in the Targhee National Forest in Wyoming, are generally depicted on the map entitled "Non-Federal Land, Targhee Exchange, Idaho-Wyoming—Proposed", dated September 1994, and are known as the Squirrel Meadows Tract.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Targhee National Forest in Idaho and in the office of the Chief of the Forest Service.

SEC. 3. EQUALIZATION OF VALUES.

Prior to the exchange authorized by section 1, the values of the Federal and non-Federal lands to be so exchanged shall be established by appraisals of fair market value that shall be subject to approval by the Secretary. The values either shall be equal or shall be equalized using the following methods:

(1) ADJUSTMENT OF LANDS.—

(A) PORTION OF FEDERAL LANDS.—If the Federal lands are greater in value than the non-Federal lands, the Secretary shall reduce the acreage of the Federal lands until the values of the Federal lands closely approximate the values of the non-Federal lands.

(B) ADDITIONAL FEDERALLY-OWNED LANDS—If the non-Federal lands are greater in value than the Federal lands, the Secretary may convey additional federally owned lands within the Targhee National Forest up to an amount necessary to equalize the values of the non-Federal lands and the lands to be transferred out of Federal ownership. However, such additional federally owned lands shall be limited to those meeting the criteria for land exchanges specified in the Targhee National Forest Land and Resource Management Plan.

(2) PAYMENT OF MONEY.—The values may be equalized by the payment of money as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) The term "Federal lands" means the Federal lands described in section 2(a).

(2) The term "non-Federal lands" means the non-Federal lands described in section 2(b).

(3) The term "Secretary" means the Secretary of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 529, to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming. Sponsored by Mr. CRAPO of Idaho, this legislation will facilitate the exchange of critical grizzly bear habitat in Wyoming for surplus Forest Service lands in Idaho. This is an equal value exchange that benefits both parties. This legislation passed the House under suspension during the 103d Congress and I urge my colleagues to support this measure once again. I thank my good friend, the gentleman from Idaho [Mr. CRAPO] for his work on this issue and look forward to its final passage.

Mr. Speaker, I yield 5 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, I rise in support of H.R. 529, the Targhee National Forest Land Exchange bill.

Before I begin, I want to thank Chairman HANSEN, the subcommittee staff, and the Forest Service for the outstanding work they have done on behalf of this legislation.

Legislation which is almost identical to H.R. 529 was passed by the House of Representatives on October 3, 1994. It was unfortunate that the 103d Congress came to a close before the Senate could act on this legislation. However, I am delighted that this noncontroversial legislation is once again before the House of Representatives.

H.R. 529, as has been said by the gentleman from Utah [Mr. HANSEN], would allow the exchange of a section of property in Wyoming known as Squirrel Meadows for parcels of National Forest Service land located in Idaho. This is one of those exchanges where all parties are winners.

This legislation requires a fair and equal land exchange. This land exchange involved approximately 26 acres of National Forest System lands and 95 acres of private land owned by Ricks College.

Situated on this forest service land are several cabins owned by private citizens and a lodge, and these citizens own the cabins but not the land, and in this exchange critical grizzly bear habitat will go to the Government for protection. The private citizens will be able to purchase the land on which their cabins sit and, therefore, solidify their situation in the forest, and the Federal Government will be able to benefit, as all are involved in accomplishing an objective that each believes in and supports.

Upon completion of the land exchange, these cabin owners will be allowed to purchase the land upon which their buildings sit. Ricks College plans to use the proceeds from these land sales to purchase lands along the Yale-Kilgore Road in Island Park, ID. The acquisition of the lands along the Yale-Kilgore Road will allow Ricks College to more effectively administer its educational programs.

Within the confines of the private lands being exchanged is situation 1 grizzly bear habitat. The transfer of this private property to the ownership of the Forest Service will allow the Forest Service to protect this unique area which is capable of supporting viable grizzly bear populations.

The Forest Service has been in extended negotiations to obtain the Squirrel Meadows property for some time. This unanimously agreed upon land transfer is a prime example of private citizenry and conservation management taking the initiative to protect areas of environmental habitat importance.

Mr. Speaker, I appreciate the opportunity we have had to work with the gentlewoman from Wyoming [Mrs. CUBIN] on this issue, with the Forest Service, Ricks College and all other interested parties to forge this agreement and to encourage support by those in the House for this legislation.

Mr. HANSEN. Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 529 is a noncontroversial measure that authorizes an equal value interstate land exchange within the Targee National Forest. Legislation is required because the Forest Service does not have authority to do land exchanges between two States. As a result of the exchange authorized by the bill, the Forest Service will receive a 95-acre portion of a pristine and scenic tract of land known as Squirrel Meadows in Wyoming. The Forest Service will exchange a developed 10-acre tract in Idaho that has numerous summer homes owned by private individuals but located on National Forest lands leased to them by the Forest Service.

H.R. 529 is similar to legislation that passed the House in the last Congress. The bill before us today has a number of amendments that have been worked out to simplify the bill. With regards to the amendment deleting section 4, this matter was to be addressed in the committee report. The second amendment incorporates language suggested by the Forest Service to correct the bill's reference on the lands available for exchange.

Mr. Speaker, I support H.R. 529, as amended, and recommend its adoption by the House.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 529, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

DAYTON AVIATION HERITAGE PRESERVATION ACT AMENDMENTS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 606) to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes.

The Clerk read as follows:

H.R. 606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(b) of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419, approved October 16, 1992), is amended as follows:

(1) In paragraph (2), by striking "from recommendations" and inserting "after consideration of recommendations".

(2) In paragraph (4), by striking "from recommendations" and inserting "after consideration of recommendations".

(3) In paragraph (5), by striking "from recommendations" and inserting "after consideration of recommendations".

(4) In paragraph (6), by striking "from recommendations" and inserting "after consideration of recommendations".

(5) In paragraph (7), by striking "from recommendations" and inserting "after consideration of recommendations".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 606, a bill to make technical changes to the Dayton Aviation Historic Preservation Act of 1992.

This bill simply clarifies the authority of the Secretary in making appointments to the Dayton Aviation Heritage Commission. Although the language in the bill is identical to that in many other park bills, the administration is seeking these technical changes to clarify the appointment powers of the President.

The bill would have no cost and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 606 is a noncontroversial bill introduced by our good friend, the gentleman from Ohio [Mr. HALL], to deal with a technical matter in the appointment of members to the Dayton Aviation Heritage Commission by the Secretary of the Interior. The appointment procedure described in the Dayton Aviation Heritage Preservation Act of 1992, while identical to that in legislation authorizing other such commissions, has drawn criticism from the administration, which has expressed concern that it undercuts the Secretary's appointment authority. For this reason the gentleman from Ohio [Mr. HALL] introduced legislation to preclude any conflicts or concerns about the appointments to the commission.

I am pleased to see the House move on this bill. The provisions of H.R. 606 were passed by the House last Congress as part of another measure which, unfortunately, was not enacted into law.

Mr. Speaker, I support H.R. 606, I urge its adoption by the House, and I thank the Chair for helping us get this legislation moved, and I think great credit should go to the gentleman from Ohio [Mr. HALL] for pursuing this issue.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. HALL]. Let me mention that the gentleman from Ohio received incorrect information on the timing of this bill that we just passed on Dayton. I am going to yield to him so he can take due credit for the excellent legislation the gentleman just sponsored.

Mr. HALL of Ohio. Mr. Speaker, I rise to support H.R. 606, a bill I have introduced along with my Ohio colleagues, Representatives HOBSON and REGULA. The bill is identical to H.R. 3559, which passed the House last year, but was not considered in the Senate.

H.R. 606 would amend Public Law 102–419, the Dayton Aviation Heritage Preservation Act of 1992, which established the Dayton Aviation Heritage National Historical Park and the Dayton Aviation Heritage Commission. The purpose of the commission was to advise the National Park Service on the management of the park and assist the preservation of other significant sites throughout the Miami Valley related to the Wright brothers and aviation history.

The administration expressed a concern over the process for appointing members of the commission. This bill addresses that concern by giving the Secretary of the Interior greater discretion in appointing the members.

My community of Dayton, OH, is very proud of its role in the history of aviation. It was here the Wright brothers grew up and built the first airplane. It was also in the Dayton area that engineers at McCook Field, Wright Field, and Wright-Patterson Air Force Base made numerous contributions of national significance to aviation technology. Throughout the Miami Valley, aviation pioneers advanced the cause of flight and gave birth to the modern aerospace industry. This bill will ensure the proper functioning of the commission to help tell these stories to the Nation and to the world.

H.R. 606 has bipartisan support. It will result in no cost to the Federal Government or the State or local governments. I urge the passage of the bill.

Mr. HOBSON. Mr. Speaker, I rise today in strong support of H.R. 606, the Dayton Aviation Preservation Heritage Act Amendments, which was introduced by my colleague Congressman HALL, and of which I am a cosponsor. The legislation would make technical corrections to the Dayton Aviation Heritage Preservation Act, which became law in the 102d Congress, and is identical to legislation approved by the House in the last Congress (H.R. 3559).

The Dayton Aviation Heritage Commission is a Federal entity responsible for coordinating efforts at the Federal, State, and local levels to preserve and manage the historic resources of Miami Valley, OH, which is known for its aviation history.

Public Law 102–419 established the Dayton Aviation Heritage National Historical Park and the Dayton Aviation Heritage Commission, and contained a mechanism whereby the Secretary of Interior could appoint members to the Commission. Although the appointment language in the law was identical to language used in the past to create similar such commissions, the administration found the language to be unconstitutional.

H.R. 606 amends the Dayton Aviation Heritage Preservation Act to clarify that the Secretary of Interior need only consider the recommendations of others in making appointments to the advisory commission established by that law. This legislation is clearly technical in nature and would give the Secretary of Interior greater discretion in appointing members to the Commission. Again, this legislation is identical to that which was approved by the House, but did not receive Senate consideration.

H.R. 606 is extremely important in allowing the Commission to carry out their mission—which is to work with the National Park Service in the preservation of aviation history—a significant aspect of Dayton's heritage which is associated with the Wright Brothers and the early development of aviation. I would also like to point out that there is no cost involved with this bill.

Mr. HALL and I, along with the Miami Valley community have worked together to create the Dayton Aviation Heritage Park, a park that will bring to life the story of the Wright Brothers and the place where they grew up, invented the plane, and learned to fly. This legislation is necessary to ensure the preservation of Dayton's aviation history.

Mr. Speaker, I urge support of this legislation.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 606.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 622) to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, as amended.

The Clerk read as follows:

H.R. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northwest Atlantic Fisheries Convention Act of 1995".

SEC. 2. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a "United States Commissioner to the Northwest Atlantic Fisheries Organization"; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a "United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council".

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specified by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meetings of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 8 of this Act.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

SEC. 3. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b) (1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 4. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 5. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this [title] *Act*, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 6. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this [title] *Act*. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

SEC. 7. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this [title] *Act* or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this [title] *Act*, any regulation issued under this [title] *Act*, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this [title] *Act* may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this [title] *Act* and shall have the authority specified in sections 311 (a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861 (a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 8. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) MEMBERSHIP.—(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) DUTIES OF THE COMMITTEE.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultative committee established under this section.

SEC. 9. ADMINISTRATIVE MATTERS.

(a) PROHIBITION ON COMPENSATION.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 8.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 2(e) with respect to their actual performance of their official duties pursuant to this [title] *Act*, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) STATUS AS FEDERAL EMPLOYEES.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 10. DEFINITIONS.

In this [title] *Act* the following definitions apply:

(1) AUTHORIZED ENFORCEMENT OFFICER.—The term "authorized enforcement officer" means a person authorized to enforce this [title] *Act*, any regulation issued under this [title] *Act*, or any measure that is legally binding on the United States under the Convention.

(2) COMMISSIONER.—The term "Commissioner" means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 2(a).

(3) CONVENTION.—The term "Convention" means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) FISHERIES COMMISSION.—The term "Fisheries Commission" means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) GENERAL COUNCIL.—The term "General Council" means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) MAGNUSON ACT.—The term "Magnuson Act" means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) ORGANIZATION.—The term "Organization" means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) PERSON.—The term "person" means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) REPRESENTATIVE.—The term "Representative" means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 2(c).

(10) SCIENTIFIC COUNCIL.—The term "Scientific Council" means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this [title] *Act*, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1995, 1996, 1997, and 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 622, noncontroversial legislation pending before us today.

H.R. 622 is the implementation of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. This bill was introduced by the ranking minority member of the Fisheries, Wildlife and Oceans Subcommittee, Mr. STUDDS.

H.R. 622 would authorize U.S. participation in the North Atlantic Fisheries Organization—also known as NAFO.

The NAFO is an international body established by convention in 1978 to oversee certain fisheries existing beyond the 200-mile territorial seas of the United States, Canada, and Greenland in the northwest Atlantic. The United States participated in the negotiations and signed the original convention. While the other body consented to membership to NAFO in 1983, Congress never enacted implementing legislation to allow full participation in the organization. And while U.S. fishermen must abide by the NAFO treaty, these same fishermen are unable to formally participate in the process that results in the treaty. This legislation would allow just that.

Once again, this is a noncontroversial bill and I ask for your support.

Mr. Speaker, I reserve the balance of my time.

□ 1500

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 622, legislation to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

Two weeks ago, I stood in this spot describing for Members the drastic decline of commercial fisheries worldwide, and the need for all coastal nations to participate in international agreements and organizations that provide for the responsible conversation and management of high seas resources. Demonstrating the U.S. commitment to such an effort, the legislation we passed that day encouraged the development of a multilateral management agreement for pollock stocks in the north Pacific.

Similarly, the bill we are considering today, H.R. 622, would authorize U.S. participation in NAFO, an international body established by convention in 1978 to manage certain valuable high seas fisheries in the northwest Atlantic. Seventeen nations are party to this convention. While the U.S. participated in the negotiation for NAFO, signed the original convention, and the Senate consented to membership in 1983, Congress has never enacted implementing legislation to allow full participation in the organization.

In the past, U.S. fishermen have had little interest in fishing in the NAFO regulatory area, so membership was not crucial. Recently, however, U.S. fishing vessels have begun harvesting fish in the NAFO area. Complicating this situation, is the fact that the United States is about to implement a high seas fisheries treaty adopted at the United Nations in November 1993. That treaty would prohibit our vessels from fishing in the NAFO area unless we are party to the NAFO convention. As a result, joining NAFO is not only the responsible thing to do, it is essential if our fishermen are to have any hope of access to the area in the future.

By requiring the United States to work cooperatively in an area of the ocean where fisheries important to our own fishermen exist, H.R. 622 is the second bill we will pass in 2 weeks that signals U.S. dedication to multilateral management of high seas resources, it is good for the fish and the fishermen, and I urge Members to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, my colleague from Massachusetts, Mr. STUDDS, has introduced H.R. 622, a bill to implement the Convention on Future Multilateral Cooperation in Northwest Atlantic Fisheries. This legislation will allow the United States to become a member of the Northwest Atlantic Fisheries Organization [NAFO].

Currently, the United States is not an active member in NAFO, even though we were involved in the negotiations which created this organization in 1978. Since this organization is active in recommending how resources that are harvested by U.S. fishermen are being managed and conserved, I support H.R. 622. This legislation will give the administration a more active role in NAFO's management and conservation recommendations, while giving U.S. fishermen greater access to the organization's research.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 622, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 622, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FORT CARSON-PINON CANYON MILITARY LANDS WITHDRAWAL ACT

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 256) to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

The Clerk read as follows:

H.R. 256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fort Carson-Pinon Canyon Military Lands Withdrawal Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Withdrawal and reservation of lands at Fort Carson Military Reservation.
Sec. 3. Withdrawal and reservation of lands at Pinon Canyon Maneuver Site.
Sec. 4. Maps and legal descriptions.
Sec. 5. Management of withdrawn lands.
Sec. 6. Management of withdrawn and acquired mineral resources.
Sec. 7. Hunting, fishing, and trapping.
Sec. 8. Termination of withdrawal and reservation.
Sec. 9. Determination of presence of contamination and effect of contamination.
Sec. 10. Delegation.
Sec. 11. Hold harmless.
Sec. 12. Amendment to Military Lands Withdrawal Act of 1986.
Sec. 13. Authorization of appropriations.

SEC. 2. WITHDRAWAL AND RESERVATION OF LANDS AT FORT CARSON MILITARY RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Act, the lands at the Fort Carson Military Reservation, Colorado, that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering, training and weapons firing; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 3,133.02 acres of public land and 11,415.16 acres of federally-owned minerals in El Paso, Pueblo, and Fremont Counties, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Base", dated February 6, 1992, and published in accordance with section 4.

SEC. 3. WITHDRAWAL AND RESERVATION OF LANDS AT PINON CANYON MANEUVER SITE.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Act, the lands at the Pinon Canyon Maneuver Site, Colorado, that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering and training; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 2,517.12 acres of public lands and 130,139 acres of federally-owned minerals in Las Animas County, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Maneuver Area—Pinon Canyon site", dated February 6, 1992, and published in accordance with section 4.

SEC. 4. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall prepare maps depicting the lands withdrawn and reserved by this Act and publish in the Federal Register a notice containing the legal description of such lands.

(b) LEGAL EFFECT.—Such maps and legal descriptions shall have the same force and effect as if they were included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY OF MAPS AND LEGAL DESCRIPTION.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Colorado State Director and the Canon City District Manager of the Bureau of Land Management and in the offices of the Commander of Fort Carson, Colorado.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs of implementing this section.

SEC. 5. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT GUIDELINES.—

(1) MANAGEMENT BY SECRETARY OF THE ARMY.—Except as provided in section 6, during the period of withdrawal, the Secretary of the Army shall manage for military purposes the lands covered by this Act and may authorize use of the lands by the other military departments and agencies of the Department of Defense, and the National Guard, as appropriate.

(2) ACCESS RESTRICTIONS.—When military operations, public safety, or national security, as determined by the Secretary of the Army, require the closure of roads and trails on the lands withdrawn by this Act commonly in public use, the Secretary of the Army is authorized to take such action, except that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. Appropriate warning notices shall be kept posted during closures.

(3) SUPPRESSION OF FIRES.—The Secretary of the Army shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in suppressing such fires. The memorandum of understanding required by this section shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) MANAGEMENT PLAN.—

(1) DEVELOPMENT REQUIRED.—The Secretary of the Army, with the concurrence of the Secretary of the Interior, shall develop a plan for the management of acquired lands and lands withdrawn under sections 2 and 3 for the period of withdrawal. The plan shall—

(A) be consistent with applicable law;

(B) include such provisions as may be necessary for proper resource management and protection of the natural, cultural, and other resources and values of such lands; and

(C) identify those withdrawn and acquired lands, if any, which are to be open to mining or mineral and geothermal leasing, including mineral materials disposal.

(2) TIME FOR DEVELOPMENT.—The management plan required by this subsection shall be developed not later than 5 years after the date of the enactment of this Act.

(c) IMPLEMENTATION OF MANAGEMENT PLAN.—

(1) MEMORANDUM OF UNDERSTANDING REQUIRED.—The Secretary of the Army and the

Secretary of the Interior shall enter into a memorandum of understanding to implement the management plan developed under subsection (b).

(2) DURATION.—The duration of any such memorandum of understanding shall be the same as the period of withdrawal specified in section 8(a).

(3) AMENDMENT.—The memorandum of understanding may be amended by agreement of both Secretaries.

(d) USE OF CERTAIN RESOURCES.—The Secretary of the Army is authorized to utilize sand, gravel, or similar mineral or mineral material resources from the lands withdrawn by this Act when the use of such resources is required for construction needs of the Fort Carson Reservation or Pinon Canyon Maneuver Site.

SEC. 6. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in section 5(d), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Fort Carson Military Reservation and Pinon Canyon Maneuver Site in the same manner as provided in section 12 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3466) for mining and mineral leasing on certain lands withdrawn by that Act from all forms of appropriation under the public land laws.

SEC. 7. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this Act shall be conducted in accordance with section 2671 of title 10, United States Code.

SEC. 8. TERMINATION OF WITHDRAWAL AND RESERVATION.

(a) TERMINATION DATE.—The withdrawal and reservation made by this Act shall terminate 15 years after the date of the enactment of this Act.

(b) DETERMINATION OF CONTINUING MILITARY NEED.—

(1) DETERMINATION REQUIRED.—At least three years before the termination under subsection (a) of the withdrawal and reservation established by this Act, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Department of the Army will have a continuing military need for any of the lands after the termination date.

(2) METHOD OF MAKING DETERMINATION.—If the Secretary of the Army concludes under paragraph (1) that there will be a continuing military need for any of the lands after the termination date established by subsection (a), the Secretary of the Army, in accordance with applicable law, shall—

(A) evaluate the environmental effects of renewal of such withdrawal and reservation;

(B) hold at least one public hearing in Colorado concerning such evaluation; and

(C) file, after completing the requirements of subparagraphs (A) and (B), an application for extension of the withdrawal and reservation of such lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals for military uses.

(3) NOTIFICATION.—The Secretary of the Interior shall notify the Congress concerning a filing under paragraph (3)(C).

(c) EARLY RELINQUISHMENT OF WITHDRAWAL.—If the Secretary of the Army concludes under subsection (b) that before the termination date established by subsection (a) there will be no military need for all or any part of the lands withdrawn and reserved by this Act, or if, during the period of withdrawal, the Secretary of the Army otherwise decides to relinquish any or all of the lands withdrawn and reserved under this Act, the Secretary of the Army shall file with the Secretary of the Interior a notice of intention to relinquish such lands.

(d) ACCEPTANCE OF LANDS PROPOSED FOR RELINQUISHMENT.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over the lands proposed for relinquishment, may revoke the withdrawal and reservation established by this Act as it applies to the lands proposed for relinquishment. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws if appropriate.

SEC. 9. DETERMINATION OF PRESENCE OF CONTAMINATION AND EFFECT OF CONTAMINATION.

(a) DETERMINATION OF PRESENCE OF CONTAMINATION.—

(1) BEFORE RELINQUISHMENT NOTICE.—Before filing a relinquishment notice under section 8(c), the Secretary of the Army shall prepare a written determination as to whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous materials. A copy of the determination made by the Secretary of the Army shall be supplied with the relinquishment notice. Copies of both the relinquishment notice and the determination under this subsection shall be published in the Federal Register by the Secretary of the Interior.

(2) UPON TERMINATION OF WITHDRAWAL.—At the expiration of the withdrawal period made by this Act, the Secretary of the Interior shall determine whether and to what extent the lands withdrawn by this Act are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws.

(b) PROGRAM OF DECONTAMINATION.—

(1) IN GENERAL.—Throughout the duration of the withdrawal and reservation made by this Act, the Secretary of the Army, to the extent funds are made available, shall maintain a program of decontamination of the lands withdrawn by this Act at least at the level of effort carried out during fiscal year 1992.

(2) DECONTAMINATION OF LANDS TO BE RELINQUISHED.—In the case of lands subject to a relinquishment notice under section 8(c) that are contaminated, the Secretary of the Army shall decontaminate the land to the extent that funds are appropriated for such purpose if the Secretary of the Interior, in consultation with the Secretary of the Army, determines that—

(A) decontamination of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(B) upon decontamination, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(c) AUTHORITY OF SECRETARY OF THE INTERIOR TO REFUSE CONTAMINATED LANDS.—The Secretary of the Interior shall not be required to accept lands proposed for relinquishment if the Secretary of the Army and the Secretary of the Interior conclude that—

(1) decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible;

(2) the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws; or

(3) insufficient funds are appropriated for the purpose of decontaminating the lands.

(d) EFFECT OF CONTINUED CONTAMINATION.—If the Secretary of the Interior declines under subsection (c) to accept jurisdiction of lands proposed for relinquishment or if the Secretary of the Interior determines under subsection (a)(2) that some of the lands withdrawn by this Act are contaminated to an extent that prevents opening the contaminated lands to operation of the public land laws—

(1) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Army shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(e) EFFECT OF SUBSEQUENT DECONTAMINATION.—If the lands described in subsection (d) are subsequently decontaminated, upon certification by the Secretary of the Army that the lands are safe for all nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(f) EFFECT ON OTHER LAWS.—Nothing in this Act shall affect, or be construed to affect, the obligations of the Secretary of the Army, if any, to decontaminate lands withdrawn by this Act pursuant to applicable law, including the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 10. DELEGATION.

The functions of the Secretary of the Army under this Act may be delegated. The functions of the Secretary of the Interior under this Act may be delegated, except that the order referred to in section 8(d) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 11. HOLD HARMLESS.

(a) IN GENERAL.—The United States shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining, mineral activity, or geothermal leasing activity conducted on lands comprising the Fort Carson Reservation or Pinon Canyon Maneuver Site, including liabilities to non-Federal entities under section 107 or 113 of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9607, 9613), or section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973).

(b) INDEMNIFICATION.—Any party conducting any mining, mineral, or geothermal leasing activity on lands comprising the Fort Carson Reservation or Pinon Canyon Maneuver Site shall indemnify the United States against any costs, fees, damages, or other liabilities (including costs of litigation) incurred by the United States and arising from or relating to such mining activities, including costs of mineral materials disposal, whether arising under the Comprehensive Environmental Response Compensation and

Liability Act of 1980, the Solid Waste Disposal Act, or otherwise.

SEC. 12. AMENDMENT TO MILITARY LANDS WITHDRAWAL ACT OF 1986.

(a) USE OF CERTAIN RESOURCES.—Section 3(f) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3461) is amended by adding at the end the following new paragraph:

"(2) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.".

(b) TECHNICAL CORRECTION.—Section 9(b) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3466) is amended by striking "section 7(f)" and inserting in lieu thereof "section 8(f)".

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, I would like to thank my colleagues on the National Security Committee and the Resources Committee, particularly Chairman SPENCE, Chairman YOUNG, and ranking minority members, DELLUMS and MILLER, for their willingness to consider H.R. 256 early in this session.

H.R. 256 would withdraw and reserve certain public lands and minerals within El Paso, Pueblo, Teller, and Las Animas Counties in Colorado for military purposes. The bill would withdraw 3,133 acres of public lands and minerals and another 11,415 acres of public domain mineral estate within the existing Fort Carson Military Reservation. The bill would also withdraw 2,517 acres of surface land and 130,139 acres of minerals at the associated Pinon Canyon maneuver site.

Since the 1930's, the Army has used the lands on which Fort Carson was established, and the Pinon Canon maneuver site has been in use since the early 1980's. The legislation will help provide the space necessary to improve training for our Armed Forces. The principal uses of the withdrawn acreage will be for mechanized training at battalion and brigade levels with related maneuvering, training, and weapons firing. I want to note, however, that no weapons firing will be conducted at Pinon Canyon due to environmental constraints.

The Department of the Army and the Department of the interior have renewed the withdrawal of mineral rights controlled by the Bureau of Land Management every 5 years. The previous withdrawal expired on June 23, 1993. The BLM has argued that these 5-year withdrawals are too short, since environmental assessment work leading up to the renewals take about 8 years. Thus, the bill before the House includes a 15-year withdrawal period. This is consistent with the Military Lands Withdrawal Act of 1986 and with earlier legislation which provided a 15-year withdrawal for Nellis Air Force Base in Nevada.

The Army would prefer a 25-year withdrawal period because of the substantial lead time required to comply with all statutory and administrative requirements to process military land withdrawals. However, the Army can support this compromise of a 15-year withdrawal period.

I would note that the text of the bill you see before you is virtually identical to legislation which passed the House in the previous two Congresses.

As I said, Fort Carson's immediate past mineral withdrawal expired on June 23, 1992. That withdrawal has been extended, both administratively and through a 1-year legislative extension in 1992. This is an important administrative matter, and I hope the other body will move quickly on this legislation so that we can send this measure to the White House for the President's signature.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the third time the House has considered this legislation, having passed it previously in both the 102d and 103d Congress. H.R. 265 would withdraw and reserve for military use certain public lands and minerals in two existing military-use areas, the Fort Carson Reservation and the Pinon Canyon maneuver area, both in Colorado.

I would note that H.R. 256 differs from the version of the bill that passed the House in the last Congress. The bill now includes amendments that were adopted by the Senate Energy and Natural Resources Committee in the bill they reported to the Senate last year. If the Senate had been able to pass the bill, it is my understanding that the House would have likely gone along with those changes.

Mr. Speaker, I hope for the sponsor, Representative HEFLEY's sake, that the third time around on this legislation is the charm. I support the legislation and recommend its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would comment in response to the comment of the gentleman from New Mexico [Mr. RICHARDSON], this has become like the cherry blossoms. It is a rite of springtime here in Washington. I hope this is the last time we have to look at this bill, and that we can get it passed and move on to other things.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. ORTIZ], the ranking member of the Subcommittee on National Security.

Mr. ORTIZ. Mr. Speaker, let me thank the gentleman from Colorado, Chairman HEFLEY, for the outstanding job he has done.

Mr. Speaker, I would like my colleagues to know that there is no controversy with respect to this legislation. This bill passed the Committee on National Security without dissent. An identical bill previously passed the House of Representatives and has passed the U.S. Senate. It passed the Committee on Resources on January 18 of this year by a vote of 42 to 0. The Department of the Army and the Bureau of Land Management support this bill.

Mr. Speaker, I ask for support of this legislation.

Mrs. SCHROEDER. Mr. Speaker, I rise in support of H.R. 256. As my colleagues have stated, there is no opposition to this bill. This is the second year this bill has been taken up. It has been favorably reported out of both the Natural Resources and National Security Committees. I would like to thank my colleagues involved who have put so much work into getting this bill to the floor.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. HEFLEY] that the House suspend the rules and pass the bill, H.R. 256.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 256, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 73, TERM LIMITS CONSTITUTIONAL AMENDMENT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up

House Resolution 116 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 116

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and shall not exceed three hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The joint resolution shall be considered as read. No amendment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order specified in the report, may be offered only by a Member designated in the report, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. If more than one amendment is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, I am honored to open this historic debate and mindful of the significance of our discussion. As we speak, reports suggest that there are not yet enough votes to pass the constitutional amendment limiting Members terms. A loss on this issue will be decried by some as failure—but that would miss the point. It is a victory to be here having this debate, to have a rule that forces Members to come clean on where they really stand on term limits. We promised this vote—and we have delivered. It was not so long ago, that Tom Foley was Speaker of this House—the same man who sued the people of his own State over this question; the same man who refused to allow term limits to come to the floor for an honest vote. We may or may not have the 290 votes when all is said and done here this week, but either way the issue of term limits is not going away. There are 22 States with term limits; 80 percent of Americans want term limits; and there is another election coming in November 1996. The final vote taken here Thursday afternoon will be irrefutable to our constituents, as they watch to see where we stand individually and collectively. It is a vote that matters and Members should know there is no place to hide.

Mr. Speaker, this rule offers Members a chance to consider the major issues involved in this debate. The rule makes in order as base text House Joint Resolution 73. I should note that this text is the same as was used as the chairman's mark in the Judiciary Committee. Although the committee adopted some amendments, the reported version came forward without recommendation, without much committee support on either side of the aisle and without a prime sponsor. The rule allows 3 hours of general debate, equally divided and controlled by the chairman and ranking member of the Judiciary Committee, after which Members will have the chance to vote on four substitutes, with 1 hour of debate on each. The minority was consulted and given the choice of which substitute to offer, and has chosen to present the 12-year, so-called retroactive Peterson-Dingell version. Subsequent to that vote, Members will vote on a 6-year proposal offered by Representative INGLIS and then a 12-year measure that does not preempt State limits offered by Representative HILLEARY. Last, Members will have a chance to cast their votes for or against the 12-year McCollum proposal, the version that is contained in the base text of House Joint Resolution 73. Once the amendment process is complete, the substitute that earns the most votes will be considered for final passage—the winner-take-all approach—at which time, because this is a constitutional amendment, 290 votes are needed. As is customary, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I expect this to be a fascinating debate. Recognizing that very sincere and thoughtful people strongly oppose the concept of terms limits, passage is far from certain. But the mere fact that we are having this debate—and the coming series of votes—at all, suggests just how much change has taken place in this Capitol since January 4.

The fundamental, bottom line distinction that will be drawn in this process is the one most Americans are watching for: Who supports term limits for Congress. We can expect a fair amount of ducking and weaving by those Members who want to appear committed to term limits but might prefer that term limits disappear without enough votes for passage. Americans should not be fooled by the attempt of long-time term limits opponents to change the subject to one of so-called retroactivity. Americans should consider the source of that proposal. Keep in mind that most of its sponsors and those senior, status-quo Democrats who will speak up for it have never supported term limits, have never introduced such a bill, and did nothing when their party controlled this House to move that debate to the floor. It is a smokescreen and it should be defeated.

Mr. Speaker, Florida is a term limits State—the voters there have spoken for an 8-year limit on Members' terms. As a long-time believer in the need to shake up the status quo, create some national parity and still respect States' rights to establish their own, more stringent limits—I believe the best option before this House is the Hilleary proposal. Still, the most important mission we have this week is to verify if 290 votes exist to pass national term limits—in one form or another. I urge my colleagues to listen closely to what the American people are asking us to do. Either way, we will establish some clear accountability. Our constituents should appreciate that.

□ 1615

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we object to this rule, and to the resolution that it makes in order. The issue before us—term limits for Members of the House of Representatives and the Senate—goes to the heart of our form of government, and it will be instructive for the House of Representatives to conduct a debate on this extremely important matter. But we have reservations about the procedure for considering this matter and, more importantly, we hope and expect that the outcome of this historic debate, will be the failure of all four versions of this ill-advised initiative.

Mr. Speaker, although the rule makes in order four different approaches to term limits, there is one critical aspect of this issue that this rule does not adequately address, and that is the question of retroactive coverage. Many on our side believe that, as a matter of equity and fairness, if we are going to limit the number of terms that Members who are first elected in the future may serve in the Congress, we ought to count the time already spent here by Members, at the time, term limits take effect. That is to say, we should not treat ourselves as new Members for the purposes of counting the number of terms once these limits take effect.

While it is true that one of the four versions of the term limit proposals made in order by this rule, the Peterson-Dingell substitute, would provide that previous service shall be taken into account when determining the number of terms a Member may serve, the issue of retroactivity is important enough that the membership ought to be able to consider it for each of the four alternatives to be put before us.

During the Rules Committee consideration of this rule, we offered an amendment that would have allowed any of the versions of term-limit proposals to be amended to provide for retroactive coverage. Unfortunately, our amendment was rejected. The result is that the membership will not have the opportunity to consider the issue of retroactivity with respect to three of the four different versions.

Aside from the procedural aspects of this debate, the substance of the term-limits issue is extremely troubling to many of us.

We are all mindful of current popular sentiment on this issue which favors limiting the number of terms a person may serve in the House or in the Senate.

But limiting the number of terms a person may serve would deny citizens a very fundamental civic right—the right to choose the people whom they want to be their voice in Washington. Voters would be prohibited from choosing to return to the Congress, after either 6 years or 12 years, as the case may be, a Representative or a Senator who is serving them to their satisfaction—and representing them better than they believe any of their electoral competitors would. And never again would they have the opportunity to be represented by someone who has more than 12 years, or possibly more than just 6 years, of experience in the Congress.

Imposing a term limit is like saying that the American people cannot be trusted to meet the challenge of self-government.

Experience in legislative work is valuable, just as it is in teaching, medicine, law, engineering, carpentry, and every other profession or vocation. Knowledge and wisdom are derived from experience in legislating, just as they are from experience in any other job.

How foolish and destructive it would be, to remove all of the most experienced legislators from the U.S. Congress, and to ensure that the Congress will, for the rest of time, be composed entirely of relatively inexperienced Members. How utterly senseless it would be to obliterate all the long-term institutional memory that exists among the men and women of this great institution.

Term limits would indiscriminately sacrifice too many experienced, effective, intelligent, honest, and skilled legislators of all political stripes.

Knowledge is power. If we remove from Congress the Representatives and Senators who have the most in-depth knowledge of the issues, who have had the most years of experience working on those issues, then we will greatly empower congressional staff, lobbyists, and Federal bureaucrats—Washington's permanent bureaucracy, as they are even now often referred to—because they will be the only people in and around the Capitol who have any institutional memory. Members will be far more dependent on them for understanding what it is the House or Senate is considering, than we are now.

No matter how dedicated they are to the public interest, congressional staff, lobbyists, and bureaucrats are not elected by citizens to represent them in the Congress, and they are not accountable to the voters. They do not derive their power from standing for election every 2 years, as we do. I can think of nothing more damaging to representative government—to the responsiveness of our political system—than to reduce the power of those who are accountable to the voters, and to enhance the power of those who are not.

I have had the opportunity to preview, you might say, the effect of term limits when I served on the House Permanent Select Committee on Intelligence several years ago. As Members know, until this year, Members were prohibited from serving for more than 6 years at a time on that important committee.

Even though virtually every member of the committee had had several years of experience in Congress, we had no one on the committee who had any experience overseeing the operations of the intelligence community that extended beyond 6 years. Most of us found that it took us about 3 or 4 years just to learn the intricacies of the issues involved in intelligence operations, and then we had just 2 years to really use that expertise—to be in a position where we could pose challenging questions to the heads of the CIA and other intelligence agencies and make sensible decisions about the tens of billions of dollars of appropriations for those agencies that it was our responsibility to make. After those 2 years, Members would rotate off the committee and would be replaced by new members, who would take 3 to 4 years to get up to speed on these difficult and arcane issues before the committee.

The loss of the most experienced Members was a serious hindrance to the committee's effectiveness—so serious, in fact, that with strong support on both sides of the aisle, we have, just this year, extended the terms on the committee to four terms, or 8 years, with a fifth term, or 10 years, for the chairman.

Those of us from California have also observed what has happened in the California State Legislature, which now has a 6-year term limit. Knowing that they cannot stay for more than a very few years, legislators come into office looking for ways to use their short stint to make their next career move.

Many leave after 3 or 4 years and take jobs in the industries they have been overseeing as legislators, or they to look for other offices to run for. Two years from now, there will not be anyone in Sacramento, except staff and lobbyists, who has any kind of institutional memory. The citizens of California are being poorly served under these circumstances, and it would be a grave error to extend this failing system to our national legislature as well.

Mr. Speaker, I am among the majority of members of our party who find myself in disagreement with many of the initiatives that have been brought forth by our new Speaker, the gentleman from Georgia [Mr. GINGRICH] and his colleagues in the majority, across the aisle. But I take comfort in the fact that Mr. GINGRICH has been here for 16 years and understands the institution. I seriously doubt that the accomplishments of these past 3 months—like them or not—would have been possible if the Speaker, and the other members of the new leadership, and the new committee Chairs, were not the seasoned legislators that in fact they are.

Every Member of this body who is considering voting for term limits ought to think long and hard about whether we are truly serving the best interests of the American people if we force the House of Representatives, forever more, to elect leaders who have no more than 10 years of previous experience here—or worse, under the 6-year limit proposed by the gentleman from South Carolina [Mr. INGLIS] to elect leaders who have no more than 4 years of previous experience in the House.

Mr. Speaker, we are sympathetic to the frustration people feel about the Congress—that somehow, the system is just not working, that Congress is not solving the problems that people back home care about. But more rapid turnover in Congress is not the answer. There is already a huge turnover. Well more than half of the current members of the House were first elected since 1990 and, of course, the high turnover in the last election also resulted in the change in party control here. It is ironic that, having just emerged from an election which made the strongest case imaginable that term limits are unnecessary, we are now poised to vote on them.

Mr. Speaker, term limits would make Congress less responsive and less effective, not more so. They would deny the right of citizens to choose whom they want to represent them in Congress; they would ensure that Congress is composed entirely of relatively inexperienced legislators; and they would enhance the already considerable power of unelected and unaccountable staff, lobbyists, and bureaucrats.

Mr. Speaker, I urge our colleagues to vote no on the rule and no on all versions of the term-limit constitutional amendment that this rule makes in order.

Over the past 30 years, 14 constitutional amendments have been considered by the House of Representatives. Nearly half of the amendments (6) were considered under open rules.

OPEN RULE—6

89th Congress (1965–1966): H.J. Res. 1—Presidential succession. Considered under an open rule providing for four hours of general debate.

91st Congress (1969–1971): H.J. Res. 681—Direct election of the President. Considered under an open rule providing six hours of general debate.

92nd Congress (1971–1972): H.J. Res. 223—Vote for 18 year olds. Considered under an open rule providing two hours of general debate. H.J. Res. 208—Equal Rights Amendments. Considered under an open rule providing four hours of general debate.

94th Congress (1975–1976): H.J. Res. 280–DC Congressional Representation. Considered under an open rule providing three hours of general debate.

95th Congress (1977–1978): H.J. Res. 280–DC Congressional Representation. Considered under an open rule providing two hours of general debate.

DISCHARGE OF CONSTITUTIONAL AMENDMENT—2

92nd Congress (1971–1972): H.J. Res. 191—School Prayer.

96th Congress (1979–1980): H.J. Res. 74—School Assignment.

SUSPENSION—2

98th Congress (1983–1984): H.J. Res. 1—Equal Rights Amendment.

101st Congress (1989–1990): H.J. Res. 350—Flag Protection. Provided five hours of general debate.

KING-OF-THE-HILL—4

97th Congress (1981–1982): H.J. Res. 450—Balanced Budget.

101st Congress (1989–1990): H.J. Res. 268—Balanced Budget.

102nd Congress (1991–1992): H.J. Res. 290—Balanced Budget.

103rd Congress (1993–1994): H.J. Res. 103—Balanced Budget.

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House, no amendments	N/A.
H.R. 2	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaness against it.	1D.
H.R. 988	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R.
H.R. 4	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.

** 78% restrictive; 22% open. **** Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. **** Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. LINDER], a very valuable member of the Rules Committee who has helped us craft this very fair rule.

☐ 1530

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is an extraordinary day for those of us who believe that the American people are better served by dentists, teachers, and football players than by career politicians.

I strongly support the rule that will allow for the consideration of House Joint Resolution 2, the constitutional amendment to limit the terms of Members of the House and the Senate. I am pleased that four distinct constitutional amendments will be considered to address the major aspects of the term limits movement. The rule permits 3 hours of general debate and enables the House to engage in a full and fair debate on the length of the term limits, the question of retroactivity, and whether State law can be preempted by Federal law.

It is important to note that, in the past, the Judiciary Committee has never even considered term limit resolutions. Furthermore, the full House has never been permitted the opportunity to consider, debate, or vote on term limit resolutions. As you may remember, supporters of the term limits movement were forced to file a discharge petition in a futile attempt to get a discussion of this legislation last year. The Rules Committee was extraordinarily fair in approving four term limit substitutes in this first-ever debate, and it is really rather disingenuous for those who frustrated this debate for decades to argue that we are limiting debate.

I support term limits and personally believe that our Founding Fathers never intended for there to be a permanent governing class that would rule from Washington and lose touch with the citizens they were elected to represent. But that is not what we are debating here today. We are debating a rule that will allow the U.S. House of Representatives its first opportunity ever to hold ample discussions about the merits of limiting our service in this body.

There are Members on both sides of the aisle who have honest disagreements about the merits of term limits. Nonetheless, when 70 percent of the American people support something, there should be a vote on the issue on the floor of this Chamber. The American people have been denied this debate for far too long, and an affirmative vote on this rule grants them that debate.

This is the first rule on term limits in the history of this House, and it is a fair rule. I urge my colleagues to support House Resolution 116 and bring the term limits debate to the floor of the people's house.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I thank my colleagues from the Committee on Rules for having made available this opportunity for me to offer an amendment to the legislation before us.

When our Founding Fathers debated the term limitation idea 200 years ago and more, they decided it was a bad idea. That was as a result of extensive debate on the merits and flaws of putting additional qualifications on persons seeking election to the Congress of the United States.

It was the feeling of the Founding Fathers that those decisions should be left to the voters, a wise judgment and one which I always supported. The decision not to include term limits in the Constitution was based upon free and open debate. Regrettably, we will not see free and open debate here because the Rules Committee has only permitted that four amendments will be available to the legislation before us. So, again, we have a rule which, as all will note is closed again.

Having said that, it was only just a few minutes after the House convened on January 4 that the first piece of legislation was brought to this body under a closed rule. Democrats argued that this was unfair. Republicans said, Do not worry. There will be free and fair debate in the future. That we still await.

We have now an amendment to the Constitution of the United States that will be considered, again, under a closed rule. It is interesting to note that it was so sloppily done in the Committee on the Judiciary that it was not even possible for the Committee on Rules to make that particular pronouncement by the Committee on the Judiciary in order.

It is interesting to note that that proposal has been rejected in its entirety and we now have a quite different matter than that which was originally laid before the House by the Committee on the Judiciary.

One interesting thing, and I speak now as the dean of this body, a Member who has served longer than anybody else, about the legislation is that it does not count the prior service of all of us who have served here. And so while we bravely and boldly say we are going to limit terms, we are limiting terms only of those in the future. And I will be permitted to serve here somewhere between the year 2014 and the year 2019. And every other Member who is here will have somewhere between 14 and 19 years.

Now, we are being charged outside of these halls with this being a hypocritical act. I am not going to say whether it is hypocrisy or is not. But clearly, this is not term limits which is going to affect anybody who is not in this chamber. Indeed it is only going to affect those who will follow us. And all of us here present will be able to serve long enough to qualify fully for our pensions and to achieve the very continued circumstance about which everybody complains. And that is, on this side, that we have served here too long and that we must have some kind of a purgative which will clean this institution. If that is what we should do and if we are going to amend the Constitution, then it should be done by having it have immediate effect, not retroactive. Just say if you have served here and it is evil to serve here so long, then what we should do is to see to it that the term limits should apply fairly to all and that all should depart according to the vote.

We look to see how many of the enthusiasts for term limits will be voting for real term limits or whether they will want to shaft.

Mr. GOSS. Mr. Speaker, I would just respond to the previous speaker who so eloquently spoke about retroactivity, and so forth, that of the 22 States that have voted for term limits, not 1, repeat, not 1 has gone the retroactive route. And where it has been tested in State elections, it has been defeated. I think that is worth noting.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding time to me.

Mr. Speaker, what an historic day, particularly for a freshman in this great body to be at the present, at the creation, present at the inception, present at the beginning of the first debate in modern times over whether or not the people of this great country will at long last, will themselves at long last have the opportunity to decide if they want, not if we want, but if they want limits on the number of years that our Senators and our Members of Congress can serve.

Mr. Speaker, it may be that those on the other side of the aisle find something nefarious here, find a hidden agenda, or are whining or complaining about the rule under which this debate is being initiated. But I stand here and say, praise the leaders of this Congress, praise the leaders of this party, praise the leaders of the committees, including the distinguished chairman of the Committee on the Judiciary in which we had full and fair debate on these issues, for bringing this issue at long last to this floor so that we can make a decision that the people of the 50 States can themselves decide.

Because if we do not give them that opportunity, then for all practical purposes, they will not have the opportunity for their voice to be heard and heard indeed it must, because the people of this country are tired of business as usual. They are tired of the status quo. They rose up on November 8 of last year and said, We want change; we want it now. We do not want to wait for eons or decades or years. We want change now. And today this hour, this evening and this week we are going to give them that change in this body by fully and fairly and openly debating whether or not the people of this country deserve to be able to themselves decide, as our Founding Fathers believed they have the right to decide, whether or not to have term limits.

Mr. Speaker, I stand here and say thank you for allowing me and thank the chairman of this distinguished body for allowing me the opportunity to be present at that debate. I say let the debate begin, and I say let the people have term limits so a breath of fresh air can indeed continue to sweep through these great chambers.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I must say, I really do think this is business as usual. I find it very, very disappointing that we have this rule in front of us today. Right after this, all of this election happened, the then Speaker-Elect GINGRICH promised that each of the 10 items in the contract would come up under an open rule. Well, here we are. And guess what? That has not happened, over and over again.

But on this specific item, as briefly or as shortly ago as March 9, the gentleman from Georgia, Congressman LINDER, came to the floor and announced this would come up under an open rule. Well, guess what? Here we are, and it did not happen.

Now, what has happened here? There were 30 amendments printed in the RECORD. Not one will be made in order. Instead, they have carefully crafted a little rule where four substitutes will be made in order. And guess what? Three of them are Democratic. So I do not see any way you can say that this is a fair rule or an open rule or we are going to be able to come forward and have the kind of debate that everybody was told at the beginning of this session would happen on each of these individual items.

We have seen this pattern go on and on over and over again, and I really think it is really rather tragic. It certainly is a turnoff for the Members who worked hard, came forward with amendments that they felt were very sincere, had them printed in the RECORD so every one had notice. And then what happens? The Committee on Rules unilaterally just shoves them all off the table and says, We are not going to hear about any of those.

I could debate the substance of this, too. And I guess we are, sometime a little later on, going to debate the substance of it. One of the things I thought we ought to do, maybe we ought to talk about at that time is tattooing on everybody's forehead their spoil date when they get elected so we can remind people when we are supposed to rot. This is kind of an amendment saying that all of us will rot after 6 years or 8 years or 12 years or whatever in public office.

However, if you switch public office and go to be a Governor or go to be a Senator or go to be a President or go back and be a mayor or go to the State house, no, no, you can move laterally through the chairs anyway you want to. You just cannot stay in the same chair and learn the job well.

That does not make a lot of sense to me. But there are many things in here that I think it is like a lot of reforms. It sounded terrific. When you peel it away and start looking at it and thinking about how it is going to apply, you begin to understand why our forefathers turned this idea down over 200 years ago and why they continued to turn it down for over 200 years. And I am not too sure they were not really right, when you look at it all. But I think it is very sad that many Members could not offer amendments to point out these different nuances, and we could not have an open debate around here.

I think we know why. The fear is Members are going to leave the reservation or they could not get enough votes or they had to find some way to strong-arm Members around one proposal or another. But this is just too serious an issue.

The Constitution is not a rough draft that we change every week. The Constitution has been a wonderful document that has held this great republic together for over 200 years. Now every time we look, we have got another amendment like this one coming at it, saying, on my goodness, the republic is only going to hold unless we can get this amendment through.

I do not think we should do this, but I certainly hope we vote against the rule. It is certainly contrary to everything we have been told this year would happen. It certainly is not open.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I would just congratulate the gentlewoman from Colorado for being consistent, as I believe we have been. She said at the Committee on Rules meeting that the Constitution is not a rough draft. Indeed, it is not. We all agree.

It is for that reason we do not have an open rule. Never do we practice constitutional amendments under open rules. I think if you go back and look at the times, the 40 years when your party was in the majority and you were leading from that side, the treatment was the same.

What we promised and what I think we are being consistent about, in the spirit of all that goes into the Contract With America, is open debate and fair rules to give the ideas a chance to be deliberately discussed on the floor.

I think that opportunity is present.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. But what we understood was you were being very critical of the fact and said that these things should come up under open rules. And we had an announcement on the floor on March 9, that there would be an open rule or at least some of the 30 amendments would be considered or some of the Democratic amendments would be considered.

I mean, I find it very interesting that you say this is a revolution. We cannot tolerate the Democratic leadership anymore. And then whenever we start to say, now, wait a minute, what have you done here? You say, Well, the Democrats did it.

That is why I started out by saying this looks like business as usual. We thought there was going to be a chance here to openly debate this issue, which I think is very important.

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Mr. GOSS. Reclaiming my time, Mr. Speaker, I am sure the gentlewoman does not mean to imply that business as usual under the Democrats was an inhospitable thing. Surely that was not the case.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will continue to yield, I would not imply that, but that was the gentleman's implication and the Speaker's implication when they took over. I just think it is interesting that just a few weeks in power, and the gentlemen's party finds out the Democrats were not so off base after all.

Mr. GOSS. Reclaiming my time, and thanking the gentlewoman for her part in this colloquy, I still believe we all agree that is not appropriate to have an open rule on a constitutional amendment, which this is proposing to be.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. HILLEARY], who has crafted what I think is one of the most worthy of the substitutes for consideration. I am sure it will be much discussed and get much interest during the debate.

Mr. HILLEARY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to take this opportunity to thank the gentleman for bringing this issue to a vote. I adamantly support the rule which will allow the House for the first time to vote on term limits in a recorded vote, what we promised in the Contract With America, and we are delivering on it.

This is a fair rule which will give all Members the chance to demonstrate to their constituents that they either support or oppose term limits. This rule will, in my opinion, flush out the pretenders for the election cycle in 1996.

In addition, under this rule Members will have the opportunity to vote on my amendment, which is the only one that clearly protects the term limit laws enacted in 22 States in this country. Thousands of dedicated individuals gathered signatures on petitions in parking lots all across the country. Twenty-five million people have cast ballots in favor of imposing term limits on Members of Congress from their States.

My amendment is the only one which will clearly protect the hard work and wishes of these people. I thank the leadership for making this amendment in order, and urge all of my colleagues to support this very fair rule, but no matter which version emerges from the Queen of the Hill procedure, I urge all my colleagues to vote for term limits on final passage. The people want it. The time has come. Please vote for term limits, no matter which version emerges.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, I rise today in support of term limits, but I likewise rise in opposition to this rule. I would like to explain briefly why.

As we look at the term limits debate, Mr. Speaker, there are basically three issues that arise. Unfortunately, I do not believe that we have a clear shot at a vote on any version that separates the three issues.

The first issue is the number of years. Is it 6 years, is it 8 years, is it 12 years? We will have variations of the number of years to vote on.

The second issue is preemption: Do we intend by a Federal constitutional amendment to say to the States that they shall not or that they shall be allowed to fix lower limits by their State law? I, for one, believe that they should have that option.

The third issue is prior service, or retroactivity: Will terms that have previously been served prior to the ratification of a term limits amendment count, or will they not count?

Recognizing early in this session that there was no clear constitutional amendment that set those propositions forth, on January 27 of this year I, along with several of my Democratic and Republican colleagues, introduced a constitutional amendment which set a 12-year outer limit with specific language that said we did not preempt State statutes, that gave them right to set lower limits if they chose to do so, but that would not have retroactive effect.

Unfortunately, Mr. Speaker, the thing that comes closest to our proposition, which we did submit to the Committee on Rules and which was rejected, will be the Hilleary amendment. However, the Hilleary amendment will say 12 years outer limit, specific reference to the States to pass lower limits if they choose to do so, but will give prior service of those 22 States that have enacted State laws those retroactive effects, so by the time this constitutional amendment would be ratified under the Hilleary version, we very likely will have 225 Members of this House who will be operating under those statutes of the 22 States, and possibly somewhere in excess of 160 of them may already have their terms expired.

Mr. Speaker, I think we should have had a clear-cut shot at a proposition that would say 12 years outer limit, specifically, we do not preempt State statutes, and everybody stands on the same footing. If it is going to be retroactive, in my opinion, even though I am not one of those 22 States and it will not apply to me, I think it is not fair to our colleagues from those 22 States to say that "Your time in service in office is the only one that will have effect." That to me is not putting us all on the same footing. For that reason, I will vote against the rule.

Mr. GOSS. Mr. Speaker, I am honored to yield 2 minutes to my colleague, the distinguished gentlewoman from Florida [Mrs. FOWLER], who I must point out has been the architect of one of the amendments that we are not going to specifically debate, but has been enfolded into some others. She has been very generous in that context, and not only that, she has been a real advocate of this issue for a long time. I congratulate her on that.

Mrs. FOWLER. Mr. Speaker, I rise in strong support of this rule.

As many of my colleagues know, I am the sponsor of the 8-year term-limits bill. In addition to my own State of Florida, Ohio, Missouri, and Massachusetts have all passed 8-year limits on their Members of Congress.

While this rule does not provide for a vote on my specific 8-year proposal, it does respect the rights of my State and the 21 other States with term-limits laws and that is why I support it.

All but one of the amendments made in order under this rule preserve States' abilities to pass 8-year limits. Phil Handy, chairman of the "Eight Is Enough" term-limits campaign in Florida, has endorsed this rule in a letter to the Speaker.

It is unfortunate that the media and term-limits opponents have focused on the differences between term-limits supporters over the numbers of 6, 8, or 12 years.

I hope that my support of this rule clarifies once and for all that the only difference that really exists is the one between those who support term limits and those who do not.

This rule will make sure that distinction is perfectly clear when we vote on final passage.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am opposed to this rule, not necessarily because I think the rule is good or bad, but I just prefer not to have term limits on the floor at all. I oppose them, and therefore oppose the vehicle to bring them to the floor, and thus oppose this rule.

Mr. Speaker, I oppose term limits because I am against any abridgment of the right of voters to choose. Term limits limit the right of voters to choose. I am not so arrogant to think that I am better at this than James Madison, or the other Founders of the Constitution, who were very careful to protect the right of the citizens of the United States of America to select their representatives. That is a critical right in this representative form of Government. We should protect, not diminish it.

Term limits do not restrict the authority of the Federal Government. They do restrict the rights of the citizens. Term limits do not increase the power of the voter. They enhance the raw authority of lobbyists. They enhances the power of career congressional staff. They enhances the authority of bureaucrats. If we want ever stronger executive branch Government and ever more powerful Presidents, this enhances the Presidency at the expense of the people's House.

This pedestrian effort to change the wisdom that the Founders of this country put into the basic document of this land is wrong. However, there is one good thing about having this bill on the floor. The American people are going to learn something about hypocrisy. Yes, they are going to learn something about hypocrisy.

Any Member of this House who wants to vote for limiting themselves to six terms or 12 years may do so and if they vote for it and they have served here more than 12 years, 12 years or more, they should quit. Otherwise, the American people might claim some hypocrisy among those Members of the House.

We will also have an opportunity to limit the terms to three, no more than 6 years. Those Members who vote for it, whether it passes or it does not, should quit at the end of their third term. To do less might be seen by the American people as hypocrisy, and I, for one, would agree with them. I think we are about to separate the hypocrites from the others.

Mr. GOSS. Mr. Speaker, it gives me pleasure to yield 2 minutes to the distinguished gentlewoman from Utah [Mrs. WALDHOLTZ], an extremely important Member who holds down the end of the dais of the Committee on Rules.

Mrs. WALDHOLTZ. Mr. Speaker, as a member of the Rules Committee I am proud to stand in support of this rule. For the first time ever, Congress will finally vote on a constitutional amendment limiting the number of terms an elected Representative can serve.

The American people have become increasingly disillusioned with their elected officials, and with good cause. Despite the fact that 8 out of 10 Americans support term limits, for years the Democrat-controlled Congress ignored the will of the people and arrogantly refused to even debate the issue.

But, when the American people swept a new majority into the House for the first time in 40 years, they were assured that not only would Congress debate the issue, we would bring it to a vote within the first 100 days. Today we are here to fulfill that promise.

As the term limit debate has developed this year, I have been struck that those most vigorously supporting retroactive term limits are the very same Members who worked to block consideration of term limits in the past. Out of the 22 State-passed term limits, not one has been made retroactive. In fact, only one State has put a retroactive term limit on the ballot, Washington State, and that initiative was defeated.

Since I was curious to know what these colleagues had previously said about making term limits retroactive, I obtained a copy of the transcript from hearings held on November 18, 1993, and June 29, 1994, by the Subcommittee on Civil and constitutional Rights of the Committee on the Judiciary the only hearings on this issue prior to the 104th Congress. I went through the transcript page by page and I need to point out that I could not find a single reference or discussion on making term limits retroactive.

Three years ago my State of Utah passed a 12-year congressional term limit. In fact, we are the only State in which the legislature acted to pass term limits. The Founding Fathers never intended for congressional service to be a lifetime job. They correctly envisioned a citizen legislature that would pass laws and then return to the private sector to live under those laws. Instead, we ended up with a Congress that had a 90 percent re-election rate for the last 10 years—the same period during which our national debt skyrocketed—and an average tenure of 27 years for the previous House leadership.

The strength of the grass-roots term limits movement expresses the American people's frustration with the status quo. They are fed up with Congress' free-wheeling spending habits. They want us to bring the deficit and the Federal debt under control. A constitutional amendment imposing congressional term limits will take us a step in the right direction and break down the elite power structure that too many in Congress have enjoyed for too long.

I urge my colleagues to support the rule and support final passage.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I am a supporter of term limits.

Mr. Speaker, I rise today in opposition to the rule. This rule proves to me that the Republican leadership has no intention of passing term limits this week.

You see, the Republicans promised the American people a vote on term limits in the Contract With America. But ever since the elections, they have approached the pending term limits vote just like Goldilocks tested her porridge in the bears' cabin.

Some of them do not like 6 year limits—this porridge is too hot.

Some of them do not like 12 year limits—this porridge is too cold.

Well guess what, Republicans, it will not take the American people very long to figure out that you did not try very hard to find an option that was just right for everyone. Instead, you crafted a confusing, repetitive rule, that would divide the votes enough to sabotage final passage.

You might as well stop the debate now. Because term limits cannot pass under this rule, so why bother with the charade?

☐ 1600

Get with it. There are Members of the Republican Party who do not want term limits. It is all a big joke to pass the Contract With America.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I rise in the strongest possible support of this rule where Members can now put their mouth where their vote is and vote for term limits. It is badly needed.

Mr. Speaker, this is a historic occasion. Today, we begin debate on a term-limits constitutional amendment. The House has never before voted on term-limit legislation, let alone a term-limits constitutional amendment. In fact, the House has never even had the chance to debate term limits before. I am very excited that we in Congress will finally get a chance to debate and vote on term-limit legislation and make this Congress more responsive, and, more importantly, more responsible to the American people.

In recent years, term-limit proposals have become increasingly popular among the American people, having overwhelming support—especially with people frustrated with Government gridlock at the Federal level.

Since 1990, 21 of 24 States that have the initiative process have passed ballot measures limiting congressional terms. And these initiatives have passed with 60 to 70 percent of the vote. There are now 22 States with congressional term limits. In fact, I have introduced term-limit legislation for the last 8 years here in Congress.

Opponents of term limits will point to the 1994 elections as a reason against any term-limit legislation. But I would point to the last 10, 15, and 20 years where the reelection rate of Members of Congress was well over 90 percent. Incumbency provides an artificial advantage to Members; an advantage the Framers of our Constitution never intended.

But I think the most compelling reason for term limits is the almost $5 trillion debt that this entrenched Congress has accumulated. This debt was accumulated because Congress could not prioritize its spending and could not say no to some of the unnecessary spending programs we have here.

Congress has not been able to balance its budget since 1969. If fact, this year's budget deficit is growing over $500 million a day. This kind of irresponsible governing is robbing our children and grandchildren of their future. Yet Congress was not able to pass a balanced budget amendment this year. For that reason alone, I think we should pass term limits.

It is my hope that term limits will go a long way toward bringing back the citizen-statesman: Someone who came to Congress, not to get reelected, but to govern. Someone able to get the Federal Government's fiscal house in order.

This is why I believe term limits are necessary and I urge strong support of the rule and the term-limits constitutional amendment.

Mr. GOSS. Mr. Speaker, again I want to reiterate what the gentlewoman from Utah [Mrs. WALDHOLTZ] said. It is curious that the minority, that used to be the majority, when they were majority and they were talking about term limits, retroactivity never showed up, so we are a little astonished that that seems to be the main menu today.

But in any event, I yield 1 minute to my colleague, the distinguished gentleman from Florida [Mr. CANADY] chairman of the subcommittee, who has done yeoman's work.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule for consideration of a constitutional amendment to limit the terms of Members of the U.S. Senate and House of Representatives.

In keeping with the Republican Contract With America this rule provides for votes on proposed constitutional amendments to limit the terms of Members. This is the first time in the history of this Nation that the U.S. House of Representatives will vote on the issue of limiting the terms of Members of the House and Senate. Specifically, the contract promises, and this rule provides for, votes on a constitutional amendment to limit Senators and House Members to 12 years of service in each body, the McCollum amendment, and an amendment to limit Senators to 12 years and House Members to 6 years of service, the Inglis amendment. In addition, the rule provides for consideration of two additional amendments which will allow the Members to fully debate issues of concern, including application of the limits to sitting Members of Congress prior to ratification, the so-called retroactivity issue, and the effect of the proposals on State-enacted term limits.

Mr. Speaker, 22 states have adopted term limits for their Members of Congress. The American people have grown tired of entrenched incumbents controlling their lives from Washington. Term limits are in keeping with this Nation's tradition of democracy and freedom. Term limits will give power back to the States and to the people to run their own lives and make their own decisions. This Congress must listen to the people of this Nation and take action now on this critical issue. I urge an "aye" vote on the rule.

Mr. BEILENSON. Mr. Speaker, at the moment we do not have any other speakers, and I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, it gives me great pleasure to yield 3 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM], another colleague of mine. He is known as the engineer of the term limits momentum, a man who deserves to be heard on this subject.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this is indeed a historic occasion. We are about to vote on a rule to bring before this Congress for the first time in history, as my colleague from Florida, Mr. CANADY, just said, a vote on the floor of the House of Representatives on the question of limiting the terms of Members of the U.S. House and Senate. This is historic in many ways.

The Founding Fathers could never have envisioned a Congress today that is a full-time, career-oriented Congress. If we are going to control this career orientation, if we are going to put some restraints on the desire of

Members of this body by the natural propensities that people have to want to be reelected and to try to please every interest group that is out there in decisions like on the budgets, we simply must have term limits, we must limit the lengths of time somebody can serve in the House and Senate.

If we are going to put a permanent rule in place, not just a rule passed by the Republicans as we did this year when we got in power, but put it in permanently to limit the amount of time somebody can serve as chairman of a full committee or serve in the leadership in key positions to something responsible like 6 years, then we have to have term limits, something that is in the Constitution of the United States. There are going to be a number of options as to what they are, but the bottom line is whatever that is the American people, more than 70 percent, often as high as 80 percent who support term limits should hold every one of us accountable at the polling place next year to vote for the final passage of this particular proposal, whatever the term limit is. I happen to favor 12 and 12, 12 for the House and 12 in the Senate and that it be permanent. That is my proposal. It is not retroactive and it will protect the States, I believe, under a decision that is going to be rendered by the U.S. Supreme Court shortly.

In my judgment it would be a very bad deal if there were a lesser number of years for House Members, as some propose, because it would make the House a weaker body vis-a-vis the Senate.

I also think the idea of granting permanently in the Constitution the right to States to decide what the term limits might be under a 12-year cap might be wrong. You would always end up with some States having 6 or 8 or some other number of years and that would be bad public policy.

My judgment also is with 22 States having passed term limits without retroactivity, and the one having come up in Washington and having voted it down, retroactivity would be a bad idea.

I think we need to have a simple, straightforward 12 for the House and Senate, uniformity as much as possible in the Nation and hopefully when the Supreme Court is done that will be the result.

Most important we need term limits, we need to limit the time people can serve. We need to restore to this body the checks and balances the Founding Fathers envisioned who never could have seen instead of serving 2 at most, we are now serving year round and instead of having citizen legislators who conduct their own businesses, we actually have rules that prohibit us from earning money out in professions like law and accounting and so forth.

I urge my colleagues in the strongest of terms to vote the rule out that gives us that opportunity. The Democrats did not let us have a vote in 40 years. Now we are going to have a chance to have one. I urge my colleagues to vote yes on final passage.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. If I have any time remaining, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding. The gentleman says when people go to the polls they ought to vote based on whether or not their Member voted for term limits. Should they also vote whether the Member has been in longer than they voted?

Mr. McCOLLUM. Eighty percent of the American public favor term limits. They will have that choice.

Mr. GOSS. Mr. Speaker, I am happy to yield 1 minute to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I have no particular problem with the rule. It is the subject of the rule to which I object: term limits. I know all the standard arguments that if we have term limits the unelected bureaucracy, the career staff that are here year after year, will run the institution and not the people's chosen representatives, and that the professional lobbyists will become even more important because they will be here year after year and not the people's chosen representative who will be in the revolving door. But I will tell you this. The most compelling argument against term limits is this: The compelling mission of Government is to expand our options and choices, not limit them.

I have not had the advantage of conversations with our Founding Fathers, so I cannot tell my colleagues what they would say. But I know what they said, and they said we should not have term limits.

The arrogance of Washington, the people in the shadows of the Capitol, telling those people out in the real world that we are now going to impose new conditions on them to choose whomever they wish to entrust with their representational responsibilities.

I oppose term limits. I urge my colleagues to do likewise.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, if there is anything that the American people want more than productive change, it is an end to hypocrisy and gamesmanship when it comes to Government reform.

And that is what this rule is about. It is the ultimate game of hide and seek. It offers phony term limits proposals that Members can hide behind. It's so gamed to lose that by design voters will not be able to seek the truth after the debate. It's the big duck.

The American people should not be mistaken. Term limits will not prevail because Republicans have so gamed this process that it never really had a chance. Let me explain.

First off, the Republican rules committee has prevented all perfecting amendments. That is a travesty for Members who want to make honest any of the four alternatives that we will be voting on.

Some Members like myself for instance, who believe that term limits will create a rise in amateurism in the institution, believe that if we are going to have term limits let's make them effective immediately, and not exempt current Members.

That is right. Other than the Democratic substitute, none of the Republican alternatives apply to terms currently served by incumbents. The most restrictive one—the Inglis substitute—would allow me to serve 43 years in the House—43 years. The McCollum and Hilleary substitutes would allow me to serve 49 years in the House.

Speaker GINGRICH would be allowed to serve 37 years under Inglis. Under McCollum and Hilleary he would be allowed 31 years.

And of all the Republican substitutes, only one—Hilleary—would preserve the States rights to do what they deem most appropriate when it comes to term limits.

Finally, this rule totally denigrates the Judiciary Committee. The committee reported bill is not even made in order. The entire purpose of committees is to refine issues in a manner proper for floor consideration. This makes a mockery of that.

Mr. Speaker, this rule is a fraud and a game on the American people. Let us defeat it and get on with an honest debate, not a game of hide and seek.

Mr. GOSS. Mr. Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS], chairman of the always powerful Committee on Agriculture.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I rise in opposition to this rule, and I want to make it clear from the outset I am for the term limit that was placed or that was put in place by our Founding Fathers, that is a 2-year term limit. It is called an election.

It seems to me that utilizing their constitutional voting rights, the voters can have and will continue to achieve Thomas Jefferson democracy by throwing the rascals out if they so choose.

What the term limit says basically is the voters, because of many reasons, are not up to this job and should be denied the right to send somebody back.

But the basic point I think is this: If in fact this House of Representatives is in such a crisis to the extent that we must deny the voters the right to reelect their representatives, if in fact the institution is in such a chaotic state that we must arbitrarily take away the right of voters after 6 or 12 years, then surely the people responsible, the guilty parties, are those who are the career politicians who have been here over 12 years and none of the proposed versions really include the retroactive version of term limits with sound policy. It is sort of like there is a terminal illness that abounds in this House but we are going to wait 12 years before we take the medicine.

Why? Well, the why is simple; not many term limiters find it a pleasant task telling experienced Members they are part of the problem and it is time to say adios.

So to me, wrapping yourself in the banner of a counterproductive reform is bad enough but exempting ourselves from these reforms does not represent truth in term limits.

The SPEAKER. The Chair would inform the gentleman from Florida [Mr. GOSS] that he has 4 minutes remaining, and the gentleman from California [Mr. BEILENSON] has 4½ minutes remaining.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, in listening to the debate and hearing some of my colleagues from the other side of the aisle criticize Democrats because of their retroactive proposal, let us make it very, very clear.

My Democratic colleagues are not the ones who ran for Congress on the Contract With America all around the country talking about the need to bring in term limits. My Democratic colleagues were honest about it; they did not run on term limits. They have a proposal to put forward and if the Republicans are serious about term limits, we could pass a retroactive term limits bill.

It is also amusing to see the Republican leadership who worked so hard on party loyalty and so many other issues in the first so-called 100 days of this contract, to see where they are now in terms of demanding that party loyalty when it comes to determining which proposal to vote for. If some of the Republican leadership had the same interest, the same zeal, the same compassion to get at nutrition programs, for example, to get at some of the other Head Start programs, if they felt just as strongly about term limits as they have in some of these other devastating cuts, we would have term limits here this week.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. INGLIS], who has also been one of the main architects of the term limits movement and has an amendment that states this debate.

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding the time, and I rise in strong support of this rule and to point out a couple of things. One, what a difference an election makes. Last time in this Congress, the last Congress, the 103d Congress, we begged and we pleaded and we scrapped and we got a hearing in a subcommittee of the Committee on the Judiciary.

□ 1615

And then we begged and we pleaded and we scraped some more, and we got a second little hearing. The chairman of that subcommittee was adamantly opposed to term limits. The chairman of our new subcommittee is very much for term limits. He was just here, the gentleman from Florida [Mr. CANADY], on the floor, speaking in favor of this rule.

Last time, last Congress, the Speaker of this House of Representatives sued the people of the State of Washington saying that what they had done was unconstitutional in limiting his term in office. Now, we have a Speaker who is forthrightly for term limits and has brought this rule and this matter to the floor.

What a difference an election makes in the history of a nation.

And now we have got an opportunity. What a great rule. I am concerned to hear my friend, the gentleman from Massachusetts, not speak in favor of the rule. I think actually this is a tremendously successful crafting of this issue.

The question is, of course, there are two arguments against it. One is it is restrictive, we did not make enough options in order; and then the other attack is, well, it has got too many options in it, and the result is we will have confusion.

I cannot imagine a more accountable vote on this matter than the way it is structured this way. Members are going to have to vote up or down on a 6-year bill. That happens to be my bill. Then they are going to have to vote up or down on a 12-year bill that allows State flexibility. They are going to have to vote up or down on a 12-year bill that is silent on preemption, and they are going to have to vote up or down on a 12-year bill that calls for retroactivity designed, by admission of its proponents, to be a poison pill designed to kill term limits.

But in any event, we are going to have accountability in this Congress, and what a difference the American people are seeing. It truly is an exciting day in the history of this Congress.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, not to worry, those people that follow this great Chamber electronically with these new overhead shots and side-angle shots, make sure my coat is OK in the back here, everybody is watching, and in their offices.

The House floor looks deserted, but it is not. This is a hot issue.

Now, about four speakers ago one of my colleagues said we unfortunately do not get to talk to the Founders, but that he was going to speak for them and say that the Founders were against term limits. Not my reading of what our Founders wrote.

One of the great Founders, the oldest man in the Continental Congress, the great Dr. Benjamin Franklin, said it would be healthy to rotate citizens in and out of this Chamber on a regular basis. That is a simple word, "rotation"; we use it all the time in modern America, and he said it would be healthy to return to the employer class, that is, the taxpayers that sometimes sit in our gallery, the 1.3 million that are watching us on C-SPAN. They are the employers, and we are the public servants.

But here is something any Member can do walking through the Rotunda. What I will put in the RECORD at this point are the words of George Washington, right under his portrait, resigning his commission, about the theater of action, and his virtues and term limits, the father of term limits, George Washington.

> Having now finished the work assigned me, I retire from the great theatre of action; and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission and take my leave of all the employments of public life.
>
> Thos. Mifflin, pres. Continental Congress (answered with reverence.) Having defended the standard of liberty in the new world; having taught a lesson to those who inflict (oppression), and to those who feel oppression, you retire from the great theater of action with the blessings of your fellow-citizens; but the glory of your virtues will not terminate with your military command, it will continue to animate remotest ages.

Mr. GOSS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think it is very clear this is going to be an interesting debate. This is not something of the passion of the moment, though.

We are talking about a constitutional amendment, two-thirds of the House, two-thirds of the Senate, three-quarters of the States and several years involved probably in the process.

We are also talking about a phenomenon of tenure of more than 12 years here. That is the standard in this that we are putting out.

It took more than the first 100 years of the existence of Congress before the average tenure of any Member of the Members was 12 years. My distinguished friend from California mentioned that maybe we will not have an institutional memory; maybe staff will take over. Well, maybe staff has already taken over in some places, and maybe the institutional memory is not very good. But maybe most Americans think we have got enough Congress. Maybe a little less Congress would be better for America.

That is something they seem to be saying.

My friend from New York, the gentleman from New York [Mr. BOEHLERT] said, "It would be arrogant of D.C. to tell people how long they can vote for somebody." Would it be arrogant to ignore what 80 percent of the people of our country are asking us to bring up in debate? I think it would be.

So we are going to have this debate. I agree, this is a particularly bony crow which may cause some choking come November. I still believe it is an honorable effort at debate.

I urge approval of the rule.

Ms. PRYCE. Mr. Speaker, what a difference an election makes. After years of hearing our colleagues on the other side of the aisle talk about real reform, the 104th Congress, under new leadership, is ready to break the partisan gridlock which has kept term limits off the floor of this House for too long. As part of our ongoing commitment to fulfilling the Contract With America, we bring to the floor today a constitutional amendment to limit the terms of House and Senate Members.

And we do so under a fair and balanced rule which recognizes the seriousness of writing term limits into our Constitution. On March 15, the Committee on Rules granted a rule that provides for 3 hours of general debate. Following general debate, four amendments in the nature of a substitute will be considered for 1 hour each under a true "king-of-the-hill" process—which means that the amendment receiving the most affirmative votes is considered as adopted and reported back to the House. This is a responsible rule, Mr. Speaker. Debate on the four substitutes, and the customary motion to recommit afforded to the minority, will allow the House to address the major issues associated with term limits, issues such as how many terms are appropriate, should States be permitted to set lower limits, and when should the term limitation take effect.

Republicans have not backed away from our promise to the American people to bring the issue of term limits to the floor of the House. The term limits movement is clearly sweeping across the States, winning by impressive margins whenever and wherever it is on the ballot. Today, 22 States have placed term limits on their Federal representatives, including my own home State of Ohio. By adopting this rule, the House will finally have the opportunity to debate an issue which is already the law of the land in almost half of the 50 States.

It is my understanding that from 1789 to 1993, 177 proposals were introduced to limit congressional service. Not surprisingly, virtually all of these proposals died in committee. It was not until November 1993, during the historic 103d Congress, that the House held its first hearing ever on the term limits issue. Today, when we pass this rule and begin debate, new history will be made. We are keeping our promise to have the first vote ever on the House floor on this important issue.

While some of my closest colleagues in this body have made very articulate arguments against term limits, I remain absolutely convinced that term limits are not just necessary, but essential to making this institution more effective, more productive, and more representative of the American people. Just think of the many positive benefits which would result from term limits: an influx of fresh ideas and motivated people, a Congress closer to the citizens whom we are elected to serve, a greater emphasis on merit rather than seniority, and a better chance to guard against legislative gridlock. Mr. Speaker, limiting congressional terms is the key to genuine congressional reform.

But despite the progress we have made on this issue, one of the leading advocates of term limits, the group U.S. Term Limits, has actively criticized many Members of the House for supposedly trying to water-down our contract's commitment to term limits. Nothing could be further from the truth. While each of us may prefer a certain version of term limits, or see one plan as being more practical than the other, we have consistently supported term limits.

Mr. Speaker, we have had a very productive 84 days so far in the 104th Congress. The majority has kept its promise to bring the provisions of the contract to a vote on the House floor. And we have made meaningful congressional reform a top legislative priority. I urge my colleagues to adopt this balanced, responsible rule so that we can have fair debate on the revolutionary idea of term limits. Passage of this rule will be an important step toward responding to the voters' call for real change and putting an end to the reign of career politicians.

Mr. GOSS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. RIGGS). Pursuant to clause 12, rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 4 o'clock and 20 minutes p.m.) the House stood in recess until 5 p.m.

□ 1704

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EWING] at 5 o'clock and 4 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 889, EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 889, be instructed to form a conference agreement that does not add to the national deficit in the current fiscal year and cumulatively through fiscal year 1999.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 8 minutes.

Mr. Speaker, under ordinary circumstances, I would not be here making this motion that I am making today, because I think that under ordinary circumstances the administration would have every right to request an emergency appropriation for these items and the Congress would have every right to consider them on an emergency basis. In plain language, considering them on an emergency basis means that we would not have to offset the expenditures in this bill, and they could be treated as an emergency and could, therefore, add to the deficit and still be within the rules of the House.

The problem, however, is that while I personally feel that under normal circumstances it would be perfectly appropriate for these items not to be offset, I do not think we are operating under ordinary circumstances. In fact, we have seen this House pass a constitutional amendment to balance the budget, even though the other body has not concurred, and we have seen a great deal of effort expended over the past 60 days on efforts that were described as efforts to "reduce the deficit." But in fact those efforts have not done that.

So I am offering this proposal today in the spirit of truth in advertising. It simply directs the House conferees to produce a conference report that does not add to the deficit, period. Now, we have had two recent examples that illustrate the need for the motion which I am making today.

First of all, when this bill first passed the House, we were told by the committee that even though the bill was not balanced on the outlay side, it was in fact balanced in budget authority and did not add to the deficit.

The problem, however, is that after the bill passed, the committee's own documents which the committee produced showed that the bill added over $250 million in outlays and $186 million in budget authority to the deficit, and over 5 years, added to the deficit to the tune of $650 million. So I think that was misstatement No. 1 on the way to a so-called balanced budget.

Last week on the rescission bill, in order to get the votes for the rescission bill that targeted kids and old folks for major reductions, the Republican leadership said, after first having all of the Republicans vote against the Murtha amendment in committee, the Republican leadership then did an about face and indicated that they would in fact use the dollars produced in that rescission bill last week, the dollars that were not going to be used for the California earthquake relief, that they would use the remainder of those dollars for deficit reduction. But after the rule had passed, the chairman of the Committee on the Budget then was reported to say that the action in indicating that those funds would be used to reduce the deficit was just a game, and that in fact they were going to be allocated to finance the tax cuts, which contain a number of items which many of us on this side of the aisle feel are simply rewards for the wealthy that we cannot afford at a time of multibillion-dollar deficits.

Despite the fact that that money which was indicated would go for deficit reduction for one day, and then was later used for tax cuts, we were still given lectures about deficit reduction. It seems to me what we need to do is to cut through those lectures and get to a real intent to reduce the deficit, or at least certainly not to add to it.

This bill itself was produced out of subcommittee 1 day after the House passed the balanced budget constitutional amendment, and the bill as it left the committee, as I said, added significantly to the deficit, some $650 million over 5 years.

In contrast to the House bill, the Senate bill, which we will meet when we go to conference, is fully offset. It does not add one dime to the deficit, and in my view, if the other body can produce a bill for conference which does not add one dime to the deficit, the House ought to be able to do the same thing.

Now, this motion makes one concession. It does not even require that all of the amounts be totally offset within the defense function of the budget. It simply says that all of the funds should be offset, period. While I certainly do not approve of using domestic reductions in order to offset Defense Department add-ons, as an indication of conciliatory spirit I am willing to offer a motion that simply says the funds should be fully offset so they do not add one dime to the deficit.

Mr. Speaker, it just seems to me that after the House has, in my view, been misled twice about whether or not funds in legislation before this House would add to the deficit or would reduce the deficit, it seems to me, after the House has been misled twice on it, the House finally needs to make a statement with great clarity that we do not want this process used to in any way add to the deficit.

As I said originally, under ordinary circumstances, absent the great pressure on the deficit and absent the House action in passing the constitutional amendment on the balanced budget, I would not be here insisting that this bill be fully offset, because I think in the real world there are emergencies which require emergency treatment. But the House has indicated that it is going to be in pursuit of deficit reduction, and it seems to me if that is the case, we ought to get on to it, and we certainly should not produce a conference report which will add to the deficit either on the budget authority side or the outlay side. That is the reason I make this motion this afternoon.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and that I might include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise to oppose the motion to instruct conferees. The gentleman's motion would instruct the conferees to bring back a conference agreement that was offset not only in budget authority, but in outlays as well. This instruction would indeed inhibit the full and free nature of the conference.

My friend, the gentleman from Florida [Mr. YOUNG], who sits here, has pointed out that the gentleman who just spoke before me, the distinguished ranking minority member of the committee, often talks about posing for holy pictures. I have to say that I think that this motion to instruct is kind of an exercise in connoisseurship of holy pictures.

In just the last 2 months this Republican majority has done more than almost all the previous Congresses to provide offsets. Never before has the Democrat majority in previous Congresses ever offset a supplemental request of any magnitude.

The fact is that the Senate amendments to H.R. 889 contain many spending reductions that are going to be unacceptable to the House. If the conferees are instructed to achieve outlay neutrality, then there must be a source of acceptable spending reductions. I think it will be very difficult to find such a source in the Senate aamendments. The only other way to find acceptable spending cuts would be to go beyond the scope of the bill and the Senate amendments. We should not accept an instruction that encourages that approach.

□ 1715

Mr. Speaker, the gentleman from Louisiana is strongly for deficit reduction. I think the record of the Committee on Appropriations, as I have pointed out, for the 104th Congress speaks for itself in this area. The House has already passed over $20 billion of spending reductions. When viewed in total we have more than offset over $8.7 billion in supplemental appropriations. So during the conference on this bill, I will try to achieve outlay neutrality. It will be difficult. I hope we can do it. But this instruction should not be accepted. We should not straitjacket ourselves.

It is getting later in the fiscal year. Achieving significant outlay savings gets harder and harder. We hear that agencies are spending money rapidly so we are not sure how much is available as a source of offsets.

The instruction would put forward constraints that may not be achievable or which would severely restrict our ability to provide the necessary support for our national security needs.

Mr. Speaker, the Department of Defense needs this emergency supplemental appropriation now. They need it right away. They needed it yesterday. We should not suggest needless or impossible procedural hurdles that would delay or make more difficult our ability to achieve a good conference agreement on this bill, which si something that the Democratic administration wants.

We should stop fooling around and get on with this very, very important conference.

I urge the body to reject this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I do not regard the motion that I am making today as "fooling around."

What I do regard as fooling around is the action of the House leadership in twice over the last month talking about deficit reduction but, in fact, producing bills which either add to the deficit or, after they have promised that the funds would be used to reduce the deficit, instead announcing a day later that they really did not mean it. They simply said that to get votes and that what they are really going to do is to use it for their tax cut package for very wealthy people.

I would also point out that I do not think that this motion to instruct is in any significant way delaying our ability to go to conference and produce a bill in a timely fashion. As far as I am concerned, if this motion to go to conference is passed by the House today, we could go into conference at 5 or at 6 tonight. We certainly can deal in conference with the issue tomorrow. And we can produce a bill in plenty of time, if Members are serious, both about providing the Pentagon the funds they need and, if they are serious about it, deficit reduction.

I thank it is, frankly, nonsense to suggest that this motion in any way prevents our being able to produce that bill in a timely fashion.

I would point out that suggesting that this motion in any way delays our ability to produce a bill is about like saying that after a basketball coach takes a 20-second time-out, with 1 minute left to go in the game, that somehow that is the reason that you had a 4-hour basketball game.

The fact is this bill has already taken an unusually long period of time to move through each stage of the process, compared to past supplemental appropriation bills. A good example is the emergency supplemental bill our committee moved through the process just 1 year ago.

The chairman will recall that conferees met during snowstorms that paralyzed this city and produced a conference report in short order because of the urgency of the matter at hand. Last year's emergency supplemental took a total of 19 calendar days to move through the entire process. The bill we have before us today, by contrast, has been lingering for some 60 calendar days, three times as long.

I would suggest that the most rapid way for us to reach agreement in conference, since the Senate has already, in my judgment, met its responsibility by providing full offsets for the new spending that they contemplate in their bill, I would suggest the fastest way for us to get an agreeable result in the conference is for the House to do the same. And that is why I am offering my motion.

My LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

I simply point out that actually we could have gone to conference yesterday, but the gentleman objected on Friday. So I do not think that the question is whether or not we are taking an inordinately lengthy period of time. The question is whether we are going to put ourselves in a straitjacket that prevents us from expeditiously getting this matter resolved as quickly as possible. If we do not get it resolved, if it does get hog-tied in the rigors of internal legislative warfare, I would like to request the gentleman from Florida to rise and I would like him to tell us some of the problems that the Defense Department will face.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

First I would like to make the comment that we have run out of time on this issue. The Army, the Navy, the Marine Corps, the Air Force and the Coast Guard have spent the money for these contingency operations that we are trying to replace now. I do not recall anybody coming here from the administration to check with Congress to see if it was okay to go to Rwanda or to Somalia or to Bosnia or any of those contingencies. But yet they did it. And we are being asked to pay the bill. We are prepared to do that. We understand the importance.

The House, despite what the gentleman from Wisconsin has just implied, the House subcommittee on national security passed out this bill on January 27. That was even before we got the official request from the administration. And within 2 weeks we had gone through the full committee and were on the way to the House floor. And the House has expedited this entire issue, as it needs to be expedited.

And when the gentleman suggests that there has been delay and the bill has been held out there, he should point the finger at where it belongs. The House has moved expeditiously to meet this responsibility and here is why, in response to my distinguished chairman, the gentleman from Louisiana [Mr. LIVINGSTON].

Based on a January public hearing with Secretary Perry and the Chairman of the Joint Chiefs, General Shalikashvili, here is what we were told, and the commanders in chief, and field commanders have confirmed this throughout the hearing process since we voted this emergency supplemental out of subcommittee.

Unless we get this money appropriated and quick, all U.S.-based units under the Forces Command will have to stop most major training by May 31. The National Training Center rotations and JCS exercises will be canceled. Flight hours and spare parts stocks will be cut, and all active Army divisions will be degraded in readiness.

I do not want that to happen. I do not think my colleagues in the House want that to happen.

In the Navy, four carrier airwings will be forced to stand down. The first stand down will happen in April. More than 500 aircraft would have to be grounded, and 30,000 flight hours cut.

Required maintenance on two carriers and seven other ships will be deferred or reduced and ship and aviation spare parts reserves will be drawn down by 30 days worth of requirement.

The Marine Corps, since unfunded contingency requirements equate to approximately 80 percent of the Marine Corps's operation forces budget, the corps will see severe readiness impact starting in July. Training for Marine expeditionary forces, in both the Atlantic and Pacific, with the exception of those forces already deployed, will be halted.

All categories of training as well as maintenance and spare parts will face deep reductions, and marine air squadrons will be forced to stand down and suffer reduced readiness.

For the Air Force, flight hours for fighter, bomber, tanker, and airlift squadrons will have to be reduced by 50 percent over a 12-week period. Ten JCS and tactical training exercises will be canceled. Over 24,000 permanent change of station moves will be frozen and aircraft and engine repair as well as scheduled runway and real property maintenance will be deferred.

Mr. Speaker, those are just the highlights of what we are talking about if we do not replace this money. When I say "replace," that is exactly what I mean, because the money to pay for the contingencies in Bosnia, Rwanda and Somalia and Cuba and Haiti and Korea, et cetera, has already been borrowed from those training and those operation and maintenance accounts.

What we are trying to do is pay it back before the services have to stand down their training. And would it not be a shame to stand down the training and then have to turn around and stand it back up again with a tremendous additional cost. And what happens if a young soldier out there, his training is not maintained and he is not quite up to par because of the lack of training? What if he gets hurt or what if he hurts someone else because his training is not at the level that it should be?

I do not think any of us what to carry that burden on our shoulders. We want readiness today. We want readiness in the mid-term. And we want readiness for our forces in the long-term.

This is one of the first major steps that we have to take to provide that readiness.

It is time to get on with this business. The gentleman from Wisconsin [Mr. OBEY] is exactly right. This has dragged on too long. Not because of any fault of the House of Representatives, but it has dragged on too long.

We should have this bill completed by Thursday of this week, on the President's desk by Friday morning, if that is possible, and I think that it is.

But Mr. OBEY's motion to instruct will certainly carry on this delay considerably further than we would like it to. I say let us vote against the Obey motion and get on with the conference.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes and 30 seconds.

Mr. Speaker, one of the worst things that can happen to you in this town is you begin to believe your own baloney. I have just heard an awful lot of baloney, with all the due respect to my good friend.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. The baloney, if you are talking about the information that I read here, came from the Chairman of the Joint Chiefs of Staff.

Mr. OBEY. No, with all due respect, the baloney that I am hearing is coming from a different source. It is not the Chairman of the Joint Chiefs of Staff.

Let me suggest, no one is suggesting, not one person in this House is suggesting that this money not be replaced. We are simply suggesting that it be replaced in a way which does not add to the deficit. That is all we are saying. There are not going to be any aircraft that are required to stand down. There will not be any maintenance that will not be provided because we are asking the House to do what the Senate did, which is to simply pay for the bill before us.

The gentleman from Louisiana suggests that somehow if we pass this motion to instruct that we will be putting the Congress in a straitjacket.

My God, I thought we did that when this House passed the balanced budget amendment to the Constitution. That document requires us to balance the budget. I assume an awful lot of Members of this House are going to proceed to try to deal with fiscal matters as though the budget should be balanced. If that is the case, why start in the hereafter? Why not start in the here and now? Why not start with this bill?

That is all we are saying. We are saying do not add to the deficit.

I would point out that the Senate bill does exactly what we are asking. For 1995, the Senate bill cuts the deficit by $72 million; whereas, the House adds to the deficit to the tune of $250 million. Over 5 years the Senate bill cuts the deficit by $341 million; whereas, the House bill adds $650 million to the deficit.

☐ 1730

That is a swing of nearly $1 billion. All we are suggesting, Mr. Speaker, is that the House on this bill show the same degree of fiscal discipline shown by the other body, even though I will readily grant that the other body added a number of items which do not appropriately belong in this conference, and they ought to be taken out.

However, in spite of that mistake, the Senate has at least met its obligation not to add to the deficit. I do not think the House is any less capable of doing that. That is the purpose of my motion.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say that this administration's Defense Department has expressed to us vociferously and repeatedly that they like our bill, they do not like the Senate bill. Moreover, I might add, I think it is ironical to start straitjacketing the Republican majority when in fact the Democrats were in control of this House of Representatives for 40 years and never employed the principle devised by the gentleman's motion.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I urge a "no" vote on the motion to instruct.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would simply say that, with all due respect, our good friends from the Department of Defense do not have to vote on budgets. The Chairman of the Joint Chiefs does not have to go to constituents and explain why the budget is not balanced. We do.

It seems to me, given that difference in responsibilities, we ought to meet our responsibilities to the Department of Defense to reimburse them for the funds that they have had to expend, but we ought to do it in a way which does not add to the deficit. That is all I ask.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This is a 17-minute vote.

The vote was taken by electronic device, and there were—yeas 179, nays 240, not voting 15, as follows:

[Roll No. 270]

YEAS—179

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Cardin
Chabot
Chapman
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gibbons
Gordon
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Morella
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Reynolds
Rivers
Roemer
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—240

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson

Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Paxon
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—15

Bryant (TX)
Clay
Clayton
Ford
Gephardt
Gutierrez
Hayes
Hefner
Jefferson
Nadler
Orton
Rose
Rush
Velazquez
Wilson

☐ 1751

Messrs. MOLLOHAN, TAUZIN, BEVILL, and CRAMER changed their vote from "yea" to "nay."

Ms. BROWN of Florida and Mr. DUNCAN changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. EWING). Without objection, the Chair appoints the following conferees:

For consideration of Senate amendments numbered 3, 5, 6, 7, and 10 through 25, and the Senate amendment to the title of the bill:

Messrs. LIVINGSTON, MYERS of Indiana, YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, and WOLF, Mrs. VUCANOVICH, and Messrs. CALLAHAN, OBEY, YATES, STOKES, WILSON, HEFNER, COLEMAN, and MOLLOHAN.

For consideration of Senate amendments numbered 1, 2, 4, 8, and 9:

Messrs. YOUNG of Florida, MCDADE, LIVINGSTON, LEWIS of California, SKEEN, HOBSON, BONILLA, NETHERCUTT, NEUMANN, MURTHA, DICKS, WILSON, HEFNER, SABO, and OBEY.

There was no objection.

MOTION OFFERED BY MR. LIVINGSTON TO CLOSE PORTIONS OF CONFERENCE MEETINGS

Mr. LIVINGSTON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Livingston moves pursuant to rule XXVIII, clause 6(a) of the House rules that the conference meetings between the House and the Senate on the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, relating to amendments numbered 1, 2, 4, 8, and 9, be closed to the public at such times as classified national security information is under consideration; provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. Pursuant to clause 6, rule XXVIII the vote on this motion must be a rollcall vote.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 14, not voting 17, as follows:

[Roll No. 271]

YEAS—403

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—14

Brown (OH)
DeFazio
Filner
Hinchey
Kennedy (MA)
Lincoln
Lofgren
Mink
Roybal-Allard
Sanders
Schroeder
Slaughter
Waters
Woolsey

NOT VOTING—17

Bilbray
Bryant (TX)
Clay
Clayton
Condit
Frank (MA)
Gephardt
Graham
Hilliard
Jefferson
Nadler
Orton
Pryce
Rose
Rush
Velazquez
Wilson

☐ 1809

So the motion was agreed to.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 831, PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. ARCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Reserving the right to object, Mr. Speaker, I only reserve the right to object to propound a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Florida will state his parliamentary inquiry.

Mr. GIBBONS. Mr. Speaker, I have a motion to instruct conferees, and will I be recognized, if this unanimous consent request is agreed to, to then present my motion to instruct conferees?

The SPEAKER pro tempore. The gentleman is correct; yes, he will.

Mr. GIBBONS. Mr. Speaker, I do not object, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. GIBBONS moves that the Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 831 be instructed to agree to the provisions contained in section 5 of the Senate amendment which change the tax treatment of U.S. citizens relinquishing their citizenship.

The SPEAKER pro tempore. Under the rule, the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Speaker, may I propound a parliamentary inquiry at this point?

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GIBBONS. Mr. Speaker, do I understand in this debate I have the right to close?

The SPEAKER pro tempore. The gentleman is correct.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to depart from my usual practice of speaking extemporaneously and read a statement because the statement is so serious and the names that I will mention here are names of Americans and I do not want to defame them, I want to be very accurate in what I say, and so I am going to read from a prepared statement these remarks.

□ 1815

Mr. Speaker, section 5 of the Senate amendment to H.R. 831 changes the tax treatment of U.S. citizens who renounce their citizenship. Under the Senate proposal, individuals who renounce their citizenship would be subject to income taxes on the unrealized gains which they accrued while they enjoyed the benefits of being a U.S. citizen.

Mr. Speaker, this is a serious loophole in our tax laws, and is one that the Senate has picked up and one that we must close immediately, because the amounts of money here are large, and the equities are very unfair.

Mr. Speaker, I believe that these provisions should be enacted for two reasons. The Senate provisions, first, as a matter of fairness, individuals who have enjoyed the benefits of being a citizen of the United States and who have amassed enormous fortunes should not be permitted to not pay taxes on these gains by merely renouncing their citizenship. Mr. Speaker, this proposal that the Senate has put forward that I ask the Members to instruct the conferees to adopt, this proposal does not punish anyone for renouncing their citizenship. But it merely ensures that these people who renounce their citizenship will pay a tax comparable to that paid by many patriotic wealthy individuals who have not abrogated their responsibility through renouncing their citizenship. In other words, Mr. Speaker, there are many wealthy and fine patriotic Americans who pay their taxes. They do not like them. I do not blame them. But they pay them. There are only a few who escape paying their regular taxes by renouncing their citizenship.

Second, Mr. Speaker, this amendment raises substantial amounts of revenue that should be devoted to deficit reduction as intended by the Senate. The Joint Committee on Taxation has estimated that these provisions will raise $3.6 billion over the 10-year period. I want to repeat that, Mr. Speaker: This is not a small loophole. This is not just a careless amount of money. Our joint committee estimates that the savings from this to the rest of us American taxpayers will amount to $3.6 billion over 10 years.

Mr. Speaker, last week we debated welfare reform which reduced Federal expenditures by reducing benefits payable to the poorest Americans. I think it is appropriate that this week we debate a proposal which requires individuals who have benefited extraordinarily from the American economic system to continue to contribute to reduce this national deficit.

The provision we are talking about today affects a very few individuals. The proposal of the Senate exempts all gains of these individuals from real estate tax holdings, it exempts all tax-qualified retirement plans, and it exempts an additional $600,000 of gains from other assets, a very generous exemption to these people who renounce their citizenship.

In addition, there are provisions for installment payments of these regular taxes to these people who renounce their citizenship. The Treasury Department estimates that individuals owning less than $5 million in assets will rarely be impacted by these proposals of the Senate. The Treasury Department also estimates that fewer than 12 or perhaps as many as 24 individuals would be affected by this proposal each year.

Mr. Speaker, several arguments have been raised against this proposal which I would like to respond to. First, some people have argued this proposal is the result of the punitive level of taxation in this country.

Mr. Speaker, this is simply not correct. Compared to other industrialized countries, the United States has a relatively low tax burden. I think I am correct when I say that of all the 21 industrial countries, large industrial countries, on this planet, the U.S. taxes are next to the lowest in all of those 21 countries. I may be incorrect there, but I think that is my recollection of them. It should be noted that other countries such as Canada, Germany, and Denmark have enacted similar proposals to that proposed by the Senate.

Other objectors have raised the issue of human rights. They have compared these provisions to efforts of the Soviet Union to prevent emigration by its citizens from the Soviet Union. This comparison is entirely misguided. The individuals affected by this proposal are not renouncing their citizenship because of lack of economic or political freedoms in this country, but, rather, these are individuals who are simply unwilling to contribute to a country whose political and economic system has benefited them extraordinarily well.

They should be proud to be American citizens. They should not be renouncing their citizenship just for tax purposes.

Recent examples of individuals who have renounced their citizenship include Kenneth Dart, an heir to the drinking cup businesss, and John Dorrance III, a Campbell Soup heir. Both of these individuals are billionaires, Mr. Speaker. Mr. Dart claims to have taken up residency in Belize, a country that we used to know as British Honduras, and a country not known for its political or economic freedom.

Mr. Speaker, this tax proposal, this proposed tax of individuals who are fleeing, not fleeing economic or political repression, but are attempting to shed their moral obligations of citizenship in this country of ours because they can move to tax havens and because the rest of Americans will provide through our defense and security systems for their protection in these tax havens, will enable these wealthy Americans to live safely in other parts of the world, but they will probably spend most of their lives here, but they will still be wards of the American Government.

Mr. Speaker, this proposal appropriately taxes the economic Benedict Arnolds of this country, and this proposal to instruct the conferees should be enacted.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN], a member of the committee.

Mr. PORTMAN. Mr. Speaker, I thank the chairman for yielding.

I just have one small point to make.

I think a lot of us on this side want to get at this same issue the gentleman from Florida has been discussing, and many of us agree this is a problem that should be addressed in the tax law. We are not sure this is the right place to do it or the right time to do it or this is the right proposal to do it.

One of the things I have been hearing from some of my colleagues is what we would do in this legislation is similar to what other countries do, Australia, Canada, and so on. I have looked into it a bit as has the staff, both of the Committee on Ways and Means and the Joint Tax Committee. That is simply not true, What we do here is something different than is done in those other countries. There are specific differences.

Other countries do impose some kind of an exit tax. They are Australia and Canada. But they are different than ours. As an example, they would allow a step-up in basis, so if you were to go, for example, from Hong Kong to Canada and then emigrate from Canada somewhere else, you would get the step-up in basis, so the gain would only be during the time in which you are a resident or a citizen of Canada. That is a big difference from our proposal that we have before us which would not allow that step-up in basis.

Second, those two countries allow a deferral, so you can allow a deferral in the payment of the gain until the asset is actually sold. Again, that is a big difference.

I just think as we go through the debate, we ought to look at all the proposals before us, but make it very clear what we are talking about doing here in this motion to instruct is to accept language that is very different from that imposed by other developed countries on their citizens.

Perhaps the gentleman from California [Mr. MATSUI] or others will discuss this issue later. I think it is important for us not to say we are going to be doing something that other countries do.

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Florida [Mr. GIBBONS] for yielding the time.

You know, at a time when we are trying to deal with the issue of the deductibility of the self-insured insurance premium, we are paying for it because we want to close a loophole, and that loophole is the FCC loophole which gives preference to minorities, and we all know the Viacom case, the case in which if it went through would cost the taxpayers of America up to $600 million.

The reason we have moved quickly on the FCC and the Viacom issue is because we did not want people to take advantage of the Tax Code, because one individual, Frank Washington from California, was basically a front for the TCI Corp. which was buying the assets of Viacom, and so if we are willing to take on Viacom, if we are willing to take on the FCC regulations, because it is unfair, because we know that it is being abused, the tax system is being abused, how could we possibly, how could we possibly not take on these people that are American citizens who leave the United States, only renounce their citizenship only because they want a tax break, they want to avoid taxation? And as the gentleman from Florida [Mr. GIBBONS] has said, we have calculated over the next 10 years the Federal Government will lose $3.6 billion if in fact this loophole is not taken care of.

And, second, even more critically, if this loophole is not taken care of, you are going to see more and more American citizens renounce their American citizenship. It could be up to $10 billion or $12 billion over the next 10 years. The reason for it is because they are going to recognize, they are going to find out that this is a basically abusive tax proposal that they can take advantage of, and so as more and more people find out about it, they are going to take advantage of it. That is why we have to close this loophole in this particular conference.

I know if you want to make changes in it and clean it up a little bit, we can do that. The conference will have 4 or 5 days in which they can work.

We have got the Treasury Department, we have the fine minds of the majority and minority to make sure this proposal will work.

I think what people have to understand is American citizens are renouncing their citizenship not because they want to go to another country because they find the country is a better country to live in, but because they do not want to pay taxes that you and I pay and we will have to pay more of it if in fact they do this.

Bear in mind, these people do not have to leave the United States physically. They can still stay in this country. They just will not be American citizens. They can stay in this country for up to 120 days a year.

This is an abusive approach. These people are taking, as the gentleman from Florida [Mr. GIBBONS] says, we know the Dart family that have done it. We know a lot of families that have done it.

I have to tell you in terms of what the gentleman from Ohio has said, other countries have done it but not quite as abusive as we have. We have a list of about 10 countries that have current similar laws, Germany, the Netherlands, Denmark, Sweden, Norway, Finland, France, Philippines, Canada, and Germany, for example, will withhold 25 percent of one's assets if a person has been a resident of Germany for more than 10 years. This is much more stringent than the proposal that is being proposed in this conference.

We have other countries like Norway who will deem a tax period for over 5 years even though that person has not been a citizen for 5 years; he will have been deemed to be a citizen for 5 years; he will have been deemed to be a citizen of Finland for tax purposes. Our proposal is much less stringent than Finland's.

These 10 countries have proposals that are very, very stringent. I would further add that both Senator DASCHLE, the minority leader of the Senate, and Senator DOLE, the majority leader of the Senate, have said keep this provision in, keep this provision in because when we go to the conference, we may want to use this money not only for deficit reduction but maybe for giving the small-business owner, instead of 25 or 30 percent, maybe give them up to 40 percent in terms of a deduction.

Why not do that? Why not give some of these small businesses a larger deduction on their health insurance deduction instead of allowing these tax cheaters who leave the country, renounce their citizenship, the right to avoid U.S. taxes?

And so I might just conclude by making one final observation in my time.

As the gentleman from Florida [Mr. GIBBONS] says, we are talking about $3.6 billion, or $1.4 billion over the next 4 years, and we are only talking about 12 to 25 citizens on average per year, and this just indicates exactly the amount of money that these people are trying to avoid in taxes.

This is the proposal that must be taken out and put in this conference. This is a proposal that must become law at the same time we go after Viacom and others who attempt to abuse the tax system.

□ 1830

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the provisions in this motion to instruct which would force the House or attempt to force the House to accept the Senate provisions on which we have had no real deliberations over on the House side, and which the Senate gave only cursory attention to, were put in place, a new provision in the tax law, a tax increase that we are not really in a position to fully comprehend.

But, more importantly, it will potentially jeopardize the very badly needed deduction for health insurance for the self-employed, which must get out of this Congress and be signed into law before April 15.

That means out of the Congress before we recess next week.

The gentleman from California said it is easy to fix this in conference, that it will only take 5 days or so. That is too late.

We need to push through this 30-percent deductibility for the self-employed on their health insurance and make it permanent, which this bill will do, and not encumber it with the type of debate that is going on tonight.

It is very interesting to note that there is already a law on the books for over 30 years that is intended to deal with tax-motivated expatriation. But Treasury has never issued regulations to implement this provision in the law. Treasury has indicated it has no information about the number of taxpayers who expatriate for tax-avoidance purposes. We need to know much, much more about this.

We do not need to rush into it now, and our committee will carefully consider this issue as the year progresses. It should not be left to encumber the passage of badly needed tax relief for the self-employed on their health insurance.

Contrary to what the gentleman from California said, the provisions will make us the only country in the world that does this in the full dimension that is provided in the Senate bill.

It seems strange to me that where we have held out the banner over the years as supporting the ability of free exit from any country where a citizen disagrees with the policy of that country, where we have criticized other countries for putting in place exit fees; where we have stood strong for freedom, and this being the basic freedom without barriers, that we now are going to perhaps jeopardize our leadership role in the world in this regard, by thrusting through something that has not been adequately considered.

I encourage a vote against this motion to instruct, to give us the opportunity to adequately address this issue later on this year.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I have listened to the debate. I was not at the subcommittee hearing, but I have worked on it since then. And I really am perplexed why the majority is defending the status quo. It feels like you are stonewalling on this issue, and there is no reason to do it.

If there are some imperfections in the Senate proposal, they can be looked at and they can be remedied in the conference. Compared to the other technical issues that are considered in a conference committee of the Committee on Ways and Means, this is relatively easy. It is relatively easy. It is not going to take 4 days.

I talked to the Treasury just a few hours ago, and they are persuaded that you can work it out. So why not work it out?

There is an abuse going on here. People are leaving the country, giving up their citizenship to avoid taxation. We know who they are. It is no mystery. You are talking about a dozen to two dozen people. All we are saying is tax their unrealized gains as they leave. You know where the money is going to come from that will go into the Treasury, as I understand it? It is not from the people who leave and cash in their gains, it is because those people will not renounce their citizenship. That is where the money is going to come from.

The abuse is going to end, and we are going to pick up money as a result.

What bothers me are some of the arguments. For example, with due respect to my friend whom I am so fond of and much admire, the exit thing, I do not think we should use extreme examples on this floor. To compare this with the Soviet Union, people can leave here if they want, they can renounce their citizenship; just do not let them take unrealized gains with them because they renounce their citizenship so they could take them free of charge and essentially cheat us out of several billions of dollars.

That is all we are saying. It is a perfectly free country. But why should they take advantage, kind of use a loophole? And in terms of the tax treaty, there is not going to be any problem, because these people are not going anywhere.

Mr. ARCHER. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Texas.

Mr. ARCHER. I thank the gentleman for yielding.

Mr. Speaker, I know the gentleman was shoulder to shoulder with me when we passed the Jackson-Vanik amendment, which was then called Jackson-Vanik-Mills-Archer amendment, and we heard the very same comments out of the Soviet Union. These people owe us something. We educated them. They have taken advantage of our system. Therefore, they must pay an exit fee when they leave. It is the very same thing that this country railed against, because I know, I was out in front railing against it. And I think we give up the high ground here without knowing precisely what the end result of our actions is going to be.

Mr. LEVIN. I am glad the gentleman raised the question. I was not here at the time. I would have voted for it. I admired the gentleman's efforts. It was a controversial issue.

I think Jackson-Vanik did some good. But there is no comparison. People were being kept in the Soviet Union. The whole purpose of the Soviet system was to keep people in, not to let them out. We are not trying to keep people here. If they want to leave, it is a 100-percent free country. Do not let them use the artifice of renouncing citizenship to avoid taxes when they just come back here and live anyway. That is what the issue is.

This is a pure artifice that a few very wealthy families are using to avoid legitimate taxation on what they realize, what they gained in the United States of America. I am not trying to go after them because they are wealthy. I am glad they made their wealth here. But do not let them use a technique, a loophole to renounce citizenship to avoid taxes when they end up here anyway.

I do not understand what motivates the gentleman. If it is the imperfection of this amendment, look, I will take your instructions of the last 12 years which I have been here.

Look, we all know the thrust of these instructions. It is not that we are asking you to take it lock, stock, and barrel. You do not have to do that. What this is, is a statement of the House, it is a statement that we are asking you to work to perfect this and to keep it in the bill.

No one is trying to sink the self-employed provision. I am very much for it. If we can expand it from 30 percent to 35 percent or 40 percent with the benefit of this money, let us do it. I am really serious here. I do not know why the gentleman is resisting this. Take the instruction, try to work it out. If you feel you cannot work it out in the end, you will come back without it. But at least accept the thrust from the House that this makes good policy sense and work out the details.

I think the gentleman from Florida [Mr. GIBBONS] is on the mark here, and I rise in support of closing this loophole and using the money for good purposes.

Mr. ARCHER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], the chairman of the Subcommittee on Oversight, which has just begun hearings on this issue.

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the motion, although I do not rise in opposition to the concerns expressed by the gentleman from Florida, for whom I have great respect, or for my colleague and ranking member on the Oversight Committee, who also supports the motion.

I am not defending the status quo. I think the administration has found a real problem. I think we need to deal with it. I do not believe, from the testimony we received yesterday, that it is possible to deal with it in 5 days. However, we can, by retaining that portion of this bill in conference, retain the date and therefore have the same effect in a month or 2 that we would have this week, if we bring it out of conference.

Now, it is important that we do the right thing in creating a more effective law in this area.

Let me give you an example of the kinds of misinformation that is afoot. For instance, in the Germany situation, Germany only taxes you if you own 25 percent of a corporation's stock. And then they only tax you at one-half of the normal rate and only on that stock that you own.

The scope of this bill is extraordinary. It is absolutely everything you own.

Furthermore, it forces you to pay taxes on something that you may have no way of generating income to pay.

Now, I was very interested that my colleague from California said there were 24 people involved. I questioned the representative of the Treasury Department yesterday. He did not know how many people were involved. He never mentioned numbers like that. He never gave any examples.

I am not confident that we are going to catch in our net so few people. Those people do need to be caught. There should be no tolerance in America for using relinquishing of your citizenship as a way of avoiding taxes that you are responsible to pay.

But this bill has some very serious and very significant problems. First of all, as I mentioned, the scope of the bill is enormous. It covers every kind of asset and it treats every one of those assets as if you could turn them into cash so that you could pay taxes on them.

In the area of trust, even the advocates of the bill said you must fix the problems in the trust area, but we do not know quite how yet. So, even those who testified in favor of the bill had some real concerns about some of its significant technical problems.

In the area of double taxation, this will require that we renegotiate all our tax agreements with other nations or we will subject people to terribly unfair double taxation. We are a Nation where justice matters. If we are going to adopt a law that will guarantee that everybody pay the taxes that they should—and we should do that—we should not want them to be taxed again on those same assets in another country. And without renegotiation of those tax agreements, that is exactly what will happen.

We had to negotiate an agreement with Canada to prevent that kind of action when they adopted legislation in this area. We will have to renegotiate all those agreements as well.

Let me close by commenting on two other aspects of this bill.

If we act precipitously in a way that appears hostile to foreign investors—and this bill from the outside, without hearing our debate, can easily appear hostile to foreign investment—we run a very grave risk. We are a Nation whose currency values are plummeting, we are a Nation that depends on foreign investments to fund our debt, a Nation that depends on foreign investors to fund our economic growth. We cannot afford to chill the interest of foreign investors in our economy by acting precipitously in a way that is not rational.

□ 1845

Finally I would say in regard to the human rights issue, Let me quote from the testimony of Robert Turner who was the staffer when they passed the Jackson-Vanik amendment.

He says:

> If the proposed "exit tax" is designed to discourage citizens from exercising their right to renounce U.S. citizenship, I think it is contrary to the law. If it is designed to impose an immediate and substantial financial burden upon citizens—on the specific and expressed grounds that they have elected to renounce their citizenship and emigrate to another country—and it is a burden that would not be imposed upon otherwise identically situated citizens who elected to remain American citizens (and did not elect to sell or dispose of their property or take other action that would recognize capital gains liability), then I think you have a very serious problem. In that event, I would want my money "up front" if I were asked to argue before an international tribunal that the proposed U.S. exit tax complies with the spirit of the Jackson-Vanik amendment.

Mr. Speaker, I say: My colleagues, if you impose a tax that a person cannot generate the resources to pay, you automatically prevent that person from having a choice about whether they continue to be a citizen or they don't continue to be a citizen. That is an entirely different issue than holding them liable for taxes they owe our country. To impose a tax that compromises the right to choose to be a citizen or choose not to be a citizen is a very serious human rights matter in this world, and it's one that we have been closely identified with over decades in our long struggle against communism.

So I would urge my colleagues to be patient in this matter. We can address this problem. We can use the effective date in the bill that is in the conference, but we absolutely must address the domestic and international implications of this proposal and do it wisely.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Florida [Mr. GIBBONS] for yielding this time to me.

I strongly support what the gentleman from Florida [Mr. GIBBONS] is trying to do on this motion to recommit. Let me just respond, if I may, to a few of the points that were being made from the other side of the aisle.

First of all, this is not precipitous action. This was in the original President's budget in February of this year. We held extensive hearings on the entire administrative budget, so this did not come up just last Friday or last Monday.

Second, Steve Shay, who also testified; he was the international tax counsel for the Reagan administration at the State Department; he supports this proposal, and he says this was under deliberation under President Reagan, when Reagan was President.

So, this is an issue that was vetted, talked about, and has been constantly discussed within the administration for years and years, so this is not a new proposal.

Also, in terms of the renegotiation of treaties, as my colleagues know, a lot of people bring those issues up, and we find ourselves caught in a bind. We do not want to argue the issue substantively; we want to argue technical issues.

The best way to get a foreign country to renegotiate with us is by passing a law. We need to pass this law, and then every country will start negotiating, just as Canada did, just as Germany did, just as these other countries did as well.

I say to my colleagues, "So, you don't start negotiating before we actually pass a law. You pass a law, and then you start negotiating. That's what USTR has been doing recently as well."

The Jackson-Vanik issue:

We have Steve Shays, former Reagan administration official, as I said, who testified. He said there was no Jackson-Vanik or human rights issue. We have a Harvard professor who testified and sent a letter—Professor Bats at Harvard—that says there is no human rights issue, and I cannot understand how Members would at all think that this proposal that is supported by BOB DOLE, TOM DASCHLE, BILL BRADLEY, the gentleman from Florida, Mr. GIBBONS, has anything to do with Jackson-Vanik. I mean it is just not at all common sense to think this has anything to do with Jackson-Vanik, particularly since 12 other countries that we are aware of have similar proposals, some of which are more stringent than the one we have under entertainment.

Let me just conclude by making one further observation about this human rights issue because I think it is very interesting that the opposition is bringing it up. Before this even kicks in we have to have about 5 million dollars' worth of assets. We are talking about couples who have $1.2 million of capital gains. I mean it does not even kick in until they go beyond a couple beyond $1.2 million of capital gains treatment. Most of those people end up going to the Caribbean countries by the way. They are not trying to emigrate to England or some other countries that have democracy like we have, so we are not really talking about human rights. We are not talking about Jackson-Vanik in this situation.

I think we should really be realistic about this——

Mr. ARCHER. Mr. Speaker, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, can the gentleman name one country that has more stringent requirements and restrictions than what is in the Senate provision?

Mr. MATSUI. I mentioned Finland which requires the citizen to be deemed, who renounces citizenship to be deemed, a citizen for 5 years beyond the time he renounces his citizenship. I mentioned Germany which says that, if this individual is a citizen of our country, of their country for 10 years, it is a 25 percent tax on assets——

Mr. ARCHER. But what are the penalties—what country has penalties that are more stringent than in the Senate provision?

Mr. MATSUI. I just mentioned two.

Mr. ARCHER. No, those penalties are not more stringent, as I understood the gentleman's explanation. I am told by staff that has evaluated all the laws across the world that this is the most punitive of any country's.

Mr. MATSUI. As my colleague knows, if one wants to say this is more punitive than a 25-percent tax on one's assets from Germany if they are a citizen for 10 years, I guess it depends upon how one looks at it, but I think that is a pretty punitive tax.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri [Mr. HANCOCK], a member of the committee.

Mr. HANCOCK. Mr. Speaker, I am not going to go into a lot of detail about the problems we are discussing, only to say that I strongly oppose the approach that we are talking to it.

When I first heard about what had been going on and I first started reading in the newspaper about certain individuals that were giving up their citizenship of the United States for the purpose of avoiding taxes, I have a reputation back home of being a tax fighter, but I certainly, certainly think, that the idea, the mere idea, that people that our tax law has evolved into a situation that people would even consider giving up their citizenship for the purpose of the way our tax law is written. Therefore I was very much in favor of what this motion to recommit—quite frankly I was in favor of it, however, after the hearing yesterday in which I sat through most of, and read, and studied, and looked into the situation of exactly what we are doing, how this affects international tax law and also the fact, in my judgment, a green card holder working in the United States and accumulating a lot of wealth would be better off than our own citizens. He would have to give up his citizenship to get the same treatment.

Now something is wrong with the tax law. So what we need to address is not on this vehicle. At this tax law at this time we need to address it later, and I want to go on record as being strongly opposed to the motion to recommit.

Mr. GIBBONS. Mr. Speaker, I yield, 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I originally came to the floor, and I regret to say there are not many people on the floor at this particular time, and I hope some people are tuning into this discussion. I originally came to the floor because I anticipated there would be no dispute about this. I anticipated that this would be agreed to and we would move ahead.

This is the most appalling debate that I have ever been a part of or witnessed in 21 years of public service. How is it possible? I have got immigrants, immigrants like my ancestors, driven out of Scotland, people in Hawaii today who are immigrants, paying taxes and working, proud to be Americans, striving for the chance to be Americans.

We had a welfare debate in here that said we do not want people in this country unless they are going to be Americans and move toward being American citizens. Otherwise we are cutting them off, even if they are legal immigrants, people that I deal with every day. I say to my colleagues, Maybe some of you come from areas where you don't see many immigrants. Maybe you have forgotten where your ancestors came from in this country. But I see them every day, and we deal with people everyday who are proud to be there.

I watched PBS on television last night where people were standing up, singing the Star Spangled Banner, just become being citizens of this country. They were not running away because they made money here.

I say to my colleagues, I know what program you saw. I know what got you interested in this. These people who have left this country because they don't want to pay taxes, they don't even have a fundamental ideological motive. They are not opposed to the war unless their ideology is, "I get to make everything I can or take everything that I can, and, when it becomes inconvenient to pay my share of taxes, like everybody else in America, I get to split, and once more I want my rights, my human rights."

How dare anybody bring up on the floor of this House of Representatives human rights and compare them to people trying to leave the Soviet Union, Jews trying to leave the Soviet Union, kept there in the iron grip of communism? I ask, "Do you think they're able to leave Burma today?" Look at all the analogies that can be made with repression, and dictatorship, and authoritarianism, and compare someone leaving the United States. I hear every aspect of their assets will be looked at.

If I had my way, this bill, this instruction by the gentleman from Florida [Mr. GIBBONS] is lightweight, lightweight. This proposal is not designed to prevent Americans from shifting their assets and citizenship to another country. If it was my instruction, it would. Why should I give two hoots about somebody that wants to give up their U.S. citizenship and shift their assets to another country and then say that they demand human rights, demand human rights as a citizen?

It has been brought up about double taxation. I say, "You can triple or quadruple tax them as far as I'm concerned, run it up to a hundred percent if they want to give up their citizenship because they don't want to pay their taxes."

They say here that maybe—it is impossible for me to understand why we are not passing this. I will tell my colleagues this:

I've tried mostly in my campaigns to say what I stand for and what I believe and not go to the other person, but I'm going to be very interested what the vote is. This is an instruction. This is just an instruction. We all know what 'instruction' means. This is a guidepost to you to go into this. I can't believe that anybody will come down here and vote against this instruction, and, if you do, I tell you not only when I go home, but in every chance that I get to speak in this country, and, believe me, I get plenty of them, and to everybody here, I'm going to ask, 'How can you be against legal immigrants? How can you be against the kids? How can you say that we should all do our share in America, including making all the kids, and the elderly people, and everybody else, have to contribute to the deficit, to bring it down, and at the same time allow these sleazy bums, who don't want to pay their taxes, to leave this country, and renounce their citizenship, and expect me to have one iota of sympathy for them.''

Pass this instruction, and stand up for America.

Mr. ARCHER. Mr. Speaker, I yield 5 minutes to the chairman from California [Mr. THOMAS], chairman of the Subcommittee on Health, a valued member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, in case some folks think that what we are talking about is what was just talked about, let us take a look at what we are really talking about, and that is specifically a motion from the gentleman from Florida to require the House conferees to agree to the provisions contained in section 5 of the Senate amendment, not to the administration's proposal, not to the Clinton proposal to change the law we have on the books, which is clearly flawed.

□ 1900

Not to the administration's proposal; not to the Clinton proposal to change the law we have on the books, which is clearly flawed. That is not what we are being requested to do. We are being requested to bind ourselves to the Senate language.

What does that Senate language do that the Clinton administration language does not do? The Clinton administration language said we should go after noncitizens and citizens. What does the Senate language say? We should go after only citizens.

In other words, if we bind ourselves to the Senate language, we will treat citizens of the United States worse than noncitizens. Aliens can come in this country, take that money, and leave, and this provision of the law would not apply to them. It is only to citizens.

What happened to you folks when you moved from the majority to the minority? What is this, comparing us to other countries? We should not be compared to any countries. We should not take other countries' laws and say we are as good or this is not as bad as they are when it deals with citizens.

When the gentleman from Florida stands up and states his position, I will disagree with that position, but I will defend his right to say it. I will never, ever oppose his right to say it. When we offer citizenship, we ought not to offer it qualified. If we have a problem with the law, let us change the law. Maybe the problem is the Tax Code as well, in which Americans take a look at the confiscatory tax structure that we have and go so far as to say in weighing choices, maybe I will take a look at citizenship. If we buy the Senate position, a holder of a green card, a noncitizen, would never have to make that decision. We have American citizens making that decision. There is a law on the books that says if you renounce your citizenship for tax purposes, you will be punished. Should we change that law? Yes, we need to change the law. It is not working. It is hard to nail those people. We have to perfect the law. But not here, and not now, and especially not with the Senate provision.

Now, we have been told that we have to follow the Senate instructions. Then we have been told no, just go in and work out your differences. If it is not the specific instruction to buy the Senate provision, then let us go ahead and try to figure out a way in a couple of hours in a closed room how to solve this problem, when the gentlewoman from Connecticut came in front of you and said she held a hearing on it and the Treasury could not even produce accurate numbers of the number of people who are exercising this provision. We want to change the law, but not here, not now.

If you want to see the frustration of the minority, it is a little bit like the fellow trying to train his dog, and it will not behave. So if it is sitting, he says ''sit''; if it stands, he says ''stand''; if it is lying down, he says ''lie down''; because they are desperate for some kind of control.

That is exactly what we are seeing here. You are putting so much weight into this motion to instruct on a flawed Senate provision, I do not understand. You heard the gentlewoman, who is chairman of the Oversight Committee saying we need to solve the problem, we need to sit down and resolve the law. Not here, not now.

We have said the money in the Senate bill is tied to the deficit. We have heard do not have it go to the deficit, we can have it go to the self-employed, up their percentage. We will have it this or we will have it that. However it is, you want it your way.

The answer is, this area needs to be changed. For you folks to stand up and get carried away about the question of citizenship is to put this out of complete context. You want control. You will go to the lengths you have just exhibited to show that control.

We have already said we want to sit down and perfect the law. The Senate provision is flawed. You want us to try to get it right in a couple of hours on a conference that is critically timed to the tax bill provisions so that these people can get the relief they so desperately seek.

What is the difference in a couple of months, if the gentlewoman from Connecticut has told you the date is locked in. Because of this discussion, we have the date locked in. Let us not do it fast. Let us do it right. If you are really honest about wanting to solve this problem, you will join with us in getting it right, and at the same time begin to change the Tax Code so no American citizen will ever consider renouncing their citizenship to get away from the confiscatory taxes that we have in this country.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am glad to hear this pledge about taking time and doing things right and not doing them too hastily. I thought the contract outlawed that.

I wanted to explain to my colleagues why our friends on the other side are not so worried about this. They are not worried because they have the solution. We are worried about wealthy people feeling that the Tax Code burdens them too heavily and renouncing their citizenship. But you forget, they are going to change the Tax Code. By the time they are through with the Tax Code, if they have their way, no wealthy people will feel bothered by it. By the time they are through weakening the minimum tax and giving them capital gains and giving tax credits for people with hundreds of thousands of dollars, there will not be any problem.

So they are solving the problem the other way. They are going to make the Tax Code rich-people-friendly, and no one will leave.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me simply say that what this issue is about today is not really substance. This issue can be discussed in the conference committee. But the motion to instruct would attempt, without having any binding force, I must say, to tie the hands of the conferees for a specific provision without change. This is unnecessary. We will be going to conference, we will be discussing this issue, and it is a nonbinding motion to instruct.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I do want to reiterate that I do not oppose amending the law so that people cannot use renunciation of citizenship to avoid the payment of legitimately owed taxes. But this bill does need amending. We cannot accede to the Senate language. And I want to make very clear that we are not just talking about 24 multimillionaires.

Do you realize that any Cuban-American who came here to escape Castro, started their own small business, it could be a single woman, the small business did very, very well over time, she bought a very nice house, she bought a very nice car, made some other investments, now Cuba gets freed, she wants to go back. She wants to for symbolic reasons renounce her American citizenship, but she wants to leave a trust for her kids here and wants to leave her business here moving along. But she wants to sell her house, she wants to take a lot of her assets back, and she wants to be a Cuban citizen.

This bill catches her, and the trust provisions are such and the tax she would owe on the business she built are such that she would have to sell them to pay this level of tax.

This is not just about billionaires. This is about everybody who renounces their citizenship, and it is going to catch a lot of Cuban-Americans, it is going to catch a lot of Hungarian-Americans, and Czech-Americans and others who flew Communist nations and came here and worked with extraordinary energy and resources and built something for themselves and now decide to leave.

So let me say that this is a tough provision. It needs some improvement. My colleague said it is not tougher than the taxes of other countries. He used Finland as an example. Listen to what Finland does. A Finnish citizen who leaves the country is deemed to be a resident for 3 more years. In other words, they are treated for tax purposes as being a resident for 3 more years. Current law treats people as deemed to be a resident for 10 years. Our current law is tougher than the Finnish law.

Let us look at Germany. Germany has been held out saying they are tougher than we are. To pay this tax, you have to own 25 percent of the stock of a corporation, or more, of a corporation. You have to be a big stockholder in a German corporation to be caught in this tax, and then you are taxed only on the gain in the stock in that corporation and at half the regular tax ratio.

This is an entirely different tax than the tax being proposed; it would have an entirely different impact on foreign investors.

Furthermore, if you came into Germany and then left, you would only be taxed on the gain during the period you were in Germany.

Now, my friends, we are absolutely obliged to support the administration in closing a loophole they have identified. But we must treat noncitizens and citizens the same way, and must not adopt a tax that is so extraordinarily different than that of other countries that it has ramifications for people who are making investment decisions. We also must adopt a tax that is respectful of trust obligations and other obligations for which it is not possible to generate cash to immediately pay off tax obligations as defined under this bill.

It is perfectly possible for us to solve these problems. I only ask that in conference you give yourselves the time to do that, and not bind yourself to the Senate language. I do not ask that my colleagues, because this is a difficult issue, vote with me. I do not ask that. I do ask that this debate be considered by the conference and that we not adopt a policy that would be destructive for us as a Nation and probably in the long run destructive of our economic strength.

Mr. ARCHER. Mr. Speaker, on the assumption that the gentleman from Florida [Mr. GIBBONS] will close, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is not a new issue. About 2 weeks ago this came up in the Committee on Ways and Means. The gentleman from Washington [Mr. MCDERMOTT] had an amendment like this, and, Mr. Speaker, every single, solitary Republican on the Committee on Ways and Means voted against it. Let me repeat that: This amendment came up in the Committee on Ways and Means 2 weeks ago, and every single, solitary Republican on the Committee on Ways and Means voted against it. They are still here defending these people who would escape taxation by renouncing their American citizenship, the place where they made the money.

All right. Now, the gentleman from Texas [Mr. ARCHER] would scare the people to death about how complicated this would be in conference. If we adopt my motion, all that the gentleman has to do is say I have been instructed by the House to accept the Senate language on this matter, and in 15 seconds that issue will be behind us.

All of you have been to conference. You know how it works. All the gentleman has to do is say, I am following instructions, and it is over. The Senate cannot take it off the table and it is a matter that becomes law. So there is nothing to that.

Now, this does not affect foreign investment in the United States. This does not affect anything except those selfish people who would make a fortune here in the United States, or inherit a fortune here in the United States, and would like not to pay any U.S. taxes, so they just renounce their citizenship. They do not even have to leave the country, Mr. Speaker. They can stay here and still just renounce their citizenship and say I am keeping it, fellows, the rest of you slobs pay taxes. But not me, because I am in that privileged category. I just renounced my American citizenship.

How stupid can we be? This is a tax loophole of major proportions, Mr. Speaker. It is a tax loophole for very wealthy Americans. They are the only people that are taking advantage of it, and not all the very wealthy Americans are taking advantage of it, Mr. Speaker. They stay here and they pay their taxes just like all the rest of us.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida [Mr. GIBBONS].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 193, nays 224, not voting 17, as follows:

[Roll No 272]

YEAS—193

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Geren
Gibbons
Gonzalez
Goodling
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Rivers
Roemer
Rose
Roth
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark

Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn

NAYS—224

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Bateman
Clay
Clayton
Farr
Frisa
Frost
Gephardt
Harman
Jefferson
Murtha
Nadler
Orton
Richardson
Rush
Velazquez
Wilson
Yates

□ 1933

Mr. PETERSON of Minnesota and Mr. LATHAM changed their vote from "yea" to "nay."

Mr. DUNCAN and Mr. STENHOLM changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. ZIMMER). Without objection, the Chair appoints the following conferees: Messrs. ARCHER, CRANE, THOMAS, GIBBONS, and RANGEL.

There was no objection.

PERSONAL EXPLANATION

Mr. FARR. Mr. Speaker, on rollcall 272, I was not present for that rollcall. Had I been here, I would have voted aye.

TERM LIMITS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, when you are given a contract read the fine print. The Contract With America suggests that those who ran on term limits actually believe in it. Well, the fine print allows those folks to hang on a lot longer unless we make term limits retroactive.

Let me suggest that if your Representative campaigned on cleaning out the barn, call them up and ask them, "OK, how long have you been in D.C.?"

Today, Mr. Speaker, I am going to submit an interesting list of names of those who support term limits of 6 to 12 years. You can get it on the Internet or in the copy.

I look at the list, and I see a gentleman from Florida first elected in 1980 who is a sponsor of one of these term-limit bills. I see a gentleman from my own State of Illinois, which reminds me, I forgot to congratulate the gentleman from Illinois [Mr. CRANE], first elected 26 years ago, for an award citing him as a term-limits hero. So let us do that right now.

Oh, yes, the Republican version, Mr. Speaker, of term limits, shows there is no limit to the length that they will go try to fool the American people.

ORIGINAL SPONSOR AND COSPONSORS OF THE INGLIS AMENDMENT

(Providing that no person may serve in Congress more than 2 full terms as a Senator, and that no person may serve in Congress for more than 3 full terms as a Representative. Also provides that service as a Senator or Representative before the amendment takes effect shall not be taken into account in determining length of service)

(All Representatives who have served more than three terms are in italic.)

ORIGINAL SPONSOR

Inglis (1992)

COSPONSORS

Dornan (1976)
Sanford (1994)
Armey (1984)
Goss (1988)
Hutchinson (1992)
Dickey (1992)
Royce (1992)
Hoekstra (1992)
Lewis (KY) (1994)
Salmon (1994)
Graham (1994)
Davis (1994)
Heineman (1994)
Chabot (1994)
Smith (WA) (1994)
Ganske (1994)
Chrysler (1994)
Ensign (1994)
Cooley (1994)
Christensen (1994)
Fox (1994)
Calvert (1992)
Nethercutt (1994)
Shadegg (1994)
Metcalf (1994)
Whitfield (1994)
Bass (1994)
Solomon (1978)
Forbes (1994)
Blute (1992)
Smith (TX) (1986)
Bachus (1992)
Kim (1992)
Riggs (1994)
Longley (1994)
Cox (1988)
Smith (MI) (1992)
Baker (CA) (1992)
Weldon (FL) (1994)
Coburn (1994)
Radanovich (1994)
Roth (1978)
Packard (1982)
Stump (1976)
Everett (1994)
Thornberry (1994)
Allard (1990)
Bono (1994)
Cunningham (1990)
Tate (1994)
Dunn (1992)
Talent (1992)
Chenoweth (1994)
Jones (1994)
Burr (1994)
Cubin (1994)
Stockman (1994)
Crane (1969)
Peterson (MN) (1988)
McIntosh (1994)
Fields (TX) (1980)
McCrery (1986)
Barcia (1992)
Minge (1992)
Myrick (1994)

ORIGINAL SPONSORS AND COSPONSORS OF THE MCCOLLUM AMENDMENT

(Providing that no person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate, and that no person who has been elected to the House of Representatives six times shall be eligible for election to the House.)

(All Representatives who have served more than 3 terms are in *italic*.)

ORIGINAL SPONSORS

McCollum (1980)
Hansen (1980)
Peterson (MN) (1990)
Lobiondo (1994)

COSPONSORS

Lightfoot (1984)
Gillmor (1988)
Allard (Deleted Feb 7, 95) (1960)
Armey (1984)
Bachus (1992)
Baker (CA) (1992)
Ballenger (1984)
Barcia (1992)
Barr (1994)
Barrett (NE) (1992)
Bartlett (1992)
Bass (1994)
Bereuter (1978)
Bilbray (1994)
Bilirakis (1992)
Blute (1992)
Bonilla (1990)
Brownback (1994)
Bryant (TN) (1994)
Bunning (1986)
Burr (1994)
Buyer (1992)
Calvert (1992)
Camp (1990)
Canady (1990)
Chambliss (1994)
Christensen (1994)
Coble (1984)
Collins (GA) (1992)
Cooley (1994)
Crane (1969)
Cremeans (1994)
Cunningham (1990)
Deal (1992)
Diaz-Balart (1992)
Dickey (1992)
Doolittle (1990)
Dunn (1992)
English (1994)
Ensign (1994)
Everett (1992)
Ewing (1990)
Fields (TX) (1980)
Flanagan (1994)
Foley (1994)
Forbes (1994)
Fox (1994)
Franks (CT) (1990)
Frisa (1994)
Funderburk (1994)
Gallegly (1986)
Ganske (1994)
Gekas (1982)
Goodlatte (1990)
Goss (1988)
Graham (1994)
Greenwood (1992)
Gunderson (1980)
Gutknecht (1994)
Hancock (1988)
Harman (1992)
Hastings (WA) (1994)
Hayworth (1994)
Hilleary (1994)
Hobson (1990)
Hoekstra (1992)
Hoke (1992)
Horn (1992)
Houghton (1986)
Hutchinson (1992)
Inglis (1992)
Istook (1992)
Sam Johnson (1990)
Kim (1992)
Kingston (1992)
Klug (1990)
Knollenberg (1992)
LaHood (1994)
Latham (1994)
LaTourette (1994)
Lazio (1992)
Leach (1976)
Lewis (KY) (1994)
Linder (1992)
Lucas (1994)
McIntosh (1994)
McKeon (1992)
Meehan (1992)
Metcalf (1994)
Mica (1992)
Miller (FL) (1992)
Minge (1992)
Myrick (1994)
Neumann (1994)
Ney (1994)
Norwood (1994)
Nussle (1990)
Packard (1982)
Paxon (1988)
Pombo (1992)
Portman (1993)
Pryce (1992)
Quinn (1992)
Ramstad (1990)
Radanovich (1994)
Riggs (1994)
Rohrabacher (1988)
Royce (1992)
Saxton (1982)
Scarborough (1994)
Schaefer (1983)
Seastrand (1994)
Shadegg (1994)
Shaw (1980)
Smith (MI) (1992)
Smith (TX) (1986)
Solomon (1978)
Souder (1994)
Stearns (1988)
Stockman (1994)
Stump (1976)
Talent (1992)
Taylor (NC) (1990)
Thornberry (1994)
Tiahrt (1994)
Torkildsen (1992)
Upton (1986)
Waldholtz (1994)
Wamp (1994)
Weller (1994)
White (1994)
Whitfield (1994)
Wilson (1972)
Zeliff (1990)
Zimmer (1990)
McInnis (1992)
Hayes (1986)
Meyers (1984)
Walker (1986)
Deutsch (1992)
Coburn (1994)
Goodling (1974)

PERMISSION FOR CERTAIN COMMITTEES TO SIT TOMORROW, WEDNESDAY, MARCH 29, 1995, DURING 5-MINUTE RULE

Mr. IGNLIS of South Carolina. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule:

The Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on National Security, the Committee on Resources, the Committee on Small Business, and the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TERM LIMITS: THEIR TIME HAS COME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, we are almost ready to embark on a great decision of whether we should have term limits for Members of the United States Congress. When George Will writes about term limits, he uses a couple of baseball stories to illustrate his point.

When Earl Weaver was managing the Baltimore Orioles, he used to shove his chin into the chest of the umpire and shout at the top of his lungs: "Are you going to get any better, or is this it?" Well, the American people have decided that their Government in Washington is not going to get any better, something has to be done, this can't be it.

When the Washington Senators were owned by Clark Griffith, he said one day after the opposing teams had hit a bunch of home runs: "Fans like home runs, and we have assembled a pitching staff to please our fans." Term limits are a way of correcting this approach to Government.

The foundation of American thought with regard to Government goes as far back as the Athenian democracy, but I think it owes a good deal to the British political philosopher John Locke, who described government as a necessary nuisance to cope with inconveniences. Locke's view was we didn't need a powerful government to overcome the inability of Americans to deal with each other.

As with George Will, I have changed my mind on term limits. I now believe they are necessary to restore the faith of our Government. Alexander Hamilton, in the Federalist Paper No. 68, wrote: "The true test of a good government is its aptitude and tendency."

As we look over the last 30 years, what has been the aptitude and tendency of this Government? The aptitude and tendency is to borrow, to tax, to spend, and to perpetuate ourselves in office.

For example, this Government has now spent $5 trillion coping with our welfare problem. We have resulted in a permanent underclass. We have got a Social Security system that is teetering on the brink of bankruptcy.

What have we done for future generations? We have gone into debt $5 trillion, thinking that what we do now is more important than giving them a responsibility to pay for our overindulgences. Is this it, or can we do better? I have come to believe in term limits only after examining our Government from the inside.

The Founding Fathers were aware of term limits. Mr. Speaker, I wonder how many Members of Congress know that term limits existed in the Articles of Confederation. While recognizing the inherent problem of perpetuating oneself in office, the Founding Fathers did not include term limits in our Constitution because at that time it wasn't a very fun job. It wasn't pleasant to be in Congress.

At that time, and they were to a great extent correct, the living wasn't good, and it was hot in Washington. It wasn't until after the Civil War that we saw the advent of the career politician in Washington.

Today, as we look at the modern Federal Government, it is obvious that things have changed. We do not have the citizen legislator that the Founders envisioned. We have failed to heed Jefferson's warning about public office. He said "Whenever a man casts a longing eye upon them, a rottenness begins in his conduct."

The Congress and the rest of the Federal Government has become a system of career politicians.

☐ 1945

It is a problem where we now depend on this career for our livelihood. Can you imagine the career politician that wants this good-paying job when it comes to the tough leadership decisions that are often asked of Members of Congress? When it becomes a conflict between that career and a good-paying job and making the tough decisions, too often we see too many taking the easy road to perpetuate their own job in office.

Some people argue that we have term limits now. It is in the ballot box. But the reality evident to anyone who takes a look at this system, it is heavily weighted towards incumbents.

Let us look at this last election, which is such a good example, some people say, of the power of the people to exercise their own term limits. It didn't happen. Most incumbents won. Most of the PAC money went to incumbents.

And it is important, Mr. Speaker, that we do something to make this Government better, more responsive to the people. I suggest that something is to exercise term limits and our votes to include it in the Constitution.

THE NEED FOR TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I thought the remarks of the gentleman from Michigan [Mr. SMITH] on term limits were excellent.

I am not a convert on this. I came to this Congress in 1976 and declared in January of 1976 to campaign all that year. And in my declaration of candidacy remarks on January 27, 1976, one of the principal things I mentioned was the importance of term limits.

I had gotten out of the Air Force at 24 years of age and hoped to be a younger Member of Congress in my 30's to serve, at that time, I thought 10 years was a good figure, and leave.

I watched the person in my congressional district never get on what we would consider a middle level committee, let alone one of the serious committees like Ways and Means or Appropriations, Armed Services, Foreign Affairs, Judiciary. Just wasted 18 years, burned him up, did nothing. But he was tall, handsome and the son of a multi-multimillionaire and wasted 18 years doing nothing, accomplishing nothing.

But he had the money to defend his seat and voting as a moderate Republican which staved off any challenge from the left in the general election, it was basically a Republican seat, and always having the money to block a conservative challenger or even a radical activist moderate who might want to do something with the seat.

So I have been for term limits all of my adult life. And I hope, although the odds are diminishing, that we are going to pass it. I hope that our Speaker is right, and that NEWT GINGRICH says Congress after Congress, if we leave this place in the majority control of the GOP for the next several Congresses, we will get it passed sooner or later.

ROMAN CATHOLIC REPRESENTATIVES

Mr. DORNAN. Mr. Speaker, what I have come to the floor to talk about is something very uncomfortable. I think it is a very good reason for term limits and the end of careerism, and that is that people of my Christian denomination come to this House, Roman Catholics so enamored with hanging on to this $133,600 a year job that they will waffle on moral issues of principle, sell their souls almost literally, reject the admonition in the Scripture, "What does it profit a man to gain the world or a lousy seat in the House or the Senate and endanger his soul."

They come here and reject Mother Teresa's words about the importance of abortion as a terrible blight upon civilization, one that can literally cause the decline of civilization around the world, and is.

They reject the teaching of the Pope in Rome and the new encyclical coming out the day after tomorrow called Evangelium Vitae, the gospel of life. The hammer is coming down from the boss in Rome for those who are loyal to the teaching authority of the church.

Members in this House and Senate will make light of abortion. They will go against every single bishop, no matter how flaky or liberal a bishop on the left might be. There is not a single bishop, 300-plus in the United States, who wavers on what Vatican Council Number II called an unspeakable crime, what the church carefully delineates as intrinsically, inherently evil. They will waffle all over the place on this issue. Others will stay steadfast even if it jeopardizes their seat election after election.

That is why I am going to put in the RECORD tonight the list of all of the Catholics by name in this House and then do no follow-up on it, probably not. But ask everyone who is proud enough of his faith to put Catholic in their biographies and all of our major directories here to tell the press they are a Catholic.

If they are proud enough to do that, then they have an opportunity before we have our first abortion vote in this chamber or in the U.S. Senate to come home to renew themselves, to think about that little boy or girl they were at their First Communion, to think about their Confirmation when they became a soldier for Jesus Christ, to put their soul first, to put not giving a bad example to young people all across this country first, and to come home on that first vote.

We know how difficult it is in this Chamber and the other when you vote against your conscience and you have flipped, flipped out morally and voted against the teaching of your church. We know how difficult it is to flop back. Nobody wants to be a flip-flopper.

But I would say here it is a new day, a new Congress. The GOP is in control, at least for another year and 7 months. Come home. Vote with Mother Teresa. Recognize abortion for the intrinsic evil and the unspeakable crime that it is. And you are going to feel good because careerism has made cowards out of at least a third of Catholics in this House and out of the majority of Catholics in the other body.

The figures are there. We are at an all-time high: 128 in the House, 21 in the Senate; 74 Democrats, 54 Republicans in this Chamber.

I repeat for the fifth time, come home before we have that vote in the next 2 months. And, with that, Mr. Speaker, I submit the list of all those proud enough to call themselves Roman Catholics in their biography for the official record.

The list referred to follows:

[From the Southern Cross, Feb. 9, 1995]

Total Catholics in Congress Sets Record; More GOP Catholics, Too

(By Patricia Zapor)

WASHINGTON.—At a record 149, there are seven more Catholics in the 104th Congress than two years ago, and a greater percentage of them are Republican than in previous sessions.

According to *Congressional Quarterly*, Catholics constitute the largest single denomination,'as they have for decades, although Protestants dominate as a group with 344.

The Senate has 21 Catholics, the House 128—a shift since 1992 from the 23 Catholic senators and 119 Catholic members of the House when the 103rd Congress began

Of this session's Catholics, nine senators and 54 members of the House are in the GOP, the most Catholic Republicans ever in Congress.

The next-largest single denomination is Baptist, with 67. There are 62 Methodists, 56 Presbyterians, 49 Episcopalians, 20 Lutherans and 14 Mormons, according to biographical questionnaires compiled by *Congressional Quarterly*. Another three senators and three representatives belong to Eastern Christian churches, including Greek and Eastern Orthodox.

The remainder of members listing Christian churches were in an assortment of denominations including Christian Scientist, Seventh-day Adventists, Unitarian and Church of Christ.

Thirty-four members are Jewish and seven were listed as "unspecified or other."

By state and party affiliation, the Catholic members of the 104th Congress are:

SENATE

Alaska: Frank H. Murkowski (R).
Connecticut: Christopher J. Dodd (D).
Delaware: Joseph R. Biden Jr. (D).
Florida: Connie Mack (R).
Illinois: Carol Moseley-Braun (D).
Iowa: Tom Harkin (D).
Louisiana: John B. Breaux (D).
Maryland: Barbara A. Mikulski (D).
Massachusetts: Edward M. Kennedy (D) and John Kerry (D).
New Hampshire: Robert C. Smith (R).
New Mexico: Pete V. Domenici (R).
New York: Alfonse M. D'Amato (R), Daniel Patrick Moynihan (D).
Ohio: Mike DeWine (R).
Oklahoma: Don Nickles (R).
Pennsylvania: Rick Santorum (R).
South Dakota: Tom Daschle (D), and Larry Pressler (R).
Vermont: Patrick J. Leahy (D).
Washington: Patty Murray (D).

HOUSE OF REPRESENTATIVES

Alabama: Sonny Callahan (R).
Arizona: Ed Pastor (D).
California: Bill Baker (R); Xavier Becerra (D); Brian P. Bilbray (R); Sonny Bono (R); Christopher Cox (R); Robert K. Dornan (R); Anna G. Eshoo (D); Matthew G. Martinez (D); George Miller (D); Nancy Pelosi (D); Richard W. Pombo (R); George P. Radanovich (R); Lucille Roybal-Allard (D); Ed Royce (R); Andrea Seastrand (R).
Colorado: Scott McInnis (R); Dan Schaefer (R).
Connecticut: Rosa DeLauro (D); Barbara B. Kennelly (D).
Delaware: Michael N. Castle (R).
Florida: Lincoln Diaz-Balart (R); Mark Foley (R); Pete Peterson (D); Ileana Ros-Lehtinen (R); E. Clay Shaw Jr. (R).
Georgia: Cynthia A. McKinney (D).
Guam: Robert Anacletus Underwood (D).
Illinois: Jerry F. Costello (D); Richard J. Durbin (D); Lane Evans (D); Michael Patrick Flanagan (R); Luis V. Gutierrez (D); Henry J. Hyde (R); Ray LaHood (R); William O. Lipinski (D).
Indiana: Andrew Jacobs Jr. (D); Tim Roemer (D); Peter J. Visclosky (D).
Iowa: Greg Ganske (R); Jim Ross Lightfoot (R).
Kentucky: Jim Bunning (R).
Louisiana: W.J. "Billy" Tauzin (D).
Maine: John Baldacci (D); James B. Longley Jr., (R).
Maryland: Constance A. Morella (R).
Massachusetts: Peter I. Blute (R); Joseph P. Kennedy II (D); Edward J. Markey (D); Martin T. Meehan (D); Joe Moakley (D); Richard E. Neal (D); Martin T. Meehan (D); Joe Moakley (D); Richard E. Neal (D); Peter G. Torkildsen (R).
Michigan: James A. Barcia (D); David E. Bonior (D); Dave Camp (R); John D. Dingell (D); Dale E. Kildee (D); Joe Knollenberg (R); Bart Stupak (D).
Minnesota: Gil Gutnecht (R); William P. Luther (D); James L. Oberstar (D); Bruce F. Vento (D).
Mississippi: Gene Taylor (D).
Missouri: William L. Clay (D); Pat Danner (D); Karen McCarthy (D); Harold L. Volkmer (D).
Montana: Pat Williams (D).
Nevada: Barbara F. Vucanovich (D).
New Jersey: Frank A. LoBiondo (R); Bill Martini (R); Robart Menendez (D); Frank Pallone Jr. (D); Christopher H. Smith (R).
New Mexico: Bill Richardson (D); Joe Skeen (R).
New York: Sherwood Boehlert (R); Michael P. Forbes (R); Maurice D. Hinchey (D); Peter T. King (R); John J. LaFalce (D); Rick A Lazio (R); Thomas J. Manton (D); John M. McHugh (R); Michael R. McNulty (D); Susan Molinair (R); Bill Paxon (R); Jack Quinn (R); Charles B. Rangel (D); Jose E. Serrano (D); Nydia M. Velazquez (D); James T. Walsh (R).
North Carolina: Walter B. Jones Jr. (R).
Ohio: John A. Boehner (R); Steve Chabot (R); Marcy Kaptur (D); Bob Ney (R); James A. Traficant Jr. (D).
Oregon: Peter A. DeFazio (D).
Pennsylvania: Robert A. Borski (D); William J. Coyne (D); Mike Doyle (D); Phil English (R); Thomas M. Foglietta (D); Tim Holden (D); Paul E. Kanjorski (D); Frank Mascara (D); Joseph M. McDade (R); Paul McHale (D); John P. Murtha (D).
Puerto Rico: Carlos Romero-Barcelo (D).
Rhode Island: Patrick J. Kennedy (D); Jack Reed (D).
Texas: Bill Archer (R); E. "Kika" de la Garza (D); Henry B. Gonzalez (D); Frank Tejeda (D).
Virginia: Thomas J. Bliley Jr. (R); James P. Moran Jr. (D).
Washington: Richard "Doc" Hastings (R).
Wisconsin: Thomas M. Barrett, (D); Gerald D. Kleczka (D); Scott L. Klug (R); David R. Obey (D); Toby Roth (R).

RELIGION ON THE HILL

Affiliations for members of the 104th Congress: 344 Protestant, 149 Catholic, 34 Jewish, 6 Orthodox, and 7 Other.

Source: Congressoinal Quarterly.

PRIVATE FUNDING FOR NEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HANCOCK] is recognized for 5 minutes.

Mr. HANCOCK. Mr. Speaker, Last night multimillionaire Hollywood actors, actresses, and producers—one after another—got up to accept their Oscar during the Academy Awards and ranted on national television about the need to preserve Federal taxpayer funding for the National Endowment for the Arts.

For most people these petty little tirades about the NEA were probably just annoying. But I got angry. Think about those spoiled rich elitists preaching to hard-working, middle-class Americans that America's families should make more sacrifices to fund a Federal Arts bureaucracy in Washington.

Nearly all the people in that room were multimillionaire entertainers. God bless them for being successful. I don't begrudge them their success. But if they really believe the work of the NEA is so important, they should start up a foundation and put their own money where their mouth is.

Steven Spielberg and Quincy Jones could personally fund the Endowment at its present funding levels with a portion of their annual incomes. Half of the proceeds from the movie Forrest Gump could fund the Endowment. I didn't hear any such offers from any celebrities. It is an outrage to have these people tell viewers across America who are making $5 and $6 an hour or $20,000 and $30,000 a year that they should be making more sacrifices as taxpayers so we can have money for the NEA.

I have nothing against the arts. I have personally contributed to the arts in my community. We need symphonies, community theatres, and local museums. Unlike the Hollywood hypocrites I have put my money where my mouth is.

But I am definitely opposed to further taxpayer funding of the arts. There are other priorities in the Federal budget that are just more important, especially when the arts can and should be supported privately by those with the means to do so.

The other problem with a government-funded arts program are the bizarre things that get funded when you trust bureaucrats with taxpayer dollars. I am not talking about the morally obscene grants, like the pornographic Mapplethorpe photos and the Annie Sprinkle nudie show—although those are definitely outrageous examples of abuse. I am talking about more mundane examples of waste and abuse.

Let me give you an example of a typical NEA grant. My hometown newspaper, the Springfield News-Leader, did a story on March 20 on a constituent of mine who recently received a $20,000 NEA grant to aid him in his work as a poet. A lot of people contacted my office and talked to me personally about this article.

I will call this individual Mr. Grantee which is not his name.

Mr. Grantee of Willard, MO is a creative writing professor at Southwest

Missouri State University making $42,000 a year—a salary funded by the taxpayers. His wife works on the government payroll as a nurse for the public school system. He says his $20,000 NEA grant will supplement his income so he won't have to teach summer school, allowing him to concentrate on his poetry.

Mr. Grantee says: "I will have less stress. I have a clearer creative mind." A $20,000 government grant would relieve a lot of stress for a lot of people, including those who don't already draw a government-paid family income of $60,000 or more a year.

Mr. Grantee, a very honest fellow, says he has already incorporated the money into his family budget. He says he used some of the funds to buy a dishwasher and an airline ticket to a conference. He also says he plans to buy a personal computer. I can think of a lot of Americans who wouldn't mind the government buying them appliances or paying for their personal travel.

We are promised by Mr. Grantee in the article that he will produce at least one book of poetry and that he will even begin work on a second before the grant money runs out—books he intends to commercially publish, no doubt, and for which he will receive royalties.

I have nothing against Mr. Grantee personally, and I regret the need to use him as an example. But this sort of routine grant is exactly what is wrong with the NEA. When there are so many competing budget priorities, when hard-working taxpayers are already so burdened, I just cannot justify taking money from families—many of them making less than Mr. Grantee—to buy college professors dishwashers and supplement their Government salaries to relieve them from the stress of paying bills.

Frankly, it is an outrage. While the flaky, politically correct Hollywierd crowd on the West Coast may look down on my unsophisticated concern for the average taxpayer, the time has come to defund the National Endowment for the Arts and get the Government out of the art business once and for all.

Worthy art—whether it is Mr. Grantees poetry or the local symphony—can survive with private support. Those who are spending so much energy and effort now to reserve taxpayer funding can and should turn their energy and effort toward private fundraising. That includes our self-righteous friends in Hollywood.

If the public will not support certain artistic endeavors through their voluntary contributions, I hardly see why I, as their elected representative, should force them to spend their tax dollars on them.

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, I rise tonight in strong support of term limits.

There is a pervasive consensus among the American public to see Congress enact them.

The people of Tennessee who I represent are ready to see Congress move beyond power and politics and start functioning as a true representative body of the public.

Term limits will allow that to happen more than anything else.

Already, some 42 percent of the Members of Congress are currently serving under term limits.

And many cities and communities, including New York and Los Angeles—both renowned for politics and political entrenchment—have imposed term limits on their Government officials.

The first doctrine by which this country was governed—the Articles of Confederation—contained term limits.

I believe had our Founding Fathers foreseen some 200 years into the future how the purpose of public service has been interpreted, they would have placed term limits in the constitution.

Mr. Chairman, opponents of term limits will argue that elections such as this past November exemplify exactly why we don't need term limits.

But the fact of the matter is that over 90 percent of all incumbents were re-elected this past November.

The issue before us tonight is paramount to keeping our word with the American people.

Literally every poll shows they want to see term limits enacted.

As public servants, I believe the words of former South Dakota Senator George McGovern are a grim reminder to us all why Congress needs term limits.

When the Senator left the U.S. Senate after 18 years to open his own business, he had this to say:

"I wish I had known a little more bout the problems of the private sector . . . I have to pay taxes, meet a payroll—I wish I had a better sense of what it took to do that when I was in Washington."

I urge my colleagues to support the will of the people and enact term limits.

□ 2000

As I mentioned earlier, tomorrow this House will vote as far as I know for the first time on the floor on a bill that involves term limits. And I know there has been a lot of talk about term limits across the country. Many of us campaigned on that as freshmen. We subscribed to the Contract With America. And I believe most of my freshmen colleagues support this very strongly.

I think, though, there is a real opportunity for us tomorrow to bring to the floor those votes that represent Americans and vote for term limits. I think many believe that term limits will not pass. I think it will pass. I can assure the American public that tomorrow probably 80 percent or more of the Republicans will vote for term limits. The Republican Party can deliver on its votes for term limits.

And if we can get just half of the other side, 50 percent of the Democrats to vote for term limits tomorrow with us, we can see to it that a constitutional amendment is passed and that the American public, which overwhelmingly supports term limits, will have that constitutional amendment passed out of this House of Representatives.

I urge my colleagues on both sides of the aisle to work with us in a bipartisan fashion. Again, we can deliver the 80 percent of the Republicans if they can deliver the 50 percent, the one-half of the Democrats needed. And I believe so strongly in this that if we do not pass this term limits amendment, that many of the people who go up for reelection next year, in 1996, cannot possibly defend their vote against term limits to their constituents, and if this vote tomorrow does anything beyond hopefully passage, it will make everyone in this House vote up or down, yes or no for term limits for the first time ever, not bottled up in committee, but on the House floor for the first time and then the American public, each constituency, each constituent voter in the district can then see very clearly how their Congressman feels about term limits by looking at how they vote tomorrow.

With the difficulty of defending such a vote I would ask all of my colleagues to consider if they have any doubt about this amendment, consider voting for it. This is what the public wants, this is what is best for this country, and I urge my colleagues to vote for term limits tomorrow when they cast their vote for the first time ever on this House floor.

TRIBUTE TO BRIAN SCHLIENTZ

The SPEAKER pro tempore (Mr. ZIMMER). Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today with a heavy heart. Last Saturday my Upper Peninsula representative, Brian Schlientz, died. Brian was 27 years old. He had courageously battled a rare form of brain cancer. His life was brief, but it was filled with church and social activities, academic and athletic achievements, and community involvement.

Some would say success always came easy for Brian. But his greatest success was Brian's love of God, his family, and his country.

It is difficult to articulate success as it applies to faith in God. It is difficult to describe love of family when cancer denied Brian his wedding day 3 weeks ago on March 4.

For some people, it is hard to envision one's love for their country when Brian never served in the armed services; still Brian left his college studies to help me get elected to Congress in 1992. Just to help me? No, but to help his country, for Brian believed with all his heart in life.

He worked so long, so hard, just so a right-to-life Democrat could be elected to the U.S. Congress.

It was Brian's love of God, his family, and his country that propelled him to become an extraordinary person.

Brian is survived by his parents Don and Dorothy, his twin brother Matt and Matt's wife, Tiffany, Brian's sister, Heidi, his brother-in-law, Chad, and his devoted fiancee, Kristy, many relatives and all of his many, many friends.

To his family and to each of us, Brian has his own special significance. He had his own personal impact on all of us. When we gather at Northern Michigan University this Thursday for a memorial service for Brian, a university where he starred in academics and on the football field, we will all have our own personal songs, thoughts, and prayers for Brian and his family. While there is certainly sadness in our hearts, it is quickly being replaced by joy, much like this holy season of Lent in which we sacrifice and we try to cleanse our spiritual life just to experience the joy and the holy significance of Easter Sunday. So too should we all bask in the joy of Brian's life, the joy of knowing him, the joy of his love for each of us.

Just think of the joy that Brian brought to each of us.

As my Upper Peninsula congressional representative, Brian and I traveled together, we worked together and we prayed together. Brian was a joy to be around. You wanted to be with Brian. He brought out the best in everyone.

As Brian and I would drive the vast distances between the small towns that comprise the Upper Peninsula of Michigan our discussions always seemed to turn to his love for God and the difficulty, yet the strength and the joy he found in being, and working with and for a right-to-life Democrat.

Brian excelled in his position as my Upper Peninsula representative because of his love, joy that he had in God, his family, and this great country.

Although he already had one bachelor's degree in biology and chemistry, Brian went back to his studies so he could become a teacher. But, Brian, you are a teacher. Brian, you have been a great teacher and for all of us, Brian, you will continue to be a great teacher. As you look down upon all of us with that huge smile upon your face, I know that you will grade us not in the classroom, not in our academic and athletic achievements, but in the joy, strength, and love that we bring to each other. For you taught us, teacher, that the joy, success, and accomplishment in life is found in one's love of God, family, and country.

Thank you, Brian, for teaching us and reminding us of the secret: the success and the joy of your life.

SUPPORT CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LATHAM] is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I rise today to express my strong support for adding a term limitation amendment to the Constitution of the United States.

At virtually every opportunity, American voters have demonstrated their preference for term limitation for their elected officials. They have seen too often how entrenchment of political power yields a political culture that is less responsive and less responsible.

The Washington political and media culture has uniformly lined up in opposition to the term limits movement. That should be our first sign that the American people are on to something positive.

The most frustrating aspect of listening to term limit opponents and most of the media has been their refusal to discuss this issue intelligently, but rather reject it out of hand. Much like the situation with the balanced budget amendment, opponents of term limits have relied on knee-jerk reactions against term limits rather than thoughtful discussion of the problems in the system and the need for systemic reform.

So, I'd like to address some of the arguments against term limits individually:

One, term limits would deprive the American people of experienced elected officials to address the Nation's problems.

Of all the arguments against term limits, this is the one most often cited by thoughtful term limits opponents. What I would point out, however, is that Congress is enriched when it is filled by persons with experience in all walks of life—not just legislating.

For too long, the way to real power inside Congress has been to come to Washington young and spend decades building up seniority.

Too many districts have been represented by men or women who've spent more of their adult lives in Washington than in the district they are supposed to represent.

By adopting term limits, a person who had worked successfully as a small business person, or a school teacher, or a homemaker could come to Washington later in life and still have the opportunity to play a major role in the process based on merit.

Two, term limits opponents also argue that term limits restrict the choices of the voters, giving us less freedom.

I think anyone who has ever looked at the reelection rates of Members of Congress immediately understands the weakness of this argument. Even in this last election more than 90 percent of the incumbent House Members who stood for reelection were returned to office.

The fact of the matter is that it is extremely difficult to beat an incumbent except in extraordinary years. By placing a limit on length of service, virtually every congressional district in this country would become competitive because local political organizations would not wither away waiting for a 20-term Congressman to finally move along.

Instead, Members would likely continue to face very competitive elections in their first few years after their election.

However, instead of becoming isolated and entrenched, even the most popular incumbent would likely face challenges during his or her later terms by those interested running in the future.

I believe that would drastically reduce the number of uncontested seats and contribute to a substantial increase in competitive races. That, not theoretical arguments about limiting choices, would be the real world impact of term limits.

Three, last year, we saw the embarrassing spectacle of long-time incumbents reduced to telling their electorates that they should be reelected strictly because of their seniority.

This type of campaigning amounts to a threat to the very people these representatives were supposed to represent. It's like trying to make your own constituents an offer they can't refuse. That's not what this democracy should be about.

Seniority has become the last refuge of a politician with nothing left to say. Term limits would hold our elected officials to a higher standard of political debate—policies, responsiveness, and accomplishments.

Four, the final argument I would like to address is the claim that if we want to limit a politician's terms, we should vote that person out of office.

The problem with this point is that a State with an entrenched incumbent often has a great incentive to keep that person in office for decades at a time. From a key committee position, one person representing less than one-quarter of 1 percent of the country's population can dominate an area such as appropriations, commerce, or defense policy for decades.

That is the very type of concentration of power that we have traditionally sought to avoid in this country. No one district, and no one State, should be able to hold the rest of America hostage to its agenda or the whims of its favorite son.

One of the things that compelled me to run for Congress was that as a small businessman my family business was forced to pay tens of thousands of dollars to meet the dictates of entrenched incumbents here in Washington. I couldn't vote for these representatives who were dominating some of the committees that directly impacted my business, but I was paying the bill. I knew that passing term limits was one way to change that.

The new Republican majority has taken a giant step forward in addressing this problem by limiting the terms of committee and subcommittee chairmen, as well as the Speaker of the House. But, we need to keep moving ahead.

CONCLUSION

Mr. Speaker, as this country moves into the 21st century, I believe that we will need the input and expertise of Americans from every background and profession. The argument against term limits places a premium on experience in Congress and discounts experience in every other part of life.

That is a formula for a ruling class detached from those who they represent. That is the opposite of government of, by and for the people.

Adoption of a term limitation constitutional amendment would return us to a true citizen legislature and help win back the faith of the American people in our democracy. I urge my colleagues to vote for the version of term limits they support and vote "yes" on final passage of this resolution.

TERM LIMITS A NECESSITY FOR GOOD GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, term limits, the contract item with perhaps the most public support, comes to the floor of the House tomorrow and some say it has the least chance of passage. I hope not. Eighty percent of the Republicans at least support it, all we need is 40 percent of the Democrats in the House to support it for passage.

In my view, term limits are not only a reasonable approach but a necessity for good government. Some will argue that the results of the last election in November which brought each of my colleagues here to the 104th Congress indicate the need. However, the fact is that despite an above average turnover in the 103d and 104th Congresses, incumbents still enjoy a 9 in 10 chance of reelection. More importantly, in the 103d Congress the average tenure of Democrat committee chairmen was 28 years.

The fact is that the current system allows certain people to spend a lifetime in Washington while some quickly fall out of touch with their constituents and consolidate the power base that used to ensure continued success in passing wasteful and pork barrel programs.

□ 2015

Additionally, these career Members of Congress continue to stockpile money from special interest groups, making all the more unlikely that they could be defeated. The disparity of fund-raising capability discourages many qualified individuals from running in the first place.

After California passed term limits in 1990, the number of candidates for office increased by 40 percent.

Mr. Speaker, after 40 years of one-party rule in this Congress, before last November, Congress had grown insulated, unresponsive to the will of the American people. President Clinton has consistently opposed even the consideration of term limits and will again defend the status quo.

Now with Republicans in control of the U.S. Senate and the U.S. House of Representatives, for the first time in history we will vote on term limits. I am committed to passing term limits, and I am working with like-minded Members of Congress to create a citizen legislature that is accountable to the American people and not beholden to the special interests.

Term limits will end congressional careerism, and the American people will be better served under this kind of reform.

There are three major Republican bills that will come before the House, the Inglis bill, which calls for 6 years maximum, the McCollum bill, 12 years, and then Hilleary's bill, which calls for the States to decide the exact terms. Whatever the bill is, we believe that term limits is a step in the right direction, an idea whose time has arrived.

American democracy cannot be considered truly representative in the current system that perpetuates incumbency and seniority-based power. The seniority system forces a network that doles out power and influence according to time spent in office. Term limits will cause a systemic change in this internal power structure of the Congress. Instead of committee chairs and appointed leadership positions being granted on the basis of seniority, merit and competency will be the basis for our future leaders.

CONGRESSIONAL TERM LIMITS

The SPEAKER pro tempore [Mr. ZIMMER]. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. Speaker, I would like to thank the other participants who are going to let me go at this point in time.

You have heard a lot of good intellectual arguments why we need term limits. I am sure there will be some made tonight and tomorrow why term limits is a bad idea.

All I know is this, that of the 73 Republican freshmen that serve in this body, probably 90–95 percent of us support term limits. I think we are very close to the people in terms of the last election. I think the sophomore class above us has a high percentage of people supporting term limits, because we understand why 80 percent of the American public wants this body to impose term limits on itself.

Having said that, one thing that I think I need to say is that term limits is not going to cure every problem in America, and it should not be billed that way. It is not going to make us overnight more efficient. It is not going to balance the budget. But it will fundamentally change why people come to Washington, DC, and why they seek office.

What it will do in my opinion is you stop playing the game to become a subcommittee chairman, a committee chairman, and see how far you can go. You try to make the world better that you are going back to rather than try to make the world better that you are in up here.

I think the fundamental reason we need term limits in this country, Mr. Speaker, is to change the motivation of why people come to Washington, DC. I think spending will get better. I think a lot of things will get better up here. They will be less interested in trying to find a pork-barrel project to get us reelected and more interested in trying to make the world better where we are going to go back to, and that is home.

There are going to be four versions to be voted on tomorrow. I think we are going to fall short on all four of them. I am sorry. There is a lot of blame to go around. I tell you, the Republican Party has some share in that blame, and certainly the Democrat Party does, too.

We are probably going to deliver 80 to 85 percent of the Republican Conference on term limits. We need help from the Democratic Party. If you had every Republican voting for term limits, you would still need 60 Democrats. We are going to fall short for a variety of reasons, and I think the blame needs to be bipartisan.

We have got four versions to vote on. One version is by my roommate here, the gentleman from Tennessee [Mr. HILLEARY]. He has a version that says 12 years, and if there is an existing State law more restrictive, it stands. I like that version. That is why I came to Washington, DC, was to improve Congress, not to overshadow the States. That is the best, I think, of the four. I am going to vote for all four.

Because I do not want it to be said the reason it failed was because of LINDSEY GRAHAM. I am going to vote for the Democratic version that says 12 years retroactively applied which simply means this, if you have been here 12 years or longer and the amendment is passed and it is ratified by the States, you lose your job. That is not the best way to implement term limits. I would rather have that than nothing.

I challenge my Democratic colleagues to deliver enough votes to make on version get out of the House. This is probably the most important thing that we will do in the 104th Congress. It is probably the most important vote we will take in my political life, because if you want to change politics, you need to change the reasons people seek the office. That is exactly what term limits does.

I implore my colleagues on the Republican side to deliver the votes to get an amendment out. If the Democrats play a game of chicken, loading up the votes for a retroactive term limits bill, let us meet them. Let us have term limits in some form rather than no form.

I am going to vote for term limits in any fashion, because I believe it fundamentally will change the way we govern in Washington, DC. That is why I think I got elected is to come up here and fundamentally change our government. I believe that is why 80 percent of the American public from Maine to California, from the Deep South to the Far West, support term limits, because they feel their Government does not serve them. It serves the institution, and if you really are serious about reforming government, it needs to start in this body.

This is the only vote we will take with the Contract With America that applies to us as individuals. It is going to be a gut-check for people in this body.

SUPPORT THE HILLEARY TERM-LIMITS PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. HILLEARY] is recognized for 5 minutes.

Mr. HILLEARY. Mr. Speaker, I guess it has been about a month ago now that some fellow freshmen and I got involved in this term-limits debate to the extent we are now. People here may remember that the House Committee on the Judiciary reported out a bill that in my opinion, did not really resemble real term limits. It said you could serve 12 years, lay out a couple years, serve 12 more years, lay out a couple more years, serve 12 more, et cetera.

It also specifically had language that preempted the work that people had done in 22 States that had their own term-limits laws. I felt I could not keep my pledge to my constituents that I made during the campaign that I would truly be for real term limits.

So I got involved with some of my fellow freshmen. We came up with a bill, drafted a bill, that simply did this: It said you could serve 12 years in the House, 12 years in the Senate, but also it had the additional language that said the States would be specifically protected in the work they did and the wishes of those people in those 22 States would be protected. I think that is very important.

And people like the gentlewoman from North Carolina [Mrs. MYRICK], the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Washington [Mr. NETHERCUTT], the gentleman from Arizona [Mr. SALMON], the gentleman from Kansas [Mr. BROWNBACK], the gentleman from Florida [Mr. GOSS], the gentleman from South Carolina [Mr. GRAHAM], who just spoke, the gentleman from Arkansas [Mr. HUTCHINSON], the gentleman from Georgia [Mr. KINGSTON], the gentleman from Washington [Mr. TATE], and many, many others have worked very hard and feel the same way on this.

It is very important to people like Bill Anderson, who lives in Texas County, MO. Mr. Anderson is not a Republican or a Democrat. I do not think he is a liberal or conservative. He is simply a man who has never been involved in politics before. He is simply a man who felt very strongly this country was going in absolutely the wrong direction. He felt he had to do something about it. He got out in parking lots in hot summer days, got thousands of signatures on petitions, got in Missouri this issue put on a referendum for a vote, and it passed.

There are a lot of Bill Andersons all over this country whose hard work and wishes and rights of him and his fellow, people who helped him, will simply be washed away if we do not specifically protect those rights.

There is no other bill that we are going to vote on that will specifically give that protection. There are some that are silent. What that means is that nine black-robed men and women who work in a building very close to us here who are unelected, permanently tenured will decide this issue, not people who are elected representatives like our colleagues and myself.

I think it is important that we vote on the Hilleary amendment. We have had so much support from the grassroots. Every grassroots organization that you can think of is behind our bill that has anything to do with term limits: United We Stand America, American National Taxpayers' Union, American Conservative Union, Citizens Against Government Waste and on and on.

The reason they think this one is the bill is because it gives the most for the most people. It is a sort of middle-of-the-road bill. It has 12 and 12 for people who believe that you ought to be able to serve 12 years, but also says States can do something less if they so choose. It also kind of protects what I think is the most democratic form of legislative process in this country, that is, the referendum process such as in the State of California. It is almost part of the mystique of California. It is part of the legend of California that they have this referendum process. It is very famous.

All the propositions that have become so famous all across the country, and this is the only bill for the Members of those States that have the referendum process. It is the only bill that will specifically protect the wishes of the voters in those States.

So I ask everybody to come on board and support the Hilleary amendment. But no matter which bill comes to final passage, I think term limits, the concept of term limits, must supersede everything else, and I beg my fellow Members on final passage to vote for term limits.

Let me tell you, people say that this concept of term limits has no chance in this Congress. I do not know if I am willing to concede that yet. You know, our former Speaker felt pretty strongly about being against term limits. He is no longer with us. I think this is the first time, because this is the first time we are going to be able to take these little cards, stick them in the slot, and a recorded vote, the first time the people are going to have to actually go on record and think long and hard about are they going to face the voters in 1996 without a yes vote on term limits.

I think we have not seen how many votes we are going to get on this. I think it is building every day. I think my colleagues would with that.

Finally, I would just say there are a lot of people who have come before me on this term-limits concept. I have been here for the grand total of about 3 months, and people like the gentleman from Florida [Mr. MCCOLLUM], and the gentleman from South Carolina [Mr. INGLIS], the gentlewoman from Florida [Mrs. FOWLER], who is not even going to get to vote on her bill tomorrow, have moved this bill way far down the field way before I got here. They deserve an awful lot of credit.

To the extent we have success tomorrow, my hat is off to them.

The final thing I would like to say is this, that no matter if we get 290 or not, tomorrow should be scored as a victory for the Republican Party. We are going to bring this to the floor for the first time for a recorded vote. It has never happened. If you compare our Speaker with the Speaker last year and how our support has been, I think people must say we have taken a great first step and a great first downpayment on this issue of term limits. It will come back, and the people will speak in 1996.

SUPPORT CONGRESSIONAL TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. TATE] is recognized for 5 minutes.

Mr. TATE. Mr. Speaker, it is, indeed, an honor to be able to address the House tonight in regards to this issue, because just look back, in 1990 in the State of Colorado, it caught on like a prairie fire. The whole issue of term limits, it came out of a frustration of the 22 States that have passed term limits. Twenty-one of them came through a State initiative. Just one State legislature, the State of Utah, has approved that.

In my particular State in 1991, for example, we gathered signatures around the State, over 200,000 signatures, to put a term-limits initiative on the ballot, but it was retroactive that year. It was defeated.

Right after that, the citizens picked that up one more time, and were able to put it on the ballot in 1992, and it passed overwhelmingly at the State ballot, and last September, I, with my fellow freshmen and Republicans alike, we stood on the Capitol steps and signed the Contract With America, pledging for the first time in the history of the United States that we were going to have term limits come up for a vote on the House floor.

And why do we need term limits? One does not have to look any further than 40 long years of Democrat rule. We had a House that was less accountable. It seemed that the longer they served, the more removed they became. The House banking scandals, House post office scandals, runaway spending. We needed true reform, and term limits ends careerism.

The House of Lords, for example, in Britain, you are appointed forever. That is not what the U.S. Congress was designed to be.

Even with the elections in 1992 and 1994, 9 out of 10 Members were reelected, 90 percent.

In the 103d Congress, for example, the average length of time for a committee chairman who had served was 28 years. I am 29. So when I was 1 year old they were beginning their political career. Things need to change.

Term limits overwhelmingly is supported by the American people. Over 80 percent of the American people support term limits. It has passed by a 2-to-1 margin in every State it has been on the ballot. Other offices are term-limited around the country. The President, for example, two 4-year terms. Thirty-five States limit Governors' terms, even some States, like the State of Virginia, limits Governors to one term.

It also assists in diversity. Seventy-two percent of the women in the House of Representatives were elected to open seats. Eighty-one percent of the minorities were elected to open seats.

It is time we make Congress look more like America.

And what a difference a year and an election makes. Last year the Speaker of the House, of this House of Representatives, from my State of Washington, sued the citizens of Washington State. This year the Speaker of the House limited his own terms to 8 years. We limited the chairmen and the ranking minorities to nothing more than 6 years.

So tomorrow for the first time in the history, let me say that again, in the history of the United States, we are going to pass it or bring it up for a vote, term limits. We are going to have several proposals. We are going to have one proposal very similar to Washington State, which is 6 years in the House and 12 years in the Senate.

□ 2030

Then we have, as we just heard, the Van Hilleary amendment that puts a cap of a total of 12 years you can serve in either body but allows States to limit, does not preempt State laws. We have a proposal of 12 years and 12 years.

But then we also have a retroactive proposal, which was defeated in Washington State. I do not like the retroactive taxes that were passed in 1993, and I am not going to like a retroactive proposal because it is being pushed by people that do not even support term limits. It is a sham, and it is a bunch of baloney.

They are going to hear many arguments against term limits tomorrow, that it is somehow going to empower lobbyists. Having served in the State legislature, the people most nervous about term limits are the lobbyists because they build their reputations on getting to know Members of Congress. So there is lots of changes that need to occur, and you are going to hear lots of arguments, but we will deliver our vote as we promised tomorrow for the first time in history.

And 80 percent of the Republicans are going to vote for it, maybe even more. What we need is at least 50 percent of the Democrats to make this happen. It takes 290 votes, as we all know, to pass a constitutional amendment. We only have 230 Republicans. If every single Republican votes for this, we still need 60 Democrats. So if it fails, which I believe it will not, but if it fails, the defeat will be on the hands of the Democrats, and the public will hold us all accountable, especially those that have voted no.

So I urge my colleagues tomorrow to support term limits and return the power back to the people.

CONTRACT WITH AMERICA

The SPEAKER pro tempore (Mr. ZIMMER). Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to talk a little bit about the Contract With America. I think it is very important that folks understand that the Contract With America was a campaign promise, and it is a promise which, unlike previous campaigns and previous promises, it is a promise that Republican Members of the House are keeping with them. We are looking at it daily. It is the instruction.

You may not agree with Contract With America, but I think what is important is that here is a fundamental contract, a handshake with the American people saying when we say we are going to do something, we are going to do it.

Now, the Senate is going to debate it. They are going to change some things. It is going to come back to the House, and we are going to have some changes. But I think it is very important to remember that the Contract was a campaign pledge and a promise that we are not going to forget, unlike other times in office when many, many members of both parties would make certain campaign warranties or promises and then forget them after they are elected.

This contract is different. One of the key planks of that is that we are going to get these issues on the floor of the House for a vote. It does not necessarily guarantee passage on everything, but getting them to the floor of the House, as the gentleman from Tennessee [Mr. HILLEARY] had said just a few minutes ago, is the key element, and that is what we are doing with term limits.

It is going to take 290 votes because it is a constitutional amendment. That is a lot of votes. And we are working with Democrats. We are working with Republicans. We are working with senior Members, working with freshman Members, trying to get that passed.

Now, the Hilleary amendment, what is so good about it and why I think it is important that this House support it is because it does two things. It says that you will have a 12-year limit, but also if States have individual term limits, 8 years, 6 years, 10 years or whatever, they can keep their own State law in place to self-impose term limits that are different as long as they do not go over the 12 limit. Now, I am going to support that.

I am also going to support the McCollum bill. Mr. MCCOLLUM of Florida has a bill that sets a 12-year term limit, and it is a uniform bill. The thing that I believe is important about that is that Congressman MCCOLLUM has introduced term limits, I believe, every year since he personally has been a member of this body and has been out there as a lone wolf crying in the wind for term limits far before it was popular.

I think that it is great that finally, after all these years of him coming up, and there were others along with him who supported term limits, finally he is going to get a vote on it. And I plan to support both these bills and both these versions, and I hope we do get 290 votes on one of them so that we can move the legislation for him.

Now another key element of the Contract With America that is going to be coming up is the tax stimulus. This tax stimulus, unlike the Clinton stimulus 2 years ago which was a tax increase, this is a tax decrease. You know, this gets a lot of people nervous because the American Federal system of government has been robbing taxpayers for so many years now.

You know, in the 1950's the average American family paid 2 percent Federal income tax. Today that same American family pays 24 percent Federal income tax. Now that, along with all your intangible tax, your sales tax, your local option sales tax, insurance premium tax, utility tax, State income tax, in some cases municipal income taxes, these have been going up.

The average American family right not is paying 40 to 50 percent of their income in taxes. I believe it is time to return that money back to their pockets, and I would rather trust my constituents to spend their own money than some of the bureaucrats that I have seen up here. Because the bureaucrats, when they get their money, they overspend. They sit around and come up with new regulations, new ways to take freedom away from Americans.

But I promise you, as we know it with a study of economics, that lowering taxes will stimulate the economy because people will have more disposable income. They will buy more shoes, more clothes, more hamburgers, more cars, ultimately more houses. When they do that, jobs are created because businesses have to expand to create the new demand. When that happens, more people are working; and revenues go up.

This was proven in 1980 with the Reagan tax cuts, 1982 actually, but 1980 the revenues to the Federal Government were $500 million and in 1990 they were over a trillion dollars. Unfortunately, the spending outpaced revenues so we still had runaway deficits during that time period.

I would certainly say that that is a bipartisan problem. You had the Democrats controlling the House, but part of the time the Republicans controlled the Senate and the White House, so it is a bipartisan problem.

But these tax cuts are designed to create jobs which will increase revenues. And when that happens, Mr. Speaker, with all the reductions that we are doing we will be able to pay down the debt, reduce the deficit and turn this country around, which I think is extremely important for us to do.

So I am proud to be here tonight, and I am proud to support both term limits and a tax decrease that will stimulate the economy.

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise to speak in favor of term limits. You know, term limits is in fact part of our heritage from colonial legislatures. There were some colonial legislatures that had a rotation in office concept. Besides that, in the Continental Congress during the Revolutionary War there was a 3-year term limit. No one could serve for more than 3 years.

In fact, rotation in office was the unwritten rule in the House of Representatives for many years after the founding of this country and after the Constitution went into effect. It was almost a hundred years, after the war between the States, when the average term became 4 years. It was the 1920's when the average term became eight years. This tells you something.

Today, over 90 percent, over 90 percent of incumbents win reelection if they run for reelection, and term limits is the most important political reform that we can make at this time.

The concept of term limits, of course, is that a Member goes and serves in a legislative body and then returns home to live under the laws that they have made.

Washington State had a term limit initiative. It was a 6-year term limit initiative, and it passed overwhelmingly there. And I pledged, and I said when I ran for Congress, I said I will pledge to serve no more than 6 years. The people passed it. I will obey it, regardless if it is held constitutional or not. If the people pass it, that is what I would consider my duty.

Over 80 percent of the Republicans are going to vote for term limits tomorrow, and what we are asking, and asking very sincerely, just 40 percent of the Democrats, if 40 percent of the Democrats will join the more than 80 percent of the Republicans, we will have the first real chance for term limits in this Nation, and I think we should.

I will work really hard, and I will vote for the 6-year term limit. But if that isn't what passes, I think we should be prepared to vote for whatever passes and has the best chance to attain term limits for this Nation. I think we have a mandate, and the mandate of the last election was, very clearly, pass term limits for Congress as Congress passed term limits for the Presidency.

TERM LIMITS VOTE IS HISTORIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, I rise to support term limits and to talk about what is going to happen out here tomorrow in a very historic vote.

I have been involved with the term limits movement for many years now. It was quite lonely when I first came to Congress and introduced the first constitutional amendment for a 12-year term limit of House and Senate Members. We did not have very many supporting it then. In fact, as recently as the 102d Congress, just 3 or 4 years ago, we only had 33 Members of the House willing to say they were for term limits in an open and public fashion.

In the last Congress, even though the now sophomore class had made its mark in the campaigns, many of them by advocating term limits, we only had 107 out of the 435 House Members willing to say they supported term limits.

Tomorrow we are going to have a vote, and we have a shot at getting to the 290, the two-thirds necessary to pass a term limits constitutional amendment. I do not know whether we will get there or not, but we are going to have well over 200 who are going to vote for some version of term limits and, hopefully, for the final passage. I think that is truly remarkable progress.

Whether it succeeds tomorrow or not, it is a big day, the first day in the history of the United States Congress to have such a debate and vote.

In 40 years of Democrat control of this Congress, they never let a vote occur. And only in the last term that they held power did they even allow a hearing on the subject. Now we are going to get that opportunity that the American public by nearly 80 percent in poll after poll say they support.

Interestingly enough, those Americans who are answering those poll questions are roughly divided in an even fashion, at about 50 percent Republicans and 50 percent Democrats. There is not a partisan matter involved in term limits. It is something the American public has said they want for a long time. It is not a new thing.

I just hope that when the sun sets on this vote tomorrow that we do get the 50 percent or so of the Democrats we need to have on that side of the aisle to vote with the, as the gentleman from Washington says, the better than 80 percent of the Republicans who are going to vote for this. We may get 85 or 90 percent before it is over with.

The point is, we need to have a bipartisan effort in order to pass term limits. Now I have my own personal views on why we need them, and I have my own convictions on which version is preferable. I happen to believe deeply that term limits are important to stop the career orientation of Congress that has developed over the past 50 or 60 years as we have gone to a full-time, year-round job that was never envisioned by the Founding Fathers who saw Members serving only a couple of months a year and going home to their businesses.

We do not do that anymore. We are not likely to. As we have developed this full-time Congress, Members have learned to give up jobs back home. Most Members do not have outside incomes. They are dependent upon this. This is their career today.

That has changed the attitude of Members in a way that is not necessarily desirable. While some Members can stand above that, many Members, I think, consciously or subconsciously try to please virtually every interest group that comes to Washington seeking assistance in their voting pattern in order to get reelected. The idea being, if you do not displease anybody, those who have the squeaky wheel are going to vote for you, you are going to get reelected, and you are going to be able to come back and continue your, quote, career.

I do not think that is healthy. That is not healthy in areas like balanced budgets where we do not get there because every interest that is in a budget is supported by some interest group. It is not the money that is involved. It is the votes and the concerns about reelection.

We need to mitigate that. Term limits would do that, plus it would place a permanent restraint on the opportunity for anybody in the future to ever become a committee chairman and serve 15 or 20 consecutive years as was the case until the Republicans took power this time and put it in the rule to say you can only serve 6 years as a committee chairman, and it would assure fresh blood out here every time when we have an election cycle and a regular turnover.

Now as far as the preference is concerned. I happen to prefer my version, which is 12 years in the House, 12 years in the Senate. I think shorter limits in the House than in the Senate would weaken the body vis-a-vis the Senate.

I also think you need to have about six years here before you have the experience that is needed to be a committee chairman or to be in leadership.

I also think it would be preferable to have uniformity throughout the Nation instead of, as one of my other brethren offering an amendment would have, an amendment that leaves it to the States. Once we put a 12-year cap, you would wind up then with a hodgepodge of some States 6 years, some states 8, some States 12 for on ad infinitum. I do not think that would be good public policy in the end.

But the Supreme Court under my proposal will ultimately make the decision as regards to the present Constitution and its interpretation when they decide the Arkansas case shortly.

□ 2045

If they decide that the States have this power today, the amendment I am proposing would not disturb that. On the other hand, if they decide that it indeed is unconstitutional for the States to do what they have been doing, there would be established by my 12 and 12 amendment a uniform national standard which I think is preferable.

Then there are those who argue that well, retroactivity would be a good idea. I do not think it is a good idea. Twenty-two of the States that have adopted the term limits limitation around the country have said no to retroactivity, and the one State that had an opportunity to vote on it, Washington State, voted it down. It is like with tax laws or other kind of legislation out there, retroactivity is not a good idea.

There are Members of the other side of the aisle, some well intentioned on this issue, but some very much opposed to term limits, promoting this particular legislation just to create mischief, because they know it would cost votes on final passage.

We need to work very hard on whatever final version comes out here after we finish the amendment process tomorrow, and I am going to do this, to advocate my position ardently among the positions out there. But I am going to vote for whatever is left standing out here, and I urge any Member to do that. If you do not do it, I think the voters back home ought to hold you accountable on the vote you have on final passage of whatever is here tomorrow. It is our chance to get term limits that better than 80 percent of the American public strongly want. So I urge a favorable vote tomorrow on final passage, and, of course, I would prefer it if you vote for my 12-year version.

CONGRESSIONAL TERM LIMITS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. INGLIS] is recognized for 5 minutes.

Mr. INGLIS of South Carolina. Mr. Speaker, tonight I rise on the eve of a very historic day in this Chamber. Tomorrow, for the first time in the history of this country, we are going to vote on term limits. This is a very exciting moment as we prepare to undertake what I believe to be the most significant reform that this body has ever made for itself. This is an exciting day.

First of all, I want to indicate to all watching here tonight and all of my colleagues here in the House that this rule that makes in order tomorrow these four options is a tremendous opportunity for us to get real accountability on the issue of term limits. Tomorrow there isn't going to be anyplace for Members of Congress to hide. They are either voting for my 6-year bill, they are voting for a 12-year bill that Mr. McCOLLUM just spoke of, they are voting for a 12-year bill that Mr. HILLEARY spoke of earlier, or they are voting for a fraud that is masquerading as term limits that is really not term limits, it is designed as a poison pill to kill term limits by retroactivity provisions. Those are the options. Tomorrow Members in this Chamber will have to vote yes or no on term limits.

Tonight what I would like to do is begin laying the case that we will make after many hours of debate tomorrow on the need for term limits. I have a couple of charts that I think will demonstrate fairly well why we need term limits.

The first one I have here shows the average tenure of a Member of Congress and members of the general public in their jobs. As you can see here, the average American keeps his or her job 6 years. The average Member of Congress keeps his or her job 8 years. The average member, and this is a critical number, the average member of the leadership of this institution has kept his or her job for 22 years. That is ranking members and committee chairmen, add them all up, take the average, they have been here an average of 22 years.

I think this tells the story of what is wrong with this Congress. This is what the American people seek to change. They want a more fluid body. They do not want a leadership that has been here 22 years on average. They want it more in line with what the average American experiences, a job change on average every 6 years.

Of course, in the 1994 election we had a great deal of talk about change, and there was a tremendous change, because we got a change in the management team here in Congress. I should point out right here what a difference an election can make. The last Congress, the 103d Congress, we were fighting against a Speaker of the House of Representatives who sued the people of his State, arguing that what they had done in a State initiative was unconstitutional. Now we have a Speaker of the House who is helping us to get a good vote on this floor and is pushing Members of this Congress to vote for what the American people want, which is term limits. By 80 percent the American people want term limits. So when you look at this election, it made a tremendous difference.

The 1994 elections brought people like Mr. FOX, my colleague here, who arranged this series of special orders here tonight, and I very much appreciate all of his work on terms limits. It has brought wonderful people like Mr. FOX here. It has brought people like Mr. HILLEARY, who has an amendment on the floor tomorrow. It has brought people like my two colleagues from South Carolina, Mr. SANFORD and Mr. GRAHAM, that are strong supporters of term limits.

But that election, for all that change and particularly that management change, really reflected a great deal of continuity in this body. Here is again why we need term limits. The 1994 election, of those who wanted to come back, 90 percent were reelected. In 1992, of those who wanted to come back, 88 percent were reelected. In 1990, of those who wanted to come back, 96 percent were reelected.

It is very important to look at those who wanted to come back, because the change we have gotten, particularly if you look at 1992 and 1994, has been as a result of open seat elections. In other words, people deciding to retire or leave for whatever reason, they left, they left an open seat. As a result, we had an open seat election.

The gentleman from Michigan [Mr. HOEKSTRA] is here with me tonight. When we were elected, both of us came in 1992, we both, maybe one of the best arguments against term limits, because both of us happened to defeat incumbents. That was very rare in 1992, 88 percent of those who wanted to come back, and again, 1994, 90 percent of those who wanted to come back came back.

This indicates we have got a permanent Congress. That permanent Congress needs to be changed by term limits. If we enact term limits, we will have a different kind of Congress, we will have a Congress that is more accountable to the American people, and a Congress that would not take much time to pass a constitutional amendment on term limits when they realize that 80 percent of the American people want it. The percentages are maybe reversed in here. It is hard to get people to vote for term limits inside here. But tomorrow I think we will do just that.

SUPPORT TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, tomorrow we will have an historic debate on the floor of the House. We are going to take another step in reforming the place where we do the people's business.

Mr. Speaker, if we reflect back on what we have accomplished so far during this year, on opening day we made the agreements, and we have now implemented cuts of committee staff. We have reduced the number of committees. We have cut committee budgets. We passed a bill which would apply the laws that apply to the private sector now also make those apply to Congress. That bill has now gone through the Senate and has been signed by the President.

We went on to reform the House. Republicans decided as we took control that we would limit terms of committee chairmen and chairwomen. We also decided that any individual Member could only chair one committee or one subcommittee. What we have been able to do is disperse power so that people like my colleague, the gentleman from South Carolina, Mr. INGLIS, and myself, who have only been here two terms, that within the second term that we are here, would have the opportunity to chair subcommittees. So we are creating more opportunities for more influence among more Members of Congress.

We went on to reform our process, additional reform for the House. This House of Representatives can be proud that we passed the balanced budget amendment. We can also express our disappointment that the other body failed to pass the balanced budget amendment. We have passed the line-item veto, and it looks like we are going to make progress in being able to take that through a conference committee and a Republican Congress providing a Democratic President with a line-item veto.

Tomorrow we will have an historic debate. We will do something that many States have not had the opportunity to do, or that they have not had the courage to do, is we will have a debate, and we will have a vote on term limits.

To date, what has happened with term limits around the country is that 22 States have considered state-imposed term limits, and in all of those States, they considered it through a process which I believe soon we are going to have to consider here on the floor of the House, is that they have returned power back to the people through an initiative and referendum process. They have not turned power back. What they have actually done is they have invited the people to participate with them in the process. It is interested to note that the only place where this kind of activity on term limits has taken place is where States have invited the people to participate with them in the legislative and lawmaking process of that State. No State legislature has passed term limits.

Where we now go is tomorrow we are going to have the discussion on this floor of the House. I hope at the end of the day tomorrow that we will be able to say that we have taken another step in the reform process and that we will have had 290 Members of this House who have been willing to step up and say that we endorse and recognize the importance of term limits. We recognize the input and the value and the direction that the American people have provided to us that says we believe that we need a flow in and a flow out of Members of the House of Representatives.

Remember, only 18 percent of the American people believe that we are doing a good job. I think maybe the recent polls show we may be all the way up to 32 percent. One of the primary reasons for that is they believe and they recognize that the policies and the directions and the laws that come out of this House bear only slight resemblance to the problems that they see in their local communities. They believe that by having Members coming in and flowing out, we will have better laws and better process; we will have Members coming in, moving out of real jobs, coming to Congress, and then moving back after they recognize that they have served here for a period of time. I do not think it is really all that important whether it is 6 or 12 years. I personally prefer 12. I will also vote for the—6-year-term proposal because the voters in my State have instructed me to support and to work for the passage of 6 years, but most importantly, to work for and push the concept of term limits for the House of Representatives. Mr. Speaker, it will be an historic debate. I am looking forward to the debate, and I am looking forward to Wednesday night when we can celebrate the passage of term limits.

PROPER ALLOCATION OF TAX DOLLARS REQUIRES EXPERIENCED LEGISLATORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, a large part of what we do here in the House of Representatives relates to budgets and appropriations. I would say 75 percent at least of what we do is related to the budget and appropriations process. It is the most important thing we do, and I think that there needs to be far more discussion of the budget and appropriations process. It is a highly complex process, it is a very important process and the details are very important also.

Mr. Speaker, one of the problems with term limits is that it trivializes the functions of the Congress. It makes it appear that this is an easy job and it is easy to understand what goes on here. The budget and appropriations process alone is a tremendously difficult job, and no one would recommend for a difficult job related to their health care that they go and seek the surgeon who has the least number of years, that nobody wants to have open heart surgery done by a surgeon with 15 or 12 years experience. On the contrary, most people seek the most-experienced surgeon if they have an operation which is a life and death matter.

If you have a complicated legal case in the courts, you go seeking a lawyer who understands the complexities of the law and who has a lot of experience in the practice of law. No one automatically says it is more desirable to have a lawyer who has been practicing for 6 years only or 12 years only. That is a bit ridiculous.

The whole premise, the arguments that I have heard for term limits, are unscientific, they are illogical, they just do not hold water. It is based on an assumption that the work of the Congress is trivial, anybody can do it.

□ 2100

We should have a citizen Congress. Any citizen can make these decisions. Yes, we should have a Congress more reflective of the citizenry. We should have a greater cross section of the citizenry. But to throw out experience as being important is to say that you do not think the job that we do here is important. Eisenhower was how old when he led the forces in Europe? MacArthur was how old when he—not how old, but how many years had they been in the Army? How many years had they been generals. Would you want inexperienced generals to lead your armies? No, nobody would want that because that is too important. That is a life or death matter. You would not want a surgeon who is inexperienced; you would not want a lawyer who is inexperienced when a large amount of money is at stake or even in a civil suit, let alone a criminal case.

So why suddenly does it become a virtue to have less experience? To deal with the budget process here, to deal with the appropriations process requires a great deal of experience. It may be that there are some arguments, like those we have just heard, which are very important and there ought to be a more scientific and reasoned analysis of what this body is all about and what kind of structure we may need to deal with term limitations and being most efficient.

It may be that the prohibition on being Speaker for more than 8 years is a good idea. It may be that the prohibition on serving as the chairman of a committee for more than 8 years or 6 years, whatever it is, is a good idea because with the size of the body, the concentrations of power may be the problem and not so much that 435 people have been here too long.

One of the charts that was just presented said that the average Member of Congress stays 8 years; 8 years is what the average is. Then they went on to say the leadership is here for 22 years. There is a problem then with leadership that may concentrate too much power for too long. Let us correct that problem.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I would like to support the gentleman's statement here. In the previous Congress I was chairman of an appropriations subcommittee. I had served for 8 years on that appropriations subcommittee and became its chairman. The responsibility of that subcommittee was to spend $67 billion in a year for the U.S. Department of Agriculture and the Food and Drug Administration and several other agencies, 130,000 Federal employees, $67 billion budget.

There are people who will argue for term limits today who believe that Members should come in and in a matter of a few months or a few years be looking forward to leaving. I will tell you if that is the case, the decisions which will be made on those budgets will not be made by Members of Congress. Those decisions will be made by special interest groups who will still have influence on this body as well as the bureaucrats within the Federal agencies.

Mr. OWENS. There are no term limits on special interest groups, no term limits on bureaucrats, no term limits on the lobbyists.

Mr. DURBIN. Mr. Speaker, if the gentleman will continue to yield, I think what it does is take away the voice of the people, the voice of America in this process by minimizing the voice and role of individual Members, men and women who come to this body in an effort to make a contribution. We were able to do some substantial things in the couple years that I chaired it. And, frankly, I would not have been able to do it without some experience, because many times you make a suggestion for a change and some bureaucrat will say, You cannot do it that way; it has never been done that way; it is impossible to do it that way. After a few years you find out you can do it that way.

I would just say in closing to the gentleman, I am glad he had taken this special order. I hope that every Member of Congress who stands in this well on this floor arguing in favor of term limits will answer two questions before they say the first word. Those two questions are: How long have you been here and when do you plan on leaving? Because you are going to find so many Members who get up here, some Members have been arguing for 15 years that we should have a 12-year term limit in Congress. And you are going to find time and again that the Members who stand up here and argue for term limits have been here way beyond the period of time that they say is the right period of time to serve.

I go back to the people who wrote the Constitution. Two years up for reelection, let the people decide every 2 years whether this Congressman or anyone else should stay. There was wisdom in that decision, and I do not think we should overturn it lightly.

Mr. OWENS. I thank the gentleman.

Mr. Speaker, it is very important that you take note of the fact that I want to talk about appropriations. He is on the Committee on Appropriations. I want to talk about the budget. That is my primary concern. But I want to take note of the fact that one of the problems with the budget/appropriation process here is that it is very complex and there is too little discussion of it.

Four hundred thirty-five Members are not engaged in the discussion of the budget and appropriations process, which is the most important thing we do, which has an impact on the lives of all Americans. The Federal budget is more than a trillion dollars.

I do not know what the situation is now, but Great Britain, with a far smaller budget, used to dedicate at least 2 or 3 days where nothing was discussed on the British Broadcast Corporation network except the budget for 2 days; 2 or 3 days, nothing but the budget was discussed.

We have a very large budget, a very complex budget. It touches the lives of everybody. And that process alone requires that we have Members who have a great deal of experience. And we should reorganize the House so that more of them are participating in these very complex decisions related to the budget and the appropriations process.

All of the items that we have discussed up to now during this 104th Congress in various ways relate to the budget and appropriations process. Certainly, some of the ones that have gotten the most attention, the balanced budget amendment was very much related to an attempt to place parameters on the budget process so that there would be a squeezing, a forcing of, a ratcheting down of expenditures for social programs. That was the immediate aim of the Contract With America, to create a condition where they would be able to force more and more reductions in programs that were designed to help the people in greatest need. They certainly did not want to make reductions in the area of defense, where we have obsolete weapons systems that are now being still funded and manufactured and new weapons systems that are being proposed which are not obsolete but unnecessary because there is no enemy that is capable of threatening us and we do not need an F-22 fighter, we do not need another *Seawolf* submarine.

So the balanced budget amendment, the line-item veto, the rescissions that were made already by the Committee on Appropriations, $17 billion cut from this year's programs, of that $17 billion, $7 billion is cut from the Department of Housing and Urban Development, low-income housing programs;

almost $2 billion in education programs cut, and most of those cuts are in programs that help the poorest students across the country. It is all related to the budget and appropriations process.

Welfare reform is less a reform of welfare and more a search for dollars. What it turned into was a search for dollars. The Republican-controlled leadership did not address welfare reform in terms of moving people off welfare and into work.

They instead were searching mightily for ways to save money. I think they saved, according to the calculations, about $60 billion, among the dollars that they saved was about $2 billion saved on school lunches. This is a conservative estimate that comes from the Congressional Budget Office. You have heard a lot of different figures thrown around, but the Congressional Budget Office estimates that the school lunch savings in the Republican welfare reform package amounts to about $2 billion. The search for money is so intense that we reach into the mouths of kids and pull out food in order to save a few billion dollars to contribute to the overall process of accumulating enough funds to give a tax cut.

The tax cut for some of the wealthiest Americans is really the crown jewel. That is the crown jewel of the Contract With America. Everything else feeds into that. Some drastic things are being done, some extreme things are being done in order to guarantee that the crown jewel, the tax cut, is in place and that they are able to deliver on that.

Welfare reform degenerated into an opportunity to realize some savings on the backs of the most needy people in the country, people who are victims. We are very generous with victims, and we should be. We are not very generous, but we recognize victims and the Government comes to the aid of victims.

We have appropriated about $8 billion for the California earthquake victims; $6 billion was appropriated for the flood victims in the Midwest; $6 billion was appropriated for the hurricane victims in Florida. These are all victims of natural disasters, and we recognized that and we came to the aid of the victims.

We have victims of man-made disasters, a mismanaged economy in our big cities. There was a time when there were jobs in the cities and large numbers of people migrated from other parts of the country to our big cities to get those jobs during World War II. And a period for 20 years after World War II, more or less, there were jobs. And now the economy has been managed in such a way, including the decisions made on the floor of this House and the other body, decisions are made which allow for it to be more profitable to manufacture products outside the country, to chase the cheapest labor markets across the world, although the companies are owned by U.S. citizens and although the products are sold, the market is here, we are the consumers. Nevertheless, our policies encourage the people who are able to finance, manufacture to go to other parts of the world to do that.

So we have created a lot of unemployed people. A lot of unemployment destabilizes families. The easiest way to deal with many of our social problems, welfare certainly, which is primarily Aid to Dependent Children. Children who have no other way of surviving, get assistance from the Federal Government.

By the way, those checks average about $350 a month; $350 a month we are talking about. The most generous State, which is probably New York, gets up to about $600 a month, and the cost of living, of course, in New York in far greater than in most other places. If the average is $350, you know there are many places where you are talking about less than $200 a month for a family of three, $200 a month. That is cheaper than full employment.

We have welfare in America because it is cheaper than full employment. If you have full employment and have to provide jobs for people, you are talking about a minimum-wage job and probably has to have some health care benefits. It will cost you far more than keeping people alive on $350 a month or less.

So welfare is cheaper than full employment and that is why it goes on and on in America. It is always going to be here unless we decide we want full employment policies. Unless we decide that in our vision of America of the future, the vision that is being projected now by the persons, the group in control of the Congress is not a vision that talks about creating jobs for all Americans. They want to take away not only the jobs and the opportunities but also the opportunities to get the education, to get the jobs.

Their latest budget cut proposal, they are proposing to cut aid to college students, college loans, which are subsidized loans. There are areas in our society where subsidies are very much in order. There are some subsidies that we ought to get rid of as fast as we can. I will talk later on about some of those subsidies, subsidies to rich farmers. Subsidies to rich farmers are one category of subsidy we need to get rid of as fast as possible. But we certainly should subsidize students.

There is a proposal now that we save $12 billion, a proposal that $12 billion would be saved over a 5-year period. Again, the process here is to search for money that can be put into the cash box for the tax cut. So we are going to take $12 billion from the students, college students, by ending the subsidy on their loans during the time that they are in school.

Presently a college student gets a loan and they pay back the loan after they get out of school. And the interest on that loan starts accruing after they get out of college and begin to pay back the loan.

The Government picks up the interest for the time they are in school, our Government. It is a subsidy, and it is a subsidy that is very much in order. It allows a person to get a college education and go into the job market and get a job which will generate income taxes that during the course of their lifetime will pay for that subsidy over and over again. It is a very meager subsidy relative to the return that you receive for that subsidy.

So now that is the latest. We have gone for school lunches. We have gone for the poorest people on welfare. We have collected as much money from those programs as we can. Now we are going to go after the college students and take money from them in this budget process that is so important.

□ 2115

So the tax cut, as the grand scenario, the climax of it is the tax cut proposals that will be on the floor of the House next week.

This evening, I would like to talk in more detail about this budget and appropriations process. I would like to unmask some of the mysteries of the process and talk about some of the details. And in subsequent special orders we would like to go into the budget in even more detail.

I am the chairman of the Congressional Black Caucus alternative budget committee. We are considering an alternative budget that we would like to offer on the floor as a substitute to the leadership budget, to the Republican budget.

In the Republican budget, they will present their vision of America for the next 5 years. As we go toward the year 2000, the budget will reflect what they think is most important. They have already indicated that there are some people and some groups that are not important, some people who yield and sacrifice in order to take care of others. "The America of the future has no room for everybody."

We would like to present a Congressional Black Caucus budget which shows there is room in America for everybody. There are enough resources for everybody. We do not need to take food out of the mouths of hungry children. We do not need to harass college students and lessen the opportunities for college students. We do not need to make heavy drastic reductions in Medicaid.

A lot of things that are being proposed and will be carried out certainly in this House are not necessary, and we want to prove that and show you that we can balance the budget, too.

If American people think that there is too much waste in Government, I would concur. There is too much waste in Government. The problem is the waste is not in the School Lunch Program. The problem is in the Aid to Families with Dependent Children Programs, what you call welfare, where there might be some abuses and some waste, and there is need for reform.

We support reform in welfare. Aid to Families with Dependent Children, the Democrats voted for a reform. I think the only time in this Congress and probably the only time in the last few Congresses that all Democrats have voted for anything together on the floor was last week when they all voted for the Deal substitute, which was a drastic reform of the welfare program.

It was welfare reform that was real reform. It provided for jobs. It provided for educational opportunities. It also maintained the entitlement that everybody who is a victim and needs assistance will be able still to receive assistance under Federal entitlement.

And we stand behind them. We do not propose a block grant, which is a swindle. Any time you hear the word or concept block grant, you know there is a swindle about to take place, that that function, whatever it is, and the recipients and beneficiaries of that function are going to end up with much less in 4 or 5 years than they had when the block grant was initiated.

That is the history of block grants. They are not done unless there is an attempt to foist them off on the States and begin to back away from the commitment at the Federal level.

So in the School Lunch Program, where they keep insisting that there is more money than there was before, each year there is more money, well, there is not. The Congressional Budget Office has indicated that there is not more money because the money is a relative thing. If there are more children to feed, then the amount of money has to go up. It has to go up in anticipation of the new enrollment, additional children being enrolled, and it has to go up in anticipation of more children becoming eligible because of economic conditions which move some families that were not eligible and not in need before to the category of needy. So, again, the details are important.

Where is the waste in Government? As we talk about the programs that the Republican-controlled House wants to cut, it might be good to juxtapose the programs that they want to cut with the programs that they want to keep.

They are all in favor of keeping every weapons system that anybody could imagine, including Star Wars, the Brilliant Pebbles in the sky that is supposed to intercept intercontinental ballistic missiles that are going to be fired by what country I do not know since the generals from this country have gone to visit the generals in Russia, and they have gone down into the silos, and they have all agreed to point the rockets away from each other. And a number of things are happening which lessen the need for the so-called Star Wars to intercept intercontinental ballistic missiles, even if it could be done; and most scientists say it cannot be done.

Yet it took a vote on the floor, the one time we have been able to win a victory for reason, rational thinking, scientifically based thinking on the floor of the House was a defeat of the Star Wars vote, but that was being proposed by the leadership.

The leadership is still proposing billions of dollars more for defense at the same time as they say there is a need to cut money from School Lunch Programs. They say there is a need to cut money from loans for college students at the same time we are going to go forward with these new weapons systems.

Where is the real waste? The waste is primarily in defense. The waste is in agricultural subsidies that go to rich farmers. We are going to talk about that in this great detail in a few minutes.

In defense, you still have the F-22 fighter, which was originally projected to be a $72 billion cost, and because of the questions raised they scaled it down. But even a scaled-down version of the F-22 fighter will cost you $12 billion in the next 5 years.

Listen to the figures closely. $12 billion will be used to build F-22 fighters that are the most sophisticated fighters ever known. The trouble is, the second most sophisticated fighter planes ever known are already owned by the United States of America so who will fight the F-22's?

Nevertheless, they are being built for $12 billion over the next 5 years. $12 billion is exactly the same figure that is being sought, the same amount being sought from the college students, college student loans. By making the students pay the interest on the loans during the time the students are in college, they will yield about $12 billion. The same $12 billion, if you want to save it, you can save it by jettisoning, discontinuing the manufacture of F-22 fighters.

Why can't we discontinue the manufacture of F-22 fighters? One of the reasons may be is that they are manufactured in the Speaker's district in Marietta, GA. One reason may be that in the other body, the very prominent person in the area of making decisions about defense also hails from that State.

Why do we have obvious waste continuing in the area of defense? Take a close look, and you might find it.

The *Seawolf* submarine, another one. The argument is given we need another *Seawolf* submarine because we want to keep the technology alive. Nobody expects it to be able to be used to fight. That is $2.1 billion. Listen closely: $2 billion, slightly more than $2 billion to build a nuclear submarine. Happens to be the same figure that is being saved from the School Lunch Program. $2 billion, a little more than $2 billion is what the Republican-controlled House of Representatives will get from the School Lunch Program. We could get the money instead from a discontinuance, a canceling of the *Seawolf* submarine.

Or if you do not want to cancel the *Seawolf* submarine, then look at the CIA's budget, which is a secret budget, is estimated to be no less than $28 billion. All intelligence operations, because the CIA is really atop of all intelligence agencies, that whole operation is $28 billion at least.

If you save 10 percent, if you cut the CIA 10 percent per year for the next 55 years, you got them down to about half the size of present CIA, you would be saving each year $2.8 billion. $2.8 billion would certainly cover the cost of the School Lunch Program.

And you can contribute it toward some of the other programs, the WIC and a couple of other programs that did not get increases. We are not going to serve all of the eligible babies and mothers in the WIC Program.

So if you feel like one of my constitutents feels, that somebody has to do something, she said, "We have to tighten our belts. That means the kids have to eat cheaper lunches, OK? We have to suffer because we do not want to bankrupt the country. Everybody has to contribute a little."

Well, I am not certain that everybody should be contributing a little. I am not certain that growing children should have to sacrifice any part of lunch in order to contribute to a situation which is not desperate. It is not a desperate situation. We have places where money can be saved.

There are places where money can be saved in the corporate welfare structure. We give a lot of money to corporations.

In the first place, over the last 20 or 30 years, the amount of the tax burden borne by corporations has dropped drastically. It used to be more than half, around half of the total tax burden. All the taxes collected in the U.S. corporations were contributing almost half by the corporate income tax. Now the corporations are down to about 25 percent.

And the amount, proportion, percentage being contributed by individuals, April 15 is not far away. On April 15, individuals pay far more income taxes than corporations.

I would like to see us move toward a situation where we eliminate the individual income tax, the personal income tax as we know it. I would like to see us move toward a situation where we increase, get back to corporate, a greater share of the taxes being borne by corporations.

I would like to see a situation where we have taxes from other sources and less from personal income tax, certainly people earning $75,000, $50,000 or less maybe should not be paying any personal income taxes at all. We should be looking to other sources.

In the Congressional Black Caucus budget proposal we are going to call for the creation of a tax commission. That is not the first time that has been called for, but I think a more creative commission is needed to take a hard look at all the ways in which wealth is generated in our society now. We are generating wealth now in ways that never were imagined even 10 or 15 years ago.

The recent sale that was highlighted by President Clinton yesterday, the recent sale of frequencies above us, you know, above our heads there is wealth. Frequencies optioned have brought $7 billion already into the Federal coffers, and it is estimated that pretty soon that figure will be up to $9 billion.

Well, 10 years ago we wouldn't dream of anything up above our heads owned by all the people being worth $9 billion. They are just beginning the process.

Well, let us take a hard look at that wealth in the sky or wealth above our heads and how it may be used for the public good. Maybe we shouldn't be selling all of it. Maybe we should be leasing it or maybe there should be some arrangement whereby you do not have to be rich to buy it.

Maybe we should have a lottery system so every American would have a chance, rich or poor, anybody with some know-how and might get into the business, could draw lots. And the Federal Government would lease it to him instead of a person having to put up the capital as an alternative. And because that arrangement didn't involve capital the Federal Government would go in as a partnership. Forty percent of profits would go to the people, to the Government and to the people; and the other 60 percent would go to the person who makes it work and earns a profit.

There are many arrangements that we do not look at, royalties on products that are created as a result of Government action and Government research, et cetera. We ought to take a harder look at those.

I am not going to go into that much more detail now, but that is part of the process. We need, as I said before, people in Congress who understand these things factually. We need some people who have been here long enough to be able to imagine creatively how we may do things better, how we may collect revenue in less painful ways and more effective ways, targeting the revenue collection process to those who are able most to afford it and those who have benefited most from the riches of America in various ways.

So let me just mention a few corporate welfare setups that ought to be looked at in more detail in this budgetmaking process. Instead of cutting school lunches, instead of going after students and trying to squeeze $12 billion out of the Student Loan Program, let us limit tax subsidies for exports.

□ 2130

Tax subsidies for exports, if they were limited, would yield revenue to the tune of $21 billion. Tax subsidies for exports, what is that? There is a title passage, a thing called the title passage, sourcing rule and reform the title passage sourcing rule and eliminate the foreign sales corporation loophole. That would enable U.S. corporations, I mean, that does now enable U.S. corporations to shelter a portion of their export income from U.S. taxation. We have a loophole to the title passage and the foreign sales corporation that, you know, whoever talks about these things, the Committee on Ways and Means has a monopoly on this language and a monopoly on the process, and even the other, most of the other 435 Members of Congress never even discuss the tax subsidies for exports.

The tax subsidies for exports, according to the Congressional Budget Office, the Congressional Budget Office, as you know, is an objective body, about as objective as you can get. Most of the people who work there are civil servants. The top leadership is appointed by the leadership of the House of Representatives, so you have leadership in the Congressional Budget Office that is appointed by the party now in control of the Congress, the Republicans, but basically, the civil servants who were there before, people who have civil service status, are still there, and their objectivity is about as good as you are going to get.

They said export subsidies increase investment and employment in export industries, but they do not increase the overall levels of domestic investment and domestic employment. In the long run, export subsidies only increase imports. You do not get any great benefit from it. So why subsidize corporations for exports?

Twenty-one billion dollars would be gained over a 5-year period if you eliminated that.

Impose a minimum tax on foreign-owned businesses. That is another corporate welfare scheme we could go after. If we merely established a minimum tax on foreign-owned corporations to discourage the manipulation of transfer prices which shield income from U.S. taxation, we would realize $1.9 billion. The formula approach under the minimum tax provides a simple way to ensure that foreign-owned companies conducting business in the U.S. pay an acceptable amount of U.S. tax.

This is a quote from the Congressional Budget Office. Let us go after these corporate welfare items, eliminate the loopholes, and you will realize a lot of the taxes, the revenue that are being sought, savings being sought by going after the school lunch programs and college student loans.

There is a dairy and breeding cattle exclusion. If we end the special exclusion for the cost of raising dairy and breeding cattle, you would realize another $700 million.

There is a tax deferral on income of controlled foreign corporations; $5.7 billion would be realized over a 5-year period if we end the ability of U.S. firms to delay the tax on income earned by their foreign subsidiaries until the income is transferred to U.S. accounts, $5.7 billion, and on and on and on it goes.

I am not going to exhaust the list of corporate welfare items today. But out there, the American people should take note this is not a simple process, not easy to decipher even when you are a Member of Congress. So I do not expect you to comprehend what has really gone on here.

The mysteries are here. You hear the drum beating against people on welfare, demonizing of people on welfare, the comparison of people on welfare to alligators, comparison of people on welfare to wolves. Demonize and scapegoat, and all that is supposed to make you forget that corporations are receiving billions of dollars in subsidies from the American taxpayers.

One of the groups that likes to pride itself on not receiving Government aid is the farm community. I have often heard and seen people from the Midwest and the Far West and the South who insist that they do not want Government giving them any kind of help; Government ought to get off people's backs; Government should not intrude into people's lives.

There is a great deal of hypocrisy here. A large amount of your taxpayers' dollars are going to subsidize rich farmers. Welfare for rich farmers is a major scandal. It is a legalized form of corruption. We are just going to talk a little bit about one aspect of it.

It is so corrupt, legal corruption, you cannot arrest anybody. I am not saying that you should go out and try to effect a citizen's arrest, or you can bring a suit. It is all legal, because it is so complex until most of the Members of Congress, certainly those who come from urban areas and are concentrating on other kinds of things, have not really deciphered exactly what is going on with the farm subsidy program and how awful the giveaway is to rich farmers.

Let us take a hard look at it, and I invite you to follow me through a quick review of a report called City Slickers. City Slickers is a report produced by the environmental working group. The environmental working group is a nonprofit environmental research organization based in Washington. It is a project of the Tides Foundation and the California Public Benefit Corp., and they have started preparing a series of reports related to agricultural subsidies, welfare for the farmers. This is just the first report. If you want to get a copy of the report, I will tell you at the end where you can order a copy.

It is a very well documented report based on an analysis of data that would probably not have been possible 20 years ago, using computers and analyzing the records of the Department of Agriculture. They have been able to come up with this very informative study which should open your eyes. What they are saying is that in the farm subsidy program, the program that has been in existence now for several decades, actually the program that was started in the New Deal by Franklin Roosevelt, that program was to help poor farmers. The Government got involved in paying farmers to do certain things, and it worked. It was very much needed.

In fact, the intervention of our Government into the agricultural sphere has been very successful in general. We are the most productive nation on the face of the Earth when it comes to food production. Our farm industry cannot be challenged by any other industrialized nation. What we produce on our farms, the kind of productivity is unparalleled, and part of the reason for that, a large part of the reason for that, is the early intervention of the U.S Government in the process. Government sometimes can intervene and be a player in a very productive way.

The land grant colleges that were created, the experimental agricultural experimental stations, the county agents, all of that was federally, you know, generated. People talk about government should stay out of local affairs. Well, the Department of Agriculture program penetrated right down to the county level, and the county agent went out into the fields with the farmers. It was government involvement at its best. I am all in favor of government involvement when it is necessary.

We basically have a capitalistic economy. That does not mean there are not a lot of places where there should not be intervention and government assistance. Government assistance to farmers made a lot of sense when it started. Government assistance to poor farmers kept a lot of people from starving. Government assistance to poor farmers enabled poor farmers to build, to gain the know-how and to build a great agricultural industry of America, but it long ago wore out. It long ago became corrupted.

We do not have many poor farmers anymore. Less than 2 percent of the American population now lives on the farm. The billions of dollars that are being, of your taxpayers' dollars, that are going to subsidize the farms or the agricultural industry are going to rich people. They are going to corporations, agricultural corporations. Agribusinesses are absorbing your dollars. They are going to individuals, too many of them are rich also.

And many of them do not live on the farm, and the last few years they have not set foot on the farm. That is what this report is all about. This report is about city slickers, people who get billions of dollars from your taxpayers' money, your money, meant for farm subsidies to help keep the farm industry alive.

There are many good reasons why we started these programs, to guarantee that we would never lose the family farmer, that they would always be there to make farming competitive, to keep the land productive, to conserve the land, et cetera. There are many good reasons, and there are still good reasons.

But the process has been corrupted to the point where people who live in the cities have never visited a farm and are drawing now checks for farm subsidies. Let me just read from the report City Slickers; I think it is such a good report, I will read verbatim from several parts of it.

> What is wrong with the city dweller owning a bit of land in the country? Absolutely nothing, as far as we are concerned. Why, we would not mind owning a little farmland ourselves, nor do we have a problem with urbanites investing time, money, or both in a farm operation even if it is not their main livelihood, and even if the farm is thousands of miles away. But why on Earth should taxpayers be involved in the arrangement for these gentleman farmers? And as this report documents, we are involved big-time by virtue of Federal agricultural subsidy policies that are out of date and out of control. It is time for a change. Sending hundreds of thousands of Federal farm subsidy checks worth hundreds of millions of dollars to a handful of city dwellers each year can hardly be the best, the fairest, or the most efficient way to help farmers stay on the land, give rural communities a chance to survive and prosper or protect water, land, and wildlife that farming so profoundly affects. Left to the farm policy fraternity, the country's depression-era farm programs will continue to misspend taxpayers' dollars. Americans can do better, but only if more people become involved in the debate over the Nation's multi-billion-dollar farm programs. After all, you do not have to be a farmer to get farm subsidies. You should not have to be a farmer to have a say in how your money will be spent after the new 1955 farm bill is signed into law.

It just so happens that the farm bill is up for reauthorization this year. So aside from the budget process and the appropriations process, there is a new authorization process for these farm programs.

I recall the last time we had the agricultural subsidy program on the floor of the House, I joined with a colleague, the gentleman from New York [Mr. SCHUMER], in offering an amendment which said that any gentleman farmer or gentlewoman farmer, persons who are not living on farms who have other incomes, any one of those who earns more than $100,000 a year should not be eligible for the farm subsidy program, and that is a clear opportunity for the Members of Congress to take some action in a very meaningful way.

They would cut off anybody making $100,000 or more who also was not a farmer full-time from the farm subsidy program. We got only 140-some votes out of 435. That is the nature of the deep entrenchment of the vested interests that support welfare for rich farmers.

Let me continue to read from the report though. City Slickers, that is the name of this report, the first in a series of Environmental Working Group studies on Federal farm subsidy programs that will be published over the coming months. They are going to publish other reports. It was made possible through the efforts of the environmental working group, analysts and computer programmers. They went to work in the Department of Agriculture files to pull out all of this data, and what I am reading from in the report is based on hard data. They have the charts in here. They have the graphs in here. They have the statistics in here. If you doubt their findings, get a copy of the report and check it out. It is very sound, basic work. I commend the people who put this report together.

Let me read further from the findings of City Slickers:

> American taxpayers are sending hundreds of millions of dollars in Federal farm subsidy checks every year to a handful of absentee owners, corporations, and other farmers who live smack in the middle of the country's biggest cities. Over the past decade, taxpayers wrote 1.6 million agricultural subsidy checks worth more than $1.3 billion to city slickers, city slickers whose permanent mailing address is in the heart of one of 50 of the most populous urban areas in the United States.

□ 2145

They did a study and focused on the 50 largest cities, and they traced the checks coming from the Department of Agriculture to addresses in zip codes in the 50 largest cities in the country.

The environmental working group analysis of 110 million U.S. Department of Agriculture computer records, computer records of $106 billion worth of farm subsidy payments made since 1985, found over 74,000 recipients whose current mailing addresses for Agriculture Department checks is in downtown New York City, Los Angeles, Chicago, Houston, Phoenix, Miami, St. Louis, Detroit, Dallas or other top U.S. cities.

If you are laboring under the assumption that welfare for the farmers, the subsidy program for the farmers, should not be questioned or not challenged because, after all, they are the people who grow our food and we want to keep them out there, we do not want a monopoly to be established by the agribusinesses. I have heard many reasons offered on the floor of this House.

A large portion of the people receiving the checks are not farmers, ladies and gentlemen. They are drawing down the checks and receiving the subsidy from you taxpayers, and they are not setting foot on any farm, I assure you.

When they analyzed major suburbs and satellite cities surrounding these big cities, they found that the payments increased greatly. A lot of people living in suburbs also around big cities are receiving payments. It went from $1.3 billion to $1.8 billion when you include some of the other people close to the city.

From Beverly Hills to Key West, the research shows that it is the rare, well-heeled suburb, urban enclave or resort spot in the United States that does not receive Federal farm subsidy payments. The pattern, the rule, is that they do. It is rare that they do not receive. The richer the community is, the more likely you are to see large numbers of farm subsidy payments flowing into that area.

In every major U.S. city farm subsidy checks pour in from farms located in dozens of States. Farms in 42 States pump government subsidies into New York City. Thirty-eight States send Federal farm dollars to Los Angeles, 37 States have farm program recipients in Chicago, and 41 States are sending agricultural assistance to farmers in Houston.

In many cities, New York City, Los Angeles, Chicago, and Tucson, for example, half or more of the subsidies come from farms located outside of the State.

If you want to make the argument of, somebody has already got a rationalization put together, well, sure, people may live in the cities, but New York State has a big farming sector. Agriculture is a big business in New York State.

So these people may live in New York City, but outside New York City in certain parts of the State there are farms.

But these checks are not coming from farms in New York State. The checks that are going to New York City are coming from 42 different States, 42 different States. You taxpayers are funneling money meant for farmers into city slickers from 42 different States to New York.

And in other cities it is much worse. I am going to read from a chart later on of the five highest ranking cities receiving these payments from you. In big cities, as in the countryside, a small number of individuals, partnerships, trusts and corporations collect the lion's share of Federal farm subsidies. These are rich people mostly who are collecting these checks.

Just 862 big city subsidy recipients collected $388 million over the period checked, nearly 30 percent of the total payments to the postal areas in the top 50 cities. A general partnership in Dallas, TX, for instance, received 157 checks over six of the last 10 years. And this general partnership's 157 checks, listen to this, totaled $1.8 million. The $1.8 million came from farms in two counties in Mississippi. Mississippi, one of the poorest States in the country.

The money is flowing from your taxpayers' pocket, supposedly to help the farmers in Mississippi, but it flows into a firm in Dallas, TX, which one firm alone collected $1.8 million over the last 6 years.

The top recipients in Los Angeles is a general partnership in zip code 90024, and they received 22 checks over 7 of the last 10 years, and those 22 checks were worth more than $837,000.

The top farmer in Washington, DC, received a total of 271 farm subsidy checks from a North Dakota county in 8 out of the past 10 years. And his checks, the name of that person appeared in a newspaper article, totaled $286,000.

San Diego's top producer is a corporation which stockholders have brought in 246 checks worth $968,303 from a farm in Montana, a farm in Montana that has drawn down your taxpayer subsidies every year since 1985.

More than 63 percent of the total farm subsidies paid to big-city recipients went to individuals who on average received at least $13,000 a year over the 10-year period. General partnerships brought in $150 million, averaging $72,000. Corporations with stockholders collected 11 percent of total big-city subsidies, which equals about $138 million. Corporations in big cities collected about $138 million over the period, the 10-year period studied. Joint ventures collected $74 million, averaging $200,000 each over a 10-year period.

These are your taxpayer dollars flowing to poor farmers according to the original legislation. The idea was to keep the farmers solvent, help the farmers make a good living, but now it is a corrupt racketeering enterprise, a legal racketeering enterprise.

You know, there may be a contradiction in that when you say racketeering and legal, but the savings and loan scandal showed us how you can swindle people, how you can have a massive racketeering enterprise which is mostly legal.

Continuing to read from the report, and I am reading from a report called City Slickers. City Slickers is prepared by the Environmental Working Group. They are located at 1718 Connecticut Avenue Northwest, Suite 600, in Washington, DC 20009.

I have given you this information because if you do not believe my figures, if you do not trust me or if you want to see more documentation and if you want to read the report in more detail, if you want to get to know about this gigantic swindle, you might want to see the whole report. Environmental Working Group, 1718 Connecticut Avenue Northwest, Suite 600, Washington, DC 20009, (202) 667-6982. Fax number (202) 232-2592.

Now I understand there has been some controversy about giving out information about books or things for sale. This is for sale for $10 I think. I have no connection whatsoever with this group. I have never been to their office. I am not a member. Nobody on my staff is a member. It is a nonprofit environmental research organization so far as I am concerned. I welcome you to contact them to get the whole report.

We need to know. Members of Congress need to know more. Even those who have been here 10, 12 years do not know enough, have not been here long enough to really learn, no matter how studious they may be or how hard they work at it.

It is a complicated world, ladies and gentleman, The American Government is the most complicated entity on the face of the Earth. The Members of Congress, 435, plus the Members of the Senate, 100, are 535 vice-presidents of the world's largest and most complex corporation, the world's most powerful corporation.

We hear people talk about term limits. They want to make this body weaker. They want to trivialize what we do here. They want to make it weaker for the purpose of continuing these kinds of scams, these kinds of racketeering enterprises.

The weaker the Congress is, the more it is ridiculed, the more it is trivialized, the less it is likely to have the people who will be able to take on correcting these massive racketeering enterprises which waste a great deal of taxpayers' money.

The weaker the Congress is, the more likely people are to fall for demonizing of welfare mothers, demonizing pregnant teenagers, calling of alligators and wolves and making it appear that they are about to bring the country down.

No, the waste that is about to bring the country down is here. This is one example. We are going to be showing you many others in the weeks to come.

Continuing to read from the report City Slickers:

> Massive and widespread cash payments to absentee interests in cities are just one of many indications that America's Federal farm subsidy programs are out of date and badly out of control. This study underscores just one of the fundamental problems with America's depression-era farm programs. They mostly now reward the ownership of land, not the farming of the land but the

ownership of the land. They reward most those who own the most, not those most in need.

Let me repeat that. From the report City Slickers:

> This study underscores just one of the fundamental problems with America's depression-era farm programs. They mostly reward the ownership of land, not the farming of it, and reward most those who own the most, not those most in need.

Welfare for the farmers is not means tested. People on welfare, aid to dependent children, that is what we call welfare. You have to prove you are poor before you can get a dollar.

Farmers do not have to prove they are poor. In fact, it is well known that many of them are rich, big agribusinesses. Everybody knows. The rich know. Nothing hidden there. No secret. They are the ones who are receiving the taxpayers' dollars. Free money to people who do not need it.

Continuing to read from the report, I quote:

> Absentee landowners, distant corporations and far-flung investors are able to draw substantial government agricultural subsidies, though they may reside in a big city hundreds or even thousands of miles from the farm and never set foot on that farm for years on end. As a practical matter, almost anyone, almost anyone can qualify for Federal agriculture subsidies. You do not have to farm the land, you do not have to live anywhere near the land, you do not even have to visit from time to time. You do not have to be related to the farmer or to anyone else who has an interest in the farm. And wealthy, absentee farm owners who are most likely to run afoul of payment limits or other rules have ready access to legal advice that can help them maximize their government payments, advice provided by the government itself.

The fact that Federal farm programs transfer massive Government subsidy payments to recipients in big cities, as we document in this report, is just one more compelling reason why the 1995 farm bill must not result in business as usual.

I conclude by stating this is a report called City Slickers, and we need to read more of it together. Get a copy yourself.

And as we progress on our discussion of the budget and appropriations process here in this Congress, we are going to talk more about where is the real waste, where is that money that is needed to give a tax cut or do anything else? It is not in the school lunch program. It is not in the college loan program. There are billions of dollars that are routinely being wasted, and we should take note of that as taxpayers.

TERM LIMITS

The SPEAKER pro tempore (Mr. ZIMMER). Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, tomorrow we will vote on what former Senator Howard Baker has called a bad idea whose time has apparently come. That idea, of course is term limits.

Term limits will pass this body with a very large margin, although maybe not the two-thirds vote necessary. However, I know from private conversations and believe that there are quite a few members of this body who publicly are for this very bad idea but who privately are hoping that the legislation does not receive the two-thirds vote necessary.

□ 2200

I can tell you this, Mr. Speaker, that if ever there was an idea or something that corrects a problem that does not exist, that idea is term limits. Two hundred and three new members have been elected in just the last 2 years. Let me repeat that: 203 Members, almost half of this body, have been elected in just the last 2 years. We had 110 freshmen elected 2 years ago. There were six Members, three of whom left to move into the President's cabinet and three others left for better jobs, and then 87 new Members were elected at the start of this Congress. So that is 203 new Members in just the last 2 years.

This is the greatest turnover in the history of this Congress and in the history of this Nation, and that same turnover, very high rates of turnover, are occurring in elective offices all across this country.

I mentioned Senator Howard Baker a moment ago, a man who is really one of my heroes and for whom I have the greatest respect. If we had had term limits in effect, we would not have had Senator Baker's greatest service to this country. We would not have had his service during the years he was minority leader and then majority leader of the U.S. Senate. We would not have had the service of Senator Everett Dirksen during his greatest service, or our own Speaker of the House, NEWT GINGRICH, who is in his 17th year. He would not be in the House if we had the term limits we would be talking about tomorrow. Roll Call, the newspaper that covers Capitol Hill, pointed out Great Britain would not had the service of Winston Churchill during World War II. His greatest moments of public service would not have taken place if term limits had been in effect in Great Britain.

Term limits do not make sense. It makes no sense whatsoever to go to a great teacher and say that we know you are a great teacher and you are doing a wonderful job, but you have been here 6 or 8 or 12 years and we feel we should have new blood, or to do that same thing to a great nurse or a great engineer. If term limits should not be applied to other fields, they should not be applied to elected officials either.

We already have term limits, the terms to which we are elected. We are elected to 2 year terms in this body, 6 years in the Senate. The voters can get rid of us very easily. Every other year we face the voters. Term limits are very undemocratic. They take away a little bit more control the people have over their own Government. They take away the right of the people to vote for whomever they want. I think it is part of this trend that these very liberal elitists have said for years "Take the politics out of this, take the politics out of that," and that sounds good on the surface. But if you take the politics out of everything, you take away the control of the people over their own Government, and term limits is just another part of that very dangerous trend.

Term limits will strengthen the power of the unelected in this country. They will strengthen the bureaucracy, the lobbyists, the committee staffs. Already we have a Government of, by and for the bureaucrats, instead of one that is of, by and for the people. We need to reestablish the control of the people over their own Government, and term limits will do just the opposite.

We need to solve the real problems of this country. Mr. Speaker, turnover in the Congress and in other elected offices is not one of those major problems that we face in this country today. I am one of the most conservative Members of this body, but I can tell you that term limits are not a conservative idea. Our Founding Fathers specifically rejected them, and even conservatives like the Libertarian columnist Lewellyn Rockwell and others are now saying term limits are a very, very bad idea. In fact I think they are a very radical idea, and I think they should be rejected, although I know that they are very popular because many people do not realize how much turnover there is and how much change is going on in this place and in other offices around the country.

In no other field do we think that experience is a bad thing. People want an experienced surgeon when they go into have surgery, they want an experienced lawyer and so forth. So we need experience in public office as well.

Some people had the mistaken impression that Dan Rostenkowski was a typical Member. He was not typical. I realize that term limits are popular and they are going to pass, but I think, as I said, that they correct a problem that does not exist, and I do not think they will solve the real problems that face this country.

WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes as the designee of the minority leader.

Mr. FIELDS of Louisiana. Mr. Speaker, I rise tonight to talk about two issues. One, I wanted to talk a little bit about what took place in the House of Representatives on last week and the week before last. On last week, we passed legislation, in a real sense an insult and also is an assault on young children, on babies, on kids, on infants, and we passed that legislation in a spirit of welfare reform. But I just wanted to talk about some of the impact that this legislation will have on children and infants all across this country.

The cash assistance block grants that provides that no Federal funds for children of mothers under the age of 18 or less unless certain requirements are met, it is very easy and very popular to talk about how we should make parents more responsible, and I do not think there is a Member of this body who does not wish to make parents responsible or would not like to have responsible parents in our society. But the real impact will not be on parents. The real impact of these cuts will be on children. Nationwide, 70,000 children will be denied benefits. In my own State, about 600 children will be denied benefits because of this legislation that was passed. Now, I would hope that parents are responsible.

I would hope that no parent or no woman, young lady who is not married, would not even have a child. I mean, that is a perfect world, a perfect idea, but it is not happening today. And since there are women who have children out of wedlock, I think the Government has an interest and should have an interest in children and should, to the degree that we can, make sure that not a baby in America goes to bed hungry at night.

The other point of this legislation that we passed provides that no benefits will go to anybody after 5 years. Now, that sounds very good. That is a very popular statement to make, but the benefits are really not for the mother. If we want to call it irresponsible, then so do it. But the benefits are not designed for the mother, the so-called irresponsible mothers. Those benefits are for the children. They are for the infants who cannot get up in the morning and go to work. And we cannot chastise innocent kids in our country because of some faults or some mistakes of their parents. I would hate that this country get to the point that we not take care of those who can do very little for themselves, like infants and children, and those kids with handicaps.

Well, 4.8 million children would be denied benefits as a result of this 5 years and you are off. In Louisiana, about 100,000 children. No Federal benefits for additional children born while a parent is on welfare. Well, parents ought to be responsible. But whose fault is it if a kid is brought into this world while his parent is on welfare? And who do we penalize in this piece of legislation? We penalize 2.2 million children across this country, and in Louisiana we penalize about 46,000 children.

Now, my idea of welfare reform is the thought of giving parents, giving mothers, the opportunity to learn a skill, so that they can be productive, so that they can do for themselves. But in this legislation, we do not require job training. We do not have funds available to the extent that is necessary for real job training, so that we can teach mothers skills and parents skills, and then put them to work and provide them with a job so that they can provide for themselves. But we do have a provision in the bill that says 2 years and you are off.

Well, 2 years and you are off is popular. It makes a good 30-second sound bite, but is it fair? You do not require the parent to learn any job skills or work, but if she is on welfare and does not have a job after 2 years, she is automatically off of the welfare rolls.

Well, who really suffers as a result of that? Are we teaching the parent a lesson or are we really teaching the children a lesson? I mean, children cannot be responsible. Many of them are infants. These infants, all they know how to do is cry when they are hungry and want to be changed when they are wet. Many of them cannot even speak, they are toddlers. You know, they are 1 month old, 2 months old, 6 months old. They need somebody to take care of their self. And if the mother, because of whatever reason, be it irresponsible or be it because she does not have the wherewithal to do so, somebody ought to step in and have an interest in that child. And I just think that our Federal Government should have a compelling interest in children.

So I just wanted to express that interest and that concern tonight, because I do think that this Congress has taken a step in the wrong direction when we penalize children simply because their parents are not responsible or because their parents do not have a job skill or because their parents are unemployed. I think we need to have more thought, a little bit more thought put into this welfare reform debate. I would hope when this legislation arrives in the Senate, that the Senate puts much, much more thought into it.

School nutrition program. I mean, we have talked about that so much I am tired of talking about school nutrition, because every time you talk about school nutrition, there are folks who stand up and argue with you as relates to whether or not it is a cut, whether or not school nutrition will be sacrificed as a result of the block granting, and it almost makes me sick in the stomach, because the numbers are very real. I mention the numbers, many students in this country will not have the benefit of a balanced meal because there is no national standard for nutrition in this legislation that was passed, and many of my colleagues will argue that students will not be jeopardized.

The reason why we took this program in the first place is because States were not doing a good job. When we get to the point that this Congress should not have an interest in the nutrition, school nutrition, that is the point we ought not have a Congress. That is just one of the interests we should have, we ought to have an interest in child nutrition, we ought to have an interest in making sure that every child who goes to school receives a balanced meal.

I would feel a little bit better about this rescission package as well as the welfare reform legislation, and I do not want to get into the summer jobs debate again, if we would cut money that goes to other places in this world. You know, we cut domestic programs on one hand, and then we increase money to go overseas. I do not understand the rationale and logic. How do we say to our children that we cannot give them a summer job, but we can give them somewhere in the neighborhood of about $30 billion in jail cells and build more prisons, but we cannot give them a job this summer, and we expect our streets to be safer this summer?

Of course not. We cannot expect our streets to be safer in this summer by taking some 1.2 million kids off of the payrolls. We are taking their parents off the welfare rolls, then taking their children, you know, taking their mother off the welfare rolls and taking the child off of the payrolls. To me, I mean, how inconsistent can we get? I mean, we are consistently inconsistent in this Congress when we do those kinds of things. And to me I think we need to really, when this legislation gets back to this House in the way of a conference committee, I would hope that we just stop for a second and really put more thought into it, and not jeopardize and not penalize poor innocent children in this country. That is one of the reasons why I wanted to stand here tonight, Mr. Speaker.

Also, I want to talk about another subject, but I see my very good friend from Texas is on the floor, and it is always good to have her, because she is an eloquent person who cares about children in this country.

Mr. Speaker, I would like to yield very briefly to my very good friend from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE. I appreciate the gentleman yielding, and I could not help, listening to your eloquence, to just come over and not only share in your concerns as you have expressed them considerably and articulately throughout this session.

But I was reminded of a story that you told just a couple of weeks or so ago relaying your own personal experience. It made it very real for many of us who likewise experienced what you experienced, and that is that you were, if you will, a participant in these programs, the school lunch program and the school breakfast program, and as a youngster, you, if you will, benefitted from the fact not of a handout, but simply of an opportunity to come and get a meal. And a meal is not a partisan issue. A meal simply is reflective of the concern of this country. I had in my office today a representative from the teachers association, National Education Association, out of the Houston area, and that teacher, with a great compassion, spoke about seeing elementary school children come to school to get a breakfast or get a lunch and how they took the last grain of food off the plate because it might have been the only meal that they would have had.

I had some other ladies come from the National Council of Jewish Women who indicated that they were themselves concerned about some of the very cuts that you have already mentioned, and indicated how ridiculous it is when we are talking about welfare reform, and in fact we are talking about suggesting that the parent, whether it be a mother or father, get out and work. And we know very often in this very busy society how many of us have time to sit down with our families to eat. So some cavalier comment was made, let them eat with their families, meaning their children that get the school breakfasts and lunches. This very insightful lady said, "I live in different conditions. I didn't eat with my children." She noted the fact we live in different times. But how insensitive to suggest that you now want the welfare mothers or welfare parents to find work and to be independent, but yet you are not going to give them the kind of supportive services like a school lunch program, a school breakfast program, like a job training program or transitional child care. You are simply going to, if you will, throw them to the wolves.

□ 2215

It simply does not make sense. And none of us, as we have come from State government, I know that you have a very fine record in the State of Louisiana, you had to make hard decisions about where we cut and how we reduce government, none of us ignored those concerns. But what we are asking for is a simple understanding of the compassion upon which we though this Nation was founded.

It was founded on opportunity and founded because people were hungry for jobs and for work. And it was founded on freedom of religion. But most of all, people coming here, certainly many of our ancestors and most of our ancestors did not have that luxury, but the whole thrust of the Nation was to come here for opportunity. And yet we throw it back into the faces of the American people who we are telling to get up, stand on your own two feet, be independent, unshackle yourself from welfare.

Yet we take, if you will, the slash and burn attack and we cut off programs like you have been speaking of. I could not help but come here to simply share with you.

Let me just mention these points and I would certainly want to dialog with you about this and ask you how it is impacting your area, because I have gone home to my community and heard nothing but screeching, shrill screams of outrage, not of violent outrage that they would act violently, but pained outrage, shock and wondering what are we telling our children. What examples are we setting? Again, as we begin to look at the tax cuts we have already gone through rescissions, many people are in shock because they said, We thought those dollars were authorized.

Summer jobs cut out, you were mentioning that. Safe and drug free schools, cut out. This is in the State of Texas. I can quote the dollars, $780 million, $40 million. Youth job training, very effective programs to get our youth moving from school to work. The Goals 2000 program that in fact this teacher was mentioning to me, a very effective program that helps establish greater educational goals, the title 1 education program, $9.2 million, and in the vocational education tech prep program. I wanted to share with you those because all of those are program based upon our children.

I would like to ask you this question, this is what is puzzling me. Take, for example, a gentleman who is going into business. He is in the exotic bird business, and he wants to go into a store that offers to the public exotic birds. Not being able to get many investors, he goes out and gets a very, very large loan, but he is able to employ some 6 to 10 employees because, as he sees his way clear, this exotic bird business is taking off. And he is doing well.

Would you think that he would immediately then, as his meager profits are coming in, seek to, if you will, provide an opportunity to bring down that debt, meaning that large debt that he has gotten from a bank, say like the deficit, or would he be seeking to take that money and maybe spend it foolishly, something like a tax cut, or would he be looking to make sure that he puts his business on sound footing, because he had an exotic business now and he could not find any investors and so his loan was extremely huge.

And so, rather than taking these profits, maybe I could take it to even a more visible or visual type example. Would he run off to some luxurious vacation with the dollars or, if he is a sound business person, who he seek in order to ensure the viability of his business, to go and reduce that deficit or to reduce that huge debt that he has outstanding on this business.

Mr. FIELDS of Louisiana. Any reasonable man or any reasonable women of ordinary prudence would use that money to pay the debt. That is just something that reasonable people would do. Any irresponsible person would probably do just the opposite, use the money to do everything but to pay the debt. And I think that is one of the problems that we have here in this Congress.

We take money from the poorest Americans in the world, I mean the country, in our country, the poorest Americans in the United States of America, and we give it to those who have. We take from the have nots and we give to the haves.

I think that is not only unconscionable but unbelievable and unfair. For us to take infant formula, for example, from a baby because her mother so happens to be 17 years of age, we want to teach that mother a lesson because she should not have had this baby when she was 17, we are not going to give her baby any milk. We are going to teach her a lesson.

Ms. JACKSON-LEE. Then we are asking her to be independent.

Mr. FIELDS of Louisiana. That is right. We want her to pull herself up by the bootstraps. We are not going to teach you any job skills but we want to set an example.

What happens, if the gentlewoman would answer this question, what happens if that baby, while we big Americans, Members of Congress, I do not know, I do not think any of us have to worry about eating at night, we make a pretty decent salary, what happens if that baby dies of infant mortality? Does that make us big Members of Congress? We are talking about maybe 1.7 percent of the whole budget goes to welfare programs, and we are going to solve the deficit problem by taking money out of this person's, this baby's mouth. And we are going to teach the parent to be responsible and, at the same time, we are going to give to big business over there or the individual who makes $200,000 a tax break.

Ms. JACKSON-LEE. If the gentleman would yield, you raise a very striking question. Just a couple of days ago I was here on the House floor and had in fact a chart that answered your very question dealing with women and infant and children nutrition. That is the program, the WIC Program, that has been so effective in not only helping with care of that new infant but it also helps monitor the young infant's progress and also it brings in mothers in the prenatal stages to ensure that they know about good health care, good nutrition for their babies.

But it said that if we did not invest in the Women and Infant and Children's Nutrition Program, we would have a bill of some $15,000 per infant with the kind of illnesses, for example, that that baby would have when it was born and, ultimately, the kinds of problems that it might face in early childhood education and as it grew up to be an adult.

Clearly, the data suggests that when you invest in that young child, whether it is a school lunch, whether it is a school breakfast, whether it is the Women and Infants and Children Nutrition Program, that you are truly making an investment.

Let me say this, because there is something about us here on the House floor believing that this is such an important issue, wanting to communicate with the American people, the great citizens in the great State of Louisiana and the great citizens of my great State, Texas, for us to be branded as speaking the words of only a few Americans, but let me say, knowing that you have got certainly a State that is well endowed with energy leadership, energy corporations, I face the business community.

I have not heard a hue and cry for the need for the kinds of tax cuts that are not really bringing in all of us to discuss what best way to energize, if you will, if you can use that term, the economy. I have not seen individuals with incomes at a certain level standing in the highways and byways screaming for a tax cut. I have heard them speak eloquently and forcefully, as good business men and women, about bringing down the deficit to create the kind of economy that would be the most, if you will, energized and forceful in stabilizing this Nation.

Let me share with you on this point, because I think we have had some discussions on this, there is something about having a job, being able to go to work. We know that we are facing some hard decisions. I just simply want to acknowledge that we have got a headline that says, "NASA cuts 55,000 jobs." We know we are going to have to make some hard decisions. But I would imagine that in the course of these cutting of jobs, potentially in this reinventing government that we all have to do, you might be able to go up to any citizen and say, what do you think is most important in this nation? Allowing people to work, stabilizing the economy to allow them to work, making sure that if you have welfare mothers who are seeking independence, that they have jobs? Or is it to have this big balloon tax cut that seems to go nowhere and you are talking about thousands of people in the streets with no jobs?

I raise that question to you because it is puzzling to me how we can make decisions with no data, no hearings of crowds pouring in saying, tax cut, tax cut. And yet we are having to put people out of work.

Mr. FIELDS of Louisiana. The gentlewoman makes a very good point. I think one of the problems we have in this country is we are blaming the wrong people. When we had the S&l crisis, for example, that hit the TV screen for a few days, a few weeks. And we developed the RTC, and we are now getting to the point we are resolving that whole issue, multimillion dollars.

And when a person who has food stamps, for example, walks into a store. I had the occasion of walking into a grocery store in my own district, purchasing food and standing in line. And then a lady in front of me with maybe one or two kids, who is about to purchase her food with food stamps, she turns around and sees me. And then, all of sudden, she forgot something. And she said, Go ahead, Mr. Fields, I forgot something.

And in a real sense, she did not forget anything. But she was embarrassed because the whole nation is blaming her for the problems, blaming her for the deficit. Blaming her for everything that is wrong with America. And she did not want her congressman to see her purchase her food with food stamps. And it is a shame and a disgrace that we have poor people in America who are being blamed for every ill that we have in this country.

For example, it is amazing that we would take $30,000 and we would put it in jails and persons, and it takes $60,000 to build a jail cell in this country. And it takes about anywhere from $28,000 to about $30,000 a year to maintain a prisoner in that jail. And we are spending all of that money to put kids in jail who violate the law.

And we find out, we look at all the statistics and all the statistics reveal that 86 percent of the people who are incarcerated, who are behind jail cells, are high school dropouts.

Now, it takes very little discussion and very little debate to pass that kind of appropriation. But if we tried to put more money in schools, we just cut $100 million out of infrastructure. Prisons and jails in this country are in better condition than our schools. but it would take a literally an act of Congress, not really knowing what the cliche of an act of Congress really means, to pass any appropriation to put more money in education.

It is a clear correlation between education and incarceration, but the problem is, the question is whether or not we really want to address these real meaningful problems.

I feel, and I may be wrong, but I feel the way we address these problems is not by pointing our finger at poor people but by lifting them up, by making sure that every parent receives job training and then provide a job so she can go to work.

I am not against workfare. I am for workfare and making sure that deadbeat dads be responsible dads and make them pay child support for the kids that they bring into this world. I am for that. And I am also for a kid having a summer job.

That hurts me the most because I know what it feels like to be a part of a summer jobs program during the summertime. And I have been taking this mike now almost every night because these are programs, maybe I am one of the few Members of Congress who has been through most of the programs that were cut, but I know what it felt like to have a summer job during the summertime.

I mean it gave me self-esteem. It gave me pride. It gave me dignity. I was getting up and I was going to work. I went to work, Monday through Friday. And I made a salary. I got a check with my name on it. And I was able to buy my school clothes, and I was able to help my mother pay her rent. And that made me feel good. And that really taught me job skills; taught me responsibility.

And now even the thought that this summer kids will not have the opportunity that I had when I was growing up in Baton Rouge, they will not be able to go into a summer job this summer because this Congress had the gall to cut 1.2 million kids off of the program in the spirit of fiscal reform and personal responsibility, and then talk about how we need to get kids off the streets, my God, where would I be today if I did not have a summer job, many of my friends, when we were growing up?

□ 2230

Mr. FIELDS of Louisiana. I do not understand the rationale and I will yield to the gentlewoman and then I want to talk about something else, I certainly hope the gentlewoman would stay, a little bit about term limits because I have heard some very interesting discussions tonight about that issue.

Ms. JACKSON-LEE. Well, I thank the gentleman and I could not help but just be absorbed by your recounting of your life's history because I wonder whether or not because of the missing life experiences maybe of some who would argue differently than what we would argue whether this is why we are where we are today.

I certainly was a beneficiary of a summer job and took as much pride as you have articulated in working in the city's parks during the summer, having that check, but most importantly the responsibility, the uniform, the self-esteem. Let me say a great big thanks to all the parks workers throughout this Nation.

The important thing is that we are speaking in essence out of two sides of our mouth and that is that we ask on one side, stand up and be counted and be independent and then we tell our children and I have been on the local box station if you will, meaning I have gone to where the youngsters listen and talk to them in between their music to tell them that this is something they need to take up.

The outcry that I have gotten from a parent who is a single parent who says Johnny has been off the streets now for 4 years straight because he has had a summer job, and you know what is even better than that, you know what is even better than that is Johnny's younger brother is aspiring to get the summer job like Johnny, not aspiring to hit the streets to join the gang that is right next door but aspiring like Johnny.

As I conclude, let me simply say what the misnomer is. We go back to welfare. I think we all have seen this documentary about hoops and basketball, a true story about youngsters off the street and aspiring to be basketball players and there were some good endings for those youngsters in there. The one point that really got me is when the mother said, "Do you know we live off of $300 a month?" Because there is some myth about how much people are living off of.

Then just to reflect on the State of Texas where an AFDC recipient with one child gets $184 a month, so let us not fool ourselves to think that these folks are rolling in dollars. All of these people would far benefit from cutting the deficit.

Then when we talk about some sense of independence, we have got the other side of the coin. Say you pulled yourself up by the bootstraps, you got out of high school, how would you get to college? Summer jobs as well as student loans. Do you know what is going to be cut with these tax cuts? We are talking about cutting an enormous amount, half of all of the students attending college would be cut in terms of their student loans or their opportunities to go to college.

I do not know about you because I understand that we have come from different States, but I can assure you how much that will hurt the community that I come from and how important it is to our students who are seeking independence, some of whom have come from homes where they were dependent upon welfare and are now seeking an opportunity through education and look what is happening to them.

So I thank the gentleman for yielding but I had to come and join you and certainly you are raising another issue that I hope I will briefly be able to share with you on that because I think that impacts, if you will, how we run government.

I also have not heard the reasoned hue and cry on the other issue you just mentioned about what we do about people who are in office when I believe truly in the process of voting people in and voting people out. But I will say it is important for people to have a history of what has been done previously by government, people who can bring insight to these issues and reflect upon their life experiences to share.

I hope that we will have the opportunity as this goes to the U.S. Senate, the rescissions bill that we have talked about and now as we move into the tax cuts, that we will have an opportunity through conference, as I am working very hard to ensure that some of these very devastating dollars that have been removed that are not doing anything for the deficit will come back to help people who are seeking to be independent.

Mr. FIELDS of Louisiana. I thank the gentlewoman and we hope we are both hopeful that in the Senate there is a much more deliberative debate on these issues. Even if they are not cleared up in the Senate, we would hope that in conference that these issues are cleared up to the best interests of all the people across America. Even if they are not cleared up in that arena, we would hope that the President takes a very, very strong look at these rescissions as well as this Personal Responsibility Act and make sure that children and infants are not penalized as a result of some fault of some third party.

I would like to at this time talk a little bit about term limits. As the gentlewoman from Texas knows, tomorrow we will be debating the issue of term limits on this floor. We will decide whether or not the terms of Members of Congress should be limited.

I have been tussling with the idea of term limits now for about 7 years because when I was a member of the State Senate in Louisiana, being Chairman of Senate Governmental Affairs, I had to deal with the issue of term limits and wanted to give the best possible opportunity for those who felt that term limits was a good idea for America.

But no one, even idea, has been able to convince me that term limits is good for America. You know when I walked into this Congress on January of this year, I raised my right hand and said that I would support and defend the Constitution. And every Member of this body said the same thing, we would support and defend the Constitution of the United States of America, this Constitution. I look at this Constitution and article I, section 2 of this Constitution says in no uncertain terms, "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

It is very clear in no uncertain terms. That is article I, section 2. I do not understand how one can say they are for term limits and not realize that term limits are already in the law. I think it is an insult to the average voter's intelligence to tell a voter in America that they do not have a right to select a candidate of their choice and we ought to have some self-imposed term limit.

Well, I have decided to do something tonight that I would hope that all of my colleagues take heed to. For those individuals who believe and truly believe in term limits, we can have a self-imposed term limit and we can start term limitation tonight and all you have to do is sign this term limit pledge card.

I want to make sure that every Member of Congress receives this pledge card because I am sick and tired of Members walking into that well and saying to the American people, we need to limit the terms of Members of Congress and many times those Members who walk into the well are Members who have served for 16 or 20 years. I do not understand that. I think that is what hypocritical to say the least.

This pledge card is very simple. There is nothing complex about it. "I," and you put your name in it on the line, "pledge to the people of," whatever district you represent, whatever State you represent, "that I will not seek reelection to the United States House of Representatives after" X "number of terms," signed by the Member and dated.

And we put it in the CONGRESSIONAL RECORD, and then every Member should live up to that term limit commitment.

You know my term is limited and your term is limited. You cannot serve over 2 years in the House of Representatives without the approval of the people of Texas.

I as a Member from Louisiana. I cannot serve in this Congress after 2 years without the approval of the people, the Fourth Congressional District of Louisiana. When I raise my right hand, I take the oath of office for 2 years and 2 years only, and then I have to go back to my district and get reelected. So that, in itself, is a term limit.

Now what puzzles me is how people say, well, term limits or the lack thereof is the reason why we have so many problems in this Congress.

Well, the last three elections, over 200 new Members of Congress were elected. Two hundred new Members of the House now reside in this House of Representatives today. And they were elected in the last three elections, last three elections. The last three elections brought 200 new faces to this institution. You were one of them. I am one of them.

What happened in the Senate? The past 10 years 55 new Senators are now sitting in that august body down the hall, new Members of the United States Senate.

Now, if I am a Member of Congress and if I am doing my job and I do everything that I am supposed to do as a

Member of Congress, then the people of Louisiana then make the decision as to whether or not I will return to Washington, DC, as their Congressman.

But for this Congress to tell people in Louisiana in the Fourth Congressional District that they do not have a right to send CLEO FIELDS to Congress or SHEILA JACKSON-LEE from Texas, irrespective of what kind of job performance she had for the past 2 years or 4 years, is wrong. And it is taking away the voice of people.

Ms. JACKSON-LEE. Would the gentleman yield?

Mr. FIELDS of Louisiana. I would be happy to yield.

Ms. JACKSON-LEE. You have raised several important points, and I think tomorrow we will have additional time to grapple with these issues. But I, too, have kept an open mind on this whole question of term limits, looking for the higher ground in terms of the real reasons behind what has been labeled as a movement to ensure that we have term limits. And each time I seek an answer, it comes back simply flat, and let me tell you why.

You have hit on a very salient point. We are now debating this whole issue of let the States do it, the local communities do it. What this debate simply says is that we do not appreciate and furthermore have no respect for the local constituents of each individual Member's district. We have no respect for them.

For we will tell them that what they will have to vote on if we do a term limit amendment is they will have to not vote on a Member that they may want to vote on. They may even want to cast a no vote against the Member, meaning that they would like to vote for someone else with the Member being on the ballot. Just think of it. They do not each have that opportunity.

Mr. FIELDS of Louisiana. If the gentlewoman would yield.

Ms. JACKSON-LEE. I would be happy to yield.

Mr. FIELDS of Louisiana. You make a very good point.

I have heard some arguments that we are to send Members back home, and they need to live with the people and live in the community and work with the folk in their respective communities. And then if they choose to come back then they could run for office after they sit out for 2 years. Well, my God, I do not know about you, but I go home every week.

Ms. JACKSON-LEE. I am right with you.

Mr. FIELDS of Louisiana. I am not removed from the people of the Fourth Congressional District of Louisiana. I return home every week. I meet with people. And at the point, if I ever get to the point that I am not returning home and I am not taking care of the business of the people of the Fourth District of Louisiana, they have every right and the responsibility to go to the polls and vote me out of office.

Ms. JACKSON-LEE. If the gentleman would yield.

Mr. FIELDS of Louisiana. Be happy to be yield to the gentlewoman.

Ms. JACKSON-LEE. I respect my constituents and, you are very, very right, spend a great deal of time making sure that I interact with the great constituents of the Eighteenth Congressional District.

But what I argue is that the real key to the Founding Fathers in terms of the laymen Congress was the whole concept of responsibility and accessibility. I mean, that is what they wanted to ensure when they designed this format. And so that should be the criteria by which you determine whether you have someone you want to return or someone that you do not want to return.

With that in mind, the interaction with one's constituents is the term limits in and of itself that will be determined every 2 years by constituents saying to you, no, you have not done what we have asked you to do. And, therefore, I raise the question what is this false term limits, in essence?

Because there may be constituents who you have who say, I like the method, the procedure, the way you are doing your business but, more importantly, the way you are representing us. And it would be a disservice to us if we did not get a chance to vote for you or against you based upon our pleasure or displeasure.

We are putting in a false and imaginary buffer between the voting people, the voting public, citizens, owners of the Constitution, and their choice for who they would want to represent them.

Mr. FIELDS of Louisiana. If the gentlewoman would yield.

She mentioned the laymen's legislature and the citizens' legislature, and I have heard those terms throughout the night. But what I find, I find a fault with this argument of the citizens' legislature, laymen's legislature which I would think this legislature should be and every legislature should be. And if it is not, then the people should make the decision as to how it should be, what it should be made of and who it should be made of.

But even States that passed term limits, I find it hard to believe, let us take, say, the State of California, passed term limits. And, by the same token, they talk about how they want to give greater access to people and then they are not implementing the motor voter law, for example.

□ 2245

Giving access to people is by making people a part of this process, and I find it almost unfair to say we want to give people more access to this process and not try to make the voting process as easy as possible, and the voter registration process as easy as possible, because if you really want a citizens' legislature, for example, then you should do everything you can to make sure that citizens have access to the ballot. You cannot have access to the ballot box in this country if you are not registered to vote.

So one of the elements of giving people access to the ballot box is by making sure that we have voter registration laws that afford every citizen the opportunity to partake in the voting process and then after we make sure every citizen can register and we do not have all of these prohibitions and all of these complicated ways of registering to vote, then we ought to make sure on election day every citizen is afforded that opportunity to go to the polls and vote on election day, and for example, and I will yield back to the gentlewoman, in this past Presidential election, only 35 percent or 37 percent of the people voted. On the average, the maximum we get is 50 percent of the people voting in America. So if you really want to give the citizens of America more access, you create laws that are conducive to giving more access to exercise their constitutional right, registering to vote and then actually exercising their right to vote on election day.

We have four States, as the gentlewoman knows, we have four States in America right now that are refusing to implement the motor voter law, but yet we want a citizens' legislature. Well, afford every citizen in this country the opportunity to go and register to vote in the least complicated format possible, and then encourage them to go and vote on election day. Then maybe we will see some differences in this Congress and in State legislatures across the country if we really want a citizens' legislature.

Let us have voter registration drives in every housing facility in this country, every public housing facility; when you register for section 8, you ought to register to vote at the same time. Public transportation ought to be an element of voter registration. Then we ought to encourage people to go out and vote, and maybe we would change this Congress and more so-called citizens and laymen will be in the halls of this body and other bodies across this country.

Ms. JACKSON-LEE. I wish people would listen to the intent of the discussion here, because one of the interesting points, and I think before we have had an opportunity to address the Speaker, is that we find out that this issue is not one that falls along philosophical lines or party lines. There is going to be a vigorous debate, because this is an issue that goes to the very crux of the Constitution.

This should not be labeled as a contract issue, Contract on America, with

America. I am not sure what the thrust of it is.

You have got conservative Republicans and others who understand what the Constitution is truly saying, and that is a representative body of government, in fact, a republic, and I always remind my constituents when we say republic, we are not necessarily labeling a party, Republican, Democratic. It is a form of government that is representative.

What helps you be more representative than to encourage people to make their choices to, as you have said, open up the opportunities of registration? I am certainly a supporter and advocate of the motor vehicle legislation and working hard to ensure that it is working in the State of Texas, but the key is that let us expand the places where people can register. Let us ensure that our educational system has a real body of instruction that deals with the Constitution and voter participation, and how to access your elected officials. That is where I think the thrust should go.

Because one of the interesting things that I think should be noted, and I share it with my constituents, and might I add, I certainly welcome all the representatives or constituents that come in on issues to my office, that means the businesses that certainly have those prepared and paid individuals that come in. I respect them. But I also recognize many times there are constituents who are home in your district who do not get to come to Washington, DC. They do not get to make their voices heard by way of sitting in your offices in Washington, DC.

How do they get to be heard? One, you interact with them when you come to the district and you better make sure that is a realistic and viable part of what you do for your constituents. The other way they inform you of their voices is through the vote and through the vote every 2 years, being able to vote for you or against you, not by an artificial term limit that comes in and intervenes between that citizen, the purest sense of the word, going to the ballot box, not being told by intervening law that they have the very power in their hands to send you back from the great State of Louisiana or, if I am sent back from the great State of Texas, that is the key that I think that we are missing when we engage ourselves in this very benign, in term limits of its meaning, but certainly very devastating debate in terms of what it does of interfering with the democratic process.

Mr. FIELDS of Louisiana. Does the gentlewoman know that many of the individuals who say they are proponents of term limits are some of the same, very individuals, who are on a bill to repeal motor voter? I mean, I just find it hard, and maybe, you know, maybe I do not have the wherewithal to understand it. I do not know. But I find it hard to understand a person standing in the well saying, "We want to give voters greater access and we want the voters to be able to have more control of their Congress," on one hand, and then on the other hand, turn around and say, But we do not want them to register to vote at a driver's license place, we do not want them to register to vote if they are on some kind of government subsidized program, we do not want them to be able to register to vote as easy as they can under the motor voter law, we do not want that at a time when the voting participation is at an all-time low. It seems like if we really want this Congress to be more citizen-oriented, we ought to get more citizens involved in the process by making sure they have every opportunity to register to vote and participate in the process.

I think another way we can deal with this problem of how we make sure incumbents are responsible, if that is the whole problem with Congress and with institutions, political institutions, and the thing that we want to address, why not have stronger campaign finance reform laws? You know, I would be for having very, very tough campaign finance reform legislation where the average citizen could, in fact, compete in an open election or in an election against an incumbent. You know, I think we can do something in this Congress to make the playing field a little bit fairer as it relates to incumbent versus challenger. I think that is real discussion.

If we really want to give the average citizen, and I consider myself an average citizen, you know, for some reason or another, there is some thought that people in Congress are not average citizens. I mean, I wake up every morning, I go to work, I go home every week and work with constituents, and I do everything that the average people do. I mean, I work hard. I try to make a difference.

But to give access to the so-called average citizen, let us make this playing field a little fairer. But you cannot do that by having a $50 dinner, you know, because most Americans, the vast majority of Americans, cannot afford to pay $50 to go to a dinner where the funds will be put in some campaign coffer to elect and reelect Members of the Congress.

I just find there is a conflict with this whole argument of we are looking out for the average Joe Blow on the street and we want the average Joe Blow to be able to have access to this Congress, and we are tired of all of these career politicians taking over Congress. I think we really insult the intelligence of voters in this country.

I want to speak now not as a Member of Congress. I want to speak now as a voter. I do not want this Congress telling me that I cannot vote for somebody because they served two term limits. As a matter of fact, I just do not think this Congress has a right to tell me who to vote for, because that is basically what you are telling, who I cannot vote for, so you are telling me who I cannot vote for and can vote for, because if you are telling me I cannot vote for this guy because he served two term limits, then you have limited my options. I just do not think this Congress, I, as a voter, do not think this Congress should tell me I cannot vote for a person irrespective of how well SHEILA JACKSON-LEE represented me, and irrespective of how well SHEILA JACKSON-LEE represented me in the State of Texas; she got up every morning, she is my kind of Representative, she works hard, and when I call her, SHEILA JACKSON-LEE returns my call, and she has town hall meetings, and she also goes into schools and she talks to our children, and she is one of the best Congresspersons in America as far as I am concerned. And I would be insulted if this Congress tells me I could not vote for SHEILA JACKSON-LEE because this Congress wanted to clean the House out. That is my decision.

If I wanted to clear SHEILA JACKSON-LEE out of the House, then I would do it with my vote, and you cannot tell me and you cannot speak for me, because I am going to do that very well, and I am going to do it at the polls, and I think that is what this argument is all about.

Are we going to let the people decide who sits in this body, or are we going to pass a law saying, it is almost like we have a reputation of doing this sort of stuff, three strikes and you are out, now we have three terms, you are out. Everything is almost like a baseball game here. I do not understand it. I am speaking as a voter. I just do not want this Congress to tell me I cannot vote for a person that represents me well.

Ms. JACKSON-LEE. There are so many points, if the gentleman would yield, that you hit upon that are so very important.

First of all, let me commend you for the untiring manner in which you have come to the House floor to speak about issues that take away from what we have come here for, and that is to enhance freedom. As we stand here and debate and dialog with each other, Americans might be wondering, the lateness of the hour, they might be looking at the Chambers and they might be wondering, and I would simply say that you are to be commended for the commitment, because we are standing here to be able to educate the American people and certainly to reflect upon the great constituents that we represent.

You talked about campaign finance reform, and you might be puzzled about that, because obviously that is not part of the contract. That has not been part of the 100-day session that we are in which should have been. That is a reasonable response to ensuring that the average fellow, if you will, can engage themselves in running for office without this enormous amount of dollars that is very important, and then it is interesting that you had your pledge card. You do not hear a lot of debate about retroactive term limits, because if we are truly going to be pure, and I am looking at an amendment that is being raised by two Members, DINGELL and PETERSON, that talks about if you are going to pass term limits, then make it retroactive, knock out, if you will, all of the Members at this immediate time. You do not get serious debate on that.

Mr. FIELDS of Louisiana. Half of the Members proposing it would not be able to serve tomorrow.

Ms. JACKSON-LEE. That is why I am wondering, is this truly a realistic debate and an honest debate with the American people, or are we trying to make, if you will, a coverup on what actually we are supposed to be doing, or the contract is supposed to be complying with?

But we are not going to really do an honest review of term limits. We are going to act like it, play around the edges of term limits. I want to be forthright and honest about it. I truly believe it would be an intervening force that would negate the activity of citizens to vote for persons of their choice.

But if we were to do it, then I think retroactivity should be a viable part of any legislation that comes, because you hit it on the nail, hit the nail on the head, you are saying this is the 104th Congress. Well, the 104th Congress would be telling the 105th and 106th and 107th individuals elected by their constituents what to do on something which is so personal and strongly meaningful as voting upon the person whom you would represent.

Let me lastly say to you, what is the structure of Congress? Seniority. How do you help to enhance your constituents? Yes, we have done, as they say, major tasks in just plain hard work, and I respect that. But I do not hear anyone trying to rid this system of a seniority system that, in fact, requires that Members at least have a 2-year term to respond to some of the urgent needs of this American people.

So I would like for it to be an honest debate. Campaign finance reform is not even on the agenda at this time. The issue of seniority that has not even been raised, and then the question of whether or not it is appropriate that if you talk about term limits in a honest manner that you talk about retroactivity which means that my colleagues on the other side of the aisle would immediately have to leave this body, and I am sure they would not mind it in their majority State because they truly believe in term limits.

Let us have a fair and open debate. That is what I think is important.

Mr. FIELDS of Louisiana. I agree with the gentlewoman. Congress is, I mean, every 2 years we have to face the voters. I mean, I think we have the most awesome term limits there is probably in public life, because most offices are 4 years. The U.S. Senate, for example, every 6 years, but the Congress, every 2 years we must go and face voters.

But let me ask the gentlewoman a question, because I have toyed with this question for a while in my mind. If I had to choose between a person who could serve only one term, because there is a term limit, and a person who can serve as long as he is responsible and as long as the voters choose to go to the polls and elect him or her, to me, I would feel more frightened by this person who has a term limit of one term, for example. He knows and she knows in his or her, in their own minds, that they cannot run for reelection, and you tell me, who do you think you would have the most trust in, a person who will never have to come and ask for your vote again; we elected this person, he goes to Washington, he never is going to have to appear on the ballot as a congressional candidate again.

□ 2300

I got this other guy or lady who can run for reelection; and if they choose to do so, of course, then they will appear on the ballot.

Now I don't know about you, but I just feel much more comfortable as a voter, not as a Member of Congress, as a voter. I feel much more comfortable with voting for this guy where we have got this carrot, and if he does a good job, I am going to send you back.

That is what democracy is all about. You do a good job, I am going to send you back there, and I am going to keep you there.

But this guy here, he knows that I know that he is not going to serve in Congress another day of his life. He does not have to return my phone calls because he does not need my vote. He does not have to do a good job. He can vote against everything that this district believes in. He does not have to hold one town hall meeting.

Now you tell me, who do you feel, not as a Congresswoman but as a voter, who do you feel would be most representative of your views?

Ms. JACKSON-LEE. Well, as the gentleman from Louisiana well knows, it wasn't too long ago when I was not standing here at the well and was that citizen in my hometown. And I could just see glaring headlines when you were talking, government by reckless abandonment.

That is the fellow over there that has got a term, one 2-year term, does not have to worry about responding to any of the issues that his or her constituents are concerned about, clearly articulates views that are off the mark and off the margin, maybe his or her own personal views, does not have to fight and go to the mat for the issues of that district, whether it be highways or whether it deals with energy laws, whether it deals with welfare, whether it deals with business investment, whether it deals with tax cuts or whether it deals with bringing down the deficit.

You had asked the question what he or she is doing. I would simply say to you again, governing by reckless abandonment. It would be simply what they would want to do.

The fellow or the lady that is dealing with the fact that they have to present themselves to the voters, they have to stand up to the test, and voters can be as sharp and to the point on their issues, do not sell any of those individuals cheap or undermine their understanding. And they ask the hard questions of where you have been over the last 2 years on the issue. And if you want their confidence, that is the question. You are taking away voters giving an elected official the confidence of their vote.

The most high honor that you can get from an individual is their confidence in voting for you. You take that away. You undermine the very system of government, and you leave it to reckless abandonment when you ensure that you have an artificial term-limiting process.

Mr. FIELDS of Louisiana. If the gentlewoman would yield on this final point.

And I really think that what we do, we are saying, what we are saying to voters across America, we are actually reaching into every congressional district, 435 congressional districts across the country, and we are saying to people in those districts, you are too stupid to do what is right. You keep sending the same people here time and time again.

Well, you know, to me that is an insult to a voter's intelligence. If they say people served in this Congress x number of years, it has only been because the people in that district evidently wanted them to serve.

Ms. JACKSON-LEE. The choice is theirs.

Mr. FIELDS of Louisiana. I want to thank the gentlewoman from Texas for joining me tonight in the special order. I thank the Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEWIS of Georgia) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, today.

(The following Members (at the request of Mr. INGLIS of South Carolina) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

Mr. DORNAN, for 5 minutes each day, today and on March 29.

Mr. KINGSTON, for 5 minutes each day, today and on March 29.

Mr. FORBES, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, on March 29.

Mr. HANCOCK, for 5 minutes, today.

Mr. BRYANT of Tennessee, for 5 minutes, today.

Mr. LATHAM, for 5 minutes, today.

Mr. JONES, for 5 minutes, on March 29.

Mr. DAVIS, for 5 minutes, on March 29.

Mr. TIAHRT, for 5 minutes, today.

Mr. FOX, for 5 minutes, today.

Mr. HILLEARY, for 5 minutes, today.

Mr. INGLIS, of South Carolina, for 5 minutes, today.

Mr. TATE, for 5 minutes, today.

Mr. GRAHAM, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEWIS of Georgia) and to include extraneous matter:)

Mr. ENGEL.

Mr. HASTINGS, in two instances.

Mr. GORDON.

Mr. GIBBONS.

Mrs. SCHROEDER.

Mr. KLECZKA.

Mr. LANTOS.

Mr. STOKES, in two instances.

Mr. TRAFICANT.

Mr. MILLER of California.

Ms. PELOSI.

Mrs. MALONEY, in two instances.

Mr. RICHARDSON.

Mr. PAYNE of New Jersey, in two instances.

Mr. WILLIAMS.

Mr. STARK.

Mr. FILNER.

Mr. MENENDEZ.

(The following Members (at the request of Mr. INGLIS of South Carolina) and to include extraneous matter:)

Mr. WELLER.

Mr. MCDADE.

Mr. SAM JOHNSON of Texas.

Mr. SMITH of New Jersey.

Mr. ZIMMER.

Mr. CRANE.

Mr. HOBSON.

Mr. DICKEY.

Mr. PACKARD.

Mr. QUINN.

Mr. CASTLE.

Mr. FOLEY.

Mr. EMERSON.

Ms. MOLINARI.

Mr. HOKE.

Mr. ENGLISH of Pennsylvania.

Mr. CHAMBLISS.

Mr. SOLOMON in three instances.

(The following Members (at the request of Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. MARTINI.

Mr. GILLMOR.

Mr. PASTOR.

ADJOURNMENT

Mr. FIELDS of Louisiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), the House adjourned until Wednesday, March 29, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

618. A letter from the Acting Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to recover the full costs for Federal inspection of meat, poultry, and egg products performed at times other than an approved primary shift; to the Committee on Agriculture.

619. A letter from the Secretary, Department of Energy, transmitting the annual report on research and technology development activities supporting defense waste management and environmental restoration, pursuant to Public Law 101–189, section 3141(c)(1), (2) (103 Stat. 1680); to the Committee on National Security.

620. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 1994 annual report, pursuant to 12 U.S.C. 3305; to the Committee on Banking and Financial Services.

621. A letter from the National Foundation on the Arts and the Humanities, transmitting the Federal Council on the Arts and the Humanities' 19th annual report on the Arts and Artifacts Indemnity Program for fiscal year, 1994, pursuant to 20 U.S.C. 959(c); to the Committee on Economic and Educational Opportunities.

622. A letter from the Secretary, Department of Energy, transmitting notification that the study to evaluate the legal, institutional, and other constraints to connecting buildings owned and leased by the Federal Government to district heating and cooling plants will be transmitted to Congress by the end of July 1995, pursuant to Public Law 102–486, section 152(g)(2) (106 Stat. 2848); to the Committee on Commerce.

623. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to provide for the sale of oil from the Strategic Petroleum Reserve and the transfer of oil from Weeks Island, and for other purposes; to the Committee on Commerce.

624. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 95–13), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

625. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

626. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's Memorandum of Justification under section 610 of the Foreign Assistance Act to support Baltic peacekeeping; to the Committee on International Relations.

627. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–31, "Advisory Neighborhood Commission Special Election Repeal Temporary Amendment Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

628. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–32, "Technical Amendments Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

629. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–34, "Budget Implementation Temporary Act of 1995," to the Committee on Government Reform and Oversight.

630. A letter from the U.S. Agency for International Development, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

631. A letter from the U.S. Office of Special Counsel, transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

632. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Resources.

633. A letter from the Director, Federal Bureau of Prisons, transmitting the Federal Bureau of Prisons annual report on functional literary requirements for all individuals in Federal correctional institutions, pursuant to Public Law 101–647, section 2904 (104 Stat. 4914); to the Committee on the Judiciary.

634. A letter from the Secretary of Labor, transmitting the annual report on employment and training programs for veterans

during program year 1992 (July 1, 1992 through June 30, 1993) and fiscal year 1993 (October 1, 1992 through September 30, 1993) pursuant to 38 U.S.C. 2009(b); to the Committee on Veterans' Affairs.

635. A letter from the Secretary of the Treasury, transmitting a report on the Savings Bonds Program; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCOLLUM: Committee on the Judiciary. H.R. 1240. A bill to combat crime by enhancing the penalties for certain sexual crimes against children; with an amendment (Rept. 104-90). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 660. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons; with an amendment (Rept. 104-91). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ENGLISH of Pennsylvania:

H.R. 1326. A bill to authorize and request the President to award the Congressional Medal of Honor posthumously to Bvt. Brig. Gen. Strong Vincent for his actions in the defense of Little Round Top at the Battle of Gettysburg, July 2, 1863; to the Committee on National Security.

By Mr. KASICH (for himself, Mr. Archer, and Mr. Bliley):

H.R. 1327. A bill to provide tax relief to strengthen the American family and create jobs, to reduce Federal spending and the budget deficit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Commerce, Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. Doyle):

H.R. 1328. A bill to amend the Internal Revenue Code of 1986 to provide that no amount shall be includable in gross income by reason of participation in a State prepaid tuition program; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mr. Gutierrez, Mr. Kennedy of Massachusetts, Ms. Pelosi, Mr. Gene Green of Texas, Mr. Gejdenson, Mr. Filner, Mr. Underwood, Mr. DeFazio, Mr. Costello, Mr. Frost, Mr. Doyle, Mr. Sanders, Mr. Johnson of South Dakota, Mr. Fattah, Mr. Bishop, and Mr. Dellums):

H.R. 1329. A bill to amend title 38, United States Code, to extend the period of eligibility for inpatient care for veterans exposed to toxic substances, radiation, or environmental hazards, to extend the period of eligibility for outpatient care for veterans exposed to such substances or hazards during service in the Persian Gulf, and to expand the eligibility of veterans exposed to toxic substances or radiation for outpatient care; to the Committee on Veterans' Affairs.

By Mr. HAYES (for himself, Mr. Shuster, Mr. Tauzin, Mr. Young of Alaska, Mr. Emerson, Mr. Pete Geren of Texas, Mr. Solomon, Mr. Costello, Mr. Clinger, Ms. Danner, Mr. Blute, Mr. Laughlin, Mr. Bateman, Mr. Parker, Mr. Hutchinson, Mr. Kim, Mr. Ewing, Mr. Inglis of South Carolina, Mr. Dickey, Mr. English of Pennsylvania, Mr. Brewster, Mr. Mica, Mr. Fields of Texas, Mr. Coble, Mr. Duncan, Mr. Doolittle, Mrs. Fowler, Mr. Hansen, Mr. Calvert, Mr. Latham, Mr. Pombo, Mrs. Cubin, Mr. Jones, Mrs. Lincoln, Mr. Taylor of North Carolina, Mr. Shadegg, Mrs. Chenoweth, Mr. DeLay, Mr. Poshard, Mr. Baker of Louisiana, Mr. Wamp, Mr. Livingston, Mr. Clement, Mr. Packard, Mr. Lewis of California, Mr. LaHood, Mr. Deal of Georgia, Mr. Quinn, and Mr. Gallegly):

H.R. 1330. A bill to amend the Federal Water Pollution Control Act to establish a comprehensive program for conserving and managing wetlands in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. FURSE (for herself, Mr. Hastings of Florida, Mr. Manton, Mr. Richardson, Mr. Beilenson, Mr. Yates, Mr. Wyden, Mr. Dicks, Mr. DeFazio, Ms. Woolsey, Mr. Vento, Ms. Norton, Ms. McKinney, Mr. Hinchey, Mr. Moran, Mr. Sanders, Mr. Studds, Mr. Barrett of Wisconsin, Mr. Porter, Ms. Eshoo, Mr. Evans, Ms. Velázquez, Mr. Miller of California, Mr. Serrano, Ms. Roybal-Allard, Mr. Gilchrest, Mr. Frost, Mr. Bryant of Texas, Ms. Rivers, Mr. Conyers, Mr. Markey, Ms. Slaughter, Mr. English of Pennsylvania, Mr. Dellums, Mr. Traficant, Ms. Pelosi, Mr. Gibbons, Mr. Wise, Mrs. Meek of Florida, Mr. Rush, Ms. Lofgren, Mr. Jacobs, Mr. Taylor of Mississippi, Mr. Brown of California, Mrs. Morella, Mr. Rose, Mr. Rangel, Mrs. Lowey, Mr. McDermott, Mr. Olver, Mr. Farr, Mr. Pallone, Mr. Thompson, and Mr. Clyburn):

H.R. 1331. A bill to amend the Watershed Protection and Flood Prevention Act to establish a waterways restoration program, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. Faleomavaega):

H.R. 1332. A bill to establish certain policies and responsibilities with respect to the administration of the Rongelop resettlement trust fund, and for other purposes; to the Committee on Resources.

By Mr. MINGE (for himself, Mr. Klug, Mr. Shays, Mr. Barrett of Wisconsin, Mr. Castle, Mr. McHale, Mr. Dickey, Mrs. Waldholtz, and Mr. Deal of Georgia):

H.R. 1333. A bill to require that excess funds provided for official allowances of Members of the House of Representatives be dedicated to deficit reduction; to the Committee on House Oversight.

By Ms. MOLINARI (for herself, Mr. Calvert, Mr. King, Mr. McHugh, Mr. Paxon, Mr. Skeen, and Mr. Underwood):

H.R. 1334. A bill to amend title XIX of the Social Security Act to provide a financial incentive for States to reduce expenditures under the Medicaid Program, and for other purposes; to the Committee on Commerce.

By Mr. MOLLOHAN:

H.R. 1335. A bill to provide for the extension of a hydroelectric project located in the State of West Virginia; to the Committee on Commerce.

By Mr. MONTGOMERY:

H.R. 1336. A bill to suspend through September 30, 1995, the duty on certain textile manufacturing machinery; to the Committee on Ways and Means.

By Mr. PASTOR (for himself (by request), Mr. Coleman, and Mr. Bryant of Texas):

H.R. 1337. A bill to amend the Federal Water Pollution Control Act to authorize appropriations in each of fiscal years 1996 through 1998 for the construction of wastewater treatment facilities to serve United States Colonias and to provide water pollution control in the vicinity of the international boundary between the United States and Mexico; to the Committee on Transportation and Infrastructure.

By Mr. PASTOR (for himself, Mr. Filner Mr. Coleman, and Mr. Bryant of Texas):

H.R. 1338. A bill to amend the Federal Water Pollution Control Act to authorize appropriations in each of fiscal years 1996—2001 for the construction of wastewater treatment works to provide water pollution control in or near the United States—Mexico border area; to the Committee on Transportation and Infrastructure.

By Mr. RICHARDSON (for himself, Ms. Eshoo, Mr. Frost, Mr. McHale, Ms. Rivers, Mr. Vento, Mr. Minge, Mrs. Lowey, Ms. Pelosi, Mr. Lofgren, and Mr. Dellums):

H.R. 1339. A bill to amend title XIX of the Social Security Act to provide for mandatory coverage of services furnished by nurse practitioners and clinical nurse specialists under State Medicaid plans; to the Committee on Commerce.

By Mrs. SMITH of Washington:

H.R. 1340. A bill to modify the project for Bonneville Lock and Dam, Columbia River, OR and Washington; to the Committee on Transportation and Infrastructure.

By Mr. STROKES (for himself, Mr. Payne of New Jersey, Mr. Mfume, Mr. Conyers, Mr. Dellums, Mr. Owens, Mrs. Collins of Illinois, Mr. Dixon, Mr. Clay, Mr. Tucker, Mrs. Clayton, Ms. Eddie Bernice Johnson of Texas, Mr. Rangel, Mr. Towns, Mr. Wynn, Mr. Scott, Mr. Bishop, Mr. Frazer, Mr. Hastings of Florida, Mrs. Meek of Florida, Mr. Watt of North Carolina, Mr. Clyburn, Ms. Brown of Florida, Mr. Lewis of Georgia, Ms. Waters, Mr. Jefferson, Mr. Fields of Louisiana, Mr. Fattah, Ms. Jackson-Lee, Mr. Ford, Ms. McKinney, Ms. Norton, Mr. Hilliard, Mr. Flake, Mr. Rush, Mr. Thompson, Mr. Reynolds, and Miss Collins of Michigan):

H.R. 1341. A bill to amend the Public Health Service Act to provide authorizations of appropriations for programs relating to the health of individuals who are from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 1342. A bill to provide for conveyances of certain lands within Cook Inlet Region, AK, for reconveyance to village corporations under the Alaska Native Claims Settlement Act; to the Committee on Resources.

By Mr. BILIRAKIS (for himself, Mrs. MALONEY, Mr. GEKAS, Mr. ZIMMER, Mr. ENGEL, and Mr. KLINK):

H. Con. Res. 50. Concurrent resolution concerning the protection and continued livelihood of the Eastern Orthodox Ecumenical Patriarchate; to the Committee on International Relations.

By Mr. COX:

H. Con. Res. 51. Concurrent resolution expressing the sense of the Congress relating to the removal of Russian troops from Kaliningrad; to the Committee on International Relations.

By Mr. ROHRABACHER:

H. Con. Res. 52. Concurrent resolution expressing the sense of the Congress regarding the visit of the Prime Minister of New Zealand, the Hon. James Bolger; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII.

28. The SPEAKER presented a memorial of the House of Representatives of the State of Maine, relative to memoralizing the Congress and the President of the United States to suspend the July 26, 1995, deadline for sanctions against the State of Maine under the Federal Clean Air Act Amendments of 1990; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII.

Mr. GOSS introduced a bill (H.R. 1343) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Beula Lee*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. BONO, Mr. OBERSTAR, Ms. ROS-LEHTINEN, and Mr. HASTINGS of Florida.

H.R. 70: Mr. HALL of Texas and Mr. FAZIO of California.

H.R. 120: Mr. MCKEON and Mr. MFUME.

H.R. 218: Mr. STUMP.

H.R. 224: Mrs. CHENOWETH, Mr. BONO, Mr. CALVERT, Mr. DORNAN, Mr. ZELIFF, and Mr. LIVINGSTON.

H.R. 264: Mr. BROWN of California.

H.R. 359: Mrs. MINK of Hawaii, Mr. SCARBOROUGH, and Mr. DELLUMS.

H.R. 558: Mr. BENTSEN.

H.R. 559: Mr. KLECZKA, Mr. LAFALCE, and Mr. OLVER.

H.R. 580: Mr. BOUCHER, Mr. VOLKMER, Mrs. MEEK of Florida, Mr. SKEEN, Mr. NEY, Mr. MCHUGH, Mr. THORNBERRY, Mr. PICKETT, Mr. ACKERMAN, Mr. SCHIFF, Mr. STUMP, Mr. SHUSTER, Mr. CANADY, and Mr. CHAPMAN.

H.R. 586: Mr. ENGEL.

H.R. 653: Mrs. LOWEY, Mr. GILMAN, and Mrs. KELLY.

H.R. 655: Mr. BAKER of California.

H.R. 660: Mr. SMITH of New Jersey, Mr. LINDER, Mr. STUMP, and Mrs. SMITH of Washington.

H.R. 682: Mr. INGLIS of South Carolina, Mr. SPRATT, Mr. FROST, and Mr. HILLIARD.

H.R. 709: Mr. JEFFERSON and Mr. NADLER.

H.R. 789: Mrs. MEYERS of Kansas, Mrs. MORELLA, Mr. PASTOR, Mr. EHRLICH, Mr. MCHALE, and Mr. BARCIA.

H.R. 795: Mr. LAHOOD and Mr. LARGENT.

H.R. 843: Mr. ZIMMER.

H.R. 860: Mr. ZELIFF.

H.R. 878: Mr. SCHUMER, Mr. FROST, Mr. DOYLE, Mr. GENE GREEN of Texas, Mr. MCHUGH, Ms. MOLINARI, Mr. BROWN of Ohio, Mr. BISHOP, and Mrs. LOWEY.

H.R. 1018: Mr. EMERSON and Mr. EWING.

H.R. 1023: Mr. BISHOP and Mr. DELLUMS.

H.R. 1024: Mr. BROWNBACK, Mr. MCINTOSH, and Mr. KIM.

H.R. 1029: Mrs. FOWLER, Mr. UPTON, and Mr. HILLIARD.

H.R. 1077: Mrs. WALDHOLTZ.

H.R. 1085: Mr. GORDON.

H.R. 1103: Mrs. CLAYTON, Mr. MCHUGH, Mr. HERGER, Mr. HASTINGS of Washington, and Mr. JONES.

H.R. 1111: Mr. MCINTOSH and Mr. SMITH of Texas.

H.R. 1118: Mr. SMITH of Texas, Mr. CUNNINGHAM, Mr. COLLINS of Georgia, Mr. RIGGS, Mr. PETRI, and Mr. GENE GREEN of Texas.

H.R. 1142: Mr. CHRISTENSEN and Mr. LATOURETTE.

H.R. 1143: Mr. BRYANT of Tennessee and Mr. CANADY.

H.R. 1144: Mr. CANADY.

H.R. 1147: Mr. EVANS, Mr. DURBIN, Mr. FRANK of Massachusetts, Ms. MCKINNEY, Mr. UNDERWOOD, Mr. LIPINSKI, Mrs. SCHROEDER, Mr. STARK, and Mr. WOLF.

H.R. 1170: Mr. HANCOCK, Mr. BAKER of Louisiana, and Mrs. CHENOWETH.

H.R. 1176: Mrs. FOWLER, Mr. LAHOOD, Mr. BASS, Mr. STUMP, Mr. PACKARD, Mr. CHRISTENSEN, Mr. BURR, Mr. RAMSTAD, Mr. ARMEY, Mr. BLILEY, Mr. KLUG, Mr. SENSENBRENNER, Mr. ISTOOK, Mr. HALL of Texas, Mr. HERGER, Mr. GOSS, Mr. CANADY, Mr. THORNBERRY, Mr. BILBRAY, Mr. DREIER, Mr. LIVINGSTON, Mr. BAKER of California, Mr. BACHUS, Mr. BATEMAN, Mr. SKEEN, and Mr. WICKER.

H.R. 1229: Mr. MORAN, Mr. LIPINSKI, Mr. FILNER, and Mr. FOX.

H.R. 1232: Mr. CRAPO, Mr. COOLEY, and Mr. HAYWORTH.

H.R. 1274: Mr. SAXTON and Ms. FURSE.

H.R. 1300: Mr. FRISA, Ms. MOLINARI, Mr. WHITFIELD, and Mr. JONES.

H.R. 1318: Mr. HANCOCK.

H.J. Res. 3: Mr. HANCOCK.

H.J. Res. 48: Mr. GUTKNECHT.

H.J. Res. 61: Mr. GOODLATTE.

H.J. Res. 70: Mr. CLYBURN, Mr. HILLIARD, Mr. GENE GREEN of Texas, Mr. LEWIS of Georgia, Mr. BENTSEN, Mr. OWENS, Ms. RIVERS, Mr. MCDERMOTT, Mrs. MEEK of Florida, Ms. NORTON, Mr. WILSON, and Mr. KENNEDY of Massachusetts.

H.J. Res. 71: Mr. TANNER.

H.J. Res. 76: Mr. TORKILDSEN, Mr. WHITE, Mr. WHITFIELD, Ms. FURSE, Mr. HANCOCK, and Mr. HOKE.

H.J. Res. 79: Mr. EDWARDS.

H. Con. Res. 12: Mr. MORAN, Mr. ENGEL, and Mr. PARKER.

H. Con. Res. 19: Mr. SENSENBRENNER.

H. Con. Res. 45: Mr. WATTS of Oklahoma, Mr. FOX, Mr. THOMPSON, Mr. TORKILDSEN, and Mr. HALL of Texas.

H. Res. 59: Mr. SABO, Mr. LEVIN, Mr. LEWIS of Georgia, and Mr. MARKEY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4. The SPEAKER presented a petition of the mayor of the city of DeRidder, LA, relative to a petition for damages filed by two residents of Beauregard Parish; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1215

OFFERED BY: MR. BROWDER

AMENDMENT NO. 1: After section 1 of the bill insert the following new sections (and conform the table of contents accordingly):

SEC. 2. EFFECTIVE DATES DELAYED UNTIL FEDERAL BUDGET PROJECTED TO BE IN BALANCE.

(a) IN GENERAL.—Notwithstanding any other provision of this Act and any amendment made by this Act, except as otherwise provided in this section—

(1) any reference in this Act (or in any amendment made by this Act) to 1995 (other than to the short title of this Act) shall be treated as a reference to the calendar year ending in the first successful deficit reduction year,

(2) any reference in this Act (or in any amendment made by this Act) to any later calendar year shall be treated as a reference to the calendar year which is the same number of years after such first calendar year as such later year is after 1995,

(3) any reference in this Act to the date of the enactment of this Act shall be treated as a reference to the date of the certification referred to in subsection (b)(1), and

(4) any reference to the base year for any adjustment based on a change in the gross domestic product deflator or the Consumer Price Index shall be treated as a reference to the calendar year preceding the calendar year referred to in paragraph (1).

(b) FIRST SUCCESSFUL DEFICIT REDUCTION YEAR.—For purposes of this section and section 3—

(1) IN GENERAL.—The term "first successful deficit reduction year" means the first fiscal year beginning after the date of the enactment of this Act with respect to which there is an OMB certification before the beginning of such fiscal year that the budget of the United States will be in balance by fiscal year 2002 based upon estimates of enacted legislation, including the amendments made by this Act.

(2) OMB CERTIFICATION.—The term "OMB certification" means a written certification by the Director of the Office of Management and Budget to the President and the Congress.

(c) CERTIFICATION DURING 1995.—Subsections (a) and (d) shall not apply if there is an OMB certification made during 1995 that the budget of the United States will be in balance by fiscal year 2002 based upon estimates of enacted legislation, including the amendments made by this Act.

(d) SPECIAL RULES.—

(1) CAPITAL GAINS; INDEXING; NEUTRAL COST RECOVERY.—Any reference in subtitle A or B of title III (or in any amendment made by such subtitles) to December 31, 1994, or January 1, 1995, shall be treated as a reference to the day preceding and the day on which, respectively, the certification referred to in subsection (b)(1) is made.

(2) LESSOR IMPROVEMENTS; MINIMUM TAX.—Any reference in section 322 or 331 of this Act (or in any amendment made by such sections) to March 13 or March 14, 1995, shall be

treated as a reference to the day preceding and the day on which, respectively, the certification referred to in subsection (b)(1) is made.

(e) TECHNICAL CORRECTIONS.—This section and section 3 shall not apply to title VI and the amendments made by such title.

SEC. 3. TERMINATION OF TAX BENEFITS IF FEDERAL BUDGET DEFICIT REDUCTION TARGETS ARE NOT MET.

(a) NO CREDITS, DEDUCTIONS, EXCLUSIONS, PREFERENTIAL RATE OF TAX, ETC.—No tax benefit provided by any provision of the Internal Revenue Code of 1986 added by this Act shall apply to any taxable year beginning after the calendar year in which the first failed deficit reduction year ends.

(b) FIRST FAILED DEFICIT REDUCTION YEAR.—For purposes of this section, the term "first failed deficit reduction year" means the first year (beginning after the earliest date on which any amendment made by this Act takes effect) with respect to which there is an OMB certification during the 3-month period after the close of such fiscal year that the actual deficit in the budget of the United States for such fiscal year was greater than the deficit target for such fiscal year specified in the following table:

"In the case of fiscal year:	The deficit target (in billions) is:
1996	$150
1997	125
1998	100
1999	75
2000	50
2001	25
2002 or thereafter	0.

(c) NO RECOVERY OF FOREGONE COST-OF-LIVING ADJUSTMENT.—Any change in the gross domestic product deflator or the Consumer Price Index which would (but for this section) be taken into account under any amendment made by this Act for any period shall be reduced by the portion of such change attributable to any calendar year beginning after the first failed deficit reduction year.

(d) PHASEIN OF BENEFITS SUSPENDED.—For purposes of applying sections 86(a)(3), 1979(b)(1), and 2010(c)(1) of the Internal Revenue Code of 1986 (as added by this Act) and section 203(f)(8)(b)(D) of Social Security Act (as added by this Act), in lieu of applying subsection (a), the level of benefit under each such section with respect to the calendar year in which the first failed deficit reduction year ends shall apply with respect to all succeeding calendar years.

(e) RESTORATION OF TERMINATED MINIMUM TAX PROVISIONS.—If any tax benefit does not apply to any taxable year by reason of subsection (a), the provisions of subpart G of part IV, and part VI, of subchapter A of chapter 1 of the Internal Revenue Code of 1986 as in effect on the day before the date of the enactment of this Act shall apply to such taxable year.

(f) INSURANCE RESERVES.—In lieu of applying subsection (a), the amendment made by section 221(b) shall not apply to contracts issued after the calendar year in which the first failed deficit reduction year ends.

H.R. 1215

OFERRED BY: MR. ORTON

AMENDMENT NO. 2: At the end of title I of the bill insert the following new sections (and conform the table of contents accordingly):

SEC. 105. CERTAIN RETIREMENT PLANS AUTHORIZED TO MAKE EQUITY INVESTMENTS IN PRINCIPAL RESIDENCES FOR FIRST-TIME HOMEBUYERS.

(a) EXEMPTION FROM PROHIBITED TRANSACTION RULES.—Section 4975 (relating to tax on prohibited transactions) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) SPECIAL RULE FOR HOME EQUITY PARTICIPATION ARRANGEMENTS.—

"(1) IN GENERAL.—The prohibitions provided in subsection (c) shall not apply to any qualified home equity participation arrangement.

"(2) QUALIFIED HOME EQUITY PARTICIPATION ARRANGEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified home equity participation arrangement' means an arrangement—

"(i) under which the trustee of an individual retirement plan, at the direction of the eligible participant, shall acquire an ownership interest in any dwelling unit which within a reasonable period of time (determined at the time the arrangement is executed) is to be used as the principal residence for a first-time homebuyer, and

"(ii) which meets the requirements of subparagraph (B) of this paragraph.

"(B) OWNERSHIP INTEREST REQUIREMENT.—An arrangement shall meet the requirements of this subparagraph if the ownership interest described in subparagraph (A)—

"(i) is a fee interest in such property (and, in the case of an arrangement which is not otherwise at arm's length, the trustee's fee interest would be reasonable in an arm's length arrangement),

"(ii) by its terms requires repayment in full upon the sale or other transfer of the dwelling unit, and

"(iii) may not be used as security for any loan secured by any interest in the dwelling unit.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means an individual on whose behalf an individual retirement plan is established.

"(B) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means an individual who—

"(i) is an eligible participant or qualified family member, and

"(ii) had (and if married, such individual's spouse had) no present ownership interest in a principal residence at any time during the 36-month period before the date of the arrangement.

"(C) QUALIFIED FAMILY MEMBER.—The term 'qualified family member' means a child (as defined in section 151(c)(3)), parent, or grandparent of the eligible participant (or such participant's spouse). Section 152(b)(2) shall apply in determining if an individual is a parent or grandparent of an eligible participant (or such participant's spouse).

"(D) ACQUISITION; ETC.—

"(i) ACQUISITION.—The term 'acquisition' includes construction, reconstruction, and improvement related to such acquisition.

"(ii) ACQUISITION COST.—The term 'acquisition cost' has the meaning given such term by section 143(k)(3).

"(E) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to arrangements entered into after the date of the enactment of this Act.

SEC. 106. LOANS USED TO ACQUIRE PRINCIPAL RESIDENCES FOR FIRST-TIME HOMEBUYERS.

(a) INDIVIDUAL RETIREMENT PLANS.—Section 408(e) (relating to tax treatment of accounts and annuities) is amended by adding at the end thereof the following new paragraph:

"(7) LOANS USED TO PURCHASE A HOME FOR FIRST-TIME HOMEBUYERS.—

"(A) IN GENERAL.—Paragraph (3) shall not apply to any qualified home purchase loan made by an individual retirement plan.

"(B) QUALIFIED HOME PURCHASE LOAN.—For purposes of this paragraph, the term 'qualified home purchase loan' means a loan—

"(i) made by the trustee of an individual retirement plan at the direction of the individual on whose behalf such plan is established,

"(ii) the proceeds of which are used for the acquisition of a dwelling unit which within a reasonable period of time (determined at the time the loan is made) is to be used as the principal residence for a first-time homebuyer,

"(iii) which by its terms requires repayment in full not later than the earlier of—

"(I) the date which is 15 years after the date of acquisition of the dwelling unit, or

"(II) the date of the sale or other transfer of the dwelling unit,

"(iv) which by its terms treats any amount remaining unpaid in the taxable year beginning after the period described in clause (iii) as distributed in such taxable year to the individual on whose behalf such plan is established and subject to section 72(t)(1), and

"(v) which bears interest from the date of the loan at a rate not less than 2 percentage points below, and not more than 2 percentage points above, the rate for comparable United States Treasury obligations on such date.

Nothing in this paragraph shall be construed to require such a loan to be secured by the dwelling unit.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' has the meaning given such term by section 4975(h)(3)(B).

"(ii) ACQUISITION.—The term 'acquisition' has the meaning given such term by section 4975(h)(3)(D)(i).

"(iii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iv) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (B) applies is entered into, or

"(II) on which construction, reconstruction, or improvement of such a principal residence is commenced.".

(b) PROHIBITED TRANSACTION.—Section 4975(d) (relating to exemptions from tax on prohibited transactions) is amended by striking "or" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; or", and by inserting after paragraph (15) the following new paragraph:

"(16) any loan that is a qualified home purchase loan (as defined in section 408(e)(7)(B)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made after the date of the enactment of this Act.

EXTENSIONS OF REMARKS

PRIVATIZE AMERICAN EDUCATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CRANE. Mr. Speaker, the public education system in America, having been infiltrated by Federal regulations, has significantly diminished fundamental learning opportunities that should be available to all students.

Since the Department of Education was established in 1980, curriculum standards, as well as the incentive for students to succeed have plummeted. What many people do not recognize is that future social stability and adequate education run parallel—when one rises, the other will follow.

It is obvious that quality education in America's schools, mainly public, needs to be resurrected. The fundamental step in reforming public school systems begins with decentralization. The power to reduce the standard curriculum, held by the Department of Education, should never have been created. There is no benefit to bureaucratic control over our Nation's learning institutions. It literally threatens the level of competence that future adults will possess.

Dr. Milton Friedman, a senior research fellow at the Hoover Institution in Stanford, CA, and a recipient of the Nobel Prize in 1976, introduces the benefits of a voucher system within privatized schooling. In his article, "Public Schools, Make Them Private," he illustrates how the voucher will eventually boost student performance and help low income families pay for school without raising taxes.

I commend to the attention of my colleagues the following article written by Dr. Friedman in the hopes that we can correct the flaws in American education.

[From the Washington Post, Feb. 19, 1995]

PUBLIC SCHOOLS: MAKE THEM PRIVATE

(By Milton Friedman)

Our elementary and secondary educational system needs to be radically reconstructed. That need arises in the first instance from the defects of our current system. But it has been greatly reinforced by some of the consequences of the technological and political revolutions of the past few decades. Those revolutions promise a major increase in world output, but they also threaten advanced countries with serious social conflict arising from a widening gap between the incomes of the highly skilled (cognitive elite) and the unskilled.

A radical reconstruction of the educational system has the potential of staving off social conflict while at the same time strengthening the growth in living standards made possible by the new technology and the increasingly global market. In my view, such a radical reconstruction can be achieved only by privatizing a major segment of the educational system—i.e., by enabling a private, for-profit industry to develop that will provide a wide variety of learning opportunities and offer effective competition to public schools. Such a reconstruction cannot come about overnight. It inevitably must be gradual.

The most feasible way to bring about a gradual yet substantial transfer from government to private enterprise is to enact in each state a voucher system that enables parents to choose freely the schools their children attend. I first proposed such a voucher system 40 years ago.

Many attempts have been made in the years since to adopt educational vouchers with minor exceptions, no one has succeeded in getting a voucher system adopted, thanks primarily to the political power of the school establishment, more recently reinforced by the National Education Association and the American Federation of Teachers, together the strongest political lobbying body in the United States.

(1) THE DETERIORATION OF SCHOOLING

The quality of schooling is far worse today than it was in 1955. There is no respect in which inhabitants of a low-income neighborhood are so disadvantaged as in the kind of schooling they can get for their children. The reason is partly the deterioration of our central cities, partly the increased centralization of public schools—as evidenced by the decline in the number of school districts from 55,000 in 1955 to 15,000 in 1992. Along with centralization has come—as both cause and effect—the growing strength of teachers' unions. Whatever the reason, the fact of deterioration of elementary and secondary schools is not disputable.

The system over time has become more defective as it has become more centralized. Power has moved from the local community to the school district to the state, and to the federal government. About 90 percent of our kids now go to so-called public schools, which are really not public at all but simply private fiefs primarily of the administrators and the union officials.

We all know the dismal results: some relatively good government schools in high-income suburbs and communities; very poor government schools in our inner cities with high dropout rates, increasing violence, lower performance and demoralized students and teachers.

These changes in our educational system have clearly strengthened the need for basic reform. But they have also strengthened the obstacles to the kind of sweeping reform that could be produced by an effective voucher system. The teachers' unions are bitterly opposed to any reform that lessens their own power, and they have acquired enormous political and financial strength that they are prepared to devote to defeating any attempt to adopt a voucher system. The latest example is the defeat of Proposition 174 in California in 1993.

(2) THE NEW INDUSTRIAL REVOLUTION

A radical reconstruction of our educational system has been made more urgent by the twin revolutions that have occurred within the past few decades: a technological revolution—the development, in particular, of more effective and efficient methods of communication, transportation and transmission of data; and a political revolution that has widened the influence of the technological revolution.

The fall of the Berlin Wall was the most dramatic event of the political revolution. But it was not necessarily the most important event. For example communism is not dead in China and has not collapsed. And yet beginning in 1976, Premier Deng initiated a revolution within China that led to its being opened up to the rest of the world. Similarly, a political revolution took place in Latin America that, over the course of the past several decades, has led to a major increase in the fraction of people there who live in countries that can properly be described as democracies rather than military dictatorships and that are striving to enter open world markets.

The technological revolution has made it possible for a company located anywhere in the world to use resources located anywhere in the world, to produce a product anywhere in the world, to be sold anywhere in the world. It's impossible to say, "this is an American car" or "this is a Japanese car," and the same goes for many other products.

The possibility for labor and capital anywhere to cooperate with labor and capital anywhere else had dramatic effects even before the political revolution took over. It meant that there was a large supply of relatively low-wage labor to cooperate with capital from the advanced countries, capital in the form of physical capital, but perhaps even more important, capital in the form of human capital—of skills, of knowledge, of techniques, of training.

Before the political revolution came along, this international linkage of labor, capital and know-how had already led to a raid expansion in world trade, to the growth of multinational companies and to a hitherto unimaginable degree of prosperity in such formerly underdeveloped countries in East Asia as the "Four Tigers." Chile was the first to benefit from these developments in Latin America, but its example soon spread to Mexico, Argentina and other countries in the region. In Asia, the latest to embark on a program of market reform is India.

The political revolution greatly reinforced the technological revolution in two different ways. First, it added greatly to the pool of low-wage, yet not necessarily unskilled labor that could be tapped for cooperation with labor and capital from the advanced countries. The fall of the Iron Curtain added perhaps a half-billion people and China close to a billion, freed at least partly to engage in capitalist acts with people elsewhere.

Second, the political revolution discredited the idea of central planning. It led everywhere to greater confidence in market mechanisms as opposed to central control by government. And that in turn fostered international trade and international cooperation.

These two revolutions offer the opportunity for a major industrial revolution comparable to that which occurred 200 years ago—also spread by technological developments and freedom to trade. In those 200 years, world output grew more than in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

preceding 2000. That record could be exceeded in the next two centuries if the peoples of the world take full advantage of their new opportunities.

(3) WAGE DIFFERENTIALS

The twin revolutions have produced higher wages and incomes for almost all classes in the underdeveloped countries. The effect has been somewhat different in the advanced countries. The greatly increased ratio of low-cost labor to capital has raised the wages of highly skilled labor and the returns on physical capital but has put downward pressure on the wages of low-skilled labor. The result has been a sharp widening in the differential between the wages of highly skilled and low-skilled labor in the United States and other advanced countries.

If the widening of the wage differential is allowed to proceed unchecked, it threatens to create within our own country a social problem of major proportions. We shall not be willing to see a group of our population move into Third World conditions at the same time that another group of our population becomes increasingly well off. Such stratification is a recipe for social disaster. The pressure to avoid it by protectionist and other similar measures will be irresistible.

(4) EDUCATION

So far, our educational system has been adding to the tendency to stratification. Yet it is the only major force in sight capable of offsetting that tendency. Innate intelligence undoubtedly plays a major role in determining the opportunities open to individuals. Yet it is by no means the only human quality that is important, as numerous examples demonstrate. Unfortunately, our current educational system does little to enable either low-IQ or high-IQ individuals to make the most of other qualities. Yet that is the way to offset the tendencies to stratification. A greatly improved educational system can do more than anything else to limit the harm to our social stability from a permanent and large underclass.

There is enormous room for improvement in our educational system. Hardly any activity in the United States is technically more backward. We essentially teach children in the same way that we did 200 years ago: one teacher in front of a bunch of kids in a closed room. The availability of computers has changed the situation, but not fundamentally. Computers are being added to public schools, but they are typically not being used in an imaginative and innovative way.

I believe that the only way to make a major improvement in our educational system is through privatization to the point at which a substantial fraction of all educational services are rendered to individuals by private enterprises. Nothing else will destroy or even greatly weaken the power of the current educational establishment—a necessary precondition for radical improvement in our educational system. And nothing else will provide the public schools with the competition that will force them to improve in order to hold their clientele.

No one can predict in advance the direction that a truly free-market educational system would take. We know from the experience of every other industry how imaginative competitive free enterprise can be, what new products and services can be introduced, how driven it is to satisfy the customers—that is what we need in education. We know how the telephone industry has been revolutionized by opening it to competition; how fax has begun to undermine the postal monopoly in first-class mail; how UPS, Federal Express and many other private enterprises have transformed package and message delivery and, on the strictly private level, how competition from Japan has transformed the domestic automobile industry.

The private schools that 10 percent of children now attend consist of a few elite schools serving at high cost a tiny fraction of the population, and many mostly parochial nonprofit schools able to compete with government schools by charging low fees made possible by the dedicated services of many of the teachers and subsidies from the sponsoring institutions. These private schools do provide a superior education for a small fraction of the children, but they are not in a position to make innovative changes. For that, we need a much larger and more vigorous private enterprise system.

The problem is how to get from here to there. Vouchers are not an end in themselves; they are a means to make a transition from a government to a market system. The deterioration of our school system and the stratification arising out of the new industrial revolution have made privatization of education far more urgent and important than it was 40 years ago.

Vouchers can promote rapid privatization only if they create a large demand for private schools to constitute a real incentive for entrepreneurs to enter the industry. That requires first that the voucher be universal, available to all who are now entitled to send their children to government schools, and second that the voucher, though less than the government now spends per pupil on education, be large enough to cover the costs of a private profit-making school offering a high-quality education. If that is achieved there will in addition be a substantial number of families that will be willing and able to supplement the voucher in order to get an even higher quality of education. As in all cases, the innovations in the "luxury" product will soon spread to the basic product.

For this image to be realized, it is essential that no conditions be attached to the acceptance of vouchers that interfere with the freedom of private enterprisers to experiment, to explore and to innovate. If this image is realized, everybody, except a small group of vested interests, will win; parents, students, dedicated teachers, taxpayers—for whom the cost of the educational system will decline—and especially the residents of central cities, who will have a real alternative to the wretched schools so many of their children are now forced to attend.

The business community has a major interest in expanding the pool of well-schooled potential employees and in maintaining a free society with open trade and expanding markets around the world. Both objectives would be promoted by the right kind of voucher system.

Finally, as in every other area in which there has been extensive privatization, the privatization of schooling would produce a new, highly active and profitable private industry that would provide a real opportunity for many talented people who are currently deterred from entering the teaching profession by the dreadful state of so many of our schools.

This is not a federal issue. Schooling is and should remain primarily a local responsibility. Support for free choice of schools has been growing rapidly and cannot be held back indefinitely by the vested interests of the unions and educational bureaucracy. I sense that we are on the verge of a breakthrough in one state or another, which will then sweep like a wildfire through the rest of the country as it demonstrates its effectiveness.

To get a majority of the public to support a general and substantial voucher, we must structure the proposal so that (1) it is simple and straightforward so as to be comprehensible to the voter, and (2) guarantees that the proposal will not add to the tax burden in any way but will rather reduce net government spending on education. A group of us in California has produced a tentative proposition that meets these conditions. The prospects for getting sufficient backing to have a real chance of passing such a proposition in 1996 are bright.

LEGISLATION TO AUTHORIZE CONGRESSIONAL MEDAL OF HONOR POSTHUMOUSLY TO BREVET BRIG. GEN. STRONG VINCENT

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I am introducing legislation to authorize the Congressional Medal of Honor be given posthumously to Brevet Brig. Gen. Strong Vincent for his actions in the defense of Little Round Top at the Battle of Gettysburg.

General Vincent's heroic leadership was responsible for the speedy placement of his brigade and tenacious defense against overwhelming odds. General Vincent directed the men defending Little Round Top to "hold against all hazards."

Without the leadership of Gen. Strong Vincent the Confederate Army would have taken Little Round Top, enabling them to place their artillery at the top of the hill and attack the flank of the Union Army. If Little Round Top would have fallen, the Battle of Gettysburg would have had a different ending.

Gen. Strong Vincent was mortally wounded while rallying the 16th Michigan Regiment to reorganize and hold their ground. General Vincent acted above and beyond the call of duty and saved the day for the Union Army at the Battle of Gettysburg.

For these important reasons, I am pleased to offer this bill to the House.

DELEGATION DETAILS HUMAN RIGHTS CONDITIONS IN TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SMITH of New Jersey. Mr. Speaker, earlier this month members of a Parliamentary Human Rights Foundation delegation returned from a fact-finding mission to Turkey. The human rights situation in that country has significantly deteriorated in recent years despite assurances otherwise by Turkey's leaders.

At present, internal tensions have reached new heights, threatening to tear apart the multiethnic fabric of Turkish society while destabilizing the entire region. Turkey's campaign against the Kurdish Worker's Party [PKK] has been used to justify the recent invasion of Northern Iraq as well as sweeping restrictions on pro-Kurdish expression and peaceful political activity. And, while the PKK continues to operate and gather support, Turkey's democratic credentials are increasingly questioned.

Mr. Speaker, at this time I ask that the report of the Parliamentary Human Rights Foundation delegation, which outlines many of the human rights problems in Turkey and offers constructive recommendations on how Turkey's Government might better address such problems be printed in the RECORD.

REPORT ON HUMAN RIGHTS CONDITIONS IN TURKEY, MARCH 2, 1995

I. SUMMARY

The Parliamentary Human Rights Foundation (formerly the Congressional Human Rights Foundation) organized a human rights fact-finding mission to Turkey (2/25–3/1/95). The delegation was led by the Honorable J. Kenneth Blackwell, a Member of the Board of Directors and former U.S. Ambassador to the United Nations Human Rights Commission (UNHRC). The delegation also included David L. Phillips, President of the Foundation. The purpose of the trip was to investigate reported human rights violations committed by the Government of Turkey, particularly the abuses against its citizens of Kurdish origin. The delegation also investigated violations by the PKK, a separatist organization committed to armed struggle. Based on the delegation's findings, a report has been submitted to officials in Geneva, Members of the U.S. Congress, the European Parliament, and National Assemblies in Europe.

II. PROGRAM

The delegation visited Istanbul, Diyarbakir and Ankara. In order to consider a broad range of views, the delegation spoke with Turkish officials from the Office of the Prime Minister, the Ministry of Justice, the Ministry of Foreign Affairs, the Turkish Grade National Assembly, the Governor and Deputy Governor of the Emergency Region, and Turkish Army personnel. The delegation also met with representatives of the Turkish Human Rights Association, the Turkish Human Rights Foundation, the Diyarbakir Bar Association, HADEP officials, a DEP Parliamentarian, lawyers representing the DEP MPs, former MPs of Kurdish origin, and Kurdish citizens.

Our official request for meetings with Layla Zana and Ahmet Turk, imprisoned parliamentarians and members of the Foundations Interparliamentary Human Rights Network (IPN), was declined. Despite assurances from the Governor of the Emergency Region, our travel to Kurdish villages outside of Diyarbakir was blocked at military checkpoints. The office of the Diyarbakir Human Rights Association was closed and four members were arrested within 24 hours of the delegation's meeting with representatives of the Association.

III. SUMMARY OF OBSERVATIONS

Turkish authorities are systematically violating the rights of Turkish citizens, including those of Kurdish origin. The Anti-Terror Act and the State of Emergency provide legal sanction for gross human rights violations, particularly in Southeast Turkey.

Turkish authorities state that their objection is to the non-combatants terrorism. However, many civilian non-combatants suffer human rights violations as a result of the struggle between Turkish authorities and the PKK. The PKK is an extremist, militant organization responsible for acts of terrorism in which Turkish military and police personnel are targeted, as are Kurdish civilians. It should be noted, however, that the PKK has recently called for a "civilian solution" to the Kurdish question and has recognized Turkey's borders.

The Government of Turkey believes all persons who seek political and cultural expression for the Kurds are "separatists" and PKK sympathizers. Suspected by Turkish authorities as bases for PKK operations, more than one thousand Kurdish villages have been destroyed. Human rights monitors report instances of arbitrary detention, torture, extrajudicial killing, and restrictions on freedom of expression. In addition, democratically elected parliamentarians of Kurdish origin have been jailed and convicted for disseminating "separatist" propaganda and supporting an "armed band" while, in reality, they were merely representing the interests of their constituents. There are serious shortfalls in Turkey's administration of justice.

IV. SUMMARY OF FINDINGS

The Interior Ministry indicates that 1,046 villages in the emergency region have been evacuated; human rights monitors say several thousand villages have been destroyed; homes and their claimed inhabitants have been burned; use of chemical agents and poison gas are reported. The Government acknowledges that 940 combatants have been killed; however, other reports claim that thousands have died. The population of Diyarbakir has doubled to more than 1.2 million as internally displaced persons have sought refuge in the city.

The DEP parliamentarians were convicted in proceedings many observers labeled a "show-trial." The Government of Turkey indicates that 8,682 persons have been sentenced under its Anti-Terror Act, which permits arbitrary arrest. Many of those known to be arrested, as well as persons who have disappeared, were just attempting to peacefully exercise freedoms of speech, association, or other internationally recognized human rights. The Turkish Human Rights Association reports instances of extrajudicial killings and torture of persons held in incommunicado for political crimes. There are 250 cases/appeals presently before the European Court of Human Rights and the European Commission on Human Rights.

The Constitutional Court of Turkey has no right of review for "decrees with the force of law" issued under the state of emergency. The Anti-Terror Act, adopted in 1991, restricts many civil liberties, including attorney access to, as well as the rights of, persons in detention. The Anti-Terror Act and state of emergency provisions also restrict freedom of expression. Government agencies harass and imprison human rights minors, journalists, lawyers, and professors. The Act's broad and ambiguous definition of terrorism, particularly Article 8, has led to widespread abuses of innocent civilians.

In addition, the Constitutional Court has banned the DEP party, a vehicle for the expression of Kurdish cultural identity and full citizenship rights. In the past two years, 26 DEP and HADEP members have been killed. In the run-up to recent elections, the DEP headquarters was bombed. The press law permits banning of publications with a court order and states that "responsible editors" bear responsibility for the content of their publications; 19 journalists have been tried under the Anti-Terror Act. On December 3, 1994, a journal reputed to be pro-PKK, the "Izgur Ulke" was bombed. There are no independent Kurdish language newspapers, television, or radio. Regarding cultural expression, the Constitution does not recognize Kurds as a national, racial, or ethnic minority. Two hundred Kurds were arrested during Newroz New Year celebrations in Diyarbakir.

It is important to note that the PKK, itself, is responsible for gross human rights violations by targeting village officials, guards, informants, teachers, and young men who refuse to take up arms against the authorities. By the admission of its own representatives, the PKK has recently killed 179 village guards, 66 collaborators, and police officials. The well-being of almost every Kurd is adversely affected by the conflict.

As a result of the conflict, Turkey's citizens of Kurdish origin have become bereft of many democratic rights and are denied effective political and cultural expression. The resulting radicalization of the Kurds is contributing to a worsening security situation throughout the country. An increasing number of Kurds are turning to the pro-Muslim Welfare Party.

V. RECOMMENDATIONS

The international community should promote improvement in human rights conditions in Turkey by encouraging a dialogue between Turkish authorities and legitimate representatives of Kurdish interests. To this end, amnesty should be provided to convicted DEP parliaments so that they can participate in a dialogue concerning the reduction of tensions and the normalization of relations between Turkish authorities and Turkey's citizens of Kurdish origin.

Within the competence of the UNHRC, the Working Group on Arbitrary Detention, and the Special Rapporteurs on Torture and Freedom of Expression should investigate human rights conditions in Turkey. The Government of Turkey has "invited" the Special Rapporteur on Summary Executions to visit Turkey. A suitable itinerary and near term date should be finalized.

Efforts should be made by the U.S. and the E.U. to establish mutual reinforcing restrictions on the sale of military equipment which might be used against civilian populations. The US and EU should also coordinate the extension and/or relaxation of tariff and trade privileges based on Turkey's overall human rights performance.

Technical assistance programs in the rule of law should be undertaken among Members of the Turkish Grade National Assembly, European Parliament, and U.S. Congress in order to strengthen democratic institutions and assist in constitutional and legislative reform. The Anti-Terror Act should be amended so that the rights of Turkish citizens are safeguarded, as is the right of the state to protect its territorial integrity. Electronic computer networks should be established between the TGNA and parliamentary bodies in other countries.

These recommendations are provided so that the international community can become fully seized by the worsening human rights conditions in Turkey. The authors of this report hope for reconciliation through dialogue so that peace, prosperity, and democracy may flourish for all citizens of the Turkish Republic.

CONGRATULATIONS TO CANTIGNY POST 367 ON ITS 75TH ANNIVERSARY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. WELLER. Mr. Speaker, today, I congratulate the .Veterans of Foreign Wars Cantigny Post 367 in Joliet, IL, as it celebrates its 75th anniversary and thank them for their hard work and dedication to the community and our country.

For the past 75 years and more, the veterans have given their time, and in some cases their lives, and their service to America. Today we show our appreciation.

Thank you for your lifelong devotion to democracy.

The Veterans of Foreign Wars was organized in 1899 and is composed of Army, Navy, and Marine veterans—all of whom share a comradery and a distinct allegiance to both country and each other. Perhaps the objectives listed for the VFW organization describe its purpose best. "To preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead, and to assist their widows and orphans; to maintain true allegiance to the Government of the United States of America."

On March 28, 1920, the Chateau Cantigny Post No. 367 in Joliet was formed. Its name was derived from the men who served with the 1st Division and saw action at the Cantigny Woods. John Baron served as the first commander of the post which had 38 charter members.

Since that day, Cantigny Post 367 members have contributed greatly to the community. They dedicate their time and energy to assisting hospitalized veterans through raising funds for Hines VA Hospital, Danville VA Hospital, North Chicago VA Hospital, the VFW National Home and the Veterans Home in Manteno, IL.

The post also presents flags to high schools, ROTC groups and other civic organizations.

It is a distinct pleasure to have such an honorable and patriotic group in the 11th Congressional District and I applaud your efforts. Congratulations on your 75th anniversary and please continue your hard work—it is truly appreciated.

ENDING DISCRIMINATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PACKARD. Mr. Speaker, one does not solve discrimination with discrimination. Affirmative action represents nothing more than a Government-designed racial spoils system. Equal treatment, not preferential treatment, should be the standard. Equal opportunity, not equal results, must be the goal.

For the past 30 years, Government quotas and guidelines have promoted a society that treats some Americans differently from others. Government dictates how varying ethnic groups will divvy up jobs, promotions, contracts, and college admissions. Affirmative action promotes opportunity based on race and creed not merit. This premise promotes the false idea that minorities cannot compete without special favors. Simply put, it implies inferiority.

Affirmative action pits group against group, stirring envy and resentment while eroding the value of individual worth. You do not raise yourself up by holding others down. Government-imposed favoritism demeans the genuine achievements of those it is supposed to help.

Mr. Speaker, in the twisted game of affirmative action, quantity takes precedence over quality allowing discrimination to pose under the guise of fairness. We must not confuse equal opportunity with equal results any longer. The more equal the opportunity the more diverse the results. It is time to end affirmative action. We need to promote fair competition in our society, not Government quotas and favoritism.

MRS. VIRLIN MILLEE WATSON FOR HAVING REACHED HER 100TH BIRTHDAY

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. DICKEY. Mr. Speaker, today I would like to pay tribute to Mrs. Virlin Millee Watson. Mrs. Watson was born on March 25, 1895, to the late James William Millee and Sarah Jane Long Millee in Sebastian County, AK, near the town of Fort Smith, where she lived until 1906 when her family moved south to Pine Bluff, AK.

Mrs. Watson graduated from Pine Bluff High School and began work in June 1915 for Schober-Martin Dry Goods Co. as a pattern clerk and also answered the telephone. She studied bookkeeping in night classes at a privately-run school in Pine Bluff and in 1916 was hired by Joe Hankins & Co. cotton buyers as a bookkeeper. In 1919 she became bookkeeper for Pine Bluff Produce and Provision Co. and worked in that position until her marriage. During this time she was an active member of the Ohio Street Baptist Church and also enjoyed an active social life.

On November 15, 1922, she was married to Clarence Watson. Mr. Watson was employed in the administrative office of the Cotton Belt Railroad. After the marriage, she joined the First Baptist Church and, in addition to church activities, was a dedicated homemaker and a member of several social clubs composed of young matrons of the city.

On May 9, 1931, she gave birth to Clarence Watson, Jr., and in November of that same year the Watsons moved to a new house at 3003 Cherry Street, where Mrs. Watson would live for some 59 years thereafter. On June 2, 1951, Mrs. Watson began a second career. Mr. Watson's failing health contributed to the need and desire for Mrs. Watson to once again enter the work force. She was placed in charge of the tuberculosis unit of the Jefferson County, AK, health unit. She remained employed in that position until her retirement in January 1958. Mr. Watson died September 11, 1958.

Mrs. Watson continues to maintain interest in the affairs of her church as well as city, State, and national affairs. She also remains a devoted Arkansas Razorback football and basketball fan. In late 1993 she moved to Trinity Village but continues to maintain her Cherry Street home for occasional use. Her son, C.E. Watson, and his wife Frances live in San Diego, CA. She has two grandchildren, Kevin Scott Watson, of California, and Leslie Claire Watson, of Florida.

In short Mr. Speaker, Mrs. Watson is an extraordinary woman whose life can be looked at as an example of what America is all about. Through the good times and the bad times she has shown love and dedication to her family and community, and by so doing has made this world a better place in which to live.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to Mrs. Virlin Millee Watson as she and her loved ones celebrate the reaching of yet another milestone in her life.

THE 50TH ANNIVERSARY OF RICH PRODUCTS CORP.

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. QUINN. Mr. Speaker, I rise today in recognition of the 50th anniversary of Rich Products Corp., the Nation's largest family-owned frozen foods manufacturer founded and headquartered in Buffalo, NY.

Rich Products has had a long-standing tradition of teamwork, innovation, and a commitment to excellence.

This all began in 1945 when Robert E. Rich, Sr., founder and chairman of the board, directed a laboratory team to find a vegetable-based replacement for whip cream from the new source known as the soybean. They discovered that the soybean substance could be frozen, thawed, and whipped.

This new, revolutionary product was named Rich's Whip Topping and served to open and define the new world of nondairy products to the frozen food industry. It also made Rich Products the leader and innovator in the industry.

Since this time, Rich's Products Corp. has introduced innovative products like Coffee Rich, the Nation's first nondairy creamer. it is the only nationally distributed creamer on the market that is truly 100 percent cholesterol free and low in saturated fats.

Rich Products continued to expand both in size and its product line. Frozen baked goods were soon added to Rich's lineup. This was followed by the additions of frozen dough, frozen seafood specialties, soup bases, gravy mixes, powdered coffee creamers, frozen Italian pasta and meat, frozen fruit and barbecue and specialty meat products.

Rich's also opened a new area in the industry with another innovation known as freeze flo. This is an all natural process that allows foods to remain soft while frozen.

Rich Products Corp. now employs over 7,000 people nationally and internationally with manufacturing sites and field offices throughout North America and the world. Rich's is headquartered on the banks of the Niagara River in Buffalo, NY with sales now exceed $940 million annually.

Throughout all its history, Rich Products Corp. has maintained a strong commitment to the western New York community. Rich's and its president, Robert E. Rich, Jr., demonstrated this with their effort to keep baseball in Buffalo. Bob Rich took a failing franchise and brought it to the forefront of professional baseball in many ways including breaking the million mark in attendance for 5 straight years. Bob Rich, Jr., also serves on numerous boards throughout the western New York community.

Rich Products Corp. is also the parent company for Rich Communications which runs two radio stations in the western New York broadcast market.

Robert E. Rich, Sr., has also demonstrated his commitment to the community by serving on the boards of over 30 organizations in western New York including the University of Buffalo, Buffalo General Hospital, and the United Fund of Buffalo and Erie County just to name a few.

Mr. Speaker, I am proud to honor the Rich Products Corp.; the chairman of the board, Robert E. Rich, Sr.; and the president, Robert E. Rich, Jr. I salute their 50-year history and the lifelong commitment of both these citizens to the western New York community. I wish them continued success into the next century.

FIFTIETH ANNIVERSARY OF SCRANTON PREPARATORY SCHOOL

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. McDADE. Mr. Speaker, I rise today to commemorate the 50th anniversary of Scranton Preparatory School, the high school founded by the Society of Jesus in Scranton, PA.

Scranton Prep has achieved great success in providing a value-oriented education to young men and women. Its curriculum, based on the Jesuit tradition of classical studies, is intended to prepare students for the challenges of the modern world.

Besides traditional academic pursuits, Scranton Prep fosters cooperation, respect, and responsibility through community service and opportunities for personal religious growth. One of the ways in which Scranton Prep aids in the fulfillment of these goals is through summer volunteer service projects in Mexico and Appalachia.

The importance of academic excellence at Scranton Prep is evinced by the fact that 99 percent of its graduate go on to college. Students are prepared for their college careers through advanced placement classes and a strong emphasis on classical education including the study of Latin and Greek.

I have had the great pleasure of witnessing the growth of this school from its original student body of 120 young men into an accredited institution which now enrolls 790 young women and men from throughout the region. As the school has grown, it has remained motivated by the Jesuit ideals of Christian humanistic education.

Mr. Speaker, I am privileged to count myself among the proud alumni of Scranton Preparatory School and I ask my colleagues to join me in honoring my alma mater as we observe this landmark anniversary.

THE TUITION ACCOUNT ASSISTANCE ACT OF 1995

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I am introducing the Tuition Account Assistance Act of 1995. It is my sincere hope that this legislation will help clarify the middle-class benefits of capital gains tax reduction.

This legislation would enable parents or guardians to save for their children's education through a State college tuition-savings program without tax penalties. This legislation would also encourage States to adopt tuition savings programs if they do not currently have them, and States who do would benefit from an additional incentive for participation. It is time to quite penalizing families who are trying to save for their children's education.

In September, 1993, my home State of Pennsylvania started a program to provide for the advance purchase of college tuition credits. Tuition credit prices are set annually based on current tuition prices, expected tuition inflation and the expected earnings of the fund. The program allows the credits to be used anytime after they mature. Unfortunately, any increase in the value of the credits are subject to Federal income taxation. The purchaser will incur a tax liability when the credits are used, or in the event of a refund.

While Pennsylvania's program is new and participants are not yet able to use the credits, when they do, they will be met with a huge tax burden. Other States who have this type of program are all too familiar with the disincentive this liability is to the program, and States who are contemplating starting a program are thinking twice.

For these important reasons, I am pleased to offer this bill to the House.

A TRIBUTE TO WILLIAM R. McCLAIN

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to Mr. William R. McClain, who retires as the vice president, government and international operations for E-Systems on March 31. Bill has had a long and distinguished career in the service of our country, including 4 years in the Air Force, 30 years at the Federal systems division of IBM, and the last 8 years with E-Systems. During his years of service, Bill has been involved with many sensitive defense, intelligence, and space programs affecting the security of our Nation. The sheer number of programs he has been associated with over such a long career is impressive, but the diversity of those programs is remarkable. Included in his portfolio have been the Titan rocket, AWACS, global positioning system, the space shuttle, and the RC–135 and U–2 aircraft programs, to name a few.

Bill had been successful for many reasons, the most important being his lovely wife Flo and their four children. Among the other important reasons for his success have been his ability to reduce complex technical problems or situations to their simplest terms, and to then apply clear and precise solutions. Over the years, Bill's consummate skill in the area of marketing resulted in significant business opportunities for both IBM and E-Systems. This resulted in high quality products for the U.S. Government, high quality jobs for U.S. workers, and added leverage for U.S. competitiveness in the international arena.

As Bill and Flo retire in their lovely home on a beautiful golf course in North Carolina, they can enjoy what they have worked hard for all these years. They can also enjoy knowing that they have made a positive contribution to the security of our great Nation.

Good luck and best wishes Bill and Flo, and remember to keep your head down and follow through.

A TRIBUTE TO MICHAEL D. FRANCIS FOR OUTSTANDING COMMITMENT AND ACHIEVEMENT

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. ZIMMER. Mr. Speaker, one of the most remarkable people I know, Michael D. Francis, is being presented with the American Jewish Committee's Institute of Human Relations Award on March 29, and I would like to tell my colleagues why he so richly deserves this award.

The Institute of Human Relations Award is given only to those who stand apart both in their professional achievements and in their service to their community; and Mike Francis has surely met both criteria.

Few people have devoted as much time or energy as Mike in the work he has undertaken in both the private and public sectors. Despite enormous career demands as chief executive officer of Planned Building Services, Inc., and Planned Building Security, Inc., he has given 100 percent to those who have needed his help. As a result, Mike has become an indispensable part of New Jersey's community fabric, lending his assistance and expertise to numerous institutions and organizations over the years, from the Newark Beth Israel Medical Center and the American Institute of Life Threatening Illness and Loss to his local United Way campaign.

As chairman of the board of the New Jersey Sports and Exposition Authority, he has provided that vital agency with strong and visionary leadership. Mike's commitment applies as well to his efforts on behalf of the alumni associations of the Wharton School of the University of Pennsylvania and Rutgers University School of Law.

Mike is enormously respected in New Jersey by business, industry, and community leaders alike—and for good reason. It is an honor to count him as a friend, and a pleasure to see him recognized for his outstanding achievements. I can think of none more deserving of the American Jewish Committee's Institute of Human Relations Award.

I wish all the best to Mike, his wife Marjorie, and their children, Lauren and Robert.

TIME TO CLOSE THE BOOKS ON THE LAKE CHAMPLAIN BASIN PLAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SOLOMON. Mr. Speaker, in 1990, Congress enacted the Lake Champlain Special Designation Act and authorized $25 million for a 5-year environmentalist study of a region encompassing over 8,000 square miles, including much of the Adirondack-North Country area.

I opposed this undertaking at the time out of a genuine concern that it was setting in motion a process which would almost inevitably produce an imbalanced plan. Now that a draft basin plan has been released for public reaction, it turns out that my concerns were very well founded.

In reading and analyzing this complex and far-reaching document, I am profoundly struck by several overriding and preconceived notions which place the entire effort in enormous doubt:

A rush to recommend policies, mandates, and potential regulations based on generally inconclusive studies and information.

Unfunded mandates on everything from municipal treatment facilities to farmers to the owners of all paved areas in the region.

A total failure to assess and consider economic impacts and jobs as part of developing the plan's recommendations, with a very inadequate and attempt at economic analysis.

Numerous recommendations aimed at increasing the size and complexity of Government in an era when we need to all be working on making Government smaller and simpler.

Many recommendations or suggestions which have troubling implications for the rights of property owners in a region where these rights have already been greatly compromised.

These critical concerns emanate not just from one or two of the plan's recommendations, which would be fixable, but from virtually every chapter, revealing a process and approach which was clearly misdirected from the start.

Mr. Speaker, I have asked my colleague and friend, BOB LIVINGSTON, chairman of the House Appropriations Committee, to close the books, once and for all, on this ill-advised and dangerous scheme.

TRIBUTE TO ATKINSON HIGH SCHOOL REBELS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CHAMBLISS. Mr. Speaker, the Atkinson High School Rebels, of Pearson, GA, captured their first Georgia State Basketball Championship in school history, 71 to 64, over Decatur in the 1995 Class A boys title game on Sunday, March 11. The Rebels played inspired basketball despite the loss of someone very dear to the team and community. Ralph Foster, former pastor of Pearson Methodist Church, was a tremendous influence on a team destined to win the State title. The Rebels rallied around the loss of Foster as they dedicated the season and State championship to the late pastor and presented Mrs. Velma Foster with the trophy following the championship game. Coach Mike Putman has helped to build the character and work ethic necessary for these young athletes to succeed in life as well as the basketball court. Tough defense along with a balanced scoring attack were key ingredients as this group exemplified commitment to the team effort. The good people of the Eighth District are proud of these young athletes and their ability to set and stay focused on their goals during a time of great adversity. We salute their efforts and congratulate their accomplishments.

TRIBUTE TO MARY CREWS KORNEGAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased to ask my colleagues to join me in recognizing the accomplishments of a talented and dedicated professional, Mary Crews Kornegay, who is retiring after many years of outstanding public service to the city of Newark, NJ.

Ms. Kornegay, embarked on her career with the city on November 22, 1960, during the administration of Mayor Leo P. Carlin, when she assumed the position of clerk stenographer. Her ability was quickly recognized, resulting in a series of promotions to other positions: Principal stenographer, deputy municipal court clerk; private secretary to the corporation counsel, chief clerk, office supervisor; and her present position, executive assistant, law department. In addition, she serves as the secretary to the city of Newark Insurance Fund Commission. Ms. Kornegay has served as chairwoman on the City's Employees Recognition Awards Committee since its inception. In addition, she serves on the Safety Committee, the Americans with Disabilities Act Committee and the Fleet Safety Board.

In addition, Ms. Kornegay continues her appointment to the New Jersey Supreme Court's Attorney Ethics Committee, as well as her elected position as secretary to the New Jersey Risk Management Association and serves on its executive board. She is also a member of the board of trustees of the Ensemble Theatre Company.

A graduate of Rutgers University, she received a Bachelor of Arts Degree with high honors in political science and urban studies. A member of the alumni association of Rutgers University College and Alpha Sigma Lamba-Beta Zeta Chapter Honor Society, she remains actively involved with Rutgers Alumni projects. She has the distinction of being the first student at Rutgers to receive a certificate in public Administration.

She received her certification from the certified manager's program through the New Jersey Department of Personnel and Rutgers University. She also completed the associate in risk management courses at Seton Hall University.

A lifetime resident of Newark, Ms. Kornegay has two children, Janine and Michael.

I know that my colleagues here in the U.S. House of Representatives join me in congratulating Ms. Kornegay and wishing her all the best as she moves on to the next phase of her life. May she enjoy new pursuits in the many fulfilling and happy years ahead.

INTRODUCTION OF THE UNITED STATES-MEXICO BORDER WATER POLLUTION CONTROL ACT AND A BILL TO PROVIDE ASSISTANCE FOR U.S. COLONIAS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PASTOR. Mr. Speaker, today I am introducing legislation to amend the Clean Water Act to provide a basic level of protection to human health and the environment for millions of United States citizens who live along our border with Mexico.

Specifically, the bill authorizes the Environmental Protection Agency [EPA] to provide financial and other assistance to the Border Environmental Cooperation Commission [BECC], the International Boundary and Water Commission [IBWC], and other appropriate State, Federal, or local governmental agencies for the construction of waste water treatment facilities in the vicinity of the United States-Mexico border.

Simply put, Mr. Speaker, this legislation will save lives.

More than 9 million people live within 65 miles of the 2,000-mile-long United States-Mexico border. Rapid population growth on both sides of the border in conjunction with relatively unplanned development in Mexico, have overwhelmed the existing waste water infrastructure in the region. The net result is raw sewage flowing into the United States and contaminating our surface and ground water. It is an environmental and human health debacle of Third World proportions that threatens the health of millions of people.

In Nogales, AZ, as well as in many of the border regions of Texas, California, and New Mexico, the geography is such that the rivers and streams flow north. Many times, these "rivers" are nothing more than dry washes that run with water only during storms or when effluent is discharged. The Nogales Wash, which runs through the center of the town, is typical of these bodies of water. Nogales, AZ is a small town of approximately 25,000 people. It's sister city in Mexico, Nogales, Sonora, contains between 250,000 to 300,000 persons. The two cities are linked by family ties, a common heritage and language, and a shared environment. Unfortunately, a lack of infrastructure in Nogales, Sonora has turned the Nogales Wash into what the Arizona Republic described in a February 1994 article as "an open drainage ditch that carries industrial runoff and sewage right through the downtown" of Nogales, AZ.

While an international waste water treatment plant, operated through a binational agreement between the Mexico and United States sections of the International Boundary and Water Commission [IBWC], treats sewage from both Nogales, Sonora and Nogales, Mexico, the plant is near capacity and often exceeds capacity during storms. Since 1990, for 24 hours a day, 7 days a week, chlorine has been added to the waste water in the Nogales Wash to kill the fecal bacteria. Yet, petroleum products and other industrial chemicals continue to pollute the wash. In 1991, the wash, which runs by homes, businesses, and school bus stops, actually caught fire. Once again, Mr. Speaker, I am not describing some impoverished developing nation, but a thriving city in the United States.

Recent studies by the University of Arizona and the Arizona Department of Health Services found that rates of lupus in Nogales, AZ are 4.5 times the national average. The rates of leukemia and multiple myeloma cancer were also found to be several times higher than the national average. While no evidence directly linking these abnormally high rates of disease to the pollution problems of Nogales has been found, there is a strong suspicion that such is the case. The report by the University of Arizona found that the incidence of lupus increased among residents living near the Nogales Wash, and the Department of Health Services stated that there is "strong evidence" that the high rate of lupus is a result "complex environmental exposures."

The problems of Nogales, AZ are, unfortunately, not unique to that city. Towns and municipalities along the border, from San Diego, CA to Brownsville, TX are experiencing similar environmental nightmares that demand attention from the Federal Government. Clearly, it is the Federal Government's responsibility to ensure that a U.S. city is not adversely impacted by waste products emanating from a foreign national. Let me be clear, Mr. Speaker, in stating that the purpose of this legislation is to solve environmental crises that, while binational in nature, are adversely impacting communities in the United States. This is not public works legislation for Mexico, but a public health bill for the United States.

With the creation of the North American Development Bank [NADBANK] and the Border Environmental Cooperation Commission, we have begun the process of solving transboundary environmental problems in a binational manner. As the Federal agency with the primary responsibility for protecting human health and the environment, it is only proper that the EPA be able to commit its funds and resources to improving one of the most environmentally damaged areas of our country.

This bill is a Federal solution to a Federal problem, and I urge my colleagues to support its inclusion in the reauthorization of the Clean Water Act.

Mr. Speaker, I am also introducing, at the request of the administration, a bill to protect the environment and human health of those persons living in colonias along the border in the United States. These unincorporated communities lack basic waste water infrastructure and are being severely polluted by raw or partially treated sewage. Surface and groundwater contamination is rampant and these areas are fast becoming human health disasters.

The bill would authorize the EPA to make grants for the construction of waste water treatment works to service these colonias. Under the provisions of the legislation, the States are required to provide 50 percent of the funding for these projects. There is desperate need for this assistance along our border with Mexico, especially in the State of Texas. Once again, Mr. Speaker, I want to make it clear that these monies are for waste water treatment works to benefit communities in the United States that are in desperate need of infrastructure most of us would consider rudimentary.

I want to acknowledge the leadership of Congressmen RON COLEMAN and KIKA DE LA GARZA in providing for colonias. Both members have introduced legislation to meet the needs of these communities, and I look forward to working with them to ensure that colonias all along the border become safe and healthy places in which to live.

Finally, Mr. Speaker, I want to thank EPA Administrator Carol Browner for her leadership on these matters. Finally, after years of neglect under previous administrations, the United States-Mexico border is beginning to receive the attention it desperately needs. I commend Administrator Browner for her fine work and look forward to our continued efforts to improve the environment and health of our border communities.

TRIBUTE HONORING THE DELPHOS HERALD ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to one of the great newspapers of Ohio. This year the Delphos Herald in Delphos, OH, celebrates its 125th year of publication. The city of Delphos is a community renowned for its civic pride and commitment to service. The paper has through the years epitomized this outstanding quality.

For the first quarter century, the Herald was a weekly paper. Its first editor in 1869 was David H. Tolan, and it was independent in its politics until 1877. After that, historical records indicate the Courant, a Herald rival, was considered the Republican newspaper while the Herald the Democrats'. Later both became nonpartisan and both served the community until 1961. In that year, the Herald was sold to its present owners and the Courant was discontinued.

Over the years, the Herald has been the chronicle of change. Marriage, births, and funeral announcements are dutifully reported to the area, as well as national news including the exploits of those of us in Congress. This hometown newspaper has consistently benefited from a high caliber personnel, including my chief of staff Mark Wellman, who in high school was a sports reporter for the Herald. In all this time, the Herald has distinguished itself as a quality newspaper. Under the leadership of its longtime editor, Esther Bielawski, I am confident it will continue to prosper.

Mr. Speaker, anniversaries are a time to reflect upon a steadfast tradition of service. They are also a time to look toward new horizons. It is obvious that the city of Delphos and the surrounding area have greatly benefited from the effort that was started in 1869. I ask my colleagues to join me today in recognizing the achievements of the Delphos Herald and encourage the staff to continue to uphold what has become the standard for excellence in Ohio.

LEON P. KLEMENTOWICZ HONORED AS 1995 PULASKIAN OF THE YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. MALONEY. I rise today to bring to the attention of my colleagues an outstanding constituent of mine in Greenpoint, Brooklyn. Leon P. Klementowicz represents the best of what Brooklyn is all about: Community, public service, and love for family. In recognition of his accomplishments, the Pulaski Association has selected Leon P. Klementowicz as its 1995 Pulaskian of the Year.

In order to truly appreciate Leon's long list of achievements, it helps to know a little bit about his upbringing. Leon is the youngest of three children born to Joseph Klementowicz and Stophie Sokolowska who had emigrated from Poland to the Melrose section of the Bronx, New York. After Leon's graduation from high school, he was drafted into the U.S. Army and served proudly during World War II. Rising to the rank of Combat Sergeant in the Third Infantry Division, Leon served on the front lines in Italy at (Anzio), France, Germany and Austria. During that time his bravery earned him the Silver Star, the Bronze Star and the Combat Infantry Badge.

After returning home from the war, he entered the funeral profession and married Irene Nieminski. Together they raised four wonderful children: Joanne, Claudia Marie, Monica and Paul Leon. In 1958, they purchased the John Smolenski Funeral Home in Greenpoint, Brooklyn and became active members of the SS. Cyril and Methodius Parish.

Leon is also an active member of many other organizations, including the Veterans of Foreign Wars, the American Legion, the Polish legion of American Veterans, the Fidelity Council of the Nights of Columbus, the Kosciuszko Foundation, the Smolenski Democratic Club and the Green Oaks Citizen's Club. He is also a director of the Polish and Slavic Center, an organization of over 35,000 members located in his beloved Greenpoint.

His work with Polish immigrants newly arrived in Greenpoint is well known throughout the community. His work earned Leon recognition by the Polish Government, which presented him with a medal at their consulate in Manhattan.

One of the most important community activities Leon takes part in every year is the Pulaski Day Parade. He took part in the very first Pulaski Day Parade in 1987 and has been an active member of the parade committee for over 35 years. He currently serves as a vice president on the committee and has been involved for many years in the coordination of the Mass at St. Patrick's Cathedral on Parade Day. Leon has also helped to reorganize the Greenpoint Parade Committee which has become one of the largest and well prepared groups in the parade.

Mr. Speaker, it is my great honor to help Leon Klementowicz celebrate his selection as 1995's Pulaskian of the Year. He exemplifies what is best about America, and I ask that my colleagues join me in saluting Leon for his years of service to New York City and the Polish-American community at-large.

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174 YEARS OF GREEK NATIONAL INDEPENDENCE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. FILNER. Mr. Speaker, I rise today to commemorate the 174th anniversary of Greek national independence, and to call for support here in the U.S. Congress for the rights of Greek nationals worldwide.

As we celebrate Greece's successful struggle for independence from the Ottoman Empire in 1821, let us not forget the continuing struggles of Greek people today—for basic religious and linguistic rights in Albania and Turkey, for peaceful coexistence and freedom in Cyprus, and for greater recognition of Greek sovereignty by its neighbors in Macedonia. The Greek people deserve our strong support as they strive for the very same rights and values we Americans hold so dear.

In my district, California's 50th Congressional District, I have the privilege of working with the George Pollos San Diego Chapter No. 505 of the American Hellenic Educational Progressive Association [AHEPA]. These Greek-Americans promote educational opportunities in the community, and are actively involved in international humanitarian issues. I am honored to join with them today to pay tribute to the Republic of Greece on its 174th birthday, and to call for congressional attentionto the ongoing struggles of Greek nationals in various parts of the world.

DRUG LEGALIZATION FICTION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SOLOMON. Mr. Speaker, President Clinton, in his State of the Union Address, criticized Hollywood for the increased level of violence in film. Yet once again, the President was noticeably silent on the drug issue.

In the latest dangerous nonsense from Hollywood, the movie "Pulp Fiction," the character played by John Travolta exclaims how wonderful his recent trip to the Netherlands was, primarily because of their drug legalization policies.

Mr. Speaker, I would like to submit into the RECORD some crime and drug statistics, provided by K.F. Gunning, M.D., the president of the Dutch National Committee on Drug Prevention, for the years since the Netherlands implemented their legalization programs in the early 1980's.

1988–1992 cannabis use among pupils increased 100 percent; 1984–1992 use increased by 250 percent; shootings up 40 percent; car thefts up 62 percent; hold-ups up 69 percent.

Addict Rate in the Netherlands: From 1919–1993, there was a 30-percent rise in registered cannabis addicts. The total number of addicts registered with the Consultation Bureau for Alcohol and Drug Problems has risen 22 percent since 1988 to 54,000 addicts in 1993, of which 25,300 were new addicts.

Organized crime groups: 1988(3), 1991(59), 1993(93).

Mr. Speaker, the test has been conducted and the results are in from the Netherlands. And despite all the misinformation about the consequences of dangerous drug use being put out by the Partnership for Responsible Drug Information, the Drug Policy Foundation, and our friends in Hollywood, the legalization of drugs should never become a serious policy option.

ROBERT A. DEMPSTER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. EMERSON. Mr. Speaker, Robert A. Dempster was buried yesterday in Sikeston, MO, where he had lived most of his wonderful life. He died last Friday at age 82 after a long illness. Not many in this Chamber knew Robert; but he was my friend, and I cannot let go his passing without sharing a thought or several thoughts about this remarkable citizen who sought no fame, but deserved it; who made a fortune that to him was relevant only in how much he could do with it, not for himself, but to give away, to the benefit of universities and students, churches, hospitals and patients, and to other good causes in his community, region of the State, the State, and the country.

I shall ask permission to include newspaper articles about Robert that will reveal the depth and breadth of his life, his career, his caring, his compassion, and his commitment. But I want to take this moment to note in the CONGRESSIONAL RECORD, the closest thing we have to an official national diary, that it is Robert and people like Robert who give this country the inherent strength it has. Somehow, out there among us, is Robert with vision—the understanding of one's duty, the perspective to dream, and the ability to bring those dreams to reality, not for his personal aggrandizement, but for the benefit of all to share and enjoy in the finest, most uplifting and enduring sense.

Robert Dempster made a phenomenal mark in his 82 years. He will be long remembered by those whose life he touched, but also by countless others who will never have had the privilege of meeting him, but will be touched by the generosity of his spirit and his works.

I include a news article from the Cape Girardeau Southeast Missourian, March 26, a news article from the Standard-Democrat, Sikeston, MO, March 26, and an editorial from the Standard-Democrat, March 27.

I also include a special tribute, offered by the Southeast Missouri University Foundation.

[From the Southeast Missourian, March 26, 1995]

SOUTHEAST BACKER ROBERT DEMPSTER DIES

(By Mark Bliss)

SIKESTON, MO.—Retired lawyer and civic leader Robert A. Dempster, one of Southeast Missouri State University's major benefactors, died Friday, March 24, 1995, at his home at the age of 82 after an extended illness.

Dempster was a devoted friend of the Cape Girardeau school. His wife, Lynn Dempster, is a member of the school's Board of Regents.

Over the past 15 years, he contributed nearly $2 million to the institution.

Dempster's contributions include $1 million toward construction of a business building, which will be named in his honor. Construction of the $15.8 million building is expected to begin in May and be completed by August 1996.

Visitation will be held today from 4 to 8 p.m. in Sikeston at the First United Methodist Church Dempster Chapel. Dempster contributed financially to the construction of the chapel in memory of his parents. The funeral will be Monday at 2 p.m. at the church. The Rev. Charles Buck will officiate, with burial in the Sikeston City Cemetery.

Dempster helped establish the Southeast Missouri University Foundation in 1983 and served as its first president. Over the years, the foundation has raised millions for the university.

"He was a wonderful man to us," university President Kala Stroup said Saturday.

Robert Foster, executive director of the foundation, mourned Dempster's death. "I lost a friend," he said.

Foster said Dempster was "the guiding genius behind the foundation."

Although not a graduate of the institution, Dempster devoted the last decade of his active life as an attorney and civic leader to promoting and supporting Southeast.

He was a good friend of Bill Stacy, the university's 12th president.

Dempster endowed scholarships for needy students, and funded the conversion of an apartment building into an academic building and construction of an auditorium for Crisp Hall of Nursing.

"We honor Robert A. Dempster for his vision, dedication and generosity, but first and foremost, we remember him as our friend," university officials said in a prepared statement.

Southeast wasn't the only school Dempster aided. He made numerous financial gifts to his alma mater, the University of Missouri, and particularly its law school. He served as a trustee for the law school.

He was appointed to the University of Missouri Board of Curators in 1978 by then-Gov. Joseph Teasdale and served a six-year term. He was chairman of the finance committee during his tenure on the board.

He was a member of the Board of Trustees of Scarritt College, a Methodist school in Nashville, Tenn.

He practiced law for more than 60 years, retiring in 1993 as managing partner of the Dempster, Barkett, McClellan and Edwards law firm. In 1994, he quit practicing law.

In 1993, he helped fund construction of the Missouri Delta Medical Center's rehabilitation complex, which bears his name.

Dempster was born April 8, 1912, in Ava, Ill., the son of George A. and Emma Dempster.

He moved to Sikeston with his parents in 1915. He attended Sikeston public schools, graduating in 1929.

He attended Central Methodist College in Fayette for two years and then transferred to the University of Missouri law school, graduating in 1934.

During his senior year in law school, he was elected city attorney for Sikeston.

In 1942, he became an officer in the Navy and spent 30 months on the island of Okinawa during World War II. He rose to the rank of lieutenant commander before leaving the Navy.

He resumed the practice of law in 1945 and served six years as Scott County's prosecuting attorney.

In 1960, he founded the Security National Bank of Sikeston. Mercantile Bank bought it in 1982, and he served as board chairman for the bank from 1960 to 1986.

He was a member of the First United Methodist Church, and served in a number of leadership positions. He also was involved in development of the Wesley United Methodist Church.

He was active in civic affairs. Over the years, he served on the chamber of commerce board and as president of the Sikeston Industrial Board.

Dempster served as an honorary colonel on the staff of two Missouri governors.

He and Beatrice Dobbins of Longmont, Colo., were married in 1943. She died in June 1973.

He and Lynn Matthews were married May 23, 1978.

Survivors include his wife, and three stepdaughters, Pam Waltrip of Sikeston, Paulette Mouchett of Jackson, Miss., and Vicki Burke of St. Louis.

Ponder Funeral Home is in charge of arrangements.

[From the Standard-Democrat, March 26, 1995]

LONGTIME SIKESTON ATTORNEY, ROBERT DEMPSTER, DIES

SIKESTON, MO.—Sikeston attorney and prominent citizen Robert A. Dempster died Friday, March 24, 1995, in his home following an extended illness. He was 82.

Born in Ava, Ill., on April 8, 1912, son of the late George A. and Emma Dempster, he moved to Sikeston with his parents in 1915, where he lived for the remainder of his life.

A 1929 graduate of Sikeston Public Schools, Dempster attended Central Methodist College at Fayette for two years. He then transferred to the University of Missouri School of Law, where he graduated in 1934. During his senior year in the law school, he was elected city attorney for Sikeston, and upon graduation he returnedto Sikeston and began his career as an attorney.

As an officer in the U.S. Navy, he spent 30 months on the island of Okinawa, Japan, in 1942. He retired as a lieutenant commander.

In 1943, he married Beatrice Dobbins of Longmont, Colo., and she preceded him in death in June 1973.

On May 23, 1978, he married Lynn Matthews Dempster and she survives.

He is also survived by three stepdaughters, Pam Waltrip of Sikeston, Paulette Mouchett of Jackson, Miss., and Vicki Burke of St. Louis.

Dempster resumed his law practice in 1945 and served as the Scott County prosecutor for six years. In early 1960, he founded, chartered and built the Security National Bank of Sikeston, for which he was chairman of the board until 1982, when the bank was purchased by Mercantile Bank of St. Louis. Following the purchase, he remained with Mercantile Bank for four years as chairman and president of the board.

In 1982, he assisted his friend Dr. Bill W. Stacy, then president of Southeast Missouri State University at Cape Girardeau, to organize the University Foundation and Copper Dome Society. He served as president of this foundation for two consecutive terms. He also endowed many scholarships at the university and donated the initial $1 million gift for the new Business Education Building, which will bear his name. Dempster was honored by the university by being named "Friend of the University" in recognition of his service to the university.

He was appointed to the University of Missouri Board of Curators in 1978 by Gov. Joseph P. Teasdale, where he served for six years. Dempster was the chairman of the Finance Committee during his tenure on the board. Numerous gifts were donated by Dempster to the University of Missouri, particularly the University of Missouri Law School, where he has served as a trustee. He also served on the executive committee of the University of Missouri Development Fund Board and was a trustee of the Jefferson Club. Dempster was selected as a charter member in the Law Society and received an honorary membership in the Order of the Coif for his contributions to the bar and the new Law School Building at the University of Missouri School of Law.

In April 1984, he was appointed a trustee with the U.S. Naval Academy in Annapolis, Md. "His love for the Navy made this the most revered appointment in his long career," stated a family member.

Active in Sikeston's civic affairs, Dempster served on the board of directors of the Chamber of Commerce, was president of the Sikeston Industrial Board, Kiwanis Club and Sikeston Boy Scouts of America, and the American Cancer Society. He was also very active with the Young Democrats of America and had been an honorary colonel on the staff of two Missouri governors. He was known for his contributions to veterans organizations and was judge advocate of the local American Legion post.

In 1993, he was instrumental in the construction of the Robert A. Dempster Restart Physical Medicine Complex of Missouri Delta Medical Center. He also possessed an avid interest in education and was a member of the board of trustees of Scarritt College, a Methodist school located in Nashville, Tenn.

In 1993, he retired as managing partner of the Dempster, Barkett, McClellan and Edwards law firm, after nearly 60 years of practicing law.

A lifelong member of the First United Methodist Church, he served as a trustee, board member and lay leader, where he made a major contribution toward the construction and furnishing of the Dempster Memorial Chapel, in memory of his parents. He was also instrumental in the organization of the Wesley United Methodist Church.

Friends may call from 4–8 p.m. today at the Dempster Chapel. Services will be conducted at 2 p.m. Monday in the sanctuary of the First United Methodist Church, with the Rev. Charles E. Buck, pastor, officiating.

Burial will follow in Sikeston City Cemetery.

Pallbearers will be: Phil Barkett Jr., Spencer Edwards, Kevin Edwards, Matt Sikes, Fred Scherer, Tom Burke, Greg Colwick and Bill Waltrip.

Honorary pallbearers will be: Robert L. "Bob" Meyer, David Blanton, Judge Marshall Craig, P.J. "Pete" Ponder, Maurice Stauffer, Dr. Leo A. Bruce, Dr. Bill Shell, Dr. Max Heeb, Dempsey Gardner, Dr. Wendell Weathers, Don Agnew, Cline Carter, C.P. Black Jr., James M. Baird, the Rev. Tom Geers, Weber Gilmore, Terry Fitzgerald, Rick Adams, Michael Jensen, Dr. Bill W. Terry, Pat Murback Dobson, Dr. Kala M. Stroup, John Mobley, Dr. Tony Poole and Joel Montgomery Jr.

Ponder Funeral Home of Sikeston is in charge of arrangements.

[From the Standard-Democrat, March 27, 1995]

OUR VIEW: COMMUNITY BENEFITED FROM ROBERT DEMPSTER

You could spend an entire day recounting stories of Robert A. Dempster and still not scratch the surface. His life was one of accomplishment in law and business but, in the end, it was his generosity that will endure. Bob Dempster died Friday. Yet the stamp of his success and his compassion and concern for others will live forever. Not every community can boast a Bob Dempster. And Sikeston along with all of Southeast Missouri will benefit for generations from the legacy that remains.

If Bob Dempster had a chance to write his own obituary, we suspect it would concentrate on his military career. It was his years in the Navy and his later involvement with the Naval Academy that brought him the most pride. Dempster would have down played his millions of dollars in donations to higher education, his generosity toward the local hospital or his countless other financial assistance that he provided routinely. But as a community we cannot and will not forget that generosity.

Bob Dempster was quite simply a powerful man. He was respected by those in positions of great power who filed to his door for advice and counsel. He took under his seasoned wing far too many to count. He had time for all.

He was proud to champion underdogs. In many ways, he considered himself an underdog as well. Yet through determination, hard work and a keen insight, he reached a plateau that few ever imagine. He liked to help others who displayed similar grit. He sought them out and prodded them on. That part of his personality can never be measured.

And Bob Dempster could spin a yarn. He would relive, with a special gleam in his eyes, the baseball exploits of his youth. He would tell of Sikeston's early days when only two lawyers called Sikeston home. With his faithful dog Judge by his side, he would speak candidly of those days. You could tell in a sense that he missed them.

He once had a young client injured in a car accident. He arranged to have the youngster "sworn in" as an honorary deputy sheriff. The smile from that young boy—a snaggletoothed wide smile that went from ear to ear—was the reward Dempster wanted. I'm not sure how the case turned out but on that day, that young boy was a winner. And there were others. Thousands of others.

Robert A. Dempster will be remembered not so much for who he was but for what he did. He left a mark on so many that his legacy will remain for generations to come. And if our time on this earth is gauged by what we leave behind, Bob Dempster left his handprint far and wide. He will be remembered.

ROBERT A. DEMPSTER: FRIEND OF THE UNIVERSITY

A MEMORIAL TRIBUTE FROM SOUTHEAST MISSOURI STATE UNIVERSITY

The Southeast Missouri State University community mourns the passing of a great friend and benefactor, Robert A. Dempster. He is remembered with extraordinary affection and respect by those with whom he worked on behalf of the University and its students.

Although not a graduate of the institution, Robert A. Dempster devoted the last decade of his active life as an attorney and civic leader to promoting the welfare and building the excellence of Southeast Missouri State University, and to providing access to quality higher education for the young people of this region.

In 1983, Robert A. Dempster suggested the formation of a new organization, the Southeast Missouri University Foundation. His experience as a member of the Board of Curators of the University of Missouri, where he was active in the initiation of private fund-raising efforts, proved invaluable to the Southeast Foundation at its inception.

As the first President of the Southeast Foundation, Robert A. Dempster issued a challenge which has been accepted by thousands of men and women during the past 12 years. "I became a part of the Foundation," Mr. Dempster wrote in 1984, "because of my deeply held feeling that substantial support from the private sector is necessary if Southeast Missouri State University is to continue to maintain the highest academic standards * * *. Our University must be given whatever support is necessary to continue its long tradition of excellence."

Robert A. Dempster was tireless in his activities on behalf of the University, and his generosity was truly legendary—including the endowment of scholarships for needy students, the donation of an auditorium for the Crisp Hall of Nursing, and providing gifts for two buildings, the current Robert A. Dempster Hall, and a splendid new facility for the University's College of Business which will be named in his honor.

We honor Robert A. Dempster for his vision, dedication, and generosity, but first and foremost he was our friend. To his widow, family and other friends, we extend heartfelt condolences.

TRIBUTE TO DR. DENNIS BERGE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor a friend and fellow educator from San Diego State University who passed away this month—Dr. Dennis Berge.

Dr. Berge dedicated his life to our community and our country. He taught at Crawford and Hoover High Schools in San Diego and, in 1963, joined the faculty at San Diego State, where he taught until his retirement in 1992.

I was privileged to be a History Department colleague of Dr. Berge's for more than two decades. Dr. Berge authored many articles and reviews on western U.S. history and the city of San Diego, but was best known as an expert on the history of the Mexican-American War, U.S. continental expansionism and the American West. He was an active member of the Western Historical Society and the Organization of American Historians. As a professor, he was known to his students for his thoughtful lectures, rigorous intellectual standards, and careful attention to the academic needs of his students.

Dr. Berge served in the Army during the Korean war and commanded an armored platoon. He was awarded the Bronze Star for heroic achievement in action near Soubyok, Korea, on July 11, 1953.

After being discharged from the Army as a first lieutenant in November 1953, he resumed his studies at San Diego State University, where he received his Bachelor and Master of Arts Degrees in History. He subsequently received a Ph.D. in History at the University of California, Berkeley.

As a faculty member at San Diego State University, he assumed numerous administrative duties such as Chair of the Department of History for 6 years and member of the Faculty Senate.

My thoughts and prayers go out to his wife, Priscilla Ann, and his family.

STEP-UP

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. HASTINGS of Florida. Mr. Speaker, I would like to bring to the attention of this body a program in my district of Florida which has shown great promise in moving people from welfare to work.

The program, created by the Fort Lauderdale Housing Authority, is called Step-Up. It is designed to provide people living in poverty with the skills they need to remove themselves from public assistance by allowing the housing authority to hire people who live in its units to do renovation work on its property.

Program participants are paid $4.30–4.50 an hour, work an average of 32 hours per week, and must join a high school equivalency program. Those who finish will have two options: A scholarship at the local Broward Community College, or continuing with work and training. Participants, young adults between the ages of 18 to 25, learn trades from outside contractors who are asked to donate training and materials to the project.

Mr. Speaker, everybody will benefit from this program. Unskilled young adults will be trained and educated, and sorely needed renovations will be made to public housing stock. The Step-Up Program provides meaningful options through opportunities for employment, job training, and educational achievement. It will enable people who have traditionally been socially and economically disenfranchised to move from government dependency to self-sufficiency and employability.

I salute the Fort Lauderdale Housing Authority and all of the people who have made this program possible. And I encourage housing authorities all over America to look to this program as a model for teaching our children viable and valuable skills, giving them hope, and helping them secure an education and a future.

LEGISLATION TO CHANGE BUDGET SCOREKEEPING RULES

HON. JAMES A. TRAFICANT, Jr.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. TRAFICANT. Mr. Speaker, last week I introduced legislation, H.R. 1325, to change the current budget scorekeeping rules as they relate to Federal real estate transactions. As chairman of the Public Works and Transportation Subcommittee on Public Buildings and Grounds in the last Congress, I held several hearings on the way in which the Office of Management and Budget scores Federal real estate transactions. The hearings underscored previous findings by the General Accounting Office that the Federal Government is wasting hundreds of millions dollars a year in unnecessary long-term leases. This waste is due primarily to the fact that current budget scorekeeping rules prevent the General Services Administration from pursuing a full range of financing options to meet the Federal Government's office space needs.

In response to these findings, I moved in a bip-partisan fashion and introduced legislation to solve the problem. the bill I introduced in the last Congress, H.R. 2680, was co-sponsored by leaders from both parties on the Committee, including NORMAN MINETA, BUD SHUSTER, JOHN DUNCAN and ELEANOR HOLMES NORTON.

In the summer of 1994, H.R. 2680 was approved by the Public Works and Transportation Committee and referred to the Government Operations Committee. Last August, the Government Operations Committee heard testimony from NORM MINETA and myself on behalf of the legislation as part of a series of hearings the committee held on the budget process. Unfortunately, the bill was never acted on by the House prior to adjournment. The bill I introduced last week, H.R. 1325, is identical to the bill I introduced in the last Congress.

H.R. 1325 would change Federal budget accounting rules to allow GSA to utilize a full range of financing mechanisms in meeting Federal office space needs. Under current Federal budget scorekeeping rules, which were established in the 1990 Budget Act, the entire cost of a Federal construction project or building purchase, must be scored in the first year of the project, rather than amortized over the actual construction period, or over the expected life of a purchased building. For leases, the rules require that only the annual rent costs be scored. The end result is that operating leases have become the most attractive vehicle for GSA, the Federal Government's real estate arm, to meet the housing needs of Federal agencies—even through in the long-term it is the most costly.

The bill amends the Public Buildings Act of 1959 to treat Federal real estate transactions in the same manner they were treated prior to the implementation of the 1990 Budget Act. The bill would allow GSA to utilize alternative financing mechanisms, such as lease-purchases or time financing.

In 1975 GSA's leasing budget was $388 million. In 1994 GSA is slated to spend more than $2.5 billion on Federal leases. A December 1989 report issued by GAO analyzed 43 projects that GSA might have undertaken if capital financing were available to replace space that GSA would otherwise lease. GAO estimated that, over a 30-year period, constructing the 43 projects instead of leasing, would have saved taxpayers $12 billion.

Financing by lease purchase is inappropriately being compared by OMB to direct Federal construction, when the correct comparison should be with the cost long-term leasing. My goal is to ensure that GSA has all the financing tools available to the private sector. Currently GSA does not have the ability to get the best possible deal for the taxpayer—because of the scoring rules. GSA should be able to, on a project by project basis, determine the most cost effective and efficient way to finance a particular Federal real estate transaction. My bill will give GSA this ability. In the long term, H.R. 1325 will save the taxpayer hundreds of millions of dollars. I urge my colleagues to support the bill.

TRIBUTE TO RIVERDALE HIGH SCHOOL FOOTBALL TEAM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a long-awaited goal.

The group is the Riverdale High School football team of Murfreesboro, TN, and the goal was winning the State 5–A football championship.

These men of Riverdale High trained vigorously, played tirelessly, and deserve recognition for a job well done.

I congratulate each member of the team, their head coach, Gary Rankin, and all the assistant coaches, managers, trainers, and team doctors. I know they won't soon forget their milestone.

The players are true champions: Emil Michell, Gerald Griffin, Corey Carney, Carlos Tigg, Marcus Smith, Eric Locke, Larry Floyd, Johnta Martin, Ryan Miller, Michael Knox, Craig Hill, Delaney Solomon, Joe Hill, Jerome Verge, Gabriel Nelson, Alvin Duke, Fernando Bryant, Howard Henderson, Elgene Porter, Ryan Maloney, Ron Smith, Jeremy Maurer, Kevin Litchford, Chris Long, Kelly Faulkner, Keith Jordon, Chris Barnett, Reggie Smith, William Henry, Andrew Smotherman, Brian Davis, Greg Smith, James Baxter, Doug Austin, Andy Risner, Joel Young, Shawn Bowers, Billy McKinley, Justin Tate, Brett Martin, Jerod Wade, Brian Barnett, Jeff Lee, Robb Soapes, Todd Harris, Michael Nobles, David Coppeans, Craig Underwood, Travis Brown, J.R. Crockett, Chuck Harris, Joe Oliver, Shavis Randell, Brian Austin, Antron Peebles, Jason Staples, David Merrill, David Hennessee, Matt Austin, John Simpkins, Phil Sisambath, Kevin David, and Ryan White.

CROATIAN CIVIC CLUB OF MILWAUKEE NAMES VIOLET JELIC CROATIAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate Ms. Violet Jelic on being named Croatian of the Year by the Croatian Civic Club of Milwaukee.

In selecting Violet as Croatian of the Year, the Croatian Civic Club has honored a woman who has done much to promote and preserve her proud Croatian-American heritage and who has made a direct impact on the lives of many people in our community.

As a member and past president of the Croatian Civic Club, Violet has played an instrumental role in keeping the traditions of the Croatian-American community alive and vibrant in the Milwaukee area. Through her involvement with the Croatian Radio Hour she shares the richness of her Croatian heritage with our entire community.

In addition to her involvement in cultural activities, Ms. Jelic has shown herself to be a person who is concerned about the less fortunate and who is committed to living out the principles of her Catholic faith. Whether she is leading prayers in her church, visiting the sick, or inviting hospitalized Croatian soldiers to stay in her home, Violet has demonstrated a willingness to transform her beliefs into effective action. Among those wounded soldiers who have benefited from her efforts are Srecko Filipovic, Dusko Bujak, and Darko Crnojevic, to name just a few.

Violet Jelic has clearly set an example for our entire community. I join the Croatian Civic Club in commending Violet Jelic on her outstanding efforts and I congratulate her on being named Croatian of the Year.

TRIBUTE TO DODGE COUNTY HIGH SCHOOL INDIANS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CHAMBLISS. Mr. Speaker, the Dodge County High Indians boys basketball team recently won the AA Georgia State Championship for the first time in the 37 year history of the school. The Indians tenacious defense and unselfishness on the offensive side of the ball is a tribute to their commitment to the team effort. These young athletes have demonstrated the desire and will to win that is a reflection of the support and direction of the Dodge County community. Dodge County is coached by second-year head coach Willis Jones who has helped in building a competitive attitude based on the unity and work ethic necessary for these athletes to excel as they venture into the ever competitive game of life. The development of these skills will prove vital as this group prepares for their future. Through hard work and dedication along with their commitment to the "TEAM", these athletes are an inspiration to the people of the Eighth District and we salute their efforts.

STATEMENT IN SUPPORT OF BROWDER-CASTLE AMENDMENT TO H.R. 1215

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CASTLE. Mr. Speaker, today my colleagues GLEN BROWDER, FRED UPTON, BILL ORTON, BILL MARTINI, and I are filing an amendment to H.R. 1215, the Tax Relief Act of 1995. Our bipartisan amendment would condition the implementation of the tax cuts in the bill on enactment of legislation that will result in a balanced budget in 2002. Under our amendment, the tax cuts could take effect as soon as the Office of Management and Budget certifies that legislation has been enacted into law that puts us on a glide path toward a balanced budget. The tax cuts could be rescinded if we do not achieve specific deficit reduction targets in the subsequent fiscal years.

In short, if Congress and the President have the courage to pass a budget reconciliation bill this year that lowers the discretionary spending caps and makes the necessary program changes to end the runaway growth in entitlement programs like Medicare and Medicaid, then the tax cuts would begin on the same timetable as proposed in the tax bill.

We strongly support reducing the tax burden on the American people, but we believe our constituents have sent us an unmistakable message: cut spending first. It is not responsible public policy to enact tax cuts before Congress has fully faced up to the tough decisions that have to be made to bring government spending in line with its revenue. While most Americans would certainly like a tax cut, public opinion polls indicate that Americans place a higher priority on deficit reduction.

These polls are reinforced by the actual comments of many individual Americans who appeared at the series of field hearings held by the House Budget Committee earlier this year. In Ohio, Arizona, South Carolina, New Jersey, and Montana Americans revealed a common sense skepticism about indulging ourselves today while promising to ease the future debt burden on our children. They want spending cut first. If Congress can actually perform that difficult task then they'd welcome a tax cut.

We believe it is imperative that we do not let them down. If Congress approves $190 billion in tax cut this year, but then finds itself unwilling or unable to make the tough choices to reduce spending, we will not only add hundreds of billions of dollars to the national debt but we will further damage the voters' faith in their representatives. We believe that tax cuts and spending cuts must go together. The benefit or reduced taxes on families and businesses should be our reward for tackling the difficult decisions necessary to reduce Federal spending to the point where we can actually achieve a balanced budget.

While our amendment requires a tough standard to be met, it does provide a real reward. If Congress is wiling to make all the tough choices to reduce spending this year and the President signs those changes into law, the tax cuts could begin without delay. The tax benefits would continue as long as the Government meets its annual deficit reduction milestones on the way to a balanced budget. These targets would force Congress to ensure that it is really saving money and not just playing budget games to delay real cuts.

Tieing tax cuts to deficit reduction brings the American people directly into the process. They will be reminding their representatives to reduce spending so they can see the results on their tax forms and in their pocketbooks. We would all have an interest in making sure the budget process succeeds.

This amendment is an insurance policy for deficit reduction. It is consistent with the Contract With America and our pledge to cut spending first. It is supported by a bipartisan coalition of Members and it just makes sense. We will ask the House Rules Committee to make this amendment in order when the House considers H.R. 1215 next week. I urge my colleagues to support this reinforcement of our commitment to deficit reduction.

TRIBUTE TO GRACE INGLIS AND MATTHEW JAMES JAGO, JR.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. MENENDEZ. Mr. Speaker I rise today to pay tribute to Grace Inglis and Matthew James Jago, Jr. of Woodbridge Township for their numerous years of service as teachers. The Woodbridge Metro Chamber of Commerce and the Woodbridge Education Foundation will be honoring these dedicated teachers for their excellence in education on March 29, 1995.

Ms. Inglis began her career in the Woodbridge Township school district in 1974 at school #28 [Matthew Jago School]. She worked there as a teacher assistant, but felt she could contribute more to the school system. She wanted to improve herself and take on greater responsibilities. Ms. Inglis began her course of study at Middlesex County College to receive her teacher-aide certification.

For several years Ms. Inglis has been the coordinator of the Special Teacher Center. The center provides all special education teachers with resources in training, and extra guidance for teachers dealing with students who have difficulty learning. She realizes the importance of helping our youth, because these children are our future leaders. Her investment in educating our children has been a great service to our Nation, the 13th Congressional District, and to the Woodbridge Township.

Mr. Jago has devoted 19 years to the Woodbridge Township school district. He received his masters in education from Trenton State College and specializes in teaching the disabled. Mr. Jago has been blessed with extraordinary skill, and patience. He has devoted his career to teaching children with special learning difficulties. His expertise is in working with the perceptually impaired, and the neurologically impaired. His efforts on their behalf has helped them reach their educational potential.

Not only has Mr. Jago excelled in his teaching career, but also in his responsibilities as a citizen. Mr. Jago has volunteered for Hand in Hand, Special Olympics, and as a Sunday school teacher. He has received numerous awards including the Governor's Recognition Award, and the Nominee-Excellence in Education Award. Mr. Jago has served as cub master of Cubscout Pack 31 in Port Reading, and as the playground counselor at the Woodbridge Park. His participation in these activities show his commitment to helping today's youth grow into successful adults.

Ms. Inglis and Mr. Jago have dedicated themselves to our youth. I ask that you please join me in honoring these excellent educators for their great works in the Woodbridge Township school district.

THE CENTENNIAL OF THE DE YOUNG MEMORIAL MUSEUM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Ms. PELOSI. Mr. Speaker, I rise today in celebration of the 100th Anniversary of the M.H. de Young Memorial Museum of San Francisco. This great museum, founded at the close of the 19th Century, remains one of San Francisco's landmarks and a leading institution for collections and exhibitions in the United States.

It was in 1894 that newspaper publisher M.H. de Young, organized a fair to showcase the strength and diversity of the California economy. In record time, the California Midwinter International Exposition of 1894 was a dramatic success, so much so that de Young, the Director General of the Exposition, convinced city leaders to retain the Fine Arts Building from the exposition in Golden Gate Park. This building became the centerpiece of de Young's drive to form a museum in memory of the fair, to create a collection of "treasures and curios for the entertainment and instruction of the people of California."

On March 21, 1895, the Memorial Museum was opened as, de Young put it, "to create a nucleus of what someday would be a great museum." In a few short years, over half a million visitors a year passed through its turnstiles. It survived the earthquake of 1906, and in 1915, de Young had concluded that the growing collection and crowds at the museum required a new structure. De Young commissioned an architect to draw plans for a new building, and arranged the funding for the building from private donors and his own savings. On April 15, 1917, the cornerstone was laid for the new building, which, as the invitations stated, was to be the "New Memorial Museum." By the mid-1920's, other sections, including the tower, were added to the museum, and attendance was then said to equal the New York Metropolitan Museum and surpassed that of the Smithsonian.

In 1924, the museum's board of trustees was incorporated into the San Francisco City Charter by a vote of the people. The same vote saw M.H. de Young recognized for his contributions to the museum by adding his name to the formal title which stands today: The M.H. de Young Memorial Museum.

Through the 1930's, the de Young developed its reputation as a museum of international significance. Major exhibitions from Europe now included San Francisco, and many began under the de Young's leadership. Beginning in the 1930's, major exhibitions on American art in 1935 and 1939 presaged the museum's later emphasis on the field, including an exhibition showcasing Bay Area photographers who became household names: Ansel Adams, Edward Weston, and Imogen Cunningham.

In the 1960's, the de Young secured the rights to Avery Brundage's magnificent collection of Asian Art, eventually helping to establish the Asian Art Museum. The de Young also continued its aggressive exhibition of young American artists, including some only just becoming known, such as Wayne Thiebaud, Richard Diebenkorn, and Robert Arneson.

In 1972, the de Young Memorial Museum and the California Palace of the Legion of Honor merged to operate as The Fine Arts Museum of San Francisco, an operating structure still in place. Nevertheless, the de Young Memorial Museum continues to hold its separate identity to the art world, bringing breathtaking exhibitions of Van Gogh, the treasures of King Tutankhamen, the murals of Teotihuacan, and the Impressionists to the people of the San Francisco Bay Area. The de Young's reputation for its American art continued with important retrospectives of American giants such as Andrew Wyeth and Grant Wood.

Mr. Speaker, the de Young Memorial Museum is 100 years young, still growing, but now a great museum which continues to be a nucleus of great exhibitions. It will celebrate its Centennial with a landmark showing of some of the last paintings of Claude Monet, entitled "Monet: Late Paintings of Giverny from the Musee Marmottan." On behalf of the Congress, let us salute all those who, for 100 years, have contributed to the success—past, present, and future—of the de Young Memorial Museum.

KEY CHRONOLOGY OF DE YOUNG MEMORIAL MUSEUM

1894, San Francisco Civic Leaders organize 1894 California Midwinter International Exposition. Midwinter chosen to showcase the benign climate of the Bay Area. M.H. de Young is the driving force behind the Exposition.

1895: De Young, convinced that a Museum located in a Park was always popular (after touring Met in Central Park), leads drive to have a "memorial museum" to commemorate the 1894 Fair in Golden Gate Park.

1895, MARCH 21: Memorial Museum is dedicated.

1915: De Young commissions Louis Mullgardt, architect of the 1915 Panama-Pacific Fair, to design a new building to replace Midwinter Fair buildings. De Young arranges financing from donors and his own money.

1917: Cornerstone laid for what is now present day de Young Memorial Museum.

1924: Museum now part of City Charter. Name changed in Charter Amendment to "M.H. de Young Memorial Museum."

1932: Group f.64 show held at de Young, showcasing Ansel Adams, Edward Weston, and Imogen Cunningham.

1933: Dr. Walter Heil becomes director of de Young. Remains until 1960.

1935: First major exhibition of American painting at de Young.

1939: Major exhibition on American art entitled "Frontiers of American Art."

1949: Due to decay and danger, external ornaments of de Young Museum structure are removed. They include allegorical figures and symbols of California, including Spanish conquistadors, Franciscan padres, pioneer man and woman, science industry, and art.

ca late 1950's: negotiations begin for acquisition of Avery Brundage collection of Asian art, led by Gwin Follis.

1961: Heil retires. Jack McGregor takes over, begins construction of new wing for Asian art.

1969: Asian Art Museum "splits off" from de Young.

1969: Ian McKibbin White takes over as acting Director of de Young for Van Gogh exhibition.

1972: de Young and Legion of Honor merge as The Fine Arts Museums of San Francisco.

1973: Andrew Wyeth retrospective.

1976: Grant Wood retrospective.

1979: "Treasures" of Tutankhamen brings 1.8 million visitors.

1981: "Art of Louis Comfort Tiffany: exhibition.

1986: "The New Painting: Impressionism" exhibition.

1987: Harry S. Parker III becomes Director of The Fine Arts Museums of San Francisco.

1995: Trustees decide on a $96 million plan to demolish present building housing de Young Memorial Museum, build new structure on site.

1995: Monet: Late Paintings at Giverny from the Musee Marmottan" opens in San Francisco.

ONCE AGAIN, BILL CLINTON SIDES AGAINST OUR MILITARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SOLOMON. Mr. Speaker, last week, in a meeting with college students, President Clinton told them that it would be justifiable to remove ROTC programs from campuses if the colleges objected to the policy of "don't ask, don't tell".

Mr. Speaker, as a consequence of the President's position, I intend to offer amendments to several of the appropriations bills to insure that no Federal financial assistance goes to any college or university which has a policy of denying ROTC on campus. A group of alternative lifestyle students and draft-dodging, socialist professors are simply not going to set defense policy in this country. And if they do deny ROTC programs on their campuses, they had better be prepared to go without Federal financial assistance of any kind.

The U.S. Congress, after months of difficult work, reached a workable compromise. It was not a compromise that either side was particularly pleased with, but it was approved by the Congress and signed into law by President Clinton.

If this President lacks the leadership to support this policy, I will reopen the issue and put it back on his desk several times this year and next, during the Presidential election. Once again, President Clinton is showing his true colors by supporting the alternative lifestyle crowd at the expense of our men and women in uniform.

GOP WELFARE PLAN WEAKENS FOSTER CARE POLICIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. MILLER of California. Mr. Speaker, in 1980 I was the principal House author of P.L. 96–272, the landmark law that reformed Federal foster care and adoption laws, and established both a priority for preventive service and legal protections for foster children to assure them access to services and an appropriate foster placement. In addition, this important law provided Federal supports for adoption of children who could not be returned to their natural families.

The Republican welfare reform bill passed narrowly by the House last week is unfair to many, but none more so than the foster children who have no one to turn to but government for essential care. By eviscerating P.L. 96–272, the Republican bill will return us to the sorry situation prior to its enactment when States and even the Federal Government were unable even to tell us the number of children in foster placement, let alone the appropriateness of those placements, what services were being offered to the child and the natural parents, and what the long-term plan was for that child.

Foster children today enjoy far better legal protection than prior to 1980, but many States still need to be pressured to comply with the law's safeguards for these most vulnerable of children. In fact, nearly half of the States are today under court order, or have been sued, for violating the law.

Yet despite the general sympathy for moving programs back to the local government, many of these entities recognize they cannot manage a foster care program on their own or without the support and guidance provided by P.L. 96–272. Indeed, organizations like the National Association of State Legislators and the National Association of Counties are on record as opposing the way the Republican welfare bill undermines the foster care policies of the last 15 years and places children at risk.

It took 5 years of hard effort, working with States, children's organizations, the courts, and many others to achieve the major reform of 96–272. Yet foster children were barely recognized in the debate over the welfare bill of 1995.

Let us not make foster children again the forgotten children. Let us not throw out important and valuable reforms based on some half-baked ideological crusade. I am hopeful that the Senate, which played a key role in the development of 96–272, will again intervene to save the safeguards that have improved the foster care system, and helped hundreds of thousands of children have a better chance at permanency and success.

HONORING ANTHONY W.W. TANTILLO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. ENGEL. Mr. Speaker, on April 1, 1995, the Supreme Council of the Royal Arcanum, the Grand Council of New York and the Claremont Council No. 1655 will be holding an investiture ceremony for 82d legion of honor member Anthony W.W. Tantillo.

Mr. Tantillo, a lifelong Bronx resident, is being honored for his many years of service and dedication to the Royal Arcanum. In addition, Mr. Tantillo has been an active member of the Columbus Alliance and the Sons of Italy.

I am sure that Mr. Tantillo's family, neighbors and friends join me in congratulating him on this achievement.

NOTING THE PASSING OF REV. MICHAEL J. LAVELLE; PRESIDENT OF JOHN CARROLL UNIVERSITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. STOKES. Mr. Speaker, I rise with sadness today upon learning of the passing of Rev. Michael J. Lavelle on Saturday, March 25, 1995. For the past 7 years, Father Lavelle served as President of John Carroll University, which is located in my congressional district. I join members of the Cleveland community, the John Carroll University family, and others in mourning the passing of this distinguished individual.

In an article which appeared in the March 26th edition of the Plain Dealer, Father Lavelle is referred to as a "strong visionary, capable president and friend," These words are very appropriate in describing an individual whose academic career spanned 26 years, and whose devotion as a Jesuit priest earned him the admiration and respect of his colleagues throughout the Nation. Additionally, those of us who benefited from Father Lavelle's friendship recall his love and concern for his fellow man. Over the years, I enjoyed a close working relationship with Father Lavelle and his staff at John Carroll. I admired him for his strong leadership and commitment to educating our youth.

Mr. Speaker, the Plain Dealer article brings into greater perspective the life and contributions of an individual who will never be forgotten. I want to share this article with my colleagues and the Nation. Father Lavelle was very special to those who knew him. I extend my deepest sympathy to his sister, Helen Lavelle, and the entire John Carroll University family.

JCU'S LAVELLE DEAD AT 60

LEADER IN ACADEMIA AND JESUIT ORDER

(By Richard M. Peery)

UNIVERSITY HEIGHTS.—The Rev. Michael J. Lavelle, a Jesuit priest whose long and distinguished career led him to the presidency of John Carroll University, died yesterday at the A.M. McGregor Home in east Cleveland

He never regained consciousness after collapsing Feb. 27 from severe cardiac arrhythmia, while working out at the university's physical fitness center. He was 60.

"Father Lavelle was a strong visionary, capable president, and he was also a friend," said Frederick F. Travis, acting JCU president. "He was very well liked on campus and was a popular choice for president in 1988 among both faculty and staff."

During Lavelle's tenure as the 21st president of John Carroll, the freshman class enrollment grew from 500 to more than 700. He was instrumental in having two dormitories built to house the influx of students.

He also helped initiate the movement of John Carroll's athletic teams from the President's Athletic Conference to the Ohio Athletic Conference. The change led to competition with Baldwin-Wallace, Mount Union, Wooster and Muskingum colleges.

His accomplishments were not limited to the university. Respected by his peers, he often was invited to participate in Catholic matters of international importance.

In 1983, Lavelle was elected to the 33rd General Congregation of the Society of Jesus, which established the direction of the worldwide Jesuit order for the last 12 years. He also served as one of a dozen advisers to the American Catholic Bishops Committee on their pastoral letter on the economy in the 1980s.

An economist and an expert on Eastern Europe, he traveled to Soviet bloc countries more than 20 times, expanding his expertise in Soviet and international economics and working with his fellow Jesuits in those nations, many of whom had been driven underground.

The Cleveland native grew up in the Lakeview Terrace public-housing complex on the West Side. His father worked for the old Cleveland Transit System for 42 years, 28 of them on the Detroit Ave. and Clifton Blvd. streetcar lines.

Lavelle, a 1953 graduate of St. Ignatius High School, distinguished himself as a member of the school's football team, which won the 1952 West Senate League championship. He was voted the West Senate Most Valuable Player and was named to the All-Catholic High School football team. An all-scholastic offensive guard who also played defense, he received All-Ohio honorable mention.

Lavelle was a member of the school's track team for four years, played basketball for one year and played sandlot baseball in the summer.

He was inducted into the St. Ignatius Athletic Hall of Fame in 1988.

Several years ago, Lavelle had a quadruple heart bypass operation, but he could still be found in the gymnasium during many lunch hours playing pickup basketball with faculty members.

But it was another school activity that made the deepest impression on Lavelle as a teenager. One holiday, while delivering food baskets to the needy, he went to the home of a woman on Scovill Ave. who lived with just a mattress on the floor, a table and one chair. She cried when she received the food.

Lavelle said the experience made him decide to go into a profession where he would help people. The summer after he graduated from Ignatius, he decided to become a priest.

"Sure my parents were surprised, and some girlfriends too," he recalled years later.

Lavelle attended Xavier University in Cincinnati from 1953 to 1957. He earned degrees from Loyola University of Chicago and a doctorate at Boston College. He also studied at Harvard University's Russian Research Center in Boston and at the Sankt Georgen theology school in Frankfurt, Germany, where he was ordained in 1968.

He planned to say his first Mass on his father's birthday in 1969. But Lavelle returned to Cleveland early that year and delivered his first Mass at his father's funeral in Ascension Catholic Church.

Lavelle joined the John Carroll faculty in 1969 as an assistant professor of economics. He became chairman of the business department in 1973 and served as the dean of the School of Business from 1975 to 1977.

He left John Carroll to serve for six years as provincial superior of the Detroit Province of the Society of Jesus. He was the religious leader of 350 Jesuit priests and brothers in Michigan and Ohio.

He returned to John Carroll as academic vice president in 1984. Two years later, he took on additional duties as executive vice president for day-to-day operations. He was named president in 1988, succeeding the Rev. Thomas P. O'Malley, who resigned to take a teaching assignment in Africa.

Lavelle's inauguration was marked by his pledge to increase the university's commitment to community service and multicultural development. It was celebrated with a variety of ethnic foods and entertainment.

The multilingual priest, who was fluent in German and could read French, Italian, Czech and Russian, was known for his love of ethnic art, tradition and food. At the start of each school year, he distributed to new faculty members a list of local restaurants known for their ethnic cuisine.

An amateur cook, he was known for preparing dishes such as linguini with red clam sauce. For many years, he volunteered as a cook for the Friends of Templum House benefit.

Lavelle was a trustee of Boston College, Xavier University and Magnificat High School. He was a former trustee of Canisius College, the University of Detroit, Loyola College in Maryland, St. Joseph's University in Philadelphia and the Jesuit School of Theology in Berkeley Calif.

He is survived by his sister, Helen of Chicago.

Services will be at 10 a.m. Wednesday at Gesu Catholic Church, 2470 Miramar Blvd., University Heights.

Schulte & Mahon-Murphy Funeral Home in Lyndhurst is in charge of arrangements.

FAMILY TAX CREDIT IS NOT FAIR

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. GIBBONS. Mr. Speaker, in recent days, we have seen a debate among the Republicans over the issue of whether they should breach their Contract With America by denying the family tax credit to the 3 percent of all taxpayers who have children and incomes over $95,000. It is interesting to note at this time that, without much concern and with no debate, they have already breached their Contract With America by denying the family tax credit to low- and moderate-income families with large Social Security tax payments but small income tax liabilities.

All versions of the Contract With America before the introduction of H.R. 1215 provided a family tax credit with limited refundability for families with Social Security tax payments in excess of the earned income tax credit. In testimony before the Ways and Means Committee, the president of H&R Block commended the authors of the contract for including this limited refundability feature. He quite accurately pointed out that this feature enabled many low- and moderate-income working families to benefit from the family credit. In recent weeks Republicans have argued that this limited refundability was the result of inadvertent drafting errors. When one looks at the record, this explanation is difficult, if not impossible, to believe.

On September 27, 1994, Mr. Armey issued a press release which included the statutory draft of the family credit. He stated that the Republicans put the bill in a contract "so people can hold us accountable." On the first page of the bill included in that press release, the term "refundable" appears. On page 2 of the bill, it is quite clear that the credit was to be allowed against Social Security taxes. We now are willing to hold Mr. Armey and the rest of the Republicans accountable for their failure to retain this limited refundability feature in the bill reported by the Committee on Ways and Means.

On January 6, 1995, the family tax credit was reintroduced as part of H.R. 6. Again, we see the term "refundable" on page 2 of the bill. This time more care was taken to ensure that the credit was actually refundable. There is more than a full page of detailed statutory language to guarantee that the credit is allowed against a taxpayer's Social Security tax liability. The bill also amends an obscure provision in title 31 of the United States Code which provides a permanent appropriation for refundable tax credits.

Recently a Republican aide was quoted as blaming the refundability contained in prior versions of the contract on "faceless, nameless, pointy bureaucrats." The fact is that H.R. 6 was drafted with the full participation of the Republican staff of the Ways and Means Committee and the staff of the Joint Tax Committee. The care and precision of the drafting contained that bill is an accurate reflection of the technical expertise of those staffs. To blame the refundability feature contained in that bill on an inadvertent drafting error is simply not believable.

The decision reflected in H.R. 1215 to deny the limited refundability feature of the family credit that was part of the original Contract With America was required to offset the cost of the additional corporate tax benefits provided in the bill. Denying limited refundability reduced the cost of the family tax credit by approximately $13 billion over 5 years with over two-thirds of this revenue gain coming from working families with incomes less than $50,000. Denying the family tax credit to families with incomes over $95,000 raises approximately the same amount of money. The Republican leadership had a choice when developing H.R. 1215 and the choice they made was to reduce benefits to families earning less than $50,000 rather than to reduce the benefits to families earning more than $95,000.

The following examples show the effects of this contractual breach on hard-working, moderate-income families.

EXAMPLES OF FAMILIES WHO WOULD GET SMALLER FAMILY TAX CREDIT UNDER H.R. 1215 THAN UNDER THE ORIGINAL CONTRACT WITH AMERICA

Relative to the original Contract With America, H.R. 1215 makes the $500-per-child family tax credit nonrefundable. This means that many working families who would have received credits under the original Contract will receive much smaller credits under H.R. 1215. H.R. 1215 takes $13 billion out of the pockets of America's working families. In fact, two-thirds of that cutback from the original Contract will come from families with less than $50,000. (Examples are for 1996).

Example 1—Young Couple With Their First Child: Family of 3, 1 Child $15,000 per year.

Under the original Contract with America, this family would receive a family credit of $500.

Under H.R. 1215, this family would receive a family tax credit of $90.

Relative to the original Contract, this family will lose $410.

Example 2—Middle-Aged Divorced Mother Back In the Work force: Family of 4, 3 Children, $20,000.

Under the original Contract with America, this family would receive a family credit of $1,500.

Under H.R. 1215, this family would receive a family tax credit of $585.

Relative to the original Contract, this family will lose $915.

Example 3—Family With One High-School-Educated Worker: Family of 5, 3 Children, $22,000 per year.

Under the original Contract with America, this family would receive a family credit of $1,500.

Under H.R. 1215, this family would receive a family tax credit of $375.

Relative to the original Contract, this family will lose $1,125.

WELFARE REFORM

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. WILLIAMS. Mr. Speaker, the welfare reform debate in the House was, in a word, awful.

For the most part, it was either pandering or accusative; it was partisan, it was assumptive, and like the bill itself, it was punitive.

I received the following letter from a woman, a mother, who was once a recipient of welfare. I commend it to my colleagues as a measured calm voice amidst all of this unreasonableness.

March 19, 1995.

DEAR SIR: I am writing to you concerning the future of our nation. Among that collective future lies my own individual life, which is very distant from yours. Okanogan County, where I live in central Washington state, is larger than Rhode Island and Delaware but houses a population of only 35,000 people. We are bordered by Canada on the north, and by the Colville Indian Reservation on the east. the Cascade Mountains on the west isolate us from the more well known, urban coast of Washington state. Until recently, we boasted only one traffic light in the whole county. The largest industry employers are government and agriculture—mainly apples. Despite the distance between our lives, it is not impossible that you have eaten from the many tons of apples that passed through my hands when I worked in the orchards before my children were born. Roughly 30 percent of our population here depends on welfare payments. From my vantage point it is obvious that we are about to make some big mistakes around how we look at and structure social programs.

It is not our welfare system that is the problem, it's our economic system. Our economic system divides this nation's people geographically, philosophically and in other practical ways that prevent shared problem solving. Current proposals for welfare and fiscal reform blatantly disregard the reality that there aren't enough jobs which provide adequate wages on which to raise families. As long as there are low paying jobs that need to be done—agricultural labor, for example—there will be families who can't quite get their needs met, there will be industries that are not economically viable, and there will be a need to subsidize resources for those who provide these 'chore services' to the rest of the nation. This is called reciprocity. It's an ancient human survival strategy which we seem to have forgotten.

Not only are low paying jobs a given, but our economic system itself is incompatible with family life. This is why many women with children choose to go on welfare. I'll use myself as an example. I applied for welfare benefits when my children were 3 and 4 years old and I take responsibility for making that choice. I foolishly tried to raise a family with an alcoholic husband and when it became obvious that the situation wasn't good for any of us, I chose to leave. I looked for employment that was compatible with my children's need for my presence during such a disruption in their lives, but there was none, so I chose to go on welfare. I consider myself lucky to have had that option and intelligent for having made that decision.

One of the slanders being committed against welfare recipients right now is this ridiculous idea that welfare parents—mostly women—do not work. Even if we don't work outside the home for a salary, as parents, we work our backsides off within our homes, with little support, often under a deficit of skills, amidst extreme financial stress and in the face of growing public hostility for which political leaders are partly responsible. As long as families are impoverished they will find it difficult, if not impossible, to fully participate in their children's schools, in their communities and in larger leadership roles—where, I might add, their perspective is sorely needed. Working and middle class families do not escape this problem, either. As long as they are locked into an economic system which forces parents into full time employment positions, they will also fail to participate fully in their own home lives, in their schools, communities and social structures. When it comes to family crises like divorce, violence, substance abuse and juvenile delinquency, studies show that poor and affluent families are more alike than different. This is where the irony comes in.

Although we are segregated by our economic and class status, and although this segregation keeps us ignorant of and callous to each other's struggles, it is the common thread of parenthood that could supply the answer to many of this nation's problems. Surely this thought has occurred to some of the educated minds in the legislature! One of the only ways to solve a big problem is to break down barriers between people by involving them in a superordinate goal—a task that simply cannot be successfully completed without the participation of all persons involved. The only example I can think of where we cooperated in such a superordinate task on a national level is World War II. The reason we survived that event is because we pulled together, and that cohesion was accomplished in part by profound shifts in the way we thought about ourselves, and by having the courage to change economic and social norms. One example of this is the new economic roles women took on during the war.

As a nation, we often speak proudly of how we handled ourselves in those times. Well, parenting is our nation's contemporary superordinate goal, and at all economic and social levels, we are failing at this job because of the time deficit caused by an economic system that splits parents and children into different worlds, and because of poverty and all that it entails. Rather than inflict punitive measures on those families and individuals who are failing to thrive in our system, we need to genuinely 'invite' them into the middle class and we need to change the structure of our economic system.

I'll again use myself as an example because to some small extent I've challenged the incompatibility of poverty, employment and family life. During my first 2 years on welfare, the fact that I was not employed outside the home allowed me to participate in a lot of community volunteer work which I could do with or around my children. I ran cooperative game sessions for kids, I did volunteer library work, I tutored, I even acquired a $5,000 grant for a community education project which I coordinated without a penny of salary. No one told me to do these things. I considered them part of my parenting job and civic duty. Finally, my children entered grade school and I entered a local community college and eventually secured a work study job. A couple years later I fell in love with a man who is now just weeks away from becoming a certified teacher and while still on welfare, I became unexpectedly pregnant because of birth control failure.

The decisions surrounding this unplanned pregnancy were agonizing. What would happen to my schooling? Would a baby prolong my welfare dependency? Could I handle the challenge of parenting a toddler and a two teenagers at the same time? My third son is now one and half years old and looks a bit like a baby orangutan. He's the hearth around which our family gathers. Although I still receive cash welfare payments for the older boys I did not put this baby on the welfare grant even though there are laws in place that require me to do so. I have avoided it by refusing to apply for a social security card for him. His father paid for prenatal care and a midwife helped with his birth. The cost of my maternity care was roughly $700 and it did not come out of the public coiffures. I sometimes think I handle the taxpayers money better than you do.

Although I had to quit my job, I didn't miss a beat in my education. I managed one semester by bringing the baby to class but when he became too old to rock quietly on my lap during lectures, I enrolled in distance learning courses through Washington State University that allow my studies to take place from home, through taped interviews, conference calls and excruciating piles of written assignments. My work day lasts from about 6 a.m. to 11 or 12 p.m. In an otherwise family-hostile economic system, I have forged a narrow pathway that at least somewhat accommodates my need to parent my children. My education hasn't trained me for a specific job but it has refined the skills I naturally possess and it is showing me ways to use those skills. I'm in the process of starting a newsletter for stepfamilies and have recently been published for the first time. Of course, through social spending cuts, you could pull the rug out from under me right now when I'm so close to succeeding—but imagine what this nation would be like if we really acted on the lip service we give to "family values." Imagine what it would be like if parents actually had the time and resources needed to parent. In a country as affluent as ours there is no excuse for the lack of ingenuity and philanthropy evident in our economic and welfare programs.

With all due respect, some of y'all have got a lot of things mixed up. People are not poor because they're on welfare, they're poor because there aren't enough good jobs—and there never will be. Children aren't in trouble because they're innately bad, they're in trouble because their adult role models and mentors are so busy struggling to survive that kids are segregated into a world of their peers where they're left to manage, on their own, the development of values, crucial life choices, and navigation through difficult life transitions, and sometimes their very survival. And contrary to what a very misguided Washington State legislator recently stated, welfare recipients are *not* like plants. And if you cut a plant off and lay it on the ground (cut a person off of welfare and "force" them to be independent), that plant does *not* grow new roots and flourish. It dies. But it is not only in the areas of botany, biology and sociology that congressional leaders appear to need refresher courses—some appear to need a basic math lesson.

At least be honest with your constituents. Taking money from social programs is an ineffective method of saving tax money because this is not where we're over spending our tax money. Even superficial perusals of Federal budget allocations reveal this. The money we use to help poor families access basic resources like food, housing, transportation—to jobs, I might add—and medical care, are not "discretionary moneys." Two hundred thousand annual dollars in White House floral spending is discretionary money. Billions of dollars in corporate subsidies which don't seem to result in jobs as much as they result in inflated executive salaries is discretionary spending. Overly generous Federal pension plans and expensive military programs—those are discretionary funds. Give me a line item breakdown of the Federal budget and I can probably point out where some more of the leaks are.

We are not a stupid populace, but we are easily swayed into believing in fiscal half-truths and dramatic anti-welfare gestures because we are desperate for solutions to social and economic ills. There is no such thing as a "self made man." Every family, every individual, who is surviving economically is doing so within a system and has an obligation to that system which supports them. The intentional misinforming of the American public concerning fiscal management is the most shameful and cowardly thing I've ever seen. I mentioned early in this letter that the perspective of welfare recipients is sorely needed in leadership roles in this country. There is probably no one more qualified by experience to streamline the Federal budget than the welfare mothers who are managing to raise children on poverty level incomes—or less.

Most of us welfare moms are adept at the basics—first we buy bread and clothe our children, second we pay our bills, and then we try to budget for health, education and "entertainment." If there is anything left at this point—usually there isn't—we sometimes help others or try to build a small savings. Way, way, way down on our shopping list are rainy day luxuries like bombers, cow fart studies, luxurious travel accommodations, fancy luncheons, financial contributions to successful mega-corps, vacations and wars. I'd like to clarify for the record that neither myself nor any other welfare recipient I know has ever spent tax payer money on that last list of items. I don't have quite enough education to understand all the macro-economic smoke and mirrors that politicians are so fond of dazzling the public with and while I do understand our interdependent relationship with foreign markets and our desire for a healthy corporate world, I understand something even more important and basic. We're pouring our tax dollars into the top of our economic system when it's the bottom that's depleted. We need to try a "trickle up" theory.

My 11-year-old son is very bright and handsome with brown eyes and dark curly hair that he painstakingly combs straight every morning. He's a natural athlete, a straight-A student often described by his teachers as a leader, and he was recently chosen by his fellow classmates to represent them at a regional Science Olympiad. Even so, he is still a young men at risk—the son of an alcoholic and a low income mother, a child of divorce and a member of a new stepfamily. But in this world, you never know, someday one of your daughters or your granddaughters may meet and fall in love with my son.

My 10-year-old is blond, blue eyed, playful and precocious. In first grade, his language skills tested out at high school levels and fortunately, he had a teacher who gave him the opportunity to pursue independent and challenging work. Currently, he and a friend are working with the friend's father to build a robot and learn computer programming. Fortunately, his friend comes from a family with greater resources than ours, and he gets to share experiences with this friend that I can't provide. He's a very compassionate young man, which is lucky because in this world you never know, someday your own health and well-being may depend on scientific discoveries my son and his friends are able to make.

I'd wager that our core values are pretty similar, although the way we are managing to uphold them is quite different. Please keep in mind that my children and I have been luckier than most. We have a network of friends who support us socially even though they are unable to do so financially. I brought a middle class background and a few life skills with me onto the welfare roles. Other recipients are not this fortunate. The current welfare system, despite its shortcomings, is what was allowed my children and I to thrive, and I am extremely grateful.

I don't know exactly how such an important word as 'welfare' took on such negative connotations. I don't know how we lost sight of the fact that parenting is a high status job at all economic levels and a primary responsibility of any society. But we're reaping the impacts of those oversights right now and we can no longer afford to pretend that private, political, and economic spheres are separable or that any of us survive independent of one another. Enclosed with this letter is a summation of ideas concerning welfare and economic reform, distilled from conversations with friends, from my own thoughts, my education and the thoughts and research of others. I challenge you to have the courage and integrity to consider some of these ideas seriously.

I have no doubt that somewhere down the road we'll recognize the need to make radical economic and social adjustments, but probably not until we've caused a lot of trauma to the individual families of this nation. Today's so called leaders who refuse to talk about the reality on which our well-being teeters and who pretend that the only thing wrong with our economy is that poor people have too much money, will eventually be exposed as greedy fools. And people like myself who look on from the fringes of society into the decaying core of its leadership will see that our concerns were right on the money—even though we didn't have much of it.

SINCERELY,

LEGISLATION PROVIDING FOR LAND CONVEYANCE TO VILLAGES WITHIN THE COOK INLET REGION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today, at the request of six villages of the Cook Inlet region, a bill to address a long standing unfulfilled obligation of the Federal Government under the Alaska Native Claims Settlement Act to six Alaska Native villages within Cook Inlet region.

Nowhere in Alaska were the competing interests for land so fierce as in southcentral Alaska. Nearly 20 years ago, Cook Inlet region and its six villages entered into a series of agreements with the Department of the Interior that were intended to address the competing land interests in southcentral Alaska and, at the same time, provide for the fulfillment of the Federal Government's obligation to them under the Alaska Native Claims Settlement Act.

This bill that I introduce is intended to fulfill the ANCSA entitlement to the Cook Inlet villages.

The villages within Cook Inlet region have worked diligently to secure from the Bureau of Land Management 29,900 acres of high priority lands selected over 20 years ago. Starting in 1979, BLM had issued a number of decisions and had taken a number of administrative steps towards conveyance of these lands. In spite of this long track record of moving toward conveyance, the Department has now indicated to the villages that it lacks authority to make the conveyances.

I am convinced that the villages of Cook Inlet have an equitable argument that the conveyances are proper, and that further delay in conveyance will cause them unnecessary economic hardship.

My legislation provides the additional authority to the Department and directs that these conveyances be made with no further delays.

REV. J. ALFRED SMITH—A VERY SPECIAL PERSON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. STARK. Mr. Speaker, I rise today to recognize Dr. J. Alfred Smith, Sr., pastor of the 4,000 member Allen Temple Baptist Church in Oakland, California. Dr. Smith will be honored this week by the Baptist Ministers Union of Oakland and Vicinity for being a good neighbor to the citizens of Oakland.

Dr. Smith is Professor of Preaching and Christian Ministry at the American Baptist Seminary of the West and has been Pastor at Allen Temple for over 25 years. Dr. Smith holds the Th.M. degree and was granted a Doctor of Humane Letters (Honoris Causa) in 1990 from the American Baptist Seminary of the West. He also holds the D. Min. degree from the Golden Gate Theological Seminary. He is currently president of the Baptist Ministers Union.

Dr. Smith has been the recipient of many awards and commendations. He has served as President of the Progressive National Baptist Convention and the American Baptist Churches of the West. He has lectured at most of the major universities in America, including Yale, Harvard, Duke, and Stanford. He was recently listed by Ebony magazine as one of the greatest African American preachers in the United States. He was also recently named by the Oakland Tribune as "Outstanding Citizen of the Year".

Dr. Smith has long been a leader in our community. As the Baptist Ministers Union has stated, he has moved beyond his pulpit into our communities to respond with love to the needs of all persons, irrespective of color, class, creed, gender, or sexual orientation. That is why I am proud to recognize him today. He is more than a "good neighbor"—he is the best neighbor!

VINCENT BRUNHARD, JR., HONORED

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. MALONEY. Mr. Speaker, all too often outstanding members of our respective communities work extremely hard to make our towns, cities and States better places without receiving the recognition they deserve. On Sunday, April 2 this situation will be remedied for one man who has given so much to my district in Brooklyn, NY.

Every year since 1959, the Pulaski Association has recognized one prominent Polish-American for his or her outstanding contributions to the community. On April 2, I will have the great pleasure of being present when the Pulaski Association of Business and Professional Men honor Vincent Brunhard as a friend, I can think of no one who is more deserving of this great honor than Vincent.

Vincent's involvement with the community is longstanding. He has served as the past president of the Pulaski Association of Business and Professional Men, and is currently chairman of the its board of directors. Since its inception, the Pulaski Association of Business and Professional Men has lent its strong support to charitable organizations, both through financial and non-financial means. Vincent has been at the forefront of these efforts, as well as spearheading many of the organization's other worthy causes. He has helped raise and administer scholarship money to students of Polish descent, organized educational seminars for its members, and promoted the achievements of outstanding Polish-Americans throughout New York City.

In addition to his involvement with the Pulaski Association of Business and Professional Men, Vincent also serves as vice-president of the General Pulaski Memorial Parade Committee and national delegate to the Polish American Congress. He is also a member of the Greenpoint Lions Club, the Polish and Slavic Center of Greenpoint Brooklyn, and is a board member of the Greenpoint YMCA. In 1994, Vincent served as Grand Marshall of the Pulaski Day Parade, a marvelous event that I have had the honor of attending.

As incredible as it may seem—given amount of time he spends helping others—Vincent is also a devoted husband and father. He and his wonderful wife Gloria are the proud parents of four children and four grandchildren. Active members of the church, he and Gloria are parishioners of St. Josephat's Catholic Church in Bayside, Queens.

Mr. Speaker, I am extremely happy that we are not about to let the achievements of another outstanding citizen to go unnoticed. I would ask that my colleagues join me in saluting Vincent Brunhard for his undaunting commitment to the Polish-American community, and I thank the Pulaski Association of Business and Professional Men for honoring him with their Man of the Year award.

THOMAS J. STANTON, JR. ON THE SUPER HONOR ROLL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, it is with pride and pleasure that I bring to the attention of my colleagues an event taking place this evening, here in Washington. The Washington Center for Internships and Academic Seminars is holding its annual Honor Roll Award dinner.

The Washington Center is an independent, nonprofit, educational organization founded 20 years ago. It has served over 20,000 college and university students while fulfilling its mission to utilize the resources of the Nation's capital to provide participatory learning experiences in order to enhance students' academic, civic, and professional development.

As the Washington Center celebrates its twentieth anniversary this evening, it is also paying tribute to an outstanding member of our society and an extremely fine New Jerseyan—Thomas J. Stanton, Jr. If any one word could be used to describe Tom Stanton it would be consistent. Tom Stanton is consistent in working toward a better society.

Over the years he has utilized his resources, expertise, and talent for the benefit of many. And he has done this in no small measure. When Tom Stanton commits to something you can count on him becoming personally involved. At the Washington Center he is vice chairman of the board on which he has served since 1985. He has used his expertise as a banker to contribute to the growth and stability of the program. He has generously given his time to the Washington Center's interns by making numerous presentations and sharing his experiences and knowledge of corporate America and the importance of public service. His philanthropic benevolence is well documented.

Mr. Speaker, Tom Stanton retired several years ago but I am sure he is more active now. Ever consistent in his goal to make a difference, he has undertaken a new project. He has agreed to serve as co-chairman of the New Jersey Scholarship Fund. This fund is being established to enable qualified, deserving college and university students from New Jersey to spend a semester in Washington, DC as an intern in the Nation's capital. Over the years, I have been able to provide intern opportunities to several of the Washington Center's New Jersey students. These internships have been pleasant experiences for my office and the students. I would like to encourage other Members to share in the experience.

Mr. Speaker, I am sure my colleagues will want to join me as I congratulate and thank Thomas J. Stanton, Jr. for promoting the development of our future leadership in the public, private, and nonprofit sectors of our society.

THE DISADVANTAGED MINORITY HEALTH IMPROVEMENT AUTHORIZATION EXTENSION ACT OF 1995

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. STOKES. Mr. Speaker, I rise to introduce the Disadvantaged Minority Health Authorization Extension Act of 1995. This important legislation would simply reauthorize the programs authorized by the enacted Disadvantaged Minority Health Improvement Act of 1990. The legislation is as relevant today as it was in 1990—when I originally introduced it in the House, and Senator EDWARD KENNEDY, of Massachusetts, introduced it in the Senate.

The measure that I am introducing today includes the reauthorization of health professions loans, scholarships, and fellowships for disadvantaged students; the Department of Health and Human Service's Office of Minority Health; public housing health services; and centers of excellence. A simple reauthorization would allow these critical programs to continue to provide a basis and a focus for improving the health status of all Americans.

Mr. Speaker, I am sure you know just how critical this legislation is to disadvantaged Americans. Certainly, every racial and ethnic minority group experience some health disparity. Unfortunately, minorities and other disadvantaged Americans continue to suffer disproportionately higher rates of cancer, heart disease, stroke, diabetes, aids, and infant mortality than the general population. The list goes on. What is important for each Member of Congress to realize is that, whether the focus is on the rate of mortality or morbidity, the disparity in health status continues to deteriorate.

Most importantly, the health and quality of life disparities continue while the United States has the most sophisticated medical system in the world; and while the United States continues to witness an unprecedented explosion in scientific knowledge resulting from biomedical research; and while the United States has a phenomenal capacity to treat and cure disease. This national health problem affects each of us and our communities individually and collectively, and thus requires our joint commitment to alleviate.

Mr. Speaker, it is against this backdrop of continued human pain and suffering that I introduce, and I ask my colleagues to lend their strong support to ensure the enactment of the Disadvantaged Minority Health Authorization Extension Act of 1995.

LEGISLATION TO CONTROL GROWTH OF MEDICAID EXPENDITURES

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Ms. MOLINARI. Mr. Speaker, today I stand before this House to introduce legislation that will control the growth of Medicaid expenditures by rewarding States that make an effort to reign in runaway Medicaid spending. This bill is a companion to the one introduced yesterday in the other body by Senator D'AMATO and cosponsored by the majority leader, Senator DOLE. Both bills are pivotal in our goal to reduce Government waste and spending.

First, this legislation directs the Secretary of Health and Human Services to establish a Medicaid spending baseline for each State. Additionally, any State that holds its spending below the baseline would receive a payment equal to 20 percent of the resulting savings to the Federal Government.

This legislation is based on an idea set forth by New York Governor George Pataki, when he testified recently before the House Ways and Means Committee. Many States including my home State of New York, are attempting to reduce the cost of Medicaid programs by greater use of managed care. Through New York's efforts, the Federal Government stands to save nearly $2 billion. Governor Pataki is right to suggest that if the States can save the Federal Government money through cost-savings initiatives such as Medicaid managed care, then the States should share in the savings as a reward. These efforts have the potential to improve the quality of care for Medicaid beneficiaries as well as dramatically lower the cost to the American taxpayers. Both of these goals have received bipartisan support.

We must provide States with the incentive to make their Medicaid programs more efficient. This is precisely what this bill would do. No State would be penalized for spending above the baseline, but those that spend below the baseline would be rewarded. Rewarding States that save the Federal Government money is not only fair, but makes sense. Comprehensive and systematic reform is required in order to preserve Medicaid for future generations.

This bill is long overdue and necessary to preserve Federal and State programs for the health care of our Nation's low-income families.

DAVID STEINER: IN RECOGNITION OF OUTSTANDING PUBLIC SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. LANTOS. Mr. Speaker, it gives me great pleasure to rise today to recognize the extraordinary accomplishments of a distinguished and public spirited American and good friend, David Steiner. Over the years, David has shown leadership and unparalleled intelligence when tackling the immensely difficult endeavors he frequently undertakes, whether it is developing an innovative and functional industrial office park under a tight deadline or developing meaningful answers to our complex foreign policy questions in the Middle East. David deserves the highest possible commendation for his many accomplishments.

David's distinguished career dates back to the Korean war. When called to duty, First Lieutenant Steiner led a military team building bridges and hospitals. When he returned home, David became a partner with the Sudler Cos., and he later became its president and CEO. He has been a driving force at this highly successful company for over four decades.

David's career presented him with many challenges and obstacles that less tenacious developers would have been overwhelmed by or simply rejected. In one instance, AT&T approached David to choose a site and design and build an 840,000 square foot electronic research lab within 24 months. He met this challenge, including completing a 40,000 square foot computer center in only 60 days.

David has devoted a great deal of his resources, time, and energy to tackling the difficult problems that Israel faces in the Middle East and he has not been hesitant to fight for what is right. As president emeritus of the American-Israel Political Affairs Committee, David has been an effective and influential friend of Israel. As vice president of the Washington Institute for Near East Policy, David has worked with leaders like Alexander Haig, Jeane Kirkpatrick, and George Shultz. David is also an area chairman for the Anti-Defamation League and vice chairman of the National Jewish Democratic Council. In these diverse and demanding capacities, David has distinguished himself as an enlightened leader with a wealth of ideas.

On April 3, David will receive the National Award of the Orthodox Union Institute for Public Affairs in recognition of his outstanding contributions to the American Jewish community. Surely there is no individual more deserving of this high honor. Mr. Speaker, I urge my colleagues to join me in extending our most heartfelt gratitude and admiration to this extraordinary American.

TRIBUTE TO REV. DR. ALLEN EUGENE ORR, SR.

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. HASTINGS of Florida. Mr. Speaker, the State of Florida has suffered a tremendous loss with the passing of Reverend Doctor Allen Eugene Orr, Sr.

Allen Eugene Orr was born on September 16, 1931 in Fern Park, FL, to the Late Reverend E.J. and Sarah Orr. He attended elementary school in Altamonte Springs and was an honor graduate of Hungerford High School in Eatonville, FL. Allen won the Lewis State Scholarship, a 4-year scholarship which was awarded by the State of Florida. He attended Florida A&M College where he received a bachelor of science degree. He attended the University of Vermont on a National Science Foundation grant and also attended Florida State University. He earned a master's degree and subsequently a doctor of education degree from the University of Miami (Florida).

As a commissioned officer in the U.S. Armed Forces, Lieutenant Orr served his country at home and in Germany. As an educator, he devoted over 30 years of his life in Broward County as a teacher of science in the middle and high schools, as an assistant principal and the director of human relations at the county level. He was a member of the Alpha Phi Alpha Fraternity, Phi Delta Kappa, and the Masons.

He was ordained as an A.M.E. Minister of the Gospel. He was an astute scholar of the Bible, and he radiated an unceasing love for the ministry. He served as pastor of Allen Chapel A.M.E. Church in Miami, FL; St. Paul A.M.E. Church in Delray Beach, FL; and Mt. Zion A.M.E. Church in West Hollywood, FL.

Reverend Doctor Orr was united in holy matrimony to Dorothy Jackson in Ft. Lauderdale, FL. To this union, three sons and a daughter were born.

Allen was a personal friend since childhood. He will be sorely missed by all.

THE NATIONAL REVIEW—HOME OF THE BIG WHOPPER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. SCHROEDER. Mr. Speaker, one of our colleagues sent around a Dear Colleague today enclosing "Mud Path," an article by Washington attorney George Tobin, published in the April 3, 1995, National Review. This article purports to critique the ethics charges lodged against Speaker of the House NEWT GINGRICH.

Steve Jost, who has assisted former Representative Ben Jones in filing some of the ethics charges, spoke with Mr. Tobin after his article appeared. Mr. Tobin admitted he had not read the complaints filed against Mr. GINGRICH, but instead had relied on "summaries of the articles provided to me" from people "I'm not at liberty to disclose."

This will give you some idea of the level of scholarship involved in preparing Mr. Tobin's article. He hadn't even bothered to read the complaints he was allegedly critiquing.

Mr. Jost subsequently submitted to the National Review a letter critiquing Mr. Tobin's critique. In short, Mr. Jost found that Mr. Tobin had told enough whoppers to open a Burger King.

Mr. Jost's letter follows:

FRAILOLI/JOST, INC.,
Washington, DC, March 22, 1996.

Editor, NATIONAL REVIEW,
Attn: Karina Rollins,
New York, NY.

DEAR EDITOR: In what might earn the championship trophy for political hypocrisy, George Tobin attacks what he labels "false ethics charges" against Newt Gingrich with a diatribe of patently false assertions. His article "Mud Path" contains no less than fourteen whoppers so grand in scale we're lucky Mr. Tobin hacks away at legal briefs and not cherry trees, or Washington, D.C. would be without it's annual spring festival.

I called Mr. Tobin and asked him if he had read the complaints against Gingrich. He told me to read "summaries of the complaints provided to me" from people "I'm not at liberty to disclose"

Maybe Gingrich's staff wrote "Mud Path" and asked Mr. Tobin to put his name to the article. If so, it makes one wonder why they feel compelled to prevaricate so much. If not, and this is an example of Mr. Tobin's attention to detail, it is clear why he supports tort reform. It's probably tough winning a contingency case when you get so many facts wrong. With contingency law, unless you win you don't get paid.

We're not nit-picking here. In a complex, fact intensive case like the one against Gingrich, dates and evidence matter. Consider these fourteen instances where Tobin's article twists the facts, and anyone will understand why the case against Gingrich has been under review by the Ethics Committee for more than six months.

Whopper #1.—Tobin writes that Dean Timothy Mescon of Kennesaw State College heard Gingrich speak in March 1993 and approached the Congressman afterwards with the suggestion he teach the "Renewing American Civilization" course at the Dean's campus.

This is pure baloney. In fact, Gingrich and Mescon had known each other since November, 1991, according to documents from the College. On October 14, 1992, Gingrich handwrote a note to Mescon suggesting a meeting. It was one of many letters he and Mescon exchanged regarding Gingrich's efforts to help Mescon's consulting business get government contracts for work in Africa. By March 1, 1993, Gingrich and Mescon had already met in Washington, D.C. to discuss the course and Gingrich wrote a lengthy memo assigning congressional staff and consultants at GOPAC to work with Mescon.

Whopper #2.—Tobin says Gingrich first asked Jeffrey Eisenach, executive director of GOPAC, to work on the course in May of 1993.

Check the documents. Eisenach was directing the course from GOPAC's offices since February. Gingrich's March 1 memo instructs Eisenach to work up a budget for the course and identifies him as one of four coauthors of the course textbook, along with Gingrich, Mescon and GOPAC consultant Steve Hanser.

Whopper #3.—Gingrich wrote to the Ethics committee on July 21, 1993 and informed the Committee that his staff members "would be asked to comment on the course content, but would not be asked to perform any specific tasks."

Kennesaw documents demonstrate that three Gingrich staffers, Linda Nave, Alan Lipsett, and Tony Blankley, were "tasked" by Gingrich to work on legal matters, press relations, and to lobby Kennesaw officials against an impending decision to cancel the class. Just this week, the Los Angeles Times reported that Lipsett and an unnamed Gingrich associate admitted congressional staff "participated in everything from strategy meetings to clerical errands." Lipsett told the Times: "Looking back, perhaps we should have created a few more fire walls."

Whopper #4.—In an exclusive, Tobin reports that on August 3, 1993, Congressman Fred Grandy wrote to Gingrich and gave him permission to teach the course.

Tobin has us at a disadvantage here. Apparently, he is the first person outside of the Ethics Committee that has been able to get a copy of this letter. Despite repeated requests from the press and Ben Jones himself, Gingrich has steadfastly refused to make this letter available for the public.

If we take Tobin's word for it, Grandy granted Gingrich permission on behalf of the Ethics Committee to raise tax-exempt funds for the course so long as "no congressional funds were used." In point of fact, page 107 of the "House Ethics Manual" discusses the relevant teaching restrictions which apply to the Gingrich case. Members may teach, so long as "no official resources, including staff time, are used in connection with the teaching."

Thanks to Gingrich's own staff, we now know that they were quite extensively involved, in violation of the Ethics Manual. Grandy's letter, quoted at length by Tobin, was equally precise in the prohibition against staff time. Gingrich just ignored it and the Ethics Manual.

Whopper #5.—Tobin alleges that "the facts don't confirm" the charge that Gingrich cited corporations in his course as a form of advertising for his sponsors.

Kennesaw accounting records show the total cost of the course was $390,676, not $660,000 as Tobin reported without substantiation. This would mean that the percentage of contributions which fall in the "infomercial" category rises from the 7% Tobin calculates to 11.8% of the actual total. In either case, Tobin is citing "facts" which confirm the allegation.

When officials at Reinhardt College leaned of these facts from Roll Call, they conducted their own review of the course and instructed Gingrich to remove the offending commercials. Professor Kathleen Minnix, who co-teaches the course at Reinhardt with Gingrich, told Roll Call, "What I found is essentially what you found." Minnix also told the Atlanta Constitution that Reinhardt officials were asking for the commercials to be removed because of the "appearance of impropriety." Read the Ethics Manual. It specifically instructs Members of Congress to "at all times avoid" situations which create the "appearance of impropriety".

Whopper #6.—Tobin reports that the Georgia Board of Regents met in "October 1993, without prior notice," to close a loophole Gingrich exploited to teach at Kennesaw.

The Board unanimously approved the change after discussing it a month earlier during a prior meeting. The Atlanta Constitution reported the next day that "Gingrich, who last month (emphasis added) said he would abide by any change the regents made and would seek out a private school as the future of his home course, took the news personally."

The irony of this Tobin falsehood is that Gingrich disputes it. He has admitted he reimbursed the U.S. Treasury for improperly using an official fax machine on September 7th to send a lengthy defense of his course to the Regents, written on official stationery, lobbying against their impending decision. The whole campus knew about the Regents meeting, especially Professor Gingrich.

Whopper #7.—Tobin states that GOPAC "treasurer" Pamla Prochnow "had limited contact with the project in its first few weeks."

Again, look at the documents. Prochnow was the Finance Director for GOPAC, not treasurer, and appears on dozens of memos and faxes regarding her efforts to raise funds for the course during March, April, May and June of 1993.

Whopper #8.—Tobin makes reference to an analysis of the course written by "tax analyst Lee Shepard, appear[ing] in the September 20, 1993 issue of the authoritative Tax Notes Today." He goes on to complain "this refutation of the charge of favoritism and influence peddling has not been cited" in the pieces attacking Mr. Gingrich's course.

Well, it has been cited, in Roll Call and the Los Angeles Times, accurately reporting that Ms. Shepard found many problems in the tax code with the Gingrich course. In a more recent article, Mrs. Shepard goes beyond even the ethics complaints to suggest that Gingrich might have violated the IRS prohibition against "personal inurement" by private individuals from the benefits of tax-exempt activities.

Whopper #9.—It is clear Mr. Tobin has not read the Ben Jones complaint. Not only does he get the date it was filed wrong, (September 7, 1994, not October 31, 1994) but he has turned the central argument of the complaint inside-out. Jones did not allege that GOPAC funded the Gingrich course, although 80 percent of the money came from prior donors to GOPAC or Gingrich's campaign committee. The Jones complaint centered on the fact Gingrich used tax-exempt, tax-deductible funds to finance the partisan political activities of GOPAC through the college course. Five members of GOPAC's staff were paid or reimbursed from tax-exempt funds to work on the course. One even left GOPAC's employ for six months and relocated to Georgia on the foundation payroll to work on the course, only to return to Washington and GOPAC.

Whopper #10.—Mr. Tobin alleges, without support, that the activities of the Kennesaw State College Foundation and the Progress and Freedom Foundation "are unquestionably lawful" in relation to their support for the college course.

As reported in the Washington Post, Roll Call, and the Atlanta Constitution, the Gingrich case has many parallels with an earlier case brought before the IRS. GOPAC consultant Joe Gaylord was a board member of the "American Campaign Academy" a tax exempt entity shut down by the U.S. Tax Court because it improperly engaged in partisan political activity, violating its tax-exempt status. Gingrich has been asked by Mr. Grandy and his colleague Mr. McDermott, then the chair of the Ethics Committee, to respond on this issue and about Mr. Gaylord's role in the college course. The partisan marketing of the course, and GOPAC's extensive role, raise serious questions about whether the tax-exempt foundations behind the course acted lawfully.

Whopper #11.—Without citing any reference to ethics rules or codes of conduct, Tobin alleges that Minority Whip David Bonior's prediction that the Committee "will deadlock" is in itself an ethical violation if based upon conversations with committee members.

If that were true, Gingrich himself should be in jail for his regular consultations with Republican members of the Ethics Committee considering the complaint against then-Speaker Jim Wright. What Gingrich understood then, and Tobin forgets now, is that Member to Member communications are protected speech under the Constitution. The reason he cited no ethical violation is because there is none, just Tobin's assertion.

Whopper #12.—With respect to the sweetheart deal Gingrich received from Jones InterCable, Tobin makes the allegation that the Gingrich course "got the same deal that every other course on ME/U gets."

Even the Jones folks can't side with Tobin on this one. Their own press spokesman Jim Carlson states the Gingrich course is being broadcast without the standard agreement ME/U negotiated with 35 other universities for tuition payments. It's a one-of-a-kind deal.

Whopper #13.—Tobin invents a characterization of the Schroeder complaint as arguing that "any appearance of an elected figure on television in a context other than a paid campaign spot constitutes a donation of air time * * *"

He's simply got it wrong. Schroeder makes no such assertion. In a silly extension of his own illogic, Tobin suggests Schroeder's appearance on CNN's Capital Gang is a gift of free air time from Ted Turner. The difference between a news show, controlled by the network, and directed by the reporters asking questions, and Mr. Gingrich directing producing and controlling 20 hours of free cable time, unedited, is the difference between day and night. It is a gift to Gingrich because he alone controls the content.

Whopper #14.—Tobin attacks a March 8, 1995 story in the Washington Post as a "distortion" and "the exact reverse of the truth" on the critical issue of whether the Grandy letter authorized Gingrich to use the House floor to solicit for the course.

Tobin points out that Grandy's letter restated House Rules which authorize Members to assist tax-exempt organizations with fundraising so long as "no official resources are used, no official endorsement is implied, and no direct personal benefit results." His tortured logic is that by granting Gingrich permission in the same letter to place hislectures in the Congressional Record, Grandy gave Gingrich a blanket exemption from complying with the House Rules cited in his letter. It is completely lost on Tobin that Grandy's letter, like all advisory opinions from the Ethics Committee, granted only conditional approval for Gingrich's conduct, so long as Gingrich complied with all House Rules.

By highlighting the Grandy letter, Mr. Tobin has undermined Mr. Gingrich's case. We now have learned from Gingrich's staff that he used official resources on the course. Documents before the Ethics Committee show that GOPAC staff reprinted Gingrich's Congressional Record remarks and enclosed them with their Requests For Funding, violating the prohibition on "official endorsement." And of course, we know that Gingrich personally profits from the course with his $4.5 million book deal that agent Lynn Chu and Jeffrey Eisenach both say is based on the course.

Is there any doubt now why an independent counsel is needed in this case? If the Gingrich organization will go to these lengths to distort the facts, change dates, and misrepresent what actually happened, what more are they hiding?

Sincerely,

STEVEN J. JOST.

(Mr. Jost is a Democratic political consultant who worked on the Ben Jones race against Newt Gingrich in 1994 and assisted with the ethics complaint filed by Jones.)

SENATE—*Wednesday, March 29, 1995*

(Legislative day of Monday, March 27, 1995)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie offered the following prayer:

Let us pray:

Holy, Holy, Holy, Lord God almighty. Heaven and Earth are filled with Your glory. Praise and honor be to You, Lord most high. Lord of all creation, re-create our hearts to love You above all. Ruler of the universe, reign over us. Lord of our Nation, we invite You to live in us as our personal Lord. Sovereign of history, guide the vital page in history that will be written today. As we begin this new day, we declare our dependence and interdependence. We confess with humility that we are totally dependent on You, dear God. We could not breathe a breath, think a thought, or exercise dynamic leadership without Your constant and consistent blessing. We praise You for the gifts of intellect, education, and experience. All You have done in us has been in preparation for what You want to do through us now. We are here by Your divine appointment.

And we know we could not achieve the excellence You desire without the tireless efforts of others. We thank You for our families and friends, the faithful and loyal staffs that make it possible for the Senators to function so effectively, and for all who make the work of this Senate run smoothly. Help us express our gratitude by singing our appreciation for the unsung heroes and heroines who do ordinary tasks with extraordinary diligence. We praise You for the gift of life and those who make work a joy. In the name of Him who taught us the greatness of being servant leaders. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BURNS). The distinguished Senator from Colorado is recognized.

SCHEDULE

Mr. CAMPBELL. Mr. President, this morning the leader time has been reserved, and there will be a period for morning business until the hour of 10:45 a.m., with Senators to speak for up to 5 minutes each with the exception of the following: Senator CAMPBELL, 10 minutes, and Senators NICKLES and REID, 10 minutes combined. At the hour of 10:45 a.m. today, the Senate will proceed to a 15-minute rollcall vote on passage of S. 219, the regulatory moratorium bill. Immediately following the vote on passage of S. 219, the Senate will begin consideration of H.R. 1158, the supplemental disaster assistance bill. Therefore all Senators should be aware that votes can be expected throughout today's session.

MORNING BUSINESS

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 644 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leadership time this morning to talk about a couple of issues, if I may.

REGULATORY TRANSITION ACT

Mr. DASCHLE. Mr. President, I wish to commend, first of all, Senator NICKLES and Senator REID for their leadership over the last couple of days. The legislation that the Senate will be voting on a little later on is legislation that I believe enjoys broad bipartisan support. It does so because it is moderate, because it addresses a serious problem, and because it gives us a tool with which to work more effectively through the regulatory morass that has existed now for a long period of time.

I think it is equally clear that the moratorium is dead. We have driven a wooden stake through the heart of the moratorium. It is dead and I say good riddance.

This legislation, were it to come up again out of conference, would suffer the same consequences. I want everyone to understand the great disappointment that would be felt on our side were the moratorium to come back at some later date or in some other form. We have negotiated and worked in good faith, and I think we, as a result of that good-faith work over the last couple of days, have come up with an alternative to the moratorium, something that we expect to be an effective tool, something that we strongly support on this side of the aisle.

We have laid out the adverse consequences of a moratorium. I believe that both Republicans and Democrats want to ensure that we do not jeopardize meat safety, that we do not jeopardize children with dangerous toys, that we do not jeopardize women with the loss of good mammography, that we do not jeopardize people with the problems that a moratorium would have created in our efforts to achieve clean air and clean water.

So we recognize that a moratorium is an extreme measure that, frankly, does not work. It is an extreme measure that may have been part of a 100-day plan in the House. Nevertheless, I do not care whether we take 1,000 days in the State, it is not something that we can support here.

Let me also commend Senators GLENN and LEVIN for their work over the last couple of days. They have improved the original version of the regulatory veto in a very significant way. I think their efforts have given even greater life and support to the concept that Senators REID and NICKLES have presented to the Senate in the regulatory veto.

Let me just say in closing, Mr. President, that this is an example of the moderating influence of the Senate. We have seen extreme measures acted upon in the House over the last couple of months. Those extreme measures are not ones that we feel very comfortable with on this side of Capitol Hill. Indeed, we had similar reactions to the House proposals on unfunded mandates, congressional coverage, and line-item veto, and a number of very important pieces of legislation.

Because of the moderating influence of the Senate, because of the ability of Democrats and Republicans to work together more effectively, we have been able to take the extreme proposals and put them away, hopefully for good, and pass legislation that many of us are very pleased to support.

CONSERVATION RESERVE PROGRAM

Mr. DASCHLE. Mr. President, this year we are going to be involved in a very significant debate about the Conservation Reserve Program. From time to time, I want to address the Senate on various agricultural-related issues. Perhaps one of the most important of all is the Conservation Reserve Program. It has touched nearly every facet of life in rural States, including that of the distinguished Presiding Officer. It has reduced soil erosion, it has substantially increased wildlife habitat, it has improved water quality, and it has reduced crop surpluses.

As I look back at the many programs that Congress has contemplated, considered, and ultimately enacted in the last 10 years, I think one would be hard pressed to find a program that has worked better than the CRP. No program has more effectively invested Federal dollars in natural resources than has the CRP. As a consequence of the program's tremendous success, it enjoys broad support from agricultural groups, conservation groups, environmental groups, and virtually everybody else in rural America.

Mr. President, 2.1 million of the 36.4 million acres enrolled in the CRP are located in my State. In South Dakota, the erosion rate on CRP land fell from 12 tons an acre to just over 1 ton an acre over the last 10 years—a dramatic reduction in destructive and wasteful erosion. All told, the CRP has generated a reduction of soil erosion in my State alone of over 22 million tons.

Nationwide, soil erosion has decreased by 19 tons per acre. So the program has had an even greater effect in other States than it has had in South Dakota.

Chart 1 shows where the bulk of the success has been. The red depicts those areas where we have seen significant soil erosion reduction—the Mountain States, the southern plains, and the northern plains, which includes, of course, South Dakota. We have seen about 126 million tons of soil erosion reduction in the Mountain States; 145 million tons of soil erosion reduction in our area of the country; and in the southern plains, we have seen the greatest success story of all, 170 million tons in soil erosion reduction.

So in every part of the country, we have seen a substantial degree of progress in reduction of soil erosion. But if you look more carefully at the chart you will see that where the greatest potential lies for soil erosion, where we saw the greatest consequences of soil erosion in the past, we have now seen the greatest progress. That really, in one picture alone, depicts what I consider to be the success story of CRP over the last 10 years.

Simply looking at the topsoil savings really does not tell the whole story, however. Costs to society of impaired water quality from farmland erosion are $208 billion a year. We are substantially preserving and improving water quality through the CRP because it idles so much highly erodible land.

The CRP has also had a significant positive effect on several species that were endangered. The prairie chicken and the sharp-tailed grouse were threatened and endangered species. Those have come back to flourish as a result of the efforts in CRP.

More than 85 percent of the CRP acres have now been planted to grasses. The CRP also has fostered tree plantings on 3,600 square miles. That, Mr. President, is the equivalent of Yosemite and Glacier National Parks combined. In a sense, with the CRP, we have actually created the equivalent of two new national parks, if you just consider the effect in tree plantings alone. So the program has created a substantial new incentive to plant trees and, obviously, when trees are planted, it is far less likely that the enrolled land will come back into production in the future.

In my State, of course, pheasants are very prominent, and we are very proud of the fact that we are probably the pheasant capital of the world. We have attracted 128,000 hunters in 1993 who spent more than $50 million in our rural communities. More than $13 billion in resource-based benefits to society have been generated by the CRP over the life of the program.

So I guess the short summary is, Mr. President, if you look at endangered species, if you look at the tree plantings, if you look at the consequences for recreation and tourism—and in my State, something I love personally to do, the opportunities for more pheasant, goose, and duck hunting—CRP has vastly expanded the opportunities to do the kinds of things that we go out West to do each and every year.

CRP has also had significant consequences with regard to reductions in Federal spending. We have saved the Federal Treasury $16 million in subsidy payments just in 1 year alone by removing the marginal lands from production. We save money in large measure because the CRP gives farmers an opportunity to do something other than plant for the program on their highly erodible acres. It is no longer necessary for producers to plant their erodible land just to get deficiency payments, to get disaster payments, or to get whatever other payments the Federal Government may have. Now, CRP gives them an ecologically and economically sound alternative.

In South Dakota, nearly 1.5 million cropland base acres were enrolled into the CRP. If commodities had been planted on this land, taxpayers would have paid crop subsidy payments on these acres, and the figure would have been millions of dollars more than what it is right now.

Chart 2 depicts really the anticipated result of what would happen if we lost the CRP in the future. The post contract CRP land uses have been the subject of a good deal of discussion. What we see here is that all of the green would be what we anticipate going back into production. There would be plant to crop, 43 percent; cash rent to other farmers, 13 percent; annual setasides, 4 percent; and, of course, some would go into the 0/92 program.

In essence, you have a good percentage of current CRP acreage that would go back into the same kind of production activity that we experienced in the mid-1980's, that massive production was one of the primary causes of the cataclysmic economic situation that rural America experienced in the mid-1980's.

The contracts begin to expire this year, and over half of the CRP contracts will expire by 1997. All will expire by the year 2001. Only 63 percent of contract holders now plan to return the CRP acres. That is this green that I have mentioned. Only 9 percent would voluntarily keep their land in wildlife habitat or trees. That is something we hope to expand dramatically. Obviously, 9 percent is a good start, but we have to go a lot further than 9 percent if, indeed, the CRP will have the lasting benefits that we all hope it will have.

The third chart depicts, Mr. President, the effect of the CRP on the actual farm program itself.

When all CRP contracts expire, wheat and sorghum prices may actually fall by 36 cents. The effects of CRP on farm program expenditures and prices are even more impressive in the aggregate. This chart depicts the millions of dollars we can save with the continuation of the CRP. As you can see, continued enrollment of 50 percent of the CRP acres are depicted in the purple; 100 percent in the red. For example, if in 1996, 100 percent of the CRP acres are reenrolled, as we hope they will be, we could actually save about $100 million in farm program expenditures. But the real savings come in the outyears. The program could generate savings in the years 2000 and 2001 of over $1.5 billion a year. As you can plainly see, a substantial amount of savings is generated as a result of the CRP.

I am very hopeful that people will understand that CRP generates those savings, in large measure, because the program effectively helps manage the supply of many program crops. If we lose this supply management tool, sorghum prices would fall 36 cents; barley prices would fall 53 cents; corn prices would fall 6 cents; and oats prices would fall 17 cents. Without the CRP, we would, once again, be forced to consider more dramatic efforts to try to bring balance to commodity prices by increasing farm program benefits and outlays.

CRP can certainly be improved, Mr. President. We want rental rate reform.

We want expanded economic uses of CRP acreage, including limited haying and grazing. We want partial field enrollments. We want management to control noxious weeds. We want competitive bids for enrollment. We want sensible reform. And I think we can build a strong, bipartisan consensus in support of continuing the CRP and reforming it to ensure that its benefits will grow in the future.

I know that there are those who are here to resume debate and consideration of amendments on the Reid-Nickles legislation.

At this time I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I think time is now controlled. I wonder if the Senator from Nevada will yield me 2 minutes.

Mr. REID. Mr. President, if I could say to my friend from Oklahoma, it is my understanding that there is a Republican Senator who wishes to speak for a couple minutes; Senator BOXER wishes to speak for a couple minutes; and Senator LEVIN for 6 minutes. It is my understanding that the majority leader also wishes to speak prior to the vote. Is that true?

Mr. NICKLES. The Senator is correct.

Mr. President, I ask unanimous consent that the vote occur at 10:50 a.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, if I could, with the approval of the Senator from Oklahoma, the Senator from Michigan wishes 2 minutes; the Senator from California, 2 minutes; the Senator from Texas, 2 minutes. Is that true?

Mr. NICKLES. Yes.

Mr. REID. Could we have that, and the remainder of the time will be split between me and the Senator from Oklahoma?

Mr. NICKLES. Yes.

Mr. LEVIN. Mr. President, the American people are winning a double victory today here in the Senate. First, we are defeating the regulatory moratorium. This bill that came over from the House was a reckless and arbitrary bill. It caught all new regulations in its web. Even health and safety regulations would have been stymied, which are important to gaining uniform, high-quality mammograms; new regulations that would have protected children from unsafe toys; new regulations that would have protected the American people from E. coli bacteria. All of those would have been caught and stymied in the House regulatory moratorium. It was a bad, reckless, arbitrary bill. It is important that the Senate stop it, and we did stop it. For that, I think the American people can claim victory No. 1.

Victory No. 2 is that we are passing legislative veto or legislative review. It is long overdue that Congress take the responsibility to look at the regulations which come out of the regulatory process and to have a realistic opportunity to veto those regulations which are excessive, which cannot be justified by the benefits, and which are not carrying out legislative intent.

For 15 years, I have fought for legislative veto. When I came here, I introduced and got passed, with Senator Boren and others, legislative veto legislation. Today's generic legislative veto or review legislation is a great victory for the American people. It will put the responsibility here to look at regulations one on one, not to sweep all regulations into a net and to sweep out the good with the bad, but to force Congress to take responsibility to look at regulations one on one and to veto those which are excessive or cannot be justified by the benefits.

Finally, Mr. President, we must make sure that in conference this so-called moratorium stays dead. It does not belong on the books, and it is now up to the Senate not just to win these two victories for the American people today, but to maintain these two victories as we proceed to conference with the House.

I congratulate the Senators from Oklahoma and Nevada for this legislative review mechanism. It is a very significant achievement. They are to be congratulated for their efforts. I also thank Senator GLENN for the work he has put in on this bill.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to congratulate Senators REID and NICKLES for drafting the alternative to the regulatory moratorium bill passed by the House. The truth is almost anything would be better than the House bill, but in fact the Nickles-Reid bill is a very reasonable response to the problem of unreasonable regulations.

It is good to see the Senate playing the role the Founding Fathers intended for it. We have rejected a poorly conceived and inadequately considered House bill and offered instead a reasonable and workable solution, one that does not relinquish our responsibility to public health and safety.

Unfortunately, this responsible alternative must be conferenced with the draconian House bill. Our Republican colleagues say they will try to convince House conferees that the Nickles-Reid bill is a better approach, but they also say they continue to support the moratorium itself. Let me be very clear about this: I oppose a regulatory moratorium, and if the conferees return to the Senate with anything like it, I will filibuster it.

A moratorium would bring to a dead stop scores of sensible rules, including safety standards to protect our children from food poisoning, our workers from cancer-causing indoor air pollution, and our elderly people from deadly contaminants in tap water.

A moratorium is bad for California and bad for the Nation. It would stop needed health and safety standards and do nothing to address the underlying problems that produce unreasonable, burdensome, or unnecessary regulations.

Let us look at some of the standards that would be stopped by the House bill.

SAFER MEAT AND POULTRY PRODUCTS

The moratorium would stop new meat and poultry inspection rules proposed by the USDA. These rules would help end the threat that has killed hundreds of Americans in the past few years, including Eric Mueller, a 13-year-old from Oceanside, CA.

In late 1993, Eric died from eating a fast-food cheeseburger tainted with the E. coli bacteria. Eric had been his class president, on his school's honor roll, captain of his soccer team, an assistant coach for his little sister's soccer team, a member of his school's surfing team, a member of the school band, and a member of Oceanside's all-star Little League baseball team.

Death by E. coli poisoning is a very painful and tortuous death. Eric's father recently testified before the Governmental Affairs Committee to protest the regulatory moratorium. He told the committee:

> As a parent standing by and watching my only son go through incredible agony and pain before he lost consciousness and died, was something I don't even wish on my worst enemy. Immediately before slipping into unconsciousness, Eric screamed, "Get my Dad!" Those were the last words he ever said. I couldn't do anything for him. I am haunted daily by this incredible, totally senseless tragedy.—Statement of Rainer Mueller before the Senate Committee on Governmental Affairs, February 22, 1995.)

Implementation of the USDA's proposed rules to improve meat and poultry inspection would help prevent or reduce the 20,000 illnesses a year and 500 deaths a year from E. coli bacteria. According to the Centers for Disease Control, foodborne illness from all food sources range from 6.5 million to 81 million cases each year, and up to 9,000 deaths. We cannot afford to impose a moratorium that would simply cause more needless death and injury from contaminated meat.

PROTECTION FROM LEAD CONTAMINATION

The moratorium would also leave American children vulnerable to the ravages of lead poisoning. This is a totally preventable tragedy that strikes families all across the nation.

In 1990 the Sauser family bought a 67-year-old home in Kalamazoo, MI, which they decided to renovate themselves. The Sausers were never informed of the possibility of lead-based paint hazards. The family refurbished hardwood floors, repaired cracks in the plaster, and scraped and sanded old paint from the windowsills, door frames, and walls, unaware that renovation work that disturbs lead-based paint can create serious lead poisoning hazards.

Six months into the renovations, 2½-year-old Jonathan began acting up—he was easily excited, easily frustrated, and violent. Soon after Jonathan's negative behavior change, Margaret Sauser became pregnant with their second son. Although Cameron was born a little early, he seemed healthy. Then, at 11 months, his weight and height, which had been in the 95th percentile at his birth, dropped to the 25th percentile. It also became clear that he was not progressing in speech or movement as a healthy baby should. Meanwhile, Jonathan was still throwing himself into walls.

Eventually both boys were diagnosed as lead poisoned. The poisoning had come from their home's lead pipes and by the dust created by their home's renovation. The lead hazard in the home was so severe that no matter how much cleaning, mopping, and washing the parents did, the boys' blood lead levels continued to climb.

The family could not afford to move and eventually had to declare bankruptcy in order to get the boys into lead-safe housing. At age 2, Cameron Sauser has hearing loss and is developmentally delayed. His big brother Jonathan, now age 6, is still hyperactive and doctors believe he has attention deficit disorder due to lengthy exposure to lead and possible neurological damage.

Some 1.7 million American children have blood lead levels high enough to cause reading and learning disabilities, reduced IQ and attention span, and growth, behavioral, or developmental problems. The principal source of lead exposure is lead-based paint.

Regulations that are set to become effective October 28, 1995, require that people be notified about the potential danger associated with lead-based paints used in homes built prior to 1978. Until the regulations are in place, the kind of tragedy that happened to the Sauser's will happen again and again. In fact, after the house that poisoned the Sauser's two sons was repossessed, it was sold to another unsuspecting family with three young children.

According to HUD, approximately 57 million pre-1978 housing units contain lead-based paint, of which 13.2 million contain chipping and peeling lead-based paint. EPA has proposed certification and training standards for lead-based paint testing and abatement work. These regulations will ensure such work will be done in a safe manner, but would be delayed by a moratorium.

DRINKING WATER STANDARDS

Public health in the United States also continues to be threatened by contaminated drinking water. Under the current Safe Drinking Water Act that is being criticized as overly burdensome—a law approved by a Republican-controlled Senate by a vote of 94 to 0 and signed into law by President Ronald Reagan—people all across America have been getting sick and even dying from drinking tap water.

In 1987, 13,000 people became ill in Carrollton, GA, as a result of bacterial contamination in their drinking water. In 1990, 243 people became ill and 4 died as a result of E. coli bacteria in the drinking water in Cabool, MO. In 1992, 15,000 people were sickened by contaminated drinking water in Jackson County, OR. And in late 1993, over 400,000 people in Milwaukee became ill and 120 died as a result of drinking the water from their taps.

The House regulatory moratorium bill would disrupt efforts to establish a new rule on microbiological contaminants in drinking water supplies. The new safety standards, produced by a team consisting of industry, State, and local government and citizen representatives would protest against cryptosporidium, E. coli, and other contaminants. The moratorium would delay the information collection necessary to finalize the standards.

SECOND-HAND SMOKE

The moratorium would also delay OSHA's proposed rule to protect workers against second-hand smoke in the workplace. According to the American Lung Association, environmental tobacco smoke causes an estimated 3,000 lung cancer deaths, 12,000 non-lung cancer deaths, and 35,000 to 40,000 deaths from cardiovascular disease each year. The Association also estimates that 14 million to 36 million nonsmoking adults are exposed to environmental tobacco smoke at work. Those workers are 34 percent more likely to develop lung cancer than those who work in smoke-free environments.

I should say a word about some of these regulations and the argument that the moratorium might not affect them. As the Senate sponsor of the moratorium says, the rules on E. coli and cryptosporidium might come under the "imminent threat to public health or safety" exemption of his bill. But he has been asked repeatedly for a definition of "imminent threat" from the bill's backers and has yet to respond. Would the rules on lead contamination or indoor smoke come under the exemption? What about the bay-delta water accord that is so important to my State of California? Because we have no definition of imminent threat it is impossible to say.

SAN FRANCISCO BAY-DELTA ACCORD

I believe that the exemption would not apply to rules like the one implementing the historic bay-delta agreement—an agreement that will have major repercussions in California and all across the country.

Late last year, California farmers, bankers, municipalities, and environmentalists all came together to approve a plan to provide the certainty they need to allocate water in the San Francisco Bay-Delta among competing users. The agreement is a direct result of years of negotiation, and provides a blueprint for managing fresh water supplies, minimizing water quality impacts on San Francisco Bay, and providing the assurances that the financial community needs to support economic activities throughout California.

The beneficiaries of the agreement, memorialized in an EPA rule finalized in January, are the consumers of food produced with delta water—45 percent of the Nation's fruit and vegetable production—and the 20 million Californians who rely on the delta for drinking water.

Due to the lack of an agreement, no new investment decisions had been made with respect to new canals, major construction projects, water allocation, alternative sources of water supply, canal systems, or reservoir management in the bay-delta for the last 20 years.

The moratorium could void the agreement and eliminate the opportunity it offers to maintain the delta as a viable source of drinking and irrigation water. Long-term use of the bay-delta as a viable source of water would be threatened because of overuse and lack of coordination among the millions of users of bay-delta water, especially during droughts. Vacating the agreement could threaten the State of California's credit rating and our economy.

TRUTH IN POULTRY LABELING

Finally, Mr. President, the moratorium would stop a very simple rule designed to protect consumers against fraud every time they go to buy a chicken or turkey at the supermarket. Current law allows poultry that has been frozen hard as a bowling ball to be thawed out and labeled "fresh" for sale to consumers—consumers who will pay significantly more for a fresh project.

In January the Agriculture Department proposed a commonsense rule to restrict the use of the term "fresh" to poultry that has never been kept frozen. In fact, this was actually just a reissuance of a rule that was first proposed at the end of the Reagan administration and then shelved. The moratorium would add at least another year to the delays that began in 1988. While 8 years is far too long for consumers to wait for basic truth in labeling, the 45-day review period contemplated by the Nickles-Reid bill is not unreasonable.

Mr. President, like many of the provisions of the Contract With America, the regulatory moratorium may look at first glance, but it begins to look pretty ugly upon closer examination. The moratorium is nothing more than a valentine to industry, to polluters, to the tobacco companies, and others who would prefer not to live up to the responsibilities we all share to our neighbors, our communities, and our Nation.

Our responsibility is to improve the lives of all the American people, not just the bottom line of the corporations. We must do the hard work to produce real regulatory reform—not walk away by putting a stop to all regulations, reasonable and unreasonable alike.

I agree with Senator GLENN that we should simply declare the moratorium dead. The 45-day review provided in the Reid-Nickles bill will give Congress another chance to stop the unintended consequences of well-intentioned regulations before they burden the American people. If the bill comes back from conference in this form, I will give it my full support. However, if it comes back looking like a moratorium, on behalf of the people of my State and the 49 others, I will stand on this floor as long as it takes to stop it.

Mr. NICKLES. Mr. President, I yield the Senator from Texas 2 minutes.

Mr. GRAMM. Mr. President, on the day that President Clinton gave the last State of the Union Address during which he talked about reducing the regulatory burden, his administration published over 300 pages of new regulations in the Federal Register. In fact, in the first 2 years of the Clinton administration, the level of regulatory burden, as measured by the number of pages in the Federal Register, has been higher than the first 2 years of any President in the history of the United States. Despite all of the rhetoric to the contrary, the Clinton administration is imposing more regulations than any administration at a comparable point in that administration's term in the history of the United States of America.

I congratulate our leader here, DON NICKLES, for bringing to a final vote a bill that does make some marginal improvement. But this bill is a far cry from the original bill. I think a regulatory moratorium is called for. I think it is something that is needed. I am still strongly in support of it. And while you might say this is a kiss, it is a kiss from your sister and not your sweetheart.

This is not something that is going to dramatically change American Government. The Congress is already burdened with doing what it is doing. The idea that we will be able to go through regulations and assess them, I think, is fairly unrealistic.

There will be one positive result that will come out of it, however. That is, we will be able to zero in on some items where clearly the Federal Government is dramatically increasing the cost of doing business, dramatically limiting our ability to create jobs, and making decisions through regulations that do not make any sense.

So, this is a marginal improvement. This is a long way from a victory. I think the House approach was better. I intend to vote for this because it is an improvement on the current procedure.

This is not the end of this debate. This is the first short step in trying to bring rationality to Government regulations which, today, cost the average American family $5,000 a year.

Something has got to be done about these regulations. This is a marginal improvement. This is a long way from victory.

I yield the floor.

Mr. NICKLES. Mr. President, I yield the Senator from Texas 2 minutes.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Oklahoma for his leadership on this issue.

I was one of the original cosponsors of the moratorium bill. I would like to say to my senior colleague from Texas that I agree with everything he said. But I would just add that a kiss from your sister is better than no kiss at all.

I think it is very important that we understand that we are taking a giant first step toward reining in regulators that have gone far beyond congressional intent.

Some people say, "We really do not have the right in Congress to assess what regulators do." To them I would say, "If we do not have the right, who in the world does?"

Why are the regulators out there? They are out there implementing congressional legislation. If Congress does not rein them in and say, "You are not doing what we intended for you to do in implementing our laws," who will? The answer is, no one will.

It is our responsibility to rein in regulators to whom we have authorized implementation of the laws that we pass. The buck stops here.

With this bill today, we are taking the responsibility that we have to the people of America, to the small business people of America. We are saying "We are going to look at everything the people we have delegated our authority are doing, and hopefully we are going to bring common sense into the process."

I hope our colleagues will vote for this today. It will give Members that first measure to say the regulators have gone beyond where we wanted them to go, and we are going to have a say.

Thank you, Mr. President. I thank the Senator from Oklahoma for his leadership on this issue.

Mr. REID. Mr. President, would the Chair advise the Senator from Nevada and the Senator from Oklahoma how much time we have?

The PRESIDING OFFICER (Mr. DEWINE). There are 3 minutes on each side remaining.

Mr. REID. Mr. President, Business Week on the 23d day of January of this year, wrote, among other things:

> Lately there has been a wave of creative regulatory reform at both State and Federal levels, relying on such devices as free competition under price caps and mandated cost sharing by competitors. Such reforms are designed to reconcile the contradictory goals of universal service and increased competition.

Mr. President, the reason I mention this is that we have a magazine such as Business Week, we have entities such as the chemical manufacturers saying regulations are good if they are handled properly. And that is what this substitute deals with. If we handle regulations properly, as we will do after this, this is a giant step forward for the American business communities and the American people, in general.

I believe, as I have stated on this floor the last 2 days, that there will be by the Federal bureaucracy, a more stringent review of regulations than we intend to promulgate. Why? Because we legally have the right to veto those regulations.

This, Mr. President, is good. It is an indication that bipartisan work in this Chamber can produce good legislation. This final product is the result of not only the work of the Senator from Oklahoma and this Senator, but also the good work done by the Senator from Michigan, the Senator from Ohio, the Senator from Alaska, Senator STEVENS, and a number of individuals on both sides of the aisle who have worked toward making this more meaningful legislation.

I indicated yesterday I appreciate the work of the Senator from Oklahoma. I want to reiterate that. The work that he has done has been exemplary in being able to listen to both sides and then make decisions. We have been able to work together on this.

This legislation, Mr. President, will go a long way to meeting what the American public said they want. That is, they want product without people taking credit for it. There is no party that can take credit for this legislation. It is a product of the Senate of the United States. We will work very hard to make sure that this bill that will pass out of here by a very large margin is the final product that comes out of this Congress and be sent to the President.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague from Nevada, Senator REID, for his leadership not only on this amendment but on several other issues that we have had the pleasure of working on in the past.

Also, Mr. President, I wish to thank Senator BOND and Senator HUTCHISON for their cooperation and leadership, as well as Senator LEVIN and Senator GLENN for their contributions in making this bill a reality. Hopefully, this bill will become law.

Mr. President, during this process I have heard several comments regarding this legislation. Some people are still debating the regulatory moratorium passed by the House. I have heard that it is bad and reckless and if it passed we will have E. coli in meats, and we will have cryptosporidium in our water, and people are going to die.

I disagree with that assertion. The original regulatory moratorium did have problems, but frankly it was not that it was too strong but that it had numerous exceptions that could have left the bill inadequate.

I want to get the attention of my friend from Texas, Senator GRAMM, because I think this is a better bill than the original regulatory moratorium.

One of the reasons is because the strength of original moratorium has mischaracterized by saying such things as saying E. coli regulations would be stopped. That is false, because there are broad exceptions to exempt regulations such as the E. coli regulations. The bill that passed the House and the bill that passed the Governmental Affairs Committee had lots of exceptions—enough exceptions to drive trucks through.

We started out with 8 exceptions, and it ended up 10 or 12, and frankly these exceptions gave the President complete discretion to determine any exception that he would want.

Also, I might mention and tell my friend from Texas that the House bill was temporary, it would only last until we passed permanent regulatory reform. That is probably going to happen in 60 days. It is a temporary moratorium.

The bill the Senate is about to adopt is a permanent moratorium on new significant regulations. If this bill becomes law, it will still be in effect 3 years from now, 5 years from now. And so Congress will have a chance to review significant regulations. It is a moratorium on significant regulations of 45 days. During this 45-day moratorium, Congress would have the opportunity to repeal those regulations and reject them if we felt it was necessary.

I think this is a vital improvement to regulatory process. It is not a panacea. It is not a cure-all, but this gives Congress a chance to carry out its oversight responsibility in making sure that excessive regulations can be stopped.

We also have the opportunity, I might tell my colleagues, to review the regulations that are not classified as significant but yet we find are troublesome or confusing or do not make sense. We would have a chance to review those, to reject those, to repeal those.

So I would just urge my colleagues to take a close look. I will urge my colleagues in the House to look at this legislation and to realize that their temporary moratorium would have no effect probably in 60 days because we will pass comprehensive regulatory reform legislation.

The bill before us today has a chance to become law and have a significant impact for the years into the future, and therefore, in my opinion, is a far superior piece of legislation than the original regulatory moratorium legislation.

I urge my colleagues to adopt it. I think it is a big step in the right direction. I also want to say that we have had good support from Democrats and Republicans.

This idea, I might mention, came from a State representative in the State of Oklahoma, Danny George, who contacted my staff. I think it is an excellent idea. I am hopeful it will be agreed upon by a very large margin, that the House would concur, the President would sign it, and we would take a giant step toward real regulation reform this year. I thank my colleagues. I yield the floor.

Mrs. MURRAY. Mr. President, I rise today to make two points regarding the efforts made in the Senate to craft meaningful regulatory reform.

First, let me say I support the efforts we are making in the Senate to reform Government regulations and I look forward to participating in this bipartisan effort to make Government more effective and meaningful. Everyone has examples of Government regulations that have gone too far, become too onerous, or have otherwise disrupted peoples' lives. This is not the goal of the House-passed regulatory moratorium proposal, however, which brings me to my second point.

I have serious objections to any measure that would jeopardize public health and safety by suspending Federal rules on health, safety, or the environment. As a legislative body, our job is not to police the rest of Government; but it is to enable legislation that sets in motion solutions. It would be irresponsible to paralyze the Government process with a regulatory freeze, or by imposing costly, inflexible, and bureaucratic procedures.

In yesterday's debate, my colleagues brought to the floor reams of paper representing regulations recently approved by Federal agencies. I was reminded of the piles of paper that Vice President GORE saved through the streamlining of the National Performance Review. It seems we are all working for the same thing—to make Government work better for people. We need to reduce paperwork, and repetitive, unnecessary regulations are a good place to do it, but only so long as we do not compromise public health or safety.

Some regulations are necessary and beneficial for the public. In my State of Washington, we saw first hand how dangerous ineffective regulations can be during a deadly outbreak of E. coli contamination in 1993. Tragically, four children died and many more children and adults got sick from eating hamburger contaminated with this virulent pathogen. In the absence of a single clear Federal standard ensuring the safety of the food supply, a host of insufficient regulations offered poor protection at best. Subsequent to this epidemic, USDA proposed reforms of its meat and poultry inspection system to bring these inspections into the 21st century. USDA's proposal would require the Nation's 9,000 slaughter and inspection plants to adopt preventative, science-based inspection systems. A regulatory freeze such as that imposed by the House or by S. 219 as passed out of committee would have prevented USDA from responding to this public health emergency.

Moreover, I have concerns that the proposal passed by the House would tie the hands of the fisheries management councils around the country. I commend the amendment approved in committee by my colleague from Alaska, Senator STEVENS. Without such a provision, the recently enacted halibut and sablefish ITQ Program would be negated. Furthermore, the National Marine Fisheries Service would not be able to manage the opening or closing of fishing seasons, thereby gutting the oversight authority of a very credible agency.

Our deliberation about this moratorium proposal is just the beginning of the broader debate about regulatory reform. In fact, the alternative proposal offered by Senator REID and Senator NICKLES, allowing Congress to veto new regulations, has generated support, having passed the Senate Government Affairs Committee unanimously. I am confident that this body can address the need for regulatory reform without resorting to a heavy-handed moratorium, which could threaten the public good.

I support the Nickles-Reid amendment and hope that we can reach a compromise with the House in conference.

Mr. HATFIELD. Mr. President, I would like to announce my support for the substitute amendment offered by Senator NICKLES and Senator REID and offer my name as a cosponsor of this amendment. This amendment starts the Senate down the road toward regulatory reform. While I view our action today as an important step, I look forward to a more comprehensive regulatory reform bill which is working its way through the Senate.

I would like to take this opportunity to highlight the fact that the Federal Government places burdensome regulations on State and local governments as well. Often times these regulations tie the hands of these governments in their attempt to address the needs of their citizens. That is why I introduced S. 88, the Local Empowerment and Flexibility Act of 1995, on the first day of this Congress. The need to provide flexibility to local and State governments is enormous. While I intended to offer S. 88 as an amendment to the legislation on the floor, I did not want to delay passage of this bipartisan bill. However, I will continue to offer the Local Empowerment and Flexibility Act as an amendment to legislation which comes before the Senate. I will also work with other Members to push this legislation forward as I believe it addresses regulations which are often overlooked and are as burdensome as those that this amendment addresses.

Mr. ROTH. Mr. President, I am pleased that the Senate is about to pass legislation establishing an expedited procedure for congressional consideration and, where necessary, disapproval of regulations. I believe this is the right choice. The original legislation, which provided for a moratorium on regulations, was fraught with difficulty. It was legislation which could not pass this body and which, if it did, would probably have been vetoed. The approach we take today holds far greater promise for responsible review of regulations. And I applaud the efforts made by Senator NICKLES, Senator REID, and Senator GLENN who floor managed and perfected this legislation.

However, there was one provision inserted in the legislation yesterday that deserves further scrutiny. That provision would require the General Accounting Office to provide a report to Congress on each and every significant regulation promulgated by an agency informing Congress whether the agency has performed its job. Among other things, GAO's functions would include checking out whether the agency consulted with State, local, and tribal governments under the unfunded mandates legislation recently signed into law as well as checking on the agency's compliance with cost-benefit and risk analyses requirements under Executive Order 12866 and under legislation the Committee on Governmental Affairs last week ordered reported.

We are now in conference on the Paperwork Reduction Act of 1995. In neither body was a single vote cast against that legislation. We all agree the Government generates too much paperwork. While the central complaint concerns burdens on the public, there is also the recognition that Government imposes needless paperwork requirements on itself. In fact, Senators MCCAIN and LEVIN added important provisions to the paperwork legislation that would reduce unnecessary reports to Congress.

Now before those provisions even have a chance to get enacted, the Senate contradicts itself, mandating the creation of about four GAO reports every working day of the year, the vast majority of which will be unnecessary and unread. These reports will cover functions already assigned to OIRA and in some cases duplicate the mission of independent peer review provisions in legislation ordered reported by the Committee on Governmental Affairs.

Moreover, we all need to be reminded that serious discussions are underway to cut the budget of GAO by 25 percent. By its own admission, GAO lacks expertise in the area of regulatory review. This would be a new mission for that agency coming at a time when we need to see how the present core mission of GAO can be preserved on a smaller budget.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in $1 trillion? When you arrive at an answer, bear in mind that it was Congress that ran up a debt now exceeding $4.8 trillion.

To be exact, as of the close of business Tuesday, March 28, the total Federal debt—down to the penny—stood at $4,849,995,857,343.69—meaning that every man, woman, and child in America now owes $18,410.67 computed on a per capita basis.

Mr. President, again to answer the pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the existing Federal debt exceeding $4.8 trillion.

CIA LINKS TO GUATEMALAN MURDERS

Mrs. MURRAY. Mr. President, I am deeply troubled by new information reported in the New York Times and elsewhere linking the CIA to those responsible for the murders of United States citizen Michael DeVine and Efrain Bamaca Velasquez, the Guatemalan husband of United States citizen Jennifer Harbury. At this point, we do not have all the facts necessary to get a full picture of what occurred, but these preliminary reports raise serious questions.

For most of the last 30 years, systematic human rights violations have been committed with impunity against Guatemalan civilians. The political repression and deplorable practices of the Guatemalan military—extrajudicial killings, political kidnappings, and death threats—have taken the lives of at least 100,000 citizens since the early 1980's.

It is because of Guatemala's miserable human rights record that I have closely followed the cases involving U.S. citizens, including the case of Jennifer Harbury's husband and Michael Devine. Over the last 2 years, I have taken several steps to find information regarding the whereabouts and status of Mr. Bamaca, Mr. DeVine and others who have disappeared or been murdered in Guatemala. I have written letters or inquiry to the President, the National Security Council, and to the President of Guatemala, Ramiro De Leon Carpio, expressing my concern with these cases. Last year, I also introduced legislation urging the need for greater protection of human rights in Guatemala.

Throughout these efforts, and specifically on the case of Jennifer Harbury, I have been told that every attempt was being made to investigate her case, so that she could finally know the fate of her husband. Likewise, Congress has pressed time and again to resolve the questions surrounding the killing of Michael DeVine, an American innkeeper who was brutally murdered in Guatemala in 1990.

And now it is being reported that a Guatemalan Army colonel linked to the deaths of Michael Devine and Jennifer Harbury's husband was, in fact, employed by the CIA and twice trained by the United States Army.

According to Thomas Stroock, who served as United States Ambassador to Guatemala from 1989 til 1992, our Embassy, having investigated Mr. DeVine's murder, came to the conclusion that Col. Julio Roberto Alpirez was behind it. Reportedly, Ambassador Stroock then told his staff at the Embassy that they were to have nothing more to do with the colonel. Nonetheless, reports indicate that the CIA station chief in Guatemala keep Col. Alpirez on the payroll for nearly 2 more years. The reports go on to indicate that much later the CIA, in 1992, paid Alpirez a lump sum of $44,000 for intelligence work done for the Agency, nearly 46 times the average yearly income in Guatemala. If these reports are true, it is difficult to understand how and why the policy carried out by the CIA was so clearly at odds with the policy established years earlier by the U.S. Ambassador. How could the CIA justify providing U.S. taxpayer dollars to this criminal? And whom did the CIA station chief answer to, if not the U.S. Ambassador?

The Clinton administration must continue to push the Guatemalan Government to prosecute Alpirez and any others who were involved in these murders. And if the reports I have described here are true, the CIA must be held accountable for their deeply troubling involvement.

It is equally of concern to me that Col. Alpirez evidently oversaw the killing of Michael DeVine just 6 months after Alpirez had graduated from an elite course for senior officers at the School of the Americas, a U.S. Army School in Fort Benning, GA. It was the second time that U.S. taxpayers paid to train Col. Alpirez, who evidently then went on to thank this country by ordering the murder of one of our own citizens.

It remains unclear how long and for what reasons the CIA knew information related to the fate of Jennifer

Harbury's husband, and withheld it from those within the administration who had explicitly sought it.

Serious questions have been raised about the CIA's involvement in both of these cases, and a full accounting is in order. Congressman TORRICELLI, in making information related to these cases public, has said, "This is the single worst example of the intelligence community being beyond civilian control and operating against our national interest."

A central United States objective in Guatemala is to contribute to an improved human rights environment in that troubled nation. If the reports of recent days are true, then clearly the CIA has failed to embrace this goal and may, in fact, be part of the problem in Guatemala. Mr. President, Congress and the taxpayers deserve answers to all of these questions.

THE AMERICAN CITIZENS HELD IN IRAQ

Mr. GRAMS. Mr. President, I rise to share my strong concerns about the safe and prompt return of two American citizens currently being held in an Iraqi prison.

William Barloon, the brother of one of my constituents in Minnesota, and David Daliberti unintentionally strayed into Iraqi territory on March 13 while seeking to visit friends in the demilitarized zone between Kuwait and Iraq.

They were allowed to pass through two check points, one run by the United Nations and the other by Iraqis, before they were arrested for not possessing appropriate visas to enter Iraq. Thus, the very vulnerable position in which these men found themselves was not altogether of their own making.

Following their arrest, Mr. Barloon and Mr. Daliberti were given a rushed trial with no Americans present and without satisfactory legal counsel. An Iraqi court sentenced them to 8 years in prison, a very severe and disproportionate punishment for what was, at most, simple carelessness and neglect.

Mr. President, I also rise in strong support of the amendment offered yesterday by the gentlemen from Iowa to condemn the conviction and sentencing of Mr. Barloon and Mr. Daliberti. We must send a loud and clear message to the Iraqi Government: Under no circumstances should it even attempt to link its unjustified detention of the Americans to other international issues.

The Iraqi Government must be made to realize that the longer they hold these two men, the more they will heighten tensions and damage relations with the United States and the rest of the international community.

If Iraqi hopes to use American citizens as bargaining chips in negotiations on U.N. economic sanctions, it is sadly mistaken. Nothing less than the immediate release of Mr. Barloon and Mr. Daliberti will be satisfactory.

Finally, I want to take this opportunity to thank those countries that are assisting the U.S. Government on this matter. Poland, in particular, deserves our gratitude for making sure that its diplomats have visited the Americans in prison and were present at their trial. I hope other countries will prove to be as cooperative as we work to resolve this situation.

Mr. President, as we all work to gain the quick release and safe exit from Iraq for Mr. Barloon and Mr. Daliberti, our prayers and thoughts are with them and their families.

COASTAL INSTITUTE IS WELL UNDERWAY

Mr. PELL. Mr. President, I rise to object to any amendment affecting Cooperative State Research Service funding that would rescind funds, already obligated by the U.S. Department of Agriculture, for building educational facilities at the University of Rhode Island.

USDA already had obligated $6.2 million, appropriated in fiscal year 1993, fiscal year 1994, and fiscal year 1995 for the Federal matching share of funds to build the University of Rhode Island's Coastal Institute. I have been personally involved in this project since the 1980's, but it will be destroyed if these funds are rescinded.

Both the Senate Agricultural Appropriations Subcommittee and the full Appropriations Committee decided not to rescind this $6.2 million. These funds represent the authorized, appropriated, and obligated Federal share of an ongoing agricultural education building project.

Rhode Island already has completed construction of one Coastal Institute building and I plan to attend a formal groundbreaking for the second building in about 3 weeks. These buildings constitute the State match—totaling $12.56 million—for a third building to be built with anticipated Federal matching funds.

Mr. President, it strikes me as poor policy for the Federal Government to require Rhode Island to spend $12.56 million to receive a like amount of Federal funds only to reneg on the Federal share once the State had spent more than enough funds to meet its match.

I also want to emphasize that this is not a project that came in through a backdoor. The University of Rhode Island's Coastal Institute went through the most rigorous USDA feasibility review, including a peer review, and its funding has been approved step by step in the appropriations process for more than 5 years.

I would like to tell you just a bit about why the USDA approved matching funding for the Coastal Institute and what the facilities can do for both Rhode Island and the Nation. First and foremost, I want to underscore why the coastal area is clearly an agricultural concern.

The coastal area includes the continental shelf, the shore area—including highly productive estuaries and wetlands, and the land areas which make up the first tier of inshore watersheds.

This encompasses rich agricultural lands, forest resources, and both urban and rural communities. Coastal lands are among the most productive and the most heavily populated on the earth.

The primary mission of the Coastal Institute is to carry out research and analyze policies to better enable society to manage its coastal resources wisely. This research and analysis includes such USDA priorities as agricultural production, aquaculture production, rural welfare, watershed management, and the maintenance of water quality.

USDA is concerned about nonpoint source pollution from agriculture and rural homes—pollution which hurts the productivity of our coastal estuaries. The Coastal Institute will investigate the origins, transport, and fate of these contaminants and will develop improved practices to reduce them.

It also will evaluate policy alternatives for implementation that recognize the legitimate interests of all groups involved, especially the rural and farm communities.

USDA also must address management of water resources in complex coastal areas. The Coastal Institute will investigate salt and other loadings of drainage water from irrigated agriculture and subsequent effects on soils, rivers, streams, and adjacent wetlands. It also will investigate salt water intrusion as a result of ground water withdrawals—a worldwide problem. The Coastal Institute will follow through by evaluating improved management practices and mitigating policies.

The Coastal Institute also will focus on fish and aquaculture as an area of intensive research.

The Coastal Institute will be working to develop aquaculture first, as a source of affordable fish for consumers; second, as a way to reduce our annual trade deficit of almost $3 billion in fisheries products; third, as a potential market for feed products such as soymeal; and fourth, as a means to provide employment and increase the welfare of our rural communities.

Mr. President, I regret to say that, in general, the United States is lagging behind other nations in technological innovations that will allow the expansion of aquaculture systems.

Scientists of the Coastal Institute will continue: first, to develop environmentally sustainable aquaculture technologies for new species and for multiproduct aquaculture systems; second, analyze international trade and help U.S. producers capture larger market shares; and third, evaluate the impact of U.S. regulatory policies on the industry.

The facilities which are being built by Rhode Island, along with those recommended for Federal financing, are not a duplication of facilities anywhere. The emphasis of the Coastal Institute is on a multidisciplinary teams to address complex problems in a holistic manner. The facility is designed to take advantage of the information superhighway and long distance interactive communication.

The private sector has been involved in the concept and design of components of the facility, such as the policy simulation laboratory, and is expected to be an active participant in its programs. The Coastal Institute is the outgrowth of decades of research which has gained international stature. The facilities are a logical next step and are in the Nation's interest.

COL. JOSEPH MARM, JR.: TRUE PROFILE IN COURAGE

Mr. HELMS. Mr. President, a little more than a month from now, on April 30, 1995, in Willow Grove, PA, a gallant American will formally retire from the Army after nearly 31 years of extraordinary service to his country.

His name is Walter Joseph Marm, but everyone knows him as Joe. For my part, I know and respect him for his willingness to lay down his life for his country. Many times, he almost did.

Joe Marm is a part of the Helms Senate family due to his having had the good fortune to be married to the former Deborah Yelverton of North Carolina who served in our Washington office for 9 years. We were sad for us but glad for Debbie when she departed in 1987 to become the bride of Colonel Marm and move to Pennsylvania to be with him.

Mr. President, Colonel Marm has earned so many medals and awards that it takes awhile to identify all of them. I'll start with the Congressional Medal of Honor and then return to it after I have identified some of the others in the chronological order in which Joe was awarded them:

The Army Commendation Medal with Oak Leaf Cluster; the National Defense Service Medal, the Presidential Unit Citation, the Air Medal with two Oak Leaf Clusters, the Meritorious Service Medal with four Oak Leaf Clusters, the Purple Heart, the Bronze Star, the Ranger Tab, the Parachute Badge, the Combat Infantryman Badge, the Department of the Army Staff Officers Badge, the Cross of Gallantry with Palm, the Cross of Gallantry with Palm Unit Citation, the Republic of Vietnam Ground Campaign Unit Citation, the Vietnam Campaign Medal, the Republic of Vietnam Campaign Unit Citation, the Army Service Ribbon and the Vietnam Service Medal.

And then, Mr. President, on December 19, 1966, Joe Marm was awarded the Congressional Medal of Honor.

Needless to say, Mr. President, all of us are proud of Col. Walter Joseph Marm. And I am personally delighted that he and Debbie may shortly move to North Carolina.

His present responsibility with the Army is in Willow Grove, PA, where he serves as the Senior Army Adviser for the 79th Army Reserve Command.

Mr. President, in honor of our friend, Col. Joe Marm, and as a matter of interest to all who peruse the CONGRESSIONAL RECORD, let me now read into the RECORD the text of the Congressional Medal of Honor awarded to Joe:

> The President of the United States in the name of the Congress takes pleasure in presenting the Medal of Honor to MARM, Walter Joseph, Jr.
>
> Rank and organization: First Lieutenant (then 2d Lt.), U.S. Army, Company A, 1st Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile). Place and date: Vicinity of Ia Drang Valley, Republic of Vietnam, 14 November 1965. Entered service at: Pittsburgh, Pa. Born: 20 November 1941, Washington, Pa. G.O. No.: 7, 15 February 1967. Citation: For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty. As a platoon leader in the 1st Cavalry Division (Airmobile), 1st Lt. Marm demonstrated indomitable courage during a combat operation. His company was moving through the valley to relieve a friendly unit surrounded by an enemy force of estimated regimental size. 1st Lt. Marm led his platoon through withering fire until they were finally forced to take cover. Realizing that his platoon could not hold very long, and seeing four enemy soldiers moving into his position, he moved quickly under heavy fire and annihilated all 4. Then, seeing that his platoon was receiving intense fire from a concealed machinegun, he deliberately exposed himself to draw its fire. Thus locating its position, he attempted to destroy it with an antitank weapon. Although he inflicted casualties, the weapon did not silence the enemy fire. Quickly, disregarding the intense fire directed on him and his platoon, he charged 30 meters across open ground, and hurled grenades into the enemy position, killing some of the 8 insurgents manning it. Although severely wounded, when his grenades were expended, armed with only a rifle, he continued the momentum of his assault on the position and killed the remainder of the enemy. 1st Lt. Marm's selfless actions reduced the fire on his platoon, broke the enemy assault, and rallied his unit to continue toward the accomplishment of this mission. 1st Lt. Marm's gallantry on the battlefield and his extraordinary intrepidity at the risk of his life are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country.

UCLA AND STANFORD IN THE FINAL FOUR

Mrs. FEINSTEIN. Mr. President, the tradition and success of collegiate athletics in California is as deep and rich as our academic excellence. Three different California universities have won the national championship in both men's and women's basketball in the past 53 years, and over a century of football competition has been played. Over the years our universities have been equally adept in producing winners of Olympic medals as Nobel prizes.

California is home to more division 1 schools than any other State. So it should come as no surprise California has sent a team to both the men's and women's college basketball Final Four. It also should not be a surprise that those two teams are the University of California, Los Angeles, and Stanford University, my alma mater.

These two teams are not unique among Golden State colleges, rather they are representative of numerous schools with great academic and athletic traditions. In this past year California has provided the national champions in men's tennis, men's water polo, women's volleyball, and men's golf. California's universities and colleges have produced such sports legends as Jackie Robinson, Bill Walsh, Matt Biondi, Jackie-Joyner Kersee, Marcus Allen, Cheryl Miller, Arthur Ashe, Bill Russell, Dwight Stones, Rafer Johnson, and Kathy Jordan.

The UCLA basketball program is one of the finest in the Nation, and is currently the No. 1 ranked team. It has won more national championships than any other school. More than Kentucky, Kansas, North Carolina, or Indiana.

Under the leadership of John Wooden, the UCLA men's basketball team won 10 national titles in 12 years. To follow in Wooden's footsteps has been difficult at UCLA. The last time they went to the Final Four was 1980, where they lost to Louisville, coached by Wooden protege Denny Crum.

Coach Jim Harrick has returned them to the Final Four now, for the first time in 15 years. But, maybe what is more impressive, at least to the Senator from California, is that it is a team of Californians. Four out of five starting players are from California, Tyus Edney from Long Beach, the sensational siblings Charles and Ed O'Bannon from Lakewood, and freshman Toby Bailey from Los Angeles. Other Californians on the team are J.R. Henderson, Bob Myers, Kris Johnson, and Kevin Dempsey. I am proud to say that not only is it a California school, it is a California team.

Rounding out the team are Cameron Dollar, George Zidek, Ike Nwanko, omm'A Givens. The players on this team are worthy successors of the greats of a generation ago Alcinder, Johnson, Walton, and Hazzard. In fact Marques Johnson's son, Kris, is a member of the current team.

Stanford women's basketball Coach Tara VanDerveer is creating a legend of her own. In the 10 years since she took over the Stanford program they have gone to the Final Four four times and won the national championship twice.

Rachel Hemmer and Anita Kaplan are the senior low-post players who lead the way with aggressive defense and consistent offense. Kristin Folkl, a two-sport star who was part of the national championship Stanford volleyball team this fall, got her first start of the year this past Saturday, and she knocked down "clutch" three pointers for her team to advance to next weeks game against the No. 1 ranked women of the University of Connecticut. Kate Paye paces the team from the guard position, while Kate Starbird leads the team in scoring.

Also contributing to the team effort are Olympia Scott, Jamila Wideman, Vanessa Nygaard, Regan Freuen, Charmin Smith, Bobbie Kelsey, Tara Harrington, Naomi Mulitauaopele, and Heather Owen. Their 30-2 record this year is a mark of dedication and talent. The trip they make to Minnesota to be in the Final Four is a deserved reward.

I salute these two teams and all the student athletes from California, and wish them the best in both competition and scholarship.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REGULATORY TRANSITION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 219, the Regulatory Transition Act of 1995, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the question now occurs on final passage of S. 219, as amended.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—100

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

So, the bill (S. 219) as amended, was passed as follows:

S. 219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—REGULATORY TRANSITION

SEC. 101. SHORT TITLE.

This title may be cited as the "Regulatory Transition Act of 1995".

SEC. 102. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 103. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request—

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604, section 605, section 607, and section 609 of Public Law 96-354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of Public Law 104-4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 104(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by subparagraph (B) (i) through (iv).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under paragraph (2)(A) of this section.

(3) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 104 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 104 is enacted).

(4) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(5) FAILURE OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding the provisions of paragraph (3), the effective date of a rule shall not be delayed by operation of this title beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 104.

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 104.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this title may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 104 or the effect of a joint resolution of disapproval under this section.

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this title, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 104 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 104.—

(A) In applying section 104 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) Actual effective date not affected.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) Treatment of Rules Issued Before This Act.—

(1) Opportunity for congressional review.—The provisions of section 104 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) Treatment under section 104.—In applying section 104 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) Actual effective date not affected.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 104.

(f) Nullification of Rules Disapproved by Congress.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 104 shall be treated as though such rule had never taken effect.

(g) No Inference To Be Drawn Where Rules Not Disapproved.—If the Congress does not enact a joint resolution of disapproval under section 104, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 104. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) Joint Resolution Defined.—For purposes of this section, the term "joint resolution" means only a joint resolution introduced during the period beginning on the date on which the report referred to in section 103(a) is received by Congress and ending 45 days thereafter, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule submitted by the ___ relating to ___, and such rule shall have no force or effect.". (The blank spaces being appropriately filled in.)

(b) Referral.—

(1) In general.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) Submission date.—For purposes of this subsection the term "submission or publication date" means the later of the date on which—

(A) the Congress receives the report submitted under section 103(a)(1); or

(B) the rule is published in the Federal Register.

(c) Discharge.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) Floor Consideration.—

(1) In general.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) Final passage.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) Treatment if Other House Has Acted.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) Nonreferral.—The resolution of the other House shall not be referred to a committee.

(2) Final passage.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) Constitutional Authority.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 105. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) In General.—In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 104, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 103(a).

(b) Deadline Defined.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 106. DEFINITIONS.

For purposes of this title—

(1) Federal agency.—The term "Federal agency" means any "agency" as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) Significant rule.—The term "significant rule"—

(A) means any final rule that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping.

(3) Final rule.—The term "final rule" means any final rule or interim final rule. As used in this paragraph, "rule" has the meaning given such term by section 551 of title 5, United States Code, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting

practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matter.

SEC. 107. JUDICIAL REVIEW.

No determination, finding, action, or omission under this title shall be subject to judicial review.

SEC. 108. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This title shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this title, or the application of any provision of this title to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this title, shall not be affected thereby.

SEC. 109. EXEMPTION FOR MONETARY POLICY.

Nothing in this title shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 110. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act and shall apply to any rule that takes effect as a final rule on or after such effective date.

TITLE II—TERM GRAZING PERMITS

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this title as the "Secretary") administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, one of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this title is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. 202. DEFINITIONS.

In this title:

(1) EXPIRING TERM GRAZING PERMIT.—The term "expiring term grazing permit" means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term "term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled "An Act to facilitate and simplify the work of the Forest Service, and for other purposes", approved April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

SEC. 203. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, regulation, policy, court order, or court sanctioned settlement agreement, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. 204. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section 203(a) shall not be subject to administrative appeal or judicial review.

SEC. 205. REPEAL.

This title is repealed effective as of January 1, 2001.

TITLE III—GENERAL PROVISION

SEC. 301. SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) On Saturday, March 25, 1995, an Iraqi court sentenced two Americans, William Barloon and David Daliberti, to eight years imprisonment for allegedly entering Iraq without permission.

(2) The two men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq.

(3) The Department of State has stated that the two Americans have committed no offense justifying imprisonment and has demanded that they be released immediately.

(4) This injustice worsens already strained relations between the United States and Iraq and makes resolution of differences with Iraq more difficult.

(b) SENSE OF SENATE.—The Senate strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and urges their immediate release from prison and safe exit from Iraq. Further, the Senate urges the President of the United States to take all appropriate action to assure their prompt release and safe exit from Iraq.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, again I wish to thank my colleague, Senator REID, but also I wish to thank Senator HUTCHISON and Senator BOND, Senator LEVIN, and particularly, on Senator LEVIN's staff, Linda Gustitus, and Senator GLENN.

In addition, I wish to thank several of my staff members who have worked on this for the last couple of months—Diane Moery, Mark Whitenton, Les Brorsen, and Bret Bernhardt—for their tireless efforts.

Mr. President, I think this is a good bill, one that in my opinion is a significant improvement over the House, and I will be urging our House colleagues to adopt the Senate approach.

Mr. REID. Mr. President, I wanted to make sure that those people who worked on this side of the aisle on the last piece of legislation, which I believe is some of the best work we have done this year in the Senate, have proper recognition.

We spent most of the last 2 days working out problems that developed in the legislation. It could not have been accomplished without my personal staff representative, Paul Henry, and especially the former chief of staff of the Governmental Affairs Committee, Len Weiss, who was instrumental in our being able to develop and craft various amendments, and also the person who had as much to do as anyone with our being able to pass this important legislation, Linda Gustitus, who has been with Senator LEVIN since he has been in the Senate. Her help on this matter was vital.

I wish to make sure the RECORD reflects again that this was a bipartisan piece of legislation, not only as the vote indicates but also as indicated in the statement made by Senator NICKLES and me. The staff was also bipartisan.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. If the Senator will yield, I just wanted to associate myself with the remarks of the Senator from Nevada about the staff members on both sides. On something like this, there are a lot of controversial items. I see Senator NICKLES still in the Chamber. The staff of the Senator from Oklahoma and all of our staff members—we get credit for a lot of things done around here, but the staffs are the ones who put these things together and spend the long hours back and forth working out all the details.

There has not been anything pass through the Senate in some time that required more negotiating back and forth, I think, than we did in this legislation—all done in good faith by staff. We trust them. I am glad the Senator from Nevada chose to honor them. They deserve it.

Mr. LEVIN. Mr. President, if the Senator will yield, let me also thank him and Senator NICKLES and their staffs for the work that they put in on this bill and for taking the time, both of them, to thank the staffs for the tremendous work that they have done. We thank them for their own work and for recognizing the importance of our staffs.

THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the immediate consideration of H.R. 1158, the Emergency Supplemental Appropriations Disaster Assistance Act. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, the Senate now has under consideration legislation to provide the Federal Emergency Management Agency with an additional $1.9 billion in fiscal year 1995 and $4.8 billion for fiscal year 1996 for emergency disaster relief and to make savings in prior year appropriations through rescissions and other actions by a total of approximately $13.5 billion.

The supplemental appropriation is recommended in response to the President's request of February 6, 1995. The President requested a FEMA supplemental of $6.7 billion for disaster relief efforts in California and 40 other States. The House has recommended a reduced amount of $5.3 billion, all in fiscal year 1995 supplementals. Our Senate committee recommends $1.9 billion for fiscal year 1995, which is the amount most immediately required, and an advance appropriation for fiscal year 1996 of the balance of the $4.8 billion. The committee makes this recommendation as a first step in establishing a new procedure for the provision of disaster relief.

As noted in our committee report, Mr. President, funds appropriated for FEMA disaster relief have escalated sharply in recent years. Between 1990 and 1994, 195 disasters were declared by the President and nearly $15 billion was appropriated in emergency supplements for disaster relief. We should not abandon Federal disaster assistance for people and communities in need, but we cannot afford to continue this level of spending.

Senators BOND and MIKULSKI are making a good start in the right direction, and they are to be commended. They are the chair and the ranking minority member of the Subcommittee on HUD and Independent Agencies, under which FEMA comes for its funding.

Most of the attention given this measure has been directed at the rescissions we are recommending. I think there has been a considerable degree of overreaction to our proposals. We are not engaged in a barn-burning exercise. In the main, the rescissions and other savings we recommend on the Senate side are reductions in the rate of increase, rather than a true cut.

Let me underscore that. We read in the media, see on the television, and we hear from many voices that the House or the Senate Appropriations Committee has cut these funds; we are putting the poor out in the street; we are doing all these things because we have cut funds, making it appear as though we have excised the account dealing with that particular human need.

We have also undertaken to take the unobligated balances which have languished for years after their initial appropriation. We call that the pipeline money and we have taken them as rescissions.

So let us get our nomenclature clarified that the cuts are reducing the rate of growth. We are not, in effect, dislocating people or ignoring the needs of people.

So what we bring to the Senate today, Mr. President, represents the committee's considered reevaluation of prior year funding levels, based on a renewed commitment to thoroughly scrutinize every spending proposal.

This is not to say that scrutiny did not exist before. It did. But we should always be willing to take a second look, and that is what the Senate is doing.

Some of those unobligated funds we found in the pipeline were unobligated transportation funds from 1982, 13 years ago. It was our feeling it was better to take those unobligated funds out of the pipeline for our rescissions and, at the same time, to recognize, as an example, low-income energy assistance for people of need in particularly cold weather.

It is not unusual for us to do this type of thing. Our committee has recommended rescissions and the Congress has enacted rescissions in every year for the past 20 years. Rescissions are not an innovation of the Executive. Since the rescission process entered and the Budget Act was created—now that is 1974—Congress has enacted into law a grand total of $92,940,296,915 in rescissions in that period of time, which is $20 billion more than we have been asked to rescind by Presidents Ford, Carter, Reagan, Bush, and Clinton.

I want to focus on that again. In the parlance of today's communications, it is the Congress that is the big spenders; it is the Congress that has to be brought under control. And yet, at the same time, in this 20-year period, we have rescinded $20 billion more than these Presidents, five Presidents, have asked for.

Nor is the size of the package we bring to the floor today unprecedented. In 1981, when I was first honored to be chairman of the Appropriations Committee, we brought to the Senate a $15 billion rescission package. There may be others who find this a novel experience, but I do not.

Mr. President, I think we also have to recognize that, as noted in our report, we have amendments to offer today to change the committee's recommendations. We expect those and we welcome them. We welcome them up to a degree, not an unlimited welcome. Some will want to restore funding. Some will want to cut more. We will engage in those debates and invite those amendments. But I hope there will not be an effort to unduly delay this legislation.

I believe we all share a desire to reduce Federal spending. We know very significant reductions are coming in fiscal year 1996 and the years beyond, and every dollar we are able to save today will make tomorrow's task easier. It is time we begin, and this is the beginning.

To honor the request I have made to move this bill along expeditiously, I am very happy to say that two Senators, who are on the floor, have indicated that they will agree to a time limit; some more and some less. But, nevertheless, we are starting out right by trying to get time agreements and not to have open-ended affairs that can drag this bill on and on ad infinitum. So I wish to thank the Senators who have indicated they would consider a time agreement. When we get ready for those amendments, we hope to have that agreement.

Mr. President, at this time, I yield to the ranking member of our Committee on Appropriations and former chairman of the Appropriations Committee, Senator BYRD, of West Virginia, for any opening statement that he wishes to make.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon [Mr. HATFIELD] the chairman of the committee.

Mr. President, the Appropriations Committee reported this emergency supplemental and rescission bill, S. 617, on Friday, March 24. The motion to report the bill also included the committee's authorization for the chairman to offer S. 617 as a complete substitute for the House-passed companion measure, H.R. 1158. This was an unusual, but by no means unique, action by the committee. In order to facilitate comparison of the differences between the committee substitute and H.R. 1158, the committee report on S. 617, a copy of which is on each Senator's desk, contains comparisons between the committee's recommendations and the House-passed bill. The report to which I refer is Senate Report 104–17.

As has been the practice in the past, I, as the ranking minority member, joined Chairman HATFIELD during the markup in urging members of the committee to withhold controversial amendments, in order to expedite the markup of this emergency supplemental and rescission bill. That request was largely accommodated, but there were a number of concerns expressed about the bill by various members of the committee on both sides of the aisle.

Among those concerns was the need to find a way to fund disaster assistance programs, such as the $6.7 billion appropriation for the Federal Emergency Management Agency [FEMA] contained in the committee substitute. In his supplemental request, the President designated this $6.7 billion FEMA supplemental as an emergency appropriation under section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. Senators will recall that under the terms of the 1990 budget summit agreement, Presidents may designate discretionary appropriations as emergencies and, if Congress so designates in statute, such appropriations are, in effect, not charged against discretionary spending caps in any year.

In this instance, President Clinton exercised his authority to designate the $6.7 billion FEMA request as an emergency requirement. The House chose to appropriate $5.4 billion for FEMA and to designate this amount as an emergency. However, the House-passed bill also contains rescissions and other reductions totaling $17.4 billion in budget authority. These rescissions are far in excess of what would be required to offset the cost of the FEMA supplemental.

The Senate Appropriations Committee's substitute, as set forth in S. 617, recommends an emergency appropriation of $1.9 billion for FEMA for fiscal year 1995, together with an additional $4.8 billion which would become available for fiscal year 1996. These funds would become available only after receipt of an official budget request for a specific amount of the $4.8 billion and only if such amount includes a designation as an emergency requirement.

What we have attempted to do, then, is to provide the amount needed by FEMA for fiscal year 1995, namely $1.9 billion, and to establish a disaster relief emergency contingency fund into which $4.8 billion would be deposited for use in amounts which Congress and the President agree to in fiscal year 1996 and beyond.

I am certain that the distinguished chairman and ranking member of the VA–HUD Subcommittee, Senators BOND and MIKULSKI, will talk further on this issue during the debate on the bill.

The committee substitute also contains rescissions and other spending reductions totaling $13.5 billion, or approximately $4 billion less in rescissions than the House bill. The major differences in rescissions between the two bills are as follows:

One, for the Labor-HHS Subcommittee, the House bill rescinds a total of $5.9 billion; the committee substitute recommends $3.05 billion, or $2.85 billion less in rescissions.

For the VA-HUD Subcommittee, the House bill rescinds $9.3 billion; whereas the committee substitute proposes rescissions totaling $6.8 billion, or $2.5 billion less than the House bill.

For the Military Construction Subcommittee, the House bill contains no rescissions, but the committee substitute would rescind $231 million in military construction funding.

For Transportation, the House bill recommends rescissions totaling a little over $700 million and the committee substitute recommends rescissions totaling $1.9 billion, or $1.2 billion more in cuts than the House bill.

Mr. President, these are very difficult times for the portion of the Federal budget that is controllable by the Appropriations Committees; namely, discretionary spending. As noted on page 3 of the committee report accompanying S. 617, discretionary spending has decreased from 14.4 percent of GDP in fiscal year 1968 to less than 7.7 percent of GDP in fiscal year 1995. This fact should be ample evidence to those who bemoan Federal deficits and the resulting massive increase in the national debt that discretionary spending—other than the Reagan defense buildup—has not caused the deficit increases. The additional $13.5 billion in discretionary spending cuts recommended in this bill are further evidence that, as painful as it is to cut

Federal spending, the Appropriations Committee has always done its share, and more than its share.

Nevertheless, I am certain there will be a number of amendments offered to this measure which will propose restoration of funds for many worthwhile programs. I shall withhold judgment on such amendments until I can determine their merits on a case-by-case basis and to see whether offsets are provided and whether the offsets are reasonable that are provided.

Mr. President, in closing, I compliment the chairman, Senator HATFIELD, for his leadership in bringing this measure to the Senate expeditiously, in order to allow the Senate to work its will on the issues that are raised in the bill, some of which, I fear, will be very troublesome to a number of my colleagues.

I also thank the members of the staffs, the dedicated members of our staffs, both in the majority and in the minority, for their usual fine cooperation and excellent advice and dedicated effectiveness as they have worked so hard to help the chairman and myself and the members of the committee to bring this bill to the floor.

I thank all subcommittee chairmen and all ranking members, Mr. President, for a job well done. I thank the chairman.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I want to express my deep appreciation to the ranking member of the full committee. As is traditional in our committee, we have worked in a very bipartisan spirit. It has been with the support of the ranking member and members of that side, as well as our own Republican colleagues, that have made this product possible today.

AMENDMENT NO. 420

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 420.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATFIELD. Mr. President, I submit this amendment on behalf of the Committee on Appropriations, pursuant to a rollcall taken in the committee. This is a substitute for the House bill that we received on this particular subject.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that on an amendment to be offered by Senator MIKULSKI, the ranking member, and Senator BOND, the chairman of the Subcommittee on VA, HUD, and Independent Agencies, that there be 2 hours equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 421 TO AMENDMENT NO. 420

(Purpose: To propose a substitute for title I)

Ms. MIKULSKI. Mr. President, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 421 to amendment No. 420.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. MIKULSKI. Mr. President, I rise today to offer this substitute which I feel greatly improves the manner in which Congress deals with the disaster assistance. I call it the Truth in Disaster Budgeting Act.

Before I describe my amendment in the nature of a substitute, I would like to thank the chairman of the VA, HUD, and Independent Agencies Subcommittee, Senator BOND, for all of the courtesies that have been afforded me, my staff, and other people on this side of the aisle.

I believe that Senator BOND, in the approach he used, tried to do the best with the deck that was dealt him. But I do not think it was a great deck. We essentially feel like we are a couple of cards short.

Mr. President, let me go through the principles of the bill, and I would like to amplify my remarks.

First, what this amendment does is replaces title I and it offsets the earthquake relief aspects by applying a 1.7-percent across-the-board cut to all discretionary spending, except VA medical care, nutrition programs, Social Security, Medicare administrative costs, and defense readiness. It also, as the second part, requires Congress to set up a rainy day fund.

Let me explain where we are. The President has declared the need for a Federal emergency management supplemental to the tune of $6.7 billion to pay for the disasters that the United States of America has faced—like in Northridge, CA, and the remaining aspects of Hurricane Andrew. That is the good news. The bad news is that Congress is being asked to pay for it out of one appropriations subcommittee, the subcommittee called VA, HUD, and Independent Agencies. These are 25 different agencies.

So essentially, one subcommittee within the U.S. Senate becomes the bank to fund disaster relief, and it is being done out of the rescission bill, when we do not have the money unless we take it from those programs that have already been appropriated.

I disagree with the President in taking and funding emergency disaster relief out of one subcommittee. That is the reason I am offering my substitute. I believe that natural disasters, which are acts of nature, should be funded and all the Government should bear the burden and not just a few programs.

Therefore, what my substitute does is replace the rescission contained in the bill with an across-the-board cut of 1.72 percent. This across-the-board cut will raise the $6.7 billion necessary to offset the cost of providing disaster assistance to complete the recovery efforts in Northridge, CA, and for previously declared disasters in 46 other States.

My substitute also specifically exempts those four areas which I feel should not bear any more cuts. First, VA medical care. Promises made, promises cut. Let us not cut VA medical care. Second, it exempts defense readiness because I believe we need to be able to stand sentry and have our force structure ready.

The other is that it exempts food and nutrition programs at the Department of Agriculture, like Meals on Wheels and school lunches. It also exempts the administrative costs related to Social Security and Medicare.

Mr. President, though the President has declared this FEMA supplemental to be a disaster, under the rules of the Senate we do not have to pay for it. It would be off budget. I believe people on both sides of the aisle agree that it should be paid for, and I agree that it should be paid for. I also agree with the principle that my colleague, Senator BOND, is doing, which is to essentially establish a rainy day fund—only I want to establish this rainy day fund for rainy days, both literally and figuratively, prospectively out of this subcommittee.

The reason I say that is the recent disasters like Hurricanes Hugo, Andrew, Iniki, floods in the Midwest, the Northridge earthquake, and the Loma Prieta earthquake, have proven a compelling need to reevaluate Federal disaster assistance policy. The first crucial step is to establish the rainy day fund so that we can respond and meet our responsibilities.

What the Mikulski substitute does is to direct the appropriate authorizing committees to establish both the mechanism and the source of funding for a rainy day fund before the start of fiscal year 1996.

I am offering this substitute because I have, as I said, two serious concerns with the bill reported to us: The bad precedent set by requiring that disaster assistance be offset by cuts in spending in other areas. Second, the dangerous precedent by taking all of these offsets or sources of funds from one subcommittee, VA, HUD, Appropriations Committee. VA, HUD is 25 different agencies. It funds all of veterans, all of housing, all of EPA, administrative expenses of FEMA, National Science Foundation, and even agencies like Arlington Cemetery.

I believe that we should not be the bankroll. I am also concerned that it would come out of primarily HUD and EPA, National Service, and VA medical care.

Mr. President, I am all for reducing the deficit, but what we must understand is that requiring offsets in discretionary spending to cover the cost of disaster assistance represents a fundamental change in Federal disaster policy. This was established with the enactment of discretionary budget caps and the pay-as-you-go and the balanced budget and emergency deficit control of 1985.

This longstanding policy is based on the principle that natural disasters are unprecedented acts of nature, and nature cannot be accommodated in the standard appropriations process. By definition, these acts are extraordinary and catastrophic and beyond the scope of what we could normally confront in the annual battle with both the weather, elements, and the battle of the budget.

Historically, since 1988, Congress has enacted seven major disaster supplementals, and they total $22.5 billion to aid virtually every State in the Union. The Appropriations Committee never had to come up with offsets, and the Senate continually rejected amendments which called for offsets. It was funded off budget. Our guiding principle was to provide relief to those who desperately need it.

Whether it was Hugo, the riots in Los Angeles, CA, flooding in Chicago, the terrible floods in Missouri, we never adopted offsets. Each of these was sudden, unforeseen, and funded outside of the budget caps.

I do not want to argue that. I believe, along with my colleague, and I believe the majority of my colleagues, that we should pay for it. But I believe we should pay for it across the board and not out of the bank of one subcommittee.

Mr. President, all of this is going to change if the offsets are the name of the game. I believe they should. But natural and national disasters should be a national responsibility. Therefore, that is why I establish this rainy day fund.

The bill before us establishes a second precedent which is that the source of FEMA will be the VA, HUD. I think it is outrageous that one subcommittee needs to pay for what happened in California, Florida, Missouri, Maryland, or any other State. What is about to happen is a disaster for the appropriations. What do I mean?

Well, first, out of that $6.7 billion, $4.6 billion will come from Housing and Urban Development, the one agency in our Federal Government that has primary responsibility for the needs of the elderly, children, disabled, and homeless. Also, $1.3 billion would be taken from EPA programs designed to assist States in complying with safe drinking water and wastewater treatment standards. It also will come from national service, veterans care, and the National Science Foundation.

I know that the Senator from Missouri, in taking the money from HUD, tried to protect the most vulnerable—the homeless and the elderly—and I thank him for that. But still, it will take HUD's annual budget, which is over $26 billion, and this represents a 20-percent cut.

The VA subcommittee cannot be either the bank or the will-call window for disaster relief. I believe it is bad policy. I also believe it is absolutely unfair. What happens the next time disaster strikes? Will we continue to take it from HUD? Will we eliminate the National Science Foundation? Will we just shut down a few hospitals out of VA? I do not know what will be done. What I do know, though, is that we anticipate more disasters. The U.S. Geological Survey estimates the probability of earthquakes only escalating and that there is a 80 to 90 percent probability of another major earthquake in California within the next 20 years.

There is the strong probability of earthquakes in San Francisco and other areas. How are we going to pay for this? I believe we need a rainy day fund. I believe we need an earthquake fund. That is why I direct the authorizers to come up to deal with this.

This amendment is about fundamental fairness. Who pays? Who pays for national disasters? Who pays for natural disasters? That is why I believe it should be borne by the entire Nation.

So, Mr. President, what this amendment does is try to show that it is a new world order. We should not just fund things off budget and make out they do not exist, because we cannot keep racking up the deficit.

But, at the same time, I believe that one subcommittee should not be the bankroller. That is why I offer what I originally called my 2 percent solution. I was able to lower that, and it essentially now is a 1.72-percent across-the-board cut, exempting VA medical care, nutrition programs, defense readiness and those administrative costs, and Social Security and Medicare.

Mr. President, I could elaborate more on this. In the interest of moving in an expeditious way, I will yield the floor, yet reserve the time remaining for my side.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Missouri.

Mr. BOND. Mr. President, I yield such time as I may require. I ask unanimous consent that no second-degree amendments be in order on this amendment prior to the motion to table, which I will make at the end of the expiration of the time or yielding back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I want to thank my ranking member, Senator MIKULSKI, and commend her.

I have appreciated her courtesy and the continuing cooperation that we have had. I had the pleasure of serving on this committee when she was the chair. I have only recently found how large a job it was.

She mentioned something about the hand we have been dealt. Both of us, as chair and ranking member, now have a very difficult hand to play.

Senator MIKULSKI is extremely well informed and dedicated to the programs in this subcommittee. Her congressional role as an appropriator and an overseer she does with extreme skill and dedication and concern. I have the highest regard for her and her staff. We have worked together to try to obtain information on these programs, which has not been provided to members in a timely manner by the agencies, particularly by HUD.

Having said that, I could not disagree more strongly with the amendment that the Senator has offered. As I indicated, I will, at the appropriate time, move to table the amendment because, No. 1, this amendment does nothing toward deficit reduction.

The message I believe the people of America sent last November is that we have to get the deficit under control. That is No. 1. No. 2, and I think even more serious, is that this substitute for the measure reported out of the Appropriations Committee totally fails to address the vital need to stop the out-of-control commitments by the Department of Housing and Urban Development for future spending which this Congress and this budget cannot afford.

That is why I think that this measure should be tabled. I will urge my colleagues to do so.

Now, let me say something about the proposal of the VA, HUD, and Independent Agencies Subcommittee in the FEMA disaster relief supplemental and rescission bill.

This chapter, our chapter, rescinds more than $6.8 billion and includes a supplemental for FEMA disaster relief of $1.9 billion for the current fiscal year and provides the balance of $6.7 billion requested as an advance appropriation for FEMA for fiscal year 1996.

This will enable the Congress to monitor the utilization of the amount provided before further releases of the contingency appropriation for the next fiscal year.

With respect to the rescissions, the subcommittee's total of $6.8 billion is more than half of the rescissions contained in this bill. As my ranking member pointed out, this is a level that is almost double the subcommittee's proportionate share of total nondefense discretionary spending.

However, the committee's recommendation is less than the House-passed total of $9.3 billion; it also substantially exceeds the President's request of only $648 million in rescissions.

Mr. President, the committee's recommendation reflects the urgency of beginning the long and difficult task of curbing Federal spending. I am mindful that the Appropriations Committee has direct jurisdiction over only one-third of the Federal budget, which is discretionary spending.

I certainly agree with those who point out that a balanced budget cannot be achieved in any way solely through cuts in discretionary spending. Let me be clear about that.

There can also be no doubt that further reductions can and must be made in these activities if we are ever to erase our budget deficit, or hope to do so, and to stop passing on to our children and our grandchildren the burdens of the debt that we were too profligate to stop running up during our stewardship of the Federal Government and its resources.

The formulation, the putting together of this large package of rescissions, has been difficult. The committee was limited in its recommendation to funds which have not been obligated and which are not constrained by concerns over disruption of important ongoing activities.

Necessarily, we directed our focus toward rescissions which would not only curb expenditures in the short term, but which would yield the effect of redirecting programs and terminating activities to yield further savings in future years.

Finally, the committee's recommendations reflect our attempt to be as balanced and as fair as possible. No major agency within our jurisdiction was spared. Out of NASA, we took $150 million. Out of the National Science Foundation, we took $132 million. Out of the Department of Veterans Affairs, we took $100 million.

As noted, the largest reductions were taken in the Department of Housing and Urban Development, $4.6 billion; and in the Environmental Protection Agency, from which $1.4 billion was taken—not because of a policy of determination against these activities, but simply because of the fact that these two agencies have the largest unobligated balances which can be rescinded and which will curb future year expenditure growth.

Now, a number of these reductions are painful. I have discussed these with officials in the administration who wonder why we are making these cuts.

I have had calls especially with respect to termination of new initiatives, such as the Community Development Financial Institutions Program and halting previously planned expansions, such as National Service or AmeriCorps. I also know that many of my colleagues would rather not deal with reductions in popular programs such as VA medical care, no matter how modest.

However, Mr. President, let me be clear: If we are going to cut, we have to cut something. There is nothing in this budget that was put in because people did not like it. Everything that was put in here was put in last year or in the years before because somebody argued successfully that it was a good idea. We cannot cut spending without cutting things that have some support.

Frankly, with the budget crisis that we face, one of the things we have had to do is put a hold on new commitments. Given the state of our budget deficit and the tremendous debt that we have driven up, a debt which will hit $5 trillion and require Congress to raise the debt ceiling before the summer is over, we have to start making some cuts no matter how difficult they are.

It is clear we must make reductions now or face even greater cuts and dislocations in the future under a very constrained allocation for discretionary spending.

Mr. President, two additional concerns have been raised over the general approach of this supplemental and rescission measure. The first relates to the prevailing sentiment that all supplementals, even emergencies which are or can be procedurally outside the caps, should be offset by reductions in other discretionary spending. I accept and support this greater standard of budgetary discipline because we need to do it. It is a necessary step toward balancing our budget.

But we should be mindful that this revision in our current budgetary practice demands a reappraisal of how subcommittee allocations are treated, since the bulk of emergency supplementals are provided for the Federal Emergency Management Agency, which just happens to fall within the jurisdiction of the VA, HUD, and Independent Agencies Subcommittee.

The fact that we have to increase appropriations for FEMA, in my view should not mean that in the future we have to make cuts from very important programs in HUD, VA, NASA, and other agencies which are disproportional to the cuts taken by other domestic discretionary programs.

There is no way that our subcommittee can, in the future, be expected to pay for supplemental emergency requests for FEMA disaster relief. The number of Presidential-declared disasters and the amount of funding for such emergencies have been dramatically rising in recent years. A total of $14.8 billion has been appropriated in the last 5 years.

The pending supplemental bill carries the request of $6.7 billion, which is almost 10 percent of the entire discretionary allocation of the subcommittee. We cannot be expected to offset such massive requests without dramatic impacts on other ongoing activities within our jurisdiction in future budgets.

These are national disasters. My ranking member has pointed out the scope of these disasters. If they are paid for, resources should be identified on a Federalwide basis, not just by one subcommittee which happens to have FEMA within its jurisdiction. Matching such supplementals with rescissions within the subcommittee should not and cannot be a precedent for how such needs will be addressed in the future.

Let me move to the second point, which is more complicated but has an equally clear answer. That is the concern that we are rescinding too much from HUD. The answer is simply "no," we are not. Some have questioned why HUD is being cut more than $4.6 billion, or two-thirds of the total rescission of $6.9 billion for the subcommittee. The answer is simple. The cut is roughly proportionate to the Department's available budgetary resources. Although HUD received new appropriations for fiscal year 1995, that is the current spending year we are in, of $25.7 billion, HUD represents about 39 percent of the funding for our four major agencies—almost $2 out of every $5—it also carried into this fiscal year $35 billion in unobligated prior year balances. In fact, it carried more money in unobligated balances than we appropriated for this year. We could have the anomaly, even if we wiped out all new authority for HUD, that HUD could spend more than its current year appropriation because of the unobligated balances. In other words, HUD has more than double its current fiscal year appropriation available in budgetary resources when you include the massive amount of unspent, unobligated HUD funding.

Simple mathematics do not tell the whole story. We have to cut HUD. We have to stop spending new dollars. The chairman of the committee, the distinguished Senator from Oregon, made the point very clearly. When we say "cut" in this context, we are not talking about throwing people out of housing or imposing burdens on people now being served. We are talking about cutting new commitments, additional spending requests, commitments that could be extremely expensive over time and are not now undertaken.

We have to begin now, if there is any hope of surviving the very constrained freeze minus future for discretionary funds that we expect to see throughout the appropriations committee and even in our subcommittee.

The Congressional Budget Office recently analyzed the HUD reinvention blueprint and discovered that the cost of HUD-subsidized housing will increase by over 50 percent under the President's plan over the next 5 years.

Let me point out that currently, this year, we are spending $26.4 billion. That is how much we are spending this year. The Congressional Budget Office—which as we will all recall, the President in 1993 said is the independent scorekeeper, the objective scorekeeper to whom we must turn for the most honest, most accurate estimates of spending—took a look at the information HUD provided at the time of the budget submission. There have been subsequent discussions and submissions, but based on what HUD, through OMB and the President, presented to us, HUD spending would increase to $28 billion next year, $30.7 billion the following, then $33.8, then $38.9 billion; by the year 2000, HUD-assisted housing would be $39.9 billion—50 percent more than we are spending this year. And, also, incidentally, the total of all these five red bars would come to about $39 billion. So we would be adding $39 billion to the national debt over 5 years, according to CBO's estimate.

Unless we act now to curb the spiraling growth in outlays, we are going to have to make some very draconian cuts in the near future and be in a position where we cannot honor commitments made to those in public and assisted housing.

As I have indicated, I have had meetings with the Secretary of HUD and the Director of OMB. We have gone over many of these questions. They have promised us additional details, which we have not yet had an opportunity to see and analyze. They have said they will meet with the Congressional Budget Office to explain and perhaps even suggest revisions. But let me point out, even under the President's own budget submission, the President asked for HUD to be increased by $20 billion in budget authority over the next 5 years and by $14 billion in outlays. The President is asking us, at a time when we know that discretionary spending must be kept under control, to increase outlays, to increase actual spending, by his own numbers, by $14 billion.

I suggest there is no way we can do that. I suggest we are faced with a difficult—but a simple—solution, and that is turn off the pipeline of new subsidized units. That is the fundamental focus of the committee's recommendations for this rescission bill. We are also recommending a portion of the funds rescinded by the House be restored, and that we redirect resources to another urgent priority; namely, the restoring of budgetary sanity to this out-of-control department. We say go ahead with the programs to demolish the failed housing developments and put the rest on a sound footing to survive the competition and the subsidy reductions coming down the pike.

Some of my colleagues have said we do not need to deal with severely distressed public housing. This is one area where I believe I agree very strongly with the Secretary of HUD. There is no greater problem in many of our communities than the uninhabitable, often vacant, thoroughly unlivable, large public housing units in many of our metropolitan areas today. Too many of them have become havens for crime, for drugs, and violence. They are not only not a safe place to raise a family, they are a great danger to the neighbors who live in the vicinity and they are tremendous blots on the landscape of our major metropolitan areas.

To me, this is an investment in the future which must be made now if we are to stop some of the spread of blight that has been generated by poorly maintained and poorly conceived projects of the past.

Amid all the debate over the future of HUD, it is important to keep in mind that over 4.8 million families receive Federal housing assistance, and over half of them are elderly or disabled. It is also important to note that such housing assistance is expensive.

As I said, $26 billion in current year fiscal year 1995 outlays and current costs are rising. In fact, with the long-term contractual commitments previously made by HUD the Government is currently obligated to pay over $187 billion over the life of these contracts, some stretching out 40 years.

Many of my colleagues have approached me to express grave concern over some of the battles of the press releases in the State demonstrations characterizing those of us who wish to cut HUD's new commitments as being ready to throw people who are getting assisted housing out on the street, having no concern for the people who are assisted by HUD. I am told that C-SPAN carried a program this weekend that featured HUD officials but it also featured special interest groups and local officials who want to spend as if there was no tomorrow, who think that we cannot spend enough money on HUD and its programs to satisfy them.

Frankly, let us be clear that we are sensitive to and very concerned about the obligations and the undertakings of HUD. That is why we want to make sure that they do the job properly. It is I think not helpful for those who would be advocates for the programs of HUD to make the kinds of irresponsible charges that some local officials have made. That does not advance the level of discussion. That does not assist in helping us formulate responsible programs given the long-term nature of the obligations and commitments. Halting the budgetary growth of the Department can only be accomplished with a focused, determined, multiyear effort. Unless we begin now with this bill we will lock ourselves into another multibillion-dollar chunk of long-term budget obligations.

This is only a first step, one of many in which we will go beyond the limited fixes in cuts that can be accomplished in a rescission bill. We have to enact through the authorizing committee major reform legislation later this year.

I look forward to working with my colleagues in the Appropriations Committee, my colleagues on the authorizing committee and other interested Members in this body in formulating a responsible program. But we are not going to be able to adopt a responsible program if we allow the budget to continue to spin out of control to run up obligations and commitments now that will cost us billions of dollars we do not have in the future. Only if we put a tourniquet on the bleeding and stop the new commitments can we make sure that our restorative work, our surgery and our treatment of the patient, a very sick patient of HUD, can be successful.

I will ask my colleagues to join me in a motion to table. But for the moment, I yield the floor. I reserve the remainder of my time.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 47 minutes and 45 seconds.

Ms. MIKULSKI. Mr. President, I know that there are others who wish to speak. While we are waiting for them to come, I want to comment on the comments of my colleague, the Senator from Missouri.

First, the Senator said that the Mikulski substitute does nothing for deficit reduction. I respectfully disagree with that because you see under the rules of the 1985 Budget Act, disasters, if declared by the President as an emergency, do not have to be paid for. President Clinton declared these disasters in the FEMA supplemental an emergency. So, therefore, under the rules of the Budget Act, they could be placed on the discretionary spending. Yes. Added to the deficit but it will not count against the appropriation.

My bill maintains the President's declaration of an emergency and a disaster. But in the interest of deficit reduction we are willing to pay for it. Therefore, this $6.7 billion does not go off into some limbo and yet add to the deficit. It will be both through my substitute a pay-as-you-go. It will be a one-time only pay-as-you-go through this across the board with the prospective establishment of a rainy day fund.

So you see. I believe that the Mikulski substitute which is a pay-as-you-go substitute does reduce the deficit by $6.7 billion. There is a great deal of debate about what this rescission money will be used for. Is it going to be used for deficit reduction or is it going to be used for tax cuts to be offered by the other party? There are those of us who support deficit reduction and, therefore, know that if that is the point of the rescission package we will look for elements to do the deficit reduction, but here is a whole other substantial school of thought within this institution led by the Senator from West Virginia, Senator ROBERT BYRD, who says "yes" to deficit reduction but "no" for the savings to be done on tax cuts. I will not debate the points that Senator BYRD wishes to bring to the body's attention later this afternoon. He will do it in his own usual eloquent, persuasive way. But I believe the Mikulski substitute does, because we are doing pay-as-you-go not by putting it off budget but with $6.7 billion for deficit reduction.

Do I go as far as the House? No. Do I go as far as the Hatfield-Bond legislation? The answer is no. The House went to $17 billion. The efforts by the distinguished chairman of the committee, Senator HATFIELD, and the subcommittee, Senator BOND, goes to $13 billion. But when I knew I was going to try to deal with this problem by an across-the-board cut, I did not want to gouge other subcommittees by paying—for the fact that we do not have a mechanism for a rainy day fund. So I kept it under what I called the Mikulski 12.2-percent solution. Sure. I could have come up with more rescissions to do an across-the-board. But I did not want to gouge the criminal justice system. I did not want to gouge Labor, HHS. I did not want to gouge the important funding that needs to go on in defense.

So that is why my amendment is so modest. It is 1.7 percent. It is absolutely modest. I say to my colleagues, I do not like across-the-board cuts either. Hopefully we can do this with line-item evaluations. It is natural disaster funding that should be borne by the Nation doing this across-the-board cut.

I can comment on other aspects of it. But I note that the distinguished chairman, ranking minority of the authorizing committee, Senator SARBANES, is on the floor. He is interrupting his other important work to be here.

So I will yield the floor and yield to Senator SARBANES such time as he might consume to elaborate on this subject.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator has 41 minutes and 67 seconds.

Mr. SARBANES. If the Senator will yield me 5 minutes.

Ms. MIKULSKI. I yield the Senator such time as he may consume.

Mr. SARBANES. Mr. President, I rise in very strong support of the amendment that has been offered by my distinguished colleague from Maryland, the substitute amendment to the supplemental appropriations bill.

First of all, traditionally we have considered disaster relief measures as an emergency supplemental and handled that way, if I am correct. I believe that is correct.

Ms. MIKULSKI. The Senator is correct.

Mr. SARBANES. The last six or seven disaster supplementals over the last few years have all been handled in that fashion, I believe.

Ms. MIKULSKI. That is correct. They total $22 billion. They have been funded off budget as prescribed by law as the President declares it an emergency disaster.

Mr. SARBANES. As I understand it, the President declared this supplemental request an emergency disaster.

Ms. MIKULSKI. The President has declared it an emergency disaster and therefore follows the same procedure under the law.

Mr. SARBANES. What is happening is that there is a move afoot to, in effect, cover the amounts needed for the disaster relief.

Now, I have obviously some questions about this decision on the basis of past practice, but let me pass beyond that issue and simply address the manner in which disaster spending is being covered in the proposed supplemental appropriations bill before us. A very heavy proportion of the disaster spending amount in the supplemental is being taken out of the allocation to the VA-HUD Appropriations Subcommittee in which the FEMA funding is located.

Now, it is my understanding that more is coming out of that subcommittee than the cost of the disaster relief that is before us. So, in effect, this particular subcommittee, which by chance has jurisdiction over FEMA, is absorbing the entire additional amount given to FEMA for disaster relief out of the allocations for the other agencies under its jurisdiction.

This just does not make sense. It leads to great inequities that a disproportionate burden is borne by the other agencies within the jurisdiction of that subcommittee.

I am particularly concerned because I have a responsibility with respect to the authorization of housing programs. The housing department finds itself within that grouping of agencies that are covered by the arbitrary differentiations that are made within the Appropriations Committee.

If there is anything that calls for the kind of approach that the distinguished Senator from Maryland has taken, it is handling disaster relief. Obviously, if you are going to cut other programs to pay for disaster assistance, the burden of these cuts ought to be borne across the board. There is no rationale, no logical or rational reason, why paying for the disaster relief ought to come out of those few agencies that happen to be grouped with the Federal Emergency Management Agency for purposes of handling an appropriations bill.

Providing for disaster relief must be done; I support this supplemental for disaster relief. In fact, I would support doing it as an emergency the way the President submitted it to the Congress. If, in effect, the cost of the disaster is going to be covered by diminishing other accounts—and we are talking about the very fiscal year in which we find ourselves—I do not think that the disaster spending ought to be covered out of those agencies that are grouped within this particular Appropriations subcommittee. That is illogical, not logical, and that is inequitable, not equitable.

The amendment that has been put before us would recognize that national disasters are a national responsibility. It would avoid setting a precedent, that you are going to pay for disasters out of the accounts of this particular subcommittee. With the bill before us, you are going to establish a precedent that makes this particular subcommittee the window to which you go for all future disaster relief. What is the logic in that? We could just as easily put FEMA over into the Defense Subcommittee. We could combine FEMA with emergency preparedness which covers not only disaster relief, but other emergencies. At one point, FEMA's prime responsibility was to address questions of how we would react to a nuclear attack. So maybe FEMA should be put in the Defense Appropriations Subcommittee, and then, if you followed the principle that is being used here, when we have a national disaster, we would pay for it entirely out of the defense budget.

I am not arguing that should be done. I am only making that point to illustrate the lack of logic of what has been done in the supplemental appropriations bill that is before us. This is not the way to handle the funding of disasters. I very much hope the amendment of the Senator from Maryland—which I think provides a much more equitable way of paying for disasters—passes. This amendment is an across-the-board cut with respect to all agencies and departments. It is a much more sensible way to go about this at this time. An across-the-board cut may not be the best way to pay for disasters in the future. I know the Senator from Maryland has pushed the notion of providing an anticipatory mechanism to meet future disasters. Under that approach you would set up a fund and appropriate to it in anticipation of future disasters since it is fairly reasonable to hypothesize that there will be natural disasters at some time. Natural disasters do occur on a periodic basis, and we need to address them. An advanced funding mechanism would be a better way of doing it.

However, that is not now before us. Confronted with the problem that we have, I think this amendment makes a great deal of sense and is certainly a far preferable approach than the one contained in the legislation that is now pending.

Therefore, I very strongly support Senator MIKULSKI's substitute amendment and urge my colleagues to support it.

Mr. President, I thank the Senator for yielding me time.

Ms. MIKULSKI. I thank the Senator for speaking in behalf of this amendment. He makes excellent points, particularly the consequences to the housing programs and the compelling needs we have to meet. I thank him for interrupting his schedule.

How much time would the Senator from California like to have?

Mrs. BOXER. Seven minutes.

Ms. MIKULSKI. I yield to the distinguished Senator from California, who has faced her share of earthquakes and slides and really knows what these issues are, 10 minutes.

Mrs. BOXER. I thank the Senator from Maryland. I thank her for her leadership in giving this Senate a really fine alternative to the bill that is before us. I certainly want to associate myself with Senator SARBANES' remarks, and I will try not to repeat them but to be very specific on why I feel the Mikulski substitute is so preferable to the committee-reported bill.

First of all, why are we here? We are here on this bill because we have had disasters in this Nation, certainly in California more than our fair share, that required payments to the local governments, the local people. We have buildings that need to be repaired from earthquakes. We have buildings that need to be repaired from floods. This is happening not only in California but across this great Nation. We have predictions, as the Senator from Maryland said, for other disasters, and I wish to make a point to my colleague, Senator MIKULSKI, of which perhaps she is not aware.

If I might make a point to the Senator on this issue of the future projections of disasters, what is very interesting is that the USGS has looked at the earthquake situation and not only do they predict a terrible earthquake in California sometime in the future, but they also talk about a devastating earthquake in Seattle and one in the midsection of the country from the Tennessee fault.

So I stand here as a Californian, but I also say to my friend that other areas in this Nation are very apt to be visited by these crises. I wonder if she was aware of that study.

Ms. MIKULSKI. Mr. President, I am aware of the study. We spoke about the work being done by the Geological Survey of the Department of the Interior that is trying to develop sophisticated methods for earthquake prediction. They are predicting future—within the next decade or so—severe earthquakes on the west coast but possibly in the Midwest itself. I might add, you never know when an earthquake is going to hit. As the Senator knows, the State of Maryland is not an earthquake State. We are more a hurricane State.

Yet we had earthquakes in a small county in the Baltimore metropolitan area. It was shocking. Fortunately, we had no major loss of property and no loss of life.

So, yes, we have to be ready to stand centrally on the whole issue of earthquakes, but we do need that rainy day fund.

I thank the Senator for reiterating the report.

Mrs. BOXER. Mr. President, I think it is so key here, because when someone who is an expert says that this country is going to be visited by floods and earthquakes and other disasters, we cannot just throw up our hands.

Why are we doing this particular bill at this particular time? Clearly, the President asked for $6.7 billion. The U.S. Senate has decided to go beyond that and cut out $13 billion—$6.7 for FEMA, the added extra billions just because they wanted to cut more.

I point out, as Senator MIKULSKI has, that since 1988, Congress has enacted seven major disaster bills and none has been offset. This has been done over earthquakes and floods and storms across this Nation, with Republican Presidents as well as Democratic. I suggest to my colleagues, this is not a partisan issue.

We need to be ready for these disasters. So I support that part of the bill to be ready for the disasters. But, on the other hand, I have to say to my friends, we should make this a clean bill. We should give the President the money that he needs to meet these disasters and then have another bill that looks at rescissions and not hold these communities hostage.

Let me explain what I mean.

What we are doing, for the first time in history, is going beyond what even the President has asked and cutting all these other programs. I know a lot of my colleagues are thrilled to do it. They are thrilled to do it. But I want to point out what it does to California.

It hurts my people. And I hear, "Well, wait a minute, Senator. You are the ones who have all these disasters." That is true, and we need that FEMA money.

But you should see what these cuts do to the people of California, to the children, to the children of California—taking computers that were going into classrooms. They are not going to be able to put them there. Rescinding the summer jobs program for our kids, which is so important.

I visited some of these young people who had the benefit of these jobs. What a way to slash and burn, using as an excuse, you know, the FEMA requests.

The House bill was even worse. I compliment my friends. They made this a little bit better. But it still hurts. It hurts business. It hurts jobs.

Let me tell you, the Community Development Financial Institutions Fund program account, this gives credit to businesses to expand, to create jobs. Cut severely. EDA creates jobs. We are looking at a cut in California here and across the Nation. The National Institute of Standards and Technology, these are funds that help our manufacturers. It is very successful. It is cut. It is going to be hurt. And that is going to hurt my State's economy.

Slashing funds from the Base Alignment and Closure Commission, needed desperately to clean up these bases, to move them into productivity. Cut, slashed, and burned.

EPA, safe drinking water. Some people do not like it. They say it goes too far. Well, let me tell you what is going to happen here. We are going to have big problems in my State. In L.A., in Lake County, in San Diego, water cleanup. We need to clean up the water. People need to be able to drink the water. This bill slashes that program.

Agriculture: $1.5 million cut from the new USDA salinity research lab. And all farmers know that controlling that salt water incursion is very important to them. That is going to hurt our farmers.

Interior: We know that some of our threatened species will not be listed. Again, some people here hate this Endangered Species Act. They want to see it destroyed. Well, do not back-door it by doing these kinds of cuts. Let us have the debate. Let us find out where the American people are on saving the bald eagle. I will take you on in that fight any day. But, no, it sneaks in this bill back-door.

There is a $35 million cut from solar and renewable energy research. That makes a lot of sense. The biggest cause of our trade deficit is imported oil. Why do we want to hurt these alternative energy programs? Again, if you want to debate it, let us bring it on to the floor. But this is done in a backdoor approach.

I told you about education—$6 million in Federal funds lost to my State to be used for innovative programs emphasizing math and reading.

How about a cut in title I funds for educating our most disadvantaged kids? Mr. President, 8,500 California students are going to suffer from this cut.

How about this one: Safe and Drug-Free Schools Program for drug prevention. I cannot believe that Senators want to cut that program. Everyone stands up here and says, "Drugs, they are a curse on our society." It is in here, a $100 million cut from that program. My State loses $10 million. Ninety-seven percent of all school districts in California benefit from this program, keeping drugs away from kids by teaching them. I do not get it. I do not get where that makes sense for this great Nation.

Sixty-nine million dollars for teacher training under the Eisenhower Professional Development Program—Eisenhower, a great Republican President who understood the need for math and science. As a matter of fact, it was Eisenhower who wrote the Defense Education Act. And do you know what he said, a military man? "You can have all the bombers you want. If you do not have smart kids who can read and can write and can do math, this country will never be the greatest country on Earth." Well, they are slashing and burning from that program too.

I told you about computers in the classroom. I know many of us go around to schools. These computers open up the eyes of these children. Oh, we are cutting that program, too, $5 million for education technology programs. We are going to lose $500,000 in our State. That goes a long way.

You know, if there is any consensus around this place, I would have hoped it would have been around the children.

There is a $42 million cut from Head Start.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mrs. BOXER. I ask the Senator for an additional minute to wrap up.

Ms. MIKULSKI. I yield the Senator an additional minute.

Mrs. BOXER. We have cuts in Head Start. We have cuts in child care. We have cuts in national service—national service. Again, I urge my colleagues, go speak to those volunteers from AmeriCorps. And my friend Senator MIKULSKI was so instrumental in that. I cannot believe we are cutting that program, because it was working out there. I have so many personal stories I could tell about AmeriCorps.

I met a young man who was shot in a drive-by shooting in Los Angeles. An Americorps volunteer visited him in the hospital every single day, got him on the right path, got him back to school. And we are going to cut AmeriCorps.

So let me just say, in closing, I thank my friend, Senator MIKULSKI, for giving us a chance to substitute spending cuts that are fairly done across the board, that do not hurt the children, that do not hurt the businesses, that do not hurt jobs, that do not hurt the environment. I cannot tell the Senator how pleased I am to support her in this amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 5 minutes.

Let me just follow up on some of the points so eloquently made by my good friend from California. She was kind enough to invoke the memory of President Eisenhower. You have to have a pretty good memory, because after World War II, I believe that was probably about the last time we balanced a budget around here and stopped running a deficit that adds to the debts of our children.

She has made a very strong argument for every spending dollar that we have. She said it is all being spent just properly and we can take an even cut across the board. Frankly, I hope that we have come beyond that point where we can say that the only way to cut is to cut across the board. We have seen examples in recent years of how various agencies can look at programs and make cuts to programs that are not working or that have been overappropriated.

The current administration calls it Reinventing Government. The current administration has asked that we cut $5 billion from NASA, not across the board, not across from everything. They are asking the Administrator, and I believe we are going to support him, to take a look at where cuts can be made, not across the board, not off of everything, but combined activities, combined areas where cuts can best be made because we cannot keep spending like money is going out of style or our dollar will go out of style.

Our friend from California mentioned taking computers away from children. Computers are very important for children, but I have been in schools where I have seen rows and rows of computers sitting on empty desks with no children in front of them.

I cannot address all of the cuts made in other parts of the bill, and I will rely on my colleagues who serve on those subcommittees to talk about those, but let me talk about the cuts in EPA. We have cut money that was funded for a program that was not authorized last year. We have left in the safe drinking water funds for EPA the amount of money that the administration has requested for next year on the hope that we will reauthorize the Safe Drinking Water Act and be able to spend that money. We are not cutting jobs, we are cutting money that cannot be spent.

My colleagues talked about the hurt, what a tremendous hurt is being imposed by cutting off some of the Federal spending. Let me tell you about the hurt that is going to be inflicted on our country and on future generations if we continue to build this deficit. We have a commitment to spend far more than we are taking in and, unfortunately, we have no leadership from the President in cutting that spending. He raised taxes and promised to cut spending, and his budget projections show our spending increasing $366 billion over the next 5 years. He would add $1 trillion to the national debt.

What about the hurt of that $1 trillion added on to almost $5 trillion that we have now? That is a tremendous burden for future generations to carry, and we have seen what happened to our neighbor to the south when they spent more money than they had. The international market said the peso is weak. They did not get their economic house in order, and there is a crisis in Mexico.

What has happened in Mexico to the peso could happen in the United States to the dollar. The dollar has fallen against the value of the yen, lost almost a third of its value because the international markets think we are not getting serious about cutting spending.

We are cutting spending here to get our house in order, and we are also trying to fund supplemental emergency appropriations for disasters. Disaster spending over recent years has been about $19 billion. I am pleased that we heard about how important it is to California, because you know how much of that went to California? Mr. President, $11 billion. Sixty percent of the money that we have spent on disasters has gone to California—$11 billion.

We are stepping up to the table to meet the needs of our friends and neighbors in California, as this body stepped up to help the people in the State of Missouri and the Midwest when we were struck by floods. But when we make those cuts, Mr. President, I suggest that the only responsible way to make cuts is to eliminate low-priority items, to eliminate money that is not being spent or that does not need to be spent or, as we are doing in this bill, to cut spending that we cannot afford for the future.

That is why I believe that all these wonderful arguments do not hold any water when you look at the cuts that are made in the portion of the bill before us today; that is HUD, VA, and independent agencies.

Mr. President, I yield the floor and reserve the remainder of my time.

Ms. MIKULSKI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 21 minutes 24 seconds.

Ms. MIKULSKI. Thank you, Mr. President. I know we are awaiting to hear from the leadership their advice on the hot line as to when they wish to establish the vote. I believe the vote will occur sometime within the next half an hour.

While we are waiting for that, I know one other Senator wishes to speak.

Mr. KERRY. Mr. President, I rise in support of the Mikulski amendment.

I am concerned that the programs of the VA-HUD Appropriations Subcommittee are taking an inordinate cut in the rescission package before us. If we are to pay for disasters, and not declare these as emergencies, then the spending for these should come from a broader base of programs. The Mikulski amendment's 1.72-percent cut is an appropriate way to spread the cost of natural disasters.

The amendment would exempt important accounts from the cut. This across-the-board cut would not hit administrative costs for Social Security and Medicare. It would not cut defense readiness. It would not cut veterans medical care. It would not hurt the food and nutrition programs.

I am particularly concerned about the rescission package because the brunt of the cuts will fall on the programs of the Department of Housing and Urban Development. This bill before us would cut $4.6 billion from HUD's programs. This cut represents 18 percent of HUD's 1995 appropriation and 35 percent of this entire rescission package.

This cut would injure important HUD programs like public housing modernization, an important pension fund demonstration, and section 8 vouchers that help us meet the housing needs of the poorest of the poor. All of these programs are serving to help us with reforming HUD. Modernization is critical for fixing up public housing, the pension fund demonstration is helping us dispose of the HUD-owned inventory, and the vouchers are important tools in helping us solve the problems of mixing the elderly and the young mentally disabled in public housing as well as helping us relocate people when we tear down the older, dilapidated stock.

I also urge the Members to look at the situation that these specific cuts will set up for next year. Many are sighing a sigh of relief that the cuts in the Senate bill were not as draconian as the House cuts, but by taking these resources away today, the programs in the VA-HUD subcommittee will be under even greater pressure next year—these include not only HUD and EPA, but also NASA and veterans.

I urge my colleagues to support the Mikulski amendment.

Ms. MIKULSKI. Mr. President, as we debate this substitute, I want to, again, say that there are two issues that the Senator from Missouri and I absolutely agree on. First, that we need to reform HUD, and the other, that FEMA must have a rainy day fund.

If I can just comment on the need to reform HUD, the Senator from Missouri is absolutely right about the need to organizationally reform HUD and then to deal with the conflicting and confusing budget information we receive that is demonstrated on the Senator's charts presented by CBO.

First, what my colleagues might be interested to know is that I was one of the ones to talk about reforming HUD before the Cisneros plan came in. When I chaired the subcommittee, I actually commissioned a report by the National Association of Public Administrators to identify what are the areas to do that. I am happy that the Senator from Missouri and his very competent staff have also picked up on that.

In essence, what they said was that HUD was an organizational disaster. They have over 240 different programs, sometimes serving such a narrow need that it becomes dysfunctional from a managerial standpoint. HUD has been crippled not by us trying only to meet compelling human needs, but HUD has been crippled by the passion of both Members of the House and the Senate on both sides of the aisle to pursue trophies: "Let's come up with a program for this. The new trophy is new programs." A line item for this, a line item program for that.

So I look forward to working with the authorizing committees, as well as my colleague on the Appropriations Committee, to move HUD from these 240 different programs often with their own bureaucracy to six programs and that needs to be done in an orderly, methodical, prudent way.

Then there is the second issue about the question about the so-called CBO scoring and about OMB.

Mr. President, in the interest of time, I will not go through these detailed commentaries that I have received from the Office of Management and Budget. But there is a great deal of difference between what the assumptions are by the Congressional Budget Office and by the Office of Management and Budget.

They use technocratic words and I believe I like to use diner vocabulary. Essentially, from the diner's standpoint, we need to get OMB and CBO to resolve their assumptions. The Senator is right, there is absolute confusion over what we need to pay for, what we need to pay for in the future and whether there is a train wreck.

So I do not dispute the nature of his argument, nor am I here to defend OMB against CBO. Believe me, I am going to let those people with green eyeshades and bifocals far better calibrated than mine to get into a room and actually advise the distinguished chairman of the subcommittee and myself as to what are the real assumptions, so that we can come up with a real appropriation.

However, at the request of Dr. Rivlin, I will put into the RECORD her concerns about the differences between CBO and OMB.

What I am concerned about, though, is the $4 billion cut. While we understand that the prospective aspects are troubling, two programs are cut: $835 million for modernization of public housing, though it does leave $2.5 billion in this account; $90 million for lead-based paint hazard reduction.

Mr. President, I have been concerned for some time that HUD itself, in many cities, is the biggest slum landlord in that town. It often has lead paint that has been there for a number of years, and we do know that lead paint and flaking of lead paint does have negative health damages. Also, we know that much of the public housing is obsolete and is very much in need of modernization if it is going to be fit for duty. Those two items, I believe, would give one cause and concern about that.

The other areas that I am concerned about is the issue of national service. I have often been teased and called the mother of national service, and I honor that because, you see, national service is not just one more Government program. Many might think that, but it was meant to be a new social movement. It was designed to deal with certain issues before us. No. 1, that for many college students, their first mortgage, their first debt, is their student loans. Many of our young people are loaned $10,000, $15,000, $20,000. Also, we are faced with the declining ethic of voluntarism in our society, and also such compelling need that we cannot meet it all by more Government programs.

So, therefore, what national service is—and it was a bipartisan effort that passed it; and, yes, President Clinton amplified it—it enables young people to volunteer and work in the service of the United States of America, primarily working in nonprofits, to pay off student debt, but also to make a sweat equity investment in the United States of America.

Last year, we funded it for $200 million. I believe over 20,000 volunteers are now working. It is the first year that the program is fully operational. I am concerned that the cut in national service will, No. 1, devastate the program and, No. 2, be a deterrent for volunteers, community service people, even applying because they think the money will not be there.

This is not some Great Society program. This is not a handout or another Government gimmick and social engineering. It is about instilling the habits of the heart in our young people, making sure that they help and volunteer, getting lots of benefit out of their volunteer community service. I really like the fact that it is primarily in nonprofits and not in big bureaucracies and that we now do not know the full impact of helping these young people learn these habits of the heart. Because like with the Peace Corps, long after they left volunteer service in a foreign country, they came home and kept that spirit of voluntarism right here and made important contributions in the private sector in philanthropic work. I am concerned about the cuts in national service. I could elaborate, but I believe the time is short.

I am going to yield the floor and reserve the remainder of my time and see if the leadership has decided that they would like to vote.

Mr. BOND. Mr. President, I think there has been agreement on both sides that the vote occur at 1:15 p.m. today. I have just a few comments. I do not believe there are any further speakers on this side. I had a few comments, and after that I will be prepared, if my distinguished ranking member is, to yield the remainder of the time, ask for the yeas and nays, and ask unanimous consent that the vote be held at 1:15.

Ms. MIKULSKI. Reserving the right to object. I will not object to the consent. I have been notified that Senator BAUCUS of the Environment and Public Works Committee wanted to speak between 1 and 1:10. So if I could not yield back all of my time and reserve the right, should he be here, I am in absolute agreement to having the vote at 1:15.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOND. Mr. President, I ask unanimous consent that at the hour of 1:15 I be recognized to offer a motion to table and that after the yeas and nays are granted, there be a vote at 1:15 on the motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. I thank my ranking member for accommodating me. This is a very important amendment because it does go to the philosophy of the approach that was taken in the Appropriations Committee. The ranking member has offered a different approach.

I just want to touch very briefly on a couple of things she mentioned so that my colleagues will understand what we are doing.

We took $90 million out of lead paint. Why did we do something like that? Are we not concerned about lead paint? You bet we are concerned about lead paint. There is an ongoing $10 million study of the best way to establish standards for removing lead paint. Yes, we need to get lead paint out, but we are not going to spend that $90 million until we know the best way to do it. I ask the distinguished occupant of the chair if he remembers the tremendous amount of money we spent and wasted on removing asbestos because we acted first, without thinking about it and without planning and getting the best scientific information? Yes, we took $90 million out, but it is $90 million that we cannot spend.

Modernization for public housing. Yes, we recommended taking $836 million out of the modernization fund, about 20 percent—a little more than that—and it would still leave over $3 billion. We also proposed to do something also to let local housing authorities do the modernization without playing "mother may I" with HUD.

HUD is an agency that cannot manage itself, and it has not done a good job of managing the decisions of local public housing authorities. I will be proposing in the authorizing committee a bill to change the way we do this and to say that unless the public housing authority fails on the basic standards that we set, the PHMAP standards we set several years ago, we are going to let them exercise their discretion in how to utilize funds made available. We believe that even with $836 million less, they can do a far better job if HUD is off their backs.

My distinguished ranking member has mentioned the national service, or AmeriCorps, a program very near and dear to her heart. Let me say that we have cut almost in half the proposed rescissions proposed by the House. The House wanted to slash it deeply. In our committee, we are asking that the funding be kept level so we can find out if the program works. Yes, they are spending money right now. They have hired people. We would allow them to continue throughout this year. But I think before we go charging down the road and say we can have a 40- or 50-percent increase, actually in the year beginning with the school year, we ought to find out if it works. I have had people call me and tell me about one or two instances where very good things were done. I like to encourage volunteers. There have been instances where the National Service Corps volunteers have worked with true volunteers, not people being paid, but people who are really volunteers.

I like the concept of VISTA, because VISTA enabled us to provide resources to organize volunteers. I believe in voluntarism. We have literally hundreds of millions of people who are volunteers every year, and not because they are paid in a program that provides over $25,000 a year, more than the median wage. That is not a volunteer, that is a public employment job.

I have heard other questions raised and suggestions that maybe AmeriCorps, national service corps is not working well. I suggest that we not throw a lot more money at it until we see if it works. That is why we are willing in the measure before us that was passed out of the Appropriations Committee, to let the program continue throughout this year, so we can find out how it works and to see whether the supporters, my ranking member, or the skeptics, myself and others, are right and make the decisions then.

That is the philosophy, Mr. President, that we followed, trying to cut things where spending was not critical, trying to stop commitments for new spending that will bankrupt America in the future. That is our philosophy.

I also want to mention that I have had discussions with the ranking member. We are working on a sense-of-the-Senate resolution to set up a rainy day fund or a California disaster fund, and to encourage a study of the way we do it, to begin to set aside money to start reforms in FEMA.

I believe that this is the road we must go. A report was prepared by the task force which the Senator from Ohio, Senator GLENN, and I chaired last session, to report on the confused and conflicting means that the Federal Government has gone about assisting in disasters.

Is it really assistance or have we thrown a lot of money out the door? We need to take a hard look at that disaster assistance approach and make sure that the money we spend on disasters is well spent.

There is no question about the outpouring of concern and sympathy in this body when a severe disaster strikes. And FEMA has gotten much better. They get the dollars out the door very quickly.

First, we need to look and make sure the dollars are going where they actually do some good and are not wasted; and, second, we need to keep our control on the Federal budget to make sure we do so in a responsible way.

I think something like the rainy day fund that my colleague from Maryland has suggested is a good idea, so we would set aside a set amount of money each year. We do not know where the disasters will strike. We do not know whether it is a flood, hurricane, tornado, or an earthquake. Earthquakes are not just located in California. Earthquakes can hit the east coast. Earthquakes have occurred, of a very significant magnitude, in my home State of Missouri in the Midwest.

There are many, many, types of disasters each year. They are different kinds, and we know $1 to $2 billion will be spent. Maybe we ought to have a separate line in the budget, a 14th department that is disasters, and set it aside. It could be appropriated so that it comes, not from this one subcommittee's jurisdiction, but from across the board.

I look forward to working with my colleague from Maryland and other colleagues as we attempt to reform FEMA to make sure the money is spent well and within the budget constraints.

Mr. President, I yield the floor, and I reserve the balance of my time.

Mr. LEVIN. Mr. President, I will support the Mikulski amendment which would replace the rescissions in the supplemental appropriations bill with a 1.72-percent across-the-board reduction of domestic spending to pay for the $6.7 billion in emergency disaster relief activities to deal with the 1994 earthquake in California.

The legislation before the Senate cuts too deeply into necessary programs, particularly those affecting children and low-income families. We should and must be prepared to pay for emergency operations of the Federal Government during such natural disasters as the earthquake, and the numerous hurricanes, floods, fires, and other disasters which like this one have national scope. Also, we should and must be prepared to reduce the size of government and to continue the budget discipline necessary to reduce the size of the Federal budget and to continue the 3 consecutive years of reduction in the Federal deficit. However, this should not be used as an excuse for a hard-hearted and mean reduction of programs which affect the Nation's least fortunate and most vulnerable citizens, especially children, programs which the American people approve of.

I do not believe that most Americans want a cut in Head Start, education reform, the National Service College Scholarship Program—AmeriCorps, safe and drug-free school programs, the Women, Infants, and Children Program, the Childcare Block Grant Program, title I programs to improve reading, writing, and math skills for educationally disadvantaged kids, impact aid, the TRIO Program for first generation college students, and the safe drinking water revolving fund.

Nearly 650,000 low-income children, including more than 30,000 in Michigan participate in Head Start which has been shown to increase the likelihood of healthy development, improved educational achievement and to be related to decreased involvement in criminal activity in later years. Over 600,000 young men and women will lose the opportunity for summer jobs, and 17,000 young Americans working to give something back to their communities through the national service AmeriCorps Program while receiving some assistance toward obtaining a college education will lose that chance.

The disproportionate and unfair impact of this legislation on the least fortunate among us is made all the worse by the indication that the majority in the Congress intends to use the funds to pay for a tax cut targeted to benefit the most well off. The $189 billion tax cut proposed in the Contract With America according to a Department of the Treasury analysis would provide more than 51 percent of its benefits to the wealthiest 12 percent of families.

The Mikulski amendment would also maintain funding for important projects already announced and underway, such as the EPA center in Bay City, MI, and the Job Corps Center in Flint, the CIESIN facility in Saginaw, and Sea Grant zebra mussel research.

Many important projects such as those are caught up in this rescission bill, despite the fact that they are of proven value and have already obtained strong community support and are underway.

The Milukski amendment would pay for disaster relief which under the law and the President's emergency designation need not be paid for by reductions in other spending. By paying for the relief, the deficit will be reduced. The Mikulski amendment does this in a more equitable way by effecting domestic spending broadly rather than targeted on education, children, and housing programs.

Mr. LEAHY. Mr. President, I rise today in support of Senator MIKULSKI's amendment to replace the emergency spending and rescission bill the Senate is now considering with a more equitable across-the-board cut. The Appropriations Subcommittee on Veterans Affairs, HUD and Independent Agencies is responsible for the Federal Emergency Management Agency's budget—but it is not and cannot be held responsible for bankrolling disaster assistance.

About half of the cuts in both the House and Senate rescission bills come from programs under the jurisdiction of the VA-HUD Subcommittee. Veterans and lower income Americans should not be asked to foot the bill for California's earthquakes or flooding in the Midwest. The burden of paying for these costly disasters should be shared among all Federal programs—not just those under the jurisdiction of the VA-HUD Subcommittee.

While I support the Mikulski amendment, I would have preferred that the Pentagon chip in. Senator MIKULSKI's across-the-board cut goes a long way toward bringing some equity to the proposed cuts. Including defense in those cuts would go even further.

Mr. MACK. Mr. President, I rise in opposition to the amendment. Reducing appropriations accounts across the board as proposed in the amendment would have the effect of freezing in place the spending priorities established in the previous Congress by the former majority party. We must begin the process of reordering some of the budget priorities established in the last Congress. Unless we do so, it will be virtually impossible to control spiraling Federal spending in fiscal year 1996 and beyond.

I am especially concerned that we get a handle on the looming budget crisis at the Department of Housing and Urban Development. For example, cutting spending across the board wouldn't do a thing to help us to begin controlling now future obligations to renew expiring section 8 contracts. These obligations will reach $20 billion annually by the year 2000.

This rescission package takes a reasonable approach to the HUD budget, which had been among the fastest growing in the Federal Government over the past few years. We target the HUD rescissions to new obligations and commitments, such as section 8 incremental assistance. No one currently receiving assistance should lose that assistance as a result of the rescission of this funding.

But if we fail to rein in new obligations now, it is likely that down the road—in a year or two—we may be faced with the reality of not renewing section 8 contracts or recapturing turnover section 8 units as they become available because we will not have the money to do it. That would truly represent a reduction in the housing assistance we now provide to 2.8 million families receiving section 8.

As a rule, I would agree that all budget accounts should share equally in meeting national disaster needs. However, at this point, there is merit in achieving the reductions in other ways that will reduce our future obligations.

Mr. ROCKEFELLER. Mr. President, I applaud the Senator from Maryland for her leadership on this and many other issues.

The Senator, as usual, raises arguments which are, substantively and institutionally, absolutely correct. Simply stated, the HUD-VA Subcommittee programs—for housing, veterans, and the environment—should not be singled out to pay for emergencies which under law are to be considered emergency spending. As my colleagues know, the President has declared the catastrophes being funded in this supplemental appropriation as emergency in nature, and thus eligible for funding outside of the discretionary caps.

Since the Appropriations Committee refused to handle this emergency funding in that normal way, the VA-HUD Subcommittee was forced to drastically reduce fiscal year 1995 funding for housing programs by more than $4.6 billion, environmental funding in excess of $1.4 billion, national service $210 million, veterans programs $100 million, and NASA by $150 million. There is no rational explanation for such large reductions in already appropriated funds solely from these accounts.

As a reasonable alternative, the Senator from Maryland now seeks to impose an across-the-board cut of 1.72 percent in all discretionary funding except for veterans' medical care and a few other accounts. While I do have reservations in general about across-the-board percentage reductions and their meat-ax approach, in this case, the medicine is totally justified.

The committee bill would pay for this emergency funding by reducing housing, veterans, and environmental programs. There is simply no logic to doing this and not at the same time, equally distributing the funding reductions to other accounts. We will look back on this day and regret this action.

I do believe that we need to continue to attack the deficit aggressively, and so I continue to seek every reasonable opportunity to do that.

At the same time, I will oppose the motion to table the Mikulski amendment because of my very strong opposition to forcing multibillion-dollar—and what must be called draconian—cuts on housing and environmental needs. This is a dangerous precedent that we set by insisting that unforeseeable, catastrophic events must be paid for solely by reductions in a very few accounts—most notably veterans, housing, the environment, NASA, and national service.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Mikulski amendment.

Ms. MIKULSKI. How much time does the Senator desire? A vote is set at 1:15.

Mr. BAUCUS. Mr. President, 2 or 3 minutes.

Ms. MIKULSKI. Mr. President, I yield 5 minutes.

Mr. BAUCUS. Mr. President, I thank the Senator from Maryland.

Mr. President, the amendment by the Senator from Maryland makes sense. It is a commonsense amendment.

The Senator's amendment would spread the pain of the cuts across all areas of the government to pay for the recent natural disasters. Under the present system, all of the cuts needed to pay for these disasters must come from her Appropriations subcommittee—that is, the VA, HUD Subcommittee. That is not fair. It does not make sense to cut programs in this subcommittee over $6 billion to pay for these disasters.

Mr. President, I strongly agree that we should pay for these disaster supplementals. We should make cuts in spending to pay for them and not add to the deficit. We have to pay for them and we should pay for them. But, again, these cuts should not come only from the programs in this subcommittee.

So the amendment before us would spread these cuts across all programs. It would spread these cuts evenly.

Mr. President, I would like to briefly talk about the underlying amendment. I do not agree with many of the cuts proposed in the underlying amendment. Some programs would be dramatically cut. For example, the safe drinking water revolving loan funds that States and communities really need, or clean water funds for sewage and waste treatment projects that States and communities rely on.

Mr. President, we just passed an unfunded mandates bill. An unfunded mandates bill that said we are not going to add new mandates if we do not have the funds.

The result of the cuts proposed in the underlying amendment would result in a sort of defunded mandate. We will unfund mandates that exist. That is, we will take money away and dramatically cut safe drinking water revolving loan funds and waste water treatment projects.

I disagree with that. Mr. President, it seems we are not looking at the policy reasons for these cuts. Sometimes I think we make cuts simply to say we did so.

Mr. President, I have noticed that our actions around here are entirely budget driven with no thought to the policy considerations. We need to find ways to reduce spending and reduce the deficit. But we need to do it wisely. Let us stop and think before we act. Let us think about the implications of our actions.

Mr. President, I want to stress again that the amendment offered by the Senator from Maryland is an effort to reduce the budget deficit and cut spending but spread the pain around. Everybody has to be part of this effort to pay for these disasters.

Mr. President, our national motto is "e pluribus unum," one out of many. We are all Americans, we are all in this together. We all have to find solutions together. That is what the people who elected us want us to do—be reasonable. Not partisan; not do just what the Republicans want to do; not do just what the Democrats want to do—but think. We need to exercise common sense.

Most people in my State of Montana do not care whether a candidate is Republican or Democrat. They vote for the person—the right person. That is what the people want us to do. I strongly urge Senators to consider the commonsense nature of the Mikulski amendment. I urge they support the able Senator from Maryland and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I thank the Senator from Montana for his remarks. I thank him for his support of this amendment. He has had a very difficult job, trying to bring the authorizing legislation to the floor. I know there were many roadblocks placed in the way of his excellent skills, in both content and parliamentary procedure. So I thank him for this support and upholding of the principle.

Mr. President, I have no further remarks on the content of this legislation. I think one could see the very nature of this debate is we could disagree on content, on precedent, and yet at the same time maintain great civility. I hope the Senate learned a lot in listening to the exchanges here and, of course, I hope my view prevails. But I would like, again, to thank the chairman of the subcommittee for the courtesies. We have a long row to hoe to the next fiscal year.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my ranking member for her kind comments. We have a lot more battles to work on. We are working together on many things. I would conclude by pointing out some of the differences in our approaches.

As I said, the Senator from Maryland would cut across the board, cut across the board. Her proposal, as best we can calculate it, would take another $2.589—almost $6.2 billion in budget authority from defense and $1.243 billion, or $1,243,000,000 out of outlays for defense.

We are working right now on a defense supplemental which is vitally needed if we are not to deprive our fighting men and women of the support, the ongoing assistance, that they need. This would be a disaster. We cannot take more out of defense than we just did in the defense supplemental that is pending in conference right now.

My good friend from Montana said it makes no sense; our proposal is not policy driven. Unfortunately, he is talking about something that is not before us because we have based the recommendations in this measure brought from the Appropriations Committee on policy. He was not able to get safe drinking water authorized for the last 2 years. The money has not been used. What we are rescinding is safe drinking water money that is not even authorized. We have left in the $500 million that the administration requests for next year, in hopes we finally can get safe drinking water reauthorized. I strongly support the reauthorization. There is no sense in leaving money which cannot be spent because there is no authorization.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for the purposes of making a motion.

Mr. BOND. Mr. President, I move to table the amendment before us.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 421, offered by the Senator from Maryland.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—68

Abraham
Ashcroft
Bennett
Bingaman
Bond
Bradley
Brown
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Faircloth
Feingold
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—32

Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Bumpers
Daschle
Dodd
Exon
Feinstein
Ford
Glenn
Harkin
Heflin
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Wellstone

So the motion to lay on the table the amendment (No. 421) to the amendment (No. 420) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Now, Mr. President, I would like to propound a unanimous-consent time agreement for the Wellstone amendment which will be now offered by the Senator from Minnesota, a 20-minute time agreement to be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. I yield the floor.

Mr. WELLSTONE. Mr. President, I thank the distinguished chairman of the Appropriations Committee.

AMENDMENT NO. 422 TO AMENDMENT NO. 420

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 422 to amendment No. 420:

The amendment is as follows:

> At the appropriate place, add the following new title:
>
> TITLE —IMPACT OF LEGISLATION ON CHILDREN
>
> **SEC. 1. SENSE OF CONGRESS.**
>
> It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Mr. WELLSTONE. Thank you, Mr. President; and I thank the clerk for reading the amendment. It is very simple and straightforward.

Mr. President, since I have had this amendment on the floor, I believe we have had four votes, and this will be the fifth vote. The last vote, I believe, received 47 or 48 votes for the amendment. This is my effort to just make a personal, from-the-heart appeal to my colleagues. I want to give it context.

I do not think I will need more than 20 minutes because I have spoken about this amendment before, except for the fact that I think I can bring it up to date with some more evidence which is based upon what has happened in the House of Representatives, which is why I believe people in the country are looking for the U.S. Senate to really go on record to give them some assurance about what we are going to do and not do here.

Again, this amendment says:

> It is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Mr. President, may I have order in the Chamber, please?

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed.

Mr. WELLSTONE. I thank the Chair.

Mr. President, yesterday, the Children's Defense Fund issued their annual report, "The State of America's Children Yearbook, 1995."

And, by the way, I say to my colleagues, there is a quote on the front of this report that captures the spirit of this amendment.

> Dear Lord, be good to me. The sea is so wide and my boat is so small.

Mr. President, yesterday I went over these statistics. In my State of Minnesota, Minnesota's children at risk, 1989 to 1991, 60,615 children lacked health insurance. There were 27,462 reported cases of child abuse and neglect, 1992; 116 young men died by violence, 1991; 48 children were killed by guns, 1992; only 71.4 percent of 2-year-olds were fully immunized, 1990: 35 percent of the fourth grade public school students lacked basic reading proficiency, 1992.

Mr. President, I am absolutely convinced that the ultimate indictment of what we have been doing during the decade of the 1980's and, on present course, part of the decade of the 1990's, is the ways in which we have abandoned children in this Nation, not invested in children, and devalued the work of adults that work with children.

In this report, "The State of America's Children Yearbook, 1995," some key facts on hunger speak directly to this amendment.

The U.S. Conference of Mayors survey of 30 cities found that emergency food requests from families with children increased by an average of 14 percent between 1993 and 1994. Emergency food requests from families with children increased by an average of 14 percent between 1993 and 1994. A record level of 14.2 million children received food stamp benefits in 1993, up 51 percent from 1989.

Please remember, Mr. President, we are now moving toward about one out of every four children being poor in America. Every 30 seconds, a child is born into poverty in our country, and one out of every two children of color are poor in the United States of America.

The Women, Infants, and Children Programs provided nutrition assistance to 6.5 million women, infants, and children in 1994, only 65 percent of those who are eligible.

Here we have a program, Mr. President, if we are going to talk about hunger and malnutrition, that makes sure that women who are expecting children have a good diet. It is a program that makes sure that children at birth, infants, have adequate nutrition, and only 65 percent of the women and children who are eligible are receiving this assistance right now.

That is why I want the U.S. Senate to go on record that surely we will not take any action that will increase the number of hungry or homelessness among children in America.

At least 2.1 million children were served by the Summer Food Service Program in 1994, less than 9 percent of those who participated in the School Lunch Program.

Mr. President, on homelessness, one in four people reported as homeless is a child younger than 18. Nearly half of poor households pay more than 50 percent of their incomes for housing. An estimated 1.2 million families are on waiting lists for public housing and claims of discrimination against families with children account for 23 percent of all housing discrimination complaints.

I bring this amendment to the floor of the Senate for the fifth time with a sense of history in the making right now. Mr. President, I want to give it in context.

Last week in the House of Representatives—and let me just read, if I may, from some major newspaper stories about what was done in the House of Representatives in the name of welfare reform.

The Washington Post, Saturday, March 25, 1995. Introduction: "It was, perhaps, an unfortunate choice of images." Representative—I will not use his name on the floor of the Senate—from Florida "held up a sign on the House floor yesterday bearing the admonition 'Don't Feed the Alligators'—wise advice in his State, he said, because "if left in their natural state, alligators can take care of themselves."

> Welfare worked the same way, he explained, because "unnatural feeding and artificial care create dependency.

"Now people are not alligators," he added, "but I submit that with our current handout, nonwork welfare system we've upset the natural order."

Mr. President, from the Philadelphia Inquirer, "Debate in House Gets Emotional and Nasty." And here, right at the side bar, "Those receiving welfare were likened to animals."

Mr. President, let us be clear who we are talking about when we are talking about welfare families, the AFDC Program. We are talking about women and children—sometimes men, but in the main, single parents and children. Likening women and children to animals is pretty vicious. In fact, I think there is no place for it.

But, Mr. President, this was the harsh rhetoric that led to some very frightening cuts.

And I would again cite another source, authoritative source, lest anybody think this amendment is just symbolic. The Center on Budget and Policy Priorities estimates that this welfare reform bill would provide $2.3 billion less for the School Lunch Program than under current law. That would mean that 2 million children would lose their school lunch in the year 2000. For Minnesota alone, 7,280 children could lose their child care by the year 2000.

By the way, I have met, I say to my colleague from Oregon, with child care providers. I had a very dramatic meeting, heartfelt testimony. They were saying to me, "Senator, don't cut into this nutrition assistance because if we do not get that kind of funding, we are not going to be able to make sure these children have adequate nutrition."

Mr. HATFIELD. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. First of all, I associate myself with the Senator's comments relating to priorities for children.

But, I say to the Senator, there is no rescission relating to any of those subjects in this bill that we now have under consideration. In fact, you will find in this bill that we have restored programs such as the Low-Income Energy Assistance Program that had a rescission.

So I think if you go through this bill, this argument, this debate, this issue would be more appropriately raised on a vehicle in which such action is proposed, but not on this vehicle.

Mr. WELLSTONE. Mr. President, I say to my colleague from Oregon that I appreciate his remarks. Let me make a couple of points.

I am fully aware of the fine work he has done. Let me tell you, I also had dramatic meetings with people back in Minnesota who were terrified about the zeroing out of LIHEAP, the Low-Income Home Energy Assistance Program. They, and I, are very appreciative for what the Senator has done. I appreciate some of the fine work he has done. That is why I am actually referencing this amendment based upon what was done in the House of Representatives last week.

I have offered this sense-of-the-Senate amendment on any number of different vehicles because I fear the worst is yet to come, and I am trying to get us, the U.S. Senate, to provide some reassurance to the Nation by going on record that we do not intend to take action that will create more hunger and homelessness. This is not meant to be a direct critique or criticism of this rescissions package.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. WELLSTONE. Mr. President, I believe it was 20 minutes.

The PRESIDING OFFICER. It was 20 minutes equally divided.

Mr. HATFIELD. Mr. President, I will yield time to the Senator to conclude his subject.

Mr. WELLSTONE. I thank the Senator from Oregon. I will also say to my colleague, there will be, as we go along this week, maybe this week, some alternatives and discussion about some of the specific rescissions. But this amendment, this sense-of-the-Senate amendment, is an amendment to which I am very committed.

I am taking a look at what has happened in the House of Representatives. I believe that really all eyes of the Nation are on the U.S. Senate. I think it is our responsibility to make sure that what we do as we move toward deficit reduction, as we move toward the goal of balancing the budget, though I have always argued that 2002 is an unrealistic date. I have never heard anybody, especially once you take Social Security and put it aside, talk about how you really could take $1.7 trillion out of this economy over 6 or 7 years without an enormous contraction and without inflicting widespread pain across a broad section of the population.

But I believe in the goal of balancing the budget. I certainly think we have to do better on deficit reduction. But what I am saying today, I say to my colleague from Oregon—a Senator I admire and respect and whose vote I hope to get on this—as I look at what is happening in the House of Representatives, as I analyze where these cuts are taking place, I see a tremendous amount of meanness and harshness, and there is tremendous concern in the country.

So when I read the Children's Defense Fund report, No. 1, about the state of children, when I see Minnesota children at risk, when I have come to know my colleagues, Democrats and Republicans alike, and believe that is not what we are about but it is, in fact, worsening the situation of children in America, when I then see some of the action that has taken place in the House of Representatives and I look at the economic analysis of that action, I realize full well that if there ever was a time that people in the United States of America are looking to the U.S. Senate for balance, it is now.

If there was ever a time that people in the United States of America are looking to the U.S. Senate to make sure the Congress does not go too far, it is now. If there ever was a time that people in the United States of America are looking for some reassurance that, in the name of deficit reduction, in the name of reducing debt for our children today, who will be adults in the future, we do not savage children now, it is now. That is the why of this amendment.

I say to my colleague that as I look at the proposed cuts coming out of the House of Representatives, I ask the basic question, which is a question near and dear to people in this country, and it has to do with fairness.

I said this the other day. There is a budget deficit, but there now is a spiritual deficit. Who decided that we were going to cut into nutrition programs for children but we are not going to cut subsidies for oil companies?

Who decided that we were going to eliminate benefits or dramatically reduce benefits for disabled children? I am now meeting with their families from Minnesota, and they are terrified. I do not want anybody in the Senate to say I have tried to frighten people. People are calling me and people are terrified on the basis of what they read.

Who decided to cut into support for disabled children in this country but not to cut subsidies for pharmaceutical companies?

Who decided to cut into educational programs for children but not to cut into subsidies for coal companies?

I will say it one more time, some people are very generous with the suffering of others.

So I say to the distinguished chairman of the Appropriations Committee, this is the fifth time that I have brought this sense-of-the-Senate amendment to the floor. When I brought this amendment to the floor at the beginning of the Congress, there were colleagues who said this is just symbolic.

Each time I have brought this amendment to the floor of the Senate, I have referred to the House of Representatives. This does not directly reference the work of the Senator from Oregon in this rescissions bill. I have some concerns about some of the housing cuts, to be sure. But I understand the job that you have done, and I respect what you have done. But this is an amendment that fits in with what is going on in this Congress.

I say to my colleagues, my colleague from Oregon and my colleague from

Mississippi, both of whom I respect, that I really believe that people are looking to us for balance. People are really looking to the U.S. Senate to make sure we do not go too far. People are really looking to the U.S. Senate to make sure that this does not become a mean season on children.

People are looking for reassurance. I have tried to get a majority vote. I made a promise to myself, I made a promise to my colleagues, I made a promise to children's advocates, I made a promise to children that I will keep bringing this amendment to the floor of the Senate to have votes.

I will conclude by reading this one more time:

> It is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

I do not know why we cannot support that. The last time, Mr. President, there were a number of my colleagues from the other side who supported this amendment. It is my fervent hope that today I can get a majority vote. I think it would be a wonderful message. I think it would be reassuring to people in the country.

I have no "hidden agenda." I just feel strongly about what these statistics mean in personal terms. I just feel strongly that part of what we are doing in this Congress is going in the wrong direction. I just feel strongly that if there is going to be deficit reduction and we are going to move toward balancing the budget, we ought not go the path of least political resistance.

You have been a leader, I say this to the distinguished chairman of the Appropriations Committee, on these issues. This is no lecture aimed at you. You are somebody who I look up to. But my concern is that what is going to happen, Mr. President, is that when it gets down to where these cuts take place, we are going to go the path of least political resistance. That is to say, all too often the cuts are going to be aimed disproportionately at those citizens who are least able to tighten their belts. But the reason they are going to be aimed disproportionately at citizens least able to tighten their belts, starting with children—I can also include the elderly and also include other citizens—is because they do not have the political clout. They are not considered to be the heavy hitters. They are not considered to be the players. They are not the big campaign contributors. They are all too often invisible. They are all too often faceless. They are all too often voiceless.

But there is a lot of goodness in this country, and there is a lot of goodness in this Chamber. I think that if the U.S. Senate goes on record just supporting the sense-of-the-Senate amendment that I have offered today, it will be a positive, unifying vote for this Nation.

Mr. HATFIELD. Mr. President, what is the time left?

The PRESIDING OFFICER. The Senator from Oregon has less than 1 minute.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent for 2 minutes to close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I understand the thrust of the amendment of the Senator, and I do not think anybody can disagree with the essence of it. It is a sense of the Senate, or a sense of the Congress. Let me also indicate, Mr. President, I think the message that the Senator wants to send to the public is that we have stated an action in this bill, for we have not in this bill rescissions relating to the subject matter of children. Therefore, I think we can say that this is a powerful statement the Congress is sending to the people as well.

I want to just indicate two or three items as an example of the focus the Senate Appropriations Committee put on the rescissions. First, the rescissions were basically in the unobligated funds. Second, we were not only concerned about children and young people. We have in this a far, far different document than the rescissions on student aid, as it relates to the elderly and the needs of the elderly and low-income energy assistance.

I think this document represents a very powerful statement to the public of this country that we have put a focus upon people's needs, and that we have shown the compassion, the concerns, for people's needs in this particular document.

At the same time, we have reduced our spending for this particular fiscal year by $13.5 billion.

So I am ready to accept the amendment offered by the Senator as a sense of the Congress and take it to conference.

I thank the Senator for his compassion and for his passionate plea on behalf of this. I think it certainly is in concert and certainly represents the work of the Appropriations Committee in focusing upon people's needs—not just children, but the elderly and other people, as well.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. All time has expired.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator may have another minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I thank the Chair.

Mr. President, actually, what I would like to do is I would like to get to this vote. But first I would like to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. WELLSTONE. Mr. President, I would like to thank my colleague, the distinguished chair of the Appropriations Committee. I have been at this a long time with this amendment, and I am very, very pleased with this result.

The PRESIDING OFFICER. Under the previous order, the question now occurs on the amendment.

The amendment (No. 422) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNOUNCEMENT OF INTENDED RETIREMENT

Mr. HEFLIN. Mr. President and Members of the Senate, all Members in the Senate are faced with making difficult decisions almost daily. This day marks one of the most difficult decisions I have been faced with during my 16-plus years in this body. After wrestling with this decision for some time, I have decided not to seek reelection in 1996, and to retire from elective office at the end of my term. Simply put, the time to pass the torch to another generation is near.

I have undergone a series of medical examinations by specialists in recent months. While I have problems, nevertheless, my health is good, and I am assured I face no predictable crisis. I continue to work as I have throughout my adult life. While in Washington, I spend 6½ days a week in the office; and while in Alabama, a similar amount of time is devoted to Senate duties. My health problems have not slowed me down, and I do not expect any change in my work habits in the foreseeable future.

This has not been an easy decision because I have always enjoyed campaigning, and the desire to once again hit the campaign trail is a powerful urging. I have been particularly gratified with the overwhelming offer of volunteered support from Democrats, Republicans, and independents alike urging me to run again. I believe I can be reelected, perhaps not with the high percentage of more than 60 percent of the vote that I have received in my last four primary and four general statewide elections, but I am confident I could win by a good majority.

There are numerous factors that have entered into my decision. There is no compelling reason to go into detail about these factors, other than to say that in fairness to any who may seek to succeed me the time to make my announcement is now.

At the conclusion of my term, I will have served the people of Alabama for 24 years, and I hope that I will be looked upon as a public servant who has served with dignity, integrity, and diligence, worthy of the confidence and trust that the people of Alabama bestow upon me.

Throughout my years in the Senate, I have endeavored to stay in touch with the people. I have visited each of the 67 counties in Alabama at least once a year, except for one year when I spent considerable time in the hospital during the recess periods. I have listened to Alabamians from all walks of life on every conceivable issue in over 1,000 town meetings and 500 high school visits.

I have endeavored to represent Alabama in a studied, impartial, and fair-minded manner. My record certainly indicates at least an independent streak. I hope Alabamians know that my decisions were based on what I thought was in the best interest of my State and Nation. While some may argue or disagree with my decisions, I was convinced that I was right. And I believe most Alabamians felt that nothing more could be expected of me.

My service in the U.S. Senate has been rewarding, and I trust of benefit to the people of America and Alabama. I am indeed grateful that America faces no immediate threat to her borders from foreign military powers. I am particularly proud of the role that I played in rebuilding our Armed Forces and military strength during the aftermath of the Vietnam war. This commitment on the part of our Nation contributed to the collapse of the old Soviet Union and its Communist philosophy. This commitment proved itself again during the Persian Gulf war. With my own experiences in World War II and observations since that time, I felt compelled that we must at all times endeavor to obtain lasting peace, and that the only road to achieving this goal was and is through strength.

I am particularly proud of my efforts in other areas, such as agriculture, the judiciary, education, improved race relations, technology advancements, medical research, family values, the war against crime and drugs, the space program, ethics in government, and many other fields.

The agriculture community, while small in number, is considerably better off today than when I came to the Senate in 1979. During my years on the Agriculture Committee, we have been able to craft farm policy which provides market stability and allows U.S. farmers to aggressively pursue international markets. At the same time, these farm programs have dramatically reduced the cost to the U.S. Treasury. This year may prove to be the most crucial for the American farmers with the well-organized effort in this Congress to abolish farm programs that have worked well for the consumer as well as the farmer.

As most of my colleagues know, I came to this body after serving as Chief Justice of Alabama. I brought to the Senate a desire to achieve much modernization and reform in our Federal courts. My efforts have been focused on improving the Federal judicial system and relieving court congestion in criminal and civil matters. I have always subscribed to the expression, "Justice delayed is justice denied." We have been successful to a major degree in our efforts to achieve these goals. However, much remains to be done. This country's system of justice today faces one of its greatest threats in the Congress. The foundation of our civil justice system and more than 500 years of the development of common law are under attack, including the right of trial by jury. We will continue the battles to improve the administration of justice, as well as maintain its historic role of protecting the weak, the minorities, and the defenseless.

Mr. President, for 13 years I served on the Senate Ethics Committee—two periods as chairman. My service on the Ethics Committee can be described with many adjectives, none of which include enjoyable. From the description "of how it used to be," I would have to say that I am convinced that the Senate has made great strides in ethical behavior and standards during my time in this body. While there is still room for much improvement, I am, nevertheless, convinced that the Senators now serving are the most ethical in the history of the Senate.

During the last several decades, including the time that I have spent in the Senate, there has been much improvement in civil rights. However, race relations continue as a divisive issue in numerous ways. The path toward the achievement of equal opportunity for all persons, regardless of race, color gender, or creed, has many miles to go. We foster democratic principles throughout the world and have seen democracy make great strides in many nondemocratic countries. Yet our own democracy faces its greatest threat from within. Elected officials, media personalities, elements of political parties, and other organizations strive to pit one group of Americans against another. We must set a new course in this Congress and across the land—a course of moderation, tolerance, responsibility, and compassion. We need to return to the traditional value of being just plain neighborly. Not until we become genuinely "one Nation under God, indivisible, with liberty and justice for all," can this country realize its potential for true greatness.

I am proud of my staff. I have always been proud of my staff. Most of them have come from Alabama but, regardless, all have worked with devotion, dedication, and professionalism. They have worked with me to assist thousands of Alabamians—and I might say thousands of Americans outside of Alabama—in every imaginable area. Staff members seldom receive praise, but I thank them from the bottom of my heart for the great job that they have done and the job that I know they will continue to do during the remaining months of my service in the Senate.

No one knows what the future will be, but I plan to return to my beloved Alabama and devote more of my time to the people in my life that I treasure the most—my devoted and lovely wife Elizabeth Ann, who is affectionately also know as "Mike"—my son Tom and his wonderful, talented, and beautiful wife Cornelia—and, Mr. President, the two finest grandchildren a person could be blessed with, Wilson Carmichael Heflin and Mary Catherine Heflin. Wilson is known to his "Pop" as "Wil," and he calls his sister "K.K." because he says Mary Catherine is too much of a mouthful. I do not wish to omit from the treasured list my other friends and relatives in Alabama, particularly those in the Shoals area.

I will enjoy living the remainder of my days in my hometown, for Tuscumbia, AL, is a wonderful little town to be from and it is the best little town in America to go home to.

Mr. President, while my career and work here in the Senate is yet to be completed for I still have much to do, I, nevertheless, thank the people of Alabama "who I so dearly love" for the faith and trust bestowed upon me which allowed me to serve as Chief Justice of Alabama for 6 years and as a U.S. Senator for three terms. I also thank my Creator for the blessing of health during my three score and thirteen years thus far, and for having the opportunity to serve this great Nation and my fellow citizens.

Thank you, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Louisiana.

HOWELL HEFLIN

Mr. JOHNSTON. Mr. President, as most Members of this body, I received word of Senator HEFLIN's retirement just a few moments ago. As I began to contemplate his service here, I wondered what was the single word that best epitomized Senator HEFLIN's service. Mr. President, the word that came to mind first was "wisdom."

Wisdom is a rare thing. It is acquired genetically, and our Creator has been very generous with Senator HEFLIN in endowing him with a huge amount of wisdom and a huge amount of ability.

It also is born of experience, and having served the people of Alabama now, both as chief justice and as a Member of this body, for some 23-plus years, he has acquired both the skill and the knowledge, along with that genetically inspired wisdom, to be, indeed, one of the wisest Members of this body.

In fact, if the Senator from Alabama rises on any issue in this Senate, not only do Members of the Senate listen, but as far as this Senator is concerned, he almost always follows, because Senator HEFLIN is seldom wrong and is someone whose wisdom is greatly to be emulated. Indeed, Mr. President, if I had to make a two-word speech against term limits, it would probably be "HOWELL HEFLIN," because HOWELL HEFLIN's leaving this body will make it a decidedly lesser place.

There are other words that come to mind when you think of HOWELL HEFLIN. Clearly integrity has to be one, because his is an integrity so strong that nobody would ever seek to disparage it. Indeed, no one would seek to defend it. I mean, you do not have to say HOWELL HEFLIN is a man of integrity because that would be redundant. Everyone knows that. It emanates from every pore in his body, from his history and from his lifetime of work.

He was, indeed, the first choice of almost everyone to be a member of the Ethics Committee.

Mr. President, clearly in describing HOWELL HEFLIN, you would have to refer to his sense of humor. It is legendary. It occasionally erupts here on the floor of the Senate. More commonly, in political speeches back in Alabama. I would hate to be the object of his wit, either in Alabama or anywhere else, because, while it is gentle and while it is funny, it can be, indeed, devastating.

I will never forget the story of the Grey Poupon, the way that HOWELL HEFLIN could describe to those who thought themselves too sophisticated to be from Alabama, and the way he could use that humor to not only enlighten and to lighten the debate, but also as a tremendous political weapon.

Mr. President, this Senate will not be the same when HOWELL HEFLIN leaves. It simply will not. It will be a much lesser place. I will be leaving as well. So it is not that I will miss him. I will enjoy service with him for the next year and 8 months. I hope he completes his agenda, as I hope I complete mine.

But, Mr. President, for I think decades to come, people of Alabama will revere the service of one Chief Justice HOWELL HEFLIN and one Senator HOWELL HEFLIN, one of the most outstanding Members this body has ever produced.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, there is one word that comes to my mind, I say to the Senator from Louisiana, and that is character. Certainly, HOWELL HEFLIN is an individual with the highest of integrity and, yes, humor. But it has to be said, I am glad the Senator from Louisiana did not continue on about HOWELL's humor, because most of those stories could not be told on the floor of the U.S. Senate.

We should all remember his work on the Ethics Committee and the outstanding job that HOWELL HEFLIN did as chairman. It is a very thankless task.

The idea of any kind of farm legislation and, as the Senator mentioned earlier, anything concerning peanuts. He will knock all of these desks to the floor to make sure the peanut farmers are taken care of.

In addition, we have been blessed with his incredible expertise as a member of the Judiciary Committee. We know him as a former chief justice, the most outstanding of the State chief justices, elected so by his own confreres. At international conferences, he has supported the United States in Europe and NATO with tremendous distinction.

But in addition to honoring his outstanding record, let me just dwell on two things: First, I traveled the State of Alabama during the Presidential race some 10 years ago. And in my travels, I found out was that HOWELL HEFLIN is a common man of uncommon abilities. He knows everybody in that State. I can tell you, he is not leaving because he cannot get reelected. That fellow could walk back in here. The rest of us have to fight our way.

Incidentally, I am not joining you two at all. I am fighting to stay here. But Senator HEFLIN knows them all. He knows every element of that society. He has never outgrown—being a chief justice or U.S. Senator—his humble beginnings in Tuscumbia. That always impressed me, because I met with people in every county in that particular State and every particular group, from the legislature to the Governor, down to the civic organizations and the defense organizations at Huntsville, where HOWELL has been a leader.

But I want to emphasize his message here. I am quoting what he just said:

> We foster democratic principles. Throughout the world scene, democracy has made great strides in many nondemocratic countries. Yes, our own democracy faces its greatest threat from within. Elected officials, media personalities, elements of political parties, and other organizations strive to pit one group of Americans against another. We must set a new course in this Congress and across the land, a course of moderation, tolerance, responsibility, and compassion.

When I first got over here, we were seated on those last two seats. I was seated next to Bobby Kennedy. We had better seats in "My Fair Lady." We were voting, and I got a tap on the shoulder. I looked around, and it was the senior Senator from Kentucky who was tapping me on the shoulder. He said, "Fritz, change that vote, change that vote." I said, "John, what do you mean?" He said "Well, they got a lot of horsemen there in South Carolina, and I know many." He said, "That would be a bad mistake. They like you, and I would hate to see you get in trouble with them." John Cooper had come all the way around the Chamber. He had a seat way on the back of the other side and had come over to this side.

The tremendous change that Senator HEFLIN has emphasized here in his announcement of departing is certainly noteworthy. In these times, it seems as if we meet in ambush every Tuesday to get the other side.

A perfect example of what I am talking about can be seen by focusing on what happened with the line-item veto. I have sponsored line-item veto legislation for some 10 years. I have a bill, S. 238, that was referred to the Rules Committee just this year. The Republicans had an intramural between themselves over two different rescission bills, and when they worked out a compromise, they had basically settled on my bill. It is in the Rules Committee, a separate enrollment line-item veto. But I never claimed that on the floor of the Senate. I was afraid that the partisanship was so violent that some would vote against it if they heard that my name was even connected with the blooming thing. It has gotten that bad.

I think in this distinguished statesman's departure, he is emphasizing an awfully important thing—American industry and catching up with the global competition. We have learned, in quality production, that the best way to compete is to have the lowest elements involved in production and working in teams. I have seen the Japanese, and have come to see that teamwork in individual industries in my own State of South Carolina. Industry now has learned how to get quality production.

The political body has gone totally in the other direction, with no idea of working together. Who can get whom? Who can get on the 7 o'clock news? Who can catch the other fellow? And whatever else it is. The legislation that we spew out shows it. It is not quality. It is not production.

HOWELL HEFLIN has left us a most important message. I will not read all of it. I know others here are waiting.

But our distinguished colleague was president of the Alabama State Bar Association. He was selected the Most Outstanding Appellate Judge in the United States in 1976. He served his chairman of the National Conference of Chief Justices; was a member of the college faculty at William & Mary, the University of Alabama, and the University of North Alabama. He received the Outstanding Service to Science Award from the National Association of Biomedical Research; National Veterans Award; the Henry Jackson Senate Leadership Award; the Justice Award and Harley Award, American Judicature Society; the Wernher von Braun Space Award; the James Madison Award of the National Broadcast Editorial Association; 12 honorary degrees.

The Senator from Louisiana is exactly right. If I had to answer this nonsense of term limitations—which incidentally is included in the U.S. Constitution, but seems like a new idea—I would answer it with two words. "HOWELL HEFLIN."

I thank you for that expression. That is exactly what I have in mind.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am sorry to get the news of the retirement of my good friend and distinguished Senator from Alabama. I hope on this side of the aisle that I can claim the right to miss him more than any other Republican might miss him, because for 15 years, I have had the chance of working with him on a subcommittee of Judiciary. At various times, the committee has been entitled Administrative Practice and Procedure; at another time, Courts, and this time, Oversight and Courts, I guess. I was chairman of it from 1980 to 1986. He was chairman for the last 8 years, and when the Republicans gained control of the Senate, I became chairman again.

So I have either been ranking member or chairman with the distinguished Senator for now going on my 15th year.

I can say that it has been a pleasure working with him. It has been a pleasure because there has not been any friction. It has been a pleasure because he does not think in a partisan way. It has been a pleasure because he knows a great deal about the law and, for a nonlawyer like me, it gives me an opportunity to have a great deal of confidence that the product that comes out of that committee, whether I am chairman or whether he is chairman, is going to be a good product. I think an example of that good product is the bankruptcy reform legislation that was passed over in the last Congress.

Not too many people in this body pay too much attention to bankruptcy legislation. It is not the sort of legislation that keeps you awake when you are reading and considering some of its aspects. But he worked real hard on that, and I hope I worked helping him as the ranking member to get a bill that would be passed.

That is one example of the hard work that he has done where there is not public attention given to it. But he does not do his work because he cares about the public attention. He does his work because he wants to do the job right and according to the Constitution and what is good public policy. I have known that to be his characteristic in these years that I have worked with him on this committee. But most importantly through the work on the committee, I have been able to develop a friendship with him. It is the sort of friendship that is going to have a crack in it when he is not here in succeeding Congresses. He knows there is a lot of legislation he is going to be working on with me over the next 20 months. I look forward to working with him. But I was also looking forward to working with him much beyond that. So I am going to miss him but I wish him well.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Just let me add a few brief words in salute to HOWELL HEFLIN—truly a son of the Old South who I think is of as much distinction as all of the other great southerners who have served in the U.S. Senate. He is far more than just a southern Senator. He is a U.S. Senator.

Certainly I wish to say to Mike and HOWELL HEFLIN from both myself and my wife, Pat, we came here together and we will be leaving together. When I think about things like that, Mr. President, I cannot tell you about anyone in this body that I think more exemplifies the term a true workhorse and not a show horse of the Senate.

Mike and HOWELL HEFLIN have been close friends and associates of the Exons lo these many years. However, it is far more than just our personal relationship I have treasured. I have treasured also the professional working relationships we have had in the Senate. And I think when the rollcall of votes are summarized you will likely see that HOWELL HEFLIN and JIM EXON probably voted as close alike as any other Members of this body, which I know we have been very proud in serving.

I wish to cite something personal about HOWELL HEFLIN that not very many people know. A few years ago I had an opportunity to lead a delegation to the Pacific area. HOWELL HEFLIN went along. We stopped in Guam for refueling en route to Manila, and there was to be a brief ceremony for HOWELL HEFLIN that I knew nothing about when we landed there.

It was anything but a brief ceremony. It was obviously one of the most important ceremonies that the Island of Guam had had, I suppose, since the American forces drove out the Japanese from that island during the war in the Pacific. There was a big entourage of cars. I could not imagine what was going on. Finally, I began to get the feel of things. They wanted to take us out to the beach where the American marines landed when the United States of America started taking back that very important and strategic island.

We went out to the beach, and we saw where they landed, the difficulty they had in landing there with the coral reefs that had not been researched very well obviously from a landing standpoint. We went to the museum out on the beach. This was all about HOWELL HEFLIN. When we went over to the beach itself, there was a small Navy band. There was a small tent with people from the Island of Guam who were there when the Americans landed.

A very touching sight. There was a big sign out there that I shall never forget. It said, "Welcome Back Our Liberating Hero, Lt. HOWELL HEFLIN." The mayor was there; the Governor was there; a little Navy band was there. They gave us a flag. And, of course, the big man of the moment was HOWELL HEFLIN.

Because of all his other accomplishments, HOWELL HEFLIN, without very much fanfare—and I suspect maybe most of his colleagues in the Senate do not even know about it—early on he was one of those marines, Lt. HOWELL HEFLIN, who was part of the assault force of the Americans landing to take Guam from the Japanese. He was wounded in the initial assault and kept on fighting. He pointed out the hill to me where he took his second hit. He spent relatively little time there because he was evacuated to the United States where he spent considerable time in the hospital.

This is a side of the proud HOWELL HEFLIN that I know. That is a side that I want his colleagues to know about and Americans to know about in addition to all his other outstanding accomplishments. He is one of those who serves his country in time of need, and we must never forget that.

So to you, HOWELL, and to Mike, the best from Pat and I for our close association. And I point to people like you, HOWELL, as I have talked about before. One of the most wonderful things about being involved in politics—and I have been involved in it about the same amount of time as you—were it not for my involvement in politics there is not one chance in 2 trillion that I would have ever met HOWELL and Mike Heflin. Having met them, having known them, known of their stature, their character, having had them as friends, means a lot to one as you look back on your life and see what really has been important.

I am not going to cite all of your accomplishments, HOWELL, because that has been done so very, very well by your friends and colleagues who have spoken before me in this Chamber in this regard today.

I simply say that one of the great treasures of my life has been knowing you, seeing you serve with such distinction, knowing of the great gratitude of your fellow Senators on both sides of the aisle for the important role that you have played in the Senate, representing your great State so very, very well, but even more so by an excellent, outstanding individual who responded to duty early in life when you served in the Marines; saw and discharged your duties as well here in the Senate as you did in Guam. God bless and God keep you.

I yield the floor.

Mr. DASCHLE. Mr. President, I rise as well to express my disappointment but as well my very best wishes to our dear colleague, HOWELL HEFLIN, with his announcement this afternoon. I have known him as a member of the Senate Agriculture Committee for a long period of time, and all of us have had the good opportunity to work with him in so many different capacities over the last 18 years.

We come to this Chamber as Republicans and Democrats, R's and D's, but I think once we are here we become known not as R's and D's necessarily but C's or D's, constructives or destructives.

There are some who for whatever short-term political gain may be inclined to be destructive to the political or legislative process. Unfortunately, there are all too many cases that come to mind as we think about destructive efforts that have gone on sometimes with no good reason.

But then there are those constructive leaders who come to this Chamber with a true belief that they can do good for others, with an understanding of the importance of Government, and with the belief that we can really look forward to making the next generation and the generation after that one better than the one that is currently occupying this great land. I think that was what HOWELL HEFLIN came to do 18 years ago.

As I look over all of our colleagues in the Senate, I must say I cannot think of anyone who has been more constructive in his approach. The tributes that have already been made here on the Senate floor to the character of Senator HEFLIN, I believe, are illustrative of that fact.

Democrats and Republicans understand the contribution that HOWELL HEFLIN has made. They understand his constructive approach. They understand why it is he came here in the first place. They understand the tremendous reputation that he has established as a result of that approach. And they are fond of calling him their friend.

We look forward to at least 18 more months of that kind of constructive participation, that kind of leadership, the kind of dedication to his job that he brings to work each and every day. And we have that realization that we have the good fortune to work with him for at least 18 more months in this capacity and perhaps in other capacities in public life, as well.

But I want to share my best wishes and hope that he and his family, as wonderful as they are, have many, many years to enjoy the wonderful life that HOWELL has dedicated not only to this Senate but to them as they go forth with their new future.

Someone once said that life has no blessing like that of a good friend. HOWELL HEFLIN has been a good friend to the people of Alabama, to the people of this Chamber, to the people who have had the good fortune to know him now for some time. I wish him well.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I was in my office when my press secretary called and said, "HOWELL HEFLIN is announcing he is not going to run again." I turned on that TV set to hear at least part of what he had to say.

HOWELL HEFLIN has made a real contribution to this body and to the Nation. One of the ways he has made a contribution is that he has taken his job as Senator seriously, but he has not taken himself too seriously. And I think that is very important.

He has a great sense of humor. Well, there may be some disagreement on that here, whether he has a great sense of humor or not. But, you know, you get talking with him about an issue and all of a sudden he will say, "Well, that reminds me of the Methodist minister," and you are on a story. And all of a sudden, the tension in the situation has been deflated. That sense of humor and ability to laugh at yourself and still take your job seriously, I think, is important.

Both Senator GRASSLEY and Senator HOLLINGS mentioned something else that I think is important, and that is he is partisan but not excessively partisan. We have too much partisanship today in this body. We have to be looking at issues and making judgments on issues. I am not suggesting either party is more guilty of this than the other. We both have our problems here.

I can remember very distinctly when I first met HOWELL HEFLIN. I was asked to go down to speak in the State of Alabama. Hubert Humphrey, some of you will remember, got cancer. For speaking engagements, they would reach around to others. When they really got desperate, I was over there in the House, and I went down to Alabama.

They said, "We have this really fine chief justice down here who is thinking about running for the Senate." I met HOWELL HEFLIN at that dinner. He has probably forgotten that day, but I remember it very, very well.

I learned, in just a brief conversation with him that evening, one other factor about HOWELL HEFLIN, and that is he a genuine humanitarian. He wants to help people. That is what this business is all about.

ROBERT BYRD gets criticized periodically for helping the people of West Virginia. He has never had a critic in PAUL SIMON for helping the people of West Virginia. I applaud him for doing it.

HOWELL HEFLIN has helped the people of Alabama, but he has helped the people of our whole Nation.

Then, finally, he is both a scholar and a good judge of humanity. I remember when we had a well-publicized nominee before the Judiciary Committee. I sit next to HOWELL HEFLIN on the Judiciary Committee. I remember he was asking this nominee a question. As the nominee answered the question, HOWELL HEFLIN leaned over to me and said, "He's lying." I knew right then how HOWELL HEFLIN was going to vote on that nominee. HOWELL HEFLIN knows the human character.

But he also looks at the details of legislation. He gets that pencil—he usually works with a pencil, not a pen—he gets a pencil out, and on his finger, he has a little knob on it. It is a little red on the end of that finger. It looks like he took a Band-Aid off of it. He gets that pencil out and he starts scribbling things down. Then, all of sudden he will say, "Mr. Chairman, what about section 3 on page 18? What does this mean?" And all of a sudden he has shifted the whole discourse.

He has made a tremendous contribution. I am proud to be his friend. It is an honor to serve in the U.S. Senate with HOWELL HEFLIN. The people of Alabama ought to be very, very proud of their decision to send HOWELL HEFLIN to the U.S. Senate.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will speak later in greater detail about Senator HEFLIN, but I would like to say a couple of words about my good friend HOWELL HEFLIN.

When I became chairman of the Senate Agriculture Committee, I went to HOWELL HEFLIN and said, "I'm going to need your help and advice regarding commodities from your area. As we write farm bills, I'm going to need to know how they will affect Alabama." I knew, even after a short while, I could always call on him for such help.

I sit next to him on the other side from PAUL SIMON in the Senate Judiciary Committee. I have had the advantage sometimes of a running commentary from Judge HEFLIN. I have often thought that some of the things he is whispering in my ears in the Judiciary Committee would make far better reading than what was in the official transcript, and it sometimes influenced me a heck of lot more than what was in the official transcript.

I also had an advantage on the Senate Agriculture Committee where I looked at him and Senator PRYOR as the voices of Southern agriculture on our side of the aisle.

Senator HEFLIN invited me down to Alabama. He vouched for me. He even offered to do a simultaneous translation for me while I was speaking. He told me I could give a 10-minute speech while he translated it into Southern. He said it would take 30 minutes to repeat it, so I should not talk too long.

Mr. President, it was amazing. We went out into small towns. We did a hearing in someone's barn, as I recall. Now, this was a Senate hearing. I brought Republicans and Democrats with me.

We knew where the barn was, because all the signs were not "Welcome, Senate Agriculture Committee," not "Welcome, Chairman," or anything else. It was, "Welcome, HOWELL," or "Welcome, Senator HEFLIN," or "The farmers of" whatever county it was—I still remember that barn; I cannot remember the name of the county—"welcome Senator HEFLIN."

We went there, and then went on to what understood would be a small dinner. Well, we went into this school and the place was a mob scene.

They were asking the tall bald guy to get out of the way because they wanted to see the real—the real—Senate agriculture expert, HOWELL HEFLIN. We went in there, and, Mr. President, I heard Senator HEFLIN speak about going back to his hometown, and he said, "It's a wonderful little town to be from; it is the best little town in America to go home to."

Having seen him in Alabama, and having seen the way he feels the roots of his State, I truly believe that.

In fact, I listened to that with some understanding, because as he knows from traveling with me, I feel the same roots in my own State of Vermont. We are blessed because we both know we have a hometown to go home to. He will get there a little bit ahead of me, but I think how fortunate he is to have that. How fortunate his own State of Alabama has been to have him, a voice of sanity, of reason, of moderation, in the best sense of the word, on the Senate Judiciary Committee; a voice where he is a strong advocate for his State but still looking to be an advocate in a way that can help reach consensus with other Senators. His goal was not to win for the sake of winning, but to win because it was the right thing.

I admire that as I admire both he and Mike have been good friends of Marcelle and myself.

We have had great times, from him asking me how I justified smoking a Cuban cigar—I told him I was burning Castro's crops and treating that Communist the way we should—to him coming to me and saying on a couple of occasions, "You know, you may not be able to get exactly this bill that you want, but I wouldn't be surprised if you modified it a little bit here, if you spoke to this Senator, this Republican and this Democrat, we can work it out," and we always did.

Mr. President, I feel, as others who have spoken, that we have been blessed and benefited by serving with Senator HEFLIN. I have enjoyed that service. I have looked forward to the times we have been in committee meetings sitting beside each other. I admire him as a Senator. I respect him as an intellectual giant in this body, and especially I have so much affection for him as a good friend.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I was in the office of Senator DASCHLE a few moments ago visiting with Senator DASCHLE and some of our colleagues about issues coming before the Senate this week and down the line, and one of our trusted staff members came in and made the announcement that Senator HOWELL HEFLIN, of Alabama, was on the floor of the U.S. Senate announcing that he would not run for reelection.

There was, I must say, shock and sadness and dismay in that room at that time. As we came to the floor of the Chamber to hear the last part of the remarks of our friend from Alabama, I could not help but be reminded of a part of the creed of the U.S. Junior Chamber of Commerce that we used to recite at our noonday luncheons, and I quote:

> We believe that service to humanity is the best work of life.

I think that service to humanity is something that will be the hallmark of this great son of Alabama. It was my pleasure and my privilege to come to the Senate with Senator HOWELL HEFLIN and his wonderful wife, Mike, in 1979. I will never forget that we had a class structure; that our Senators in that particular class from time to time would have meetings, we would go to each other's homes for perhaps a potluck supper. We would have speakers, and they would come and give us what they thought were the great issues of the day. It seems almost like the blink of an eye, when I had the privilege of beginning to get to know this fine man, this fine gentleman from Alabama.

I remember, too, Mr. President, that when Judge HEFLIN, as we have affectionately called him over these some 16 or 17 years, I remember the day that he was stricken ill. I will never forget the stillness that overcame this building, the Senate office buildings as Senators and staff members and elevator operators and policemen stopped to pause and to reflect and perhaps even to pray about their friend, HOWELL HEFLIN.

I have had the privilege of serving on the Agriculture Committee with Senator HEFLIN for these 16 years, and I can tell you that the farmers in Alabama, the farmers in Arkansas, the farmers in Michigan or West Virginia, Hawaii, or wherever it might be, have never had a better friend nor a stronger advocate than HOWELL HEFLIN, of Alabama.

Mr. President, finally, I had the high honor of serving as a member of the Senate Ethics Committee—not an easy responsibility—with the very great chairman of many years of that committee, Senator HOWELL HEFLIN. And many, many times during the deliberations, most of the times behind closed doors, in trying to deal with some of the extremely sensitive issues that faced individuals in this body or that faced this body as a whole, it was always Judge HEFLIN who brought us back to the center of the argument and the center of the issue as he said time and time and time again, "Ladies and gentleman, we must do what is good for this institution."

This institution—this institution—Mr. President, I think, has been so much better because he has graced this institution with his presence. He has made us laugh, he has made us cry but, above all, he has made us think. He is truly, I think, one of the greatest Members this body has ever had. And it has been a high privilege and honor for me to have had the privilege of serving with him.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Hawaii.

Mr. INOUYE. Mr. President, my distinguished colleagues of the Senate have spent much time this afternoon sharing their words of gratitude, their words of affection, their words of admiration for that gentleman from Alabama, HOWELL HEFLIN. Everything that has been said is fully justified.

He is a man of distinction, one of the great jurists of our Nation. He is a great legislator, successful and effective.

But whenever I see my dear friend, HOWELL, I think of another occasion when another great American gave his farewell address.

This happened about 30 years ago and his name was Douglas MacArthur. General MacArthur in his farewell address to the cadet corps of West Point uttered three words that have become part of America's bright pages: Duty, honor, country.

Whenever I think of HOWELL HEFLIN, I think of that moment 50 years and 9 months ago when, as a captain of the Marine Corps, he lead the first wave of marines on the island of Guam. He will never be forgotten for that. On that first attack, he was wounded. And at that point, most men would have said, "I have done my part." But, no, Captain HEFLIN, though seriously wounded, continued to lead his men up the steep hill until he was once again wounded. This time he had to be evacuated. For Captain HEFLIN, duty was an important word. Honor was part of his character. And country was his first love. For that, he received two Purple Hearts and the Silver Star for bravery. And so on this day, I would like to remember him as one old soldier of World War II to another old soldier. Godspeed, sir.

Mr. STEVENS. Mr. President, I join the ranks of those who are saddened to hear the announcement of our good friend from Alabama, and most of the things that any one of us would have wanted to say have already been said. But HOWELL and Mike Heflin have been close personal friends and will be close personal friends to me and Catherine for a long time to come.

I think most of us now today are thinking of the times that we have sat with HOWELL in the Ethics Committee, and I, too, served with him there, or traveled with him, along with my good friend from West Virginia, to deal with foreign parliamentarians or to NATO.

Senator HEFLIN has a special spot in Alaska, too, because he has, from time to time, played hooky with me and dropped a line in a few rivers of Alaska. That is how I am going to cherish the memory of my friend. As a matter of fact, Mike caught most of the fish, but Howell and I did most of the fishing. We have had a wonderful time together in terms of just learning to know one another.

This is a strange body to many people. We are 100 different individuals. As the Senator from West Virginia says, "our friends go one by one." But the friendships that we are able to form here, despite the tensions and the conflicts, and despite the politics, and despite the fighting that goes on from one side of this aisle to the other, those friendships are really what the Senate is all about, in my opinion. From a personal point of view, it has really been a great privilege to all of us to have served with Judge HEFLIN. We are going to be here for another 18 months or so, so we are not saying goodbye, HOWELL.

Mr. President, it is one of the rare privileges that some of us have in this democracy to be able to come together with distinguished citizens of other States and get to know them, get to know their State and their ways—the ways of the people of their State through them. I know of no State that has sent a better representative to the Senate in the time I have been here than Alabama when they sent HOWELL HEFLIN here. And, as I said, we are going to be saddened to see him leave.

Mr. COCHRAN. Mr. President, let me join those who have expressed their good wishes to Senator HEFLIN on this occasion. One of the coincidences of my service with him here in the Senate is that when we were first elected in 1978 and came to the Senate that following January, we were assigned to the same committees—he on the Democratic side, of course, and I on the Republican side. We were assigned to the Ethics Committee, the Judiciary Committee and the Agriculture Committee. So on all three assignments we served together. It did not take long to come to know him as a person of much intelligence and great commitment, with a conscientious sense of duty to the people who sent him here to represent their interests as effectively as he possibly could. And effective he was during debates on agriculture legislation, where I can remember his taking on one of the more experienced, able and articulate Members on our side, Senator DICK LUGAR of Indiana, in a tough debate on the peanut program. It was one of the finest discussions of a legislative issue that I have ever heard, before or since. Each argued very persuasively from different points of view about this issue that was before the committee. HOWELL HEFLIN did an exceptionally good job, and he won. It was a close vote. He may get to do that again this year. So he ought to dust off his yellow legal pad. He had written out the remarks he was going to make, in his own handwriting, page after page after page, on a yellow legal pad. I hope you can find it if you need it.

Mr. President, in the Ethics Committee, some very difficult decisions came before that committee, and he was our chairman. He was a freshman member but was selected to be the chairman. As a brand new Member of the Senate, that is quite an interesting honor and an indication of the esteem in which he was quickly held by those who had the responsibility for making those decisions.

On the Judiciary Committee, his wisdom and his experience were brought to bear very quickly on all of the matters that came before that committee. But above all, I came to respect him and appreciate him as a friend, someone who is congenial, courteous, very much a gentleman, and someone who appreciated the Senate and its role.

As you know, he had an uncle, Thomas Heflin, who served in the U.S. Senate. I heard him one day on the floor—or maybe it was in committee—say that his uncle had been called "Cotton Tom Heflin" because he was such a strong proponent of the cotton interests in agriculture legislation. He started calling me "Cotton THAD" because I was taking up for cotton farmers, too.

We are going to miss HOWELL HEFLIN very much. The Senate is going to miss HOWELL HEFLIN very much. We are going to, I think, appreciate more as time goes on, the mark he has made here. I join others in wishing him well and expressing my affection for him on this occasion.

We truly regret his decision not to seek reelection next year.

Mr. HATFIELD. Mr. President, I have to join in terms of expressing my sorrow at the announcement of the Senator from Alabama, HOWELL HEFLIN, on his intended retirement. It seems like this is a virus that is catchy here on the floor of the Senate. I have to face that question myself in the same timeframe. I have not quite reached that conclusion. But Senator HEFLIN has been referred to as an effective member of the Judiciary Committee, Ethics Committee, and any committee he serves on. I have seen him in action here on the floor of the Senate.

As a nonlawyer, I have been able to understand some of these legal questions that are debated with greater clarity when HOWELL HEFLIN has explained them. So I am grateful for his role as a mentor for us laymen on high and sometimes elusive legal points.

I want to talk a few moments about HOWELL HEFLIN in another role. We have, on Wednesday morning, a Senate prayer breakfast.

It is usually presided over by someone selected by acclamation and/or by the person who is absent that day, that he is selected as the year-ahead chair of this group.

Senator HEFLIN and Senator STEVENS started a tradition of cochairing the Senate prayer breakfast. Now, there is one place in the Senate where we leave our masks, our labels—moderate, liberal, conservative, our party identification—at the door. Probably there is no other part of the Senate institution in which people feel so comfortable in being themselves. It is never published. It is not open to the public. It is a very private session of spiritual reflection.

Senator HEFLIN comes from the South. I have come to the conclusion that the people who are the best storytellers, their geographic origins are Southerners and New Englanders—the dry humor of Vermont and the marvelous storytelling capability of Southerners.

I remember Howard Baker, who was our majority leader and minority leader at one time. He could make a point so effectively by telling a story. That is true with Senator HEFLIN as it relates to some biblical truths that we like to discuss. We get into some—not heated discussions—but we get into some repartee in terms of Scripture and of biblical truths.

HOWELL HEFLIN has that great capability of going to the heart of a matter and making a point with a marvelous sense of humor, at the same time with a very profound conclusion or analysis.

Let me illustrate: One day we were talking about a subject I do not even remember. Senator HEFLIN says, "Well, that reminds me," and he starts out slowly, as we know, in his speech. "That reminds me of the Sunday school teacher" down in his southern part of the country who was teaching the children one day at Sunday school about the evils of alcohol and the evils of drink. Whereupon one little student raised his hand and said, "But, Teacher, Christ turned the water into wine." And the teacher said, "Yes, and I would have thought a lot more of him if he hadn't done it."

It made a very major impact upon the discussion of that moment. I remember the illustration without remembering the subject.

I want to say this is a side of HOWELL HEFLIN that I wanted to, at least, thank him and pay tribute to him for having contributed to the spiritual life of this body in the informal sessions that meet.

If anyone thinks Senator HEFLIN and Senator Ted STEVENS make an odd couple in leading a spiritual group, that gave it more authenticity. It was not just bipartisan, but we had certainly an interesting combination of personalities and dedication.

I want to say to Senator HEFLIN not only will we miss you, sir, but most especially, too, we will miss Mike.

Mr. CONRAD. I was just downstairs, Mr. President, doing a satellite feed to a group back home. The group was a group of REA members. I heard that Judge HEFLIN had decided not to run for reelection. My first thought was, "What an incredible loss for this Senate. What an incredible loss for the country, and what an incredible loss for the rural electrics."

I thought this is really appropriate that I am talking to a rural electric group when I find out that Judge HEFLIN has decided not to run again, because HOWELL HEFLIN has been a champion for rural electric. He has been a champion for the little guy. He has been a champion for the farmers. He has been a champion for rural people.

All of that has flowed from a real commitment to the people that he represents. I was thinking of the remarkable career of HOWELL HEFLIN, chief justice of the Alabama Supreme Court for 6 years; somebody who was selected in 1975 as the finest appellate judge in the entire United States; somebody who came to the U.S. Senate and became known as the spokesman for southern agriculture.

Let me just say that was deserved because I serve on the Agriculture Committee with HOWELL HEFLIN. Nobody is a more determined spokesman, a more effective spokesman, or someone for whom his colleagues have more respect than the man I always call Judge HEFLIN.

When he spoke about a matter that was important to his constituency, we all listened. And we listened because he presented his case in terms of substance but also with a sense of humor. I think of so many times he brought a smile to my face on that committee. I can remember the time we were talking about drought aid. Different commodities were being considered. After we had pretty well completed the package, HOWELL HEFLIN raised his hand and said, "Mr. Chairman, what about peaches?"

Well, no one had thought about peaches. We were not going to include peaches in that package, but after HOWELL finished, we included peaches, and we did it because HOWELL HEFLIN convinced members it was the right thing to do. How many times he convinced members that what he was advocating was the right thing to do.

Mr. President, to me it is a real sense of loss that brings me to the floor, because HOWELL HEFLIN has not only been somebody I teamed up with on things that I thought were important to the people I represent, but I also believe that HOWELL HEFLIN is really the best kind of elected representative. He cares deeply about doing a good job of representing the people that sent him here. He always has that great air of integrity and fairness.

I remember when he was chairman of the Ethics Committee and handled some of the most difficult cases that have ever come before this body. I do not think there was a Member in this Chamber who did not know that HOWELL HEFLIN was going to treat people fairly. Whether they were on the other side of the aisle or on this side of the aisle, HOWELL HEFLIN would treat them fairly. He would treat them equally.

We are going to miss HOWELL HEFLIN, a real champion for the people of Alabama and a real champion for the people of America. Howell, I do not know anybody in this body who deserves a good retirement more than you and Mike do. But I must say you will be missed in the U.S. Senate. I thank the Chair. I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I was in a committee when I learned that my colleague from Alabama, Senator HEFLIN, had made a statement that he was not going to seek reelection for a fourth term in the U.S. Senate.

As his junior Senator—which he used to remind me he wanted me to remain the junior Senator for a long time, and I acquiesced. I said, "I want you to remain the senior Senator for a long time."

I want to remind Members that he is not leaving today. He has nearly 2 years that he will be with the Senate, and his presence will be known, his presence will be felt.

I will, as his colleague from Alabama, appreciate every day his counsel, his maturity, and his, at times, recommendations of what to do and not to do and how to do it.

In 1970—it seems just a few years ago—HOWELL HEFLIN was elected to the office of Chief Justice of the Supreme Court of Alabama. On that same day, I was elected to my first term in the State senate. I had the opportunity to get to know Judge HEFLIN better, to work with him, to work with him on modernization of the courts of Alabama, for which he won a national award for his leadership and was greatly recognized for that.

In 1976 he chose not to run for reelection as Chief Justice of the Supreme Court of Alabama. Somebody said, "Well, he is retired." We knew, Judge, you had not retired. You were just going into some other things—maybe the practice of law, maybe teaching, which he did for awhile. But, in 1978, he ran and was elected to the U.S. Senate from Alabama, the first time. Again, our paths crossed. I was elected to the U.S. House of Representatives on the same day that he was elected to the Senate. He was sworn in to the U.S. Senate. I was sworn in across the road here, to the U.S. House of Representatives. So we continued to work together. With his leadership here, he was the senior Senator, I worked with him the 8 years I was in the House. Then, when I was able to join him in 1986, I continued to work with him.

He has served not only Alabama, our State, but the Nation with distinction. We are not going to miss him for awhile because he is going to be with us. But I will miss him after the 2 years. And I want to say to his family—his wife Mike, his son, Tom, and his grandchildren in Tuscumbia, he is not going to retire. He is just going to do something else.

Thank you, Judge.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to add my comments to those of my colleagues we have heard today on both sides of the aisle. I think it is very clear from the things we have been hearing for the last hour on the floor that Judge HEFLIN, Senator HEFLIN, has the deep respect of people from both sides of the aisle.

I was not sure what Senator HEFLIN would do because I knew he had health problems. But I had hoped he would continue to serve because he is such a good person and because I have enjoyed getting to know him. I have gotten to know him through the Senate prayer breakfasts that have been mentioned here earlier, which are a very important time for us to come together on a bipartisan basis and talk about the things that are bringing us together and the things that we ought to remember about doing what is right rather than what is expedient, or rather than something that is of a partisan nature.

I have really enjoyed the Wednesday morning prayer breakfasts because it is a time when we can come together in that spirit. Sometimes it seems that is the only time during the week that we have that sense of closeness and bonding here in the Senate.

But, as I have heard my colleagues talk who have known Senator HEFLIN and served with him for years, he and his wife, Mike, who is very much a part of his team, are so well loved. I just want to say to him: Godspeed. I hope he will not be gone after he does retire, but will come back and visit with us on Wednesday mornings, or any other time he is able to do it.

I think all of us should respect someone who leaves on their own time, who follows their own compass, and who does what is right for them in their lives rather than staying too long or in any way having someone else decide for them what is right for their lives.

So I wish him well. I would like to add for the record my deep respect for this man who has served his country in so many different areas—two branches out of the three of Government. That is very unusual.

Mr. PELL. Mr. President, I rise to add my voice to those paying tribute to our colleague, Senator HOWELL HEFLIN of Alabama who earlier today announced his intention to retire from the Senate at the end of this Congress. I must say that his announcement today has taken me somewhat by surprise as I had not thought that he had resolved in his mind whether or not to seek another term. Having done so, I wish him well and note that he will be sorely missed in the Senate. His wit, his wisdom, and his unshakable demeanor have endeared him to all of us.

Senator HEFLIN has served his home State of Alabama well and with distinction over the last 18 years. I have often relied on his experience and reason in the areas of his work on the Judiciary and Ethics Committee. He always brings to the topic at hand the level head he acquired through years of sitting on the bench. His integrity has never been challenged and my respect for him has only grown since he joined the Senate. When I think of his tenure in the Senate I affectionately remember the finer traditions of the Senate marked by comity and discourse rather then rancor and partisanship. The Senate needs more people like HOWELL HEFLIN and I regret, but understand, the decision he has made. I wish him and his wonderful wife well as they anticipate their return to Alabama and commend him for a particularly honorable and distinguished career in the Senate.

Mr. HATCH. Mr. President, I want to join my colleagues in expressing sincere regret that the Senator from Alabama has decided not to stand for reelection next year.

It has been my privilege to serve with him on the Judiciary Committee. The majority has shifted four times since we have served together. But, I have to say that regardless of whether HOWELL was in the majority or the minority, he was always fair, always astute in his analysis, and always courteous.

Like the judge he was before coming to the Senate, Senator HEFLIN has been a keen student of the law. I will surely miss his legal ability on the Judiciary Committee, not to mention his sense of humor and comraderie.

But, as the junior Senator from Alabama noted, Senator HEFLIN is not leaving today. I have appreciated working with him on several key initiatives over the last few months including the balanced budget amendment, an amendment to the Constitution to protect our flag from desecration, and regulatory reform, to name just a few. I will appreciate working with him still during the next year and a half on the many pressing issues we face during the 104th Congress.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask my colleague from West Virginia whether I am in fact interrupting? I was going to take about 5 minutes, but if I am in the Senator's way—would it be all right, if I had 5 minutes?

Mr. BYRD. It certainly will be.

Mr. President, if I may be recognized?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I share the expressions, the words of adulation, encomiums of praise, and the warm felicitations of friendship that have been made by so many of our colleagues this afternoon.

I shall speak at another time. So, for now I just want to say to my friend, Senator HEFLIN, who was one of my strongest supporters when I was the leader, both in the majority and in the minority here, he always had my great confidence with respect to his integrity, his fairness, and his judicious demeanor. I appointed him to the Ethics Committee, an assignment for which he has never paused to thank me profusely. But I want him to know I share these expressions of sentiment, and on another day I will try to do my own feelings greater justice than I would at this moment.

I do have an amendment and I ask unanimous consent I may yield to the distinguished Senator from Minnesota without losing my right to the floor so that I may then call up my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair and I thank the Senator from West Virginia.

Mr. President, I actually do not know what I am going to say. I just heard about Judge HEFLIN's announcement. I do not have any prepared text. Maybe later on I can come out on the floor of the Senate with a more polished speech that the Judge deserves. But I would like to just say a couple of things from the heart and from the head.

First of all, I knew about Judge HEFLIN before I came to the U.S. Senate, but I did not know him personally. That is the second part I want to get into in a moment, the personal part. But as to what I knew about Judge HEFLIN, I am Jewish but I would identify my baptism to politics being the civil rights movement. There were certain heroes and heroines in the South who had the courage to take on what was a system of apartheid. It was apartheid. There were some great, great, great men and women who had the courage to speak up for civil rights for all people.

By the way, I think that what happened in the civil rights movement enriched our country. It made the United States of America a better country for all people; not just black people, but white people, people of all colors.

Mr. President, Judge HEFLIN, Senator HOWELL HEFLIN, was one of those great heroes. He used his skills and has always used his skills as a lawyer to serve people and he served justice in the South and in our country. He lit a candle and he had the courage to speak out.

The prophetic tradition of my faith is that to love God is to love justice. If that is the case, Judge HOWELL HEFLIN is truly a Senator, a judge, and an American who loves God.

Mr. President, at a personal level, I just want to stand on the floor of the Senate and try to say: "No. No. No. You cannot do this. I am opposed."

I wish it was in my power, or I was able to have the persuasion to say to Judge HEFLIN: "You cannot do this." I am going to miss him. He is somebody I look up to—not just because I am 5 foot 5½. He is somebody I look up to; somebody I believe in. He is the alternative to cynicism. He is hope. And he is honor.

Judge, I am going to really miss you. Thank you for everything you have done for this country.

I might cry, so I am leaving.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I have an amendment which I will eventually send to the desk. I believe Mr. HATFIELD was going to propose a time limit on the amendment. When he returns shortly, I am sure that, if it is still his disposition to do that, I would be agreeable to doing it.

I offer this amendment on behalf of myself, Mr. HATFIELD, Mr. EXON, and Mr. DOMENICI and Mr. KOHL.

Mr. President, I yield to the distinguished chairman for the purpose of getting that time agreement.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the ranking member of the committee.

I ask unanimous consent that the Senate now turn to the consideration of the Byrd amendment, on which there will be 90 minutes of debate with time equally divided in the usual form; further, I ask unanimous consent that there be no second-degree amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I thank the Chair.

Mr. BYRD. Mr. President, I thank my distinguished chairman.

Mr. President, I ask unanimous consent that any other Senators who may wish to become cosponsors of the amendment do so. I have already indicated that I offer the amendment on behalf of myself, and following chief cosponsors: Senators HATFIELD, EXON, DOMENICI, and KOHL.

AMENDMENT NO. 423 TO AMENDMENT NO. 420

(Purpose: To reduce the discretionary spending caps to ensure that savings achieved in the bill are applied to deficit reduction)

Mr. BYRD. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. HATFIELD, Mr. EXON, Mr. DOMENICI, and Mr. KOHL, proposes an amendment numbered 423 to amendment No. 420.

The amendment is as follows:

At the end of the pending amendment add the following:

TITLE —DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 01. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 02. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. BYRD. Mr. President, I thank the clerk for reading the amendment.

Mr. President, my amendment is unambiguous and straightforward in its intent and in its effect. It will require the Director of the Office of Management of Budget to lower the discretionary spending limits, for both new budget authority and outlays, for each of fiscal years 1995 through 1998, by the amount of budgetary savings that will result from the enactment of this act. This will mean that the savings, which will result from enactment of the pending legislation, will go to deficit reduction only.

The savings cannot be spent on other programs. They cannot go for tax cuts. If my amendment is adopted the savings enacted in this bill will really be savings, not fodder for tax goodies to the favored few or part of some shell game designed to save with one hand and spend with the other. We need to reduce the deficits and my amendment will make sure that the savings in this bill will do just that.

The exact amount of deficit reduction that will occur from this measure cannot be determined at this time. That will depend on the outcome of the conference with the House on this bill. We do know, however, that the House-passed bill, H.R. 1158, contains a total of $17.4 billion in rescissions and other reductions in spending. We also know that the committee substitute before the Senate contains $13.5 billion in rescissions and other reductions. If the bill which passes the Senate retains the $13.5 billion in spending cuts, and if the conference splits the difference—as it sometimes does—in rescissions between the two bills, the final conference agreement will result in deficit reduction of somewhere around $8.8 billion. That amount of deficit reduction will occur, even after paying for the FEMA supplemental. That is a substantial amount of deficit reduction, particularly, when one considers that these rescissions are being made half way through the fiscal year. This is not to say that I agree with every rescission contained in the committee substitute. There will undoubtedly be amendments offered to restore a number of the proposed rescissions. I may vote for those amendments. But, whenever these cuts are made, one thing is clear and that is that we must do everything we can to reduce the deficit at every opportunity if we are to reach the goal of budget balance early in the next century. Therefore, if I support amendments to restore cuts in the bill, I will only do so if those amendments have full offsets.

Senators should be aware that, without my amendment, the spending cuts made in the bill will not go to deficit reduction. If the discretionary spending caps are not lowered, as my amendment will require, the savings in this bill can simply be respent somewhere else. Or, as we have heard so much about, the savings could be used to help pay for tax cuts or even for increases in direct spending. It is true that to use the savings in this act for tax cuts, would require a change in the Budget Act. But, that, Mr. President, is precisely what has been proposed by the House leadership. In fact, I am advised that today, Wednesday, March 29, the House Budget Committee will report a measure which would waive the pay-go requirements of the Budget Act in order to allow reductions in the discretionary spending caps to be used to help pay for the folly of all follies—tax cuts at this time.

To my mind that is an outrage. Here we are ready to cut Head Start Programs, child care programs, money for computers in the classroom, money for scholarships, and funds for safe and drug-free schools, all cuts that will impact on programs designed to assist our young people with getting a better start in life like a good education, better nutrition, adequate learning tools, assistance in the fight against the scourge of drugs, and, yet, there are some who want to take these dollars from our young people and parcel them out in tax cuts to the favored few. Well what is wrong with that? There are several things wrong with that approach. First, we just went through a lot of agony and hand wringing, and heard a lot of passionate rhetoric about how critical it is for this Nation's overall well-being to get these deficits down. The balanced budget debate and the line-item veto debate were about getting these deficits down.

For weeks we have had the wringing of hands and the gnashing of teeth over the need to reduce deficits. There was virtually no disagreement about getting the deficits down. The disagreement was about what method should be employed to accomplish that goal. Now, to come right along behind that debate and blow all the savings in this bill like sailors on leave to pay for tax cuts makes a mockery of all the hot rhetoric on deficit reduction, and certainly further undercuts the American public's view of the sincerity of the Members of this body.

Second, any tax cut proposal at this time is just plain foolish. We must not squander our budget savings on tax favors. I like to vote for tax cuts. That is the easiest vote I have ever cast in 49 years in politics, and in serving in legislative bodies at the State level and at the national level. It is the easiest vote of all. Whoopee. We all like to vote for tax cuts. It is different to vote for tax increases. But any tax cut proposal at this time is just plain foolish. To do so is tantamount to simply running on a treadmill—working up a sweat, but going virtually nowhere.

The Bible says "to everything there is a season," but this is not the season for a tax cut. It is common for politicians to try to be all things to all people, try to make everybody happy, claim deficit reduction to some, but hand out tax cuts to others. But, this is the season for coming to grips with the hard reality of our day. The time for feel-good politics is over, and instead of making everybody happy with phoney placebos, our duty is to make everybody perhaps a little unhappy in the short run for the good of all people—make the cuts and get the deficits down as we have promised.

The third thing wrong about tax cuts is that, in the case of this bill, unless we lock in these savings we will be paying for tax giveaways on the backs of our children and grandchildren. All the tears we have just shed on this floor over our children and grandchildren in the balanced budget debate will have amounted to nothing more than theatrics if we are willing to take from programs that assist our young people and, instead of using them to reduce the deficit, pass them out like party favors on tax cuts for the well-to-do.

Mr. President, I am aware that the President of the United States has proposed a middle-class tax cut. I am also aware that the so-called Contract With America calls for a much larger tax cut—of something like $630 billion over the next 10 years. That is the cost of the bill that has been reported out of the House Ways and Means Committee. Furthermore, after all of the provisions of the House tax cut bill are phased in, the revenue losses every year will total more than $110 billion—for each year thereafter.

And who will get the lion's share of the benefits from these tax cuts? Will it be the average American family, where often both parents have to work in order to make ends meet? Or, will these tax breaks go instead to upper-income households and large corporations?

According to a Treasury Department analysis, less than 16 percent of the benefits of the fully phased-in tax provisions as passed by the House Ways and Means Committee would go to 60 percent of all families with incomes below $50,000. The top 1 percent of families with incomes of $350,000 or more a year would receive 20 percent of the tax benefits, while more than half of the tax goodies would go to the top 12 percent of families—those with incomes over $100,000 per year.

Also, according to an analysis by the Treasury Department, over half the benefits from the House Ways and Means Committee's capital gains provisions would go to the wealthiest 3 percent of families who have incomes over $200,000, while three-fourths of the benefits would go to the top 12 percent of families who have incomes over $100,000 a year.

Mr. President, I cannot imagine a more perverse policy than one that calls for paying for tax cuts for the wealthy through cuts in programs, such as the ones contained in the bill now before the Senate, which provide education and other forms of assistance to the Nation's neediest children and families. I urge my colleagues to reject such an approach by supporting my amendment. In so doing, we will at least have ensured that the savings from the painful and difficult cuts that are being made in this bill will go only toward deficit reduction. Such an approach will benefit all Americans, not just the wealthiest among us.

Mr. President, to me this is a moral issue. It has to do with truthfulness; it has to do with fairness; it has to do with conscience.

And unless this amendment is adopted, I cannot support this legislation.

I cannot be a party to making these difficult cuts, without the assurance that these reductions will only be used to reduce the deficit.

I will not indirectly cast my vote for tax breaks for the wealthy by voting for painful cuts that, without my amendment, may be used to finance subsidies for the rich.

I urge us not to make a parody of the recent serious debate just held on this Senate floor on the line-item veto and the balanced budget amendment. We have promised the American people we will reduce this deficit and do it we must. Today we make our first serious downpayment on our pledge with the adoption of this amendment. I urge that it be adopted by a strong vote so that the Senate, at least, will put its money where its mouth is and keep its commitment to the American people.

I am against a tax cut at this time. I do not care who advocates it, whether it be President Clinton or whether it be in the so-called Contract With America. It is the wrong time. It is the wrong thing to do.

Mr. President, as an additional cosponsor, I ask unanimous consent that Mr. HARKIN's name may be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I shall ask for the yeas and nays. I reserve the remainder of my time.

How much time do I have remaining?

The PRESIDING OFFICER. Approximately 32 minutes.

Mr. BYRD. I thank the Chair.

I understood that Mr. EXON wanted to speak on this amendment. If there are other speakers, I would like to know. Otherwise, I shall not use any more of my time.

The PRESIDING OFFICER. Is the Senator yielding the floor?

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged to all sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield 7 minutes to the distinguished Senator from Nebraska [Mr. EXON].

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend and colleague from West Virginia and I thank the Chair.

Mr. President, I rise today in support of the amendment offered by the distinguished Senator from West Virginia.

I commend the Senator for his thoughtful and timely amendment. Some of our colleagues talk a good game of deficit reduction. Yet, when it comes to taking action, they sometimes get cold feet.

I would like to point out that, even though the distinguished Senator and I were on opposite sides of the fence when it came to the balanced budget amendment and the line-item veto, we are, nevertheless, united when it comes to deficit reduction. We proved that in 1993 when we worked hand-in-hand to pass the largest deficit-reduction plan ever, and we prove it again today. I am proud to stand with my friend, Senator BYRD, the distinguished Senator from West Virginia.

Herein lies a lesson for all of our colleagues. No party has a monopoly when it comes to deficit reduction. No individual has all of the answers. We can hold different views, but when it comes to specific spending cuts and real savings, we should be one body dedicated to a common cause—getting our fiscal house in order.

Mr. President, in spite of the relentless drumbeat from the other side of Capitol Hill to cut taxes, the American people have their priorities in order. And I hope the House and the Senate will listen. Of course, they want lower taxes, but they want a balanced budget first.

The American people are not selfish and certainly they are not foolish. They want to get Government spending under control. They know you cannot run with the rabbit and hunt with the hounds. They want to protect their children's and grandchildren's future.

They certainly question the Contract With America when that contract goes so far as to deviate from common sense.

The American people are willing to accept the sacrifice that comes with creditable deficit reduction. They are willing to accept the pain of deep spending cuts, but only if those cuts go toward balancing the budget, and not spending elsewhere in the form of tax decreases. The American people know you cannot have it both ways. There is the rub and there is the root to this frustration.

I believe that the Byrd amendment takes head-on that proposition by saying that the savings that we made in this legislation will go for deficit reduction—deficit reduction—and nothing else.

What confounds the American people are the complex rules that go along with our budget process. In the never-never world of the budget, a spending cut is not always a spending cut. It is like a lizard's tail that comes off in your hands. We cut program after program, but cuts often become new spending and the deficit continues to grow. The lizard grows another tail, and on and on and on we go.

Mr. President, we could slash the space station. We could eliminate another 100,000 Federal jobs. We could cut every discretionary program by 10 percent. However, those savings mean nothing unless we make the cuts permanent and specifically apply them toward deficit reduction.

I am convinced that is what the vast majority of the American people want, and I know that the Byrd amendment now before us does exactly that.

Fortunately, the Senator from West Virginia is right on top of the issue. The emergency spending bill before the Senate today could be fertile ground for spending mischief. The appropriators propose to cut $13.5 billion and will spend $6.7 billion in relief for last year's earthquakes in California. But what about the difference? What about the difference, Mr. President, the $6.8 billion in supposed savings?

Without the Senator's amendment that we have just referenced, that money could be spent elsewhere, and might be. But the Byrd amendment puts a lockbox around these savings and prohibits the money from being spent. The savings are dedicated solely to reducing the deficit. It is that clear, it is that simple, and it is that necessary.

In fact, this is a safe within a safe. We need the extra safeguard because the bill before us deals with emergency spending which is not counted against the deficit. In the absence of a lockbox, the cuts made to pay for earthquake relief could be spent later this year on something entirely different. Adopt the Byrd amendment and eliminate that possibility.

So, once again, I commend the Senator from West Virginia for offering this important amendment. Anyone who is serious about credible deficit reduction should support it. Some cynics may say that $6.8 billion is merely a drop in the bucket when it comes to the deficit that will grow to $299 billion by the year 2000, if we believe projections.

However, the Byrd amendment demonstrates how we will reduce the deficit by making specific cuts in spending and locking away those savings for deficit reduction and for no other purpose.

I urge my colleagues to support the amendment offered by the Senator from West Virginia. It makes sense from every aspect, and I will be keenly disappointed unless the Senate recognizes the wisdom of this amendment and adopts it overwhelmingly.

I reserve the remainder of my time, and I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will be very brief.

Mr. BYRD. Mr. President, I yield such time as the Senator may require.

Mr. DASCHLE. I did not realize we were under a time agreement. I ask for a couple minutes.

Mr. BYRD. I yield as much time as the Senator needs.

Mr. DASCHLE. Mr. President, I rise to ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I do so because I believe what the distinguished Senator from Nebraska has just said is absolutely correct. If, indeed, we are serious about doing what we have said over and over again over the course of the last several months with regard to deficit reduction, we need this amendment.

We need this amendment because, indeed, we say by adopting this amendment that we are serious, that we recognize that the first and really only purpose of a rescission is to ensure that we can cut spending and dedicate the savings to deficit reduction. We know that over the course of the next 7 years, we may have $1.8 trillion of deficit reduction work ahead of us. We must begin with this bill. We must continue in a budget process that will allow us a blueprint to ensure that between now and the year 2002 or the year 2003 that we have accomplished again what we have indicated we want to do.

So this is the first step. It is a step with regard to process, but it is a step with regard to demonstrating our true intention that, indeed, we are determined to reduce the deficit; indeed we are going to take the tough decisions we made with regard to this rescission and turn them into budget savings; indeed we are determined to do all that we can, collectively, to ensure that what we say we are going to do we are going to do in the long term. That is what this amendment does.

The distinguished Senator from West Virginia has offered it before on other pieces of legislation and, I must say, I hope that on this occasion, we can have broad bipartisan consensus in support of it because, indeed, it puts the rest of our efforts over the course of the next couple of days as we debate the real rescission package, its scope, its size, its practical application to the budget process in much more realistic terms.

This ought to have been the first amendment, because if it had been the first amendment, I think we could have all said unequivocally, regardless of what else we do, as we debate size and as we debate offsets and as we debate all the other issues pertaining directly to this bill, the one thing we will not debate is what we do with the savings once they have been promulgated.

This amendment says unequivocally that those savings will be used for deficit reduction, and I hope, again, with unanimity, this body can support it this afternoon.

Again, I commend the leadership offered to us by the distinguished Senator from West Virginia, and I hope we can support him in this effort when we have our vote later on.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not know from whom I must request time. I have been informed by the Parliamentarian that that is a mistake, that Senator DASCHLE technically controls the time that Senator HATFIELD controls. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Because it says "in the usual form."

Senator DASCHLE, I believe, unbeknownst to both of us, controls 45 minutes. Can the Senator yield me 5 minutes?

Mr. DASCHLE. I will be happy to yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say that I had the amendment that Senator BYRD offered all ready. In fact, I carried it over to him yesterday thinking that I would offer it. He said he already had it ready. I was shopping mine to show him what was in it. So I am a cosponsor. There is no use doing it twice, nor should there be necessarily any pride of authorship on my part since Senator BYRD had the amendment ready, and it is here.

The first big issue we could have is whether we waive the Budget Act in order to adopt this amendment. That means we need 60 votes. I hope that everybody in this Senate, Republican and

Democrat, will vote to waive the Budget Act for this amendment. It is a technical waiver. It is not a waiver that has to do with incurring more debt. It is just that this proposal has to go before the Budget Committee to be reviewed, and technically, if it has not, it is subject to quite an appropriate point of order. We would not want all kinds of things coming straight to the floor that change the Congressional Budget and Impoundment Control Act. So we need that point of order. I hope everyone will vote for a waiver if it is necessary.

Essentially, it is not necessarily the case that if Congress approves rescissions and literally cuts money out of ongoing programs that those savings would go toward deficit reduction. That is not necessarily the case.

As a matter of fact, if you did a rescission and you saved some money but you did not provide for what happened to the savings, essentially you could fill the cap back up with later spending. You could go from whatever you cut all the way up to the cap that year, and you would still be within the procedures of the Budget Act. You would simply have cut spending in one program and spend the savings on another program.

Obviously, we are in the midst of this gigantic problem of getting the deficit under control, which I really believe the American people want more than anything else. There may be those who are not yet showing up in the polls saying they want deficit reduction, but I suspect it is because they do not believe it will ever happen. They do not believe we have the guts to do it, so some of them have already given up on us.

I want to make a commitment right here today. It may be very difficult, and it may be that some people cannot vote for it, but I have been encouraged, if not supported unanimously, by Republican Senators who come to meetings—and there was a large group today—that Republicans ought to produce a balanced Federal budget by the year 2002.

Now, that is not without risk, I guarantee you. We are looking for some people on the other side of the aisle to help us. It is going to be for real, and when it is finished, the Congressional Budget Office is going to tell the American people the budget is in balance.

Whatever vagaries of estimating may occur during the 7-year period leading to balance, we are going to produce a balanced budget, not in 5 years, but in 7 years.

It would be absurd for us to make that commitment and then come along here with a midyear reduction in expenditures for the very year we are in, $6 billion net, and not provide that we start that deficit reduction effort with these savings.

Would it not be folly to say, well, let us just wait around and see if we need this spending authority for something else, and then start anew in about 2 months with a budget resolution where we have to do 50 times this much over the next 7 years, or more?

Having said that, this is a very simple but very, very useful amendment. It says the savings achieved by this midyear rescission or carving out of already appropriated money will all go toward deficit reduction in the year we cut it. It will be traced in the budget because some of it flows into, or outlays in, other years. It will be counted as savings in those years, and those amounts will go to deficit reduction.

In a sense, it lowers the caps in a manner such that it would be very difficult to spend the money. But what we are saying is it cannot be used for anything else, and nobody should be worried about that.

For those who are wondering about tax cuts, there is no question that the law is already very clear that you cannot use discretionary savings to pay for tax cuts. How much in tax cuts we will seek, I do not know. Clearly under existing law, when you do that, you are going to have to have entitlement changes to offset the tax cuts.

So I believe this amendment sends an absolutely clear message, one that says we are not trying to fool anybody. If we are cutting a net $6 billion, let us put it toward deficit reduction, and not leave this spending authority around for somebody to dilly-dally, play with, and perhaps even spend.

Let me make another point on how important this is, Mr. President. Yesterday, the President of the United States, in a major, major press conference preceding his regional economic summit in Atlanta, told us about $13 billion in savings over the next 5 years from the second phase of the President's reinventing of Government—$13 billion. Nothing new about it. Incidentally, as it turns out, it is already in the President's budget, that $13 billion in assumed savings, so it is nothing new. However, look at the proportion of savings. We are here debating a bill that will cut a net of $6 billion out of existing appropriations for this year, and the President is touting a major deficit reduction effort over 5 years for $13 billion. Actually, we could take this little $6 billion savings and make it recur each year, and we would be over $30 billion, approaching three times the President's figure. Does anybody think we are not going to do at least that as we put together a 7-year balanced budget? We will have to do more than that.

So it is not that the President is not within his powers and quite appropriately talking about his kind of reform. But I think to make a big case out of it being major deficit reduction pales; it does not quite hit the mark.

So I do not have any other remarks to make. I might have exceeded my 5 minutes.

I hope we do not have to have this be even a close call. I welcome, on our side, putting my name up here as the Budget Committee chairman. I think we should waive the Budget Act on this amendment if that is necessary. I hope Republican Senators understand that we ought to do this. To not do it would be true folly, and we could be subject to enormous criticism, and properly so, if we did not devote these savings to deficit reduction.

I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Mexico. His word on this is very influential and meaningful. I am very grateful for what he has said in his support for waiving what might be otherwise a budget point of order.

Mr. President, I ask unanimous consent that Senators FEINGOLD, DORGAN, and BUMPERS be added as cosponsors.

I will yield whatever time the Senator from Arkansas may desire off the time that I control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to compliment the Senator from West Virginia for this very important proposal, which I see as a sign of things to come. I see this as absolutely essential for keeping faith with the American people, who are counting on us to do something about the deficit.

Everybody knows that we are going to be a severe disappointment to those people unless we give up the idea of this so-called middle-class tax cut and put this spending, which we are laboring mightily to cut, on deficit reduction.

Just on a personal note, Mr. President, I have not received one single letter from a constituent saying, "Please give me my middle-class tax cut." And I have received literally thousands of letters from people saying, "Please put it all on the deficit." You cannot do both. And if you chose to do both, you would run into an unmitigated disaster. You would have to cut Social Security; you would have to cut Medicare; you would have to cut unbelievable programs, such as veterans, to achieve a balanced budget by the year 2002, or any other year.

The proposal of the Senator from West Virginia is simple, straightforward, dynamic, and absolutely necessary if we are serious about deficit reduction.

We tried cutting taxes and increasing spending back in 1981. That was $3.5 trillion ago. We just finished, Mr. President, a very volatile debate on the balanced budget amendment. I was on the unpopular side of that issue, because I regard the Constitution of the United States with a reverence reserved only for the Holy Bible. There were a lot of politics involved in that debate. But you and I both know we cannot balance the budget with political rhetoric. We cannot balance the budget with anything less than common sense and spine.

I heard the Senator from West Virginia say a moment ago, when I was in my office listening to his remarks, that unless this amendment passes, which says this $6 billion in net spending cuts on this bill we are considering goes for deficit reduction, he will vote against the bill. And that makes a lot of sense.

There are a lot of cuts in this bill which, if I had a choice about it, I would prefer to keep. There are dramatic cuts in housing. There are dramatic cuts in jobs. There are dramatic cuts in a lot of programs which I cherish, which I think go to the very heart and strength of the Nation. I do not want to go through this agony only to see it go out for what is called a middle-class tax cut that includes people who make $200,000 a year.

I promise you that the workers of this country would get just about a 13-inch pizza—the equivalent of the tax cut would be about a 13-inch pizza on Friday night. If we balance the budget, as we say we are going to, I promise you, he would give up pizza for life in order to give his children some sense of a good destiny, so that they are living in a country that is worth living in and which has a great future. His house payment will not be as much. His car payment will not be as much. The dollar will again be king, and the people on Wall Street will be rhapsodic.

But that pales compared to the way the American people would change their attitude about this institution we call Congress.

Democracy always hangs by a mere thread. When we say to the American people, "We cannot function anymore. We made you a promise, but we do not intend to keep it," we erode people's confidence in their Government. Every time you do that, you pay a little heavier price.

I may vote for this bill simply because I saw the remarks of the distinguished budget chairman in the paper this morning. Senator, I want to say I was heartened. I was heartened by your comments in that story this morning. I am heartened when I see the chairman of the Finance Committee singing out of the same hymn book, the same page.

Then my heart sinks when I look at what the leader in the House and the leader in the Senate are saying. Not singing from the same hymn book. They say we will have a tax cut.

So I am really troubled about how I will vote on this. I do not want to vote for a tax cut. I wanted to vote for deficit reduction and keep faith with the American people.

Mr. President, this vote is going to separate the people who want a political issue to talk about and those who really believe in deficit reduction. There has never been a more golden moment here where the U.S. Senate can stand up and say "As much as I would like to give people a tax cut, we are not going to do it, because we have a higher responsibility."

I am like the Senator from West Virginia. I have never made an enemy voting for a tax cut. There is a Senator in this body came up to me about 10 years ago and said, "Senator, I just saw a poll that 92 percent of the people in this country do not want their taxes increased." Well, no kidding. I would assume that figure would be 99 percent.

So, the choices cannot be easy, if we are serious. The choices must be tough. Here is a vote that will separate those who want the issue from those who want to keep faith with the American people.

This amendment, carefully drafted, says "You may not use this deficit reduction for taxes, or increased spending." Bear in mind, it is not just taxes here. It says two things: Do not increase spending on something else planning to use this $6 billion as an offset; and do not plan to use it for a tax cut. It is just that simple.

I thank the Senator from West Virginia for yielding me this time. I yield the floor.

Mr. BYRD. Mr. President, I have no other requests from Senators who wish to speak. I assume that the distinguished minority leader would be willing to have time under his control yielded back.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, would the Senator yield 1 minute?

Mr. BYRD. Absolutely.

Mr. DOMENICI. Mr. President, I notice my friend from Arkansas said he was "heartened." Let me say I will be heartened almost to death if about 10 or 15 people on that side of the aisle vote for that balanced budget we were talking about.

That will be the test, not this little $6 billion baby. I think with the great enthusiasm that I am hearing from that side of the aisle that there might be great fever and fervor and enthusiasm for the balanced budget that we have been trying to put together.

I thank the distinguished Senator from West Virginia for yielding. I yield the floor.

Mr. BYRD. Mr. President, if I may retrieve 1 minute, I yield it to the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator for yielding 1 minute.

I do not want to open up the debate on the balanced budget amendment, but let me say to my good friend from New Mexico: Here is the opportunity to have the best of two worlds. Do not tinker with the Constitution, and balance the budget—both. I yield the floor.

VOTE ON AMENDMENT NO. 423

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. DORGAN] would vote "aye."

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Dorgan

So the amendment (No. 423) was agreed to.

Mr. BYRD. Mr. President, in order that we might not delay Senate rollcall votes, I shall ask unanimous consent——

The PRESIDING OFFICER. If the Senator will withhold, the Senate is not in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, rather than moving to waive, in view of the fact that no Senator voted against the amendment, I shall ask unanimous consent, to thus save a rollcall vote. I ask unanimous consent to waive the provisions of the Congressional Budget Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985 for the language of amendment No. 423 as included in any conference report on H.R. 1158.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Order in the Chamber.

Mr. HATFIELD. Mr. President, I would like to suggest what the immediate agenda may be for the rest of this day.

We have amendments pending, and are ready to be offered by Members. We urge them to be here. I think Senator MCCAIN will be offering the next amendment. We have on our list Senator KYL, and Senator PRESSLER, and then we would like to finish today's activity between 7 and 7:30.

Mr. FORD. Mr. President, I make a point of order that the Senate is not in order. We cannot hear the distinguished chairman.

Mr. HATFIELD. I would estimate that we would probably wind up today between 7 and 7:30, and earlier, if possible, depending on rollcall possibilities for the amendments that are ready to be offered.

I yield the floor.

I yield 2 minutes to the Senator from Wisconsin.

SENATOR HOWELL HEFLIN OF ALABAMA

Mr. KOHL. Thank you very much.

Mr. President, I would like to take just a minute or two to say a few words about our friend, HOWELL HEFLIN.

I was not able to get here earlier when Senator HEFLIN was on the floor. Along with all the many kind things that were said about him, I would like to add my own strong feelings of affection for one of the finest Members of the U.S. Senate that we have ever had in our country. And that is, of course, HOWELL HEFLIN who is retiring.

I have gotten to know HOWELL very well over the last 6 years. He is a man of unquestioned integrity and intelligence. HOWELL HEFLIN is a person who has the capacity for great friendship and compassion for people. He is a person who always has dealt straightforwardly and honestly with his colleagues and with his constituents. He is the kind of a man that—if we had 100 people like him, this would be an even finer institution by far than it is today, and it would be a much better country even than we are today.

He sets an example of all the best things in public service, for his constituents in Alabama, and for people all across this country. You have been a role model to me, a mentor and a friend. I, along with our colleagues, am going to miss you and the qualities that you represent as a legislator, as a Senator, and as a human being.

So along with the rest of us, I send you my respect and my affection and, indeed, my love.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to join my many colleagues in paying our profound respect to the judge.

When I first came to the Senate, I was told to look out for those Senators who were colorful, Senators who would always be there to kind of give a helping hand when you needed it.

HOWELL HEFLIN and I came to the Senate together, and from the first day the chief judge became one of those colorful Senators for most of us. He stood out tall in our freshmen Senate class, and now he stands even taller as he announces today his intention not to seek another term in the Senate.

That was a sad message for me. For all Members of our Senate class who came in with him, his friendship, indeed his wisdom, is something we have sought and relied on through these many years.

I should like to also add that the Heflin family as a whole, his lovely wife, who has been an active member, are beloved members of the Senate family. When the judge did not have a smile, she would have a smile. And I say to my good friend, how fortunate you have been in this life of yours of many accomplishments to have had that very strong and faithful partner by your side these many years.

(Mrs. SNOWE assumed the chair.)

Mr. WARNER. Madam President, as one who was privileged—and I say this with a great deal of humility—to have worn the green of the Marine Corps, HOWELL HEFLIN is indeed one of those unheralded, true heroes of the U.S. Marines. He fought in the Pacific. He distinguished himself. He was recognized for his heroism, his leadership, his courage by the United States of America, and I have always valued those days when in the course of the Senate life we had to address issues relating to the Marine Corps. Many times have we gone to the Marine Corps to attend meetings, to attend breakfasts, the two of us, to always express our gratitude to the corps. So I say to my good friend, "Semper fi."

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Madam President.

As Judge HEFLIN, as we call him, is walking over to Senator WARNER to shake his hand, I just wanted to add a couple of words.

If any American did just one or two of the things that HOWELL HEFLIN has done in his life, that individual would be so blessed—to be a war hero, to be a great and respected judge, to be a great U.S. Senator, one who has respect from both sides of the aisle and, indeed, affection.

I just want to say to you, Judge HEFLIN, that you have been my pal and my friend, that I have gone to you with the issues that perhaps were not in your best interest to support but you always listened to me and you always made a judgment that you thought was right for the people you represent but also what was the right thing for you to do as a human being.

I just wanted you to know one more thing. I have served in the Congress for a long time, in the Senate just a few years, and I remember an incident that occurred on the floor when there was an amendment brought before this body that on the surface maybe one did not understand its true meaning and how much it would impact certain people in this country.

Judge, you voted for that amendment, and then when our friend from Illinois came to the floor, Senator MOSELEY-BRAUN—I am so happy that she is here—and she made the case to the Senate that that amendment would really tear apart many of our people and bring back memories that haunt them, you stepped back and you led this Senate in its reversal of that amendment. You did not think about whether it would make you popular or whether you would win that vote, which you did. You led us onto the right path.

Judge, you are a leader, and we will miss you. There are not enough people in politics who are willing to take the risks that you have taken. God bless you. And myself, I find already that there is a void in the Senate just knowing you will not be here in a year and a half. But let me tell you, I am going to look forward to working with you in the remaining time that we have together in the Senate.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair.

Madam President, I rise to associate myself with the remarks of my colleagues and to join in saluting Judge HEFLIN as he is known to all of us who have had a chance to work with him. He is truly a beloved figure.

A moment ago, I walked over and gave Judge HEFLIN a big kiss. Now, I do not know if that is the way things have occurred in the Senate over time, but the fact is that just as the Senator from California and I and the Presiding Officer represent the new Senate, Judge HEFLIN represents the new South, and he has given rise to the kind of leadership, the kind of moral force that has lifted up this body certainly and, indeed, this entire country. His integrity, his intelligence, his commitment and faith in the Constitution of these United States, faith in what the American dream has always stood for and can be in the future, has led Judge HEFLIN in a direction that I think is without peer and without parallel in this body.

He has provided constant leadership and always had the time to be nice. He has always had the time to listen. He has always had the time to take a junior Member under his wing and talk with them about the issues, no matter how arcane.

I remember working with Judge HEFLIN on the Judiciary Committee and going over issues having to do with ALJ's and bankruptcy reform and things that really do not rise to the level of the press releases and the things that make the news but that are vitally important in the way we execute and administer the laws of the United States. He paid attention to the details with a sense of the law and history, with a sense of the philosophy and the right way to go in such a way as to give leadership and guidance to those of us who had just joined this august body.

I can tell you that the Senate is going to miss Judge HEFLIN. I personally am going to miss Judge HEFLIN. I know the people of Alabama are going to miss having Judge HEFLIN's service in the Senate because, if nothing else, he has been an advocate for Alabama like I have never known. My mother would have been very proud to know Judge HEFLIN.

My mother, by the way, Madam President, was originally from Alabama, and I consider myself to be—in fact, it is interesting. Judge HEFLIN is sitting on the floor with the Senator from Louisiana. Together they represent my parental ancestral homes, both Louisiana and Alabama.

But my mother came from Alabama. I used to spend summers there as a girl. I grew up on a farm there in the summertime. I have a great love for his State.

But certainly no one has loved Alabama more than Judge HEFLIN has. He has worked for that State. He has worked for the people of that State. He has worked to give the people of that State the kind of leadership, the kind of guidance, the kind of strong advocacy in this body over time.

I know his service in behalf of the people of Alabama will be greatly missed. We will certainly miss him, precisely because he provided the moral leadership and really the voice of what the South can be and what the South is today. He has provided the leadership in regard to issues having to do with race, Madam President, in a way that was always consistent, always fair, always straightforward. And he did so with courage.

And I want to end by saying that I think if one thing distinguishes Judge HEFLIN, it is his courage. He stood on this floor about a year ago and made probably one of the most eloquent speeches I have every heard in my life. He made it from the heart and he made it with great courage. It was that courage, I am sure, that the people of Alabama recognized when they elected him to serve in this body. He certainly has done his best to fulfill the sacred trust that the people of Alabama put in him and in so doing he has provided a great service to all of the people of the United States.

He has been a force for good, he has been a force for the light. We will all miss him. Even as we all make promises now, Judge, to come visit you and see you, the fact of the matter is we are going to miss not having you here every day in the next few years. So, farewell in that regard, and my salute to you.

We love you. We cherish you. We cherish what you have done for all of us. And we will never, ever forget the tremendous role that you have played in leading this country in the right direction.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I join in the tributes to Senator HEFLIN. It has been my great privilege to have participated on a couple of trips with him and his wife, Mike. He is a wonderful traveling companion and a wonderful friend.

The eloquent remarks that were made by the Senator from Illinois in connection with Judge HEFLIN are certainly true. She mentioned his courage. He has not only courage in debate, but he has physical courage that was demonstrated by his receiving the Silver Star in World War II in the Marine Corps.

So, Judge, you have not packed your bags yet. You are going to be around for a year and a half, so we do not want to say farewell yet. But we just want to say what a great treat it has been to have been associated with you and with your wife on various occasions. We look forward to more of those instances arising in the future. We will certainly miss you when you leave.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I hate to see HOWELL HEFLIN leave the U.S. Senate. We came here together. We were classmates. He and his wife, Mike, and my wife, Barbara, and I have had an awful lot of good times together.

I do not know of any better mind or any greater heart in the U.S. Senate. HOWELL HEFLIN's mind is a tremendous instrument of good, of balance, of thoughtfulness, and compassion, but of logic.

His background as a judge brought great wealth to this Senate. We have watched him over and over again tackle some of the most difficult issues that faced this country and bring to it a judicial temperament, a willingness to look at all sides of an issue, and many issues have more than just two sides. But we have stood in admiration as we watched him analyze an issue.

And that great mind has been matched by a great heart. HOWELL HEFLIN has brought dignity and decency to this institution. We all, I think, would like to believe that we add a measure of that, but I do not know of anybody that has lived up to that requirement of public service that we not only bring talent of intellect but that we also bring a human decency to the job.

And so, I am glad for you, Senator HEFLIN—I have to be formal speaking on the floor. HOWELL, I am glad for you. I am glad for Mike. But, I must tell you, I am sad for Barbara and sad for myself. The Senate will be poorer. Your life, I know, will go on and you will have more time to do things which you so long delayed. But we shall miss you terribly. And we will take full advantage of the year and a half left that we have of your talent here in the U.S. Senate.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, there are four of us here on the floor—Senator PRESSLER, Senator LEVIN, Senator HEFLIN, and myself. We all came here together in the class of 1978.

HOWELL HEFLIN and I were immediately placed on the Judiciary Committee. Senator LEVIN, being more adroit, and Senator PRESSLER, too, managed to escape service there.

But HOWELL HEFLIN and I went to the Judiciary Committee side by side, freshmen Senators. And we went immediately to work on the issues that always confronted a Judiciary Committee, things like—tough ones—issues of judges, issues of immigration, issues of civil rights, the balanced budget amendment.

One of the greatest privileges I had was watching this man work on the balanced budget amendment, day after day, year after year. The first bill out of the chute every year was the balanced budget amendment. And we were very close and I feel we will get there this year. It will largely be a tribute to you, sir, when it occurs, to HOWELL HEFLIN.

And always you were supportive and helpful to me. When I would seek your counsel, you would give it in a most honest and refreshing way, with that extraordinary honesty and integrity that is, sadly enough, sometimes lacking, but not always.

But to me, you were a steady, thoughtful friend and very, very wise. I do not know many people who are wise. I know brilliant people. I know thoughtful people. I know intelligent people. You are a combination of all those things, but you have a wisdom and common sense which is enviable.

And in our travels together, you and I have a great common bond, and that is humor; good humor.

I will miss your no-tie Hawkins stories, but not much. And I will share with you the toast to water again, and the great story on whiskey, of course, which is memorable in itself.

But, you and Mike have traveled side by side, as Ann and I have, through many years of life. And that remarkable woman at your side is one of the most special ones to me and to my wife, Ann.

So as you go on to new things, knowing that the actual essence of your life is your good humor, it reminds me of what my mother said—that humor is the universal solvent against the abrasive elements of life.

You have lived that way and you have helped us all by just saying, "Relax. Settle down. We have a job to do. Don't get swept up in the emotion of it."

The counsel, the friendship, the trust you gave to me are deeply appreciated. We have shared much together. You are a very dear friend and we wish you well. Good luck and Godspeed. We will enjoy these many months more of working with you on things that will come to pass simply because of your presence, and the fact that you have decided to leave us will impel us to do things that are left undone that we will get done as a tribute to you.

I thank the Chair.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I join in the tribute to my good friend and colleague.

I recall visiting his home in Tuscumbia, AL, and his lovely wife, Mike, receiving us there. I recall serving on the Commerce Committee and the Judiciary Committee with him over the years, and I believe we have been on a trip or two with some of these delegations.

So I congratulate him on great service to the United States. It has been a pleasure to serve with you. I think you are an example to all of us of what a good U.S. Senator is. I wish you all my best.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, I rise in support of the pending legislation, which would provide for disaster relief and for accompanying rescissions.

This is not by any measure a partisan bill—indeed, it was put together by the Appropriations Committee in the same fine bipartisan spirit that has always characterized that committee, and the relationship between two very fine and capable men—Chairman HATFIELD and the ranking member, Senator BYRD.

I do believe, however, that there is good cause for many of us who are now in the majority, to be particularly pleased with this legislation.

If there was one glaring, disturbing symptom of "business as usual" in Washington as practiced for too many recent years, it would be the practice of always saying "yes" to new spending, even when most always failing to make the hard decisions to pay for it.

One category of spending in which this has been most obvious has been the area of disaster relief. It is, of course, entirely fitting and proper that we provide assistance to those who are in need solely because of an "act of God." But we have too often simply appropriated this money, added it to the Federal deficit, and failed to prioritize our spending priorities within existing spending levels.

I joined our distinguished leader, Senator DOLE, during the last session, in attempting to provide for a full spending cut offset during the last time the Senate considered emergency disaster appropriations. We failed in that effort, I am quite sorry to say.

But today we see here a bill that not only provides for needed disaster assistance, but more than makes up for that new spending with an even larger amount of spending cuts. This, to me, means that we have truly arrived at a brand new day in Washington.

Let me assure my colleagues that we do no extra, special service to the victims of disaster, nor to our future generations, by simply adding the tab for such spending to the future national debt. We do not need to be reminded that we will soon be asked to vote the debt limit up to $5 trillion—an astonishing, incomprehensible, inconceivable figure.

The accumulation of such massive debts does not assist us in our efforts to cope with disasters or to forestall their worst effects. It only undercuts our ability to adequately provide for such work. There has never been a good policy reason to add such spending to accumulating debts.

Rather, the existence of a natural emergency, of a climate of urgency, has simply been used extensively by this Congress as an excuse—a "good" reason to deficit-spend.

I am so very pleased to stand here today and be considering a bill that will provide for those in need but will not add to the Nation's debt. I think it is notable that the first amendment to this legislation—offered by our fine colleague Senator MIKULSKI—sought not to strike the proposed rescissions from the bill—but rather to replace the targeted, considered rescissions with "across-the-board" cuts.

I opposed that amendment, as I believe the targeted approach to be the better way to prioritize our spending.

I agree with my friend Senator BOND that we appear to assume that existing priorities are perfectly set whenever we attempt across-the-board cuts—though surely they are not. But I take heart in the offered amendment as well—the consideration of such an amendment first shows us that we are in a new atmosphere these days, in which fiscal prudence is considered to be desirable. It shows that the voters indeed drove their message home hard last November.

I feel very pleased that my colleagues will approve the pending rescissions legislation.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before I propose an amendment, I would like to make a few remarks on the legislation pending before the Senate.

First, I congratulate the managers of the bill, the chairman and ranking member of the Appropriations Committee. I think the $13 billion that is going to be taken out of the deficit is an important step forward. I think that some very difficult decisions have been made, and I know that the Appropriations Committee has very difficult choices to make.

I do note also that the House has cut $17 billion, a $4 billion differential. Many of those, of course, were carefully examined by the Senate Appropriations Committee and were found wanting.

Madam President, earlier, I wrote a letter to the chairman of the committee recommending $6.3 billion in low-priority defense and nondefense items funded in the defense budget, as well as several domestic programs.

I do not want to go through all the details, but clearly there was some funding that could have been the subject of a rescission. I regret that they were not included in this package. Things like $5.8 million—this is out of the defense appropriations budget—$5.8 million for the National Center for Toxicological Research; National Guard outreach program in the Los Angeles school district; directed allocation of child development funds to the Pacific region; a wild horse roundup at White Sands missile range, New Mexico; electrical service upgrades; natural gas study and infrastructure planning. Again, these are out of the defense appropriations bill, I emphasize. $2.5 million—I am sorry, I did not give the amounts—$2.5 million to establish a land management training center; $2.2 million for a natural gas study and infrastructure planning; $1.5 million for a wild horse roundup; $1 million for improvement of navigational charts for the lower Mississippi River; $10 million for a Los Angeles school district youth program.

Again, Madam President, many of these funds may be very important and vital, but what happens around here is if you cannot get it into the specific appropriations for which they would normally be attached, then, of course, they are in the defense appropriations because it has such a large amount of money available.

What is $1 million to improve the navigational charts for the lower Mississippi? What is $10 million for the Los Angeles school district; $2.5 million for natural gas utilization; $10 million for natural gas vehicles; $10 million for electrical vehicles? The list goes on and on, Madam President.

What I am saying is that they had nothing to do with defense. They should have been rescinded and, unfortunately, they were not.

Mr. President, $11 million for seismic research, that incorporated research institutions; $20 million for National Center for Manufacturing Sciences; $5.4 million for Hawaii, small business development center; $1 million for Saltsburg Remediation Center, whatever that might be; an additional $15 million for electrical computers; $4 million, Institute for Advanced Flexible Manufacturing Systems; $5 million for nursing research; $1 million for the Police Research Institute.

I might add, that was put in in conference, never scrutinized in any authorization procedure or appropriations procedure on the floor.

Another $1 million for the southwestern Oregon narcotics task force. Again, not in either bill; $18.5 million for a mental health care demonstration project at Fort Bragg, NC, with an open-ended pricing program growth clause.

The list goes on and on, Madam President. The fact is that we should stop it. We had an opportunity to do away with some of, at least, the $6.3 billion that I had sent and recommended to the Appropriations Committee, and I hope that in the years to come, we will try to exercise significantly more discipline.

Also, we proposed rescissions of $352 million which was appropriated for earmark for surface transportation projects which do not necessarily represent either Federal, State, or local priorities. We should have rescinded any unobligated moneys, in my view.

The VA-HUD appropriations bill for fiscal year 1995 included $290 million in special-purpose grants. According to estimates, only $7 million of this funding has been properly authorized.

Examples of projects funded in that bill which should have been rescinded is $450,000 for the construction of the Center for Political Participation; $750,000 for the Sci-Trek Science Center to create a mezzanine level in its building to increase exhibit space in downtown Atlanta; $1.45 million to the College of Notre Dame in Baltimore, MD, for capital costs, including equipping and outfitting activities in connection with renovation of the science center; and $2 million for the De Paul University library to provide direct services and partnerships with community organizations, schools and individuals.

Madam President, my point here is many of these programs are good programs. Many of them are even needed programs. The question is, are they needed to the degree where we should fund them out of taxpayers' dollars, unauthorized? And sometimes they even did not go through the appropriations process. They clearly did not undergo the scrutiny that was necessary.

I would like to thank the committee for adopting language to rescind wastewater treatment earmarks put in last year. I also appreciate the committee's restriction on the expenditure of $19 million which was earmarked to construct a footbridge to Ellis Island, a bridge that was opposed by the National Park Service. The committee has agreed to hold up that money until an environmental impact statement on the project is completed. I think this is a prudent and responsible action, and I commend them.

Mr. President, the committee should also be commended for making a number of spending cuts that exceed the House reduction. In fact, the Senate cuts more than the House in 61 programs.

I might point out that in several accounts, including highway demonstration projects and local library programs, the Senate rescission does not even equal cuts recommended by President Clinton. I think the Senate can and should do better, and I will offer an amendment later to restore rescissions requested by the President.

I have been examining the bill in detail since it came out on Monday, having been marked up in committee last Friday. I am curious about a number of items that remain funded in the bill. I wonder if I might ask the managers several questions.

Madam President, I ask unanimous consent to engage in questions and answers with the manager of the bill, the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, I ask my friend from Washington, on page 6 of the House report, which I do not expect the Senator from Washington to have, I will quote it to him.

The House rescission bill on page 6 said:

> The committee recommends a rescission of $12,678,000 in the Agriculture Research Service buildings and facilities program. These funds were appropriated for the construction of a swine research center. Additional construction cost requirements for this facility are about $13 million. The Agriculture Research Service currently conducts swine research in at least 13 different Federal facilities at a cost of over $26 million. Many of these programs and facilities are ongoing projects. The agency has no plans to abolish or move existing research and researchers to the proposed swine center if it is constructed. The Department of Agriculture has estimated this facility would cost about $10 million annually to operate.
>
> Existing legislation directs the downsizing of the Federal work force. Therefore, providing additional researchers for this facility would cause adverse effects in research elsewhere.
>
> Critical swine research could be carried out at an existing ARS facility at considerably less cost than providing an additional facility at a time when USDA is closing facilities and reducing staff.

I ask my friend from Washington if he knew of that action that was taken by the House and perhaps tell me where the facility is located and what that facility would do, if he has information.

Mr. GORTON. I may say to my friend from Arizona that I have the House report here in front of me. My page 6 deals with the Department of State international organizations——

Mr. McCAIN. The bottom of page 7, top of page 8.

Mr. GORTON. Again, I answer my friend from Arizona in the following fashion: I do not see the Senator from Iowa on the floor, though I suspect he will be back soon. I think he or the Senator from Mississippi can better answer the Senator from Arizona. This Senator is here in anticipation of an amendment by the Senator from Arizona on the subject of the Interior Department Bureau of Indian Affairs, and I intended, in connection with the offsets, to defer most of the debate to those who were familiar with the program.

I do notice the Senator from Mississippi here. The Senator from Mississippi is now on the floor. He is the manager of the portion of the bill dealing with the Department of Agriculture, and I think he can probably better deal with that question.

Madam President, the Senator from Arizona has asked a question about a rescission included on page 7 of the House committee report with respect to the construction of the swine research center and has asked for its justification.

I wonder if the Senator from Mississippi would prefer to answer that question.

Mr. COCHRAN. Madam President, if the Senator will yield, I am happy to point out that in this part of the bill, there were several changes in the funding that the House had included in its legislation. There are a number of buildings and facilities and accounts. If I remember, this is in the Agricultural Research Service part of the bill. I am operating on memory now. I was watching the television monitor when I heard the Senator from Arizona pose the question about this facility in Iowa. My recollection is that the House rescinded funds for this project and we rejected this proposal and instead took funds not needed for another project. The House bill also recommended funding for a number of projects in the Cooperative State Research Service buildings and facilities account be rescinded, and we decided not to go along with any of them as a class.

The reason for it is, No. 1, I do not think the administration requested those rescissions. No. 2, to go back through all of the CSRS buildings and facilities projects halfway through the year and try to pick out a few to cancel, in effect, or rescind funds at this time in the year, would have imposed quite a task on the committee in terms of reevaluating all projects in that bill.

We looked at the overall approach as one where, first of all, the administration's request for rescissions totaling $142 million in the Public Law 480 accounts struck us as something that we should recommend for approval. The House recommended only a $20 million reduction in funding for title III. Our recommendation is for a $142 million reduction, which is what the administration requested.

We tried to make an independent judgment based on the facts as we understood them. Our committee had already looked at this proposal for the research facility in Iowa and decided it was meritorious. The committee had agreed, the Senate had agreed, the House had agreed, and the President had signed the bill appropriating the funds for it.

We decided not to go back and make a second guess at whether or not the House was justified in its decision. We decided to leave it for a discussion with the House in conference. We will review that in conference. I will be interested in hearing what the arguments are. I have consulted with Senator GRASSLEY of Iowa. He told me he strongly recommended the continuation of this funding, and I agreed with him.

So that is, in a nutshell, the process by which I reviewed that account and decided to recommend to the Appropriations Committee that we not agree with the House on that rescission.

Mr. GORTON. Will the Senator yield?

Mr. COCHRAN. Yes.

Mr. GORTON. Did not the Senator from Mississippi inform the entire Appropriations Committee that total rescissions falling within his jurisdiction were, by percentage, either the highest, or one of the highest, of any of the subcommittees of the Appropriations Committee?

Mr. COCHRAN. If the Senator will yield, I do recall that we are recommending more outlay savings than the House, by far. Almost three times as much in outlay savings will be realized from the recommendations under the agriculture and related agencies title of this bill than will be achieved if the Senate had gone along with all of the recommendations of the House.

So we have differences of opinion. They recommended a rescission of all of the funds appropriated for the Farmers' Home Section 515 rural rental housing program. We decided not to do that. We refused to go along with that. The administration did not request a rescission of those funds, and we thought that it would be unfair to stop in the middle of the year and eliminate all the money that was going to be available for that rural housing program. It is important in many parts of the country.

So I will say to my distinguished friend from Arizona, he can go through this bill and pick and choose and isolate and identify specific areas where we disagreed with the House. We did not rubberstamp what the House has suggested. We seriously and carefully considered every provision in the House bill, however. But we came to some different conclusions. We think we brought our best efforts to bear on that challenge and, in a responsible way, made recommendations to the full committee on appropriations.

Mr. McCAIN. Madam President, I understand and appreciate the hard work of the Senator from Mississippi and the Members of the Appropriations Committee. But it is also the right and, in my view, the responsibility of those of us who also are Members of this body to look at these provisions. And as I discussed before the Senator from Mississippi came on the floor, when there are billions of dollars appropriated for defense that have no relation to defense, and when I see things like—for example, included is a recommendation for rescission which is only $93,000. But if the Appropriations Committee did not see fit to rescind it for the National Potato Trade and Tariff Association, then obviously there is a certain degree of cynicism about some of the things that I see in the appropriations bills.

Also, the House recommended that the funding for certain agricultural research centers be rescinded. Among them were a poultry science facility, alternative pest control center, a chemistry building, aquatic research facility, center for applied aquaculture, science facility, southeast research station, food science facility, and the list goes on and on—a plant bioscience facility, $3 million for a botanical garden.

I suggest very respectfully to my colleagues that if the State wants to build a botanical garden, I do not see why they should not build it themselves. A grain storage research extension center. A horse science and teaching center—that is one I do not understand at all. A horse science and teaching center. I do not know if we are teaching horses or if we are learning about the science of horses. Either way, I think we have probably explored that issue fairly extensively in the last couple hundred years. A biocontainment facility; a wheat research facility; an environmental simulation facility.

It all has to do, Madam President, with the role of Government. Do we spend money on these projects, such as a horse science and teaching center and a center for applied agriculture? Do we allow the State and local governments to do it, or does the Federal Government do it?

If the Federal Government does it and that is the judgment of this body, that is fine. But then I have an additional problem because what we have done is left programs like this in and taken other programs such as native Americans out.

That is the subject of my amendment.

AMENDMENT NO. 424 TO AMENDMENT NO. 420

(Purpose: To make adjustments to certain rescissions)

Mr. McCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 424 to amendment No. 420.

Mr. McCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. COCHRAN. Madam President, I object.

The PRESIDING OFFICER. The clerk will continue reading the amendment.

On page 4, line 20, strike "$1,500,000" and insert "$14,178,000".

On page 5, between lines 8 and 9, insert the following:

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $20,994,000 are rescinded.

On page 19, line 12, strike "$11,350,000" and insert "$8,250,000".

On page 19, strike lines 20 through 23.

Mr. McCAIN. Madam President, the amendment would rescind over $12.5 million for construction of a swine research facility and nearly $21 million which are construction feasibility study funds not yet obligated.

The House rescissions bill removed these funds. The Senate bill under consideration would restore these funds.

Madam President, this amendment would also restore funding for the $5 million to Indian programs. I would describe those Indian programs which have been cut which I seek to be restored.

I cannot improve upon the case made in the House committee report for cutting $12.678 million, and I described earlier the House report for the construction of a swine research center. Additional cost requirements stated in the report for this facility are about $13 million. They also mention the cost of about $10 million annually to operate.

It also points out that there is swine research being conducted in at least 13 different Federal facilities at a cost of over $26 million.

On a Cooperative State Research Services building facilities program, the House report notes that there is a current backlog of $400 million to complete facility construction projects already in the pipeline.

The bill provides for 15 new feasibility studies and this amendment, which would conform with the House bill, would rescind all funds not yet obligated and stop all feasibility studies.

I have two reasons for offering the amendment. First, I support the Senate rescission bill that meets the House-passed rescission bill. In light of the need for significant deficit reduction, I believe the Senate can and hopefully should be able to reach the goal.

Second, the cutting of $12.7 million and $20.1 million low-priority projects permits the Senate to restore $5 million in Indian programs rescinded by the Senate bill, which Indian programs I believe are not appropriate for rescission.

Over the years I have served on the Committee on Indian Affairs, I have come to the painful yet very certain conclusion that Indian programs have been the last to be funded and the first to be cut.

Last month, the Congressional Research Service provided the Committee on Indian Affairs with a study that showed in graphic form how the disparity in per capita Federal expenditures between Indians and non-Indians, which first became negative for Indians in 1985, has steadily worsened since then, and further deteriorates in the fiscal year 1995 enacted appropriations.

Consequently, in recent weeks, as the 1995 rescission efforts have quickened in Congress, I have told Indian tribes on every occasion that I believe many of the proposed rescissions on Indian programs are a bad idea and that I oppose them.

The Senate bill already adequately addresses some of the House proposed cuts of tribal court funds, the Indian business development grants, and an amount sufficient to permit construction of the Indian Museum Cultural Center to proceed.

I strongly support efforts to maintain funding for these accounts so long as they are offsetting reductions from lower priority programs. In addition, I believe there are other lower priority projects or programs that should be cut, rather than the $5 million in several BIA accounts.

The amendment would restore $5 million in Indian funds and rescind and offset $12.7 million from the swine research facility. The $5 million is comprised of four items in the BIA operation of Indian programs and Indian direct loan program accounts.

The Indian self-determination fund: These indirect cost fundings are currently needed by tribes under self-determination and self-governance contracts and compacts to administer formerly Federal activities.

Last year, Congress passed Public Law 103-413 to encourage expanded tribal assumption of BIA programs as the Federal bureaucracy is downsized. I am concerned the cuts will deter expanded contracting and compacting. In addition, for the past 2 years, tribes have borne unreimbursed shortfalls in indirect costs because tribes spent funds under cost plans approved by the Interior Department inspector general, but later could not collect reimbursement from the BIA because funding had not kept pace.

The second program is a community reservation economic development grant of $600,000. Federal economic development funds, properly administered and distributed, are absolutely vital to restoring the grossly underdeveloped physical, economic, and social infrastructure of American Indian and Alaska Native communities.

This important program was begun in 1992 as a 5-year pilot program when 34 tribal proposals were competitively selected from 148 tribal applications. Most grants are used as seed funds to leverage additional funding. The grants ranged from a low of $27,000. Fiscal year 1995 total enacted level for this program is $5.945 million.

Indian rights protection, $500,000. In the context of the Department's vast trust responsibility to protect, maintain, and manage Indian resources, these funds offer only minimal assistance to support reservation and native community level efforts to protect property rights.

Included in this account are funds for reserved water rights negotiation/litigation and settlement expenses, funds to uphold the directives protecting native allotments prescribed in the Alaskan National Interest Lands Conservation Act, and funds to fulfill the investigation and certification mandates of the Alaska Native Claims Settlement Act.

The last program would be the Indian Direct Loan Program of $1.9 million. This account provides loans to tribes, Indian organizations, and individual Indian for-profit enterprises under the Indian Financing Act.

Fiscal year 1995 total enacted level for this account is $2.479 million, which through a subsidy arrangement is expected to leverage up to $10 million in direct loans this year, unless rescinded.

Madam President, I absolutely believe we must place short constraints on appropriations in this and following fiscal years. The amendment would restore less than one-half of the Indian program rescissions proposed in the Senate bill, and it would make offsetting cuts in the construction of the swine research facility in the cooperative State Research Service buildings and facilities account.

These Indian programs are an extremely important expression of the solemn government-to-government relationship the United States and this Congress has with American Indian and Alaskan Native tribal governments.

I believe we can achieve significant cuts in fiscal year 1995 spending, and we can do so even as we carry out our obligation to ensure that the lowest priority projects are cut first before Indian projects.

I want to point out again, Madam President, I am seeking a restoration of approximately half of the Indian cuts that were made in Indian programs in this rescission bill.

If we look at the cuts that were made in Indian programs as a portion of the entire budget, we will find, as usual, that the cuts in Indian programs is a much higher percentage than any other cuts, rescissions, that have been made.

I am seeking to restore four vital programs that are important to the well-being of Native Americans and the fulfillment of our solemn treaty obligations.

I might add, Madam President, having been down here on numerous occasions and embarked on efforts like these, I probably will not win this amendment, this vote. I probably will lose it. But it is very difficult for me to go back to the native Americans and tell them that I did not at least try to restore the funds that I believe are necessary to try to help the one group of Americans whose conditions are worse than any other group of Americans.

I will not recite the statistics concerning diabetes, alcoholism, child abuse, and all the other horrible and graphic statistics that afflict Indian country, because I have done that before and I am sure I will probably do that in the future.

I feel that in keeping with my obligation to them as chairman of the Indian Affairs Committee, I cannot, in good conscience, not seek a restoration of the funding for at least those most vital programs.

Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. COCHRAN. Madam President, I question the ruling of the Chair on the request for the seconds.

The PRESIDING OFFICER. Is there a sufficient second?

There is now a sufficient second.

The yeas and nays were ordered.

The Senator from Washington.

Mr. GORTON. Madam President, as the distinguished Senator from Arizona has pointed out, this amendment has two quite separate and distinct parts. And of course, the arguments relating to those two separate and distinct parts are quite separate from one another as well.

The Senator from Arizona has fought a long and often lonely fight with respect to many items and many appropriations bills. He was quite eloquent, just a few moments ago, on the misuse of the defense appropriations bill for nondefense items, and went through quite a number of them. Yet this amendment does not deal with an offset from the defense budget for nondefense items. But, for some reason or another, it takes on the agricultural appropriations bill which, as has already been pointed out by the distinguished chairman of that subcommittee, has in it an amount of rescissions far greater than those proposed by the House and I think proportionately as high as any portion of this rescissions bill. So let me speak very, very briefly to those agricultural projects because I know the Senators, both from Iowa and Mississippi, will do so themselves.

At least a significant number of the Cooperative State Research Service proposals here are for money for facilities which are in the process of being constructed, and where the removal of the money might well cause a cessation of those construction projects.

It is, I am certain, for exactly that reason the Senator from Mississippi did not wish to go along with the House of Representatives. Because there will be differences on each one of these issues, a conference committee may well determine that some of the studies for new projects, which might be very expensive, should be dismissed—should be eventually rescinded. But the Senator from Mississippi——

Mr. McCAIN. Will the Senator yield?

Mr. GORTON. Did not wish to deal just with those items. He was faced with a set of rescissions at varying levels of study and of actual construction. He and the Senator from Iowa can deal with other matters, but the swine research facility is one that will be before a conference committee along with all the other cuts and reductions, where members of the Subcommittee on Agriculture can determine a priority order of rescissions, designed to meet the very real goal of this rescissions bill.

I think sometime during the course of this afternoon, not only Members, but the general public may have lost track of the extraordinary nature of this bill. I do not believe there is a Senator alive who has dealt in the middle of a fiscal year with the rescission of so many billions of dollars as this one does, in order to make at least a modest downpayment on balancing our Federal budget. It seems to me the chairman of the Subcommittee on Agriculture deserves a great deal of credit for being willing to rescind a wide range of appropriations which, just a few months ago, he felt were appropriate.

Let me also speak, of course, to the other side of the equation and that is the $5 million restoration for the Bureau of Indian Affairs concerns. Unlike the agricultural section of this bill, where the Senate rescissions are greater than the House rescissions in total for Indian purposes in general, the Senate rescissions are less and fewer than the House rescissions. When I, as the chairman of the Subcommittee on Interior, was faced with a table of what the House had done, it had, I must say, fewer rescissions than we ended up with for the Bureau of Indian Affairs.

But the No. 1 goal of those who were concerned with and sensitive to Indian affairs, Madam President, was not the particular line items for the BIA, which, of course, is bitterly criticized by many of its purported beneficiaries, but was directed at the total rescission of all money for the National Museum of the American Indian—two facilities which have been planned and promised, one storage facility in Suitland and a museum on The Mall here in Washington, DC.

Another part of this bill for the Smithsonian Institution restores almost $20 million for this year's progress in the creation of that National Museum for the American Indian. It seemed to me in making that restoration we needed some balance from other Indian appropriations, and for that reason, many of those which are the object of this amendment were included. But the total of all of the additional rescissions for the Bureau of Indian Affairs, Madam President, is nowhere near the amount restored for the museum.

Granted, the beneficiaries are different. There is no question about that. But we did not go dollar for dollar any more than the Senator from Mississippi did. He rescinded more dollars than he restored. In our case we rescinded fewer dollars than we restored, in the broad sense of the term—matters of great interest to the native American communities of this country. In fact, of the $5 million which the Senator from Arizona seeks to restore, $1.9 million, almost 40 percent, is for a program which the President in his budget for next year has recommended zero dollars. So all we are doing here is anticipating the recommendations of the President of the United States—these are Indian direct loans—because there is another guarantee, there is a guaranteed loan program for Indians. And in each of the other cases, we are dealing—which is not the case with all of these agricultural rescissions—with unobligated funds in smaller amounts than had originally been intended and in much smaller amounts than the otherwise total of rescissions for Indian matters.

So I suppose it is possible to say that in one or more of the four objects of restoration here, we might have done a better job. But I know I have been approached by many Senators from my part of the country, as has the Senator from Mississippi, protesting individual rescissions while in general terms, as is the case with the Senator from Arizona, feeling that, if anything, we have not cut out enough spending overall. But the spending that we have not cut off overall almost always seems to be spending in an area which is not of much interest to that particular Senator; and the areas which are of interest are matters of great sacrifice.

So I hope we have been reasonably sensitive in this case, to native American concerns. I know that we have been more generous to them than was the House of Representatives. And I know that the Senator from Mississippi was tougher on agriculture, overall, than was the House of Representatives. I do not think that we should, by this amendment, exacerbate or make worse differences which already exist.

So, Madam President, with regret I oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I will be brief. First, I hope the Senator from Washington will note these funds do not go to the BIA; they are not BIA programs. They go direct to the tribes. I think that is an important distinction, particularly after he mentions the well-justified criticism of the Bureau of Indian Affairs.

Second, if the Senator is correct, that much of this money has already been spent and allocated, I do not quite understand the statement in the House bill that says there is a backlog of $400 million, necessary to complete facilities already in the pipeline; so that is of some interest. And fiscal year 1995 provides for 15 new feasibility studies. According again to the House report, the Agricultural Research Service currently conducts swine research in at least 13 different facilities at a cost of over $26 million, and this facility would cost $10 million annually to operate.

The Senator from Washington alluded to something about programs in individuals' areas or States. I would point out to him these Indian programs are national programs. They have no particular affiliation with my State.

I do not intend to drag out this amendment or the debate. I know that the Senator from Iowa will, with his usual passion and articulate presentation, defend this program, and I will, before he even speaks, say I respect and admire his continued commitment to his State and agriculture and how important it is to his State as well as that of swine research.

So I do not intend to extend this debate, and I appreciate the time of the Senate.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, careful consideration was given to the formation of the National Swine Research Center.

A national peer panel recommended the establishment of the Swine Research Center because the needed research was not being conducted in any other State or Federal laboratory nationwide.

The program of research is not duplicative.

The mission of the research center is to develop technology to ensure that the U.S. pork industry operates as an environmentally sound and efficient animal production system.

It will help maintain and increase the competitiveness and efficiency of U.S. pork production and marketing.

This is the answer which the Agricultural Research Service of the USDA gave in response to a question from the House Agriculture Appropriations Committee.

Concerns expressed by Members of the House of Representatives have not been about the facility itself or the research that it will conduct.

Their concerns have been with the outyear funding of research.

The ARS and the pork producers are currently working on this and are making a good faith attempt to consolidate swine research programs in the future to reduce program funding requirements.

Pork production is on the increase in many States.

The research at this center will help pork producers nationwide.

ARS has no swine research projects in the areas of waste management, marketing, economics, housing, management, human health, or swine health, welfare, and behavior in production systems.

Permit me to try to answer the key questions about the National Swine Research Center.

NATIONAL SWINE RESEARCH CENTER FACILITY JUSTIFICATION

What national strategic issues are associated with pork production?

Conservative projections indicate that the United States, in an environment of trade liberalization and increased demand, will have an opportunity to triple its pork exports, currently 262,000 tons), in the next 10 to 15 years. At that level, the impact would be the creation of 36,000 U.S. jobs and $1.1 billion in income, U.S. input-output model. Other parts of the world, including areas in Europe and South America, are poised to take advantage of this opportunity.

What are the barriers to growth in U.S. pork production and pork exports?

Major barriers to growth in U.S. pork production are related to manure management/nutrient utilization, odor control, water quality, employee health, animal well-being, and housing and food safety questions associated with increased pork production. Current USDA facilities are not designed to research these questions; nor are they staffed by scientists with the expertise to study them; nor is it feasible to convert them for the type of research the industry urgently needs.

What are the social concerns associated with increased pork production?

Our society places a high value on environmental quality, water quality, protection from odors associated with swine production, worker health, and animal well-being. At a 1994 international meeting of experts on odor perception and odor production, scientists agreed that the difficulty of obtaining objective measures of odors was a serious problem for the swine industry.

We must develop systems that allow U.S. producers to be competitive while meeting our Nation's social and environmental expectations.

How can these problems be solved?

A national group, including representatives from major pork-producing States and the public and private sectors, examined the opportunities and threats facing U.S. pork production. These group recommended the establishment of the National Swine Research Center, concluding that a unique new swine research center was required to provide the conditions for addressing complex, systems-based issues of critical importance to the survival and growth of the Nation's pork production sector.

Why should a public institution conduct this research?

The center will focus on the type of research that is best suited to public institutions. Private sector incentives to conduct such research are inadequate; advances are likely to be widely useful within the United States; and results will provide a national strategic advantage in pork production with positive impacts on rural development, the national economy, and the Nation's balance of trade.

RESEARCH PROGRAM SUMMARY

Research at the National Swine Research Center will focus on environmental quality, including water and air quality, utilization of manure, and housing designs to improve conditions for rearing swine and preventing human health problems.

In addition to areas of research already described in this document, proposed projects include:

Development of manure-based soil amendments for urban use,

Separation/concentration/drying/fermentation technologies for manure,

Methods to store and handle manure,

Production of biomass energy crops with organic fertilizer, and

Production of methane from manure.

The center will be the source of creative new research on a wide range of production, health, environmental, and socioeconomic issues that must be resolved to support U.S. producers' bid to claim a substantial share of growth in the world market for pork.

Finally, this is a list of current major ARS swine research projects:

USDA-ARS PROGRAM ON SWINE RESEARCH

In FY 1995, $26.1 million was appropriated for ARS to conduct swine research at 13 ARS locations. The areas of swine research currently pursued are: foreign animal diseases; domestic animal diseases; reproduction; food safety; nutrition; systems; parasites; stress; pork quality; genetics; and growth. ARS has no swine projects in the areas of waste management, marketing, economics, housing, management, human health, or swine health, welfare, and behavior in production systems.

CURRENT MAJOR AREAS OF RESEARCH ON SWINE IN ARS

Genetics (Beltsville, MD, Clay Center, NE) Development of genomic map; identify genes associated with disease resistance; identify animals with superior reproductive capacity.

Reproduction (Athens, GA, Beltsville, MD) Sorting of male and female sperm cells, cryopreservation of gametes and embryos; neuroendocrine regulation of reproduction; genetic and physiological factors that influence litter size.

Nutrition and Growth (Athens, GA, Beltsville, MD, Clay Center, NE, Columbia, MO, Fayetteville, AR) Neuroendocrine and bioregulation of physiological and genetic factors that influence fat and protein metabolism; endocrine control studies to increase the lean and reduce the fat in pork.

Domestic Diseases (Ames, IA, Peoria, IL) Viral-induced reproductive diseases; enteric diseases; bacterial and microbiological factors that influence the level of disease and production efficiency

Foreign Animal Disease (Greenport, NY) Foot-and-mouth disease; African swine fever.

Parasites (Beltsville, MD) Identification of swine resistant to parasites; epidemiology and vaccines; diagnostic methods for trichinosis and toxoplasmosis.

Pork Quality and Stress (Beltsville, MD, Clay Center, NE, Columbia, MO, New Orleans, LA, W. Lafayette, IN) Improve baby pig survival by reducing stress and environmental factors; breed and diet effect on quantity, quality, and composition of pork; metabolic regulation of fat synthesis.

Food Safety (Albany, CA, College Station, TX, Clay Center, NE, Wyndmoor, PA) Rapid test to identify drug and antibiotic residues; microbiological safety of port carcasses and pork products; control of pathogenic and spoilage bacteria on meat.

I do feel the managers of this bill want to get to a vote soon. I believe with the forceful response that the Senator from Washington just gave as to the wrongness of the amendment by the Senator from Arizona, plus the defense of this decision of the subcommittee on this specific swine research center, I do not need to add a great deal to how unjustified the amendment is that is offered at this point.

I will simply make a couple points, one in regard to the Federal Government's involvement in agriculture research. It has been a policy of the Federal Government since 1862, with the establishment of the land grant universities, to have the Federal Government very deeply involved in agricultural research and education to enhance the productivity of our farms and to enhance the quality of the product of our farms. That research is much more sophisticated today than it was 132 years ago. That research must still continue to go on to keep our agricultural industry competitive.

It happens that there is a research facility proposed at Iowa State University. There are swine research facilities located at other universities, or research centers. The one established at Iowa State University is not duplicative. I have an official response from ARS on that that I am going to read in closing.

It should not be surprising to anybody that the Iowa State University would be very deeply involved in agriculture research in the first place and even specializing to a considerable extent in swine research because my State is first in the production of corn, my State is either first or second to Illinois in the production of soybeans, and we are No. 1, way beyond any other State, in the production of pork. One out of every four pigs in America reside in my State. We are a massive pork producing State. And Iowa State University is right in the middle of it. So nobody should be surprised whatsoever if there is a determination made by a national organization, the Congress, following up on proposals by outstanding research groups in America that we need to do specific research in a specific aspect of the swine industry that might be located at Iowa State University.

That is the history of agricultural research. I wish to speak to a specific point, and I am just going to read a short statement on this point, about the suggestion by the Senator from Arizona that there is so much swine research already, why do you need another swine research facility?

Well, the simple answer to that is the different specializations of the different facilities around the United States. I could give a long list, but I will not bother to do so, of what research has been done. But a Congressman from my State, Mr. LATHAM, had an opportunity to ask the Agricultural Research Service this question:

> The National Swine Research Center—

And that is the one that the Senator from Arizona proposes to delete. I wish to start over again. Mr. LATHAM asked the question:

> The National Swine Research Center has been criticized on the basis that it will conduct duplicative research. What is your opinion on the research mission of the center and do you think it is duplicative?

This is the response from the Agricultural Research Service of the USDA to the House Agriculture Appropriations Subcommittee:

> A national peer panel recommended—

I wish to stop just a minute. The reason I wish to emphasize, "A national peer panel recommended," this is not some Congressman or Senator getting something for their particular State. This was a studied approach.

> A national peer panel recommended the establishment of the National Swine Research Center because the needed research was not being conducted at any other State or Federal laboratory nationwide. The program of research will not be duplicative. The mission of the National Swine Research Center is to develop technology to ensure that the U.S. pork industry operates as an environmentally sound and efficient animal production system. It will help maintain and increase the competitiveness and efficiency of the U.S. pork production and market.

I hope those are adequate responses to the supposed justification of the Senator from Arizona for this deletion so that my colleagues will not rescind this project and that we will move forward.

If we make a decision to move forward, I wish to emphasize what the distinguished Senator from Mississippi said. We are only going back to conference with the House and take a second look at this. My judgment is a second look based upon the recommendation of a national peer panel will show that this is not duplicative and it is needed, particularly in the area of cleaning up the environment and having an environmentally sound pork producing system; that this will move forward.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise very briefly to support the position of the appropriators here and oppose the amendment. I do it on the basis the Senator from Washington pointed out, and that is some of these projects have been under way or are in the midst of getting under way. The one I have particular interest in is the environmental simulator that is designed to study the aspects of hazardous materials moving through soil. And it does it in a very abbreviated way. It is something that pertains to what we are seeking in this country. And so, Mr. President, I rise briefly to oppose the amendment.

ENVIRONMENTAL SIMULATION FACILITY

Mr. SIMPSON. Mr. President, this amendment would unfairly rescind building and facilities money that was finally committed 2 years ago to the Environmental Simulation Facility at the University of Wyoming. Years ago, the Wyoming Legislature resolved to assist the University of Wyoming in matching the Federal grant of $9.2 million. This amendment would rescind $1.1 million, a most vital part of the commitment made by Congress to this important environmental project.

The laboratory, which is now in the final planning stages, would provide research in surface and groundwater contamination caused by agricultural chemicals. It will give us a testing facility in which we can control key environmental conditions and apply serious environmental management techniques to evaluate their effectiveness and cost. As we work to bring about increased efficiency in our agricultural conservation efforts—this facility will be of high national importance and value.

But the issue here is not whether this is a "worthy" project, but rather that the University of Wyoming and the State legislature have fully supported this proposal through its planning stages and now that we are nearly ready to break ground, Congress is considering pulling the plug and chucking all the time and money already spent down the drain. I would urge that you carefully consider the investments and commitments that have previously been made and vote against this amendment.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to associate myself strongly with the comments made by my colleague from Iowa, Senator GRASSLEY, regarding this pending amendment. I think he hit the nail right on the head when he read the letter from the Agricultural Research Service regarding the importance of this swine research center and the fact it is not duplicative of other research and facilities. The kind of research that is going to be done there is not being done anywhere else in the country.

There has been a lot of comment made on that this kind of research is done elsewhere. Quite frankly, it is not.

Mr. President, I understand the desire of the Senator from Arizona to put more money into two accounts funding American Indian programs. I am not fully familiar with them. I am sure he has some legitimate arguments why that funding is necessary.

I would suggest, however, that the Senator from Arizona has gone after wrong accounts to get the money. Because he has gone after some research projects that are important to us nationally; research projects that are important not only for the producers in this country but for our consumers also.

We have a long, proud history of Federal support for research in this country, especially agricultural research, going clear back to Abraham Lincoln's time.

That support for agricultural research is a key factor providing us an abundance of the most wholesome, most varied food at the lowest price of any nation. About 8 cents of every dollar of disposable income an American family has goes to buy the food they consume at home. You cannot match that figure anywhere in the world. We have not only the most variety and the largest quantity of foods, but they are the healthiest and the cheapest.

These benefits have been brought about, in substantial part, by the agricultural research that has been done in this country. A lot of this research is not the easiest to understand. There is a lot of sophisticated work being done to improve agricultural productivity, to expand markets and uses for agricultural commodities, to improve the competitiveness of U.S. agriculture in world markets, and also to reduce the impact of agriculture on the environment while at the same time maintaining productivity.

This is no time to be cutting this vital agricultural research. Speaking only for myself, I believe we are not putting enough into agricultural research as it is. For example, USDA formula funds for land grant universities have been essentially flat in dollar amounts since 1983, meaning universities have lost 20 to 25 percent of their research purchasing power since 1983.

Agricultural research is a good investment. Studies have shown that the return on investment in agriculture research has been in the area of about 20 to 25 percent.

And let us keep in mind that a relatively small share of Federal research and development funding actually goes to agricultural research and development. According to the National Science Foundation, for 1994, only 2 percent of the total Federal research and development dollars went to agriculture. Of the total Federal dollars for basic research, only 4 percent went to agriculture.

So again, while these proposed cuts may seem small in the magnitude of the billions of dollars we are talking about, they are large when you compare them to the relatively small amount of actual research dollars that go to agriculture.

As I said, this research is sophisticated work; it is highly specialized. And that can sometimes make it easy to attack or to poke fun at.

Well, there was even a television show one night that referred to funding for the Swine Research Center, very jokingly saying, "Well, this is the ultimate pork, isn't it, Federal dollars going to pork research?"

Well, I suppose it got a lot of laughs and people who did not know what it was about can laugh about it.

But the fact is, the pork industry in America is no laughing matter. There are over 200,000 pork producers in this country. The pork industry generates over $66 billion in economic activity and supports about 764,000 jobs directly and indirectly and adds nearly $26 billion of value to production inputs. Annual farm sales of hogs are usually more than $11 billion, and retail sales of pork are more than $30 billion each year.

In fact, farm receipts from sales of hogs place the industry in fourth or fifth place among all agricultural commodities that we produce in this country. So it is a very important industry. It is very important for our producers. It is important for our consumers. It is important for our Nation.

Some of the important issues that will be researched at the Swine Research Center include how pork production can be made more efficient and how we can solve some of the environmental problems of pork production.

The research will include studies by soil, plant, and animal scientists into enhancing both the competitiveness and the environmental soundness of the pork industry.

There is currently, as my colleague from Iowa pointed out, no other State or Federal facility capable of addressing the unique research planned for this center.

The Agricultural Research Service has identified this project as a high priority. It is the result of joint planning and continuing efforts by the USDA's Agricultural Research Service, the National Pork Producers Council, Iowa State University, and the Iowa Pork Producers Association.

As Senator GRASSLEY pointed out, there was peer review, a national peer review, not just regional or State.

So for these reasons, it is important that we continue our commitment to agricultural research in general and to the Cooperative State Research Service and to the Agricultural Research Service.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a fact sheet from the National Pork Producers Council, entitled "A Profile of Today's Pork Industry."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A PROFILE OF TODAY'S PORK INDUSTRY

The U.S. pork industry is experiencing unprecedented growth. More pork was produced in the U.S. in 1992 than ever before, and 1993 was nearly as large. Over 17 billion pounds will again be processed from just under 93 million hogs in 1994.

The economic impact of the industry on rural America is immense. Farm receipts from hogs place the industry in 4th or 5th position [depending on the year] among all farm commodities. Annual farm sales usually exceed $11 billion, while the retail value of pork sold to consumers exceeds $30 billion.

And the pork industry benefits more than just farmers! Pork production means jobs and economic opportunity for thousands of rural communities. The "value added" nature of pork provides employment well beyond the farm. Based on a 1993 study by researchers at Iowa State University, the U.S. pork industry is responsible for over $66 billion dollars in total domestic economic activity. Through direct, indirect and induced effects, the pork industry supports 764,080 jobs and adds nearly $26 billion dollars of value to production inputs. Given these figures, the pork industry's major contribution to local, state and national economies and governments (through tax revenues) is obvious.

Approximately 200,000 pork producers are in business today compared to nearly three million in 1950. Farms have grown in size—nearly 80 percent of the hogs are grown on farms producing 1000 or more hogs per year. These operations, which are often more technically sophisticated, are still predominantly individual family farms.

The geographic location of pork production is shifting as well. While the traditional Corn Belt represents the overwhelming share of production, growth is also occurring in "nontraditional" hog states such as Texas, Colorado, and Oklahoma. North Carolina, which ranked 14th in pork production 30 years ago, now ranks 2nd among states.

The global market offers tremendous growth potential for U.S. pork producers. With many of the world's most cost-efficient producers, the U.S. pork industry still only sells about 2 percent of total production overseas. Yet pork is the world's "meat of choice" by far, with over 40 percent share of the world's meat protein market.

The National Pork Producers Council is the only national membership organization representing pork producers exclusively. The "Pork. The Other White Meat" promotion is well known. Funded by the national pork checkoff and paid for by producers, it is credited with having a major impact in improving pork's consumer image and helping improve pork demand. The checkoff also funds important research projects to improve pork's nutritional profile, overall quality and price.

Mr. HARKIN. Again, Mr. President, while I understand the desire of the Senator from Arizona to put more money into programs he feels very strongly about, this is not the time to turn our backs on the important agricultural research being done all over this country.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I move to table the McCain amendment.

The distinguished Senator from Arizona has agreed it can be done by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the McCain amendment.

So the motion to table the amendment (No. 424) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am going to use a portion of my leader's time.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. DOLE. Mr. President, in announcing his plans to not seek reelection, our distinguished colleague from Alabama, Senator HEFLIN, said today that he hopes he "will be looked upon as a public servant who has served with dignity, integrity, and diligence." In my view, those qualities speak volumes about Senator HOWELL HEFLIN.

From his highly decorated service in the U.S. Marine Corps in World War II, to his 6 years as chief justice of Alabama's Supreme Court, to his three terms in the U.S. Senate during which he held the thankless post of Ethics Committee chairman, this man affectionately known as the country judge from Tuscumbia, AL, has made a difference for America and the people of his State.

While we have not agreed on every issue, I have been proud to stand with my friend from Alabama time after time, whether it's been on the Desert Storm resolution, the flag protection amendment, the balanced budget amendment, regulatory reform, or one of countless other issues.

Mr. President, as Senator HEFLIN looks ahead to returning home to Alabama and more time with his wife, children, and grandchildren, I know all my colleagues join in wishing him all the best for the future. And I know that during that final 2 years of his term, he will continue to serve with the dignity, integrity, and diligence that have characterized his life in public service.

Mr. DOLE. Let me first announce there will be no more votes this evening. It is my understanding that the manager of the appropriations bill now pending indicates we will complete action on the bill maybe late tomorrow evening. That is the hope of the chairman, Senator HATFIELD.

EXECUTIVE SESSION

Mr. DOLE. I now ask unanimous consent that the Senate go into executive session to consider the nomination of Daniel Glickman to be Secretary of Agriculture, and that it be considered under the following agreement: 40 minutes to be equally divided in the usual form. I ask further that, when the Senate concludes its debate tonight, there be 10 minutes for debate, equally divided in the usual form, on Thursday, prior to vote on the confirmation of Mr. Glickman.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The legislative clerk read the nomination of Daniel Glickman, of Kansas, to be Secretary of Agriculture.

ORDER FOR VOTE ON GLICKMAN NOMINATION

Mr. DOLE. I ask unanimous consent that the vote occur on the confirmation of Mr. Glickman at 10:25 a.m. on Thursday, March 30, 1995.

Mr. President, I further ask unanimous consent that following the vote on the confirmation of Mr. Glickman, the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, Senator HATFIELD is here, and if Members on either side have amendments that could be disposed of this evening following the discussion of the Glickman nomination, which I do not think will take very long, he would be prepared to do that.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I rise today in support of the nomination of Dan Glickman to be Secretary of Agriculture. Dan and I have worked together on four farm bills.

No matter how active or informed the members of the Committee on Agriculture, Nutrition, and Forestry are, we cannot put together a good farm bill without an active administration. I know personally from speaking to the President that Dan Glickman has his confidence. Mr. Glickman has the President's mandate to develop a farm bill that makes sense for both rural Americans and the taxpayers of this country as a whole.

I know that Dan Glickman will be an ideal person to represent this administration as we try to develop farm policies that make sense for farmers, for consumers, for the environment, and for this country.

Dan Glickman was born in Wichita on November 24, 1944. He was first elected to Congress in 1976—just 2 years after I began my service in the Senate.

As a veteran of the House Agriculture Committee, he has mastered the arcane details of U.S. farm programs.

Again and again in his career he has fought to focus farm subsidies on low- and middle-income farmers and tried to increase Federal oversight of the commodity futures markets.

These are battles in which I am proud I was allied with him.

One of the things that I like best about Dan Glickman is his self-deprecating sense of humor. This was highlighted in a recent story in the New York Times. Mr. Glickman was joking about the Capitol's notorious reputation for abandoning those out of power. Mr. Glickman said, "The only one working in the family now is our son and he won't take our calls."

On the night of his election loss Congressman Glickman commented: "I liken it to a bear market; sometimes the good stocks got hit every bit as much as the bad stocks. In this case, I think I was a good stock."

Fortunately, for all of us, the stock market has shifted direction again. How high Dan Glickman's stock has risen again will be clear tonight when he is overwhelmingly approved by the Senate.

Mr. DOLE. Mr. President, as the longest sitting member of the Senate Agriculture Committee, I welcome the administrations choice to appoint Dan Glickman as Secretary of Agriculture. I have worked with Dan Glickman as a Congressman from the State of Kansas for a number of years. I can attest to his commitment to agricultural issues and I know the qualifications that he brings to the job.

Throughout his 18 years in Congress, he earned a reputation as a Congressman who understands the issues, who listens, and who works with his colleagues to find common ground.

Congressman PAT ROBERTS, Senator NANCY KASSEBAUM, and I introduced Dan to the Senate Agriculture Committee. I think that it is very significant that we three Republicans support this nomination. We may all share a Kansas background, but more importantly we know from working with Dan that he is more interested in solving problems than scoring partisan points.

His experience speaks for itself. He has helped write the last four farm bills—the last one as the chairman of the Subcommittee on Wheat, Soybeans and Feed Grains. We all know that the 1995 farm bill will be difficult to write. The Agriculture Committee's recent hearings have hinted at the tough choices that lie ahead. We will need an experienced, committed advocate at the Department of Agriculture. Dan Glickman recognizes the weaknesses and strengths in our current policies, and the fiscal constraints that will play an important role in shaping our future policies. Above all, he realizes that the foundation of our Nation is American Agriculture.

Mr. President, the people of Kansas are proud of Dan Glickman. I am pleased to recommend him to be Secretary of Agriculture. I, too, hope there will be an overwhelming vote.

Mrs. KASSEBAUM. Mr. President, I rise today in support of the nomination of Dan Glickman to become the next Secretary of Agriculture. Dan and I are long-time friends, and share a mutual appreciation and admiration for an agriculture system that provides the wholesome, abundant, and inexpensive food supply that all Americans now enjoy.

For the past 18 years, Dan has ably and effectively served agriculture as a Member of the House of Representatives, representing Kansas' Fourth District. During his tenure, Dan provided outstanding leadership as a member of the House Committee on Agriculture. Many of us recognize the important role Dan has played in the effort to help U.S. agriculture compete in an increasingly global marketplace by expanding and strengthening our country's export programs. Dan also has been instrumental in congressional efforts to improve U.S. grain quality standards, making our commodity exports more attractive to potential foreign buyers.

I know Dan to be a competent, thoughtful, and articulate spokesman for agriculture. He has forged strong relationships with producers, agribusinesses, and legislators. These relationships will prove invaluable as he begins his work as Secretary of Agriculture.

Mr. President, rural communities depend on a vibrant and prosperous agriculture industry to support schools, churches, hospitals, community organizations, and main street businesses. I firmly believe that a key to our economic prosperity is the continued emphasis on American exports. During this year's farm bill debate, we must commit ourselves to crafting agriculture policy that allows our producers to compete in the 21st century, global marketplace, strengthening our rural communities in the process. It is also imperative that we continue to look for ways to improve effective programs, while eliminating costly, obsolete programs. Dan Glickman will play a vital role in achieving this ambitious, yet attainable goal.

Mr. BAUCUS. Mr. President, I rise today in support of the confirmation of Dan Glickman as the Secretary of Agriculture.

The post of Secretary of Agriculture is important to this Senator and vital to American agriculture. His confirmation will bring an outstanding advocate for farmers to the Clinton administration.

Agriculture in this Nation is very diverse. While on the surface Kansas and Montana agriculture are similar—we produce wheat and beef—there are some significant differences as well. And there are myriad variations in the agricultural industry which is found across this Nation.

As we focus our attention on the 1995 farm bill, he will bring an expertise to this debate which will be critical and beneficial to all—but especially to our farmers. His experience, knowledge, and skill will help us guide farm policy into the 21st century. I look forward to working with him on that important task.

With the confirmation of Dan Glickman, I am confident that help is on the way in dealing with several crises facing Montana. While I am concerned about the closure of the region I Forest Service office in Missoula, MT, I hope that Secretary Glickman will review the Forest Service reorganization plan and that he will stop any actions which make no sense—like the proposed Missoula closure.

Although I remain concerned about the need for expanded agricultural research and stability within the Agricultural Research Service, I know that before stations are closed, Secretary Glickman will help identify critical research and make certain such research is not unnecessarily eliminated just to show that locations are being cut.

Finally, today I am heartened that we will soon see a heightened sense of cooperation between the Department of Agriculture and the Department of the Interior. Whether it is animal damage control on our Forest Service and Bureau of Land Management properties or prevention of the spread of brucellosis between bison and cattle, I know we can expect greater teamwork.

I am confident that Mr. Glickman is well prepared for the challenges ahead of him. I congratulate him and I look forward to rolling up our sleeves and getting to work.

Thank you Mr. President. I yield the floor.

LEGISLATIVE SESSION

Mr. DOLE. I now ask that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.

COMMENDING CHICK REYNOLDS ON THE OCCASION OF HIS RETIREMENT

Mr. DOLE. I send a resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 96) commending Chick Reynolds on the occasion of his retirement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

RETIREMENT OF CHICK REYNOLDS

Mr. DOLE. Mr. President, our friend Chick Reynolds, chief reporter of the Official Reporters of Debates, has notified the Secretary of the Senate that he intends to retire effective July 7, 1995.

Mr. Reynolds' remarkable Senate career began in 1974 when he was appointed an official reporter of debates. He later became the chief reporter in 1988. Mr. Reynolds' service has been honorable as well as memorable—his reporting has often landed him in the center of the day's headlines.

In his two decades of service, Mr. Reynolds reported Federal agency hearings and various committee testimonies in both the House and the Senate, including such notable events as the Joseph McCarthy and Jimmy Hoffa hearings. He covered the White House during the Kennedy, Johnson, and Nixon administrations.

And Mr. Reynolds is truly a part of our country's great history. During his assignment in the Kennedy administration, he reported President Kennedy's famous Berlin speech and was in the Presidential motorcade on that tragic day in Dallas, when President Kennedy was assassinated.

Mr. Reynolds has served the Senate and the Nation with distinction and loyalty for over 20 years. I know all Senators will join me in wishing Chick and his wife, Lucille, our sincere gratitude and our prayers in his retirement.

The PRESIDING OFFICER. Without objection, the resolution is agreed to and the preamble is agreed to.

So the resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas Chick Reynolds will retire from service to the United States Senate after twenty years as a member of the staff of the Official Reporters of Debates;

Whereas he has served the United States Senate with honor and distinction since joining the staff of the Official Reporters of Debates on July 1, 1974;

Whereas his hard work and outstanding excellence as an official reporter resulted in his appointment to the position of Chief Reporter on May 1, 1988;

Whereas, Chick Reynolds, as Chief Reporter of the Congressional Record, has at all times executed the important duties and responsibilities of his office with great efficiency and diligence;

Whereas Chick Reynolds has demonstrated loyal dedication to the United States Senate as an institution and leaves a legacy of superior and professional service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and gratitude to Chick Reynolds for his years of faithful and exemplary service to his country and to the United States Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to Chick Reynolds.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The Senate continued with the consideration of the nomination.

Mr. DASCHLE. Mr. President, let me join with the others who have risen in support of this important nomination. I want to thank the majority leader for bringing this matter to the floor at this time. This is a very important and timely issue for a lot of reasons.

Obviously, there are many extraordinary decisions that the Senate and Congress must make over the course of the next several months, and we need the leadership that Congressman Glickman can provide in this regard.

There are many who would like to begin working with him very earnestly, at the earliest possible date, to begin the process of developing another 5-year farm bill. We need to get on with that. We need to recognize how important it is that this farm bill be passed expeditiously.

Certainly, the sooner we can get this nomination confirmed, the better. I am excited about this nomination for a lot of reasons. I believe that Dan Glickman is perhaps one of the most qualified people to be nominated for this position, at least in recent memory.

He understands the importance of agriculture, of rural America, of all of the challenges that we face as we consider the transition that rural America is now experiencing.

He is extraordinary at creative bipartisan consensus on policy issues, as well as on the strategy regarding a number of the legislative matters that will come before the Senate. I believe that his bipartisan consensus building skills will serve everyone well.

Dan Glickman has served in the Congress for a long time. As a member of the House Agriculture Committee, he has been the leader on countless legislative issues relating to farm bills and agriculture. He deserves our support. We all recognize the leadership he has provided. He deserves the kind of consideration that he is being given this evening.

Mr. President, I think it is also important to note that Dan Glickman is one of the most accessible people I know. He is willing to go the extra mile, to talk with people, to be available as questions arise, both on and off the hill. He is willing to travel. He is willing to go out into the far reaches of this country to address in the most meaningful and considered way the broad range of issues that the Secretary of Agriculture must consider.

He is an outstanding legislator who is ready to lead on a whole range of issues that I know will be on his desk in the not-too-distant future. He has been an advocate of increasing trade with other countries. While he had specific reservations about the most recent trade agreement, Dan Glickman understands how important trade is, how important it is that we reach out to other countries and create new markets.

He recognizes, as well, the value of the new market development that we need to improve farm prices. He recognizes that value-added markets are really the key to long-term agricultural development. We cannot look to the farm bill to create artificial price mechanisms. We have to go out and build the markets both internationally and domestically.

I have had many conversations over the course of the last several months with Dan on this point. I am pleased at his enthusiastic response to the desire that many share with regard to building value-added markets in the future.

Dan Glickman also understands the importance of the next generation of agriculture. He knows that the farm community is getting older, that the farm community is getting to the point where, indeed, we must look to the next generation for the long-term future and viability of agriculture. He knows we have to help young farmers. He knows that the only way to do that is to provide a better price.

Dan Glickman also understands the importance of conservation. Conservation has been an issue that he has worked on for many years. He realizes the importance of the CRP program and the efforts that we made to address soil erosion. He understands the importance of research in providing for the efforts to conserve our soil and to do more in the realm of providing for long-term environmentally sound responses to the agricultural practices of the past.

So, Dan Glickman is a very futuristic individual. He understands that we made an investment that ought to be protected, but he understands, as well, the need to refocus that investment as warranted.

Mr. President, it is with great enthusiasm that I come to the floor this evening to support his nomination, to again reiterate my view that there are few people that have come to the Senate in support or in recognition of the need for agricultural policy that have been as qualified as this person is.

Dan Glickman deserves strong bipartisan support. Given the remarks made by the majority leader and others in the Senate Agriculture Committee, I am confident that there will be overwhelming support demonstrated in our vote for him tomorrow.

Once he becomes Secretary, I look forward to working with him. I know for the next couple of years his plate will be full and his agenda will be long, but, I think there also will be a good deal of willingness on both sides of the aisle to work with him to ensure that he is successful.

Our country depends upon the talents of a Dan Glickman. Our future in agriculture depends upon his leadership. It is critical that we cooperate with Dan as he continues to provide that leadership.

Mr. President, I hope that we can demonstrate with enthusiasm tomorrow how strongly we feel about this nomination, how hopeful we are about his success and how determined we can be about our willingness to cooperate as he begins his task. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to add my voice to the strong support that has been evident for a long time with the President's new nominee for the Secretary of Agriculture, former Congressman Dan Glickman, from my neighboring State of Kansas.

Mr. President, much has been said about this dedicated, talented individual. I have heard statements made by Senator LEAHY, the ranking Democrat on this side of the Agriculture Committee; by the majority leader, Senator DOLE, who has, as he has indicated in his remarks on the floor a few moments ago, the record as the longest sitting member of the Agriculture Committee; and just a few moments ago by the minority leader, from my neighboring State to the north, South Dakota, the minority leader, Senator DASCHLE.

They all summed up very, very well, the regard that the nominee had by those who know him the best. I have known him for a long, long time. I have worked with him on foreign policy ever since I have been in the U.S. Senate.

He is one who thoroughly understands the farm programs, but more importantly, what an important part agriculture is to the overall economy of the United States of America.

I remind all once again that, if it were not for the offsetting factor of exports of farm products, the balance of trade deficit that the United States has would skyrocket dramatically. Dan Glickman understands agriculture. He knows the serious situation that agriculture is facing today. I am delighted that the majority leader has called for the vote on tomorrow morning.

I am anxious to begin working with the new Secretary of Agriculture because, as the lead Democrat on the Budget Committee, the new agricultural leader knows, the Agricultural Committee knows, the Appropriations Committee knows, that the actions that will take place in the Budget Committee in the near future are going to have a great deal to do with how successful the new Secretary of Agriculture will be in writing a workable farm program and policy.

I have not been in a position, nor has he, during this waiting period which held up his assuming this new role in even a more timely fashion—it was not possible for me to sit down with him and talk specifics about what his recommendations will be with regard to the recommendations out of the Budget Committee for the total agricultural programs.

Dan Glickman will do a great job. I will listen to his recommendations very carefully with regard to the farm program. Given the fact we are going to have to make some very, very hard choices on a whole series of issues if we are going to get ourselves on the road to a balanced budget by the year 2002—which I think obviously is the overwhelming goal of Members of the Congress on both sides of the aisle and in both Houses—it is, therefore, critically important we get Dan Glickman on board as soon as we make the confirmation tomorrow and as soon as the President goes through the formality, which I hope will follow almost instantaneously. Then Dan Glickman can take over fully the important function of Secretary of Agriculture of the United States of America and, for that matter, the Secretary of Agriculture for the whole free world.

I urge as near a unanimous vote as possible. I would not be surprised if the vote of the Senate was unanimous tomorrow morning. I am looking forward to working with my great friend, Dan Glickman, who will be the new Secretary of Agriculture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

LEGISLATIVE SESSION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate return to legislative session, to the bill, for purposes of my offering an amendment that has been agreed to on both sides regarding grazing permits for cattle in certain parts of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 425 TO AMENDMENT NO. 420

(Purpose: To extend the terms of permits for grazing on National Forest System lands to allow time for compliance with the National Environmental Policy Act of 1969 in connection with permit renewals)

Mr. PRESSLER. Mr. President, on behalf of myself, Mr. THOMAS, Mr. SIMPSON, and others, I send an amendment to the desk that has been approved on both sides and that the chairman of the Interior appropriations subcommittee has approved, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. THOMAS, and Mr. SIMPSON proposes an amendment numbered 425 to amendment No. 420.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Mr. PRESSLER. Mr. President, I rise today to propose an amendment to allow the renewal of grazing permits on Forest Service lands until the completion of the required analyses under the National Environmental Protection Act [NEPA].

The management of Federal lands is the hub of multiple-use strategies. Sound stewardship and range management practices represent the foundation needed to protect Federal lands and ensure that they are maintained for future generations. Multiple-use practices by the ranchers themselves greatly enhance the condition of Federal lands. Keep in mind that many generations of ranch families have made a living, raised their families, and maintained these lands for future generations. The sustainability of their livelihoods is linked to the substainability of the land. They are the true environmentalists.

Despite their previous good stewardship, ranch families now risk being punished for the Forest Service's inability to complete the studies required by NEPA in time for the beginning of the 1996 grazing season. Over 120 Black Hills' grazing permits must be reissued by the Forest Service before the 1996 grazing season, which begins in March 1996. In accordance with NEPA, before the permits can be reissued the Forest Service must analyze each allotment for effects on endangered species, and environmental, cultural, historical, and water resources.

In this time of downsizing, already 4,000 jobs at the Forest Service have been eliminated. Yet despite this reduction in human resources, the Forest Service must now take on sweeping studies of every single ranking allotment—not just in South Dakota—but throughout the Western States.

I met with Chief Jack Ward Thomas of the Forest Service last week. He said that in order to complete these analyses as close on time as possible, he will have to concentrate both his financial and human resources on completing the NEPA studies. Chief Thomas said it himself: "This means that every other function of the Forest Service in the West will suffer as a result."

The timber industry will suffer, as well as the ongoing Black Hills forest management plan activity. In addition, because Forest Service personnel and resources will be spread so thinly, the risk of appeals—of both timber sales and grazing permits—is even greater.

I recognize that due to recent court action, the Forest Service is between a rock and a hard place. My amendment will solve the Forest Service's dilemma. It allows the permits to be renewed until the completion of the NEPA analyses.

I would like to note that my amendment is very similar to an amendment offered yesterday by my colleague from South Dakota. However, my colleague's amendment was included as a part of the Regulatory Transition Act which could be delayed in conference for some time. The very fact that I am introducing a similar amendment again today attests to the gravity of the situation, and my commitment to passing a resolution to this problem into law.

Unfortunately, Mr. President, we do not have much time. It is imperative that we resolve this issue quickly, for the sake of the ranchers and loggers in South Dakota—and across the West.

I urge my colleagues to support my amendment.

I will now yield to my colleague who has taken a great deal of leadership on this issue, the Senator from Wyoming.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from South Dakota. He has joined with many of us to deal with this issue. It is one of these issues that has a timeliness problem.

What we really have, as the Senator has pointed out, is during the past several months there has been some kind of court ruling that requires an individual NEPA investigation for every grazing permit. There are about 4,500 grazing permits from the Forest Service. About 700 of them will expire this year, the end of 1995. And, under the new regulation, driven by the court procedure, these NEPA requirements would have to be completed before these grazing permits can be extended.

The Forest Service has said there is no way they can do that within that length of time. The result would be that ranches that depend upon grazing permits for their summer grass for cattle and sheep would simply be out of business.

This does not change the requirement, it simply provides for some time. It says basically that permits cannot be refused because of the lack of the NEPA regulation. In other words, it says until the NEPA regulation is finished the permits can be renewed. That is really what it is all about.

By the way, there is plenty of protection. It is not a matter of protection. There are now NEPA requirements on the forest plain, at the forest level. It is already there. In fact you can make an argument it is not needed. We are not making that argument. We are simply making the argument that the process of NEPA can continue but that there is not enough time to do it without injuring people who have a business of grazing on public lands.

This would simply extend the time for that to happen. It is timely and needs to be done so people can plan for next year, can plan to turn their cattle out, can have loans and continue their business as they always have.

Mr. President, I urge the amendment. Let us put it in the bill so we can take away this threat to the economy of the West.

I thank the Senator from South Dakota.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to congratulate my friend and colleague from South Dakota, and my colleague and friend from Wyoming. I just made some pronouncements about the new Secretary of Agriculture about adjoining States. Here we are, adjoining States again. I am here with my senior colleague from South Dakota, Senator PRESSLER, and my new colleague from the western neighbor of the State of Nebraska.

I congratulate both of them for the amendment that has been offered. The matter has been cleared on this side and we are prepared to go ahead and agree to the amendment, if that is the will of the chairman of the Commerce Committee?

Mr. PRESSLER. I thank my friend from Nebraska. I regret he is leaving this Chamber. I have previously said a few kind words about him, both here and in the press. But I thank him very much for his great service here in this body.

Mr. President, I urge the adoption of this amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 425) to amendment No. 420 was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate now return to executive session to the nomination of Secretary Glickman.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The Senate continued with the consideration of the nomination.

Mr. PRESSLER. Mr. President, I would like to say a few words about Dan Glickman. I have known him since 1974, when we came to the U.S. House of Representatives together. I have known him and his wife. We have traveled to different events together over the years. We have voted together in the House of Representatives. We have served together on a number of caucuses. I had observed his work over the years.

I certainly shall be voting with a great deal of pride for Dan Glickman for Secretary of Agriculture.

I am especially interested in the international aspects of agriculture. I believe in the next few years what we do in international agricultural trade will be just as important to farm prices as some of our domestic programs.

The business of the Secretary of Agriculture is the business of food for peace. It is the business of international trade. It is the business of selling our products abroad, but also using food in foreign policy situations. The Secretary of Agriculture can be a driving force for what happens in farm prices and for the entire agricultural industry in our country in the next few years.

The Secretary of Agriculture also is a very important force domestically because it is his Department that sets the standards for food—what people are supposed to eat. The Food Stamp Program also is administered by the Department of Agriculture to provide food assistance for the poor. These are just some of a whole array of domestic issues handled by the Secretary of Agriculture.

The Department of Agriculture is a vast, huge agency. I first became acquainted with it when I was a young 4H member growing up on a farm near Humboldt, SD. There is a great deal of controversy about what the Department should do about reorganizing, and making it more efficient. I hope Dan Glickman will heed the call of the American people for less Government and more action, so to speak, in terms of the bureaucracy. It seems every time we cut spending around here we are told it is going to cut children's programs or food stamps or it is going to close a local office in one of our States. We never hear anything about shutting down any of the bureaucracy here in Washington, DC.

We need to have a more efficient Department of Agriculture. I am hoping Dan Glickman will do just that. I am prepared to help him and I wish him well.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I would like to yield back all the time on both sides regarding the nomination of Mr. Glickman. And I am playing the role of both leader and Democratic leader at the same time, I am told.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The Senate resumed legislative session.

MEASURE READ FOR THE FIRST TIME

Mr. PRESSLER. I would inquire of the Chair if H.R. 849 has arrived from the House of Representatives?

The PRESIDING OFFICER. Yes, it has.

Mr. PRESSLER. Therefore, I will ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

> A bill (H.R. 849) to amend the Age Discrimination in Employment Act to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local fire-fighters and law enforcement officers, and for other purposes.

Mr. PRESSLER. I now ask for its second reading.

I object.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk and have its next reading on the next legislative day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Select Committee on Intelligence.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT—PM 39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

This Nation's future depends on strong public and private support for science and technology. My Administration's decision to make sound investments in science and technology even as the Federal Government cuts other spending is premised on three basic assumptions:

—Technology is the engine of economic growth.
—Scientific knowledge is the key to the future.
—Responsible government advances science and technology.

The Congress and the American people can find evidence of the Administration's dedication to responsible government support for science and technology in our defense and economic policies as well as our management of the science and technology enterprise. We have decreased the Federal deficit, helped to create millions of new jobs, and improved the tax treatment of small businesses and of investments in research and development. Hemispheric and global trade agreements as well as relaxation of outdated export controls have opened huge export markets to America's high-tech industries. My *National Security Strategy of Engagement and Enlargement* (February 1995) depends on farsighted and efficient science and technology investments. Our foreign policy and security interests are also supported by mutually beneficial international cooperation in science and technology.

We have consistently endorsed technology policies to increase prosperity and enhance environmental quality. In *Technology for America's Economic Growth* (February 1993) and *Technology for a Sustainable Future* (July 1994) this Administration conveyed to the American people our plans for public/private partnerships to improve the business environment, enhance access to quality education and training, support development of information infrastructure, ensure continued excellence in health care, and strengthen America's global competitiveness.

Streamlined government based on strong partnerships—within the government, with the private sector, and among nations—is a hallmark of the Clinton/Gore Administration. The "virtual department" I created by establishing the National Science and Technology Council (NSTC) has cut bureaucratic red tape and produced a historic first: an integrated research and development budget that focuses on national goals. The NSTC has also produced large savings by enabling agencies to coordinate their efforts, divide tasks, and share resources.

My Committee of Advisors on Science and Technology (PCAST) provides critical links to industry and academia. Their oversight of NSTC activities, such as development of strategies for the management and disposition of fissile materials, promises to improve the Federal effort. So, too, do the forums and workshops that have drawn in thousands of experts and stakeholders to help develop priorities in areas as diverse as fundamental science; environmental technology; and health; safety; and food research.

I am also very proud of the steps we have taken to improve international cooperation in science and technology. Through the Gore-Chernomyrdin Commission we have used science and technology cooperation to ease the Russians' transition to democracy and a market economy. We have received valuable new technology and cultivated a crucial partner in global affairs through Russian participation in the international space station. We have used the Megasciences Forum of the Organization for Economic Cooperation and Development and other international forums to explore ways to share the increasing costs of cutting-edge research while maintaining our position of world leadership. Bilateral science and technology cooperation with other nations, including advanced industrial economies such as Japan, and big, emerging markets such as the People's Republic of China, serve us well in the global economy—giving us access to new ideas and new technologies while creating new opportunities for business.

Economists have estimated that the social rate of return on investments in research and development averages about 50 percent, or about double the average private rate of return. Clearly a solid Federal investment program is justified even in the leanest times. It is especially important for the Federal Government to maintain its investments in science and technology when the pressures of international competition are leading businesses to focus on shorter term payoffs at the expense of more basic, longer term, and riskier research and development.

In *Science in the National Interest* (August 1994), the Vice President and I reaffirmed our longstanding commitment to world leadership in science, mathematics, and engineering. Scientific discoveries inspire and enrich us. Equally important, science and mathematics education provides all Americans with the knowledge and skills they need to prepare for and adapt to the high-technology jobs of the future and to exercise the responsibilities of citizenship.

This Administration has articulated clear goals and established priorities for Federal spending, and our economic policies have improved the climate for private investment as well. We intend to work closely with the Congress to ensure the well-being of our children and grandchildren. These investments will prepare us for the challenges of the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 29, 1995.*

MESSAGES FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Mr. Schaefer, one of its legislative clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the Houses: Mr. ARCHER, Mr. CRANE, Mr. THOMAS of California, Mr. GIBBONS, and Mr. RANGEL.

At 4:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4. An act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence.

H.R. 256. An act to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

H.R. 529. An act to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming.

H.R. 606. An act to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes.

H.R. 622. An act to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

H.R. 849. An act to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 4. An act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence; to the Committee on Finance;

H.R. 256. An act to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 529. An act to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming;

to the Committee on Energy and Natural Resources; and

H.R. 606. An act to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 622. An act to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 849. An act to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-54. A resolution adopted by the Central Washington Farm Crops Association relative to USDA; to the Committee on Agriculture, Nutrition, and Forestry.

POM-55. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Armed Services.

"SENATE JOINT RESOLUTION NO. 328

"Whereas, American servicemen and women have dedicated their careers to protect the rights we all enjoy; and

"Whereas, military personnel endure hardships, privation, the threat of death and disability, and long separation from their families in service to their country; and

"Whereas, career military personnel earn retirement benefits based on the number of years of service and their rank at retirement; and

"Whereas, service-connected disability compensation serves a different purpose from longevity retirement pay and is intended to compensate for pain, suffering, disfigurement and impaired earning ability because of the disability; and

"Whereas, retired disabled servicemen and women endure a reduction in longevity retirement pay for any service-connected disability compensation they receive; and

"Whereas, the offset of retirement benefits by service-connected disability compensation presents an economic hardship to disabled military retirees, often reducing them to a poverty-level existence; and

"Whereas, similarly situated federal civil service retirees do not face a reduction in civil service retirement benefits if they receive compensation for a service-connected disability; and

"Whereas, it is fundamentally unfair to require disabled military retirees essentially to fund their own disability compensation; now, therefore, be it

"*Resolved*" by the Senate, the House of Delegates concurring, That Congress be urged to enact legislation to eliminate this inequity and to allow disabled military retirees concurrent receipt of full longevity retirement benefits and service-connected disability compensation; and be it

"*Resolved further*," That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Virginia Congressional Delegation, so that they may be apprised of the sense of the General Assembly of Virginia."

REPORTS OF COMMITTEE

The following report of a committee was submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Special Report entitled "Legislative Activities Report of the Committee on Foreign Relations" (Rept. No. 104-21).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the RECORDS of January 6, February 3, 8, 16, 22, 27, March 6, 8, and 14, 1995 and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 6, February 3, 8, 16, 22, 27, March 6, 8, and 14, 1995 at the end of the Senate proceedings.)

*Col. Stephen M. Englehardt, USMCR to be brigadier general (Reference No. 95).

**In the Navy there is 1 promotion to the grade of lieutenant commander (Sergey M. Scollan) (Reference No. 119).

*In the Marine Corps there are 14 promotions to the grade of brigadier general (list begins with Charles F. Bolden, Jr.) (Reference No. 146).

**In the Air Force Reserve there are 9 appointments to the grade of colonel and below (list begins with Harold L. Kennedy) (Reference No. 188).

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Orin R. Hilmo, Jr.) (Reference No. 189).

**In the Marine Corps there is 1 promotion to the grade of lieutenant colonel (Lawrence J. Kovalchik) (Reference No. 190).

*Gen. Ronald W. Yates, USAF to be placed on the retired list in the grade of general (Reference No. 197).

*Gen. Henry Viccellio, Jr., USAF for reappointment to the grade of general (Reference No. 198).

*Lt. Gen. Billy J. Boles, USAF for reappointment to the grade of lieutenant general (Reference No. 199).

*Lt. Gen. Eugene E. Habiger, USAF for reappointment to the grade of lieutenant general (Reference No. 201).

*Maj. Gen. Lawrence P. Farrell, Jr. USAF to be lieutenant general (Reference No. 202).

**In the Air Force Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Thomas A. Work) (Reference No. 205).

**In the Air Force Reserve there are 11 promotions to the grade of lieutenant colonel (list begins with Lawrence R. Dowling) (Reference No. 206).

**In the Air Force Reserve there are 26 promotions to the grade of lieutenant colonel (list begins with Michael M. Adkinson) (Reference No. 207).

**In the Air Force there are 38 appointments to the grade of second lieutenant (list begins with Norman W. Anderson) (Reference No. 208).

**In the Air Force there are 71 promotions to the grade of colonel and below (list begins with James M. Corrigan) (Reference No. 209).

**In the Army Reserve there are 24 promotions to the grade of colonel (list begins with Richard G. Austin) (Reference No. 210).

**In the Army Reserve there are 32 promotions to the grade of lieutenant colonel (list begins with Gary D. Bray) (Reference No. 211).

**In the Navy there are 7 promotions to the grade of commander and below (list begins with Kerby E. Rich) (Reference No. 212).

**In the Navy and Naval Reserve there are 33 appointments to the grade of commander and below (list begins with Eric R. Victory) (Reference No. 213).

**In the Marine Corps there are 5 appointments to the grade of second lieutenant (list begins with Brandon D. Brown) (Reference No. 214).

**In the Air Force there are 44 appointments to the grade of captain (list begins with Saket K. Ambasht) (Reference No. 220).

**In the Army Reserve there are 11 promotions to the grade of colonel and below (list begins with Ben W. Adams, Jr.) (Reference No. 221).

**In the Marine Corps there are 2 promotions to the grade of major (list begins with Donovan E. V. Bryan) (Reference No. 222).

**In the Marine Corps there are 258 appointments to the grade of second lieutenant (list begins with Jonathan M. Aadland) (Reference No. 223).

**Vice Adm. Joseph W. Prueher, USN to be Vice Chief of Naval Operations and to be admiral (Reference No. 228).

**Rear Adm. Donald L. Pilling, USN to be vice admiral (Reference No. 229).

**In the Army there is 1 promotion to the grade of lieutenant colonel (Milton D. Hughes) (Reference No. 231).

**In the Army Reserve there are 33 promotions to the grade of colonel and below (list begins with Peter P. Baljet) (Reference No. 237).

**In the Army there are 15 promotions to the grade of colonel (list begins with Jack N. Anderson) (Reference No. 238) a)

**In the Army Reserve there are 6 promotions to the grade of colonel (list begins with Duane B. Anderson) (Reference No. 239).

**In the Army Reserve there are 33 promotions to the grade of lieutenant colonel (list begins with Arthur D. Bacon) (Reference No. 240).

**In the Army there are 401 promotions to the grade of colonel (list begins with Andrew E. Adams) (Reference No. 241).

**In the Army there is 1 promotion to the grade of lieutenant colonel (David C. Chuber) (Reference No. 250).

**In the Air Force there are 52 promotions to the grade of lieutenant colonel (list begins with Carl M. Alley). (Reference No. 251).

*Lt. Gen. Glynn C. Mallory, Jr., USA to be placed on the retired list in the grade of lieutenant general (Reference No. 252).

*In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Louis A. Crigler) (Reference No. 254).

*In the Air Force and Air Force Reserve there are 45 appointments to the grade of lieutenant colonel and below (list begins with Roberta L. Fierro) (Reference No. 255).

**In the Navy and Naval Reserve there are 42 appointments to the grade of commander and below (list begins with Amy L. Digiovanni) (Reference No. 256).

*Lt. Gen. James A. Fain, Jr., USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 261).

*Lt. Gen. John M. Nowak, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 262).

*Maj. Gen. George T. Babbitt, Jr., USAF to be lieutenant general (Reference No. 263).

*Lt. Gen. Daniel R. Schroeder, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 265).

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Joseph L. Walden) (Reference No. 268).

**In the Army there are 105 promotions to the grade or colonel (list begins with Douglas M. Anderson) (Reference No. 269).

Total: 1,361.

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

John L. Bryant, Jr., of the District of Columbia, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Robert G. Breunig, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Ela Yazzie-King, of Arizona, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Townsend Wolfe, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 1995.

Steven L. Zinter, of South Dakota, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

Rae E. Unzicker, of North Dakota, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

John A. White, Jr., of Georgia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Joseph E. Stevens, Jr., of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Lt. Gen. William W. Quinn, U.S. Army, retired, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999.

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Nancy Marsiglia, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Kenneth Byron Hipp, of Hawaii, to be a Member of the National Mediation Board for a term expiring July 1, 1997.

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2000.

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 1998.

Charles Hummel, of Delaware, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

E. Gordon Gee, of Ohio, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1999.

Phillip Frost, of Florida, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Kinshasha Holman Conwill, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Sanford D. Greenberg, of the District of Columbia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

John A. Gannon, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 1995.

John Challinor, of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1999.

Niranjan Shamalbhai Shah, of Illinois, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 1998.

Virgil M. Speakman, of Ohio, to be a Member of the Railroad Retirement Board, for a term expiring August 28, 1999.

Robert M. Solow, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Debra Robinson, of Pennsylvania, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Lynda Hare Scribante, of Nebraska, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999.

Arthur Rosenblatt, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Lilliam Rangel Pollo, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Diana S. Natalicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Audrey L. McCrimon, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Claudia Mitchell-Kernan, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board for the remainder of the term expiring October 12, 1995.

Ayse Manyas Kenmore, of Florida, to be a Member of the National Museum Services Board for the remainder of the term expiring December 6, 1995.

Eve L. Menger, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred to as indicated:

By Mr. CAMPBELL (for himself, Mr. BROWN, and Mr. AKAKA):

S. 644. A bill to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

By Mr. FEINGOLD:

S. 645. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. COHEN):

S. 646. A bill to amend title 10, United States Code, to modernize Department of Defense acquisition procedures, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 96. A resolution commending Chick Reynolds on the occasion of his retirement; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. BROWN, and Mr. AKAKA):

S. 644, A bill to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

NONPROFIT RESEARCH CORPORATIONS LEGISLATION

Mr. CAMPBELL. Mr. President, today I am introducing a bill to reauthorize Department of Veterans Affairs Medical Centers [VAMC's] to establish nonprofit research corporations [NPRC's].

In 1988, Congress passed a law, Public Law 100–322, allowing VAMC's to establish NPRC's as a means to provide a flexible funding mechanism for VA-approved research. The purpose of these foundations is to enhance ongoing federally-funded VA research by allowing them to accept private funds, contributions and grants. Between June 1993 and June 1994, the 65 active corporations provided nearly $40 million in VA research support.

These NPRC's have five overlapping functions which help VAMC's serve veteran patients and their families. First, these foundations help recruit and maintain qualified staff inside the VA health care system by insuring a strong research program. Not only do NPRC's fund research projects directly, they also help send VA researchers, nurses, pharmacists, and other staff to conferences and other research events. This both encourages physicians and other health professionals to work for VA and keeps the knowledge inside the VA system.

Second, these foundations manage research donations and grants with Government oversight. NPRC researchers must abide by sunshine laws and conduct every project in the open. Unlike universities and private foundations, NPRC's must follow strict conflict of interest guidelines which protect integrity of the research and the interests of veteran patients.

Third, these foundations insure that substantial overhead funds are retained by VAMC's. Most universities charge overhead costs from 30 to 50 percent, while NPRC's charge only about 5 to 30 percent for overhead. Simply stated, foundations allow more money to be spent on research-related activities and insure that the money stays inside the VA system. Furthermore, some NPRC's provide funds for overheard costs. For example, the San Diego foundation contributes over $100,000 for overhead expenses, including paying one-quarter of the hospital's bill for hazardous waste disposal at the research facility. Before NPRC's were established, the medical centers were forced to carry all the administrative costs of research.

Fourth, these foundations help provide resources for research-related personnel, equipment, supplies, and conferences. For example, in Seattle, WA, the foundation purchases approximately 75,000 dollars worth of new equipment for the medical center each year. In some instances, the staff supplied provide direct patient care. In Washington, DC, the foundation has 25 employees who work directly in patient care as doctors, nurses, or clinicians.

Finally, NPRC's allow interested veterans to participate in the development of new drugs and treatments benefiting veterans. In Knoxville, TN, the foundation participated in a study which made a new blood pressure medication available to patients in a safe, controlled manner. In Indianapolis, IN the foundation conducted a drug study that gave veteran patients access to a new medication that benefits chronically ill heart patients.

By helping to provide equipment, treatment, staff, and other resources, while defraying the costs of overhead, these foundations are serving veterans without requiring more money from the VA budget.

This legislation would correct two problems in current law. First, it would extend the window of opportunity for the establishment of new NPRC's until December 31, 2000. To my knowledge, there are several VAMC's that would like to establish these important research corporations, including one in Colorado. If these VAMC's were allowed to establish NPRC's, it would pump much-needed supplemental funds into the VA research program.

The second provision of this bill would delete the requirement that NPRC's be established as 501(c)(3) corporations. Realizing that the IRS has recognized several foundations under different classifications, this technical correction is needed to insure the legality of several NPRC's.

I am happy to include Senators BROWN and AKAKA as original cosponsors of this bill. Mr. President, I hope the Committee on Veterans' Affairs will consider this legislation favorably so that interested VA Medical Center can once again establish new nonprofit research corporations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 644

Be is enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. AUTHORITY FOR RESEARCH CORPORATIONS.

(a) AUTHORITY.—Subsection (a) of section 7361 of title 38, United States Code, is amended by inserting after the first sentence the following new sentence: "Subject to the provisions of section 7368 of this title, the Secretary may exercise the authority set forth in the preceding sentence on or after the date of the enactment of the Act entitled 'An Act to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes.'".

(b) CLARIFICATION OF TAX-EXEMPT STATUS.—(1) Subsection (b) of such section is amended by striking out "section 501(c)(3) of".

(2) Section 7363(c) of such title is amended by striking out "section 501(c)(3) of".

(c) TERMINATION OF AUTHORITY.—Section 7368 of such title is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 2000".

By Mr. FEINGOLD:

S. 645. A bill to amend the Agriculture Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL ADJUSTMENT ACT AMENDMENT ACT OF 1995

• Mr. FEINGOLD. Mr. President, today I rise to introduce a bill which will be a first step toward rectifying the inequities in the Federal milk marketing order system. The Federal milk marketing order system, created nearly 60 years ago, establishes minimum prices for milk paid to producers throughout various marketing areas in the United States.

My legislation is very simple. It identifies the single most harmful flaw in the current system, and corrects it.

That flaw is USDA's practice of basing prices for fluid milk in all marketing ares east of the Rocky Mountains on the distance from Eau Claire, WI, when there is no longer any economic justification for doing so.

The price for fluid milk increases at a rate of 21 cents per hundred miles from Eau Claire, WI, even though most milk marketing orders do not receive any milk from Wisconsin. Fluid milk prices, as a result, are $2.98 cents higher in Florida than in Wisconsin and over $1.00 higher in Texas.

This method of pricing fluid milk is not only arbitrary, it is both out of date and out of sync with the market conditions of 1995. It is time for this method of pricing—known as single-based-point pricing—to come to an end.

The bill I am introducing today will prohibit the Secretary of Agriculture from using distance or transportation costs from any location as the basis for pricing milk, unless significant quantities of milk are actually transported from that location into the recipient market. The Secretary will have to comply with the statutory requirement that supply and demand factors be considered as specified in the Agricultural Marketing Agreement Act when setting milk prices in marketing orders. The fact remains that single-basing-point pricing simply cannot be justified based on supply and demand for milk both in local and national markets.

This bill also requires the Secretary to report to Congress on specifically which criteria are used to set milk prices. Finally, he will have to certify to Congress that in no way do the criteria used by the Department attempt to circumvent the prohibition on using distance or transportation cost as basis for pricing milk.

This one change is so crucial to Upper Midwest producers, because the current system has penalized them for many years. By providing disparate profits for producers in other parts of the country and creating artificial economic incentives for milk production, Wisconsin producers have seen national surpluses rise, and milk prices fall. Rather than providing adequate supplies of fluid milk in some parts of the country, the prices have led to excess production.

The prices have provided production incentives beyond those needed to ensure a local supply of fluid milk in some regions, leading to an increase in manufactured products in those marketing orders. Those manufactured products directly compete with Wisconsin's processed products, eroding our markets and driving national prices down.

In the past 4 years, markets far from Eau Claire, WI, sold most of the surplus manufactured dairy products to the Federal Government under the dairy price support program. The Minnesota-Wisconsin area—the supposed surplus area of the country—in reality accounts for only a small percentage of actual surplus sales.

The perverse nature of this system is further illustrated by the fact that in 1995 some regions of the United States, notably the Central States and the Southwest, are now producing so much milk that they are actually shipping fluid milk north to the Upper Midwest. The high fluid milk prices have generated so much excess production, that these markets distant from Eau Claire are now taking not only our manufactured markets, but also our markets for fluid milk, further eroding prices in Wisconsin.

Emphasizing the market distorting effects of the fluid price differentials in Federal orders is the Congressional Budget Office estimate that eliminating the orders would save $669 million over 5 years. Government outlays would fall, CBO concludes, because production would fall in response to lower milk prices and there would be fewer Government purchases of surplus milk. The regions which would gain and lose in this scenario illustrate the discrimination inherent to the current system. Recent economic analyses show that farm revenues in the absence of Federal orders would actually increase in the Upper Midwest and fall in most other milk-producing regions.

I am not advocating total elimination of the current system at this point, however, the data clearly show that Upper Midwest producers are hurt by distortions built into a single-basing-point system that prevent them from competing effectively in a national market.

While this system has been around since 1937, the practice of basing fluid milk price differentials on the distance from Eau Claire was formalized in the 1960's, when arguably the Upper Midwest was the primary reserve for additional supplies of milk. The idea was to encourage local supplies of fluid milk in areas of the country that did not traditionally produce enough fluid milk to meet their own needs.

Mr. President, that is no longer the case. The Upper Midwest is neither the lowest cost production area nor a primary source of reserve supplies of milk. Milk is produced efficiently, and in some cases, at lower cost than the Upper Midwest, in many of the markets with higher fluid milk differentials. Unfortunately, the prices didn't adjust with changing economic conditions, most notably the shift of the dairy industry away from the Upper Midwest and toward the Southwest.

Fluid milk prices should have been lowered to reflect that trend. Instead, in 1985, the prices were increased for markets distant from Eau Claire. USDA has refused to use the administrative authority provided by Congress to make the appropriate adjustments to reflect economic realities. They continue to stand behind single-basing-point pricing.

The result has been the decline in the Upper Midwest dairy industry, not because they can't compete in the marketplace, but because the system discriminates against them.

Since 1980, Wisconsin has lost over 15,000 dairy farmers. The Upper Midwest, with the lowest fluid milk prices, is shrinking as a dairy region. Other regions with higher fluid milk prices are growing rapidly.

In an unregulated market with a level playing field these shifts in production might be fair. But in a market where the Government is setting the prices and providing that artificial advantage, the current system is unconscionable.

This bill is a first step in reforming Federal orders by prohibiting a practice that should have been dropped long ago. However, for Congress there is a long way to go. Through the process of the 1995 farm bill we will have to determine not only what Federal orders should not do, but also what they should do, and, indeed, if they are still necessary. My bill is a starting point. I look forward to working with my colleagues and with the dairy industry in the upcoming months to determine more specifically how we should establish orderly marketing conditions. However, this bill identifies the one change that is absolutely necessary in any outcome—the elimination of single basing point pricing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of Congress assembled,

SECTION 1. LOCATION ADJUSTMENTS FOR MINIMUM PRICES FOR CLASS I MILK.

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (A)—

(A) in clause (3) of the second sentence, by inserting after "the locations" the following: "within a marketing area subject to the order"; and

(B) by striking the last 2 sentences and inserting the following: "Notwithstanding paragraph (18) or any other provision of law, when fixing minimum prices for milk of the highest use classification in a marketing area subject to an order under this subsection, the Secretary may not, directly or indirectly, base the prices on the distance from, or all or part of the costs incurred to transport milk to or from, any location that is not within the marketing area subject to the order, unless milk from the location constitutes at least 50 percent of the total supply of milk of the highest use classification in the marketing area. The Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the criteria that are used as the basis for the minimum prices referred to in the preceding sentence, including a certification that the minimum prices are made in accordance with the preceding sentence"; and

(2) in paragraph (B)(c), by inserting after "the locations" the following: "within a marketing area subject to the order".●

By Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. COHEN):

S. 646. A bill to amend title 10, United States Code, to modernize Department of Defense acquisition procedures, and for other purposes, to the Committee on Armed Services.

THE ACQUISITION MANAGEMENT REFORM ACT OF 1995

Mr. ROTH. Mr. President, last year, we joined with the administration in taking a step toward improving the Federal Government's massive buying system. This is an issue that I have been working on for over a decade and the payoff from a comprehensive reform is significant. Last year's bill, the Federal Acquisition Streamlining Act, attempted to improve the Government's access to commercial items. It also laid the groundwork for more comprehensive reforms. However, it did not remedy the core problems of the Federal buying system. Today, Congressman KASICH and I are introducing legislation to dramatically reshape the Defense Department buying system.

Recent reports from both the Defense Department and the General Accounting Office highlight the need for reform. In short, the Defense Department has become increasingly unable to produce the best technology in an affordable manner, when it is needed. The vast majority of weapon acquisition programs are experiencing serious cost and schedule problems. Last December, two of the Defense Department's own reports found that, on average, 33 percent of its programs are experiencing overruns. A Defense Systems Management College study, published last month in the College's journal, reported average cost overruns of 45 percent with schedule delays of 63 percent. For example, the C–17 transport's cost and schedule overruns have seriously delayed its availability. After spending $10.4 billion and over 20 years in developing the C–17, the Air Force is considering buying commercial aircraft in its place.

We can point to such horror stories in all the services. Acquisition costs for Navy major weapon systems are over budget by as much as 179 percent; Air Force systems by as much as 158 percent, and Army systems by as much as 220 percent, even after accounting for the effects of inflation and quantity. A July 1993 Defense Science Board study found that: "without fundamental reform, DOD will be unable to afford the weapons, equipment, and services it needs to provide for our national security."

The defense buying bureaucracy is plagued by multi-billion-dollar cost overruns, programs that are years or even a decade behind schedule, incentives that encourage spending rather than cost-cutting, and topheavy bureaucratic agencies that rely on detailed regulations rather than good judgment. Defense Department studies find that it takes 16 to 25 years and more than 840 steps to bring a technology to the battlefield. By then the technologies are out of date. Until the buying system is changed, the results would not improve.

Mr. President, I have long maintained that Congress must be bold if it is to make significant improvements in the Government's buying system—a system I have worked for more than a decade to reform. It was my legislation that led to the creation of the Packard Commission. I have sponsored and fought for many reforms, including the Federal Acquisition Streamlining Act, which I and my colleagues on the Governmental Affairs Committee successfully enacted into law.

While last year's legislation made a good step forward more significant changes are required to fix the core problems. Without major cultural and structural change, cost and schedule overruns will continue, the Pentagon will pay more than it should for goods and services; and the taxpayer will pick up the inflated tab. Moreover, our brave young men and women in uniform will continue to wait for decades to get weapons that may not meet their needs.

Mr. President, there are three root causes to this situation which must be addressed today:

One, the defense acquisition process is too cumbersome, takes too long, and does not produce desired results. The DOD 5000 and 8000 Series of documents and its consensus based management process must be abandoned in favor of a results oriented process.

Two, incentives are wrong. They reward program managers and contractors for increasing the size of their program and their budget. There are no incentives for a job well done.

Three, the organization is too large. It is a bureaucracy with layer upon layer of management and dozens of buying commands and subcommands spread across the four military services. Many of the bureaucratic layers exist solely for the purpose of satisfying the needs of the bureaucracy and add no value. The dozens of defense acquisition schools that were originally intended to ensure the excellence of the work force have now become a barrier to reform. And, dozens of military depots have become a hindrance to efficiently downsizing the defense industrial base.

Mr. President, my proposal contains eight parts and incorporates the principles of unity of command, lean management structure, fast processes, and pay for performance for both Government workers and contractors.

First, with respect to program performance, programs must be managed within 90 percent of their budget, schedule, and performance goals. If they overrun by 50 percent or more, programs must be terminated.

Second, my legislation would require the Secretary of Defense to streamline the acquisition management process so that program managers focus on achieving results. It also integrates the operational testing reforms that I have been working on with Senator PRYOR to prevent circumvention of operational tests and force early operational assessments to reduce the risk of major flaws being found after production has started.

Third, my proposal streamlines the defense acquisition organization and its interface with operational users. The bill reorganizes the Defense Department research, development, and acquisition bureaucracies into a single DOD-wide agency, using the three layer organization endorsed by the Packard commission.

Fourth, the bill re-emphasizes the commitment of Congress to a professional acquisition work force and establishes an incentive structure focused on program performance.

Fifth, the legislation emphasizes the necessity for an efficient contracting process by establishing a policy goal of cutting in-half the time it takes to get an item to someone with a need. It also allows the Defense Department to limit the final selection process to the top two or three bidders, as recommended by the GAO.

Sixth, the Defense Department will be able to manage its contractors on the basis of performance, rather than relying on continuous audit oversight and the threat of penalties. Under the concept that I am proposing, contractor profit would be tried to achievement of quantifiable performance measures.

Seventh, the bill addresses major financial management problems that afflict the defense buying system. It reduces the major source of program instability by enabling full-funding of a program for each phase of the development process. Additionally, those who use weapons will regain authority for determining what is bought to support them. The bill also applies pay for performance to responsible officials, requiring them to bring financial management up to commercial standards.

Eighth, the bill consolidates duplicative military and industry maintenance and repair depots. The bill prohibits the Defense Department from performing depot and intermediate level maintenance and repair work, unless industry is unwilling to perform the work. Therefore existing repair depots must be either privatized or shut down.

Mr. President, large savings can be realized from the comprehensive reforms I am proposing. I anticipate that my approach will reduce acquisition management personnel by as much as 25 to 30 percent through reduction in duplicative headquarters staffs. The Defense Science Board Task Force on Defense Acquisition Reform reported in July 1993 that a comprehensive reform along the lines I am proposing would save $20 billion per year. The House Budget Committee has included $3.5 billion in its budget reduction proposal, and the Congressional Budget Office conservatively estimates the savings at about $1.7 billion per year.

In summary, there is both a need and an opportunity for reforming Defense acquisition. But, Mr. President, I must point out that bureaucracies are inherently unable to reform themselves. The time has come for us to make some very hard and difficult decisions which have far-reaching impact on the future of our country. Change must be brought about by those of us who are concerned about maintaining a strong defense within today's budget constraints.

Mr. President, I ask that the full text of the bill and a letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Defense Acquisition Management Reform Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PERFORMANCE BASED ACQUISITION PROCESS

Subtitle A—Performance Goals

Sec. 101. Strengthened reporting requirement.
Sec. 102. Termination of major defense acquisition programs not meeting goals.
Sec. 103. Enhanced performance incentives for acquisition workforce.

Subtitle B—Results-Oriented Acquisition Process

Sec. 111. Revision of regulations relating to acquisition of major systems and information technology systems.
Sec. 112. Results oriented acquisition program cycle.
Sec. 113. Operational test and evaluation requirements in relation to low-rate production.
Sec. 114. Acquisition of information technology.

Subtitle C—Rapid Contracting

Sec. 121. Goal.
Sec. 122. Authority to limit number of offerors.
Sec. 123. Preference for certified contractors.
Sec. 124. Consideration of past performance and eligibility certification.
Sec. 125. Encouragement of multiyear contracting.
Sec. 126. Encouragement of use of leasing authority.

Subtitle D—Performance Based Contract Management

Sec. 131. Unallowable costs.
Sec. 132. Alternatives approaches to contract management.
Sec. 133. Contractor share of gains and losses from cost, schedule, and performance experience.

Subtitle E—Financial Management

Sec. 141. Phase funding of defense acquisition programs.
Sec. 142. Maximized benefit funding.
Sec. 143. Improved Department of Defense contract payment procedures.

Subtitle F—Defense Acquisition Workforce

Sec. 151. Consideration of past performance in assignment to acquisition positions.
Sec. 152. Termination of defense acquisition schools.

Subtitle G—Revision of Procurement Integrity Requirements

Sec. 161. Amendments to Office of Federal Procurement Policy Act.
Sec. 162. Amendments to title 18, United States Code.
Sec. 163. Repeal of superseded and obsolete laws
Sec. 164. Implementation.

Subtitle H—Clerical Amendments

Sec. 171. Clerical amendments to title 10.
Sec. 172. Other laws.

TITLE II—REORGANIZATION AND REFORM OF THE DEFENSE ACQUISITION SYSTEM

Subtitle A—Streamlining and Improvement of Acquisition Management

Sec. 201. Reorganization of acquisition authority.
Sec. 202. Joint foreign products development.

Subtitle B—Transfer of Functions

Sec. 211. Transfers.
Sec. 212. Savings provisions.

Subtitle C—Conforming Amendments

Sec. 221. Modification of the responsibility of the Under Secretary of Defense (Comptroller) for defense acquisition budgets.
Sec. 222. The defense acquisition work force.
Sec. 223. Procurement procedures generally.
Sec. 224. Research and development.
Sec. 225. Miscellaneous procurement provisions.
Sec. 226. Major defense acquisition programs.
Sec. 227. Service specific acquisition authority.
Sec. 228. Other laws.

Subtitle D—Effective Date

Sec. 241. Effective date.

TITLE III—DEPOT-LEVEL MAINTENANCE

Sec. 301. Elimination of 60/40 rule for public/private division of depot-level maintenance workload.
Sec. 302. Preservation of core maintenance and repair capability.
Sec. 303. Performance of depot-level maintenance workload by private sector whenever possible.

TITLE I—PERFORMANCE BASED ACQUISITION PROCESS

Subtitle A—Performance Goals

SEC. 101. STRENGTHENED REPORTING REQUIREMENT.

Section 2220(b) of title 10, United States Code, is amended in the first sentence by striking out "an assessment of whether major and nonmajor acquisition programs of the Department of Defense are achieving" and inserting in lieu thereof "an assessment, for each Department of Defense appropriation account, of whether the major and nonmajor acquisition programs funded from such account are achieving".

SEC. 102. TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAMS NOT MEETING GOALS.

Section 2220 of title 10, United States Code, is amended by adding at the end the following:

"(d) TERMINATION OF PROGRAMS SIGNIFICANTLY UNDER GOALS.—The Secretary of Defense shall terminate any major defense acquisition program that—

"(1) is more than 50 percent over the cost goal established for a phase of the program;

"(2) fails to achieve at least 50 percent of the performance capability goals established for a phase of the program; or

"(3) is more than 50 percent behind schedule, as determined in accordance with the schedule goal established for a phase of the program.".

SEC. 103. ENHANCED PERFORMANCE INCENTIVES FOR ACQUISITION WORKFORCE.

(a) CLARIFICATION OF REQUIREMENTS FOR SYSTEM OF INCENTIVES.—Subsection (b) of section 5001 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 108 Stat. 3350; 10 U.S.C. 2220 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the second sentence as paragraph (2); and

(3) by inserting "(1)" after "(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—"; and

(4) by adding at the end the following:

"(3) The Secretary shall include in the enhanced system of incentives the following:

"(A) Pay bands.

"(B) Significant and material pay and promotion incentives to be awarded, and significant and material unfavorable personnel actions to be imposed, under the system exclusively, or primarily, on the basis of the contributions of personnel to the performance of the acquisition program in relation to cost goals, performance goals, and schedule goals.

"(C) Provisions for pay incentives and promotion incentives to be awarded under the system only if—

"(i) the cost of the acquisition program is less than 90 percent of the baseline parameter established for the cost of the program under section 2435 of title 10, United States Code;

"(ii) the period for completion of the program is less than 90 percent of the period provided under the baseline parameter established for the program schedule under such section; and

"(iii) the results of the phase of the program being executed exceed the performance parameter established for the system under such section by more than 10 percent.

"(D) Provisions for unfavorable personnel actions to be taken under the system only if the acquisition program performance for the phase being executed exceeds by more than 10 percent the cost and schedule parameters established for the program phase under section 2435 of title 10, United States Code, and the performance of the system acquired or to be acquired under the program fails to achieve at lease 90 percent of the baseline parameters established for performance of the program under such section.".

(b) RECOMMENDED LEGISLATION.—Subsection (c) of such section is amended by adding at the end the following: "The Secretary shall include in the recommendations provisions necessary to implement the requirements of subsection (b)(3).".

(c) IMPLEMENTATION OF INCENTIVES SYSTEM.—Section 5001 of the Federal Acquisition Streamlining Act of 1994 is further amended by adding at the end the following:

"(d) IMPLEMENTATION OF INCENTIVES SYSTEM.—(1) The Secretary shall complete the review required by subsection (b) and take such actions as are necessary to provide an enhanced system of incentives in accordance with such subsection not later than October 1, 1997.

"(2) Not later than October 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the actions taken to satisfy the requirements of paragraph (1).".

Subtitle B—Results-Oriented Acquisition Process

SEC. 111. REVISION OF REGULATIONS RELATING TO ACQUISITION OF MAJOR SYSTEMS AND INFORMATION TECHNOLOGY SYSTEMS.

Not later than October 1, 1996, the Secretary of Defense shall revise the regulations of the Department of Defense relating to the acquisition of major systems and of information technology systems to ensure that, in the acquisition of those systems, program managers focus on achieving results rather than on preparing and transmitting reports and building consensus among interested persons.

SEC. 112. RESULTS ORIENTED ACQUISITION PROGRAM CYCLE.

(a) CYCLE DEFINED.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following:

"§ 2221. Results oriented acquisition program cycle

"(a) PROGRAM PHASES.—The Secretary of Defense shall define in regulations a simplified acquisition program cycle that is results-oriented and consists of the following phases:

"(1) The integrated decision team meeting which—

"(A) may be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

"(B) shall be conducted by the program executive officer;

"(C) shall include representatives of commanders of unified and specified combatant commands, all armed forces (other than the Coast Guard), laboratories, and industry; and

"(D) shall result in the team recommending to the potential user a range of solutions for meeting user requirements or for evaluating opportunities;

"(E) shall be completed within one to three months.

"(2) The prototype development and testing phase which—

"(A) shall include operational tests and concerns relating to manufacturing operations and life cycle support;

"(B) shall be completed within 6 to 36 months; and

"(C) shall produce sufficient numbers of prototypes to assess operational utility.

"(3) Product integration, development, and testing which—

"(A) shall include full-scale development, operational testing, and integration of components; and

"(B) shall be completed within one to five years.

"(4) Production, integration into existing systems, or production and integration into existing systems.

"(b) Relationship Between Extent of Technical Risk and Completion of Phases.—(1) The time constraints set forth in subsections (a)(1)(E), (a)(2)(B), and (a)(3)(B) establish maximum limits for completion of the acquisition program cycle and for each phase of the program cycle. The regulations prescribed for the acquisition program cycle shall provide for reducing the maximum time limits for an acquisition program in relation to the degree of the technical difficulty that is involved in the execution of the various recommendations developed for the program in the integrated decision team phase under subsection (a)(1)(D).

"(2) The regulations shall provide three alternatives for maximum time limits that are to apply to completion of the acquisition program cycle for a program and for each phase of the program cycle, as follows:

"(A) In the case of an acquisition that involves complex technical risks and integration issues, completion within the maximum time limits set forth in subsection (a).

"(B) In the case of an acquisition of a component primarily using existing technology or of a modification of a component or system primarily using existing technology, accelerated completion.

"(C) In the case of an acquisition of a commercial item or a nondevelopmental item, relatively rapid completion.

"(c) Single Major Decision Point.—(1) The acquisition program approval process within the Department of Defense shall have one major decision point which shall occur for an acquisition program before that program proceeds into product integration, development, and testing.

"(2) At the major decision point for an acquisition program, the Under Secretary of Defense for Acquisition, in consultation with the Vice Chairman of the Joint Chiefs of Staff, shall—

"(A) review the program;

"(B) determine whether the program should continue to be carried out beyond product integration and development; and

"(C) decide whether—

"(i) to direct the program manager to request an integrated decision team meeting;

"(ii) to proceed into product integration or development; or

"(iii) to terminate the program.

"(3) In the review of an acquisition program, the Under Secretary shall consider the potential benefits, independent cost estimates, affordability, needs, and risks of the program.

"(d) User Involvement in Integration Matters.—The regulations under subsection (a) shall ensure that the potential users (within the military departments) of an item being acquired under the program cycle set forth in subsection (a) are afforded an opportunity to participate meaningfully in the acquisition decisions concerning such item during the phases described in paragraphs (3) and (4) of that subsection.".

(b) Conforming Amendments.—

(1) Coordination and communication of defense research activities.—Section 2364 of title 10, United States Code, is amended—

(A) in subsection (b)(5), by striking out "making milestone 0, milestone I, and milestone II decision" and inserting in lieu thereof "the integrated decision team meeting, the making of the decision at the single major decision point under subsection (c) of section 2221 of this title, and, as appropriate, the making of other acquisition program decisions during the acquisition program cycle described in section 2221 of this title"; and

(B) by striking out subsection (c).

(2) Survivability and lethality testing.—Section 2366(c) of such title is amended by striking out "engineering and manufacturing development" in paragraph (1) and in the second sentence of paragraph (2) and inserting in lieu thereof "product integration, development, and testing".

(3) Low-rate initial production of new systems.—Section 2400(a)(2) of such title is amended by striking out "engineering and manufacturing development" and inserting in lieu thereof "product integration, development, and testing".

(4) Selected acquisition reports.—Section 2432 of such title is amended—

(A) in subsection (b)(3)(A)(i), by striking out "engineering and manufacturing development" and inserting in lieu thereof "product integration, development, and testing";

(B) in subsection (c)(3)(A), by striking out "engineering and manufacturing development phase or has completed that stage" and inserting in lieu thereof "product integration, development, and testing phase or has completed that phase";

(C) in subsection (h)(1)—

(i) in the first sentence, by striking out "engineering and manufacturing development" and inserting in lieu thereof "prototype development and testing"; and

(ii) in the second sentence, by striking out "engineering and manufacturing development" and inserting in lieu thereof "product integration, development, and testing".

(5) Major defense acquisition programs.—

(A) Independent cost estimates.—Section 2434(a) of such title is amended by striking out "engineering and manufacturing development, or the production and deployment," and inserting in lieu thereof "product integration, development, and testing".

(B) Baseline description.—Section 2435 of such title is amended—

(i) in subsection (b), by striking out "engineering and manufacturing development" and inserting in lieu thereof "prototype development and testing"; and

(ii) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Schedule.—A baseline description for a major defense acquisition program shall be prepared under this section—

"(1) before the program enters prototype development and testing;

"(2) before the program enters product integration and development; and

"(3) before the program enters production, integration into existing systems, or production and integration into existing systems.".

SEC. 113. OPERATIONAL TEST AND EVALUATION REQUIREMENTS IN RELATION TO LOW-RATE PRODUCTION.

(a) Requirements.—Section 2399 of title 10, United States Code, is amended to read as follows:

"§ 2399. Operational test and evaluation of major systems

"(a) Condition for Proceeding Into Low-Rate Initial Production.—(1) The Secretary of Defense may not issue a notice to proceed with production of a major system until—

"(A) at least one phase of initial operational test and evaluation has been completed, during the prototype development and testing phase and again during the product integration, development, and testing phase, in order to demonstrate that the system—

"(i) meets the minimum performance requirements established for the system;

"(ii) is suitable for the purposes for which the system is to be acquired; and

"(iii) does not require significant design changes or other significant modifications in order to demonstrate required operational capabilities; and

"(B) the Director of Operational Test and Evaluation has certified to the Secretary and to the congressional defense committees that—

"(i) the test and evaluation performed on the system were adequate; and

"(ii) the conditions set forth in clauses (i), (ii), and (iii) of subparagraph (A) were satisfied.

"(2) The Secretary may waive the requirements of paragraph (1)(B) in the case of a major system if the Secretary—

"(A) determines and certifies to the congressional defense committees that the waiver is vital to national security interests; or

"(B) certifies to the congressional defense committees that the Secretary has information that demonstrates that the conditions set forth in clauses (i), (ii), and (iii) of paragraph (1)(A) can be satisfied without increasing—

"(i) the production unit cost of the system by more than 10 percent over the production unit cost estimated at the time of the waiver; and

"(ii) the production period for the system by more than 10 percent over the production period estimated at the time of the waiver.

"(3) Paragraph (1) does not apply to acquisition of a naval vessel or a satellite.

"(b) Condition for Proceeding Beyond Low-Rate Initial Production.—The Secretary of Defense shall provide that a program for the acquisition of a major system may not proceed beyond low-rate initial production until initial operational test and evaluation of the program is completed.

"(c) Operational Test and Evaluation.—(1) Operational testing of a major system may not be conducted until the Director of Operational Test and Evaluation of the Department of Defense—

"(A) approves (in writing) the adequacy of the plans for operational test and evaluation of the system, including the adequacy of the plans with regard to—

"(i) the projected level of funding; and

"(ii) demonstration of the matters set forth in clauses (i), (ii), and (iii) of subsection (a)(1)(A); and

"(B) determines the quantity of articles of the system that are needed for operational testing.

"(2) The Director shall analyze the results of the operational test and evaluation of each major system. At the conclusion of such testing, the Director shall determine whether—

"(A) the test and evaluation performed were adequate; and

"(B) the results of such test and evaluation confirm that the items or components actually tested are effective and suitable for combat.

"(3) A final decision within the Department of Defense to proceed with a program for the acquisition of a major system beyond low-rate initial production may not be made until the Director submits to the Secretary of Defense and the congressional defense committees a written opinion on the matters.

"(d) Non-Major Systems.—Operational testing of a new system other than a major system may not be conducted until the head of the operational test and evaluation agency of the military department concerned determines the quantity of articles of the system that are to be procured for operational testing.

"(e) Impartiality of Contractor Testing Personnel.—No person employed by the contractor under a program for the acquisition of a major system may be involved in the conduct of the operational test and evaluation necessary for the program to proceed beyond low-rate production in accordance with subsection (b). The limitation in the preceding sentence does not apply to the extent that the Secretary of Defense plans for persons employed by that contractor to be involved in the operation, maintenance, and support of the system when the system is deployed in combat.

"(f) Impartial Contracted Advisory and Assistance Services.—(1) The Director may not contract with any person for advisory and assistance services with regard to the test and evaluation of a major system if that person participated in (or is participating in) the development, production, or testing of such system for a military department or Defense Agency (or for another contractor of the Department of Defense).

"(2) The Director may waive the limitation under paragraph (1) in any case if the Director determines in writing that sufficient steps have been taken to ensure the impartiality of the contractor in providing the services. The Inspector General of the Department of Defense shall review each such waiver and shall include in the Inspector General's semi-annual report an assessment of those waivers made since the last such report.

"(3)(A) A contractor that has participated in (or is participating in) the development, production, or testing of a system for the Department of Defense or for another contractor of the Department of Defense may not be involved in any way in the establishment of criteria for data collection, performance assessment, or evaluation activities for the operational test and evaluation of that system.

"(B) The limitation in subparagraph (A) does not apply to a contractor that has participated solely in testing for the Federal Government.

"(g) Source of Funds for Testing.—The costs for all tests required under subsection (b) shall be paid from funds available for the system being tested.

"(h) Director's Annual Report.—As part of the annual report of the Director under section 139 of this title, the Director shall describe for each program covered in the report the status of test and evaluation activities in comparison with the test and evaluation master plan for that program, as approved by the Director. The Director shall include in such annual report a description of each waiver granted under subsection (f)(2) since the last such report.

"(i) Definitions.—In this section:

"(1) The term 'major system' has the meaning given that term in section 2302(5) of this title.

"(2) The term 'operational test and evaluation' has the meaning given that term in section 139(a)(2)(A) of this title. For purposes of subsection (a), that term does not include an operational assessment based exclusively on—

"(A) computer modeling;

"(B) simulation; or

"(C) an analysis of system requirements, engineering proposals, design specifications, or any other information contained in program documents.

"(3) The term 'congressional defense committees' means—

"(A) the Committee on Armed Services and and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(b) Quantities Procured for Low-Rate Initial Production.—(1) Subsection (a) of section 2400 of such title is amended—

(A) by striking out paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(C) by striking out the second sentence of paragraph (4), as so redesignated; and

(D) by adding at the end the following new paragraph:

"(5)(A) Except as provided in subparagraph (B), the quantity determined for a system under paragraph (1) may not exceed the quantity equal to 10 percent of the total quantity of articles of the system that is to be acquired under the program for the acquisition of such system, determined as of the date on which funds appropriated for procurement are first obligated for the program.

"(B) The quantity of articles determined for a system under paragraph (1) may exceed the maximum quantity provided under subparagraph (A)—

"(i) during a war declared by Congress or a national emergency declared by Congress or the President; or

"(ii) if the Secretary of Defense certifies to the congressional defense committees referred to in section 2399(i)(3) of this title that it is necessary to do so in order to provide for completion of initial operational test and evaluation of the system and that it is impracticable to limit the quantity of the articles procured to such maximum quantity.

"(6) The additional quantity of articles that may be determined for a system pursuant to the exception in paragraph (5)(B)(ii) may not exceed the quantity equal to 5 percent of the total quantity of articles of the system that are to be acquired under the program, determined as of the date referred to in paragraph (5)(A).".

(2) Subsection (b) of such section is amended to read as follows:

"(b) Low-Rate Initial Production of Weapon Systems.—Except as provided in subsection (c), low-rate initial production with respect to a new system is production of the system in the minimum quantity necessary—

"(1) to establish an initial production base with the capacity to provide production-configured or representative articles for operational tests pursuant to section 2399 of this title; and

"(2) to maintain such production base until initial operational test and evaluation of the system is completed and a decision is made regarding whether to proceed into full-rate production.".

(c) Duties and Authority of Director of Operational Test and Evaluation.—Section 139(c) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The Director reports directly, without intervening review or approval, to the Secretary of Defense personally.".

(d) Effective Date and Savings Provision.—(1) The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (a), (b), and (c) shall apply with respect to programs for the acquisition of systems that, as of the date of the enactment of this Act, are scheduled to enter low-rate initial production on or after October 1, 1996.

(3) The provisions of sections 2399 and 2400 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply after that date to programs for the acquisition of major systems that enter or, as of the date of the enactment of this Act, are scheduled to enter low-rate initial production before October 1, 1996.

SEC. 114. ACQUISITION OF INFORMATION TECHNOLOGY.

The Secretary of Defense shall revise the existing Department of Defense directives regarding development and procurement of information systems (numbered in the 8000 series) and the Department of Defense directives numbered in the 5000 series in order to consolidate those directives into one series of directives that is consistent with the simplified acquisition program cycle provided for in section 2221 of title 10, United States Code, as added by section 112.

Subtitle C—Rapid Contracting

SEC. 121. GOAL.

(a) Establishment.—The Secretary of Defense shall establish a goal of reducing by 50 percent the time necessary for the Department of Defense to acquire an item for the user of that item.

(b) Action.—The Secretary shall take such action as is necessary to ensure that the Department of Defense achieves the goal established under subsection (a), including actions necessary to facilitate—

(1) the definition of the requirements for an acquisition; and

(2) the selection of sources from among the offerors.

SEC. 122. AUTHORITY TO LIMIT NUMBER OF OFFERORS.

Section 2305(b) of title 10, United States Code, is amended by adding at the end the following:

"(5) Under regulations prescribed by the head of an agency, a contracting officer of the agency receiving more than three competitive proposals for a proposed contract may solicit best and final offers from three of the offerors who submitted offers within the competitive range. Notwithstanding paragraph (4)(A)(i), the contracting officer need not first conduct discussions with all of the responsible parties that submit offers within the competitive range.".

SEC. 123. PREFERENCE FOR CERTIFIED CONTRACTORS.

Chapter 137 of title 10, United States Code is amended by inserting after section 2319 the following new section:

"§ 2319a. Contractor performance certification system

"(a) CERTIFICATION AUTHORIZED.—The Secretary of Defense may establish a contractor certification system for the procurement of particular property or services that are procured by the Department of Defense on a repetitive basis. Under the system, the Secretary shall use competitive procedures to certify contractors as eligible for contracts to furnish such property or services. The Secretary shall award certifications on the basis of the relative efficiency and effectiveness of the business practices, level of quality, and demonstrated contract performance of the responding contractors with regard to the particular property or services.

"(b) PROCUREMENT FROM CERTIFIED CONTRACTORS.—The head of an agency within the Department of Defense may enter into a contract for a procurement of property or services referred to in subsection (a) on the basis of a competition among contractors certified with respect to such property or services pursuant to that subsection.

"(c) TERMINATION OF CERTIFICATION.—The Secretary—

"(1) may provide for the termination of a certification awarded a contractor under this section upon the expiration of a period specified by the Secretary; and

"(2) may revoke a certification awarded a contractor under this section upon a determination that the quality of performance of the contractor does not meet standards applied by the Secretary as of the time of the revocation decision.".

SEC. 124. CONSIDERATION OF PAST PERFORMANCE AND ELIGIBILITY CERTIFICATION.

Section 2305 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A)(i)—

(A) by striking out "(including price)" and inserting in lieu thereof "(including price, past contract performance of the offeror, and any certification of the offeror under section 2319a of this title)"; and

(B) by striking out "and noncost-related" and inserting in lieu thereof the following: "past contract performance of the offeror, any certification of the offeror under section 2319a of this title, and other noncost-related";

(2) in subsection (b)—

(A) in paragraph (3), by striking out "and the other price-related factors included in the solicitation" in the second sentence and inserting in lieu thereof ", the other price-related factors included in the solicitation, the past contract performance (if any) of the offerors, and any certification of offerors under section 2319a of this title"; and

(B) in paragraph (4)(B), by striking out "and the other factors included in the solicitation" in the first sentence and inserting in lieu thereof ", the past contract performance (if any) of the offerors, any certification of offerors under section 2319a of this title, and the other factors included in the solicitation";

(3) in subsection (c)(1), by inserting "past performance of the offerors, any certification of offerors under section 2319a of this title," after "(considering quality, price, delivery,"; and

(4) by adding at the end the following new subsection:

"(g) The Secretary of Defense shall maintain a contractor performance data base. The Secretary shall include in the data base information on the history of the performance of each contractor under Department of Defense contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the acquisition program manager responsible for the contract. The Secretary shall make information in the data base available to acquisition program executive officers and acquisition program managers of the Department of Defense and to the contractor to which the information pertains.".

SEC. 125. ENCOURAGEMENT OF MULTIYEAR CONTRACTING.

Section 2306b(a) of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking out "may" and inserting in lieu thereof "shall, to the maximum extent possible,".

SEC. 126. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2316 the following new section:

"§ 2317. Equipment leasing

"The Secretary of Defense shall authorize and encourage the use of leasing in the acquisition of equipment whenever such leasing is practicable and otherwise authorized by law.".

(b) REPORT.—Not later than 90 days after the the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth changes in legislation that would be required in order to facilitate the use of leases by the Department of Defense in the acquisition of equipment, including the use of multiyear leases.

Subtitle D—Performance Based Contract Management

SEC. 131. UNALLOWABLE COSTS.

(a) SPECIFIC COSTS.—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

"(P) Labor costs in excess of the labor costs provided for in the offer of the contractor.

"(Q) Bid protest costs.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to solicitations for offers issued under chapter 137 of title 10, United States Code, on or after that date.

SEC. 132. ALTERNATIVES APPROACHES TO CONTRACT MANAGEMENT.

The Secretary of Defense shall prescribe in regulations policies and procedures that encourage contract administrators of the Department of Defense to submit to program managers, and program managers to consider, alternative approaches to contract management. A contract administrator submitting an alternative approach to the program manager shall include an analysis of the costs and benefits of each alternative.

SEC. 133. CONTRACTOR SHARE OF GAINS AND LOSSES FROM COST, SCHEDULE, AND PERFORMANCE EXPERIENCE.

Chapter 137 of title 10, United States Code, is amended by inserting after section 2306b the following new section:

"§ 2306c. Contractor share of gains and losses from cost, schedule, and performance experience

"The Secretary of Defense shall prescribe in regulations a clause, to be included in each cost-type contract and incentive-type contract, that provides a system for the contractor to be rewarded for contract performance exceeding the contract cost, schedule, or performance parameters to the benefit of the United States and to be penalized for failing to adhere to cost, schedule, or performance parameters to the detriment of the United States.".

Subtitle E—Financial Management

SEC. 141. PHASE FUNDING OF DEFENSE ACQUISITION PROGRAMS.

Chapter 131 of title 10, United States Code, as amended by section 112, is further amended by adding at the end the following:

"§ 2222. Funding for results oriented acquisition program cycle

"(a) PROGRAM PHASE DETAILS TO BE SUBMITTED TO CONGRESS.—Before initial funding is made available for a phase of the acquisition program cycle of an acquisition program for which an authorization of appropriations is required by section 114 of this title, the Secretary of Defense shall submit to Congress information about the objectives and plans for the conduct of that phase and the funding requirements for the entire phase. The information shall identify the intended user of the system to be acquired under the program and shall include objective, quantifiable criteria for assessing the extent to which the objectives and goals determined pursuant to section 2435 of this title are achieved.

"(b) FULL PHASE FUNDING.—(1) In authorizing appropriations for an acquisition program for which an authorization of appropriations is required by section 114 of this title, Congress shall provide in an Act authorizing appropriations for the Department of Defense an authorization of appropriations for a phase of the acquisition program in a single amount that is sufficient for carrying out that phase. Each such authorization of appropriations shall be stated in the Act as a specific item.

"(2) In each Act making appropriations for the Department of Defense Congress shall specify the phase of each such acquisition program of the department for which an appropriation is made and the amount of the appropriation for the phase of that program.".

SEC. 142. MAXIMIZED BENEFIT FUNDING.

Chapter 131 of title 10, United States Code, as amended by section 141, is further amended by adding at the end the following:

"§ 2223. Maximized benefit funding

"(a) TRANSFERS AUTHORITY.—The Secretary of Defense may transfer funds from appropriations available for a particular phase of an acquisition program of the Department of Defense in order to pay out of the transferred funds the cost of incentives provided program managers who have been certified by the Secretary as having achieved at least 90 percent of the cost, schedule, and performance goals established for that phase.

"(b) LIMITATIONS.—The Secretary shall prescribe in regulations—

"(1) the percent of available funds that may be transferred under the authority of subsection (a) for payment of incentives; and

"(2) a limitation that the total amount transferred for a phase of a program may not exceed ⅓ of the total amount of the cost of such phase that is determined under the regulations to have been saved as a result of the achievement of the goals for which the incentives are to be paid.".

SEC. 143. IMPROVED DEPARTMENT OF DEFENSE CONTRACT PAYMENT PROCEDURES.

(a) REVIEW AND IMPROVEMENT OF PROCEDURES.—The Comptroller General of the United States shall review commercial practices regarding accounts payable and, considering the results of the review, develop standards for the Secretary of Defense to use for improving the contract payment procedures and financial management systems of the Department of Defense.

(b) GAO REPORT.—Not later than September 30, 1996, the Comptroller General shall submit to Congress a report containing the following matters:

(1) The weaknesses in the financial management processes of the Department of Defense.

(2) Deviations of the Department of Defense payment procedures and financial management systems from the standards developed pursuant to subsection (a), expressed quantitatively.

(3) The officials of the Department of Defense who are responsible for resolving the deviations.

(c) RESPONSIBILITIES OF THE SECRETARY.—The Secretary of Defense shall take such corrective actions as are necessary to resolve the deviations reported pursuant to subsection (b) to within 90 percent of the applicable standards developed under subsection (a).

(d) ENFORCEMENT OF RESPONSIBILITY FOR RESOLVING SYSTEM WEAKNESSES.—The Secretary of Defense may not provide any bonus or incentive pay to an official identified pursuant to subsection (b) as responsible for resolving deviations until the Secretary certifies to Congress that the official has resolved more than 90 percent of those deviations to be within the applicable standards developed under subsection (a).

Subtitle F—Defense Acquisition Workforce

SEC. 151. CONSIDERATION OF PAST PERFORMANCE IN ASSIGNMENT TO ACQUISITION POSITIONS.

(a) REQUIREMENT.—Section 1701(a) of title 10, United States Code, is amended by adding at the end the following: "The policies and procedures shall provide that education and training in acquisition matters, and past performance of acquisition responsibilities, are major factors in the selection of personnel for assignment to acquisition positions in the Department of Defense.".

(b) PERFORMANCE REQUIREMENTS FOR ASSIGNMENT.—(1) Section 1723(a) of title 10, United States Code, is amended by inserting ", including requirements relating to demonstrated past performance of acquisition duties," in the first sentence after "experience requirements".

(2) Section 1724(a)(2) of such title is amended by inserting before the semicolon at the end the following: "and have demonstrated proficiency in the performance of acquisition duties in the contracting position or positions previously held".

(3) Section 1735 of such title is amended—

(A) in subsection (b)—

(i) by striking out "and" at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(iii) by adding at the end the following:

"(4) must have demonstrated proficiency in the performance of acquisition duties.";

(B) in subsection (c)—

(i) by striking out "and" at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(iii) by adding at the end the following:

"(4) must have demonstrated proficiency in the performance of acquisition duties.";

(C) in subsection (d), by inserting before the period at the end the following: ", and have demonstrated proficiency in the performance of acquisition duties"; and

(D) in subsection (e), by inserting before the period at the end the following: ", and have demonstrated proficiency in the performance of acquisition duties".

SEC. 152. TERMINATION OF DEFENSE ACQUISITION SCHOOLS.

(a) CONTRACTING FOR DEFENSE ACQUISITION EDUCATION AND TRAINING.—Chapter 87 of title 10, United States Code, is amended by adding at the end of subchapter IV the following:

"§ 1747 Professional educational development and training programs

"The Secretary of Defense shall provide for the acquisition of professional educational development and training services for the acquisition workforce from commercial sources and through programs provided by Federal Government sources for all acquisition personnel of all departments and agencies of the Federal Government.".

(b) TERMINATION OF DEFENSE ACQUISITION UNIVERSITY STRUCTURE.—Section 1746 of title 10, United States Code, is repealed.

(c) EDUCATION AND TRAINING OF PROGRAM MANAGERS AND PROGRAM EXECUTIVE OFFICERS.—Section 1735 of such title is amended—

(1) by striking out paragraph (1) of subsection (b) and inserting in lieu thereof the following:

"(1) must have completed a course of program management provided for under section 1747 of this title or determined by the Secretary of Defense as appropriate training for program managers of the Department of Defense;"; and

(2) by striking out paragraph (1) of subsection (c) and inserting in lieu thereof the following:

"(1) must have completed a course of program management provided for under section 1747 of this title or determined by the Secretary of Defense as appropriate training for program executive officers of the Department of Defense;".

(d) ALTERNATIVE PROPOSAL.—The Secretary may submit to Congress a proposed system of professional educational development and training for the Department of Defense acquisition workforce as an alternative to the system provided for in the amendments made by this section. Any such proposal shall be submitted not later than June 30, 1996.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

Subtitle G—Revision of Procurement Integrity Requirements

SEC. 161. AMENDMENTS TO OFFICE OF FEDERAL PROCUREMENT POLICY ACT.

(a) RECUSAL.—Subsection (c) of section 27 of the Office of Procurement Policy Act (41 U.S.C. 423) is amended—

(1) in paragraph (1)—

(A) in the matter above subparagraph (A), by inserting "only" after "subsection (b)(1)"; and

(B) in subparagraph (A), by inserting "(including the modification or extension of a contract)" after "any procurement";

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof:

"(2) Whenever the head of a procuring activity approves a recusal under paragraph (1), a copy of the recusal request and the approval of the request shall be retained by such official for a period (not less than five years) specified in regulations prescribed in accordance with subsection (o).

"(3)(A) Except as provided in subparagraph (B), all recusal requests and approvals of recusal requests pursuant to this subsection shall be made available to the public on request.

"(B) Any part of a recusal request or an approval of a recusal request that is exempt from the disclosure requirements of section 552 of title 5, United States Code, under subsection (b)(1) of such section may be withheld from disclosure to the public otherwise required under subparagraph (A)."; and

(3) in paragraph (4), by striking out "competing contractor" and inserting in lieu thereof "person".

(b) APPLICABILITY OF CERTIFICATION REQUIREMENT.—Subsection (e)(7)(A) of such section is amended by adding at the end the following: "However, paragraph (1)(B) does not apply with respect to a contract for less than $500,000.".

(c) RESTRICTIONS RESULTING FROM PROCUREMENT ACTIVITIES OF PROCUREMENT OFFICIALS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) No individual who, in the year prior to separation from service as an officer or employee of the Government or an officer of the uniformed services in a covered position, participated personally and substantially in acquisition functions related to a contract, subcontract, or claim of $500,000 or more and—

"(A) engaged in repeated direct contact with the contractor or subcontractor on matters relating to such contract, subcontract, or claim; or

"(B) exercised significant ongoing decisionmaking responsibility with respect to the contractor or subcontractor on matters relating to such contract, subcontract, or claim,

shall knowingly accept or continue employment with such contractor or subcontractor for a period of one year following the individual's separation from service, except that such individual may accept or continue employment with any division or affiliate of such contractor or subcontractor that does not produce the same or similar products as the entity involved in the negotiation or performance of the contract or subcontract or the adjustment of the claim.

"(2) No contractor or subcontractor, or any officer, employee, agent, or consultant of such contractor or subcontractor shall knowingly offer, provide, or continue any employment for another person, if such contractor, subcontractor, officer, employee, agent, or consultant knows or should know that the acceptance of such employment is or would be in violation of paragraph (1).

"(3) The head of each Federal agency shall designate in writing as a 'covered position' under this section each of the following positions in that agency:

"(A) The position of source selection authority, member of a source selection evaluation board, or chief of a financial or technical evaluation team, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the evaluation of proposals or the selection of a source for a contract in excess of $500,000.

"(B) The position of procuring contracting officer, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the negotiation of a contract in excess of $500,000 or the negotiation or settlement of a claim in excess of $500,000.

"(C) The position of program executive officer, program manager, or deputy program manager, or any other position, if the officer or employee in that position is likely personally to exercise similar substantial responsibility for ongoing discretionary functions in the management or administration of a contract in excess of $500,000.

"(D) The position of administrative contracting officer, the position of an officer or employee assigned on a permanent basis to a Government Plant Representative's Office, the position of auditor, a quality assurance position, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the on-site oversight of a contractor's operations with respect to a contract in excess of $500,000.

"(E) A position in which the incumbent is likely personally to exercise substantial responsibility for ongoing discretionary functions in operational or developmental testing activities involving repeated direct contact with a contractor regarding a contract in excess of $500,000.".

(d) DISCLOSURE OF PROPRIETARY OR SOURCE SELECTION INFORMATION TO UNAUTHORIZED PERSONS.—Subsection (l) of such section is amended—

(1) by inserting "who are likely to be involved in contracts, modifications, or extensions in excess of $25,000" in the first sentence after "its procurement officials"; and

(2) by striking out "(e)" each place it appears and inserting in each such place "(f)".

(e) RULES OF CONSTRUCTION.—Subsection (n) of such section is amended to read as follows:

"(n) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) authorize the withholding of any information from the Congress, any committee or subcommittee thereof, a Federal agency, any board of contract appeals of a Federal agency, the Comptroller General, or an inspector general of a Federal agency;

"(2) restrict the disclosure of information to, or receipt of information by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

"(3) restrict a contractor from disclosing its own proprietary information or the recipient of information so disclosed by a contractor from receiving such information; or

"(4) restrict the disclosure or receipt of information relating to a Federal agency procurement that has been canceled by the agency and that the contracting officer concerned determines in writing is not likely to be resumed.".

(f) TERM TO BE DEFINED IN REGULATIONS.—Subsection (o)(2)(A) of such section is amended—

(1) by inserting "money, gratuity, or other" before "thing of value"; and

(2) by inserting before the semicolon "and such other exceptions as may be adopted on a Governmentwide basis under section 7353 of title 5, United States Code".

(g) TERMS DEFINED IN LAW.—Subsection (p) of such section is amended—

(1) in paragraph (1) by striking out "clauses (i)–(viii)" and inserting in lieu thereof "clauses (i) through (vii)";

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking out clause (i);

(ii) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), and (viii) as clauses (i), (ii), (iii), (iv), (v), (vi), and (vii), respectively; and

(iii) in clause (i) (as redesignated by subclause (II) of this clause), by striking out "review and approval of a specification" and inserting in lieu thereof "approval or issuance of a specification, acquisition plan, procurement request, or requisition"; and

(B) in subparagraph (B), by striking out all after "includes" and inserting in lieu thereof the following: "any individual acting on behalf of, or providing advice to, the agency with respect to any phase of the agency procurement concerned, regardless of whether such individual is a consultant, expert, or adviser, or an officer or employee of a contractor or subcontractor (other than a competing contractor)."; and

(3) in paragraph (6)(A), by inserting "nonpublic" before "information".

SEC. 162. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 208(a) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Except as permitted"; and

(2) by adding at the end the following new paragraph:

"(2) Whoever knowingly aids, abets, counsels, commands, induces, or procures conduct prohibited by this section shall be subject to the penalties set forth in section 216 of this title.".

SEC. 163. REPEAL OF SUPERSEDED AND OBSOLETE LAWS.

(a) REPEAL.—The following provisions of law are repealed:

(1) Sections 2207, 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 281 of title 18, United States Code.

(3) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218).

(b) REPEAL OF SUPERSEDED LAW.—Section 6001(b) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3362; (18 U.S.C. 281 note) is repealed.

SEC. 164. IMPLEMENTATION.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, regulations implementing the amendments made by section 161 to section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423), including definitions of the terms used in subsection (f) of such section, shall be issued in accordance with sections 6 and 25 of such Act (41 U.S.C. 405 and 521) after coordination with the Director of the Office of Government Ethics.

(b) SAVINGS PROVISIONS.—(1) No officer, employee, agent, representative, or consultant of a contractor who has signed a certification under section 27(e)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)(1)(B)) before the effective date of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(2) No procurement official of a Federal agency who has signed a certification under section 27(l) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(l)) before the date of enactment of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(c) INSPECTOR GENERAL REPORTS.—Not later than May 31 of each of the years 1996 through 1999, the Inspector General of each Federal agency (or, in the case of a Federal agency that does not have an Inspector General, the head of such agency) shall submit to Congress a report on the compliance by the agency during the preceding year with the requirement for the head of the agency to designate covered procurement positions under section 27(f)(3) of the Office of Federal Procurement Policy Act (as added by section 161(c)).

Subtitle H—Clerical Amendments

SEC. 171. CLERICAL AMENDMENTS TO TITLE 10.

(a) CHAPTER 87.—The table of sections at the beginning of subchapter IV of chapter 87 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 1746; and

(2) by adding at the end the following new item:

"1747. Professional educational development and training programs.".

(b) CHAPTER 131.—The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 2207; and

(2) by adding at the end the following new items:

"2221. Results oriented acquisition program cycle.
"2222. Funding for results oriented acquisition program cycle.
"2223. Maximized benefit funding.".

(c) CHAPTER 137.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended—

(1) by inserting after the item relating to section 2306b the following new item:

"2306c. Contractor share of gains and losses from cost, schedule, and performance experience.";

(2) by inserting after the item relating to section 2316 the following new item:

"2317. Equipment leasing.";

and

(3) by inserting after the item relating to section 2319 the following new item:

"2319a. Contractor performance certification system.".

(d) CHAPTER 141.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended—

(1) by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c; and

(2) by striking out the item relating to section 2399 and inserting in lieu thereof the following new item:

"2399. Operational test and evaluation of major systems under defense acquisition programs.".

SEC. 172. OTHER LAWS.

(a) TITLE 18.—The table of sections for chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(b) DEPARTMENT OF ENERGY ORGANIZATION ACT.—The table of contents in the first section of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by striking out the item relating to part A of title VI and the sections therein.

TITLE II—REORGANIZATION AND REFORM OF THE DEFENSE ACQUISITION SYSTEM

Subtitle A—Streamlining and Improvement of Acquisition Management

SEC. 201. REORGANIZATION OF ACQUISITION AUTHORITY.

(a) UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—Section 133(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) prescribing policies for research, development, and acquisition activities of the Department of Defense;

"(2) planning, programming, and overseeing the research, development, and acquisition activities of the Department of Defense;

"(3) assisting in the preparation and integration of budgets for the research, development, and acquisition activities of the Department of Defense, including assisting in the planning, programming, and budgeting system with respect to such activities;".

(b) DEFENSE RESEARCH, DEVELOPMENT, AND ACQUISITION AGENCY.—(1) Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 9 the following new chapter:

"CHAPTER 10—DEFENSE RESEARCH, DEVELOPMENT, AND ACQUISITION AGENCY

"Sec.
"231. Establishment.
"232. Use of agency for all research, development, and acquisition activities.
"233. Duties.
"234. Program executive officers.
"235. Program managers.
"236. Functional analytical capability.

"§ 231. Establishment

"(a) AGENCY.—There is established a Defense Research, Development, and Acquisition Agency in the Department of Defense.

"(b) DIRECTOR.—(1) The head of the agency is the Director of Defense Research, Development, and Acquisition who shall be appointed by the Under Secretary of Defense for Acquisition and Technology from among persons who are career professional employees in the acquisition workforce of the Department of Defense.

"(2) A member of the armed forces, while serving as the Director, holds the grade of general or, in the case of an officer of the Navy, admiral. A civilian, while serving as the Director, holds an equivalent civilian grade.

"(c) CHIEF OF ENGINEERING AND ANALYSIS.—(1) In the Defense Research, Development, and Acquisition Agency there is a Chief of Engineering and Analysis who shall be appointed by the Director from among the career professional employees in the acquisition workforce of the Department of Defense.

"(2) The Director shall evaluate the performance of the Chief of Engineering and Analysis. The Director may not delegate the performance of the evaluation responsibility.

"(3) The Chief of Engineering and Analysis shall be the senior technical adviser for the Defense Research, Development, and Acquisition Agency.

"§ 232. Use of agency for all research, development, and acquisition activities

"Subject to sections 3013(h), 5013(h), 8013(h) of this title, the Director shall conduct the research, development, and acquisition activities of the Department of Defense, including the activities of the research, development, and engineering centers of the Department of Defense.

"§ 233. Duties

"The responsibilities of the Under Secretary of Defense for Acquisition and Technology that are to be performed by the Defense Research, Development, and Acquisition Agency include the following:

"(1) Planning, programming, and carrying out the research, development, and acquisition activities of the Department of Defense.

"(2) Advising the Secretary of Defense and the Secretaries of the military departments regarding the preparation and integration of the budgets for the research, development, and acquisition activities of the Department of Defense.

"(3) Identifying and informing operational commanders regarding alternative technology solutions to fulfill emerging requirements.

"(4) Ensuring that the acquisition plan for each acquisition program realistically reflects the budget and related decisions made for that program.

"(5) Conducting research on management techniques as well as on individual systems.

"§ 234. Program executive officers

"(a) SELECTION AND EVALUATION.—The program executive officers of the Defense Research, Development, and Acquisition Agency shall be selected and evaluated by the Director.

"(b) DUTIES.—The duties of a program executive officer are as follows:

"(1) To manage acquisition programs assigned to the program executive officer.

"(2) To manage related technical support resources.

"(3) To establish and conduct integrated decision team meetings.

"(4) To provide technological advice (including advice regarding costs, schedule, and performance data relating to alternative technological approaches for fulfilling emerging requirements) to users of program products and to the officials within the Department of Defense who plan, program, and budget for the acquisition programs assigned to the program executive officer.

"(c) ORGANIZATION OF PERSONNEL.—The program executive officers shall be organized on the basis of unique mission areas or, in the case of programs for systems specifically relating to certain classes of targets, on the basis of target classes. No program executive officer may be organized with other program executive officers on both bases. The Secretary of Defense shall identify the mission areas or target classes on the basis of which program executive officers may be organized.

"(d) ACQUISITION LIFE-CYCLE MANAGEMENT.—The responsibilities of a program executive officer for a weapon acquisition program shall cover the entire life cycle of the program.

"(e) USER AND OPERATOR INTERACTION.—(1) The Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition and Technology, shall prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with program executive officers regarding the initiation and conduct of weapon acquisition programs. The policies and procedures shall include provisions for enabling such commands to perform operational and acceptance testing of weapons acquired pursuant to such programs.

"(2) The Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Acquisition and Technology and the Secretaries of the military departments, shall prescribe policies and procedures for the interaction between the commanders of the unified and specified combatant commands and the program executive officers regarding funding for weapon acquisition programs.

"(3) The policies and procedures prescribed pursuant to this subsection shall include a system for the commanders of the unified and specified combatant command to choose among alternatives developed by program executive officers for meeting acquisition requirements presented by the commanders.

"§ 235. Program managers

"(a) SELECTION AND EVALUATION.—Each program manager of the Defense Research, Development, and Acquisition Agency shall be selected and evaluated by the Director and a program executive officer and shall report directly to the program executive officer having primary responsibility for the system being acquired under the program.

"(b) DUTIES.—A program manager is responsible for the routine management of a research, development, and acquisition program, including the obtaining of necessary logistical support and support services for that program.

"(c) NONDUPLICATION OF FUNCTIONS.—The management functions of a program manager should not duplicate the management functions of a program executive officer.

"§ 236. Functional analytical capability

"(a) RESPONSIBILITY OF CHIEF OF ENGINEERING AND ANALYSIS.—The Chief of Engineering and Analysis shall be responsible for ensuring that each of the functional analytical capabilities provided to the Director, acquisition program executive officers, and acquisition program managers in connection with acquisition programs of the Department of Defense is the most advanced capability of its type.

"(b) FUNCTIONAL ANALYTICAL CAPABILITIES.—The functional analytical capabilities referred to in subsection (a) are as follows:

"(1) Cost and affordability analysis.

"(2) Logistics and support analysis.

"(3) Reliability and maintainability analysis.

"(4) Producibility analysis.

"(5) Environmental analysis.

"(6) Configuration management.

"(7) Warfighting and battlefield performance and utility analysis.

"(8) System engineering.

"(9) Any other analytical capability that may be necessary for ensuring the timeliness, performance, and affordability of acquisition programs.".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are amended by inserting after the item relating to chapter 9 the following new item:

"10. Defense Research, Development, and Acquisition Agency .... 231".

(c) LIMITATION OF PROCUREMENT AUTHORITY OF MILITARY DEPARTMENTS.—(1) Section 3013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out "and subject to the provisions of chapter 6 of this title," and inserting in lieu thereof ", subject to the provisions of chapter 6 of this title, and subject to subsection (h),"; and

(ii) in paragraph (4), by striking out "(including research and development)"; and

(B) by adding at the end the following new subsection:

"(h)(1) The Secretary of the Army shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Army. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Army for procurements of property and services.

"(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Army shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.".

(2) Section 5013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out "and subject to the provisions of chapter 6 of this title," and inserting in lieu thereof ", subject to the provisions of chapter 6 of this title, and subject to subsection (h),"; and

(ii) in paragraph (4), by striking out "(including research and development)"; and

(B) by adding at the end the following new subsection:

"(h)(1) The Secretary of the Navy shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Navy. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Navy for procurements of property and services.

"(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Navy shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.".

(3) Section 8013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out "and subject to the provisions of chapter 6 of this title," and inserting in lieu thereof ", subject to the provisions of chapter 6 of this title, and subject to subsection (h),"; and

(ii) in paragraph (4), by striking out "(including research and development)"; and

(B) by adding at the end the following new subsection:

"(h)(1) The Secretary of the Air Force shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Air Force. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Air Force for procurements of property and services.

"(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Air Force shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.".

(4) Section 2302(1) of title 10, United States Code, is amended by striking out "the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force,".

(5) Section 2302c of such title is amended—

(A) in subsection (a)(1), by striking out the second sentence; and

(B) in subsection (b), by striking out "paragraph (5) or (6)" and inserting in lieu thereof "paragraph (2) or (3)".

(6) Section 2303(a) of such title is amended—

(A) by striking out paragraphs (2), (3), and (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (2) and (3), respectively.

SEC. 202. JOINT FOREIGN PRODUCTS DEVELOPMENT.

Section 153 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) RECOMMENDATIONS FOR JOINT DEVELOPMENT OF FOREIGN PRODUCTS.—The Chairman of the Joint Chiefs of Staff, in consultation with the commanders of the unified and specified combatant commands, shall make recommendations to the Under Secretary of Defense for Acquisition and Technology regarding the desirability of joint development by the United States and one or more foreign countries of systems proposed to be developed, or under development, by such foreign country or foreign countries.".

Subtitle B—Transfer of Functions

SEC. 211. TRANSFERS.

(a) MILITARY DEPARTMENTS.—Except as provided in subsection (c), all research, development, and acquisition functions of the Secretaries of the military departments are transferred to the Secretary of Defense.

(b) PROCUREMENT AGENCIES, COMMANDS, AND OFFICES.—Except as provided in subsection (c), there is transferred to the Defense Research, Development, and Acquisition Agency referred to in section 231(a) of title 10, United States Code (as added by section 201), all functions of the following organizations:

(1) The Defense Logistics Agency.

(2) The Advanced Research Projects Agency.

(3) The following procurement commands of the Army:

(A) The Army Materiel Command.

(B) The Army Information Systems Command.

(C) The Army Space and Strategic Defense Command.

(4) The following procurement commands of the Navy and Marine Corps:

(A) The Navy weapon systems commands.

(B) The Navy Strategic Systems Program Office.

(C) The Marine Corps Research, Development and Acquisition Command.

(5) The Air Force Materiel Command.

(6) Any successor organization to any agency, command, or office named in paragraphs (1) through (5).

(7) Each agency or command within the Department of Defense not referred to in paragraphs (1) through (6) that, on the day before the effective date of this title, has as a primary mission or function the performance of a research, development, or acquisition function of the Department of Defense.

(c) FUNCTIONS NOT TRANSFERRED.—(1) The following functions of the Secretaries of the military departments are not transferred to the Secretary of Defense:

(A) Functions that relate to planning, programming, and budgeting.

(B) Functions to be performed by the Secretary of a military department pursuant to section 3013(h), 5013(h), or 8013(h) of title 10, United States Code, as added by section 201(c).

(2) To the extent prescribed by the Secretary of Defense, functions referred to in paragraph (1)(B) that are performed by an organization referred to in subsection (b) need not be transferred in accordance with that subsection.

(d) TERMINATION OF ORGANIZATION.—The Secretary of Defense shall terminate each organization from which all of its functions are transferred under subsection (b).

SEC. 212. SAVINGS PROVISIONS.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Secretary or other officer or employee of a military department, the head of a Defense Agency of the Department of Defense, or by a court of competent jurisdiction, in connection with any research, development, or acquisition activity of a military department or Defense Agency, and

(2) which are in effect on the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary of Defense, the Under Secretary of Defense for Acquisition and Technology, or another authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS AND APPLICATIONS.—(1)(A) The provisions of this subtitle shall not affect any proceeding, including any proceeding involving a claim or application, in connection with any acquisition activity of a military department or a Defense Agency of the Department of Defense that is pending before that military department or Defense Agency on the effective date of this title.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this Act had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Defense or the Under Secretary of Defense for Acquisition and Technology, by a court of competent jurisdiction, or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Defense may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1) to the Secretary of Defense or to the Under Secretary of Defense for Acquisition and Technology.

Subtitle C—Conforming Amendments

SEC. 221. MODIFICATION OF THE RESPONSIBILITY OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER) FOR DEFENSE ACQUISITION BUDGETS.

Section 135(c) of title 10, United States Code, is amended in each of paragraphs (2), (3), and (4), by inserting after the paragraph designation the following: "subject to section 133(b) of this title,".

SEC. 222. THE DEFENSE ACQUISITION WORK FORCE.

(a) GENERAL AUTHORITIES AND RESPONSIBILITIES.—(1)(A) Sections 1704, 1705, and 1707 of title 10, United States Code, are repealed.

(B) The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by striking out the items relating to sections 1704 through 1707 and inserting in lieu thereof the following:

"1704. Acquisition career program boards.".

(2) Section 1706 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "an Acquisition Corps" in the first sentence and inserting in lieu thereof "the Acquisition Corps";

(B) in the section heading by striking out "**§1706**" and inserting in lieu thereof "**§1704**";

(C) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) ESTABLISHMENT.—The Under Secretary of Defense for Acquisition and Technology shall establish an acquisition career program board to advise the Under Secretary in managing the accession, training, education, and career development of military and civilian personnel in the acquisition workforce and in selecting individuals for the Acquisition Corps under section 1731 of this title.";

(C) in subsection (b)—

(i) in the first sentence, by striking out "Each" and inserting in lieu thereof "The"; and

(ii) in the second sentence, by striking out "service acquisition executive" and inserting in lieu thereof "Under Secretary"; and

(D) in subsection (c)—

(i) by striking out "Secretary of a military department" and inserting in lieu thereof "Under Secretary"; and

(ii) by striking out "in the department".

(b) DEFENSE ACQUISITION POSITIONS.—(1) Section 1722 of title 10, United States Code, is amended—

(A) in subsection (g), by striking out "Secretary of each military department, acting through the service acquisition executive for that department," and inserting in lieu thereof "Secretary of Defense"; and

(B) in subsection (h), by striking out "or the Secretary of a military department (as applicable)".

(2) Section 1724(d) of such title is amended in the first sentence—

(A) by striking out "a military department" and inserting in lieu thereof "the Department of Defense"; and

(B) by striking out "of that military department".

(c) ACQUISITION CORPS.—(1) Section 1731 of title 10, United States Code, is amended—

(A) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) ACQUISITION CORPS.—The Secretary of Defense shall establish a Department of Defense Acquisition Corps."; and

(B) in subsection (b), by striking out "an Acquisition Corps" and inserting in lieu thereof "the Acquisition Corps".

(2) Section 1732 of such title is amended—

(A) in subsection (a), by striking out "an Acquisition Corps" in the first sentence and inserting in lieu thereof "the Acquisition Corps";

(B) in subsection (b)—

(i) in paragraph (2)(A)(ii), by striking out "of the employing military department"; and

(ii) in paragraph (4), by striking out "or the Secretary of the military department concerned"; and

(C) in subsection (d)—

(i) by striking out "of a military department" in the first sentence of paragraph (1) and in paragraph (2); and

(ii) by striking out "of that military department" in the first sentence of paragraph (1).

(3) Section 1733(a) of such title is amended by striking out "an Acquisition Corps" and inserting in lieu thereof "the Acquisition Corps".

(4) Section 1734 of such title is amended—

(A) in subsection (a)(1), by striking out "Secretary of each military department, acting through the service acquisition executive for that department," in the first sentence and inserting in lieu thereof "Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology,";

(B) in subsection (b)(1), by striking out "major milestone" and inserting in lieu thereof "phase of the program cycle";

(C) by striking out subsection (c);

(D) in subsection (d), by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) The authority to grant waivers may be delegated by the Under Secretary only to the Director of Acquisition, Education, Training, and Career Development.

"(3) With respect to each waiver granted under this subsection, the Under Secretary shall set forth in a written document the rationale for the decision to grant the waiver. The Director of Acquisition, Education, Training, and Career Development shall maintain all such documents.";

(E) in subsection (e)—

(i) in the first sentence of paragraph (1)—

(I) by striking out "an Acquisition Corps" in the first sentence and inserting in lieu thereof "the Acquisition Corps"; and

(II) by striking out "major program milestone" and inserting in lieu thereof "phase of the program cycle"; and

(ii) in paragraph (2), by striking out "of the department concerned" in the first sentence;

(F) by striking out subsections (g) and (h) and inserting in lieu thereof the following:

"(g) ASSIGNMENTS.—Subject to the authority, direction, and control of the Secretary, the Under Secretary shall make the assignments of civilian and military members of the Acquisition Corps to critical acquisition positions.";

(G) by striking out "concerned" in—

(i) the second sentence of subsection (a)(1);

(ii) the second sentence of subsection (a)(2);

(iii) the sentence following subparagraph (B) in subsection (b)(1);

(iv) the second sentence of subsection (b)(2); and

(v) subsection (d)(1); and

(H) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively.

(5) Section 1737 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking out "an Acquisition Corps" and inserting in lieu thereof "the Acquisition Corps"; and

(ii) in paragraph (5), by striking out ", or a principal deputy to a director of contracting" and all that follows through "Department of Defense" and inserting in lieu thereof "or a principal deputy to a director of contracting"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) WAIVER.—(1) The Secretary of Defense may waive, on a case-by-case basis, the requirements established under this subchapter with respect to the assignment of an individual to a particular critical acquisition position. Such a waiver may be granted only if unusual circumstances justify the waiver or if the Secretary determines that the individual's qualifications obviate the need for meeting the education, training, and experience requirements established under this subchapter.

"(2) The Secretary shall act through the Under Secretary of Defense for Acquisition and Technology in exercising the authority provided in paragraph (1). The authority to grant waivers under this subsection may be delegated by the Under Secretary only to the Director of Acquisition Education, Training, and Career Development.".

(d) EDUCATION AND TRAINING.—(1) Section 1741(c) of title 10, United States Code, is amended to read as follows:

"(c) PROGRAMS.—The Under Secretary shall establish and implement the education and training programs authorized by this subchapter.".

(2) Section 1742 of such title is amended by striking out "require that each military department".

(3) Section 1743 of such title is amended in the first sentence by striking out "require that the Secretary of each military department".

(e) GENERAL MANAGEMENT.—(1) Section 1761(a) of title 10, United States Code, is amended by striking out "prescribe regulations to ensure that the military departments and Defense Agencies".

(2) Section 1762(c) of such title is amended—

(A) by striking out the parenthetical material in the matter above paragraph (1);

(B) in paragraph (4), by striking out "an acquisition corps" in subparagraphs (A) and (B) and inserting in lieu thereof "the Acquisition Corps"; and

(C) in paragraph (14), by striking out "and the performance of each military department".

(3) Section 1763 of such title is amended by striking out the second sentence.

SEC. 223. PROCUREMENT PROCEDURES GENERALLY.

Chapter 137 of title 10, United States Code, is amended as follows:

(1) Section 2305(d) is amended—

(A) in the first sentence of paragraph (1)(A), by striking out "shall ensure that," and all that follows through "the head of an agency" and inserting in lieu thereof ", in preparing a solicitation for the award of a development contract for a major system, shall";

(B) in the first sentence of paragraph (2)(A), by striking out "shall ensure that," and all that follows through "the head of an agency" and inserting in lieu thereof ", in preparing a solicitation for the award of a production contract for a major system, shall";

(C) by striking out "the head of the agency" each place it appears and inserting in lieu thereof "the Secretary"; and

(D) by striking out "the head of an agency" each place it appears and inserting in lieu thereof "the Secretary of Defense".

(2) Section 2306b is amended—

(A) in subsection (b)(1), by striking out "for the agency or agencies under the jurisdiction of such official"; and

(B) in subsection (j), by striking out "instruct the Secretary of the military department concerned to".

(3) Section 2307 is amended—

(A) in subsection (g), by striking out "Secretary of the Navy" each place it appears and inserting in lieu thereof "Secretary of Defense"; and

(B) in subsection (h)(7), by striking out the second sentence.

(4) Section 2311 is amended in subsection (a)—

(A) by inserting "(1)" after "IN GENERAL.—"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may delegate any authority of the Secretary under this chapter only to—

"(A) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition and Technology;

"(B) the Under Secretary of Defense for Acquisition and Technology; or

"(C) any acquisition program executive officer or acquisition program manager of the Defense Research, Development, and Acquisition Agency.".

(5) Section 2318(a) is amended by striking out "Defense Logistics Agency" each place it appears and inserting in lieu thereof "Defense Research, Development, and Acquisition Agency".

(6) Section 2320(b) is amended—

(A) in the matter above paragraph (1), by striking out "an agency named in section 2303 of this title" and inserting in lieu thereof "the Department of Defense"; and

(B) in paragraph (9), by striking out "the head of the agency to withhold" and inserting in lieu thereof "the withholding of".

(7) Section 2323(e)(1)(A)(iii) is amended by striking out "military departments, Defense Agencies," and inserting in lieu thereof "Department of Defense".

(8) Section 2324 is amended—

(A) in subsection (e)(3)(A), by striking out the matter above clause (i) and inserting in lieu thereof the following:

"(A) Pursuant to regulations prescribed by the Secretary of Defense and subject to the availability of appropriations, the Secretary may waive the application of the provisions of subparagraphs (M) and (N) of paragraph (1) to a covered contract (other than a contract to which paragraph (2) applies) if the Secretary determines that—";

(B) in subsection (h)(2), by striking out "or the Secretary of the military department concerned";

(C) in subsection (k)(4)—

(i) by striking out "or Secretary of the military department concerned";

(ii) by striking out "or Secretary determines" and inserting in lieu thereof "determines"; and

(iii) by striking out "or military department"; and

(D) by striking out subsection (l) and inserting in lieu thereof the following:

"(l) COVERED CONTRACT DEFINED.—(1) In this section, the term 'covered contract' means a contract for an amount in excess of $500,000 that is entered into by the head of an agency, except that such term does not include a fixed-price contract without cost incentives or any firm fixed-price contract for the purchase of commercial items.

(9) Section 2326 is amended—

"(2) Effective on October 1 of each year that is divisible by five, the amount set forth in paragraph (1) shall be adjusted to the equivalent amount in constant fiscal year 1994 dollars. An amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but is not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.".

(A) by striking out "head of an agency" each place it appears and inserting in lieu thereof "Secretary of Defense";

(B) by striking out "head of the agency" each place it appears and inserting in lieu thereof "Secretary of Defense";

(C) in subsection (a), by striking out "military department concerned" and inserting in lieu thereof "Department of Defense"; and

(D) in subsection (b)(4), by striking out "of that agency if such" and inserting in lieu thereof "of the Department of Defense if the".

(10) Section 2327 is amended—

(A) in subsection (a), by striking out "The head of an agency" and inserting in lieu thereof "The Secretary of Defense";

(B) in subsection (b), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense";

(C) in subsection (c)(1)—

(i) by striking out "the head of an agency" each place it appears and inserting in lieu thereof "the Secretary"; and

(ii) by striking out "such head of an agency" each place it appears and inserting in lieu thereof "the Secretary";

(D) in subsection (c)(2), by striking out "Upon the request of the head of an agency, the" and inserting in lieu thereof "The"; and

(E) in subsection (d)—

(i) by striking out "(1)"; and

(ii) by striking out paragraph (2).

SEC. 224. RESEARCH AND DEVELOPMENT.

Chapter 139 of title 10, United States Code, is amended as follows:

(1) Section 2352(a) is amended in the matter above paragraph (1)—

(A) by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense"; and

(B) by striking out "that military department" and inserting in lieu thereof "the Department of Defense".

(2) Section 2353 is amended—

(A) in the first sentence of subsection (a)—

(i) by striking out "contract of a military department" and inserting in lieu thereof "Department of Defense contract"; and

(ii) by striking out "the Secretary of the military department concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(B) in subsection (b)(3), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(3) Section 2354 is amended—

(A) in subsection (a), by striking out "the Secretary of the military department concerned, any contract of a military department" and inserting in lieu thereof "the Secretary of Defense, any contract of the Department of Defense";

(B) in subsection (c)—

(i) by striking out "the Secretary of the department concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out "of his department"; and

(C) in subsection (d), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(4) Section 2356(a) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), the Secretary of Defense may delegate any authority under section 1584, 2353, 2354, or 2358 of this title to—

"(A) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition and Technology;

"(B) the Under Secretary of Defense for Acquisition and Technology; or

"(C) any employee of the Defense Research, Development, and Acquisition Agency.

"(2) The authority of the Secretary under section 2353(b)(3) of this title may not be delegated to a person described in paragraph (1)(C).".

(5) Section 2358 is amended—

(A) by striking out "or the Secretary of a military department" in subsections (a) and (b);

(B) in subsection (a)(1), by striking out "such Secretary's department" and inserting in lieu thereof "the Department of Defense"; and

(C) in subsection (c)—

(i) by striking out "or the Secretary of that military department, respectively,"; and

(ii) by striking out "or to such military department, respectively".

(6) Section 2367(c) is amended to read as follows:

"(c) Funds appropriated to the Department of Defense may not be obligated or expended for purposes of operating a federally funded research center that was not in existence before June 2, 1986, until—

"(1) the Secretary of Defense submits to Congress a report with respect to such center that describes the purpose, mission, and general scope of effort of the center; and

"(2) 60 days elapse after the date on which such report is received by Congress.".

(7) Section 2371 is amended—

(A) in subsection (a), by striking out "and the Secretary of each military department;"; and

(B) by striking out subsection (b);

(C) in subsection (f), by striking out "There is hereby established on the books of the Treasury separate accounts for each of the military departments and the Advanced Research Projects Agency" and inserting in lieu thereof the following: "The Secretary of the Treasury, after consultation with the Secretary of Defense, shall establish on the books of the Treasury one or more separate accounts for the Department of Defense"; and

(D) in subsection (i), by striking out "in carrying out advanced research projects through the Advanced Research Projects Agency, and the Secretary of each military department,".

(8) Section 2373(a) is amended—

(A) by striking out "and the Secretaries of the military departments may each" and inserting in lieu thereof "may"; and

(B) by striking out "or the Secretary concerned".

SEC. 225. MISCELLANEOUS PROCUREMENT PROVISIONS.

(a) CHAPTER 141.—Chapter 141 of title 10, United States Code, is amended as follows:

(1) Section 2381(b) is amended—

(A) in the matter above paragraph (1), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(B) in paragraph (2), by striking out "military department concerned" and inserting in lieu thereof "Department of Defense".

(2) Section 2385 is amended by striking out "a military department" and inserting in lieu thereof "the Department of Defense".

(3) Section 2386 is amended by striking out "a military department" and inserting in lieu thereof "the Department of Defense".

(4) Section 2388(a) is amended by striking out "and the Secretary of a military department may each" and inserting in lieu thereof "may".

(5) Section 2393 is amended—

(A) in subsection (a)—

(i) by striking out "the Secretary of a military department" in paragraph (1) and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out "the Secretary concerned" in paragraph (2) and inserting in lieu thereof "the Secretary of Defense"; and

(B) in subsection (b), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(6) Section 2394 is amended—

(A) in subsection (a), by striking out "the Secretary of a military department" and inserting in lieu thereof "the Secretary of Defense";

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(7) Section 2394a is amended—

(A) in subsection (a)—

(i) by striking out "Secretary of a military department" and inserting in lieu thereof "Secretary of Defense"; and

(ii) by striking out "military department under his jurisdiction" and inserting in lieu thereof "Department of Defense"; and

(B) in subsection (b), by striking out the second sentence.

(8) Section 2401(a) is amended by striking out "The Secretary of a military department" both places it appears and inserting in lieu thereof "The Secretary of Defense".

(9) Section 2104a is amended by striking out "or the Secretary of a military department".

(10) Section 2403 is amended—

(A) in subsection (a), by striking out paragraph (8);

(B) in subsection (b), by striking out "the head of an agency" in the matter above paragraph (1) and inserting in lieu thereof "the Secretary of Defense";

(C) in subsections (c), (f), and (g), by striking out "head of the agency concerned" each place it appears and inserting in lieu thereof "Secretary of Defense";

(D) in subsection (d)—

(i) by inserting "(1)" after the subsection designation;

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(iii) by striking out the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may delegate authority under this subsection only to the Under Secretary of Defense for Acquisition and Technology."; and

(E) in subsection (h), by striking out paragraph (3).

(11) Section 2405(a) is amended by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense."

(12) Section 2410c(a) of title 10, United States Code, is amended by striking out "Secretary of a military department or the head of a Defense Agency, as the case may be," and inserting in lieu thereof "Secretary of Defense".

(13) Section 2410d(a) is amended by striking out "a military department or a Defense Agency" and inserting in lieu thereof "the Department of Defense".

(14) Section 2410g(b) is amended by striking out "notification—" and all that follows through "any other Department of Defense contract, to" and insert in lieu thereof "notification to".

(b) CHAPTER 142.—Chapter 142 of title 10, United States Code, is amended as follows:

(1) Section 2411(3) is amended by striking out "Director of the Defense Logistics Agency" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) Section 2417 is amended by striking out "Director of the Defense Logistics Agency" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

SEC. 226. MAJOR DEFENSE ACQUISITION PROGRAMS.

Chapter 144 of title 10, United States Code, is amended as follows:

(1) Section 2432(c)(3)(A) is amended by striking out "The Secretary of Defense" and all that follows.

(2) Section 2433 is amended—

(A) by striking out "service acquisition executive designated by the Secretary concerned" each place it appears and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(B) in subsection (c), by striking out "such service acquisition executive" in the matter following paragraph (3) and inserting in lieu thereof "the Under Secretary of Defense for Acquisition and Technology";

(C) in subsection (d)—

(i) by striking out "the service acquisition executive" in paragraphs (1) and (2) and inserting in lieu thereof "the Under Secretary"; and

(ii) in paragraph (3), by striking out "If, based upon the service acquisition executive's determination, the Secretary concerned" and inserting in lieu thereof "If the Under Secretary of Defense for Acquisition and Technology"; and

(D) in subsection (e)—

(i) in paragraph (1)(A), by striking out "Secretary concerned" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(ii) in paragraph (1)(B), by striking out "Secretary" both places it appears and inserting in lieu thereof "Under Secretary";

(iii) in paragraph (2), by striking out "(as determined by the Secretary" in the matter above subparagraph (A) and inserting in lieu thereof "(as determined by the Under Secretary"; and

(iv) in paragraph (3), by striking out "by the Secretary" both places it appears in the first sentence and inserting in lieu thereof "by the Under Secretary".

(3) Section 2434(b)(1)(A) is amended by striking out "under the supervision," and all that follows and inserting in lieu thereof "in the Department of Defense.".

(4) Section 2435 is amended—

(A) in subsection (a)(1), by striking out "Secretary of a military department" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(B) in subsection (d)(2), by striking out "the Secretary of the military department concerned and".

SEC. 227. SERVICE SPECIFIC ACQUISITION AUTHORITY.

(a) ARMY.—Part IV of subtitle B of title 10, United States Code, is amended by striking out "Secretary of the Army" in sections 4540(a) and 4542 (each place it appears) and inserting in lieu thereof "Secretary of Defense".

(b) NAVY.—Part IV of subtitle C of such title is amended as follows:

(1) The following sections are amended by striking out "Secretary of the Navy" and inserting in lieu thereof "Secretary of Defense": sections 7212(a), 7229, 7299a (each place it appears), 7309(c), 7310(b) (both places it appears), 7311(a) (in the matter before paragraph (1)), 7311(b) (in the matter before paragraph (1)), 7314, and 7361 (each place it appears) .

(2) Section 7314(1)(B) is amended by striking out "Navy supply system" each place it appears and inserting in lieu thereof "Department of Defense supply system".

(3) Section 7522 is amended by striking out "Secretary of the Navy" and all that follows through "chiefs of bureaus" and inserting in lieu thereof "Secretary of Defense".

(c) AIR FORCE.—Part IV of subtitle D of such title is amended as follows:

(1) Sections 9511(10) and 9540(a) are amended by striking out "Secretary of the Air Force" and inserting in lieu thereof "Secretary of Defense".

(2) Section 9513(a) is amended—

(A) in paragraph (1), by striking out "Secretary of the Air Force—" and all that follows and inserting in lieu thereof the following: "Secretary, in consultation with the Secretary of the military department concerned, may, by contract entered into with a contractor, authorize such contractor to use one or more Department of Defense installations designated by the Secretary of Defense."; and

(B) in paragraph (2), by striking out "of the Air Force".

SEC. 228. OTHER LAWS.

In any other provision of law providing authority for the Secretary of a military department or the head of a Defense Agency of the Department of Defense to perform a research, development, or acquisition function of the Department of Defense, the reference to that official shall be deemed to refer to the Secretary of Defense. That function shall be performed as provided in section 133(b) of title 10, United States Code (as amended by section 201(a)), and section 232 of such title (as added by section 201(b)).

Subtitle D—Effective Date

SEC. 231. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date that is one year after the date of the enactment of this Act.

TITLE III—DEPOT-LEVEL MAINTENANCE

SEC. 301. ELIMINATION OF 60/40 RULE FOR PUBLIC/PRIVATE DIVISION OF DEPOT-LEVEL MAINTENANCE WORKLOAD.

(a) ELIMINATION OF RULE.—Section 2466 of title 10, United States Code, is amended—

(1) by striking out subsections (a), (c), (d), and (e); and

(2) by striking out "(b) PROHIBITION ON MANAGEMENT BY END STRENGTH.—".

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2466. Civilian employees involved in depot-level maintenance and repair of materiel: prohibition on management by end strength".

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

"2466. Civilian employees involved in depot-level maintenance and repair of materiel: prohibition on management by end strength.".

SEC. 302. PRESERVATION OF CORE MAINTENANCE AND REPAIR CAPABILITY.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2472. Core maintenance and repair capability: preservation

"(a) NECESSITY FOR CORE MAINTENANCE AND REPAIR CAPABILITIES.—It is essential for the national defense that the Department of Defense preserve an organic maintenance and repair capability (including personnel, equipment, and facilities) to meet readiness and sustainability requirements established by the Chairman of the Joint Chiefs of Staff for the systems and equipment required for contingency plans approved by the Chairman of the Joint Chiefs of Staff under section 153(a)(3) of this title.

"(b) IDENTIFICATION OF CORE MAINTENANCE AND REPAIR CAPABILITIES.—The Secretary of Defense shall identify those maintenance and repair activities of the Department of Defense that are necessary to preserve the maintenance and repair capability described in subsection (a). The Secretary may identify for such purpose only those activities of the Department of Defense that are necessary to ensure a ready and controlled source of technical competence for that purpose. The Secretary may not identify for such purpose any intermediate-level or depot-level maintenance or repair activity.

"(c) LIMITATION ON CONTRACTING.—The Secretary may not contract for the performance by non-Government personnel of a maintenance activity identified by the Secretary under subsection (b) under the procedures and requirements of Office of Management and Budget Circular A–76 or any successor administrative regulation or policy unless the Secretary of Defense determines (under regulations prescribed by the Secretary) that Government performance of the activity is no longer required for national defense reasons.

"(d) Contracting for Performance of Non-Core Functions.—In the case of any maintenance or repair activity (including the making of major modifications and upgrades) that is not identified by the Secretary under subsection (b), the Secretary concerned shall provide for the performance of that activity by an entity in the private sector, selected through the use of competitive procedures, unless the Secretary determines that the performance of that activity by a Government entity is necessary to maintain the defense industrial base.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2472. Core maintenance and repair capability: preservation.".

(b) Revision of Regulations.—The Secretary of Defense shall revise the existing Department of Defense regulations relating to depot level maintenance and repair activities in order to ensure the consistency of those regulations with the policy provided in section 2472(d) of title 10, United States Code, as added by subsection (a).

SEC. 303. PERFORMANCE OF DEPOT-LEVEL MAINTENANCE WORKLOAD BY PRIVATE SECTOR WHENEVER POSSIBLE.

(a) Requirement.—Section 2469 of title 10, United States Code, is amended to read as follows:

"§2469. Depot-level maintenance and repair activities: use of private sector

"(a) In General.—The Secretary of Defense shall (except as provided in subsection (b)) provide for the performance by private sector entities of all depot-level maintenance and all depot-level repair work of the Department of Defense.

"(b) Exception.—The Secretary may provide for the performance of a particular depot-level maintenance workload, or a particular depot-level repair workload, by an entity of the Department of Defense if—

"(1) no responsive bids for performance of that workload are received from responsible offerors; or

"(2) the Secretary makes a determination that subsection (a) must be waived for that particular workload for reasons of national security.".

(b) Clerical Amendment.—The item relating to section 2469 in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

"2469. Depot-level maintenance and repair activities: use of private sector.".

Aerospace Industries Association, American Defense Preparedness Association, American Electronics Association, Contract Services Association, Electronic Industries Association, National Security Industrial Association, Shipbuilders Council of America, U.S. Chamber of Commerce,

March 29, 1995.

Senator William V. Roth, Jr.,
U.S. Senate, Washington, DC.

Dear Senator Roth: As the associations representing the hundreds of thousands of American workers employed in the aerospace, electronics, shipbuilding and services industries, we offer our strong support for the depot maintenance provisions included in your procurement reform legislation. We urge prompt action on these provisions in order to achieve their enactment in this session of Congress.

The elements of your proposal that repeal the $3 million threshold for the shift of depot workload to the private sector and the repeal of the so-called 60/40 rule will eliminate management restrictions long opposed by the Department of Defense as well as the private sector. The elimination of these restrictions as called for by your bill will afford the government much greater flexibility to obtain the most cost effective use of every dollar spent on defense logistics support.

Similarly, we are greatly encouraged by the provisions of your legislation that address the issue of government "core" competencies. We support the language that calls for the performance of the preponderance of this workload by private sector entities selected on the basis of competitive procedures in accordance with your narrow definition of "core" government competency.

The depot maintenance policy articulated in your legislation will permit the development of a logistics support program for the 21st century. Your legislation in this regard is in the national interest and in the interest of the private sector industrial base. We applaud your depot policy initiative, and offer to work closely with you in the weeks ahead to achieve its timely enactment.

Sincerely,
The Presidents of AIA, ADPA, AEA, CSA, EIA, NSIA, SCA, and the U.S. Chamber of Commerce.

ADDITIONAL COSPONSORS

S. 216

At the request of Mr. Hatch, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 327

At the request of Mr. Hatch, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 351

At the request of Mr. Hatch, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 360

At the request of Mr. Smith, the name of the Senator from Maine [Ms. Snowe] was added as a cosponsor of S. 360, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes.

S. 385

At the request of Mr. Gregg, the names of the Senator from Colorado [Mr. Campbell] and the Senator from Maine [Ms. Snowe] were added as cosponsors of S. 385, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for failure to require the use of safety belts in passenger vehicles, and for other purposes.

S. 400

At the request of Mrs. Hutchison, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 400, a bill to provide for appropriate remedies for prison conditions, and for other purposes.

S. 442

At the request of Ms. Snowe, the names of the Senator from Alaska [Mr. Murkowski] and the Senator from Pennsylvania [Mr. Santorum] were added as cosponsors of S. 442, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 456

At the request of Mr. Bradley, the names of the Senator from Wyoming [Mr. Simpson] and the Senator from Louisiana [Mr. Johnston] were added as cosponsors of S. 456, a bill to improve and strengthen the child support collection system, and for other purposes.

SENATE RESOLUTION 91

At the request of Mr. Pell, the names of the Senator from New York [Mr. D'Amato], the Senator from Delaware [Mr. Biden], and the Senator from Maryland [Mr. Sarbanes] were added as cosponsors of Senate Resolution 91, a resolution to condemn Turkey's illegal invasion of Northern Iraq.

SENATE RESOLUTION 96—RELATIVE TO A RETIREMENT

Mr. DOLE (for himself and Mr. Daschle) submitted the following resolution; which was considered and agreed to:

S. Res. 96

Whereas, Chick Reynolds will retire from service to the United States Senate after twenty years as a member of the staff of the Office Reporters of Debates;

Whereas, he has served the United States Senate with honor and distinction since joining the staff of the Office Reporters of Debates on July 1, 1974;

Whereas, his hard work and outstanding excellence as an official reporter resulted in his appointment to the position of Chief Reporter on May 1, 1988;

Whereas, Chick Reynolds, as Chief Reporter of the Congressional Record, has at all times executed the important duties and responsibilities of his office with great efficiency and diligence;

Whereas, Chick Reynolds has demonstrated loyal dedication to the United States Senate as an institution and leaves a legacy of superior and professional service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and gratitude to Chick Reynolds for his years of faithful and exemplary service to his country and the United States Senate.

Sec. 2. The Secretary shall transmit a copy of this resolution to Chick Reynolds.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1995

HATFIELD AMENDMENT NO. 420

Mr. HATFIELD proposed an amendment to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from "Nutrition Initiatives", Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year".

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program".

GENERAL PROVISIONS

Section 715 of Public Law 103–330 is amended by deleting "$85,500,000" and by inserting "$110,000,000". The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of "$9,917,000" available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $35,000,000 are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103–330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $7,290,000, for the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $27,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103–317, after the word "grants", insert the following: "and administrative expenses". After the word "expended", insert the following: ": *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council".

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded.

Technology Administration

Under Secretary for Technology/Office of Technology Policy

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

National Technical Information Service

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

Small Business Administration

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided,* That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

International Organizations and Conferences

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

Arms Control and Disarmament Agency

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

Board for International Broadcasting

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

United States Information Agency

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

Energy Supply, Research and Development Activities

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $81,500,000 are rescinded.

Atomic Energy Defense Activities

Defense Environmental Restoration and Waste Management

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $100,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

Departmental Administration

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

Power Marketing Administrations

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103–87 and Public Law 103–306, $100,000,000 are rescinded: *Provided,* That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided,* That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,497,000 are rescinded.

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $3,893,000 are rescinded.

National Biological Survey

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,544,000 are rescinded.

National Park Service

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $11,297,000 are rescinded.

Minerals Management Service

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $814,000 are rescinded.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking "$330,111,000" and inserting in lieu thereof "$329,361,000".

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103–332, $1,900,000 is rescinded.

Territorial and International Affairs

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

Forest Service

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking "1994" and inserting in lieu thereof "1995".

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

Smithsonian Institution

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

National Gallery of Art

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

John F. Kennedy Center for the Performing Arts

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

General Provisions

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided*, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

Bureau of Labor Statistics

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

Centers for Disease Control and Prevention

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

National Institutes of Health

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $14,700,000 are rescinded.

Assistant Secretary for Health

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

Agency for Health Care Policy and Research

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

Health Care Financing Administration

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

Social Security Administration

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

Administration for Children and Families

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the "and": "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),".

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 are rescinded.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,400,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,000,000 are rescinded from section 639(A) of the Head Start Act, as amended.

Administration on Aging

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

Office of the Secretary

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $15,000,000 are rescinded from funds made available under the School to Work Opportunities Act, including $4,375,000 for National programs and $10,625,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $236,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $100,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$250,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,405,000,000".

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

Base Realignment and Closure Account, Part III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

Working Capital Fund

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

Payments to Air Carriers

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for "Small Community Air Service" beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

Operating Expenses

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

Acquisition, Construction, and Improvements

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

Environmental Compliance and Restoration

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

Operations

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103–331 under this heading is repealed, "*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force".

Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

Research, Engineering, and Development

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

Grants-in-Aid for Airports

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

Limitation on General Operating Expenses

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $45,950,000.

Federal-Aid Highways

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided*, That the amounts deducted from the aforementioned programs are rescinded.

Federal-Aid Highways

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Highway Traffic Safety Grants

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

Northeast Corridor Improvement Program

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

National Magnetic Levitation Prototype Development Program

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

Discretionary Grants

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104–17, for which the obligation limitation in Public Law 102–143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101–516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103–122 is hereby amended to delete the words "or previous Acts" each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

General Services Administration

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

Office of Personnel Management

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

Financial Management Service

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

United States Mint

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert "not to exceed" after "of which".

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

Internal Revenue Service

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

Administrative Provision—Internal Revenue Service

In the paragraph under this heading in Public Law 103–329, in section 3, after "$119,000,000", insert "annually".

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

The White House Office

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

Federal Drug Control Programs

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, "Salaries and expenses" for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

General Services Administration

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSIONS)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $241,011,000 are rescinded from the following projects in the following amounts:

Arizona:

Lukeville, commercial lot expansion, $1,219,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

California:

Menlo Park, United States Geological Survey, office laboratory buildings, $980,000

San Francisco, U.S. Court of Appeals annex, $9,003,000

District of Columbia:

Central and West heating plants, $5,000,000

Corps of Engineers, headquarters, $25,000,000

General Service Administration, Southeast Federal Center, headquarters, $25,000,000

U.S. Secret Service, headquarters, $8,900,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Florida:

Tampa, U.S. Courthouse, $5,994,000

Illinois:

Chicago, Federal Center, $7,000,000

Indiana:

Hammond, U.S. Courthouse, $26,000,000

Maryland:

Avondale, DeLaSalle building, $16,671,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Nevada:

Reno, Federal building—U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building—U.S. Courthouse, $3,519,000

North Dakota:

Fargo, U.S. Courthouse, $1,371,000

Ohio:

Youngstown, Federal building and U.S. Courthouse, site acquisition and design, $4,574,000

Steubenville, U.S. Courthouse, $2,280,000

Oregon:

Portland, U.S. Courthouse, $5,000,000

Pennsylvania:

Philadelphia, Veterans Administration, $1,276,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Ysleta, site acquisition and construction, $1,727,000

U.S. Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse Annex, $2,184,000

Nationwide chlorofluorocarbons program, $12,300,000

Nationwide energy program, $15,300,000.

Office of Personnel Management

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

Federal Emergency Management Agency

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the "Salaries and expenses" appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: *Provided*, That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further*, That of the $16,214,684,000 made available under this heading in Public Law 103–327, the $9,920,819,000 restricted by section 509 of Public Law 103–327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

Departmental Administration

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $451,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103–327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement "mixed population" plans for developments housing primarily elderly residents; $500,000,000 of funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading "Assistance for the renewal of expiring section 8 subsidy contracts" are rescinded, and the Secretary shall require that $500,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $835,150,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

Administrative Provisions

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

"(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.".

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting "and" at the end of subsection (b)(1);

(2) striking all that follows after "Act" in subsection (b)(2) and inserting in lieu thereof the following: ", and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;";

(3) striking subsection (b)(3);

(4) striking "(1)" in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: ", provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants";

(7) striking "under section (b)(3)(A)" in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.".

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

"(z) Termination of Section 8 Contracts and Reuse of Recaptured Budget Authority.—

"(1) General authority.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

"(A) Tenant-based assistance.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

"(B) Project-based assistance.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

"(2) Families occupying units formerly assisted under terminated contract.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

"(3) Effective date.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.".

INDEPENDENT AGENCIES

Chemical Safety and Hazard Investigation Board

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 are rescinded.

Community Development Financial Institutions

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 are rescinded.

Corporation for National and Community Service

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $210,000,000 are rescinded.

Environmental Protection Agency

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–389 and Public Law 102–139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–327 and Public Law 103–124, $1,242,095,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103–715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under "Research and Development" in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103–127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 are rescinded.

TITLE II—GENERAL PROVISIONS

SEC. 2001. TIMBER SALES.

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term "salvage timber sale"—

(A) means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands (except land designated as a Federal wilderness area); and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.— In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale in preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final day of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101–121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103–329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

"(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.".

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. Section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, "An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of this Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Second Supplemental Appropriations and Rescissions Act, 1995".

MIKULSKI AMENDMENT NO. 421

Ms. MIKULSKI proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

In the pending amendment, strike title I and insert the following:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from "Nutrition Initiatives", Food and Consumer Services.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year".

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program".

GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

Section 715 of Public Law 103–330 is amended by deleting "$85,000,000" and by inserting "$110,000,000". The additional cost resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

With the exception of "Special Supplemental Program for Women, Infants, and Children (WIC)", "Commodity Supplemental Food Program", "Donations Programs for Selected Groups", and "The Emergency Food Assistance Program", Food and Nutrition Service, Department of Agriculture, each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–330, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $7,290,000, for the Board for International Broadcasting to remain available until expended.

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–317, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER III

DEPARTMENT OF DEFENSE

GENERAL PROVISIONS

(RESCISSION)

With the exception of budget authority for "Operation and Maintenance, Army"; "Operation and Maintenance, Navy"; "Operation and Maintenance, Marine Corps"; "Operation and Maintenance, Air Force"; "Operation and Maintenance, Defense-wide"; "Operation and Maintenance, Army Reserve"; "Operation and Maintenance, Navy Reserve"; "Operations and Maintenance, Marine Corps Reserve"; "Operation and Maintenance, Air Force Reserve"; "Operation and Maintenance, Army National Guard"; and "Operation and Maintenance, Air National Guard", each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–335, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER IV

DISTRICT OF COLUMBIA

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–334, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–316, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER VI

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–306, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER VII

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 701. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 702. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 703. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 704. Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–332, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER VIII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

GENERAL PROVISION

(RESCISSION)

With the exception of "Program management", Health Care Financing Administration, Department of Health and Human Services; and "Limitation on Administrative expenses", Social Security Administration, Department of Health and Human Services, each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–333, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER IX

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–283, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER X

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–307, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER XI

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–331, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER XII

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for salaries and expenses for the costs associated with "Operation Hardline", $13,200,000, to remain available until expended, of which $13,200,000 shall be derived by transfer from Executive Office of the President and Funds Appropriated to the President, "Special Forfeiture Fund."

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert "not to exceed" after "of which".

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after "$119,000,000", insert "annually".

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, "Salaries and expenses" for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–329, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER XIII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $6,700,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further*, That the appropriate congressional committees with jurisdiction over the Robert T. Stafford Disaster Relief and Emergency Assistance Act shall complete action on authorization legislation to create a Disaster Assistance Rainy Day Fund that would be subject to the appropriations process and take effect on October 1, 1995: *Provided further*, That the plan required by the immediately preceding proviso shall insure that this Fund has sufficient contingency to cover all anticipated costs remaining from the Northridge Earthquake, and any other previous disasters for which additional FEMA disaster assistance is required: *Provided further*, That the plan required by the second proviso in this paragraph shall insure that the Fund retains a reserve equal to the annual 10-year historical average for FEMA disaster relief: *Provided further*, That the legislation specified in the second proviso in this paragraph shall identify a framework for the administration and financing of disaster relief assistance to minimize the need for supplemental appropriations to replenish the FEMA Disaster Relief Fund.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the "Salaries and expenses" appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently permissible for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

"(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.".

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting "and" at the end of subsection (b)(1);

(2) striking all that follows after "Act" in subsection (b)(2) and inserting in lieu thereof the following: ", and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;";

(3) striking subsection (b)(3);

(4) striking "(1)" in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: ", provided that nothing in this section shall prevent a public housing agency from consolidating the occupancy of a public housing project or projects with other projects for the purpose of improving the living conditions of or providing more efficient services to its tenants";

(7) striking "under section (b)(3)(A)" in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.".

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

"(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

"(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

"(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

"(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, or directly with an owner, to attach assistance to one or more structures, in accordance with subsection (d)(2), except that this assistance shall not be taken into consideration in determining compliance with any percentage limitation for project-based assistance under subsection (d)(2).

"(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

"(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.".

INDEPENDENT AGENCY

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103-127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

GENERAL PROVISION

(RESCISSION)

With the exception of "Medical Care", Veterans Health Administration, Department of Veterans Affairs, each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103-327, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

WELLSTONE AMENDMENT NO. 422

Mr. WELLSTONE proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SEC. . SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

BYRD (AND OTHERS) AMENDMENT NO. 423

Mr. BYRD (for himself, Mr. HATFIELD, Mr. EXON, Mr. DOMENICI, Mr. KOHL, Mr. FEINGOLD, Mr. BUMPERS, Mr. DASCHLE, Mr. DORGAN, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. HARKIN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the end of the pending amendment add the following:

TITLE —DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 01. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 02. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

McCAIN AMENDMENT NO. 424

Mr. MCCAIN proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 4, line 20, strike "$1,500,000" and insert "$14,178,000".

On page 5, between lines 8 and 9, insert the following:

BUILDING AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330 and other Acts, $2,994,000 are rescinded.

On page 19, line 12, strike "$11,350,000" and insert "$8,250,000".

On page 19, strike lines 20 through 23.

PRESSLER (AND OTHERS) AMENDMENT NO. 425

Mr. PRESSLER (for himself, Mr. THOMAS, and Mr. SIMPSON) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD, to the bill H.R. 1158, supra; as follows:

At the appropriate place insert the following:

SEC. . RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, March 29, 1995, in executive session, to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 29, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, March 29, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on welfare reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 29, 1995, at 10:30 a.m. to hold a hearing on consideration of ratification of the START II Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 29, 1995, at 2 p.m. to hold a hearing on market reform in New Zealand.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 29, 1995, beginning at 10:30 a.m., in room 485 of the Russell Senate Office Building on S. 325, a bill to make certain technical corrections in laws relative to native Americans, and for other purposes; S. 441, a bill to reauthorize Public Law 101-630, the Indian Child Protection and Family Violence Prevention Act; S. 349, a bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program; S. 510, a bill to extend the reauthorization for certain programs under the Native American Programs Act of 1974, and for other purposes; and to approve the Committee's Budget Views and Estimates.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, March 29, 1995 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 29, 1995 at 2 p.m. to hold a closed hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 29, 1995, in open session, to receive testimony on tactical aviation issues in review of the defense authorization request for fiscal year 1996 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEES ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT AND HUD OVERSIGHT AND STRUCTURE

Mr. HATFIELD. Mr. President, I ask unanimous consent that Subcommittees on Housing Opportunity and Community Development and HUD Oversight and Structure, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 1995, to conduct a hearing on HUD reorganization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL AND RISK ASSESSMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to meet Wednesday, March 29, at 9 a.m. to conduct an oversight hearing on the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA].

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DR. JOHN BRADEMAS ON THE FUTURE OF THE NEW YORK STATE ECONOMY

• Mr. MOYNIHAN. Mr. President, during the past year, NYNEX, a major telecommunications company headquartered in New York State, has sponsored a series of "Agenda For Growth" conferences on the future of the economy of the State.

Keynoting the last of this series was Dr. John Brademas, president emeritus of New York University, who before joining the university in 1981, served for 22 years in the U.S. House of Representatives.

Cosponsors with NYNEX of the February 15, 1995, meeting were the Business Council of New York State, Inc., and the New York City Partnership/New York Chamber of Commerce and Industry, Inc.

I believe many of my colleagues in both Houses of Congress will find Dr. Brademas' analysis of interest, and I ask that the text of his remarks be printed in the RECORD.

The remarks follow:

AGENDA FOR GROWTH: NYNEX CONFERENCE ON THE FUTURE OF THE NEW YORK STATE ECONOMY

I am honored to have been asked to open this conference on "The Future of the New York Economy," and I congratulate Dick Jalkut, President and Group Executive of NYNEX Telecommunications, on the contribution the "Agenda for Growth" series represents to understanding important issues facing our city and region.

At the outset, let me note that I have served on the Board of Directors of NYNEX since 1991 and have greatly enjoyed the opportunity to work with Dick and the other outstanding leaders of NYNEX.

Today, I'll speak to you from the perspective of someone who served twenty-two years as a Member of Congress, from Indiana; for eleven years, as President of the nation's largest private university, New York University; and as a former chairman of the Board of the Federal Reserve Bank of New York. Among other current responsibilities, I'm serving as chairman, by appointment of President Clinton, of the President's Committee on the Arts and the Humanities and also chair the National Endowment for Democracy.

So from this general background, I want to join you in considering prospects for the future of New York City and the surrounding area and ways of strengthening our economy in the years ahead.

As we all know, the economic recovery of the metropolitan region has lagged that of the entire nation. We know, too, that recent changes in political leadership at the city, state, and national levels have added a new dimension of uncertainty to the economic outlook for New York.

How, in this context, do we nurture the unique strengths of the metropolitan region and nourish its preeminent role in the international marketplace?

How, as it were, do we develop an agenda for prosperity?

To respond to these questions, we must first understand the dynamic that drives the New York economy and then consider the challenges that require our efforts. The participants in this conference will offer many insights. Let me offer some initial observations.

Point number one. New York's economic future lies in fundamental changes in the international economy. Technological advances propelling us into the 21st century are redefining the competitive landscape of the entire world. National borders and political ideologies no longer determine patterns of global trade and the movement of capital. We have entered an era characterized by a combination of intense competition and interdependence.

Two of President Clinton's actions this month dramatically underscore what Secretary of the Treasury Robert Rubin has described as the "interconnectedness" of the world economy: the Mexican rescue package and sanctions on China.

This changing structure of the international economy profoundly affects the life of major cities like New York. Why? The dispersal of economic activity around the globe has created a corresponding need for organizational coordination in a few key sites. So cities are increasingly taking on a strategic role as highly concentrated command centers for operations that are worldwide. Not surprisingly, cities have concomitantly become critical locations for finance and specialized services.

All these functions have influenced immeasurably both international economic activity and urban development. One result is the emergence of "the global city," with New York a primary example. The scope and character of the New York area economy are more and more defined by its role in the world marketplace.

Beyond understanding New York's place on the international stage, we must appreciate a second fundamental factor. The principal reason for the strength of the New York region in the world economy is that it is the center for the creation and sophisticated application of intellectual capital.

For during the past century, the New York economy has evolved from one dependent on manufacturing to one based on a concentration of Fortune 500 headquarters, corporate R&D facilities, advanced business services in finance, law, advertising and management and the world's leading cultural institutions and media firms.

Indispensable to all these activities is what I'm calling "intellectual capital"—the individuals and industries that develop new products and services, apply technology in innovative ways, generate new marketing concepts and techniques, design new fashions, create new forms of music and art and produce the information and entertainment that are distributed across the nation and the world.

Indeed, as several recent news accounts have noted, the richness of its intellectual capital sector makes New York an incubator for a host of new multimedia start-ups which thrive on the vibrance of the arts—painters, musicians, writers, filmmakers—and provides innovative content for communications, advertising and publishing conglomerates headquartered in the region—Time Warner, Sony, Hearst, Viacom, Bertelsman, ABC, CBS and NBC. As the New York area also offers comprehensive venture capital and financial services, the remaining resources essential to creative development are right here.

And New York's intellectual capital sector is more and more the primary pulse of the region's strength. The performance of individual facets of the sector may fluctuate over time but taken as a whole, the intellectual capital sector will be the lead generator of income and employment for the future of this region. We must, therefore, nurture this unique resource so that the New York metropolitan area can respond to change with state-of-the-art capabilities. We cannot afford to cede fields of specialization over time to our national and international rival cities.

As we meet today in a hotel close to Times Square, I observe that tourism—New York style—also depends on intellectual capital. Business travelers come to New York in search of the ideas and specializes information most easily obtained through face-to-face contact. Other visitors come for the city's cultural life, its restaurants and retail stores.

Walk just a few blocks from here and you can see how New York City blends culture, entertainment and tourism in new and creative ways. Leading entertainment companies, like Disney, Viacom and Virgin Records, are revitalizing historic theaters on 42nd Street. This development has been made possible, in part, through the impressive work of the Times Square Business Improvement District which has made the entire theater district attractive to visitors from around the world.

As a former university president, I cannot fail to add that New York City's intellectual capital is in large measure the product of the presence of a rich mixture of colleges, universities and research institutes. More than 100 institutions of higher education are located here, situated in all parts of the city. Unlike so many cities where one or two colleges and universities dominate, New York is home to nearly every type of educational institution: theological seminaries, two- and four-year colleges and health care centers and research universities of international distinction.

Indeed, what helps make New York so special is that the students who attend college and professional schools in New York City often settle here and replenish our intellectual capital. Our colleges and universities are magnets that draw people to New York who then launch their careers here, providing a new stream of talent for both the private and non-profit sectors.

I must make another point. The intellectual capital sector encompasses not only the world's largest corporations and financial institutions but also the small companies and manufacturing firms that pioneer customized products and services. Recent studies have underscored the importance of nimble, skilled small businesses as a significant part of the job creation process in the New York area.

How then can we strengthen our base for the years ahead, to assure that we retain both our role as a global city and our investment in intellectual capital?

Here are a few suggestions.

First, we must recognize that we're fashioning an agenda for growth at a time of major political change, and as you and I know, decisions at every level of government have an impact on the economy.

New leadership in both the United States Senate and House of Representatives, a substantial number of members wholly new to the legislative process, shifting committee jurisdictions and, above all, a President and Congress sharply divided by party mean a set of forces that may take Federal policy in directions that depart radically from the past. Similarly, this year, we have had a change of party in the Governor's office in New York State, and last year, in the Mayor's office in City Hall.

The Congressional Budget Office estimates that reductions in Federal grants to New York State in the Republican "Contract With America" would total $26.4 billion a year. Such cuts would affect every aspect of life in the city, from transportation to education, and particularly health care, which accounts for over 12% of employment and wages in the metropolitan region.

From Albany, Governor Pataki wants to reduce state aid to the city by $158 million for the City University of New York, $128 million for the MTA and nearly $2 billion from Medicaid and welfare.

From City Hall, Mayor Giuliani announced yesterday $600 million in cuts in city agencies.

Clearly a concern that underlies all discussion of spending cuts—Federal, state or local—is the impact on the poor in the city. Although the widening gap between rich and poor in New York City is not the subject of this conference, I believe that effectively addressing this complex issue is essential to the long-term social stability and economic health of our city and region.

A second item on our agenda for growth: We must not only sustain but substantially improve the infrastructure that supports New York's economy and its reservoir of intellectual capital. By infrastructure, I mean the capacity to move goods, people and information.

The Port Authority of New York and New Jersey, under the sagacious leadership of Stanley Brezenoff, undertook major improvements in the region's airports. We must continue these efforts while dramatically enhancing ground access to our airports. Indeed the regional public authorities should start planning the transportation systems necessary for the next century. While making better use of the existing transportation infrastructure, we must also link inner-city residents to jobs in outlying areas and find ways of connecting suburban communities directly to downtown Manhattan.

The other element of infrastructure indispensable to intellectual capital is telecommunications. Put simply, the metropolitan area can function as a global city only with a telecommunications capability second to none. For there is a synergistic relationship between unending demands for ever more sophisticated services and the push for breakthrough technology and systems to meet those demands.

Driven by data and communication requirements for managing international operations from corporate headquarters and conducting complex financial transactions around the world, New York has emerged as the central nervous system for the global network of the most advanced information technology anywhere.

New York City resembles a giant switchboard: Electronic messages are constantly flowing in, through and out of the city's office towers and stock exchanges. Modern telecommunications systems have enhanced the city's capacity to put information to work, converting ideas and data into new products and services that are distributed electronically around the world.

Indeed, New York is the leading source of content for books, magazines, newspapers, radio, television and eventually for the Internet. Within just one mile of this motel are the headquarters of the nation's largest television and radio networks, leading publishing companies and major sources of cable television programs.

As the global market for information and entertainment expands, New York's communications industry will become even more important. Only last week, MTV, a division of Viacom, headquartered just four blocks from here, announced the launch of a music television channel in South Africa, the first American broadcaster to establish a network in South Africa since the new post-apartheid government opened the state-controlled airwaves to private enterprise.

New York is—literally—spanning the world!

Let me turn from physical infrastructure to the foundation of New York's intellectual capital sector—people. New York City has a larger number and wider diversity of brilliant, talented, motivated men and women than any other urban area in the world. It is this intellectual firepower that in large part makes New York New York and is so attractive to international business.

Two forces are critical to invigorating the environment necessary for constant renewal of our creativity and expertise: education and the arts. Let me elaborate.

The employment requirements of the New York metropolitan region are increasingly characterized by the sophisticated, cosmopolitan nature of the intellectual capital sector.

I have earlier spoken of the crucial role our post-secondary educational institutions play in luring people here for their studies and careers. Yet no challenge is greater for New York City than to reaffirm the priority of good elementary and secondary schools. The public school system is nevertheless being asked to do much more with substantially less. As Robert Berne, Dean of NYU's Robert F. Wagner Graduate School of Public Service, has warned, the proposed freeze in state aid to New York City schools represents a substantial cut in funding because our school population is increasing by approximately 20,000 students every year. And Mayor Giuliani's announcement yesterday that the deepest reductions in his budget will fall on the City's public schools only intensifies the problem.

Without a strong school system, we will not be able to produce a skilled workforce, one able to compete in today's job market. As entry-level jobs demand higher technical skills, we must design our high school programs to meet the requirements for employment in the 21st century.

In addition to education, other components crucial to the creative milieu that defines New York are arts and other cultural institutions. The arts are a $9 billion industry in this region, an essential asset to tourism which in turns generates $20 billion of regional economic activity. The Metropolitan Museum of Art, for example, is the city's single largest tourist attraction, with 4.6 million visitors annually, nearly one million of whom are from outside the country.

As a recent report, The Arts As An Industry, issued by the Port Authority of New York and New Jersey, stated:

"The arts and the people who create, present, and market them are a critical competitive advantage that New York and its suburbs have over our national and international competitors for survival in the next century . . . . But . . . the most important role the arts play in the life of the region is not related to its economy but to its very sense of itself."

I speak to this matter with particular interest as Chairman of the President's Committee on the Arts and the Humanities, and I express serious concern about the uncertain future of Federal support for the arts, the humanities and museums. Proposed budget cuts would have a deeply damaging impact nationwide, for the arts, humanities and museums are vital to the economy of every state and every local community. Nonprofit arts institutions alone generate $36 billion in economic activity annually. They support 1.3 million jobs and generate $3.4 billion in Federal tax revenues. Investment in the arts and the humanities is good business.

Support for the National Endowments for the Arts and the Humanities is so small—only $.64 per person a year for each Endowment—yet it is indispensable seed money. Every Federal dollar leverages an average of

$11 more from private, state and local sources, and without Federal support, there is no serious prospect that private funds will fill the resulting gap or that state and local governments will be able to do so.

And what would be the impact of threatened cuts on New York City where culture is an integral part of our tourist industry?

Now in defining the context for "an agenda of growth" for the New York Area, I have made two assertions:

(1) New York's future is linked to the international economy; and

(2) Our unique source of strength is intellectual capital.

I must add a third factor: (3) We must more aggressively encourage communication and cooperation between and among the business sector; our educational institutions, especially higher education; and government at every level.

The prevailing political winds can set a new course for the relationship between government and business. The profit-making sector and our colleges and universities can find new ways of working with one another.

Indeed, it is awareness of the importance of such cross-cutting relationships that caused the Carnegie Corporation of New York to make a grant to New York University to organize this year a series of three colloquia on science, technology and government. Scientists and engineers, business executives and government leaders will join scholars from New York University, other area universities and the New York Academy of Sciences to take part in sessions on three major topics—biotechnology, telecommunications and science and environmental journalism. Experts from New York, New Jersey and Connecticut as well as city, state and Federal officials will discuss the implications for the tri-state economy of advances in science and technology and of decisions by public policy-makers.

Let me conclude this analysis by suggesting some questions for this distinguished panel to consider. It is, in my view, imperative that the business community, along with civic and community groups, be involved in shaping the agenda for the economic growth of the city. In doing so, there will be difficult choices among competing priorities. Let me illustrate.

First, sustaining the infrastructure of the New York City region will require large-scale public investments. Which ones? Here's an example: Should we renovate Yankee Stadium, improve access to the airports or expand the Jacob Javits Convention Center?

A still broader question here: How to link our economic development strategy for job creation to our investments in infrastructure?

Second, we must support the institutions that nourish our base of intellectual capital. How?

To meet the demands of a changing economy, we must modernize our public schools. What is the role of the business sector here? Of our colleges and universities?

Again, can our institutions of higher education forge connections with business and industry to the advantage of both? Can, for example, the city's medical schools collaborate more closely with the region's pharmaceutical firms to build a stronger biotech industry?

I have spoken of the arts, one of New York's greatest assets. How can we assure financial support, both public and private, of our cultural institutions in ways that reflect their importance to our economic future?

What initiatives, public and private, are necessary to attract and retain artists, writers and the entrepreneurs of New York's emerging multimedia industry?

Third, can we explore opportunities for more public-private partnerships? Their success in renewing Union Square, Bryant Park and downtown Brooklyn demonstrates that the quality of life in New York can be enhanced if business and government work together.

How can we stimulate jobs and economic development in low income communities and invent more effective approaches to the delivery of public services?

We all know that privatization is now in fashion but we must ask exactly what government functions should be privatized and the effect of privatization on the delivery of services.

We know, too, that government tax, spending and regulatory policies will continue to influence the agenda for the economic growth of New York. The entire range of issues that affect the economy—and society generally—is, of course, in a democracy, the stuff of politics.

Now I have not today attempted to be exhaustive in my comments, but instructive. I would, however, insist that in a modern, complex society like ours, there are roles for both private and public sectors. And if I have said anything useful, it is to stimulate more communication and cooperation between the two.

The rapidity of scientific and technological change imposes new burdens on leaders of business to remain competitive and on government policy-makers to serve the pubic interest.

For all these reasons, I applaud NYNEX for bringing together these distinguished leaders from various fields to discuss the future of our region.

I conclude with the words of that great conservative, Edmund Burke:

"The public interest requires doing today those things that men [today, he would add, "and women"!] of intelligence and goodwill would wish, five or ten years hence, had been done."•

A MUSLIM VOICE AGAINST TERRORISM

• Mr. SIMON. Mr. President, recently, in Tikkun, a journal that comments on political and religious affairs from the Jewish perspective, I saw a comment under the title "A Muslim Voice Against Terrorism" by Iman Plemon T. El-Amin. He is an assistant to Iman Warith Deen Mohammed, and the journal comments: "While Louis Farrakhan tends to be portrayed in the media as the dominant voice of Islam in the United States, Warith Deen Mohammed represents a significantly large following. This statement about Islam should be read by all those who claim that they never hear Islamic leaders speaking out against Hamas violence." There is a tendency, in the United States, and particularly in our media, to identify the word Moslem with the word radical or fundamentalist, so you constantly read about Moslem radicals or Moslem fundamentalists; and there is not an awareness that most Moslems practice their religion in a responsible way, just as most Christians and Jews and people of other beliefs do.

The United States is becoming more and more a pluralistic society with people of many religious beliefs contributing to enriching our society. Among those whose numbers have grown significantly in the last decade are Moslems and Buddhists.

The statement by Imam Plemon T. El-Amin is a good antidote for those who see Moslem voice only in forms of extremism.

I ask that the statement be printed in the RECORD.

The statement follows:

[From Tikkun, Vol. 10, No. 2]

A MUSLIM VOICE AGAINST TERRORISM

(By Plemon T. El-Amin)

Muslim voices against terrorism have not been silent, but it is the trend, perhaps even the policy of major media, to downplay the voice of reason, the voice of faith, and the voice of principle, in favor of the shouts of the extreme, the wails of the grief-stricken, and the threats of the treacherous. The voices of peace, justice, mercy, and tolerance are not difficult to find among Muslims and Islamic media, who consistently denounce acts of terrorism and reject them as illegitimate and unacceptable Islamic strategies or methods.

Imam W. Deen Mohammed, internationally and nationally recognized leader of the largest identifiable Muslim-American community, explained recently that: "Islam insists that the best human behavior be demonstrated even when engaging an enemy in war. Our Prophet Muhammed (prayers and peace be on him) ordered that civilians not be made the victims of war. He (the Prophet) cautioned the Muslims to take care not to attack those who were not bearing arms against them. Islam and the Prophet's life require of us that we uphold justice and be a peace-seeking people."

Muslims are guided and obligated by the Qur'an, which reveals to us that we must not wage war for self-interest, material gain, or mere retaliation. Muslims are to fight or wage war only when someone hinders them from the worship and work of God. And when we fight, we must reject barbaric methods of warfare and doing any harm to women, children, the elderly, the sick or wounded, and even to animals or vegetation.

Muslims are commanded by God to do justice to all, irrespective of whether they are friend or enemy, under all circumstances. God says in the Qur'an, "O you who believe! Stand out firmly for justice even as against yourselves or your parents or your kin, and whether it be (against) rich or poor." (4:135) "O you who believe! Stand out firmly for God as witnesses to fair-dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just, that is next to piety. And be regardful of God, for God is well-acquainted with all that you do." (5:9)

The definition of jihad is not Holy War, nor can it be used to justify terrorism. Imam W. Deen Mohammed has stated that "Jihad means struggle in everything that God has established for Muslims to do. The emphasis on jihad in the Qur'an and in the life of Prophet Muhammed was not for the purpose of conquering lands or overthrowing nations, it was for the purpose of liberating the higher instincts, the higher aspirations in man."

Cowardly acts of terrorism upon innocent men, women, and children is not a doorway to Heaven, but a gateway to Hell. Blind aggression and retaliation are sins, and as Muslims we reject these practices by our selves, our kin, our foes, the rich, or the poor. Past and recent acts of terrorism that victimize innocent human beings, such as the World Trade Center bombing, the mosque assault by Baruch Goldstein, and the recent suicide bombing in Tel Aviv are deplored by our community and must be condemned by all God-conscious and civilized communities, both Muslim and others. We must all stand up for peace and toleration. Among both the Palestinians and the Israelis are those guilty and responsible for the many women and children left maimed and dead. Each side has produced both perpetrators of violence and victims of injustice.

In Islam, one injustice, or even many, does not justify another. Man's law and rule has failed both peoples. It is time to embrace the law and rule of God, especially since both people identify themselves as people who hold the rule of God above the law of man.

The voice of the Muslim is not mute. Our voice is that of the Qur'an, and the life of the Prophet Muhammed. Both ring with clarity that peace is to be loved and sought, and terrorism is to be hated and rejected.●

ORDERS FOR THURSDAY, MARCH 30, 1995

Mr. PRESSLER. I ask unanimous consent when the Senate completes its business today, it stand in recess until the hour of 9:20 a.m. on Thursday, March 30, 1995; that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business not to extend beyond the hour of 10:15 a.m., with Members recognized to speak for up to 5 minutes each, with the following exceptions: Mr. COVERDELL, 10 minutes; Mr. CAMPBELL, 10 minutes; Mr. THOMAS, 5 minutes; Mr. COHEN, 10 minutes; Mr. KERREY, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. PRESSLER. I ask unanimous consent that following the confirmation of Mr. Glickman and resuming legislative session, the Senate then resume consideration of H.R. 1158, and the democratic leader be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. PRESSLER. Under a previous order, at 10:15 a.m. the Senate will resume executive session for 10 minutes of debate on the nomination of Daniel Glickman to be Secretary of Agriculture. Therefore, a rollcall vote will occur on the confirmation of Mr. Glickman at 10:25 a.m.

For the information of all Senators, a vote will occur at 10:15 a.m. on the nomination of Mr. Glickman, and the Senate will then resume the supplemental disaster assistance bill. Therefore, votes can be expected to occur throughout Thursday's session of the Senate. The Senate will also be asked to remain is session into the evening on Thursday in order to complete action on the appropriations bill.

RECESS UNTIL 9:20 A.M. TOMORROW

Mr. PRESSLER. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:06 p.m., recessed until Thursday, March 30, 1995, at 9:20 p.m.

NOMINATION

Executive nomination received by the Secretary of the Senate after the recess of the Senate on March 28, 1995, under authority of the order of the Senate of January 4, 1995:

CENTRAL INTELLIGENCE

JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE DIRECTOR OF CENTRAL INTELLIGENCE, VICE R. JAMES WOOLSEY, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, March 29, 1995*

The House met at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that we will be given the insight and the wisdom to see clearly what needs to be seen, to hear what needs to be heard, to understand what needs to be understood, so that we will truly be the servants of the people by doing justice and loving mercy. Give us patience, we pray, that before we speak or act or judge, we hear Your word of strength, comprehend the issues presented and the values involved, and then act for the good of every person. Bless us, O loving God, this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from New Jersey [Mr. LoBIONDO] will lead the House in the Pledge of Allegiance.

Mr. LoBIONDO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be fifteen 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else. We promise to cut the congressional budget. And we have.

Next we passed a balanced budget amendment, legislation on unfunded mandates, and a line-item veto. We have kept these promises.

We also promised to pass a new crime package that would take violent criminals off our streets; a National Security Restoration Act; Government regulatory reform to cut down on regulations; and commonsense legal reform.

Mr. Speaker, we have done these things.

Next we passed welfare reform to encourage work, not dependence.

Today we will be debating congressional term limits. For the first time in years that will be on the floor of the House for a vote.

Next we are going to have tax cuts for the middle class and Senior Citizens Equity Act to allow senior citizens to work without Government penalty.

Mr. Speaker, this is our Republican Contract With America.

POINT OF ORDER

Mr. FOGLIETTA. Mr. Speaker, a point of order.

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman will state his point of order.

Mr. FOGLIETTA. Mr. Speaker, I ask the Speaker to rule whether or not it is proper for Members to be wearing badges during 1-minutes and the rule, accordingly.

The SPEAKER. The Chair will state under a previous ruling it is not appropriate for Members to wear badges when they are addressing Members of the House, and would ask all Members to take note of that ruling.

Mr. FOGLIETTA. I thank the Speaker.

APPOINT AN INDEPENDENT COUNSEL

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, a dark ethical cloud lingers over this Congress. To safeguard the public trust, to ensure that high ethical standards are maintained, there are times when it is appropriate to appoint an independent counsel. An investigator who is not biased, who is not linked to either party to investigate thoroughly may be essential.

That has occurred in this House on a number of occasions, in the matter of Congressman Charles Diggs, in the matter of ABSCAM, regarding Congressman George Hansen, regarding Congressman St Germain, regarding the Page scandal, regarding Speaker Jim Wright, and most recently in 1989 regarding Mr. GINGRICH.

Why not now? If charges are partisan, if they are unjustified, what better way to demonstrate it than to have an independent counsel verify that?

Last year before the election, so many of the Republicans talked to us about the President and Whitewater, why is it that now the election is over all they talk about with reference to Mr. GINGRICH is whitewash.

THE AMERICAN PEOPLE WANT A YES VOTE ON TERM LIMITS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today is a great day on the Potomac. It is a historic day. For a very long time the people of America have wanted open debate and a vote on term limits. As we say in Kansas, it is time to fish or cut bait. The American people think that Congress has cut enough bait. They want a vote on term limits.

Term limits are extremely popular with the American people because they want a citizen legislature. They do not want the same excuse that they have heard about we already have term limits every 2 years, because they do understand the system.

They know name recognition, the PAC's, franking all work for the incumbent.

The term limit vote is important. The American people want a "yes" vote for term limits or your congressional seat next year. So what are you going to do? Are you going to fish or cut bait?

WELFARE RECIPIENTS ARE HUMAN BEINGS, NOT ANIMALS

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, in politics, today, we make points by making good sound bites.

I wonder if my colleagues on the other side of the aisle got the sound bite they wanted on welfare this past weekend? The sound bite winner by far was our millionaire friend from Florida who compared people who are forced to seek Government assistance to alligators.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Last week, I asked the question, "Do we really have to divide America to reform welfare?" I do not think so. But I am deeply afraid that others have a different agenda based on divineness, race-baiting and the meanest kind of speech I can think of.

I represent 1 of the 10 poorest districts in America. On behalf of my constituents, I ask for an apology from those who compared decent human beings to alligators, to wolves, and to mothers not capable of caring for a committee chairman's cat.

People forced on welfare are people. Not animals. They want to work—we owe them real solutions to provide them jobs and the tools to keep those jobs. We also owe them an apology for degrading them on the floor of this House.

POINT OF ORDER

Mr. FOGLIETTA. A point of order, Mr. Speaker.

Mr. SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman will state his point of order.

Mr. FOGLIETTA. Mr. Speaker, it seems quite obvious that Members of the House have not abided by the ruling of the Chair concerning buttons would not be worn while the House is in session.

The SPEAKER pro tempore. The Chair will state while a Member is addressing the House he or she may not wear badges or buttons. At other times it maybe permitted under previous rulings of the Chair.

TERM LIMITS

(Mr. ENGLISH of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise as a strong supporter of congressional term limits who has promised to voluntarily limit his own tenure, and I rise to congratulate those Members of the other party who have gone against their leadership and have joined us in support of term limits.

Unfortunately, it is obvious that there is one party in the House that is sympathetic to term limits and one party that is violently opposed to term limits.

I urge my Democratic colleagues to vote in favor of term limits to give us the votes to pass the amendment. Over 70 percent of Americans are in favor of term limits, and if we are truly a representative institution I believe our voting should reflect that.

This is your chance to prove that you are responsive to the public and to the national interest, and not just part of inside the Washington Beltway.

TIME TO REIN IN THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, IRS testified down here that the Bill of Rights and the Constitution are great, but they should not be applied to taxpayers. Taxpayers should remain guilty in a tax court or they cannot do their jobs.

Check out this case: A woman, Edith LiButti, up in New Jersey, once had a great race horse, "Devil His Due." The IRS says you do not own all of that race horse, your dad has a partial interest; we put a lien on the horse. They wrecked her business, destroyed her reputation, and now they are saying their evidence is "they have reason to believe" her dad has a partial interest.

Reason to believe? There can be no taxpayer Bill of Rights in America without changing the burden of proof. Taxpayers should at least be treated like a common criminal, by God.

Let me say this: It is time for the Congress to give the devil his due. That is the IRS. It is time to straighten this mess out. I want your support on H.R. 3, and I know the IRS is getting to all of the big people around here and scaring them that they are not going to be able to raise taxes.

Let us get on with our business.

A ROUGH DRAFT MADE BETTER

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, yesterday the gentlelady from Colorado said the Constitution was not a rough draft. I agree that the bedrock principles upon which this Nation was founded are not in need of refinement. But 27 times—on 25 different issues if you subtract out the on-again/off-again concept of prohibition—the sons and daughters of our Founding Fathers revised the Constitution to better adapt those principles to the times. I am sure the gentlelady agrees that the Bill of Rights, the 13th amendment abolishing slavery, the 15th amendment affirming the right of all races to vote, the 19th amendment granting women's suffrage, or even the 22d amendment—which embodies term limits for the President of the United States—have improved upon the Founding Fathers' work. No, the Constitution was not a rough draft—it was a living document and it can withstand prudent modifications to reflect the march of time. Support term limits.

The author of the first Bill of Rights in this country said: "Nothing so strongly impels a man to regard the interests of his constituents as the certainty of returning to the general mass of the people from whence he was taken."

So said George Mason, IV, who refused to sign the Constitution because term limits was not in it.

TERM LIMITS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, Speaker GINGRICH's whip organization has been awesome as he has rolled up victory after victory no matter how controversial his legislative agenda.

He rolled up a large majority of Republicans to push GATT through a lameduck Congress. Speaker GINGRICH did yeoman's work behind the scenes to deter any congressional scrutiny of the $40 billion Mexico bailout, and when we finally forced a vote on the floor the Republican leader threatened committee assignments, subcommittee chairs and other retaliations if his minions did not toe the line.

Just last week they flexed their leadership muscle gain on welfare and nutrition reform, but the muscles of the Speaker's whip organization have suddenly gone flaccid with the prospect of term limits.

The Speaker has constructed a bizarre rule and amendments that are designed to fail. It is time for supporters of the Republican contract to sue for breach of contract, or maybe to invoke the ultimate term limits in November 1996 and vote the rascals out.

TERM LIMITS

(Mr. LOBIONDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOBIONDO. Mr. Speaker, since the 1st day of the 104th Congress, I have been proud to join with my colleagues on both sides of the aisle to change the way Congress does business.

This week, we will vote on the most important reform yet—term limits. Opponents argue that we do not need term limits since we have elections.

Yet from 1976 through 1994, 9 out of every 10 incumbents were re-elected. Even in 1994, the re-election rate was still 90 percent.

Term limits will give the American people more elections in open seats. They will bring new Members to Congress who have different experiences and fresh ideas.

That is what the American people want. Recent polls consistently show that two-thirds of the American people support term limits.

And the American people will be watching to see who supports real congressional reform, and who votes for the status quo. I urge my colleagues to vote "yes" for final passage of term limits.

TERM LIMITS FOR INCUMBENTS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, last week, we heard about the cycle of dependency and people living off the taxpayers' money.

And who was saying it?

The same Republicans who have been getting a Government salary for 20 or 25 years, and today are going to talk about fake and phony 12-year term limit.

Last week, Republicans said "you get 2 years to learn job skills on your own, no job training."

But, the gentleman from Florida, sponsor of a 12-year limit, says he needs a longer learning curve to master this job.

Last week, they pointed to pictures of alligators and said that is a welfare recipient.

And then they got a pat on the back.

This week, I have pointed out the hypocrisy of Republicans who support term limits as long as it does not cut into their career, and I am lucky if I don't get whacked over the head.

Last week, I heard about tough love.

Well, this week I want to offer that same kind of tough love to my Republican friends who are having a tough time kicking the congressional habit. If you love this place, tough.

Vote for term limits that are retroactive. If you have been here 12 years, you are out.

□ 1115

AMERICAN COMPETITIVENESS BENEFITS FROM MULTILINGUAL SOCIETY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, America has a secret weapon in the dog-eat-dog world of global, economic competition: language.

If you don't believe me ask the Japanese. When asked what was the most important language for world trade, a Japanese businessman once replied, "The most useful international language for world trade is not necessarily English, but rather the language of your client." It makes perfect sense. Customers would much rather buy a product from someone who speaks in a language they can understand.

America's secret weapon is the 9.9 million children who come from homes where a language other than English is spoken. These children can help America crack Japanese, Russian, and Latin American markets by speaking to global customers in languages they understand.

Our biggest mistake would be to waste our tremendous language resources by following the simplistic drumbeat of English-only narrow mindedness.

Support American competitiveness and reject English-only.

TERM LIMITS

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, I rise this morning to express my opposition to the constitutional amendment of term limits.

Mr. Speaker, term limits of Members are already in the Constitution. According to article II, subsection 1, the House of Representatives shall be composed of Members chosen by the people every 2 years. So we already have term limits, and for those people, I find it very ironic, Mr. Speaker, for the people who talk the most and the loudest about term limits are the people who have served in this body for over 12 years.

So if we really want term limits, I make the suggestion let us lead by example. I want every Member who supports term limits to sign the term-limits pledge to our contract, which provides they would serve "x" number of years and then resign from office.

So if you really are for term limits, then I suggest the Members of this body sign the pledge to say, "I will voluntarily limit my term by a year certain," and if you really want to lead, lead by example and not by taking up some amendment that probably will not pass in the disguise of the Contract With America. Let us have a contract with our district and resign from office after 12 years.

CELEBRATING THE 25TH ANNIVERSARY OF THE MINE SAFETY AND HEALTH ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, on Thursday of this week the Department of Labor will be hosting a ceremony to mark the 25th anniversary of passage of the Mine Safety and Health Act. Although I will not be able to attend that ceremony, I do want to call it to my colleagues' attention, and commend those in government, industry, the mining work force, and others, who have helped, over that period of time, to make our country's mining industry the safest in the world.

Anniversaries are a time not only to look back but to look forward. Clearly one of the major challenges over the coming years, in all Government programs, is to determine how can we assure the best use of the taxpayer's dollar. We know now what maybe Congress did not appreciate 25 years ago, that we cannot afford to do everything, and so we have to make sure that when Government spends money, it is getting the most value for the taxpayer's dollar.

In that regard, I would note for my colleagues that the Mine Safety and Health Administration spends over $550 per year per covered employee, while its sister agency, OSHA spends about $2.84 per covered employee. We should determine whether it is good use of taxpayer dollars to continue to duplicate many of the functions performed by these two agencies. Just as is true with OSHA, the Mine Safety and Health Administration spends too much time inspecting safe work sites and enforcing trivial requirements.

Over the coming weeks and months, I hope to examine those issues and see whether the answers given 25 years ago remain the right answers today for allowing our country's mining industry to be competitive in a tough world marketplace, while continuing the improvements that have been made in worker safety in this very important part of our Nation's economy.

PROPOSED CUTS TO STUDENT AID THREATEN AMERICA'S FUTURE

(Mr. BALDACCI asked and was given permission to address the House for 1 minute.)

Mr. BALDACCI. Mr. Speaker, our colleagues on the Republican side are proposing to close the door to higher education for middle-income students in order to pay for a capital gains tax cut. Four major student aid programs—subsidized Stafford loans, work study programs, supplemental education opportunity grants and Perkins loans—are targeted for reduction or elimination.

Last weekend, I met with a group of college students in Maine. They were shocked and disappointed to learn of this proposal. In Maine, nearly 80 percent of all students attending the public university receive assistance from one or more of the targeted programs.

For the vast majority of these students, eliminating this aid will mean that attending college will become a dream turning bleak. Children of working families simply do not have the financial resources on their own to pay for higher education.

Who suffers as a result of this plan? Not just working-class families, but all Americans. Our country desperately needs an educated work force. Today's students are tomorrow's leaders. We cannot afford to deny access to education to all but the most privileged. We must defeat this ill-considered plan, and open education up to all.

AMERICA NEEDS TERM LIMITS

(Mr. FOX of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, we need to adopt term limits. Eighty-five percent of the American people support limits on the time a Member may serve in Congress.

The current system of entrenched power and almost perpetual incumbency has produced a political climate of cynicism and distrust among the American people. Term limits, with their built-in mandate for accountability, can move us toward restoring faith of a wary public in their government in Washington.

Mr. Speaker, this is not a partisan issue. While Republicans just won control of both Houses for the first time in 40 years, we are reaching across the aisle and urging our Democrat colleagues to join us in fundamentally changing the way Washington works. It is my hope that the voters' demand for change will not become just another electoral echo but will remain vivid and distinct in our ears.

The American people deserve a Congress that is answerable directly to them. This is the meaning of the 1994 election. Mr. Speaker, we want a Congress that is truly a reformed Congress; that demands term limits now.

SSI AND TRAINING CUTS

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I rise today to share with this body a story of individual courage and independence, the type of story that my colleagues from the other side of the aisle like to hold up as the American ideal.

Mr. Speaker, I had the privilege of meeting a very special young woman from my home State of Texas by the name of Beth. Beth, by her own description, is retarded. Now, with a low-skills job, she pays taxes. She is determined to get a better job and soon get her own apartment.

But the Republicans' tax cut will not help Beth. While she was growing up in Texas, Beth's working-class family cared for her with the help of supplemental security income, the SSI Program. She has had access to various Federal youth job training programs that gave her help so that she could get into the public schools.

The Republicans' tax cut will not help Beth. Beth and others like her, true Americans asking only for a hand in overcoming adversity, may now be slapped down by the Contract on America, to pay for symbolic tax cuts, tax cuts that do not do any of us any good.

The other side is ready to cut SSI, job training, and student loans designed to give the disadvantaged an opportunity. Mr. Speaker, the only way that we can help Beth is to make sure that we enhance the opportunities. Mr. Speaker, the tax cuts that the Republicans offered are not the right thing to do.

TO THE DEMOCRATS: JOIN US

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. Mr. Speaker, where are the Democrats? We need you. We need you today.

It takes 290 votes. Twenty-two States, many of the States that you all come from, have passed term limits. Why do you not get the message?

Many of these people are Democrats in these 22 States. They need for you to come to the floor today and support the vast majority of Republicans that will vote for term limits.

Do not snub your nose at your people. Come and join us. Help us put the 290 on the board and give the people of the country a chance, an opportunity to debate term limits so it will go out to every State legislature, so all the people will have a chance to debate it.

Do not snub your nose at the voters. Give them a chance to have a say in this. Come and join us. Put the 290 on the board today. Join us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORKILDSEN). The Chair will caution all visitors, you are guests of the Chamber, and we do not allow demonstrations for or against any statement made on the floor.

CONGRESSIONAL TERM LIMITS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I have to respond to the previous speaker in saying that the Democrats must vote for term limits in order to pass it; I would just remind the gentleman from Illinois that he needs to get his leadership and his Republicans to vote for term limits, where the gentleman from Texas [Mr. DELAY] is not going to vote for term limits; the gentleman from Illinois [Mr. HYDE] is not going to vote for term limits, the chairman of the Committee on the Judiciary; the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, is not going to vote for term limits.

It is not the Democrats that are refusing to vote for term limits. It is the Republicans as a body that are not totally endorsing term limits and will be responsible for this matter not going through the House of Representatives.

Now, term limits, they think, is the answer to everything. Mexico has very strict term limits for their President, their Senate, and their House of Representatives. It certainly has not solved all the problems in Mexico, and people like Mr. Madison and Mr. Jefferson served this country valiantly and with courage and responsibility for up to 43 years.

We should not remove that responsibility from people in this country.

URGING SUPPORT FOR TERM LIMITS

(Mr. WHITE asked and was given permission to address the House for 1 minute.)

Mr. WHITE. Mr. Speaker, I have only been here for a short period of time, just 3 months, but in that short period of time I have learned something about term limits.

I have learned that there are lots of good people who have been in this House for a long period of time, people with experience who can add a lot to the debate, and if we pass term limits today, Mr. Speaker, some of those people will not be able to stay.

But, Mr. Speaker, for every single person we will lose because of term limits, there are thousands and thousands of other Americans who could serve equally well in this House, because no matter how much experience we have in the House, no matter how many Rhodes Scholars we have in the White House, the genius of our country resides in the people of this country, not in professional politicians.

That is why I have limited my own term. That is why I will vote for term limits.

Mr. Speaker, I ask my colleagues to show some humility. We need the wisdom of the American people in this House, and term limits is how we are going to get it.

A HISTORIC DAY IN THE HOUSE OF REPRESENTATIVES

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, this is a historic day in the House. This will be the first vote in the House on term limits since the Framers of the Constitution rejected the idea over 200 years ago.

I believe term limits are not needed or necessary. Voters have the opportunity to limit our careers every 2 years. We have had a 52-percent turnover in the House of Representatives since 1990.

It is going to put much more power in the hands of the bureaucracy rather than the elected officials. And No. 5 is the large States really benefit at the expense of the smaller States such as Tennessee.

But with everything said and with my reservations about term limits, I will vote to let the people in Tennessee and the respective States decide whether term limits is in the best interests of the country. I will uphold the wishes of the people of my State and let them decide whether or not they wish to amend the Constitution even though I think it is a bad idea.

SUPPORT THE HILLEARY AMENDMENT

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, in my home State of North Carolina, stock car racing is a huge event.

In stock car racing the car driver has a pit crew. These are the guys who work on the engine, fill it up with gas, and keep the car running.

When a driver pulls into the pits to have his crew work on the car, the crew only has a few seconds to do their job.

They change the tires, fill it up, clean the windshield, and then they get out.

Mr. Speaker, the American public elected us to be their pit crew.

The 1994 elections attempted to put America back on the right track. Hard working Americans are driving this country, but they have chosen us to come up here, do a job and get out.

I am a proud sponsor of House Joint Resolution 76, the Hilleary amendment which would impose a maximum 12-year limit on the terms of House and Senate Members.

However, this amendment would also respect term limits already established by 22 States nationwide, most of which are stricter.

Mr. Speaker, like many other freshman Republicans, I have also signed on to Mr. INGLIS' 6-year term limit amendment on House Members.

I have purposefully signed on to more than one amendment to help ensure that term limits pass this House.

Mr. Speaker, let us put America back on the right track and pass term limits.

FIGHTING TO PRESERVE STUDENT LOAN PROGRAMS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last night, Republicans refused to crack down on billionaire tax evaders who renounce their citizenship to avoid paying their fair share of taxes. But, preserving tax loopholes for billionaires is just the latest installment of the great tax giveaway of 1995. And, who is paying for this windfall to the wealthy? Middle class, working families.

Just look at what is next on the GOP agenda: Republicans want to cut student loan programs to help finance their tax cuts to the wealthy. Four crucial student aid programs are on the GOP chopping block. Together, these programs account for 75 percent of the financial aid currently awarded to college students.

In Connecticut, 39,176 students rely on Stafford loans. The average debt of these students is $13,835. The Republican proposal would increase the average debt by $4,547 per family. That means monthly payments will soar, from $164 a month to $202 a month. This may not sound like much to Speaker GINGRICH, but it is real money to a 24-year-old in his or her first job.

Many Members of this body took out student loans to pay for their education. It is wrong to deny that same opportunity to the students of today. Democrats will fight to preserve student loans programs, not tax loopholes for the wealthy.

□ 1130

MAJORITY OF AMERICANS WANT TERM LIMITS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, in his 1992 campaign for the White House, Mr. Clinton had this to say about term limits: "I am against term limits because I think it takes choices away from the voters." But the American people did choose. They chose by an overwhelming majority that they want term limits. It was their choice. Twenty-four and half million Americans have chosen term limits.

When you talk about choices for the voters, let us look at what happened in California. In California, the number of candidates running for office has increased by 40 percent since passage of term limits. That gives voters an awful lot more choices, does it not? Does it not increase the choices dramatically?

Mr. Speaker, the American people clearly want term limits. Republicans cannot do it alone. We need only half of the Democrats, we just need half of your caucus to vote for term limits. And the gentleman from Michigan's [Mr. DINGELL] own bill, we just need half of the Democrats to give the American people what they want, a more accountable citizen legislature and an end to legislative careerism.

STUDENT LOANS

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, as the Republicans continue their class war on behalf of the junk bond traders of this country, the poor and the middle class are once again going to face their social Darwinist guillotine.

Education is the single most important factor in determining whether or not a person will live in poverty. With this in mind, the GOP is now going to slash student loans which allow working families to send their children to school. Going to school is expensive enough as it is, yet now the Republicans want to make it almost impossible.

While NEWT GINGRICH plans a $500 per child tax credit for people who can afford to send their kids to Yale, the working people in my district now will even have the money to watch his bogus college course on TV.

Mr. Speaker, the Republicans not only want to deny a future for the poor of this country, they also want the middle class to keep them company.

OUR NATION IS BEST SERVED BY HAVING TERM LIMITS

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, I would like to point out that I bow to the will of this body, my term-limits badge inside my coat, not on the outside.

Mr. Speaker, I ask my colleagues to consider the words of George Mason, a man whose vision was critical to our Bill of Rights. Mason said;

> In order to restrain public officials from oppression, they should at fixed periods, be reduced to a private station and return into the body from which they were originally taken * * * where they might feel and participate in the burdens of the people.

Mr. Speaker, that means people here should be responsible for the payroll, their production should warrant what their income is, and people who have lived under the oppressive rules and regulations of the Federal Government.

Mr. Speaker, Congress should be of the people, not its permanent representative. Mason knew that this Nation would be best served by having individuals who have lived as private citizens representing them in Congress. I urge my colleagues to vote for term limits.

EDUCATION IS PART OF THE AMERICAN DREAM

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. WATT of North Carolina. Mr. Speaker, getting an education is part of the American dream. For generations, the Federal Government has helped average, everyday, working-class, and middle-class Americans secure this American dream through financial aid programs for college.

Well, this key component of the American dream is on the chopping block also. Let us be absolutely clear: This is not welfare we are talking about; we are talking about Federal financial aid that goes to working-class and middle-class kids. We are talking about programs that average, everyday working, and middle-class Americans help to finance through their tax dollars. We are even talking about work study, that is, work for money to pay for education.

But make no mistake about it, we are talking about programs that the wealthy string pullers who control the Republican Party do not care one iota about. They can pay for their kids' education. Can you?

EIGHTY PERCENT OF AMERICANS SUPPORT TERM LIMITS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, polls estimate, as everybody knows, that 80 percent of Americans support term limits. Yet I know there are some Republicans who do not, but there are some Democrats who, frankly, oppose, and have actively done so, for some time. Frustrated by 40 years of Democratic inaction and blatant obstruction to term limits, the American people were forced to take this battle to the ballot box, State by State, in a grassroots effort to circumvent an arrogant Congress that thought it knew better than those people it represented.

The makeup of today's Congress is very different, in large part because of the term-limit movement. The new majority believes the people have a right to be heard, and that is why this GOP-led Congress is bringing a historic first ever vote on term limits to the floor of the House today.

For those Democrats sitting on the fence on term limits, just talking about those on the fence, look back at last year's election. Many of your colleagues who fought against the will of the people, about 35 of them, are not here. They are now watching this debate as observers instead of Members of Congress.

The way I see it, we either get your vote on term limits today or we will get your seat in 1996. Think about it.

A TRIBUTE TO THE UCONN HUSKIES WOMEN'S BASKETBALL TEAM

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, this weekend I was lucky enough to be one of 8,000 people at Gampel Pavilion cheering the UCONN Huskies Women's Basketball Team on to their latest victory. We in Connecticut are thrilled that this dream season continues as this dream team advances to the final four.

Rebecca Lobo, the Naismith player of the year and Husky coach, Geno Auriemma, Naismith coach of the year, led this team to an almost unbelievable undefeated season. Although their most recent victory was not quite the 35-point average margin of victory that they were used to, the proved to themselves and to us that through their composure, grit, and drive, they were able to overcome the nerves and the pressure that come with the final big games.

This performance showed us just what a world-class team looks like. On behalf of myself and the entire State of Connecticut best of luck to the UCONN women as they follow their dream to Minneapolis. Go Huskies.

MEMBERS OF CONGRESS SHOULD RETURN HOME AND MIX WITH THE PEOPLE

(Mr. BRYANT of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT of Tennessee. Mr. Speaker, another world-class women's team is the University of Tennessee. Go Vols.

Mr. Speaker, I rise to speak in favor of term limits as a freshman Congressman who has been here 2 months and who has pledged to my district that I will limit my stay to 12 years. I have taken voluntary term limits.

Mr. Speaker, the case for term limits is a simple one. As one of the Founding Fathers, Roger Sherman of Connecticut, put it, members of the legislature, "ought to return home and mix with the people." He warned that if they did not, "they would acquire the habits of the place, which might differ from those of their constituents."

How right he was. Once in office a survival instinct takes hold and nothing becomes as important as winning the next election. Members forget why they were sent to Washington.

Mr. Speaker, term limits have been bottled up for years by the Democratic leadership, but it will finally come to the House floor today. But it will not pass unless we convince about half of the Democrats to vote with the over 80 percent of the Republicans to support term limits.

I would hate to see term limits fail because of a lack of support from my colleagues on the Democratic side. We need only 50 percent of them to vote with us on this. Let us not let term limits fall victim to a lack of bipartisan effort. Let us seize the moment. Let us pass term limits.

GOLDEN GRAB AWARD TO BE ANNOUNCED TODAY

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, some days back I announced an award which I give from time to time. It is entitled "The Golden Grab," a hand extended outward with palm up. This is an award which I will be giving to people in the defense business who are unfaithful to their contracts, who charge too much, who fail to be responsible in terms of meeting their deadlines; to Government officials who fail to properly carry out their responsibilities.

This is an award dedicated to those who disregard their responsibilities to the people of the United States.

I will give the first award on April 1, on April Fools Day. I will give it to a class of persons who are particularly deserving of this award. I will be shortly announcing the first honoree of honorees.

I urge my colleagues to be present to note who will be receiving the Golden Grab Award, a golden hand, palm up, hand outstretched to receive things to which the individual is not entitled at the expense of the public.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORKILDSEN). All time for 1-minute remarks has expired.

TERM LIMITS CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Pursuant to House Resolution 116 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the House Joint Resolution, House Joint Resolution 73.

□ 1141

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, with Mr. KLUG in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. CANADY] will be recognized for 1½ hours, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a historic day. Since the convening of the first Congress on March 4, 1789, more than 180 term-limit proposals have been introduced. Until today, however, there has never been a debate or vote on a term limits measure in the U.S. House of Representatives. Today's debate is long overdue.

We are taking up this important issue today because an overwhelming majority of the public supports—and is demanding—term limits for Members of Congress. This past November, the voters of 7 States adopted or strengthened limits on terms for Members of the U.S. House and Senate, bringing the number of States with congressional term limits to 22. Twenty-one of those States have imposed term limits through ballot initiatives—with the people speaking directly and unequivocally in favor of term limits.

It is clear that voters want more than the party in power to change. The people want the power structure in Washington to change. The American people know that there is too much power here in Washington intruding upon their lives and restricting their ability to make intelligent common sense decisions about how best to solve their own problems.

The executive branch is huge and imposing. The judiciary is intrusive, and the Congress continues to create a larger body of law for the executive branch to enforce and the judiciary to interpret.

It is an unfortunate consequence of long-term service in Congress that Members, even those with the best of intentions, too often begin to think that the power of the Federal Government can be used to solve every problem. The longer a Member stays in Washington, the more likely the Member will view Washington as the fount of all wisdom.

There are enough people in Washington who think the Government can solve everyone's problems. This Nation needs representatives who have a fresh outlook and the necessary real-world experience to solve problems—many of which, ironically, have been created by the overreaching of the Federal Government.

Congress has become too much like a permanent class of professional legislators who can use the powers of the Federal Government to perpetuate their own careers. There are many incentives which combine to turn Members of Congress into career legislators. Term limits will break the power of entrenched incumbency. It will give us representatives who put serving the interests of the people and advancing the good of the Nation ahead of perpetrating their own legislative careers.

The American people want a more competitive electoral system. That is one important reason the public so strongly supports term limits.

While the 1994 elections changed the party in control of the Congress, the overwhelming power and the benefits of incumbency remained. Ninety percent of House incumbents who sought reelection were successful. Of those incumbents who lost, half had not gained the full advantages of incumbency because they had only served one term. In the Senate, 92 percent of the incumbents who ran for reelection were successful.

The American people also want to rein in the Federal Government. That's another major reason the people keep pushing for term limits on Members of Congress.

Term limits would reduce the power of the Federal Government by eliminating the permanent class of career legislators—reducing the power of incumbency and seniority and making legislators more responsive to the interests of the American people. Term limits would restore a sense of proportion to politicians, and therefore to the Federal Government.

Some argue that term limits will undermine effective and responsible Government—that term limits in effect will turn the Congress over to a gang of amateurs.

I believe that these critics misunderstand the true meaning of representation in a democracy such as ours. Their arguments are eloquently refuted by Daniel Boorstein, the historian and former Librarian of Congress, in an essay entitled, "The Amateur Spirit and Its Enemies." Mr. Boorstein writes:

> The true leader is an amateur in the proper, original sense of the word. The amateur, from the Latin word for "love", does something for the love of it. He pursues his enterprise not for money, not to please the crowd, not for professional prestige or for assured promotion and retirement at the end—but because he loves it.
>
> Aristocracies are governed by people born to govern, totalitarian societies by people who make ruling their profession, but our representative government must be led by people never born to govern, temporarily drawn from the community and sooner or later sent back home.

Mr. Boorstein goes on to conclude:

> The more complex and gigantic our government, the more essential that the layman's point of view have eloquent voices. The amateur spirit is a distinctive virtue of democracy. Every year, as professions and bureaucracies increase in power, it becomes more difficult—yet more urgent—to keep that spirit alive.

By enacting term limits we will be doing our part to keep alive this distinctive virtue of democracy. We will make certain that representatives understand the needs and wants of the people because they will have been a part of their world—living and working among them—without the privileges and trappings which elevate and isolate career politicians.

Members will come to Washington knowing that they will not be able to establish permanent careers here. Members will come to Washington to serve their districts and the Nation—not to become part of the Washington establishment.

That is what the people of this country want. That's the kind of system they yearn for. And that is the kind of system they deserve.

As Members of this House it is our responsibility to listen to the American people. This is their Government. They pay the taxes. They fight the wars. How can we in good conscience turn a deaf ear to their demand for term limits? How can we ignore the unequivocal message that comes to us from all across this great land?

How can we stand in the way of the change that overwhelming majorities have supported in State after State?

The issue before this House today is this: Will we or will we not listen to the people of the United States?

I urge my colleagues to listen to the people and to support the constitutional amendment limiting congressional terms.

□ 1145

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, for purposes of debate only, I yield 30 minutes to the gentleman from Connecticut [Mr. SHAYS], and I ask unanimous consent that he be able to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and my colleagues, we have now reached that point in time in the plank of the Republicans' Contract With America which seeks to turn the Congress against itself. Like many of the other provisions of the much ballyhood contract, Mr. Chairman, the proposed term limits amendment has really very little to do with substance. Like the balanced budget amendment and the line-item veto, this debate concerns mere procedure more than anything else. It does nothing to create more jobs, nothing to increase our citizens' standard of living, and nothing to reduce our trade deficit.

Collectively these Republican procedural proposals say to the American people in effect that we, the Congress, can no longer be trusted to govern this country, that we must give the courts the power to balance the budget, and the President the power to cut spending, and today the Republicans would have us say that we cannot even trust the Members of this body to handle what little legislative responsibilities may remain with us as the second branch of Government. The irony is that these transfers in power from the legislative branch are being proposed at the very time the Republicans have achieved majority status.

Well, I must respectfully disagree with those who say Congress is incapable of legislating, and, while this may be a radical idea, I continue to have faith in the scheme of Government that was laid out in our Constitution more than 2 centuries ago. The Founding Fathers considered this question, and they unanimously rejected term limits at that time. I fully agree with James Madison who wrote that term limits "would be a diminution of the inducements to good behavior * * * [and the Nation would be deprived] of the experience and wisdom gained by an incumbent."

Mr. Chairman, I ask, where else is experience trashed as it will be during this debate? Where else will people who have gained from working on the job, who are being reelected and confirmed in their office on 2-year-period intervals, would such a notion as this be considered worthy of all the attention and furor that it will shortly receive?

I also continue to have faith in the fundamental good judgment of the American voters who have already the power to impose term limits. We face the voters every 2 years; does anyone in this Chamber need to be reminded of that? The Senators, every 6 years. I do not think it a good idea to deny these voters the right to elect the person that they think best represents their interests, even though he or she may have received their support in years prior. This would turn the very basic principle of democracy on its head.

I think the voters of Texas knew what they were doing when they reelected Sam Rayburn year after year after year, and the people of North Carolina knew what they were doing when they repeatedly returned Sam Ervin to office. His wise counsel and well-reasoned judgments helped steer this country through a dangerous Constitutional crisis that I recall very vividly. And what Member would have wanted to deny the voters of Florida the opportunity to reelect Claude Pepper so that he could fight for Social Security and health care benefits?

May I also remind those who support term limits that the notion of a career Congress which they decry so vehemently is more myth than anything else. Membership in the House and the Senate is remade ever decade. In the early 1980's, a full three-fourths of Senators and Representatives had served less than 12 years, and more than one-half of the current Members of the House at this moment were elected on or after 1990.

So, the best safeguard we have against rampant special interest abuse are the Members who have been around long enough to know the ropes and know where the bodies are buried. If the voters understood that the effect of term limits would be a massive transfer of power to the permanent bureaucracy of congressional and executive branch staff as well as to corporate and foreign lobbyists, they might not be quite so enamored of the idea. Given a choice between an elected official beholden to the voters and an unelected bureaucrat, I think the voters would prefer to place their trust in the elected official every time.

Term limits are the worst possible example of cheap bumper sticker politics run amok. We have spent enough time kicking ourselves in the face and looking to other branches of government to solve our problems, and I say to my colleagues on both sides of the aisle, let's stop wasting time with these procedural distractions and return to the business of running the country and improving the lives of citizens that we claim to represent.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise to speak against term limits, and I thank the gentleman from Florida for yielding me this time.

I realize that term limits are very popular, and that they will receive a very large vote in favor here today.

I realize that in some ways I am tilting at windmills here. But I also know that very few people realize how much turnover is already occurring in this body.

The people have elected 203 new Members in just the last 2 years. Let me repeat that: 203 Members—almost half the House—have begun their service just since January 1993.

There were 110 freshmen elected 2 years ago—and 6 more in special elections in between—and 87 more freshmen in the last election.

If ever there was a proposal that corrected a problem that does not exist, term limits must be that proposal.

Of all the truly serious problems this country faces, turnover in the Congress is not one of them.

Not only are we having record turnover in the Congress, that same thing is happening in the elective offices all across the Nation. So I emphasize once more—term limits correct a problem that does not exist.

Second, term limits simply fly in the face of common sense. In no other area do we regard experience as a bad thing.

Does it make sense to go to a great teacher, or nurse, or architect, or whatever, and say, "We know you are doing a great job, but you have been here 6 years, or 8 years, so your time is up."

Electing good new people to office makes sense. Re-electing people who are doing good jobs makes sense.

Establishing arbitrary term limits—which everyone admits will force many outstanding people out of office—just does not make sense.

Third, we would have lost some of the greatest service ever performed for this Nation if we had already had term limits.

Senator Howard Baker from my State could not have served as the leader of the Senate—probably some of his greatest service to the country.

NEWT GINGRICH could not now be Speaker, because he is in his 17th year of service.

Roll Call, the newspaper that covers the Congress, pointed out Monday that Great Britain would have been deprived of the service of Winston Churchill during World War II.

Fourth, term limits were specifically considered and rejected by our Founding Fathers.

I am one of the most conservative Members of this House. I know that most conservatives support term limits.

But there is nothing conservative about term limits. These are very radical proposals. They would change over 200 years of constitutional history and precedent.

More importantly, they are very undemocratic—with a small "d". They really take away another right of our people—the right to vote for whomever they please.

Fifth, and finally, term limits will strengthen the power of the unelected—the bureaucrats, the lobbyists, the committee staffs.

We already have a Government that is of, by, and for the bureaucrats, instead of one that is of, by, and for the people. Term limits will make this situation worse.

Term limits have risen as an outcry against a big, wasteful, intrusive, bureaucratic Government.

The people have the intelligence and good sense to know who is voting for big Government and who is not.

The best way to bring about effective change is the old-fashioned way—through our electoral process that has served this country so well for so many years.

The worst possible thing to do now, during a time of great change anyway, is to try out some radical, arbitrary gimmick like term limits, which corrects a problem that does not exist.

□ 1200

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. GUTIERREZ], who, although he is not a member of the committee, has done an outstanding job in working on this subject.

Mr. GUTIERREZ. Mr. Chairman, I rise this morning aware of the fact that there are many different audiences listening.

There is the audience in this House—Members who have various opinions about this issue, who feel strongly about the debate we are having, who have studied the pros and cons.

There are some—like my friends on this side of the aisle like Mr. CONYERS—who have gone about it the right way.

They have taken a close look at the legal opinions.

They have taken a close look at the Constitution that we live by.

And, more importantly, they have taken a close look within themselves and their own conscience to decide whether they support term limits.

Like them, I have decided that I cannot support term limits as they have been written by the Republicans.

Unfortunately, there are others in this Chamber—mostly on the other side of the aisle—who have decided to look at public opinion polls rather than look at the Constitution.

They have watched focus groups rather than focus on the real impact of this resolution.

They have decided to listen more closely to the angry voices of talk radio rather than the subtle, eloquent, and ancient voices of our Founding Fathers who thought that the people had the right to decide whom to elect to Congress.

In fact, the Founding Fathers did—in their wisdom—write term limits into the Constitution. Term limits that work.

Every 2 years, your term is up. You want an extension, you go to the people—the people—and ask for their approval.

Now, it is obvious that the Republicans understand that reality. They realize that they need to be reelected. Otherwise, we would not have the ranting and raving and pandering and posturing that you are going to hear from them today.

So I very much want to speak to my colleagues here today, and engage with them in a meaningful debate.

Meanwhile, thanks to the magic of cable television, there is an audience all around the country with whom I can speak this morning. There are people in my district in Illinois listening and watching.

And for them I am taking a stand against fake phony term limits.

But, there are also people in districts far away whom I would also like to address.

I would like people in districts like Florida's Eighth District to listen closely. Not just to my words, but to those of your own Representative.

Now, I hope you do not think I am picking on your Congressman, Mr. McCOLLUM. I trust that you sent him here with some good reason.

But, Mr. McCOLLUM has thrust himself into this term limits debate. He has done so with some intensity.

And all I can say is, when you do that—when you start slinging arrows, do not be surprised when one comes back at you.

So, here it comes.

He, McCOLLUM, is a chief sponsor of a bill to limit Members to term of 12 years.

He, McCOLLUM, was elected in 1980.

It is now 1995.

Now, you do the math, and you figure out that if Mr. McCOLLUM really believed what he said, there would be a very simple way for him to enact the 12-year term limits. Walk away.

Now, you might be inclined to think that Mr. McCOLLUM will at least support the amendment that I will speak on later today to make term limits retroactive.

Nope. Not him.

Even so, let us just listen to the words of Mr. McCOLLUM, who today is proud to tell us that he sponsors a resolution for a 12-year term limit.

He said: "Those of us who believe in term limits * * * need to stay longer, unfortunately, because the system is the way it is."

If you have been here that long, you are the system. You are the system that you say needs changing.

Now, let us go on, because there is also an audience in the Sixth District of Georgia listening to me.

Today I want to send a special message to them.

I want to inform you that your Congressman, Mr. GINGRICH—whom you first elected in 1978—supports limiting members to 12 years of service.

In a press conference endorsing the 12-year limit, the Speaker, now in his 17th year, said: "The balance of power in favor of professional politicians as incumbents * * * has made a mockery of the process of open elections."

So, that must mean that each election held in Georgia's Sixth District since 1990—when Mr. GINGRICH's 12 years were up—has been a mockery.

If I lived in Georgia, I would be concerned to hear that I had voted in a mockery of an election. In fact—three of them, since 1990.

Now, I have heard a lot of people talk about the Speaker and his problems with GOPAC.

Well, today, I am not going to talk about GOPAC.

But I am going to say go back, as in go back to Georgia, because the 12-year limit that you want to impose on everyone else has long ago passed for you.

Go back, as in how do you go back to your district every week—and I know that he does, because I see him on t.v. teaching that course on "Saving the Western World" or whatever it is called—but, how do you go back to your district every week and tell folks that you support a 12-year limit, but you are going on serving well beyond that.

No, I am not going to say GOPAC but I am going to say go back—as in how do you go back on your word, Mr. Speaker?

Mr. GINGRICH said that without these changes, the congressional campaigns are a "mockery".

Well, thanks to his Republicans and their empty term limits rhetoric, they are making mockery of Congress.

What is a mockery?

The dictionary says "an action of ridicule * * * false * * * and imitation."

That is what today's debate is.

Ah, but there is an answer.

A way to ensure that the political power in this country is given back to the people who deserve to have it. The men and women who work hard and play by the rules.

And that is with serious, substantive campaign finance reform.

Campaign finance reform insures that an incumbent must earn—and continue to earn—his or her seat in the body, rather than act like they own it.

Nobody owns a seat in this House.

But, as long as we debate phony issues like term limits, and avoid real issues like campaign finance reform, we make it possible for lobbyists and big-dollar contributors to own Members.

In their contract, this was part of the Republicans' so-called Citizen Legislature Act.

You want a legislature that belongs to the citizens? Good. Let us put limits on the time we spend raising money and hustling for votes.

Campaign finance reform is the answer.

Term limits is not.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair wishes to remind our visitors in the gallery that no expressions on their part are allowed.

Mr. SHAYS. Mr. Chairman, to begin the debate, I yield 4 minutes to the distinguished gentleman from New York [Mr. KING], one Member who is strongly opposed to term limits.

Mr. KING. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in total opposition to term limits. I oppose term limits because they are undemocratic and because they represent the ultimate in elitism.

For someone from some other part of the country to come to my district and tell my voters they cannot vote for me just because I happen to have been in office for 6 years or 8 years or 12 years is the ultimate insider mentality. They are saying that they know more than the average voter in the average district around this country. Perhaps in their districts people want to elect part-time farmers or barnyard philosophers. That is fine. Let them elect those people. Let them send them here to Congress. But my point is that it is up to each voter in each district to decide what person they want to elect to Congress.

I must say that while it is very seldom that I agree with my friend, the gentleman from Illinois [Mr. GUTIERREZ], there is a lot to be said for the logic of retroactivity. My feeling is that we should only amend the Constitution if it represents an ultimate truth, something about which there can be no debate. For instance, the 13th amendment abolished slavery. Now, would those who favor term limits have followed the logic in the 1860's of saying, "I am opposed to slavery, but I'm not going to free my slaves until the amendment is adopted" or "I'm going to continue being a slave holder because the 13th amendment isn't adopted yet"?

Of course not. If it is wrong, if it is immoral, if it somehow tears away at our country not to have term limits, then lead by example—go home, because otherwise what you are saying is that this is just a political issue that we use to get elected. And as a Republican, I am very, very concerned about this entire pernicious pattern of pandering and posturing by Members who seem to have an unquenchable quest or an unquenchable thirst for self-flagellation. It is part of an overall pattern where they are denouncing everything about the Congress, denouncing being a politician, denouncing being a person committed to making change in government.

My feeling or my strong belief is that those of us who say we want change, what we are really doing, those of us who support term limits are saying that the voters in the districts are not smart enough to elect the proper Members to Congress, and what could be more elitist, what could be more antidemocratic, what could be more of an inside-the-beltway mentality than to be denying the voters of individual districts the right to elect the Members of their choice?

Just think, I say to the Republicans, my fellow Republicans, of some of the outstanding Members who would not have been elected if we had had term limits. The voters of Ohio would not have been allowed to reelect Robert Taft to his third term in the U.S. Senate. The voters of Illinois would not have been able to elect Everett Dirksen. The voters of Kansas would not have been allowed to reelect ROBERT DOLE. And on the Democratic side, outstanding leaders such as Sam Rayburn would not have been allowed to return to Congress because someone in Washington said that it is wrong for the people in Texas or Ohio or Illinois to select the person they want to represent them in Congress.

I am probably the last person in this body who could be accused of being an Anglophile. However, the point is made about Winston Churchill. He was a man who served over 40 years in the British Parliament. Are we saying it was wrong or that it was immoral for Winston Churchill to be in the Parliament at the time of World War II?

Who among us would be better qualified? Would it have been that part-time farmer from some State? Would he have been a better Speaker? Maybe he would have, but let the voters in that district decide.

Also one of the main arguments that we have used against Congress in our incessant campaigns against Congress has been the fact that staffs are too powerful. Nothing could make staffs more powerful than to have Members rotating in and out and having a permanent unelected body of staff deciding the legislation, deciding the procedures, deciding the process.

I strongly believe that for a Congress to be effective we need a whole range of Members in this Congress. We need the institutional memory of someone like a HENRY HYDE or a JOE MOAKLEY.

The CHAIRMAN. The time of the gentleman from New York [Mr. KING] has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 additional seconds to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Chairman, I will take the 30 seconds from Mr. SHAYS.

Mr. FRANK of Massachusetts. Mr. Chairman, I would point out to the gentleman that Mr. SHAYS got the 30 seconds from us, so if he wants to go through the middleman, he is entitled.

Mr. KING. I have enough trouble with my own party. It is easier if I get it from Mr. SHAYS.

Mr. Chairman, I thank the gentleman from Massachusetts [Mr. FRANK] very much for his munificence.

In conclusion, Mr. Chairman, to be a real representative body what we need is a wide range of elected officials, but we should not be imposing our will on who those elected officials are. It should be the genius of the American people to decide that we need a person of experience like a HENRY HYDE and we need a person like my good friend, the gentleman from South Carolina, Mr. BOB INGLIS who is going to be gone in 3 years. But that is up to the people to decide, not for us to say who should be changed or who should not be changed. Let the American people decide that. They decided that in 1994 when they overwhelmingly rejected Democrats and elected Republicans. We are our own best argument against term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise today to mark this historic occasion of finally having the opportunity to discuss, debate, and vote on term limits on the floor of the House of Representatives.

What a wonderful day it is. After a long time working for this, we finally get the opportunity. It is a great thing. What a difference an election can make.

In the last Congress we had a Speaker who sued us in the State of Washington to prevent us from enacting term limits. This time we have a Speaker who is working with us to bring this to a vote.

I rise today, Mr. Chairman, to point out the basic case for term limits and then to answer several of the objections.

First, the basic case: The average American, as the Members can see here by my chart, keeps his or her job 6 years. The average Member of Congress keeps his or her job 8 years. That is not terribly long, and a lot of speakers will point out that some 200 Members are relatively new.

But here is the critical statistic: The average Members of the leadership who we all know run this place have kept their jobs for an average of 22 years. This tells the story of why we need term limits.

Let me point out another chart that tells the story of why we need term limits. Of course, we had all this discussion, and we will hear plenty of it today from the opponents of term limits, about the fact that we have had such a massive turnover in this body. But let us ask where the turnover came from. The turnover came from open seat elections. Relatively few Members have lost their attempts to be elected, and let me show that to the Members by this chart.

□ 1215

In 1990, 96 percent of those who wanted to come back came back. In 1992, it went down a little bit. Eighty eight percent of those who wanted to come back came back. In 1994, the election that got us this management change, and I am very thankful, as I just stated, for that management change, because now we have an opportunity to debate term limits, 90 percent of those of us who wanted to come back were reelected. That I think tells the story of a permanent Congress, a Congress that becomes out of touch with the people back home.

Now, about the issue of what the States have done, as you can see here, some 22 States have decided to limit terms. That I think is an indication of the strength of support out there, and why it is that this is finally long overdue and now thankfully on the floor of the House of Representatives.

In the time that remains, let me address a couple of the major objections to term limits. First, the bureaucracy will run the place. Let me ask the other Members of Congress today to address this question. If you are talking civil servants, there is no way a Member of Congress can deal with a civil servant. How about your personal staff and how many do you have on your staff? I have got 15, and 2 part-time folks. The people at home direct a whole lot of people. In small businesses they may have 100 people they direct. In big corporations they may have thousands of people they direct. So we cannot make too much of our job here. Let us not think too highly of ourselves. It is a relatively small operation. There are only 15 or so in our offices, 18 if you have the full complement and spending all the taxpayers' money and 4 part-time people. It is a small operation. Let us be honest.

So the bureaucracy, you cannot control the civil servants now, except by controlling their appropriations. You can control your own office, because there are so few people in there.

Now, second objection: We are going to lose talent. How are we going to lose the talent? If a talented Member of this House wants to run for Governor, nobody in the term limit effort begrudges them that. We would encourage them to run for Governor. If a talented Member of the Senate wants to run for President, we encourage them to run for President. We are not going to lose the talent; we are going to redirect it. All the folks we are hearing about we are going to lose, they might be the President of the United States if we forced them out of here, or might be a great Senator, or maybe a Governor. We will force them over there.

The third objection that my good friend just mentioned speaking before me is do not tell my people who they can vote for. Do not limit their choices. Well, who are you speaking for? Eighty percent of the American people want term limits. They told you that. They tell you every town meeting. They tell you in every poll taken in your district. Who are you speaking for? The 20 percent?

They are giving you a message. They want to limit you. They are just being fairly polite about it by not telling you to your face, but they are telling you in every opinion poll 80 percent of us want term limits.

So when you stand here and say do not tell my people how they cannot reelect me, they are trying to tell you they do not want to reelect you after a period of time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to talk about term limits, and maybe debunk some of the myths that have been put out about why term limits are such a good idea.

Now, the first argument that you hear is that well, the majority of people like it. You just heard 80 percent of the people like term limits. Well, they have an easy solution. Do not vote for us. The fact of the matter is, the people right now have that option. All those people who do not like the incumbent can not vote for the incumbent. But if you think about it, ladies and gentlemen, the point of the matter is this is not a popularity contest. A lot of the majority at one point in time thought slavery was a good idea. You could probably get a majority today to abolish all taxes. That does not dispose of the issue. Clearly we need more thought on this issue.

Second, you hear what we need is a citizen legislature. We are all citizens. It does not matter whether you have been here 2, 10, or 20 years, we are all citizens. But my point is, being in the legislature is not a hobby. It is not a lark. It is a job with a tremendous amount of responsibility. I am going into my third year, and I have to tell you, it is an awesome responsibility, and there is a very high learning curve. You do not manage a multitrillion-dollar budget by walking in off the street.

People want to say, particularly on the Republican side of the aisle, well, you ought to run Government like a business. Ladies and gentlemen, you know, every business cherishes its talented people. There is no corporation in America that says after you have been here 6 years and begun to learn the business or after you have been managing for 12 years and things are going well, we are going to kick you out the door. It does not work that way. Yes, run Government like a business, keep talented people there. At least give them the opportunity to be retained.

Third, you hear about incumbency. First of all, there are 83 new Members in this body, so incumbents are not winning all the races. The gentleman says most of the incumbents still won anyway. Yes, people like me, who are incumbents the last time around, who were freshmen incumbents. There are over 100 in my class. Most of us did win. That is not an indictment of this system to suggest that incumbents win. That is the reasonable outcome.

Finally, there is the issue of career politicians. Let me state emphatically, there is nothing wrong with a career in politics, if you do a good job, if your people think you do a good job, and if they elect you.

Mr. Chairman, I think the people ought to have the right to select the person that they want. That is the only issue in this debate, the right of American people to decide in their individual district and their individual community if they want to retain someone or if they want to oust them. I trust the wisdom of the American people to make that decision on election day, and that is why I believe we do not need term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 4½ minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to this joint resolution, and I urge the membership to defeat each of the substitutes that will come before us later on today. Term limits, in my opinion, are a bad idea. They are anti-democratic, and I think that they will upset the balance of power and checks and balances that the Framers of our Constitution so delicately devised and which have served the United States of America so well for over 200 years.

The Constitution of the United States should not tell the voters who they cannot vote for. That is a Government law that limits the choice of the voters and tells the voters that if someone has served for 6 or 8 or 12 years, they are no longer qualified to serve in the Congress of the United States, no matter how distinguished their service has been, no matter how much they represented the viewpoints of the majority of their constituents, and no matter how honest and forthright they are. I think that is wrong.

Second, term limits will end up strengthening the hand of the executive and judicial branches at the expense of Congress. Many of the more ardent supporters of term limits say that they support limiting terms because they wish to weaken the legislative branch of Government, the Congress of the United States. But if one stops and thinks about that argument, it weakens the only branch that is completely elected by the people of this country. Every Senator and Representative is an elected official. But in the Executive and Judicial Branches, only the President is elected, and those are the two branches of Government that will become stronger proportionately as Congress is weakened by term limits.

In fact, term limits will actually make Representatives and Senators more distant from their constituents, because they will no longer have the incentive to go back home and face their people and find out what their people are thinking in order to win reelection.

The third problem with term limits is that it will effectively place control of the House of Representatives in the hands of the four largest State delegations. That means that those who represent the other 46 States, no matter how talented they are, are not going to be able to achieve the respect, to get on good committees, and to achieve the knowledge that goes with being on the strong and powerful committees, and will be relegated to serving on the committees that are of much lower priority.

I just look at my own State, where Les Aspin and DAVID OBEY, Henry Reuss and Clement Zablocki on the Democratic side, and Melvin Laird and John Byrnes and William Steiger on the Republican side have served with distinction. Buy they were never able to hit their prime until they had been here for 10 or 12 years, because they had not gotten the respect and the chits from their other colleagues in order to get into positions of influence.

Finally, term limits and changing the Constitution will not change human nature. Human beings are those who are elected by the people to represent them in the Congress of the United States. The reward for doing a good job in this business is reelection, and that is an incentive that drives us to represent our people and to go back home and listen to what the people are saying.

I am afraid that with term limits we would become much like Mexico, which is a government that has a term limit of one term on all of their elected officials. If you do not have to go back home, then you start looking for the next job right away. Every contact with the lobbyists then becomes a contact with a potential future employer. As it stands now, no Senator or Representative starts looking for the next job until they decide to retire or the voters decide that question for them. With term limits, you are going to have people looking forward to the next job right from the very beginning. That is going to end up corrupting the system of government that we have to an even greater extent than it is now.

Please vote against term limits, uphold the Constitution of the United States, and uphold the checks and balances which have served our country so well.

Mr. FRANK of Massachusetts. Mr. Chairman, at her request, I yield 30 seconds to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I am rising in support of the term limit bills. I introduced a term limits bill identical to the one that Oregon passed. I want to say to my Republican colleague, the gentleman from New York [Mr. KING], he said Washington should not dictate. No, Washington should not. And it is not Washington who is dictating, it is the voters. The voters of Oregon overwhelmingly voted in favor of term limits, and I support the term limits bill.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, it is amazing to me that anyone can believe that if only we can correct the faulty Constitution our Founders gave us by adding term limits, all our problems will be solved.

In 1787, the American Constitution was a revolutionary document, placing, for the first time in human history, its faith in the individual judgment of ordinary people as our governing force.

Now some would abandon faith in the judgment of the people and urge an artificial restraint.

The Founders debated the issue of term limits at the constitutional convention and ultimately decided that the sole responsibility for choosing the people who would represent them should be left to the people, and not be controlled or limited by the Government. Thomas Jefferson said it best in a letter to William Charles Jarvis on September 28, 1820:

> I know no safe depository of the ultimate power of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

Our problems do not lie with a poorly written Constitution. They lie with our failure to live up to the trust placed in us by the Founders. The solution is not to remove the trust, but for the people to fully inform themselves and fully participate in the electoral process as the Founders envisioned. That has happened with a vengeance in the last two elections. Today, over half the House of Representatives has served less than 4 years. Congress is today a dynamic body, responsive to the people—without changing the Constitution.

Those who today urge support for term limits have it wrong. The Founders, who debated term limits extensively in 1787, got it right the first time. Leave it to the people.

Mr. CANADY of Florida. Mr. Chairman, I yield 6 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is truly a historic day, the first time in the history of the U.S. House of Representatives that we are here to have a debate and vote on limiting the terms of Members of the U.S. House and Senate. It is something a lot of us have wanted to do for a long time, but we have never had that opportunity under the previous administration and the 40 years of Democrat control. But we have it here today. Now we need to take advantage of it.

We need to answer in this term limit debate two questions: Are congressional term limits a good idea; and, if so, what version is best to place in the U.S. Constitution?

The answer to the first question is clearly yes. The fact that nearly 80 percent of the American people favor term limits may alone be reason enough to enact them. But this begs the question. While there are numerous reasons for the support, the most profound go to the need to change the institution of Congress itself and the attitude of those who serve. When the Founding Fathers wrote the Constitution, they could not have foreseen the full-time year-round Congress of today. They never envisioned a Federal Government as large and complex as it is now. They viewed Congressmen as citizen legislators who spent only a couple of months every year legislating and the rest of the time at home conducting their personal business.

□ 1230

Indeed for over 100 years, most House Members served two terms or less and only in this half century has Congress become a year-round, full-time job.

The chart that I have here explains this pretty clearly. We have had a number of speakers this morning talking about the fact that we have had turnover recently in the last two elections. The problem is historically, if you look at the chart, you can see the first 100 years of the Nation, we had very few Members who served nearly as long. Now they are serving a lot longer and those in the blue line on this chart who run for reelection are being reelected overwhelmingly, very high percentages today on the far end of that chart. So statistical norms show that we are in a period of time far different from what the Founding Fathers could have envisioned.

With these fundamental institutional changes has come a change in the attitude of Members serving in Congress. Most Members have no outside earned income, and many are prohibited by law from practicing their professions. As a consequence, it is only natural that a great many Members view Congress as a career and are motivated to protect themselves from reelection challenges by far more than the simple desire to continue to serve their country. They see these facts: A seniority system which generally rewards length of service and the power of incumbents seeking reelection. Consequently many vote with the primary concern being how the vote will affect their reelection chances rather than what is best for the country.

This concern with reelection frequently translates into votes to please every interest group. Virtually every budget item has a constituency in each congressional district. The Congressman knows that if he or she votes against the wishes of that constituency he risks their votes in the next election and that the best way to get reelected is to avoid displeasing any interest group no matter its size. Votes, not campaign contributions, are the real issue. Hence, no amount of campaign finance reform will solve this problem.

Enactment of term limits is the only way to alter this attitude. With term limits in place, those coming into Congress will know that they have only a limited period of time in the House or Senate. Most will not come with a career attitude. While still concerned with reelection, inevitably there will be less conscious or subconscious pressure to vote to please every interest group. This cannot help but make balanced budgets more likely and lead to decisions more favorable to the citizenry as a whole than to a collection of interest groups.

Term limits will also mean a permanent end to chairmen who can control a committee for 15 or 20 years. It will guarantee fresh new faces and ideas regularly coming to Washington.

Of course, there will be some loss of experience and institutional wisdom. It is a necessary tradeoff. With thousands of talented Americans available to fill the shoes of those departing, the loss will not be nearly as great as term limits critics will say.

As to the choices among the term limit alternatives, the most rational approach, in my judgment, is embodied in House Joint Resolution 73 which I have offered and is the base text before us today. It provides a permanent 12-year limit on both the House and Senate with no retroactivity and silence on State preemption. To provide lower limits for the House than for the Senate would mean that the House would become a weaker body vis-a-vis the Senate. Furthermore, a 6-year House limit does not provide sufficient time for a Member to become experienced enough to do a good job in serving as a chairman of a full committee or in a major leadership position in Congress. Shorter limits validate the critics' argument that term limits will lead to staff domination whereas 12 years virtually eliminates it.

Those who want to set a 12-year cap and leave it to the States to decide lesser limits are asking for a permanent hodgepodge of 6-, 8-, and 12-year limits throughout the Nation which in the long run cannot help but be bad public policy. It is naive to assume that all States would eventually reach a uniform norm under the 12-year cap. Political reality says that some States would always have lower limits than others. If the Supreme Court rules in favor of the States in the current pending case, such a hodgepodge could exist even under House Joint Resolution 73, but others want to give the States such a right regardless of the Court interpretation in the constitutional language. This simply does not make sense.

Some term limits supporters genuinely favor retroactivity, but most understand that in the current debate retroactivity is a mischievous tool of those who are opposed to limits. None of the 22 States that have adopted term limit initiatives have retroactivity. In Washington State where it was featured, the initiative lost, and a later one without it succeeded. As a practical matter retroactivity will cost votes on final passage and every vote is going to be needed to get to the 290 necessary to pass term limits in the House today. The retroactivity amendment will kill term limits. And I urge a vote against it.

Though the merits of each term limit proposal should be thoroughly debated, every Member of the House who truly supports term limits should put aside their differences.

And when we get, after the amending process, to vote on final passage, we need a yes vote. Better than 80 percent of the American people favor term limits, Democrats and Republicans alike are evenly divided. We are going to have 80 to 90 percent of the Republicans voting for it. If we just get 50 percent of the Democrats to do it, we can pass term limits today.

We need to have this healthy debate. Term limits are overdue. I urge a favorable vote for the final passage of term limits and this great historic debate.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds.

I am sorry my friend did not yield to me. As he described the terrible things that happen to the attitude of Members who have been here too long and if they have been here, especially after 12 years, I was going to ask him when in his 15 years of service this terrible thing happened to him. But I guess I will have to wait for my answer until later.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I thank the gentleman for the time.

I think the greatest disservice that any public official can pay to the people he represents and to the democratic system is to cynically manipulate public frustrations and to then give their voters the impression that they are pretending to be for something which they really are opposing.

I think that is happening today. I think the greatest honor a public official can do to the people he represents is to deal honestly with them, especially when he has an honest disagreement with them.

In my view, voters are being treated to a cynical charade by the way this term limit proposition is being handled in the House today. For many years, many in the Republican leadership have told the public that they are for term limits in order to get votes, but then they unexpectedly came into power. They find themselves now in control, and they now have to produce what they promised.

Does anybody really believe that a Member who has served 16 years is sincere in saying that he is for term limits when he continues to file for reelection every 2 years? If they were sincere, it seems to me all they would have to do is to demonstrate that sincerity by simply deciding not to run again.

The process today, in my view, is designed to kill term limits. It allows Members to pretend that they are opposed to term limits by voting for any one of the four propositions before the House. But because there are four propositions rather than one, procedurally you virtually guarantee that there will be insufficient votes for any one of the four, thus enabling people to go home and say, "Oh, I voted for term limits, but * * *"

It just seems to me that that is a charade which does the public no great service.

I would also point out that the main term limits amendment does not even apply to most senior Members of this House, such as myself. It is a "let's pretend" term limit. It takes place only in the hereafter. It does not take place in the here and now. To me that is a measure of its unreality.

I oppose the concept of term limits because I took an oath to uphold the Constitution. I take that oath seriously. I honestly believe that if these proposals pass, from the day Members walk into this institution they will be on the lookout and they will be shopping for their next job. As my colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER], said, every time a lobbyist walks into their office, they will be looking at that lobbyist as a potential employer in a few short years. I do not think you want to do that to this institution.

I believe the public ought to have a right to vote for anybody they want, without the benefit of social engineering by would-be constitutional scholars in this House.

I believe term limits would allow bureaucrats whose favorite weapon is inertia to simply try to outwait any aggressive committee chairman. Whenever they are in conflict with the committee, they will simply say to their agency people: "Do not worry about it, just stall and we will outwait them." Most of the time they would win under these propositions.

I also believe that small States like mine would very seldom be able to see Members of their delegation rise to chairmanships because if there were no long-term development of seniority, I think the large States would simply divide up the major chairmanships and the major committee assignments for themselves.

I would like to pay tribute in this debate to people like the gentleman from Illinois [Mr. HYDE], not because he agrees with me but simply because he is true to his conscience and is not engaged in a cynical double game. He does the country honor by playing it straight. And in my view, he does that on virtually every issue that is before the House. That is why I think he is a very valuable Member for the House and that is why I believe that if we had more like him, we would not be engaged in this charade today.

So I would simply say, let us not really even give credibility to this "let's pretend" process. We all understand that many of the sponsors of this proposal are in a very uncomfortable position. They promised something they never dreamed they would have to deliver on, and now I think we have an elaborate charade to pretend that they tried.

I do not think that does any real service to the American people. I think we ought to play it straight and lay out our views on this issue honestly. That is what I think the gentleman from Illinois has done today.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

I stand up in strong support of term limits. I want to address some of the remarks that I have heard here this morning, specifically the suggestion that this is a cynical attempt on the part of House Republicans to fulfill something that they never intended to have happen in the first place.

Nothing could be further from the truth. The fact is there is a cynical amendment that will be on the floor today, a very cynical amendment. And the reason that it is cynical is that it has been brought by Members, the gentleman from Michigan [Mr. DINGELL], the gentleman from Massachusetts [Mr. FRANK], by individuals who have very publicly stated they are absolutely opposed to term limits. And they are bringing this amendment with retroactivity in the belief that it will somehow embarrass and that it will somehow create problems for our side.

But the reason that it is cynical is that they have absolutely no intention whatsoever of voting for it on final passage. Let us say that under these queen of the hill rules the Dingell amendment actually gets the most number of votes. The question is, are they going to then vote for it on final? I wanted to be able to ask that question of the gentleman from Illinois [Mr. GUTIERREZ]. I looked for Mr. GUTIERREZ, he spoke glowingly of the Dingell amendment. He spoke disparagingly of all three of the Republican amendments. Is Mr. GUTIERREZ going to vote on final in favor of the Dingell amendment if that gets the most number of votes?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman from Illinois [Mr. GUTIERREZ] were, would that change the gentleman's opinion of what is going on?

Mr. HOKE. Mr. Chairman, it would change my opinion with respect to Mr. GUTIERREZ, sure, it would. I would think that that is not cynical. That is not hypocritical. . . .

Mr. DINGELL. Mr. Chairman, I demand that the gentleman's words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

□ 1243

Mr. HOKE. Mr. Chairman, I ask unanimous consent to withdraw those specific words.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. DINGELL. Reserving the right to object, Mr. Chairman, what words was it the gentleman would like to withdraw?

Mr. HOKE. Mr. Chairman, I ask unanimous consent to withdraw the word hypocritical.

Mr. DINGELL. What about the word cynical?

Mr. HOKE. In reference to you directly, Mr. DINGELL, "cynical."

Mr. DINGELL. Did the gentleman also wish to apologize?

Mr. HOKE. No, I did not.

Mr. DINGELL. He did not wish to apologize. Then I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue.

The Clerk will report the words.

The Clerk read as follows:

> I had specific conversation with the gentleman from Michigan, and he stated to me very clearly that it is his intention to vote against this bill on final. Now, if that is not a cynical manipulation and exploitation of the American public, then what is? What could be more cynical? What could be more hypocritical.

The CHAIRMAN. The Committee will now rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORKILDSEN) having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk and he does now report the same to the House.

The Clerk will report the words objected to in the Committee of the Whole House on the State of the Union.

The Clerk read as follows:

> I had specific conversation with the gentleman from Michigan, and he stated to me very clearly that it is his intention to vote against this bill on final. Now, if that is not a cynical manipulation and exploitation of the American public, then what is? What could be more cynical? What could be more hypocritical?

The SPEAKER pro tempore. In the opinion of the Chair, ascribing hypocrisy to another Member has been ruled out of order in the past, and is unparliamentary.

Without objection, the words are stricken from the record.

There was no objection.

Without objection, the gentleman may proceed in order.

Mr. DINGELL. Reserving the right to object, Mr. Speaker, I have been waiting for an apology from the gentleman. I know he wants to apologize and does not want to leave these things on the record, because I am sure he realizes that it reflects unfavorably upon him, as it does upon me, so I am waiting for the apology. I know the gentleman wants to give it to me.

Mr. HOKE. Mr. DINGELL, I very clearly stated that I ask unanimous consent to withdraw my words, and I requested that that be done. You objected to that.

Mr. HOKE. I have told you on the record that I will not apologize.

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The question is: Shall the gentleman be allowed to proceed in order?

The question was taken; and the Speaker pro tempore announced that they ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 197, answered "present" 2, not voting 23, as follows:

[Roll No. 273]

YEAS—212

Allard
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rogers
Rohrabacher
Ros-Lehtinen
Roth

Royce
Salmon
Sanford
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roberts
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Wilson
Wise
Woolsey
Wyden
Wynn

ANSWERED "PRESENT"—2

Gunderson
McHugh

NOT VOTING—23

Archer
Bliley
Brown (FL)
Clay
Collins (IL)
de la Garza
Gekas
Hayes
Hilleary
Horn
Jefferson
Lazio
Moakley
Oxley
Parker
Saxton
Scarborough
Schaefer
Souder
Stokes
Waxman
Williams
Yates

□ 1308

Mr. MURTHA, Mr. EDWARDS, Ms. KAPTUR, and Mr. HILLIARD changed their vote from "yea" to "nay."

Mr. MCHUGH changed his vote from "nay" to "present."

So the gentleman from Ohio [Mr. HOKE] was allowed to proceed in order.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, I was unavoidably detained and, regretfully, was not present for the rollcall vote No. 273 on the motion made by the gentleman from Ohio [Mr. HOKE] to proceed in order.

Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, I was unavoidably detained and, regretfully, was not present for the rollcall vote No. 273 on yesterday's motion made by the gentleman from Ohio [Mr. HOKE] to proceed in order.

Had I been present I would have voted "nay."

PARLIAMENTARY INQUIRIES

Mr. DURBIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the nature of his parliamentary inquiry.

Mr. DURBIN. Mr. Speaker, I would like the Chair to clarify the vote that was just taken. It is my understanding that words were taken down, words uttered by the gentleman from Ohio [Mr. HOKE] and those words were determined by the Speaker to be out of order. At which point, if I recall correctly, the words were stricken, and the Chair stated a unanimous-consent request that the gentleman be able to proceed.

There was objection to that unanimous-consent request, at which point, if I am not mistaken, the Chair then stated a motion to give the gentleman the opportunity to proceed and speak.

Is my recollection correct, is that the motion which we just voted on?

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman's recollection is correct.

Mr. DURBIN. Mr. Speaker, I would like to ask this of the Chair then; it is my understanding that the Chair has the right under the rules to make a unanimous-consent request that an individual be allowed to proceed after his words have been stricken, but in this case I wonder if it is the prerogative of the Chair to make such a motion, or whether it should have been made by a Member of the body?

The SPEAKER pro tempore. The Chair has the right to entertain unanimous-consent requests. Under previous rulings of the Chair in 1991, the Chair does have the right to put that question to the body.

Mr. DURBIN. Beyond the unanimous-consent request?

The SPEAKER pro tempore. Beyond the unanimous-consent request, since it is ultimately the House's decision, no Member sought to question the ruling of the Chair, the question was put to the House.

Mr. DURBIN. If I might conclude, I would take exception to the Chair's statement, and I of course defer to the Chair's authority on this question.

But it would strike me that under these circumstances, once the Chair has put the unanimous-consent request and there has been objection, that at the very minimum there should be a motion made by a Member of the floor. It does not appear to me to be the Chair's right or prerogative to try to reinstitute the rights of the individual Member to proceed and to speak, once his words have been stricken and objection has been voted.

I also find it unfortunate, I have to say, for both sides of the aisle. I will conclude, I find it unfortunate on both sides of the aisle that these motions which really go to the decorum of the House have been partisan motions, and I understand that in the past our side has been guilty as your side has. But if we are to maintain decorum in this body I hope we can take a second look at this type of question.

Mr. FRANK of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair will state these rules and precedents have been developed over time while both parties have been in the majority and those precedents were followed today.

The gentleman from Massachusetts [Mr. FRANK], for what purpose does the gentleman rise?

Mr. FRANK of Massachusetts. Mr. Speaker, I understand the explanation was that the Chair had the right to make a motion, is that, because that is what the Chair did.

The SPEAKER pro tempore. Is the gentleman rising for a parliamentary inquiry?

Mr. FRANK of Massachusetts. Yes, I said, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the nature of his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand that the ruling the Chair had the right to make a motion in this case. My question is, may the Chair make any other motion as well? I mean, in the middle of the debate if we had an open rule, could the Chair make an amendment during the 5-minute rule?

The SPEAKER pro tempore. The Chair does not have the right to make a motion. Under this circumstance the Chair has the right to put the question to the body.

Mr. FRANK of Massachusetts. I have another parliamentary inquiry, Mr. Speaker. There was no question if the Chair had not put the question. Someone made a unanimous-consent request. But then I do not understand the ruling. No one made the motion. so how can the Chair put a question on an unmade motion? There was a unanimous-consent request which was objected to. Unanimous consent requests have never, in my experience, transmogrified into motions unless someone makes them. So the question is, may the Speaker make a motion?

The SPEAKER pro tempore. The gentleman's point of parliamentary inquiry, to the extent the Chair understands it, is whether or not the Chair made a motion. The Chair cannot make a motion in the circumstance. Under a previous ruling of the Chair, the Chair can put the question to the Members without a Member asking that the question be put.

Mr. FRANK of Massachusetts. A parliamentary inquiry, Mr. Speaker. What question? If no one had made a motion, what is the question?

The SPEAKER pro tempore. And the question is solely limited to whether or not the Member can proceed in order.

Mr. VOLKMER. A parliamentary inquiry. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state the nature of his parliamentary inquiry.

Mr. VOLKMER. The parliamentary inquiry is whether the Chair now plans to go back into the Committee of the Whole or the Chair plans to recognize the gentleman from Ohio at this time, and it has a lot to do with what the gentleman from Missouri that is now speaking does.

□ 1315

The SPEAKER pro tempore (Mr. TORKILDSEN). If the gentleman from Ohio seeks recognition at this point, the Chair will recognize the gentleman from Ohio.

Mr. VOLKMER. Mr. Speaker, I would suggest, and I would hope, so we can move on, that the gentleman from Ohio would request permission to speak.

The SPEAKER pro tempore. For what purpose does the gentleman from Ohio [Mr. HOKE] rise?

APOLOGY FOR MISUNDERSTANDING OF REMARKS

Mr. HOKE. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOKE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to just say to the gentleman from Michigan that I think it is unfortunate what has occurred and has taken place. It was not my intent under any circumstances to direct my remarks in a way that you would be personally offended, and if that is the case, my remarks are directed at the larger debate with respect to term limits, specifically the parliamentary maneuvering that is taking place with respect to it and the substance of the debate.

And certainly, there was no intent on my part, not now, not during the debate, not in the future to make comments that would be taken personally by you in an offensive way, and to whatever extent you perceived them in that way, I am sorry, and I apologize.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. HOKE. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I accept the apologies of the gentleman, and I thank him.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1316

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, with Mr. KLUG in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the following time remained in debate: The gentleman from Florida [Mr. CANADY] had 61½ minutes remaining; the gentleman from Michigan [Mr. CONYERS] had 39½ minutes remaining; and, finally, the gentleman from Connecticut [Mr. SHAYS] had 24 minutes remaining.

The Chair recognizes the gentleman from Ohio [Mr. HOKE] for the final 1 minute.

Mr. HOKE. Mr. Speaker, I thank the gentleman from Florida for yielding.

I would like to conclude my remarks simply by saying that I rise in strong support of term limits today.

We have waited for many, many years to get this vote to the floor. We have had over 24 million Americans already choose in favor of term limits. Seventy-five to eighty percent of the Americans that have had the opportunity to vote on this have voted in favor of it. They voted "yes."

Clearly our constituents are saying, "We want term limits. We want term limits now."

I urge you to vote in favor of them, and what I would say is if this does come down to a partisan fight, what we need is just 50 percent of the Democrats to vote in favor of this. We are going to get 90 percent of the Republicans. If we can get 50 percent of the Democrats voting in favor of it, we are going to pass term limits. We are going to get 290 votes. That is all we need.

I urge you to vote in favor of it. If we do not, then so be it. The people, the voters, will make this decision in November 1996, and they will have the opportunity to decide whether or not they want term limits.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I understand that when I left, the gentleman from Ohio [Mr. HOKE] was wondering where I was 9. I was back in my office doing the people's business and ensuring that things are carried out.

We speak here, and then we go about our other duties and responsibilities, but I understand he had a question, and the question may be the motives behind my speech.

And let me just be very clear with the gentleman from Ohio that he can sleep and rest assured that if a term-limit bill comes before this House that includes retroactivity, that is, immediacy, 12 years, that this gentleman intends to vote for it, and is encouraging and working with others to vote for it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I rise as a supporter of term limits, and I have to say, P.T. Barnum launched the Greatest Show on Earth with the idea that a sucker is born every minute.

Well, it looks like the circus is coming to town a little early, because the Republican Party is applying that same philosophy to term limits.

In the Big Top we call the Capitol, there are Members of Congress who promise lower taxes, higher defense spending, and a balanced budget all at the same time. Now, these career politicians say that they support term limits, only if they are not retroactive and do not have a chance of passing.

The long and the short of it is they support term limits as long as there is no chance that their own terms might be limited.

I have news for the political contortionists of NEWT's three-ring circus, the voters are not as dumb as you think. They believed you when you ran on the Contract With America and said you were not interested in a career in Washington and would limit your term in office. They know the House would pass the Sanford-Deal term-limits statute if it were put to an up-or-down vote today, and when you go home and tell them that you were for term limits, they will know that it was just a show.

Let me also make it clear I hear a lot of Republicans blaming Democrats in case term limits does not pass. The Democrats did not run on the Contract With America. Democrats did not say that there is a revolution in this country and term limits will be the cornerstone. The Republicans did.

And now there is too much party discipline to get one of the term-limits bills passed. Well, look, party discipline was not a problem when it came to cutting school lunches or preventing Congress from passing real lobbyist reform. So we all know the Republican leadership can get the votes when they want to.

The American people who support term limits are about to find out the dirty little secret around here: The vast majority of Republicans support term limits, but only if it does not apply to them.

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I think it is about time we had some straight talk on this subject, and I am opposed to the term limits.

As a former teacher of history and government, I consider myself a constitutionalist. The Constitution is a document that stood the test of time for two centuries and is the model for emerging democracies throughout the world.

You know, the Founding Fathers got it right. They established term limits when they wrote the Constitution. They are called elections. Yet here we are today in this debate, and we have heard that the majority of the American people, fueled by radio talk shows and pollsters, support term limits.

I believe their instincts are right, but they have come up with the wrong solution. We do need congressional turnover experience fresh ideas, but we also need that combined with experience and expertise and institutional memory for more senior Members.

Mr. Chairman, there is a learning curve to every job. The same is true for new Members of Congress. To impose automatic term limits would generally increase the power of paid congressional staff, unelected lobbyists, unelected government bureaucrats and regulators. This is something the people have not figured out yet.

I would also submit that term limits will only exacerbate the so-called revolving-door syndrome, elected officials spending their time and energy while in office paving the way for a lucrative job in the private sector with the special-interest groups they have been serving after they leave office. Automatic term limits will intensify and institutionalize the resume-building that already occurs all too often in this Congress.

Voters already have the power to limit the terms of elected officials by exercising that right in the voting booth.

The most graphic evidence of this was seen in the last two congressional elections. As you know, large numbers of sitting Members, people right in here in this room, were elected to the point where nearly one-half of all House Members here today have served less than 3 years. The public spoke in the ballot box in the best tradition of democratic government.

And finally, I want to say that I recognize and I share the widespread public concern regarding the inevitable advantage congressional incumbents enjoy over their election challengers. I know something about this, because I had to defeat an entrenched incumbent to get here.

But congressional term limits are not the answer. The answer is genuine campaign finance reform, abolition of PAC's, limits on out-of-State fundraising, a ban on corporate soft money, and free access to radio and television time.

Mr. Chairman, we need reform, but term limits are not the solution. I urge a "no" vote on this resolution.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, would the gentlewoman be aware the Founding Fathers were aware of term limits and actually, in the articles, there was term limits that was not enacted?

Mrs. ROUKEMA. I have read the article as well. That is not my reading of the Constitution, and finally, the Constitution was adopted with 2-year terms.

Mr. GONZALEZ. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I rise in strong support of the gentlewoman's very trenchant observations—and historically correct.

Mrs. ROUKEMA. I thank the gentleman.

Mr. CANADY of Florida. I yield 3 minutes to the gentleman from New Jersey [Mr. LoBIONDO].

Mr. LoBIONDO. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

I respectfully disagree with my colleague from New Jersey and the opponents of term limits.

Mr. Chairman, I rise in support of term limits.

Mr. Chairman, we have all seen the faces of angry voters. They want a change. They are tired of the status quo. They want Congress to work.

As a freshman Member who came here to change the status quo, I was proud to join with my colleagues to change the Rules of the House on our opening of the 104th Congress.

Back in January, we voted for term limits for the Speaker of the House. And on that first historic day, we voted for term limits for our committee chairmen.

Now, it is time to vote for term limits for the rest of us.

This will be the first time on this floor that we have had the opportunity to vote on term limits. And just as we voted overwhelmingly to reform Congress on that opening day, I urge my colleagues to vote yes on term limits.

Term limits is about changing Congress—it is about changing the status quo. That is why I ran for office in the first place, and changing Congress is why I am here today.

Opponents say that we don't need term limits. That the elections in 1992 and 1994 show that the people can change Congress anytime they want to.

Yet from 1976 through 1994, 9 out of every 10 incumbents were re-elected. Nine out of every 10 Members of Congress can pretty much count on having a political career in Congress as long as they want it.

Term limits will change that. It will create elections for open seats. It will ensure that we have new Members of Congress, who come here with different backgrounds, different experiences, and fresh ideas.

The concept of our democracy is that real people—average citizens—make the decisions that will effect us as a nation. Term limits will ensure that more Members of the House and the Senate have that real world experience.

Mr. Chairman, the people who elected us are watching. At least two-thirds of the American people support term limits and they want to see what we are going to do.

There is no place to hide on this vote. Will we vote to keep business as usual? Or are we willing to accept term limits on ourselves in order to create a better Congress.

The American people will be watching to see who votes for congressional reform, and who votes to keep the status quo. And make no mistake, they will remember.

I urge my colleagues to vote "yes" on term limits, vote "yes" on final passage. And vote yes to end the status quo.

□ 1330

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the ranking member of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong opposition to these four substitutes which we will be voting on today.

As has been pointed out, we had term limitations on November 8, 1994, where the organizations of both the House and the Senate certainly were changed. Fifty-two percent of the members of the House of Representatives have been elected since 1990.

Mr. Chairman, excuse the personal reference, but talking about the Montgomery GI bill, which is an educational benefit for our active forces as well as the National Guard and Reserve.

Our forces in the 1970's were having problems. We were not getting the quality into the military. So we had to come up with something to attract these people into the Guard and Reserve and the active forces. We came up with educational benefits. We started working to help the military to get the motivated young men and women into the Service in the 1980's. Mr. Chairman, it took us 5 years to get the educated benefits enacted into law. We had the same bill number, H.R. 1400, and we used it from year to year. Finally, in 1985, we were able to get this legislation into law, which gave educational benefits to the military service.

After 1985 it took us 5 years to actually get the program implemented, to be used by the different Services. Now it is working well. Over 95 percent of the young men and women who come into the Service used these educational benefits.

My point is that major legislation, if you are in Congress, it takes longer than 4 or 8 years. It took 10 years to get this type of implementation of something that really helped our country.

So I say again that you cannot do major legislation in 6 years, it takes longer. You have to pass the bill, then you have to nurse it through the Congress of the United States.

Mr. Chairman, I am working on a 2-year contract with the people of the Third District of Mississippi. They have chosen to renew that contract over the years. They should continue to have that right without having a term limitation imposed upon them.

I ask you to vote "no" on the four substitutes and "No" on final passage.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I thank the gentleman from Florida for yielding this time to me.

Mr. Chairman, I point out to my colleague, the gentleman from Massachusetts [Mr. MEEHAN], that when you blame the Republicans for not passing term limits and just say, "You have party discipline," I would remind him that, as best I know, we have 230 votes and it takes 290 on vote to pass a constitutional amendment. We simply cannot do it by ourselves. My home State of Arkansas has passed term limits. It has been a very positive development. It has meant new blood, it has meant fresh ideas. It has meant different perspectives. And it will mean the same thing for the U.S. House of Representatives.

In Arkansas, it strengthened the political system by increasing responsiveness and accountability. It will move us in this body toward a true citizen legislature.

Long-term tenure too often results in Members becoming allies of big government, not checks on big government. Members lose touch with their constituents. Members become arrogant and, too often, they become elitist when they stay here for long tenures.

Mr. Chairman, since 1990, 22 States, including Arkansas, have passed laws respecting tenure of Federal legislators. Recent polls indicate that 70 to 80 percent of the American people support term limits. Critics say, "Don't limit the choice the American people have by imposing limits." I say, don't thwart the choice of the American people by stopping term limits. That is their desire. We should pass it.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have a lot of difficulty with this issue because the Republicans have survived over 200 years without term limits mainly because everybody knows we have term limits every 2 years when we are up for election. That makes all the sense in the world to me. If you really think about it, the dream debate I wish we could have on this would be for everybody to have their "spoil date" on their foreheads; in other words, determining whether you are going to have 6 years, 12 years, figure out when you came and then put your "spoil date" cross your forehead.

Now, if it had been in effect when I got elected, my "spoil date" under 12 years would have been January 1985. If it had been 6 years, it would have been January of 1979. Those would have been my "spoil dates."

I do not really feel I was rotten at that time, and I do not feel I am rotten now. I think if you look at many, many people who would have "spoil dates" which would have expired long ago and have them talking about term limits, you begin to wonder what this is really all about.

Well, I think I am beginning to get a little idea of what it is about. You know, human nature is such that people love to make laws for other people but hate to have them apply to themselves. Of course, because Congress is made up of human beings, we have that same problem too. But I think it has been really interesting this year that we have been willing to limit school lunches, we have been willing to take on student loans and limit those. We have been willing to limit the number of children on foster care. We have been able to limit all sorts of things that did not affect us. And now we have a term limits bill that will be wonderful. We can pass it, pose for holy pictures, and, guess what, it still will not affect us, because here I would be standing with my "spoil date" of January 1985 if it had been in effect for 12 years after I got elected, and if it passes today I can still go for at least another 12 years plus how long it takes to adopt this thing.

Now, that is pretty remarkable. In other words, what we are talking about here are term limits that will only apply to other people, other people who will come in the future. So this is a great kind of reform. We will reform the new guys whom we know will never be quite as good as we old guys were.

Now, I just think that that really puts it down where everybody, hopefully, begins to understand it. We also hear people talking about the reason for this is the citizen legislature. Well, now, if you are really going to have a citizen legislature, the way you would do that is to say that you are going to run for only one office and that is it. Because the other thing term limits does, as we know from countries like Mexico that have it, you create a new professional class that hopscotches around the chairs of government. If you are a Member of Congress, you are going to be a mayor and you are going to be a Governor, and you go on and on and on and on and on.

The great thing about that is you never learn any of the jobs very well and you continually are trying to figure out how you could use the job you are in now to get the next job you want later.

So term limits do not do anything about citizen legislatures or citizen government, if you look at the countries that have tried it and found out they ended up with a more professional government than we ever dreamed of.

I think this is all about the relationship between the person and the district they come from. That district can have that option to reelect them or not reelect them. That is their choice under the Constitution. That is what it should be.

But to decide that some term limits should apply to every single person no matter how well off they are, I think is very artificial, it does not belong in the Constitution, and I certainly hope that we can have a little more thoughtfulness before we eagerly run out and do something that does not apply to us, it will only apply in the future, and call it reform and think that we helped.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, politics is the science of government. Government reflects the people's interest or neglect. Too often it is the latter. In the last election roughly 50 percent of the people didn't vote—most of them, I suppose, because they didn't have enough interest in government to vote. But then enough people did have enough interest in government in the last election to vote a monumental change of control of the Congress.

Are we to now draw a conclusion that the people of this land can enjoy all the blessings of representative government in the future by giving up a significant portion of the most fundamental responsibility of citizenship—full participation in the choice of our political leaders? For more than 200 years we have changed people in office through elections. Why, in this generation, has it become such a burden that we must find some automatic, no-bother way to help us do the job? Doesn't freedom, personal responsibility, tradition, respect for experience, mean anything? These are values that ordinarily mean a lot to conservative people.

Do we believe that a competitive and accountable political marketplace can't work; that people can't decide for themselves when and who to vote out of office and who to keep? Do we really believe experience in Congress or, for that matter, in any other public office, is a handicap?

Didn't James Madison, one of our Nation's Founding Fathers, state a point when he observed that "a few of the members (of Congress) * * * will possess superior talents; will, by frequent reelections, become members of long standing; will be thoroughly masters of the public business * * *"? Do we reject this?

Why should we now limit the democratic right of "we the people" to select their representatives in the House of the people—the U.S. House of Representatives?

I am not persuaded that term limits is a wise course for a free and democratic people; it subtracts—not adds—from the Bill of Rights of the people. The burden and responsibility for determining term limits belong fully and irrevocably to the people who care enough to vote.

I have examined whether a 12-year term limitation would be an effective long-term solution to Congress' problems. While at first glance term limits are an appealing quick and easy fix, I have always felt there are many problems with term limitations.

It is a little known fact that the great majority of Congress already turns over every 12 years. Of the 435 Members of the House of Representatives serving 5 years ago, less than one-half are serving today.

We already have a mechanism to "throw the rascals out." It's called an election. All 435 members of the House face election every 2 years. At these intervals, incumbents must face the voters and win their active approval. Citizens who dislike their incumbent Congressman already have a powerful tool to remove them—the vote. Members of the House can be challenged twice every two years (in a primary and general election). And, this is precisely what happened last November 8, when voters imposed term limits on much of the 103d Congress.

One argument for term limits is that we will get enlightened amateurs—people who will leave top posts in commerce, industry, and other professions to spend a few years in Washington before returning home. In practice, it is becoming increasingly difficult to attract and keep the best and the brightest, in part because of term limits.

Moreover, like anyone taking a new job, there is a learning curve. In Congress, it can be a long curve. As much as we desire simplified government and policy, it is impossible to imagine government getting less complicated, given the incredible complexity of the world economy, the enormity of a $6 trillion domestic economy, and the mind-boggling $1.5 trillion Federal budget and the thousands of programs it entails. As a result, I fear that term-limited members would be more dependent on staff and more influenced by special interests.

Term limitation advocates correctly point out that some incumbent Congressman use the advantages of their office unfairly—but there are ways to eliminate these unfair advantages without eliminating the fundamental democratic right of Americans to vote for the candidate of their choice.

I have cosponsored and/or voted for the following congressional reforms to: Sharply curtail unsolicited congressional mailings; reduce congressional staff; eliminate congressional perks and make Congress subject to the same laws it mandates on the private sector; fully enforce congressional ethics and disclosure rules; enact congressional finance reforms; and, mandate that members rotate House committee membership. The new House of Representatives has instituted a 6-year limit on committee and subcommittee chairmanships—this is the type of limit I support.

Along with internal congressional reform there are also reforms that could be made to the budget process that would be far more effective in controlling spending than term limits. For instance, I have cosponsored the following reforms: Legislation amending the Constitution of the United States to require that the Federal budget be balanced, and legislation giving the President the authority to line-item veto appropriation bills, thereby giving the President the power to veto pork barrel and other wasteful spending projects.

What concerns me most about term limitations is the implicit assumption that people cannot be trusted to make up their own minds about who should represent them. Term limit advocates presume that people are too easily influenced by incumbency, that they are too readily gulled by professional politicians. Term limit advocates seem to believe that free citizens are unable to make the changes they feel necessary in the political process.

I want to stress that my views of term limits do not result from my position as an incumbent in Congress. The fact is that I would not gain by voting for this measure; by the time the term limits would take effect, I will likely have retired from Congress.

I believe that most Americans know that Democracy is not easy. "Eternal vigilance is the price of liberty," said Thomas Jefferson. Term limits are a false cure to a problem that can only be solved by an electorate willing to hold their representatives accountable. That is why our Founding Fathers twice rejected term limits.

I encourage my constituents to look into my record and hold me accountable. I believe my effectiveness in pursuing the objectives of the voters of the 13th district—cutting billions of dollars in wasteful spending, for instance—is increasing each year. This effectiveness is in large part due to what I've learned as a Member of Congress—about the budget process and the rules of the House, to name just two.

In the end, I believe that we the people should be the final arbiters of who should represented us. A set limit only curtails our choices.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, the founding fathers did not intend for Congress to be a career. And Congress was not a career, by and large, for the first 150 years or so of our history.

But in recent decades it has come to pass that the people who run this institution are people who have been around for a long time. They get out of touch, become unresponsive, they are more a part of the Washington culture than the culture which elected them.

We are told this is not a problem because we have term limits in the form of a 2-year term in the Constitution for Members of Congress. But the fact is that incumbents have so many advantages in the late 20th century that that 2-year limit is meaningless in most instances for most incumbents.

Gerrymandering protects incumbents, particularly those with considerable seniority.

Campaign finance patterns protect incumbents, particularly those with considerable seniority.

Campaign finance patterns protect incumbents. In the 1992 election cycle, 50 percent of challengers received less than $90,000. The median receipts for incumbents were nearly $500,000. You cannot oust an incumbent if you do not have a minimal amount of money.

We have other benefits that come with out incumbency, such as the franking privileges. Even if it is not used for overtly political reasons, it allows us to keep in touch with our constituents in a way that a challenger would never be able to do.

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We have a million dollars a year in staff allowances, and we have easy access to the press. Even if we do not use these assets in a way that is overtly political, if we simply do our job right, if we simply do the casework for the people who come to us with their problems, it will be very difficult for us to be defeated.

So, no wonder, even in a year when the gentleman from Illinois said that we had monumental change in the Nation, even in 1994, we still reelected as a Nation more than 90 percent of the incumbents who chose to stand for reelection. That is not a 2-year contract. That is a contract for life, barring an extraordinary local political upheaval or being caught in an ethical or legal problem. I think that that is not in keeping with the vision of the Founding Fathers who intended for Congress continually to reflect the views of the people who elected us. The only sure way to accomplish that objective in this age with this many incumbent advantages is through term limits.

Now I do support reforming redistricting law, I do support reforming campaign finance law, and I support franking reform. But even after we have accomplished all of those reforms one by one, we will not have dealt with a problem that still exists, which is that it is too difficult to oust an incumbent, it is too difficult to have a competitive election in this day and age. That is why, my colleagues, we should support term limits.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK], the ranking subcommittee member from whose committee term limits came.

Mr. FRANK of Massachusetts. Mr. Chairman, I have heard some fascinating arguments today. My favorite though is the one where Republicans get up and say that they could pass this very important item in their contract if they only got 50 percent of the Democrats. Now that is a fascinating concept.

Mr. Chairman, the University of Massachusetts', my home State, basketball team did very well in a recent tournament, and they lost, but, if they had only gotten 50 percent of the points of their opponents, they would have won. I mean Massachusetts lost a congressional seat in the last redistricting, but, if we could have only gotten 50 percent of the population of our friends from Connecticut, we would have a couple more seats.

I say to my colleagues,

I think this is a wonderful concept. You promised to do something, and then you say, "By the way, my promise is conditioned," after the fact of course, after they get people to do what they want, they then say, 'Oh, by the way, if I can get 50 percent of the opposition to be with me, then I'll win.

Well, I think that is pretty good odds, and I will make this statement on behalf of the Democratic Party, and I do not, I do not often, speak for the whole Democratic Party, but anytime we get 50 percent of the support of the Republicans, we will accomplish our goal.

I say to my colleagues,

Now, if this is your idea of a contract, that you tell people you're going to do something, you forgot to mention that you wouldn't be able to do it unless you got 50 percent of the opposition—if this is your idea of the contract, no wonder you don't like the Federal Trade Commission, no wonder you want to make it harder for people to sue, because you would be in serious difficulty, but let's get beyond this wonderful concept that I can do anything I promise you if 50 percent of the opposition would be with me.

We are told this is the first time this has come to the floor. Last year, what about a discharge petition? Well, finally toward the end they filed a discharge petition. They got about a hundred Republicans to sign it.

Mr. Chairman, there are more people in this body voting yes and praying no on term limits than there are on pay raises.

Yes, term limits gets a lot of lipservice, but there are not many teeth behind it. The people here got the longest extended lips I have ever seen, and I suppose, if they had 50 percent of our lips, they would go even further on that wonderful, give me half of what you got and I can have more than you have policy, which I think is a very attractive policy. I mean we would not have an export-import problem with Japan if Japan would give us half of their exports. Our balance of trade would be 100 percent. That would be very good.

I keep going back to that concept because I love it, and I am going to borrow from it from time to time, but it is also clear that the Republican Party's commitment to term limits is rather slender.

Now I understand the problem. They had to really break some arms to do welfare last week. They are going to have to break some arms to do taxes next week. Do my colleagues know the problem that the Republican leadership has? Their Members only have two arms. They grab one arm for welfare, they grab one arm for taxes. They got nothing left. But do my colleagues know what? If they would take 50 percent of our arms, then they would all have three arms, and then they could do it because they could twist three arms. That is the problem. Once again it is the magic 50-percent solution.

I say to my colleagues,

If you could take one arm for welfare, and one arm for taxes, and then you could take 50 percent of our arms, then you could twist a third arm for term limits, but the term limits supporters should know that they're getting the third arm. That's what you're giving the term limits people; you're giving them ice in the winter. You are saying, yes, you'll give them some votes. There's very little energy on the other side.

By the way, I think that makes perfect sense because one of the things we would be doing wrong, if by some miracle we pass this, and no one, including their side, expects that—one of the things we would be doing wrong would be for the first time amending the Constitution in a way that detracted from popular choice. Constitutional amendments have expanded the options of the voters. Women have been allowed to vote. Blacks; we erased that terrible sin in America. Eighteen-year-olds. This would be the first time the Senate went to popular election. This would be the first time we took something back.

So, Mr. Chairman, I say, "In this case I'm glad you don't have our 50 percent."

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, my colleagues, term limits is a bad idea. Where I come from we have a saying, "If the pump ain't broke don't fix it." Over 50 percent of the Members of this body have come since 1990. That is 4 years, or less, experience. Now that is turning them over pretty fast.

Who will challenge an incumbent? Everybody says it is tough to challenge an incumbent. I say, "Well, if you know he's only going to be there for 6 years, who would bother to challenge? Who would go try to raise money? Who would contribute money and say, 'Well, wait your turn. He's going to be gone in 4 more years, and then you can run.'"

No, Mr. Chairman, it is a bad idea. It is a bad idea because today committee staff has too much say-so, and, if we do term limits, they will be omnipotent because they will be the only ones who know—with an institutional memory to know how this place works.

Finally, history. I am privileged to represent a district that was once represented by James Madison himself. As my colleagues know, under the Articles of Confederation, we had term limits. Under the Articles of Confederation the founders said, "You cannot serve more than 3 years in a 6-year period," but in 1787, at the Constitutional Convention in Philadelphia, after a long argument, they took it out.

Robert Livingston said, "This is not democracy, term limits. You're limiting the voters' choice."

James Madison said, "Frequent elections; that's the answer, that a voter should be able to decide whether he wants somebody new or whether he wants somebody with experience," and that is the way it ought to be today, and that is the way it ought to be tomorrow.

Please vote this down.

Mr. Chairman, the public's disdain is the people's greatest check on Congress. The power unleashed by the people on November 8, 1994, was another chapter in history's greatest example of man ruling man: democracy in America. As the current occupant of the congressional seat once held by James Madison, the father of the Constitution, I oppose congressional term limits.

Term limits are not consistent with freedom and the political institutions that make it possible to live free—the rule of law, democracy, and individual liberties. Term limits proponents hypothesize that shortened tenures in Congress will revitalize American democracy, but the consequence of term limits would actually be a limitation of democracy.

Term limits do more than limit the terms of public officials. They limit the choices of the voters. Why should we deny American citizens the full democratic principles our Nation was established upon?

When the Founding Fathers met in Philadelphia in 1787, they gathered for the purpose of revising the Articles of Confederation. During that summer, James Madison and the Founding Fathers' concept of democracy was far more limited than it is today. The concept of rotation in office was embodied in the Articles of Confederation, which provided that delegates to Congress could serve for no more than 3 years in any 6-year period. After extensive debate, the Founding Fathers rejected these term limits, citing the right of the people to freely elect and the importance of experienced legislators. Robert Livingston stated during the debates:

> The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect is to abridge their natural rights * * * We all know experience is indispensably necessary to good government. Shall we, then, drive experience into obscurity? I repeat that this is an absolute abridgement of the people's rights.

The Founding Fathers made a conscious decision to do away with term limits. They left this matter to the judgment of the people; not only because they trusted the people but because it was the logically proper place to leave it. In view of the deliberate rejection by the Founding Fathers, it appears that the Constitution's qualification clauses can only be interpreted as a prohibition on the States from limiting the reelection of their congressional delegations. Thus, the policy of State-imposed term limits was rejected.

How did Madison propose to protect the society—especially the supreme values of liberty and property—against the encroachment of a potentially ignorant majority which could be swayed by demagogues? Madison knew from history that such a peril did exist. But the answer, Madison argued, lay not in depriving the people at large of any voice in the Government but in increasing group interest and participation.

From 1776 on, Madison was almost continuously in public life until his retirement from the Presidency in 1817. James Madison served in the Virginia House of Delegates, Continental Congress, the Constitutional Convention, four terms in the U.S. House of Representatives, Secretary of State, and President for 8 years. In the name of returning power to the people, term-limit proponents would have denied the Nation Madison's wisdom and experience in the early days of the Constitution and the Bill of Rights.

In Federalist No. 57, James Madison queried: "Who are to be the electors of the Federal representatives? The electors are the great body of the people of the United States," Madison responded. Madison studied the bond between the people and the elected representative. Madison found this bond "involving every security which can be devised or desired for their fidelity to their constituents." The citizens would have distinguished the representative with their preference in the electoral process. Second, the adulation of victory would have produced an "affection at least to their constitutions" as they enter public service.

Madison also observed:

> All these securities however would be found very insufficient without the restraint of frequent elections. The House of Representatives is so constituted as to support in the Members a habitual recollection of their dependence on their people.

The majesty of democracy is an informed electorate, and the ballot box is the cornerstone of a free and democratic society. To deny the people's basic democratic right to have whoever they choose to serve at their pleasure is a vote of no confidence in American democracy. Why should we deny the voters this right? They possess both the ability to throw out representatives who are ineffective and keep those who serve them well.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I am pleased to rise today as a strong supporter of term limits.

For too long, the U.S. Capitol has been filled with career politicians and the special interests to which they are beholden. I campaigned for term limits and am pleased that I will be able to fulfill that pledge this week. On my own, I have promised the people of the Fourth District that I will serve no more than five terms, and I intend to keep that pledge, too.

Our action this week is significant, because the American people have long been ahead of Congress on the issue of term limits. In the last 5 years, 22 States have adopted term-limits legislation.

Career politicians have become the norm in Washington, with turnover in this body running at only 10 percent. And the prevalence of career politicians have created the tremendous debt problem we face today. According to the National Taxpayer's Union Foundation, House Members who have been here more than 8 years supported an average of 55 percent more spending than Members with less than 8 years of service. The numbers in the Senate are even more stark, as those in their first term voted for 8.5 times less spending than their more senior colleagues.

Limiting the terms of Members of Congress will open our Government to more citizen involvement and will make the Legislature more responsive to the American people. Term limits are strongly supported by the vast majority of the American people. And those who stand in the way of term limits will have to answer for their arrogance at the polls next November.

Mr. Chairman, I urge my colleagues to join me in voting in favor of term limits. I urge them to heed the wishes of their constituents. And I urge them to have the courage to make Congress a Legislature which is truly of the people.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, as my colleagues know, being in Congress is a good job by anybody's standard, the pay at $130,000 a year, good retirement benefits, good health benefits. But I ask, "What happens when you're a career politician, and you don't have those job opportunities outside, and you want to stay with this job that you've decided is the way you want to live and raise your family?"

Mr. Chairman, I will tell my colleagues what my observation is. It is: "You become somewhat more susceptible to those forces that might threaten that job, so, as you look at the special interest lobbyists, and when they come to you with threats and money for your next election, I would suggest that you're a little more considerate of their point of view if you think they have the opportunity to discharge you from what's a good job here in Congress."

Career politicians that want to perpetuate themselves in office have become abusive with their power to the extent that we have jeopardized the future of this economy. Look what we have done:

We have increased the Federal debt by $5 trillion. We spent $5 trillion on a welfare program of putting poor people into their own sect and making them worse off.

As far as what the history is of the Founding Fathers, certainly American democracy starts with the Athenian democracy, but a lot of it comes from John Locke, the British philosopher who says government is simply a nuisance that we have to put up with to deal with some of the inconveniences. His position was that we should not have to have the kind of giant government for people to interact and deal with themselves in society, and I call to the Members' attention what happened when we reexamined the Constitution in the year 1788 and thereabouts.

It was George Mason that said, "Nothing is going to make that legislator more conscious of the decisions that he or she makes than having to return to his home community and live under the laws which he passed."

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. NADLER], a member of our Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, I rise in opposition to the popular, but misguided, idea of term limits. The push for term limits is profoundly antidemocratic. It takes away the right of the people to choose whomever they want as their Representatives in free elections.

What arguments have we heard for limiting the right of people to choose their Representatives? We are told that incumbents are too entrenched and that challengers do not have a fair chance of unseating them. Well, nearly half of this House has been elected for the first time since 1992, and I am part of that new wave. Senior Members, committee chairmen, even the Speaker, have been voted out of office. Entrenched incumbency just does not seem to be what it used to be.

Still, Mr. Chairman, it is true that incumbents often do have an unfair advantage in elections. We should remedy that unfair advantage by passing meaningful campaign finance reform, including giving challengers access to the publicly owned airwaves so the voters will have an opportunity to learn more about them. That is how to battle the problem of entrenched incumbency, by making elections more fair and more democratic, not by making them less democratic, carelessly casting aside the right to vote for which Americans have struggled and died for more than two centuries.

Besides, if term limits is my colleagues' solution to making elections more fair, what they are really saying is, "Let's have a fair election once every 12 years; once every 6 years let's have a fair election. The others, let them be one sided." That is ridiculous. Every election should be a fair and free election. Campaign finance reform, not term limits, is the way to make that happen.

We are told that politicians who have to worry about reelection often fail to do the right thing and, therefore, term limits would promote better government. What a vile, elitist idea. We have elections precisely because we want our Representatives to be always mindful of what the people want. The word for that is "accountability," and accountability to the people is what good government in a free society is all about.

A lame duck, who is more likely to be thinking about his or her next job instead of thinking about representing the people as they wished to be represented will be more accountable to the special interests with jobs to offer than to the people whose ballot will be debased to irrelevance.

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Let us not replace the ballot box with the revolving door as the symbol of our democracy. We will always have Representatives who believe they know better on a given matter than their constituents, and from time to time they may be right. They have the responsibility to do and vote as they believe to be right, and then to try to persuade the voters that they were right or that they nonetheless merit reelection. But a free people has the ultimate right and responsibility to control its own destiny and to live with the consequences of their judgments. We should not take away or restrict that freedom.

There is one final argument that must be answered, that Congress should be composed solely of people serving relatively short stints before returning to their real careers, that a career in service to one's community and country is somehow dishonorable.

I reject that. We have elections to ensure that the people retain the power to judge the quality of their representation. But if they deem that representation to be good and honorable, then they should be permitted to continue it if they want. Are we to deny the people the right to choose modern-day Henry Clays or Daniel Webster if they want to? The proponents of term limits would say yes. I say no. I believe we should be about democracy and accountability, and I therefore oppose this dangerous, antidemocratic, and fundamentally elitist constitutional amendment.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Chairman, it is interesting to hear over and over that somehow this is anti-democratic, yet through the democratic process State after State after State has adopted term limits. Now, many States are not as fortunate as we in Oregon are because we have an initiative and referendum process that allows us to do that. Other people do not. So we need to step forward as Congress and make that happen.

One of the things that is very, very clear today is that this has to be bipartisan. There simply are not enough Republicans. With 230 Members, every Republican voting for this cannot make it happen.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BUNN of Oregon. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I do not have my copy of the contract. Would you show me the footnote in the contract where it says this one is dependent on getting 50 percent of the Democrats?

Mr. BUNN of Oregon. Mr. Chairman, reclaiming my time, if you read the contract, you would know very clearly the contract commits to bring this to the floor, have an open debate and a vote for the first time. Now, I am a Republican that did not sign the contract, but at least I know what it says. It says we will get this to the floor, which we have done, and we will give it a vote.

Mr. FRANK of Massachusetts. If the gentleman will yield further, simply by having this brought up and defeated you have satisfied the contract?

Mr. BUNN of Oregon. Absolutely not. By finally bringing it to the floor, we have given the American people the opportunity, and if the Democrats will cooperate, we will deliver to the American people what they deserve.

Now, I am willing, if the Democrats can get their version through, I will vote for it. And if the Republicans can get their version through, I challenge you to vote for it. There are four versions coming to us today, every one of which is better than the status quo, and I am willing to support any one. Whether they are retroactive or prospective, whether they are in the 6 or 12 years, the people have a right to term limits.

We are going to deliver two-thirds of the Republican votes and better. Can you deliver two-thirds of the Democrat votes? I do not think so. And if term limits fail, it is going to be once again the Democrats have thwarted the will of the American people. It is about time that you line up and support term limits, support a unified bipartisan effort. we can make a difference.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, today the Republican majority is keeping its promise to take the historic step of bringing term limits to the floor for a full and fair vote.

Never in history has a proposal to limit congressional terms been allowed to come to the floor.

When I first ran for Congress in 1992, I pledged to live by self-imposed term limits. Some of my colleagues wondered why, especially since I was one of the youngest Members elected. There was one very simple and direct answer.

It is important to lead by example.

I will lead by example, with a self-imposed limit.

Serving in Congress should not be a lifetime job. Any Member elected should work for whatever change he or she deems important, and then move on. If you haven't changed things within 12 years in the majority, chances are you never will, and you should step aside to let someone else try.

Voters in 22 States have approved term limits, and chances are that, if the other States had an initiative petition process, the voters there would approve term limits too.

I urge all my colleagues, Republican, Democrat, and anyone else, to support term limits. The voters will demand nothing less of this and any future Congress.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding, I just want to note for trend watchers, today a lot of Republicans are talking about how we must do what the public wants. Next week when we are dealing with the tax cut, which I believe public opinion polls will show is much less popular, look out for a change. We will be told then that it is important to stand up for what is right no matter what a temporary poll shows. So enjoy the allegiance to the short-term popular vote. It will pass with the weekend.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I want to begin by paying respect to all of my colleagues. Members here are said to represent their people. We are sent to go home and to justify what it is we do and what we have done and how we have served our people.

I regard public service as an honorable calling. I have heard talk about citizen legislators and lack of citizen legislators. Under our system, we have seen people like Washington, Jefferson, Madison, Clay. We have seen Rayburn, we saw Michel, we have seen NEWT GINGRICH, we have seen Tom Foley, we have seen all of the other leaders, GEPHARDT. We have seen my friend HENRY HYDE. No one is going to tell me these are not citizen legislators.

There is a huge turnover in this place. If you look, better than 50 percent of the Members are new. Very few remember Watergate. Virtually none remember World War II. We need to have people here who are able to understand history, some who can recall it, some who can understand what it is we did and why, and why it was right, and why it was wrong, and why we should have done it, and why we should have not.

That is what makes this institution great, the fact that we do produce people who are able to go home year after year and justify to the people the propriety of their service, what they have done, how they have done it, and why, and then come back and assist us by providing us with a corporate memory and an understanding of what it is.

I regard public service as a great calling, as an honorable calling, as something in which we give back to the people we serve something for what they give us. And we work together as their spokesman, as their voice, as their representative in the Congress, to do what it is that they would like to have done.

Government is an honorable calling. It exists to enable the people to rule themselves, to keep order, to see to it that we have a just society, to address all of the proper responsibilities of government, such as the national defense, or seeing to it that we have a just society which sees to it that no one suffers unduly in times of distress or hardship, to take care of the old, to educate the young. These are great callings, and these are callings in which we are at the center.

It cannot be said that Members will not seek this job under the current situation. Look and see the number. Look at the number of new Members who have come here. There has been a turnover. But it is necessary to have people who understand what it is, why it is, how this institution works, and why, and where the public interest lies. Those are the real things which are important.

According to the Congressional Research Service, the average length of service in the 104th Congress is 7½ years in this body, 10 years in the other body, well under the 12 years that we are talking about here in some of these amendments. Throughout history only 13½ percent of all House Members have served for more than 6 years. I would observe that in the 19th century, the total percent was only 2.6 percent.

It is important we recognize not only the honor of this calling, but we recognize the right of the citizens to choose who it is will serve them. That is why we have elections. We go home to talk to our people, to tell them what we did. I have a home in Michigan. I live there. I stay there. I talk to my fellow citizens. I find out what their concerns are. And were that not so, I can assure you, I would not still be serving in this institution.

One thing that has to be observed, I oppose term limits. I think they are unwise and I think they rob the people of a choice. However, if we are to do something about term limits, they should commence immediately.

Mr. INGLIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding. I would make two points, observations, if you could underscore them.

One, am I correct you are opposed to term limits?

Mr. DINGELL. Mr. Chairman, reclaiming my time, absolutely, and I have made no bones about it, and I have told my people so. By the way, I was elected by a very large majority.

Mr. SHAYS. Mr. Chairman, I am delighted to yield 3 minutes to the gracious gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman.

First, Republicans have done exactly what we promised to do in the Contract With America. We have brought the term limits debate to the floor of the House so that the arguments can be publicly and thoroughly aired. That is what we promised, and that is what we are delivering.

I believe the interest in term limits reflects people's belief that Congress has been out of touch, that we have not in recent years debated the issues that people felt were at the heart of their concerns, and in that I agree with them. I agree that this body has been out of touch, but it is not for lack of Member turnover.

More than 50 percent of the Members have been here less than 4 years. What great corporation with formidable responsibilities would seek greater turnover than that?

The problem has been the entrenched power structure that governs what this body is allowed to consider. That is the problem. The solution is the solution adopted by the Republican majority this term. We have limited the terms of committee chairmen, limited the terms of all of our leadership, so that we will assure that turnover in committee chair and in leadership positions will guarantee that indeed the agenda will change, that there will be no chairman that can limit the agenda to his interests and the interests of those who sent him to Congress.

Limiting the terms of committee chairmen and reforming our campaign finance laws so that challengers have a genuine opportunity to win are the answer. The solution is not term limits, because that simply transfers power to staff. They stay longer than Members, they get to know the law better than Members, and they end up steering Members and controlling the agenda when they are not elected and do not go home.

I do not want to transfer power to staff, but I also do not want to compromise the quality of the solutions that we develop here as this Congress. And if we limit terms, we will surely compromise quality. Limiting terms will not simplify the problems. The problems are complex because American manufacturing and agriculture now employ highly toxic chemicals to produce their products. That means we have to have clean air laws, clean water laws, and when we write those laws, we have to know a lot about industry, agriculture, and chemistry.

Our security depends on understanding what kind of conflicts we will be a part of in 20 years, and for that reason then we need to understand what force structure we will need, what armaments we will need, and what investments in research and development we must make now for the security of our children. These issues take time, they take study, they take years of understanding, knowledge, and work.

Our economic security depends on our success in the international market. Child and family security depends on getting rid of drugs.

The issues demand an intelligent, knowledgeable, and dedicated Congress. Vote against term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

☐ 1415

Mr. HYDE. Mr. Chairman, I ask that no Member ask me to yield until I finish because I do not want to be interrupted.

I want to tell you how unpleasant it is to take the well in militant opposition to something that is so near and dear to the hearts of so many of my colleagues and Members whom I revere, but I just cannot be an accessory to the dumbing down of democracy. And I think that is what this is. I might also say, parenthetically, that it is a little amusing to see the stickers that have been worn by so many of my colleagues. It says, "term limits, yes." It does not say, "term limits now." It says, "term limits, yes."

I am reminded of the famous prayer of Saint Augustine who said, Dear God, make me pure, but not now.

If someone told you on election day you had to vote for a particular person, you would wonder if you were back in the Soviet Union. What is the essential differences if they tell you you may not vote for this person? They have limited your range of choices. You have narrowed the circle of possibilities. You have denied a fundamental right free people have in a free country. If this were a trial, I would call as my first witnesses the Founding Fathers who directly rejected term limits.

Chief Justice Earl Warren, in the famous case of Powell versus MacCormick, 1969, said, and I quote, "a fundamental principle of our representative democracy is, in Hamilton's words, 'that the people should choose whom they please to govern them.' As Madison pointed out at the convention," still quoting Justice Warren, "this principle is undermined as much by limiting whom the people can select as by limiting the franchise itself."

In 1788, in New York, in debating ratifying the Constitution, Robert Livingston asked a haunting question: "Shall we then drive experience into obscurity?" He called that an absolute abridgment of the people's rights.

George Orwell, in a review of a book by Bertrand Russell, said it has become the task of the intellectual to defend the obvious. I make no pretense at being an intellectual, but defending experience against ignorance is certainly obvious.

Have you ever been in a storm at sea? I have, and I knew real terror until I looked up on the bridge and the old Norwegian skipper, who had been to sea for 45 years, was up there sucking on his pipe. And I can tell you that was reassuring.

When that dentist bends over with the drill whirring, do you not hope he has done that work for a few years?

And when the neurosurgeon has shaved your head and they have made the pencil mark on your skull where they are going to have the incision and he approaches with the electric saw, ask him one question, are you a careerist?

Is running a modern complex society of 250 million people and a $6 trillion economy all that easy? To do your job, to have a smattering of ignorance, in Oscar Levant's phrase, you have to know something about the environment, health care, banking and finance and tax policy, farm problems, weapons systems, Bosnia and Herzegovina and North Korea, not to mention Nagorno-Karabakh, foreign policy, the administration of justice, crime and punishment, education and welfare, budgeting in the trillions of dollars and immigration. And I have not scratched the surface.

We need our best people to deal with these issues. We in Congress deal with ultimate issues: life and death, war and peace, drawing the line between liberty and order. And do you ever really doubt that America will never again have a real crisis? With a revolving-door Congress, where will we get our Everett Dirksens, our Scoop Jackson, our Arthur Vandenbergs, our Hubert Humphreys, our Barry Goldwaters, our Sam Ervins? You do not get them out of the phone book. Where did Shimon Peres and Yitzak Rabin get the self-confidence to negotiate peace for their people with the PLO? I will tell you where: experience, bloody, bloody experience.

To those of you that are overwhelmed by the notion that this is a very popular cause, let me remind you of what Edmund Burke told the electors of Bristol, November 3, 1774. He said, a Member of Parliament owes to his constituency his highest fidelity. But he also owes them his best judgment and he does not owe his conscience to anybody.

I once told an incoming class of freshmen back when they let me speak to them at lunch that they have to know the issues to be prepared to lose their seat over or they would do real damage here. To me, this is such an issue.

The unstated premise of term limits is that we are progressively corrupted the longer we stay around here. In answer to that I say, look around. You will see some of the finest men and women you will ever encounter in your life. The 12 apostles had their Judas Iscariot. We have a higher ratio than that. And I will tell you, I will not surrender. I will not concede to the angry, pessimistic populism that drives this movement, because it is just dead wrong.

Our negative campaigning, our mudslinging, our name calling has made anger the national recreation. But that is our fault, not the system's. America needs leaders. It needs statesmen. It needs giants, and you do not get them out of the phone book.

News is always better? What in the world is conservative about that? Have we nothing to learn from the past, tradition, history, institutional memory? Do they not count?

They have a saying in the provinces, Ignorance is salvageable, but stupid is forever.

This is not conservative. It is radical distrust of democracy. It is cynical. It is pessimistic, devoid of the hope and the optimism that built this country.

This corrosive attack on the consent of the governed stems from two sources. One is well meaning but misguided, and the other are those who really in their heart hate politics and despise politicians.

I confess, I love politics and I love politicians. They invest the one commodity that can never be replaced, their time, their family life, their privacy, and their reputation. And for what? To make this a better country.

Oh, incumbents have an advantage. I guess they do, although not necessarily. You have a record to defend. You have voted on hundreds of bills. And you get socked with them by your challenger who has nothing to defend, and you better be ready to explain how you voted back in 1988 on Gramm-Rudman or something like that.

But listen to me, it is 11:30 at night. And it is January and the snow is whirling outside the window. And I am in a banquet hall. I am at my one-millionth banquet. I am sitting there as we are honoring the mayor of one of my local towns, and they have not even introduced the commissioner of streets yet. And I am exhausted. And I look out the window at the snowstorm and I wonder where my opponent is.

He does not even know he is my opponent. He is home, stroking his collie dog, smoking a Macanudo, sipping from a snifter of Courvoisier and watching an R-rated movie on cable. But I am at that banquet.

Again and again, I will tell you why you have a leg up, good constituent service, accessibility, and availability. You ought to have a leg up. You have made an investment challengers never make. I will not apologize for that.

The case for term limits is a rejection of professionalism in politics. Career politician is an epithet. Careerism, they say, places too much focus on getting reelected and not on the public interest. That is a perfect nonsequitur. You get reelected by serving the public interest. Professionals, my friends, will run this Government. Only they will not be elected, they will be the faceless, nameless, try-to-get-them-on-the-phone, unaccountable permanent bureaucracy.

There are two contradictory arguments which support this term-limits issue. One is that we are too focused on reelection, not close enough to the people. Then you have the George Will theory that we are too close to the people, too responsive, and we need a constitutional distance from them.

I suggest any cause that is supported by two contradictory theories like this is standing on two stools which, as they separate, will give you an awful hernia.

Term limits limit the field of potential candidates. What successful person in mid life will leave a career at 50 and try and pick up the pieces at 56 or 62? This job will become a sabbatical for the well-to-do elite and bored retirees. And if you listen carefully, if this ever becomes law, that shuffling sound you hear is the musical chairs being played in every legislature in the country. So the question of 1788 recurs. Shall we then drive experience into obscurity? Shall we perpetrate this absolute abridgment of the people's rights?

Listen, last June 6, I had the honor of standing on the beaches at Normandy with BOB DOLE, Bob Michel, SONNY MONTGOMERY, SAM GIBBONS, and JOHN DINGELL. I guess you would call us old bulls today. But we were very young when we fought in battle 50 years ago. I guess we were citizen soldiers and citizen sailors back then. By some perverse logic, you withhold from us the title of citizen legislators today.

But I heard the mournful, piercing sound of big pipes from a British band, scattered among the sea of white crosses and the Stars of David, playing "Amazing Grace." And with eyes not quite dry, I read some of the names on the crosses until I came to one that had no name. It just had a cross, stating "Here Lies in Honored Glory a Comrade in Arms Known but to God."

Then I saw another and another like that. No name, no family, just heroism buried thousands of miles from home. It occurred to me what an unpayable debt we owe these people because they died for freedom, and a part of that freedom is to choose who will govern you.

I can never vote to disparage that freedom. I pray you cannot either.

I presume to speak for SAM GIBBONS, BOB STUMP, JOHN DINGELL, SONNY MONTGOMERY, and yes, BOB DOLE. Fifty years ago our country needed us and we came running. I think our country still needs us. Why do you want to stop us from running? Why do you want to drive experience into obscurity? Have you forgotten the report card we got last November?

I have one piece of advice: Trust the people.

Mr. CONYERS. Mr. Chairman, after that remarkable performance by our chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, let me say that that speech by the gentleman from Illinois made me feel proud to be a Member of Congress.

Mr. Chairman, we already have term limits. They are called elections. And every year the American people consider candidates and choose who they want to represent them. And the best argument against term limits is the 104th Congress. Fifty percent of the Congress has changed in the last 5 years. Term limits are an emotional response to political frustration. That is over. The voters spoke. We are the change, the 104th Congress.

Mr. Chairman, what happens if we have term limits? Staff, the bureaucracy, lobbyists would run the Government. Rural States will be hurt. How will a small State compete against the bigger States if they are not protected by the seniority of their Members?

☐ 1430

How can New Mexico compete against New York and California when it comes to some basic interests?

Mr. Chairman, I saw the ad this morning by the term limits movement. They talked about the bank scandal, they talked about the midnight pay raise. That is over. That is years ago. There have been reforms in the Congress. Why do we keep beating ourselves up? There has been change. Why do we denigrate ourselves? What is wrong with experience?

Let us have campaign finance reform, Mr. Chairman. Let us have ethics reform. Let us have challengers have a better chance to defeat us, if that is the worry. Let us address the problems of the country. Mr. Chairman, let us not politicize this.

Members heard the gentleman from Illinois [Mr. HYDE], the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Texas [Mr. DELAY], distinguished Members from the other side. There are going to be 40 Members from that side voting against this.

Mr. Chairman, let us not politicize this. Let us give it the slow death that this issue deserves. Term limits are wrong for this country, and I am proud to say that.

Mr. Chairman, we already have term limits. They are called elections. Every election year, the American people consider candidates and choose who they want to represent them.

I have two letters from my constituents with me. The first letter is from Nicole Beers from Los Alamos, NM. She states, "This letter is sent with many thanks and great appreciation for the prompt and courteous treatment I received from you and your staff * * * I will certainly be pulling for you in the next elections, as will my family."

The second letter is from Bill and Phyllis Gaedke from Clovis, NM, who state, "We regret that you escaped the gigantic broom that swept socialist liberals out of government Tuesday * * *".

My point, Mr. Chairman, is that both of my constituents were able to vote the way that they wanted to. Nicole for me and Bill and Phyllis against me. That is democracy. Term limits will only take away the rights of the American people to choose their best voice in the legislative process.

It is also hard for me to believe that supporters of term limits believe these limits are long overdue, yet they exclude themselves from such limits. There is one word to describe this, Mr. Chairman, and that word is hypocrisy.

If the Republican Contract With America promised that Congress should abide by the same rules that everyone else must follow, then the Republican bill on term limits breaks the contract.

LOS ALAMOS, NM,
August 16, 1994.

Hon. BILL RICHARDSON,
House of Representatives, Santa Fe, NM.

DEAR CONGRESSMAN RICHARDSON: This letter is sent with many thanks and great appreciation for the prompt and courteous treatment I received from you and your staff. Once I contacted your office, the speed with which my problem was resolved was astounding. The frustration and helplessness that I felt regarding the situation I was in with the University of New Mexico's scholarship office is gone. Instead, I received the scholarship that I worked so hard for.

Within one week of contacting your office, I was contacted by someone from the scholarship office who informed me that my scholarship was still intact and that I would soon be receiving an award letter. This was a dramatic change from the long minutes on hold and trying to schedule appointments that I had previously experienced.

Your staff was extremely cooperative and unbiased. I value that tremendously. I want you to know that I have relayed my experience and expressed my gratitude to just about anyone who would listen. Particularly, my family has heard the entire story, and everyone has agreed that having a congressman that is as close to the people of New Mexico is a rare and special thing.

I will certainly be pulling for you in the next elections, as will my family. Thank you again to your superb office staff and also to you, Congressman Richardson.

Sincerely,

NICOLE BEERS.

P.S. Juan Wecaro is the gentleman that worked directly with me.

CLOVIS, NM,
November 11, 1994.

Hon. BILL RICHARDSON,
Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE RICHARDSON: We regret that you escaped the gigantic broom that swept socialist liberals out of government Tuesday; however, we feel somewhat encouraged that the great event will serve as a very effective wakeup call that we will not tolerate business as usual in Washington, DC!

We know that you have already duly noted that you and your liberal policies were rejected here in Curry County and hope this fact serves as a guide to your getting into mainstream America.

You have been a very big spender; we hope now that you will be able to curb your insatiable appetite for our money.

Of course, we have been labeled obstructionist for many years; now we'll just have to see if anyone else wears that label.

[In percent]

Name	Curry County	Precinct 23
Bemis	50	60
Richardson	48	37

Sincerely,

BILL AND PHYLLIS GAEDKE.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank my distinguished colleague from Florida for yielding time to me, to allow me to say a few words about an historic debate.

Mr. Chairman, as great as the debate is that we have already heard here today, most recently through the eloquence of the chairman of the Committee on the Judiciary, and Mr. Chairman, as great as the debates that have raged in these hallways over the ages have been, and as great as the debate will be that we will hear into the evening hours tonight on this issue, let us not forget where the greatest, where the most eloquent, where the most appropriate debate on this issue is and should be, and that is with the people.

Let us keep in perspective, Mr. Chairman, what it is that we are debating and will be deciding this evening. We will not be deciding whether or not the American people should have term limits. All we are deciding, the only issue that we are deciding, is whether or not the people of this country shall themselves be able to make that decision.

I do not think there is anybody here that would deny that that is precisely the method for making these decisions that our Founding Fathers had in mind. That is all we are deciding.

Let us not take from the people the ability to decide this fundamental issue. Let the debate go forward from this Chamber to the halls of our State legislatures and in the communities all across America, where it ought to be. Let us not here today stifle that debate. It is a vigorous debate, it is a great debate. Let it continue.

Mr. Chairman, also with regard to one of the specific proposals that we will be debating and voting on, and that is that proposal for a 12-year limit that would allow States to set lower limits, let me say that is a recipe for disaster. That is a recipe that guarantees that the issue will in fact be bottled up in our courts for decades or years to come.

Let us reflect back to the last time this body did decide a similar issue, and that is early in this century with the 17th amendment that provided for the direct election of Senators. Had those Members who voted for that, and had those States that voted to adopt that amendment at that time said, "Let us have a national standard with an asterisk on it, and say some States can do it directly and some States can do it indirectly," is there anybody here that would disagree with the proposition that that would have thrown the issue into the courts and probably would have resulted in the rejection of the 17th amendment?

If we have the fortitude, if we decide that this is an issue that the people should decide, let us give it to them and say "Do you want a national standard?"

Do we want to provide for that great process that brings us here today, for the people to decide that and set that standard based on the will of the people? Let this debate continue.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman, we limit the terms of the President, and we ought to limit the terms of Members of Congress.

Mr. Chairman, I rise in support of term limits for Members of Congress.

When I first arrived in Congress some 7 years ago, I had mixed feelings about term limits. But since arriving, I have witnessed the House Bank scandal, the House Restaurant scandal, and the House Post Office scandal. I believe all these sad events in the history of our legislative branch are due to the arrogance which results from human beings being in power for too long.

For those who contend that term limits run counter to our democratic principles and unduly restrict people's rights, I would point out that the people of this country, in their wisdom, chose to restrict their right to elect a President to only two terms. The people chose to so restrict their rights because they rightfully recognized the danger of allowing the executive branch to be controlled by any one person for too long. The same danger exists in the legislative branch. By not limiting terms of Members of Congress, we expose ourselves to the danger of a few men or women being in power, in positions of influence, in our legislative branch, for too long. We expose ourselves to the danger of the unbridled arrogance which can result from a set of human beings being in power for too long. I believe in the axiom, "Power corrupts, and absolute power corrupts absolutely."

Mr. Chairman, it is time to impose on our legislative branch the same kind of protection against the accumulation of power and the corruption which results from it that we have imposed on our executive branch of Government.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, as I listen to the debate today, I believe once again we see that Congress just does not get it. There continues to be a huge disconnect between Congress and the American people, between this beltway mentality in Washington and the rest of the country.

I enjoy listening to the philosophical debate about the pros and cons for term limits, but coming from a business background, I think it is also important to come back and take a look at reality.

Let us take a look at what performance this Congress has been giving to the American people: huge deficits; a process which has unempowered the people by developing a campaign process where Congress is forced to raise huge amounts for campaign war chests, and other failed programs. We have developed a huge welfare state, a dependency on Washington rather than the American people.

It is time that we move back, that we empower the American people, that we even the playing field. We have to recognize that the only change and real reform that is taking place, is taking place at the State level, where voters are empowered to make change.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, the debate on term limits parallels the debate over giving women the right to vote.

It took Congress 32 years to catch up with the public's desire for women's suffrage. The first vote in Congress on a constitutional amendment to give women the vote took place in 1887, and it was defeated. It was defeated again in 1918 and once more in early 1919. It wasn't until later in 1919 that Congress finally approved the amendment and sent it to the States for ratification.

During the three decades that Congress was opposing women's suffrage, however, 30 of the 48 States went ahead and gave women the right to vote in some degree.

The same thing has occurred with term limits. During the last few years, when the Democratic leadership refused to even bring this issue to the floor, 22 States have passed their own congressional term limits laws. The term limits provision in the Contract With America and today's vote are signs that under our new Republican leadership Congress is finally catching up with the States.

The very first bill I introduced when I came to Congress was a term limits bill tracking Florida's 8-year limit, and I introduced the same bill again this year. I will support both the Hilleary and McCollum amendments because they would not supersede Florida's law, which passed in 1992 with 77 percent of the vote. National poll numbers show about the same percentage of support for term limits across the country.

Term limits will result in a Congress that is closer to the people. They will reduce the power of staff, since the most powerful staffers are always those who work for the most senior Members. And they will make the Congress more truly representative of America by resulting in a higher number of open seats, which are easier for women and minorities to win. Currently, 72 percent of the women and 81 percent of the minorities serving in Congress were elected to open seats.

Some say that we already have term limits in the form of elections. Unfortunately, voters are reluctant to oust their own incumbents—even in 1994, 90 percent of incumbents were reelected. At the same time, however the voters in eight States enacted new term limits laws.

Others say that governing is too complicated to be left to citizen legislators. If our Government is too complex to be understood by its citizens, then we should be simplifying it, not creating a class of professional politicians to run it.

Take a look at the First Congress. That group of novices managed to rack up some pretty significant accomplishments. The Bill of Rights, for example.

I am sure there were a lot of lofty arguments put forward in this body 100 years ago as to why women's suffrage should not be written into the Constitution. But while Congress was debating, States were taking action.

It is no different this time around. To date, 25 million Americans in 22 States have voted for congressional term limits. When Members cast their vote today, I urge them to come down on the side of the American people. I urge them to vote "yes" on final passage of term limits.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, the American people are angry and frustrated about the Congress and its lack of responsiveness to their needs. The rich get richer, the poor get poorer, and the middle class continues to shrink. Congress does not act and the people are angry.

The standard of living of the average American continues to go down, down, down, and we continue to lose huge numbers of decent-paying jobs to desperate third-world countries. Congress does not act and the people are angry.

The United States today is the only major industrialized Nation on Earth without a national health care system. Congress does not act and the people are angry.

What are term limits going to do about any of this? Nothing, except perhaps make a bad situation worse. Mr. Chairman, the problem with American politics is not that we cannot force out every Member of Congress every 6 years. That is not the problem.

The problem is that the U.S. Congress today is dominated by big money interests, and that this institution works primarily for the wealthy and the powerful, and not the ordinary American. That is the problem, and all of the term limits in the world are not going to change that reality.

Mr. Chairman, if we are going to make the Congress responsive to ordinary Americans, we need campaign finance reform, not term limits. We need to stop millionaires from buying their own seats, and end the absurdity of 20 percent of the Members of Congress being millionaires themselves.

We need to stop corporations from putting huge amounts of campaign contributions into political parties as soft money. We need to stop powerful interests like the insurance companies from buying the air waves to prevent real health care reform.

Mr. Chairman, let us pass campaign finance reform, not term limits, and return power back to ordinary Americans.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of term limits. I have a great respect for some of those here today who have argued against them, but I think they have missed the point and missed the point entirely. It has been claimed that term limits will give strength and power to the congressional staff, to bureaucrats, to lobbyists who will be here in Washington, DC perhaps forever to come.

I think that is entirely wrong. I think in fact the current system gives strength to those institutions of Washington, DC, because those who have been here for 20, 30, 40, and 50 years are the ones who have institutionalized themselves as part of that process. They have been unwilling to change. That is what has been seen when we have actually had some turnover here recently.

Conventional wisdom is not being accepted right now. The status quo is not being accepted. It is because of the fact that we have new Members bringing that about. Term limits is the only way to assure that we will have this constant turnover, this constant freshness.

Those who suggest that the only kind of experience in this Congress is the experience of warming a seat here for 20, 30, 40, or in the case of one individual who set the all-time record of 54 years, are wrong. I keep hearing Henry Clay's name being mentioned. Henry Clay was elected Speaker of the House in the early 1800's, not after he had been here for 20 years, in his very first term. Why? Not because of experience in the House of Representatives, but because of experience in life. It is time that we recognize that and return this institution to the people. I urge support for term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, later today the House will vote on the question of whether or not to assign term limits to all Members of Congress. This is truly an historic occasion.

I strongly support a 12-year term limit for both Senators and Representatives.

In fact, when I first ran for Congress in 1992, the need for term limits was item No. 1 on my 11-point platform for immediate congressional reform.

I will quote from that list:

"No. 1. Term limits: With incumbents winning re-election 90 percent of the time, America's electoral process is lacking the competition essential for true democracy. The life tenure of Members of Congress is the major contributing factor to most of the problems of Congress."

Measures designed to effect congressional reform through term limitations appeared on ballots in eight States during the 1994 election, and, in all but one State, they were passed.

Congressional term limits would enhance the democratic nature of our national legislature by opening it up to a true, fair, and competitive election process.

□ 1445

Mr. SHAYS. Mr. Chairman, it gives me great pleasure to yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of a committee that focuses its attention around the world.

Mr. GILMAN. I thank the gentleman for yielding me the time.

Mr. Chairman, I am pleased to rise in opposition to the term limits amendments. Just last week, after a historic debate, the Congress debated and approved the Personal Responsibility Act, sending a clear message: Americans must take responsibility for their own actions.

Two weeks ago, our debate on commonsense legal reform also focused on the proposition that individual responsibility is the hallmark of our Nation.

Is it not ironic that we are now considering stripping Americans of the most basic, crucial responsibility of all: the responsibility to remain alert, active, and informed; the responsibility to monitor elected officials; the responsibility to cast an intelligent vote on election day.

Term limits are being proposed to solve a problem that does not exist. Over half the current Members of Congress began their service in this Chamber since 1990. During the 8 years that Ronald Reagan was President, the House experienced a 60-percent turnover of membership.

Those Americans who have chosen to exercise their responsibility in voting have been remarkably discriminating. It is an insult to their intelligence, and to their patriotism, to contend term limits are the only possible way to turn out representatives who they feel have outlived their usefulness.

Our Nation already has term limits: it's called "voting."

I do not subscribe to the theory that public service is the only job in our society in which experience is an evil.

Throughout my many years of service as a Member of this body, I have never experienced an unopposed election. Every 2 years, I have defended the positions I had taken, explained my voting record, and accounted to the people for my conduct in office. I believe that this was the way our Founding Fathers intended Congress to work, and I see nothing wrong with that proposition.

Today, we are asked, for the first time in our Nation's history, to turn the clock back on 208 years of progress. After two centuries of expanding the electorate and the rights of our citizens, for the first time, an amendment is proposed that would restrict the rights of Americans to make a free and open choice regarding their representatives, and which would absolve them of the responsibility of remaining alert and active.

Mr. Chairman, term limits is much more than just a bad idea. It is a threat to our system of Government. I urge my colleagues to strongly reject this amendment and to get on with the business of governing.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. First of all I would like to say that I witnessed today from the gentleman from Illinois [Mr. HYDE] one of the greatest speeches I have ever heard on the floor of this House of Representatives. I think we are talking about the wrong thing in this debate on term limits.

Let's try to put it in focus for the millions of people that are fortunate enough to hear this very high-level debate today. I believe that if you went to the American people and you said to the American people, "What do you think about term limits for Members of Congress in the other body?" they would say, "We support term limits." But if you gave them the full facts and you said the amendment that we are considering today, a 12-year limit, and you said to them at the very best it is going to take 5 years for it to work its way through the States, so that makes 17 years and everybody that has spoken on this for and against has been here at least one term, which is 2 more years, so you are talking about term limits to get rid of all the riffraff here, you have got 17 years. Term limits for 17 years.

I happen to believe that public service is the most honorable profession that you can practice. I am going if you will permit me to be personal for one minute. I had open heart surgery about 4 years ago and the second day out of surgery, how I will never know, they put through a call from North Carolina to my room, and this little old lady said to me, "BILL HEFNER, I just want to call you and thank you because your office and your staff saved me from losing my home." Our constituent service went to work for this lady, and I do not know what we did, but in her mind it enabled her to save her home and that was precious to her.

I would hope that we would not pass an amendment that would prohibit any Member of this House from having some precious soul in their district exercise their God-given right and their constitutional right to vote for whoever they want to if they get into the electoral process legally that they could express their vote on confidence in that person.

I think when you go to the American people and tell them the truth, this is not a 12-year term limits, it is actually at best a 17-year term limit prohibition.

Mr. CANADY of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. BARRETT of Nebraska] having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 831, PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. ARCHER submitted the following conference report and statement on the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-92)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831), to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) PERMANENT EXTENSION.—Subsection (l) of section 162 of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended by striking "25 percent" and inserting "30 percent".

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

(2) INCREASE.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1994.

SEC. 2. REPEAL OF NONRECOGNITION ON FCC CERTIFIED SALES AND EXCHANGES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking part V (relating to changes to effectuate FCC policy).

(b) CONFORMING AMENDMENTS.—Sections 1245(b)(5) and 1250(d)(5) of the Internal Revenue Code of 1986 are each amended—

(1) by striking "section 1071 (relating to gain from sale or exchange to effectuate polices of FCC) or", and

(2) by striking "1071 AND" in the heading thereof.

(c) CLERICAL AMENDMENT.—The table of parts for such subchapter O is amended by striking the item relating to part V.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) sales and exchanges on or after January 17, 1995, and

(B) sales and exchanges before such date if the FCC tax certificate with respect to such sale or exchange is issued on or after such date.

(2) BINDING CONTRACTS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any sale or exchange pursuant to a written contract which was binding on January 16, 1995, and at all times thereafter before the sale or exchange, if the FCC tax certificate with respect to such sale or exchange was applied for, or issued, on or before such date.

(B) SALES CONTINGENT ON ISSUANCE OF CERTIFICATE.—

(i) IN GENERAL.—A contract shall be treated as not binding for purposes of subparagraph (A) if the sale or exchange pursuant to such contract, or the material terms of such contract, were contingent, at any time on January 16, 1995, on the issuance of an FCC tax certificate. The preceding sentence shall not apply if the FCC tax certificate for such sale or exchange is issued on or before January 16, 1995.

(ii) MATERIAL TERMS.—For purposes of clause (i), the material terms of a contract shall not be treated as contingent on the issuance of an FCC tax certificate solely because such terms provide that the sales price would, if such certificate were not issued, be increased by an amount not greater than 10 percent of the sales price otherwise provided in the contract.

(3) FCC TAX CERTIFICATE.—For purposes of this subsection, the term "FCC tax certificate" means any certificate of the Federal Communications Commission for the effectuation of section 1071 of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

SEC. 3. SPECIAL RULES RELATING TO INVOLUNTARY CONVERSIONS.

(a) REPLACEMENT PROPERTY ACQUIRED BY CORPORATIONS FROM RELATED PERSONS.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) NONRECOGNITION NOT TO APPLY IF CORPORATION ACQUIRES REPLACEMENT PROPERTY FROM RELATED PERSON.—

"(1) IN GENERAL.—In the case of—

"(A) a C corporation, or

"(B) a partnership in which 1 or more C corporations own, directly or indirectly (determined in accordance with section 707(b)(3)), more than 50 percent of the capital interest, or profits interest, in such partnership at the time of the involuntary conversion,

subsection (a) shall not apply if the replacement property or stock is acquired from a related person. The preceding sentence shall not apply to the extent that the related person acquired the replacement property or stock from an unrelated person during the period described in subsection (a)(2)(B).

"(2) RELATED PERSON.—For purposes of this subsection, a person is related to another person if the person bears a relationship to the other person described in section 267(b) or 707(b)(1)."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to involuntary conversions occurring on or after February 6, 1995.

(b) APPLICATION OF SECTION 1033 TO CERTAIN SALES REQUIRED FOR MICROWAVE RELOCATION.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions), as amended by subsection (a), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) SALES OR EXCHANGES TO IMPLEMENT MICROWAVE RELOCATION POLICY.—

"(1) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this subsection to a qualified sale or exchange, such sale or exchange shall be treated as an involuntary conversion to which this section applies.

"(2) QUALIFIED SALE OR EXCHANGE.—For purposes of paragraph (1), the term 'qualified sale or exchange' means a sale or exchange before January 1, 2000, which is certified by the Federal Communications Commission as having been made by a taxpayer in connection with the relocation of the taxpayer from the 1850–1990MHz spectrum by reason of the Federal Communications Commission's reallocation of that spectrum for use for personal communications services. The Commission shall transmit copies of certifications under this paragraph to the Secretary."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to sales or exchanges after March 14, 1995.

SEC. 4. DENIAL OF EARNED INCOME CREDIT FOR INDIVIDUALS HAVING EXCESSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) DENIAL OF CREDIT FOR INDIVIDUALS HAVING EXCESSIVE INVESTMENT INCOME.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) for the taxable year if the aggregate amount of disqualified income of the taxpayer for the taxable year exceeds $2,350.

"(2) DISQUALIFIED INCOME.—For purposes of paragraph (1), the term 'disqualified income' means—

"(A) interest or dividends to the extent includible in gross income for the taxable year,

"(B) interest received or accrued during the taxable year which is exempt from tax imposed by this chapter, and

"(C) the excess (if any) of—

"(i) gross income from rents or royalties not derived in the ordinary course of a trade or business, over

"(ii) the sum of—

"(I) the deductions (other than interest) which are clearly and directly allocable to such gross income, plus

"(II) interest deductions properly allocable to such gross income."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 5. EXTENSION OF SPECIAL RULE FOR CERTAIN GROUP HEALTH PLANS.

Section 13442(b) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66) is amended by striking "May 12, 1995" and inserting "December 31, 1995".

SEC. 6. STUDY OF EXPATRIATION TAX.

(a) IN GENERAL.—The staff of the Joint Committee on Taxation shall conduct a study of the issues presented by any proposals to affect the taxation of expatriation, including an evaluation of—

(1) the effectiveness and enforceability of current law with respect to the tax treatment of expatriation,

(2) the current level of expatriation for tax avoidance purposes,

(3) any restrictions imposed by any constitutional requirement that the Federal income tax apply only to realized gains,

(4) the application of international human rights principles to taxation of expatriation,

(5) the possible effects of any such proposals on the free flow of capital into the United States,

(6) the impact of any such proposals on existing tax treaties and future treaty negotiations,

(7) the operation of any such proposals in the case of interests in trusts,

(8) the problems of potential double taxation in any such proposals,

(9) the impact of any such proposals on the trade policy objectives of the United States,

(10) the administrability of such proposals, and

(11) possible problems associated with existing law, including estate and gift tax provisions.

(b) REPORT.—The Chief of Staff of the Joint Committee on Taxation shall, not later than June 1, 1995, report the results of the study conducted under subsection (a) to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

And the Senate agree to the same.

BILL ARCHER,
PHILIP CRANE,
WM. THOMAS,
CHARLES B. RANGEL,
Managers on the Part of the House.
BOB PACKWOOD,
BOB DOLE,
BILL ROTH,
JOHN H. CHAFEE,
CHUCK GRASSLEY,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
CAROL MOSELEY-BRAUN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferences, and minor drafting and clerical changes.

A. PERMANENTLY EXTEND DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS

(Sec. 1 of the House bill, sec. 1 of the Senate amendment, sec. 1 of the conference agreement and sec. 162(l) of the Code)

Present Law

Under present law, the tax treatment of health insurance expenses depends on whether the taxpayer is an employee and whether the taxpayer is covered under a health plan paid for by the employee's employer. An employer's contribution to a plan providing accident or health coverage for the employee and the employee's spouse and dependents is excludable from an employee's income. The exclusion is generally available in the case of owners of a business who are also employees.

In the case of self-employed individuals (i.e., sole proprietors or partners in a partnership), no equivalent exclusion applies. However, prior law provided a deduction for 25 percent of the amount paid for health insurance for a self-employed individual and the individual's spouse and dependents. The 25-percent deduction was available with respect to the cost of self-insurance as well as commercial insurance. In the case of self insurance, the deduction was not available unless the self-insured plan was in fact insurance (e.g., there was appropriate risk shifting) and not merely a reimbursement arrangement. The 25-percent deduction was not available for any month if the taxpayer was eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse. In addition, no deduction was available to the extent that the deduction exceeded the taxpayer's earned income. The amount of expenses paid for health insurance in excess of the deductible amount could be taken into account in determining whether the individual was entitled to an itemized deduction for medical expenses. The 25-percent deduction expired for taxable years beginning after December 31, 1993.

For purposes of these rules, more than 2-percent shareholders of S corporations are treated the same as self-employed individuals. Thus, they were entitled to the 25-percent deduction.

Other individuals who purchase their own health insurance (e.g., someone whose employer does not provide health insurance) can deduct their insurance premiums only to the extent that the premiums, when combined with other unreimbursed medical expenses, exceed 7.5 percent of adjusted gross income.

House Bill

The House bill would retroactively reinstate the deduction for 25 percent of health insurance costs of self-employed individuals for 1994 and would extend the deduction permanently.

Effective date.—The provision would be effective for taxable years beginning after December 31, 1993.

Senate Amendment

The Senate amendment is the same as the House bill, except that the deduction would be increased to 30 percent for years beginning after December 31, 1994.

Effective date.—The provision generally would be effective for taxable years beginning after December 31, 1993. The increase in the deduction to 30 percent of health insurance costs would be effective for taxable years beginning after December 31, 1994.

Conference Agreement

The conference agreement follows the Senate amendment.

B. REPEAL OF SPECIAL RULES APPLICABLE TO FCC-CERTIFIED SALES OF BROADCAST PROPERTY

(Sec. 2 of the House bill, sec. 2 of the Senate amendment, sec. 2 of the conference agreement, and sec. 1071 of the Code)

Present Law and Background

Tax treatment of a seller of broadcast property

General tax rules

Under generally applicable Code provisions, the seller of a business, including a broadcast business, recognizes gain to the extent the sale price (and any other consideration received) exceeds the seller's basis in the property. The recognized gain is then subject to the current income tax unless the gain is deferred or not recognized under a special tax provision.

Special rules under Code section 1033

Under Code section 1033, gain realized by a taxpayer from certain involuntary conversions of property is deferred to the extent the taxpayer purchases property similar or related in service or use to the converted property. The replacement property may be acquired directly or by acquiring control of a corporation (generally, 80 percent of the stock of the corporation) that owns replacement property. The taxpayer's basis in the replacement property generally is the same as the taxpayer's basis in the converted property, decreased by the amount of any money or loss recognized on the conversion, and increased by the amount of any gain recognized on the conversion.

Only involuntary conversions that result from destruction, theft, seizure, or condemnation (or threat or imminence thereof) are eligible for deferral under Code section 1033. In addition, the term "condemnation" refers to the process by which private property is taken from public use without the consent of the property owner but upon the award and payment of just compensation, according to a ruling by the Internal Revenue Service (IRS).[1] Thus, for example, an order by a Federal court to a corporation to divest itself of ownership of certain stock because of anti-trust rules is not a condemnation (or a threat or imminence thereof), and the divestiture is not eligible for deferral under this provision.[2] Under another IRS ruling, the "threat or imminence of condemnation" test is satisfied if, prior to the execution of a binding contract to sell the property, "the property owner is informed, either orally or in writing by a representative of a governmental body or public official authorized to acquire property for public use, that such body or official has decided to acquire his property, and from the information conveyed to him has reasonable grounds to believe that his property will be condemned if a voluntary sale is not arranged."[3] However, under this ruling, the threatened taking also must constitute a condemnation, as defined above.

Special rules under Code section 1071

Under Code section 1071, if the FCC certifies that a sale or exchange of property is necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by, the FCC with respect to the ownership and control of "radio broadcasting stations," a taxpayer may elect to treat the sale or exchange as an involuntary conversion. The FCC is not required to determine the tax consequences of certifying a sale or to consult with the IRS about the certification process.

Under Code section 1071, the replacement requirement in the case of FCC-certified sales may be satisfied by purchasing stock of a corporation that owns broadcasting property, whether or not the stock represents control of the corporation. In addition, even if the taxpayer does not reinvest all the sales proceeds in similar or related replacement property, the taxpayer nonetheless may elect to defer recognition of gain if the basis of depreciable property that is owned by the taxpayer immediately after the sale or that is acquired during the same taxable year is reduced by the amount of deferred gain.

Tax treatment of a buyer of broadcast property

Under generally applicable Code provisions, the purchaser of a broadcast business, or any other business, acquires a basis equal to the purchase price paid. In an asset acquisition, a buyer must allocate the purchase price among the purchased assets to determine the buyer's basis in these assets. In a stock acquisition, the buyer generally takes a basis in the stock equal to the purchase price paid, and the business retains its basis in the assets. This treatment applies whether or not the seller of the broadcast property has received an FCC certificate exempting the sale transaction from the normal tax treatment.

FCC tax certificate program

Multiple ownership policy

The FCC originally adopted multiple ownership rules in the early 1940s.[4] These rules prohibited broadcast station owners from owning more than one station in the same service area, and, generally, more than six high frequency (radio) or three television stations. Owners wishing to acquire additional stations had to divest themselves of stations they already owned in order to remain in compliance with the FCC's rules.

In November 1943, the FCC adopted a rule that prohibited duopolies (ownership of more than one station in the same city).[5] After these rules were adopted, owners wishing to acquire additional stations in excess of the national ownership limit had to divest themselves of stations they already owned in order to remain in compliance with the FCC's rules. After Code section 1071 was adopted in 1943, in some cases, parties petitioned the FCC for tax certificates pursuant to Code section 1071 when divesting themselves of stations. These divestitures were labeled "voluntary divestitures" by the FCC. When the duopoly rule was adopted, 35 licensees that held more than one license in a particular city were required by the rule "involuntarily" to divest themselves of one of the licenses.[6]

Minority ownership policy

In 1978, the FCC announced a policy of promoting minority ownership of broadcast facilities by offering an FCC tax certificate to those who voluntarily sell such facilities (either in the form of assets or stock) to minority individuals or minority-controlled entities.[7] The FCC's policy was based on the view that minority ownership of broadcast stations would provide a significant means of fostering the inclusion of minority views in programming, thereby serving the needs and interests of the minority community as well as enriching and educating the non-minority audience. The FCC subsequently expanded its policy to include the sale of cable television systems to minorities as well.[8]

"Minorities," within the meaning of the FCC's policy, include "Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders."[9] As a general rule, a minority-controlled corporation is one in which more than 50 percent of the voting stock is held by minorities. A minority-controlled limited partnership is one in which the general partner is a minority or minority-controlled, and minorities have at least a 20-percent interest in the partnership.[10] The FCC requires those who acquire broadcast properties with the help of the FCC tax certificate policy to hold those properties for at least one year.[11] An acquisition can qualify even if there is a pre-existing agreement (or option) to buy out the minority interests at the end of the one-year holding period, providing that the transaction is at arm's-length.

In 1982, the FCC further expanded its tax certificate policy for minority ownership. At that time, the FCC decided that, in addition to those who sell properties to minorities, investors who contribute to the stabilization of the capital base of a minority enterprise would be entitled to a tax certificate upon the subsequent sale of their interest in the minority entity.[12] To qualify for an FCC tax certificate in this circumstance, an investor must either (1) provide start-up financing that allows a minority to acquire either broadcast or cable properties, or (2) purchase shares in a minority-controlled entity within the first year after the license necessary to operate the property is issued to the minority. An investor can qualify for a tax certificate even if the date of the interest occurs after participation by a minority in the entity has ceased. In these situations, the status of the divesting investor and the purchaser of the divested interest is irrelevant, because the goal is to increase the financing opportunities available to minorities.

Personal communications services ownership policy

In 1993, Congress provided for the orderly transfer of frequencies, including frequencies that can be licensed pursuant to competitive bidding procedures.[13] The FCC has adopted rules to conduct auctions for the award of more than 2,000 licenses to provide personal communications services ("PCS"). PCS will be provided by means of a new generation of communication devices that will include small, lightweight, multi-function portable phones, portable facsimile and other imaging devices, new types of multi-channel cordless phones, and advanced paging devices with two-way data capabilities. The PCS auctions (which began last year) will constitute the largest auction of public assets in American history and are expected to generate billions of dollars for the United States Treasury.[14]

The FCC has designed procedures to ensure that small businesses, rural telephone companies and businesses owned by women and minorities have "the opportunity to participate in the provision" of PCS, as Congress directed in 1993.[15] To help minorities and women participate in the auction of the PCS licenses, the FCC took several steps including up to a 25-percent bidding credit, a reduced upfront payment requirement, a flexible installment payment schedule and an extension of the tax certificate program for businesses owned by minorities and women.[16]

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[1] Rev. Rul. 58–11, 1958–1 C.B. 273.

[2] Id.

[3] Rev. Rul. 74–8, 1974–1 C.B. 200.

[4] Fed. Reg. 2382 (June 26, 1940) (multiple ownership rules for high frequency broadcast stations); 5 Fed. Reg. 2284 (May 6, 1941) (multiple ownership rules for television stations).

[5] 8 Fed. Reg. 16065 (Nov. 23, 1943).

[6] FCC Announces New Policy Relating to Issuance of Tax Certificates, 14 FCC2d 827 (1956).

[7] Minority Ownership of Broadcasting Facilities, 68 FCC2d 979 (1978).

[8] Minority Ownership of Cable Television Systems, 52 R.R.2d 1469 (1982).

[9] 52 R.R.2d at n. 1.

[10] Commission's Policy Regarding the Advancement of Minority Ownership in Broadcasting, Policy Statement, and Notice of Proposed Rulemaking, 92 FCC2d 853–855 (1982).

[11] See Amendment of Section 73.3597 of the Commission's Rules (Applications for Voluntary Assignments or Transfers of Control), 57 R.R.2d 1149 (1985). Anti-trafficking rules require cable properties to be held for at least three years (unless the property is sold pursuant to a tax certificate).

[12] Commission Policy Regarding the Advancement of Minority Ownership in Broadcasting, 92 FCC2d 849 (1982).

[13] Omnibus Budget Reconciliation Act of 1993, P.L. 103–66, Title VI.

[14] Fifth Report and Order, 9 FCC Rcd 5532 (1994).

[15] Omnibus Budget Reconciliation Act of 1993, P.L. 103–66, section 6002(a).

The FCC will employ the tax certificate program in three ways: (1) initial investors (who provide "start-up" financing or purchase interests within the first year after license issuance) in minority and woman-owned PCS businesses will be eligible for FCC tax certificates upon the sale of their investments; (2) holders of PCS licenses will be able to obtain FCC tax certificates upon the sale of the business to a company controlled by minorities and women; and (3) a cellular operator that sells its interest in an overlapping cellular system to a minority or a woman-owned business to come into compliance with the FCC PCS/cellular cross-ownership rule will be eligible for a tax certificate. In addition, as discussed below, the FCC will issue tax certificates for PCS to encourage fixed microwave operators voluntarily to relocate to clear a portion of the spectrum for PCS technologies.

Microwave relocation policy

PCS can operate only on frequencies below 3GHz. However, because that frequency range is currently occupied by various private fixed microwave communications systems (such as railroads, oil pipelines, and electric utilities), there are no large blocks of unallocated spectrum available to PCS. To accommodate PCS, the FCC has reallocated the spectrum; the 1850–1990MHz spectrum will be used for PCS, and the microwave systems will be required to move to higher frequencies. Current occupants of the 1850–1990MHz spectrum allocated to PCS must relocate to higher frequencies not later than three years after the close of the bidding process.[17] In accordance with FCC rules, these current occupants have the right to be compensated for the cost of replacing their old equipment, which can operate only on the 1850–1990MHz spectrum, with equipment that will operate at the new, higher frequency. At a minimum, the winners of the new PCS licenses must pay for and install new facilities to enable the incumbent microwave operators to relocate. The amount of these payments and characteristics of the new equipment will be the subject of negotiation between the incumbent microwave operators and the PCS licensees; thus, the nature of the compensation (i.e., solely replacement equipment, or a combination of replacement equipment plus a cash payment) is unknown at present. If no agreement is reached within the 3-year voluntary negotiation period, the microwave operators will be required by the FCC to vacate the spectrum; however, the timing of such relocation is uncertain because the relocation would take place only after completion of a formal negotiation process in which the FCC would be a participant.

The FCC will employ the tax certificate program for PCS to encourage fixed microwave operators voluntarily to relocate from the 1850–1990 MHz band to clear the band for PCS technologies.[18] Tax certificates will be available to incumbent microwave operators that relocate voluntarily within three years following the close of the bidding process. Thus, the certificates are intended to encourage such occupants to relocate more quickly than they otherwise would and to clarify the tax treatment of such transactions.[19]

Congressional appropriations rider

Since fiscal year 1988, in appropriations legislation, the Congress has prohibited the FCC from using any of its appropriated funds to repeal, to retroactively apply changes in, or to continue to reexamination of its comparative licensing, distress sale and tax certificate policies.[20] This limitation has not prevented an expansion of the existing program.[21] The current rider will expire at the end of the 1995 fiscal year, September 30, 1995.

House Bill

The House bill would repeal Code section 1071. Thus, a sale or exchange of broadcast properties would be subject to the same tax rules applicable to all other taxpayers engaged in the sale or exchange of a business.

Effective date.—The repeal of section 1071 would be effective for (1) sales or exchanges on or after January 17, 1995, and (2) sale or exchanges before that date if the FCC tax certificate with respect to the sale or exchange is issued on or after that date. The provision would not apply to taxpayers who have entered into a binding written contract (or have completed a sale or exchange pursuant to a binding written contract) before January 17, 1995, and who have applied for an FCC tax certificate by that date. A contract would be treated as not binding for this purpose if the sale or exchange pursuant to the contract (or the material terms of the contract) were contingent on January 16, 1995, on issuance of an FCC tax certificate. A sale or exchange would not be contingent on January 16, 1995, on issuance of an FCC tax certificate if the tax certificate had been issued by the FCC by that date.

Senate Amendment

The Senate amendment is the same as the House bill.

Conference Agreement

The conference agreement follows the House bill and the Senate amendment with a clarification that the material terms of an otherwise binding contract in effect on January 16, 1995, would not be treated as contingent on the issuance of an FCC tax certificate solely because the contract provides that the sales price is increased by an amount not greater than 10 percent of the sales price in the event an FCC tax certificate is not issued.

C. MODIFICATION OF CODE SECTION 1033

(Sec. 3 of the House bill, sec. 3 of the Senate amendment, sec. 3 of the conference agreement, and sec. 1033 of the Code)

Present Law

As described above (item B), under Code section 1033, gain realized by a taxpayer from certain involuntary conversions of property is deferred to the extent the taxpayer purchases property similar or related in service or use to the converted property within a specified period.

Under rulings issued by the IRS to taxpayers, property (stock or assets) purchased from a related person may, in some cases, qualify as property similar or related in service or use to the converted property.[22] Thus, in certain circumstances, related taxpayers may obtain significant (and possible indefinite or permanent) tax deferral without any additional cash outlay to acquire new properties. In cases in which a taxpayer purchases stock as replacement property, section 1033 permits the taxpayer to reduce basis of stock, but does not require any reduction in the basis of the underlying assets. Thus, the reduction in basis of stock does not result in reduced depreciation deductions.

House Bill

Under the House bill, a taxpayer would not be entitled to defer gain under Code section 1033 when the replacement property or stock is purchased from a related person. For purposes of the bill, a person would be treated as related to another person if the relationship between the persons would result in a disallowance of losses under the rules of Code section 267 or 707(b). The provision would be intended to apply to all cases involving relationships to the taxpayer described in Code section 267(b) or 707(b)(1), including members of controlled groups under Code section 267(f).

Effective date.—The provision would apply to replacement property or stock acquired on or after February 6, 1995.

Senate Amendment

Related-party transactions

Under the Senate amendment, subchapter C corporations would not be entitled to defer gain under Code section 1033 if the replacement property or stock is purchased from a related person. A person would be treated as related to another person if the person bears a relationship to the other person described in Code section 267(b) or 707(b)(1). An exception to the general rule would provide that a taxpayer could purchase replacement property or stock from a related person and defer gain under Code section 1033 to the extent the related person acquired the replacement property or stock from an unrelated person within the period prescribed under Code section 1033. Thus, property acquired from outside the group within the period prescribed by section 1033 and retransferred to the taxpayer member of the group within the prescribed time period, would qualify in the hands of the taxpayer to the extent that the property's basis or other net tax consequences to the group do not change as a result of the transfer.

Microwave relocation transactions

The Senate amendment would provide that sales or exchanges that are certified by the FCC as having been made by a taxpayer in connection with the relocation of the taxpayer from the 1850–1990MHz spectrum by reason of the FCC's reallocation of that spectrum for use for PCS would be treated as involuntary conversions to which Code section 1033 applies.

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[16] Installment payments are available to small businesses and rural telephone companies.

[17] The PCS auctions for the 1850–1990MHz spectrum commenced in December, 1994.

[18] See, Third Report and Order and Memorandum Opinion and Order, 8 FCC Rcd 6589 (1993).

[19] The transaction between the PCS licensee and the incumbent microwave operator might qualify for tax-free treatment as a like-kind exchange under Code section 1031 or as an involuntary conversion under Code section 1033. However, the availability of deferral under these Code provisions may be uncertain in certain circumstances. For example, it may be unclear whether the transaction would qualify as an involuntary conversion under currently applicable IRS standards.

[20] Pub. L. No. 100–202 (1987).

[21] The appropriations restriction "does not prohibit the agency from taking steps to create greater opportunity for minority ownership." H. Rept. No. 103–708 (Conf. Rept.) 103d Cong. 2d Sess. 40 (1994).

[22] See, e.g., PLR 8132072, PLR 8020069. Private letter rulings do not have precedential authority and may not be relied upon by any taxpayer other than the taxpayer receiving the ruling but are some indication of IRS administrative practice.

Effective date

The provision prohibiting the purchase of qualified replacement property from a related party would apply to involuntary conversions occurring on or after February 6, 1995.

The provision treating certain microwave relocation transactions as involuntary conversions would apply to sales or exchanges occurring before January 1, 2000.

Conference Agreement

The conference agreement follows the Senate amendment with a modification to provide that the amendments made to section 1033 will apply not only to C corporations, but also to certain partnerships. Specifically, the provision will apply to a partnership if more than 50 percent of the capital interest, or profits interest, of the partnership are owned, directly or indirectly (as determined under section 707(b)(3)), by C corporations at the time of the involuntary conversion. If the provision applies to a partnership under the above rule, the provision would apply to all partners of the partnership, including partners that are not C corporations. If a partnership is not described by the above rule, none of the partners of the partnership will be subject to the provision by reason of their interest in the partnership.

In addition, the conference agreement clarifies that the determination of whether or not a partnership is related to another party will be made at the partnership level.

D. UNEARNED INCOME TEST FOR EARNED INCOME TAX CREDIT

(Sec. 4 of the House bill, sec. 4 of the Senate amendment, sec. 4 of the conference agreement, and sec. 32 of the Code)

Present Law

Eligible low-income workers are able to claim a refundable earned income tax credit (EITC). The amount of the credit an eligible taxpayer may claim depends upon whether the taxpayer has one, more than one, or no qualifying children and is determined by multiplying the credit rate by the taxpayer's earned income up to an earned income threshold. The maximum amount of the credit is the product of the credit rate and the earned income threshold. For taxpayers with earned income (or adjusted gross income, if greater) in excess of the phaseout threshold, the credit amount is reduced by the phaseout rate multiplied by the amount of earned income (or adjusted gross income, if greater) in excess of the phaseout threshold. The credit is not allowed if earned income (or adjusted gross income, if greater) exceeds the phaseout limit. There is no additional limitation on the amount of unearned income that the taxpayer may receive.

The parameters for the EITC depend upon the number of qualifying children the taxpayer claims. For 1995, the parameters are as follows:

	Two or more qualifying children—	One qualifying child—	No qualifying children—
Credit rate	36.00%	34.00%	7.65%
Phaseout rate	20.22	15.98%	7.65%
Earned income threshold	$8,640	$6,160	$4,100
Maximum credit	$3,110	$2,094	$314
Phaseout threshold	$11,290	$11,290	$5,130
Phaseout limit	$26,673	$24,396	$9,230

The earned income threshold and the phaseout threshold are indexed for inflation; because the phaseout limit depends on those amounts, the phaseout rate, and the credit rate, the phaseout limit will also increase if there is inflation. Earned income consists of wages, salaries, other employee compensation, and net self-employment income.

The credit rates and phaseout rates for the EITC change over time under present law. For 1996 and after, the credit rate will be 40 percent and the phaseout rate will be 21.06 percent for taxpayers with two or more qualifying children. The credit rate and the phaseout rate for taxpayers with one qualifying child or no qualifying children will be the same as those listed in the table above.

In order to claim the EITC, a taxpayer must either have a qualifying child or must meet other requirements. A qualifying child must meet a relationship test, an age test, and a residence test. In order to claim the EITC without a qualifying child, a taxpayer must not be a dependent and must be over age 24 and under age 65.

House Bill

Under the House bill, a taxpayer would not be eligible for the EITC if the aggregate amount of interest and dividends includible in the taxpayer's income for the taxable year exceeds $3,150. The otherwise allowable EITC amount would be phased out ratably for taxpayers with aggregate taxable interest and dividend income between $2,500 and $3,150. For taxable years beginning after 1996, the $2,500 threshold and the $650 size of the phaseout would be indexed for inflation with rounding to the nearest multiple of $10.

Effective date.—The provision would be effective for taxable years beginning after December 31, 1995.

Senate Amendment

Under the Senate amendment, a taxpayer would not be eligible for the EITC if the aggregate amount of "disqualified income" of the taxpayer for the taxable year exceeds $2,450. Disqualified income would be the sum of:

(1) interest (whether or not subject to tax) received or accrued in the taxable year,

(2) dividends to the extent includible in gross income for the taxable year, and

(3) net income (if greater than zero) from rents and royalties not derived in the ordinary course of business.

Effective date.—Same as the House bill.

Conference Agreement

The conference agreement provides that a taxpayer is not eligible for the EITC if the aggregate amount of "disqualified income" of the taxpayer for the taxable year exceeds $2,350. Disqualified income is the sum of:

(1) interest and dividends includible in gross income for the taxable year,

(2) tax-exempt interest received or accrued in the taxable year, and

(3) net income (if greater than zero) from rents and royalties not derived in the ordinary course of business.

Tax-exempt interest is defined as amounts required to be reported on the taxpayer's return under Code section 6012(d).

Effective date.—The provision is effective for taxable years beginning after December 31, 1995.

E. EXTENSION OF RULE FOR CERTAIN GROUP HEALTH PLANS

(Sec. 5 of the conference agreement and sec. 162(n) of the Code)

Present Law

In general, present law disallows employer deductions for any amounts paid or incurred in connection with a group health plan if the plan fails to reimburse hospitals for inpatient services provided in the State of New York at the same rate that licensed commercial insurers are required to reimburse hospitals for inpatient services of individuals not covered by a group health plan. This provision applies with respect to inpatient hospital services provided to participants after February 2, 1993, and on or before May 12, 1995.

House Bill

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement extends the present-law deduction disallowance for expenses in connection with certain group health plans through December 31, 1995.

Effective date.—The provision is effective on the date of enactment.

F. IMPOSITION OF TAX ON U.S. CITIZENS WHO RELINQUISH CITIZENSHIP

(Sec. 5 of the Senate amendment, sec. 6 of the conference agreement, proposed new sec. 877A, and secs. 877 and 7701 of the Code)

Present Law

U.S. citizens and residents generally are subject to U.S. income taxation on their worldwide income. The United States imposes tax on gains recognized by foreign persons that are attributable to dispositions of interests in U.S. real property. Distributions, including lump-sum distributions, that foreign persons receive from qualified U.S. retirement plans generally are subject to U.S. tax at a 30-percent rate.

A U.S. citizen who relinquishes U.S. citizenship with a principal purpose to avoid Federal tax may be subjected to an alternative taxing method for 10 years after expatriation (sec. 877). Under this alternative method, the expatriate generally is taxed on his U.S. source income (net of certain deductions), as well as on certain business profits, at rates applicable to U.S. citizens and residents.

The United States imposes its estate tax on the worldwide estates of persons who were citizens or domiciliaries of the United States at the time of death, and on certain property belonging to nondomiciliaries of the United States which is located in the United States at the time of their death. The U.S. gift tax is imposed on all gifts made by U.S. citizens and domiciliaries, and on gifts of property made by nondomiciliaries where the property is located in the United States at the time of the gift. Special rules apply to the estate and gift tax treatment of individuals who relinquished their U.S. citizenship within 10 years of death or gift, if the individual's loss of U.S. citizenship has as one of its principal purposes a tax avoidance motive.

House Bill

No provision.

Senate Amendment

Under the Senate amendment, a U.S. citizen who relinquishes citizenship generally would be treated as having sold all of his property at fair market value immediately prior to the expatriation. Gain or loss from the deemed sale would be recognized at that time, generally without regard to other provisions of the Code. Net gain on the deemed sale would be recognized under the bill only to the extent it exceeds $600,000 ($1.2 million in the case of married individuals filing a joint return, both of whom expatriate).

Property treated as sold by an expatriating citizen under the provision would include all items that would be included in the individual's gross estate under the Federal estate tax if such individual were to die on the day of the deemed sale, plus certain trust interests that are not otherwise includible in the gross estate and other interests that may be specified by the Treasury Department in order to carry out the purposes of the provision.

Certain types of property generally would not be taken into account for purposes of determining the expatriation tax: U.S. real property interests, interests in qualified retirement plans (other than interests attributable to excess contributions or contributions that violate any condition for tax-favored treatment), and, under regulations, interests in foreign pension plans and similar retirement plans or programs (up to a maximum amount of $500,000).

Under the amendment, an expatriate who is a beneficiary of a trust would be deemed to own a separate trust consisting of the assets allocable to his share of the trust, in accordance with his interest in the trust. The separate trust would be treated as selling its assets for fair market value immediately before the beneficiary relinquishes his citizenship, and distributing all resulting income and corpus to the beneficiary.

Under the amendment, a U.S. citizen who renounces his U.S. nationality before a diplomatic or consular officer of the United States would be treated as having relinquished his citizenship on the date, provided that the renunciation is later confirmed by the issuance of a certificate of loss of nationality ("CLN") by the U.S. Department of State. A U.S. citizen who furnishes to the Department of State a signed statement of voluntary relinquishment of U.S. nationality confirming the performance of an expatriating act would be treated as having relinquished his citizenship on the date such statement is so furnished, provided that the voluntary relinquishment is later confirmed by the issuance of a CLN. Any other U.S. citizen to whom the Department of State issues a CLN would be treated as having relinquished his citizenship on the date the CLN is issued to the individual. A naturalized citizen is treated as having relinquished his citizenship on the date a court of the United States cancels his certificate of naturalization.

Under the amendment, an individual who is subject to the tax on expatriation would be required to pay a tentative tax equal to the amount of tax that would have been due based on a hypothetical short tax year that ended on the date the individual relinquished his citizenship. The tentative tax would be due on the 90th day after the date of relinquishment.

The amendment would provide that the time for the payment of the tax on expatriation may be extended for a period not to exceed 10 years at the request of the taxpayer, as provided by section 6161.

The amendment would authorize the Treasury Department to issue regulations to permit a taxpayer to allocate the taxable gain (net of any applicable exclusion) to the basis of assets taxed under this provision, thereby preventing double taxation if the assets remain subject to U.S. tax jurisdiction.

Effective date.—The amendment would be effective for U.S. citizens who relinquish their U.S. citizenship (as determined under the provision) on or after February 6, 1995. The tentative tax would not be required to be paid until 90 days after the date of enactment.

Present law would continue to apply to U.S. citizens who relinquished their citizenship prior to February 6, 1995.

Conference Agreement

The conference agreement does not include the Senate amendment.

The conference agreement, however, directs that the staff of the Joint Committee on Taxation undertake a study of the issues presented by any proposals to affect the tax treatment of expatriation, including an evaluation of (1) the effectiveness and enforceability of current law with respect to the tax treatment of expatriation, (2) the current level of expatriation for tax avoidance purposes, (3) any restrictions imposed by any constitutional requirement that Federal income tax apply only to realized gains, (4) the application of international human rights principles to the taxation of expatriation, (5) the possible effects of any such proposals on the free flow of capital into the United States, (6) the impact of any such proposals on existing tax treaties and future treaty negotiations, (7) the operation of any such proposals in the case of interests in trusts, (8) the problems of potential double taxation in any such proposals, (9) the impact of any such proposals on the trade policy objectives of the United States, (10) the administrability of such proposals, and (11) possible problems associated with existing law, including estate and gift tax provisions. The results of such study are to be reported to the Chairman of the House Committee on Ways and Means and to the Chairman of the Senate Committee on Finance by June 1, 1995.

ESTIMATED REVENUE EFFECTS OF H.R. 831 AS AGREED TO BY HOUSE AND SENATE CONFEREES—FISCAL YEARS 1995–2005

[Millions of Dollars]

Provision	Effective	1995	1996	1997	1998	1999	2000	1995–00	2001–05	1995–05
1. Extend self-employed health deduction: 25% for 1994 and 30% thereafter.	tyba Dec. 31, 1993	−514	−482	−527	−587	−649	−708	−3,467	−4,520	−7,987
2. Repeal section 1071 (FCC tax certificate program with transition)	Jan. 17, 1995	303	379	135	135	170	201	1,323	1,465	2,786
3. Modify section 1033 for corporations with transition rule for microwave relocation previously entitled to section 1071 (nonrecognition of gain on involuntary conversions not to apply to acquisitions from related persons).	Feb. 6, 1995	5	9	23	33	47	67	184	505	689
4. Deny earned income tax credit to individuals with interest, dividends, tax-exempt interest income, and net rental and royalty income over $2,350 (the threshold is not indexed for inflation)[1].	Jan. 1, 1996		22	436	487	521	556	2,023	3,515	5,538
5. Extension of rule for certain group health plans	DoE	−42	−11					−53		−53
Net totals		−248	−83	67	68	89	116	10	965	975

[1] Included in this estimate are decreases in EITC outlays of $18 million for FY 1996, $353 million for FY 1997, $397 million for FY 1998, $426 million for FY 1999, $449 million for FY 2000, $495 million for FY 2001, $529 million for FY 2002, $566 million for FY 2003, $605 million for FY 2004, and $647 million for FY 2005.

Note.—Details may not add to totals due to rounding. Legend for "Effective" column: tyba=taxable years beginning after. DoE=date of enactment.

Source: Joint Committee on Taxation.

BILL ARCHER,
PHILIP CRANE,
WM. THOMAS,
CHARLES B. RANGEL,
Managers on the Part of the House.
BOB PACKWOOD,
BOB DOLE,
BILL ROTH,
JOHN H. CHAFEE,
CHUCK GRASSLEY,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
CAROL MOSELEY-BRAUN,
Managers on the Part of the Senate.

TERM LIMITS CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 116 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, House Joint Resolution 73.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, with Mr. KLUG in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the following time remained in general debate:

The gentleman from Michigan [Mr. CONYERS] had 9½ minutes, the gentleman from Connecticut [Mr. SHAYS] also had 9½ minutes, and the gentleman from Florida [Mr. CANADY] had 28 minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Chairman, I rise in strong support of term limits today.

Members of the House will have the opportunity to vote on several versions of term limits. We all have our differences as to the one which we prefer. But in the end, Members will have a chance to stand up and have their voice counted, for the first time ever, either for or against term limits.

This will be an historic opportunity for this country to return to the citizen legislature envisioned by the Founding Fathers.

I am proud to be a part of this energetic class of freshman Members and I am proud of the bill we have crafted. Over the past several weeks we have helped pass legislation to make historic change in the way the rest of the Government works.

Today we are going to vote on helping make historical change to the way this institution works.

We have the opportunity to give back power to the people.

We have the opportunity to end the era of the career politician.

We might not achieve that goal today, but this is the first vote ever on term limits and it should be considered a win for the people no matter what happens.

If we garner the 290 votes we need, then we are going to send this bill over to the Senate with an incredible amount of momentum. If we fall short, we have still made a huge down payment on the concept of term limits.

I say this sadly, but I believe that those that vote against term limits may have themselves in peril the next time they stand for reelection. Their constituents may decide not to send them back. I say this with sadness because I have nothing but respect for the folks, men and women, who have labored here for many years in service to their country. But with all due respect, I firmly believe that none of us are irreplaceable and as proud as I am of our freshman class, none of us need to be here for the next 20 or 30 years.

Let's support the wishes of the citizens of this country by passing term limits today. Regardless of what emerges from the Committee of the Whole, let's support term limits on final passage.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, term limits is an idea whose time has arrived. The people of the United States have said in record numbers, over 80 percent, that they want term limits. It may be the most popular item that we have in the Contract With America. If we vote today for any of these various proposals, such as the 6-year Inglis bill, the 12-year McCollum bill or the Hilleary States rights legislation, we will set in motion a chance for the people to decide.

The first step is the passage here in the U.S. House. The second step would be the passage in the U.S. Senate. The third step would be 38 States to adopt. California has already shown us that with issue and referendum, how fair it is to involve each of the citizens in the direct process of deciding the issues that affect their lives. This legislation before us will again give power to the people to decide just how long the terms in office should be.

With term limits, we bring to the Congress an infusion of new ideas, new enthusiasm, and a fresh perspective. By passing term limits, more people will have the chance to personally contribute their individual talent, their energies to the representative process. We have already seen how the public is looking to us to in fact come through with the promises from the Contract With America.

We have already seen the adoption of the Shays act, the accountability law, the balanced budget amendment, the line-item veto, the prohibition of unfunded mandates, legal reform, and now we are here on term limits. It is the responsibility for each Member of the House to decide which bill best fits their district or their view of how the United States should look at term limits. But in any event, term limits is certainly what the people in great vast numbers want across the United States.

It is our job tonight to vote in favor of those legislative items.

Mr. CANADY of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank my friend the gentleman for yielding me the time.

Mr. Chairman, I am going to be voting for term limits today, but that does not mean I am in favor of term limits. The reason I am voting for term limits is because we have a Contract With America and I signed the contract. I do not want to renege on my word.

Last November 8, the American people voted and we had wholesale change in the House of Representatives. If I have to go in for open heart surgery, I don't want a man or woman just out of medical school, I want someone who has been there for awhile and knows what they are doing. But I did sign the Contract With America last September, and I told the people that I would vote for term limits, and that is why I feel honor bound and duty bound to vote for term limits.

I did survey the people of my district. In fact, I asked all the questions, all 10, on the Contract With America. It might be interesting that on term limits, we had some 15,534 people respond, 5,929 for, 9,605 against. So 61 percent of the people were against term limits.

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Basically what I asked was whether they want a 6-year term or 12-year term, or neither. People should be able to vote whomever they want in the ballot box and 61 percent of the people did pick the third one.

In 1787 after our forefathers crafted a constitution at the Convention, it was not ratified immediately, it went to the States and there was a debate. And I feel that is what we are going to be doing with this amendment. We are going to be sending it to the States and let us have a debate, a national debate, and that probably it can lead to a national catharsis. We can debate this issue and allow the people to have an ultimate say and that is why I think this particular amendment is important. I think the people should have a say throughout the land.

So, for that reason I think it is important that we pass it. But I do feel that term limits should be extended to the bureaucracy too. Otherwise the bureaucracy is going to be much stronger or the Supreme Court.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentleman's intellectual honesty, but my understanding of the contract was the contract simply called for this to be brought to the floor.

Mr. ROTH. I take back the balance of my time because I have only 30 seconds. That might be true, but I feel I signed the contract. I am talking for myself, I am not talking for others. I did sign the contract and I feel that I am honor bound to vote for term limits. But my heart is not in it because I do not think it is the right thing. But I do say let us send it to the States, let the American people debate it and then we can still have a round with it.

I thank the gentleman from Connecticut for yielding me the time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we were lectured a little while ago by the gentleman from Michigan who told us about when he was a businessman, and we do not know what we are doing when we are inside the beltway, and I guess that may be right about some folks.

But what is interesting to me is that he has indeed been a part of House Resolution 73, and the other substitutes before us, and we have a policy prescription that has no bearing in any of those substitutes, any of them, not a one in reality other than the Peterson-Dingell substitute. And the reason it has no bearing on reality is because it does not touch any one of us. Shame on all of you for telling the American people, "Oh, this is term limits; it is going to affect us." It is not going to do any such thing.

The gentleman from North Carolina pointed out that it would take a number of years to pass a constitutional amendment. You are going to start by giving yourself a 12-year term, are you not? Is that not what the resolution says? Is that not what you put in the contract? Plus 7 years probably to get it enacted by the States makes it 19 years. Even freshman Members who are assured of long terms as career politicians know it is going to take that long before it takes effect.

I do not think that is what the voters had in mind when they urged some in Congress to support term limits. I believe the voters who support term limits want to see the effects of the amendment as soon as possible.

I expect to see all of the proponents of term limits leap at the opportunity to vote for the Peterson-Dingell substitute, because that makes it real. It makes it take place now, not in some 19 years.

So I expect to see a lot of people voting for that who do not plan on it because otherwise you are going to be—I am not going to use the term or I may get my words taken down—maybe not being totally candid with the voters who sent you here.

I would just suggest that those of us who oppose them, I do not think a lot of us Members believe very strongly that what needs to happen is our voting constituency does not know what it is doing. A lot of us think they do. We know that their terms are up. Of course, after they are passed, only we know that the people who know their terms are up, regardless of how meritoriously they serve, will hear the voice of the lobbyists growing greater in their ears, while the voices of the voters will become faint.

I urge Members to vote against term limits as a quick fix for what is wrong in America.

I rise today against all term-limit constitutional amendments including the Peterson/Dingell substitute. While the substitute takes the important step of making term limits retroactive, and it injects a vital dose of reality into this week's term-limits debate, it still limits the prerogative of the American people. We have all been talking about the effects of term limits on American democracy as if we are dealing with an abstract, academic concept. An in truth, under the terms of House Joint Resolution 73 and the other substitutes before us, we have indeed shaped the notion of term limits into a policy prescription that has no bearing on reality, because it will not touch any of us.

The resolution at hand will have a 7-year allotment for ratification. After that period, the 12-year clock will start ticking. This means that the term-limits amendment will not affect a single Member of this body for 19 years. Even freshmen Members are assured long terms as career politicians before the amendment takes effect.

I do not believe this is what the voters have in mind when they urge some in Congress to support term limits. I believe that voters who support term limits want to see the effects of this amendment as soon as possible. If they cannot support retroactive term limits because they are fearful of the possible effects on their Representatives and Senators, then perhaps they will focus upon the true repercussions of a term-limits amendment. The same applies to all of us. If we cannot support the outcome of a term-limits amendment that impacts upon us directly, then we have no right to impose similar restrictions upon future generations.

What will those effects be? Term limits will certainly decrease the power of the Congress. They will ensure that experienced Members cannot serve within the legislative branch. Unelected congressional staff members will thrive in an environment where they are more seasoned and more powerful than elected officials. Consequently, voters' input into the policymaking process will decline. Even more frightening is the prospect that lobbyists will in many cases exercise disproportionate powers over legislators with limited terms. Some Members may be quite willing to ignore their voting constituency if they know that their terms are up regardless of how meritoriously they serve. For such Members, the lure of the lobbyist will be great, and the voice of the voter will grow even fainter.

But term limits circumscribe democracy in an even more insidious way. They allow today's dissatisfied voters to dictate to future voters in all districts for whom they can and cannot vote. Under current law, voters dissatisfied with a Member's performance can vote that Member out. Those who are satisfied can vote to retain their Member. Under a term-limits amendment, satisfied voters will be restricted from reelecting their Member as a result of the current discontent of voters in some other districts. Right now, every voter has the power to limit terms with the passing of each election cycle. The term-limits amendment places new and unnecessary restrictions upon this tremendous power. If you truly believe that this is the way democracy works, you should let it start working now and support the Dingell substitute.

It is strange that congressional experience is automatically equated with being out of touch. Clearly, the Members of the Republican leadership seem to believe that they are still in touch with the voters in spite of the fact that their terms far exceed 12 years. Hence the notorious Contract With America. Why should they be allowed to assume that they are unique? If they truly believe that lengthy terms put Members out of touch, then let them support this substitute. If they do not believe it, then they should oppose a term-limits amendment altogether as I am doing.

There are those who argue that the supporters of the Peterson-Dingell substitute are those who oppose term limits, and therefore are backing a substitute that will not pass. This is simply not true. After all, if any Member is a genuine supporter of the principles of term limits, he or she will leap at the opportunity to impose them as quickly as possible. Those Members who do not have the conviction to vote for this substitute are merely masquerading as term-limits supporters. Those of us who have opposed term limits in the past support this substitute because we believe that we should all face the consequences of our vote. If we are willing to impose the restrictions of term limits on future Representatives and Senators, we should show our willingness to face these problems ourselves. If term limits prove to be a poor policy alternative, those who support it should be willing to deal with the consequences. If they are effective, then we should all reap the benefits as soon as possible.

The Peterson-Dingell substitute is important because it exposes the real views of term-limit supporters surrounding this debate. Anyone who votes against this substitute is voting to maintain the current system for another 19 years. No such Member can be considered a real supporter of term limits. Anyone who ran on a promise of enacting term limits—and this encompasses almost the entire Republican side of the aisle—must vote in favor of the Peterson-Dingell substitute. A vote against this substitute is effectively a vote against term limits. And if term limits aren't good enough for you, why should you have the right to impose these restrictions upon future representatives?

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of enacting uniform national term limits on all Members of Congress, the House and the Senate. This country was founded by those who set aside, for so long as was necessary, their individual businesses and pursuits, but never intending to become a professional political class. They brought with them the variety of strengths, background, and insights which can only be gained from interaction with fellow citizens on a normal, everyday basis.

Since then our country has grown large and Government has grown even larger. It has created a system whereby too many people in politics know no other way to make a living. And too often they are isolated and unfamiliar with normal and everyday life.

This is not healthy for America. It is especially fascinating to read studies which show the longer somebody serves in Congress, the more they tend to vote for big government, and bigger taxes, and to oppose cutting spending and cutting the size of government. The system has become a narcotic for too many people.

Many States, including my own, have voted to limit the terms of their own Congressmen and Senators. They did so with the hope and expectation that this would create momentum to adopt term limits on a national level, to treat all States equally. Now we have the chance to adopt those term limits.

Although many may think it of themselves, nobody in this Congress is indispensable. We have term limits on Presidents, on Governors, on State legislators, even on city council members and others elected to public office. Congress needs to listen to the people and adopt uniform national term limits.

I urge support and final passage of the measure.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

During the campaign I ran on four reform issues. I am the first Republican to get elected in 120 years in my district, and there are four things I talked about.

I want a balanced budget amendment so no party can spend beyond their limits. I do not trust Democrats or Republicans enough to come up here and spend responsibly. I want a line item veto to be able to strike out pork barrel projects from what we do here and make sure we do not spend each month getting reelected. I ran on the concept every law in America should apply to Members of this body, Republican or Democrat, so you know what it is like to live in America, not just Washington, DC.

And the fourth thing, I ran on term limits to make sure you come up here with a different motivation and your whole purpose of being here is not to get reelected and see how far you can go.

I support the Peterson-Dingell legislation for 12 years. I have been here almost 100 days and I find myself wanting to go vote for the 6-year version. I am going to vote for the Frank amendment. I may not believe in it, but I do if it takes retroactive term limits to get this place cleaned up. I am going to vote for it. I am going to vote for all four versions.

If we want to change America we need to send people up here with a different motivation for serving and it is not going to happen until we have term limits on this body.

I think I know why 80 percent of the American public wants term limits. I do not believe 80 percent of the people in here really understand that.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, Thomas Jefferson said that the price of democracy is eternal vigilance, and what he meant by that I think is there is a price for democracy. There is a price sometimes of people going to war and not coming back. There is a price of people going out and registering voters, and there is a price of being eternally vigilant. That means keeping up to date on where your Representatives and your Senators and your mayors stand on issues, and when you agree with those people that you go and you work and you vote for them. And when you disagree with those people, you get off your couch and out of your living room and you go to vote for change.

In the last three elections we have seen monumental change sweep across this country, 50 percent of the Members elected since my class in 1990 are now new; 50 percent of the U.S. Congress has turned over since 1990.

There is a study done by Dr. Robert Putnam of Harvard and he called it "Bowling Alone." He said recently while bowling membership is up in the United States, people are bowling by themselves, Lions Club membership is down, voting is down, Little League is down.

We do not want him doing a study in 20 years saying nobody is voting. We want people to get out there and vote and not fix our country's problems by gimmicks and bumper stockers and quick fixes.

I proudly have hung a picture in my congressional office. It is a picture of the Capitol and it is a quote by Alexander Hamilton, and it says: "Here, sir, the people govern," the people govern this great Nation, and let us not take the power of the ballot box away from the people of this country.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of limiting service in both the House and Senate to 12 years.

I am proud that House Republicans have fulfilled yet another promise in the Contract With America, by bringing—and I stress bringing—before the American public a fair debate about limiting congressional terms.

Our contract did not guarantee passage of every item. Whether term limits pass tomorrow or not, this debate is a tribute to the Republican leadership, including Mr. MCCOLLUM, and it is a check mark in the success column. I hope the media gets that straight.

I am of the opinion that, as provided by our Founding Fathers, Members of Congress already serve limited terms—2 years in the House and 6 in the Senate—and that they can be dismissed by the voters at the end of those terms.

The 104th Congress is evidence of those existing limits; 52 percent of the House is serving only their third term or less.

But the voters are not happy with this result, and in response, we are here debating further limiting congressional service.

Understandably, voters are frustrated and dissatisfied with the performance of Congress—legislative gridlock, scandals of recent years, and the size and cost of Government are sample reason to earn the voters disdain.

We have also done our part to foster their contempt by our increasing tendency to legislate for the sound bite.

Nebraska is one of the 22 States that have voted to impose term limits on its congressional delegation. The issue was on the ballot in both 1992 and 1994, and my constituents knew both times that, while I would support certain term limits, I opposed the Nebraska ballot initiatives. My votes today and tomorrow will be fully consistent with that position.

I can realistically look at this point in my life, and service in the House, and say that should additional term limits be imposed, they'll not have an impact on me. So it's with no self-interest or self-preservation in mind that I say that there are serious drawbacks to term limits.

But I will vote to respect the will of the American people, who have given strong indication, that additional term limits is their desire. I will also exercise my personal judgment for the country, however, that anything less than 12 years is unrealistic, and the same limits must be imposed on both House Members and Senators from all 50 States.

I urge my colleagues to join me in voting for the McCollum 12-year limit.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to make just one simple point. Some 80 percent of all of our constituents favor term limits. This is nonpartisan. It goes across party line, age, sex, and color; broad support for term limits. We need to respect the wishes of our constituents, and vote today for term limits and send this to the States. There the dialog will continue in the State legislatures.

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There will be ample opportunity to debate, and ultimately the will of an even more enlightened electorate will prevail.

Term limits is not a new idea. We have term limits for our Presidents. For those who are so vociferously opposing these term limits, they ought to be equally adamant in looking for another constitutional amendment to remove term limits for the President. They are not doing that.

We need to respect the will of these 80 percent of all of our constituents, and today vote to send this to the State legislatures where the dialog can continue.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, there is not much time. I want to get to the point.

And the point is that I believe in the concept of term limits, and I believe in the McCollum amendment.

Let me tell you why. I understand the arguments of brilliant orators like the gentleman from Illinois [Mr. HYDE] and others who feel very strongly about this issue. I understand there will be an overreliance on staff. People will not be able to understand the trends and how to get around here. There will be an absence of understanding of the silent language that takes place in every profession.

Let me tell you something, that I come from an area of business, and the

CEO's of companies do not stay very long. College presidents do not stay very long. There is a concept now, because of the pressure of things, they must turn over and change and give it to new and different people. Furthermore, if I as a businessman or I as a doctor or a farmer or a college professor or whatever want to get in, I must be able to plan, because right in the middle of my career I am not sure when that person will get out.

It is a good idea. Let us support it. Its time has come.

Mr. SHAYS. Mr. Chairman, I yield 6 minutes to the gentleman from Kansas [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture, who is represented by two Senators who, if this resolution were to pass and would be in full operation, would not be allowed to serve, Mr. DOLE and Mrs. KASSEBAUM.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to term limits. I think with an issue as important as this, one Member's warning flag in regards to the law of unintended consequences is another's banner of reform.

I know that each Member's conviction is such that everybody becomes an author of the best approach. I do appreciate that.

I associate myself with the eloquent and persuasive remarks of the gentleman from Illinois [Mr. HYDE]. I am for the term limit, as has been said that was put in by the Founding Fathers, a 2-year limit. It is called an election. If you utilize your constitutional voting rights, the voters can, have, will, continue to throw the rascals out—if they so choose.

What term limits basically say is that for the sake of change the voters should be denied the right to keep their elected Representative—if they so choose.

I am going to skip past all the pros and cons that have been highly featured in this debate and get to the basic point. The basic point is this: If this House of Representatives is in crisis to the extent that we deny the voters the right to re-elect their Representatives after six terms, then it follows the people responsible for this sorry state of affairs must be those Members who have served here over six terms. And, as Butch Cassidy and the Sundance Kid said, "Who are these guys?"

Well, for one thing, after the briars and brambles of past scandals and resulting reform and the vote for change in the last election, there are not near as many as there were before. Over half of the Congress is new since 1990.

If you want to limit terms to 12 years, you better think about it. The average term of service is now 10. Less than one-third of the House has served more than six terms. What we have here is a mandate for term limits, but not for current Members. We have a terminal illness that is abound and rampant in the House, but we are going to wait 12 years before we take the medicine.

Why? I think the answer is pretty simple. General support for term limits is strong. It has been mentioned, 70, 80 percent. But if you say, "Oh, it is your Member, your Congressman from your district?" then that drops rather drastically. And proponents of term limits do not find it very pleasant telling fellow members they are part of the problem, and it is time for them to say "adios." As a matter of fact, most of the term-limit proponents slide up to you and say, "Don't worry, we are not talking about you. It won't affect you." And therein lies the truth of the matter.

I know there are proponents who believe a revolving-door Congress and change for the sake of change would restore a citizen legislature, but you do not get too far in the debate before it becomes obvious regarding the politics of this purge. It is the other guy that is the problem, not me, and not thee.

But if it is off with the public-service heads, whose heads are we talking about? Who in this Congress has been here too long? Using the automatic term limit theory, it appears as if we are talking about most of the Republican and Democrat leadership, the gentleman from Georgia [Mr. GINGRICH], the gentleman from Texas [Mr. DELAY], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR]. Let's wipe out the leadership. That is the ticket. Or is it? My word, that is almost insurrection. So it must be somebody else that is at the root of this problem. I took the liberty of just going down the State delegations. Let us see, there is the gentleman from Alabama [Mr. BEVILL], he has been there for 30 years, a most respected Member. He cannot be part of the problem. Is it the gentleman from Arizona [Mr. STUMP], 24 years? I do not think it is BOB. The gentleman from California [Mr. DELLUMS] and the gentleman from California [Mr. LEWIS]? I do not think so. My friend from Colorado, Mr. SCHAEFER? I am not trying to single anybody out. The voters can. But term limits cannot.

It must be the gentleman from Florida [Mr. MCCOLLUM], that is who it is, 4 years over this term limit at 16 years. He is the author of one of the proposals. But BILL was unopposed in the last election. His voters just apparently did not get it. The gentlewoman from Hawaii [Mrs. MINK], the gentleman from Illinois [Mr. HYDE], the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from Illinois [Mr. PORTER], the gentleman from Indiana [Mr. BURTON], the gentleman from Kentucky [Mr. ROGERS], the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Massachusetts [Mr. FRANK], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Mississippi [Mr. MONTGOMERY]. There is a good one, "SONNY" MONTGOMERY, one of the most respected Members of the House. The gentleman from Missouri [Mr. EMERSON], the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from New York [Mr. SCHUMER], the gentleman from New York [Mr. RANGEL], the gentleman from Ohio [Mr. OXLEY], the gentleman from Ohio [Mr. REGULA], the gentleman from Oregon [Mr. WYDEN], the gentleman from Pennsylvania [Mr. FOGLIETTA], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Pennsylvania [Mr. GEKAS], the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from South Carolina [Mr. SPENCE], the gentleman from South Carolina who wants term limits. Tell FLOYD he is out and you are in. The gentleman from Tennessee [Mr. QUILLEN]; who is going to tell us when to vote if we term limit JIMMY QUILLEN? The gentleman from Texas [Mr. ARCHER], the gentleman from Texas [Mr. FIELDS], the gentleman from Virginia [Mr. BATEMAN], the gentleman from Virginia [Mr. BLILEY], the gentleman from Virginia [Mr. WOLF], the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Wisconsin [Mr. PETRI], PAT ROBERTS, PAT ROBERTS? Now, quiet, no applause. All shapes and sizes and different stripes in regards to their politics.

But you know something, all of these Members received over 70 percent of the vote, or they were unopposed. Could these elected Representatives actually be doing a good job for their constituents and, depending on your point of view, for their country? Did Senators Everett Dirksen, Hubert Humphrey, or do SAM NUNN and BOB DOLE, did Congressman Bob Michel and Bill Natcher, our beloved Bill Natcher?

Every once in a while in a democracy there comes a time when we succumb to populist sentiment, and the emotion of the moment. We usually call it reform, and then we experience the law of unintended effects and spend the next several years trying to reform the reform.

This is different. This is different. This amends the Constitution. We do not need to go down this path in order to achieve reform and a House responsive to the people.

It is a paradox of enormous irony that in order to make the Congress more responsive to the people, we are recommending a limit on their voting rights.

The gentleman from Illinois [Mr. HYDE] is right. HENRY HYDE is right. Trust the people.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, for the first time in history, the House of Representatives will debate and vote on a constitutional amendment to limit the amount of time a Representative or Senator can serve. It is about time.

I support the McCollum amendment that provides a 12-year limit for both Houses, ensuring consistency and equality between this House and the Senate. It promotes a level playing field for all States.

Our Founding Fathers never envisioned a Congress made up of Members who would serve for a lifetime. They would be astonished to know that the leadership in the previous Congress had an average of 27 years in this House. Over the past 10 years, 90 percent of incumbents have been reelected. They saw a Congress where individuals would leave their careers for a time, serve, and then return to live under the laws they passed.

I support term limits not only because the people of my district and my State do, but because we have the opportunity to again make our Congress a citizen's legislature.

Throughout these first 100 days, we have worked some long hours to keep our promises. This is one of them. Many Members have spoke of their support of term limits, well when it is time to vote. I urge my fellow members to vote "yes" on the McCollum amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, may I just simply say something very, I hope, profound, but very simple. No matter what you call it, an attempt to diminish the right of an American citizen's access, unrestricted access, to the ballot box in a free country is wrong. It is not only wrong, it is dangerous.

These people are asking us to vote today to take away from an American citizen whom through the years people have fought and died to protect, defend, and honor, take away your right as an American citizen to vote for whomever you wish, whenever you wish, for as long as you wish. It is that simple. You can call it anything you want to. But it is a diminishment of an American citizen's right of unrestricted access to the ballot box.

The people on this floor are totally irrelevant to this question. They are all, everyone you see, all on this floor today, tomorrow, or the next day are all going to die, get beat, leave, or otherwise retire or quit. They are not even a part of the question.

The question today is: Are we going to, for the first time in this country's history, put a restriction on our citizens' right of unfettered access to the ballot box?

The only other place I know in recent times that has been done was in the Soviet Union where only one party appeared on the ballot box.

I want to ask the conservative constitutional scholars to speak up before we do something to the American people that is absolutely almost an outrage, to say the Government is going to tell you who you can vote for. That is what this is.

This is an attempt to muzzle the will of the American people, and it ought to be stopped today.

Mr. CANADY. of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I think what we are talking about is giving the American public the opportunity to see some form of reasonable term limitation, and I think that is fully in respect to the Constitution. In fact, I think we need to go back to not only the Constitution but the Declaration of Independence.

And Mr. Jefferson made in that declaration the comment all men are created equal, but that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.

I think we have confused what was intended by the Founding Fathers of this country. Our President over the weekend made the comment in his radio address that "Government is our partner, that Government empowers us." And I think that is the great fallacy that has led to the difficulties that we are facing today as a Nation, that we allowed Government to become the preeminent institution in derogation of the rights and responsibilities of individuals, families, churches, schools, charities, every other institution of private society that has made this country great.

There is the real foundation of our strength is the power of the individuals and the aspects of our community, not just the Federal Government.

My State has spoken. My State has passed in referendum overwhelmingly a 6-year limitation on the service of Members or citizens in this Congress. I respect that vote.

I think they have a right to see the same vote brought to other States across the country, and I think that we need to give them that opportunity.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman and my colleagues, under the Articles of Confederation, there were term limits. If we look back in history when the Constitutional Convention met in Philadelphia in 1787, they did not consider any term limits. In fact, they wanted to preserve the experience and knowledge of Members who had provided prior service.

This book which I recommend to each and every one of you is entitled "The Miracle at Philadelphia." It chronicles the proceedings of the Constitutional Convention, and it is really one of my favorite books, and again I recommend it for reading by every Member of Congress and every citizen.

In 1787 the Founding Fathers set 2-year terms for House Members. However, 1787 is not 1995.

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Justice Oliver Wendell Holmes, when reflecting upon the Constitution, said, "The Constitution is an experiment, life is an experiment," he said.

We have had an opportunity for the past 200 years to reflect on this experiment provided by our Constitution.

In 1787 they came, they served, and they left. Today we have PAC's, unlimited campaign spending, and media expenditures that distort the entire process. I do not support 6-year term limits or 8-year term limits—they leave the bureaucrats and lobbyists in charge. Because of that I believe the experiment and the experience we have says that 12 years can do it best. We have a different situation, we have experience and experiment to draw upon, and it is now our duty and responsibility to enact that provision into this document and into the laws of our land.

I support the 12-year terms in Mr. MCCOLLUM's amendment and ask my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI]. Apparently, alligators are not subject to term limits, or we would have heard about that.

Ms. PELOSI. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the constitutional amendments before us which would limit the congressional terms of Members of Congress. I have three major objections to the constitutional term limits.

First of all, as a woman, I take issue with term limits because they represent an obstacle to the contribution that women can make to our country. Look around this Capitol, and you will see in Statuary Hall the distinguished American men who have served here in this body and in the Senate. For over 200 years men in Congress have had the opportunity to develop standing and to become internationally recognized leaders on the great issues of the day. To limit congressional terms just as the number of women who are serving in Congress is increasing denies the Congress and the American people the benefit of the wisdom and experience of America's women. I do not think that is an intentional move on the part of the proponents of term limits, but it is an unintended consequence. Just as more women are coming into power, term limit advocates are saying, "Not so fast. We have changed the rules. You will not have the same opportunity as men to make your contributions to America."

Second, I oppose term limits because the real winners, if term limits pass, are the special-interest lobbyists in Washington, DC. They have no term limits and are not forced to step down after 6, 8, 10, or 12 years. Passage of congressional term limits, particularly in the absence of real lobbyist reforms, will pit seasoned lobbyists against rookie legislators.

Mr. Chairman, the clear winner would be Washington's professional lobbying corps while the American people will be the clear losers.

Third, the reason I oppose term limits, I heard some of my colleagues say that State legislators have term limits. Serving in the Congress of the United States is different. We not only deal with the domestic issues, we have to deal in the international scene. We have to understand the politics of the U.S. and foreign relationships involved in decisions that we make. We will have our rookie legislators competing against sophisticated legislators in other countries, putting our country at a disadvantage. This is no time for drive-by legislators. It is time to respect experience, it is time to oppose term limits, and I urge my colleagues to oppose all the constitutional term limits amendments.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. I thank the gentleman for yielding this time to me.

Mr. Chairman, one of the arguments made here today is it takes experience and a while to get used to this House. It should be pointed out that the gentleman who just yielded me time is a sophomore, as I am, and he is already a subcommittee chairman, doing an excellent job as chairman of the Subcommittee on the Constitution. There goes the argument for experience.

Let me make this point: Here is the observation that was made time and again here today by those who defend the current order. They say to us that this experience is what we need. We need people of experience here.

What I do not think the incumbents here are getting yet is that the American People say, "Experience at what? Experience at what? Balancing the budgets?" We are $4.7 trillion in debt.

The gentleman who came earlier with a long list of longtime incumbents, I ask, where were they when we ran up a debt of $4.7 trillion? Experience at what? Balancing budgets?

Maybe experience at running a savings-and-loan system that, because of the decision made in this body, created a savings-and-loan disaster. Now, not the scapegoats, let us be honest, not the scapegoats; the people who defrauded the savings-and-loans, not those folks. The decision here to increase the insured limit from $40,000 to $100,000.

Experience at what? Running a good business? I would say, rather than those kind of experienced people, what we need is an experienced businessman or woman at home who has balanced a budget year after year after year in their business. If they come here, maybe they can do a better job. You know what? The arrogance of this place is showing today. The arrogance of Members who would say, "I am indispensable. You can't get rid of me."

The American people are saying that is what we want to do, "We want to get rid of you, but we can't because you have such enormous war chests. We can't because you have name identification higher then anybody in the district." They say, "We want to get rid of you." That is what they are telling us in these term limits.

I also point out, what about the argument about the careerists, the argument of Mr. HYDE? I point out that we are not here looking for a brain surgeon. If I were looking for a brain surgeon, I would agree, I would go to the most experienced guy or go to the most experienced lady. But I must say, that is not what we are looking for. We are looking for somebody to represent us here.

I would submit to you that experience runs exactly contrary to representation. Experience here means experience at the PAC game, getting PAC money, more and more and more. So, more and more seniority so you can do the deals; more and more experience in this body removes you from the people out there. They want you to go home. They want you to run for something else if you choose, but submit yourselves to that risk.

Do not stay here in an insulated situation where you can time and again return to this place and, contrary to what the gentleman from Illinois said about his challenger being at home sipping brandy, I must say to you I ran against an incumbent in 1992. And while she was sitting home, I was down at the office doing billable hours between 12 a.m. and 3 and 4 a.m. To make up the billable hours because I did not have the luxury that we have here of running so hard.

And let us be honest, that is what we do; we run full time.

We have a job that enables us to go to butchershop openings, as the chairman says, and to that meeting where we can speak to hundreds of people. A challenger does not have that. A challenger has to make a living while running for Congress against an entrenched incumbent with all his advantages.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind our guests today who are with us in the Chamber that the rules of the House forbid any public demonstrations from the gallery.

The gentleman from Florida [Mr. CANADY] has 4 minutes remaining, the gentleman from Connecticut [Mr. SHAYS] has 3½ minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 1½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 seconds to myself.

Mr. Chairman, the gentleman from South Carolina, or perhaps it may have been the gentleman from Maryland, raised the question about the 22d amendment, which prohibits the President from running for more than two terms. Several of us, I first cosponsored an amendment to repeal that with Mr. Vander Jagt several years ago under the Reagan administration, and several others to repeal that. So, yes, that is also inconsistent, I believe, with this principle, and many of us have amendments here to repeal it.

Mr. Chairman, I yield the balance of our time to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank the gentleman from Massachusetts for yielding this time to me.

Mr. Chairman, let me just say to the gentleman from South Carolina who spoke about arrogance, the only arrogance I see today is by people who say they are for term limits but they want it to start with the next generation. They do not want it to start right here, they do not want it to be retroactive.

If you are really for term limits, then you ought to be for term limits right now. And very soon we will have a chance to vote on that amendment.

Term limits, we have term limits; they are called elections.

I won in 1988, beating a 10-term incumbent entrenched. The voters in my district decided it was time for a change.

Let us let the voters decide. There has been a 50-percent turnover in 1992 and 1994 in this House. It shows that the American public does not need term limits to restrict terms. We have a permanent staff here. You know what we will get with term limits? We will get a permanent staff. This place will be even more staff-dominated than it is now. And it would be more bureaucratic, more bureaucracy-dominated than it is now.

Why would anyone stop their lives to come here for a temporary amount of time? Do you know what this place will turn into? This will be a plaything for millionaires who want to come here, this will be a plaything for mediocrity, people who cannot do anything else, who will take time out of their lives. But competent people are not going to want to do that.

Daniel Webster, John Quincy Adams, people like that served more than 12 years.

Our buildings, the Rayburn Building, the Longworth Building, and the Cannon Building, let us rename them as Cells 1, 2, and 3 because they would not have been here 12 years.

This is a bad idea, and it ought to be defeated.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I might consume.

First, I would like to start off by thanking the gentleman from Michigan [Mr. CONYERS] and the gentleman from Massachusetts [Mr. FRANK] for yielding time to the Republicans who opposed term limits. I thank the gentleman. I also thank my colleague, the gentleman from Florida [Mr. CANADY], for his graciousness in yielding time against the amendment to the chairman of the Judiciary Committee. I would have loved that honor to yield to that gentleman, but I thank him for yielding time in that way.

Mr. Chairman, lots of things we could say. But I think we all speak from our hearts, and that is probably the best way. And then the people decide through their elected Representatives. I signed a Contract With America, and there were parts I liked a lot, parts I did not like much at all. There was one part I wanted not to be part of the contract, and that was the concept of the term limits. I did not particularly like the language used, because it did not describe the way I feel.

But what we said in our contract is:

> As Republican Members of the House of Representatives and as citizens seeking to join that body we propose not just to change its policies, but even more important, to restore the bonds of trust between the people and their elected representatives. That is why, in this era of official evasion and posturing, we offer instead a detailed agenda for national renewal, a written commitment with no fine print.

The last item that we promised to do, and it is very clear, we said, "A first-even vote on term limits to replace," and this is the term I did not like, "career politicians with citizen legislators." That is what we are doing. And Republicans can feel very comfortable that we are fulfilling our contract in having this debate.

As an opponent of term limits, I am very happy we have had this debate. I align myself with the remarks made by many on my side, the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Illinois [Mr. HYDE]. I wish I could be as eloquent in terms of their message. I hope the American people have been listening to their comments.

I look at Mr. INGLIS and I say he is the best argument not to have term limits, because he defeated an incumbent. And I say to Republicans, in the late 1940's and early 1950's, "You got Mr. Roosevelt, you got him good, real good. You punished Eisenhower, and you punished Ronald Reagan because they could not return to a third term."

I have an amendment to repeal the 22d amendment. I say to the Republicans on my side of the aisle, you can really get at the Democrats, you can end 40 years of Democratic control. You thought we could not do it by beating them at the polls; so what we did was we limited their terms.

I had someone who said candidly they did not like HENRY WAXMAN, so they wanted me to support term limits. I said, wait a second, HENRY WAXMAN is in California, and they said, "I know. I can't vote there. The only way I can get at HENRY WAXMAN is to vote for term limits." Think of what we are saying. We are saying that Americans are trying to vote in districts they are not even represented by. Mr. WAXMAN has been a very active Member. He was elected by his constituents because they want him here. We should not decide in another area whether he can run. I am in my 4th term. Since that time, 291 people have been elected, new Members; 254 of them are serving right now. There are times I would love to be home living with my family 7 days a week, having my weekends, and, yes, making more money, because I would. I serve here because I think I am of service and because I believe I am making a difference. I may not be. My constituents can tell me that in a brutal message. They can decide not to reelect me.

We need in this Chamber a mix, we need the young, we need the new, those who have served here for some time, and those who have served here for a long time. That mix will create the change 40 years of one-party control.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the issue before this House today is this: Will we respond to the will of the people whom we represent, or will we turn our backs on them in order to pursue our own institutional interests? We talked about many issues in this debate. We will be discussing those issues as we go forward in the debates on the individual amendments that will be presented. But that is the real issue. The American people are saying loudly and clearly that they want fundamental change, not just a change in the leadership of the Congress, but a change in the way the Government does business, a change in the way this institution is structured.

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The American people are demanding term limits because they want Government to be more effective and less intrusive. The American people are demanding term limits because they are tired of having their lives run by politicians in Washington who have lost touch with what it means to live and work in the real world. The American people are demanding term limits because they are tired of having Representatives who come to Washington and never leave. They are demanding more competitive elections and Representatives who will put the interests of the people and the interests of the Nation ahead of their own individual careers. The American people are demanding term limits and for good reasons.

Our most responsible course of action is, indeed it is our duty, to respond to their demand, to listen to the voices of the people, to vote in favor of limits on the terms of Members of Congress. To my colleagues I say, "Listen to the voice of the people. Shut your ears to the voices of those who are defending the status quo."

One other issue I think we must focus on here is I do not think this should be a partisan debate, but there, I believe, has been an attempt by some to confuse the issue and to avoid responsibility. But despite those efforts, the American people will now know who supports term limits. They will see how the Members vote. We are going to vote. There will be a final vote on this issue, yes or no, on what is left standing at the end of the day. What the American people will see is that Republicans overwhelmingly support term limits and that most Democrats, sadly, are opposed to term limits. That is the undeniable truth. The American people also know that the Republicans have brought this issue to the floor for the first time in the history of the Republic while the Democrats kept it bottled up for years. I think the American people understand that.

The American people can count. They will see how the votes come down.

Mr. STOKES, Mr. Chairman, I rise strong opposition to House Joint Resolution 73, the term-limits constitutional amendment. While I am aware of the movement in the Congress to change the Constitution to suit any whim that comes to the current majority, I am also mindful of my duty as a Member of this great body to act in the best interest of the people I represent and in the best interest of the U.S. Constitution I have sworn to uphold.

We cannot and should not shirk our responsibility to act in the best interest of the American people by disrespecting the founding document of this Nation—the U.S. Constitution. This shortsighted legislation will not only fail to ensure better representation of the American people in Congress, but will cruelly snatch from all Americans their ability to express their will through the ballot box.

The bill before us today, the term-limits constitutional amendment, attempts to curtail the ability of the American public to choose their Representative. It also weakens this Republic by subverting some of the most important constitutional principles that represent the foundation of this Nation, the electoral process and representative Government. Such an abdication of congressional responsibility will certainly undermine many of our important efforts to enhance voting rights, civil rights, and our democratic system that is the envy of the world.

Mr. Chairman, the Republicans state in their Contract With America that the purpose of the term limits constitutional amendment is to provide for consideration in the House two different versions of a term limits constitutional amendment. The first version of the constitutional amendment would impose a limit of six terms on serving in the House and two terms on serving in the Senate. The second version would impose a limit of three terms on serving in the House and two terms on serving in the Senate. Both versions are designed to be applied prospectively.

House Joint Resolution 73, warps the Constitution to such an extent that the overall stability of the Constitution would be placed in question. While I agree that Congress should continue to make significant strides to enhance service to the people we represent, this proposed measure goes well beyond the legitimate objective of making the Government more representative. The power the American people have to select and elect representatives to Congress has been granted exclusively to the people by the U.S. Constitution and should not be abridged.

Mr. Chairman, removing from the American people the power to select who represents them in Congress is fundamentally antidemocratic. A term limits amendment to the U.S. Constitution is unnecessary. The fact is, term limits already exist. Every 2 years, Members of the House, and every 6 years, Members of the Senate, must submit their political lives to the will the people who first elected them. The American people have the right to determine who serves them and how long they serve.

Establishing an arbitrary length of time for Members of the House and Senate to serve the people is contrary to the Democratic principles upon which this Nation is based. Who are we to challenge the decisions of the people concerning who will represent them. It is the height of arrogance for Members of this body to attack the wisdom of the American people and the genius of the architects of this Nation.

So cherished by the American people is the right to vote and participate in our representative form of government that five historic constitutional amendments have been enacted by the Congress to ensure that all Americans have the right to select their representatives in Congress—the 15th amendment, 1870, prohibited States from denying the right to vote on account of "race, color, or previous condition of servitude;" the 19th amendment, 1920, enfranchised women; the 24th amendment, 1964, banned poll taxes; the 26th amendment, 1971, directed States to allow qualified citizens who were age 18 or older to vote and; finally, the equal protection and due process clauses of the 14th amendment, 1868, came to be read as preventing States from enacting suffrage laws that conflict with fundamental principles of fairness, liberty, and self-government.

Term limits will upset the delicate balance of powers crafted in the U.S. Constitution. The Constitution clearly places with the people the power to select and elect their representatives in Congress. The term limits constitutional amendment will transfer a significant portion of this constitutional power to the President and the judiciary. The weakening of Congress by arbitrarily prohibiting our most experienced legislators from serving this Nation in the Congress is unwise and tips the balance of powers against the legislature of this Nation.

The great constitutional significance of the separation of powers cannot be questioned. In his famous *Myers* v. *United States,* 272 U.S. 52 (1926) dissent, Justice Louis D. Brandeis said: "The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy." (p. 293).

Mr. Chairman, I must also stress that the benefits of term limits are greatly exaggerated. Without any term limit constitutional amendment Congress receives regular transfusions of "new blood." If we look beyond the reelection rates on a Congress-by-Congress basis, we see that 52 percent of the current House Members were initially elected in 1990 or later. If term limits of 6 years in the House and 12 years in the Senate were in place, nearly half of the current Congress would have been ineligible to serve when the 104th Congress convened.

The devaluation of experience in the Congress would not only be ill-advised, it would be irresponsible. We cannot and should not experiment with the Constitution, Americans' right to vote, or the stability and security of this Nation to satisfy a campaign promise.

I would also like to add that the historical record for term limitations is not supported by a review of constitutional history, either. It is clear that the Founding Fathers of this Nation believed that term limits were neither necessary or appropriate, and those who did seek such limits expressed a belief that the Constitution itself needed to be fundamentally changed also.

This lack of historical support for term limitations can also be found in the Founders' transition from the Articles of Confederation to the Constitution as we know it today. Although term limits were included in the Articles of Confederation, they were wisely specifically excluded by the Founders of this Nation from the Constitution. The historical record simply does not support the incorporation of term limits into the U.S. Constitution.

Mr. Chairman, this legislation is unsurpassed in its compromise of the people's right to representative Government and the balance of powers in our Nation. With very little opportunity for open hearing, and with limited debate, this measure has been placed before us. A measure of this kind requires detailed analysis of the impact it may have on the American people, and the greatest pillars of the American Republic: the voting franchise and the separation of powers—but no such review has, or will, take place. In the current rush to force this bill through the House, the will of the American people and the Constitution I have sworn to uphold will certainly be compromised. I urge my colleagues to join with me and vote against this bill.

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to House Joint Resolution 73.

Mr. Chairman, this bill comes to the floor today with the Republican leadership knowing that they do not have the votes to pass this legislation to amend our Constitution. History, public policy, and common sense dictate that we reject this ill-conceived attack on the Constitution.

THE FRAMERS OF THE CONSTITUTION EXPRESSLY REJECTED TERM LIMITS

The Framers of the Constitution debated and expressly rejected term limits. Few people know that the original document governing the newly formed Nation after the battle for independence, the Articles of the Confederation, had term limits.

Those limits, known as rotation, limited delegates' service under the Articles of the Confederation to no more than 3 years in any 6-year period. As we all know, the Articles of the Confederation were a failure. To replace that failed document, the Framers met in the Constitutional Convention to write our Constitution.

During that Constitutional Convention a delegation from New York, who had the very timely name of Robert Livingston, had this to say:

> The people are the best judges of who ought to represent them. To dictate and control (the people), to tell them who they shall not elect, is to abridge their natural rights. . . . I repeat that (term limits are) an absolute abridgement of the people's rights.

At the close of that debate, the delegates to the Constitutional Convention expressly rejected term limits as a dangerous and destructive force that obliterates the people's right to chose their own leaders. The Constitution is a timeless document—the product of the finest political minds ever to assemble for a single cause.

As someone who reveres the Constitution and as someone who takes very seriously my sworn oath to support and defend the Constitution of the United States, I suggest that we adhere to the wisdom of the Framers of the Constitution and reject term limits.

THE CONSTITUTION'S "QUALIFICATIONS CLAUSE" SETS FORTH THE ONLY REQUIREMENTS FOR CITIZENS TO BECOME MEMBERS OF CONGRESS

After rejecting the Articles of the Confederation's rotation term limit system, the Framers set forth the qualifications they deemed essential to service in Congress.

Article I, section 2 sets forth the constitutional qualifications for Members of the House of Representatives:

> No person shall be a representative who shall not have attained the age of twenty-five years, has been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of that state in which he shall be chosen.

The Framers of the Constitution thus clearly articulated three simple qualifications for Members of the House of Representatives: Representatives must be 25 years of age, citizens of the United States for at least 7 years, and citizens of the State they will represent in this great body.

The Constitution's qualifications clause is unequivocal. The Constitution does not allow for any additional restrictions on candidates for Congress. Nor does it give to the States the power to set additional, extra-constitutional requirements for office.

Again, those who support the Constitution and those who claim to adhere to original intent should heed the wisdom of the Framers who set forth three very simple and clear qualifications for citizens to hold office. Apart from these three qualifications, the only limit embraced by the Framers is the on-going requirement that any Member be able to command a plurality, if not a majority, of the vote.

WE HAVE TERM LIMITS: THEY'RE CALLED ELECTIONS

To those who say times have changed so now we must change by adding term limits, I make two observations. First we have term limits already—they're called elections. The November election results show that term limits are unnecessary.

Fifty-two percent of the Members of this House were elected in 1990 or later.

The right to vote—a right people all over the world continue to fight and die for—that power to vote carries with it the right to vote people out of office. That's why we have elections.

Second, the times do change but the Constitution rarely changes form.

The Constitution has been amended only 27 times over 200 years since ratification. Times change, but changes to the document that is the very foundation of our democracy should be carefully considered and well-reasoned.

TERM LIMITS DESTROY THE DELICATE BALANCE OF POWERS

The Constitution has in place a very delicate, well-balanced separation of powers. The three branches of Government—the legislative, the executive, and the judicial—each have a very specific role to play.

Perhaps the most important role of any one branch is to act as the check and balance on the other two branches. Term limits rob Congress of its ability to act as check on the executive branch.

During the 104th Congress, we have heard a steady stream of criticism about bureaucrats: bureaucrats, bureaucrats, bureaucrats.

If we pass term limits, does anyone believe that the bureaucracies will be more responsive?

You think you have trouble getting responses to the letters and phone calls you make to Government bureaucracies today—imagine the response you'll get when you have term limits hanging over your head. With term limits the bureaucrats can just burrow-in and wait you out.

Further, if every Member of Congress was required to resign after 12 years, the influence that comes with experience and expertise would be passed to longtime staff members. These individuals are elected by no one, and, therefore, are not directly accountable to the voters. Remember, you can't place term limits on the unelected. Bureaucrats, staff, and lobbyists all have the right to hang around, manipulating the process with the power of institutional knowledge.

THIS IS A PURELY SYMBOLIC ACT, NOT REAL TERM LIMITS

Before the elections of November, the Republican Contract With America was presented as an iron clad promise to deliver. It was only after the election that the Republicans started to highlight that all they had really promised was a vote on the contract provisions.

Today, they will hold this purely symbolic vote. The Republican leadership knows that they do not have the votes to pass this measure. Now they are looking for a way to place the blame on the Democrats.

NINETEEN YEARS OF DELAY: THE HOLLOW REPUBLICAN SCHEME

Putting aside the fact that the votes are not here to pass this bill—let's look at the hollow nature of this symbolic act.

First, the bill is a constitutional amendment that must go to the States. The measure gives the States 7 years to ratify the amendment. In addition, the 12-year limit is not retroactive.

That means it could be 19 years before any person would be affected by this purely symbolic act—7 years for enactment plus 12 years before it becomes applicable.

If the Republican leadership wants to address this issue and address it now, why have they set in motion a 19-year process? Nineteen years—this term limits plan is a fraud.

You can draw an analogy to the Republican tax plan. Just as Republicans want to handcuff future generations with debt to pay for a tax cut for people who make more than $200,000 a year, this phony term limits bill aims that saddling future generations some 19 years down the road with term limits.

We shouldn't give a tax cut to people making $200,000 a year while we hand the bill to your children. Likewise, we shouldn't pass a phony term limits bill and say to people 19 years in the future, "it's your problem—deal with it."

TERM LIMITS ABRIDGE THE FUNDAMENTAL RIGHTS OF VOTERS

The measure of all things we do in this Chamber is and should be the effect of our actions on the citizens of this country. Voters have a fundamental right to choose their own Representatives.

Term limits allow voters in one district to dictate to voters in another district that they cannot continue to reelect their own Member, no matter how effective that Member has been.

Let's give the American public a little credit.

After all, the voters really know best who they want to elect and for how long. In a democracy, individuals should be able to vote for the Representative of their choice.

Altering our Nation's Constitution to limit the number of terms a person may serve restricts the right of voters to choose who will represent them. Under term limits, the right of the people to choose their own leadership is taken away.

Majority rule is a cornerstone of democracy; it's not majority rule for some arbitrary period not to exceed 12 years.

Respect the Constitution; respect the intelligence of the American people; respect the delicate balance embodied in the Constitution's separation of powers. Vote no on term limits.

Mr. MANTON. Mr. Chairman, I rise in opposition to a constitutional amendment to impose limits on the terms of Members of the House and Senate.

Mr. Chairman, the well-oiled, elitist, multimillion-dollar campaign being waged in support of term limits has disparaged the so-called career politician and attacked Members of Congress as individuals who are intoxicated with power and out of touch with the people they represent.

But the central issue in this debate is not the virtue or wickedness of incumbency; instead, this debate is about our faith in the ability of citizens to choose the person who can best represent them in Congress.

Term limit proponents cynically believe that average citizens are simply incapable of making a thoughtful decision when they enter the voting booth every 2 years. I strongly reject that notion. Since 1990, we have had a greater than 50-percent change in the membership of the House. This statistic proves that voters know how to rid themselves of an elected official whom they do not support.

I have faith in the voters of the Seventh Congressional District of New York, which I represent. The citizens in Queens and the Bronx are bright, hard working people who have an active interest in the government and the elected officials who represent them. They often, and sometimes forcefully, express their views on the important issues that affect their everyday lives. And every 2 years they have an opportunity to determine who, from their community, can best represent those views in the Congress.

The right of the people to freely elect their representatives is the fundamental foundation of democracy. Any infringement on that right is a threat to democracy.

Despite the somewhat differing views the Founding Fathers may have had on the issue of term limits, the Constitution is unambiguous on this issue. The Founding Fathers expressly rejected the idea that the terms of Members of Congress should be limited by anything other than place of residency, age, and, of course, the voters.

Some term limits proponents have argued that the Constitution should be amended from time to time to reflect the changing needs of our society. They cite the 13th amendment ending slavery, and the 19th amendment giving women the right to vote as examples. I agree that we should improve the Constitution to expand and protect the fundamental rights of our democracy. But we should reject any attempt to diminish or usurp those rights.

Mr. Chairman, I believe in our representative democracy. I trust the wisdom of the Founding Fathers. And I have full faith and allegiance in the ability of the citizenry to ensure that government remains accountable to the people.

Mr. CRANE. Mr. Chairman, I rise in strong support of a constitutional amendment to limit the terms of Members of Congress. While several different proposals have been discussed today, I believe that it is vitally important that we allow the States to ratify a constitutional amendment for congressional term limits, regardless of the final version.

I have been a long-time supporter of term limits. In 1985, I introduced my first bill to set a 6-year limit on service for both Members of the House and Senate. Although I promoted such an idea for a decade, neither I, nor my colleagues who supported term limits, had an opportunity to bring such an idea to the House floor. While I personally prefer my term limits proposal, I am very pleased that the issue of term limits has finally come to the floor for a vote.

To those of my colleagues who oppose term limits because it was not part of the Constitution, I would suggest that our Founding Fathers did, indeed, believe that rotation in office was vital to a representative democracy. In fact, Thomas Jefferson, after reviewing the Constitution, wrote to James Madison: "The second feature I dislike [the first being the absence of a Bill of Rights], and greatly dislike, is the abandonment in every instance of the necessity of rotation in office. * * *"

During the early days of our Republic, service in Congress was generally limited to 4 years in the House and one 6-year term in the Senate. However, these were self-imposed limits on service.

In closing, I would urge my colleagues, despite their preferences for one term limit proposal or another, to vote yes on final passage for term limits, and send it on to the States for ratification.

Mr. CLINGER. Mr. Chairman, I rise in favor of submitting to the states for consideration Congressman MCCOLLUM'S proposed constitutional amendment limiting Members of Congress to 12 years of service.

Many advocates of term limits believe they are necessary to bring government closer to the people by replacing career politicians with citizen legislators. Other advocates suggest term limits are needed to isolate decisionmakers from the whims of their constituencies so they can do what is in the best interests of the country, not just their States or districts. The common theme among all term limits supporters, however, is that Congress as an institution is not serving the American people well and it needs to be changed.

Whatever the reasons for their support of term limits, advocates have made great strides in energizing and organizing grassroots America. The popularity of congressional term limits has been demonstrated by their adoption in 22 States since 1990—21 of which were passed by State ballot initiatives.

Although I intend to vote to initiate a national debate on the issue, I have concerns about a constitutional amendment establishing term limits. I am personally not convinced that an arbitrarily imposed limit is necessary or wise. Voters have the power to limit an ineffective Member's term every 2 years when they go the ballot box. In fact, about one half of all Members currently serving in the House have been elected since 1990.

I also am concerned that term limits may severely diminish the power of the House and Senate in relation to the executive brahch. Unelected bureaucrats, whose careers are not limited, would hold a considerable advantage over inexperienced legislators in the technical knowledge that can only be learned over time. I have the same concern with regard to congressional committee staff, whose expertise on the issues may cause the people's elected representatives to follow rather than lead.

I understand the benefits of membership turnover, new blood brings new, often innovative, ideas and solutions to our country's problems. Nevertheless, there is also something to be said for experience and institutional memory. Today's world and the problems confronting us are so complex that experience, expertise, and institutional memory should be considered an asset, not a liability. The Federal Government alone has become so enormous that it takes several terms just to get a handle on the thousands of Federal agencies and programs and their functions.

Frankly, I feel there is a better alternative to term limits which will improve membership turnover, infuse new blood and new ideas into Congress, and ensure elective representatives are held more accountable to their constituents. That alternative is campaign finance reform that levels the playing field between incumbent and challenger.

I think Congress' problems may have less to do with career politicians and more to do with noncompetitive elections that allow undeserving incumbents to return to Congress year after year. Incumbents are often left unaccountable for their actions in Congress because of their overwhelming re-election advantages including high name recognition, franking privileges, campaign contributions from PAC's and fellow congressional campaign committees.

To restrict the incumbent's advantages, in prior Congresses I have introduced three campaign finance reform bills which would reduce the role of PAC's and increase the role of constituents, ban congressional leadership and campaign committees from contributing to another candidate's campaign, and create a tax credit for instate contributors. I plan to reintroduce these bills after we return from April recess.

Considering my misgivings about term limits, one might ask, why is BILL CLINGER casting an "aye" vote for the McCollum substitute?

Clearly, the people have spoken on term limits, and I feel it is appropriate for the national debate on this issue to continue. Should the House and Senate adopt identical amendments, the measure would then go to the States for their consideration. I believe that this process should be allowed to move forward, and that this important issue must be decided by the people.

Although I generally do not advocate governing by referendum, the debate on term limits is unique. In the eyes of some Americans, there may be a basic conflict of interest in Members of Congress deciding whether or not to impose term limits on themselves. To some, it just does not pass the smell test.

If Congress blocks this term limits measure and stifles the national debate on the value of term limits, I fear the American public will lose complete confidence in Congress. They will assume Members voted against term limits out of self-interest, no matter how many convincing arguments against term limits are raised.

I feel it would be healthier for Congress as an institution and, indeed, our country as a whole if we permit this debate to continue.

Mr. PACKARD. Mr. Chairman, when I ran for Congress in 1988, I explained very carefully to the people of the then-22d Congressional District of Illinois that I believed in a citizen-legislator form of government.

I had taught American government for several years and had no doubt that the Founding Fathers meant our national legislature to be a citizen legislature.

Citizens were to train themselves for a profession, leave that profession for a time to serve in the House, and return to their profession. Believing as such, I voluntarily limited myself to 10 years of service if it was the will of the people to elect me for such a period of time. I have every intention of keeping that promise.

I have always believed, until the last couple of years, that any limitation on service in the Congress should not be mandated, except by a vote of the people with regards to the individual who seeks to represent them in this body.

I would like to explain why I no longer believe as I did and the reason I now favor term limits.

When I came here in January 1989, two things were readily apparent. One, the special interests had exaggerated influence on the development of legislation in this body by virtue of the tremendous amount of money they spent on congressional campaigns, and two, the ability of incumbents to advantage themselves by use of the frank and other incumbent promotion devices not available to a challenger, were truly overwhelming.

Ninety-nine percent of all incumbents were reelected to office every term because they received almost all special interest campaign funds and because of their use of the system to promote themselves. Even during the last two elections when we had tremendous turnover in the House, 94 and 90 percent of incumbents were reelected, respectively.

I believed, at the beginning of my tenure here, that the Congress would enact meaningful campaign finance reform eventually, leveling the playing field for challengers and making the possibility of reasonable turnover in the Congress possible.

I no longer believe we will accomplish this task because of the wide differences in party philosophies on this issue. Nearly every year in which I have served we have addressed campaign finance reform only to see it dissolve into a watered-down version of nothing. Term limits of a reasonable length may be the only way to level the playing field.

Let me address additional arguments put forth against term limits.

Some say term limits restrict voters choices. I believe the greater restriction on voters' choices is the ability of the incumbent to totally dominate an election by outspending challengers sometimes 10 to 1 because of special interest money that accrues primarily to them.

Most campaigns are run by 30-second commercials and incumbents dominate the airways. The incumbent is allowed to send unsolicited mass mailings for the 2 years in office telling the constituents of all the good things that he or she is doing on their behalf. Challengers do not have that opportunity at taxpayers expense.

Others say the turnover of more than 50 percent of the House in the last two elections prove term limits are unnecessary. But the turnover was almost exclusively in open seats where no incumbent was running. In 1992, incumbents still won 94 percent of their seats, and in 1994, they won 90 percent.

Some people cite the loss of experience as the most important reason to defeat term limits. But the real experience that is important in this job is the experience we bring to the job, the experience of having been educators, farmers, or businessmen.

The experience we gain here is process and it is important. But the decision-making skills we bring to the job are even more important. How do we know unless we are willing to expand the possibilities of other people bringing their skills to this job that we are not overlooking other experiences that may have even greater impact on solving the problems of this country.

The voters are indeed the best judge of who ought to represent them but their deliberations must be exposed to a full and balanced view of each candidate. I do not believe our present system allows this.

So therefore I intend to support the 12-year term limitation as a constitutional amendment.

Mr. ROEMER. Mr. Chairman, I rise in opposition to term limits for Members of Congress.

Since I have been in Congress, I have been a leading advocate for overhauling the way Congress works. I have supported cuts in the size of congressional staff and committees and simplifying this institution's operations. But we do not need term limits to make changes in Congress. The last two elections clearly demonstrate the power of the ballot. Today, 40 percent of Members are serving their first or second terms and more than half of this body, including myself, was elected after 1990. Real term limits are at the ballot box, and that is where they should be. Every time voters go to the polls, they make the decision of whether to limit the term of their elected representatives.

Most importantly, term limits would interfere with the fundamental right of voters to elect their own representatives. The people are the best judge of who ought to represent them and can be trusted to choose their representatives without Government stepping in to arbitrarily regulate their choice.

Term limits ignore the need for experience in Congress, where intricate public policy issues are deliberated. Imagine if term limits had restricted the public service of our Founding Fathers. James Madison spent a total of 43 years in public office. His public career began as a member of the committee of safety from Orange County in 1774 and after holding a number of other State offices, Madison attended the Continental Congress for five 1-year terms and was then elected to the first Congress in 1789. He was subsequently reelected to the second, third, and fourth Congress for a total of 8 years of service. Madison finally served as Secretary of State and President in the final 16 years of his distinguished public service.

Thomas Jefferson served in various positions in public office for 35 years. After serving as a member of the house of burgesses and the Constitutional Congress, Jefferson was elected Governor of Virginia in 1779. Despite an announced "end of his public life," Jefferson was elected to Congress under the Articles of Confederation in 1783 and later served as plenipotentiary to France and was appointed as the first Secretary of State under George Washington's Cabinet. Jefferson later served as Vice President and completed his public service as President from 1801 to 1809.

Imagine the outcome of the Constitutional Convention and the first formative days of our Nation's evolution without Thomas Jefferson and James Madison and other Founding Fathers such as John Quincy Adams who, because of term limits, would not have had the opportunity to invest their lives in the genesis of the United States.

Do we want to send the wrong message to our Nation's brightest and most qualified individuals who look forward to serving their country and promoting the best interests of their constituencies? Do we want to write this term limits disincentive into our Constitution?

What other countries have term limits? If we look to the South, Mexico has strict term limits. Do we want to follow the lead of a nation of term limits such as Mexico, which despite serious political and economic tumult, completely replaces its Senators and its President every 6 years?

This Nation's future depends on the integrity and caliber of the people leading it. Important and substantive areas of legislation rely on individuals with the leadership, experience, wisdom and the judgment that might come from terms of service. We cannot afford to disqualify whose who can bring sound judgment achieved through years of experience to the increasingly demanding tasks of elected office. Term limits would destroy this opportunity and make Congress an institution where inexperience is more valued than professionalism and experience.

The Founding Fathers used the same arguments against term limits during the Constitutional Convention in 1787 that are being heard today. In the Federalist Papers No. 71, Alexander Hamilton challenged proposals amending the Constitution to include rotation for the Delegates and the President because it "interfered with the people's right to choose their officials, depriving the new government of experienced officials and reducing the incentives for political accountability."

In the Federalist Papers No. 53, James Madison wrote that a few Members of Congress will possess superior talents and will become masters of public business. The greater the proportion of new Members, Madison wrote, "the more apt they will be to fall into the snares that may be laid for them."

Robert Livingston, during New York's debate on the adoption of the Constitution, said that the people are the best judges of who ought to represent them. To dictate and control them and to tell them whom they shall not elect, "takes away the strongest stimulus to public virtue—the hopes of honors and rewards." Although rotation in office was considered as part of the Articles of Confederation, it was ultimately rejected by the members of the Constitutional Convention.

Aside from taking a fundamental right away from citizens, term limits pose a number of risks that could aggravate the problems facing Congress as an institution. For instance, they are likely to increase the power of special interest organizations and lobbyists, congressional staff and the executive branch, all of whom are significantly less accountable to the public.

Term limits will also create the potential hazards that more Members of Congress will favor special interests as their term of service expires and they look forward to their next career. In this vein, Alexander Hamilton argued that term limits would tempt "ignoble views" by office holders who would have thought about nothing else than what their next job would be rather than focusing on the people's business. As a Wall Street Journal columnist recently indicated, "Instead of fresh-faced citizen legislators, we would end up with men and women who knew that after 12 years they had to seek a new line of work, most probably with the very interests that are lobbying them."

Term limits are not an appropriate or effective solution to the problems facing our political system. They would undermine a cornerstone of our democracy—the right to vote.

I have a picture of the U.S. Capitol in my congressional office. Under the magnificent and historic picture of this building is a quote from one of the most distinguished Founding Fathers, Alexander Hamilton. He said about government and the Capitol; "Here, Sir, the people govern." It is the people who should run Congress. It is the people who should vote. It is the people and the ballot box that will suffer if a gimmick like term limits succeeds.

Mr. KIM. Mr. Chairman, the American people overwhelmingly support a constitutional amendment limiting the terms Members of Congress may serve in Washington. I believe that the power of term limits has become an issue of national debate because Washington is simply out of touch with the voters back home.

Today, votes will be taken on four term limit measures, and the one that receives the most over 218 will be the one voted on for final passage. While we have preferences, I nonetheless intend to support every proposal. Any one of them is better than none at all.

I am voting for the Peterson-Dingell-Frank amendment that imposes retroactive term limits of six terms on Representatives and two terms on Senators. Making the law apply to those who impose it would be the best way to serve the interests of the American people. Why are 12 more years needed for those who have already served this amount of time? Haven't they had a chance to fulfill their elected promises already? While this would affect the 218 Members who have or are already serving three terms in office, 218 is only half of the House. We've had that kind of change over the past 4 years. The result? Real action—such as the Contract With America. Has the quality of representation declined in the 104th Congress or other States due to term limits? I would have to say no.

I am also supporting the Inglis amendment. My first choice is for the House to implement this measure, which provides three 2-year terms in the House and two 6-year terms in the Senate. Two years ago the citizens of California, through a ballot initiative, limited the terms of Federal legislators to 6 years in office. The Inglis amendment upholds the position of California.

The Hilleary amendment, my last choice, have set lifetime limits of 12 years in the House and 12 years in the Senate. It does not preempt any of the term limit proposals currently passed by the States and is not retroactive. That means a 12-year term limit imposed by the State of North Dakota would be able to keep legislators in Congress longer than California because of its 6-year limit. I believe this would be unfair and would create uneven representation on a national level. Nonetheless, this is still better than nothing.

The fourth measure I intend to vote for is the McCollum 12-year term limit amendment. This legislation limits Representatives to six full terms and two terms for Senators. Because this is a 12-year limit and therefore different from California's, I concur with the amendment's provision which preempts State law. That ensures that all States are on a level playing field and that no State has a seniority advantage over others.

I have been listening to opponents of term limits argue today that such an amendment would limit the amount of experience legislators have in representing their constituents in Washington. They also point out that there will be a lack of qualified people to run for congressional offices. These concerns are unfounded.

Term limits have already been imposed on other State and Federal political offices. My own State of California has passed a 6-year term limit on State legislators. So far, it has not had a problem with attracting qualified individuals to compete for open seats. As a matter of fact, after California passed term limits in 1990, the number of candidates running for office increased by 40 percent. Term limits have broadened the field and improved the competition.

The 22d amendment to the Constitution, which took effect in 1951, restricts the term of office for the President of the United States to two terms. Thirty-five States impose term limits on their Governors. And, the government has not fallen apart. If term limits are good enough for them, they should be good enough for U.S. Congressmen and Senators.

The longer Members serve in Congress, the more removed they can become from the voters who elected them. The American people want to send representatives to Washington who truly understand what it means to work hard for a living, pay their taxes, and make ends meet for their families. They believe that a citizen legislator rather than a career Congressman best represents their interests.

The imposition of term limits is in no way a judgment on the quality of representation in the House today. I have served with some outstanding Representatives. However, I have noticed that the lure of Washington and all of its trappings of power can overcome some. Inside-the-beltway politics have a way of taking priority over the legitimate bread and butter concerns of average Americans. Term limits should prevent Members from becoming out of touch with their constituencies.

I also do not believe that term limits will cause a disorderly transfer of power. As a result of the past two elections, almost 50 percent of the House is comprised of new Members. This has not caused a breakdown of the system.

However, from a review of modern congressional history, this positive turnover is an exception—not the norm. The fact that one party controlled the House for 40 years straight—and that a noticeable number of older Congressmen have served and in some cases controlled—this House for 15, 20, 25, or 30 years proves that change must be institutionalized.

There is the illogical fear that the power will not remain with the representatives sent by the voters to Washington, but will slip into the hands of the unelected bureaucrats who serve them. This will never happen because elected officials always have had the option to hire and fire congressional staffers. As a matter of fact, it was not until the House passed the Congressional Compliance Act of 1995 that staffers were given virtually any rights at all.

Therefore, I believe the term limits amendment should be added to the Constitution so we can move forward and restore accountability to the U.S. Congress. It's time to stop talking and start the term limit clock ticking.

Mr. BEREUTER. Mr. Chairman, this member has supported nationwide congressional term limitations the past and currently is an original cosponsor of legislation in the 104th Congress to accomplish just that in the form of an amendment to the U.S. Constitution. In addition, this Member cosponsored term limitation legislation the first day of the 103d Congress—the first legislative day after Nebraska offered term limits by citizen initiative. This was necessary to protect Nebraska's interest vis a vis other States who had not passed similar congressional term limits. This Member believes that the prevailing criteria for any congressional term limits must be a nationwide standard. Otherwise, this Member must reiterate his belief and previous statements that the unilateral action by this Member's home State of Nebraska in passing a term limitation for its congressional delegation places Nebraska at a disadvantage in terms of seniority and representation when compared with the congressional delegations from other States without such limitations.

Under the rule, the House will consider four constitutional amendments in the nature of a substitute under a winner-take-all procedure. This Member has carefully examined the four substitutes and provides the following analysis of these measures.

First of all, this Member supports the passage of the McCollum 12-year term limit proposal, the base bill, since this Member has been cosponsoring it since the first day of the 103d Congress. Therefore, this Member hopes that the McCollum provisions are the final passage vote.

Second, this Member will vote for the Inglis 6-year term limit alternative even though, in this Member's judgment, it is not in the best interest of the country. That is an issue about which people can legitimately disagree, and voting for this provision which is, in this Member's judgment, of doubtful merit, is not a violation of our oath of office. This Member's vote for it can only be justified on the basis that it is what the people of Nebraska overwhelmingly approved during the last election. This Member does not see any clear justification for substituting his judgment for their collective judgment even though this Member laments the payment for petition circulators and the inordinate amount of out-of-State money used by supporters as is unfortunately still permissible under Nebraska State law.

Third, this Member intends to vote "no" on the Hilleary 12-year cap alternative because it does not preempt State law. Thus if the U.S. Supreme Court permits under the Arkansas case, or a subsequent case, other States could have a 12-year, a 10-year, or an 8-year term limit while Nebraska will be stuck with a 6-year limit; that would put Nebraskans at a disadvantage. While it is true that the Inglis alternative also does not preempt State law, but it provides for a 6-year term limit and no State is likely to limit terms to less than 6 years; thus, Nebraska at least would not be at a disadvantage under the Inglis alternative.

Finally, this Member will vote against the Peterson-Dingell-Frank retroactive term limit alternative as a transparently disingenuous, partisan ploy.

Again, this Member supports nationwide congressional term limits and will vote in accordance with that stance.

Mr. PASTOR. Mr. Chairman, supporters of term limits suggest they are restoring the intent of the Founding Fathers of creating a citizen legislature. That's why the term limits constitutional amendment we are considering today is called the Citizens Legislature Act.

Those advancing that argument to justify term limits spin history on its head. According to the Congressional Research Service, the Framers of the Constitution were unequivocal in their rejection of terms limits for Members of Congress. Our Founding Fathers thought term limits was a bad idea more than 200 years ago; it is a bad idea now; and it will be a bad idea 100 years from now.

I call my colleagues' attention to excerpts from the Congressional Research Service report which treats the constitutionality of congressional term limits.

[From the CRS Report for Congress, Jan. 2, 1992]

THE CONSTITUTIONALITY OF STATES LIMITING CONGRESSIONAL TERMS

(By L. Paige Whitaker)

III. FRAMERS' INTENT

State imposed term limits appear to conflict with the intent of the Framers of the Constitution to eliminate the policy of compulsory rotation in office. The concept of rotation in office was embodied in the Articles of Confederation, which provided that delegates to Congress could serve for no more than three years in any six-year period.[15] As a result, the issue of rotation in office was debated during the adoption of the Constitution.

Rotation, as proposed by the anti-federalists, would force members of Congress to step down from office for a period of time and live among the people in their former rank of citizenship. It was intended to provide members with a greater knowledge of their country and constituency, in order for them to return to the Congress as more informed legislators, with a greater sensitivity to the concerns of their constituents.[16] The anti-federalists also argued that a rotation requirement would prevent the abuses of corruption and would encourage a greater number of people to hold public office.[17]

After assiduous debate, however, the Framers rejected rotation, citing the right of the people to freely elect and the importance of experienced legislators. As Robert R. Livingston stated during the New York debates: "The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect, is to abridge their natural rights. This rotation is an absurd species of ostracism—a mode of proscribing eminent merit, and banishing from stations of trust those who have filled them with the greatest faithfulness. Besides, it takes away the strongest stimulus to public virtue—the hope of honors and rewards. The acquisition of abilities is hardly worth the trouble, unless one is to enjoy the satisfaction of employing them for the good of one's country. We all know that experience is indispensably necessary to good government. Shall we, then, drive experience into obscurity? I repeat that this is an absolute abridgment of the people's rights.[18]"

In response to the anti-federalists claim that rotation would prevent corruption, the federalists argued that indeed, the very prospect of reelection would provide a legislator with an incentive to be responsive to the needs of his constituents. If a legislator knows that his re-election depends on the "will of the people" and is "not fettered by

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Footnotes at end of article.

any law," he will serve the public well. On the other hand, if he knows that no matter how well he serves, he is precluded from re-election, "he will become more unambitious, and regardless of public opinion. The love of power, in a republican government, is ever attended by a proportionable sense of dependence."[19] As Alexander Hamilton similarly remarked, "[w]hen a man knows he must quit his station, let his merit be what it may, he will turn his attention chiefly to his own emolument."[20]

As evidenced by their debate, it is clear that the Framers intentionally rejected rotation in office. In so doing, it appears that they also rejected the policy underlying state imposed term limits. Commentators have concluded that in view of this deliberate rejection by the Framers, the qualifications clauses can only be interpreted as a prohibition on the states from limiting the re-election of their congressional delegations.[21]

FOOTNOTES

[15] Art. of Confed. art. V, cl. 2.

[16] 2 Debates on the Adoption of the Federal Constitution 288 (J. Elliot) (1888) (speech of G. Livingston).

[17] *Id.* at 310 (speech of M. Smith). With regard to corruption, Smith argued: "A rotation I consider as the best possible mode of effecting a remedy. The amendment will not only have a tendency to defeat any plots which may be formed against the liberty and authority of the state governments, but will be the best means to extinguish the factions which often prevail, and which are sometimes so fatal to legislative bodies."

Concerning the argument that rotation would encourage participation in government Smith commented: "If the office is to be perpetually confined to a few, other men, of equal talents and virtue, but not possessed of so extensive an influence, may be discouraged from aspiring to it.

[18] *Id.* at 292–93 (speech of R. Livingston). In accord, Alexander Hamilton commented that, "It has been observed, that it is not possible there should be in a state only two men qualified for senators. But, sir, the question is not, whether there may be no more than two men; but whether, in certain emergencies, you could find two equal to those whom the amendment would discard.*.*.* The difficulty of obtaining men capable of conducting the affairs of a nation in dangerous times, is much more serious than the gentlemen imagine. *Id.* at 320–21 (speech of A. Hamilton)."

Also note that, as Madison made clear in Federalist 63, the purpose of the Senate was to provide stability and expertise: "Without a select and stable member of the government, the esteem of foreign powers will not only be forfeited by an unenlightened and variable policy, proceeding from the causes already mentioned; but the national councils will not possess that sensibility to the opinion of the world, which is perhaps not less necessary in order to merit, than it is to obtain, its respect and confidence. The Federalist No. 63, at 422 (J. Madison) (J. Cooke ed. 1961)."

[19] *Id.* at 298 (speech of R. Harrison).

[20] *Id.* at 320 (speech of A. Hamilton).

[21] Note, *Limits on Legislative Terms: Legal and Policy Implications*, 28 Harv. J. Legis. 569, 586–87 (1991). The authoritative commentator on the Constitution, J. Story, similarly concluded: "the states have just as much right, and no more, to prescribe new qualifications for a representative, as they have for a president. Each is an officer of the Union, deriving his powers and qualifications from the Constitution, and neither created by, dependent upon, nor controllable by, the states." J. Story, *Commentaries on the Constitution of the United States* §626, at 101–102 (1970 ed.)."

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the Citizen Legislature Act, the constitutional amendment to provide term limits for Members of Congress. This important plank of our Contract With America demonstrates that we are serious about keeping our word with the American people: to hold a first-ever vote on term limits on the House floor.

Despite the tremendous changes in last November's elections, many Americans are still mistrustful of Congress. Many Americans believe that career legislators have too much power and too much at stake to make the tough decisions facing the Nation. I believe our Founding Fathers never intended for Member of Congress to be a career choice. Rather, they envisioned a system where people from all walks of life would become involved in public service for a few years, and then return to their profession or trade. Since coming to Congress in 1991, I have always known that I would return to the private sector, sooner rather than later.

On the first day of the 104th Congress, I cosponsored both House Joint Resolution 2, the McCollum resolution, and House Joint Resolution 3, the Inglis resolution. I did so because both of these resolutions were part of our Contract With America and I believed that it was part of my contract with California's 51st District to bring the term limits issue to the floor of the House.

After a great deal of reflection, I have decided that the best alternative before the House is the McCollum amendment. Since I began my public service, I have consistently stated that I believe a 12-year term limit is the most appropriate manner to address this question. The McCollum amendment, as embodied in House Joint Resolution 2, would mean a sweeping change in our political system, limiting House members to six terms and Senators to two terms.

The McCollum amendment is fair and tough. It is fair in that it preserves the balance of power between the House and the Senate. It is fair because it treats all States equally. And make no mistake, it is tough. Under McCollum, those of my colleagues who have viewed Congress as a career are in for a surprise.

I urge my colleagues to support the McCollum amendment and support term limits. We know that is what the American people demand. We should heed their call.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of limiting service in both the House and Senate to 12 years, albeit I will vote to do so with reservations.

I'm proud that House Republicans have fulfilled yet another promise in the Contract With America by bringing—and I stress bringing—before the American public a fair debate about limiting the terms of Members of Congress.

Our contract did not guarantee passage nor enactment of every item. Whether term limits pass on Thursday afternoon or not, this debate is a tribute to Speaker GINGRICH, the Republican leadership, and to Mr. MCCOLLUM, and it is a check mark in the success column. I hope the media get that straight.

I'm of the opinion that, as provided by our Founding Fathers, Members of Congress already serve limited terms—2 years in the House and 6 in the Senate—and that they can be dismissed by the voters at the end of those terms.

As will be mentioned often in this debate, the 104th Congress is evidence to those term limits; 52 percent of the House is serving their third term or less. Overall, the average length of modern service is between six and seven terms. And looking at our average age, which falls just short of 51, it's obvious that most Members came to Congress after establishing themselves in the private sector.

But the voters apparently aren't happy with these results, and in response to their demands, we're here debating further limiting congressional service.

Understandably, voters are frustrated and dissatisfied with the performance of Congress—legislative gridlock, scandals of recent years, and the size and cost of Government are ample reasons to earn the voters disdain.

We have also done our part to foster their contempt by our increasing tendency to legislate for the sound bite. I'm continually amazed how some Members find glory in despising and trashing the institution in which they have chosen to serve.

In that respect, I am disappointed in this debate. Members on both sides have forgotten that honest men and women can disagree on an issue of such magnitude. And while we were sent here to represent our constituents' wishes, we were also elected to exercise some independent judgment and reasons on behalf of the Nation and her future. The Wall Street Journal chart on the editorial page March 28 was unfair and misleading in this regard to Members who oppose additional term limits.

My home State of Nebraska is 1 of the 22 States that have voted to impose term limits on its congressional delegation. The issue was on the ballot in both 1992 and 1994, and my constituents knew both times that, while I would support certain term limits, I opposed the Nebraska ballot initiatives. My votes today and tomorrow will be fully consistent with that position.

I agree with the constitutional experts who conclude that limiting congressional terms would require an amendment to the U.S. Constitution, and I expect the Supreme Court will later this spring or summer hold that term limits imposed by the States are invalid.

And just as importantly, I believe it would upset any balance of power between the States to impose limits in a patch-work fashion. It would be unwise and detrimental to Nebraska's representation in Congress to impose additional term limits on its small five-member delegation when other States, especially those more populous, could decide to have no limits.

Further, I believe firmly in the equality of the two Chambers established by our Founding Fathers. They improved upon the English model of an upper and lower House to establish Chambers of equal power, with one more deliberative and the other more responsive to the mood of the country.

I can realistically look at this point in my life, and service in the House, and say that should additional term limits as now discussed be imposed, they will not have an impact on me. Therefore, it is with no self-interest or self-preservation in mind that I say that there are serious drawbacks to term limits.

And most certainly, I think it is a disservice to the electorate if these drawbacks are not thoroughly understood and part of the public debate. These include:

Additional congressional term limits will limit the voters right to chose their representation. Term limits assume that new is always better and, unlike other vocations—and I am talking about the citizen legislator as a vocation—that experience does not make for a better legislator. Also, term limits would, without doubt, put much more power into the hands of non-elected congressional staff, bureaucrats, and special interest lobbyists. Those are not tired arguments, and they should not be dismissed out of hand.

It is, at best, a toss up of whether term limits, had they been in place, would have solved the problems that have generated the public's frustration with Congress. Operational and procedural reforms in the institution of Congress itself—which we now have begun to accomplish under Republican leadership—and campaign finance reform are just two areas where directing our effort could make more certain and better changes.

Having said all this, I will, as I stated at the beginning of these comments, vote to limit congressional service.

I will vote to respect the will of the American people, who have given strong indication that additional term limits is their desire. I'll also exercise my personal judgment for the country, however, that anything less than 12 years is unrealistic, and the same limits must be imposed on both House Members and Senators from all 50 States.

I urge my colleague to join me in voting for the McCollum 12-year limit.

Mr. BALLENGER. Mr. Chairman, the concept of term limits, while at least as old as our Government itself, has been repeatedly rejected by complacent Members of Congress whose tenures have lasted as long as 53 years. Unfortunately for these career politicians, Congress can no longer ignore the Americans voter's profound and growing desire for a true citizen-legislature that is intended to serve the people in a better, more responsive manner. Since 1990, 22 States have imposed their own term limits, 21 through voter initiatives, and polls consistently show public support at as high as 80 percent. Though it is clear why career politicians do not wish to place limitations on themselves, it is time to obey the will of the American public. With much of the Contract With America completed, this is one more opportunity to show our commitment to those who elected us and to respond to the change they demanded on November 8. By passing term limits and putting the interests of our constituents before our own, we can institute the concept of the citizen-legislature that our Founding Fathers envisioned over 200 years ago.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to House Joint Resolution 73, in opposition to term limits for Members of Congress, and I urge my colleagues to reject this ill-conceived legislation.

Why do I oppose term limits? Well for one, they are absolutely unnecessary. The voting public always has, and will continue to have, complete control over the membership of both the House of Representatives and the Senate. One need only to look back to last year's historic November elections to recognize this fact. Those Representatives and Senators that were not doing the job their constituents wanted or expected were not reelected—pure and simple.

The reality that my Republican friends tend to deemphasize and don't want to discuss is that more than half the Members of this House have been elected only within the past 6 years. That's right—over 50 percent of this Chamber are serving in their third term or less.

In addition, term limits are an affront to the basic rights, responsibilities, and intelligence of all American citizens. Our Federal Government functions best when the public and the Congress act together to carry out the responsibility for moving our Nation forward. An educated and politically aware public is vital for the strength of our democracy.

However, term limits take away the ability of voters to choose who they want to represent them at the Federal level by imposing an arbitrary timetable on length of service without regard to a Member's effectiveness or responsiveness to the needs of his or her constituents. In effect, term limits say to the voters, "You are not smart enough to know the issues at hand, to know for whom to vote, to know who will best represent you and your fellow neighbors, therefore we'll help you out." This is a ridiculous, untrue, antidemocratic proposition and one at which people should be strongly offended.

Term limits are patently nonsensical. The only thing that they will serve to do is deprive this institution of several effective legislators who have the historical perspective and expertise necessary to tackle the major challenges facing this body and turn greater power and influence in Congress over to entrenched, unelected staff, lobbyists, and agency bureaucrats. I can tell you that this is not what my constituents want.

Mr. Chairman, to me it is also disingenuous of the GOP to claim support for term limits and yet put forth a bill that will not affect them for at least another 19 years and does not speak to the issue of State preemption. This is just blatant, and frankly quite despicable, political posturing.

If you want term limits, if you believe they are such a great idea, and think that many years of service in the U.S. Congress is inherently evil, why not make term limits retroactive and also defer to those States with less than 12-year limits currently on the books? Maybe because you are trying to fool the American people. Well, let me tell you something, Mr. Chairman, the American people are not stupid. They can see through such charades.

Mr. Chairman, I vigorously urge defeat of House Joint Resolution 73. The leadership in this body better start concentrating on the real needs of the American people, like jobs, accessible and affordable health care, community development and revitalization, and the long-term economic and social growth of this country. if they don't begin to, it's a pretty safe bet that their terms will be limited regardless of the passage of this legislation.

Mr. LAFALCE. Mr. Speaker, the House of Representatives this week is considering proposed amendments to the Constitution which would establish term limits for Members of Congress. I rise today in opposition to such a constitutional amendment.

The question of term limits for Members of Congress is not a new one. In fact, the issue has been debated since the time of the Continental Congress in 1777.

I do not support term limits for Members of Congress for a variety of reasons. First, the Constitution already provides for a limit on Members of Congress, by requiring that Members of the House be elected anew every 2 years and Senators every 6 years. Term limits laws only serve to disenfranchise voters, by removing their ability to choose an incumbent legislator. This represents an arbitrary restriction on a fundamental right of our political system—the right to vote.

Second, term limits laws can have anti-democratic effects. Term limits would arbitrarily force many competent and experienced Members out of office prematurely, regardless of the wishes of their constituents. This reduces the power of officials elected by the people, transferring power to appointed officials and other elected parties. Professional lobbyists, executive branch bureaucrats, and legislative staffs would all gain power if the tenure and experience of elected legislators was restricted by a term limits amendment. This would be a perversion of representative democracy.

Third, there is simply no need for artificial term limits. The amount of turnover in the House and Senate demonstrates that voters are fully capable of making this decision for themselves. More than half of the Members of the House of Representatives have served less than three terms. More than 40 percent have been in Washington for less than 3 years. Instead of debating term limits, Congress should be passing a meaningful legislation on the subject of campaign finance reform. I welcome and look forward to such a bill, which is conspicuously absent in the vaunted Contract With America.

The 1994 elections provided ample evidence once again that the ballot is the most useful form of term limitation in our American democracy. Voters, as they should, have the final say on whether their elected officials can provide their districts the most effective representation in Congress amongst the various candidates. Accordingly, I oppose the term limits amendments that are before us this week.

Mr. GILMAN. Mr. Chairman, just last week, after a historic debate, we discussed and approved the Personal Responsibility Act, sending a clear message: Americans must take responsibility for their own actions.

Two weeks ago, our debate on common sense legal reform also focused on the proposition that individual responsibility is the hallmark of our Nation.

Isn't it ironic that we are now moving to strip Americans of the most basic, crucial responsibility of all: The responsibility to remain alert, active, and informed; the responsibility to monitor elected officials; the responsibility to cast an intelligent vote on election day.

Some of the most well-meaning, thoughtful, and patriotic individuals of our day are strongly in support of term limits, inside and outside of this body. We are reminded that polls tell us a vast majority of our fellow citizens, at least in principle, strongly support term limits.

It is our responsibility, as guardians of the people's liberties, to oppose this undemocratic and self-destructive step backward.

Adoption of a term limit amendment would enhance, not destroy, the public apathy which is already a festering problem. Does anyone in this Chamber truly believe that the 62 percent of the American electorate who stayed home on election day 1994 would really have been motivated to appear at the polls simply by knowing whoever they elected would be limited to 12 years in office? Why would any qualified candidate bother to run for Congress against any incumbent, if he or she knew perfectly well that a wait of a few years would present an open seat? Why would any political party or committee, or the news media, bother to research and publicize the voting record of any Member, knowing that person would be gone within 12 years, no matter what? Who would bother to raise money or devote time to opposing any incumbent if we knew they would soon be gone?

Term limits are being proposed to solve a problem that does not exist. Over half the current Members of Congress began their service here since 1990. During the 8 years that Ronald Reagan was President, the House experienced a 60-percent turnover of membership.

Just this morning—March 29, 1995—the Washington Post pointed out in an editorial:

> What term limit supporters want is what is happening without term limits. Of the 435 members of the House, 219—a majority—have been there less than 5 years. Turnover has been especially dramatic in the last two elections: The House class of 1994 included 87 first termers, the class of 1992 included 110 . . . All by themselves, without any law compelling them to do so, voters have shaken up Congress a great deal in a very short time.
>
> The House should vote this week to reject constitutional amendments that would impose term limits,

The Washington Post editorial continues,

> because they are an unnecessary interference with the freedom of voters to elect whom they want. Term limits would also make Congress a less democratic place. By robbing Congress of the expertise that members who manage to get reelected can develop over many years, term limits would concentrate expertise—and thus, power—in congressional staffs, in the executive branch and in this city's growing cadre of paid lobbyists.

Those Americans who have chosen to exercise their responsibility in voting have been remarkably discriminating. It is an insult to their intelligence, and to their patriotism, to contend term limits are the only possible way to turn out Representatives who have outlived their usefulness.

Our Nation already has term limits: it's called voting.

Cokie Roberts is not only one of our Nation's most respected journalists, she is also the daughter of two former colleagues of ours. She pointed out just prior to the 1992 elections that Congress "is a place to be taken seriously, a place for professionals. That does not mean that everyone in Congress should be a lifelong politician, and few are * * * But some experienced souls will still be there providing an institutional memory, explaining the importance of protecting congressional prerogatives in the face of what may be an aggressive new administration and assuring freshly elected members that they can take principled but unpopular stands and live to fight another day."

The supporters of term limits allude to the old days of the citizen Congress as if there were a time in our history when voluntary term limits were the rule. In reality, the services of such American giants as Henry Clay, Daniel Webster, John C. Calhoun, and Thomas Hart Benton would have been denied us, at the peak of their intellectual capacities, had term limits been in effect in the 1800's. Had they been in effect then, the famous Lincoln-Douglas debates, which helped awaken our Nation's conscience on slavery, would never have taken place because Senator Douglas would have been ineligible for reelection.

In our own century, some of the most outstanding services of Senators Hubert Humphrey and Barry Goldwater, of Speaker Sam Rayburn—and the Speaker NEWT GINGRICH—would have been denied us had term limits been in effect.

I do not subscribe to the theory that public service is the only job in our society in which experience is bad, not good.

Some of the criticism of Congress which has led people to support term limit proposals is justified. However, term limits is not an effective means of addressing these concerns, and may be a case of going from the frying pan into the fire. In fact, no problems have ever been resolved by taking rights and responsibilities away from the people.

During the recent 40-year domination which the Democrats enjoyed in this Chamber, all too often committee chairmen utilized their seniority to thwart the will of their colleagues and of the people. The new House rules which we adopted this past January—and which I was pleased to support—precludes this from happening again. Chairmen are now restricted to 6 years in the chairman's seat, no matter how many times the voters at home exercise their right to re-elect them. Long overdue election reforms and changes in campaign finance rules, can also level the playing field, encouraging responsible challenges to incumbent Members of Congress. Term limits will not.

Throughout my many years as a Member of this body, I have never experienced an unopposed election. Every 2 years, I have defended the positions I had taken, explained my voting record, and accounted to the people for my conduct in office. I believe that this was the way our Founding Fathers intended Congress to work, and I see nothing wrong with this.

Some supporters of term limits seem to think it would be desirable to remove this accountability to the people. George Will, perhaps the most notorious spokesperson in favor of term limits, openly states that he favors a constitutional distance between the people and Members of Congress. The theory seems to be that if we in the Congress do not have to worry about reelection, we will do the right thing. Our colleague in the other body—Senator MCCONNELL of Kentucky—quite articulately points out that: "The underlying presumption here is that 'the right thing' must be contrary to the will of the people; and once you realize that, you see how vehemently anti-populist and undemocratic term limits really are."

The importance of the Congress to our Founding Fathers is underscored by the fact that it is established by the very first Article of the Constitution. The first section of that article defines the Congress; the second states that: "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States * * *." It is interesting to note that Members of the House of Representatives are the only public officials whom the Constitution specified, from the very beginning, are to be elected by the people.

Sadly, we know that the term "people" had a different meaning in 1787 than it does now.

To correct these inequities, our Nation has broadened the definition of "people" as times and growing awareness demanded. By the 1840's, the requirement that all voters be property owners, which was taken for granted by our Founding Fathers, was eliminated by law in most of the States. By constitutional amendment our Nation extended the vote to racial minorities and former slaves in 1870, to women in 1920, to residents of the District of Columbia in 1961, to those who cannot afford poll taxes in 1964, and to 18-year-olds in 1971. Through the Voting Rights Act of 1965 and subsequent legislation, we made our ideals a reality by enforcing the extension of the franchise to all Americans.

Today, we are asked, for the first time in our Nation's history, to turn the clock back on 208 years of progress. After two centuries of expanding the electorate and the rights of our citizens, for the first time, an amendment is proposed that would restrict the rights of Americans to make a free and open choice regarding their representatives, and which would absolve them of the responsibility of remaining alert and active.

Mr. Speaker, term limits is more than just a bad idea. It is a threat to our system of government. Let us reject this amendment and get on with the business of governing.

Mr. BATEMAN. Mr. Chairman, I wish to outline my thoughts on the subject of congressional term limits—a matter included in the Contract With America and debated at length by the House. Unfortunately, the demands of my committee schedule did not allow me to participate in the debate. Belatedly, I offer these comments so that my constituents will be fully informed as to my position and vote. This provision of the contract should have been and was honored by the debate on the issue and the votes on it that were cast. As I have for years consistently opposed term limits, I signed the contract because this was all it required.

I continue to oppose congressional term limits. At best, they are an ill-conceived quick-fix response to a set of real and perceived problems with Congress as an institution. At worst, they represent a fundamental change in our representative democracy that abandons more than 200 years of American history and threatens to undermine the basic right of suffrage. In my view, term limits are a bad idea that were properly rejected.

Mr. Chairman, throughout our history Congress, as an institution, has been an object of criticism and some derision. I do not deny the legitimacy of much of that criticism and share some of the frustration the American people have directed toward this House and the other body. The new Republican majority has made sweeping changes in the internal operations of this House and I am confident we will continue to make steady progress in reforming the Federal Government. Among the ills the medicine of term limits purport to cure are incumbent advantage in elections, undue influence of lobbyists and big contributors, shoddy lawmaking and the ubiquitous professional politician. I submit that term limits will do nothing to address these real and perceived problems and will, in fact, create a series of headaches that are far worse than the disease they are intended to eradicate.

I would like to briefly touch on each of the items I have just mentioned. With regard to incumbent advantage and the influence of lobbyists and contributors, let me say plainly that I believe any inequity in the status quo is better addressed directly, through campaign finance, lobbying and congressional franking reforms, rather than the indirect route of congressional term limits. These are the real issues and they should be debated.

The other malady that term limits proponents claim their legislation will cure is the so-called professional politician. The argument, as I understand it, advances the simplistic notion that much of regulatory burdens and social dilemmas we face in the United States today are the direct result of the actions of an arrogant, isolated political class that exists inside the Capital beltway, selling out the people to the special interests in order to perpetuate themselves in public office. This is a simply ridiculous proposition. We certainly have too much Federal involvement in the everyday life and a great many societal problems that have been nurtured by it. But to claim that there is a direct causal link between these realities and the absence of a limitation on the length of service of Members of Congress presents a logical disconnect, and is insupportable on sound public policy grounds.

Mr. Chairman, I agree with our esteemed Judiciary Committee chairman, the gentleman from Illinois [Mr. HYDE], and his assessment of this argument. We live in the most advanced and complex country in history and our public institutions reflect that. Clearly, we can streamline and simplify those institutions. We have and should be zealous in assuring that the Members of this body are accountable to the people. But this does not mean that we must reduce serving as a legislator on the national level to the only job in the country that is reserved for the inexperienced. Maturity, judgment and experience are attributes prized in every profession and should be as well in the Congress. Ironically, to deny these assets would greatly diminish the role of elected representatives and enhance the power of professional staffs, the bureaucracy, and special interest groups.

There is a larger issue at stake here, the basic right of suffrage that is afforded all citizens over the age of 18. Again, I cite the distinguished chairman from Illinois in stating that I see little difference between being denied the ability to vote for a candidate and being told how to cast my vote. Both instances are clear abridgments of the right to vote. Term limits are nothing more than a stalking horse for a minority attempting to overturn the decision of a majority of the voters in a free and fair election.

Many term limits advocates infer that we are entering a period in our life as a nation requiring this dramatic change in our democracy. Let me say that I worry about their grasp of history. We face problems, but I cannot believe that a system that brought us through the Civil War, the Great Depression and two World Wars is suddenly a historical anomaly. Now that we stand at some distance from those great cataclysms it is easy to forget how hard it was to walk the line between success and failure. Were term limits in effect, the Nation would have been denied the likes of Henry Clay, Daniel Webster, John C. Calhoun, Jeannette Rankin, Robert LaFollette, Sam Rayburn, Robert Taft, Everett Dirksen, Richard Russell, Arthur Vandenberg, John Stennis, Bob Michel, and countless others, each of them towering giants in the annals of Congress. To imagine facing the crises of the past without these individuals and their colleagues is simply beyond my comprehension.

Most upsetting to me is the implicit assumption of term-limits advocates that a career in public service is not only unacceptable but unworthy and therefore should be constrained by a constitutional prohibition. In 15 years of service in the Senate of Virginia and in the 13th year of service in this House, I have devoted myself to public service. It has not been a sacrifice, it has been a joy because of the satisfaction public service has brought me. There surely are those who, knowing my record, may not believe it distinguished or significant and that is for them to judge. But no one can fairly say it has not been honorable public service or that it was based on crass and self-serving motives. Sincere, constructive public service is not a curse. It is a blessing.

Mr. Chairman, I would like to conclude by reaffirming my support for and my belief in the present system of congressional election. I hope that term limits are at the zenith of their 15 minutes of fame and will soon be seen for what they are, an attempt at a quick fix for complex national problems that discards a key pillar of our representative democracy. Term limits are a bad idea whose time has come and gone.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the joint resolution is considered as having been read.

The text of House Joint Resolution 73 is as follows:

H.J. RES. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States.

"ARTICLE —

"SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

"SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

"SECTION 3. This article shall be inoperative unless it shall have been ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

"SECTION 4. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article."

The CHAIRMAN. No amendments to the joint resolution are in order except the amendments specified in House Report 104-82, which shall be considered in the order specified in the report, may be offered only by the Member designated in the report, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, is considered read, is debatable for 1 hour, equally divided and controlled by the proponent and an opponent of the amendment, and is not subject to amendment.

If more than one amendment is adopted, only the one receiving the greater number of affirmative votes shall be considered as finally adopted.

In the case of a tie for the greater number of affirmative votes, only the last amendment to receive that number of affirmative votes shall be considered as finally adopted.

The Chair, in addition, also announces that under rule XIV, clause 6, the proponent of each amendment made in order under the rule will have the right to close debate since the measure under consideration has been reported from the committee without a recommendation.

It is now in order to consider amendment No. 1 printed in House Report 104-82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PETERSON OF FLORIDA

Mr. PETERSON of Florida. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. PETERSON of Florida: Strike all after the resolving clause and insert the following:

"ARTICLE —

"SECTION 1. No person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected to the House of Representative six times shall be eligible for election to the House of Representatives.

"SECTION 2. Election as a Senator or Representative before this Article is ratified shall be taken into account for purposes of section 1. Any State limitation on service for Members of Congress from that State, whether enacted before, on, or after the date of the ratification of this Article shall be valid, if such limitation does not exceed the limitation set forth in section 1.".

Mrs. FOWLER. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentleman from Florida [Mr. PETERSON].

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. PETERSON] will be recognized for 30 minutes, and the gentlewoman from Florida [Mrs. FOWLER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I invite everyone to study closely the Peterson-Dingell amendment.

As the gentleman from Illinois [Mr. HYDE] so eloquently put it today, we see signs all over the Hill today saying, "Term limits, yes." What they fail to say is, "Term limits now." That is what this amendment is all about.

I want to go back though through a lot of the general debate we had, a lot of people talking about what was the reason why we are doing term limits. I have my own thoughts on that, and may I relate that to my colleagues?

Virtually every Member of this House has run against the House to get elected, as have all the candidates as well. We have had scandals galore, we have had gridlock, we have had personal attacks on this floor, and we have had, yes, unfair rules, and the people out there understand this. They understand that the sitting members are the ones that are accountable, and that is what this amendment is all about.

My amendment is a 12-year limit, much like H.R. 73. It also allows a State preemption as long as they do not exceed the 12 years, and, as I say and repeat, it is the only amendment that has immediacy, retroactivity. It applies immediately upon the ratification of the amendment in the United States.

Mr. Chairman, I reserve the balance of my time.

Mrs. FOWLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment. While I have the greatest respect for my fellow Floridian, I think his amendment is out of step with what the American people want.

The American people want term limits. They want them now. And they want them to apply to incumbents. And the three Republican-offered amendments do all of these things.

Let me say that again: All three Republican-offered amendments apply to each and every one of us who are here now. They treat us no differently than any other person who might run for office—neither preferentially nor punitively. The term limits movement is not motivated by a desire to be punitive.

Supporters of this amendment cite poll numbers that they claim show a majority of the American people support retroactive term limits.

I say, let us look at the most accurate polling data—elections. Twenty-two States have put term limits questions on the ballot, and not one of them adopted retroactive term limits. Keep in mind, these were all citizen initiatives drafted by the people themselves. Only once—in Washington State—did anyone even try to impose retroactive limits, and that bill was soundly defeated. It appeared on the ballot the next year without retroactivity and passed. This amendment would force Washington State to make their term limits retroactive.

Members should also know that this amendment is poorly drafted.

The first part of section 2 declares that any prior service will count against the limit. In other words, it is retroactive.

The very next sentence is the States rights clause, declaring that the amendment respects all the State laws.

The problem is, as I mentioned earlier, not one of the States wanted retroactive term limits. Every single State term limits law was drafted specifically to be prospective.

This amendment preempts the prospective nature of all 22 State term limits laws and forces them to accept retroactivity. All the while pretending to be respectful of States rights.

The 22-State term limits laws are not identical. Some are 6-year limits on House Members, some are 8, some are 12. Some are lifetime bans, others are not. The one feature that is consistent through all the States is the prospective nature of their term limits laws. It is the one feature that this amendment seeks to undo.

Members should feel comfortable rejecting this amendment based solely on its schizophrenic nature and poor drafting.

Members should also keep in mind that we are hardly breaking new ground here. There is already a term limits amendment in the Constitution. The 22d amendment limits the President to two terms. That amendment states, "this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress." Not only did Congress reject the idea of retroactivity when it came to term limits for the President, but they actually went the other way and grandfathered the incumbent.

Also keep in mind that article 1, section 9 of the Constitution states, "No bill of attainder or ex post facto shall be passed." Any retroactive action violates the spirit of the Constitution itself.

This amendment is offered and supported by the most vocal opponents of term limits.

Every major proponent of term limits opposes the amendment—Mr. MCCOLLUM, Mr. INGLIS, Mr. HILLEARY, and myself. It is also opposed by grassroots supporters of term limits: the Term Limits Legal Institute, the Christian Coalition, Citizens Against Government Waste, the National Taxpayers Union, United We Stand, and the American Conservative Union.

A vote for the Peterson-Dingell-Frank amendment is a vote against term limits. I urge Members to vote "no" and support any of the three real term limits amendments that will follow.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume for just a reply to my colleague the gentlewoman from Florida.

This is a real amendment. This is the toughest amendment. This affects every sitting House Member. This is a cop-out if anybody walks away from this.

Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, this is the real thing. I say to my colleagues, if you're for term limits, you're for this amendment. If you're not for this amendment, you're not for term limits.

What this says is that term limits go into effect immediately upon the ratification of this amendment if the States act upon it. A large number of Members will depart. If that is the will of this body and the will of the people, then so be it. I, as the dean of the House, will be amongst the first to go. Many of my colleagues think that this is just fine because, "It's not going to affect me in the immediate future." The answer to all of this is that immediately, upon the adoption of this amendment, if you have served your 12 years, you will be ineligible for reelection.

A lot of people think that the people are in favor of term limits. If they, in fact, are in favor of term limits, they are in favor of this amendment because it is immediate, and the polls so show. If the Members are trying to identify whether people are angry with them, and with whom they are angry, and on whom they want term limits, my colleagues, it is upon you, it is upon me, and it is upon all of us because that is what the situation is.

Let us reflect a bit on what we have: First of all, it will be 5 to 7 years before term limits are approved by the States. Then it will be an additional 6 years or an additional 12 years. So we are now up to somewhere between 11 to 19 years before term limits will go into effect. The newest of the new Members will at the time that term limits have gone into effect have served probably as much as 20 years. During that time they would have achieved all of the emoluments of long-term service, and, if a Member who serves here for a long time is achieving some measure of corruption by having so done, they will become amongst the most corrupt then of the Members.

Now here is again what happens with regard to term limits under the Contract With America:

Years of service. At the time this goes into effect, instead of having served 40 years, I will serve 59 years. The gentleman from Georgia [Mr. GINGRICH] under the McCollum-Hilleary amendment will have served 36 years, almost as long as I have served today. The gentleman from Missouri [Mr. GEPHARDT] 38 years; the gentleman from Texas [Mr. ARMEY] 30 years; the gentleman from Michigan [Mr. BONOIR] 38 years; the gentleman from Tennessee [Mr. HILLEARY] and all of his class will have served 20 years. They will have achieved the status of old bulls. They will have served here a long time.

Now I say to my colleagues, contemplate yourself going home and trying to explain to the people that you serve. "I'm for term limits," you say, and they say, "Hooray," but you don't tell them that you are for term limits which will begin somewhere between 13 and 20 years from today. It's pretty hard to say that you are expecting that people are going to believe you if they know the facts as to whether you're really for term limits or opposed. The hard fact is, if you don't vote for the amendment which is cosponsored by the gentleman from Florida [Mr. PETERSON], the gentleman from New York [Mr. ENGEL], the gentleman from Illinois [Mr. GUTIERREZ], the gentleman from Texas [Mr. BARTON], and I, you're voting for something which essentially is an illusion. It is, in fact, regrettably something which deceives the average person because you will never make a person believe that you are out to clean up a situation with which you say they find fault if you don't vote to make this of immediate effect.

What this says is that immediately upon ratification term limits goes into effect. Under McCollum-Hilleary it will go in somewhere between 17 and 19 years in the future, and under Inglis, somewhere between 11 and 13 years. My counsel for my dear colleagues is, "If you want to be judged fairly as having been somebody who believed in what you did and believed in what you said, vote for the Peterson-Dingell substitute, vote for a real honest limitation on term limits, and then go home and justify what you have done."

Mr. Speaker, George Santayana once said that, "Fanaticism consists of redoubling your efforts when you have forgotten your aim." This point seems particularly relevant today. You might recall that in 1947, a constitutional term limit on Presidents was ratified by a Republican Congress, which had been entrusted by the American people to make the difficult decisions necessary to move our Nation forward in the postwar era. In reality, the 22d amendment was a Republican attempt to get even with Franklin Roosevelt and the New Deal.

Almost a half century later, we find a Republican Party still spooked by FDR's legacy, and 40 years of progress under a Democratic House. Showing a renowned lack of originality, they have dusted off term limits as part of their new agenda in the Contract With America, this time to limit the length of service for Members of Congress. I am pleased that, despite the inclusion of term limits in the contract, that this plank is in trouble because of opposition from Republicans and Democrats. These are Members on both sides of the aisle who share a faith in the ability of Americans to make up their own minds when they go to the polls.

Those who charge that retroactive term limits are unfair may recall that President Truman was grandfathered from the 22d amendment. At the time, the Republicans did not want to appear too partisan by attacking Truman.

For them, the pleasure came in attacking his deceased predecessor—who was elected to the Oval Office four times and is viewed by most historians as among our best Presidents. Despite the Republican special exemption given to President Truman, he limited his own service and chose not to run for reelection in 1952.

In the spirit of this Truman exemption, the Republican leadership has presented us with four amendments under a closed rule. Three of these choices exempt the service of current Members of Congress, so that when this debate is over, the Speaker will have the chance to serve almost as long as I have. This is because under the main amendment, it could take another 19 years before any constitutional amendment would completely remove current Members of the House.

Mr. Speaker, beside me is a partial list of current Members who would be forced into retirement the Peterson-Dingell amendment were ratified by the States today. As you can easily see, it limits all sorts of people from both side of the aisle.

To give a little more perspective, in 2014, that would give me just over 59 years of service—if I run and the people of Michigan's 16th Congressional District so choose. The Speaker would have 36 years under his belt, although not all of those could be as Speaker, since under the new House rules, he is under a self-imposed term limit of four consecutive terms that will force him to leave the Speakership for a 2-year sabbatical every 8 years.

Santayana also observed that those who fail to learn from history are condemned to repeat it. Today's debate fulfills that prophecy. When one examines the history of the Presidential term limit. Moreover, only two Presidents—Republicans—have found themselves constrained by it, and the Republicans sought vigorously to find away around it for the patron saint of their party, President Reagan.

One of the major arguments for adopting a term limits constitutional amendment is because its popular. We have been bombarded by reports in the press that up to four out of five Americans wants term limits. If any of my colleagues are basing today's decision on popular opinion polls, I feel it is my duty to inform you of one fact: that same majority wants congressional limits applied to you.

Only the Peterson-Dingell amendment gives Members a chance to avoid the charge of hypocrisy by addressing immediacy; in other words, the immediate application of all time served by sitting Members of the House and Senate. The Peterson-Dingell amendment is simple: apply to yourself that which you would apply to others. Under the amendment, all service counts, whether you're in your first term or your 20th term. In the 104th Congress, this means that 157 House Members would be ineligible to run for another term if Peterson-Dingell were ratified today. A list of those Members is available for those who wish to consult it. In addition, 67 Senators could never again run for the U.S. Senate under the Peterson-Dingell amendment.

As some of your might guess, I must confess that Senate term limits would trouble me quite a bit less than House term limits.

It was expressed in earlier debate that Peterson-Dingell might lead to a very disorderly transfer of power. However, a look at recent history shows that chaos is unlikely. In fact, the House has just completed a transfer of power between the parties, and the Republic is still in tact. In 1993, 11 freshman Members took seats in the 103d Congress. So 157 retirements would not be devastating on a numerical basis. As I have long stated, the loss would be in terms of legislative experience which would empower bureaucrats, lobbyists, and congressional staff to make decisions made today by all of us, who are held accountable by the people every 2 years.

It's no secret. I oppose term limits. Why? Because I believe in the power of democracy, the sanctity of the ballot box, and most of all, the ability of voters to decide for themselves who will best represent them. I am joined by like-minded people from both sides of the aisle, Republicans and Democrats who understand that term limits would imperil democracy. However, if in a rush for results, we decide to impose congressional term limits to address problems better solved through meaningful campaign finance reform, we have a duty to approve a constitutional amendment which is free from hypocrisy. The other amendments cast a shroud of self-interest over the Constitution. There is only one amendment which puts truth in term limits. Vote only for Peterson-Dingell.

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Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Chairman, it is time to expose those who now piously stand as would-be term-limit martyrs. I stand as an unquestionable supporter of term limits, and as unalterably opposed to this amendment.

Eight out of ten Americans support term limits, yet, for years the Democrat-controlled Congress ignored the will of the people and in their arrogance, refused to even debate the issue. But, when the American people swept a new majority into the House for the first time in 40 years, Democrats scrambled for a purely political position. And retroactivity is the rock they are hiding under. Members on the other side of the aisle have wrapped themselves in the banner of term-limits and proclaim themselves as having the only consistent position: applying term limits retroactively.

But as the term-limit debate has unfolded this year, I realize that many of those who most vigorously support retroactive term limits are the very same Members who worked to block consideration of term limits in the past.

Because I wanted to know what my colleagues had previously said about making term limits retroactive, I went through the transcript of the hearings held in the last Congress—the 103d Congress—on term limits. Mr. Chairman, I could not find any reference by my colleagues to applying term limits retroactively.

Twenty-two States have passed term limits, yet not one State has made term limits retroactive. In fact, only one State has put a retroactive term limit on the ballot, Washington State, and that initiative was defeated. Why? Because the voters are smarter than the retroactivity proponents think they are. The voters know that this is a debate about principle, not personality. The voters are not looking to send half this Congress home next year automatically—through retroactive term limits. The voters are looking to ensure that the abuses wrought in past Congresses by too much seniority—ranging from the post office scandal to the national debt—can never happen again.

As this debate began, I considered the principle of retroactivity very carefully. I looked at both pros and the cons. I looked at what the voters have done in 22 States already. But when I looked at who was pushing retroactivity the hardest, I realized it was the same people who tried to kill term limits in the past. Retroactivity is a stumbling block that has been thrown up to stop term limits. Members who oppose term limits have dressed themselves in the proverbial sheep's clothing in an attempt to suppress the will of the people.

Mr. Chairman, term limits will restore the idea of a citizen legislature to this Congress. It will forever block the excesses of seniority that have marred this House and robbed the people of their faith in their Government.

If term limits fails in the House this day, it will not be because of the over-three-fourths of Republicans who will vote for it. It will be because of those on the other side who hope to regain and hoard their political power and seniority, and who are now seeking to save their own political image. I urge my fellow Members to reject this false attempt to kill term limits. Let us listen to the people who sent us here and pass the term limits that they have passed. Vote "no" this substitute and vote "yes" on final passage of term limits.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there have been four national polls on term limits in the past 4 or 5 months, and all have overwhelmingly supported retroactivity.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the Dingell-Peterson amendment, and I want to make several things absolutely crystal clear.

No. 1, I drafted this amendment as the Barton amendment, not knowing that the gentleman from Michigan [Mr. DINGELL] and the gentleman from Florida [Mr. PETERSON] had already drafted the amendment. When I found out that they had already presented it to the Committee on Rules, I asked if I could add my name to the bill. But I had drafted the identical amendment that is before us, so I do not consider this to be necessarily the Democratic amendment.

No. 2, if this passes, I am going to vote for it on final passage. I am not doing this simply as some sort of subterfuge. I am doing it because, as has been pointed out repeatedly on the floor this afternoon, overwhelming numbers of American citizens support term limits. They happen to think that if we pass a term-limit bill, it should be effective immediately, not 12 years from now, not 19 years from now, that it should be effective immediately.

Now, I have the greatest respect for people like the gentleman from Florida, Mr. BILL MCCOLLUM, and the gentleman from South Carolina, Mr. BOB INGLIS, who have steadfastly for many years campaigned on term limits and support term limits and say they are going to abide by their self-imposed limit whether the Congress passes anything or not. So I think they are totally sincere. But the bills they are supporting do not take effect immediately.

There is only one bill that automatically takes effect immediately. That is this one and, you can perhaps make the argument, the bill of the gentleman from Tennessee [Mr. VAN HILLEARY], which gives the States the right to set a term-limit bill that would be effective immediately.

If there is a problem that term limits is the real solution to, the problem is current Members of Congress that have already been here too long. This is the only vote that affects those people today. If we pass the Dingell-Peterson amendment, they will not apply for reelection in their primaries in the spring of 1996. They would not be allowed to.

Term limits are an issue which needs to be debated on the floor of the House of Representatives. We should commend the Republican leadership for doing that. We should commend the Republicans like the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from South Carolina [Mr. INGLIS], and others who have worked so hard to bring the issue before the American people.

Mr. Chairman, I would hope that all Republicans would vote for this substitute because again, it solves the problem that term limits are supposed to solve. It affects us in this body today. Today. And if we are not willing to vote for this, unless you are willing to limit yourself individually, like the gentleman from South Carolina [Mr. INGLIS] is, then you are really not a supporter of term limits.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in strong support of term limits, but I am not going to participate in what I perceive to be a sham, in suggesting that after we have had term limits adopted by the people of 22 different States and all of them have adopted them without retroactivity, that somehow people want to have retroactive term limits. In fact, the proof is in Washington State. The voters there had term limits offered to them with retroactivity. They rejected them, brought them back 2 years later without a retroactive provision, and they passed them.

Mr. Chairman, let us not fool ourselves. This is an effort to provide cover for people who do not truly support term limits. If you do not believe it, look and see what they do on the final vote for final passage of a constitutional amendment for term limits. They are not going to vote for it unless it has this retroactivity in it, when, in point of fact, term limits will apply going forward prospectively anyway.

Why not support it even if you do not get your retroactivity that you seem to want to have, when you can still impose term limits on yourself if you are a Member of Congress?

Now, the reason why retroactive term limits are a bad idea is very simple: We hear those who oppose term limits all the time telling us we should not lose the institutional memory of this House of Representatives. Yet they want to turn around and in one single election cycle, turn over half of the membership of the House of Representatives, and you take those who have been here more than 12 years, add to those who will voluntarily leave, as many Members do before they ever get to term limits, add to that those who are defeated and those who run for other offices, and you will have close to, if not in excess of, one-half of the Members of this House leaving at one time.

Term limits should be phased in. That is why they have been made prospective in every single State that has enacted term limits, and that is why they should be made prospective only as we vote on them in this House of Representatives as well.

Mr. Chairman, I urge my colleagues to reject what is a sham, and I urge everyone to look at who votes for real term limits on the final vote today to tell you who really supports them.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I often hear Republicans say we need term limits because "It's time to clean out the barn." I have never said that in a campaign. First of all, in Chicago I am not sure what kind of response we would be getting because there are not a lot of barns. Maybe in Chicago we would say something like "It is time to shovel the snow off the street."

When I hear someone say "We need to clean out the barn," it sounds like something that is awfully important, not a few years down the road, but today, right now. And it should not wait until you have sold the farm and turned over the cleaning to someone else.

So I do not understand when those who have been in Congress for 12, 20, 25 years say they support term limits, but they plan to stick around Washington just a little bit longer, because these are the same folks that said "We have got to clean out the barn."

Fine, grab a broom, clean out the barn. But what happens when it turns out that you are the one who is making the mess? What happens when you look at your own resume and realize that you have been here for 12 years or more and your limit is up? Well, then you better get out of the barn, too.

That is what the Dingell-Peterson amendment does. It turns term limits from rhetorical cheap shot into real change. Retroactivity, Mr. Chairman, cleans out the barn now.

Look, this amendment is not a cheap shot. It is not a threat to you or anyone else. It is an opportunity for everyone, an opportunity to prove that you are serious.

Now, if you still want a 12-year limit and you have been here more than that, there is a very simple option. There is the door. It is very easy to get to National Airport. It takes about 10 minutes from here. And if you are a Member of Congress, they have even got a free parking lot there for you.

You know, people say that they are opposed to retroactivity because the people are not for it, and as evidence for this they point to various polls. Well, Mr. Chairman, in a recent CNN-USA Today-Gallup poll, respondents were asked, if there is a 12-year term limit for Members of Congress, do you think Members should be allowed to run for another 12 years in office, or should current Members who have been in Congress 12 years not run again?

Seventy-one percent of the respondents replied that such Members should not be allowed to run again. Mr. Chairman, if we are going to put our faith in polls, we should put our faith in all the polls and be consistent.

Mrs. FOWLER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding this time. She knows my general position on term limits and is most generous in offering that time.

Term limits, my colleagues, were a part of the Articles of Confederation. During the debates leading to ratification of our Constitution, our Founding Fathers soundly rejected that idea.

Today term limits as a populist issue has come about because of a deep-seated frustration that has boiled over because of the people's sense that their Congress was not responding to the public's priorities.

During the last two elections, that same public reflected by their actions that the genius of our Founding Fathers continues to work in our system. They simply decided to throw many of the rascals out. Today over one-half of my conference is made up of people who have been here essentially 2 years or less.

With that in mind, let me share with you the words of one of those early founders. "The people are the best judges of who ought to represent them. To dictate and control them, to tell them whom they ought to elect, is to abridge their natural rights." He goes on to say, "We all know that experience is indispensably necessary to good government. Shall we, then, drive experience into obscurity? I repeat, this is an absolute abridgement of the people's rights." That quote is from Robert Livingston during the New York debates on ratification of our Constitution.

Robert Livingston, reflecting the genius of our earliest leaders, made two points which I wish to emphasize. First, the people's right to choose should not be abridged. Term limits today reflects the people's frustration with Members elected in other people's districts. Today in America people across the country essentially want their own Member to remain in Congress. Let us not detract from the people's right to choose whom they wish to serve as their Representative.

Livingston's second point, experience is a necessary ingredient in our representative system. That is very fundamental to our work. Without it, we completely turn our Government over to the unelected bureaucrat.

I do not know about you, but it took this Member a few years to really understand the challenges involved in making the people's government work. Maybe some of my colleagues were struck with inspired genius the day they were elected to office. I would submit, however, that for most of us it takes a few years to really do this very tough job, and even more to do it well.

So one more time, do not leave our Government in the hands of the unelected. Experience is necessary, and citizens in each district have the good sense and, indeed, the responsibility to know there is a difference.

A last point, not from Robert Livingston, but from myself. I will not vote for the retroactive amendment because I do not believe in term limits. I believe in the people's government that is the result of the people's choice. If applied retroactively, this proposal would overnight eliminate from the House the likes of HENRY HYDE, Speaker NEWT GINGRICH, RICHARD GEPHARDT, LEE HAMILTON, and, yes, even our own BOB LIVINGSTON, giants of our time without whose leadership and dedication the people's House would be severely diminished.

But if you, my colleagues, happen to be one of those who is considering to vote for term limits, I would suggest in all sincerity that you ought to go down the hall and take a look in the mirror. Look very closely. Are you sure you are not just reacting to the fear of a populist firestorm and, in doing that, you have traded in your responsibility in this body to lead.

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Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, first let me state for the record that the voters of Houston have voted twice for retroactive term limits. I think some of the speakers should do their research so that they know that. Twice they voted for retroactive term limits and the city of Houston continues to be strong and vibrant.

My colleagues, if we feel compelled to change the Constitution,which has worked effectively for over 200 years, in order to limit the people's right to choose their representatives, then we must do so not haphazardly, but fully. It is hypocritical of this House to say it is for term limits, and yet give members 6, 12, or 24 more years in Congress as House Joint Resolution 73 and the other substitutes would do.

What is the point of term limits if they do not take effect immediately? Why should my friend, the chairman of the Ways and Means Committee, who hails from the great State of Texas, who was first elected when I was 11 years old, be given 12 more years? Thirty-six years is a career to many Americans.

I do not want to single out my fellow Texans. Many Members on both sides of the aisle could be examples of the folly of House Joint Resolution 73. Rather, I do so out of fairness.

I further notice that one of the advocates of House Joint Resolution 73 was quoted as stating that retroactive term limits would violate the American sense of fairness and change the rules in the middle of the game. Let me submit to you that any term limit changes the rules in the middle of the game. And speaking to the freshman, how is it fair that we perpetuate the seniority system at the expense of our constituents?

We all come here by way of November 8, 1994. Under House Joint Resolution 73, and without retroactivity, most will leave here at the same rung of the ladder. Only by adopting the Dingell-Peterson substitute, which provides for immediate retroactive term limits, will we ensure that the American sense of fairness is retained through the ability to move up the ladder. If you really want to limit terms, only retroactive terms limits achieves real term limits. To do otherwise is hypocritical.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank my colleague and friend, the gentlewoman from Florida [Mrs. FOWLER] for yielding time to me.

Mr. Chairman, I rise today in opposition to this amendment, which is a charade.

Caveat Emptor. Let the buyer beware. We should all beware of this amendment, given that two of its three sponsors oppose any and all term limits. Given their opposition, why would they offer a trojan horse limit? Simply put, to scuttle any chance of term limits passing in this House.

The only term limit amendment debated and passed by Congress was in the Republican 80th Congress in 1947. This term limit became known as the 22d amendment. It was specifically not retroactive, and specifically excluded the sitting President of the United States—Harry S. Truman. For very logical reasons, a precedent was established when Congress voted against retroactive term limits in 1947.

I oppose retroactive laws in general, as I opposed President Clinton's retroactive tax increase in 1993. Personally, I pledged, prior to my election in 1992, that I would voluntarily serve no more than six terms, so retroactivity will not affect my length of service.

Of the 22 States whose voters have passed term limits, none—I repeat, none—have imposed them retroactively. Clearly, the voters of 22 States have spoken on the issue of retroactivity.

Serving in Congress should not be a lifetime career. I urge my colleagues to vote against this charade of a substitute, and vote for genuine term limits.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. BROWDER.]

Mr. BROWDER. Mr. Chairman, I rise in support of retroactive term limits. As a matter of fact, Mr. Chairman, I am going to vote for anything up on that board regarding term limits and for final passage.

Last year, when we were closing the term and I saw that we were not going to pass campaign reform, we were not going to pass lobby reform, I decided if we are not going to change the way we do business around here, then maybe term limits is a good idea. And I think that is true today.

I look around on the agenda. I do not see cleaning up the way we do things around here with lobby reform or campaign reform. I do not even see it on the horizon. So let us do something different. Let us vote for term limits and let us make them retroactive.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, as Forrest Gump might say, the Democrats are like a box of chocolates, you never know what you are going to get.

But unlike Forrest Gump, the American people are not gullible enough to believe that the Democrats are taking this amendment and proposal seriously. This is how the Democratic-sponsored proposal will affect House Democrats: 82 of them can just resign right now. Under this amendment, 82 of them would no longer be here. Thirty should have left 8 years ago at least. Even two of the proponents of this retroactive proposal have been in Congress longer than 12 years and thus will be ousted by their own proposals.

One sponsor has served 40 years. He is like 3½ Congressmen. When you go out and talk to the average people, they understand the hypocrisy of this particular amendment since we have not had a first hearing on term limits in the House until November 1993. They have been opposed by the prior leadership.

During the 40 years prior to that hearing there was never a single vote on term limits. The former Speaker even sued his own constituents on the term limit law.

I, like other of my freshman colleagues, have made a pledge. We will only serve 12 years, whether or not Congress passes an amendment. We are not just voting; we are actually acting. I challenge others who plan to vote for this amendment, as I plan to do, to act, not just talk. People are tired of politicians who just talk. Join with me in committing to resigning after 6 or 12 years, whatever you vote for, whether or not this passes.

Actions speak louder than words.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, unlike many Members of Congress, I have actually had term limits applied to me. The San Mateo County Board of Supervisors in California, on which I served, was the first legislative body in California back in the 1970's to adopt term limits. I have seen for myself the value of replacing incumbents with new leadership which brings fresh perspectives to the body politic.

Now we hear Members saying that they are for term limits. They were for them during their campaigns, but they do not insist that a term limits bill apply to everyone here today.

In this Congress I introduced a bill which would allow Members of Congress to serve three terms of 4 years each. I personally believe that the terms should be expanded. Two years and campaigning all year-round I do not think is what our Founding Fathers had in mind. But like many other bills, that has not reached the floor.

My legislation would apply to all of us in this Congress and would be retroactive. Every single day of this 104th Congress has started with a Republican telling America that under the new regime Congress will be required to "live under the same laws as everyone else." I think it is time to make this law apply to everyone in this House.

If we are going to talk about congressional accountability, it should be applied to term limits as well.

I think the American people deserve some political genuineness in this. I am afraid that with the retroactive issue being left out of the debate, that there is a great deal of political disingenuousness. So I rise in support of the Dingell-Peterson substitute, certainly in terms of the legislation that I sponsored in the 104th Congress, and I urge my colleagues on both sides of the aisle to vote in favor of congressional accountability and term limits for everyone here and retroactivity.

Mrs. FOWLER. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentlewoman for yielding time to me.

I would rise to make two observations. First, it is very important for everyone to realize that every single person speaking in favor of this particular substitute is opposed to term limits with the exception, I believe, of the gentleman from Florida [Mr. PETERSON]. Every other person who has spoken is against term limits.

That makes an important point. In fact, with all due respect to the gentleman from Michigan [Mr. DINGELL], earlier I asked him on the floor to yield and he was gracious enough to yield. And he told me he is absolutely opposed to term limits. Certainly he is opposed to term limits. Very important point to make.

Folks that are proposing this amendment are adamantly opposed to term limits. So let us make it clear what they are trying to do.

Mr. PETERSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. Mr. Chairman, that is absolutely false. I stand before you a strong supporter. I know the gentlewomen from California, Ms. ESHOO, Ms. HARMAN, a whole host of us here are very strongly in support of term limits. And so I would ask the gentleman to retract that.

Mr. INGLIS of South Carolina. Reclaiming my time, I saw you were not listening when I mentioned you as the one person that I knew of at the time. Now I understand there are two more.

Mr. PETERSON of Florida. Mr. Chairman, if the gentleman will continue to yield, there is a whole host of us here.

Mr. INGLIS of South Carolina. That makes three that I know now that support term limits that are for this substitute. Every other one is opposed, am I not correct? Name another one.

Mr. PETERSON of Florida. There are at least 40 Members on this side. If I can name them, I have got a list. It was printed in the Roll Call this morning. And so it is public knowledge. We are not alone, and this should not be a partisan issue. It is only partisan because it was printed as part of a contract that you all signed.

Mr. INGLIS of South Carolina. Mr. Chairman, reclaiming my time, it is a very important point to make, though, with all due respect, that one of the chief authors of this, and I think everyone who has spoken on the floor, with the few exceptions you have named by name, are adamantly and fundamentally opposed to term limits. So it does not take a rocket scientist to figure out what is going on here.

This is designed to be a poison pill in two ways. The point is, it is a poison pill for the Senate and for the State legislatures. It is very important that we defeat this substitute.

There is another important point to make here. That is, we are talking here about the Democratic alternative. I see my good friend from Massachusetts here, the batter on deck, to get ready to speak. I would point out that we needed to have more Republican votes. It is a very interesting situation here. Eighty percent of the American people favor term limits; 80 percent of the Republican conference favors term limits and will vote for it today.

If the Democratic caucus would simply vote by the same margins and represent America, we would have term limits by the end of the day. But the fact is the Democratic caucus will not represent America at the end of the day. They will not vote by an 80-percent margin for term limits. We will. You will not.

As a result, we will not have term limits. It is very important that we actually come forward and produce the votes. We need votes on your side for term limits today.

Vote in proportion to the American people, 80 percent of you, vote for term limits and we will have it by the end of the day. We will be way over the 290 margin.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I am one of a number of Democrats who rise in strong support of term limits and of this amendment. I have always believed that politics is public service, not a career, and there are many ways to serve. Term limits ensure a constant supply of new ideas and new energy. Term limits are good for both parties. They are good for Congress and, most of all, they are good for the American people. I support them prospectively and retroactively, and I did so when Democrats were in the majority.

But term limits are not enough. Unless term limits are coupled with tough campaign finance reform, I do not believe true reform will be achieved.

Today a broad bipartisan group that supports term limits is sending a letter to Speaker GINGRICH strongly encouraging him to include campaign finance reform as a high priority for the second 100 days of this session.

I look forward to working with Members from both sides of the aisle on campaign finance reform, regardless of the vote today and tomorrow.

Let us enact true reform, term limits and campaign finance reform.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank the gentlewoman from Florida, my colleague, for yielding time to me.

This sudden interest in promoting term limits by the advocates of this amendment is a little misleading and, I have to admit, a bit intriguing.

I think we have got to be clear on one thing, because the time is short and it is time for candor. Many who are supporting the Peterson-Dingell-Frank amendment are the same Members who freely admit, at least to the press they freely admit, that they oppose term limits.

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They are the same people who helped ensure that under 40 years of Democrat rule no debate or vote on term limits would take place. They are the same people who have shown little interest in responding to the will of the American people on this issue.

We know almost 80 percent of Americans support term limits. They want us to deal with it. We also know that 22 States have adopted them. In every case, those term limit proposals predominantly written by citizens are not, repeat, not retroactive.

If, as the proponents of this smokescreen amendment argue, Americans want retroactive term limits, then why have those 22 States passed citizen referenda that are not retroactive? Why, in the one State that voted on such a proposal, was the proposal of retroactivity soundly defeated?

It is because Americans are smarter than the status quo Democrats seem willing to believe. Americans know a true term limits supporter from one who is simply seeking to score political points on its way to the dust bin, which is what this amendment will do.

Vote against this amendment. Its sole purpose is to provide political cover for those politicians who like the status quo and want term limits to go away.

Of the man who wrote the first Bill of Rights in this country, George Mason the Fourth, a man who did not sign the Constitution, even though he penned that Bill of Rights for the Commonwealth of Virginia which was the model for our Bill of Rights:

> Nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people, from whence he was taken.

So said Mr. Mason. I think those are valid words, and I think he was right not to sign the Constitution until he had a commitment to the Bill of Rights, and when he finally did get the Bill of Rights in there, I think he would have been glad to sign it.

The CHAIRMAN. The gentleman from Florida [Mr. PETERSON] has 15 minutes remaining, the gentlewoman from Florida [Mrs. FOWLER] has 10 minutes remaining, and under the rules of the House the gentleman from Florida [Mr. PETERSON], as the proponent, has the right to close.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself 10 seconds to respond to one point.

Mr. Chairman, the Committee on Rules, of which the gentleman from Florida [Mr. GOSS] was a member, allowed the Democratic side one substitute, and therefore we had only one opportunity to present the Democratic side. This is the bill that is before us today with the retroactivity.

Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, let me begin by saying how appropriate it is that a former prisoner of war for 7 years in Hanoi, Hilton is the sponsor of this amendment. Unlike many Members of this body who claim to be promilitary but sought student deferments, the gentleman from Florida [Mr. PETERSON] is promilitary and enlisted in our country's Armed Forces.

I say this because he also, on the first day of this body, voted to put Congress under the same laws as every other member of the American society, as did I, and as did the majority in this body. We did not say we are special; we said we should live by the same laws as everyone else.

Yet, some people in this room this very day will say they are better than a prospective Congressman because they should be allowed to serve their 20 years, their 18 years, their 50 years, and then and only then should the 12-year limit go on top of that. That is wrong.

That is egomaniacal of the worst sort. That is the sort of thing that really makes America mad at Congress.

I want to commend my good friends, the gentleman from Florida [Mr. PETERSON], the gentleman from Michigan [Mr. DINGELL], both former service people serving our country, both of whom realized that Congress ought to live by the same laws as everyone else.

I will say one last thing, Mr. Chairman, I am a cosponsor of an amendment to prohibit the burning of the flag. Until it becomes law, I am not going to burn any flags. For those of the Members who feel so strongly about term limits and who have served more than 12 years, I encourage them not to run for re-election.

Mrs. FOWLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to point out that several of us, the gentleman from South Carolina [Mr. INGLIS] and myself, many proponents of term limits, have committed to abide by the term limits either passed by our State or by the ones we have self-imposed, so there are many supporters of term limits who are abiding by them and will do so, no matter what is passed today.

One other point I would like to make: The average time for ratification of a constitutional amendment during this century has been 18 months. In fact, it only took 100 days to ratify the 26th Amendment, so when we talk of taking 7 years to ratify this amendment, people have not looked at their history. It would only take probably, at the most, 18 months to ratify this amendment. We could get it in effect.

Mr. Chairman, I yield 2 minutes to my colleague and one of the leading proponents on term limits, the gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Chairman, I rise in opposition to the Peterson amendment. This bill is totally retroactive, as has already been mentioned. We know the voters reject retroactivity. Just as retroactivity in the Tax Code is a bad idea, it is also a very bad idea in the term limits area.

This amendment would preempt the term limits laws passed already in 22 States in this country. The Peterson-Dingell amendment does allow States to impose term limits as long as the restrictions do not exceed the Federal term limit in their amendment.

This is very similar to the Hilleary amendment. However, the term limit imposed is clearly retroactive in this case. All the term limits statutes on the books in all the 22 States, whether it is 6, 8, or 12 years, are prospective in nature. The 12-year retroactive Federal ceiling in Peterson-Dingell preempts the prospectivity provisions in all 22 of those States.

It does not protect the 25 million voters who cast ballots in favor of imposing term limits on Members of Congress from their States. It does not protect the thousands of dedicated individuals, not Republicans, not Democrats, no liberals, not conservatives, but people who just want to do something to change this country for the better. It does not protect their wishes and their hard work in gathering signatures on those petitions in those parking lots all over this country to get those issues put on the ballot.

Mr. Chairman, I urge my colleagues to oppose the Peterson-Dingell amendment.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I rise first of all to answer the question why have 22 States who have passed legislation not made it retroactive. Why? Because we have not acted. They do not want to put themselves in their own State at a disadvantage during the time that we are debating and attempting to deal with term limits at a national level.

It has been suggested that this is a retroactivity amendment. It is not. It simply says that the terms that Members have served apply toward the limit of total terms they can serve.

Mr. Chairman, it has also been suggested that only those people supporting this amendment are the ones who oppose term limits, and that this is a smokescreen and somehow a dastardly attempt to kill term limits. Absolutely untrue. I have supported term limits from before I came to this body. I am a cosponsor with my good friend, the gentleman from Florida [Mr. MCCOLLUM], of his legislation. He is a cosponsor of my legislation. I support applying term limits to everyone.

Let us unmask the real hypocrisy going on in this debate. It is not people who oppose term limits, but say if you are going to apply it, at least be honest and apply it to everyone. It is those people who, first of all, voted to apply all the laws to us in Congress, stood upon a soap box and said "Look what we have done: The first thing we did in this Congress is apply all the laws to us," and then they vote for term limits, but not to us.

That gives a new meaning to hypocrisy, I tell the Members. I could not look my voters in the eye if I stood up and told them I voted to apply all of the laws to Congress; I voted, as you have told me to vote, for term limits. You support term limits, I voted for term limits, for everybody else that comes in the future, but I don't want that term limit to apply to the time that I have spent in Congress. I want to be able to serve another 6 or 12 or 18 years; a new meaning to hypocrisy.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I mentioned earlier when we were talking about term limits the fallacy of what has been told to the American people. Some mentioned that it is a total fallacy.

The gentleman from South Carolina said if Democrats would represent Americans, and I would have them know that I represent about 500,000 Americans and have for 22 years, but let me put out the fallacy here. We are talking about 12 years. Even if we ratify it in 2 years, all the States, you are talking about 14 years, you are talking about 14 years.

Under this amendment, I will be out, the gentleman from Michigan, JOHN DINGELL, will be out, all the leadership on the Democratic side will be out, but that is the way the cookie crumbles. If you are serious, if you are serious about term limits and you want to go to the American people and be truthful to them, and not do slogans and signing contracts and doing 30-second sound bites, you will say to the American people "As soon as the States ratify this, we are out of here, if it takes 2 years, if it takes 4 years, or if it takes 6 years." So put your money where your mouth is. I am talking about a fallacy. Twelve years is a total fallacy and it is a sham on the American people.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman from Florida for yielding time to me. I thank the gentleman from Florida [Mr. PETERSON] and the gentleman from Michigan [Mr. DINGELL] for bringing this amendment to the floor, because truly this amendment says it is time to put up or shut up.

If you are really for term limits, term limits, this is the ultimate term limit amendment. Trying to have term limits prospectively is saying, "We want term limits, but don't limit my term. It is great for everybody in the future, but please, please, let me be all right." That is not a person who is really for term limits.

What I say, Mr. Chairman, is I challenge my colleagues, not only on the other side of the aisle, but on both sides of the aisle, if you are really for term limits, let us make it real, let us make it retroactive, let us make it apply as soon as the States ratify it.

I heard my colleagues say, "Well, the States could probably ratify this in a year and a half, 18 months." If they do, then fine. But at the time they do ratify it, it should be effective. That means whoever has to bear the burden of that retroactivity then would have to be honest and would have to accept that as a way and as a voice of the American people.

Mr. PETERSON of Florida. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I rise to support the Dingell-Peterson amendment, the only honest term limits amendment and legislation.

The U.S. Constitution clearly sets forth the requirements that are necessary to serve in Congress. Those requirements are age, citizenship, and residence. The American people already have term limits for their Federal elected officials. Every 2 years, the Members of the House must stand for reelection and the American people have the right to select the Representatives of their choice to serve in this Chamber.

My position on this issue has been very consistent. If we were serious about term limits, the House of Representatives would pass the term limits bill sponsored by my colleagues, PETE PETERSON and JOHN DINGELL. I will vote for their bill because it is the only bill that would actually apply to Members who are voting on the bill because it would apply retroactively. All of the other bills would apply prospectively.

Let us not take away any rights from American citizens. Let us respect the abilities of our constituents to act in their best interests. Let us support free and open elections. This right is a key component of our democratic system of Government.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, I am not for term limits, but I am for honesty. If we are going to have term limits, let us have true term limits. I am not doing this for cover, as was suggested by some of my friends on the other side of the aisle. I am doing this for honesty.

If we are going to impose things upon Congress that we say are for the rest of the American people, then let us impose this as well for current Members. I am for truth in term limits packaging. That is why I am proud to be an original cosponsor of this substitute. Let us stop the nonsense and arrogance. If we are going to pass a constitutional amendment on term limits for future Members of Congress, let us make sure it also covers current Members.

The Republican term limits resolutions are nothing short of incumbent protection, because they only hold future Members to its standards. Let us not hold a future generation to its standards, let us hold our generation to its standards, and I am willing to abide by that.

The Peterson-Dingell substitute is the only term limits bill that counts time already served by Members of Congress. Many of our colleagues say they support term limits to prevent Members from becoming arrogant and entrenched politicians. However, it is obvious these same colleagues believe they are immune from this temptation by exempting themselves from the Republican term limits legislation.

Voting for any of the other 3 term limits legislation proposals do not count previous service, and that to me, Mr. Chairman, is the height of arrogance. Voting for the Republican term limits bill will only delay the effect of our Government that this legislation will oppose.

If the bureaucrats are going to start running this country, let them start now. Why wait 12 years down the line, or 19 years down the line? If you have already served here for 20 years, how can you say you are for term limits when you want to serve here another 19? It is absolutely ridiculous.

Mr. Chairman, we have a contract with the voters of our districts that can be renewed or ended every 2 years. Clearly the backers of the contract for America only support their contract if they are not held to its standards. Support the Peterson-Dingell substitute.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, this is not the first time our Republican friends have held out the view that virtue is a good idea, but you should not rush into it all at once. With the balanced budget amendment it was 2002. This one will take effect in 2009. Unfunded mandates, it is again for the future, while at least for Massachusetts, they are making worse the unfunded mandate under which we currently struggle.

People have said "You can't be for making this apply immediately unless you are for the concept." Many Members in this House who do not like OSHA and do not like the Fair Labor Standards Act and NLRB voted to apply it to Congress. Many of us feel Congress has suffered from the perception of seeking special treatment for itself. We are saying that if you are going to do something, do not single out the institution or the current Members of the institution from being covered by it. That is all this says.

□ 1645

That is all this says. But I am especially intrigued by the argument that this, if it passes, would kill the amendment.

Understand what that means, because a lot of Democrats are for this substitute. Therefore, there must be Republicans who are prepared to vote for this and impose it on others but whom if they become immediately susceptible to it will vote against it. Because I submit there is no other logical basis on which this could damage the amendment. After all, it is not going to turn away State ratifications. The State legislatures will not be affected by this. This deals only with Congress.

So to the extent that you argue that this hurts the process, it must mean that there are, as we have long suspected, some very unenthusiastic supporters of term limits over there, and they will vote for it if it will lose and they will vote for it if it will have no effect, but God forbid that it should actually go into effect and affect them.

So, therefore, we have an admission. They tell us if this amendment becomes the pending one, it will not do well. Why? Because we know there are Democrats who will vote for only this version.

Therefore, what the Republicans are telling us is that if this applies immediately, not retroactively, this does not say that Tip O'Neill only served 12 years and he has got to give back 30, this says it applies immediately, it means that there are Republicans there who are for it in theory but do not want to have to live with it.

Mrs. FOWLER. Mr. Chairman, I yield 1 minute 15 seconds to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I would like to respond to my friend the gentleman from Massachusetts. I am one of these Republicans who really believe this stuff. I am going to vote for your amendment even though you do not believe it. When I get through voting for your amendment, I am going to vote for the other three that come after it.

You have had 40 years as a party to do something about career politics. To say that we do not care and the Republican Party is a sham is an absolute insult to the voters in 1994.

I am going to vote for your amendment. Will you vote for the three that come after yours?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, 40 years ago I was recovering from my bar mitzvah so I cannot be held accountable for what happened then. But I will say this. The gentleman is apparently joining us. I heard people on his side say anybody who votes for this amendment is a saboteur and is trying to undermine it. I am glad the gentleman is going to vote with us. I just want to defend him from his fellow South Carolinian who was suggesting that in voting for this he is somehow trying to undermine it. I think he has effectively repudiated that unfair accusation. I welcome his vindication.

Mr. GRAHAM. I think the problem that my colleagues have is they know that you do not mean it and it bothers them for you to play a game. I think it bothers the American public. I am willing to play the game with you. Maybe I am not quite up to their level.

Mr. PETERSON of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I have never said that I was for term limits. I do believe one should listen to the people and that people in my district in a referendum voted against term limits, and I think they were right. I understand why they did that.

But I have said this. As many of you who oppose OSHA voted to cover Congress under OSHA, there are two principles here. Do you have the term limits and if you have them, do you give a special exemption to sitting Members who will be the only ones hereafter who will not be subject to a strict 12-year limit?

So, no, I am not for term limits, but I am also not for a double standard that protects sitting Members.

Mrs. FOWLER. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. It is not important what I think about term limits. It is important what is right and what is wrong. The substance is important.

I never heard any of my colleagues on that side complaining about the fact that this matter was to be pushed into the future some 19 years. What we are talking about is truth in term limits.

The Speaker yesterday said the United States no longer needs or desires a class of permanent career politicians. Neither he nor anyone on that side of the aisle has ever told us that what was really here before us in the amendment they laid before us today is a 19-year delay in the effective date.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, it is interesting because last week my friend the gentleman from New Jersey [Mr. FRANKS], a Republican, sent a letter to all the Members of Congress asking them to come down and join him in a press conference and submit their resignation.

I have heard 80 percent of the Republicans support term limits. I thought 80 percent of the Republicans would be at this press conference to submit their resignation in whatever appropriate year it was, whether it was 8 years, 10 years, or 12 years.

There were only eight Members who showed up. Eighty percent of the Republicans are for term limits but only eight Members showed up to submit their resignation at the appropriate time.

Mr. Chairman, I insert into the RECORD an op-ed piece by Speaker GINGRICH that appeared in yesterday's Washington Post. In the piece, the Speaker called on Democrats to join him in passing term limits. The op-ed piece accurately points out that at least 60 Democrats are needed to vote for term limits passage.

Well, I say to the Speaker, I estimate there could be anywhere from 70 to 100 Democrats who will support this amendment. What a golden opportunity to pass term limits today. Seventy to 100 Members.

Let us get all of the Republicans behind this amendment and pass it right here because this is the amendment Democrats are willing to support. There is nothing wrong with putting your votes where your principles are. If we have to institute term limits retroactively, then it is worth it to get term limits passed today.

I have heard at least 10 different Members on the other side of the aisle declare that Republicans cannot pass term limits on their own, they need the help of the Democrats. This is your opportunity. You have the votes, 70 to 100.

Mr. Chairman, I include the following for the RECORD:

[From the Washington Post, Mar. 28, 1995]

TURNOVER TIME

(By Newt Gingrich)

Americans should turn their TV sets to C-SPAN today to witness an important debate. The citizens of the nation can determine for themselves whether their elected representatives trust them to take an increased role in leading this country. The debate is about term limits.

Term limits is, at heart, a statement on how our country has been run over a certain period of time and how it should be run in the future. Some might say that the demand for a constitutional amendment for congressional term limits is, like a balanced budget amendment, merely a temporary, impulsive mood on the part of a public frustrated by wasteful, free-spending actions of an arrogant Congress. This would be an incorrect reading of the current sentiment.

House Republicans see it differently, and that is why we are as committed to bringing term limits to the House floor for a meaningful debate and vote as we were on Sept. 27, when we signed the Contract With America.

House Republicans see the overwhelming public support (nearly 80 percent in some polls) as more than a brief feeling of disgust with government on the part of the American people. Rather we understand what our citizens know in their hearts: This is an America, standing on the doorstep of the 21st century, which no longer needs or desires a class of permanent career politicians who are there to solve each and every problem.

Admittedly, this view is a stark contrast to the history of the 20th century. The "American century" saw a young country grow to adulthood and accept leadership responsibilities. The 20th century saw two world wars and a Cold War that demanded an America with a strong federal government standing at the ready to keep the world from falling into complete totalitarian rule. Furthermore, a legitimate argument could be made that between the Depression and the civil rights movement, a strong federal government was appropriate at the domestic level as well.

Regardless, the American people realize that that time has passed. Today, a professional political class produces inertia. This, understand, is a time when technological and cultural change put a premium on swift response and adaptability to changing circumstance. The current state of the federal government is totally unprepared for this new reality. A 20th century America, almost in a perpetual "state of war," may well have benefited from having seasoned leaders whose experience was essential for the next campaign.

But the 21st century America will benefit more from having regular turnover in its elected leaders; the 21st century America will gain insight from the influx of new ideas; the 21st century America will thrive with continual waves of new leaders with fresh alternatives. Upon doing their period of service, these citizen-statesmen will return to their private-sector lives and remain productive resources for their own communities.

House Republicans understand this vision of the new America and want to bring it to reality. That is why this week, for the first time ever, the House will vote on a constitutional amendment to limit the terms of members of Congress. It should not come as a surprise that this historic vote is being brought by Republicans. By contrast, the last Democratic speaker joined in a suit against his own state's constituents to challenge a term limits ballot initiative that had passed overwhelmingly.

Republicans cannot by themselves execute the will of the American people. A constitutional amendment requires two-thirds support, or 290 House votes. Thus, we will need significant Democratic support. The Republican commitment to seeing term limits pass is shown in the fact that two out of three House Republicans have co-signed at least one term limits bill. Even if every Republican (230)—including those who currently might oppose it on philosophical grounds—voted for term limits, we would still be 60 votes shy of passage in the House. Yet, fewer than two dozen members of the Democratic Caucus have signed on to any of the term limit proposals so far suggested—including those sponsored by Democrats. Our Democratic president has continually opposed term limits even though his own home state of Arkansas overwhelmingly passed a term limits initiative in 1992.

The opposition of the president and the majority of congressional Democrats is unfortunate. We hope they will consider the time and reassess their position (as, in fact, several Republicans have). As a new millennium approaches, people pause to reflect upon their communal rights and responsibilities. At the end of the 19th century, the movement began for the direct election of United States senators. It took 20 years, but eventually the people's will was fulfilled in the 17th Amendment. A constitutional limitation on congressional terms is no less significant.

This vote says to the American people that this is their country. It says to our citizens that they are entrusted with greater control. The people must now work harder to run their country; it's no longer "autopilot" votes for entrenched incumbents. Term limits will stimulate voter interest and, therefore, voter participation.

House Republicans are committed. If a term limits amendment does not pass this year, subsequent Republican-led Congresses will introduce a bill until one eventually passes. We invite our friends on the Democratic aisle to join us in ending the political careerism of the past to cast the first important vote for the new realities of the 21st century. Vote for term limits.

Mr. PETERSON of Florida. Mr. Chairman, I reserve the balance of my time.

Mrs. FOWLER. Mr. Chairman, I yield 5½ minutes to my good friend and colleague, the gentleman from Florida

[Mr. MCCOLLUM], one of the original leaders in the term limits movement.

Mr. MCCOLLUM. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I do not believe the term limits cause is a throw-the-bums-out or a clean-out-the-barn movement that some folks I have heard say this afternoon characterize it as.

The term limits movement that I have been associated with the whole time I have been in Congress has been a movement to provide fundamental change in the structure of Government designed to create a different attitude on the part of those who serve in Congress. That is the reason why I support term limits. That is why I think it is important. That is why I think that 12 years and a permanent change is there. It is something we need to be careful about, we need to put it in the Constitution with due deliberation, and we need to have it take effect.

Because what has happened is that since the days of our Founding Fathers, we have become a full-time, year-round Congress. Instead of having Members like they did in the old days come here and only serve 2 months out of the year, they serve the whole year, they have to give up jobs, we are not allowed to have professions any longer, so on and so forth, no outside earning for most Members. Consequently, the attitude has been created of being career-oriented. That is, naturally there is a tendency on the part of many to want to stay here and to get reelected because they do not have a job to go back to back home.

We need to break that cycle because it leads to distortions in the voting pattern, it leads to the results where Members will tend to try to protect every interest group in order to get reelected. That means we do not get balanced budgets and we get other bad policy decisions that the Founding Fathers could never envision.

I take term limits and term limits amendments very, very seriously. I take it seriously as I know some of my colleagues who support this amendment do. Some who believe in retroactivity are very genuine term limits supporters. I have heard them this afternoon, I have known them before, and I believe that they are. There are others who support this amendment, though, who are indeed opposed to term limits as several of them have admitted on the floor this afternoon. They view this as simply an opportunity to get up and poke at those of us who have long supported it.

They should know full well as has been stated out here many times before that 22 States that have adopted term limit initiatives have not included retroactivity. That Americans generally think there is a fundamental unfairness about anything that is retroactive, whether it is in tax laws, or term limits or whatever.

They also should know and probably do that in the one State where retroactivity was proposed, in the State of Washington, it was voted down by a fairly sizable margin.

I do not think retroactivity is the question here. The real question is going to be, though many of us like this Member oppose this particular version for that and another reason I will get to in a moment, the real question is going to be, will these Members march out after this vote if they do not succeed and vote for final passage, not necessarily for another particular version, but for whatever stands there at the end of the day?

I am willing to say I will do that. I am not going to vote for every amendment out here today, but whatever is standing at the end of the day, though I have preference, I am going to vote for it.

There is another reason that I am not going to vote for this particular amendment that has not been discussed today and it does not apply to all of my colleagues over here. We all have different views.

The underlying proposal here beyond the question of retroactivity is not the original McCollum 12-year amendment that I have offered that is the base bill. It is the Hilleary proposal that would engraft into the Constitution a permanent opportunity for the States under a 12-year cap to set limits of length of time less than 12 years for House Members.

I do not think that that is a smart thing to do. I do not agree with that. It would create in my judgment a permanent hodgepodge of 6, 8, and 12-year limits around the country, and there is nothing we are going to be able to do about it after that. Whereas the underlying bill remains silent on that issue and lets the decision of the Supreme Court, whatever it is in the Arkansas case, be the deciding factor. State initiatives would be protected if indeed the Court rules that currently under the Constitution they have a right to do this, but on the other hand if the court shortly rules that the procedures of the State is unconstitutional, the underlying amendment, the McCollum amendment would apply for uniformity throughout the Nation, which I think is a far better course.

I do not agree with some also who think that 6 years are better than 12. I think we ought to do the same balance with the Senate and the House.

I am opposed to this amendment for a number of reasons, not just to retroactivity. I would like to also point out the idea that several Members have suggested that we all ought to voluntarily walk out of here who believe in a certain number of years at the end of that time. That is fine. If some Members want to do that, great. But that does not promote the cause of term limits and that does not necessarily serve the constituency well.

Until we have a uniformity throughout this Nation and everybody is under a term limit and everybody understands what that is, then it does not really make logical sense to leave right at the time when you are going to get a chance to be a committee chairman or a senior member of the minority party on a committee and to gain the most influence around this place.

I have always favored 12-year limits, I believe they should be engrafted into the Constitution, I think they should be permanent in nature. I do not believe in retroactivity, but I definitely believe they should have a starting point, an ending point and let's go out of here together.

I have always said that when KENNEDY and GEPHARDT and BONIOR and DINGELL are ready to walk out together voluntarily, that will be a great day, I will walk out with them if that would really serve this cause, but I know that it won't. And just like some people listening to me say this, I know that they are thinking, "Aha, what's he saying?"

The answer is, though, retroactivity is nonsense. Retroactivity is not a means that is justifying a "no" vote at the end of the day. It is something that a lot of us simply do not think will work, it will not gain the kind of votes in the end that we would like to see it have, and it is nonsense to support this. Twenty-two States have not done it.

It really is a killer amendment, I think, in the true sense of that word even though I understand some people genuinely support it. I strongly urge a "no" vote on this proposal. It does not get at what we need to get at.

Let's at the end of the day, though, all of us who support term limits, get together and vote for whatever comes out.

Mrs. FOWLER. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, I have been watching the dialog down here. I want to make a comment. Put all the term limits aside and when you refer to the public, I think the big issue here is that you are gaming, you are running a game, and that is exactly what the public hates. You are just shoving it right back in their face. You don't care about term limits.

I just want to say, stop gaming the public. Stop playing games at the public expense. You are saying I don't like term limits, yet I like retroactive. That is absolutely a game. You are going to damage yourself and you will with this vote.

Mrs. FOWLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing I just would like to urge my colleagues to vote against this amendment. Term limits was intended as a gradual and an orderly transfer of power from professional politicians to citizen legislators with firsthand perspective of how Federal laws affect ordinary people.

This amendment would cause a sudden and chaotic shake-up of Government. I urge Members to vote "no."

□ 1700

Mr. PETERSON of Florida. Mr. Chairman, if I may start by replying to some of the last comments. This is not a game, sir. I have been in Congress a little longer than the gentleman has, and my record is very clear. And to have someone stand and say we are gaming something at this time and to impugn my integrity, I take that personally.

For the gentleman from Florida [Mr. McCOLLUM], please, just last week everyone on the gentleman's sided voted time and time again to say take it to the States, they do it better, they know better than you. Now the gentleman has stood before this crowd today and said essentially he will not vote for this amendment because it gives the States the right to determine term limits. And I would only suggest that is a reversal.

Finally, if there is any argument today, the argument is that the Republicans say they are for term limits, the Democrats say we are for honesty. We are more honesty, because today is the day when we stand before Members and say we will vote for term limits and we will vote for them for ourselves.

Before us we see two questions that were done for two national polls. There have been four. But it says term limits for Members of Congress are established. Should the years already served by current Members count toward the time? Fifty-four percent said they should apply, 40 percent said no, and 6 percent were not sure.

In another poll, a similar question, 71 percent said yes, term limits should apply to sitting Members.

Clearly retroactivity is the real defining moment for term limits.

This provision clearly separates the sincere term limits supporters from the pretenders. Members who have publicly shouted the praise of term limits for years freeze in their tracks when confronted with the realization that term limits means them too.

I would have Members focus back to the first order of business for the 104th Congress. We just said it was a wonderful thing, we are going to pass laws that apply to Congress too, except for term limits; no, no, that is a toughie, we do not want to do that.

Anything short of immediate application of this constitutional amendment will be an affront to the people of the United States, because I can tell you the people of the United States believe term limits means now, not 19 years from now.

Opponents cry over and over that this is a killer amendment. This is simply wrong. These doomsayers just do not want it to apply to them. Immediate application of this constitutional amendment to all sitting Members of Congress is exactly, as I say, what the American people want us to do.

These two polls and two others that I do not have time to cite are clearly indicative of what America wants us to do here today.

Another thing that people say, that this detracts from, the retroactivity aspect, from your ability to enact because the States said it was a killer amendment. That discounts the fact that a ratification process is required at a Federal level and not at State level.

Ladies and gentlemen, this is an easy vote for those who really believe in term limits. It is a cop-out for those who vote "no" today.

Support for term limits: First let me make it absolutely clear, PETE PETERSON strongly supports term limits in principle. I made my position clear during my first congressional campaign in 1989 and have continued to support that original position. Further, I introduced my own term limits bill in the House on January 11 this year, well before opponents of term limits jumped on the retroactivity bandwagon. I have not supported my colleague from Florida, Mr. McCOLLUM's amendment because it lacked immediacy. Nevertheless, I will vote for every proposal offered for term limits during this debate except for Mr. INGLIS' plan limiting terms to 6 years. That limit is unreasonable and counterproductive.

Term limits moves us closer to the original image of the citizen legislator envisioned by our Founding Fathers and as specified in the Republican Contract on America.

This act will help break the gridlock associated with national legislation by ensuring a greater turnover of senior Members, who are often able to use the perks of their seniority to tie up publicly popular legislation in the interest of personal gain.

Statistics on length of service: The average length of terms for Members of the 104th Congress is 7.5 years. However, most people do not realize that high turnover rates are largely confined to junior Members. As an example, during the 103d Congress average length of service for senior Members—those serving more than 6 terms—was 21 years.

Let me relate to you some very somber statistics:

During the 19th century, less than 3 percent of the Members elected to serve in the House served over 12 years. In the Senate, only 11 percent served more than 12 years. In contrast, during the 20th century the percentage of Members serving for more than 12 years has skyrocketed to 27 percent in the House and 32 percent in the Senate. Studying the data during the post-World War II era is even more alarming. From 1947 to the present, 37 percent of House Members and 42 percent of Senate Members have served longer than 12 years. A problem clearly exists and a correction is clearly in order.

We are not setting a precedent when addressing term limits. The 22d amendment to the Constitution, ratified in 1951, limits the terms of office of the President of the United States to two terms.

Why did a Democrat craft this substitute? Simply because, as I stated before, term limits will ultimately lead to better representation by giving the people of the United States greater confidence in those who serve them in Congress. I believe the serious lack of confidence the people have in their elected officials today could one day place the Republic in jeopardy. We must renew the people's faith in representative government. It is that simple.

Originally, term limits was not a partisan issue. Only after it became part of the Contract on America did it become a Republican litmus test. Many Democrats, including me, have been way out front on this issue for a long time. But now that it is clearly partisan it is up to my Republican friends to deliver on their promise. Many Democrats will vote for this substitute—each for their own reasons—the vast majority because they believe like me that it is in the best interests of the Republic. Plus they understand that this substitute represents the honest alternative; it states exactly what the people on the street have said they want in limits.

This is the people's term-limit proposal: 12-year lifetime limit for House and Senate; allows State preemption up to 12 years, and immediacy-retroactivity; which applies immediately upon ratification.

The 12-year limit is identical to that contained in H.R. 73. There should be no argument against this provision.

I strongly support this limit on congressional service because 12 years is the logical time to end service in the House and the Senate. At 6 years a Member is truly at his/her peak, leaving 6 additional experienced years to guide legislation and to bring thoughtful debate to the floor.

There should be no fear of creating a void of experience in the Congress with a 12-year limit. As I alluded to earlier, the vast majority of Members of the House serve here for less than 8 years. In fact, over half of the membership of the House has turned over since 1990 alone. Just 2 years ago 114 new Members arrived in Congress and no one spoke of the void created by those new Members number replaced.

Further, not unlike a military commander taking over a new major command assignment or a new CEO taking over a major corporation, one moves into Congress and immediately must assume the vast responsibilities associated with that service. These are tested individuals who are expected to be prepared to assume whatever level of responsibility necessary to carry out their representatives duties. The only reason that younger members do not now have their capabilities truly tested in their first years of service is because the seniority system has them locked into a junior role.

A by-product of imposing a 12-year limit to congressional service is the benefit ordinary communities would gain from the experience of former Members of Congress who have returned to the local area. Importantly, these individuals would help to provide a more realistic grasp of what can and cannot be constructively accomplished at the Federal level of Government. This is a very valuable factor that exceeds current estimation.

The State preemption clause is designed to commemorate the work of the 22 States that have already passed term limits for Members of Congress. Under my amendment a State may limit terms of its congressional delegation to any year limit so long as it does not exceed 12 years.

State preemption was not part of my original term limit proposal; however, given the fact that 22 States have already determined length of service for its Member of Congress it is only common sense to honor those expressed State wishes. Otherwise, without the State preemption, those of us who represent States with less than 12-year limits would actually be voting to extend out allowable length of service.

Further, just last week virtually every one of my Republican colleagues voted repeatedly to move more responsibility for Federal programs to the States. The base argument is that the States can "do it better". Clearly, following that logic, my colleagues would surely agree that States are best qualified to determine length of service in the Congress for their Members.

The retroactivity clause is unlike that contained in any other amendment made in order under this rule. Simply stated, once term limits are ratified by 38 States and become the law of the land, previous congressional service would be counted toward the term limit. Therefore, current Members of Congress who have served more than 12 years would be prohibited from seeking reelection.

This provision clearly separates the sincere term limit supporters from the pretenders. Members who have publicly shouted the praises of term limits for years freeze in their tracks when confronted with the realization that term limits means term limits for them too.

I would have you focus back to the first order of business of the 104th Congress. With near unanimous support we quickly passed legislation that said the law Congress passes must also be applicable to Congress itself. It doesn't require a leap of faith to understand that this is one of those laws we pass that should indeed apply to every sitting Member. Anything short of immediate application of this constitutional amendment will be an affront to the people of United States.

Failure to make term limits immediate in their application will have the effect of allowing members to serve another 17 to 19 years. This takes into account the 5 to 7 years required for ratification by the States plus the additional 12 years of service authorization by the amendment. For a member like the Speaker of the House, that means that with passage of a bill without retroactivity, he can serve a total of 36 years, 17 already served plus 7 years of ratification, plus 12 years in the amendment.

Opponents will cry over and over that this is a killer amendment. They are simply wrong. These doomsdayers just don't want term limits to apply to them. Immediate application of this constitutional amendment to all sitting Members of Congress is exactly what the American people understand term limits to be all about. Many on the other side of the aisle cite the overwhelming public support of term limits as the reason we are here debating this today. Well, in the past 5 months four nationwide polls have been taken to test the American people's views on term limits and specifically on the issue of retroactivity. I cite these polls for your information: November 28, 1994—CBS News—51 percent for counting previous service; 13 percent opposing retroactivity; 33 percent opposed to term limits altogether; December 5, 1994—CNN/USA Today/Gallop—71 percent of those favoring term limits support counting previous service; 23 percent oppose retroactivity; December 13, 1994—Wall Street Journal—54 percent of Americans believe years served prior to the enactment of term limits should be counted toward the limit, 40 percent opposed, and January 13, 1995—Newsweek—53 percent of Americans support retroactive term limits, 37 percent oppose retroactivity.

In all, 157 current Members of Congress would be affected if the Peterson amendment was ratified today. For those who say that is a dangerous loss of experienced Congressmen at one time let me remind you that just last year 114 new Members entered Congress in the 103d Congress and nothing dangerous occurred. In fact, the Republic was likely strengthened.

The detractors say that retroactivity has not been enacted in the States because it is a killer amendment. That discounts the difference between a Federal constitutional amendment and State constitutional amendment. In the case of a State an amendment is often effective virtually immediately after the vote. For Federal ratification, on average it takes 5 to 7 years for 38 States to complete work on the amendment. Even the highly popular term limit for presidents took 4 years to ratify. In fact, the most recent one took over 200 years. Although I know that we now impose a 7-year limit under which a State must complete action—it is clear it will take some time. That time is wholly adequate for any sitting Member to adjust to the reality of the law.

Further, the Washington State experience is not as clear as one would suppose. First, their 1991 amendment was for 6 rather than 12 year limits, which would have made the entire Washington State delegation ineligible for reelection. In addition, there was a major debate brewing in the State about California and the Columbia River Basin dams water issue. Reapportionment was about to give California 7 new congressional seats, and many in Washington State feared that California was gaining too much political clout at the same time Washington would be losing most of influence at a critical period of decision over the use of the Columbia Basin water.

Again, immediacy or retroactivity, whatever you call it is the very heart of any term-limit amendment. If you support term limits on principle or just flat out do not support term limits in any form—this is an easy vote. On the other hand if you are supporting term limits as a political vehicle for your own reelection, this is an extremely tough vote because this is truly a term limit amendment.

If you promised your constituents term limits as part of your political campaign—this is their idea of true term limits.

Yes, we will indeed lose some very effective professional members if this amendment passes, and perhaps its true that we will have several less effective members in the same process. However, this is a huge country and I remain confident that the shoes of those leaving Congress would be replaced with dedicated, competent people. Plus the country will not lose the services of this quality people. They will carry out perhaps even more important tasks as a private citizen, unencumbered by congressional rule or constraints.

There was a time in my life that I thought I was indispensable to the U.S. Air Force. I was a highly trained fighter pilot, instructor pilot, with considerable combat experience. Guess what? Due to circumstances beyond my control I was removed from my regular duties and did not return for nearly 7 years. I would like to say that I was so sorely missed that the mission suffered, well as much as I would like to think I was that important, the fact is, a pilot of equal or better qualifications filled the void created by my departure immediately without the air force missing a single step. My colleagues, rest assured there are many highly qualified people in your district right now fully capable of filling your shoes.

Won't staff take over if we impose term limits. The short answer is no, not anymore than they do presently. We just had a major change in the 104th Congress yet by and large most committees and congressional offices are filled with competent, professional staff who learned their trade right here. Staff acquire power and clout through their member association. With a higher turnover in Members staff will likely be unable to continue clout from one Congress to the next. I do not see staff being either responsible for the changes that are currently occurring in this Congress nor do I see them preventing change.

Finally, if one truly believes in the validity of term limits rather than taking a political ride on the issue for reelection—that person must honor their position and vote for the Peterson-Dingell amendment. I know those on the other side of the aisle want to blame democrats if term limits do not pass here today. But the facts are clear: our amendment goes further than any other proposal, and if we get the support of those of you on the other side, this amendment will pass here today. The American people support this effort; there can be no excuses. This amendment is exactly what the American people think term limits is all about. Listen to the people, vote yes.

The CHAIRMAN. All the time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. PETERSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PETERSON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 297, not voting 2, as follows:

[Roll No. 274]

AYES—135

Baldacci
Barrett (WI)
Bartlett
Barton
Bentsen
Bilbray
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TN)
Bunn
Burr
Chabot
Christensen
Clay
Clyburn
Coble

Coburn
Collins (MI)
Condit
Cramer
Cremeans
Danner
Davis
Deal
Deutsch
Dickey
Dingell
Doggett
Dornan
Engel
Ensign
Eshoo
Everett
Farr
Fattah
Fields (TX)
Foley
Forbes
Fox
Frank (MA)
Funderburk
Furse
Gejdenson
Gonzalez
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Jones
Kanjorski
Kim
Klug
LaFalce
Lantos
Largent
LaTourette
Laughlin
Lincoln
Livingston
LoBiondo
Lofgren
Luther
Manzullo
Martinez
Matsui
McCarthy
McCrery
McHugh
McIntosh
McKinney
McNulty
Meehan
Minge
Moran
Neumann
Ney
Ortiz
Orton
Parker
Payne (NJ)
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Pryce
Salmon
Sanford
Scarborough
Schiff
Schroeder
Schumer
Scott
Shadegg
Smith (MI)
Solomon
Souder
Stark
Studds
Talent
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornberry
Thurman
Tiahrt
Towns
Traficant
Tucker
Ward
Waters
Weldon (FL)
Whitfield
Wilson
Wise
Wyden
Young (AK)
Zimmer

NOES—297

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bass
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brown (FL)
Brownback
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Crane
Crapo
Cubin
Cunningham
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Evans
Ewing
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaHood
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Longley
Lowey
Lucas
Maloney
Manton
Markey
Martini
Mascara
McCollum
McDade
McDermott
McHale
McInnis
McKeon
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Porter
Portman
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Tanner
Tate
Taylor (NC)
Thomas
Thornton
Torkildsen
Torres
Torricelli
Upton.
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
White
Wicker
Williams
Wolf
Woolsey
Wynn
Yates
Young (FL)
Zeliff

NOT VOTING—2

de la Garza
Gephardt

□ 1721

Mr. BARCIA, Mrs. COLLINS of Illinois, Mrs. MEEK of Florida, Mr. RUSH, and Mr. OWENS changed their vote from "aye" to "no."

Mr. NEY and Mr. BILBRAY changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. LINDER) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1724

TERM LIMITS CONSTITUTIONAL AMENDMENT

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Chairman, I offer an amendment in the nature of a substitute that is made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. INGLISH of South Carolina: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE—

"SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives three times shall be eligible for election to the House of Representatives.

"SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than two times.

"SECTION 3. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.".

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. INGLIS] will be recognized for 30 minutes, and a Member opposed, the gentleman from Michigan [Mr. CONYERS], will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we now come to the continuation of this historic debate on term limits. It is a very exciting day in America that we now have the opportunity to move on to real term limits and the opportunity to vote for term limits for the first time in the history of this country.

Before we vote in this House on a real term limits proposal, the three that are about to come before us, let me make the point of what has happened out there in America in the States.

Twenty-two States, now, in the United States have enacted term limits. Of those States, as you can see here colored on this chart, 15 have adopted 6-year term limits. Four have adopted 8-

year term limits. And three have adopted 12-year term limits.

Any of those is acceptable in my mind. Twelve years would be good if that is the one we end up with at the end of the day. Six years might be a little bit better, in my opinion, but the important thing is we pass term limits.

It is important to note though if we are looking at what States have done that they have, a majority, adopted the 6-year approach. It is also something to point out that when asked, the American people apparently preferred the 6-year version. In fact, if you ask the American people which one they prefer, 82 percent prefer three terms, and six terms are preferred by 14 percent of the American people. This, I think, is consistent with most polls on the subject and accurately reflects the view of most people that 6 years is about right. Others are a little bit longer.

But now that we have gotten that out of the way and I have advocated at least on the 6-year bill, let me make a very important point to all of my colleagues here. We just had a vote on which 135 people voted for retroactive application of term limits. I will now expect in honesty and truth in legislating for every one of those 135 to vote for final passage, whether it is my bill or whether it is the Hilleary approach or whether it is the approach offered by the gentleman from Florida [Mr. McCOLLUM]. Because I will assure you whichever one comes forward as the will of this House I will support. I will not insist on six. I think it is a little bit better. But I am happy to vote for one of the 12-year proposals.

So I particularly would hope that those on the Democratic side, the 81 that just voted for a retroactive application of term limits, as this House works its will, that you will vote with us on final passage. We need your help to get 290 votes. We have an opportunity. If every one of those 81 come with us, we will have term limits at the end of the night, and I look forward to that day.

Mr. Chairman, I reserve the balance of my time.

☐ 1730

Mr. CONYERS. Mr. Chairman I yield myself 3 minutes.

Mr. Chairman, we now come to the most objectionable of all the term limit proposals. The Inglis substitute would limit Congressmen to a mere 6 years—or three terms—in office. The proposal would make it impossible to run this institution in an orderly and intelligent fashion.

If the Inglis substitute had been law none of the leaders selected by the Republican Party—not Majority Leader ARMEY, not Speaker GINGRICH, and indeed not a single Republican committee chair—would have been eligible for office, let alone to assume their new leadership roles this Congress.

And if the Inglis proposal is such a good idea, why didn't the Republicans choose any committee chairs from among those Members serving in their first three terms? I think the answer is obvious—a 6-year term limit does not make sense. It is the most radical of all the term limit substitutes. It would severely distort and disfigure the legislative process and recast our two century old Constitution so significantly that its authors would no longer recognize the first branch of Government. The jockeying for power that would occur in this place under a three-term cap would be unprecedented.

The Inglis substitute would create a Congress of lame ducks and lead to an even greater proliferation of wealthy candidates who could afford to abandon their business careers for a few years. And the few Members who were not independently wealthy would be forced to spend most of their time currying favor with special interests so that they could further their postcongressional career opportunities.

The Inglis proposal would severely limit the Members' opportunity to garner the experience needed to master the many important substantive areas of Federal legislation. Issues relating to civil rights, intellectual property, Federal procurement, communications, intelligence, labor, and income tax policy—to name but a few—are all highly complex and sensitive. A 6-year term limit would significantly diminish the ability and incentives for Members to understand and positively influence legislation in these areas.

The Members would have no choice but to turn to career staffers and bureaucrats. The result would be a massive shift of power from elected officials to unelected legislative and executive branch staffers and lobbyists.

I urge the Members to reject this ill-considered proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today as the Representative of the Fifth District of Washington in strong support of the Inglis amendment.

In 1992 the voters in my State spoke loud and clear on term limits. They passed an amendment to impose 6 year term limits on the House and 12 years on the Senate.

The voters of Washington State were not alone. Since 1990, 22 States have passed term limits. Fifteen of them were for the limits of the Inglis amendment: 6 years and 12 years.

The Inglis amendment not only reflects the will of my constituents and the American people, it returns the House of Representatives to the role the Founding Fathers intended: "the peoples House." Six years provides us enough time to come to this great body, pass laws on behalf of our constituents and then return home to live under those laws.

Mr. Chairman, I am personally committed to respecting the will of my constituents and the voters of Washington. I encourage my colleagues to respect their constituents and return this body to the American people by joining me in support of the Inglis amendment.

Mr. CONYERS. Mr. Chairman I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman from Michigan for yielding this time to me.

Mr. Chairman, there are so many reasons to be not just skeptical, but despairing, of this particular variation on the term limits madness, that it is hard to know where to start.

Let me just pose one hypothetical that could become, that would become reality if this approach were to become law. The Speaker of the House of Representatives, the third ranking constitutional officer in the Republic after the President and the Vice President would be presumptively a Member of the House who had served all of 4 years. Had had 4 years to garner the kind of experience and perspective and understanding of this enormous country and its complex Government, to be able to carry out the profound responsibilities, constitutional as well as administrative, of this body.

I recall growing up and listening sometimes to one of those early television shows, Ted Mack's American Amateur Hour, in which we would all sort of chuckle watching the little black-and-white screen as persons would come up and often make fools of themselves trying to perform in front of a television audience. I do not want to turn this body, much less the speakership of the House of Representatives, into some new amateur hour. Our responsibilities are far too important in service to this country.

The underlying assumption that we need anything like term limits, of course, is an assumption that needs to be attacked at every turn in this debate, has been mentioned time and again already. When we have more than half of this body elected for the first time in the 1990's, please tell me, where is the need?

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. HEINEMAN].

Mr. HEINEMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of term limits.

The Constitution fixes certain limits on the terms of Congress. Thomas Jefferson explained that his reason for fixing terms on Congressmen was so that they would return to the people and become the governed instead of the governors.

He believed that this would force Congressmen to keep the public good in mind.

Jefferson's underlying premise is simple—the longer a Representative is in the Congress and away from his constituents, the less likely he is to truly represent their interests.

Our Founding Fathers envisioned Congress not as a career as it is now, but a brief honor. After a short stint in public service, the politicians were supposed to return home.

A 6-year term limit will allow more citizens to serve in Congress, destroy the evils of incumbency, and keep those who serve in Congress closer to those who elected them. This is what the Founders sought—a citizen legislature.

No matter what the outcome of this vote. I will end my service in Congress after 6 years—that is what is right and that is what I promised my constituents.

Support the Inglis amendment and support real term limits.

Mr. CONYERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GEKAS], a colleague on the Committee on the Judiciary with whom I have served in many capacities.

Mr. GEKAS. I thank the Chairman and I thank the gentleman, my colleague on the Committee on the Judiciary, for yielding this time to me.

Mr. Chairman, I rise to oppose the current amendment because I am in favor of term limitations and propose later to vote for the 12-year plan. But I oppose this facet of the process because I also oppose legicide, because in adopting this amendment we would be killing the legislative branch of our government. Legicide we cannot afford, changing the terms we can afford. But just as the gentleman from Michigan has so adequately articulated, to shrink the individual service of Members to 6 years is to decimate the legislative process; it is to take the legislative branch and make it each more subservient to the executive branch than ever it was before. On the one hand we grant the line-item veto which strengthens the hand of the President, and then with the other hand we pull back on the already limited power of the legislative branch by having only 6-year terms and no time for individuals to build up that institutional knowledge and the institutional power that is necessary to make sure that the legislative process works.

Now I owe it to the record and to my constituents to explain my personal position on this issue. When I was vacillating a few years ago, when this debate erupted, I said that the term limits are guided by the votes of the public every 2 years. But that did not satisfy my people.

So I ran a questionnaire on this very same subject; 27,000 questionnaires were returned in my district and 82 percent of those questionnaires said that they opposed the proposal and supported term limits.

So any doubt that I had about where I would fall on this momentous issue was sanctified by the opinion of my constituents, 82 percent said they want term limitations.

I am going to abide by their wishes and then exercise my own judgment in view of my previous remarks to vote against this amendment and for the 12-year plan that will yet come to this debate.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think the American people owe a debt of gratitude to the gentleman from South Carolina [Mr. INGLIS] for his leadership on this issue, for spearheading the term limits movement in our country and for self-imposing his own term limit. Voters across America have already expressed their support for it through the ballot boxes.

In my own State of Massachusetts, voters last year imposed a 8-year limit on Members of the U.S. House; 21 other States have imposed term limits on their Federal representatives. Organizations have mobilized to get term limits passed in every State in the Union. They agree with people across the country that the United States would be best served by a citizen Congress.

Now despite the vision of our Founding Fathers, a class of professional politicians has developed which, to prove the point, will reject legislation supported by 80 percent of the American people.

I call term limits antitrust legislation for politicians. We do not like monopolies in the private sector because they lead to two things: Higher prices and less service. When politicians gain monopoly power over their offices, taxes go up and service and quality go down.

Once again the States are far ahead of Congress in reflecting the public sentiment, proving the argument Republicans have been making that States are where the will of the people is heard most clearly.

I urge Congress today to listen to the people and support term limits.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the gentleman from Maryland, Mr. STENY HOYER, a veteran of this process and a leader in the Democratic Party.

Mr. HOYER. I thank the gentleman, my friend from Michigan, for yielding this time to me.

Mr. Chairman, I rise in opposition to this amendment. My predecessor who spoke, the gentleman from the State of Pennsylvania, indicated that he owed it to his constituents to state his position. I think that is fair and correct. We ought to state our position. I have consistently and without fail told my constituents that I opposed the limitations of terms. This is a bipartisan position. I was on the floor and I hope many of you, if you were not on the floor, heard the remarks of the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois, HENRY HYDE, when he spoke. He referred to this amendment and to other amendments imposing restraints on the people—forget about the restraint on us—the restraint on the people to select from all the options people they wanted to come to this House, the people's house and to speak for them and represent them.

□ 1745

Mr. Chairman, he referred to the imposition of this restriction on the electorate as the dumbing-down of democracy. That was the gentleman from Illinois [Mr. HYDE]. I think he was correct.

Adlai Stevenson was once asked his philosophy of democracy, and his response was, "Trust the people, trust their good sense, their decency, their fortitude, their faith. Trust them with the facts. Trust them with the great decisions."

Every year the people consider the deliberations of Congress, and every other year, every second year, they make a choice. They decide whether or not the Representative that they have sent to Washington to represent them has carried out the objectives that they believe are appropriate.

We have term limits; that has been stated over and over. It is 2 years. Under the Constitution we must return to the people.

Now I am one of those who returns to my people every night because I live in this area, so I do not feel that I ever lose touch with my people. But the fact of the matter is it is appropriate that every 2 years they can assess whether STENY HOYER has been a Representative in which they have faith and trust and which they believe is carrying out their best interests. Do they agree with me on every issue? Of course not. They are, like every constituency, filled with people who believe that we ought to pass this bill or we ought not to pass this bill. Ultimately, however, they make a choice.

Mr. Chairman, the genius of our system is that in a democracy we give them that choice. We do not need to protect them against themselves. They have made choices, and in point of fact it is a shame that the demagoguery that sometimes passes for debate and alleges that we have an institution peopled with careerists who have 25, and 35, and 45 years is simply not true. Do we have people who have been here that long? Yes, we do. But the average term, as so many have said, is 7 years in this House. Over half of the House is new since 1990.

We have turnover, and that is, while an accelerated phenomenon, not a new phenomenon. It was a phenomenon that in 1992, with 11-year service, maybe the senior member of my delegation, the other seven elected after that.

So the fact of the matter is the American public is doing its job well.

Do we always agree? No, we would have, on our side, have preferred they voted for us this time. They did not. But let us not diminish their choices by this unwise policy.

Reject term limits.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Arkansas [Mr. HUTCHINSON], a good friend.

Mr. HUTCHINSON. Mr. Chairman, I want to join my colleagues in commending the gentleman from South Carolina [Mr. INGLIS] for his very strong leadership on this issue and the fact that we have come this far in having an open and recorded vote on one of the most important issues facing the American people. I think it is a credit to Mr. INGLIS' leadership, and I thank him for yielding this time to me.

It has amazed me, as we hear over and over again 70 to 80 percent of the American people support term limits, to hear the critics of term limits to say that somehow term limits are going to impede the will of the American people and prevent them from exercising their will every 2 years. Not at all. The fact is that it is the clear choice of the American people to have term limitations, and only if this Congress refuses to submit a term limitation amendment to the people and to the States for ratification have we thwarted their will, and to that extent we will do that.

But I want to address one particular criticism of term limitations, and that is that term limits will create an environment where professional bureaucrats will run the Federal Government, and that is simply not the case. Bureaucrats enjoy the current system of professional politicians with a very familiar and cozy relationship that they build with those politicians that results in too little accountability and, oftentimes, too little results.

I attended a conference, a southern legislators conference, a few years ago. They had a seminar on term limitations. There were a number of bureaucrats there, there were a number of elected officials there, and they asked us to hold up our hands if we were in favor of term limits. Out of the entire body there was one. That was myself. The fact is that roomful of bureaucrats felt very comfortable with a system in which they had a relationship built with career politicians who defended the status quo. It is time that we give the States and the people term limitations.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in opposition to this amendment. We have heard some great speeches, I think, on the floor today on both sides of this issue, and many of us, of course, were impressed by the speech of the chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE]. In it he referred to term limits as the dumbing-down of democracy, and I thought, since he said that, he gave me license to tell another little, make another little, analogy about what I think of these limits.

Mr. Chairman, it is with the highest regard and respect for the maker of this motion, the presenter of this amendment, the gentleman from South Carolina [Mr. INGLIS] that I referenced Yogi Berra's story. Yogi Berra in high school did very poorly on his test, and his teacher said, "Don't you know anything?"

Yogi Berra said, "I don't even suspect anything."

Mr. Chairman, that is what I think is part of the problem here.

When I came to the Congress, as I am sure every person in this room can tell us, we thought we had a handle on it all. We thought we had developed judgment that would make us best equipped to answer all the problems facing our society, and indeed our freshman class, when it comes to the Congress each time, every 2 years, is a source of reinvigoration to this body. Many of us look to the freshman recruits and say:

Who among them will be President of the United States?

Who among them will have an answer to solving the problems in our society?

Who will have the answer to making peace?

Who will preserve the environment?

Who will make a better future for our children?

Certainly all of them will have a role, but one or so of them may really rise to the top, and so we look with great anticipation to that new class.

But that is not to say that there is not a role in this body for many ranges of experience, the fresh, reinvigorating freshmen, as well as the seasoned senior legislators in this body, institutional Members from whom we can all learn, and so, whether it is dealing domestically or in foreign affairs, we need to have people who know politics, know the relationships our Government has with other countries and know how to solve problems in our country.

Mr. Chairman, I say with high regard for my colleagues that I urge my colleagues to vote against this.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the great State of North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the gentleman from South Carolina, and I commend the gentleman from the land of the palmetto for the lead role he has played regarding this issue.

Mr. Chairman, the Congress by its inaction and inaccessibility has invited the anxiety that surrounds the term limit issue. The best course is for constituents to determine the number of terms their Members of Congress serve. But considering the chaos that dominates our lives, it has not worked well, and I, therefore, support term limits with this thought: Let's try change even though it may be wrong.

This reflects my frustration and the frustration of the American people.

I find it intriguing, Mr. Chairman, that this issue, which was so evasive during decades of Democrat control, has incredulously found its way to this House floor for a vote under Republican leadership in less than 3 months.

The 12-year proposal applicable to Senate and House in my opinion is the best plan before us. The 6-year House plan and the 12-year Senate plan is inconsistent on its face and affords me little comfort even though I may vote for it. I voted in favor of the retroactive proposal just before us, and I will vote for final passage on the bill left standing.

The majority of American people, Mr. Chairman, favor term limits, and it is a major plank in the Contract With America. Let us enact this day some sort of term limit proposal.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in opposition to the Inglis substitute.

Mr. Chairman, I have tried hard to understand the position of those who support a constitutional amendment to impose congressional terms limits. I must admit, I am somewhat mystified by the implications of constitutionally imposed terms limits.

Here is a sample of slogans for terms limit supporters: stop me before I win again; vote for—that way someone else can serve. Vote for term limits, that way I won't have to retire; support term limits—I just can't stop running. Voters of the world unite, you have nothing to lose but your power.

It's funny, we have heard a lot from the Republicans these past few months about the message voters sent last November. At the very least, Mr. Chairman, the voters said they wanted their elected representatives to be the people they voted for. If the voters said anything, it was that they want the people they voted for to serve in Congress.

But this constitutional amendment undermines that choice. If politicians want politicians to serve shorter terms, they should just serve fewer years. Do not restrict voters ability to elect who they want.

To those who support term limits, give yourself a break, the voters like you. Do your duty, serve them. Don't beat yourself up.

This bill is a gimmick designed to fool people. Every term limit supporter in this House can personally enforce term limits. I'm afraid the real slogan for the term limit Members of Congress should be do as I say, not as I do.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. COBURN] who, I might note, represents the fact that there is no dumbing-down in term limits, and who is a fine physician who has come to this House.

Mr. COBURN. Mr. Chairman, I, too, rise in strong support of the amendment offered by the gentleman from South Carolina [Mr. INGLIS].

I come from the Second District of Oklahoma. Oklahoma has not dumbed-down. They have asked for term limits, they have passed term limits, and they know what they are doing. My support for term limits goes beyond my obligation to support the will of my constituents. I truly believe that the only way to restore the integrity to Congress is to renew our belief that this House should be a citizen legislature, not a safe haven for permanent professional politicians.

Although I have committed to vote for any term limit measure that will come through this House, I strongly believe that 12 years is too long. Proponents of the 12-year limit and those who oppose term limits will argue that Congress needs Members with experience. I present to my colleagues that I bring a body of experience to this institution and that I plan on leaving here 6 yeras from now, if I am so fortunate to be reelected, but I think, more importantly, the experience is not needed within the hallowed halls of this institution, but out in the real world.

As my colleagues know, we hear lots of criticism about the lack of bipartisanship in this Congress. Well, there is one source of bipartisanship. It is the arrogance of career political elitism that we have heard today in this House.

I say to the gentleman, "Mr. INGLIS, I support your bill, and I urge my comrades and constituents to do the same."

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

□ 1800

Mr. WILLIAMS. Mr. Chairman, the proposal that the proponents of term limits, and I am an opponent of it, place before us is based on follow the will of the people. The majority of the people want this; therefore, we should do it.

Now, let me speak to that. President Harry Truman's last words to this Nation were I have a deep and abiding faith in the destiny of a free people. So do we will. And all of us go home almost every weekend and listen to our people because it is from them that the great ideas for democracy have come and been allowed to flourish in this hall and in the United States Senate and become law.

But the hard fact is, and I have not heard anyone say it yet so I shall say it, sometimes the American people are simply wrong, and on the matter of term limits they are simply incorrect. It does not mean they are uninformed. It does not mean they are ignorant. It is just that on this issue they are incorrect.

Now, I know that the Contract With America is based on polling. The Republican leadership tells us that. They would pass laws based on polling. They would with this bill even change the basic law of the land based on that will-o'-the-wisp, changing public opinion.

And it is a will-o'-the-wisp. You know the American mood changes immediately following every 60 Minutes show. It changes following every Nightline show. And you would so change the Constitution based on that will-o'-the-wisp. Today's popular view is quite often tomorrow's public embarrassment.

In the early 1960s, the Vietnam War was outrageously popular, only to be an embarrassment, only to have the American people change their mind on the Vietnam War before that decade was out.

Just prior to the attack on Saddam Hussein, Desert Storm, that military action was unpopular. The American people did not want us to take it. And within 1 week it was enormously popular.

Not long ago a poll was done on the first 10 amendments, the Bill of Rights of the Constitution, without identifying them. The American people said they would get rid of half of the 10 amendments in that poll. Sometimes the American people are wrong.

That is why the founders did not create an Athenian democracy because they knew a representative democracy was better. Why? Because there is a tyranny in a pure democracy and because sometimes people are wrong, as they are in this matter of term limits. Vote against this amendment and vote against the term limits proposal.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Washington [Mr. METCALF], where apparently 1.1 million people were wrong in 1992 when they voted for term limits.

Mr. METCALF. Mr. Chairman, I rise to support the 6-year term limitation bill. I worked hard in support of Washington State's initiative, which we passed in 1992, which contained a 6-year term limit, and it was an initiative, and the public passed it.

We have a 6-year term limit in the Second Congressional District. I have pledged that I will serve no more than 6 years, whether it is finally declared constitutional or unconstitutional. If the people supported it, I will obviously pledge that.

It was said by a previous speaker that a 6-year term limit was a bad mistake. He said those naive new Members, or words to this effect, would be putty in the hands of the skilled professional lobbyists, the staff and the bureaucrats.

You know, that certainly would not have been true with the freshmen tigers we elected this year. In fact, the exact opposite is true. Talk to any person, talk to a person who has not even been here. Who would they be most suspicious of, most cautious of, most standoffish of? The lobbyists. Certainly the staff and the bureaucrats. They are the ones that would be most concerned and careful.

It is the long-time Members who have become comfortable with those people. They find that they are nice people, they like them, and they are the ones who are unduly influenced by the lobbyists, staff, whatever.

Short term limits are a part of our national history. In some of the colonial legislatures before the Revolutionary War they had a rotation in office, an informal and some a formal term limit. There was a 3-year term limit in the Continental Congress for a while during the Revolutionary War. Rotation in office was a way of life in the early part of the House, and in the War between the States was the first time we got up to a 4-year term limit.

We have a mandate. Congress should enact term limits for itself as it did for the Presidency.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

I want to commend the last speaker, the gentleman from Washington State [Mr. METCALF]. He is the first person that has gotten up and said I am going to invoke term limits on myself, I do not need a constitutional amendment, I urge and support one, but I am going to be my own controller of my fate.

Now, if we could get all of the Members that are anxious to have term limits to support them, we will take care of this problem and maybe pass a constitutional amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BRYANT], a member of the Committee on the Judiciary.

Mr. BRYANT of Texas. Mr. Chairman, this is a time when the new Republican majority is attempting to pass its platform; and it is, therefore, not a good time to introduce a new proposal or a new concept into this discussion.

I think it is a good time, however, to at least suggest a concept that is worthy of exploring after this process is over, and that is simply this: The problems that have beset this country and that have made it difficult for this Congress and the President to resolve our most fundamental problems has not been evil, long-tenured Republicans or evil, long-tenured Democrats. In fact, there are relatively few long tenured of either party.

The problem really has been divided government, the fact that the budget deficits went from about an average of about $60 billion during the presidencies of Nixon, Ford, and Carter to about $300 billion beginning in 1980 is the result principally of the fact that we had divided government for 12 years.

What am I talking about? Consider this. In 1980, Ronald Reagan was elected with a mandate for change, promising big, important, dramatic changes, and indeed he was elected with a working majority in the House and a majority in the Senate. He instituted those changes, major tax cuts, major defense spending increases, and within 2 years the public was so concerned about what they saw they voted out his working majority in the House, and he did not have another one the entire rest of the time he was President.

In 1992, President Clinton was elected. He came into office promising big change. Change was the main theme of his campaign. He began to institute big changes, including a dramatic health care plan. Two years later, the public was so concerned about what they saw they voted out his majority, and now we are back to divided government again.

The problem with our inability to solve major conflicts in this country such as how to write a budget is not due to evil people ensconced in the corridors of this Capitol. It is due to the fact that, unlike any corporation, unlike any human institution, whether it be a church, a company, a labor union, or anything else, we have a system that allows a president of one party and a board of directors of the other party that can go exactly the opposite direction, and in fact that is the way we have had to govern this country now for 12 of the last 14 years.

I suggest to you that if we want to really solve this problem, once this debate is over, once the contract is over with, let us sit down and look at a way to try to engineer an election system whereby we discourage the possibility of divided government every few years, give one side or the other 4 years to try to govern this country and see if they can be successful with a coherent program of how to write the budget, coherent program of how to write all of the legislation that we deal with, the appropriations process and all of it.

At the end of 4 years, if they did a good job, they will be reelected. If they did not, they will be voted out of here. That is the way to deal with the problem, I think.

I hope that once this is over we can perhaps enter into a real discussion of how to answer this problem in a way that relates to the real causes of our inability to answer the problems and the difficulties that face this country rather than try to blame it on some mysterious, unnamed evil people somewhere in the corridors of this Capitol.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 8 minutes 15 seconds remaining, and the gentleman from South Carolina [Mr. INGLIS] has 15 minutes and 30 seconds remaining.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SANFORD].

While he is coming, I would point out that he, too, represents the best in America that proves that this is not the dumbing down of America, for he is a successful businessman and farmer himself.

Mr. SANFORD. Mr. Chairman, I would applaud my colleague's efforts because he has gone from being a voice in the wilderness to the leader in this national change.

I rise in general behind the idea of term limits but very specifically behind the idea of a three-term limit. I do that because I think it most directly affects this culture of spending that we have in Washington.

Some would say, well, it does not matter how long people serve as long as there is some sort of limit. That is the equivalent of saying it does not matter how long we stick somebody in jail, just as long as they go there to stay a little while. That does not, again, directly affect that which we need to change, and that is this culture of spending.

I think that the American taxpayer is the one in jail right now, and the three-term limit affects this in a couple of different ways.

One, it reflects the will of the people. Overwhelmingly, people have said on the basis of 82 to 14 percent, and that is a Frank Lynch poll, that they would rather see people serving three terms than six terms.

Two, I think it goes back to the will of the Founding Fathers. They planned for a citizen legislature in which people went up for a little while and tried to make a difference and then went home. In fact, what you see is that, on average, for the first 100 years of this country's existence, people came to Congress and there was 50 percent turnover. That number has fallen down to, for the last 40 years, about 10 percent turnover in Congress.

Twelve years will not get you there. Three terms would get us much, much closer to that citizen legislature model.

Last, I would go back to where we started, and that is the American taxpayer who is now stuck in jail. The National Taxpayers Union did a study and what they found was that there was direct correlation between the length of time in office and propensity to spend other people's money. So 12 years will begin to get us that. It is better than no term limits at all. What they found was that three terms would do a much better job at that.

So I would hope that we would support this measure. I think it represents a real jailbreak for the American taxpayer.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the chairman of the Urban Caucus, the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in opposition to this specific amendment and to the constitutional amendment for term limits generally.

Mr. Chairman, you have not found me rising to say much good about the Contract With America, but there is one theme of the contract which I believe is positive: that is putting more power in the hands of the people.

But this constitutional amendment directly contradicts the theme of empowering individual Americans. And it seeks to fix America through another arbitrary and empty-headed gimmick.

One of the beauties of our democracy is that it gives power to the people through choice. Expanding democracy should be about expanding the decisions people can make—not limiting them.

But this amendment would take away choice. It cannot be repeated too many times that we already have term limits. Every 2 years, the people can limit our terms by just saying no. And they have. Most Members of Congress have served only 3.5 terms. In fact, nearly half of the Members of the present House have been elected in the last two election cycles.

The real joke here is that the proponents of term limits want term limits, but not for themselves. It is like an alcoholic calling for prohibition, but not for himself. And, is it any wonder? Of the 20 Members who serve either in the Republican leadership or as committee chairmen, only two—the majority whip and the majority leader—would still be here today if we had 12-year House term limits.

In fact, the average Republican leader and committee chairman has served 18 and a half years. One Senate term-limit advocate has been in the Senate for 41 years. It would be funny if it were not a truth that is making this debate so tragic.

Let us protect the sanctity of democracy by maintaining one of its most critical ingredients, unfettered decisionmaking by voters.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to a strong supporter of term limits, the gentleman from Pennsylvania [Mr. ENGLISH]

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in strong support of the Inglis amendment.

As someone who ran as a supporter of term limits and committed myself to limit my own term of service, I believe this amendment would be a huge improvement on current law and would be a major improvement for this institution.

□ 1815

I believe that term limits will help circulate new blood and new ideas into Congress, and for that reason it has been the focus of enormous vilification by the political establishment, of lobbyists, of political careerists and members of the news media. I believe that congressional term limits will be a catalyst for change and a seminal reform which will return this institution back to a citizen legislature, the way the founders conceived it.

I have heard many speeches today by Members of this body, whom I regard very highly, that he will be losing enormous experience by instituting term limits. But I would argue to them that the experience that this institution needs is not of this institution, it is from the professions, it is from the business community, it is from the core of our neighborhoods and our communities. There are experiences that we need here that are underrepresented that in my view would be brought in by term limits. This institution was established to contain citizens from all walks of life serving their country. In my view, term limits will make congress a more diverse institution that deliberates issues, not merely brokers of power.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman for recognizing me.

Mr. Chairman, I think term limits is a foolish idea, and I think this is a particularly foolish idea. I was privileged to be elected to this body in October of 1989. My very first meeting in the House Committee on Armed Services also happened to be Colin Powell's very first meeting before that committee as Chairman of the Joint Chiefs of Staff. He had over 30 years to learn his job, yet he makes recommendations that only the House Committee on Armed Services and then this body and the U.S. Senate can vote on, because the Constitution gives us the authority to declare war. The Constitution says we shall provide for an Army and for a Navy.

I would think the proponents of this measure could not stand before this body right now and tell us what a D-5 is or Mark 48, or why we need a *Seawolf* submarine or the *Centurion* submarine.

The bottom line is the House Committee on Armed Services makes 275 billion dollars' worth of decisions every year. These are decisions that affect your lives. This body can vote to annihilate the world. These decisions should not be made lightly, and they should not be made by people who do not know what they are talking about. And if it took Colin Powell, who is a brilliant man, 30 years to learn his job, then I would say that people in this body need at least 12 to learn theirs.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I want to take this opportunity to thank the gentleman from Greenville, South Carolina, the distinguished Mr. INGLIS, for his leadership with this important reform. The gentleman's bill which years ago would have gone unnoticed, now it is the focal point of the public's attention tonight.

Now, many Congresses of the past would have been perceived as being out of touch or spent too much or may have been perceived as being lifetime term wishers. Now we have the 104th Congress, 435 strong, a different Congress, one that has proven its accountability, first with the adoption of the Congressional Accountability Act, the Shays Act; the three-fifths rule to prevent tax increases unless there are 60 percent to vote for it. We have cut house committee staff by one-third, a line-item veto to cut out wasteful spending, no proxy voting in committee, legal reform and regulatory reform. That is what kind Congress this 104th Congress is. Pending reform legislation includes franking reform, campaign reform, gift ban reform, and pension reform.

But consistent with this excellent record of accountability, accessibility, and general reform, would be the adoption of term limits, like the Inglis bill.

I submit to you, Mr. Chairman, as you know, our U.S. Constitution permits amendments, and this effort of many of us here is not approached lightly. It will take a great deal of work. But the first step is tonight by passing this in the House before we go to the Senate and the States. Eighty percent of the public favors and 22 States have overwhelmingly adopted term limits legislation. The American people are right. This body is the people's House and we should reflect their will by voting for the Inglis bill tonight.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman, 70 percent of the people in the State of Michigan voted for term limits which called for 6 years in the House and 12 years in the Senate, and I will too. I applaud the gentleman from South Carolina [Mr. INGLIS] for bringing this effort to the floor of the House and letting us all have the opportunity to vote on real term limits, the way the American people have wanted, the term limits that American people wanted and voted for.

Term limits does not exclude people or prohibit people from running for office. You can run for the State house and serve for 6 years, you can run for the State senate, you can run for Governor. You can run for the U.S. House of Representatives, spend 6 years, you can run for the U.S. Senate, spend 12 years, and you can even run for President. You can spend your whole life running for political office and serving in politifcal office if that is what you want.

But there is one major distinction, and that is that you have to appeal to a larger group of constituents each time you run, and I think that is the true measure of your effectiveness as a public servant. For those Members who are so full of themselves that they think that they are the only ones that can do this job, I have news for them. There are many good Americans who can and have and will step into their shoes and do an excellent job.

It is time to give America a citizens' legislature that will pass laws and then go home and live under those laws. We are public servants, and I support what the public wants.

Mr. INGLIS of South Carolina. Mr. Chairman, we just heard from somebody who represents some of the 2.3 million people in Michigan that apparently made the wrong decision on term limits, according to a previous speaker.

Mr. Chairman, I am happy to yield 1½ minutes to the gentleman from California [Mr. DORNAN], who represents some of the 6.5 million people in California who voted for term limits.

Mr. DORNAN. Mr. Chairman, I put in my first term limits bill in my freshman year in 1977–78. I put in a 12-year House and 12-year Senate term limit bill every Congress over the past almost two decades, and now I have come to the position with the gentleman from South Carolina [Mr. INGLIS] that 6 years in the House and 12 in the Senate is the way to go.

There have been many good speeches today. The best was on the opposite side of my position from one of my dearest friends in the House, HENRY HYDE, the supreme protector of innocent human life in the mother's womb in this Chamber or the other body. But I have been telling the gentleman for 18 years that his destiny was to be the Governor of Illinois for 8 years after he served 12 here. He would be serving in the Senate today and probably be the front-runner for the Presidency of the

United States of America if he had been pushed out of this House with his best years ahead of him. And he has still got a lot of great years here.

But, Mr. Chairman, 82 percent of the American people want term limits. It has passed almost after half of our States, and about eight States have come down from 12, 8 or 10 to 6. Forty-two people in this Chamber did not even have an opponent in the last election. Ninety-one percent of incumbents in both the Senate and House who wanted their seat got it back.

Mr. Chairman, it simply comes down to this: The strength of this House will be in new blood, old blood, young blood, Hispanic blood, conservative, black African-American blood, more ideas in this Chamber. That will come through term limits.

Mr. CONYERS. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, it seems to me that what we are doing today unravels the balance of power that the Founding Fathers established when they wrote the Constitution of this country. And my sense has been for some time that if this generation of politicians and citizens changed the Constitution, we would not necessarily improve it. And the case in point to here is clear. We only need to look to our southern border to see what happens when you have a weak Congress and a strong Presidency. Mexico has a Congress with a term limit. One term and you are out of there. They have been incapable of reviewing the actions of the executive.

When you add the line-item veto in a Congress that is here for less time than it takes to become expert in almost any of the complex matters we deal with today, a President, misguided or mistaken, would have no review from an institution where the most senior member of a committee, where the Speaker of the House, had 6 years of experience. It is not simply in the matters of defense or national security, but in every issue that comes before a democracy. There needs to be some balance, and our Founding Fathers recognized that.

The people have the ability to institute term limits. I have just come off a close race. The people make those choices every 2 years, and we do not need a group of outside or inside experts limiting the options of the American people to make sure there is a Congress that is as strong as they want it to be to protect their rights and interests.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to the gentleman from Arizona [Mr. SALMON], who was one of the strong supporters of term limits legislation there which was passed in 1992 by 74 percent.

Mr. SALMON. Mr. Chairman, I have to commend the gentleman from South Carolina [Mr. INGLIS] for putting together a bill that does not violate the vote of the Arizona voters. I appreciate that.

Let me tell you one compelling reason, one big large fat reason why we should vote for term limits. It is the number 5 trillion, because this Congress, over the last few decades, has plunged this country $5 trillion in debt. Maybe, just maybe, if we know we are going to be here for a time certain, 6 years, we will have some guts and make the proper decisions to make the cuts where they need to be cut. Fifteen States have passed term limit laws that are limiting the House Members to 6 years, and 82 percent of the term limit supporters out there support 6 years.

I personally support the toughest possible amendment in keeping with the will of the people in Arizona who sent me here, and that is why I cosponsored the Inglis amendment. A limit of three terms for House Members will restore this body to a citizen legislature, because it will mean an average turnover approaching 50 percent. Now, if we limit it to just six terms, the average turnover is only going to be about 20 percent. Right now it is 16. So we are only going to pick up a net of 4 percent.

The Founding Fathers never intended for us to become professional politicians. They intended for Members of Congress to serve for a limited time and then go back to their farms at that time and work under the laws that they passed. We will get better laws out of this body. Let us abide by the will of the American people. Let us support the 6-year Inglis amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, what I want to do is stand here today and say that what we need to do in our Nation and in this Congress is to have the Nation speak through the various States. This legislative process is only a start. We need to pass a term limits amendment, and we ought to send it to the various States and have them make their expressions.

My State of Arkansas, we have 6 years for the House and then 12 years for the Senate. That is fine with me. That is my direction and I am going to vote for this bill, and I am going to be a supporter of it as I have always been. It is not because I want to be reelected, it is not because some people have come to me and said if you do not do this, something is going to happen. It is because it is right. We need to restrict it.

There are times for different measures, and the time has come for term limits. I am for it, I am going to vote for this bill. I am also going to vote for all the other bills so that we can eventually get a bill passed, an amendment passed, that will go to the States.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to the gentleman from Arizona [Mr. SHADEGG], who represents some of the 1 million people who voted for term limits in 1992.

□ 1830

Mr. SHADEGG. Mr. Chairman, I thank the gentleman.

The people of Arizona have embraced term limits. They have done so with full knowledge. They are intelligent, and they can make their own decisions.

I listened to impassioned speeches on this floor today about how the Founding Fathers would not have tolerated it. I heard quotes read from the Founding Fathers' papers. But the Founding Fathers wrote into our Constitution the ability to change the Constitution, and it is important to harken back to the fact that when the Founding Fathers wrote that document, they had no idea that the Congress would devolve into what it is today, that it would sit 50 out of 52 weeks of the year here, that it would not be a citizen legislature, made up of people who go home and work in their districts and then come back here, citizens who write laws part of the time and live under those laws the other part of the time.

I am prohibited by the ethics code of this body from continuing to engage in my livelihood. I am a full-time Congressman.

If we want to return to a citizen legislature, then it is time to recognize that we have got to enact term limits. The arrogance of saying those who are here are the only ones who have the wisdom to govern this Nation is dead wrong.

It is time to recognize the wisdom of the Founding Fathers in allowing us to amend the Constitution and to return to a concept they embraced, which was that citizens write laws for America.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to just observe that we are marching our own institution into oblivion. I am trying to search for the reasons why. What would lead us to come to such a sorry conclusion that we need to regulate by Constitution our own terms?

Oh, not for us exactly, after it succeeds through the ratification process. My hat goes off to those three Members that I have heard that said they are going to impose constitutional limitations on themselves that they would put into the Constitution. Those are my kind of guys.

If we had a whole Congress like this, everybody that wants to impose limitations should impose them on themselves. And if Members did that, we would probably be cured of the problem that we complain of.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I rise to oppose this amendment and oppose term limits as they are being proposed here this evening.

I think that we keep hearing about these polls and how people want to have term limits. In my district in Pennsylvania, over the last 16 years the voters have decided to replace two incumbents, and they realized that there are limits already in place. Every 2 years they get a chance to vote. And in fact, in some 85 weeks from now they will have a chance to vote on all of us and whether they want to see us return to the Congress.

It is of interest that when you look at the Republican chairs of committees and all of their leadership, they are in their sixth term or better. So, therefore, for all of the 12-year advocates or less, they should not be returning here to the Congress. They should, as the ranking member has said, if they want to go, they should go. And for all of those who support this notion, they should look at their votes back in the Republican conference, in which they voted to elect all these people chairs and Speaker GINGRICH to the Speaker's chair after he served 17 years.

So the point is that after 6 years you somehow do not have the ability to represent the legitimate interests of your constituents, those people who are prepared to adopt that logic need to act on it and follow their wisdom to its more interesting and more ironic conclusion, which is that they would have to leave the U.S. Congress.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Windsor, CA [Mr. RIGGS], who represents some of the 6.5 million people in California who voted for term limits.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding time to me. I thank him for his very strong leadership on this particular issue.

My colleagues, if things work so well at the present, how did we get a $5 trillion debt. We all know that Members of Congress get reelected, election in election out, by saying yes. And it is much easier to say yes than it is to say no.

We also know that the trends indicate that the longer someone serves in this body, the more likely they are to become a big spender.

Second, the longer they stay here in this body, the more dependent they become on special interest contributions to finance their reelection campaigns.

So really term limits should be known as the empowerment act for Members of Congress. It will clearly help the Members of this body bite the bullet and make the very difficult decisions, the budgeting decisions that have to be made in the interest of this country.

I for one intend to respect and honor the will of California voters who voted loud and clear in 1992 to limit the terms of Members of the California congressional delegation to three 2-year terms in the House, two 6-year terms in the Senate.

Mr. Chairman, I thank the gentleman for his leadership on this issue. Elective office should be short-term public service and not a career.

I urge my colleagues to support the Inglis amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we close this debate on this 6-year version of term limits, I think it is important not to stress the 6 years or the number of years but rather go back to the foundational principle here of why we need term limits.

Once again, that reason is the permanent Congress that we have got in the United States at this point. For all the change we are talking about, we have heard a lot of speakers refer to the fact that we have got 50 percent of the body is new in the last two cycles, all of that may be true. But the critical thing is, who came back that wanted to come back? What is the rate of reelection among those who wanted to come back. Do not look at open seats, because we know people die or retire or move on for whatever reason.

But of those who wanted to come back in 1994, with all of the change we got, 90 percent of us were reelected. That is a higher rate of reelection than the rate of reelection that used to obtain in the Soviet Union, when the Politburo ran the Soviet Union.

It is very important that we limit terms so that we can get a different kind of person here. And yes, a person without that experience that so many Members have talked about, with, frankly, such arrogance, to assume that we have such experience to run these huge programs, that experience has landed us $4.8 trillion in debt.

It is time for a different kind of experience in this body, the experience of ordinary people who would come here and work for a limited period of time on their specific agenda and then go home to live under the laws they created.

I urge Members support for this substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina [Mr. INGLIS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. INGLIS of South Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 316, not voting 4, as follows:

[Roll No. 275]

AYES—114

Allard
Armey
Bachus
Baker (CA)
Baldacci
Barcia
Bartlett
Bass
Bereuter
Bilbray
Blute
Bono
Browder
Brownback
Bryant (TN)
Bunn
Burr
Calvert
Chabot
Christensen
Chrysler
Clyburn
Coble
Coburn
Condit
Cooley
Cramer
Crane
Cremeans
Cubin
Davis
DeFazio
Deutsch
Dickey
Doolittle
Dornan
Dunn
English
Ensign
Everett
Fields (TX)
Flanagan
Forbes
Fox
Franks (NJ)
Funderburk
Furse
Ganske
Goss
Graham
Hall (TX)
Hancock
Harman
Heineman
Herger
Hilleary
Hoekstra
Hutchinson
Inglis
Jacobs
Jones
Kim
LaHood
Largent
LaTourette
Lewis (KY)
LoBiondo
Longley
Lucas
McCarthy
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Minge
Myrick
Nethercutt
Neumann
Ney
Norwood
Packard
Peterson (MN)
Pombo
Pryce
Radanovich
Riggs
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Shadegg
Smith (MI)
Solomon
Spence
Stockman
Talent
Tate
Thornberry
Thornton
Vucanovich
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Zimmer

NOES—316

Abercrombie
Ackerman
Andrews
Archer
Baesler
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Clay
Clayton
Clement
Clinger
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Cox
Coyne
Crapo
Cunningham
Danner
Deal
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Gallegly
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur

Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Latham
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McDade
McDermott
McHale
McHugh
McKinney
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead

Moran
Morella
Murtha
Myers
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Porter
Portman
Poshard
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky

Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—4

de la Garza
Gephardt

Pomeroy
Torricelli

□ 1857

Mr. JONES and Mr. MINGE changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104-82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HILLEARY

Mr. HILLEARY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. HILLEARY: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"SECTION 1. No person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected to the House of Representatives six times shall be eligible for election to the House of Representatives.

"SECTION 2. Election as a Senator or Representative before this Article is ratified shall not be taken into account for purposes of section 1, except that any State limitation on service for Members of Congress from that State, whether enacted before, on, or after the date of the ratification of this Article shall be valid, if such limitation does not exceed the limitation set forth in section 1.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Tennessee [Mr. HILLEARY] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized in opposition for 30 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. HILLEARY].

□ 1900

Mr. HILLEARY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, tonight I am offering an amendment to protect the rights of individual States to impose term limit restrictions.

First, my amendment sets a national term limit of 12 years in the House and 12 years in the Senate. These are lifetime limits.

Second, our proposal allows States to set limits less than 12 years if they so choose.

It does not preempt any of the term limit proposals currently passed by the States. Do not confuse this with retroactivity. The Federal term limit provision clock starts when the amendment is ratified. For States that currently have State-imposed term limits, they continue as enacted. This legislation does not reach back to count any service prior to what is included in the State term limit law and it does not preempt any State term limits by resetting the clocks back to zero. Our legislation leaves the State-passed term limit laws alone and totally enforceable.

Although term limits is a new issue being considered by the House of Representatives, the citizens of 22 States around this country have already passed term limits in their States.

Tonight we have the opportunity either to protect the hard work of those people or turn our backs on them and let 9 justices in black robes across the street over here decide the fate of their work.

My amendment has the support of grassroots organizations which have fought the hardest in support of term limits. These groups have said that my amendment is the best one to protect term limits. It includes: United We Stand America; the Heritage Foundation; National Taxpayers Union; Citizens Against Government Waste; American Conservative Union, and the Christian Coalition.

I urge all of my colleagues to support the Hilleary amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment calls for a 12-year national term limit but at the same time allows the States to adopt shorter term limits and then apply them retroactively.

Ladies and gentlemen, this is a 12-year term limit that allows each State in the Union to adopt a shorter than 12-year term limit if it so chooses. Do you have any idea what kind of chaos we are suggesting under a term limitation of this nature?

It is the most undemocratic and unconstitutional choice of term limits that we could possible make. The Supreme Court will shortly decide the constitutional question of whether the States are prohibited from determining qualifications for Members of Congress, as I believe they are, but Congress should not adopt a proposal as patently undemocratic and unfair as this. This takes the cake.

Voters in some term-limits States will be denied the right to elect experienced and effective legislators but those limits may not apply in other States.

Do you realize what that would mean in terms of seniority and chairmanships across this Congress if some States would have shorter term limits than other States? I think it would become a nightmare that we would not want to contemplate.

Some current Members, then, would gain seniority and others would be unable to. Lack of uniformity means unequal rights.

The present Speaker of the House has said that 6 years was not enough time for him to understand what is needed to be an effective Member of this body. But this proposal would allow the States to adopt a 6-year limit, or maybe even a 2-term limit, or maybe, as in Mexico, a 1-term limit. There is no prescription, no prohibition from each State adopting whatever term limit they might choose.

Who will be elected to Congress if people who want to devote their careers to public service are discouraged from seeking office?

Remember our Judiciary colleague Don Edwards of California who said it best:

> Term limits would establish a Congress of lame ducks, rich people who could afford to spend a few years away from their life's work, corporation executives sent by their employers for business purposes, and men and women with a single passionately held goal.

What is strikingly absent from this list is the person whose public service is marked by commitment to the best ideals of the Nation, who is not captive to special interests and who has gained the experience and expertise to best serve the people who elected him or her to Congress.

Term limits is a narrow slogan that offers a "magic bullet" solution to a set of concerns that the voters have already resolved through the ballot box by giving the Republicans a majority in Congress and electing new representatives in half the races since 1990.

Reject this simplistic and dangerous solution. Vote "no" on the Hilleary term limit proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to my good friend the gentlewoman from North Carolina [Mrs. MYRICK] who along with her staff has put in countless hours on this bill.

Mrs. MYRICK. Mr. Chairman, our Founding Fathers established this body on the ideal of a citizen legislature.

Their goal was to maintain the free flow of ideas through a steady rotation of individuals who saw public service, as just that, a service to the public—not a career.

We have a chance to uphold the wishes of our Founding Fathers this evening by passing a term limits amendment.

In addition we have a chance to pass an amendment that would not only respect the wishes of our Founding Fathers but would also respect the spirit of the Contract With America, by recognizing States rights.

The amendment is the Hilleary-freshman amendment. Mr. Chairman, the contract reads:

"House Republicans respect the rights of the States and respect the rights of citizens to limit the terms of their elected officials."

The Hilleary amendment sets a maximum 12-year limit on the terms of both House and Senate Members. However, it respects the limits, even stricter limits, already established by 22 States nationwide.

Mr. Chairman, whether it be the amendment offered by Mr. HILLEARY, Mr. INGLIS, or Mr. MCCOLLUM, I will support final passage.

In 22 States, term limits have been initiated by citizens and have passed, on average 2 to 1; 80 percent of Americans support term limits, and I am one of them. I urge all my colleagues—on both sides of the aisle—to join with the American people.

The public has spoken. We must pass term limits tonight.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 6 minutes to the distinguished gentleman from North Carolina [Mr. WATT], our colleague on the Committee on the Judiciary.

Mr. WATT of North Carolina. I thank my colleague from Michigan for yielding time to me.

Mr. Chairman, at the end of the day, I think the American public will understand that we have been engaged in a giant charade throughout the course of today. Everybody in this body knows that this term limit proposal, any version of it, is going down to defeat. Every version of it is going down to defeat.

So why are we here? We are here because there was a reference to term limits in the Contract With America. So in debating this term limit issue, I think it is necessary to talk a little bit about some myths about this Contract With America and expose some myths about this whole idea of term limits.

First of all, there is this myth out there that the Contract With America is conservative. Well, let me tell you, my friends, since when is reversing 200 years of history and democracy a conservative philosophy?

Since when is a constant attack on the Constitution of the United States a conservative philosophy?

That is what we have been engaged in this entire term as we have addressed these issues in the Contract With America.

In dealing with the line-item veto, we have had under attack article 1, section 1 of the Constitution. The Effective Death Penalty Act, article 1, section 9 of the Constitution. National Defense Revitalization Act, the Defense Reauthorization Review Commission being set up, an attack on article 2, section 2 of the Constitution. Exclusionary Rule Reform Act, an attack on the fourth amendment to the Constitution. The takings legislation, the fifth amendment to the Constitution under attack.

And here we are again calling ourselves conservatives as we constantly seek to undermine the most conservative document, the contract, the ultimate Contract With America, the Constitution of the United States.

Since when is limiting the voters' choice in who they can elect to the Congress of the United States a conservative philosophy? It is not conservative, my friends, this whole term limit debate. It is undemocratic and I submit to you, it is un-American. It is radical.

Since when is this cavalier notion that these group of people in this body are smarter than the Founding Fathers of our country a conservative philosophy?

But my friends here would have us believe that we are engaged in some kind of conservative undertaking by supporting their effort, their Contract With America, by supporting term limits in this case.

There is a second myth I want to go after about this Contract With America. That is the myth that there is something consistent about this Contract With America, or that it is based on some consistent philosophical principles.

You tell me how it is consistent to tell the American people you believe in States rights when you preempt State law on legal standards which have been the exclusive province of the States for years and years. Tell the States how much time they must give to a criminal under their own laws and tell them you believe in States rights. Block-grant one day and preempt State laws the next day and tell them you believe in States rights, and, my friends, the Hilleary amendment, this amendment that we are here talking about today, wants to tell the American people that you believe in States rights and you believe in Federal rights. Inconsistency. You want to have your cake and eat it too.

Mr. Chairman, this amendment does not know whether it believes in States rights on the one hand, we are going to give the States the right to do what they want, or whether you want to federalize the standards. So this whole philosophy that the Contract With America is based on some consistent philosophical principle that you believe in States rights is just a charade. It is a charade.

□ 1915

And, my friends, there is a third myth about this Contract With America. And that is that it has been well thought out and that it is good for the American people. In fact, it is shortsighted, it is mean-spirited and I will submit that at the end of the day today Members will see that even the Republicans will not support this plank in the Contract With America. They say it will yield a common people's Congress. It will yield a rich people's Congress.

Let us dispense with the charade and vote this piece of trash down.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will admonish our visitors this evening that public displays are not permitted under the rules of the House.

Mr. HILLEARY. Mr. Chairman, I yield 45 seconds to my good friend, the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, talk about a charade and wanting to have your cake and eating it too; to say that it is undemocratic and radical and to say we think we are smarter than the Founding Fathers because we want to amend the Constitution when it is time to amend the Constitution smacks of blatant hypocrisy.

If we followed this reasoning we would follow the reasoning of those who supported Plessy versus Robinson.

Mr. WATT of North Carolina. If the gentleman will yield, I knew we would be talking about slavery before we were through.

Mr. SCARBOROUGH. There is something we have called the 13th amendment and 14th amendment.

Following the logic of Plessy versus Ferguson, the 13th amendment and 14th amendment, and those who opposed that, using the gentleman's logic, we would still have slavery because anybody that wanted to end slavery would have been "smarter than the Founding Fathers."

Mr. WATT of North Carolina. Will the gentleman yield?

Mr. SCARBOROUGH. I would love to, but I think my time has expired.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just want to make sure that we understand the height of hypocrisy. The height of hypocrisy is when anybody black gets up to talk on this floor, we end up talking about slavery on the other side. That is the height of hypocrisy.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. No, I will not yield.

Mr. SCARBOROUGH. It is about constitutional law, it is not about whether you are black or white.

Mr. KLINK. Regular order.

The CHAIRMAN. The gentleman from Florida was not recognized.

Mr. SCARBOROUGH. Will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I will not yield. Would you yield to me when I have the time? You use your time and we will have a colloquy about Plessy versus Ferguson not Plessy versus Robinson, as you are talking about. If you want to have a colloquy with me, you get the time and I will be happy to debate with the gentleman.

Mr. SCARBOROUGH. I will gladly do it, gladly.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my very good friend and colleague, the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I personally wish that we did not need term limits but we do. The institution of Congress became arrogant and out of touch. The people want a citizen legislature.

I have some friendly advice for some of the senior Members of this body from both sides of the aisle. If you think your seat in Congress belongs to you, and not the people, it's time for you to go home.

Because the Republican leadership had the courage to finally bring a vote on term limits, you can vote against term limits this year, and the folks back home can vote against you next year.

When I was growing up, the Fram oil filter man used to say: "Pay me now or pay me later."

While I plan to vote for all of the majority amendments, I much prefer the Hilleary amendment. I commend my colleague the gentleman from Tennessee for his recognition of the people's will in 22 States and urge my colleagues to vote yes on this amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must admonish our guests again this evening that under the rules of the House public displays, outbursts and displays are not permitted. The Chair thanks them for their cooperation.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 3 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, this is our weekly constitutional amendment and this week we are debating term limits. There is lots of debate in this Chamber over the last several months about school prayer. Tonight we are dealing with the politician's prayer, the prayers of many of my colleagues who give spirited speeches in favor of term limits but pray to God it will not pass or at least not apply to them.

The history of the House of Representatives tells us that about 12,000 men and women have had the high honor to serve in this body. Many have been real giants on both sides of the aisle, and it has been my honor in the 12 years I have served to know them. Claude Pepper, Tip O'Neill, Lindy Boggs. On the Republican side, Silvio Conte, Bob Michel, and so many others who would have been precluded from completing their careers by the debate that we have in this Chamber today.

Here is the bottom line: For many members of the House of Representatives, 2 years are too long and for others, 20 years are not long enough.

The judgment on the men and women who serve in this House whether it should be 2 years, 20 years or more is a judgment in America to be made by the real power brokers, the people we serve. And in the case of this House of Representatives, every 24 months we stand to be judged by those voters.

Let me tell my colleagues what a House of Representatives populated by lame ducks, idle rich, dim-witted short-timers means. It is a dream come true for the lobbyists, for the special interests and the bureaucrats, because as Members of Congress come and go under these term limits scenarios, the lobbyists and the bureaucrats are going to linger on. They will be the ones with the information, the money, and the power. And the people just passing through will be doing their bidding instead of calling the tune. Their power will grow as the quality and experience of Members of Congress diminishes under term limits.

It was my honor in the last 2 years to chair a subcommittee of Appropriations which appropriated $67 billion a year and was responsible for 130,000 Federal employees. After 8 years of serving on the committee, I had the responsibility and honor of chairing it. At that point, I felt I had reached a level where I could debate with the bureaucracy and the special interests and make real and significant reform and change, and it happened.

Had I been wandering through here in 2 years or 4 years or 6, folks, it would have been a lot tougher. We count on experience in every walk of life. You do not ask for the surgeon fresh out of medical school, you do not ask for the banker fresh out of business school, you ask for people with experience because experience counts in real life and experience counts in the House of Representatives.

Think twice before we impose term limits and lose the real strength of our House of Representatives.

Mr. HILLEARY. Mr. Chairman, I yield 1½ minutes to my good friend, the distinguished gentleman from Washington State [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I thank the distinguished gentleman from Tennessee for yielding me this time.

Mr. Chairman, I rise in strong support of the Hilleary amendment.

The American people already know about term limits. They are watching us closely to see if our actions speak as loud as our words. Twenty-two States have term limits, with more surely to follow.

My election to this body is a direct result of my recognizing the right of the people of the State of Washington to enact term limits.

That is the beauty of this amendment. It respects the decision in my State to limit terms.

The Hilleary amendment is carefully drafted to embody the spirit of the Contract With America, and the spirit of the freshman class.

We freshman have come to Washington to change the status quo to be different than our predecessors. As the new majority party, we have the ability now to make it easier for future generations to serve in this body.

The Hilleary amendment provides for a uniform upper limit of 12 years of service, but it also allows States to create their own more restrictive limits or keep the ones they already have.

The Contract With America calls for change in the way we do business in Congress and a reduction in the size and scope of the Federal Government.

This amendment accomplishes both goals. It allows a regular, reasonable turnover in the membership of Congress. It will assure that new people with new energy and new ideas contribute to better government. And, it will demonstrate to the American public that States' rights are not ignored by Congress.

I urge my colleagues to remember the mandate of election day 1994.

Vote "yes" on the Hilleary amendment.

Mr. CONYERS. Mr. Chairman, with some pleasure, I yield 7 minutes to the gentleman from Massachusetts [Mr. FRANK], the comanager of this bill and the ranking member of the Constitution Subcommittee.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding the time.

The Chairman, I am voting against term limits. People have talked about the effect on the competency of the body, and I agree; and they have talked about other things. For me there is one overriding reason. I believe in democracy, in representative democracy, untrammeled, unrestricted, unrestrained.

What this amendment does is impinge on the right of a given group of voters at a given moment in time to make whatever decision it wishes.

People have said well, how can it be undemocratic, a majority is for it. I did not think in the 20th century, after all that we have seen, in which majority have people temporarily taken away democratic rights from others and indeed even yielded up their own, I did not think that needed to be explained.

But democracy is not simply what a given majority in a public opinion poll thinks at a given time. It is an entire structure of government, it is majority rule with minority rights; it is the prevention of permanence, because with majority rule you recognize the right of a later majority, a differently composed majority of newer people to change things.

What you would do if you amended the Constitution today in this manner or began the process is to lock in what today's majority thinks as a restriction on any future group.

Second, you would take away the rights from individuals. Particular groups of individuals may not want to have their Representative limited. That is what you are doing, what you are saying. And we are being told 80 percent think that.

It has not been my impression that 80 percent has been the uniform vote in referenda, so maybe it is 50 percent plus 2, maybe it is 65 percent, but the number is not the relevant factor. What is relevant is that democracy says at any given time the voters should be allowed to make up their minds.

What this amendment is fundamentally is an effort to find a shortcut around tough decisions. We have had a number of these coming in the contract. Cutting the budget and reducing the deficit is hard, because the deficit is an agglomeration of programs that got there because they got political support.

Rather than talk about the specifics of cutting, the majority leader said you do not want people's knees to buckle when they see what is really up. People provide procedural approaches to try to get around tough issues. This is one more of those. But it is a procedural approach that restricts democracy.

What is the matter with a system that says the voters can do whatever they want to do whenever they want to do it? And the honest thing I have heard is constant invocation of the Founding Fathers, the people who wrote the Constitution, to be told that they are really for something that is in there. I have to ask the brilliant constitutional scholars who have been advancing that, is it your contention that the Constitutional Convention meant to include term limits but they forgot? Was it a drafting error, did they run out of time? If they wanted to do it, why did they not do it?

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the constitutional scholar from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman so much. I will not expand on *Plessy* v. *Ferguson*, but I will answer the gentleman's question with a question. There are writings in the Federalist Papers by James Madison that say that in general he would support the idea of a limited term for Representatives.

Mr. FRANK of Massachusetts. That answer is astounding.

Mr. SCARBOROUGH. Well, thank you, I appreciate that.

Mr. FRANK of Massachusetts. I say in my question if the Founding Fathers wanted to put it in the Constitution, why did they not? The gentleman said well, after the Constitution was over and it was not in there, in the Federalist Papers, one member of the Constitutional Convention said he liked it.

□ 1930

Maybe he liked the idea later. Maybe he did or did not. But the notion that the later reference to a concept in a series of essays somehow explains why that concept was not in the document is mindless. The gentleman did a better job before.

Again, the question was if the Founding Fathers meant to do this, why did they not. That would seem a simple question. The answer is, well, they did not, but one of them mentioned it in a book. If the gentleman thinks that is an answer, he understands even less than I thought.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. I thank the gentleman for yielding. I will say this, not only were there certain things excluded from the Constitution, there were other things mentioned that were not included in there such as issues regarding what eventually came in under the 13th and 14th amendments and the women's right to vote.

Mr. FRANK of Massachusetts. Reclaiming my time, I have to say to the gentleman the answer gets less and less intelligible. The fact is he says, oh, the explanation for that not being in there is that there are other things that were not in there. I understand that. There were a lot of things that were not in there. But do not take the absence of this concept from the Constitution and argue that its absence really meant that they meant it.

This is fundamentally a derogation from the democratic process. It is an argument that you really cannot trust elections on a year-in, year-out basis, and it deprives individuals of their right to vote for whoever they want to vote for whenever they want to vote for them, and for that reason more than any other, I oppose it.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Virginia.

Mr. MORAN. I would just suggest that there is an answer to why it was not included in the Constitution.

In the original Articles of Confederation there was a limit on the period of time in which you could serve. You could not serve for longer than 3 years within a 6-year period. It did not work.

And so there was a debate, in fact, precedent to the Constitution, and it was deliberately decided not to include term limits, because it did not work when the Articles of Confederation were the law of the land. So it is deliberate that we do not have term limits in the Constitution, and that is one of the reasons why I do not think we should change the Constitution at this point either.

Mr. FRANK of Massachusetts. I thank the gentleman for clearing that up.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I just want to say, the gentleman earlier referred to the idea of a charade around here. What has been the charade around here has been the past 40 years when this issue has never come up for a vote on this floor of the House of Representatives in the past, and when the former Speaker of this House, the Democrat, sues his own State because they want to limit his terms. That is a charade, folks.

And tonight I rise in support of term limits, the substitute offered by my colleague and good friend, the gentleman from Tennessee [Mr. HILLEARY].

I have been a strong supporter of term limits in my campaign and was a proud cosponsor of the McCollum term limits bill. However, the gentleman from Tennessee [Mr. HILLEARY] has developed even stronger language than the base bill, because the Hilleary substitute maximizes the ability of voters to participate in their government. It recognizes the rights of the people and the rights of the States over the rights of the Washington politicians, and I would also like to say that no matter whether the Hilleary version or the McCollum version get the most votes, I urge my colleagues to vote for final passage tonight.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO], a member of the Committee on the Judiciary.

Mr. SERRANO. I thank the gentleman for yielding.

I rise in opposition to all term limit amendments as they come here today. It is a silly notion put together by a bunch of losers.

Let us understand what we mean by that. The current movement started when some people who were running against incumbents lost and decided they were going to fix their defeats by creating this new movement. You recall a few years ago that is how it started.

I stand before you today as probably the person that should be used as the poster child for the anti-term-limits movement.

Yesterday was my 5th anniversary in Congress. I have already gone more than half the House in seniority in those 5 years. So obviously there is nothing broken that needs to be fixed. People are leaving this place. People are making other decisions. People are being defeated. There is no need to do this kind of a thing.

Now, every so often you get an opportunity to speak to people from Latin America who always question why we spend so much time in this country trying to undo our democracy. They tell us, "You know, we would give our lives, and we do in many cases, to have your democracy. And what do you do? You talk about airport parking, you talk about salaries, you talk about people's private lives and term limits. We want an election. We want the ability to elect someone, and you want to unelect people."

Now, in the last election, I received 98 percent of the vote with an opponent. That was the highest in the Nation. According to you, the voters in my district were dumb and did not know what they were doing, and they should not be allowed to do that ever again, because they are dangerous to us, to themselves, and to their families, to their community, and certainly they are endangering my life.

And last but not least, under your plan, you would have to elect the most progressive people in the Nation who would come together every so often, look at each other and say, "A couple of Hispanics, a couple of African-Americans, a couple of women, let's make those two chairmen of committees, that one subcommittee chairman. Let us give them equality." The seniority system works. Term limits is for losers. Let it stay with the losers.

Mr. Chairman, I rise in opposition to amending the U.S. Constitution to limit the terms of Members of Congress.

The Republicans keep talking about what a historic day this is. Well, that may be, but not for the reasons they claim. The House is being asked to vote on a measure of historic silliness, a measure that represents a knee-jerk reaction to a problem that, if it ever existed at all, no longer exists.

Mr. Chairman, term limits are simply silly. The American people already have—and exercised as recently as last November 8—the right to limit the length of service of their own Senators and Members of the House of Representatives.

It is argued that term limits are necessary to wrench legislatures away from entrenched career politicians, and the evidence of entrenchment is the high reelection rate of incumbents who seek reelection.

Incumbents who seek reelection, Mr. Chairman. We all know—or know of—incumbents who chose not to run for reelection because they knew they were likely to lose. Likely to lose, Mr. Chairman. They decided to go out gracefully rather than spend the time or raise and spend the money and be rejected all the same.

But look at my brief service in the House. I was elected in March 1990. In November 1990, 45 seats changed hands. In November 1992, another 110. In November 1994, another 87. By my calculations, at least 242 seats—more than half the membership of the House—have changed hands since March 1990.

The term limits movement is the brain child of losers, plain and simple. They ran for Congress and lost. Unable to remove incumbents through the normal political process, they have created a movement to remove incumbents automatically. They have been helped, and much public support has been whipped up, by radio talk show hosts and other professional Congress-bashers, who persist in painting government service as corrupting.

You know, Mr. Chairman, I am bilingual in Spanish and English, so I can keep in touch with scholars and politicians in Latin America. And all the time I hear, "What is it about you Americans, that you are constantly trashing your own Government? What is it about you Americans that you spend so much time worrying about how much money Members of Congress make, what they drive, where they park, whether they have a gym? And now you are going to kick them out after a certain amount of time regardless of how the people they represent feel about them?"

Mr. Chairman, this comes from a part of the world where people literally die to have a government like ours, literally die for the opportunity to elect someone and keep electing them for as long as they want, not see them shot in the middle of the campaign. And they look at us and say to me, "Serrano, que es lo que pasa?"

And they're right, Mr. Chairman. This is crazy.

Mr. Chairman, term limits aren't just silly, they are unfair to groups within our society that have traditionally been underrepresented in Congress. In the 30 years since the Voting Rights Act was enacted, minority and women Members have increased in numbers and increased in influence through the seniority system.

In fact, cynics observe that just as certain people—minorities and women—begin to gain some power in Congress, some people decided it is time to curtail terms. And once that's done, only the most good-hearted, progressive group of Members would look around and say, You know, Mr. CONYERS, Mr. WATTS, Ms. VELÁZQUEZ, we think we will share some of the power and influence in this place with you.

Term limits aren't just silly and unfair, they represent a major shift in power away from the people's branch of the Government. If we limit terms, sooner or later we will find Congress playing catchup to the executive branch, congressional staff, and lobbyists. So 10 years from now, we will see a new movement of people who demand unlimited terms, who say "let people run."

Mr. Chairman, I was sworn in on March 28, 1990. I chose that day because it was the 38th anniversary of my parents' arrival from Puerto Rico. I thought it would be a great tribute to their many years of working in a factory to give their children a better life to have their son enter Congress that day. I know they would not have thought of Congress as an institution that would corrupt their son or turn him into something they did not bring him up to be.

And that is why at bottom term limits are dangerous. they reinforce the false notion that Congress and our entire Federal Government are corrupt and that anyone who serves more than a certain time, regardless of his or her accomplishments or contributions, is by definition crooked and unworthy of serving the American people any more. That simply is wrong, and serves only to further diminish our most basic institutions in the public's eyes.

Mr. Chairman, some of our most eminent Members on both sides of the aisle are walking advertisements for letting the people choose their own representatives as many times as they like. I urge my colleagues to oppose any constitutional amendment to impose term limits on Congress.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, I rise today in unequivocal support of term limits. In 1992, 74 percent of the people of Missouri voted in favor of an 8-year term limit for their U.S. representatives and a 12-year term limit for their U.S. Senators.

As a strong supporter of term limits while serving in the Missouri State Senate and now as a member of the United States Congress, I agree with the peoples' decision.

Unfortunately, the original amendment I cosponsored, which would have provided limits identical to those passed in Missouri, will not be considered under the existing rule. There is, however, an acceptable alternative—the Hilleary amendment.

This amendment provides for 12-year limits of service for both House and Senate Members, yet—and this is very important—it protects individual States' laws limiting the congressional terms of service for their own Members. Since the Hilleary amendment works within the framework established by the people of Missouri, I strongly believe this amendment is the best alternative.

Therefore, Mr. Chairman, I urge my colleagues to remember where they came from, and remember where they are, in most cases, going back to—and vote to allow the States to implement their own term limits.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. MFUME], the distinguished former chairman of the Congressional Black Caucus.

Mr. MFUME. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

I want to stand here this evening and join with other Members of this body in absolute and unequivocal opposition of this nonsense in all of its versions that have been before us tonight and state a brief but very succinct case as to why. And on this particular bill, because it allows for all sorts of limits to be placed, in other words, you could serve for 12 years or your State could have you serve for 2 years, it creates chaos in a Government that is already too chaotic, and has no uniformity that brings about any sense of resolution of problems.

I keep hearing over and over and over again from Members who are in support of this, "Well, you know, the majority of the American people want this. The majority of the American people think it is the right thing to do."

We were sent here to govern on what was right and what was wrong and not to read some poll commissioned and published in a publication. If we have to do that, we do not need to be here, and maybe then term limits are effective. I do not want anybody representing me reading poll results and basing their work on that instead of using their judgment that they ought to have intuitively to do what is right and to see beyond the hype.

The last time I looked, since someone raised the question before, slavery was considered to be all right in the minds of most people in this country, so perhaps that is why all of those former Congresses just kept on voting it through and voting it through. The last time I looked, in 1939, the majority of the people in this country turned their backs on Jewish Americans and turned around the Saint Louis from the ports of Florida and sent it back to Europe so that people could be killed and found to be in all sorts of, or all kinds of things happening to them because the majority of people wanted it.

The majority of people in this country did not want women to have the right to vote. So if you read a public opinion poll in 1905 and you were in Congress, of course, you were going to vote against women's suffrage.

Please, do not give me that. Between death, voters, and voluntary change of occupation, 206 Members of this body in the last 3 years are no longer here. That is almost half. You do not need term limits to do that. You will not need them in the future to do that.

People make the choices as they have the right to do every 2 years, and for those who keep quoting the Constitution, well, here it is, ladies and gentlemen. I do not know when is the last time any of you read it. Beside it happens to be the Federalist papers, but, look, there is nothing in it that says you have to stay here. You can leave. And, in fact, if you believe in 6 years, please, go, so that we can carry on the people's work.

Let us not be disingenuous. Every Member of this body knows that none of these measures are going to pass tonight. Everybody knows that. And if you are honest, you would say it. But we are going to play games and have a charade.

The gentleman from Illinois [Mr. HYDE], the most distinguished Member I have served with on the other side of the aisle, has said over and over again we do not need the dumbing down of the Congress. This ought to be about substance and true debate and not a charade. We know that all of these measures are going to fail tonight.

Mr. HILLEARY. Mr. Chairman, I yield 1½ minutes to my good friend, the gentleman from Washington [Mr. TATE], who, along with his staff, helped an awful lot on this amendment.

Mr. TATE. Mr. Chairman, first of all, I would like to thank the gentleman from Tennessee for his hard work. He took the best of the McCollum bill and the best of the Inglis bill and put together an even better bill, a bill that will protect the rights of the citizens, those citizens of Washington State, for example, who took out petitions, went door to door, went to shopping malls, went outside at the State fairs, went out and gathered signatures, because they wanted to change Congress.

Why did they want to change Congress? Because we had a Congress that was more interested in doing what they wanted to do than what the people wanted to do, that was more interested in getting reelected than it was doing what was right, and things need to change.

We have heard a lot on this floor about the reason why we need term limits, because we need experience. Well, the folks across the aisle for the last 40 years have had a lot of experience, experience in raising our taxes, experience in raising the debt, experience in raising the deficit.

Now, to use the example, the Founding Fathers did not talk about that, well, maybe they did not know we would have 40 years of raising taxes and raising the debt. They would have wanted term limits.

The people want a new experience, my friends. They want a new change. And they want term limits. And that is exactly what we plan on giving them, and the Hilleary amendment is the best approach.

I urge your support.

Mr. CONYERS. Mr. Chairman, I am trying to move the debate along as quickly as we can, and I would like to reach across the aisle and yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM], the distinguished member of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise here tonight reluctantly to oppose the Hilleary amendment, and I say reluctantly because of several reasons.

One, I respect the gentleman very much, and I know what he has offered is genuine. There are many Members on my side of the aisle and the other side of the aisle who do accept the concepts embodied in this amendment, and reluctantly because I am a term-limits supporter, and I will vote for this version should it prevail and get to final passage.

I do not agree with a lot of the rhetoric we have heard here tonight in opposition to this amendment and others.

But I do, nonetheless, believe I need to put on the record why I am going to vote against this amendment in the Committee of the Whole. The reason why is because I do not want to see us put into the Constitution a provision that gives the States greater rights than they have today under the Constitution, because I fear that if we wind up, after the Supreme Court decides the Arkansas case with a ruling, that says that under the present constitutional provisions, the States cannot do what they have been doing in these initiatives; we will then have passed the Hilleary amendment, and we will wind up in a situation where we will have given the States more rights than the Supreme Court says they have today, and that will assure a hodgepodge for a long time to come of 6 years, 8 years, 12 years for the House for many of the States around the country and many of the locations.

□ 1945

Now there are some who will say that is perfectly fine. I disagree with some of my colleagues who like the 6 years or the 8 years in large measure because I do not think that it is smart for us to have a term limit less for the House than for the Senate. I think it makes a weaker body for the House vis-a-vis the Senate in conference committees and so on.

I also think that it is a problem if we do that and have a hodgepodge. I do not believe that we will see the States do what some have suggested and, over time, go up to the cap of 12 years the gentleman sets. I think the politics and the political reality means some States will always have lower limits than the cap is, and therefore some States will have big advantages out here. Those who do not go to those higher limits will be disadvantaged, their Members will be in committee work, in seniority in the system that we have under term limits.

So I think the absence of uniformity is generally a bad idea, though my underlying base amendment allows whatever the Supreme Court to decide to be the case, and if indeed the Supreme Court decides that the States currently have the right to do what they have been doing, then so be it. I am silent on it, the base bill is silent on it, but I must, as I say, oppose this now. I do not believe we ought to give the States a right in the Constitution they do not currently have, and I urge a no vote on the Hilleary amendment.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for yielding this time to me.

Mr. Chairman, I rise in support of term limits and the Hilleary substitute. My comments will probably not be as eloquent as a number of the other people on the other side of the aisle that have been here quite a bit longer than we have.

This is primarily a freshman initiative and one that we are putting forward, and so we do not, perhaps, have quite the member of years of experience that a number of other people do in this body. I think that we bring the will of the people clearly with us because one of the key reasons to have term limits, one of the key reasons it has not been discussed so much today to have term limits and limiting terms, is limiting government. I say, if you generally have people here for long periods of time, they're looking to build something for a legacy to live for for their life, and here is something of a legacy that they put forward, and the longer one is here, the more they want to build something, and that builds some more government, and that gets away from limited government toward an expansive government that we have had over the past number of years to a $5 trillion debt that is a mortgage on the children, and we have got to cut it back. The reason to have term limits is to limit government.

Mr. Chairman, I would like to respond very briefly to a couple of the arguments put forward here tonight already. One is that, well, if we have term limits, we are going to give all the power to the lobbyists and bureaucrats. I would ask my colleagues, "Who has it now? Who is taking it now?" I concede that a number of it would go to those places already.

A second point that people put forward is, well, it was not in the Constitution. Well, limiting the President to just two terms was not in the Constitution, but it was put forward by the people after we had a President that served nearly four terms, a very good President, I might add, that served nearly four terms, but the people said we do not need the same leaders for life, we do not need them for a career, we ought to have different people cycling in and out with new ideas and new leadership, and that is what term limits is about, new ideas, new leadership. We do not need the same people even though they are good people. There should be turnover coming into this body, and I think that is what the people are saying in their support for term limits, and those are the reasons that I strongly support term limits.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for yielding this time to me, and I want to compliment and commend the freshman class for their initiative and for the good work they have done on the term limits proposal before us.

I believe in term limits. I have supported it in the Arkansas Legislature.

I think that we have come a long, long ways in the last 2 years in the House of Representatives. I say to my colleagues, I can remember 2 years ago, when you could only get a handful of cosponsors for term limits legislation. I can remember when we couldn't get a hearing, we couldn't get a committee to take this proposal seriously. We have come a long way.

Twenty-two States have adopted it, and, Mr. Chairman, where the States have it it is working. It has brought healthy change, and the question ought not be before us: Well, how many good public servants are we going to lose if we have term limits? The question ought to be: How many great public servants will we never give an opportunity to serve in the House of Representatives because we do not have term limits?

Mr. Chairman, the Hilleary amendment, I think, is a good approach. It establishes a 12-year ceiling. It respects the rights of States to be more restrictive. In my home State of Arkansas the people, by more than a 60-percent vote, established a 6-year term limit. What right do we have up here to double that by passing a 12-year without allowing them to have more restrictive laws and honoring what they have done?

Politicians are like cookies. They get stale, and term limits will freshen this place up.

One of my colleagues said term limits are for losers, and I suggest to my colleagues that it is that very attitude that has fueled the term limits movement. It is not for losers. Eighty percent of the American people support it, and there is wisdom in the common sense of mainstream America who says we need to have term limits. It is a populist movement that is sweeping America.

How can we deny the people, through their State legislatures, the right to debate and, if they so desire, to ratify an amendment to the Constitution that would limit the terms of their elected Congressmen, a proposal supported by almost 80 percent of the American people?

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I support the Hilleary amendment and the substitute tonight. I think it is a very reasonable approach. It allows States to have their own term limit if they want to go for 6 years, 10 years or whatever. It is important. But I also think the thing about the amendment offered by the gentleman from Tennessee [Mr. HILLEARY] that is important is that it does embody not just this current freshman class, but a new spirit in America saying, "Come on home, guys. We don't want you to be prima donnas and become Washingtonian on us."

Term limits is a concept. Think about it. We limit the term of the President of the United States. He is in charge, he or she is in charge, of the greatest country the world has ever seen, 260 million people, but a limited term. In my hometown on a smaller basis we limit the term of our mayor, and yet our mayor does a fine job.

Mr. Chairman, I was a part of the Georgia General Assembly. The Georgia General Assembly is comprised of citizen legislators, housewives, doctors, railroad retirees, lawyers, teachers, farmers, business people. All of them are connected to the real world. That is what term limits is all about, to get rid of professional politicians.

Mr. Chairman, I think this a good idea, and I hope my colleagues will support the Hilleary amendment.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my very good friend, the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, this is the only place in America that I know of where there is really a whole lot of doubt about this issue. There is a fog around this place like I have never seen before. I said something this morning that I believe more this evening. I ran on term limits personally saying I would only serve 12 years. I regret that the 6-year amendment did not pass. I am about to change my mind.

This place up here is amazing. We spend money like they are not going to make it anymore, and I wonder why the government is the way it is.

I say, "You need to come up here and visit for a while. People are so detached from reality that it really is amazing."

The amendment offered by the gentleman from Tennessee [Mr. HILLEARY] in my opinion is a good compromise. It reforms Congress, which we desperately need to do, and it allows the States to chart their own course.

Two things I ran on: reforming this institution and allow the States to chart their own course.

I say to my colleagues, please vote for this amendment if you want to change America.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, earlier we heard that term limits is mean spirited. I thought I heard it all last week, but this statement takes the cake. Somehow the protectors of the old order think that 70 percent of the American people are mean spirited. Well, we are having a debate, the first one here on term limits in 40 years, and it is welcomed by the American people.

In my State of Nebraska, Mr. Chairman, the voters overwhelmingly support term limits. As their Representative and as their hired hand, I am looking forward to casting that vote here tonight. As my colleagues know, I was an original cosponsor on the McCollum bill, but, as my colleagues know, the McCollum bill takes away States rights, and I will be voting against the McCollum bill, and I urge my colleagues to vote for the amendment offered by the gentleman from Tennessee [Mr. HILLEARY] because it protects States rights in the 22 States who have term limits.

We need to pass the amendment offered by the gentleman from Tennessee [Mr. HILLEARY]. I urge my colleagues to vote yes.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for all his hard work on this issue. He has put together a coalition, I believe, that is the envy of everybody in this body in a very, very short time, and I praise his efforts. I would also like to praise the 20 percent of my Democrat colleagues who support the term limits concept and the 80 percent of my Republican colleagues who support the same concept.

As my colleagues know, it is interesting. I heard one of the opponents say that only losers support term limits. Twenty-two States have passed term-limits laws, and what I am hearing from the opposition is the voters were smart because they voted for them, but they were not so smart when they voted for term-limits laws. What could be more democratic than 38 States having to ratify what we pass out today?

This does not end here. After we pass this as a constitutional amendment, it goes out to the States, and they then will make that decision.

I would like to tell my colleagues a little bit about Arizona's term-limits law because 5 years ago, when I started in the Arizona legislature, I sponsored the first term-limits law. I might point out also that it was a Democrat controlled Senate and they would not even hear the bill. Well, the people in Arizona got so frustrated that they, through the initiative process, went out and collected tens of thousands of signatures during the hot Arizona summer, and let me tell my colleagues it is hot and sweltering, and they collected the signatures to get it on the ballot. Seventy-four percent of the people in our State voted in favor of term limits.

Now I think that we have talked a lot about deferring to the States, about deferring to the will of the people. Here we have an opportunity to put up or shut up. The amendment offered by the gentleman from Tennessee [Mr. HILLEARY] gives the ability of the States to determine how long that their Representatives will serve. It is the ultimate in democracy. It allows the States to make that decision, but it sets a 12-year cap. I cannot understand why there would be any opposition to that.

Now I do not know if the Founding Fathers would have ever placed term limits initially. I cannot say that; I was not there, did not even get the T-shirt. But I will tell my colleagues this:

The Founding Fathers never envisioned a Congress like this that has plunged this country $5 trillion into debt. The American people deserve better, and, if we had 6 years or 12 years to serve in Congress, we would have a time certain, and we might stop the nonsense.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for yielding this time to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee [Mr. HILLEARY] and think that it really is an excellent way to go here, and I want to thank two folks or two groups of people in particular. First is the freshmen that have made such a tremendous contribution to where we are today.

As my colleagues know, prior to the 1992 election there were 30 cosponsors of term-limits legislation. After the 1992 election, where my class came in, there were over a hundred. Now, as a result of this new freshman class, I think today we are going to be way over 200. That is tremendous growth, and it is because of the people that are standing right here.

And in answer to something that the gentleman from Michigan asked earlier, how many of these folks would limit themselves, well, look at the freshman class, and my colleagues will find the answer. As I look across this sea of freshmen over here that are supporting this amendment, I will tell the gentleman from Michigan that quite a few of them are going to limit themselves to the term limit that they propose. The proof is in the pudding with these folks, and it is very exciting to have them here and to have them part of this exciting and historic debate.

The second group that I think it is important to thank at this point for where we are in term limits is the leadership of this House. What a tremendous thing, to have a Speaker who is willing to bring this to the floor, a majority leader who is passionately for us, a subcommittee chairman of the constitutional committee of the Committee on the Judiciary who helped us get this far and everybody in between. It is an exciting day for term limits. There is the Committee on Rules chairman right there who worked very hard to get this rule to where we could win or get the closest to winning. It is an exciting day for term limits, and I particularly support the approach of the gentleman from Tennessee [Mr. HILLEARY] here. It makes a whole lot of sense.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I enjoyed the debate on the most mixed up term-limit proposal of all, and that is the one that we are going to vote on in just a few minutes. Why is it mixed up? Well, it says not only will we put a 12-year Federal limitation on, but we will also allow each State to put six, five, four, three, two, one, yes, one term, if they choose, on, and it gives the States, as the gentleman from Florida pointed out, powers that are not presently in the Constitution.

□ 2000

I am also delighted to hear the increasing number of Members that realize that the constitutional dodge, which is what all this is tonight, is not going to be adhered to because they are going to voluntarily impose limitations on themselves. And I got up to the magnificent number of three people that I have recorded that have admitted that they would do that. There may be a fourth or a fifth around, I am not sure, and if they are, we want them to identify themselves.

I will still be earnestly soliciting the fervent supporters of constitutional amendments to find out who is going to impose it on themselves. You will not have to wait seven years. You will not have to take it through State legislatures.

In closing, on polls, the assault weapons ban poll says that there are a lot of people in America that want an assault weapon ban, and it is not stopping about half the Members of this Congress. Vote this amendment down.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from New York [Mr. SOLOMON], the distinguished Chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding the time.

My colleagues, how did we get ourselves in this mess? Because this Congress says yes to everybody and no to nobody. And that is why we have a $4.5 trillion debt and about to add another trillion to it if we do not do something about it.

That is why we need term limitations in the worst possible way, so that these Members will not depend on this job and all of its salary and all of its benefits for a career. They need to come here, do the job and go back home.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague and fellow cosponsor, the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I rise in support of the Hilleary amendment and am proud to be an original cosponsor of it. I think it is a valuable contribution to one of the most important things we will be voting on in this 100 days.

There has been a lot of talk about the Founding Fathers not putting term limits in the Constitution. But there have been many fundamental changes in our political process: limits on contributions, campaign limits that have made it very difficult for challengers to be able to actually challenge an incumbent, franking and other means in which the incumbents can preserve their powers.

We are making great changes in this Congress, and the people made great changes in the last election. But we need to be reminded, as Lord Acton pointed out, that power corrupts and absolute power corrupts absolutely. We do not have absolute power, but we do have power in this Congress, and we should guard against the possibility that this new majority would be corrupted by that power.

For that reason, I favor term limits because I think it would be a shame if what we see as a great advance forward is ended up being corrupted by the influences in this institution.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my good friend and colleague, the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I thank my colleague from Tennessee for yielding this time.

I rise in strong support of this amendment to limit the terms for people in Congress. I am one of those folks who have only been up here about two months as a freshman, and I have taken the voluntary 12-year limit on my term, whether these amendments pass or not.

I think what it boils down to tonight, from what I have listened to as I hear the debate, is who is better to decide whether or not we have term limits. Many of my colleagues feel that we have more wisdom, we are better suited to decided if we need term limits. I think it is the American people that need to decide that. And by simply voting for this amendment tonight we do not make that decision. We simply hand it over to the people back in the States.

Thirty-eight States still have to ratify this amendment. That gives the people of America the opportunity to express clearly to us whether or not they want term limits. I believe they do. I believe they ought to have that opportunity to decide, and that is why I am supporting this amendment.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, you know there has been a lot of conversation about the sincerity of the people who say they believe in term limits. Are they political opportunists? Is this just something that is a fad, that they do not really mean?

In 1988, when I originally came to the Congress, I said I would run for four terms. This is my fourth term. I will not be a candidate for the next term, even though we are now in a majority.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, may I extend to the gentleman my serious congratulations because he is the fourth person who is dedicated enough to impose term limits upon himself. The gentleman is to be congratulated.

Mr. HANCOCK. Mr. Chairman, reclaiming my time, I thank the gentleman very much. I appreciate the kind words.

However, I am convinced, I am convinced that with term limits the situations that occurred since I have been in the Congress, the type of thing that went on, quite frankly, with the House Bank, that went on with the Post Office would never have occurred if we had had term limits in the first place.

Mr. HILLEARY. Mr. Chairman, I yield an additional minute to my good friend, the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, I would just like to respond.

From the other side I have heard the allegation now that there is only four people. I just kind of wonder where you have been because last week there was a press conference held, and there were at least nine of us, some from the Democrat ranks as well, that went and signed a pledge and turned it in to the Secretary saying that we would not run more than our States had authorized us to run.

The State of Arizona has a six-year term limit and has stated that they do not want our representatives serving any more than six. I have made that pledge, as have a number of other Members in this Congress, and just because the other side does not know it happens does not mean it ain't so.

Mr. ARMEY. Mr. Chairman, I rise in support of the amendment from the gentleman from Tennessee. And let me say I am glad that our Contract With America has enabled us to have this first-ever vote on an idea so popular with the American people. Given that our predecessors in the Democrat Congress were never even willing to let term limits be debated, that alone is progress.

And let me add that I am very proud of our Republicans. We have overwhelming support for term limits on our side of the aisle, more than 90 percent of us will vote "yes" tonight. So after tonight, the American people will know exactly which party is for term limits, and which party is against.

To the distinguished gentleman from Illinois, and to all of you who oppose term limits on principle, let me say I respect your position. Reasonable people can and do disagree on this issue, and I have heard eloquent arguments on both sides.

James Madison and George Mason supported term limits. Other equally luminous Founders opposed the idea. Obviously, the opponents prevailed back then. And perhaps that was the right decision 200 years ago. But times have changed, in two important ways.

First, reelection rates have skyrocketed. Thanks to gerrymandering and other devices, challengers now have an unfairly steep hill to climb. Term limits would, in effect, return matters to where they stood in the beginning, restoring what George Will has called a greater constitutional space between incumbents and the special interests that seek to control them. Term limits would take away a politician's incentive to try to build his own personal empire with other people's money.

The second important change is that the American people now overwhelmingly support term limits, to a degree verging on national consensus. A number of people today have argued that term limits show insufficient trust in the people. Well, I would argue just the opposite. The best way to show trust in the people is to respect their overwhelming support for term limits.

To those of you who plan to vote "no" on everything today—or vote "no" on final passage—I would simply remind you, as a friend, that anything your constituents support by a margin of 4-to-1 merits a good second look before you vote "no."

Finally, to those of you who are truly undecided on this issue—to those of you who are open to persuasion—I would simply urge you to give term limits the benefit of the doubt and vote "yes."

Mr. HILLEARY. Mr. Chairman, I yield myself the balance of the time.

Tonight, Mr. Chairman, I stand on the floor of the House and represent almost 25 million Americans who cast votes for term limits in 22 States. I stand here and represent the thousands of Americans who stood out in parking lots, gathered petitions, signatures in sweltering summer heat in Arizona, Oklahoma, and California, the frosty weekend mornings in the northeast and the rainy afternoons in the Pacific Northwest.

Mr. Speaker, those people who have already fought and won the term limit wars in 22 States did not get involved because they were Republicans or Democrats or liberals or conservatives. They got involved because they were not happy with the Government they were getting. They thought the Congress was too permanent and too arrogant. They saw a problem and were willing to do something about it.

Now we have a chance to join together in a bipartisan manner to honor that work. With this freshman term limits amendment we have a chance to tell people who voted for term limits, this Congress is different. This Congress heard your concerns and respected your wishes. Or we can tell the people in 22 States that they do not know what they are doing.

The people have always been way ahead of the politicians on the issue of term limits, and now is not the time for the Congress to tell the people they were absolutely wrong.

We all remember a former Speaker of this House who told the people of his home State they were wrong to pass term limits. He second-guessed the people who sent him here, and he paid a price on election day. Those of us in the 104th Congress, Democrats and Republicans alike, should not make that same mistake.

Tonight, I urge my colleagues to vote for a solution that shows respect for the most democratic form of lawmaking in this country, the citizen initiative. But, most importantly, I urge all of my colleagues to vote for the people who stood in those parking lots and to vote for those 25 million people who have already cast their votes for term limits. I urge my colleagues to support the Hilleary amendment.

Before I yield back the balance of my time, I would just simply like to say that we have had an incredible amount of work put in by so many freshmen and sophomores and even some upperclassmen here who got behind this bill in a very short period of time, got an awful lot of resolve behind it, and it shows a lot of steam. We do not know if we are going to win or not, but we are awful proud that we actually paid respect to the contract and even the implied promise not only to bring it to the House floor for a vote but to do everything we could possibly do to have real term limit reform in this House.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Tennessee [Mr. HILLEARY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 265, answered "present" 1, not voting 4, as follows:

[Roll No. 276]

AYES—164

Allard
Armey
Bachus
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bass
Bevill
Bilbray
Bilirakis
Blute
Boehner
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Burr
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Danner
Davis
Deal
Deutsch
Dickey
Doolittle
Dornan
Dunn
Ehlers
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Ganske
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Harman
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hutchinson
Inglis
Jacobs
Jones
Kelly
Kim
Kingston
Klug
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (KY)
LoBiondo
Luther
Manzullo
McCarthy
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Miller (FL)
Minge
Myrick
Nethercutt
Neumann
Ney
Norwood
Orton
Paxon
Peterson (FL)
Peterson (MN)
Petri
Portman
Pryce
Quinn
Radanovich
Ramstad
Riggs
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Smith (MI)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Traficant
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Zimmer

NOES—265

Abercrombie
Ackerman
Andrews
Archer
Baesler
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Bliley
Boehlert
Bonilla
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cubin
Cunningham
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Durbin
Edwards
Ehrlich
Emerson
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gallegly
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hansen
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Laughlin
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McDade
McDermott
McHale
McHugh
McKinney
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pombo
Porter
Poshard
Quillen
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Ward
Waters
Watt (NC)
Waxman
Wicker
Williams
Wilson
Wise
Woolsey

Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

ANSWERED "PRESENT"—1

Longley

NOT VOTING—4

de la Garza
Gephardt
Pomeroy
Stokes

□ 2026

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104–82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. McCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. McCOLLUM: Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

"SECTION 2. No person who has served as a Senator for more than three years shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

"SECTION 3. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.".

Mr. McCOLLUM. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment in the nature of a substitute be limited to 15 minutes per side. We do not need to have a vote on the amendment now, and we can go to final passage after that time, if everybody is agreeable. I can later withdraw the amendment, if the gentleman from Michigan [Mr. CONYERS] is agreeable to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. CONYERS. Mr. Chairman, reserving the right to object we agree to the request, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] will be recognized for 15 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

□ 2030

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have reached a point in this debate on term limits now where we are going to have a historic final passage vote in a few minutes on the underlying bill, which is the same as my amendment. So with the consent of everybody involved to save time, as I said a moment ago, I will in a few minutes, after the agreed-upon time has passed, ask unanimous consent to withdraw the amendment and move on to the final passage vote.

What I think needs to be explained, first of all, is what is the vote going to be on final passage?

What my amendment is is a pure vanilla 12-year term limit for both the House and the Senate. There is no retroactivity. There is no State preemption. There is a provision that simply says that each body, no one may serve more than 12 years in either body. It is a permanent lifetime limit on both sides.

It leaves the question of the current debate in front of the Supreme Court on the Arkansas case and the state initiatives up to the court. It is completely silent on the question with respect to whether or not the States currently have any right or any power with respect to the election clause in the Constitution, which is where that debate is over there right now, to set term limits indirectly through the process they have been using of having people have to be a write-in candidate and not be able to appear on the ballots.

Whatever the Supreme Court decides under this amendment would be the law of the land, if this one were to pass.

I, of course, prefer uniformity. If the Court decides that what the States have been doing is unconstitutional and this amendment were to go out and be ratified by the necessary number of States, then this 12-year limit would be the law of the land. It would be written into the Constitution. It would be uniform nationwide. If on the other hand the Supreme Court decides that indeed the States have the power that they might have under the argument being made over there right now, the States would, of course, which have passed these initiatives, have the power that is granted by the Constitution as it exists today.

It is nothing more than and nothing less than that.

Let me assure my colleagues, this is the term limits vote. For those of us who believe deeply, as I do, and I know many Members do, that we need to limit the terms of the Members of the U.S. House and Senate in order to restore what the Founding Fathers really envisioned in the way of balancing this Constitution of ours, if you believe as I do that we need to end what has become a career orientation attitude on the part of Congress, with a tendency to vote more frequently to please special interests than is good for the country, and if you believe that we need to put permanently into the Constitution a restriction that makes sure that no time in the future will we have any situation again where Members can serve as chairman of committees for 15 or 20 years and hold that kind of power, if you believe as I do that you will bring new blood to Congress and refresh this place if we have a renewal every so often of new Members with term limits and if you believe as I do that while we will lose some experienced men and women who have served well and honorably in this Congress but that it is absolutely necessary, if we are going to get rational debate into things like balanced budget issues and so forth, then you are going to vote for the term limits proposal that is here for final passage night that is supported in general principle by nearly 80 percent of the American people.

I would urge a "yea" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

I would like to ask my colleagues, the gentleman from Florida [Mr. McCOLLUM] if I can gain his attention, please, your proposal before us tonight, the final one, is silent on the question of States' preemption.

I presume that that means that there will not be State preemption. Does the gentleman agree with that?

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, the interpretation, given to me by Griffin Bell, who is the former attorney general who represents Arkansas and Washington State, is that that would be the case. He has the cases before the Supreme Court now. He has read the amendment. It is his opinion and that of several other legal scholars whom I have sought that indeed if my amendment passed there would be no State preemption of the existing constitutional provisions.

Of course, if the U.S. Supreme Court ruled that what the States are doing now is unconstitutional, then obviously there would be a uniformity of 12 years throughout the country written into it.

Mr. CONYERS. Mr. Chairman, I think that is very interesting because it leaves it wide open. It might have been more settling for the decisions of many of the Members had you put it in one way or the other, but just leaving it to be decided. Griffin Bell was an OK attorney general. I am not sure where he will go down in the record of attorneys general, but at any rate, we see what a slim reed you are using here in this instance and for this part of your amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE] who has sought the floor constantly.

Mr. MINGE. Mr. Chairman, term limits are a tough proposition for any elected official. Term limit proposals are fundamentally an attack on the nature of the political process and politicians. Naturally, we resent this. We must, however, look at the positive side of term limits.

They help ensure a participatory, representative, and sensitive democracy—one that is inclusive. One of the themes of American constitutional history is the drive for inclusiveness in our political process and avoidance of the creation of a political elite.

The original Constitution requires the direct election of representatives to Congress.

The 15th amendment adopted in 1870 guaranteed the right to vote to all citizens regardless of their race.

The 17th amendment adopted in 1913 required the direct election of Senators.

The 19th amendment adopted in 1920 guaranteed the right to vote to all citizens regardless of their gender.

The 22d amendment adopted in 1951 limited the President to two terms.

The 24th amendment in 1964 prohibited a poll tax to vote.

And the 26th amendment adopted in 1971 guaranteed the right to vote to all citizens at least 18 years of age.

Each of these proposals had its critics. But all recognized the overwhelming value of a participatory democracy.

Term limits embody a positive view of the American people. There are thousands of men and women who can capably represent their State and communities in Congress. Term limits encourage broader participation.

Another goal is to find a balance between an effective Congress—one that knows enough to stand up to the executive branch and to the bureaucrats—and one that includes the freshness, the openness, the new ideas, and the creativity that turnover provides. A well-crafted term limit can strike that balance.

Term limits helps to avoid the natural instinct that each of us has that we are indispensable. No one wants to see this great Nation and the American experiment fail. But we can smother it with love and neglect by our longevity in office and the cult of personality.

Term limits offset the impact of parochial interests that can exercise a distorting influence on our legislative process given the continuing role of seniority. Turnover not only gives more people a chance to participate, it also reduces the time one Member in a leadership position can protect a policy or the interests of one State or congressional district. Term limits assure turnover in leadership, something that is healthy for any institution.

In summation, I support a term limit amendment for the broader participation and the more democratic process it promises. I urge its passage.

Mr. McCOLLUM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise in support of House Joint Resolution 73.

Mr. Chairman, like many Members of Congress, I campaigned on the issue of reform. It is my belief that in order to change government we must change the attitudes of those who govern. We need public servants who are closely attuned and accountable to their constituents. The evidence suggests that, under current law, we have a system that ultimately erodes accountability and responsiveness. Conversely, we now have the opportunity to reverse the downward trend by limiting the terms of our elected officials. This is the first step toward putting our legislative system back on track.

Term limits will help revive the concept of a citizen legislator. Officials should serve their communities in a national forum for a limited time and then return to private life to live under the laws they have created. Term limits provide the necessary turnover to ensure that fresh new minds are given a chance to participate in the process. We do not need any more lifetime professional politicians.

In 1992, my State of Washington passed what has become the most famous term limit law in the country. Former House Speaker Tom Foley sued the voters of Washington, his own State, to overturn the peoples' decision to impose term limits. This "Washington D.C. Knows Best" attitude of entrenched politicians proves that the longer Members serve in Congress, the more removed they become from the people who elect them. This lack of accountability must be replaced with citizen-legislators who would bring with them valuable private sector experience, knowledge, and motivation.

Our Nation is endowed with a multitude of bright and talented people. While it is true that some very good Members of Congress may be forced into early retirement by term limits, those limits are necessary to remove the mentality that politics as a career that permeates this institution. Creating open seats with term limits will increase representation of more women and minorities, and more small business operators and educators, making Congress more reflective of the American people. Congress must pass this constitutional amendment guaranteeing that more Americans have real opportunities to serve the public.

If we fail to garner 290 votes for this amendment, be assured like the fight for the balanced budget amendment and the line-item veto, we will continue to keep the pressure on this body to do the right thing and vote again and again until we pass term limits.

If we do approve this amendment, it will free Congress from the grip of entrenched incumbency and prevent the abuses of office that fueled the term limits movement in the first place. It will help ensure that our Nation's legislative body, when making tough decisions, is beholden to the most special interest of all: the citizens of America.

Mr. McCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in opposition to all term limits. We have term limits now, they are called elections.

Mr. Chairman, this vote is a classic example of a solution in search of a problem.

Let us consider the facts. More than half of the House of Representatives was elected in the 1990's. The momentous change of most recent election ended 40 continuous years of one-party rule. The average length of time a Member of Congress serves is 8½ Years. Because of this fact, it is entirely possible that a 12-year term limit would create less competition for congressional seats not more, the exact opposite of its intention. Right now, with energetic freshman and sophomore classes, this House is more vibrant and more responsive than it has been in years.

For this supposed problem, we must amend the Constitution of this Nation?

I do not minimize or ignore the public frustration and outrage that brought us to this debate. It is real and justifiable. We have already passed and implemented a great number of significant congressional reforms in response to that sentiment. The Speaker of the House can now serve for 8 years only. Chairmen may hold their posts for 6 years. Congress is now accountable to all the laws of the land. This body is leaner than it was last year, and it costs the taxpayers less.

One of the hallmarks of American democracy is orderly change directed by the voters. The voters are powerful, and the Constitution provides them regular opportunities to use that power for change.

Mr. Chairman, we owe our constituents representation of their views. But we also owe them our best judgment. This is not a miracle cure. This is not the real thing. This is the wrong way to go.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank the distinguished gentleman from Florida for yielding me 2 minutes to speak to this extremely important issue.

Mr. Chairman, what we are doing here tonight is the culmination of a process that began over 200 years ago, based on that magical document, the Constitution of the United States.

Our Founding Fathers, the Framers of that document, I think envisioned exactly what we are doing here this evening. And that is not being presumptuous and making a decision on the part of the American people for the American people, but being their voice and their vehicle to ensure that a very broad proposition, such as whether or not there shall be limits on the number of terms that a Member of Congress may serve, shall indeed be presented to the American people so that they can decide.

That is what we are doing here this evening, Mr. Chairman. We are not making that decision for the American people. What we are doing is ensuring the process that has been used over and over again on the fundamental issues of our day, representing the Constitution and changes thereto, simply to ensure that where there is a broad interest on the part of the people to decide an issue that goes to a constitutional issue, that that issue shall be indeed heard and there will be a vehicle through which the voice of the people can be heard.

It is for that very limited purpose here this evening, Mr. Chairman, that we rise and that I support this amendment, not because I presume to speak for the American people but simply because I want the American people to have the right to make the decision. That is the very limited purpose for which we seek this evening to pass not a constitutional amendment but the vehicle through which the people in their State legislatures all across this country can indeed make that decision.

That is precisely the way the system is supposed to operate. Let us not tonight stifle that process. Let us open it up and say to the American people, you decide this issue. It is that fundamental an issue. It is that important. And I rise in strong support of the gentleman's amendment.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, with utmost respect, I must differ with my friend and colleague from Florida, although I know he has championed the idea of term limits for a lot of years. I respect him for that. I have got to differ on this issue.

We have had three amendments so far tonight on term limits. I voted for every one of them. One was a term limit proposal which would be retroactive. The second one was the Inglis 6 year in the House, 12 year in the Senate. And the third one was the Van Hilleary amendment which was a 12 and 12 but would yield to the states that have already passed term limit laws.

I said this earlier, when I testified for the Van Hilleary bill, that the citizens of Arizona, because the Arizona State legislature did nothing on this issue, in their frustration took on the initiative process and braved the summer heat collecting tens of thousands of signatures just to get this issue on the ballot. And they voted for a 6 and 12, overwhelmingly. Seventy-four percent of Arizonans voted for a 6 and 12. I, in good conscience, cannot come to this body and say Arizona voters, you do not know what you were doing. We know better than you. We are the font of all knowledge in this hallowed place.

I cannot do that here today. It is for that reason, even though I support strongly the concept of term limits, I cannot sell Arizona voters down the river on this issue by voting for something that is silent.

And if the Supreme Court does, and I think it will, I think most of us here know that the Supreme Court will probably overturn the States laws, it will become null and void. I cannot in good conscience do that to my voters.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, now is the moment of truth for those who say they support term limits. Those who voted for any one of the other three amendments should step forward now and vote for real term limits, because this is certainly a step in the direction that the American people want us to take.

□ 2045

This is, indeed, the opportunity to change the seniority system in this Congress. This is the opportunity to create more balance in terms of people having the opportunity to run for Congress. It is one that is vastly supported by the American people.

Mr. Chairman, I have heard during this debate those who have said our Founding Fathers did not want to have term limits, but I do not think our Founding Fathers ever contemplated the situation we have today, where the vast majority of Members run for far longer terms than they ever ran for in the 19th century or the 18th century. Fifty-four years is now the new record.

Before 1895, there was never an instance when more than 20 Members of this house had served more than 12 years. It is time to restore this citizen legislature. I urge Members to vote for term limits.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I ask my colleagues if they can hear that sound. That is the sound of the good ship Contract With America breaking apart and sinking at sea only 3 months away from port on what was supposed to have been a 2-year cruise.

It is not that the political waters were choppy, it is that the passengers began to abandon ship. They watched the mainsail go when the balanced budget amendment was killed. They watched the keel come asunder when the Senate refused to accept the moratorium on regulations. The Speaker has announced the tax bill is a goner, and now, and now the rudders are falling off with term limits. The good ship Contract With America is sinking at sea.

Mr. McCOLLUM. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I just want to stress to my colleagues, we have an historic opportunity here tonight. I urge all Members to vote "yes" on final passage of term limits.

This is the first time this House has been allowed to vote on term limits. This is important reform for the House of Representatives. We need to pass it. We need to show the American people that we will send this back to the States.

What we do tonight is just saying yes, we will allow the citizens of the States of this country to make the final decisions on whether our terms should be limited. I urge Members to vote "yes."

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rose last week and spoke of three things that determine what a democracy is, particularly American democracy. Among them was the right to a trial by jury, the right to sue, and the absolute right to be able to cast our votes freely and without coercion.

I have heard the word "absolute" used many times today. I will say this, that restricted access to the ballot box is what this is all about. Term limits is a way to tell the American people who they cannot vote for. It is an opportunity for those who want to restrict access to the ballot box.

I have a term limit. We all have term limits. The Constitution says every 2 years we must present ourselves before the American people, before our constituents, to seek their judgment on our performance. It could not be shorter.

The gentleman from Tennessee [Mr. TANNER] made the point earlier today, not only is it wrong to restrict access to the ballot, but it is dangerous, a fundamental danger to American democracy. I say, turn down term limits and vote for democracy in America.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. INGLIS] who has worked so long and hard with the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from Tennessee [Mr. HILLEARY] on term limits.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would make two points. First, in response to the gentleman from Hawaii [Mr. ABERCROMBIE], I do not know that democracy is in danger due to the fact that all but 19 Governors have term limits, and the President of the United States is limited to two terms in office. I have not heard any hue and cry on this floor about how dangerous ground democracy is on by virtue of those term limits.

The second observation, on the first vote today, the Democratic alternative offered by admitted opponents of term limits, there were 81 Democrats voting in favor of term limits. We need some votes right now for final passage. Eighty percent of the American people want term limits. Eighty percent of this side is going to vote for term limits.

We need 80 percent on this side. If we get 80 percent over here, particularly those 81 folks who voted for term limits first out today, we will pass term limits in a matter of minutes.

Please, vote for term limits. We have the opportunity here in a matter of moments.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time. We have one speaker remaining.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] is recognized as the proponent of the amendment, and the gentleman from Florida has the right to close.

Mr. McCOLLUM. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 7½ minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 6 minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, in 1992, Missourians voted in overwhelming numbers for term limits. What they voted for is not what is before the House, and I have never come to the conclusion that the arbitrary limitation of terms is a very good idea. I have long maintained that we have a good term limitation procedure in place right now that was devised by the Founding Fathers. It's called an election, and one occurs every 2 years.

There is no panacea to solving problems; there are no magic answers; and, I am concerned that the arbitrary limitation of terms will create as many problems, if not more, than it may by chance resolve.

There is no panacea to solving problems; there are no magic answers; and, I am concerned that the arbitrary limitation of terms will create as many problems, if not more, than it may by chance resolve.

At the same time, I have no interest in blocking the will of the people. They do have the right to amend the Constitution on this issue if that is their will. I think that the best way to have a reasonable national debate on this subject is for Congress itself to not be the impediment, to set the wheels in motion for an amendment to the Constitution if the people so desire, and thus return the matter to state legislatures for debate and ratification or rejection. I am voting to do that.

I believe the substantive debate on this subject has some way to go. The debate is not fully joined at this time. I don't believe the issues involved, pro and con, have adequately been laid before the people; and I believe debate in State legislatures will help heighten the people's awareness of what is at stake. For example, I am not certain that the arbitrary limitation of terms will result in the positive benefits that ardent proponents believe would result. The arbitrary limitation of terms could limit the choice of the people and empower an unselected bureaucracy to stretch beyond its current reach.

If the debate were to end right here and the choice devolved purely upon the House of Representatives, I would consider my responsibility to be different than it is in the current context. My vote is to not be an impediment of the people's will. I am voting to send the issue to the respective states for further discussion and debate—ratification or rejection—whatever the will of the people may be.

Mr. McCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, the McCollum amendment is the last effort to answer the call of the people for term limits. Over 85 percent of the American people want term limits. People expect us to listen to their call.

Term limits will ensure vitality, provide an infusion of new ideas, people who will question the system. We were sent here to serve, but not sent here to stay. Republicans and Democrats can join together for term limits. Vote for the McCollum bill.

Mr. McCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, today the House of Representatives can make history. I want to compliment my colleague, the gentleman from Florida [Mr. McCOLLUM], for all the hard work he has done.

Today, after years of delay and obstruction and partisan politics, we will vote on term limits on the floor of this Chamber for an amendment that is truly the best one of the four. Today we will finally have that chance. I ask all my colleagues to come forward and vote for the McCollum amendment.

Mr. Chairman, I rise in support of the McCollum amendment. Today the House of Representatives will make history. Today, after years of delay, obstruction, and partisan politics, we will vote on term limits on the floor of this chamber for the first time ever. Today we will finally have the chance to prove to the American people that their elected representatives truly place the interests of the Nation above their own.

As we all know, the American people have consistently voiced strong support for a constitutional amendment limiting the terms of their elected leaders. Recent polls indicate that support now approaches 80 percent and encompasses every demographic group in the country. If it is our job as legislators to represent the will of the American people, this amendment is a way to do that more than almost any other.

Twenty-two States have already approved term limits, with an average level of support of 66 percent. All across the Nation, whenever voters have had the opportunity to impose term limits, they have done so. This broad-based support shows the American people understand what our Founding Fathers believed: that rotation in office is essential to preserve a truly representative government, indeed, to preserve a citizen legislature.

We must bring to an end the career politician. We must bring to an end a system that looks to most Americans like oligarchy—rule by the few for the few—that has come to define business as usual in Washington. There is no better way, and perhaps no other way, to do this than with term limits.

Today, the House has a chance to make a change that will give the American people the kind of government they not only demand, but deserve. It would be ironic, not to mention offensive, to vote against the one change the people back home endorse more strongly than almost any other. In my State of Florida, the voters have already sent a resounding message to the politicians by voting in overwhelming numbers for term limits.

Obviously, not all the Members of this body share the same opinion about term limits, which explains why we have four alternative versions of the bill before us today. We can vote for whatever bill we like best. But the crucial vote is not on which of the four versions you like best, it is on final passage. Support whichever substitute you want, but band together for the American people and vote for final passage.

Remember the people back home and cast the vote you know will be best for them. My colleagues, vote for final passage of House Joint Resolution 2—vote for term limits.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BUYER], a member of the Committee on the Judiciary and a strong term limit supporter.

Mr. BUYER. Mr. Chairman, I rise in strong support of the McCollum amendment. I do not believe that the Founders ever visualized a system of incumbency that produces lifetime politicians here in Congress.

The uniformity issue I think is extremely important. We can talk about whether or not the Supreme Court is going to act on that issue, but I think we have to be very careful.

Mr. Chairman, if we are going to set a constitutional amendment, it would be very unfortunate if we had Members serving in this body, those only here for three terms, some here for only four terms, some five, some six. It would be very difficult to operate in this body, especially if you could try to visualize a system of seniority, I think it would be very, very difficult.

I think that the gentleman from Montana [Mr. WILLIAMS], who spoke, tried to visualize some form of political eloquence with regard to the sinking of the Contract With America. I would only say to the gentleman, I do not believe that he meant to insult conservative Democrats who have been supporting most of the issues in the Contract With America with regard to his issues.

Mr. Chairman, I support the amendment.

Mr. McCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I simply want to say that this is our opportunity to vote for term limits. It is the last opportunity. It is going to be a victory tonight for term limits, regardless of whether we get 290, but we certainly need it to get there.

The fact of the matter is, a few years ago we only had 33 Members, three or four years ago, willing to support term limits. Last Congress it was 107. Now we are going to go well over 200 on this vote, I am sure. It is a movement whose time has come.

It is time to vote for term limits. Eighty percent or so on our side of the aisle are going to vote for term limits. I would urge at least 50 percent, and hopefully 80 percent, on the other side to do it. This is the opportunity for term limits.

Mr. Chairman, I reserve the balance of my time. I only have one closing speaker.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise in strong opposition to the amendment. The people have determined who they want to represent them and how long. I think we should let the people speak.

Mr. CONYERS. Mr. Chairman, it has been a long day. We have had an excellent debate. I yield the balance of my time to the gentleman from Massachusetts [Mr. FRANK], our ranking member on the Constitutional Subcommittee, to close the debate for our side.

Mr. FRANK of Massachusetts. Mr. Chairman, I congratulate the Republican leadership, because they have outmaneuvered the U.S. term limits people. They have gotten where they wanted to be.

The Committee on the Judiciary reported out a bill which preempted State term limits less than 12 years. That caused a great hullabaloo. What ensued was not a charade, because charades do not have words that are spoken. It was an elaborate grand opera.

The result is, we are right back just about where the Committee on the Judiciary was because, be very clear, this amendment is intended to preempt. The gentleman from Arizona who spoke against it on this ground was correct.

It is silent on the question, but the Supreme Court is now dealing with it. If it is true the Supreme Court would decide that States have the right to set their own, then this will not preempt, but if the Supreme Court decides that the States cannot do it on their own, then this would preempt the States.

If Members doubt that, they have to ask why 90 Republicans voted against the Hilleary amendment, because the Hilleary amendment differed from this one in one particular: It explicitly allowed the States to do what they want. The only difference between the McCollum and the Hilleary amendments is that the McCollum amendment is intended to preempt.

What does that mean? First of all, all this invocation of public opinion gets invalidated because, as has been pointed out, the States, 20-some-odd States that have voted by referendum for term limits, have voted for less than 12 years, so vote for this amendment and you probably overrule all those States.

How are you going to claim to wrap yourself in the mantle of pure democracy and public opinion when you will be overruling the States?

California will get 12 years instead of 6. Massachusetts will get 12 years instead of 8. Therefore, this amendment cleverly puts it right back where it was. It is intended to preempt.

The gentleman from Florida [Mr. McCOLLUM] said that, and the previous Speaker said that. They said, and I have heard the gentleman from Florida say it, "This is too important to be left to the States to make their own decisions. We have to state it uniformly. This is not poor people's income, some trivial subject like that. This is not whether or not kids get enough to eat. This is our careers. We cannot allow that to be done on a State-by-State basis."

There goes the democratic argument, because Members are going to overrule 20-some-odd States.

The leadership, I understand the Speaker is going to close, and that is a great day, because the Members of the leadership have been as scarce on the floor of this House as it is possible to be. The gentleman from Mississippi showed us a list of Members who cosponsored a 12-year limit who have been here more than 12 years. They may have been here more than 12 years, but they were not on this floor for 12 seconds today. Not one of them spoke except the gentleman from Florida.

This side of the aisle is full of Members who are in their 15th and 20th year, and they are very consistent. In their 15th and 20th years, they have been saying for 12 years, "You have got to get out," but they do not want to make it effective immediately.

My friend, the gentleman from Florida, said "You know, if you are here more than 12 years you start to get sour. You start to lose your integrity to the process." I asked him at what point did this happen?

I want to know. Maybe they did not tell us this. Maybe the rest of us could benefit from the superior moral fiber that has enabled so many on this side to resist the corruption that inevitably occurs when you have been here 12 years, but they will not tell us how, because all of them who have been here more than 12 years skedaddled. They did not want to be here. They did not want to be asked "How can you do this?"

Let us be very clear. We have an amendment which would preempt the States, so we have no democratic argument here, because you are overruling every referendum if you vote for this amendment. Every referendum will be overruled.

In fact, the philosophical argument comes down again to this: Yes, the majority of the public in a poll says they are for this today, but democracy is not permanently enshrining what a majority thinks at any one time. Democracy is a system which guarantees to people the right to participate, the right to debate, the right to change the minds of others, and a majority cannot give away the fundamental democratic right of others.

If some people think that you should not serve more than 12 years, and others think you should, let them contest that at the polls. Do not rig our basic document and say "From now on we will not have free and open elections, we will from here on forever have elections that reflect one particular viewpoint, and we will lock that in."

This is the most restrictive amendment ever adopted to the Constitution. The Constitution began somewhat restrictively. I do not believe we never change it, but almost every other change has gone to the expansion of democracy: so black people could vote and women could vote and 18-year-olds could vote. This one says that because Congress recently fell into disrepute, and because we had during the 1980's a large deficit, we will lock in forever under our constitutional system a restriction on the right of the voters.

□ 2100

This is not about the individuals here. No, we are not the important ones, although we were important enough for you all to vote for preemption because you want to protect your uniformity, but we are not the key. The key is the right of the voters.

Do not enshrine in this Constitution the biggest restriction on the untrammeled right of the voters to vote for whomever they want. If some voters think that someone should be here for more than 12 years and others do not, the place to solve that is in debate and at the ballot box. Don't rig that contest now by this particular amendment. I hope that you will be consistent to democracy in the broadest sense, that you will not overrule all those State referenda and that you will not for the first time put the Constitution in reverse and say the result of this particular amendment will be less democratic choice and not more.

Mr. McCOLLUM. Mr. Chairman, while holding a few seconds for the purpose of asking unanimous consent in a few minutes to withdraw the substitute amendment, I yield 4½ minutes to close the debate to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. I thank my friend the gentleman for yielding me the time.

Mr. Chairman, I listened with great fascination to the extraordinarily articulate gentleman from Massachusetts, and I tried to remember back to the platonic concern about the ability of one to argue any side of a question with equal facility. I looked up the word "sophistry".

A subtle, tricky, superficially plausible but generally fallacious method of reasoning.

And I realized that speed of language is not the same as wisdom. Let me give just a few examples.

This amendment does not preempt the States. It sets a cap. The Supreme Court will decide what that cap means, but the cap is not in any way worded to be binding and, in fact, in no way would change any of the current relationship of the States to their ability to do what they wish to do.

I can assure the House that if the Supreme Court rules later on this year that the Congress need act, that we will visit that question and it may well be on a legislative rather than constitutional basis which will take 218 and not 290 votes.

Let me say second that I believe this is a historic vote. I have been frankly surprised by our friends on the left. I would have thought, having been defeated last fall for the first time in 40 years, that paying some attention to the American people would have been useful.

But I will tell you where I think we are historically. This is not a new experience in America. In the late 19th century, a radical idea emerged, that Senators should be elected by popular vote, that State legislatures should no longer select the Senators. This was a change in the Constitution, an effort to take power away from professional politicians, the State legislature, and return it to the people.

It took about 20 years for the idea to permeate Washington. But in that 20-year period, it became obvious and even the most entrenched old-time political machine came to realize that in fact there was no alternative.

I think term limits is a very similar pattern to the election of U.S. Senators. When it first came up, I rejected it. I am troubled by it. I think in some ways it is anti-democratic. I think that part of the argument is fair. On the other hand, from city council to county commission, to school board, to State legislature, to governor, to the Congress, everywhere in America the people say they are sick of the professional politicians, they are tired of those who use the taxpayers' money to stay entrenched, and they want to find a device to take power back from the professional political class. They say it in New York City, they say it in Los Angeles. They say it in Idaho, they say it in Florida. Everywhere in America.

Now, we are being visited tonight by the fifth grade from Cliffside School in Rutherford County, North Carolina. I would bet a great deal of money that by the time they are old enough to vote, we will have passed term limits, because in the end, the will of the American people is sovereign, no matter how much sophistry, and no matter how many reservations. The fact is that if over time in State after State in county after county the American people say this is an experiment they are willing to risk, sooner or later they will get their way.

One of our good friends the gentleman from Montana got up and said. "This is the sound of the Contract dying." Let me tell you, my friend, tonight 85 percent or more of the Republican Party will vote with the American people for term limits. My guess is tonight 60 to 70 percent of the Democratic party will vote against the American people and against term limits. We will go to the country in 1996 with a simple pledge. It will be a new version of the contract. We are not going to have one of these between now and 1997, but a new version. It will say H.R. 1, Term Limits, will be voted on as the first item in the new Congress if we are the majority.

The Democratic Party has it in its power tonight, if half the Democrats, only half, vote with 85 percent of the Republicans, term limits will pass tonight. It will take deliberate decision of the Democratic Party to deny the American people an opportunity, and we are not even fully passing it, we just send it to the Senate, then the Senate has to send it to the States.

We are not afraid to allow the American people to have a chance in their State legislatures to render judgment. We are not afraid to allow the Senate to look at this amendment. But I can promise you, if the Democratic Party tonight defeats term limits, the Contract may have been postponed in one of its 10 items, but it will be back and when we have picked up enough additional seats in 1996, we will pass it as H.R. 1 in 1997.

Mr. McCOLLUM. Mr. Chairman, I yield myself the remaining 30 seconds for the sole purpose of offering a unanimous-consent request in order for us to avoid an unnecessary vote tonight. The underlying bill is precisely the same as the amendment that I would have offered or would be offering here tonight we have been debating on the agreed-upon timetable.

With the agreement with the gentleman from Michigan and the gentleman from Massachusetts and others on that side of the aisle, I now then request unanimous consent to withdraw the substitute amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, I take this time just because I had had some questions. Previously some of us talked about the gentleman's amendment being one more substitute. If he gets unanimous consent, as I hope he will, that will be withdrawn as a substitute and we will go immediately to a vote on whether or not we adopt his version as the amendment. So there will be no more vote about substitutes. The next vote then would occur on whether or not we adopt the joint resolution.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. Further reserving the right to object, I yield to the gentleman from Florida.

Mr. McCOLLUM. The gentleman is 100 percent correct. We would be going to final passage. I do not believe the minority is going to offer a motion to recommit. I think we will be going to the next vote, and it will be on the final passage of the underlying bill.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I was hoping that at some point this body would be made aware, at which point in his 17 years as a Congressman did the Speaker decide that he was for a 12-year term limit.

Mr. FRANK of Massachusetts. I did not know the gentleman was going to say that.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORKILDSEN) having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, pursuant to House Resolution 116, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

(By unanimous consent, Mr. ORTON was allowed to speak out of order).

PERSONAL EXPLANATION

Mr. ORTON. Mr. Speaker, on yesterday evening, I was unavoidably detained at the hospital with my wife who gave birth to our first-born child.

I preferred to be there but had I been here, I would have voted "aye" on recorded vote No. 270, "aye" on recorded vote No. 271, and "aye" on recorded vote No. 272.

I ask unanimous consent that my statement be included in the RECORD at the end of those votes.

The SPEAKER pro tempore. Without objection, so ordered.

The Chair joins the House in congratulating the gentleman from Utah.

The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 204, answered "present" 1, not voting 3, as follows:

[Roll No. 277]

AYES—227

Armey
Bachus
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hutchinson
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
LoBiondo
Lucas
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Paxon
Peterson (FL)
Peterson (MN)
Pombo
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—204

Abercrombie
Ackerman
Allard
Andrews
Archer
Baesler
Baker (LA)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentsen
Berman
Bishop
Bliley
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Chapman
Christensen
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
DeLay
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Durbin
Edwards
Ehrlich
Engel
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hostettler
Hoyer
Hunter
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Livingston
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McDade
McDermott
McHale
McHugh
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Petri
Pickett
Porter
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wicker
Williams
Wise
Woolsey
Wyden
Wynn
Yates

ANSWERED "PRESENT"—1

Stockman

NOT VOTING—3

de la Garza
Frost
Pomeroy

☐ 2133

Mr. CLYBURN changed his vote from "no" to "aye."

Mr. STOCKMAN changed his vote from "aye" to "present."

Mr. LONGLEY changed his vote from "present" to "no."

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just considered.

The SPEAKER pro tempore (Mr. TORKILDSEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 831, PERMANENT EXTENSION OF HEALTH INSURANCE DEDUCTIBILITY FOR THE SELF-EMPLOYED

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–93) on the resolution (H. Res. 121) waiving points of order against the conference report to accompany the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON ADMINISTRATION'S RECORD OF SUPPORT FOR SOUND INVESTMENTS IN SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore, laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

This Nation's future depends on strong public and private support for science and technology. My Administration's decision to make sound investments in science and technology even as the Federal Government cuts other spending is premised on three basic assumptions:

—Technology is the engine of economic growth.

—Scientific knowledge is the key to the future.

—Responsible government advances science and technology.

The Congress and the American people can find evidence of the Administration's dedication to responsible government support for science and technology in our defense and economic policies as well as our management of the science and technology enterprise. We have decreased the Federal deficit, helped to create millions of new jobs, and improved the tax treatment of small businesses and of investments in research and development. Hemispheric and global trade agreements as well as relaxation of outdated export controls have opened huge export markets to America's high-tech industries. My *National Security Strategy of Engagement and Enlargement* (February 1995) depends on farsighted and efficient science and technology investments. Our foreign policy and security interests are also supported by mutually beneficial international cooperation in science and technology.

We have consistently endorsed technology policies to increase prosperity and enhance environmental quality. In *Technology for America's Economic Growth* (February 1993) and *Technology for a Sustainable Future* (July 1994) this Administration conveyed to the American people our plans for public/private partnerships to improve the business environment, enhance access to quality education and training, support development of information infrastructure, ensure continued excellence in health care, and strengthen America's global competitiveness.

Streamlined government based on strong partnerships—within the government, with the private sector, and among nations—is a hallmark of the Clinton/Gore Administration. The "virtual department" I created by establishing the National Science and Technology Council (NSTC) has cut bureaucratic red tape and produced a historic first: an integrated research and development budget that focuses on national goals. The NSTC has also produced large savings by enabling agencies to coordinate their efforts, divide tasks, and share resources.

My Committee of Advisors on Science and Technology (PCAST) provides critical links to industry and academia. Their oversight of NSTC activities, such as development of strategies for the management and disposition of fissile materials, promises to improve the Federal effort. So, too, do the forums and workshops that have drawn in thousands of experts and stakeholders to help develop priorities in areas as diverse as fundamental science; environmental technology; and health; safety; and food research.

I am also very proud of the steps we have taken to improve international cooperation in science and technology. Through the Gore-Chernomyrdin Commission we have used science and technology cooperation to ease the Russians' transition to democracy and a market economy. We have received valuable new technology and cultivated a crucial partner in global affairs through Russian participation in the international space station. We have used the Megasciences Forum of the Organization for Economic Cooperation and Development and other international forums to explore ways to share the increasing costs of cutting-edge research while maintaining our position of world leadership. Bilateral science and technology cooperation with other nations, including advanced industrial economies such as Japan, and big, emerging markets such as the People's Republic of China, serve us well in the global economy—giving us access to new ideas and new technologies while creating new opportunities for business.

Economists have estimated that the social rate of return on investments in research and development averages about 50 percent, or about double the average private rate of return. Clearly a solid Federal investment program is justified even in the leanest times. It is especially important for the Federal Government to maintain its investments in science and technology when the pressures of the international competition are leading businesses to focus on shorter term payoffs at the expense of more basic, longer term, and riskier research and development.

In *Science in the National Interest* (August 1994), the Vice President and I reaffirmed our longstanding commitment to world leadership in science, mathematics, and engineering. Scientific discoveries inspire and enrich us. Equally important, science and mathematics education provides all Americans with the knowledge and skills they need to prepare for and adapt to the high-technology jobs of the future and to exercise the responsibilities of citizenship.

This Administration has articulated clear goals and established priorities for Federal spending, and our economic policies have improved the climate for private investment as well. We intend to work closely with the Congress to ensure the well-being of our children and grandchildren. These investments will prepare us for the challenges of the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 29, 1995.*

COMMUNICATION FROM THE HONORABLE BOB FRANKS, MEMBER OF CONGRESS FROM THE STATE OF NEW JERSEY

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB FRANKS, a Member of Congress from the State of New Jersey:

SEVENTH DISTRICT, NEW JERSEY,
March 21, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Municipal Court for Manville, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,

BOB FRANKS,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each:

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, what was the final vote there? Do any of my colleagues know? 227 to 204? So our brilliant Speakers prediction was right on the nose almost. We got way in the high 80's on the Republican side of the aisle and let me see, let me do a little arithmetic, 205 Democrats in this Chamber, the oldest party in America, Andy Jackson, great tradition, and, yeah, they did not give us enough here to get through.

OK. Do we not already have term limits by way of elections? Well, obviously not when 90 percent of all the incumbents in the House and Senate who wanted their seats back got it. Forty-two people did not even have an opponent. I guarantee you that number will not be that high on November the 5, 1996. Particularly if this great oldest party in America puts up Clinton, we are not going to have 42 unchallenged seats. The goal of the Grand Old Party is to have no unchallenged seat in the United States of America comes 1996 election year.

Number two, is it hypocritical for anyone to advocate term limits who have already served longer than that? Now, they were throwing around a lot of false figures here. I have announced that I am in my last term. Nobody gave me credit for that all during the debate. I served 6 years, had my seat chopped in four parts because they could not find a candidate, including Gregory Peck's son, to whip me twice, the most expensive race in the history of the House. I raised over $2 million, he raised over $1.5 million in 1980, then, bingo, they cut my seat up.

I said to President Reagan, "What do you think I should do?" He said, "Bob, there is a Democrat liberal down there in Orange County and don't you guys call that Reagan country. Why don't you go down there and knock him off." So I did and I said I would only stay for 12 years because one of the most arrogant things I heard here all night is that in each district in America, and some compliments went back and forth, each district has found the greatest statesman or stateswoman that that district was ever going to produce in American history.

Well, I can tell you something, in every district in America there is a woman, there is a man, there is a retired military person, there is a sharp young man or woman just out of college that would like to serve for 6, 12 years, get it over with and then go in the private sector and create jobs and carry that government experience with them the rest of their life.

Has it ever occurred to anybody that since Jeremiah Dent left the House there is not a single admiral or general over in the other body and only SONNY MONTGOMERY in this House, and then people complimented all the World War II people in this House. I have watched Watergate babies, pro-Sandinista, pro-Hanoi demonstrators try to knock off all our World War II people in this majority party and take their chairmanships away from them. So where was the respect factor for World War II veterans there?

Then it was inherent on both sides of the aisle, arguing against term limits that somehow or other the process is not broken. If this process is not broken, how do we get into bloody $5 trillion worth of debt this coming September? Every man, woman and child, every newborn baby on September 20 of this year and every man or woman about to meet their maker owes $20,000. Just how did that happen, if this process is so wonderful?

And we are the greatest assemblage of statesmen and women that this Nation has ever seen. No, I loved it when our dynamic Speaker said this will be H.R. 1 next year.

□ 2145

Look, folks, here is the countdown watch. I may market these later in the year if I can get it through the Committee on Ethics. Here is the countdown watch. I do not like that backward running watch. I am an analog guy. I want it to go the right way, clockwise. Here is the countdown. Here is Clinton taking a little tumble there and it says 587 days to the election day. My wife has one that is 76 days longer. Her watch counts down to the inauguration, January 20, 1997, 587 days. And if the American people give us the White House to sink it up for the first time since I was too young to vote, and we have the House and the Senate and the White House, as Eisenhower had in January of 1953 when I got sworn in that same week into the Air Force, you are going to see amazing things happen in this country. The gentleman from New York [Mr. SOLOMON], one of our finest Congressmen, was saying in the cloakroom after the vote, imagine, imagine, he said, if we get the White House, and hold the House and Senate, what we can do for this great country of ours. Faith, family and freedom. That should be the focus of this House, and that freedom means liberty from big, oppressive taxing-taxing, spending-spending government. $5 trillion, term limits, maybe in the next Congress. God bless you, Madam Speaker. Thank you for those 5 minutes.

STUDENT LOAN PROGRAMS IN JEOPARDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 60 minutes.

Mr. BECERRA. Madam Speaker, I would like to discuss something of grave concern to me, because although I do not have a child who is of college age yet, in about 6 years I will, and in about 18 years, God willing, I will also have another child that will be preparing to go to college.

Today I would like to address the whole issue of what is happening in this Congress, and to me what is happening and what will happen perhaps next week is the devastation of the opportunity of young people to become professionals and become productive members of our society.

The Republican Contract With America calls for cuts. It calls for tax cuts that will go to those privileged few in our society that are very wealthy. And it calls for cuts, cuts to programs that help seniors, cuts to programs that help children, and cuts to people who are preparing to go on to college.

Whether you are 5 years of age or whether you are 22 years of age, it does not matter; the Contract With America is bad news for you. Last week we passed in this House welfare proposals that were contained within the Contract With America. Unfortunately, what this proposal did was cut school lunch programs, it cut child care, it cut aid to disabled students, all for the purpose of trying not just as we were told to try to reform welfare, but also to provide billions of dollars to pay for these tax cuts that we will see next week on the floor of this House for discussion, which will ultimately go mostly as I said before to the privileged few.

Within the next weeks we will also see something that will be of interest not to just to those that are 5 years of age, not just to those who have children 5 years of age, but to those who wish to go on to college, and that is, of course, what we see written, for example, in U.S. News and World Report where they say that "Every major Federal college aid program is considered a target in one form or another by the new Republican majority in Congress."

What does that mean? Financial aid for middle-class students today is in jeopardy. In fact, it is not only in jeopardy, it may become a thing of the past. Why? The Contract With America calls for the Congress to pay for these tax cuts. And one of the ways they plan to do that, as we understand so far from the majority, is they plan to eliminate four major student aid programs. The first is subsidized Stafford student loans; the second is work study programs; the third is supplemental education opportunity grants for very low income and disadvantaged students; and fourth is a Perkins loan program, which also provides loans to low- and middle-income students. These four programs constitute about 75 percent of all the student aid that we see given out in this Nation.

Why are the Republicans in this Contract on America doing this? As I said before, they have to pay for their tax cuts, which amount to about $200 billion over 5 years, and I believe over $800 billion over 10 years. Somewhere they need to find the money, and they are doing it going after not just the kids and school lunch, but we now see college students will have to pay the price.

What we find is that on November 8 people said they wanted to vote for change, but what we are finding is people are beginning to realize this is not the kind of change that they wish to have. When you talk to people, they say that along with things like Social Security, we wish to preserve programs that help people become professionals, to become productive citizens. We do not wish to deny them the opportunity to become full-fledged members of our society.

These cuts to student aid programs will be devastating. Millions of individuals may very well see their economic futures go down the drain. This in turn, of course, will threaten the economic future of our own country. Getting rid of these four student aid programs will cost about $20 billion over the next 5 years for middle-income families.

Now, let us look at it this way. It is not just the cost, it is a tax. Because these are middle-income families that otherwise would have been able to help their children go on to college. But because they are being taxed in higher fees, less money for student loans, they will now be paying the cost of these tax cuts that will be going mostly to the privileged few in their Contract With America.

This is the worst time, by the way, to be cutting back on student aid. Tuition is rising rapidly throughout the country. Without any assistance, the cost of attending college will go up even more. Some will be forced to forgo school altogether.

In California, tuition rates have skyrocketed. The goal of California's master plan of giving every young person the chance to go to college, whether it is community college, State university or the University of California campuses, is evaporating rapidly. Those students who represent the first generation of college students in their family just might come home without a degree, a devastating blow for parents, students and siblings alike.

I can give an example: I myself am the first in my family to get an education. My parents were immigrants. I would not have been able to go, but I took advantage of work study and student aid and student loans.

I hope we will understand this is not the way to go, and we will not support the Contract With America's attempt to go after our college students.

JULIA BAILEY IS MISSISSIPPI WINNER IN VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues the winning entry from Mississippi in the VFW's annual Voice of Democracy contest. It was submitted by Julia Bailey of West Point, MS.

Julia is a senior at West Point High School and the daughter of Eugene and Elizabeth Bailey. I had the chance to meet and visit with this outstanding young lady when she came to Washington recently. Her patriotic essay is one of the best I have read and commend it to all my colleagues.

"MY VISION FOR AMERICA"

The people who fought for the American Revolution had a vision of a country they governed themselves. The South had a vision of keeping their slaves. The North had a vision of defeating the South. Abraham Lincoln had a vision of forming a Union again, and the slaves had a vision of being free. History is a picture show of many groups with many visions. I am following in a long line of history because I, too, have a vision.

Everyday I go to school, and, to me, it is a small scale America. In our school we have black people, white people, people with learning disabilities, and straight A students. We have as many visions as we do groups of people, but all the students and faculty come together five days a week for one purpose, whether it is conscious or buried under all their other concerns. We come to school to educate and to be educated because we all have a vision of success. My vision for America is that, like the school, we will recognize that we, too, have a common goal to work towards—unity.

The civil rights movement was perhaps a time when many people combined dreams to form one vision. Sit-ins, boycotts, and marches were all a part of a people's fight for justice. The civil rights movement was special because it included everyone. The object of the movement was unity. A person did not have to be black to fight for civil rights but simply a person with an eye for justice and a belief that it was time for the truth to be acted upon that all people are created equal, not "separate but equal," equal.

We tend to focus on the qualities that we can see are equal—like our color or our financial status—rather than the qualities that we cannot see. In my vision our new focus will be on equality of mind and spirit, of opinions and beliefs, equality, not agreement, unity of spirit, not race. Spirit has no color; it has no age, it is not divided into categories.

I had the privilege of standing on the steps of the Lincoln Memorial in Washington, D.C. The Washington Monument pierced the air, and the green glow of the Capitol filtered from behind it. I felt powerful, humble, and thankful. Not only are those monuments reflected in the water they rise above, they are reflected in me.

I realize that even though the states are not always united, and that corruption threatens our freedom, in the capital of my country I can stand and ponder and pray for as long as I want without being threatened or dragged away or embarrassed. We have a starting point for equality. We are all free. The answer for a truly united nation is not at the top of the Washington Monument or clutched by Lady Freedom on the tip of the Capitol. It is as low and as humble as we make it in our hearts. Those monuments are not representing a country about to fall, but a country with the potential to rise, not in concrete, in power, or money, but in unity and goodness. My vision for our nation to be united through spirit begins in the seedbed of real freedom—our hearts.

KEEP LONG ISLAND SMALL BUSINESS ADMINISTRATION OFFICE OPEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Madam Speaker, I rise today on behalf of the hundreds of thousands of small businessmen and women and the potential hundreds of thousands of small businessmen and women on Long Island. Earlier this week the Clinton Administration announced that they were going to streamline and consolidate departments at the Small Business Administration, something that I on the face of it applaud, and I commend the administrator, Phil Lader of the Small Business Administration, for his leadership in that endeavor.

Unfortunately, included in this measure to downsize the agency is the closing of a very valuable office, the Small Business Administration's Long Island office in Melville. I am most supportive of the efforts to consolidate. As a former head of the Small Business Administration in New York, we led a pilot program to do just that. I strongly urge, however, that the Clinton Administration reconsider closing the Long Island office.

Long Island is in a unique situation. For most of the century, Long Island's economy has been dependent on a healthy defense industry. However, in recent years, draconian cuts to the defense budget have left the Long Island economy reeling, and today we are searching for an alternative. Forced to diversify, Long Island now more than ever looks to the small business sector as its major source of jobs, revenue, and income. Small businesses on Long Island look to the local Small Business Administration office for valuable help and counsel. The closing of the Long Island office would be devastating to an economy so dependent on a viable small business sector.

Madam Speaker, the administration's plan to close the Long Island office would negatively impact, as I have said, over 82,000 small businesses in Nassau and Suffolk County. This is an area larger in population than some 20 States. While the economy in most of the Nation has rebounded of late, the Long Island economy continues to lag. Long Island has endured extensive cuts in defense spending and the loss of the SBA office on Long Island would be another blow to an economy already struggling to right itself.

For the months ahead, Congress will have some very difficult decisions to make about the budget and the future spending by the Federal Government. But instead of eliminating an SBA office that is a value-added commodity to the taxpayers, that the Small Business Administration generates more in local income and is a stimulus to the local economy and is not, I repeat, not a drain on Federal taxpayers, it would be wrong-headed to go forth and close an office that is a value-added commodity to the taxpayer.

I propose that instead the Small Business Administration consider closing down the Office of Advocacy. This Office of Advocacy was created in a political climate and for political reasons, and with today's budget of $7 million, it is an economy well worth considering. The Office of Advocacy is often the source of reports and research that many have come to understand to be 7, 8, 9, 10 years old, research that is often outdated.

By retaining the Long Island office of the Small Business Administration, we can generally give a hand up to the local people in Nassau and Suffolk County. I urge that the Clinton administration reconsider the closing of that office.

Let me just mention one case in point. There are many small businesses that have been helped through the guaranteed loan program that works with private lenders. One such case is J. D'Addario and Company, a family owned small business that produces guitar and other instrument strings.

This company benefited from several loans administered by the Long Island office of the Small Business Administration that eventually allowed the business to relocate from rented space where they employed originally 25, to a new location where they are now employing over 250 people. They purchased the land and constructed a site that was four times the size of the previous location.

There are literally hundreds and hundreds of success stories as a result of the efforts made by the men and women who work for the Small Business Administration on Long Island. I know the difficulties administrator Phil Lader faces in making the tough decisions, and he is right to consolidate duplicating programs. To date his efforts have been superb. But again I would ask that the Clinton Administration and the Small Business Administration in particular reconsider closing the Long Island office, and add that this important resource to the small businessmen and women of Long Island be kept open.

TERM LIMITS AMENDMENT SHOULD HAVE PASSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Madam Speaker, I was very disappointed today that we were not able to pass the resolution to limit our own congressional terms. I was very disappointed. I think it is a sad day for us. Shame on us. I cannot understand it, because more than two dozen states sent a strong message to us that they want some kind of term limits. The people are tired of all these professional politicians entrenched in Washington, D.C. They want some circulation. Yet we ignore them, because we are so arrogant that we know the best. Today, again, we ignored those people's wishes.

I was listening carefully why some Members are opposed to term limits. Let me tell you how ridiculous it is, the arguments I heard today. The first argument is experience. We need the experience here. What kind of experience do we need, experience how to play politics? Experience how to present speech, feel good speech? Experience how to understand the parliamentary procedure? Is that experience we need?

All this Washington, D.C. experience we do not need. All we need is experience, fresh experience from the outside, the real world. What is happening there us people are suffering every day. Small business is suffering, trying to maintain their business, trying to meet the payroll. That kind of experience we need, not inside-the-beltway experience. It is a ridiculous comparison.

Also one Member from the other side of the aisle mentioned Gen. Colin Powell's statement that it took him 30 years to learn the job, implying that it will take us 30 years to learn this job. That is a ridiculous comparison.

□ 2200

I think it is a sad day that Members using that kind of comparison try to justify why term limits should not be implemented. The second argument I am hearing is that people should decide, not us. Especially from the gentlewoman from California, I was surprised. Only 30 years ago the California voters voted overwhelmingly to supporting term limits. How quickly we forgot. That is another reason why we have got to have some rotation here. How arrogant it is. Only 30 years ago the California people overwhelmingly passed this term limit, yet we forgot. Say they, people should decide. They did, they spoke already.

The other one I am hearing is this nonsense that we are going to give more power to nonelected staff members. Come on. Our staff members, until we passed the bill not too long ago, they do not have very much power. They can be fired, they can be dismissed any time. Laws do not apply to them even. Look at California, we have term limits out there and state assemblies, the state Senate, the staff does not bother us. They do not take over any powers. They are running fine in Sacramento. That is another stupid argument that I cannot understand.

Finally, this retroactive. I voted yes on that, 12 years retroactive. What is wrong with it? Is not 12 years long enough?

The argument is we need an orderly transfer, otherwise we are going to have a chaotic situation, that so many Members will resign. That is nonsense. The last 2 years ago, when I came to Congress, we had 110 freshmen. This year something like 87. Added together, more than 200 changes in the last 3 years. I do not see any chaos. It was very, a very orderly transfer. As a matter of fact, we made so much change, so much dynamic changes the last two years, I think it is good that we should have such a dramatic change.

Look at California. I do not see any disorderly chaotic situation out there serving only 2 years, only 6 years and give up the seat.

Also they say that they are against it because Democrats are playing games. They do not want to have a term limit. They are playing games. They are using this as an excuse to play games. I do not understand that. I do not know what kind of playing games they are doing. If it is true, then shame on them. But that is another reason why we have to get rid of those folks who know how to play games. They have been here too long. That is why they are playing games. I do not know how to play games. Maybe I should be here 10 years, and then I know how to play games. This bunch of rhetoric that I cannot understand coming from the private sector, it is totally beyond my comprehension why we are rejecting our own term limits.

I think it is really a sad day.

PERMISSION TO SUBSTITUTE SPECIAL ORDER

Mr. HOKE. Madam Speaker, I ask unanimous consent to speak in substitution for the gentleman from California [Mr. RIGGS] for 5 minutes.

The SPEAKER pro tempore. Is there objection to the gentleman from Ohio?

There was no objection.

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Madam Speaker, I want, first of all, to commend the gentleman from California [Mr. KIM]. He is a genuine American hero. Those were great remarks. Absolutely truthful, absolutely right on the money, right on the mark, cutting through the, well, I cannot say that, just cutting through it all. And really telling it exactly like it is. Maybe a lot of people are in mourning tonight because they feel like they have been betrayed by this Congress because the American public understands that term limits is the cornerstone of congressional reform. The public understands that.

But do not be in mourning. Do not be in mourning. There is no reason to, because really, this is a situation of pay me now or pay me later. Vote for term limits tonight or your replacement will vote for term limits in 2 years.

That is exactly what goes on here. What you are going to have tonight or what we have seen tonight is with the defeat of this bill, we are going to see a ton of replacements in two years.

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Speaker, I thank the gentleman for yielding to me. It has been very interesting to listen to the debate, and I would associate myself in full with the remarks of the gentleman from California who preceded you in the well.

But, Madam Speaker, it was very interesting earlier tonight to hear one of our friends on the other side talk about the ship Contract with America listing and creaking and the bow breaking and all these terrible things. Amazingly, and undoubtedly since so many members of the media in this town work in complicity with those on the left, I just think they have missed the story.

The fact is that we pledged to bring 10 items to the floor for an up or down vote. And even though there is disappointment tonight, as my friend from Ohio mentions, the fact is there is cause for jubilation because now we have enjoined the dialogue. And coming from a State in which the major city is named Phoenix, I assure the American people tonight, Madam Speaker, that this issue will again rise from the ashes.

Mr. HOKE. Let us look at the numbers on this. The fact is the Republicans voted 189 yes, 40 no. That is about 82, 83 percent of the Republican Conference voted in favor of term limits. On the other hand, Democrats voted 38 yes, 163 no; 80 percent of the Democrat Caucus voted against term limits. Who defeated term limits? Democrats defeated term limits.

Who is going to be defeated in November of 1996? Well, the public will decide. The public will decide. But what I would urge, right out there tonight, there are people who should be stirred. There are men and women who have thought, I want to serve my country, I have something to offer. I have wanted to do this for some time, but I have not had the courage, the motivation, the specific interest, the specific initiative to do this. Doggone it, there are 22 States out there that have already enacted term limits. Or is it 24? Twenty-two?

Mr. HAYWORTH. Twenty-two.

Mr. HOKE. Twenty-two States have enacted term limits; 24 million people in this country have voted for them. They have carried by a margin of 70 to 80 percent in every single one of those States. In each of those 22 States, there are men and women who ought to use this as their issue, because if your representative voted against term limits in one of those 22 States, that representative is saying, I know better than the people. I do not care what the people say. I do not care that 70 or 80 percent of the people demand that we have limited terms. I do not care that the public understands that this truly is the cornerstone of congressional reform, that this is the way that we are going to eliminate congressional careerism forever.

I do not care because I know better. And I know better because, gosh, after all, I have been here 20, 30, 40 years. How else would I not know better?

Those people should be inspired tonight and they should grab this and take this opportunity and get involved. And this is your campaign issue for November 1996.

Mr. HAYWORTH. Madam Speaker, I think the gentleman from Ohio has noted, as many of us have, during the course of these first 100 days, that indeed many folks who walk to the chamber in fact become walking advertisements for term limits, walking examples of the reasons why we should enact them.

Let me pause here to make a distinction because I also want to point out that good people can disagree and no doubt others will follow us in the chamber, making distinctions of conscience, of conviction, but we abhor the gamesmanship that was played during the course of this debate, really spurning the notion of what the will of the people might be.

MORE ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman form Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Madam Speaker, I think sometimes it is appropriate, again, to reflect a little bit on history. I happened to be sitting in the well this evening and looking up to the ceiling. Just behind the speaker's platform and above the clock is a saying on the wall and it is a very appropriate quote. It says, "Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered."

Those words were uttered by Daniel Webster, a former member of this body and a former member of the United States Senate.

Intrigued by that, I happened to check his biography and noted that he served in both the House and the Senate, that he first served in the House for 4 years, was defeated, took 6 years in the private sector, ran again for the House, this time from another State. Initially he had been in New Hampshire, moved to Massachusetts, and then switched, ran for the Senate, served 14 years, resigned, spent 4 more years in the private sector and ended his career in the Senate with a term of 4 years before he resigned in, I believe, 1851 or 1852.

I mention that because there has been a lot that has changed in this country since men of the caliber of Daniel Webster served here. Let us hope that the actions that we take today and in the future will encourage more men and women of his caliber to serve in this body.

But I was very torn today on the issue of term limits. As many may know, my State enacted a referendum in the fall of 1994 imposing a 6-year limit, which I intend to honor, and which I believe is binding on representatives from the State of Maine. But given the fact that we were presented with a bill tonight on the floor that did not provide me with the required degree of certainty that it would not preempt State law, I voted against the bill and I did so reluctantly. But I want to add a message because it would be inappropriate to say that the debate has taken place entirely on this floor. Because I think the debate has taken place across the country in all 50 States and in the thousands of communities that make up this great land.

I think the people are speaking very loudly and clearly that they want some form of system that will guarantee that the lack of professionalism in the sense of people making a lifetime career out of service in this body, and we have seen enough information about the longevity of service, I think an average of some 25 or 30 years, particularly for committee chairs, and extended service by others well past their prime of life and well past their ability to display the type of sensitivity to the private sector that we would like to see displayed by representatives in this body. And so I call upon the three groups that have been active across the country, the groups supporting the 6-year term limit, the group supporting the 8-year limit, and the group supporting the 12-year limit, to get together and, in the words of our speaker, be prepared to support H.R. 1 on the first day of the next session that will somehow or other find a way to respect the difference in the diversity among the 50 States and provide for a term-limit because that will allow us to have once and for all one standard that we can apply in this country and not confront representatives such as myself with a very difficult dilemma where we are being asked to support a concept that we believe in very deeply but, yet, which we find at odds with the laws of our own State.

Madam Speaker, I appreciate the opportunity to serve in this body.

ANOTHER VIEW ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Madam Speaker, I rise as one who voted against the term-limit limitations, because as I have heard the arguments tonight, it is not how many terms you have, it is what you do with the term, the term, the one term at a time. It is what you do with that term and then it is what the voters think that you have done with that term and how they feel about that term that determines or should determine whether or not you return.

In the case of my State, West Virginia, we are a small state. We have three House Members. Other States have far bigger delegations. I think that my State would be, the majority of my State would say, why is it that we should be limited as to whether or not we can vote for ROBERT C. BYRD, for instance, and the distinguished service that he has had? Why is it that we should be limited in whether or not we can vote for other leaders who may rise and show themselves to be able?

In the case of a small State like West Virginia, with three House Members, please remember that when you have term limits what you are going to do is to turn this place over to the large States. And so the Californias, the Floridas, the Texases will dominate every 2 years who it is that becomes chairs and subcommittee chairs and ranking Members.

So small States have a vested interest in making sure that there is some kind of equality here so that we have an equal say as well. There are many here who say, term limits, we will really rein in the Members on this thing. Nobody ever talks about the staff. Nobody limited the staff. Nobody limited the lobbyists. Nobody limited the others that all are part of this mix called democracy and called a legislative body.

So what happens is then the institutional memory now resides entirely with those who are truly the paid professionals here. I do not say that disparagingly of them, except just to make that observation that those people who become the ranking members and subcommittee chairs and the chairs will have less and less to say about what actually happens in their committees.

□ 2215

I would also like for people to think for a second, what is it that everyone is to be ashamed about for having some kind of experience, particularly if that experience has been reinforced every 2 years in something wonderful called an election? I refuse to be ashamed for the fact that I have developed more experience, and feel that I am a more able representative of my constituency, but knowing all the time that my constituency decides every 2 years whether or not that is the kind of experience they want, or whether I am exercising that properly, or in what they think is a proper format.

Does anyone around here ever walk into a law office, a physician's office, or any other office, into a store, and say "Hey, could I have the most junior person around here? I want the one who just got here, the one who just got out of medical school, the one who just got their certification. Please, I want to skip over the most senior person. I don't want to get to somebody who has had even maybe 13 years, of course not."

What is it that is supposedly bad about experience if the voters are truly exercising their control? That gets to a very important point, Madam Speaker, that what we are talking about here is the frustration that is very real in our country about whether or not Congress is responding. That frustration needs to be dealt with in campaign finance reform.

It would be my hope that H.R. 1 would not be a term-limit bill. Actually, let us hope there does not need to be a campaign finance reform bill in 1997, because I would like to see it out on the floor in 1995. That, I think, limiting the amounts of money, curbing the money chase, making it easier for challengers to take on incumbents, that is real term limitation.

Somebody pointed out that 90 percent of incumbents, 91 percent, were reelected last time, but what they did not point out was that so many chose not to run because they saw the odds, they read the polls, they talked to their constituents. The fact of the matter is that over half this Congress, 219 Members, have been here 5 years or less. Almost one-half has been renewed in just the last two elections, the last 4 years.

Madam Speaker, I think those are important statistics. The average lifespan, political lifespan of a Member of Congress in the House is less than 12 years, that very term, that very limitation which many would seek to impose.

Madam Speaker, for all those reasons I happen to think that term limits is one of those bumper sticker phrases which sounds good, but which in reality does not further our democracy.

I think our voters, in West Virginia our voters do not need term limits. I would point out that in our State, for instance, over half of the House of Delegates, on any given election 40 to 50 percent of our House of Delegates is changed. Indeed, many members of our State Senate this year were changed. Our voters know how to judge people and how to limit terms on their own, and that is through a process, a wonderful process called an election.

A HISTORIC NIGHT WITH VOTES ON TERM LIMITS

The SPEAKER pro tempore (Mrs. SEASTRAND). Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. Speaker, rather than to try to make a speech, I just have a few minutes of reflection on what I think happened tonight and what is going to happen in the future.

It is a historic night. The Contract With America said we would allow votes on term limits, and we did. Now it is up to the public to see who voted and how they voted on all the votes. If you really want term limits, you are going to have to act on what the body did tonight. If you think there is some correcting that needs to be done, it is up to you to do it.

I can assure you this, after having been here almost 100 days, that this body is not going to give in to the will of the people easily. There is plenty of blame to go around, and the numbers speak for themselves. Eighty percent of the Democratic Party voted against final passage on this bill. Eighty percent of the Republican Party voted for final passage. Those are pretty compelling numbers. However, to be honest, Mr. Speaker, there is shared blame here. The Republican Party needs to push term limits harder, from the bottom and the top. My class, 73 Republican freshmen, about 90, 95 percent of us believe in term limits and believe in it deeply. I admire people who disagree with me who have equally strong beliefs, and they do exist, but what we have to do as a party is to get more focused and make sure the bill does not get messed up in committee and have to explain our positions here and get off track.

I think we will learn something from tonight, that we will be more focused next year, and when the vote comes in the first part of the 105th Congress, that we will be more focused as a party and we will really, really push for term limits.

The good news is that people have voted, they are sort of out in the public's eye now, and you can determine who is with you and who is against you. The bad news is that the people who are not members of a term limits organization, and I do feel sorry for those people who are Members of term limits organizations that have worked so hard to get their message across, that it fell short, but the average, everyday citizen who is not a member of anything, other than maybe their church, who is trying to raise their kids, trying to make it through life, we let them down. That is what really bothers me the most.

The only hope that we have in changing this country, in my humble opinion, is to pass some form of term limits. I ran on four issues. I am the first Republican to be elected in 120 years in my district. I ran not so much on Republican-Democrat differences, and they are great, and I am very proud to be a Republican, but I ran on the idea of let us change Congress for the good of our country.

Let us have a balanced budget amendment and make sure both parties, regardless of who is in control, spend within their limits. Let us give the President of the United States, regardless of party, the line-item veto so he or she can strike from our budget pork barrel projects to get us reelected, which both parties can succumb to.

Let us make every law in the land apply to every Member of Congress, so we will understand what it is like to live in America, not just in Washington, DC, in a protected class.

The fourth institutional reform I ran on was term limits. After being up here 100 days, that is the cornerstone of reform. We need to have people come to this body with a different motivation, with a different mind-set. People should come here wanting to make the world where they came from better, not the world in Washington better for themselves. The game should not be "How can I become a committee chairman or subcommittee chairman?" The game should be "How can I make my community better, how can I make my Nation better, and go home?"

There are so many people in America who have been denied the opportunity to serve in this body because when you are an incumbent, the money is great. I agree with the gentleman about lobbying reform and finance reform. I came from a State, South Carolina, where 18 people went to jail, who served in the General Assembly, for taking bribes. We have the strongest ethics law in the country. You can operate government and have reform, lobbying reform, campaign finance reform. I am for that.

However, the gentleman who just spoke misses the point for the needs of term limits. It works hand-in-hand. Money is a problem, but motivation is the real problem. People come up here and get trapped in the world which they become a part of, Washington, DC. It is unlike any world I have ever been in in my life. People spend money up here like you are not going to make it anymore. It is the most detached place I have ever been. It is so different from the world that I know.

The only way you are going to change our country, in my opinion, is to make sure that people come up here for a limited period of time and that they are working on improving the world from which they came.

Term limits, unfortunately, in many ways, is the only vehicle I know to bring that about. I am optimistic in 1996 that the votes of the American public will reflect the votes tonight, and that there will be a correlation between the people who defied the will of the American people in this body and those who get reelected on both sides of the aisle.

THE VOTE ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Madam Speaker, I want to also join with my colleague, the gentleman from South Carolina, LINDSEY GRAHAM, who I think spoke eloquently about the fact that the fight is not over. We may have fallen short tonight by not having 290 votes, but we had 208 votes, which as compared to years ago when they had 107 votes, we are much closer to our goal.

The Contract With America pledged to the American people that the House Republicans would bring this to a floor vote, and we are pledged to getting a successful 290 votes. This is going to happen one day.

Remember what brought us to this point. Forty years of Democratic rule in the House has created an institution less accountable by the American people. The longer Members have served in Congress, the more removed they become to the people who elected them. That lack of accountability in prior Congresses forced an environment that resulted in corruption of the House bank and the House post office.

Those scandals, along with Congress' inability to balance the budget and control runaway deficit spending, have rallied a significant majority of the American people in support of term limits. Term limits will end careerism in Congress. The Founding Fathers never envisioned the House as a House of Lords, but rather as a citizen legislature.

Term limits provide real choices for voters. Term limits do not restrict voter choices. On the contrary, they create more choices. After California, for instance, passed its term limits in 1990 for State legislators, the number of candidates running for office increased by 40 percent.

The American people also overwhelmingly support term limits. That is why tonight we should have passed it. There should have been more Democratic support for this legislation. Eighty-three percent of the Republicans supported it and only 18 percent of the Democrats. Yet poll after poll shows overwhelming support for term limits, in some polls as high as 85 percent of the public. There are already 22 States that have adopted term limit laws.

Finally, I would say this, Madam Speaker. The term limit laws are already imposed on other political offices. There is legal precedent for this. The President is limited to two terms of offices. Thirty-five States impose term limits on their Governors, as they do in our State of Pennsylvania.

I would ask those listening tonight and those in the gallery and my colleagues who are still here in the Chamber and those in their offices, consider when this legislation is brought back up, if you were not part of the movement to make the change, please talk to your constituents, talk to your friends and neighbors, and realize that along with the kinds of reforms we are going to have with franking and the gift ban and with campaign reform, this is just one more reform that the American people want us to do, because they realize that Congress can be accountable and can be accessible, and with their help and God's, we will make the final reform of term limits.

AN IMPORTANT FACTOR IN TERM LIMITS: CHANGING PEOPLE'S ATTITUDES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, this has been a very historic day. For many years the Congress has wrestled with whether or not they would have an open vote under rules in which amendments could be offered to the whole issue of term limits.

I come to the Congress from the State of Minnesota, and having served 12 years in the Minnesota legislature, I became a late adapter to the whole notion of term limits. On the front of the House Chamber in the Minnesota House of Representatives, there is a sign in gold leaf. It says "Vox Populorum est vox Dei." In Latin I guess that translates to the voice of the people is the voice of God.

Before I was in the legislature, I was in sales, and went to a number of sales training programs. One of the most important words in terms of changing human behavior is the word "attitude." Before you can change people's behavior, you have to change their attitude. I think one of the most important arguments in favor of term limits is changing the word attitude or changing people's attitudes.

I think if people go to the Congress or if they go to the State legislature, if they go to the presidency, whatever the public office may be, if they know they are only going to serve for a limited amount of time, I think they go into that office with a much different attitude than if they see that as a lifelong career.

I think the American people are way out in front of us on this. I think in the final analysis they will prevail. In fact, the late Senator Everett Dirksen perhaps said it best when he said "The more I feel the heat, the more I see the light." I think more and more Members of Congress now are beginning to feel the heat from the American people, and they are beginning to see the light.

Am I disappointed, I would ask the gentleman from South Carolina [Mr. GRAHAM], in the outcome tonight? To be sure, I am. I thought we were going to do much better. As a matter of fact I am an incurable optimist, and I thought if we could ever get this item up for a vote, the pressure of the American people alone would cause us to vote for it.

This is only round one in what will probably be a 15-round fight. I am reminded again when I think of the people of the immortal poem of Carl Sandburg. He wrote the poem "The People, Yes." He said "The people will live on. The learning and blundering people will live on. They will be tricked and sold, and again sold, and return to the nourishing earth for root holds. The people, so amazing in their resiliency, you can't laugh off their capacity to take it."

Well, the people have been tricked and the people have been sold, and the people will be tricked and sold again, but sooner or later, the people will prevail. The people of this country will stand loudly and strongly on the next election and they will say "We want people to go to Washington who will vote for term limits."

I believe and I predict that if we don't pass term limits yet in this session of the Congress, they will be passed in the 105th Congress, because I believe the Speaker was correct. It was not a hollow threat. I think he was only stating fact, that sooner or later the will of the people will prevail. As Sandburg said, "The People, Yes."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BECERRA) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. FORBES, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, on March 30.

Mr. BEREUTER, for 5 minutes, on March 30.

Mr. KIM, for 5 minutes, today.

Mr. RIGGS, for 5 minutes each day, on today and March 30.

Mr. LONGLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GRAHAM, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BECERRA) and to include extraneous matter:)

Mr. NEAL.

Mr. ROMERO-BARCELÓ.

Ms. RIVERS.

Mr. HAMILTON.

Mr. STOKES.

Mrs. MEEK of Florida in three instances.

Mr. GIBBONS.

Mr. ENGEL in two instances.

Mr. HOYER.

Mr. MONTGOMERY.

Mr. BERMAN.

Ms. LOFGREN.

Mr. ACKERMAN.

Mr. KILDEE.

Mr. SANDERS.

Mr. JACOBS.

Mr. MANTON.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. DAVIS.

Mr. GILMAN.

Mr. BILIRAKIS.

Mr. PACKARD.

Mr. LAZIO of New York.

Mr. WALSH.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Ms. FURSE.

Mr. FILNER.

Mr. KLECZKA.

□ 2230

ADJOURNMENT

Mr. GRAHAM. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, March 30, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

636. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, "National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion"; to the Committee on National Security.

637. A letter from the Comptroller of the Currency, transmitting the annual report on enforcement actions taken by the Office of the Comptroller of the Currency during the 12-month period ending December 31, 1994, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

638. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend the authorization of appropriations for programs under the Native American Programs Act of 1974, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Economic and Educational Opportunities.

639. A letter from the Secretary of Commerce, transmitting the Department's final spectrum reallocation report, pursuant to title VI of the Omnibus Budget Reconciliation Act of 1993; to the Committee on Commerce.

640. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the Netherlands (Transmittal No. 16–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

641. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–17: Drawdown of Commodities and Services from the Inventory and Resources of the Department of Defense to Support Activities of the Palestinian Police Force, pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

642. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. C–95 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1) AECA certification 93–22 of June 24, 1993, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

643. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department has authorized danger pay for DEA employees assigned to Colombia, Bolivia, Peru, and Mexico, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

644. A letter from the Federal Housing Finance Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

645. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting the annual report on the status of the Board's audit and investigative coverage, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Government Reform and Oversight.

646. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled, the "Patent Reexamination Reform Act of 1995"; to the Committee on the Judiciary.

647. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's annual report for 1994, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

648. A letter from the Director, U.S. Office of Personnel Management, transmitting OPM's report on actions taken to implement the metric system of measurement, pursuant to Public Law 100–418, section 5164(c) (102 Stat. 1452); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee of conference. Conference report on H.R. 831. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes (Rept. 104–92). Ordered to be printed.

Mr. QUILLEN: Committee on Rules. House Resolution 121. Resolution waiving points of order against the conference report to accompany the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes (Rept. 104-93). Referred to the House Calendar.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 1271. A bill to provide protection for family privacy; with an amendment (Rept. 104-94). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana:

H.R. 1344. A bill to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Under Secretary of Commerce for Oceans and Atmosphere to conduct a research program to evaluate technology for depositing certain waste on the deep ocean seabed; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS (for himself, Ms. Norton, Mr. Walsh, Mr. Dixon, Mr. Clinger, Mrs. Collins of Illinois, Mr. McHugh, Mr. Gutknecht, Mr. LaTourette, Mr. Flanagan, Mr. Fattah, Miss Collins of Michigan, Mr. Wolf, Mr. Moran, Mrs. Morella, and Mr. Wynn):

H.R. 1345. A bill to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SPENCE (for himself, Mr. Dellums, Mr. Bateman, and Mr. Taylor of Mississippi) (all by request):

H.R. 1346. A bill to amend the guarantee fee provisions of the Federal Ship Mortgage Insurance Program in the Merchant Marine Act, 1936; to the Committee on National Security.

H.R. 1347. A bill to authorize appropriations for fiscal year 1996 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on National Security.

H.R. 1348. A bill to amend the Panama Canal Act of 1979 to reconstitute the Panama Canal Commission as a United States Government corporation, and for other purposes; to the Committee on National Security.

H.R. 1349. A bill to authorize expenditures for fiscal year 1996 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on National Security.

By Mr. SPENCE (for himself, Mr. Dellums, and Mr. Bateman) (all by request):

H.R. 1350. A bill to amend the Merchant Marine Act, 1936 to revitalize the U.S.-flag merchant marine, and for other purposes; to the Committee on National Security.

By Ms. DANNER (for herself, Mr. Emerson, Mr. Skelton, Mr. Talent, Mr. Volkmer, and Mr. Hancock):

H.R. 1351. A bill to ensure the primary principle and priority of the Missouri River system focus on the control of water relative to navigation and flood control, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. de la GARZA (for himself, Mr. Roberts, Mr. Emerson, Mr. Condit, Mr. Stenholm, Mr. Boehner, Mrs. Thurman, Mr. Canady, Mr. Rose, Mr. Ewing, Mr. Dooley, and Mr. Pomeroy):

H.R. 1352. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to the minor use of a pesticide; to the Committee on Agriculture.

By Mr. MINGE (for himself, Mr. Dickey, Mr. Shays, Mr. Klug, Mr. Barrett of Wisconsin, Mr. McHale, Mr. Castle, Mr. Deal of Georgia, and Mrs. Waldholtz):

H.R. 1353. A bill to amend title 5, United States Code, to provide that, for purposes relating to retirement, Members of Congress and congressional employees shall be treated in the same manner as are employees in the executive branch generally; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE of New Jersey:

H.R. 1354. A bill to eliminate the Department of Agriculture and certain agricultural programs, to transfer other agricultural programs to an agribusiness block grant program and other Federal agencies, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 1355. A bill to amend the National Labor Relations Act, to establish the National Public Employment Relations Commission, and to amend title I of the Employment Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Economic and Educational Opportunities.

By Mr. SANDERS (for himself, Mr. Hinchey, Ms. McKinney, Mr. DeFazio, and Ms. Velazquez):

H.R. 1356. A bill to amend the Ethics in Government Act of 1978 to strengthen financial disclosure requirements, and for other purposes; to the Committee on Rules, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 1357. A bill to provide certain employee protection benefits for railroad employees; to the Committee on Transportation and Infrastructure.

By Mr. TORKILDSEN:

H.R. 1358. A bill to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA; to the Committee on Resources.

By Mr. HOYER (for himself, Mr. Hyde, Mr. Berman, Mr. Skaggs, Mr. Sensenbrenner, Mr. Gibbons, Mr. Wilson, Mr. Oxley, Mr. Sabo, Mr. Frank of Massachusetts, and Mr. Pallone):

H.J. Res. 81. Joint resolution proposing an amendment to the Constitution of the United States repealing the 22d article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. MASCARA:

H.J. Res. 82. Joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of Senators, Representatives, and the President and Vice President; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. Solomon, Mr. Torricelli, and Mr. Ackerman):

H. Con. Res. 53. Concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States; to the Committee on International Relations.

By Mr. STEARNS:

H. Res. 120. Resolution expressing the sense of the House of Representatives regarding American citizens held in Iraq; to the Committee on International Relations.

By Mr. GORDON:

H. Res. 122. Resolution expressing the sense of the House of Representatives that the levels for higher education financial aid programs should not be reduced; to the Committee on Economic and Educational Opportunities.

By Mr. ROHRABACHER (for himself, Mr. Torres, Mr. Moran, Mr. Burton of Indiana, Mr. Paxon, Mr. Calvert, Mr. Wilson, and Mr. Nethercutt):

H. Res. 123. Resolution relating to the conflict in Kashmir; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TORKILDSEN introduced a bill (H.R. 1359) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Triad*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of March 28, 1995]

H.R. 849: Mr. Peterson of Minnesota.

[Submitted March 29, 1995]

H.R. 65: Mr. Saxton.

H.R. 95: Mr. Holden.

H.R. 103: Mr. Cooley, Mr. Hilliard, and Mr. Pickett.

H.R. 127: Mr. Lewis of Georgia and Mr. Markey.

H.R. 218: Mr. Weldon of Pennsylvania.

H.R. 303: Mr. Saxton.

H.R. 311: Mr. Luther.

H.R. 312: Mr. Luther.

H.R. 326: Mr. Torkildsen.

H.R. 467: Mr. Stearns.

H.R. 485: Mr. Taylor of North Carolina.

H.R. 500: Mr. Allard, Mr. Bliley, Mr. Combest, Mr. Cremeans, Mr. Everett, and Mr. Souder.

H.R. 530: Mrs. LINCOLN, Mr. WELLER, Mr. BACHUS, and Mr. CHRISTENSEN.

H.R. 582: Mr. ENGLISH of Pennsylvania.

H.R. 592: Mr. TAYLOR of North Carolina and Mr. SHADEGG.

H.R. 731: Mr. FRAZER, Mr. CLYBURN, Mr. JEFFERSON, Mr. THOMPSON, Mr. SCOTT, Ms. BROWN of Florida, Mr. DIXON, Mr. MFUME, Ms. NORTON, Mr. BISHOP, Mr. FATTAH, Mrs. CLAYTON, Ms. JACKSON-LEE, Mr. TUCKER, Mr. FLAKE, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. HILLIARD, Ms. WATERS, Mr. CLAY, Mr. PAYNE of New Jersey, Mr. WYNN, and Mr. OWENS.

H.R. 797: Mr. MARTINEZ, Mr. UNDERWOOD, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. EVANS, and Ms. RIVERS.

H.R. 801: Ms. DELAURO and Mr. OBERSTAR.

H.R. 804: Mr. CANADY.

H.R. 820: Mr. SENSENBRENNER, Mr. SCARBOROUGH, Mr. CLYBURN, and Mr. DUNCAN.

H.R. 833: Mr. BEILENSON.

H.R. 843: Mr. ENSIGN and Mr. ENGLISH of Pennsylvania.

H.R. 860: Mr. LINDER.

H.R. 932: Mr. MCHUGH.

H.R. 940: Mr. TORRES and Mr. ENGEL.

H.R. 941: Mr. HILLIARD, Mr. FATTAH, Mr. CLEMENT, and Mrs. MINK of Hawaii.

H.R. 967: Mrs. LOWEY and Mr. EVANS.

H.R. 997: Mr. FILNER.

H.R. 1024: Mr. BURTON of Indiana.

H.R. 1033: Mr. FOX and Mr. SHAYS.

H.R. 1073: Mrs. LOWEY, Mr. DEFAZIO, Mr. FROST, Ms. MOLINARI, Mr. TEJEDA, Mr. ABERCROMBIE, Ms. RIVERS, Mr. DELLUMS, Mr. FOGLIETTA, and Mr. EVANS.

H.R. 1074: Ms. LOWEY, Mr. DEFAZIO, Mr. ABERCROMBIE, Ms. RIVERS, Mr. DELLUMS, Mr. FOGLIETTA, and Mr. EVANS.

H.R. 1085: Mr. DAVIS.

H.R. 1090: Mr. DEUTSCH.

H.R. 1103: Mr. RADANOVICH and Mr. HASTINGS of Florida.

H.R. 1118: Mr. HANCOCK and Mr. KIM.

H.R. 1127: Mr. WELLER and Mr. BROWN of Ohio.

H.R. 1143: Mrs. KELLY and Mr. HUTCHINSON.

H.R. 1144: Mrs. KELLY and Mr. HUTCHINSON.

H.R. 1145: Mrs. KELLY and Mr. HUTCHINSON.

H.R. 1150: Ms. NORTON.

H.R. 1233: Mr. COLEMAN, Ms. ESHOO, Mr. FATTAH, Ms. FURSE, Mr. HINCHEY, Mr. LIPINSKI, Mr. UNDERWOOD, Mr. JEFFERSON, and Mrs. MINK of Hawaii.

H.R. 1256: Mr. ACKERMAN, Mr. SMITH of New Jersey, and Mr. PAYNE of New Jersey.

H.R. 1258: Ms. MCKINNEY, Mr. HASTINGS of Florida, Mrs. CLAYTON, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT, Mr. OWENS, Ms. WATERS, Mr. LEWIS of Georgia, Mr. TUCKER, and Mr. FROST.

H.R. 1278: Mr. JACOBS, Mr. MEEHAN, Mr. DEUTSCH, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Ms. WOOLSEY, Mr. LIPINSKI, and Mr. DEFAZIO.

H.R. 1302: Mr. CLYBURN, Ms. ESHOO, Mr. BOUCHER, Ms. FURSE, Mr. JEFFERSON, and Mrs. MINK of Hawaii.

H.J. Res. 79: Mr. EWING.

H. Con. Res. 5: Mr. LEWIS of Kentucky, Mr. LUCAS, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 12: Mr. YOUNG of Alaska.

H. Con. Res. 23: Mr. DEAL of Georgia, Mr. LIGHTFOOT, Mr. STUDDS, Mr. WATT of North Carolina, Mr. ROBERTS, Mr. BOEHLERT, Mr. TANNER, Mr. TORKILDSEN, Mrs. KELLY, Mr. MINGE, Mr. ENGLE, and Mr. SMITH of New Jersey.

H. Res. 21: Mr. PETERSON of Minnesota, Mr. MINGE, and Mr. FILNER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1215

OFFERED BY: MR. GOODLING

AMENDMENT NO. 3: In section 23 of the Internal Revenue Code of 1986 (relating to family tax credit), as proposed to be added by section 101 of the bill—

(1) strike "$200,000" each place it appears and insert "$95,000",

(2) strike "100 times" in subsection (b)(2) of such section 23 and insert "50 times",

(3) strike subsection (d) of such section 23 (relating to inflation adjustment), and

(4) redesignate subsection (e) as subsection (d).

H.R. 1215

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Strike sections 103 and 104 of the bill and insert after section 102 the following new subtitle (and conform the table of contents accordingly):

Subtitle B—Middle Class Flexible Savings

SEC. 111. HIGHER MAXIMUM IRA DEDUCTION AND INCOME PHASEOUT LIMITS; INFLATION ADJUSTMENT OF MAXIMUM IRA DEDUCTION AND PHASEOUT LIMITS.

(a) HIGHER MAXIMUM IRA DEDUCTION.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking "$2,000" and inserting "$3,000":

(A) Subsections (b)(1)(A) and (c)(2) of section 219.

(B) Subsections (a)(1), (b), and (j) of section 408.

(2) CONFORMING AMENDMENT.—Sections 219(c)(2) and 408(d)(5) are each amended by striking "$2,250" and inserting "$3,500".

(b) HIGHER INCOME PHASEOUT LIMITS.—

(1) Subparagraph (B) of section 219(g)(3) is amended—

(A) by striking "$40,000" and inserting "$60,000", and

(B) by striking "$25,000" and inserting "$40,000".

(2) Clause (ii) of section 219(g)(2)(A) is amended to read as follows:

"(ii) $15,000."

(c) INFLATION ADJUSTMENT OF MAXIMUM IRA DEDUCTION AND INCOME PHASEOUT LIMITS.—Section 219 is amended by inserting after subsection (f) the following new subsection:

"(g) INFLATION ADJUSTMENT OF MAXIMUM DEDUCTION AND INCOME PHASEOUT LIMITS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1995, each applicable dollar amount shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) APPLICABLE DOLLAR AMOUNT.—For purposes of paragraph (1), the term 'applicable dollar amount' means—

"(A) the $3,000 amount in subsections (b)(1)(A), (c)(2), and (c)(3) of this section and in subsections (a)(1), (b) and (j) of section 408,

"(B) the $3,500 amount in subsection (c)(2) of this section and in section 408(d)(5),

"(C) the $60,000 and $40,000 amounts in subsection (g)(3)(B), and

"(D) the $15,000 amount in subsection (g)(2)(A)(ii).

"(3) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 112. IRA FOR NONWORKING SPOUSE WITH YOUNG CHILDREN COMPUTED ON BASIS OF COMPENSATION OF BOTH SPOUSES.

"(a) IN GENERAL.—Subsection (c) of section 219 (relating to special rules for certain married individuals) is amended by adding at the end thereof the following new paragraph:

"(3) HIGHER LIMIT FOR SPOUSE WITH YOUNG CHILDREN.—

"(A) IN GENERAL.—In the case of a qualifying spouse, the amount allowable as a deduction under paragraph (1) shall not exceed the lesser of—

"(i) $3,000, or

"(ii) the sum of—

"(I) the compensation includible in such individual's gross income for the taxable year, plus

"(II) the compensation includible in the gross income of such individual's spouse for the taxable year reduced by the amount allowable as a deduction under subsection (a) to such spouse for such taxable year.

"(B) QUALIFYING SPOUSE.—For purposes of subparagraph (A), the term 'qualifying spouse' means any spouse of an individual if—

"(i) such individual and spouse file a joint return for the taxable year,

"(ii) such spouse has less than $1,000 of compensation (determined without regard to section 911) for the taxable year, and

"(iii) such spouse has a child (as defined in section 151(c)(3)) who has not attained age 6 as of the close of such taxable year and who is a dependent (as defined in section 152) of the taxpayer for such year."

"(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 113. PENALTY-FREE WITHDRAWALS FROM CERTAIN PLANS TO PAY EDUCATIONAL EXPENSES, MEDICAL EXPENSES, BUSINESS START-UP EXPENSES, AND FIRST-TIME HOMEBUYER EXPENSES.

"(a) EDUCATIONAL EXPENSES AND BUSINESS STARTUP EXPENSES.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR EDUCATIONAL EXPENSES AND BUSINESS START-UP EXPENSES.—

"(i) IN GENERAL.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii) to the extent such distributions do not exceed the sum of—

"(I) the qualified higher education expenses (as defined in paragraph (6)) of the taxpayer for the taxable year, and

"(II) the start-up expenditures (as defined in section 195(c)) of the taxpayer for the taxable year.

"(ii) ADJUSTED GROSS INCOME LIMIT.—Clause (i) shall apply to distributions from an individual retirement plan only if the adjusted gross income of the distributee for the taxable year in which the distribution occurs does not exceed—

"(I) $60,000 in the case of an unmarried individual,

"(II) $80,000 in the case of a joint return, and

"(III) $40,000 in the case of a married individual filing a separate return."

(2) QUALIFIED HIGHER EDUCATION EXPENSES DEFINED.—Section 72(t) is amended by adding

at the end thereof the following new paragraph:

"(6) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) a child (as defined in section 151(c)(3)) of the taxpayer,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135."

(b) CATASTROPHIC ILLNESS EXPENSES.—Subparagraph (A) of section 72(t)(3) is amended to read as follows:

"(A) CERTAIN EXCEPTIONS NOT TO APPLY TO INDIVIDUAL RETIREMENT PLANS.—

"(i) IN GENERAL.—Except as provided in clause (ii), subparagraphs (A)(v), (B), and (C) of paragraph (2) shall not apply to distributions from an individual retirement plan.

"(ii) DISTRIBUTIONS FOR MEDICAL EXPENSES FROM CERTAIN INDIVIDUAL RETIREMENT PLANS.—Subparagraph (B) of paragraph (2) shall apply to distributions from an individual retirment plan if the adjusted gross income of the distributee for the taxable year in which the distribution occurs does not exceed the applicable limitation under paragraph (2)(D)."

(c) PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.—Paragraph (2) of section 72(t) (as amended by the preceding provisions of this section) is amended further by adding at the end the following new subparagraph:

"(E) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—A distribution from an individual retirement plan to an individual after separation from employment, if—

"(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

"(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year."

(d) EXPENSES FOR FIRST-TIME HOMEBUYERS.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) (as amended by the preceding provisions of this section) is amended further by adding at the end the following new subparagraph:

"(F) DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR FIRST-TIME HOMEBUYERS.—

"(i) IN GENERAL.—Distributions to an individual from an individual retirement plan which are qualified first-time homebuyer distributions (as defined in paragraph (7)).

"(ii) ADJUSTED GROSS INCOME LIMIT.—Clause (i) shall apply to distributions from an individual retirement plan only if the adjusted gross income of the distributee for the taxable year in which the distribution occurs does not exceed—

"(I) $60,000 in the case of an unmarried individual,

"(II) $80,000 in the case of a joint return, and

"(III) $40,000 in the case of a married individual filing a separate return."

(2) DEFINITION.—Section 72(t) (as amended by the preceding provisions of this section) is amended further by adding at the end the following new paragraph:

"(7) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(F)(i)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or such individual's spouse.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 10-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

'(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

"(i) section 408(d)(3)(B) shall not be applied to such contribution, and

"(ii) such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount."

(e) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which distributions for qualified higher education expenses (as defined in section 72(t)(6)) or start-up expenses (as defined in section 195(c)) or qualified first-time homebuyer distributions (as defined in section 72(t)(7)(A)) are made, and".

(2) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for the payment of qualified higher education expenses (as defined in section 72(t)(6)), start-up expenses (as defined in section 195(c)), or qualified acquisition costs (as defined in section 72(t)(7)) with respect to a principal residence (as so defined) of a first-time homebuyer (as so defined)."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

After the title heading for title I of the bill insert the following (and conform the table of contents accordingly):

Subtitle A—Family Tax Credit; Credit to Reduce Marriage Penalty

At the end of title III of the bill insert the following new subtitle:

Subtitle F—Minimum Tax on Foreign and Foreign-Owned Corporations

SEC. 361. MINIMUM TAX ON FOREIGN AND FOREIGN-OWNED CORPORATIONS.

(a) IN GENERAL.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VIII—MINIMUM TAX ON CERTAIN FOREIGN AND FOREIGN-OWNED CORPORATIONS

"Sec. 59B. Minimum tax on certain foreign and foreign-owned corporations.

"SEC. 59B. MINIMUM TAX ON CERTAIN FOREIGN AND FOREIGN-OWNED CORPORATIONS.

"(a) IMPOSITION OF TAX.—In the case of a corporation to which this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to the excess (if any) of—

"(1) 35 percent of the product of—

"(A) 9 percent, and

"(B) an amount equal to 75 percent of the gross receipts of the taxpayer from the sale or leasing of property manufactured by the taxpayer or by any foreign person that is a related party of the taxpayer, over

"(2) the aggregate tax imposed under sections 11, 55, and 1201 for such year.

"(b) TAXPAYERS TO WHICH SECTION APPLIES.—This section shall apply to a corporation for the taxable year if—

"(1) such corporation is—

"(A) a domestic corporation which is 25-percent foreign-owned, or

"(B) a foreign corporation engaged in a trade or business within the United States, and

"(2) the gross receipts from the sale or leasing of property manufactured by the such corporation or by any foreign person that is a related party of such corporation are greater than the lesser of—

"(A) $2,000,000, or

"(B) an amount equal to 10 percent of the total gross receipts of such corporation.

"(c) DEFINITIONS.—For purposes of this section, the term '25-percent foreign-owned', 'foreign person', and 'related party' have the respective meanings given such terms by section 6038A(c)."

(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end thereof the following new item:

"Part VIII. Minimum tax on certain foreign and foreign-owned corporations."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

H.R. 1215

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5; At the end of title III of the bill insert the following new subtitle (and conform the table of contents accordingly):

Subtitle F—Investment for America

SEC. 361. REINSTATEMENT OF 10-PERCENT DOMESTIC INVESTMENT TAX CREDIT.

(a) ALLOWANCE OF CREDIT.—Section 46 (relating to amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(4) the domestic investment credit."

(b) Amount of Credit.—Section 48 is amended by adding at the end thereof the following new subsection:

"(c) Domestic Investment Credit.—

"(1) In general.—For purposes of section 46, the domestic investment credit for any taxable year is an amount equal to 10 percent of the qualified investment for such taxable year.

"(2) Qualified investment.—

"(A) In general.—For purposes of paragraph (1), the qualified investment for any taxable year is the aggregate of—

"(i) the applicable percentage of the basis of each new domestic section 38 property placed in service by the taxpayer during such taxable year, plus

"(ii) the applicable percentage of the cost of each used domestic section 38 property placed in service by the taxpayer during such taxable year.

"(B) Applicable percentage.—For purposes of subparagraph (A), the applicable percentage for any property shall be determined under paragraphs (2) and (7) of section 46(c) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

"(C) Certain rules made applicable.—The provisions of subsections (b) and (c) of section 48 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this paragraph.

"(3) Domestic section 38 property.—For purposes of this subsection, the term 'domestic section 38 property' means any section 38 property if—

"(A) the property was completed in the United States, and

"(B) more than 50 percent of the basis of the property is attributable to value added within the United States.

For purposes of the preceding sentence, the term 'United States' includes the Commonwealth of Puerto Rico and the possessions of the United States.

"(4) Section 38 property.—For purposes of this subsection, the term 'section 38 property' means—

"(A) tangible personal property (other than an air conditioning or heating unit), or

"(B) other tangible property (not including a building and its structural components) but only if such property—

"(i) is used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services, or

"(ii) constitutes a research facility used in connection with any of the activities referred to in clause (i), or

"(iii) constitutes a facility used in connection with any of the activities referred to in clause (i) for the bulk storage of fungible commodities (including commodities in a liquid or gaseous state), or

"(C) elevators and escalators, but only if—

"(i) the construction, reconstruction, or erection of the elevator or escalator is completed by the taxpayer, or

"(ii) the original use of such elevator or escalator commences with the taxpayer, or

"(D) single purpose agricultural or horticultural structures; or

"(E) a storage facility (not including a building and its structural components) used in connection with the distribution of petroleum or any primary product of petroleum.

Such term includes only property to which section 168 applies without regard to any useful life and any other property with respect to which depreciation (or amortization in lieu of depreciation) is allowable and having a useful life (determined as of the time such property is placed in service) of 3 years or more.

"(5) Coordination with other credits.—This subsection shall not apply to any property to which the energy credit or rehabilitation credit would apply unless the taxpayer elects to waive the application of such credits to such property.

"(6) Certain progress expenditure rules made applicable.—Rules similar to rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection."

(c) Technical Amendments.—

(1) Subparagraph (C) of section 49(a)(1) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end thereof the following new clause:

"(iv) the basis of any new domestic section 38 property and the cost of any used domestic section 38 property."

(2) Subparagraph (E) of section 50(a)(2) is amended by inserting "or 48(c)(6)" before the period at the end thereof.

(3) Paragraph (5) of section 50(a) is amended by adding at the end thereof the following new subparagraph:

"(D) Special rules for certain property.—In the case of any domestic section 38 property which is 3-year property (within the meaning of section 168(e))—

"(i) the percentage set forth in clause (ii) of the table contained in paragraph (1)(B) shall be 66 percent,

"(ii) the percentage set forth in clause (iii) of such table shall be 33 percent, and

"(iii) clauses (iv) and (v) of such table shall not apply."

(4)(A) The section heading for section 48 is amended to read as follows:

"SEC. 48. OTHER CREDITS."

(B) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48 and inserting the following:

"Sec. 48. Other credits."

(d) Effective Date.—The amendments made by this section shall apply to periods after December 31, 1994, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 362. CREDIT FOR PURCHASES OF DOMESTIC DURABLE GOODS.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. PURCHASES OF DOMESTIC DURABLE GOODS.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 7 percent of the aggregate amount paid during the taxable year for the purchase of domestic durable goods.

"(b) Domestic Durable Goods.—For purposes of this section—

"(1) In general.—The term 'domestic durable good' means any durable good if—

"(A) the property was completed in the United States, and

"(B) more than 50 percent of the basis of the property is attributable to value added within the United States.

"(2) United states.—The term 'United States' includes the Commonwealth of Puerto Rico and the possessions of the United States.

"(c) Limitation.—The amount of the credit allowed under subsection (a) for any taxable year shall not exceed $1,000."

(b) Conforming Amendment.—The table of sections for such subpart A is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Purchases of domestic durable goods."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 363. CREDIT FOR CERTAIN COSTS INCURRED IN PURCHASING AN AMERICAN-MADE PASSENGER VEHICLE.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25C the following new section:

"SEC. 25D. CERTAIN COSTS INCURRED IN PURCHASING AN AMERICAN-MADE PASSENGER VEHICLE.

"(a) In General.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified payments made by the taxpayer during such year.

"(b) Qualified Payments.—For purposes of this section, the term 'qualified payments' means any payment of—

"(1) any State or local sales tax imposed on the purchase by the taxpayer of any qualified automobile, and

"(2) any interest on any loan which is secured by a qualified automobile and which was incurred by the taxpayer to purchase such automobile.

"(c) Qualified Automobile.—For purposes of this section, the term 'qualified automobile' means any automobile (as defined in section 4064(b))—

"(1) which is purchased after December 31, 1994,

"(2) which is domestically produced,

"(3) the original use of which begins with the taxpayer, and

"(4) substantially all of the use of which is for personal, nonbusiness purposes.

For purposes of the preceding sentence, an automobile is domestically produced if more than 50 percent of the automobile is produced in the United States and its final assembly occurs in the United States.

"(d) Denial of Double Benefit.—No deduction or credit shall be allowed under any other provision of this title for any payment for which a credit is allowable under this section."

(b) Clerical Amendment.—The table of sections for such subpart A is amended by inserting after the item relating to section 25C the following new item:

"Sec. 25D. Certain costs incurred in purchasing an American-made passenger vehicle."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 1994.

SEC. 364. PLACEMENT OF MADE IN AMERICA LABELS ON PRODUCTS.

(a) Requirements for Use of Labels.—No product may bear a label which states or suggests that the product was made in America unless—

(1) the product has been registered with the Department of Commerce under subsection (b); and

(2) the Secretary of Commerce has determined that—

(A) 60 percent of the product was manufactured in the United States; and

(B) final assembly of the product took place in the United States.

(b) Registry of American-Made Products.—Not later than 12 months after the Secretary has promulgated regulations regarding the registration of products with the Department of Commerce under this section, a person shall register with the Department of Commerce any product on which there is or will be affixed a label which states or suggests that the product was made in America.

(c) Penalties for Fraudulent Use of Labels.—

(1) Civil fine.—Any person who, with an intent to defraud or mislead, places on a product a label which states or suggests that the product was "made in America" in violation of this section may be assessed a civil penalty by the Secretary of not more than $100,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. The validity of such order may not be reviewed in an action to collect such civil penalty.

(2) Injunctive relief.—The Secretary may bring an action to enjoin the violation of, or to compel compliance with, this section, whenever the Secretary believes that such a violation has occurred or is about to occur.

(d) Regulations.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall promulgate regulations establishing procedures under which a person shall register a product under this section.

(e) Definitions.—For purposes of this section:

(1) Label.—The term "label" means any written, printed, or graphic matter on, or attached to, a product or any of its containers or wrappers.

(2) Secretary.—The term "Secretary" means the Secretary of Commerce.

H.R. 1215

Offered By: Mr. Traficant

Amendment No. 6: Strike subtitles A and B of title III of the bill (other than section 322) and insert the following (and conform the table of contents accordingly):

Subtitle A—Reduction of Tax on Capital Gain If Proceeds Used To Purchase Public Debt Obligations

SEC. 301. REDUCTION OF TAX ON CAPITAL GAIN IF PROCEEDS USED TO PURCHASE PUBLIC DEBT OBLIGATIONS.

(a) In General.—Subsection (h) of section 1 (relating to maximum capital gains rate) is amended to read as follows:

"(h) Maximum Capital Gains Rate.—

"(1) In general.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

EXTENSIONS OF REMARKS

TERM LIMITS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. PACKARD. Mr. Speaker, this week the House will hold the first ever vote on term limits. The American people will witness a historic vote on an issue that previous Democrat-controlled Congresses prevented from ever being voted on in committee or on the House floor. Last September, House Republicans pledged to bring this historic legislation to the floor. We kept our promise.

The new Republican controlled House has already shown its commitment to internal term limits. The Speaker is limited to four terms in that office, and committee and subcommittee chairmen are limited to three terms. Now we must take the next step and vote on term limits for every elected Member of the House.

I applaud the Republican leadership for devising a strategy that provides the best opportunity to secure the votes necessary for passage. The winner takes all procedure allows for Members to support the term-limit package they feel most comfortable with regardless of outside groups and member sponsors.

Forty years of Democrat rule in the House has created an institution less accountable to the people. Republicans are working to change this. The American people want to know that their representatives will serve their needs, not the Government's needs. Passage of term-limit legislation this week will bring Washington closer to the people it serves back home.

LINDA KAREN FRIEDMAN-LEVIN BECOMES A CITIZEN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. ENGEL. Mr. Speaker, every year thousands of men and women from all over the world become citizens of the United States of America. As they take the oath of citizenship, they acquire the rights of a citizen of the United States, as well as the responsibilities those rights carry.

Mr. Speaker, on April 7, 1995, Mrs. Linda Karen Friedman-Levin will accept those rights and responsibilities of a citizen when she takes her oath of citizenship. I am confident that Mrs. Friedman-Levin will be as committed to fulfilling her duties as a citizen of our country as she has been in her perseverance in becoming a citizen.

Mrs. Friedman-Levin, the mother of Emma Jess and Dana Franci Levin, and wife of Alan Levin, was born in Montreal, PQ, Canada. I would like to extend congratulations to Mrs. Friedman-Levin and her family and welcome her as one of the newest citizens of the United States.

MS. ARCADIA XOCHIHUA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Ms. LOFGREN. Mr. Speaker, I rise today to pay tribute to Ms. Arcadia Xochihua, a resident of my district. Ms. Xochihua will become a U.S. citizen on Friday, March 31, 1995, at the age of 96. She will be the first person in San Jose and perhaps in the Nation to be naturalized under the new Immigration and Naturalization Service [INS] regulations easing the process for the elderly.

Mr. Speaker, let me tell you about Ms. Xochihua. She was born on January 12, 1899, and immigrated from Mexico to the United States in 1923 at the age of 24. She has worked her entire life from processing fruit and vegetables in a cannery to owning and operating several restaurants in the area.

Ms. Xochihua has always been a vital part of the community. During the Depression and World War II, she helped people who were less fortunate than herself. During the Depression, she operated a small soup kitchen out of her house for those who needed a hot meal. She also provided clothes for women and children. Until about 3 years ago, she continued to provide room and board for destitute migrant farmworkers.

Though Ms. Xochihua never married and does not have children of her own, she is surrounded by her sisters and brothers who have provided her with many nieces and nephews.

Ms. Xochihua decided this year, on her 96th birthday, that it was important to her to become an American citizen. She has always been patriotic and loyal to her adopted country and wants to be called an American.

Mr. Speaker, the month of March has been dedicated to the late labor and human rights leader, Mr. Cesar Chavez and March 31 is Mr. Chavez's birthday. It would be a fitting tribute to his dedication to social justice for all that Ms. Xochihua becomes a citizen of the United States of America on his birthday. I commend and applaud Ms. Xochihua for her loyalty and her commitment to our country and congratulate her on new citizenship.

REPUBLICAN TAX BILL WOULD PROVIDE HUGE BENEFITS TO A PRIVILEGED FEW!

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. GIBBONS. Mr. Speaker, these Republican tax proposals are not equitable. They would disproportionately favor a privileged few upper-income taxpayers. Is that how the Republicans intend to waste hundreds of billions of dollars—helping those who have and ignoring those who have not?

The Republicans strenuously protest the claim that they are helping wealthy Americans with these tax cuts. But the facts shed doubt on their objections.

One-half of the total benefit of this bill and three quarters of the capital gains tax cut will go to those with incomes of $100,000 or more.

The broken promise of partial refundability of the family credit means that families with incomes of $20,000 or less will get only 2 percent of the benefit of that provision, and that is about all they will get from the total bill.

On average, those with incomes of $200,000 or more would enjoy tax cuts of $11,270, while those with incomes between $30,000 and $75,000 would receive $760, a mere one-fourteenth of what the wealthy will get.

The Republicans have chosen to focus their largess on the very small number of Americans in the upper strata of the income range. Although they will receive one-half of the total benefits of this bill, the 13 million households with incomes of $100,000 or more represent only 6 percent of our total population.

The Republican elitism will see to it that the privileged few will get huge tax cuts. This is the purpose for which they are willing to increase the Federal deficit.

Middle-income families will get small tax cuts, a bigger deficit, and a bleaker future for their children. The Republicans know this. They put forth this bill knowingly and without the interest or the commitment to help those who are shortchanged by it.

MY ONE WISH FOUNDATION, 10TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to recognize the tenth anniversary of the My One Wish Foundation, an organization based in Milford, MA.

My One Wish, founded in 1984 by Anthony and Virginia Brenna, is a nonprofit group

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

which grants wishes to terminally and chronically ill children. Over the past 10 years, this charitable organization has granted 42 wishes to youngsters in the Milford area. The most recent wish was granted to an 18-year-old girl from Medway who wished for ceramic supplies and a kiln oven. The presentation was made at the foundation's tenth anniversary celebration, which was attended by more than 175 friends, relatives, and well wishers, including sixteen former wish kids.

The My One Wish Foundation operates with a staff of 25 volunteers and wishes are made possible through donations made by individuals and local organizations that sponsor events to benefit the program.

Mr. Speaker, please join me in congratulating the My One Wish Foundation for its 10 years of service and dedication to terminally and chronically ill children in central Massachusetts. The caring shown by the Brennas and the volunteers at My One Wish has brought much joy to these youngsters and their families.

THE ECUMENICAL PATRIARCH BARTHOLOMEW I

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. BILIRAKIS. Mr. Speaker, on May 28, 1994, a provocation by Moslem militants in Istanbul, Turkey, took place against the Ecumenical Patriarch Bartholemew I, the spiritual leader of 250 million orthodox Christians worldwide including, 5 million residing in the United States. Three bombs were placed in the attic of the building where the patriarch lives and were found shortly before they were set to explode.

This episode is ominous, but is only one in a series of provocations against the patriarchate and the orthodox Christian community in Turkey.

Yesterday, I introduced legislation expressing the sense of the Congress that the United States should use its influence with the Turkish Government, and as a permanent member of the United Nations Security Council, to suggest that the Turkish Government ensure the proper protection for the patriarchate and all orthodox faithful residing in Turkey.

Therefore, I urge all of my colleagues who believe in freedom of religion to cosponsor my legislation House Concurrent Resolution 50. The time has come for this Congress to speak out once and for all against Turkey's oppressive human rights record. Please sign on to House Concurrent Resolution 50, thank you.

WELFARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, March 29, 1995, into the CONGRESSIONAL RECORD.

WELFARE REFORM

There is virtually universal agreement that the current welfare system discourages self-sufficiency, punishes work, and does not ensure that parents support their children. I agree that comprehensive overhaul is needed. But I opposed the welfare reform bill passed by the House. While it contains some good reforms, it guts programs important to the health and well-being of children. I instead supported another plan which more effectively addresses shortcomings in the system without punishing children.

House Bill: The bill passed by the House makes vast changes in welfare programs put into place over the past 60 years:

Assistance for Needy Families: It would replace Aid to Families with Dependent Children (AFDC) with a block grant to states. Eligible families would not be automatically entitled to benefits. No cash benefits could be provided for children born to unmarried women under 18 (until the mother reached age 18), nor for children born to families already receiving aid. Benefits would end if parents are not in a work program after two years, and there would be a five-year lifetime limit. Federal funding for this program would be $11.8 billion less over the next five years than provided under current law.

Child Protection: The bill establishes a block grant to replace existing programs for foster care and child abuse prevention and treatment. After the first two years, states would not be required to spend any of their own money on these services. The funding guaranteed is $2.7 billion less than under current law, and would not allow for increases in inflation.

Child Care: Child care programs would be consolidated into a block grant. Child care would no longer be guaranteed to welfare recipients who are participating in school, job training, or work, even though many would be required to do so.

Nutrition: The bill would eliminate the school lunch program (including nutritional standards) and supplemental nutrition for women, infants and children (WIC), and create two block grants—one for family nutrition and one for school-based programs. The new programs would receive $7.2 billion less than under current law over the next 5 years. The bill would retain food stamps, but cap future spending.

SSI: The bill would end cash Supplemental Security Income (SSI) benefits for hundreds of thousands of children. Future cash benefits would go only to children in institutional care and those who would be placed in such care without assistance.

Child support: Under the bill, both the federal and state governments would create automated registries of child support orders and new hires. States would revoke driver's and professional licenses of parents who are delinquent in child support.

Assessment: I strongly support welfare reform that strengthens families, encourages productive work, and protects vulnerable children. But the House bill is deeply flawed. First, it slashes the amount of aid available. Payments to the poor are just a sliver of the federal budget. Two of the largest programs, AFDC and food stamps, account for only 2.7% of the budget. Some reductions are certainly in order, but nothing like the $66 billion proposed.

Second, it will leave the poor without adequate help in terms of recession. Ending welfare's entitlement status means the program would be far less flexible and responsive to changing economic circumstances. There would be no extra money as need grows.

Third, it shifts enormous responsibilities to the states, and there are serious doubts about states' ability to meet them. We should certainly give states more flexibility, but the federal government still has an important role to play. The House bill sharply curtails important federal responsibilities on the one hand, while imposing many prescriptions that are costly to implement and inconsistent with the notion of allowing states to experiment.

Fourth, the House bill would allow savings from welfare cuts to be used to finance tax breaks mostly benefitting wealthy adults. Taking basic needs from children to help the rich goes too far.

Alternative Plan: I supported an alternative plan which does much more to promote self-sufficiency without punishing children. It would save $25 billion over the next five years.

This alternative would require welfare recipients to sign a plan detailing what they will do to find private employment and what the state will do to assist them. Recipients would be eligible for up to two years of assistance in finding a job. This work requirement would take effect more quickly than the one in the House bill. Recipients who do not find a job after two years would be ineligible to receive AFDC, but states would have the option to provide a community service job or a job voucher which could be redeemed by a private employer who hires the individual.

The alternative would provide states more flexibility—for example, allowing them to restrict benefits for children born to parents already on welfare and to allow families to accumulate more assets while on welfare. It would further encourage work by extending Medicaid coverage for former welfare recipients and guaranteeing child care assistance.

The alternative bill retains entitlement status for foster care services. Child support enforcement improvements similar to those in the House bill are included.

The alternative maintains the current nutrition programs. In addition, it seeks to eliminate fraud in the SSI program.

I do not want a welfare system that relies on bureaucratic approaches, discourages work, and breaks up families. The bill I supported is the best hope for accomplishing reform while ensuring that the safety net for the poor is not torn apart.

HONORING ANTHONY W.W. TANTILLO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. ENGEL. Mr. Speaker, on April 1, 1995 the Supreme Council of the Royal Arcanum, the Grand Council of New York and the Claremont Council No. 1655 will be holding an investiture ceremony for 82d Legion of Honor member Anthony W.W. Tantillo.

Mr. Tantillo, a lifelong Bronx resident, is being honored for his many years of service and dedication to the Royal Arcanum. In addition, Mr. Tantillo has been an active member of the Columbus Alliance and the Sons of Italy.

I am sure that Mr. Tantillo's family, neighbors, and friends join me in congratulating him on this achievement.

CONGRESSIONAL YOUTH LEADERSHIP COUNCIL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the National Young Leaders Conference as it celebrates it 10th anniversary. Students participating in the National Young Leaders Conference [NYLC] can be described as "Cream of the Crop" and "Part of America's Melting Pot" because they're among the brightest and best young minds from across the country and represent a broad range of cultural, racial, and economic backgrounds.

From the State of Maryland alone, over 800 young leaders have participated in this culturally diverse program. Over 100 have been from my district which extends from the Chesapeake Bay to the Washington metropolitan area. I know that my colleagues relish each opportunity to meet with student constituents who have traveled to Washington to learn more about government and citizenship.

Sponsored by the Congressional Youth Leadership Council, the NYLC attracts high school students who demonstrate scholastic excellence and exhibit leadership potential. Only the most talented and motivated students are selected for a conference unique in curriculum and opportunities for young leaders to interact with today's national leaders.

Perhaps the most enduring of conference benefits is the opportunity for students to exchange ideas with their peers from all parts of the country. The NYLC is often a student's first taste of the competition in the world beyond their high school doors. Because of the high caliber of students involved, substantive debate on contemporary issues is the norm rather than the exception at the NYLC.

The curriculum is designed to challenge the minds of young leaders and to expose them to the wealth and diversity of opinions prevalent in their generation. While engaged in simulations addressing complex issues facing today's leaders, NYLC students learn about the other students' culture, perspectives, dreams, and aspirations.

In the stimulating environment provided at the NYLC, students gain new confidence in presenting their own viewpoints and learn the value of understanding their peers' diverse backgrounds and the importance of listening to their opinions. My hat's off to the Congressional Youth Leadership Council, on this their 10th Anniversary, for inspiring and motivating our Nation's next generation of leaders!

TRIBUTE TO STEVEN GREENBERG

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Steve Greenberg, who is retiring from a successful tenure as president of the Mid-Valley Chamber of Commerce. Under Steve's energetic leadership the Mid-Valley Chamber built strong ties to schools, local businesses, and the community. It is because of the efforts of people such as Steve Greenberg that the economy of the San Fernando Valley has begun to turn around.

Steve has an extensive and colorful background in business. During the 1960's and 1970's he worked as a carpenter, mason, and photographer while living in northern California. After that he worked in the film industry, where his specialty was documentaries, educational, and training films. But all this could be considered preparation for his next job: president of Sam's U-Drive, a company started in 1935 by his father, Sam, and grandfather, Louie.

President since 1986, Steve recently changed the name of the company to Sam's U-Rent, reflecting the diverse range of services and rental equipment the company now makes available. He is responsible for upgrading the facilities at four sites: Van Nuys, North Hollywood, Bakersfield, and Los Angeles.

Outside of his business activities, Steve has compiled an extraordinary record of helping his community. To cite a few of many examples: He is a member of the Mid-Valley Police Council, a supporter of the San Fernando Valley Association for the Retarded, and the Patron's Association of Los Angeles Valley College, and a former board member of the Los Angeles chapter of Mother's Against Drunk Driving.

I ask my colleagues to join me in saluting Steve Greenberg, who through his selfless commitment to his community and his keen business sense has done so much to improve the San Fernando Valley.

HONORING THE QUEENS COUNTY COUNCIL, JEWISH WAR VETERANS, ON ITS 60TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents in paying tribute to the members of the Queens County Council of the Jewish War Veterans [JWV] as they join together to celebrate their 60th anniversary. For more than half a century the Queens Council of the Jewish War Veterans has continued a tradition begun in 1896 when the Jewish War Veterans was first formed by a group of Civil War veterans to dispel a myth that Jews never served in the armed services.

For almost a century, the JWV has undertaken a most diversified program that readily supports veterans across our country. This effort has been coordinated by the Jewish War Veterans National Service Officer Program. Its Veteran's Administration Volunteer Service Program has benefited untold numbers of hospitalized veterans around the Nation. Their Adopt-A-Vet Program has served as a model for veteran support projects. In addition to the countless hours spent by members of local JWV posts in servicing hospitalized veterans, the JWV maintains an active and dynamic program in supporting Jewish Boy Scouts and Eagle Scouts, college scholarship projects, lectures on Jewish military history and serves as honor guards. Of major importance is the JWV's continuous fight against antisemitism and bigotry.

As the members of the Queens Jewish War Veterans Council join together to celebrate their 60th anniversary and honor two of their most outstanding leaders, Commander Morton A. Gross and Frieda Melnick, and all past county commanders, I ask my colleagues to rise and join in recognition of this most exceptional organization.

KILDEE HONORS STAN MARSHALL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to an outstanding labor leader in my hometown of Flint, MI, Mr. Stan Marshall, who is retiring as vice president of the United Automobile Workers International Union. To recognize his outstanding years of service to the UAW and to his community, Stan will be honored at a tribute on March 30, 1995.

Stan Marshall began his career in the UAW when he started working at the Buick plant in Flint in 1950. While at Buick he served as an alternate committeeman, committeeman, shop committeeman, and chairman of the shop committee.

He was appointed to the international staff of UAW Region 1–C in 1977. In 1983 he was elected to the UAW international executive board as regional director, UAW Region 1–C. As regional director he served over 100,000 UAW members at General Motors plants and IPS plants in Flint, Adrian, Battle Creek, Jackson and Lansing, MI.

Following two terms as regional director, Stan was elected as a UAW vice president at its 29th Constitutional Convention in June, 1989 at Anaheim, CA. As vice president, Stan is director of the Chrysler department, the national organizing and technical office and professional [TOP] department, the General Dynamics department, and the foundry department.

While playing an important role in the UAW, Stan Marshall is no less committed to his community. He has served on various organizations within the State of Michigan such as, the Economic Alliance of Michigan, the Governor's Task Force on Higher Education, the Governor's Commission on Labor-Management Relations, and the Michigan State Athletic Board.

Mr. Speaker, it is indeed an honor and a pleasure for me to rise today to urge my colleagues in joining me to recognize Stan Marshall for his vital contributions to the dynamic leadership of the UAW. As a tireless advocate of working men and women for over 40 years, he has been a major force behind improving the working conditions and wages for UAW members.

Stan Marshall is a highly esteemed friend and I have often sought counsel from him as I considered important issues relating to working men and women. As he moves into retirement, I know that he will pursue his interests with the same zeal as he did representing the workers of the UAW. I wish him well in all his future endeavors.

WELCOME TO BENJAMIN PAUL BRIGGS

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Ms. FURSE. Mr. Speaker, I would like to note a very important event that occurred March 28, 1995. Benjamin Paul Briggs was born to Janet and John Furse Briggs in Seattle, WA. Benjamin Paul is my first grandchild.

Every child is the repository of all the world's history and all the world's hopes. Each child deserves the best, in love and respect, and protection. Each child is the reminder that we have a duty to be advocates for children the world over.

I have the highest hopes for Benjamin Paul. I trust that he will care about and protect other humans and animals and the environment. I know, because I know his parents, that he will understand that we are all part of one beautiful, fragile web of creation and that he has a part to play in its protection.

I wish you the very best Benjamin Paul and am very glad that you are here.

HOPWA FUNDING

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. LAZIO. Mr. Speaker, I would like to take this opportunity to commend the House of Representatives for decisively moving to control this country's destructive spending patterns and moving toward a balanced budget.

As Members of Congress, we all know the need to control Federal spending. However, we must be careful not to cut those programs that are both cost effective for taxpayers and meaningful and effective for their beneficiaries. Specifically, I am deeply concerned about the rescission of funds for the Housing Opportunities for People With AIDS Program [HOPWA].

It is imperative that we take great care to protect the most vulnerable members of our communities. We did this by maintaining funding levels for both the section 202 housing for the elderly and the section 811 funding for disabled persons programs, and we should do the same for the HOPWA Program. People suffering from AIDS often don't have the financial resources necessary to care for themselves. This population needs the dedicated housing assistance this program provides.

Some may argue that this money is not needed because there is already other Federal housing assistance available. I disagree. The fact is that this rescission will result in no new incremental section 8 vouchers, placing those with AIDS on a waiting list for a voucher, condemning some to the streets. The HOPWA money can provide instant relief in communities where people suffering from AIDS desperately need housing assistance.

We cannot turn our backs. Without this funding, people with AIDS will be forced to depend on high-cost emergency care facilities for housing or live on the streets. Consequently, American taxpayers will end up paying over $1,000 a day for those afflicted with AIDS who are housed in skilled facilities versus $40 to $100 per day per person under HOPWA. Retaining this funding simply makes financial sense to the taxpayers, as well as demonstrates our concern for those already crippled by this devastating disease.

THE U.S. AND FOREIGN COMMERCIAL SERVICE—A SUCCESS STORY WE SHOULD KNOW

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. FILNER. Mr. Speaker, I rise today to voice my strong support for the continuation of the Department of Commerce's U.S. and Foreign Commercial Service.

In San Diego County, we encourage any effort that stimulates the growth of local businesses. Growing businesses mean more jobs—and that is my main priority for San Diego.

The U.S. and Foreign Commercial Service [US&FCS] has a proven record of assisting small- and medium-size exports. This is a Government program that works.

In the San Diego area, the US&FCS assisted local firms in venturing into 85 new export markets in fiscal year 1994. It also helped 22 firms in making their first export sales.

The US&FCS operation is effective because of its local expertise and local concern. The office in San Diego provides area exporters with an accessible, local resource on trade with overseas markets.

Operating within the International Trade Administration of the Department of Commerce, the US&FCS gets results.

Small- and medium-size exporters are provided a highly cost-effective combination of domestic and overseas services that help them to expand exports. This translates into much needed jobs.

We all want an effective, efficient Government, and we all support efforts to get rid of wasteful bureaucracy. The US&FCS works—let's keep it.

THE REPUBLICAN CONTRACT WITH AMERICA: CITIZENS ARE SPEAKING OUT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. STOKES. Mr. Speaker, very shortly, we will reach the 100-day mark in the Republican Contract With America. At the time, the Nation will measure the success of a contract launched by the Republican Party last year. The contract pledged to reform Congress, and offered citizens of the nation an "agenda for national renewal."

The American people are able to read between the rhetoric and see the Republican Contract With America for what it is—a prescription for disaster. We need not look any further than the cuts in critical education, job training and job placement, and housing programs, as well as an ill-conceived and mean-spirited welfare reform proposal, to prove this statement true.

Mr. Speaker, every day I receive hundreds of letters from constituents throughout my congressional district. Many of them are the hard-working men and women who are the backbone of this country. Others are individuals in need who are struggling to enter the workforce and share in the American dream.

In their letters, constituents tell me how the same Government programs which are now being slashed and eliminated by the Republican majority, have enabled them to secure educations, obtain job training and job placement assistance, and, most importantly, feed and care for their families. Many make it clear in their letters that they are not looking for handouts, but they want very much to become independent and care for their families.

Just recently, I received a letter from a constituent regarding cuts in funding for education. The constituent, who attends adult education classes at a homeless shelter, noted the importance of the classes. She writes, "Sometimes I barely have bus fare but I come, because getting my G.E.D. is very important to me." The letter also says. "There is an essential need for this educational foundation in order to get good jobs * * * Vote against any budget that cuts education * * * You will be helping so many people."

Mr. Speaker, I am including this letter from my constituent in the RECORD. I do so with the hope that other Members will take a moment to read this document and realize that we must stand firm. I am convinced that I am making the right choice. I will continue to oppose proposals which balance the budget at the expense of the poorest, the most vulnerable, and the most needy of our citizens. I urge my colleagues to read this letter from my constituent.

Congressman LOUIS STOKES,
District 11.

DEAR CONGRESSMAN STOKES, I attend Adult Education classes in a homeless shelter. I think this class is important to me, to obtain my G.E.D. to get a good job, to provide a good life for myself and kids, so we can have a good life. I come from the west side to attend these classes and it's hard. But I come because this class is important to me, getting my G.E.D. and accomplishing my goal of becoming a medical assistant. Without it, my future seems kind of gloomy and empty. This is my second chance to complete my goals. I want to have good things in life and education is a must. Education opens up doors for good, better jobs, houses and clothes and to feel that you can do and gain a sense of pride. I am always telling my kids to stay in school and get the best out of school.

I am the mother of six. I want to get my G.E.D. because I am always telling them to stay in school. The three older children have their diplomas. The three younger children are still in school. How can I teach them right when I don't have mine? Please give me the opportunity to complete my dream and to accomplish my goals. I want to be independent to take care of my family and myself. I am coming from the west side in order to come here. Sometimes I barely have bus fare but I come, because getting my G.E.D. is very important to me.

You should know how important Adult Education Services are to so many of the homeless people in Cleveland, Ohio. We have so many that depend on trying to obtain their G.E.D. There is a essential need for this educational foundation in order to get good jobs. To help kids and get kids to college, and even help with their homework. This is important for the future of our community.

There are so many people who need these classes but they are not available. I would like you (Congressman Stokes) to get us the extra funding we need to get this job right away. Only you can stop the madness. Only you can keep adult education from going backwards. Let it move forward. Vote against any budget that cuts adult education. This is a vital program to so many homeless who truly need it. Please vote against this budget. You will be helping so many people.

A CONCERNED CONSTITUENT.

THE FIVE GLOBAL REALITIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. GILMAN. Mr. Speaker, last Wednesday, the distinguished Senate majority leader, Mr. DOLE of Kansas, gave a landmark address on foreign policy at the Nixon Center for Peace and Freedom Policy Conference.

In this address, Senator DOLE outlined five new global realities that affect America's interests abroad, including: First, we are headed into a "Golden Age of Capitalism," second, we must stabilize a "New World Energy Order" based on peace in the Middle East, third, our national security is increasingly dependent on our response to the spread of weapons of mass destruction, fourth, we must recognize the challenge posed by religious extremism, and fifth, our rivalry with Russia's historic imperial ambitions has not ended.

I commend the members attention to this speech and ask that it be printed in full at this point in the RECORD:

WINNING THE PEACE: AMERICAN LEADERSHIP AND COMMITMENT

(By Bob Dole)

I can't help but think back to the day in January of 1994, when President Nixon made his last visit to the United States Capitol.

The occasion was the 25th anniversary of his inauguration as President. And over 100 past and present Senators and Congressmen—Republicans and Democrats alike—attended a lunch honoring President Nixon that Bob Michel and I hosted.

At the conclusion of the lunch, President Nixon stood—and without a note in his hand—delivered one of the most compelling speeches many of us could remember.

As always, he talked politics, and he also shared some personal reflections on his life and career. But the majority of his remarks were devoted to his life's passion—foreign policy.

President Nixon served as our guide, leading us on an around-the-world tour, offering his unique perspective on the strengths and weaknesses of our allies and adversaries, and on the future as he saw it.

In his remarks, he repeated a statement that he made again and again during the last year of his life. He said, "The Soviets have lost the Cold War, but the United States has not yet won it."

Those words were true then—and are just as true today. And while the title of this conference—"After Victory"—has a nice ring to it, I believe the declaration may be a bit premature. It is, after all, possible to win the war and lose the peace—as the years between World War I and World War II demonstrate.

WORLD STILL UNCERTAIN

Don't get me wrong. The stage is set. We are the world's only superpower. And the words spoken by Nikita Khrushchev in that famous "kitchen debate" were dead wrong. Not only will America's children never live under communism—neither will Russia's children. Still, there are far too many gains to consolidate, and far too many uncertainties in the world to say that a final peace has been won.

For example, there is a resurgent Russia, asserting its position around the globe. China has international ambitions of its own, and is in the midst of a leadership transition. There are international terrorists—often state-supported. There are global crime syndicates. There are extremist movements based on religion or ethnic origin. While none of these compare to the challenge of the Soviet empire, each of these can pose threats to important American interests.

FIVE GLOBAL REALITIES AFFECT AMERICA'S INTERESTS

It seems to me these multifaceted threats should be viewed in the context of five clear global realities which affect America's fundamental interests. Only by recognizing these realities—and dealing with them with the same commitment which led to the defeat of Soviet Communism—will America truly be able to claim victory.

REALITY NO. 1: THE "GOLDEN AGE OF CAPITALISM

The first new reality is that the whole world is plunging headlong into what David Hale of the Kemper Organization in Chicago has termed a "new golden age of capitalism."

I remember when Lech Walesa told me that the definition of a communist economy was "100 workers standing around one shovel." Now, in places like Poland, Russia, India, Latin America, and even China—four billion people formerly under some form of socialism are now fighting with everything they can lay hands on to not just grab a shovel—but to build shovel factories.

There are now more than 30 stock markets in the developing world, and capitalization of the four-year-old Shanghai securities exchange has reached $30 billion. Deng Xiaoping himself has said that no one cares any more what color the cat is, as long as it catches mice. The bottom line is that everyone wants to trade, and everyone wants to create and use capital on a world-wide basis.

While this new "golden age of capitalism" offers great opportunity for America, we must remember that many of the countries so eager to enjoy the benefits of membership in the world trading system may not fully understand or accept the rules and discipline that go with it.

A trade war was averted with China, but other threats to U.S. commercial interests will surely arise in the coming months and years, and our continued vigilance and leadership will be required.

REALITY NO. 2: THE "NEW WORLD ENERGY ORDER"

The second inescapable reality of the post-20th century world is that the security of the world's oil and gas supplies will remain a vital national interest of the United States and of the other industrial powers.

The Persian Gulf—the heartland of world energy for half a century—is still a region of many uncertainties. Saudi Arabia has been weakened financially. Iran and Iraq continue to exhibit great hostility to the West and pose threats to their neighbors. And the boundaries of the oil and gas heartland are being redrawn to the north, to include the great hydrocarbon deposits of the Caucasus, Siberia, and Kazakhstan.

In this "new energy order," many of the most important geopolitical decisions—ones on which a nation's sovereignty can depend—will deal with the location and routes for oil and gas pipelines. In response, our strategy, our diplomacy and our forward military presence need readjusting.

REALITY NO. 3: SPREAD OF WEAPONS OF MASS DESTRUCTION

The third inevitable reality for America—and for the world—is the fact that while the Berlin Wall may have crumbled, weapons of mass destruction haven't.

Listen to just a partial roll call of countries and groups that already possess nuclear, biological or chemical weapons: North Korea. Iraq. Iran. Libya.

Have any of these nations earned our trust? And given their past behavior, is it any surprise that there are startling signs that a world wide black market in nuclear weapons has emerged?

All this is taking place as talks to review the global treaty limiting the spread of nuclear weapons will soon begin. Even if the Nuclear Non Proliferation Treaty is extended indefinitely, however, we must avoid falling into a false sense of security. We must prepare now for the future.

Iraq, Iran, and North Korea all illustrate the failures of traditional non-proliferation efforts, which depend largely on the cooperation of other states.

Only after Desert Storm did the West learn just how far Iraqi nuclear ambitions had progressed. And instead of announcing that the United States will veto any efforts to ease or end U.N. sanctions on Iraq, the administration dispatches an envoy to plead with the Europeans for cooperation. Where would such timidity have gotten us in the Cold War?

Iran also appears poised for a great leap forward in its nuclear program—thanks to a cash-hungry Russia doing for Iran what the Clinton Administration has done for North Korea.

And make no mistake about it, the Agreed Framework with North Korea has little prospect of successfully addressing the North Korean threat, and apparently, has already been violated by Pyongyang.

American leadership in addressing these non-proliferation challenges is essential if additional states are not to choose the nuclear option. It's worth asking: What would we have done—or not done—if Iraq had one or two nuclear weapons in 1990? Preventive military action as a non-proliferation policy tool cannot be ruled out.

There are defensive options, however, that could provide the United States and our allies with protection against accidental and limited ballistic missile strikes. Pursuing an effective ballistic missile defense capability should be a top priority for U.S. defense policy now and for the foreseeable future.

REALITY NO. 4: INCREASE IN EXTREMIST RELIGIOUS AND ETHNIC MOVEMENTS

The fourth new global reality is the increase in violence due to extremist religious and ethnic movements in many parts of the globe.

Some of these movements, like the tribal warfare in Rwanda, or conflicts in Burma or West Africa have little direct impact on American interests.

However, some of the instability and turmoil due to ethnic and religious violence is important for American interests—and could lead to the disintegration of key states. Serbian genocidal aggression in the Balkans, for example, threatens to spill over to Macedonia, Albania, and beyond. American and European inaction in the face of that aggression cannot help but embolden other radical "ethno-nationalists" by giving them a green light for ethnic cleansing.

The Indian rebellion in Mexico coupled with financial uncertainty has resulted in genuine security concerns on our southern border—and make no mistake that illegal immigration is a security threat.

A key NATO ally in Turkey faces Islamic extremism and a separatist ethnic movement. Violent Islamic fundamentalists threaten the government in Algeria, and have launched an assault on Egypt. How long would the Camp David Treaty be honored if fundamentalists took power in Egypt?

Islamic terrorists seek to destroy the peace process between Israel and the PLO—and may be having some success. With support from Iran and others, Islamic terrorists also demonstrated at the World Trade Center that America is not immune from attack.

And ethnic turmoil in the former Soviet Union cannot be ignored, as warfare has occurred in five former republics. And the Chechens may be just one of many ethnic groups willing to use violence to alter boundaries originally set by Joseph Stalin.

In short, the list of world "hot spots" is far too lengthy for anyone to conclude that America can become complacent.

REALITY NO. 5: RIVALRY WITH RUSSIA

And this leads to the fifth global reality we must face: the fact that geopolitical rivalry with Russia did not end with the demise of Soviet Communism.

On his last trip abroad, President Nixon spoke before the Russian State Duma, and he foreshadowed a change in Russian-American relations, saying: "Russia is a great power, and Russia as a great power must chart its own course in foreign policy . . . When we have differences, we should not assume they will be overcome by a good personal relationship even at the highest level."

And as we have seen time and time again, the foreign policy course that Russia is charting, is one that is often in conflict with American interests.

For example:

Russia stepped in the middle of the North Korea agreement by offering to provide nuclear reactors—which would have the clear effect of killing the U.S. brokered deal.

Russia continues to threaten prospective NATO members over alliance expansion, thereby confirming the need to enlarge NATO sooner rather than later.

In December 1994, Russia vetoed a sanctions resolution on Serbia in the U.N. Security Council, its first substantive veto since the height of the Cold War in 1985.

Russia persists in supplying weapons and nuclear technology to the rogue regime in Iran.

Russia continues to maintain an intelligence facility and support personnel in Cuba, thereby prolonging Castro's oppression.

Russian pressure, subversion and intimidation of the sovereign states in the "Near Abroad" follows a historical pattern set long before the Bolsheviks took power in 1917.

As Dr. Kissinger said last month before the Senate Armed Services Committee, ". . . what we dealt with in the Cold War was both communism and imperialism, and while communism was defeated, the trend toward imperialism still exists."

Let me be clear in saying that no one has been more supportive of President Yeltsin than I. In June 1991, I went to Andrews Air Force base to meet President Yeltsin virtually alone, since the United States State Department believed Gorbachev was the "only game in town."

But just as it was wrong to place too much focus on Gorbachev in 1991, it is wrong in 1995 to ignore that fact that President Yeltsin has made serious errors, has moved toward authoritarian rule, and has lost the political support of virtually all reform-minded Russians.

The Clinton Administration's misguided devotion to a "Russian First" policy—which has turned into a "Yeltsin first" policy—resulted in the loss of a tremendous opportunity to state American concerns forcefully *before* thousands were slaughtered in Chechnya.

NEW REALISM ABOUT RUSSIA

A "new realism" about Russia and its prospects for the future does not mean a return to the Cold War past. It does mean developing a more honest relationship, one that does not paper over important policy differences with an appeal to personal ties.

New realism means emphasizing the significance of Russia's 1996 elections, and of the pivotal importance of a peaceful, democratic transition of power.

And new realism means that developments like arms sales to Iran, violence in Chechnya, and U.N. vetoes on behalf of aggressors should not be excused, ignored and minimized. Our differences with Russia should be identified—they should be negotiated when possible and condemned when necessary. Such an approach would ultimately serve both the Russian and the American people better than defending, denying and rationalizing Russian misdeeds.

TESTS FOR AMERICAN LEADERSHIP

Let me conclude by sharing with you words that Richard Nixon spoke at the announcement of the creation of the Center for Peace and Freedom in January 1994.

"Some are tired of leadership. They say (American) carried that burden long enough. But if we do not provide leadership, who will? The Germans? The Japanese? The Russians? The Chinese? Only the United States has the potential. . . to lead in the era beyond peace. It is a great challenge for a great people."

Ladies and gentlemen, President Nixon was right. Leadership does come with a price tag. But it is a price worth paying.

Dealing with the five realities I have outlined will test. American's resolve and her leadership. If we fail those tests—if we refuse the mantle of leadership—any declaration of victory will be a long time coming.

But I am an optimist. Like Richard Nixon, I believe in America and in American leadership. I believe we will pass our tests, and in doing so, we can claim the biggest victory of all—we will have secured the future of our great republic, and of peace and freedom, for generations to come.

D.C. FINANCIAL MANAGEMENT AUTHORITY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. WALSH. Mr. Speaker, I am pleased to be a sponsor of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 which is being introduced today by the gentleman from Virginia [Mr. DAVIS].

Mr. Speaker, the crafting of this bill has taken many hours and has involved a wide array of individuals. Our colleague, TOM DAVIS, has done yeoman's work and is to be commended for his skill in forging a strong bill that has bipartisan support in this House. That is no easy feat.

This bill, Mr. Speaker, will establish a financial responsibility and management authority consisting of five members to be appointed by the President, in consultation with the Congress, within 25 days after it is enacted. The key to the success of our efforts in restoring the financial health of our Nation's Capital is the selection of individuals who are competent, capable and have a good heart with regard to the city. The bill requires that these individuals have expertise in finance and management, have no connection with the District government that could cause a conflict of interest, and during the most recent year have paid personal income or business taxes to the District.

There are a few comments I would like to make regarding the powers of the authority. First, all contracts, leases and agreements entered into by the District government will be subject to approval by the authority to ensure they are in compliance with the financial plan. If they are not in compliance, they will be sent back until they are. This is important if the District is going to get to a balanced budget anytime soon.

Second, there is no question that the District's financial management and information systems are inadequate. To deal with this problem the bill establishes a chief financial officer of the District of Columbia who will be appointed by the Mayor and, during the control period, subject to approval by a majority vote of the authority. The chief financial officer can be removed only with the approval of the authority and will be responsible for all financial activities of the District government from revenue estimates and cash receipts to expenditures and cash disbursements.

This is the most important position in the District government from the standpoint of the District finances. And the person in this position must have as much independence as possible if the District government is to get back on track financially.

Third, it has become glaringly apparent that the District needs a truly independent inspector general. During the control period the inspector general will be appointed by the mayor subject to approval by a majority vote of the authority, and like the chief financial officer, can be removed only with the approval of the authority. The inspector general will have subpoena powers and a budget that will be subject to change by the mayor or council.

This has been a problem in the past.

Mr. Speaker, the next point I want to discuss is crucial to the effectiveness of the authority. In the event there is a stalemate between what the authority recommends and what the District recommends, the bill allows the authority to implement its own recommendations whether they are executive or legislative in nature. This power is essential if the authority is to be effective and have any impact on the efficient operation of the District government.

The authority created by this legislation, Mr. Speaker, needs to have control; and it is our intention that it have control; and this bill is drafted so that it will have control over the operations of the District government.

My final comment relates to the concern that has been expressed by several members about the mayor's access to the Federal Treasury. The mayor is authorized by a statute approved in 1937 to requisition funds from the Federal Treasury. This borrowing authority was used primarily for cash flow purposes prior to the District gaining access to the municipal bond market in the early 1980's. It has not been used since; however, the bond market has looked to this Treasury window as the ultimate guarantor of securities issued by the District. Therefore, it is necessary to continue this access to the Treasury to maintain the marketability of the District's $3.3 billion in outstanding long-term securities. The Federal Government in essence serves as the District's "State government" and therefore provides the necessary assurance required by the investment community.

Any funds borrowed from the Federal Treasury under this bill will be deposited into an account controlled by the authority and repaid by the District government at the going interest rate plus one-eighth of 1 percent. In addition, the authority will remain in existence until all of the amounts borrowed under the auspices of the authority, whether from the Federal Treasury or from the bond market, are repaid in full.

After the control period ends, The District will continue to have access to the Treasury window. However, under section 209 of the bill, the authority will be reactivated immediately if certain events occur, and one of the events that will trigger the reactivation is the mayor's requisitioning of advances from the Federal Treasury. If that should occur, the borrowed funds will once again be deposited into an account controlled by the authority.

So I feel comfortable that sufficient safeguards are in place to protect the Federal taxpayers.

Mr. Speaker, I think this is a good bill and deserves the support of this House.

INTRODUCTION OF THE PUBLIC INTEREST LEGISLATURE ACT OF 1995

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. SANDERS. Mr. Speaker, U.S. Representatives MAURICE HINCHEY, CYNTHIA MCKINNEY, PETER DEFAZIO, NYDIA VELÁZQUEZ, and myself are introducing legislation today, on behalf of the Progressive Caucus, which provides a giant step forward to rebuilding public confidence in the integrity of the U.S. Congress. Our bill helps make certain that all Members of Congress keep our focus on the public interest by requiring that Members of Congress put their stock portfolios and other financial assets in blind trusts or divest.

Did you know that numerous State and local governments require that public officeholders recuse themselves on voting matters in which they have financial interests at stake?

But not the U.S. Congress.

Did you know that Federal law since the Civil War bars a government official in the executive branch from participating in policy matters in which that official has a personal financial interest?

But not the U.S. Congress.

Currently, House Rule VIII requires that a Member of Congress not vote on matters of personal financial interest to that Member. But in truth, the scope of this rule has been dramatically narrowed over time to where it is now interpreted to mean that a Member of Congress should not vote when the matter is personal to him or her, but may vote on the matter if the question affects a Member of Congress as one of a larger class, such as stockholders of a company or bondholders of a municipality or corporation.

Even at that, compliance with the provisions of House Rule VIII is now at the discretion of each Member of Congress and entirely voluntary. In practice, this has created a very lax environment in which potential and perceived financial conflicts of interest are common and often go undisclosed to voters and the general public. When questionable cases do come to light, they serve to heighten general public suspicion about the impact of special interest money and influence-peddling on congressional decision-making.

That is why we are introducing our new bill to amend the Ethics in Government Act—The Public Interest Legislature Act—to respond to growing public distrust arising from many Members of Congress routinely voting on bills in which they have financial interests. We believe it will go a long way toward rebuilding public confidence in the integrity of the U.S. Congress. Fundamentally it will reassure all Americans that their elected representatives in Congress are working full time on public business and not distracted or tempted to cash in on public service in any sense of those words.

Our bill has three main provisions:

First, to require that Members of Congress—subject to civil and criminal penalties for failure to do so—either put their stocks, bonds, and other financial assets—excluding their principal homes—in excess of $1,000 into blind trusts; or, divest themselves of their stocks, bonds, and other financial assets in excess of $1,000—excluding their principal homes.

Second, to strengthen the financial disclosure requirements of existing law to require more detailed, accurate, and timely reports on the financial assets of Members of Congress, their spouses, and their principal staff members involved with legislative activities of the Congress. At present, the disclosure requirements are of such wide ranges and so loose as to make the current disclosure requirements of marginal use in informing the public about potential financial conflicts of interest; and

Third, to prohibit Members of Congress from using official expenses to pay the costs associated with preparing financial disclosure reports.

This week the Congress is acting upon another part of the Contract With America—a proposed constitutional amendment to impose term limits on how long a person can serve as a Member of Congress which is referred to as the so-called Citizen Legislature Act.

Like so much of the Contract With America, the proposed Citizen Legislature Act is a bogus bill with a misleading title that does nothing about the real problem undermining the respect of the American people for their Congress—the funneling of enormous sums of special interest money into congressional campaigns and legislative lobbying.

The degree to which big money skews congressional policy making in favor of special interests over the public interest may be debatable. But there is absolutely no debate that many Americans now perceive that many Members of Congress run for office to enrich themselves indirectly, if not directly. Unless the Congress takes serious action to correct this perception, fewer and fewer Americans will hold on to the belief that the Congress is capable of acting for the public interest of all Americans and not just privileged economic elites.

Our bill meets this threat to American democracy by insulating Members from allegations and suspicions of personal financial chicanery in the conduct of the people's business. As part of the 11-part Progressive Caucus Alternative to the Republican Contract With America—The Progressive Promise, this legislation represents real congressional ethics reform in contrast with self-serving gimmicks like term limits that will do nothing to reduce the corrosive influence of big money on congressional decision making.

TRIBUTE TO RUDOLPH T. GIVENS: 42 YEARS OF SERVICE TO MIAMI, DADE COUNTY, AND THE WORLD

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mrs. MEEK of Florida. Mr. Speaker, this Friday, March 31, the people of Dade County will recognize the career and contributions of a truly remarkable man, Rudolph T. Givens. After 42 years on the job at the Port of

Miami—the port's longest serving employee—Rudy Givens has retired.

Over his long tenure, Mr. Givens has truly seen it all and done it all. He started out in 1952 as a dock cleanup man at what was then the city of Miami commercial docks, a small operation in a quiet, small town.

He caps his career as Assistant to the Director of the Port of Miami, one of the busiest cruise and cargo ports in the world. What he did in the years in between is the stuff of legend at the Port of Miami.

Rudy Givens is much more than a dedicated and valuable employee. Never content merely to do a job, in every position he has ever held he has sought to provide good service—to make the port run as efficiently and effectively as humanly possible and to meet the many needs of the customers of the port, who hail from all over the world.

Rudy Givens' knowledge, judgment, and dedication cannot be replaced. But his reputation for excellence, the example he set for those for whom he worked and for those who worked for him, and his dedication to service will continue to positively influence the Port of Miami for many years to come.

Mr. Speaker, I know my colleagues join with me and our Dade County community in wishing Rudy Givens and his wife, Edith, our thanks and best wishes for happiness and success in all their endeavors in the coming years.

TRIBUTE TO EMANUEL TAPP

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. DIXON. Mr. Speaker, I rise today to commend Emanuel Tapp of my Los Angeles staff. For nearly 8 years, Emanuel has rendered outstanding service as my secretary and staff assistant. He has been a loyal employee—an individual that my staff and I could always depend on to lighten our days with a funny story or a light anecdote. Regrettably, Emanuel is taking a disability retirement on Friday, March 31, 1995. Before he leaves my employ, however, I am proud to have this opportunity to commend him on his distinguished and dedicated service to me and the citizens of the 32d Congressional District of California.

Emanuel hails from Greensboro, NC, where his mother and father live, and where he has a large and loving family. Prior to the start of his congressional career, Emanuel served honorably in the U.S. Air Force. He also worked for Pacific Telephone Co., and the Security Pacific Bank in Los Angeles.

Emanuel arrived in my office on July 13, 1987. He was an immediate hit with my staff for his thoughtful and caring manner and his ability to handle the most difficult tasks. His many responsibilities have included scheduling and arranging appointments for me, and serving as an ombudsman for constituents seeking assistance from Federal Government agencies. He has been particularly effective in both areas, but especially as a troubleshooter for the many seniors who have called and/or visited my office. He has a distinct love for our seniors and developed an instant and special rapport with them. In addition, he has represented me at community events throughout my district and served as my community liaison with the United States Commission on the Bicentennial of the Constitution. In every instance, Emanuel's performance has been outstanding.

I am pleased to have this opportunity to recognize the contributions which Emanuel has made to my staff. We will miss his wit and winning ways; however, each of us is enriched by having had the opportunity to know and work with him. Although he is leaving my employ, he will always be a part of the Dixon family. And as an individual who has always maintained an active interest in the cultural life of Los Angeles, it is good to know that we can look forward to his continued involvement and support of the arts, and his service to others. As a fellow jazz enthusiast, I also am pleased to note that he will be able to further cultivate and enjoy his love of jazz and his large collection of CD's.

Mr. Speaker and colleagues, please join me in commending Emanuel Tapp for his dedicated service to the citizens of Los Angeles, and in wishing him all the best.

Well done, my friend, well done.

THE 16TH ANNUAL CONFERENCE ON THE HOLOCAUST

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Ms. RIVERS. Mr. Speaker, today, I would like to recognize the 16th Annual Conference on the Holocaust which is being held March 19–27 at the University of Michigan. On this 50-year anniversary of the liberation of the death camps and concentration camps, the University has put together 19 events to remember the Holocaust and its victims.

Among the events scheduled for the conference are an afternoon discussion series, a number of speakers and films, an art exhibit, a name reading vigil, an evening with survivors and a memorial service.

Those scheduled to speak include Art Spiegelman, author of critically acclaimed narratives Maus I and Maus II, David Wyman, a historian from the University of Massachusetts at Amherst and Alvin Rosenfeld, Director of Jewish Studies at Indiana University.

The Conference on the Holocaust allows both students and community members to learn about the Holocaust in ways in which a history book does not allow. A planned trip to the Holocaust Memorial Center in West Bloomfield, MI, as well as the various discussion sessions and the 24 hour vigil allow participants to actively engage in discussions and remembrance of this tragic event.

I would like to acknowledge the University of Michigan for all of their hard work towards putting on this very worthy event. The events of the Holocaust must never be forgotten.

BOMB SUSPECT SAYS U.S. MERITS ATTACK

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. ENGEL. Mr. Speaker, I rise to call attention to recent comments by Ramzi Ahmed Yousef, the man arrested in Pakistan for engineering the 1993 bombing of the World Trade Center.

With all of the gall he could muster, this terrorist stated that America deserved to be attacked because of our support for Israel. While denying carrying out the bombing which killed or injured many innocent civilians, Yousef stated: "The ability of Israel to commit these crimes is the direct result of the considerable military and financial aid which the United States of America provides annually to Israel, and it is this aid which gives Palestinians and Lebanese the right to attack U.S. targets."

A March 25, 1995, article of michigan

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Ms. RIVERS. Mr. Speaker, today, I would like to recognize the 16th Annual Conference on the Holocaust which is being held March 19–27 at the University of Michigan. On this 50-year anniversary of the liberatio

Ignoring the advice of his lawyer, the man accused of engineering the 1993 bombing of the World Trade Center released a diatribe yesterday saying that Palestinians had a right to attack the United States for its support of Israel.

In an eight-page statement, the man the authorities call Ramzi Ahmed Yousef said that his real name was Abdul-Basit Balochi and that he was an electronics engineer and explosives expert. He said he came from Pakistan and had family in both Iraq and Israel. He also claimed to have "friends and relatives who were killed in Palestine by the Israeli Army."

The statement, released yesterday by Mr. Yousef's court-appointed lawyer, was the first public comment from the trade center suspect since he was arrested in Pakistan last month, two years after the bombing that killed 6 and injured more than 1,000.

But it failed to clear up some of the central mysteries in the case, including the true identity of the suspect. And it was unclear what motivated him to make the statement, since some of the remarks could be used against him in court.

Mr. Yousef said he believed the state of Israel had no legal right to be established in Palestine and accused the Israeli Government of "systematic murder, torture, imprisonment and deportation" of Palestinians.

"The ability of Israel to commit these crimes is the direct result of the considerable military and financial aid which the United States of America provides annually to Israel, and it is this aid which gives Palestinians and Lebanese the right to attack United States targets," Mr. Yousef said in the statement.

Mr. Yousef's lawyer, Roy R. Kulcsar, said he had advised Mr. Yousef against releasing the statement before his trial. "I told him that if it were me in his position, I would not make such a statement," Mr. Kulcsar said.

"I think he regards himself as a political prisoner, and part of that is the circumstances under which he was brought back to the United States," Mr. Kulcsar added. "He certainly feels the treatment he has received is because of his views."

Mr. Kulcsar said Mr. Yousef's statement was not a confession. He said Mr. Yousef still maintains that he is innocent and intends to fight the charges in court. The lawyer said his client was neither cooperating with the Government nor exploring a plea bargain agreement.

Prosecutors have depicted Mr. Yousef as a professional terrorist who was the mastermind of the bombing of the World Trade Center on Feb. 26, 1993. Four other men were convicted last year in connection with the bombing, but Mr. Yousef and a sixth man escaped.

Since he was arrested and flown back to the United States, Mr. Yousef's real identity has continued to be a mystery for the Federal Bureau of Investigation and the United States Attorney's office in Manhattan. No one knows for certain who he is or where he was born. More important, it is still unclear who provided the financial backing for the trade center bombing.

Abdel Basit Abdel Karim was the name Mr. Yousef used when he obtained a Pakistani passport from Pakistan's Consulate General office in New York in 1992. It was under this name that he reportedly left the country just hours after the explosion and flew to Pakistan.

Ramzi Ahmed Yousef was the name on a valid Iraqi passport that Mr. Yousef presented to United States officials when he arrived in New York on a plane from Pakistan in September 1992.

He immediately demanded asylum, and officials took his fingerprints as part of the application. Prosecutors say those fingerprints later turned up in the storage shed where they believe the trade center bomb was made.

The surname Balochi is common in the region known as Baluchistan, a remote and lawless border area between Iran, Afghanistan and Pakistan. Law-enforcement sources said they had never heard Mr. Yousef called by that name before. When Mr. Yousef was arrested, Pakistani officials said they believed he came from the area.

Mr. Yousef's statement, however, suggests that he is Palestinian and even has relatives who were killed in the struggle against Israel. Calling Israel "an illegal and unlawful state," Mr. Yousef said that the Israeli lands should be returned to Arabs and that an international court should be convened to try the Israeli Government for war crimes.

"Since the U.S. Government, every year, sends military and financial aid worth hundreds of millions of dollars to Israel, which is being used to support the Israeli occupation, as well as the crimes and slaughters which were and are being carried out by the Israeli Army, all Muslims, Palestinians and Lebanese have the right to regard themselves in a state of war with the U.S. Government," he wrote.

Mr. Yousef then tried to justify attacks against United States targets as acts of war and compared them with the bombing attacks on Japan by the United States during World War II, which he called "the worst terrorist acts in human history."

The United States Attorney's office had no official comment on Mr. Yousef's remarks, but prosecutors said privately there was little doubt that the statement would be used against Mr. Yousef during his trial since it provides a clear motive for the attack.

THE TERM LIMITS VOTE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. KLECZKA. Mr. Speaker, over the last 2 days, the House of Representatives has been riveted by a fiery debate over term limits. One of the most intriguing aspects of the debate was the absence of partisianship that characterized the other legs of the Contract With America.

We have heard heartfelt arguments from Members on both sides of this contentious issue. Many of the most compelling arguments against the concept were made by Members of the Republican Party.

After listening to these arguments, I will cast my vote against term limits. I will do so because term limits are not necessary, and they will lead to harmful unintended consequences.

There is a better alternative that will improve representation on Capitol Hill. That alternative is to keep our faith in those we represent. House Members face term limits every 2 years when we stand for reelection. Every 2 years, our records are scrutinized and our constituents have to make the choice about whether or not to return us to Congress.

They do a good job weeding out those who they no longer want to represent them. For example, half of all House seats have changed hands in the nineties.

Term limits are not necessary. On this, I agree wholeheatedly with the eloquence of one of the most distinguished Republicans in the House, Representative HENRY HYDE of Illinois, who called term limits the "dumbing down of democracy." He is absolutely right—the people of Wisconsin's Fourth District are smart enough not to need artificial constraints on the exercise of their democratic right to vote for whoever they please.

Term limits are not the answer to reducing barriers to running for Congress. That answer is clearly campaign finance reform. Campaign finance reform would give challengers access to the financial, media, and other resources necessary to mount a meaningful and competitive campaign. We should have spent this week on that topic, not term limits.

Term limit proponents rail against an entrenched Congress and allege that power corrupts Members. In fact, the entrenched Congress is a myth. The average length of service for House Members is 7.5 years. That level is well below the 12-year limit proposed by leading term limits proposals.

And, term limits will not magically lead to the election of upstanding men and women who will resist corruption. Term limits cannot change human nature. It is ridiculous to argue that scandals would not occur if term limits were in effect.

As for unintended consequences, term limits will lead to two. First, they will usher in an even more powerful world of special interests. Power will shift from elected and accountable Members to unelected and unaccountable congressional staff, lobbyists, and bureaucrats. Lobbyists will write their own laws and will use their expertise and institutional memory to feed on a never-ending rotation of inexperienced Members.

Second, if term limits had been in existence, Wisconsin would have been deprived of many of the banner achievements of Senator Robert LaFollette who spent 22 years in the Senate. Similarly, we would not have had Senator William Proxmire's 32 years of service. And, my predecessor, Congressman Clem Zablocki, would not have been able to serve the Fourth District in an outstanding fashion for 34 years. Members like these are invaluable both to their constituents and to the Nation as a whole.

For all these reasons, I voted against term limits. It is a cynical constraint on the rights of the people I represent, and I could not lend the limitation my support.

"EQUAL JUSTICE UNDER LAW"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. JACOBS. Mr. Speaker, etched in stone directly across the street from this Chamber are the words, "Equal Justice Under Law." This Indianapolis Star article indicates that as a nation and a society we are inching our way toward equal justice for women to practice law. Which is not to say that Linda Pence merely inches her way toward success. She served her country well at the Justice Department, and serves it equally well by devoting her blazing talent to find justice on the other side of the court room.

[From the Indianapolis (IN) Star, Mar. 16, 1995]

MERGER GIVES WOMAN A NAME ON THE DOOR AT TOP-10 LAW FIRM

(By Peter Key)

Twenty-one years ago, Linda Pence couldn't get a job offer from an Indianapolis law firm.

She's about to get her name on the door of a pretty big one.

On April 3, Pence will merge her law practice with Johnson Smith Densborn Wright & Heath, which will change its name to Johnson Smith Pence Densborn Wright & Heath.

The merger, announced Wednesday, will make Pence the only woman who is a named partner in one of the city's 10 largest law firms, according to Pence and Johnson Smith.

"It is a big deal, and we're proud of it," said Richard Johnson, who founded the firm in 1983.

Women make up about 22 percent of Indiana's lawyers, according to figures from the Office of the Clerk of the Indiana Supreme Court. The state has 11,751 licensed attorneys; of those, 2,537 are women.

Pence's eight-person staff, which includes three other attorneys, also will join Johnson Smith, with attorney David Hensel becoming a partner.

The merger will boost Johnson Smith's staff size to almost 100 employees, including 58 attorneys.

John David Hoover, the firm's managing partner, said the merger is consistent with Johnson Smith's plan of expanding into new areas of practice by adding attorneys established in those areas.

"We've really looked for people in the community who could help us in areas we could not service our clientele in," he said.

Pence specializes in complex white-collar criminal and civil litigation.

After getting a law degree from Indiana University and passing the Indiana bar exam in 1974, Pence couldn't land a job with an Indianapolis law firm. So she moved to Washington, D.C., and joined the U.S. Justice Department.

"I wouldn't be the lawyer I am today if I hadn't worked there for nine years," she said.

Pence left Justice in 1983 to become a defense attorney. Three years later, she moved back to Indianapolis.

"I recognized at age 36 that my roots * * * were a lot stronger than I ever thought," she said.

Pence knew she wouldn't be able to get a partnership in one of the city's big law firms. So, tired of hearing the old canard that women can't run a law firm, she started her own practice.

About a year and a half ago, Pence realized she had to expand or merge her firm to get additional resources and support for her speciality, which requires expertise in many areas of law.

She decided to go with Johnson Smith, she said, because the firm is "growing, but growing in a controlled way by bringing aboard attorneys who are really experts in their field."

In addition to her clients, Pence will bring Johnson Smith a certain degree of celebrity. She commented on the trial of boxer Mike Tyson for WISH (Channel 8) and is commenting on the O.J. Simpson trial for WRTV (Channel 6). (The switch in stations might be attributable to the fact that she married WRTV anchorman Clyde Lee between trials.)

Pence also brings Johnson Smith a certain *jole de vie*. And it will be appreciated.

"We have a remarkably good time practicing law around this office * * * and Linda really fits into that program," Hoover said. "She has fun practicing law."

TERM LIMITS ARE NEEDED TO ASSURE A REPRESENTATIVE REPUBLIC

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. HORN. Mr. Speaker, this first-ever debate and vote on term limits is an exciting, even historic, moment.

As a term limits advocate since the mid-1970's, and as a Representative from California, whose voters were one of the first to pass term limits, I say it is about time that the people's Representatives in this House do what is right and pass term limits.

Four years ago less than 33 Representatives supported term limits. Two years ago, the number remained under 110. This week we will see at least 220 Members vote for term limits. That is amazing progress, and we should all hail the accomplishments of the grassroots activists who have driven this change. Our need is 290 Members, the two-thirds required to pass an amendment to the Constitution.

In 1990, California passed term limits on its state legislative representatives. Two years later, the people of California voted in favor of term limits on congressional representatives. This was the reaction of voters who had clearly tired of career politicians who lost touch with the concerns of the average Californian and of voters fed up with a corrupt incumbent-protecting campaign finance process.

The Term Limits Institute has compiled some revealing numbers: despite the revolutionary change in the 1992 and 1994 elections, incumbents running for reelection still won over 90 percent of the time. In addition, the average tenure of Democratic committee chairman in the last session of Congress was 28 years. As a new Member in 1993, I was part of a group that sought and won the fight in the Republican Conference to limit the terms of the ranking Republican on a committee to a total of 6 consecutive years. That precedent applies to the committee chairs of the Republican majority. In addition, we limited the Speaker to a total of 8 years in that office.

The simple fact is that we must end the days of career politicians. The elections last November were revolutionary, but they also proved that being the incumbent is still the best guarantee of success in an election. The incumbent advantage may be weakened, but it remains alive and well. Challengers do not have a competitive level campaign funding, nor can challengers use taxpayer-funded franked mail to send out thousands of pieces of mail touting the incumbent's accomplishments.

In the 1980's under an apportionment which could charitably be described as "rotten," the Democratic controlled California Legislature provided "safe" seats for Democrats and Republicans. In that decade, there were 450 congressional elections primary and general. In those 450 elections, one Republican was defeated in a primary by another Republican [1988] and two Democrats and one Republican were defeated in the general election of 1990. We do need term limits.

Term limits are a vital first step toward congressional and campaign reform. Remember, however, that they are only a first step. In the last session of Congress, the Republican Conference endorsed a strong, bold plan to reform our system of campaign finance. Our plan shattered the control of Washington-based special interest groups and returned control of election financing to where it belongs in the hands of the voters. Our plan included restrictions on soft money. Our plan included a complete ban on Political Action Committees. And our plan required congressional candidates to raise a majority of their campaign money from the people who should really matter: the voters in each congressional district. I hope that we will see the passage of step one on the road to real campaign and congressional reform: term limits. Hopefully, it will not be too long after the first 100 days are over that we will see campaign finance reform debated and voted upon in this House.

Let us celebrate this historic first vote on term limits, but do not let us say this is the final step on the reform road. We must continue to work to return control of this Congress to the people who live and vote in our districts.

TRIBUTE TO RODNEY THAXTON

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mrs. MEEK of Florida. Mr. Speaker, life is not a series of unconnected events, everything happens for a reason. And, while that reason may not always be readily apparent, my faith and trust in God helps me to accept that reason and its rightness.

On occasion life's happenings and their sequence may seem a bit bewildering and even unfair. During such times we must trust in His infinite wisdom and remind ourselves that He has all power and that His will is for peace, joy, and harmony in our lives. If we do that, God will sustain and uplift us as He guides us toward fulfilling our purpose.

Mr. Speaker, today I must rely on my faith and belief in God and his great plan to sustain me, as I reflect on the life of Rodney Thaxton. Earlier this week, the Lord called Rodney home at the tender young age of 37.

Rodney used his forceful voice to help humble people. He used it to help the homeless, minorities, the downtrodden, and even those who committed crimes. He raised his voice throughout the community always standing up for that which is right, even in the face of that which was wrong.

Through his powerful mix of moral conviction and angry anecdotes, Rodney reminded us all that each of us has a stake in our national transformation away from selfish lives and toward a commitment to others. He helped South Florida remember that the fellowship of human beings is far more important than the fellowship of race and class and gender.

Rodney was at once a celebration of humanity, and an invocation to the Nation's conscience; yet he was touchingly humble, introspective, and self-searching. He was, above all, a utterance of faith and courage in a time of cynicism and despair. He inspired us all to fight injustice and to give future generations a legacy to preserve and future to design.

A vital part of our community, Rodney did not shy away from demanding and essential community leadership roles. He was active in the Miami-Dade Branch of the National Association for the Advancement of Colored People where he was branch vice president, and the American Civil Liberties Union. He also served as president of the Unrepresented People's Positive Action Council [UP–PAC], where he organized, mobilized, and advocated for the disenfranchised.

Rodney was a consummate profession, as a senior attorney in the Dade County Public Defender's Office, defending hundreds of cases and supervising attorneys within his division.

When he saw a cause he felt strongly about, he made a commitment to it and he took it on.

Mr. Speaker, my community, indeed, our country has lost a great son.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4,

1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 30, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 31

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.

SR–332

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, and Veterans Affairs Service Organizations.

SD–138

APRIL 3

9:30 a.m.

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings on S. 565, to regulate interstate commerce by providing for a uniform product liability law.

SR–253

2:00 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.

SD–138

APRIL 4

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.

SR–332

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Air Force programs.

SD–106

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on surface shipbuilding programs and the Department of the Navy's plans for modernization and recapitalization.

SR–222

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To continue hearings on S. 565, to regulate interstate commerce by providing for a uniform product liability law.

SR–253

10:00 a.m.

Environment and Public Works

Business meeting, to consider the nomination of Shirley Ann Jackson, of New Jersey, to be a Member of the Nuclear Regulatory Commission.

SD–406

Governmental Affairs

To hold hearings on the earned income tax credit.

SD–342

Judiciary

To hold hearings on punitive damages tort reform.

SD–226

Small Business

To hold hearings to examine the Small Business Administration's 8(a) Minority Business Development Program.

SH–216

2:00 p.m.

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold hearings to examine drug control strategies in the western hemisphere.

SD–419

2:30 p.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on Department of Energy national security issues.

SR–222

APRIL 5

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.

SD–192

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the U.S. Forest Service land management planning process.

SD–366

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

To resume oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 102–426).

SD–406

Labor and Human Resources

To hold hearings to examine activities of the Department of Health and Human Services' Food and Drug Administration, focusing on the future of American biomedical and food industries.

SD–430

Indian Affairs

To hold hearings on providing direct funding through block grants to tribes to administer welfare and other social service programs.

SR–485

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.

S–146, Capitol

Governmental Affairs

To continue hearings on the earned income tax credit.

SD–342

2:00 p.m.

Armed Services

Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the Department of Defense Quality of Life Programs.

SH–216

Foreign Relations

African Affairs Subcommittee

To hold joint hearings with the House Committee on International Relations' Subcommittee on African Affairs to examine the crisis in Rwanda and Burundi.

SR–325

APRIL 6

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Navy programs.

SD–106

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.

SD–138

Commerce, Science, and Transportation

Business meeting, to mark up S. 565, to regulate interstate commerce by providing for a uniform product liability law.

SR–253

Labor and Human Resources

To continue hearings to examine activities of the Department of Health and Human Services' Food and Drug Administration, focusing on the future of American biomedical and food industries.

SD–430

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Oceanic and Atmospheric Administration, and the National Institute of Standards and Technology, both of the Department of Commerce.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on S. 440, to provide for the designation of the National Highway System, focusing on issues related to the Woodrow Wilson Bridge and the innovative financing of transportation facilities.
SD–406

Judiciary
To hold hearings to examine the right to own property.
SD–226

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

Labor and Human Resources
To hold hearings on the nomination of Henry W. Foster, Jr., of Tennessee, to be Medical Director in the Regular Corps of the Public Health Service, Department of Health and Human Services.
SH–216

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.
SD–116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
SD–192

MAY 24

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.
SD–192

JUNE 6

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.
SD–138

CANCELLATIONS

MARCH 30

9:00 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on current and future Army readiness.
SR–232A

2:00 p.m.
Energy and Natural Resources
Energy Production and Regulation Subcommittee
To hold hearings on S. 283, to extend the deadlines applicable to two hydroelectric projects in Pennsylvania, S. 468, to extend the deadline applicable to the construction of a hydroelectric project in Ohio, S. 543, to extend the deadline applicable to the construction of a hydroelectric project in Oregon, S. 547, to extend the deadlines applicable to certain hydroelectric projects in Illinois, S. 549, to extend the deadline applicable to the construction of three hydroelectric projects in Arkansas, S. 552, to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana, and S. 595, to provide for the extension of a hydroelectric project located in West Virginia.
SD–366

HOUSE OF REPRESENTATIVES—*Thursday, March 30, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. LARGENT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 30, 1995.

I hereby designate the Honorable STEVE LARGENT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend John Williams, Immaculate Conception Church, Clinton, NC, offered the following prayer:

Gracious God, grant unto the Members of the Congress the desires of their hearts for the precious gift of wisdom, and as You deliver it, help them to love it and act upon it in all their deliberations.

May the Lord our guardian preserve you from all evil today and keep you safe and in peace and in health of spirit and body for the carrying out of your duties.

In I Timothy, Paul urged that prayer, supplications, and intercessions be raised up for sovereigns and for those in positions of responsibility. May these prayers and those of pastors and congregations all over the country be acceptable on behalf of the honorable men and women of Congress, the servants of a free people.

And now unto Him who is able to keep us from falling and to present us faultless into the presence of His glory with exceeding joy, to the only wise God, our Father, be glory and majesty, dominion and power, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DURBIN] will lead the House in the Pledge of Allegiance.

Mr. DURBIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 219. An act to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

WELCOME TO THE REVEREND JOHN WILLIAMS

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker and colleagues, it is a great pleasure this morning to join in welcoming my cousin, the pastor of Immaculate Conception Church in Clinton, NC, who gave us our invocation today.

I am also joined by his former parishioner, the gentleman from North Carolina [Mr. JONES], and we are both very pleased and proud that Father John Williams could be with us today.

Mr. Speaker, I now yield to my colleague, the gentleman from North Carolina [Mr. JONES] for any remarks he may have to add.

Mr. JONES. I thank the gentleman.

Mr. Speaker, it is a privilege and a pleasure for me to also welcome Father John today, a man that I have great respect for, a man who loves his people, loves his country, and loves his Lord.

TAX CUTS FOR THE RICH

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, it is bad enough that the Gingrich Republicans are proposing a tax cut for the wealthiest people in America. We expect the Gingrich Republicans to continue to slather the fattest cats with tax cuts and without so much as the slightest regrets, these same Republicans cut children's programs like school lunches to pay for them.

But today the Gingrich Republicans take this extremism to a new low. Late Tuesday night, a handful of lobbyists met secretly with Republican congressional leaders and killed a provision that would have closed a tax loophole for billionaires who renounce their American citizenship, that is right, billionaires who made their fortunes in America using our country's freedoms and opportunities, our economy, our infrastructure, our national defense, renounce their citizenship to escape taxes, and the Republicans want to protect these economic traitors. And our Treasury loses $3.6 billion because of this.

These super-rich traitors and their well-paid lobbyists are the big winners. The Republicans have once again rolled out the red carpet for them. If this latest Republican outrage does not steam the dumplings of every American who ever pledged allegiance to our flag, nothing will.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, we are in the process of restoring integrity to our system of self-governance, because we keep our promises.

We are different now the way we are conducting business here in Washington. On the first day of Congress, as promised, we required Congress to live under the same laws as the rest of the country. We cut committee staffs by a third. We cut the congressional budget. Then we have continued over the first 100 days to process a balanced budget amendment to the floor and out. Unfunded mandates were passed. The line item veto was passed. A new crime package to stop violent criminals was passed. National security restoration to protect our freedom was passed. Government regulatory reform was passed. Commonsense legal reform was passed. Welfare reform was passed. Congressional term limits came up last night on the floor. Eighty-three percent of the Republicans voted for term limits with the American people. Eighty-two percent of the Democrats voted against term limits against the American people.

We are proceeding next week with the Family Reinforcement Act, the tax cut for middle-income families, and the Senior Citizens' Equity Act.

Mr. Speaker, we are keeping our promises. This is our Contract With America.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CUTS IN STUDENT AID

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute.)

Mr. JOHNSTON of Florida. Mr. Speaker, the cuts in student aid prescribed by the Republican Contract With America will cost students and their families an additional $20 billion over the next 5 years, resulting in the largest increase in college costs in American history. Stafford loans, work-study programs, supplemental education opportunity grants and Perkins loans are all on the chopping block in the interests of tax relief for the wealthy.

Where is our moral outrage? School lunches, prenatal care, child care, and now education. This contract, which literally takes food from the mouths of children, threatens to take if from their minds as well.

Attacking student financial aid is not only callous, but extremely shortsighted. A person with a bachelor's degree will average 50 to 55 percent more in life earnings than one with only a high school diploma. Cutting today's financial aid will not only lower the living standard of our citizens, but will reduce future revenues for our government. It is time that Congress end its obsession with the first 100 days and focus on the next 100 years.

OSHA DID NOT INHALE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, remember when Bill Clinton was asked if he had ever used drugs, he repeatedly told us that he had never violated the laws of the United States.

Finally, he admitted he had smoked marijuana, but "only" in Britain and he did not "inhale." In other words, Bill Clinton's earlier responses were legally accurate, but they did not contain much truth.

This same technique is now being used by the Labor Department to defend OSHA. You have recently been told that OSHA does not prohibit roofers from chewing gum, cite employers for failing to have Material Data Safety Sheets for dishwashing detergent, nor prohibit dentists from giving children back their baby teeth.

Technically speaking, the Labor officials are correct; OSHA does not do any of these things—anymore. It has, it did, and absent the criticism heaped on OSHA by industry and Congress, it probably still would.

The next time an OSHA official tells you that OSHA does not cite employers for Joy dishwashing detergent, ask them when they stopped. These stories are not fiction—they are real. The fiction is OSHA's denial that its regulations are out of control.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to make personal references to the President.

READ THE TEA LEAVES, CONGRESS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, nobody is reading the tea leaves around here at all.

In a listing of the world's top 50 banks, the top 9 banks, the biggest 9 banks, were Japanese banks. The biggest American bank could only rank No. 29.

Wake up, Congress. In the 1980's we gave tax breaks for the purchase of Japanese computers and Japanese machinery, and every year Congress allows Japan to rip off over $60 billion from our economy.

The truth is Japanese banks did not get strong because of the Japanese yen. Japanese banks got fat with the American dollar, and the truth is those dollars come out of the incomes of unemployed American workers.

Where is the trade program? The truth is we have a paper economy, and the paper is ending up in some fat Japanese bank.

Read the tea leaves, Congress, and get a trade program before we do not have any jobs left.

CUT TAXES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am shocked at the arrogance of some Members, who stand before this body and continually bellyache—that when the Republican tax relief passes, the Federal Government will lose revenue. I cannot believe that we have to stand up and remind Members—the money we spend is not ours, the Government did not work one day to earn that money. And yet Members continue to gripe.

Lower taxes put money back into the pockets of the people who get up every morning, send their kids off to school and put in 8 hours earning a decent living. By standing up and saying the Government will lose money is saying to Americans, work hard, but remember, at the end of the day send all your money to Washington because we want to spend it, because we know better than you how to do that.

Wake up, Congress, it is not our money, let us remember why we were elected. Give the American taxpayers a needed break. Cut taxes.

TAX CUTS FOR THE WEALTHY

(Mr. VOLKMER asked and was given permission to address the House for 1 minute.)

Mr. VOLKMER. Mr. Speaker, Members of the House, and to those out there listening, I say stay tuned, America. The Gingrich Republicans are at it again.

Today we are going to take up the health care provision deductibility for the self-employed. They are going to get a 30-percent deduction, not a 100-percent deduction, those middle-income farmers and business people, not 100 percent. You are going to get a 30-percent deduction.

And that bill though does take care of the wealthy, the billionaires and the millionaires, by saying that we are not going to require them to pay taxes when they no longer retain their citizenship, when they renounce their citizenship, and so they are going to be able to save those billions of dollars in taxes, but we are not going to help the middle-income.

Next week we are going to take care of tax cuts for the wealthy, and we are almost going to give nothing to the middle-income and lower-income.

I would like to show you this chart right here. If you make under $30,000, you are going to get $10 a month. If you make over $200,000, you are going to get, listen to this, folks, listen very closely, over $500 a month back.

PASS TAX RELIEF NOW

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, make no mistake about it the Democrats failed to give the American people what they wanted by voting no on term limits last night. Over 82 percent of the Republicans voted for term limits while only 18 percent of the Democrats did.

Even though my Democrat colleagues overwhelmingly voted no last night, I hope they will join us in a bipartisan fashion as we consider our last contract item, tax relief for families, senior citizens, and middle-income Americans. Out of all the legislation we have voted for since January 4, this legislation is what the American people need most of all.

Let us allow the American people to keep more of their hard-earned money. Let us stop the money-hungry Government from taking so much from American paychecks. Let us pass tax relief now.

□ 1015

STUDENT LOANS

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in defense of America's future.

In their attempt to reform government, the Republican leadership has placed in jeopardy the finest educational system in the world. The contract on America puts student financial aid on the chopping block.

In my State of Rhode Island, over 28,000 students took out loans, worth an estimated value of over $94 million, to pay for their education in 1994. This year the Republicans want to remove the in school interest loan subsidy which allows students to forgo the interest on their loans while they are still in school. If passed this action will increase the debt of Rhode Island's students by over $10 million.

I ask my colleagues, how does cutting aid to students help America compete in the global marketplace? The answer is, it does not. If we do not expand opportunities for higher education, the United States will fall behind. The American people are for balancing the budget, but not at the expense of students trying to make a better life for themselves; 89 percent of the American people oppose cuts to student financial aid programs. They recognize the simple truth that supporting higher education today is an investment in America tomorrow. Do not deny our students the education they deserve. Support student aid.

TERM LIMITS DEFEAT: VICTORY FOR THE STATUS QUO

(Mrs. KELLY asked and was given permission to address the House for 1 minute.)

Mrs. KELLY. Mr. Speaker, the American people sent us here to do the people's work and execute their will. Last night, I joined in an effort with more than 226 of my colleagues, Republican and Democrat, in an attempt to pass the term limits constitutional amendment. Our effort failed.

I say it failed, Mr. Speaker, but that does not truly capture what transpired. Our efforts failed the American people.

Last November, the American people overwhelmingly endorsed the principles behind Federal term limits, but what they got last night was nothing more than a victory for the status quo.

Twenty-two States have already enacted some form of term limits legislation, and all we wanted to do was give the public the opportunity to voice their opinions.

Simply put, Mr. Speaker, what could possibly be wrong with this? In my opinion, we should let them speak.

STAND UP FOR STUDENT LOANS

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. JACKSON-LEE. Mr. Speaker, in my hand I hold up the Constitution of the United States and it is amazing that this document still today embodies the concerns of Americans about equality and opportunity for it simply says we the people have joined together to do several things, among them, to promote the general welfare, and to provide blessings of liberty and posterity on ourselves.

But yet we find ourselves with the Gingrich Republicans trying to cut every single Federal aid program for college loans and college opportunities for our young people. In fact, in the State of Texas we will lose, our students in the colleges in the State of Texas alone will lose, almost $700 million in student loans, the Stafford loans, work study programs, supplemental educational opportunity grants, and the Perkins loans.

I am a product of student loans, an opportunity given to someone who simply tried to stand up and pull herself up by her bootstraps.

I say to the young people of America hold on to the Constitution, for we want you to be educated, and Democrats will be fighting to provide for college loans for those of you who are seeking simply an opportunity.

Let us go against the Gingrich Republicans. Let us survive and stand together to make sure that you, America's college students have an opportunity to learn. Let us not vote for the tax cuts that take away student loans and opportunities.

We want our children to be at the forefront of this world economy and to be the leaders of the forward-thinking world. Let us support the students of America, and you, please stand with us.

TERM LIMITS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, do my colleagues know what happened last night? The Gingrich Republicans overwhelmingly passed term limits and the Gephardt-Bonior-Volkmer Democrats unoverwhelmingly voted against them; 83 percent of the Republicans voted "yes," 82 percent of the Democrats voted "no."

And what we will find out, we are going to find out something very interesting in November 1996. We are going to find out if the elections of 1994, if the change of majority in this House in 1994 was a reflection of the people's desire to change power in Congress, to eliminate Democrats and elect Republicans of if it was really a mandate for term limits. That is what we will find out. I personally believe that the people have spoken very clearly with respect to term limits, but they are going to have an opportunity again in 1996 to speak clearly on this, because we have got so many Members of this House, the overwhelming majority of whom are Democrats, who are coming from States that have already enacted term limits, a couple of my good friends on the other side right here, and they voted against their own constituents last night.

So we will find out in the fall of 1996.

LET US TAKE A NEW POLL ON WHAT AMERICANS THINK

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, as we all know, the Contract on America was written from a poll.

So what do you say we take another poll?

Here is what we'll ask:

Mr. and Mrs. America: Do you think we should cut student loans in order to pay for tax cuts for the wealthy?

What do you think they would say?

How about this one: Mr. and Mrs. America: Do you think billionaires should be allowed to give up their U.S. citizenship in order to avoid paying taxes?

What do you think they would say?

Apparently, Republicans think they would say "yes" to both questions.

Because in the next 7 days, they are going to force both through this House.

Today, the same Republicans that cut summer jobs and school lunches are coming to this floor to defend the right of billionaires in order to avoid paying taxes.

In fact, 2 days ago, every Republican but five voted to keep this loophole for billionaires in place.

Mr. Speaker, Republicans may be marching in lockstep with NEWT GINGRICH to give tax breaks to the privileged few.

But one thing is clear: They are out of step with the American people.

SETTING THE RECORD STRAIGHT ON TAX REDUCTIONS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, there they go again. The Democratic propaganda machine is working overtime this week trying to convince the American people that the Republican tax reduction package is reserved only for the rich. Nothing could be further from the truth.

It is time to tell the truth about our tax cuts and let the American people know that if they used the Democrats calculations of "income" and "rich" they would have a lot more work to do on their 1040 tax forms this year.

The Democratic leadership inflates your income by adding all sorts of things you and I would never dream of including: Social Security contributions, AFDC payments, employer-provided benefits like health care and pension contributions, capital gains on assets you still own, and they even include in your income what your net return would be if you rented the house you live in at market value.

This manipulation of income is a gross distortion of family income and to those struggling to make ends meet it just does not add up. It is no wonder the American people think Washington is out of touch with the rest of America.

Mr. Speaker, we need tax relief but we need an honest presentation of the facts.

TAX CUTS FOR THE WEALTHY

(Ms. DeLAURO asked and was given permission to address the house for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, while Republicans in Congress may not be able to agree on terms limits, when it comes to tax cuts for the wealthy, they are all singing the same tune. Whether preserving tax loopholes for billionaires or eliminating corporate taxes, Republicans are in the same key. And who is paying for this medley of tax cuts? Middle class, working families, that's who.

Just look at whom Republicans are turning to next to help finance their windfall to the wealthy. Middle class families trying to send their kids to school. Believe it or not, they propose 75 percent of the financial aid currently awarded to American students.

Working middle-class families rely on student loan programs to provide a better future for their children. Speaker GINGRICH and many Republicans in this body took out student loans to pay for their education. Do not deny that same opportunity to the students of today. Do not pull up the ladder behind you. Let us work to preserve students loans, not tax loopholes for billionaires.

PASS A TAX RELIEF PLAN

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, Thomas Jefferson had it right when he said, "a wise and frugal government * * * shall not take from the mouth of labor the bread it has earned."

Liberals would reject that sound advice.

However, Republicans will revive that Jeffersonian spirit by passing a tax relief plan that is pro-family, will create jobs, and increase saving and investment. We will pay for these tax cuts by putting the Federal Government on a strict diet. We will scrutinize the entire budget to find waste fraud and abuse.

Now you will hear a lot from the Democrats about fairness.

But is it fair to penalize middle-class families for saving for the future?

Is it fair to rob our children's future to pay for Clinton's spending binge?

I say no. It is time to change business as usual.

PROTECT COLLEGE STUDENT AID PROGRAMS

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, it is my understanding that the Contract With America has targeted at least four major college student aid programs either for serious reduction or elimination altogether.

Mr. Speaker, we are talking about the lives and future of some 6.5 million college and university students throughout America, especially those from middle- and low-income families that may never have an opportunity to pursue higher education if these cuts are made.

Mr. Speaker, I am a byproduct of the National Student Defense Loan Program and I would have never completed by studies at the university level if it had not been for this program. I think the students of America should have the same opportunity.

I plead with my colleagues across the aisle, let us keep college, help college students to obtain training and education in universities. It is our future and our Nation's greatest wealth and resource.

Mr. Speaker, let us not rob the millions of college students throughout America of their opportunity for a better education. The Congress owes it to these young people.

TAX RELIEF FOR SENIOR CITIZENS AND WORKING FAMILIES

(Mr. WELLER asked and was given permission to address the House for 1 minute.)

Mr. WELLER. Mr. Speaker, after our historic first ever vote in the House on term limits last night, we now turn our attention to the last items in the Contract With America. It is now time to keep our promise with the American people by bringing up legislation to offer tax relief to senior citizens and working families.

I am sure all of my colleagues remember the Clinton Democrat tax plan in 1993, the plan that raised taxes on Social Security benefits for the American elderly. Mr. Speaker, the Republican majority is going to repeal this Democrat tax and offer more tax relief for our grandmothers and grandfathers.

Republicans are also bringing to the floor the Senior Citizens Equity Act which offers further tax relief for our elderly who are currently penalized by a system that cuts Social Security benefits for those who wish to continue working past the age of 65.

Mr. Speaker, I just do not understand why the Democrats want to continue punishing senior citizens, and I hope the liberal Democrats will join with Republicans to help senior citizens.

RESCISSIONS

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, education funding was one of the casualties of the Republican rescission package.

More cuts in education are planned. These cuts seem inconsistent.

Education, as its first priority, teaches independence, self reliance, self sufficiency.

Education is cut—student loans are eliminated—how will students be prepared for works?

A welfare reform bill passed last week, aimed at moving the poor from welfare to work. However, with no provision for training or jobs, where will they work?

These policies are puzzling. Education and work lead to opportunity. Opportunity is the foundation for living.

One must wonder where our colleagues on the right are taking this Nation.

We are now preparing, next week, to take the money from the cuts and give the Nation's billionaires billions in tax relief.

These policies will hurt low- and middle-income people.

The only consistent pattern in the contract is its inconsistency.

If we really want work, let us make a way.

SEVENTY PERCENT OF PEOPLE IN AMERICA THINK TERM LIMITS IS GOOD IDEA

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, last night the House voted on term limits. I am proud of the Members on this side of the aisle and on the other side of the aisle who joined together to vote in a positive way on this constitutional amendment, 227 Members of this body, including 80 percent of the Republicans, voted "yes."

I think the press could have reported this a little more fairly. Not that we failed, because we really did not fail. If my colleagues will remember, there was a very meaningful debate on the constitutional amendment, and 80 percent of the Members on the majority side voted in favor of it. Only 70 percent of the people in this country think it is a good idea.

□ 1030

And it was first time that we have had term limits out of committee on the floor for a vote. The Constitution is a very sacred document, but there is time to amend it with term limits, and that time is coming. Even this vote should have been shown as a victory for the contract.

THE CROWN JEWEL OF THE CONTRACT?

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, every day the Gingrich gang defines themselves more and defines who they are for and who they are not. Now the Speaker says that the tax cuts that we are taking up are the crown jewel of the contract. Yes, they sure are, for the rich.

In fact, today we begin that where they are talking about even allowing the average American citizen to be able to bail out on their citizenship to save tax money. What do you think? Term limits for citizenship if you can save your tax dollars?

I find that outrageous. Of course, you see why they think that is a crown jewel.

But then you look at this other symbol—this is a diploma—one of the most important things any American family can have for their young people. It means jobs; it means a future.

In order to get these crown jewels for the crown, you have to take money away from student loans so there will be fewer of these. That is not the America I know. I hope people wake up and find out what this is really all about. Every day I think they are getting a better clue.

REJECTING TERM LIMITS IS A BAD IDEA

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I am glad the gentlewoman from Colorado [Mrs. SCHROEDER] brought that prop of a crown because I truly believe that represents what went on in this Congress last night when we rejected term limits. We crowned ourselves that we are here for life, that we disregard the peoples' wishes and we have made ourselves potentates in a body of the people and for the people.

I came here as a grandson of Polish and Irish immigrants. My parents both worked for a living. My father was a football coach, my mother worked for an eye doctor. They instilled in me the values of hard work and citizenship. I hear repeatedly from the other side that we are taking away the safety net from the people. The net that we must provide is for the people like Kelly Largent, the 10-year-old who is on the House floor today, son of the Speaker pro tempore [Mr. LARGENT], who wants to survive in America because this is the greatest place on Earth. They do not need government handouts, they need freedom, the ability, the way to work and respect for this Nation. That is the only way we are going to get ourselves out of our deficit. That is the only way we are going to grow our way out of the poverty level, not by continued handouts.

STUDENTS AND PARENTS CANNOT AFFORD DRASTIC INCREASES IN THEIR DEBT

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the Republican majority is at it again. They are now hitting the middle class with cuts in student aid to give tax breaks to the wealthy.

I visited with students and administrators from Oberlin College, Lorain County Community College, and Hiram College in my district. The message is loud and clear: Students and parents simply cannot afford drastic increases in their debt.

The Republican proposal to eliminate the Stafford Program will increase the average student debt burden up to 50 percent.

This proposal sacrifices our Nation's educational future for tax breaks for the wealthiest few. Republicans also plan to eliminate campus-based aid, such as the Perkins Program, the Federal work-study, and supplemental educational opportunity grants.

It is morally reprehensible, Mr. Speaker; the Gingrich Republicans want to cut student loans for the middle class in order to give tax breaks to the largest corporations and to America's wealthiest few.

THE SENIOR CITIZENS EQUITY ACT IS INCLUDED IN NEXT WEEK'S TAX BILL

(Mr. BUNNING of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. BUNNING of Kentucky. Mr. Speaker, I rise today to give a small reminder to this House about some of the provisions in the tax bill that we are going to vote on next week.

Amid all of the white-hot rhetoric about child tax credits, capital gains tax cuts, and the rest, a lot of people seem to have forgotten that this legislation is really going to help a lot of our Nation's seniors.

The Senior Citizens Equity Act is part of this tax bill, and let me just remind my colleagues about how it is going to help them.

The bill raises the Social Security earnings limit so that older Americans who work are not penalized for making a little extra income.

It makes it easier for folks to buy long-term health care insurance, or to cash in their life insurance policies to help cope with the daunting costs when they are faced with a terminal illness.

Best of all, this bill repeals the onerous Clinton Social Security tax increase that the President rammed through this House 2 years ago.

Mr. Speaker, the fur is really going to fly when the House debates this tax cut bill. But I urge my colleagues not to forget that this bill does more than cut taxes. It helps senior citizens. And for that alone, it deserves our support.

REPUBLICANS WANT TO GIVE TAX BREAKS TO THE RICHEST 1 PERCENT

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, let me get this straight: This Contract on America, first we cut back on child nutrition programs while we give tax breaks to the richest 1 percent in this Nation, those making $200,000 or more; now we are going to completely eliminate the tax obligation to any billionaire who wants to renounce his U.S. citizenship, but at the same time we are going to deny college loans to middle-class working kids who want to pick themselves up by their bootstraps, improve their communities, and improve their country.

You know, Americans who thought they voted for the American dream on November 8, 1994, instead have found what they have is NEWT GINGRICH staring down Freddy Krueger in "Nightmare on Elm Street 2000," slashing slashing and slashing, only the programs that invest in middle America. This contract has not created one single job outside of the bureaucracy that it is going to expand. It has not lifted the standard of living for average American taxpayers or their children or future generations.

This contract is a sham.

HANOI IS STILL LYING

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, Hanoi is still lying. Mr. Speaker, in his 1992 campaign, President Clinton promised never to lift the trade embargo on Communist Vietnam unless and until there is a full and good-faith accounting for Americans missing in action.

But a few weeks ago American and Vietnamese diplomats toasted each other over Russian champagne to celebrate the new diplomatic ties.

According to one report, Mr. Speaker, Hanoi brutally murdered hundreds of POW's before the Paris peace agreement was reached and they have lied about it ever since. Vietnam is one of the worst abusers of human rights in the world. Thousands are being imprisoned for political or religious beliefs.

Mr. President, why did you break your promise to POW/MIA families? Are the profits of multinationals worth recognizing the Hanoi regime and breaking faith with hundreds of brave American families?

FAREWELL TO RAYMOND SULLIVAN, FORMER SPRINGFIELD FIRE CHIEF

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to remember Raymond M. Sullivan, a good friend and exemplary public servant who recently passed away. Raymond Sullivan served as the former fire chief for the city of Springfield and fought fires for the city for 39 years.

Born in Springfield, the son of Irish immigrant parents, Raymond Sullivan lived within a mile and a half of his birthplace his entire life. Ray Sullivan was educated in Springfield's schools, and together with his wife, the former Mary Lou McCarthy, he raised three sons: Garrett, Brian, and Gerald, and one daughter, Mary Lou. He was a grandfather to seven children.

After serving his country in the U.S. Navy during World War II, Raymond Sullivan joined the Springfield Fire Department in 1951, achieving the rank of lieutenant 7 years later. He served as acting deputy chief from 1982 to 1984 and as the fire chief to the city between the years of 1984 and 1990.

Raymong Sullivan was referred to by his friends who knew him both as a "fireman's fireman," and as a devoted family man.

Mr. Speaker, in a time when community service and family values are what we are striving for across America, we should stop to remember people like Raymond Sullivan who are modern day examples of both of these virtues.

Raymond Sullivan will be missed.

THE TAX RELIEF ACT HELPS SENIOR CITIZENS

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, I rise today in support of the Contract With America's Tax Relief Act. I support this bill because not only does it allow all Americans to keep more of the money that they have worked hard to earn, but also because it upholds the Republicans' contract with the senior citizens of America.

My district, which has the largest number of senior citizens in the country, has made it quite clear to me that they want the Federal Government out of their lives and especially out of their pocketbooks. The Tax Relief Act delivers on the Republican promise to do just that. This legislation allows seniors to earn more income without losing Social Security benefits by increasing the Social Security earnings limit.

The Democrats obviously don't believe in rewarding hard work. In 1993. President Clinton dramatically raised taxes by 35 percent on the recipients of Social Security. I am happy to report that this legislation repeals Clinton's tax on seniors over the next 5 years.

Some have argued that tax relief is not compatible with deficit reduction. These cynics are wrong. Balancing the budget and reducing the size of Government go hand in hand with lower taxes. Our seniors deserve direct and immediate benefits from the effort to reduce the bloated Federal Government. There is everything right with letting seniors keep a little bit more of what they earn—after all it is their money. The contract promised tax relief and through this legislation, we are trying to deliver. Let us pass H.R. 1215 for America's senior citizens.

PRESIDENT CLINTON DESERVES CREDIT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, President Clinton deserves credit for two initiatives this week, one foreign and one domestic. On foreign policy, he deserves credit for taking a risk and entering into a dialog with Jerry Adams and Sinn Fein. This was important because stability has come to that very torturous issue with the IRA and Great Britain. While there have been some feathers ruffled with our major ally, Great Britain, this hopefully will be straightened out when Prime Minister Major comes to Washington next week.

Mr. Speaker, the President should be commended also for downsizing the Small Business Administration. By reducing its modest funding needs from $813 million to $529 million and eliminating 500 full-time positions nationwide, the SBA shrinks by 35 percent during fiscal 1996. The major portion of the savings would come from a progressive alteration of the fee structure for loans in the SBA's successful 7(a) program. Making taxpayers have more access to accessible loans, downsizing, this is in line with positive initiatives to shrink government.

SENIOR CITIZENS EQUITY ACT

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, I rise today to inform the House that provisions from H.R. 8, the Senior Citizen's Equity Act, are part of H.R. 1215, the tax bill we will be considering next week.

These provisions would lift the earnings penalty on seniors who need to continue working in our society. H.R. 1215 also includes provisions to repeal the 1993 Clinton tax hike on Social Security benefits and to provide tax breaks for older Americans who purchase long-term care insurance.

Mr. Speaker, it is difficult to understand how Congress could continue to allow our Nation's laws to punish work and send the message to seniors that society no longer wants the skills and experience of older workers.

Under the earnings penalty, working seniors lose $1 of every $3 of their Social Security benefit. FICA and State taxes bring the penalty up to a 56-percent marginal tax rate—twice the tax rate of millionaires. This is simply not fair.

I have been working to relieve seniors of this tax burden for 8 years. Seniors cannot wait any longer. It is time to retire the high tax burden on our Nation's seniors instead of retiring older Americans who need to work to remain independent, productive members of society. It is time to pass the tax bill.

TERM LIMITS IS A REPUBLICAN STRATEGY, NOT A PROGRAM

(Mr. BRYANT of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, earlier in the 1-minute period today we heard a number of Republicans get up and boast extravagantly about the number of Republicans that voted for term limits last night and boasted that it was something like 85 percent of all the Republicans who did it.

When you look at the term limits proposal that was offered by the gentleman from Michigan [Mr. DINGELL], to limit terms to 12 years, and make them apply to Members who are serving here now, how many Republicans voted for that? The answer is less than 1 out of 4 voted for that. If I was a Republican, and I was busy cutting student loans and cutting school lunches so that I could cut taxes for the wealthiest Americans; I would be in here talking about term limits, too, because you see term limits is not the Republican program, it is the Republican strategy: Talk term limits while you are busy eliminating the ability of middle-class Americans to grab themselves by their bootstraps and lift themselves up to a better way of life than they have had in the past. Term limits is a Republican strategy, not the Republican program.

The program remains what it always has been, make the rich richer and the poor poorer and the middle class have a harder time catching up.

PRESIDENT CLINTON DID AN END RUN—AROUND CONGRESS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, no amount of class warfare can obscure the fact to the American people that the Republicans voted for term limits, the Democrats voted against term limits. But today I would like to speak about another issue.

As we are discussing the Contract With America, billions of dollars are being drained from a fund that was established to stabilize our currency. Where are these taxpayer dollars going? They are being sent without so much as a vote of Congress to the bank accounts of Wall Street speculators and to the efforts to prop up a corrupt Mexican elite. While we are trying to balance the budget by cutting spending, President Clinton did an end run around Congress to transfer billions of dollars of taxpayer dollars to this Mexican bailout scheme and ten's of billions of more will be spent unless we put a stop to it.

□ 1045

Mr. Speaker, the only way to put a stop to it is to sign a discharge petition, and I hope my colleagues will join me in signing the Stockman discharge petition, and I hope the public will see whether their Congressman's name is on that discharge petition.

THE TERM LIMITS VOTE—NOTHING MORE THAN A BIG POLITICAL SHOW

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. MEEHAN. Mr. Speaker, when I hear NEWT GINGRICH and the rest of the Republican leadership characterize yesterday's vote as historic, it makes me laugh. There was nothing historic about the vote yesterday; in fact, the whole exercise was nothing more than a big political show designed to confuse people into thinking that House Republicans really support term limits.

I have always been skeptical of the legislators who claim they are for term limits but have been in office for 15 or 20 years. The best test of any politician's credibility on term limits is whether they are willing to put their careers where their mouths are and limit their own service. Yesterday, when we voted on an immediate term limits amendment, only 54 Republicans were willing to support the bill.

Until recently, I had no real proof that the Republican leadership would not work aggressively to pass term limits legislation. Yesterday changed that. The party discipline that the Republicans showed when cutting school lunches or home heating oil for the elderly and working poor was absent on term limits yesterday. If House Republicans really wanted to pass term limits they would have allowed a vote on the Sanford-Deal statute which would have only required a majority vote for passage.

As someone who has unconditionally supported term limits for all Members of Congress—including myself—I viewed yesterday's charade as an insult to those of us who really support term limits.

Most House Republicans do not really support term limits, they just like to campaign on them. The public should not be fooled by career politicians who claim to be for term limits as long as they do not apply to themselves.

FULFILLING OUR CONTRACT WITH SENIOR AMERICANS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, next week this House will fulfill our Contract With America, and, more specifically, our contract with senior Americans. We promised to vote on raising the punitive Social Security earnings test limit so seniors would not be penalized for working.

Next week, during the consideration of our tax relief bill we will fulfill that promise. We will also vote on repealing the unwarranted double taxation of Social Security benefits that was imposed by the 1993 Clinton tax bill.

Mr. Speaker, my colleagues will recall the Clinton tax bill. That is the special extra tax that President Clinton and the Democrat Party placed on, quote, "wealthy seniors" with incomes in the range of $30,000 to $40,000. Well, instead of taxing, quote, "wealthy seniors" living on fixed incomes like the Democrats do, the Republican Contract With America provides seniors with much needed tax relief to help with the increasingly high cost of long-term health care, among other things. Our bill also helps families stick together and encourages them to help one another by providing a generous tax credit for family care givers.

Mr. Speaker, the Republican tax bill is good for seniors and it deserves this House's support now, before our seniors grow any older or any poorer.

WHY WEYRICH IS WRONG

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, earlier this week Paul Weyrich, one of the founding fathers of the modern-day right wing, wrote in the Washington Times that the gentlewoman from Connecticut [Mrs. JOHNSON] and the other Republican members of the Ethics Committee should resist the temptation to appoint a special counsel to investigate the Speaker. Appointing an outside counsel, Weyrich argued, would bring a cloud over the Speaker and affect his ability to govern.

Mr. Weyrich is wrong, just dead wrong. There are, indeed, very serious charges hanging over the head of the Speaker. But only an outside counsel, an independent objective individual, can clear the air and remove this matter from the realm of partisan politics. This is the route the Ethics Committee has taken in every high level case since 1979.

The gentlewoman from Connecticut [Mrs. JOHNSON] and the other Republicans on the Ethics Committee should not be subjected to threats by Paul Weyrich or by anyone else.

We need an outside counsel to investigate the Speaker and the committee should proceed without delay.

SEEKING BIPARTISAN SUPPORT FOR A MIDDLE-CLASS TAX CUT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, to a carefully assembled crowd of special interest groups, power brokers, government bureaucrats, Democrat Party stalwarts and the other sycophantic apple polishers, the President kicked off his reelection effort with his Atlanta economic summit. Boasting on his economic record to this tough audience, the President somehow failed to mention that interest rates are higher than when he was first elected. The public debt is expected to rise another $1 trillion, trade deficits are at an all-time high, and the dollar is losing value overseas. but, more importantly, he did not respond to the charge of Dan Ratachzak who said that real income of Americans has fallen, which means that, while one may be making more, than their actual spending power has fallen. Perhaps, if the President and the Democrat Party acknowledged this, then they would join the Republican Party in working for a middle-class tax cut because, after all, cutting taxes is not Congress sending Government money to the people. It is just that we are not going to take the people's money in the first place.

I hope that we will get some bipartisan support on this much needed tax cut.

DEDUCTION FOR HEALTH INSURANCE SHOULD GO TO EMPLOYEES OF THE SELF-EMPLOYED TOO

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, just when we thought we had seen it all in attempts by the Republicans in Congress to give tax breaks to their wealthy friends, they have gone beyond the pale. It is hard to imagine, but today the Republicans will bring a conference report on H.R. 831, a bill to provide a 25-percent deduction for health insurance for the self-employed. That is good. But they rejected the opportunity, the amendment, that would have allowed that tax deduction to go for the employees of the self-employed. Instead in the bill they insisted that the conferees drop a Senate provision that would have closed a tax loophole for billionaires. Under current law the wealthiest Americans can take advantage of a tax loophole by renouncing their citizenship, thereby avoiding taxes on gains made while they were U.S. citizens. These people made their money benefiting from our country, from the security, from the democracy, from the work force, and, yes, even from the tax laws in this country. Now they are given to give up their citizenship. They are given a tax break at the expense of the employees of the self-employed.

Mr. Speaker, this is an outrage, this is a shame, this is downright unpatriotic.

THE CLINTON ADMINISTRATION'S CONSISTENT POLICY TO KILL JOBS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, it is fitting that President Clinton has proposed the bulk of his new cuts in NASA and the Small Business Administration. I say that it is fitting because President Clinton wants to be consistent. He wants to ensure that we continue to produce low-paying and part-time jobs, the cornerstone of this administration's approach to economic development.

This week President Clinton tells Congress to cut NASA. He wants to kill thousands of high paying research and development jobs, destroy America's lead in the next frontier and cripple our chances for future high tech employment. This week our President recommends to this Congress to gut the Small Business Administration, another great choice to kill even more jobs. Small business is the greatest creator of jobs in our country and the largest employer in our Nation. Then he goes to Atlanta—read here in today's newspaper, where he says we need to create more jobs and talks about job creation. This is after he has made two bad choices this week in his consistent policy to kill jobs, darken our children's future and promote a welfare state.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 831, PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 121 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 121

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], and, pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. QUILLEN. Mr. Speaker, this is an extremely simple rule. It waives all points of order against the conference report to accompany H.R. 831, the bill to permanently and retroactively extend the tax deduction for health insurance for the self-employed, which the House passed on February 21. The rule also provides that the conference report be considered as read.

It is my understanding that the only points of order that lie against the conference report are the 3-day layover requirement and scope violation. There are also a few technical points of order under the Budget Act that are being waived, but I want to emphasize that the conference report is deficit neutral over the 5-year period.

Mr. Speaker, I believe that we should only waive the 3-day layover requirement when absolutely necessary, but this is one of those times. It is imperative that H.R. 831 be enacted into law before the 1994 tax filing season ends on April 15. Millions of self-employed Americans are depending on us to restore the tax deduction that allows them to keep themselves and their families covered by health insurance. This bill provides a 25-percent deduction for 1994 and 30-percent deduction thereafter. We have left them dangling in uncertainty for months now, and we must pass this conference report now to ensure that this tax deduction will be available to the millions of farmers, small businessmen, and other self-employed Americans who are counting on it.

Mr. Speaker, I urge the adoption of this resolution.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 29, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	19	76
Modified Closed[3]	49	47	6	24
Closed[4]	9	9	0	0
Totals:	104	100	25	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 29, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/1/95).
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res 108 (3/6/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res 115 (3/14/95)	MO	H.R. 1158	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res 119 (3/21/95)	MC			A: 217–211 (3/22/95).

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule ruins an otherwise acceptable conference report.

Republicans have taken a good idea—letting people deduct their health care costs—and thrown in a big juicy bone for a few very wealthy people and this bone will cost this country $3.6 billion over 10 years.

Mr. Speaker, I cannot understand why Republicans would refuse to provide welfare benefits to people who enter this country legally but would wink at billionaires who renounce their American citizenship in order to avoid paying taxes.

That's right, this conference report deletes a Senate provision to require a few billionaires to pay their taxes. And all the while, everyone else will do their taxpayer duty this and every April 15.

Mr. Speaker, $3.6 billion is a lot of money to throw away, especially with all this talk of balancing the budget and cutting school lunches. In fact the money the Republicans are losing the Treasury by giving the rich a tax break could buy almost 3 billion school lunches.

Now, do not get me wrong. I strongly support the main provisions of this conference report. I think hard-working, self-employed Americans should be allowed to deduct some of the cost of their health insurance. This conference report will do that.

For that reason I will support the conference report itself.

But I do not support giving about 2 dozen billionaires a huge tax break while socking it to children.

Today's rule gives us a little preview of what is to come. Next week we will vote on a Republican proposal to give more tax breaks to the very wealthy—those tax breaks will be paid for by cuts in school lunches for America's school children.

Mr. Speaker, two nights ago the House missed a chance to make the very very wealthy who renounce their American citizenship pay their taxes on income they earned as citizens of this great country when it rejected Mr. GIBBONS' motion to instruct conferees by a vote of 193 to 224.

Now, I would like to offer my colleagues another chance to do the right thing. I urge my colleagues to defeat the previous question so that we can make rich ex-patriots pay their taxes.

Mr. Speaker, I reserve the balance of my time.

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5	Unfunded Mandates	H. Res. 38	Restuictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaness against it.	1D.
H.R. 988	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.

FLOOR PROCEDURE IN THE 104TH CONGRESS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments..	5D; 26R

**78% restrictive; 22% open.

****Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress.

****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

□ 1100

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the past 40 years those on that side of the aisle had every opportunity to do away with what they are talking about today, and I do not see the sudden rise of opposition to this rule, when they have carried the ball for some 40 years.

Mr. Speaker, I would like to request that the gentleman from Texas [Mr. FROST] tell us how many speakers he has.

Mr. FROST. Mr. Speaker, we have five speakers, and we may have more. This is a very interesting thing that the Republicans have done in protecting billionaire expatriates, and I have a feeling some more Members may come to the floor.

Mr. QUILLEN. Mr. Speaker, I do not see why anyone could object to allowing the 25-percent credit on health insurance for the self-employed. That side of the aisle is trying to use smoke and mirrors to defeat the rule, but this is a good rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from New York [Mr. RANGEL].

Mr. QUILLEN. Mr. Speaker, I yield 30 seconds to the gentleman from New York.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from New York [Mr. RANGEL] is recognized for 2 minutes.

Mr. RANGEL. Mr. Speaker, I rise to oppose the rule. That has nothing to do with whether or not we will get an opportunity to vote to allow those who are self-employed to make the dedication. Changing the rule only gives the Members of the House of Representatives an opportunity to raise the revenue to pay for what should be done, and that is to encourage people to be self-insured for health.

It just seems to me that when we had American citizens running off to Canada to avoid their national obligations to their country, their draft obligations to the military, we scolded these people for being unpatriotic, as we should have done. What the devil is the difference when we find billionaires, super-wealthy people, taking advantage of America's free market system, taking advantage of our educated employees, taking advantage of their legacy and all of the opportunities this great Republic has given to them, and just when they have been able to make the profit, decide that America is no good? How can we possibly say that we are going to reject this notion because the Democrats in 40 years did not repair it? These people found the loophole, and we are trying to stop it before there is a hemorrhage and we lose billions of dollars.

So all we are saying is let us support the self-insured, let us give them the deduction, but let us reverse the rule so we have an opportunity to get the funds, the revenues, to pay for it.

Mr. QUILLEN. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Tennessee.

Mr. QUILLEN. I would ask my friend from New York, did he sign the conference report?

Mr. RANGEL. Yes, Mr. Speaker, I did.

Mr. QUILLEN. Has the gentleman changed his mind?

Mr. RANGEL. Let me make it clear to the gentleman: I signed the conference report to get the issue before the House of Representatives and to make certain the American people know what we have done. When I go to conference, I go into conference on behalf of the Committee on Ways and Means, and the Republicans control it. So I am not there to fight in conference. I am here to fight on this floor for a rule that allows the voters of the House of Representatives to do the right thing.

Mr. QUILLEN. I am not being critical.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, it is just like liberals to talk about something that is not even in this bill. Let us quit talking about the diversionary tactics on this issue and let us talk about what is in the conference report. This bill is yet another step to reform health care reform.

A few weeks ago we passed sweeping legal reforms capping non-economic damages in all health care liability cases. That will result in greater access to health care and lower health care costs for all Americans.

Now we are taking the next step. Rather than the Government takeover proposed by my friends on the left, we are reforming health care by giving the American people what they wanted, the ability to help themselves. This bill will restore permanently the 25-percent tax deduction for health insurance for the self-employed, but now it goes one step better. For tax year 1995 and beyond, the deduction goes up to 30 percent. Over 3 million hard-working Americans will find health care more affordable, thanks to this bill. This tax deduction is for farmers, for ranchers, for shopkeepers, and for small business owners, providing them with the strong incentive to purchase health care insurance.

It is what is fair, it is what is right, and I commend Chairman ARCHER for swift action in getting this bill out of conference and onto the floor so the taxpayers can take advantage for the 1994 tax year.

Mr. Speaker, we need to continue to focus on what is important in this bill, and that is treating self-employed individuals and business owners like the major corporations, and this is a good start. What we need to do is we need to pass this bill, and we need to quit talking about the diversionary tactics that the liberal left always wants to keep bringing up.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from Nebraska is engaged, as his other colleagues, in a legislative shell game. The pea is under one shell, but it is not under the other shell. The Senate Republicans were willing to tax expatriate billionaires; Republicans in the House were not willing to tax expatriate billionaires. They went to conference, and, lo and behold, the Republicans in the House who want to forgive taxes for expatriate billionaires prevailed.

Of course it is not in the bill. It is not in the bill because your side knocked it out in conference.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I thank the gentleman.

Mr. Speaker, it is very interesting that the gentleman from Nebraska makes the statement that this is a shell game, that this has nothing to do with the main issue, that is, the deductibility of insurance premiums. This has a lot to do with it. If we would have left this provision in the legislation, we could have gotten 35 percent for the average American small business instead of 25 percent or 30 percent. We could have gotten more deductibility on this thing if we would have followed the other body, Senator DOLE, Senator DASCHLE, and all the Republican Senators who supported this legislation. It is extreme in this body here that we would actually try to throw this provision out, what we did in the House-Senate conference, because the Republican leadership did not want it.

For those of you who do not know what this is, an American citizen who earned his wealth here could renounce his citizenship and not pay taxes. He will go to a small Caribbean country that has no taxes and then what he will end up doing is avoiding taxation. That means all other Americans, those wage earners, will have to pay more taxes.

I might just mention one other thing which is very interesting about this. After this was passed in the Senate, last week my office got a contact. It got a contact from a New York lobbyist, and this New York lobbyist gave me a document. The document says these are seven talking points we can use in order to make an argument to eliminate this provision.

He talks about this will destroy Jackson-Vanik. That is ridiculous. But he said this will destroy Jackson-Vanik.

He said this is a human rights issue. Justin Dart's family can leave the United States, renounce his citizenship, to avoid U.S. taxes. That is a human rights issue? That is ridiculous.

Then the real outrageous provision in this document here is that on the second page that this lobbyist gave me, he cites Soviet law. Comparing what Senator DOLE, Senator BRADLEY, and Senator DASCHLE wanted to do on the Senate side to the Soviet Union and their immigration policies is outrageous. It is unpatriotic. Those that make that argument owe the Members of Congress an apology. They owe Senator DOLE and Senator BRADLEY and Senator DASCHLE an apology.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, the more I have looked into this, the more outraged I have become. This is not a question of smoke and mirror. The smoke is coming from the majority side that does not want us to see what is behind their opposition to changing the rules so the very wealthiest cannot escape taxation simply by renouncing citizenship. That is where the smoke is coming from.

I am for the 30 percent. I would like it to be 80 percent. As the gentleman from California [Mr. MATSUI] has said, we could raise it another 5 percent by keeping this provision in.

Why have you taken it out? That is the issue, and all the arguments that have been raised are shams, pure shams, comparing it to the Soviet Union. Nobody believes it. It is a free country here. The question is, can people escape taxation by leaving?

Look, I am not in favor of soaking the rich at all. I do not want the very wealthiest to soak the United States of America. That is what the issue is here.

Give us a reason. Give us a reason why 12 to 24 families, that is the average that has been happening, get out of taxation by renouncing citizenship, and then they come back here and they can keep $600,000 bucks that is not subject to taxation. They can keep their multimillion-dollar home. All we are saying is on gains other than that they should pay their taxes.

I say this to the side of the gentleman from Tennessee [Mr. QUILLEN]. Let us get the names of these people. Let the gentleman from Texas [Mr. ARCHER] request the appropriate authorities to give us the names, and let us do it right now. We have an obligation to low and middle income families, and indeed to high income families, that the very wealthiest not use the artifice of renunciation of citizenship and become jet setters, come back here and live, while the rest of America works hard and they escape legitimate taxation.

Mr. Speaker, I support the position of the gentleman from Texas [Mr. FROST]. It is eminently reasonable. Let us find out the truth here. Do not cover it up.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I must say every time I think I have seen everything I am surprised. And today I must say I really am surprised. Let us review the play.

The Senate Republicans said we ought to close this loophole. This is a loophole that a few fancy tax lawyers with well-heeled clients discovered a couple years ago, so these mega billionaires could bail out of the United States after they lived here and enjoyed the protection of the United States, sold things to U.S. citizens, and did whatever they could in this wonderful country. Now they want to bail so they do not have to pay their fair share.

Now, this was recently discovered. We know many families have begun to do this. We know one of the families was the man who owns the Campbell soup thing. So every time you buy a jar of soup, think of that can of soup and the guy living in Ireland, thumbing his nose at American taxpayers. That is what this is about.

The Senate wanted to close that loophole. They wanted to close it, and they wanted to give self-employed people a little higher percentage that they could write off their taxes for buying their own insurance. But the House said no. Almost every Republican in this body said no.

So today we are forced with lowering the deduction that the average self-employed person can have for self-insuring themselves on health care so that we can continue to allow billionaires to bail on this country.

I find that shocking. I was elected to represent the people who are working in this country, and I think anybody who has worked in this country who has made their fortunes in this country, who has benefited by the largesse of this country, to be able to have a loophole that we all know about and not close it is unconscionable. It also means that you tax much higher the citizens who are staying in this country. That is further unconscionable. I hope we defeat this rule.

□ 1115

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, the other night I came on this floor and indicated that I had come over because I thought there was to be a vote taken virtually immediately, because I expected the instruction on this would be accepted by the Republican side.

Now, for those who are not familiar with all of the ins and outs of what goes on on this floor or for those who are here today witnessing democracy in action and are sitting in the gallery for the Close Up Foundation, young people that come here, for the men and women who work hard and pay taxes and believe in their citizenship and raised their kids to believe in America, that someone like myself to come from Buffalo, NY, 36 years ago, can go to Hawaii and represent Hawaii today in a multi-cultural, multi-ethnic, multi-racial society, a rainbow of people, a plurality of people that make up the United States of America, the most unique and special country in the history of the world because we take immigrants in from all over the world and say, you can be Americans and you can achieve your dreams, I am standing here today because of that.

My ancestors emigrated to the United States, proud to be Americans. And we have people today who say, I do not want to pay taxes, much of it on inherited wealth, people who have not earned anything but just took money out of the economy, they do not want to pay taxes and they renounce their citizenship. We are celebrating the end of World War II, some of you young people that are listening in and some of your parents and grandparents, commemorating World War II where people fought and died for freedom, and we have people who take advantage of that, renounce their citizenship not to pay taxes. And the Republican side goes to the Senate and makes them drop this provision.

That is what this is all about. This is whether or not you are for the rich people to denounce their citizenship or whether you are going to be for the ordinary working man and woman in this country, proud to be an American.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Members are advised to address their remarks to the Speaker and not to address the gallery.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind my colleagues that this rule passed unanimously in the committee by voice vote. There were no negative votes. And now they come to the floor, I do not know whether it is a dream or whether it is just delaying tactics or what.

I would like to remind the gentleman that this rule provides for a motion to recommit the conference report with instructions, if that is the will of the House.

I do not know why all the argument on the rule when they have every avenue to accomplish their goal, if they offer the motion to recommit.

In the Committee on Rules, the Democrats were a little bit confused anyway. We spent several minutes, probably 15 or longer, for a group who had the wrong idea about the conference report.

Now, I do not know whether they are confused again, but apologies were made to the Members. We accepted that apology.

Mr. MATSUI. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from California.

Mr. MATSUI. Mr. Speaker, I do not believe the Democratic members of the Committee on Rules were confused at all.

Mr. QUILLEN. We were not confused, but you and your group were confused.

Mr. MATSUI. Mr. Speaker, if the gentleman will continue to yield, you indicated they might have been confused. I do not think they were confused at all.

Let me say this, the language that I read in that document was a House offer. That was not incorporated in the conference report document itself. However, I will say this, I read the transcript last night, the entire transcript of the conference last night, to the gentleman from Tennessee. And that language that I recited was in fact adopted but it was not incorporated in the conference report document itself. Both Senator PACKWOOD and the gentleman from Texas, Mr. ARCHER, agreed to that language, including that date that was incorporated in that agreement.

Mr. QUILLEN. I am not being critical of the gentleman from California. I just think that there is a lot of confusion going on here in the discussion of the rule that is absolutely unnecessary.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, perhaps, I do not want to add to the confusion, but I understood you, maybe you misunderstood my remarks. My remarks were addressed to the question of whether or not the Senate position would be sustained, instruction or not, with respect to this, to closing this loophole for these billionaires being able to escape fair taxation by renouncing their citizenship.

My understanding was that the House requested and succeeded in getting this provision dropped from the Senate bill.

Mr. QUILLEN. I was not confused at all in regard to your statement, I will advise the gentleman from Hawaii.

Mr. ABERCROMBIE. So I am correct that the Senate did acknowledge or acquiesce to the House position to drop this particular provision?

Mr. QUILLEN. There was no objection at all in the Committee on Rules bringing this rule to the floor.

Mr. ABERCROMBIE. We are not discussing that.

Mr. QUILLEN. This all developed after the rule was presented.

Mr. ABERCROMBIE. The discussion is who is responsible for having these billionaires being able to escape taxation.

Mr. QUILLEN. Reclaiming my time, Mr. Speaker, I yield to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, there is no one that I have more respect for in this House than the gentleman from Tennessee. We have enjoyed that friendship over a number of years. There are times, however, when committees think that they are working their will or the will of the party when they are in the Committee on Rules and sometimes we do the same thing in the Committee on Ways and Means.

If there was no objection by the Democratic Members when the rule was perfected, well, those things happen. But we do not have to accept that rule on the House floor when we see that.

Mr. QUILLEN. Mr. Speaker, reclaiming my time, I yield 7 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I would be very pleased to shed some light on this discussion since some folks seem to be knocking about in the dark. I was on the conference committee, and I will tell you what happened, not somebody's supposition of what happened, but what happened.

On the floor of the House the minority party offered a motion to instruct. You lost. The House then went to the conference and made a proposal to the Senate. The proposal to the Senate was to remove the Senate provision on expatriation based upon the vote on the floor of the House.

The Senate accepted the House position. It was the Senate that made the decision to drop that provision. And the chairman of the conference, the gentleman from Oregon, Senator PACKWOOD, said, "Thank you. In my bones, I believe the Senate acted hastily."

Now, notwithstanding the agreement of the conferees to drop this section, the section that had been added by Senator BRADLEY, which was not President Clinton's proposal as presented to the Congress but, rather, a distortion of that proposal, which created a situation in which citizens of the United States would be treated differently than noncitizens and that the citizens would be subjected to harsher treatment than noncitizens, that was the Senate's position that Senator PACKWOOD said, "In my bones, I believe we acted too hastily."

Now, what did this conference agree to? In the language of the conference report, we agreed to not include the Senate amendment. But then we went on in 11 specific areas indicating to the joint tax committee, we want an examination in this area. We want a study of the issues presented by any proposals to affect the tax treatment of expatriation, including an evaluation of, one, the effectiveness and enforceability of current law; two, the current level of expatriation for tax avoidance; three, any restrictions imposed by any constitutional requirement; four, the application of international human rights principles to the taxation of expatriation; five, the possible effects of any such proposals on the free flow of capital; six, the impact of any such proposals on existing tax treaties; seven, the operation of any such proposals, on and on and on, to be reported back by June 1, 1995.

Every one of the arguments that were presented by your side and our side on the floor of the House on the vote to instruct conferees is included in this study to be given to us by June 1, 1995, so we can make an informed decision about what we do in this area. You are back to rush to judgment, regardless of the fact that the Senate has said they probably acted too hastily, regardless of the fact that the conference report says by June 1 we will provide an answer to all the concerns on both sides on this question so that we can make an informed decision.

And then lastly, let me say, a number of harsh words were presented on the floor the other night about the question of citizens and whether or not citizens of the United States should be treated similarly to citizens in Germany or any other country. Frankly, I do not think we should compare ourselves to any other country. Citizenship in the United States is something special. And that if an individual decides on their own they want to make a choice about that citizenship, we should not have the Government of the United States and especially those of you on this side of the aisle institute some kind of a punitive action unless it violates the law, as we will examine and restructure it.

I was very, very comforted by my mail this morning, in a letter dated March 30, on paper with the letterhead Harvard Law School, Professor Abram Chayes, the Felix Frankfurter Professor of Law Emeritus wrote me and said, "Dear Congressman Thomas, I am writing to express my concern about the current proposal to impose a tax on persons leaving the United States who renounce their citizenship. I am the Felix Frankfurter Professor of Law emeritus at Harvard Law School where I teach international law. From 1961 to 1964, I was the legal advisor to the Department of State."

That is the President Kennedy, President Johnson era, 1961–64.

"In my opinion," says the Felix Frankfurter Professor of Law Emeritus of Harvard Law School, "in my opinion, the proposed expatriation tax raises serious questions under the Constitution and international law involving the fundamental right of voluntary expatriation and immigration."

Mr. MATSUI. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. Mr. Speaker, I would like to finish my statement. Does the gentleman mind if I finish reading the letter? May I have the courtesy of finishing the letter, if the gentleman does not mind?

Mr. MATSUI. Do not yield.

Mr. THOMAS. I thank the gentleman very much for allowing me to finish the letter.

Excuse me. I did not hear the gentleman. I will yield to the gentleman to repeat the statement that he just made. I will yield to the gentleman for the purpose of repeating the statement he just made. I yield only for the purpose of repeating the statement he just made.

What was the statement you just made?

Mr. MATSUI. Pardon me?

Mr. THOMAS. What was the statement that you just made?

Mr. MATSUI. That this body should calm down.

Mr. THOMAS. A cop-out on the part of the gentleman from California. I will finish the letter.

The Felix Frankfurter Professor of Law Emeritus says, "The proposed tax has serious human rights implications and is inconsistent with the longstanding U.S. policies with respect to the right of free emigration expressed in the Jackson-Vanick Amendment to the Trade Act of 1974 and elsewhere. Indeed, this policy was the centerpiece of our effective opposition to the Soviet Union during the 1970s and the 1980s. If the United States now adopts this restrictive approach, it will give oppressive foreign governments an excuse to retain or erect barriers to expatriation and immigration."

□ 1130

If Members want to assist oppressive foreign governments, in the opinion of the Dr. Felix Frankfurter, professor of law emeritus, shame on you. A cheap political stunt, repeated twice now, in the face of the conference committee responsibly investigating ways to change this law. Shame on you.

You really ought to learn how to be the minority better than this. Pick your shots where you can be responsible and positive in trying to make change. Do not create a situation which would reinforce oppressive governments based upon the way in which Congress treats citizens of the United States. Shame on you.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, let us be clear on what the debate is focused on this morning. We are talking probably about 12 to 24 very, very wealthy American citizens who may choose to give up their citizenship in order to avoid paying taxes. That is what this is about.

The previous speaker had come to the well to shame us about this issue. We have nothing to be ashamed about. The shame rests with trying to compare these 24 individuals of enormous wealth with Jews in Russia trying to emigrate freely to express their views and live a life of independence and without repression.

Mr. Speaker, if we ever wondered how the Republican Party came to be known as the party of the privileged few, all you have to do is watch this debate this morning. I never thought I would see the day when the Republicans would stand up on the floor of this House and defend the right of billionaires to give up their U.S. citizenship in order to avoid paying us taxes, but that is exactly what they are doing this morning, instead of standing up for fairness.

They are saying "Let's study it. Let's examine it." Instead of standing up for working families, the Gingrich Republicans have chosen to stand with the very wealthiest in our society.

They have chosen to stand up for people like John "Ippy" Dorrance III, who made millions in America before running off to the Bahamas to avoid paying taxes. They are the same people that accepted the protection of this country, the security that this country affords, people who made their money off the working men and women of America, but instead of paying their fair share in taxes, these billionaires are skipping the country, and the Gingrich Republicans are standing up here today defending their right to do it.

However, we really should not be surprised. Two days ago Democrats insisted that this loophole for billionaires be closed. We had a vote on it. We offered an amendment. Every Republican, with the exception of five, voted against our amendment which would have closed this loophole. We could have saved $3.6 billion over 10 years by closing this loophole, but when given the chance, all but five on the other side of the aisle said no.

Mr. Speaker, this is not just a debate about tax loopholes. This debate is a symbol of the entire contract on America. The Gingrich Republicans are targeting women and children in order to give tax break to the wealthiest people in America. You can renounce your citizenship. As long as you are a billionaire, the Gingrich Republicans are going to take care of you. You are going to be okay.

Next week we will be dealing with what NEWT GINGRICH called the crown jewel of the contract, the piece de resistance, a bill that gives the overwhelming majority of its tax breaks to the privileged few, a bill that says if you are a Fortune 500 company, you might not have to pay any taxes anymore. This debate today is just a small window on that entire contract.

Mr. Speaker, the Republicans may march in lockstep with NEWT GINGRICH to give tax breaks to the privileged few, but we Democrats are going to continue to stand up and fight for working middle class families in this country.

Therefore, I urge my colleagues, defeat the previous question on this rule. We can support the bill when we get to it, but defeat the previous question. Give us a chance to offer an amendment to correct this outrageous abuse and this outrage loophole in our tax laws. Let us close this loophole and make billionaires pay taxes like the rest of us.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, yesterday we had a very long debate on term limits. I opposed the adoption of a constitutional amendment to limit terms, but I acknowledge that the interest in that approach springs from the American people's deep-seated belief that somehow this body is out of touch, that what we talk about is not real. It disappoints me that this debate is becoming an example of exactly that.

This debate is not about Gingrich Republicans defending the wealthiest. That is the most misleading rhetoric, for purely political purposes, that I have heard on the floor.

This debate is about the following: It is about the little people of America. It is about the self-employed person. That person's deduction for their health insurance, and we know how expensive health insurance is, expired, expired in December of 1993. Under the Democrat majority, we could have prevented that, or we could have reinstated it under the Republican majority.

What we are about today is to reinstate that deduction retroactively, and we must do it before April 15 if we want all those little folk out there who establish their own businesses and are self-employed to get that deduction. If we do not act today, they will not get it, so we want to pass the 30-percent health insurance deduction for little people in America, the people who count, the people who do think we are not listening for exactly the reason of the quality of the debate today.

That is our No. 1 goal, to assure that by April 15 and the tax filing season, self-employed people will again be able to deduct 30 percent of their premiums. They could have done it, remember. They lost this right in December 1993. We are now into 1995. This could have been done any time over the last year and a half and it was not done. It is going to be done. I am proud of that.

That is our No. 1 goal.

The second goal, the second goal is to act on an issue that President Clinton identified. That is those people who are using expatriation to avoid taxes. We agree on that. However, we did not hold a hearing on this matter until we saw it was actually going to come forward.

In that hearing, very significant issues were raised by the proponents. The supporters of it say "If you do not fix certain provisions it will fall very unfairly, not on those 12 to 24 wealthiest, but on the little people who came from Cuba." For example, a woman comes from Cuba or a family comes from Cuba fleeing Castro, build from nothing, from zero, their own business. Then Cuba becomes free, and they want to go back and help. They are going to be subject to this tax, so it had better be fair. That is our obligation.

Even the proponents who testified for it said "You have to fix two or three provisions." I said to them "How do you fix them?" They said "It is complicated. We can do it. We have got working teams preparing it, but we don't have the language for you." I said "How soon can you have it?" They said "Three weeks to about two months, because it is tough, and we do not know how much agreement in the tax community we are going to be able to develop."

We can fix it. We can do exactly what we all agree needs to be done, but we must do it right. I was fascinated by the minority whip's comment that there are 12 to 24 people affected. I asked that from the representative of the Treasury specifically. He did not know how many people were affected. He did not know what the impact would be. All he could tell me was how many people left, gave up their citizenship, each year. That is insufficient information on which to do this.

In the other body, they held no hearing on this provision at all before they acted on it. After they acted on it, they did hold a hearing. Some of these issues were raised. We held at least a hearing before we came to the floor, so we have real information.

Mr. Speaker, it is unfortunate to toy with the interests of all those hard-working Americans who need that deduction, and to pretend that we are not in agreement. We want to strengthen our law to prevent people from leaving America and getting tax benefits as a consequence of citizen renunciation. We are able to do both, and I urge Members' support of a fair rule.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to make it very clear what we intend to do. If the previous question is defeated, we will propose a rule which would recede and concur with the Senate amendment with an amendment to reinstate the Senate provision regarding renouncement of citizenship to avoid taxes. This will have the effect of agreeing to the provisions included in section 5 of the Senate amendment, which changed the tax treatment of U.S. citizens who relinquish their citizenship to avoid paying taxes.

This is exactly the same conference report that was filed yesterday, except for this one addition, so we agreed clearly to go forward with taking care of the deductibility issue for insurance. There is no question about that. There is no disagreement on that.

The only thing we want to do by defeating the previous question is reinstate the Senate provision, making sure that people who leave this country and renounce their citizenship are subject to our tax law.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, I rise to urge Members to vote against the previous question and to try to change this rule to put this provision into this law. This change on trying to get better compliance with our tax laws was suggested by the President earlier this year. It is the subject of a piece of legislation that I presented on request by the President, so we could better enforce our tax laws.

The concern here is one that has been understood for a long time by the Treasury Department, and that is that a few very, very wealthy individuals are able to renounce citizenship, go offshore, and escape the payment of taxes that they owe as a result of being a citizen of the United States. It is believed that over a period of time this change would pick up $3 billion that we could use for deficit reduction.

The Senate adopted it and it was in their bill, and as a result of, I suppose, the majority here voting down our instruction, when they went to the conference, it was taken out. We are simply ascertaining today that it should be put back in.

How on Earth can we explain to anyone that we do not want to take necessary, reasonable steps to see that super wealthy individuals who are trying to escape taxation in America are renouncing their citizenship in order to escape that taxation? Why would we not want to do that?

The argument is made that there is a human rights issue. I am speechless about it. I do not even know what to say to that argument. There is an America rights issue involved here. There are the rights of all the taxpayers of our country involved here.

All of us represent hard-working people who go to work every day and pay their taxes by withholding, and now we want to say we cannot figure out how to enforce the tax law on some of the wealthiest people in the country who want to stay wealthy by renouncing their citizenship? This is the most incredible issue that I have encountered since I have been in the House.

Mr. Speaker, if we look at Republican tax policy, taking this position is consistent; 51 percent of the tax bill they hope to bring in the majority next week goes to families who earn over $100,000 a year.

□ 1145

Eighty percent of the capital gains cuts go to families that earn over $100,000 a year. I do not criticize you for having that belief. That is a legitimate belief. I totally disagree with it. But if you believe that it is the right thing to do to invest in the wealthiest people in our society so that it will trickle down to everybody else over a period of time, stand up and argue it, be proud of it, but let us collect the taxes of this country, even against the wealthiest people in this country.

Vote against the previous question.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority leader had been on the Committee on Ways and Means for years, but he did not do a thing about it, and yet he comes up and preaches tax relief for the wealthy. Oh, how he cries.

Mr. Speaker, we have just read a copy of the substitute rule the minority would offer if they manage to defeat the previous question. Contrary to what the gentleman from Texas said, their rule would kill the conference report and send the bill back to the Senate. This killer rule would kill the ability of the self-employed to file their tax returns on time. Is that not shameful? I think it is a disgrace.

Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, we just heard the minority leader say stand up and defend the rich people if in fact we believe that they ought to get a break once in a while. I am going to defend them because they are the ones, they are the ones that have worked hard enough and have used the system properly, they have employed people, they have provided the capital. These are the people that create the jobs. I do not think you can go to a pauper and ask him to put you to work.

What we are talking about on that side of the aisle is we are going to tax the rich people out of existence and then Government is going to provide the work. If that is not a socialist concept I do not know what is. The issue that we are talking about right now, the issue we are talking about right now does not have anything to do with the fact that there are certain people that have found possibly a loophole in the law to preserve their assets by giving up their citizenship. I do not approve of that in any way whatsoever. I do approve of changing the law to where there would be no incentive for those people. They should not have any incentive to give up their citizenship.

I am going to recommend to the people that did not attend the hearing last Monday, there was nobody on the gentleman's side of the aisle that attended the hearing where we went into the details. They could have asked experts questions, but they were not there. All of a sudden they show up, and I am going to recommend they read a book called "The Good and Evil of Taxation."

Throughout history, people have disappeared from the taxing authority where they felt they were oppressed and that that taxing authority was confiscating their assets.

Let me ask this question: Why should a citizen of a foreign country be able to come into this country, work on a green card and leave with his assets where an American citizen cannot? I do not approve of it. I think that we definitely need to address the law. But I am sick and tired of that side of the aisle talking about the people, the principle that people should not have the opportunity to get wealthy. You stand up and you criticize the wealthy people. Where are the jobs going to come from? I would be considered wealthy today. Forty years ago I had a wife and two kids and the mortgage on a Studebaker Lark, and I worked my fanny off, and I have employed people. And if we continue the tax law that you all are advocating there will not be anybody with any opportunity to become wealthy.

Tax them out of existence and then see how good your social welfare programs are. Where is the money going to come from? Get rid of the rich people, get rid of them, just put them out of business, and then try to operate this country.

Mr. FROST. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I say to the gentleman from Tennessee [Mr. QUILLEN], I have a copy of the amendment to the rule that we propose to offer in front of me and it does not send this matter back to the conference committee. What it does is simply amend what is before us and send it back to the full Senate for another vote, it does not send it back to the conference committee, it sends it back to the Senate for another vote on their original provision.

Mr. QUILLEN. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, I am reading it on the seventh line. It says shall be deemed to be rejected.

Mr. FROST. That is correct, and it shall be in order.

Mr. QUILLEN. If it is rejected, it goes back.

Mr. FROST. The gentleman is correct. That is what it says, shall be deemed to be rejected, and it shall be in order to consider in the House a motion, if offered by Representative GIBBONS of Florida or his designee to take from the Speaker's table H.R. 831, with the Senate amendment thereto, and to recede and concur in the Senate amendment with the amendment printed in section 2 of the resolution.

Mr. QUILLEN. Mr. Speaker, if the gentleman will yield, does that not mean it goes back to the Senate?

Mr. FROST. It goes back to the full Senate for another vote, that is correct. That is exactly what it means.

Mr. QUILLEN. So it delays the tax credit for the April 15 filing.

Mr. FROST. The Senate has not voted on the conference report yet. The Senate is going to have to vote anyway, so we are just giving them an opportunity to vote on something that makes some sense.

There is a lot of dust on the other side. They are very nervous. It is obvious they are having to defend something that is almost indefensible.

Let us talk about what is really going on here. We are talking about basic patriotism on the part of Americans and basic fairness.

Let me give a little personal history, and I know the gentleman from Tennessee [Mr. QUILLEN] has a comparable personal history. My great grandfather came to this country from Lithuania on a very dangerous ship, almost died on that trip, came here, was a peddler with a pack on his back, worked a territory in Texas, got enough capital to start a little store on the town square in a small town, made a little money. He would never have renounced his American citizenship. No one in my family, no matter how much money they made, would ever have renounced their American citizenship to get a tax break.

That is incredible, that this side is trying to defend renouncing your American citizenship so you can get a tax break.

Let me give another personal example. My wife was born in Panama of American parents who worked at the Canal Zone. She had dual citizenship until she turned 18. She renounced her Panamanian citizenship. She would never have renounced her American citizenship. This is absolutely extraordinary that they stand here and defend the right of wealthy people to renounce their American citizenship to save dollars. It makes no sense whatsoever. And no wonder they are so nervous on that side, no wonder they are so agitated by a little light that is being shed.

Mr. QUILLEN. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, we are not saying we advocate anybody renouncing their citizenship. What we are saying is we change the tax law to remove the incentive of renouncing the citizenship so citizens get the same treatment that people with green cards get if they come to the United States. That can be done. That can be done.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I say to the gentleman from Missouri [Mr. HANCOCK], I do not know where he gets the notion that people who have green cards have a different taxation provision than those who are citizens.

Mr. HANCOCK. If the gentleman will yield, when it comes to taking their assets when they go back to their country, they would not be subject to what the American citizens would be.

Mr. LEVIN. Here is the point. While they are here, they pay taxes on them. And here is the question. No one is saying do not build up wealth. Build it up. I am in favor of it.

Here is the issue. Should someone be able to renounce their citizenship to avoid paying taxes on the realization of gains from that wealth? It is a question not of building wealth, but of paying fair taxes.

I will put it this way. You have two people who have made the same amount of money; one stays a citizen and one avoids it by renouncing it. Why should the person of the same wealth who renounced his citizenship pay less taxes than the American who stays here, who stays a citizen and who continues to work here? That is the issue.

Mr. HANCOCK. The gentleman is exactly right and we agree on that.

Mr. LEVIN. Then vote with us.

Mr. HANCOCK. If the gentleman will yield, the question is, should it be done in the tax law or should it be done here? This is not the vehicle.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, let me just say I think that the minority has a point and this will be corrected, I believe, in the tax law before this session is over. That is my view.

But let me just say that we are not nervous. We are in the majority for the first time in 40 years, and we are not nervous. What I think the Democrats are nervous about is that they really do not have any program as an alternative to the Contract With America.

I have heard all this day this class warfare theology that you espouse all the time, and that is that the rich are going to get richer and the poor are going to get poorer because of the disparity in our tax proposals. Let me point out a couple of things. We have a deficit; we have to deal with it; and are going to try to cut spending to deal with that. But in addition, we have to bring more revenue to the Treasury. How do you do that without a tax increase?

John F. Kennedy, when he was President, proposed and got passed through the Democratic Congress a capital gains tax cut. This is John F. Kennedy. And you know what happened after they cut the capital gains, the tax revenues went up because of the tax cut.

We had another capital gains tax cut during the Ronald Reagan years. You know what happened? Tax revenues went up over 30 percent, and because we stimulate growth by a capital gains tax we are advocating, if you use a dynamic model, it will increase tax revenues and help reduce the deficit. So let us cut this class warfare stuff.

If we cut capital gains, regardless of who gets a benefit, the low income, middle income, or high income, it is going to stimulate more capital investment, $2 to $3 trillion in new capital investment once assets are sold and recycled, and it is going to create economic growth and more tax revenues. So let us cut the baloney about tax warfare. It just will not wash with the American people.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] has 3 minutes remaining, and the gentleman from Tennessee [Mr. QUILLEN] has 1½ minutes remaining.

Mr. FROST. Mr. Speaker, to close debate, I yield myself such time as I may consume. I do not intend to use all of the time.

Mr. Speaker, it is very clear what is going on here. The other side wants to talk about anything else other than what is at issue here. They want to talk about capital gains, they want to talk about other issues, they want to talk about the rights of citizens. They want to talk about green cards. They do not want to talk about what is really going on here, the fact that they are trying to protect one dozen, two dozen people who are renouncing their citizenship to avoid taxes.

□ 1200

These people are no longer citizens. Why should we treat them with kid gloves when they renounce their citizenship? Why should we say give them special privileges when they walk away from this country and say they do not want to be a citizen of this country anymore even through it is the laws of this country that have permitted them to amass the fortune that they have made and they now want to pick up and walk out the door with it?

Mr. Speaker, this is very clear. This is, as the minority leader commented, probably the most outrageous thing that I have seen since I have been here in Congress.

Reject this rule. Reject the previous question. Let up put the original Senate provision before the House, and let us take care of this problem. Let us close this loophole.

Vote against the previous question.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 15 seconds to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, you know, the next step, I expect to hear from the minority party, is that when a citizen of New York decides to go to Florida because of the difference in the tax structure to save on his taxes, he is going to have to pay an exit tax from the State of New York to go down to Florida.

The free flow of capital is essential to our system.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have heard all the colloquy. I did not hear any of it in the Committee on Rules.

The gentleman from Texas was there. It passed unanimously, and somehow the basket was opened and all of the chatter came out and has been exemplified on the floor of the House.

We all know that if this conference report is referred to the Senate that it is a round robin event, that we have to consider it again.

April 15 is the filing date.

I urge that the previous question be ordered. I think that it should be ordered.

I think we should go forward with this conference report.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the rule.

The vote was taken by electronic device, and there were—yeas 224, nays 201, not voting 9, as follows:

[Roll No. 278]

YEAS—224

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo

Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Allard
Brown (FL)
Clay
Gibbons
Gunderson
Moakley
Pomeroy
Reynolds
Stupak

□ 1220

Mr. BRYANT of Texas and Mr. CONYERS changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. GOODLATTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Members are reminded that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 178, not voting 12, as follows:

[Roll No. 279]

AYES—244

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—178

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Brown (FL)
Chenoweth
Dicks
Forbes
Gibbons
Gunderson
Hyde
Moakley
Pomeroy
Reynolds
Serrano
Stupak

□ 1229

The Clerk announced the following pair:

On this vote:

Mr. Forbes for, with Mr. Moakley against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, I was not here on Thursday, March 30, as I was in Michigan attending a funeral. I missed two rollcall votes: rollcall vote No. 278 and rollcall vote No. 279.

If I had been here, I would have voted "no" on rollcall 278 and "no" on rollcall 279.

I ask that this be reflected in the RECORD.

REQUEST FOR PERMISSION FOR COMMITTEE ON SCIENCE TO FILE REPORT ON H.R. 655, THE HYDROGEN FUTURE ACT OF 1995

Mr. WALKER. Mr. Speaker, I ask unanimous consent that the Committee on Science have until 5 p.m., Thursday, March 30, 1995, to file a late report on H.R. 655, The Hydrogen Future Act of 1995.

Mr. Speaker, this has been checked with the minority; it is all right with them.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Pennsylvania?

Mr. MATSUI. Reserving the right to object, Mr. Speaker, this has apparently not been cleared. Will the gentleman be kind enough to withdraw this until minority staff members have an opportunity to review it?

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MATSU. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I am happy to do that. I had just talked to the staff on our side, and it was cleared by the committee.

Mr. MATSUI. Apparently our staff is currently trying to reach the gentleman's side to further discuss it. I do not believe there is a problem, but at least we need to review it. I say to the gentleman, "You have to excuse us."

Mr. WALKER. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman's request is withdrawn.

CONFERENCE REPORT ON H.R. 831, PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. ARCHER. Mr. Speaker, I call up the conference report on the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commissions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House Wednesday, March 29, 1995, at page H3909.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes, and the gentleman from New York [Mr. RANGEL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 831 represents a model of how quickly the Congress can act when important interests are at stake. I salute our Senate colleagues for their expeditious consideration of this legislation and for the improvements they made in it in the process.

The House-passed version of H.R. 831 would have retroactively restored the deduction for 25 percent of the health insurance costs of the self-employed and made the deduction permanent. The Senate amendment increased the permanent deduction to 30 percent beginning this year. The conference agreement follows the Senate amendment by providing for a permanent 30-percent deduction for the self-employed's health insurance costs—a level upon which the House Ways and Means Committee hopes to build even further later this year.

As a result of our quick action on H.R. 831, millions of self-employed individuals will be able to avoid the time and expense of having to file amended 1994 tax returns. In addition, the cost of the deduction's permanent extension is fully funded by several provisions which will greatly improve our Nation's tax laws.

First, H.R. 831 repeals Internal Revenue Code section 1071, under which the Federal Communications Commission grants certificates deferring tax on the sale or exchange of broadcast facilities. When this provision was enacted in 1943, Congress intended it to apply to involuntary divestitures of radio properties that were sold to comply with new FCC rules prohibiting multiple ownership of radio stations in the same market.

This rationale no longer applies and repeal of section 1071 is long overdue.

The bill's other offset for the cost of the permanent 30-percent health insurance deduction for the self-employed is a modification of a proposal in the Clinton administration fiscal year 1996 budget to deny the Earned Income Tax Credit [EITC] to persons with more than $2,500 of taxable interest and dividend income. The conference agreement provides that individuals with more than $2,350 of investment income, including interest, dividends and net income from rents and royalties would not be eligible for the EITC. We agree with the Administration's view that the EITC should be targeted to families with the greatest need.

The conference agreement also includes a provision directing the Joint Committee on Taxation to conduct a study of issues contained in a dropped Senate provision dealing with the taxation of individuals who give up their U.S. citizenship.

Chairman PACKWOOD and I issued a joint statement yesterday which said that if—following the Joint Committee study—the committees decide to pursue legislation, the effective date of such legislation might be as early as February 6, the date the President proposed similar legislation in his fiscal year 1996 budget.

In closing, let me reiterate, not only does H.R. 831 provide for a permanent 30-percent deduction for the health insurance costs of the self-employed, but it also makes several other needed changes to our Tax Code. I urge my colleagues' support for this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report. I agree with the chairman that providing this incentive for self-employees, millions of people who we want to make certain that they have adequate health insurance, is very important, the Congress has promised it, and the Congress is now fulfilling that promise. We do regret that, while we have taken care of the employers, that we did not see fit to take care of the employees who do not have health insurance. Yes, we had to pay for this, and it seemed to us that, as relates to the earned income tax credit, as given to us by the President, that we could have and should have indexed such income allowing the poor of the working people to be able to receive the amounts of income from interest and dividends and still qualify for the earned income tax credit. We do believe that such income should have been indexed, and we have the assurances of the Chair and colleagues in the Senate that this would be revisited.

Also I am greatly disappointed that in the rush to fund this well-deserved tax deduction that a Federal Communication Commission minority preference section 1071 was used as a vehicle to wipe out any incentives that could be there so that minorities would own and participate in radio, television, and cable television. It seemed to me that, if there was one case which was used as a target, and the Viacom sale transaction and deal was one, that the committee should have had hearings, that the full committee should have found out exactly what went wrong and that we should have corrected it, as we do with so many other areas that we find in the Tax Code, and we should not have found a need to retroactively go on after one deal, and certainly, if we did not do that, then there is absolutely no reason to see why we wiped out the entire program without hearings instead of trying to find out how we could have improved it.

As has been said many times on the floor, that when we went into conference we had the opportunity to discuss and to push for abolishing another loophole that only the richest of Americans have been able to find, and we just could not find the guts and the courage to grab this and to close it. Some of the proponents of leaving this alone at this time have said that to deny an American citizen who has gained wealth the opportunity to renounce that citizenship and not to pay taxes would somehow violate civil rights. I think I heard someone saying that we have a lot of Cuban-Americans that have come here and become millionaires, may one day want to return to Cuba, and they will be denied that. There may be a lot of reasons why people would not want to close the loophole that allows Americans that have enjoyed all of the freedoms of a free market system, all of the education, and input and training of the American work force, all of the benefits of having one of the lowest tax rates in industrial countries, there may be reasons why we do not want to look at this and to close this loophole.

But I know one thing, that the American people, no matter what complaints they have, there is one thing that we value more than anything else in life, and that is being an American. We may have our disputes politically, we may have our differences as groups and cultures, we even may have our difference as it relates to economic classes, but money has never been a reason why any American would think that they would renounce the most precious gift that we have, and that is our citizenship. I would hope that one day we will just publish the names of people that America has given so much to and that they care so little about that citizenship that they would flee in order to avoid taxes.

Having said that, we cannot hold these people hostage, as we have held those that have been involved in the FCC hostage, and it is abundantly clear that our major obligation and the reason for the legislation in the first place was not to raise revenue, but to give assistance to self-employers who need this incentive in order to be able to deduct the expenses of health insurance and also in recognizing that we are working within a very short timeframe as to time to file income tax returns are upon us.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Speaker, I rise in the strongest support of this conference report. It is about time Congress finally got this done.

Ever since the provision in the Tax Code that allows the self-employed to deduct 25 percent of their health insurance costs lapsed at the end of 1993, these people and their families have been in limbo. They did not know if Congress was going to ever get around to addressing the problem or was just going to leave them to slowly twist in the wind for a little while longer.

Well, for once, Congress has done the right thing.

This bill not only extends the 25 percent deduction for 1994, it raises this level to 30 percent deductibility for 1995 and beyond. Best of all, this extension is permanent.

No excuses, no temporary extensions, no gimmicks. Just a simple permanent extension. Period.

And, for good measure, there is even $10 million left over from the financing mechanism for this bill for the next 5 years. Over 10 years, this figure rises to almost $1 billion. This is just a drop in the budget deficit bucket, but every little bit helps.

I am also, pleased, Mr. Speaker, that in this conference report we were able to repeal the FCC Minority Tax Certificate Program. This is one of the few sections in our Tax Code that conditions tax benefits according to race, and he sooner that we can get rid of all of them the better. This is a step on the road toward a neutral, colorblind Tax Code and Mr. ARCHER, the chairman of the Ways and Means Committee, deserves our commendation for his determination to strip the FCC certificate provision out of the Code. I am proud to serve on his committee.

Mr. Speaker, I also feel constrained to point out that we were only able to pass this needed legislation after the electoral earthquake of last November made this Congress a Republican one.

All during 1994, we heard all sorts of hemming and hawing from the Democratic leadership about how they wanted to help the self-employed and how unfair it was that this deduction had expired.

But, when push came to shove, the Democrats did not deliver for the self-employed. We heard all sorts of rhetoric about how we had to pass radical health care reform, and how this would help the self-employed and everybody else as well.

But, when the Clinton health care proposal collapsed and the Democrats in Congress refused to pass anything at all, the self-employed got left out in the cold.

They were taken hostage during the health care reform debate, and after the debate fizzled their interests were simply left for dead.

Mr. Speaker, Republicans know that increasingly it is small business and self-employed workers who are driving the American economic engine. It is in our Nation's best interest to help them, and passing this conference report is the least that we can do for them.

Frankly, I view passage of this bill as just the first step in the process. Other businesses get to deduct 100 percent of their employees' health insurance costs, and I do not see any reason why the self-employed should be treated any differently.

I look forward to the day when the Congress will level the playing field and pass legislation to fully deduct this cost just like every other American business.assumption.

The conference report deserves the support of this House, Mr. Speaker. It is about time that Congress got something right and I urge my colleagues to vote for the measure before us today.

Mr. ARCHER. Mr. Speaker, I yield 4½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], chairman of the Subcommittee on Oversight of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I think it should be made clear that there is no other nation in the world that imposes a tax such as that contained in the Senate bill and supported by my Democrat colleagues as part of the motion to recommit, and, when a nation makes the decision to oppose a unique and extraordinarily broadly burdensome tax, even if it is on a small group, it sends a message to all those choosing to invest that investing in America could be hazardous to their interests.

Now let me just go into this a little bit more because I think it is important that we operate from the facts, and I think it will be clear that this is not about idea. It simply needs to be done in a very much more specific, targeted and well written manner.

There are only two countries that impose an exit tax. One is Canada and one is Australia. Australia imposes a tax only on those assets that are non-Australian. No security is required. We are going to impose a tax on absolutely everything, assets, world income and assets worldwide, and not only are we going to require them to pay up, but, if they do not, if they take the deferral plan, we are going to charge them interest compounded daily. We are going to charge them interest on their obligation whether or not they have any way of selling their property and realizing the resources that they would need to pay their tax.

There is simply no precedent for this in any other country. In Canada, for instance, they are allowed to defer their tax. They must provide some security, but they do not have to pay any interest, and furthermore, they are only taxed on the accrued gain on any asset when the asset is sold.

So, other countries looking at the same issue of people giving up their citizenship who leave the country, the citizens of that country wanting to be able to gain the legitimate tax obligation, tax debt, of that citizen who is foregoing their citizenship, they have solved this problem in ways that are fair and equitable. We can do that, too.

For example, we had testimony in the hearing that it would be grossly unfair to force people to pay taxes on the underlying value of a trust when they had no power to either sell their interest in that trust or relinquish their interest in that trust. By imposing a tax on people that they literally cannot pay, we have the effect through that of imposing an exit tax because we require people to pay money that they literally have no way of coming up with.

Let me read to my colleagues from the testimony of Rabbi Jack Moline because it shows, when tax policy becomes irrational when it imposes a burden on people that there is absolutely no way that they can assume, we do create a human rights violation because we, through that tax burden, prohibit them from exercising their right to leave the country.

□ 1245

Rabbi Jack Moline:

> I respectfully ask the Members of the House of Representatives to reject the tax on citizens who choose to renounce their United States citizenship.
>
> I have spent many years struggling with foreign governments on behalf of Jews wishing to leave oppressive societies for the freedom afforded by our country and others. I traveled to the Soviet Union in 1978 for the purposes of meeting Jews who wanted to emigrate, but were denied that opportunity on the basis of legal technicalities and, most onerously, excessive taxes placed on their request to emigrate. Their stories were heartbreaking; indeed, many members of this committee remember well their own advocacy on behalf of refuseniks.

Outrageous exit taxes that a person has no way of generating the resources to pay have traditionally been a way of denying people the right to emigrate. Now, I have absolutely no opposition to and I fully support going after the 12 and 24 people that are manipulating this in a way that they renounce their citizenship, get the benefits, but then stay in the country and do their business.

And we will be able to amend this bill, given the work of those interested in it and their willingness to report back to us on how we do that, but we cannot amend it in time to provide the right for self-employed people to deduct their health care premiums. In other words, we cannot do this in the time frame, in the time we have left before April 15th.

So I assure you that I think the goal of the President's proposal is a proper one. This is not a good bill. It will impose onerous taxes. It is an exit tax. It will create human rights violations. And no other Nation in the entire world imposes this kind of tax.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

It should be noted that the class of people that we are talking about already have an exemption, for a single person, of $5 million of their accumulated assets and $10 million for a married couple.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MATSUI, a hard-working member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I would like to thank the distinguished gentleman from New York for this time.

You know, I am still a little puzzled because I do not know how we are relating this issue to the issue of the Soviet Jews emigrating out of the Soviet Union during the 1970's. We are talking about, as Mr. RANGEL said, people that make or have assets in excess of $5 to $10 million. In fact, before this even kicks in, one has to have at least $1.2 million worth of capital gains. And so I do not know how we are talking.

It is somewhat outrageous because here we are talking about Soviet Jews who are being denied the right to leave the Soviet Union during the height of the cold war. And we are talking about 25 families, like the Dart family, the Campbell Soup family, who do not go to a country where there is more freedom than the United States. They go to the Bahamas because they want to avoid taxes.

So I do not know how we can possibly equate this. It is just not a rational discussion.

I might also further say, you know, we do have to get this issue of the self-employed deduction on health insurance done. We should have done that earlier this year, but we are doing it now. But I would suggest what we should do is work today, tonight, Friday. We are off Friday. We are not in session Friday. Why do we not work today, tonight, and Friday and get this issue done?

And, frankly, what we could do, which is astonishing, but just as Senator DOLE and Senator DASCHLE have said in their letter they sent to Mr. MOYNIHAN, Mr. GIBBONS, and Mr. ARCHER of March 24 of this year, what we could do is use some of these revenues that we can gain from this expatriate issue and increase the amount of deduction for the self-employed.

Right now, they are going to get 25 percent for this last year. They are going to get 30 percent in the future years. Why do we not make it 30 percent now and 35 or maybe 40 percent in the future? We can give them a bigger bang for the buck if we just take care of this little thing. Why are we protecting these 24 people that I consider disloyal for wanting to leave the United States for only tax purposes?

I might say, this issue is not an issue that we just talked about and brought up in the last week or 2 or 3 weeks or a month. This issue has been going on.

Steve Shay, a lot of you know him that works on the tax writing committee, Steve Shay, the Assistant Secretary of Treasury under Ronald Reagan in the mid-1980's, said that he was working on this issue because he knew that it was going to be a problem in the future because a lot of tax attorneys, New York and elsewhere, were finding the opportunity now to find a way to avoid taxation.

This is a recent phenomena over the last 6 or 7 years. That is why we have not done it in the past. But Steve Shay brought this to the attention of a lot of people.

Forbes Magazine last year wrote a major piece on the number of people that are taking advantage of this. Forbes Magazine is not a liberal magazine. It is a very, very business-oriented magazine. They said, this is outrageous; they are taking advantage of the Tax Code.

I might also point out, and I am going to do this again because people really have to understand this, I received talking points from New York lawyers who refused to tell me who they are representing. By the way, they refused to tell me who they are representing. New York lawyers who said these are talking points. They gave me seven talking points to use to support dropping this provision from the conference. And he says, this will destroy Jackson-Vanik. He said that this is a human rights issue. These are the seven points on this document.

And then he had the nerve when I turned the page to talk about Soviet citizenship, equating this provision with Soviet citizenship. I just have to say that that is kind of overstepping a bound. There is an issue of patriotism. Anybody that compares the United States with the former Soviet Union, that to me is outrageous. And any thought of that in this country on the floor of the House is unpatriotic.

Frankly, we should use the revenues, the $3.6 billion that we are talking about, the $3.6 billion over the next 10 years, to give these self-employed people that are paying their own insurance a little bigger bang. Instead of giving them 25, let us give them 35 or 40 percent.

And let me just conclude by making one last observation. This is not a human rights issue. I received a letter from a professor at law at Harvard University, the Bemis Professor of Law, Professor Vagts, who said this has to be taken care of. It is not a human rights issue. It has no relation to Jackson-Vanik.

This is an issue where people are avoiding taxation. This is an issue where people are cheating the American public and using it in a way that they are being unpatriotic in getting rid of their citizenship. This is an outrageous situation that has to be dealt with immediately.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just want to make clear that in the hearing it was Rabbi Jack Moline, it was Bob Turner who was on the Senate staff when they wrote the Jackson-Vanik amendment that brought up the issue that this would function as an exit tax. And, in fact, CBO's estimates are not based on how much money they think anyone will pay as a result of this tax. The estimates are based on keeping those people here and the assumption that they will therefore continue to pay taxes as American citizens.

So if you do not think that everybody is seeing this as a way of preventing people from leaving, frankly, the testimony was all in support of this is an exit tax. Even the administration's estimates are based on that assumption.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today as chairman of the Committee on Small Business in strong support of this issue. I rise in support of the conference report to H.R. 831 which will retroactively restore the deductibility of health insurance costs for self-employed individuals at 25 percent and make that deduction permanent at 30 percent. I thank the Committee on Ways and Means very much for having done this in a timely fashion.

There is evidence that the 25-percent deduction allows hundreds of thousands of business owners to purchase health insurance, those who otherwise would not be able to afford it. According to a 1993 National Association for the Self-Employed study, without at least the 25-percent deduction, the uninsured population in this country would increase by 412,000 people. So this is important not just to small business people, but it is an important factor in health care in this country.

The ability to deduct health insurance costs is clearly one of the most pressing economic needs of America's self-employed. Self-employed individuals comprise over 15 million of the Nation's small businesses. These individuals are independent, gainfully employed, pay taxes, and create many new jobs and innovations and, are a great part of our Nation's economic future.

In closing, I would like to thank the Committee on Ways and Means for their leadership and dedication on this important issue for the Nation's small businessmen and women.

In addition, I would like to say how pleased I am we are going from no deduction to a deductible 25 and forward with a permanent 30-percent. Small business, because of lower cash flow, really needs this ability to plan, and having to do this year by year was very difficult for them. Hopefully, in the not-too-distant future we can give hard-working, self-employed Americans the 100 percent self-insurance tax deduction which they deserve.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. LEVIN] a distinguished member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, let the record be clear. The issue is not the deduction of insurance for the self-employed. We are for it. In fact, we want to raise it. Thirty percent is too low. Why not use the proceeds from taxing people who leave, who renounce their citizenship solely to avoid taxes, to boost the 30 percent to 35 percent? That is the issue.

Now, we have gotten two kinds of arguments. One is the human rights issue. I do not understand it. People who are trying to leave the Soviet Union, Jews, Christians, and others, were trying to leave to get freedom. The people involved here, the 12 to 24 are renouncing their citizenship to avoid paying U.S. taxes. That is what the issue is.

They have got all the freedom in the world. They want an extra freedom that other Americans do not have; middle income, low income, and other wealthy people. They want the freedom to avoid paying U.S. taxes. And they come back here, they keep a home here; they keep a boat here. The home is not taxed; their pension is not taxed. They want it both ways.

Then the gentlewoman from Connecticut [Mrs. JOHNSON] says, well, wait a minute, there is a problem here as to the 12 and 24. Well, fix it. Fix it now. This has been around for quite a while.

The President proposed something. Why are you resisting? Who are you protecting? I do not understand it. But then I said, all right, well, we do not want class warfare. I do not want class warfare. I want class equity. Class equity, that is all we want.

You state a point which is so true. You draw the 100 percent wrong conclusion. Most of the money picked up here will come from people who decide not to renounce their citizenship. That makes it clear they are renouncing their citizenship for one reason, as an artifice to avoid paying U.S. taxes.

My suggestion to the majority is be straight with the American people. Do not try to create a smoke screen. When you say there is a defect, fix it. Do not make excuses.

The working people of this country want one thing in terms of taxes; fair taxation; everybody pay their fair share. These 12 to 24 families are not paying their fair share. This is a fair share provision. Let us stand by it.

□ 1300

Mrs. JOHNSON of Connecticut. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, what a precious heritage we have as Americans. Each day people from around the world are willing to be crammed into the cargo holds of cargo ships, to crawl through sewers, to swim across the Rio Grande River, all to share in a little piece of the American dream. And most of the people I know swell with pride at the thought of being an American citizen, while many, many more want to join us.

And yet there are those who head the other direction, a pivileged few who, after consulting with their accountants and consulting with their financial planners and consulting with their tax lawyers, decide that it is better to put cash over country. That is what this debate is all about.

Every opportunity throughout this Congress, a pattern has emerged. The Gingrichites want to put those at the top of the economic ladder in first place and to keep them there. Last week they did not mind coming along and cutting out school lunch. But this week they say, for the billionaires, do not touch the caviar, even if we have to renounce our American citizenship in order to keep it.

This pattern of protection of the plutocrats is what the Contract on America is all about. You will remember they had a line-item veto that they even printed in TV Guide. And it covered not only spending but it covered tax loopholes. But as soon as the special interests started whining about the tax loopholes, they snipped that part out of TV Guide and out of the contract and went on and passed the other part.

They have had repeated opportunities on this floor to channel the savings from welfare reform, from rescissions into deficit reduction. But, no, they have got to finance a tax cut for those at the top of the economic ladder.

Today we stand here with them, once again, putting billionaires first, even billionaires who renounce their citizenship.

Meanwhile, there are Members of this House who are lining up to protect this flag. They say we need to go back and rewrite our Constitution, it is so important to protect our flag. I say to those Members, is it not a form of flag desecration when people burn their American citizenship and burn the American taxpayer at the same time?

Class warfare they tell us? I do not think people who defile this flag by rejecting their American citizenship have any class at all.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, these folks just do not get it. Actually, I realize they do get it. I just want everybody else to understand the game they are playing.

You wrap yourself in the flag, play the games with class warfare in terms of millionaires and billionaires. But let us not get so far away from reality that people who are listening to this debate really believe what you are saying is the way things are.

No. 1, we have a law on the books, current law it is called, which says that if you try to renounce your citizenship for purposes of tax evasion, you are violating the law. All of the rhetoric on your side, including the gentleman from Texas who just spoke, falls under current law. The gentleman from Hawaii, in repeatedly excoriating people who would refuse their citizenship for pecuniary reasons, say we have current law that handles that.

The problem is, repeat, the problem is the current law does not work very well. We have conceded this. The Senate has conceded this. Any rational person looking at this area of the law has conceded this.

What the Senate said the other night was, we probably acted too hastily in adopting Senator BRADLEY's amendment, which was not the Clinton proposal, to apply evenly on citizens and noncitizens and we ought to take a little closer look at the subject. Coming out of the conference committee is an agreement, repeat, an agreement between the Senate and the House as part of the provision that we are going to vote on and pass shortly.

It says, in order to examine fully the issues presented by the Treasury Department's proposal, the Clinton proposal, not the poorly executed Bradley proposition which the Senate adopted, but the Clinton administration's proposal. It pains me a little bit to say this, but the administration's proposal is far better. It is the one that we should use as the underlying structure of focus on.

We have included a requirement to direct the staff of the Joint Committee on Taxation to provide a comprehensive study due June 1, 1995. This is on a fast track. We want to look at it as soon as possible.

Among the issues to be considered, one, the effectiveness and enforceability of current law with respect to the tax treatment of expatriation. The enforceability and the effectiveness of current law. Treasury has testified they offered this proposal because current law is not working well. We have said we are going to create a study by June 1 to examine the effectiveness of current law.

You folks want to attach an ill-advised structure now, without knowing where we need to go and what we need to do.

But beyond that, the conferees want to know the current level of expatriation for tax avoidance purposes. The gentlewoman from Connecticut held an Oversight Committee hearing and asked a direct question of Treasury, how many folks are involved in this.

Virtually every one of you have come to the floor on your side and mentioned a number. That number was not supported by the Treasury Department. The fact of the matter is, we do not know how many people are affected by this. This study, due June 1, will provide us with the specifics so that we can actually make a decision on an informed basis instead of an impassioned basis.

You folks are trying to move people by emotion. What we in the majority would like to do would be to move people by reason. Obviously, our hope is that reason prevails rather than your emotion.

Second, we want to determine whether or not any restrictions imposed by any constitutional requirement dealing with the Federal income tax would apply to realized gains.

Now, as the Committee on Ways and Means, we have a responsibility in terms of the Tax Code and the Constitution. We do not want to act with emotion. We want to act on the advisement of those people who are knowledgeable in the area about whether or not in restricting someone's right to deal with their own finances affects the Constitution. On and on and on, for 11 points, we will look at due June 1.

If you are rational, if you are honest, you will wait for the report.

Mr. RANGEL. Mr. Speaker, nobody in this House has ever challenged the eloquence of the gentleman from California, but when you get to the bottom line, we have a whole lot of billionaire bums rejecting their citizenship to avoid paying taxes.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], a member of the Committee on Ways and Means.

Mrs. KENNELLY. Mr. Speaker, I voted for this legislation when it left the House and will support this conference report. I have been a long-time advocate for the deductibility of health insurance coverage for the self-employed, and believe once this bill is passed we should begin our efforts to increase the deduction even more.

However, I am quite concerned that the conferees dropped a Senate provision that would require American citizens who renounce their citizenship to pay capital gains on the appreciated value of some of their assets, mostly on stocks and bonds.

Every year a dozen or more multi-multi-millionaires renounce their citizenship as a tax dodge. These people received the protection and benefits of the American Government while they were citizens. In fact, they thrived under our system of government. Is it too much to ask that when they renounce their citizenship as a tax dodge, we reduce the benefit by asking them to pay capital gains on the appreciated value of their holdings?

Having said that, Mr. Speaker, I think it is critically important that we enact this deduction for health insurance for the self-employed and I urge my colleagues to do so.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, simply to say that most of the debate today has been taken on an issue that is irrelevant to this conference report. It was not in the House bill. It is not in the conference report. And yet the Democrats want to continue to drag out something that they can try to get emotional about.

We should proceed expeditiously to give this badly needed deductibility for the self-employed for their health insurance and leave the debate on these other nonissues in this conference report to the appropriate time when they will be under consideration later this year.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Speaker, it is very interesting, as we move into this debate, one of the last issues of the contract for the first 100 days, that if you listen to this debate would you swear we were talking about the Tax Reform Act of 1995. Throw in the kitchen sink, let us get those expatriates and go, go, go.

What this really is, is trying to restore a tax deductibility for the self-employed so that they can afford to buy health insurance, something the liberal Democrats told us last year was extremely important. It was so important we were going to turn health insurance on its head and turn it over to government.

Fortunately, the people thought better and contacted their Representatives and it died a much deserved death. But part of that extending benefits to the self-employed is this deductibility.

The red herring today is expatriates. If you cannot fix everything that is wrong in the Tax Act, why should we allow the self-employed to have deductibility for their health insurance? The same thing occurred when we took on the food nutrition programs. Amazing to find we had 16 administrative overheads, 16 audits. We went out to the schools and audited them 16 times. Did the right apple go to the right child.

We wanted to reduce that overhead so we were, of course, charged with starving the elderly and the children.

I want to give thanks to the gentlewoman from Connecticut [Mrs. JOHNSON], who has, like a terrier, hung onto this issue to restore the deductibility for the self-employed and not to chase the red herrings, whether they be last night's debate on term limits, turned into, well, if you like term limits so much, why do not you make them retroactive, knowing that that would kill the bill in the Senate. The red herring here is the expatriate issue that will never see the light of day when it goes to the Senate until, as the gentleman from California [Mr. THOMAS] says, we get a study on what the depth of that problem is.

Do you see people at the border leaving with suitcases full of money, leaving America to live in Latin American sanctuary. They are lined up at the airports. We ought to send people out to count them and we will find out what the problem is.

We are going to restore deductibility for the self-employed because they deserve it. My thanks to the gentlewoman from Connecticut, Mrs. NANCY JOHNSON, who is going to bring it up to 100 percent very shortly.

Mr. RANGEL. Mr. Speaker, I would like to agree with my chairman that the issue today is really how we can better provide incentives for the self-employed. I think if we review the record of exchange here, you will find that it has been the other side that has been trying to defend this tax policy that is repugnant to everything that decent Americans believe in.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman from New York for yielding time to me. I simply say that I rise to support the conference committee as it relates to the deduction for the self-employed. We are here to address the concerns of Americans and health needs are an important concern.

But let me just simply say to you, I hope my colleagues, the Republicans, will take up their own cry and work on something where people are leaving this country allegedly under the pretense that maybe they have been politically persecuted. I have not heard that, but they are taking their billions of dollars, some $3.6 billion over 10 years, the needs of which are needed here in the United States of America, but more importantly, under the pretense of human rights and civil rights.

□ 1315

Where are the human rights and civil rights, for I do think they are taking bags of money across the State lines and the U.S. lines without any political prosecution or persecution.

I would simply say that the gentleman from New York [Mr. RANGEL] had a very good point about the slash-and-burn policy that is eliminating affirmative action in trying to diversify the media in this Nation. He raised a very good point about why not hearings.

If I could, if the Speaker would allow me to inquire of the distinguished gentleman from New York about this whole idea of the VIACOM deal that we would all admit we want to reform and make better, but now we are cutting off the opportunities for those who lift up the Constitution and want to be able to spread diversity throughout this Nation, I simply ask the gentleman if he would comment, why did not we fix this problem with VIACOM as opposed to slashing and burning and taking it out and again cutting affirmative action, which has been a wonderful tool in this Nation.

Mr. RANGEL. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would like to respond by saying the leadership on the other side had decided that it was not really the VIACOM issue that they wanted to eliminate, but they wanted the Tax Code to be colorblind, and I am still working on that explanation.

Ms. JACKSON-LEE. I hope we can fix that problem. I thank the gentleman. I hope as I heard my colleagues on the other side of the aisle, Republicans, say that they are prepared to fix the problem dealing with billionaires running to our country's lines.

I would hope they would take up the inquiry of the gentleman from California. Let us fix this in the next 24 hours or 48 hours. Let us work on Friday and make sure we pass out a bill, which I am going to support because of the deduction on the single owners, but we need to fix this bill and make it a better bill.

Mr. RANGEL. Mr. Speaker, I think the gentlewoman has hit the point on the head. We Democrats want to fix it right now and our Republican friends would prefer to study it.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I would say to my friends, including my neighbor from Houston, TX, and my friend, the gentleman from New York, CHARLIE RANGEL, we have fixed the Tax Code. It is now color-blind. There is no reference in the Tax Code anymore to any special preference based on the color of skin, race, or creed.

Mr. Speaker, I yield 2 minutes to our colleague and my neighbor to the north, the gentleman from Dallas, TX, Mr. SAM JOHNSON, a member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the gentlewoman from Houston said health care is important. Let us fix it. That is what this bill does. We do not want to pick on an issue that does not have any relevance to this particular issue which is fixing health care.

Mr. Speaker, I would like to commend the chairman of the committee for his leadership and commitment in bringing the bill to the floor in an expedited fashion, because things are about to expire. By doing so the committee ensured that the self-employed will be able to enjoy a permanent deduction of 30 percent to pay for their health insurance costs in the years to come, and 25 percent this year.

We must help small business survive in America and I guess the Democrats just want to help the wealthy because they want big corporations to have 100-percent deductions, and small guys to have nothing. It was unfortunate that this deduction was allowed to expire in the past, and equally unfortunate that we are not able to allow a full 100-percent deduction for our small guys, too. We know the self-employed need the same benefits as big business, I believe.

Past legislation has been unfriendly toward business and the passage of this bill is one step in a new and better direction. We need to recognize the barriers to success that are placed in the paths of self-employed and do what we can to eliminate them. We need a level playing field for both small business and big business. Again, I thank the Chairman and urge all my colleagues to support the passage of this important bill.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me once again agree with my chairman that he was able and had the political power and the votes to effectively make the Tax Code colorblind so that minorities would not have the same opportunity to purchase stations.

I do hope that with this political power he and I can work together to make this country as colorblind as the Tax Code.

Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I thank the gentleman for yielding time to me.

Mr. Speaker, the health care tax deduction for the self-employed is critically important to small businesses in my district and across this country. It is crucial that Congress move to extend the deduction and increase it. That is what is right about this legislation.

What is wrong with the legislation is that once again House Republicans fail to ask billionaire tax-evaders to pay their share of taxes. The view that the super-rich billionaires can renounce their U.S. citizenship, the country that allowed them to make their fortune, in order to provide themselves with a tax loophole really is wrong and it is a sad commentary that Republicans today would condone and defend that kind of action.

To my colleague who said we need to have a comprehensive study of this issue, where was their comprehensive study of the school lunch program, of cutting the funding for severely disabled children, of saying to the pregnant women in this country that we cannot provide you with some help to avoid a low-birthweight baby.

The comprehensive study exists for the richest people in this Nation, for the billionaires and for the expatriates. What Members ought to be doing is standing up here and providing working, middle-class families with the opportunity to have a comprehensive study and not deny them what belongs to them. Stand up and fight for working middle-class Americans and not for the super-rich expatriates.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN], one of our respected Members.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just say that listening to the debate this afternoon, some of my colleagues may be confused. This debate actually is not about soaking billionaires, soaking rich people. This is an issue that has been out there for a long time.

Certainly when both parties, when both Houses of Congress and the administration were with the other party they could have solved this problem. We are willing to solve the problem. We do not think this is the right time or place to do it. It has not been subject to any hearings. It was not even part of the House legislation. It was not even on the floor of this House, something that ended up in conference on the Senate side.

However, that is not the issue here today. The issue here is providing access to health care for the self-employed. It is something I would think that all of us could get together on. I am certainly pleased to tell my constituents who happen to be self-employed that we are doing two things here that they have been asking for. One is fairness and the second is predictability in tax policy, both very important.

How in the world can you run a business when you cannot plan for the future? Is it fair to have an automatic unfair disadvantage between the self-employed and corporations? Those are the two things we are trying to get at here. This bill ensures fairness for those who have taken the risk and pursued the American dream by working for themselves. It helps them to provide jobs for others.

I am talking about farmers, small business people, shopkeepers, plumbers, and so on. These people are self-employed if corporations can deduct their full health care costs, it is only fair the self-employed should be able to do so as well.

Second, this bill is about predictability by permanently reinstating the deduction, so that small businesses can plan. They are no longer left guessing about whether or not they can deduct their health care insurance. That is a very important part of this. At a time when we are trying to make sure as many people as possible can get on the health care rolls, it really makes sense for us to take out this current disincentive for the 3.2 million people in America who are self-employed.

Rather than proposing a government takeover of health care, we are doing what makes sense, we are trying to give the American people what they want, the ability to help themselves.

In Ohio alone, Mr. Speaker, this bill will make health care more affordable for more than 50,000 farm families, not to mention the self-employed plumber, the mom and pop grocery store owners, and others. I am particularly pleased to see we are doing it before April 15, so people can get this on their tax returns this year.

I looked forward to working with the gentlewomen from Connecticut, Mrs. KENNELLY and Mrs. JOHNSON, and others to expand beyond 30 percent, so it is even closer to major corporations.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to my friend, the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, these United States of America almost uniquely in the world, provide both economic opportunity and security. You can make money here and you can keep it. That is good, and we want to keep it that way. There are a lot of people here who are successful.

Now we have a loophole in the tax law that allows some few people, the most successful, billionaires, people who have $1.2 million in capital gains or more, the opportunity to escape their tax obligations by renouncing their citizenship.

The Senate in its wisdom fixed that. They provided that in this bill that loophole would be closed. Those reckless Socialists over in the Senate were wise enough to fix that loophole, but the GINGRICH crowd in this House took that fix out; $3.6 billion worth of tax cheating over the course of 10 years. You can buy a lot of school lunches and a lot of health care with $3.6 billion.

Let me tell the Members, they had better fix this.

Mr. ARCHER. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, I would ask, is the gentleman aware of how conference committees work?

Mr. HINCHEY. Yes, I am.

Mr. ARCHER. Is the gentleman aware that the House has no ability to take anything out? Is the gentleman aware of that?

Mr. HINCHEY. Let me say this, Mr. Speaker, the Senate wanted this in the bill, and the conferees in this House wanted it dropped out. That was the gentleman's activity. That was his contribution to this conference report. He dropped out that provision which would have closed the loophole. That was his contribution.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, the gentleman from Texas raised this issue, but there was only one offer made. It was made by the House. I have a copy of the House offer on 831. The House offer does not have this provision in it, so it had to emanate from the House. You took it out. That is what happened. You took it out.

I read the transcript of the conference report, and it basically said you took it out. The gentleman would not agree, but you took it out.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I would simply say to both gentlemen on the other side of the aisle, I do not know how many conferences they have been to, but there is no way for one House to take something out of another House's provision in a conference. The other House must recede. The other House must say "We do not care about this provision, we are willing to disregard it and to drop it out."

There is never, ever any power in a conference committee of one House to take away something that is in another House's bill, never. The gentlemen are just ill-advised. The Senate decided that they had great concern about this provision in the bill and they dropped it. They did not insist on it. We have no power to force them to drop it.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, maybe they have changed the rules, but I always thought that when the Senate presented something to us that they had an opportunity as conferees either to accept it or to reject it. I thought when we look at a Senate offer, we have the opportunity to do it. The gentleman saw fit to reject this provision that was in the Senate and because of his powerful persuasive personality, they agreed to it, but the rejection formally was made by the House under the gentleman's leadership to the Senate.

Mr. Speaker, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I am very glad this has been cleared up. This is not a House Republican position. The desire to allow billionaires to leave the country and renounce their citizenship is a Republican Party position. That goes through both houses.

Let it be explicitly clear, the gentleman from Texas [Mr. ARCHER] has made it clear, this is not something that was done just at the behest of the House. The entire Republican Party is now on record favoring billionaires escaping this country, not paying their taxes, while we have immigrants coming into this country desiring citizenship that ask only the opportunity to become Americans and pay taxes.

My name was invoked by the gentleman from California [Mr. THOMAS], and I appreciate his friendship. He said I am emotional on this issue. I think I am. He is quite right, I am emotional about being an American. I am proud to be an American. He said and others have said, "Why are you bringing this up in this bill? It is irrelevant." No, it is not.

Mr. Speaker, I hope those who are listening in understand this bill has to be paid for and we are paying for it by taking the opportunity of minorities and women to participate in communications and allowing millionaires to get away. That is how it could have been paid for.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the gentleman from Hawaii [Mr. ABERCROMBIE] always speaks with great emotion and I am sure great genuineness and conviction, but the reality speaks very different than his words, because on this conference report, and I have the signature sheet here, this was agreed to 100 percent on the Senate side with only one exception. It was signed and agreed to by CAROL MOSELEY-BRAUN, Democrat from Illinois; MAX BAUCUS, Democrat from Montana; DANIEL PATRICK MOYNIHAN, Democrat from New York. They all signed this. They all agreed that they wanted to give up this provision, so it is very clear that it was not simply a Republican decision.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. HANCOCK].

□ 1330

Mr. HANCOCK. I thank the gentleman the chairman of the Committee on Ways and Means for yielding me the time.

Mr. Speaker, this actually is getting to be a little bit amusing. Here we are talking to a minority party that became a minority, and you have been in charge of the tax law for 40 years. Forty years. Now, all of a sudden you are expecting us on our side of the aisle to fix the mess that you all have created in less than 90 days. The situation exists, and this situation will be addressed.

Does anybody on that side of the aisle think that the world is envious of our tax law? If you think they are, you have got another think coming. They are not envious.

They are envious of the fact that we have freedom in this country, we have opportunity in this country. We will remove the incentive for people to give up their citizenship to avoid the payment of taxes. That is going to happen. But you are talking about giving us 90 days to correct 40 years of what has occurred through the monstrosity we have created in our tax law.

The difficult, we do immediately. In 90 days, we have passed 8 of the 10 items that the Republicans promised under the Contract With America. The impossible is going to take a little time. It may be impossible to fix our income tax law without just getting rid of it and starting over. It will be addressed, but this is not the vehicle to address it with. This is not the time to address it. This is the time to debate it, make the issue and then we will remove the incentive for people to give up their citizenship because of a monstrosity that we have created that we call the Federal Income Tax Code.

Mr. RANGEL. Mr. Speaker, I would like to tell the gentleman my chairman, I signed as a Democrat and I would sign that conference report again, and I encourage Democrats to sign it. That conference report was to provide tax incentives for the self-employed, and I agreed with you in the beginning, I agree with you now. That is what we are talking about and that is what Republicans and Democrats support.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. I thank the gentleman from New York [Mr. RANGEL] for yielding me this time.

Mr. Speaker, let me follow up on the point of the conference committee to provide help for the self-employed to extend the 25 percent. It is very important that we extend and provide for the 25 percent deduction for this year. The self-employed are at a disadvantage. They are 1.5 times more likely to be without insurance because of our current tax law. When we changed the tax law in 1986 to provide the self-employed this 25 percent deduction, we found that we got 400,000 more self-employed individuals insured. But I am disappointed we did not go further. Let me explain.

The Republicans came to us early in this session and asked for our cooperation to extend for this year only the 25 percent and that we could move that quickly. We agreed. Along with the gentleman from Massachusetts [Mr. NEAL], I introduced legislation that would expand the 25 percent starting next year to 80 percent, more comparable to what businesses are able to deduct on their insurance premiums. We were told that we could not consider that in this House. The Committee on Rules refused to make our amendment in order, even though we had a way to pay for it. We were told that we were only going to deal with the 25 percent. The bill goes over to the Senate and it is improved to 30 percent after this year, so a self-employed individual will be able to deduct 30 percent starting next year. That is good, but it is not enough. It should be comparable to what a company can deduct on their insurance. We never had the chance on this side to deal with that issue.

I am amazed as to why we were not given that opportunity. The amendment that the gentleman from Massachusetts [Mr. NEAL] and I sought to put in order was paid for and increased the amount that the self-employed could deduct starting next year to 80 percent. Although I will support this conference committee, I hope the chairman of the Committee on Ways and Means will revisit this issue so that we can provide for the self-employed fairness and comparability to those who work for companies.

The SPEAKER pro tempore (Mr. GOODLATTE). Members are advised that the gentleman from New York [Mr. RANGEL] has 2 minutes remaining, and the gentleman from Texas [Mr. ARCHER] has 5 minutes remaining. The gentleman from Texas has the right to close.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to say that I think we are here today to do a service that the Congress has promised to do, and, that is, to give our self-employed people an opportunity to deduct their expenses, at least 30 percent of it, for health insurance. I hope that those that are not on the floor really do not believe that signing a conference report whether you are Democrat or Republican to support what we were there to do means that we should forever remain silent on how we have done it. Today we have had so many opportunities to review a situation that exists in our tax law that whether you are a Republican or a Democrat, you know it is wrong, it is unpatriotic, it is immoral for someone to enjoy all of the benefits of the United States and renounce their citizenship and then run off to some foreign island to enjoy it. But at least we have agreed and we have taken this opportunity that we are going to do something about it. If we did not do anything at all about it in 40 years, it does not mean that it should not be done. The treasurer says something should be done now and it really ought to be done now. But since my friends would prefer a study, what we have to do is just deal with what is before us today. I think we can all go home proud of the fact that we have given something that really is deserved, the opportunity for a large segment of our population, millions of people who have that entrepreneurship that go out there every day to provide jobs, to be able to get some tax benefits for insurance. I hope the day would soon come without another study that my Republican friends would say that those people who are employed by the self-employed should be provided the same type of incentive.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time.

First, I want to compliment the gentleman from New York for his cooperation in getting this conference report expeditiously to the floor of the House and his concern on a bipartisan basis for getting this tax deductibility to the self-employed for their health insurance. We reach hands across the aisle in doing the right thing for working people of this country. It is my hope that we will be able to increase this 30 percent to a higher percentage before this Congress adjourns.

When we began this process shortly after we were sworn in, we recognized that the self-employed were left hanging because this provision for deductibility of 25 percent expired on January 1 of last year. I expressed publicly the commitment to this Nation that we would retroactively take care of that so that by April 15, Americans who were self-employed that expected to get this 25-percent deductibility would be able to file their returns with that knowledge. Unfortunately, I am sure many have already filed and will have to file an amended return. That is unfortunate. But at least we are doing it before April 15. And those who have not filed certainly can with a degree of certainty know that they can now file and take it on their return because I believe there is no doubt that the President will sign this into law. Of course that still has to occur. Not only were we able to retroactively take care of this 25 percent for last year, but we were able as a result of the conference committee to increase that to 30 percent for this year and future years and we were able to do all of this on a permanent basis.

I would say to my friend from Maryland who is an extremely articulate, thoughtful, and constructive contributor to the effort of the Committee on Ways and Means, that his desire to get it to 80 percent was certainly well-intentioned. Unfortunately, it would not have been permanent. It would have been subject to a sunset. Once again, we would have left this uncertainty out there.

We need to work on a permanent basis to get this percentage up. But for here and now, this is a good bill. It is paid for, it does not increase the deficit, and I am delighted that it does have strong bipartisan support as shown by those Members of the conference committee who signed the conference report. I urge its adoption.

Miss COLLINS of Michigan. Mr. Speaker, I rise in solid opposition to H.R. 831, a cynical piece of legislation which links a health care provision to the destruction of opportunities for minority ownership in the broadcast industry.

The need for more minority-owned broadcast stations is clear. On one hand, African-Americans account for over 12 percent of the U.S. population. On the other hand, minorities own less than 3 percent of all radio and television stations.

The results of such white domination of the airwaves have been clear for a long time. Study after study has proven the existence of discrimination against minorities on television. Study after study has documented the persistent stereotyping, vilification, and humiliation of African-Americans in the industry. Yet, whenever media executives are confronted with the facts, they always talk about ratings, market share, and profits.

The only way to end the negative portrayals is by enhancing minority ownership of broadcast stations. This bill does precisely the opposite, and I won't be a part of it.

Mr. NEAL. Mr. Speaker, I support this legislation. it is important that we act quickly to restore the deduction for health insurance costs of self-employed individuals. This legislation reinstates the deduction to 25 percent and would increase the deduction to 30 percent for 1995 and thereafter.

We are fast approaching the tax filing deadline for 1994 and we need to enact this legislation promptly. Taxpayers have been uncertain about this provision since it expired on December 31, 1993.

I am pleased that Congress is taking action to increase this deduction to 30 percent and making this deduction permanent. This will provide taxpayers with certainty. However, I am concerned by increasing the deduction to 30 percent and making it permanent Congress will not have a chance to address this issue and increase the deduction.

On the first day of this session, I introduced legislation to make permanent the 25-percent deduction and to gradually increase the deduction to 100 percent. This legislation phases in the 100-percent deduction over a period of 4 years. Several bills have been introduced on this issue and it has broad support.

During the committee markup, Mr. CARDIN and I offered an amendment to restore the deduction for 1994 and to increase the deduction to 80 percent for 1995 and 1996. This amendment failed by a vote along party lines.

The deduction of health care costs is an extremely important issue for the self-employed. One quarter of self-employed Americans—3.1 million farmers and craftsmen, professionals, and small business proprietors—have no health insurance. The self-employed are 1½ times more likely to lack essential health care coverage.

We have to do more than increase the deduction to 30 percent. Major health care reform proposals included a provision to allow self-employed workers a 100-percent deduction. The Tax Code should encourage the self-employed to purchase health insurance. This deduction allows businesses to spend more on health care. There are approximately 41 million medically uninsured individuals in the United States. An individual's employment should not determine the tax treatment of their health insurance.

Since I joined the Ways and Means Committee, I have tried to make permanent the deduction of health care costs for the self-employed. It was the first tax issue I undertook as a member of the committee.

Small businesses and the self-employed are the engine of economic growth for our economy. The ranks of the self-employed include the likes of farmers, craftsmen, shopkeepers, day laborers, ranchers as well as accountants, lawyers, and doctors who practice either in partnerships or as sole practitioners. As you can see, this provision affects a wide variety of individuals.

Businesses can deduct the full cost of any health insurance provided to employees. Similar treatment has never been available to the self-employed. Businesses on the average, contribute and fully deduct 80 percent of the total cost of employee health insurance premiums. We should at least consider increasing the deduction for the self-employed to at least 80 percent.

I urge you to support this legislation today and to consider readdressing this issue during this session of Congress. We can do better than 30 percent.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, Republicans in the House continue to make good on their campaign promises outlined in our Contract With America.

We outlined eight major reforms that we would bring to the House on the opening day and we have accomplished those reforms and many more.

Over these last 86 days, Republicans in the House have brought forward 9 of our 10 bills, meeting our commitment in the contract. Next week we will bring forward the 10th bill, and that bill will be a tax bill to reduce taxes on working families, will cut spending, and help reduce the budget deficit.

Republicans are continuing to work hard, we are keeping our promises, and working hard for the American people who sent us here to change the way Washington does its business. We are attempting to do that.

Next week's bill will reduce taxes on middle-income families, it will reduce taxes on senior citizens and raise the earnings limit on them so those senior citizens can work above the limits that are imposed on them today.

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Furthermore, we will reduce capital gains taxes in America to free up capital so that people in America will have a better opportunity at better high-paying jobs.

This is our Contract With America; we are proud to bring it to you, and thank you for your support in helping us move the significant legislation through this new Congress.

TAX CUTS: WHO WILL BENEFIT?

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, in responding to the gentleman from Ohio, it is true we are about in the 86th day of the contract for America, a lot of things have happened, and I think we ought to talk for just a moment about this tax cut package because it is kind of like walking in the car lot. And you heard the description of it, it sounds pretty good, it is shiny and glistens; better look under the hood, check the trunk, kick the tires because you may have some problems.

If you are middle income, depending on what your income status is, if you are $200,000 you are in great shape, you are going to be able to take full advantage of this tax cut. But if you are under $13,000 a year you are out of luck.

Who are we trying to help around here? If you are the average West Virginia family, income of $22,000 to $24,000 a year, not much in store for you. If you are $100,000, though, 51 percent of the tax benefits are going to go to you; if you are $75,000 it is around 65 percent, you will like the capital gains tax cut.

If you are over $100,000 the average amount you will be getting back will be $1,200; if you are somewhere around $30,000 a year it is $26.05, Department of Treasury statistics.

So this is what is on the floor next week. And of course, where would this tax cut go, how do you pay for it? You pay for it by cutting other programs, and so those cuts do not go to reducing the deficit, which in my town meetings is what two-thirds of the people are saying that they want done.

You give a tax cut basically to the privileged few, and you cut the very programs that help the bulk of Americans. School lunch, school breakfast, welfare reform, so many of the other cuts, rescission programs, summer jobs program that put young people to work, those are the programs being cut.

So, Mr. Speaker, I would just urge Members to look very closely at this last item of the contract. If it is the diadem in the crown of the contract, it has a lot of tarnish to it, and it is going to be important to debate it fully next week.

CAMPAIGN TO PROTECT SANE GUN LAWS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

The SPEAKER pro tempore (Mr. GOODLATTE). Without objection, the gentlewoman from Colorado is recognized for 1 minute.

There was no objection.

Mrs. SCHROEDER. Mr. Speaker, today is a very tragic day because it is the 14th anniversary of the shooting of President Reagan and his press secretary, Jim Brady. And tomorrow is going to mark the beginning of a campaign to protect sane gun laws by 82 national organizations representing 88 million Americans.

Why are these organizations mobilizing? Tomorrow they will speak for themselves, but they are beginning their congressional campaign tomorrow to make sure, to make sure that Federal gun laws that make sense will not be repealed after the 100-day contract period is finished.

Mr. Speaker, I will include for the RECORD at this point an article from Newsweek magazine calling on pulling the trigger on guns.

This article, I think, is a very important one, and tells why these many, many organizations and Americans are very, very frightened, that some of the important gains we made after this tragedy that happened 14 years ago are apparently about to be assaulted and repealed in May of this year, right here in this very House.

So, I hope that everybody thinks about it. When you look at the Brady bill we know that last year it stopped 70,000 felons and other prohibited buyers from getting guns. That is very, very critical.

In my State of Colorado this week we saw all sorts of backsliding on gun legislation, with people trying to push easy access to concealed weapons. This is not what this country needs.

So I salute this campaign to protect sane gun laws, and I certainly hope all of us work very hard to hold the gains we made in these last 14 years after the tragic event that happened 14 years ago today.

Mr. Speaker, today—March 30—marks the 14th anniversary of the shooting of President Reagan and his press secretary, Jim Brady. And tomorrow marks the beginning of a campaign to protect sane gun laws by 82 national organizations representing 88 million members. Why are these organizations mobilizing? Because tomorrow also marks the beginning of a congressional campaign to repeal Federal gun laws, beginning with hearings and culminating in floor consideration in May of a bill to repeal the assault weapon ban.

Take heed, America. Sensible gun laws are at risk. That means that you are at risk. The gun lobby is working hard to weaken the Brady law's waiting periods and background checks that screen out criminals, as well as the assault weapons ban and the enforcement of Federal firearm laws. Yet we know Brady works—last year it stopped about 70,000 felons and other prohibited buyers from getting handguns over the counter.

In my State of Colorado, the House this week passed a bill to ease access to concealed weapons. It would require the State to issue concealed weapons permits to anyone who meets minimum qualifications. We hear the sheriff of El Paso County is handing out concealed weapons like candy. The bill led one Democratic House Member to predict that traffic altercations and arguments in bars would turn into homicides in a floodgate of lawlessness. We might as well return to the Wild West.

This backsliding from sane guns laws is troubling. Putting more guns on the street will not make our communities safer. And it certainly won't make our children safer.

PULLING THE TRIGGER ON GUNS

Even as States ease restrictions on concealed weapons, the gun lobby is eyeing a far-reaching rollback of federal gun-control laws. Although top priority is repeal of last year's assault-weapons ban, another measure being eyed by a task force appointed by House Speaker Newt Gingrich would wipe out all other gun-related sections of last year's crime bill—even the ban on juvenile handgun possession. "The sooner we get rid of that iniquitous bill, the better," says a top National Rifle Association official.

To smooth the way, House Republicans plan a series of hearings beginning this week at which crime victims will testify how firepower saved their lives. One woman shopkeeper, for example, is expected to tell how she blew away an assailant with an AR–15 assault weapon. "The idea is to show firearms are an important part of public safety and self-defense," says a GOP staffer. Gun-control advocates predict the hearings will backfire. "They're playing to a small band of extremists," says New York Rep. Charles Schumer.

NAMING CERTAIN ROOMS IN HOUSE WING OF THE CAPITOL IN HONOR OF FORMER REPRESENTATIVE ROBERT H. MICHEL

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the resolution (H. Res. 65) naming certain rooms in the House of Representatives wing of the Capitol in honor of former Representative Robert H. Michel, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FAZIO of California. Mr. Speaker, reserving the right to object, I would ask the gentleman from California if he would kindly explain the purpose of the resolution and the three amendments that he wishes to offer which are at the desk.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I am happy to yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank my colleague for yielding. House Resolution 65, which was unanimously approved in the Committee on House Oversight on March 8, 1995, with the three technical amendments that we will offer, is a resolution that was introduced by Speaker GINGRICH on February 8, 1995, to do as we sometimes do in this body, name certain rooms after a figure who indicates a significant benchmark or milestone in the history of this House, and the resolution by Speaker GINGRICH asks that the House wing in the Capitol be named after former representative Bob Michel.

Clearly, by unanimous agreement the committee thought that it was most appropriate to do. Mr. Michel retired after 38 years of distinguished service in this House, including 14 years as the Republican leader, the longest tenure of any Republican in that capacity.

The rooms to be so designated will be H–230, 231, and 232. Those are the rooms that Mr. Michel occupied as the minority leader and are currently the rooms occupied by the Speaker of the House.

I will offer the technical amendments to the title, preamble, and text of the resolution which were recommended by legislative counsel after the gentleman withdraws his reservation.

Mr. FAZIO of California. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Missouri [Mr. GEPHARDT], the leader for the Democratic side.

Mr. GEPHARDT. Mr. Speaker, it is with tremendous pleasure that I join in supporting this resolution which would name a suite of offices in the honor of our friend and colleague, Bob Michel, who retired last year from his post as minority leader.

Undoubtedly true, that Bob and I disagreed on most legislation, and when we disagreed he was a very tough adversary, but he was the very best the Republican Party had to offer. In times of conflict as in times of consensus, Bob Michel led his party with grace and class and decency that inspired confidence on both sides of the aisle.

Maybe it was the depth of his understanding of the legislative process and how to make that process work for the people, an understanding that he honed over 38 years of dedicated service to the people of Peoria, IL.

Maybe it was the way that he worked for consensus within his own conference, bridging differences to be sure at the end of the day we could make progress on important legislation.

Or perhaps it was the way he knew when to fight for his party or when to put partisanship aside and work to advance the goals that transcend party or politics.

Or maybe it was simply his love for this institution, his faith in our democracy, and the way he became part of all of our lives.

But I know that the House will never be the same without a Bob Michel. And he should know that he has earned the admiration of both his colleagues and his constituents. I am grateful for his 38 years of service to the United States of America, and I am grateful that all of us can call him a friend, and I am delighted that we will be naming these rooms he once occupied in his own name so that his name, his memory, and his example will forever inspire all who will walk through these halls.

I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, further reserving the right to object, and I obviously do not intend to, I want to speak out of the deepest possible respect for the wisdom and leadership of former minority leader Michel as well. Bob Michel exemplified the highest ideal of bipartisanship. When he gave his word, you could rely on it. He was fair and compassionate.

His door was open to Members of both parties, junior and senior Members alike. He was a bridge builder. And as minority leader he was an honest and straightforward person.

He was a staunch defender of minority rights and now we in the Democratic Party know better than ever just how important it was to have someone of Bob Michel's statute be the person who continued to insist on the rights that the minority in this Congress will always maintain.

I have nothing but praise for Bob Michel and believe this resolution is a fitting way for the House to recognize the contributions of one of its most exemplary Members in its modern history, and I look forward to the actual dedication.

Further reserving the right to object, Mr. Speaker, I am happy to yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding. I want to add my thoughts to the accolades given to our friend, Bob Michel. He was here in the House for 38 years. He came here shortly after the Republicans were in the majority. He served in the minority throughout his process, throughout his term in office, and after he left, well, the Republicans gained the majority again.

And my heart goes out to him, because I will tell you what, he was one heck of a minority leader and he would have been one heck of a majority leader or Speaker.

I know it was not in the cards for Bob Michel to attain the speakership, but I thought it was a very generous act of the outgoing majority leader who might have been Speaker to hand the gavel to Bob Michel and let him preside over the new House for just a few minutes. And I will always remember that because that kind of memorializes in my mind the tremendous stature that Bob Michel enjoyed on both sides of the aisle.

He was a leader for his time; he was a man that could work with a large variety of people, a wide disparity of philosophical and political viewpoints, and yet he brought people together, and, frankly, never failed to do so with great humor and good fellowship.

So, I join with my friends in paying tribute to my friend, Bob Michel. I thank the gentleman for yielding to me.

Mr. FAZIO of California. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. ARMEY], the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

I would like to take just a moment to also express my appreciation that we have such a resolution before us. To name these rooms after Bob Michel I think is probably the least we can do.

I got home from work the other night and doing that business called channel surfing I came across an old movie, "The Battle of the Bulge," and I thought about Bob Michel because Bob Michel was one of us from our body that had actually been in the Battle of the Bulge, and realizing what must have been that terrible, terrible momentous struggle. And as so often I do when I see these depictions on television or at the movies, I wonder about the quiet bravery and resolve of these men caught up in these mortal conflicts. And although I think the gentleman from California will agree our conflicts here are not always mortal, there are times when they may seem that way.

And it was always we found in Bob Michel a quiet courage and resolve; one that was gentlemanly, one that was courteous, one that was always respectful, and one nevertheless that reflected the demeanor of a man who could look at all of our turmoil, all of our differences here, all that turns out to sometimes be hard feelings, and very calmly approach that with the eye of a person who had seen things so much worse and had been sustained over the years by an understanding that yes, we will survive this conflict today as we have done those others and endow in each of us an understanding that whatever might be the passion or the anger or the feeling of a moment, it will pass and our lives will go on and this great republic will go on.

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So for us to enshrine in the memory of that kind of quiet confidence in this great institution rooms named after the inspiration that we drew on so many times from Bob Michel, I think, will be a good reflection for each of us to make from either side of the aisle as we walk down those halls and recognize those rooms.

So, again, let me thank you for bringing this to the floor and express my most appreciative support for the effort.

Mr. FAZIO of California. Mr. Speaker, further reserving the right to object, let me simply say I think the majority leader speaks eloquently of the stature of this person who never allowed his very partisan role in the institution to separate him in any personal sense from any Member. He never let the partisanship, which is part of the political debate here, interfere with his basic humanity and his willingness to be a friend to all of his colleagues.

Further reserving the right to object, Mr. Speaker, I yield to my colleague, the gentleman from Maryland [Mr. HOYER], the former chairman of this caucus.

Mr. HOYER. I thank the gentleman from California for yielding.

I rise to join all of those who have already spoken on behalf of this resolution and, more importantly, on behalf of honoring a great American, a thoughtful American, yes, as the gentleman from California [Mr. FAZIO] has said, a partisan American, but first an American, first a gentleman who loved his country, a gentleman who loved this institution, a gentleman who loved his fellow human beings and extended to them courtesy and respect and consideration.

I would doubt that there is a Member of either party who had the privilege of serving with Bob Michel who did not not only respect him, but hold him in deep affection.

Bob Michel was in this issue institution a person who brought us together, even at times of partisan differences. That is why Democrats and Republicans alike stand to support and to honor someone who has enriched this institution and greatly enriched his country.

Mr. FAZIO of California. Further reserving the right to object, Mr. Speaker, I yield to the Speaker of the House of Representatives, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank my friend, the gentleman from California, for yielding.

I just want to say I am very grateful for the spirit of bipartisan support.

You know, I think when the history of the House in this century is written that Mr. Michel will have an unusual place. He entered the House shortly after the Republican Party had lost its majority. He served in the minority his entire time, but he brought to it a spirit of bipartisanship, a spirit of patriotism, I think a spirit of sincere desire to work with every Member of the House, to uphold the dignity of the House, to do the best he could working with Presidents of both parties.

His career spans much of the most intense period of the cold war. Anyone who ever traveled with him knows he had friends across the planet he had made while working to uphold the position of freedom all over the world.

He certainly, for our generation of Republicans, gave us a sense of leadership. We served, in effect, an apprenticeship with him, and I think that the House today and the spirit that was just expressed by my friend from Maryland in a bipartisan way honoring a man like this who has served the House and served this country is exactly the right thing to do.

So I am very grateful to my colleagues on both sides of the aisle for joining us in this.

Mr. FAZIO of California. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. I certainly appreciate the gentleman from California for yielding.

Bob Michel, when I came to the U.S. Congress, Bob Michel certainly was already established as a name and somebody who had served many, many years and a great record here. But no matter if I was the lowest guy from the delegation, Bob took time, counseled, sat down, was almost a father image and helped the youngest member of the delegation out, and I will always remember that.

You know, people have talked about Bob Michel. I guess it is the old ploy, it is good if it will play in Peoria. Bob Michel did play in Peoria time after time in the best sense of the world. He certainly represented the heartland of America. He brought those values and those ideals back to this floor and to this city, and every time that Bob Michel got up to speak, we would hear that good Midwestern common sense, metered hostility or praise or whatever he had to give. But it was certainly tempered with his roots back in Illinois.

And you know, I think we talk about Bob Michel being a quiet person. He certainly was, and unless there is a piano around, then he was not so quiet.

We talk about him being a true gentle man, but Bob Michel was also tough, and if there were things that he really felt that were going the wrong way, he would stand there and he would outwait you. He would listen to you and listen to you and listen to you, and finally Bob Michel would have his way prevail. So he had that toughness inside.

I just really appreciate the opportunity here to speak about Bob and certainly to commemorate this part of this building in his name, something we can always remember. I think that is very, very fitting and proper to do.

Mr. FAZIO of California. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I want to thank the gentleman from California for yielding. I deeply appreciate that.

I had the pleasure of making the motion to adopt this resolution in the House Oversight Committee, and I did that with pleasure for two reasons. Fist of all, these rooms have some meaning for me personally. My first experience in these rooms was meeting with then Minority Leader Gerald Ford a number of years ago when he asked me to serve as his personal science adviser and assemble scientists in his district to meet with him on a regular basis. That was my anointing into the political process, and I think had some influence on the fact that I ended up here today.

But above all, I want to speak on this issue, because of the outstanding character and quality of Mr. Michel himself. I first met him at about the same time I became acquainted with Mr. Ford. Mr. Michel came to speak in our district, and I met him, and I was immediately impressed with him, and thoughout the years I have had other contact with him.

But what especially impressed me was when I was elected last year, in spite of the fact that he was the minority leader, he took ample time to help me get oriented, adjusted, and to become a true Member of this Congress, and I was impressed with his throughtfulness, his kindness, his helpfulness, and above all, as has been emphasized here, the fact that he is a true gentleman, and he represents the epitome of what is good and proper about this institution.

It is with great pleasure that I support this resolution.

Mr. FAZIO of California. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I thank my distinguished colleague for yielding.

It is a precious moment of recollection, and I said that when you think back on our 40 years in the wilderness, there are biblical parallels, and Bob Michel served 38 faithful years here, but like Moses, he saw the Promised Land but never entered it.

I first met Bob when I was teaching history down at Bradley University in Bob's hometown, and he was Uncle Bob to me, and he was a dear friend, and I admired him greatly long before I ever dreamed of joining him here.

I had the distinct honor of serving with him for 25 of his 38 years. I miss him. I think we all miss him on a bipartisan basis.

Bob came down here when this place was infinitely more collegial than it has become. It strikes me that we are perhaps learning from the British Parliament in our exchanges here on the floor that I do not really recall in previous years.

But part of that was Bob's influence, and Bob had a gentlemanly demeanor. It was persistent. He could get filled with passion when he believed profoundly in an issue, but it never got down to personalities.

I think it is a fitting tribute that is being paid to Bob by memorializing his name here, a great public servant, a great patriot, and we all honor him.

Mr. FAZIO of California. Mr. Speaker, further reserving the right to object, it is fair to say that in his 38 years in Congress, I might add—I hate to mention it, but I must—three times what he would have been allowed to serve under term limits as some would have it, he had many outstanding people serve on his staff, and the individual who most recently did a great job of representing him in his home base of Peoria is now a Member of this institution, the gentleman from Illinois [Mr. LAHOOD].

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. I thank the gentleman, and I appreciate very much the gentleman from California allowing us Illinoisans to do this.

I want to announce to all Americans that Bob Michel is alive and well in Washington, DC. Actually there are people calling the cloakroom wondering if something has happened to him. He has not slipped on a banana. He is still around.

For so long, 12 years, I worked for Bob Michel, and many of the things that I have learned about this institution and have been able to bring to this institution I learned from my friend, Bob Michel. I would not be here today as a Member of the House of Representatives if it were not for Bob Michel. Having worked for him for 12 years and been his chief of staff for the last 4½ of those years was a marvelous experience.

So many times I said, while I campaigned, I am not going to fill Bob Michel's shoes. Nobody can do that. Nobody can fill the shoes of someone like Bob Michel. He is truly an extraordinary person.

And another thing that I have said for so long is that he is the last of a dying breed around this House. I do not know that there will ever be another Bob Michel, somebody with so many years of experience, but somebody who was so revered on both sides of the aisle by all of the Republicans and all of the Democrats in a way that I do not know that we have around here anymore.

I cannot think of a more fitting way to help remember him than this resolution that we are considering today.

Back in our home community last weekend there were some news accounts on our television, and as the newscasters were saying, "Peoria Congressman," I waited for them to say, "Bob Michel," because we have said that for so long, even in our own community, so I know that many people miss him here, and many people miss him in Peoria and elsewhere in the 18th district, and it is truly an honor for me to say whenever I can that I took Bob Michel's place, but I will not replace him, because he is irreplaceable.

Mr. FAZIO of California. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, what a joy it is to participate in such an unique way to honor a person who is truly my personal hero in Congress.

I was elected in the 103d Congress, my first term in Congress and Bob Michel's last term in Congress. And I remember Bob was thinking about retiring. I sat next to him right over here. I said, "Bob," I said, "are you going to retire or are you going to stick around for one more term?" He said, "No." He said, "I just think it is time that I retire to give other people an opportunity to come into this body."

And probably one of the most moving events in my life occurred when the House Republican Conference had its very last meeting of the 103d Congress, and Bob came in. We had a birthday cake there, and everybody was singing and on their feet. I was sitting there in the chair just weeping like a child, knowing that somehow I was going to be deprived of the opportunity to serve numerous years with a man who is a truly remarkable American.

You know, in an age where people have incredible angers and will become short on words and sometimes say things we do not like to, probably the harshest thing Bob Michel would ever say would be, if he was really upset, would be "Gosh darn it," and you sort of look at him, and he had this almost comical smile on his face such as you really should not get mad about this, because the country depends upon all of us working together.

And I see the gentleman from Maryland [Mr. HOYER] over here because he used to lock horns all the time with Bob, but you could never get mad at him.

Unfortunately, some of us end up getting a little bit upset with each other, treat each other like sandpaper at times, but Bob Michel always served to me as the epitome of a U.S. Congressman, and if I ever wanted to write a book on the person whom I would most want to emulate, that would be my personal hero, the man we are honoring through your resolution, VIC, and that is Bob Michel, and bless you for giving us the opportunity to pay this little tribute to him.

□ 1415

Mr. FAZIO of California. Mr. Speaker, further reserving the right to object, I must comment that I did have the opportunity to play golf with Bob on a number of occasions. He was known to use cuss words, always within the bounds of propriety, such as, "Golly, gosh, darn." He probably would have more of those than strokes per hole.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. I thank the gentleman for yielding and for the opportunity to say a few words. As one of the new Members of Congress, one of the new kids on the block, I am one of those who cannot say that I served with Bob Michel. But I remember as a young man meeting Bob Michel for the first time at a political function in western Illinois. My impression was, "This guy is a nice guy. Everybody likes him. How can he be a leader? Leaders have to make tough decisions, leaders have to stand up and sometimes say 'no' for those who are in their flock whom they are trying to lead."

Mr. Speaker, I just want to commend the Speaker and the sponsors of this resolution for honoring an all-around nice guy, someone that Illinois was very proud to send to the House of Representatives for 38 years, who distinguished himself here.

Again, I thank the gentleman and, good job in moving forward on this resolution.

Mr. FAZIO of California. Mr. Speaker, let me yield to the chairman of the Committee on House Oversight, the gentleman from California [Mr. THOMAS]. But before I do, let me correct the record: This resolution was offered and sponsored by the gentleman from California.

Mr. THOMAS. And the Speaker.

Mr. FAZIO of California. And the other leaders on his side of the aisle. The minority is happy to participate, and we are very pleased that we can cosponsor this resolution.

Mr. THOMAS. I thank the gentleman for yielding.

Mr. Speaker, I just want to say that several of the new Members wanted to know whether or not we had enough rooms if we were going to name rooms after Members. I asked them to walk around and look at the number of rooms named for distinguished Members of this House. And all of the rooms that have not been named. I would just say, to anyone who wants to know whether or not rooms should be named after Bob Michel, to read the CONGRESSIONAL RECORD following this presentation. There is ample reason. Anyone who meets the profile that has been discussed among Members here, we have ample rooms. I think you will find that very few of us would meet that profile.

I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, I withdraw my reservation of objection and look forward to supporting the resolution.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution as follows:

H. RES. 65

Whereas, at the end of the One Hundred Third Congress, Representative Robert H.

Michel retired after 38 years of distinguished service in the House of Representatives, including service as the Republican leader beginning in 1981, the longest tenure of any Representative in that position: Now, therefore, be it

Resolved, That the rooms numbered H-230, H-231, and H-232 in the House of Representatives wing of the Capitol are named in honor of former Representative Robert H. Michel.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. THOMAS: Strike out all after the resolving clause and insert: That the rooms numbered H-230, H-231, and H-232 in the House of Representatives wing of the Capitol shall be known and designated as the "Robert H. Michel Rooms".

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. THOMAS].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution as amended.

The resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. THOMAS: Amend the preamble by striking out "beginning in 1981" and inserting in lieu thereof "for 14 years".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from California [Mr. THOMAS].

The amendment to the preamble was agreed to.

AMENDMENT TO THE TITLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. THOMAS: Amend the title so as to read: "Resolution designating certain rooms in the House of Representatives wing of the Capitol as the 'Robert H. Michel Rooms'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on House Resolution 65, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 31, 1995, TO FILE CONFERENCE REPORT ON H.R. 889, EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS, FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, March 31, 1995, to file a conference report on the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

Mr. Speaker, this has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION TO FILE REPORT ON H.R. 655, HYDROGEN FUTURE ACT OF 1995

Mr. LIVINGSTON. Mr. Speaker, on behalf of the gentleman from Pennsylvania [Mr. WALKER], I ask unanimous consent that the Committee on Science have until 5 p.m., Thursday, March 30, 1995, to file a later report on H.R. 655, the Hydrogen Future Act of 1995.

Mr. Speaker, this request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time to inquire of the majority leader about the schedule for the week to come.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I am glad to yield to my friend, the gentleman from Texas, the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on Monday, April 3, the House will meet at 12:30 p.m., for morning hour and 2 p.m. for legislative business. We plan to take up the following bills under suspension of the rules:

H.R. 1345, the District of Columbia Financial Responsibility and Management Assistance Act of 1995; and very importantly;

H.R. 716, the Fisherman's Protective Act amendments;

H. Res. 120, the resolution expressing the sense of congress regarding the American citizens held in Iraq; and

H.R. 1271, the Family Privacy Protection Act.

Also, depending on the Senate's progress, we may consider a motion to go to conference on the FEMA emergency supplemental appropriations legislation. Members should be advised that there will be no recorded votes taken before 5 p.m. on Monday.

For Tuesday and the balance of the week the House will consider H.R. 660, the Housing for Older Persons Act of 1995 subject to a rule; H.R. 1240, the Sexual Crimes Against Children Prevention Act of 1995, subject to a rule; and H.R. 1215, the Tax Fairness and Deficit Reduction Act, subject to a rule. We will also take up any conference reports that might become available next week.

Meeting times for the House will be 9:30 a.m., for morning hour and 11 a.m., for legislative business on Tuesday; 11 a.m. on Wednesday; and 10 a.m. on Thursday and Friday. Members should be advised that there will be votes on Friday and it is our hope to have Members on their way home to their districts for the April district work period by 3 p.m. on Friday.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas for his comments.

On Tuesday, I inquire of the majority leader: He indicates that he will be seeking rules on the Housing for Elder Persons Act and the Sexual Crimes Against Children Prevention Act. Is either one of those controversial?

Mr. ARMEY. If the gentleman will yield, I believe neither of those will be controversial. We expect them to both be granted open rules.

Mr. HOYER. Is there a reason for getting a rule as opposed to putting them on the suspension calendar?

Mr. ARMEY. If the gentleman will yield further, the reason is simply a fair and open debate.

Mr. HOYER. I thank the gentleman.

Referring to Friday, does the gentleman expect votes on Friday?

Mr. ARMEY. Yes, we do expect votes on Friday.

Mr. HOYER. Can the gentleman advise what we might be voting on Friday? Does the gentleman expect the tax bill to go over to Friday?

Mr. ARMEY. If the gentleman would yield further, we do not expect the tax bill to go over on Friday, but we do have hopes that—we have conference reports that might be available, and we have some other legislation that we think we may be able to complete before we adjourn for our April district work period.

Mr. HOYER. The gentleman says the tax bill will be completed by that time. Can the leader tell me—it is going to be up on Wednesday—does the gentleman expect, since the rule has not been written for that at this point in time, can Members have the expectation of when they might be considering the tax bill?

Mr. ARMEY. If the gentleman would yield further, the Committee on Rules, as the gentleman knows, has been holding hearings on that and are making their deliberations. If everything goes according to expectations, we should expect we will begin the tax bill on Wednesday.

Mr. HOYER. And completed on Thursday?

Mr. ARMEY. I should expect so.

Mr. HOYER. That is the expectation. Might I ask the majority leader, as someone who in years past—and we have not always met that date—I do not know the number, but with respect to the budget, can the majority leader give us an idea? Obviously, we are not going to be doing it next week, so we are not, presumably, meeting therefore the April 15 target date under the statute for presenting the budget. Could the majority leader tell me when that budget might be forthcoming?

I yield further to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Yes, our expectation is that that budget resolution will be brought to the floor early in May, we are very confident, by the middle of May.

Mr. HOYER. I thank the majority leader.

Mr. Speaker, I yield to my friend, the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I would like to ask the distinguished majority leader a couple of questions if I may. As the majority leader is aware, and as we are painfully aware on this side, we are in the minority but we still have families and children, and even though there are only 204 of us on the Democratic side, we have large families with lots of children in them, and we like to spend time with those children.

Last night we had an instance where we voted until 10 o'clock at night. We are now out at about 2:30 in the afternoon.

Could the distinguished majority leader tell me why we would not roll the votes from last night and not been in until 9:30, 10, last night, but be out by about 7 o'clock and have that time rolled over into today's time and debate and still be able to get home to our districts to work tonight.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the majority leader, the gentleman from Texas.

Mr. ARMEY. I thank the gentleman again.

Mr. Speaker, again let me express my appreciation for the concerns the gentleman from Indiana [Mr. ROEMER] raises. We have had a couple of windfalls. The gentleman may recall, we were able to shorten our proceedings last night by withdrawing one of the amendments and then moving more quickly than anybody anticipated to a final passage vote.

Second, today we had the additional unexpected windfall which enabled us to avoid having a recorded vote on the conference report. These things are not always predictable. In order to, on the one hand, be as confident as we can that we give the Members as certain as possible a departure time for those who have to make their planes, all too often, to the west coast, we try to be as complete in our planning as possible, and we appreciate the windfalls when we can get them.

Mr. HOYER. I yield further to the gentleman from Indiana for an additional question.

Mr. ROEMER. My second question of the majority leader would be a number of us on authorizing committees have not been marking up bills for various reasons. Some of the chairmen have been in budget committees, there has been a very, very busy schedule on the floor.

Now, when we come back from our work period after the April time frame, the authorization bills are going to be coming to the floor, trying to get time not only to mark up and get their bills out of committee and give vision and a macro picture of the budgetary process to the appropriators. The Appropriations Committee is also going to be trying to get time both in committee and on the floor.

Could the majority leader tell us with some kind of certainty what type of schedule we are looking at in this time period when we are going to have to make some very, very serious decisions on the budget, on appropriations bills? What is the schedule going to look like after April?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. ARMEY. Again, the gentleman raises, I think extraordinary and important points. We should be able to put in your hands prior to your departure for your April work period back in your districts a schedule that will at least give you a clear understanding of what days we will be in and actually in the period of time after the April work period and before the August work period when we will be in session during that time frame 1 day fewer than we were last year.

There is no doubt, as I look at that, our congressional schedule will be much more close to normal in terms of last year and preceding years relative to what we have just been through in these 86 or 87 days.

When we take up business, obviously one of the first items we will have will be the budget and we will then subsequently move from budget to the appropriations, and a great deal of our time on the floor will be by the committee appropriations bills, whereas the gentleman knows the Committee on Appropriations has on it membership those Members who have exclusive committee jurisdiction, and that should alleviate a great deal of the problem between committees.

But I would expect and fully anticipate that whether it be with respect to your committee work or floor work or a combination of both, and with respect to the hours we keep, that you are going to find a very refreshing change of pace, one that is much more congenial to your sincere desire to spend more time at home with your families.

☐ 1430

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER] and the gentleman from Texas [Mr. ARMEY].

Mr. HOYER. Mr. Speaker, I would thank the majority leader for the information he has given to us, to Members on both sides of the aisle, with reference to the schedule. I know I speak for the majority, that we are very pleased that there is the plan to give to the Members a pretty good understanding of what the schedule is going to be over the months of May and June and July. That would be very helpful to all of us I know.

I would urge the majority leader, as I have on my own said for almost all the years I have been here as a member of the Committee on Appropriations, to move the budget as quickly as possible so we can get our allocations to the Committee on Appropriations so they could report them out. As the gentleman knows, one of the problems we have had, not so much in recent years, but we had in the early 1980's, was the inability to pass appropriation bills prior to the September 30 end of the fiscal year, the consequential looking to continuing resolutions, the failure of funding the Government's operations for the new fiscal year, and so I would hope that we could see the budget come to the House as early in May as is possible, and I appreciate the majority leader's information and attention to these matters.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, I would just say the gentleman's point is well taken, and we have every intention of making this as expeditious and as full of process as possible.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas [Mr. ARMEY].

ADJOURNMENT FROM THURSDAY, MARCH 30, 1995, TO MONDAY, APRIL 3, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO CESAR CHAVEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to honor and remember a great American leader and hero, Cesar E. Chavez. He was a husband, father, grandfather, labor organizer, community leader, and symbol of the ongoing struggle for equal rights and equal opportunity. March 31, the birthday of Cesar Chavez, has already been declared a State holiday in California. Today, I ask my colleagues to support legislation I just introduced to make March 31 a Federal holiday so that our entire Nation can honor Cesar Chavez for his many contributions.

Cesar Chavez, the son of migrant farm workers, dedicated his life to fighting for the human rights and dignity of farm workers. He was born March 31, 1927, on a small farm near Yuma, AZ, and died just 2 years ago, on April 23, 1993. Over the course of his 66 years, Cesar Chavez' work inspired millions and earned him a major place in American history.

In 1962, Cesar Chavez and his family founded the National Farm Workers Association, which organized thousands of farm workers to confront one of the most powerful industries in the country. He inspired them to join together and nonviolently demand safe and fair working conditions.

Through the use of a grape boycott, he was able to secure the first union contracts for farm workers in the United States. These contracts provided farm workers with the basic services that most workers take for granted—services such as clean drinking water and sanitary facilities. In addition, Cesar Chavez made the world aware of the exposure to dangerous chemicals that farm workers—and consumers—face every day.

As a labor leader, he received great support from unions across the country, and the movement he began continues today as the United Farm Workers of America.

Cesar Chavez' influence extended far beyond agriculture. He was instrumental in forming the Community Service Organization—one of the first civic action groups in the Mexican-American communities of California and Arizona.

He worked in urban areas, organized voter registration drives, brought complaints against mistreatment by police and welfare officials, and empowered many to seek further advancement in education and politics. There are countless stories of judges, engineers, lawyers, teachers, church leaders, organizers, and other hard-working professionals who credit Cesar Chavez as the inspiring force in their lives.

In his fight for peace, justice, and respect, he gained the admiration and respect of millions of Americans, including this Congressman.

Cesar Chavez will be remembered for his tireless commitment to improve the plight of farm workers and the poor throughout the United States and for the inspiration his heroic efforts gave so many Americans to work nonviolently for justice in their communities.

We, in Congress, must make certain that the movement Cesar Chavez began, and the lessons he taught, will continue. In his honor, I urge my colleagues to support legislation to declare March 31 a Federal holiday in honor of Cesar Chavez. In the words of Cesar Chavez and the United Farm Workers, "si se puede—yes we can."

MORE WISHFUL THINKING IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, it has been 193 days since America's finest combat forces occupied Haiti, a friendly neighboring country. Tomorrow, the occupation will formally end as President Clinton travels to Port-au-Prince to declare the mission a victory and to pass the reins to the United Nations. Our prayers for Godspeed and a safe return, of course, go with him, our Commander in Chief and our President, but we wish it was truly a victory, a mission accomplished, but it is not that easy. We wish democracy, security, and stability could actually be a reality in Haiti, however it clearly takes more than wishful thinking to fix 200 years of civil strife and gut-wrenching poverty, some of it I am sorry to say caused by the Clinton administration's costly and ill-advised embargo.

It is also obvious that the commitment of 20,000 American troops and more than 1.5 billion American tax dollars, a figure that will pass the $2 billion mark before this mission ends, have not fixed Haiti's problems at all. Look at a sampling of recent headlines: "Missionary Couple From U.S. Are Shot," "Haitian Slum Residents Sharpening Their Machetes After Deadly Robbery," "Outspoken Aristide Critic Gunned Down in Port-au-Prince," "Violence in Haiti Stops Voter Registration" and the one from today that sums it all up: "To Clinton, Mission Accomplished; To Haitians, Hopes Dashed."

While it is easy enough for the United Nations and the Clinton administration to declare Haiti "safe and secure," it does not make it a reality for people who live there. A marked increase in politically motivated violence has come hand-in-hand with a tidal wave of crime and lawlessness that is threatening to overrun the country. Many of the Haitian and American businesses that managed to stay open, despite the punishing United States-led embargo, are being driven to the brink of closure again by nightly raids on storehouses, regular truck ambushes, and looting at distribution centers. Investors are not being welcomed by the Aristide government or encouraged to return by the deteriorating security situation. In fact, fewer than 10,000 jobs have returned since the embargo ended. Prices are high. Unemployment is at more than 75 percent. People once content to wait for the spoils of Aristide's return are growing increasingly frustrated and prone to crime and violence. This is hardly conducive to establishing a secure and stable environment. Although the Clinton administration has placed tremendous faith in the ability of the interim police force, a force cobbled together from former Fadh members and Guantanamo refugees to provide for law and order as the transition to the United Nations mission is made tomorrow, the truth is that those individuals are not up to the job. They do not command the respect of the Haitian people. Even President Aristide has recently referred to the media as cowardly. They are underresourced.

In Port-au-Prince, for example, 182 of the police share 3 weapons and I do not know if those weapons work. They are afraid to patrol at night, and they are easily intimidated by the vigilante groups that have become a common phenomenon in Haiti. Let me add that when reportedly at the encouragement of President Aristide, armed mobs went out into Haitian cities meting out justice with machetes, rocks, and torches, it has to be clear, even to the Clinton White House, that something is seriously wrong in Haiti. It is not secure and stable.

Just as disturbing as the lack of security is the lack of progress on elections. There are signs that that process may be seriously flawed and subject to lengthy delays because of increased political violence, lack of public interest and the logistical nightmare of starting from ground zero. Until the elections take place Haiti has no functioning legislative branch. There is no Congress there. In addition, the judicial branch, weak as it is, has not come back online in Haiti. In other words President Aristide rules without the checks or balances of either the parliament or the judiciary.

Question: How can you have a democracy without a parliament or a judicial branch? Answer: "You can't. It's not a democracy."

I suspect that President Clinton and his advisors will breathe a heavy sign of relief to no longer be in charge of what happens in that small Caribbean nation in the weeks ahead. But the White House and Congress still have a job to do because the policies pursued in Haiti by this Clinton administration have made Haitian affairs our business. American tax dollars still flow into Haiti at an alarming rate. More importantly, 2,400 of our men and women in uniform will be part of the United Nations mission in Haiti until at least February 1996, although indications are that that deadline may slip even further by the time the new President is supposed to be installed.

Mr. Speaker, all is not well in Haiti, and all the wishful thinking in the world, all the White House spin doctors, are not going to change that. The reality is we have spent an awful lot for very little, and it is appropriate for full accountability for the events to date. We hope to get that from the White House, and it is also appropriate to have realistic planning to deal with the mess that remains. It is a mess, and we owe them some assistance and recovery.

□ 1445

OSHA'S REGULATORY EXCESSES HURT SMALL BUSINESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I bring today a new story from what is now getting to be a very old textbook.

Mr. Speaker, it is a common misconception among people that OSHA's regulatory excesses only hurt big businesses. I have spoken on this floor many times about the pain OSHA has caused small businesses. However, today, Mr. Speaker, I bring to you the nightmare OSHA has caused a nonprofit charity organization.

A good friend of mine, Merle Temple, headed a charity group that worked to produce health care for the disadvantaged. They worked very hard to give the elderly, the shut-ins, and the disabled health care services they so badly needed.

They worked to help get these people to become self-sufficient, particularly in their own homes. They set up a food bank to try to get food to people who needed help toward the end of the month. Merle's group did the types of things, Mr. Speaker, we should champion in this Nation.

As is the case with many nonprofit organizations, Merle's group was heavily dependent upon contributions to make ends meet, and they were barely scraping by. In an effort to keep their costs low, they ran their services out of a basically rundown office. They did not spend money on extravagant office furniture and machines. That would have taken away money from those people who really needed the help.

Soon after moving into their low-rent office, Merle discovered that the attic had a problem with squirrels. Again, always thinking about cost, Mr. Temple chose to take care of the squirrels himself. He could have spent money on an exterminator, but that would have taken money away from the needy.

However, this turned out to be a very large mistake. In trying to get rid of the squirrels, he put mothballs in the attic. The mothballs ran off the squirrels but it attracted the skunks.

Someone complained to the local OSHA office about the smell of these mothballs, and in a sweep, the OSHA storm troopers rushed in. OSHA fined a nonprofit organization, an organization dedicated to bringing health care to the needy, $700.

Merle appealed the fine, and the sweethearts over at OSHA relented. They reduced the fine to a mere $350. They could not possibly let Merle's group off the hook completely. After all, they didn't have the standard OSHA workplace poster; $350 for a poster from a nonprofit group trying to take care and help people. Mr. Speaker, that $350 would have stocked their food bank for a month.

Of course, Mr. Speaker, my friend Merle paid the $350 out of his pocket, but OSHA really did not care where they got the money from, only that they got the money.

To those of you on the other side who complained long and loud about Republicans taking food from people, to those of you who think that Government is always the answer, I would suggest that you take a look at how Government regulation can take food from the needy right now.

Mr. Speaker, OSHA just doesn't hurt big business. OSHA just doesn't hurt small business. OSHA is more than willing to turn loose its claws on a non-profit organization. OSHA is one agency that has turned a reasonable and an important mission into a bureaucratic nightmare for the American economy and the American people. Common sense was long ago shown the door at OSHA. OSHA is one agency that needs to be restructured or reinvented or, Mr. Speaker, just maybe plain removed.

CONGRESS MUST WEIGH IN ON THE UNITED STATES-NORTH KOREA NUCLEAR AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the subject of this special order is the United States-North Korea Nuclear Agreement.

Mr. Speaker, it increasingly is clear that the United States-North Korea Nuclear Agreement signed last October is flawed and that it contains great risks to important American nonproliferation and regional security interests. North Korea's confrontational behavior to date raises serious questions about whether Pyongyang is acting in good faith.

North Korea has diverted to military use some of the United States-supplied heavy oil that we already have delivered under the terms of the agreement, and the North has continued its relentless political attacks against our ally, South Korea. North Korea continues to make new and outrageous demands, including a demand for a billion dollars in additional assistance.

Earlier this week United States-North Korean talks in Berlin were broken off prematurely and without agreement due to Pyongyang's refusal to accept South Korea as the source of light water reactors to be provided under the agreement—a crucial violation of the spirit of the agreement and a definite deal stopper.

Mr. Speaker, Congress must send a strong message to North Korea. The United States will not succumb to North Korean blackmail and brinkmanship.

Today, this Member is introducing legislation that seeks to address the outstanding significant problems with the October 1994 agreement. This legislation would give the Clinton administration much-needed policy direction. Among other features, this legislation will:

First, underscore that the Congress regards the terms of the October 1994 agreement as the absolute minimum acceptable conditions for addressing the threat posed by North Korea's nuclear program; second, the legislation will make clear that South Korea is the only acceptable source for the light-water rectors that are to be provided to North Korea under the agreement; third, no legislation will emphasize the primacy of the United States-

South Korea relationship by conditioning further steps toward the normalization of United States-North Korea relations on progress toward a North-South dialog and fulfillment of the 1992 North-South accord on the denuclearization of the Korean Peninsula; fourth, the legislation will reinforce the importance of other American objectives regarding the Korean Peninsula, including the reduction of North Korea's military forces and their redeployment away from the Demilitarized Zone, prohibiting the deployment of ballistic missiles by Pyongyang, and deterring the export of missiles and weapons of mass destruction.

Fifth, and, finally, the legislation will make it clear to the administration that the Congress retains final authority over any expenditures in support of the agreement, by insisting that any reprogramming actions must follow the notification requirements stipulated in the Foreign Assistance Act.

Mr. Speaker, this is not a partisan issue. Everyone should be concerned about the very real danger on the Korean Peninsula. This Member would urge his colleagues to join as co-sponsors on this important national security initiative.

URGING CONGRESS TO CONTINUE WORK AFTER THE FIRST 100 DAYS TO MAKE AMERICA A BETTER PLACE FOR ITS CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, how proud the people of Pennsylvania must be of their favorite son as he assumes the chair of this distinguished Chamber this afternoon.

Mr. Speaker, I would like to take a moment and certainly dedicate my 5 minutes to my sister, Elizabeth, who gave birth to a new nephew of mine, Adam Edward. I am very, very proud of her.

I would like to also take a moment to read what I will call MARK FOLEY's mailbag, the letters we get. A lot of people assume we come to Congress and just come up with ideas of the back room of the legislative chambers without a lot of debate and deliberation. I will read you a few of the letters that I receive, to reflect on the considerations we make when we design legislation.

From John MacPhail of Sebring, FL:

> Dear Representative Foley: I am a life-long Republican, and I believe we have a great opportunity to help this country at this time if we don't blow it. My principal concern is that my children and grandchildren will not have to pay for my present comfort.
>
> Although I am a veteran of World War II, I do not believe this country owes me anything. It paid for my education—that's enough.
>
> About the budget: Yes, I support PBS and NPR, but I do not think the Government needs to support it any longer. Those of us who enjoy it should pay for it. Yes, I'm on Medicare, and it is necessary to cover my major medical expenses, but I can afford higher premiums or a bigger deductible.
>
> Yes, I pay taxes, lots of them, but I would not object to paying more if the IRS would submit a tax form I could complete myself in an hour's time. Am I wealthy? No. I just think that all of us who are able should begin to sacrifice for the sake of those coming after us. Please do your job: save this country.

From Mrs. Easton in Stewart, FL:

> Dear Congressman Foley: I think the freshman class in the House is doing a fine job, and many of the items in your contract are good. But there is one that troubles me.
>
> I think this is not the time to cut taxes. Congress' first priority should be coping with the deficit, and I hope that AARP and other pressure groups will not be able to divert Congress' determination from this goal.

That is a senior citizen writing.

Dean Balkema from Port St. Lucie, FL:

> Dear Representative Foley: Unfortunately, the balanced budget amendment was defeated. On top of this sad result, Representative Archer is now suggesting a tax cut.
>
> In view of our incredibly increasing serious Federal deficit, talk of a tax cut is ridiculous. I hope you will not support any tax cuts.

A letter to the Charleston Post and Courier, from my friend and colleague, the gentleman from South Carolina's sister's husband, on food stamps.

> Recently Florida Congressman Mark Foley was quoted as saying that "It was wrong for the Federal Government to subsidize people's appetites for popcorn, potato chips, ice cream, Coca-Cola, and Gatorade.
>
> I could not agree with him more.
>
> I have no objection to my tax dollars supporting the needs of poor people to have food they need to put a decent meal on their table. However, I recently stood in line in a supermarket behind . . . somebody in the grocery store who had food stamps and bought dozens of bottles of soda.
>
> I resent this. And I think it illustrates the absolute need for the use of food stamps to put food on the table and not to buy what most of the working poor would consider luxuries.
>
> The food stamp program should not be abandoned, but it must be put on track so that it helps those who truly need help.

This from the parents of one of our Democratic pages, Joshua Stello, who wrote to me this week.

> Dear Mr. Foley: My wife and I would like to thank you for the special attention you have shown our son. We also think he is very special. We both have tried very hard to give him the tools to make a future for himself and others.
>
> Both of us wish to tell you how much we feel a little support and recognition helps us keep that path worthwhile. With so many distractions in the world for our young people, parents need all the support and positive reinforcement they can get from others. This gesture by you goes a long way for us parents, and especially for our son.
>
> I'm sure Josh has told you we have a daughter, Brianna, who is also someone you would like to meet, and we are very proud of. This support lets her know she can also reach for the positive.
>
> I hope that Members of Congress realize how much weight they carry for the impressions of young people. I hope this new wave continues to try and work for a future—a positive example and a future for our young—they need and deserve it, from Robert, Jennifer, and Brianna Stello.

I read a disturbing thing in the paper today in the New York Times. Michael Kauffman: "Man's Best Friend, Fiercest Foe."

> As the boys explained, the fights begin when owners sic their dogs on each other in a preliminary round. For less than a minute as the dogs lunge and bite, odds are set and bets are placed. The boys said that as much as $500 is bet, and people can lose thousands of dollars within minutes.
>
> Then there is a break, they said, which is when some owners set out bound cats to further arouse blood lust in their dogs.

This illustrates, folks, the problem in America is not necessarily what we can do in this Chamber to devise laws that will protect us, but when we start rewarding people like Tanya Harding, who has injured another person, in giving her a movie role; when we start rewarding people who have created vandalistic crimes in Singapore, by offering them money to expose their behind where they have been caned; where we tell our young generation that in order to be rich in society, they have to commit some devious crime and a devious act to make people pay attention to you, so you can get in People Magazine or on Oprah Winfrey, there is something seriously wrong in America.

Each and every one of us has a responsibility when we receive letters from our constituents about the direction of this country, but we will not be responsible on this floor unless we debate the real problems that face us out in our communities.

Those problems are many. Those problems are what I am illustrating in the New York Times when people allow live animals to be sicced upon each other, to fight each other in a gruesome display of competition, and reward each other with financial gain by watching this barbaric action.

Our children need a future. They need a better future. There are things we can do as Democrats and Republicans to make Congress work for the people of the United States of America.

The yelling and shouting that has gone on here in the last 95 days is sad, because at times both sides have good arguments, legitimate arguments. Let us continue to work after the 100 days to make America the strong and proud place it is, and give it a chance to survive. I know it will, because both parties need it to.

☐ 1500

PRESIDENT CLINTON GOES TO HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker and my colleagues, I come to the floor this afternoon to talk about President Clinton and his upcoming trip to Haiti. President Clinton is going to Haiti to celebrate what I consider a policy of failure.

What really concerns me, and I am now a member of the Subcommittee on National Security, International Affairs and Criminal Justice of the Committee on Government Reform and Oversight, is the disastrous course this administration has taken in Haiti and the President plans to go to Haiti to celebrate.

Let me tell you that just within the last few weeks, I had the opportunity, with Mr. BURTON, to go to Haiti and to review what is going on there and meet with President Aristide. And let me say to my colleagues in the House that what I saw is frightening. It is the result, really, of a policy that has been out of sync from the very beginning.

Let me review for you just a moment where we have been and how we got to this situation.

First of all, that we failed to enforce and this administration failed to enforce international law. One of the sorriest days in the history of this Nation was when the SS *Harlem* sailed out of the Port-au-Prince harbor and failed to have Haiti comply with international law. Another failure of this administration.

Then what did we do? We imposed sanctions that killed more than 60,000 jobs in that nation that fed hundreds of thousands of people and destroyed permanently those jobs and drove that country and that poorest nation in our Western Hemisphere into the ground.

What is worse than killing the economy, we also allowed during that period of time for the opposition in Haiti to be killed. They murdered and tortured and destroyed any potential future leadership for this Nation.

Next, we sent our troops there. And what has happened now is a cost to the U.S. taxpayer of billions of dollars. And, in the meantime, actually even before we sent our troops there, we had incredible costs to my State, the State of Florida, in a wave of refuges that landed there. But then we sent our troops, and we have had to pay twice for our troops, both for our troops and in a few more days for the U.N. peacekeeping troops when part of our troops are removed. So we have paid for a policy of failure.

Now, that is only the beginning of it. My concern is, what do we do from here as the President marches down there and we leave 2,000 of our troops? What is going to happen?

You know, I had a chance to talk to our commanders. I had a chance to talk to our leaders, our Ambassador and our AID officials about what is going on. Even the young men and women who served, and I met with those individuals from Florida, said, "Congressman MICA, there is no plan for economic development. Our biggest plan that the United States offers is picking up trash in Haiti. That is the job opportunity plan that we have in place there. That is the biggest job opportunity, and when the money runs out for that program, the program runs out."

This is what we have. This is the document that was presented to me by AID and the Ambassador, and it is pitiful. It talks about spending millions of dollars on feeding stations. They are so proud of 2,500 feeding stations. It talks about spending millions of dollars on elections and local governments.

And do you know what there is in here? At the bottom of the page, there are a few paragraphs about economic development. Well, heaven forbid we should spend billions of dollars there and leave this Nation without some ability to create jobs and opportunities for the future.

I submit that this is a policy of disaster, that we are making the same mistake in this country, that we have created a system of dependence and reliance on social and welfare programs that leave people dependent, just like we have done in Haiti and we are doing in this Nation. And now we have a President going there to celebrate a victory. I tell you that he is going there to celebrate a policy of disaster and potential economic disaster.

So I ask my colleagues to join with me to express concern to the administration and other Members of Congress that we do something to create jobs and real opportunities not only in Haiti but also this country.

TAX BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BAKER] is recognized for 5 minutes.

Mr. BAKER of California. Mr. Speaker, I am from California, the wine country, but we celebrate Wente Brothers and we celebrate Concannon and Stoney Ridge and Sebastiani. But the whine you hear around here is spelled with an "H," and it is the whine that the rich are getting more than they are entitled to and that we have to create another program for the poor, and we have to transfer money from this group to that group.

We have all of the whines and when we return Government to the people, the very people that gave us this Government, this democracy, we hear the whines. "Oh, we are with you, but. We would be with you on the balanced budget, but there is no safeguard for Social Security."

Where does Social Security go today? It goes to the U.S. Government, every cent of it. If we were going to steal it, we would steal it today. If we reduce the deficit, do we have more likely a need for Social Security or less likely? The answer is, if we balance this budget, we are less likely to impose on Social Security, but the ifs and the buts and the whining are endless.

Yesterday, we heard the fabulous whine, "Oh, we are for term limits if you will make them retroactive." This was coauthored by a gentleman who has only served here 40 years, and he did it with a straight face.

Last week, "We want to reform welfare but not if you consolidate the bureaucracies of the 16 different administrative arms serving food." But, "Oh, you are going to cut food to the poor children and to the elderly."

Well, we finally found out that the COLA is 4.3 percent rather than the 3.1 in the Clinton budget, and there is actually going to be more money down there to feed the poor people, but the starving bureaucrats will get a little thinner if welfare reform goes through, and it will.

Today, the Democrats, who had 40 years to fix the Tax Code, have discovered that people are going overseas to avoid the taxes, these same taxes that they spent 40 years creating. They have driven manufacturing overseas, and then they found out people are actually expatriating to avoid taxes.

In a bill which was created to extend the tax break for self-employed so they could buy health insurance, they wanted to tack on a tax on expatriates.

Well, folks, this was not the Omnibus Tax Bill of 1995. This was a bill to extend tax credits of 25 percent to the self-employed for last year so they can do their taxes by April 15 and to extend it to 30 percent next year.

Thanks to a great gentlewoman of this House, NANCY JOHNSON, we are going to go all the way to 100 percent by the time we are through, because people who own their own business ought to be able to do the same thing a large corporation can do and that is write off all of their health care.

Do not forget this came from the same gang that last year wanted to nationalize health care. They wanted the Government to take it over because it would become more efficient, because Government in Washington knows best.

No, folks, the whining continues. Next week, we are going to hear about the tax cuts of $500 per child are going to benefit the rich.

Now, we have got to use a little common sense here. Do all of the children belong to the rich? Did I miss something here or could we logically think to ourselves, without the help of Washington, that maybe it is young families that are having children, people on their way up, people who do not have all of the income in the world and have not a whole lot of savings because they are young? That is when we have our children.

This great financial institution known as Gannett published in their newspaper the following chart, and, lo and behold, just as you might have surmised, the young are having children, and they only make between $15,000 and $30,000. Twenty-eight percent of children and, therefore, 28 percent of the benefits are going to go to people under $30,000; 34.9 percent in addition to the 29 percent are going to those who make less than $50,000. That is with both parents working. Then under $75,000 add on another 23.1 percent and up to $100,000, 7.4 percent.

In other words, if you want to soak the rich and reduce the tax benefit to $95,000 and below, you are going to stick it to 5.3 percent of the people. That is the tax the rich folks that everybody is talking about and that leads us into the capital gains tax.

The capital gains tax, of course, is for the rich. Have you ever heard of a capital gains tax for the poor? People who have savings by buying a duplex may want to pass it on to their kids. They will not pay the capital gains tax because it is too high. They will wait to die.

According to the Wall Street Journal, there is over $7 trillion waiting for people to pass on, $7 trillion that would be unlocked if we reduced the capital gains tax.

That is what President John F. Kennedy did. That is what Ronald Reagan did. This tax cut for children is their own money, not a transfer from somebody else. We are giving them a credit to keep their own money.

We will see you next week for this debate, and we will help the families of America with the capital gains tax.

HISTORIC VOTE ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, yesterday we held a historic vote on term limits. It is the first such vote that has ever taken place in this Chamber. It was the great day for this country and for this Congress.

The American people have wanted us to have a vote on the floor and an honest debate on the floor on term limits for some time. Unfortunately, it was not until we elected a Republican leadership and a Republican Congress that we were able to bring that vote to the floor.

Now, if you read some of the reports in the papers today, it says that this was a loss for the Republicans. But the fact of the matter is that over 85 percent of Republicans supported term limits yesterday on final passage and almost 85 percent of the Democrats opposed term limits. So what does that tell you about which party is responsive to the American people?

Well over 70 percent of Americans support term limits. They think it is time that we put an en end to career politicians, and I could not agree more, but the fact of the matter is constitutional amendments do not pass usually on the first vote. It took almost 20 years to pass a constitutional amendment that allowed our Senators to be elected by the people and not State legislatures.

So we will be back, and it will be the Republicans once again leading the charge, and we will pass term limits very soon.

I could not help, though, being amused by some of the rhetoric that was flying around the past couple of days on term limits. I found out that term limits were the moral equivalent to the Holocaust and to slavery.

Now, I may be dumb, I guess I am just a little slow, I am just a freshman here, but I really could not piece the logic together that would be able to compare term limits to a holocaust that killed 6 million Jews during world War II. Nor could I figure out how term limits somehow could apply to slavery, but I heard it yesterday from the other side of the aisle, a very novel argument. But then again, we have heard this before, haven't we?

While a certain segment of this body continues to move forward with real ideas to change the course of America's history, to return it back to what our Founding Fathers intended it to be, another segment of liberals in this House can do nothing but scare children and try to scare senior citizens.

We tried to cut out a tax break for the rich for Viacom and, when we did, our Ways and Means chairman was compared to Adolph Hitler. Of course, we cannot forget what happened last week when we tried to help children by cutting back on the expansive bureaucracy that is strangling programs so the money does not get to children but instead gets swallowed up by huge bureaucracies.

□ 1515

We saw everybody going around with their ties with children on it. I just thought that was swell but the fact of the matter is no positive proposal was put forward.

We are trying to keep the bureaucrats out of our children's life. We are trying to go back to the type of government that Thomas Jefferson and James Madison and our Founding Fathers envisioned 200 years ago when they said the government that governs least governs best.

We try to stay out of senior citizens' pockets, and yet to hear the rhetoric during the balanced budget debate, one would think that the Republicans were enemies of Social Security and somehow the Democrats were the protectors of it.

Let me flash back to 1993 when there was a vote to reach into the pockets of senior citizens on Social Security, to raise taxes on Social Security recipients. And let me ask Members to remember back and try to count up how many Republicans voted to tax senior citizens' Social Security benefits. Let me see: zero, none. Not one Republican supported stealing money from Social Security recipients. It was a plan that was passed with full support of the Democrats and not one Republican.

et, now somehow 2 years later, they talk down to the American public, they are stupid, and say somehow, OK, we went after your Social Security checks 2 years ago, but now we are your friends, trust us this time. All the while they bring forward not one idea on how to balance the budget.

We are $4 trillion in debt, we are spending $4 for every $3 we take in. It is our children who will suffer in the end if we do not stop the demagoguery and start talking about real issues. That is what we have been doing for 100 days, that is what we will continue to do the next 100 days, and I hope somebody on the other side of the aisle has the courage to step forward with real plans instead of race baiting and trying to scare children and scare the old. They deserve more, and they are going to get more from us.

BILLIONAIRE BENEDICT ARNOLDS

Mr. SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, several references have been made already during these special orders and several references were made during the day, Mr. Speaker, to the question of the conference on the health premium deduction for self-employed, and repealing the tax preference for minority broadcasters.

Some of those who are observing our activities here today may wonder who they are put together, in fact some Members from the Republican Party asked us to provide information as to why we were bringing up the question of billionaires who leave the country in order not to pay taxes and renounce their citizenship, asked us to explain how that was relevant to a bill having to do with the deductibility of employers, the self-employed for their health benefits.

The reason is very simple: You have to pay for it. In order to pay for it, you must pick and choose how you will offset the cost of the deduction. Everyone is in favor of the deduction; the question is how to pay for it.

We had a choice. We had a choice between eliminating the possibility for minorities, including women, of expanding their capacity to be involved in the communications industries, or we could tax billionaires who are leaving the country and renouncing their citizenship in order to avoid taxes. That is the plain and simple fundamental element that was involved here.

This not merely a question of expatriation in the sense that someone's literary sensibilities were offended, that somehow ideologically or philosophically they found themselves in opposition. Good Americans have the opportunity to contend with these ideas as we are on this floor. They stay and fight, they stay and make their case.

What we have here is not expatriates, what we have here are Benedict Arnolds, Benedict Arnolds who would sell out their citizenship, sell out their country in order to maintain their wealth. That is it.

My good friend, the gentleman from California [Mr. THOMAS], came to the floor and indicated that he could not understand why we were excoriating these people. That was the word he used, "excoriating." Of course we were excoriating them. He said that was already current law that took care of this, then went on to say that the current law does not work well enough and that it needed to be fixed.

That is what we were going to do with this bill, we were going to fix it with this bill to see to it that the deductibility was going to be paid for by the billionaires who were renouncing their citizenship. I think that is completely clear, that is what we were going to do.

I remember that when I was a child I think the most potent story that we learned in elementary school was one entitled "The Man Without a Country," the man without a country. And as I remember the conclusion to that story, the man without a country was left permanently at sea, seeing constantly the horizon of the United States, bereft of the benefits of citizenship.

Well, today that has been transposed into the jet set, people who are able to retain property in this country, able to retain income, able to live in this country 120 days a year, able to establish residence in a country or region that will allow them not to pay taxes, enjoy the full benefits of all of the wealth that they have accumulated in the United States of America as citizens, and renounce it at the same time, while we are asked to give more time to the Republican majority to craft some bill to enable these billionaires' sensibilities not to be abrogated in any way.

We have been passing legislation at freight train speed to overturn all of the situations that would undergird the possibility of feeding our children their school lunches, of seeing to it that our students are able to maintain their financial aid, asking immigrants to come to this country and to achieve their citizenship as rapidly as possible.

Where I live in Hawaii we have immigrants coming in every day who are establishing themselves, working hard, paying their taxes, working forward and eager to the day that they can become citizens of the United States of America. How is it possible for a political party to defend those who have enjoyed the full benefits of citizenship in the greatest country on the face of the Earth, in the history of the world, and defend them when they seek to run away from the responsibilities that every other person in this country is pleased and happy and eager to undertake?

To have billionaires able to renounce their citizenship and have that excused and have them released from being able to pay for it off receipts that are needed in order for the self-employed to be able to deduct their health costs is a blot and a shame on the legislative business of this House of Representatives.

QUESTIONS THE PEOPLE IN MISSOURI WILL ASK SPEAKER GINGRICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, yesterday evening at the conclusion of the debate on the term limits legislation proposed constitutional amendment, the Speaker, in addressing the House at the end of his remarks made a veiled threat to me and to other Democratic Members that when the constitutional amendment failed that it would become the No. 1 issue in the 1996 elections. And that as a result of that he was going to come back and be in the majority in 1997, and that the term limits legislation would then become No. 1 legislation, No. 1 bill.

I accept the challenge from the Speaker. I invite the Speaker to come to my district, and we will talk about the term limits legislation.

But I want to warn the Speaker that when he comes the people in my district, as I travel my district, are going to ask him some other questions. They are going to ask him some questions about a little book deal that he has with Rupert Murdoch and those people.

Mr. Speaker, they are also going to ask you about GOPAC and how GOPAC has been run for the last several years and the use of official office expenses, clerical hire, and the workings of GOPAC. And also you are going to be asked, Mr. Speaker, about use of official staff in the writing of your first book, "Windows of Opportunity," in 1984.

You are going to be asked that, Mr. Speaker, because people now know as a result of an article in the Los Angeles Times on March 20, 1995, that your former staffers, the people who used to work for you, have told a reporter, Glenn F. Bunting and Alan C. Miller, staff writers for the Los Angeles Times, and these are their words, not mine, that in 1984 when the book was being written, the "Windows of Opportunity," that the manuscript for that book was actually done in your official office by some of your official staff, on Government time, Government paying for it, and yet, you and your wife were paid thousands of dollars for writing of that book.

Mr. Speaker, they are going to also ask you about the statements by your former staff members that back in 1989 that there was a commingling of staff work on the course that you are teaching, or were teaching just recently, no longer teaching, but were teaching at the small college in Georgia and that work, preparation, et cetera, was being done, a lot of it was being done at your office, both here in Washington and in Georgia.

There are some of us that are in this House that are very concerned about the fact that the complaints and these allegations have been filed with the Ethics Committee and yet I believe in the 10 weeks I think the Ethics Committee has been in existence, the Ethics Committee has yet to act. And, in fact, the gentlewoman from Connecticut, who is the chairman of the Ethics Committee and also on this floor on January 4 when you were elected as Speaker and sworn in, the gentlewoman seconded your nomination, so there may be some conflict of interest there, so I understand the gentlewoman says there will be not anything done, no action taken at all until after the Easter recess.

For one party, the Gingrich Republican Party in this House to be able to do the contract on America legislation in 100 days, and yet not even have preliminary meetings and decisions made as to whether or not these matters should be investigated and as to whether or not a special counsel should be appointed is beyond me. It just shows me, Mr. Speaker, that there is stonewalling going on here, you are going to stonewall it, you are not going to proceed with the investigation, you are going to tell the American public, people in my district who I represent that you are above the rules of the House, and that the rules of the House do not apply to you.

FEDERAL RETIREMENT AND PENSION SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I want to speak for a little time this afternoon about some issues. I am going to be sharing time later with some of my freshman colleagues but I would like to indulge my colleagues for just a moment on some personal business to say a special congratulations.

CONGRATULATIONS TO ROCHESTER MAYO AND ROCHESTER LOURDES HIGH SCHOOL GIRLS' BASKETBALL TEAMS

Mr. Speaker, I'd like to congratulate two outstanding high school girls' basketball teams from my home city of Rochester, MN. Last Saturday, the teams from Rochester Mayo and Rochester Lourdes won the Minnesota State basketball titles for class double-A and class A schools, respectively. Never before in Minnesota's history have two teams from the same city won State titles in the same year. Coach Bob Brooks of Rochester Mayo and Coach Myron Glass of Rochester Lourdes deserve the highest recognition for their service and leadership. Someone once said, "Sports do not build character, they reveal it." This is certainly true of the girls of Rochester Mayo and Lourdes, who represented their schools and their city with distinction at the State tournament.

Mr. Speaker, I hope that you and my colleagues here today will share my heartfelt congratulations to these two great examples of American young women in pursuit of excellence.

I include for the RECORD the name of the team players, as follows:

ROCHESTER MAYO HIGH SCHOOL

Kelly Miller, Coco Miller, Laura Paukert, Kelly Hall, Vicky Ringenberg, Jessi Kruger, Nancy Spelsberg, Kjersten Kramer, Elissa Cookman, and Erin Fawcett.

Karen Mueller, Liz Perry, Jennifer Siewert, Beth Volden, Cara Weisbrod, Manager Brooke Halsey, Manager Brenna Paulson, Assistant Coach Les Cookman, and Coach Bob Brooks.

ROCHESTER LOURDES HIGH SCHOOL

Marie Wiater, Missy Sheehan, Rachel Horgen, Katie Shea, Courtney Benda, Laura Rogness, Bridget Garry, Johanne Letendre, Marnie Bowen, and Evelyn Molloy.

Danielle Bird, Katie Griffin, Denise Kruse, Kelly Schwanke, Lisa Graf, Manager Chantal Beaulieu, Manager Brita Johnson, Manager Sara Sherman, Manager Vanessa Woodcock, Assistant Coach Mike Fautsch, and Coach Myron Glass.

☐ 1530

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subjects of my special order this evening.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania.) Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I think it is appropriate that, as a freshman, the gentleman from Arizona [Mr. SHADEGG] and the gentleman from New Hampshire, also a freshman, are here to talk a little bit about some of the problems confronting our government.

Mr. Speaker, last year in the November campaigns many of us talked about the fiscal problems confronting the Federal Government. As a matter of fact I remember talking to my constituents and saying directly that there is time to turn this country around but there is not much time.

Since I have come to Washington the last 3 months, I have recognized that those words were even more true than I thought. As a matter of fact, as we began to look at the problems we face relative to the national deficit, relative to the various Federal trust funds, as a matter of fact, I have learned in the last several weeks when we had a debate earlier about the balanced budget amendment and people talked about the Social Security trust fund and how we had to preserve the integrity of the Social Security trust fund; but the unvarnished truth is if you take the Social Security trust fund and look inside it, what you will find essentially is IOU's from the Federal Government.

In fact, I am told now there is something like 160 different trust funds and essentially in each of those trust funds you will find exactly the same thing: IOU's from the Federal Government.

I would like to show some charts we have made. I will go to the one on the national debt itself. This chart indicates just how serious the problems that this government and ultimately our people confront.

Now, this first chart I want to show, and I think it is important for the American people to understand exactly where we are right now and where we are going.

Now, the numbers that you see on the chart are from the Clinton administration themselves. What they show is the actual accrued national debt today of approximately $4.6 trillion. That is in 1994.

Now, using their own numbers and their own budgets, they are projecting that the national debt will be $5.3 trillion in 1996, $5.6 trillion in 1997, and it continues to increase to $6.7 trillion by the year 2000.

Mr. Speaker, we said it before, but I think it bears repeating, we are literally mortgaging our children's future, and I think we know they will not be able to make the payments.

Now, the next chart shows the year 2001, if we do not get control of our national debt, if we do not stop spending more than we take in. As a matter of fact, I think this year if you take the on-budget and the off-budget items—in fact, I carry it with me—taking both of those items, one of the things I have learned since I came to Washington is that we have gotten ever more creative in taking some things off budget.

But if you take both the off-budget and the on-budget items and put them together, this year we will spend, if you divide it by the number of days, hours, minutes, and the number of seconds, it works out, if my calculator is correct, to $9,195.84. That is how much this government will spend each second more than it takes in. That is how serious the problem is.

You can see by the second chart, if we do nothing by the year 2001—again, these are not our numbers, they have either come from OMB or Congressional Research Service—if we do nothing by the year 2001, the Medicare plan, the Medicare trust fund, if you will, will be insolvent. If we do not take action by the year 2012, we will only be able to pay for interest and entitlements. If we continue to delay action, by the year 2015 the Social Security disability income program will be insolvent.

Worst of all, if we take no action by the year 2029, the Social Security fund itself will be out of funds.

That gives you some idea of how serious those problems are.

Now, on the next chart we want to talk a little bit about this item: The principal thing we want to talk about is the Federal pension plan. Let me say from the outset, Mr. Speaker and Members, we are not here today to blame the Federal employees. As a matter of fact, as freshmen, we start with this whole issue with clean hands. But I think the American people and even the Federal employees need to understand how serious the problem is.

Currently, the Federal Treasury is spending $19.8 billion per year just to fund the pension promises of previous Congresses. It works out to $1.6 billion per month, or $553 million per day. Mr. Speaker, this is a serious problem.

I became interested because in my time that I spent in the Minnesota Legislature, I had an opportunity to serve on the Minnesota pension commission. I do not think there is anything worse than promising pension benefits and then refusing to fund them. I think it is the most hollow of all promises and, in fact, the cruelest of hoaxes.

With that, Mr. Speaker, I yield to my colleague, the gentleman from the State of New Hampshire [Mr. BASS].

Mr. BASS. I thank the gentleman for yielding to me.

Mr. Speaker, I appreciate this opportunity to demonstrate, in effect, what term limits is all about, by working example. we have here a group of freshmen, some of us have experience in working in retirement systems in our own home States, others of us have experience in other areas relating to pension systems either in our business or elsewhere.

But we come to Washington with a certain set of principles and understandings about finances and how financial retirement systems are supposed to work.

As a freshman member of the Committee on Government Reform and Oversight, I was proud to be appointed the vice chairman of the Civil Service Committee. One of the first issues we took up in the course of these duties was to look at the Federal retirement system. As my able colleague from Minnesota so perceptibly stated, we have a serious financial problem in this country. But what we have also is a hidden problem, and a very serious hidden problem, in our Federal retirees pension program.

As the gentleman from Minnesota pointed out a minute or two ago, this Federal retirees pension program is losing, or the Federal Government is shelling out on a monthly basis $1.6 billion. That is cash being shelled out to pay for Federal retirees.

As the gentleman from Minnesota mentioned, this is not to say or to cast aspersions upon any Federal retiree. What we say as freshmen is that something went wrong in this Congress when we were planning for the Federal retirement system, how to run it, and so forth. I do not know of a retirement system that would run $540 billion in deficit and be able to say it works correctly. This is Washington mentality, that is "inside inside the beltway" mentality; $19.8 billion a year is 10 percent of our entire operating deficit in this one program alone.

Ladies and gentleman, I think we have to look at this program, we have to look at it now. It is not easy working on Federal retirees pension, Social Security, and so forth, because you are affecting good people who put in years of service to their country and deserve a fair pension. But if we do nothing about this, we are going to be talking about significant increases in Federal liability over the coming months.

The Committee on Government Reform and Oversight has proposed, its Subcommittee on Civil Service, one part of the solution is raising the employee contributions to this program across the board by 2.5 percent over a period of 3 years. That would have raised approximately $11.5 billion over 5 years.

Bear in mind that we are talking about over $100 billion deficit, probably more than that over 5 years, but we are trying. There has been a lot of controversy associated with this piece of legislation. But we need to understand, whether you are a Federal employee, whether you are a citizen of this country, or whether you are a Member of Congress, that the time has come for us to make priorities and make rational financial decisions about systems in the U.S. Government that are out of whack. This is certainly one of the worst.

I might make a couple of references here. Of the $1.5 trillion annual budget that this Government operates, 10 percent of it, or $150 billion a year, goes into Federal salaries and benefits.

Now the Federal employees, if we can take a look at another chart here, their contribution to retirement benefits has been steady and is projected to do so for the next 30 years.

But look what happens to the Treasury Department contribution. It skyrockets. That spells disaster. I would hope that this country will rally behind each and every Member of Congress, especially those of us who are concerned about the long-term financial viability of this Government, about being able to, as has been said over and over again, give to our children a Government that is as good as the Government that we have been experiencing, the way of life we have experienced for the last generation, and you will help us make these difficult decisions to bring programs such as the Federal retirement system that is so dreadfully broken at this point, that will generate—we will have to pay in 30 years over $160 billion a year to fund it—to help us make these corrections now. Otherwise they are going to be 10 times worse in future generations.

These are not easy decisions. These are not easy decisions. There is nothing great or wonderful about having to deal with these difficult problems. Nobody is made popular by this.

But as freshmen, we Members of Congress feel that the time has come for the rubber to hit the road and for us to get to work in solving these problems.

Mr. GUTKNECHT. I thank the gentleman for his comments. I wonder if we can talk for a minute about this graph because I was never particularly good in math. But you can see the geometric progression here. If we do not get control of this program soon, it is going to get just completely out of control. That is one of the things that concerns me.

We can again come to this whole issue with clean hands as freshmen Members of the Congress. But I say to you previous Congresses just made promises which are going to be next to impossible for us to keep in the future.

I want to correct the record because I think there is a misplaced decimal point in this particular chart. At the bottom it should be 53.3. There should be a decimal behind the first 3. It should be 53.3, not 533.

Now, while that does change the nature of the numbers, it does not change the nature of the problem.

I yield to our distinguished colleague, the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. I thank the gentleman for yielding.

Mr. Speaker, I compliment the gentleman from Minnesota and his colleagues from New Hampshire and Florida for bringing this matter to the attention of the American people. It is indeed a serious problem.

Mr. Speaker, I rise to add my voice to those who are calling for us to reexamine the Federal retirement programs.

I also would like to reiterate what my colleague from Minnesota said at the outset, that this is not a blame exercise. It clearly is not the fault of Federal employees. If it is the fault of anyone, it is the fault of prior Congresses that we are in this situation. But again, this is not a fault exercise but rather an exercise in determining what America needs to do now, indeed what the Congress needs to do now about this problem.

Regrettably, the story is not good. It is a difficult problem, growing much worse over time, as we will talk about. It is, sadly, a very familiar parallel with many other Federal benefit programs and entitlements programs.

Now, if you look at welfare, regrettably, look at Social Security, and a wide array of entitlement programs, prior Congresses have made promises about benefits and indeed have allowed benefits to grow and to grow over time, but they have failed to be responsible in a fiscal way. We have failed to require that the other side of the equation be funded or balanced. They have failed to provide the funding necessary.

Let us look, for example, at the Social Security system.

□ 1545

As we know, as is common knowledge, the Social Security system in America will run out of funds early in the next century. Why? Because we have ever increasing benefit levels without proper funding without the revenue to pay for those. If Congress continues to ignore that problem, it will threaten our freedom, it will threaten the solvency of this Nation, and it will be irresponsible, and the Federal retirement program, which we are here talking about today, is very much like that. It is a similar pattern where the Congress has added benefits and given out payments and then not provided a funding mechanism.

If we take a look, we will find that we have promised not only increased benefits, but also COLA's, or cost of living adjustments, without footing the bill. Let us stop for just a minute, however, and take a look at history.

The history in this area was in some way a positive one. From about 1920 to 1969, Mr. Speaker, our Federal retirement system was properly funded. It was on a sound fiscal basis where the moneys that were being paid out were adequately being funded by a combination of employee and employer contributions, as they should have. The system in that time was structured to where the Government and the employees roughly shared an equal split 50–50. The employee, Federal employees, paid half the cost of the retirement program, and the Federal Government paid the other half.

Unfortunately that remains not the story today. What we have done is that we have allowed the system with amendments enacted roughly 26 years ago, in 1969, to grow dangerously out of balance. What has occurred is, where we once had a system with 50–50 funding, employee and employer, we now have a system which is closer to 30–70. The employee contributes about 30 percent of the cost; the employer, about 70. The taxpayer of America is shouldering this dramatically increased burden.

But worse then that, Mr. Speaker, we have added another problem on top of it, and that is the problem of COLA's. What we have done is we have created this concept of automatic, annual COLA's for all Federal employees, and beyond that we have established those COLA's at times at a rate even greater than the Consumer Price Index. That would be fine if we had provided a funding mechanism. Unfortunately we did not.

Let us take a look, by comparison, to the private system. This Congress in past years, taking a look at America and America's businesses, has passed very strict laws to govern private pension plans. Those laws say that, if you are going to establish in your business a private pension plan, you must follow a strict formula and fund that pension plan We recently passed on the floor of this Congress a bill that my constituents thought was a great idea, and it was a bill that said all of the laws that govern America and America's businesses also ought to apply to the U.S. Congress and its Members, a great concept. If we are going to require it of the American people, we ought to require it of ourselves.

Well, let me tell you, if we took America's pension law, which is known as the ERISA law, and applied that to the Federal pension plan that we are talking about here today, the taxpayers would have an immediate, unfunded obligation to come up with $1 trillion in cash today. If we applied the ERISA standards to the Federal pension plan, we would have to come up with $1 trillion cash. We cannot do that.

This chart which my colleague from New Hampshire mentioned and my colleague from Minnesota discussed in a little detail I think illustrates exactly what is going on, where at one point it was a 50–50 mix of employee and employer contributions, it now has grown to what you see. If you follow the path of this chart, you will see that the darker blue color at the bottom is the employee contribution. For about the next 35 years it stands at a fairly constant level, at about $4 to $5 billion a year, but the drama of the chart, what is so shocking in the chart, is the red, and that is the proportion paid out of the Federal Treasury, and let me just highlight those numbers for a minute. It grows from $42.9 billion in the year 2000, roughly $43 billion here, to $67.9 billion by 2010—I am sorry, by 2030, and to a whopping $160 billion if we allow the system to go without correction to the year 2030. What that means is that we have got a serious taxpayer fallout.

Who pays the burden? Right now the other chart shows it. Last year alone, to fund this system, the Federal Treasury had to come up with, and this Congress had to appropriate, an additional $26 billion from the Treasury to supplement the employees contribution. We cannot do that.

Now let us do another comparison of private to public and get a similar idea of our pension plan at the Federal level versus what a typical one at the private sector would be. By any standard the pension plan we have established for Federal employees is a very generous one. Sadly it is one which these charts illustrate is going broke. In the private sector on average Federal pensions are smaller and not as generous.

Let me take one typical example. Typically in the private sector retirement age is 62, and if some employee chooses to take early retirement, they get a reduced pension. By comparison, in the Federal system the retirement age is not 62, but is rather 55, and although that is a significantly younger age than would be comparable in a good private sector plan, they get not a reduced pension at age 55, but a full unreduced pension at age 55.

But perhaps though a shocking comparison is the one between COLA's at the Federal level and COLA's within the private system. Federal pensioners, as I mentioned, have now gotten into a system where they receive, and have become dependent upon, annual, automatic COLA's, and they are keyed to the Consumer Price Index at the rate of 100 percent; that is, the CPI dictates that the COLA is 100 percent of the Consumer Price Index. By contrast, in our committee, the Government Reform and Oversight Committee, we recently had testimony from a witness talking about the Dupont Corp's COLA's and about their pension plan. In the private sector that testimony established that COLA's are given not automatically, but rather when called for. They are not given annually each year, and they are not given at a level of 100 percent of the Consumer Price Index. On average they are much closer to about 50 percent of the Consumer Price Index, and that is in generous plans that go well, and that does not even mention the plan that in many instances the private sector employers do not even provide a retirement plan.

The bottom line here is we have had 26 years of out of control Federal spending. The taxpayers cannot be responsible for irresponsible planning by the U.S. Congress. We cannot continue to defer our responsibilities to future generations. What we have got here ultimately is a moral problem, a moral problem of asking our children and our grandchildren to pick up the tab for our refusal to pay for what we have promised, and that is the bottom line.

No one is asking the Federal employees to share the burden of solving this entire problem. That would not be fair or responsible, but what we do need to do is move toward a more reasonable balance between the funding of this system and the benefits which are provided, and every day that Congress fails to act in that way, every day that we continue to allow this kind of irresponsibility to go on in the Federal retirement system, we are doing a disservice, a disservice not just to the taxpayers, but a disservice to the Federal employees who are going to rely and are relying on that. We cannot make changes which would dramatically affect those who are close to the age of retirement. We cannot ask them to pay for Congress' irresponsibility. But we can begin the process of bringing some sense of financial sanity or reason back to what is clearly a radically out of balance system, one which is improperly funded and would be criminal were it judged by the standards we apply to private employers.

I thank the gentleman.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Arizona [Mr. SHADEGG], and I think the gentleman from New Hampshire had a question that he wanted to pose. I ask the gentleman from Arizona if he would stay there for a minute and have a little discussion.

Mr. BASS. Those of us who have been involved in the private sector, as we have, I was intrigued by a comment that the gentleman made. Certainly Federal employees are good employees, and they do important jobs and do the work of the Government. But I heard you say, and I think you should repeat it for everyone's benefit, that most small businesses do not have any pensions at all. You have your IRA, you have whatever you can save, and you do not know whether you are going to have a job next Monday, let alone next year.

Mr. SHADEGG. I mean indeed that is, in fact, true, and it is not something that I think is a great attribute, but in point of fact only large employers in America provide pension plans. Many of them do not even do that. While we might all wish that the small employers of America, which make up the backbone of America, could establish this kind of plan, they simply cannot, and in those jobs, and in people working for small businesses across America, all too often are, or at least in almost all cases, those employees are asked to be responsible and to look after their own retirement. They get Social Security, but they are expected to look beyond that and to fund it themselves.

We have done, and I think we should do, the responsible thing by Federal employees, to establish a system which assists them in this way, a system which is comparable, or should at least be comparable, to a private sector system, but we cannot promise them radically better than the private sector system especially if we do not fund it, and indeed we cannot fairly ask the taxpayers of America to fund a system which gives benefits way in excess of what even the best private sector employers provide.

Mr. BASS. Well, I am sure the gentleman from Arizona [Mr. SHADEGG] is aware of the fact that in the course of our committee hearings we heard significant testimony from representatives from the Federal employees who represented that it was difficult to exist in many instances as a Federal employee, and the pension system is a very necessary and important part of a Federal employee's compensation package, which I think is certainly commendable. However, we are also made aware of the fact that the quit rate for Federal employees is zero, technically zero, after 10 years, zero, and it just so happens that the retirement system vesting is 5 years. And we know, if you live an any small town in this country that when the job opening occurs in a Federal position, people in towns and cities across this country fall all over themselves to get these positions, and it seems hard for me to believe, and perhaps you would agree with me, that this is particularly difficult working conditions or tough employee—you know, that the pay and benefits is—would create a situation in which there would be a large supply, but very little demand. It seems to be the opposite of that, and certainly, as I recall, the average pension for Federal employees is over $1,500 a year, and a Social Security recipient receives—excuse me, over $1,500 a month—and the average Social Security recipient receives less than $600 a month. There is certainly a disparity, so I am sure the gentleman from Arizona would agree that it is important to compare apples to apples here in the way the real world—most of America exists in this world, which is in the private sector, working for small businesses where there are no pension plans at all.

Mr. SHADEGG. There simply is no question but that we owe it to the Federal employees to create a fair system, and I do not think they are asking us for any more than that, but we owe it to them, and we owe it to the taxpayers, to make sure that that fair system is comparable to what would exist in the private sector and is funded. If we could pass a law like ERISA and say to a private employer it is a crime for you to underfund your program, and you cannot even establish your program without our approval and your proof that it is funded, then we owe it to the public sector employers, employees, and to the taxpayers who foot that bill to do the same and to live up to that standard.

Reform is necessary; that is evident. The subsidy of $1.6 billion a month, over $18 billion a year, 10 percent of the annual deficit, is something simply we cannot ignore, we cannot shut our eyes to it, and we have to get down in the trenches and discover a fair—and negotiate, come to a reasonable solution to this problem.

I thank the gentlemen and compliment them.

Mr. GUTKNECHT. I want to point out just a couple of things before I yield to the chairman of the Civil Service Subcommittee about this chart. I assume that those numbers are in constant dollars, and if we see an inflation rate into the future, we could see those numbers significantly worse in terms of total numbers than they are, and I think that is one of the real scary facts. If this is in constant dollars, how bad can things get if the inflation rate begins to pick up again into the future? And again, just to stress, this is not about punishing Federal employees. The mistakes have been made, but I think the Representative from Arizona made such a good point about ERISA.

You know we have very strict regulations on privately run pension plans, and my sense is that whether there would be indictments I do not know, but there certainly should be an investigation if Congress had been covered by the ERISA laws over the last number of years in making these promises without funding them.

With that, Mr. Speaker, I would like to yield to the chairman of the Civil Service Subcommittee, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I thank the gentleman from Minnesota [Mr. GUTKNECHT] for yielding, and I just want to make one comment to the Speaker and also to my colleagues in the House.

You know the regular order of business of the House of Representatives has concluded, and we are involved in special orders this afternoon. Some of the Members are already on their way to their families or back to their districts for the weekend.

□ 1600

We concluded the normal business, but, you know, sometimes you get dismayed about the process here in Congress. But I have to say that I want to commend the gentleman from Minnesota [Mr. GUTKNECHT], the gentleman from Arizona [Mr. SHADEGG], and the gentleman from New Hampshire [Mr. BASS], who serves as vice chairman of the Subcommittee on Civil Service which I chair. These are three new Members of Congress, and my colleagues, Mr. Speaker, and the American people can take heart that we have representatives like this that will stay to discuss this issue.

Now, this is not the juiciest issue to come before the Congress, and it does not have people clamoring in the rafters, but this shows you the caliber, the dedication that we have now serving and level of responsibility we have serving in the House of Representatives. I, as chairman of the Subcommittee on Civil Service, did not initiate this. These new Members initiated this because they wanted to bring to the attention of the House and the American people one of the things that we uncovered.

You know, we have a new majority here, and we found many things in the past month, 2 months that have been swept under the table. This clearly is something that needs the attention of this Congress and that needs action on a bipartisan basis to resolve.

I have been told that the good news is I am in the majority and I was named chairman of the Subcommittee on Civil Service. The bad news is I am responsible for the retirement system for Federal employees. And the further bad news is that we have a $540 billion Federal unfunded liability to that fund.

Now, we really have two problems in addition to what I just described, and again I have described a half a trillion dollar unfunded liability. We have an annual outflow, and I think these charts show it. Right now, it is $19.8, between $19.7 and $19.8 billion a year from the General Treasury to support not the unfunded liability but to make this solvent on a month-to-month and year-to-year basis.

It would be bad enough if this $19.8 billion was just for this year, but the projections you have seen and they have shown you from these charts are absolutely startling. In fact, the system, the old system, and I will describe that in a second, runs out of money in the year 2008 by the projections of this administration.

Now let me back up, if I may, and tell you a little bit about the retirement system from a historical perspective. First of all, we had a Civil Service Retirement System, and that is known as CSRS, and that existed until about 1985. Most of the employees who are in retirement, about 1½ million Federal retirees are in the old CSRS system.

I will say that the Congress recognized in 1984, 1985 that there was a growing problem and an unfunded liability and the program was out of control, just as they have recognized from time to time we have the same problem with Social Security. So what they did is they created a new program, and most of the Federal employees from 1987 forward, about the last 8 years, all belong to part of that new program. It is called FERS or Federal Employee Retirement System. So we have two systems.

However, they combined all of the retirement funds into one fund, one retirement trust fund. What they did not do in 1985 and what we have a difficult time sobering up to do and this Congress will not face up to the responsibility right now of is making certain that we meet the financial responsibility on a year-to-year-basis and then also do something about this potential unfunded liability.

I proposed, and, you know, we have heard many things commented on by public employee groups and others that Chairman MICA has proposed this bad thing or this cut or that cut and he is going to cut COLAs. Let me tell you what I came up with as a solution and recommended to our Subcommittee on Civil Service.

I said, well, we have this $19.8 billion annual outflow from the Treasury, about $20 billion. Why do we not have the employees increase their contribution? And we do not do it all at once. We propose to do it, I propose to do it, I propose to do it 1 percent, a half a percent, then another percent so we get up to, from 7 percent, the current contribution, to 9½ percent in a period of 3 years. I would like to have projected it out even further, but we thought that was a reasonable approach.

We did not touch COLAs. We did not touch potential 2 percent pay increases. We did not touch locality pay. We did not change the terms of retirement.

Now, what we did was we adjusted this $19.8 billion annual outflow from the Treasury. Now, that did not do anything really to adjust the unfunded liability. The only thing that we did that affects benefits or any calculations in any way is we changed calculating what is now the high 3 years of service, the amount that an individual earns, to the high 5 years. That does make a small dent in the unfunded liability.

So we addressed the annual outflow again of the $20 billion. We did it fairly. We increased it gradually. We put part of the burden, about half of it, on the Federal employer. We put about half of it on the Federal employee. That is all we did.

We did not propose, again, any cuts in COLAs or any other benefits, and I am really irritated by some of the employee groups that have sent out a message to the contrary. We tried to act as a new majority in this Congress in a responsible fashion to get this House in order.

Now, let me say that I recently saw the opposition circulate, the opposition to my proposal circulate a letter from CRS [Congressional Research Service], that tried to justify that there was no need to take any action, that all this will work out.

I am taking here, and this is not as fancy as the new Members of Congress have proposed, a page from the Office of Personnel Management Annual Report. This is 1993, produced by the administration. Now, they say here $540 billion unfunded liability.

Now, we could call this a rose, and by any other name it is still a rose. This is $540 billion unfunded liability, no matter how you cut it.

Now, you want to hear the really bad news? They say that there is plenty of money coming in and that there is money in reserve. Guess what I found out when I checked into where the reserves are? Ninety-seven percent of the reserves of the employee retirement fund are really in nonnegotiable instruments, really instruments of indebtedness of the U.S. Treasury.

So if the public employees look in there or retirees look in there, there is no real solid basis for this. And this Congressional Research Service report said that there is no problem. That was produced by the opposition to our plan, says, well, we do not have to worry because it is funded by the taxpayers.

Well, that is the problem, and this situation is a microcosm of the bigger situation. We do not have to worry about it. We do not have to worry about the debt of this Nation. We do not have to worry about waking up tomorrow and having our dollar, like the peso was worth 60 cents on a dollar, because it is funded by the taxpayers. But this bait and switch, this failure to face up to reality, will catch up with us.

Now, I could ignore this. I do not like being politically unpopular with Federal employees or retirees. I do not like the marching on my office or saying that Mr. MICA is a heartless individual.

But the responsible thing for us to do and the responsible thing that these new Members have done at this hour, this late hour, is come forward on their own and said, we have a problem, we need to face up to this problem, we need to resolve this problem. So this is what we have done. This the Administration's proposal.

Even the Administration in its budget submission, and I just got through testifying to the Committee on the Budget on this, has stated that we need to do something to better reflect this. Now, what they do is play a game, and they propose that we shift the $19.7 billion back to each agency's budget. Well, we do that, but the $19.7 billion still comes out of the taxpayer pockets.

Now, I said, let us be fair. Let us make sure that we do not make the same mistake that was made by our predecessors. Let us put this money into a retirement fund and have some actual assets in the retirement fund and not play games with it. So we set our house in order from this point forward.

So that was my proposal. That is what we have said. We have not, again, proposed any damaging cuts. We felt that there might be an opportunity in this Congress, even with the constraints that we are under, to keep our commitments on COLAs.

And no one has advocated stronger than I have in this House that if we do anything with COLAs we do it across the board and we limit increases. We do not cut COLAs. We do not cut our commitment to people who have served this Nation well or who have worked as civil servants and deserve to see us keep our commitment. We do not do anything that will harm these people or the prior commitments of prior Congresses or commitments that we should keep.

So that is what we have done. I proposes the plan that you heard, again, that would help solve a little bit of the unfunded liability and the outflow on a reasonable basis, it is now in the hands of the Committee on the Budget. They are adopting, I hope, most of our proposal, but it is not an easy thing.

Politically, it is easy to ignore. No one wants to be disliked because they are going to increase employee contributions. But I will tell you what it is. It is the right thing. It is the responsible thing. It is the type of action that has been ignored too long by this Congress, whether it is in its entire budget or in this little microcosm, the retirement system.

So I urge my colleagues to act responsibly, to work in a bipartisan fashion. And the thing about this is, let me tell you that this is not the end of the story. There is more to this story, because we are going to still have to come back and address this unfunded liability.

It is my determination as Chairman of this Subcommittee on Civil Service to bring the fiscal house of this retirement fund in order. We will bring in actuarials. We will bring in other individuals. We will calculate in now the downsizing of the Federal Government which we ask OPM that they calculate it in that the President is recommending 272,000 cuts.

In fact, we took some of the funds out of the crime bill to fund the crime bill out of the budget, and we must cut those positions. We have not calculated in what the other body is saying, cutting half a million positions. We have not calculated in what the White House is saying as far as further reductions in the scope or other Members of Congress or even the freshmen Republican class has come up to abolish four or five agencies. They have not calculated in the equation of these additional cuts.

So this is where we are, and this is where we are going, and this is what we failed to do.

But, again, I want to commend each and every one of these new Members for coming forward, for organizing this special order, for setting in the record of the Congress what the situation is, what our commitment is, what we have proposed and what needs to be done.

So, with that, I commend the gentleman from Minnesota, Mr. GUTKNECHT, and the vice chair of the Subcommittee on Civil Service, Mr. BASS, for their action, for their commitment to getting the fiscal house of this Congress and this retirement fund in order.

Mr. GUTKNECHT. I congratulate the gentleman from Florida [Mr. MICA], because, as the gentleman said, this is not a particularly popular issue. We are really talking about some facts and figures that a lot of people do not want to hear and numbers and a program that has been swept under the rug for so long.

In fact, when I went into the first meeting and was briefed on what was happening with the Federal pension plan, having served on the State pension commission back in Minnesota, I was alarmed. And then when I went into the committee room I was angry.

I will tell you why. Because, first of all, I was alarmed to see how big the problem was and how the Congress in the past has just swept all of this under the rug. And I was angered because it was clear to me when we went into that committee room that this issue was going to be a partisan issue. I think that is unfair to the taxpayers, and I think it is unfair to the Federal employees.

The way we dealt with pension policy back in Minnesota was with a bipartisan from the house and senate, a bipartisan pension commission. I hope that one day perhaps we can look at that for here at the U.S. House of Representatives, the U.S. Senate, some kind of a bipartisan group that can meet together and work out long-term strategies and put these programs on a long-term fiscal solvency basis. Because I think what we have been doing or what has been done in the past is wrong.

Mr. MICA. Will the gentleman yield?

Mr. GUTKNECHT. Absolutely.

Mr. MICA. Well, you know, again, I think that we need to approach this on a bipartisan basis, that we need a resolution to this, that I do not like the other side or anyone going and telling employees that we are going to do things that we are not going to do to them.

□ 1615

Instead, they should be transmitting information that we have a problem and we need to deal with it. I am willing, as chairman of this subcommittee, and with this responsibility, an I know the gentleman from New Hampshire, [Mr. BASS] extends the same invitation to meet with any groups at any time if they have a better solution, if they have a better way of working this out.

However, we cannot be in a state of denial. We cannot say this does not exist. We cannot ignore this and say it will go away. We have to act responsibly.

I might add also that I saw something from one of the Postal Supervisors group that spoke in opposition to what we are doing. We do not even affect the postal system. They are taken out, and they do have, since they have changed their status, they have created a responsible system, a responsible contribution. They are not affected. Their 800,000, 900,000 postal employees are not affected. We are not proposing any change there. This is only current Federal employees.

Mr. Speaker, again, this has not been changed since 1972. It is not like they have been hit every year on this. I know they have taken some other reductions, and it may not be fair, but the alternatives, I submit, are not very tasteful.

Mr. BASS. Mr. Speaker, if the gentleman will continue to yield, as we well know, on the Committee on Post Office and Civil Service we listened to a number of days of testimony, mostly from Federal retirement groups. It is amazing to me that we are not in a position and we are not willing at this point to all get together, retirees, Federal employees, and Members of Congress, to address these issues together.

We are not going to call a system that taxes the Federal Government on a monthly basis to the tune of $1.6 billion, we are not going to say that that system is fixed. We have to work together, Federal employees, everybody who receives a retirement check, and those of us who are concerned about this program, because one day, as we say from those charts, when the cost of this programs reaches $160 billion a year, Uncle Sam just is not going to be there to pay it.

Who is going to pay the price for that in the end? It is going to be all of us. It is going to be the Federal employees, Federal employees who are entering the work force now. They are going to be the ones that will not get a retirement check, because we will not have the money to pay for it.

Mr. Speaker, I want to commend the chairman of the Committee on Civil Service for taking on this issue. It is a difficult issue. I'm sure we all have both retirees and Federal employees in our districts who do not like to hear this kind of thing. However, believe me, we are working for the future of each and every person who is paying into the system now and who will benefit from it in the future.

Mr. ZELIFF. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from New Hampshire.

Mr. ZELIFF. Mr. Speaker, I thank my colleague from New Hampshire, as well as my colleague from Rochester, MN. What a great thing it is to be working with the gentleman from New Hampshire, and with the good work you are doing on the Committee on the Budget.

As a businessman, a former businessman that has been involved for the last 35 years of my life, Mr. Speaker, not only with the DuPont Co., running the Xerox antifreeze business, but in our own small business, a country inn up in the White Mountains, I would like to say, Mr. Speaker, when we look at government and we look at this monster, we look at things like the fact that we are $4.7 trillion in debt, we are going to add another $1 trillion to our debt over the next 5 years. We look at the fact that the interest on the debt is roughly 16 percent of the total available resources. Sixteen percent, as a business guy, I could not carry that with my business.

If we look at the fact that in the year 2003 Medicare is going to go broke, in the year 2029 Social Security is going to go broke, in the year 2012 we are only going to have enough money to pay for the interest on the debt and the cost of entitlements, the red lights are going off all over the place. From a business point of view, we have to say "Whoa, what are we going to do about it?"

What we are going to do about it, we are going to stop the hemorrhaging, stop the bleeding. One of the ways to stop the bleeding is, hey, why should we have, if we are going to be a citizen form of government, we are going to be down here—and I voted for limited terms, for the 12-year version, as you all have, as 83 percent of the Republicans voted for, versus 83 percent of the other side voted against—we have to not take as much money out in our pensions. Maybe we should not have any pensions at all.

Last year I joined the gentleman from North Carolina, HOWARD COBLE, four of us, that said "Let's forgive our pension. Let us not take a pension." That is a good way to start. Let us lead by example. You know, how can we possibly justify having a special pension program for ourselves? We have to get that back in line to start with, to lead by example, and then we have to go with the Federal retirement system that is costing $1.5 billion a month, $19 billion a year. That is real hemorrhaging.

What we can start out with, Mr. Speaker, is we can at least start out with, instead of the best 3 years, go to the best 5 years. We can start adding a little bit more, whether we get to the whole $19 billion or not. We can at least make an effort to get started.

Mr. Speaker, this is one great place. Last year I started a little concept called A to Z. The gentleman will remember that. That is what we asked for. We asked for 10 days to do nothing but cut spending, to do it in front of the whole world to watch and judge us, as we did our work here.

Let us take a look at some 1,200 programs. Let us get rid of those programs that do not work. Let us keep the programs that do work. This is one program we have to get back on track.

I applaud all of you. I'm sorry I was detained at another meeting. I applaud you, Mr. Chairman, for the work, the hard work, that you have done on this thing. We look forward to the debate as it now moves forward. Hopefully we are going to be able to do some very solid pension reform.

Again, it has to start with us first. We have to lead by example. We have to cut ours and make ours more in line with what everybody else out there is dealing with.

Mr. BASS. If the gentleman will continue to yield, Mr. Speaker, of course you know, coming from the frugal State of New Hampshire, that we have a constitutional amendment that prohibits our State employees retirement system from operating with any unfunded liability whatsoever. It is not a law, it is a constitutional amendment.

We also have an independent board that governs the employer-employee contribution, the investment policies and so forth, of our State retiree system, and the result has been that we have never had a problem that even approaches—we never had any problem with an unfunded liability.

$1.6 billion a month, as the gentleman from New Hampshire well knows, is just about what the State of New Hampshire receives from the Federal Government in an entire year for every service that the State gets: Medicaid, food stamps, highway and bridge repair, everything. Yet this program, this Federal retirement program, is costing the taxpayers of this country more in a month than our home State of New Hampshire gets in a whole year from the Federal Government.

Mr. MICA. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I think our time is about up, Mr. Speaker. I just want to say a few words.

First of all, I want to thank the gentleman from New Hampshire, Mr. ZELIFF and Mr. BASS, and the gentleman from Arizona, Mr. SHADEGG, for joining me today.

I would just say that I could have been on a plane on my way home right now, but I think this issue is so important, and I think it is a microcosm of all of the problems we have with Federal spending today. The old way that Washington did business was to just sweep all of this under the rug and pretend that it did not exist.

Last November, I think the American people sent a whole new group of people here to Washington who would change the way Washington does business. I am proud to be a part of that change. And, it would be much easier to ignore this problem, to sweep it under the rug, but I think the American people and the Federal employees deserve better, because as I said earlier, we have mortgaged the future, and our children are going to have a very difficult time making the payments with that.

Mr. Speaker, I'm going to yield for the last word to the chairman, the gentleman from Florida [Mr. MICA].

Mr. MICA. Again, I do want to thank again particularly the new Members, and also my colleague, the gentleman from New Hampshire [Mr. ZELIFF], for their leadership on this issue; for coming forward, for taking time to address this.

This is not kind of the fun thing, it is not the fancy thing that will make the headlines, it is not the exciting issue, but it is the responsible issue. We came here, I think I came here—I have only been here 27 months, from the business community, to try to apply some business principles to what I saw here in Congress.

I think you have also set a standard for doing that in particularly the freshman class. Again, acting in a responsible manner to try to bring our fiscal house in order, we are not here to impose any penalty, any tax on our Federal employees, but we want to work with them in a cooperative effort to bring their house, their house into order, and the fiscal house of this Nation into order, because we can't continue to spend the way we are spending.

We can't continue to sweep these problems aside and ignore these problems. We've got to address these problems, face up to these problems, and look for sound solutions to resolve these problems.

I will tell you, I have sat on corporate boards, and in a corporate board, if these facts were brought before us it would not take us more than 15 minutes to make a decision on how to face up to this. Mr. Speaker, the alternative in the private sector would be, again, you would go to jail, because you would violate the ERISA laws and standards set up by this Congress.

The only difference is this is a public entity, so we are not here to impose any harm, we are not here to impose any tax, we are here to say that, you know, the piper must be paid; that we can't continue robbing Peter to pay Paul in this fashion, that we must act in a sensible, responsible fashion.

With that, Mr. Speaker, again, I thank you for bringing this to the attention of this Congress, and for the RECORD, that we, and I as the chairman, and you as members of this Government Reform and Oversight Committee, we saw the problem, we identified the problem, we proposed a solution, and we are committed to work with all the Members of this Congress to try to bring, again, this important responsibility that we have, that we are cast with, into some order, into some fashion, and so that people look back and they say, "You know, what did they do in 1995? Did they ignore this, or did they find a solution?"

We propose that solution, we offer it to the Congress. We hope they won't play politics, that they will be out there with public employees and others stirring up the pot, and saying, "No, no, no, this will go away," because I tell you, Mr. Speaker, this will not go away. It must be addressed. We must have responsible leaders and responsible actions, just as you have outlined here, and just as you present in the fashion that you have in this special order tonight.

I personally thank you. I thank you on behalf of our subcommittee and committee, and I thank you on behalf of a future generation of Federal retirees and people that are in the system now and counting on us to act in a responsible fashion.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman yielding. Frankly, Mr. Speaker, I have been in committee and did not know there was a special order on this issue.

Mr. Speaker, the gentleman says he would like to work together. It would have been nice if we had had somebody here who perhaps has a little different perspective than the gentleman from Florida. As he knows, a number of studies have been done within the past few weeks which indicate that the problem of which the gentleman has spoken, apparently for about an hour, does not exist.

That is not to say that we don't contribute $19.8 billion a year. We do. We contribute that money, as all of you know, for the purposes of funding a retirement system for our employees. I understand the gentleman has been very concerned about saying we ought to have a fund on hand.

Social Security, of course, is off the table. There is no fund on hand, as the gentleman well knows, for Social Security, which is our largest unfunded liability, if you will, in certain senses. But I am disappointed, Mr. Speaker, that I was unable, given the timeframe, to participate in this debate. This is a good debate. This is a debate we ought to have. My friend, I understand, mentioned that earlier.

I am fully prepared to participate in that debate. What I am, however, concerned about is that a system that affects 2 million people is being rushed to judgment without having the ability to get the votes in your committee.

The markup was adjourned. It now is before the Committee on Rules and included in your tax bill to pay for your tax cut.

□ 1630

I regret that the time has expired, but I look forward to discussing with my colleagues this issue. It is an important issue.

I believe the facts will show that there is not the depth of the problem that I think my colleagues perceive and that there are ways and means to solving the problem, without getting large sums by putting a tax on existing Federal employees, which averages about 10 percent in the coming 2 to 3 years.

I thank my colleague for yielding.

INTRODUCTION OF LEGISLATION TO RESTRICT FLIGHTS OVER CERTAIN AREAS OF HAWAII'S NATIONAL PARK SYSTEM

The SPEAKER pro tempore [Mr. Fox] of Pennsylvania]. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. Mink] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, the air tour helicopter industry in the State of Hawaii has recently experienced tremendous growth that is forecasted to continue. Helicopter tours provide a unique opportunity to view the natural beauty of parts of my State, especially the distinctive characteristics of Hawaii's national parks. The elderly, disabled, and others who would otherwise be unable to see the parks on foot are enabled by helicopters.

However, despite these advantages, noise disturbances in the parks have increased with the growth of the industry that have agitated hikers, campers, adjacent residents, and native animal species whose precious habitat is being conserved by the parks. A balance must be struck between the helicopter industry and those rightfully wishing to enjoy the parks, which my legislation seeks to achieve.

I am reintroducing legislation that would apply specifically to overflights above Haleakala National Park, Hawaii Volcanoes National Park, Kaloko Honokohau National Historic Park, Pu'u Kohola Heiau National Historic Site, and Kalaupapa National Historical Park.

My bill applies to helicopter and fixed-wing flights over the designated park system units in Hawaii through the establishment of an above-ground standoff altitude of 1500-feet and flight-free zones over specific parks. My bill would also address additional safety concerns by requiring short-term sightseeing flights which begin and end at the same airport and are conducted within a 25-mile radius to comply with stricter Federal Aviation Administration [FAA] flight standards.

Currently, the FAA has in place emergency regulations for commercial air tour operators in Hawaii requiring a 1500-foot minimum standoff distance or above-ground-level, implemented in October, 1994. FAA promulgated these regulations in response to a significant increase in the number of air tour crashes in Hawaii, including two in July 1994—one resulting in three fatalities. The regulations also included additional measures to improve safety within the industry: thorough self-review, use of flotation devices such as pontoons and lifejackets, pre-flight safety briefings, and mechanical recommendations for the operation of air tour vehicles.

Despite these regulations, many of my constituents continue to report tour helicopters flying and hovering at low altitudes near their homes and over the parks. The FAA has reported 20 enforcement actions raised against air tour operators for violations of the regulations. For these reasons, the need for my legislation is even more necessary. Similar legislation has already been put into place and successfully implemented for air tour operators at Grand Canyon National Park.

It is indisputed that Hawaii's commercial air tour industry is an integral part of the State's economy. However, the industry must be required to improve its standards of safety and noise control for the good of the State's residents, visitors and natural resources.

I urge my colleagues to support and take swift action on my legislation.

BOB JOHNSON: A GIANT IS GONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Bryant] is recognized for 5 minutes.

Mr. BRYANT of Texas. Mr. Speaker, one of the giants of Texas government is gone. As I speak, Bob Johnson, my friend and a dedicated servant of the people of Texas, is being laid to rest in the Texas State Cemetery in Austin.

Although Bob Johnson served four terms in the Texas House of Representatives, his greatest service was as director of the Texas Legislative Council and parliamentarian of the Texas House from 1963 to 1980 and parliamentarian of the Texas Senate from 1991 until his death on March 27, 1995, at the age of 66.

The offices he held, however, do not tell the full story of Bob Johnson or of his importance to my State and to those who have served it.

Although he sat at the left hand of the Speaker—a critical adviser to the presiding officer both on and off the floor—during my tenure in the Texas House of Representatives at a time when some of my colleagues and I led a vigorous opposition to the leadership, he was always honest, straightforward, and as helpful to the forces for reform as to those in control.

Bob Johnson was to Texas State government what great teachers are to schools.

He taught hundreds, perhaps thousands, of legislators, their staff members, and other State officials the importance of learning well, of studying hard, of playing by the rules, of keeping one's word, of surviving defeat, and of winning gracefully.

Bob Johnson was a teacher, a counselor, and a friend.

He was as honest and sincere in his advice to those with whom he disagreed as he was to those with whom he agreed—to Democrats and Republicans, liberals and conservatives. And his advice was consistently excellent on matters of policy, procedure, and law. He was a pro.

He was patient beyond measure in counseling the young, whether they were staffers fresh from college or novice legislators. He valued loyalty and straightforwardness.

Bob Johnson was big and tough. But he was both a gentleman and a gentle man.

When Bob Johnson retired from government service in 1980, only to be lured back in 1991 by his dear friend of 40 years, Lt. Gov. Bob Bullock, the Houston Chronicle reported:

> No one could say of Bob Johnson that he sat on the sidelines and watched life go by. He may be one of the waling testimonies to the Madison Avenue phrase that you only go around once in life, so grab for the gusto.
>
> He's a ditch digger turned truck driver turned football player turned professional rodeo cowboy turned legislator turned parliamentarian and legislative staff member and, soon, turned lawyer-lobbyist.
>
> Not to mention farmer, rancher, hunter and all around gusto-grabber.

Governor Bullock and others with whom he served in the Texas Legislature from 1957 to 1963 called him Brother. And he was a brother to so many in every sense. Many of us who met him later looked upon him as a father-figure and mentor. Some called him Big Daddy.

Even today, as he is laid to rest in the Texas State Cemetery beside some of the most renowned figures in Texas history, it is hard not to smile when I think of Bob Johnson lumbering over to me in the House Chamber, throwing an arm around my shoulder, chiding me gently or encouraging me in just the right way with caring charm and good natured wit.

Bob Johnson's name is not a name that is kown to most Americans or even most Texans, but he has certainly earned a place in our history and in our hearts.

He was universally loved and respected. I will never forget him or that he taught and prodded me to do better in my job.

For almost 40 years, Bob Johnson was a fixture in the Texas Capitol.

He fit especially well in that colossal building, symbolic of our expansive State, both of which he deeply loved. He was a giant, large in stature and huge in his contributions to his State and to those entrusted with making it work for the people.

Mr. HOYER. Mr. Speaker, will the gentleman from Texas yield?

Mr. BRYANT of Texas. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I share his regret and appreciate the gentleman's remarks. I appreciate him giving me the minute left.

For 1 minute, let me say that the issue of Federal pensions is a serious issue, and it ought to be dealt with seriously.

In point of fact, we are at a time now where the majority party is proposing a major revision in the Federal employees' pension program with less than 2 days of hearings, a markup that was scheduled on the 3d or 4th or 5th day after the 2d day of hearings. That markup was adjourned without resolution and without any motions with reference to the proposal and has now gone directly to the Rules Committee in the Republican's tax package for the purposes of paying, as said by the chairman of the Committee on the Budget, Mr. KASICH, $11 billion of the bill to cut taxes on wealthier Americans.

Now, the fact of the matter is what it does is it increases the taxes on average Americans who are Federal employees by approximately 10 percent. That is not fair.

Furthermore, it is my understanding the gentleman from Florida, the chairman of the committee, who is my friend and who has talked to me about this, wants to consider this matter in a responsible fashion.

I take him at his word. We ought to not have this in the tax package. We ought to take it out of the tax package. It is not necessary to fund the tax bill, and we ought to have hearings on it. We ought to come to grips with the facts on it. We ought to see who is correct, and then we ought to dispose of this issue.

I am not afraid, as an advocate of Federal employees, to look at the facts, to analyze the facts, and to argue what we ought to do to be fiscally responsible. But what I am an opponent of is rushing this to judgment which I think is very unfair, unwise, bad policy, and certainly is going to undermine the morale and the promise that we have to our Federal employees.

I understand the gentleman from Florida said that he did not want to undermine those who had given service to their Government. These folks have. To act in this precipitous fashion, in my opinion, respectfully to the gentleman from Florida, does in fact undermine our relationship to our employees. I would hope that we do not take this action.

I thank the gentleman from Texas for yielding the time.

Mr. BRYANT of Texas. Mr. Speaker, I yield back the balance of my time.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO FILE REPORT ON H.R. 1345, DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT OF 1995

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight may have until midnight tonight to file a report on H.R. 1345.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. HOYER. Mr. Speaker, reserving the right to object, I rise to note that the minority is not going to object.

But let me say we do want to raise a serious issue, that although this has been discussed with the minority, and I know it would not have been brought up, I presume, without such discussion, this is a very unusual procedure to bring up a unanimous consent request other than for speaking time in the period of time for special orders.

The minority, and I speak specifically, for the gentlewoman from the District of Columbia [Ms. NORTON], does not want to slow up this legislation. This is obviously very important legislation. We understand the majority's moving this legislation. But we do want to register our concern that this unusual procedure be an exception and not a practice. We do not intend to object at this time.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield, those comments are noted, and we appreciate the cooperation.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COMMUNICATION FROM THE HONORABLE JOHN R. KASICH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN R. KASICH, Member of Congress:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 29, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Municipal Court for Manville, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,
JOHN R. KASICH,
Chairman.

THE SANCTITY OF LIFE AND OTHER REMEMBRANCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, a few important items by way of a kind of a weekend or the end of week on the getaway Thursday cleanup of some things that I think bear mentioning for us all to think about over the weekend.

If I were going to put a title for our Official Reporters of Debates on this, I think I would call it The Sanctity of Life and Other Remembrances.

Under the other remembrances, today, it is moved on the wire services that San Francisco is going to establish sister city status with Ho Chi Minh City. Some day, Ho Chi Minh City under a free Vietnam will be renamed Saigon, its traditional name.

Just a Stalingrad, the scene of Russia's great turnaround battle, the U.S.S.R.'s great battle, in spite of the history attached to the siege of Stalingrad and their victory, which began the rollback of Nazism but the continued growth of communism, in spite of that traditional city's title, it was changed after communism fell back to Volgograd.

The greatest change of all, since there are still American professors in our colleges apologizing for Karl Marx and still for Lenin, Leningrad is changed back to its traditional title, was a particularly joyful day, because now we refer to it with a Christian title, Petrograd or St. Petersburg.

Actually, St. Petersburg is what used to be called Leningrad, the second largest city in Russia, and was the second largest city when it was 15 so-called states under the USSR.

I think San Francisco still has a lot to learn. I do not know if they are still a nuclear-free zone, but it is tragic to take the city named after the gentle Saint Francis of Assisi and have sisterhood with a communist regime still run out of Hanoi that caused the death of 700,000 boat people on the high seas, that executed by death lists 68,000 people at a minimum, including secretaries who had trusted us and merely worked for us in that decade that we were trying to do for South Vietnam, south of the 17th parallel, what we had done for Korea south of the 38th parallel. And that was to give it, however imperfect, a free system, certainly freer than the communist tyranny that is still there.

After the Hanoi Government, the conquerors of Saigon, the renamers of Ho Chi Minh City, after the way they have psychologically tortured our POW's and missing-in-action families over the last three decades, it is incomprehensible that San Francisco would do this.

But they picked a great day to do it all right. Not great. Today is the 23rd anniversary of an invasion across the DMZ on March 30, 1972, with Russian-supplied PT–76 amphibious tanks, armored vehicles.

They came across the DMZ. They were smashed back, but it was a precursor for the roll-up of the whole of South Vietnam that started 20 years ago this month and ended with the fall in the adjoining country of Phnom Penh, which at the time had a U.N. seat, still does, the fall of Phnom Penh on the eve of the 230th anniversary of our Paul Revere Ride to freedom on the 17th of April. Phnom Penh, Cambodia, fell with great loss of life, and the killing fields and the Khmer Rouge communist holocaust began.

Vietnam ended 20 years ago on the 30th of April. That 20th anniversary is coming up. The next day, we have the tragic vote in this Chamber. It was a year and a half before I got here or I would have weighed in on the debate. We turned our back on the evacuation money to save those people in South Vietnam who were not corrupt and that was the majority who didn't understand what communism was and what freedom was.

☐ 1645

So San Francisco continues to insult the 48,000 plus names on the wall, 47,600 that died in combat, and as one of the soldiers of that period said, the beat goes on. As a matter of fact, that was Congressman SONNY BONO's written song.

Then there are two other items on front page stories in the great Washington Times yesterday and today, today's story quoted me. Listen to this, Mr. Speaker, and the 1.3 million people watching this Chamber on C–SPAN.

Yesterday in a breakthrough story, it was uncovered that the training programs for Federal employees on AIDS were really a masking of pro-homosexual programs.

I will submit those two headlines and I will also submit an AP story, Mr. Speaker, on what I had predicted night before last, that the Pope's encyclical on the sanctity of life called Evangelium Vitae, the Gospel of Life, is as powerful as I thought. It is the hammer coming down on politicians who think they can escape voting conscience on all issues that involve abortion, euthanasia or this Frankenstein testing on embryos, and fetal experimentation.

The articles referred to are as follows:

[From the Washington Times, Mar. 30, 1995]

CLASSES ON AIDS UNDER FIRE—HILL PROBE SOUGHT OF 'PRO-GAY' SLANT

(By Rowan Scarborough)

At least two congressional panels plan to investigate the Clinton administration's mandatory AIDS education for federal employees in light of reports that the curriculum promotes the homosexual lifestyle.

Rep. Robert K. Dornan, California Republican and chairman of the House National Security subcommittee on personnel, said he will hold hearings later this year.

"I'm going to go on the House floor to beg federal workers of courage to come to me anonymously and help me build a case file," Mr. Dornan said. "It's not AIDS education. It is advancing the homosexual agenda. The homosexual has cleverly used a venereal disease, and they used it brilliantly to their advantage to promote the homosexual cause."

The House Government Reform and Oversight subcommittee on civil service has begun a preliminary inquiry, a staffer said.

"These are things that really don't belong as mandatory training and have nothing to do with AIDS in the workplace," the staffer said.

House Speaker Newt Gingrich of Georgia may take a look at the program after the "Contract with America" is completed, said his spokesman, Tony Blankley.

"It sounds like the typical hideous things that liberals do," Mr. Blankley said.

But the White House defended the program, which was targeted to reach 2 million federal employees and is due to end in the coming days. President Clinton signed an executive order creating the program in September 1993.

"It went very well and was very positively received," said Richard Sorian, spokesman for the White House National AIDS Policy office, which coordinated the far-reaching network of "training-the-trainer" sessions and education. "There's been very good feedback from employees. We're very pleased."

He said he could not defend the conduct of every trainer but believes the education will be effective in preventing AIDS.

Mr. Sorian said there is no program cost for the "Federal Workplace AIDS Education Initiative" because the training was bankrolled from each department's existing budget for worker education.

Conservative groups have criticized the initiative as "pro-gay."

The Washington Times yesterday published excerpts from government training manuals that tell instructors to break down any resistance to the teaching based on religious beliefs.

The documents portray people opposed to condom distribution in schools as "partisans." They tell teachers to use nonjudgmental words such as "sex partners" instead of "husband and wife," and "injecting drug user" instead of "addict."

Trainer candidates had to discuss their views on "homosexuality for my child" as part of a scoring system to see if they were suitable.

Critics claim the test was designed to exclude all but pro-gay trainers.

Some federal workers—who, for fear of reprisal, spoke only on the condition that they not be identified—complained of being subjected to graphic talk about sex practices.

A Defense Department worker said her class included a slide on "sex toys" and flavored condoms.

A second department employee said he walked out of his session, offended by what he considered a too-initimate discussion for a mixed group.

Another worker said her instructor told participants it was likely that their grandmothers had engaged in anal sex as a form of birth control.

Concerned Women for America, with 600,000 members nationwide, is urging the Republican-controlled Congress to investigate the program.

"This initiative has proved to be little more than a thinly veiled effort at re-educating and reorienting people's views and values," the group said.

Grace Paranzino, a nurse with the U.S. Public Health Service who has conducted federal AIDS training in Pennsylvania, said come trainers do devote too much of the discussion to homosexual sex practices. She said she avoids going over the line.

"We strictly discuss AIDS transmission, prevention and risk reduction as well as federal workplace policy as they relate to HIV and AIDS," she said. "You must also keep in mind when we talk about HIV and AIDS, it is a sexually transmitted disease, and therefore you cannot ignore it is sexually transmitted."

ABORTION, EUTHANASIA, EMBRYO EXPERIMENTS ALWAYS IMMORAL

(By Frances D'Emilio)

VATICAN CITY.—Ruling out dissent, Pope John Paul II delivered the Catholic Church's most forceful condemnation of abortion, euthanasia and experimentation on human embryos.

The pope, in an encyclical released today, condemned what he called a spreading "culture of death." He also refined the Church's stand on the death penalty, saying its justification is "very rare," if not "practically non-existent."

Cardinal Joseph Ratzinger, the Vatican's guardian of orthodoxy, said the encyclical goes beyond the 1992 revision of the Catechism in hardening the stance against capital punishment.

As for abortion and euthanasia, encyclical is not a pronouncement of new doctrine, because the Church already condemned those practices, Cardinal Alfonso Lopez Trujillo noted, but an important "systematic defense, broader and stronger," of the fundamental right to life.

In "Evangelium vitae," or "Gospel of Life," the 11th encyclical of his 16-year papacy, John Paul also restated the Vatican's ban on birth control. He noted he was well aware of the assertion that "contraception, if made safe and available to all, is the most effective remedy against abortion."

But he said a "contraceptive mentality" could lead to the "temptation" for abortion.

"Indeed, the pro-abortion culture is especially strong precisely where the Church's teaching on contraception is rejected," the pope said, in a possible reference to liberal wings of the Catholic Church, such as in western Europe or in the United States.

John Paul, addressing himself to politicians, declared that abortion and euthanasia are "crimes which no human law can claim to legitimize."

However, he said it was permissible for lawmakers to back legislation allowing abortion under restrictions if the alternative was letting a law stand that was even more liberal.

Cardinal Adam Maida of the Archdiocese of Detroit praised the document and called on U.S. Lawmakers and voters "to work together to develop" legislation with "a new moral conscience."

Opposing abortion is surely the most serious criterion in making political judgments," Maida said.

The pope expressed understanding for women who live through the often "painful and even shattering" experience of abortion. But he said no reason, "however serious and tragic," justifies abortion—including a woman's "desire to protect certain important values such as her own health or a decent standard of living" for the rest of her family.

"I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder since it is the deliberate killing of an innocent human being," the pope wrote in the Church's strongest expression yet on the practice.

He affirmed the Holy See's penalty of automatic excommunication for anyone "who actually procures an abortion."

But he appeared intent on injecting a note of mercy in his overall harsh pronouncement, offering a "special word to women who have had an abortion."

"Certainly what has happened was and remains terribly wrong," the pope wrote. "But do not give in to discouragement and do not lose hope."

He extended "moral condemnation" to "procedures that exploit living human embryos and fetuses—sometimes specifically 'produced' for this purpose by in vitro fertilization—either to be used as 'biological material' or as providers of organs or tissue for transplants in the treatment of certain diseases."

But he did say that prenatal diagnostic techniques, such as aminocentesis, which carry a risk for the fetus or mother, are allowed as medical measures to help the unborn or to allow the mother "a serene and informed acceptance."

The pope reiterated Church teaching that the dying or their families can forego extraordinary measures "when death is clearly imminent and inevitable."

The pope praised movements "in defense of life" that "act resolutely, but without resorting to violence." He did not specifically address the anti-abortion advocates who have killed doctors involved in abortion.

Encyclicals address matters are reserved for the most important papal declarations.

FEDERAL EMPLOYEE PENSION SYSTEM

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of January 4, 1995, the gentleman from Maryland [Mr. HOYER] is recognized for 60 minutes as the designee of the minority leader.

Mr. HOYER. Mr. Speaker, as the Speaker knows, I came over to the floor during the course of a previous special order that a number of Members heard, and I had some concerns about the facts that were being discussed about the Federal employee pension system and I therefore want to make some remarks.

Very frankly, those remarks will be in large part from a Congressional Research Service paper that was prepared when the questions raised by the gentleman from Florida [Mr. MICA], the chairman of the Civil Service Subcommittee, which he discussed on the floor today, were first raised.

Those two questions include, first, the unfunded liability that is alleged to be present in the Civil Service Retirement System. For those who may not be fully familiar, Federal employees have effectively two retirement systems, one for those employees who were hired prior to January 1, 1984, and those who were hired subsequent to 1984.

The Federal Employee Retirement System, known as FERS, is available to all employees, but is mandatory for those who came on board after January 1, 1984. It is a system that everybody agrees is fully funded. It is a system which for the first time incorporated Social Security within the retirement scheme for Federal employees as well as a thrift savings plan. So the employees since January 1, 1984, essentially have a 3-legged stool as their retirement benefit: the Federal Employment Retirement System itself, the Thrift Savings Plan to which employees and their employer contribute, and Social Security.

The second question that has been raised was the question: Is the system now insolvent or will it become insolvent in the future? The answer to both these questions is no. That is critically important because that answer leads to the conclusion that there is not the necessity to act precipitously on this issue.

In point of fact, the Republicans are acting precipitously, and notwithstanding the fact that the committee of jurisdiction, the committee formerly known as the Committee on Government Operations, had hearings in subcommittee on this issue, chaired by the gentleman from Florida, and considered a bill, which would have involved a 2½-percent increase in the contribution that Federal employees make to their retirement system. Now that was for both those in the Civil Service Retirement System for employees before January 1, 1984, and those after, even though everyone agrees that those after January 1, 1984, are in a system that is fully paid for, notwithstanding that the proposal is to increase their contribution as well.

For those prior, it is 2½ percent. Ladies and gentlemen, a 2½-percent increase for Federal employees in their contribution is on top of the 7 percent that they already contribute. They do not have Social Security. So this system is their sole retirement system.

Their employer matches their contribution of 7 percent and an additional contribution is made to fully fund the system.

I want to read from the CRS report in answer to those two questions about this system. I am not going to go into the background beyond what I have already stated.

The CRS report says this: "The liabilities of a retirement system are the costs of benefits promised to workers and retirees. A retirement system is fully funded if a trust fund holds assets approximately equal to the present value of all future benefit promises to which retirees and vested employees are entitled." Vesting in the Federal plan, by the way, requires 5 years of employment.

"Unfunded liabilities," the report goes on, "are earned benefits for which assets have not been set aside in a retirement fund. As of the end of fiscal year 1993, the Federal retirement trust fund held $276.7 billion in assets for the CSRS, or about 34 percent of the long-term CSRS pension liabilities." Thus, the unfunded CSRS liability was $538.3 billion. That is the sum of which the gentleman from Florida speaks.

Normally one would say that is, and it is, a very large sum. And perhaps we ought to be worried about that. What do the experts say? "The unfunded liability developed because the CSRS funding laws have not required the Government to fund the system fully." That is unlike the private sector, and the theory of course is that the Government is not going to go out of business; therefore, will not have immediate demands on all of its resources and, therefore, like Social Security, can pay it on a year-to-year basis.

"Nevertheless, the primary purpose of the Federal trust fund is not to provide a source of cash for the Government, but to provide budget authority to allow the Treasury to disburse monthly annuity checks without annual appropriations. The trust fund balance," and this is the important point, "The trust fund balance is adequate to provide this budget authority on an ongoing basis."

Let me repeat that sentence. "The trust fund balance is adequate to provide this budget authority on an ongoing basis." In other words, there is no crisis. There is no risk to Federal employee retirees in not having their retirement paid.

The report goes on to say this: "The combined funded and unfunded liabilities of the CSRS, $815 billion in fiscal year 1993, is the amount the Government would have to pay all at one time if everyone who is or whoever has been a vested CSRS participant could demand a check for the present value of all benefits to which they would be entitled from that time throughout retirement until their death, taking into account future pay raises they might receive, and cost-of-living adjustments after retirement." This is key.

"This event," and I am quoting, "cannot happen in the Federal retirement system." This event cannot happen in the Federal retirement system. In other words, the gentleman from Florida creates a false premise, and that is that the unfunded liability can be called upon to be paid all in one lump sum. Repeat the sentence. "This event cannot happen in the Federal retirement system. Federal pension obligations cannot come due all at one time, unlike the situation that arises in the private sector when an employer goes out of business and must pay all promised obligations at once." In other words, what we have said to large and middle and small corporations, if you promise your employees a pension benefit, if you say it is going to be "*x*," then you need to contribute a sum sufficient to ensure that even if you go out of business; in other words, if there is no additional cash-flow into your business out of which you could pay retiree benefits. In the eventuality you go out of business you must have resources sufficient to meet the obligation to your employees.

Very frankly, ladies and gentlemen, if the Federal Government goes out of business, the Federal retirees' pension is not going to be worth much anyway. Very frankly, nobody else's pension is going to be worth much either if the Federal Government goes out of business.

Some of the Government's liabilities represent payments due to current retirees who receive their benefits 1 month at a time throughout retirement. Others represent payments that will not commence for years to come, because the workers are not yet eligible to retire.

By the time they become eligible, others currently retired will have died. Thus, unlike private employers, the Government need not fully prefund the retirement system in order to insure against having to pay off all earned benefits simultaneously.

This is not a game, this is not legerdemain, this is not fiscal sleight of hand. This is simply the fact that the actuarial facts lead us to conclude.

The report goes on to say that some are concerned, and we have heard it on the floor today, "that the existence of unfunded Federal pension liabilities has, or will have in the future, an effect on the budget deficit and/or the need for tax revenues. The annual budget cost to the Government of CSRS can never be more than the sum of the checks written to annuitants one month at a time."

In other words, you are not going to have to pay out an obligation all at one time. "Thus the liabilities of the system, funded or unfunded, will never require payments from the Treasury in excess of the benefits payable to living, retired workers or survivors." This is critical in understanding that there is not a crisis, that there is not a need to move precipitously, that there is not a need to move without deliberate consideration by the committee of jurisdiction.

That has not happened. As a matter of fact, my friend, the acting Speaker, knows that did not happen because he was at the committee and serves on this committee. What happened was there were some relatively abbreviated hearings. It then came to the committee for markup. The committee adjourned because they did not have the votes to pass the legislation.

Now that is not to say that everybody was against it, but there were on both sides of the aisle some very thoughtful Members who said I want to make sure that this is the right thing to do before acting to adversely affect 2 million civilian workers who work for the Federal Government, and to increase their contributions by a total of 2½ percent over 3 years, tantamount to a 10-percent tax increase for somebody making $20,000, $30,000, or $40,000, and working for the Federal Government.

However, the report goes on, "The cash to pay monthly benefits comes from general revenues, and paying monthly benefits creates an outlay from the budget and therefore contributes to the budget deficit, as does any Government spending." It is as a contribution, when you have an employee and you make contributions toward their health benefits, toward their retirement benefits if you are in the private sector, a stock option, deferred payments, 401(k), whatever that might be. Clearly that is a cost.

□ 1700

No one says it is not a cost, but it is a cost of doing business. It is a cost of having employees. Consequently, the report goes on, in times of tight budgets, Congress often considers benefit cuts in order to reduce spending. In other words, we reach into the pocket of Federal employees and take out some of their money.

You say how much have we done? From January 1981, if we followed the law to this day, Federal employees would have received in pay and benefits, health care and retirement benefits, $163 billion more than they have received.

Now that sounds like a lot of money, and it is a lot of money. But during that time we have probably spent, I suppose, in that 14 years, somewhere in the neighborhood of approximately $1 trillion per year, or $14 trillion, approximately.

So you can see that it is a relatively small percentage of our cost of doing business, but it is a legitimate cost of doing business.

The report goes on to say this: Does the CSRS face insolvency? That was another concern raised by the gentleman from Florida. The report goes on to say that currently about half of the Federal work force participates in this program, and as the number of CSRS-covered workers declines, the assets in the trust fund will decline, not because of the payroll contribution from workers but primarily because of Government payments themselves declining.

It goes on: When Members of Congress wrote the new FERS law in 1986, they understood there would have to be a financial transition from CSRS to the FERS program. That is the pre-1984 program to the post-1984 program.

The law provides for one trust fund in which both assets of the old system and the new system are combined. Therefore, there is no separate CSRS trust fund that will be depleted. In other words, the gentleman from Florida is talking about a system that is integrated with a system that we all agree is fully paid for.

Second, Congress established a system whereby benefit payments under CSRS will be authorized by FERS trust fund securities, as needed, until there are no more CSRS benefits to be paid. In short, the system, as reformed in 1986, contemplated exactly the situation we are in today and provided for the funding of that system, to wit: The conclusion, there is no crisis, there is no insolvency. And although technically there is an unfunded liability because the Government is never going to go out of business short of a catastrophe for the country, there will never be a call on the assets of any fund except, as the report previously indicated, on a month-to-month basis.

In summary, Mr. Speaker, by definition, under the financing arrangement set out in current law, the system is not now and never will be insolvent or without adequate budget authority for payment of benefits. That is the critical component of this debate.

Under the financing arrangement set out in current law, without change, the system is not now and never will be insolvent or without adequate budget authority for payment of benefits.

Again, because the budget cost of the system can never exceed the cost of monthly benefits to living annuitants, the cash required from the treasury or taxpayers will never exceed the cost of these monthly benefits. As a result, there is no crisis.

The Federal Government is paying a reasonable sum for the benefits of its employees. Can we debate as to whether or not we ought to modify this system for those who come into the system or those who have been in it for such a short time they are not vested in the system? Of course we can. That is responsible. We have a budget deficit in this Nation. We need to deal across the board with how the Government spends money. That is appropriate to do so.

My friend from Virginia, Mr. MORAN, has just arrived with me on the floor.

We do not object to that. What we do object to and, very frankly, what the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the committee, objected to was having this issue not dealt with by the substantive committee of jurisdiction, and having it taken up by the Committee on Rules without any debate, without any hearings, just put into the tax bill on the premise that we are going to pay for a tax cut for other Americans by increasing the taxes on Federal employees.

Mr. CLINGER, when that occurred in the last Congress—Mr. Speaker, you will be, I know, pleased to hear this—wrote to then chairman CONYERS, chairman of the Committee on Government Operations, now the newly named committee, the Committee on Government Reform and Oversight—we have had a revolution, and I cannot keep up with the names all the time—in a letter dated July 12, 1994, in which then ranking member CLINGER criticizes the gentleman from Michigan [Mr. CONYERS] for taking a bill to the Committee on Rules that has not been reported out of the Committee on Government Operations. That is exactly what has happened here.

In light of the report that has been issued, Mr. Speaker, which I have just read from extensively, it is clear that there is not a crisis. To the extent there is an issue, we ought to debate that issue honestly, openly, ask experts to come in, Federal employees to come in, and others to come in and say, "This is how we think you ought to do the system." We are prepared to do that.

But I would hope, Mr. Speaker, that you and others would urge the Committee on Rules on Tuesday not to include this in the tax bill, to give us time to consider it. I would urge you to join the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, who when Mr. MORAN and I, Mrs. MORELLA, and Mr. WOLF, in a bipartisan way, along with the ranking member, CARDISS COLLINS, testified before the Committee on Rules, Mr. SOLOMON, the chairman of the Committee on Rules, said, "I do not think this ought to be in this bill. We haven't considered it. We are not the committee of jurisdiction. We are not sure of the issues in this bill. And it does not, in any event, appear to me to be fair to Federal employees."

I pointed out to the chairman of the Committee on Rules that if there had been a proposal to change the rules on somebody who served 18 years in the United States Marine Corps—which the chairman of the Rules Committee is a marine himself and justifiably incredibly proud of the Corps—and said, "We are going to change the rules on you," I told Chairman SOLOMON, "You would be on the roof yelling and screaming and hollering." And he said, "You are right."

Now I want to yield to my friend, the ranking member on the Subcommittee on Civil Service, who has done an outstanding job in fighting this fight, making the case, educating Members, asking that we consider this matter in a deliberate fashion. Mr. Speaker, I yield to my friend from Virginia.

Mr. MORAN. I thank my very good friend from Maryland and also thank him for his leadership on this issue and so many issues of importance to Federal employees and, in fact, to the American people, because the way in which we treat the people who serve our constituents reflects well on how much we respect our constituents and in fact on ourselves, because the people who make up this institution and the legislative branch and the executive branch are all affected by this legislation.

But it seems to me there are two principles at stake here on this issue. One is fairness, and the other is integrity.

With regard to fairness, we will have before us a tax cut bill. The purpose of that bill is to relieve the tax burden on other Americans, the middle class. And the principal beneficiaries happen to be the wealthiest class of Americans. But the purpose is to relieve their tax burden.

How unfair to relieve their tax burden by increasing the taxes of one group of American people, who happen to serve the American people by working for the Federal Government, 2 million people that we are talking about. In fact, their taxes would go up by 35 percent if they participate in the Civil Service retirement system, since they are currently paying 7 percent and it is a 2.5 percent increase, that is 35 percent of the base that they are currently paying that they would pay in addition. That money goes to paying for a tax cut for other Americans.

If, however, they happen to participate in the Federal employees retirement system, the new system where they currently pay 0.8, what they would contribute after this change increases by over 300 percent to 3.3 percent, which is an enormous increase.

But does it go to the retirement system itself? No. Because that is not the purpose of it, to fix any retirement system. The purpose of it is to finance a tax cut for other Americans. We are singling out one group of Americans in order to finance a tax cut for another group of Americans. How unfair.

But beyond that, let us talk about integrity, the integrity of this institution is what I am referring to. From 1984 to 1986, this Congress worked on the Federal retirement plan, brought in all the experts. Both the House and the other body led that effort. The gentleman from the other body, Senator STEVENS, was one of the most important leaders, as well as the gentleman from Maryland [Mr. HOYER] and others.

I was not in the Congress at the time. But Mr. HOYER knows who they were, those who were involved. But they came up with a system that was based upon the best knowledge that existed both in the private sector and in the public sector, a system that was designed to pay for itself.

That is why the CSR system, the Civil Service Retirement System, is being phased out, because it had been calculated on a static basis, not a dynamic basis. It had not taken into account merit promotions, locality pay increases, cost-of-living increases, and so on. It was calculated on a basis that was inadequate. Thus, it was not fully paying for itself.

So what they decided was to come up with a new system, and to take care of inflation, as the private sector does, use the Social Security System, assuming the Social Security System provides annual cost-of-living increases. So that is what they did. Federal employees who elected the new system pay 7 percent into Social Security and 0.8 percent into the FERS plan. Those employees who chose to stay with the old system pay 7 percent into that system, but they do not have the assurance of cost-of-living increases.

So, it was balanced, it was a difficult choice. They made the choice, but they made it within the context that this Congress, this branch of Government, established. And that context was a commitment that we will not change the rules of the game. Once you make a decision, we are not going to tamper with your retirement plan. We will set it in concrete. We know it is designed to pay for itself.

So once you make this decision, "you can rest assured you can make your retirement plans based upon this commitment that we make today," back when the legislation was enacted in 1986.

Some Members chose to stay in the old plan, and other Members chose to stay in the new plan. You know, Mr. Speaker, the fact is that those calculations worked out exactly as it was anticipated.

To show you what a good job they did, what has happened between then and now is exactly what they calculated would happen. As the gentleman from Maryland [Mr. HOYER] said, we have a system that is financially solvent and, in fact, last year there was a $60 billion reduction in the unfunded liability. In fact, $63 billion was paid into the system, $36 billion was paid out, exactly what was calculated would happen.

It is working. It is exactly what was anticipated. The Federal employees are doing their part, and their employer, the Federal Government is doing its part.

In fact, if any change should be made, we should recognize that the static system that they based it upon has actually not required as much funding as they estimated. It has gone down from about 12 percent of payroll down to about 10 percent. The dynamic system, taking into account all the changes that could occur, actually went down from 36 to 25 percent.

□ 1715

So, if we should make any change, that change should be to reduce Federal employees' contributions. But what are we doing? We are being driven by other political considerations. We are choosing one group of only 2 million people to take money from them to pay for tax cuts for a larger group of people. I personally do not think this tax cut is in the Nation's best interests.

But I will tell the Speaker and anyone that is listening that they should not be complicit in this unfairness, this violation, this breach of the kind of integrity that this institution has established over 200 years. To think that we would make a commitment to all those Federal employees, upon which they based their decision, and now we would violate it? I cannot believe that that could happen or that our leaders are even considering that.

We ought to consider, Mr. Speaker, that we are not just talking about the Federal employees themselves. We are talking about their families because that is what retirement is all about. Mr. Speaker, you do not contribute to a retirement system for your own interests, nor does the gentleman from Maryland [Mr. HOYER], nor does anybody in the room today. The reason we contribute to a retirement system is to ensure there will be financial security for our spouses, for our children. That is our commitment to them. That is the commitment that Federal employees make to their families. And now to think that these retirement plans that have influenced the direction that their lives have taken, that have influenced their decision to stay in the Federal Government based upon a commitment we made, would be breached; we cannot allow this to happen.

Mr. Speaker, I thank my good friend from Maryland for yielding me the time, and I thank him for taking the time to make our case before the American people.

Mr. HOYER. I thank my good friend from Virginia, and I would close now, Mr. Speaker. Many of the Members of this body talk about the Contract With America. I think it has been an important document in the sense that it has set an agenda. Obviously some of it I do not agree with; some I have agreed with. But, as we have a Contract With America in terms of some of us having signed a document and said, if we are elected, this is what we are going to do, it seems to me as well we have a moral and ethical contract with those whom we ask to serve their country as Federal employees, as employees of this House, employees of the Federal service, and that contract essentially says that, if you work with us and if you perform well, we will do certain things. We will pay you a salary, we will automatically adjust that salary from time to time, and we will provide a retirement system for you, and we will give you health benefits.

Those are the three benefits that Federal employees have. There are no stock options obviously as there are not in public service, and although that is, perhaps, not a legally enforceable contract in the sense that our Federal employees, and our staff in this Chamber, and in this House and across the way in the Senate cannot take us to court and say, you know, we have worked for 5, or 10 or 15 years because you told us that this was the deal, this was the consideration, this is how you would treat us. Although they cannot take us to court, in my opinion that is amoral contract that we have with our people, and just as so many of your party, Mr. Speaker, have argued that we ought to keep the contract that we signed in September 1994, we ought to keep our contract with our employees, and if we make changes, it is fair to do so to those we hire anew and say this is the arrangement. We have changed it because we found it was too expensive, and so we are changing it, and so when you come on board, when you come on as an employee, understand there are new rules, and even for those who are not now vested in the system, who do not now have, in effect, a reason to say this is now mine, the 5-year vesting, we could say to them, look, you have not vested yet, and we are going to change, but for those folks who are vested in this system, it is unconscionable for us to now say we did not tell you the truth, we are going to change the rules, we are not going to meet our commitment to you, your compensation will be less than we promised.

I hope we do not do that, Mr. Speaker.

I had not intended to talk today on this issue, but Mr. MICA, one of his colleagues, took a special order to discuss this issue, and I wanted the full context of this issue to be discussed today because next week this issue will be on the front burner. I hope the Speaker of the House, Mr. GINGRICH, Mr. SOLOMON, the chairman of the Committee on Rules, and others, decide to take this out of the tax bill, to put it back to your committee, Mr. Speaker, have hearings, consider this, and take such action as we then deem appropriate.

NEUTRAL COST RECOVERY: FROM ADAM SMITH TO NICK SMITH

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, next week we will be voting on the tax cuts promised to the American people under the Contract With America. While some would argue that now is not the time to cut taxes since we must balance the Federal budget, we should realize that an increase in the growth rate of the economy would in itself reduce the deficit, since it would increase revenues and reduce welfare spending.

Not all tax cuts are equal in terms of increasing the growth of the economy. Approximately 75 percent of the economic growth from our tax package comes from neutral cost recovery. Neutral cost recovery is a tax change to allow businesses to account for the wearing out of their machinery and buildings as they produce goods and services.

By reducing the cost of capital 16 percent, neutral cost recovery will increase the amount of machinery, equipment, and buildings that workers use. This will, in turn, raise everyone's wages and wealth. We have known for more than 200 years that the accumulation of capital is the key to economic growth. Here is what Adam Smith had to say about the subject in his "The Wealth of Nations" in 1776:

> Every increase or dimunition of capital, therefore, naturally tends to increase or diminish the real quantity of industry, the number of productive hands, and consequently. . .the real wealth and revenue of all its inhabitants.

Adam Smith was telling us that if a nation's capital increases, it will increase that nation's output of goods and services, the amount of employment, and the overall wealth and income of all of the country's inhabitants. He also explained how the real beneficiary of this process was the nation's poor. Adam Smith suggested we only need to look at the standard of living of any poor person living in a capitalist country and compare that standard of living to an upper income person in any non-capitalist economy. Would you rather be poor in the United States or rich in Uganda?

In 1949 the great economist, Ludwig von Mises, wrote that the reason that Western countries are ahead of the other parts of the world is because they have a system that encourages savings and capital investment.

Since 1949 our tax burden has been increasing, in particular the tax on capital. Over the last 20 years the United States has trailed our industrialized competitors in capital investment per worker, in part because other countries have more favorable tax policies towards capital.

We are getting exactly what von Mises predicted: if you don't encourage savings and capital investment then you lose your productivity and competitive position. Today, the United States is indeed trailing its international competitors in the growth of its production per worker.

Economists have estimated that neutral cost recovery will lead to the creation of 2.7 million new jobs, add an extra $3.5 trillion to our Nation's output over the next 5 years and by doing so add nearly $600 billion to Federal revenues. In passing neutral cost recovery we will secure an improved life for our children and grandchildren by leaving them with a greater stock of capital, more job opportunities, and a reduced Federal deficit. I urge my colleagues to lift the shackles that our tax code has placed on our economic growth and give our children and grandchildren the jobs that they deserve.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STUPAK (at the request of Mr. GEPHARDT) for today, on account of death of an employee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. RUSH, for 5 minutes, today.
Mr. POSHARD, for 5 minutes, today.
Mr. OLVER, for 5 minutes, today.
Mrs. SCHROEDER, for 5 minutes, today.
Mr. MENENDEZ, for 5 minutes, today.
Mr. DOGGETT, for 5 minutes, today.
Ms. PELOSI, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Mr. ABERCROMBIE, for 5 minutes, today.
Mr. VOLKMER, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.
Mr. ENSIGN, for 5 minutes, today.
Mr. ENGLISH of Pennsylvania, for 5 minutes, today.
Mr. BAKER of California, for 5 minutes, today.
Mr. SCARBOROUGH, for 5 minutes, today.

(The following Members (at the request of Mr. VOLKMER) to revise and extend their remarks and include extraneous material:)

Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. BRYANT of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FROST, and to include extraneous material during debate on House Resolution 121.

(The following Members (at the request of Mr. FILNER) and to include extraneous material:)

Mr. ROMERO-BARCELÓ.
Mr. TRAFICANT.
Mr. KENNEDY of Rhode Island.
Mr. ORTIZ.
Mr. BARRETT of Wisconsin.
Mr. GIBBONS.
Mr. MATSUI.
Mr. BARCIA in two instances.
Mr. MILLER of California.
Mr. REED.
Mr. DINGELL.
Mr. MANTON.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous material:)

Mr. DAVIS.
Mr. QUINN.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous material:)

Mr. LAFALCE.
Mr. RANDALL.
Mr. RICHARDSON.
Mr. FRELINGHUYSEN.
Mr. FORBES.
Mr. FILNER.
Mr. ALLARD.
Mr. WARD.
Mrs. MINK of Hawaii.
Mr. YOUNG of Alaska.
Mr. GILMAN.
Mr. RUSH.
Mr. BLILEY.
Mr. ENGEL.
Mr. MOAKLEY.
Mr. OWENS.
Mrs. MEEK of Florida.
Mr. PACKARD.
Mr. EVERETT.
Ms. ESHOO.
Mrs. KENNELLY.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until Monday, April 3, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

649. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Switzerland (Transmittal No. DTC-12-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

650. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's "NDF Annual Report" fiscal year 1994; to the Committee on International Relations.

651. A letter from the Director, National Gallery of Art, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

652. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's 24th edition of the Grant-In-Aid for Fisheries Program Report, pursuant to 16 U.S.C. 757(a)—757(f) and 16 U.S.C. 4101 et seq.; to the Committee on Resources.

653. A letter from the Director, Federal Deposit Insurance Corporation, transmitting a listing of Federal Deposit Insurance Corporation property covered by the Coastal Barrier Improvement Act of 1990; jointly, to the Committees on Resources and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALKER: Committee on Science. H.R. 655. A bill to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes; with amendments (Rept. 104-95). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 1345. A bill to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes (Rept. 104-96). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself, Mr. ENGEL, Ms. MOLINARI, Mr. ROHRABACHER, Mr. KING, and Mr. SMITH of New Jersey):

H.R. 1360. A bill to establish United States policy conditioning the lifting of sanctions against Serbia and Montenegro upon improvements in Kosova, and for other purposes; to the Committee on International Relations.

By Mr. COBLE (for himself, Mr. TRAFICANT, Mr. SHUSTER, and Mr. MINETA):

H.R. 1361. A bill to authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BEREUTER (for himself, Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. ROTH, Mr. BAKER of Louisiana, Mr. LAZIO of New York, Mr. BACHUS, Mr. ROYCE, Mr. WELLER, Mr. KING, Mr. BONO, Mr. EHRLICH, Mr. CHRYSLER, Mr. CREMEANS, Mr. WATTS of Oklahoma, Mrs. KELLY, Mr. BARRETT of Nebraska, Mr. ORTON, Mr. CASTLE, Mr. HEINEMAN, Mr. LATHAM, Mr. CHRISTENSEN, and Mr. FOX):

H.R. 1362. A bill to reduce paperwork and additional regulatory burdens for depository institutions; to the Committee on Banking and Financial Services.

By Mr. BILBRAY (for himself, Mr. CUNNINGHAM, Mr. PACKARD, Mr. HUNTER, Mr. DOOLITTLE, Mrs. ROUKEMA, Mr. STENHOLM, Mr. BAKER of California, Mr. CALVERT, Mrs. JOHNSON of Connecticut, Mr. MURTHA, Mr. TRAFICANT, Mr. HAYES, Mr. BONO, Mr. MCKEON, Mr. ROHRABACHER, Mr. RIGGS, Mr. HORN, Mrs. SEASTRAND, Mr. SHADEGG, and Mrs. KELLY):

H.R. 1363. A bill to amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens; to the Committee on the Judiciary.

By Mr. EVERETT (for himself, Mr. BACHUS, Mr. BROWDER, Mr. HANCOCK, Mr. LAFALCE, Mr. SAXTON, Mr. SMITH of Michigan, and Mr. TALENT):

H.R. 1364. A bill to amend the Indian Gaming Regulatory Act to provide for community approval before Indian class III gaming operations may take effect; to the Committee on Resources.

By Mr. FORBES:

H.R. 1365. A bill to provide for the transfer of a portion of the Naval Weapons Industrial Reserve Plant, Calverton, NY, to the Department of Veterans Affairs for inclusion in the Calverton National Cemetery; to the Committee on National Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN:

H.R. 1366. A bill to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope waterpower project; to the Committee on Commerce.

By Mr. HILLIARD:

H.R. 1367. A bill to change election day to the first Saturday in November of each even-numbered year; to the Committee on House Oversight.

By Mr. KASICH (for himself, Mr. HOKE, Ms. MOLINARI, and Mr. BASS):

H.R. 1368. A bill A bill to amend title 10, United States Code, to modernize Department of Defense Acquisition procedures, and for other purposes; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 1369. A bill to provide for the regulation of the airspace over National Park System lands in the State of Hawaii by the Federal Aviation Administration and the National Park Service, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MYERS of Indiana (for himself, Mr. HANCOCK, Mr. ARMEY, Mr. THOMAS, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. ZIMMER, Mr. SAM JOHNSON, Ms. DUNN of Washington, Mr. COLLINS of Georgia, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. CHRISTENSEN, Mrs. KENNELLY, Mr. PAYNE of Virginia, and Mr. POMEROY):

H.R. 1370. A bill to amend the Internal Revenue Code of 1986 to reduce mandatory premiums to the United Mine Workers of America combined benefit fund by certain surplus amounts in the fund, and for other purposes; to the Committee on Ways and Means.

By Mr. ROMERO-BARCELO:

H.R. 1371. A bill to ensure the protection of the coastal marine coral environment off the west coast of Puerto Rico by requiring the Director of the U.S. Geological Service to assess the environmental economic costs and benefits of relocating an existing wastewater treatment plant outfall to a deepwater location, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 1372. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1996; to the Committee on House Oversight.

By Mr. TRAFICANT:

H.R. 1373. A bill to designate the Federal Aviation Administration Technical Center located at the Atlantic City International Airport in Pomona, NJ, as the "William J. Hughes Technical Center;" to the Committee on Transportation and Infrastructure.

By Mr. BEREUTER (for himself and Mr. KIM):

H.J. Res. 83. Joint resolution relating to the United States-North Korea Agreed Framework and the obligations of North Korea under that and previous agreements with respect to the denuclearization of the Korean Peninsula and dialog with the Republic of Korea; to the Committee on International Relations.

By Mr. FILNER (for himself, Mr. TORRES, Mr. MARTINEZ, Mr. PASTOR, Mr. SERRANO, Mr. BROWN of California, Mr. TUCKER, Mr. GONZALEZ, Ms. PELOSI, Ms. VELAZQUEZ, Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. TEJEDA, Mr. ROMERO-BARCELO, Mr. MINETA, Mr. KENNEDY of Massachusetts, Ms. LOFGREN, Mrs. MINK of Hawaii, Ms. ROYBAL-ALLARD, and Mr. COLEMAN):

H.J. Res. 84. Joint resolution to commemorate the birthday of Cesar Chavez; to the Committee on Government Reform and Oversight.

By Mr. MCINNIS (for himself, Mr. KIM, and Mr. SOLOMON):

H.J. Res. 85. Joint resolution expresssing the sense of Congress with respect to North-South dialog on the Korean Peninsula and the United States-North Korea Agreed Framework; to the Committee on International Relations.

By Mr. PORTER (for himself, Mr. SMITH of New Jersey, Mr. CARDIN, Ms. FURSE, Mr. PALLONE, Mrs. MALONEY, Mr. ZIMMER, Mr. HORN, and Mr. HOYER):

H. Res. 124. Resolution condemning Turkey's illegal invasion of northern Iraq; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. MINK of Hawaii introduced a bill (H.R. 1374) for the relief of Fanie Phily Mateo Angeles; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. QUINN.

H.R. 44: Ms. FURSE and Mr. SANFORD.

H.R. 62: Mr. BALLENGER and Mr. QUINN.

H.R. 334: Mr. MINETA.

H.R. 335: Mr. BENTSEN.

H.R. 357: Mr. MCDERMOTT, Mr. ENGEL, Mr. BENTSEN, Mr. HEFNER, Mr. HASTINGS of Florida, and Mr. BERMAN.

H.R. 370: Mrs. KELLY.

H.R. 372: Mr. SKEEN and Mr. SHADEGG.

H.R. 373: Mr. SKEEN and Mr. SHADEGG.

H.R. 375: Mr. SKEEN, Mr. SHADEGG, and Mr. TAYLOR of North Carolina.

H.R. 534: Mr. INGLIS of South Carolina, Mr. HOBSON, Mr. FORBES, Mr. LINDER, and Mr. HANSEN.

H.R. 549: Mr. QUINN.

H.R. 580: Mr. KNOLLENBERG, Mr. DEUTSCH, Mr. TANNER, Mrs. SEASTRAND, Mr. SCARBOROUGH, Mr. KIM, and Mr. DEFAZIO.

H.R. 587: Mr. FATTAH and Mr. CONYERS.

H.R. 599: Mr. MCDERMOTT and Mr. WYDEN.

H.R. 620: Ms. VELAZQUEZ.

H.R. 641: Mr. MEEHAN, Mr. ABERCROMBIE, Ms. PELOSI, Mr. PORTER, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. YATES, Mr. VENTO, Mr. OLVER, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mr. BOUCHER, Mr. BRYANT of Texas, Mr. FAZIO of California, Mr. LEWIS of Georgia, Mr. BEILENSON, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. CARDIN, Mr. WYDEN, Mr. DEUTSCH, Mr. KLUG, Mr. MILLER of California, Mr. GREENWOOD, Mr. GEJDENSON, Mrs. KENNELLY, Mr. SABO, Mr. WYNN, Mrs. ROUKEMA, Mr. OBEY, Mr. RANGEL, Ms. SLAUGHTER, Mr. EVANS, Ms. LOFGREN, Mr. LANTOS, Mrs. THURMAN, Mr. BERMAN, Ms. FURSE, Mr. SERRANO, and Ms. RIVERS.

H.R. 655: Mr. GRAHAM, Mrs. SEASTRAND, and Mr. GUTKNECHT.

H.R. 783: Mr. INGLIS of South Carolina, Mr. SPRATT, Mr. LUCAS, and Mr. TIAHRT.

H.R. 788: Mr. QUINN.

H.R. 809: Mr. BRYANT of Texas and Mr. GREENWOOD.

H.R. 850: Mr. INGLIS of South Carolina, Mr. MCHALE, Mr. DAVIS, and Ms. DANNER.

H.R. 858: Mr. WATT of North Carolina, Mr. DORNAN, Mr. ANDREWS, Ms. FURSE, Mr. STUPAK, Mrs. SCHROEDER, Mrs. KELLY, and Mr. YOUNG of Alaska.

H.R. 881: Mr. ENGLISH of Pennsylvania, Mr. FATTAH, and Mr. ENGEL.

H.R. 896: Mr. MANTON, Mr. SHAYS, and Mr. GREENWOOD.

H.R. 945: Mr. BALDACCI, Mr. MCHALE, Mr. KING, Mr. MINGE, Mr. OLVER, Mr. HEINEMAN, Mr. PETERSON of Minnesota, Mr. HANCOCK, Mr. BENTSEN, Mr. LUTHER, Ms. DELAURO, Mr. PAYNE of New Jersey, Mr. ORTON, Mr. TRAFICANT, Mr. FOX, Mr. MASCARA, and Mr. JACOBS.

H.R. 961: Mr. YOUNG of Alaska, Mr. COBLE, Mr. BLUTE, Mrs. FOWLER, Mr. BACHUS, Mr. WAMP, Mr. LATHAM, Mr. LAHOOD, Mr. CONDIT, Mr. FIELDS of Texas, and Mr. PICKETT.

H.R. 963: Mr. EMERSON, Ms. FURSE, Mr. FRANK of Massachusetts, Mrs. CLAYTON, and Mr. RAHALL.

H.R. 977: Mr. BACHUS.

H.R. 983: Mr. MINGE, Ms. RIVERS, Ms. SLAUGHTER, Mr. WATT of North Carolina, and Mr. WILLIAMS.

H.R. 989: Mr. QUILLEN.

H.R. 1000: Mr. FAZIO of California and Mr. LEWIS of Georgia.

H.R. 1021: Mr. EHLERS and Mr. RAHALL.

H.R. 1023: Mr. LEWIS of Georgia, Mrs. KENNELLY, and Mr. WARD.

H.R. 1024: Mr. ENSIGN.

H.R. 1055: Mr. BARCIA of Michigan.

H.R. 1114: Mr. GOODLATTE, Mr. BURTON of Indiana, Mr. ZELIFF, Mrs. ROUKEMA, Mr. HASTINGS of Washington, Mr. STUPAK, Mr.

Stump, Mr. Barrett of Nebraska, Mr. Johnston of Florida, Mr. Parker, Mr. Canady, Mr. Stenholm, and Mr. Hayes.

H.R. 1143: Mr. Bereuter.

H.R. 1144: Mr. Bereuter.

H.R. 1172: Mr. Calvert, Mr. Bunn of Oregon, Ms. Lowey, Mr. Andrews, Mr. Clyburn, Mr. King, Mr. McDermott, Mr. Rangel, Mr. Kim, Ms. Lofgren, and Mr. Levin.

H.R. 1203: Mr. Packard and Mr. Dickey.

H.R. 1242: Mr. Blute, Mr. Weller, and Mr. Boehner.

H.R. 1272: Mr. Frost, Mr. Lipinski, and Ms. Lofgren.

H.R. 1301: Mr. Kennedy of Rhode Island and Mr. Spratt.

H.R. 1323: Mr. Emerson.

H. Con. Res. 19: Mrs. Meyers of Kansas and Mr. Goodling.

H. Con. Res. 50: Mr. Kildee.

H. Con. Res. 53: Mr. Abercrombie, Mr. Frank of Massachusetts, Mr. King, Mr. Rohrabacher, Mr. Forbes, Mr. Faleomavaega, Mr. Royce, Mr. Edwards, Mr. Oxley, Mr. Knollenberg, Mr. Boehlert, Mr. Calvert, Mr. Payne of New Jersey, Mr. English of Pennsylvania, Mr. Hastings of Washington, Mr. McNulty, Mr. Wilson, Mr. Gene Green of Texas, Mr. Ney, Mr. Castle, Mr. Pallone, Mr. Ewing, Mr. Schaefer, Mr. Greenwood, Ms. Lofgren, Mr. Minge, Mr. Kim, Mr. Porter, and Mr. Clayburn.

H. Res. 39: Mr. Berman, Ms. Furse, Mr. Schumer, Ms. Kaptur, and Mr. Coleman.

H. Res. 120: Mrs. Fowler and Ms. Brown of Florida.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

[Omitted from the Record of March 24, 1995]

Petition 1 by Mr. CHAPMAN on H.R. 124: Jon Christensen, John Ensign, and Mark Edward Souder.

[Submitted March 30, 1995]

Petition 1 by Mr. CHAPMAN on H.R. 125: Frank Riggs, Richard H. Baker, and Bart Gordon.

Petition 2 by Mr. STOCKMAN on House Resolution 111: Ron Lewis, John Hostettler, George Radanovich, and Linda Smith.

SENATE—*Thursday, March 30, 1995*

(Legislative day of Monday, March 27, 1995)

The Senate met at 9:20 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Our Father, You have created us to glorify You and enjoy You forever. You have developed in us the desire to know You and have given us the gift of faith to accept Your unqualified love. You turn our struggles into stepping stones. We know Your promise is true: You will never leave us or forsake us. You give us strength when we are weak, gracious correction when we fail, and undeserved grace when we need it most. You lift us up when we fall and give us new chances when we are devoid of hope. And just when we think there is no place to turn, You meet us and help us return to You. We say with the psalmist, "Bless the Lord O my soul, and all that is within me bless His holy name! Bless the Lord, O my soul and forget not all of His benefits."—Psalm 103:1-2.

Lord our work this day is an expression of our grateful worship. You have called us to lead this Nation. Fill us with Your spirit. Infinite wisdom, we need Your perspective, plan, and purpose. We must make crucial evaluations and decisive decisions. The future of this Nation is dependent on the guidance You give us this day. Thank You for making us wise. In Your holy name. Amen.

Mr. COVERDELL addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Georgia.

SCHEDULE

Mr. COVERDELL. Mr. President, this morning, the time for the two leaders has been reserved and there will now be a period for morning business until the hour of 10:15 a.m., with Senators to speak for up to 5 minutes each, with the exception of the following: Senator COVERDELL, up to 10 minutes; Senator CAMPBELL, up to 10 minutes; Senator COHEN, up to 10 minutes; Senator THOMAS, up to 5 minutes; and Senator KERREY up to 15 minutes.

At the hour of 10:15 a.m., the Senate will resume consideration of the nomination of Mr. Glickman, to be Secretary of Agriculture, for 10 minutes of debate. At the hour of 10:25, this morning, there will be a 15-minute rollcall vote for the confirmation of the nomination.

Following the rollcall vote, the Senate will resume consideration of H.R. 1158, the supplemental appropriations bill. Senators should, therefore, be aware that, following the 10:25 vote, other rollcall votes can be expected throughout the day's session.

Mr. President, I would like to be recognized according to the order.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Georgia is recognized.

THE PRESIDENT'S BUDGET

Mr. COVERDELL. Mr. President, the President was in my State and city yesterday in what was promoted as an economic summit. I think one could take some question with that definition, but we will let that stand.

The day before that, I had an opportunity to come to the Senate floor and to discuss findings of the bipartisan entitlements commission. I specifically referred to one piece of data that just stares at you from that report. It should make every American somber and humble. Because what it essentially says is that within 10 years—historically that is a snap of the finger, Mr. President—within 10 years, all of our U.S. revenues, all of it, are consumed by 5 things; 5 expenditures, 5 out of 1,000—Social Security, Medicare, Medicaid, Federal retirement, and the interest on our debt, and then there is nothing left. There is nothing for the School Lunch Program that we are pointing fingers at each other about. There is not a Defense Department, a road, a canal, a port widening, an Education Department, an agricultural bill, nothing.

Mr. President, this is a calamity that this generation of Americans must confront. I said that it was, in my judgment, a calling so extraordinary to put it in the league of the Founders of the Nation—the fight to keep the Nation united, the fight in Europe. It is of that consequence.

When I hear the President and his administration suggesting that we do not have a problem, I am stunned and appalled—stunned and appalled. To be moving across the country suggesting that everything is a tulip patch, to bring a budget, in the face of the balanced budget amendment and the bipartisan entitlements commission, and to give us a budget that adds $1.4 trillion to the debt, $200 billion in deficits for as far as the eye can see, shows either a total disconnect with what is happening in the country or contempt.

Mr. President, Secretary Rubin said:

> Another way to look at this is that, without the interest the Federal Government pays on the national debt, the Federal budget would now be running a small surplus.

That is like saying, arsenic is OK, if it was not poisonous.

Mr. President, I am told that the President himself, speaking to students at Emory University, said the same thing—that we are really running a surplus here.

Outside of being patently wrong, it is exceedingly damaging for these kinds of messages, in the face of what we are confronting as a people and a nation. That would be like, instead of saying to the Nation, as President Roosevelt did, that this day will live in infamy and charging the Nation for what it had to do—which was not a very pretty picture—to have traveled around the country and saying the world is in pretty good shape, those fellows are really nice guys.

You are robbing the people of the will that is going to be required to meet this test when you tell them things like this—we are actually running a surplus, if it were not for the debt.

And while they are saying this, they have already added $1 trillion in new debt or increased it by 20 percent. The incongruities of this message are befuddling.

But the real damage is if it misleads the American people.

I will give the other side this. We can argue about what priorities are. The priorities that I might feel important may be different from those of the Senator from Minnesota, who was on the floor the other morning while we were talking about these issues of debt. We can argue about what we believe more important or less important. But it is not debatable that the United States is expending moneys it does not have. We are piling debt upon debt. We have spent every dime we have and $5 trillion we do not have, and now we are spending the livelihood of our children and grandchildren and the clock is running out, Mr. President.

Everybody can contemplate 10 years from now. You are either moving into retirement or your children are about ready to go to college or they are looking for a job. They would be staring

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

down the barrel of this great democracy having no revenues left to do anything. That is a serious problem. And it is going to take a serious response. The administration needs to recognize that. They seem to be in denial, sending budgets that accelerate the problem, saying things such as Secretary Rubin has just said here. This is what the President said before Emory University students yesterday, March 29: "After two years we have a reduction in the deficit of $600 billion for the first time"—much applause, and they would—"this is the first time since the mid-sixties when your Government is running at least an operating surplus."

An operating surplus, Mr. President? This is just staggering and stunning. So like I said, Mr. President, we have an enormous problem. The clock has run out. It has run out. We cannot pass this baton to anybody else. The living Americans, the caretakers of this great democracy, have it in their lap. We must confront it. We cannot ignore it. And worse, to mislead is so damaging, so harmful, because it is taking the will away. Everybody would much rather hear a rosy story.

I want to say, in conclusion, that my message is not one of gloom. We can turn this around. We can tighten our belts fairly. We can remove the obstacles to an expanding economy. That means get the taxes down, Mr. President, get Government regulation down.

If your prescription for America is to raise taxes, make more Government, and regulate our lives, and in the meantime, tell them messages like this, there is going to be a very serious day of reckoning, a very serious day of reckoning.

Mr. President, I invite the President to an economic debate. I can suggest to him that the empirical evidence is, through all of time, you have to keep taxes down, government down, regulations down, and let people go to work. That is the way to get out of this problem. You do not get there by suggesting to people, in the face of everything, we know that we are running an operating surplus. I yield the floor in total befuddlement.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Mr. COHEN and Mr. D'AMATO pertaining to the introduction of S. 648 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT. Mr. President, I ask unanimous consent that I have 10 minutes instead of the previous 5 minutes for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 647 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERREY. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that time in the previous order.

Without objection, it is so ordered.

TELECOMMUNICATIONS

Mr. KERREY. Mr. President, last week, the Senate Commerce Committee reported out a piece of legislation, the Telecommunications Competition Deregulation Act of 1995, that I consider to be a very important piece of legislation.

I have come to the floor here this morning, though, to alert my colleagues, who are also interested and excited about this legislation, that I think it would be very unwise for Members to rush the enactment of this bill.

I take that position not because I have major objections to the legislation. Indeed, I have been intimately involved not just with this bill, but 1822 and the farm team coalition that worked it, trying to make certain there would be universal service for high-cost rural areas.

I have been very much involved with the deregulation of telecommunications. I suspect I am the only Member of Congress who is actually able to say I have signed a significant deregulation act in 1985 when I was Governor.

The delay that I am suggesting, Mr. President, comes as a consequence of a very interesting, what I would call, disconnect.

Just last November I finished a successful reelection campaign. In meeting after meeting, in debates and so forth that we have when facing the voters, they were asking me about term limits, balanced budgets, health care, and agriculture policy. Crime, of course, dominated almost every discussion and debate. What are we going to do about crime?

I must say, Mr. President, that never in my campaign did the issue of telecommunications arise.

I say to my colleagues, as important as this legislation is, and I think it is an urgent and exciting opportunity here, the citizens, in my judgment, are not prepared for the change that this legislation would bring to them—significant change.

I suspect the occupant of the Chair can remember in 1983 when the divestiture occurred. I know in Nebraska, if I put it to the voters, do voters want to go back to the old AT&T or do voters like the new divestiture arrangement, a very large percentage would have said, "Give me the good old days." Because, all of a sudden, choice meant confusion, choice meant competition, choice meant a lot of problems that people were not prepared for.

The same, in my judgment, is apt to occur here. I believe that we need to come to the floor and argue such things as access charges, so we not only understand what an access charge is but what happens when the access charges are decreased, understand what happens when something called rate rebalancing occurs at the local level in a competitive environment—which I am an advocate of. Chairman PRESSLER and Senator HOLLINGS deserve an enormous amount of credit for being able to move this bill out of committee.

One of the things I brought in a focused way to this argument was the need to make sure we had straightforward competition at the local level. So when an entrepreneur comes to the information service business and wants to go to a household and sell information, and that entrepreneur buys his lawyers at $50 an hour, he should know with certainty they are going to prevail over a company that buys, at $500 or $1,000 an hour, its lawyers who have regular, familiar contact with the regulators. If we are going to have that competition, we need that level playing field for the entrepreneur. They need to know with certainty they are going to be able to offer their services to the customer as well.

But in a competitive environment, you cannot price your product below cost for very long. That is what we have been allowing for 60 years, basically. We used to have a competitive environment prior to 1934. The country made a conscious decision at the time that we wanted a monopoly, both at the local and long-distance level. We changed the law in 1934. We created a monopoly arrangement. And, as I said, people, I think, would be hard pressed to argue against the statement that it has resulted in the United States having the best telecommunications system in the world. Though monopolies in general do not seem to work, this particular one did.

We made a good decision, although it was unpopular, in 1983 to divest. The divestiture has worked in the context of providing competition in the long-distance area. We now see rates have gone down. We see increased quality. We see improvement as a consequence of this competitive environment.

But, again, to be clear on this, all of us should understand the implications of the statement that in a competitive environment you cannot price your product below cost for very long. What that means is that if I have a residential line into my home and I am paying $12 a month for that residential line and a business is paying $30 a month for the very same thing, we cannot, as residential users, count on that for long. If the price and the cost to provide that residential service is $14 or $15, we are not going to be able to count for very long on being able to get that service for $12. And many of our rural populations now enjoy $4, $5, $6, $7 a month for basic telephone service.

There are other issues that I think are terribly important for us to bring to this floor under the rules of the Senate, which allow unlimited debate. We need to have a debate. There is tremendous promise in telecommunications, promise for new jobs, particularly in a competitive environment, particularly from those entrepreneurs who are apt to create most of the new jobs. Those individuals who come in as small business people with a great new idea tend to be enormously innovative and competitive when it comes to pricing their good or service. I am excited about what competition is going to be able to do, not just for price and quality, but also for the creation of new jobs in the country.

There is tremendous promise, second, Mr. President, in our capacity to educate ourselves. I give a great deal of praise, again, to Senator PRESSLER and Senator BURNS and Senator ROCKEFELLER and others on the committee who put language in here to carve out special protection for our K–12 environment.

Some will say, why? If it is going to be market oriented, why would you do that? For the moment, at least, our schools are not market-oriented businesses. By that I mean they are government run. At $240 billion a year, about 40 million students at $6,000 apiece have to go to school for 180 days a year and learn whatever it is that the States have decided they are supposed to learn. It is a government-run operation. And they are going to be unable, if property taxes and State sales and income taxes are the source of revenue, they are going to be unable to take advantage of this technology. So I was pleased we carved out provisions for schools in this legislation.

We are going to have to debate how do we get our institutions at the local level to change. It is not going to be enough for us merely to change the Federal regulation, giving them the legal authority to ask their local telephone company for a connect and to get a subsidized rate. There is a need for institutional change, both at the local level and at the State level. There is tremendous promise, in my judgment, in communication technology to help our schoolchildren and to help our people who are in the workplace to learn the things they need to know, not just to be able to raise their standard of living, but also to be able to function well as a citizen and to be able to get along with one another in their communities.

Finally, there is tremendous promise with communication technology in helping a citizen of this country become informed. When you are born in the United States of America or you become a citizen of the United States of America through the naturalization process, it is an extraordinary thing to consider. We are the freest people on Earth. No one really seriously doubts that. And the freedoms that we enjoy as a consequence of being a citizen are very exciting.

But balanced against that, a citizen of this country also has very difficult responsibilities. It is a hard thing to be a citizen, a hard thing. Pick up the newspaper, and if you read a newspaper cover to cover today, you have processed as much information in one single reading as was required in a lifetime in the 17th century. We are getting deluged with information. Suddenly a citizen needs to know where is Chechnya, for gosh sakes? What is the history of Haiti, for gosh sakes? All of a sudden I have to know things that I did not have to know before. To make an informed decision is not an easy thing to do. This technology offers us an opportunity to help that citizen, our citizens—ourselves included, I might add—make good decisions.

That will necessitate institutional change, I believe, at the Federal level, but also at the State level to get that done. This, along with education, along with jobs, and along with the changes that our people can expect to have happen, need a full and open and perhaps even lengthy debate on this floor before we enact what I consider to be a pretty darned good piece of legislation.

The committee finished the bill. They are fine tuning it now. They have not actually introduced it yet or given it a title. I am very appreciative of the fine work that Chairman PRESSLER has done and that Senator HOLLINGS and other members of the committee have done to bring this legislation out. I consider it to be at least as important as many other things that we have debated thus far this year. Indeed, over the course of the next 10 years it is apt to be the most important thing that we do.

Therefore, I believe it is incumbent upon us not to just come here with an urgency to change the law, but it is incumbent upon us to come here and examine the law we propose to change and examine the details of the law as we propose to change them and engage the American people in a discussion of what these changes are going to mean for them.

Again, I have high praise for the committee and look forward and hope we have the opportunity to come to this floor for a good, open, and informative debate for the American people.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

THE NOMINATION OF DAN GLICKMAN

Mr. SPECTER. Mr. President, in a few moments we will be voting on confirmation of Dan Glickman to be Secretary of Agriculture. I compliment the President on his nomination for that position. I think that former Congressman Glickman is preeminently well qualified for that position.

I would like to say that I have known Dan Glickman since before he was born because we come from the same town, Wichita, KS. Actually we come from a number of towns; Wichita, KS and Philadelphia, PA. But at various times in my life I have lived in those places, and lived in Wichita. The Specter family and the Glickman family were friends for many, many years. In fact, my father, Harry Specter, was a business associate of Dan Glickman's grandfather, J. Glickman. Maybe that is too high an elevation. Actually, my father borrowed $500 from J. Glickman in about 1936 or 1937 at the start of a junk business. In those days my dad would buy junk in the oil fields of Kansas and ship them in boxcars, and ship them through Glickman Iron and Metal. And J. Glickman got the override on the tonnage. So our family relationship goes back many, many years.

My family left Wichita in 1942, a couple of years before Dan Glickman was born. So that I like to say that I have known Dan since before he was born. But I have certainly have known him for his entire lifetime. I have a very, very high regard for him.

He had a very, very outstanding record as a Member of the House of Representatives from Wichita, KS. He has a very thorough grasp of the agriculture community and farm problems in America; a background that I share to some extent. Russell and Wichita and all of Kansas are in the wheat country, and as a teenager I drove a tractor in the farmland. It is quite an experience to drive a tractor in the harvest, round and round knocking down grain; pulling a combine, again, again, and again. It is a great incentive to become a lawyer, which I did after moving out of Kansas.

But beyond his professional qualifications and his experience, Dan Glickman is a great human being, compassionate, understanding, and will really be able to work with the problems of the American agriculture industry.

Still I think he has a keen eye for budget deficits and cost reductions to fit into the trend of the times as we try to move to balance the Federal budget for the target year 2002.

So I do not know that my colleagues will need too much urging because Dan has such an outstanding record and an outstanding reputation. But I wanted to add these few words in support of his nomination for Secretary of Agriculture.

I thank the Chair. I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I rise to support the nomination of Dan Glickman. I could not help but notice the Senator from Pennsylvania saying that he was driving a tractor and that encouraged him to become a lawyer. Well, I failed to become a lawyer.

But I rise to support the nomination of Dan Glickman as Secretary of Agriculture.

As the distinguished majority leader has indicated, Dan Glickman has an outstanding record on agricultural issues and I am certain that he will serve this Nation well as its Secretary of Agriculture.

As Secretary, I am optimistic that Mr. Glickman will take an even-handed approach to agricultural regulations. Recently, legislation has been introduced which is intended to provide special treatment for a limited class of poultry producers. I am referring to S. 600—the so-called Truth in Poultry Labeling Act of 1995. It is anything but truth in labeling.

This legislation is just one example of the pressures which may be brought to bear on the Department of Agriculture during Mr. Glickman's tenure as Secretary.

I am hopeful that he will not yield to special interests seeking preferential market treatment under the guise of antifraud legislation. If successful, S. 600 would result in significant economic harm to poultry producers across the Nation—so that a limited class of local producers could achieve market dominance.

I hope that as Secretary, Mr. Glickman will send a clear signal that such tactics have no place in the rulemaking procedures of the Department of Agriculture under his leadership or at any other time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress to control Federal spending.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,851,857,494,143.63 as of the close of business Wednesday, March 29. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,417.06.

JOHN SILBER ON THE ARTS IN AMERICA

Mr. KENNEDY. Mr. President, in a thoughtful article in the Boston Globe entitled "Funding the Arts Enriches the Nation," John Silber, president of Boston University, provides an eloquent reminder of the importance of the arts to the spirit of our Nation. President Silber effectively rebuts the negative myths about the National Endowment for the Arts and states the necessity and desirability of continued funding of the arts. NEA represents only one-half of 1 percent of the Federal budget. The program it funds and disseminates to neighborhoods and communities across America are eminently deserving of this moderate level of Federal support.

I commend this article to my colleagues and I ask unanimous consent that it may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Mar. 20, 1995]

FUNDING THE ARTS ENRICHES THE NATION

(By John Silber)

The 104th Congress has brought with it an open season on federal support for culture. Members of the congressional leadership have proposed defunding public broadcasting, and two former heads of the National Endowment for the Humanities testified that it ought to be terminated and advised the same fate for the National Endowment for the Arts.

The most common charge made against public broadcasting is bias toward the left, and those who would impose a death sentence on two endowments continually trot out the same horror stories.

With regard to the NEA, the cases in point are some items in an exhibit of Robert Mapplethorpe's photographs, an alleged work of art called "Piss Christ" by Andres Serrano and a piece of blood-spattered performance art by Ron Athey.

The NEH has subsidized a ludicrously tendentious set of standards for the teaching of history and has funded the Modern Language Association, the professional association of literary scholars, as it deconstructs into vulgarity and irrevelence.

These genuine horror stories are not so much the doing of the endowments as irrepressible eruptions of contemporary culture. It is very likely they would have occurred without government subsidy. We live, after all, in an age when John Cage was taken seriously as a composer.

But these are only the horror stories. The solid achievements of the endowments are ignored in favor of their few sensational mistakes.

The NEA has provided startup funds for a vigorous movement of regional theaters and enriched the musical life in the nation through the support of orchestras and other performance groups. The NEH has, among other activities, supported some of the most distinguished programs on public television, such as "Masterpiece Theatre" and "The Civil War."

Such successes have enriched the intellectual and artistic life of millions of Americans, and they have been far more influential than the comparatively few failures.

Nor is it true that PBS is, as a whole, a liberal enclave. There are, of course programs on PBS made from a liberal perspective and sometimes this perspective amounts to a bias that distorts reality. But PBS is also studded with programs produced from a conservative perspective.

And the great majority of PBS programs are about as free of ideology as is humanely possible. Consider one recent case, a history of the Cold War called "Messengers from Moscow." The final episode of the series was made up largely of interviews with Soviet politicians, bureaucrats and generals. Most of them agreed that the Soviet Union had been a fraud, and that the US challenge, orchestrated largely by Ronald Reagan, had brought the Soviet system down and made them see reality.

Jimmy Carter appeared as the man who first terrified the Soviets by considering the neutron bomb, and then was snookered into abandoning it by a massive propaganda assault. A Russian general explained that had the neutron bomb been deployed, the Soviet strategy of overwhelming NATO with tanks would have been rendered useless.

This politically incorrect program was produced by a PBS station with major funding from the NEH. It is representative of federally subsidized culture at its objective best, and it is impossible to imagine it on commercial television.

If we extended the standard of perfection now being applied to PBS and the endowments to other institutions, we should have long ago terminated the Congress, the State Department, the presidency and every known agency of government. In addition we should have eliminated all hospitals, schools, colleges and universities and dealt with all churches as Henry VIII dealt with the monasteries of England.

The NEA has frequently endorsed the motion that the sole duty of art is to provoke and outrage. Great art will, sometimes, do exactly that. But that is a consequence, not an end. Monet outraged many of the bourgeoisie, but that was not his intention, only a result of the impact his vision of light had on people raised on a diet of academic realism.

Public broadcasting and the Endowments consume only 1/50th of 1 percent of the federal budget. By helping to preserve and disseminate culture they have contributed value far exceeding their modest funding. Terminating these useful agencies on the basis of a few sensational mistakes will do little to balance the budget but will deprive the country of much value.

CENSORING CYBERSPACE

Mr. LEAHY. Mr. President, I rise today to speak about legislation that would impose Government regulation on the content of communications transmitted over computer networks.

Ironically, this legislation was accepted without debate by the Commerce Committee as an amendment to a draft telecommunications bill whose purported purpose is to remove regulation from significant parts of the telecommunications industry.

It is rumored that this matter could be headed for consideration by the Senate on Monday, although the bill has yet to be introduced and the Commerce Committee has yet to issue its report on the measure.

There is no question that we are now living through a revolution in telecommunications with cheaper, easier to use and faster ways to communicate electronically with people within our own homes and communities, and around the globe.

A byproduct of this technical revolution is that supervising our children takes on a new dimension of responsibility.

Very young children are so adept with computers that they can sit at a keypad in front of a computer screen at home or at school and connect to the outside world through the Internet or some other online service.

Many of us are, thus, justifiably concerned about the accessibility of obscene and indecent materials online and the ability of parents to monitor and control the materials to which their children are exposed.

But Government regulation of the content of all computer communications, even private communications, in violation of the first amendment is not the answer—it is merely a knee-jerk response.

Although well-intentioned, my good friend from Nebraska, Senator EXON, is championing an approach that I believe unnecessarily intrudes into personal privacy, restricts freedoms, and upsets legitimate law enforcement needs.

He successfully offered the Commerce Committee an amendment that would make it a felony to send certain kinds of communications over computer networks, even though some of these communications are otherwise constitutionally protected speech under the first amendment.

This amendment would chill free speech and the free flow of information over the Internet and computer networks, and undo important privacy protections for computer communications. At the same time, this amendment would undermine law enforcement's most important tool for policing cyberspace by prohibiting the use of court-authorized wiretaps for any digital communications.

Under this Exon amendment, those of us who are users of computer e-mail and other network systems would have to speak as if we were in Sunday school every time we went online. I, too, support raising our level of civility in communications in this country, but not with a Government sanction and possible prison sentence when someone uses an expletive.

The Exon amendment makes it a felony punishable by 2 years' imprisonment to send a personal e-mail message to a friend with obscene, lewd, lascivious, filthy or incident words in it. This penalty adds new meaning to the adage, "Think twice before you speak."

All users of Internet and other information services would have to clean up their language when they go online, whether or not they are communicating with children.

It would turn into criminals people, who in the privacy of their own homes, download racy fiction or indecent photographs.

This would have a significant chilling effect on the free flow of communications over the Internet and other computer networks. Furthermore, banning the use of lewd, filthy, lascivious or indecent words, which fall under constitutional protection, raises significant first amendment problems.

Meanwhile, the amendment is crafted to protect the companies who provide us with service. They are given special defenses to avoid criminal liability. Such defenses may unintentionally encourage conduct that is wrong and borders on the illegal.

For example, the amendment would exempt those who exercise no editorial control over content.

This would have the perverse effect of stopping responsible electronic bulletin board system [BBS] operators from screening the boards for hate speech, obscenity, and other offensive material. Since such screening is just the sort of editorial control that could land BBS operators in jail for 2 years if they happened to miss a bit of obscenity put up on a board, they will avoid it like the plague. Thus, this amendment stops responsible screening by BBS operators.

On the other hand, another defense rewards with complete immunity any service provider who goes snooping for smut through private messages.

According to the language of the amendment, online providers who take steps to restrict or prevent the transmission of, or access to obscene, lewd, filthy, lascivious, or indecent communications are not only protected from criminal liability but also from any civil suit for invasion of privacy by a subscriber. We will thereby deputize and immunize others to eavesdrop on private communications.

Overzealous service providers, in the guise of the smut police, could censor with impunity private e-mail messages or prevent a user from downloading material deemed indecent by the service provider.

I have worked hard over my years in the Senate to pass bipartisan legislation to increase the privacy protections for personal communications over telephones and on computer networks.

With the Exon amendment, I see how easily all that work can be undone—without a hearing or even consideration by the Judiciary Committee, which has jurisdiction over criminal laws and constitutional matters such as rights of privacy and free speech.

Rather than invade the privacy of subscribers, one Vermonter told me he would simply stop offering any e-mail service or Internet access. The Physician's Computer Co. in Essex Junction, VT, provides Internet access, e-mail services, and medical record tracking services to pediatricians around the country.

The President of this company let me know that if this amendment became law, he feared it would cause us to lose a significant amount of business. We should be encouraging these new high-technology businesses, and not be imposing broad-brush criminal liability in ways that stifle business in this growth industry.

These efforts to regulate obscenity on interactive information services will only stifle the free flow of information and discourage the robust development of new information services.

If users realize that to avoid criminal liability under this amendment, the information service provider is routinely accessing and checking their private communications for obscene, filthy, or lewd language or photographs, they will avoid using the system.

I am also concerned that the Exon amendment would totally undermine the legal authority for law enforcement to use court-authorized wiretaps, one of the most significant tools in law enforcement's arsenal for fighting crime. The Exon amendment would impose a blanket prohibition on wiretapping digital communications. No exceptions allowed.

This means the parents of a kidnapping victim could not agree to have the FBI listen in on calls with the kidnapper, if those calls were carried in a digital mode. Or, that the FBI could not get a court order to wiretap the future John Gotti, if his communications were digital.

Many of us worked very hard over the last several years and, in particular, during the last Congress, with law enforcement and privacy advocates to craft a carefully balanced digital telephony law that increased privacy protections while allowing legitimate law enforcement wiretaps. That work will be undercut by the amendment. Our efforts to protect kids from online obscenity need not gut one of the most important tools the police have to catch crooks, including online criminals, their ability to effectuate court-ordered wiretaps.

The problem of policing the Internet is complex and involves many important issues. We need to protect copyrighted materials from illegal copying. We need to protect privacy. And we need to help parents protect their children.

I have asked a coalition of industry and civil liberties groups, called the Interactive Working Group, to address the legal and technical issues for policing electronic interactive services. Instead of rushing to regulate the content of information services with the Exon amendment, we should encourage the development of technology that gives parents and other consumers the ability to control the information that can be accessed over a modem.

Empowering parents to control what their kids access over the Internet and enabling creators to protect their intellectual property from copyright infringement with technology under their control is far preferable to criminalizing users or deputizing information service providers as smut police.

Let's see what this coalition comes up with before we start imposing liability in ways that could severely damage electronic communications systems, sweep away important constitutional rights, and undercut law enforcement at the same time.

We should avoid quick fixes today that would interrupt and limit the rapid evolution of electronic information systems—for the public benefit far exceeds the problems it invariably creates by the force of its momentum.

JENNIFER HARBURY

Mr. LEAHY. Mr. President, imagine a government, a democracy, whose officials withheld information about its involvement in the death of one of its citizens, and lied about its knowledge of the torture and death in a secret prison of the spouse of another of its citizens.

Imagine if at least one of the people connected to those atrocities had been trained by that government, paid by that government, and continued to receive payments of tens of thousands of tax dollars even after the government knew of his crime.

It would be bad enough if I were talking about a foreign government, but I am not. I am talking about the United States, where an American citizen, Jennifer Harbury, practically had to starve herself in order to get her government to admit that it had information about the fate of her husband, Efrain Bamaca, who disappeared in Guatemala in 1992.

Ms. Harbury fasted for 32 days before she was told that, contrary to what she, I and other Senators had been told by both the Guatemalan Government and the State Department, her husband had been captured by the Guatemalan army and tortured.

The Guatemalan army, many of whose members were trained in the United States at the School of the Americas, claimed Mr. Bamaca had shot himself. Then, when it turned out that someone else was in the grave where they said he was buried, they denied he had ever been captured.

Then they tried to discredit Ms. Harbury, who unfortunately for them was not intimidated. Two years ago a witness told her that her husband had been captured alive and tortured, but she could not prove it and the administration did little to find the truth until the press stories about her hunger strike became too embarrassing.

Even today, the Guatemalan army denies it captured Bamaca, and the Guatemalan Government says it has no information about his fate even though it has had the information for at least a month.

Mr. President, I was sickened, as were we all, by the murder of the Jesuit priests in El Salvador, by soldiers trained in the United States. Almost as bad was the attempt of the Salvadoran army, including the Minister of Defense who for years had been coddled by American officials, to cover up its involvement in that heinous crime and so many other atrocities there.

But here we have a situation where the CIA, presumably believing by some twisted logic that it was furthering some national interest, reportedly paid a Guatemalan colonel, probably one of many, who it believed was involved in torture and murder.

The CIA continued its payments to Colonel Alpirez even after it had information about his connection with the murder of an American citizen, Michael DeVine.

According to reports, the CIA sent millions of dollars to the Guatemalan military even after the Bush administration cut off military aid on account of the Guatemalan military's cover-up of the DeVine murder.

I remember that, Mr. President, because I was among those who urged the cut-off of aid, and I was assured by the State Department that it had been cut off. Now we learn that was false, because the CIA was secretly keeping the money flowing.

The CIA withheld information about Colonel Alpirez' involvement in the DeVine and Bamaca murders, even while President Clinton and State Department officials were saying publicly that the U.S. Government had no information.

And now we have reports that the U.S. Army and the National Security Agency not only may have known about those murders, but may have recently tried to conceal their involvement by shredding documents.

Mr. President, that is deplorable. What national interest does that serve? What is served by the CIA withholding information from the President of the United States? What message does it send, for our Ambassador to be telling the Guatemalan army how much we value democracy and human rights, when the CIA is paying them to commit torture and murder, and to betray their own Government?

Those soldiers knew there were criminals in their own ranks who were on our payroll, while our Ambassador was making lofty speeches about human rights.

The State Department said it had stopped aid to the Guatemalan military to send a message about the murder of Michael DeVine, while the CIA was subverting that policy by paying them under the table. What national interest did that serve?

You would have thought we learned our lesson after so many similar episodes during the 1980's in Central America, but obviously the CIA never did. It orchestrated the overthrow of the Guatemalan Government in 1954. During the Reagan years, the CIA repeatedly behaved like it was above the law, and apparently little has changed. Even when the sordid truth came out, the CIA's response was that it had not known about Colonel Alpirez' involvement at the time the crimes occurred. What a typical, feeble attempt to hide its own responsibility during the years since.

Mr. President, our goals in Central America today should be unambiguous. They are democracy, human rights, civilian control of the armed forces, and economic development for all people. Absolutely no national interest is served by subverting those goals.

Before we lecture the Guatemalans about democracy and human rights, maybe we should pay attention to what is going on in our own country. I am very encouraged by reports that President Clinton has a governmentwide review of these allegations, and has said that anyone who intentionally withheld information will be dismissed. That would send a strong message that there is a price for this kind of outrageous behavior.

I am also pleased that the White House has ordered that all documents relating to these allegations be preserved. I only wish someone had thought to do that weeks or months ago.

Jennifer Harbury has been trying to get the facts about her husband ever since she learned for sure that he was captured alive. She still does not know when her husband died, how he died, who killed him and what was done with his body. She is like the widows and mothers of tens of thousands of other Guatemalan victims of the army's brutality and impunity, but at least one would hope that her own Government would give her whatever information it has that might lead to answers.

Any information concerning the fate of Ms. Harbury's husband should be promptly turned over to her.

Mr. President, the deaths of Michael DeVine and Efrain Bamaca are but two examples of the tragic consequences of many disgraceful relationships our intelligence agencies have cultivated in Central America. They have given money and protection to the worst criminals. They have withheld information from the White House, the State Department and the Congress, and from American citizens who are the victims of their intrigues. They have even behaved like criminals themselves.

What is this intelligence for? It causes the murder of innocent people. It corrupts. It obstructs justice. It is contrary to our policy. There is no national interest in that.

Mr. President, with a new director of intelligence about to take office, it is long past time to take whatever steps are necessary, and I mean whatever steps, to ensure that this kind of activity stops once and for all. People paid by the CIA should be warned that they will not be shielded if they commit murder or other gross violations of human rights. And the Congress should have prompt access to information from any government agency about the fate of American citizens or their relatives. If the law needs to be changed to make that happen, then let us change the law.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider Executive Calendar No. 50, the nomination of Daniel Robert Glickman to be Secretary of Agriculture.

The clerk will report the nomination.

The legislative clerk read the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided in the usual form.

The Chair recognizes the Senator from Indiana.

Mr. LUGAR. I thank the Chair.

Mr. President, I support the nomination of Dan Glickman to be Secretary of Agriculture. Mr. Glickman is a former chairman of the House Intelligence Committee and was, for 18 years a highly respected member of the House Agriculture Committee. Senators involved in agricultural debates and conferences with the House know Dan Glickman as a conscientious, studious, and thoughtful legislator.

Mr. Glickman will begin his tenure at an important moment in the Agriculture Department's history. USDA is among the largest Federal Departments. It comprises agencies that oversee national forests, administer the School Lunch Program, distribute food stamps, and provide agricultural supports.

In essence, 43 branches of USDA will be consolidated into 29 under the reform legislation adopted by the Congress last year. Thus, USDA is in need of strong leadership and direction at this moment. It requires active management by a Secretary who is knowledgeable, engaged, and assertive. Only in this way can the Department effectively implement its much needed reorganization. Only through vigorous leadership can the Department guide the development of the 1995 farm bill. The omnibus legislation we are about to consider in Congress will reauthorize many of USDA's programs. So far, the administration has made no proposals to the Congress detailing its views on what should be in that farm bill.

The nominee has stated that he will become involved immediately in developing administration positions on the farm bill. Senate hearings on the subject have already commenced. It is important that the new Secretary be confirmed promptly.

Mr. Glickman appeared before the Agriculture Committee of the Senate on March 21 and his nomination was favorably reported on March 23 by a unanimous vote. He answered Senators' questions on a wide variety of topics and was presented to the committee by our distinguished majority leader, Senator DOLE; the chairman of the Labor and Human Resources Committee, Senator KASSEBAUM; and the chairman of the House Agriculture Committee, Mr. Roberts. All of these distinguished Kansas legislators spoke highly of him.

In his responses to Senators' questions, Mr. Glickman was forthright and thoughtful. He and I do not agree on every issue, but we expect to work together cordially and cooperatively even when we have differences. I anticipate that there will be many more areas of agreement than disagreement.

Dan Glickman should be confirmed by the Senate as Secretary of Agriculture, and I urge my colleagues to vote for his nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise today in support of the nomination of Dan Glickman for the position of Secretary of Agriculture. Mr. Glickman is uniquely qualified to lead the Department of Agriculture through this vital time in its history.

For the first time in my career serving in Congress, the very existence of the farm programs is being debated. In past farm bill debates, we have vigorously debated the content and substance of the farm program. But this year we are debating whether any type of farm program is justified.

Some in the agricultural community view this debate as an assault on the traditional way of providing for a stable food supply and a strong agriculture sector. I view this debate as an opportunity to make our case for agriculture. Agriculture contributes 16 percent to this country's gross national product. The United States continues to export more agriculture products than it imports. So in a time when the United States suffers from a substantial trade deficit, agriculture continues to enjoy a trade surplus.

Dan Glickman is well qualified to argue the case in favor of continuing the farm programs. Others have spoken of Mr. Glickman's 18 years in Congress and his work on three prior farm bills. While representing the Fourth Congressional District in Kansas, Mr. Glickman was a champion for the wheat and feed grains programs. Mr. Glickman knows the details of the farm programs, and more importantly, he understands why the country needs to provide a safety net for the family farm system.

I would like to address one issue that Dan has championed from his first days in Congress, an issue in which I also strongly believe. One of the first bills Dan introduced in Congress was a bill to promote the increased use of ethanol, a form of fuel manufactured with the use of corn. From his first days in Congress, Dan advocated the use of alternative fuels in order to promote new uses of agricultural products and promote national security interests by reducing the U.S. dependency on foreign oil. Later, Dan served on the National Alcohol Fuels Commission where he continued to support this vital cause. I urge him to continue to work hard for the interests of alternative uses of agricultural products, and specifically the increased use of ethanol.

Another issue that I would like to urge Dan Glickman to focus on in his term as Secretary is foreign trade. As I stated earlier, agriculture enjoys a trade surplus. Furthermore, the early evidence indicates that farmers have greatly benefited from recent free-trade agreements such as GATT and NAFTA. I understand that Mr. Glickman's record has been supportive of agricultural trade, although he felt it necessary to vote against the GATT for other reasons. I would just urge Mr. Glickman to do everything within his authority to open new markets for U.S. agricultural exports. As chairman of the Finance Subcommittee on International Trade, I would be happy to work with him on this endeavor.

In closing, I would reiterate my support for the nomination of Daniel Glickman for Secretary of Agriculture and look forward to working with him in his new position.

Mr. LEVIN. Mr. President, I am pleased that the President has nominated and the Senate is about to confirm former Congressman Dan Glickman as the new Secretary of Agriculture. He has an encyclopedic knowledge of U.S. and international agriculture and the U.S. Department of Agriculture. He will make an excellent addition to the Cabinet. I strongly support his confirmation.

Secretary Glickman and I had a chance to talk recently about Michigan's agricultural picture. I did not have to spend a lot of time impressing him with my knowledge of the vibrancy and diversity of the agriculture sector in Michigan. He was already familiar with it, as he had the good fortune to attend college in Michigan.

Mr. President, I look forward to working with the new Secretary to promote and legislate wise agricultural policy and continuing his predecessor's efforts to improve efficiency at the Department in the coming years. I am particularly looking forward to working with him and the Department on promulgating a Federal marketing order for tart cherries, and getting some of Michigan's most abundant crops and agricultural products, like tart cherries, into the School Lunch Program.

The PRESIDING OFFICER. The question now occurs on the confirmation of the nomination of Daniel Robert Glickman, to be the Secretary of Agriculture.

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Minnesota [Mr. GRAMS] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. DORGAN], and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. DORGAN] and the Senator from North Dakota [Mr. CONRAD] would eacy vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—94

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—6

Bradley
Conrad
Dorgan
Grams
Kassebaum
Shelby

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of this action.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatfield amendment No. 420, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I believe we were proceeding under a unanimous-consent agreement reached yesterday relating to the Daschle amendment being laid down at this time. Has that been vitiated?

The PRESIDING OFFICER. It has not.

Mr. HATFIELD. Mr. President, I ask unanimous consent that be vitiated at this moment, on the basis that Senator DASCHLE would like to take another opportunity to present his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, let me just briefly outline the status of this bill, where we are.

I need not say that there are many amendments that we are aware of that have been indicated that many wish us to consider. I will say to the authors of each of those amendments that we are ready to consider those amendments and will be happy to do so.

I have checked with the Republican leader and the Republican leader has indicated support for the matter of pushing this bill to completion today. I say today, and possibly tomorrow—but tomorrow will be 12:01 a.m. onward, not beginning at 10 o'clock tomorrow, if we have to push it over. We are going to continue this bill through the night, if necessary into the a.m., in order to complete this bill.

So, consequently I think everyone ought to be on notice that the time agreements that everyone has been so cooperative on thus far, in reaching time agreements—we would like to be able to consider every amendment and we will consider every amendment, hopefully with some time agreement for each one.

I just make that comment because we must complete this bill tonight. We are, at the same time, I say to my colleagues, functioning on about eight subcommittees in conference on the first appropriations bill. We are doing that right now.

So we will accommodate each Member if we can have a little "heads up" as to the content of your amendments, so we may have the subcommittee chairmen present on the floor when you offer your amendment in order to engage in discourse. Those subcommittee chairmen are now with the House committee chairmen, working out the first supplemental appropriations bill. So give us a few moments in order to secure their presence on the floor to take up and discuss your particular amendment.

If it would be possible, I would like to have the listing, so we can get a little "heads up" ourselves, of what to expect in terms of amendments. So I ask

Members to give us that opportunity to know the content and therefore identify the subcommittee. We have our staff of these subcommittees here to assist, to expedite the whole process. We are happy to work with them.

So with that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask the manager of the bill, the Senator from Oregon, if it is appropriate to send an amendment to the desk. He indicates it is.

AMENDMENT NO. 426 TO AMENDMENT NO. 420

(Purpose: To restore funding for programs under the Community Services Block Grant Act)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DASCHLE, and Mr. SIMON, proposes an amendment numbered 426 to amendment No. 420.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 14, line 19, strike "$100,000,000" and insert "$113,000,000".
>
> On page 31, line 9, strike "$26,988,000" and insert "$13,988,000".

Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself and Senators DASCHLE and SIMON. It is an amendment to restore the funding for the Community Services Block Grant for homeless assistance. This funding, which flows through the States to community action agencies, accomplishes many badly needed services throughout the Nation. It is my understanding it is particularly important in addressing the problem of homelessness because it is one of the few sources of funds that can be used to prevent homelessness before it occurs. It can and is, however, used in a variety of ways by the different States.

In my home State of New Mexico, for example, this funding was used to help over 260 families and individuals last year in cases in which at least one family member had a job but could not yet obtain housing without assistance.

Grants were made to help these families make one-time deposits for utilities or for rent. The assistance helped provide the stability of a permanent home and thus helped to ensure that the persons assisted would be able to keep their jobs and stay out of homelessness.

This sort of help is especially important in States—like New Mexico—which have a shortage of transitional housing because most shelters have time limits on the time that one could stay there. Families could face constant relocation while they save for the necessary deposits to move into a permanent living situation.

In New Mexico this use has proven to be cost effective. The average one-time grant under this program has been about $500. While the cost to house and feed a single individual has been at least $600 a month in my State, a family would be more expensive, of course, to house and to feed.

Other States do equally good things with this homeless assistance funding. Massachusetts, for example, in addition to paying for rent deposits, also used funding of this type last year to prevent evictions, to prevent utility shutoff, to purchase blankets and heaters, provide counseling to children in domestic violence situations involved with the homeless. The other States have accomplished other worthy purposes with this relatively small amount of funding.

Mr. President, it appears to me that this block grant program which benefits the neediest in our society is exactly the sort of program that many of our colleagues, particularly on the House side but here in the Senate as well, have been arguing for. It flows the money through to the States, and allows the States to dedicate it as they think it should be dedicated within the larger framework of homeless assistance.

It is particularly surprising to me that it is one of the programs that has fallen victim to the present budget-cutting efforts under the pretense that we need to make this cut in order to meet the emergency needs in California from the last earthquake or the last flood. I believe that we need to restore this funding. Many States such as mine have not yet completed the fiscal year 1995 funding application procedure.

Let me go through the list of States that will be hurt if this rescission is allowed to stand. These are the States that have not yet filed their application for funding in this fiscal year. They are still working on that application. They still hope to access these funds for their homeless populations. The States that stand to gain from the restoration of these funds and from the adoption of my amendment are Arkansas, California, Connecticut, Delaware, the District of Columbia, Georgia, Iowa, Kansas, Maryland, Massachusetts, Mississippi, New Jersey, my home State of New Mexico, North Dakota, Ohio, Oregon, Puerto Rico, Rhode Island, Virginia, Washington, and Wyoming.

Mr. President, other States, in addition to this list, may also face funding cuts as a result of the rescission that is proposed in the bill if we do not adopt my amendment. There is no doubt in my mind that the rescission is likely to result in increased human suffering that can easily be prevented or reduced through programs like the one we have in New Mexico if we just continue the funding for the program.

I would like to briefly mention the offset because I know there is a great concern which I share that we find offsets in these various areas. I have offered to restore this funding, this $13 million that is involved here. The Defense environmental restoration and waste management fund, as noted by the committee itself in its report on this legislation, has a very large amount of unobligated funding in a total program of $5 billion. Furthermore, a special commission, the Galvin Commission, has found that this money is not accomplishing its mission in an efficient manner and that we as a country, and the Department of Energy more specifically, should delay or modify this planned expenditure of funds.

I will read a very short excerpt from the so-called Galvin Report on Alternative Futures for the Department of Energy National Laboratories. On page 30 of that report in talking about various environmental cleanup activities funded under this pot of money that I am going to get the $13 million from, the Galvin Commission said:

> Other activities should be delayed or modified so as to await more effective and less costly technologies.

Mr. President, what we are proposing here in this offset is taking $13 million out of a combined fund of approximately $5 billion, or essentially one-third of 1 percent. It is a mere drop in the bucket compared to the total funding flow. The committee itself has recognized that $100 million should be taken out of that. This amendment would simply increase that rescission from $100 million to $113 million so that we could go ahead and use the funds for homeless assistance, as we had planned to do when we authorized and appropriated funds last year. Although that $13 million will be a mere drop in the bucket of the Defense environmental restoration and waste management fund, it is two-thirds of the total 1995 funding for the CSBG homeless assistance program.

Mr. President, I think that fairly accurately describes what my amendment does. I think it is an excellent amendment. I urge my colleagues to support it. I think that the shift of funds to this purpose and the maintenance of effort in this purpose is essential.

I conclude my remarks at this point and reserve any time. I believe there is a time limit. Mr. President, let me ask if we are operating under a time limit at this time.

The PRESIDING OFFICER (Mr. INHOFE). I advise the Senator from New Mexico that there is no time limitation.

Mr. BINGAMAN. In view of that, Mr. President, I yield the floor. I urge my colleagues to adopt the amendment.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I am very happy to accept the amendment.

Mr. BINGAMAN. Mr. President, could I address a question to the Chair for information from the chairman of the committee?

I would just want to know. My main concern—and I appreciate the offer and willingness to accept the amendment very much—I am anxious that the Senate prevail in the conference with the House. And for that reason, it has been my intention to go ahead and have a rollcall vote on this matter so as to make clear that the Senate feels strongly about this. I ask the Senator from Oregon if he thinks that is the appropriate course to follow.

Mr. HATFIELD. Mr. President, in response to the question, I urge the Senator not to follow that procedure on the basis that we can expedite these amendments, especially ones like Senator WELLSTONE's amendment yesterday on his priority for children. We reached an agreement on that. I think I can base that on the fact that this bill we have before us has made some major changes as to what we received from the House of Representatives. We have spent less dollars in this bill, and we have rescinded fewer dollars. But we have moved those rescissions from some programs of less personal need of character to programs of need. We demonstrated that as a part of our creation of this bill—everything from children's needs to homeless needs to low-income energy assistance to student aid.

So I say to the Senator that the amendment fits compatibly to the basic structure of this particular bill. Any Senator can ask for a rollcall. I am not suggesting that I can prevent that. I could not if I wanted to. But nevertheless I urge the Senator let us accept this amendment as a part of a Senate version of a rescission and supplemental for FEMA.

Mr. BINGAMAN. Mr. President, I have great respect for the Senator from Oregon. If he is confident with the Senate position with regard to this, I know that the $13 million rescission in this homeless assistance was also adopted by the House. Since we would not be adopting the rescission, I think it is very important that we would go to conference intending to prevail on that issue. If I have the assurance of the Senator from Oregon that he believes that will happen without a rollcall vote, then I will defer to him.

Mr. HATFIELD. I say to the Senator that there is a pattern in handling a bill of this kind that you have seen operate on the floor; that is, to move to table amendments. I do not know how that vote will turn out. But that is sort of our option. I would much rather see this amendment merged with the bill giving us further leverage with the House in terms of our conference and trading and what have you that has to go on to find a consensus, and I do not want to make a motion to table such an amendment because I think it has validity.

Mr. BINGAMAN. Based on that assurance, Mr. President, I will not ask for a rollcall vote at this time and allow the amendment to be voice voted. I urge all my colleagues to support it. I think it is a major improvement in the legislation, and hope it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to amendment of the Senator from New Mexico.

The amendment (No. 426) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I thank the Senator from New Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 427 TO AMENDMENT NO. 420

(Purpose: To require congressional approval of aggregate annual assistance to any foreign entity using the exchange stabilization fund established under section 5302 of title 31, United States Code, in an amount that exceeds $5 billion)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. DOMENICI, Mr. STEVENS, Mr. HELMS, Mr. BROWN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. MURKOWSKI, Mr. GRAMS, and Mr. PRESSLER, proposes an amendment numbered 427 to amendment No. 420:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) IN GENERAL.—Section 5302(b) of title 31, United States Code, is amended by adding at the end the following: "Except as authorized by an Act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country that would result in expenditures and obligations, including contingent obligations, aggregating more than $5,000,000,000 with respect to that foreign country during any 12-month period, beginning on the date on which the first such action is or has been taken.".

(b) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, the amendment made by subsection (a) shall apply to any action taken under section 5302(b) of title 31, United States Code, on or after January 1, 1995.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I have proposed hundreds of amendments. On very few occasions have I not asked that the clerk dispense with the reading of the amendment. But this time I wanted the clerk to read the entire amendment because it is rather concise. It says that we shall not permit more than $5 billion of our taxpayers' funds to be utilized for a loan program or to be given or made available to any foreign country without the approval of the Congress of the United States, without the approval of the people of the United States.

What we have taking place is one of the most incredible, most dismaying abdications of our constitutional responsibility as Members of the Congress. As well-intentioned as the Mexican bailout may be—and I do not question the motivations of those in the administration—as much as we might want to help a neighbor, we have a system of laws in this country that requires the authorization and the appropriation and the expenditure of money be approved by the Congress of the United States.

Now we have a fiction. A fiction has been created as it relates to the establishment of the Exchange Stabilization Fund which came into being when the United States moved from the gold standard. So as to be able to protect our currency against currency fluctuations, this fund was established and great authority was given to the Secretary of the Treasury. As a matter of fact, he could not be second-guessed as it related to the utilization of this fund to protect the American dollar. Congress could not intrude. Congress could not second-guess. He was given that authority, and that is as it should be.

However, even in the Treasury Department, its memorandum as it relates to the utilization of these funds states quite clearly that these funds cannot be used for loan or aid programs—page 6. And I will ask permission to be able to submit that letter from the general counsel of the Treasury to the Secretary of the Treasury and call particular attention to page 6, the paragraph which says it cannot be used for a loan or foreign aid.

Let me tell you, Mr. President, when you send $5 billion and have plans to send up to $15 additional billion to a country and that country can utilize these dollars for up to 7 to 10 years, that is a foreign aid program. That is not currency stabilization. The fact is, if they did not get the foreign aid, maybe their currency would devalue. But by any stretch of the imagination, I defy any Member to really buy into this fiction and say that this is not foreign aid or this is not an emergency loan program, an emergency loan program that will take anywhere from 1 to 7 to 10 years to repay.

It has been difficult to get adequate information from the administration as it relates to the administration of this program, the conditions of repayment, for what these dollars are being used. I think it is rather ironic that at this point in time when we have a rescission bill and we are talking about rescinding anywhere from $14 to $17 billion—and let me tell you some of the programs we are looking at, nobody can argue as to their merit. It is not a question whether we can afford it. It is a question of whether or not we are going to get our house in order. I think it is rather ironic that when we have the Nation's Capital, right here, with a $1 billion deficit, we are sending $20 billion to Mexico—taxpayers' money. Incredible. What about an aid program here in the District of Columbia?

I find it ironic when my State of New York is at a $4 billion deficit, when the Governor and the legislature are facing hard choices, cutting back on Medicaid programs, cutting back on other worthy programs because we just do not have the money and you cannot continue to tax and tax and spend and spend, and we are cutting back, State after State, making the tough choices, here we are talking about a balanced budget 7 years out. My State has a $4 billion deficit. Why not a loan guarantee program to help bail them out? What about Orange County, $2.2 billion, laying off people—policemen, firemen, teachers.

How about some foreign aid right here at home?

Twenty billion dollars, to where? To a democracy? No way. To a corrupt government, narco dealers, an agricultural Secretary who served for 25 years as a billionaire, whose sons are involved in narco trafficking. We are bailing out currency speculators.

How much of the $5 billion that we have already sent down there went to pay off currency speculators? And they got every single dollar back and, in some cases, 20 percent.

Mr. President, I have had colleagues say to me, "Well, you know something, if you don't go forward with this and the Mexican market collapses, they are going to blame you."

Well, let me tell you, we have a constitutional responsibility. And if we are going to make aid available to them, then let us make the aid available to them under conditions necessary, let us understand where the money is going. Let us control, not one of the these secret back-room things with the administration, secrecy we do not know, giving it to them in tranches.

Now I understand a very significant amount, up to $5 billion, is going to go out within the next couple of weeks. We are told, "Don't worry. You don't have to worry. There will be repayment."

When they first told us about this program, the administration came forward and they said, "If we have to use any money, any money whatsoever, then the program is a failure. Don't worry, because when they see the guarantees that are there, it is just like the United States, we are banking this, the world community is banking this. You don't have to worry."

Well, we have already sent $5 billion down. And, by the way, some of that money, they say they are going to repay us over the next 5 to 7 years. Do you believe a government down in Mexico can guarantee we are going to get the money back? They say, "Don't worry. We are funding with the oil revenues."

Well, I see my friend, Senator MURKOWSKI, here. Maybe he will talk to you about the possibility of a repayment as it relates to the oil revenues; very, very, tenuous.

How are you going to get the money? Are we going to send troops in to seize the collateral, the oil?

Let me tell you something, if they wanted to do something, if they wanted to really have privatization, that is one thing. Let the free market determine. Why is the United States attempting to do what the free market should be doing? If they collapse because they were overspending, if they collapse because there was no value there, then let the market determine. Why should we rush in artificially to, so-called, prop up their dollar, to pay their foreign debts, to pay off their obligations? It does not make sense.

Mr. President, the Mexican bailout is a failure. What this legislation says is, before you send down more money, you come to the Congress the way you should. You get the authority from the Congress of the United States.

And for my friends in the Congress to say, "Oh, no, don't do anything; don't do anything," is wrong.

If you think that the program is a good program, being administered the right way, then we should say "Fine, vote against my amendment. Vote against it." But let me tell you something. If you think you know all of the facts and you are comfortable, you know all the facts, you know how that money is being administered, who is getting it, how we will be repaid, then I have respect for people who would then say, "Alfonse, this is a bad amendment. I can't support it."

But, if, on the other hand, we do not know how the money is being spent, we have doubts as to its being used in this manner, we have doubts as to the ability of the Mexican Government to deal with the problem, we have doubts that the free market system should be employed in this system, we have doubts about prepaying speculators who make vast fortunes, billions of dollars as we are bailing them out—they are getting their money, by the way, they are not putting their money back—I say this has been a failure.

Yesterday, the Mexican market went down. It has already collapsed. Now they are talking about it went up 10 percent. Ten percent from what, when some of the stocks in the fund had a value of $5-plus and they are down now to 38 cents. And they say it went up 10 percent, 10 percent on 38 cents. I think the administration is being a little bit disingenuous with us when they give us those kind of numbers.

Look behind the numbers. Look to see whether revenue is coming back into Mexico.

Do you really think the private sector is going to invest in there? The only time they are going to invest is if they are going to buy securities that are backed up by our money, because we say that we are going to see to it that we will pay off those debts and obligations. That is what has been taking place. It has collapsed.

Mr. MURKOWSKI. Mr. President, will my friend from New York yield for a question?

Mr. D'AMATO. Absolutely.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

The reference was made by the Senator from New York relative to bailing out speculators. We have never really had any acknowledgement from the administration as to just who held the debt, the Mexican bonds. We were told sometime ago, in an earlier discussion that the Senator from New York and I participated in, that these were bearer instruments. In other words, they were not issued in the name of a John Doe or a Sally Smith, but if you bought one you were a holder and, as a consequence of becoming a holder, there was no identification as to whom the holder is.

This loan and guarantee program started out at $6 billion. It escalated to $40 billion and when the administration end-runned the Congress, the total package exceeded $50 billion—at least $20 billion of which comes from the United States.

But my question specifically to the Senator from New York is, Why can we not find out who the holders of this debt are, the so-called speculators out there? And what is the difference between investing in a Mexican bearer bond and investing in the stock market?

If you buy IBM shares today at 82 and then next week it goes down to 62, do we expect the Federal Government to bail out that sophisticated investor who, with his or her eyes wide open, went in and bought that IBM stock? What is the difference between that and a Mexican bearer bond?

Mr. D'AMATO. There is very little difference. Except that in this case, we, the U.S. Government, participated in repurchasing billions of dollars' worth of these instruments that people invested in and we have literally guaranteed that they would suffer no loss. Indeed, not only did they suffer no loss but, to add insult to injury, instead of—by the way, if, in the free market, you had the free market working, they would have gone down, just like the IBM stock and, in most of those cases, that Government could have repurchased them when they came in for 20 cents on the dollar, 30 cents on the dollar.

No, we did not allow the free market to work. We went in and said, "Don't worry. The United States, Big Brother, the working middle-class families of America, we are going to provide you with $20 billion."

So those currency speculators, sophisticated investors, they got every dollar back they put in and, in some cases, a 20-percent increase. So instead of allowing the free market to work, the stock, IBM goes down—Lou Gerstner would not like to hear that—but if you bought the stock and it went down, you would think you lost. Can you imagine? Why should not the American people have us guaranteeing, whenever they—and I think that is the Senator's point—whenever they make an investment, whether it is in bond market or whether it is in the stock market, that if it goes down enough, we will come in and guarantee that they will be paid, plus get whatever the interest that they were promised on that bond, in this case 20 percent.

It is the most fallacious—by the way, how did that help the Mexican economy? It did make some very sophisticated investors whole, made them happy. And I am sure that prior to this agreement being worked out, they understood they were going to take really substantial losses.

So we took American taxpayers' money to bail out investors and speculators in this situation.

I have to tell you, we are preparing to do more. That is right. In the next several weeks, if we do not do something like adopt this legislation, we will be shipping down to Mexico billions of dollars more. It is not enough that we gave them $5 billion. We are ready to give them more. Now I find that incredible. And we do not even know who these people are.

Mr. MURKOWSKI. Let me again ask my friend from New York, you say we do not know who those people are. I find that very curious, and basically unacceptable. We are committing $20 billion from the economic stabilization fund as the Secretary of the Treasury see fit without any congressional oversight. The proposal of the Senator from New York that is before us would curtail any further utilization of that fund, and $5 billion has already been committed, I gather.

Mr. D'AMATO. It has already been sent down there.

Mr. MURKOWSKI. We do not know how much has been expended, but the holders of these instruments, as they become due, are cashing in. They are not rolling over their investment. I assume that they have decided the best thing to do is get their cash. They got their 20-percent interest, and now they are pulling their funds out of Mexico.

Mr. D'AMATO. They are taking the "dough," as they say, and running. And if anybody thinks that they are going to reinvest, the only time they are going to reinvest is if they know we are going to guarantee repayment.

Mr. MURKOWSKI. I wonder where that investment would be going. Would it be going into marks or yen outside the country, possibly?

Mr. D'AMATO. There is no doubt that those dollars are being taken out. We have seen huge outflows of money by the currency speculators, by the people who are reclaiming their bonds. Not all of this $20 billion is being used for bonds. But a substantial portion is even going to refinance Mexico's public debt.

Now, if that is not a loan or foreign aid in contravention to what the Treasury Department's own general counsel said—if I might, in an opinion by Robert Rubin, the general counsel, in a letter which I would like to have my staff get so I can put it in the RECORD, said:

> Although loans and credits are clearly permitted under the ESF, their purpose must be to maintain orderly exchange arrangements and a stable system of exchange rates, and not to serve as foreign aid.

Mr. MURKOWSKI. I wonder if my friend will yield for another question.

Mr. D'AMATO. Yes.

Mr. MURKOWSKI. In view of this commitment—and I was just given figures relative to the total of $52 billion as the extent of the funding—some $17 billion from the IMF, $20 billion from the United States, which we have identified, and $10 billion from the Bank of International Settlements, and from about five other sources, totaling $52 billion. The American taxpayer has a right to know who are the general beneficiaries of this fortunate commitment by the Treasury Department, because the average American that invests, if he loses, tough; he has lost.

Mr. D'AMATO. Mr. President, my friend is so right. If you ask, are we second guessing; sure we are. Our duty is to have oversight, not just to ship $20 billion and say we cannot micromanage. I am not looking to micromanage, but when you are reclaiming billions of dollars in securities, why would we not want to know who the people were? Why would we not send a representative down, as we do where you have financial collapses, and arrange to stretch out the repayment and to say to some of these people: Here is my million dollars; I want my million-dollar bond honored. I want you to pay a million dollars plus 20-percent interest.

You say: Wait a minute, Mr. Smith or Mr. Jones or Mr. Chou, because some of these come from abroad, we cannot. But I will tell you what we will do. We will pay you over a 10-year period. We are not going to pay you 20 percent interest. We will pay 3 percent interest, or maybe we will give you 60 cents on the dollar or 30 cents. To simply allow them—them being the Mexican Government and authorities—to repurchase, not even knowing who the people are, and how many are American citizens and how many are the investing bank houses of Germany, Japan, and other nations? We are told everything is going to collapse.

I tell you that the only thing collapsing is our dollar. By the way, why should we not use some of that money to reduce the deficit here in the United States? We can do away with the rescission bill. Why do we not take the money right here and say that we are going to use this money for deficit reduction? We do not need a rescission bill. That is rather absurd, but it makes more sense than sending it down to a group of people who have demonstrated to the Mexican Government that they do not have the capacity to be entrusted with billions of dollars, particularly when it is not even their money.

Mr. MURKOWSKI. Mr. President, why is this deal different than any other deal that basically turns out to be unsatisfactory, and when it comes down to a point where the Government cannot meet its obligation, or the financial house that has issued an instrument cannot meet the demand, the parties sit down and work something out relative to how the creditor is going to get paid. As the Senator from New York said, maybe 50 cents, 20 cents, 30 cents on the dollar. And it addresses itself in a business fashion, and there is a winner and a loser. In most cases, both sides lose if the investment is not successful. But it has been pointed out here in this instance that the Federal Government has seen fit to step in.

Why, I ask the Senator from New York, is it not more appropriate that we bail out, say, the investors in the Orange County debt?

Mr. D'AMATO. I agree.

Mr. MURKOWSKI. Somebody says charity begins at home once in a while. Is there a difference here between the Federal Government's obligation to step in and bail out the investors that hold the Mexican tesobonos? Why not those that hold the Orange County debt?

Mr. D'AMATO. I agree. It seems to me that if we were going to use taxpayer dollars, a much better case could be made as it relates to guaranteeing and giving a loan guarantee, for example, to Orange County, so they could repay these dollars over a period of time. They have taxpayers. These are the citizens of Orange County that are being hurt. These are our constituents, U.S. citizens. That, to me, would be much more understandable.

Mr. MURKOWSKI. Why do we know who those holders of the debt are, and we do not know who the holders of the tesobonos are?

Mr. D'AMATO. Because our administration did not take the time to say, in negotiating in this agreement—and again we are rushing down to make this money available—look, we are not going to pay back dollar for dollar, and we want to identify who these people are, have them come in, and we will negotiate with them. I would like to know how much further the market would have collapsed. It went from 10 to 2 on a relative scale. I mean, would it have gone down to 1½?

All this business about the damage being done—the Americans are hated there in Mexico now because interest rates have gone up. Home interest mortgages have gone from 20 to 80 percent. The Mexican people are blaming us, the bad Yankee. We are looked upon with disdain. We are not getting any credit for making American taxpayer dollars available. Meantime, working men and women are scrimping and scraping to provide a better way of life for their families, and we just willy-nilly turn the other way and send this money down to Mexico and we pay off speculators. I think maybe some would have been embarrassed.

I do not know how many large institutions who invested money there were bailed out and made substantial profits. But I think the American people have a right to know whether they are American, whether they are Japanese, or whether they are German. But who were they, and who are we bailing out?

Mr. MURKOWSKI. Mr. President, let me ask the Senator from New York a question relating to the obligation of a holder of an investment. If, through a mutual fund or a broker, an individual American acquired some of these bearer bonds—tesobonos—now, what obligation does that person have to report the gain or loss to the Federal Government on his or her income tax?

Is that not a way of identifying who these holders are? Would not the Internal Revenue Service have a record of who held these bonds and have to report that information?

Mr. D'AMATO. At some point in time, that is absolutely right, when the reported year for that transaction takes place they will be able to assert.

Having said that, the IRS will—that will take some time, probably run into the next calendar year—but the IRS will be able to get an idea.

It seems to me, though, that the Treasury people themselves have an obligation, before allowing these dollars to be used, to say we want to identify with specificity exactly "who," when people come in and get paid off on the institutions.

We have an obligation to know that. They never do this.

Mr. MURKOWSKI. Mr. President, one of the explanations given in an earlier meeting that I think the Senator from New York was at when the question was asked: "Who holds this debt?" The explanation was "They are bearer instruments." Like a check payable to cash, whoever holds it, owns it and can basically turn it into cash.

I think there was a comment suggested, if this thing settles down and we try to work it out, then those that hold the debt will be known because they will be represented by themselves as they come in with their pile of tesobono and say we want to work something out with the Mexican Government to get paid.

Why did the Treasury Department not see fit to try and address identification? Who are the beneficiaries of this $52 billion bailout?

Mr. D'AMATO. Senator, an interesting point is raised. I will digress, as I do very often.

We rightfully come under great criticism related to the savings and loan collapse and the bailout. In that case, people still think that we bailed out wealthy bankers, et cetera. They were the people—we can identify every one of them—and the average amount of money was in the nature, and I am hazarding a guess, of under $20,000. They were the small, middle-class depositors. They were the people who held harmless because the Federal Government made a guarantee.

Our different case here, we are talking about sophisticated investors. We are talking about large brokerage houses. We are talking about mutual fund situations where we came in and did not even ask.

In the case of the failed banks we obviously asked to see—these are our own citizens. We had to identify the banks, every single citizen, before he or she got back his money.

Let me say, if some of them had over $100,000, they had multiple checking accounts. And we had a case of a charity in New York who did not know. They thought because they had multiple checking accounts and each was under $100,000, they are covered. They would be wiped out.

We had to get special legislation by the Congress to see that our own citizens got back their money. Forget about interest—just got back their money.

Here we are paying off foreign speculators who invested in foreign obligations 100 percent on the dollar, plus their interest on top of that, and we are told, "We couldn't find out who they were."

Can you imagine? Of course we could have. We should have insisted on it. We should have insisted that they negotiate. Maybe we would want to make certain rules if some of the institutions that invested were people, pensioners, et cetera.

We might say, "Let's give them a break." If some of them were not, we would say we have no legitimate claim and maybe we will pay them 20 cents on the dollar, 30 cents on the dollar.

No, we ship this money around like it does not belong to us. Well, it does more than belong to us.

Mr. MURKOWSKI. I wonder if the Senator from New York would yield for a minute for an examination of how risk works?

Many of the bearer bonds were sold with the promise they would return 20 percent interest or thereabouts. Very much, much higher than we can get in the United States on bonds.

Of course, the investor has to look at that 20 percent and say, "Why are they willing to pay so much more than the going rate that is prevailing in the United States?"

Unlike what the investor would get if he or she went to his bank, their deposit would be basically guaranteed by the Federal Government—$100,000 through the insurance that the Federal Government mandates that banks must carry.

So, clearly, we have a case here where there was a consideration of a handsome return, 20 percent, by the issuance of these bonds. These investors had to make a decision whether to invest their money and run the risk associated with having to offer 20 percent to get the investment, or not invest at all.

They had to be fairly sophisticated, because a person looking for an investment for his or her old age would be foolish to invest and try and generate 20 percent return because he or she would know that is very, very risky. If investors knew the Federal Government would bail them out, why, then, they are home free.

Now, how in the world could we have made this transition? What were high-return, high-risk, investments have now been converted into an obligation of the U.S. Government.

Now, as the Senator from New York knows, as the Senator from Alaska knows, if we can get the guarantee or if we can get the kind of bailout that this has developed, why, a person will take it. In the meantime, the American taxpayer is taking it in the pants.

Mr. D'AMATO. There is no doubt, Mr. President, that this is one that goes down in history as one of the most misguided operations to rescue the Mexican economy. It is not working. It is not working.

Again, if we read the reports now, it is stabilized. The peso, at 6.7, approximately, to $1, where it used to be 3.5. It really has not recaptured any ground. It hit a high of 7.

The fact of whether it is 6.7 or 8 or 9 is not in the final analysis going to rescue the economy. I will say, all the drums are already beating.

My legislation, oh, horrible things—the Mexican economy has collapsed. The Mexican people have been injured as a result of what we have done. They hold us in disdain. We are in complicity with the group of corrupt politicians who have—we were sold a bill of goods about how great and decent and wonderful Mr. Salinas—how his administration was different, how free markets were working.

I will say, the megaspeculator did well. The people in that government who sold out early in terms of the currency in the billions of dollars of currency transactions, they made out.

I will say, that this administration, the President, the Secretary of the Treasury, withheld vital information and seduced the world and the American people into believing that everything was hunky-dory last year.

Do not believe me, read the Washington Post. I will quote them. "Despite warnings, U.S. failed to see magnitude of Mexico's problems." We not only failed to see, we covered it up. Now, it is one thing not to reveal the problems and the failings of an ally, particularly when so important, and it is another thing to be totally disingenuous and untruthful with the American people.

Here we have, back in April, May, August, September, people in the administration, when they knew that there were serious problems, when the intelligence agencies of this country said, "You got real problems there." September, Treasury Secretary expresses support for the policies of the Zedillo government, after he is elected—September, last year.

In July and August, we had serious misgivings and warned—warned—the Mexican Government and officials that there were real problems. We knew what was taking place. We knew that there was a drain on the foreign exchange. But we did nothing. Yet, the Secretary of the Treasury, when he met with President Zedillo, said he supported his policies.

In November, President Zedillo met with President Clinton and Secretary Bentsen in Washington. Nothing was said. In December, he is sworn in; December 9, the President of the United States touts Mexico.

Listen to this. December 9—we knew that they were a basket case. The administration knew it. Do you mean to tell me the Secretary of Treasury did not tell the President of the United States what was going on? And they said—this is an article, not me, the Washington Post:

> President Clinton touts Mexico as a case study in successful economic development at the Summit of the Americas.

This article was February 13, 1995. It is quite comprehensive. By the way, that was just less than 2 weeks before the Mexican Government then went through the devaluation, on December 20.

So here we are, all during that period—August, September, October, November, December—our administration knowing, and we are telling everybody everything is wonderful, a case study in success.

Let us talk about complicity. This is absolutely something that was horrendous. Now, to compound it by sending $20 billion down to people who do not have the ability—and not even ask who are we bailing out? Who are the people who are reaping the dividends? That is immoral.

I have to tell you something else. If we in the Congress of the United States, for whatever political reasons, are seeking political cover, look the other way—we are absolutely deviating from what we should be doing. We are in dereliction of our duty and responsibilities.

Mr. MURKOWSKI. Would the Senator yield. I would just like to explore a theory.

I think the Senator from New York will recall at a meeting that was held in the leader's office in January, the Secretary of the President of Mexico was there, and at that time we were under the illusion that the current debt was somewhere in the area of $40-some-odd billion. I believe the Secretary indicated that the current debt, that is the debt that is due within the current year, was somewhere in the area of 70—it was substantially more than we were led to believe by the Department of the Treasury.

Let us assume for a moment that most of this debt was held by American investors who held these tesobonos; the debt is due, and the Mexican Government cannot meet the debt. What happens to the investment that went into Mexico? Mexico issued these bearer bonds and they got dollars. They did things with those dollars, things that we would assume would increase the economic vitality in Mexico. In any event, the Mexican Government could not meet the obligations. Is Mexico going to be any worse or better off if the American taxpayer reimburses Americans who hold that debt? Americans are going to be better off.

Mr. D'AMATO. And other foreign investors.

Mr. MURKOWSKI. Any foreign investor. But it makes, really, no difference to Mexico, does it?

Mr. D'AMATO. Not to its people.

Mr. MURKOWSKI. No.

Mr. D'AMATO. As a matter of fact, tied to the repayment schedule, which they will never be able to carry out, has come the most austere measures placed upon the Mexican people. The Mexican middle class has collapsed. We are now viewed as truly the "Ugly American" in the eyes of the Mexican people. They are aghast at our intervention in their national sovereignty. And they happen to be right. It is one thing to help a neighbor in need. It is another thing to just simply take dollars, throw them down, and then tie their people, without the permission of their people, to the most incredible tax increases and interest rate increases, and create the business failures and collapses that will be blamed upon the United States of America.

Mr. MURKOWSKI. The obligation falls to the Mexican Government, really, to pay back the $52 billion. But we are being told that we have to do this to stabilize the Mexican Government, to prevent an economic collapse. But really the beneficiaries are the holders of the debt and not the Mexican people.

Mr. D'AMATO. Who have taken their money out. They are not going to be reinvesting. I think the Senator raised the point before. If you were a pension fund and you had invested $10 million or $1 million in these securities in Mexico, and now you got your money out, as a fiduciary—or if you were a bank or, again, an investment advisor—under no circumstances would you be permitted, without exposing yourself to tremendous liability in terms of investing the dollars in that situation. That would not be the act of a prudent investment manager.

So to hope you are now going to stimulate a recapitalization of Mexico with foreign dollars coming in is ridiculous. It is just not going to happen.

However, Senator MURKOWSKI is absolutely correct, people throughout the world are getting paid back on the moneys that they invested. We are paying them back, the American taxpayers. Look around: Working middle-class families, our farmers, our plant operators, our small businessmen—we are seeing to it that the people who invested in high risks, we are bailing them out. Terrific.

Are the Mexican people saying thank you? They are not. I would not, if I were them. If my house mortgage went from 20 percent to 80 percent, who do you think I would hate? The banks that are collapsing down there? We are going to bail them out. You want to talk about a bailout—sure. So the German speculators, they were there; the Japanese speculators, they were there; the Wall Street interests, they were there—they got bailed out. Not the Mexican people.

The economy is worse, much worse. Now they talk about, "Don't worry, they are going to come across the borders." They are coming across the borders now. Every time we offer a bill on legislation or we fail to send money down, we are going to be threatened that we are going to be invaded? We are.

Let us do a job. We have a job to do. Because the immigration people are not doing a job—this administration or the past one—adequately, do not come to the American taxpayer and add to it, compound it, hit them now with $20 billion. And this is just the beginning, and it is not going to work.

Mr. MURKOWSKI. So to walk through this very briefly, so we all understand the transfer of the obligation here, it has been transferred to the American taxpayer and the Mexican taxpayer by this action. The holders of the tesobonos are being taken care of by this action by the United States Treasury, the guarantee, the $5 billion that has already been extended. You would stop that with this action?

Mr. D'AMATO. Absolutely.

Mr. MURKOWSKI. The Senator's bill would say, "No more."

Mr. D'AMATO. No more, unless you come to the Congress. And then let the Congress have the courage, let them tell the American people why they are sending money, where they are sending it, and under what conditions they are sending it.

Mr. MURKOWSKI. And who would benefit from that.

Mr. D'AMATO. And who would benefit.

I say to Senator MURKOWSKI, you never really did a finer job than bringing us right to the essence of this. What kind of free market are we talking about when the people who invested in the free market system had the Mexican people in Government, and the U.S. people in Government, guaranteeing their investment? That is not a free market system. You invest; you take a chance. You win or you lose. You do not have the Government coming to say we are going to bail you out. And that is what we are doing.

By the way, to get the facts is incredible. Do you think it is easy to try to get the facts from the administration as to what they are doing? "Oh, we cannot tell you because if we tell you, they will have a thing and they will not know and speculators—the speculators will clean up." Or the tesobono will go down or the dollar will go even higher; the peso will go to even 7 or 8 or 9.

The damage has been done. Let us wake up. You can just keep the charade up for so long. And after we pay off all the obligations and all the speculators, and all the people who invested get their money, what do you think is going to happen?

Mr. MURKOWSKI. Then, theoretically, at least, the poor Mexican taxpayer is expected to come forward, regenerate the Mexican economy, and pay back the IMF, the United States—$20 billion, the $10 billion from the Bank of International Settlements—so the Mexican taxpayer has the obligation in the end, but his country at that time is in terrible shape.

What we have done is—Mexico issued these bonds. They could not pay them. When they become due, Uncle Sam comes along and puts together a deal under the charade that we have to save Mexico from collapse. But what we are doing is: We are paying the holders, most of which are Americans who have seen fit to take a handsome return—the brokerage firms and various others—while we are paying foreign investors with U.S. taxpayer dollars. And then we look to the Mexican taxpayer and the Mexican economy to come back and pay these obligations.

I wonder if the Senator from New York really believes, as the administration tells us, that our so-called loans are safe because we will have access to Mexican oil, if there is a default? Does the Senator believe for one moment that we have access to Mexico's oil or that we are going to have?

(Mr. SHELBY assumed the chair.)

Mr. D'AMATO. Absolutely not, notwithstanding every dollar that is supposed to go through the New York Fed as it relates to foreign imports. The fact is they are using these dollars. They desperately need these dollars now for their economy to support their social programs, and to support their other programs. The fact of the matter is that their exports are going down.

Mr. MURKOWSKI. Production is in decline.

Mr. D'AMATO. Production is in decline, and no one is going to give them the capital to get their production up because it is run by who?—a bunch of robber barons, a corrupt government.

Mr. INHOFE. Mr. President, will the Senator yield for a couple of questions?

First of all, let me applaud the Senator from New York for bringing this to the attention of the American people. I have been presiding and listening, and join the Senator in offering this amendment. I applaud him for it. But I would like to back up a little ways and recall something to see if the Senator from New York agrees with this; that when Carlos Salinas first went in the perception was that his policies were stabilizing the economy, the peso was stable, and all of a sudden we had investors from Europe and other places who had never theretofore bought Mexican debt. So they came in.

Then we had a meeting on the 6th of January—the Senator from New York I believe was attending that meeting of both the House and the Senate with the administration—with many officials, including Alan Greenspan, Robert Rubin, and others, at which time I asked the question: Since we are obviously protecting new investors who have bought Mexican debt, who are buying debt and being paid somewhere in the neighborhood of 20 to 25 percent, which implies to me that there are some risks involved, where are the European countries in joining us behind the guarantees of this debt?

The answer was yes, they would be behind us.

The question I have for the Senator from New York is that has been 2 or 3 months ago now. Has he heard of any of the European countries who have now joined us in underwriting the guarantees?

Mr. D'AMATO. To a very limited extent there has been some participation in this area. One country I believe joined with $3 billion as it relates to short-term—very short-term—credit swaps. They have not been engaged in a massive kind of relief effort that we are involved in for loans up to 7 or 10 years. Then, of course, through their participation through the International Monetary Fund, which in the final analysis we will be called upon to help replenish—this is not just a $20 billion bailout. This is $20 billion plus the participation we owe the IMF, plus whatever it might be from the World Bank.

So with the exception of some limited credit swaps, there has been no kind of coming forth on the scale of the magnitude which have been expected.

Mr. INHOFE. That was leading to the second question I have for the Senator from New York; that is, another meeting took place on the 13th of January 1 week later with somewhat the same participants. At that time they were asked again: Where are the guarantors that are going to join us? At that point, it was not $20 billion, it was $40 billion. I have been fearful, since they had started to come for concurrence from both Houses of Congress and then went ahead and did it by Executive order that perhaps this $20 billion we keep hearing about is in fact closer to $40 billion, part one of the question; part two, I picked up a paper going through Dallas—I believe it was a newspaper in Mexico—characterizing this amount of money as not loan guarantees but foreign aid.

Mr. D'AMATO. I believe the Senator is absolutely correct. It is foreign aid when we become involved in not short-term propping up of the currency for 3 months or 6 months, which was traditionally used, and it is questionable whether or not it was ever intended to prop up foreign currencies. But if you want the argument that it helps us and that it helps our own currency fund, never before have we made a loan under a situation which has gone beyond a year, and in that one case we went the year. That was Mexico; in no other case. Once again, back in 1982 we participated to the extent of $1 billion. We are now talking about $20 billion.

I think the Senator from Oklahoma is absolutely correct. We are not talking about $20 billion. We are talking about $20 billion from the ESF fund, we are talking another $20 billion from the IMF fund, another unsubstantiated participation in the World Bank. We are talking about other economic swaps. We are talking about closer to $40 billion of taxpayers' money to maybe drawn down on.

Mr. MURKOWSKI. The Senator from Alaska unfortunately has to leave the discussion. I wonder if the Senator from Oklahoma would carry on.

I want to pledge to my friend from New York that I will work with him to stop this hemorrhage of the American taxpayer. In fact, we were able to hold a meeting, the Senator from New York as chairman of the Banking Committee, myself as chairman of the Energy and Natural Resources Committee, I think is an appropriate utilization of our oversight responsibilities. I think it behooves us collectively to work with the Finance Committee to develop a methodology so that we can tell the American taxpayers specifically who the recipients of this $52 billion bailout are because clearly it is not the Mexican people. It is the holders of high-risk debt that is generating a very handsome rate of return at the expense and the exposure of the American taxpayer.

I can tell the Senator from New York and the Senator from Oklahoma that, if this $52 billion flows out, the people of Mexico are expected to pick up and pay that back. They are not going to be able to do it. And we know that. We should not kid ourselves. As a consequence, the American taxpayer will end up as the fall guy, and the sophisticated investment community in this country and abroad will be the beneficiaries. I think the American public is entitled to know who those beneficiaries are. I intend to work with my colleagues toward that end in appropriate identification of just where this handsome return is being funneled.

I thank my friend from New York. I am pleased to join with him in cosponsoring this amendment.

Mr. D'AMATO. I thank my friend and colleague from Alaska for really I think focusing in on the central theme. We talk about free markets. We are not allowing them to work. Then we come in and we pledge United States taxpayers and Mexican taxpayers to bail out unknown speculators, unknown investors. I would like to know who they are. And in contravention of the statute of the Constitution which says that elected representatives of the people of Congress must approve the appropriations of taxpayers funds, it is our constitutional duty. It is spelled out in article I, section 9 of the U.S. Constitution. It says no money shall be drawn from the Treasury but in consequence of appropriations made by law. That exactly is not what is taking place.

Mr. President, I see my colleague from North Carolina is here. I know he has a statement. He is a cosponsor of this legislation. So I am going to yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President. A perfect example of what we are talking about in the conflict and the lack of direction we have seen in this entire process has been that, according to the President's fiscal year budget of 1996, the net position of the exchange stabilization fund is only $18.3 billion. Now he is committing $20 billion out of an $18.3 billion fund. That is by his own figures, not anyone else.

But I think the most distressing thing about the entire thing is nearly 6 weeks ago I asked Alan Greenspan how Mexico got into this situation. His answer was over-domestic spending, overborrowing and an out-of-control trade deficit. I asked him which one of those we were doing at a greater rate than Mexico. And his answer? None, that we were doing them all.

The real question is this: Who is going to bail us out? That is the difference. There is not anyone to bail us out. When the time comes, there is no bailout. And a perfect example of what is happening—and we have all seen it—is the decline in the dollar. The dollar went into a straight decline after we refused to balance the budget and when we became entangled with Mexico.

President Clinton plans to give Mexico $20 billion. "Give" is the right word. Do not call it a loan. There is no chance of it being paid back under any conditions. It is an absolute giveaway.

This type of thing is not new to Mexico. They have been through five or six of these so-called crises before. We simply do not have the money to bail them out. This $20 billion we talk about is supposed to be used to stabilize the currency of this country, and at the rate we are going there is no doubt we are going to need it to stabilize the currency of this country, and quickly.

I think the President's plan is a bad idea from the beginning when you look at the fact that Mexico's foreign debt is $160 billion. It is higher than it was in 1982, when Mexico simply took a walk on the world, suspended interest payments, and precipitated the Latin American debt crisis bailout.

Unfortunately, in the face of this crisis, President Clinton chose a flawed strategy that he has followed before. He followed it with health care. And that is a massive Government intervention. The last thing we need in Mexico is a massive intervention of this Government. And like before, the plan is being resisted from ordinary Americans who know they are going to wind up paying it back. The working taxpayers of this country do not understand how we can afford to send Mexico $20 billion when the United States is going into debt every day at $700 million or more.

The thing about it that has been so confusing—and I have talked to the Senator from New York and everybody else about it—is that when we first heard of this crisis $12 billion was supposed to correct it. Later on, they told us it might take $25 billion. Then we went to a meeting and they said $40 billion would absolutely be such an overkill, so much extra money that we would not even have to use the $40 billion.

Now it would appear now they are talking about $52 billion. We have no idea how much is involved. But there is one thing for sure. It is going to take a lot more money than a country going in debt at $1 billion every working day ought to be spending. This is a problem for the Mexican economy and the Mexican people to address themselves. It is not a problem for the U.S. Government. We simply cannot afford it.

The plan thus far has done nothing to stabilize the Mexican currency. It has gone down against the dollar since the announcement of the plan.

Now, to add bad news to bad news, as the peso has been dropping against the dollar, the dollar has been dropping against practically every industrialized country's currency in the world. So we are trying to bail out a weak peso with a weakening dollar. It simply does not make sense.

As I think Senator BROWN from Colorado said, nobody ever falls in love with their banker, and we have seen it clearly in this situation. Mexico will soon resent our interference in their economy and in their political affairs. There will be "Yankee go home" signs up before we ever finish the bailout. In fact, the evidence is already there. During the deliberation on the President's first plan, the Mexican Legislature took a vote in which they said, yes they, have to approve the bailout. In other words, they have to decide whether they want us to give them money or not.

Finally, with an administration and a Congress that cannot control their own spending, the ludicrous part of it all is that we are talking about imposing financial constraints on Mexico, what they could spend, domestic spending, telling them to get the trade deficit in line—we, the United States Congress, imposing trade constraints and fiscal constraints on someone when for 35 years we have been totally out of control, spending and wrecking our own dollar against the world's economy.

So if we cannot control our own, why should we think we are going to be able to control the economy of Mexico? What we need to do is exactly what this bill does. I assume we have committed the $5 billion, but when that is up, we should stop until it comes back before the entire Congress to make a decision as to whether we go any further or not. Maybe we could afford the $5 billion but we cannot afford an open-ended check.

Mr. President, I thank you. I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I thank Senator FAIRCLOTH not only for his support and cosponsorship of this legislation but for his persistence in asking for the facts.

Mr. President, I prepared a statement and I am going to stick to it and read it at this point.

The Mexican bailout is a failure. The rights of the American people have been ignored and disregarded. Might I add, I also believe the rights of the Mexican people, who we claim we are interested in, have been injured as well.

People of this Nation clearly do not want to send $20 billion to Mexico even when there are the implied threats that there will be huge immigration masses illegally coming across our borders.

The administration and the President have arrogantly disregarded the men and women of America. They have gone around Congress. The President took money that was supposed to be used to stabilize the American dollar, and we are giving it to Mexico, make no mistake about it. We are never going to get this money back. And the question as to the use of this money is a very real and legitimate question that should be answered. Who are we bailing out?

The President has rewarded a corrupt dictatorial Mexican regime and saved global speculators from massive losses. Already, $5 billion—$5 billion—of American taxpayers' money is gone. Yesterday, the Mexican market still fell. The collapse of the Mexican stock market continues unabated. It was a terrible mistake for the President to use $20 billion of the exchange stabilization fund. That fund was intended to stabilize and to protect the American dollar, not the peso. This is an outrage. It is shocking. It is wrong.

The President has made conditions in Mexico worse for the Mexican people. Just think of it. The $5 billion already sent to Mexico has been used to repay the Mexican public debt to bail out currency speculators and Mexican banks.

American taxpayers should not have to repay Mexico's public debt and prop up Mexican banks. And that is exactly what is happening.

Never before has an administration or an American President taken such large amounts—$20 billion—from our economic stabilization fund to bail out a foreign country. It is totally unprecedented. Never before has an administration sent more than $1 billion or used more than $1 billion from the ESF fund for a foreign country.

Never before has a President given a loan to a foreign country for more than 1 year from this fund. He should not give a loan at all. That is illegal.

But the administration has ignored precedent and did an end-run around the Congress. He has given the Mexican regime a line of credit from the ESF for 5 years, and in some cases up to 7 years. That has never been done before. It is totally unprecedented. It is wrong.

Even the Treasury Department recognized that the ESF may not be used for foreign aid. In an opinion to Treasury Secretary Robert Rubin, the general counsel of Treasury advised, and I quote from page 6:

> Although loans and credits are clearly permitted under the ESF, their purpose must be to maintain orderly exchange arrangements and a stable system of exchange rates, and not to serve as foreign aid.

This is clear. ESF money cannot be used as foreign aid. And that is exactly what is taking place.

Treasury also admits that ESF may not be used if American taxpayers' money is at risk.

I want one person to tell me that the American taxpayers' money is not at risk. No one can say that. Treasury officials cannot say that. They cannot say that privately, they cannot say that publicly, that the American taxpayers' money is not at risk. Now that is the law. That comes from their interpretation.

Treasury admits that ESF may not be used if American taxpayers' money is at risk.

Now, Mr. President, we have to be kidding ourselves if we are going to be saying that that is not the case. We have been told that Mexico has pledged its oil reserves as collateral for repayment. But Mexico can shut off the oil. And, the Mexicans can sell it elsewhere. The bottom line is that we have no real assurance that America will be repaid. What will we do? Will we send in the 82d Airborne to collect our money if they default?

Are we going to seize the oil wells? Are we going to prohibit them, somehow, from an agreement that is made with one administration today with another administration down there tomorrow if they decide, when interest rates at 80 to 100 percent are forcing a revolution, that they can no longer continue this austerity program?

Imagine what the middle class is doing and saying right now. How long do you think they can maintain this austerity program? And this is the only chance they have to make it. So what happens when they say, "We cannot meet these onerous repayment schedules"? Are we going to cut off all their foreign aid? Are we going to seize all the money that comes through the Federal bank in New York? For how long? How long before they make a new arrangements for the sale and disregard the fact that money was supposed to go through the Federal bank? Are we going to sue them? Are we going to get judgments against them?

If you are going to do that, they will sell their oil abroad. If you take a man's life away from him, you take away his ability to make a living, he will stop working, and that is what they will do. You do not think that they are just going to pump oil for the sake of paying this debt if they need the money? It is preposterous.

Mr. President, given the unprecedented size and scope of the President's bailout, it is clear to this Senator, and to a dozen others who have cosponsored this legislation, that it is foreign aid for Mexico; that it is making a loan and, indeed, a loan which is not sufficiently collateralized, and that there is a good chance American taxpayers will suffer.

And, giving Mexico $20 billion of American foreign aid without congressional approval is wrong. Giving them $5 billion without congressional approval is wrong. Giving them $1 billion is wrong.

But this Senator said, "All right. You have given them $5 billion. Let us hold it. And if, indeed, you can make a case to the American people, to the Congress, that they should continue to get aid, they should continue to get support, then let us have that legislation, let us have the ability to review how those dollars will be used, for what purposes, who will benefit."

And that is the reason this Congress should be brought into this process. It happens to be the law.

As elected representatives of the people, the Congress must approve the appropriation of taxpayers' funds. It is our constitutional duty.

Instead of allowing the free market to decide Mexico's fate, the politicians in Mexico City and in Washington misled the markets. All during 1994, the administration told us that the Mexican economy was a model for the free world. We supported Mexican President Salinas' candidacy to head the World Trade Organization. President Clinton praised Mexico at the Summit of the America's, just days before the devaluation of the peso in December.

This administration has made the situation in Mexico far worse than it needed to become. The peso will rise and fall because of market forces—free market forces—and not because $5, $10, or $20 billion in American taxpayers' dollars goes south of the border.

What is going on in Mexico rivals any soap opera. There were reports of rampant Mexican corruption and collusion with drug traffickers. The former President of Mexico has left the country; his brother is under arrest for masterminding a political assassination. The Mexican Army is fighting rebellion in the southern region.

The peso printing press is still continuing—as we talk, they are printing pesos—and the peso continues to fall against other currencies, taking the dollar with it. The inflation rate in Mexico is almost 70 percent, and bank interest rates in some cases are close to 100 percent.

Mr. President, where is the voice of the people? Do the people want us to make a loan in this situation? We have an obligation—a duty—to bring this issue into the light. This Senator will not just stand by and allow this obligation to be buried under political considerations.

Maybe President Clinton does not understand that hard-working American people do not want their money being used in this manner, but I do. I was sent here to fight for them—not the international speculators, not corrupt foreign governments, as nice as we want to paint a coat of fresh paint on them to dress them up.

If this administration truly wants to help Mexico, we should do so by demanding fundamental free-market reforms.

The first thing the Mexican Government can do, if it wants to pay off all its debts, is privatize PEMEX, the Mexican national oil monopoly that has been used as a Mexican piggy bank for corrupt officials year after year after year after year.

You have a former agricultural administrator, the Secretary, just retired there. He is a billionaire. He earned $50,000 a year, yet he is a billionaire. And his sons are tied to drug dealings. Sixty percent of all the drugs that come into this country in terms of cocaine are from Mexico as a transshipment place, from top to bottom filled with corruption. Do you think they are going to treat our money like it is their own? They will take their cut. They will treat it like their own. They will make it their own. Incredible.

Let the Mexican Government eliminate wage and price controls. Let them see to it that they do not impose false and arbitrary standards. Let them clean up the corruption that is destroying their country and the ability of their people to believe in it.

We should not make ourselves the international welfare house, certainly not on this scale. Welfare has failed dismally in those countries in which we have made it the cornerstone of our policy. When will we learn? The road to economic growth is less government, not more government. Let us do the people of Mexico a favor. Let us demand free market reforms.

Let us not get into the business of international welfare. Now, when Congress must cut domestic programs to balance our Federal budget, is not the time to send $20-plus billion to Mexico. We cannot afford to be Mexico's banker. The ESF is not the President's personal piggy bank, and it is our duty to protect American taxpayers.

Who will bail us out if the dollar continues to fall? The Japanese? The Germans? The Mexicans? I doubt it.

The time has come for Congress to stand up for the American taxpayers. So today, on behalf of the hard-working men and women of America, I have offered this legislation. This legislation reasserts Congress' rights and responsibilities with regard to this matter.

Some of my colleagues may not be happy with this, but I think it is their obligation. They have an obligation to vote "yes." If you believe that Congress is ultimately responsible for the appropriation of funds, you have an obligation to vote "yes" if you think these funds are not being used appropriately. On the other hand, if you think that the administration is correct under the law; that these funds can be used for this purpose; that these funds are not being made as foreign aid; that these funds are not being made as a loan which may not be repaid, or is in jeopardy of not being repaid, then vote against this.

My bill would amend the ESF statute to provide—I think it is far too generous, but to deal with this situation, I have limited it to $5 billion. I think it should be much lower than that, a lower floor; but the President cannot give a foreign country in excess of $5 billion without congressional approval. I think that is reasonable.

Some have said that I should not introduce this amendment. But I say let us look at the facts. Mexico is in a quagmire. And American taxpayers have been drawn into the quicksand without any authorization by their elected representatives. The only long-term financial commitments being made in Mexico right now are being made by the United States of America, using American taxpayer money without their consent. We have dragged in an unwilling IMF and an unwilling World Bank. That is not right. If my colleagues think this bailout is appropriate, then let us vote on the record.

It is Congress' constitutional responsibility to determine whether to send American tax dollars to a foreign country. We should use the $20 billion that the President has sent Mexico, or intends to send Mexico, to help balance the Federal budget. I would rather spend the money to help New York, Orange County, or the District of Columbia, and whatever is left over, use it to reduce the budget, which is far more appropriate.

Congress could approve more than $5 billion in aid to Mexico. But if so, let us do it the right way, in the open, on the record. It is not good enough to say, well, we have congressional leaders who have approved. That may be, but that is not the full House, and that is not the full Senate. I am tired of hearing that. I am tired of hearing, oh, well, the leadership agreed. Yes, they agreed in good faith. I do not think good faith was kept with them. They were not told how these dollars were going to be used or about the implications in terms of the interest rates that would be imposed on the Mexican people. They were not told about the ability to repay. I was there at the last of the briefings when the Chief of Staff came in from Mexico to the President. He was honest. I have to tell you, he shocked me. I was skeptical up to that time. After he finished briefing us, I said, there is no way this works. I felt sorry for him because at least he was honest and told us the problem: 70 billion dollars' worth of short-term debt coming through within 12 months.

Let me tell you something. You do not stop $70 billion with all of the financing that we have talked about; it is insufficient. They can roll it over and roll it over, but you have to pay it back. The interest rates are going to be higher, and there is going to be less investment in there. You are going to have more money flowing out. Oh, for the short term you will keep it and make this mirage and things will sound better. But that is not right.

Mr. President, I submit that Congress must have the final say on spending of taxpayer dollars on foreign aid or foreign loans. We owe it to the hard-working men and women of this country we represent to stand up and do what is right. Sometimes it may take some political courage. We are the Senate of the United States. We have a responsibility to the people of the United States. We cannot be cowards. Now is the time for action. I urge approval of this amendment.

I yield the floor.

Mr. FAIRCLOTH. Mr. President, just another thought or two.

The Senator from New York mentioned the ESF has never been used in this magnitude before. I think if we face reality and cut out the gossamer facade of calling this thing a loan, we will get to the facts quicker. It is not a loan. A loan is a euphemism for a total bailout grant that we are never going to be repaid.

Usually, money that has been borrowed from the ESF has been repaid within 90 days. But with this giveaway, we have no assurance that it will ever be repaid at all.

Can you imagine if a Senator came to this floor and proposed a $20 billion appropriation for a domestic project? The first thing he or she would be asked is, "Where will the spending cut come from to pay for it?" Why should it be different when we send $20 billion as a gift to Mexico without any idea who is going to pay for it—well, we know who is going to pay for it: the American taxpayer.

I do not think you need a better barometer of what is going on in Mexico than the trends of the market themselves, with the lowest interest rate in Mexico at 50 percent and running to 70, 80, and 100 percent. What does it tell you about the value of Mexico's debt when that kind of interest rate is offered? We have asked repeatedly who this debt is owed to. And never once have we been told. Not once did we find out. But we are taking hard-earned American dollars to bail out financial investors and speculators around the world who are getting from 18 to 25 to 30 percent, whatever, on these Mexican bonds, and we are bailing them out with American money.

One further thought. The immigration problem. This was used of course, to excite us—and I think I would call it the excitement plan used by the administration—to encourage us to support this, at first $40 billion, and now as the President took the ESF of $20 billion. But some have estimated that illegal immigration may be as low as 40,000 more immigrants if we do not do the bailout. Well, if you look at $20 billion and 40,000 immigrants, we are putting a half million dollars into every potential illegal immigrant. It simply does not make sense. It is a bad idea whose time has not come and will not come.

I encourage my colleagues to vote for Senator D'AMATO's amendment. We are hooked with the $5 billion, but let us not send any more good money after bad.

Mr. President, I yield the floor.

Mr. D'AMATO. Mr. President, I see that a number of my colleagues who may share a difference of opinion on this are on the floor and if they wish to speak, I would be happy to yield the floor.

I ask unanimous consent that an article from the Wall Street Journal, entitled "Americans Grow Ugly in Mexicans' Eyes," dated March 21, 1995, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 21, 1995]

AMERICANS GROW UGLY IN MEXICANS' EYES—RESCUE PLAN REVIVES LONG-SIMMERING RESENTMENTS

(By Dianne Solis)

XOCHIMILCO, MEXICO.—In this postcard perfect town of canals and floating gardens, a favorite of American tourists, Teresa Garcia fumes that her country is becoming a colony of the U.S.

Even though the U.S. helped save Mexico from a financial crash by organizing a $52 billion bailout package, many Mexicans such as Mrs. Garcia view the rescue program as a lead parachute.

They worry that the rescue plan calls for such severe austerity measures that Mexico will plunge into a serious recession. They fret about soaring interest rates, which now top 100%. And, perhaps most viscerally, they stew about provisions that make exports by the state oil monopoly, Petroleos Mexicanos, collateral for the rescue package. Many fear the move betrays U.S. designs on Mexico's sacrosanct petroleum operations.

OIL IS NATIONAL SYMBOL

"Those jerks want our oil," snaps Mrs. Garcia. "Oil is a great symbol for the middle class and those below. You take it away, you steal our national identity."

As her comments suggest, Mexico's historic anti-Americanism, seemingly vanquished in recent years, is creeping into view again.

Signs of the mood shift are cropping up all over. "We will never agree to the privatization of Pemex," the acronym for Petroleos Mexicanos, reads graffiti on a wall across from the Camino Real hotel in Oaxaca, a southern tourist site frequented by Americans. On the Texas border in Ciudad Juarez, workers at a U.S.-owned furniture factory grouse about gringos who won't grant them pay raises, even though labor costs were sliced in half after a Mexican peso devaluation that began last December. "The only ones who benefit are the American bosses," says Carlos Lopez, a 21-year-old worker. Fully 80% of Mexicans polled in a recent survey by the Civic Alliance, a citizens watchdog group, opposed the terms of the U.S. package.

Just a year or two ago, such feelings seemed virtually forgotten. Mexico's economy was humming, and more and more citizens were reaching middle-class status, giving them the chance to travel to the U.S. and partake of its material pleasures. Last year's historic North American Free Trade Agreement, which created a giant free-trade zone out of the U.S., Mexico and Canada, seemed to seal the close ties.

But the peso devaluation in December, and the prospects of deep economic hardship that followed, have soured the mood. In particular, many Mexicans are distraught that Pemex must now pass all receipts from crude oil exports through the Federal Reserve Bank of New York. This money will only be remitted to Mexico if it remains current on payments it owes on the bailout package.

Although both governments insist the arrangement is just a bookkeeping matter and say Mexico has used it in the past, it's harsh medicine for many.

ANGER AND FEAR

Indeed, when Mexican President Lazaro Cardenas nationalized foreign oil companies to resolve a union dispute in 1938, it became one of the country's proudest moments. On Saturday, the 57th anniversary of the nationalization was marked by angry speeches, and overshadowed by rampant-speculation that the government plans to allow foreigners to drill in Mexico's oil fields once again.

At a ceremony held by the party of the Democratic Revolution, Mexico's chief leftist opposition party, organizers drew fiery applause when they read a letter from Amalia Solorzano, President Cardenas's widow, warning against giving foreigners any more involvement in Pemex's affairs. "They won't be satisfied with just draining the veins [of Pemex]," the letter said. "They'll keep asking for the head and the docile government will be happy to satisfy them."

But Mexico's complex, love-hate relationship goes beyond oil. Although Mexico occupies only modest space in U.S. history books, Mexican children are drilled by teachers on how the 1848 Treaty of Guadalupe Hidalgo forced the sale of Mexico's northern half to the U.S., and on how the U.S. invaded Mexico in 1914 and 1916. In times like these, many a Mexican can be heard to repeat dictator Porfirio Diaz's line from around the turn of the century: "Poor Mexico. So far from God and so close to the United States."

Although old wounds had healed substantially as the U.S.-Mexico commercial relationship strengthened, memories of domination are being dredged up again. One editorial cartoon has a poor Mexican selling oil under a sign that reads, "Pay at the booth." Collecting the money at the booth behind him is Uncle Sam. Another cartoon shows Mexico as a hungry dog begging at the table of President Clinton, who is holding a plate full of money just out of reach while musing, "Mmm . . . Let me see if I've forgotten any condition."

A visit to Xochimilco with Mrs. Garcia illustrates some of the frustrations people here are feeling.

BUSINESS SHUT

A business owner in debt to foreign banks, Mrs. Garcia has suffered such severe credit problems that she shuttered her meat-preservatives and condiments business a month ago and is trying to sell her inventory at a $40,000 loss.

Angrily touring her neighborhood, she points out spots where she says people are at least as disillusioned as she is. In front of a tiny restaurant with hand-lettered signs, she says with a sigh. "The owners are three college professors with masters degrees. They couldn't make ends meet. Look, they had to open this little place to sell [pozole]," a garbanzo-bean stew popular with the working class.

Well past midnight, Mrs. Garcia broods at the home of a neighbor over coffee. The neighbor, an academic from a well-to-do family with servants and nannies, complains her salary has effectively been sliced in half by the devaluation and barely covers her living expenses now.

The neighbors direct some of the blame at the Mexican government. But Mrs. Garcia continually returns to the theme of Pemex, and the U.S. threat to its independence.

"What does the U.S. want us to be?" she sneers. "A Puerto Rico?"

Mr. D'AMATO. Mr. President, the fact of the matter is the article goes on to talk about how the Mexican people are feeling toward Americans, and the great pain.

There are other articles that in graphic detail talk about the incredible burdens as it relates to the interest rates that now have gone up on small business owners, on the homeowners, on the savage price they are paying.

While we may be attempting to help our neighbors to the south, we have enraged their citizens. While we may be well-intentioned, what we have done is seen to it that a select group of investors have been bailed out. They have been bailed out by the American taxpayers, by the Mexican people, who resent our intrusion.

They have every right to resent that intrusion, given the sorry, dismal performance of their Government in giving out laudatory expressions over the past years, going back to past administrations, that had the United States believe that Mr. Salinas and his people were the answer to all their problems, and represented, truly, free markets and democracy, when that was, obviously, now, a myth.

Mr. President, I see my colleague on the floor who wishes to make his statement. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I have been listening to this exchange with some interest and some bemusement—if one can use that term—with respect to a matter that has such potential serious consequences. This ought to be underscored: A matter of the utmost gravity.

The New York Times on the 25th had an article headlined "Mexico's Recovery Plan Shows Signs It Is Working." Two weeks after it was introduced, Mexico's tough new recovery plan is showing the first signs that it may be working.

The floundering peso has started to stabilize while the economy is being squeezed even more tightly. The article ends up with a quote from the director of analysis in a brokerage firm in Mexico City, saying "There is a little bit more confidence in Mexico. Things are getting better. But there is still a long way to go."

Now, if there was any doubt about whether what we do here or what we say here—let alone what we do—may have significant consequences, this Mexican crisis may prove the point.

Let me go back with a little history. On the 11th of January, one of my colleagues took the floor and this is what he said:

> Mr. President, while American diplomats and foreign policy pundits handwring over various crises in Eurasia, and the American military is hand-holding the doomed in a number of Third World quagmires, an economic crisis of alarming proportions is threatening to engulf our nearest neighbor to the south. Could there be a better example of the failure of our foreign policy than the potential collapse of Mexico?

Continuing with this statement:

> I believe that charity begins at home. Mexico and Canada are part of the American family. Yes, we bicker, we snipe, we engage in the kind of heated battles only family members could get away with, but in the end it is the family ties that bind. We can no longer take our good neighbors for granted. Our national security and our economic well-being are inextricably linked to the health and stability of Mexican society and the Mexican economy.

Let me repeat that colleagues' statement here.

> We can no longer take our good neighbors for granted. Our national security and our economic well-being, are inextricably linked to the health and stability of Mexican society and the Mexican economy.
>
> We face a far greater threat from instability in Mexico than we will ever face from open conflict or economic chaos in most of the places American diplomatic attention and foreign aid are currently focused. We must help the Mexicans stabilize the peso to renegotiate their debt, and to develop an economic strategy of long-term investment and growth that will improve the quality of life of all Mexicans and, by extension, the quality of life of all Americans. To do as we have been doing, to focus on the problems of other continents while ignoring our own, is asking us to worry over a distant storm as wolves gather in our own backyard.

That is a very strong statement about the Mexican problem and a very strong statement about the United States responsibility to respond to the Mexican problem. That statement was made by my colleague, the distinguished Senator from New York, Senator D'AMATO, who has just spoken at great length here on the floor.

This was on January 11. Of course, the administration, I assume in part influenced by Senator D'AMATO's statement about responding to the Mexican situation, influenced by this strong, forceful declaration in the Senate as to what needed to be done with respect to Mexico, and the responsibility of the United States to respond—I am sure the administration was impacted by that statement. And of course they began to try to construct some package that would enable the United States to play a role in addressing the economic crisis confronting Mexico.

The Treasury and the Federal Reserve came to the Congress to seek congressional authorization for a loan package to provide assistance to Mexico. That loan package in fact was in the amount of $40 billion. What we are now talking about is the use of the Exchange Stabilization Fund for $20 billion, with the international community coming in for other amounts to create a larger package which is judged as necessary if Mexico is going to be able to move out of this crisis.

But the administration came to the Congress to seek approval from the Congress of a loan guarantee package of $40 billion. That loan guarantee package, the administration's request, was endorsed by the Republican and Democratic leadership of the Congress.

We want to be very clear here about where the responsibilities are, and clear about this amendment in its historical context. It needs to be made clear that there is a recovery program now underway in Mexico, and if the rug is pulled out from under that recovery program the responsibility for that also needs to be made clear.

The recovery program has risks connected with it. No one has denied that. There has to be some evaluation of those risks, and weighing them, but on the 12th of January, President Clinton and the congressional leaders issued a joint statement on Mexico's currency crisis after meeting at the White House. I will quote from that statement. This was the statement of the Republican and Democratic leadership of the Congress, both Houses.

> We agree that the United States has an important economic and strategic interest in a stable and prosperous Mexico. Ultimately the solution to Mexico's economic problems must come from the people of Mexico. But we are pursuing ways to increase financial confidence and to encourage further reform in Mexico. We agree to do what is necessary to restore financial confidence in Mexico without affecting the current budget at home.

Mr. President, I ask unanimous consent that that statement be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. The submission of that proposal was followed by extensive consultations between the Treasury, the Federal Reserve, and Members of the House and Senate to craft a package that could win congressional approval. A January 14 article in the Washington Post reported:

> Treasury Secretary Robert E. Rubin and Federal Reserve Chairman Alan Greenspan canvassed Capitol Hill, briefing legislators on the details of the plan and lobbying for support. At a question and answer session attended by more than 100 legislators yesterday morning, many Members of Congress questioned Rubin, Under Secretary Lawrence Summers, about whether the proposed rescue package would put U.S. tax dollars at risk. And some demanded assurances that the United States would extract broad promises of economic reform from the Mexican Government before the Treasury extended any financial support. But at the close of the 2-hour meeting, House Speaker Newt Gingrich told the gathering that the Republican leadership in the House stood firmly behind the administration's rescue plan. "We have zero choice on this," he said, according to those who attended the meeting. "Republican leadership," he added, "is committed to doing everything we can to make it work."
>
> "There is generally a consensus that as the leadership agreed last night, we need to do what is necessary to make this work," Senate majority leader Robert J. Dole said after the morning meeting. "We do not have the luxury of waiting very long," he added.

Mr. President, I ask unanimous consent that that article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SARBANES. Mr. President, there then followed 2 weeks of extensive efforts by the Federal Reserve, the Treasury, and congressional leaders to craft the package. A January 19 article in Roll Call reported, "Not only did House Speaker NEWT GINGRICH and Senate majority leader BOB DOLE immediately back President Clinton in offering a $40 billion"—and I emphasize that $40 billion—"loan guarantee to Mexico, but House and Senate task forces have been working tirelessly with the administration and Mexican officials to craft legislation to put the guarantee into effect. This period ensued with these discussions with the Congress, with the Federal Reserve and the administration."

And an article in the Financial Times recounts what transpired. I quote it:

> It was around 8 p.m. on Monday, January 30, that Leon Panetta, White House Chief of Staff, finally accepted that the administration's plan to rescue Mexico with up to $40 billion of loan guarantees was not going to work. Two phone calls in the space of a few minutes had virtually made up his mind. One was Newt Gingrich, the new Speaker of the House of Representatives, the other from Mexico, Guillermo Martinez Ortiz, the Mexican Finance Minister. The message from Gingrich was simple and pessimistic. Congress was objecting to the loan guarantee package, and the chances of its rapid and successful passage were slim and worsening. The conversation with Ortiz was also deeply worrying. Money was flowing out of Mexico so rapidly that without U.S. help they would soon have to abandon the convertibility of the peso. According to the article, Speaker Gingrich told Panetta it would take at least another 2 weeks to line up support for the package. If the President acted on his own, Congress would breathe a huge sigh of relief.

Let me repeat that:

> According to the article, Speaker Gingrich told Panetta it would take at least another 2 weeks to line up support for the package. If the President acted on his own, Congress would breathe a huge sigh of relief.

Let me just recount what has transpired up to this point and where we are. The administration, confronted with an economic crisis in Mexico, sought to devise a package to respond to the situation. It in effect was urged to do so by Members of the Congress and many other commentators on public policy issues. Some of my colleagues in this Chamber took the floor to underscore the seriousness of the Mexican crisis, and the interrelationship between our two countries. "Our national security and our economic well-being are inextricably linked to the health and stability of the Mexican society and the Mexican economy."

Statements of that sort, which urged that we must help the Mexicans stabilize the peso and renegotiate their debt, were being heard from various Members of the Congress. The administration came to the Congress proposing a loan guarantee program for $40 billion and seeking the approval of the Congress for that loan guarantee package. The administration's proposal was supported by leadership of the Congress, and I quoted statements from both Speaker GINGRICH and Majority Leader DOLE supporting the administration's effort. As Senator DOLE said—this is after the administration submitted at a briefing the loan guarantee package—"There is generally a consensus that, as the leadership agreed last night, we need to do what is necessary to make this work."

As we all well know, the efforts to muster congressional approval for the loan guarantee package of $40 billion ran into difficulty. And it was then that there was indication from some of the leadership. Speaker GINGRICH stated, "If the President acted on his own, Congress would breathe a huge sigh of relief."

That Financial Times article, from which I was quoting, then went on to say that the decision was then made to abandon the loan guarantee package which leadership had endorsed but for which there was difficulty commanding approval in the Congress. To abandon the loan guarantee proposal and develop a new support package centering on $20 billion of finance from the Exchange Stabilization Fund. So a new approach was taken.

On January 31, a joint statement was issued by President Clinton, Speaker GINGRICH, House Minority Leader GEPHARDT, Senate Majority Leader DOLE, and Senate Minority Leader DASCHLE. That statement said, and I quote, this is now quoting the statement of the President, congressional leadership, Speaker GINGRICH, Majority Leader DOLE and leaders GEPHARDT and DASCHLE.

> We agree, that in order to ensure orderly exchange arrangements and a stable system of exchange rates, the United States should immediately use the Exchange Stabilization Fund to provide appropriate financial assistance for Mexico. We further agree that, under title 31 of the United States Code, section 5302, the President has full authority to provide this assistance. Because the situation in Mexico raises unique and emergency circumstances, the required assistance to be extended will be available for a period of more than 6 months in any 12-month period.

The statement then goes on to indicate that the support that is coming from other nations, from the IMF, through the Bank for International Settlement, and then it goes on to say, and I quote:

> We must act now in order to protect American jobs, prevent an increased flow of illegal immigrants across our borders, ensure stability in this hemisphere, and encourage reform in emerging markets around the world. This is an important undertaking, and we believe that the risk of inaction vastly exceed any risk associated with this action. We fully support this effort, and we will work to ensure that its purposes are met. We have agreed to act today.

That is the end of the statement.

Mr. President, I ask unanimous consent that the full statement of the President and the congressional leadership be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

(See exhibit 3.)

Mr. SARBANES. Mr. President, on that day, the IMF announced that the IMF was prepared to provide just under $18 billion standby credit to Mexico. The central banks of a number of industrial countries also said that they would consider providing $10 billion in short-term support through the Bank for International Settlement. So the second approach drew in greater support out of the international community than had been provided for in the first approach.

A Reuter's report of January 31 stated, and I quote:

> Senate Republican leader Bob Dole said Congress' Republican and Democratic leaders would write President Clinton a letter backing his new Mexican aid plan. "He won't be out there by himself," Dole told reporters. Dole said he, House Republican Speaker Newt Gingrich, Senate Democratic leader Daschle, and House Democratic leader Gephardt would send Clinton the letter of support. Dole said he had checked with other Senators, including some who had opposed Clinton's request for $40 billion in loan guarantee for Mexico, before deciding to write the letter. "In my opinion, most everybody is on board supporting Clinton's new plan to commit $20 billion from the U.S. Currency Exchange Stabilization Fund", Dole said.

A New York Times article of February 2 quoted Speaker GINGRICH as follows:

> "The President exercised his authority," Mr. Gingrich said today. He took a tremendous burden on his shoulders. He did what key leaders felt was necessary.
>
> I think people at a minimum should recognize the President had the courage to do what he was being told by the very sophisticated experts was vital to reinforce international markets.

Mr. President, I ask unanimous consent that those two articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 2, 1995]

RESCUE: DURABLE OR BRIEF?

(By David E. Sanger)

WASHINGTON.—President Clinton's move to sidestep Congress and order emergency credits to Mexico halted a monthlong run on the peso, but it left Congressional critics and reluctant American supporters worrying that the bailout's success would prove temporary.

A debate over the solidity of the plan arose today as the International Monetary Fund prepared to approve an emergency $17.8 billion in medium-term loans.

Officials said the money would be available immediately to help the Mexican Government keep from defaulting on $40 billion in bonds and other liabilities that come due for payment this year. But the deliberations came as Germany and France bitterly complained that they had not been consulted by the White House and that the money might come out of aid to Eastern Europe and Russia.

On Capitol Hill, opponents of any American involvement in Mexico's bailout threatened hearings, focusing on what the Administration knew about Mexico's distress last year and how President Clinton diverted $20 billion in Treasury Department funds—intended to stabilize the dollar on world markets—to provide Mexico with emergency loans.

Not surprisingly, some of the harshest criticism came from Patrick J. Buchanan, the leader of the effort to kill any aid to Mexico.

"The looting of America, on behalf of the new world order, has begun," said Mr. Buchanan. "Never again should a President be allowed to disregard the will of Congress to raid the U.S. Treasury to bail out Wall Street banks or a foreign regime."

Senator Phil Gramm, the Texas Republican and an expected contender for his party's nomination for President in 1996, said Mr. Clinton was "filling a bucket that is full of holes."

But the President's action was defended by an unlikely ally: Newt Gingrich, the Speaker of the Republican-controlled House of Representatives.

"The President exercised his authority," Mr. Gingrich said today. "He took a tremendous burden on his shoulders. He did what key leaders felt was necessary.

"I think people at a minimum should recognize the President had the courage to do what he was being told by the very sophisticated experts was vital to reinforce international markets."

To sell the President's action, Treasury Secretary Robert E. Rubin assured skeptical Republicans and Democrats on Capitol Hill that Mexico had agreed to fundamental economic reforms and would be held to those commitments.

The reforms, spelled out in a letter from Mexican officials to the I.M.F. last week, include a more independent central bank, controls on credit expansion, continued privatization of Government-owned industry and relaxation of many of economic controls, including prohibitions on foreign investment in Mexican banks.

But Treasury officials acknowledged today that while they had talked about the loan conditions in general terms with Mexico, there was nothing on paper. Already the conditions are being described in Mexico in far more lenient terms than they are in Washington.

For the American economy, the most important question is whether the bailout strengthens the peso. Its current level makes American goods 35 percent more expensive in Mexico than they were in December, and Mexican goods that much cheaper in the United States.

The current rate also seems to many economists to be likely to encourage far more illegal immigration across the border as Mexicans seek jobs that pay in dollars.

Mr. Clinton offered one of his most impassioned defenses of his action on Tuesday night in Boston.

"I know the surveys say that by 80 to 15, or whatever they said, the American people either didn't agree or didn't understand what in the world I'm up to in Mexico," he declared. "But I want to say to you, it might be unpopular, but in a time of transition it's the right thing to do."

Some of the harshest criticism of the Administration's action today came from European capitals, which were taken by surprise by the International Monetary Fund's decision—under strong pressure from the White House—to add $10 billion in aid to Mexico. That is in addition the $7.8 billion that the I.M.F. approved last week.

An I.M.F. official in Washington said some European governments were concerned that the fund's remaining resources might not be enough to deal with crises in other parts of the world.

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January 31, 1995, Tuesday, BC cycle.

Section: Money Report; Bonds Capital Market; Domestic Money; Financial Report.

Length: 151 words.

Headline: Dole says Congress's Leaders Back Mexico Plan.

Dateline: Washington, Jan. 31.

Body: Senate Republican Leader Bob Dole said Congress's Republican and Democratic leaders would write President Clinton a letter backing his new Mexico aid plan.

"He won't be out there by himself," Dole told reporters.

Dole said he, House Republican Speaker Newt Gingrich, Senate Democratic Leader Thomas Daschle and House Democratic Leader Richard Gephardt would send Clinton the letter of support.

Dole said he had checked with other senators, including some who had opposed Clinton's request for $40 billion in loan guarantees for Mexico, before deciding to write the letter.

"In my opinion, most everybody's on board" supporting Clinton's new plan to instead commit $20 billion from the U.S. currency exchange stabilization fund, Dole said.

The new plan does not need Congress's approval. Dole said the $40 billion in loan guarantees would not have been approved by Congress this week or next.

Mr. SARBANES. Now, these are the steps that transpired that led us to this point. And pursuant to this support of the leadership, the backing of the congressional leaders, the very explicit statements of Speaker GINGRICH and Majority Leader DOLE, the administration proceeded to use the Exchange Stabilization Fund on the basis of the package that had been outlined. Now, in effect, that approach would be negated by this amendment. That is what this amendment would do. And obviously, such a negation has very broad consequences, conceivably even immediately as the markets would react to this proposal that is before us.

Now, make no mistake about it, an effort was made to provide assistance to Mexico. Many Members of this body urged that that be done. The administration submitted a loan guarantee proposal to the Congress and sought the approval of the Congress. Time passed. That approval was not immediately forthcoming. The crisis worsened. The administration then responded, in effect, to a signal from the leadership in which they indicated that they would welcome the President acting.

So the President moved to use the Exchange Stabilization Fund, a provision under existing law. That use was strongly supported in a joint statement by the leadership, and a package was put into place which gives some signs of working. No one can guarantee it. And there are risks associated with it. One would be clearly imprudent to pass over the risks. But the risks connected with not doing anything were very clearly made earlier by majority leader DOLE in one of his statements as we were proceeding to consider this matter.

So, Mr. President, this is an interesting exercise that is going on on the floor today, but I think it very important to place it in the context of what has transpired and to make very clear, first, the administration coming to the Congress, the response of the congressional leaders, and then the support of the congressional leaders for using the Exchange Stabilization Fund.

EXHIBIT 1

WHITE HOUSE, CONGRESS JOINT STATEMENT ON MEXICO

WASHINGTON, JAN. 12 (Reuter).—President Clinton and Congressional leaders issued the following joint statement on Mexico's currency crisis after a meeting at the White House.

"We agree that the United States has an important economic and strategic interest in a stable and prosperous Mexico. Ultimately, the solution to Mexico's economic problems must come from the people of Mexico. But we are pursuing ways to increase financial confidence and to encourage further reform in Mexico. We agree to do what is necessary to restore financial confidence in Mexico without affecting the current budget at home."

EXHIBIT 2

[From the Washington Post, Jan. 14, 1995]

U.S. PLAN TO AID MEXICO CALMS FINANCIAL MARKETS; LOAN GUARANTEES GET CAUTIOUS HILL BACKING

(By Clay Chandler and Martha M. Hamilton)

The Clinton administration's plan for bailing out Mexico's economy calmed investors yesterday and buoyed the peso. It also drew cautious, but generally favorable reviews from members of the new Congress.

The Mexico rescue plan—a package of $40 billion in loan guarantees outlined Thursday night after a White House meeting between President Clinton and congressional leaders—boosted stock prices and currencies throughout the hemisphere yesterday. Analysts said the size of the package—at the high end of the range described Thursday night—appeared to be big enough to sustain investor confidence.

The peso rallied sharply to close at 5.25 to the dollar, a strong gain from Thursday's 5.5 rate. When the crisis began Dec. 20, the peso was trading at about 3.4 to the dollar. Stock prices surged 4.6 percent on the Mexico City market, with the main index up 97.7 points to close at 2,216.55.

"There is definitely a floor under the market that wasn't there before the announcement," said Thomas Trebat, Chemical Banking Corp.'s managing director responsible for emerging markets research."

John Daly, senior vice president-global fixed income of John Hancock Mutual Funds, declared: "The worst of it is behind us."

Yesterday morning, as markets took the measure of Thursday night's announcement, Treasury Secretary Robert E. Rubin and Federal Reserve Chairman Alan Greenspan canvassed Capitol Hill, briefing legislators on the details of the plan and lobbying for support.

At a question-and-answer session attended by more than 100 legislators yesterday morning, many members of Congress questioned Rubin and Treasury Undersecretary Lawrence H. Summers about whether the proposed rescue package would put U.S. tax dollars at risk. And some demanded assurances that the United States would extract broad promises of economic reform from the Mexican government before the Treasury extended any financial support.

"I'm going to need a lot more information before I sign on the dotted line," said Sen. Tom Harkin (D-Iowa).

But at the close of the two-hour meeting, House Speaker Newt Gingrich (R-Ga.) told the gathering that the Republican leadership in the House stood firmly behind the administration's rescue plan. "We have zero choice on this," he said, according to those who attended the meeting. The Republican leadership, he added, is committed to doing "everything we can to make it work."

"There's generally a consensus that, as the leadership agreed last night, we need to do what's necessary to make this work," Senate Majority Leader Robert J. Dole (R-Kan.) said after the morning meeting. "We don't have the luxury of waiting very long," he added.

To succeed, the plan needs speedy endorsement on the Hill. Delays and protracted bickering over budget issues or conditions of the loan guarantees could trigger another slide for the peso, Treasury officials and investors said yesterday. But timing for congressional action on the plan remains unclear.

"I think the timetable will start to gel early next week," said Sen. Robert F. Bennett (R-Utah), a member of a task force of Senate Republicans who met in Dole's office yesterday afternoon to discuss handling of the measure.

Without the approval of Congress, the administration will not be able to translate the financial support proposal—which closely resembles a similar formula devised to extend loan guarantees to Israel in 1992—into action. Under budget law, the government must set aside money to cover any potential losses from loan guarantees, a move requiring congressional consent.

In some ways, congressional reaction to the administration's proposal yesterday mirrored the divisions that arose during the 1993 battle over the North American Free Trade Agreement, with pro-labor Democrats and some conservation Republicans raising doubts about the plan.

"What I want to know is: 'How much is it going to cost us really?' " said Sen. Ernest Hollings (D-S.C.) one of NAFTA's most strident critics, of the Mexican assistance plan.

Lawmakers from both parties said they would feel a lot more comfortable about voting to back up the peso if other wealthy nations would be persuaded to share the financial burden. "If the Mexican default is a major risk to the global economy, it sure seems to me that the Japanese and the Europeans should be involved," said Sen. Joseph I. Lieberman (D-Conn). Rubin and Summers argued yesterday that there simply wasn't enough time to line up international cooperation.

"I think something has to be done" to shore up the Mexican economy, said Sen. Bill Bradley (D-N.J.). Without prompt U.S. action, the peso's collapse threatens to "ripple through the whole world economy," he said. But Bradley, too, insisted that the loan guarantees be conditioned on stringent economic reforms in Mexico and stressed that the United States should not attempt to manage the peso crisis alone.

Administration officials proposed to members of Congress yesterday that the loan guarantees might be secured by rights to profits from the sale of Mexican oil reserves—a notion that is sure to elicit controversy within Mexico. And Dole suggested loan guarantees to Mexico might carry a much steeper risk than the assurance extended to Israel. "I assume you'd charge Mexico as high as 10 percent because they are a greater risk," he told reporters following the meeting.

In the eyes of financial traders, final details of the package appeared to matter less than the solid signal of commitment from the United States.

"There was a major panic this week, and I think that was a bit of a climatic sell-off, where people threw up their hands and said maybe Mexico is going to disappear," said John Ford, vice president of the T. Rowe Price Latin American Fund in London.

The price of Mexican par bonds, which had gone from 56 cents on the dollar to about 45 cents on the dollar, was back to 53 cents yesterday, said John Hancock's John Daly.

The news of the loan guarantees also benefitted markets in other Latin American countries such as Argentina, Brazil, Chile and Peru, where stock markets suffered through one of their worst days in years on Tuesday. Jose A. Estenssoro, president of the privatized Argentine oil company YPF S.A. said the United States had no choice but to support Mexico through the crisis.

"It's not something that will have an effect on Argentina directly, but it probably will indirectly because it will give Mexico a chance of solving the very, very serious problems they have caused for everybody," he said.

If the Mexican government takes advantage of the guarantees offered by the Treasury Department on Thursday, it would draw U.S. commercial banks back into a loan market they have shied away from for more than a decade—Latin American public debt.

Public sector loans badly burned industry giants such as Citicorp and BankAmerica Corp., when the Mexican government renegotiated loan terms in 1982. Several bankers said that while the Treasury Department's guarantees were reassuring, they hoped not to have to make the loans—even though, they said, Mexico in 1995 is a fundamentally different country than Mexico in 1992.

Then the government was much more closely involved in a closed Mexican economy that depended heavily on oil exports—just when oil prices plummeted, depriving the government of a primary means of paying debts. Now, the Mexican government sports a balanced budget, a smaller debt burden and a more open economy with diverse sources of income.

EXHIBIT 3

STATEMENT BY PRESIDENT CLINTON, SPEAKER GINGRICH, MINORITY LEADER GEPHARDT, MAJORITY LEADER DOLE, MINORITY LEADER DASCHLE

We agree that, in order to ensure orderly exchange arrangements and stable system of exchange rates, the United States should immediately use the Exchange Stabilization Fund (ESF) to provide appropriate financial assistance for Mexico. We further agree that under Title 31 of the United States Code, Section 5302, the President has full authority to provide this assistance. Because the situation in Mexico raises unique and emergency circumstances, the required assistance to be extended will be available for a period of more than six months in any 12 month period.

The U.S. will impose strict conditions on the assistance it provides with the goal of ensuring that this package imposes no cost on U.S. taxpayers. We are pleased that other nations have agreed to increase their support. Specifically, the International Monetary Fund today agreed to increase its participation by $10 billion for a total of $17.8 billion. In addition, central banks of a number of industrial countries through the Bank for International Settlements have increased their participation by $5 billion for a total of $10 billion.

We must act now in order to protect American jobs, prevent an increased flow of illegal immigrants across our borders, ensure stability in this hemisphere, and encourage reform in emerging markets around the world.

This is an important undertaking, and we believe that the risks of inaction vastly exceed any risks associated with this action. We fully support this effort, and we will work to ensure that its purposes are met.

We have agreed to act today.

Mr. DODD. Will my colleague yield?

Mr. SARBANES. Certainly.

Mr. DODD. I wish to thank my colleague from Maryland for his statement, for laying out what I think is critically important, Mr. President, the historical background that brings us to this moment in the matter before the Senate, the pending amendment offered by our colleague from New York.

I think it is important for people to point out the timeframe in which we are talking about here. We are talking about a little more than 60 days now, as I look at the calendar of events, of the matter first coming to our attention, as the Senator from Maryland has pointed out, roughly on January 11 or thereabouts. It may have been a few days earlier than that that the matter actually was raised. But in terms of the statements, it was January 11, and then there were a series of statements made over those days, roughly 60 days ago, 70 days ago, as I understand it, Mr. President.

It seems to me that when you have a matter of this import, the implications of which, as the Senator from Maryland has pointed out, are as profound as they are, then we ought to be very conscious of the implications should this amendment be adopted.

I know the Senator from Maryland has asked unanimous consent that various statements be included in the RECORD at the end of his remarks. I would like to ask as well, Mr. President, that some additional remarks by Brent Scowcroft at the Treasury Department briefing on January 30, about 60 days ago, be printed in the RECORD, along with a statement of declaration of support for the President's actions which was signed by former Presidents George Bush, Jimmy Carter, and Gerald Ford; former Secretaries of State James Baker, Lawrence Eagleburger, Alexander Haig, Henry Kissinger, Ed Muskie, and Cyrus Vance; former Secretaries of the Treasury Joseph Barr, Lloyd Bentsen, Michael Blumenthal, Henry Fowler, and David Kennedy; former Secretaries of Commerce Frederick Dent, Juanita Kreps, Robert Mosbacher, Elliot Richardson, Maurice Stans, Alexander Trowbridge; former U.S. Trade Representatives William Brock, William Epert, Carla Hills, Robert Strauss, Clayton Yeutter, along with statements from senior administration officials going back several administrations and a series of distinguished scholars as well, indicating the broad-based nature, Mr. President, of those who are knowledgeable about these issues as to the action taken by the President.

I commended at the time Speaker GINGRICH and Majority Leader DOLE for their statements. It was highly responsible for them as the leadership now in the Congress of the United States on a matter of this import, recognizing that it would take far too much time and it was likely to be very complicated here in the Congress, to make their recommendation that the President go forward and do what he did 60 days ago. We are hardly into this at all.

And so I commend my colleague from Maryland for his statement on the matter. I would further point out, Mr. President, I think it is important to note that just in the last day or so we have seen some very positive signs, by the way, occurring within Mexico.

The stabilization package as adopted is a strong one, as our colleague from New York has pointed out, and he is correct in stating that. It is very strong.

We had, of course, statements—because there is an exposure here, potential exposure, no doubt about that, but if we had not insisted upon a tough economic package in Mexico, I am just as certain we would have heard we were not tough enough on insisting that there be strong economic conditions imposed on Mexico to try to get its economic house in order, and had we not done that, the exposure to U.S. taxpayers might have been greater.

Let me just highlight, if I can, the positive news in the last few days. And, again, we all hope it works. I cannot imagine anyone not wanting to see this work. Of course, we are not in on it alone. There are a number of other major financial institutions which have made significant commitments to try to resolve this issue internally. They have upheld the tight money policy, and we are seeing results.

The nominal money supply has shrunk by 13 percent since the beginning of the year, and the real numbers by 23 percent through March 15. They have tightened their fiscal policy. Most recently, the Congress approved a 50-percent increase in the value-added tax. Imagine trying to do here any tax increase. That is their Congress adopting that. Electric and energy prices were raised significantly in real terms.

These are all over the last few days. Labor and wages seem to be under control. Market conditions have so far kept wage awards significantly below inflation despite the Government's decision to dispense with the PACTO.

Already economic adjustments are starting to work as seen by the swing in Mexico's trade balance to a surplus of $453 million in February, the first surplus, I might point out, since November 1990.

The markets are also responding, which is a critical element here. How is the rest of the world reacting to what Mexico is doing?

The bolsa in Mexico City is up 15 percent since last week, representing a 21-percent gain in dollar terms.

Prices on par Brady bonds have risen 11 percent from their recent low on March 16, and if the collateral is stripped away so that only Mexico risk is measured, the increase in value has been 17 percent.

Signs of declining volatility in peso trading have emerged, with the peso closing below 7 since March 23, and now trading within a narrower range.

The demand for Government securities rose in this week's primary auctions to 2.4 times the amount offered. Interest rates dropped 7.7 percent, to 75 percent on the benchmark issue.

According to March 24 diplomatic reporting, "analysts are optimistic that the buying strength today of peso was not just bargain hunters but rather represents the beginning of a consolidation which will lead to restored growth."

Wall Street investment houses, while still more cautious, have also seen an upturn in sentiment. For example, last week Merrill Lynch increased its Mexico weighting on its global equity portfolio from 17 to 22 percent.

If these are in fact early signs that financial market sentiment is turning, an important factor has been the much greater transparency now maintained by Mexican economic and financial institutions, and the central bank in particular.

Of particular importance was one of the conditions of our agreements with Mexico, the weekly publication of the central bank's balance sheet. The Bank of Mexico transmitted the first of these publications last week.

Now, not only us, but all market participants can monitor Mexico's progress in rebuilding international reserves and maintaining tight control over the money supply.

Reserves are low—the Bank of Mexico announced $7.854 billion as of March 17. But with this new transparency, nobody in the market has to guess how low, and that has provided some reassurance.

One can find many pessimistic things to say about Mexico right now—the shattered confidence of foreign investors, the sharp recession ahead, and the political uncertainties. In particular, concerns are focused on: the fragility of the banking sector and whether or not the program the Mexicans have put in place can work without the need to print money to bail out the banks.

The banks have a serious problem of high levels of loan delinquencies and an increasing level of bad loans which may result in the need for recapitalization for many banks;

Mexico recognizes this is a crucial problem and is implementing measures to shore up the banking system. Also, the World Bank and the IDB will make over $2 billion in resources available to assist banks suffering from liquidity shortages and to restructure problem banks.

The point is that we are beginning to see or hear some very positive indications that this proposal that enjoyed such broad support only a few weeks ago is beginning to produce some results.

Now I think all of us know here that when we use our remarks here on the floor of the Congress, we can have a profound effect on markets. Certainly, my colleague and my friend from New York knows, in his new capacity as chairman of the Senate Banking Committee, that it is not just another Member talking, it is the chairman of the Banking Committee. He knows full well the significance of his role, and he cares about the issue, obviously, very deeply and dearly.

But at the very hour that we are trying here to build some confidence, because as Chairman Greenspan pointed out and Jack Kemp, to his credit, testified about how important it was to be involved here—he has a disagreement over what we ought to be doing but, nonetheless, he feels very strongly we ought to be weighing in here—that the word "confidence" is critical.

If there is an erosion in confidence, if those who make the decisions and make the investments and sit around that table believe that we do not have confidence here that this plan that we have worked out with so many others is about the best we can do and has a chance of succeeding, if that confidence erodes within Mexico and the global markets, you have a self-fulfilling prophecy and you will get exactly the predictable result.

So here, within 60 days or so of having made a decision to go forward with the kind of bilateral support that is critical at moments like this, if we undermine and erode that, if this amendment is adopted—and there will be a vote on it—if this amendment is adopted, then you will see, I believe, the kind of reactions that will not serve anyone's interests well.

So I urge my colleagues to reject the amendment. I say that with all due respect to the author of the amendment. He and I have talked about this. We have been in forums elsewhere on it.

He is not incorrect to say this is risky. Of course, it has some risk involved in it. There is no question about that. But the risk of doing nothing at all, Mr. President, of allowing the situation to deteriorate further, certainly, in my view, is a far riskier path to follow.

The President of the United States did what a leader is supposed to do in these matters. He does not have the luxury of just making speeches or offering amendments on the subject. Ultimately, his decisions on these matters are critical. It took strength and independence, but also the support of the majority leader of this body and the Speaker of the other body to stand with him and say, "You are doing the right thing. Mr. President, you are doing the right thing." And, as result, him taking that action. And now 60 days later, to come in and have this body undo all of that before it has even had a chance to prove whether or not it is going to work—and, in fact, signs are that it is beginning to produce the results—I think is the wrong step for us to be taking.

But, obviously, each and every one of us here will have to make up their mind as they come to vote on this matter shortly and decide whether or not to limit the amount of exposure here to the $5 billion, which will obviously cause people to draw the conclusion we are pulling out of this. I cannot imagine how other markets and other places are going to react if that result occurs. But, if it does, then I think very clearly—very, very clearly—it is this moment on this amendment that will bear a sizable degree of the responsibility for that result, in my opinion.

We all have to make decisions around here. Some of them are tough. This is not an easy one because, obviously, the potential for exposure is there. No question about it. But if this goes south on us, I think we should also be aware of what the implications may be.

My colleagues should also be aware that what may happen is not limited, of course, to Mexico. It limits the President's flexibility to help any country without congressional approval. We have seen Argentina recently going through a very difficult situation. I think they are doing pretty well now and coming out of it. But they will tell you, as the Foreign Minister did to those who met with him a week or so ago, that their economic problems were directly related to the situation in Mexico. And if we move away here, we could be looking at a situation elsewhere in this hemisphere that I think we could come to regret.

So, again, I appreciate the good debating points and scoring particular marks here and there. But this is one that, as the Senator from Maryland has pointed out, has monumental and profound significance. If this amendment is adopted, as I suspect it is apt to be, again, given the mood here, if it is, I think clearly those who have offered it and those who support it will have to answer ultimately if, in fact, the markets react as I think they are apt to.

That should have had a question mark at the end of it, Mr. President. I apologize to the Chair and my colleagues for that.

I thank the Senator from Maryland and I thank my colleague from New York.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I in no way dispute the fact that there were negotiations held by the administration, I think in good faith, with the leadership of the Congress and indeed with the Congress. The fact is, they could not build a consensus. The fact is that the congressional leaders, notwithstanding their readiness to help—and, indeed, on January 11, I did indicate that we must help Mexico stabilize the peso, the peso, to renegotiate their debt.

And I say to renegotiate their debt. I have never believed that we were going to pay off everybody dollar for dollar, speculators, investors, without knowing who they were, just to turn it over to them and say, "Here, come on in to renegotiate this debt."

A guy has a bond that is coming due, and we come in and give him everything, dollar for dollar? That is not renegotiating a debt. Is that the way we manage the money of the people?

I daresay, the impressive list of names who said yes, we have to help, all of them that were read—impressive. Is that what they would have done if they were representing their interests, their economic interests? Is that how they would renegotiate a debt? I do not think so.

My colleague, Senator FAIRCLOTH, has pointed out to me that not one of them would sign a note. Would they sign a note under these terms? I do not think so.

It is wonderful to say we want to help our neighbors. And, yes, I did send this—and I support it—January 11. And I said, because it is a long-term investment in growth that will improve the quality of life of all Mexicans and, by extension, the quality of life here in America, this Senator went into this with an open view, as did Senator DOLE.

Let us talk about what Senator DOLE did a month ago, because he was concerned. He was concerned in terms of how his initial readiness to come to the support of his country, in doing what was right, and his President—and it is our President.

In a letter dated March 10, he said: "My good-faith effort in January"—and I am reading parts of it; I will put the whole letter in the RECORD.

> My good-faith effort in January to cooperate with the administration in no way should be interpreted as any protection from legitimate and responsible congressional oversight. Congress and its committees have every right, and the constitutional duty, to examine it thoroughly.

He said very specifically on January 31:

> In an effort to avoid the complete financial collapse, I participated with other leaders in a statement supporting the President's use of ESF. However, this expression was not intended and should not be construed, to convey my blanket support for the underlying policies of the administration or for the economic and legal agreements that the administration will enter into. To the contrary, I reserve these judgments, and I have since cautioned the administration to be careful in its use of ESF. I have expressed deep reservations about the shortcomings of the agreement.

That was March 10.

This is from February 24. I will read into the RECORD what Senator DOLE said from part of the Congressional RECORD:

> The primary focus of the stabilization plan is not aimed at reversing the fundamental mistakes of devaluation—not now and not over time. The measures described in the agreement to firm up the price of the peso seems almost an afterthought.

He is being critical of what the administration was now telling him.

> It is one thing to say we want to strengthen the peso, give them an opportunity, give them a term to convert their short-term debt, to restructure.

And then to hear they are just paying off this debt. They are paying this off.

> They do not address the problems of extinguishing—

This is DOLE—

> The excess pesos that have been coming off the Mexican printing presses even as recently as last week.

The heart of the problem is the Mexican Government was printing up pesos. Sure, you are going to devalue it. Those printing presses are continuing today. Who is benefiting? The Mexican people are not benefiting. I would not brag that we have increased the consumption tax on working people, poor people in Mexico, by 50 percent and increased the energy tax on the Mexican people. They hold us responsible.

I want to know how that helps us. Let us not take the fact that the congressional leaders were willing to undertake and say, yes, Mr. President, go forward. Now 60 days have followed and what have we found out? We know that $5 billion has been spent. We were told initially that this plan would not necessitate our putting out any money. And indeed, Alan Greenspan said, "If you have to draw down our money, the plan is not working." I am suggesting to you now that the plan is not working. They are drawing down on U.S. money.

Let us look at what this bill does. This bill does not say you cannot help anybody else to stabilize their dollar. I think, by the way, that goes beyond what was intended. I am not going to debate that. It says you can only do it to the extent of $5 billion. I hope that, later on, we will reexamine that, because I think $5 billion gives far too much authority to the administration, to the President, utilizing it as he has as a foreign aid package or as a loan package in contravention of the law.

Again, we have an obligation. Let me say, whether or not the leaders have agreed and said, "Yes, we support you," they do not bind us. Congress has to vote, with all due respect. Senator DOLE is a colleague and a friend whose opinion I value. But he went on the record and said, listen, you are not doing what you told us. You are not doing it. You are not extinguishing those pesos. The printing presses are still rolling on.

Let us not abdicate our responsibility. In the next several weeks, another 30 days, there will be x number of dollars committed—another $3, $4, $5 billion—and we have reason to believe it is in that nature and it is going to be invested. I have to tell you that I did not put my vote into a blind trust based upon good will. And when we examine the good will, we find absent the facts that would have any prudent person making this kind of investment.

I daresay it is pretty good for some people as respected economists, former officials, to say they would advise that the United States do this. But it is not their money. It is easy to be frivolous with other people's moneys—taxpayers' moneys. That is what is taking place here.

So, the fact of the matter is, I could not care a whit if, at some point in time, the leaders of the Congress said, "We will let the President handle this; he will sink or swim on it." I think it is more important, and I think the

Constitution of the United States is important, I think the delegation of our authority—everybody here knows what is happening. Do we want to delegate our authority? Are we saying that, for all times, whoever is the President, he or she does not have to come to the Congress with this kind of appropriation that will mean $20 billion? In a rescission bill, we are looking to cut $13 or $14 billion. Here is $20-plus billion with no congressional approval. Oh, yes, the leaders came together and said, "We think it is a good idea, and, by the way, we do not want our people to have to vote on it, so you go ahead and do it."

Does that absolve us of our responsibilities? Is this weighty? Sure. I know I am going to be savaged and pilloried. The investment houses are going to be up there beating me up, saying, "It is the Senator's fault." I did not create the corruption in Mexico or the devaluation in Mexico. I did not make the megabillionaires down there. I did not create that aristocracy that has robbed from the people for years and years. I did not create the myth that Salinas was a tremendous leader. We were told that for years by administration after administration. They said he is terrific. What terrific? His brother is involved in a killing. His Deputy Attorney General is running away with $24 million in the bank. Drugs are coming in here at unprecedented rates. Sixty percent of the narcotraffic is coming in from Mexico. The son of the former Agriculture Minister, a billionaire, is dealing in drugs.

What is going on? They say, if it collapses, they will blame you. It has collapsed. It has collapsed. When you talk about a rescue of the market that goes up 10 percent—10 percent from what? From the bottom, from the floor? It should go up. The dummies up north are sending the money in. Do we know who we are helping to restructure the debt? No. What kind of restructuring is this? Did you take Senator DOLE as saying we want to help and we understand the importance of Mexico strategically as an ally in our political hemisphere with the borders we share and the commonality of interest, our desire for freedom, and you do whatever you want? Oh, no, nobody assigned that. Senator DOLE or Congressman GINGRICH did not assign that.

Ultimately, we have a responsibility, whether we like it or not. We better well vote on this, one way or the other. If you say that you are happy with the administration, with what they are doing in committee and you want to delegate your authority, then, by gosh, vote against this. If you say, I do not want to be responsible because they will blame me for the collapse, that is up to you. The fact of the matter is they have collapsed.

The people of Mexico are angry at the United States and at their corrupt government. If Zedillo is as good as people say, let us work with him. Let us not give a blank check, as we have and as we are. Those conditions do not meet what is merely necessary. Can you imagine we take pride in the fact that Mexico, as a result of the loan we made to them, increased their tax by 50 percent on consumption? They increased their prices for energy to the poor. They brought in wage and price controls in certain sectors. Terrific. That we should be happy for? The people already have taken billions of dollars, in terms of those notes, the tesobonos, and European notes; they have come in and gotten all of the taxpayers' money, plus 20 percent—in some cases, 25 percent—and we do not even know who they are. How did that benefit the Mexican people? I want to know. How did that benefit the workers when these foreign speculators came in, took their money, and left? How did that keep Mexico and its economy from collapsing? There is some report that says the congressional leadership breathed a sigh of relief.

Is that why we are sent here? Is that why we were sent here? To duck our responsibilities? When we know darn well that the carrying out of this loan promise, as it is being done, violates the law, that it is being done in circumvention of what we, the Congress of the United States—not the leaders of the Congress, plus the administration plus the President, but the Congress of the United States has the responsibility as it relates to the authorization and appropriation of money.

From the Constitution, article I, section 9: "No money shall be drawn from the Treasury but in consequence of appropriations made by law."

I yield the floor.

Mr. SARBANES. Mr. President, first of all, I think it is very important to set the record straight in view of the comments by my colleague from New York that any action was taken in violation of law or in contravention of law. He may differ with a policy. That is what serving here is all about. But to charge people with illegalities is a different matter.

The Department of Justice, the Assistant Attorney General, issued an opinion that found the use of the Exchange Stabilization Fund to provide loans and credits to Mexico was legal, and that opinion supported an opinion of the general counsel of the Department of the Treasury which reached the same conclusion.

In a memorandum from the Assistant Attorney General to the general counsel of the Treasury Department, a cover memorandum to his opinion, he said:

> Prior to the execution of the agreements—these are the agreements with Mexico—we orally advised your office that in our view the President and the Secretary could use the ESF in the manner contemplated by the President when he proposed a support package. We also provided comments on drafts of a legal opinion prepared by your office for the Secretary regarding such use of the ESF. This memorandum confirms the oral advice we provided to your office. It also confirms that we have reviewed the final version of your legal opinion and that we concur in your conclusion that the President and the Secretary have the authority to use the ESF in connection with the support package.

Now, if the Senator from New York wants to attack the policy, that is one matter. But he ought not to accuse people of contravening the law unless he can lay out a case to support that. There are two strong legal opinions here, one by the general counsel of the Treasury Department and one by the Assistant Attorney General, that support the authority of the President and the Secretary to use the ESF in connection with this support package.

I want to be very clear about that. There was a saying in World War II, "Loose lips sink ships." I do not see why people who are trying to do the best they can to deal with a problem and to establish a policy ought to come under attack as having contravened the law when, obviously, they had strong legal opinions both from the Department of Justice and from the general counsel of the Treasury Department that the action they proposed to take was within the authority of the President and of the Secretary of the Treasury and when, in fact, the congressional leadership agreed, as well.

In fact, they said in the statement of January 31 by the President and Speaker GINGRICH and Majority Leader DOLE and leaders GEPHARDT and DASCHLE, "We further agree that under title 31 of the United States Code, section 5302, the President has full authority to provide this assistance." That is, assistance that was going to be provided under the Exchange Stabilization Fund.

So let Members quarrel if we choose to do so about the policy, but let Members not levy charges of illegal action when clearly there was none.

Let me make one final point about the policy. When the Congress indicated difficulty in arriving at support for the $40 billion loan guarantee, which was the initial proposal—the use of the Exchange Stabilization Fund was going to be half of that amount—but when they had difficulty, the leadership then indicated to the President, "We think you should use the Exchange Stabilization Fund."

Now, that is what happened. They went ahead with that package about 6 or 7 weeks ago. That was the plan that was put into affect in order to try to address the crisis in the Mexican economy.

Now, if people had said, "Do not use the Exchange Stabilization Fund," I assume the administration would have pursued its efforts to try to gain congressional approval, which it may or may not have gained. In that debate, many of the points that are being raised here on the floor would have been relevant to reaching a judgment.

The use of the fund was a judgment the President made. The congressional leadership supported him. There was general acquiescence by the Congress. Here we are, 7 weeks later, after this plan has been put into effect, after this package has been devised, after the agreements have been reached with the Mexicans, after we have tried to get a package working, and now we are going to pull the rug out from under this package.

Now, make no mistake about it, that is in effect what is being done here. People need to clearly understand that that is the case. The fact is that we had executive-legislative cooperation to try to find a common approach to resolve this problem. It was achieved. Now we have some Members coming and seeking to undo it.

The fact is we have a program that is under way. This, in effect, would negate that program. Be very clear about that. It would negate the program. It does not have an alternative connected with it. It is not as though someone was saying, "Well, look, I am not so sure about your program, and I have a better program. Here is my program, and it is part of this amendment. It is part of this amendment that I have before you now, right here." That is not the case. There is not an alternative program connected with this. This is a negation of the existing program, with all the consequences that will flow from that. And there are severe and serious consequences.

So, if the bottom line of the supporters of this program is not that Mexico can simply collapse—if that is the bottom line, I understand this amendment. Because this amendment would negate the existing program designed to avoid that collapse. It does not substitute a different program to avoid the collapse. So, if your bottom line is: Fine, it ought to collapse, then that is consistent with the amendment that is before us. That is the degree and the extent of the serious ramifications and consequences of the proposal that is before this body.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, first of all, I do not recall having used the word "illegality." I used the word "circumvention." I certainly think that is appropriate, and I certainly think that is exactly what has taken place. I have used language in terms of the abdication of our responsibility, and I believe that to be the case.

The fact of the matter is we are talking about spending $20 billion plus. The fact of the matter is this is foreign aid, and it is a loan, and there is a real question as to whether or not those loans can be repaid. If careful reading of those memoranda of law that have been submitted justify and give to the administration its ability to go forward and is the basis, it really talks about that on page 6. It says:

> Although loans and credit are clearly permitted under ESF, their purpose must be to maintain orderly exchange arrangements and a stable system of exchange rates and not to serve as foreign aid.

We may begin splitting hairs, but let me tell you something. When you are paying off the obligations of banks, when you are paying off the obligations of a government, you are going far beyond just maintaining exchange stabilization rates.

If anybody wants to say they know we are going to get paid back, that is wrong. Indeed, that is why they set up the collateral system. Indeed, when one begins to examine and look at the nature of that collateral system, there is no lien on that oil. And if there is a default, those revenues that are in the bank at the time can be utilized, but let me suggest they are not going to be nearly sufficient to cover the kinds of defaults as we get deeper and deeper into this with loan repayments not scheduled in some areas for 7 years out.

Look, it may very well be there is no better option. I doubt that. When the question is raised, "Do you have a plan?" we put forth an idea. The administration rejected it. We had hearings. We had hearings where Mr. Perl testified, where Bill Seidman testified. We said we will get involved in some workout. You just do not pay people dollar for dollar. You come in, here they are.

Let me read what Tom Friedman, New York Times, March 8, 1995, wrote. It is very, very interesting:

> Mexican malfunction. Mexico City. So far all that has happened is that the foreign bondholders are cashing in their bonds.

That is what they are doing. They cashed them in. And where do you think the money came from to guarantee the repayment, to get them the repayment? Plus they got all their interest. Nothing renegotiated; nobody said to them, "Listen, we will roll this over for 10 years." That is how you do it. You want to say I am micromanaging? We brought this to the attention of the administration, the Banking Committee, and asked them why, long before this. It is not just 7 weeks have gone by and there is a wonderful plan. It is 7 weeks and $5 billion of American taxpayers' dollars.

Now Congress has an obligation to look and see what is taking place down there—everybody. You are happy with what is going on? Then go ahead and vote no. If you believe that we are engaged in a plan that will achieve economic stability for Mexico, that is being administered correctly, that will bring about the desired results for the United States as well, then fine.

I have not seen it. I know the printing presses are still turning out pesos. I know the political stability necessary to carry out that kind of plan never can work.

Do you think people are really going to continue to sit back and allow interest rates at 80 percent? Cannot pay their mortgages? Banks being run out of capital? Do you think this is going to work?

What kind of idea is this? And the printing presses turn it out. The pesos are still coming off the mill. But we are not supposed to raise anything because, you see, then you will be accused of being the person who blew up the economy of Mexico.

I did not do it. This Congress did not do it. The American people did not do it. And by sending $20 billion plus down there we are not going to rescue them, save them.

It was like the fable about the king who had no clothes, no suit. It took a kid saying, "You have no suit." Everybody was around saying, "Hurray, hurray." They were all afraid to say the king had no suit.

We are all afraid to say this program is not working. You have not demonstrated it and we have an obligation to see it, to know how these dollars are being spent. We do. We have an obligation to see whether or not this plan is going to work. I have not seen that proof to date.

I do not insert myself in here lightly. I waited and I waited. I wanted to offer legislation prior.

I have not seen anything, but I have learned things that are very distressing. I learned that the so-called underlying collateral may not be there in sufficiency to see to it that we can assure this revenue stream. I have seen that the people of Mexico have said, "Over our dead body are you going to take our oil." I have seen the public relations and the polls, as it relates to the people of Mexico, blaming us for their catastrophe.

Look, this is a tough problem, but I do not think we are going about it the right way and I do not think we have the right to delegate our authority. That is what we have done. We put our votes, as it relates to appropriations, in a blind trust and have given it to the administration. If we want to do that, let us vote to do it. That is really what it comes down to.

I am not accusing people of illegality in the sense that we normally use that word. But I am saying it is an abrogation of our authority, and I am saying we have an obligation to either vote for or against the methodology in which we are proceeding in Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, there are a couple of points I would like to make, if I could, about this.

First of all, I urge my colleagues—I know it is something we do not do with great regularity around here—but I urge you to read the amendment. It is only a page and a half long, but I think it is important that Members read every word of it. The word "Mexico" does not appear in this amendment anyplace. So it is not just about Mexico. If this amendment is adopted, as I suspect it is apt to be, it will be effective to any country, any place. So when you are talking about a crisis in NATO or Israel or some other place—understand here what we are doing with this. By adopting this amendment here we are saying Mexico, if it were included here—you would say because you were unhappy about this plan, this would prohibit, through a program that has been in existence since 1934, the Exchange Rate Stabilization Program, for the President to respond and react.

I hope my colleagues, as they assess this amendment, would appreciate and understand the implications of this. Talking about $5 billion in Mexico is one thing. Talking about larger economies where the implications can be far more significant is another matter indeed.

President Clinton did not invent the Exchange Rate Stabilization Program at all. This has been around, as I said, for a long time. It has been used. It is designed to be used for these kinds of situations to provide some stability because it is in our interests to do so.

This is not a Christmastime, some gift we are giving away here. This is directly in our interests. Those Members of this body who represent States along the border areas are the ones who will feel it first and the hardest.

So when you send a message out here that we are walking away from this, after we encourage the IMF, the Inter-American Development Bank, and a variety of other organizations to step forward, here is our commitment on the table, what we will do, would you please join us in this effort? They say, fine, we will agree. And then 6 weeks later we say, sorry, we are going the other way.

I mean that is wonderful leadership. That is wonderful leadership, global leadership in the wake of the end of the cold war, where we run around here and our agreements only last about 60 days.

So, Mr. President, I urge my colleagues to appreciate what this amendment does. It goes far beyond Mexico. It goes to the very ability of any administration to respond to a crisis that could have significant implications on our own economy in this country.

Again, I think the points——

Mr. SARBANES. Will the Senator yield on that point?

Mr. DODD. I will be glad to yield.

Mr. SARBANES. What is an administration to do? They come to the Congress with a package. Then the leadership said we are having some difficulty with that package, why do you not use the stabilization fund?

They get legal opinions saying they have the authority to use the stabilization fund. They get strong support from the leadership and a general acquiescence from the Congress. Let us be honest about it, that is what it amounted to. Most Members of the Congress said, "If the President wants to take the risk and the burden, you know, let it fall on his shoulders and in that way we will deal with the Mexican problem but I will not be directly implicated, as it were." So they move ahead with it and there is a rescue package in place.

Now people come along with an amendment which will destroy that rescue package. Make no bones about it, that is exactly what it will do. They do not have an alternative rescue package. They are negating the existing one, unconnected to a replacement package. So, in effect the consequences of a collapse run directly with this amendment, in my judgment.

This is serious business we are talking about here. This is not simply making sort of political points. This is not simply doing oversight, where you put them on the griddle but, you know, the policy continues. This is ending the package and taking the consequences. Is that not correct?

Is that correct?

Mr. DODD. The Senator from Maryland is absolutely correct. It deserves being reiterated. Just consider, and for most people it is not difficult to connect all the dots. Everyone agrees we should do something. The administration was told by the leadership you cannot get something through Congress. They come up and say, "Why don't you use the ESF fund?" The leadership says, "That is a great idea. We support you. We back you. Go out and get other people to support it around the globe."

So we have an international response. It is not just the United States stepping forward. The President says, "Thank you. All right. I will try that. I will assume all the responsibility." No one has cast a vote on this because they were told by the new leadership that you cannot get the votes up here. "We cannot produce the votes for you. We agree with you. We cannot produce the votes. You take a dive into the pool."

Now, 6 weeks later, to turn around and say, sorry, we want to absolutely destroy the very idea at the very hour, I reiterate, when there are clear indications that it is beginning to work. If the economic indicators and market responses are accurate in the last 6 days, this is beginning to produce the desired results that we all sought. And right at the very moment that we are getting those kinds of results, we walk in and say, "Sorry. We do not like it anymore up here." What kind of leadership is that?

What kind of leadership is that to devastate, not just here, I tell you, but as pointed out by knowledgeable people, capital is cautious. It is very, very cautious. When the markets see and investors see a schizophrenic Congress, when it comes down to making decisions about whether or not it is going to stick up and stay with something they recommend, that capital does not just depart the target country that is the subject of this debate; it gets skittish all over the world.

There is enough ample evidence to support exactly that. We have seen just in the last few weeks reactions in Argentina, Chile, Brazil, Hong Kong, in Singapore, and South Africa—all of which have reacted to the Mexican situation. That is now beginning to stabilize because it is beginning to work.

The adoption of this amendment—and my view is that it will be adopted because it is the popular thing to do, I suppose, to go along. If that is the case, then the implications in these other markets, I think, will be felt. Who gets hurt by this? Certainly, these countries do. But do you know who gets hurt most of all? We do. It is a self-inflicted wound on American business, on jobs in this country, if this is adopted.

So, Mr. President, I again respect people disagreeing with various aspects of proposals. We had a good hearing a few weeks ago. The Senator from Maryland is absolutely correct. We had excellent testimony from Jack Kemp, who came. He would have preferred that the exchange of funds be used to buy pesos. But he prefaced his remarks by saying you have to stay involved here. This is the right course to be followed. He disagrees with the specifics of a program.

We heard from Alan Greenspan. Every responsible individual who has looked at this issue, regardless of ideology or politics, has said this is the right course to be following. It is in our interest to be following it, and particularly when this institution's knees buckled 60 days ago, and we said we cannot face up to this issue. But leadership said to go ahead and do it; we back you.

Then, once they go off a course recommended by the leadership, and then to turn around and say we are now going to pull the rug out from underneath you, that is the height of irresponsibility. The implications of it which we will have to bear are those who vote for this support it, when you get the kind of market reaction we may have seen already just as a result of the debate that goes on. There is a place for raising these issues and discussing them, and trying to look at it differently. I do not think this is the proper way to be going about it.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. DODD. I am glad to yield to my colleague.

Mr. KENNEDY. I think many of us believe that the issue which was going to be before the Senate was the rescission issue. I know Senator DASCHLE had an amendment which many of us were interested in that involved children, involved education, involved whether we are going to see continued reduction in children's programs and support for education, funds that may very well be used in terms of reducing taxes. The real debate and discussion on the whole question of the Nation's priorities was going to take place.

I am just wondering about this measure here. What exactly does this measure have to do with the broader issue of rescissions and the issue that I thought we were debating and which been scheduled by the leaders and which many of us thought we were going to have an opportunity to exchange views on here this afternoon?

Mr. DODD. Mr. President, I say to my colleague, this has absolutely nothing to do with it. The Senator from Massachusetts is absolutely correct. The Senator from Oregon is with us, the chairman of the Appropriations Committee. The matter before the body was the rescissions package. Frankly, like probably most of my colleagues, I was prepared to come over and give a speech on the rescissions package. I have the speech. I will be delighted to give it at some point.

This matter came up. Frankly, I say to my colleague from Massachusetts, were this an amendment not necessarily of great import, I would say we move on. But I have to say to my colleague from Massachusetts, now that the matter has been raised, it is significant. This is not an insignificant amendment.

So I regret that we are in the middle of it. The Senator from New York is exercising his right as a Member of this body, of course, to raise an amendment. That is his right, and I certainly would fight to protect his right to do it. He is doing exactly what he has a right to do. I do not disagree with him exercising that right. I have done it myself on other matters in the past. But the fact of the matter is the Senator from Massachusetts is correct. This has nothing to do with the rescission package.

Mr. KENNEDY. Mr. President, the reason I raise this is because there has been a good deal of at least talk about how we are going to finish this particular measure, and what period of time, and that we hope we will have a good debate and discuss some of these matters, but that we are not going to have prolonged debate and discussion on some of these measures.

Here we are now, well into the afternoon. The schedule is complicated by Members having at least made appointments in other parts of the country, and the rest. But I am just wondering, on a measure of this importance—I see a member of the Foreign Relations Committee, the Senator from Connecticut, as well as the Senator from Maryland. This was a measure which was reported out of the Foreign Relations Committee.

Mr. DODD. I say to my colleague from Massachusetts that this is a matter which has obviously foreign policy implications. But the jurisdiction of this particular approach comes out of the Banking Committee.

Mr. KENNEDY. Both Members are on the Banking Committee.

Mr. SARBANES. Will the Senator yield for a moment?

Mr. D'AMATO. Senator DODD had the floor.

Mr. DODD. I am glad to yield to my colleague from Maryland.

Mr. SARBANES. This amendment is not related——

Mr. D'AMATO. Is that for a question, Mr. President? If it is not, I will object.

The PRESIDING OFFICER. Does the Senator from Connecticut yield for a question?

Mr. DODD. I yield for a question, certainly.

Mr. SARBANES. This matter that has been offered by the Senator from New York is not relative to the rescission bill; is that correct?

Mr. DODD. The Senator from Maryland is absolutely correct. It has no relationship whatsoever to the rescission.

Mr. SARBANES. Is it not true that the Senator has the right to offer the amendment, since under the rules of the Senate, you may offer an amendment to a measure that is not relevant to the measure? Generally, there is a certain amount of self-restraint practiced around here, so that you do not completely exercise your rights to the fullest. But the Senator has the right to offer it, if he chooses to do so, even though it is not relevant to the measure; is that correct?

Mr. DODD. The Senator from Maryland is absolutely correct. The Senator from New York has the right. As I said a moment ago, I would certainly defend very strongly his right to offer this amendment. I disagree totally, completely with the substance of it. But normally——

Mr. SARBANES. One could also raise a question whether even if you have the right, you ought to exercise it. You do not always exercise every right to the fullest, and there should be some restraint.

Is it not the case that this amendment, in effect, raises the whole basic question about responding to the Mexican economic crisis, and that a proposal of this sort, if it is to be considered, ought to have extensive consideration? This is not a minor matter that should simply be dealt with in an hour or two in this Chamber. This is a major proposition that ought to be carefully examined. Does the Senator agree with that?

Mr. DODD. I completely agree with my colleague from Maryland. You would have thought—and again, the Senator from Maryland and I are in the minority. The amendment is being offered by the chairman of the committee of jurisdiction. The chairman of the committee of jurisdiction certainly has it within his power to set a markup. It would be one thing—if you are the minority, you do not always have the rights, but when you are the chairman of the committee and in the majority, certainly setting a markup, scheduling a debate, proceeding through the normal course in which we do business around here would be an appropriate way at least to proceed.

I still have a strong disagreement, but to have the majority, the chairman of the very committee with jurisdiction bring an amendment to the floor without even going through his own committee is, I point out to my colleague from Maryland, a little out of the ordinary.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. DODD. I will be delighted to yield.

Mr. SARBANES. Is it not reasonable to assume that if we had followed the normal process and come through the committee and a measure of this sort had been brought to the floor, the debate and the examination of that measure might well take days? That would then be a major item on the calendar of the Senate, would it not, since this is a major issue? It is not as though it is the kind of proposition that the Senate would dispose of, if it was dealing with this freestanding, in an hour or two. The Senate, in effect, would recognize it as the major item to be considered in the particular week in which it was going to be brought up, would it not?

Mr. DODD. I say to my colleague from Maryland, not only is he correct in that, but there is ample evidence to support it. The Speaker of the other body, when asked whether or not he could bring the matter up, 60 days ago said it would take at least 2 weeks, 2 weeks to even raise the issue and discuss it with the Members of that body, to determine whether or not they could bring it forward.

So the Senator from Maryland is absolutely correct. This would be a significant, lengthy debate in this body that would probably go on for a number of days, not a couple of hours, on a floor amendment offered to a rescission package.

Mrs. BOXER. Will the Senator yield to me for a question?

Mr. DODD. I will be glad to yield to my colleague from California.

Mrs. BOXER. I wish to thank the Senator for coming over. We served together in the Banking Committee. I do have a question. And, of course, to my chairman, who has long been concerned about this issue, I want to say that I share a lot of his concerns.

I think the question is, Is this the appropriate way to handle this matter? I say to my colleague and friend from Connecticut, a long time ago I used to be a stockbroker, and the one thing that just set the markets off was indecision, change, of course, instability, and the need that America stick with its decisions. I just feel that doing this in this fashion without, as the Senator from Maryland has stated, ample debate and bipartisan discussion, could set the markets off, the markets all over the world. And it is something that I fear, frankly.

I share my chairman's problems with this whole issue. I think that he is right to raise them, but I am very concerned that if we do this today, the message will go out that America's word is no good, that there is a division here, and I am concerned about the financial and economic impact all over in the world markets.

I ask my colleague if he shares that concern.

Mr. DODD. I say to my colleague from California, the point she raises is an important one. When we had the hearing a few weeks ago—and a good hearing, I would point out—on this issue with the testimony of a former colleague, Jack Kemp; the Chairman of the Federal Reserve Board, Alan Greenspan; former Chairman of the Federal Reserve, Paul Volcker; along with Bob Rubin, the Secretary of the Treasury, and others, I asked the question about what was the most significant, important element in all of this, regardless of the particular plans.

And the word they all agreed on was "confidence," the point having been raised by others who understand economic issues that there is nothing more cautious than capital, and when there is a lack of confidence, that capital lacks confidence. Whether it is domestic capital in Mexico or foreign capital that Mexico is trying to attract or investors are trying to bring in, if there is a lack of confidence in those who should be acting with responsibility in a leadership capacity to try to avoid the kind of crisis that could be devastating for us, then it seems to me you are going to have the predictable results.

Paul Volcker may have said it best in response to a question of my colleague from California.

> Surely this committee is justified in carefully reviewing the approaches taken in this crisis and achieving full understanding of the precipitating events and the responses to them.

I do not have any disagreement with my colleague from New York raising those issues.

> What would be inappropriate, as I see it, would be to either attempt micromanagement of the use of the ESF or to so constrict its future use as to render it ineffective in the face of future crises which, if history tells me anything, are sure to reoccur.

I point out to my colleague from California that the amendment offered by the distinguished Senator from New York does not mention Mexico. It applies to all situations globally. And so here we are saying, regardless of the crisis, wherever it may occur, that the President cannot react with the stabilization fund that has existed for 60 years, since 1934, that every President has used. So even if you agree with the point of our colleague from New York on Mexico, which I hope a majority does not, but if you did, the adoption of this amendment applies to everybody on the globe.

Mrs. BOXER. Will my friend yield then for a further question? In other words, what the Senator from Connecticut is saying is that the amendment deals with each and every country in the world?

Mr. DODD. There is no country specific in here. In fact, the amendment specifically says, I say to my colleague, that:

> . . . the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of any single foreign country that would result in expenditures and obligations including contingent obligations [of] $5 billion.

It is global in effect.

Mrs. BOXER. So, as I understand it, if a crisis were to develop, let us just say in Israel, as an example, or Ireland——

Mr. D'AMATO. Italy.

Mr. DODD. Italy.

Mrs. BOXER. We will take Italy as an example.

Mr. D'AMATO. Greece.

Mrs. BOXER. I think this is an important point. We are legislators here. We ought to know what we are doing. If a crisis were to develop in a country, and the world leaders got together and said we must act quickly—and let us say it was when Congress was not in session, and these things do occur; I have seen wars break out when Congress is away—then our President would really be there in form only, because in reality he could not act along with other world leaders if there was such a monetary crisis. Is that correct?

Mr. DODD. As I read the amendment, that is the case, because it is not country specific. It does not address Mexico. It says a single foreign country. That is pretty broad, to put it mildly.

Mrs. BOXER. I thank my colleague.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. DODD. I will be happy to yield to my colleague.

Mr. HATFIELD. My question is to the Senator from Connecticut as to this colloquy that is being engaged. Could I get some idea about how much longer the Senator will hold the floor? I ask the question in order to move this bill. I would like to be able to ask for unanimous consent, and receive unanimous consent when I do have that chance, to temporarily set this amendment aside, that other amendments may be taken up.

I only want to put that in the total context. The Senator from Connecticut was here a few years ago when I chaired this committee and we had a humongous continuing resolution. We started at 10 a.m. one day, and I stood here until 2:30 the next afternoon, but we finished it. And I have now the backing of the Republican leader that we are going to stay here today and tomorrow, for however long, to finish this bill.

We have been over 3 hours on this issue, and I think we have had aired an awful lot of the parts of this very complex issue. I would like to be able to temporarily lay it aside in order to get Senator MURRAY of Washington State into the next amendment in preparation for an amendment of the minority leader, Mr. DASCHLE, that deals with more precisely the details of this particular bill.

So I am asking for this kind of cooperation. By the same token, I must add, I think if I get that opportunity for unanimous consent, I will ask for 3 minutes on Senator D'AMATO's behalf to respond to these most recent comments made by the Senator from Connecticut and others on that side, and then get this set aside, if the Senator will yield for that purpose.

Mr. DODD. Let me say to my colleague from Oregon, the chairman of the Appropriations Committee, I hold him in tremendously high regard. I have enjoyed immensely my association with him.

I did not initiate this debate. I say to my distinguished colleague from Oregon, I was prepared to come over and address with a floor speech the rescission package.

I have been put in this situation because our good friend from New York has raised this amendment on the Senator from Oregon's bill. It is not an insignificant matter. I wish it were. I would have no difficulty whatsoever.

But I, as a Senator, have a responsibility on something that I think has tremendous implications if left in the present status and adopted, as I am fearful it is apt to be, in terms of what happens after that.

Now the rescission package is important. It is critically important. If we adopt this amendment, and the implications occur, it dwarfs the implications of the rescission package.

Mr. HATFIELD. I understand the Senator's position. I am not suggesting we dispose of this amendment at this moment.

If we could set it aside temporarily, it means it comes back at a certain time, too, for final disposition. I am not suggesting to the Senator that we have final disposition at this moment.

Give us a breather, is what I am asking, so that we can take up these other amendments. Because we are going to be here. We have probably 30, 40 amendments. Again, I cannot be more forceful than to say we are going to stay here. And when it comes to be 1 a.m. tomorrow morning, everybody is going to be wondering why we are here.

I am just saying that, this morning I made the comment and I am making it again at 2:20, no one has to question at 1:30 tomorrow morning, if we are here: Why are we here? We are here because we have been stalled on this particular amendment at this time.

We have had time agreements on every other amendment we have had on this floor. We are going to be paying the price at 1:30 tomorrow morning. I merely want to make that clear.

I am not asking the Senator to just to set this aside to dispose of it, but to set it aside temporarily. Maybe at 2 a.m. tomorrow morning we will dispose of it faster, if we are here.

But I do say that we have to get on with the business. I am trying to now chair a conference committee with the House on the first appropriations bill. We are trying to manipulate our chairmen, who are meeting with their chairmen, back here on the floor to take care of these particular amendments. It is no easy task. But, nevertheless, we have to have the cooperation of all the Members of the body to dispose of the business.

Mr. SIMON. Will my colleague from Connecticut yield?

Mr. DODD. Yes.

Mr. SIMON. I thank the Senator for yielding.

In response to my friend from Oregon, before I would agree to unanimous consent to set it aside, I would like to speak for 10 minutes.

I would also suggest to my friend from Connecticut not to set it aside until we get word from the President. I think just setting this aside leaves it in limbo and is going to cause great problems in Mexico right now. I think we ought to get word from the President of the United States that if this in here, this is going to be vetoed. So that we can assure the markets in around the world that we are not about to destabilize the situation in Mexico through irresponsible action on the floor of the United States Senate.

Mr. SARBANES. Will the Senator yield?

Mr. DODD. I am glad to yield to the Senator.

Mr. SARBANES. I think there is a great deal of force in what the chairman of the committee has just stated, and I obviously recognize that.

I think it is very important to underscore a point made by my colleague from Connecticut. We did not bring this amendment here. I mean, this amendment has enormous consequences associated with it, as my good friend from Illinois has pointed out. It was not placed before the body by those of us who have been speaking now for——

Mr. HATFIELD. Three hours and 15 minutes.

Mr. SARBANES. No, no, no.

Mr. HATFIELD. Since this amendment came to the floor.

Mr. SARBANES. Yes. But we have been speaking for about an hour. We are very much on the down side of that time with respect to addressing this amendment.

Mr. HATFIELD. Will the Senator agree to a time agreement?

Mr. SARBANES. That is the point I wanted develop further, because the Senator is asking to set it aside. It seems clear to me, as I said earlier, this is the kind of proposal which, if it were here on its own as a bill reported from the committee, would be debated for a number of days, because its consequences are that momentous.

The Senator from Connecticut is absolutely right when he said the bill, the rescission bill, is important, but its importance is dwarfed by the potential consequences of this measure.

I think that needs to be understood. One way to make it understandable, of course, is, when we come to grips with a measure, to have the kind of debate that is required with an issue of this importance. Now that can happen now or it can happen later.

I understand the concerns of the chairman of the committee, but I do not think there should be any laboring under some misapprehension that by setting it down the road you are somehow going to change the dynamic of the concern about the consequence of the amendment if it came at that time.

Mr. HATFIELD. Will the Senator yield?

Mr. SARBANES. And the 1 o'clock in the morning can be 1 o'clock, it can be 3 o'clock and so forth. This is a tremendously consequential amendment that is before us.

Mr. HATFIELD. Will the Senator yield a moment?

Mr. SARBANES. Yes.

Mr. HATFIELD. I understand the Senator's position. Perhaps we could work out a matter whereby we set it aside and then let this minifilibuster, if that is what I hear being stated, continue on. I will remain and let it happen, say, from 12:01 a.m. tonight until 5:30 a.m., or whatever hour tomorrow afternoon, and then we will come back and have a vote.

Why keep everybody here on the floor of the Senate throughout the night while a few engage in a minifilibuster? That is all I am asking, to be considerate of our colleagues, and then move this bill on through.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. DODD. Let me say to my colleague from Oregon, it is not lack of consideration on the part of the Senator from Maryland and myself. It is because of an amendment that has nothing do with the substance of the legislation brought to the floor by our wonderful colleague from Oregon.

Mr. HATFIELD. If the Senator will yield, I have the assurance from the author of the amendment to temporarily lay it aside.

So one can say, sure, it takes a joining of two groups or two adversaries to an issue to make a filibuster. He is willing to stop this matter and get on with the other business of this bill, and to return to it at whatever hour is necessary to return to it.

I am only getting a resistance to cooperating with getting this bill underway and getting to other amendments before us from the speakers at the moment.

Mr. SARBANES. If the Senator would yield.

The PRESIDING OFFICER. Is the Senator yielding for a question?

Mr. DODD. Yes.

Mr. SARBANES. Yes, for a question. I listened carefully to the chairman of the Appropriations Committee. As I listened to him, my concern increased, it did not decrease, I have to say to my good friend from Oregon. If, in effect, what you are saying to me is, by setting it aside, we will then structure this thing so we will go back to it at 1 o'clock in the morning, or whatever time when we will not discombobulate all of our colleagues and inconvenience them. And then those who are supposedly engaged in a minifilibuster, which I would not view it as such—we did not offer this amendment. I think it is irresponsible that this amendment is before us. It is not related to this bill.

Mr. HATFIELD. But, Senator, you have now joined the issue, so you are a part of this problem we face.

Mr. SARBANES. That is right, we have joined the issue. But the irresponsibility of this situation rests upon the offerer of the amendment, not by those that are responding to the amendment. And I am not going to have that responsibility shifted in the course of this discussion.

Mr. HATFIELD. It is not to shift that responsibility. Will you agree to some kind of a time to set this matter aside when we have one side, the author, willing to do so?

Mr. SARBANES. Why does the author not withdraw the amendment? Why does the author not withdraw the amendment and the consideration of the rescission bill can proceed?

Mr. HATFIELD. Because the author has a right to bring this up, as other amendments have been brought up that may not be relevant.

Mr. SARBANES. Let him withdraw it. He can offer it later, if he chooses to do so.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Does the Senator wish to yield for a question? He may ask unanimous consent to do that. But at the time, however, he has not yielded the floor.

Mr. DODD. Mr. President, I will underscore the point made by our colleague from Maryland. This is a situation that the chairman finds himself in, and it is not one created at all. This is significant. I know that every chairman who brings every bill to the floor thinks that the matter they are handling is the single most important issue facing mankind. I have certainly been in that situation in a subcommittee capacity.

With all due respect, I must say that this amendment before us now is of far greater importance, in many ways, than the rescission package, as important as that is. To relegate this debate to some wee hours of the morning when we may bring it up again—I appreciate the dynamic in order to try to move the process.

There is a simple way in which this can be addressed. Withdraw this amendment and schedule time for this to be raised on the floor as a freestanding proposition. We can allocate a day or so to fully explore whether or not this body wants to undercut and absolutely destroy an economic proposal and package that has enjoyed wide-based support—which can do significant economic damage to our country and to others. I do not think that is insignificant. That is the way to handle this, not to insist that those of us who have been put in a position of defending a proposal we think makes sense for our country and this hemisphere all of a sudden relegate our debate time to the wee hours of the day to satisfy amendments to a rescission bill that is of marginal importance by comparison.

I hope that our colleague will say, look, I will withdraw that amendment now. The yeas and nays have not been asked for. It does not take unanimous consent. I could have asked for the yeas and nays earlier. We can get back to the rescission bill and the chairman will not have the problem.

I am not going to give up the floor on this particular amendment with the idea that some time at 2, 3, or 4 o'clock in the morning we are going to have a debate around here on a critical matter that could face this country. I did not put you in this situation. That can be easily resolved by the author of the amendment withdrawing it and scheduling it for another time. That is the only way I see of resolving this.

Mr. HATFIELD. If the Senator will yield, we are going to be finalizing this bill at, perhaps, the wee hours of the morning. I am not relegating this amendment to any particular time. I am saying we are going to finish this bill if it takes all night.

All I am asking now is to temporarily lay it aside, and at any time after the next amendment is adopted, this is still the pending business, so it would return. We will have to get unanimous consent to set it aside again. So the Senator is not losing any kind of advantage or parliamentary position by yielding for this purpose and to temporarily lay it aside.

Mr. DODD. I would be happy to yield to my colleague, if he wants to raise the question with the author of the amendment. I would like to know publicly whether or not my colleague from New York is willing to withdraw the amendment at this point.

Mr. HATFIELD. I have found that under circumstances of this kind, if we can shift gears, shift the subject for a little while, an hour or two, that sometimes we cool down, in a way, in our devotion to the issue and we are more amenable to making some kind of an arrangement.

I am asking for a timeout to try to talk to the parties and see if we can reach some kind of a solution. As long as we keep this rhetoric from both sides going, we dig ourselves into a deeper pit. I do not want to start saying at 3 o'clock in the morning we have finally exhausted ourselves and we are now going to sit down and talk about it. I would rather see us talk about how to resolve it now and set it aside in order to do that, so we can get the parties together. That is all I am asking.

Mr. DODD. I thank my colleague. I say again, and it deserves repeating, that we are only in this situation because our colleague from New York raised this matter on a bill that has nothing to do with Mexico. The amendment has nothing to do with the rescission package. We can resolve it by withdrawing the amendment and then moving on to a lengthy discussion on the rescission package, given all of the amendments that are pending.

The rhetoric has not been terribly heated. We disagree about this, but this has not been an acrimonious debate. There is a legitimate difference of opinion as to whether or not we ought to go forward with the economic stabilization approach that was broadly supported, ironically, by everybody around here. This was not done in the dark of night. This is a proposal that enjoyed the endorsement of the majority leader of the Senate and the Speaker of the House, who urged the President to step forward and do it. Now we are turning around and watching an effort to undo it 60 days later. So it is not insignificant. I make that point as forcefully as I possibly can.

I do not desire to filibuster on this issue, but rather to have an important debate and discussion because of the implications of it. So it is not my desire here to take up time unnecessarily, but so that our colleagues fully understand the implications that if the D'Amato amendment is supported here and becomes the law—in fact, just the mere adoption of it, I think, will probably produce the kind of predictable results that I think it is important we have that full debate and discussion on. Maybe I am in a minority on that particular point of view. I feel very strongly that any savings we may get out of the rescission package could be absolutely wiped out, in effect, by the actions we take on this amendment. So in terms of the implications of the American taxpayer, this single debate, as short as this amendment is—a page and a half—it can have very profound implications on this.

I am happy to possibly impose a quorum call here so we can have a minidiscussion, as my colleague has suggested, on the matter. But I must tell him in advance that I think postponing and delaying this for another 2, 3, 4, 5 hours—I am worried about what that itself does in terms of how markets are apt to react. I have such respect for my colleague from Oregon that I am more than willing to listen to his advice and thoughts on the matter.

Unless others want to talk on the amendment, I am prepared to suggest the absence of a quorum. I see people standing, so I do not want to do that at this juncture. But I will when the remarks are completed on this matter and we can have an opportunity to talk about it.

Mr. D'AMATO. Mr. President, I am going to keep my remarks, as I have indicated to the chairman, to a minimum. I am compelled to respond.

No. 1, the question in terms of relevance. I think it is absolutely, totally relevant. Here we are talking about—as the Senator from Massachusetts raised—the issue of cutting programs for women, children, and others. And I am saying, what about the American taxpayers? What about the hard-working middle class? We are sending money to programs of dubious value, reclaiming tesobonos for speculators, for people who made investments, which does not seem to me to be the right way to go.

As it relates to the question of $5 billion, I deliberately kept it that high. Let me tell you, in the history of this fund, never once has it gone over $550 million for any other country other than Mexico. Not Israel. Not Italy. Not Ireland. Let us bring in Greece and every ethnic community there is, including Russia. Not once. Mexico, one time, $1 billion. Only Mexico. So we went to $5 billion. Now if we want to make it Mexico specifically, I have no problem with doing that. The principle is whether or not this is a delegation of our constitutional authority. That is what we are down to.

I am more than willing to put the matter over. But in terms of relevance, I think it is very relevant. Here we are cutting 12, 14, 17 billion dollars' worth of programs, and some of them arguably are good programs. Yet, we are shipping off at the same time, watching it take place—by the way, in several weeks, maybe another $5, $6, $7, $8 billion will go down to Mexico. So I am saying, hey, fellows, let us look at this. Members of the Congress, let us look at this and see whether we want to continue the delegation of our authority in this matter.

I yield the floor.

Mr. SIMON. Mr. President, I rise in strong opposition to this amendment. We are dealing with economic dynamite here. And the very discussion has to be disquieting to a lot of people in the financial markets around the world. Senator BOXER made a very good point just a few minutes ago when she asked about the stability of the United States. People wonder, can we stay the course on things?

It is no accident that just a few days ago, we saw the worst trade figures we have had for a long, long time. And those trade figures were caused, to a great extent, by the peso crisis in Mexico.

Mexico has been a country where we have sold more goods than we have imported. The future of Mexico is tied in with the jobs.

Senator D'AMATO talks about working men and women in the United States. We want to protect those jobs and help Mexico protect those jobs.

I will add a couple of other points, Mr. President. It is easy in this kind of climate to find scapegoats, when people are having a tough time making a living. What has happened in our society is happening in every society: As the demand for unskilled labor is going down, the demand for skilled labor goes up.

As that happens and people lose their jobs, they look around: Whom can we blame? Part of it is translated, I regret to say, in terms of race in our society. There are people down on affirmative action, saying, "We are losing our jobs because of African-Americans," or because of others. Mexico becomes an easy scapegoat for a lot of people who do not understand the realities.

The drop in the dollar that we experienced here a few weeks ago, to the extent that Mexico was involved, is because of our debt and our deficit. Ordinarily, a $20 billion loan guarantee would not mean anything for a country with a $6 trillion economy. Mexico is not the primary problem.

I will underscore a point that Senator DODD made. This does not refer to Mexico. It says, "We can't make loan guarantees except as authorized by an act of Congress." Say on November 1 of this year, we recess until January. Say on November 10, there is a crisis in the British pound sterling. The United States is frozen. The most powerful economic Nation in the world, which will have so much at stake, could not do a thing. That just does not make sense.

Finally, I say to my colleagues, this is not the kind of an issue where we ought to be pandering to public opinion. There are issues in which all Members in politics pander to public opinion, but with this one we are dealing with something that really goes to the heart of the economic survival of this country and other countries.

I urge my colleagues to look back to something that happened some years ago—Senator BYRD was here; I do not think Senator HATFIELD was—when General Marshall, in a Harvard commencement, announced the Marshall plan. Harry Truman was President of the United States. The first Gallup Poll that was taken after that showed 14 percent of the American public supported the Marshall plan. It was extremely unpopular.

We look back on it now and boast about how we saved Western Europe from communism with the Marshall plan. It is something we can be proud of. But it took the U.S. Senators, who had the courage to do what was not temporarily popular, to do that.

Particularly because Harry Truman at that point was dealing with a Republican Congress, it took Senator Arthur Vandenberg from Michigan to stand up and say this issue is more important than temporary public opinion or the Republican Party or winning a Presidential race.

Arthur Vandenburg did the right thing. The country moved ahead. It is one of the great acts of our country in the history of our country.

On an issue that is this volatile, we had better do the right thing and not ask ourselves what will the polls say back home. This is an amendment that ought to be resoundingly defeated.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I am going to propound a unanimous-consent agreement. I believe that both sides will indicate support.

I now ask unanimous consent to temporarily lay aside the D'Amato amendment for the consideration of an amended amendment by Senator GORTON and Senator MURRAY, raising an amendment to that; that there be an hour equally divided; and then we return back to the status where we are now, with the D'Amato amendment the pending business.

This would incorporate an amendment by Senator BURNS to the Gorton amendment, which is about a 90-second action; there would then be the hour divided equally between Senator MURRAY to offer an amendment, and Senator GORTON; then return again to the status where we are now. And, in the meantime, maybe we can find some way to resolve the current status.

Mrs. MURRAY. Mr. President, reserving the right to object, it is my understanding that the unanimous consent will include language that says there will be no second-degrees to the Murray amendment?

Mr. HATFIELD. I am sorry, I did not hear the Senator.

Mrs. MURRAY. Is it my understanding that the unanimous-consent language will agree that there will be no second-degrees?

Mr. HATFIELD. And there will be no second-degree amendments to the Murray amendment. In other words, in the regular form.

Mr. DODD. Mr. President, reserving the right to object and I do not intend to object, but I just want to make it as clear as I possibly can that, while I am agreeing at this particular juncture to this approach to accommodate our colleague from Montana and a colleague from the State of Washington as well, I hope we could come to closure on the D'Amato amendment. Because I do want to make it clear that this is a matter which I take very, very, very seriously. I understand the desire of everyone to move on to the rescission package.

This was not my intention to have this amendment come up. It is up before us. But I do not intend for it to be disposed of within an abbreviated debate. I am not suggesting a filibuster here at all. But it is an important matter that deserves a lot of consideration.

So, while I am agreeing to this particular unanimous consent at this juncture, no one should interpret this agreement on this particular amendment to mean I will agree to future such requests. I say that with all due respect to my colleague from Oregon.

Mr. SARBANES. Will the chairman yield for a question?

Mr. HATFIELD. I will.

Mr. SARBANES. It is my understanding, then, that upon completion of the Murray amendment, which will take an hour—at least there is an hour of time for consideration of the Murray amendment—and then I take it there may be a vote? Or not?

Mr. HATFIELD. I think so.

Mr. SARBANES. At the end of that we would be back on the D'Amato amendment, in the exact posture in which we find ourselves?

Mr. HATFIELD. The circumstances of this moment will not be changed. They merely will be postponed for an hour.

The PRESIDING OFFICER. Without objection, the unanimous consent is agreed to.

Mr. HATFIELD. Mr. President, I would like just a moment to thank Senator DODD and Senator SARBANES and others for cooperating on this, and Senator D'AMATO on our side as the author of the amendment.

Once again, it will be a Burns amendment to the Gorton amendment, and then Senator MURRAY will offer an amendment as a probable substitute. So that means no second-degree amendments to the amendment of Senator MURRAY.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 428 TO AMENDMENT NO. 420

(Purpose: To broaden areas in which salvage timber sales are not to be conducted)

Mr. BURNS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 428 to Amendment No. 420.

Mr. BURNS. Mr. President, I ask unanimous-consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, strike lines 7 through 10 and insert the following:

"(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

"(i) any area on Federal lands included in the National Wilderness Preservation System;

"(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

"(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

"(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and".

Mr. BURNS. Mr. President, this is a perfecting amendment to the Gorton amendment that merely accedes to the House language of the bill in the timber harvest. The House-passed bill contains language regarding lands which are exempt from the timber provision. However, the language as reported out of the Senate Committee on Appropriations is more limited than that passed by the House. So my amendment is the same language as that of the House, as it was passed through the House of Representatives.

It exempts land designated by Congress for wilderness study in Montana and Colorado, Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect; the Federal lands on which timber harvesting for any purpose is prohibited by statute.

In other words, what this does is prevents harvesting timber inside of now-designated wilderness areas, those study areas, and also those areas that have been proposed for wilderness by any forest plan that is now in effect under the forest plan. I believe this amendment addresses most of the concerns that have been raised by my colleagues. I hope the Senate will accept my amendment.

I thank Senator GORTON of Washington for allowing me to perfect his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this amendment conforms the section of the proposal in the bill to what the House has passed. It clearly exempts wilderness areas and the like from the effect of the legislative language in the bill and I believe that, while the opponents to the whole section do not like it, they do like this addition.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 428) to amendment No. 420 was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 429 TO AMENDMENT 420

(Purpose: To require timber sales to go forward)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 429 to amendment No. 420.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, strike line 9 and all that follows through page 79, line 5, and insert the following:

(a) DEFINITION.—In this section:

(1) CONSULTING AGENCY.—The term "consulting agency" means the agency with which a managing agency is required to consult with respect to a proposed salvage timber sale if consultation is required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) MANAGING AGENCY.—The term "managing agency" means a Federal agency that offers a salvage timber sale.

(3) SALVAGE TIMBER SALE.—The term "salvage timber sale" means a timber sale—

(A) in which each unit is composed of forest stands in which more than 50 percent of the trees have suffered severe insect infestation or have been significantly burned by forest fire; and

(B) for which agency biologists and other agency forest scientists conclude that forest health may be improved by salvage operations.

(b) SALVAGE TIMBER SALES.—

(1) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Forest Service lands and Bureau of Land Management lands that are located outside—

(i) any unit of the National Wilderness Preservation System; or

(ii) any roadless area that—

(I) is under consideration for inclusion in the National Wilderness Preservation System; or

(II) is administratively designated as a roadless area in the managing agency's most recent land management plan in effect as of the date of enactment of this Act (not including land designated as a Federal wilderness area); or

(iii) any area in which such a sale would be inconsistent with agency standards and guidelines applicable to areas administratively withdrawn for late successional and riparian reserves; or

(iv) any area withdrawn by Act of Congress for any conservation purpose; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage occurred.

(2) SALE DOCUMENTATION.—

(A) PREPARATION OF DOCUMENTS.—In preparing a salvage timber sale under paragraph (1), Federal agencies that have a role in the planning, analysis, or evaluation of the sale shall fulfill their respective duties expeditiously and, to the extent practicable, simultaneously.

(B) PROCEDURES TO EXPEDITE SALVAGE TIMBER SALES.—

(i) IN GENERAL.—When it appears to a managing agency that consultation may be required under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2))—

(I) the managing agency shall solicit comments from the consulting agency within 7 days of the date of the decision of the managing agency to proceed with the required environmental documents necessary to offer to sell the salvage timber sale; and

(II) within 30 days after receipt of the solicitation, the consulting agency shall respond to the managing agency's solicitation concerning whether consultation will be required and notify the managing agency of the determination .

(ii) CONSULTATION DOCUMENT.—In no event shall a consulting agency issue a final written consultation document with respect to a salvage sale later than 30 days after the managing agency issues the final environmental document required under the National Environmental Policy Act of 1973 (16 U.S.C. 1531 et seq.).

(iii) DELAY.—A consulting agency may not delay a salvage timber sale solely because the consulting agency believes it has inadequate information, unless—

(aa) the consulting agency has been actively involved in preparation of the required environmental documents and has requested in writing reasonably available additional information from the managing agency that the consulting agency considers necessary under part 402 of title 50, Code of Federal Regulations, to complete a biological assessment; and

(bb) the managing agency has not complied with the request.

(3) STREAMLINING OF ADMINISTRATIVE APPEALS.—Administrative review of a decision

of a managing agency under this subsection shall be conducted in accordance with section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (106 Stat. 1419), except that—

(A) an appeal shall be filed within 30 days after the date of issuance of a decision by the managing agency; and

(B) the managing agency shall issue a final decision within 30 days and may not extend the closing date for a final decision by any length of time.

(4) STREAMLINING OF JUDICIAL REVIEW.—

(A) TIME FOR CHALLENGE.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in United States district court within 30 days after the later of—

(i) the decision to proceed with a salvage timber sale is announced; or

(ii) the date on which any administrative appeal of a salvage timber sale is decided.

(B) EXPEDITION.—The court shall, to the extent practicable, expedite proceedings in a civil action under subparagraph (A), and for the purpose of doing so may shorten the times allowed for the filing of papers and taking of other actions that would otherwise apply.

(C) ASSIGNMENT TO SPECIAL MASTER.—The court may assign to a special master all or part of the proceedings in a civil action under subparagraph (A).

(c) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified in Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) ESTABLISHMENT OF REBUTTABLE PRESUMPTION.—A rebuttable presumption exists that any timber sale on Federal lands encompassed by Option 9 that is consistent with Option 9 and applicable administrative planning guidelines meets the requirements of applicable environmental laws. This paragraph does not affect the applicable legal duties that Federal agencies are required to satisfy in connection the planning and offering of a salvage timber sale under this subsection.

(3) AVAILABILITY OF FUNDS.—

(A) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior shall make available 100 percent of the amount of funds that will be required to hire or contract with such number of biologists, hydrologists, geologists, and other scientists to permit completion of all watershed assessments and other analyses required for the preparation, advertisement, and award of timber sale contracts prior to the end of fiscal year 1995 in accordance with and in the amounts authorized by the Record of Decision in support of Option 9.

(B) SOURCE.—If there are no other unobligated funds appropriated to the Secretary of Agriculture or the Secretary of the Interior, respectively, for fiscal year 1995 that can be available as required by subparagraph (A), the Secretary concerned shall make funds available from amounts that are available for the purpose of constructing forest roads only from the regions to which Option 9 applies.

(d) SECTION 318.—

(1) IN GENERAL.—With respect to each timber sale awarded pursuant to section 318 of Public Law 101-121 (103 Stat. 745) the performance of which is, on or after July 30, 1995, precluded under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to requirements for the protection of the marbled murrelet, the Secretary of Agriculture shall provide the purchaser replacement timber, at a site or sites selected at the discretion of the Secretary, that is equal in volume, kind, and value to that provided by the timber sale contract.

(2) TERMS AND CONDITIONS.—Harvest of replacement timber under paragraph (1) shall be subject to the terms and conditions of the original contract and shall not count against current allowable sale quantities.

(e) EXPIRATION.—Subsections (b) and (c) shall expire on September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the contracts have been completely performed.

Mrs. MURRAY. Mr. President, I rise today to offer an alternative to the timber management authorizing language in this bill. I offer my amendment because I believe the language included in the bill by my colleague, the senior Senator from Washington, will backfire. I believe it will hurt—not help—timber communities and workers in the Northwest.

The authorizing language contained in this bill is designed to accomplish three things: respond to a timber salvage problem resulting from last year's forest fires; speed up the rate of timber sales under the President's forest plan, option 9; and to release a few timber sales remaining from legislation passed by Congress 4 years ago.

These are goals with which I can agree. My problem is with the method. I believe the language proposed by my colleague will cause a blizzard of lawsuits, cause political turmoil within the Northwest, and take us right back to where we were 4 years ago.

Our region has been at the center of a war over trees that has taken place in the courtrooms and Congress for almost a decade. There is a history of waiving environmental laws to solve timber problems; that strategy has not worked.

It has made the situation worse. Until 1993, the Forest Service was paralyzed by lawsuits, the courts were managing the forests, and acrimony dominated public discourse in the region.

Now this bill contains language that will reopen those old wounds. I strongly believe that would not be in the best interest of the region.

Let me briefly explain my amendment, and why I think it makes more sense than the underlying bill. There are two distinct issues in question: salvage of dead and dying timber in the arid inland west, and management of the old growth fir forests along the Pacific coast.

There is a legitimate salvage issue right now throughout the West. Last year's fire season was one of the worst ever. There are hundreds of thousands of acres with burned trees sitting there. I believe these trees can and should be salvaged and put to good public use.

I believe there is a right way and a wrong way to conduct salvage operations on Federal lands. The wrong way is to shortcut environmental checks and balances. The wrong way is to cut people out of the process. The wrong way is to invite a mountain of lawsuits.

The right way is to expedite compliance with the law. The right way is to make sure the agencies can make correct decisions quickly. The right way is to let people participate in the process—so they do not clog up the courts later.

I believe we can offer eastside timber communities hope, not only in the short term—by delivering salvage volume—but in the long term, too. By following the law, we can immediately harvest timber—and sustain it in the future—because we will not be tied up in lawsuits; we conserve our natural environment by not allowing poorly planned clearcuts to slide into salmon-bearing streams; and we protect human lives by building roads that are rationally planned, not hastily built without planning.

The Chief of the Forest Service and many firefighters agree with me on this. I ask unanimous consent to have some letters and materials to that effect printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 21, 1995.

LETTER TO THE EDITOR: I would like to answer to the editorial "From timber to tinder," published in the March 15 Washington Times. It argues that Congress should pass Representative Taylor's Bill that would eliminate all environmental and economic rules for Forest Service timber sales of 6 billion board feet, in the name of forest health and firefighter safety. Linking this initiative to the 1994 firefighters' deaths is an insult to those that died and a shameless appeal to emotionalism. I lost my husband of 21 years, and the father of our two young children, Jim Thrash, in the Colorado fire last year. He was a smokejumper with 16 seasons of experience.

He also loved the forests. Jim and I owned and operated an outfitting and guide business in the beautiful pristine mountains of west-central Idaho. We took many people a year into the backcountry to experience the "wilderness". He was also the President of the Idaho Outfitters and Guides Assoc., which represents an industry that takes thousands of Americans each year into the backcountry. Jim was very much at home in the forests. He worked for responsible forest management practices with a high emphasis on maintenance of clean, free-flowing streams and quality wildlife habitat. He knew, understood and advocated the use of fire in a more natural role in the ecosystem as well as prescriptive fires to aid in the restoration of natural conditions. He did not support further roading of Idaho's roadless lands or the use of clearcutting.

It is true that '94's fires were the result of the extended western drought, but were also the natural fire cycles of those ecosystems. There are those who are claiming that their loved ones' deaths resulted from careless forest managers who failed to log dead and dying timber elsewhere, resulting in a shortage of firefighting resources. In reality, the Colorado incident was not one of resource shortages, but one of mismanagement. Firefighting managers and supervisors used poor strategies (or had no strategies at all), and failed to recognize and respond to the existing conditions (drought and weather) and extenuating circumstances (resources shortages) when making the decisions to put employees on the firelines. Ultimately, this resulted in the deaths of 14 people.

HOLLY THRASH.

MARCH 27, 1995.

DEAR MADAMS OR SIRS: I am writing to you regarding the various "Forest Health" initiatives floating around Congress these days. I am a wildland firefighter from McCall, Idaho who has worked for the Forest Service as a helitacker, a hotshot, and 12 years as a smokejumper. As I am sure you understand, the opinions expressed herein are my own and do not represent any government agency. Since I was smokejumping on fires in Idaho and Montana last July, I was not on the South Canyon Fire. Yet I lost good friends there, and I feel a duty to them and to myself to speak out about the bills you have under your consideration.

Given my knowledge of fire and the health of our forests, I cannot support S. 391 (Federal Lands Forest Health Protection and Restoration) or any incantation of Mr. Taylor's amendment (The Emergency Two-Year Salvage Timber Sale Program), or Mr. Gorton's Bill. I believe a reasonable amount of salvage harvesting should be carried out, and I believe this can be carried out successfully within the confines of current law.

I believe all these bills are based on the premise that the salvaging cannot be done quickly enough to get the burned wood before it becomes useless. But the evidence shows that salvage has been occurring successfully in our forests. The Boise National Forest successfully carried out the historically biggest sale of any type in the Northwest as the Foothills Salvage in 1992. The Forest Service anticipates having all the salvage sales from the fires of 1994 on the auction blocks by late this summer—with environmentally sound analyses in place. I believe all of the bills mentioned above call for forgoing this type of analysis. This does nothing to help our forests. Given that it would be better to have salvage available for harvest by the summer following a burn, why not simply request that the Forest Service speed up the analyses? Even in the present situation, they only need to shave off three or four months to have salvage ready by the summer following a burn. This could be easily done if they were empowered (and given the necessary budget) to form a salvage analysis team as soon as it became apparent that there would be an opportunity for salvage. I believe this change alone would shorten the process by three months.

Some of the bills mentioned above propose increasing the national annual cut from four billion board feet to over five billion board feet. I believe the lower cutting levels are much more reasonable since they are based on an accurate level of a sustained yield. If the cut is allowed to continue at the higher level, at some point in the next decade or two, yield levels will begin to fall, and they will fall below the four billion level. This is the scientific advice given to you by the Forest Service. I urge you to ask yourself, what sustainable level of harvest can our forests support? Then who will you listen to for advice, industry or land managers?

I talked to a logger friend just yesterday. He said, "Why not let the individual states and industry set the cut level . . . Do you think they would cut themselves out of a job? This is our land, not Congress' or some easterner's and we know what is best for it." I told him that I had no doubt that industry would cut themselves out of a job because they are only concerned with short term profits.

A true commitment to community stability would help these mill towns read the writing on the wall. Find other specialties for their community that will increase jobs. The real growth industries in Idaho are information technology and recreation—tourism. People with jobs to offer come to Idaho because of the "quality of life." This includes low crime, a lack of urbanization and a healthy natural environment. We need to make sure that our forest and water environments are maintained and not sold for short term profit.

Let the land managers do the job they were trained to do. The Forest Service will have all the salvage sales on the auction blocks by this summer with environmentally sound analyses in place. Mr. Taylor's bill calls for forgoing this type of analysis, which does nothing to help our forests. And to link any forest health bill to our fallen firefighters mocks their deaths.

Yours truly,

PATRICK WITHEN.

Mrs. MURRAY. Let me briefly discuss the salvage aspects of my amendment. Whereas the underlying bill suspends all environmental laws to allow salvage operations, my amendment does not permit the agencies to operate above the law. Instead, it requires them to expedite compliance with those laws.

Second, the underlying bill allows salvage on any Federal lands outside of designated wilderness areas where there is insect- or fire-damaged timber. That allows agencies to build roads in pristine roadless areas and harvest trees along our wild and scenic river corridors. My amendment restricts salvage operations to areas outside of the wilderness, roadless areas, and other congressionally designated areas, like wild and scenic river corridors.

Third, like the underlying bill, my amendment would shorten the timelines allowed for appeals, but allow citizens' the right to challenge bad agency decisions. Where the underlying bill prohibits administrative appeals and does not allow temporary injunctions, my bill allows appeals, but dramatically shortens the timelines and procedural requirements.

This is a reasonable, responsible approach. It ensures salvage operations will go forward. It protects workers and towns from the tangle of yet more lawsuits and insures that appropriate environmental protections are in place.

We do need to work with timber communities; they have been waiting a long time. We also need to protect them from the uncertainties of prolonged litigation. My amendment will do that.

Until very recently, the old growth Douglas fir forests in the Pacific Northwest had been shut down because Judge William Dwyer had ruled the agencies were not following the law.

When President Clinton held his forest conference in Portland 2 years ago, he promised a scientifically credible, economically sustainable, legally defensible plan to resolve the crisis. Option 9 is the result of that pledge. Let's be clear about this: Everybody dislikes option 9. The timber communities felt it was inadequate. The environmental groups felt it allowed too much harvesting.

Whatever people felt about it, option 9 was the first serious attempt to resolve an issue that plagued my region for years. Therefore, I supported it.

Judge Dwyer has recently ruled that option 9 satisfies the requirements of Federal law. Today, timber communities are back in the Federal timber harvest business. Unfortunately, they are not back to the degree that they should be. I am very unhappy that the Forest Service has not produced promised volumes.

I wrote the President last week to request a schedule for timber sales under option 9. He responded with details on both option 9 and the salvage program. I ask unanimous consent these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 21, 1995.

Hon. BILL CLINTON,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: I know you are as concerned as I about the seeming inability of the Forest Service to produce a reasonable supply of timber for Pacific Northwest timber communities under Option 9. You and the rest of your Administration worked hard to find a solution to the forest crises we were facing. Despite protestations from all sides, you supported a compromise plan to provide both scientifically sound management of our forests and a sustainable supply of timber to our communities.

Now, almost a year after the Record of Decision and 9 months after the lifting of the injunction, fewer than 300 million board feet of timber have been sold in the 17 National Forests managed under Option 9. I'm sure you agree that this is unacceptable.

Legislation has passed the House and will soon be considered by the Senate to suspend all federal environmental laws applicable to the Forest Service in order to enable the agency to sell the volume set forth in Option 9 (and to meet salvage and section 318 sale targets). As a rule, I do not support such "sufficiency" language because I strongly believe agencies should not be above the law. However, I am very frustrated by the Forest Service's inability to deliver on the Option 9 sale targets.

Mr. President, I must have assurances this week that the Forest Service will meet its Option 9 target levels by the end of this year. I need to know specific plans, timelines, and changes that the Forest Service intends to take to get this timber out. And I need to know what, if anything, you need from Congress.

I believe Option 9 and existing law can produce a sustainable flow of timber. Unfortunately, my belief has been shaken by the facts.

Finally, I would appreciate knowing your plans for how the Forest Service will conduct its salvage operations and any problems you foresee in this area. Thank you for your continued interest in finding solutions to these thorny forest issues.

Sincerely,

PATTY MURRAY,
Senator.

THE WHITE HOUSE,
Washington, DC, March 23, 1995.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.

DEAR PATTY: Thank you for your letter regarding the status of the Northwest Forest Plan. I appreciate your concerns and want to make clear the progress that is being made.

As you know, from the time I took office, I made resolution of the long-standing Northwest forest dispute—which had produced years of conflict and litigation—a high priority for my Administration. The completion of my Northwest Forest Plan in April 1994 and the subsequent ruling by Judge Dwyer upholding the plan in December marks the first time since 1991 that forest management has been pushed out of the courts and back into the communities. That is clearly good news.

I understand that you are concerned about the sales of timber to date, but, as noted, we have only been out of the courts since December. In FY 1995 we will offer for sale approximately 600 million board feet (mmbf). This is consistent with my commitment under the Forest Plan, which was to offer 60 percent of the 1997 target (1.1 billion board feet) in FY 1995. Furthermore, I am assured by the U.S. Forest Service (FS) and the Bureau of Land Management (BLM) that we will meet our commitment under the Plan of 800 mmbf in FY 1996, and finally 1.1 billion board feet (bbf) in FY 1997. In addition, the U.S. Forest Service and the Bureau of Land Management will offer 1.664 bbf in salvage sales throughout the country.

The agencies are working hard to expedite the implementation of the Plan. The FS and BLM, for example, are now working with the U.S. Fish & Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) early in the process of timber sale preparation. By engaging early on and working simultaneously on project development, sale layout and contract preparations will be significantly expedited.

Let me also note that, in addition to getting timber sales moving, we are engaging state governments and local communities as never before to create new economic opportunities. In FY 94 the federal government invested $126.6 million in the region combined with $164.3 million in SBA loan guarantees. For example, the U.S. Forest Service allocated $6.3 million for over 200 Jobs-in-the-Woods contracts in the Gifford Pinchot, Okanogan, Olympic, Mount Baker-Snoqualmie, and Wenatchee National Forests. In FY 95, we will offer $301 million to the region under the Forest Plan in grants and loan guarantees.

Additionally, with regard to salvage sales, we will be reducing the time it takes to prepare a salvage sale by about 30 percent.

Let me be clear that legislation to bypass existing environmental laws and mandate a minimum level of salvage sales may not increase the flow of timber. In fact, the Department of Justice has advised that such mandates could reduce timber, grazing, and mining activities because they could result in new litigation over every land management plan, including the Forest Plan.

I share your desire and commitment to a sustainable flow of timber in Washington. As you know, the gridlock created by the actions of previous administrations will take years to turn fully around. But again, our significant investment in this issue is now beginning to offer hope to communities in Oregon, Washington, and Northern California. I look forward to working with you toward productive solutions for the people of Washington and the entire Pacific Northwest. Enclosed you will find a schedule of timber sales and a summary of agency activity to facilitate the flow of timber in the region.

With best wishes,

Sincerely,

BILL CLINTON.

TIMBER SCHEDULE ATTACHMENT

FOREST SERVICE AND BLM OR/WA/CA TIMBER SALE PROGRAM FOR FY 1994

Volume Sold	Owl range (mmbf)	Non owl range (mmbf)	Total
Forest Service	233	257	490
BLM	18.5	0	18.5
Total	251.5	257	508.5
Forest Service [1]	851.0	376	1,227
BLM [1]	154.0	0	154
Total [1]	1,005.0	376	1,381

[1] Volume harvested.

FOREST SERVICE OR/WA/CA TIMBER SALE PROGRAM FOR MAR. 1 TO MAY 1, 1995

FY 1995 sale period Mar. 1 to May 1	Owl range			Nonowl range			Region 5 and 6 total
	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	
Oregon (Region 6)	2.8	10.7	13.5	13.8	27.0	40.8	54.3
Washington (Region 6)	.2	0	.2	4.4	6.2	10.6	10.8
California (Region 5)	7.6	6.8	14.4			0	14.4
Categorical totals	10.6	17.5	28.1	18.2	33.2	51.4	79.5

FOREST SERVICE OR/WA/CA TIMBER SALE PROGRAM FOR FY 95

FY 1995 sale period	Owl range			Nonowl range			Region 5 and 6 total
	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	
Oregon (Region 6)	138.5	79.8	218.3	54.4	231.6	286	504.3
Washington (Region 6)	57.9	91.6	149.5	20.0	54.0	74	223.5
California (Region 5)	65.4	33.1	98.5			0	98.5
Categorical total	261.8	204.5	466.3	74.4	285.6	360	826.3

BLM OREGON/WASHINGTON TIMBER SALE PROGRAM FOR FY 95

FY 1995 sale period	Western Oregon			E. Oregon and Washington			OR/WA BLM total
	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	Green (MMbf)	Salvage (mmbf)	Total (mmbf)	
October–May 1	12.6	6	18.6	0	OR/4.8–WA/0.6	OR4.8–WA/0.6	24
Oct.–September 30	104	16	120	0	OR/23.4–WA/0.6	OR/23.4–WA/0.6	144

Additional volume that will be made available in FY 1995

	(mmbf)
1. Marbled Murrelet volume From Unoccupied Units:	
Oregon	20.3
Washington	2.6
California	3.4
Total	26.3
2. Section 318 Rogue River Forest-Judge Marsh Case (Sales will be awarded within 60 days)	13.9
3. Going forward at purchasers' discretion from BLM	70.0
4. Willamette Horse Byers & Red 90 (Volume will be awarded this spring; delayed by Supreme Court Decision)	11.1
5. Siskiyou Forest	12.7
Total Miscellaneous Sales	134.0

SUMMARY OF ONGOING ACTIVITIES

(Prepared by E. Thomas Tuchman, Director, Office of Forestry and Economic Development, March 23, 1995)

INCREASING SHORT-TERM TIMBER SUPPLY

The Record of Decision (ROD) for the Northwest Forest Plan allowed all timber sales that were sold and awarded prior to the effective date of the ROD to go forward at the purchasers' discretion. Those that were sold but not awarded could go forward provided they met the requirements of the Endangered Species Act (ESA). As of January 1, 1995, 96% of the total Section 318 volume offered had been released. The remaining volume is awaiting completion of surveys to comply with the ESA. Agencies are working vigorously to complete the required analyses and move these sales. A portion of the remaining Section 318 sales, 13.9 mmbf from the Rogue River Forest, will be awarded within 60 days. There will be an additional 20.3 mmbf offered by mid-summer pursuant to issuance of a biological opinion by the U.S. Fish and Wildlife Service on unoccupied units for Marble Murrelets. Please note the attached chart which contains a timber sale schedule for FY 95 and includes salvage and green sales, in addition to some outstanding miscellaneous sales that will be offered by September 30, 1995.

IMMEDIATE ATTENTION TO ACTIONS IMPROVING FOREST CONDITIONS

We agree completely that we ought to move aggressively to improve the health of forests in the Northwest; therefore, several months ago we directed the agencies to move expeditiously forward with immediate actions, such as salvage sales. On March 8, the heads of four Federal agencies—Bureau of Land Management (BLM), the U.S. Forest Service (FS), U.S. Fish and Wildlife Service (FWS), National Marine Fisheries (NMFS)—signed an agreement detailing new consultation time lines and streamlining processes for forest health projects. Pursuant to this agreement, compliance with the National Environmental Policy Act, the ESA, and other statutes will be significantly accelerated. In fact, by "reinventing" the consultation process, we will be able to cut the time required to prepare salvage sales by about 30%. These process improvements will accelerate the flow of timber in Oregon, specifically on the "east side."

Additionally, a meeting is scheduled between BLM, FWS, FS, and NMFS biologists and others involved in consultation to work on screens to expedite consultation for salvage sales in the region. Other streamlining actions will also be discussed.

With regard to your suggestion concerning proceeds from commercial thinning, the Forest Service currently has the authority to fund timber stand improvements and other restoration from timber receipts under the Knutson-Vandenberg (K-V) Act. It is current practice for the Forest Service to utilize these funds through the K-V Act from thinnings and other timber sales to do timber stand improvements and to conduct riparian restoration where applicable. Another option is to consider the use of stewardship contracts. This is a mechanism we have piloted in other areas where timber sales pay for activities like watershed restoration, recreation improvements, and thinning and salvage sales. This is a tool we are exploring in your region. If you have any questions about it, please have someone contact us.

SIMPLIFY PLAN IMPLEMENTATION

This Administration is committed to maximizing our flexibility in implementing the Forest Plan. For example, the U.S. Forest Service and BLM are expediting Plan implementation by, for example, working with the FWS and the NMFS to engage in the appropriate consultations early in the process of timber sale preparation. By engaging early on and working simultaneously on project development, we will expedite sale layout and contract preparation. Further, by involving FWS and NMFS biologists early in project development, we should alleviate problems that would otherwise arise in the final stages.

Also, we are on an accelerated track to complete half of all the necessary watershed analyses under the Forest Plan by the end of 1995. As you know, watershed analysis—utilized to help make informed management decisions—is a new requirement under the Forest Plan. As the watershed analyses are completed and timber sales are awarded over the next year, the timber pipeline will slowing be replenished after having been fully depleted during the three and-a-half year period (1991–June 1994) that timber sales were enjoined. This will allow for an even and steady flow of timber under the Forest Plan for Oregon and the region.

Overall, the agencies are pursuing better regional oversight through a prioritization of consultation actions and quality control of biological assessments submitted to NMFS. Priorities will be coordinated regionally, rather than for each Forest or BLM district. This will allow for smoother implementation under the Forest Plan, as well as facilitate forest salvage actions in the region.

EXPEDITE ENDANGERED SPECIES ACT CONSULTATION PROCESS

We too are concerned about the time it has taken in the past to consult on management actions and are working to expedite the process. As a result, land managers are involving the U.S. Fish and Wildlife Service (FWS) and the National Marine & Fisheries Service at the beginning of a project rather than at the end. In addition, they are "batching" projects for consultation in larger groups, wherever possible, rather than consulting on a sale-by-sale basis.

Moroever, Secretary Babbitt has asked FWS to conduct an evaluation of the consultation process with the goal of further streamlining consultation for forest plan and salvage sale activities. Additionally, on March 6, Secretary Babbitt announced a ten point plan for easing ESA restrictions on harvests from private lands. These and other efforts are underway to facilitate responsibility the sale of timber in your region.

Mrs. MURRAY. Mr. President, the administration needs to fulfill its commitment to the region. If Congress can help, so much the better. But we must be very careful not to go too far.

The Chief of the Forest Service told me last week he is well on his way to providing promised timber sales levels. But he lacks the human resources to do so. My amendment transfers money from road construction programs to need personnel to get these sales out. It does not simply waive the rules.

When Judge Dwyer approved option 9, he did so with conditions. He expects full funding for implementation, and he expects monitoring and assessment for compliance with the standards and guidelines.

Mr. President, I am concerned that if we do not heed his advice, Judge Dwyer will rule option 9 invalid and once again forbid all harvesting in the Northwest. Our communities simply cannot afford that blow.

My amendment provides needed financial resources. Additionally, it says that if the agencies follow the rules set forth in option 9, anyone challenging a timber sale will have to cross a very high legal hurdle to prove that a timber sale is environmentally harmful.

Let me say one final word about option 9. If people have a problem with option 9, they have a problem with the laws: National Environmental Policy Act, and National Forest Management Act. If we are going to revisit the merits of option 9, we should instead take a broad look at the laws governing it. We should not take short cuts in a rescissions bill without the benefit of hearings and public involvement.

SECTION 318

Finally, my amendment directs the Forest Service to find replacement volume for sales old under fiscal year 1990 appropriations bill, dubbed section 318, that are tied up because they may contain the threatened marbled murrelet. The companies who bought these sales years ago deserve what we promised them: timber. My amendment delivers that.

Mr. President, two of the provisions of this bill have only regional effects. The primary provision—salvage of damaged Federal lands—is national in scope and affects the health of forests throughout this Nation. We must not give the agencies free rein to cut timber without regard to environmental considerations.

My amendment is a moderate, reasonable alternative. It expedites salvage. It expedites option 9. It ensures appropriate levels of environmental protection. And most importantly, it protects communities and workers from burdensome, frustrating litigation. Such litigation is sure to result from the underlying bill.

Mr. President, 10 days ago I went to Gray's Harbor in my home State of Washington, and I talked to people who have lived through the nightmare of Congress and the courts deciding their lives. They are just starting to get back on their feet. Hope is beginning to return. They do not want more empty promises. They do not need congressional interference that may backfire. They do need promises kept, and they do need Congress to act with common sense.

That is what my amendment does, and I urge my friends here in the Senate to support it.

Mr. President, I retain the balance of my time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, who controls the time?

The PRESIDING OFFICER. Does the Senator from Washington yield time?

Mr. GORTON. Does the Senator from Alaska wish to speak in support of the amendment?

Mr. MURKOWSKI. The Senator from Alaska would like to speak in support of the Gorton salvage amendment.

Mr. GORTON. I yield 5 minutes to the Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, before I do so, I ask unanimous consent that privilege of the floor be granted to Dave Robertson and Art Gaffrey, congressional fellows attached to Senator HATFIELD's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I thank my colleague from Washington.

Mr. President, I rise to again commend the Gorton salvage amendment. I share, as Senator from the State of Alaska, a dilemma facing all of us; that is, a shortage of timber. We have seen our industry shrink by about three-quarters by a combination of the inability of the Forest Service to meet its proposed contractual agreements. As a consequence, the industry has shrunk. As I see the issue before us, we have an opportunity, because of an unfortunate act of God, to bring into the pipeline a supply of timber that otherwise would not be available. Clearly, without the help of the Gorton salvage amendment the Forest Service is absolutely incapable—make no mistake about it—incapable of addressing this in an expeditious manner.

So those who suggest that we simply proceed under the status quo will find that the timber will be left where the bugs or the fire last left it when we are here next year and the year after. So, do not be misled by those who are of the extreme environmental bent to see this as an opportunity simply to stop the timber process. It is unfortunate that we could not make the decision on what to do with this timber based on sound forest practice management—what is best for the renewability of the resource.

The Gorton salvage amendment is an essential response to an emergency forest health situation in our Federal forests as evidenced by last year's fire season. Our committee, the Committee on Energy and Natural Resources, has held oversight in the area, has recognized the severity of the problem, and I strongly recommend we do a positive step of forest management practice and support the Gorton amendment as an appropriate emergency response to the problem.

I have listened to the critics of the amendment both on the floor and off the floor. I have come to conclude that they must be discussing some other provision than the one offered by the senior Senator from Washington.

First, they say the Gorton amendment mandates increased salvage timber sales. The Gorton amendment does not mandate timber sales. It provides the administration with the flexibility to salvage sales to the extent feasible. I trust the administration to properly utilize that flexibility. Opponents of the Gorton amendment apparently do not trust this administration. I cannot tell whether they do not want to rehabilitate burned forests or whether they need individual sign off from the Forest Service Chief, Jack Ward Thomas, the Secretary of Agriculture, or maybe even Vice President Gore to trust the administration.

Second, they say that the Gorton amendment suspends all environmental laws. The Gorton amendment expedites existing administrative procedures under the Endangered Species Act, the National Environmental Policy Act, and other measures. If the agency successfully follows the expedited procedure, their performance is deemed adequate to comply with existing environmental and natural resource statutes. These expedited procedures are essential as we must appropriately respond to the forest health emergency, and it is an emergency that we face. If you have an emergency, Mr. President, you respond to it and you expedite a process. That is what the Gorton amendment is all about.

Third, they say the Gorton amendment eliminates judicial review. It simply does not. The amendment provides an expedited form of judicial review that has already been upheld by the Supreme Court in previous litigation.

Fourth, they would say the Forest Service cannot meet the salvage targets. The amendment does not have any targets. I wish it did. Today, the Forest Service is working on its capability statement on the House version of this amendment. There are strong indications that with the expedited procedure the House bill will match in pertinent part the Gorton amendment. The agencies can meet the House targets and still comply with substantive requirements of existing environmental and natural resources.

Fifth, they say the amendment will cost the Treasury. This is simply false. The Gorton amendment has received a positive score from CBO.

Sixth, they say the amendment may disrupt and actually reduce timber sales. Well, if that were true, I would expect them to strongly support the Gorton amendment. But it is not true. The Gorton amendment contains protective language to assure potential environmental litigants cannot disrupt other agencies' functions due to this amendment.

Finally, Mr. President, I have been genuinely perplexed by the misconceptions that accompany the attacks on this amendment, but today perhaps I know why this is the case. Yesterday, Senator GORTON and Congressman CHARLES TAYLOR along with Senator CRAIG, the author of S. 391, which is a measure directed at another aspect of this problem, offered to meet, as I understand, with groups of activists opposed to both the Gorton amendment and S. 391 together. It is my understanding they cleared time on their calendars at 9 a.m., but they found that the activists were evidently more interested in preparing for their 9:30 a.m. press conference than meeting with the authors of the three provisions which they proceeded to lambaste. That sort of interest group behavior I do not think can be tolerated if we are to continue to have informed debates in this body.

So, Mr. President, I rise in support of the Gorton amendment, and against other modifying amendments. I encourage my colleagues to proceed with what this is, an emergency.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Mr. GORTON. Mr. President, as recently as half a dozen years ago, there was a booming, successful forest products industry in rural towns all up and down the north Pacific coast of the United States. In region 6, in Washington, Oregon, and northern California, approximately 5 billion board feet of timber was being harvested. Towns were prosperous and optimistic. Families were happy and united. Schools were full. The contribution that these people made to the economy of the United States is difficult to underestimate. It was easier and less expensive to build homes, to publish newspapers, to engage in all of the activities which arise out of the forest products industry. And even during that time of maximum harvests every year in the Pacific Northwest more board feet of new timber was growing than was being harvested.

Beginning with the controversy over the spotted owl in the Pacific Northwest—in which incidentally, the recovery goal at the time of its listing has now long since been exceeded by the discovery of additional spotted owls—at the time of the beginning of that controversy, that harvest began to drop precipitately, to the point at which in the last few years the harvest on lands of the United States of America has been close to zero. Communities have been devastated. Families have broken up. Small businesses have failed. Homes purchased by the work of many years have become useless because they cannot be sold.

And we have constantly heard from those whose conscious policies drove the litigation leading to this end that the people in these towns should seek other employment in some other place or be the subject of various kinds of relief activities. So where they provided a net income to the United States from their income taxes, they now are a net drain on the people of the United States for welfare programs which have benefited primarily planners and contractors and advisors and not the people who lost their jobs.

Mr. President, these people, these communities, their contributions to America have been largely ignored by the mainstream media of this country. Their professions have been denigrated. They who live in this country and have a greater investment in seeing to it that it remains booming and prosperous have been accused of utter indifference and attacks on the environment.

Mr. President, that only has not been terribly unjust but it has been destructive of balance and destructive of the economy of our country.

Now, into this controversy some 3 years ago came the then candidate for President of the United States, Bill Clinton, promising in a well-attended meeting in Portland, OR, balance and relief, promising to listen to the people of the Pacific Northwest, to protect the environment but at the same time to restore a significant number of the lost jobs and some degree of hope and prosperity to those communities.

The first part of later President Clinton's promise was kept in 1993 when as President he returned to Portland, OR, and held a timber summit.

Long after the completion of that summit came what is now known as option 9, an option which the President stated met all of the environmental laws in the United States which he was unwilling to change in any respect but also promised something more than 1 billion board feet of harvest of timber to the people of the Northwest—1 billion as against 5, or 20 percent of the historic level.

I did not then and I do not now believe that that constitutes balance or that it was at all necessary to protect the environment. But it was a promise, Mr. President, of some form of relief.

Since then, the President has had that option validated by a U.S. district court judge who has taken charge of this area in Seattle. But do our people have 1.1 billion board feat of harvest? No, Mr. President, they do not. In spite of the time at which that promise was made, they are nowhere close to that because the Forest Service in its personnel cuts has cut mostly the people who work in the woods preparing these sales and because the Clinton administration knows that almost no single action taken pursuant to this option will escape an appeal within the Forest Service and a lawsuit being stretched out forever and ever.

That is one element, Mr. President.

The second is that last summer, regrettably, was a time of major forest fires in almost every corner of the United States—loss of life in Colorado, huge fires in Idaho and Utah, large fires in my own State of Washington. Those fires have left billions of board feet of timber that is now dead, absolutely dead, but for a relatively short period of time harvestable. If it is not harvested, Mr. President, it will become worthless very quickly by rotting away and at the same time will be tinder for future forest fires.

And yet the opponents to harvest say that's nature's way. Forest fires start; let them burn. Very few of them live in communities near where these fires have taken place, whose summers have been ruined by them, may I say, incidentally.

And so in this bill, as in the bill produced by the House, we attempt to enable the President of the United States to keep his own promises; nothing more than that, Mr. President.

It is true that the provisions in the House bill set a mandated harvest level roughly double what the administration deems to be appropriate. The proposal attacked by my colleague from the State of Washington, however, has no such requirement in it. It simply says that, after all of these years, all of these promises, all of this devastation, that we will liberate the administration to do what it wants to do.

And yet, this is attacked as if, somehow or another, this administration had no concern for the environment whatsoever; that Secretary Babbitt was simply out to cut down the forests of the Bureau of Land Management; that President Clinton's Forest Service wanted to do nothing else but that, and to ignore environmental laws from one end of this country to another. It is astounding, Mr. President, that the administration itself does not wish help in keeping its own commitments.

Now, both the amendment which is a part of this bill and the substitute amendment by the junior Senator from Washington cover three distinct, separate but related subjects.

One on salvage timber is nationwide in scope. The administration proposes in this fiscal year to sell something over 1.5 billion board feet of salvaged timber, dead or dying timber. In region 6, which is the Pacific Northwest, the figure is about one-fifth of that total. Four-fifths of it are from other regions of the country and they include every Forest Service region in the United States.

My proposal, the proposal in the bill, does not require the administration to double that offering. In fact, it has no number in it at all. But it says that the administration, having carefully considered every environmental law, is enabled to do what it tells us that it wants to do.

Does this suspend the environmental laws? No, Mr. President. This administration has certainly tried its best to abide by all of them and all of them remain on the books, those I agree with and those I disagree with.

And I cannot imagine that Members of this body will accuse the administration of wanting to ignore those statutes. It simply says that the administration's own decisions will not further be attacked in court by the often inconsistent provisions of six or seven or eight different statutes passed at different times with different goals.

The amendment that is sought to be substituted for that which is in the bill does not reduce litigation in the slightest, Mr. President. It calls for certain expedited procedures, but it still allows every timber sale to be appealed within the Forest Service or the BLM, and every one to go to court. And they all will go to court, Mr. President, because those who will attack them, those who want nothing to be done, will recognize that all they have to do is to delay it for another season and there will not be anything to sell, because it will be worthless. So that portion of the substitute amendment is simply an invitation to have no salvage at all.

The second and third elements in both amendments have to do with option 9 and with so-called section 318 sales. Section 318 was a part of the Appropriations Act in 1990, designed to provide some interim help for the forest in the two Northwest States. But many of the sales directed by this Congress pursuant to that law have been held up by subsequent environmental actions.

The proposal that the committee has made simply says that those sales would go ahead unless they involved places in which endangered species are actually found, in which case, substitute lands will take their place.

Our option 9 provision, I repeat, Mr. President, simply says that the President can keep the promises he made some time ago, almost 2 years ago, under option 9 and not be subject to constant harassing lawsuits. That is all that it says. It does not require him to get to the 1.1 billion board feet of harvest that he promised, and he will not. It does say that he can do what he wishes to do.

Now, the substitute amendment, in each case, for all practical purposes, makes dealing with this issue at the level of Congress pointless. All of the lawsuits will still be able to be brought, but perhaps we will actually find ourselves in a damaging situation.

The Presiding Officer is from the State of New Hampshire. I presume that some small portion of this salvage timber is in his State. But if this substitute amendment passes, all of the personnel of the Forest Service from the rest of the United States will have to go to Washington and Oregon in order to meet the requirements of the substitute amendment, at the cost of every other region in the United States.

Now I would like to have that kind of service in my State, but I do not believe it to be fair. I do not think we can say that we are the only ones who under any circumstances should get anything out of one of these amendments.

The definition of what salvage timber is in the bill is the Forest Service's own definition. The definition in the substitute amendment is a different definition, one highly susceptible to further litigation.

The exceptions provided by the amendment of the Senator from Montana keeps this kind of salvage logging out of wilderness areas and certain other well-defined areas. The proposal by the junior Senator from Washington keeps them out of any area that is under consideration for inclusion in the national wilderness preservation system.

Mr. President, under that proposal, one bill by one Member of the House of Representatives introduced to put the entire National Forest System included in a wilderness preservation system would stop any harvest anywhere. It would be under consideration by Congress. What it does, in effect, is to give any of the 535 Members of Congress a veto power over the entire proposal.

Mr. President, the issue in this case is clear. Do we care at all about people, not just in the Pacific Northwest but all across the United States, who live in timber communities? Do we care about our supply of lumber and of paper products? Or do we only care about the well-being of certain environmental organizations and their lawyers?

That is what we are debating with respect to this amendment. Do we want the President of the United States to be able to keep his commitments, his promises, however inadequate they are? Or do we have so little trust in him that we believe that he will ignore every environmental law and decide suddenly to cut down our national forests?

Mr. President, that is not going to happen. The lawsuits will, under this proposed substitute amendment, provide relief for people who need relief. Income for the Treasury of the United States will only come from rejecting the substitute amendment and accepting the bill in its present form.

Mr. LEAHY. Mr. President, will the Senator from Washington yield me 5 minutes?

Mrs. MURRAY. I am happy to yield 5 minutes to the Senator.

Mr. LEAHY. Mr. President, I thank my good friend and distinguished Senator from Washington [Mrs. MURRAY].

Mr. President, this timber salvage language in H.R. 1158—so people understand the history, this represents the 12th time since 1984 this body would vote to exempt timber sales from environmental laws; 12 times since 1984.

Frankly, I find that disturbing. It means that the American people are going to be asked to believe that when it comes to cutting national forests, somehow environmental laws do not apply. These exemptions, which should have been, if at all, in emergency situation, instead are becoming routine and standard practice. It is not a short-term solution. I have to wonder how long this will go on. To me the exemption from environmental law is an extreme position. The majority of the American people would not accept it, nor should they. The distinguished Senator from Idaho, Senator CRAIG, and I streamlined the process in 1992. We are speaking of public lands, and in public lands, every American has a right to express his or her public interest. H.R. 1158 takes away the opportunity to participate in public land management. I do not see how the U.S. Senate can accept a provision that strips people of this right and takes the right out of the people's hands and puts it solely into the hands of bureaucrats. This would not create any more open government. In fact, this seals the same government agents off from public interest.

I respect the concerns of my fellow colleagues from other timber States. Even though I am a tree farmer, that is not my sole source of livelihood. I have talked with people in that area. It makes sense to address the problem, but with a sensible, responsible, moderate solution that respects the true interests of the American people and, in the long term, the apolitical needs of the forest resource.

I believe Senator MURRAY has proposed a fair solution. In fact, she inherited this divisive timber issue when she was elected. She promised the people of Washington a responsible solution. I have discussed this with her since she has come here. I believe that since her election, she has helped put the timber industry on a reliable path that the timber industries can bank on.

In fact, with the work she has done, there has been an increase of 400 jobs, not a decrease in the lumber, paper, and allied wood products industry in the State of Washington since her election. She has an alternative that moves toward long-term sustainability, not a quick fix. Above everything else, what Senator MURRAY has done is what timber-dependent communities want, especially the younger generations—long-term sustainability. People go into this for the long term, not with the idea that every 10 months, or year, or 14 months we are going to suddenly change the rules of the game.

So I urge my colleagues to support Senator MURRAY and abandon the extreme approaches that failed us in the past and removed any kind of public input from the process. Look at her long-term solution and adopt her amendment.

I am going to yield my time back to the Senator from Washington.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington controls the time.

Mrs. MURRAY. I assume the Senator from Washington, Senator GORTON, will yield time to the Senator from Montana.

Mr. GORTON. I yield 30 seconds to the Senator from Montana.

Mr. BURNS. Mr. President, I rise today to oppose the amendment offered by Senator MURRAY of Washington. This amendment severely weakens what this provision is intended to do—respond to our forest health emergency, restore our forests to health, and create jobs. This substitute amendment is only a clever way to do nothing.

The committee-passed provision is responsive to not only forest health, but to the people who support their families in the wood products industry. But this amendment is no more than status quo. And Montanans do not want status quo.

This substitute amendment does not streamline the process, limit the frivolous appeals, or allow for salvage sales to be expedited. Instead this amendment forces agencies to consult with other agencies, and does nothing to cut through the environmental redtape and still allows for endless delays.

It replaces the Forest Service definition of "salvage timber sale," which is included in the committee's bill, with a new definition. This definition doesn't take into account overcrowded forests which need to be thinned, and it forces the land managers to always consult with biologists.

This amendment also eliminates the legal sufficiency language which is needed in the preparation of sale documents. If we are truly serious about salvaging timber, we need to have sufficiency language included, and we need to retain streamlined timeframes to assure that the environmental procedure process is not abused.

Currently, delays in Federal land management arise primarily from two sources—multiple analysis requirements and administrative appeals and judicial review. Without this sufficiency language, we will continue to have lengthy delays which will substantially lead to the more dead and dying timber in our forests.

Congress needs to act on the salvage issue. We have the authority to establish the law, rather than leaving it to the judicial branch to declare what the law is. Yet, this amendment moves this authority toward the courts.

This amendment is worse than the status quo. It requires the agencies to jump through more holes than it already has to, and it makes some land currently available for harvest off limits. It wouldn't result in any more timber salvaging activities. And most importantly, it will stop the creation of jobs in Montana. I strongly oppose this amendment. The wood products industry comprises almost half of western Montana's economy, and this amendment is not responsive to those folks who make their living in this sector of our economy.

I just want to make one simple little evaluation here about this conversation. We have had the status quo long enough. I know what the status quo is. We do not salvage any, or we do not log any of our salvage lumber. It is finite. If it goes another year, it is not worth anything. That is what we are talking about here. We are talking about areas that have been burned and areas that are infested with disease. The lumber is finite.

Everybody can stand around and grin while people are not working and we are not taking care of the forests like they should be managed. They think they are doing a great thing for America, when they are not doing anything for America and are doing worse for the people who depend on public lands for their living. You are making your check; they are not. You think about that whenever you place this vote today.

Mrs. MURRAY. I yield 5 minutes to the Senator from Montana, Senator BAUCUS.

Mr. BAUCUS. Mr. President, how best to deal with the salvage timber issue is a matter of judgment. We in the Pacific Northwest have seen a lot of dead timber, caused both by forest fires and by disease. And we are frustrated by the Forest Service's inability to get some of this timber cut. We know it can be done responsibly, with minimal impacts to the environment, yet it just isn't happening as quickly as it should.

The real question is: What is the best way to go about dealing with this problem?

We have many competing values that must be accounted for when we manage our national forest land. One value is timber. But there are many other values that must be considered: wildlife; maintaining the quality of our lakes and streams; and recreation.

I remember not too long ago reading a statement by H.L. Mencken, a former Baltimore Sun journalist. He said, "For every complicated problem, there is a simple solution—and it is usually wrong." And he is right. In many cases, where we face a complicated problem and somebody comes up with a simple solution, it tends to be wrong, too simplistic. It often tends to throw the baby out with the bathwater.

I am very respectful of the underlying concept that we are considering here. Mr. Gorton's language attempts to address some of the frustration we have in the Pacific Northwest about the Forest Service's inability to harvest salvage timber in a timely manner.

I think if you look closely at the Gorton language in this bill, which is tailored after the so-called Taylor amendment in the House, you will see that it goes too far. It rides roughshod over the statutes that this country demands be in place to protect water, wildlife, and to maintain the very integrity of our national forests.

For example, the Gorton language says that "if any potential salvage sale is in the works by the Forest Service"—not up for bid but going through the hoops—"it is OK." We will ignore environmental statutes in the interest of saving a few weeks or months. We will ignore the public's right to make sure that their lands are being cared for in a responsible manner.

I ask for 2 additional minutes.

Mrs. MURRAY. I yield 2 minutes.

Mr. BAUCUS. On the other hand, the Senator from Washington, Senator MURRAY, is also attempting to address this problem. She has a different approach—an approach that balances competing uses and respects the need to adhere to environmental laws. And the Murray amendment does not ignore the underlying public interest in speeding up the timber sale process. It carries a firm mandate to the Forest Service that salvage sales are a national priority. It eliminates many of the existing procedural hoops without sacrificing environmental protection. It shortens the administrative review process by almost half, without sacrificing the rights of the public to have their voices heard. Plain and simple, the Murray amendment directs the Forest Service to move much more expeditiously. To get on with it.

We love our forests. It is a cornerstone to the way we live in Montana. And logging is critical for Montana. Salvage sales are critical. But so are outfitters. Like the timber industry, our guides and outfitters stake their livelihoods on the national forests. Folks come from around the world to hunt and fish in Montana. The outfitting industry is economically critical to our State, and it should be given equal respect when management decisions are made in our national forests.

Unfortunately, the Gorton language is unbalanced. It goes way too far, and does not consider other stakeholders in the national forest. The Murray amendment is balanced. It recognizes that there are competing values at stake. It recognizes that we can speed up salvage sales and create timber jobs without jeopardizing those jobs that depend on our forests having clean rivers and lakes, and abundant wildlife.

I urge Members to support the Murray amendment. I thank the Senator.

Mrs. MURRAY. Mr. President, I yield such time as may be consumed to the Senator from Arkansas, Senator BUMPERS.

Mr. BUMPERS. Mr. President, I thank the distinguished Senator from Washington for yielding to me.

This is a very complex issue, and I understand both sides of it. I come down on the side of the junior Senator from Washington, because I think it is the correct side for the Nation.

I think to go with the language of Senator GORTON sets a very dangerous precedent. Nobody argues with harvesting infested, burnt, salvaged timber. I am for that. Every Member of this Senate is. The language of the Gorton amendment says that the Forest Service will harvest the maximum extent practical.

Then it goes ahead to say we are going to suspend all environmental laws including the Endangered Species Act. This is called sufficiency language saying, cut all you can possibly cut that is practicable, and do not worry about the environmental laws or any other law. And do that in 1995 and 1996.

It is a dangerous precedent. If we go with that, we do not know where we are headed. The pressures from the industry on the Forest Service will be intense. That is the reason the fishermen in the Northwest are very upset and concerned about this. They are concerned that excessive logging will hurt the habitat of the salmon which is disappearing at an alarming rate.

I know the Senator from Oregon wants to provide jobs in those mills, and I want to help him but not by suspending all environmental laws. I have a letter from the Pacific Coast Federation of Fishermen's Association, and they adamantly oppose sufficiency language. I would like to read an excerpt from their letter.

> We oppose the current Congressional effort to approve "sufficiency language" or to mandate minimum timber harvest levels in the Northwest. However well meaning, these are nevertheless bad ideas. Sufficiency language would simply override all current protections for salmon and other aquatic species. Mandatory timber harvest levels would essentially do the same. . . . The result would only be additional degradation of already severely damaged salmon spawning habitat.

That ought to weigh heavily with somebody. It does with me. This is the biggest fishing organization in the West.

Mr. President, finally, there is language in this bill, as I read it, that allows the Forest Service to reemploy people who have received a $25,000 buyout.

Mr. President, 3,000 Forest Service employees, approximately, have taken their $25,000 under the Reinventing Government proposal and retired.

Now, here is an incomplete sentence, but if I could have the attention of the Senator from Oregon for a moment, here is what the provision in the bill says—the provisions of section 3D1 of the Federal Work Force Restructuring Act of 1994: "Separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph"—now that is an incomplete sentence. I do not have a clue as to what this means. My impression of it is that the Forest Service can take these people who have just taken their $25,000 and retired and put them back to work in order to comply with this maximum extent practicable.

Does the Senator from Washington agree with that?

Mr. GORTON. No.

Mr. HATFIELD. No, I do not agree with that at all.

Mr. BUMPERS. What does this sentence mean?

Mr. HATFIELD. Let me just go back and put this in the context, if I could.

First of all, every timber sale preparation made by Jack Ward Thomas or Secretary Babbitt are required to prepare those timber sales with existing law in which the regulations on fish are there in place.

Those timber sales have to be prepared within that conformity. The so-called sufficiency language takes place after the fact in order to deliver the timber sale that has been prepared under those restrictions.

The Senator is absolutely wrong on this.

Mr. BUMPERS. Here is what the first sentence of the paragraph says:

> Sale preparation. The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this section.

Following that, page 71 of the bill, Senator, following that is the incomplete sentence. If that is not right, I still do not quite understand what it means, because it alludes to the $25,000 buyout.

Mr. HATFIELD. If the Senator will yield for just a moment, let us go back and take the precedent of section 318. Because the same arguments, the same invalid arguments are being used today that were used then.

Let me quote. We went through that whole process underlying laws of NEPA, the National Forest Management Practice Act, and then we declared sufficiency. The Supreme Court ruled.

Mr. BUMPERS. Can the Senator continue this on his time?

Mr. GORTON. I can answer the specific question. The version has been corrected. The sentence is complete in the bill that is before us, and it simply says that someone who has been brought out of the Forest Service and paid, say $25,000, can be hired back temporarily for this purpose without losing the $25,000.

Mr. BUMPERS. But only temporarily?

Mr. GORTON. Yes.

Mr. BUMPERS. That is the Senator's understanding?

Mr. GORTON. Yes.

Mr. BUMPERS. Mr. President, I ask I be permitted to continue for 2 additional minutes without the time being charged on the 1-hour allocation?

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Mr. President, I will not object if I can add 2 more minutes to the time of Mr. CRAIG.

Mr. BUMPERS. Fine. We just took up some time here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I like to think I do not have two better friends than the senior Senator from Oregon and the senior Senator from Washington. They have helped me over the years on many issues of concern to my State. However, I cannot support them on this issue.

I will remind my colleagues that the Senator from Idaho, who is on the floor right now, has introduced a forest health bill that was the subject of a hearing by the Energy and Natural Resource Committee. In fact the bill will probably be marked up in the next few weeks. We should let the authorizing committee do its job. I can assure you that I will do everything I can to make sure that a responsible bill emerges from that committee. I am not going to support something with sufficiency language in it.

If a responsible forest health bill emerges from the Committee, I hope it will automatically supersede the Gorton amendment. What is the Senator from Washington's understanding of this matter?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I want to answer the question but I do not wish to use my time.

The PRESIDING OFFICER. Is the Senator from Arkansas yielding to the Senator from Washington?

Mr. BUMPERS. I do not want to yield on my time.

Mr. President, I will close by saying one of the things I think the country is concerned about, about what is going on right now—they wanted change. They wanted regulatory reform. But they do not want to throw the baby out with the bath water.

I have seen that old expression: If you think education is expensive, try ignorance. If you think the environmental laws of this country are too tough—and sometimes they can be very frustrating, try living without them and see the kind of damage that will be inflicted on our environment. The Gorton amendment goes too far. I simply cannot support it and urge my colleagues to support the amendment by Senator MURRAY.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Washington controls the time.

Mr. GORTON. Mr. President, I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 4 minutes and 40 seconds.

Mr. CRAIG. Mr. President, I stand today in support of the Gorton amendment as now amended; certainly in opposition to the amendment of my colleague, the junior Senator from the State of Washington.

A good many things have been said this afternoon about what these amendments do and do not do. What I really think is important for all of us to understand is the state of the U.S. Forest Service and why we are engaged in a debate this afternoon in attempting to bring about emergency measures to deal with a very sick problem.

I use the word sick because the forests of the inland West are sick. They are the product of 8 years of drought and decades of mismanagement that have resulted in one of the largest fuel buildups, acre by acre, ever in the history of the U.S. Forest Service.

When fuel becomes dry and conditions are right, and Mother Nature comes along with thousands of lightning strikes, what happens is what happened in Idaho last summer and what happened in Colorado and Montana and eastern Washington and eastern Oregon and parts of northern California. Millions and millions of acres burn, wildlife is destroyed—in the instance of the infernos of last summer, 35 human beings lost their lives in an effort to stop these. This was not something that just happened. This was not just an ordinary circumstance. There are many who would like to argue this is Mother Nature at her finest.

Let me suggest it was Mother Nature at her worst. But it was also Mother Nature who had been assisted for decades by the mismanagement of a Forest Service, by allowing the buildup of a phenomenal fuel structure, of timber across these lands that had not been properly managed or thinned or allowed to be like they were before man came along with the tremendous ability to put out fire.

In my State of Idaho before my ancestors came along there were approximately 25 to 30 trees per acre. Today there are hundreds of trees per acre. And as a result of that, there are a million less acres of them and a couple of billion less board feet of them, because they went up in an inferno last summer. So what we are trying to tell Senators here this afternoon is that we have a very sick patient. That patient is called the U.S. public forests of this country, especially in the inland West.

For those who counsel comity, and for those who counsel slowness and process and procedure and time and let us work this out, let me suggest when you have somebody in the emergency room and the life support systems are attached and the heartbeat is very faint, you do not counsel long-term strategy. You counsel short-term, immediate, emergency relief to resolve some of the problem while you then look at the long term down the road to see if you cannot make it better.

The Senator from Arkansas just a few moments ago spoke to the forest health bill I introduced a couple of weeks ago in the forestry subcommittee of the Energy and Natural Resources Committee. That is the long-term approach. That is what we ought to be doing, by allowing the Forest Service to manage critical situations, be it fires or bug kill or a natural environment that has created this tremendous problem that exists in the West.

But in the short term, with billions of board feet of timber at stake and watersheds and wildlife habitat and trying to avoid a cataclysmic situation of massive runoffs in the next couple of years that could result in the loss of fisheries, in the loss of water quality and stream quality, we need emergency measures now that protect the environment.

What is the offshoot? Well, the offshoot is some timber and some thousands of jobs and a few hundreds of millions of dollars that might come to the Treasury of this country. That is not the first goal. That is the latter goal. That is the fallout. That is the receipt from what we are trying to do here this afternoon.

Here is what we faced in Idaho and across the West last summer. This is not normal. This is one of the hottest fires ever recorded in the history of our environment. It destroyed the soil structure. It created an unnatural problem.

Today we are taking one small step back toward a process and procedure that allows Mother Nature, cooperating with human beings, to make a better environment and in the long term solve a problem that now perplexes the intermountain West and creates a cataclysmic environment that could go on for a long time.

Let us deal with the emergency problem now as this bill does. Let us deal with the long term, with quantitative and qualitative changes of the public law that allow the proper management of the U.S. Forest Service.

Mr. President, a strong 2-year salvage amendment is absolutely necessary to work hand-in-hand with your longer-term forest health bill, S. 391.

Salvage and restoration of the 4 million acres of 1994 fire-burned areas must be started immediately. Without this salvage language, it will not happen. Those in opposition will employ every effort to delay, confuse and derail the agencies' attempts to conduct responsible salvage activities.

Last year's fires burned 4 billion board-feet of timber. If done quickly, much of this timber can be salvaged at considerable return to the Federal Treasury. But, the value of standing, burned trees deteriorates rapidly.

Let me use this display to illustrate the rapid loss of value of trees burned in wildfire:

PONDEROSA PINE VALUE

6 months after fire	2½ years after fire
$725/MBF lumber	$0
$70/ton chips	$0

Six months have now passed since the 1994 fires in Idaho. It is estimated that 2 billion board feet of timber burned in those fires. Since there are mixed species involved, let us estimate that the value of that timber today is $200 per thousand board feet on average. That means it is worth $400 million to the taxpayers today, maybe $200 million 1 year from now, and practically nothing a year beyond that. And let's not forget that 25 percent of this revenue will be returned to local counties. In my State of Idaho, Shoshone County officials have watched their budget drop sharply as a result of the lack of national forest timber sales. They are desperate for some solutions to this situation. They are among the many who have pointed out the absurd situation of no timber sales being offered while dead forests abound.

Let me make another point. The forest fires we are witnessing are not normal and they are not beneficial to the environment. They destroy fish and wildlife habitat and can result in hydrophobic soils. Hydrophobic soils will not percolate water and will cause rainwater to run off the surface in torrents.

We can no longer accept the cost of fighting these first. Cost to Federal agencies alone was $1 billion last year. It makes sense to promote revenues to Federal, State, and county coffers through timely salvage rather than bear the increasing burden of wildfire suppression costs.

I am sorry to report that yesterday was a sad day for the community of smokejumpers around this Nation. Instead of meeting with me as I requested, a group of five smokejumpers rushed to meet with press to impugn the integrity of those of us who support some measure of salvage logging. Their statements about salvage logging are filled with inaccuracies. Until now, smokejumpers have enjoyed a good deal of reverence and support in the Congress. Now, the reputation of all smokejumpers has been called into question by the conduct of these five from within their ranks.

Under the tutelage of preservation discontents, these jumpers have become self-pronounced forest policy experts. Their tactic was, first, make a splash in the press, and then meet with their elected representatives to discuss the facts. It seems they are attempting to characterize me as using the deaths of 35 firefighters in 1994 fires as a means to promote salvage logging. I am incensed at this insinuation. Such personal attacks have no place in the debate over this issue. These smokejumpers have disgraced themselves.

However, this incident illustrates perfectly why this salvage amendment is so necessary. As the process stands now, activists of every stripe find it easy to be obstructionists using appeals, threats, intimidations and false accusations in the media to slow down or stop the agencies' salvage efforts. It is past time for Congress to step in and clear a procedural path which the agencies can use to make responsible salvage decisions and carry them out. That is what this salvage provision will do, and that's why it must remain in this rescission legislation.

I compliment Senator GORTON and Senator HATFIELD for providing leadership on this issue. And the Senator from Montana for his amendment.

I ask unanimous consent letters to me on this subject be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

POTLATCH CORP.,
Lewiston, ID, March 28, 1995.

Senator LARRY CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: I am writing to ask for your continuing strong support for the Emergency Timber Salvage Amendment to the Omnibus Recissions Bill.

As you know, more than 600,000 acres of Idaho National Forests burned last summer. The fires resulted from years of drought combined with years of mismanagement allowing overstocked, diseased and dying timber stands to go untreated until finally fire reset the ecological clock.

Nationwide, the federal government spent over $900 million fighting forest fires on 4 million acres with lives lost, private property destroyed and fragile wildlife and plant species put at risk.

This bill is a common-sense approach for quickly salvaging burned timber which will be converted to useful products for American families supporting rural economies in the process.

Opponents claim that all environmental laws are being by-passed. This is simply not true. The Amendment streamlines some of the time-consuming requirements of those laws in order to ensure timely action. But environmental assessments and biological reviews still must be done, and the Secretary of Agriculture still can veto any proposed sale.

You and I know this is an emergency and that salvage efforts must begin immediately to minimize values lost from rapidly deteriorating burned timber. The environmental safeguards are sufficient and the costs of delay are too great.

I hope you agree and will support the Salvage Amendment. Please feel free to contact me if you have any questions about the Amendment or its impacts.

Sincerely,

KEVIN C. BOLING,
Director Public Affairs,
Northwest Region.

CROWN PACIFIC INLAND,
March 27, 1995.

Senator LARRY CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: I am writing to ask your support for the Emergency Timber Salvage Amendment to the Omnibus Recissions Bill.

Last summer, more than four million acres of forests burned, largely because of buildups of dead and dying timber. Over $1 billion was spent to control those fires, and several lives were lost in the process.

The amendment would allow the Forest Service to recover some of the fire-damaged trees, and dying timber elsewhere, through emergency salvage sales. No new money is needed to do this; it's already contained in the agency's salvage trust fund.

As a bonus, the amendment would return millions of dollars to the Treasury, provide jobs for forest service workers, and give federal foresters the ability to convert dead, dying and burned forests into healthy young forests in order to stabilize soils, protect streams, reduce the risk of catastrophic fire, and develop habitat for wildlife.

Opponents claim that all environmental laws are being by-passed. This is simply not true. The amendment cases some of the time-consuming requirements of those laws in order to ensure timely action. But environmental assessments and biological reviews still must be done, and the Secretary of Agriculture still can veto any proposed sale.

Remember we are dealing with an emergency. Salvage work has to begin immediately to gain value from already-burned timber and to remove dead and dying timber before it is consumed in this year's firestorms. I believe environmental safeguards are sufficient, and the costs of delay are too great.

I hope you agree and will support the salvage amendment. Please feel free to contact me if you have any questions about the amendment or its impacts.

Sincerely,

LARRY ISENBERG,
Manager Timber & Lands.

LEWISTON, ID.

Senator LARRY E. CRAIG,

DEAR SENATOR CRAIG: I just received a notice that said that efforts were being made to weaken the language on fire killed timber salvage. As you already know, we here in Idaho have been plagued by punishing droughts for the last several years. Most likely this drought condition has been the major cause of the fires we had last year. We need to salvage and use all the timber we can. Punishing us further does not make any sense.

The salvage levels and accountability need to be the same as the recently approved House version (Taylor-Dicks Amendment).

Very truly yours,

SUE KNOLL.

BOISE CASCADE,
TIMBER AND WOOD PRODUCTS DIVISION,
Emmett, ID, March 27, 1995.

Hon. LARRY CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: This letter is to thank you for your continued support of the Emergency Timber Salvage Amendment to the Omnibus Rescissions Bill.

Salvage made available under this amendment will help maintain jobs in the local communities where we operate, while providing funds for reforestation and payments to counties.

Your efforts on this issue are greatly appreciated.

Sincerely,

DAVE VAN DE GRAAFF,
Region Timberlands Manager.

SCHWEITZER MOUNTAIN RESORT,
Sandpoint, ID.

Date: March 29, 1995.
Fax No: 202-226-2573.
Facsimile To: Sen. Larry Craig.
Company/Branch: U.S. SENATE.
Facsimile From: Barbara Huguenin.

Message: The Salvage levels and accountability need to be the same as the recently approved House version (Taylor-Dicks amendment).

The PRESIDING OFFICER. The Senator from Washington has 2 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator LEAHY be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent a letter submitted to the Members of Congress from the Pacific Coast Federation of Fishermen's Associations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PACIFIC COAST FEDERATION
OF FISHERMEN'S ASSOCIATIONS,
March 13, 1995.

Re fishing industry groups oppose "sufficient language" and mandated timber harvests.

Members of Congress,
Capitol Hill,
Washington, DC.

DEAR MEMBER OF CONGRESS: The Pacific Coast Federation of Fishermen's Associations (PCFFA) is the largest organization of commercial fishermen on the west coast, with member organizations from San Diego to Alaska. We represent working men and women of the Pacific fishing fleet who generate tens of thousands of jobs and are the economic mainstay of many coastal communities throughout the Pacific coast region. We are joined in this letter by the Northwest Sportfishing Industry Association (NSIA), which represents the many sportfishing businesses in the Northwest. There are more than 5,000 such businesses in this region, with several thousand more in Alaska. Between our two organizations we represent several billion dollars annually in economic productivity, and more than 100,000 jobs along the Pacific coast as well as far inland.

We oppose the current Congressional effort to approve "sufficiency language" or to mandate minimum timber harvest levels in the Northwest. However well meaning, these are nevertheless bad ideas. Sufficiency language would simply override all current protections for salmon and other aquatic species. Mandatory timber harvest levels would essentially do the same, since many levels could not be reached without severe damage to other resources. The result would only be additional degradation of already severely damaged salmon spawning habitat, more economic dislocation within fishing communities, and more lost jobs in our industry. Salmon throughout the region have already been severely depressed because of past timber harvests done without regard to their environmental consequences. This region cannot afford to go down that road once again.

We also are a natural resource dependent industry. We are sympathetic to the plight of timber communities, and are not opposed to harvesting timber through the existing Forest Plan or in ways that are legal under current law. However, it makes no economic sense to harvest timber on the backs of fishermen and at the expense of the jobs and coastal communities which salmon support. This would be a form of economic suicide for the region.

Federal management agencies already have an aggressive fire salvage program, and all the legal authority they need to implement it. However, they should not be forced by law to move faster than they can complete the necessary environmental assessments and watershed analyses so they can take the proper steps to protect fragile salmon and other aquatic resources. The solution is not "sufficiency language," nor is it mandated levels. The real solution would be to accelerate funding to the USFS and BLM to enable them to more quickly complete the necessary watershed analyses for their own planned salvage and harvest programs.

Sufficiency language and mandated harvest levels are simply bad ideas. If enacted, they would further deplete salmon and other aquatic resources which it is vitally important to protect. They would also further devastate fishing economies throughout the region. They would throw our industry further into economic chaos. They would make it just that much tougher, and just that much more expensive, to restore the Northwest's valuable salmon runs back to full productivity.

We urge you to oppose every attempt to impose "sufficiency language" to override current environmental protections as well as the setting of mandatory harvest or salvage levels on our nation's forests—whether by appropriations rider, amendment or separate legislation. Thank you.

Sincerely,

ZEKE GRADER,
Executive Director,
Pacific Coast Federation of Fishermen's Associations.

LIZ HAMILTON,
Executive Director,
Northwest Sportfishing Industry Association (NSIA).

Mrs. MURRAY. I yield the remaining time to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I am very disturbed by the content of the amendment of the senior Senator of the State of Washington. The language of this amendment would allow the suspension of all environmental laws applicable to logging on certain forests managed by the U.S. Forest Service and the BLM—all environmental laws.

This language would cover any timber offered through September 1996, in a salvage sale, a term that is so broadly defined as to apply virtually to any kind of timber sale.

The language of the bill says:

> A salvage timber sale means a timber sale for which an important reason for entry includes removal of diseased, damaged trees or trees affected by fire and imminently susceptible to fire or insect attack.

Mr. President, as I read this amendment, that language means to limit salvage timber sales to areas where the trees are still made of wood; all wood would be susceptible to insect or fire. Therefore, all would be included in this amendment, and environmental laws for the logging of such timber would be not relevant.

So, Mr. President, I hope that we will support the amendment of the Senator from Washington. I think she has taken a politically difficult and dangerous course, and has done so on the stand of principle and in a way that does not savage the environmental law. I salute her for doing this.

Sometimes in haste, in an effort to respond to what is a crisis, we make big mistakes. This should not even be on an appropriations bill. It should be in the authorizing committee. It is not. It is the wrong piece of legislation on the wrong bill at the wrong time, and it should be rejected because it sets an incredibly dangerous precedent.

Mr. HATFIELD. Mr. President, in my State, and throughout most of our Federal forest nationwide, we are experiencing a forest health crisis of epic proportions. In 1994, 80 years of fire suppression and almost a decade of drought conditions culminated in one of the worst national fire seasons on record. Thirty-three fire fighters lost their lives and $900 million was spent fighting these fires. Fourteen of the fire fighters who died were from Prineville, OR, a small town in my home State. Congress must act swiftly to address this situation or face a 1995 fire season as bad or worse than 1994.

Congress has known about the forest health and fire danger problem for a long time. In July 1992, the Senate Energy and Natural Resources Committee held a hearing on forest health. At this hearing, Jack Ward Thomas, then a researcher and now Chief of the Forest Service, stated "we should proceed with salvage as soon as possible, and as carefully as possible." In fact, at that 1992 hearing, the Forest Service identified 850 million board feet of timber in eastern Oregon and Washington alone that needed to be salvaged in 1992 and 1993. Only half of that volume, however, has been actually salvaged.

The forest health crisis exists nationwide, but in my State it is particularly acute. Of the 5 million acres of Oregon's Blue Mountains, 50 to 75 percent contains predominantly dead or dying trees. According to the Forest Service, the land management practices of the past 80 or 100 years are the primary reasons for the poor health of Oregon's, and the Nation's, forests. Fire suppression, the single largest contributing factor, has prevented naturally occurring, low-intensity fires to clear out the understory of forest stands. This has allowed less-resilient, shade tolerant tree species such as white fir, and Douglas fir, to flourish. These trees have been prime targets for disease, insect infestation, and now wildfire.

It is time to begin the healing process in our forests that Jack Ward Thomas felt was so important 3 years ago. Congress can live up to its responsibility to provide direction to the land management agencies by passing the Gorton salvage amendment.

As many of my colleagues know, salvage logging is not without controversy. Although it is part of regular Forest Service practice, some seek now to block the salvage of diseased and bug infested timber as a land management option. To put their position in perspective, these same voices have publicly stated that their preferred goal is to eliminate the harvesting of any and all trees from Federal lands—even for the enhancement of forest health. This dogma is so stringent that the catastrophic loss of our natural resources through disease, insect infestation and fire is preferable to having the health of these forests restored for future generations.

The radical doctrine of no use, which certain groups are now advocating, not only threatens the future health of our forests, it threatens the underlying base of political support for one of our Nation's most important environmental laws—the Endangered Species Act.

I was the original sponsor of the 1972 version of the bill which eventually went on to become the Endangered Species Act. I believe the act epitomizes the respect we, as a nation, hold for our environment and our natural surroundings. While I have made it clear that I believe some fine tuning of the act needs to occur during the upcoming reauthorization debate, I worry that when moderate positions, such as the one put forth in the Gorton amendment, become polarized, fodder is given to those whose goal is to abolish or gut the act. I will do my best to prevent this from happening, but the position of some groups on this salvage amendment simply perpetuates the attitude that all environmental laws, including the ESA, have gone too far and need to be significantly altered or scrapped.

These concerns are merely symptoms of a larger problem—the breakdown of our Nation's land management laws. The result of this breakdown is a problem of national significance with little ability in the law for land managers to take care of the problem in a timely manner.

Unfortunately, for those of us who have been around a while, this situation is all too familiar.

Almost 6 years ago, I stood here on the floor with my colleagues from the Pacific Northwest, the Senate Appropriations Committee and the Senate authorizing committees to announce a temporary solution to a crisis in the Pacific Northwest. This compromise was sponsored by myself and then-Senator Adams from Washington State, and was supported by every member of the Pacific Northwest delegation. It was truly an extraordinary measure, meant to address an extraordinary situation.

Recognizing the temporary nature of this solution, many Members of Congress believed that larger issues loomed and needed to be addressed. Namely, that the forest management and planning laws, originally enacted in 1976, were in serious need of revision. During the course of the debate on the Hatfield-Adams amendment I entered into a colloquy with then-chairman of the Senate Agriculture Committee, Senator LEAHY, to proclaim the temporary nature of the amendment and announce our intentions to pursue a long-term solution through the review and revision of our Nation's forest management laws in the authorizing committees.

Six years later, however, our forest management laws are unchanged.

When the Northwest timber compromise was developed in 1989, I took the promises of my colleagues to address our Nation's long-term forest management laws very seriously, and I was determined to do my part to address this growing dilemma. In 1990, I introduced legislation, called the National Forest Plan Implementation Act, to assist with the implementation of forest plans developed as a result of the 10-year planning processes enacted by Congress in 1976. Two years later, another comprehensive bill was introduced by Senator Adams to address the long-term issue. Both of these measures were referred to the Senate Agriculture Committee where no hearings were held and they died in committee.

The next year, in 1991, I was a primary cosponsor of Senator PACKWOOD'S Forest and Families Protection Act, which dealt with a number of the same issues as my 1990 bill and also addressed the issues of rural development and workers. This legislation was referred to the Senate Energy and Natural Resources Committee, of which I am a member, where we were able to hold several hearings and a markup on the bill. Unfortunately, the bill never made it to the floor for consideration.

My point is, Mr. President, many of us have undertaken significant efforts to live up to the commitments of 1989 to address the long-term management of our forest resources through the authorizing committees. Unfortunately for the entire Nation, the other Senate authorizing committees with jurisdiction over this issue have not felt compelled to do the same.

The Gorton amendment to the rescision bill begins to address this problem by doing three things to address the emergency situation that now exists in many forests. The first is national in scope and provides our Federal land management agencies with the flexibility to conduct environmentally sensitive forest health/salvage activities. These activities will be done using the agencies' own standards and guidelines for forest and wildlife management.

Second, the Gorton amendment releases 375 million board feet of timber sales in western Oregon that were previously sold to timber purchasers. Most of these sales, originally authorized by the Northwest timber compromise amendment of 1989, were determined by the record of decision for President

Clinton's option 9 plan not to jeopardize the existence of any species. To ensure further protections, the Gorton amendment includes provisions prohibiting activities in timber sale units which contain any nesting threatened or endangered species.

Finally, the Gorton amendment gives the Clinton administration more tools with which to implement timber sales in the geographic area covered by its option 9 plan. As a vocal critic of option 9 and the process that was used to develop it, I have some concerns about this section of the Gorton amendment. Nevertheless, I applaud the sponsor's efforts to give the administration all possible tools to meet its promises to get wood to the mills of the Pacific Northwest in the next 18 months.

While the first portion of the Gorton amendment is national in scope, these last two sections will assist the President in meeting his commitments to the workers, families, and environment of both western and eastern Oregon and Washington.

I came to the floor in 1989 to offer the Northwest timber compromise because we were witnessing what was then a crisis for the rural communities of my State. Since that time, 213 mills have closed in Oregon and Washington and over 21,800 workers have lost their forestry-related jobs. In addition, the forests in the eastern half of these two States are in the worst health in a hundred years.

These national forests and communities cannot wait through another fire season like 1994 for Congress to finally meet its commitments to rewrite the Nation's forest management laws. I have every confidence that the new Republican Congress will do its best to meet that challenge, but the Gorton amendment is necessary to help us bridge that gap. It is a much needed piece of legislation for our Nation's forests and timber dependent communities.

There are those whose agenda is to prevent people from managing our forests altogether. They would rather let our dead and dying forests burn by catastrophic fire, endangering human life and long-term forest health, than harvest them to promote stability in natural forest ecosystems and communities dependent on a supply of timber from Federal lands. The Gorton amendment says we can be reasonable in what we do in the forests and harvest trees for many uses—forest health, community stabilization, ecosystem restoration, and jobs for our workers.

I urge my colleagues to support the Gorton amendment to the fiscal year 1995 rescissions bill.

The PRESIDING OFFICER (Mr. BENNETT). All time has expired.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I move to table the Murray amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Washington to lay on the table the amendment of the Senator from Washington [Mrs. MURRAY]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. DORGAN] and the Senator from Florida [Mr. GRAHAM] are necessarily absent.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Minnesota [Mr. GRAMS] are absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—48

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Frist
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Reid
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cohen
Daschle
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Roth
Sarbanes
Simon
Wellstone

NOT VOTING—6

Conrad
Dorgan
Faircloth
Graham
Grams
Kassebaum

So the motion was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

HONORING JEREMY BULLOCK

Mr. BAUCUS. Mr. President, I would like to welcome some special friends to Washington today. They are Penny Copps of Butte, and Penny's son, Steve Bullock, late of Montana and now living here in Washington, DC.

Just about a year ago, the entire Bullock family weathered about the worst blow any family can take.

Eleven-year-old Jeremy Bullock—the grandson of Penny and her husband Jack; Steve's nephew; the son of Bill and Robin; Joshua's twin; the elder brother of Sam, Max and now Kaitlyn—was shot and killed, on the playground at the Margaret Leary Elementary School, by an emotionally troubled fourth grader.

The family and the whole Butte community, has been through a terrible test. The loss can never be repaired. But they are working together to use this tragedy to make our State of Montana, and all of America, more sensitive to and aware of the violence that has hurt so many of our youth. They have spent a year teaching, learning, and doing their best to make sure no other family suffers such a loss.

It is now my great privilege to read to you a statement written by the Bullock family in memory of their son, Jeremy.

There is nothing more infectious than a child's laugh.
Nothing more disarming than the innocence of a child's question.
What fills the void when our children's voices can no longer be heard?

On April 12, 1994, Jeremy and Joshua, eleven-year-old-identical twins, woke, dressed, had breakfast and left for school that day, the same as any other day. It was library day, so Jeremy's backpack was heavy with books he had read and was returning.

Weeks later, a police officer worked up the courage to give Jeremy's family that backpack. He had tried to scrub the blood from the canvas, trying to ease the pain in the only way he knew how. For on April 12, 1994, eleven-year-old Jeremy was shot and killed at his school by a child whose only explanation was "No one loves me."

Jeremy Michael Seidlitz Bullock lived in a home in Montana where violence was not condoned. He was not allowed to watch violence on television or play games glamorizing violence. Instead, he was active in sports. Jeremy loved to sing. He listed his hobby as getting good grades. School was his second home, a place where children laughed and learned.

Jeremy wanted to become a teacher or an environmental engineer. Jeremy and his brother Josh would spend hours on hikes, coming home with their pockets overflowing with garbage they picked up along the way. Jeremy believed that leaving places he visited better than the way he found them was a good way to live.

Jeremy loved and was deeply loved. Yet, he was not safe because collectively we allowed Jeremy's voice to be silenced.

Every day in America the voices of 10 of our children are silenced by violent acts. Over three million of our children ages 3 to 17 are exposed to parental violence every year. Our children will witness over 200,000 acts of violence on television by the time they turn 18. A new handgun is manufactured every 20 seconds in America. And many of them wind up in the wrong hands.

We passively listen and accept the statistics, but do we listen for the voices lost?

On behalf of Jeremy's family and children everywhere, we will designate April 12 as a day of remembrance of Jeremy and dedicate ourselves to creating a safe world for all of our children.

We dedicate ourselves to taking that walk with Jeremy, and accepting his simple challenge: Are we leaving this place that we visit better than the way we found it?

Our children need not lose their voices while we stand by, overwhelmed by the magnitude of the problem.

There is much we can do. We can tell the media we will not be consumers of glorified violence. We can direct our children toward nonviolent entertainment and help them find acceptable ways to express anger and resolve conflict. we can extend the boundaries of our families to include caring about and caring for the children of our community.

And when we become discouraged, we must rededicate ourselves by straining our ears, to hear the empty void left behind. Listen for the voice of eleven-year-old Jeremy Bullock, and listen for the voices of others that have been silenced. For the pain in remembering is little compared to the pain in realizing that others may soon forget.

Mr. President, April 12 is the first anniversary of this tragedy. And on that day, the Bullocks will join the Margaret Leary School and the whole Butte family in dedicating a soccer field to the memory of Jeremy Bullock.

Every so often, people in Washington—and, I suppose, people anywhere—lose sight of what really counts. We get wrapped up in policy arguments, debates over bills and so on. People like the Bullocks can remind us of what is truly important—our families, our communities, our children.

I hope all of us—here on the floor, up in the galleries, watching on C–SPAN—will listen to this courageous family.

Mr. President, I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am going to offer an amendment. I am going to take about 15 seconds.

Mr. HATFIELD. Will the Senator yield for just a moment, please?

Mr. GRASSLEY. Yes.

Mr. HATFIELD. We are in a situation where we really have the D'Amato amendment as the pending business.

Mr. GRASSLEY. Can I ask to set that aside?

Mr. HATFIELD. For how long?

Mr. GRASSLEY. For about 60 seconds.

Mr. HATFIELD. Mr. President, I ask unanimous consent to set aside temporarily the D'Amato amendment in order for the Senator from Iowa to offer a 60-second amendment.

Mr. DODD. Reserving the right to object, I have no objection. You are not going to offer your amendment at this point but just to make a statement?

Mr. GRASSLEY. It has been accepted, and I want to offer it.

Mr. HATFIELD. It is noncontroversial.

Mr. DODD. I have no objection.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 430 TO AMENDMENT NO. 420

(Purpose: To prohibit the use of funds by the Secretary of Agriculture to delineate new agricultural wetlands, except under certain circumstances)

Mr. GRASSLEY. Mr. President, on behalf of Senator DORGAN and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. DORGAN, proposes an amendment numbered 430.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

Mr. GRASSLEY. Mr. President, my amendment prohibits the Secretary of Agriculture from expending funds to continue the wetland certification and delineation process on agricultural land, unless requested by the landowner.

It is my understanding that the amendment has been cleared by both the Agriculture Committee and the Environment and Public Works Committee and will be accepted by the managers of the bill.

My amendment safeguards the property rights of our Nation's farmers by prohibiting the Secretary of Agriculture from expending funds to delineate new wetlands on agriculture land until the end of the year. This rescission will allow Congress the opportunity to reform wetlands policy through new legislation. It will also allow the public to have input into the process. Thus far, the landowners have been shut out of the process.

As you know, no less than four Federal agencies claim jurisdiction over the regulation of wetlands. Just think of how impossible it must be for the family farmer to understand what four different Federal agencies want him to do in regard to wetlands on his private property.

Last year, these agencies entered into a memorandum of agreement. Although the MOA was intended to streamline the regulatory process and clarify the role of each agency, it has increased the level of confusion and frustration among those farmers affected by it.

The delineation of wetlands on agricultural land has been a confusing proposition for some time. On the other hand, the consequences of the delineations are very clear. A farmer who alters a wetland without authorization from the Federal Government faces potential civil penalties, criminal action, and loss of farm programs benefits. Because the stakes are so high, we must ensure that the delineation process is accurate and reasonable. And we must ensure that the voice of the farmer is allowed to be heard when the process is put into place.

As I speak, new wetland delineations are being conducted in the State of Iowa pursuant to the MOA. It will soon cover every other State affected by agricultural wetlands. So farmers in all States will soon be deprived of the right to farm their land or improve their property because a Federal bureaucrat decides that such activity interferes with a protected wetland.

This process is being done in a laboratory, by people unknown to the farmers, who take soil surveys and aerial photography and try to find evidence of wetlands, in order to get more farmers under their regulatory umbrella. This process disturbs me greatly.

The old Soil Conservation Service worked alongside farmers for the past 60 or 70 years. There was a close relationship between the farmer and SCS officials. They shared a common goal of promoting conservation of the land. That sort of cooperation has resulted in more benefit to the environment than any other USDA program. But I am afraid that this cooperative spirit has been lost.

The current process has shut out the farmer. The bureaucrats are making decisions without consultation with farmers. We have gone through this process before—with the passage of the swampbuster and sodbuster provisions of the 1985 farm bill. For the most part, farmers did not complain about the process then—because there was an open effort on the part of the bureaucracy to work with the farmers, to educate them on the process and to solicit the farmers' input. But that is not the case this time around.

Mr. President, I want to make it very clear that I am not opposed to protecting valuable wetlands. My vote for the antisodbuster and antiswampbuster provisions in the 1985 farm bill is proof of that. And I am making no attempt to roll back the provisions of that bill. However, I am opposed to changing the rules every few years so that farmers can never be certain if their conduct is allowed under the current regulatory scheme. I am also opposed to the promulgation of an MOA that will significantly affect the ability of private property owners to improve their land, without the benefit of input from the people affected by the agreement.

My amendment will allow for this input through congressional hearings on wetlands policy. At the very least, Congress should ensure that the concerns of private property owners are heard before they are deprived of the use of their land.

The amendment will also stop the bureaucracy from acting based on the flawed memorandum of agreement. I believe that this Congress is committed to reforming Federal wetlands policy. This policy should be based on sound science, recognize the constitutionally protected rights of private property and, above all, institute a large dose of common sense into the program. This amendment stops the Government from finding new wetlands on farm land until this reform can be put in place.

Mr. President, in closing I want to make sure that my colleagues understand the scope and the intent of this amendment. The amendment will in no way affect the regulation of wetlands currently listed on the wetlands inventory. Furthermore, it will not interfere with a landowner's ability to obtain a section 404 permit or a swampbuster determination.

What the amendment does, simply stated, is this: The amendment prohibits the Natural Resource Conservation Service from conducting its certification process and adding new wetlands to the inventory until 1996.

Opponents may argue that it was the agricultural interests that wanted the NRCS to be the lead agency in determining wetlands on agricultural lands. This is accurate, however, the agricultural community believes that the MOA is a flawed document and they overwhelmingly support this amendment. In fact when I introduced this moratorium as a free-standing bill, 14 farm groups from across the political spectrum signed a letter to President Clinton supporting the bill. These groups range from the conservative-leaning American Farm Bureau Federation to the bipartisan Association of State Departments of Agriculture to the more-liberal National Farmers Union. I would also note that the bill is cosponsored by 18 other Senators from both sides of the aisle. All of us involved in agriculture want to relieve the regulatory burden placed on farmers by Federal wetlands policy. This amendment will allow Congress some time to do just that. I urge my colleagues to accept this amendment.

(At the request of Mr. GRASSLEY, the following statement was printed in the RECORD.)

• Mr. DORGAN. Mr. President, I have cosponsored this amendment with the Senator from Iowa and ask this body's approval. I will be unable to come to the floor today because I must be in North Dakota to testify before the Base Realignment and Closure Commission.

We sought this amendment so the Federal agencies who implement the Swampbuster law will avoid creating unnecessary confusion for farmers who are subject to the regulations and rules on management of wetlands.

In the 1990 farm bill, we made some improvements on wetland regulations, including provisions that assign the Department of Agriculture as lead agency for implementing swampbuster regulations on farmland. To fulfill the intent of the 1990 farm bill, the Federal agencies have proposed some changes in rules and operating procedures for mapping, or delineating, wetlands on farmland. Those new procedures are expected to be implemented this year.

Our amendment will hold up implementation of those new procedures and mapping conventions until Congress reviews the swampbuster law as part of the farm bill this year. Congress may, in fact, change its approach to the small, temporary wetlands, called type I wetlands, and many of us in Congress want to see some changes in that area. It only makes sense to avoid implementation of changes in wetlands rules this year if more are to be made in the farm bill.

In consideration of farmers who must try to understand and conform to Federal wetlands requirements, we simply must not change the rules every year.•

Mr. CHAFEE. Mr. President, as I understand this amendment, it prohibits the Secretary of Agriculture from conducting new wetland delineations or certifications on agricultural lands, except at the request of a landowner or operator, for the purposes of carrying out wetland conservation programs under title XII of the 1985 Food Security Act. The amendment does not apply to the wetlands regulatory program under section 404 of the Clean Water Act. Therefore, the Grassley amendment in no way restricts the Secretary of Agriculture, through the National Resources Conservation Service, from delineating wetlands on agricultural lands for the purposes of carrying out section 404 of the Clean Water Act.

Mr. GRASSLEY. The Senator from Rhode Island is correct.

Mr. CHAFEE. I thank the Senator from Iowa for clarifying that point. It follows then that the January 1994 memorandum of agreement among the Department of Agriculture, the Environmental Protection Agency, the Department of the Interior, and the Department of the Army concerning the delineation of wetlands for purposes of section 404 of the Clean Water Act and subtitle B of the Food Security Act is not suspended by this amendment. And, in accordance with that memorandum of agreement, the Natural Resources Conservation Service will make wetland delineations on agricultural lands for the purposes of determining section 404 jurisdiction.

Mr. GRASSLEY. That is correct. My amendment does not suspend the general terms and procedures of the interagency memorandum of agreement on wetland delineations with the exception of the terms of that agreement relating to new delineations and new certifications of wetlands on agricultural lands under section 1222(a) of the Food Security Act of 1985.

The PRESIDING OFFICER. Is there further debate?

Mr. HATFIELD. I understand that a copy of that amendment is available.

Mr. GRASSLEY. Yes. Senator DORGAN cleared it on the Democratic side, and I have cleared it on our side.

Mr. HATFIELD. I understand. The Senator is correct. But there is a Senator who has asked to see a copy of it.

Mr. GRASSLEY. I am sorry if it has not been cleared.

Mr. BYRD. Mr. President, it is my understanding that Senator LEAHY wishes to see the amendment.

Mr. GRASSLEY. We cleared it with him.

Mr. BYRD. That is the word I am receiving.

Mr. HATFIELD. Mr. President, I ask unanimous consent to set aside the Grassley amendment temporarily.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Reserving the right to object, what was the request?

Mr. HATFIELD. I was asking unanimous consent to temporarily lay aside the Grassley amendment until the Senator can read it and others can read it who are interested.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be set aside.

AMENDMENT NO. 427 TO AMENDMENT NO. 420

The PRESIDING OFFICER. The question now recurs on amendment No. 427 offered by the Senator from New York.

Mr. DODD. Mr. President, I understand my colleague from Arizona wants some time on this amendment.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, back on my amendment, we have now been able to clear it with the necessary Members who had some doubt, although I was correct in my first statement that it had been cleared. But there was some question about which version. We have that all settled now.

Mr. President, I ask that we take final action on my amendment.

Mr. HATFIELD. Mr. President, the Senator is correct. It has now been completely cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 430) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the D'Amato amendment be laid aside temporarily.

Mr. DODD. Mr. President, reserving the right to object, may I inquire of my friend from North Carolina?

Mr. HELMS. Mr. President, I will say to the Senator, I think maybe we ought to do something around here except sit around in quorum call with the threat of being here all night. I have two or three amendments I would like to offer. So I would go ahead with my amendment if the Senator from Connecticut and others on his side will permit me to do so.

Mr. DODD. May I say, Mr. President, to my good friend from North Carolina, I think an effort is being made here to see if we cannot come up with some resolution of the issue. I respect immensely the desire to move along. The Senator from North Carolina is aware this has only occurred because an amendment was offered. Certainly I am anxious to see us move along at this point.

With all due respect to my colleague, at this juncture I think we are fairly close to striking an agreement. I am going to object.

Mr. HELMS. Before the Senator objects, I was going to say if, as, and when an agreement is reached, the Helms amendment could be laid aside.

Mr. DODD. I think at this point here I just would like to see if—we are fairly close, I say to my colleague. I have several colleagues over here who have been holding up for the last hour, sitting here at my request not to go forward until we get a resolution. The Senator from California, the Senator from Nebraska—there is one other one, I think—had amendments pending. The Senator from Arizona. They agreed. With all due respect, in fairness to them, I object to going forward.

Mr. HELMS. If the Senator would yield, let me suggest we do something, just not sit here——

Mr. DODD. We are right now, Senator.

Mr. HELMS. Under the quorum call rule, rolling on like Tennyson's brook.

Mr. DODD. I appreciate my colleague's concerns. But I did not create the situation we are in. I am just responding to the situation we are put in. I understand and I am sympathetic to his concerns. But with all due respect to my friend from North Carolina—and he is that—I respectfully object.

Mr. HELMS. As the saying goes, you probably will not love me in the morning.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, let me say that I am desirous of attempting to accommodate my colleagues, particularly the chairman of the Appropriations Committee and my colleagues on the Appropriations Committee, and those who are interested.

Mr. KERREY. Is the Senate in quorum call?

Mr. D'AMATO. Yes, the quorum call was called off. The quorum call was called off. The Senator yielded the floor and I am making a statement. I believe I have the floor.

The PRESIDING OFFICER. There is no quorum call.

The Senator from New York has the floor.

Mr. D'AMATO. In an attempt, Mr. President, to move the process, I have attempted to work out an agreement with my colleagues who share a concern as it relates to the inadequacy of time to debate this very important legislative proposal.

I must say to you, I have no disagreement with providing ample time. Yet, if we were to have more extensive debate—and we have had 3 hours plus—I recognize that would impede us from going forward on this important legislative initiative.

Therefore, it is in that spirit, that spirit with my colleagues, that I have indicated I am willing to withdraw this amendment at this time, to offer it as a freestanding resolution, to bring it up Monday at noon or anytime thereafter, to have extensive debate, to divide the time equally, and to have a time certain to vote—for a reasonable time, to put in 5 hours equally divided. But by no means am I suggesting that it should be limited to 5 hours if 6 hours is necessary or 7 hours or 8 or 10 hours or 12 hours or 24 hours. But at some point in time I want to be assured, because of the importance of this, that we have a vote, that my colleagues truly have an opportunity to vote.

Indeed, this may not carry. I have no illusions. I think probably it will be defeated. I have a sense that there are lots of my colleagues who would just as soon stay out of this situation. They will let the President do it, and if Mexico deteriorates, we did not do anything. That is what is taking place.

I think it is a question of our constitutional responsibility. We are talking about making billions—by the way, I did not have sufficient time to respond as it relates to the appropriateness of this measure. We are talking about rescissions of $14 billion. Here is $20 billion going to Mexico; $5 billion has already gone down. Another $5-billion-plus will go down in the next 2 or 3 weeks, or 4 weeks.

If you want to talk about aid, I want to give aid to the communities that need it. Orange County, I would rather give them a loan guarantee with this money. How about the District of Columbia? Let us help them. In my State, we have a $4 billion deficit we inherited. Let us help them out. Then, after that—that only accounts for $4 billion, $2 billion, $6 billion, $7 billion—then let us give the other $13 billion to deficit reduction, if you want to help. Talk about relevance.

I mean, if the Senators come and say they are concerned about the children, if you are concerned about the children, here is the opportunity to give them that money instead of shipping it away. I think it is very relevant why we are cutting back programs over here in this country. We are supposed to say no; we should not have the responsibility for voting on an appropriations which is an appropriation as it relates to bailing out another country—unprecedented.

By the way, this fund has never been used for any countries that some of my colleagues—Israel has never been a beneficiary of this. The United Kingdom has never been a beneficiary of this. Only one country has ever gone up to $1 billion: Mexico. They paid that back in 12 months.

When I hear people telling me, "Oh, my god. It will be the end of the world if we do not have this authority," unprecedented circumvention of the constitutional responsibilities of this Congress. Let me tell you, if you do not want to vote on it, but you will have to vote on it, do we say that this is the way to do business? By the way, I respect people who say, "Alfonse, we have to do something to help Mexico." Let us do it the right way. If it means we have to get a majority of our colleagues to vote to appropriate, then let us do it in that manner.

Mr. WARNER. Mr. President, will the Senator yield for a brief question?

Mr. D'AMATO. Yes.

Mr. WARNER. I have been saying all along that this transaction with Mexico has serious faults and may well not be in our interest. When this was originally brought to us on that day, for example, when the Secretary of the Treasury and Alan Greenspan and others addressed Senators downstairs, right then I began to develop some serious concerns as to whether or not I would ever support it. Indeed, the leadership decided at that time to not bring it before the Congress.

But the question I have for the Senator is, Do we have a base of fact that would provide an ability for the Senate to better understand how this happens, who is responsible, who profited, who suffered losses, so that we can make an informed decision on the Senator's proposed legislation?

I frankly am inclined to support the Senator from New York. But I would want to do so only after the most careful analysis of positive facts on this issue. The Senator was to have had hearings in the committee. I just wondered what the status of the hearings were, and what is the body of fact that we have before this Senate today that we did not have at the time this was originally brought up?

Mr. D'AMATO. We finally have a plan that has been put forth as it relates to the utilization of these dollars. We know that Eurobonds, we know that tesobonos have been facilitated as a result of repurchasing them by the Government. We know that the loan programs, the Mexican Government has received and been the beneficiary of these dollars. And we also recognize that the economy, notwithstanding the claims that it has moved forward—as a matter of fact, the stock market yesterday in Mexico dropped 1.2 percent—we understand marginal movements up and down.

But the fact is that some of the so-called petroleum reserves that are going to be used as collateral—there is a very real question about whether or not during the lifetime of these loans, there will be sufficient collateral or revenues available.

We have learned that there is great civil unrest as it relates to the people of Mexico, and that they are angered at the United States for imposing these conditions in terms of raising interest rates, raising tax rates; a 50-percent consumer tax increase, from 10 to 15 percent. So we are aware of that.

We are also aware that we have not received the kind of information that foreign investment is returning, which is the cornerstone of this so-called economic recovery, if it is to take place. We have also learned that it is very doubtful that in the months ahead, they are going to be able to deal with short-term as well as long-term repayment schedules. We are talking about $170-billion-plus which the Mexican Government owes; $70 billion short term.

I say to my friend and colleague, $50 billion worth of guarantees does not stop or is not sufficient as it relates to the repayment of $70 billion worth of short-term Mexican debt this year. That we have learned.

We have also learned, unfortunately, in the tabloids, of the incredible unrest and, yes, the incredible instability of the institutions to be able to perform and to carry out any kind of meaningful transformation. We know, for example, that the oil monopoly, PEMA, cannot and will not be producing at a rate today that it is in the future. That does not portend good things. We know that capital will not be made available because the Mexican people, and indeed the Mexican Government, understands that you cannot look to the free enterprise system as it relates to the oil monopoly which does have vast value.

So the premise upon which these agreements were made—by the way, we do know that billions of dollars' worth of investments that were made have been paid. They have been paid by U.S. taxpayer dollars redeeming speculative investments.

Mr. WARNER. The question is, To whom was it paid? The fundamental question I have is, Will the Senate, in the course of the deliberation of the proposal of the Senator from New York, have a better understanding as to how this crisis happened, and who is benefiting from this cash-flow that has been described by the Senator such that we can act in an informed way on the proposal by the Senator from New York?

Mr. D'AMATO. No. Unfortunately, we will not learn for at least a year who the holders of these bearer bonds were, and only then maybe as it relates to those citizens of the United States. Obviously, we have no way to know. And this is one of the things that we brought up before this agreement was implemented. Who are the holders of these Eurobonds? Who are the holders of the tesobonos? We were told that we could not get that information.

Now, it seems to me that if we are going to make American dollars available we had a right, that our Treasury people had a right to say we want to see who they are and we want to negotiate with them. We want to see if we cannot restructure the repayment so that instead of paying it all plus 20 percent, we would restructure on the basis of maybe 60 cents on a dollar, 70 cents on a dollar, or maybe pay it over a period of time.

Now, that would have been—and that, by the way, was suggested by Bill Seidman, former head of RTC, the former head of the FDIC, who said it makes sense to restructure. Do not just shovel out American money dollar for dollar.

And my friend from Virginia touched exactly on it. To date, when we have asked for the records, when we have asked how this money has been used, we are told, "We don't know." As it relates to who received it; they were bearer bonds, "We don't know." They knew the Congress wanted this information.

Mr. WARNER. Mr. President, when the Senator asked, to whom did he place these questions? Was it the administration? And were they not forthcoming?

Mr. D'AMATO. It was the administration. It has been as high as the Secretary and the Deputy Secretary and others in the Treasury Department. And it is because we were told that they just went along on the basis that it cannot be done, you cannot ascertain who the people are.

Well, let me tell you something. That is nonsense. They never made that a priority. So you can say well, why are you complaining now? We complained before they started the repurchase of these agreements, we complained about it while they were doing it, and we are complaining about it now. And now $5 billion have been expended. How much more before we say we do question the adequacy of the manner in which these dollars were being used?

I do not question for one moment the good intentions, indeed, of congressional leadership, Republicans, Democrats. This Senator said certainly we have a special obligation as it relates to Mexico and its stability. But, my gosh, we have an obligation to be realistic and to see that these funds are being used appropriately, that we are getting the most for our money.

How does repaying a Eurobond or how does the repurchasing of a tesobono from someone from Germany or Japan or from the United States dollar for dollar plus 20-percent interest in some cases, 25 percent interest in other cases, how does that benefit the Mexican worker, the Mexican economy? Do we really think that as a result of our purchasing these agreements people are now going to rush to Mexico and put money back in there? I think you have to be rather naive to think so.

Mr. WARNER. Mr. President, I would like to know whether or not it has been the American taxpayer who is responsible for the very funds that the Senator refers to as now being the principal cash flow? Am I not correct?

Mr. D'AMATO. We are. We are the principal casualty as it relates to the cash flow. And let me assure the Senator where we were initially told in briefings which the Senator attended that there would be no risk, that we would not have to put up any money, now we are hearing, well, certainly there is some risk, and now we are hearing, yes, there is $5 billion.

I remember when the head of the Federal Reserve, Alan Greenspan, said—and I respect him tremendously—if you have to start a drawdown on these funds the program is not working. Well, we have drawn down $5 billion, in addition to the money from the IMF.

Mr. McCAIN. Will the Senator yield for another question?

Mr. D'AMATO. Certainly. Let me complete this.

In addition to the money that has come from the World Bank, and I believe that we will be getting ready, from what I understand, to draw down on billions more from the United States.

Now, this is an unprecedented use of the fund, and, yes, Senator DOLE and Speaker Gingrich have indicated that they wanted to help and they were supportive. Let me remind my colleagues in fairness to Senator DOLE—

Mr. WARNER. Mr. President, I wish to withdraw from the colloquy. My questions have been answered. It would seem to me, in a sense of fairness, indeed, the Senate would want to know what would be the views of Mr. Greenspan, perhaps the Secretary of Treasury, and others specifically addressing the Senator's proposal. Will those responses be available or have they been solicited?

Mr. D'AMATO. Well, they have been solicited. Indeed, the Secretary of the Treasury is adamantly opposed to this legislation. But let me say I am adamantly distressed, deeply distressed at the manner in which taxpayers' funds have been used to date. The lack of accountability—and I am not suggesting bad faith, but just as the process has evolved, the lack of accountability, and the accountability that we do have, leaves me very, very distressed.

I would like to know how it is that we can justify, when we are here making these cuts, that we are going to send more money down while the Mexican Government keeps printing pesos, they keep printing them and we think that we are going to help the economy and we are going to help the Mexican people by just shoveling money out in a manner that lacks business prudence.

I will tell you, you can have all the highfalutin people in the world to say this is important, this is good; they are not signing the notes. They are not making this their own business deal. They would never enter into a situation like this. There is no real collateral. There is no lien against that oil. As one of my colleagues said, you would have to send in the 82d Airborne if you wanted to try to exercise that. We know that is ridiculous.

So while it sounds good and while it may be well-intentioned—and I do not question the motivation for a minute—two things strike me.

No. 1, it has not been carried out in a businesslike, prudent manner. No. 2, we have the constitutional obligation that we cannot and should not delegate to the administration as it relates to the expenditure of these sums.

The legalistics that have been turned around to give us this so-called jurisdiction and the opinions that came from the Assistant Attorney General of the Justice Department and the counsel of the Treasury are mind-boggling: You would really have to say that this is not a foreign aid package. Of course, it is a foreign aid package; you would really have to say that this loan is so collateralized that there is no chance that it will fail. Nobody can tell you that, even the administration. They say, "Well, we don't think it will." And that itself flies in the face of the underlying legal opinion that says you can do this.

Mr. WARNER. Mr. President, I will withdraw. I will undertake myself to solicit the views of Alan Greenspan and the Federal Reserve.

Mr. D'AMATO. They have been supportive of this, as I have indicated to you, in terms of this program, in terms of calling it essential, and I disagree respectfully.

Mr. WARNER. Fine.

Mr. President, I associate myself with many of the concerns of the Senator from New York, and I will address this, as will others, in a very responsible way when it is brought up. But I think it is important that we do solicit the current views, the current thinking of the chairman of the Federal Reserve and I will undertake to do so.

I thank the Chair, and I thank the distinguished Senator.

Mr. D'AMATO. Let me conclude, and I know my colleague has been patient—he wants to ask a question or make a statement—and I am going to sit down or be available to answer his question.

Let me conclude by saying this. I am very willing to withdraw this amendment, if we can agree to a time certain so that we can have a full debate. And if we want more than 5 hours or 10 hours or 15 or 20 hours or 24 hours, I have no problem with that. But I think it is fair and I think it is our responsibility to the American people that we have a time certain for a vote, otherwise I can assure my colleagues that there will be a piece of legislation that will be moving through the administration will want. If I am placed in the position that this is the only way that I can get a vote, that the American people who are my constituents from Rochester and Syracuse and Buffalo and Long Island, the people who I represent, the people who say they are opposed to this, there will be another time.

Now, I am willing to set up a time. I am willing to withdraw, because it is fact of life. We have to get this important business through. Let us set it aside for Monday. Let us set it aside for Tuesday. Let us pick out an appropriate length of time and come to a vote. I have no illusions. My colleagues who are concerned do not want to be blamed for the collapse. I understand that. And I say Mexico has collapsed already. You will have an opportunity to vote for or against my bill. I will do that. There are a number of Senators who have said it is inappropriate to bring it up here. Fine. I will be willing—and I leave this to my colleagues on the other side—to work out a time when we can bring it up and have a vote, and I will not say anything more on that. I thank my colleagues for giving me the courtesy of this response.

Mr. HATFIELD. I thank the Senator from New York.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. SARBANES. Will the Senator from Arizona yield to me for just 30 seconds?

Mr. McCAIN. I am glad to yield to the Senator from Maryland.

Mr. SARBANES. The Senator from New York asserted only a few moments ago in the debate that the Mexicans have been printing money throughout this period. That, in fact, is not the case. They have upheld a tight money policy.

Through March 15, the nominal money supply has shrunk by 13 percent since the beginning of the year and the real money supply has shrunk by 23 percent.

Now, we may differ over the policy, but at least let us get the right facts out before us. To stand here and assert that they have been following a very loose policy in printing money does not square with what the reality is. The reality is that the money supply, since the beginning of the year until the 15th of March, in Mexico has shrunk—shrunk—by 13 percent.

I thank the Senator for yielding.

Mr. McCAIN. Mr. President, first of all, I want to thank the Senator from New York for his commitment on this issue and his willingness to agree to a vote. I do not have any role in those negotiations.

But I am deeply concerned about this amendment, its impact on American foreign policy and, very frankly, this amendment in its relation to the Constitution of the United States and the inherent powers of the Chief Executive.

I have always supported the foreign policy prerogatives of the President of the United States. Frankly, I think that is what this debate should be about.

I would refer my colleagues back to the language of the amendment, which says:

> Except as authorized by an act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government, including agencies or other entities of that government, or with respect to the current of a single foreign currency that would result in expenditures and obligations, including contingent obligations, aggregating more than $5 billion with respect to that foreign country during any 12-month period.

What we are saying, Mr. President, is that the authority of the President of the United States is substantially circumscribed by this amendment.

I point out that the President's action was not taken without consultation with the leaders of Congress. I think that the President of the United States, very appropriately, consulted with the leaders of Congress. In fact, on January 31, 1995, there was a statement issued by President Clinton, Speaker GINGRICH, Minority Leader GEPHARDT, Majority Leader DOLE, and Minority Leader DASCHLE. I will not quote from the whole statement, Mr. President, but I think it is important to remember that this was what our elected leaders here in Congress said on that day.

> We agree that, in order to ensure orderly exchange arrangements in a stable system of exchange rates, the United States should immediately use the Exchange Stabilization Fund to provide appropriate financial assistance for Mexico.

And they go on in the final paragraph to say:

> This is an important undertaking, and we believe that the risks of inaction vastly exceed any risks associated with this action. We fully support this effort, and we will work to ensure that its purposes are met.

Mr. President, it is my view that that is the way the relationship between the executive and legislative branches should function on issues such as these.

I think it is also important to remember a little background before this agreement was reached on January 31. The reality is that for a period of approximately 3 weeks, if I remember correctly, before this agreement was reached, there was no agreement, there was no agreement between the Congress of the United States and the executive branch.

The leaders of the Congress came out of a meeting at the White House and said we must act, we must act together, we must act on a package. That was their view at the time.

Now, there were many of us, including Senators who are on this floor right now, that had deep concern about what fundamental changes Mexico would make in the way that they conduct their financial affairs. And there were deep concerns as to whether the fundamental reforms in their monetary system were being taken. But there was no doubt about the urgency of this problem in the minds of the majority of Congress. Meeting after meeting was held to find a solution.

Now, with all due respect to all of my colleagues who participated in this effort, many of our colleagues wanted to condition loan guarantees on Mexican relations with Cuba, on labor rights, on domestic reforms, on environmental cleanup, on demands that Mexico essentially militarize our borders. It became almost a vehicle for every pet cause or every pet peeve that any Member of Congress had about our relationship with Mexico.

We have had many differences with Mexico at least during this century. We have certainly had a rocky relationship, certainly from their view point; some of them feel very strongly that the State in which I reside should be part of their country.

But the fact is that there was an inability on the part of the Congress of the United States and the executive branch to agree. But, more importantly than that, there was an inability for Congress to agree amongst themselves. Congress could not agree on a package with which to attempt to agree with the executive branch.

Finally, either rightly or wrongly, history will show, history will show whether it was a correct action on the part of the President of the United States or not, with the agreement of the leaders of Congress, to take the following action which called for an immediate use of the Exchange Stabilization Fund to provide appropriate financial assistance for Mexico.

Mr. President, I have deep and sincere concerns about the Mexican economy. It is declining. We started a slide to 7 pesos to the dollar, instead of 3.5 pesos to the dollar.

The economy in my State is devastated along the border. Literally, towns are shutting down; not just businesses, but towns are shutting down. There is no tourism up from Mexico. The normal shopper that comes up from Mexico is not there. The Safeway in Nogales has shut down. It had been in operation through all of the downturns and all of the problems we have had in the past 30 years in our relations with Mexico. And it is going to be many, many years before that economy is restored.

I do not know what is going to happen in the Mexican economy, Mr. President. I do not know if this $20 billion is going to disappear like that. I do not know. And the experts are divided dramatically on this issue as to what the viability of the Mexican economy is.

But that is not the question here, Mr. President. The question here is, are we going to circumscribe the authority of the President of the United States, especially in light of the fact that the Congress was unable to come to agreement, the President and the Congress were unable to make an agreement?

And so the President, with the total endorsement of the leaders of Congress, made a decision. Now, I say again, history will show whether that decision was right or wrong. Obviously, it will be related to the success or failure of the Mexican economy, which I cannot predict.

But I know this. If this legislation is passed, I know this right now, if this legislation is passed, first, there is a serious constitutional problem that I have already described, in my view. And it would send a signal, in my view, that if the leaders of the Congress and the President of the United States make an agreement, then at some later date the Congress can come back, and say, "Sorry, we didn't like that agreement. We're going to have to take the following action." I am not sure that is a very good precedent to set.

But, also, Mr. President, I think we should look at the immediate effect of passage of this amendment on the Mexican economy that all of us, no matter where we stand on this issue, want to save. We want the Mexican economy to survive. And I repeat for probably the fifth time, I do not know whether it will or not.

But I know what this amendment would do. It would doom the Mexican economy to failure. Because I do not believe that any degree of confidence would be maintained in the Mexican economy, Mexican market, and the Mexican currency if this amendment were passed, because we know full well what the effect would be if a review of each $5 billion in this $20 billion were passed.

Now, Mr. President, I would also like to point out—and I do not like to embarrass anyone, including myself. But on the day that the President of the United States and Speaker of the House and the minority leader, and the majority leader and the minority leader here made this announcement on January 31, I did not hear a single Member of Congress stand up and say, "No, wait a minute. Wait a minute. You have to get the approval of Congress."

In fact, the silence was deafening. The silence was deafening because we could not come to an agreement in the Congress, as I mentioned, for a whole variety of reasons.

So I say, with all due respect to the author of the amendment, where were we the day that this agreement was announced? Where were we then? Are we now finding that our expectations or our hopes for the performance of the Mexican economy was such that we now feel that it is necessary to require additional involvement on the part of Congress on this issue?

I say again, if this amendment had been proposed on January 31 rather than today, I think that it might have had a significant degree more resonance.

Mr. D'AMATO. Will my colleague yield for an observation?

Mr. MCCAIN. Yes, but first I observe that my colleague would not yield to me when I asked him to yield, but I will be glad to yield to him.

Mr. D'AMATO. I thank my friend and colleague. Just so that we understand, and I know every utterance that we make we like sometimes for people to pick up—usually they pick up the ones we do not want them to pick up—but on the 31st, I did have a hearing. And at that hearing, I indicated my very strong concern about this. I indicated that I did not think we were doing the right thing. I indicated that I would withhold saying anything further until we can get more facts, in terms of the implementation. That was on the 31st.

On the 8th, I came out about 8, 9 days thereafter raising very strong positions and concerns in regard to the manner in which we were moving forward. I just share that with my friend and colleague because this Senator did not want to be an obstructionist, yet I was not afraid to express my concerns. I just share that.

Mr. MCCAIN. Let me say to my friend from New York, I expressed my concerns, too. I still have grave concerns. I still am worried whether the nation of Mexico has implemented the fundamental reforms in their monetary system, in fact, in their political system, that would lead to the kind of confidence that would allow that economy to be restored before it sinks even further into a terrible, terrible depression which, obviously, has afflicted the poor people in Mexico in a most horrible way.

But I also suggest to my friend from New York that many people expressed those reservations. No one that I know of during the intervening time, nearly 2 months, brought forth an amendment like this for consideration on the floor when we had many pieces of legislation under consideration to which this amendment would have been equally as relevant.

I want to say again, I appreciate very much the involvement of the Senator from New York in this issue, the fact that he has both the authority and the commitment to hold hearings and for us to ventilate this entire issue. I do not underestimate, in any way, his dire concern and warning about what is at stake. But I question, as I said, the vehicle and the language which is in the amendment.

Mr. President, I do not want to take much longer. I will just suggest that there is a great deal at stake on this issue. I urge my colleague from New York to continue the hearings that he has scheduled to seek the information that sometimes has not been readily forthcoming to him about the process that was utilized in coming forth with the decisions that were made about Mexico.

But at the same time, I suggest that if this amendment is adopted by both Houses of the Congress, it would have constitutional problems, which is sort of an academic argument. But I also think that it would probably doom the Mexican economy to a very, very difficult period, which sooner or later has effects on this country in the form of lack of trade, increase in illegal immigration, et cetera, et cetera.

Try as we might, we cannot sever Mexico from the United States. It is geographically impossible. And I have never believed that we could build sufficient walls to separate our two countries, not to mention the kind of fundamental Judeo-Christian principle that is involved here about helping neighbors who are very much less fortunate than we.

I do not mean to wax sentimental here, but when I see little children crawling through a tunnel that is filled with sewage in order to get into Nogales, AZ, where they are forced to engage in theft in order to eke out a meager existence—and I see that increasing exponentially—I am deeply concerned about the future of our neighbors. I do not pretend to know that this is the right solution, but I do believe that if we adopt this amendment, we might see a lot more of that for a very long period of time.

Again, I want to thank my friend from New York for his commitment and interest in this issue. I also want to thank my friend from Connecticut for his deep knowledge and involvement in these affairs for many years.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority manager is recognized.

Mr. HATFIELD. Mr. President, I yield 2 minutes to the Senator from Connecticut, without losing my right to the floor.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DODD. Mr. President, I thank my colleague, the ranking manager of the underlying bill.

I want to commend my colleague from Arizona. We have dealt with these issues in the Western Hemisphere for many years together. He is very complimentary, and I appreciate it. But there are very few people who are as knowledgeable about Mexico as is my colleague from Arizona.

I think he has appropriately and properly identified the concerns incorporated in the amendment of the Senator from New York. All of us have had concerns about this. If it were without concern, I suspect it would have gone through under a unanimous-consent request in the House and Senate back in January.

Anytime there is a potential exposure, there are some issues that need to be raised. No one is questioning that. The President certainly outlined that when he made the decision to go with the Exchange Stabilization Fund. But the Senator from Arizona has very properly pointed out the implications if we do not try to make a difference, not only in Mexico but ourselves as well in this country, given the implications of the border and elsewhere.

Others may have already printed this in the RECORD. There is a letter that has been distributed, addressed to the distinguished chairman of the Banking Committee dated today, signed by Robert Rubin, the Secretary of the Treasury. I will print the entire letter in the RECORD, but there is one paragraph that if it has not been quoted already needs to be quoted. In the letter, the Secretary of the Treasury says to the chairman:

> I am deeply concerned that the actions you are taking will have the potential to undermine market confidence in international support for Mexico and thereby reduce the likelihood of success. By limiting the American response to the Mexican crisis, your amendment could threaten the credibility of the stabilization program and undermine the confidence Mexico is trying to restore among investors. These consequences could, in turn, have a negative impact on jobs, wages and prospects of American workers here at home.

I hope my colleagues will read this letter. Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, March 30, 1995.

Hon. ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my very serious concerns regarding your current efforts to amend H.R. 1158 to require Congressional approval of aggregate annual assistance to any foreign entity using the Exchange Stabilization Fund (ESF) in an amount that exceeds $5 billion. Your amendment would have the immediate practical effect of curtailing any further use of the ESF consistent with the Administration's package of financial support for Mexico. I would strongly urge that you reconsider your decision to proceed on this course.

I am deeply concerned that the actions you are taking will have the potential to undermine market confidence in international support for Mexico and thereby reduce the likelihood of success. By limiting the American response to the Mexican crisis, your amendment could threaten the credibility of the stabilization program and undermine the confidence Mexico is trying to restore among investors. These consequences could, in turn, have a negative impact on jobs, wages and prospects of American workers here at home.

The Mexican government has taken courageous action in directly confronting its financial imbalances and implementing a disciplined economic recovery program. Seeking to attract foreign capital, strengthen the peso and minimize inflation, Mexico has adopted strong remedial policies including fiscal measures that will result in a budget surplus in 1995 reductions in government spending, strict monetary policy, accelerated structural reforms and important enhancements to the transparency of its economic institutions.

Let me emphasize, however, that the process of restoring market confidence is an arduous one and we need to incorporate this fact into our thinking as we look for signs of progress in Mexico. As such, the success of this effort cannot be judged from day-to-day market movements. This stabilization package that Mexico has adopted is a strong one and seems to be starting to have the desired effect.

The Mexican government has upheld tight money policy and we are seeing results—through March 15, the nominal money supply has shrunk by 13% since the beginning of the year and the real money supply has shrunk by 23%. The Bolsa in Mexico City is up 15% since last week, representing a 21% gain in dollar terms. Prices on par Brady bonds has risen by 11% from their recent low on March 16.

Signs of declining volatility in peso trading have emerged, with the peso closing below NP 7 since March 23 and now trading within a narrower range. Demand for government securities rose in this week's primary auctions to 2.4 times the amount offered.

To reiterate, for its recovery program to succeed over the long term, Mexico is relying upon the U.S. commitment to the agreement signed on February 21. It appears that negative sentiment may be bottoming out and if Mexico holds the course, confidence should return. Any indication that the commitment of the U.S. to those agreements is weakening could threaten to jeopardize the best possible outcome in Mexico.

There is an additional concern regarding this amendment which relates more generally to U.S. diplomacy. On January 31, President Clinton and four Congressional leaders from both parties declared in a joint statement their support of the U.S. financial package for Mexico and recognized that the President has full authority to use the Exchange Stabilization fund (ESF) to that end. This became U.S. policy, and the executive branch negotiated appropriately with foreign governments to implement that policy.

Now the Senate is considering a measure that could impede that policy. Your amendment would effectively end the ability of the United States to carry out the February 21 agreements and thereby impair the confidence that other nations have in the ability of the executive branch to negotiate agreements with them.

I hope that we can continue to move forward in the spirit of bi-partisan cooperation, and not invite confrontation by consideration or passage of legislation that could ultimately disable the implementation of American support for Mexico.

In closing, let me assure you that the Treasury has been complying with all Congressional requests for documents. I am using my full authority to ensure that the Treasury continues to supply timely, appropriate information to the Congress. I look forward to continuing my work with you and your colleagues in our shared commitment to support Mexico's recovery and thus to protect American jobs and interests.

Sincerely,

ROBERT E. RUBIN,
Secretary.

Mr. DODD. Mr. President, lastly, I want to address an issue I heard raised repeatedly all afternoon. It has to do with the so-called corruption in Mexico.

President Zedillo and his administration, but for the fact that they have conducted significant investigations, we would not know what we know already. I think it is unfair to this new administration which was saddled with a lot of problems not of their own choosing that is making very difficult decisions, asking his constituency to make very difficult decisions in order to get out of this crisis and, in fact, have pointed to a lot of the problems that existed in the past is an overstatement, to put it mildly.

Second, again, there have been a lot of criticisms raised about President Salinas. I got to know President Salinas fairly well during his tenure in office. Obviously, the jury is still out on some other matters unrelated to him personally, but I want to say that had he not taken the steps beginning 5 or 6 years ago to inject strong market economy principles and to deal with those issues, we would not be in the position at least of offering real opportunity for Mexico in these coming years. And so while it has become popular to indict President Salinas in many quarters, I happen to feel he did a great deal of good. I also believe that his successor is doing even better in many ways. I would like to see us give him that opportunity to succeed.

What we are doing here is in our interest. It makes sense to be supportive of it. It is not just a largess. These programs, through the economic exchange stabilization fund, have been very successful. In years past, Mr. President, I will submit for the RECORD a series of countries to whom we have provided assistance under the ESF Program. Six times Mexico has been the recipient of ESF funds. On all occasions they have paid the money back. There have been suggestions on the floor today that we are never going to get the money back. In almost every instance, the money has been returned as a result of this program.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TABLE 1.—EXCHANGE STABILIZATION FUND FINANCING AGREEMENTS, 1980 TO JUNE 1994

Country	Year	Amount agreed (dollars in millions)	Drew		Repaid in full by
			Amount (dollars in millions)	Date(s)	
Mexico	1982	1,000.0	825.0	8–14–82	8–24–82
Do	1982	600.0	600.0	9–82—2–83	8–23–83
Do	1986	273.0	273.0	8–86—12–86	2–13–87
Do	1988	300.0	300.0	8–1–88	9–15–88
Do	1989	425.0	384.1	9–25–89	2–15–90
Do	1990	600.0	600.0	3–28–90	7–90
Brazil	1982	500.0	500.0	10–82—11–82	12–28–82
Do	1982	280.0	280.0	11–82	2–1–83
Do	1982	450.0	450.0	11–82	3–3–83
Do	1982	250.0	250.0	12–82	1–83
Do	1983	200.0	200.0	2–28–83	3–11–83
Do	1983	200.0	200.0	3–3–83	3–11–83
Do	1988	250.0	232.5	7–29–88	8–26–88
Argentina	1984	300.0	0.0	....	....
Do	1984	500.0	500.0	12–28–84	1–15–85
Do	1985	150.0	143.0	6–85	9–30–85
Do	1987	225.0	225.0	3–9–87	7–15–87
Do	1987	200.0	190.0	11–12–87	12–30–87
Do	1988	550.0	550.0	2–88—3–88	5–31–88
Do	1988	265.0	79.5	11–22–88	2–28–89
Jamaica	1984	50.0	10.0	12–29–84	3–2–85
Philippines	1984	45.0	45.0	11–7–84	12–28–84
Ecuador	1986	150.0	75.0	5–16–86	8–14–86
Do	1987	31.0	31.0	12–4–87	1–26–88
Nigeria	1986	37.0	22.2	10–31–86	12–10–86
Yugoslavia	1988	50.0	50.0	6–15–88	9–30–88
Do	1989	450.0	450.0	3–15–89	4–3–89
Do	1990	104.0	25.0	3–30–90	4–30–90
Bolivia	1986	100.0	0.0	....	....
Do	1989	100.0	100.0	7–89	9–15–89
Do	1989	100.0	75.0	9–22–89	12–29–89
Do	1989	75.0	75.0	12–29–89	1–2–90
Poland	1989	200.0	86.0	12–28–89	2–9–90

TABLE 1.—EXCHANGE STABILIZATION FUND FINANCING AGREEMENTS, 1980 TO JUNE 1994—Continued

Country	Year	Amount agreed (dollars in millions)	Drew		Repaid in full by
			Amount (dollars in millions)	Date(s)	
Guyana	1990	31.8	31.8	6–20–90	9–90
Honduras	1990	82.3	82.3	6–28–90	11–20–90
Hungary	1990	20.0	20.0	6–90—7–90	9–5–90
Costa Rica	1990	27.5	27.5	5–21–90	5–21–90
Romania	1991	40.0	40.0	3–7–91	3–21–91
Panama	1992	143.0	143.0	1–31–92	3–92
Peru	1993	470.0	470.0	3–18–93	3–18–93

Mr. DODD. I know my colleague from Oregon would like to engage in a unanimous-consent request to consider another amendment. I am prepared to yield for that purpose.

Mr. HATFIELD. Rather than to ask for just a half-hour, I would like to expand that to an hour to take care of two amendments, one on the Democratic side and one on the Republican side, Mr. Kyl's amendment, each for a half-hour equally divided.

Mr. DODD. I am happy to accommodate. If there are going to be recorded votes, can they be done en bloc?

Mr. HATFIELD. It will be two one-half hours making 1 hour.

Mr. DODD. I am told that my colleague from California would like to be included for a half-hour on an amendment. So that would make it an hour and a half. Can we provide that at the conclusion of the consideration of the amendment offered by the Senator from California that we would vote on all three amendments, so our colleagues might have a window, if that is appropriate?

Mr. HATFIELD. I know the Senator from California has a number of them. What amendment would this be?

Mrs. BOXER. The Senator from California only has one amendment—the transfer amendment. That is the only amendment I have. I am happy to agree to 30 minutes equally divided.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. I thank the Senator.

Mr. President, I ask unanimous consent that three amendments in succession, one from the Senator from Nebraska [Mr. KERREY], one from the Senator from Arizona [Mr. KYL], one from the Senator from California [Mrs. BOXER], each of these amendments—by the way, let me mention that the one for Mr. KERREY is on the subject of Federal courthouses that are included in the appropriations bill; Mr. KYL's relates to the low-income energy assistance; the one for Senator BOXER is a transfer of funds from military to school education programs. I ask that there be a half-hour for each amendment, equally divided in the usual form, and that no second-degree amendments be in order prior to a motion to table, if a motion to table is made.

Mr. DODD. Reserving the right to object. I am informed that we cannot have a unanimous-consent agreement on the time for the low-income energy assistance amendment of the Senator from Arizona. There is objection to that half-hour time agreement.

Mr. HATFIELD. An hour?

Mr. DODD. I am not prepared to say.

Mr. HATFIELD. I amend the request to delete the request on behalf of the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Will my colleague yield?

Mr. HATFIELD. Yes.

Mr. DODD. Mr. President, at the conclusion of the two other amendments offered by the Senator from Nebraska and the Senator from California, may we vote on both of those at the expiration of the hour, after both have been debated?

Mr. HATFIELD. That is satisfactory.

Mr. DODD. Will the Senator propound that request?

Mr. HATFIELD. I ask unanimous consent that at the end of the hour for the two amendments, the votes take place.

Mrs. BOXER. Reserving the right to object, I want to move along. Maybe a vote is not necessary on this Senator's amendment.

Mr. HATFIELD. If votes are required, I ask unanimous consent that they be stacked at the end of the hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATFIELD. I ask unanimous consent that the D'AMATO amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 435 TO AMENDMENT NO. 420

(Purpose: Rescinding certain funds for GSA Federal buildings and courthouses)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself and Mr. COHEN, proposes an amendment numbered 435 to amendment No. 420.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 51 of the bill, line 12, strike everything through page 54, line 6, and insert in lieu thereof, the following:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101–136, 101–509. 102–27. 102–141, 103–123, 102–393. 103–329, $565,580,000 are rescinded from the following projects in the following amounts:

Arizona:

Lukeville, Border Station, commercial lot expansion, $1,219,000

Phoenix, Federal building and U.S. Courthouse, $121,890,000

San Luis, Border Station, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, Arizona, U.S. Magistrates office, $1,000,000

Tucson, Federal building-U.S. Courthouse, $70,000,000

California:

Menlo Park, United States Geological Survey, office laboratory buildings, $980,000

San Francisco, California, U.S. Court of Appeals annex, $9,003,000

District of Columbia:

Army Corps of Engineers, headquarters, $25,000,000

Central and West heating plants, $5,000,000

General Service Administration, Southeast Federal Center, headquarters, $25,000,000

Southeast Federal Center, infrastructure, $58,000,000

U.S. Secret Service, headquarters, $18,910,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and improvement $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Florida:

Tampa, U.S. Courthouse, $5,994,000

Illinois:

Chicago, Federal Center, $7,000,000

Indiana:

Hammond, U.S. Courthouse, $52,272,000

Maryland:

Avondale, DeLaSalle building, $16,671,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Nebraska:

Omaha, U.S. Courthouse, $5,000,000

Nevada:

Reno, Federal building.U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building.U.S. Courthouse, $3,519,000

New Mexico:

Santa Teresa, Border station, $4,004,000

New York:

Holtsville, New York, IRS Center, $19,183,000

North Dakota:

Fargo, U.S. Courthouse, $1,371,000

Ohio:

Youngstown, Federal building and U.S. Courthouse, site acquisition and design, $4,574,000

Steubenville, U.S. Courthouse, $2,280,000

Oregon:

Portland, U.S. Courthouse, $5,000,000

Pennsylvania:

Philadelphia, Veterans Administration, $1,276,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Corpus Christi, U.S. Courthouse, $6,446,000

Ysleta, site acquisition and construction, $1,727,000

U.S. Virgin Islands:

St. Thomas, Charlotte Amalie, U.S. Courthouse Annex, $2,184,000

Washington:

Seattle, U.S. Courthouse, $3,764,000

Nationwide chlorofluorocarbons program, $12,300,000

Nationwide energy program, $15,300,000"

Mr. KERREY. Mr. President, this is a very straightforward amendment. I offered it in the full committee. It has been altered somewhat to add additional items. For my colleagues, what I am doing with this amendment is to rescind an additional $324.579 million from the courthouse projects.

Mr. President, I offered this amendment on behalf of myself and the Senator from Maine [Mr. COHEN], who has also been very actively involved for the past several years in trying to get the GSA to do some reviews of the courthouses that have been both authorized and appropriated.

The GSA did what they call a "timeout" review and came back with $1.3 billion worth of savings. We have taken some but not all. To be clear, the distinguished chairman of our subcommittee, the Senator from Alabama, Senator SHELBY, points out quite accurately that we use the GSA's recommendations as a guideline. These are not hard and fast recommendations. These are not things that we always watch. Indeed, we have some things on our list in the rescission package that were not recommended by GSA already.

Nonetheless, my colleagues who are considering this amendment really should ask themselves one question, and that is: What happens if this amendment passes? Will there be damage done to the Nation? Will there be children that get less food? Is day care involved? Is education involved? Is national defense involved? I mean, the argument really has to center on what happens if this amendment passes.

Well, Mr. President, I am going to respectfully say that what happens is a number of projects are not going to be built. The list that I have includes a Phoenix, AZ, courthouse, $128.890 million; Tucson, AZ, $70 million; Southeast Federal Center in the District of Columbia, $58 million; an additional $26.272 million in Hammond, IN; in Holtsville, NY, an IRS Service Center for $19.183 million; in Corpus Christi, TX, $6.446 million; in Santa Teresa, NM, a border station, $4.004 million; Seattle, WA, $3.764 million; and in the spirit of fairness, $5 million from an Omaha, NE, courthouse; a Secret Service headquarters in DC. for $10 million. The total, Mr. President, is $324.579 million.

Again, the simple question really has to be: What happens if this amendment passes? What happens is that these projects are not going to be built, or they will be scaled back.

Mr. President, I hardly think those of us who are trying to find ways to cut spending, those of us who recognize that we have to take tough action to get deficit reduction done, to get to a balanced budget, are explaining to various interest groups, educators, health care people, interest groups that come constantly into our offices saying, "Why, why, why,"

It seems to me that this is a relatively easy step for us to take and a relatively painless step, I must say, Mr. President. There will be no interest groups that will object. There will be no people that will say, gee, this is going to hurt us in some measurable or appreciable fashion. These are merely projects, Mr. President. I appreciate that they do have value. I am not arguing that they are without value. I merely argue that in this time when we are trying, in an unprecedented fashion, to achieve a bipartisan consensus to reduce this Nation's deficit to zero, this kind of action, this little list of additional cuts, is not only appropriate but quite reasonable.

Mr. SHELBY. Mr. President, the House rescinded $136,593,000 from buildings for which funds have been appropriated in the fund.

A number of projects they included were inserted by the Senate, most, but not all have been authorized by the Senate Environment and Public Works Committee, but not the House Public Works Committee.

The committee chose to rescind $241,011,000 from new construction and repair and alterations projects.

Some of the projects the committee included have not been authorized by the Senate.

Some are included because GSA has indicated savings as a result of last year's time out and review.

Some have been canceled or delayed. We did not take all of the funds in some cases, nor did we take all of the projects GSA indicated where savings might be attained as a result of time out and review.

We attempted to take Members concerns into account in making our decision.

Our total cuts are significantly over the House and there will be plenty of room to negotiate in conference.

We might not agree, but this is a significant adjustment.

I say to the Senate do not make it a political bidding war regarding projects.

I have tried to be fair in this process as the Senator from Nebraska is aware. Should we follow the Senator from Nebraska and his process, in all fairness, should we not put all projects on the table. I have a list here which includes all of the new construction projects, repair and alteration projects, as well as, the time out and review savings the GSA has indicated can be saved.

The project list is inclusive of projects where no construction has begun.

I hope we will not get into this on the Senate floor.

I believe a majority of my colleagues agrees with me as they did in the appropriations committee, so at the appropriate time I will move to table the Kerrey amendment.

Mr. BAUCUS. Mr. President, I want to thank the Senator from Nebraska for offering this amendment. I also ask unanimous consent that I be added as a cosponsor.

The amendment before us will make additional rescissions to a number of projects proposed to be funded from GSA's Federal buildings fund. These rescissions represent projects that have not gone through the GSA review process, are congressional Member requests, or represent savings identified through the GSA timeout and review process.

Many of these projects are courthouse construction projects. And to be truthful, the savings identified in this amendment are probably only the tip of the iceberg. In fact, last year, when I chaired the Environment and Public Works Committee, we made substantial reductions in the authorizations of GSA projects. We cut $137 million from these projects. Unfortunately, there are some people who believe that this money is still available. I disagree with that view. But to make certain that the money cannot be spent we need this amendment. The Kerrey amendment will formally rescind that money.

Mr. President, we have to get a handle on the courthouse construction program. I have talked to Federal judges in Montana about the need for restraint in building new courthouses. They agree that things have gotten out of control. The current process is a failure. There is far too much waste in this program. There is no prioritization of courthouse projects. In fact, the courts refuse to prioritize their projects. So we must prioritize. We must make the tough decisions. The amendment from the Senator from Nebraska makes such decisions.

I would also note that the bill before us makes drastic cuts in important programs, such as child nutrition and education. So it makes sense that we also look at the federal courthouse construction program. We need to target projects that are unnecessary or lavish, or can be delayed. This amendment will do just that and I urge my colleagues to support it.

Mr. KERREY. Mr. President, the distinguished Senator from Alabama quite correctly said that he has tried to be fair. He has been fair. We are with our subcommittee offering cuts in excess of what the House of Representatives had in their piece of legislation.

Again, for those Members who try to figure out how to vote on this amendment, the question really still fails to answer what happens if this amendment passes. All that happens, Mr. President, is some projects that are proposed to be built will not be built, or they will be scaled back.

I have had—as I am sure all have had to do—to justify spending in a variety of ways. One of the tests that I used with various groups and individuals who come forward and ask me to support one expenditure or another, is to try to calculate what a median family income pays in the way of tax.

In my State, a median family income is about $35,000 a year. They have to work about 3 months to pay the Federal income taxes of roughly $7,500. That means that 43,740 Nebraska families have to work 3 months to generate the money I am requesting to take out.

I do not offer that observation in some sort of grand fashion. I merely say this is a lot of money. I do not believe the Nation is going to suffer.

Indeed, I say the Nation will not suffer at all with this additional rescission. I hope that my colleagues, rather than being concerned about whether or not a project in their home State is going to be cut, I hope that they will, in fact, vote based upon the observation that this Nation can afford to lay these projects aside.

Mr. President, I am prepared to yield back the balance of my time.

Mr. SHELBY. I will agree to yielding back my time. I believe we will vote later on this.

The PRESIDING OFFICER (Mr. KYL). All time is yielded back.

Mr. KERREY. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 436 TO AMENDMENT NO. 420

(Purpose: To delete the rescission of the funds appropriated for the Department of Education for the Technology For Education of All Students Program in the amount of $5,000,000 and for the Star Schools Program in the amount of $5,000,000; and to rescind $11,000,000 of the funds available under the Department of Defense Appropriations Act, 1995, for acquisition of two executive aircraft)

Mrs. BOXER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], proposes an amendment numbered 436 to amendment No. 420.

Mrs. BOXER. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, beginning on line 21, strike out "$15,200,000" and all that follows through "title III–B, $5,000,000, and", and inserting in lieu thereof "$5,200,000 are rescinded as follows: from the Elementary and Secondary Education Act of 1965,"

On page 68, between lines 6 and 7, insert the following:

CHAPTER XII

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds available under this heading in title III of Public Law 103–335, $11,000,000 are rescinded.

Mrs. BOXER. Mr. President, if I were to give you $11 million to spend in a way to benefit the public interest, I think that you would give it a lot of thought, and I would hope one of the areas that would be considered would be education.

Particularly if I said the choice is between spending that money to put computers in the classrooms across the country, to give 5,000 students high-technology education, I think everyone would be interested, particularly if I said the only sacrifice that would have to be made is not to spend $11 million for executive airplanes designed primarily to transport high-ranking military officials from place to place. Aircraft that the military never even asked for.

That is the transfer amendment that I have. We are talking about pork versus pupils here.

I think that most people who had that choice would come down on the side of the children. That is the choice I have given to my colleagues. I hope that this amendment will be accepted and that we will not have a fight over it because I really think for anyone who listens to these arguments, it is clear that these airplanes are not needed and are not warranted. This money can be put to much better use.

I also want to point out this chart that I have that shows where we are. It shows that the rescission bills considered by the Senate have slashed domestic spending, and only nicked military spending.

We see here that, of the discretionary budget, military makes up 49 percent; international, or foreign aid, 4 percent; and domestic spending, 47 percent.

And look at this chart, which shows what we have cut in these rescissions bills. We have slashed domestic spending; 84 percent of all the rescissions have come from domestic spending. The military took a hit of 14 percent. And international took 2 percent.

My amendment is not going to cure all of that. It is just a small, little, symbolic amendment, but I think it is very, very important.

What my amendment does is restore the rescissions from the Star Schools Program and the Education Technology Program—$5 million each. Again, it would cut out those two aircraft—not requested by the military, I underscore—but approved by the Congress as an unrequested add-on last year.

I think it is important to note that if you go around to the schools in your States you will find in many of the classrooms a reliance on chalk and the blackboard. Of course we will always have that. But we need to see more computers in those classrooms. We need to get those young people ready for the 21st century.

The ratio of students to computers in the classroom is about 13 to 1. Almost two-thirds of the Nation's public schools do not have access to the internet.

We here know. I am beginning to get a tremendous amount of information through the Internet. It is very exciting. I can have a dialog with my constituency.

It seems to me that anyone would agree that technology is the way of the future. Our children deserve those computers in the classroom. We have a chance to restore that money today. Instead of propelling our schools into the 21st century, what we do in this rescissions bill is steer them off the information superhighway. My amendment would completely restore funding for these important programs, and it does it in a very painless way.

I am going to talk a little more about the success of these two programs, but before I do, I really want to talk about the aircraft in question which, again I repeat, were not requested for purchase by the Pentagon. What do the aircraft do? According to the House Appropriations Committee report the purpose of these aircraft is to "provide efficient transportation of key command and staff personnel."

I want to point out that in today's Washington Post, on the Federal page, is an article about what a mess the military transport situation is in. Thankfully, Senator COHEN is on top of the situation. We can save a lot of money in military transportation. We do not need to spend this money on these two aircraft. The Army can do without private planes for the top brass. These aircraft are not essential to any military mission.

But computers are essential for the educational mission that we should be supporting. Again, Washington Post, Tuesday:

Congress Protects Pork in Pentagon Spending. Budget Cutters Spare '95 Defense Plan.

These aircraft are specifically listed in this article as an example of defense pork.

I ask unanimous consent the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Congress Protects Pork in Pentagon Spending—Budget Cutters Spare 1995 Defense Plan

(By Walter Pincus and Dan Morgan)

Before Congress adjourned last year it passed a $243 billion defense appropriations bill containing dozens of "pork barrel" projects for members' home states, as well as numerous non-defense programs that could not get funded in other spending bills.

Among them were $5.4 million for Hawaii's Small Business Development Center; $3.5 million for a Cook County, Ill., military-style boot camp for youthful drug offenders; $10 million for a National Guard outreach program to help Los Angeles youth; and $1.5 million to round up wild horses wandering onto the White Sands Missile Range in New Mexico—a job once handled by the Bureau of Land Management.

There was $15 million for developing an electric car, a project that found a home in the defense bill in the late 1980s when money for energy appropriations grew tight.

Now Congress, in its first round of serious budget cutting, is slashing billions of dollars of previously approved spending, for purposes ranging from public broadcasting to housing AIDS patients.

But the Republican leadership on Capitol Hill has left untouched the projects listed above. The spending is part of billions of dollars never sought by the Pentagon, but added to the defense bill last fall at the behest of senators and representatives from both parties.

"The insertion of these items has become an incredible art form," said Sen. John McCain (R-Ariz.), a member of the Senate Armed Services Committee. He has compiled a list of more than $6 billion in defense projects that he says represent "wasteful, earmarked, non-defense, or otherwise low-priority programs."

Despite the GOP's seizure of control of Congress in the 1994 midterm elections, McCain said, refusal to cut these programs suggests "business as usual" is continuing in Congress.

Republican leaders have given defense a comparatively protected position as they go about the initial round of budget cutting. A House-passed bill cuts $17.1 billion from domestic programs, but nothing from the 1995 defense budget. A toned-down Senate version, which trims $13.3 billion, also exempts defense.

In separate, supplemental legislation, the House and Senate did propose defense cuts of $1.4 billon and $1.9 billion, respectively, in allocating emergency funds to replenish Pentagon coffers. The House cut $502 million from the administration's technology reinvestment program, which helps defense companies convert to civilian production.

But almost all of the projects added by members last fall to the 1995 defense budget have so far survived. A House-Senate conference on the recisions bill, scheduled to begin Wednesday, will be the last chance to kill these "add-ons" for fiscal 1995.

Hawaii, the home state of Sen. Daniel K. Inouye (D), then chairman of the Senate Appropriations defense subcommittee, got more than the Small Business Center among the earmarked projects. There was $56.4 million earmarked for the Pacific Missile Range; $13 million for a high-performance computer facility on Maui; $10 million to home port two transport vessels in Pearl Harbor; and additional funds for Hawaii-based military medical facilities.

A House-Senate report specifically stipulated that the Maui facility be exempted from reductions that were being applied to other such computer facilities.

The $3.5 million for a drug offender's boot camp in Cook County originated with a request by the sheriff to then-House Ways and Means Committee Chairman Dan Rostenkowski (D-Ill.), according to a congressional source.

Rostenkowski arranged for language to be inserted in the defense bill while it was before House-Senate conferees—after the measure had already been before the House and Senate for a vote.

The conferees directed "that the Department of Defense provide assistance to the county sheriff's office in the planning of a military-style regime and curriculum at the facility."

In a similar, if more traditional vein, then-Senate Minority Leader Robert J. Dole (R-Kan.) arranged to earmark $11 million in the same defense bill for the Army to purchase additional executive jet aircraft from a Kansas corporation that produces Lear jets.

"It's like a disease," said McCain. "It's never static. It gets worse or you kill it."

McCain complained during a Senate floor debate March 16 that the current round of budget cuts "does not rescind Defense Department support [$15.4 million] for the Olympics and other sporting events * * * does not touch congressional add-ons for excess [National] Guard and Reserve equipment, and does not rescind any of the nearly $1 billion in congressionally added military construction projects, much less funding for projects on bases slated for closure."

As budget rules have clamped ceilings on small, non-defense appropriations bills, the annual defense appropriation bill increasingly has been viewed as a bank of last resort for programs and projects once handled in those smaller measures.

For example, the Bureau of Land Management used to handle the roundup of wild horses on the White Sands proving grounds. The animals would be turned over to New Mexico prisoners to be broken and sold. BLM discontinued the program last year because it was too expensive, according to a spokesman for Sen. Pete V. Domenici (R-N.M.).

Domenici, who chairs the Senate Budget Committee, and New Mexico Rep. Joe Skeen (R), a member of the House Appropriations Committee, collabroated to get the $1.5 million put into last year's defense bill to pick up the slack, the spokesman said.

Domenici arranged to have $20 million added to the same defense bill for an additional neutron accelerator project at the Los Alamos Laboratory in his state, after money appropriated in the energy spending bill ran out last year.

"There was no other place to go," said a congressional aide.

Mrs. BOXER. Mr. President, last year I received a letter as did all of my colleagues, from two senior members of the Armed Services Committee, Senator McCAIN and Senator WARNER. In that letter these distinguished Senators eloquently argued for a strong national defense and offered an action program for congressional action this year.

Predictably, I agreed with some of their arguments and disagreed with others. But one of their arguments struck me as particularly poignant. Let me read from their letter. They wrote that Congress must:

> . . . attack pork and wasteful programs. We need to eliminate wasteful pork-barrel spending. This effort should include legislative action to terminate the following programs.

Among the programs listed are these executive transport aircraft. These two Senators, my Republican friends, Senator WARNER and Senator McCAIN wrote:

> Fiscal year 1995 savings of $11 million, rescind fiscal year 1995 appropriation for executive jets.

If that is not enough, let me read the words of Gen. Colin Powell, the highly respected former Chairman of the Joint Chiefs. In his 1993 report on the roles and missions of the Armed Forces, General Powell wrote:

> The current inventory of operational aircraft built to support a global war exceeds what is required for our regionally oriented strategy. The current excess is compounded by the fact that Congress continues to require the services to purchase OSA aircraft, neither requested nor needed.

General Powell concludes his report with this recommendation:

> OSA aircraft are in excess of wartime needs and should be reduced.

Yet, despite General Powell's recommendation, Congress voted to acquire two more of these aircraft. Our country does not need these planes. Colin Powell says we do not need these planes. Senator WARNER says we do not need these plans. Senator McCAIN says we do not need these planes.

We see articles where the transportation in the military is costing too much money. Yet we are taking away computers from the classroom, we are stopping the Star Schools Program. I cannot imagine why we would want to do this.

I want to tell my colleagues in my time remaining about the Star Schools Program and the computers in the classroom. Since the Star Schools program began in 1988, more than 200,000 students and 30,000 teachers have participated in projects in 48 States. The projects are designed to improve classroom instruction through distance education technologies. The $5 million rescission proposed in this bill would eliminate these high-technology education services from 5,000 students. And why? So that we can fly military top brass in brand new executive jets? I hope not.

In my own State of California, the Los Angeles County Office of Education has provided live interactive math and science instruction via satellite to students in grades 4 through 7. This course is beamed into 766 classrooms in large school districts throughout the State of California and in 18 other States. It reaches an amazing 125,000 students.

Why do we want to hurt this program? We do not have to. Cut the planes for the military brass. They can find another way to travel and we can save this program. We can save computers in the classroom. Did you ever go into these classrooms where the kids have these computers? They are so interested in school, suddenly. I urge my colleagues to do that. Yet we are cutting computers out of the classroom, and we can restore those funds.

In closing let me say this. This is a transfer amendment I hope everyone in the Senate will support. We are simply cutting two military aircraft to provide for luxury travel for the top military brass in exchange for putting computers into the schools and funding the Star Schools Program. I hope the chairman of the Appropriations Committee and I can work this out. I hope we can be together on this.

I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum, time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent to add as cosponsors to my amendment Mr. BINGAMAN, Mr. KERREY of Nebraska, Mr. WELLSTONE, Mr. DODD, and Mr. BUMPERS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I do not want to get into a long dissertation about a detailed problem of procedure. Once you start having to explain the process of procedure, you have one hand tied behind you. But I want to say to the Senator from California that what she is attempting to do certainly represents her perspective, her point of view and, I think, her priorities. I am not going to argue that point because we probably have a set of priorities.

But let me tell you where we are at this moment in this, the defense supplemental, that has just been passed by the House and the Senate, which we were hoping to have resolved as of today.

We are running into difficulties on this because we are insisting on the Senate side, where we came to the floor with a supplemental and we had every dollar of that supplemental increase for the defense offset so as not to create any additional deficit from the military accounts, from the defense accounts. We have been going through a historic argument about firewalls, transferring discretionary defense to nondefense discretionary programs, and vice versa.

So we are holding tough right now with the House of Representatives that have offset their larger military supplemental with both military accounts and nondefense accounts in the discretionary programs.

From that standpoint we right now are at a stalemate because the House wants to offset some of the defense increases with nondefense programs.

So, consequently, from the standpoint of where we are in that particular problem, we cannot accept this amendment—I am now speaking as an appropriator—we cannot accept this because we are, in a sense, contradicting our position that we have taken in the conference process.

Mrs. BOXER. Mr. President, will the Senator be willing to yield for just a moment? Because I know the Senator is going to move to table, I would like to make a minute's worth of comments before that motion is made.

Mr. HATFIELD. Mr. President, the statement I have made just now, whether it is $10 million or $5 million or $20 million, is still the same basic issue; that is, we are taking military accounts and we are moving parts of those military accounts into nonmilitary programs.

Mrs. BOXER. I understand. I ask, would the Senator yield? I was wondering if I could make a minute's worth of comments before the Senator moves to table my amendment.

Mr. HATFIELD. I would be very happy to yield, and if the Senator needs time, I am happy to yield time for her closing comments.

Mrs. BOXER. I thank the Senator very much. I will close in just a minute.

I understand exactly what the Senator is telling me. But I have to say to my friend that the average American watching this debate is not pursuaded by procedural arguments. The American people pay taxes and work awfully hard to pay them. They will be very disappointed to learn that there are two military aircraft to transport top brass that have been ordered by this Congress even though the Pentagon did not want them. Aircraft that have been called pork by Senator WARNER, Senator MCCAIN, the Washington Post, and others. Even Colin Powell has stated we have no need for these planes. Yet because of this procurement, we are taking computers out of the classrooms, we are hurting our children, I just think, regardless of the procedural arguments that I know my friend has made because he in his role must make that argument, I still believe that we should not table this amendment. I think the bottom line is whether you want pupils or you want pork. I hope that my colleagues will stand on the substance of the issue and not vote on the process.

I thank my friend for being so generous with his time in helping me with my amendment.

Mr. HATFIELD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oregon has 4½ minutes.

Mr. HATFIELD. Mr. President, I would like to comment on another part of the problem. Again, we are not in a position to solve some of these problems immediately, but I hope as far as the future is concerned, that we could get some very careful consideration by the administration. The problem is, we are dealing with a supplemental appropriations for the military, for the Defense Department, for matters relating to Bosnia, to Haiti, to North Korea, and to other such areas of the world. Some of our colleagues are saying to us but that is not truly a defense expenditure. It is being charged against the military in the way we budget our expenditures. But that is not truly a defense item. And why should the military bear the brunt of these more political foreign policy actions.

And, of course, they have been conducted oftentimes with little or no consultation with the Congress. So what happens is those commitments are made. Those policies are executed. And all of a sudden we get the bill. No authorization. No action by the Congress.

This has not happened just in this administration. It has happened over the years. But I do think that at one point in time we better start charging to the Defense Department those things that are exclusively national defense and take peacekeeping and humanitarian and all these other types of things that we are involved in and call them something else and charge them maybe to a broader base of accounts than in the Defense Department.

I am not saying how it should be handled, but we are really in a hybrid situation of trying to pay in the military appropriation for those actions that are not strictly defense, a mission of our Defense Department. So I only add to the complexity of trying to separate these funds between military and nonmilitary discretionary.

If the Senator has no further comments to make, I would now move to table the Boxer amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Now, Mr. President, let me ask the parliamentary situation. Unanimous consent was made on the basis of the two votes, one relating to the Kerrey amendment and now to the Boxer amendment, to be stacked and those rollcalls should occur in sequence?

The PRESIDING OFFICER. The question first will occur on amendment No. 435, the amendment of the Senator from Nebraska, and then on amendment No. 436, the amendment of the Senator from California.

Mr. HATFIELD. Has the motion to table the Kerrey amendment been made?

The PRESIDING OFFICER. That motion has not yet been made.

Mr. HATFIELD. Mr. President, I now move to table the Kerrey amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

It appears that there is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 435. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Minnesota [Mr. GRAMS] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Dakota [Mr. DORGAN] are necessarly absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 45, nays 49, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—45

Akaka
Bennett
Bingaman
Bond
Boxer
Burns
Byrd
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Feinstein
Frist
Gorton
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inouye
Johnston
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Packwood
Pressler
Santorum
Sarbanes
Shelby
Specter
Stevens
Thompson
Thurmond

NAYS—49

Abraham
Ashcroft
Biden
Bradley
Breaux
Brown
Bryan
Bumpers
Chafee
Cohen
Daschle
DeWine
Dodd
Exon
Feingold
Ford
Glenn
Graham
Gramm
Harkin
Helms
Hollings
Inhofe
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Moseley-Braun
Nickles
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Simon
Simpson
Smith
Snowe
Thomas
Warner
Wellstone

NOT VOTING—6

Baucus
Conrad
Dorgan
Faircloth
Grams
Kassebaum

So the motion to table the amendment (No. 435) was rejected.

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 436

The PRESIDING OFFICER. Under the previous order, the vote will now occur on the motion to table the Boxer amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Minnesota [Mr. GRAMS] and the Senator from Kansas [Mrs. KASSEBAUM] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD] and the Senator from North Dakota [Mr. DORGAN] are necessarily absent.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—48

Ashcroft
Bennett
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Frist
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Abraham
Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Cohen
Daschle
DeWine
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone

NOT VOTING—6

Baucus
Conrad
Dorgan
Faircloth
Grams
Kassebaum

So the motion to lay on the table the amendment (No. 436) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 435 TO AMENDMENT NO. 420

The PRESIDING OFFICER. The question occurs on the Kerrey amendment.

The Senator from Oregon.

AMENDMENT NO. 437 TO AMENDMENT NO. 435

Mr. HATFIELD. Mr. President, I believe there is a second-degree amendment of Senator SHELBY. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 437 to amendment No. 435.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000

Arkansas:

Little Rock, Courthouse, $13,816,000

Arizona:

Bullhead City, FAA grant, $$2,200,000

Lukeville, commercial lot expansion, $1,219,000

Nogales, Border Patrol, headquarters, $2,998,000

Phoenix, U.S. Federal Building, Courthouse, $121,890,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

Tucson, Federal Building, U.S. Courthouse, $121,890,000

California:

Menlo Park, United State Geological Survey office laboratory building, $6,868,000

Sacramento, Federal Building-U.S. Courthouse, $142,902,000

San Diego, Federal building-Courthouse, $3,379,000

San Francisco, Lease purchase, $9,702,000

San Francisco, U.S. Courthouse, $4,378,000

San Francisco, U.S. Court of Appeals annex, $9,003,000

San Pedro, Customhouse, $4,887,000

Colorado:

Denver, Federal building-Courthouse, $8,006,000

District of Columbia:

Central and West heating plants, $5,000,000

Corps of Engineers, headquarters, $37,618,000

General Services Administration, Southeast Federal Center, headquarters, $25,000,000

U.S. Secret Service, headquarters, $113,084,000

Florida:

Ft. Myers, U.S. Courthouse, $24,851,000

Jacksonville, U.S. Courthouse, $10,633,000

Tampa, U.S. Courthouse, $14,998,000

Georgia:

Albany, U.S. Courthouse, $12,101,000

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000

Savannah, U.S. Courthouse annex, $3,000,000

Hawaii:

Hilo, federal facilities consolidation, $12,000,000

Illinois:

Chicago, SSA DO, $2,167,000

Chicago, Federal Center, $47,682,000

Chicago, Dirksen building, $1,200,000

Chicago, J.C. Kluczynski building, $13,414,000

Indiana:

Hammond, Federal Building, U.S. Courthouse, $52,272,000

Jeffersonville, Federal Center, $13,522,000

Kentucky:

Covington, U.S. Courthouse, $2,914,000

London, U.S. Courthouse, $1,523,000

Louisiana:

Lafayette, U.S. Courthouse, $3,295,000

Maryland:

Avondale, DeLaSalle building, $16,671,000

Bowie, Bureau of Census, $27,877,000

Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000

Woodlawn, SSA building, $17,292,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Missouri:

Cape Girardeau, U.S. Courthouse, $3,688,000

Kansas City, U.S. Courthouse, $100,721,000

Nebraska:

Omaha, Federal Building, U.S. Courthouse, $9,291,000

Nevada:

Las Vegas, U.S. Courthouse, $4,230,000

Reno, Federal building—U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building—U.S. Courthouse, $3,519,000

New Jersey:

Newark, parking facility, $9,000,000

Trenton, Clarkson Courthouse, $14,107,000

New Mexico:

Albuquerque, U.S. Courthouse, $47,459,000

Santa Teresa, Border Station, $4,004,000

New York:

Brooklyn, U.S. Courthouse, $43,717,000

Holtsville, IRS Center, $19,183,000

Long Island, U.S. Courthouse, $27,198,000

North Dakota:

Fargo, Federal building-U.S. Courthouse, $20,105,000

Pembina, Border Station, $93,000

Ohio:

Cleveland, Celebreeze Federal building, $10,972,000

Cleveland, U.S. Courthouse, $28,246,000

Steubenville, U.S. Courthouse, $2,820,000

Youngstown, Federal Building-U.S. Courthouse, $4,574,000

Oklahoma:

Oklahoma City, Murrah Federal building, $5,290,000

Oregon:

Portland, U.S. Courthouse, $5,000,000

Pennsylvania:

Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000

Philadelphia, Nix Federal building-Courthouse, $13,814,000

Philadelphia, Veterans Administration, $1,276,000

Scranton, Federal Building-U.S. Courthouse, $9,969,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

South Carolina:

Columbia, U.S. Courthouse annex, $592,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Austin, Veterans Administration annex, $1,028,000

Brownsville, U.S. Courthouse, $4,339,000

Corpus Christi, U.S. Courthouse, $6,446,000

Laredo, Federal building-U.S. Courthouse, $5,986,000

Lubbock, Federal building-Courthouse, $12,167,000

Ysleta, site acquisition and construction, $1,727,000

U.S. Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000

Virginia:

Richmond, Courthouse annex, $12,509,000

Washington:

Blaine, Border Station, $4,472,000

Point Roberts, Border Station, $698,000

Seattle, U.S. Courthouse, $10,949,000

Walla Walla, Corps of Engineers building, $2,800,000

West Virginia:

Beckley, Federal building-U.S. Courthouse, $33,097,000

Martinsburg, IRS center, $4,494,000

Wheeling, Federal building-U.S. Courthouse, $35,829,000

Nationwide chlorofluorocarbons program, $12,300,000

Nationwide energy program, $15,300,000

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I would like to have the attention of the Senate in order to get our schedule for the next few hours.

Mr. President, I am going to propound a unanimous-consent agreement, first of all to set aside the D'Amato amendment temporarily in order to take up other amendments. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I now propound a unanimous-consent agreement as follows: that the Shelby amendment in the second degree to the Kerrey amendment be given a half-hour time agreement; that the Kyl amendment which relates to low income energy assistance be given a half-hour, time to be equally divided; a Reid amendment—and may I inquire, again the subject I do not have?

Mr. REID. Mr. Chairman that is to take money from the civilian nuclear waste fund and put it in the community, and the second is the same except to put it in rural health programs.

Mr. HATFIELD. The two Reid amendments each be given 40 minutes equally divided; and that votes on all these amendments at the time of a rollcall, if necessary, begin at 9:30 p.m. So we would be stacking each of these amendments to be voted on if a rollcall is required.

I ask that there be no second-degree amendments in order prior to a motion to table.

Mr. McCAIN. Reserving the right to object.

Mr. DODD. Reserving the right to object.

Mr. McCAIN. I would like to add an amendment, depending on the outcome of the Shelby amendment on that list.

Mr. DODD. Reserving the right to object, Mr. President.

Mr. HATFIELD. I would like to amend my request, on the contingency of how the Shelby amendment turns out, the Senator from Arizona [Mr. McCAIN] be recognized for 10 minutes.

I ask unanimous consent that time on the pending amendments prior to the motion to table be equally divided in the usual form and no second-degree amendments be in order prior to a motion to table.

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Just to clarify, I ask, Mr. President, whether or not at the expiration of this entire time we would then—the D'Amato amendment would be the pending business, at the conclusion of those rollcall votes beginning at 9:30? I pose that as a question, Mr. President.

Mr. HATFIELD. I am sorry?

Mr. DODD. I was inquiring whether or not it is the Senator's intention at the conclusion of the rollcall votes if necessary, at 9:30, that the pending business would then once again be the D'Amato amendment?

Mr. HATFIELD. The Senator is correct.

Let me make an amendment. I said 9:30. If we add up these times, if all is used—I am hoping some of the time might be yielded back—it would be about 9:40. So, may I get a little flexibility there—between 9:30 and 9:45.

Mr. DODD. Mr. President, reserving again the right to object, understanding at the end of that we would begin the D'Amato amendment?

Mr. HATFIELD. Right back on the D'Amato amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Could I direct a question to the manager of the bill? At the conclusion of the voting are we through for the evening?

Mr. HATFIELD. No. It depends on how many other amendments there are. We will continue. We will continue to do the business of the Senate and be ready for all amendments.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 437 TO AMENDMENT NO. 435

Mr. SHELBY. Mr. President, the amendment, which is the second-degree amendment that I have offered, would basically say that all new construction projects under the General Services Administration, the Federal buildings fund, construction and repair projects, where no earth has been turned, no overt things have been done as far as repairs on the building as yet—in other words, nothing done—this would basically total 1.84 billion dollars' worth of projects in not every State but a lot of States in the Union, including my State of Alabama where we have a Federal courthouse ready to go with a $46 million projected cost—we have the list—would be knocked out of the appropriations bill. They would be gone.

I will just list them basically.

Montgomery, AL, courthouse, $46 million. That is the first one. Little Rock, AR, courthouse, $13 million; Bullhead City, AZ, FAA grant, $2,200,000; Nogales, AZ, Border Patrol headquarters, $2,998,000; Phoenix, AZ, courthouse, $121,890,000; Sierra Vista, AZ, magistrates office, $1 million; the Tucson, AZ, courthouse, $121.8 million; Sacramento, CA, courthouse, $142.9 million; San Francisco, CA, lease-purchase $9 million; San Francisco, CA, courthouse, $4 million; the Washington, DC, U.S. Secret Service headquarters, $113 million; and the list goes on and on.

We have included in there Prince Georges/Montgomery County, MD, FDA consolidation, $284 million.

It says that we are going to save this money, at least temporarily, until GSA says we are ready to go. As I said, it is $1.842 billion.

I think the Senator from Nebraska will join me in this amendment. But I will leave that up to him.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I thank the Chair, and I thank the distinguished Senator from Alabama.

Having gained majority support for an amendment that added approximately $300 million to the rescissions package, this at least, it seems to me, will now decrease that by $1.8 billion. I believe that this is wise given the fact that we are going to be cutting, we are going to be taking up amendments immediately following this that have to do with low-income energy assistance and it will not be the last time that we visit a program where real people are going to have their lives affected in rather serious fashion. This, it seems to me, is setting our priorities straight.

I am pleased that the distinguished Senator from Alabama is offering it as a second-degree amendment, and I am pleased to urge my colleagues to support it strongly.

Mr. SHELBY. Mr. President, I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, apparently through an oversight, mistake, or some other reason, there are courthouses that did not meet any of the criteria set out by the Senator from Nebraska but nevertheless made the selected list that was the subject of the last amendment. One of those was in Hammond, IN, the Hammond courthouse. Selected criteria indicated that those on the list were not requested by the General Services Administration. The Hammond courthouse was requested by GSA. I quote from their report:

> The purpose and need determination, and the . . . building project survey lead to the conclusion that a new Federal building with expanded courtroom space is required to serve Lake and Porter Counties, Indiana. It was also subject to the timeout process another criteria projects were not supposed to have met if they were on the list.

I quote again:

> Judicial requirements for Hammond have actually grown since the initial timeout review. Savings to be identified from application of value engineering techniques during the construction phase of this project will permit us to satisfy these additional requirements without requesting any additional funds.

That was stated in a letter from the GSA Administrator Roger Johnson.

The amendment purported to target projects that the agencies did not request or need. However, as I just pointed out, this particular project and others, such as an Arizona project which the Senator from Arizona pointed out to me, did not meet any of the criteria set forth by the Senator from Nebraska but were included on the list. I do not know why they were included on the list. I do not know if it was a mistake. But I know there were other projects that did meet the criteria but were not included on the list.

I am not going to speculate why they were not on the list. Nevertheless, because the motion to table was not agreed to, which would have given us an opportunity to construct an accurate list, we now have an amendment before us which will rescind funding for all projects in which construction has not started. That I would suggest would save a considerable amount of money.

The Senator from Alabama has read some of those courthouses, frankly, many of which met the criteria outlined by the Senator from Nebraska but somehow were not on the list. It is a little bit puzzling to this Senator how projects that did not meet the criteria to be rescinded outlined by the Senator from Nebraska made the list but projects that did meet the criteria were not on the list.

This amendment offered by Senator SHELBY is about fairness. The Senator from Nebraska's capricious standards were not applied uniformly and singled out particular projects that did not even meet the standards set forth. If Senator KERREY's purpose is to save taxpayer dollars, which is a commendable purpose, then everything should be on the table as it is in Senator SHELBY's amendment. Then we are talking about big money. I will just read a few of the several that would really save the taxpayers money.

The courthouse project in Sacramento, CA, $142.9 million, Wheeling, WV, courthouse, $35.8 million; Brooklyn, NY, $43.7 million; Fargo, ND, $20.1 million; and the list goes on. In fact, there are a number of courthouses included in the current amendment that have not even been authorized. We are going to take them all now. We are just going to sweep the whole bundle as long as construction has not started.

We are going to take the whole bundle. I regret that those projects which GSA has approved, which GSA subjected to time out and review process, which GSA has certified are legitimate projects, are going to be included in this amendment. But if we are going to include those, then for sure we are going to include every project equitably. Quite frankly, if the Senator from Nebraska's criteria was actually followed in the list he submitted then it would have been a good amendment. But it is not right or fair for the Senator from Nebraska to claim that all the projects on the list met the criteria because they did not.

And again I wish to say it is a mystery as to why some courthouses in California, North Dakota, West Virginia, and other States were not on that list when they clearly met the criteria established for rescission outlined by the Senator from Nebraska, and others that clearly did not meet that criteria were on the list. I will leave to the speculation of others why those were on the list. I regret that. But now everybody is in. We can save a ton of money—$1.842 billion. So let us go ahead and do it.

Mr. President, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Nebraska.

Mr. KERREY. Mr. President, I take the point that the distinguished Senator from Indiana makes. To be clear on this, the GSA timeout review process was completed in 1993 and then modified after for a variety of reasons. It is one criterion. In my Dear Colleague letter I listed four, and even there, I must say, at some point you do become arbitrary.

The distinguished Senator from Alabama in offering his own arguments against the underlying amendment indicated as much is the case. It is absolutely the case. At some point we do try to make good judgments based upon what we think is fair. And obviously, if it hits us, it does not quite sound fair. I understand that.

We try, I would say to my friend from Indiana, to be fair. And as I said earlier, I am quite pleased that instead of $300 million, we now have before us $1.8 billion. The question must fall to all of us with this second-degree amendment. What happens to the country if this $1.8 billion is not spent.

In comparison to other things that we are going to be considering not only in this rescission package but later on in the budget resolution when the distinguished Senator from New Mexico finishes his work, I suspect that we are going to look back upon this as a rather small item in comparison and say that it was good policy the distinguished Senator from Alabama rose and put another $1.5 billion on the table.

So I hope my colleagues will when the time comes support the amendment of the Senator from Alabama.

Mr. SHELBY. Mr. President, I just want to remind my colleagues that initially in the committee we had cut approximately $75 million perhaps more than the House. We thought in the committee, as I said earlier, that we were trying to be fair in the process. I thought the earlier amendment, the Kerrey amendment was selective and aimed at selected projects. So I thought only to be fair is to take everything including my own courthouse in Montgomery, AL. And if the Senate, Mr. President, wants spending cuts in Federal buildings which affects just about every State, then they can go with the $1.8 billion cut the Shelby amendment offers.

Mr. President, I ask unanimous consent that this list of projects that I alluded to earlier, "General Services Administration Federal Buildings Fund Construction and Repair Projects," be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

General Services Administration Federal Buildings Fund Construction and Repair Projects

	Thousands
New construction projects where design, site acquisition and construction awards (construction not begun) have not been awarded:	
Montgomery, AL Courthouse ...	$46,320
Little Rock, AR Courthouse	13,816
Bullhead City, AZ FAA Grant ..	2,200
Nogales, AZ Border Patrol HQ ..	2,998
Phoenix, AZ Courthouse	121,890
Sierra Vista, AZ Magistrates ...	1,000
Tucson, AZ Courthouse	80,974
Sacramento, CA Courthouse	142,902
San Francisco, CA Lease/Purchase	9,702
San Francisco, CA Courthouse	4,378
Washington, DC USSS HQ	113,084
Washington, DC Corps of Eng HQ	37,618
Ft. Myers, FL Courthouse	25,851
Jacksonville, FL Courthouse	10,633
Albany, GA Courthouse	12,101
Atlanta, GA CDC Laboratory ...	47,000
Atlanta, GA CDC Mercer office bldg	40,000
Savannah, GA Courthouse	3,000
Hilo, HA facility consolidation	12,000
Chicago, SSA offices	2,167
Hammond, IN Courthouse	52,272
Covington, KY Courthouse	2,914
London, KY Courthouse	1,523
Lafayette, LA Courthouse	3,295
Bowie, MD Census building	27,877
PG/Montgomery Counties, MD FDA cons	284,650
Cape Girardeau, MO Courthouse	3,688
Kansas City, MO Courthouse	100,721
Omaha, NE Courthouse	9,291
Newark, NJ Parking facility	9,000
Albuquerque, NM Courthouse ...	47,459
Las Vegas, NV Courthouse	4,230
Brooklyn, NY Courthouse	43,717
Long Island, NY Courthouse	27,198
Fargo, ND Courthouse	20,105
Pembina, ND Border Station	93
Cleveland, OH Courthouse	28,246
Steubenville, OH Courthouse	2,820
Youngstown, OH Courthouse	4,574
Scranton, PA Courthouse	9,969
Columbia, SC Courthouse annex	592
Greeneville, TN Courthouse	2,936
Austin, TX VA annex	1,028
Brownsville, TX Courthouse	4,339
Corpus Christi, TX Courthouse	6,446
Laredo, TX Courthouse	5,986
Highgate Springs, VT Border Station	7,085
Blaine, WA, Border Station	4,472
Point Roberts, WA Border Station	698
Seattle, WA Courthouse	10,949
Beckley, WV Courthouse	33,097
Martinsburg, WV IRS Center	4,494
Wheeling, WV Courthouse	35,829
	1,531,227
Repair and alteration projects where contracts have not been let:	
San Diego, CA FB/CH	3,379
San Pedro, CA Customhouse	4,887
Menlo Park, CA USGS office	6,868
Denver, CO FB/CH	8,006
Chicago, IL Federal Center	47,682
Chicago, IL Dirksen building	1,200
Chicago, J.C. Kluczynski building	13,414
Jeffersonville, IN Federal Center	13,522
Avondale, MD DeLaSalle building	16,674
Woodlawn, MD SSA building	17,292
Trenton, NJ Clarkson CH	14,107
Holtsville, NY IRS Center	19,183
Cleveland, OH Celebreeze FB	10,972
Oklahoma City, OK Murrah FB	5,290
Philadelphia, PA Byrne-Green FB/CH	30,628
Philadelphia, PA Nix FB/CH	13,814
Providence, RI FB/PO	7,740
Lubbock, TX FB/CH	12,167
El Paso, TX Ysleta Border Station	7,292
Richmond, VA Courthouse annex	12,509
Walla Walla, WA Corps of Eng. bldg	2,800
	269,426
Savings identified by the General Services Administration's timeout and review:	
Lukeville, AZ Border Station ...	1,219
San Luis, AZ Border Station	3,496
San Francisco, CA Court of Appeals	9,003
Washington, DC central/west heating	5,000
Tampa, FL CH	5,994
Boston, MA CH	4,076
Reno, NV CH	1,465
Concord, NH CH	3,519
Portland, OR CH	5,000
Philadelphia, PA VA	2,800
	40,048
This project has been canceled:	
Charlotte Amalie, US VI CH	2,184
Total	1,842,885

Mr. KERREY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. SHELBY. We will yield our time back.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 434

Mr. KYL. Mr. President, I have an amendment at the desk, No. 434, which I will advise my colleagues I do not intend to call up, but in order to have a time agreement on this amendment which will enable us to discuss it for a period of a half an hour we have agreed not to call for a vote at the conclusion of the discussion.

It is too bad, Mr. President, because to some extent it seems we are on the horns of a dilemma when we seek to add more rescissions to the list of those that have been recommended by the committee. This amendment, No. 434, would conform the rescission of the Low-Income Home Energy Assistance Program, the so-called LIHEAP, to that of the House of Representatives.

Some of my colleagues, on the one hand, said we cannot afford to have a vote on this and win it because, if we do, the President will then veto the bill and we will not get any rescissions; it will not be $17 billion; it will not be $13 billion; it will not be anything. And other colleagues say we cannot afford to have a vote on this amendment because if we do and it is defeated, then we will not be able to argue in the conference that we should rescind more money because the amendment will have been defeated on the floor of the Senate.

I think it is important, however, that these issues be discussed because during the debate on the balanced budget amendment which occurred for over 5 weeks we heard over and over again from opponents of the balanced budget amendment that we did not need a constitutional requirement to force us to balance the budget.

We were elected to make the hard decisions, but we are not making the hard decisions. This is a hard decision, but in a moment I am going to read some material to my colleagues which I think will demonstrate that it really is not that hard. We can rescind more money from this program. And in a moment I will explain the reasons why.

Too often the argument is made, on the one hand, that we were elected to make the hard decisions and then when the hard decisions are placed before us, our colleagues are not ready to make those hard decisions.

And so we are going to discuss this for a half an hour right now. We will not have a vote on it, but we will eventually have a vote on it because we are going to have to determine whether it is the House level of rescission or the Senate level of rescission that will prevail. Mr. President, on this I support the House level of rescission.

Let us talk just a little bit about what this program is. The Low-Income Home Energy Assistance Program, or LIHEAP, provides utility assistance for poor families in America as a result of the energy crisis of the late 1970's and early 1980's. It was initiated in 1981 to temporarily supplement existing cash assistance programs to help low-income individuals pay for what were then escalating home fuel costs resulting from the energy crisis.

An interesting thing happened. Since the program's creation, real energy prices have declined to pre-1980 levels and according to the CBO's February 1995 report "Reducing Deficit Spending and Revenue Options," real prices of household fuels have declined 22 percent. So those real low prices mean that it is time to reconsider this program.

It is also interesting that in the CBO report 26 States transferred up to 10 percent of their LIHEAP funds during the 1993 period to supplement spending for five other social and community services block grant programs and 10 percent is the maximum that they can transfer under this program. So the transfers indicate that at least some States believe that spending for energy assistance does not have as high a priority as other spending. As I said, it is time to reconsider this program.

Now, is this just the position of a conservative Republican from Arizona? No. Let me read to you from the budget of the President of the United States, William Clinton, last year.

The President is requesting $730 million. That is half as much as is requested in this year's budget. Here is what the President said: We had to eliminate or refocus many programs including LIHEAP. Why? Well, several factors influenced our decision, he says:

> 1. LIHEAP began as a response to the severe energy crisis in the early 1970's and early 1980's which caused quantum increases in energy prices. Since then, energy prices and the percentage of income spent by low-income households on home energy decreased substantially.
>
> What began as a program—

And I continue to quote here from the President's budget. This is President Clinton's budget requesting a reduction in funds last year.

> What began as a program focused on easing the energy crisis has evolved into a very narrowly focused income supplement program which provides average benefits of less than $200, does not target well those low-income households with exceptionally high energy costs in relation to income, and which does little to help assisted households achieve independence from the program.

I am quoting from President Clinton's budget, indicating why this program should have been cut last year.

> The administration has made major improvements [he says] in the Nation's basic income supplement programs, increasing the earned income tax credit for the working poor, expanding the Food Stamps Program and reforming the welfare system. These changes reduce the need for peripheral income supplement programs such as LIHEAP.

And the President concluded:

> Considering these factors, we concluded that the time had come to refocus LIHEAP on the energy needs of low-income families and to shift away from income supplementation and dependency.

Mr. President, LIHEAP is a very good example of what has happened so often with the Federal budget. A crisis develops at some point in our history which causes us to implement a Federal program which extracts taxpayer dollars from all over the country and focuses it on a limited segment of our population. We vote to do that because at the time it appears to us that there is a group in need and we want to assist them. But over time the original need for that program, the original rationale for it disappears or is substantially reduced. Sometimes people cannot even remember why it was put into effect.

We remember why this was put into effect. Because there was a severe crisis at the time. That crisis is gone.

The authority for what I just said is no less than the President of the United States, President Clinton, who, last year in his budget submission, said we can cut this program in half. Now, nothing has changed between last year and this year. As a matter of fact, the area of the Northeast has improved its economy. So there are fewer people that would require the assistance.

But still we have people from all over the United States and, in particular, the Northeast part of the country saying that this is an absolute necessity for the people who are their constituents, they cannot get along without it.

Mr. President, there is a billboard in my community. It has a nice picture of Uncle Sam painted on it, and it says: "Remember, he's your uncle, not your dad."

We have to stop relying on the Federal Government to do so many things for us. Yes, there are a lot of things that would be nice if we had the money for them. But as we learned during the debate on the balanced budget amendment, it is time to begin setting priorities. And when the President of the United States, a previous supporter of the program, says it ought to be cut in half because the need for it has been substantially reduced because the original problem—the energy crisis—is now gone, should we not in the House and in the Senate be willing to follow that advice, make the tough decision, set the priority and reduce the spending on the program?

The House of Representatives was willing to do so, but in the Senate, apparently that is not the case.

So, Mr. President, it seems to me that I could not talk to the folks in my State about reducing Federal spending and then stand by silent as we adopt this rescission package in the Senate without speaking to this program.

When the conference committee between the House and Senate meets, I am hopeful that a larger rescission will be accepted. I am willing, as I said, not to force this to a vote here and upset the applecart and cause the President to veto the entire rescission package, if he were to do that, because it is important that we get even $13 billion rescinded, although $17 billion would be a better number. But I think the American people need to start focusing on this.

I go back to what I said originally when those who opposed the balanced budget amendment said, "You send us back here to make the tough choices and we will do it," as we find oftentimes, they are not willing to, and the main reason is because they can always argue that poor people benefit from the program. That is always the case. But that does not justify every bit of spending, because it is hard-working Americans who get up early in the morning, send their kids off to school, work hard all day long, come home tired and pay plenty of taxes so that programs like this can continue.

It is not mean spirited to say enough is enough. They need to be able to keep more of their hard-earned money to spend as they see fit.

So I think it is time we do reexamine this program. I submit that the House rescission number is a better number, and I urge my colleagues in the conference to support that number. I reserve the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. KERRY. Mr. President, I rise in opposition to the Kyl amendment, which would affect funding for the Low-Income Heating Assistance Program [LIHEAP].

When the United States balances $400 billion of corporate tax benefits against a cut taken exclusively from the most disadvantaged, it violates the average American's sense of fairness.

I also rise to oppose the other body's Appropriations Committee's vote to rescind $1.4 billion from LIHEAP's fiscal year 1996 budget as part of the Contract with America. That would eliminate complete appropriation for LIHEAP, which gives home heating grants to low-income Americans. The program serves 5.6 million households nationwise, 30 percent of the home eligible to receive LIHEAP support.

Mr. President, in Massachusetts and other regional cold-weather States, energy prices continue to rise along with the increase in poverty. Many of the people who rely on LIHEAP have jobs, but simply can't make enough to get by when the temperature drops and the bills come in.

In Massachusetts, 143,000 households receive LIHEAP funding. If the program is eliminated, Massachusetts stands to lose $54 million for fiscal year 1995.

Eliminating LIHEAP could be a death sentence for some Massachusetts families, for the elderly, and for children who may be forced to choose between heat and food or medicine. No one should have to make that kind of choice.

That is why I and 35 senators from both parties have sent a letter to Senator MARK HATFIELD, chairman of the Senate Appropriations Committee, urging restoration of LIHEAP funds in the rescission package.

LIHEAP is a block grant administered by State and local governments, and is one of the most cost-effective and efficient Federal subsidy programs. Seventy percent of LIHEAP recipients do not receive other government relief, such as Aid to Families with Dependent Children or food stamps, but rely on this aid to supplement their monthly income during the winter months.

Mr. President, I would like to close by offering the following graphic illustration of the importance of this issue.

The December before last, a fire burned down a small apartment building in the Mount Pleasant region of DC, burning to death two little girls, Amber and Asia Spencer, ages 6 and 5. Neighbors recalled Amber's last words—"Please, please, help us." The girls were killed by a fire when one of the candles that was used to heat their apartment fell over. The electricity had been turned off two months earlier when the girl's guardian—their grandmother—could not afford to pay the heating bill.

Every winter children across the country are killed or jeopardized by fires caused by desperate attempts to keep warm or to lighten darkened homes. Mr. President, this country cannot abide this sad state of affairs. We can and we must do better—not worse—by the children and families who need the bare necessities to survive.

Mr. WELLSTONE. Mr. President, I know there are other colleagues on the floor who wish to speak on this, and we have had some prior discussion with the Senator from Arizona. I think we have an agreement on how to proceed. I appreciate the discussions that I have had with the Senator from Arizona.

Let me just make a couple of points. The first point is that I think that sometimes the profound mistake we make on the floor of the Senate is that there just are no people and no faces behind the statistics. I met at home with Alida Larson, and there were a number of other low-income citizens from Minnesota—understand full well, Minnesota is a cold-weather State—and each of them told their stories.

In my State of Minnesota, there are around 330,000 low-income people who really depend upon this small amount of support averaging about $330 a year which for them quite often can be the difference between being able to stay in their home or not.

Mr. President, 110,000 households, 30 percent of which the head of household is elderly, 40 percent of which households have a child, over 50 percent of which have someone working but working at low wages, 40 percent of whom after a year no longer receive this.

In the State of Minnesota, the Low Income Home Energy Assistance Program is not an income supplement. It is a survival supplement. For many, many families without this assistance, it is the choice between heat or eat.

My colleague says, "Well, the cost of energy has gone down." I say to my colleague, we have seen a dramatic increase in poverty in the United States of America. We are talking about elderly people, we are talking about families with wage earners but low wages, we are talking about children. And in the State of Minnesota, there is tremendous support for the Low-Income Home Energy Assistance Program—tremendous support.

I think that my colleague will find that Senators from the Northeast and Midwest, whether they are Democrats or Republicans, feel very strongly about this.

Mr. President, finally, because I am going to stay within 5 minutes or less, as to the choices that we need to make, yes, let us move forward on deficit reduction and, yes, let us move forward to balancing the budget.

Mr. SPECTER. Will the Senator yield for a question?

Mr. WELLSTONE. I actually would be willing to except that I only have about 2 minutes before I have to literally leave the Chamber, but I will go ahead real quick.

Mr. SPECTER. The question is how much time he will take. There are quite a few speakers on this side.

Mr. WELLSTONE. Before my colleague came in, I made it clear I was going to stay within 5 minutes or so because I know there are other colleagues who wish to speak.

Mr. SPECTER. I thank the Senator.

Mr. WELLSTONE. Absolutely.

Mr. President, by way of conclusion, if we are going to be talking about cuts, look to subsidies for oil companies, look to subsidies for pharmaceutical companies, look to all sorts of deductions and loopholes and dodges that affect large corporations and large financial institutions in America.

For God's sake, Mr. President, let us not cut a program that for many, many Americans in the cold-weather States is not an income supplement but a survival supplement.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, will the Senator from Arizona yield me 1 minute?

Mr. KYL. I yield 1 minute to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my colleague from Arizona for his amendment. If we were to eliminate this program for the years 1996 through 2000, we would save $10 billion in budget authority and $7 billion in outlays. If we adopted the Senator's amendment, we would save $1.3 billion. I think that would be a step in the right direction.

This program was not created to be a welfare program, and I think our colleague from Arizona is exactly right, if we want to cut spending, this would be an excellent example.

I compliment him for his amendment. I urge it be adopted. I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. SPECTER. Mr. President, we have a time agreement. How much time does the Senator wish?

Mr. KOHL. Three minutes.

Mr. SPECTER. Can he settle for 2?

Mr. KOHL. All right.

Mr. KOHL. Mr. President, I strongly oppose this amendment which completely eliminates the Low-Income Home Energy Assistance Program. This program helps low-income elderly, the disabled, and working poor to cover a portion of the heating of their homes.

Mr. President, the bill we are considering today is a disaster relief bill. It is about helping people fight back against the wrath of nature, whether it be floods, earthquakes or other natural emergencies. When disaster strikes, Americans band together to help those who are down on their luck and to afford everyday necessities.

Heat, food and shelter are everyday necessities, Mr. President. Low-income families and the elderly who must confront bitter cold weather year in and year out are no less deserving of compassion than victims of a flood or earthquake.

The House made the unfortunate decision to eliminate or kill LIHEAP. The Senate Appropriations Committee, under the direction of the distinguished Senator from Oregon and the distinguished Senator from Pennsylvania, wisely rejected this cut. Home energy costs consume an unreasonably high portion of resources for those with limited incomes, particularly during harsh winters.

My colleague from Arizona is fortunate to come from a warm-weather State. In fact, many people from my own State of Wisconsin retired to his fine State because of the very appealing weather. Unfortunately, not everyone can afford to leave their homes to avoid the cold. Often, low-income families and the elderly are forced to choose between food, medicine or heat.

Mr. President, this is a choice that no one should have to make in our country. Although we must cut Federal spending and we must control our deficit, it should not be done at the expense of people's health and safety.

We must preserve LIHEAP and reject the House cut.

I urge my colleagues to oppose the Kyl amendment.

Thank you.

Mr. SPECTER. I ask my colleague from Vermont how much time he needs.

Mr. JEFFORDS. Two minutes.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Eight minutes remain.

Mr. SPECTER. I yield 2 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment of the Senator from Arizona. It may well be that we should take another look at this program, but this is no place to do it. There may be States like Arizona and Oklahoma and others that may be willing to give up whatever they get under LIHEAP because they do not have the needs of some of the other areas of the country.

In my State of Vermont, this is a critical program. Over the last 3 years, energy prices have gone up in Vermont by 21 percent. At the same time, LIHEAP funding has gone down by $300 million.

The average family who receives LIHEAP assistance spends over 18 percent of its income on energy. This is three times the energy burden for median-income families. I would expect a lot less for those in Arizona and Oklahoma. Fifty-five percent of all LIHEAP homes include at least one child under the age of 18 and 43 percent include a senior citizen. Both figures are far above the national average. Without LIHEAP assistance, many recipients could not afford to pay their heating bills in the winter and many would be forced to choose between heat and food.

Rescinding LIHEAP will also force energy providers in Vermont, and many other areas, many of whom are small unregulated businesses, to choose between not getting paid for the energy they provide and cutting off their neediest customers.

LIHEAP is well run and administered by State and local governments who keep administrative costs at about 8 percent, far below the average, so the money is getting to those who need it. It has strong bipartisan support from Senators in my region and all around the country.

I urge defeat of the amendment.

Mr. SPECTER. How much time does the Senator from Connecticut desire?

Mr. DODD. I would like 1½ or 2 minutes.

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. Six minutes remain.

Mr. SPECTER. I yield 1½ minutes to the Senator from Connecticut.

Mr. DODD. Let me commend our colleague from Pennsylvania who, I gather, led the charge in the Appropriations Committee for the restoration of these funds. I commend him, Senator JEFFORDS, Senator WELLSTONE, and others, who have spoken out on this issue.

Mr. President, in the committee report, House Appropriations concludes that this program is no longer needed. There are 60,000 in my State each winter who depend upon this source of assistance, not just as a casual need, but a serious one.

In fact, in anticipation of the study that the energy prices have dropped and it is no longer needed, I asked the Congressional Research Service to complete a study on energy prices and LIHEAP appropriations. They found that actually there would need to be an increase if you tracked energy price fluctuations over the last few years. This year, we budgeted $1.130 billion, which is far below what they tell us you would actually need. Dr. Deborah Frank, a pediatrician at Boston University, tracked over many years malnutrition among children following significant periods of cold in the Northeast and discovered that after those periods of very low temperatures, actually malnutrition in children went up because of parents making the tough choice of heat over food.

So this issue has been critically important to major parts of the country. I sincerely hope the amendment is rejected. This goes far beyond what most of us recognize as a valuable safety net for many in the country.

Mr. SPECTER. Mr. President, I ask the Senator from Maine, how much time does he wish?

Mr. COHEN. Could I have a minute and a half and then yield 30 seconds to my colleague from Maine?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Four and a half minutes.

Mr. SPECTER. The senior Senator from Maine has 90 seconds.

Mr. COHEN. Thank you.

Mr. President, we hear a lot of talk about a beltway mentality, but it seems to me that this amendment reflects a Sunbelt mentality. I do not know how many people have spent any time in the Northeast during the winter months, but we have at least 5 months of the year during which the average temperature is below freezing. In many months it is not just subfreezing, it is subzero. When you get to northern Maine, we are talking about 20 or 30 below zero many days.

We have a lot of poor people in our State. There are some 62,000 people who are beneficiaries of this particular program. Many of them are elderly. Forty or 45 percent of those that receive LIHEAP benefits around the country are elderly. So we are putting people who have an income of approximately $8,000, whose energy bills consume almost 18 percent of their income, and we are now saying cut the program out, prices are low enough that they can afford it.

But they cannot afford it. This is a small program compared to some others that are provided to the citizens of this country. I know it may be nice to live in a warm climate. It has been mild here in Washington, as I am sure it is in the West. In the Northeast, and throughout the industrial belt, it is very cold.

I submit to my colleagues that it would be a terrible tragedy to cut this program.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes 20 seconds.

Mr. SPECTER. I yield a minute and a half to the Senator from Maine, [Ms. SNOWE].

Ms. SNOWE. I thank the Senator. I certainly want to be on record in support of this most important program to so many people in my State, and certainly in the Northeast.

I was part of an effort back in 1980 in the House of Representatives to create this program. Yes, it was in response, originally, to a crisis. That is not unusual for the number of programs that are created in the U.S. Congress. But Congress intended it to be a long-term program, because it was serving the poorest of the poor. It is a means-tested program. It serves a number of people. Yet, it only serves 25 percent of those individuals who are actually eligible to receive benefits under this program.

This program, in real terms, has been reduced by 50 percent since 1985—50 percent. I know the Senator from Arizona was referring to the President's budget last year of $700 million, and that even the President was recommending a 50 percent reduction. He recommended that reduction because he wanted to remove the Southern States from that program. In fact, in 1994, the President recommended a supplemental increase for the low-income fuel assistance program of more than $300 million, which I think demonstrates the President's commitment to this program. But who does this program serve? Of the roughly 5.6 million households that receive low-income fuel assistance, more than two-thirds have annual incomes of less than $8,000. More than one-half have had incomes below $6,000. Thirty percent of these recipients are poor, elderly people, and 20 percent are disabled.

In my home State, 74 percent of these recipients are elderly people on fixed incomes. We are supporting people who need to have the benefits of this very valuable program.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes remain.

Mr. SPECTER. Mr. President, those who may be watching on C-SPAN 2 may be wondering why so little time is allocated here. This has been an effort by the Senator from Arizona, Senator KYL, to air the subject, but it is not going to be brought to a vote. Were it to be brought to a vote, there would be substantially more time allocated for this very important debate.

The Senators who have come to the floor have spoken for very limited periods of time and have done so to register their passionate concern about this issue. As chairman of the subcommittee which had jurisdiction over this issue and brought it to the floor, we have very carefully considered the totality of the package, and the Senate has met the House figure—the House figure totaling $17.3 billion, and the Senate figure is in excess of $13 billion. But the difference is accommodated by deferring the expenditures on FEMA, the Federal Emergency Management Agency.

Our subcommittee and the full committee determined that this funding should remain in LIHEAP because of its importance. The statistics have already been cited and I shall not repeat them. But the overwhelming majority of people have annual incomes of less than $8,000, or even $6,000. And regarding the choice of many elderly for either heating or eating, when there are emergency measures taken on alternative makeshift heating and lighting devices, an enormous number of deaths result—11 people, mostly children, in Philadelphia in a 5-month period, from August 1992 to January 1993. While we do not have nationwide figures, they would be enormous.

This is one of the most urgent programs in the Federal budget. It exemplifies what I have said. While I am committed and I think the Congress is committed on consensus to balancing the budget by the year 2002, it has to be done with a scalpel and not a meat ax.

This is a very, very, important program. Were there a longer period of time, I think we would have heard many Senators coming to the floor. Some 35 have signed a letter.

Mr. President, I note my colleague from Pennsylvania on the floor. I would ask how much time remains.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. May I ask unanimous consent that my colleague be permitted to speak for up to 2 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. I thank the Senator for yielding time to me. I wanted to echo his remarks. This is a very important program for a lot of people in my area of the country, and in Pennsylvania particularly.

This is a program that, frankly, has not been funded to the levels that really are going to meet the needs of the people in the communities who are low income, who are not able to keep the houses warm at night.

I can say from having visited homes that have enjoyed the energy assistance program, enjoyed the benefits, that it provides that degree of safety and comfort that the houses will be warm on these cold winter nights that we have had up in our area of the country.

I congratulate the Senator for his great work on defending this program, because it is a regional program in a sense. It is a program that disproportionately benefits one area, the area that has colder temperatures. As a result, it is always on the chopping block, but is a program that meets very vital needs in providing people basic shelter and warm comfort during the very cold winter days.

I congratulate the Senator for his great work on this project. I look forward to continuing support of this program.

Mr. SPECTER. Mr. President, I thank my colleague, and I ask unanimous consent that certain documents be included in the RECORD which lend some factual support—certainly not an exhaustive statement—but some factual support that should be printed in the CONGRESSIONAL RECORD.

There being no objection, the material is ordered to be printed in the RECORD, as follows:

ARGUMENTS TO MAINTAIN LIHEAP FUNDING

A cut to LIHEAP funding will have a significant impact on current recipients who already have difficulty in meeting their energy bills, many having to choose between fuel and food.

Elimination of the program could be devastating, since it brings potentially life-saving heat to nearly 6 million poor families, or roughly 15 million individuals; about 30 percent of the recipients are elderly, and 20 percent are disabled.

Over 70% of LIHEAP recipients have annual incomes of less than $8000; more than half have annual incomes of less than $6000. Energy costs consume nearly 20% of these meager incomes.

25% of LIHEAP recipients receive no other federal assistance.

LIHEAP was able to serve less than 25% of eligible households in fiscal year 1994.

The average LIHEAP benefit is only about $200.

Each winter, there are cases of children dying from the use of dangerous alternative heating sources, like candles.

Contrary to some claims, low income households do not face appreciably reduced energy costs compared to the 1970's and early 1980's.

Energy prices for natural gas and electricity are just as high today as they were in the 1970's, even in constant dollars.

50% of LIHEAP recipients heat with natural gas.

Increased competition among utilities has intensified cost-cutting, making it unlikely they would absorb LIHEAP costs that could put them at a competitive disadvantage. If LIHEAP were abolished, we could expect a major increase in households losing utility services, and increased homelessness.

This program has already suffered large cuts; current funding is $781 million, or 37 percent, below its 1985 level.

FUNDING HISTORY

1985—$2,100,000,000.
1986—$2,010,000,000.
1987—$1,825,000,000.
1988—$1,532,000,000.
1989—$1,383,000,000.
1990—$1,443,000,000.
1991—$1,610,000,000.
1992—$1,500,000,000.
1993—$1,346,000,000.
1994—$1,437,000,000.
1995—$1,319,204,000.
1996—$1,319,204,000.

Mr. KYL. In my 48 remaining seconds, let me say, "I told you so."

I said at the beginning that Members would come running out of their offices to come to the floor and pronounce themselves four square in front of this program, because this is critical. We can cut others but we cannot cut this one. That is exactly what is wrong with this process. Every one of them is critical. We have got to start somewhere.

Mr. President, I started where President Clinton started last year when he said we can cut it in half, that it was time to shift away from this program.

By the way, it is not just Sunbelt mentality. Even in my State people receive funds for weather-stripping and air conditioning support, just to show how ridiculous the program has gotten.

We could all use the help, of course, but we have to start somewhere. I just ask this question, Mr. President, if we are not ready to start with this one, we are not ready to start with the other ones we voted down today, where are we willing to start to cut this $1 trillion budget deficit? We have to start somewhere.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Let me respond briefly to the Senator from Arizona.

We have made very substantial cuts in this program. And when he says that this is an illustration of, if we do not cut here, where are we going to cut, our job is to establish priorities. That is our responsibility.

The Appropriations Committee met its responsibility and we cut other less-important programs. So we agree with the Senator from Arizona that the budget has to be cut, the budget has to be balanced, the deficit has to be cut, that it is a matter of priorities.

I think when all of the Senators came running to the floor here to speak for the enormous amount of 90 seconds, they did so because of their very deep concern for the program and this is a priority item which ought to stay. I thank the Chair.

Mr. KENNEDY. Mr. President, I oppose the Kyl amendment, which would eliminate the Low-Income Home Energy Assistance Program.

Over 6 million people received aid with heating costs under the Low-Income Home Energy Assistance Program last year.

In Massachusetts, LIHEAP served 143,000 households in 1994. It provided especially needed relief in the winter of 1993–94, which was extremely harsh.

Seventy-two percent of the families receiving LIHEAP have incomes below $8,000. These families spend an extremely burdensome 18 percent of their incomes on energy costs, compared to the average middle-class family, which spends only 4 percent.

Nearly half of the households receiving heating assistance are comprised of elderly or handicapped individuals.

Researchers at Boston City Hospital have documented the "heat or eat effect"—higher utility bills during the coldest months force low-income families to spend less money on food. The result is increased malnutrition among children.

The study found that almost twice as many low-weight and undernourished children were admitted to the Boston City Hospital emergency room immediately following the coldest month of the winter. Low-income families should not have to choose between heating and eating.

But the poor elderly will be at the greatest risk if LIHEAP is terminated, because they are the most vulnerable to hypothermia. In fact, older Americans accounted for more than half of all hypothermia deaths in 1991.

In addition, elderly households are 28 percent more likely than all households to live in homes built before 1940. These homes tend to be less energy efficient than newer homes, placing the elderly at greater risk.

Many low-income elderly who have trouble paying their energy bills substitute alternative heating devices—such as room heaters, fireplaces, and wood burning stoves—for central heating. Between 1986 and 1990, heating equipment was the second leading cause of fire deaths among the elderly. In fact, the elderly were 2 to 12 times more likely to die in a heating related fire than adults under 65.

LIHEAP is not only vital for low-income Americans, it also benefits communities as well. As Robert Coard, president of Action for Boston Community Development, wrote in a Boston Globe editorial last month, that LIHEAP—

> * * * employs large numbers of community people who may have trouble finding work in industries requiring sophisticated high-technology skills. Many are multilingual—a major asset for this program. The oil vendors who work with the program include many mom-and-pop businesses that depend on fuel assistance to survive. The dollars spent go right back into the economy.

The winter of 1993–94 was especially harsh. In January, the temperature in Boston averaged 20.6 degrees. At the same time, the price of oil rose to meet the increased demand for heating assistance.

If Senate Republicans are serious about helping the elderly, they will preserve funding for the Low-Income Home Energy Assistance Program and stop raiding the wallets—or in this case the furnaces—of those who need help the most.

I urge my colleagues to defeat the Kyl amendment.

Mr. KYL. Mr. President, I ask unanimous consent to address the Senate for 30 seconds.

Mr. FORD. Mr. President, I reserve the right to object. We could go back and forth, and we have Senators standing here who have been standing here the whole time to bring up their amendments. I will not object to 1 minute, but after that——

Mr. KYL. Mr. President, 30 seconds. I just wanted to close the debate that I began, if I could.

Reasonable people will differ. The House of Representatives trimmed us by $1.3 billion. It seems to me that they represent all regions of the country just as much as Senators do.

I do not doubt the sincerity of anyone who speaks in here. But I do doubt the Congress' commitment if we cannot start with a program like this. And I hope that when the conference meets, we will rescind more.

The PRESIDING OFFICER. All time has expired. Under the previous order, the Senator from Nevada is recognized to offer an amendment.

AMENDMENT NO. 438 TO AMENDMENT NO. 420

(Purpose: To restore $14,700,000 of the amount available for substance abuse block grants)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator BRYAN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 438 to amendment No. 420.

Mr. REID. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, between lines 12 and 13, insert the following:

NUCLEAR WASTE DISPOSAL FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $14,700,000 are rescinded.

On page 28, strike lines 18 through 23.

Mr. REID. I further ask, Mr. President, there is about 3 minutes extra on this time block. I ask unanimous consent that the time equally divided for the first amendment I will offer, instead of 40 minutes be about 43 minutes, 44 minutes, whatever is left.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time will be 43 minutes equally divided between the two sides.

Mr. REID. Mr. President, this amendment is very direct and to the point. This year, the money for developing a permanent repository for the disposal of civilian nuclear waste has increased by $130 million, to where it is now almost $400 million to dig a hole in the ground in Nevada. $400 million for 1 year. They have not spent all that money, of course. They cannot spend all the money, of course.

What this amendment says is, "Let's take part of that money and put it in a program that I think is extremely important." This, Mr. President, would take the money from the nuclear waste, $14.7 million, and replenish the money that was deleted from a program that benefits every person in this body—every Senator in this body and every Member of the House of Representatives.

It is a substance abuse block grant. Let me, Mr. President, talk a little bit about what the substance abuse block grant does, and then I ask my colleagues whether the money should be spent for these purposes or whether the money should be spent for digging a hole in the ground and spending $400 million in the State of Nevada.

Mr. President, I am not saying they should not spend money. They will spend hundreds of millions of dollars. I am taking only $14.7 million from almost $400 million. That is what I am doing, replenishing a program that is tremendous.

I am going to talk about some of the benefits of the substance abuse block grant money in the little State of Nevada. Little in the sense that there are not many people there.

However, Mr. President, the program in the State of Nevada funds 26 community-based nonprofit agencies. In 1994, approximately 7,000 individuals received treatment ranging from detoxification to long-term residential care.

An additional 9,000-plus individuals were served in civil protective custody programs. An estimated 2,000 individuals will be placed on treatment waiting lists because they simply do not have rooms for them during the year. Those waiting at any point, 37 percent of them will have been waiting for far over a month.

What we need to keep in mind is that substance abuse treatment money that I am going to talk about, Mr. President, is money that is spent. We will save untold millions of dollars in spending these moneys.

It saves lives, restores hope. In Nevada, substance abuse is a primary factor in 55 percent of child abuse investigations. Over half of the child abuse investigations, when they are investigated, we find are a result of some kind of substance abuse.

Mr. President, I am talking about Nevada. There are programs like this all over the country. The Family Preservation Program funded by the Bureau of Alcohol and Drug Abuse accepts 42 families.

Mr. President, 100 percent of these families would lose their children due to abuse or neglect, unless a parent is willing to participate in the intensive day program.

The reason I mention this is that we know that it costs about $40,000 a year on an average to keep a kid in a reformatory—$40,000 a year. This whole program in the State of Nevada costs $85,000. If we keep two kids out of prison, out of a reformatory, we have made the nut, so to speak. And then it is gravy for the remaining 42 families. And some of these families, of course, have more than one child. Thus foster placement is not necessary.

First, let me say this. I have said the parents have to be willing to participate. If they do not participate in the program the kids are taken from them. This program has a 90 percent success rate 1 year after treatment. That is tremendous. In other words, foster placement is not necessary in 90 percent of the families who go through intensive treatment. Those of us who know about foster care, we know it is a lot better than nothing but it is not as good as a parent. That is what this program does, is allow parents to maintain contact with their children. This $85,000 investment of treatment averts $2 million in foster care money alone—foster care costs.

Mr. President, I ask if the Chair would advise the Senator from Nevada when he has 5 minutes remaining on this amendment.

Mr. President, another successful initiative is something we have in Reno, NV, called Ridge House, a program for ex-felons. Ridge House tracked reincarceration for individuals in the program they serve, and found the program has a recidivism rate of 22 percent—not in a 1-year period. We usually hit our good statistics the first year. After 3 years, a 22 percent return rate, so to speak. The average is about 80 percent. This program is 400 percent better than if we did nothing.

This is significant because again we are talking about a 3-year program. It is not the first year—things are usually pretty good the first year. It is a 3-year program with a little over 20 percent recidivism rate when nationally it is almost 80 percent. The success of this program means that 78 percent of the ex-felons served have not re-offended, have jobs, and are contributing members of society 3 years after treatment.

In 1993 the Ridge House served 32 individuals at a cost—listen to this—of $945 an ex-felon served. The annual budget of these 32 individuals would not keep a person in prison for a year.

A study at Saint Mary's, which is a Catholic hospital, a wonderful facility in Reno—they did a chemical dependency program study. They evaluated their health care situation for the year before and the year after treatment. These statistics are staggering. And we have to determine tonight whether we are better spending the money digging a hole or putting it in programs that save lives and protect families. The study showed that emergency room visits were reduced by 62 percent for people who were in the program, and health care costs were reduced by 73 percent. This demonstrates that other health care costs are reduced when treatment is available and accessible.

Moreover, results of a pilot outcome study conducted by the University of Nevada Institute For Applied Research found a significant reduction for those presently awaiting charges, trial, or sentencing 3 months after discharge from treatment compared to before treatment. So what we are saying is that those people who are part of the program do a lot better by a significant number. The study also found that the average net income doubled when comparing pretreatment to 3 months after discharge.

These programs and these studies show one of the most important elements of substance abuse is treatment, especially within the context of this debate. Mr. President, I voted happily last year to spend $11 billion for new police officers; $11 billion for new prisons, prison facilities. I am talking here about restoring some of the money that is being rescinded for programs that will not keep people in jail. We will not have to hire new police officers. All we are talking about is not digging a hole in the ground quite as deep, maybe—in fact if they spend the money, although it has been proven it is one of the most wasteful programs in the history of America. We are taking $14.5 million approximately out of a $400 million program to restore these moneys.

Another important function of the substance abuse block grant is the prevention program it funds. The Nevada Bureau of Alcohol and Drug Abuse funds 100 sites around the State, including programs that would not exist any other way in rural Nevada. These programs serve in excess of 10,000 people. Nevada has adopted a risk and resiliency framework which emphasizes funding programs which reduce the risk factors associated with alcohol and other drugs, and programs which strengthen the resiliency or protective factors.

One of the most successful preventive programs is something called HACES, which stands for Hispanics Assisting the Community with Excellence for Students. Mr. President, listen to this. This program works only with high-risk Hispanic students and includes Saturday workshops along with community work. Students can only participate on Saturdays if they have missed no school during the week. Parental involvement is required.

What were the results? Staggering. Compared to a control group, school absenteeism was reduced by 73 percent and the dropout rate was 75 percent lower. One of the largest dropout rates of any ethnic group in America is that of Hispanics. All over the country, it is a fact. In this program we have a 75 percent lower dropout rate. How can anybody not vote for this?

Satisfactory academic progress occurred in 94 percent of the students, and student interest in higher education increased by 300 percent.

Perhaps one of the best side effects of the program for these young people, though, is something we could not measure in statistics. I cannot tell you what we know it does to self-confidence, what it does to self-esteem. The total program cost is equal to half of what it costs on average in our country to keep an inmate in prison, about $15,000.

So how can we afford to cut funding to these successful and what I believe are essential programs? The impact of drug interdiction efforts on the rate of substance abuse in our country can be debated at great length. I believe in interdiction. I believe in prison. I believe in more judges. I believe in more police officers. And I voted accordingly. But let us do something about some of these preventive programs.

I have given statistics from the State of Nevada. Multiply these with the State of Kentucky, the State of Delaware, the State of Pennsylvania. They are staggering. I invite attention to those.

The program we are taking money from is a program we can afford to cut down by a fraction of a percent. From approximately $400 million that we have in that fund for this year, 1995, we want to take $14 million from it. That does not sound out of line to me, especially when we keep in mind the budget from which I want to restore these $14.5 million was increased by $130 million.

So, this is not going to cripple the Yucca Mountain Project. It will not delay a solution to interim waste storage. This is prudent management of the taxpayers' money.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I ask unanimous consent, in that it does not appear at this stage that anyone is here to debate this—and I am sure they will show up—but I ask in fairness to me that I reserve my time and that the time toll against the other side on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, let me make this suggestion, if I may. I suggest the absence of a quorum and it be charged to the opposition.

Mr. REID. The Senator is absolutely right. I should have done that.

The PRESIDING OFFICER. Without objection, the time of the quorum call will be counted against the Republican time.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I see no Senators seeking recognition.

Mr. REID. Mr. President, if I could say, through you, to the Senator from West Virginia, the order now is that the time running under the quorum has been charged to the other side. I ask that continue during the remarks.

Mr. MURKOWSKI. Mr. President, may I make inquiry?

Mr. BYRD. Either that or I could ask unanimous consent that it not be charged against anyone.

Mr. REID. We have a time certain on a vote.

Mr. MURKOWSKI. Mr. President, it is my understanding that the time is running and being charged against our side.

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. How much time remains?

The PRESIDING OFFICER. Sixteen minutes 6 seconds.

Mr. MURKOWSKI. We would like to reserve some time to speak against the Reid amendment. I would like to accommodate the senior Senator from West Virginia as well. I wonder how much time he would intend to take. I have no objection to splitting the time. But if it going to come off our side, then I would ask for some consideration.

Mr. BYRD. Mr. President, I do not want to discommode either side. I could delay until another day to do the speech. I wanted to speak with reference to Mr. HEFLIN's retirement. I thought in view of the fact that nothing was transpiring I might be able to use that time. But it really is all right with me if Senators prefer that I not do that.

Mr. MURKOWSKI. If I may respond, I, too, would enjoy hearing a little reference to Senator HEFLIN very much. Perhaps, if I may inquire again. There is no time on the other side on this amendment. Is that correct?

The PRESIDING OFFICER. The Senator from Nevada has 7 minutes 39 seconds.

Mr. REID. I had 9 minutes a little while ago.

The PRESIDING OFFICER. The time has been running.

Mr. MURKOWSKI. I wonder if the senior Senator from West Virginia will allow me to speak against the amendment. As chairman of the Energy Committee I take the opportunity to do so, and I would be happy to yield the remaining time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I am very sensitive to the concerns of the Senator from Nevada about the issue of nuclear waste policy. However, I must rise in opposition to the amendment because I honestly feel a trust is about to be broken if indeed funds that have been collected by America's nuclear utility system for the benefit of a specific purpose of establishing a repository for this Nation's nuclear waste are used for a purpose other than intended.

It is my understanding that the amendment offered by the Senator from Nevada does just that, that $14,700,000 of funds that were collected by the utilities from the ratepayers are to be used for a purpose other than that which is intended. In 1982 when Congress adopted the Nuclear Waste Policy Act, it required the Department of Energy to build a repository that could accept spent fuel from commercial nuclear reactors at a repository by the year 1998. Unfortunately, that commitment has not been made nor directed by Congress. However, the DOE entered into contracts with the Nation's nuclear utilities under which the Department collected a fee of one-tenth of 1 percent per kilowatt-hour on electricity generated by nuclear energy in return for a commitment to accept waste beginning in 1998.

If the Reid amendment passes today, that commitment will be broken. The fee is collected by utilities from their ratepayers in their monthly bills and it is placed in a special Nuclear Waste Fund in the Treasury. The fund receives over $½ billion per year from collections and $300 million per year in interest on the unobligated balance. At this time the fund has a balance of $4.9 billion.

The Department of Energy has acknowledged that they will be unable to meet their obligations to begin accepting waste in 1998. For this reason, the Committee on Energy and Natural Resources is considering legislation to restructure the nuclear waste program so that the Government will not have to default on its contractual obligations to the American people.

I cannot now tell you exactly what that form of nuclear waste disposal program will take and what it will consist of. However, I know for a fact that it will be very expensive. The Nuclear Waste Fund was collected from the Nation's ratepayers for the specific purpose of disposing of spent nuclear fuel. It cannot be allowed to be used for any other purpose, and that specifically is what the Reid amendment will do.

So I must stand in opposition to the amendment.

I see no further Senator wishing to speak. I would accommodate the senior Senator from West Virginia, and yield the remaining time that we have on this side.

The PRESIDING OFFICER. Is the Senator yielding the remaining time to the Senator from West Virginia?

Mr. MURKOWSKI. I have been advised that there is a Senator from this side who wants to be heard on this issue, the senior Senator from New Mexico. So I must advise my friend from West Virginia that I must reserve the remainder of my time.

Mr. BYRD. Very well. I understand.

Mr. President, I ask unanimous consent that I may speak on another matter and that the time not be charged to anybody; that I speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object—and, of course, I will not object, I am wondering how long the Senator intends to speak, approximately?

Mr. BYRD. I do not think I will go beyond 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

SENATOR HOWELL HEFLIN

Mr. BYRD. Mr. President, on October 28, 1919, the National Prohibition Act, also known as the Volstead Act, was passed by Congress over President Wilson's veto of the previous day. The act defined as intoxicating, any liquor containing at least one-half of one percent alcohol, and provided for enforcement of the provisions of the Eighteenth Amendment.

This singular event was to usher in the colorful era of the 1920's, with its flapper girls, its bathtub gin, and its legendary mobster figures. In 1920, the U.S. Census recorded a population of 105,710,620. The center of the population was judged to be 8 miles south, southeast of Spencer, in Owen County, Indiana. In 1920, for the first time, the total number of farm residents dwindled to less than 50 percent. It was a very different world.

This was the age into which, on June 19, 1921, HOWELL HEFLIN was born. The son of a Methodist minister, Senator HEFLIN is then, the child of a slower, more rural America—the kind of America into which I was born 4 years earlier—an era when there was always time to appreciate charm and wit in individuals and careful, considered, judgment in leaders.

Will Rogers came to prominence in the 1920's. Radio flourished as an entertainment medium in the late 1920's and early 1930's. It was an era when events and ideas were savored, talked about, discussed on the front porch and over the Sunday supper table. The humor was more wry than malicious, and taking a day or two to think about something was considered the norm. HOWELL HEFLIN is a product of those times, and a product of the South and his beautiful home state of Alabama.

His temperament is uniquely suited to the judiciary. He thinks about things carefully. HOWELL turns things over in his mind to see how they look from all sides. He speaks slowly. He measures his words, and he spices his statements with rich Southern tales and the folksy lore of Alabama.

And HOWELL HEFLIN'S life has been nearly as rich and varied as his mannerisms and his speech. He graduated from Birmingham-Southern College and the University of Alabama Law School in 1948. This was the beginning of HOWELL'S fabulous legal career in Alabama. HOWELL HEFLIN went on to become President of the Alabama State Bar in 1966. He took the oath of Chief Justice of the Supreme Court of Alabama in 1971, and, in 1975, Judge HEFLIN was selected the most outstanding appellate judge in the United States. When HOWELL left the bench in 1977, there was no congestion and no backlog of cases in any of Alabama's courts, either trial or appellate. In 1978, HOWELL HEFLIN went on to cap an already notable career with election to the United States Senate.

Now serving his third and final term in the Senate, Senator HEFLIN is surely one of the most beloved Members of this body. He is a man to be trusted. He will take on a difficult task and bring it to conclusion with honor. HOWELL HEFLIN will not rush to judgment. I have tried to get him to on a few occasions, but I could not get him to rush to judgment. He does not leap to conclusions, or bow to pressures. It was for those reasons that I, as majority leader, appointed him chairman of the Senate Ethics Committee, a job that is anything but coveted in this body, but which demands unusual qualities of character and honor. And HOWELL HEFLIN is an honorable man. I am sure he did not enjoy the task, but he was perfect for the job because he is impeccably honorable as few men are.

Yet HOWELL HEFLIN is never pompous, never self-important, never ponderous or heavy with his viewpoints or pronouncements. He colors it all with his legendary humor, putting a light and artful touch on nearly everything with which he is involved. I have so wondered at the genesis of this delightful quality in Senator HEFLIN that I recently did a little background research on an uncle of HOWELL'S, Senator Thomas J. Heflin, who served the State of Alabama in the U.S. Senate in the 1920's. I find that the delightful sense of humor appears to have genetic roots.

I now read from volume II of my own history of the United States Senate. And I read from page 137. I read from the chapter on filibusters. There was a filibuster going on in 1922. It had to do with a bill which was being filibustered by certain Senators in late February.

> By late February, there was no longer any doubt that the obstructionists could and would keep the filibuster going until sine die adjournment at noon on March 4, throttling other legislation in the process. In the face of this threat, Senator Jones and the administration forces capitulated on February 28 by moving to take up a so-called filled milk bill, thus displacing the ship subsidy bill. In the words of Alabama Senator J. Thomas Heflin, the "miserable measure" had "gone to its long, last sleep." It was "already dead."

That sounds very much like HOWELL HEFLIN.

And on page 138, we read of another filibuster that was occurring in the spring of 1926. This was

> . . . a filibuster was conducted against legislation for migratory bird refuges, but the bill died after an effort to invoke cloture failed. Legislation for development of the Lower Colorado River Basin suffered a similar fate when, on February 26, 1927, cloture was rejected by a vote of 32 to 59. Two days later, however, the Senate did invoke cloture on a Prohibition reorganization bill, although a final vote on the bill was delayed for almost two days by the opponents of a resolution extending the life of a committee that was investigating charges of corrupt senatorial elections in Illinois and Pennsylvania. As Franklin Burdette, author of the study of filibusters, observed, "filibusterers against one measure had been able to make cloture against another serve their purposes for nearly two days!" At one point, Senator J. Thomas Heflin of Alabama—who, incidentally, was—

As I say, in my book

> —an uncle of our own colleague and friend from Alabama, Senator Howell Heflin—ridiculed "obstreperous Republican filibusterers"—

This is Senator J. Thomas Heflin talking

> —ridiculed "obstreperous Republican filibusterers" for obstructing action on the resolution for campaign investigations. "You are saying in your hearts," he declared with fine sarcasm:
>
> Committee, spare that campaign boodle tree,
> Touch not a single bow;
> In election times it shelters me,
> You must not harm it now.

Well, I can just hear HOWELL HEFLIN saying that. That is just about the way he would say it, except he would say it better than I said it.

I can hear Senator HOWELL HEFLIN saying something very much like that right today, should the proper kind of vexation come along.

I salute my friend and colleague, and I regret his decision to leave this body. I salute him for his character, for his wit, for his steadfast determination to follow his own star, to refuse to be hurried, to study and to deliberate until he is satisfied and at peace with his conclusion. I salute him for taking his time in a world which demands that everyone hurry. I salute him for his courage. This is a man who will be himself, and there is certainly no one else he would rather be. He is an Alabama original, and I regret that, in not too many months, Alabama will reclaim him.

But we here in the Senate will have enjoyed his wit, benefited by his wisdom, and been inspired by his integrity when that time is come. And just as we are certain in our knowledge that all excellent things must come to a close, we will not begrudge him his time to go home, to be with his lovely wife, Mike, and to contemplate with peace and pleasure the seasons' change in the rolling hills of Alabama.

My wife, Erma, and I join in these warm felicitations for HOWELL and his wife, Mike.

Nature's first green is gold.
Her hardest hue to hold.
Her early leaf's a flower;
But only so an hour.
Then leaf subsides to leaf.
So Eden sank to grief,
So dawn goes down to day.
Nothing gold can stay.

Mr. President, I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. MURKOWSKI. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes 5 seconds.

Mr. MURKOWSKI. I think the Senator from New Mexico wants to speak and the Senator from Idaho wants to speak. May I ask how much time he would like? There are 12 minutes remaining.

Mr. DOMENICI. Senator CRAIG wants 2 minutes. I will take the other 10. I may not use it all.

Mr. MURKOWSKI. I am happy to make that accommodation. The Senator from New Mexico has 10 minutes, and there are 2 minutes remaining.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for

10 minutes and the Senator from Idaho has 1 minute 31 seconds.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes of that time, so the Chair might advise me, if you would.

I was not here when my friend from Nevada argued this matter, but let me suggest to the U.S. Senate that this is not an issue tonight of whether we ought to spend money on programs to which the distinguished Senator from Nevada wants to add money.

What we are talking about tonight is a very basic principle of fairness and equity to a large number of ratepayers, utility ratepayers across America, many in the State of the present occupant of the chair, Pennsylvania, some in almost every State in the East, because wherever there is nuclear power, there is a small percentage attached to their bills that goes into a nuclear waste fund.

Mr. President, by law, that money is supposed to be used by the U.S. Government to make sure that we prepare and implement and open a nuclear waste repository as the final destination of the end of the nuclear fuel cycle, wherein waste will be put forever.

Whether that was prudent or not is irrelevant. The truth of the matter is that millions of ratepayers have been putting the money in that account.

The Congress of the United States decided that we needed to make sure that that money was spent properly. So we did not just set the trust fund out there and say, "Have at it, Department of Energy, use it for nuclear waste disposal implementation program or plan." We said, "Let's appropriate what they need annually from that fund."

Frankly, the utilities are clamoring, they are coming to see me as chairman of this subcommittee saying, "Don't appropriate the money anymore." They are saying, "Make it an entitlement and let us and the Department of Energy spend it as we may."

We have refused as a Congress, and I can tell the Senate, I have stood there saying I will refuse to do that, I will raise a point of order under the Budget Act. We must control that money.

Now plain and simple, we have appropriated money for the nuclear waste disposal activities in the State of Nevada. Senator REID, a dear friend of mine, has resisted the nuclear waste disposal activities in his State. And if I were he, I would do that.

But the point of it is, we do not even have enough money appropriated now to carry on the research and site characterization for which that fund was allocated and set up in trust. But because we have appropriated some of the money and it is appropriated for the year 1995, along comes Senator REID who would like very much, I assume, to tell the people in his State, and if I were he, I would do the same, I have taken some money away from that nasty activity that we do not want in our State anyway, but the Congress has said, that is the State, that is the site.

Tonight, just a little bit, he would like to take $13 million of that appropriated money, and it is really kind of a unique appropriation because it could just as well have been left in trust and spent only for that purpose, but we decided to control it through appropriations.

Now, why should the Senate of the United States, in a rescission bill, take money out of that trust fund that has been appropriated for that purpose and spend it on any program? I am not even going to debate whether the programs he wants to fund are good programs. I am not even going to debate whether they are good programs that he would like to add money to. Knowing the distinguished Senator, they are probably good programs that, somehow or another, he ought to find money for, if he thinks that money should be added to them. Maybe if he finds it someplace else, the Senate will vote for it.

But I hope tonight we will not send a signal to the millions of utility users in America who paid a surtax, a little piece of their utility bill, and put it in a trust for nuclear waste disposal and all of a sudden find themselves tonight, in the U.S. Senate at 10 minutes of 9, and we are going to take $13 million of that fund and pay for some social programs that may be needed.

It is the wrong thing to do, the wrong way to legislate. I regret to say that as much as I respect the senior Senator from Nevada, this really should not be something that we should ask the U.S. Senate to do. There ought to be a resounding "no." That money is not for this. It was never intended for this. If you do not use it for nuclear waste disposal, set it there until you find a nuclear waste activity that you can use it for. We are spending billions of dollars to try to make the site the right one and use it properly, and we still do not know how much it is going to cost. Would we not look foolish if, in hindsight, we said all of that is true, but we tonight plucked $13 million out of it and put it into some social programs that somebody thinks we need?

I yield the floor. Senator CRAIG wants to speak on the issue, and I welcome his remarks.

Mr. CRAIG. Mr. President, I, too, stand in opposition to Senator REID's amendment this evening. I think the Senator from New Mexico and the Senator from Alaska, who is chairman of the Energy and Natural Resources Committee, has outlined very clearly what this money is intended for, where it comes from, and the commitment of the U.S. Congress to the ratepayers of a variety of utilities around the country, that we would use this money in a responsible fashion to attempt to site and develop a permanent repository for high-level nuclear waste.

I do not blame the Senator from Nevada for being concerned that the Congress of the United States chose Nevada—Federal land in the State of Nevada for that waste to be located on. This money is now going for the purpose of siting. But to pull it off into substance abuse would not only be an embarrassment for this Congress to all of the ratepayers, it would just flat be wrong.

The citizens of my State have something at stake here. We have nuclear materials that would be destined for Yucca Mountain in Nevada if it were to become a permanent repository. But I tell you now, Mr. President, when we have the kind of money that the ratepayers of this country are now paying, in the billions of dollars, for the purpose of establishing a permanent repository for high-level nuclear waste, and to play games with it on the floor of the U.S. Senate is to break a commitment and to break a resolve that this country has to have to deal with nuclear waste in a responsible fashion for all of our people, not just for the States that have nuclear reactors generating nuclear electricity, and the repositories and the waste materials that are building up there. This is a national commitment. It ought to be directed to where it was dedicated, to the pledge of this Congress, and not sapped away, pulled away for the purpose of substance abuse. It makes no sense.

I hope the Senate will oppose the Reid amendment.

Mr. REID. How much time does the Senator from Nevada have, Mr. President?

The PRESIDING OFFICER. The Senator from Nevada has 7 minutes 20 seconds. The Senator from New Mexico has 2 minutes 47 seconds.

Mr. REID. Mr. President, I am glad he has 2 minutes, but how does that work?

The PRESIDING OFFICER. The Senator from New Mexico did not use his entire 10 minutes.

Mr. REID. Mr. President, we would look foolish tonight if we in fact did not do this. All the money, the $393 million, is not all ratepayers' money. Even if it were, it is appropriated dollars. We have the right as a Congress to do with those moneys what we want, or it would not be appropriated. The only games being played, I say, Mr. President, are with the utilities and these dollars. I have gone over very clearly and closely what this money would be used for. I think the fact that I went over the one program called HACES, where the Hispanic students' rate of dropout was lowered by 75 percent; their absenteeism, 73 percent; their interest in higher education increased by 300 percent; satisfactory academic progress reported in 94 percent of the students.

The fact of the matter is, these programs work. We should give this money to people who need it. We are talking about cutting nuclear waste money for the year 1995. They cannot spend all that money anyway. They increased it $130 million this year, a total of $393 million, almost a half a billion dollars. We are asking to take less than 3 percent of that money and put it into programs that save people's lives, save the family structure, help neighbors and friends, keep people out of prisons, out of welfare programs, help our educational system. This money will come back to us a thousandfold, if not more.

These programs work. We talk about an investment of $85,000 in foster care costs. The family preservation program. These programs serve, as I indicated, families—42 families in Nevada—and 100 percent of these families lose their children if they do not comply with the program. We found that the program had a 90 percent success rate.

So I say, Mr. President, I think if we should talk about the merits of what we are doing here tonight, not some abstract thing about the ratepayers and nuclear waste. They need the money. One of the biggest, most wasteful programs in the history of America is a program that started out to cost us $200 million and is now up to an estimated $7.4 billion. We are talking about taking $14.7 million and giving it to a program that saves lives, lives of real human beings.

These are not programs that some bureaucrat in Washington said, "Let us see if they will work." I have given statistics to the U.S. Senate tonight to indicate why the programs have worked and how it is a terrible thing that this Congress is going to say these programs are gone. We are going to wipe out these programs.

So I say, for this small amount of money, we would look foolish if we did not do it. And we would be playing games if we did not give needy people programs that save money. This is a taxpayers' relief amendment, Mr. President.

I hope this will receive bipartisan support. This is not a partisan matter. This is a matter that relates to the welfare of people throughout the United States.

I reserve the remainder of my time.

Mr. DOMENICI. How much time does Senator REID have?

The PRESIDING OFFICER. The Senator has 3 minutes 28 seconds.

Mr. DOMENICI. How much does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 2 minutes 47 seconds.

Mr. DOMENICI. Mr. President, I will use a minute and a half of my time and ask that the remainder be reserved.

There are 109 nuclear reactors in the United States—67 sites in 32 States. By the year 2030, all these reactors will have completed their initial 40-year licenses. The total cumulative discharge from these 109 reactors, some of which are shut down, will total 85,000 metric tons of radioactive waste. The trust fund that is set aside by the ratepayers who use that energy, that nuclear energy, is not taxpayers' money. Let me repeat. It is not taxpayers' money. It is trust funded to see if we can find a way to, in a safe manner, get rid of this nuclear waste, either for long periods of time, or permanently.

It does not matter very much whether there is a social program that works well. I will attest that the programs he is alluding to are working better than the nuclear waste disposal programs. Anybody will say that. We are in the midst of trying to find out how to do it. To take $13 million out and say we have a good program going and take it from the ratepayers of Missouri, Pennsylvania, and New York, who have nuclear activities, is just not right.

I reserve the remainder of my time.

Mr. REID. Mr. President, 109 new nuclear reactors do not make up the importance of one human life. We are dealing with real people, families, children, friends, neighbors, aunts, uncles, children, tragedies like the loss to Carol O'Connor we read about in the newspaper today.

Rehabilitation programs, some of them work. We have programs that really work. Nuclear waste disposal is not going to be affected as a result of this. We are taking a pittance into real programs. We should continue to do that, Mr. President. We are talking about equity and fairness for ratepayers.

We live in a world of polls. I bet we could take a poll of the money that is in this fund, and most of it is in from ratepayers, and that money, if we ask the ratepayers whether they would have the money digging a hole in Nevada or saving one kid, I guarantee how the poll would turn out.

I submit to this body that this is a vote for equity and fairness. We are rescinding $14.7 million that goes into saving lives, making streets safer, and in the long run and short run saving this country 1,000 times what we invest with $14.7 million in lower cost for education, lower cost for welfare, lower cost for law enforcement.

We should pass this amendment.

Mr. MURKOWSKI. Mr. President I yield myself 30 seconds. I would like to remind my colleagues that the U.S. Government has made a solemn compact with customers of these utilities.

As the Senator from New Mexico said, and he was absolutely correct, it is not the taxpayers, it is the recipients who participated through their utility bills, and they pay into this nuclear waste fund.

The Federal Government must use these moneys only for the purpose of taking care of nuclear waste. That is a trust that was entered into. It is up to the Government and this body to honor that trust.

Mr. DOMENICI. Mr. President, a vote for the Reid amendment is a vote to say that the 32 States which have accumulated high-level nuclear waste are not concerned about how we will take care of that. We are just going to take $13 million that ought to be used ultimately for them, those 32 States, and spend it on two social programs that may or may not be working, but seem to not be the issue before the Senate.

The PRESIDING OFFICER. Senator REID has 1 minute 54 seconds.

Mr. REID. Mr. President, we will talk about the equity. I hope this does not become a partisan issue. The people being served by the substance abuse programs are not Democrats and Republicans. They are people who are, many times, causing significant problems throughout their neighborhoods, throughout the States. If these programs are cut, it will be more crime, more welfare dependence, and more problems with our educational system.

The Ridge House Program, as I indicated, tracked reincarceration for individuals and found the program had a recidivism rate of 22 percent after 3 years. That is as much as 400 percent lower than people not in this program.

This is a program where we should not rescind the money. We should restore the money that was appropriated last year because it is good for people. I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. I move to table the Reid amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the voting sequence will occur at a later time.

Under the previous order the Senator from Nevada is recognized to offer an amendment.

AMENDMENT NO. 439 TO AMENDMENT NO. 420

(Purpose: To restore $3,750,000 of the amount available for rural health research and $1,875,000 of the amount available for rural health outreach grants)

Mr. REID. Mr. President, I say to my friend from New Mexico, he should be aware I have another amendment where I am going to go after the same money, and the Senator should be aware we might be able to cut down the time because the argument is basically the same as to a different subject.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 439 to amendment No. 420.

Mr. REID. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, between lines 12 and 13, insert the following:

NUCLEAR WASTE DISPOSAL FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,625,000 are rescinded.

On page 28, line 7, strike ", $42,071,000 are rescinded" and insert "for programs other than the rural health research program and the rural health outreach grant program, $36,446,000 are rescinded".

Mr. REID. Mr. President, again, this calls for removing money from the Civilian Nuclear Waste Fund and placing it in rural health outreach programs. This, Mr. President, is $5.6 million.

Now, Mr. President, rural health outreach grants, what are they? Let me give an example of three we have in Nevada. Mount Grant General Hospital, Hawthorne, NV, Mr. President, is located in one of the most remote areas of the United States. Hawthorne, NV, was selected in the late 1920's after there was a huge explosion in a military ammunition depot in the eastern part of the United States. Hawthorne, NV, was selected because it was such a remote area.

Hawthorne, NV, to say the least, is remote. From the late 1920's until today there has been ammunition stored there. To fly over Hawthorne, NV, today, you would see hundreds and hundreds of these mounds and in each of them is explosives, ammunition.

It was the largest naval ammunition depot in the world. There was a decision made by the military to join all ammunition storage to the Army, and as a result of that it was no longer the largest ammunition depot in the military, but it is still real big, in a very sparsely populated part of the State of Nevada.

Part of these rural health outreach grants went to a consortium made up of a county hospital, a local Indian tribe, the Walker River Indians, and a senior citizens center to provide health promotion information to a county where there are about 6,000 Nevadans.

Though funded for less than a year, Mr. President, this program has provided seven programs throughout Mineral County on topics including sexually transmitted diseases, nutrition, pharmaceutical inquiry and health screening for senior citizens. Native Americans and other rural Nevadans have benefited from this program. This program will ultimately provide transportation services and adult day care where none now is currently available. Really an important program.

Why? Because it is a program, again, Mr. President, in part of the rural America that will save money. If we can, through education, teach people about disease and what happens with disease, and keep people—especially senior citizens—out of long-term care, we save lots of money. That is what this program is about.

Owyhee Emergency Medical Service. Mr. President, Owyhee, NV, the name came as a result of a group of trappers that went up in that area in the early part of the last century. They never came back. They were trappers from Hawaii. And Owyhee is a derivation from Hawaii. We have Owyhee River, Owyhee Indians. It is a very remote area.

It is so remote, Mr. President, that I was the first U.S. Senator to go to Owyhee. They remembered a couple of Nevada U.S. Senators getting within 25 miles, near of a reservoir, but I was the first to go there last September. It is a wonderful place, right off the Idaho border.

What we have in this very remote part of Nevada is a consortium of native American Indians and an Air Force base in the neighboring State of Idaho and a sheriff's department. It was designed to improve emergency medical services to a regional community which crosses State lines.

Emergency services are vital to this area, as you have about 100 miles of very mountainous roads from the nearest frontier care center and over 400 miles to the nearest tertiary level trauma center.

These are programs that really help. These are what the rural health outreach programs are. In Nevada, we have three programs.

The State of Nevada is an unusual State in the sense that about 70 percent of the people live in the Las Vegas area. It is a huge State, the seventh-largest State in the Union, but we have the most sparsely populated part of the United States but for Alaska in the northwestern part of the State. It is the most sparsely populated part of the United States except for Alaska.

In Las Vegas and Reno we have very up-to-date modern medical facilities, including ambulance service. But in these rural areas it is much like other parts of America. We have volunteer crews that serve in these rural areas. Mostly they are trained at the basic emergency medical technician level, and they ride most of the time outdated and marginally equipped ambulances and are typically hundreds of miles from even a rural or frontier basic level hospital. Remember, frontier is even more remote than rural, by definition.

Mr. President, 13 of Nevada's 17 counties are identified as health profession shortage areas.

Most people do not realize that Pennsylvania is a very rural State. A lot of places in Pennsylvania are remote. Most people, when they think of Pennsylvania, they think of Pittsburgh and Philadelphia. But Pennsylvania is a very rural State, much like Nevada in many instances. And rural Pennsylvania needs these Rural Health Outreach Grants that I guarantee are serving people very well and saving money for the people of the State of Pennsylvania, saving money for the taxpayers in Pennsylvania, and certainly taxpayers all over the country. Our miles may be a little longer in Nevada than Pennsylvania, but the problems are the same.

Mr. President, 25 percent of the people in America live in rural areas. They live in these areas and they need a mechanism to access primary health care, emergency care, and hospital systems. And the reason I think it is so vital we understand that these programs save lives is let us take, for example, one of the matters that would be covered in this nonrescission that I hope would occur that deals with rural health research funds, including rural telemedicine grants.

Rural telemedicine is not something that is abstract. What it means is someone in Battle Mountain, NV, could, through a television hookup at a health center in this rural community, be in contact with the Washoe County Medical Center, a first-rate medical center in Reno, NV. And a physician in Reno could be talking to a patient in Battle Mountain and watching that patient on television with a rural doctor present, and describing where they hurt, what the symptoms are. And that expert in Reno very likely could help that rural physician identify the problem. Or, if, after having gone through this procedure, separated by hundreds of miles, the physician in the major medical center says, I think you better bring him in, bring her in.

The fact is, this is going on in Pennsylvania. It is going on in New Mexico. It is going on in places all over America. If we do not put these moneys back that have been rescinded, these programs are going to be terminated. It will suspend or terminate the completion of telemedicine projects underway all across the Nation.

These are relatively new programs and these programs are not fluff. These are not programs, again, that some bureaucrat in Washington dreamed up. These are programs where there have been pilot projects in effect prior to our appropriating these moneys. We know they work and we know they save money. Again, if we can keep someone out of the hospital or long-term care settings we save money—Medicare, Medicaid, and private dollars. So we need to reestablish the Rural Health Outreach Grants that have been rescinded. Taking these moneys from the Civilian Nuclear Waste Fund is not going to affect the ratepayers. It is not going to affect the progress at Yucca Mountain at all. The other program was about 3 percent; this is about 1 percent of nuclear waste moneys for this year.

So I hope my colleagues would understand, again, that the program I wish to have the money restored to is a program that deals with people, with flesh and bones. The only thing, they do not live in the big cities. And we need in this modern era to allow them to be part of what is happening throughout urban America. They can do that with telemedicine and some of these other outreach programs.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. The Senator from New Mexico has 20 minutes, the Senator from Nevada has 9 minutes and 20 seconds.

Mr. DOMENICI. The chairman of the Energy Committee, Senator MURKOWSKI, wants 2 minutes. I will not use all of my time, I say to the Senator. If he could consider using less than all of his time, I will yield back some of mine.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 minutes.

Mr. MURKOWSKI. Mr. President, again I must rise in opposition to the Reid amendment for the same reason prevailing on the previous Reid amendment. While the Senator from Nevada makes a very appealing case for the utilization of these funds, I must remind him again that there is a principle here, an underlying principle of trust, and that trust must be honored.

Mr. President, what we are talking about here again is a solemn compact, with the customers of these nuclear utilities who have paid amounts into the waste fund, that the Federal Government will use these moneys only for the purpose of taking care of nuclear waste.

We cannot meet other obligations, regardless of how worthy they might be. Diverting those funds is simply not fair to the customers of those utilities nor is diverting those funds fair to Americans everywhere.

This nuclear waste must be disposed of. It will not just go away. Without these moneys, the nuclear waste simply will not be cleaned up. It is an obligation we all have.

Mr. President, what the Senator from Nevada is proposing is making everyone else in America pay for the cleanup of nuclear waste that is basically already paid for one time by the ratepayers.

Further, there have been no hearings on this matter. We really do not understand the impact of the Senator's amendment other than it would void a portion of the funds that have been paid in by well-meaning ratepayers, based on the trust and confidence they have in the Federal Government to keep its word.

I am very concerned the Senator's amendment will do grave harm to the cleanup and the disposal of nuclear waste.

I yield back my time remaining to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the ratepayers of the United States have paid over $8 billion into a trust fund. The money is supposed to be used to take care of nuclear waste. We have already spent substantial amounts, much of it in the State of Nevada, trying to prove up a site for permanent storage, that is the forever storage. There is now $5.5 billion in the trust fund.

Let me draw a couple of analogies for Senators. We appropriate for the administrative costs of Social Security from the Social Security trust fund. So now we have an appropriation bill for the 1995 year, and it has $542 million for the administrative costs of Social Security from the trust fund, paid in by workers and employers in America. Somebody comes to the floor and says, "I have an amendment. There is a whole bunch of social programs we would like to take care of, so let us take part of this $542 million trust fund that we allocated to administer and manage Social Security and let us spend it for one of these two good programs that the Senator has in mind."

What would happen? First of all, I do not think anyone would do it because it is Social Security trust funds.

Mr. President, this trust fund is owned by millions, just like Social Security, of ratepayers who are paying higher utility bills because they expect the money to be used to dispose of nuclear waste.

Mr. President, we appropriate highway user funds. So people pay gasoline taxes into a trust fund for highways. Then we have to appropriate to take care of the contract obligations. Would anyone come to the floor, and, as part of a rescissions package say, "There is a lot of money in this trust fund for highways collected from the gasoline tax; there is a little more than we know how to use for the highways, so let us spend it for one of these two programs that the Senator has in mind?" Actually, this trust fund that I am speaking of is a better case on spending trust funds improperly than either of the two that I have given you.

The Senator in combination would ask us tonight to take $20.325 million heretofore appropriated from this trust fund being used to proceed in as orderly a manner as we can put together for nuclear waste activities and spend it on two or three programs that the Senator can rightfully stand up and say, if you took the money out of there, it would do some good.

My final observation is this is about $5.5 billion left in this trust fund. Friends, we could just all figure out each year when we put this money into an appropriations mode, some social or welfare or citizen need, and we could come to the floor and say, I want to move it from that appropriation to this appropriation, and then give us a nice interesting litany and discourse on how well the program money would be used for these programs.

I choose tonight not to discuss the programs. Rural health care, no. We ought to try things. Perhaps that is what the Senator wants to do. And a few other programs. There are a lot of things we ought to spend money on. But we do not have the money, and certainly we do not have the money in the Nuclear Waste Fund to spend for this when it is already committed. We may not even have enough money in that trust fund.

Incidentally, Mr. President, we may have to go back to these ratepayers and say we have used your money, and we need some more. Will it not be nice to say, by the way, one evening in the Senate, we took $20 million away and spent it for something else?

I do not need any more time. I am prepared to yield back, and I do yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, if I may respond, I recognize the time is arriving to 9:30. I would like to meet that deadline.

Mr. President, Senators tonight are acting as a court of fairness. What is the fair thing to do? We have talked about ratepayers. Let us talk about taxpayers. This $5.5 billion that is in this fund, we are talking about with this amendment taking $5.5 million and giving it to programs that benefit America, 25 percent of the people who live in places all over the country similar to the chairman of this committee—Alaska, Nevada. We think of those States as rural. But other States all over America —New York—have rural areas. We need to help rural Americans regarding their health care.

Mr. President, the chairman of the subcommittee raises a good point. What if people come here and want to spend $5.5 billion in some other program? I was very careful in selecting the programs where I am asking that the rescissions not take place. I could have picked WIC, Head Start, Safe and Drug-Free Schools, AmeriCorps, very large amounts. But I chose these very small extremely beneficial programs.

We tonight should be concerned about taxpayers, not ratepayers. We should be concerned about doing something that is going to save this country large amounts of money. And all the money that is wasted with the DOE, they will not even know this is gone, $130 million additional moneys the year, 1995, a total of almost $400 million. This is money that we should not have rescinded.

I ask my colleagues to understand the importance of these programs—again, I repeat—to real persons, men and women and children who have done nothing wrong. They live in rural America. They need to be made modern. That is what we are doing with these rural health outreach programs.

AMENDMENT NO. 429

Mr. PACKWOOD. Mr. President, I want to take this opportunity today to speak in support of the Gorton emergency salvage amendment and in opposition to the substitute amendment proposed by the junior Senator from Washington.

We have heard a lot of talk today about how these are the people's forests. These forests are a national treasure. We must maintain these forests for our future generations.We must not be allowed to destroy them. Mr. President, I could not agree more. But by maintaining the status quo—and by that I mean the continued lack of any management activity—we are doing just that. We are now destroying our forests as we sit idly by and do nothing.

I do not believe the average citizen would approve of the state of deterioration of our forests. For example, the eastside forests of Oregon and Washington alone have lost 135,000 acres of forest to insects or disease. Another 543,000 acres are imperiled by insects and disease if not treated aggressively. These are Forest Service figures. And these figures do not include the threat of loss due to wildfire, which is an ever-increasing reality.

Mr. President, in the first 3 months of 1995, four more Oregon mills have closed and two more have given their 60-day notice to employees. These are mills that rely on timber from Federal lands, and without that supply, they just can't make it. I could quote statistic after statistic about how many people are directly and indirectly affected by these closures. But these people are more than statistics. They are real people. They have families to feed and clothe. Kids to send to college. Car payments. House payments. Braces and medical bills. They are people like you and me who are being displaced from good jobs for no good or rational reason.

In many cases the mill is the backbone of the community—if the mill closes, the entire town is affected. In many cases the Federal forest land that once provided raw material for these mills is literally within walking distance of the mill. These people have personally watched these forests get sick and die because of misguided Federal policy. They have urged Federal land management agencies, in vain, to do something about the deteriorating conditions. These are people who have fought the rampaging forest fires that creep ever closer to their homes and towns. These are frustrated people who don't understand why their government will not let them salvage dead and dying timber to keep their mills and the forests alive. And I share their frustration.

The forest health problem in Oregon has reached a crisis state. There are hundreds of thousands of acres of dead and dying trees, surrounded by huge fuel loads on the forest floor, just waiting to be ignited. Congress can no longer stand idly by, fiddling while our forests burn. We are one errant match—or one random lightning strike—away from a catastrophic conflagration that would blacken hillsides in parts of my State for as far as the eye can see. We can remove this dead material, provide some small measure of hope to our timber families, and start returning or forests to their green and healthy state.

Too many family-wage jobs have been clearcut and replanted with minimum-wage jobs. The time has come for an aggressive salvage program that will give our forests—and our people—hope. I believe the people of this country want vital, healthy forests. I strongly urge a vote to table this amendment.

AMENDMENT NO. 429

Mr. LAUTENBERG. Mr. President, I rise today in opposition to Senator GORTON's timber salvage provision to this rescission bill, and in support of Senator MURRAY's alternative language.

The language currently in the bill mandates the expeditious sale of salvage timber without concern for the cost to the Federal Treasury, without concern for market demand, without concern for sound environmental practices, and without concern for citizen and judicial involvement.

This is old fashioned politics. It is a giveaway which will enrich one industry and impoverish a Nation of its natural resources.

Mr. President, at a time when we are trying to reinvent government, this is not the way to do business. Senator GORTON's provision would result in a dramatic change in the Federal Government's approach to timber management and sale—without appropriate review by the Senate and the public.

The language approved by the committee is an assault on our Nation's natural resources, an assault on sound science, an assault on existing laws, and an assault on the Senate's legislative process.

The existing provision assumes that there is a forest health crisis due to insects, disease, and fires. The timber industry feels that salvaging the diseased and dying trees is crucial to forest health. Others feel that much of what salvage logging would remove is actually crucial to the forest ecosystem. Obviously, this is a scientific matter that should best be left to the experts, or to comprehensive, fair hearings in committees—certainly not fast-track fixes on a rescission bill.

The language in Senator GORTON's provision suspends virtually every major environmental law, including, but not limited to, the Forest and Rangeland Renewable Resources Planning Act; the Federal Land Policy Management Act; the National Environmental Policy Act; the National Forest Management Act; the Endangered Species Act, and the Multiple-Use Sustained Yield Act.

This is not sound policy and could be disastrous to our Nation's forests.

That is why I support Senator MURRAY's amendment to the bill. Senator MURRAY's proposal is a balanced approach to this contentious issue. It expedites sales of timber salvage, which should satisfy the timber interests. But at the same time it respects existing law, excludes Federal lands that should not be touched, limits the definition of salvage sale, and allows for citizen and judicial involvement.

In all honesty, I would prefer a bill with no provision addressing timber salvage. This bill is not the place for such a provision, particularly one that will result in a steep cost to the Federal Treasury.

I commend the junior Member from Washington for stepping into a leadership role, and developing a sound compromise to this very difficult issue.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I would like to commend my colleague Senator GORTON's efforts to expedite timber salvage in the amendment to H.R. 1158, the bill now before us. I would also like to comment on the provisions of the amendment referring to the Endangered Species Act.

The timely and efficient salvage of burned timber is of great concern to me and to my home State of Idaho. The catastrophic forest fires that swept across the West last summer cost our Nation much in terms of lives, property, habitat, and economic resources.

Idaho suffered the greatest timber loss of any State—over 1.5 billion board feet—enough timber to build over 137,000 homes, and to provide jobs for up to 35,000 people.

The timber damaged in those fires has a limited 2 year window of opportunity for harvest, before the value of that wood is lost, and those economic resources are lost as well.

Yet some groups are already announcing their intent to appeal, even before most of the salvage sales have been proposed. This is despite the need for quick action, and despite the fact that the Forest Service has already determined that the majority of the fire-damaged areas will not be harvested. This has been done to address habitat, water quality and other important environmental concerns.

Two National Forests in Idaho were hardest hit by the fires—the Payette and the Boise National Forest. On the Payette, less than 10 percent of the burned timber is being considered for salvage. And on the Boise, they are considering less than half.

As I noted, most of these sales are still in the proposal stages. But one, the Boise River fire recovery effort, has been available for appeal for a week. Already, the Forest Service has received one appeal. Keep in mind that the window for appeals will run until May 1 for the Boise River recovery sale, and most appeals will not be submitted until closer to the deadline.

We're running into delays from all sides, and I am glad to support my colleagues' efforts to expedite the process.

As part of those efforts, the salvage sales amendment requires preparation of a single document that combines an environmental assessment under the National Environmental Protection Act with a biological evaluation under the Endangered Species Act.

At another point in the timber salvage amendment there is language that states production of a biological evaluation shall be deemed to satisfy all applicable Federal laws, including the requirements of the ESA.

Mr. President, I have seen a number of bills have been introduced in this Congress that attempt to modify the ESA in particular ways. I am not convinced that in every case they fully address the complex problems of the ESA.

Further, I am concerned that they may have other, unintended consequences than just the consequences they seem to affect on the surface.

I hope that this amendment will have the intended effect of allowing the salvage timber to be cut in a timely manner, and that the forests of Idaho will be protected from fuel load buildup. I certainly hope that we can accomplish the very necessary salvage timber harvest, and that we can then proceed to the very important matter of reforming the ESA.

Mr. MURKOWSKI. Mr. President, I rise against the amendment to strike the Gorton salvage amendment. This amendment is an essential response to an emergency forest health situation on our Federal forests as evidenced by last year's fire season. Our committee has held oversight in this area, and has recognized the severity of the problem. I recommend we support the Gorton amendment as an appropriate emergency response to the problem.

As I listen to critics of this amendment, I have come to conclude that they must be discussing some other provision than the one offered by Senator GORTON.

First, they say that the Gorton amendment mandates increased salvage timber sales. The Gorton amendment does not mandate timber sales, it provides the administration with additional flexibility to sell salvage sales to the extent feasible. I trust the administration to properly utilize the flexibility. Opponents of the Gorton amendment apparently don't trust this administration. I can't tell whether they don't want to rehabilitate burned forests, or whether they need individual sale sign-off from Forest Service Chief Jack Ward Thomas, the Secretary of Agriculture, and—maybe even—Vice President Gore to trust the administration.

Second, they say that the Gorton amendment suspends all environmental laws. The Gorton amendment expedites existing administrative procedures under the Endangered Species Act, the National Environmental Policy Act, and other measures. If the agencies successfully follow the expedited procedures, their performance is deemed adequate to comply with existing environmental and natural resources statues. These expedited procedures are essential if we are to appropriately respond to the forest health emergency we face.

Third, they say that the Gorton amendment eliminates judicial review. Well it does not. The amendment provides an expedited form of judicial review that has already been upheld by the Supreme Court in previous litigation.

Fourth, they say that the Forest Service cannot meet the salvage targets. Well the amendment does not have any targets. I wish it did. Today, the Forest Service is working on its capability statement on the House version of this amendment. There are strong indications that, with the expedited procedures of the House bill—matched in pertinent part in the Gorton amendment—the Agency can meet the House targets and still comply with the substantive requirements of existing environmental and natural resources law.

Fifth, they say that this amendment will cost the Treasury. This is false. The Gorton amendment has received a positive score from the Congressional Budget Office.

Sixth, they say that the amendment may disrupt and actually reduce timber sales. If that were true, I would expect them to strongly support the Gorton amendment. But it is not. The Gorton amendment contains protective language to assure that potential environmental litigants cannot disrupt other agency functions due to this amendment.

I have been generally perplexed by the misconceptions that accompany the attacks on this amendment. But today I know why this may be the case. Yesterday Senator GORTON and Congressman CHARLES TAYLOR, along with Senator CRAIG—the author of S. 391, a measure directed at another aspect of this problem—offered to meet with a group of activists opposed to both the Gorton amendment and S. 391. Together, they cleared time on their calendars at 9 a.m. But they found the activists were more interested in preparing for their 9:30 a.m. press conference than meeting with the authors of the three provisions that they proceeded to lambast. That sort of interest group behavior cannot be tolerated if we are to continue to have informed debates in this body.

Mr. President, I rise in support of the Gorton amendment, against the amendment to strike, and against any other modifying amendments.

Mr. MCCAIN. Mr. President, I rise today in support of the amendment offered by the Senator from South Dakota which will allow ranchers and their livestock to stay on U.S. Forest Service land until the National Environmental Policy Act [NEPA] process is complete.

On December 31, 1995, roughly 4,500 grazing permits in the western United States will expire. Approximately 140 of those permits are in my home State of Arizona. As part of the renewal process the Forest Service has embarked upon a new policy of requiring NEPA compliance for individual permits.

While we all agree that grazing should be done in an environmentally sensitive manner that protects the resources of our national forests, I am troubled by the very real possibility that the Forest Service will not complete the individual NEPA analyses in time to reissue the grazing permits.

If the permits are allowed to expire, ranchers and their cattle will be forced off of Forest Service land. This would be economically devastating to ranchers in many Western States where the only available grazing lands are those held by the Forest Service.

As currently proposed, this new policy will have a serious economic impact on permit holders, and will yield very little, if any, positive benefits for the environment. It serves no purpose to arbitrarily remove a rancher only to find out that their activities were not having an adverse impact on the environment.

This type of draconian action serves neither the interest of the environment, the rancher, nor the communities which rely on ranching revenues for their tax base. The amendment offered by Senator PRESSLER will ensure that the Forest Service cannot evict ranchers and their livestock from grazing allotments merely because the agency has not completed all the NEPA documentation.

It is my understanding that compliance with NEPA is required only for major Federal actions and, until recently, the Forest Service did not consider the renewal of single grazing permits to be a major Federal action. Additionally, the Forest Service already conducts an environmental analysis of ranching activities during consideration of forest management plans.

Mr. President, serious questions have been raised about the Forest Service's legal requirement to proceed with this additional environmental analysis. There are no Federal court cases requiring the Forest Service to complete either an environmental impact statement [EIS] or an environmental assessment [EA] prior to the issuance of a grazing authorization or term permit. Courts have held, however, that grazing should continue during the period of time that the NEPA process is being completed.

Along with my colleagues from Arizona, Senator KYL, I wrote to the Department of Agriculture asking the Department to review its new reissuance policy and determine if the permits could be extended until the NEPA process is complete. While we have not received a response to this letter, it is my understanding that the Forest Service has made it clear they are unable to extend the permits under current law.

It appears that this new process for addressing the reissuance of grazing permits is unnecessarily disruptive to those involved and does nothing to further the Forest Service obligation to promote fairness and proper management of public lands. For these reasons, I believe that the Forest Service should extend the expiring permits pending completion of the NEPA studies.

Mr. President, I support the Senator's amendment and I hope the Senate conferees will work to retain it.

Mr. DASCHLE. Mr. President, today we have an opportunity to articulate in this rescission bill policy relating to timber salvage sales. It is my hope that the Senate will send a clear message to the Forest Service that considerably more timber salvage needs to be harvested in the forthcoming year.

As many of my colleagues know, the timber harvest on national forests has declined considerably during the last few years. In some cases, this has been due to problems encountered in the Pacific Northwest, as the logging practices of the 1980's led to inevitable clashes between the timber industry and environmental organizations, and the conflict was thrown into the Federal court system, which halted much of the timber activity in that region. Ultimately, through the development by the Clinton administration of a legally defensible compromise, some light is now evident at the end of the tunnel.

Nonetheless, progress has not been as rapid as the timber industry would have liked. And that is understandable. The pipeline of timber sales in the Pacific Northwest largely dried up during this period of litigation, and it has been slow to recover. Simultaneously, drought, insects and disease have taken a toll on other forests, resulting in considerable dead and dying timber and the associated fire danger throughout the west. The frequency and intensity of forest fires experienced last year were grim testament to the unacceptable situation that now exists.

And, at the same time, the Forest Service's timber program budget has shrunk, reducing its ability to harvest this timber in a timely fashion. On many national forests, the actual harvest levels are well below the levels that have been determined by the Forest Service to be sustainable.

We now are faced with developing and instituting an appropriate remedy. Serious steps should be taken to identify salvage timber and harvest it in an expedited fashion. By doing so, we can at least attempt to mitigate fire damage and begin to provide needed relief to timber-dependent communities.

Without question, the Gorton amendment to the rescission bill would move more timber and expedite the salvage program. My concern is that the Gorton amendment, in its understandable preoccupation with encouraging greater timber sales, would waive environmental laws. Given the large amount of timber that could be harvested under this amendment, and the possible affects of this harvesting on fish and wildlife habitat, I am uncomfortable with the wholesale waiver of environmental statutes.

In some cases, these laws have hindered the ability of the Forest Service to implement a responsible timber program. Congress is actively taking steps through the committees of jurisdiction to address these circumstances.

Senator CRAIG has introduced legislation to establish a more deliberate and timely process for dealing with forest health problems. I am working with him to move this bill through the appropriate committees and to the floor this year, so that we can begin to address forest health in a systematic, deliberate, thorough and effective manner. In addition, Senator KEMPTHORNE intends to produce legislation to reform the Endangered Species Act.

I would not be surprised if both of these bills are enacted during this session of Congress.

I believe that enactment of authorizing legislation is the appropriate way to change the scope or applicability of environmental laws—not ad hoc amendment of this rescission bill. Therefore, I support the amendment offered by Senator MURRAY which, among other things, will expedite timber sales by streamlining the appeals process and by limiting consultation with the Fish and Wildlife Service and the National Marine Fisheries Service to 30 days.

Under the Murray amendment, salvage sales cannot be held up solely because the Fish and Wildlife Service or the National Marine Fisheries Service claims that they do not have adequate information. Also, a presumption is established that timber sales offered under Option Nine in the Pacific Northwest meet all environmental requirements.

These measures should significantly improve the availability of timber in that region and throughout the country. I urge my colleagues to vote for this amendment and hope that, if we adopt it today, it will be included in the final bill that is sent to the President for enactment into law.

Mr. DOMENICI. Mr. President, I rise in support of the Senate-reported version of the Emergency Disaster Supplemental Appropriations and rescission bill for fiscal year 1995.

I commend the distinguished chairman of the Appropriations Committee for his efforts to move this bill expeditiously for Senate consideration.

The Senate substitute provides emergency disaster assistance totaling $6.7 billion as requested by the President to assist the victims of the Northridge earthquake in California and natural disasters in 40 other States.

The bill provides $1.9 billion to be available for the remainder of fiscal year 1995, and $4.8 billion as a "contingency" appropriation, which can be obligated by the President beginning in fiscal year 1996 with specific notification of the Congress.

The bill provides $27 million in nonemergency program supplementals requested by the President, which can be accommodated within the overall cap on discretionary spending.

Finally, the bill includes rescissions totaling $13.1 billion in budget authority and $1.2 billion in outlay savings for fiscal year 1995 to offset the costs of the disaster aid and provide further deficit reduction as the Congress seeks to move toward a balanced Federal budget.

I urge my colleagues to support the bill and put a "mini downpayment" on the significant deficit reduction that will be required to balance the budget and begin to alleviate the burden of debt we are leaving to our children and our children's children.

The fact that the Senate and House are paying for the supplemental spending for defense programs and disaster assistance is to be commended. It will prevent some $15 billion from being added to the Federal deficit, and puts the Congress on the right path toward a balanced budget.

The administration has indicated in its communications on this bill that it remains committed to deficit reduction. However, the administration then proceeds to object to most of the savings included in these bills.

In many cases, the rescissions are from programs proposed for reduction or termination by the President, are from unobligated balances that will not realistically be spent, or reduce significant increases provided for programs at a time when the overall budget is constrained.

The administration also focused on its commitment to deficit reduction in the President's fiscal year 1996 budget submission, but made no proposals whatsoever to deal with escalating spending on entitlement programs, and claimed phony savings in discretionary programs under the methodology OMB used to calculate the spending caps.

Now is the time for Congress to embark on a serious journey to get its fiscal house in order. This bill is but a first step on what will be a long and difficult, but necessary, journey.

I urge the passage of the bill.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point two tables showing the relationship of this bill to the section 602 allocations to the Appropriations Committee and to the current level which displays congressional action to date for fiscal year 1995.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

STATUS OF S. 617, EMERGENCY SUPPLEMENTAL AND RECESSIONS; SENATE-REPORTED

[Fiscal year 1995; in millions of dollars, CBO scoring]

Subcommittee	Current status[a]	S. 617[b]	Subcommittee total	Senate 602(b) allocation	Total comp to allocation
Agriculture-RD:					
BA	58,117	−189	57,927	58,118	−191
OT	50,330	−104	50,226	50,330	−104
Commerce-Justice:[c]					
BA	26,873	−264	26,608	26,903	−295
OT	25,429	−108	25,321	25,429	−108
Defense:					
BA	243,628		243,628	243,630	−2
OT	250,661		250,661	250,713	−52
District of Columbia:					
BA	712		712	720	−8
OT	714		714	722	−8
Energy-Water:					
BA	20,493	−332	20,161	20,493	−332
OT	20,884	−166	20,717	20,888	−171
Foreign Operations:					
BA	13,679	−100	13,579	13,830	−251
OT	13,780	−11	13,770	13,780	−10
Interior:					
BA	13,578	−312	13,267	13,582	−315
OT	13,970	−137	13,832	13,970	−138
Labor-HHS:[d]					
BA	266,170	−2,906	263,264	266,170	−2,906
OT	265,730	−352	265,378	265,731	−353
Legislative Branch:					
BA	2,459	−26	2,434	2,460	−26
OT	2,472	−18	2,454	2,472	−18
Military Construction:					
BA	8,836	−231	8,605	8,837	−232
OT	8,525	−38	8,488	8,554	−66
Transportation:					
BA	14,265	−1,671	12.593	14,275	−1,682
OT	37,087	−36	37,050	37,087	−37
Treasury-Postal:[e]					
BA	23,589	−248	23,342	23,757	−415
OT	24,221	−17	24,204	24,261	−57
VA-HUD:					
BA	90,256	−6,819	83,437	90,257	−6,820
OT	92,438	−174	92,264	92,439	−175
Reserve:					
BA				2,311	−2,311
OT				1	−1
Total Appropriations:[f]					
BA	782,655	−13,097	769,558	785,343	−15,785
OT	806,241	−1,162	805,079	806,377	−1,298

[a] In accordance with the Budget Enforcement Act, these totals do not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[b] In accordance with the Budget Enforcement Act, these totals do not include $1,838 million in budget authority and $335 million in outlays in funding for emergencies that have been designated as such by the President and the Congress in this bill.

[c] Of the amounts remaining under the Commerce-Justice Subcommittee's 602(b) allocation, $28.1 million in budget authority and $6.2 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[d] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $11.1 million in budget authority and $2.6 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[e] Of the amounts remaining under the Treasury-Postal Subcommittee's 602(b) allocation, $1.3 million in budget authority and $0.1 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[f] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $30.5 million in budget authority and $8.9 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

NOTE: Details may not add to totals due to rounding; Prepared by SBC Majority Staff, March 27, 1995.

FY 1995 CURRENT LEVEL, S. 617, EMERGENCY SUPPLEMENTAL AND RESCISSIONS BILL

[In billions of dollars]

	Budget authority	Outlays
Current level (as of March 24, 1995)[a]	1,236.5	1,217.2
S.617, Emergency Supplemental and Rescissions, as reported by the Senate[b]	−13.1	−1.2
Adjustment to conform mandatory items with Budget Resolution assumptions	(*)	(*)
Total current level	1,223.4	1,216.0
Revised on-budget aggregates[c]	1,238.7	1,217.6
Amount over (+)/under (−) budget aggregates	−15.4	−1.6

Note: Details may not add to totals due to rounding;

*Less than $50 million.

[a] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[b] In accordance with the Budget Enforcement Act, these totals do not include $1,838 million in budget authority and $335 million in outlays in funding for emergencies that have been designated as such by the President and the Congress in this bill.

[c] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

Prepared by SBC Majority Staff, 03/29/95.

ENDANGERED SPECIES ACT LISTINGS AND CRITICAL HABITAT DESIGNATIONS

Mr. CHAFEE. Mr. President, earlier this month, while considering the Department of Defense supplemental appropriations bill, the Senate adopted an amendment that was offered by the Senator from Texas. Senator HUTCHISON's amendment will rescind $1.5 million from the U.S. Fish and Wildlife Service's account for Endangered Species Act listings and critical habitat designations. That bill is currently before a House-Senate conference committee. At the moment, I have not heard whether the conferees have agreed to accept the Senate position and include the Hutchison amendment in the final DOD supplemental bill.

The bill we are considering today includes a provision to rescind funds from the same account as the original amendment by Senator HUTCHISON. It is my understanding that the intention of the managers of the bill is to rescind these funds in either the DOD bill or in this one, but not to rescind the funds in both bills. In fact, on page 32 of the Senate Appropriations Committee Report it states: "The issue of a revised funding level for Endangered Species Act programs will be considered by the Committee in the context of conference actions on both this bill and the Department of Defense supplemental." Would the Senator from Washington confirm my understanding and would he please explain the meaning of this report language?

Mr. GORTON. Mr. President, I appreciate the opportunity to set the record straight on this. It is not my intention to include a rescission from the endangered species listing program in two separate rescission bills. When it becomes clear that the Hutchison amendment will be accepted by the DOD conference committee, I plan to offer an amendment to eliminate the rescission from the listing account that is included in this bill.

Mr. CHAFEE. I am pleased to hear the Senator's response and I thank him for his cooperation.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. All time has been yielded back on the Republican side.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to send, along with Senator D'AMATO, a second-degree amendment to amendment No. 427, and ask that it be taken up at the appropriate time.

Mr. DOMENICI. Mr. President, might I, before that activity, move to table the Reid amendment that is immediately pending and ask for the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, reserving the right to object, could the Senator from Alaska repeat what the unanimous consent request is?

Mr. MURKOWSKI. Simply to submit a second-degree amendment to amendment No. 427 and ask that it be taken up at the appropriate time.

Mr. REID. Mr. President, I do not serve on the Banking Committee. There are two, three, four Republicans on the floor, five, all my friends. I know that they are not going to take advantage of anyone. But I just cannot do that because I do not understand the banking issue before this body.

I will object.

Mr. MURKOWSKI. This is simply a second degree to the D'Amato amendment which is the pending business.

Mr. DOMENICI. Senator D'AMATO is not here. I object, if the Senator is not here. Did Senator D'AMATO approve?

Mr. MURKOWSKI. Senator D'AMATO is joining me.

Mr. REID. I join my friend from New Mexico in objecting.

Mr. DOMENICI. Could I get the yeas and nays on the Reid amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. I thank the Chair.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 437

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment No. 437 offered by the Senator from Alabama [Mr. SHELBY].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Minnesota [Mr. GRAMS] and the Senator from Kansas [Mrs. KASSEBAUM] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Dakota [Mr. DORGAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 15, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—78

Abraham
Ashcroft
Bennett
Biden
Bingaman
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Exon
Feingold
Frist
Glenn
Gorton
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—16

Akaka
Bond
Boxer
Byrd
Feinstein
Ford
Graham
Inouye
Johnston
Mikulski
Moseley-Braun
Moynihan
Murray
Rockefeller
Sarbanes
Simon

NOT VOTING—6

Baucus
Conrad
Dorgan
Faircloth
Grams
Kassebaum

So the amendment (No. 437) was agreed to.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

Mr. President, I wish to make this request.

On rollcall No. 124, I voted "yea". It was my intention to vote "nay". Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. I thank the Chair.

(The foregoing tally has been changed to reflect the above order.)

VOTE ON AMENDMENT NO. 435, AS AMENDED

The PRESIDING OFFICER. The question occurs on amendment No. 435, as amended, by the Senator from Nebraska, [Mr. KERREY].

Mr. KERREY. Mr. President, I ask unanimous consent to vitiate the yeas and nays on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 435), as amended, was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 438

The PRESIDING OFFICER Under the previous order, the question occurs on a motion to table amendment No. 438 offered by the Senator from Nevada [Mr. REID].

Mr. HATFIELD. Mr. President, I ask unanimous consent that the following votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Minnesota [Mr. GRAMS] and the Senator from Kansas [Mrs. KASSEBAUM] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Dakota [Mr. DORGAN], are necessarily absent.

The PRESIDING OFFICER (Mr. COATS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 17, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—77

Abraham
Akaka
Ashcroft
Bennett
Bingaman
Bond
Bradley
Brown
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—17

Biden
Boxer
Breaux
Bryan
Byrd
Daschle
Graham
Harkin
Heflin
Mikulski
Moynihan
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon

NOT VOTING—6

Baucus
Conrad
Dorgan
Faircloth
Grams
Kassebaum

So the motion to lay on the table the amendment (No. 438) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent to vitiate the rollcall on the REID amendment.

Mr. DOLE. Mr. President, if we could have order?

The PRESIDING OFFICER (Mr. COATS). The Senate will be in order.

Without objection, it is so ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 439

The PRESIDING OFFICER. The question then occurs on the motion to lay on the table amendment 439, offered by the Senator from Nevada [Mr. REID].

The motion to lay on the table the amendment (No. 439) was agreed to.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I would like to ask the distinguished Democratic leader—as I understand it, he would prefer to have no more votes this evening. Is there any way we could reach some agreement on bringing this matter to conclusion? Otherwise, I am tempted to take the bill down.

But I can say we are not going to send any other supplemental to the President until we deal with this one. So if they are waiting for the defense supplemental, it is not going to happen. I think what we have here is just a lot of amendments coming by the bucketsful from that side. Certainly it is everybody's right. But we thought we could finish this bill in 2 days. Apparently we cannot.

I have asked the distinguished Democratic leader if it would serve any purpose to stay here any further tonight?

Mr. DASCHLE. Mr. President, I guess I would remind our colleagues the reason we are here at 10:15 is we spent the entire day working on an amendment offered by the Senator from New York, on an amendment that had nothing to do with the supplemental. I am sure the bulk of the amendments thus far have been offered in good faith by Members on both sides of the aisle.

I would be prepared to lay down the amendment that we have been talking about now for a couple of days tomorrow morning at 10 o'clock. We could have a good debate on it. I think we could narrow the list, as we have been able to do in the past, to try to come up with a list that we could dispose of in due course. But certainly I would be prepared to work out a time agreement on the amendment tomorrow and continue our work.

Mr. DOLE. As I understand it, the Democratic leader would like to start, what, 10 o'clock? Is that what he indicated?

Mr. DASCHLE. That is correct, start at 10 o'clock. We could get a time agreement. I know people are going to want to make travel schedules tomorrow, but we could finish perhaps at 2 o'clock in the afternoon.

Mr. DOLE. I also understand the managers of the bill would like to stay tonight if any amendments can be accepted. Are there amendments that could be accepted tonight, I might ask the chairman of the Appropriations Committee?

Mr. HATFIELD. Not to my knowledge. Mr. Leader, I do not have a list of the amendments that are floating around. We have a number, a few amendments here that we can accept, to move ahead and do that. But I do not have a list from the minority side, nor from the majority side, on what amendments are intended to be offered.

Mr. DOLE. Is there anyone willing to debate an amendment tonight and have the vote tomorrow at, say, 9:45, before we start on the major amendment by the Democratic leader?

Mr. D'AMATO. Mr. President, I will be delighted.

Mr. DOLE. Your effort has been noted.

Are there any volunteers? We might be able to do that. I think the managers—I think Senator HATFIELD had hoped we would stay all night and finish the bill, but I do not believe that is possible after visiting with the Democrat leader. But it may be possible for someone to lay down an amendment—on either side of the aisle? Are there any amendments on either side of the aisle we can lay down and have a vote on, say tomorrow at 9:45 in the morning?

Mr. HATFIELD. Would the majority leader and minority leader at least let us try to stay in all night and finish it?

Mr. DASCHLE. No, we could not do that.

Mr. HATFIELD. I feel fine.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. KERRY. Would the majority leader yield for a question?

Mr. DOLE. Sure.

Mr. KERRY. If someone were to stay tonight and offer an amendment for a vote in the morning, would that obviate a vote subsequent to that? Or would there still be a vote later in the afternoon?

Mr. DOLE. There would be a vote hopefully not too late in the afternoon, hopefully 1:30 or 2.

I do not like getting everybody over to vote with the Sergeant at Arms. I think that is a waste of time and punishes people who may not be here for some good reason. I know on our side there are a couple of people here who had deaths in the family.

But if there was some amendment we could lay down tonight and vote on in the morning? If not, we will just wait and take up the leader's amendment at 10 a.m.

Mr. DOMENICI. Mr. Leader, could you yield for a question?

Mr. DOLE. I will.

Mr. DOMENICI. Is there any way between the minority leader and the chairman of the committee that we could find out how many amendments there really are?

Mr. DASCHLE. Sure. We can work on that. We have been.

Mr. DOLE. We will work on that overnight and bring it up in the morning.

Mr. DOMENICI. I thank the Chair.

Mr. DOLE. There will be no more votes then this evening.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from New York.

Mr. SIMON. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Would it be in order on the floor of the Senate to mention that our colleague, Senator Bob GRAHAM, became a grandfather of triplets this evening?

The PRESIDING OFFICER. The Senator from Illinois may speak on any subject he wishes. The Senator has done just that.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the D'Amato amendment be temporarily laid aside in order to take up the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 440

Mr. HATFIELD. Mr. President, I send an amendment to the desk proposed by Senator HOLLINGS for himself and Senator BIDEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] for Mr. HOLLINGS, for himself and Mr. BIDEN, proposes an amendment numbered 440.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8 of the substitute amendment strike line 1 through line 6 and insert in lieu thereof the following:

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103-317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103-317, $17,100,000 are rescinded.

Mr. HOLLINGS. Mr. President, this amendment, on behalf of myself and Senator BIDEN, would restore some of the funding in the Department of Justice's Drug Court Program. The House-passed bill and the committee-reported bill both rescind $27.1 million from drug courts. My amendment reduces the rescission to $17.1 million, and allows $10.0 million for the program this year.

Last week Attorney General Janet Reno sent me a letter expressing her strong support for the Drug Court Program and her desire to have this funding restored. I ask unanimous consent that her letter, in its entirety, appear in the RECORD.

This Drug Court Program is funded through the violent crime trust fund. We already cut all discretionary programs last year to make offsets for this program and other crime bill programs. But, now here we are considering a bill that eliminates funding for a crime reduction, antidrug program—and here I am proposing yet additional offsets to pay for the program a second time.

Mr. President, Members might wonder why the House is trying to eliminate this program. Why? Because drug courts always was a Senate-sponsored program. It was included in the Senate version of the crime bill and was supported on a bipartisan basis. And, frankly, I don't understand why the Appropriations Committee would want to concur in their rescission.

Mr. President, we have a crime problem in this country caused by drugs. Just 2 weeks ago, DEA Administrator Constantine testified before the Commerce, Justice and State Subcommittee about the rise in drug-related crime. More than half of those arrested who enter the criminal justice system have some level of substance abuse problems. Our criminal justice system functions like a revolving door in which drug offenders continue to pass through.

Drug courts are designed to specifically deal with this inherent problem in our criminal justice system. Drug courts employ the coercive power of the court to subject nonviolent offenders to the kind of intensive supervision that can break the cycle of substance abuse and crime that infects too many communities in this country.

These drug courts require mandatory periodic drug testing, mandated substance abuse treatment for each program participant, and graduated sanctions for participants who fail to show satisfactory progress in their assigned treatment regimens.

All this is under the direct supervision of drug court judges. I believe many Members met with these judges in the last few weeks, two drug court judges were in my office recently to speak on behalf of this program. Both Judge Jeffrey Tauber of Oakland, CA, and Judge Steven Ryan of Las Cruces, NM, stressed that drug courts are not a "Washington knows best program." It is a locally determined program, every drug court is different and unique.

Mr. President, I think we now have one of the best Attorney Generals we've ever had, and I have known a lot of them. She's tough and understands law enforcement. Janet Reno came up through the ranks. She really believes in this Drug Court Program and knows from her experience in Dade County, FL, that it works. My amendment lets her prove the program's worth and get it off the ground.

The amendment's offsets are simple.

The amendment proposes rescinding $5 million of the unobligated balances in the Justice Department's working capital fund. This account funds ADP equipment, accounting systems, administrative support, and law enforcement related equipment. I know justice has various things they want to reprogram dollars for; saving the drug court program is a high priority. The only reason these balances are in the fund is because of language the Congress put in the bill 3 years ago that enabled Justice to recapture expiring balances.

Second, the amendment proposes a rescission of $5 million from unobligated balances in the Justice assets forfeiture fund. These funds are excess to annual requirements and were not expected to be spent in the current year. It will not impact any State or local law enforcement participation in the assets forfeiture program.

So, what we are trying to do in this amendment is to strike a balance—to make minor reductions in two Justice accounts—to save at least $10 million for drug courts. We should give Attorney General Reno a chance to prove this program's worth instead of simply concuring with the House-proposed rescission. Our amendment is fully offset. I urge its adoption. I ask unanimous consent a letter from Attorney General Reno be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, March 24, 1995.
Hon. ERNEST F. HOLLINGS,
Ranking Minority Member, Subcommittee on the Departments of Commerce, Justice, and State, The Judiciary and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR HOLLINGS: As you know today the Full Committee will consider H.R. 1158, a bill that among other things would rescind funding for certain programs established in the Violent Crime Control and law Enforcement Act of 1994 (VCCA). Included in this bill is a rescission of $27,170,000 for the Drug Court Grant Program.

I am writing to register my strong objection to this rescission, which would eliminate funding to help implement a proven cost-effective approach of integrated services and sanctions which I have witnessed first hand to be successful in combatting drug-related crime. The Drug Court Grant Program can help ensure certainty and immediacy of punishment for non-violent arrestees with drug problems who might otherwise go both unpunished and unsupervised. They are an essential element of a comprehensive and fiscally responsible approach to improve the criminal justice system.

The House action—the rescission of more than 95 percent of the appropriation for the current fiscal year—is devastating to this Administration's drug-fighting efforts. It also represents a serious setback for communities around this country working to improve public safety by breaking the powerful connection between substance abuse and crime.

TRUST FUND

At the outset, I would like to comment on how this rescission affects the integrity of the Violent Crime Reduction Trust Fund.

Both the Drug Court program and the Trust Fund were included in S. 1607, the Senate crime bill from last Congress, which passed the Senate on November 19, 1993 by the overwhelming vote of 95 to 4.

The concept of the Trust Fund was to offset the cost of crime-fighting initiatives—such as Drug Courts—with the savings accumulated from reducing the Federal workforce. The Trust Fund was the result of a true bipartisan effort because the Senate had concluded—as a body—that crime-fighting programs should be paid for and protected from other spending programs.

Rescinding the funding for the Drug Court Program will set a precedent that the Trust Fund can be raided at any time for any other spending program.

DRUG COURTS ARE AN IMPORTANT CRIME-FIGHTING TOOL

We know that more than half of those arrested enter the criminal justice system with some substance abuse problem. We also know that too frequently, the current criminal justice system functions like a revolving door through which substance-abusing offenders pass without being required to deal with the drug abuse that is inextricably tied to their criminal behavior. Seeking to capitalize on that knowledge, the VCCA established the Drug Court Grant Program.

Drug courts employ a court's coercive power to subject non-violent offenders to the kind of intensive supervision that can break the cycle of substance abuse and crime that inflicts suffering in too many communities in this country.

Title V of the Violent Crime Control & Law Enforcement Act of 1994 authorizes the Department of Justice to make discretionary grants to support drug court programs that involve continuing judicial supervision over offenders. Violent offenders are excluded from this program.

States, state courts, local courts, units of local government and tribal governments are eligible to apply for drug court program funding. Programs that receive Crime Act funding will subject substance abusing, nonviolent offenders to intensive court supervised intervention that provides the mix of services and sanctions necessary to coerce abstinence and force criminals to alter their behavior.

To achieve those goals, funded programs must include the research identified key elements of success: mandatory periodic drug testing; mandated substance abuse treatment for each program participant; and graduated sanctions for participants who fail to show satisfactory progress in their assigned treatment regimens.

This initiative will support locally tailored approaches—it is not a "Washington knows best" program. No single drug court model can effectively break the cycle of substance abuse and crime in every community. Thus, this program will support local determinations about how to structure funded drug court programs, while ensuring that statutorily-required bedrock principles are in place.

THE FACTS ON DRUG COURTS

The facts are clear that drug courts work. According to a National Institute of Justice-sponsored evaluation, participants in the Dade County, Florida drug court program—one that I witnessed first-hand—showed substantially lower rates for rearrest than non-participating defendants. Even those drug court participants who did re-offend, did so after significantly longer periods than non-participating offenders.

Studies of the drug court programs in Portland, Oregon, Washington, DC, and Chicago, Illinois, have also shown lower rates of recidivism for program participants. The California Drug and Alcohol Treatment Assessment (CALDATA) showed that substance abuse treatment reduced participants' involvement in criminal activity by 43.3 percent.

Encouraged by these positive law enforcement results, prosecutors, judges, public defenders, law enforcement officials, and treatment professionals in jurisdictions around the country are embracing this concept and moving forward to implement treatment drug court.

Twenty-nine drug courts have been fully operational for at least 6 months. Another 31 drug courts have been either recently launched or are under development.

MOVING IN THE RIGHT DIRECTION

Since the Crime Bill became law, the Office of Justice Programs (OJP) in the Department of Justice has moved forward aggressively to implement this initiative. OJP had created a Drug Court Program Office to administer the program. OJP has published proposed Drug Court Regulations and is currently responding to comments submitted in response to that publication. In addition, OJP has disseminated Program Guidelines and Application Information regarding the Drug Court Program.

Jurisdictions around the country are poised to move forward with planning for drug courts. That more than 600 people attended the January conference of the National Association of Drug Court Professionals demonstrates the burgeoning support for this program nationwide. In light of that widespread support and interest, the Office of Justice Programs intends to make up to 100 small ($35,000 each) planning grants to eligible jurisdictions. This small sum, dedicated as it is to planning, will help jurisdictions lay the ground work for effective drug courts that work to break the cycle of substance abuse and crime.

Many jurisdictions, inspired by the common sense appeal of the treatment drug court concept, have already engaged in significant drug court planning. For those locales, OJP will make available up to 13 grant awards (no more than 10 for up to $1 million and no more than 3 of up to $2 million) for those jurisdictions to complete their planning processes and move into full implementation.

In addition, there are some 35 treatment drug courts currently in operation around the country. These jurisdictions are pleased with the results they have achieved thus far, but would seek Federal support to improve, enhance, or expand their efforts. OJP will make available up to 20 grants, of no more than $1 million, to existing drug courts so that they can more effectively work to attack the linkage between substance abuse and criminal behavior in their communities.

OJP also intends to develop the capacity to provide a broad range of training and technical assistance nationwide. While this assistance will focus on jurisdictions that receive OJP Drug Court grants, the intention is to develop the capacity to provide assistance beyond those jurisdictions which receive grant awards.

The House-passed rescission action eviscerates the Department's ability to move forward to help make drug courts—an important crime fighting tool—available to our nation's states and localities.

HOUSE ACTION ON H.R. 1158

Finally, the House Appropriations Committee Report accompanying H.R. 1158 stated that the Drug Court rescission "simply conforms the appropriation to the most recent House action." The reference to the last House action is the passage of H.R. 728 last month, which eliminated the authorization for the Drug Court Program.

As you know, since the Senate has yet to act upon any revisions to the Crime Law, the House's rationale for eliminating Fiscal Year 1995 funding for the Drug Court Program is inapplicable to the Senate.

During consideration of any revisions to the Crime Law in the Senate this Congress, the Administration will be working very hard to preserve the authorization for the Drug Court program and we expect bipartisan support in this effort.

Since the Senate is yet to act upon any authorization revisions to the Crime Law, I believe that a rescission of the Drug Court Fiscal Year 1995 funding should not be included in any Senate action on H.R. 1158.

This Administration is strongly committed to streamlining government and reducing the deficit. However, it is also committed to an issue that is so important to each and every American—the fight against crime. The proposed rescission of the Drug Court Program from the VCCA Trust Fund will greatly thwart our efforts to fight crime. It sends the wrong message to the American public. We should be moving forward not backward from the gains we made last year.

I appreciate your consideration of my views.

Sincerely,

JANET RENO.

Mr. BIDEN. Mr. President, I rise to speak about an amendment that has been accepted by both sides. The amendment restores $10 million in crime law trust fund dollars that would be rescinded by the legislation now before the Senate.

My amendment restores $10 million of the $27 million rescinded from the Drug Courts Program. And, let me be clear, all of this $10 million is offset by cuts of $10 million in Justice Department funds that will not diminish law enforcement. They are funds that both the subcommittee chairman and ranking member have agreed to rescind because they will not adversely impact Justice Department operations.

This amendment is necessary for two key reasons:

First, we must stick to the promise we made in the violent crime reduction trust fund—we have already cut Federal bureaucrats to pay for the crime law, so the $30.2 billion crime law does not increase the deficit.

Second, unless we restore this $10 million more than 5,000 drug offenders who are today released on probation will not be tested for drugs, will not be supervised, and will not be punished until many more American citizens have been the victim of a crime, because without drug testing, about the only way any offender is kicked off probation and into jail is to get caught committing another crime—in other words, after there is yet another victim.

And as I mentioned, my amendment identifies $10 million in offsetting cuts so my amendment does not change the overall deficit cutting of this bill. This amendment simply takes a step to help preserve the integrity of the Drug Court Program.

Let me review just some of the facts that point out just how great the need is to add real teeth to our probation system.

Nationwide, about 3 million offenders are released on probation. Of these 3 million, about half, 1.4 million, of these offenders are drug abusers. And, of these 1.4 million offenders, only about 800,000 receive some drug testing and/or drug treatment.

That all means that nationwide we have about 600,000 offenders, out on probation who are drug-abusers and who are not tested for drugs, not treated for their addiction, and barely supervised by our overwhelmed probation officers.

In fact, in the Nation's largest States, probation officers' caseloads range from 90 to 100 offenders per officer; to 240 offenders per officer. Even at the 100-offender level, that means that in an average 40 hour week, a probation officer could spend about 20 minutes on each offender under his or her authority. At the higher levels, probation officers have less than 10 minutes every week to make sure that each offender is staying on the straight and narrow.

Plainly, few of these offenders are being supervised the way they should.

Unless these offenders face certain punishment, with the chance of treatment to beat their addiction, they will be the violent offenders of tomorrow.

Unless we monitor these offenders on probation, they are probably continuing to take drugs, as well as committing crimes for which they have not yet been arrested. Drug testing means that these offenders will no longer get a free ride on probation.

And that is the only choice these intensive drug testing and treatment, and certain punishment programs ask us to make. Instead of these offenders walking around the streets, unmonitored, they will have to check in every day or so and confirm that they have not been using drugs through a drug test or suffer the consequences.

While all of us might wish that these offenders were all behind bars, I do not believe we have that choice. We all know that we can't build cells fast enough—even if we could afford to build 3 million new prison cells at a cost of at least $150 billion and that is based on a conservative construction cost estimate of $50,000 per cell.

Let me also point out that these are not programs for violent offenders. These are cost-effective programs that combine the concepts of prevention plus responsibility to reach those offenders whose minor crimes have just brought them into the criminal justice system.

The language in the Senate-passed bill specifically exempted violent offenders from participation in these intensive drug testing programs. And, the language in the crime law goes even further—adding language that prevents any offender who has ever been convicted of a violent offense from participating in the drug courts.

The results of the Drug Court Program in Attorney General Reno's hometown are impressive:

From June 1989 to December 1991, 1,740 offenders successfully graduated from the program—and only 3 percent have been rearrested.

In addition, about 1,500 offenders failed out of the Drug Court Program—however, the strength of the drug testing program means that these offenders who should not be released on probation were identified early and sent to jail—where they belong.

Before the Drug Court Program, was instituted, the re-arrest rate for these offenders was 33 percent.

And the program is saving money—money that can be redirected to incarcerating and treating violent, career criminals. In Miami, it costs $17,000 a year to keep an offender in the county jail. That same offender can get the benefits of the drug court at a price of about $2,000 a year.

The results from many other jurisdictions are similarly impressive:

In my home State of Delaware, Judge Richard Gebelein wrote to tell me that in just the first 8 months of operation the Delaware drug court had put:

> Over 250 people who would have been placed on probation with little or no supervision have been placed in a [drug court] program where they are tightly controlled and monitored. We have increased public safety through this program.

In Coos County, OR, the rate of positive drug tests dropped from more than 40 percent to less than 10 percent after the probation department subjected offenders to a tough program of drug treatment and drug testing.

In Michigan, some judges have instituted a drug testing program which imposes progressively harsher sanctions with each failure. Most offenders—no matter how serious their addiction—seem to learn quickly: Of 200 offenders in the program, only 28 have failed.

An Oakland, CA, Drug Court Program with regular drug testing found that the re-arrest rate was reduced by 45 percent when the program went into effect. And, based on this figure, the program estimated that participants spent—in total—35,000 fewer days in custody because they were not re-arrested. The bottom line: Alemeda County generated more than $2 million in savings from the unused prison space.

I would like to thank Commerce/State/Justice Appropriations Subcommittee Chairman GRAMM for his assistance on this important matter. I am happy that we could reach agreement and I am sure that Senator GRAMM will continue to work on this important program when this bill reaches—as I believe it will—a conference with the House of Representatives. Senator GRAMM was a key player when the Senate developed the crime law trust fund, so I know that he shares my support for this key funding mechanism.

I would also thank the subcommittee's ranking member, Senator HOLLINGS, for his efforts and assistance to preserve at least a portion of the drug court funding, and uphold the integrity of the trust fund.

Appropriations Chairman Senator HATFIELD also has my appreciation for his support of the Drug Court Program.

Finally, I would express my personal gratitude to ranking member Senator BYRD for agreeing to this amendment. As my colleagues in the Senate know, the violent crime reduction trust fund that fully funded the $30.2 billion crime law without adding to the deficit was the product of the hard work and incredible creativity of Senator BYRD. I will do everything I can to maintain the integrity of the trust fund, but I would just acknowledge that there would be no trust fund for which to fight were it not for Senator BYRD.

Mr. HATFIELD. Mr. President, again, I note that the ranking member of this committee is on the floor, Senator HOLLINGS. It has been cleared on both sides.

I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 440) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 427

Mr. MURKOWSKI. Mr. President, may I make an inquiry? What is the pending business? Are we on D'Amato?

The PRESIDING OFFICER. The pending question occurs on the D'Amato amendment number 427.

AMENDMENT NO. 441 TO AMENDMENT NO. 427

Mr. MURKOWSKI. If there is no objection, I would like to send a second-degree amendment in behalf of myself, Senator D'AMATO, to amend amendment No. 427 and ask it be taken up at the appropriate time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Alaska [Mr. MURKOWSKI] for himself and Mr. D'AMATO proposes an amendment numbered 441 to amendment numbered 427.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of line 10 of page 2, prior to the period insert the following:
>
> ", Provided, That as the bearer bonds issued by the Government of Mexico are redeemed with monies provided by the Government of the United States, the Government of the United States first be provided with the names and addresses of those redeeming such bonds".

Mr. MURKOWSKI. I thank the Chair.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

IN HONOR OF ROBERT J. PFEIFFER, RETIRING CHAIRMAN OF THE BOARD OF ALEXANDER & BALDWIN, INC.

Mr. AKAKA. Mr. President, it is a privilege for me to rise today to honor, congratulate, and extend my very best wishes and aloha to a dear, and very close friend to me and my family, Mr. Robert J. "Bobby" Pfeiffer, on his retirement as Chairman of the Board of Alexander & Baldwin, Inc.

His life represents a true American success story, a self-made man who started as a deck hand, rose to president of Hawaii's largest navigation company, and later made it to the board room of one of Hawaii's largest corporations. Bobby Pfeiffer will conclude 57 years of exemplary service on March 31, when he resigns as chairman of Alexander & Baldwin, Inc. (A&B), a Fortune 500 company. Mr. Pfeiffer has a long and distinguished record of contributions to his company, and because of the leadership he has provided, he has been unanimously elected to the post of chairman emeritus. Mr. Pfeiffer has enjoyed a 37-and-a-half year career with A&B, including longer service as CEO than any other individual in the company's 124 year history except John Waterhouse, son-in-law of A&B founder Samuel T. Alexander.

Mr. Pfeiffer, who stepped down as A&B's chief executive officer on March 31, 1992, indicated that because he wanted his retirement to be complete, he also wished to leave his current positions as director and chairman of the board of both of A&B's principal subsidiaries, A&B-Hawaii, Inc. and Matson Navigation Company, Inc. the A&B-Hawaii and Matson directors, at their January meetings, unanimously elected him chairman emeritus of those boards as well. Mr. Pfeiffer was Matson CEO longer than anyone except Captain William Matson, who founded the company 112 years ago.

Born in Fiji in 1920, Pfeiffer came to Hawaii the following year. He graduated from McKinley High School in 1937 and went to work as a deckhand for the Inter-Island Steam Navigation Company, Ltd., of which he later became president. He served as an officer in the U.S. navy during World War II.

Mr. Pfeiffer's career with Alexander and Baldwin began in 1956. He worked for Matcinal Corporation, a Matson subsidiary and a stevedoring and terminal company in the San Francisco Bay area, as vice president and general manager. In 1962 he was promoted to president of Matson Terminals, Inc., another Matson subsidiary. He was appointed Matson president and CEO in 1973; he has served as Matson's chairman continuously since 1979. At Matson, he guided the company through a period of tremendous growth and success and in the process transformed it into one of the world's most efficient, modern ocean transportation companies.

Mr. Pfeiffer was named to A&B's board of directors in 1978; he was appointed president of A&B the next year. He assumed the posts of chief executive officer and chairman of the board in 1980. Under his leadership, A&B has grown, modernized, and diversified. Mr. Pfeiffer also earned the company a solid reputation for involvement in philanthropic activities and community affairs, both in Hawaii and

California, its two principal places of business. Today, the Alexander and Baldwin Foundation, which he created, has established a level of giving in excess of $1 million a year.

Mr. Pfeiffer has served on many corporate, professional and non-profit boards and organizations, often in leadership positions. These include First Hawaiian, Inc.; First Hawaiian Bank; the Conference Board; the Hawaii Business Roundtable; the Chamber of Commerce of Hawaii; the American Bureau of Shipping; the Maritime Transportation Research Board of the National Academy of Sciences (as chairman); the Containerization & Intermodal Institute; the International Cargo Handling Coordination Association (as chairman); the Propeller Club of the United States, Port of Honolulu (as president) and Port of San Francisco; the National Association of Stevedores (as president); the National Cargo Bureau, Inc.; the Hawaii Maritime Center; the McKinley High School Foundation; the University of Hawaii Foundation (as chairman); the Aloha Council, Boy Scouts of America; the Girl Scout Council of the Pacific; the Pacific Aerospace Museum; and the Research Round Table of the American Heart Association, Alameda County Chapter.

Mr. Pfeiffer's community and professional leadership earned him numerous honors. The latest was on January 25th when he received the Charles Reed Bishop Medal from Honolulu's Bishop Museum, which cited his "leadership and personal example" in making A&B "a leader in corporate citizenship * * * through its exemplary support of community organizations * * *" In 1986 the Aloha Council of the Boy Scouts of America honored him with its Distinguished Citizen of the Year Award. In 1985 the United Seamen's Service gave him its Admiral of the Ocean Sea award in New York. Mr. Pfeiffer has been granted honorary doctorates by the Marine Maritime Academy, the University of Hawaii, and Hawaii Loa College.

Mr. Pfeiffer's professionalism, corporate citizenship, and commitment to the highest standards throughout his career have inspired many. I ask my colleagues to join my wife Millie and me in wishing Bobby Pfeiffer the very best, God's blessing on his retirement, and mahalo for a job well done.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision pertaining nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–671. A communication from the Acting Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act and the Egg Products Inspection Act to recover the full costs for Federal inspection of meat, poultry and egg products performed at times other than an approved primary shift; to the Committee on Agriculture, Nutrition and Forestry.

EC–672. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the number of applications for conditional registration under FIFRA; to the Committee on Agriculture, Nutrition and Forestry.

EC–673. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the breach of a cost threshold; to the Committee on Armed Services.

EC–674. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to technology-related developments useful in the reduction of environmental hazards; to the Committee on Armed Services.

EC–675. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, the 1995 Force Readiness Assessment; to the Committee on Armed Services.

EC–676. A communication from the Assistant Secretary of Defense for Force Policy Management, transmitting, pursuant to law, a report relative to the effectiveness of defense conversion; to the Committee on Armed Services.

EC–677. A communication from the Chairman of the Board of Governors of the Federal Reserve, transmitting, pursuant to law, a report relative to consumer waivers of the right of rescissions under the Truth in Lending Act; to the Committee on Banking, Housing and Urban Affairs.

EC–678. A communication from the Comptroller of the Currency, transmitting, pursuant to law, a report relative to enforcement actions taken during calendar year 1994 under the Financial Institutions Reform, Recovery, and Enforcement Act; to the Committee on Banking, Housing and Urban Affairs.

EC–679. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to provide for the certification by the Federal Aviation Administration of airports serving commuter air carriers, and for other purposes; to the Committee on Commerce, Science and Transportation.

EC–680. A communication from the Secretary of Commerce, transmitting, pursuant to law, the spectrum reallocation final report; to the Committee on Commerce, Science and Transportation.

EC–681. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to provide for the sale of oil from the Strategic Petroleum Reserve and the transfer of oil from Weeks Island, and for other purposes; to the Committee on Energy and Natural Resources.

EC–682. A communication from the Secretary of Energy, transmitting, pursuant to law, notice of intent to submit a report required under the Energy Policy Act of 1992; to the Committee on Energy and Natural Resources.

EC–683. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to enforcement actions and the comprehensive status of Exxon and stripper well oil overcharge funds; to the Committee on Energy and Natural Resources.

EC–684. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

EC–685. A communication from the Secretary of Energy, transmitting, pursuant to law, the 1993 annual report on low-level radioactive waste management; to the Committee on Energy and Natural Resources.

EC–686. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to enable Federal agencies to enter into energy savings performance contracts for cogeneration technologies that provide cost savings on future Government steam and electricity bills, and for other purposes; to the Committee on Energy and Natural Resources.

EC–687. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, a space situation report for Cambria County, PA; to the Committee on Environment and Public Works.

EC–688. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's Public Building Service Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC–689. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Medicare hospital outpatient prospective payment; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-56. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Banking, Housing, and Urban Affairs.

"SENATE JOINT RESOLUTION NO. 241

"Whereas, the use of credit cards is a convenient and increasingly popular method of paying for goods and services; and

"Whereas, the Virginia General Assembly has enacted legislation authorizing the Department of Motor Vehicles, the Department of Taxation, the Department of Alcoholic Beverage Control, the Supreme Court, and other state agencies to accept payment by credit cards for various taxes, fees, fines, and purchases; and

"Whereas, the Virginia General Assembly has also authorized counties, cities, and towns in the Commonwealth to accept payment by credit cards for local taxes and utility charges; and

"Whereas, agencies of the Commonwealth and local governments are also authorized to add to any payment made by credit card a service charge for the acceptance of such card in the amount charged to the agency or political subdivision as a result of the use of the credit card; and

"Whereas, credit card companies generally assess merchants a discount fee, which typically is equal to two percent of the transaction amount, on credit card transactions; and

"Whereas, credit card issuers have become increasingly insistent that state agencies and local governments bear the discount fees incurred in connection with credit card transactions; and

"Whereas, several political subdivisions of the Commonwealth, including the Counties of Arlington, Chesterfield, Loudoun and Pulaski and the City of Alexandria, and the Department of Motor Vehicles have been denied the ability to accept credit cards because of their insistence that the user of a credit card pay a service charge in the amount of the discount fee associated with the transaction; and

"Whereas, banks that allow agencies of the Commonwealth and local governments to deviate from the general prohibition on charging the card users the costs of using the credit card may be assessed penalties or have their credit card contracts terminated; and

"Whereas, it is unreasonable to apply to government entities the general policy prohibiting merchants from assessing card users with the discount fee because governments cannot absorb the impact of the discount fee by increasing the amounts charged to taxpayers and other customers; and

"Whereas, on May 19, 1993, Representative James P. Moran of Virginia's Eighth Congressional District sponsored, and Representative Frederick C. Boucher of Virginia's Ninth Congressional District co-sponsored, H.R. 2175, which would amend Chapter 2 of the Truth in Lending Act, 15 U.S.C. §1631, et seq., to prohibit issuers of credit cards from limiting the ability of governmental agencies to charge fees for honoring credit cards; and

"Whereas, H.R. 2175 was not reported out of the Committee on Banking, Finance and Urban Affairs during the 103rd Congress; and

"Whereas, the enactment of a federal law to prevent credit card issuers from prohibiting state agencies and local governments from charging fees for honoring credit cards will avoid the necessity that these entities either absorb the discount fees or refuse to honor credit cards; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That Congress be urged to amend the Truth in Lending Act to prohibit issuers of credit cards from limiting the ability of state agencies and local governments to charge fees for honoring credit cards; and, be it

"*Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the President of the Senate of the United States, the Speaker of the United States House of Representatives, and the members of the Virginia Delegation to the United States Congress so that they may be apprised of the sense of the General Assembly on this matter."

POM-57. A resolution adopted by the Council of the City of Westlake, Ohio relative to telecommunications legislation; to the Committee on Commerce, Science, and Transportation.

POM-58. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT RESOLUTION NO. 377

"Whereas, the Hampton Roads region is one of the fastest growing areas in the Commonwealth of Virginia, with 25 percent of the state's population; and

"Whereas, Hampton Roads is one of the principal economic engines for the Commonwealth home to major tourist attractions, vital defense installations, including the world's largest naval base, the USA Command Headquarters and the Air Combat Command, the Port of Hampton Roads, one of Virginia's greatest economic assets; and

"Whereas, the future economic development of Hampton Roads and thus in large part Virginia's future growth and prosperity bears a direct relationship to our ability to move people and goods rapidly; and

"Whereas, it is essential that Hampton Roads be connected to the transportation networks of the future, if we are to remain competitive in the emerging global economy; and

"Whereas, the Federal Railroad Administration has designated the Washington-Richmond-Charlotte rail corridor part of a proposed national network of high speed rail corridors; and

"Whereas, the Commonwealth of Virginia is currently studying the potential for high speed rail in the Washington to Newport News corridor; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That the Congress of the United States be hereby urged to provide for the linkage of both the Virginia Peninsula and Southside Hampton Roads to the developing national high speed rail system; and be it

"*Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-59. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 268

"Whereas, Amtrak is an energy-efficient and environmental beneficial means of transportation, consuming about one-half as much energy per passenger mile as airline travel and causing less air pollution; and

"Whereas, Amtrak provides mobility to citizens of many smaller communities poorly served by air and bus service, as well as to senior citizens, disabled people, and people with medical conditions that preclude flying; and

"Whereas, on a passenger-mile basis, Amtrak is nine times safer than driving an automobile and operates safely even in severe weather conditions; and

"Whereas, the number of passengers using Amtrak rose 48 percent of 1982 to 1993, allowing Amtrak to dramatically improve coverage of its operating costs from revenues; and

"Whereas, expansion of Amtrak service by existing rail rights-of-way would cost less and use less land than either new highways or new airports and would further increase Amtrak's energy-efficiency advantage; and

"Whereas, federal investment in Amtrak has fallen in the last decade, while it has risen for both highways and airports; and

"Whereas, states may use highway trust fund money as an 80 percent federal match for a variety of non-highway programs, but they are prohibited from using such funds for Amtrak projects; and

"Whereas, Amtrak pays a federal fuel tax that commercial airlines do not pay; and

"Whereas, Amtrak workers and vendors pay more in taxes than the federal government invests in Amtrak; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That the President and Congress of the United States be urged to make no further reductions in funding for Amtrak; and, be it

"*Resolved further*, That the General Assembly request that Amtrak be excused from paying federal fuel taxes that the commercial airlines do not pay, that the states be permitted to use federal highway trust fund moneys on Amtrak projects if they so choose, and that federal officials include a strong Amtrak component in any plans for a national transportation system; and, be it

"*Resolved finally*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-60. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation.

JOINT RESOLUTION

"Whereas, the One Hundred and Fifteenth Legislation directed the Maine Department of Transportation to take all reasonably necessary actions to initiate passenger rail between Portland and Boston and to seek funding necessary in an amount not less than $40,000,000; and

"Whereas, the Federal Transit Administration and AMTRAK have committed a combined capital investment of $58,600,000 for the rehabilitation of the railroad corridor and for necessary rail-operating equipment; and

"Whereas, in 1992 the citizens of Maine approved a bond issue in the amount of $3,000,000 necessary to access the federally authorized funds for the initiation of this passenger rail service; and

"Whereas, Maine's communities of Portland, Saco, Old Orchard Beach and Wells have assumed responsibility in planning, development and construction of local transportation centers in support of the passenger rail service with connections to bus service and other transportation modes; and

"Whereas, conservative ridership demand forecasts that have been conducted in support of the passenger rail service verify this service to be a sound and viable financial investment for Maine; and

"Whereas, the Federal Transit Administration issued a "Finding of No Significant Impact," finding no significant environmental impacts from the passenger rail service and further concluding that integrated rail and bus service is economically feasible in the Northeast corridor; and

"Whereas, increased passenger rail traffic, consistent with the federal directives of the federal Intermodal Surface Transportation Efficiency Act, will relieve pressure on Maine's highways and bridges, thereby promoting energy conservation, reduced vehicle emissions and reduced consumption of fossil fuels; and

"Whereas, Maine industries are petitioning the State to upgrade freight rail service to enhance their ability to access regional, national and global markets and this rail restoration will significantly improve the main rail line to Maine; now, therefore, be it

"*Resolved:* That We, your Memorialists, recommend and urge the President and the Congress of the United States to sustain and fulfill all of the previously approved and authorized financial commitments of the Federal Government for the reinstititution of passenger rail service between Portland and Boston; and be it further

"*Resolved:* That duly authenticated copies of this Memorial be submitted by the Secretary of State to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM–61. A concurrent resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 10

"Whereas, for more than forty years, the Idaho National Engineering Laboratory (INEL) has been a vital international center for nuclear reactor safety, research, development and reprocessing; and

"Whereas, the State of Idaho and the Idaho Legislature have consistently supported the traditional missions of the INEL and the significant and important role it plays in the economic livelihood of Idaho; and

"Whereas, the State of Idaho and its citizens have for more than four decades been good citizens and good neighbors to the Department of Energy and the federal government; and

"Whereas, nuclear waste has been, and may again in the near future be, shipped to Idaho with the commitment that this is a temporary storage destination; and

"Whereas, twenty-four other states have more nuclear waste stored than in Idaho, so this issue is truly one of national concern and of public health, environmental safety and national security; and

"Whereas, there does not currently exist a permanent nuclear waste repository; and

"Whereas, a commitment was made to Governor Batt by federal officials that Idaho would not become the permanent repository which is as commitment Idahoans believe and is one that must be fulfilled by federal authorities; and

"Whereas, in meetings with federal officials, Governor Batt made it clear that he would commit every resource at his disposal to prevent Idaho from becoming a permanent repository for nuclear waste; and

"Whereas, Governor Batt has been working with Idaho's Congressional delegation and Senator Bennett Johnston of Louisiana to advance Senator Johnston's legislation which speeds the process of opening a permanent repository; and

"Whereas, the United States Department of Energy has committed additional funding for INEL health and safety monitoring by the State of Idaho and has assured Governor Batt of the continued cleanup and upgrade of existing INEL facilities and the Department of Energy is anxious to continue negotiations which will lead to removal of the waste from Idaho; and

"Whereas, failure to locate, site and construct a permanent nuclear waste facility would negatively impact Idaho, and would constitute a breach of faith by the federal authorities with the people of the State of Idaho: Now, therefore, be it

"*Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein,* That we support the efforts by Governor Batt to limit or prohibit the permanent storage of radioactive waste at the INEL and that the facility be maintained as a center for research, development and safety; be it further

"*Resolved,* That responsible federal authorities must continue the search for and select a permanent nuclear waste repository outside of the State of Idaho and that we urge the members of the congressional delegation representing the State of Idaho in the Congress to vigorously assert the Idaho position and assure that nuclear waste does not come to permanently remain in Idaho through default by the responsible federal authorities; be it further

"*Resolved,* That until meaningful progress is made on the search for a permanent repository for government owned spent fuel, including those fuels of Naval origin, that all shipments of fuel into Idaho be halted with Naval fuels to be stored at Naval shipyards and Department of Energy fuels to be stored at their point of origin; and be it further

"*Resolved,* That the Chief Clerk of the House of Representatives, be, and she is hereby authorized and directed to forward a copy of this resolution to the President of the United States, the Department of Energy, the Department of Defense, the Secretary of the Navy, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM–62. A resolution adopted by the American Society of Mammalogists relative to acoustic pollution of the marine environment; the Committee on Environment and Public Works.

POM–63. A resolution adopted by the American Fisheries Society (Missouri Chapter) relative to the Clean Water Act reauthorization; to the Committee on Environment and Public Works.

POM–64. A resolution adopted by the American Fisheries Society (Missouri Chapter) relative to the Endangered Species Act reauthorization; to the Committee on Environment and Public Works.

POM–65. A resolution adopted by the American Fisheries Society (Missouri Chapter) relative to the National Biological Service; to the Committee on Environment and Public Works.

POM–66. A resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works.

"HOUSE JOINT MEMORIAL NO. 2

"Whereas, a viable National Highway System is critical to the ability of the states and their communities to attract new industry and to sustain economic growth, and to the ability of manufacturers to build and deliver products, and also for the accomplishment of direct national interests including interstate commerce, national defense and the competitive position of the states and the nation in international trade; and

"Whereas, the National Highway System carries over forty percent of the total vehicular miles of travel and over seventy percent of the commercial truck traffic in the United States, thereby constituting the "backbone" of the intermodal national transportation system;

"Whereas, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 requires that after September 30, 1995, no federal funds may be made available for either the National Highway System or Interstate Maintenance Programs unless Congress has approved a law designating the National Highway System;

"Whereas, withholding these funds would create a severe financial impact on the transportation programs of Idaho and the other states and would disrupt delivery of needed transportation services to the public: Now, therefore, be it

"*Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein,* That we petition the United States Congress to approve the National Highway System, as submitted to the Congress previously, prior to September 30, 1995; and be it further

"*Resolved,* That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM–67. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION NO. 6

"Whereas, the Missouri River is a major waterway of the United States, bordering the entire western side of the state of Iowa for more than 200 miles; and

"Whereas, the average volume of water that flows past the cities of Omaha, Nebraska, and Council Bluffs, Iowa, equals 32,120 cubic feet per second which is equivalent to approximately 23 million acre-feet per year; and

"Whereas, the drainage area above Omaha, Nebraska, and Council Bluffs, Iowa, equals 232,000 square miles; and

"Whereas, Iowa is one of the nation's preeminent agricultural states, and consistently one of the leading states in both corn and soybeans production; and

"Whereas, Iowa and other upper midwestern states bordering the Missouri River represent a major grain-producing region of the United States; and

"Whereas, the Missouri River is used to transport a significant proportion of the region's grain bound for export markets; and

"Whereas, the United States Army Corps of Engineers has completed a draft environmental impact statement, containing findings embodied in a United States Army Corps of Engineers study referred to as the Missouri River Master Water Control Manual Review and Update; and

"Whereas, the draft version of the environmental impact statement analyzes a new method of operation for the Missouri River system which will result in an additional flow of water in the spring, shorter navigation seasons, and further reductions in service to navigation; and

"Whereas, the rising river level in the spring as contemplated in the plan proposed by the United States Army Corps of Engineers will increase risks to land along the river by causing additional flooding, increasing groundwater tables, and reducing the effectiveness of drainage systems, including the effectiveness of gate valves along the river designed to facilitate drainage; and

"Whereas, the Missouri River contributes between 40 and 50 percent of the water flow to the Mississippi River south of the rivers' confluence, between St. Louis, Missouri, and Cairo, Illinois; and

"Whereas, the loss of water flow could reduce levels at the Port of St. Louis by two to five feet, creating significant increases in the cost of transporting grain exports throughout the middle Mississippi during peak shipping seasons; and

"Whereas, the barge share of grain movements to export ports increased from 43 percent in 1974 to 54 percent in 1991 and most of this barge grain traffic is on the Mississippi River system; and

"Whereas, reductions in support to navigation and the lack of water flowing into the river during dry or drought periods will reduce the commercial value of the Missouri River to an extent that the continued existence of vital barge traffic on the river will be jeopardized; Now therefore, be it

"*Resolved by the Senate, the House of Representatives concurring,* That the plan proposed by the United States Corps of Engineers to dramatically alter the operation of the Missouri River threatens land neighboring the river and the vitality of navigation on the river which is essential to commerce; and be it further

"*Resolved,* That the United States Army Corps of Engineers is urged to reevaluate its proposal and maintain the current operation of the river or consider an alternative plan that does not negatively impact upon Iowa and other states bordering the Missouri River; and be it further

"*Resolved,* That if the plan proposed by the United States Army Corps of Engineers is adopted administratively, that the Iowa congressional delegation cooperate to take all actions necessary to ensure that moneys are not made available for the proposal's implementation; and be it further

"*Resolved,* That copies of this resolution be sent to the President of the United States; the Chief of Engineers, United States Army Corps of Engineers; the Missouri River Division Commander, United States Army Corps of Engineers; the President of the United States Senate; the Speaker of the United States House of Representatives; and members of Iowa's congressional delegation."

POM-68. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

"JOINT RESOLUTION

"Whereas, the federal Clean Air Act requires that each state in which moderate ozone nonattainment areas are located submit a revision to the state's implementation plan to provide for a 15% reduction of volatile organic compound emissions by November 15, 1996; and

"Whereas, this requirement applies to the State of Maine; and

"Whereas, a significant portion of the volatile organic compound emissions present in the State have been transported from other states; and

"Whereas, the programs necessary to achieve the required reduction in emissions will result in an immense economic burden on the citizens of the State of Maine; now, therefore, be it

"*Resolved,* That, We, your Memorialists, respectfully urge and request the United States Congress to enact legislation that eliminates the requirement that Maine achieve a 15% reduction of volatile organic compound emissions; and be it further

"*Resolved,* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation."

POM-69. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

"JOINT RESOLUTION

"Whereas, we, your Memorialists, the Members of the One hundred and Seventeenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Members of Congress of the United States, as follows:

"Whereas, as 7 counties in Maine were determined by the federal Environmental Protection Agency as moderate nonattainment areas required by the federal Clean Air Act Amendments of 1990, Section 182(B), (1), to submit a state implementation plan to meet the requirements of that Act; and

"Whereas, as 4 Maine counties may no longer fall under the federal Environmental Protection Agency guidelines as nonattainment areas causing a necessary change in the State's implementation plan; and

"Whereas, as the State of Maine is currently in a contract for IM/240 testing based on the original determination of the federal Environmental Protection Agency for the necessity of IM/240 testing in nonattainment areas; and

"Whereas, the federal Environmental Protection Agency is currently making a full reevaluation of the necessity of the testing; and

"Whereas, conclusive scientific data showing the extent of out-of-state airborne pollutants coming into Maine from outside sources is still being accumulated; and

"Whereas, the State values its heritage of clean air for the health, safety and well-being of our citizens, environment and economy, and needs time to structure an appropriate and cost effective plan that works best for Maine's unique assets and needs; now, therefore, be it

"*Resolved,* That We, your Memorialists, respectfully petition and urgently seek your support to request a one-year suspension of the July 26, 1995 deadline for sanctions against the State of Maine; and be it further

"*Resolved,* That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-70. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION NO. 13

"Whereas, Bruce R. Thompson served with distinction as a United States District Judge in Nevada for nearly 30 years; and

"Whereas, Bruce R. Thompson, throughout his distinguished career as an attorney and a judge, exemplified the highest ideals of the legal profession; and

"Whereas, Bruce R. Thompson was widely recognized as an esteemed and gifted jurist who epitomized judicial wisdom and decorum; and

"Whereas, Bruce R. Thompson served Nevada not only as a judge but also as an active and outstanding member of the civic community; and

"Whereas, Overwhelming and unprecedented community support exists to pay tribute to Bruce R. Thompson as a preeminent Nevadan and jurist; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the members of the 68th session of the Nevada Legislature hereby urge Congress to name the new federal courthouse under construction in the City of Reno the "Bruce R. Thompson Federal Courthouse"; and be it further

"*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

POM-71. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 329

"Whereas, the Ozone Transport Commission (OTC) has recommended to the federal Environmental Protection Agency (EPA) the imposition of a low-emission vehicle (LEV) program throughout the northeastern United States, including Northern Virginia, an action to which the General Assembly of Virginia, in House Joint Resolution No. 1 of the 1994 Regular Session, has already expressed its opposition; and

"Whereas, use of subsidies, selective tax benefits, or other financial incentives are appropriate means of encouraging the development of alternative fuel technologies and their accompanying infrastructure and stimulating a market for alternative fuel vehicles; and

"Whereas, experience has disclosed a tendency for the Clean Air Act Amendments (CAAA), the federal Energy Policy Act (EPACT), and EPA regulations to be used by the federal bureaucracy to impose mandates upon the states without any consultation or consideration of state legislatures or other elected representatives of the people who will ultimately have to bear the financial and other costs of these mandates; and

"Whereas, the final decision on the appropriateness of such mandates as part of an air pollution control and reduction program should be left in the hands of state legislators and other elected representatives of affected people, and not be imposed by the federal bureaucracy; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring,* That the Congress of the United States be hereby memorialized to refrain from imposing upon the states, through the medium of the Clean Air Act Amendments of 1990, the Energy Policy Act of 1992, or federal regulations, any program of mandates except after consultation with and the cooperation of the legislatures of the affected states; and be it

"*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly in this matter."

POM-72. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 297

"Whereas, the Commonwealth acquired lands and established False Cape State Park in Virginia Beach for the purpose of conserving the natural and cultural values of these lands and making these lands available for the beneficial use of Virginians and their guests; and

"Whereas, the United States Government, through the Department of Interior, assisted the Commonwealth in the acquisition and development of this state park with the full understanding that the Park would require reasonable and permanent access through the lands of Back Bay National Wildlife Refuge; and

"Whereas, the Commonwealth has acted in good faith on numerous occasions to attempt to establish reasonable access to the Park, including the Virginia legislature's endorsement of park management guidelines and authorization to negotiate land exchange agreements with the federal government; and

"Whereas, the federal government has consistently thwarted the efforts of the Commonwealth to establish reasonable access to the Park by placing such unreasonable demands upon the Commonwealth as (i) requiring that disproportionate amounts of state land be exchanged for federal lands, (ii) placing an unreasonably high valuation on federal lands as compared to state lands, and (iii) imposing the Refuge's vehicle-permitting requirements on resident park employees; and

"Whereas, although limited access through the Refuge to the Park has existed on an interim basis for many years, the federal government has recently taken action to severely reduce this access, ostensibly basing this decision on a study conducted by employees of the National Wildlife Refuge, which is flawed in its methodology and conclusions; and

"Whereas, the Commonwealth has steadfastly managed its property at False Cape State Park in a manner which (i) exhibits good conservation practices and good stewardship, resulting in the protection and enhancement of one of the last barrier spit ecosystems and (ii) serves the mission of the Park and greatly enhances the mission of Back Bay National Wildlife Refuge; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring,* That the Congress of the United States be hereby requested to support, through the passage of federal legislation, if needed, the establishment of a permanent access corridor through Back Bay National Wildlife Refuge to False Cape State Park. The establishment of this corridor should guarantee legal access to the Park and should not be subject to revocation or further restrictions by the federal government; and, be it

"*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the Virginia General Assembly in this matter."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Special Report entitled "Legislative Activities of the Committee on Labor and Human Resources, U.S. Senate, During the 103d Congress, 1993–94" (Rept. No. 104–22).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 652. An original bill to provide for a procompetitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes (Rept. No. 104–23).

By Mr. STEVENS, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. Res. 24. A resolution providing for the broadcasting of press briefings on the floor prior to the Senate's daily convening.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LOTT (for himself, Mr. BURNS, Mr. COCHRAN, Mr. CRAIG, Mr. FAIRCLOTH, Mr. HATCH, Mr. INHOFE, Mr. KYL, Mr. MACK, Mr. MURKOWSKI, and Mr. SHELBY):

S. 647. A bill to amend section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require phasing-in of certain amendments of or revisions to land and resource management plans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COHEN (for himself, Mr. D'AMATO, Mr. BENNETT, and Mr. FAIRCLOTH):

S. 648. A bill to clarify treatment of certain claims and defenses against an insured depository institution under receivership by the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SIMON (for himself, Mr. MCCAIN, Mr. MACK, Ms. MOSELEY-BRAUN, Mr. WARNER, Mr. PELL, Mr. INOUYE, Mr. MOYNIHAN, Mr. DODD, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. JEFFORDS, Mr. ROBB, Mr. AKAKA, and Mr. WELLSTONE):

S. 649. A bill to authorize the establishment of the National African American Museum within the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. SHELBY (for himself, Mr. MACK, Mr. D'AMATO, Mr. BRYAN, Mr. BENNETT, Mr. FAIRCLOTH, Mr. BOND, Mr. GRAMM, and Mr. DOLE):

S. 650. A bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN:

S. 651. A bill to establish the Office of the Inspector General within the General Accounting Office, modify the procedure for congressional work requests for the General Accounting Office, establish a Peer Review Committee, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PRESSLER:

S. 652. An original bill to provide for a procompetitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

By Mr. KERRY (for himself and Mr. KENNELY):

S. 653. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel AURA; to the Committee on Commerce, Science, and Transportation.

S. 654. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SUNRISE; to the Committee on Commerce, Science, and Transportation.

S. 655. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel MARANTHA; to the Committee on Commerce, Science, and Transportation.

S. 656. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel QUIETLY; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself and Mr. ROBB):

S. Res. 97. A resolution expressing the sense of the Senate with respect to peace and stability in the South China Sea; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself, Mr. Burns, Mr. Cochran, Mr. Craig, Mr. Faircloth, Mr. Hatch, Mr. Inhofe, Mr. Kyl, Mr. Mack, Mr. Murkowski, and Mr. Shelby):

S. 647. A bill to amend section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require phasing-in of certain amendments of or revisions to land and resource management plans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

TIMBER RESOURCE MANAGEMENT LEGISLATION

Mr. LOTT. Mr. President, it is time to require the U.S. Forest Service to act in a responsible manner when amending it's forest management plans and prior to revising its land and resource management plans.

It is unfortunate that it is necessary to legislate this requirement, but past performance such as red cockaded woodpecker in the South and the spotted owl in the Northwest has made this necessary.

Today is a special day. Six years ago is when the U.S. Forest Service unilaterally implemented arbitrary changes to forest management plans in the southern region and ignored one of its missions by reducing timber harvesting. And for 6 years elected officials have worked to reestablish responsible management.

I am reintroducing my resolution which was adopted in the last Congress. However, this time my legislation will formally amend the National Forest Management Act of 1976.

In 10 words or less my bill will: "require the Forest Service to phase-in forest management plan changes." That is all.

This legislation will not prevent the Forest Service, or any other Federal agency, from taking actions to protect endangered species.

This legislation will not change one environmental statute.

This legislation will not gut any environmental policies.

This legislation will not jeopardize any efforts to protect endangered species.

In fact, I would argue it will cause a greater public acceptance, awareness, and respect for environmental policies.

This legislation merely dictates common sense to ensure a balanced and economically responsible plan is established.

Let me be very clear, if my colleagues have a national forest in their State, then they have a potential problem.

Previous forest management policy changes have failed to anticipate societal consequences on communities and families. Severe economic devastation occurred.

I am not talking about hypothetical situations. Talk to the people in timber communities in Oregon, Washington, and Liberty County, FL. This is real and this is not smart.

In the last Congress, I saw a number of legislative provisions adopted to help communities already destroyed by changes in how forests are managed. These legislative solutions were expensive and necessary. It is an unfortunate thing that they were required, but let members not perpetuate this reactive legislative mode.

This legislative goal is to avoid having to enact expensive remedies after the fact. Congress needs to get in front of the problems caused by the Forest Service.

The legislation I am introducing here today has a goal of avoiding having to enact expensive remedies after the fact. Congress needs to get in front of the problems caused by the Forest Service.

This legislation involves an uncomplicated inexpensive four criteria phase-in process. In fact, it was examined by the Department of Agriculture when it was a resolution last year. All of its concerns were incorporated in the language that was accepted in the last day of the session.

This legislation is straightforward.

This legislation ensures that common sense and economic issues are factored into policies which change forest management plans.

This legislation will preclude devastating economic impacts from public policies by suddenly reducing annual timber harvests. This produces significant job losses and financial ruin. It damages schools. In small communities it has unbelievable consequences quite often when it is just put into effect without proper consideration.

It makes sense to create a cost effective and smooth glidepath for timber-dependent communities as forest management plans are changed. It makes double sense to do this upfront, not after families and communities have been disrupted, devastated, and damaged in many ways.

The bill will restore the essential balance which the Forest Service must maintain. The Forest Service must not emphasize a single mission at the expense of other resources.

The bill will not challenge or prohibit the policies which protect our public forests. Rather it recognizes and explicitly acknowledges that our national forests have a multiple use mission which cannot be ignored. I think we have been slipping away from that in recent years.

The legislative approach in a word is "cash-flow." It means that the forest to be set aside will provide for just the habitat of the existing colony of the endangered species.

We have had a recent proposal that 100,000 acres in the district of a national forest be set aside for a colony of red cockaded woodpeckers. I thought a colony was maybe 1,000 birds or something for 100,000 acres. It was five—five birds. Common sense is what we are asking for here in our forest management policy.

The set-aside would then increase, based on the growth of the population of the protected species. This means that the original set-aside will not be based on the size of the final colony, a goal which may not be reached for generations.

However, the Forest Service, under current policies, will immediately set aside the full habitat area—100,000 acres perhaps—for foraging, even though the species population will not require this area for well into the next century, maybe never. This is neither environmentally nor economically sound.

The Forest Service approach is an arrogant abuse of public assets entrusted to them. I believe current Forest Service practices are counterproductive to public acceptance of environmental policies.

I urge my colleagues to take a close look at this legislation. I will be looking for a way to move it. We had broad bipartisan support last year when it was just a resolution. I hope that we can find a bill that we can attach it to. If not, I will be looking for a vehicle to offer it as an amendment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHASING-IN OF AMENDMENTS OF AND REVISIONS TO LAND AND RESOURCE MANAGEMENT PLANS.

(a) In General.—Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) is amended by adding at the end the following:

"(n) Phasing-in of Changes to Land and Resource Management Plans.—

"(1) In general.—When the Secretary amends or revises a land or resource management plan with the purpose of increasing the population of a species in a unit of the National Forest System or in any area within a unit, the Secretary shall, to the greatest extent practicable and except when there is an imminent risk to public health, phase in the amendment or revision over an appropriate period of time determined on the basis of the considerations described in paragraph (2).

"(2) Considerations.—The considerations referred to in paragraph (1) are—

"(A) the social and economic consequences to local communities of any new policy contained in an amendment or revision;

"(B) the length of time needed to achieve the population increase that is the objective of the amendment or revision;

"(C) the cost of implementation of the amendment or revision; and

"(D) the financial resources available for implementation of the amendment or revision.".

(b) Application of Amendment.—The amendment made by subsection (a) shall apply to any amendment of or revision to a land or resource management plan described in the amendment that is proposed on or after the date of enactment of this Act or that has been proposed but not finally adopted prior to the date of enactment.

By Mr. COHEN (for himself, Mr. D'AMATO, Mr. BENNETT, and Mr. FAIRCLOTH):

S. 648. A bill to clarify treatment of certain claims and defenses against an insured depository institution under receivership by the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE D'OENCH DUHME REFORM ACT

Mr. COHEN. Mr. President, I rise today to introduce the D'Oench Duhme Reform Act. I think it is safe to say that very few Members of this body have ever heard of the D'Oench Duhme doctrine, or understand why the Senate should spend its time reforming this arcane area of Federal banking law. But I submit that the problems that have arisen with respect to D'Oench Duhme are symptomatic of the more general problem that we see today of government acting without regard to the impact of its actions on the citizenry. Governmental arrogance of this sort corrodes public confidence in its political institutions and hinders the ability of government to act in the public interest. So the bill I introduce today has two purposes: It aims to fix a legal doctrine that has victimized hundreds of innocent people. But it also is designed to help restore confidence in government in general by reforming a law that is fundamentally unfair.

I am very pleased to announce that Senators D'AMATO, BENNETT, and FAIRCLOTH are joining me as original cosponsors of the D'Oench Duhme Reform Act. I look forward to working with them as the bill is considered in the Banking Committee.

The D'Oench Duhme doctrine is based on a 1942 Supreme Court case and a Federal statute enacted in 1950. The original purpose of the doctrine was to protect the interests of Federal bank regulatory agencies by making secret side agreements that do not appear in the records of an insured bank unenforceable when a bank fails and banking agency is appointed receiver.

Over the years, however, this salutary purpose has been perverted into a national policy allowing the FDIC and RTC to slam the courthouse door in the face of litigants asserting claims and defenses that have nothing to do with secret side agreements. In many cases, the claimants have been victims of fraud by bank officials. Nonetheless, if the litigants' claims or defenses were based in any way on oral, unrecorded representations, the FDIC and RTC have successfully used D'Oench Duhme to lower the boom and get the claims dismissed. Individuals are abused twice—once by the bank and then again by the Government. The sad fact is that these individuals often think that they have been treated worse by the FDIC or RTC than they were by the bank that defrauded them.

In January, the Subcommittee on the Oversight of Government Management, which I chair, held a hearing on the FDIC and RTC's misapplication of this powerful legal doctrine. The subcommittee heard testimony from individuals who have been victimized by the FDIC and RTC's use of D'Oench Duhme, an attorney who has represented dozens of clients against these agencies, and a panel of legal scholars. All of these witnesses documented that the Federal courts, at the urging of the FDIC and RTC, have expanded the doctrine in a way that has led to fundamentally unfair, and unjustifiable, results.

I was especially struck by the testimony a professor who had represented the FDIC in a case where an elderly couple had obviously been victimized by officers of a savings and loan. In fact, the officers of the S&L were eventually convicted on 30 counts of bank fraud. Nonetheless, the professor succeeded in getting the elderly couple's civil case against the FDIC dismissed pursuant to the D'Oench Duhme doctrine. The patent unfairness of this result led the professor to write a law review article criticizing the unjustified expansion of the D'Oench doctrine.

I also want to remind the Senate of an extraordinary case from Boston involving Rhetta and John Sweeney that I brought to the Senate's attention last summer. After a lengthy trial in State court, in which a jury decided the Sweeney's were liable on a mortgage, the trial court in a separate decision ruled that they had been defrauded by ComFed bank and won a $3 million verdict. But when ComFed failed and the RTC took over as receiver, the case was removed to Federal court days before the court's decision was written, and then dismissed based under D'Oench Duhme. Now the Sweeneys are now facing the loss of their family home. For the Sweeneys, D'Oench Duhme has meant just that—doom.

These examples are just the tip of the iceberg. D'Oench Duhme has been invoked by the FDIC to bar claims in approximately 5,145 cases since 1989. Countless other claimants probably have not even bothered to file claims based on their knowledge of the sweeping power of the D'Oench doctrine. These claimants may not have valid claims, but at least they should have the chance to have their cases heard on the merits.

The current law is unfair and arbitrary. Bank customers are permitted to assert claims and defenses based on oral representations against solvent banks, but a different law—D'Oench Duhme—applies once a bank becomes insolvent.

The FDIC and RTC have arrogated to themselves power that has not been granted to them by Congress. They have done so based on the belief that Congress wants them to resolve failed institutions as inexpensively as possible. But Congress did not authorize the FDIC and RTC to trample over individual rights for the purpose of reducing the cost of bank and thrift failures. The whole purpose of the bank insurance system has been secure public confidence in the banking system and spread the cost of bank failures to the public as a whole. D'Oench Duhme undermines both purposes. It degrades public confidence in the banking system by permeating the resolution process with fundamental unfairness. It also places a disproportionate share of the burden of bank failure on individuals who have done nothing wrong but to have had the misfortune of choosing to do business with a bank that eventually failed.

The legislation I am introducing today will correct this inequity. Its purpose is to restore D'Oench Duhme to its original, narrow purpose. Consequently, the bill continues to bar claims and defenses based on secret side agreements entered into by bank insiders. But the bill provides relief victims of bank fraud by opening the courthouse doors and allowing them to have their day in court.

Reform of the D'Oench Duhme doctrine is necessary to restore fundamental fairness to our banking law. Mr. President, I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

SECTION 2—FINDINGS AND PURPOSES

This section explains that under current law, federal banking agencies can use two separate lines of authority to bar claims brought against them, a federal common law doctrine developed pursuant to the Supreme Court case D'Oench Duhme & Co. v. FDIC (1942), and a federal statute, section 13(e) of the Federal Deposit Insurance Act ("FDIA"). This section represents a congressional finding that the use of these authorities by federal banking agencies have led to fundamentally unfair results because individuals with potentially valid claims and defenses against depository institutions have been barred from bringing such claims when the institutions fail and are taken over by federal banking agencies.

This section also states that the purposes of the bill are to unify the two doctrines so that all cases are handled according to the federal statute and modify the statute so that certain intentional tort and other claims and defenses may be adjudicated on the merits.

SECTION 3—CLARIFICATION

This section amends section 13(e) of the FDIA as follows:

Section (e)(1) provides that agreements relating to assets acquired by federal banking agencies during a receivership, conservatorship, or by purchase and assumption, are not enforceable against the agency unless they are in writing and were executed in the normal course of business. This section changes current laws by streamlining the recordation requirements that must be met for an agreement to be enforceable against the federal banking agencies.

Section (e)(2) clarifies that certain claims and defenses may be raised against the federal banking agencies, despite the fact that unwritten agreements are made unenforceable under section (e)(1). These claims and defenses include claims that do not relate to an asset acquired by the Corporation, claims that relate to transactions that would not normally be recorded in the official records of a depository institution, and claims commenced before the appointment of a receiver or conservator. In addition, intentional tort claims and claims based on state or federal statutory law may be filed against the federal banking agencies after their appointment as receiver or conservator so long as the parties asserting the claims did not participate in a scheme to defraud bank officials or federal bank examiners.

Section (e)(3) overrules a number of federal cases which hold that the federal banking agencies should be treated as if they were "holders in due course" and therefore immunized from certain categories of claims and defenses. This section clarifies that a federal banking agency may only be considered a "holder in due course" if it meets all the requirements for such status under the applicable state law.

Section (e)(4) provides that agreements for the sale or purchase of goods and services are enforceable against the federal banking agencies.

SECTION 4—REPEAL

This section repeals section 11(d)(9) of the FDIA because it would be rendered redundant by other sections of the bill.

SECTION 5—CONFORMING AMENDMENTS

SECTION 6—APPLICABILITY

This section provides that the bill will apply retroactively to all claims and litigation in progress on or after October 19, 1993.

Mr. D'AMATO. Mr. President, I rise today in support of the legislation sponsored by my esteemed colleague from Maine, Senator COHEN, to reform the legal doctrine known as D'Oench, Duhme. This doctrine has been expanded by banking agencies and courts far beyond it original intent. D'Oench, Duhme robs citizens of legal defenses after they have been defrauded by their lending institutions, and those institutions have, in turn, been taken over by the FDIC and RTC.

In 1942, the Supreme Court decided D'Oench, Duhme & Co. versus FDIC. D'Oench, Duhme & Co.—"D'Oench"—executed unconditional promissory notes to the Bellville Bank & Trust Co. O'Oench entered into a secret agreement with the bank that the notes would not be called for payment. In 1938, the bank failed and the FDIC acquired the notes. The FDIC demanded payment and learned of the secret agreement. The Court held that the notes were enforceable and dismissed the agreement between D'Oench and the bank.

In 1950, Congress attempted to codify the D'Oench, Duhme doctrine in the Federal Deposit Insurance Act [FDIA]. The statute set forth requirements for agreements which would defeat the interest of the FDIC in an asset of an acquired institution. Such agreements are unenforceable unless they are in writing, have been formally recorded in bank records, and have been approved by the bank's board of directors.

The statute expanded the D'Oench decision by allowing the FDIC to use the doctrine against borrowers who did not commit fraud or enter into a secret agreement. However, the statute limited the doctrine by applying it only to the FDIC's interest in an acquired asset.

The D'Oench, Duhme doctrine was originally adopted to protect taxpayers from secret agreements between banks and borrowers. Narrowly construed, D'Oench, Duhme allows the FDIC and RTC to collect on an institution's loans and save taxpayer dollars. Unfortunately, the doctrine has been distorted into a weapon against innocent fraud victims.

Under the D'Oench, Duhme doctrine, courts have routinely ignored the asset requirement for consideration. Courts have also regularly applied the doctrine to innocent borrowers who did not commit fraud or enter into secret agreements. Some courts have granted the FDIC and RTC the status of holder in due course. A party who gains this status takes an instrument free from virtually any defenses. Therefore, a holder in due course is immune to a defense of fraud in the inducement, as well as any of the other personal defenses. It makes no sense to punish fraud victims for the misconduct of their lending institution, but that is exactly what the doctrine does.

The Federal banking agencies have zealously applied the D'Oench, Duhme doctrine. Cleaning services and other private vendors have not been paid because the agencies have used the doctrine to avoid making payments to them. Innocent small businesses should not be left bankrupt because the institution which hired them was taken over by the FDIC and RTC.

The D'Oench, Duhme Reform Act would amend the FDIA to ensure that fraud victims can assert valid legal defenses. Claims commenced before the appointment of an agency as receiver would not be cut short by D'Oench, Duhme. Fraud claims could be asserted after the appointment of an agency only if the party asserting the claim did not participate in any part of the fraud.

Under this bill, the Federal banking agencies could not gain the status of a holder is due course unless they meet the requirements for such status under the applicable state law. Agreements made by a lending institution for the purchase of goods and services would be enforceable against the FDIC and RTC.

The D'Oench, Duhme Reform Act would not automatically grant relief to people who claim they were defrauded. Secret agreements would remain unenforceable. This bill would simply give fraud victims their day in court.

Mr. President, innocent people are losing their homes and businesses. Hardworking, honest people are defrauded, and then they are victimized again by the banking agencies. The FDIC and RTC are railroading these people into foreclosure. This practice is grossly unfair and must be stopped. Mr. President, the D'Oench, Duhme Reform Act will do just that.

By Mr. SIMON (for himself, Mr. MCCAIN, Mr. MACK, Ms. MOSELEY-BRAUN, Mr. WARNER, Mr. PELL, Mr. INOUYE, Mr. MOYNIHAN, Mr. DODD, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. JEFFORDS, Mr. ROBB, Mr. AKAKA, and Mr. WELLSTONE):

S. 649. A bill to authorize the establishment of the National African American Museum within the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

THE NATIONAL AFRICAN AMERICAN MUSEUM ACT

Mr. SIMON. Mr. President, I reintroduced a bill that would authorize the establishment of an African-American Museum within the Smithsonian Institution. My colleague, Congressman JOHN LEWIS, offered the companion measure in the House on February 1, 1995.

The purpose of this legislation is to inspire and educate our Nation and the world about the cultural legacy of African-Americans and the contributions made by African-Americans.

Throughout American history, two racial groups—African-Americans and native Americans—have been consistently mistreated and underrepresented. To help make up for this mistreatment, a memorial to the native American experience has already been authorized. This legislation would commemorate the African-American community and experience.

There are many wonderful private museums that are dedicated to the preservation and presentation of the African-American art, culture and history. These museums contribute greatly to their communities, and should continue. On a different scale, however, there should be a national African-American Museum. We need an institution that can serve as a national and international center.

A national museum dedicated to education and research would provide a broader and better understanding of the contributions made by African-Americans. The inadequate presentation and preservation of African-American life, art, history and culture undermines the ability of Americans to understand themselves and their past.

With a better understanding of our collective past, we will be a stronger

Nation. There are many issues abroad and at home that clamor for our immediate attention. To face these issues, we need a comprehensive understanding of our history.

Of the 30 million visitors to the Smithsonian every year, many are from other countries. After visiting the African-American museum, these travelers will have a more complete understanding of our Nation.

Mr. President, I recognize that these are times of fiscal constraint. This legislation does not require any additional appropriation.

Currently, one corner of the Smithsonian's Arts and Industries Building has been set aside for the African-American Museum project. Claudine Brown, the project's current director, and her staff have worked hard on this temporary exhibit. Ms. Brown will soon be leaving the project to return to New York. Her contribution has helped to lay the foundation upon which we can now build.

I was disappointed last Congress when this legislation did not pass the Senate prior to adjournment last Congress. That unfortunate outcome, however, makes our renewed initiative all the more pressing. I urge my colleagues to join me in support of the National African American Museum Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National African American Museum Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the presentation and preservation of African American life, art, history, and culture within the National Park System and other Federal entities are inadequate;

(2) the inadequate presentation and preservation of African American life, art, history, and culture seriously restrict the ability of the people of the United States, particularly African Americans, to understand themselves and their past;

(3) African American life, art, history, and culture include the varied experiences of Africans in slavery and freedom and the continued struggles for full recognition of citizenship and treatment with human dignity;

(4) in enacting Public Law 99–511, the Congress encouraged support for the establishment of a commemorative structure within the National Park System, or on other Federal lands, dedicated to the promotion of understanding, knowledge, opportunity, and equality for all people;

(5) the establishment of a national museum and the conducting of interpretive and educational programs, dedicated to the heritage and culture of African Americans, will help to inspire and educate the people of the United States regarding the cultural legacy of African Americans and the contributions made by African Americans to the society of the United States; and

(6) the Smithsonian Institution operates 15 museums and galleries, a zoological park, and 5 major research facilities, none of which is a national institution devoted solely to African American life, art, history, or culture.

SEC. 3. ESTABLISHMENT OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a Museum, which shall be known as the "National African American Museum".

(b) PURPOSE.—The purpose of the Museum is to provide—

(1) a center for scholarship relating to African American life, art, history, and culture;

(2) a location for permanent and temporary exhibits documenting African American life, art, history, and culture;

(3) a location for the collection and study of artifacts and documents relating to African American life, art, history, and culture;

(4) a location for public education programs relating to African American life, art, history, and culture; and

(5) a location for training of museum professionals and others in the arts, humanities, and sciences regarding museum practices related to African American life, art, history, and culture.

SEC. 4. LOCATION AND CONSTRUCTION OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

The Board of Regents is authorized to plan, design, reconstruct, and renovate the Arts and Industries Building of the Smithsonian Institution to house the Museum.

SEC. 5. BOARD OF TRUSTEES OF MUSEUM.

(a) ESTABLISHMENT.—There is established in the Smithsonian Institution the Board of Trustees of the National African American Museum.

(b) COMPOSITION AND APPOINTMENT.—The Board of Trustees shall be composed of 23 members as follows:

(1) The Secretary of the Smithsonian Institution.

(2) An Assistant Secretary of the Smithsonian Institution, designated by the Board of Regents.

(3) Twenty-one individuals of diverse disciplines and geographical residence who are committed to the advancement of knowledge of African American art, history, and culture, appointed by the Board of Regents, of whom 9 members shall be from among individuals nominated by African American museums, historically black colleges and universities, and cultural or other organizations.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Board of Trustees shall be appointed for terms of 3 years. Members of the Board of Trustees may be reappointed.

(2) STAGGERED TERMS.—As designated by the Board of Regents at the time of initial appointments under paragraph (3) of subsection (b), the terms of 7 members shall expire at the end of 1 year, the terms of 7 members shall expire at the end of 2 years, and the terms of 7 members shall expire at the end of 3 years.

(d) VACANCIES.—A vacancy on the Board of Trustees shall not affect its powers and shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of the term.

(e) NONCOMPENSATIO±±N.—Except as provided in subsection (f), members of the Board of Trustees shall serve without pay.

(f) EXPENSES.—Members of the Board of Trustees shall receive per diem, travel, and transportation expenses for each day, including travel time, during which such members are engaged in the performance of the duties of the Board of Trustees in accordance with section 5703 of title 5, United States Code, with respect to employees serving intermittently in the Government service.

(g) CHAIRPERSON.—The Board of Trustees shall elect a chairperson by a majority vote of the members of the Board of Trustees.

(h) MEETINGS.—The Board of Trustees shall meet at the call of the chairperson or upon the written request of a majority of its members, but shall meet not less than 2 times each year.

(i) QUORUM.—A majority of the Board of Trustees shall constitute a quorum for purposes of conducting business, but a lesser number may receive information on behalf of the Board of Trustees.

(j) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Board of Trustees may accept for the Board of Trustees voluntary services provided by a member of the Board of Trustees.

SEC. 6. DUTIES OF THE BOARD OF TRUSTEES OF THE MUSEUM.

The Board of Trustees shall—

(1) recommend annual budgets for the Museum;

(2) consistent with the general policy established by the Board of Regents, have the sole authority to—

(A) loan, exchange, sell, or otherwise dispose of any part of the collections of the Museum, but only if the funds generated by such disposition are used for additions to the collections of the Museum or for additions to the endowment of the Museum;

(B) subject to the availability of funds and the provisions of annual budgets of the Museum, purchase, accept, borrow, or otherwise acquire artifacts and other property for addition to the collections of the Museum;

(C) establish policy with respect to the utilization of the collections of the Museum; and

(D) establish policy regarding programming, education, exhibitions, and research, with respect to the life and culture of African Americans, the role of African Americans in the history of the United States, and the contributions of African Americans to society;

(3) consistent with the general policy established by the Board of Regents, have authority to—

(A) provide for restoration, preservation, and maintenance of the collections of the Museum;

(B) solicit funds for the Museum and determine the purposes to which such funds shall be used;

(C) approve expenditures from the endowment of the Museum, or of income generated from the endowment, for any purpose of the Museum; and

(D) consult with, advise, and support the Director in the operation of the Museum;

(4) establish programs in cooperation with other African American museums, historically black colleges and universities, historical societies, educational institutions, and cultural and other organizations for the education and promotion of understanding regarding African American life, art, history, and culture;

(5) support the efforts of other African American museums, historically black colleges and universities, and cultural and other organizations to educate and promote understanding regarding African American life, art, history, and culture, including—

(A) the development of cooperative programs and exhibitions;

(B) the identification, management, and care of collections;

(C) the participation in the training of museum professionals; and

(D) creating opportunities for—

(i) research fellowships; and

(ii) professional and student internships;

(6) adopt bylaws to carry out the functions of the Board of Trustees; and

(7) report annually to the Board of Regents on the acquisition, disposition, and display of African American objects and artifacts and on other appropriate matters.

SEC. 7. DIRECTOR AND STAFF.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution, in consultation with the Board of Trustees, shall appoint a Director who shall manage the Museum.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees of the Museum, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and such 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) ARTS AND INDUSTRIES BUILDING.—The term "Arts and Industries Building" means the building located on the Mall at 900 Jefferson Drive, S.W. in Washington, the District of Columbia.

(2) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(3) BOARD OF TRUSTEES.—The term "Board of Trustees" means the Board of Trustees of the National African American Museum established in section 5(a).

(4) MUSEUM.—The term "Museum" means the National African American Museum established under section 3(a).

By Mr. SHELBY (for himself, Mr. MACK, Mr. D'AMATO, Mr. BRYAN, Mr. BENNETT, Mr. FAIRCLOTH, Mr. BOND, Mr. DOLE, and Mr. GRAMM):

S. 650. A bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION ACT OF 1995

• Mr. SHELBY. Mr. President, credit availability is vital to the livelihood of every American. It is the fuel that drives personal financial, business, and economic growth in this country.

Promoting greater credit availability should, therefore, be an important economic policy goal. I know that it is to me. For this reason, for the third Congress in a row, I am introducing comprehensive regulatory relief legislation aimed at reducing the burdens that drive up the cost of credit and hamper credit availability.

Three years ago, the Federal Financial Institutions Examination Council released a study that found that the regulatory cost of compliance was as high as $17.5 billion a year. Mr. President, that was 3 years ago. While Senator MACK and I were successful in gaining some relief last year in the Community Development Financial Institutions and Regulatory Relief Act, regulatory initiatives continue to flood the pages of the Federal Register, inflating it to all-time highs.

Mr. President, fighting Government regulation and regulatory burdens is not a one time battle; it is a constant battle. It is a war that never ends, but only ebbs.

After months of comments and input from bankers and regulators, Senator MACK and I have returned once again to forge an ambitious comprehensive reform bill that promises long-overdue relief to an overburdened financial services industry.

Like last year's bill, this year's bill targets laws and regulations that impose regulatory burdens which are extraneous to safety and soundness concerns and act to restrict rather than promote credit availability.

The bill strikes out at the giants that hold down lending with excessive costs, like Truth-in-Lending and RESPA, Truth-in-Savings, the Community Reinvestment Act, and other overly burdensome laws whose legitimate central purpose has been lost in a sea of regulation.

The bill streamlines or cuts duplicative and unnecessary reporting requirements, eliminates excessive compliance costs, and reforms laws that no longer make sense and cost the industry millions without any corresponding benefit to either the consumer or the health and stability of the banking system.

Mr. President, an example of a law that may have had good intentions but does not make sense and has cost the banking industry about $400 million is the Truth-in-Savings Act. A law intended to prevent institutions from calculating interest on investible balances has become a leviathon of Broad, highly complex disclosure requirements that extend far beyond the original intent of the law.

Consumer protection laws should do just that, Mr. President. Laws like Truth-in-Lending and Truth-in-Savings have become so complex that the actual benefits these laws confer on consumers are highly questionable.

Another law consistently identified as one of the most burdensome and in need of review is the Community Reinvestment Act. CRA is seen as all stick and no carrot. Even though banks expend significant resources to adequately comply with the law, they are susceptible to protests that promote meritless delay and result in extortive practices.

Large banks with billions in assets have less difficulty diverting assets to achieve compliance under the law than does the small, community bank. The livelihood of small banks—under $250 million in assets—is by their very nature dependent upon reinvesting in their community.

Mr. President, the costs on community banks are tangible and quantifiable, wile the benefits of imposing CRA compliance on community banks are illusive and questionable.

If not properly reformed, CRA threatens to be an albatross of redtape and complexity with little or no way of gauging its benefits or success.

Reducing regulatory burden and compliance costs on our financial institutions promotes credit availability, facilitates capital creation, and fuels our business, our communities, and our economy.

Mr. President, our bill today represents a starting point. The process is open and I expect a great deal of dialogue on the core of our bill as introduced, as well as many other relief provisions that may be raised for inclusion in the process.

Congressman BEREUTER is introducing similar regulatory relief legislation in the House today. Mr. President, with the support of the House and Senate leadership and Banking Committee Chairmen D'AMATO and LEACH, I am confident that our regulatory relief legislation will gain the same broad bipartisan support it enjoyed last year, and I would urge my colleagues to support this bill.

• Mr. BRYAN. Mr. President, today I am introducing legislation with Senator SHELBY, Senator MACK, and Senator D'AMATO to reduce the paperwork burden for our Nation's financial services companies. I believe we can streamline paperwork burdens and at the same time improve the usefulness of disclosures to consumers. Anyone who has recently gone through financing or refinancing a mortgage knows that too much paperwork can overwhelm consumers and defeat the purpose of these consumer disclosures.

I applaud the Clinton administration's efforts at regulatory relief and believe this bill will complement their efforts. For instance, the administration is expected to shortly release their revision of the Community Reinvestment Act [CRA], that should address many of the concerns we have over the application of the act. Once we have the opportunity to review the proposed revision, I expect we will make changes to the CRA provisions in this legislation.

We all support the goals of CRA but feel its implementation can be improved. I have heard from smalltown Nevada bankers who have to take personnel away from providing loans in order to meet paperwork requirements. I believe there are better ways to achieve the goals of CRA that don't entail the diversion of valuable resources. I look forward to working with the administration in crafting an effective CRA mechanism.

I believe this bill builds on the success of efforts last year to reduce unnecessary regulatory burdens. In the Community Development Banking and Financial Institutions Act, Public Law 103–325, a number of paperwork burdens were streamlined. I was particularly proud of the reforms we accomplished in the area of currency transaction reports [CTR's]. The law requires a 30-percent reduction in the number of CTR's financial institutions must file while, at the same time, improving law enforcement's ability to track down money launderers. These kinds of reforms are critical if we are to keep American industry competitive.

While I do not believe this legislation is perfect, I do believe it raises a number of areas which must be worked on and improved. The administration is aware of this need and will be working with us every step of the way. I am confident that we can craft legislation that both reduces unnecessary paperwork and improves consumer protection at the same time. That is my goal and will be my guiding principle throughout this process.

The thrust of this legislation is in the right direction. I do not support all of its provisions and, in fact, have difficulty with the magnitude of some of these changes. However, I believe this legislation starts us down the path of coming up with a compromise bill which President Clinton can sign.•

• Mr. BOND. Mr. President, today I am pleased to cosponsor the Economic Growth and Regulatory Paperwork Reduction Act of 1995. This bill opens the door for a meaningful deliberation on the regulatory burdens choking our Nation. As cochairman of the Senate Regulatory Relief Task Force with Senator HUTCHISON, we have examined our Nation's regulatory framework and identified those rules which impede economic growth without providing offsetting social benefits.

In particular, regulation is choking our Nation's banks. This legislation seeks to end the cycle of mounting regulation in that industry. I applaud the bill's efforts to eliminate burdensome rules and to streamline reporting and compliance procedures. My colleagues Senators SHELBY and MACK have provided a great starting point for the debate on banking regulation reform. I will continue to work with them in refining this legislation so that it upholds the safety and soundness of the banking system while satisfying the investment needs of our communities.

Mr. President, the cost of regulatory compliance is astounding. The Federal Financial Institutions Examination Council estimates that the industry's annual compliance costs exceed $17.5 billion. This burden is the result of decades of largely unintegrated legislative and regulatory initiatives.

Since 1968 our Nation's banks have faced a major new law almost every 11 months. In the past 5 years, Congress has passed more than 40 laws affecting bank operations. While most of these laws begin as well-intentioned ideas, they usually mushroom into administrative complexity unintended by Congress.

This layering of regulation—bill after bill, year after year—has created great inefficiency, redundancy, overlap, and common contradiction in the laws that govern the banking industry. We must end this cycle.•

By Mr. McCAIN:

S. 651. A bill to establish the Office of the Inspector General within the General Accounting Office, modify the procedure for congressional work requests for the General Accounting Office, establish a Peer Review Committee, and for other purposes; to the Committee on Governmental Affairs.

THE GENERAL ACCOUNTING OFFICE OVERSIGHT AND IMPROVEMENT ACT OF 1995

• Mr. McCAIN. Mr. President, today I am introducing the General Accounting Office Oversight and Reform Act. The GAO is Congress' watchdog, auditor, and analyst, and in carrying out its important mission the GAO has a significant influence on our Nation's legislative agenda.

Due to the importance of the GAO's mission, the Congress has an obligation to ensure that the agency meets the highest standards of excellence and maintains a reputation beyond reproach. Unfortunately, in recent years, numerous complaints about bias, partisanship, and inferior work quality have dogged the agency. The legislation I am introducing today will take the necessary remedial steps. It would institute independent oversight of the agency and bolster the GAO's internal quality control procedures.

Mr. President, the legislation seeks to create an independent office of the inspector general within the GAO. With a budget of over $400 million and over 4,000 employees, the GAO should have an independent officer to monitor its activities and improve the efficiency and effectiveness of its programs.

This proposal also seeks to institute a number of changes in GAO's operating procedures to enhance fairness, professionalism, and nonpartisanship. First, the bill would require the Comptroller General to notify the ranking member of a committee when the GAO is received from the chairman of a committee. It would also require notification in the CONGRESSIONAL RECORD when the GAO approves any work request. These measures will improve communication between GAO and Congress in a nonpartisan manner and address the concern that the GAO can be used for partisan sneak attacks.

Second, the bill would codify a GAO policy that gives equal status to requests from committee chairman and ranking members. As an objective investigator and fact finder, the GAO should be statutorily required to treat these requests equally. Third, the bill would also require the GAO to provide affected agencies with an opportunity to comment on GAO's findings and to include relevant comments in its investigative reports.

Only two-thirds of GAO's reports include such written input, and Members can ask the GAO to forgo contacting the agency. This practice is unfair and unwarranted.

Fourth, the bill would require the GAO to reference its sources of factual information and list all organizations contacted in the conduct of an investigation. This will reassure the Congress and the public that all reports are researched fairly and thoroughly.

Fifth, the bill will prohibit the release of any report until GAO's internal quality control procedures have been complied with. The premature release of unconfirmed reports should not be permitted.

In addition to these specific statutory changes, Mr. President, this legislation would establish a special GAO peer review committee to help craft appropriate and responsible measures.

Among the directives that this bill vests the panel with are: The formation of a formal GAO product review process which will enable agencies to appeal to the GAO to correct factual errors, and reconsider certain findings; the implementation of guidelines to eliminate inappropriate advocacy of policy; developing a policy that would enable congressional requesters to remain anonymous to the actual GAO auditors or investigators; ending duplicative or superfluous auditing and investigative activities; and reporting to the Congress on the number of man hours expended and the cost incurred by respondents to GAO audits.

Finally, Mr. President, the bill calls on the Comptroller General to implement the recommendations of the peer review committee to the greatest extent practicable. The Comptroller General will be required to notify the congressional leadership in writing regarding any peer review panel recommendations he rejects.

Let me say that I believe the GAO does an excellent job in many areas, and that most GAO employees are well trained, highly motivated, and honorable public servants. The Comptroller General should be congratulated on his many successes and his continued commitment to correct problems—real and perceived—at the GAO.

Nevertheless, the GAO has been the subject of disturbing criticism in recent years. Most disturbing is the perception that the GAO has become arbitrary and ineffective, and suffers from insufficient oversight of its own. The GAO cannot afford to have its credibility eroded by continuing questions about whether the GAO is subservient to major requesters, or that there has been a decline in knowledge of Federal programs.

Clearly, the GAO can only be as effective as its reputation for objectivity, fairness, and accuracy. I believe this legislation will help improve the reality and perception of all of these key factors. The enactment of this legislation would be good for the GAO, the Congress, and the people we have been elected to serve.

It is time for checks and balances at the GAO. The creation of an independent inspector general and improved quality control procedures at the GAO will ensure that the Congress and the American people have a watchdog of the highest integrity and excellence. We deserve that much and can afford no less.•

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 653. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Aura*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR "AURA"

• Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Aura* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 49 passengers on a charter business based out of Hull, MA. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign-made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1957, but since then has been owned and operated by American citizens. The owners of *Aura* have invested substantially more than the cost of building the boat in making repairs to it and maintaining it—in American shipyards with American products. They wish to start a small business, a charter boat operation, seasonally taking people out of Hull.

After reviewing the facts in the case of the *Aura*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Aura* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bills being introduced today.•

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 654. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwide trade for the vessel *Sunrise;* to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR "SUNRISE"

• Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Sunrise* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 12 passengers on a charter business based out of Boston, MA. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1989, but since then has been owned by American citizens, repaired in American shipyards, and maintained with American products. In addition, *Sunrise* is a catamaran, a type of vessel which was not built in the United States prior to 1992. The owners of *Sunrise* have invested substantially in the outfitting of the vessel and wish to start a small business, a charter boat operation, seasonally taking people out of Boston. At the present time they will not be in competition with any other similar vessels.

After reviewing the facts in the case of the *Sunrise*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Sunrise* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bills being introduced today.•

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 655. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Marantha*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR "MARANTHA"

• Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Marantha* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 20 passengers on a charter business based out of Boston. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1977, but since then has been owned and operated by American citizens. The owners of the vessel have invested substantially more than the cost of building the boat in making repairs and maintaining the vessel in American shipyards with American products. The owners wish to start a small business, a charter boat and charter fishing operation, seasonally taking people out of Boston.

After reviewing the facts in the case of the *Marantha*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Marantha* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bill being introduced today.•

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 656. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Quietly;* to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR "QUIETLY"

• Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Quietly* to be employed in coastwise trade of the United States. This boat has a small passenger capacity, carrying up to eight passengers on a charter business. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1983, but since then has been owned and operated by American citizens. The owner of the vessel has invested substantially in repairing and maintaining it—in American shipyards with American products. The owner wishes to start a small business, a charter boat operation, seasonally taking people out for cruises.

After reviewing the facts in the case of the *Quietly*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Quietly* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bill being introduced today.●

ADDITIONAL COSPONSORS

S. 112

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 112, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 131

At the request of Mr. LIEBERMAN, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 131, a bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

S. 230

At the request of Mr. SIMON, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 230, a bill to prohibit U.S. assistance to countries that prohibit or restrict the transport or delivery of U.S. humanitarian assistance.

S. 234

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a Motorcycle Safety Program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 303, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 356

At the request of Mr. SHELBY, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such act, and for other purposes.

S. 426

At the request of Mr. SARBANES, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 476

At the request of Mr. CAMPBELL, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 476, a bill to amend title 23, United States Code, to eliminate the national maximum speed limit, and for other purposes.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 523

At the request of Mr. BENNETT, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 523, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

S. 613

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska [Mr. MURKOWSKI] was withdrawn as a cosponsor of S. 613, a bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform.

S. 629

At the request of Mr. THOMAS, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 629, a bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands.

S. 641

At the request of Mr. KENNEDY, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from California [Mrs. BOXER], the Senator from California [Mrs. FEINSTEIN], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. INOUYE], the Senator from Maryland [Mr. SARBANES], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AMENDMENT NO. 425

At the request of Mr. MCCAIN his name was added as a cosponsor of amendment No. 425 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

SENATE RESOLUTION 97—RELATIVE TO THE SOUTH CHINA SEA

Mr. THOMAS (for himself and Mr. ROBB) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 97

Whereas the South China Sea is a strategically important waterway through which transits approximately 25 percent of the World's ocean freight, including almost 70 percent of Japan's oil supply;

Whereas the South China Sea serves as a crucial sea lane for naval vessels of the United States and other countries, especially in times of emergency;

Whereas the People's Republic of China, the Republic of the Philippines, the Socialist Republic of Vietnam, the Republic of China on Taiwan, the State of Brunei Darussalam, and Malaysia have overlapping and mutually exclusive claims to portions of the South

China Sea, especially in the Spratly Island group;

Whereas these competing claims have led to armed conflicts between several of the claimants;

Whereas these conflicts threaten the peace and stability of all of East Asia; and

Whereas the 1992 Manila Declaration of the Association of South East Asian Nations, also recognized by the Socialist Republic of Vietnam and the People's Republic of China, calls on the claimants to exercise restraint and seek a peaceful negotiated solution to the conflicts: Now, therefore, be it

Resolved, That the Senate—

(1) urges the executive branch to reiterate to the claimants in the South China Sea that the United States does not take a position on any individual claim;

(2) calls upon all of the claimants to refrain from using military force to assert or expand territorial claims in the South China Sea;

(3) urges the executive branch to declare the active support of the United States for the 1992 Manila Declaration of the Association of South East Asian Nations, and calls upon all the claimants to observe faithfully its provisions; and

(4) calls upon the claimants to scrupulously observe the January, 1995 status quo ante pending any negotiations or resolution of the conflicts between such claimants over such claims.

Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs, I would like to take this opportunity to call my colleagues' attention to an issue that, while somewhat obscure, has the potential to escalate into a dangerous regional conflict with serious repercussions for the United States: competing jurisdictional claims to the Spratly Islands.

The Spratlys comprise 21 islands and atolls, 50 submerged land spits, and 28 partly submerged rock groups and reefs. Totaling less than 5 square kilometers in area, these islets are spread out over 340,000 square miles in the southern third of the South China Sea, one of the world's largest marginal seas. The largest island, Itu Aba, is only four-tenths of a square mile in area; Spratly Island, after which the group is named, measures only 0.15 square miles. Portions of the area are claimed by most of the sea's littoral states; the People's Republic of China, Malaysia, the Philippines, Taiwan, Vietnam, and Brunei. All, with the exception of Brunei, maintain a military presence on the islands.

Their interest is based on more than mere fishing rights or territorial aggrandizement. It is thought—although not yet known conclusively—that the islands overlie vast reserves of oil and natural gas. The South China Sea in general is one of the most productive offshore petroleum areas in the world; since 1950, 29 oil fields and 4 gas fields have been developed there. This makes possession of the Spratlys quite attractive to the area's developing economies.

What many view as China's increasingly hegemonistic interest in the area seems to be the principal cause of tension among the claimants. As we all well know, China is clearly the emerging power in Asia. As the PRC has initiated limited free-market reforms and its economy expands, it has been able to devote more resources away from purely domestic concerns and to assert itself—flex its muscle—more often in regional affairs. The PRC's growing visibility is unnerving to many of its neighbors. This is due in large measure to the fact that because the PRC's greater presence is increasingly exhibited in a buildup of its military forces, it has increased the opportunity for armed conflicts with those neighbors.

The PRC—and consequently the Republic of China on Taiwan—and Vietnam both assert the oldest claims to the area. The PRC contends that it has a long history of presence in the area, including: a purported naval discovery in the Western Han Dynasty around the year 111 B.C., a 1292 Yuan Dynasty visitation by the Java-bound fleet of Kublai Khan, and a Ming Dynasty survey of the islands by Cheng He, who is said to have visited the islands seven times between the years 1405 and 1433. While there is some evidence of intermittent visitation of some of the Spratlys and surrounding waters by Chinese fishermen, records are sparse, incomplete, conflicting, and in the opinion of many scholars do not necessarily demonstrate a pattern of routine occupation, administration, or assertion of sovereign control sufficient to establish on airtight claim. For example, an official report by the Chinese Government issued in 1928 set forth that country's southernmost delineation of its territory as the Parcel Islands and makes no mention of the Spratlys.

Vietnam's claim is based on historical arguments premised on events from before, during, and after occupation by its former colonial overlord, France. Recent Vietnamese pronouncements claim that its involvement with the Spratlys can be traced back to 1650–53, although I have not yet seen a credible substantiation of that assertion. A further contact is claimed during the reign of Emperor Gialong in 1816, and an inaccurate Vietnamese map dated 1838 identifies the Spratlys under the name Van Ly Truong Sa as a part of Vietnamese territory. Interest in the islands appears to have lapsed over the early- and mid-French occupation period, although the French Government sent a naval expedition to the islands in 1933 and laid claim to seven groups of islets.

These conflicting Chinese and Vietnamese claims have in the not-distant past resulted in verbal, and sometimes military, clashes. In 1974, for example, the PRC occupied the South Vietnamese-claimed Parcel Islands—the Xisha Qundao—about 350 miles north of the Spratlys. The Vietnamese forces lost and withdrew from the islands. A few days later, though, 120 South Vietnamese soldiers landed on one of the Spratlys; the PRC responded with a protest and a warning against any such future action. In March 1988, the PLA-N sank three Vietnamese naval transports in the Spratlys, killing 72 Vietnamese soldiers.

Beginning in the late 1970's, a growing economic dimension began to appear in the Sino-Vietnamese dynamic. When the PRC began open-door economic reforms in 1978, the development of an offshore petroleum industry was at the forefront. The PRC opened its continental shelf from the Bohai to Beibu Gulfs in 1979, and announced a series of Sino-foreign seismic survey agreements. Vietnam, in response, protested the surveys as brazen violations "of the territorial integrity of Vietnam and its sovereignty over its natural resources."

This verbal sparring over the competing claims continued until the early 1990's, when the two countries began to swipe at each other using oil concessions as their weapon. On May 8, 1992, the PRC's China National Offshore Oil Co. granted an oil concession to Crestone Energy Co., a small American firm, for a 25,155 km^2 area near the Vanguard Bank (the Wanan Tan) which crossed over into Vietnamese-claimed areas. Consequently, Vietnam granted a concession to Mobil Corp. which encroached on Chinese claims, and in September 1992, Petrovietnam signed a contract with Nopec, a Norwegian company, to do seismic surveys. These competing claims threatened to precipitate another armed conflict last year when Vietnam began drilling in a concession that China had previously granted to a United States company. Chinese ships blocked the drilling rig, but the matter was defused short of a martial clash and has become an ongoing topic of negotiation between the two.

The PRC did not help calm matters when, in February 1992, the National People's Congress passed legislation—the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone—laying sole claim to the entire South China Sea and mentioning the Spratlys by name in article 2. The move to turn the South China Sea into a Chinese lake is especially worrisome to many countries—even those outside the region. The reason: the islands sit astride shipping lanes through which passes approximately 25 percent of the worlds trade goods, including almost 70 percent of Japan's oil supplies.

The Sino-Vietnamese imbroglios are not the only point of bilateral friction in the Spratlys; the most recent flare-ups involved the Philippines. The Filipino claim is based on geographic contiguity, historical rights, and an assertion that the other countries involved in the area have previously abandoned their rights to the islands. In 1947, a Filipino businessman named Tomas Cloma discovered a group of unoccupied islands in the Spratly chain which he named Kalayaan. The Philippines' Government remained somewhat noncommittal about the claim; in 1955, the government set baselines around the Philippine archipelago and made no mention of Kalayaan. However, when in 1971 an ROK artillery battery on Itu Aba fired on a Filipino fishing boat, in its official protest the Philippines stated that it had legal title to the island group as a result of Cloma's occupation and because the islands were within the archipelagic territory of the Philippines. In 1974, Cloma transferred Kalayaan to his Government, and in 1978 President Marcos officially declared the islands to be part of the Philippines. Also in that year, the Philippines' claims became more choate when it discovered oil and gas resources beneath the seabed.

Since then, Sino-Filipino competition for the islands has increased. Recently, China asserted claims to Jackson Atoll and Half Moon Reef—which are claimed by the Philippines—contending that "they are part of China's Nanasha [Spratly] Islands and have always have been Chinese territory." Intelligence reports indicate that the PRC has placed perimeter markers on both. Similarly, China has laid claim to the appropriately named Mischief (Panganiban) Reef. It was recently revealed that the PRC has built a series of structures on the reef. The reef submerges at high tide, and the four concrete buildings are build on pilings. I have seen pictures of them supplied by the Philippine Government.

The problem with this Chinese move is that the reef lies well within the Philippines' 200-mile exclusive economic zone; it is only 135 nautical miles from Palawan, one of the Philippines' principal islands. By contrast, it is more than 620 miles from the Chinese coast. In addition, the PRC has dispatched several naval vessels to the immediate area of the reef—two Yukan-class supply vessels and a Dazhi-class submarine-support ship. The presence of the latter begs the question as to whether there are not also Chinese submarines operating nearby. The PRC claims that the outpost in only meant to serve as a shelter for Chinese fishermen. However, the addition of several parabolic antennae to the structures, the presence of the navy ships, and the PRC's demonstrated keen interest in the islands, seem to militate against the veracity of such a statement. Moreover, in a move tinged with jurisdictional overtones, the Chinese arrested several Filipino fishermen in the vicinity of the reef and held them for several days.

The Government of the Philippines has indicated that as a result of the PRC's actions, it has felt pressured into increasing its military presence in the islands. Just this last weekend, in apparent retaliation for the Chinese arrests, the Philippine navy seized four Chinese fishing vessels in the region of Alicia Annie which is in the Filipino Claim area.

Similarly, the Vietnamese are reported by Japan's Kyodo News Agency to have increased their military presence in the area by 50 percent as a counter to the Chinese buildup. Clearly, the growing militarization of the region can only increase the probability that another skirmish will break out.

The region's countries have not sat idly by while this problem has escalated. In July 1992, the members of ASEAN, the Association of Southeast Asian Nation's issued what has been called the Manila Declaration on the south China Sea. The document—also acknowledged by Vietnam and the PRC—called on the parties to the dispute to exercise restraint and settle the issue without resort to military force. ASEAN's nonclaimants—Singapore, Indonesia, and Thailand—were urged to appoint an "eminent persons group" to build support for a complete freeze on economic and military activity in disputed areas. The declaration also called on the United States to actively back the initiative, and to support Indonesia's efforts to transform its informal South China Sea workshops into an official negotiating forum under the auspices of either the ASEAN regional forum or the U.N. Security Council. Talks would be based on accepting the Chinese position of deferring claims to sovereignty and jointly developing any available resources.

The response of the United States to this entire issue has been, in my view, less than adequate. The strongest statements that I have seen from the administration so far are a lukewarm statement on February 14 of this year from a State Department spokeswoman, and a series of statements by Adm. Richard Macke, head of the U.S. Pacific Command. Most recently the admiral stated, "It is well known that we do not support any territorial claims with regard to [the] Spratlys. We certainly encourage dialogue between the nations involved to solve the differences that exist over the Spratlys. Again, we support no individual claim * * *."

I generally agree with Admiral Macke. As long as the claimants do nothing to interfere with the rights of the world community to free passage through the South China Sea, it is my position that the United States should not presently take sides among the claimants. Rather, we should support the Manila Declaration and a rational, negotiated settlement to the problem. In addition, while we should make clear to the claimants that we are willing to make ourselves available to them to facilitate the provisions of the declaration, we should avoid unnecessary intrusion into what is a regional affair best settled by the parties involved. In addition, pending any talks or resolution of the conflict, I believe we need to make clear to the parties that any move seeking to disturb the present status quo is unacceptable. It makes no sense to try to get the parties to sit down and negotiate an end to the problem if, at the same time, they continue their jockeying for military and territorial advantage.

Although I find myself generally in agreement with the U.S. position, I am not sure that the administration has been as forceful and unequivocal as it should be in getting our viewpoint across to the claimants. While I understand from certain sources that our position is being made clear to each of the claimant states through our respective embassies, I would like to see a more public vociferous pronouncement of our stand. Mr. President, I have seen some indications from the State Department that it is presently considering following this course. I applaud that move.

In the interim, however, I rise today—on behalf of myself and the distinguished ranking minority member of the subcommittee, Senator ROBB—to submit Senate Resolution 97, expressing the sense of the Senate with respect to peace and stability in the South China Sea. This resolution reaffirms the Senate's support of the view that the United States takes no sides in the dispute. Moreover, it calls for a cessation of hostilities in the region, as well as a strict adherence to the provisions of the Manila declaration. Finally, it calls on the claimants to observe the January 1995 status quo ante pending any negotiations or resolution of the dispute. Mr. President, I hope that this resolution will prod the administration into action, and will make the views of the Senate clear to the claimant nations. I look forward to its swift adoption.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1995

BINGAMAN (AND OTHERS) AMENDMENT NO. 426

Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. SIMON) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 14, line 19, strike "$100,000,000" and insert "$113,000,000".

On page 31, line 9, strike "$26,988,000" and insert "$13,988,000".

D'AMATO (AND OTHERS) AMENDMENTS NO. 427

Mr. D'AMATO (for himself, Mr. Domenici, Mr. Stevens, Mr. Helms, Mr. Brown, Mr. Shelby, Mr. Faircloth, Mr. Murkowski, Mr. Grams, Mr. Pressler, Mr. Inhofe, Mr. Craig, Mr. Burns, and Mr. Nickles) proposed an amendment to amendment No. 420 proposed by Mr. Hatfield to the bill H.R. 1158, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) In General.—Section 5302(b) of title 31, United States Code, is amended by adding at the end the following: "Except as authorized by an Act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country that would result in expenditures and obligations, including contingent obligations, aggregating more than $5,000,000,000 with respect to that foreign country during any 12-month period, beginning on the date on which the first such action is or had been taken.".

(b) Effective Date.—Notwithstanding any other provision of this Act, the amendment made by subsection (a) shall apply to any action taken under section 5302(b) of title 31, United States Code, on or after January 1, 1995.

BURNS AMENDMENT NO. 428

Mr. BURNS proposed an amendment to amendment No. 420 proposed by Mr. Hatfield to the bill H.R. 1158, supra; as follows:

On page 69, strike lines 7 through 10 and insert the following:

"(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

"(i) any area on Federal lands included in the National Wilderness Preservation System;

"(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

"(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

"(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and".

MURRAY (AND LEAHY) AMENDMENT NO. 429

Mrs. MURRAY (for herself and Mr. Leahy) proposed an amendment to amendment No. 420 proposed by Mr. Hatfield to the bill H.R. 1158, supra; as follows:

On page 68, strike line 9 and all that follows through page 79, line 5, and insert the following:

(a) Definition.—In this section:

(1) Consulting agency.—The term "consulting agency" means the agency with which a managing agency is required to consult with respect to a proposed salvage timber sale if consultation is required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) Managing agency.—The term "managing agency" means a Federal agency that offers a salvage timber sale.

(3) Salvage timber sale.—The term "salvage timber sale" means a timber sale—

(A) in which each unit is composed of forest stands in which more than 50 percent of the trees have suffered severe insect infestation or have been significantly burned by forest fire; and

(B) for which agency biologists and other agency forest scientists conclude that forest health may be improved by salvage operations.

(b) Salvage Timber Sales.—

(1) Direction to complete salvage timber sales.—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Forest Service lands and Bureau of Land Management lands that are located outside—

(i) any unit of the National Wilderness Preservation System; or

(ii) any roadless area that—

(I) is under consideration for inclusion in the National Wilderness Preservation System; or

(II) is administratively designated as a roadless area in the managing agency's most recent land management plan in effect as of the date of enactment of this Act (not including land designated as a Federal wilderness area); or

(iii) any area in which such a sale would be inconsistent with agency standards and guidelines applicable to areas administratively withdrawn for late successional and riparian reserves; or

(iv) any area withdrawn by Act of Congress for any conservation purpose; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage occurred.

(2) Sale documentation.—

(A) Preparation of documents.—In preparing a salvage timber sale under paragraph (1), Federal agencies that have a role in the planning, analysis, or evaluation of the sale shall fulfill their respective duties expeditiously and, to the extent practicable, simultaneously.

(B) Procedures to expedite salvage timber sales.—

(i) In general.—When it appears to a managing agency that consultation may be required under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2))—

(I) the managing agency shall solicit comments from the consulting agency within 7 days of the date of the decision of the managing agency to proceed with the required environmental documents necessary to offer to sell the salvage timber sale; and

(II) within 30 days after receipt of the solicitation, the consulting agency shall respond to the managing agency's solicitation concerning whether consultation will be required and notify the managing agency of the determination .

(ii) Consultation document.—In no event shall a consulting agency issue a final written consultation document with respect to a salvage sale later than 30 days after the managing agency issues the final environmental document required under the National Environmental Policy Act of 1973 (16 U.S.C. 1531 et seq.).

(iii) Delay.—A consulting agency may not delay a salvage timber sale solely because the consulting agency believes it has inadequate information, unless—

(aa) the consulting agency has been actively involved in preparation of the required environmental documents and has requested in writing reasonably available additional information from the managing agency that the consulting agency considers necessary under part 402 of title 50, Code of Federal Regulations, to complete a biological assessment; and

(bb) the managing agency has not complied with the request.

(3) Streamlining of administrative appeals.—Administrative review of a decision of a managing agency under this subsection shall be conducted in accordance with section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (106 Stat. 1419), except that—

(A) an appeal shall be filed within 30 days after the date of issuance of a decision by the managing agency; and

(B) the managing agency shall issue a final decision within 30 days and may not extend the closing date for a final decision by any length of time.

(4) Streamlining of judicial review.—

(A) Time for challenge.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in United States district court within 30 days after the later of—

(i) the decision to proceed with a salvage timber sale is announced; or

(ii) the date on which any administrative appeal of a salvage timber sale is decided.

(B) Expedition.—The court shall, to the extent practicable, expedite proceedings in a civil action under subparagraph (A), and for the purpose of doing so may shorten the times allowed for the filing of papers and taking of other actions that would otherwise apply.

(C) Assignment to special master.—The court may assign to a special master all or part of the proceedings in a civil action under subparagraph (A).

(c) Option 9.—

(1) Direction to complete timber sales.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified in Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) Establishment of rebuttable presumption.—A rebuttable presumption exists that any timber sale on Federal lands encompassed by Option 9 that is consistent with Option 9 and applicable administrative planning guidelines meets the requirements of applicable environmental laws. This paragraph does not affect the applicable legal duties that Federal agencies are required to satisfy in connection the planning and offering of a salvage timber sale under this subsection.

(3) Availability of funds.—

(A) In general.—The Secretary of Agriculture and the Secretary of the Interior shall make available 100 percent of the amount of funds that will be required to hire or contract with such number of biologists, hydrologists, geologists, and other scientists to permit completion of all watershed assessments and other analyses required for the preparation, advertisement, and award of timber sale contracts prior to the end of fiscal year 1995 in accordance with and in the amounts authorized by the Record of Decision in support of Option 9.

(B) SOURCE.—If there are no other unobligated funds appropriated to the Secretary of Agriculture or the Secretary of the Interior, respectively, for fiscal year 1995 that can be available as required by subparagraph (A), the Secretary concerned shall make funds available from amounts that are available for the purpose of constructing forest roads only from the regions to which Option 9 applies.

(d) SECTION 318.—

(1) IN GENERAL.—With respect to each timber sale awarded pursuant to section 318 of Public Law 101-121 (103 Stat. 745) the performance of which is, on or after July 30, 1995, precluded under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to requirements for the protection of the marbled murrelet, the Secretary of Agriculture shall provide the purchaser replacement timber, at a site or sites selected at the discretion of the Secretary, that is equal in volume, kind, and value to that provided by the timber sale contract.

(2) TERMS AND CONDITIONS.—Harvest of replacement timber under paragraph (1) shall be subject to the terms and conditions of the original contract and shall not count against current allowable sale quantities.

(e) EXPIRATION.—Subsections (b) and (c) shall expire on September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the contracts have been completely performed.

GRASSLEY (AND DORGAN) AMENDMENT NO. 430

Mr. GRASSLEY (for himself and Mr. DORGAN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(A) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

JEFFORDS AMENDMENT NO. 431

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 14, line 12, strike the period and insert ", of which not more than $20,500,000 shall constitute a reduction in the amount available for solar and renewable energy activities and at least $14,500,000 shall constitute a reduction in the amount available for nuclear energy activities.".

HELMS AMENDMENTS NOS. 432–433

(Ordered to lie on the table.)

Mr. HELMS submitted two amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 432

At the end of the Committee amendment insert the following:

SEC. . Notwithstanding any other provision of law, no funds appropriated under this Act or any other Act may be obligated for the International Fund for Ireland until the President certifies and reports to Congress that the Irish Republican Army has begun a process of disarming.

AMENDMENT NO. 433

At the appropriate place in the substitute, add:

SEC. . BILATERAL ECONOMIC ASSISTANCE.

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RECISSION)

Of the funds made available under this heading in Public Law 103-87 for support of an officer settlement program in Russia as described in section 560(a)(5), $30,000,000 are rescinded.

KYL AMENDMENT NO. 434

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 31, between lines 5 and 6, insert the following:

LOW INCOME HOME ENERGY ASSISTANCE

(RESCISSION)

Of the funds made available in the third paragraph under this heading in Public Law 103-333, $1,319,204,000 are rescinded.

KERREY (AND OTHERS) AMENDMENT NO. 435

Mr. KERREY (for himself, Mr. COHEN, Mr. BAUCUS, and Mr. KERRY) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

Beginning on page 51 of the bill, line 12, strike everything through page 54, line 6, and insert in lieu thereof, the following:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-27, 102-141, 103-123, 102-393, 103-329, $565,580,000 are rescinded from the following projects in the following amounts:

Arizona:

Lukeville, Border Station, commercial lot expansion, $1,219,000

Phoenix, Federal building and U.S. Courthouse, $121,890,000

San Luis, Border Station, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, Arizona, U.S. Magistrates office, $1,000,000

Tucson, Federal building-U.S. Courthouse, $70,000,000

California:

Menlo Park, United States Geological Survey, office laboratory buildings, $980,000

San Francisco, California, U.S. Court of Appeals annex, $9,003,000

District of Columbia:

Army Corps of Engineers, headquarters, $25,000,000

Central and West heating plants, $5,000,000

General Service Administration, Southeast Federal Center, headquarters, $25,000,000

Southeast Federal Center, infrastructure, $58,000,000

U.S. Secret Service, headquarters, $18,910,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Florida: Tampa, U.S. Courthouse, $5,994,000

Illinois: Chicago, Federal Center, $7,000,000

Indiana: Hammond, U.S. Courthouse, $52,272,000

Maryland: Avondale, DeLaSalle building, $16,671,000

Massachusetts: Boston, U.S. Courthouse, $4,076,000

Nebraska: Omaha, U.S. Courthouse, $5,000,000

Nevada: Reno, Federal building—U.S. Courthouse, $1,465,000

New Hampshire: Concord, Federal building—U.S. Courthouse, $3,519,000

New Mexico: Santa Teresa, Border station, $4,004,000

New York: Holtsville, New York, IRS Center, $19,183,000

North Dakota: Fargo, U.S. Courthouse, $1,371,000

Ohio:

Youngstown, Federal building and U.S. Courthouse, site acquisition and design, $4,574,000

Steubenville, U.S. Courthouse, $2,280,000

Oregon: Portland, U.S. Courthouse, $5,000,000

Pennsylavnia: Philadelphia, Veterans Administration, $1,276,000

Rhode Island: Providence, Kennedy Plaza Federal Courthouse, $7,740,000

Tennessee: Greenville, U.S. Courthouse, $2,936,000

Texas:

Corpus Christi, U.S. Courthouse, $6,446,000

Ysleta, site acquisition and construction, $1,727,000

U.S. Virgin Islands: St. Thomas, Charlotte Amalie, U.S. Courthouse Annex, $2,184,000

Washington:

Seattle, U.S. Courthouse, $3,764,000

Nationwide chlorofluorocarbons program, $12,300,000

Nationwide energy program, $15,300,000"

BOXER (AND OTHERS) AMENDMENT NO. 436

Mrs. BOXER (for herself, Mr. BINGAMAN, Mr. KERREY, Mr. WELLSTONE, Mr. DODD, and Mr. BUMPERS) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 35, beginning on line 21, strike out "$15,200,000" and all that follows through "title III–B, $5,000,000, and", and inserting in lieu thereof "$5,200,000 are rescinded as follows: from the Elementary and Secondary Education Act of 1965,".

On page 68, between lines 6 and 7, insert the following:

CHAPTER XII

DEPARTMENT OF DEFENSE—MILITARY, PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds available under this heading in title III of Public Law 103–335, $11,000,000 are rescinded.

SHELBY AMENDMENT NO. 437

Mr. SHELBY proposed an amendment to amendment No. 435 proposed by Mr. KERREY to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:
Montgomery, U.S. Courthouse annex, $46,320,000
Arkansas:
Little Rock, Courthouse, $13,816,000
Arizona:
Bullhead City, FAA grant, $$2,200,000
Lukeville, commercial lot expansion, $1,219,000
Nogales, Border Patrol, headquarters, $2,998,000
Phoenix, U.S. Federal Building, Courthouse, $121,890,000
San Luis, primary lane expansion and administrative office space, $3,496,000
Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse, $121,890,000
California:
Menlo Park, United State Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building—U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building—U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps of Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal building-U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

REID (AND BRYAN) AMENDMENT NO. 438

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 14, between lines 12 and 13, insert the following:

NUCLEAR WASTE DISPOSAL FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $14,700,000 are rescinded.

On page 28, strike lines 18 through 23.

REID AMENDMENT NO. 439

Mr. REID proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 14, between lines 12 and 13, insert the following:

NUCLEAR WASTE DISPOSAL FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,625,000 are rescinded.

On page 28, line 7, strike ", $42,071,000 are rescinded" and insert "for programs other than the rural health research program and the rural health outreach grant program, $36,446,000 are rescinded".

HOLLINGS (AND BIDEN) AMENDMENT NO. 440

Mr. HATFIELD (for Mr. HOLLINGS, for himself and Mr. BIDEN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD, to the bill, H.R. 1158, supra; as follows:

On page 8 of the substitute amendment strike line 1 through line 6 and insert in lieu thereof the following:

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103-317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103-317, $17,100,000 are rescinded.

MURKOWSKI (AND D'AMATO) AMENDMENT NO. 441

Mr. MURKOWSKI (for himself and Mr. D'AMATO) proposed an amendment to amendment No. 427 proposed by Mr. D'AMATO to amendment No. 420 proposed by Mr. HATFIELD, to the bill, H.R. 1158, supra; as follows:

At the end of line 10 of page 2, prior to the period insert the following:

", *Provided*, That as the bearer bonds issued by the Government of Mexico are redeemed with monies provided by the Government of the United States, the Government of the United States first be provided with the names and addresses of those redeeming such bonds."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 30, 1995, at 10 a.m. to hold a hearing on reorganization and revitalization of America's foreign affairs institutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 30, 1995, at 2 p.m. to hold a hearing on reorganization of U.S. foreign assistance programs: alternatives to the Agency of International Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATFIELD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 30, at 10 a.m. for a hearing on oversight of the General Accounting Office.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session on Thursday, March 30, 1995, at 9:30 a.m. to hold a markup on Senate Resolution 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATFIELD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart. The hearing will be held on March 30, 1995, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet on Thursday, March 30, 1995, at 2 p.m. in closed session to receive testimony on the Counterproliferation support program in review of the defense authorization request for fiscal year 1996 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet for a hearing on oversight of direct lending, during the session of the Senate on Thursday, March 30, 1995 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 30, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 506, the Mining Law Reform Act of 1995, and S. 504, the Mineral Exploration and Development Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, March 30, 1995, in open session, to receive testimony regarding the Department of Defense reserve component programs related to the National Defense Authorization Act for fiscal year 1996 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 9 a.m. on Thursday, March 30, 1995, in open session, to receive testimony on current and future Army readiness in review of the defense authorization request for fiscal year 1996 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science and Transportation be authorized to meet on March 30, 1995, at 10 a.m. on oversight of the National Science Foundation and Office of Science and Technology Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, March 30, at 9:30 a.m. on legislation to approve the National Highway System and other related transportation requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MILITARY NOMINATIONS

• Mr. THURMOND. Mr. President, the Senate Armed Services Committee favorably reported the nomination of Vice Adm. Joseph R. Prueher for promotion to the grade of admiral and assignment as Vice Chief of Naval Operations.

I ask that a joint statement from Senator NUNN and me concerning this nomination be printed in the RECORD.

The joint statement follows:

JOINT STATEMENT OF SENATOR STROM THURMOND, CHAIRMAN OF THE SENATE ARMED SERVICES COMMITTEE AND SENATOR SAM NUNN, RANKING MINORITY MEMBER

The Committee on Armed Services has reported favorably the nomination of Vice Admiral Joseph R. Prueher for promotion to the 4-star grade of Admiral, to serve as the Vice Chief of Naval Operations.

Admiral Prueher has had a distinguished career. He is a graduate of the Naval Academy (with distinction). As a naval aviator, he served in Southeast Asia aboard U.S.S. *Kitty Hawk*, as a naval flight instructor at the Naval Air Test Center in Patuxent River, Maryland, and as Executive Assistant to the Secretary of the Navy. More recently, he served as Commander, Carrier Group One in San Diego, CA, where he was responsible for training battle groups preparing to deploy to the Western Pacific and the Arabian Gulf. In this capacity, he led the development of Maritime Joint Forces Air Component Commander capabilities for the Pacific theater. Today, he serves as the Commander, U.S. Sixth Fleet in the Mediterranean Sea and as the Commander of NATO's Striking and Support Forces Southern Europe. As Commander Sixth Fleet, he has directed the execution of the Navy and Marine Corps multimission role in the Adriatic Sea and former Yugoslavia in United States and allied operations in support of the United Nations. His awards include the Legion of Merit (three Gold Stars in lieu of subsequent awards), the Distinguished Flying Cross and the Air Medal with two Gold Stars in lieu of subsequent awards.

From 1989 to 1991, he served as Commandant of Midshipman at the United States Naval Academy. During his period as Commandant, there was a well-publicized incident in which a female midshipman, Gwen Dreyer, was mistreated by her male colleagues. A number of the midshipmen involved in the incident were disciplined, though none were dismissed from the Academy. The responsibility for the investigation and action on the investigation was vested in the Superintendent of the Academy, Vice Admiral Virgil Hill. Admiral Prueher, as Commandant of Midshipmen, was in the chain of command, under which he exercised certain responsibilities with respect to the investigation and subsequent action.

On April 28, 1992, he was nominated for promotion. The Committee began its normal review process when matters of this nature are involved in a nomination. While the nomination was under review, the President withdrew a number of nominations on September 9, 1992, including the nomination of Admiral Prueher. The Committee understood this was as a result of changes in Navy personnel requirements, and to provide an opportunity for further review in the Executive Branch of the Prueher nomination with respect to the issues that had been identified.

On March 15, 1993, the President resubmitted the Prueher nomination for promotion to Rear Admiral. Over the next five months, the Committee reviewed the materials related to the manner in which the incident was handled at the Naval Academy, including the views of the Secretary of the Navy endorsing the nomination. A copy of the Secretary's letter is included at the end of this statement. On August 6, 1993, the Committee considered and favorably reported the nomination. The promotion to Rear Admiral was confirmed by the Senate on August 3, 1993. Rear Admiral Prueher was subsequently nominated for promotion to Vice Admiral on November 5, 1993. His nomination was favorably reported to the Senate on November 18, 1993, and was confirmed by the Senate on November 19, 1993. The material concerning the Committee's previous consideration of the Prueher nomination is retained in the executive files of the Committee. It is available for review by any Senator upon request.●

THE SUCCESS OF FOREIGN AID

● Mr. SIMON. Mr. President, in March and April the organization World Neighbors will be featured in "The Quiet Revolution—An Approach to aid that works: This PBS series documents effective foreign aid programs." The series features six humanitarian aid programs where people are successfully breaking out of poverty and taking charge of their own destiny. The Quiet Revolution takes an emotional and personal view of how effective aid programs can transform lives. Instead of presenting the poor as anonymous victims, it shows them as they really are: intelligent and capable people wanting to solve their own problems. It is an image of poverty that has rarely been seen and capable of touching hearts and minds.

The Quiet Revolution was a dream of Jack Robertson, a man who shared a great deal in common with the people chronicled in the films. Mr. Robertson died shortly after the films were completed and faced incredible odds throughout the making of the series. Yet he was driven by persistent optimism and stubborn refusal to let anything stop him from sharing the series with the world.

I would like to commend the World Neighbors and Mr. Jack Robertson for their tireless efforts to make such a needed documentary.●

SALUTE TO BUD LEA

● Mr. KOHL. Mr. President, I rise today to salute a prominent figure in Wisconsin sports journalism, Mr. Bud Lea. Much to my dismay and the dismay of his many fans, Bud recently announced his decision to retire. For his entire career, which has lasted 42 years, Bud Lea has followed sports for the Milwaukee Sentinel. During his many years with the Sentinel, which by the way is the longest tenure of any Sentinel employee, Bud has witnessed and written about some of the greatest moments in Wisconsin sports history. From the Milwaukee Braves 1957 World Series victory to the legendary Green Bay Packers World Championships of the late 1960's, Bud was there. From the Milwaukee Bucks NBA Championship in 1971 to Marquette University's NIT and NCAA championships in 1970 and 1977 respectively, Bud was there. Whether it was an Olympic Gold Medal for Bonnie Blair or Dan Jansen, or the University of Wisconsin, Bud's alma mater, winning the 1994 Rose Bowl, Bud was there.

The past 42 years have been good to Bud Lea, but they have been even better to those who have had the privilege to read his column. His straightforward and often humorous column greeted all Wisconsin sports fans with an early morning recap of the day's sports news. With his retirement, Bud Lea, a native of Green Bay, has more than etched his name into the annals of Wisconsin sports history, he has become part of that history. Bud's retirement is well deserved, and I wish him, his lovely wife Filomena and his sons, Perry and Dean, well. Congratulations Bud Lea—dean of Milwaukee sports columnists and sports writers.●

THE DOLLAR'S DECLINE AS DOUBLE-EDGED SWORD

● Mr. SIMON. Mr. President, we are receiving regular reminders obliquely of the need for a balanced budget amendment.

In Sunday's Washington Post Jane Bryant Quinn's column ends with the words: "Big cuts in the federal deficit would improve confidence abroad. But Congress and the voters aren't there yet."

And in a column by Stan Hinden there is reference to Donald P. Gould, a California money manager of a mutual fund.

In the Hinden column, among other things, he says: "Gould noted that the global strength of the dollar has been slipping for 25 years—except for an upward blip in the early 1980's."

It is not sheer coincidence that for 26 years in a row we have been operating with a budget deficit.

Hinden also notes in his column:

> Since 1970, the dollar has lost more than 60 percent of its value in relation to the German mark and has dropped almost 75 percent in relation to the Japanese yen. In 1970, it took 3.65 German marks to buy one U.S. dollar. As of last week, you could buy a dollar with only 1.40 marks.

I served in Germany in the Army after World War II, and I remember it took a little more than 4 marks to buy a dollar.

The Washington Post writer also notes:

> Gould, who is president and founder of the Franklin Templeton Global Trust—which used to be called the Huntington Funds—is not optimistic about the dollar's future. He sees little chance that the United States will be able to solve the fiscal and economic problems that have helped the dollar depreciate.

We are getting that message from people all over the world.

I cannot understand why we do not listen.

Finally, Donald Gould is quoted as saying:

> For the first time I am aware of, during a global flight to quality, that quality has been defined as marks and yen and not dollars.

I hope we start paying attention to this kind of information.●

IN MEMORY OF MATTHEW ELI PUCCIO

● Mr. MOYNIHAN. Mr. President, with much sorrow, I would like to tell the Members of the Senate of a horrible loss. On Sunday, February 26, 1995, Matthew Eli Puccio, a young gentleman from New York City, was involved in a terrible accident that took his life.

Matthew shall be remembered fondly by his parents, teachers, and friends as a young man of exceptional character and kindness. His departure is felt by us all.

Matthew's mother, Carol L. Ziegler, recently sent to me a short paper that Matthew had written for a school journalism assignment. In this paper, he discusses term limits and his personal opposition to the issue. I believe that many of my colleagues in both Houses of Congress will find Matthew Puccio's paper of interest, and I ask that the text be printed in the RECORD.

The text follows:

Over the past few years, some politicians, primarily Republicans, have proposed term limits be set for Members of Congress. Term limit means that a Member of Congress can be elected only a certain number of times. To be exact, since 1990, 23 million people in 16 States have voted for this law to be passed. Most of these people in 16 States have voted for this law to be passed. Most of these people want term limits to increase electoral competition. They want change every now and then. If this law were actually passed, it would be a mistake. What if a Member of Congress is doing a good job? Take New York Senator, PATRICK MOYNIHAN, for example. He has just been elected to his third term and is doing a great job in office. Why should they be pulled from office at risk of being replaced by someone who would do less of a job? In this case, what is the need for change? On the other hand, if a Member of Congress is doing a bad job and wants to run again, he could always be voted out.

Setting term limits also takes away a politician's constitutional rights. Why shouldn't he or she be allowed to run for office as much as they want, with the intention of helping their country? If they are not elected, they are not elected, but they should have the chance. On the flip side, this also takes away the people's constitutional rights. Why shouldn't the people be allowed to have who they want in Congress, regardless of how long he has been in office? More specifically, term limits violate the Bill of Rights which list the freedoms of the people. Term limits may seem like an easy answer but it is just unfair. Elections are the people's choice. Anyone should be allowed to be in Congress for as long as they want, as long as they are doing a good job, and the people want to vote them in.•

EVERYBODY WINS

• Mr. SIMON. Mr. President, this month on Capitol Hill an exciting literacy program began with the help of Senators and Senate staff. The children of the Brent Elementary School are now being read to once a week during their lunch hour by volunteers in the Everybody Wins Program. Everybody Wins is a successful literacy program started in New York City, which matches up professionals with at-risk, inner-city school children as reading partners.

During each power lunch session, the reading partners select a book and read aloud together—an activity that the Commission on Reading calls the single most important activity for building a child's eventual success in reading.

Everybody Wins, started by businessman Arthur Tannenbaum in New York City, is for the first time branching out to Washington, DC, and enlisted the help of the Senate to reach out to their neighbors on Capitol Hill. The bipartisan support in the Senate began when I joined Senator JEFFORDS' efforts to implement the program. All of the Senators on the Labor and Human Resources Subcommittee on Education, Arts, and Humanities have since become involved.

Already 7 Senators and over 100 Senate staff members are reading to children during their lunch hours. Many of the Senators who are working with the program are so impressed that they are moving to implement Everybody Wins in cities in their own States. Mr. Tannenbaum's ultimate goal is to have every child in the country read to either by a parent or relative or a volunteer.

I want to commend Mr. Arthur Tannenbaum on his hard work, his leadership in this area, and his strong commitment to improving the lives of children.•

THE CALENDAR

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 30, S. 464, and Calendar No. 31, S. 532, en bloc; that the bills be deemed read a third time and passed; and the motions to reconsider be laid upon the table, en bloc; and, that any statements relating to any of the bills be placed at the appropriate place in the RECORD. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bills (S. 464 and S. 532), en bloc, were deemed read for a third time, and passed, as follows:

FEDERAL COURT DEMONSTRATION DISTRICTS ACT

The bill (S. 464) to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION DEMONSTRATION PROGRAMS.

Section 104 of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended—

(1) in subsection (a)(1) by striking "4-year period" and inserting "5-year period"; and

(2) in subsection (d) by striking "December 31, 1995," and inserting "December 31, 1996,".

VENUE CLARIFICATION ACT

The bill (S. 532) to clarify the rules governing venue, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VENUE.

Paragraph (3) of section 1391(a) of title 28, United States Code, is amended by striking "the defendants are" and inserting "any defendant is".

ORDERS FOR FRIDAY, MARCH 31, 1995

Mr. HATFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Friday, March 31, 1995; that, following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and, there then be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each not to extend beyond the hour of 10 a.m..

Mr. President, at 10 a.m. the Senate will then resume consideration of supplemental appropriations bill, H.R. 1158.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I further ask that at 10 a.m. the D'Amato amendment be laid aside in order to consider an amendment by the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATFIELD. Mr. President, for the information of all Senators, the Senate will again debate the supplemental appropriations bill, and a number of amendments still remain. Therefore, votes can be expected to occur throughout Friday's session of the Senate.

Also, Senators are to be reminded that the official Senate picture of the Senate in session will be taken on Tuesday, April 4, at 2:15 p.m.

If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order, following the remarks of the Senator from Illinois, Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I thank you very much. I thank the Senator from Oregon.

I would like to yield to the Senator from Rhode Island 2 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank my friend and colleague from Illinois very much indeed.

INVEST IN EDUCATION

Mr. PELL. Mr. President, as we review all options for reducing Federal expenditures, I am very much of the mind that we should not reduce Federal education assistance. In my opinion, education is an investment in our people and in the future strength and health of our Nation. This is particularly true for programs that are targeted to enhance the educational opportunities of those citizens who need our help the most.

It is without doubt that every aspect of our lives depends upon a well-educated citizenry. I fear that cutbacks in Federal education aid diminish achieving that goal, and weaken our ability to retain our leadership in the world marketplace.

As we debate this rescission bill, however, it is also important that we keep things in perspective. While I regret some of the cutbacks that are part of the package under consideration, it is only fair that we acknowledge that the legislation before us is far better than that so recently approved by the House. In education, for example, the cutbacks are a full $1 billion less than those in the House bill.

In many areas, there is very good news. There are, for example, no cuts in student aid, no reduction in Pell grants, no cutbacks in campus-based aid, and no curtailment of funding for the SSIG Program.

Aid for the vitally important Dropout Prevention Program is continued. Cutbacks in safe and drug-free schools are a full 80 percent less than those in the House-passed bill. There are few, if any, cutbacks in literacy programs that reach out to help those in need of these services. Cuts in library services and construction are very small. And, funds are provided for a new and very important program of aid in civics and economic education exchanges with the emerging democracies of Eastern Europe and the former Soviet Union.

Thus, while I may have differences on some of the cutbacks contained in this legislation, I find I can support a majority of the provisions with considerable enthusiasm. I believe we must look carefully at the details of this bill. While some provisions could be improved, most are quite encouraging. I want, therefore, to commend Chairman HATFIELD, the members of the Appropriations Committee, and especially their staff for the very long, hard, and thoughtful work they have put into this legislation.

The PRESIDING OFFICER. The Senator from Illinois, Senator MOSELEY-BRAUN.

Ms. MOSELEY-BRAUN. Mr. President, thank you.

AFFIRMATIVE ACTION

Ms. MOSELEY-BRAUN. Mr. President, I rise to speak about a subject that has taken a lot of time and attention, particularly in these days, which goes I think to the heart of the American dream and the future that we face as a nation. That subject, of course, is affirmative action.

Mr. President, if I could withhold for just 1 second, please.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, thank you for your patience and indulgence.

Mr. President, I rise this evening to speak about affirmative action. There has been a great deal of discussion about affirmative action lately. Unfortunately, too little of that discussion has focused on the facts. Affirmative action is about working people, about middle-class families, and about jobs.

It is about the basic right of all Americans to have access to education, to have the opportunity to get a good job, to have the opportunity to be promoted when they work hard—to do better than their parents did. It is, quite simply, about ensuring fundamental economic fairness for all our citizens.

We have come a long way in ensuring that economic opportunity exists for all Americans; yet much work remains to be done. That is why it would be extremely shortsighted at this point in time for the Senate to retreat on affirmative action. Before we act, we must consider all of the facts.

We cannot allow cynical political games to be played with an issue of this much importance. And we cannot allow ourselves to fall prey to attempts to make affirmative action a debate about race. It is not. What affirmative action is really about is fundamental fairness. It is about whether each of us will be allowed to fully participate in society, regardless of our gender or race, or will instead be held back by conditions that have nothing to do with merit, or talents and abilities. It is a debate that lies at the core of our national economic competitiveness.

THE TRUTH ABOUT AFFIRMATIVE ACTION

Mr. President, if we consider all the facts, it is abundantly clear that affirmative action is about equal economic opportunity, not just for minorities, but for women as well. It is about providing a chance to compete for those who may still be limited by a glass ceiling or artificial barriers to participation in our economy. In addition, affirmative action is now a business imperative for our country. In spite of the rhetoric and myths surrounding this concept, the truth is that every American stands to benefit when each citizen is given a chance to contribute to the maximum extent of his or her ability.

Our work force is changed. Our country has moved in the direction of making the American dream of opportunity a dream that is open to all Americans. Affirmative action has played a major role in opening up doors and providing opportunity for the millions of people who did not have a chance to participate in the full range of economic activities this country has to offer. And our society has benefitted as a result.

In 1964, when the first Executive order on affirmative action was issued, there were approximately 74 million working Americans. By last year, that number had grown to just over 123 million. In other words, since 1964, our economy has created 50 million new jobs. Although women and minorities entered the work force in unprecedented numbers, these new jobs were not created by taking away jobs held by men. Rather, they were created by making use of the talents that a diverse work force brings to our economy, and using those talents to help create new economic growth and more, new jobs. Affirmative action is not about taking away opportunity but about creating it.

I would like to take a moment to review the experience working women have had with affirmative action. Because many employers made a commitment to fostering diversity, women made significant inroads into professions that had previously been off limits to them. In 1972, women comprised a mere 3 percent of architects. By 1993, that number had climbed to 18.6 percent. In 1972, women were 10 percent of all physicians, but by 1993, that number had grown to 22 percent. In 1972, women made only 4 percent of all lawyers, a number that grew to 23 percent by 1993. And, I might add, this is despite the fact that the Supreme Court, in Bradwell versus Illinois, once upheld a decision by my home State to deny an eminently qualified woman, Myra Bradwell, the right to practice law, solely on the basis of her gender.

Women have made equally significant gains in the science fields. In 1972, women comprised a dismal 0.8 percent of all engineers—less than 1 percent! But by 1993, that number had grown to 8.6 percent. In chemistry, women's share of the jobs grew from 10 percent in 1972 to almost 30 percent in 1993.

In 1972, there were so few female airline pilots that the Department of Labor did not even bother to keep track. By 1993, women were 4 percent of airline pilots—a gain worth celebrating, although there is clearly still a long way to go. In the advertising profession, women went from 22 percent of the work force in 1972, to 50 percent in 1993—almost equal their percentage of the population. And the good news does not stop there. Women hold 42 percent of college teaching positions, compared to 28 percent in 1972.

Even more importantly, a rapidly growing number of women now own their own businesses—they are the bosses! During a recent 5-year period, the number of women-owned businesses increased by 58 percent, four times the rate of growth for all businesses. And during that same period, the revenues for women-owned businesses nearly tripled to over $275 billion. The number of women-owned manufacturing businesses more than doubled in that 5-year period, and the revenues of those businesses increased almost six-fold over those 5 years.

I could go on—and in the coming weeks and months, I will. But today, I simply want to underscore that the achievements working women have made, would not have occurred without a commitment by employers' to seek out, and to foster, diversity. Affirmative action is at the heart of that commitment.

AFRICAN-AMERICAN MEN STILL MOST IN NEED

Mr. President, it is also worth pointing out—when we discuss the progress that women have made—that African-Americans in general, and African-American men in particular, have benefitted the least of any group from affirmative action. When you say the words, "affirmative action," many people automatically think of a black man as the beneficiary.

Consider this: Median annual earnings for African-American men have actually shown little or no improvement over the past two decades compared to white men. In 1975, black men earned 74.3 percent of what white males did. In 1985, that figure was 69.7 percent, a drop of almost 5 percent points. In 1993, that figure was back up to 74 percent—but still lower than the 1975 level.

In 1979, 99.1 percent of senior level male employees were white, while 0.2 percent were black. In 1989, the figure for white males had declined slightly to 96.9 percent, while blacks has risen to 0.6 percent—still less than 1 percent.

Unfortunately, the lack of progress by black men applies across the board, regardless of qualifications or education level. And the fact remains that, for black men, professional degrees do not necessarily close the earnings gap: African-American men with professional degrees earn 79 percent of the amount earned by white males who hold the same degree, and who are in the same job category.

And finally, a Wall Street Journal study showed that in the 1990–91 recession, black men were the only group that suffered a net employment loss. They suffered job losses in 36 States, and in 6 of the 9 major industries. They held 59,479 fewer jobs at the end of the recession than they had held at the beginning. I could go on citing statistics. But what these numbers tell us is that, despite the claims of affirmative action opponents, black men are not taking all of the jobs that were formerly held by white men.

This group—black men—is the segment of the population that has faced the most persistent discrimination, that has encountered the toughest problems, and has had the longest road to travel. Without our past efforts to create equal opportunity, black men might be much worse off; at the very least, this is not the time to compound the problem.

The fact remains that, while white men are approximately one-third of the population, they comprise 80 percent of the Congress, hold four-fifths of tenured positions at colleges and universities, constitute 95 percent of Fortune 500 companies' senior managers and 99.9 percent of professional athletic team owners, and have been 100 percent of U.S. Presidents. I addition, an examination of historical unemployment tables debunks the myth that jobs are going to black men at the expense of white males. The fact is that unemployment rates for white males have remained relatively steady, while unemployment rates for black males have increased. In 1972, unemployment among white males was 5.1 percent, compared to 10.4 percent for black males. In 1994, the unemployment level for white males was 5.3 percent, a slight increase of +0.2 percentage points from 1972. In contrast, the 1994 unemployment rate for black males was 11.5 percent, an increase of +1.1 percentage points. Again, in spite of affirmative action, the facts show that white men are not losing jobs to black men.

I cite the numbers because it is important, I think, to debunk the notion that affirmative action is a zero sum game that pits one group of Americans against another, and may be seen as a basis for dividing us to whatever degree is necessary. This is why this debate is so important and why we have to communicate the truth about affirmative action to the people. As my mother used to say, we may be as different as the five fingers are, but we are all parts of one hand. We need each other and the benefits that our diversity provides. To allow affirmative action to be reduced to a them versus us conflict allows a short-sighted political game to obscure our common long term interests.

The fact is, as Americans, we are all in this together, and we all have a tremendous challenge to face together in this time of change in the world, and in our country. Affirmative action ought to be the focus of our collective efforts to make things better for everyone—it ought to be part of a great debate about the direction we must take—together—to address the critical economic and social issues of our time.

We have a significant economic agenda to tackle. We need to continue our work toward balancing the budget, toward restoring fiscal responsibility to the Federal Government, and toward ensuring that our children—and their children—will not be saddled with a legacy of debt. We need to create jobs. We need to ensure that every American who is able to work, can work. We need to ensure that our children are sent to learn in schools that are not hazardous to their health, and that will prepare them to compete in today's global marketplace.

If there is any objective that should command complete American consensus, it is ensuring that every American has the chance to succeed—and that, in the final analysis, is what affirmative action is all about. No issue is more critical to our country, and no issue is more critical to Me. Nothing makes a bigger difference in a person's life than opening up opportunities. Certainly, nothing has made a bigger difference in my life—and nothing has had a more positive impact on the economic well-being of our Nation.

NO QUOTAS OR PREFERENCES—AND MERIT DOES MATTER

The fact is that the successes in the economy that women and minority men have achieved over these past three decades since the first affirmative action executive order by President Johnson have not been due to quotas.

The quota debate is a fake. It is a fraud. It is an attempt to reduce affirmative action to an absurdity that serves only to pander to negative emotions. It is a myth that only those who either do not know or do not care about the truth would even discuss in the context of affirmative action. Quota is often the buzz-word of choice used by those who prefer myth to truth, and who want to create fear from insecurity and confusion. When we speak of affirmative action, we are talking about a range of activities calculated to support opportunity and diversity in the workplace and in our economy. We are talking about goals and timetables, not quotas. What goals do is encourage employers to look at their workforce, to consider if women and minorities are underrepresented and—if they are—to try and correct the situation. Goals are flexible, temporary, and are instruments of inclusion. There are no legal penalties if employers make good faith efforts, but are unable to comply with their goals or timetables.

The perspective of affirmative action is actually the opposite—the reverse—of the quota perspective. The quota argument suggests that one look at numbers before the fact to limit opportunity for some. Affirmative action, on the other hand, looks at numbers after the fact, to observe the effects of diversity in the workplace. The two concepts are simply incompatible. Affirmative action does not tell employers they have to hire 12.5 women, or 2.5 native Americans—or that they have to follow any inflexible numeric formula. Instead it provides a benchmark for diversity, a progress report, if you will, to help decisionmakers, employees, identify whether impairments to opportunity have been adequately addressed and removed. In fact, arguably since the 1978 case of Regents of the University of California versus Bakke, and definitively since the case of City of Richmond versus J.A. Croson Co., the use of quotas by State and local governments, or educational institutions, have been held by the Supreme Court to violate the equal protection clause of the constitution. There are exceptions, of course, for cases involving prior, positive and systemic discrimination, and the court has applied slightly different standards to the Federal Government.

In addition, the Equal Employment Opportunity Commission's guidelines governing voluntary affirmative action provide that in order to be valid, voluntary affirmative action programs must comply with a number of guidelines. First, they must be adopted to break down patterns of racial segregation, and to expand employment opportunities to those who have traditionally been barred from certain occupations or positions. In addition, the plans cannot unnecessarily trample the rights of those who were not targeted, usually non-minorities or men. Finally, plans can only seek to hire qualified individuals, and they must be flexible. So clearly, if any individual feels they were not hired due to an explicit quota provided for a minority or a woman, they can bring suit for a violation of equal protection.

As a benchmark for diversity, affirmative action must always be fair action. The concept of fairness in education and employment particularly rests on fundamentals relating to merit, to competence, to qualifications. No on benefits, not the community in general, the company, nor the individuals involved, if unqualified people displace qualified ones. But that is not what affirmative action is supposed to do.

It is never fair to promote an unqualified individual at the expense of a qualified individual, which is why affirmative action does not require that employers do so. To require that a person be hired or promoted, solely on the basis of their gender or race, not their competence, is exactly the type of discrimination affirmative action seeks to end.

Instead, affirmative action encourages employers or educators to seek out all qualified applicants, regardless of their gender or race. There are a number of workplace practices—word of mouth recruiting, job requirements unrelated to actual duties, et cetera—that can have the effect of limiting a hiring or promotion pool, whether intentional or not. Affirmative action works to ensure this does not occur, by reaching out to qualified minorities and women.

In addition, affirmative action helps ensure that job requirements fit the job. Under affirmative action, employers are no longer allowed to establish irrelevant criteria that applicants must fulfill before being considered for hiring or promotion—requirements that may work to exclude otherwise qualified individuals.

NOT TO SAY THAT PROGRAMS SHOULD NOT BE REVIEWED

There have been suggestions that our existing affirmative action programs must be reviewed, and I agree; no program should ever be immune to review. However, a review cannot mean a retreat from the proposition of equal opportunity for all. I am confident that any review of affirmative action will show what the Nation's major employers already know: Affirmative action is good for the community, good for companies, good for working people, and good for the country.

THIS IS IMPORTANT, BECAUSE AFFIRMATIVE ACTION IS GOOD BUSINESS

Mr. President, I do not think that our current debate over affirmative action could have come at a more ironic time. The Department of Labor just recently issued its fact finding report on the existence of the "glass ceiling"—those invisible, yet very real barriers that continue to confront women and minorities as they attempt to participate in the work force. The Glass Ceiling Report reviews in great detail the barriers to participation that fall short of overt exclusion but which still operate to limit the full participation of women and minorities in our economy. It clearly identifies the relevance of diversity in the workplace. Most important, it is a compelling endorsement of the value of affirmative action.

The foundation for the report was a document prepared by the Department of Labor—which helped publicize the glass ceiling phenomenon. As our distinguished majority leader, Senator ROBERT DOLE, stated at that time, the report has confirmed what many of us have suspected all along—the existence of invisible, artificial barriers blocking women and minorities from advancing up the corporate ladder to management and executive level positions * * * the issue boils down to ensuring equal access and equal opportunity * * * these principles are fundamental to the establishment of this great Nation, and the cornerstone of what other nations and other people consider unique to the United States—namely, the possibility for everyone to go as far as their talents and hard work will take them.

Congress created the Glass Ceiling Commission as part of the Civil Rights Act of 1991. The commission, comprised of 21 members, was charged with conducting a study and preparing recommendations on "eliminating artificial barriers to the advancement of women and minorities."

The current attack on affirmative action coincides, almost exactly, with the release of the commission's fact-finding report, entitled "Good for Business: Making Full Use of the Nation's Human Capital." It is also, however, fortuitous, for the commission's report provides those of us in Congress, who will soon be debating the future of affirmative action, with two fundamental truths: the first of these truths is that, though we have come far since Lyndon Johnson issued Executive Order No. 11246, there is still much progress yet to be made. The United States still fails to utilize the talents and resources of far too great a percentage of its population in far too many industries.

The second truth is that, if progress is not made, it will not be just minorities and women who suffer, but the community as a whole. Affirmative action is about far more than just equal opportunity—it is about our economic prosperity. It is about access to education and jobs for working people, for middle class families, and for our children. Indeed, a recent Washington Post article entitled "Affirmative Action's Corporate Converts," documented this fact. In the article, the chairman of Mobil Corporation, Mr. Lucio A. Noto, summed up the view of many employers: "I have never felt a burden from affirmative action, because it is a business imperative for us."

HOW FAR WE HAVE TO GO

The overview of the Glass Ceiling Commission's fact finding report begins: corporate leaders surveyed, women and minorities who participated in focus groups, researchers, and government officials all agree that a glass ceiling exists, and that it operates substantially to exclude minorities and women from the top levels of management. This statement is underscored by a wealth of detailed factual information, which illustrates this conclusion in no uncertain terms. Take, for example, a survey of senior level managers of Fortune 1000 industrial companies and Fortune 500 service industries, which established that 95 to 97 percent of senior managers—vice-president and above—are white men.

Or, the report's finding that—

> Despite identical education attainment, ambition, and commitment to career, men still progress faster than women. A 1990 Business Week study of 3,664 business school graduates found that a woman with an MBA from one of the top 20 business schools earned an average of $54,749 in her first year after graduation, while a comparable man earned $61,400—12 percent more.

And the problems are not limited to the business world. While women hold over 4 in every 10 college teaching jobs—more than 40 percent—they only hold 11 percent of tenured positions.

The Glass Ceiling Commission's report makes it clear what the problem is. It is not a "women's problem." It is not a problem related to any lack of ability on the part of women or minorities. It is a problem going to the heart of the American dream—whether the workforce is for some Americans, or for all Americans.

The report concluded, after years of research, that there are two major impediments to full participation by women and minorities:

First, the prejudices and stereotypes of many white male middle managers, and;

Second, the need for greater efforts by many corporate CEO's—who have made an initial commitment to diversity and expanded economic opportunity—to fully translate those words into realities.

The sub-heading on a recent New York Times article by reporter Peter T. Kilborn, which detailed the commission's findings, highlights the problems presented by stereotyping. The heading reads: "Report Finds Prejudices Block Progress of Women and Minorities." And the story goes on to depict the barriers that, unfortunately, still must be overcome by women and minorities seeking to climb the corporate ladder. Kilborn writes:

> In exploring the demography of American upper management, a Government commission Wednesday put its official stamp on what many people have suspected all along: important barriers to the progress of women and minorities are the entrenched stereotypes and prejudices of white men. Women, the report of the Federal Glass Ceiling Commission said, are perceived by white males as not tough enough and unable or unwilling to relocate. Black men? Undisciplined, always late. Hispanic men are deemed heavy drinkers and drug users who don't want to work—except for Cubans, who are brave exiles from communism. Asians? More equipped for technical than people-oriented work. And, the report said, white males believe that none of these folks play golf.
>
> Never mind that women's attendance records are better than mens', discounting maternity leaves; that Hispanic Americans work longer than the non-hispanic white men putting them down, or that American management is impressed enough by Asian management that it often apes it.

The Glass Ceiling report speaks to some of the reasons for this persistent bias. Too many white male middle managers still allow false myths obscure their vision. They are still unable to see the benefits of making full use of the talents of women and minorities.

The problem we face now—the problem of persistent bias—is different than the blatant, officially sponsored discrimination faced in the 1950's and 1960's, but it is no less real. It is certainly no less harmful to those who are not considered for a job, or a loan, or a Government contract. And it is most definitely no less worthy of congressional action than the official discrimination that Congress addressed in the 1960's.

Most of us can remember the time in our country when women who worked outside the home had to face official barriers to their participation in the labor force. Or when black and other minorities were denied employment or other economic opportunity solely because of their color. Legislation such as the Civil Rights Act of 1964, which was designed to provide equality of employment and educational opportunities, or the Civil Rights Act of 1968, which sought to provide fair housing laws, has gone a long way toward striking down those official barriers.

But the unofficial ones still remain. It is as though the hurdles have been taken off the track, but the ruts have not yet been removed for women and minorities who seeks to participate in the economy of our country. President Johnson made the point eloquently when he issued Executive Order 11246, which requires that all employers with Federal contracts in excess of $50,000 file affirmative action plans with the Government. Under that order, which is the foundation of affirmative action, the plans must include goals and timetables—not quotas—for the hiring of minorities and women, and employers are required to make good faith efforts to comply with the plans. President Johnson stated when signing the order:

> Freedom is not enough. You do not wipe away the scars of centuries by saying: Now, you are free to go where you want, do as you desire, and choose the leaders you please. You do not take a man who, for years has been hobbled by chains, liberate him, bring him to the starting line of a race, saying "you are free to compete with all the others," and still justly believe you have been completely fair. thus it is not enough to open the gates of opportunity . . . we seek not just equality as a right . . . but equality as a fact and as a result.

The progress we have made in opening up opportunity is no cause for resting on our laurels—the end of discrimination did not mean the beginning of inclusion.

We still have a long way to go to eliminate the persistent bias which creates barriers to the full participation—and the complete contributions—all of our people have to give. It stands to reason that, if we create conditions that allow our Nation to tap the talents of 100 percent of our people, we will be better off than if we can only tap the talents of half.

And that is the conclusion of the report just issued by the Glass Ceiling Commission, a conclusion which is expressed in the report's title: "good for gusiness—making full use of the Nation's human capital." Simply stated, the conclusion reached was that:

> Increasing numbers of corporate leaders recognize that Glass Ceilings and exclusion of members of groups other than white non-Hispanic males are bad for business because of recent dramatic shifts in three areas that are fundamental to business survival: changes in the demographics of the labor force, changes in the demographics of the national consumer markets, and the rapid globalization of the marketplace.

These shifts—changes in the demographics of the labor force, changes in the demographics of the national consumer markets, and rapid globalization of the marketplace—highlight why a retreat from affirmative action will hurt us all.

The Washington Post article, previously quoted, underscores that point. The article points out that the opinion that affirmative action is a business imperative is:

> Not a maverick view. At many of the Nation's large corporations, affirmative action is woven into the fabric of the companies. And the diversity that affirmative action regulations has encouraged has become a valuable marketing and recruiting tool, an important edge in fierce global competition.

A 1993 study of Standard and Poor 500 companies showed that firms that succeed in shattering their own glass ceilings racked up stock-market records that were nearly two and one-half times better than otherwise comparable companies. Companies have benefitted by opening their doors to all American workers—and we will all continue to benefit, so long as those of us in Congress do not retreat from our commitment to opportunity for all.

It is often the case that those of us in Congress are called upon to vote on issues with which we have had no personal experience. But the issue of creating the opportunity for women and minorities to become full economic partners in our society is dear to my heart, because as a woman, and a minority, I have seen first-hand the benefits that accrue from creating a climate of opinion that sets the stage for hope and for real opportunity in the areas where potential and talent matter most.

I would ask my colleagues to consider the experience of those of us who have had to overcome artificial barriers to achievement. What our experiences illustrate are the basic principles that Congress must consider—and must preserve—as it debates affirmative action.

The first of these principles is that every American must have access to education. The opportunity to attend the University of Illinois, and the University of Chicago Law School, gave me the tools I needed to enter the work force. The climate created by congressional support for affirmative action encouraged my law school to seek out and embrace diversity. They were persuaded not just to look beyond the stereotypes, but to reach outside the traditional pool of applicants, and to actively seek out qualified students who could bring a different point of view to the educational environment. This, of course, benefited more than the individual students—it benefited the entire university as well.

The second basic principle is that every American must have access to good jobs. My first job out of law school was working as an assistant United States attorney—a job that would have been virtually impossible for a woman to hold just 20 years earlier. Because of affirmative action, I was given a choice and a chance in the career path.

And the third basic principle, from which there can be no retreat, is that every American must have the opportunity to advance as far in their field as their hard work will take them. As the glass ceiling report has shown, getting a job is only half the battle. Just as bias must not be allowed in hiring, it must also not be allowed in promotion, or in access to capital, or policy making, or in any other endeavor that affects the community as a whole.

The "glass ceiling" is bad for women, bad for minorities, and bad for our Nation's businesses. It is not enough that women and minorities are able to enter the work force; we also have to have the opportunity to succeed based on their ability.

It has been argued by some that in this debate we are focused too much on the past. They say that they were not there when the constitution was drafted, leaving women and African-Americans out of its promise of equal opportunity for all. They did not take any past actions, they did not carry out any past "wrongs," and they should not have to work to correct those wrongs in the present.

But this debate is not about the past, Mr. President, or even the present. The need for continued action is not just about righting past wrongs—although past wrongs warrant strong actions; nor is it about repaying old debts—although substantial debts are owed to those people and their descendants who were harmed by their past exclusion from full participation in our economy. This debate is about the future, and the expanded economic opportunity that will come if all Americans are allowed to participate in the economy.

If you think about it, what we are debating is whether the majority of America's people—and that's what you get if you count our Nation's 51 percent women and 10 percent non-white males—will have a shot, a chance to participate on an equal footing in America's economic affairs.

Last month, I met with a group of young schoolchildren. I talked to them about the historic nature of the 104th Congress, and how we had come so far in the 75 years since the women's suffrage amendment became part of our Constitution. I pointed out to them that there are now eight women in the U.S. Senate. I spoke of this as if it were a great accomplishment. The children looked at me in confusion—one little girl looked at me and said: "Is that all?"

What that young girl was telling us, is that we need to look at the whole picture. And when we do, we know without a doubt that much work remains to be done.

Majority leader DOLE stated, when he authored the legislation creating the Glass Ceiling Commission, "Whatever the reasons behind the glass ceiling, it is time we stopped throwing rhetorical rocks and hit the glass ceiling with enough force that it is shattered." That recipe for action made sense then, and, with the issuance of the Commission's report, it makes even more sense now.

International competition is becoming tougher and tougher. We cannot succeed by bailing out of the competition, or by wasting the talents of half our citizenry. But that is what will happen—our country will fall behind—if we do not act aggressively to shatter the glass ceiling. If we do not make full use of the education and the skills of women and minorities, they are hurt as individuals, but we are hurt as a Nation as well.

In 1992, approximately 590,000 women, and 163,000 minority students graduated from college. Are we really prepared to say to them, "Sorry, you're not allowed to compete." As parents, we all have hopes and dreams for our children. Are we really prepared to say to our daughters, "Sorry, but you're not allowed to compete. Work hard, but you will still get paid less than the men working next to you, and you should not expect to be promoted." Are we really prepared, as a matter of national policy, to diminish their expectations that way? Are we really prepared to permit restrictions on their potential and their opportunities to continue for even 1 more day if there is anything we can do about it?

The answer should be obvious. There can be no retreat from the fundamental goals of affirmative action. There can be no compromise with the objective of ensuring full economic opportunity for every American.

Affirmative action has helped every American, not just women and minorities. Although opponents suggest that affirmative action is about creating race and gender preference, in fact, the opposite is true. It is about ending preferences based on prejudice and stereotype. It is about opening up our economy so that it works for all, and not just some.

I hope that my remarks here today will sound the alarm bell not just for minorities, but also for women across the Nation. In the 1940's, when the men of America went off to Europe and Asia to fight World War II, women entered the workforce in record numbers. "Rosie the Riveter" provided the essential support needed back home to keep America's factories running—both to fuel the war effort, and to sustain the domestic economy. During the war, women were hailed as heroes. But when the war was over, women were told that their services were no longer needed.

Well, I have news for those who would seek to roll back the gains women have made under affirmative action. This is not 1945. We will not go back—nor can the country afford for us to go back.

Instead of a retreat, we have to return to the fundamental truths. We have come a long way, we have made progress—but we have a long way yet to go. And if we have the wisdom, and the foresight to renew our commitment to equal opportunity, we will realize the other fundamental truth—that affirmative action is really all about justice. There are those who fear the loss of preferences created over time—the 100-percent set-asides of the past—which limited competition from the vast pool of talent women and minorities constitute. To them I say, it is counterproductive to handicap the competition, you lose, they lose, we as a nation all lose. Instead of being seduced by fear, be inspired by the hope of our Founders that in equality of opportunity lay the key to prosperity, the quality of life for all Americans would be lifted up.

There can be no retreat from our purpose, no compromise from our objectives—expanding economic opportunity, taking advantage of our diversity, moving the United States ever closer to the day when the eloquent vision set out in our Declaration of Independence becomes a reality for every American.

Abraham Lincoln, in his 1862 message to Congress, spoke words that resonate and reflect the seriousness of this debate:

> Fellow-citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation * * * We—even we here—hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last, best hope of Earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will forever applaud, and God must forever bless.

Affirmative action is a quintessential American challenge. I hope this Congress will prove worthy of it.

Mr. President, I have here a list of a number of companies, and a description of programs they have implemented to promote diversity in their organization. This list provides an overview of the variety of approaches that employers across America have taken to promote diversity. I ask unanimous consent that a list of these programs be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CASE STUDIES OF SUCCESSFUL PROGRAMS

The Federal Glass Ceiling Commission has found that businesses vary in their awareness of glass ceiling issues and in efforts to overcome glass ceiling barriers. Some businesses pioneer initiatives to remove the barriers and continue to do so. The work and family programs offered by these employers, have great impact on the lifelong career paths of women and people of color who share responsibility for their families daily care, and their ability to take on promotions and opportunities if offered. This section briefly describes the efforts of three companies—Xerox Corporation, Procter & Gamble, and IBM—that are successfully eliminating glass ceiling barriers while remaining competitive and profitable.

XEROX CORPORATION

CEO Commitment and Leadership—Almost 40 years ago, Joseph C. Wilson, the founder of Xerox, made diversity a core value of the corporation. He called it *"valuing and respecting people."* Current CEO Paul Allaire believes that a diverse workforce gives Xerox a competitive edge.

Accountability—Allaire expects senior managers to develop and maintain a balanced workforce and holds them accountable for achieving those goals. In turn, senior managers hold their managers to the same standards. An annual memo entitled *Balanced Workforce Performance*, reports the workforce participation of minorities and women and summarizes progress in meeting the goals.

Under its Minority/Female Supplier Program, the company also holds its vendors to high standards of workforce diversity while expanding their business opportunities. In 1992, Xerox spent $196 million with minority- and women-owned businesses.

Outreach and Recruitment—Xerox has a longstanding and successful employee referral system in which all employees are encouraged to refer friends and relative to apply for employment. In the 1960s, Xerox initiated special efforts to recruit women and minority men, beginning with Booster, a collaborative program with Urban League affiliates, and Step-Up, a minority outreach program in Rochester, New York. Today the company has one team of African American managers who serve as liaisons with historically Black colleges and universities and another team of Hispanic managers who coordinate efforts to recruit Hispanic men and women.

Training—All employees are kept aware of company policies on issues sexual, racial, and ethnic harassment. A brochure highlighting the company policy is given to every employee. Xerox instituted workshops in sexual harassment prevention in 1982.

Development—High potential employees are counseled on the steps necessary to advance their careers. Their job assignments support their advancement—for example, of the 80 Xerox managers currently on international assignments, 13 are women and 23 are minorities. A key element of the succession-planning process is to improve the representation of minorities and women in upper management—currently 20 percent of Xerox vice presidents are members of minority groups and 12 percent are women. Twenty-four percent of the corporate officers are women and minorities.[1]

Mentoring—Caucus groups are fundamental to the company's mentoring activities. All groups are employee-initiated and employee-funded. They conduct workshops, conferences, and individual mentoring activities on management processes, career planning activities, and work/family issues. The company also has support groups based on sexual orientation, disability, and functional expertise.

Work and Family—Xerox's Life Cycle Assistance combines a variety of work/family programs that include income-based subsidies for child care, customized medical benefits, an employee assistance program, and tuition aid for employees.

PROCTER AND GAMBLE

CEO Commitment and Leadership—More than 30 years ago, Procter & Gamble's President Howard Morgan sent a letter to his senior managers, stressing that the company simply had to do better at providing employment for African Americans. Today, Chairman Edwin Artz sends an annual letter to P&G's more than 100,000 employees, outlining the company's diversity policies and emphasizing its conviction that, in his words—"Developing and managing a strong, diverse organization is essential to achieving our business purpose and objectives."

Accountability—Each P&G business unit has specific goals for the development and advancement of minorities and women, as well as plans for achieving those goals. Data on hiring, promotions, job rotation, and training are entered into a computerized Diversity Measurement System, giving senior management the ability to track progress in meeting goals. The number of women at the department director level has doubled in the last five years and the number of minorities at the associate director level has tripled.

Outreach and Recruitment—P&G provides internships through the Graduate Engineering for Minorities Consortium, the National Urban League's Black Executive Program, and the National Alliance of Business Colleges' Cluster Program. In 1993, 47 percent of the interns were women and 46 percent were minorities. P&G provides leadership and support for several programs designed to attract minority students to engineering and science and the company provides support to numerous women's and minority organizations.

During the past 10 years the company's record of hiring and promoting minorities and women into management has been strong, with women averaging approximately 40 percent and minority men approximately 25 percent of new hires.

Training—All employees participate in diversity training. The company's goal is to create a business environment in which individual differences are not only valued but celebrated and prized.

Development—Development programs are customized to give each employee opportunities, tools, and skills needed to realize his or her full potential. P&G College, designed to reach all employees, is staffed by senior managers who teach basic business courses fundamental to business success.

Mentoring—Dozens of networking and support groups exist throughout the company—for example, Women Supporting Women (WSW) and the Asian American Self Directed Learning Conference. WSW's annual workshop brings together mid-level women managers to discuss job growth and development issues. The Learning Conference helps Asian and Pacific Islander Americans understand cultural differences and perceptions that affect business operations. Experienced P&G managers serve as counselors, coaches, guides, and advisors to less experienced employees and are available to all employees upon request.

Work and Family—P&G considers family-friendly policies as an investment that pays off in attracting and retaining employees. Family-friendly programs include child care leave, adoption assistance, on-site medical screening, employee assistance programs, tuition reimbursement for college courses, flexible schedules, and financial support of nearby child-care facilities.

IBM

CEO Commitment and Leadership—In 1935, when IBM first hired professional women in marketing, Chairman T.J. Watson declared, "Men and women will do the same kind of work for equal pay." Current CEO Louis V. Gertsner, Jr., terms diversity "an issue of strategic and tactical importance," made workforce diversity the subject of one of his first policy letters. He wrote,

"I believe workforce diversity to be of real importance to IBM's success. As the marketplace becomes increasingly diverse, IBM's competitiveness will be enhanced through a workforce which reflects the growing diversity of the external labor force, and the growing diversity of our customers."

Accountability—IBM sets goals for minorities and women in job groups where they are underutilized, with the intention of achieving representation according to availability at all levels in the company. Each manager's annual appraisal includes an evaluation of his or her efforts in improving IBM's workforce diversity profile.

A salary analysis is conducted for each minority and female employee. These analyses compared minorities and women employees with their similarly ensuring situated white and male peers.

Outreach and Recruitment—IBM was the first company in the U.S. to support the United Negro College Fund in 1944, its initial year. The Company began active college recruiting at historically Black colleges in the 1950s. In 1972 IBM initiated the Faculty Loan Program which allows employees to take up to a year off to work for a college, at full IBM salary, in projects addressing the needs of disadvantaged, female, or disabled students. More than 1000 employees have participated. In 1991 IBM established the Minority Campus Executive Program. African American, American Indian, Asian and Pacific Islander, and Hispanic American executives serve as liaisons with the presidents of 24 colleges that have large/predominantly African America, Hispanic American, Asian and Pacific Islander American, and American Indian populations.

IBM recruits from colleges and universities that have significant numbers of women and minority students. Critical to recruitment are these three principles:

Equal employment and affirmative action are treated as business objectives.

Line managers at all levels are accountable for progress in meeting diversity objectives.

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[1] The category "minorities" includes both men and women, so that a female employee is counted here both under the category "women" and as a minority.

Investing time and effort in recruiting and sustaining a supply of diverse employees long-term, continuing success in meeting diversity objectives.

Training—All company diversity training programs use an IBM video, "Valuing Diversity: A Competitive Advantage." Diversity councils indentify, recommend, and implement plans and programs to enhance workforce diversity management. The councils meet regularly and coordinate roundtable exchanges and focus groups to discuss opportunities, challenges, and concerns of the workforce. Training in sexual harassment prevention is an integral part of all employee training.

Development—Attendance at IBM's executive seminars is an important training experience in the company—in 1993, 22 percent of those attending were women and 7.7 percent were minorities. In the same year, 25 percent of those who attended IBM's advanced management school were women and 15.7 percent were minorities.

A key developmental experience is an international job assignment—an experience outside of the U.S. in a different culture and work environment. From 1991 to the end of 1993, more than 500 employees participated—15 percent were women and 9.6 percent were minorities.[1]

It is a requirement that the opportunity to use the Employee Development Plan process be offered to each woman, minority, Vietnam-era veteran, and person with a disability. The Employee Development Plan is a document used in partnership between the employee and the manager to understand and maximize strengths, and to identify and address weakness. It also provides a vehicle to discuss career aspirations and to establish a plan to help achieve reasonable career objectives.

Mentoring—The goal of IBM's Mentoring Program is two-fold. First, it provides a place where women and minorities, and people with disabilities can go for "penalty-free advice"; and second, to provide senior employees and managers the opportunity to have a variety of coaching, developing, and managerial experiences with people who are different from them. Mentoring begins as soon as an employee joins IBM. The program supports employees at three levels:

Officer Level—Mentors guide selected women and minorities who have been identified as potential corporate officers.

Corporate Level—Mentors guide selected women and minorities who have been identified as potential executives.

Noncorporate Level—Mentors guide new employees to provide early career assistance and maximize their career growth.

Work and Family—IBM's ongoing goal in this area is to demonstrate that these programs are practical, effective, and efficient tools to achieve business results. IBM's Work/Life Programs are designed to help all employees be productive while meeting personal and family needs. Programs include flexible work hours and flexible work locations, a personal leave program, and child and elder care support. Work/Life Employee Surveys in 1986 and 1991 provided valuable data on existing programs, and led to recommendations for new projects/programs. IBM has made a special commitment to the subject of Dependent Care support. In 1989, IBM announced the IBM Funds for Dependent Care Initiatives, a $25 million investment made over the years 1990–1994. During that period more than 500 child care/elder care projects were funded in communities where IBM employees live and work. In addition, in 1992, IBM was one of the 11 "Champion" companies that funded The American Business Collaboration for Quality Dependent Care. It was the largest collaboration in U.S. history that included 156 organizations and invested 27 million dollars in 355 projects in 45 communities.

100 CORPORATE PRACTICES

In its examination of corporate glass ceiling initiatives, the Federal Glass Ceiling Commission found that comprehensive, systemic approaches are more likely to have lasting positive impact than isolate, one-shot or ad hoc approaches. Because they are designed to overcome the structural barriers specific to the business, different glass ceiling initiatives emphasize different components. However, research suggests that effective initiatives include components of the seven elements listed below. (The summary tables are organized by the following element headings and are found in the Appendices.)

LEADERSHIP AND CAREER DEVELOPMENT

AAA—American Automobile Association.
AT&T.
Barnett Bank
Connecticut Mutual
Connecticut Insurance
Corning Glass Works, Inc.
Fannie Mae
Gannett Co., Inc.
Hewlett-Packard Co.
JC Penny Co., Inc.
Massachusetts Mutual Life Insurance Company
Morrison & Foerster
New England Telephone—NYNEX
Pacific Gas and Electric
SC Johnson Wax
Tom's of Maine
University of North Carolina at Greensboro
US WEST

ROTATION/NONTRADITIONAL EMPLOYMENT

American Airlines.
Avon Products, Inc.
Chubb & Son, Inc.
Con Edison
E.I. du Pont de Nemours & Company

MENTORING

AT&T
Chubb & Son, Inc.
CIGNA
Dow Jones & Company
E.I. du Pont de Nemours & Company
Exxon Research & Engineering Co.
First Interstate Bank of California
JC Penny Co., Inc.
New England Telephone—NYNEX
Pitney-Bowes, Inc.
Procter & Gamble

ACCOUNTABILITY PROGRAMS

Baxter Healthcare Corporation
Corning Glass Works, Inc.
Square D Co.
Tenneco, Inc.

SUCCESSION PLANNING

American Airlines
Hershey Foods
McCormack & Dodge
Motorola, Inc.
Public Service Electric & Gas Company

WORKFORCE DIVERSITY INITIATIVES

Avon Products, Inc.
General Electric NY Silicone Manufacturing Division
General Foods
McDonald's
PDQ Personnel Services
Procter & Gamble
Renssalaer Polytechnic Institute
US West

—(a) Programs for Women of Color
US WEST
Xerox

—(b) Corporate Women's Groups/Networks
Avon Products Inc.
Case Western Reserve University
Hoffmann-La Roche
Honeywell, Inc.

—(c) Gender/Racial Awareness Training
Arthur Andersen & Co.
E.I. du Pont de Nemours & Company
JC Penny Co., Inc.
Hughes Aircraft
3M
MCA, Inc.
North Broward Hospital District
Pitney-Bowes, Inc.
Port Authority of NY & NJ
Raychem Corporation
Ryder Systems, Inc.
Tenneco, Inc.
Texas Instruments

—(d) Elimination of Sexual Harrassment
Apple Computer
AT&T
E.I. du Pont de Nemours & Company

FAMILY-FRIENDLY PROGRAMS

Eastman Kodak Company
Fel-Pro, Inc.
John Hancock Financial Services
Johnson & Johnson
Marquette Electronics
NationsBank
SC Johnson Wax
Pacific Gas and Electric
JC Penny Co., Inc.
Tandem Computer, Inc.
US Sprint

—(a) Flexible Work Arrangements
Arthur Andersen & Co.
Corning Glass Works, Inc.
Eastman Kodak Company
North Carolina National Bank
Pacific Bell
The San Francisco Bar Association
Sidley & Austin
Skadden, Arps, Slate, Meagher & Flom
Steelcase, Inc.
Tucson Medical Center

—(b) Parental Leave
Aetna Life & Casualty
Corning Glass Works, Inc.
IBM
Proskauer, Rose, Goetz & Mendelsohn

—(c) Dependent Care
Allstate Insurance Company
American Express Company
Amoco Corporation
Champion International Corporation
IBM Corporation
Johnson & Johnson
J.P. Morgan, Inc.
Motorola, Inc.
Philip Morris
Stride Rite Corporation
The Travelers
Work/Family Directions
Xerox Corporation

SUMMARY TABLES: LEADERSHIP AND CAREER DEVELOPMENT

AAA—American Automobile Association; Management Development Program: The four-level Management Development Program focuses on building the kind of skills AAA managing directors, general managers and mid-level managers need in order to lead the company in a changing competitive climate. The program is based on three core themes: (1) building the competencies of the AAA "manager of the future"; (2) Action Learning, an idea borrowed from General Electric that focuses on immediate transfer of skills learned in class to on-the-job situations; and (3) member satisfaction, or convincing executives to spend time with customers so they can make decisions that better anticipate customer needs.

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[1] The category "minorities" includes both men and women, so that a female employee is counted here both under the category "women" and as a minority.

AT&T; Leadership Continuity Program (LCP); Executive Education Program: Introduced to help further the advancement of minorities and women into higher management, the LCP identifies and accelerates the development of managers who have the potential to be leaders in an intensely competitive environment. The Executive Education Program provides internal and external education experiences for AT&T executives and those middle managers identified as having high potential. Executive Education Program candidates, most of whom are in the LCP, are selected on the basis of their on-the-job learning experiences, career histories, career plans, and the business strategies of the organization. Executive Education Programs are offered internally and at 40 universities worldwide. Programs last from one week to two-and-a-half months.

Barnett Bank; Leadership and Career Development: Women are chief executives of four Barnett units and make up 44 percent of the highest paid employees. Women make up 21 percent of Barnett's senior and executive vice presidents.

Connecticut Mutual; Management Excellence Selection; Components for Leadership Development: 1. The Management Excellence process involves "selecting individuals who will make successful managers in our environment." The process was developed through the McBurr model of competencies: a group of average and outstanding managers was selected and studied in order to identify the traits that led to success in management and traits that the company wanted to emphasize in management selection and development.

2. Components of leadership development efforts:

Career path process: identifies the objective performance, skill and knowledge criteria for moving from one pay level in a job to the next, thus empowering the individual to plan his/her own growth and advancement.

Success factors for management: competencies demonstrated by the best managers in the company are described to enable individuals to plan their own growth and development as managers.

High potential list: developed through interviews conducted by personnel from human resources with the head of each of the business units and support units. This process identifies individuals at all levels of the organization with potential for higher level positions.

Continental Insurance; Advanced Development Program (ADP): The Advanced Development Program identifies the company's high-potential employees and, through rigorous training and accelerated career plan helps them attain key leadership positions in the company. The program takes select employees through a three-month training session during which each employee develops a career plan for next three to seven years. Assigned advisors serve as mentors, and along with position supervisors, they communicate successes and difficulties to ADP managers. The goal of the ADP is to develop talented, committed employees into skillful managers and proficient leaders.

Corning Glass Works, Inc.; Total Quality Program & Women's Advancement: The Quality Improvement Team is a task force designed to upgrade efforts in the recruitment, retention, and upward mobility of women in management. With a demonstration of commitment from the top down and input from both line and staff managers, implementation strategies are being planned. They include the development of action steps to hold managers accountable, succession planning for high-performing women, career development strategies to improve the current upward mobility rate for women, new recruitment efforts, implementation of a managing diversity education program, communicating policies and practices regarding women, and the development of community initiatives to encourage women to work at Corning.

Fannie Mae; Recruitment: Newly appointed as CEO in the early 1980s, David O. Maxwell challenged the traditional hiring patterns of the financial industry by deliberately recruiting a management team that included minorities and women. To continue increasing the number of minorities and women in mid- and senior-level positions, CEO Maxwell works aggressively with top management to identify and promote the company's most promising minorities and women.

Gannett Co., Inc., Partners in Progress: Instituted in 1979 by Chairman Allen Neuharth, the program encompasses strategies for recruiting, hiring, developing, and promoting minorities and women. The program features a system to measure performance of managers in developing minorities and women. It is aimed at high potential individuals for participation in management development programs. College recruitment and internship programs aimed at minorities and women ensure a diverse pool of talent from which future company leaders will emerge. The program, which has been tracked since 1981, has produced high percentages of minority and female employees and managers.

Hewlett-Packard Co.; Technical Women's Conference: The conference began as a grassroots effort by company women to showcase the achievements of HP's female engineers and scientists, promote their leadership development, and help them to network in a highly decentralized organization. After a successful first Technical Women's Conference in October 1988, the company sponsored a worldwide conference in May 1991, drawing 800 attendees.

JC Penney Co., Inc.; Management Development Program Leadership Forums: JC Penney Co., Inc. has created the Women's Advisory Team and the Minority Advisory Team to develop programs which increase the representation of women and minorities at the senior management level and to find ways to make the company's affirmative action plan more effective. Each team is composed of 16–18 management associates appointed directly by the company chairman. Focus groups with employees help develop team agendas. The teams have created a formal mentor program, an internal newsletter that focuses on workforce diversity, leadership forums that allow employees to hear from outside experts, and a direct broadcast system that electronically puts together managers to discuss diversity issues. They have developed a nontraditional staffing program which permits managers to better balance work and family responsibilities.

Massachusetts Mutual Life Insurance Company; Professional Development Boards: The company refined its 15-year-old Management Issues Board to emphasize the professional development of employees. The single board was expanded to four 15-member boards (3 product line and 1 corporate), and was renamed the Professional Development Boards. The new system provides professional staff with opportunities for career growth through their participation in challenging business projects. Participants develop critical skills, enhance their visibility with top management, and broaden their responsibilities, while assuring Mass. Mutual of a growing reservoir of professional and managerial talent.

Morrison & Foerster; Work and Family Diversity: For over a decade, this law firm has had in place an array of liberal work and family programs that help women in the demanding legal profession achieve their fullest potential. A flextime policy for partners and associates with caregiving responsibilities, a three-month paid maternity leave (followed by a three-month unpaid leave), a family sick leave and a firm-wide dependent care resource and referral program are viewed as basic levels of support. The firm has established ongoing training programs to teach lawyers, managers, and staff how to work with one another in an environment of diversity and how to manage in a workplace made more complex by the firm's commitment to flexible work arrangements for women. Lawyers and firm managers are also trained in preventing sexual harassment and delivering effective feedback.

New England Telephone—NYNEX; Women in Technology: The program was implemented to increase the number of women in technical positions, create support system for technical women, alleviate gender bias, and help women acquire the skills and opportunities they need to advance. A cornerstone of the initiative is education. In conjunction with a local university, employees with no technical background can enroll in a two-year certificate program to prepare themselves for technical careers. To help women who have technical experience move into higher levels of management, the company has a "Corporate Leaders" management succession plan. The program is open to both men and women.

Pacific Gas and Electric; Accelerated Development Program: Set up in 1988 to increase the number of minorities and women at senior management levels, the program allows PG&E to break away from traditional lines of progression that require an employee to remain in a specific job for a set number of years before being considered for a leadership position. Each business of the company can recommend employees for 10 slots available in the two-year program. Program outline and training are tailored to the career aspirations of each candidate. Of the 21 employees who participate in the program through 1993, 16 were successful, including one woman who now manages a power plant.

SC Johnson Wax, Management Succession and Development Committee: The Management Succession and Development Committee challenges managers to consider minorities and women for new openings, and pay and benefits structures are reviewed regularly to make certain that they are equitable and attractive to minorities and women. An effective job-posting system ensures that knowledge of available opportunities and of the hiring process is clear and that the hiring process is fair to all employees. Ongoing training and development is critical. SC Johnson Wax has also paid full tuition for employees' undergraduate and graduate studies.

Tom's of Maine; Leadership and Career Development: Women make up more than 45 percent of the employees and 33 percent of the board. One of three vice presidents is a woman, as are 50 percent of the managers.

University of North Carolina at Greensboro; Career/Leadership Advancement Program for Women Administrators: This pilot program was developed to address, at the state level, the scarcity of women in administrative positions, especially higher-level positions in higher education. It was a locally developed program that was funded by a local foundation, a local university, the participant enrollment fees, and the state American Council on Education/National Identification Project, which aims to identify talented women who are ready to move into senior administrative positions. The program provided the following: (1) high accessibility to women administrators and faculty in the state; (2) appraisal of career advancement as well as development of leadership skills; (3) individual career counseling for participants; and (4) training for participants in fiscal matters.

US WEST; Women of Color Project: In 1988, US WEST implemented its Women of Color Project to remedy inequities in the career opportunities for non-Caucasian women. The program was a response to the recommendation of three employee Resources Groups. The objective of the program, which has just recently completed its five-year lifespan, was to provide developmental and promotional opportunities for the women on the basis of their leadership, communication, and decisionmaking skills and the needs of the business. Of the 36 participants that completed the program, all experienced developmental opportunities and 83% were offered one or more promotional opportunities.

ROTATION/NONTRADITIONAL EMPLOYMENT

American Airlines; Nontraditional employment: See American Airlines: Succession Planning.

Avon Products, Inc.; Slating: High potential selection process: The slating process was instituted to expand the pool of internal candidates for open positions and to ensure that minorities and women are better represented in line positions. When a position for manager, director, or vice president becomes available, human resources personnel work with department heads to identify candidates. To better prepare for staffing changes, a slate of candidates is sometimes developed before the position becomes open. Candidates are selected on the basis of their job-specific skills and credentials.

The high potential selection process for high potential employees identifies those who have developed exceptional leadership and management skills, and who support the company's valuing diversity efforts. These individuals work with their managers and human resources staff to identify the experiences they need to advance. With slating, the pool of high potentials is screened to ensure adequate representation of minorities and women.

Chubb & Son, Inc.; Job rotation: High potential women in staff and administrative positions are given the opportunity to rotate into line functions. To prepare for a new position, each candidate currently in a staff position receives training and, in some cases, gains hands-on experience by working for several months in a lower-level line job without taking a pay cut.

Con Edison; Management Intern Program: The Management Intern Program is a comprehensive strategy to recruit, develop, and promote qualified women. Begun in 1981, the program currently recruits approximately 30 college graduates annually on the basis of technical competence, leadership potential, communication skills, and part-time work experience. Interns spend one year in four three-month assignments designed to expose them to a variety of company functions. Visibility is an added program benefit: interns gain exposure to officers and upper management through required presentations and informal forums. At the outset of the program, each intern is assigned a mid-level manager who serves as a mentor. 75% of the 89 female engineers hired since 1981 are still at Con Ed. Women have the highest rate of retention.

Blue Collar Prep Program: The "Blue Collar Prep" program aims to prepare women educationally, psychologically, and physically for nontraditional jobs.

E.I. du Pont de Nemours & Company; Job rotation: At Du Pont, most executives move through at least two or three functions before they reach top positions. For example, an employee with technical experience may move from manufacturing to marketing to general management to corporate staff before attaining executive line status. The job rotation process begins with the identification of high-potential employees. Of Du Pont's 20,000 exempt employees with college degrees (15% of whom are women), approximately 2,000 are considered capable of advancing into upper management positions. Asked why job rotation is particularly important for women, a Du Pont representative said, "Women don't have role models in upper management positions. Job rotation helps them learn firsthand about the skills and knowledge they need for a new position."

MENTORING

AT&T; Early Career Advisory Program (ECAP): ECAP began in 1976 at the company's Bell Laboratory location in Naperville, Illinois. Originally intended as a mentoring program for all newly hired or promoted minorities and women at the professional engineer level in Bell Laboratories (AT&T's Research and Development division), the program was recently broadened to include associate technical positions. Mentors are managers at either the supervisor, department head, or director level, and must work outside the mentee's department.

Chubb & Son Inc.; Senior Management Sponsorship Program: Implemented in 1990, the program aims to improve the preparation of talented individuals for senior management positions. The program selects employees at the assistant vice president level and above who are excellent performers and demonstrate potential for advancement. While the 30 employees participating in the pilot program in 1990 included women, minorities, and white non-Hispanic men, the majority of those participating were female.

CIGNA: Mentoring Guide: CIGNA developed a guide and let each of its ten operating divisions decide how they wanted to approach the mentoring process. The guide profiles successful mentor relationships, including key behaviors of coaches, mentors, and mentees; on-the-job opportunities for coaching and mentoring; methods to improve coaching and skills; and tips for mentees. The model was also developed to provide a benchmark for best practices and approaches to mentoring and coaching in CIGNA's divisions.

Dow Jones & Company; Mentoring Quads: To promote cultural diversity and enhance developmental and promotional opportunities for minorities and women, the company developed mentoring quads. Each quad is made up of four members who are diverse in terms of position, level, race, gender, and functional area. Program developers felt another advantage of the group approach would be to offer greater learning opportunities to larger numbers of people. The approach also assumes that group dynamics will minimize personality conflicts.

E.I. du Pont de Nemours & Company; Imaging Systems: Du Pont's mentoring program is tied to other initiatives to develop and advance high potential minorities and women. While the company allows mentors and mentees to structure their own relationship, every mentor receives two days of training in which ground rules are set and guidelines are given.

Exxon Research & Engineering; Internship and Mentoring Program: This program for female and minority high school students was implemented to increase the pool of minority and women recruits. By providing students with professional-level mentors, who serve as role models and career counselors, as well as offering "real" engineering work experience, Exxon aims to build positive, long-term relationships with students and to foster their interest in becoming permanent employees.

First Interstate Bank of California; Individual Mentoring Program: The Individual Mentoring Program is part of an overall initiative, begun in early 1992, to create and implement programs for the advancement of minorities and women. The overall initiative, The Career Opportunities and Development Program, includes all phases of career development and planning, diversity training, multi-cultural networks, a group mentoring program, and an individual mentoring program. The purpose of the Individual Mentoring Program is to provide high potential selected minorities and women with an opportunity to focus on examining personal expectations, work habits, communications goals and objectives, constructive feedback, and understanding expectations under the guidance of experienced and skilled professionals. Recognition that the bank could strengthen its business by developing employees was the motivation for establishing the initiative. Throughout the next three to five years all of the participants will be tracked as to their career development.

JC Penney Co., Inc.; Mentoring Skills Development Workshop: JC Penney Co., Inc. created its own two-day workshop on managing a diverse workforce. All profit-sharing managers in the company have attended the program. The workshop objectives are to create an awareness of cultural differences, to develop an understanding of how these diverse cultures benefit the workplace environment, and improve communications among an increasingly diverse workforce. Additionally, 120 key senior managers attended a week-long multi-cultural workshop that uses relationships and team-building to reinforce the value of diversity.

New England Telephone—NYNEX; Mentoring circles: Designed to help prevent some of the problems associated with structured mentoring relationships, NYNEX has implemented "mentoring circles." Because mentors and mentees meet in groups of up to 12 people, the sexual tension and rumors that can accompany one-on-one male/female and interracial mentoring are eliminated. Moreover, the circles maximize the use of mentors' time, as the number of individuals qualified to serve as mentors is usually far fewer than the number of employees seeking mentors.

Pitney-Bowes, Inc.; Pairing System: The objectives of the 1989 pilot program were to augment the development process by helping to increase the number of candidates ready to fill managerial positions and to improve the retention of valued employees. The program was also designed to further the company's goal of creating an environment that values diversity by helping to increase the representation of minorities and women management. The current program strives to match mentors and mentees in as many levels as possible by looking at the development needs of associates, the experience of mentors, geographic proximity and/or functional commonality.

ACCOUNTABILITY PROGRAMS

Procter & Gamble; Corporate Mentoring Program: The objective of the program is to ensure that there is an experienced manager to act as "a trusted counselor, coach, role model, advisor and voice of experience" to managers with less experience who are expected to advance within the organization. The first priority of the company was to ensure that minorities and women who had been identified as having advancement potential have mentors because of the higher turnover rates among these managers.

Baxter Healthcare Corporation; Affirmative Action Strategy; Balanced Work Force Initiative: The program holds managers individually accountable for recruiting, retaining and promoting minorities and women. Managers are provided with guidelines for developing professional skills and, at year end, are required to complete detailed summaries of their efforts. Managers then submit the forms to corporate headquarters for an in-depth review of their achievements. Baxter then reinforces support for managers' initiatives by tying 20 percent of their discretionary bonus to their "good faith" efforts and pursuit of corporate goals. Both the number of female vice presidents and the number of female division presidents have increased substantially since 1988.

Corning Glass Works, Inc.; Quality Improvement Teams: To counteract a trend in attrition, the company assigned senior managers to separate quality improvement teams, one for women's advancement and one for the advancement of African Americans. After an intensive six-month effort, involving surveys and focus groups, the teams made recommendations for improving the workplace. Some of the outcomes include mandatory gender and racial awareness training for managers and professionals, the introduction of career planning systems, and improved communication.

Square D Co.; Diversity Goal Setting: Goals for preparing high potential female employees for management positions (at salaries of $60,000 and above) were developed and presented to senior executive staff. In 1991, it was decided that a minimum of 20 percent of manager's bonuses would be based on their effectiveness in meeting corporate goals to recruit, develop, and promote women.

SUGGESTION PLANNING

Tenneco, Inc.; Executive Incentive Compensation Program: This program links a significant percentage of each executive's bonus to the attainment of defined divisional goals to promote minorities and women. Three-quarters of this percentage relates to these pre-established goals, which are separate for minorities and women and are set by each company according to its individual workforce and location; the remaining one-quarter is for implementing programs directed at developing and advancing targeted groups.

American Airlines; Supertrack: The company is taking a multifaceted approach to retaining, developing, and promoting minorities and women. Supertrack requires officers to submit detailed, cross-functional development plans for all high-potential minorities and women in middle management and above.

Career Development Program (CDP): American's Career Development Program (CDP), a sophisticated, computerized job-posting system, allows employees to signal their interest in positions before vacancies occur. Company-wide posting also helps reduce potential for discrimination or favoritism by providing all employees with instant job information.

Women in Operations Management Advisory Council: To boost women's representation in nontraditional positions, a task force was established: Women in Operations Management Advisory Council. The goals of the group are to identify the barriers for women in nontraditional areas, to educate female employees on the growing opportunities in technical fields and to serve as mentors to female employees.

Hershey Foods; Senior Management Review: The advancement of minorities and women is one of the many goals of the succession planning process. During the company's Senior Management Review, high-growth individuals and potential high-growth individuals are identified as part of the annual meeting of top-level executives. Managers compile profiles of the high-growth individuals. The profiles include performance strengths, weaknesses, and areas that need development, the next planned or anticipated position, and the anticipated position or level in five years. A five-year development plan charts the path from the employee's present position to anticipated position.

Cross Entity Review: Lateral movement or promotions from one division to another are identified to help develop an individual through new experiences. It also serves a business purpose by placing key employees where their expertise is needed.

McCormack & Dodge; Succession Management Resources Review (SMRR): A component of a larger initiative to foster career advancement, SMRR is the process by which all senior managers evaluate those managers who report to them directly and determine their readiness for progression into even more senior positions. Senior managers must also identify the critical skills, training and job experiences that each middle manager must have in order to be promoted to more senior positions. A detailed, individualized development plan is prepared for these individuals and is reviewed by executives on an annual basis. These plans are reinforced through performance evaluation and other goal-setting processes.

Motorola, Inc.; Succession Planning with Clout: To accelerate women's advancement, the company implemented this program in 1986. The program features an ambitious, corporate-wide "Parity Initiative," which requires, by year end 1996, that the representation of minorities and women at every management level mirrors the representation of these groups in the general population. The "Parity Initiative" has already produced results: In September 1989 Motorola had two female vice presidents; today it has fourteen. To achieve these goals, the company uses a succession planning process, the "Organization and Management Development Review," which is unique in that it reaches down to the entry and mid-levels of management and holds managers accountable for developing and retaining minorities and women.

WORKFORCE DIVERSITY INITIATIVES

Public Service Electric & Gas Company; Multi-level, company-wide succession planning: Once a year each departmental head completes several succession planning forms: One is an organizational chart on which succession candidates, their readiness dates and their development needs are identified. Another form asks department heads to indicate any human resources issues they're confronting. Finally, department heads rate the performance of each employee on a scale of one to five—one indicating a high potential fast tracker; five indicating unsatisfactory performance. Focus is on the number of minorities and women designated as promotable and on the development opportunities outlined for them.

Avon Products, Inc.; Communication System: This grassroots communication system monitors problems and opportunities related to diversity. Minority network groups exist as forums at which people of color can identify and discuss career-related issues. Officer sponsors provide guidance and mentoring. These networks communicate their concerns to a multi-cultural committee which, in turn, makes recommendations to senior management to effect positive change. On a monthly basis, the Corporate Women and Minorities Committee, founded by a former CEO, checks the company's progress in meetings to ensure access to management for minorities and women.

Managing Diversity: Avon defines managing diversity as "creating a culture that provides opportunity for all associates to reach their full potential in pursuit of corporate objectives." Their conceptualization of diversity encompasses the more obvious differences such as age, gender, race, and culture, as well as the more subtle dimensions such as work style, life style, and physical capacity and characteristics. Managers at every level are responsible for Avon's progress in diversity. In addition, Avon encourages the comprehension and support of diversity by all employees.

General Electric, NY Silicone Manufacturing Division; Grassroots Diversity Initiative: The Silicon Manufacturing Division has increased the number of minorities and women entries to 30 percent. In 1989, an informal network created a grass-roots diversity initiative at the company in response to problems experienced by women and people of color. Specialized characteristics of the initiative include teamwork and diversity training. A review board examined such issues as family leave, flexible hours, personal and professional development, and other programs. Since the implementation of the program, there has been an increase in the number of women in managerial positions including women of color. Mentoring, an important component of the program, was established to provide minorities and women with role models who would give the participants insight into the corporate culture and management systems.

General Foods; Diversity Management Steering Committee: General Foods began its diversity effort by forming a Diversity Management Steering Committee, chaired by the president and including 10 senior executives, to monitor all company activities relating to affirmative action and diversity management. A full-time human resources position dedicated solely to diversity management was established, along with a

Workforce 2000 Council to address the issues of the upward mobility of minorities and women, networking, and career/family balance. A huge training effort was then launched for the entire salaried employee population. The goal of the training is to increase awareness of changing workforce demographics, the diversity efforts of competing companies, and the internal cultural barriers that inhibit the productivity of minorities and women.

McDonald's; changing Workforce Programs: Formalized more than a decade ago, the programs are based on a premise of respect for all contributors to the business. Comprising six progressive management development modules, the program has helped ensure that employees of both genders and all cultures can reach their full professional potential. Through the modules, class participants are encouraged to explore personal attitudes and assumptions that can become barriers to their professional growth, or the growth of employees they manage. Training courses offered include: Managing the Changing Workforce (MCW); Women's Career Development (WCD), Black Career Development (BCD); Hispanic Career Development (HCD); Managing Cultural Differences (MCD) and Managing Diversity (MD).

PDQ Personnel Services; Workforce Diversity Initiatives: PDQ has developed ongoing relationships with diverse business groups to generate continuous referrals and to promote the advancement of minorities and women. It has developed outreach to organizations representing minorities and women such as the Latin Business Association, Black Business Association, and the Urban League. These organizations assist PDQ with recruitment outside the company. PDQ has developed non-gender and non-racial interview questions which are uniformly administered to all candidates being considered for management positions.

Procter & Gamble; Corporate Diversity Strategy Task Force: In 1988, the president commissioned this task force, intentionally including line vice presidents, to redefine the importance of a multicultural work force and to identify strategies for managing diversity. In terms of diversity training, the company offers awareness training, symposiums on women and minority issues, and "onboarding" programs that help orient new hires with special attention to gender and minority concerns. To foster development and retention, all managers receive regular career assessments in which they and their supervisors identify the skills they need to advance.

Rensselaer Polytechnic Institute; Beyond Diversity Effort: The Institute views itself as a microcosm of the broad society: they have developed initiatives that cut across the entire university community in order to adequately prepare students for the work force. The program was established as part of the Institute's recent strategic planning progress. It offers both students and faculty opportunities to learn and participate in different cultures and lifestyles through lectures, concerts, travel, workshops, and task forces.

US WEST; Pluralism Performance Menu (PPM): Pluralism Performance Menu, initiated in October 1990, is a measurement device for tracking the performance of the company's officers on their quantitative and qualitative efforts to develop and advance minorities and women. The PPM lists criteria for measuring officers' efforts. Every six months, officers submit a completed menu to corporate headquarters where the data are analyzed. Each officer is provided with feedback and suggestions for improvement. The short-term goal of the PPM was to boost the company's recruitment, development, and advancement of minorities and women. The PPM is designed to raise the company's commitment to diversity to a new plane so that, in the long run, promoting diversity will become second nature to all employees.

US WEST; Women of Color Project: See US West: Leadership and Career Development.

Workshop: White Maleism and the Corporate Culture: The goal of this workshop is to improve the communication between men and women and to help men avoid seeing women in the workplace as a threat, and instead as "an opportunity for greater economic prosperity and increased personal enrichment."

Xerox Corporation; Asset Management Program: This program was started in 1983 to foster mobility of women of color within the company's Development and Manufacturing Organization. The program combines formal training and on-the-job experience. It is intended to provide exposure to and understanding of the manufacturing operation through intensive on-the-job experiences under the direction of the plant manager. The plant manager also serves as mentor to the candidate to ensure that the program's objectives are fulfilled through each developmental phase.

WORKFORCE DIVERSITY INITIATIVES
CORPORATE WOMEN'S GROUPS/NETWORKS

Avon Products, Inc.; Avon Multicultural Committee: Avon has three strong groups: the Avon Asian Network, the Avon Hispanic Network, and the Black Professional Association (BPA). These groups originated in the 1970's as the Concerned Women of Avon, which then became the Women and Minorities Committee. In the mid-1980s committee members branched out and began networks and to address their specific needs. Management developed an organized system through which networks and committees feed into each other to ensure a consistent flow of information and communication. In order to be credible, the group has made sure that its objectives are consistent with the company's goals. The committee is structured to help Avon implement its business strategy of becoming a multicultural workplace. The group has developed an operational structure with officers and regular meetings that follow the accepted business protocol at Avon. In addition, the committee tries to be open about its intentions and to communicate clearly and consistently.

Case Western Reserve University; Salary Equity Committee: Established in 1992, this committee reviewed the salary distribution of all university faculty and its findings have been shared with the entire University community. This kind of open review will be done annually. An external consultant annually reviews the staff salary plan to ensure equity. Every performance appraisal carries two levels of review within its division and a review by a compensation section of the Human Resources Office for equity, appropriateness, and consistency.

Hoffmann-LaRoche; Concerned Women of Roche (CWR): Founded in 1972, CWR is one of the older corporate women's groups in the country. The 400-member group seeks to encourage women to develop their abilities to the fullest potential; it actively supports the company's Equal Employment Opportunity/Affirmative Action program and champions Hoffmann-LaRoche's policies on behalf of women's advancement and work/family balance. The group is recognized as a viable corporate entity with full support of management. Recognizing the growing need for child care, CWR championed the concept of an onsite center. After conducting a feasibility study and assessing employee child care needs, the Hoffmann-La Roche Child Care Center sponsored a child care center in 1979. It was established in New Jersey and was one of the first in the country. Also, at the request of management, CWR had input into the company's maternity leave and sexual harassment policies. CWR also spearheads the company's mentoring program (which was recently expanded to include bilingual mentors), offers career counseling and skills workshops four times a year, and provides a wide range of programs for employees and their families. Hoffmann-La Roche funds these programs and other CWR activities.

Honeywell, Inc.; Women's Council: Formed in 1978, the group has approximately 35 members who represent a wide range of job functions, levels, and organizational units. They exemplify the diverse workforce in terms of age, race, and family status. Initially, the group was chartered to contribute to a working environment that would attract and retain quality female employees and encourage personal growth of all employees. Its goals were to identify, study, and make recommendations on issues of concern to Honeywell women and support women who sought career mobility.

After gaining management support, the Council moved beyond its original emphasis on programming to providing recognized policy input. Without abandoning its original broad agenda, the group now focuses on identifying and studying issues of concern to Honeywell women and barriers to their upward mobility, and makes recommendations about how both management and employees can work to remove these barriers. The Council comprises employees from both the professional and administrative ranks.

WORKFORCE DIVERSITY INITIATIVES GENDER/ RACIAL AWARENESS TRAINING

Arthur Andersen & Co.; Men and Women as Colleagues: This gender awareness training program was introduced in May 1990 at the accounting firm's Dallas office. It aims to enhance interpersonal communication between male and female employees, legitimize discussion of workplace gender issues, increase understanding of the business benefits of creating a supportive environment for women, and help Andersen attract and retain female employees. Based on the success of the Dallas office pilot, the program has been endorsed by Andersen's national human resources office and is now being conducted at multiple locations throughout the country.

E.I. du Pont de Nemours & Company; Personal Safety: The company has chosen to address in a business context the growing social problem of personal violence, including rape, wife/spouse battering, and child and elder abuse. Senior management recognizes that employees' concerns about safety, both on and off the job, can prevent them from fully reaching their potential. Du Pont's program contributes to a supportive work environment and improved productivity by helping employees address previously ignored areas of mental stress and by opening the lines of communication between men and women.

Core Groups: These specialized workshops were implemented in 1988 to sensitize white, upper-level managers to gender and racial issues. Comprising 12 to 18 employees (five of whom are white male managers, and the remaining minorities and women), core groups meet with an outside facilitator for eight hours a month, on company time if they choose. Senior vice presidents are encouraged to form core groups within their own departments, and members either self-select or are invited to participate. While the groups have a life of their own, they typically last about a year. Occasionally members of the group will continue to meet on an ad hoc basis once the group has disbanded.

Hughes Aircraft; Gender/Racial Awareness Training: Hughes has implemented a series of "Managing a Diverse Workforce" training programs for management/supervisors, as well as career development seminars for minorities and women. Hughes also has a variety of management and professional development programs, including the Chairman's Executive Leadership Program, Line Managers Development Course, Contract Managers Course, and the Management Action Workshop for new supervisors and middle managers. All of these programs are monitored on a regular basis to determine the enrollment patterns of minorities and women.

JC Penney Co., Inc.; Diversity Awareness Workshops Skills Development Workshops: JC Penney Co., Inc. created its own two-day workshop on managing a diverse workforce. All profit-sharing managers in the company have attended the program. The workshop objectives are to create an awareness of cultural differences, to develop an understanding of how these diverse cultures benefit the workplace environment, and improve communications between an increasingly diverse workforce. Additionally, 120 key senior managers attended a week-long multi-cultural workshop that uses relationship and team-building to reinforce the value of diversity.

3M; The Women's Advisory Committee: The 3M Women's Advisory Committee's mission is "to influence and effect change in 3M to assure that all employees can participate and contribute equally." The statement emphasizes change and focuses attention on promoting women's career and leadership development through identification of issues, communication to 3M about women's concerns, and recommendation of specific action plans. The committee provides direct advice to senior management committees regarding policies that impact 3M women. The committee has contributed to the implementation of a number of significant programs including: supervisory and management development programs, internal communications on diversity in the workforce, an improved performance appraisal system, employee initiated part-time employment, and internal personnel search required for all job openings.

MCA, Inc.; Gender/racial Awareness Training: A Diversity Awareness Program, first targeting senior executives and then all management staff, enhances and sustains a work environment that is responsive to the changing demographics of MCA's workforce, eliminates any attitudinal barriers that hinder the hiring and promotion of people of diverse backgrounds, and reaffirms the company's commitment to considering candidates from diverse backgrounds for all jobs. More than 300 management personnel have attended. A Diversity Forum has been established to address diversity issues that emerge on a day-to-day basis.

North Broward Hospital District; Bridges: This voluntary management training program helps develop the skills needed to manage a diverse workforce through a 32-hour series of workshops involving role playing and interactive conversations. The eight training modules focus on intercultural perceptions, gender stereotypes, subtle racial sterotypes, ethnic identify, organizational culture, intercultural conflict, and communications barriers. Ninety-four percent of those participating in the program found it excellent or very good.

Pitney-Bowes, Inc.; Minorities Resource Group/Women's Resource Group: The two groups play significant roles in enriching the company's equal opportunity environment. The groups work with both senior management and human resources personnel to provide input into programs and new initiatives such as candidate slating, job posting, development of management training programs, the mentor program, recruiting and hiring practices, and enhancing upward mobility for all employees in the company.

Port Authority of New York and New Jersey; Women's Equity (WE): WE was organized by a small of management women to reduce their sense of isolation and to promote women's upward mobility. By 1984, women were well represented in junior and mid-management jobs; subsequently, WE began to recognize the importance of women's voice in the workplace and to lobby the agency's leaders about women's concerns. Issues of primary interest included flextime, parental leave, child care, and the availability of promotion opportunities for all women. Opening up membership into the women's organization at all levels was a logical step because the group's steering committee believed they would gain greater clout when voicing concerns to management by representing more women in the agency. To recruit new members, WE planned programs to involve women at all levels, such as a workshop on juggling work and family obligations, a display on women's historical contributions to the Port Authority, and health seminars. To ensure the relevance and usefulness of the programs to all members, Women's Equity also sought nonmanagement women's involvement on the steering committee and on each of its five subcommittees. The group then planned a special workshop cosponsored by Asian, African American, and Hispanic groups to help recruit women for nontraditional jobs such as the construction trades.

Raychem Corporation; Women's Network: The Network was developed in early 1991 to address women's isolation in the corporation's heavily male-dominated culture. The Women's Network issues a newsletter to more than 200 female and male employees. The Network is drafting its formal charter, organizing focus groups with female employees and top management, and launching a formal study to determine whether there are barriers to career development at Raychem. A positive and constructive approach and its practice of communicating with management regularly and openly are attributes that led to the group's success.

Ryder Systems, Inc.; Women's Management Association: Founded in 1982, the Women's Management Association defines itself as a "business association." Its objectives include helping women to become more effective in their jobs, apprising senior management of women's concerns and recommending practical solutions, and improving the knowledge of members of Ryder's businesses and customers. A unique aspect of the group and a key to its success is the involvement of senior management. The group is guided by a Governing board, comprised of 10 senior-level female managers, and an Executive Adivsory Committee, comprised of four of the chairman's direct reports and human resources executives. Throughout the year, the group sponsors special events featuring nationally recognized business leaders, and frequently asks Ryder's corporate and division officers to formally speak to members about company growth and business plans. Having the group's objectives aligned with corporate objectives and the involvement of senior management have been critical to its success.

Tenneco, Inc.; Women's Advisory Council: The council was established in January 1988 by then Chairman James L. Ketelsen to help increase the number of women in leadership positions. Since then, the group has worked with management and corporate human resources officers to achieve its goals. Approximately 20 executive and management women from all company divisions are part of the Council, which also has a non-member senior executive liaison. The council receives its operating budget from the company and uses company personnel, facilities and communications services. Members of the Women's Advisory Council helped corporate human resources officers facilitate company-wide adoption of "Workforce 2000 Initiatives," a training program for addressing workforce diversity issues. The group also assisted corporate human resources officers in developing the "Work/Family Support Program," which offers a range of work and family benefits, including a six-month, unpaid family care leave. The number of women in senior management has grown significantly since the Council was established.

Texas Instruments; Corporate Services Women's Initiative: The Initiative is a management-supported group of approximately 50 female engineers, managers, and technical employees in the company's Corporate Services division. Founded as a grassroots effort by two women in 1990, the stated charter of the group is to champion the full participation of Corporate Services women at all levels and aspects of the business by promoting their professional and personal goals. The Women's Initiative helps top management understand and resolve issues that will enable the company to better recruit and retain women. Using the Corporate Services Women's Initiative as a model, five additional women's networks have formed in other company divisions.

Workforce Diversity Initiatives

Elimination of Sexual Harassment

Apple Computer; Sexual Harassment Policy: The policy was instituted in February 1991 as part of an overall effort to bring more structure to a relatively liberal environment. When confronted with sexual harassment situations, the company is not reluctant to take action, offenders are terminated when appropriate. The policy has three components: a statement defining and prohibiting sexual harassment, a section outlining managers' responsibility, and a section describing the process of filing and resolving grievances.

AT&T; Policy Training manual: A company-wide sexual harassment policy was implemented in the early 1980's as a step toward ensuring a nondiscriminatory workplace. The employee manual, "Dealing With Sexual Harassment, a Guide for Employees," conveys the nature and implications of sexual harassment by illustrating real-life examples of improper behavior, and consequences for harassers. The "New Focus on Sexual Harassment" workshop sensitizes supervisors and employees to the nuances of sexual harassment through videotapes, case studies, and role playing.

E.I. du Pont de Nemours & Company; A Matter of Respect: In 1987, the company developed this four-hour workshop to help create a responsible and respectful environment free of sexual harassment and discrimination. The workshop uses a videotape of real-life examples of sexual harassment, including the more subtle forms, the offensiveness of which men are often unaware. After an employee discussion of their perceptions of sexual harassment, the facilitators define the legal parameters and implications of sexual harassment. Another video shows the company's chief executive officer expressing his disapproval of sexual harassment. The final segment outlines the resources available to employers and the actions they can take.

FAMILY FRIENDLY PROGRAMS

Eastman Kodak Company; Work and Family Program: A task force was appointed in November 1986 to examine work and family issues. The task force reviewed the programs of 33 work-and-family-supportive companies, surveyed 2,000 Kodak employees and consulted with work and family specialists. The result was a comprehensive work and family program which includes up to 17 weeks of unpaid, job-protected family leave, child care resource and referral service, and corporate funding for start-up cost for day-care homes in Kodak communities.

Parental Leave: A surprisingly high number of men have taken advantage of a generous family leave policy without stigma and without derailing their careers. Also unusual is the length of leave the men have taken to care for their infants: an average of 12.2 weeks, which is just a week less than the average leave for mothers. Full health coverage continues during leave, and employees are assured of returning to the same or comparable job.

Fel-Pro Inc.; Family Friendly Programs: Fel-Pro increased its financial aid for adoption from $2,500 to $5,000 and increased its tuition refund benefits from $2,500 to $3,000 for undergraduate studies and from $5,000 to $6,500 for graduate studies. Tuition reimbursement has been extended to part-time employees, who are mostly female.

John Hancock Financial Services; Family Care Issues: The company designed its innovative Family Care Issues to help recruit and retain top talent. The company has instituted a program that includes such benefits as a one-year unpaid leave of absence and an on-site child care center. But the company has gone beyond traditional work and family programs: a Summer Care Fair offers employees and the public information about summer camps and programs in New England and a "Kids-to-go" program works with local day care centers to provide activities for the school-aged children of employees during school holidays and vacations.

Johnson & Johnson; Balancing Work and Family Program: The program includes the following components: Child Care Resource and Referral; On-site Child Development Centers; Dependent Care Assistance Plans; Family Care Leave; Family Care Absence; Flexible Work Schedules; Adoption Benefits; SchoolMatch; Elder Care Resource and Referral; Relocation Planning; and Employed Spouse Relocation Services. These initiatives were designed in large part to address the changing composition of their work force—the increasing numbers of women, two-career families, single parents, and the children of elderly parents. The company conducted a survey that showed that between 1990 and 1992, supervisors became significantly more supportive of employees when work/family problems arose and supervisors were also seen as more supportive of the use of flexible time and leave policies. There was, however, no impact on absenteeism or tardiness.

Marquette Electronics; On-Site Daycare, Flexible Work Schedules: Marquette has two on-site centers serving 175 children. Workers can adjust their schedules daily, if necessary, to meet family needs.

NationsBank; Shared Parenting: The bank is one of the first, if not the only company to offer fathers paid time off to care for their newborn children. The policy is based on the company's belief that parenting is a shared responsibility. New fathers receive up to six weeks of paid paternity leave: for each year of service they accrue one week of leave.

SC Johnson Wax; Child care/parental leave: One of the company's foremost work and family benefits is its on-site child care program, established in 1985. The child care program provides before- and after-school care, transportation to and from school, a kindergarten program and parent training for employees. The center has been accredited by the National Association for the Education of Young Children. During the summer, the company offers full-time day care for school-age children of employees. The parental leave policy allows up to three months of unpaid leave for both male and female employees. This is in addition to the paid medical leave for the mother. The option to work part-time following parental leave is also available.

Pacific Gas and Electric; Adoption Reimbursement Program: The Adoption Reimbursement Program reimburses employees for 100 percent of their covered expenses—up to a maximum of $2,000. The adoption of stepchildren is covered and adopted children can be any age up to 18. There are no limits on the number of adoptions per employee that can qualify for reimbursement. Covered expenses include legal, court, adoption agency and placement fees, medical expenses, and transportation expenses with picking up the child.

JC Penny Co., Inc.; On-Site Child Care: A child care center in the home office building is available to all JC Penny Co., Inc. employees. The 10,000-square-foot facility can accommodate 157 children from 6 weeks to 5 years of age at an average cost of $100 per week.

Tandem Computer, Inc.; Model Maternity Leave: Tandem has offered a nine-week unpaid parental leave for over 10 years. A full-time disability leave manager helps expectant parents obtain and process the necessary medical and insurance forms, and an on-staff nurse is available to check on the health of pregnant employees. Tandem also recognizes infertility by covering up to three in-vitro fertilization treatments as well as expenses for surrogate mothers.

US Sprint; FamilyCare Program: To generate awareness and build broad-based support. Sprint appointed 150 employees from a range of company divisions to 11 career and family action teams. The teams developed the blueprint of the FamilyCare program. Announced in July 1989, FamilyCare provides flexible work schedules, a dependent-care resource and referral service, adoption assistance, personal and family counseling, working partner relocation assistance, and flexible health-care benefits.

Arthur Andersen & Co.; Flexible Work Program: The program allows female or male managers to return to work on a part-time basis for up to three years following the birth or adoption of a child, while maintaining the benefits of a full-time employee. Andersen clearly communicates that managers who work part-time at some point in their careers will remain eligible for partnership; flexible work arrangements will lengthen an employee's progression toward partnership, not derail it.

Corning Glass Works, Inc.; Alternative Job Schedules: Corning's policy states that "alternative job schedules are privileges—not rights." An employee must have a good performance rating and the position must lend itself to a nontraditional schedule. Options include part-time, flextime, job sharing, and work at home.

Eastman Kodak Company; Professional Flexible Work (Arrangements (FWAs): Flexible work arrangements, including those at the managerial level, have been available on an ad hoc basis since the early 1980s. In November 1988 a formal policy was introduced in which part-time, job sharing, and flextime are available to all employees.

North Carolina National Bank; Alternative Work Schedules: In 1987 the bank began offering employees on parental leave the opportunity to rejoin the workforce at their own pace during a six-month leave period. Employees arrange their schedules with their managers, receive full benefits and a prorated salary, and return to the same or comparable position. The bank also offers Select Time, a part-time program instituted in 1988. Although Select Time has been used mostly by officers and managers, it is available to any employee who has worked at NCNB at least a year and performs at a level rated "satisfactory" or above.

Pacific Bell; Telecommuting: Pacific Bell has been researching the business costs and payoffs of telecommuting since the inception of its pilot telecommuting program in May 1985. The company defines telecommuting as working from a site other than the office using telecommunications technology.

FAMILY FRIENDLY PROGRAMS FLEXIBLE WORK ARRANGEMENTS

The San Francisco Bar Association; Model Alternative Work Schedule Policy: The policy, drafted by the association's Committee on Equality, outlines four options that it says firms should make available to lawyers: (1) flextime; (2) part-time; (3) job sharing; and (4) flexiplace. The model policy is compatible with the American Bar Association, the Oregon State Bar Association and the policy put forth by the Minnesota Women Lawyers. The four models agree that: Alternative work schedules should be available to both men and women; Compensation should be calculated on a pro rata basis, with full or pro rata benefits; There should be periodic review of alternative work schedule arrangements; There should be uninhibited promotion and advancement for part-time attorneys, but those attorneys have a responsibility to keep regular hours and to be available even when not in the office.

Sidley & Austin; Part-time Work Policy: The law firm, located in Chicago, introduced a part-time work policy in 1987. Part-time, normally 60 to 80 percent of a full-time work load, is not restricted to dependent-care needs. Most often it is new mothers who take advantage of the policy, which entitles them to take up to an eight-month, full-time parental leave. After this leave ends, the firm permits the associate to work part-time for up to six months. If the arrangement does not jeopardize the needs of the practice, an employee can request to work part-time indefinitely.

Skadden, Arps, Slate, Meagher & Flom; Part-time policy: In 1981, the law firm adopted a policy allowing attorneys with two years of experience at the firm to work part-time. In 1984, the option was expanded to include new recruits. The policy has no restrictions in terms of duration. While part-time attorneys are not on the partnership track, they can pursue partnership once they return to full-time status.

Steelcase, Inc.; Professional Job Sharing: After offering job-sharing for 6 years to nonexempt salaried employees, the company extended the option to its entire work force in 1988. Management encourages employees and their supervisors to customize job sharing arrangements. The most common arrangement features a weekly schedule divided between the partners. Job sharers receive half of their medical, dental, and life insurance benefits, but can purchase a full package at the company's group rate. Vacation and sick days are prorated, and annual merit raises and promotion opportunities are preserved.

Tucson Medical Center; Alternative Scheduling: The 15-member Nursing Recruitment and Retention Committee works with senior administration and the governing board to identify projects and programs that help prevent or reduce the effects of the nursing shortage. Staffing and scheduling are known to be areas of dissatisfaction for nurses and may cause a nurse to leave an institution. Tucson Medical Center has the traditional eight-hour shift, and also ten-hour, twelve hour, split, and other nontraditional shifts. In many cases, through a process of self-scheduling, the nurses put these shifts together to provide 24-hour coverage. This departure from traditional scheduling by the management team allows staff nurses to develop their own work calendar within some pre-established parameters.

Aetna Life & Casualty; Family Benefits: A Family Leave Policy was implemented in June 1988. The policy grants employees, both male and female, up to six months of unpaid leave following the birth or adoption of a child or to deal with a serious illness of a parent, spouse, or child.

Corning Glass Works, Inc.; Policy: The parential leave policy provides six weeks of disability leave for maternity, including full benefits, followed by an optional 20 weeks of child care leave for new fathers as well as mothers, including adoptive parents, and an optional part-time return. At the end of parental leave or at any other point an employee needs more time for family care responsibilities, he or she may elect to work flexible hours, arrange a job sharing situation or work at home. The program allows employees temporary part-time work assignments when they need to devote extra time to caring for children or other dependent relatives.

IBM; Policy: In October 1988, IBM extended its unpaid personal leave of absence from 1 to 3 years to help employees balance career and family responsibilities. Employees taking leaves of one year or less are guaranteed their same or a comparable job upon return; workers who take longer leaves are assured of a job but not necessarily at the same salary or level.

Proskauer, Rose, Goetz & Mendelsohn; Family Benefits for Men: In March 1989, this law firm adopted a policy granting three-month paid parental leaves for male and female associates. The policy dictates that "eligibility for partnership consideration shall not be affected in any way by the fact that an associate has been on child care leave, although the timing of such consideration may be affected if the leave or leaves are for extended periods." To qualify for the paternity leave, new fathers must be the primary caregiver in the family and must have been employed by the firm for at least a year.

Allstate Insurance Company, American Express Company, Amoco Corporation, IBM, Johnson & Johnson, Motorola, Inc., The Travelers, Xerox Corporation, and Work/Family Directions; The American Business Collaboration for Quality Dependent Care: The program is championed by Allstate Insurance Company, American Express Company, Amoco Corporation, IBM Corporation, Johnson & Johnson, Motorola, Inc., The Travelers, Xerox Corporation, and Work/Family Directions. The collaboration is an effort by 109 companies and 28 public and private organizations to ease the work/family conflicts of their employees. This unique effort aims to increase the supply and enhance the quality of dependent care services for their employees and the communities in which they live and work. The Collaboration has invested more than $25 million in 300 dependent care programs in 44 communities.

American Express Company, J.P. Morgan, and Philip Morris; Partnership for Eldercare: In collaboration with the New York City Department for the Aging, the program was developed to assist employees with elder-care support. The companies fund the program, and in turn, they choose Department of Aging services that best fit their needs and corporate cultures. Among them are on-site seminars for employees on such topics as legal and financial planning and nursing home placement, individual consultation to assess the elder-care needs of employees and to refer employees to appropriate resources, an elder-care counseling "hot-line," and technical assistance for human resources professionals in designing and communicating elder-care benefits packages. Representatives from sponsoring companies meet on a regular basis to discuss the status, strategies, and goals of the partnership.

Champion International Corporation; On-site child care center: Based on an employee survey indicating child care as a major concern, and strong support from its Chief Executive Officer, the company opened an on-site child care center in 1988. The 4,900-square-foot center, housed in an office building adjacent to corporate headquarters, was imaginatively designed by an architect with experience in child care center planning. Each age group has a separate room, and a complex security system ensures safety and proper visitor identification. While the center is open to the community, children and grandchildren of Champion employees are given preference. Currently, the center provides care for 60 children aged three months to five years, and a waiting list exists. In keeping with Champion's commitment to accessible, high-quality care, the center is accredited by the National Association for the Education of Young Children.

IBM; Elder Care Referral Service (ECRS): IBM introduced its Elder Care Referral Service in February 1988 to ease the caregiving responsibilities of its U.S. employees, retirees, and their spouses. Through a nationwide network of 200 community-based organizations, ECRS provides personalized telephone consultation, which educates employees on elder care issues and refers them to services or care providers in the area in which their dependent relative resides. IBM offers the referral service on a prepaid contractual basis, while the employee or older relative selects and pays for the actual care provided.

Stride Rite Corporation; On-site intergenerational center: Opened in March 1990, the center was the first of its kind to be sponsored by an American company. To assist with the center, Stride Rite has enlisted the help of Wheelock College, a Boston-based school that specializes in child care and family studies, and Somerville-Cambridge Elder Services, a local nonprofit agency that provides assistance to the elderly. At full capacity, the center accommodates 55 children (ranging in age from 15 months to 6 years), and 24 adults age 60 and over. To foster the relationship between children and elders, the center sponsors such activities as reading and writing stories, playing games, celebrating holidays, cooking and arts and crafts. It is open to employees as well as to members of the community, some of whom receive state-subsidized membership. There is a sliding-scale fee structure based upon family income.

Ms. MOSELEY-BRAUN. I thank the Chair for his patience and thank the Chair for staying awake and for his indulgence.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 11:12 p.m, recessed until Friday, March 31, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 30, 1995:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 2000, VICE LA DONNA HARRIS, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

CHARLES E. DOMINY [redacted]
KENNETH R. WYKLE [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY.

MEDICAL CORPS

To be lieutenant colonel

*RUSSELL R. MOORES, JR. [redacted]
KENNETH G. PHILLIPS [redacted]
*JON A. PROCTOR [redacted]

To be major

CLYDE L. JOHNSON [redacted]
ROY D. WELKER, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

MICHAEL J. SMITH, [redacted]

IN THE AIR FORCE

THE FOLLOWING MIDSHIPMEN, U.S. NAVAL ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANT IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 531 AND 541, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE

REGULAR AIR FORCE

To be second lieutenant

ROBERT D. CURRY [redacted]

DARIN A. HUNTER [redacted]
AMY E. HUTCHISON [redacted]
STEPHEN T. JORDAN [redacted]
PAUL S. REHOME [redacted]
WARD Y. TOM [redacted]

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDIAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

MEDICAL CORPS

To be lieutenant

VANITA AHVJA [redacted]
CHAD M. BAASEN [redacted]
JOSEPH P. BARRION [redacted]
FRANK M. BISHOP [redacted]
JEFFREY W. BITTERMAN [redacted]
JOHN F. BOGARD, [redacted]
LISA M. CARTWRIGHT [redacted]
ALEXANDER B. CHAO [redacted]
MICHAEL E. COMPEGGIE [redacted]
JOHN A. CRADDOCK [redacted]
MARGARET T. DUPREE [redacted]
STEPHEN L. FERRARA [redacted]
MARC H. FOGELSON [redacted]
JERRY R. FOLTZ [redacted]
QUENTIN J. FRANKLI [redacted]
MICHAEL B. GAVRON [redacted]
JAMES L. HANCOCK [redacted]
JAMES M. HARRIS [redacted]
KURT H. HILDEBRANDT [redacted]
KIMBERLEY L. JAMES [redacted]
REX A. KITELEY [redacted]
SUSAN M. KRIZEK [redacted]
WILLIAM D. LEONARD [redacted]
GREGORY S. LEPKOWSKI [redacted]
KRISTEN S. OVERSTREET [redacted]
ERIC L. PAGENKOPF [redacted]
PIERRE A. PELLETIER [redacted]
ELIZABETH PETROCIK [redacted]
DAVID P. REGIS [redacted]
DOUGLAS J. ROWLES [redacted]
ERIC S. SAWYERS [redacted]
COLETTE K. SCHEURER [redacted]
MARK M. SCHEURER [redacted]
GARRY H. SIMON [redacted]
GORY R. SPURLING [redacted]
ALEXANDER E. STEWART [redacted]
JOSEPH G. THOMAS [redacted]
JAMES F. VERREES [redacted]
PETER WECHGELAER [redacted]
JEFFREY S. WEISS [redacted]
PERRY N. WILLETTE [redacted]

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGNS IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATES

To be ensigns

CHARLES S. ABBOT [redacted]
DOUGLAS W. ABERNATHY [redacted]
RAFAEL A. ACEVEDO [redacted]
PAUL V. ACQUAVELLA [redacted]
SOWON S. AHN [redacted]
CHRISTOPHER F. AKINS [redacted]
RAYMOND J. ALBARADO II [redacted]
REBECCA D. ALLEN [redacted]
ALESSANDRO V. ALVEARIO [redacted]
RAFFAELE G. AMENDOLA [redacted]
BRIAN P. ANDERSON [redacted]
JEFFERY G. ANDERSON [redacted]
JENNIFER L. ANDERSON [redacted]
JON M. ANDERSON [redacted]
THEODORE J. ANDREWS [redacted]
TRACIE L. ANDRUSIAK [redacted]
AOLE F. ANSARI [redacted]
CAROL P. ARGAO [redacted]
MATTHEW J. ARMAS [redacted]
MICHAEL D. ARMIJO [redacted]
DERICK S. ARMSTRONG [redacted]
MICHAEL S. ARNOLD [redacted]
BRAD L. ARTERY [redacted]
LAURIE E. ATHERHOLT [redacted]
BARRY H. AUSTIN [redacted]
COREY M. AVENS [redacted]
JAMES A. AVERA [redacted]
MARC X. BACA [redacted]
CHRISTOPHER G. BAILEY [redacted]
JACOB A. BAILEYDAYSTAR [redacted]
BRIAN G. BAKER [redacted]
ERIK R. BAKER [redacted]
MICHAEL L. BAKER [redacted]
ROBERT C. BANDY [redacted]
AMY R. BARANSKI [redacted]
BRENDON M. BARBER, JR [redacted]
SEAN L. BARTLETT [redacted]
RAQUEL BARTON [redacted]
DAVID H. BASSETT [redacted]
JAMES S. BATES II [redacted]
BRIAN E. BEAUDOIN [redacted]
ROSALIE E. BECSEY [redacted]
RYAN J. BEDNER [redacted]
CLAYBORNE H. BEERS [redacted]
STEVEN J. BELLACK [redacted]
ALEXANDRA L. BENNETT [redacted]
MICHELE BENNETT [redacted]
MATTHEW L. BERAN [redacted]
JULIE A. BERGESS [redacted]
JOEL P. BERNARD [redacted]
CHRISTOPHER A. BERONIO [redacted]
CHARLES H. BERTRAND [redacted]
TIMOTHY C. BERZINS [redacted]
MARCUS J. BESLIN [redacted]
BRIAN K. BIRD [redacted]
HAROLD D. BLACKMON, JR [redacted]
PETER M. BLAKE [redacted]
BASIL A. BLASTOS [redacted]
CHARLES T. BLOCKSIDGE [redacted]
JEFFERY L. BOAZ [redacted]
STEPHEN L. BOCANEGRA, [redacted]
LAURA H. BOLLOCK [redacted]
MICHAEL S. BONNETT [redacted]
MOLLY J. BORON [redacted]
DAVID M. BOXMEYER [redacted]
MICHAEL A. BRADY [redacted]
JASON K. BRANDT [redacted]
FRANK E. BRANDON [redacted]
JOHN A. BRATTAIN [redacted]
RICHARD L. BREWSTER [redacted]
REUBEN E. BRIGETY, II [redacted]
STEPHEN G. BROOKS [redacted]
PATRICK J. BROPHY [redacted]
TIMOTHY M. BROSNAN [redacted]
ARTHUR K. BROWN [redacted]
BRADY A. BROWN [redacted]
JAMES S. BROWN [redacted]
RYAN N. BRUINGTON [redacted]
NICOLAS J. BRUNO [redacted]
ALETHEA A. BRYAN [redacted]
WILLIAM H. BUCEY III [redacted]
TRISHA R. BUCHINGER [redacted]
TIMOTHY B. BULLER [redacted]
ROBERT M. BULLOCK [redacted]
COREY A. BURCHILL [redacted]
DAVID E. BURKE [redacted]
JASON O. BURKHOLDER [redacted]
KEITH D. BURNEY [redacted]
NATHAN D. BURNS [redacted]
WILLIAM A. BURNS [redacted]
HAROLD W. BUSBY [redacted]
BRADLEY W. BUSCH [redacted]
JAMES L. BUTLER, JR [redacted]
CLAY P. CALLAHAM [redacted]
JEFFREY M. CALLERY [redacted]
JONATHAN D. CALVERT [redacted]
ERROL A. CAMPBELL, JR [redacted]
GARRETT I. CAMPBELL [redacted]
JOHN E. CAMPBELL, JR [redacted]
CHRISTOPHER H. CANALES [redacted]
KELLY M. CANTLEY [redacted]
SCOTT W. CARGILL [redacted]
MIKA K. CARLON [redacted]
ANDREW F. CARLSON [redacted]
SCOTT M. CARMODY [redacted]
ARTHUR D. CASTILLO, JR [redacted]
MAX K. CASTO [redacted]
ANDREW M. CAWLFIELD [redacted]
TAMARA L. CHASE [redacted]
AMANDA B. CHASTEEN [redacted]
ALEX M. CHEHANSKY [redacted]
MICHAEL C. CHESTERMAN [redacted]
RYAN T. CHRISTOPHER [redacted]
CHRISTOPHER L. CHURCHILL [redacted]
DAVID A. CISNEROS [redacted]
ALLISON A. CLARK [redacted]
BRIAN J. CLARK [redacted]
MICHAEL W. CLAYTON [redacted]
ELLIOTT I. CLEMENCE IV [redacted]
JOSE–ANTONIO COBOS [redacted]
BRIAN J. COCHRAN [redacted]
RICHARD T. COCHRANE [redacted]
RICHARD E. COE [redacted]
ANDRE L. COLEMAN [redacted]
WILLIAM E. COLEMAN, JR [redacted]
DAVID L. COLLINS, JR [redacted]
CHANDLER T. COMERFORD [redacted]
KELLY J. CONJELKO [redacted]
BRENDAN M. CONLON [redacted]
ROBERT A. CONNORS [redacted]
HEATHER L. CONVERSE [redacted]
ROBERT F. COOGAN [redacted]
CHRISTOPHER J. COOK [redacted]
BRIAN M. COOPER [redacted]
WESLEY W. COOPER [redacted]
CHRISTOPHER S. CORNETT [redacted]
NOEL M. CORPUS [redacted]
LYNNE A. CORSO [redacted]
RICHARD A. COSTELLO [redacted]
CARL D. COX [redacted]
CHRISTOPHER A. COX [redacted]
RYAN M. COX [redacted]
EUGENE R. CRAN III [redacted]
PAUL A. CROCI [redacted]
SAMYA V. CRUZ [redacted]
CATHERINE E. CUNNINGHAM [redacted]
RIEL M. CUSTODIO [redacted]
MICHAEL B. DAVIES [redacted]
MICHAEL A. DAVIS, JR [redacted]
ANGEL M. DAWKINS [redacted]
JOSHUA H. DECARO [redacted]
DANIEL N. DECIECHI [redacted]
JEFFERY S. DEITENBECK [redacted]
JOSEPH D. DELASKI [redacted]
NANCY L. DELAVAN [redacted]
BRIAN E. DELUTIO [redacted]
LUIZ R. DEMOURA [redacted]
ERIC L. DENIS [redacted]
JAMES D. DETWILER [redacted]
DANIEL A. DEVOS [redacted]
THOMAS J. DICKINSON [redacted]
PATRICK D. DIFILIPPO [redacted]
MICHAEL E. DIGMAN [redacted]
JAMES W. DILLON [redacted]
ROBERT L. DINUNZIO, JR [redacted]
ROBERT J. DISPALDO [redacted]
DAMON B. DIXON [redacted]
ANDREW T. DOMBROWSKI [redacted]
BRUCE J. DONALD [redacted]
KEVIN T. DONEY [redacted]
PENELOPE G. DONNELLY [redacted]
KATHERINE T. DOOLEY [redacted]
THAVEEPHONE DOUANGAPHAIVONG [redacted]
LAMAR B. DOUBERLY [redacted]
JOHN E. DOUGHERTY IV [redacted]
JAMES B. DOUGLASS, JR [redacted]
JOHN J. DOWD [redacted]
PAMELA C. DOZIER [redacted]
SCOTT DRAYTON [redacted]
BRENDON G. DREW [redacted]
JAY W. DRISKELL [redacted]
MICHAEL A. DUBE [redacted]
ERIC M. DUDLEY [redacted]
HELEN H. DUDLEY [redacted]
JOHN S. DUENAS [redacted]
DAVID G. DUFF [redacted]
BRENDAN J. DUFFY [redacted]
DAVID S. DULL [redacted]
KATHLEEN E. DUNNE [redacted]
STANLEY D. DUPLAGA [redacted]
BRYAN L. DURAN [redacted]
KYLE P. DURAND [redacted]
KENNETH A. EBERT [redacted]
MATTHEW D. EBY [redacted]
ROBERT E. EDWARDS, JR [redacted]
GREGORY K. EMERY [redacted]
HEATH E. EPALOOSE [redacted]
BRIAN C. ERICKSON [redacted]
MICHEAL S. ERICKSON [redacted]
CHRISTOPHER H. ERSKINE [redacted]
RICARDO M. ESCANDON [redacted]
DEVIN P. ESPINDLE [redacted]
TREVOR B. ESTES [redacted]
JAMES J. FABISZAK [redacted]
DAVID J. FAEHNLE [redacted]
DENNIS L. FARRELL [redacted]
CHRISTIAN P. FASSARI [redacted]
VIRGIL W. FENTERS, JR [redacted]
RONALD L. FINCH, JR [redacted]
TODD C. FINK [redacted]
KENNETH Q. FIONDA [redacted]
JASON B. FITCH [redacted]
BRIAN T. FITTING [redacted]
BRIAN M. FITZPATRICK [redacted]
KAREN M. FLAHERTY [redacted]
CHRISTOPHER D. FLIS [redacted]
MICHAEL A. FLYNN [redacted]
ERIC C. FOLLESTAD [redacted]
ROBERT G. FONTENOT [redacted]
ROBERT A. FORTT [redacted]
THOMAS F. FOSTER, JR [redacted]
JOSEPH S. FOX [redacted]
KELLEY A. FREDERICKSON [redacted]
JOSEPH C. FREEBORN [redacted]
JOEY L. FREEMAN [redacted]
BRIAN E. FREY [redacted]
JONATHON E. FREY [redacted]
MATTHEW M. FRICK [redacted]
JERALD W. FROEHNER [redacted]
CHAD R. FROELICH, [redacted]
SEAN D. FUJIMOTO [redacted]
CYNTHIA M. FULMER [redacted]
BRENT N. FULTON, [redacted]
BLANCA A. FUNES [redacted]
CARLOS A. GALAN, JR [redacted]
PATRICK J. GALLAGHER [redacted]
HARRY E. GALLOWAY, JR [redacted]
BALDOMERO GARCIA, JR. [redacted]
JONATHAN C. GARCIA [redacted]
JORGE F. GARCIA [redacted]
NICKOLAS G. GARCIA [redacted]
DAVID M. GARDELLA [redacted]
CAMILLE A. GARRETT [redacted]
WILLIAM M. GARRETT [redacted]
ERIC T. GATES [redacted]
JOSEPH L. GEARY [redacted]
DONALD L. GEORGE, JR. [redacted]
RONALD A. GIBSON [redacted]
BRIAN T. GILHOOLY [redacted]
ZACHARY K. GILLEN [redacted]
JAMES T. GILSON [redacted]
JOSEPH C. GIRARD [redacted]
ANDREW P. GNAU [redacted]
JAMES E. GOLLADAY II [redacted]
ERIKA L. GOMPERS [redacted]
ANTHONY R. GONZALEZ [redacted]
ANTHONY R. GONZALEZ [redacted]
CHRISTY J. GOODE [redacted]
JOE A. GOODMAN II [redacted]
ERIC GORALNICK [redacted]
KEVIN GORDON [redacted]
JEFFREY F. GOTTLIEB [redacted]
HENRY L. GOURDINE [redacted]
LARRY R. GREEN, JR [redacted]
JOSEPH L. GREESON [redacted]
EDWARD T. GROTH [redacted]
KENNETH W. GRZYMALSKI [redacted]
DANIEL J. GUERRIERI [redacted]
GREGORY L. GUIDRY [redacted]
JESKO M. HAGEE [redacted]
JOHN R. HAHN [redacted]
THOMAS J. HALL, JR [redacted]

SHANE P. HALLORAN [redacted]
DOUGLAS R. HALTER [redacted]
TROY D. HAMILTON [redacted]
PATRICK D. HANEY [redacted]
CHRISTOPHER W. HANSHAW [redacted]
KEITH R. HANSON [redacted]
BRIAN K. HARBISON [redacted]
RYAN T. HARDEE [redacted]
VICTOR E. HARE [redacted]
ROGER T. HARLAN, [redacted]
BENJAMIN W. HARRIS [redacted]
RICHARD J. HARRISON [redacted]
GARRY A. HARSANYI [redacted]
JAMES S. HARTER [redacted]
JAMES L. HASAN [redacted]
MICHAEL J. HASSENGER [redacted]
JENNIFER R. HAUSER [redacted]
ROBERT E. HAWTHORNE III [redacted]
ERIC D. HAYES [redacted]
DION C. HAYLE [redacted]
SYLVESTER L. HEATH [redacted]
DANIEL C. HEDRICK [redacted]
JEFFREY L. HEIDSIECK [redacted]
ROGER D. HEINKEN, JR [redacted]
ROBERT V. HENDERSON II [redacted]
THOMAS W. HENNEBERG [redacted]
DANIEL S. HERKALO [redacted]
DANIEL A. HERMAN [redacted]
ALBERTO HERNANDEZ II [redacted]
JAVIER HERNANDEZ [redacted]
AMY L. HEWETT [redacted]
JOSHUA J. HILBY [redacted]
JOHN L. HILDEBRANDT IV [redacted]
WESLEY A. HILDEBRANDT [redacted]
JEREMY R. HILL [redacted]
MATTHEW P. HILL [redacted]
MEGAN K. HINES [redacted]
SCOTT D. HOCHWALD [redacted]
PAUL A. HOCKRAN [redacted]
CHRISTOPHER M. HODRICK [redacted]
JENNIFER HOLDEN [redacted]
JAMES P. HOLLAND [redacted]
CALE M. HOLMAN [redacted]
DANIEL J. HOLMAN [redacted]
THOMAS H. HOOVER [redacted]
JOHN C. HOPPER [redacted]
MICHAEL L. HORN [redacted]
MOTISOLA T. HOWARD [redacted]
CARLTON R. HOYE [redacted]
MICHAEL G. HRITZ [redacted]
HEIDI J. HUERTER [redacted]
JESSIE D. HUGHES, JR [redacted]
MEGAN J. HUMBERT [redacted]
JONATHAN R. HURST [redacted]
GARY J. HUSS [redacted]
BRYAN P. HYDE [redacted]
CHRISTOPHER H. INSKEEP [redacted]
THEODORE W. JACKSON [redacted]
KIM M. JAGIELLO [redacted]
JONATHAN M. JAGIELSKI [redacted]
DONALD R. JAMIOLA, JR [redacted]
ELIZABETH K. JAMISON [redacted]
KURT E. JANKE [redacted]
JUSTIN M. JARSKI [redacted]
MICHAEL N. JEFFERSON [redacted]
DAVID T. JENKINS, JR [redacted]
PETER R. JENSEN [redacted]
POUL H. JENSEN [redacted]
MATTHEW J. JERBI [redacted]
ROBERT B. JOHNS [redacted]
STEVEN J. JOHNSON [redacted]
WILLIAM E. JOHNSTON [redacted]
CARLA D. JONES [redacted]
FRANCIS M. JONES, JR [redacted]
GREGORY C. JONES [redacted]
KATIE M. JONES [redacted]
RALPH C. JONES, JR [redacted]
JEREMY E. JORGENSON [redacted]
GARRICK M. JOSEPH [redacted]
PAUL W. JUDGE [redacted]
JEREMY P. JURKOIC [redacted]
DANIEL S. JURTA [redacted]
PAUL J. KANE III [redacted]
STEPHEN M. KARSON [redacted]
MATTHEW D. KASLIK [redacted]
CHRISTOPHER S. KATZENMILLER [redacted]
MATTHEW J. KAWAS [redacted]
BLAIR A. KEITHLEY [redacted]
EDWARD J. KELLEY III [redacted]
KEITH A. KELLEY [redacted]
KREG L. KELLY [redacted]
STEVEN G. KELSEY [redacted]
GEORGE A. KESSLER, JR [redacted]
RYAN T. KEYS [redacted]
CHRISTOPHER A. KIJEK [redacted]
MARK S. KIM [redacted]
ANGELA C. KING [redacted]
BRIAN L. KING [redacted]
MICHAEL F. KING [redacted]
CORTNEY D. KINNAN [redacted]
EDWARD J. KINSELLA [redacted]
JON R. KIRSCH [redacted]
MICHAEL J. KIRWAN [redacted]
DENNIS W. KLEIN [redacted]
AARON E. KLEINMAN [redacted]
ROBERT W. KLEMEYER [redacted]
BRIGAND W. KLINE [redacted]
CHRISTOPHER L. KLIPP [redacted]
RICHARD P. KNAPP [redacted]
BRIAN S. KNOWLES [redacted]
JOONG S. KO [redacted]
KURT A. KOCHENDARFER [redacted]
KARL E. KOHLER [redacted]
NEIL A. KOPROWSKI [redacted]
GIOVANNA L. KOSTRUBALA [redacted]
KRISTINE N. KOTT, [redacted]
KARA A. KOULOHERAS [redacted]
KEVIN M. KOZAK [redacted]
JOHN D. KRALL [redacted]
SCOTT D. KREMEIER [redacted]
ERIK S. KRISTENSEN [redacted]
JAMES A. KUBIAK [redacted]
BRIAN C. KURZEJA [redacted]
RAPHAEL P. KUYLER [redacted]
KURT A. KYLE [redacted]
RAMON I. LAMAS [redacted]
TIMOTHY S. LANQUIST [redacted]
LANCE C. LANTIER [redacted]
MICHAEL C. LAPAGLIA [redacted]
PETER A. LASHOMB [redacted]
JEFFREY F. LASTFOGEL [redacted]
GEORGE M. LAWLER [redacted]
THOMAS J. LAWRENCE [redacted]
KENNETH E. LEAK [redacted]
DARRON D. LEE [redacted]
YOSH A. LEHMAN [redacted]
SUZANNE M. LESKO [redacted]
JOSHUA D. LEVY [redacted]
STEPHEN L. LEWIS [redacted]
BRIAN T. LINDOERFER [redacted]
MICHELE L. LOBRITZ [redacted]
JULIE A. LOMPA [redacted]
MATTHEW D. LONG [redacted]
ABDEL I. LOPEZ [redacted]
MARCUS LOPEZ [redacted]
MICHAEL J. LOPEZ [redacted]
JAMES A. LORETO, JR [redacted]
JOHN T. LOWELL [redacted]
ERIC T. LOWMAN [redacted]
JEFFREY D. LOZINGER [redacted]
LEAH A. LUCERO [redacted]
SCOTT C. LUERS [redacted]
GORDON J. LYSSY [redacted]
DOUGLAS S. MACKENZIE [redacted]
CHRISTOPHER D. MACMILLAN [redacted]
JOHN A. MADRID [redacted]
CAROLINE E. MAGEE [redacted]
RYAN K. MAHELONA [redacted]
RONNIE E. MAHOFSKI [redacted]
DANIEL P. MALATESTA [redacted]
JAMES H. MARTINDALE [redacted]
DAVID F. MARUNA II [redacted]
RICHARD M. MASICA [redacted]
WILLIAM E. MASKE [redacted]
CRAIG T. MATTINGLY [redacted]
MARK W. MATTOX [redacted]
MATTHEW K. MAUPIN [redacted]
STEVEN J. MAURO [redacted]
EDWARD J. MAYLE [redacted]
RUSSELL A. MAYNARD [redacted]
WILLIAM S. MCCRACKEN [redacted]
JODY L. MCCULLOUGH [redacted]
EARL L. MCDOWELL [redacted]
BRANNEN G. MCELMURRAY [redacted]
BROOKS B. MCFEELY [redacted]
MICHAEL C. MCGARITY [redacted]
ROBERT S. MCHENRY [redacted]
JAMES A. MCMULLIN II [redacted]
BRIAN J. MCPHEETERS [redacted]
MARCELLA R. MEDRANO, [redacted]
BERNARD T. MEEHAN III [redacted]
TODD B. MENCKE [redacted]
MICHAEL W. MEREDITH [redacted]
KEVIN W. MESSER [redacted]
GREGORY A. MEYER [redacted]
POLGEORGE R. MIJARES [redacted]
STACIE L. MILARK [redacted]
STEVEN E. MILEWSKI [redacted]
JAMES L. MILL [redacted]
KYLE A. MILLER [redacted]
LEONARD H. MILLIKEN, JR [redacted]
NATHANIEL T. MILLSAP, JR [redacted]
JARRETT B. MILLSAPS, JR [redacted]
JOSHUA W. MINYARD [redacted]
WILLIAM J. MISKELLY II [redacted]
STEPHANIE E. MITCHELLSMITH [redacted]
CHRISTINA A. MOCK [redacted]
PATRICK L. MODLIN [redacted]
KURTIS A. MOLE [redacted]
ENRIQUE G. MOLINA [redacted]
ROBERT P. MONAHAN [redacted]
JOHN M. MONTAGNET [redacted]
OSCAR MONTES [redacted]
JOHN T. MONTONYE, [redacted]
KEITH A. MORAN [redacted]
MARY K. MORE [redacted]
GRAYSON B. MORGAN [redacted]
DANIEL I. MORRIS [redacted]
ELIZABETH L. MOXON [redacted]
ERIC S. MUELLER [redacted]
JOHN MUI [redacted]
ERIC J. MULVILLE [redacted]
SHAWN B. MUNDAY [redacted]
NICHOLAS A. MUNGAS [redacted]
DOUGLAS J. MUNZ [redacted]
MICHAEL D. MURNANE [redacted]
KIRSTEN M. MURPHY [redacted]
MATTHEW W. MURPHY [redacted]
THOMAS L. MUSSELMAN, JR [redacted]
SEAN M. MUTH [redacted]
JONATHAN L. MYERS [redacted]
MENDEL B. NAFARRETE [redacted]
MARK W. NAVE, [redacted]
MARK E. NEFF [redacted]
THOMAS J. NEVILLE II [redacted]
DANIEL A. NOWICKI [redacted]
CHRISTOPHER B. OGNEK [redacted]
MICHAEL P. O'HARA [redacted]
PATRICK N. OLSEN [redacted]
ROWENA E. OLSON [redacted]
JUSTIN P. ORLICH [redacted]
DAVID A. ORLOSKY [redacted]
ANTON D. ORR [redacted]
MICHAEL J. ORR [redacted]
JESSICA M. OSBORNE [redacted]
DAVID M. OVERCASH [redacted]
ARVIS D. OWENS [redacted]
FRANK E. PAGURA [redacted]
JOHN N. PALAZZA [redacted]
MAURICE G. PARETS [redacted]
CARL L. PARKS [redacted]
JEFFREY B. PARSONS [redacted]
JAMES N. PATTERSON [redacted]
TIMOTHY W. PATTERSON [redacted]
ERIK J. PAULSON [redacted]
GREGORY K. PAVLYAK [redacted]
ALVIN T. PAYNE, JR [redacted]
PEDRO E. PAZ [redacted]
BRIAN J. PECK [redacted]
CHERYL L. PENCE [redacted]
KENNETH J. PETER [redacted]
DAVID C. PETERSEN [redacted]
BRIAN M. PETERSON [redacted]
CRAIG M. PETON [redacted]
JOHN T. PHELAN, JR [redacted]
MATTHEW F. PHELPS [redacted]
TIMOTHY J. PHELPS [redacted]
ANIL PHULL [redacted]
JOHN P. PIENKOWSKI [redacted]
MICHAEL P. PIERCE [redacted]
ROBERT F. PIERONI [redacted]
MATTHEW D. PIORKOWSKI [redacted]
ROSS H. PIPER II [redacted]
MICHELE A. POOLE [redacted]
HARTLEY A. POSTLETHWAITE V [redacted]
BRETTON S. POTTS [redacted]
NORMAN N. PRESECAN [redacted]
GREGORY M. PRITCHARD [redacted]
RICHARD S. PUGH [redacted]
DJAMAL PULLOM [redacted]
STEPHEN M. QUAILE [redacted]
KEVIN S. QUEEN, [redacted]
ANDREA M. QUY, [redacted]
JEREMIAH J. RABITOR [redacted]
SUNIL N. RAMCHAND [redacted]
RUBEN RAMOS [redacted]
BARTLEY A. RANDALL [redacted]
WILLIAM E. REAGAN [redacted]
CHRISTOPHER A. REAGHARD [redacted]
SUSAN J. REDDICK [redacted]
WILLIAM R. REED [redacted]
CHARLES D. REESE [redacted]
LINCOLN M. REIFSTECK [redacted]
JOSE L. RETA [redacted]
JON S. REYNOLDS [redacted]
FRANK A. RHODES IV [redacted]
EYRAN E. RICHARDS, [redacted]
CHRISTA A. RICHARDSON [redacted]
DAVID K. RICHARDSON [redacted]
JASON E. RIMMER [redacted]
KURT A. RINEHIMER [redacted]
CESAR G. RIOS, JR [redacted]
JASON E. RITZ [redacted]
ROBERT A. RIVERA [redacted]
CHRISTOPHER J. ROBB [redacted]
DEBORAH J. ROBERGE [redacted]
BRYAN C. ROBERTS [redacted]
GREGORY G. ROBERTS [redacted]
MARTIN E. ROBERTS [redacted]
PAUL M. ROCHE, JR [redacted]
FRIEDRICH D. ROCHLEDER, [redacted]
JESUS A. RODRIGUEZ [redacted]
RAYMOND Y. RODRIGUEZ [redacted]
RICHARD Y. RODRIGUEZ [redacted]
BRADLEY N. ROSEN [redacted]
DOUGLAS D. ROSS [redacted]
JARRET L. ROTH [redacted]
PETER R. ROWELL [redacted]
JOHN C. RUDOLFS [redacted]
CHRISTOPHER S. RUSH [redacted]
THEODORE M. RYAN [redacted]
JOSHUA A. SAGER [redacted]
MARIO SALINAS, [redacted]
AMY E. SALNESS [redacted]
CHRISTINE C. SALONGA [redacted]
ALEXANDER T. SALUNGA [redacted]
CHRISTOPHER C. SAMBAR [redacted]
DONY S. SAMONTE [redacted]
ROBERT S. SAMUELSON [redacted]
JONATHAN M. SANCHEZ [redacted]
ROBERT V. SANCHEZ, [redacted]
RAYMOND A. SANTACRUZ [redacted]
GERALDJAMES M. SANTIAGO [redacted]
MICHAEL R. SANTINI [redacted]
MICHAEL G. SANTOMAURO [redacted]
MICHAEL E. SANTOS [redacted]
SARA L. SANTOSKI [redacted]
DONALD L. SAVAGE [redacted]
MICHAEL P. SAWKA [redacted]
SAMUEL L. SCAFE [redacted]
THOMAS H. SCHEER [redacted]
KRISTIN M. SCHERR [redacted]
BRIAN E. SCHINAZI [redacted]
CHRISTOPHER M. SCHMIDT [redacted]
CHRISTOPHER N. SCHMIDT [redacted]
JASON J. SCHNEIDER [redacted]

KENNETH W. SCHNEIDER [redacted]
KIRK A. SCHNERINGER [redacted]
PAUL G. SCHUDEL [redacted]
BRUCE G. SCHUETTE [redacted]
EMILY L. SCHUETTE [redacted]
KATHERINE J. SCHULLIAN [redacted]
BRIAN W. SCHULTZ [redacted]
ELIZABETH R. SCOONOVER [redacted]
ADAM T. SCOTT [redacted]
WILLIAM M. SENA [redacted]
JEFFREY R. SEXTON [redacted]
NEIL G. SEXTON [redacted]
BORIS SHAPIRO [redacted]
STEPHEN F. SHEDI [redacted]
MICHAEL E. SHEEDY [redacted]
JAMES D. SHELL [redacted]
SCOTT R. SHEPARD [redacted]
CAROLYN A. SHULL [redacted]
BENJAMIN A. SHUPI [redacted]
JAMES K. SIEVERT [redacted]
ROBERT V. SIMONE, JR [redacted]
BRAXTON T. SISCO [redacted]
ROBERT J. SITES [redacted]
JOHN W. SKARIN [redacted]
JAMES C. SKILLMAN [redacted]
CHAD D. SLOAN [redacted]
RYAN J. SMALLEY [redacted]
GARTH E. SMELSER [redacted]
CARL E. SMIT [redacted]
CHARLES W. SMITH [redacted]
CHRISTOPHER L. SMITH [redacted]
CLINTON T. SMITH [redacted]
DAVID R. SMITH [redacted]
J. W. SMITH [redacted]
JEROME F. SMITH III [redacted]
JOE L. SMITH III [redacted]
JOSHUA A. SMITH [redacted]
ROBERT W. SMITH [redacted]
ROY E. SMITH [redacted]
SCOTT P. SMITH [redacted]
SHAWN C. SMITH [redacted]
THOMAS C. SMITH [redacted]
JOHN P. SMOLEN [redacted]
HAL S. SNAPP [redacted]
ANTHONY G. SOLLIDAY, [redacted]
BRADLEY M. SOPER [redacted]
ADAM P. SPILLANE [redacted]
JAMES M. SPIVEY [redacted]
NATHAN M. SPONG [redacted]
ALBERT J. SPRENGER, JR [redacted]
DANA C. STAGGS [redacted]
ZACHARY H. STAPLES [redacted]
ERIC JOSEPH A. STENZEI [redacted]
JAMES S. STEPHENS [redacted]
RYAN H. STEPHENS [redacted]
HENRY A. STEPHENSON [redacted]
KERRY A. STERCULA [redacted]
SANDRA L. STEVENS [redacted]
MICHAEL J. STINSON [redacted]
DAVID M. STPIERRE [redacted]
JOHN A. STRICKLAND [redacted]
SCOTT A. STRINGER [redacted]
JASON M. STRIPINIS [redacted]
BRENT M. STRONG [redacted]
RANDY L. STUDT [redacted]
MICHAEL A. SUCH [redacted]
DANIEL J. SULLIVAN [redacted]
GARY R. SULLIVAN [redacted]
BRIAN D. SWANSON [redacted]
MICHAEL Z. SZILARD [redacted]
WILLIAM R. TAFF, JR [redacted]
ERIC W. TANSKY [redacted]
CHRISTOPHER J. TARSA [redacted]
JOSEPH K. TAYLOR, JR [redacted]
SPENCER C. TEMPLETON [redacted]
WADE D. THARRINGTON, JR [redacted]
ERIC C. THIEL [redacted]
PATRICK C. THIEN [redacted]
PAUL D. THIRY [redacted]
ANDREW J. THOMAS [redacted]
JAMES M. THORNTON [redacted]
ADAM W. TIGHT [redacted]
TIMOTHY D. TIPPETT [redacted]
BENJAMIN P. TOLERBA [redacted]
MARY A. TOMLIN [redacted]
RYAN C. TORGRIMSON [redacted]
WENDY A. TOWLE [redacted]
JONATHAN R. TOWNSEND [redacted]
KEVIN K. TOWNSEND [redacted]
MARCO A. TREVINO [redacted]
JON S. TROYER [redacted]
DAVID M. TRUJILLO [redacted]
REBECCA L. TSCHAMPL [redacted]
COLIN J. TUGGLE [redacted]
JOHN M. TULLY [redacted]
COREY J. TURNER [redacted]
WILLIAM C. TURNER, JR [redacted]
KEVIN M. UNDERWOOD [redacted]
TIMOTHY T. URBAN [redacted]
DANIEL W. VALASCHO [redacted]
TINA J. VALDEZ [redacted]
MICHAEL A. VALLEJO [redacted]
JOHN C. VENTURA [redacted]
KIMBERLY A. VERTOLLI [redacted]
RAYMOND M. VIAYRA, JR [redacted]
JEFFERY A. VILLANUEVA [redacted]
RICHARD J. VILLAREAL [redacted]
OMAR E. VILLEGAS, JR [redacted]
THEODORE A. VOLTZ [redacted]
ROBERT H. VROMAN [redacted]
DEAN R. WAKEHAM [redacted]
AENON J. WALLACE [redacted]
SETH A. WALTERS [redacted]
BRITTON J. WANICK [redacted]
DWIGHT S. WARNOCK [redacted]
MONIKA L. WASHINGTON [redacted]
EDWARD R. WATKINS [redacted]
ARTHUR W. WATSON III [redacted]
SHAWN R. WATTLES [redacted]
JEFFREY R. WEBB [redacted]
CHRISTOPHER S. WELLER [redacted]
THOMAS R. WESTHUSIN [redacted]
CHRISTOPHER H. WHEELER [redacted]
BRYAN D. WHITE [redacted]
JASON L. WHITE [redacted]
CRAIG M. WHITTINGHILL [redacted]
KARL W. WICK [redacted]
ERIC WIDMAN [redacted]
BRETT K. WILCOX [redacted]
DOUGLAS L. WILLIAMS [redacted]
JODY C. WILLIAMS [redacted]
KERRY C. WILLIAMS [redacted]
REGINAL L. WILLIAMS [redacted]
TIFFANNY L. WILLIAMS [redacted]
MARK A. WILLIAMSON [redacted]
JASON G. WILLISCROFT [redacted]
ARTHUR E. WILLS [redacted]
DSUNTE L. WILSON [redacted]
PAUL H. WINGEART [redacted]
TIMOTHY M. WINTER [redacted]
CAROLYN M. WISNER [redacted]
ROBERT A. WOLF [redacted]
BYRON K. WOODARD [redacted]
DEAN B. WORKMAN [redacted]
CHAD A. WORTHLEY [redacted]
SARAH L. WRIGHT [redacted]
WILLIAM D. WRIGHT [redacted]
PAUL L. WYNNS [redacted]
MICHAEL J. YANKANICH [redacted]
MICHAEL B. YESUNAS, JR [redacted]
MICHAEL R. YORTY [redacted]
FORREST O. YOUNG [redacted]
SCOTT D. YOUNG [redacted]
JULIE S. ZAVODNY [redacted]
GLENN M. ZEIGLER [redacted]
DAVID W. ZERFAS [redacted]
VINCENT A. ZIZAK III [redacted]
JOSHUA C. ZLOBA [redacted]
JAKE ZWEIG [redacted]

THE FOLLOWING-NAMED NAVAL RESERVE OFFICER TRAINING CORPS AND ENLISTED COMMISSIONING PROGRAM GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE AND STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign

RYAN D. AARON [redacted]
WADE D. ABBOTT [redacted]
ALAN C. ABER [redacted]
KENNETH P. ABRAMS [redacted]
DOUBLAS C. ABTS [redacted]
DANIEL C. ADAMS II [redacted]
DAVID C. ADAMS [redacted]
EDWARD J. ALBERS [redacted]
JERRY L. ALEXANDER [redacted]
KIRSTEN A. ALLAM [redacted]
JOSEPH L. ALLEN [redacted]
PAUL D. ALLEN [redacted]
ROBIN M. ALLEN [redacted]
STEPHANIE B. ALLEN [redacted]
QUAISON N. ALLEYNE [redacted]
TARA L. ALLISON [redacted]
ROBERT S. ALTEMARI [redacted]
DANIEL A. ALTRUZ [redacted]
LUIS A. ALVAREZ [redacted]
JASON S. ALZNAUER [redacted]
DAMON K. AMARAL [redacted]
ALYSA L. AMBROSE [redacted]
FRANKLIN J. ANDERS [redacted]
ERIK C. ANDERSON [redacted]
FRANCIS E. ANDERSON [redacted]
MARK D. ANDERSON [redacted]
SHELLEY ANDERSON [redacted]
SUZETTE S. ANDERSON [redacted]
TIMOTHY A. ANDERSON [redacted]
TODD D. ANDERSON [redacted]
LISA M. ANDRES, [redacted]
MARC A. ANGELONE [redacted]
MICHAEL S. ANSLEY [redacted]
STEVEN M. ANTHOLT, JR [redacted]
ROSEANNA G. APOLISTA [redacted]
DAVID R. ARMBRUSTER [redacted]
RONNY W. ARMSTRONG [redacted]
AVONNA S. ARNETT [redacted]
CHRISTINE ARNOLD [redacted]
DANIEL P. ARTHUR [redacted]
ANTHONY R. ARTINO, JR [redacted]
JOYCE C. ASCANO [redacted]
RANDY E. ASHMAN [redacted]
DEREK J. ATKINSON [redacted]
DANIEL S. AUGUSTI [redacted]
CHARLES H. AUGUSTUS [redacted]
LYNDA M. AYALA [redacted]
KENNETH J. AZZOLLINI [redacted]
ROBERT F. BAARSON, JR [redacted]
CHARLES F. BABB [redacted]
JASON B. BABCOCK [redacted]
JONATHAN F. BACH [redacted]
DAVID N. BACK [redacted]
CHRISTINA A. BAGAGLIO [redacted]
SHAWN T. BAILEY [redacted]
JOHN W. BAILIE II [redacted]
KELLY S. BAKER [redacted]
ROCKNE T. BAKER [redacted]
SCOTT A. BALLINA [redacted]
DAVID J. BALSITIS [redacted]
CHRISTOPHER M. BARBER [redacted]
MADELAINE A. BARDOT [redacted]
LAVAUGHN T. BARKER [redacted]
JUDAH I. BARLOW [redacted]
WILLIAM S. BARNARD [redacted]
ANTHONY C. BARNES [redacted]
RUSSELL M. BARNES [redacted]
DAVID M. BARRERA [redacted]
DALE S. BARRETT [redacted]
KEITH P. BARTO [redacted]
BRIAN G. BAUER [redacted]
DAVID E. BAUER [redacted]
OLIVER F. BAYONA [redacted]
BRYCE R. BEAUDOIN [redacted]
NIKOLE L. BECK [redacted]
BRIAN C. BECKER [redacted]
ROBERT C. BECKER [redacted]
TYLER P. BEDNARSKI [redacted]
MICHAEL V. BENEDETTO [redacted]
MARIO M. BENEDITO [redacted]
DAVID A. BENSON [redacted]
REBEKAH A. BERDINE [redacted]
JASON R. BERINGER [redacted]
PAUL J. BERNARDINO [redacted]
DANIEL F. BERTIN [redacted]
GREGORY A. BESHORE [redacted]
DANIEL J. BESSE [redacted]
STACY A. BEST [redacted]
THOMAS M. BESTAFKA [redacted]
RICHARD T. BEVAN [redacted]
ANDREW M. BIEHN [redacted]
MICHAEL C. BIEMILLER [redacted]
MICHAEL E. BIERY [redacted]
JOHN M. BILLCHECK [redacted]
MICHAEL E. BISSELL [redacted]
KARL E. BJORK [redacted]
FRANK S. BLACK III [redacted]
KARA J. BLAISURE [redacted]
SHARON L. BLANEY [redacted]
CORY J. BLASER [redacted]
RODNEY J. BLUNK [redacted]
GREGORY D. BLYDEN [redacted]
LAURA M. BOEHM [redacted]
JACK L. BOLLER [redacted]
CARLOS N. BOMBASI [redacted]
JAMES S. BOND [redacted]
TODD A. BONHAM [redacted]
WALTER BONILLA [redacted]
WILLIAM D. BOOTH [redacted]
MATT L. BOREN [redacted]
MICHAEL L. BORGMEYER [redacted]
JOHN BOS [redacted]
RANDALL W. BOSTICK [redacted]
BYRON J. BOUDREAUX [redacted]
STEPHEN W. BOWMAN [redacted]
RODNEY R. BOYD [redacted]
MATTHEW T. BOYLE [redacted]
PATRICK W. BRAME [redacted]
ROBERT W. BRAUER [redacted]
RICHARD A. BRAUNBECK III [redacted]
ERIC D. BRAY [redacted]
BRADLEY E. BREWER [redacted]
DAVID W. BRICKEY [redacted]
CHRISTOPHER J. BRIDGES [redacted]
MICHAEL W. BRIGGS, [redacted]
SONYA R. BRIGGS [redacted]
WESLEY P. BRINGHAM [redacted]
RICHARD M. BROCKMAN [redacted]
CHAD M. BROOKS, [redacted]
RYAN J. BROUGHTON [redacted]
DARRYL BROWN [redacted]
ERIC P. BROWN [redacted]
MYRON M. BROWN [redacted]
THOMAS J. BROWNFIELD II [redacted]
ROBERT M. BRUCE [redacted]
MATTHEW D. BRUDER [redacted]
GABRIELE E. BRUNHART [redacted]
BRANDON S. BRYAN [redacted]
TIMOTHY J. BRYANT [redacted]
GREGORY D. BUCHANAN [redacted]
ARIC W. BUCKLES [redacted]
ARON F. BUCKLES [redacted]
RICARDO BUENO, JR. [redacted]
CHAD E. BUERMELE [redacted]
DANIEL A. BUHR [redacted]
THOMAS J. BUNTING [redacted]
LARRY R. BUNTYN [redacted]
STEPHAN L. BURGOS [redacted]
ELLIE L. BURNS [redacted]
CHARLES N. BURWICK [redacted]
ARTA BUSHAWWEESE [redacted]
MYLA W. BUTLER [redacted]
RICHARD D. BUTLER [redacted]
KEITH A. BUZALSKY [redacted]
MICHAEL P. CADENAZZI, JR. [redacted]
JEFFREY T. CAHILL [redacted]
CHRISTOPHER R. CALDWELL [redacted]
JEFFREY W. CALL [redacted]
CHRISTOPHER D. CAMBRE [redacted]
GRAY A. CAMP [redacted]
KEITH A. CAMPBELL [redacted]
MARIE A. CAMPBELL [redacted]
THOMAS E. CAMPBELL [redacted]
JOHN A. CARDILLO [redacted]
GARY J. CARLSON [redacted]
ANDREW M. CARNELL [redacted]
RAUL J. CARRILLO [redacted]
SANTIAGO M. CARRIZOSA [redacted]
MAXEY L. CARROLL [redacted]

ROBERT S. CARROLL [redacted]
SCOTT A. CARROLL [redacted]
WILLIAM M. CARTER [redacted]
CASEY J. CASAD [redacted]
STEVEN A. CASAREZ [redacted]
JOSEPH A. CASCIO [redacted]
GREGORY R. CASKEY [redacted]
MATTHEW J. CASSADY [redacted]
JASON R. CASSANO [redacted]
ABRAXAS J. CATALANOTTE [redacted]
NADINE E. CATER [redacted]
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TY G. CHRISTIE [redacted]
JOHN A. CHRISTMAN [redacted]
CHAD C. CLAY [redacted]
PONCE D. CLAY [redacted]
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RANDALL E. CLEVELAND [redacted]
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WILLIAM M. CRANE [redacted]
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THECLY D. HINES [redacted]
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EMERSON J. KELLY [redacted]
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GRAHAM A. KESSLER [redacted]
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THOMAS H. KIERSTEAD IV [redacted]
JOSEPH R. KILLEEN [redacted]
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KOLT KILLMAN, [redacted]
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RAYMOND A. KIMMEL [redacted]
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LAWRENCE K. KING, [redacted]
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KATHLEEN A. KINSKE [redacted]
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FRANK J. KORFIAS [redacted]
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DAVID A. LEVY, 145–58–6673
ALEXANDER J. LEW [redacted]
ARIYAPONG LEWIS, [redacted]
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DANIEL L. MATTHEWS IV, [redacted]
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TROY V. MAYS [redacted]
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WILLIAM P. MCKINLEY, [redacted]

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ANDREW J. MCNULTY, [redacted]
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DANIEL E. MENDOZA, [redacted]
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MATTHEW L. METCALF, [redacted]
TIMOTHY S. METCALF, [redacted]
JAMES M. METCALFE, [redacted]
ELIZABETH K. METTE, [redacted]
ROBERT J. MEYER [redacted]
BETH ANN M. MEYEROWITZ, [redacted]
ROBERT J. MICHAEL, [redacted]
ELVIS T. MIKEL [redacted]
BRIAN J. MILLER [redacted]
CHAD M. MILLER, [redacted]
JASON C. MILLER, [redacted]
JUSTIN F. MILLER [redacted]
MICHAEL R. MILLER, [redacted]
SCOTT T. MILLER, [redacted]
STEFANIE J. MILLER [redacted]
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JAMES T. MILLS [redacted]
GARY MILTON, [redacted]
CHAD T. MINGO, [redacted]
GREGORY K. MINGO, [redacted]
THOMAS M. MINVIELLE [redacted]
MATTHEW L. MIRELES [redacted]
PETER T. MIRISOLA, [redacted]
SHAWNDALE M. MISNER, [redacted]
PAUL J. MITCHELL, [redacted]
CHRISTOPHER B. MOFFITT [redacted]
RENWICK M. MOHAMMED, [redacted]
ALVIN D. MONTGOMERY, [redacted]
DAVID A. MONTI, [redacted]
ROBIN R. MOORE, [redacted]
ENRIQUE MORALES, [redacted]
ZACHARY L. MORELAND, [redacted]
JON H. MORETTY, [redacted]
CHRISTOPHER W. MORGAN, [redacted]
GEORGE E. MORRILL, IV [redacted]
RICHARD B. MORRISON, [redacted]
SHANE MORTON, [redacted]
BYRON D. MOSS, [redacted]
MELINDA A. MOSS [redacted]
KENNETH M. MOTOLENICHSALAS, [redacted]
MATTHEW C. MOTSKO, [redacted]
PAUL L. MUCKENTHALER, [redacted]
MARTIN J. MUCKIAN, [redacted]
TIMOTHY M. MUNDERLOH, [redacted]
CARLOS E. MUNOZ, [redacted]
RAMON G. MUNOZ, [redacted]
JAMES L. MURPHY [redacted]
MICHAEL W. MURPHY, JR. [redacted]
SHAUN P. MURPHY, [redacted]
MICHAEL B. MURRAY, [redacted]
PATRICK J. MURRAY [redacted]
DOUGLAS MURRELL, [redacted]
RACHAEL A. NANCE, [redacted]
KATHERINE E. NATTER, [redacted]
NOREEN E. NAUCEDER, [redacted]
ERIC T. NAVALES, [redacted]
BRIAN K. NEAL [redacted]
BENJAMIN G. NELSON, II, [redacted]
CHRISTOPHER M. NELSON, [redacted]
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ERIC M. NEMOSECK, [redacted]
ERIK A. NESTERUK [redacted]
JEREMY J. NEUNER [redacted]
TERRI A. NEVELDINE, [redacted]
EDWARD F. NEWBY, [redacted]
KEITH D. NEWMAN, [redacted]
DEXTER A. NEWTON, [redacted]
JAMES E. NIGH [redacted]
ANDREW O. NOLD [redacted]
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KRIST D. NORLANDER, [redacted]
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TONY NORSWORTHY, [redacted]
WILLIAM F. NORTHRIP, [redacted]
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SCOTT M. NOVINGER, [redacted]
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RICHARD S. OHRT, [redacted]
JULIE M. OLDAKOWSKI, [redacted]
NICHOLAS B. OLESEN, [redacted]
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LON M. OLIVER, [redacted]
ADAM A. OLSON, [redacted]
DANIEL ORCHARDHAYS, [redacted]
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JUSTIN M. OTTO, [redacted]

DONOVAN I. OUBRE [redacted]
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DANA L. OWENS [redacted]
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RAYMOND V. PIERIE [redacted]
TABITHA D. PIERZCHALA [redacted]
JOHN B. PILANT [redacted]
TRAVIS D. PINDELL [redacted]
JEFFREY M. PLAISANCE [redacted]
JOSE D. PLANAS [redacted]
GRETCHEN M. PLATTEN [redacted]
DAVID W. PLOTTS [redacted]
ANDREW M. PLUMMER [redacted]
KEVIN J. POLICKY [redacted]
MICHAEL R. POOTS [redacted]
ARTURO J. PORRES [redacted]
PAUL A. POSTOLAKI [redacted]
MARK A. PREISSLER [redacted]
BRIAN J. PRICE [redacted]
WESLEY A. PRICE [redacted]
ETHAN R. PROPER [redacted]
DANIEL D. PROSSER [redacted]
ANDY C. PULLEY [redacted]
ALBIN S. QUIKO [redacted]
ANTONIO QUILES [redacted]
ROBERT J. RACE [redacted]
JAMES P. RACHELS [redacted]
DAVID E. RADFORD, [redacted]
JOHN A. RADI [redacted]
CRAIG A. RADOMSKI [redacted]
JASON T. RAINES [redacted]
JOHN L. RAMIREZ [redacted]
DEREK N. RAMSEY [redacted]
MARK R. RANDER [redacted]
BRIAN J. RASMUSSEN [redacted]
ARIANNE D. RAY [redacted]
MICHAEL E. RAY [redacted]
CHRISTOPHER D. REARDON [redacted]
THOMAS L. RECK [redacted]
ERIC D. REHBERG [redacted]
CHARLES J. REIMER, JR [redacted]
JAMES R. REINAUER, JR. [redacted]
GEORGE A. RENTERIA [redacted]
RICHARD N. REPP [redacted]
SHAWN E. REVERTER [redacted]
ARISTIDES G. REYES [redacted]
MARK A. REYES [redacted]
ALBERTO J. REYNA [redacted]
DARRELL A. REYNARD [redacted]
JOSEPH M. REYNOLDS [redacted]
RHONDA L. REYNOLDS [redacted]
WILLIAM M. REYNOLDS [redacted]
JASON D. RHOADS [redacted]
JOHN D. RHODES [redacted]
DAVID J. RHONE [redacted]
NEIL A. RICE [redacted]
REBEKAH J. RICE [redacted]
RONALD K. RICHARDS [redacted]
MONICA M. RICHARDSON [redacted]
BERNIE W. RIDGEWAY [redacted]
PAUL H. RIEHLE [redacted]
WILLIAM G. RIELS [redacted]
EVAN P. RILEY [redacted]
JOSEPH J. RING [redacted]
DAVID H. RIOS [redacted]
KEVIN K. ROACH [redacted]
WILLIAM L. ROBERTSON [redacted]
CHRISTOPHER A. ROBINSON [redacted]
MERLIN D. ROBINSON [redacted]
NEIL C. ROBINSON [redacted]
SEAN D. ROBINSON [redacted]
FRANCIS D. ROCHFORD [redacted]
WILLIAM L. RODGERS III [redacted]
CHRISTOPHER M. RODI [redacted]
DAVID A. RODRIGUEZ [redacted]
WILLIAM RODRIGUEZ, JR. [redacted]
CHARLES L. ROGERS [redacted]
KELLY J. ROMER [redacted]
JAMES G. ROONEY, JR [redacted]
TONY J. ROSALES [redacted]
ANDREW A. ROSEBROOK [redacted]
PAUL ROSEN [redacted]
JAMES B. ROSS [redacted]
MICHAEL C. ROST [redacted]
CHRISTOPHER M. ROTHEY [redacted]
BRIAN ROWER [redacted]
JUSTIN N. RUBINO [redacted]
MEGAN E. RUDE [redacted]
CHRISTOPHER J. RUDIN [redacted]
DANIEL E. RUHL [redacted]
ROBERT J. RULE [redacted]
DAVID J. RUPPERT [redacted]
JANET L. RUSSELL [redacted]
REGINALD T. RUSSELL [redacted]
RONALD J. RUTAN [redacted]
JOSEPH A. SAEGERT [redacted]
KENNETH J. SALAZAR [redacted]
TROY D. SALLEE [redacted]
JORDAN R. SAMORTIN [redacted]
ALAN D. SANCHEZ [redacted]
ROBERT D. SANCHEZ [redacted]
ERIN H. SANDERS [redacted]
PATSY SANDOVAL [redacted]
ALLEN E. SANFORD [redacted]
MARK D. SANTALLA [redacted]
JASON J. SANTORO [redacted]
JOSEPH E. SANTOS [redacted]
STEPHEN F. SARAR [redacted]
MICHAEL R. SARNOWSKI [redacted]
PETER L. SARRAT [redacted]
HEATH H. SARVIS [redacted]
CHRISTOPHER A. SAURENMANN [redacted]
MATTHEW A. SCHARF [redacted]
APRIL SCHEUNEMANN [redacted]
FRANK G. SCHLERETH III [redacted]
VIRGINIA L. SCHMIED [redacted]
BECKY J. SCHMILING [redacted]
KEVIN R. SCHMITT [redacted]
MICHAEL J. SCHOENEWOLFF [redacted]
CHRISTIAN D. SCHOMAKER [redacted]
AMY E. SCHRECK [redacted]
JERROD M. SCHRECK [redacted]
ANDREW J. SCHREINER [redacted]
CHRISTOPHER P. SCHULTZ [redacted]
GARY A. SCHULZ [redacted]
BRIAN E. SCHUSTER [redacted]
JONATHAN E. SCHWARTZ [redacted]
GARY S. SCOFFIELD [redacted]
MARK A. SCORGIE [redacted]
RICHELE R. SCURO [redacted]
BRET A. SEALEY [redacted]
DJUENO S. SEARLES [redacted]
MARK S. SEELBACH [redacted]
JOHN M. SEIP [redacted]
BARBARA P. SHANDY [redacted]
TERRY M. SHASKE [redacted]
MICHAEL E. SHELDRICK [redacted]
PETER N. SHEPARD [redacted]
WILLIAM R. SHERROD [redacted]
CHRISTOPHER R. SHERWOOD [redacted]
CHAN H. SHIN [redacted]
JEREMY T. SHOOK [redacted]
VALERIE N. SHOOT [redacted]
ANDREW J. SHOUGH [redacted]
MATTHEW A. SHUFRAN [redacted]
CAROL A. SHUPACK [redacted]
BRIAN P. SHUSTER [redacted]
JANESSA C. SHUTE [redacted]
GEORGE P. SIBLEY III [redacted]
MARK D. SIBON [redacted]
RANDALL D. SIERS [redacted]
ANDREW G. SIKKENGA [redacted]
WADE A. SIKKINK [redacted]
ROBERT A. SILVA [redacted]
BRETT C. SIMMERING [redacted]
ARTHUR J. SIMMONS [redacted]
CHRISTOPHER S. SIMMONS [redacted]
TERRENCE SIMMONS [redacted]
CORNELL D. SINCLAIR [redacted]
JAMES A. SINCLAIR [redacted]
BRIAN A. SINGLETON [redacted]
AGIR U. SINKEWITSCH [redacted]
BRETT C. SIWECK [redacted]
BRIAN C. SIZEMORE [redacted]
CHRISTOPHER R. SKOOG [redacted]
ANGELA N. SKRADSKI [redacted]
SANDRA M. SLAFTER [redacted]
WILLIAM S. SLAPPEY [redacted]
CHRISTOPHER M. SLATE [redacted]
PETER D. SMALL [redacted]
ANDREW J. SMEAL [redacted]
CHAD M. SMITH [redacted]
CHRISTOPHER R. SMITH [redacted]
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DAVID E. SMITH [redacted]
EDWARD S. SMITH [redacted]
EDWIN A. SMITH [redacted]
JULIA D. SMITH [redacted]
KENNETH SMITH [redacted]
LANDON C. SMITH [redacted]
MATTHEW J. SMITH [redacted]
MICHAEL S. SMITH [redacted]
ROBIN S. SMITH [redacted]
RODNEY SMITH [redacted]
SHERRIE R. SMITH [redacted]
XAVIER G. SMITH [redacted]
BRIAN T. SMYTH [redacted]
DUANE J. SOISSON [redacted]
PATRICK SONGSANAND [redacted]
KIRK W. SORBO [redacted]
JEFFREY L. SORICELLI [redacted]
MATHEW E. SOWA [redacted]
JOHN G. SPARKS [redacted]
CHARLES H. SPENCE III [redacted]
SHAWN A. SPENCER [redacted]
SUSAN B. SPERLIE [redacted]
PHILIP D. SPILLER, JR [redacted]
RICHARD M. SPRINGER [redacted]
JOHN P. STALLCOP [redacted]
BRAD L. STALLINGS [redacted]
SHAWN B. STANDLEY [redacted]
ROBERT H. STARK, JR. [redacted]
RICHARD A. STARKER [redacted]
BRUCE T. STARKEY [redacted]
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ALVARO P. STRAUB [redacted]
KYLE G. STRUDTHOFF [redacted]
VINCIRENA STUBBS [redacted]
COLLIN C. SULLIVAN [redacted]
RYAN M. SULLIVAN [redacted]
MITCHELL J. SUROWIEC [redacted]
JAMES H. SUTTLES IV, [redacted]
SHANKAR V. SWAMY [redacted]
BRYAN R. SWANN [redacted]
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EARL SYMONDS [redacted]
SEAN K. SZYMANSKI [redacted]
MICHAEL S. TAKAHASHI [redacted]
WILLIAM L. TALIAFERRO, JR [redacted]
PAUL J. TASILLO [redacted]
MICHAEL C. TASTSIDES [redacted]
PAUL M. TATE [redacted]
JOHN M. TATUM [redacted]
SHELLY M. TAYLOR [redacted]
STEVEN T. TEDDER [redacted]
RICHARD D. TEMER [redacted]
LORIE A. TENGCO [redacted]
PATRICIA L. TESTON [redacted]
WILLIAM G. THARP III [redacted]
ROBERT J. THELEN, JR [redacted]
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BRIAN C. THOMAS [redacted]
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MICHAEL D. TIEMANN [redacted]
MARK D. TIRMENSTEIN [redacted]
JEANNE M. TOBIN [redacted]
MARLENE A. TOMASZKIEWICZ [redacted]
MARK R. TONSETIC [redacted]
ERIC G. TORRES [redacted]
JOSEPH T. TOSH [redacted]
MARY E. TRAIL [redacted]
AARON S. TRAVER [redacted]
MILTON W. TROY III [redacted]
ROGER D. TUCKER [redacted]
SHAUN C. TUCKER [redacted]
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DONALD C. TYER [redacted]
RENE R. URBAN [redacted]
CHRIS T. URNESS [redacted]
CHRISTOPHER J. VALDIVIA [redacted]
ELMER D. VALLE [redacted]
NOU VANG, [redacted]
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NICK A. VARES [redacted]
EDWARD M. VARGAS [redacted]
BERRY VAUGHAN [redacted]
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EDLA J. VAUGHN [redacted]
ROBERT C. VEGA [redacted]
DIEGO VELASCO, JR. [redacted]
JASON P. VELIVLIS [redacted]
NEIL S. VELLEMAN [redacted]
JOSEPH VEREEN, JR [redacted]
RICHARD K. VERHAAGEN [redacted]
CHRISTOPHER R. VIA, JR. [redacted]
ERIC R. VICTORY [redacted]
DENNIS J. VIGEANT [redacted]
FABIO A. VILLANUEVA [redacted]
JORGE L. VILLARREAL [redacted]
TRACY L. VISSIA [redacted]
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KRISTOFER M. VOGT [redacted]
JOSEPH W. VOILAND [redacted]
STEVEN R. VONHEEDER [redacted]
MATTHEW J. WAESCHE [redacted]
ALEXIS T. WALKER [redacted]

ALLISA M. WALKER, [redacted]
GAYLE L. WALKER, [redacted]
RYAN J. WALKER, [redacted]
BENJAMIN D. WALRATH, [redacted]
MARY ELLEN WALSH, [redacted]
VERNON A. WALTON, [redacted]
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DUSTIN C. WARREN, [redacted]
BRET A. WASHBURN, [redacted]
EDWARD M. WASHINGTON, [redacted]
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LEROY H. WEBER, [redacted]
SCOTT L. WEBER, [redacted]
TROY WEBER, [redacted]
MICHAEL L. WEELDREYER, [redacted]
GEORGE W. WEHRUNG, [redacted]
BRIAN D. WEISS, [redacted]
RICHARD H. WEITZEL, [redacted]
RICHARD F. WELLS, [redacted]
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SARAH A. WENZEL, [redacted]
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SAMUEL S. WEST, [redacted]
GEORGE R. WETTACH, [redacted]
ERIC C. WEVER, [redacted]
TODD E. WHALEN, [redacted]
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ELIJAH A. WHITE, [redacted]
LADAWN J. WHITE, [redacted]
PAUL J. WHITE, [redacted]
DANIEL L. WHITEHURST, [redacted]
DANIEL C. WHITFORD, [redacted]
ALEX C. WIBE, [redacted]
AUDURA C. WICK, [redacted]
LANCE R. WIESE, [redacted]
JAMES A. WIEST, [redacted]
TROY E. WILCOX, [redacted]
EDISON R. WILLIAMS, [redacted]
MARK C. WILLIAMS, [redacted]
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RONALD WILLIAMS, [redacted]
BENJAMIN J. WILLIAMSON, [redacted]
KEITH A. WILLISON, [redacted]
CLAY R. WILSON, [redacted]
DARREL J. WILSON, [redacted]
DUMILE K. WILSON, [redacted]
RICCARDO WILSON, [redacted]
TIMOTHY A. WILSON, [redacted]
DAVID R. WILWOHL, [redacted]
ELLIOTT J. WINDISH, [redacted]
LORI C. WINNALL, [redacted]
JEFFREY W. WINTERS, [redacted]
WALTER J. WINTERS, [redacted]
FRANK J. WIRTZ, [redacted]
CHRISTOPHER M. WISE, [redacted]
CHAD A. WOLF, [redacted]
IAN S. WOLFE, [redacted]
MICHAEL L. WOLFE, [redacted]
ANDREW R. WOOD, [redacted]
DARYL R. WOOD, [redacted]
CHARLES E. WOODWARD, [redacted]
DENISE D. WOODFIN, [redacted]
JOSEPH P. WOODS, [redacted]
MICHAEL D. WOODS, [redacted]
ERNEST C. WOODWARD JR., [redacted]
DAVID I. WRIGHT, [redacted]
GERALD D. WRIGHT, [redacted]
WILLIAM A. WRIGHT, [redacted]
HSIN-FU WU, [redacted]
MICHAEL E. WYBORSKI, [redacted]
MARK D. YEHL, [redacted]
STEPHEN YONG, [redacted]
RYAN M. YOST, [redacted]
DANIEL J. YOUNG, [redacted]
DUNCAN F. YOUNG, [redacted]
KENNA L. YOUNG, [redacted]
PATRICK M. YOUNG, [redacted]
TERESITA S. YOUNG, [redacted]
TIMOTHY H. YOUNG, [redacted]
JAMES A. YSLAS, [redacted]
MARIA A. ZABIEREK, [redacted]
JOSEPH ZAMBUTO JR., [redacted]
TIMOTHY L. ZANE, [redacted]
JASON D. ZEDA, [redacted]
WILLIAM J. ZEGARSKI JR., [redacted]
JOSEPH A. ZIRNHELT, [redacted]
DAVID G. ZOOK, [redacted]

CONFIRMATION

Executive nomination confirmed by the Senate March 30, 1995:

DEPARTMENT OF AGRICULTURE

DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 30, 1995, withdrawing from further Senate consideration the following nomination:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000, VICE JAMES D. SANTINI, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 1995.

EXTENSIONS OF REMARKS

ELIMINATING THE MINIMUM WAGE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. PACKARD. Mr. Speaker, the minimum wage should be eliminated. Government has no business determining a person's worth in the job market. If you force a business to pay more than a person is worth, somebody else is going to be paid less than they are worth to compensate for that person's job. Worker wages should be determined by competitive market forces, not Government imposed mandates.

President Clinton's proposed 21 percent wage hike represents a powerful blow to the low skilled and young wage earners of America—the bulk of the minimum wage population. Legislation to raise the minimum wage is no answer to poverty. Instead, it will increase poverty. Economists agree that raising the minimum wage would instantly eliminate tens of thousands of jobs. The minimum wage is a tax on labor and, more importantly, a tax on hiring.

Increasing the cost of labor and hiring makes it difficult for small businesses—the engine for job creation—to hire new workers. The minimum wage slams shut the window of opportunity. It denies thousands of potential young, low-skilled workers the opportunity to better themselves and contribute to their communities.

Government exists to serve the needs of the people. A federally imposed minimum wage increase works against the needs of American workers and small businesses—shrinking the job base while raising costs. Our economy functions best when left alone, not when meddled with by Government bureaucrats.

INTRODUCTION OF H.R. 1360—KOSOVA PEACE, DEMOCRACY, AND HUMAN RIGHTS ACT OF 1995

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. GILMAN. Mr. Speaker, recent events in Bosnia have demonstrated how little regard the Serbs have for the views of the international community. Their complete disregard for the mandates and requirements of the U.N. Security Council, and indeed for the norms of civilized behavior as they carry out their plan for an ethnically cleansed Greater Serbia raises concern for the region of Kosova with its population of nearly 2 million ethnic Albanians.

Prior to 1989, under the constitutional arrangements of the former Yugoslavia Kosova enjoyed an autonomous status in which the Albanian majority enjoyed many of the fruits of self-government. Public institutions such as schools, hospitals, and the police were controlled by the local population. In 1989, however, as Serbian President Milosevic sought to consolidate his grasp on power he exploited ancient Serbian sensitivities on the status of Kosova as an excuse for annulling Kosova's autonomous status by illegally altering the Yugoslav Constitution, and subsequently replacing Albanian personnel in the educational, health, and law enforcement systems in Kosova with Serbs.

Almost 2 years ago, Serbian authorities refused to renew visas for a team of CSCE monitors that had been dispatched to Kosova to keep an eye on human rights abuses committed by the Serbian authorities. The Serbs have remained intransigent in refusing to grant visas for human rights monitors despite urgent appeals from the United States and most members of the European Union and other concerned countries. They have also refused to comply with U.N. Security Council Resolution 855 which required Serbia to permit international human rights monitors into Kosova. Since the departure of international monitors last summer human rights abuses have nearly doubled, according to reports from the Kosovar Albanian community, with a number of its leading personalities driven into exile for fear for their lives.

Accordingly, on behalf of the gentlemen and gentlelady from New York, Mr. ENGEL, Ms. MOLINARI and Mr. KING, the gentleman from California, Mr. ROHRABACHER, and the gentleman from New Jersey, Mr. SMITH, I am today introducing H.R. 1360, entitled the "Kosova Peace, Democracy and Human Rights Act of 1995." This bill links lifting of the U.N. economic sanctions against Serbia—to a resolution of the deplorable human rights situation in Kosova, and requests the administration to submit a report within 60 days of enactment on its recommendations on ways to implement international protection for the rights of the majority of the Kosovar population. In so doing, I do not believe that this is an issue in which the United States should seek to act alone. We should consult with our allies in Europe and with other members of the Security Council because this is an issue in which they too have an important stake. I do hope that this measure will help to focus the administration on the issue of Kosova as it seeks to bring the conflict in Bosnia to conclusion. I do not believe that ignoring or omitting the situation in Kosova, wherein millions of people are daily subject to harsh and brutal denial of the most basic and fundamental human rights, will contribute to long-term stability in the Balkans.

I want to acknowledge with deep appreciation the role of my colleagues, Mr. ENGEL and Ms. MOLINARI, cofounders of the Albanian Issues Caucus, who have done so much to keep the issue of Kosova before the Congress and the American people. This bill reflects their efforts, and support for the rights of the citizens of Kosova, and I am pleased to be able to introduce this measure on their behalf.

Mr. Speaker, I hereby request that the full text of H.R. 1360, the Kosova Peace, Democracy, and Human Rights Act of 1995, be included at this point in the RECORD.

H.R. 1360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kosova Peace, Democracy, and Human Rights Act of 1995".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Constitution of the Socialist Federal Republic of Yugoslavia, adopted in 1946, and the amended Constitution of Yugoslavia, adopted in 1974, described the status of Kosova as one of the eight constituent territorial units of the Yugoslav Federation.

(2) The political rights of the Albanian majority in Kosova were curtailed when the Government of Yugoslavia illegally amended the Constitution of Yugoslavia without the consent of the people of Kosova on March 23, 1989, revoking the autonomous status of Kosova.

(3) In 1990, the Parliament and Government of Kosova were abolished by further unlawful amendments to the Constitution of Yugoslavia.

(4) In September 1990, a referendum on the question of independence for Kosova was held in which 87 percent of those eligible to participate voted and 99 percent of those voting supported independence for Kosova.

(5) In May 1992, a Kosovar national parliament was elected and Dr. Ibrahim Rugova was overwhelmingly elected President of the Republic of Kosova.

(6) The Parliament and Government of Kosova were not permitted to assemble in Kosova.

(7) Credible reports of Serbian "ethnic cleansing" in Kosova have been received by the United Nations Special Rapporteur on Human Rights, and in January 1995, Serbia announced a new policy to colonize Albanian land in Kosova.

(8) Over 100,000 ethnic Albanians in government, police, the judiciary, enterprises, media, educational institutions, and hospitals of Kosova have been removed from their jobs and replaced by Serbians.

(9) The government in Belgrade has severely restricted the access of ethnic Albanians in Kosova to all levels of education, especially education in the Albanian language, solely on the basis of their ethnicity.

(10) Reports of arrests and brutal beatings by the mostly Servian police, sometimes leading to the death of ethnic Albanians in Kosova for expressing views in opposition to Servian authorities, are received almost daily.

(11) Observers of the Organization on Security and Cooperation in Europe dispatched to Kosova in 1991 were expelled by the government in Belgrade in July 1993.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(12) The Government of Serbia has ignored United Nations Security Council Resolution 855 of August 1993, which calls upon Belgrade to allow the continuation of the mission of the Organization on Security and Cooperation in Europe and to guarantee the safety of and unimpeded access for monitors of the Organization on Security and Cooperation in Europe.

(13) Following the departure of such observers, several international human rights organizations, including Amnesty International, Human Rights Watch-Helsinki, and the Helsinki Federation for Human Rights have documented an increase in humanitarian abuses in Kosova.

(14) Congress provided for the opening of United States Information Agency cultural center in Prishtina, Kosova, in section 223 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, but the Department of State has asserted that security conditions have prevented the establishment of such center.

(15) The President has explicitly warned the Government of Serbia that the United States is prepared to respond in the event of escalated conflict in Kosova caused by Serbia.

(16) On January 4, 1994, President Clinton stated, "there are a large number of issues, including Kosova, that I believe must be addressed before Belgrade should be freed of United Nations sanctions and able to return to the international community. . . . As before, our decision of whether to support suspension of any sanctions will be made in close consultation with Congress.".

(17) On February 15, 1994, President Clinton announced, without prior consultation with the Congress, a set of conditions, not including improvements in Kosova, which, if met by Serbia and Montenegro, would result in the lifting of international sanctions against Serbia and Montenegro.

SEC. 3. POLICY.

It is the policy of the United States that—

(1) the situation in Kosova must be resolved before Belgrade is freed of international sanctions and is able to return to the international community;

(2) the right of the people of Kosova to govern themselves and to establish a separate identity for Kosova must not be denied;

(3) international observers should be returned to Kosova;

(4) the elected Government of Kosova should be permitted to meet and exercise its legitimate mandate as elected representatives of the people of Kosova;

(5) all individuals whose employment was terminated on the basis of their ethnicity should be reinstated to their previous positions; and

(6) the education system in Kosova should be reopened to all residents of Kosova regardless of ethnicity and the majority ethnic Albanian population should be allowed to educate its youth in its native tongue.

SEC. 4. RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO UNTIL CERTAIN CONDITIONS ARE MET.

(a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement described in section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), with respect to Serbia or Montenegro, may cease to be effective, unless—

(1) the President first submits to the Congress a certification described in subsection (b); and

(2) the requirements of section 1511 of that Act are met.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova,

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

SEC. 5. REPORTING REQUIREMENT.

Not later than 60 days after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report on—

(1) the situation in Kosova, including the manner in which the policies of Serbia have affected the economic, social, and cultural rights of the majority in Kosova;

(2) measures to provide humanitarian assistance to the population of Kosova and to Kosovar refugees who have fled Kosova, including the impact of United States sanctions against Serbia and Montenegro upon the delivery of humanitarian assistance to Kosova;

(3) recommendations (taking into account the views of other United Nations Security Council members and the European Union) on what modalities may be pursued, including the possibility of establishing an international protectorate for Kosova together with other members of the United Nations Security Council and the European Union, to implement international protection of the rights of the people of Kosova, reestablish an international presence in Kosova to monitor more effectively the situation in Kosova, and secure for the people of Kosova their right to democratic self-government;

(4) the current status of United States efforts to establish a United States Information Agency cultural center in Prishtina, Kosova, as provided in section 223 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, specifying the security conditions and any other factors preventing establishment of such center; and

(5) the presence of United States officials in Kosova, prior to establishment of a United States Information Agency cultural center in Prishtina, Kosova, including the number, frequency, and duration of visits of personnel of the United States Embassy in Belgrade to Kosova during the 12-month period ending on the date of the enactment of this Act.

HAPPY 30TH ANNIVERSARY HUMAN DEVELOPMENT COMMISSION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a wonderful organization within my congressional district that is celebrating its 30th anniversary this year. The Human Development Commission has been ably led since 1979 by its executive director, Mary Ann Vandemark, whom I have had the privilege to know for a number of years. The work that HDC performs for the people of Huron, Lapeer, Sanilac and Tuscola counties is most important, and the public support for HDC is a sincere testimony to the organization's worth.

HDC evolved from the Thumb Area Economic Opportunity Commission, which was created when President Lyndon Johnson signed the Economic Opportunity Act of 1965. A full-color photograph of that historic signing hangs today in HDC's board room, and it has witnessed many decisions which have served to help those in need in Michigan's Thumb area. Among the effects of those decisions were the local creation of Head Start, the Neighborhood Youth Corps, and Family Counseling Programs. Today, HDC serves its population with over 40 programs, ranging from Assault Crisis Intervention to weatherization services, and is a leading member of the National Community Action network of nearly 1,000 agencies.

The Human Development Commission has faithfully served Michigan's Thumb area for 30 years, providing employment for thousands of area citizens, hundreds of whom have come from low-income categories, and has returned millions of dollars to its local communities through housing rehabilitation and construction, through food and nutrition services, and through dozens of services extended to the aging population.

HDC has been guided by the watchful, skilled, and sightful eyes of chairman LeeRoy Clark, a 30-year board member, commissioner Robert (Bob) Russell, a 30-year board member, executive director Mary Ann Vandemark, current president of the National Association of Community Action Agencies, and dozens of able board and advisory council members. HDC has consistently brought together government, business, and social segments of society for the purpose of creating new and ever more effective service delivery networks.

I am proud and honored to count the people of the Human Development Commission among the large number of Americans who make a positive difference in this country. Let us pay tribute to the Human Development Commission on its 30th anniversary, recognize its outstanding work on behalf of all people, and encourage its efforts to be extended well into the future.

HONORING THE REVEREND DR. W. FRANKLYN RICHARDSON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I honor today a man of vision and commitment, the Reverend W. Franklyn Richardson.

April 1995 marks 20 years since Reverend Richardson became pastor of historic Grace Baptist Church which is located in my district in Mount Vernon, NY. Grace Baptist Church, the largest church in Westchester County, has some 3,000 parishioners and in addition conducts a comprehensive outreach ministry to the surrounding community.

Under Reverend Richardson's leadership, the congregation is involved in numerous programs and activities, such as providing food and clothing for the needy; ministering persons in prison, the sick and shut-in, senior citizens, the homeless and others; hosting a Christmas celebration and other programs for homeless and less privileged children; and sponsoring cultural and educational workshops and special events. Furthermore, Reverend Richardson led the congregation in the completion of a $4.2 million restoration and expansion of the church facilities; and recently initiated the construction of an $11 million 100-unit housing facility in Mount Vernon for senior citizens called Grace House.

And while he has cared for his flock in Mount Vernon, Dr. Richardson has also been a leader on the national and international level. For the past 12 years Dr. Richardson served as the general secretary of the National Baptist Convention, U.S.A. Inc. He was elected to this prestigious office in September 1982. The National Baptist Convention consists of more than 30,000 churches and 8 million Baptist members across the country. He is also a member of the general council of the Baptist World Alliance. In May 1983, he was elected to the governing board of the National Council of Churches representing more than 400 million Christians from 150 countries.

As a world-renowned minister, Dr. Richardson has preached and travelled extensively on six continents, including Africa, Asia, Australia, Europe, and North and South America. In February 1980, Dr. Richardson was selected as a member of the 1980 preaching team of the foreign mission board of countries on the continent of Africa. Since 1982, he has served as the L.G. Jordan lecturer in the laymen's department of the National Baptist Congress of Christian Education. In addition, he has crossed the nation and the world speaking at churches, conventions, colleges and universities.

I am personally honored to join with Reverend Richardson's parishioners, family, friends and neighbors in this 20th anniversary celebration.

FISCAL YEAR 1996 BUDGET

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. WARD. Mr. Speaker, on Thursday, March 30, 1995, I had the opportunity to testify before the House Committee on the Budget. The following is the text of my testimony.

STATEMENT OF CONGRESSMAN MIKE WARD BEFORE THE HOUSE COMMITTEE ON THE BUDGET, MARCH 30, 1995

Mr. Chairman: Thank you for allowing me to share my views on the fiscal year 1996 budget submitted to Congress by President Clinton. My statement will reflect my firm belief that the well-being of our children should be a national priority.

Specifically, I call your attention to Head Start, child nutrition programs, the Consolidated Child Care block grant, and the Vaccines for Children Program. The fiscal year 1996 budget presented by President Clinton calls for moderate increases in these programs. Head Start funding will go from $3.535 billion to $3.935 billion. Funding for child nutrition programs would be $8.06 billion in 1996, an increase from $7.7 billion this year. The block grant would increase from $949 million to $1.094 billion and $845 million is proposed for the vaccine program.

I believe these levels of funding are entirely appropriate because these programs work. Furthermore, educating and nurturing our children, preventing disease through immunization, and providing quality child care are critical to assuring the health and welfare of our young people. We must not let our commitment to our future be lost in the frenzy to cut the budget. Focusing our attention on these goals, in my view, will ensure the prosperity of America for years to come.

In closing, I am very proud to represent Louisville and Jefferson County, KY. Taking care of the needs of the children in our community has always been a serious concern of our elected leaders like Louisville Mayor Jerry Abramson and Jefferson County Judge/Executive David Armstrong.

Also, many of our citizens like Libby Grever, executive director of Community Coordinated Child Care, and Dr. Rice Leach, commissioner of the Commonwealth of Kentucky Department for Health Services, have worked for years on behalf of our children. Dr. Leach, for example, is currently working to immunize all of Kentucky's children. I know that each of them joins me in urging your most thoughtful consideration of these concerns.

Chairman Kasich and Ranking Member Sabo, I appreciate your courtesy and time.

OUR VETERANS DESERVE NO LESS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today in support of the concept of Medicare subvention, found in H.R. 580 and H.R. 861. These two bills would let military retirees and veterans use their Medicare benefits at military or VA hospitals.

I take great interest in this legislation because the concepts contained in H.R. 861 originated in my hometown—with Col. Walter D. Mikulich, Maj. Edward H. Townsend, and Lt. Col. George R. Smith, in the San Diego military retiree and veteran health care study group.

Military health care facilities can actually treat older military retirees for less than Medicare pays civilian providers, but cannot afford to enroll Medicare-eligible retirees unless Congress changes the law to allow reimbursement from Medicare. So, older military retirees are now limited to using Medicare in the civilian community at a higher cost to everyone—Medicare, taxpayers, and beneficiaries. Those who do use military facilities lose the Medicare benefit they deserve.

The exclusion of retired personnel from the military health care system undermines the long-term interest of our country. A crucial aspect of personnel readiness is maintaining strong incentives for high-quality personnel to continue to serve full military careers. Offers of lifetime health care benefits are one of the primary incentives that induced many current retired members to serve military careers that often spanned two or three wars. Now, they are upset at the broken promise—and the prospect of no coverage but Medicare, at a time when reductions in Medicare benefits are on the congressional table.

Another consideration is the recruitment and retention of quality medical personnel at our military hospitals. Professional advancement means that medical personnel must see and treat a wide range of patients with a broad spectrum of medical problems. Medicare-eligible retirees would provide that clinical experience.

Medicare subvention is an idea that makes sense for everyone. Older retirees have earned military health care through decades of selfless service to this great country. It is time for us to keep our promise to our veterans and provide them access to the VA and military health care facilities of their choice.

"TO AMEND" MEANS "TO IMPROVE"

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mrs. MINK of Hawaii. Mr. Speaker, my law school classmate, Prof. George Anastaplo, writes an interesting piece on the balanced budget amendment and on term limits, the latter of which comes to the floor this week. I submit his paper:

"TO AMEND" MEANS "TO IMPROVE"

(By George Anastaplo)

The considerable talk we hear these days of a balanced-budget amendment and of a legislative term-limitation amendment poses challenges to constitutional scholars respectful of the integrity of the Constitution. Both amendments would probably be troublesome if ratified: the first (an exercise in constitutional frivolity) because it is not likely to work; the second because it is likely to work, thereby crippling the Government of the United States. It does not help matters that the principal balanced-budget proposal currently before the Congress contains language that invites confusion and litigation, language that is singularly unfelicitous for permanent enshrinement in the Constitution.

Those who recognize how a balanced-budget amendment could readily be circumvented by both legislatures and executives suggest other ways of accomplishing such an amendment's purposes. One response is that a limitation be placed upon the amount of taxation that is permitted annually. But circumvention is likely there also, as may be seen in how State governments have had to work their way around such limitations. In fact, no mechanical rule or formula can take the place in such matters of political judgment on the part of both the people and their government, if there is to be sound guidance of the economy in varying circumstances. Such guidance depends upon sensible assessments not only of the causes and consequences of deficits but also of the costs, consequences, and desirability of balancing the national budget at any particular time. Here, as elsewhere, myths and misinformation have to be reckoned with. Many of these questions about economic and fiscal policies are better addressed directly and preferably by legislatures as circumstances change. A curious aspect of the balanced-budget situation today is that two-thirds of each House of Congress would vote for an amendment that might some day require a balanced budget, while at the same time one-half of each House could vote for a balanced budget during this session of Congress.

Those who recognize that term limitations for legislators can truly be crippling look to other remedies to deal with what they conceive to be the underlying problems. One set of remedies has to do with changes that could reduce the advantages of incumbency, including severe limitations upon political contributions and campaign expenditures. (A reconsideration by the United States Supreme Court of its unfortunate First Amendment rulings with respect to these matters should be encouraged.) Most of these remedies, too, are more appropriate for legislation than for constitutional amendments, especially since experiments and revisions are apt to be needed.

It is often said that those who hold legislative offices today are virtually impossible to defeat. But this is not, as many seem to believe, because incumbents are immune from public scrutiny and control. On the contrary, incumbents these days tend to be very sensitive, perhaps unduly so, to the opinions of their constituents. Indicative of what has long been happening is the fact that incumbents do say quite different things on the issues of the day, depending on precisely where they are from and what electorate they rely upon. Public opinion polling makes it easier for each incumbent to tailor his words and deeds to the opinions and immediate desires of his constituents. Would Members of Congress who know they can be there for only a few more years once they "learn the ropes" be inclined to devote themselves to their demanding duties, unconcerned about preparing the way for their subsequent career?

It is likely, in any event, that most if not all of the constitutional amending being agitated these days (including the line-item veto) would be much better dealt with through legislation that can be readily adjusted and, if need be, improved or even repealed as circumstances change.

TRIBUTE TO WAYNE "BOOMER" BUCK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. DINGELL. Mr. Speaker, Saturday, April 8, 1995 will be a very special day for the State of Michigan and for the city of Taylor. On that day, tribute will be paid to a great patriot and a great friend to the veterans in Michigan, Wayne "Boomer" Buck.

Boomer has served since June of 1994 as the State commander of the Michigan Department of Veterans of Foreign Wars. In that capacity, he has worked tirelessly to provide vigorous leadership to support the department's member posts, and guide their commanders. As the State commander, he has been responsible for the administration of a department with 88,000 members, comprised of veterans of all conflicts from World War I to the present.

Wayne Buck was born and raised in Michigan. He joined the U.S. Navy in 1956, and served aboard a 7th Fleet destroyer in the South China Sea during a period of high tension in that part of the world. For that, he was awarded the China Service Ribbon. He returned to duty in the United States in 1957 and was honorably discharged from the Navy in 1962.

Boomer has been active in the VFW since joining the Walter J. Smith Post 511 in New Britain, CT, in 1966. He became a life member of the VFW in 1970. While living in Connecticut, he served as an active member of his home post as well as on committees at the district and department level.

After returning to his home State of Michigan, Boomer served as an officer and commander of Post 9283 in Southgate, achieving recognition as All State Commander in 1983. He later served in a district office, and was elected district four commander in 1987. His exceptional performance led to recognition as outstanding district commander that year. He later served as POW/MIA department chairman for Michigan, as Michigan vice commander, and became Michigan department commander in June, 1994.

Mr. Speaker, my friend Wayne "Boomer" Buck has devoted his life to service of his country and those who have worn its uniform. He has done so with energy, integrity and skill. It is with pride that I commend him to you with the highest praise I can render: "Citizen, Patriot, Friend."

TRIBUTE TO SKIP CIOFFI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. PALLONE. Mr. Speaker, on Saturday, April 1, 1995, Mr. Henry R. "Skip" Cioffi will be honored by the Figli Colombo, Sons of Columbus, in a testimonial dinner at Mike Doolan's Restaurant in Spring Lake Heights, NJ. It is a great honor and privilege to pay tribute to this special man and good friend who played an important role in helping me get my start in politics.

Mr. Cioffi is probably best known as the mayor of Long Branch, NJ, my hometown. He was first elected mayor in 1970, after having served as a city councilman since 1962. He was subsequently reelected to 4-year terms in 1974 and 1978. His 12 years as mayor stand as the longest tenure of any directly elected mayor in the history of Long Branch. Mayor Cioffi's record is an impressive and distinguished one. During his tenure, Ocean Boulevard was initiated, the police department was reorganized, and taxes were stabilized. His vision led to creation of the Monmouth County Park System's Seven Presidents Park, the preservation of valuable ocean-front acreage, restoration of the boardwalk, and the construction of a satellite facility for Brookdale Community College in downtown Long Branch.

Mr. Speaker, Skip Cioffi's life story reads like a great American success story. Mr. Cioffi grew up in Monmouth County, attended the Lyceum in Long Branch and Red Bank Catholic High School. He enlisted in the U.S. Marine Corps after high school, and served for 39 months before being honorably discharged in December 1952. He has received degrees from Monmouth College and the University of Pennsylvania's Wharton School of Finance. He has spent his entire career in public service. In addition to his elected offices in Long Branch, he served as business administrator of the public schools systems in Eatontown, NJ, and Elizabeth, NJ. In 1961 he married Jean A. DeStafano, and they have four children, Michael, Gina, Danielle, and Skip, Jr. His daughter Gina did a great job during the 6 years she served as executive assistant in my Capitol Hill office.

Mr. Speaker, it is an honor for me to pay tribute to my friend Skip Cioffi. I join with the members of Figli Colombo in congratulating him on his wonderful and exemplary career in public service.

TERM LIMITS

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. ALLARD. Mr. Speaker, yesterday was a historic day. For the first time in history, the House of Representatives debated and voted on term limits for its Members. I have and continue to be a strong supporter of term limits. Term limits would help to deter Members from acting in a career-oriented, self interested manner and would promote decisions for the public good. In short, term limits would make legislators more responsive to the people.

The support for term limits has been demonstrated by the 22 State term limits initiatives and polls showing 70 percent or more approval by the public. My State of Colorado was the first State to enact limits in 1990 with a 12-year limit and in 1994 with a 6-year House limit.

Four versions of term limits were offered yesterday. In the end, it was the Colorado law that I voted in favor of. I voted against the Dingell-Peterson 12–12 years amendment because it was retroactive, which has been rejected by States, and also because it would supersede all State term limit laws. I voted in favor of the Inglis 6–12 years amendment because it was the same as the Colorado provision, 6 years for House Members and 12 years for Senators. I also voted in favor of the Van Hilleary 12–12 year amendment because it would not supersede any State term limit law. This amendment would have kept the Colorado term limit law in place. I voted against the McCollum 12–12 years version because it would have superseded all other State term limit laws.

I believe the voters of Colorado who voted for 6 years in the House and 12 years in the Senate know best. The Federal Government should respect the desires of each State. The McCollum amendment was flawed because it would have nullified all other State limits. If either the Inglis or Hilleary amendments had made it to final passage I would have enthusiastically voted yes. In my view, they were the only acceptable term limits proposals the House debated.

CAPT. ROBERT PEARSON: A TRUE CREDIT TO THE BADGE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. BARCIA. Mr. Speaker, I rise today to honor Capt. Robert Pearson, the third district commander of the Michigan State Police, as he retires after more than 23 years of service to the people of Michigan as a member of the Michigan Department of State Police. His devotion to duty, care for the officers he commands, and attention to the needs and concerns of the people of Michigan who called upon him during his time as a member of the department have earned him the thanks and true respect of those whose lives he touched during a most memorable career.

Robert Pearson was born in Waverly, TN, and came to Michigan as a young boy. He attended both Ferris State University and Delta College, while serving as a member of the U.S. Marine Corps for 2½ years between enrollments. He is a Vietnam veteran, having admirably served his country and earning a Presidential Unit Citation and a National Defense award.

He joined the State police in February 1972. Following graduation he was posted at Jackson, Detroit, Flint, Northville, and finally Saginaw since April 30, 1989. Just as so many police officers do, his watchful eyes may have helped protect many of us as we traveled through Michigan during his exemplary career.

I have the pleasure and the privilege of personally knowing Captain Person. If any of you want to find an outstanding role model for our children, look at Robert Pearson. If you need to know what it means to be devoted to public service, look at Robert Pearson. It is no wonder that a man of his skills and purpose has served on numerous departmental boards and committees, has been sought out by colleagues and law enforcement agencies to serve on their boards and committees, and has won an award from the Michigan State Safety Commission for developing and overseeing the C.Z.A.R.—Construction Zone Accident Reduction Program.

His dedication to his profession is exceeded only by his commitment to family, including his wife Phyllis, and son Jason. Despite his very demanding schedule, he still has made the time to be a very active member of St. Luke C.M.E. Church, and a Prince hall Mason for 25 years.

Mr. Speaker, I urge all of our colleagues to join me in wishing Captain Pearson the very best on his retirement. As he is joined by friends and colleagues who will honor him at a dinner this Saturday, let this man of distinction know that his career has earned him the gratitude of the people of Michigan that he so richly deserves.

VOICE OF DEMOCRACY CONTEST, ALASKA WINNER

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. YOUNG of Alaska. Mr. Speaker, with pride and honor I acknowledge Walter McInnis, of Eagle River, AK, for his accomplishment of first place in the 1995 Veterans of Foreign Wars of the United States and its Ladies Auxiliary Voice of Democracy Broadcast Script-Writing Contest of the State of Alaska. Mr. McInnis will receive $1,000 in scholarship funds to apply toward his collegiate education.

The Voice of Democracy Scholarship Program was started 48 years ago with the endorsement of the U.S. Office of Education and National Association of Broadcaster, Electronic Industries Association, and State Association of Broadcasters. Over the past 35 years the number of annual national scholarships has risen to 47 totaling $109,000 with a $20,000 scholarship to the school of choice going to the first place winner.

Mr. McInnis, a junior at Chugiak High School, has not decided on where he would like to attend college. He plans on pursuing a career in law. His list of achievements include the American Legion's Scholastic Achievement Award and first and second year outstanding and honor cadet in the National Junior ROTC Unit.

It pleases me to enter Mr. McInnis' winning essay into the CONGRESSIONAL RECORD.

"MY VISION FOR AMERICA"

(By Walter McInnis)

My vision for America.

I see a place where Constitutional rights are more than just words on paper, written long ago in an age of idealism. Foremost among these rights must be education. Quality education, which sees to it that the Nation's youth are ready to assume the responsibilities of their parents.

I see a place where certain Constitutional guarantees are unnecessary. A place where discrimination on the basis of race, sex, or religion is not only unconstitutional, but unthinkable.

I see an America whose citizens understand that "honor" and "duty" are more than just cliches that sound good; that they are what sets leaders apart from followers. I see a nation willing to pay the price of being a world leader; willing to pay for a strong national defense, and I see a nation willing to use its strength to stand up for what's honorable. Because being a leader has nothing to do with making the easy decisions, or even the popular decisions; it's being able to make choices based on nothing more than "they're the right thing to do."

I see a nation that has all but eliminated crime through the equal application of mercy and justice. A society that understands that to be merciful without justice is foolish, and to be just without mercy is tyrannous. A society that rewards sympathy only to those who are repentant, instead of those with the most excuses.

I see a nation who has come to the realization that resource management isn't such a difficult and confounding thing after all. For in the interest of development now and in the future, conservation is vital. A nation that also realizes conserving a resource is pointless if not to develop that resource for later generations.

I see a nation that readily assumes responsibility. Because personal accountability is critical to success in all areas of life; from basic person to person honesty all the way to a national, political level.

I see a people who have risen above a cynical derision of their government. I see a citizenry who have balanced their democratic duty to critique their government, with a respect for the same. After all if the voters are not responsible for their government, then who is?

I see a people who also remember to respect their children and senior citizens. Senior citizens have made the sacrifices to get the country in the leadership role it now enjoys; and the leaders of today must realize that they do not own the country, but instead are holding it in trust for the generations to come.

In conclusion, I envision America continuing its prominent role in world affairs. America must also continue to set the example for personal freedom and equality. It is crucial that the country reassume dominance in education, second best simply isn't good enough. Respect and responsibility must be the axioms which the country strives toward because a leader who does not respect other's opinions, and does not accept responsibility for his actions, does not deserve to be a leader.

ANNIVERSARY OF THE COAL MINE HEALTH AND SAFETY ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. RAHALL. Mr. Speaker, 25 years ago, the Coal Mine Health and Safety Act went into effect. In this era of regulatory moratoria, of reducing Federal regulations, and of risk assessments being applied to the rulemaking process, this act stands as a shinning example of the overwhelming benefits to society of Federal regulation and oversight.

During November 1968, 73 coal miners lie trapped deep beneath the Earth in a mine near Farmington, WV. For the first time the average American witnessed a coal mine disaster as television coverage beamed this devastating incident across the Nation. They saw the horror, the sheer terror, on the faces of the wives and children, and of the fellow workers, of those coal miners. The reaction of the American people was swift, and it was clearly stated. Within 1 year Congress enacted the landmark Coal Mine Health and Safety Act of 1969, for the first time applying a Federal occupational safety law to a specific industry.

More than 250 coal miners on average perished annually while on the job during the 3-year period prior to passage of the 1969 act. Over the last 3 years, the average number of coal miner fatalities has totaled fewer than 50. This achievement was made without a loss of industry productivity, or for that matter, profit.

Mary 'Mother' Jones, the union activist, after seeing the plight of coal miners in West Virginia during the earlier part of this century once exclaimed: "When I get to Heaven I am going to tell God Almighty about West Virginia!" The good Lord must have listened. Entering this century as the most dangerous industry in the Nation, the coal industry is ending it as one of the most improved, and again, without sacrificing productivity.

But much more remains to be done. The improvements made since 1969 offers little solace to the families of the 44 coal miners who perished in 1994. They offer little consolidation to the many coal miners who today suffer from the crippling affects of black lung disease.

And so I say to my colleagues, take care in what we do when considering changes to our Nation's safety laws. Take care that what we wrought today, does not come back to haunt us in the future.

UNJUSTIFIED GIVEAWAY TO THE OIL INDUSTRY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. MILLER of California. Mr. Speaker, just when you might have thought you had heard it all about the limitless greed of the special interests for more subsidies and favors, along comes the oil and gas industry, bellying up to the bar for a few more billion from taxpayers.

This time, it's called a royalty holiday: Forgiving oil companies from paying royalties to taxpayers—who own the oil and gas—in cases where the lease is in deep water.

Now, you would logically assume that, absent some enticement or tax break, industry would be unwilling to sink an offshore well in deep water, thereby necessitating the royalty holiday to encourage exploration in otherwise unattractive areas. But you would be wrong. Indeed, the industry press is replete with reports of growing interest and activity by industry in deep water areas.

According to a March 13, 1995, article in the "Oil and Gas Journal," written by senior editor A.D. Koen, "Improved economics, better technology, and growing experience are converging in the Gulf of Mexico's ultradeep water areas to fuel a new era of U.S. offshore development." The author describes the factors contributing to this surge in Outer Continental Shelf [OCS] development: "Companies taking the plunge into deeper water credit better economics with providing the impetus to begin exploiting discoveries. Lower finding, development, and production costs make some of the gulf's larger reservoirs in very deep water competitive with many other offshore prospects, United States or non-United States in any water depth."

Deep water reserves in the gulf are providing to be larger and more profitable than originally projected. According to a December 7, 1994, New York Times article, deep water reserves are thought to hold 50 percent more oil than the giant Prudhoe Bay fields in Alaska, as much as 15 billion barrels.

In the November 21, 1994, issue of Forbes magazine, Shell and British Petroleum officials stated that they could develop the first 500 million barrels from the 2,933-foot deep MARS field in the gulf at a cost of only $3 per barrel. Thus, even though the deep water fields are expensive, they are large enough that the per barrel production cost is exceedingly low, generating plenty of profit and reducing any justification for royalty relief or tax breaks.

Moreover, the technology is constantly improving, as noted in the Wall Street Journal on January 25, 1995: "Industry executives believe tension leg-platforms can be affordable in water as deep as 6,000 feet."

As a result of these disclosures, it was with some consternation that I read in the March 24, 1995, edition of The Energy Daily that some congressional leaders and some officials in the administration are supporting a proposal to reduce substantially royalties owed on deep water oil and gas leases on public lands in the Gulf of Mexico.

The new legislative proposal, S. 158, would provide a royalty holiday for producers that drill in deep waters in order to "revitalize the domestic oil and gas industry." Under this ill-conceived scheme, the U.S. Department of the Interior would forgive all royalty payments owed to the Federal taxpayer until all drilling expenses have been recovered.

This royalty relief, in addition to the extremely favorable tax treatment the oil and gas industry already enjoys, would make for a very generous gift during a time of fiscal constraint. According to a Congressional Research Service analysis provided to the Natural Resources Committee last year, the current effective tax rate for oil and gas companies is 17 percent, and independent oil and gas producers are estimated to enjoy an effective tax rate of zero, due to the benefits of depreciation, depletion allowance, alternative minimum tax, and other tax credits which the industry is allowed under current law.

Last week, many of us in this House were shocked when we heard Republican Members use animal analogies to justify cutting off aid to poor- and middle-class families. Not only were these arguments offensive, they highlight the hypocrisy in the Republican approach to Government.

If the majority truly want to end the cycle of dependence, why not do so for the richest in our society, not just for the poorest? Why, at a time when working people are increasingly living on the economic edge, do we need to give multibillion dollar tax breaks to multinational energy conglomerates to do what they are already doing: drilling for oil?

And, never satisfied with a limited corporate tax break when a bigger one will do, some in Congress now are planning to expand the unneeded royalty relief to environmentally important waters in Alaska.

The American people are not interested in cutting social welfare programs in order to pay for corporate welfare. They are justifiably tiring of high-priced lobbyists securing lucrative tax breaks and special treatment from the Republican leadership while those too young, too poor, or too weak are told they must sacrifice more.

The oil industry is already proceeding with and profiting from deep water development without additional royalty relief. We shouldn't be bribing them to do what they are doing already.

The royalty holiday is a paid vacation for the oil industry, and a bad deal for the taxpayer.

TRIBUTE TO COL. HENRY E. STRICKLAND

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to Col. Henry E. Strickland, a distinguished gentleman from Fairfax County in Virginia's 11th Congressional District. He will be honored by the Fairfax County Planning Commission on April 1, 1995. A graduate of the U.S. Military Academy at West Point, Hank moved to Fairfax County after a distinguished career in the U.S. Army.

Hank Strickland recently retired from the Fairfax County Planning Commission after service since April 1989. Under his tenure the county planning commission replanned much of Fairfax County's high growth corridors, including the Route 28 corridor, Tyson's Corner, and Reston Town Center.

More importantly, as the Mason district member of the planning commission, Hank helped in the revitalization of the Baileys Crossroads area, and worked with numerous civic associations to prevent commercial encroachment into the long established residential neighborhoods. Neighborhoods from Sleepy Hollow to Glen Forest have worked with Hank in their efforts to balance the need for an expanded commercial base with their needs to preserve their residential quality of life.

In addition to serving on the planning commission Hank served as chairman of the Mason District Council, president of the Sleepy Hollow Civic Association, and former chairman of the Mason District Land Use Task Force. His wife Muriel, is also active in civic affairs, and has been a strong influence and source of support for Hank.

As well as a civic leader, Hank is a respected public servant who works well with all sides on an issue to build consensus where possible, and insuring that both sides are heard prior to a decision. His leadership, knowledge, and experience will be missed, but I know my colleagues join me in encouraging Hank to continue his civic involvement.

CONGRATULATINS TO MS. APRIL GENTES

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to extend congratulations on behalf of the U.S. Congress to Ms. April Gentes, a resident of Rumford, RI who is a senior at Bishop Feehan High School in Attleboro, MA.

Ms. Gentes has been named a national winner in the 1995 Voice of Democracy Program and recipient of a National Veterans of Foreign Wars Scholarship Award. This distinguished program began 48 years ago and, this year, had 125,000 participants competing for 47 annual scholarships nationwide with the submission of an essay on the subject of "My Vision for America."

Mr. Speaker, I am proud to present Ms. Gentes essay for the RECORD.

"MY VISION FOR AMERICA"

(By April Gentes)

A world without prejudice and bigotry anywhere. A place where the word hatred does not exist. Somewhere where people will help one another and not think of their own needs first. A place where children can run and play and moms and dads won't have to worry about their safety. A land filled with people who are not poor, hungry, or homeless. A place where all who are there feel loved and accepted. Somewhere where no man or woman, boy or girl, feels they are worthless or can not make a difference in someone else's life. A place where forgiveness and trust go hand in hand. A land with no disease, war or killing. This is my vision for America.

I believe that every single person in this world is here for a reason. I have a story I'm sure you've heard before but it ties in well about how my vision of America would be. It goes like this: One day a girl was walking along a beach where thousands of star fish were washed up along the shore. The girl started picking the star fish up, one by one, and throwing them back into the ocean. As she was doing this a man walking noticed her. He walked up to her and asked "little girl, don't you see there are thousands of star fish here all washed up on the sand. You can't possibly save them all, so why are you trying too?" The little girl looked up at the man and, hurt by his question, thought for a moment. Then she replied "No, you're right. I can't possibly save them all, but I can save this one (and she picked up a star fish and threw it back into the ocean.) and I can help this one", and she picked up another one and did the same. She continued on walking and throwing the star fish back into the water feeling happy with what she could do to help.

This story has so much meaning behind it. Instead of the girl being intimidated by the man's frightfully true question, she kept on going. She was not ashamed of what she could not do, rather she only thought of what she could do. If everyone in America thought of one thing they could do to make someone else's life a little brighter, our country would be in pretty good shape.

By starting out with lots of small things to do or ways of being there for other people, soon it will lead to big changes. By first starting with the family and having peace and happiness within the home, eventually that peace and love will spread into society.

By learning to accept people's differences first in our communities we will then be able to accept and understand all those around us. By giving of our time and money to help those struggling right in our area, they in turn will help other people when they can. It will be like one big domino effect of humans loving and caring for each other as God calls us to do. People will feel good about themselves being able to make a difference in someone else's life. More people will want to work together to meet common goals and achieve individual and nationwide dreams. America will once again be the country of equal opportunities and freedom for everyone. There will be no more people trapped in fear or robbed of their pride. We will all be viewed as people, people who love and accept, forgive and protect, one another.

I don't believe that having this hope of America is being naive. I believe it is putting a lot of faith and trust into one another through, and I know we can do this together. With each of us having different yet special gifts and talents, we are able to share these with one another. If all of our hopes and aspirations are put together we will be able to have one vision of America that is a vision for everyone.

COMMENDATION OF AWADAGIN PRATT SYMPHONY SPONSORS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today to salute the efforts of three businesses in my district who have generously sponsored the appearance of Mr. Awadagin Pratt, an extraordinary pianist, to perform with the Milwaukee Symphony Orchestra this weekend.

The sponsors, WMCS AM 1290 Radio, the Milwaukee Community Journal, and the Milwaukee Times have worked together to sponsor and promote Mr. Pratt's much-anticipated performances. Led by guest conductor Hermann Michael, Mr. Pratt will share his gift for the piano in a series of concerts to be held this weekend at Uihlein Hall in Milwaukee's Performing Arts Center.

As an African-American and a virtuoso pianist, Awadagin Pratt is recognized as one of the most versatile and fastest rising stars in the arts community. Mr. Pratt was named one of the 50 Leaders of Tomorrow in Ebony magazine's 50th anniversary issue, and he recently performed at the White House for President and Mrs. Clinton. Mr. Pratt was also selected as winner of a 1994 Avery Fisher Career Grant and the 1992 Naumburg International Piano Competition.

Mr. Speaker, I am proud that WMCS Radio, Milwaukee Community Journal, and the Milwaukee Times recognize the cultural value of Mr. Pratt's appearance in Milwaukee. I applaud their commitment to the arts, which is demonstrated by their efforts to share Mr. Pratt's unique talent with our community. Mr. Speaker, I am personally looking forward to experiencing Mr. Pratt's performance, which was made possible by the benevolence of these businesses.

MOUNT HOPE FERC LICENSE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to introduce legislation to extend the Federal Energy Regulatory Commission [FERC] license for the Mt. Hope Hydroelectric Project in Rockaway Township, NJ.

The proposed Mt. Hope Waterpower Project is an advanced pumped storage hydroelectric plant which is the third largest hydroelectric plant in the country to be licensed by FERC.

Since its inception, the sponsors of this project have been diligently working to see that this proposal can become a reality. I introduce this legislation today to allow the project developers to have every opportunity, in this period of electric energy deregulation, to convince power purchasers of the merits of this project.

This project will generate 2,000 megawatts of electricity—enough power to heat and light a ½-million homes and businesses in the Northeast at times of peak demand. It brings many benefits to the consumers of not only New Jersey but also New York, Pennsylvania, Maryland, and Delaware.

In addition to power production, this project will mean a significant reduction in air pollution and will help New Jersey meet its Clean Air Act goals. It is estimated that up to 50 tons of air pollution in the regional area will be eliminated if Mt. Hope is used for power generation instead of burning traditional fossil fuels.

I am very encouraged by the progress this project has made thus far and I hope that with this extension, the project will soon become a reality. I urge my colleagues to cosponsor this important legislation and will work with the Commerce Committee members to see that this legislation is considered soon.

PT PHONE HOME PROGRAM

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. QUINN. Mr. Speaker, I rise today to salute the hard work of my constituents back in Buffalo, NY, as we celebrate the completion of the PT Phone Home Program at the Buffalo VA Medical Center on Saturday.

PT Phone Home is a cost-effective volunteer program which solicits equipment, labor, and donations from a variety of groups for patient bedside telephone service at VAMC's across the Nation. VA officials, NYNEX, the Service Employees International Union [SEIU] Local 200C, and the Communications Workers of America [CWA] Local 1122 have been collaborating to bring the PT Phone Home Program to Buffalo.

A patient bedside telephone initial report issued by the Department of Veterans Affairs recognized that without the efforts of the PT Phone Home Program and its volunteers, the bedside telephone project would not have been started at this point.

With the services of PT Phone Home, VA has estimated that $18 million will allow the planned installation of patient bedside telephone systems to be completed. Without these services, estimates run closer to $80 million. Without the direct involvement of the volunteer organizations mobilized under PT Phone Home, the cost of such a program is certainly prohibitive.

Experience with this worthwhile program has convinced me that bedside telephones are an absolute necessity for our VA hospitals nationwide. Bedside telephone service allows nurses and support staff to spend more time on clinical activities and increases patient morale by allowing veterans invaluable contact with their family and friends.

The veterans who use our veteran hospitals are here because of the sacrifices they were willing to make for their country. They were willing to serve in the name of freedom, and I am very happy to be part of an effort to give them something in return.

I believe we owe all participants in the PT Phone Home Program a great debt of gratitude and would ask my colleagues to join me in recognizing those who made the Buffalo project successful.

Mr. Speaker, I am certain you agree that all the medicine in the world cannot replace the therapeutic value of contact with family and friends.

CAPITAL GAINS TAX BREAKS IN REPUBICAN BILL WILL BENEFIT A PRIVILEGED FEW

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. GIBBONS. Mr. Speaker, the capital gains exclusion and indexing in the Republican tax plan provides a huge benefit for a very small number of wealthy taxpayers.

The Treasury Department tells us that only 8 percent of the population realize capital gains in any given year. Even among those with high incomes it is not universal—about 52 percent of those with incomes of $200,000 or more and 23 percent of those with incomes between $100,000 and $200,000 realize capital gains every year. Truly, a privileged few.

Both the Joint Committee on Taxation and the Department of Treasury agree that most of the benefit of a cut in capital gains taxes will go to the richest 6 percent of all taxpayers: 76 percent—a full three-quarters—of the tax benefit will go to those with incomes of $100,000 or more.

The Republicans have tried to characterize the capital gains tax cut as a major benefit to ordinary Americans, those who realize a capital gain infrequently when they sell Grandma's farm or a family business upon retirement. This is patently misleading.

Seventy-one percent of all capital gains are realized by taxpayers who realize capital gains almost every year, according to the Joint Committee on Taxation. These financially sophisticated high rollers receive most of the dollars of capital gains, so naturally they are the ones who will get most of the benefit from the Republican plan—not ordinary Americans who work hard for what they earn.

And, wealthy repeaters who realize gains almost every year are the ones who will be helped the most by the Republican plan.

The Republicans have tried to characterize the Democrats' analysis as flawed by saying that the numbers that Democrats have quoted on the average benefit per taxpayer were computed on the basis of the whole population, instead of just taking account of those who actually receive the tax cuts. When the computations are done on the basis that the Republicans prefer, the average tax cuts are much bigger.

Treasury Department figures show that when the total capital gains tax cut going to those with incomes of $200,000 or more is averaged over only the 52 percent of taxpayers at that income level who realize capital gains, the result is a tax cut of almost $7,800 per taxpayer in 1996. If that figure simply kept pace with inflation, it would be $9,300 by 2002.

HONORING HISPANIC-AMERICAN WWII SERVICE MEN AND WOMEN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. ORITZ. Mr. Speaker, I rise today to bring the attention of my colleagues to a very important and emotional event that is occurring on March 31, 1995—the laying of a wreath at the Tomb of the Unknown Soldier by the widow of Sgt. Abelardo Montanez.

Sergeant Montanez was killed in the invasion of Attu, AL, in World War II. His widow, Mrs. Esperanza Ramos Montanez, will lay the wreath today on behalf of the widows and mothers of the Hispanic-American WWII service men and women, at the Arlington National Cemetery.

The Armed Services of WWII were vastly different from the Armed Services of 1995. In the 1940's, the United States was still a segregated society, both in civilian and in military life. While the segregation of African Americans it is a widely discussed and remembered fact, it is not so widely known that Hispanic Americans were also segregated into their own units during the war.

Many Hispanic Americans served proudly in WWII. They fought honorably to advance the cause of democracy and freedom in the world; and they died on battlefields far from their homes and families all over Europe and in the pacific. In WWII alone, 12 Hispanics received the Medal of Honor. Interestingly enough, per capita, there are more Hispanic recipients of the Congressional Medal of Honor than any other ethnic group, for meritorious service to their country in times of war.

In act, WWII was a transforming event for the Hispanic community. Many Hispanics who served in the Armed Forces returned to the United States to blatant discrimination in their hometowns. Many built on their gallant service after they returned home by organizing and making it known that discrimination was no longer acceptable.

One of the organizations that galvanized Hispanic veterans into a potent political force was the American G.I. Forum, founded by my political and personal mentor, Dr. Hector Garcia, also a winner of the Congressional Medal of Honor, of Corpus Christi, TX. The G.I. Forum, and other organizations founded by veterans—for veterans—registered voters and petitioned local and State governments to treat Hispanics equally with other elements of their communities.

The G.I. Forum will join the Ramos Family, and the U.S. Hispanic Chamber of Commerce in this important—and long overdue—ceremony.

TRIBUTE TO CESAR CHAVEZ

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to honor the birthdate of a genuine American hero, Cesar Chavez, which is on Friday, March 31. It is hard to summarize the accomplishments and impact of those citizens whose work not only changes the nature of the world in which they lived—but extends beyond their natural lives into the lives of those who will only know them by their legacy.

Just as every African-American citizen feels the impact of Martin Luther King Jr.'s legacy in their lives, every Hispanic citizen, especially those who work the farms, fruit orchards and vegetable fields of America, will feel the impact of the life of Cesar Chavez.

Before Cesar, America's migrant workers had few rights. He became their voice and the force that fought for basic human liberties and labor rights.

When Cesar died he left a legacy to be emulated by future generations and the lessons learned will resonate for years to come. A legacy that will make migrant workers a full partner in the agricultural industry, and bring them to full membership in our society with all the benefits that full membership implies.

Ever so slowly, migrant workers are entering into the mainstream of our society and into a status for which they have long aspired and is long overdue. Cesar's dream is moving towards reality. Whether it be by increasing education, work and training opportunities; continuing the fight to grain a liveable wage, benefits, and working conditions; or guaranteeing their access to full citizenship and the right to have their grievance addressed by whether legal means available.

As we move forward as a community towards ensuring equal opportunity, equal protections and equal membership for all peoples in our society, let us remember the contributions of one of the greatest teachers on the means and importance of this pursuit—Cesar Chavez.

TRIBUTE TO ALPHONSE AUCLAIR

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. REED. Mr. Speaker, I rise today to salute Alphonse Auclair, a distinguished individual from Rhode Island who through his dedication and hard work, has selflessly served the people of Rhode Island in many capacities.

Mr. Auclair is a lifelong resident of Rhode Island. He was born in Woonsocket, RI and was educated in area schools. On his 18th birthday, November 9, 1942, Alphonse enlisted in the U.S. Marine Corps. After serving his country with valor and distinction in the Pacific, including the battle for Iwo Jima, Aphonse Auclair returned to Rhode Island.

Mr. Auclair served as a police officer in the city of Woonsocket from 1952 through 1977, when he was elected to represent his community in the Rhode Island State Senate. In this capacity, Mr. Auclair was a champion of veterans issues in Rhode Island. In 1962 he helped to found the St. Joseph's Veterans Association, which has played a key role in veterans affairs in Woonsocket ever since. In addition to working to improve the lives of Woonsocket's veterans, Mr. Auclair was instrumental in the building of a monument dedicated to the many Rhode Islander's that made the supreme sacrific in the Vietnam war.

Mr. Speaker, on behalf of the citizens of Rhode Island, I ask my colleagues to join me in honoring a truly exceptional individual, Alphonse Auclair.

TURKEY MUST CEASE ITS RELENTLESS ATTACKS AGAINST THE KURDISH PEOPLE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. RUSH. Mr. Speaker, I rise today to express my extreme dismay and strong concerns about the recent actions of the Turkish Government.

The government in Turkey has once again decided that it is easier to address dissention around its borders with military force than to sit down to talk with those whose only wish is to seek freedom from overwhelming oppression.

You will hear from the Turkish Government that this recent excursion into Kurdish-held areas in Iraq is only aimed at stopping Kurdish rebel groups from making raids into Turkey. We must not be fooled by what they say.

It is accepted policy in that country to deny official acknowledgement of a group that comprises close to 20 percent of its total population. Because they have no special protection under Turkish law, Kurdish civilians have been victim to a policy of discriminate harassment, persecution, even killing and wounding at the hands of the Turkish establishment.

The Turkish Government has been condemned time and time again by the United Nations, Helsinki Watch, and Amnesty International for denying Kurds the basic civil liberties. These include the right to freedom of self-determination and the right to freely express the richness of their cultural heritage.

Mr. Speaker, this current situation is no different. Thousands of Turkish-born Kurds are now living in northern Iraq, after fleeing Turkey last year because of harassment from Turkish officials. Their lives have been shattered because of the incessant attacks on their heritage, culture, and indeed, their very existence.

These civilians have been caught in the crossfire for too long. These civilians only seek the freedom to choose their own destinies. At the very least, this Government's response should be to say in no uncertain terms that they be allowed to pursue this very basic right.

However, Mr. Speaker, we may be also partly to blame for the ongoing crisis in the mountains of Iraq.

Not only does the Turkish Government receive vast amounts of United States financial aid, we and our allies also supply their government with large amounts of military hardware. These weapons are in turn being used to wipe out whole villages, to kill innocent women and children. We should follow the lead of the German Government and look to end our weapons trade with Turkey.

I believe, Mr. Speaker, all United States aid to Turkey should be reviewed in light of their history with other ethnic groups in Cyprus and Armenia. And just as important, that government's current activities in the mountains of Iraq should further make us question our priorities in that region.

Mr. Speaker, Turkey does have the right to protect its borders and to protect its citizens from terrorism. However, this very right cannot be used to justify continued harassment and persecution of innocent civilian populations.

We have supported the right of Iraqi-born Kurds to pursue independence from the regime in Baghdad. Our troops are in the mountains of northern Iraq at this moment, protecting Kurds from the Iraqi military. However, Mr. Speaker, we should look to protect the rights of all Kurds, regardless of where they were born.

The United States has warned the Turkish Government that we are watching. I will say also that the whole world should watch this situation very closely. This will not only hold that government accountable but will also force this country to reevaluate its foreign priorities and practices.

TRIBUTE TO THE HONORABLE JUDGE NATHANIEL R. JONES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. TRAFICANT. Mr. Speaker, it gives me great pleasure to stand here today to honor a remarkable man from the 17th Congressional District of Ohio. Please join me today in honoring the Honorable Judge Nathaniel R. Jones on his retirement from the U.S. Court of Appeals.

Judge Jones has served on the bench of the Sixth Circuit, U.S. Court of Appeals since his appointment during the Carter administration in 1979. This accounts for 15 years of service to his country. In addition, Judge Jones has devoted much of his time outside the office to community events and civil rights activities. Judge Jones has the further distinction of having served the National Association for the Advancement of Colored People as Chief Legal Counsel.

Mr. Speaker, it is rare that I have the opportunity to honor someone like Judge Nathaniel R. Jones who has given so much not only to his own community but also to the entire country. My sincere appreciation goes out to Judge Jones for the job he has done. May he be blessed with health, happiness and continued success in the years to come.

STATEMENT OF REPRESENTATIVE ROMERO-BARCELÓ

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. ROMERO-BARCELÓ. Mr. Speaker, reducing costly and unnecessary regulatory burdens has become a leading theme in the 104th Congress. Today, I am introducing legislation that promotes this goal. The Environmental Protection Agency has demanded that Puerto Rico institute costly secondary treatment at one of the island's wastewater treatment facilities despite any showing that it will improve the environment and without considering whether less costly alternatives would be equally or even more effective. This legislation, first, provides for an independent study of the relative costs, benefits, and feasibility of alternatives to secondary treatment for wastewater discharged through a deep ocean outfall from the Mayaguez wastewater treatment plant, and second, permits Puerto Rico to apply for, and EPA to consider, a waiver of secondary treatment requirements under the Clean Water Act if such a waiver is appropriate.

Mr. Speaker, this legislation is a reasonable, cost-effective solution to what has become an interminable, intractable series of negotiations and court battles between Puerto Rico and the EPA over abstruse points of administrative law—at considerable expense to the American taxpayers. Section 301(h) of the Clean Water Act provides that EPA may waive secondary treatment standards for publicly owned treatment works [POTW's] that meet certain effluent standards. But the EPA contends it is time-barred from considering a waiver application for the Mayaguez POTW.

Under the 1977 Clean Water Act Amendments, coastal communities—mainland and island—were permitted a time-limited opportunity to apply for exemptions from secondary treatment requirements if they met very stringent environmental standards for ocean discharges. Overall, EPA has granted 39 waivers. All applications were required to be submitted to EPA by December 29, 1982. The Puerto Rico Aqueduct and Sewer Authority [PRASA] submitted 12 waiver applications, and 6 have been tentatively approved. Only two applications—including one for the Mayaguez treatment facility—were denied, in December 1993. The EPA insists that the Mayaguez POTW construct secondary treatment facilities costing approximately $100 million, despite significant evidence that other, far less-costly alternatives would be equally, or even more, effective in protecting the surrounding marine environment.

Puerto Rico has proposed construction of a deep water outfall situated more than 300 feet deep and several miles from shore as an alternative to secondary treatment at the Mayaguez POTW. This would save the Commonwealth about $65 million. Substantial scientific evidence gathered from similarly situated POTW's with deep ocean outfalls indicates that such methods can achieve the equivalent of secondary treatment standards or better.

The evidence was so compelling in the instance of San Diego, CA, that Congress last year enacted, and the President signed into law, legislation permitting EPA to consider a section 301(h) waiver application proposing a similar alternative to secondary treatment—notwithstanding that such a waiver otherwise would be time-barred under the Clean Water Act. Puerto Rico deserves the same opportunity to implement cost-effective alternatives and seek a section 301(h) waiver.

This is not simply an issue of fairness or cost-effectiveness; it is also an issue of science. The Clean Water Act was intended to improve the marine environment. There is significant scientific evidence that suggesting that a new deep ocean outfall at the Mayaguez POTW would best protect the surrounding marine environment. Furthermore, this legislation would require a scientific study of the issue by the U.S. Geological Survey, an impartial agency with no interest in the outcome. Puerto Rico is willing to share 50 percent of the financing necessary for the study.

There are numerous precedents of such limited exceptions to the requirements of section 301. The municipal wastewater treatment construction grant amendments of 1981 included a provision that extended the date under which section 301(h) waivers could be requested and specifically permitted the city of Avalon, CA, to receive such a waiver. The Water Quality Act of 1987 included a specific exception for the Irvine Ranch Water District that permitted it also to file for a waiver after the deadline.

The 1981 provision specifically reexamined section 301(h) and concluded: "failure to broaden eligibility * * * risks requiring treatment for treatment's sake, involving the expenditure of funds which could be better used to achieve additional water quality benefits elsewhere." This provision does not grant variances. It simply allows variances to be sought with the burden on the applicant to make its case on environmental grounds.[1] Such logic applies fully to this legislation.

I urge our colleagues on the Transportation and Infrastructure Committee and on the Resources Committee to consider this bill and its common sense approach to the regulatory burden confronting Puerto Rico. I understand that the EPA is receptive to this change in the law, which can only improve the marine environment off the west coast of Puerto Rico, and which will apply these regulatory requirements with cost effectiveness and flexibility, rather than rigidly and without regard to their consequences.

IN HONOR OF THE 25TH ANNIVERSARY OF THE PICO RIVERA BOBBY SOX ASSOCIATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. TORRES. Mr. Speaker, I rise today to commemorate the 25th anniversary of the Pico Rivera Bobby Sox Association.

For the past 25 years, the Bobby Sox Association has been providing an invaluable service to the young girls, and now the young boys, of Pico Rivera. The association was established in 1970 by a group of parents determined to give their daughters the same opportunities to play on an organized team sport, as their sons. The parents, led by Bobby Sox founder and president of the board, Mr. Ray Garcia, labored countless hours laying out fields, building dugouts, and constructing and staffing a snack bar, all for the love of their children and softball.

The whole community has a vested interest in the success of this program. Countless parents have taken time out of their schedules to coach, manage, chaperon, and care for these young girls. And, because of their efforts, the return on their investment has been immeasurable.

These young women have all learned lessons in comradery and sportsmanship. In 1977, the Pico Rivera Bobby Soxers All-Stars led by coaches Jim Cafferty and Eddie Gomez experienced the thrill of winning a national championship. Indeed, the whole association is to be commended for putting forth the effort to ensure the participation of the nearly 6,000 young girls who have graced the softball diamonds at Rio Vista Park over the past 25 years.

I applaud every individual who has had a part in making the Bobby Sox of Pico Rivera a success. I know that the memories carried in the hearts of their daughters are priceless. As a new generation of young girls, and now boys, stand ready to take the fields at Rio Vista, I hope the dedicated spirit which has accompanied their predecessors will continue for many more generations of players to come.

ROBERT GARCIA BRINGS HISPANICS TOGETHER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. RICHARDSON. Mr. Speaker, our former colleague, Bobby Garcia, has spent many years trying to forge better relations among all people. As a co-founder of the Congressional Hispanic Caucus, he sought to unite Hispanic Members of Congress working toward common goals. As a private citizen, he has continued to focus his attention on uniting Hispanics in this country and throughout our hemisphere.

Recently, Mr. Garcia hosted a reception in Washington honoring the current chairman of the Congressional Hispanic Caucus, our colleague, ED PASTOR. Mr. Garcia also invited representatives of the Latin American republics and Spain to further our common interests.

I commend our former colleague for his work in improving relations between people and countries and urge my colleagues to review the following article which appeared in the Caribbean Business publication.

[From Caribbean Business, Mar. 23, 1995]

GARCIA SEES EXPANDED CAUCUS ROLE

(By John Collins)

Former Congressman Robert Garcia of New York views the Congressional Hispanic Caucus, of which he was a co-founder, as an important catalyst for bringing Hispanics, in the U.S. and elsewhere in the world, closer together for the mutual benefit of all.

Garcia and his wife, Jane, hosted a reception in honor of the new chairman of the CHC, Ed Pastor, an Arizona Democrat. To help familiarize members of the Diplomatic Corps with the workings of Congress and how Hispanic members might assist them in achieving their legislative agendas, Garcia invited representatives of the Latin American republics and Spain to the reception.

Among those attending were ambassadors Raul Granillo Ocampo (Argentina), Sonia Picado (Costa Rica), Ana Cristina Sol (El Salvador), Jesus Silva Herzog (Mexico), Ricardo Alberto Arias (Panama), Jaime de Ojedo (Spain), and Pedro Luis Echevarria (Venezuela). Countries represented by other diplomats included Brazil and Guatemala.

EXPANDED DIVERSITY

The CHC was organized in 1977 when there were only four Hispanics in Congress, including Garcia. Today, the caucus has grown to 18 members, 13 Democrats and five Republicans. The largest segment of the CHC is of Mexican descent, four are Puerto Ricans, three are Cuban and one is Guamanian. Three are women, including Rep. Lucile Roybal-Allard (D-Cal.), whose father was a CHC co-founder. The previous chairman was Rep. Jose E. Serrano (D-N.Y.). The current first vice chairman is Resident Commissioner Carlos Romero Barcelo (D-P.R.).

The caucus is dedicated to voicing and advancing, through the legislative process, issues affecting Hispanics in the U.S. and insular areas.

THE SPIRIT OF MIAMI

While a guest at President Bill Clinton's historic Summit of the Americas in Miami last December, Garcia was determined to return to Washington committed to assisting the CHC perform a much more active role in fostering dialogue and interaction between its members and Hispanics throughout the hemisphere and elsewhere in the world. "My idea is for the caucus to help really make Clinton's Spirit of Miami work," Garcia said. The Spirit of Miami is a declaration of commitment signed at the summit. He recalled how active the CHC was in the 1970s and 1980s in fostering greater understanding of Latin America.

Although modest, Washington observers point to the important role Garcia performed in persuading the late House Speaker Thomas O'Neill (D-Mass.) that Argentine President Raul Alfonsin should be afforded an opportunity to address a joint session of Congress after he had decided such an invitation should not be extended in the post-Falklands War climate.

ARGENTINE PRAISE

Garcia's initiative "proved that subjects of common interest are easily discussed among diplomats and Hispanic legislators here, to the benefit of all our countries," Ambassador Granillo Ocampo told Caribbean Business from Washington. "With regard to Argentina's message to the U.S.—a message of political reliability and economic predictability from a country where democracy has flourished, a market economy is growing and human and civil rights are prevalent—I would say it has been understood and fostered in Congress with the help of the Congressional Hispanic Caucus."

The Argentine envoy said: "This was true when the then-Congressman Bob Garcia chaired the Caucus during the 1980s and remains so under the chairmanship of Congressman Ed Pastor."

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[1] H. Rep. No. 97-270, 97th Cong. 1st Sess. at p. 17.

Although it is a busy time in Washington and the House was in session, several members were able to attend the reception including Reps. Solomon P. Ortiz (D-Texas); Bill Richardson (D-N.M.); Roybal-Allard; Esteban E. Torres (D-Cal.); Nydia Velazquez (D-N.Y.); and Romero Barcelo accompanied by his wife, Doña Kate. Also present was Rep. Benjamin A. Gilman (R-N.Y.), the chairman of the House Foreign Affairs Committee.

CLINTON REPRESENTED

Representing the Clinton administration, among others, were U.S. Trade Representative Mickey Kantor; Alexander Watson, assistant secretary of State for Inter-American Affairs; Judge Nelson A. Diaz, general counsel of the U.S. Department of Housing & Urban Development; Jeffrey Farrow, co-chairman, White House Inter-agency Working Group on Puerto Rico. HUD Secretary Henry G. Cisneros was represented by his wife, Mary Alice; and another HUD official, Aida Alvarez, the director of the Office of Federal Housing Enterprise Oversight, was also there. Tony Rodham, brother of first lady Hillary Clinton, was also present.

Among others in attendance were Puerto Rico Commerce Development Administrator Juan Woodroffe and National Puerto Rican Coalition Chief Executive Officer Manuel Mirabel.

TO AMEND THE INDIAN GAMING REGULATORY ACT ON BEHALF OF LOCAL COMMUNITIES

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. EVERETT. Mr. Speaker, earlier this year, the U.S. Supreme Court agreed to review the suit filed by the Seminole Indians that would allow tribes to sue States in order to enter into Class III gaming—casino gambling—compacts. The Court's interest in hearing this case points to the long overdue need for a restructuring of the Indian Gaming Regulatory Act. One glaring flaw of the statute lies with the current approval process for gaming compacts—the local communities do not have a voice in these matters which will clearly impact their quality of life.

By way of background, under current law, all that is required for Class III gaming approval is a compact between the tribe and State—the local community affected by the gaming activity has no involvement in the approval process. Moreover, under the current law, State and local governments are prohibited from assessing taxes on these gaming activities. I believe that the local community, whose infrastructure and public services will be strained by the operation of a gambling casino, should be able to participate in the approval process. A full-fledged casino would place untold burdens on the police, fire, rescue, and other public services of a small town. The roads, bridges and water and sewer capabilities of a small or rural town would be inadequate to handle the added demand and usage.

Today I am joined by a number of interested members in introducing legislation that will give local communities a voice in the approval process. First, the elected governing body, such as the city council, mayor or county commissioners, would be required to approve the Tribal-State compact. Second, the local community will then have the opportunity to approve the compact through a referendum. The inclusion of the local community in the gaming compact will not only reflect a more complete representation of the people of the affected area, but I believe will foster a friendlier and more cooperative relationship between the tribes and the local communities in which they reside.

Whether you are a proponent of opponent of casino gambling, the concerns of impacted local communities should be factored into the process. This legislation will go a long way to alleviate these concerns, and believe that it is time for Congress to take action and amend the Indian Gaming Regulatory Act.

IN SUPPORT OF THE ENDANGERED SPECIES ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Ms. PELOSI. Mr. Speaker, I rise today to offer my strong support for the Endangered Species Act. For over 20 years, this landmark legislation has been America's contract with nature.

It has also ensured the survival and conservation of hundreds of native fish, wildlife and plant species—and with them our natural heritage.

Mr. Speaker, the Endangered Species Act has helped to preserve biological diversity within our country by preserving species that are on the brink of extinction. Since 1973, 731 U.S. species have been listed under the Endangered Species Act. Without this vital protection, many listed species, including our national symbol, the bald eagle, would have long since become extinct.

Mr. Speaker, the Endangered Species Act is at a decisive crossroads.

While it has come under attack from those who contend that it places unnecessary roadblocks in the path of economic development, polls consistently show that the American people support the Endangered Species Act by wide margins.

The American people know that to abandon the Endangered Species Act would be tantamount to an open season on endangered waterfowl, marine mammals, songbirds, and other federally protected wildlife. It would give a green light to international traffickers of furbearing animals, wild birds, elephant ivory, tigers, and other wildlife and wildlife products.

The time to protect America's biological resources is now Mr. Speaker. I urge all of my colleagues to support re-authorization of a strong Endangered Species Act.

DELAURO HONORS AIR NATIONAL GUARD UNIT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Ms. DELAURO. Mr. Speaker, I would like to congratulate the 103d Air Control Squadron of the Connecticut Air National Guard in Orange, CT. The Orange Unit's tremendous service to our country has earned it the 1994 Air Force Outstanding Unit Award.

For more than a half-century, the Orange Air National Guard Unit has guaranteed our Nation's security and demonstrated that citizen militias—such as the ones that fought for and won freedom in this land over 200 years ago—are still effective and necessary. With support from a small number of full-time Air Force personnel, the Orange Unit fields more than 250 airmen and women. These members of our community serve the United States through the Air National Guard while keeping their commitments to careers and families. These National guardsmen and women deserve our deepest thanks for their selfless service.

Although the National Guard finds its roots in colonial militias, today's Guard has adapted to keep up with the technological changes that have reshaped our Nation's fighting force. The Orange Unit exemplifies this progress. The unit's communications expertise enables it to coordinate air missions and track aircraft using radar and even satellite communications.

The Orange Air National Guard Unit distinguished itself among all Air Force units to earn this well-deserved honor not only by standing at the ready, but by actively participating in numerous missions around the globe. Whenever duty called, they were there.

The Orange Unit has worked hard to stem the tide of illegal drugs entering our country by tracking drug flights in the Colombian jungle, as well as on the Texas-Mexican border. As the first Air National Guard Unit to participate in Operation Deny Flight to prevent air attacks in the former Yugoslavia, the Orange Air Guard Unit ably replaced an active Air Force Unit and coordinated air operations over this dangerous area. The unit's communications support has been vital to U.S. forces in Haiti and NATO exercises in Turkey.

In these and other missions, the Orange Air Guard Unit has set itself apart. Congratulations, and thank you for your dedicated service.

TRIBUTE TO RABBI PHILIP LAZOWSKI

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to honor and pay tribute to Rabbi Philip Lazowski, Ph.D, of Bloomfield, CT, who is being recognized for 40 years of spiritual leadership and service.

Dr. Lazowski was born in Belitza, Poland, in 1930. Eighteen years later, he emigrated to the United States and began taking classes that would eventually lead to a bachelor of religious education degree from Yeshiva University in 1955; a bachelor of arts degree from Brooklyn College in 1956; a master of science degree from Yeshiva in 1960; a doctorate of Jewish literature from the Jewish Teachers Seminary and People's University in 1970; and a doctorate of divinity from the Jewish Theological Seminary of America in 1992.

Rabbi Lazowksi's first calling was as the spiritual leader of Congregation Beth Sholom in Manchester, CT, where he served for 14 years. In 1969 he accepted the position of spiritual leader of Beth Hillel Synagogue in Bloomfield, CT. He was supported in his work by his wife, the former Ruth Rabinowitz, and their three sons, Barry, Alan, and David.

It was during his tenure at Beth Hillel that he began his work on behalf of many professional, civic, and humanitarian organizations, including: the Rabbinical Assembly in Connecticut; the Hartford Police Department; the Institute of Living; the National U.J.A. Rabbinical Cabinet; the Educators Assembly of the United States and Canada, American Association of Jewish Educators; the Hartford Jewish Federation; and Bloomfield Interfaith Homes.

Rabbi Lazowski is known not only for his spiritual leadership, but for his intellectual integrity that invites others to follow his example. He is admired and respected by countless people, of all religious beliefs.

Now, after four decades of selfless service, Rabbi Lazowski is being recognized by congregants, colleagues, family, and friends. His contributions to the Greater Hartford community, the State of Connecticut, and the Nation set a standard for future generations to emulate.

A TRIBUTE TO JIM BRADY AND GUN CONTROL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Ms. ESHOO. Mr. Speaker, I rise to pay tribute to Jim Brady and the historic Brady law which has reduced gun violence in America.

Today marks the 14th anniversary of the attack by a lone gunman on President Reagan outside of a Washington hotel which left Jim Brady critically wounded.

Although severely disabled, Jim Brady has become a spokesperson for all Americans who live in fear because of gun violence. Without his leadership, I believe Congress would not have passed legislation requiring a 5-day waiting period before a person can purchase a firearm.

Mr. Speaker, waiting periods work.

In California over the past 2 years, our 15-day waiting period has helped deny firearms purchases to nearly 12,000 people, including 6,000 people convicted of assaults and 141 people under restraining orders for domestic violence.

Let's not fall victim to the gun lobby which is flexing its muscles in an attempt to overturn Federal laws supported by 92 percent of all Americans.

In the spirit of Jim Brady and millions of his admirers across this country and on behalf of the countless victims of unnecessary shootings, I urge Members to repel the gun lobby's request to overturn the Brady law and the assault weapons ban.

LONG ISLAND CHAMPS

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. FORBES. Mr. Speaker, the standing-room-only crowd was on its feet as the final second ticked off in overtime. At the buzzer, the Riverhead Blue Waves were the Long Island basketball champions and bound for Glens Falls for a semifinal game in the New York State Tournament.

Riverhead has beaten the favored and respected Westbury team, 79–76, in overtime to win the Southeast Regional Class B final.

I wish to alert my colleagues in the House of Representatives that the town of Riverhead will hold a parade this Saturday, April 1, in honor of the Riverhead (L.I.) High School Blue Waves. Following is the newspaper account of the game, from the Traveler-Watchman and written by Bob Burns.

WAVES BEAT WESTBURY, ON TO GLENS FALLS

(By Bob Burns)

After having a victory they seemed to have locked up snatched away by an improbable three point shot with 3.3 seconds left in regulation time, the Riverhead High basketball teams showed its class by shaking off the shock, regrouping and going on to post a sweet 79–76 victory in overtime last Saturday. The win, which sent the large contingent of RHS rooters on hand in the Stony Brook University gym into ecstasy, came over a favored and highly respected foe, Westbury High, the Class B champs of Nassau County. It also propelled Coach Jerry Wiesman and his ecstatic Blue Wave cagers on their way this weekend to Glens Falls for a semi-final game in the New York State Tournament.

There were heroes galore for Riverhead in this nail-biter. Malik Trotman got the Waves off to a fast start, ten of his 17 points coming in the first quarter. Mike Ruth, known to some as "The Franchise," lived up to that billing as he came on strong in second half action finishing the day with 20 points including some spectacular baskets as well as the two free throws that locked things up with 14 seconds left in that wild and wooly overtime session where at times it seemed neither team wanted the victory.

Early in that extra action Ruth knocked down a short jumper and that two point edge held up for two whole minutes as both sides were guilty of blunders. The most glaring of which saw Westbury's Jerry Baptiste, with a clear path to the hoop, be whistled for traveling to wipe out his apparent basket. Finally Ruth made an excellent feed to Barry Chandler underneath who scored to make it 77–73. With 1:51 to go Charlie Johnson, an excellent penetrator and a thorn in Riverhead's side all day, made good on one of two free throws. And at the 1:26 mark Brian Guyton stripped Malik Trotman of the ball at midcourt and took it in for a layup. Fouled on the play, which gave him a chance to tie the score, Guyton missed the free throw and Jeremy Wilcoxon rebounded for the Waves.

When Wilcoxon and Guyton traded missed forced shots it was 5'8" Mike Ruth leaping up over 6'7" Douglas Martin to snare an important rebound. However at the 1:00 mark Mike, usually deadly from the foul line missed on a 1 and 1 opportunity and the drama continued. Nash blocked a Westbury shot but was called for a dubious walk at the other end. When Johnson's shot misfired Malik Trotman grabbed the rebound and was immediately fouled only to also miss his 1 and 1 chance at 0:19.3. Happily Nash captured the rebound on the miss and at 0.14.3. Mike Ruth stepped to the line to swish the two charity tosses to make it 79–76.

Mindful of what had happened at the end of regulation time, no Riverhead rooter relaxed till at 0:05.6. Keith Nash took the ball away from Douglas Martin and was pushed in what was ruled a deliberate foul. Even though Keith missed the two free throws awarded, Riverhead was also awarded the ball out of bounds and ran the clock out.

So add Nash to the list of Wave heroes for, as can be seen, Keith continued the fine play he has exhibited throughout the playoffs, by netting 12 points and coming up with big rebounds and some vital loose balls in the stretch run. Include too on that list the trio of Durrell Hobson, Jerry Wilcoxon and unsung Shawn Trotman all of whom contributed eight points. The last named saw his most extended service of the year, pressed into duty to combat and muscle the bulky 6'7" Douglas Martin under the boards. Shawn also matched his career high in scoring in this outing. Hobson, given the unenviable task of guarding Westbury ace, 6'5" All Long Island player, Stan Martin, despite giving away seven inches of height, limited that worthy to but eleven points before Martin fouled out with 5:29 left in the game. Those three and soph Barry Chandler, who had six points, all had their turn coming up with baskets at key junctures.

Without doubt Westbury, which used its height advantage to great effect under the offensive board, netting at least nine baskets off of their rebounding efforts, had its cause hurt by Martin's departure on the five foul route. However, the latter's mates took up the slack and matched the Waves' basket for basket in as exciting a fourth quarter as seen this season.

To set the stage, the Green Dragons had opened the third quarter with a six point run to lead 41 to 36 and gradually pulled away to widen the gap to nine points, 51 to 42. Things looked rough for the Waves only to have them catch fire for a nine point explosion to tie the score. Keith Nash drove and hit a short jumper and Shawn Trotman sank a pair of free throws to start the push. Then Hobson emerged with the ball out of a wild scramble and fed Ruth for a basket and Durrell's second trifecta of the day knotted it a 51–51.

The fourth period was a free-wheeling session that had the lead see-sawing back and forth and the stands rocking. After ties at 53 and 55, Riverhead edged a point in front on Nash's three point shot at the 5:55 mark. But big Douglas Martin banked in a short for the Dragons who led 61–58 after Guyton scored via a rebound. And, despite Stan Martin's departure, Westbury clung to its lead, 66–64, with 2:55 showing on the clock, Riverhead having stayed close on double decker free throws by Shawn Trotman and Ruth bracketing Chandler's rebounding bucket. Then, in a quick flurry of scoring, Westbury matched two clutch baskets by Mike Ruth with end line jumpers by Kevin Felican and Stacy Hill and were up 70–69 when they called time out at the 1:27 mark.

But the Dragons threw the ball away and Jerry Wilcoxon made them pay as he drove the baseline and his underhand, scoop prayer of a shot banked through the cords. So when Keith Nash emerged with the ball, out of a tangle that had players from both sides on the floor, and gave Trotman an outlet pass that Malik took to the hoop the Waves were up 73–70 with 20 seconds showing and Malik, fouled on the play, going to the line. It didn't seem too important when he missed but it left the door open for Douglas Martin's truly miracle shot from behind the three point arc with two RHS defenders in his face which sent the game into overtime. It was only Martin's second trifecta of the entire season and it was a heartbreaker for the Waves, albeit just a temporary one as noted.

Way back in the beginning Riverhead broke off the mark in full stride for a welcome change. At one juncture they had a nine point lead, their widest of the game, at 23–14 before settling for a 25–18 bulge at the quarter mark. Malik Trotman was brilliant as he hit six of six from the foul line, added a jumper in the lane and tallied after coming up with a slick steal for ten points Jerry Wilcoxon had added six points off a rebound, a close-in back shot and a layup off a Ruth assist while Mike personally had two full tilt, court length drives for baskets, Durrell Hobson drilled a three pointer and Nash, off the bench, sank a medium range pop. Steve Martin led the Dragons with seven points and on several occasions the Nassau boys played volleyball under the offensive boards for eventual baskets.

In period two Westbury had six different players score as they assumed a 35–32 lead before Ruth scored with a rebound and Malik Trotman's medium range jumper, set up by a Jeremie Brigg's pass, found the hoop right at the buzzer so that the Waves were on top 36–35 at the break. In the third quarter husky Douglas Martin began to make his substantial presence felt as he tallied ten points, twice making good on three point plays when fouled underneath. But the Waves fought back with their 9–0 run, described earlier, and the electrifying rush to the wire began * * *. All five Westbury starters reached double figures in the scoring column with Douglas Martin topping the attack with 21 points. Riverhead was 20 for 32 from the foul stripe, the losers going but 10 of 20.

Westbury

	FG	F	PF	Pt
Hobson	2	2–4	4	8
Wilcoxon	4	0–0	4	8
Chandler	3	0–0	4	6
Ruth	7	6–9	1	20
M. Trotman	5	7–9	2	17
Nash	5	1–3	1	12
S. Trotman	2	4–4	2	8
Briggs	0	0–1	1	0
Total	28	20–32	19	79
Westbury				
S. Martin	5	0–1	5	11
Guyton	5	0–1	3	10
D. Martin	7	6–12	5	21
Johnson	5	1–2	1	11
Felican	5	0–0	5	10
Hayes	1	3–4	1	5
Hill	3	0–0	2	6
Baptiste	0	0–0	1	0
Kinch	1	0–0	1	2
Total	32	10–20	24	76

ANNIVERSARY OF BRADY SHOOTING

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. OWENS. Mr. Speaker, tomorrow the Republican assault on sane gun control laws begins. A hearing will be held on the repeal of the assault weapons ban. And that is only the beginning. Gov. George Allen of Virginia wants felony-free citizens to be able to carry concealed weapons in public.

Never mind that gun control measures have been a God send for our children's safety. The Brady law alone has stopped 70,000 felons and other prohibited individuals from buying handguns. But facts do not seem to matter to the Republican juggernaut bank-rolled by the NRA.

The gun industry with its fistful of dollars has churned out 210 million guns into circulation in this country. That's more than one gun per adult.

Moreover, the gun industry provides yet another example of corporate welfare. It is exempt from the product safety laws which cover every other industry. This special treatment must stop.

I have introduced the Firearms Safety and Violence Prevention Act, H.R. 915, which would halt this form of welfare for the gun industry by recognizing firearms for what they are—inherently dangerous consumer products. The bill would give the Bureau of Alcohol, Tobacco, and Firearms [ATF] the ability to set safety standards, issue recalls of defective firearms, and mandate warnings.

The firearms industry's assertion that guns don't kill you rings as hollow as the discredited promises of tobacco companies that cigarettes don't cause cancer. For more than a century, America's gun manufacturers have operated in the shadows, avoiding public scrutiny. It is time for Congress to look behind the gun store counter to the industry that manufactures these deadly weapons.

IN THE COMPANY OF WOMEN—CELEBRATION OF DADE COUNTY'S EXCEPTIONAL WOMEN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mrs. MEEK of Florida. Mr. Speaker, It is my great pleasure to join with the citizens of Dade County in recognizing the achievements of 12 outstanding women who are among Dade County's exceptional leaders.

This year's celebration on Friday, March 31, is dedicated to County Commissioner Katy Sorenson, one of Dade County's truly outstanding woman leaders. Although she has been on the Commission for less than a year, Commissioner Sorenson has taken tough stands against discrimination and sexual harassment. Her government and community work has had a big impact on Dade County.

This year's honorees include:

Josefina Carbonell—a pioneer of community social services, and one of the founders of the Little Havana Activities & Nutrition Center serving over 32,000 elderly citizens.

Cynthia W. Curry—a dedicated professional and a skilled administrator, she served as Dade County's first women assistant county manager.

Ruth Owens Kruse—a tireless advocate of children, particularly emotionally disturbed children, since 1945, her special contributions were recognized by the establishment of the Ruth Owens Kruse Education Center by the Dade County Public Schools.

Alina E. Becker—a volunteer who has tirelessly served the people of Dade County through her work for non-profit organizations such as the YWCA, the United Way, and the Family Health Center.

Angela R. Bellamy—a respected administrator who has dedicated her career to public service, she was the first African-American woman to become assistant city manager for the City of Miami.

Annie Betancourt—a Florida State Representative who brings a wealth of administrative and community experience to the job from her work at Jackson Memorial Hospital, Metro-Dade and Miami-Dade Community College.

Cheryl Little—a gifted attorney who is a truly dedicated and respected advocate and spokesperson for Haitian refugees, she devotes special attention to the needs of immigrant children and family reunification.

Consuelo Otero—dedicated to community service, she helped found the Cuban Women's Club and serves today as the community involvement specialist at Shenandoah Elementary School.

Suzette Pope—a now-retired Dade County Public School employee, she has worked hard to improve educational opportunities, particularly for women.

Frankie Shannon Rolle—a dedicated teacher and counselor for the Dade County Schools and a delegate to the White House Conference on Aging. Now retire, she is active in many community organizations.

Marian Harris Shannon—a teacher, counselor and volunteer who has helped develop dozens of young writers and who, while in high school, helped establish a library for the African-American community.

Dorothy Thomson—as the first woman mayor of Coral Gables, and as vice mayor, she has worked hard for community improvements like the renovation of the Biltmore Hotel and was instrumental in founding Coral Gables Crime Watch.

Mr. Speaker, these remarkable women have opened doors and created new paths for women in our community. Their efforts have immeasurably improved Dade County and their example has had a huge impact on countless lives. I know that my colleagues join me in honoring them today.

MESSAGE OF BETTER BUSINESS BUREAUS

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. BLILEY. Mr. Speaker, I had the opportunity to meet recently with two business leaders from by congressional district, Lee Dudley, an investment banker with A.G. Edwards, and Thomas J. Gallagher, president of the Better Business Bureau of Central Virginia. Accompanying them was James L. Bast, president and CEO of the Council of Better Business Bureaus. Lee Dudley and Tom Gallagher both serve on the board of directors of the council.

These three business leaders came to brief me on the redesign of the Better Business Bureau system, their continued commitment to an ethical marketplace, and their vision for business in the 21st century.

Because the 163 Better Business Bureaus and branches are an invaluable resource to businesses and consumers across the country, I want to share their message with my colleagues.

The mission of the Council of Better Business Bureaus is to promote and foster the highest ethical relationship between business and the public through: voluntary self-regulation, consumer and business education, and service excellence.

For more than 80 years, marketplace ethics have been the central thrust of the Better Business Bureaus.

The Council is the umbrella organization for the nation's 163 Better Business Bureaus (BBBs) and branches—together, known as the Bureau system. The Council and the Bureaus are business membership organizations. They have as members nearly 250,000 national corporations and local small businesses. These 250,000 businesses vote with their membership dues for an ethical marketplace. The Bureau system serves 95 percent of the U.S. population living in metropolitan areas of the country.

Two of the most important functions of the Bureaus are to issue reliability reports on business firms and to respond to consumer complaints. In 1994 the Bureau system handled some 15.8 million pre-purchase inquiries relating to approximately $44.2 billion in buying power and 1.8 million complaints.

In addition to collecting and disseminating data on local and national companies, other BBB services include:

Consumer information/education programs that include reports, public service announcements and booklets covering a variety of consumer and business topics;

A Philanthropic Advisory Service (PAS) that sets standards for charities and assesses the programs and fundraising practices of hundreds of organizations that solicit nationally, a program paralleled by most of the Bureaus which review thousands of local charities;

Self-regulatory processes to foster truth and accuracy in advertising. On the national level, the Council's preeminent National Advertising Division (NAD) resolves disputes about national advertising claims and the Children's Advertising Review Unit reviews advertising directed at children. Paralleling the NAD work, many Bureaus have local advertising review programs;

Alternative dispute resolution services for conciliation/mediation/arbitration programs to help businesses improve customer service and resolve consumer-business disputes, the most prominent service is the BBB AUTO LINE for care manufacturers operating in the United States; and

The Council's Foundation, supporting the Council's mission by providing as a member service information, training and technical assistance to small businesses to promote voluntary compliance with the Americans with Disabilities Act (ADA), which affects virtually all members.

President George Bush in his message to the delegates at the 1990 Annual Assembly of the Council stated: "One of the greatest strengths of our free enterprise system lies in the willingness of American businessmen and women to respect the rights of consumers while advancing their companies' interests. Over the years, Better Business Bureaus have effectively promoted truth and fairness in the marketplace and, in so doing, have earned the confidence and gratitude of the American public."

From a business perspective, W.R. Howell, Chairman and CEO of J.C. Penney Company, Inc., wrote recently, "The Council of Better Business Bureaus enhances public trust and confidence in responsible businesses. Through a commitment to self-regulation, the BBB system promotes an ethical marketplace, enabling those companies that conduct business fairly, in the best interests of their customers, to prosper."

The Bureau system is moving into the twenty-first century carrying its message of ethics, self-regulation and consumer confidence into the information age. Last year, the Council and Bureau system completed a structural reorganization and adopted a banner for growth and leadership for the next century. It is printed below.

THE BETTER BUSINESS BUREAU SYSTEM

OUR VISION

Our vision is to be the preeminent source of information relating to ethical business and advertising practices and to be a major provider of marketplace dispute resolution services.

OUR MISSION

Our mission is to promote and foster the highest ethical relationship between businesses and the public through voluntary self-regulation, consumer and business education, and service excellence.

OUR GOALS

Our goals include the following strategic directions for the Better Business Bureau System as a team of professionals and volunteers, united by our commitment to our common vision, mission and values:

We will be the most widely recognized and highly visible promoter of ethical business practices.

We will be a widely recognized and highly visible provider of alternative dispute resolution services.

We will be customer-driven, with uniformly high standards of performance for core national, local and entrepreneurial programs in the marketplace.

We will have a significant percentage of large and small business firms as certified members of the BBB system, who proudly display their commitment to our mission and values.

We will offer a fully integrated, accessible national information and services delivery system, utilizing leading-edge technology and committed people to respond fully and quickly to all inquiries and resolve all complaints.

OUR VALUES

To accomplish our mission, we commit to the values of Excellence, Integrity, Teamwork, Trust and Respect to guide all of our decisions and behavior with each other and with all those we serve.

TRIBUTE TO WILLIAM PETERS

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. MOAKLEY. Mr. Speaker, I rise today to honor William Peters, a remarkable man who has dedicated almost 30 years of his life to the teaching of young people in the city of Boston.

On June 26, 1994, Mr. Peters was involved in a boating accident on Long Pond in Plymouth, which sadly left him with a severe head injury and other trauma. His friends, students, and staff from the Blackstone Elementary School in Boston, MA, have kept a silent vigil throughout the summer and into the fall. Progress has been slow and halting at best. This has been a genuinely heart-breaking course of events for Mr. Peters, his family, and all those who are close to him.

According to his colleagues and his students, Mr. Peters is one of the truly outstanding people in the teaching profession. Mr. Peters teaches fifth grade. To an impressionable 11-year-old, he is the kind of teacher that a young person is likely to remember as one who made a significant impact on his or her life. An unusual combination of booming authority, gentle grace, and street savvy, Mr. Peters has left his indelible mark on many students.

To the staff at the Blackstone, particularly the inexperienced and anxious newcomers to teaching, Mr. Peters has been a wealth of experience and a benchmark of excellence. For his friends and colleagues and many others he has come to epitomize what a good teacher is, a person of intelligence, gentle spirit, and refreshing humor who has made a lasting and deep mark on their lives.

Mr. Peters, by his hard work and presence has made the educational process at the Blackstone Elementary richer in a most substantial way. Mr. Peters was responsible for the coordination of the Blackstone Choir, organized the fifth grade graduation, composed and performed music at school functions, ran after-school computer activities in conjunction with the juvenile court, and helped coordinate the DARE Program at the Blackstone. Mr. Peters has also taken the time to give back to his profession by hosting many student teachers in his years of service and I am certain that they benefited greatly from his leadership and example. Mr. Peters' classes have consistently tested among the highest in the school, year in and year out. In celebration of his dedication and skill, Mr. Peters was presented a Golden Apple Award for teaching excellence in 1992 from the City-Wide Education Coalition of Boston. Mr. Peters has also worked for many years at the South Boston Boys Club. He remains in contact with many of his former students.

Mr. Peters was a Golden Glove Boxer, who fought under the name of Henry Strickland, because his father would not permit him to box, was scouted by the Detroit Tigers and is an avid fisherman who has fished both fresh and salt water.

Mr. Peters and his wife, the former Alice Parker of Watertown, MA, have been blessed with six children, Susan, Kelly, Billy, Greg, Julie, and Clifford.

In this time when teachers are seldom given their proper respect and recognition, it is my honor and privilege to take time to speak from the floor of the U.S. House of Representatives to honor Mr. William Peters, a fifth grade teacher at the Blackstone Elementary School in Boston, MA. His dedication to his students must be recognized and held out as an example for others to follow.

Mr. Peters, you are in the thoughts and prayers of your many friends and colleagues and I am proud to join with them in wishing you a speedy recovery.

In closing, I am reminded of a quote, I believe it goes like this:

> A Teacher affects eternity, for it is never known when their influence ends . . .

BOB KORTKAMP RETIREMENT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. GEPHARDT. Mr. Speaker, I rise today to honor my friend Bob Kortkamp on his retirement, April 1. In 1957 Bob began his career at McDonnell Aircraft Corporation in St. Louis as a machinist. In 1964 he was elected business representative of the International Association of Machinists and Aerospace Workers, District 9. Since 1978 he has served as secretary-treasurer of the St. Louis Labor Council.

Bob's interest and concern for working people has transcended his profession. He has consistently been involved with the larger community. The United Way, Mary Ryder Home, Red Cross, Catholic Charities, Blue Cross Corporate Assembly, Economic Planning Committee of St. Louis County, the Better Business Bureau and the St. Louis World Trade Center have been some of the beneficiaries of Bob's time and talents.

On a personal level, the most important thing that I can say about Bob is that he is a good man. He is caring about his world and the people who live in it. He is an exemplary citizen, one who sees a need and involves himself in fulfilling that need. Bob is a role-model for the younger members of the labor community in St. Louis—always ready to share his knowledge and eager to help.

I want to wish Bob and his lovely wife Betty a long and fulfilling retirement.

THE KOSOVA PEACE, DEMOCRACY, AND HUMAN RIGHTS ACT OF 1995

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. ENGEL. Mr. Speaker, I rise to introduce H.R. 1360, the Kosova Peace, Democracy, and Human Rights Act of 1995, along with Representative BEN GILMAN, chairman of the International Relations Committee, and Representative SUSAN MOLINARI.

For too long, ethnic Albanian citizens of Kosova, who comprise 90 percent of the province's population, have been dominated and repressed by Serbia. Kosovars voted overwhelmingly for the independence of their State in September 1990. They have chosen Ibrahim Rugova to be the first President of the newly declared Republic of Kosova and Bujar Bukoshi to be its first Prime Minister. Serbia, however, has not seen fit to recognize these valid and legitimate acts of self-determination. Belgrade has prevented the new government from meeting in the Kosovar capital of Prishtina and strictly controls all media and public expressions of political views.

Today, the human rights situation in Kosova is grave and has worsened with the July 1993 expulsion by the Servian authorities of international monitors. Ethnic Albanians are denied access to education, health care, and legal process solely on the basis of their ethnicity. More are dismissed from their jobs due to their Albanian heritage. Human rights groups from Amnesty International and Human Rights Watch to the OSCE and others document worsening humanitarian conditions, especially since the departure of international monitors. I strongly believe that the United States must demand the return of international observers and speak out more vociferously against the silent extension of ethnic cleansing to Kosova.

The security situation in Kosova is also very troubling. If Serbia escalates its aggressive behavior in Kosova, the Balkan conflict may expand into Macedonia, drawing in Albania, Bulgaria, Greece, and possibly Turkey. I support statements by the United States Government threatening a stern American response in the event of conflict in Kosova caused by Serbian action and believe that the administration should reiterate these warnings.

On the other hand, I deeply reject more recently policy changes by the administration. Last month, President Clinton offered to drop all sanctions against Serbia if it meets a specified list of conditions. Kosova was not among those conditions, even though the President specifically pledged to me in a January 4, 1995 letter that Belgrade would not be freed of sanctions until the situation in Kosova improves. I ask unanimous consent that a copy of that letter be printed at this point in the RECORD:

THE WHITE HOUSE,
Washington, DC, January 4, 1995.

Hon. ELIOT L. ENGEL,
House of Representatives,
Washington, DC.

DEAR ELIOT: Thank you for your December 2 letter regarding U.S. policy toward Kosovo. I am pleased Dr. Rugova had a useful visit to the United States and know that his meetings with senior Administration officials were fruitful for both sides. While the United States does not support independence for Kosovo. We are committed to restoring human and political rights to the people of Kosovo, where Dr. Rugova plays an important and admirable role. His rejection of violence and his patience in the face of continued Serb repression demonstrate courage and foresight.

There are a large number of issues, including Kosovo, that I believe must be addressed before Belgrade should be freed of UN sanctions and able to return to the international community. At the same time, we have clearly seen the utility of using limited sanctions suspension in return for helpful steps, such as closure of the Serbian border with Bosnia. Should Milosevic make further positive steps, we will need the flexibility of being able to consider the suspension of additional sanctions. As before, our decision of whether to support suspension of any sanctions will be made in close consultation with Congress.

Belgrade knows the seriousness of our resolve in Kosovo, which I reaffirmed soon after taking office and subsequently. With Congressional support, we have been able to maintain a steady flow of humanitarian assistance to Kosovo. Our Embassy in Belgrade pursues an active schedule of visits there. We are working to bring the CSCE long-duration missions back and have welcomed Dr. Rugova's plan to open an LDK party office in Washington. I am aware of the strong arguments in favor of opening a USIS center in Pristina, but believe that we should not do so unless our safety and security concerns are resolved.

I am grateful to know to your deep interest in this important issue, and hope to work together with you and your colleagues to restore the rights of Kosovo's ethnic Albanians.

Sincerely,

BILL.

With the President's recent policy changes, the bill we introduce today is even more important. The bill contains several sections. In the findings section, the abuses of civil and human rights of ethnic Albanians in Kosova are specified. Next, a section detailing United States policy toward the Kosova issue is presented. Third, and most importantly, the bill conditions the lifting of sanctions against Serbia and Montenegro upon specific improvements in Kosova, including:

Substantial progress toward the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves, or the creation of an international protectorate for Kosova;

Substantial improvement in the human rights situation in Kosova;

International human rights observers return to Kosova; and

The elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

Finally, the bill directs the administration to study policy options on Kosova, including the opening of a U.S.I.A. office in Prishtina.

Last year, Representative MOLINARI and I, as cochairs of the Albanian Issues Caucus, introduced a virtually identical piece of legislation. This year, I am proud to stand, as an original cosponsor of H.R. 1360, the Kosova Peace, Democracy, and Human Rights Act of 1995, with the chairman of the International Relations Committee who is the prime sponsor of the bill and a member of the Albanian Issues Caucus. H.R. 1360 is good for Kosova and the right policy for the United States. I urge my colleagues to support this bill.

TRIBUTES TO TWO YOUNG PILOTS; ANTHONY W. SHANKS AND VINCENT R. BREDING

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 1995

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to two young pilots who recently gave their lives in a mission of mercy. Anthony Warner Shanks, 36, and Vincent Randall Breding, 31, were shuttling two Orange County doctors to Mexico March 3, 1995, when their plane went down in a rugged area of Camp Pendleton Marine Corps Base in San Diego County.

The team was headed to San Blas, Mexico, where UC Irvine ear, nose and throat specialists were to fix cleft palates, remove facial tumors, and serve a poor population with little or no access to medical care. The flight was one of 21 headed to the Sinaloa region on a monthly mission sponsored by the Orange County-based Liga International.

Anthony Shanks was born in Vallejo, CA, in 1958 and moved 1 year later to Sacramento. He attended John F. Kennedy High School and after graduating, secured a job with the city of Sacramento, rising to the position of park supervisor. While employed with the city of Sacramento, Mr. Shanks attended college for 2 years and in 1990, he achieved a major goal when he received his pilot's license. In addition to these pursuits, Mr. Shanks was an aspiring musician and had been part of a USO tour to Alaska, performing for U.S. troops in 1978.

Vincent Breding—Randy—was born in Panorama City, CA, in 1963. Upon graduating from Monroe High School, he attended the University of Southern California, Northridge, earning honors and a degree in business administration. Mr. Breding settled with his new wife in Sacramento in 1990 and was employed with Sacramento County as an auditor/appraiser. He obtained his private pilot licensee in high school. Since that time, he earned enough hours to become an instructor and even purchased his own aircraft to assist in obtaining his hours and instructing flight students. He was only hours away from reaching his goal of obtaining his airline transport pilot license, which would have fulfilled his dream of becoming a pilot for a major airline.

Both Mr. Shanks and Mr. Breding were model men, offering their services to their community and to people in places they had never before visited. Apart from the mission which claimed their lives, Mr. Shanks had volunteered as a pilot for the Yolo County Aero Squad and Mr. Breding had flown aerial surveillance for the Yolo County Sheriff's Department and recently went diving to help bring up a downed plane in Lake Berryessa.

Both men leave behind families who will forever remember them as compassionate and selfless individuals. Mr. Shanks is survived by his wife Kathy, and a son, Anthony. Mr. Breding leaves a wife, Denise, and a son, Erik. Both men will also be missed by parents, family members, friends, and colleagues.

Mr. Speaker, I ask that my colleagues join me in paying tribute to these fine young men. Their dedication to their fellow man is an inspiration and I extend on behalf of my colleagues, warm condolences to each of their loving families.

SENATE—*Friday, March 31, 1995*

(Legislative day of Monday, March 27, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Almighty God, our refuge and our strength, a very present help in trouble, You have made this Senate a family in which we not only work together to lead this Nation, but also share with each other the joys and sorrows of life. In times of tragedies and loss, we stand with each other. When one suffers pain or grief, we all feel it acutely.

This morning we reach out with love and empathy to our colleague and friend, Senator ROD GRAMS, as he endures the excruciating grief over the death of his infant grandson, Blake Eugene.

Comfort and encourage the mother. Give her Your strength and peace. Help her to trust You to sustain her through the anguish she is experiencing.

We ask You to give to Senator GRAMS the grace and wisdom he will need to lead his family through this troubled time. Free him from the "why?" questions for which there seem to be no answers, to receive the sure answer of Your healing presence. You do not will or cause the untimely death of a child, but You do give us strength to believe that death has been conquered and Blake Eugene is among the cherubim of Heaven.

And now we commit to You the work of this day. Draw us into deeper friendship with You and each other. In the name of Him who gives us eternal life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the time for the two leaders has been reserved. And there will now be a period for morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak for up to 5 minutes each.

At the hour of 10 o'clock the Senate will resume consideration of H.R. 1158, the supplemental appropriations bill. At that time, the pending amendment offered by Senator D'AMATO will be set aside so that Senator DASCHLE may offer an amendment.

Therefore, all Senators should be aware that rollcall votes are expected throughout the day. If there is a change in that, or if we get some time agreement on when votes might occur, certainly we will notify the Members expeditiously.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I believe the Senator from Nebraska has been allotted 5 minutes of morning business. Is that correct?

The PRESIDING OFFICER. Yes.

AN AMENDMENT ON ABORTION AND STATES RIGHTS

Mr. EXON. Mr. President, I rise today to introduce an amendment which I will formally introduce later on today or next week depending on flow of the business in the Senate. I filed the amendment at the desk. I will call it up later on during the consideration of the matters after we resume at 10 o'clock today per order of the Chair.

Mr. President, I rise today to introduce an amendment which is intended to clarify Federal law regarding Federal funding for abortion. Essentially, this is a States rights issue. As my colleagues know, the Hyde amendment has long been in place to restrict the use of Federal funds to pay for abortions under Medicaid. Originally, the only exception was for when the life of the mother would be endangered if the fetus were carried to term. Congress passed a modification, one I had long supported, effective October 1, 1993, which expanded the exception to pregnancies that were the result of acts of rape or incest. I believe that it was the intent of Congress that that modification be permissive and not mandatory on the States.

The administration responded to the change in the Hyde amendment by issuing a directive dated December 28, 1993, sent to all of the States mandating that they pay for abortions resulting from rape and incest as well as involving the life of the mother. The administration, in my opinion, used a strained analysis to create such a mandate. It stretched the medically necessary justification covering the life of the mother to cover rape and incest, citing what it thought was congressional intent.

The issue of payment for abortions to save the life of the mother has been basically settled. The issue of payment for abortion for rape and incest or other reasons has not. Numerous States are in the midst of that debate now. Prior to the administration's Medicaid directive, most States prohibited the use of public funds for abortion with the only exception being for the life of the mother, and that includes my home State of Nebraska. Only a handful of other States already paid for abortions that were the result of rape and incest. Now several States are under the threat of losing their Medicaid funding because they are balking at complying with the Federal directive. States have been forced into the position of implementing the directive, often in direct contradiction of their State law, or risk losing much-needed Medicaid funding or carry the argument into court.

My amendment will give the States the option of using Federal funds for abortion in cases of rape and incest but will not mandate it as the administration and courts are doing as a result of a questionable interpretation of congressional intent.

This language was adopted on this bill in full committee in the House, but was jettisoned by the Rules Committee. As we know, there is no comparable committee in the Senate, and any Senator has the right to generally bring any amendment on this floor. As a result, I offer this amendment which I believe will clarify the intent of Congress in this matter. This is also a matter of fundamental States rights and the debate should not be preempted by a Federal directive.

Finally, here is an appropriate opportunity to clarify and limit the scope of a Federal mandate and to respect the role of States and their law.

No lengthy debate is necessary. The issue is simple and straightforward. We make no changes in Federal law requiring States to fund abortions under Medicaid when the life of the mother is endangered. We would allow the States, at their discretion, to not fund abortions for rape and incest.

At a proper time I will call up the amendment and urge its adoption.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In addition, let me briefly say in the closing time allotted to me, Mr. President, that at a time when we are hailing the fact that very recently we eliminated by an overwhelming vote in the U.S. Senate and in the House of Representatives the matter of mandates to the States, here is a clear case where we can put our votes where our voices have been in the past. Certainly, we all know that the States pay about 46 percent of all the Medicaid bills. It seems to me that this is a clear case that, if we are against mandates, if we are against continued funding required by the States without full compensation as a result of those laws by the Federal Government, that this is a case where I think we should return to what I believe was the intent of the Congress when we expanded the formally known Hyde amendment to allow States—but not directing them—to fund through Medicaid cases of rape and incest.

I think that was a very important step in the right direction when they provided that, as I have long held. But it seems to me that the administration in this case has misinterpreted a principle, a principle which I thought was very appropriate.

I reserve the remainder of my time, and I thank the Chair.

Mr. THURMOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish first to commend the able Senator from Nebraska for the fine statement he has just made. We have to realize that under the Constitution States do have rights. The Federal Government has only the authority which has been delegated to it in the Constitution. States have the balance of the rights, and we must not forget that.

Mr. HATCH. Mr. President, I rise in support of the Exon amendment. Let there be no mistake. This is not a narrow question about whether abortions in the case of rape or incest should be funded under Medicaid. This is instead a question whether the Clinton administration will succeed in a clever but dishonest stealth campaign to override State restrictions on abortion funding and to require Americans to fund abortion on demand. That is what is at stake here. Anyone who says otherwise either doesn't understand the issue or is trying to pull the wool over the eyes of the American people.

Mr. President, let me explain in some detail the mischief that the Clinton administration has engaged in for the last year and a half or so with respect to the issue of Medicaid funding of abortion. Remember, this is an administration that claims that it wants abortion to be rare.

In 1993, both Houses of Congress, by impressive margins, passed into law an expanded version of the Hyde amendment.

This Hyde amendment forbids Federal taxpayer funding of abortion through Medicaid except in cases of rape, incest, or danger to the life of the mother. The very purpose of the Hyde amendment was to respect and accommodate the decisions by 40 or so States to restrict taxpayer funding of abortion.

No one in Congress intended that the Hyde amendment would become a vehicle for overriding State restrictions on abortion funding. But this is exactly the campaign that the Clinton administration, through the actions of its bureaucrats in the Department of Health and Human Services, has waged over the past 18 months. In State after State, the Clinton administration, in concert with pro-abortion groups, has attempted to override State restrictions on abortion funding and to require State taxpayers to fund abortion on demand.

Take, for example, what has happened in my State of Utah. On December 28, 1993, a Clinton administration bureaucrat sent a form letter to the State of Utah's Medicaid Director claiming that the Hyde amendment required Utah to fund abortions in instances where Utah law prohibited funding. In a response dated January 13, 1994, Mr. Rod Betit, the executive director of the Utah Department of Health, complained about the "unconscionable catch-22" that HHS was putting Utah and other States in. Mr. Betit pointed out, among other things, that the HHS pronouncement "ignored longstanding principles of cooperation and consultation," adopted "a questionable mandatory interpretation of previously permissive language," and "issue[d] reporting and documentation requirements that have no basis in Federal law."

Mr. President, I ask unanimous consent that the full text of Mr. Betit's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UTAH DEPARTMENT OF HEALTH,
Salt Lake City, January 13, 1994.

Mr. BRUCE C. VLADECK,
Administrator, Health Care Financing Administration, Washington, DC.

DEAR BRUCE: I appreciate your taking the time to explain Sally Richardson's December 28, 1993 letter during our recent phone conversations. Your assurances that HCFA intends to follow the compliance process with regard to the new abortion mandate in an orderly, nonconfrontational manner is welcome. Nonetheless, I hope that after considering the points in this letter you will agree the prudent course of action would be for HCFA to rescind Sally Richardson's order, and reissue it as an optional policy change after appropriate consultation with the State Medicaid Directors in the form of a true Executive Order.

I share Ray Hanley's concerns about how this policy was announced. HCFA's method of issuing their interpretation of the 1993 Hyde Amendment ignored long standing principles of cooperation and consultation between HCFA and the states and threatens to seriously undermine this cooperative relationship. Not only did HCFA assume the responsibility to issue a questionable mandatory interpretation of previously permissive language, HCFA also took upon itself to issue reporting and documentation requirements that have no basis in federal law. Further, HCFA completely ignored the box that this preemptive mandate immediately created for Utah and many other states. While HCFA has agreed to give the states time to resolve the dispute, your mandate has left the states vulnerable to legal action from other parties. Why HCFA would knowingly place states in this unconscionable catch-22, completely escapes me and leaders in other states.

Based on research to this point and careful consultation with local and national legal advisors, I continue to believe that HCFA's interpretation of congressional intent may be unsound. The Supreme Court has not decided this issue, having explicitly reserved judgment in *William v. Zbaraz*, 448 U.S. 358, 363 n.5 (1980). The Court has indicated that the intent to mandate abortion coverage should not be presumed, absent clear proof of that intent. *Beal v. Doe*, 432 U.S. 438, 446–47 (1977). Contrary to popular belief, passage of a new federal law does not in and of itself trigger federal supremacy. There has to be clear evidence that Congress intended to override the laws of the 50 states. Sally Richardson's letter indicates that HCFA's interpretation regarding medical necessity is "(b)ased on the language of this year's Hyde Amendment and on the history of Congressional debate about the circumstances of victims of rape and incest." Your assistance in providing specific information to support this assertion is respectfully requested as Utah cannot locate any evidence to support Sally Richardson's claim.

In fact, I have reviewed the language of the Hyde Amendment for each year from 1976 through 1993. I see nothing distinctive about the 1993 language that addresses congressional intent to change a permissive policy to a mandatory one. The State Medicaid Manual indicates that the States "may choose not to fund abortions to the extent they deem appropriate." *State Medicaid Manual*, Part 4, Section 4430. This has been federal policy from 1981 through 1992. I fail to see anything in the language of the 1993 version that dictates a change in that policy.

Further, I have reviewed the legislative history surrounding the adoption of the 1993 version of Hyde and find nothing conclusive there either. Comments from congressional leaders and their staff in the last 2 weeks would also suggest that no clear proof of intent exists. I am therefore persuaded that a permissive interpretation remains consistent with congressional intent. I also fail to see how that interpretation frustrates national policy in the Medicaid program.

Your January 5, 1994 letter to Ray Hanley argues that the absence of Bauman Amendment language since 1983 forces a mandatory interpretation. If this is so, why has the permissive language in the State Medicaid Manual remained unchanged? Further, your interpretation that the Hyde language preempts state law absent an express exception, is in direct conflict with the standard set forth by the Supreme Court in *Beal*. Have you any case law to support this position?

The legislative history surrounding the adoption of the Bauman Amendment in 1981 makes it very clear that it was intended to clarify congressional intent that abortion coverage was permissive. Our research to date, has not uncovered any explicit indication of why it is absent after 1983. Your conclusion that its absence automatically compels an interpretation that coverage is mandatory is highly suspect. It can be plausibly argued, and case law supports the interpretation in appropriate cases, that the failure to repeat such language does not appear after 1983, we would appreciate your assistance in resolving this important question.

As I indicated to you on the phone, and as the media has publicized, the Utah Department of Health is clearly caught between HCFA's mandate and very explicit state statutes. Utah Code Ann. §26–18–4(2)(1989) limits coverage to causes where the mother's life is threatened. Violation of this restriction by a public employee is a Class B misdemeanor and could include forfeiture of office. Utah Code Ann. §26–18–5(3)(1989) anticipates situations where changes in federal law mandate modifications to state law and rule. However, the last clause in this statute says "providing, the provisions of this section shall not apply to department rules governing abortion." I believe the Utah Legislature has clearly indicated that a change, such as coverage for rape and incest related abortion, can only be made after public debate and a decision by that body. This is especially true in this case, where our legal analysis indicates that federal preemption of state law is ambiguous.

Your response to the issues raised in this letter will be very helpful to our Legislature. Our session begins on Monday, January 17, 1994 and runs through March 2, 1994. I am sure that this issue will be discussed. We would like to be able to share your response as part of that discussion.

I look forward to hearing from you as soon as possible.

Sincerely,

ROD L. BETIT,
Executive Director.

Mr. HATCH. The State of Utah, to its credit and to the credit of its fine Governor, Mike Leavitt, has refused to acquiesce in the Clinton administration's bureaucratic abuses. Predictably, the Clinton administration has even threatened to cut off Utah's participation in Medicaid unless Utah violates its own laws restricting abortion funding. On December 28, 1994, an HHS bureaucrat cited Utah for supposed noncompliance with Medicaid requirements.

Another key component of the administration's stealth campaign to require taxpayer funding of abortion on demand has been to work hand-in-hand with pro-abortion groups to file lawsuits against States that continued to enforce their restrictions on abortion funding. In January of this year, a pro-abortion group sued to void Utah's restrictions on abortion funding. Similar lawsuits have already succeeded in a number of other States.

Mr. President, Congress did not intend through the Hyde amendment to override State restrictions on abortion funding. Yet the administration has been using the Hyde amendment in pursuit of its agenda of funding abortion on demand. The administration's arguments have, admittedly, been clever. Clever but mischievous. Clever but dishonest. Clever but unfaithful to the clear intent of Congress. Clever but contemptuous of the right of the people in each State to determine whether and when to fund abortion.

To my colleagues, I say that the question on the Exon amendment is clear. If you believe that a policy of requiring States to fund abortion on demand should be imposed by stealth, then vote with the Clinton administration and against the Exon amendment. But if you believe that the rights of State taxpayers and the clear intent of Congress in passing the Hyde amendment should be respected, then join Senator EXON and me and others in voting for his amendment.

I commend the distinguished Senator from Nebraska for this amendment. It is a good amendment. He is a good man. He is doing what is right here, and I support him. I hope that the Clinton administration will back off and realize that the Senator from Nebraska is right.

I yield the floor.

Mr. THURMOND. Mr. President, I rise today to address the future of the Anti-Ballistic Missile Treaty of 1972 and its impact on U.S. national security. In my view, the administration's policy toward the ABM Treaty is fundamentally flawed and should be reconsidered. By seeking to perpetuate and expand the coverage of a treaty that is fundamentally outdated, the administration has created a number of problems. Let me briefly discuss these and offer an alternative approach.

The ABM Treaty was intended to be the central feature of an arms control regime that would balance and stabilize the United States-Soviet strategic relationship. This agreement, as much as anything else, symbolizes the cold war doctrine of mutual assured destruction, or MAD—a belief that if the United States and the Soviet Union remain equally vulnerable to massive nuclear retaliation, neither side will have an incentive to attack the other.

Today the cold war is over. And while the United States and Russia still differ over a variety of issues, there is no reason to perpetuate an adversarial relationship. Unfortunately, many government officials in Russia and the United States continue to cling to fundamentally outdated, cold war attitudes and policies.

The way the administration has handled the ABM Treaty is a glaring illustration of this problem. Rather than seeking to define a new United States-Russian strategic relationship, the administration has decided to reaffirm a relationship based on mutual vulnerability and the threat of retaliation.

Instead of seeking to replace or evolve the ABM Treaty regime, the administration is committed to preserving and even expanding the core principles of the ABM Treaty. It has sought to extend the philosophy of mutual vulnerability in two ways—by agreeing to multilateralize the treaty, and by attempting to extend its limitations to theater missile defense systems, which the treaty does not cover.

By multilateralizing the ABM Treaty, the United States is not only endorsing the continuation of mutual vulnerability, but is also inserting this concept into its relationship with several of the New Independent States of the former Soviet Union. Moreover, by including these countries in the ABM Treaty, we would give them a significant voice in, if not a veto over, key U.S. decisions on missile defense.

This is even more troubling when viewed in the context of what the administration is doing to capture theater missile defense systems under the ABM Treaty. The administration has shown a willingness, if not an eagerness, to include detailed performance limitations on theater missile defense systems. Under the guise of clarification, the administration has come up with nothing short of a new treaty regulating theater missile defenses.

The administration's overall approach to the ABM Treaty poses three overlapping problems, which might be viewed as near-term, mid-term, and long-term problems. Let me address each of these in turn and offer what I believe to be logical and achievable solutions.

In the near-term, the United States must respond to an expanding array of theater ballistic missile threats by developing and deploying highly effective theater missile defenses. These threats are an undeniable and salient part of the new security environment. Thanks to the efforts of U.S. industry and our military services, we are well positioned to acquire highly effective theater missile defenses and to allow these capabilities to grow along with the threat.

Unfortunately, the administration's current approach threatens to preclude promising theater missile defense options and establish an artificial technological ceiling on the growth of those systems that we do deploy. This approach is strategically unwise and legally unnecessary.

The solution to this problem is relatively straightforward. The ABM Treaty simply states that non-ABM systems may not be given capabilities to counter strategic ballistic missiles and may not be tested in an ABM mode. Nothing in the treaty talks about the performance of non-ABM systems and it would be very unwise for us to get into the business of regulating these systems now.

The answer is simply to define what a strategic ballistic missile is and to establish as a matter of U.S. policy or law that theater missile defense systems comply with the ABM Treaty unless they are actually tested against a strategic ballistic missile. A commonly used definition of a strategic ballistic missile, which the United States and Russia have already agreed upon, is a missile that has a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. If this definition were used, the United States and Russia would be free to develop and deploy a wide range of highly effective theater missile defense systems without having fundamentally altered the letter or intent of the ABM Treaty.

Even if we take this step, however, we will still be faced with a mid-term problem. U.S. territory will inevitably face new ballistic missile threats, which our theater missile defense systems are not being designed to counter. North Korea already has an ICBM program in development and other countries will almost certainly be able to exploit readily available technology in order to acquire such capabilities. The administration is simply not preparing adequately for this threat.

If the United States is to deal with this problem in an effective manner, the ABM Treaty will have to be altered to allow for the deployment of a robust national missile defense system. While we can begin immediately with the development of a national defense system that is in compliance with the ABM Treaty, eventually we will need relief from the treaty. This will be necessary in order to cover all Americans adequately and equally. Deployment of several ground-based missile defense sites, perhaps supplemented by enhanced mobile systems, could provide a limited, yet comprehensive defense of the United States. This could be achieved with relatively modest changes to the ABM Treaty, changes that would not undermine United States or Russian confidence in their deterrent forces.

But even if we accomplish this goal, we would still be left with a long-term problem having to do with the fundamental purpose of the ABM Treaty. Ultimately, if the United States and Russia are to establish normal relations and put the cold war behind them, they will have to do away with the doctrine of mutual assured destruction, which lies at the heart of the ABM Treaty. This can and should be a cooperative process, one that leads to a form of strategic stability more suited for the post-cold-war world. Such a form of stability might be called mutual assured security and should be based on a balance of strategic offensive forces and strategic defensive forces. We must once and for all do away with the notion that defense is destabilizing and that vulnerability equals deterrence.

If the United States and Russia are serious about reducing their strategic nuclear forces to levels much below those contained in the START II agreement, we must be able to fill the void with missile defenses. We can do this cooperatively with Russia and other concerned parties, but we must make it clear that the United States is intent on evolving away from an offense-only policy of deterrence. We will undoubtedly require strategic nuclear forces for the foreseeable future to deter a broad range of threats, but in a world of diverse and unpredictable threats, we can no longer rely on these exclusively.

Mr. President, I hope the administration will reconsider the range of problems I have discussed today. I believe that there are reasonable solutions within reach, if only we seek them. An incremental approach that deals with these problems in phases may facilitate cooperation and help wean both sides away from the comfortable yet outdated patterns of the cold war.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent for an extension of morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

LEGAL REFORM

Mr. FRIST. Mr. President, I rise today to discuss the need for legal reform in America. Our civil justice system is broken. The changes in our tort law system that were introduced 30 years ago had merit, but like many other aspects of our society, what began as a good idea has been the subject of ceaseless expansion and is now totally out of hand. We are now by far the most litigious country on Earth, and we are paying a huge price as the result.

Mr. President, I come to this issue from a different perspective than most of my colleagues. I am not a lawyer. I am a doctor. I have seen firsthand day in and day out what the threat of litigation has done to American medicine. I have watched my colleagues every day order diagnostic tests—CT scans, blood tests, MRI scans, electrocardiograms—that were many times costly and unnecessary for the good of the patient. They were ordered for one simple reason—to create a paper trail to protect them in the event a lawsuit would ever be filed. It is called defensive medicine, and it happens every day in every hospital throughout America. It alters the practice of medicine and drives the cost of health care higher and higher.

Mr. President, I have also treated patients who were injured by allegedly defective products or in automobile accidents, and I have watched as their families were contacted by lawyers, urging them to sue before anyone knew the real facts of the accident.

Mr. President, I know we will face stiff opposition, but changes must be made in our legal system. It is costing us billions of dollars each and every year and, perhaps more importantly, it is turning us into a nation of victims.

Our product liability laws are a particular area in need of reform. Our present system costs this Nation between $80 and $120 billion a year. A 1993 Brookings Institution survey found that pain and suffering awards alone cost American consumers $7 billion each year.

Mr. President, 50 to 70 percent of every dollar spent on products liability today is paid to lawyers.

What really is the problem? It is fashionable to talk about the big verdict cases, cases like the customer at McDonald's who spilled hot coffee in her lap, or the fleeing felon in New York who was shot by police, only to recover a $4 million verdict against the police department.

But those cases are just symptoms of the illness. The heart of the problem is that our civil justice system does not effectively weed out specious claims that lack merit.

Our judicial system has built in rules that are meant to do that, but they simply do not work well. The summary judgment mechanism is one and rule 11 of the Federal Rules of Civil Procedure is another. Unfortunately, if you ask most defense lawyers, they will tell you that summary judgments are rarely granted, and rule-11 sanctions are almost never imposed.

As a result, almost any case that is filed today stands a good chance of getting to the jury. And, Mr. President, given the unpredictable nature of juries, not to mention the staggering cost of defense, businesses and insurance companies simply make the decision to settle the case rather than play Russian roulette with the jury. Day after day in this country, insurance companies and businesses pay $25,000, $50,000, $75,000, or more, to plaintiffs who have filed cases which lack merit, either factually or legally.

So who pays for all this? The American people do. Insurance companies simply pass the costs along in higher premiums and businesses pass the higher premiums along in higher product costs. We spend five times more of our economy on tort claims than our Japanese or German competitors. This makes our American products more expensive, and eventually it chases American products from the marketplace.

One example that I am personally familiar with is a device called the left ventricular assist device, essentially a type of artificial heart. The product is housed in a clear polyurethane cover. Without it, many patients would die as they waited for a transplant.

The device allows them to live for weeks and sometimes months as they await a donor heart. Unfortunately, because of the rash of recent lawsuits involving medical devices which contain polyurethane component parts, the polyurethane manufacturers are simply threatening to pull their product from the marketplace saying they cannot afford to produce the product anymore. That means it will not be used in a broad range of devices.

Mr. President, if that happens, who will the makers of this device turn to for that polyurethane housing? And if they are unable to find a supplier, the device simply cannot be made and, I can tell you, based on firsthand experience, that patients will die because they will not have that bridge to transplantation available. I have transplanted these patients before. Without it, they would not be alive today.

Mr. President, to those who say that litigation costs are not the cause of products vanishing from the marketplace, just ask Cessna Aircraft Corp. They quit making small planes 9 years ago because of liability concerns. But thanks to last year's legal reform that limited an aircraft manufacturer's liability for planes over 18 years old, they announced on March 15 of this year that they would, once again, start making planes.

Mr. President, tort reform will make a difference. The real problem is that our juries are taking the place of our legislatures in determining which products offer enough utility that they should remain in the marketplace, despite their risk. We now trust juries to redesign airplane engines, to rewrite product warnings, to second-guess medical diagnoses, and even to place values on the price of a human life.

It is because of runaway jury verdicts that you no longer see many American manufacturers of football helmets, or diving boards at pools of motels, and you can no longer get a money-back guarantee if your pizza is not delivered within a specified time. And maybe—just maybe—those things are good. But the point is that they should not be decided by juries. They should be decided by people through their elected representatives, not by those juries in courtrooms where the rules of evidence are confining and, in so many instances, the real story is never told.

So who stands in the way of legal reform? Who will attack us over the next several weeks as this is introduced? Unfortunately, that great triumvirate of federalism—the plaintiffs' bar, the consumer groups led by Ralph Nader, and President Clinton. In a recent article in the Washington Times, Judge Robert Bork pointed out the fallacy of this newfound federalism argument that has been floated by the plaintiffs' lawyers. Our Framers valued local decisionmaking, and they wanted to avoid a centralized government that would control every aspect of our lives, but they also recognized that Federal regulation can be important.

One important factor that the Framers considered in drafting the Constitution was the need to have centralized control over commerce and trade. Alexander Hamilton, in Federalist No. 11, wrote about his concern that diverse and conflicting State regulations would be an impediment to American merchants. But today, we have a similar threat: Our unrestrained and unpredictable civil justice system.

Today, placing an article manufactured in Tennessee into the stream of commerce will be enough to subject a Tennessee merchant to suits in all 50 States. Aside from the obvious inconvenience, the laws of each of these States may, and in all likelihood will, be different from those laws in Tennessee—laws with which the merchant is familiar and which he may have used as a guideline in manufacturing and selling his product.

If we are going to allow the merchant to be hauled into court in any of the 50 jurisdictions in which this product may eventually be purchased, should we not try to provide some predictability, some centralized manner over the methods by which the dispute will be resolved? Should we not bring some predictability and some common sense to the issue? I think we should, and I think the federalism argument, in this case, is, at best, a red herring.

I fully anticipate that the President of the United States will oppose our legal reform efforts at every turn. But it will not be because he believes the effort is wrong or because he has suddenly found the 10th amendment. Instead, it will likely be because of his cozy relationship with the plaintiffs' trial bar. The American Trial Lawyers Association said in 1992 in a fundraising letter that President Clinton would, and I quote, "never fail to do the right thing where we trial lawyers are concerned." And so far, they have been right, but it is time to change that.

The real victims of our failing justice system are the would-be plaintiffs, the victims themselves. The legislation which has been passed in the House and which will soon be discussed in this body will not prevent a plaintiff with a meritorious claim from suing and recovering. In fact, it will improve his or her chances. The courts will be clogged with fewer spurious lawsuits, and cases that now lag for 2, 3, or 4 years will move more quickly. Plaintiffs' lawyers will no longer be able to disregard reasonable settlement proposals and let cases sit for years. They will be required to evaluate the case in a timely manner and act in a manner that is in the best interest of their client. They will be less likely to simply roll the dice, hoping for the big hit.

The family which has suffered and which has medical expenses and lost wages and which really needs help is at the mercy of plaintiffs' lawyers who have plenty of cases and can afford to gamble. If they lose and they take nothing, they move on to the next case. But their clients have only 1 day in court.

Mr. President, legal reform will not hurt anyone, except perhaps the plaintiffs' trial lawyers, but they have had their way for too long. Simply put, it is time that we stop letting the tail wag the dog.

I look forward to these legal reform hearings, and I truly hope that we will enact meaningful reforms which will make our civil justice system more responsible, more accessible, more predictable and, most importantly, more equitable.

Thank you, Mr. President. I yield the floor.

REGISTRATION OF MASS MAILINGS

The filing date for 1995 first quarter mass mailings is April 25, 1995. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1158, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatfield amendment No. 420, in the nature of a substitute.

D'Amato amendment No. 427 (to amendment No. 420) to require congressional approval of aggregate annual assistance to any foreign entity using the exchange stabilization fund established under section 5302 of title 31, United States Code, in an amount that exceeds $5 billion.

The PRESIDING OFFICER. Under the previous order, the D'Amato amendment is temporarily laid aside in order to consider an amendment to be offered by the minority leader.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 445

(Purpose: To propose a substitute)

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. KENNEDY, Mr. DORGAN, Mr. HARKIN, Mr. CAMPBELL, and Mr. KOHL, proposes an amendment numbered 445.

Mr. DASCHLE. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DASCHLE. Mr. President, we have had a good debate now for the last couple of days on the issue of rescissions and the need to provide supplemental funding for the Federal Emergency Management Administration, FEMA.

What we have not had a good debate about, however, is about priorities, and about values, what it is we ought to do with the resources, as limited as they are, that we have available.

It is our view we ought to have a debate of that kind, and we ought to consider where it is we want to put resources, how it is we want to direct those resources to affect the greatest number of people and do the most good.

That is what this amendment intends to do. This amendment recognizes that there really is a twofold purpose in what it is we are trying to do with this bill.

We are obviously trying to ensure that FEMA has the adequate resources necessary to continue the extraordinary job that they do in providing emergency assistance to communities all over the country. But we are also very sensitive to the need to continue to move ahead with meaningful deficit reduction.

This session of Congress has been devoted in large measure to procedural questions about how it is we bring down the debt. I am very disappointed by the fact that, frankly, our best procedural effort to do that in a meaningful way, a budget resolution, which is required from the Budget Committee tomorrow, will not occur at the time required by law.

While we talked about procedure, the majority has been unwilling so far to use the procedure we already have to do exactly what we say we need to do.

Therefore, Mr. President, I am disappointed that we have failed to produce the budget resolution necessary to accomplish what we say we really need here.

Mr. President, the issue of priorities, as we consider deficit reduction, brings Members to the floor on many occasions. Again, it does this morning. We recognize while we need to reduce the deficit, we also recognize that the long-term deficit is going to be determined in part by the needs of Americans who may depend upon the Federal Government, and by the ability they have to go out and become meaningful, productive, taxpaying citizens.

The only way we can ensure working families have the capacity to be productive, taxpaying citizens, is that we invest in their future with what limited resources we have.

The amendment that I am proposing this morning—and supported, I would say, by the overwhelming majority if not all of our colleagues on the Democratic side—is an amendment that simply says "Whatever else we do to reduce the deficit, the one thing we ought to do is to be cognizant of how important it is that we protect our children and the investment that we need to make in children."

This amendment would simply allow Members to tell 1 million children across the country that it is our intention to help them, that it is our commitment to them and to deficit reduction, both, that we hope to articulate in this amendment.

Our legislation would provide protection for 5,000 children when it comes to child care. We want to tell working families that we want them to go out there and do the best they can to generate the income that their talents will allow, and we will try to assist where it can be provided with the child care needs they have, in order to be a productive and an involved working citizen.

Child care is the first installment of a multiple array of tools that can help working families do their job better. The same in Head Start. We want to protect 9,000 children in the Head Start Program who otherwise will be cut off, who otherwise will not have the opportunity to begin their early childhood development in a meaningful way, and to ensure that when the time comes they can become good students, good working people and good family members. That is what Head Start does. And we are hoping to protect the 9,000 people who otherwise will be cut out, without the advantages of this amendment.

We are also telling those young adults, those young Americans who want very much to be able to go to college and at the same time help their country, that we remember them as we change our deficit priorities. We want to tell 36,000 young people that it is important to go out through national service and develop the capacity they need, to go to college, to learn skills, to do the things necessary to become important and taxpaying citizens in this country.

No one denies the incredible impact that the Women, Infants, and Children Program has. We will tell 70,000 mothers and children that we will help them as well, not by increasing the deficit.

I emphasize here that this amendment is completely paid for by shifting priorities to allow Congress to reduce the deficit but protect women, infants, and children in the program that has demonstrated a remarkable capacity to assist young families as they begin to meet the challenges of life.

We also recognize that school is critical. If we are going to invest properly in families, in working families, we have to ensure that our investment in education is adequately provided.

Aid to schools, impact aid, is of critical importance. And under the pending bill, $16 million overall will be lost. In my State of South Dakota, over one-half million dollars would be lost. The impact that will have on schools that rely upon this funding, as I indicated over the last couple of days, would be devastating.

We want to say, without equivocation, when it comes to priorities, education is at the top of the list. Only the educated are free. Only the free can participate adequately in democracy. Only if we ensure adequate educational investment can we ensure the freedom that we so dearly love in this country. Aid to schools, and providing better schools for almost 1 million students is what this amendment does as well.

Mr. President, I will have much more to say about the amendment and about what we are attempting to do later on this morning.

Let me emphasize how important this amendment is. How important it is that we provide adequate funding for FEMA. How important it is that we provide meaningful deficit reduction, but at the same time that we meet those two objectives. It is critical that we protect 1 million children who otherwise would be cut out of needed assistance.

Mr. President, I will return to the floor shortly to say more about the amendment and about our intentions with regard to this investment. I yield the floor.

Mr. KENNEDY. Mr. President, first of all, I want to commend our leader, Senator DASCHLE, for the work in developing this amendment which he has proposed, and which I welcome the opportunity to cosponsor. I find this a compelling amendment, and as Senator

DASCHLE mentioned yesterday, I believe that we will develop bipartisan support.

Basically, the focus of this amendment is on children and education. We have some other features in there with such as the national service program, but it is primarily an amendment that reflects our priorities on education and children.

What it is saying regarding these programs included in those rescissions is there were appropriations which went through the legislative process, went through the House and Senate, and were signed by the President of the United States. The programs include Head Start, chapter 1, school reform programs, and day care programs. There are families out there across America that were depending on those programs. There are mothers and fathers who believed that their children were going to be involved in the Head Start Program and they could count on it. There are mothers and fathers who thought that their children would participate in the chapter 1 program, a program redeveloped and redesigned, refashioned with strong bipartisan support last year to improve it. There are parents who had believed they might be able to improve themselves and the lives of their children because day care programs would now be available to them.

I looked forward to the debate on this amendment. The amendment itself was responsible in terms of its offset, although I think it is commendable in any respect. I think it would have been important for us to debate this issue. It has been in the works for some period of time. The leader had indicated yesterday that we were going to offer this amendment. We had heard last night from the majority leader—after there was a whole debate on matters that were not directly related to these rescissions all day long, after many of us had been on the floor in the early afternoon looking for the opportunity to debate this amendment—that we could debate these amendments. Where are the amendments? When are we going to deal with them? Can we get a time agreement?

Now we are notified that that particular measure is going to be pulled, withdrawn, effectively denying us the opportunity to debate this particular measure. As I understand it, in its place is going to be a conference report. I will have more to say about that report, and I think other Members will have more to say about later in the morning about how it treats a handful of individuals who are trying to escape paying their fair share of the tax system and escape all kinds of tax responsibility.

I think one of the key elements of where we are as a Congress has been the issue of priorities and where we are going as a Congress. We had, over the period of this past week, in our committee, our Human Resource Committee, the repeal of Davis-Bacon legislation which had been in effect for some 60 years. This repeal will diminish the economic power of construction workers whose average income is $27,000 a year. We are in the middle of an economic assault on working families.

We have also had the assault on the President's proposal which would ensure that we were not going to further and encourage the whole striker replacement worker phenomenon that has been taking place across this country, weakening the economic rights of working families.

We have seen the purchasing power of average workers in this country decline dramatically over the period of recent years. Many of us have been pointing out that we ought to consider those particular measures against what is happening to the other members of their families, to their children in this instance, to the care of their children and the education of their children. We expected to have that opportunity now to make that case in terms of the Head Start programs, which have been tried and tested and reshaped and supported by Republicans and Democrats, by funding for the chapter 1 programs, by the return of the summer job programs, the voluntary service programs, the President's national service program.

We have seen these programs cut at a time where we see, over in the House of Representatives, the leadership talking about using these cuts to provide tax cuts for the wealthiest individuals and corporations in this country. These are legitimate public policy issues and questions the American people ought to have an opportunity to express their views on through their elected representatives.

I think these are the questions being put to the U.S. Senate today to debate and discuss in this amendment that had been worked by the minority leader. We had heard earlier today, if he offered this amendment, there were going to be parliamentary maneuvers to try to second-degree it so we could not have, effectively, the debate and discussion on it.

Mr. President, we know there is the power to be able to do that. But I, for one, would certainly have urged the leader to continue to offer this particular proposal in form after form until he was at least given the opportunity for an up-or-down vote on his amendment, a position which has the strong support from many on this side and, hopefully, even from some on the other side.

So, Mr. President, I want to just make very clear I am very hopeful we will come back to this measure and that we will debate the rescissions here in the U.S. Senate, that we are going to come back and we are going to have an opportunity at that time to talk about this amendment. It affects $42 million in Head Start programs, $2.5 million in Healthy Start programs that will help 8,000 to 10,000 low-income children who lose nutrition assistance during their preschool years; $8.4 million in child care funds that will deny 5,000 children of working families the support they need for day care.

There are only about 4 or 5 percent of our working families that are able to afford decent child care. We have a program to try to provide assistance to working mothers for child care programs. These funds had been appropriated, and this rescission cuts $8.4 million in that child care program and $1.3 million in children's mental health. It eliminates services in 11 sites and 11 States to children with mental and emotional disorders. The amendment would have restored the funding under chapter 1 for 70,000 educationally disadvantaged children who have special needs, the $55 million in the Goals 2000 that would have provided help and assistance to 13,000 school districts across this country, to try to strengthen, at the local level, academic achievement and accomplishment; the support for safe and drug-free schools.

Those particular funds provide a combination of resources for safety in schools. I will bet there are a score of politicians making speeches right now about the importance of safety in schools. Well, here we had an opportunity to do something about it. We have an opportunity to restore some funds for safety in schools, and $100 million that had been actually appropriated is being withdrawn. We want to put that back.

We have the $30 million School-to-Work Program. The School-to-Work Program is going to be the basis of a major overhaul of training programs, the concept of which has been basically accepted by Republican leaders in the House and the Senate as being a key element in revamping of youth training programs. School-to-Work has strong bipartisan support to provide some opportunity for the 70 percent of the children who do not go on to higher education, to move them from school into work, the partnership between the private and the public sectors. There was $30 million that would have been eliminated for them.

The amendment would have restored the TRIO Program, $11 million for the TRIO Program which has been one of the most successful programs for the disadvantaged students, to give them the help and assistance in terms of education support and health support.

Education technology—$5 million for education technology. What you learn in the schools is directly related to what you are going to earn. We have a deficiency in terms of technology in the schools across this country and a very significant imbalance in technology availability between the wealthier schools, both private and public, and the most disadvantaged schools. We have developed a small technology program. That program had been cut back.

There is also a cutback in the national service program, even though the service program had been worked out with Republicans and Democrats alike, and we had agreed to phase in the funding—$300, $500, $700 million over 3 years. Yet we see a significant reduction in funding for that program.

We have already seen some positive returns from the national service program, as well as other programs that are related to youth and youth training, programs designed to do something about young people, with a number of them having dropped out of school. We lose about 400,000 young people a year. In many instances, they are individuals who do not have a sense of hope or a sense of opportunity or a sense of future, and they are the ones who fall into trouble in their local communities and are a source of trouble in terms of the law. We have been revamping and reshaping and improving many of these programs. Yet they are being cut.

So many work force training programs are being effectively eliminated, and this eliminates an opportunity to do something for the education and training and employment of young people. The Daschle amendment shows a sensitivity to these programs by restoring them.

Mr. President, I think we should have had a discussion about where the priorities are in this body. We should have been given an opportunity to debate these questions. The Daschle amendment had been thought through, and its shaping had been given a good deal of attention.

It is a thoughtful, responsive amendment that restores many of the cuts that are going to be particularly harsh on children and education. Those are not areas that we ought to be cutting back. Those are areas in which we ought to be investing more. Certainly, just throwing money at problems is not the answer, but how we allocate resources is a pretty clear indication of what our Nation's priorities really are.

What we know is that when you have decent, good, effective education programs and you cut back on them, what is happening is that you are basically increasing social costs and decreasing revenues in the long term for this country. It makes no sense at all.

We, I think, deserve an opportunity to debate these issues. When the measure comes back, we will have an opportunity to do so, not only in this amendment but also in follow-on amendments that will target education and target children's issues. So we will have a chance to speak to these issues.

Mr. President, I look forward to working with the leader and the score of other cosponsors of this amendment in debating these issues later.

I yield the floor.

Mr. DORGAN. Mr. President, last week Republicans in the other body passed a bill that pokes huge holes in the social safety net for America's children. Their welfare reform bill guts the School Lunch Program and other programs that kids rely on for nutritious meals. Now, in the Senate, we are debating a rescissions bill that will slash another set of programs that are so critical to these very same children.

I am talking about Head Start, the Child Care and Development Block Grant Program, and Summer Jobs for Youth, among others.

The rescissions bill cuts Head Start by $42 million, even though the House did not cut funding for this program at all. As a result, 9,000 children will lose the chance to get a head start on learning. Head Start is a comprehensive child development program, addressing a wide range of critical needs: health, nutrition, social. Perhaps most important, it puts a premium on parent involvement and helps to forge a bond between parents and their children's education.

The Child Care and Development Block Grant Program was cut by $8.4 million. Again the House bill had not cut. This 20 percent reduction means that 5,000 fewer kids will qualify for child care assistance. There are an estimated 21 million children who live below 200 percent of the poverty line in this country. About 8 million of them live with a single parent who works at least part time or with two parents who both work at least part time. These 8 million children are members of working families whose income make them eligible for child care assistance. In fiscal year 1993, only about 750,000 of these kids actually got assistance.

Now, we are considering a bill that will drop another 5,000 children from the program. Some of these kids live in homes where, without assistance, their mothers will not be able to afford to work. Low-income families already pay 27 percent of their income on child care—it is ridiculous to think that they can afford to spend more than that.

S. 617 cuts all funding for the 1996 Summer Jobs for Youth. This means that about 615,00 young men and women—1,300 in North Dakota—will not work. According to a 1995 Labor Department report, the program greatly increases the summer employment rates for participating youth. Researchers estimate that, for every three jobs provided under the program, two young people worked who otherwise would not have.

I just do not understand why some would want to slash successful programs like these. I agree with my colleagues that we should pay for what we appropriate for disaster assistance. However, this bill asks that children and low-income families pay a disproportionate share of the check.

I support the Daschle amendment to restore much needed funding for these programs. It channels resources where they belong, in our children. It supports nutritional assistance, training and education, and housing, and it is fully paid for.

Mr. CAMPBELL. Mr. President, I rise today in support of the Daschle amendment to H.R. 1158, supplemental appropriations and rescissions bill, that would restore funding to many important programs that aid children and support housing programs. This amendment restores valuable funding for several programs that support and educate our children. Few programs are as important to the future to our country as the program that assists our Nation's children.

Mr. President, the Daschle amendment also preserves $36 million of funding for the Community Development Financial Institutions [CDFI] Fund. This amount falls short of the original $125 million, however, I believe it is a good first step to address the critical problems that exist in our economically distressed communities.

I have long been committed to empowering disadvantaged and minority communities to help themselves and to invest in their own communities. While I recognize the need to cut the Federal deficit, I believe it is important to achieve the national policy goals of revitalizing communities, increasing access to credit and investment capital, promoting entrepreneurship, and rebuilding private markets in distressed neighborhoods.

As in other States, Colorado's cities have neighborhoods which lack access to resources for business and economic development. I know that many rural communities in Colorado have never had proper access to credit and banking services. Many of them have no lender who wants to give them a chance or give them hope. But, in fact, there are many creative entrepreneurs in our rural communities who are idea rich, but resource poor.

Mr. President, I believe community development financial institutions will open new markets for conventional lenders while giving borrowers access to previously unreachable sources for capital and credit. Community development financial institutions are specifically dedicated to revitalization. They possess specialized expertise in community development and are successful in tailoring loan products and services to meet the needs of low-income and minority communities.

In the case of native American communities, reservations generally are among the most disinvested and poor areas with weak economies. These communities, in particular, are in desperate need of creative banking and financial services. I believe the CDFI fund is a first step and an important step in addressing these critical needs.

The CDFI fund is a next generation Federal initiative that combines private entrepreneurship, extensive leveraging of Federal dollars and a strong commitment to self-help credit. I believe the CDFI fund will fill market niches that banks and other conventional lenders are not serving, especially in native American communities, and provide bridges between unconventional borrowers and conventional lenders.

Mr. President, I urge my colleagues to support the amendment offered by the Senator from South Dakota.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The minority leader's amendment is the pending business.

AMENDMENT NO. 446 TO AMENDMENT NO. 445

Mr. DOLE. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] for Mr. ASHCROFT, for himself, Mr. KYL, Mr. SANTORUM, Mr. ABRAHAM, Mr. GREGG, and Mr. NICKLES, proposes an amendment numbered 446 to amendment No. 445.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DOLE. Mr. President, I say to my colleagues, I am not certain how much longer this bill will be on the floor, because it is pretty obvious to this Senator that what we have here is a political exercise by the other side.

If the President of the United States does not want this bill, it is all right with me. But he is not going to get the other bill, either, the one on defense.

So I would just say to the White House, if they are serious about reducing spending, as the President indicates he is from time to time, and if they really want the first supplemental, the defense supplemental that passed that is now in conference, then I think they had better go to work on what has become nothing but a political exercise. And that is what we are about to engage in here today. That is certainly the right of every Senator.

But my view is that if there is all this concern about children, I did not see it expressed when we had the balanced budget amendment up here. Some of the speakers voted for the balanced budget last year and against it this year. I do not know why they forgot about the children for the next 10, 15, or 20 years if we do not balance the budget and make tough choices. But some never make tough choices. They make tough speeches, and then they want to come back and add some here, add some here, and add some here.

I must say, in every case in the so-called Daschle amendment, there are already additions in spending in all of these programs. But they want to add just a little more so they can come to the floor and make this political argument that somehow they are going to protect the children and we are going to destroy the children of America. I mean, it is nonsense. It is preposterous. It is ludicrous.

So the amendment we have offered will give Senators in this body who want to have real spending cuts the opportunity to vote "aye"—real spending cuts.

IRS, $100 million—that ought to be a favorite of everybody; AmeriCorps, $206 million; foreign operations, $91 million; Corporation for Public Broadcasting, $47 million—all the President's budget cuts, $337 million. Surely the Democrats will vote for that.

Legal Services Corporation, about $6 million; Radio Free Europe, $98 million; youth bill, $38 million, for a total of $927 million in real cuts. It does not devastate any of these programs, but they are real cuts.

I want to congratulate my colleague from Arizona, Senator KYL, the Senator from Missouri, Senator ASHCROFT, and the Senator from Pennsylvania, Senator SANTORUM, for their initiative.

I guess I did miss a couple. The actual total would be $1.3 billion, which will be discussed by my colleagues from Arizona, Missouri, and Pennsylvania.

We would like to have a time agreement on this amendment. We would like to make some progress on this bill, and we would like to also vote on the Daschle substitute, although there could be additional second-degree amendments to it.

Then at 12 o'clock or shortly thereafter, we would take up the conference report dealing with self-employed. It is very important we do that today because April 15 is not far away and, hopefully, the President—I am certain he would—sign it as quickly as he receives it, so that we will be reinstating the 25-percent deduction. Many people are waiting to file their tax returns.

The Senator from Massachusetts indicated he might want to discuss that at length because of a Senate provision which was dropped in conference. We put the provision in. I feel strongly about the provision, about those who leave the country to avoid paying taxes.

We also put in the committee report, at my suggestion, that any additional legislation would be effective on February 6—February 6. Not next week or not last week, but February 6. So when we address this issue again in the tax bill—it will probably be in the reconciliation package—when we have additional hearings and make certain that we are following the correct procedure, I expect that provision to be in the next package. It was in the Senate package. We did have hearings on the Senate side, but only 1 day of hearings.

There were some serious questions raised. The report will be due in June, so that will give us adequate time to address that issue. So, hopefully, we can pass the conference report with a very brief time agreement. There will be a record vote on the conference report. Hopefully, we will have record votes on the other material.

I say to my colleagues, there will probably be at least two or three votes today and, depending on the White House response—if they do not want this rescission bill or anything in it—then we can continue to have this turkey shoot out here with everybody offering amendments to make a few political points. We already had 8 or 10 on the other side. I assume they have 30 or 40 more. That is fine with me. If we want to make this a turkey shoot, then the White House should understand, that is it and that they are not going to get either bill.

So I will just say to the Chief of Staff at the White House and the President of the United States that if he is serious, we are serious; if he is not serious, that is fine with us.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Arizona.

Mr. KYL. Mr. President, I would like to speak in strong support of the amendment of the majority leader which will have the effect of restoring $1.3 billion in disaster assistance for California. It will have the effect of reducing additional spending from last year's budget in the form of rescissions, including, for example, $337 million in budget cuts that were requested by President Clinton but are not in the rescission package as it exists right now. It further rescinds several other programs to levels near to or the same as the House rescission package. For example, as the majority leader says, it cuts $100 million from the IRS bureaucracy, and makes other changes.

The specific areas in which the rescissions are increased are the AmeriCorps Program, which I will speak to in a moment, the IRS, as I mentioned, some foreign operations matters, which you will be addressing, Mr. President, the Corporation for Public Broadcasting—as I said, $337 million in cuts that were requested by President Clinton—the Legal Services Corporation and a program called youth bill, and some others. The total, as the majority leader said, is over $1.3 billion, close to $1.4 billion.

The majority leader has indicated an interest in having a time agreement and, as a result of that, I think we will begin by being relatively brief on a few of these items. But if it is the desire of those in the minority to debate this at length, then we will be prepared to do that. It is our hope that the majority leader's will is reflected in an agreement by the minority as well.

So let me begin this debate by focusing on the first item on this particular amendment, and that is the AmeriCorps Program, the so-called voluntarism program in this country, which is not voluntarism at all but rather has the Federal Government taking taxpayer dollars to pay people to work as volunteers.

Obviously, that is an oxymoron. You are not a volunteer if you are being paid for your volunteer activity by the U.S. Government. But that is the nature of this program, and that is obviously one thing that is wrong with it.

I think perhaps one of the most important things I will say here, Mr. President, is as follows: This amendment is similar to the amendment that the House passed by a vote of 382 to 23. So the House made the degree of rescissions that we are talking about in this amendment by the overwhelming majority of 382 to 23.

If the Senate cannot reflect that significant consensus of the House of Representatives in a similar number, then I think those who are watching us today may wonder what this body can do. Clearly, we can reflect the same consensus that was generated from the House of Representatives.

What this would mean in dollars is that AmeriCorps funding for fiscal year 1995 would total almost $159 million. During a time of severe budget constraints, we are asking of our programs that are currently funded at one level, can those programs be reduced in their funding to reflect the fiscal position that the United States is in right now? We cannot afford all of these programs, at least to the degree they are being funded.

As a brandnew program, AmeriCorps cost American taxpayers $367 million last year. Now the President wants to increase the cost to over $800 million for 1996. What we are suggesting is, we do not shut the program down, but we reduce the funding of the program to the same level that the House of Representatives voted overwhelmingly to fund.

AmeriCorps is not an effective jobs or education program. We submit that it will not increase voluntarism in our country.

Mr. President, students of history will recall that one of the most profound observers of the American scene, as this country was getting going in the early 1800's, was a French historian by the name of Alexis de Tocqueville. Alexis de Tocqueville came to this country to see what made it so dynamic, why we were seeming to do so well just 50 years after our Revolution, and what experience he could take back to France to tell his fellow citizens how they might improve their society as Americans seemed to be doing.

One of his chief findings was that Americans banded together in all sorts of voluntary arrangements to help each other in their local communities. They banded together in groups with names and just as neighbors helping neighbors—to put up a barn, to help a family, to work in a community, to work in the churches or the synagogues. In one way or another, he observed, Americans volunteered to help each other, and that was one of the significant differences between America and the old Europe from which he came. In fact, he reflected on this by saying, "America is great because America is good." And if America shall ever cease to be good, America will cease to be great. One of those elements of goodness to which he was referring was this dynamic concept of voluntarism that characterized the American society.

That voluntarism has continued until this day. But I submit that the AmeriCorps Program—U.S. Government paid volunteers—undermines the concept of voluntarism, as Alexis de Tocqueville had observed. Groups such as the Salvation Army, Arizona Clean and Beautiful Project, the Crime Victim Foundation, St. Mary's and Andre House food bank, and others all around this country, commit millions of hours to voluntarism every year. Today, Americans, age 18 and up, volunteer, without pay, almost 20 billion hours of their time. That is a 50-percent increase in hours since 1981. Turning voluntarism into a wide-scale public job program, I submit, will undermine public and private philanthropy. It stands the concept of voluntarism on its head.

A final point, Mr. President. It is not just that it undermines voluntarism, and that it is costly, but it is taking money away from other programs which really could be of assistance to America's youth.

The AmeriCorps project is not based on need, as you know. It does not promote voluntarism based upon the need of the people who participate in it. Students are paid $7,400 for work and given $4,750 toward education costs for 2 years. In addition, recipients are guaranteed health and child care benefits, and in some localities, other benefits. For the average $20,000 to $30,000 cost per year, per student in the AmeriCorps Program, eight needy students could receive Pell grants at $2,400 apiece. So we could educate eight needy students in this country for the same thing that it costs us to pay for one "volunteer" under the AmeriCorps Program.

This $20,000 stipend is worth more than the individual income of nearly 40 million working Americans.

So, Mr. President, it seems to us that given the fact that it does not promote real voluntarism; that it is costing a tremendous amount of money; that the House voted overwhelmingly to reduce the funding to the level that we are proposing here; that it takes money away from programs which could really assist needy students who need funding to continue their education, we should adopt the amendment of the majority leader, thus reducing the amount of funding for the AmeriCorps Program.

I am going to yield to my colleague from Pennsylvania in a moment. I have one final point here. Over 2,800 volunteers—20 percent of the 20,000 AmeriCorps volunteers—are assigned to Federal agencies. This is a volunteer program designed to help people in local communities, but 20 percent of these people are assigned to the Department of Agriculture, Department of the Interior, National Endowment for the Arts, and others. The federally funded Legal Services Corporation for example has been awarded funding for 44 AmeriCorps volunteers, costing taxpayers almost a million dollars.

This is not voluntarism, Mr. President. This is just one of the programs that we would reduce the spending for in order to achieve the $1.3 billion-plus in rescissions that make up the amendment of the majority leader.

At this time, let me yield to my colleague from Pennsylvania to further discuss this point.

Mr. SANTORUM. I thank the Chair. What I would like to do is talk about what this amendment does. The first thing it does is restores President Clinton's request for $1.3 billion in disaster assistance for California earthquake victims, and disaster relief in numerous other States. The minority leader's proposal would remove that funding that is needed for the victims of natural disasters, and our amendment seeks to restore that money. That was the principal reason this bill was before us—this is a disaster relief supplemental. That is the reason this bill is here. The rescissions has turned into, maybe as the majority leader said, a "turkey shoot," with a lot of other amendments being thrown on. The House decided to do more rescissions, as we are doing here. But the underlying purpose, the reason this bill is here, is that this is a supplemental appropriation bill to provide for disaster assistance. What the minority leader has done is take away the underpinnings for the bill and reduce what the bill is for in the first place and to fund a whole lot of other programs that are in the bill.

Our amendment pays for this $1.3 billion to be put back in, by rescinding some of the provisions here to equal the House level. The House went through and rescinded certain programs. What we do is match their rescissions. The Senator from Arizona talked about one such, the AmeriCorps Program, which I will touch on, and the Corporation for Public Broadcasting was another.

In addition to those rescissions, what we also did was to adopt some of the President's suggested rescissions. The President came forward in his rescission package with $337 million in additional budget cuts. These are things requested by the President. I have taken the opportunity, while sitting here, to examine these rescissions and to find out what these were all about. What I see is really almost a precursor to the line-item veto. These are a bunch of line items that were put in by the Appropriations Committee here in the House, and in the Senate, earmarks—earmarks being things that are put in by certain Members for demonstration projects in your State or in your district, which takes money that is not authorized by the House or Senate and signed by the President, things that are nice little projects for back home. And we have here $337 million worth of these projects that the President, rightfully, said these projects are really the definition in the sense of pork. Let us go after these projects. I agree with the President.

So we put these $337 million of projects in this rescission amendment to restore the money back to California and other States. So this is an attempt not only to try to get some comity with the House and try to reduce the levels of funding to what they have wanted but also to reach out to the President and say we are going to put your disaster assistance money back in, but we are going to adopt your rescissions.

A lot of criticism is made around here of not being bipartisan and playing Presidential politics. We are here with this Republican amendment, offered by our leader, acceding to the wishes of the President. I would be interested to see what the folks in the President's party react to try to do what the President wants to do. That is what we are doing here today. We are trying to work in a bipartisan fashion to craft a good supplemental appropriations bill and rescission package.

Here are a couple things we are not doing in this amendment. We are not eliminating the Summer Jobs Program, and that is almost $900 million. We keep the funding levels up. We are going to get in a fight with the House on that. We keep the LIHEAP Program, which the Senator from Arizona was going to offer an amendment on and deeply wanted to put it in this bill. We kept that fully funded because we feel that low energy income assistance is important. That is another $1.3 billion. So that is about $2.2 billion of additional rescissions which the House requested that we did not because we have set priorities.

Some of our priorities that just did not quite make the grade are things like the AmeriCorps Program. The Senator from Arizona did an excellent job in discussing how the nature of voluntarism is being corrupted by paying volunteers $20,000 a year to volunteer. I wish I got paid that to volunteer my time. That is what this program does. It is a $7,400-per-year stipend to volunteer, plus a $4,750 tuition credit per volunteer, plus medical benefits and child care. All that totals about $20,000 a year. That is not counting the roughly $15,000 a year it takes for administrative and overhead costs per volunteer. It almost costs as much for overhead as it does to pay them.

This is not an efficient program. Roughly half the money being siphoned off here to Washington or other places around the country in bureaucratic payments and the money—hard-earned taxpayer dollars—that could be used to support families and put food on the table is going to pay bureaucrats and people, many of whom in this program are wealthy.

The AmeriCorps Program is not a means-tested program. I am sure a lot of people will find that to be shocking. This AmeriCorps Program is not for the poor. We have doctors, we have people who are spouses of doctors, and children of wealthy people. They all qualify. This is not for young people. Do not think of this as a youth corps of disadvantaged youths that are out there doing the public service. No, no, no, no, no.

I think it is up to 60 years of age, irrespective of income. They can come in, get the stipends, and get up to 2 years of educational grants. We have the Senator from West Virginia, Senator BYRD, who said we could take one of the grants and turn them into five people for Pell grants for every one volunteer we have on AmeriCorps.

No, we will put them to work. Who will they work for? We have 1,200 for the U.S. Department of Agriculture, 1,200 AmeriCorps volunteers; 525 for the Interior Department; 210 for the Department of Justice; 135 for the Environmental Protection Agency; 60 at the National Endowment for the Arts. This is not out there in the community doing the kind of work that this program has been sold as.

Again, administrative costs are high. This is not means tested. Anybody qualifies, irrespective of income, and they get a benefit which is actually even greater than the GI bill. I had the Commandant of the Marine Corps talk to me and tell me that recruitment is being hurt in the Marines and other branches of the service because of the AmeriCorps Program, because they can have a nice job here stateside, doing nice things, maybe doing good kinds of things, and get paid, not only as I said before, their stipends, but $4,725 per year in educational grants, up to 2 years of service, while the GI bill provides not $4,725, what the AmeriCorps bill does provide for, but $4,800, $75 more, for putting 3 years into the Marine Corps.

Now, think about that. No wonder it is hurting recruitment. No wonder it is causing a problem. This is just do-goodism of Government, thinking they can do everything for everybody and pay them at the same time. It is a complete distortion of what I think most people see as the role of voluntarism in America.

We believe that this is a prime target for rescissions. I think we are very generous. We leave the program at least running. We do it at reduced levels. The present level of funding is $370 million, and it is supposed to go up next year to $610 million. We cut that back to actually about $157 million. I think that is awfully generous for a program that clearly is out of step with where America wants to take this country, as far as its allocation of resources and spending.

The other area that I wanted to touch on very briefly, if this debate does go on longer, we will come back and talk about it further, but I know the Senator from Missouri wants to talk on some of the foreign aid/foreign operations matters, the other area is the Corporation for Public Broadcasting.

I have, and I am sure every Member of this body has received numerous letters and phone calls about protecting "Barney" and Big Bird making sure that we do not cut out money for Public Broadcasting.

I cannot say it any more plainly. If it comes, and I look at the chart of the Senator from South Dakota about helping children and the things that we need to do to provide money for WIC Programs and food stamps and other things that are so important and essential, if we cannot cut $47 million out of the Corporation for Public Broadcasting, then we have no business standing up here and saying we are serious about reducing the deficit.

That is just amazing to me. We talk about corporate welfare. I hear so much talk over there about we have to get rid of corporate welfare. This is the most outrageous of corporate welfare, for programming and for things that can simply and easily be provided by the public through public contributions, or with assistance, as we already do.

These are nonprofits. And they already get, in a sense, a Government subsidy. They already get breaks in having to pay for their rights of communication. We already provide certain benefits. To throw additional money at that when they do not take advantage, as they do not, of the royalties available to them from programs like "Barney" and "Sesame Street" and others, they get virtually nothing back in royalties if showing these programs on their public television stations.

If they are not going to take advantage of the opportunities that are before them to help fund their programming, then why should the American taxpayers, working hard to put food on their families' tables, pay to support Public Broadcasting, when, at least in our area in Pennsylvania, the corporate salaries are similar to those of some of the chief executive officers of some of the major corporations in Pittsburgh.

I think it is, again, I cannot stress strongly enough, if we do not have the courage to stand up and cut funding for a program like the Corporation for Public Broadcasting, when we have some people getting 100-some stations, many of them learning-type stations, educational stations, with the onset, as we will see in bringing up the telecommunications bill next week, of almost the irrelevancy in future years of cable and a lot of other mediums because of direct satellite communication into your home—it will happen very shortly—if we cannot get rid of a dinosaur of a program like funding for the Corporation for Public Broadcasting, then we do not have the right to say we are a Senate that is on the verge of entering the 21st century with setting our priorities.

I will be happy to yield to the Senator from Missouri.

The PRESIDING OFFICER (Mr. KYL). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise in support of the amendment offered by the majority leader. This amendment is critically important, and serves as a continuing demonstration of our willingness to curtail expenditures which we cannot afford.

Much has been said today about the children of America, but the best way to ensure their future is to make sure that we are fiscally responsible. It is important to make the hard choices for the right reasons. That, Mr. President, is the number one investment that we can make in the children of America.

Last night, late at night, this House made a mature and difficult decision about a substantial number of courthouses across the country that we simply could not afford. Mr. President, $1.4 billion was cut, and in the process, a commitment to the next generation was kept.

I rise today, Mr. President, in support of a particular aspect of the majority leader's amendment. Specifically, an additional $91.6 million from the foreign operations budget. I think when we are talking about the children of America, and the future of this country, we all understand that there is going to have to be some sacrifice made on their behalf. To take 1.4 percent out of the foreign aid budget is not asking for too much. It is simply saying that when we are considering sacrifice, when we are considering restraint, people around the world will need to share in that sacrifice.

Some might ask, "Is this not isolationist?" I hardly think a 1.4-percent rescission makes an isolationist out of the United States of America. It simply does not, it will not, and it should not. And to argue as such is to fundamentally mislead the American people.

The point is we are going to have to ask our allies abroad to share in the kind of restraint needed to move toward a balanced budget. But of equal importance, Mr. President, I would argue that it may be that the best kind of foreign aid we could ever provide to countries overseas is the kind of benefit they would receive from a stable, fiscally sound U.S. economy.

Mr. President, we are looking at a major restructuring of the way in which we deal with foreign entities. As part of that, it is important that we begin to send a signal, to friend and foe alike, that we are moving to put our fiscal house in order.

It is important to note that all of the funds that were recommended to be rescinded in the House were unobligated funds. The Senate number was $100 million, theirs was $191.6 million. Now, if the House could make those reductions without really impairing priority programs, I think we ought to match their efforts. We are talking about an additional .0067 multiplier, which would provide the additional $91.6 million.

Mr. President, we have spent almost half a trillion dollars over the last 45 years to increase peace and prosperity abroad. Unfortunately, in many cases, there is very little to show for our efforts. We need to think carefully about how we deploy resources and what a strong America, economically, means to the rest of the world. I cannot remember anyone cornering me in a coffee shop in Camdenton, MO, and saying, "You have to support more funding for U.S. peacekeeping," or "To be sure I am firmly on board when the next AID package comes before the Senate."

It is time we start to look at our foreign aid budget and begin allocating funds only in those areas in which America has vital national interests at stake. The American people are a generous people, but they want a return on their investment.

Mr. President, when we talk about fiscal belt-tightening and the responsibility associated with it, a minimal reduction in foreign aid must be part of that mix. The House bill cuts foreign aid accounts by nearly $200 million. Our bill only has $100 million. The addition of the $91.6 million would, again, move us in the right direction.

As I mentioned earlier, last evening we started. We started a constructive effort by cutting $1.4 billion in an essential function of Government. The judicial process is one of the most fundamental components of American government. Courthouses are important. But our children and the next generation of Americans are also important. Mr. President, we cannot afford to spend what we do not have. This package represents a small, reasonable step in the right direction.

Mr. President, I yield back the balance of my time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have been trying to understand the substitute amendment versus the underlying Daschle amendment. I would like to say what I believe, based on about 10 minutes of study, this does.

As I understand it, what the amendment of Senator DASCHLE, the minority leader, does is it takes $1.3 billion from FEMA, fiscal year 1997, and it restores certain cuts that have been recommended for children and educational programs.

What I understand the majority leader's amendment to have done is it restores fiscal year 1997 FEMA funds, $1.3 billion, and it cuts even more deeply. It cuts the children's and the education programs, plus it cuts a whole series of programs including Radio Free Europe, legal services, foreign operations, the biological survey, libraries, the Corporation for Public Broadcasting, airport and airway trust fund, highways, AmeriCorps, and the youth bill. So, essentially, as I understand it, we have two rather clear choices on the floor of the U.S. Senate, one of which is the Dole approach which is much deeper, and the Daschle approach that says let us make cuts but what we cut, let us not cut the most vulnerable in our society, the future of our society—children and education.

I want to take a couple of minutes and speak to that because I think it is a worthy attempt, even as rescissions are being made, to take a good look at what we are doing and saying as we talk about investment in the future. As we talk about investing in economic infrastructure, should we also invest in our human infrastructure of which the most important part is our children? In order to secure the future of our children, the most important part is their education.

I would like to speak specifically to the Dole amendment. We all know that, regardless of what version it is, there is going to be welfare reform in this session of Congress. We all desire it. And so to people in this Nation, as has so often been said by Senator GRAMM of Texas—the time has come for people to get out of the cart and help push it.

In order to push it, it means go to work. But if you are poor, if you are female, if you have children, and if you are on welfare, you are going to need child care to go to work.

So, does it make sense as we talk about investment in our future to cut child care? I think it does not because we just complicate the problem downstream. So I believe that rescission, that cut, is not a prudent investment in our future.

Head Start—what is Head Start? Head Start is a concept. We have 16 million youngsters in this Nation growing up in poverty. The concept is that if we can get children young with their parents to come in at a very early age, if we can counsel with those parents—these are poor parents, poor children—if we can counsel with them, if we can begin early on to teach them the discipline and structure of learning that when they get into the grade they will be able to keep up with their class instead of what so many know happen, that there is an emotional dropping out followed by an intellectual dropping out, followed by a physical dropping out of children in the elementary school years—guess what? What has been found is that, if you apply the Head Start concept well, not sloppily but well—which involves bringing in the family—children do better. They graduate with higher grades. Guess what? By the age of 19 they are much more likely to get a job. That is the investment in the future. That is what Head Start speaks to. Properly carried out it works.

So I ask the question: Does it then make sense in this rescission package to cut back on Head Start? I answer that question by saying no, it does not. Let us take another one that has been bandied with on the floor. AmeriCorps. I have just heard AmeriCorps is not just for people who are struggling. It is not for the middle class, it has youngsters and adults in it, and it has youngsters whose parents are doctors, or so on. It is my understanding that over 75 percent of those admitted to AmeriCorps thus far have incomes of under $50,000. Do I believe that 100 percent of the parents of the youngsters going into AmeriCorps should have incomes of under $50,000? The answer is, yes, I do. But the vast majority of participants come from moderate- to low-income families, and AmeriCorps is clearly a worthy program.

Let me speak as a mayor who more than a decade ago took $1 million of community development block grant money in San Francisco and began a new program, the first urban conservation corps in this Nation. It has since been replicated by 22 big cities. You can imagine the pride I had when I had Mayor Tom Bradley of Los Angeles come up to San Francisco to learn from us how we took youngsters age 16 to 23, very fragile youngsters with no work ethic, with a background of juvenile delinquency and began to teach them a work ethic and put them to work building bike paths, restoring park areas, painting over graffiti, doing public works projects, repairing places in housing authority projects. And those youngsters learned a work ethic. They went out at the end of the year and could get a job. I think it was the most successful program I did.

This is what AmeriCorps is built on. It is built on the concept of a conservation corps where you take young people, where you teach them a work ethic and whereas they work, they can earn, and in this case earn a college scholarship. It is a vital program. Again, is it as important an investment in our economic infrastructure as free trade may be? I think it is. Because again, it is teaching our young people a skill which they are able to use and then further their education.

Let us take WIC, the Women, Infants, and Children Program. When I was mayor I used to go down to where food was given out in San Francisco. I would see pregnant women come in, again many of them undernourished, again many of them troubled, many of them not able to provide a nutritious meal. Sure. They would go out and buy a bag of potato chips. They would eat high-fat food. But they were not nutritious meals.

What WIC has done is offer an opportunity to develop a cost-effective birth system for people who are poor and deprived in this Nation because they are able to get some foods that are nutritious during the term of pregnancy and produce youngsters who come into this world with a chance. In a way, it is a cost-effective investment in our future.

Let me talk about cuts in education. Today, all across the United States of America we graduate kids from schools that cannot read or write, multiply, divide or add, recognize China on a map, fill out an employment application, or follow a bus schedule. These are actual examples. They are not made up. They are true. It is called the failure of American public education.

Where American public education fails the most is in the elementary school. That is where Head Start and that is where chapter 1 comes in.

Chapter 1 again are funds that go to States for basic remedial and primary education. It is reading, it is writing, it is arithmetic, and it goes to those school districts that have poor children in them. It is a very big ticket item for California, the largest State in the Union.

For me this cut for California schools means a loss of $8.7 million of the anticipated $729 million in fiscal year 1995. If these rescissions are cut, the county of Los Angeles loses $2.5 million for reading and writing and arithmetic for poor children. That is what chapter 1 does.

One of the things that I have believed in is that we should go to a decentralized public education system. We should allow schools to float free. We should provide standards of education for young people. What is the degree of proficiency you should have in reading, in writing, in math for promotion? What is the knowledge of social service? What is the knowledge of science programs that you should have to promote? What Goals 2000 did was provide a voluntary mandate to schools to establish tough curriculum standards. Is that an investment in our future in terms of building a young work corps of youngsters that are able to get a job in an economy that is becoming more and more high-technology, where you have to understand computers to work in factories?

I think the answer clearly is yes, this is the future. So Goals 2000 spoke to that, spoke to tougher education standards. Chapter 1 talks to basic reading skills. I think these cuts are not necessary.

The bottom line is, as I look at the majority leader's amendment and the minority leader's amendment, what I see is the possibility of putting together an amendment that is bipartisan, that could achieve additional cuts, if that is what people are looking for, and not impact children and not impact education.

Now, there are those who believe that education and children are the fuzzy issues in our society. I am not one of them. I speak as a former mayor. I speak as somebody who has seen a lot of trials and a lot of tribulation, who knows the streets. I think the future of America is our kids. I think it is wrong to cut from our kids at this point in time.

Pick up a newspaper today and see where another youngster in Los Angeles is shot in the head standing at the side of his home. That kind of thing must stop. Drug-free and safe schools are cut in this rescission package. If there is anything we should be doing it is ending drug use at school, it is making schools safe. To do it, you have to start early. If you start late, it is too late. If you start in the middle school, it is too late. You must start in the elementary school.

Mrs. Reagan said, "Just say no to drugs." And guess what? If kids believe that early enough, it works. If you wait until it is too late, it does not work. So why at this point in time do we cut drug-free and safe schools? Is that a prudent investment in the future? I think not.

So what I say in a summary sentence or two, just having heard what has happened on this floor this morning, there are things in the substitute amendment that I could buy. There are things in the rescission package that many of us cannot buy. Why not sit down and try to put together a package that protects our future, protects our young people, and protects our education? I think it can be done if there is a will in this body to do so.

I thank the Chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Mississippi.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELF-EMPLOYED HEALTH INSURANCE ACT—CONFERENCE REPORT

Mr. PACKWOOD. I now ask that the Chair lay before the Senate the conference report to accompany H.R. 831, the self-employed health care deduction.

The PRESIDING OFFICER. Is there objection to proceeding to the report?

Mr. KENNEDY. Reserving the right to object, I am just wondering—and I do not intend to object—I am just wondering. We had been involved in a debate on the rescission bill. Senator DASCHLE had introduced a measure which he had announced that he was going to introduce. And we had another amendment that was in the second degree and debate was taking place. Many of us had planned to talk and debate.

Could the chairman of the Finance Committee indicate to those of us who were involved in that debate and discussion whether those measures now are being withdrawn and whether we will come back and address them at another time, just as a point of information so that we have some understanding what the matters are before the Senate?

Many of us thought we were going to be proceeding with the rescissions bill. We were given that indication again last night by the majority leader. We came over this morning intending to debate it. Then we had an amendment in the second degree. And now we are going on to a different matter.

I do not intend to object to moving to a different matter, although I would want to be able to speak to the conference report. I am just asking as a matter of information so that we have some understanding about where we are on the amendment of the Senator from South Dakota.

Mr. PACKWOOD. It is our intention to simply lay them aside. We will come back to them as soon as we are done with the conference report. We had suggested, although it has not been cleared I think on your side yet, a half an hour time limit on the conference report, 15 minutes equally divided, so that we would be back to it quite soon.

Mr. WELLSTONE addressed the Chair.

Mr. KENNEDY. If I could continue, I understand then that the request is just to move to the conference report?

Mr. PACKWOOD. That is correct.

Mr. KENNEDY. I would indicate just as one Member, I know the importance and the timeliness of the matters which are included in the conference report and the importance of achieving that. But I do want to indicate that there is a matter that has been raised in the conference report that with regard to the special tax provisions for some of the wealthiest individuals in the country. I know the Senator is familiar with this, and I wish to indicate to the leader that I have every intention of submitting a sense-of-the-Senate resolution on this matter before we reach a final decision. I am more than glad to work out the details with the chairman of the Finance Committee or with the majority leader, but I wish to at least indicate at this time my intention of proposing such a sense-of-the-Senate resolution when the matter does come before the Senate and at an appropriate time after the chairman of the Finance Committee or the members of conference committee have had an opportunity to explain the conference report.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I ask for the yeas and nays on the conference report.

Mr. WELLSTONE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. It is not in order to object at this point.

Is there objection to proceeding to the conference report?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. PACKWOOD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will report the conference report by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 29, 1995.)

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I think the Senate is very familiar with this bill. We have debated it thoroughly on the Senate floor. We have debated it in committee.

The bill will allow self-employed individuals to deduct 25 percent of the cost of health insurance premiums this year and 30 percent starting next year. This bill makes the deduction permanent. We would like to raise the deduction even more. But this is the first time we have ever made it permanent.

The reason this is so timely is people need to know this to prepare their tax returns. The deadline for filing 1994 tax returns is now only 2 weeks away.

So I hope the Senate would not spend a lot of time on this bill. I think everyone understands the bill, and I would be prepared to vote on the conference report.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I was wondering if the chairman of the committee would be willing to describe exactly the circumstances that took place in the conference committee in relationship to what tax payments would be expected from expatriates. A story was included in today's Washington Post and in other newspapers about the tax break that has allowed billionaires to renounce their U.S. citizenship, leave the country, and escape taxes on their profits.

The story reads:

> A Senate proposal to tax such wealthy expatriates was dropped in a tax bill during a House-Senate conference Tuesday night, at least partly because of the pressure from lobbyists . . .

I am wondering if the chairman of the committee could review for the membership exactly what took place in the conference in relationship to that particular measure, and if he could review with us what the considerations were and why a judgment was made in the conference to provide for the elimination of that particular provision which had been accepted and approved in the Senate.

Mr. PACKWOOD. I would be happy to do that, Mr. President.

What happened was this: We added this provision in the Senate Finance Committee without any hearings.

From time to time, we pass things for which we do not know all the consequences. I do not think we know if this unfairly affects American citizens, or how it affect aliens or nonresidents that are living here.

The House had on the floor a motion to instruct its conferees to not accept the expatriate tax provision. That instruction was accepted. So the House was proceeding as they were instructed.

Chairman ARCHER and I agreed to have the Joint Tax Committee study the expatriate provision and report back to us by June 1. The Joint Tax Committee is instructed to study the ramifications and implications and who is affected, and does it adversely affect American citizens vis-a-vis aliens or illegal immigrants or legal immigrants. The report is due by June 1. After we review the report, any legislation that we consider will have an effective date of February 6 of this year. This is the same date as the amendment that was offered in the Finance Committee. Everyone is on notice—if and when the expatriate legislation becomes law, it will be effective February 6, 1995.

Mr. KENNEDY. There may be reasons for study of this particular provision by the Joint Tax Committee. But I fail to understand the compelling need for study when we are talking about, as I understand it—perhaps the Senator wants to explain exactly what is at risk here.

As I understand it—and I think all of us were surprised when we read about it this morning—we are talking about the fact that individuals who are able to accumulate very substantial amounts of money, capital resources, would be able to, by renouncing their citizenship, escape what other citizens who did not renounce their citizenship would have to pay.

I am trying to understand exactly what is involved here and who exactly is involved. Could the Senator explain?

Mr. PACKWOOD. The Senator asks a very good question. At this point, we don't know who would be affected by the provision and who would not be. That is precisely the reason why it should not be considered today. The provision applies to citizens who renounce their citizenship. Maybe they have moved to another country for reasons that have nothing to do with tax avoidance purposes. They are subject to the tax. There is a possibility of double taxation. There is also the question of what happens to people who come to this country and never become citizens. They make a fortune here but they never become American citizens and they go back to their country of origin. Do they get a tax preferential treatment that an American citizen does not get?

These are questions that ought to be answered and will be answered. If and when we pass a bill, that bill would be retroactive to February 6. But it would be unwise to act when we do not fully understand the consequences.

Mr. KENNEDY. Well, I say to the Senator, why was the provision accepted initially by the Finance Committee and why was it accepted here on the floor if there were all these questions about it? Evidently it was supported by the members of the Finance Committee. It was not challenged during the floor debate, at least not to my memory. We had a very short debate on the legislation, in any event.

I am just wondering why the Finance Committee felt that this was a sufficient loophole that ought to be addressed and accepted the provision, and then in the conference committee the provision effectively was dropped.

Mr. WELLSTONE. Will the Senator yield?

Mr. KENNEDY. I will be glad to yield to the Senator from Minnesota in a moment.

Mr. WELLSTONE. I wonder if I could ask the Senator to yield, and I wonder if the Senator from New Jersey might want to respond as well.

Mr. KENNEDY. Could the Senator maybe explain to me what was the revenue gain expected from closing the loophole? I understand that the 5-year revenue gain was $1.359 billion, that in the next 5 years it was $2.274 billion, and the total in 10 years, $3.633 billion; is that correct?

Mr. PACKWOOD. The revenue estimates have jumped around. The administration estimated its proposal would raise $2.2 billion. Joint Tax estimated it would only raise $1.7 billion. The proposal that was included in the Finance Committee bill was estimated to raise $1.359 billion. The $3.6 billion figure is a 10-year estimate of the Finance Committee proposal.

We also asked Treasury how many people would be affected by the administration's proposal. They said, "Well, between a dozen and two dozen." Now, Treasury is not sure about this number.

This is the problem. We do not know who they are. We do not know if they are American citizens. We do not know if they are illegal immigrants or legal immigrants. We do not know if they are leaving for the purpose of marriage or other legitimate reasons or leaving not to pay taxes.

I admit, I think we adopted this in haste, with no hearings, not fully understanding the consequences of the provision. I apologize for us having done it in this way.

Mr. KENNEDY. I appreciate the Senator's response. I understand that tax measures are always complex and they are difficult. But, as I understand it, we are talking about somewhere between, as the Senator has mentioned, $1.4 and $3.6 billion. Your own estimate, as I understand it, about the number of expatriates each year is about 12.

What is the estimated net worth of each of the 12 people? Could we get some idea about that?

We had just been debating children's programs, education programs. The total value of the programs that we are trying to restore is less than $1.4 billion. Now we are talking about a dozen people who have made a great deal of money here in the United States—and no one has anything against them for making it in the United States—but these people are prepared to renounce their citizenship. They are prepared to reject what every working family in America is committed to—having to pay their taxes—by denying their citizenship and going someplace else.

I commend the Finance Committee for addressing this issue earlier. But I must say that I find it exceedingly difficult to understand why in that conference, the provision closing that loophole was effectively dropped and the loophole failed to be closed.

In particular, I think what this is saying very clearly is, you have one set of rules and regulations for the wealthiest individuals—in this instance the very wealthiest—who are prepared to turn their back on this country, and you have another set of rules for everyone else. We closed that loophole, and now we have opened it up again.

Mr. President, I appreciate the Senator yielding.

I intend, if the Senator would yield for the purposes of sending—I see the Senator seated.

I ask for recognition, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send to the desk a resolution. It is a resolution on tax avoidance by certain American citizens.

> It is the sense of the Senate that—
>
> (1) the Congress of the United States should act as quickly as possible to amend the Internal Revenue Code to end the tax avoidance by United States citizens who relinquish their United States Citizenship; and
>
> (2) the effective date of such amendment to the Internal Revenue Code should be February 6, 1995.

I send that to the desk on behalf of myself and Senator WELLSTONE.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. Parliamentary inquiry, Mr. President.

On this conference report, is this in order?

Mr. KENNEDY. I cannot hear the Senator.

The PRESIDING OFFICER. It would take unanimous consent to take up the resolution at this point.

Mr. PACKWOOD. I object.

Mr. KENNEDY and Mr. MOYNIHAN addressed the Chair.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection was heard.

The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Hearing objection, the clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, we will be filing cloture on the conference report momentarily. There will be a pro forma session tomorrow, a cloture vote on Monday.

I think it is—I do not know how to describe it. So many self-employed States like Minnesota, Massachusetts, Kansas, New York, Oregon, wherever—wait until you file tax returns. April 15 is very close.

We are playing games. We are playing little games here. We have already said it will be effective the 6th of February. So we will do it the hard way. We will file a cloture motion.

Mr. President, there are 3.2 million people waiting for two Senators to let them file their tax returns—3.2 million. They ought to be dealt with fairly.

The only way I can think to do it is to file cloture. There will be no more votes today, and the cloture petition will be filed. Then we will go out.

Mr. KENNEDY. Mr. President, I want to make it very, very clear that I was prepared to move toward a final resolution on this legislation for the reasons that have been outlined by the majority leader.

I think it is a travesty for this body not to express itself in more than general statements and comments, and not to state its position overwhelmingly about the outrageous tax provisions that benefit not a small group of people but just a handful of very wealthy people who have renounced their citizenship here in the United States.

The best estimates of revenue from this provision are $1.3 billion—that happens to be the same amount that is included in the amendment of the Senator from South Dakota, in terms of funding.

Now, the fact of the matter is the House Republicans had their way with this provision the last time they went to conference. I want to make sure that our conferees, when they go back after the unanimous vote of the Senate—and there is no reason that it should not be unanimous—understand our position. That is why I would urge that the Senate reach a final judgment on the conference report at a time set by the majority leader, but prior to that time that there be an opportunity for this Senate to express itself about this loophole, so that we can, Republican and Democrat alike, speak to that issue, and indicate that we are firmly in support of addressing that loophole in the way that my sense-of-the-Senate resolution suggests.

I do not think that is asking a great deal. This provision that closes the loophole was good enough to be accepted by the Finance Committee and accepted by the U.S. Senate. All we are trying to do is make sure that this provision is going to prevail in the end. We are denied that opportunity because of the parliamentary situation—that the conferees of the House have adjourned.

If there is any time when the rules ought to be adjusted it is in this kind of egregious situation. All our resolution says is that the Congress should act as quickly as possible to amend the Internal Revenue Code to end tax avoidance by U.S. citizens who relinquish their U.S. citizenship, and that the effective date of such an amendment to the Internal Revenue Code should be February 6, 1995.

Let us have a unanimous vote on that, and let us have the vote on the conference report. That is what this is about. And we are prepared to do that at whatever time is convenient—on Monday next, at a time designated by the majority leader.

That is not an unreasonable request, and I hope that will be the way we proceed because this issue is not going to go away.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I do not wish to speak at length but I want to make two points.

The first is that the Finance Committee fully intends to close this loophole, if that is the way it is to be described, to collect these taxes that are being avoided. But we would wish to do so and we will do so as of the date the Treasury, in the budget, the executive branch, proposed doing so as part of the President's budget: February 6. But I would like to say something that may not be wholly welcome here. And the Senator from Oregon will recognize it.

When we held hearings on this matter, professors of law and professors of international law came to us and they said: Have a little care in what you are doing. Prof. Robert F. Turner, who is the Charles H. Stockton Professor of International Law at the U.S. Naval War College, gave us a paper called, "International Law and the Exit Tax. Does section 203 of the Tax Compliance Act of 1995 violate the right to immigrate, recognized in the U.N. Covenant on Civil and Political Rights and other U.S. and international instruments?"

You may recall, Mr. President, that the U.S. Assistant Secretary Shattuck and the Assistant Attorney General have been in the United Nations just this week talking about our compliance with this law.

The Senator from Oregon will recall the observation that human rights and legal rights are most to be attended to when the group involved is despised. That is the test. Nobody much likes a billionaire who renounces his or her citizenship for money. But if there are rights involved they are rights, and we ought to be careful how we proceed. That is the test, not whether these people are popular or whether they are not popular.

We are going to proceed in that way. We are going to have a report. I offered this on behalf of the Democratic Members as a part of a general package, this provision. When it failed, as things do, in a committee divided, the Senator from New Jersey offered it as a freestanding provision, just to raise money for deficit reduction.

It passed. It will pass again. I just wanted to say that, sir.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, my good friend from New York, I think he has yielded the floor, but I would like to congratulate him on what he said.

And then recall—it is funny how time revolves—20 years ago on this Senate floor we were excoriating the Soviet Union for taxing their citizens who wanted to leave as a violation of the most fundamental human liberty. And they were practically confiscating the income of their people, mainly Jews, who wanted to leave because of repression. And we said that was terrible.

We already have on the books now—it is existing law—a provision that says if an American citizen renounces his or her citizenship and leaves the country to avoid taxes, we can tax them for 10 years. That is the law now.

What we did not know, I apologize to the Senate, when we acted in haste—I have made these mistakes before and I will probably make them again—when we acted in haste we probably did not understand the full consequences, or maybe just two or three. If a person comes to this country from Italy, from Poland, from Germany, from Hong Kong, and becomes a legal immigrant, works and is prosperous, and reaches a certain age and the tug of the old home country is strong and that person goes back home, since he or she has never become a U.S. citizen this bill does not touch that person. Those people are free to leave with all their millions or billions or whatever they have because they have never become U.S. citizens.

Now you take exactly the same type of person who leaves Poland or Germany, comes here, becomes a citizen, and the tug of the old home country when they reach close to retirement is such that they leave—they are taxed. We did not grasp that when we passed this. We did not know it. We did not know there was a statute on the books, when we passed this, that you are taxed for 10 years if you leave for tax reasons.

What do you do about the thousands of Cubans, Cuba Libres who came here in the exodus of the 1960's to become American citizens, good citizens, in many cases prosperous citizens? And one day I think many of them would hope to return to a free Cuba. It is an understandable tug. They are now American citizens. They are not leaving to avoid taxes, they are leaving to go home. This bill would tax them. I do not think we intended that. We did not realize it.

So all we are asking—I find it amazing this bill is being attacked and this provision is being attacked by the very people who were attacking the Soviet Union for doing the same thing 20 years ago. We made a mistake. There is no harm in admitting that. Unfortunately, God has not endowed any of us with perfection, despite what some of us may think. And we need to review it and look at it and see where the errors are. I say again, for those people who now leave the country to avoid taxes, we can tax them for 10 years.

So I am disappointed that the self-employed this weekend, when they are now meeting with their accountants—let us face it, most people do their taxes a week or two prior to April 15. I see one of my young staffers nodding who used to be a practicing tax lawyer. He said yes, this is the 2 weeks. They are not going to know what we are going to do. That is unfortunate, because now we will not get to vote cloture on this until Monday. I hope we would pass this Monday night—but I guess there is nothing else we can do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I would like to ask unanimous consent that a full statement I have prepared be printed in the RECORD, and a draft of a proposed amendment be printed immediately after my remarks for the purposes of public notice.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I would like to just make two points. I agree with the point that has just been made by the Senator from Oregon, that the matter as it was passed out of the Finance Committee and by the full Senate was deficient in that it did not reach those persons who have been permanent residents of the United States and who then leave the United States and are able to avoid the tax on the substantial increase in their wealth which they achieved while they were in the United States. It was my intention to offer an amendment to do that on the floor when this matter was presented several days ago. However there was a unanimous-consent request, based on the urgency of passage, that precluded any amendments to the legislation at that time and so, in deference to the urgency of passage, I deferred.

I am filing in the RECORD the amendment that I would have offered so there can be public notice and comment on what I intend to propose at the appropriate time to close the loophole by extending this to permanent residents as well as citizens.

The second point that I would like to make relates to a concern about how this matter was suggested to be handled within the conference report. That was that any additional income that would have been derived from this loophole would have been used to increase a deduction in the underlying bill.

We have had on several occasions, including within the last 36 hours, statements by which the Senate has committed itself to the proposition that, if we reduce spending, the benefits of that reduced spending shall be used for deficit reduction. It is my feeling that we ought to adopt the same principle as it relates to closing tax loopholes. After closing the tax loophole, the primary purpose of those funds ought to be for deficit reduction, not to be added for another tax reduction on a bill that just happens to be coincident with the consideration of the closing of the tax loophole.

So in some ways we have been saved from what I think would have been an inappropriate policy, whatever the merits of the specific proposal, inappropriate policy that funds saved from closing a tax loophole would be shifted to other purposes within the same matter before the conference committee. It is my hope that we will, as a further indication of the seriousness of our intention to reduce the Federal deficit, adopt the same principle for tax loophole closing as we have already done for spending reduction; that is, our priority is to reduce the deficit.

I. ENACT EXPATRIATION TAX

I must express disappointment that Congress has chosen to exclude from this bill a provision that would have imposed a tax on individuals who renounce their citizenship. Bolstering the Treasury's ability to exact Federal income tax from millionaires and billionaires who leave the country is long overdue.

The proposed legislation would have brought the taxation of individuals who renounce their citizenship more in line with the way the Federal Government taxes Americans who remain in the United States. Americans who are fortunate enough to experience significant appreciation in the value of their property usually are taxed twice: A 28-percent capital gains tax when the asset is sold and an estate tax of up to 55 percent upon death.

Even if the Congress had enacted this expatriate tax, individuals leaving the country would be subject to only one tax—at a maximum rate of 39 percent.

In short, the tax burden on departing millionaires would still be less than we currently impose on loyal American taxpayers.

II. NONCITIZEN RESIDENTS

In fact, the provision passed by the Senate did not go far enough. The tax that the Senate passed applied to citizens, but failed to include long-term residents who depart from the United States. Excluding long-term residents would result in the United States treating noncitizen residents more favorably than we treat American citizens. Such inequity cannot be justified.

Therefore, Mr. President, I submit for the RECORD an amendment to the version of the expatriate tax passed by the Senate and dropped by the conference committee. The amendment would extend the tax to departing individuals who are lawful permanent residents and have been taxed as residents for at least 8 of the past 15 years.

Equity dictates that such an individual be taxed on the appreciation of his or her assets. I submit the text of this amendment for the RECORD and invite my colleagues to review and analyze the proposal.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 13, strike lines 7 through 18, and insert:

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET. IF—

"(A) any United States citizen relinquishes his citizenship during a taxable year, or

"(B) any long-term resident of the United States—

"(i) ceases to be a lawful permanent resident of the United States for any portion of any taxable year, or

"(ii) ceases to be subject to tax as a resident of the United States for any portion of any taxable year by asserting the resident's right to be a resident of a foreign country under the provisions of a treaty between the United States and the foreign country,

then, except as provided in subsection (f)(2), all property held by such citizen or resident at the time immediately before the relinquishment or cessation, whichever is applicable, shall be treated as sold at such time for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—Notwithstanding any other provision of this title, any gain or loss arising from the sale under paragraph (1) shall be taken into account for the taxable year. This paragraph shall not apply to amounts excluded from gross income under part III of subchapter B.

On page 14, line 3, insert "domiciled in the United States" after "die".

On page 14, line 17, insert "or on the date of the cessation described in clause (i) or (ii) of subsection (a)(1)(B)" after "citizenship".

On page 15, strike lines 12 through 14, and insert:

"(e) DEFINITIONS.—For purposes of this section—

"(1) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

On page 15, line 15, strike "(1)" and insert "(A)".

On page 15, line 20, strike "(2)" and insert "(B)".

On page 16, line 3, strike "(3)" and insert "(C)".

On page 16, line 6, strike "(4)" and insert "(D)".

On page 16, line 8, strike "Paragraph (1) or (2)" and insert "Subparagraph (A) or (B)".

On page 16, between lines 12 and 13, insert:

"(2) LONG-TERM RESIDENT.—

"(A) IN GENERAL.—The term 'long-term resident' means any individual (other than a citizen of the United States) who is a lawful permanent resident of the United States and, as a result of such status, has been subject to tax as a resident in at least 8 taxable years during the period of 15 taxable years ending with the taxable year during which the sale under subsection (a)(1) is treated as occurring.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), there shall not be taken into account—

"(i) any taxable year during which any prior sale is treated under subsection (a)(1) as occurring, or

"(ii) any taxable year prior to the taxable year referred to in clause (i).

On page 19, line 20, insert "or the date of the cessation described in clause (i) or (ii) of subsection (a)(1)(B)" after "citizenship".

On page 20, line 4, insert "or the date of the cessation described in clause (i) or (ii) of subsection (a)(1)(B)" after "citizenship".

On page 20, between lines 13 and 14, insert:

"(i) ELECTION BY EXPATRIATING NATURALIZED CITIZENS AND LONG-TERM RESIDENTS.—Solely for purposes of determining gain under this section—

"(1) IN GENERAL.—At the election of an individual who was a naturalized citizen of the United States or a resident not a citizen of the United States, property—

"(A) which was held—

"(i) in the case of a naturalized citizen, on the earlier of the date the individual first became a naturalized citizen of the United States or the date the individual first became subject to tax as a resident of the United States, or

"(ii) in the case of a resident who is not a citizen of the United States, on the date the individual first became a resident of the United States during the period of long-term residency to which the treatment under subsection (a) relates, and

"(B) which is treated as sold under subsection (a), shall be treated as having a basis on such date of not less than the fair market value of such property on such date.

"(2) ELECTION.—Such an election shall apply only to the property described in the election, and, once made, shall be irrevocable.

On page 20, line 14, strike "(i)" and insert "(j)".

On page 21, line 5, insert "(1)" after "(e)".

On page 21, strike lines 6 through 8, and insert:

(c) CONFORMING AMENDMENTS.—

(1) Section 877 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

On page 21, line 11, insert "(1)" after "(e)".

On page 21, between lines 12 and 13, insert:

(2) Section 6851 of such Code is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

III. EQUITY

Mr. GRAHAM. I would remind my colleagues that we are not debating a tax on immigrants who come to the United States with little or no assets and who, through hard work, find a way to provide for their families.

Neither are we talking about taxing each and every resident alien who succeeds in establishing a business or making profitable investments while here in the United States and later decides to return to his or her native country.

This tax would apply only if the value of the individual's business or investments had increased by over $600,000. In other words, the first $600,000 in appreciation is fully exempted from the tax.

The expatriate tax would apply only to the rich of the rich who made their fortune as a result of access to the enormous resources of this country.

It is at least ironic, if not deplorable, that Congress is moving to protect millionaires who are fleeing the country while attacking programs benefiting America's poor children.

I understand that the chairmen of the Finance and Ways and Means Committees have charged the Joint Tax Committee with reviewing the taxation of individuals leaving the country, with a report due by June 1.

I will respect that directive, but will urge reconsideration of this proposal at the earliest possible opportunity.

IV. DEFICIT REDUCTION

The exclusion of the expatriate tax from the final version of the legislation dodges another serious issue that we must address.

That issue is whether we are committed to reducing the Federal deficit, or whether we are just committed to talking about deficit reduction.

The revenues generated from the tax were dedicated to deficit reduction.

I will fight to see that the $1.4 billion this tax would raise will ultimately go to deficit reduction.

In fact, I urge my fellow Senators today to make a commitment—that we will dedicate the revenues derived from closing tax loopholes—like the gaping one available to those rejecting the benefits and obligations of American citizenship—to deficit reduction.

Mr. President, with those remarks, I look forward to voting for the legislation at the earliest possible moment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like to thank my friend from Florida for making a very explicit point, which the chairman made, which is that, if inadvertently you omitted consideration of a whole possible class of potential taxpayers which we did not deal with, we ought to—in shorthand I think we refer to it as green card issue. The review that is going to come up and which will, whatever we do, be retroactive to February 6, whatever the budget may produce, may produce more revenue than we otherwise would have done in the bill before us. And I think the committee was unanimous that it should indeed go for deficit reduction, in the final vote on the amendment by the distinguished Senator from New Jersey—which stood alone—just not to deal with other matters but simply to reduce deficits.

I yield the floor. I thank the Chair.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, if I could, I would like to take a few minutes to talk about this proposal, since it was the amendment that I offered in the Finance Committee that was adopted, passed the U.S. Senate, and went to the conference committee.

I think this provision, or something very close to it, will pass the U.S. Congress this year. And it will pass the Congress this year because I think that the arguments against it will not stand. The point has been made that this is an exit tax. It is not an exit tax. It is a tax on the accrued gains while someone was a U.S. citizen. When someone opts to leave to escape the estate tax that he or she would otherwise pay, we are saying, no; when you begin the process of renouncing your U.S. citizenship, you will be taxed. This is not a tax on little people. As every Senator who has spoken indicated, this is a tax on the very wealthy.

The amendment that I offered specifically excluded any pensions, any real estate owned by the individual, and $600,000 in gain, which means that the person would have to have assets of about $5 million before they could even reach the threshold of being taxed.

So, I believe that citizenship comes with certain responsibilities. Those responsibilities are to pay one's fair share of tax; that is, both income tax and, upon death, it includes estate tax.

I regret that this was dropped in conference. But I do not have any doubt of the commitment of the distinguished Senator from Oregon to see that this is going to be passed this year. I certainly do, and I say the distinguished Senator from Oregon does as well. I believe that we will see this passed this year. We had a hearing. There was nothing in the hearing that made me believe that we would not pass this in some form. There might be a change here or there. It will be effective February 6.

So the message is out to all those around Washington who might be looking for nice arrangements that there will be no change in this date. If you have begun your renunciation of citizenship on February 20, do not expect the date to slip. It is February 6.

So, Mr. President, I simply want to reassert my belief that this amendment will pass. I will offer it again. We will have a process to look at this. The distinguished Senator from New York, and I believe the Senator from Oregon, will also support this measure and it will pass and become law this year.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I would be happy to yield to the Senator from North Dakota very briefly, about 2 minutes, and then I will reclaim the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I very much appreciate the courtesy of the majority leader.

I support the sense-of-the-Senate resolution offered by Senator KENNEDY. I agree with the Senator from New Jersey that I believe that by the end of this year this will be law.

I also want to say, however, that I hope this afternoon a method is developed by which we can pass the conference report on this matter. We have small business men and women, sole proprietorships, farmers all across this country who are now about 15 months past due and about 70 percent short, even with this bill, of achieving what they ought to have; and, that is, 100 percent deductibility for health insurance. I think time is of the essence.

While I support the sense-of-the-Senate resolution, I hope very much that it will not delay passage this afternoon of this piece of legislation. This piece of legislation is essential for millions of small business people, and it is very, very time sensitive. I believe that we ought to move it. I hope that a method is found by which we can do that this afternoon.

Let me say one more time that tax deductibility for health insurance for sole proprietors in this country is essential, and it is not just essential in this bill at 30 percent. We need to do more. The next step is to go to 100 percent.

Mr. President, I appreciate the courtesy of the Senator from Kansas.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Is it possible now to pass the conference report by a voice vote?

The PRESIDING OFFICER. Is there further debate on the conference report?

Mr. DOLE. I ask that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I understand the request is to vitiate the yeas and nays. Am I correct?

The PRESIDING OFFICER. That is correct.

Is there objection?

Without objection, it is so ordered.

Mr. DOLE. The question is on the conference report?

The PRESIDING OFFICER. The question is on the conference report.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I have stated earlier, I for one welcome the opportunity to set a time definite for the passage of the conference report so that everyone in this country will know as of now, this afternoon, that this conference report is going through and will be achieved.

I mean, it is interesting in that we have been debating the rescissions. I was here last night. When the majority leader was talking about urging action on the rescissions, I did not hear that, well, we are going to take up the conference report, that there was such a compelling sense of urgency about it. But obviously there is a sense of urgency, and I am more than glad to enter into an agreement that we pass it at a time certain.

I also believe that we should have the opportunity to put the Senate on record, hopefully unanimously, Republicans and Democrats alike, to say with regard to the provision—which passed the Senate—the provision that provides for tax payment from those wealthy individuals who decide to renounce their citizenship—$3.6 billion worth—that we are going on record to insist that this provision is going to become the law.

Now, I have great respect for my colleagues and their desire to make sure that this provision becomes the law, and I know that they can be very persuasive in those conferences. But the fact is, we had the provision in this bill, the bill went to conference, and the Republicans in the House of Representatives had their way and the provision was dropped.

The best way to indicate to the House conferees in the future that we are serious about this is to have a unanimous vote in the Senate. Therefore, I believe that that ought to be the procedure that is followed, that we should have an opportunity—hopefully it would be a unanimous vote—to say that the Senate is going on record in strong support of the provision that would have resulted in $3.6 billion in revenue, according to the Finance Committee—$3.6 billion.

That provision has been dropped. I believe it was a mistake to drop it, and the Senate of the United States ought to go on record with a broad, overwhelming majority to say that we want it reinstated as outlined here, and that 100 Senators believe this to be so.

And I just finally would say I think it is entirely appropriate to go on record at this particular time when we are debating rescissions. As soon as this issue is resolved, we will be talking in this Chamber about the amendment of the Senator from South Dakota which relates to education of children and to child care. The cost of the Senator's amendment is a third of this $3.6 billion cost, a third of this cost. I think it is entirely appropriate that we go on record at this time, Mr. President.

There is no desire to delay. I was glad to stay here and am prepared to go ahead and see votes on the rescissions. I plan to be here. I am here this afternoon. I waited here yesterday to speak for the amendment of the Senator from South Dakota. I waited from 2 o'clock until 10 o'clock last night, to be able to speak for it.

We spoke very briefly on the Senator's amendment. Then we had an amendment that was put right on top of it which precluded us from having any further debate and discussion. Then this measure came right in. I was going to exit the floor at 3 minutes of 12 and then was told that this measure was going to come on in here and was going to be passed in a few moments, and I had to object to it, without having the opportunity to talk to the Democratic Members and others on that conference committee.

That is not how you treat the institution, Mr. President. I am glad to cooperate, and I urge that we set a time definite for the vote and the final disposition of the conference report, and that prior to that time we have an opportunity to express the sense of the Senate—which I hope will be unanimous—in order to reaffirm the Senate's position on the provision that has been reported out favorably—virtually unanimously, Republican and Democrat alike—from the Finance Committee and accepted virtually unanimously by the Members of this body. If we can get that process set up, then I think that would be the best way to proceed.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I know the Senator from Massachusetts said he does not have any confidence in anybody on the Finance Committee, either party, so we are going to hold hostage all weekend millions of people out there who want to do their tax returns because we do not trust each other. There are 3.1 million filers and they live in all of our States. We have got them down now to 2 weeks. We are going to squeeze them now, take 3 days away from them. They are going to have to file amended returns, which is going to cost them a lot of money, but it is going to make somebody feel good in the Senate.

That is why the American people are so frustrated when they look at Congress. No wonder it is only a 31-percent approval rating. After today, it will probably drop to 10. Every time we bring up a bill this session we have this turkey shoot. Everybody over on the other side figures out some little political amendment they can offer. And I have served notice on the White House today we are not bringing up any more bills the White House wants until we have some understanding on the legislation that we thought would go through here in a normal way. If the President does not care, that is good enough for me. If he does not want this legislation, we are not going to take it up, but neither will we take up legislation that he wants.

CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 831, the Self-Employed Health Insurance Act:

Robert Dole, Bob Packwood, John Ashcroft, Orrin Hatch, Richard Lugar, Lauch Faircloth, Larry Pressler, Thad Cochran, Trent Lott, Pete Domenici, Rick Santorum, Larry Craig, Alfonse D'Amato, Hank Brown, James Inhofe, and Slade Gorton.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. It is my intent to either have a pro forma session tomorrow or, unless we can agree to count a day and it will not be necessary to have a pro forma session, come in at 11 o'clock on Monday, and the cloture vote will occur at 12 o'clock.

Now, if those who feel so strongly about this little sense-of-the-Senate resolution want to deny us cloture, why, that is fine. We will explain to the 3.1 million people in Minnesota and Kansas and Oregon and Massachusetts and California and Oklahoma, wherever, what is holding us up, why they are going to have to pay their lawyer, their accountant to file an amended return because some Senators wanted to have a little fun in the Senate and we were not interested in their welfare. We are not willing to take the word of our colleagues on both sides of the aisle about an amendment that already passed the Senate. As we learned since then, it should be corrected as pointed out by the Senator from Florida.

Now, maybe the Senator from Massachusetts feels that he has a special right in the Senate where he can have everything he wants voted on before anything else. It does not work that way. The Senator from New York wanted to have a vote yesterday on his amendment. I did not see anybody letting him vote. We had a filibuster going on on the other side, from Members on the other side of the aisle who would not raise their voice when we were first talking about helping Mexico. We could not get one Member on this side to stand up and say they supported the President of the United States. But they would not let Senator D'AMATO vote. No. That was a very important issue.

We are supposed to hold up 3.1 million filers, about 9 million people, because the Senator from Massachusetts wants to vote on his little sense-of-the-Senate thing first. He does not have confidence, apparently, in those of us on the Finance Committee.

That is his choice. That will be the choice of all those who support the Senator. So the moment of truth will come at noon on Monday when we have a cloture vote.

If we cannot get cloture on Monday, I do not know when the conference report will pass.

I wish to thank both Senators PACKWOOD and MOYNIHAN for their efforts to bring this to the floor and pass it to help millions of people in America. I guess maybe only a third will have to file amended returns. I do not know what it costs any more; probably $50, $100. You can add up the costs going to real people—the taxpayers.

But, again, if that is what the Senator from Massachusetts wants, we will do the best we can. And the best thing I can think of is to do as I have just done: File a cloture motion and indicate there will be no more votes today, and indicate we will be in tomorrow, if necessary. But, in any event, there will be a cloture vote at noon on Monday.

SITUATION IN HAITI

Mr. DOLE. Mr. President, President Clinton is in Haiti today as part of the transition from American control to U.N. control. All Americans are proud of the performance of the men and women of our Armed Forces in Haiti. As always they have served where ordered with skill and courage. And all Americans are pleased that the occupation of Haiti has gone as smoothly as it has.

We all support democracy in Haiti. That does not mean, however, that we should have occupied Haiti in the first place. And the transition to U.N. command serves as a reminder that all concerns about the Haiti operation are not over.

First, we would do well to remember that the problems in Somalia did not occur under United States command—they occurred after the operation was transferred to U.N. control. We learned the hard way that the agenda of Boutros Boutros-Ghali and the United Nations is not the American agenda. It is true the U.N. commander is an American—Gen. Joseph Kinzer—but the U.N. bureaucrats will be in the loop. The problem of Mission Creep has already been raised—in requests to disarm the Haitian population, for example. In my view, U.N. command of American soldiers should be avoided.

Second, the costs of Haiti are mounting daily; $1½ billion have already been spent on the occupation and nation-building in Haiti. The tab is only going to go up—up to $2 billion or more. In a time of severe budget cuts, and in a time when foreign aid is being reduced, we must ask whether we can afford $2 billion for Haiti.

Third, Haiti still has a long way to go. Elections called for in the Haitian Constitution have been postponed. Political assassination appears to be on the rise. Serious reports of involvement by the Aristide government in this week's murder have been made, and they deserve full examination. Little effort to reach out to parliamentary opponents has occurred. There are disturbing indications that President Aristide or his supporters are subverting the democratic process. Despite the ceremony today, we realize there are real problems in Haiti—and there will continue to be problems, no matter how long the United States or the United Nations stays in Haiti.

We all support genuine efforts at reconciliation and democracy in Haiti. We hope the long-delayed elections move forward in Haiti—that they are free and fair, that the results are respected by all Haitians, and that President Aristide keeps his promise to step down. As a recent article by President Clinton's former envoy to Haiti points out, the hard work of restoring democracy in Haiti was not returning President Aristide from exile—it is in building truly democratic institutions in a country that has never known them.

I ask consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 22, 1995]

A VOICE FOR ALL HAITIANS

Operation Restore Democracy landed more than 20,000 U.S. soldiers in Haiti and secured the return of President Jean-Bertrand Aristide on Oct. 15, 1994. "We have helped to give the people of Haiti a chance to remake the democracy they earned, they deserve and they plainly wish for," said President Clinton on the eve of Aristide's return. Today that goal, which appears to have been eclipsed by the Clinton administration's need to portray Haiti as a foreign policy victory, is in danger of being subverted by some of Aristide's most ardent supporters.

The issue before Aristide is the election of some 2,000 local officials, 18 of the 27 senators and all 83 deputies, scheduled to be held June 4. There's little doubt among political observers that Aristide's Lavalas movement will win big. In fact, in some districts four and even five candidates are competing for the honor of representing their movement. But legitimate opposition parties charge that the Aristide government is stacking the Provisional Electoral Council with Lavalas loyalists and making arbitrary decisions that prejudice fair and open elections.

When former President Jimmy Carter traveled to Haiti recently to raise these concerns, he was greeted with obscene graffiti painted by Aristide supporters. The mildest epithets called our ex-president "a false democrat," "a thug" and a "danger to democracy." While Aristide praised Carter to his face, his close advisers characterized the ex-president as "tricky and sneaky" behind his back. Carter offered to perform the same role he did in 1990, when he and a group of international monitors ensured Aristide's free election in a political atmosphere that was even more problematic than it is now. It's a role he's played in Nicaragua, Panama and Guyana. This time Carter's services were turned down.

Why? Whether Aristide is leading the move to consolidate power at the expense of political opponents or permitting the more radical elements in his Lavalas movement a free hand is not clear. One former member of the coalition that supported Aristide's presidential candidacy in 1990 predicted to us that paramilitary groups would emerge if the political right is not given an opportunity to participate fully in the political process. Political violence and even civil war are possible in this highly polarized society, he says. And legitimate democrats are fearful and frustrated. They see the heavy-handedness of the Aristide camp as a portent of the authoritarianism that has plagued the political history of their country.

The fairness of the June elections raises the larger issue of political reconciliation in Haiti, which has been championed by Haitian politicians on all levels of the political spectrum as the key to the future of democracy in their country. Unfortunately, this goal was abandoned by the Clinton administration almost a year ago, when Aristide lobbied hard for U.S. military intervention to restore him to power. He got his way. Since then he has dismantled the Haitian military. Remnants of the old police force now operate under international supervision. And the new police force that is being trained poses no threat to him. Interestingly, the only attempt to politicize the police force—which the U.S. Embassy, to its credit, put an end to—came from the Aristide camp.

When Aristide's political rivals extended the olive branch in July 1993 during the New York Pact and again in the spring of last year, they were accused of advocating "power sharing" and pushed away. This came after first U.N. Secretary General Boutros Boutros-Ghali and then Vice President Gore assured Aristide in person that neither the United Nations nor the United States would accept any agreement that would threaten his constitutional power. It's important to remember that the Haitian constitution of 1987 provides for a parliamentary system of government with executive authority divided between a president and a prime minister. Political reconciliation is necessary before the larger task of nation-building can begin.

Aristide has the opportunity to initiate a new, constructive phase in Haitian history. But first he must take the lead in creating a participatory political culture in which all Haitians have a voice. The coming elections are an excellent place to start. If he can bring himself to play a historically creative role, he may be able to convince Haitians steeped in cynicism that political comity is achievable. And once the promise of political stability is buttressed by visible signs of political reconciliation, he may find it easier to attract the private investment that his country desperately needs.

Rather than resting on laurels that can quickly turn to ashes, the Clinton administration should view the Carter visit as a wake-up call. It should take the lead in getting more international observers to monitor the June elections. And, more important, it should be urging Aristide to act as a true democrat and president of all the people of Haiti at this critical time.

Lawrence Pezzullo is former special adviser on Haiti to the Clinton administration. He and his son Ralph Pezzullo, an author and playwright, are writing a book on Haiti.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 3, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Monday, April 3; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business, with Senators permitted to speak therein for up to 5 minutes each, not beyond the hour of 12 noon.

At 12 noon, under provision of rule XXII, a live quorum will begin. Following the ascertaining of the quorum, a cloture vote will occur on the conference report to accompany H.R. 831. Additional votes can be expected to occur during Monday's session.

UNANIMOUS CONSENT REGARDING RULE XXII

Mr. DOLE. Mr. President, I ask unanimous consent that Saturday count as the intervening day necessary under rule XXII.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I thank my colleague, Senator DASCHLE, the Democratic leader, because that will save a pro forma session tomorrow.

OFFICIAL SENATE PHOTOGRAPH

Mr. DOLE. Mr. President, Senators are also reminded that the official Senate picture of the Senate in session will be taken on Tuesday, April 4, at 2:15 p.m.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, following the remarks of Senator DASCHLE, Senator KENNEDY, Senator DORGAN, and Senator SIMON, the Senate will stand in recess under the previous order.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

SELF-EMPLOYED HEALTH INSURANCE ACT—CONFERENCE REPORT

Mr. DASCHLE. Mr. President, I am disappointed with the news that we will not have the opportunity to vote on the conference report. I do not think there is any doubt that when the conference report passes, it will pass overwhelmingly.

There is no need to file a cloture petition. There is not one Democrat holding up the conference report this afternoon—not one. Whenever we have that vote, it will be overwhelming. Cloture will be invoked overwhelmingly. I doubt that even one Democrat will oppose cloture. So to go for a cloture motion at this point is really meaningless. There is no need for it. No one is holding up the conference report.

Cloture is designed to break a filibuster. There is no filibuster. We have not even had a good chance to discuss it, much less filibuster it.

So for anyone to misunderstand what is happening here would be a very significant mistake. The fact is, we are on the floor this afternoon and we are prepared to work.

I had hoped that by now we would be in the middle of a good debate about protecting children. I thought we would have a good opportunity here to talk about helping 1 million children with the Democratic amendment that was offered this morning. That is what this debate was supposed to be all about today. The fact that that debate is not being held is, in and of itself, a very significant disappointment. Because the majority leader saw fit to offer a second-degree to our amendment, I also feel very disappointed.

The fact is that we ought to have an opportunity for an up-or-down vote on that amendment itself. If the Republicans have alternatives, we ought to discuss those. But we will save that argument for another day.

It was the majority leader's decision to take that legislation off the table and then to put the conference report before the Senate for consideration this afternoon.

All we were suggesting as part of that consideration is to deal with the matter the Finance Committee had taken up, and that was to eliminate a tax break providing millions of dollars of benefits to some of the wealthiest people in this country.

The headline in the Washington Post says it all: "Tax Break for Wealthy Expatriates Sparks Class Warfare Charges: 'Confiscatory Tax' on Rich Who Leave U.S. Denounced."

What kind of class are we protecting here, for heavens sake? What kind of class warfare is this?

The real class warfare is occurring by many Republicans who will not even allow us to have a vote on the minimum wage issue. That is class warfare; an unwillingness to provide those at the lowest rung of the economic ladder with a meaningful income. That, in my view, is what class warfare is all about.

Every Republican and Democrat ought to be opposed to providing expatriates a huge tax handout. There should not be any question about that.

But let there be no mistake: As strongly as we feel about this, as strongly as we want to address this issue, we are prepared to set it aside, to have a vote at a time certain next week so that we can move along the legislation dealing with the deductibility for the self-employed.

We want that to happen. We are going to vote for cloture on Monday. We are going to support it on Monday or Tuesday, whenever the leader decides to bring it up. And it is our desire to move this legislation along as quickly as possible.

So there is a nice ring, perhaps, to the indignation on the other side, but the fact is that ring rings pretty hollow when the truth is laid out. The fact of the matter is, very clearly, Democrats want just as much as Republicans to pass this legislation.

We offered a vote in relation to both Senator D'AMATO's and Senator KENNEDY's amendments on Tuesday morning and to pass the conference report today.

So the record ought to be very clear about this. We were going to break the logjam the Republicans caused yesterday with the D'Amato amendment. We were going to break the logjam that was created, in part, by the determination by some Republicans to protect the wealthiest among us, and we were prepared to have the votes next week, Monday and Tuesday, just as quickly as we could work out an arrangement for both Democrats and Republicans.

That is not going to happen, and I am disappointed. It is only 1:30. We should not have the afternoon off. We ought to have the ability to debate why we are leaving 1 million children unprotected as a result of the rescissions made in the supplemental that has been pending before the Senate all week.

We ought to talk about the ramifications of 5,000 kids being denied opportunities to get adequate child care and hundreds of thousands of children who are not going to get the opportunities in education that they should because we are rescinding the funds that provide those opportunities.

Those are the kinds of debates we needed to have this afternoon. It is very unfortunate that we will not be given that chance.

Let me say one more time, without equivocation so that everyone understands, we want the legislation to provide tax deductibility for the self-insured to pass this afternoon. We are prepared to vote right now. We will bring people back and vote as often as we need to to make that point clear, if that is required. But there ought not be any mistake. No one on this side of the aisle is holding that provision up. We want it this afternoon. We will take it on Monday, we will take it whenever it is offered, but it is going to happen, and it is going to happen with overwhelming Democratic support.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our leader, Senator DASCHLE, for a very clear, concise summation as to where we are in the Senate this afternoon.

I might be missing something. I think, given the tone of some of those who have spoken this afternoon, that evidently I am missing something. All week we talked about how we were going to get into the issue of rescissions. That is a matter of enormous importance and consequence. The reason it is of enormous importance and consequence, in many respects more so than regular appropriations bills, is because this is funding that has already been planned to be used.

In particular, when so many of the funding cuts that are included in the rescissions bill affect children and affect education, this is the opportunity for the Senate of the United States to make a statement, to have a debate, and to have accountability—and also, hopefully, to take positive action on those issues affecting children and education.

The Senator from South Dakota indicated earlier in the week that he was prepared to offer an overall amendment to try to reflect the position of a number of different Members of the Senate on these issues affecting children and education and voluntarism. He had stated that earlier in the week.

It was his hope to offer that amendment yesterday but when our friend and colleague the Senator from Connecticut came over here to speak on children's issues, unbeknownst to us, as the debate will show, there was another amendment before us that was not related to the rescission—an amendment that dealt with the Mexican situation. That issue is enormously important and enormously significant.

There was certainly an indication from our side that if the issue regarding Mexico was to be decided and considered as an independent kind of issue, then the matter could be resolved.

But nonetheless, no, we had no opportunity to consider the Daschle amendment.

Last evening, when I was down in the well at about 10 o'clock there was a sense of urgency: "We have to move ahead with this bill," the Senator from Oregon said. "We are going to stay in all Thursday night and all day Friday." Read the RECORD—all day Friday. We are going to stay here even into Saturday if we have to, he said; we have to finish the bill. There was no comment that the conference report was coming up. That is a different issue, but we understood we were staying here to complete the bill.

And then there were the inquiries in the well: "When are you going to bring that amendment up?" It was decided that the Senator from South Dakota's amendment would be brought up at 10 o'clock this morning. Many of us who are the cosponsors and have had a longstanding interest, committee jurisdiction interest, came over to be able to debate and discuss these issues—at least to make a case about the importance of Head Start, the importance of chapter 1, the importance of the volunteer community service program.

The minority leader had hardly gotten his amendment in when there was an amendment on top of it—an amendment on top of it. Usually in this institution, you permit the person putting the amendment in and the principal cosponsors to speak in favor. That courtesy was not even accorded. We were off and running on another amendment in the second degree that continued on through the morning.

Many of us stayed here. We continued to think that, because of what the majority leader said, we were going to have an opportunity to make our case. Then at 12 o'clock, with a few minutes notice, we were told we were going to set aside the rescission issue. We were only going to return to the rescissions after the disposition of the conference report, which excluded a very, very important provision that had been accepted here in the Senate unanimously, a provision that was valued at $3.6 billion—$3.6 billion.

Well, Mr. President, on the one hand, the minority leader's amendment is $1.3 billion for children that we intended to battle for. It reflects a very substantial group of the Members here, hopefully bipartisan, but certainly an overwhelming majority of the Members on our side. It is $1.3 billion.

Then we were asked, in a matter of moments, to consider another measure, which I support, which is the deduction in terms of the self-employed. In that particular measure, the conferees had dropped a revenue measure that would have been worth $3.6 billion, almost three times the amount of money that would fund the children's programs. And we are being labeled this afternoon as being somehow not considerate of the small business men and women.

As the leader said, it is 1:30. We are glad to talk about these issues. We are glad to debate them. I am glad to vote on these measures. And suddenly we found out, no, we are not going to do it. After he speaks, after you speak, the Senate is going out and, no, we are not going to give any consideration to these issues, we are not going to debate them.

It is a reasonable juxtaposition—$3.6 billion from wealthy individuals who renounce their citizenship and $1.3 million for children's programs.

The $3.6 billion is on a measure which was accepted unanimously here in the Senate but resisted by House Republicans. We are told, "Well, we'll do our best, we'll try to come back, the next time we'll do better." I do not question or doubt the commitment of those members of the Finance Committee—but I have been around long enough to know that when you go into conference with a vote of 100–0 of the Members, you get more attention from the House. That is the record around here. That is the history around here.

All we are doing is saying let us have a chance to express ourselves on this issue. Let us have a chance to express our view on this provision that was worth $3.6 billion when it passed through here last time and $3.6 billion less when it is considered now this afternoon. We are told that for objecting to that change, we are told by the Republicans that we do not care, we somehow do not really care about the small business men and women. Let me tell you, Mr. President, I propose that we have a vote on adoption at a time certain—at 5 o'clock on Monday—and a 4 o'clock vote on the sense of the Senate.

I am going to vote for the cloture motion. It is going to be agreed to. The minority leader is quite correct, every American ought to understand it is going to go through on Monday at whatever time is established by the majority. It is going to go through. We are all going to vote for it. I do not know anybody who is going to vote against it. That is why this is an extraordinary set of circumstances. I am going to vote for it. Everyone is going to vote for it. But this issue is not going to go away. This issue is not going to go away.

We were quite prepared to have a vote on the measure at a time certain that would accommodate most Members—I would leave that up to the majority and minority leaders on Monday, whenever they want, they know the schedule—and to have a vote on the sense of the Senate at a time certain. We were even prepared to have that vote on adoption of the conference report and then a time certain have a vote on the sense of the Senate. That was certainly acceptable. But we in this body ought to be able to express ourselves on an issue of that kind of consequence and importance; $3.6 billion—here today, gone tomorrow, when one of the major amendments on the rescissions is going to be $1.3 billion.

There are a dozen other amendments, Mr. President—on the voluntary community service programs, on education programs, children's programs—that are a fraction of that, a fraction of the $1.3 billion. Nobody is interested in an undue delay in the rescissions bill.

But to say that, my goodness, this is somehow out of sync with what has gone on in common debate, and that this is an unusual way to proceed, defies the history of this institution.

I must say, I would think that the parents of those children would have to be asking themselves this afternoon, why is it that my child, who is one of those 70,000 that could have received assistance under the chapter 1 program, or under Head Start, will not be able to get it? Why is the $1.3 billion is not there? My child will not be able to get in a Head Start Program because the resources are not there; my child will not be able to get day care because the money is not there. We are saying, no, your child will not get into Head Start, will not get into chapter 1, we are saying no to the school boards that are trying to have education reform, and no to the school boards and parents, that we cannot afford to provide the already appropriated $100 million for safe schools.

The Senator from North Dakota debated the issue about guns in the schools, and we had a long debate about safety in the schools. And we accepted money for safety in the schools—$100 million is proposed to be cut out of that. Parents are wondering why, if my school board wants to have those programs for safety in the schools, we cannot have it. The money has just been rescinded. We have just said no to $3.6 billion in revenue that was accepted unanimously by Republicans and Democrats in the Senate. That is gone. That disappeared somewhere out there.

To raise the issue that somehow we are not really serious about dealing with this underlying issue, that is hogwash. I do not know why it is that every time you agree with one side of the aisle, you are a statesman or a stateswoman, and when you do not, you are political. Just read the RECORD on that. That was said earlier today. You are political somehow. This is politics. It is about children. When you agree, you are a statesman; when you differ, it is somehow politics. We heard that on the floor. I was not here. I was at another conference dealing with another issue which is affecting working people, the issue on the minimum wage.

Four years ago, the last incremental increase in the minimum wage took place. We have not had an increase in the minimum wage in the period of the last 4 years. Most Americans believe that men and women in this country want to and can work 40 hours a week, 52 weeks of the year, and if they do, then they ought to be able to provide for their families. That has been true under Republicans and Democrats. The last time we increased the minimum wage, we had a Democratic Congress and a Republican President. BOB DOLE voted for the increase and so did NEWT GINGRICH. We are just asking to bring the purchasing power back to where it was 4 years ago. But they say, "We have no time to debate it. We have no time to consider it. We are opposed to it."

Evidently, those dozen multimillionaires were able to get their wages or incomes taken care of—to the tune of $3.6 billion. They are able to get their interests taken care of.

Well, I wish that we had on the floor of the Senate the Dowd family—a young, very appealing young man and his wife and two children, making virtually the minimum wage. They spend $75, $80 a month just to repay a student loan. He is making the minimum wage and is still trying to pay a student loan. He did not have enough money to continue his education, and he is trying to pay for it. They are both working, Mr. President, trying to make ends meet.

As we pointed out—and I see my friend and colleague Senator SIMON on the floor here, and he attended that event—the principal problem this family has—even though they could do better in remaining on welfare, they want to work and want to be able to provide for their children—the principal problem they have is that they do not have enough time to spend with their children. The mother's principal concern is that, "My children will not grow up in a home like I did, where we used to be able to have one meal a day together, dinner. That does not happen in our family because my husband comes home at 3 o'clock, and I leave at 3:30." They spend an hour and a half with their children on the weekends.

These are our fellow citizens. They are wondering why some of us are raising the issue of preserving $3.6 billion for a dozen very wealthy individuals who renounced their citizenship and we have no time for these hard-working Americans. They are not out there to renounce their citizenship; they are not out there to try to find loopholes; they are not out there to try to evade the taxes. They are playing by the rules. They are playing by the rules and are honored to be citizens of this country. But we have no time to consider them. We do not have the time. That is shameful, Mr. President.

I am not going to be lectured to by any Member of this body about what is in the interest of those self-employed people. We know what is going on. We know. That is a red herring. That is a red herring for protecting those dozen wealthy taxpayers who want to change their nationality and bug out with all the money that they have made here in this country. That is scandalous.

So I am quite prepared to discuss this issue. There are those who say, oh, well, by doing this we are somehow not concerned. The American people are much more intelligent and much fairer than many in this body give them credit for. And they know, or hopefully they will know, what is at issue here. It is an issue about fairness. You can talk about provisions and contracts and compacts and all the rest of it. But, Mr. President, it is wrong, it stinks.

It stinks when we reject a provision that would have provided $3.6 billion in revenues for the deficit. We are trying to do something about education and children in this country, and this provison, which the Finance Committee said will return $3.6 billion, disappears out there because of some complexity. This loophole remains, and at the same time we are not prepared to get some resolution on the issues that have been talked about in Senator DASCHLE's amendment—the Head Start children in this country, or the chapter 1 kids, or safe schools, or the day care programs. That is just wrong.

This Senator is not going to go along with it this afternoon. We will have a chance to vote in favor of cloture, and that conference report will pass and will become law. Every self-employed person ought to understand that there was not one person on the floor of the U.S. Senate who spoke this afternoon who is not going to vote in favor of and support the conference report. I certainly urge that they do.

This did not have to happen this way. All we had to do was accept the sense of the Senate, pass this measure, and it could have been done this afternoon. We could have done it that way, or we will do it in a different way. We are still going to do it. I regret the inconvenience to Members if their plans have to be altered; but it did not have to be that way. I think the RECORD will show that it did not.

I yield the floor.

(Mr. SMITH assumed the chair.)

Mr. SIMON. Mr. President, before I get into prepared remarks on another subject, let me associate myself with the remarks of Senator KENNEDY. I think we have to ask ourselves why we can be so responsive to a few millionaires who want a tax break that is going to cost $3.6 billion and we cannot respond to millions of Americans who are struggling at the minimum wage?

I think we have to go to two things. No. 1, our system of financing political campaigns. Those millionaires, I am sure, if we look at our financial records, have contributed to Members of the Senate. Maybe to PAUL SIMON, I do not know. They have a voice.

How many people working at the minimum wage have contributed to Members of the U.S. Senate? Not very many, if any, because they cannot afford it.

We respond to those too much, to too great a degree, who pay for our campaigns. That is the simple reality.

I think the second reality is, millionaires can hire the lobbyists. That is part of our system. I do not suggest that we change that. I do suggest that we change the way we finance campaigns.

What we have to keep in mind is, who is contacting Members? And the people who have real needs, working men and women who are struggling, are they getting their voices through? Too often, they are not.

FOREIGN AID AND FAMILY VALUES

Mr. SIMON. Mr. President, after I announced I would not seek reelection to the Senate, President Clinton called me and suggested that periodically I should make comments about issues, on the assumption that someone who will not again be a candidate for public office could speak without having the onus of public gain associated with the remarks. This is the second in a series of observations in response to the President's suggestion.

We have heard a great deal about family values during the recent political season. There are few Americans who do not recognize the virtues of family values and treasure them. However, in no other nation do political leaders talk as much about family values as in our country, and in no other Western industrialized nation is there anywhere close to the 23 percent of children living in poverty that we have.

Political leaders talk more about family values than act upon them. Assuming that we are serious in our concerns about family values, we should ask ourselves what that implies in policy.

There are some obvious answers. We will be concerned about one another in a family. Violence will not be part of that family life. Each person will try to live responsibly and help others in the family when there are needs, great or small.

A slight bit of reflection will cause people to recognize, if we follow the finest ethical standards and if we show love and concern for everyone in our household, but ignore the problems of our neighbors, we will not be protecting our family. We will have failed in our attempt to project family values.

If the neighborhood in which we live deteriorates, our family is in jeopardy because of problems of crime, or simply because of a loss of economic value to our home. If an unpleasant atmosphere where we live replaces a pleasant atmosphere, fear will be the unseen companion, as our family members walk the streets of such a neighborhood.

Anyone who professes family values but ignores the neighborhood is betraying the very values he or she professes.

What is true of homes immediately adjacent to that family is also true of homes 6 blocks away. While the threats of crime and economic deterioration are less pressing than to a home next door, the threats are, nevertheless, real. We recognize that family values are not a set of virtues to be practiced in isolation.

On further reflection, we recognize that what is true of immediate neighbors and those who live 1 mile away is true for those at greater distances. Ultimately, people in the Chicago suburbs who wish to practice family values must understand that they have a stake in what happens on the west side of Chicago. People in New York sense that they have a responsibility to themselves to help victims of a flood in California.

"One Nation, under God, indivisible," is more than a phrase. To the extent that we create that as a reality, we protect our families. To the extent that we permit the artificial barriers of race or geography or sex or religion or ethnic background to diminish our concern for one another, we diminish the quality of life for our families—all of them.

Concern for others cannot stop at the borders of our Nation if we are to protect our families; 650,000 American homes have experienced grief because of a loss of a family member in military contests with other nations. We have slowly learned that we cannot protect our families when we ignore the threats to nations beyond our borders.

If I were speaking a decade ago, I would have said that the great external threat to the families of our Nation is nuclear annihilation; the United States and the Soviet Union have thousands of nuclear warheads pointed at each other. If that spark had been ignited in some way, civilization, as we know it, would have died.

Today, the great threat to our security is instability in trouble spots around the world. As the only superpower left in the world, we will either provide leadership or there will be deterioration within nations and between nations.

Few thoughtful people in this country or any other would deny that the United States should lead. But there are sizable numbers of observers of the international scene who believe this Nation is too often squandering its opportunity for significant leadership.

Ultimately, the United States, along with the rest of the world, will suffer because of that. I say that with the knowledge that both political parties in this Nation must do better.

President Clinton faced the huge task of moving from Governor of Arkansas to suddenly becoming the most influential person in the world in foreign policy. It is not an easy transition.

In March of 1994, he did a better job than in March 1993. This year, he is doing a better job than last year. A year from now, he will do a better job than he is doing today. That is encouraging. He is a giant on the international scene by reason of his position.

But he is hampered in his effectiveness by limited background and also by the reality that his two key players in international affairs, Secretary of State Warren Christopher and National Security Adviser Anthony Lake, are capable and knowledgeable but both are, by nature, cautious.

The net result from the executive branch is leadership that is generally solid but sometimes not as bold as it might be.

The greater deficiency is with the legislative branch. We too often micromanage. I have been guilty of this myself. A much worse offense is that we pander to public opinion and reduce this Nation's ability to lead more effectively.

A public opinion poll suggests foreign aid is unpopular; we cut foreign aid, even when it hurts our long-term interests. If there is a surge of public opinion suggesting that we avoid sharing risk for peace with other nations, we follow the surge of public opinion rather than national and international need.

When we discover that speeches calling for reductions in what we pay to the United Nations bring applause, we pander to the applause and become the world's No. 1 deadbeat.

What should the United States be doing? Let me suggest three points: No. 1, as a people, we must broaden our understanding of other nations and other cultures.

The provincialism of Congress mirrors our people.

A family cannot be said to truly have family values if they do not understand one another.

That is true within our Nation, where we have far to little understanding between urban and suburban and rural populations and far too little understanding across the barriers of race, religion, sex, and ethnic background.

But it is true beyond the borders of our Nation. The family of humanity needs to understand the hopes and fears, the dreams and problems of those who live in other nations. As we learn, we will be willing to share more than our experiences. But basic knowledge is vital, whether within a single family, a community, a nation, or in the community of nations.

Our knowledge is lacking. That is why the Peace Corps is more important than what our volunteers do for other nations; we gain a sensitivity to other cultures, a major asset to the nation. Colleges and universities can do much more to broaden the understanding of students. Can someone really be considered educated if, upon graduation as an engineer or physician or teacher or journalist or accountant or architect, he or she does not have the most minimal understanding of the rest of the world? We understandably lament the failure of too many graduates having even a cursory understanding of the religious heritage of the United States, but can people who do not have some appreciation of the beliefs of Moslems and Buddhists be expected to deal effectively with other nations?

A fine, small, liberal arts college that I attended for 2 years, Dana College in Nebraska, is seriously considering a program to offer its students assistance which would permit any student, regardless of family income, to study or travel abroad. The theory is that the students would not only enlarge their personal horizons, but when they return to this small campus, they could stimulate others. Dana College has only 600 students, but they come from 27 States and 14 nations. I hope the college can raise the money to do this, and lead other colleges and universities around the nation to do the same.

Our language provincialism reflects our cultural provincialism. In almost every nation in the world—if not all of them—all elementary students study a foreign language. In the United States, only a tiny fraction do. We are the only nation in which you can go through grade school, high school, college, and get a Ph.D., and never have a year of a foreign language. We are also the only nation in which, if we study French or German or some other language for 2 years, we will say, "I have studied German." Or, "I have studied French."

It is uninformed provincialism that leads Members of Congress to call for laws prohibiting military leaders of any other nation from commanding our troops in a U.N. operation. Ever since George Washington had French leadership for some of our rebels, we have worked with other nationals. Would there be anything un-American about having a NATO commander who is Canadian or Italian or from some other NATO nation? Will we agree to take part in a U.N. operation only if we're promised a leadership role proportionately much greater than the resources we have committed? Responsible patriotic fervor can sometimes be converted into irresponsible nonsense cloaked in "patriotism."

The media of our Nation should do more to inform us, but faced with budget problems, major newspapers, wire services and networks have reduced their overseas personnel.

When critics rightfully note that the U.S. budget and policy do not reflect the tremendous changes that have occurred in the rest of the world, particularly our military budget, part of the reason is that even the people who do not get their news primarily from television bites receive too little information about other nations, unless there is a crisis. The lack of public understanding of the dramatic changes in the world makes it more difficult for leaders in the administration and Congress to alter foreign policy.

That democracy is spreading in Africa and much of the rest of the world is known by only a tiny fraction of the American people who can tell us lurid details of the O.J. Simpson trial.

Editors who rightfully criticize Members of Congress for pandering to public whims defend their obsession and excessive attention to the Simpson trial by telling us, "We're giving the public what it wants." That is an irresponsible answer for politicians and an irresponsible answer for the media.

Commenting on foreign aid, Michael Kinsley wrote recently in the New Yorker:

> Americans are scandalously ignorant * * *. All over the country—at dinner tables in focus groups, on call-in radio shows and * * * occasionally on the floor of Congress—citizens are expressing outrage about how much we spend on foreign aid, without having the faintest idea of what the amount is. This is not * * * a question of being misinformed. No one—not even Rush Limbaugh—is out there spreading the falsehood that we spend 15 percent of the Federal budget on foreign aid. People are forming and expressing passionate views about foreign aid on the basis of no information at all.

If we expect the legislative and executive branches of our Government to build a responsible course of leadership on a base of public ignorance, we ask for far more than we are likely to receive.

My second point: We should be providing more foreign aid, not less.

In probably two out of three of my town meetings people ask: "Why don't we cut back on foreign aid, and spend the money on our own needs?"

They, of course, have no idea that through our aid programs more than 3 million lives are saved each year through immunization programs; that as we help the other countries survive economically, they frequently become our customers, then lift our standard of living; that much of what we call foreign aid is spent for food and equipment in the United States.

We cannot reverse illiteracy or set up a program to educate people on family planning with a military budget; this takes foreign aid.

When the political parties of democracies in Asia held a conference recently, they closed their meeting by singing, "We Shall Overcome," an expression more of hope than confidence, because democracies in many parts of the world are frail. A little help from the United States as the world's leading democracy means much to them, both for the concrete help and in symbolic terms.

When I ask people at town meetings—and I am sure my colleagues from New Hampshire and Michigan have this same experience—what percentage of our budget goes for foreign aid, usually the guess is somewhere between 15 percent and 25 percent. They are startled with I tell them it is less than 1 percent.

A University of Maryland poll found the same answer. But, then, the University of Maryland asked how much would be "appropriate" and the answer: 5 percent. When asked how much would be "too little," they answered 3 percent—more than three times what we actually spend.

If military aid is subtracted from our foreign assistance, less than one-half of 1 percent of our budget goes for foreign aid, to economic assistance.

Because of the huge and growing U.S. debt, this year our gross interest spending will be 22 times the amount we pay for foreign aid. Even more startling, because so many U.S. bonds are now held by the economically fortunate beyond our borders, we will spend more than twice as much on interest to them as we do on foreign aid that is designed in large measure for helping poor people.

We appropriate less of our national income for foreign aid than any Western European country or Japan.

At one point under the Marshall plan, we spent 2.9 percent of our national income helping the poor beyond our borders. And how properly proud we are of it. Today we spend less than one-sixth of 1 percent of our national income on foreign economic assistance. Yet most Americans believe we are the most generous of the wealthier nations. In the Marshall plan years our national income—in inflation-adjusted terms—was approximately 40 percent of our present income. As our income has risen, our response to poor people has diminished.

But something else is significant about the Marshall plan, which rescued Western Europe from communism. When General Marshall announced it at a Harvard commencement, and President Truman followed with more details, the first Gallup Poll showed only 14 percent of the American people supported it.

We had a Democratic President who did not consult with pollsters before he called on the American people, and he had to deal with a Republican Congress. Senator Arthur Vandenberg, a Republican leader from Michigan, did not first ask what the Marshall plan might do to his party's political fortunes or how he might use it against the President. A Democratic President and a Republican Congress did the unpopular, what was right, and served this Nation and the world well. The lessons to be drawn are obvious.

President Ronald Reagan suggested that we should devote 1 percent of the Nation's income to helping the poor beyond our borders, appreciably less than we did under the Marshall plan.

We have not come close to the Reagan standard.

Only Denmark and Norway meet this not-so-high standard. Among other nations that assist more than we do are Sweden, Netherlands, France, Finland, Canada, Belgium, Germany, Australia, Switzerland, Luxembourg, Great Britain, Austria, Portugal, Italy, Spain, Japan, New Zealand, and Ireland.

Canada does three times better than we do.

While we lag behind other nations on economic assistance, we spend almost as much on defense as the rest of the world combined. Looking at our budget, you would hardly guess that the Berlin Wall fell. If we were to reduce our defense expenditures by one-half—which I do not advocate—we would still have, by far, the largest expenditure on arms of any nation in the world. Unfortunately, we are compounding that problem by pushing many nations to buy arms from our weapons producers, arms that too often destabilize an area rather than stabilize it.

The United States defense budget suggests that the great threat to the world is a Soviet-type attack. The reality is, the great threat is instability. While nations struggle to build democracy, we build more B-2 bombers instead of assisting democracy. Purchasing the B-2 bombers helps the manufacturer, but they are designed for yesterday's defense needs. They were useless in Desert Storm and Haiti. While we blunder ahead with billions on useless bombers, shaky democracies receive our cold shoulder. "We can't afford to help," we tell them. While the swing to democracy around the world has been dramatic, it is not irreversible. Some democracies are likely to fail because of U.S. inattention and paltry financial backing.

Our weak performance in assisting democracies has been compounded by our failure to pass the balanced budget amendment. Instead of lessening U.S. government borrowing and reducing interest rates around the world, we have chosen the high-interest-rate course. That causes higher debt service costs for desperately poor people. The executive director of the International Monetary Fund once told me that facing our U.S. fiscal problems is more important to the developing world than our foreign aid. Yes, we in the United States pay higher interest rates because of our fiscal folly, but so do many nations who can afford the high interest rates less than we can, and they have not caused our national debt. The developing nations now owe $1.4 trillion. If U.S. imprudence forces interest rates up 1 percent, that potentially costs these poor nations $14 billion. If we exercise fiscal prudence and international interest drops 1 percent, that potentially saves them $14 billion, far more than our economic assistance.

In a family in which one person becomes very wealthy, and others in the family are extremely poor, some suffering from malnutrition, they will not continue to be a cohesive family if the wealthy member of the family simply ignores the problems of the poorest. A family member who makes no attempt to understand the problems of the poorest in the family will be regarded by the other family members as arrogant and callous, and when that family member faces problems—which all family members eventually do—the other members of the family are not likely to come to his or her rescue.

It takes no great imagination to see where the United States fits into that picture.

We should play a stronger role in U.N. peacekeeping and peacemaking.

I am impressed by the leadership of Secretary-General Boutros-Ghali. But he has an impossible job if the United States does not play a strong supporting role.

That means paying our dues.

That means contributing more than dollars to U.N. peacekeeping efforts. The latest U.N. report of March 6 of this year shows the following troop contributions to U.N. peacekeeping operations:

Country	Strength
1. France	5,093
2. United Kingdom	3,860
3. Jordan	3,698
4. Pakistan	3,102
5. Canada	2,629
6. Bangladesh	2,208
7. Poland	2,181
8. Netherlands	1,823
9. Norway	1,775
10. Ghana	1,730
11. Malaysia	1,677
12. Nepal	1,607
13. Turkey	1,488
14. Russian Federation	1,487
15. Spain	1,452
16. Denmark	1,368
17. Argentina	1,360
18. Sweden	1,316
19. Ukraine	1,208
20. U.S.A.	1,139

Nepal, with a population of less than one-tenth of ours, is contributing 41 percent more troops than the United States. Jordan, with a population of 3.2 million—less than 2 percent of our population—is contributing more than three times as many troops as the United States.

There are 16 U.N. peacekeeping operations underway at this point, and we are contributing troops to 6.

But it is more than the deficiency in the contributions of numbers.

Somalia illustrates the problem. Contrary to the present public image, the Somalia action was one of George Bush's finest moments and something for which the United States should be proud. Our actions saved hundreds of thousands of lives.

I was in Somalia with Senator Howard Metzenbaum early in November 1992. I have never seen anything like it, and I hope never to see anything like it again. We returned to the United States on a Sunday night and, the next morning, called the U.N. Secretary General. Fourteen weeks earlier, the U.N. Security Council had authorized 3,500 troops to go to Somalia to help in the desperate situation there. Weeks later, 500 Pakistani soldiers finally arrived and were forced to hole up at the airport at Mogadishu, the capital city. I told Boutrous-Ghali that he should get the additional 3,000 troops there immediately and that Somalia needed an additional 10,000 troops, a figure based only on instinct. He told us he would send the additional 3,000 troops by ship. When I responded vigorously that untold lives would be lost if the troops did not arrive by plane, he noted, "Your government charges me very high rates to move troops by plane." I asked him if we could use the cost of flights to apply to our past-due bills at the United Nations, and he quickly said yes. I called Secretary of State Larry Eagleburger and gave him the background, asking him to call the Secretary General immediately. I also asked the Secretary of State to discuss the matter with the President, explaining that I would call the President directly, but he was in Connecticut that day for the funeral of his mother. The next day, President Bush asked the Secretary of State to fly to New York to discuss the matter with the Secretary General. Then, President Bush—to his great credit—moved quickly and, that Thursday, announced that the United States would lead U.N. efforts in Somalia. In a few days, troops, food, and medical supplies were in Somalia.

How many lives could have been saved if the United Nations had been able to respond more quickly? Thousands. But no one will ever know the precise number.

Another example: When serious trouble between the Hutus and Tutsis started in Rwanda, Senator JAMES JEFFORDS and I got on the phone to the Canadian Gen. Romeo Dallaire in charge of a small contingent of U.N. troops in the capital city of Kigali. One of the amazing things about our technological age is that you can call from Washington, DC, to a ravaged city in Africa and reach someone by phone. That was on May 12, 1993. He told us that if he received 5,000 to 8,000 troops immediately, he could stop the bloodshed in Rwanda. Senator JEFFORDS and I immediately dispatched a message to the White House, and to other officials, urging quick action. On October 5, 1993—almost 5 months later—the U.N. Security Council authorized action. With unbelievable brutality exploding in Rwanda, nothing happened to stop it for a seemingly endless period of time. To their credit, the French sent 2,000 troops, and later, the United States and other nations sent smaller numbers to protect camps and airports on the periphery of Rwanda, primarily in Zaire.

How many lives could have been saved if the United Nations had been able to respond more quickly? Thousands. But no one will ever know the precise number.

Lesson No. 1 to be learned: The United States and other nations must equip the United Nations to respond quickly to this type of emergency.

I introduced in the last Congress, and will reintroduce in this Congress, a proposal calling for 3,000 volunteers among U.S. service personnel who would be paid slightly more than other U.S. troops, who would be ready on 24-hour notice to go to any place in the world called for by the Security Council and approved by the President of the United States. We should call upon Germany, Great Britain, France, Japan, and other nations to do the same, and smaller nations to have a smaller contingent of troops available on similar, quick notice. Senator JEFFORDS will cosponsor the legislation.

Today, after the Security Council acts, the Secretary General gets on the phone and begs nations for help. It is a time-consuming process when time means lives. If the United Nations can move more quickly, we can prevent future disasters in places like Somalia, Rwanda, and Bosnia.

There is a second lesson to be learned.

If the United States is to play a responsible role of leadership in the community of Nations, some risks must be taken, and when there are regrettable casualties within our Armed Forces, we must stay our course.

Those who enlist for service in the Chicago Police Department know they will be performing a public service, but they also know they will be taking a risk. If some drug smugglers or gang leaders in a neighborhood kill two policemen, the mayor of Chicago will not announce that that area of the city will no longer have police protection because of the casualties.

Somalia illustrates our problem.

Mistakes were made, primarily by a U.S. military man put in charge of part of a U.N. mission for which he had little background. He looked for military answers to problems rather than the diplomatic answers that Ambassador Robert Oakley had adeptly been fashioning.

But when a U.S. serviceman's body was dragged through the streets by teenage thugs, when that man went to Somalia on a humanitarian mission, the American people were appalled, and there were cries in Congress to pull out all our troops immediately.

At that point, we had a new President inexperienced in international relations facing a volatile Congress. Some calming words of explanation to the American people would have been appropriate, explaining that if local terrorists can cause a few American casualties, and we flee the scene, the example will not go unnoticed by others around the world wherever American troops are stationed.

The reality is that fewer American service personnel were killed in Somalia than cabdrivers were killed in New York City that year. That does not make any of the deaths less tragic. But those who enter the Armed Forces must understand that, like the Chicago Police enlistees, they are taking additional risks. And the American people must understand this.

We are in the budget season, discussing whether or not to appropriate money for certain fancy weapons systems. What other nations question is not the technical proficiency of our weapons but our backbone. And the question is being asked, not about those who serve in the Armed Forces, but about the administration, Congress and the American people. Others look at the weakness of both the Bush and Clinton administrations in Bosnia and they wonder. A few terrorists frighten us out of Somalia, and they wonder about our professed resolve elsewhere.

When several Members of Congress issued calls to get us out of Somalia, the administration first called a meeting of all Members of both Houses at which Secretary of State Warren Christopher and Secretary of Defense Les Aspin spoke. The meeting was a disaster. Such a large meeting on a volatile subject should never be called; the noisemakers take over.

Then the White House called a smaller meeting with about 20 of us from Congress with all the key administration people present, including the President. The lengthy meeting, held on October 7, 1993, resulted in a compromise that all U.S. troops would be pulled out by March 31. I was not happy with this, but I agreed to the compromise because it was considerably better than an immediate pull-out.

A few days after the White House meeting, President Mubarak of Egypt visited the United States, and I went to Blair House to pay a courtesy call on him. Just before I got there, an administration official asked me to urge President Mubarak to keep his Egyptian troops in Somalia after March 31. Without quoting President Mubarak directly, it is not violating any confidence to say that the request to have his nation, with its meager resources, stay in Somalia while the wealthy and powerful United States of America wanted to quietly back out, did not impress him.

We must be careful in using our human and military resources, but when we make the decision to use them—preferably in concert with other nations—we should use those resources with firmness and a reliability that other nations, friendly or unfriendly, sense.

Since U.N. efforts at peacekeeping are in our security interest, would it be asking too much for us to suggest that 1 percent of the defense budget be set aside for support of peace keeping? Far from harming our security needs, that would strengthen the ability of the United Nations to respond quickly to emergencies, and that 1 percent would not harm any defense needs that we have.

It is easy for officeholders of either party to appeal to the fears and hatreds of people, to appeal to the worst in us, to ask us to turn inward rather than reach out.

But if we are serious in our talk about family values, we should urge our citizens to reach beyond the artificial barriers that separate people; to be concerned about one another, then, all families will be more secure. Appeals to shortsighted selfishness do not help a family, and a political call for shortsighted selfishness does no favor to the nation. As leaders, we must appeal to the noble in our people, not the worst, and if we apply that to international relations, the United States will benefit, as will the rest of the world.

Mr. President, I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, notwithstanding the previous order, I ask unanimous consent that I be permitted to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Thank you Mr. President.

THE REMARKS OF SENATOR SIMON

Mr. ABRAHAM. Mr. President, I wish to say that I hope other Members will have the chance to read what the distinguished Senator from Illinois has offered us today. I gather he will be making a series of such speeches in the days ahead. As always, his remarks are insightful and thoughtful. I am glad I had the opportunity to hear him today.

WHITE HOUSE SPOKESMAN'S DISTURBING REMARK

Mr. ABRAHAM. Mr. President, I rise to call attention to a statement made by President Clinton's chief spokesperson Michael McCurry, as reported in the March 22 Washington Times.

In discussing the Republican Presidential field and candidate Pat Buchanan in particular, Mr. McCurry said: "Mr. Buchanan and his mutaween will be out there parading across America, and we can track them down."

Mr. McCurry's reference is to Saudi religious officers, to whom I gather he is equating American conservatives who are both religious and interested in playing a role in politics.

With this statement, Mr. McCurry has managed no mean feat: he has slurred religious Americans, he has slurred individuals of Arab descent, and he has misused his position as White House spokesman.

Mr. President, I believe it is wrong to attack those who are religious and involved in politics as zealots and extremists. These attacks are unfair, divisive and destructive. They challenge the right to engage in important moral arguments in public life, to everyone's detriment.

People of strong faith always have been involved in politics and their faith has influenced their political action—to America's benefit.

Even before our Nation was founded, people of faith brought Americans together through their eloquent advocacy of religious, moral and political principles. During the Revolutionary War ministers used political sermons to expound and elaborate on Thomas Jefferson's famous words in the Declaration of Independence—that all men are created equal and "endowed by their creator" with rights to life, liberty and the pursuit of happiness. They told Americans that it was their religious as well as political duty to protect their rights and the rights of their children and grandchildren by fighting for independence.

These brave ministers established an American political and religious tradition that continued to thrive, through the Civil War and on into this century. Martin Luther King, Jr., drew on this tradition. He was, of course, the Reverend Martin Luther King—a religious minister. His crusade for racial justice and equality of opportunity drew explicitly on references to God and God's will.

Reverend King called for racial equality, not because some mere philosophical, academic principle demanded it, but because God demands that we treat one another with respect, according to the content of our character and not the color of our skin. In this way he showed Americans their duty toward one another, and brought us together in pursuit of a just equality of opportunity.

Today, however, conservative people of faith are attacked as intolerant extremists for having the temerity to make demands on our conscience. Mr. McCurry's statement is only the latest in such regard. Peaceful pro-life protesters are condemned as religious bigots for opposing what they feel is a great moral crime. The Christian Coalition and other similar groups are often depicted as a dark force whose participation in the political process is somehow inappropriate.

Mr. President, we must reject this kind of antireligious bigotry in whatever form it takes. After all, should Martin Luther King have been dismissed as an intolerant religious fanatic?

I certainly hope not, for that would have denied our country his moral force, which contributed mightily to the civil rights movement's success. Yet Mr. McCurry's apparent disdain for the involvement of people of faith in the political process would surely have kept Reverend King out of politics, unless, of course, such intolerance only applies to conservative people of faith.

I also am concerned about Mr. McCurry's comments because, frankly, I believe that it perpetuates in American public life the stereotype that anyone connected to the Arab world must be an extremist.

As an American of Lebanese descent, I take great exception to Mr. McCurry's use of his White House podium in this fashion. I believe it is inappropriate to employ ethnic-based references or comparisons as a means of insulting or demeaning others.

Arab-Americans have worked hard to assimilate and succeed in America. According to the 1990 census, 82 percent of Arab-Americans graduated from high school, while more than half, 52 percent had at least a college degree and a full 15 percent held some form of graduate degree. Furthermore 36.4 percent, more than one-third, of Arab-Americans are represented in managerial positions or the professions.

However, it is difficult for any ethnic group to enjoy full acceptance and assimilation if they remain targets of scorn or if people of their heritage are employed as negative symbols. Whenever someone is insulted for being "stupid" or "lazy" or "fanatical"—"just like" people of a certain ethnic group—we reinforce the notion that all the members of the ethnic group so referenced are a people who are stupid or lazy or fanatic. The result is ethnic division, bad feelings and unfounded prejudice.

That is what Mr. McCurry's statement does. Moreover, invoking as it does the prestige of the White House inevitably will heighten anti-Arab feelings in this country and place an unfair burden on people who are hard-working, loyal, tax paying citizens.

Finally, I am concerned about Mr. McCurry's statement because it seems clear to me that a Presidential Press Secretary, whose salary is paid for by the taxpayers, should not engage in such blatantly partisan activity.

I am not here supporting Pat Buchanan's run for the Presidency. But in my view Mr. McCurry stepped over an important line when he attacked Mr. Buchanan in the way he did. The American people are not paying Mr.

McCurry so that he can make insensitive stereotyping statements intended, among other things, to help his boss' chances in the next election.

The President has many avenues available to him if he wishes to make campaign statements. He also has the option of going through the steps necessary to make an open bid for reelection. Within this context it would be understandable that his campaign spokesman would make partisan statements.

But to have a public employee making such blatantly political attacks, capitalizing on the media access and prestige of the Presidency for purely political ends, is simply unacceptable.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTH DAKOTA GRANITE

Mr. DASCHLE. Mr. President, President Franklin Delano Roosevelt once called Mount Rushmore "the shrine of American democracy."

Because of his love of that shrine, it is especially fitting that, as we approach the 50th anniversary of FDR's death on April 12, the new memorial that is being built now in our Nation's Capital to honor President Roosevelt will be carved, like Mount Rushmore, out of South Dakota stone.

There is another reason that South Dakota rock is being used for the memorial. It is, as geologists will tell you, quite simply one of the most beautiful granites in the world.

It is called carnelian granite, named for the warm, mahagony color of the rock. It has been quarried in Milbank, in the northeast corner of South Dakota, since 1908.

Because of its rich color and brilliant shine, Milbank granite has been used for public monuments in nearly every State and Canada. In Pierre, the capital of South Dakota, it was used in 1912 to build our statehouse. In Washington, it was used to build the National Catholic Shrine and the poignant memorial to the women who fought in the war in Vietnam.

The Roosevelt Monument, which will be completed in spring 1997, will use 135,000 square feet of Milbank granite. That is about as much granite as you would need to construct an 80-story building.

The memorial will depict 12 pivotal years in America's history through a series of four rooms, each devoted to one of FDR's four terms in office. The granite from my home State will form the walls of those rooms, into which will be carved President Roosevelt's own inspiring words. Among the bronze sculptures to inhabit the rooms will be a statue of Eleanor Roosevelt, a champion of women's rights, who had a profound effect on FDR and on this Nation.

Like Theodore Roosevelt before him, Franklin Roosevelt was always a little awe-struck by the stark beauty of the American West, and particularly South Dakota. In 1944, he suggested that the United Nations be located in the Black Hills of South Dakota so that world leaders might ponder the profound solitude and the magnificence of the Earth as they faced tough issues.

South Dakota is a land of awe-inspiring geological resources: the Black Hills, the Badlands, vast caves and glacial deposits, and of course, the 2½ billion-year-old Milbank granite.

Among the oldest rocks in the world, the South Dakota granite will produce a tribute of geological, almost infinite, duration to an extraordinary President who led this Nation through the depths of the Depression and the horrors of the Second World War to a far better place.

In 1936 when FDR came to Mount Rushmore to preside at the dedication of Jefferson's likeness, he said "we can mediate and wonder what our descendants will think about us 10,000 years from now when they see this mountain."

We in South Dakota are proud that future generations will gaze upon the rock of South Dakota when they reflect on the lasting contributions to American society of Franklin Delano Roosevelt.

It is especially appropriate that we honor President Roosevelt now.

There are people in Washington who truly hope and aspire to the great things that President Roosevelt had wanted and to which he dedicated his life. But the fundamental ideals in which President Roosevelt believed—fairness, genuine opportunity for all Americans—go beyond Democratic and Republican politics. They go beyond the fights that we may have on the floor of the Senate as late as this afternoon. Those beliefs, those strong feelings about the directions this country should take, are every bit as enduring as the hard South Dakota granite. And, like that granite, they will endure long after we are gone.

PRIORITIES AND DEFICIT REDUCTION

Mr. DASCHLE. Mr. President, relating to the debate that we began this morning, let me say that I hope we can renew our debate about priorities as we approach the last week of this particular session before the Easter recess.

It was a debate about priorities and a debate about the need for deficit reduction and a debate about how we get there.

An amendment that I offered today achieves exactly the same level of deficit reduction as the level proposed in the committee-reported rescissions bill, but it does so without damaging our children's educational and health care needs.

What the amendment was designed to do, without adding one penny to the deficit, in a way that was completely paid for, was to create a better balance between the requirements laid out in the original rescissions package and the objectives that we all have with regard to distributing the burden of deficit reduction fairly. On the list of priorities we say we all share, education is high. But certainly that was not reflected to the degree that it should be if, indeed, our priorities are as we say they are.

We all had hoped we could have a good debate this afternoon with regard to those priorities, with regard to our Nation's values, the values of families, but we were not given that opportunity, and for that I am very deeply disappointed.

The majority leader, as is his right, offered a second-degree amendment that really does not address this issue of education and the needs of working families. Obviously, there are many ways in which to continue to work at meaningful deficit reduction, but that really was not the sole purpose of the amendment on our side.

What we were attempting to say is that you can have good and constructive debate about how we ought to reduce the deficit, and that part of that debate ought to be about the values and the tremendous priorities that we have invested in in the past, with regard to education and children.

We wanted to call upon the Senate to reconsider how we treat working families with children. The response, unfortunately, that we received was a proposal to gut our amendment and have the bill pulled entirely.

I do not know what the other side may be afraid of here, but it seems to me that support for our amendment is very loud and very clear. The support, again announced on the west side of the Capitol this morning in very clear terms, was that we ought to recognize that we have priorities that stand not as mutually exclusive but clearly in tandem—meaningful deficit reduction at the same time we have meaningful investments in the priorities that this country ought to insist upon.

Since we stood up for working families of 1 million children, telephones have been ringing off the hook in the Senate offices across the Capitol. Our amendment is building support because it addresses the need to reduce the deficit at the same time it restores funds that are needed for working families.

If this amendment is not adopted, America's children will pay the price in terms of their education, their housing, their health care, and their child care. We need to invest in our future, and our amendment says going after children's programs first is wrong.

We also need to ensure that we properly fund the Federal Emergency Management Administration so that we meet emergency needs caused by recent natural disasters. Our amendment does that. It is also completely paid for. It restores the $1.3 billion simply by taking what is viewed as excessive funding for FEMA in the years beyond 1996 and dedicating that money, as it should be dedicated, to the investment in children.

The total rescission under this substitute is identical to the level in the pending Senate bill—$15.1 billion, including the money allocated to the Shelby amendment.

The substitute provides FEMA with exactly the same level of funding as the House bill—$5.36 billion.

If our colleagues dispute the level of funding in our amendment, they are also disputing the Republican leadership in the other body, because the figure is identical on both sides of the Capitol.

One million children should not be left out or ignored as we continue the duel on priorities that we have here—priorities that recognize their interests, future needs, and their interest in inheriting a country that is not as deficit-laden as it is today.

So we can do both. I hope that as we work through this rescissions bill, and certainly through the budget priorities we will be debating as we consider a budget resolution later on, we can recognize the need to do both in a meaningful and bipartisan way. That is what this amendment attempts to do. That is what I hope the Senate will do. That is what I hope we have the opportunity to do next week.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, March 30, the Federal debt stood at $4,852,914,736,954.80. On a per capita basis, every man, woman, and child in America owes $18,421.75 as his or her share of that debt.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-73. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

"HOUSE JOINT MEMORIAL NO. 1

"Whereas, the 1967 United States Supreme Court decision in the case of 'National Bellas Hess, Inc. v. Dept. of Revenue,' (386 U.S. 753 (1967)) denies states the authority to require the collection of sales and use taxes by out-of-state mail order firms that have no physical presence in the taxing state, even though they solicit and obtain significant sales there through the mail and common carriers; and

"Whereas, in its 1992 decision in 'Quill Corp. v. North Dakota,' (U.S.S.C. Doc. No. 91-194), the United States Supreme Court clearly indicated that the Congress of the United States can, consistent with the U.S. Constitution, enact legislation authorizing direct marketers to collect state and local use taxes; and

"Whereas, the inability of states like Idaho to require certain direct marketers and other businesses not physically present, but selling to their residents, to collect sales and use tax places many community businesses that support state and local governments at a substantial competitive disadvantage; and

"Whereas, restrictions on collecting such taxes result in a loss of billions of dollars nationally and millions of dollars in Idaho of legally due sales and use tax revenue; and

"Whereas, according to a recent report released by the Advisory Commission on Intergovernmental Relations, the revenue potential to all states from untaxed interstate mail order sales is projected to be $4.57 billion in 1994 and that the loss of tax revenue to the State of Idaho in the same report is estimated to be $13.4 million; and

"Whereas, organizations representing local retailers, state and local officials and public service recipient groups are working to achieve enactment of federal legislation that would authorize states to require direct marketers to collect state sales and use taxes; and

"Whereas, in the two decades since the 'National Bellas Hess' decision, improvements in communications technology and transportation distribution systems have changed the nature and extent of interstate sales and the recent and projected rapid growth in interstate sales, through television, mail order, '800' telephone numbers and by other means of electronic communications indicates that, without corrective legislation, collection of sales and use taxes will become increasingly inequitable and unenforceable; and

"Whereas, there was introduced into the Senate of the United States a bill, S. 1825, 'The Fairness for Main Street Business Act of 1994,' that would have allowed state and local jurisdictions to require out-of-state companies to collect sales or use taxes on tangible personal property sold to residents of the state or local jurisdictions if the company's national sales are not less than $3 million and sales into the state are not less than $100,000 and which includes other fair and reasonable safeguards for out-of-state companies: Now, therefore, be it

"*Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein*, That we respectfully request Congress to enact legislation similar to S. 1825, 'The Fairness for Main Street Business Act of 1994,' that would prevent this state's revenue loss and remove the competitive advantage now enjoyed by some out-of-state businesses, and be it further

"*Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-74. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Finance.

"ENROLLED JOINT RESOLUTION NO. 2, SENATE

"Whereas, health reform is of vital concern to the nation as well as the state of Wyoming; and

"Whereas, although certain health reform issues are manageable at State and local levels, several health reform matters are more properly addressed at the federal level; and

"Whereas, the Wyoming Health Reform Commission has been appointed by the Governor of Wyoming to address health reform in Wyoming and to report recommendations to the Governor and the Wyoming Legislature regarding health care reform: Now, therefore, be it

"*Resolved by the members of the legislature of the State of Wyoming:*

"SECTION 1.

"1. That the Wyoming Legislature requests the United States Congress adopt legislation which:

"(a) Amends federal law with respect to treatment of flexible spending accounts for taxation purposes to allow accumulation of account funds beyond one (1) year and to allow individual account ownership upon termination of employment;

"(b) Allows individuals to establish medical and educational savings accounts;

"(c) Amends federal law to allow full deduction of medical insurance premium payments by sole proprietors, partnerships and individuals for federal income tax purposes;

"(d) Clarifies the tax implications of accelerated death benefits offered under life insurance policies so that the benefits are not taxable;

"(e) Eliminates limitations imposed upon preexisting conditions for individuals changing employment, location or insurance carrier;

"(f) Amends the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. 1144, to allow states attempting to reform the insurance marketplace to influence, regulate, tax and improve self-insurance plans covered under this federal law;

"(g) Allows the federal Health Care Financing Administration to reimburse medical assistance facilities (limited service rural hospitals) in states beyond Montana;

"(h) Reforms antitrust restrictions on the formation of collaborative partnerships for the availability of health care services in Wyoming;

"(j) Simplifies eligibility requirements under national welfare programs, particularly Medicaid benefits.

"SECTION 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation."

POM–75. A resolution adopted by the Board of Commissioners of Todd County, Minnesota relative to unfunded federal mandates; to the Committee on Governmental Affairs.

POM–76. A concurrent resolution adopted by the Legislature of the State of Idaho; to the Committee on Governmental Affairs.

"HOUSE CONCURRENT RESOLUTION NO. 7

"Whereas, we, the Citizens of the Idaho State, find the Tenth Amendment to the Constitution of the United States reads as follows:

"'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'; and

"Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the States specifically to be an agent of the State; and

"Whereas, many federal mandates directly violate the Tenth Amendment to the Constitution of the United States; and

"Whereas, the United States Supreme Court has ruled in *New York vs. United States*, 112 S. Ct 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the States; and

"Whereas, New York, the eleventh nation-state to join the Union on July 25, 1788 said:

"'That the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness . . .'; and

"Whereas, Idaho was admitted to the Union under equal footing with the original States; and

"Whereas, a number of proposals from previous administrations and Congress may further violate the United States Constitution; and

"Whereas, the fiscal waste, excesses and irresponsibilities of past and present federal legislation have caused the economic decline and hardship to thousands of Idaho Citizens and have permanently indentured our children and their descendants without their consent; and

"Whereas, in recent decades the federal agent has attempted, and largely succeeded, in reversing roles with its Principal, the States, telling them what they can and cannot do, and threatening to withhold "federal moneys" from States which do not comply with federal laws and regulations, and usurping undelegated powers from the States and the people until now the people fear, rather than respect and revere their own government and are burdened with taxes some 57 times greater than those imposed upon our Founding Fathers by Great Britain: Now, therefore, be it

"*Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein:*

"(1) That Idaho State and its Citizens hereby claim sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated in and granted to the federal government by the United States Constitution.

"(2) That this Resolution serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that exceed the scope of its constitutionality delegated powers.

"(3) That should the federal bureaucracy and the Congress or any department or agency of the federal government fail to comply with the aforementioned order, the Attorney General of the State of Idaho is authorized and directed to take appropriate legal action to assure that the State of Idaho's legal rights not be infringed under the Tenth Amendment to the Constitution of the United States; and be it further

"*Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized to send copies of this Resolution to the President of the United States, the Speaker of the House of Representatives and the President of the Senate in Congress of the United States assembled, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the presiding officers of each state's Legislature and to the Governors of the fifty states."

POM–77. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 3

"Whereas, the 10th amendment to the Constitution of the United States reads: 'The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people'; and

"Whereas, the scope of power defined by the 10th amendment means that the federal government was created by the people to be their agent; and

"Whereas, today, in 1995, the states are demonstrably treated as agents of the federal government; and

"Whereas, many federal mandates are directly in violation of the 10th amendment; and

"Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States: Now, therefore, be it

"*Resolved by the senate and the house of representatives of the State of Montana:*

"(1) That the State of Montana claim sovereignty under the 10th amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.

"(2) That this resolution serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, imposing mandates that are beyond the scope of its constitutionally delegated powers.

"(3) That this resolution serve as notice and demand to the federal government to review existing mandates that usurp state sovereignty and to repeal those mandates; and be it further

"*Resolved*, That the Secretary of State send copies of this resolution to:

"(1) the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Montana's Congressional Delegation; and

"(2) the presiding officer of the Nebraska Legislature and the Speakers of the House and the President of the Senate of each other state."

POM–78. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 405

"Whereas, the highly publicized financial problems of the District of Columbia culminated in a February 21, 1995, federal agency report that declared the District government 'insolvent'; and

"Whereas, the General Accounting Office report bluntly stated that the District 'does not have the cash to pay all of its bills' and that 'the District has cash now only because [it] is not paying hundreds of millions in bills'; and

"Whereas, the amount of the District of Columbia's budgetary shortfall remains disputed, with some estimates exceeding $700 million, but the fact of a budget crisis of massive proportions remains clear; and

"Whereas, Congressional hearings on February 22, 1995, should clarify both the scale of the problems and the proposed solutions; and

"Whereas, the District of Columbia's financial crisis reverberates far beyond its borders, and the city's unique status as the capital of the United States and its close relationship with the surrounding localities in Maryland and Virginia create repercussions at regional, national, and even international levels; and

"Whereas, the economic stability of the Metropolitan Washington area relies to a great extent on the financial viability of the government of the District of Columbia; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That the General Assembly hereby memoralizes the Congress of the United States to move decisively and expeditiously to solve the urgent financial crisis affecting the District of Columbia; and, be it

"*Resolved further*, That the General Assembly urge the Congressional committees and subcommittees, including the subcommittee chaired by Representative Thomas M. Davis III of Virginia, to move with all deliberate speed to assist the government of the District in taking the steps necessary to resolve this crisis; and, be it

"*Resolved finally*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM–79. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 358

"Whereas, the 10th Amendment to the Constitution of the United States specifies that the 'powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people'; and

"Whereas, the founders of our Republic and the framers of the Constitution of the United States understood that centralized power is inconsistent with republican ideals, and accordingly limited the federal government to certain enumerated powers and reserved all other powers to the states and the people through the 10th Amendment; and

"Whereas, the federal government has exceeded the clear bounds of its jurisdiction under the Constitution of the United States and has imposed ever-growing numbers of mandates, regulations, and restrictions upon states and local governments, thereby removing power and flexibility from the units of government closest to the people and increasing central control in Washington; and

"Whereas, the United States Supreme Court recognized in *New York* v. *United States*, 112 S. Ct. 2408 (1992), that the constitutional limitations on federal power have continuing vitality, notwithstanding the general failure of the federal courts to afford remedies to the states and their citizens for violations of the 10th Amendment; and

"Whereas, in holding that the states generally must rely on political processes in Washington for their protection, the federal courts have permitted Congress and federal agencies to treat the states as though they are merely part of the regulated community, rather than as sovereign partners in a federal system of shared powers; and

"Whereas, federal mandates have imposed enormous costs on states and localities, draining away resources and preventing state governments from addressing pressing local needs such as education and law enforcement; and

"Whereas, facing a persistent budget deficit, the federal government has forced the burden of funding federal programs onto state and local governments, resulting in an excessive tax burden at the state and local levels; and

"Whereas, federal mandates and preemptive measures impose 'one size fits all' requirements that deprive state and local governments of the ability to set priorities, thereby diminishing their ability to allocate resources and tailor programs in the way best suited to meet local needs; and

"Whereas, states and localities are burdened not only by federal legislation, but also by mushrooming numbers of costly, complex, lengthy, and often incomprehensible regulations drafted by bureaucrats who are not accountable to the people; and

"Whereas, the exercise of increasing power by Congress, the federal courts, and the federal bureaucracy has diminished the ability of citizens to influence the course of their government and has produced an ever-widening gulf between citizens' demands for change and the ability of state and local officials to effect that change; and

"Whereas, experience has taught that the framers' design of a balanced federal system of shared powers and dual sovereignty can only be restored through federal constitutional changes that secure the rights and prerogatives of the states; and

"Whereas, proposals for structural change likely to be considered by the United States Congress and the Council of State Governments' proposed Conference of the States include constitutional amendments that would:

"1. Require a balanced federal budget;

"2. Prohibit the imposition of unfunded federal mandates;

"3. Require the federal courts to render enforceable decisions in cases or controversies arising under the 10th Amendment;

"4. Give a super-majority of the states the power to initiate constitutional amendments and repeal improper federal legislation, subject to veto by a super-majority of the United States Congress;

"5. Provide other safeguards against unwarranted federal intrusion into the affairs of the sovereign states and their local subdivisions; and

"Whereas, as a sovereign government under the Constitution of the United States, the Commonwealth of Virginia has not only the right but also the duty to defend the prerogatives of the people of Virginia against federal government excesses; and

"Whereas, the Commonwealth of Virginia currently is attempting to enforce the 10th Amendment rights of its citizens through appropriate litigation; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That Congress be urged to observe the principles of federalism as required by the 10th Amendment of the Constitution of the United States over all powers neither prohibited to the Commonwealth of Virginia nor enumerated and granted to the federal government by the Constitution of the United States; and, be it

"*Resolved further*, That this resolution serve as notice and demand to the federal government to cease and desist immediately the imposition and enforcement of mandates that are beyond the scope of its constitutionally delegated powers; and, be it

"*Resolved further*, That the General Assembly of Virginia endorse and support the efforts of the Governor and other representatives of the people of Virginia, including the members of the United States Congress, to secure adherence to and enforcement of the 10th Amendment rights of the Commonwealth of Virginia and its citizens and to secure structural changes at the federal level that will restore the states as full partners in a federal system of shared powers and dual sovereignty; and, be it

"*Resolved finally*, That the Clerk of the Senate transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Virginia congressional delegation so that they may be apprised of the sense of the General Assembly in this matter."

POM-80. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 320

"Whereas, the 10th Amendment to the Constitution of the United States clearly limits the powers of the federal government by stating that 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'; and

"Whereas, the debate over the powers of the federal government in relation to the several states has raged throughout our history, but the recent actions of the federal government, particularly in the area of unfunded mandates, has rekindled the controversy; and

"Whereas, the restriction on the power of the federal government, so simply and elegantly stated in the 10th Amendment, is the essence of the federalism envisioned by the framers of the Constitution; and

"Whereas, that vision of federalism, with the states retaining those powers not specifically delegated by the Constitution to the federal government, has been subverted by an insolvent federal government that imposes increasingly onerous and costly mandates on the states; and

"Whereas, the assault by the Congress of the United States on the 10th Amendment showing no signs of abating, the time for the states to exert their constitutional rights has come; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That Congress be urged to observe the 10th Amendment to the Constitution of the United States. The Commonwealth of Virginia hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution; and, be it

"*Resolved further*, That this resolution serve as the Commonwealth of Virginia's notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and, be it

"*Resolved finally*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation, and the Attorney General of Virginia so that they may be apprised of the sense of the Virginia General Assembly."

POM-81. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Governmental Affairs.

"ENROLLED JOINT RESOLUTION NO. 1

"Whereas, the United States Constitution established a balanced compound system of governance and through the Tenth Amendment reserved all nondelegated and nonprohibited powers to the states or to the people; and

"Whereas, over many years, the Federal Government has dramatically expanded the scope of its power and preempted state government authority and increasingly has treated states as administrative subdivisions or as special interest groups, rather than coequal partners; and

"Whereas, the Federal Government has generated massive deficits and continues to mandate programs that state and local governments must administer; and

"Whereas, the number of federal unfunded mandates has grown exponentially during the last thirty (30) years and has profoundly distorted state budgets, thereby handcuffing the ability of state leaders to provide appropriate and needed services to their constituencies; and

"Whereas, since 1990, the Federal Government has enacted at least forth-two (42) major statutes imposing burdensome and expensive regulations and requirements on states and local governments which is nearly equal to all those enacted in the prior two (2) decades combined; and

"Whereas, persistent, state-led endeavors have consistently failed to generate any substantial reaction or remedy from the Federal Government; and

"Whereas, the United States Supreme Court has repeatedly determined that the states must look to the Congress and related political remedies for protection against Federal encroachments on the reserved powers of the states; and

"Whereas, in recent years, states and local governments have been the principal agents of government reform, and with local governments, have been the pioneers of government innovation, thus responding to the needs of their citizens; and

"Whereas, the Council of State Governments has recognized a sense of urgency in calling for the Conference of the States, whereby each state government would send a delegation to develop a comprehensive action plan to restore balance in the Federal system; and

"Whereas, the Council of State Governments, with its regional structure and groupings of elected and appointed officials from all three (3) branches of state government, reflects an entity ideally suited to promote and facilitate such a conference; and

"Whereas, the Conference of the States will communicate broad bipartisan public concern on the extent to which the American political system has been distorted and provide a formal forum for state governments to collectively propose constructive remedies for a more balanced State-Federal governance partnership for the 21st century: Now, therefore, be it

"*Resolved by the members of the legislature of the State of Wyoming:*

"SECTION 1.

"(a) That a delegation of five (5) voting persons from the State of Wyoming shall be appointed to represent the State of Wyoming at a Conference of the States for the purposes described in subsection (b) of this section to be convened as provided in subsection (c) of this section. The delegation shall consist of the governor, or one (1) of the other four (4) statewide elected officials designated by the governor, and four (4) legislators, two (2) from each house selected by the presiding officer of that house. No more than two (2) of the four (4) legislators may be from the same political party. Each presiding officer may designate two (2) alternate legislator delegates, one (1) from each party, who have voting privileges in the absence of the primary delegates.

"(b) That the delegates of the Conference of the States will propose, debate and vote on elements of an action plan to restore checks and balances between states and the national government. Measures agreed upon will be formalized in an instrument called a States' Petition and returned to the delegation's state for consideration by the entire legislature.

"(c) That the Conference of the States shall be convened under the 501(c)3 auspices of the Council of State Governments in cooperation with the National Governors' Association and the National Conference of State Legislatures no later than two hundred seventy (270) days after legislatures of at least twenty-six (26) states adopt this resolution without amendment.

"(d) That prior to the official convening of the Conference of the States the steering committee created by the Council of State Governments will draft:

"(i) The governance structure and procedural rules for the Conference;

"(ii) The process for receiving rebalancing proposals; and

"(iii) The financial and administrative functions of the Conference, including the Council of State Governments as fiscal agent.

"(e) That the bylaws for the Conference shall:

"(i) Conform to the provisions of this resolution;

"(ii) Specify that each state delegation shall have one (1) vote at the Conference; and

"(iii) Specify that the Conference agenda be limited to fundamental, structural and long-term reforms.

"(f) Upon the official convening of the Conference of the States, the state delegations will vote upon and approve the Conference governing structure, operating rules and bylaws.

"SECTION 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Council of State Governments, to the National Conference of State Legislatures and to the Wyoming Congressional Delegation."

POM–82. A resolution adopted by Council of the City of Hastings, Nebraska relative to the flag; to the Committee on the Judiciary.

POM–83. A resolution adopted by Council of Juvenile and Family Court Judges, Nashville, Tennessee relative to the judiciary; to the Committee on the Judiciary.

POM–84. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION NO. 341

"Whereas, pursuant to Article 1, Section 8, and Article IV, Section 4 of the U.S. Constitution, the federal government has the sole authority to regulate immigration, to protect states from invasion, and to guarantee states a republican form of government; and

"Whereas, the President and Congress set the limits for the number of legal immigrants who each year enter this country to reside and also require the states to provide education, emergency medical care and incarceration for many undocumented immigrants with little or no reimbursement; and

"Whereas, while professing a moral obligation to reimburse the states for the costs which result from their immigration policy, Congress has continued to renege on its promise; and

"Whereas, many states, especially those with large concentrations of undocumented immigrants living within their borders, have made their complaints in the form of suits in federal courts to recover some of the costs which the states feel result from the failure of the federal government to enforce the nation's borders and provide adequate resources for immigration; and

"Whereas, the federal government has recently begun to review the issue through the creation of a national committee on immigration reform, whose final report is due in 1997, and by providing additional money for some programs, especially border control and reimbursement for the incarceration of convicted offenders; and

"Whereas, many states are being hard hit by budgetary cutbacks and are feeling the impact on state revenues and expenditures incurred by these federal mandates; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring,* That it is the sense of the General Assembly of Virginia that Congress should honor its obligations, both constitutional and legislative, and reimburse states for the cost of providing services to undocumented immigrants; and, be it

"*Resolved further,* That the Clerk of the Senate shall transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Virginia Congressional Delegation in order that they may be apprised of the sentiment of the General Assembly."

POM–85. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

"HOUSE JOINT RESOLUTION NO. 658

"Whereas, each year this nation becomes more deeply in debt as its expenditures repeatedly exceed available revenues so that the total federal public debt now approaches $5 trillion and continues to increase; and

"Whereas, the federal budget fails to reflect actual spending because of the exclusion of special outlays which are neither included in the budget nor subject to the legal public debt limit; and

"Whereas, knowledgeable planning requires that the budget reflect all federal spending and that the budget be in balance; and

"Whereas, attempts to curtail federal spending, confine expenditures to available revenues, and reduce the annual deficit have met with only limited success; and

"Whereas, fiscal irresponsibility at the federal level, with the inflation that can result from this policy, is the greatest threat which faces our nation; and

"Whereas, the requirement to balance the budget and a presidential line-item veto are two measures which will promote responsibility at the federal level, provide checks against unnecessary and costly appropriations, and reinforce efforts to bring about fiscal integrity; and

"Whereas, the Constitution of this Commonwealth provides for both a balanced budget and gubernatorial line-item veto, and these provisions have reinforced the inherent fiscal common sense of spending only funds available and have contributed to the Commonwealth's outstanding reputation for sound fiscal management and policy; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring,* That Congress be urged to hereby express its vigorous and continuing support for amendments to the Constitution of the United States to require a balanced budget and provide a line-item veto power for the President; and, be it

"*Resolved further,* That a copy of this resolution be sent to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, and to each member of the Virginia Congressional Delegation in order that they may be apprised of the sentiment of the General Assembly of Virginia."

POM–86. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION NO. 279

"Whereas, all thirty-three amendments proposed to the United States Constitution since 1788, including the twenty-seven amendments adopted, have been initiated by the Congress; and

"Whereas, more than 400 petitions from the several states requesting a constitutional convention to propose amendments have been filed with Congress but have never resulted in the calling of a convention or adoption of an amendment; and

"Whereas, there should be a careful balance of national and state power in a federal system, and the present mechanisms for the amendment of the Constitution have proven to be incapable of affording the proper balance between the national and state governments in their abilities to propose amendments to the Constitution; and

"Whereas, the envisioned and desirable equipoise between national and state powers requires a means for the several states to be able to propose and adopt amendments to the Constitution; and

"Whereas, the Commonwealth, in 1990, joined with other states to propose an amendment to the United States Constitution to enable three-fourths of the states to amend the Constitution subject to congressional veto and, in 1995, confirms its support for that proposal, 1990 House Joint Resolution No. 140; and

"Whereas, it is proper that alternative proposals to address the issue of how best to restore the desired balance between the states and the national government should be considered; and

"Whereas, the agreement by three-fourths of the legislatures of the several states to the same proposed amendment within a seven-year span should provide assurance that a proposed amendment is the will of the people, and that agreement should result in the adoption of the proposed amendment without the necessity of action by the Congress; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring,* That the General Assembly of Virginia request the Congress of the United States to propose an amendment to Article V of the Constitution of the United States which provides for state-initiated amendments to the Constitution. The amendment provides for the deletion of the language shown as stricken and the insertion of the italicized language, in essence, as follows:

"ARTICLE V—AMENDMENT OF THE CONSTITUTION

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the applications of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

"In addition, whenever the legislatures of three fourths of the several states shall propose and adopt an identical amendment to this Constitution, related to but one subject, that amendment shall be valid as a part of this Constitution, without any action being required by the Congress, upon receipt by the Clerk of the Supreme Court of certified copies of that amendment from states which represent three fourths of the several states; provided that the Clerk receives such certified copies within a seven-year period beginning on the date he receives the first certified copy of the proposed amendment; and provided that each state shall retain the power to rescind its action to propose and adopt the amendment until the expiration of the seven-year period or the date of receipt by the Clerk of certified copies of the same amendment from three-fourths of the several states whichever first occurs.

"Upon receipt from the first ten states of the identical proposed amendment, the Supreme Court shall within sixty days thereafter rule whether the amendment is, in fact, related to one subject only if the Supreme Court rules that the amendment is related to but one subject, or if the Supreme Court fails to rule on the issue within the sixty days, the amendment shall be conclusively presumed to meet the one-subject standard. If the Supreme Court rules that the amendment fails to meet the one-subject standard, the proposed amendment shall be invalid.

"However, no state, without its consent, shall be deprived of its equal suffrage in the Senate; and, be it

"*Resolved further,* That the General Assembly request the legislatures of the several states to apply to Congress for the proposal of this amendment to the Constitution of the United States; and, be it

"*Resolved finally,* That the Clerk of the Senate transmit copies of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Archivist of the United States at the National Archives and Records Administration of the United States, the members of the Virginia delegation to the United States Congress, and the legislatures of each of the several states, attesting the adoption of this resolution."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 657. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities or for college education costs of a beneficiary; to the Committee on Finance.

By Mr. BINGAMAN:

S. 658. A bill to expand the boundary of the Santa Fe National Forest, and for other purposes; to the Committee on Energy and Natural Resources..

By Mr. FEINGOLD:

S. 659. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to replace the prohibition on higher State make allowances for the processing of milk with a requirement that the support purchase price for milk be reduced if a person collects a State make allowance that is higher than the Federal make allowance and the milk is purchased by the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY:

S. Res. 98. A resolution relating to tax avoidance by certain American citizens; ordered to lie over, under the rule.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 657. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities or for college education costs of a beneficiary; to the Committee on Finance.

THE PERSONS WITH DISABILITIES TRUSTS TAX RATE RESTORATION ACT

• Mr. DOMENICI. Mr. President, things aren't always as they seem—especially in the world of tax legislation. Included in the same section that raised the tax rates for higher income individuals were provisions increasing the tax rate for trusts with meager incomes as low as $1,500.

President Clinton campaigned that he wouldn't raise taxes on anyone earning less than $200,000, yet in the law the President signed in 1993, tax bracket increases begin for trusts that have income of $1,500.

This isn't really a tax on trusts. It is a tax on people who are mentally ill and people with disabilities. It is also a tax on education.

The legislation I am introducing today would repeal that tax increase.

Trusts, at first blush, are faceless entities associated with the idle rich. But the vast majority of trusts are long-term financial planning tools for people with simple goals and very special needs.

Trusts are set up to save for college or to provide a living allowance for people with disabilities or mental illness. It is a way that parents can plan for the time when they have passed on. These are "worthy purpose" trusts that are taking a heavy tax hit under the 1993 law.

Increasing the tax rates on these faceless entities called trusts sounds appealing until we stop to realize that the money comes out of the living allowances of individuals with disabilities, or mental illnesses.

I have experienced personally the agony a family faces as they try to adequately plan and provide for the future comfort and financial management of the affairs of a person with a disability or mental illness. Parents of children with special needs feel an indescribable vulnerability and responsibility as they contemplate, "How can we best provide for our child who has a disability or mental illness when we are gone?" "How can we insure that he/she will have an adequate living allowance?" It is an inescapable worry that shouldn't be compounded by misguided and ever changing tax policy.

The problems are complex. It isn't just having enough money. Money isn't the issue. Taxes aren't the issue. It is a management and caring dilemma. Some loved ones who are mentally ill are not suited to have immediate access to the financial resources that their parents saved for their economic security. A trust is a mechanism to provide the financial resources that parents would provide if they were still alive.

These trusts are not set up because wealthy people are trying to avoid taxes. Most of the tax avoidance schemes were written out of the Tax Code in 1986 anyway. The type of trust I am talking about is set up to provide for a loved one. Our tax policy should encourage family responsibility. Only the family can be counted on to provide financial support.

This is a terrible deed that we did to raise the rates on these trusts. Some of these trusts were set up decades ago to provide an adequate living allowance. They are irrevocable trusts. Once they are set up they cannot be changed.

These trusts are vulnerable to interest rate fluctuations and other economic variables. It is wrong to also subject them to an ever increasing tax burden.

Parents and grandparents like to set up education trusts for their children and grandchildren. It teaches children to save. But under the current law, trust income is taxed much more steeply than in the past. In fact, these tax provisions really clobber these trusts, too.

Under the old law, taxable trusts for college or for the care and maintenance of a person who is disabled or suffers from a mental illness paid a top rate of 31 percent on taxable income of more than $11,250. That was quite steep.

But under current law, it became much, much worse. They pay 39.6 percent on income of more than $7,500.

This means that a very small trust under prior law with income of $2,750 would have paid $562 in Federal income taxes. Under the current law, the trust pays $862—a 53-percent increase.

The bill I am introducing today would repeal that 53-percent rate increase.

Under the new tax law, trusts would pay 31 percent on income between $3,500 and $5,500; 36 percent on income over $5,500 and 10 percent surcharge on income over $7,500 leading to a marginal rate of 39.6 percent.

For a country with a miserable savings rate, this is the wrong tax policy and the wrong message to our children about responsibility, savings and investment.

I would like to think the rate increase for these trusts was an unintended consequence of the tax law. Regardless, it is one provision that should be repealed.

I hope my colleagues will join me in cosponsoring this bill. I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persons With Disabilities Trusts Tax Rate Restoration Act".

SEC. 2. REPEAL OF 1993 RATE INCREASES ON TRUSTS FOR INDIVIDUALS WHO ARE DISABLED OR FOR COLLEGE EDUCATIONS.

(a) IN GENERAL.—Section 1(e) of the Internal Revenue Code of 1986 (relating to tax imposed on estates and trusts) is amended to read as follows:

"(e) ESTATES AND TRUSTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), there is hereby imposed on the taxable income of—

"(A) every estate, and

"(B) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $1,500	15% of taxable income.
Over $1,500 but not over $3,500.	$225, plus 28% of the excess over $1,500.
Over $3,500 but not over $5,500.	$785, plus 31% of the excess over $3,500.
Over $5,500 but not over $7,500.	$1,405, plus 36% of the excess over $5,500.
Over $7,500	$2,125, plus 39.6% of the excess over $7,500.

"(2) SPECIAL RULE FOR CERTAIN TRUSTS.—

"(A) IN GENERAL.—There is hereby imposed on the taxable income of an eligible trust taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $3,300	15% of taxable income.
Over $3,300 but not over $9,900.	$495, plus 28% of the excess over $3,300.
Over $9,900	$2,343, plus 31% of the excess over $9,900.

"(B) ELIGIBLE TRUST.—For purposes of subparagraph (A), the term 'eligible trust' means a trust which is established exclusively for the purpose of providing reasonable amounts for—

(i) the support and maintenance of 1 or more beneficiaries each of whom is an individual who is mentally ill or has a disability (within the meaning of section 3(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12102(2)) at the time the trust is established,

(ii) the support and maintenance of 1 or more beneficiaries each of whom is under 21 years of age and whose custodial parent or parents are deceased, or

(iii) the payment of qualified higher education expenses (as defined in section 135(c)(2)) of the grantor's children or grandchildren.

A trust shall not fail to meet the requirements of this subparagraph merely because the corpus of the trust may revert to the grantor or a member of the grantor's family upon the death of the beneficiary."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.•

By Mr. BINGAMAN:

S. 658. A bill to expand the boundary of the Santa Fe National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

THE SANTA FE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT

• Mr. BINGAMAN. Mr. President, today I am introducing legislation on behalf of myself and Senator DOMENICI to authorize the Forest Service to acquire land and easements adjacent to the Santa Fe National Forest in New Mexico. The purpose of this legislation is to preserve the Atalaya Mountain area, east of the city of Santa Fe, NM. The tracts of land in question comprise a portion of the eastern scenic backdrop of Santa Fe which provide the physical and visual edge of the city. They are logical additions to the Santa Fe Forest.

The expanded boundary will adjoin existing city-owned lands, and will connect with and contribute to the city's open space plan. This boundary adjustment will provide a more logical exterior boundary for the Santa Fe National Forest, thereby also facilitating management and administration of these Federal lands.

This property possesses outstanding scenic qualities that are presently enjoyed by the general public traveling in the vicinity. In addition, these lands are crossed by historic wood gathering trails, used by Santa Fe residents for over 300 years, and could provide permanently protected public access corridors.

Over the last several months, broad community concern has been expressed over the prospect of development of the west face of Atalaya Mountain. There is strong public support for preserving this property in an undeveloped state for public use and enjoyment. The purpose of this legislation is to protect Atalaya Mountain through acquisition of land and conservation easements by the Forest Service, thus returning the land to the public as open space. This legislation specifically prohibits the Forest Service from selling this land and endangering it to development in the future. It is our intent that this legislation spur Forest Service acquisition and provide the extra protection that the mountain so richly deserves.

This effort represents a high level of cooperation and compromise among several parties—the current owners of the land in question, Santa Feans concerned about the preservation of open space, and local and Federal governments. I am pleased to support this effort through introduction of this legislation, which will ensure that Atalaya Mountain, one of Santa Fe's natural treasures, will be protected. Let me take this opportunity to thank my colleague, Senator DOMENICI, for his cosponsorship of this legislation. Congressman RICHARDSON has introduced companion legislation in the House of Representatives. It is my hope that we will be able to move swiftly to pass this legislation, and I urge my colleagues to support this bill.

Thank you, Mr. President. I ask that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Fe National Forest Boudary Adjustment Act of 1995".

SEC. 2. BOUNDARY MODIFICATION.

The boundary of the Santa Fe National Forest is modified and expanded as generally depicted on a map entitled "Santa Fe National Boundary Expansion 1994", dated July 19, 1994. The map shall be on file and available for public inspection in the office of the Chief of the Forest Service.

SEC. 3. ATALAYA PEAK EXCHANGES.

(a) IN GENERAL.—The Secretary of the Interior may exchange public land and interests in land managed by the Director of the Bureau of Land Management for private land and interests in land depicted on the map described in section 2.

(b) WITHDRAWAL.—Upon the acquisition of land under subsection (a) by the Secretary of the Interior, and subject to valid existing rights, such land is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing.

SEC. 4. EXCHANGE OF FEDERAL LANDS IN NEW MEXICO.

(a) IDENTIFICATION OF LANDS.—In conjunction with the exchange of lands under section 3, the Secretary of Agriculture and the Secretary of the Interior shall identify federally owned lands and interests in land that are within the boundary of the Santa Fe National Forest on the date of enactment of this Act and are suitable for transfer to and administration by the Bureau of Land Management. The identification of National Forest System land available for transfer shall be made under criteria that are mutually agreeable to the Secretaries.

(b) LANDS ACQUIRED FOR THE BUREAU OF LAND MANAGEMENT.—

(1) TRANSFER BY SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the Secretary of the Interior, acting through the Director of the Bureau of Land Management, lands and interests in land identified under subsection (a). The transfer shall be effective on publication in the Federal Register of notice of the transfer that identifies the lands and interests in land.

(2) BOUNDARY MODIFICATION.—The boundary of the Santa Fe National Forest shall be modified as of the date of notice under paragraph (1) to exclude lands and interests in land that are transferred to the Secretary of the Interior.

(3) MANAGEMENT.—Lands transferred under paragraph (1) shall be administered by the Director of the Bureau of Land Management as part of the public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))).

(c) LANDS ACQUIRED FOR THE FOREST SERVICE.—

(1) Addition to Sante Fe National Forest.—Lands and Interests in Land—

(A) acquired by the Secretary of the Interior under section 3; or

(B) acquired by the Secretary of Agriculture within the areas identified as "potential acquisition" on the map described in section 2,

shall, upon acquisition, be added to and administered as part of the Santa Fe National Forest in accordance with the laws relating to the National Forest System.

(2) MANAGEMENT.—The Secretary of Agriculture shall manage lands and interest in land described in paragraph (1) primarily to preserve open space and scenic values and to preclude development.

(3) AVAILABILITY OF CERTAIN FUNDS.—For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-9(a)(1)), the boundary of the Santa Fe National Forest, as modified under this Act, shall be treated as if it had been the boundary as of January 1, 1965.

SEC. 5. SAVINGS PROVISION.

(a) IN GENERAL.—Nothing in this Act shall affect the authority of the Secretary of Agriculture to acquire lands in New Mexico by purchase or exchange.

(b) MANAGEMENT.—Notwithstanding the Act of June 15, 1926 (16 U.S.C. 471a), all lands acquired before, on, or after the date of enactment of this Act by the exchange of National Forest lands shall be managed as a part of the National Forest System.

SEC. 6. IMPLEMENTATION.

The procedures used in carrying out the land transfers under this Act shall be the procedures agreed to between the Secretary of the Interior and the Secretary of Agriculture.●

By Mr. FEINGOLD:

S. 659. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to replace the prohibition on higher State make-allowances for the processing of milk with a requirement that the support purchase price for milk be reduced if a person collects a State make-allowance that is higher than the Federal make-allowance and the milk is purchased by the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ELIMINATION OF DOUBLE SUBSIDY TO DAIRY PROCESSORS

Mr. FEINGOLD. Mr. President, today I am introducing the legislation that will restore some fairness to the Dairy Price Support Program. Previous legislative and administrative attempts to correct the problem in the system have been unsuccessful. It is time to try a new approach.

Under the Dairy Price Support Program, USDA set Commodity Credit Corporation purchase prices for manufactured daily products in order to indirectly support the price of milk. Rather than requiring the processors to pay dairy producers the support price, the Dairy Price Support Program sets the support price for the individual manufactured products at levels sufficient to achieve plant returns that in turn, allow processors to pay farmers the specified support price. This requires a determination by USDA as to the appropriate plant margin. This margin is more commonly known as a "make allowance."

Despite changes in the 1990 farm bill, some States in this country, are still able to set prices for milk used to make cheese, butter, and nonfat dry milk such that processing plants are guaranteed a higher profit margin—or make allowance—for their products than allowed under the dairy price support system. That allowance provides companies in those States with an artificial competitive advantage. At the same time, processors in those States sell significant amounts of surplus dairy products to the Federal Government.

The bill I am introducing today sends a clear message to those States—it says "You can't have it both ways."

While the specifics of this issue are complex, the fundamentals are clear and understandable. If States create pricing structures to give their milk processors a leg up, they cannot do so at taxpayers expense.

That is exactly what is happening in the State of California today. Because of the California State pricing system, cheese, butter, and dry milk processors are provided such a high make allowance that they can sell their products competitively on the east coast even with the high cost of transportation. Meanwhile, other States must abide by the manufacturing margin set by the Department of Agriculture.

Currently, the State of California provides their plants with a make allowance that is 57 cents per hundredweight higher than the national make allowance for cheese, and nearly 60 cents per hundredweight higher than the national make allowance for the processing of butter and milk powder.

California processors pay their dairy farmers less for the milk they need to make cheese, butter, and powder, and let farmers absorb the market risk, while taxpayers absorb the cost.

Meanwhile, processors elsewhere in the country who are playing by the rules, paying at least Minnesota-Wisconsin base price or an associated minimum price for milk used in dry milk production, are forced to compete with California's products in the grocery store's dairy case. If we don't change this inequity, processors and dairy farmers outside of California will continue to lose.

The growth in the California dairy processing industry in the last 10 years has been dramatic—and it is due—at least in part—to the higher make allowance. The higher profitability of the plants drives the need to operate plants at capacity and build even more plants creating a demand for milk that spurs on the growth of milk production. The lack of risk for processors makes dairy manufacturing even more attractive to investors. As one might expect, Mr. President, the sales of surplus dairy product to the Federal Government from California have been dramatic as well.

Between 1990 and 1994 marketing years, one State—the State of California—sold 35 percent of all of the surplus butter purchased by the Federal Government and 42 percent of all the nonfat dry milk purchased by the Government.

Not only does the higher make allowance provide California dairy product manufacturers with an artificial competitive advantage in the market place, it encourages milk production and increases surpluses, driving down national milk prices to farmers.

Congress recognized the importance of this issue in the 1990 farm bill when we prohibited any State from having a higher make allowance than the Federal make allowance. Five years later, the law has not been implemented. The Secretary's attempt to implement the law has already been the subject of seven lawsuits. Complaints about the Department's proposed rule have at the same time charged the rule will have no impact whatsoever or be wholly devastating on both the California processing industry and the national dairy industry. Well, Mr. President, I doubt that both could simultaneously be true, but it is hard to know which will be the final outcome.

It is time to restore some reason to this drawn out administrative process. My bill does that. It simplifies the law by removing the overall prohibition on States having higher make allowances. It eliminates the existing statutory requirements for penalties and it removes the burden from the producer to bring a complaint against his processor to USDA.

My bill simply requires the Commodity Credit Corporation to reduce the price it pays to any plant or person selling surplus dairy products to the Government operating in a state with a pricing system that provides a higher make allowance, by an amount that is equal to the difference between the State and Federal make allowance. Regardless of the point of sale of the dairy products, if they were produced by a plant in a state with a higher make allowance, the CCC purchase price must be reduced.

This bill also explicitly includes cooperatives which have been exempted from the proposed USDA rules. Since dairy cooperatives market most of the milk in California, it is essential that they be compelled to comply with the requirements of this bill.

This bill is based upon a proposal by the Lakeshore Federated Dairy Cooperative in Wisconsin and their member-producers who are fed up with USDA's inability to implement current law, the artificial competitive disadvantages they face in the dairy case, and the bald-faced abuse of the dairy price support system that has gone unfettered for the last 15 years.

The appeal of this approach is obvious. It allows an individual State to have its own pricing structures, but forces them to play by the rules of the Federal dairy price support program if they wish to take advantage of it. States should not be allowed to increase the cost of the dairy price support program to taxpayers and depress national prices to other producers in the process, while providing their own dairy industry with an additional processing subsidy.

The legislation I am proposing not only makes more sense than the current proposal, it also saves money. It has less of an impact on California producer prices and will not lead to significant increases in milk production. In fact, preliminary CBO estimates indicate that this legislation, if enacted, would save upwards of $40 million over 5 years.

I think this is a solid compromise to a long-standing problem that will persist if Congress fails to act. I encourage my colleagues to support this legislation.

I ask unanimous consent that a letter from the Lakeshore Federated Dairy Cooperative be included in the RECORD, and that the text of the bill also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MILK MANUFACTURING MARKETING ADJUSTMENT.

Subsections (a) and (b) of section 102 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1446e–1) are amended to read as follows:

"(a) DEFINITIONS.—In this section:

"(1) FEDERAL MAKE ALLOWANCE.—The term 'Federal make allowance' means the allowance for the processing of milk that is permitted under a Federal program to establish a Grade A price for manufacturing butter, nonfat dry milk, or cheese.

"(2) PERSON.—The term 'person' includes a cooperative.

"(3) STATE MAKE ALLOWANCE.—The term 'State make allowance' means the allowance for the processing of milk that is permitted by a State for manufacturing butter, nonfat dry milk, or cheese.

"(b) MILK MANUFACTURING MARKETING ADJUSTMENT.—Notwithstanding any other provision of law, if a person collects a State make allowance that is higher than the Federal make allowance and the milk or product of milk that is subject to the allowance is purchased by the Commodity Credit Corporation, regardless of the point of sale, the Corporation shall reduce the support purchase price for the milk and each product of the milk by an amount that is equal to the difference between the State make allowance and the Federal make allowance for the milk and product, as determined by the Secretary of Agriculture.".

LAKESHORE FEDERATED
DAIRY COOPERATIVE,
Rockford, IL, March 31, 1995.

Hon. RUSS FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: Lakeshore Federated Dairy Cooperative supports your adjustments to "Milk Manufacturing Marketing Adjustment" in your proposed legislation.

The major impact of implementing the "Milk Manufacturing Marketing Adjustment" would be on cheese sales to the Commodity Credit Cooperation. The current California make allowance for cheese per hundredweight is $1.94. This compares to the $1.37 per hundredweight used by the CCC in calculating the block cheddar cheese purchase price. This section will eliminate a $0.57 make allowance advantage California has over cheese manufacturing plants in 42 other states.

California's Class 4b make allowance has resulted in the cost of milk to California cheesemakers to fall below the M-W price, which represents the minimum cost of milk to cheesemakers regulated under federal orders in 42 states. This allows California cheese plants to produce cheese at a lower raw milk cost than plants in most other states, because of a government loop-hole.

California has had this windfall for the past 10 years and is using politics and the court system to delay any new regulations.

The dairy industry in California had an opportunity to take care of the California make allowance provision that had come to the attention of the U.S. Congress and USDA in February 1992. California chose to ignore the U.S. Congress and Section 102 of the 1990 Farm Bill. They chose to add 70 cents per cwt. on milk used in Class I and Class II as a surcharge, through an emergency price relief bill passed in 1991.

This price relief bill allowed the California department of Food and Agriculture to increase the cost of milk utilized in Class I and Class II and the fluid milk consumers subsidized the California milk producer and continued to allow a high make allowance to the milk manufacturing industry. This emergency price relief bill was just another California State milk pricing scheme to allow the California milk manufacturing industry to continue to use high state "make allowance."

Congress recognized this make allowance issue in the 1990 Farm Bill and instructed USDA to correct the problem. USDA failed to honor the request, as they have done prior to the 1990 Farm Bill. Our cooperative filed briefs with Secretary of Agriculture, Mike Espy, in 1994 on the make allowance issue and as of today, nothing has been done.

The California Department of Food and Agriculture has denied a petition to hold hearings on whether the state's Class 4–A and 4–B milk pricing formulas should be replaced with the Minnesota-Wisconsin price within the past month. There is no doubt that the California dairy industry has no respect for the U.S. Congress or USDA's internal politics. They had a chance to correct the make allowance inequity this past month and thumbed their nose at the rest of the United States.

Lakeshore Federated Dairy Cooperative is made up of three Capper-Volstead Cooperatives: Manitowoc Milk Producers Cooperative, Milwaukee Cooperative Milk Producers, Brookfield, WI, and Mid-West Dairymens Co., Rockford, IL. The combined membership of the three cooperatives includes 6,200 farm families located in Wisconsin, Illinois, Michigan, Minnesota and Iowa.

The cost to administrate this new section in the 1995 Farm Bill is zero. The CCC will make a calculation once for the States with milk pricing schemes and use the same reduction on the price per pound of products purchased by the CCC. This price per pound reduction will also reduce spending by USDA.

Members of our cooperatives feel there is little downside to your proposed legislation. There have been scenarios as to the shift of milk from cheese to NFDM production or the shift of milk from NFDM production to cheese production. These are unpublished studies with questionable assumptions and conclusions.

We would like to thank you and your staff for supporting this make allowance issue. If our cooperatives can be of any assistance to you, please let us know.

Sincerely,

DENNIS DONOHUE,
Manitowoc Milk
Producers Cooperative.
JAMES BIRD,
Milwaukee Cooperative
Milk Producers.
JOHN TREI,
Mid-West Dairymens Company.

ADDITIONAL COSPONSORS

S. 240

At the request of Mr. DOMENICI, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 252

At the request of Mr. LOTT, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 252, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 254

At the request of Mr. LOTT, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the U.S. merchant marine during World War II.

S. 256

At the request of Mr. BRADLEY, his name was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

SENATE RESOLUTION 83

At the request of Mr. FEINGOLD, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Resolution 83, a resolution expressing the sense of the Senate regarding tax cuts during the 104th Congress.

AMENDMENT NO. 430

At the request of Mr. MCCONNELL his name was added as a cosponsor of amendment No. 430 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

SENATE RESOLUTION 98—RELATING TO TAX AVOIDANCE BY CERTAIN AMERICAN CITIZENS

Mr. KENNEDY submitted the following resolution; ordered to lie over, under the rule:

S. RES. 98

Resolved, it is the sense of the Senate that—

(1) the Congress of the United States should act as quickly as possible to amend the Internal Revenue Code to end the tax avoidance by United States citizens who relinquish their United States citizenship; and

(2) The effective date of such amendment to the Internal Revenue Code should be February 6, 1995.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1995

EXON AMENDMENT NO. 442

(Ordered to lie on the table.)

Mr. EXON submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place in the pending substitute amendment add the following:

SEC. . LIMITATION ON FUNDING OF ABORTIONS.

None of the funds appropriated under Public Laws 103-112 and 103-333 shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under such Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest: *Provided*, That, effective October 1, 1993, and notwithstanding any other law, each State is and remains free not to fund abortions to the extent that the State in its sole discretion deems appropriate, except where the life of the mother would be endangered if the fetus were carried to term.

PRESSLER AMENDMENT NO. 443

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

Beginning on page 41, line 21, strike ": *Provided*" and all that follows through page 42, line 3, and insert a period.

PRESSLER (AND OTHERS) AMENDMENT NO. 444

(Ordered to lie on the table.)

Mr. PRESSLER (for himself, Mr. D'AMATO, and Mr. WARNER) submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 33, strike lines 1 through 5.

On page 12, line 25, strike "$5,000,000" and insert "$21,293,000".

DASCHLE (AND OTHERS) AMENDMENT NO. 445

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DORGAN, Mr. HARKIN, Mr. CAMPBELL, and Mr. KOHL) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

In the pending amendment strike all after the first word and insert the following:

"the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from "Nutrition Initiatives", Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103-465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year".

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program".

GENERAL PROVISIONS

Section 715 of Public Law 103-330 is amended by deleting "$85,500,000" and by inserting "$110,000,000". The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103-465.

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of "$9,917,000" available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103–330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $7,290,000, for the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

Under this heading in Public Law 103–317, after the word "grants", insert the following: "and administrative expenses". After the word "expended", insert the following: ": *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council".

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

Board for International Broadcasting

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

United States Information Agency

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

Energy Supply, Research and Development Activities

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $81,500,000 are rescinded.

Atomic Energy Defense Activities

Defense Environmental Restoration and Waste Management

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $113,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

Departmental Administration

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $20,000,000 are rescinded.

Power Marketing Administrations

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103-87 and Public Law 103-306, $100,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, and Public Law 102-381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102-381, Public Law 101-121, and Public Law 100-446, $1,497,000 are rescinded.

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103-332, Public Law 103-138, Public Law 103-75, Public Law 102-381, Public Law 102-154, Public Law 102-368, Public Law 101-512, Public Law 101-121, Public Law 100-446, and Public Law 100-202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, and Public Law 101-512, $3,893,000 are rescinded.

National Biological Survey

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332 and Public Law 103-138, $12,544,000 are rescinded.

National Park Service

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, Public Law 102-154, Public Law 101-512, Public Law 101-121, Public Law 100-446, Public Law 100-202, Public Law 99-190, Public Law 98-473, and Public Law 98-146, $11,297,000 are rescinded.

Minerals Management Service

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $814,000 are rescinded.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103-332 is amended by striking "$330,111,000" and inserting in lieu thereof "$329,361,000".

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103-332, $1,900,000 is rescinded.

Territorial and International Affairs

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99-591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking "1994" and inserting in lieu thereof "1995".

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,406,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $372,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided*, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $13,400,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,[illegible]7,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the "and": "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),".

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $13,988,000 are rescinded.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,900,000 are rescinded as follows: $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $136,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $2,200,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $1,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$250,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,405,000,000".

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for "Small Community Air Service" beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103–331 under this heading is repealed, "*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force".

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided*, That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

Northeast Corridor Improvement Program

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

National Magnetic Levitation Prototype Development Program

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

Discretionary Grants

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104–17, for which the obligation limitation in Public Law 102–143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101–516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103–122 is hereby amended to delete the words "or previous Acts" each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

General Services Administration

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

Office of Personnel Management

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

Financial Management Service

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

United States Mint

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert "not to exceed" after "of which".

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

Internal Revenue Service

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

Administrative Provision—Internal Revenue Service

In the paragraph under this heading in Public Law 103–329, in section 3, after "$119,000,000", insert "annually".

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

The White House Office

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

Federal Drug Control Programs

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, "Salaries and expenses" for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

General Services Administration

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSIONS)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000.

Arkansas:

Little Rock, Courthouse, $13,816,000.

Arizona:

Bullhead City, FAA grant, $2,200,000.

Lukeville, commercial lot expansion, $1,219,000.

Nogales, Border Patrol, headquarters, $2,998,000.

Phoenix, U.S. Federal building, Courthouse, $121,890,000.

San Luis, primary lane expansion and administrative office space, $3,496,000.

Sierra Vista, U.S. Magistrate's office, $1,000,000.

Tucson, Federal building, U.S. Courthouse, $121,890,000.

California:

Menlo Park, United States Geological Survey office, laboratory building, $6,868,000.

Sacramento, Federal building, U.S. Courthouse, $142,902,000.

San Diego, Federal building, U.S. Courthouse, $3,379,000.

San Francisco, lease purchase, $9,702,000.

San Francisco, U.S. Courthouse, $4,378,000.

San Francisco, U.S. Court of Appeals annex, $9,003,000.

San Pedro, Customhouse, $4,887,000.

Colorado:

Denver, Federal building, U.S. Courthouse, $8,006,000.

District of Columbia:

Central and West heating plants, $5,000,000.

Corps of Engineers, headquarters, $37,618,000.

General Services Administration, Southeast Federal Center, headquarters, $25,000,000.

United States Secret Service, headquarters, $113,084,000.

Florida:

Ft. Myers, U.S. Courthouse, $24,851,000.

Jacksonville, U.S. Courthouse, $10,633,000.

Tampa, U.S. Courthouse, $14,998,000.

Georgia:

Albany, U.S. Courthouse, $12,101,000.

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000.

Atlanta, Centers for Disease Control, $14,110,000.

Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000.

Savannah, U.S. Courthouse annex, $3,000,000.

Hawaii:

Hilo, Federal facilities consolidation, $12,000,000.

Illinois:

Chicago, SSA DO, $2,167,000.

Chicago, Federal Center, $47,682,000.

Chicago, Dirksen building, $1,200,000.

Chicago, J.C. Kluczynski building, $13,414,000.

Indiana:

Hammond, Federal building, U.S. Courthouse, $52,272,000.

Jeffersonville, Federal Center, $13,522,000.

Kentucky:

Covington, U.S. Courthouse, $2,914,000.

London, U.S. Courthouse, $1,523,000.

Louisiana:

Lafayette, U.S. Courthouse, $3,295,000.

Maryland:

Avondale, DeLaSalle building, $16,671,000.

Bowie, Bureau of Census, $27,877,000.

Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000.

Woodlawn, SSA building, $17,292,000.

Massachusetts:

Boston, U.S. Courthouse, $4,076,000.

Missouri:

Cape Girardeau, U.S. Courthouse, $3,688,000.

Kansas City, U.S. Courthouse, $100,721,000.

Nebraska:

Omaha, Federal building, U.S. Courthouse, $9,291,000.

Nevada:

Las Vegas, U.S. Courthouse, $4,230,000.

Reno, Federal building, U.S. Courthouse, $1,465,000.

New Hampshire:

Concord, Federal building, U.S. Courthouse, $3,519,000.

New Jersey:

Newark, parking facility, $9,000,000.

Trenton, Clarkson Courthouse, $14,107,000.

New Mexico:

Albuquerque, U.S. Courthouse, $47,459,000.

Santa Teresa, Border Station, $4,004,000.

New York:

Brooklyn, U.S. Courthouse, $43,717,000.

Holtsville, IRS Center, $19,183,000.

Long Island, U.S. Courthouse, $27,198,000.

North Dakota:

Fargo, Federal building, U.S. Courthouse, $20,105,000.

Pembina, Border Station, $93,000.

Ohio:

Cleveland, Celebreeze Federal building, $10,972,000.

Cleveland, U.S. Courthouse, $28,246,000.

Steubenville, U.S. Courthouse, $2,820,000.

Youngstown, Federal building, U.S. Courthouse, $4,574,000.

Oklahoma:

Oklahoma City, Murrah Federal building, $5,290,000.

Oregon:

Portland, U.S. Courthouse, $5,000,000.

Pennsylvania:

Philadelphia, Byrne-Green Federal building, Courthouse, $30,628,000.

Philadelphia, Nix Federal building, Courthouse, $13,814,000.

Philadelphia, Veterans' Administration, $1,276,000.

Scranton, Federal building, U.S. Courthouse, $9,969,000.

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000.

South Carolina:

Columbia, U.S. Courthouse annex, $592,000.

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000.

Texas:

Austin, Veterans' Administration annex, $1,028,000.

Brownsville, U.S. Courthouse, $4,339,000.

Corpus Christi, U.S. Courthouse, $6,446,000.

Laredo, Federal building, U.S. Courthouse, $5,986,000.

Lubbock, Federal building, U.S. Courthouse, $12,167,000.

Ysleta, site acquisition and construction, $1,727,000.

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000.

Virginia:

Richmond, Courthouse annex, $12,509,000.

Washington:

Blaine, Border Station, $4,472,000.

Point Roberts, Border Station, $698,000.

Seattle, U.S. Courthouse, $10,949,000.

Walla Walla, Corps of Engineers building, $2,800,000.

West Virginia:

Beckley, Federal building, U.S. Courthouse, $33,097,000.

Martinsburg, IRS Center, $4,494,000.

Wheeling, Federal building, U.S. Courthouse, $35,829,000.

Nationwide chlorofluorocarbons program, $12,300,000.

Nationwide energy program, $15,300,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $3,460,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the "Salaries and expenses" appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: *Provided*, That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further*, That of the $16,214,684,000 made available under this heading in Public Law 103–327, the $9,920,819,000 restricted by section 509 of Public Law 103–327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $351,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; and except that such rescission should not apply to $100,000,000 of funds for development or acquisition costs of public housing for Indian families (excluding replacement units); $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103–327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement "mixed population" plans for developments housing primarily elderly residents; $500,000,000 of funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading "Assistance for the renewal of expiring section 8 subsidy contracts" are rescinded, and the Secretary shall require that $500,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $335,150,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

"(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.".

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting "and" at the end of subsection (b)(1);

(2) striking all that follows after "Act" in subsection (b)(2) and inserting in lieu thereof the following: ", and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;";

(3) striking subsection (b)(3);

(4) striking "(1)" in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: ", provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants";

(7) striking "under section (b)(3)(A)" in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.".

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

"(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

"(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

"(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

"(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

"(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

"(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.".

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $88,000,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-389 and Public Law 102-139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-327 and Public Law 103-124, $1,242,095,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103-715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under "Research and Development" in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES
(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103–127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

MISSION SUPPORT
(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION
ACADEMIC RESEARCH INFRASTRUCTURE
(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

CORPORATIONS
FEDERAL DEPOSIT INSURANCE CORPORATION
FDIC AFFORDABLE HOUSING PROGRAM
(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 are rescinded.

TITLE II—GENERAL PROVISIONS

SEC. 2001. TIMBER SALES.

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term "salvage timber sale"—

(A) means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.— In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale in preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final day of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.— Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101–121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103–329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

"(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.".

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. Section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, "An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of this Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS

SEC. 2010. Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS

SEC. 2011. (a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

TITLE III—DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 3001. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 3002. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV—IMPACT OF LEGISLATION ON CHILDREN

SENSE OF CONGRESS

SEC. 4001. It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

This Act may be cited as the "Second Supplemental Appropriations and Rescissions Act, 1995".

ASHCROFT (AND OTHERS) AMENDMENT NO. 446

Mr. DOLE (for Mr. ASHCROFT, for himself, Mr. KYL, Mr. SANTORUM, Mr. ABRAHAM, Mr. GREGG, and Mr. NICKLES) proposed an amendment to amendment

No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from "Nutrition initiatives", Food and Consumer Service.

Food Safety and Inspection Service

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

Commodity Credit Corporation Fund

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

Rural Electrification Administration

RURAL ELECTRIFICATION AND TELEPHONE LOANS

PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year".

Food and Nutrition Service

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program".

General Provisions

Section 715 of Public Law 103–330 is amended by deleting "$85,500,000" and by inserting "$110,000,000". The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

Office of the Secretary

(RESCISSION)

Of funds made available under this heading in Public Law 103–330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

Agricultural Research Service

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,500,000 are rescinded.

Cooperative State Research Service

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of "$9,917,000" available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

Animal and Plant Health Inspection Service

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $6,000,000 are rescinded.

Rural Development Administration and Farmers Home Administration

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,750,000 are rescinded.

Alcohol Fuels Credit Guarantee Program Account

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,000,000 are rescinded.

Rural Electrification Administration

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

Food and Nutrition Service

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $35,000,000 are rescinded.

Foreign Agricultural Service

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103–330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

General Provisions

SEC. 101. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

National Bankruptcy Review Commission

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

United States Information Agency

INTERNATIONAL BROADCASTING OPERATIONS

Of the funds made available under this heading by Public Law 103–317, $98,000,000 are rescinded.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

Office of Justice Programs

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103–317, after the word "grants", insert the following: "and administrative expenses". After the word "expended", insert the following: ": *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council".

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $447,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 and prior appropriations Acts, $5,849,000 are rescinded, of which $33,000 are from funds made available for law school clinics; $31,000 are from funds made available for supplemental field programs; $75,000 are from funds made available for regional training centers; $1,189,000 are from funds made available for national support; $1,021,000 are from funds made available for State support; $685,000 are from funds made available for client initiatives; $44,000 are from funds made available for the Clearinghouse; $4,000 are from funds made available for computer assisted legal research regional centers; and $1,572,000 are from funds made available for Corporation management and administration.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BAORD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Act, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $113,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103–87 and Public Law 103–306, $191,600,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking "$330,111,000" and inserting in lieu thereof "$329,361,000".

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103–332, $1,900,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking "1994" and inserting in lieu thereof "1995".

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,0202,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $110,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,000,000 are rescinded.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

General Provisions

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103-332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 504. RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $475,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided*, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II-B and title II-C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103-333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103-333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

Bureau of Labor Statistics

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103-333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $42,071,000 are rescinded.

Centers for Disease Control and Prevention

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $1,300,000 are rescinded.

National Institutes of Health

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $14,700,000 are rescinded.

Assistant Secretary for Health

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,320,000 are rescinded.

Agency for Health Care Policy and Research

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103-333, $3,132,000 are rescinded.

Health Care Financing Administration

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103-333 are reduced from $2,207,135,000 to 2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

Social Security Administration

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103-333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

Administration for Children and Families

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100-485) is amended by adding before the "and": "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103-333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $13,988,000 are rescinded.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,400,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,000,000 are rescinded from section 639(A) of the Head Start Act, as amended.

Administration on Aging

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded,

Office of the Secretary

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $15,000,000 are rescinded from funds made available under the School to Work Opportunities Act, including $4,375,000 for National programs and $10,625,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $236,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $100,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A and –B, $43,888,000 and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000 title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $12,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

Related Agencies

Corporation for Public Broadcasting

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $47,000,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $94,000,000 are rescinded.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

Federal Direct Student Loan Program

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$250,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,405,000,000".

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

Payments to Widows and Heirs of Deceased Members of Congress

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

Salaries and Expenses

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

Salaries and Expenses

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

Office of Superintendent of Documents

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

Salaries and Expenses

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

Military Construction, Army

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

Military Construction, Navy

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

Military Construction, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

Military Construction, Air National Guard

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

North Atlantic Treaty Organization

Infrastructure

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

Base Realignment and Closure Account, Part II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

Base Realignment and Closure Account, Part III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

Working Capital Fund

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

Payments to Air Carriers

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $7,900,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for "Small Community Air Service" beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

Operating Expenses

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

Acquisition, Construction, and Improvements

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

Environmental Compliance and Restoration

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

Operations

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103–331 under this heading is repealed, "*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force".

Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

Research, Engineering, and Development

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

Grants-in-Aid for Airports

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

Limitation on General Operating Expenses

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $45,950,000.

Federal-Aid Highways

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUNDS)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $403,590,000 of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided*, That the amounts deducted from the aforementioned programs are rescinded.

Federal-Aid Highways

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Highway Traffic Safety Grants

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

Northeast Corridor Improvement Program

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

MISCELLANEOUS APPROPRIATIONS

Of the amounts appropriated under this heading in Public Law 103–211, $36,900,000 are rescinded.

MISCELLANEOUS HIGHWAY TRUST FUNDS

Of the amounts appropriated under this heading in Public Law 103–211, $6,800,000 are rescinded.

National Magnetic Levitation Prototype Development Program

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

Discretionary Grants

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104–17, for which the obligation limitation in Public Law 102–143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101-516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103–122 is hereby amended to delete the words "or previous Acts" each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert "not to exceed" after "of which".

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

TAX LAW ENFORCEMENT

Of the $4,385,459,000 made available under this heading in Public Law 103–329, $100,000,000 are rescinded. The Internal Revenue Service shall not hire any additional revenue officers in fiscal year 1995 and any additional revenue officers that have been hired in fiscal year 1995 shall be redeployed as call site collectors. The examination and inspection activities of the Secretary of the Treasury conducted pursuant to the provisions of the Internal Revenue Code of 1986 shall be maintained at not less than the level of such activities for fiscal year 1994.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after "$119,000,000", insert "annually".

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, "Salaries and expenses" for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000

Arkansas:

Little Rock, Courthouse, $13,816,000

Arizona:

Bullhead City, FAA grant, $2,200,000

Lukeville, commercial lot expansion, $1,219,000

Nogales, Border Patrol, headquarters, $2,998,000

Phoenix, U.S. Federal Building, Courthouse, $121,890,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

Tucson, Federal Building, U.S. Courthouse, $121,890,000

California:

Menlo Park, United States Geological Survey office laboratory building, $6,868,000

Sacramento, Federal Building-U.S. Courthouse, $142,902,000

San Diego, Federal building-Courthouse, $3,379,000

San Francisco, Lease purchase, $9,702,000

San Francisco, U.S. Courthouse, $4,378,000

San Francisco, U.S. Court of Appeals annex, $9,003,000

San Pedro, Customhouse, $4,887,000

Colorado:

Denver, Federal building-Courthouse, $8,006,000

District of Columbia:

Central and West heating plants, $5,000,000

Corps of Engineers, headquarters, $37,618,000

General Services Administration, Southeast Federal Center, headquarters, $25,000,000

U.S. Secret Service, headquarters, $113,084,000

Florida:

Ft. Myers, U.S. Couthouse, $24,851,000

Jacksonville, U.S. Courthouse, $10,633,000

Tampa, U.S. Courthouse, $14,998,000

Georgia:

Albany, U.S. Courthouse, $12,101,000

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000

Savannah, U.S. Courthouse annex, $3,000,000

Hawaii:

Hilo, federal facilities consolidation, $12,000,000

Illinois:

Chicago, SSA DO, $2,167,000

Chicago, Federal Center, $47,682,000

Chicago, Dirksen building, $1,200,000

Chicago, J.C. Kluczynski building, $13,414,000

Indiana:

Hammond, Federal Building, U.S. Courthouse, $52,272,000

Jeffersonville, Federal Center, $13,522,000

Kentucky:

Covington, U.S. Courthouse, $2,914,000

London, U.S. Courthouse, $1,523,000

Louisiana:

Lafayette, U.S. Courthouse, $3,295,000

Maryland:

Avondale, DeLaSalle Building, $16,671,000

Bowie, Bureau of Census, $27,877,000

Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000

Woodlawn, SSA building, $17,292,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Missouri:

Cape Girardeau, U.S. Courthouse, $3,688,000

Kansas City, U.S. Courthouse, $100,721,000

Nebraska:

Omaha, Federal Building, U.S. Courthouse, $9,291,000

Nevada:

Las Vegas, U.S. Courthouse, $4,230,000

Reno, Federal building-U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building-U.S. Courthouse, $3,519,000

New Jersey:

Newark, parking facility, $9,000,000

Trenton, Clarkson Courthouse, $14,107,000

New Mexico:

Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal Building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlottee Amalie, St. Thomas, U.S. Court-house, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps of Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal building-U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the "Salaries and expenses" appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded: *Provided*, That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further*, That of the $16,214,684,000 made available under this heading in Public Law 103-327, the $9,920,819,000 restricted by section 509 of Public Law 103-327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $451,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103-327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement "mixed population" plans for developments housing primarily elderly residents; $500,000,000 of funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading "Assistance for the renewal of expiring section 8 subsidy contracts" are rescinded, and the Secretary shall require that $500,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $835,150,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

YOUTHBUILD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

NETHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end of the following new subsection:

"(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

"(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.".

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting "and" at the end of subsection (b)(1);

(2) striking all that follows after "Act" in subsection (b)(2) and inserting in lieu thereof the following: ", and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;";

(3) striking subsection (b)(3);

(4) striking "(1)" in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: ", provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants";

(7) striking "under section (b)(3)(A)" in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.".

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

"(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

"(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

"(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

"(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

"(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

"(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.".

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $416,110,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–389 and Public Law 102–139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $100,000, are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–327 and Public Law 103–124, $1,514,646,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103–715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under "Research and Development" in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103–127 is repealed, and the amounts made available under this heading are to remain available under September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $11,281,034 are rescinded.

TITLE II—GENERAL PROVISIONS

SEC. 2001. TIMBER SALES.

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term "salvage timber sale"—

(A) means a timber sale for which an important reason for entry includes the removal of disease—or insect-infected trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act) the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.—In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale in preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workerforce Restructuring Act of 1994 (Public Law 103-226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final day of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101–121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103–329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

"(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.".

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. Section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, "An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.".

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of this Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Second Supplemental Appropriations and Rescissions Act, 1995".

SEC. 2010. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under sections 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

SEC. 2011. FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

(RESCISSION)

Of the funds available to the agencies of the Federal Government, $104,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts: *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office, including the Office of the President.

TITLE III—IMPACT OF LEGISLATION ON CHILDREN

SEC. 3001. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

TITLE IV—DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4001. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4002. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Friday, March 31, at 9:30 a.m., in SR–332, to discuss agricultural credit in the new century.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INDEPENDENCE DAY FOR SOCIAL SECURITY

• Mr. MOYNIHAN. Mr. President, today is a day of independence. Today, the Social Security Administration becomes an independent agency of the U.S. Government. This is an event of historic importance for Social Security and for the Nation.

We have increased the stature of the Social Security Administration, strengthened its leadership, and established a bipartisan advisory board. I am proud to have sponsored the legislation, the Social Security Administration Reform Act of 1994, that brought about these changes, for they were sorely needed. Public confidence in the Social Security system has declined to the point where a recent survey of 18- to 34-year-olds revealed that 46 percent of respondents believed in UFO's, while only 28 percent believed their Social Security will be there when they retire.

Mr. President, there is no greater authority on Social Security in the Nation's Capital, or indeed anywhere in the United States, than my distinguished friend Robert J. Myers. Bob Myers came to Washington in 1934 and was quite literally present at the creation of Social Security. He served as Chief Actuary of the Social Security Administration from 1947 to 1970, and as Deputy Commissioner from 1981 to 1982, after which he became Executive Director of the National Commission on Social Security Reform. Bob Myers is a familiar figure to members of the Committee on Finance, where he is a frequent witness on Social Security matters, and he is well known to many other Members of the Senate and House of Representatives. When it comes to Social Security, he is an institution unto himself. And so when an expert of Bob Myers' vast knowledge and experience speaks out on this subject, we had all better listen closely.

I invoke Robert Myers on this day—Social Security independence day—because he has just written an outstanding commentary in response to a recent Time magazine article entitled "The Case for Killing Social Security." The cover of the March 20 issue of Time depicts a Social Security card torn into pieces. The lengthy Time article argues that in the next two decades, Social Security will "be lurching into its final crisis."

Well, Mr. President, the "case for killing Social Security" is weak indeed, and Bob Myers has demonstrated this as only he can. His paper makes clear that, far from being close to demise, the Social Security system will remain solvent with only minor adjustments. Yes, reasonable, measured changes will need to be made in order to assure solvency over the long term. But Congress and various administrations have never shirked from this bipartisan responsibility in the past, and we will not do so in the future. Social Security is not at risk, and we need to say so—as Bob Myers has done with great clarity.

Mr. President, I ask that the text of the commentary by Robert J. Myers be printed in the RECORD.

The commentary follows:

COMMENTARY ON TIME MAGAZINE'S COVER STORY ON THE SOCIAL SECURITY PROGRAM

(By Robert J. Myers)

The cover of Time, the Weekly Newsmagazine, for March 20 was captioned "The Case for Killing Social Security." The contents featured a nine-page article going into detail as to why the program should be drastically changed, even eliminated, by moving to an entirely different system based on individual savings accounts. Unfortunately, the article involves many half truths, errors, and omissions of pertinent facts and is not well balanced.

The general thrust of this article is well shown by its introductory sentence—"You know a government program is in trouble when it's less credible than a flying saucer." The basis of this remark is from the results of an opinion survey of persons aged 18-34 made by the Third Millennium. This showed that 46% of the respondents believed that UFO's exist, while only 28% thought that Social Security will still exist by the time that they retire.

A very knowledgeable senator has made the comment about this so-called analysis of the financial sovlevency of the Social Security program that those who believe in the existence of UFO's are "dopey". Accordingly, their views on such a complex matter as the long-range viability of the Social Security program cannot be taken too seriously. Or their views as to UFO's may be considered as an attempt to be funny—under the theory "ask a silly question, expect a silly answer."

The article then states that, in about 20 years, Social Security "will be lurching into its final crisis" and will "collapse altogether". It immediately contradicts this "certainty" by saying that this can be avoided by benefit reductions or tax increases, although asserting that these would have to be "stunning" and "huge". The article fails to recognize that the program is not—and has not, in the past, been—unchangeable. Further, such changes (which, admittedly, are very likely needed) do not involve great shifts at one time, but rather deferred and gradual small ones. The Social Security program is not—and was never intended to be—one that is of an unchangeable, contractual nature. Rather, it can be—and has been—adjusted from time to time to reflect changing demographic, economic, and social conditions.

Next, the article asserts that, beginning now, some retirees are getting a "bad deal", because the value of their benefits (taking into account interest) will be less than "the sum of their lifetime contributions, plus interest." And, further, it is stated that this deplorable situation will get much worse as time goes by.

Unfairly, it is not pointed out that by "contributions" is meant both the employer and employee contributions. Economists will generally say that employees really pay the employer contribution, because it is part of total remuneration. I assert that, while this may be true in the aggregate, it is not necessarily the case on an individual-by-individual basis. Many private employee benefit plans (such as defined-benefit pension plans and health benefits plans) do not give each employee benefit protection financed by the employer that has a cost as a percentage of salary which is the same for all employees. For example, health benefits plans have a higher value relative to salary for low earners than for high earners, because for persons of a given age and family composition, the value of the benefits in the dollars is the same.

Even more importantly, Social Security is not—and never was intended to be—a system involving complete individual equity, under which each participant would get exactly his or her money's-worth in benefit protection, no more and no less. Rather, it is intended to contain elements of both social adequacy and individual equity.

Under the social adequacy principle, relatively large benefits in relation to contributions are paid to several categories: participants who were beyond the normal entry age into the labor market when they were first covered (a common practice in private pension plans); lower-paid workers; and workers with dependents. The individual-equity principle is present in that, for a particular category of workers, the larger the earnings on which contributions are paid, the larger will be the benefit amount, even though not proportionately so.

The money's-worth situation under Social Security is far less extreme than is the situation for school taxes. Such taxes are paid, directly or indirectly, without regard to whether the payer has children currently, or has had children, or will have children. Moreover, the amount of the taxes bears no relationship to the possible "benefit" protection.

Following this incomplete, even inaccurate, money's-worth discussion, the article goes on to state that, "almost unanimously", scholars and policy analysts believe that the Social Security program is doomed and is "ripe for retirement" now. This unsupported statement is outrageous! Scores of scholars and policy analysts (including those persons who have a good knowledge of the structure and history of the Social Security program) do not hold this view, and only a handful of persons who are qualified by their knowledge and experience would support it. I am confident that, if a survey on this matter were made among actuaries (who are the "social engineers" in the general pension area), no such "doomsday view" would be overwhelmingly held, or even supported by many.

These "experts" whom the article has found proclaim that the present Social Security program should be replaced by a two-tier system—a public-assistance needs-tested safety net under a mandatory private savings plan involving complete individual equity. Ignored in this proposal are several important matters. One is the huge general-revenues cost of the safety net, whose costs would have to be met indirectly by the higher-paid persons, who would think only that they are getting their money's-worth from the mandatory savings plan. Further, there would be great disincentives for saving by lower-income (and even middle-income) persons, because they would get little more by doing so than they would by utilizing the safety net only. And, still further, fraud and abuse would abound as persons would be tempted to hide income or transfer assets to their children and receive the income back "under the table."

Moreover, the proposed "simple solution" fails to recognize the problem of providing adequate disability and survivor benefits for persons who have such an event occur at the young or middle ages. In such cases, the mandatory savings will not have built up to a high level and thus will not "purchase" adequate benefits.

Next, the article proclaims that the Social Security trust fund (another display of ignorance because there are two trust funds—one for retirement and survivor benefits and the other for disability benefits) is an "empty cookie jar," because "the Treasury has already raided it for hundreds of billions." This is patently false! The bonds and notes held by the trust funds are just as valid as any government securities held by banks, insurance companies, mutual funds, you, and me. They pay an equitable rate of interest and are part of the recorded National Debt.

Certainly, the money that went for them (the excess of income over outgo of the trust funds) was spent. But the same thing is done by the Treasury with the proceeds of any bonds which it sells to the public—or, for that matter the same as a corporation does when it sells its bonds, or a savings bank does with your deposit (it "spends" the money by lending it to somebody else).

The article then bemoans the problem, some 20–25 years hence, when under present law, the bonds will begin to have to be redeemed in mass. To do so, such action as raising income taxes or floating new loans from the public will be necessary. But this is no different than what has to be done when government obligations held by the general public come due. And it is most important to note that, if the trust funds had not had the money to purchase the bonds in the beginning, the general public would have had to have done so, and there would still be the same problem of redeeming the bonds at some time.

Further, if changes in the Social Security program are made in the next few years—as I believe that they should be—this situation of a dismantling of huge trust-fund balances would not occur. In fact, if Senator Moynihan's proposal, made about five years ago, to slightly lower contribution rates now and slightly raise ones many years hence—thus returning to pay-as-you-go financing—were adopted, this problem would not occur. And further, the true magnitude of our horrendous general-budget deficits would be apparent.

A minor error, and yet one that clearly displays the ineptitude of the article, is the statement that maximum Social Security payroll taxes "have already multiplied 10 times since 1950." Such tax in 1950 was $90 (3% of $3,000) and is $7,588.80 in 1995 (12.4% of $61,200). The correct "multiplying factor" is thus 84.3, not a mere 10!

The next cry of "doom and gloom" in the article is that, some 35 years from now, if nothing is done in the meanwhile, the trust funds will be exhausted, and the Social Security tax rate will have to be increased to 17%. This is reasonably correct (although I would have said 16% initially and 17% some years later) under the conditions stated. However, such conditions are most unreasonable! Congress, which almost always acts reasonably and responsibly (although not always promptly enough!), will undoubtedly act well in advance of such a cataclysmic event. True, an increase of about 4% in the combined employer-employee tax rate in a single year might "devastate the economy", as the article claims.

But what should be done—and likely will be done—is to transition in some benefit cost reductions (like an increase in the Normal Retirement Age, so as to recognize increased longevity) and some contribution rate increases (like 1% each on employers and employees, in steps over a period of years). This would have little, if any, adverse effect on the economy.

Next, the writers of the article had the temerity to wander into the actuarial field by quoting figures as to the probability of a new-born baby reaching age 65 (better would have been the higher probability for a person entering the labor force at age 20) and the expectation of life at age 65, for both 1940 and 1990. Not surprisingly, most of their figures are in error, as shown below:

Sex and year	Percent surviving to age 65		Expectation of life at age 65 (years)	
	Time figure	Correct value	Time figure	Correct value
Male, 1940	54	55.8	13	12.1
Female, 1940	61	65.5	15	13.6
Male, 1990	72	74.1	15	15.1
Female, 1990	84	85.1	20	18.9

Out of eight figures, the article had only one which was even nearly correct.

Then, the article re-writes history by asserting that, in the early years of the Social Security program, Congress could increase benefits easily every few years (and thus garner votes), because there were few beneficiaries relative to the number of contributors. Not so! Most of the benefit increases were made to reflect changes in the cost of living, and they were financed by the accompanying increases in the level of wages that were taxes. At all times, Congress was very conscientious about the cost implications of the changes, not merely as to the next year or two, but also as to the long range (75 years).

Further, the article asserts that the 1983 Amendments were based on "rather minor cutbacks in benefits and very major increases in taxes, the last of which took effect only in 1990." In the first place, the 1983 Amendments did not increase the tax rate in 1990 over what it was in previous law. Further, reductions in benefits played a major role in saving the program by the 1983 Amendments. If the income taxation of benefits is considered as a "benefit cut" (because, in effect, the money remained in the trust funds), then 48% of the solution in the short range (10 years) was due to tax increases and 52% to benefit cuts, while for the solution over the long (75 years) only 23% was due to tax increases, with 77% due to benefit cuts. On the other hand, if the income taxation of benefits is considered as a "tax increase" item, then 70% of the solution in the short range was due to tax increases and 30% to benefit cuts, while for the long range, 54% was due to tax increases and 46% to benefit cuts. In any event, the benefit cuts were by no means "minor".

The article next describes several ways to modify the Social Security program without "killing" it. Just before this, the article quite properly (and in contrast to the slogan on Time's cover) points out the disastrous weakness of the Heritage Foundation's proposal to let people opt out at will; this would set up a vicious circle of actuarial anti-selection, because the low-cost persons (young and high-paid) would drop out, and the high-cost ones would remain in, with resultant financial collapse.

The proposals for change include the following:

(1) Raise the Normal Retirement Age (which solution is my choice).

(2) Raise the Early Retirement Age (which may be desirable, but does not lower overall costs, because the reductions are on an "actuarial" basis).

(3) Reduce Cost-of-Living Adjustments, presumably by giving less than the CPI increase (which is undesirable, because it most adversely affects the oldest beneficiaries, who are least able to do anything about their situation—because of the compounding effect).

(4) Means-test the benefits (which is a bad idea, because it would discourage low- and middle-income persons from saving, and it would encourage fraud and abuse by beneficiaries).

Next, the article seems to look favorably at a proposal by Senators Danforth and Kerrey to reduce the employee Social Security tax rate (but not the employer rate) from 6.2% to 4.7% and then require that the 1.5% reduction be put into a private investment fund, with future Social Security benefits being "reduced to reflect the drop in taxes." Certainly, IRAs and so-called 401(k) plans are very desirable and should be encouraged, but they should be kept separate and built on top of a uniformly applicable Social Security program. The actual mechanics of the foregoing proposal, however, are faulty (and really cannot be perfected). It would work out reasonably well administratively for high-paid workers, but would be a disaster for low-paid, intermittently-employed workers. The proceeds from a 1.5% contribution, coming in dribbles over the year, would be "eaten up" by the administrative expenses of handling, recording, and reporting them. Mutual funds generally require fairly sizable deposits—not anything like the roughly $20 quarterly payments (varying each time) for a $5,000 worker.

The article mentions that the estimated long-range financial status of the Social Security program has worsened over the years since the 1983 Amendments. However, it fails to point out that the actual short-range experience has been more favorable than estimated in 1983 (the current fund balance being more than $100 billion higher than estimated).

In summary, it is really outrageous that, by incomplete and erroneous reporting, the article casts so much doubt on the long-range financial viability of the Social Security program. This is despite the fact that, by very careful reading of the end of the article, it could be concluded that reasonable small, gradual changes could be made—without changing the basic nature of the program—that would very likely ensure its viability.

Finally, the article is supplemented by a note, "How Chile Got It Right." This describes the new Chilean social security plan instituted in the early 1980s. It replaced a traditional social insurance system that was some 60 years old, but that was in great financial and administrative difficulties due to inflation (which raised benefits greatly and, at the same time, made the accumulated assets worthless) and extensive coverage noncompliance.

The Chilean article is quite correct that the new plan reasonably well solved the problem, although this was not the only way in which that could have been accomplished. However, this article, too, contained many errors and omissions that glossed over some of the weaknesses in the new plan and other elements of it that make it not necessarily a desirable course to follow for other countries, let alone the United States.

A number of factual errors occur in describing the current Chilean plan. These cast doubt upon the credibility of the analysis. First, the contribution rate for retirement pensions is not 12%, but rather it is 10% (with an additional approximately 3.5% for the build-up of disability and survivor pensions).

Second, the plan is not a "two-tier" one, consisting of a small flat stipend funded from general revenues for only the poorest pensioners and the accumulation of employee contributions in private investment funds. Rather, it involves the accumulation of employee contributions in such funds, plus the provision of sizable prior service credits financed from general revenues, plus a guarantee of a relatively sizable minimum pension being produced for persons with at least

20 years of coverage, financed from general revenues. Such minimum pension is 85–90% of the legal minimum wage, which in turn is about 30–40% of the average wage in the country. Thus, the minimum pension is a quite large amount, so that many people will be affected.

Third, the article states that retirement benefits under the new plan at present are 40% higher than under the old one. Actually, they are about at the same level (as was intended), although disability and survivor pensions are much higher (because they are financed currently and are not as much affected by past inflation).

Several serious errors of omission are present, so that elements are not brought out that would argue against the Chilean approach being applicable in all other countries. First, there are the mammoth general-revenues costs to be met for prior service credits and for all time to come for the large minimum pensions. Few countries—and especially the United States—have large surplus amounts of general revenues readily available.

Second, the fact the employees contribute, and employers do not do so any more, is not what it seems. When the new plan was established, the government required all employers to give a more-than-offsetting 17% pay increase to all employees.

Third, the administrative expenses of the new Chilean plan are about 13% of contributions for the retirement portion—as against 1% in the U.S. system.

Fourth, coverage compliance is poor under the Chilean system. Only about 80% of those who should be contributing actually do so. Further, many low earners contribute on much less of their wages than the actual amount, because they will get the minimum pension in any event.

Fifth, by no means is all the money piling up in the investment funds being used to promote the economy. Much of the money is "laundered back" to the government to pay the huge costs of prior service credits and minimum pensions.•

RHODODENDRON PRINCESSES RECOGNIZED

• Mr. HATFIELD. Mr. President, it is always a pleasure to recognize excellent students from the State of Oregon. However, I am especially honored to praise five young people who have distinguished themselves in the areas of scholarship and service, thus reflecting a sincere interest and involvement in their schools and communities.

Emily Anthony, Tracy Holman, Brandi Kekua, Lelia Lowe, and Rovina Murti are all winners in the Rhododendron Scholarship Program. This program is part of the Florence Rhododendron Festival held annually in Oregon and second in size only to Portland's Rose Festival. By receiving scholarships, these five young women form the 1995 rhododendron royalty court.

The Rhododendron Scholarship Program's goal is to raise over $10,000 for academic and vocational scholarships. This royalty court works with local businesses, individuals, colleges, schools, fraternal organizations, and other groups to raise these scholarship funds.

I commend these young women for their earnest work, heartfelt generosity, and outstanding success. Furthermore, I applaud the perennial work of the Rhododendron Scholarship Program for the importance it places on higher education and for the intense, local effort it makes to support the education of its students. It is a model program worthy of duplication.

Mr. President, I ask that brief descriptions of each 1995 rhododendron princess be printed in the RECORD.

The material follows:

RHODODENDRON SCHOLARSHIP PROGRAM—1995

PRINCESS EMILY ANTHONY

Emily Anthony, 17, plans a career in the field of health care.

A student at Siuslaw High School, she has also been a student of ballet for ten years. Her training includes Ballet West (University of Utah), North Carolina School of the Arts and Joffery Ballet School (New York). She has toured with the Eugene Ballet Company's "Nutcracker" for two years, and now is in her third year of teaching ballet to young children.

A member of Siuslaw High School's Jazz and Symphonic bands for four years, Emily also has won numerous academic awards including the Honors Global Studies Award and Biology Awards. She is a three year member of the National Honor Society. A student leader, Emily was Freshman Class President and Student Body Treasurer and serves on numerous school committees.

Emily maintains her academic ranking and schedule in addition to her ballot activities while working part-time.

PRINCESS TRACY HOLMAN

Tracy Holman, 17, plans a career in television broadcasting after completing her education.

Tracy's accomplishments and activities include: Oregon Girls State Delegate, National Honor Society (3 years), Key Club Community Service Award and the Rotary Youth Merit Award. She has also received numerous academic awards and has been in Who's Who Among American High School Students for three years.

Her community involvement includes being Cadet Girl Scout Assistant as well as activity in the Church Youth Group. She served as Delegate to World Youth Day in 1993. She is also involved with the high school T.V. News show. Tracy's other interests and activities encompass Forensics, Cheerleading, Junior Varsity Golf, Band and Key Club.

While maintaining her academic standing and other activities, Tracy also works as a Loan Processor in a local bank.

PRINCESS BRANDI KEKUA

Brandi Kekua, 17, plans to attend Willamette University, majoring in Political Science with minors in Rhetoric and Media Studies. Her career goal is to work as a Political and/or Communications Consultant.

A 1995 Future First Citizen Nominee, Brandi has also received awards for outstanding achievement in Forensics and is the recipient of an Outstanding Actress Award. She served as World Affairs Leadership Seminal Ambassador and as Model U.N. Ambassador to Austria and has numerous academic awards.

Additionally, Brandi is a Peer Counselor and Peer Tutor; is on Student Council, the Key Club and is involved with the high school T.V. News show. She is also active in high school drama projects and community theatre and arts groups. Brandi has been recognized by Who's Who in American High School Students for four years.

Her other community activities include Bible Camp Counselor and Easter Seals Camp Counselor. She enjoys aerobics and golf in her spare time.

PRINCESS LELIA LOWE

Lelia Lowe, 17, plans to attend Willamette University where she will major in Rhetoric and Media Studies and Child Psychology with a PhD in Rhetoric. Her career goal is to be an administor or teacher at the college level.

Lelia's achievements include receipt of numerous Forensic Awards over the past three years, as well as numerous academic awards at local, District and State levels.

Her extra-curricular activities include National Honor Society and Odyssey of the Mind Knowledge Bowl. She also has taught Vacation Bible School Classes and has been an active volunteer at Siuslaw Public Library.

Sports-minded, Lelia enjoys rollerblading and running to balance her interests in drama and theatre. She also enjoys creative writing.

PRINCESS ROVINA MURTI

Rovina Murti, 17, plans to study Child Psychology as a prelude to attending Medical School and becoming a Pediatrician.

Rovina has been recognized for her achievements in Forensics, having received the Forensics Scholastics Award, Second place at District level competition and as a competitor at the State level. She has been involved in school activities, including the Yearbook Staff and the Junior/Senior Prom Fashion Show.

Rovina has taught Sunday School for four years as well as having worked with varied Senior Citizen projects through Senior Services. Other interests and activities include the writing of short stories and traveling.

She maintains her academic standing and other activities while working part-time.•

REMEMBERING FATHER MICHAEL LAVELLE

• Mr. GLENN. Mr. President, I rise today to sadly note the death of Father Mike Lavelle, president of John Carroll University in Cleveland, OH. Father Lavelle was an important leader of our community.

Rev. Michael Joseph Lavelle, S.J. Ph.D., a native of Cleveland, joined the faculty of John Carroll in 1969 and served as president of the university since 1988. After collapsing from an attack of cardiac arrhythmia on February 27, Father Lavelle never regained consciousness and died last Saturday.

I had the great privilege to work closely with Father Lavelle in a number of areas affecting higher education. He was a tireless advocate for programs and services helping students, faculty and John Carroll University.

Most recently we worked together to establish a Veterans' Teacher Preparation Program at John Carroll University. Father Lavelle was instrumental in the development of this program to assist retiring military personnel to obtain the necessary certification to teach high school science or mathematics. This program which turns "Troops to Teachers" is just one example of the vision and commitment of Father Lavelle to help improve Cleveland.

The death of Father Lavelle is a great loss and we will miss him. Annie and I extend our sympathy to his sister, Helen, and the rest of his family at John Carroll University and throughout Cleveland.

Mr. President, I ask that an article from the Cleveland Plain Dealer, March 26, 1995, be printed in the RECORD.

The article follows:

JCU'S LAVELLE DEAD AT 60—LEADER IN ACADEMIA AND JESUIT ORDER

(By Richard M. Peery)

UNIVERSITY HEIGHTS.—The Rev. Michael J. Lavelle, a Jesuit priest whose long and distinguished career led him to the presidency of John Carroll University, died yesterday at the A.M. McGregor home in East Cleveland.

He never regained consciousness after collapsing Feb. 27 from severe cardiac arrhythmia, while working out at the university's physical fitness center. He was 60.

"Father Lavelle was a strong visionary, capable president, and he was also a friend," said Frederick F. Travis, acting JCU president. "He was very well liked on campus and was a popular choice for president in 1988 among both faculty and staff."

During Lavelle's tenure as the 21st president of John Carroll, the freshman class enrollment grew from 500 to more than 700. He was instrumental in having two dormitories built to house the influx of students.

He also helped initiate the movement of John Carroll's athletic teams from the President's Athletic Conference to the Ohio Athletic Conference. The change led to competition with Baldwin-Wallace, Mount Union, Wooster and Muskingum colleges.

In 1983, Lavelle was elected to the 33rd General Congregation of the Society of Jesus, which established the direction of the worldwide Jesuit order for the last 12 years. He also served as one of a dozen advisers to the American Catholic Bishops Committee on their pastoral letter on the economy in the 1980s.

An economist and an expert on Eastern Europe, he traveled to Soviet bloc countries more than 20 times, expanding his expertise in Soviet and international economics and working with this fellow Jesuits in those nations, many of whom had been driven underground.

The Cleveland native grew up in the Lakeview Terrace public-housing complex on the West Side. His father worked for the old Cleveland Transit System for 42 years, 28 of them on the Detroit Ave. and Clifton Blvd. streetcar lines.

Lavelle, a 1953 graduate of St. Ignatius High School, distinguished himself as a member of the school's football team, which won the 1952 West Senate League championship. He was voted the West Senate Most Valuable Player and was named to the All-Catholic High School football team. An all-scholastic offensive guard who also played defense, he received All-Ohio honorable mention.

Lavelle was a member of the school's track team for four years, played basketball for one year and played sandlot baseball in the summer.

He was inducted into the St. Ignatius Athletic Hall of Fame in 1988.

Several years ago, Lavelle had a quadruple heart bypass operation, but he could still be found in the gymasium during many lunch hours playing pickup basketball with faculty members.

But it was another school activity that made the deepest impression on Lavelle as a teenager. One holiday, while delivering food baskets to the needy, he went to the home of a woman on Scovill Ave. who lived with just a mattress on the floor, a table and one chair. She cried when she received the food.

Lavelle said the experience made him decide to go into a profession where he would help people. The summer after he graduated from Ignatius, he decided to become a priest.

"Sure, my parents were surprised, and some girlfriends too," he recalled years later.

Lavelle attended Xavier University Cincinnati from 1953 to 1957. He earned degrees from Loyola University of Chicago and a doctorate at Boston College. He also studied at Harvard University's Russian Research Center in Boston and at the Sankt Georgen theology school in Frankfurt, Germany, where he was ordained in 1968.

He planned to say his first Mass on his father's birthday in 1969. But Lavelle returned to Cleveland early that year and delivered his first Mass at his father's funeral in Ascension Catholic Church.

Lavelle joined the John Carroll faculty in 1969 as an assistant professor of economics. He became chairman of the business department in 1973 and served as the dean of the School of Business from 1975 to 1977.

He left John Carroll to serve for six years as provincial superior of the Detroit Province of the Society of Jesus. He was the religious leader of 350 Jesuit priests and brothers in Michigan and Ohio.

He returned to John Carroll as academic vice president in 1984. Two years later, he took on additional duties as executive vice president for day-to-day operations. He was named president in 1988, succeeding the Rev. Thomas P. O'Malley, who resigned to take a teaching assignment in Africa.

Lavelle's inaguration was marked by his pledge to increase the university's commitment to community service and multicultural development. It was celebrated with a variety of ethnic foods and entertainment.

The multilingual priest, who was fluent in German and could read French, Italian, Czech and Russian, was known for his love of ethnic art, tradition and food. At the start of each school year, he distributed to new faculty members a list of local restaurants known for their ethnic cuisine.

An amateur cook, he was known for preparing dishes such as linguini with red clam sauce. For many years, he volunteered as a cook for the Friends of Templum House benefit.

Lavelle was a trustee of Boston College, Xavier University and Magnificat High School. He was a former trustee of Canisius College, the University of Detroit, Loyola College in Maryland, St. Joseph's University in Philadelphia and the Jesuit School of Theology in Berkeley, Calif.

He is survived by his sister, Helen of Chicago.

Services will be at 10 a.m. Wednesday at Gesu Catholic Church, 2470 Miramar Blvd., University Heights.

Schulte & Mahon-Murphy Funeral Home in Lyndhurst is in charge of arrangements.•

EIGHTH GRADE YOUTH ESSAY CONTEST

• Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 1994–95 Eighth Grade Youth Essay Contest which I sponsor in association with the Indiana Farm Bureau and Bank One of Indianapolis. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme "Indiana Farmers—Producers of Food, Jobs, and World Trade." Students were encouraged to consider and creatively express the role of Indiana agriculture in our country and in the world marketplace. I would like to submit for the RECORD the winning essays of Jamie Shonk of Clay County and Joe Roth of Pulaski County. As State winners of the Youth Essay Contest, these two outstanding students are being recognized today, Friday, March 31, 1995, during a visit to our Nation's Capital.

The essays follow:

INDIANA FARMERS—PRODUCERS OF FOOD, JOBS, AND WORLD TRADE

(By Jamie Shonk, Clay County)

Indiana agriculture has a far reaching effect on Hoosier economy and world trade. Indiana is one of the top five corn producing states in the United States. Corn production influences the Indiana job market and economy in various direct and indirect ways.

Corn production begins with research in test plots, laboratories, and Purdue University, where germination testing is done. Planting seed corn requires laborers and detasslers. It is processed, bagged, and distributed, meaning jobs for sales people, secretaries, truckers and advertising. Farmers purchase seed, chemicals, fertilizer, fuel and equipment. Average costs per acre is $135.00. At harvest, grain is either stored or sold to local grain elevators. From there, corn is shipped by train or truck to central elevators. Corn is then sold to cereal mills and food processors. High oil corn is sold for livestock feed. Brokerage firms benefit because more farmers are selling on the futures market and the board of trade. Farming magazines, radio, and T.V. brings revenue to the advertising industry. Corn is also used to make ethanol.

Corn is also a major source of food, from the Corn Flakes we eat in the morning to the oil we use for cooking. As Americans are becoming more health conscious, we are shifting away from animal fats to corn oil.

Corn is sold to other countries where crops cannot be grown, and is profitable to Indiana in world trade.

Modern corn production in Indiana involves high technology, business, marketing, research, advertising, and labor. This will be demonstrated in 1995 by the Farm Progress Show at the Jarvis Farm in Terre Taute. Area motels were booked full four hours after the location announcement. Corn production touches all Hoosiers some way by food, jobs, or trade.

Indiana Farmers—Producers of Food, Jobs and World Trade

(By Joe Roth, Pulaski County)

I am a bushel of corn. On October 16th I was harvested from a farm in North Central Indiana. I was put in a bin on that Indiana farm where I was dried to a suitable moisture for safe keeping until January. Already in my short life I have helped employ several people. People who design, build and maintain farm equipment, and people who manufacture, sell, and transport fuel for this harvesting equipment and gas for the drying process.

Come with me on the rest of my journey until I have become a finished product. From the farm I am loaded into a tractor trailer truck that transports me to a large elevator. Here at the local elevator some of the corn is ground for feed for local livestock feeders, but I am being sent to the East Coast for export to a foreign country. I have been weighed, checked for moisture and quality, and loaded into a 100 car train. Here I have helped employ several more people. Once I arrive at the Baltimore seaport, I am unloaded from the train. Again I am checked for quality and loaded into a large cargo ship. My destination is a corn processor in Europe. Soon I'll become feed for livestock, or if I'm good enough, maybe corn flakes for human consumption.

Along the way I have helped employ hundreds of people, people involved in the manufacturing, sales and service of farm machinery, transportation equipment, fertilizer, seed and agronomy people, the petroleum industry, people who labor in the feed mills and the elevators, people who work in the commodities trading business, and last but not least, the people who work in the food processing business.

I am just a bushel of corn, and right now I am only worth $1.86, but if you stop and think about how many people I help employ, you will soon realize just how important I am to these people. I help make Indiana and the USA the greatest supplier of food in the world.

1994–95 DISTRICT WINNERS

District 1: Jenny Marsh, Joe Roth.
District 2: Allison Westrem, Charles Geller.
District 3: Amanda Miller, Tony Goyer.
District 4: Miriah Chapman, Brett Steffen.
District 5: Ashley Beth Greenwood, Adam Chandler.
District 6: Becky Black, Patrick Aitchison.
District 7: Jamie Shonk, Gregory James Scott.
District 8: Lori Parcel, Justin Russell.
District 9: Katie Parker, Jeff Buchanan.
District 10: Hannah Dunn, Adam C. Cord.

1994–95 COUNTY WINNERS

Allen: Allison Westrem, Charles Geller.
Bartholomew: Melanie Foster, Marcus Chui.
Benton: Grant Miller.
Carroll: Melissa Wise, Tony Goyer.
Cass: Amanda Miller, Ryan Baker.
Clay: Jamie Shonk, Gregory Scott.
Dearborn: Elizabeth Fricke, Joseph Berndsen.
Decatur: Julie Kiefer, Bob Johannigman.
Delaware: Sarah Reiley, Clayton Callan.
Elkart: James Phillips Mauck, III.
Fayette: Justin Russell.
Franklin: Kylene Kaiser.
Fulton: Army Runkle.
Greene: Kellie Abel.
Hancock: Valerie Vail.
Harrison: Marissa Joyce, Marc Richardson.
Hendricks: Adam Chandler.
Henry: Casey Ash, Patrick Aitchison.
Jackson: Kirstie L. Hackman.
Jay: Miriah Chapman, Jeremiah Roush.
Jefferson: Melinda Duncan, Matthew Barron.
Johnson: Lori Parcel.
Knox: Anna Marie Cardinal.
Kosiusko: Cherish Beam, Mike Shingledecker.
Lake: Tina Srisuwananukorn, Mirko Acomovich.
Lawrence: Megan Synder.
Madison: Kylie Barker.
Marion: Becky Black, Kyle Mallison.
Marshall: Wendy Wagner, Drew Hudkins.
Monroe: Michele Renee Knoy.
Montgomery: Kyle Smith.
Morgan: Joseph Crone.
Newton: Natalie Clark, Eric Dombroski.
Parke: Dane Leatherman.
Pike: Dezarae Miller.
Posey: Amanda Greenwell, Jeff Buchanan.
Pulaski: Jenny Marsh, Joe Roth.
Spencer: Amanda Wilkinson, Nick Kern.
Starke: Brooklyn Boo, Mark Childers.
St. Joseph: Alissa Brasseur, Eric Vandewalle.
Switzerland: Michelle Duckworth, Adam Cord.
Vanderburgh: Katie Parker, Garret Swartzentruber.
Wabash: Sarah Smith, Matt Dillman.
Warrick: Libby Schmidt, Adam Tieman.
Washington: Kelly Hoar, Josh Elgin.
Wells: Susan Barth, Brett Steffen.•

DIRECT LOAN PROGRAM IS GOOD DEAL FOR ALL

• Mr. SIMON. Mr. President, one of the controversies we will face in the Senate before this session is out is whether to follow the advice of the bankers and the secondary markets and cut back on the direct loan program.

Direct loans are a great thing for students, their parents, the colleges and universities, and for the taxpayers.

To cave in to the financial interests, who want to keep their Federal subsidy—often the same people who denounce welfare for the poor—is something I hope the Senate will not do.

Recently, the Chicago Sun-Times, which originally opposed the direct lending program, had an editorial supporting the program now.

The experience in the schools that have it is so positive, I hope we will listen to our colleges and universities and not to those who are eager for profits at the taxpayers' expense.

I ask that the Sun-Times editorial be printed in the Record.

The editorial follows:

[From the Sun-Times, Mar. 29, 1995]

Direct Loan Program Is Good Deal for All

Under the guises of deficit reduction and reduced government, Republican forces in Congress are pressing for changes in student loan programs that would impose onerous new costs on college students and stall broader availability of direct loans, the plan sponsored by Sen. Paul Simon (D–Ill.) to eliminate middlemen.

Both proposals are without merit and should be "zeroed out," to swipe a phrase from the new congressional vocabulary.

Efforts to eliminate the federal subsidy of interest charges on student loans come at a time when rising college costs are forcing more students to borrow money to pay for their education. The American Council on Education reports that 6.6 million students took federal loans this year, up from 4.5 million in 1988. Meanwhile, the dollar amount increased from $11.8 billion to $25.8 billion. The government eases that burden by paying interest on loans while the student is in school. Without the subsidy, the debt of an undergraduate who takes out the maximum loan amount for four years would increase 20 percent, the ACE says.

These subsidies are costly—$2.2 billion this year—but they are based on sound public policy: providing access to higher education.

Elsewhere in Congress, moves are afoot to limit the direct loan program, which Simon sponsored to allow students to get loans directly from the federal government. The program, which is being phased in over five years, is strongly opposed by banks that have risk-free profits under government loan guarantees, and by the huge public-private agencies that administer the program and run profitable secondary loan markets. Having failed to block the original legislation, opponents now seek to limit direct loans to 40 percent of student loan volume, arguing that private enterprise works better than government.

Although we would like to see stronger guarantees that schools are not ripping off the direct loan program—as many for-profit trade schools did under the subsidized bank loan program—we believe the record of the direct loan program to date calls for its continued expansion. Students and participating schools, including the University of Illinois at Champaign-Urbana, report fewer hassles with direct loans.

More important, the program is expected to save money. The Clinton administration estimates $5.2 billion would be saved by 2000, if the direct loan program were fully implemented by the 1997–198 school year. That's a good deal for the schools and a good deal for the taxpayers. The program should continue on schedule.•

RESOLUTION OVER UNDER THE RULE

The PRESIDING OFFICER. Objection having been heard to the immediate consideration of Senate Resolution 98, that resolution will go over under rule XIV.

RECESS UNTIL MONDAY, APRIL 3, 1995, AT 11 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11 a.m., Monday, April 3.

Thereupon, the Senate, at 2:52 p.m., recessed until Monday, April 3, 1995, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 31, 1995:

NATIONAL COUNCIL ON DISABILITY

MICHELE DRISCOLL ALIOTO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996, VICE MICHAEL B. UNHJEM, TERM EXPIRED.

THE JUDICIARY

WILEY Y. DANIEL, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO VICE SHERMAN G. FINESILVER, RETIRED.

STATE JUSTICE INSTITUTE

TOMMY EDWARD JEWELL III, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1995, VICE JANICE L. GRADWOHL, TERM EXPIRED.

TOMMY EDWARD JEWELL III, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS, OF THE STATES JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

THE JUDICIARY

DIANE P. WOOD, OF ILLINOIS, TO BE U.S. CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE WILLIAM J. BAUER, RETIRED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. LEONARD D. HOLDER, JR. xxx-xx-xxxx U.S. ARMY.

SENATE—*Monday, April 3, 1995*

(Legislative day of Monday, March 27, 1995)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Lord of creation, You have written Your signature in the bursting beauty of this magnificent spring morning in our Nation's Capital. The breathtaking splendor of the cherry blossoms blankets the city with fairyland wonder. The daffodils and crocuses have opened to express Your glory. Now Lord, tune our hearts to join with all of nature in singing Your praise.

We thank You for the rebirth of hope that comes with this season of renewal. You remind us, "Behold I make all things new!" As the seeds and bulbs have germinated in the earth, so You have prepared us to burst forth in newness of life. We forget the former things and claim Your new beginning for us. Help us to accept Your forgiveness and be giving and forgiving people. Clean out the hurting memories of our hearts so that we may be open channels of Your vibrant, creative spirit as we tackle problems and grasp the possibilities of this day.

Lord, we want to live this day in the flow of Your grace. We put You and truth first, our Nation and its future second, and our party third. Help us not to reverse the order. For the sake of the future of our beloved Nation and by Your power. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. THOMAS. Thank you, Mr. President.

SCHEDULE

Mr. THOMAS. Mr. President, this morning the leader time has been reserved. There will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak up to 5 minutes each.

At 12 noon today, following ascertaining a quorum, a cloture vote will occur on the conference report to accompany H.R. 831, the Self-Employed Health Insurance Act. Additional rollcall votes are expected throughout the day today.

Also, as a reminder to all Senators, Members should be in their seats at 2:15 tomorrow for the official photograph of the 104th Congress.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

UCONN NCAA NATIONAL CHAMPIONS

Mr. LIEBERMAN. Mr. President, for those who have followed NCAA basketball this year, not only through the sports pages and TV and radio coverage, but through the statements of various Members of this Chamber, I did not want to disappoint my colleagues by not rushing to the floor this morning to express my pride at the extraordinary victory of the University of Connecticut women's basketball team in defeating Tennessee yesterday and claiming the national championship.

Mr. President, there is a part of me that wants to do a Dick Vitale impersonation here on the floor—raise the voice, shake the hands—but I am going to abide by the rules of appropriate discourse, at least in this Chamber, and simply say with quiet pride what a great season this has been for this University of Connecticut women's basketball team.

How much they have taught us, not just in the fact that they had an undefeated season, which makes them only the second women's team in NCAA history to finish a championship season undefeated; not just that they won the championship yesterday against a very formidable Tennessee team, but for all they have done for our State of Connecticut to make us proud, to make us feel a little bigger than we normally feel in a relatively small State, not only helping us through the winter and raising our sights as we come out of the recession, but reminding us what sports is all about.

Women's basketball at the collegiate level has reached the big time. It has not, obviously, at the professional level, and in some ways because of that inequity, this sport remains as pure as sport was meant to be. And in the midst of strikes and contract disputes in other sports, in the midst of extraordinary competition for enormous salaries and promotional contracts, it is great to see a sport, and in this case, to focus in on this team of UConn Huskies, that plays the game for the love of the sport and for the devotion that they have to one another and to their coach.

These are true scholar-athletes. The All American Player of the Year, Rebecca Lobo, has an extraordinary average, was considered for a Rhodes scholarship, and can make a contribution in whatever she has done.

This team taught us something else about teamwork. Some of the other sports which we watch are focused on not only the extraordinary accomplishment of the performers, but the enormous egos of the athletes. Rebecca Lobo was criticized a while ago gently by her coach for being too selfless, for not shooting the ball enough, for being too focused on team play. And she still managed, in spite of all that, to be there yesterday at the critical moments to help turn the game around, and in the last 2 minutes, to take this team ahead.

So, UConn Huskies women, your coach Geno Auriemma, we thank you from the bottom of our hearts for bringing the championship back to Connecticut. And we thank you, too, for reminding us what American sports was meant to be, has traditionally been, and what you have made it again in our time.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I understand that we are in morning business?

The PRESIDING OFFICER. That is correct.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. KENNEDY. And the time is limited to how many minutes?

The PRESIDING OFFICER. Five minutes.

Mr. KENNEDY. I ask unanimous consent to be able to proceed for 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SELF-EMPLOYED HEALTH INSURANCE CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I wish to take a few moments to explain at least my understanding of where we are in terms of Senate procedure.

I think the majority leader and the minority leader will come to the floor shortly and propound a consent request which I will certainly support. I urge my colleagues to also support it so that we will have a final resolution and disposition of the conference report. We will do that sometime this afternoon in a way that accommodates the greatest number of Members. And I have every intention of supporting the conference report. I had that intention last week, and I have that intention today. I hope the Members do as well. It is a very important measure which means a great deal to the self-employed and small businesses across the country, as it does provide protection for those who are purchasing health insurance. It makes sense to give the self-employed some help and assistance in recognition of the pressures they are under in terms of health care.

As I had mentioned over the course of last week, it was never my intention not to proceed to that particular program. Rather, I wanted to draw the attention of the Senate to changes which took place in the legislation from the time that it passed the Senate, when it included a provision to close what has grown into a sizable tax loophole. That loophole would permit some of the wealthiest individuals in this country, by renouncing their citizenship, to escape the financial responsibilities for accumulation of significant amounts of wealth in this country.

The fact remains there were provisions already in existence in the Tax Code to try and capture that accumulation of wealth, but it had not been effective. Through the work of the Senator from New Jersey, Senator BRADLEY, an amendment was offered to address that very sizable loophole in which individuals could become Benedict Arnolds by renouncing their American citizenship and walking off with hundreds of millions of dollars in accumulated wealth, and then taking up residency in Belize or the Cayman Islands or other places around the world, and avoid their participation in ensuring that this country is going to remain free.

This is an extremely offensive loophole. I think all of us commended the Senate Finance Committee in eliminating the loophole. It was only in the few hours prior to the time that we were requested to take action on the conference report that it was brought to our attention that the loophole which was closed by the Senate had effectively been reopened by our House colleagues, and that the $3.6 billion that would have been recaptured over 10 years was effectively lost. Not only myself but my other colleagues were so troubled by that action that we wanted to at least have an opportunity to present to the Senate, at the time when we were going to accept the conference report, a sense-of-the-Senate resolution that would indicate not just other Members' desire to close that loophole, but also reflect the totality of our support for that action.

As I said last week, I do not doubt the sincerity of the members of the Finance Committee when they said that they would address that issue down the road. But we have seen at other times that what really speaks the strongest is when you have a unanimous vote. I believe that this would win a unanimous vote and certainly should win a unanimous vote of the Members—Republicans and Democrats alike. It is absolutely outrageous and unacceptable to permit the plundering of the Treasury by selfish individuals who refuse to be part of our American system.

Mr. President, I was reminded last week that, under the Senate rules, the sense-of-the-Senate resolution would not be appropriate on a conference report because of Senate rules. I think if there ever was a legitimate reason for an exception to overturn a ruling of the Chair this would be one so that the Senate could go on record as to what the real sentiment of the Members would be on this particular issue.

Nevertheless, I had tried to see if we could not work out at least an opportunity to vote on the sense-of-the-Senate resolution as a separate matter, hopefully prior to the time that we pass the conference report or at a time related to the conference report, because it makes a great deal of common sense.

The conference report is the instrument by which this matter was considered. It would be appropriate to consider a sense-of-the-Senate resolution at the time of its acceptance or shortly thereafter.

The majority leader has laid down the cloture motion, which, as I mentioned, I expect will be vitiated with the understanding that we will vote later in the afternoon. I certainly will support that. We will have an opportunity prior to the time of the vote to review where we are in terms of the conference report and also where we are in the Senate debate on priorities. Because that is really the issue—the priorities being reflected in the rescission proposal of the Appropriations Committee.

During the course of the presentation by the chairman and the ranking minority member of the Appropriations Committee, they have outlined the areas where there are going to be rescissions.

In response to that outline, the minority leader, Senator DASCHLE, in consultation with a number of Members on our side, had proposed an amendment to cancel rescissions totaling $1.3 billion in the areas which are reflected in the chart here and which we have spoken of last week—the restoration of the AmeriCorps, drug free schools, title I education programs, Goals 2000, Head Start, the WIC program, school-to-work, child care, and also some housing and health training programs.

Mr. President, just to go back a step, many of us were under the impression that this matter was to be debated on the floor of the Senate on Wednesday or Thursday of last week. It reflected a principal opportunity for the Senate to reflect on how important these programs are for children and parents, and how we believe that the cuts in the rescission package were too deep. We wanted an opportunity to debate those cuts versus other cuts.

I respect the rights and the priorities that are being reflected in the second-degree amendment to the minority leader's amendment. We ought to have an opportunity for an exchange on that.

But, generally speaking in this institution, when the majority leader or the minority leader offers a proposal, we have an opportunity for a full and complete presentation of the amendment and the reasons for and against it.

We were in a situation where many of us thought the proposal would be considered last Thursday. Then, the Senator from New York, as is his right, sought and received recognition and offered his amendment on the Mexican loan issue. The Senate had a good debate on that particular measure. We did not conclude until late Thursday evening to at least reach a procedure by which that matter would be considered at a later time.

Then I was in the well on Thursday evening when the majority leader asked the minority leader, "Will we be able to consider your amendment and perhaps dispose of it as early as 1 o'clock on Friday so that people can meet their schedules?"

Although there was not a firm time agreement, I think those of us who were the sponsors thought we could take that matter up at 10 o'clock the next morning, then have a good chance to debate and vote on the amendment of the Senator from South Dakota, which would certainly have been appropriate.

So the amendment was offered, and there were short speeches on it. Then, within just a matter of minutes, an amendment in the second degree was offered. Many of us who had thought we would have time to have a debate on children and education were at least temporarily foreclosed from being able to make that presentation.

Then, at the noon hour, when some of us were still here, we were asked, at a moment's notice, for a consent agreement to not only proceed to the self-employed conference report, but also for immediate adoption of that.

That conference report, as I just referred to, was different from the measure that actually passed the Senate. The Senate measure would have provided $3.6 billion in additional revenues, and that particular loophole in the bill would have benefited a dozen or so American citizens who renounce their citizenship for tax purposes. The cost would be $3.6 billion over a period of 10 years, and we were asked to go ahead and agree to it.

There were questions, Mr. President, that should have been responded to. I appreciated the responses given by the Senator from Oregon on those issues raised in the conference.

Nevertheless, it seemed to me, if we were going to consider that measure in the conference report, we ought to have had at least been given an opportunity to resolve it with a very brief discussion before coming back to the Daschle amendment.

We were not permitted to do so, and so here we are this afternoon with the prospect of voting on the conference report and then the sense-of-the-Senate resolution.

Mr. President, this issue becomes all the more significant when you look at the Daschle amendment, which invests $1.34 billion on programs primarily focused on children and their education.

This measure regarding the expatriation tax break, however, is $3.6 billion. It is interesting that our total return for reinvestment in children is only $1.3 billion. It is a pretty interesting juxtaposition. Many of us are saying, look, if we can be so sensitive to the handful of multi-multimillionaires to give them a tax break of $3.6 billion, then we ought to be able to at least say that the $1.3 billion devoted to children for the Head Start Program and the WIC Nutrition Program is a higher priority.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The time expires at 12 noon.

Mr. KENNEDY. I will just take 2 minutes. I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in terms of where we stand, I think this chart clearly juxtaposes what the issues are.

I believe that the overwhelming majority of all Americans believe that if we are going to give a tax benefit of $3.6 billion, we ought to be able to at least try to do something about children, Head Start, the Women, Infants, and Children Nutrition Program, the School-to-Work Program, the Child Care Program, on the basis of importance and need. We will have an opportunity to address that later in the afternoon. I look forward to participating in that debate.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. What is the order of business?

The PRESIDING OFFICER. The morning business lasts until the hour of 12 noon.

Mr. WELLSTONE. And at 12 noon, Mr. President?

The PRESIDING OFFICER. The cloture vote is to occur under the order.

Mr. WELLSTONE. Cloture vote is under the order at 12 noon. Mr. President, so we have how much more time?

The PRESIDING OFFICER. We have approximately 4 minutes before 12 noon.

PRIORITIES

Mr. WELLSTONE. Mr. President, 4 minutes is not a lot of time, but let me just rise to support the powerful words of my colleague from Massachusetts.

We are talking about capital gains over $600,000, that is the only real tax we are talking about. And we are talking about expatriates with incomes over $5 million. We are just simply saying that if you are going to be making these gains over $600,000 a year and you are going to renounce your citizenship as a tax dodge, then, in fact, you are going to have to pay above and beyond that $600,000.

It just seems to me that that does meet some standard of fairness, and my colleague has pointed out the juxtaposition of these proposed cuts in drug-free schools, the Women, Infants, and Children Program, the Head Start Program, Child Care Program.

Mr. President, I have been on the floor over and over and over again with an amendment that speaks to the concerns and circumstances of children's lives. If we are going to be talking about cuts that dramatically affect the quality of life for children in America, quite often the most vulnerable citizens, and at the same time we are going to be talking about trying to let this kind of tax dodge go through, I just think that people in the country ought to understand what, in fact, really is going on.

I do not think anybody intended to filibuster. None of us did. So it will be an overwhelming cloture vote. I do not think there is any question about that. But I do think that a little bit of sunshine is important, and I do think people in the country do need to understand the significance of what the Senator from Massachusetts has had to say.

I think the significance of it—and we will have time this week as we get into what I think is a real important debate for the country—has to do with priorities. What in the world are we doing enabling people to have this huge tax dodge that really runs up into the billions of dollars for people who make over $5 million and, at the same time that we have this tax dodge going on, we are willing to be so generous with all too often the suffering of children in this country.

That seems a little bit like just a speech on the floor. I probably have less than 20 seconds now, but we are going to have a debate on all of these programs. When the language, I say to my colleague from Massachusetts, is programs, it seems abstract. But we are going to talk about what all this means in personal terms, in human terms to our communities, working families, and children. That will be the debate that we will get to. I look forward to that debate.

ROBERTA DOERING—NEW PRESIDENT OF THE NATIONAL SCHOOL BOARDS ASSOCIATION

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Roberta Doering of Agawam, MA, who today becomes president of the National School Boards Association [NSBA]. Roberta has served as a member of the Agawam School Committee for 25 years and has been active in both the State and national school board associations for many of those years. She was elected to the executive committee of the national organization in 1991 and now assumes the role of president.

Her unwavering commitment to the welfare of the Nation's youth is demonstrated in her work with the schools and in other areas of service as well. She served for over 20 years on the board of directors of the Metropolitan Springfield YMCA and was the first woman president of that organization. She has also served on the board of trustees of the Springfield Library and Museum Association, and on the board of trustees of the Baystate Medical Center.

Roberta Doering deserves great credit for her service to education. Like so many dedicated citizens who serve on thousands of local school committees and boards across the country, she entered the arena because of her interest in children. She recognized the participation by citizens at the local level is vital if we are to assure quality educational programs for children and youth.

As she became knowledgeable about the Agawam system, she saw the need to do more. She explored what other communities were doing in the State, and what lessons from their experience could be applied to improve the schools in her own community. As a natural extension of her ability and interests, she became active in national education issues. Her path to the presidency reflects what so many of us in Congress understand. An active partnership among local, State, and national goals is vital to achieve educational excellence.

Roberta is clearly making a difference, and I commend her for her commitment as she begins her service as president of the National School Boards Association. I share the pride of the people of Agawam and Massachusetts that she will be serving all the Nation's children, and I wish her success in this important new undertaking.

TRIBUTE TO UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL

Mr. FRIST. Mr. President, I rise today to congratulate the University of Tennessee Lady Volunteers basketball team for yet another outstanding NCAA tournament. After an impressive record 34–2, the Lady Vols advanced through the NCAA tournament to face the undefeated University of Connecticut Huskies in the championship game yesterday.

The Lady Vols were on the verge of their fourth NCAA title in the closing minutes of the final game. With only 4 minutes left, the Huskies rallied back to defeat Tennessee by 6 points—70–64.

Mr. President, I want to commend these young women, as well as their head coach Pat Summitt and assistants Mickie Demoss, Holly Warlick, and Carolyn Peck for their hard work and dedication this year. They have made the University of Tennessee, the city of Knoxville, and the entire State of Tennessee proud.

The seniors who played their last college basketball game yesterday should look back on a job well done and a season Tennesseans won't easily forget. And those team members who will be on the court next year can look forward to building upon the strong foundation they have helped establish this year.

Again, I applaud the University of Tennessee Lady Volunteers for an outstanding season, and I look forward to many exciting seasons to come.

Mr. President, I yield the floor.

MOTHER OF THEM ALL

Mr. HELMS. Mr. President, a popular trend among the liberal elements of the news media today is their assertions that efforts to rid the current welfare system of waste and inefficiency are heartless and cruel. Aside from being untrue, such statements ignore the extraordinary things that are going on in America today. For example, the story of Mrs. Carol Porter, cofounder of Kid-Care, Inc., a nonprofit organization that feeds needy children in Houston, TX. I was reminded of Mrs. Porter and her family's efforts on behalf of Houston's hungry children when I read a March 20 People magazine article, headed "Mother of Them All."

Mr. President, I have met with the remarkable Carol Porter on several occasions, the first of which was in October 1993 when she visited Washington to receive an award for the very work detailed in the People magazine article. Senators and staff members would be impressed, as I am, if they could spend just a few brief minutes with this wonderful lady and her husband.

Why? Two reasons come to mind:

The first is her totally unselfish attitude which puts the needs of others before her own. It began when Carol Porter was driving through Houston during the Christmas season of 1989. By chance she happened upon a group of youngsters eating out of a fast-food dumpster. It was then that she and her husband decided to operate a feeding program from their three-bedroom home.

Today, Porter and the volunteers at Kid-Care deliver 500 free meals to Houston's poor neighborhoods. Plans are underway to move into a facility enabling them to produce 4,000 meals a day, without 1 cent of support or subsidy from the U.S. Government.

My second thought: As the U.S. Senate prepares to debate various facets of the House-passed welfare-reform proposal, Senators should keep in mind Mrs. Porter's admonition when she was asked about Government assistance. Mrs. Porter said, "I'm against people saying, 'Let the Government do it.' I say it's time for Americans to feed Americans."

Mrs. Porter's message to all of us is both needed and refreshingly clear: The Government cannot do it all, nor can it afford to. But the needs of others can be met if each of us does our part.

Mr. President, I do hope my colleagues will have time to read the article describing an extraordinary lady doing an extraordinary work. I ask unanimous consent that the March 20, 1995, People magazine article, "Mother of Them All," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From People magazine, Mar. 20, 1995]

MOTHER OF THEM ALL: CAROL PORTER FEEDS POOR KIDS IN HOUSTON—WITHOUT A CENT FROM THE GOVERNMENT

The white van squeals to a stop in the loose gravel of a dilapidated mobile-home park in Houston. The driver blasts the horn five times, and children come running from every direction. One little boy in a blue sweatsuit races back from the van to his mother, excitedly waving a lunch bag over his head. He knows the sack contains a plain turkey sandwich, an apple, a granola bar and some juice. But he couldn't be happier with a bag of Halloween candy.

"How excited would you be if you hadn't eaten since we were here yesterday?" asks Carol Porter, 50, co-founder of Kid-Care, Inc., a nonprofit group that helps feed some of Houston's neediest children. "It's better than ice cream to these kids. It's hope."

Porter and Kid-Care's corps of up to 25 volunteers deliver 500 free meals each day to children in one of Houston's poorest neighborhoods. Every morsel is prepared by volunteers in Porter's cramped North Houston home, where extra stoves and refrigerators are shoe-horned into what used to be the family's living room and den. Remarkably, Kid-Care accepts no public funding. "I'm against people saying, 'Let the government do it,'" says Porter. "I say it's time for Americans to feed Americans."

Carol Porter, a registered nurse, and her husband, Hurt, 52, a former radio announcer—they have a son, Hurt III, 20, and a daughter, Jamilhah, 10—might serve as a poster couple for the Contract with America. They are black Republicans who are dead set against welfare in its current form. "I get a lot of flak from black folks," says Carol Porter. "But I'm basing my belief structure on what I know. And I know we need welfare reform with compassion."

"I think we should do more to encourage self-reliance, and that's what the Porters are doing," says Texas Senator Kay Bailey Hutchinson.

Compassion is something the Porters learned from their parents. Carol, in fact, credits her late mother, Lula Doe, with planting the idea for Kid-Care. It was Lula who, in 1984, persuaded a local supermarket not to discard its blemished produce but to let her distribute it to the poor.

The Kid-Care idea began to take shape at Christmas 1989, when Carol came on a group of children eating out of a McDonalds' dumpster. "I saw Third World conditions a stone's throw from where I live," she says. Two years later, Kid-Care was created as a nonprofit organization.

These days, the Porter's three-bedroom bungalow is hemmed in by Kid-Care vehicles. Industrial-size cans of beans, tomatoes, corn and spaghetti sauce line shelves tacked up in the family room. Bags of disposable diapers, bulk rice and dozens of loaves of bread are stacked alongside. in the center of the room is a banquet table, where the sandwiches are prepared in a huge assembly line. In the next room, a magnet stuck to one of four refrigerators reads, "Carol's Kitchen." "Hah!" snorts Carol. "This hasn't been my kitchen in years."

Until late last year, Kid-Care provided not only brown-bag lunches but also hot meals. That was when the Houston health department forced the Porters to suspend cooking operations until certain code violations were remedied. That problem should be solved by May, When the Porters hope to move kid-Care into its newly acquired 11,500-square-foot building equipped to produce 4,000 hot meals a day. That is, of course, if they can increase their funding. Carol Porter's tireless fund-raising has given Kid-Care high visibility among corporations—Quaker Oats and long-distance company Heartline Communications are sponsors—but most of the current annual budget of $500,000 comes from individual donations. The couple supplements Hurt's $2,000-a-month stipend from Kid-Care with a contract to oversee Houston-area daycare providers for the U.S. Department of Agriculture. Hurt III earns $1,000 a month managing Kid-Care's transportation.

Carol, whose dream is to seed Kid-Care groups across the country, draws no salary. "People ask me what's in it for me," she says. "And I tell them to go the route with me and see my kids' faces. That's what's in it for me."

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, for 3 years I have made daily reports to the Senate regarding the exact Federal debt as of the previous day.

We must pray that this year, Federal spending will begin to be reduced—it hasn't yet. Indeed, if we care about America's future, Congress must face up to its responsibility to balance the Federal budget.

As of the close of business Friday, March 31, the exact Federal debt stood at $4,864,115,841,256.92, meaning that on a per capita basis, every man, woman, and child in America owes $18,464.61 as his or her share of the Federal debt.

It's important to note, Mr. President, that the United States had an opportunity to begin controlling the Federal debt by implementing a balanced budget amendment to the Constitution. Unfortunately, the Senate did not seize their first opportunity to control this debt—but rest assured they will have another chance during the 104th Congress.

If the Senate does not concentrate on getting a handle on this enormous debt, their constituents are not likely to overlook it 2 years hence.

SELF-EMPLOYED HEALTH INSURANCE ACT—CONFERENCE REPORT

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The Senate will now resume consideration of the conference accompanying H.R. 831

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 12 noon having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 831, Self-Employed Health Insurance Act:

Robert Dole, Bob Packwood, John Ashcroft, Orrin Hatch, Richard Lugar, Lauch Faircloth, Larry Pressler, Thad Cochran, Trent Lott, Pete Domenici, Rick Santorum, Larry Craig, Alfonse D'Amato, Hank Brown, James Inhofe, and Slade Gorton.

CALL OF THE ROLL VITIATED

The PRESIDING OFFICER (Mr. BROWN). Pursuant to rule XXII, the chair now directs the clerk to call the roll to ascertain the quorum.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent—and it has been cleared by the Democratic leader—I ask unanimous consent that the live quorum under rule XXII be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 831, the Self-Employed Health Insurance Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DOLE. I announce that the Senator from Colorado [Mr. CAMPBELL], the Senator from Mississippi [Mr. COCHRAN], the Senator from Texas [Mr. GRAMM], the Senator from Oregon [Mr. HATFIELD], the Senator from Texas [Mrs. HUTCHISON], the Senator from Oklahoma [Mr. INHOFE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Arizona [Mr. KYL], the Senator from Mississippi [Mr. LOTT], the Senator from Oklahoma [Mr. NICKLES], the Senator from Delaware [Mr. ROTH], and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], the Senator from Vermont [Mr. LEAHY] the Senator from Michigan [Mr. LEVIN], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Florida [Mr. GRAHAM] is absent because of illness.

I further announce that, if present and voting, the Senator from Vermont [Mr. LEAHY] and the Senator from Florida [Mr. GRAHAM] would each vote "aye."

The yeas and nays resulted—yeas 83, nays 0, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—83

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Lieberman
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—17

Campbell
Cochran
Graham
Gramm
Hatfield
Heflin
Hutchison
Inhofe
Kassebaum
Kyl
Leahy
Levin
Lott
Nickles
Nunn
Roth
Smith

The PRESIDING OFFICER. On this vote the yeas are 83, the nays are zero. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

PERFECT SEASON FOR UNIVERSITY OF CONNECTICUT WOMEN

Mr. DODD. Mr. President, I am holding up in my hands the front page of today's Hartford Courant, which reads "Perfect." It shows a photograph of the University of Connecticut women's basketball team and the score of the game, 70 to 64, over Tennessee.

Mr. President, you will certainly appreciate the fact that there is a certain amount of local pride in the Nutmeg State this morning. The women's basketball team completed their tremendous season, 35 and 0. It is the best record ever compiled by a men's or women's basketball team, culminating in the NCAA title against Tennessee. The other team that went undefeated, 34 and 0, was the University of Texas in 1986.

What makes this team unique is the intellectual as well as the athletic ability of its players. The star player—I am hesitant to use the word—Rebecca Lobo, was chosen first team All American and first team Academic All American the last 2 years. She is a candidate for a Rhodes scholarship and winner of every Player of the Year Award this season. She has compiled a 4.0 grade point average during her last

2 years at the University of Connecticut and is the No. 1 women's basketball player in the United States.

She is joined on that remarkable team that won the championship game yesterday by Jennifer Rizzotti, Kara Wolters, Jamelle Elliott, Pam Webber, Nykesha Sales and many other talented players. Rebecca Lobo, Jennifer Rizzotti, Kara Wolters, and Jamelle Elliott were named to the all-tournament team. It is the first time that four players from one team were named to that honor.

Mr. President, today is a day of great pride in the State of Connecticut because of the accomplishment of this great team.

I wish to pay a special tribute to Geno Auriemma, the head coach of the team, who did a remarkable job this season, and to the fans. You could not get a seat in Gampel Pavilion this year; they sold out every single game.

Mr. President, I am going to include in the RECORD as well, a couple of sidebar stories that go to the heart of a few other issues. The stories are about young women in the State of Connecticut, 9-, 10-, 12-year-olds, who were watching this team during the last year and who have become tremendous fans. It goes to the issue of title IX and the success of a program, a women's program, a basketball program. Just a few years ago you probably would have found only a handful of people watching a women's basketball game, not only at the University of Connecticut but all around the country. And today, as I mentioned a moment ago, there are sell-out audiences, sell-out crowds. This is a great tribute to title IX and those who fought so very hard for that program.

We are very proud in Connecticut today. We have always had to export our team allegiances to either the Boston Red Sox, the New York Knicks, the Mets, or others. Lately, we have had a hockey team which has not done terribly well, but now there is deep pride over this remarkable team that did a fantastic job in their quest for a national championship.

I join my colleague, Senator LIEBERMAN, who I know spoke already, in congratulating all the people involved in this great season.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I would like to offer my congratulations as well to the women's team at the University of Connecticut, and I would like to call attention to a quote by its star player, Rebecca Lobo, in this morning's Washington Post. When she was asked what the victory meant to her, she said:

> This is just a picture-perfect way for someone to end their career. We are undefeated, we won a national championship and I did it with people I love.

Mr. President, that openness is remarkable and should be applauded, and it correctly captures the feeling among members of a 35 and 0 team that wins a championship, and that is true both of a men's team that would win a championship and a women's team that wins a championship. My hope is that someday when a men's team wins a championship, the star player can say those exact words and feel as comfortable saying them as Rebecca Lobo did yesterday.

I congratulate Connecticut for this tremendous accomplishment and Rebecca Lobo for her courage and leadership in difficult times in her own family situation, because of her mother having breast cancer, and also because of her determination that was shown every day that she went out onto the court with her teammates.

Mr. DODD. Mr. President, I thank my colleague from New Jersey for those comments. She is a remarkable young woman on a remarkable team, and the joy of watching them win was only exceeded by their joy in winning. There are no NBA careers in front of them. There are no six-figure, seven-figure salaries awaiting these young women—just the joy of playing the game, the joy of victory and the joy of doing it together. It needs to be heralded. It needs to be highlighted. We need to get back to that very spirit of amateur sports.

I congratulate as well the team from Tennessee. Tennessee has won several national championships in the women's basketball division. They lost to Connecticut yesterday, but they are a great team and a great champion as well. I just know we are going to see more and more of them. I think it is a wonderful thing in America to be able to watch young women get the kind of attention they did.

By the way, the President called the coach yesterday. It is the first time a President has ever called an NCAA women's champion after the title game. I congratulate and thank President Clinton for making that call to the Connecticut women's basketball team.

They went down to the White House last year and could not get in. There was a long line. They were here in the office and met with Senator LIEBERMAN and me, but they had to go back to their schedule and practice, so they could not get in to the White House. Yesterday, the coach asked the President if this time they might be able to come through the front door of the White House. The President extended an invitation to them to visit, and it is going to be a pleasure to go there with them and have them walk in the front door of the White House as the national champions.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

Mr. President, I wish to say to the Senator from Connecticut that I share his pride in those young women. And certainly, as a woman who does not quite make 5 feet tall, I am particularly awed by these women and their skill. We still have UCLA, as you know, Mr. President, going toward a championship, we hope. But I really have to say to the Senator, it made me feel so good to watch these young women.

I do hope someday they have more of a future. If they can sink the ball in the basket with the best of them, they ought to have a chance. That is a subject for another day and another time.

SELF-EMPLOYED HEALTH INSURANCE ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mrs. BOXER. Mr. President, I wish to now take the floor to thank the Senator from Massachusetts for what he has done by bringing forward such an important issue really, not only to the Senate but to the people of the United States of America.

We are going to see on Friday, I say to my friend, a big celebration on the steps of the Capitol. Those Republicans who signed the Contract With America are going to be celebrating and saying how great it is that they passed a number of those provisions.

Well, I think what the Senator from Massachusetts is pointing out is that there are more people than just those Republicans who are going to be celebrating; some of those people are going to be the millionaires and the billionaires who got away with it again, who again got away with what I call tax murder. I actually call them tax traitors, because what they do is they make a lot of money in this country, millions and hundreds of millions, sometimes billions, and then they renounce their citizenship to escape any kind of State taxes. I think that is unpatriotic. I think it is in many ways acting like a traitor to this Nation.

This Senate, on a very clear vote, said let us end that kind of tax loophole. The Senator from Massachusetts was completely struck, as was I and others in this Chamber, when the tax bill came back from the other Chamber, from the Republicans in the House who are so proud of their contract. And guess what? That tax loophole was not closed.

So on Friday, when the Republicans are celebrating their contract, there will be a celebration in a lot of places across this great land, where people will be saying, "Oh, thank goodness, I still have that kind of a loophole."

All the Senator from Massachusetts was asking us to do on Friday was to go on record, because it is too late to change that conference report. We do not want to hold it up. It does some other very important things, and we care about the small businesses and the farmers who are concerned about their tax deductibility for their health care, which is in that bill.

All the Senator from Massachusetts was asking was for a simple sense-of-the-Senate resolution so the Senate could go on record and say we are not turning our back on fixing this problem. We stand for average people in this Senate Chamber. And we are going to fix this problem and we are going to stop this tax loophole for the millionaires and billionaires who would renounce their citizenship in America to get away with having to pay their fair share of the taxes.

And guess what happened? The Republican leadership said, "No way. We are not going to have that vote."

Well, I hope some agreement can be reached—and I tell my friend that I stand with him—so that at some point in the near future we will have that vote so that people in this country will understand that the U.S. Senate is not changing its mind on fixing this loophole.

I also want to thank the Senator from Massachusetts and the Democratic leader, TOM DASCHLE, for bringing forward an amendment that I think is a very important amendment to the supplemental appropriations bill that is before this Senate.

The chart that the Senator from Massachusetts, Senator KENNEDY, has put together shows what would be restored by our Democratic leader's amendment.

If ever you wanted to know the difference between Democrats and Republicans, here is your chance. Mean-spirited, unnecessary cuts put forward in an appropriations bill, a rescissions bill; unnecessary.

For AmeriCorps, the Daschle amendment will restore $210 million. I ask my friend from Massachusetts, is that correct?

Mr. KENNEDY. The Senator is correct.

(Mr. JEFFORDS assumed the chair.)

Mrs. BOXER. I wish to engage my friend in a colloquy.

I had a wonderful experience visiting an AmeriCorps Program in Los Angeles. I want to tell my friend that the Americorps volunteer—and by the way, our Republican friends say: They are not volunteers. They get a stipend. They get money for their education. They are not volunteers.

Well, I say to my friend, could these people do this work without a stipend? Could they live? Could they give of themselves and back to community if they did not have the stipend? Did not the people in the Peace Corps, I say to my friend, have a way to live while they gave their service?

Mr. KENNEDY. If I could answer my friend, the Senator from California. She is putting her finger on a very important point, which is that voluntarism should not be just a luxury for the wealthiest individuals. There are many young people with limited resources that want to have an opportunity to give something back to their communities. We see that time after time.

What we are basically saying to those young Americans is: if you are prepared to give something back to your community, you will also have a stipend, which is effectively a minimum wage, to be able to live. You will also be able to get the equivalent of a year's down payment on your tuition at a State university to continue your education.

I like to think that part of our Nation's value system is to try and encourage young people to be involved in a selfless way, to give something back to their community and, second, to encourage people to move ahead in terms of their education.

Finally, let me say to my friend, the Senator from California, that we effectively had an agreement here in the United States Senate when we passed the national service program. We are going to have $300 million in the first year, $500 million in the second, and $700 million in the third. We had very strong bipartisan support for that commitment. I think there was only a handful of Senators that voted against it. Now we have established a service program where young people have been recruited on the basis of an agreement and understanding that was reflected in the bipartisan effort.

The AmeriCorps Program, however, was targeted for a 75-percent reduction, more than any other single program. And I do not think that it is a coincidence that it happened to be a top priority of President Clinton's—one that he spoke about during the course of his campaign. He stated that it was one of his greatest initiatives and he spent a great deal of his own personal time and involvement to see that it became a reality. I can just say, from a personal point of view, each time he comes to Boston, he meets with these young Americorps volunteers and continues to inspire them, as he does others who are involved in voluntary programs.

These cuts are effectively taking the rug right out from underneath these volunteers. All we are saying to our colleagues is not to go back on your word to these young people. And that is what this amendment is all about.

Maybe next year, we are going to have to fight to try and get what resources are available for that program.

But are we now saying to the young people in the AmeriCorps Program who are committed to making a contribution to their communities that the rug is pulled out from underneath them?

Mrs. BOXER. Mr. President, I thank my friend, because I have to say that I did notice broad support for this when it came up. The Senator from Massachusetts certainly worked on it, as chairman of the committee at that time. Very few spoke out against it.

It is hard for me to believe, as the Senator has pointed out, that this is not some kind of political attack. Because President Clinton said during his campaign, just as the Peace Corps, which sent our young people abroad, was so effective in helping people abroad, let us have that in America where we have problems in our schools, where we have problems in our nursing homes, where these young people can give something back and have a sense of community and of giving back.

And so the Daschle amendment, as my friend points out, will restore this funding.

I will tell you one story about my visit to a school in Los Angeles, where I meet with an AmeriCorps volunteer and some of the students in a pretty tough school. This school is made up of kids who were basically first-generation Americans. Their parents work in the garment district in Los Angeles in very, very tough conditions, minimum wage conditions.

And, of course, that is another issue, I say to Senator KENNEDY, that he has lead the fight on. We have opposition from the Republicans, unanimously. God forbid we should raise the minimum wage, which is at a 40-year low in terms of purchasing power.

And they say, "Oh, it helps get teenagers into the job market." Most of the people on minimum wage, as the Senator knows, are adults. They use that money to live on and try to provide for their families. That is another issue. But it all fits into the same pattern, I say to my friend.

Very quickly, they did away with closing a tax loophole that helps the billionaires; just dropped it right out of the conference. But with a lot of forethought and talk about the deficit, and a lot of time to concentrate, they cut money for young people, for their hopes, for their dreams, for their future.

And they say they care about the deficit. Not one of them voted for the $500 billion deficit reduction that every Democrat took a risk and went down to that well and voted for. And we have had the biggest deficit reduction in our history. We have had 3 years of declining deficits, and the smallest work force since John Kennedy with a Democratic Congress.

We did not take a meat ax to these programs, I say to my friend. We took a scalpel.

We closed loopholes. We said to the wealthiest in this country—those over $200,000—you may have to pay a little more. Over on the House side with their contract, they want to give a contract to those who earn $200,000 a year.

When I went to the school, I say to my friend, I met a little child who was shot in a drive-by shooting, and an AmeriCorps volunteer went to see him in the hospital every single day and turned that child's life around. This is a living, breathing human being, first-generation American who now believes in this country.

I say to my friend, they say that sometimes children ask the best questions. Do you know what some of those kids talked to me about, the ones who were afraid of losing their school lunch program? Here is what they said:

"Who gets the money if you cut us out of the program?"

I could not believe they asked that question.

"Who gets the money, Senator, if I do not get my lunch?"

And I have to tell them, "The Republicans want to give a tax break to the wealthiest people in this land, and I won't let them do that and take food out of your mouth."

I do not care if I am saying something popular or unpopular, but I am going to stand on this floor with my friend until hell freezes over before that happens in this U.S. Senate.

I see that my friend has put another chart up here. I ask him to explain it, if he would do that.

Mr. KENNEDY. I will be glad to. I had not anticipated we would be debating this issue at this time, but I think perhaps it is appropriate.

This is a chart showing that the top 12 percent of taxpayers get more than half of the tax benefits in the Republican plan. More than 50 percent of the tax benefits would go to those individuals who earn over $100,000.

I think this makes the point that the Senator has been talking about. What we are faced with in these rescissions is the cutbacks in the various programs which have been identified by the Senator from California—in AmeriCorps and drug-free schools. We had a very important and eloquent debate on the problems of violence in our schools and how we are going to deal with it.

Other programs targeted for cutbacks include:

The chapter 1 program, which was completely revamped in the last Congress, again, with strong bipartisan support. If the Senate rescissions stand, 70,000 children across the country will not be participating in these programs which try to assist young people that come from economically disadvantaged communities.

Goals 2000—this cut will result in 1,300 school districts not participating in education reform programs.

The Head Start programs, which have been tried, tested, and reevaluated.

The WIC nutrition program, school-to-work, child care, and the list goes on and on.

These cuts, as the Senator has talked about, are going to be used for the House Republican tax cut, which will go to the top 51 percent of the taxpayers.

That is fundamentally wrong, as the Senator from California understands. I do not believe that that is what the Americans are really for.

You would hardly understand that this is what is being cut here. You will hear general comments about how we have to cut back on programs and discretionary spending in order to deal with the deficit. The fact is, the programs which are being cut back are to be used for the tax cut to the wealthiest individuals. I just do not think that is right. This is the argument that the Senator from California is making, and I welcome the chance to join with her.

Mrs. BOXER. I say to the Senator in closing my comments that I did not come here to take from the kids and give to the rich. And I did not come here to throw the women and children over first. And that is exactly what the Republicans are doing in this Congress.

Cut the WIC Program, the Women, Infants, and Children Program that gives nourishment to pregnant women who may not be able to afford it? Every dollar we put in that program saves from $3 to $10. Why? Because we give them nourishment—cheese, milk, and things they need.

I have a pregnant daughter right now—the light of my life. I am going to have my first grandchild. Every day I call her: "Did you take your vitamin pill? Are you eating right?"

I say to my friends, we ought to care about the pregnant women in this country who may not have a mom or a dad to call them up in the morning, who may not even have the education to know that it is important. And, listen, it pays off. It pays off because we have healthier children and less costs, less costs to put these babies in incubators, not to mention the humanity involved here.

Where is our decency here? I do not know. But what I know is that I am proud to be associated with the Senator from Massachusetts. I think what he is pointing out is a tie-in between these tax breaks for the wealthiest people among us and the taking from the children. I think it is reprehensible, and I will join that fight. The fight has just begun, I say to my friends.

I yield the floor.

Mr. KENNEDY. Mr. President, parliamentary inquiry. Cloture has been invoked; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. So now each Member is entitled to speak up to an hour; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I do not intend to use all the time, and I have every expectation we will have a final vote on this sometime in the early or midafternoon, a time to be set by the majority and minority leaders. I thought that process would be worked out. I did want to be able to address the Senate for just a few moments at this time on the issue of the tax loophole.

The current tax laws contained an unjustified tax loophole that exists for billionaires who renounce their American citizenship in order to avoid taxes on the wealth that they have accumulated as Americans. I commend the Finance Committee for closing the loophole in its action on the 25-percent health care deduction for small business. The Finance committee took the action despite the fact that the revenue gained was not needed to pay for the health care deductions for small business owners in the bill.

In fact, the committee requested that the revenues be used for deficit reduction, exactly the type of action necessary if we are serious about achieving a balanced budget.

Closing this loophole would raise $1.4 billion over the next 5 years, $3.6 billion over the next 10 years, according to the Senate Finance Committee report.

In too many cases, we close tax loopholes only when we need to raise revenues for specific spending measures, whether they involve direct expenditures or tax expenditures. In this case, the committee closed this flagrant loophole as soon as it was brought to the committees's attention, and rightly so. All of us thought the issue was settled. Now it comes back to us from the Senate-House conference and the loophole has been reopened. And the outrageous tax break for two dozen or so of the most wealthy individuals in the country will remain wide open. This is all happening, of course, at the same time that we are cutting Federal funds for basic investment and for the future of children and working families. Funds for education, housing, and vital social services are all being drastically cut at the very time our Republican colleagues are deciding that this tax break is not flagrant enough to be terminated immediately.

All citizens of the United States have a basic right to leave the country and live elsewhere and to relinquish their citizenship. That is not what this provision is about. Every citizen has the right to repatriate. We would not want the Tax Code to be used to outlaw that action.

At the same time, though, we do not want the Tax Code to be an enticement to citizens to renounce their citizenship. The law would not prevent individuals from shifting their assets and citizenship to a foreign country; rather it would make sure that those who have amassed great wealth through the U.S. economic system pay their fair share of taxes.

Last year, approximately 850 individuals renounced their citizenship, but only a handful of those would have been affected by this legislation. The tax loophole we are trying to close is not one that applies to all those who renounce their citizenship. As a result, it is wrong to call this an exit tax. It only applies to those with a minimum of $600,000 in unrealized capital gains, which would necessitate a minimum of $5 million of net worth. All those below that level of liability could renounce their citizenship without the IRS ever questioning their motives. But the fact of the matter is that many of these wealthy individuals are leaving the country for only one reason—to avoid taxes that they rightfully owe the Government.

In some cases, the individuals involved have the best of both worlds. They renounce their citizenship, avoid millions of dollars of tax liability, but still spend up to 6 months a year in the United States. In many cases, their families stay in the United States, taking full advantage of the U.S. standard of living and quality of life.

In other cases, wealthy individuals are gaining from the system to an even greater degree. They are renouncing their citizenship to avoid European taxes, also. Then they take up European citizenship but live part time in a Caribbean tax haven so they cannot be taxed by their new European home country.

Some have suggested that this provision would unlawfully restrict the fundamental right of voluntary expatriation and emigration. This is not the case. The State Department has stated that this provision does not conflict with the international human rights law concerning an individual's right to freely emigrate from his or her country of citizenship. It also recognizes that a state, in order to protect its interest, may impose economic controls on a departure as long as such controls do not result in a de facto denial of an individual's right to emigrate.

Requiring individuals to pay taxes on gains that accrue prior to expatriation does not constitute a de facto denial of an individual's right to leave a country.

These are comparable taxes to those which U.S. citizens or permanent residents would have to pay were they in the United States at the time they disposed of the assets or their debt. Under the current law, if the IRS suspects that an individual has renounced his or her citizenship in order to avoid taxes, it will attempt to tax the holdings for an additional 10 years. The IRS must establish that it is reasonable to believe that the individual gave up citizenship to avoid taxes. The burden of proof that the move was not for tax reasons falls on the former citizen.

Current law needs to be tightened because individuals are easily evading it. The law provides for that with the taxing of their income for an additional 10 years after expatriation. But they avoid the tax completely by postponing the realization of gains for the first decade after leaving the United States.

So the concept has been at least included in the tax law. As I understand from the experience, that law provides that 10 years after expatriation, that income has basically been hidden or shielded. And the Finance Committee addressed that issue and was to be able to recover what was necessary.

The Finance Committee report itself states:

> The committee is concerned that present law—

So this is not a new law; it is a new way of dealing with the loopholes that exist.

> The committee is concerned that under present law, which bases the application of the alternative method of taxation under section 877, proof of a tax avoidance purpose has proven difficult to administer. In addition, the committee is concerned that the alternative method can be avoided by postponing the realization of U.S. source income for 10 years. The committee believes that section 877 is largely ineffective to tax U.S. citizens who expatriate for the principal purpose to avoid the tax.
>
> The proposed provision is similar to those in other countries, including Canada and Australia. The concept is also similar to laws in many States, where individuals who move to other States are taxed on compensation earned before the move though it may not be received until after the move.

The law would be limited in its scope. It would not apply to real estate or pensions, regardless of their value. We already tax gains on real estate of foreign citizens as a result of the sale of property. Under the Finance Committee reform, the State Department would notify the IRS when anybody relinquishes their U.S. citizenship. The State Department would provide appropriate information to assist the IRS in enforcing the provision.

As the report of the Senate Finance Committee stated on this provision, it is fair and equitable to tax expatriates on the appreciation of their assets when they relinquish their U.S. citizenship.

I regret that Congress is unable to act now to close this billionaires' tax loophole in the current tax bill. We know that our Republican colleagues are quick to call for deep cuts in programs that help working families, children, college students, senior citizens, and other deserving Americans. So it is ironic that our Republican colleagues show so much solicitude for the least-deserving Americans—those who want to renounce their citizenship in order to evade their fair share of taxes on the massive fortunes they have accumulated from the blessings of America. This tax loophole should be closed as soon as possible.

So, Mr. President, it was my purpose—and I am joined by a number of my colleagues. Although we were not technically able to do so in terms of the parliamentary situation in which we finds ourselves, at least we should be accorded an opportunity to vote on a resolution that would do just that—that is, remedy this situation.

I would expect that it would have overwhelming support. I would expect that it would have unanimous support. I see on the floor my friend and colleague, the chairman of the Finance Committee. As I noted earlier today, he had given assurance, as did the Senator from New York, that this issue would be resolved in the conference, along with other members of the Finance Committee. Senator BRADLEY authored the provision in the Finance Committee, and he indicated that as well.

It seems to me, Mr. President, that Members ought to be able to express the sense of outrage that is felt by their constituents and be able to speak to this issue in support of a resolution that would urge that at the earliest possible time, there be action on this particular loophole. We do not doubt for a moment the sincere, dedicated, committed desire of the Members I mentioned and other members on the committee to do so.

To many of us who have been around long enough to know that when we are in those conferences and the House has a different view about this, that getting a unanimous, recorded vote by the membership, Republican and Democrat alike, with the strong assurances of the members of the Finance Committee, majority as well as minority, and all Members of the Senate on this, that this would be an issue that would be resolved and resolved in a timely fashion, and that this real injustice to all of the other American taxpayers—because when we have this kind of loophole, make no mistake about it, it is the hard-working men and women that are paying the taxes, playing by the rules, that make up the difference.

Every time you have this kind of a windfall and you create that deficit, what are we asked to do? We are asked to address the problems of the deficit. Here are where the cuts come. That is what we are being asked to do here—to cut the child care programs, the WIC Program, cut the Head Start Program. Why? For deficit reduction. And one of the good reasons we have it is because we have a loophole like the one I have just mentioned. It seems that the least we can do is to have a sense-of-the-Senate resolution that reflects the combined body here of the Senate on the earliest possible time. I wish we could have worked out a process prior to the vote.

I understand that we will move to a vote. Of course we will have an opportunity to offer it on the underlying measure, in terms of the rescissions later on.

It would seem to me that it would be wise for the leadership to give a very clear indication about their support and make it easy to resolve this. Announce to the world that tomorrow at 10 o'clock, this afternoon at 5, we will vote on this. We will close this down.

But we cannot do that. We hear, "We are for it," but we will not be given an opportunity to vote on it. We are not going to say when we can get a vote on it. We have to conclude that if this is the case, why do we not just say at a time certain that we will get a resolution on this matter such that the majority leader and the minority leader and the members of the Finance Committee will all say, "This is an expression of the unanimous vote of the Senate." That is what we are desiring to do.

We are saying to the House of Representatives that the Senate of the United States—Democrats and Republicans—are all aligned together. We believe that action has to be taken, that this loophole has to be closed. We are prepared to go on record. We are prepared to set the time to do so.

I want just to finally indicate that I am very hopeful that we can do it. I will be eager to try and work with the leadership to try and establish that time. I will also be forced to remind our body, if we are not able to do it, as to what, really, is at issue.

It is the issue of fundamental fairness. An issue of which side are we on. Are we on the side of working families who are in the lifeline programs that reach the children of this country? In the child care programs, where we have long lines of parents trying to get quality child care? Or the school-to-work program for the 70 percent of the individuals who do not go on to 4-year college and want to be able to find employment? This program, which has strong bipartisan support, reflects a combination of business and educators and parents trying to get people into work.

Other programs include the WIC nutrition program, which was spoken to so eloquently by our friend and colleague, the Senator from California. The Head Start Program, which was reviewed by a bipartisan commission, virtually had a unanimous vote when it passed out of the Labor and Human Resources Committee, and had strong support in the House.

Goals 2000 education reform, which incorporates many of the ideas and suggestions of the previous Secretaries of Education.

The Chapter I Program that focuses on the educationally disadvantaged.

The Safe and Drug Free Schools Program—we obviously know that as much as we do to reform our education system, if we do not have a safe school, none of this will matter.

Finally, regarding the AmeriCorps Program, we must not pull the rug out from underneath the young men and women who are beginning to reap its benefits and serve their communities.

This is really something that I think all Americans can understand.

I see other colleagues that want to speak here this afternoon. I would hope that we will all understand the impact of these cuts when we vote on this measure. I can give the assurance to the membership we will get a vote on it, hopefully sooner than later.

The PRESIDING OFFICER. The majority manager is recognized.

Mr. PACKWOOD. I thank the Chair.

It was almost 25 years ago that I traveled around the country with my good friend, the senior Senator from Massachusetts. I was then on the Labor and Public Welfare Committee. He was, I believe, chairman of the Health Subcommittee. We were doing health hearings around the country going to hospitals, holding hearings.

There is no question that his compassion for the poor is unrivaled in this body. Sometimes, however, that compassion is confused by the volume of his oratory and the velocity of his statistics.

Volume and velocity are not necessarily accuracy. He uses the word "cut, cut, cut." Only in this Government—not in any State government that I know—only in this Government do we use the word "cut" as follows: cut means we are going to spend less than we thought we were going to spend in the future, even though it is more than we are spending now. That is a cut.

This would be a cut, to an average layperson. I am making $1,000 a month. I think I am worth $1,200 a month. I go to the boss and say, I am worth $1,200. And the boss says I don't have $1,200. I will give you $1,100. You do not tell your wife you got cut $200; you got $100 raise. It is not as much as you hoped but more than you are getting.

I defy you to ask any average normal citizen in this country to define "cut" the way we define it.

Having said that, we will take a look at the quantity of money we now spend. The Federal Government—and we hate to be cavalier about this but I will round it off—the Federal Government this year will spend about $1.5 trillion—"t," trillion, $1.5 trillion.

If we were to spend $1.5 trillion a year for the next 7 years—and the reason I pick that is the year 2002 we are hoping to get to a balanced budget—we would spend about $11 trillion. We are planning to spend under current law, if we do not change the current law at all, we do not add anything like long-term care to Medicare, we do not add anything more to AmeriCorps or Head Start, over the next 7 years instead of spending $11 trillion, as we would spend if we spent the same amount every year, we would spend $15 trillion. That is if we do not change the laws. And we would still have the perpetual deficits.

In order to balance the budget by the year 2002, instead of $15 trillion spent over the next 7 years, we need to spend about $14 trillion. I want to emphasize, again, we are spending roughly $1.5 trillion now.

If we continue to spend it over 7 years, we would spend about $11 trillion. To balance the budget, we can do it and spend $14 trillion. That is not a cut from what we are now spending—Social Security is not going to go down, Medicare is not going to go down, Medicaid will not go down, education will not go down, food for the poor will not go down. They are all going to go up, not down.

The reason that people use the word "cut" is because they have a vested interest in the program. Often, they are bureaucrats who administer it and aggrandizement and biggering is good for bureaucracy. The more you can bigger, the better.

So we have come with this concept only, really, in the last 20 years, of what a cut is: Spending less than we were otherwise going to spend but more than we are spending now.

Unfortunately, the press has picked it up. They say Republicans plan to cut—whatever it is. So let me give an example. Let us take some of the programs that my good friend from Massachusetts has. Let us take Head Start and let us say we were going to spend $500—$100 a year on it over the next, let us say, 5 years: $500; and let us say we were going to spend $100 a year on school lunches for the next 5 years: another $500; and $100 on child care per year. So over 5 years, you have $500 we would spend on Head Start, $500 on school lunches, and $500 on child care. That is $1,500 we would spend over the next 5 years.

Let us say, however, that the current law—no change in the current law, we do not have to vote for anything—would say that on these programs we will spend $200 a year. So over 5 years, instead of spending $500, we would spend $1,000 on each program. So on the three programs, instead of spending $1,500, we spend $3,000.

Now let us say the Republicans come forth and say, "We think, over the next 5 years on those three programs, instead of $1,500 that we are now spending if you were to flatten it out, we think we should spend $2,500; not $3,000, $2,500." The argument would be made we have cut the programs $500.

We have not cut the programs. We have increased the spending $1,000. It just is not as much as advocates of each of those programs would like. And we, everyone in this body, knows we are faced with this.

In comes a group whose principal purpose is education. It can often be conservative Republicans, let us say it is the National Association of School Boards. Except in very big towns, my experience has been that school board members are often Republicans, somewhat conservative, and they want to balance the budget. But they are on the school board, so in they come and say, "Yes, I am for the balanced budget amendment, I am for balancing the budget, but education is a special problem and you must increase spending for education. If we have to balance the budget, you should take it from someplace else." They leave.

In the next week comes the National Association of Hospital Boards of Directors. These are almost invariably Republicans, also. They are the town's elite, the town's 400. They are generous in their charity. They give money to the hospital. In they come, and they understand the fastest growing program we have is health and they want to balance the budget. But they say, "You have to understand that health is in a special category. If the budget must be balanced, take it out of education." They leave.

In comes the National Association of the Chiefs of Police, and to them the most critical problem facing this country is crime and the budgets for their police department. These people are normally reasonably conservative, also. Probably if they had to vote on a balanced budget amendment, they would vote four or five to one for a balanced budget. But fighting crime is unique and different and, "If there is not enough money for everything, we should take it out of education and health so that we have it for crime."

None of these people are malevolent. Each of these people sees the world through their eyes. Each of them sees it through the programs that they administer or are committed to—and are committed to out of perfect decency. Yet, if you do not see the world as they see it, if you say, "Listen, somehow instead of spending $3,000"—we are now spending on the average only $1,500 —"we have to cut it to $2,500," which is really a $1,000 increase, but in order to pare down the increase by $500, we have to take a little bit off of the increase in education and a little bit off the increase in health and a little bit off the increase in crime prevention—each one of them is mad at you because you did not see the world as they saw it.

I want to emphasize, again, when we finally get the welfare reform bill on the floor, when we finally get the entire budget bill on the floor—if we ever get it on the floor—and if we have a budget that gets us to a balance in 7 years, spending will be up for health, up for education. It may be down in defense. It will be up for child care. It will be up for almost every social program we know.

Aha, but the opponents are going to say, we cannot guarantee that because you are going to block grant it. By block granting, we simply mean we are going to give to the States some of these programs, with some money, and tell them to administer it.

Let me take the example I have used, these three: Head Start, school lunch, and child care. As I say, we are now spending $100 each year, $300 a year on the three of them; over 5 years, that is $1,500. But if we did not make any change in the law over those 5 years, we would spend $3,000. So let us say we say to the States we will make you a deal. We think you are closer to the people than we are. We think you know your problems better than we do. The problems of Oregon may not be the problems of New York. Certainly, the problems of Newport, OR, are not the problems of New York City. We are going to give to the States for these three programs $2,500 over 5 years, and say to the States, "You spend it as you want on these three programs: Head Start, school lunch, and child care."

But we do not say in each case how much they have to spend on each of those programs. They just have to spend the aggregate $2,500 on those three programs. The States that are stable, with relatively lower divorce rates, with only one person in the household working, may not have the same child care problems that an urban area with illegitimate birth rates of 50 or 60 or 70 percent and no man around in the household, they may have a different problem about child care. It may not be as critical as it is when you are trying to get a woman off welfare, get her a job, and she has a child and the child is 1 or 2 years of age, and she is 19 and not quite out of high school—dropped out. She needs child care.

Maybe that State says, "We are going to have to spend more on child care than even what the Federal Government might have planned to have spent on that particular program. But we will spend a little bit less on Head Start or a little bit less—not less than we are spending, less than was planned to be spent."

So the argument will be made, if you give these programs to the States, there is no guarantee that they will have the compassion and the knowledge and the interest to take care of Head Start and school lunch and child care the way a compassionate Federal Government would. Not only that we understand the problems better, the argument goes, so we have to have programs that have a myriad of Federal regulations that go with them—not only do we understand them better, we are more compassionate. State legislators do not care about children, they do not care about nutrition, they do not care about Head Start. Governors are callous, backward people who have no concern that their children are well educated and well fed.

That is just baloney. We know it. For us to say at the Federal level that the Governors and the State legislatures do not care about these problems is outrageous. They care as much as we do, and they are closer to the problem than we are.

So let us get over this argument about cut, cut, cut. Are there going to be reductions in spending from what we would otherwise spend if we are going to balance the budget? Yes.

Will those be reductions from what we are now spending? No. Will they be somewhat less than the most wild-eyed, zealous partisan of these particular programs that they would like spent on their programs? Perhaps. We are going to have to ask everybody in this country to share in the reduction of the increase—not a cut —a reduction of the increase. This battle we are going to have at another time.

I mention this only because my good friend from Massachusetts has talked about this expatriate tax provision in the bill that is currently before us which would allow the self-employed in this country to take a 25-percent deduction for health insurance which they purchase, and 30 percent starting in this year, and has said we have cut out the tax on the wealthy and we favor the wealthy at the expense of the poor at the very same time that we are cutting Head Start, and AmeriCorps. I say again we are not cutting. He likes to use the term. But we are not cutting. At the same time we are reducing the increase, we are cutting the tax on the malevolent rich who flee their country to avoid taxation.

First, in this country, if you leave it for purposes of avoiding taxation, we can tax you for 10 years. My good friend from Massachusetts has said, yes. But for 10 years. You can leave this country and you have what we call unrealized capital gains. Perhaps the price of a stock goes up. The value goes up but you have not sold it, and you do not sell it for 10 years. That is an unusual situation. It is very unusual for somebody to leave and not touch their assets for a decade. But if they leave this country now to avoid taxation, we can tax them for 10 years.

I will tell you what happened with this expatriate tax provision. I am frank to admit it was mostly my error in moving too rapidly. The House bill did not have this provision in it at all. We were doing what we call the markup on this bill, and Senator BRADLEY offered the provision to tax the expatriates. We had relatively little discussion about it. We adopted it without even a rollcall vote; no hearings; did not really grasp the significance of what we might be doing. We have done this before in this body.

I remember John Williams, who was a Senator from Delaware, Senator ROTH's predecessor, who served here 24 years, and he and I overlapped by 2 years. I was elected in 1968 he retired in 1970. But he used a wonderful expression once in which he said, "We make more mistakes in haste than we lose opportunities in delay."

I will give you one mistake we made. This tax provision that we put in the Senate bill only applies to American citizens. We have any number of people who come to this country from Cuba, Italy, Poland, Germany, and they are legal immigrants. They work here. They pay their taxes here. They are good citizens. They participate in life while they are here. But at the end of 30 or 40 years of work, and they have been very successful and have made a fair amount of money, they choose to go back home. The tug of the home country is there for people. So they go. They never became an American citizen. They are here legally. There is no complaint about that. They paid their taxes; no complaint about that. This bill does not apply to them. They never became an American citizen.

But take the same person from Poland, or Germany, or Cuba who comes here, becomes an American citizen, is naturalized, decides to go back to the home country, they are taxed. We did not know that. It just did not occur to us.

I will give you another example. This is at variance of many naturalized citizens; some who fled Cuba or were forced out of Cuba when Castro seized control; in many respects confiscated much of their property. You had engineers and doctors coming here in 1960, 1961, 1962 and went to work in the most menial of occupations here because they had been driven out of their home land and had not yet passed licensure exams here, and had no money here. And over 30 years they have become very successful. They are the leading citizens in the movement to free Cuba of its dictatorial control. They will one day be successful. Some of them have become citizens, some not. My hunch will be when Cuba is free many of them will want to return home. That does not mean they are bad Americans, although in some cases they have not taken out citizenship. But it means they want to go back to their country when it is freed.

Are we going to tax them? Are they leaving for tax reasons? Are they leaving for patriotic reasons? Our bill taxes them no matter what. How many occasions have we had where citizens all over this world have had to flee their country and go into exile for 5, 10, 15 years because of a repressive government at home and they could not return until that government became free? And then they go home. How are they to be taxed? We did not consider it.

I will give you another example. A wealthy father sets up a trust for his grandson. The grandson marries a foreigner, perhaps met the foreigner when the grandson was a student overseas or in the military overseas and takes out citizenship in that country. The grandfather is still alive. The trust is revocable. Is the grandson, when he leaves this country, taxed on what we would call the corpus, the amount of that trust, even though he has not gotten it and may not get it? We do not know. We did not consider that problem. Nobody raised that problem.

I will give you another example. A person works here all their life. They are very successful. The employer for whom they work has been putting aside money in their pension plan. Finally, the accumulated pension plan with the interest and everything on it is significant and the person is to get x amount of dollars a month from the time they retire. He retires at 60, and goes back home. It is an American citizen. I think the way this is drawn that corpus, that amount in the pension plan, is taxed immediately. I think. I am not sure. Then I think the payments are taxed also when you get your pension. Did we intend that or did we not intend that? I am not sure what we intended.

I say this only to attempt to ameliorate the argument that this was done at the behest of or because of the rich in this country; this was adopted in haste and we did not grasp its full consequences.

In addition, it was not in the House bill and the House with a vote on the floor before we went to conference with them instructed their conferees not to accept this provision. So the chairman of the Ways and Means Committee and I have jointly put out a release saying we want the Joint Tax Committee, which is the professional group that so well advises the House and the Senate, to study this problem, give us a report by June 1. We will have hearings on it. There will be legislation enacted. And the effective date of it will be February 6 of this year so people cannot now get under the deadline in an attempt to flee the country at the moment before the law is in effect.

So the problem will be taken care of. But it will be taken care of in a responsible way. I say again, in this case, in my judgment we did not act irresponsibly. We did not act malevolently. We just did not grasp the consequences of what we were doing.

So I hope that the debate and the discussion would not be one of rancor and class warfare, that we are excusing the rich, and in order to do that we must eliminate programs for the poor. That is not the debate over this issue. It is a debate over equal protection of the laws, and under the equal protection of the laws everyone in this country is to be treated equally—the poor, and the rich, and you do not suffer a particular penalty solely because you are rich. A penalty that may—I emphasize "may" because we do not know—be unwise, may be unfair, may in some cases violate international treaties that we have agreed to. We are not sure.

I hope we can adopt very soon the conference report that we are discussing so that roughly 3.2 million self-employed working Americans in this country will know whether or not they can take a 25-percent deduction for health insurance premiums that they buy for themselves. They are not employed. Their employer is not paying for this. They pay for it. The longer we delay, the tougher it is going to be for them to know whether or not they can make this tax deduction, which is now going to have to be filed in just 12 more days.

So I thank the Chair. I hope we can conclude this debate not in a tax on the poor or a tax on the rich or an argument that the provision is a tradeoff so we have to cut programs for the poor. It is not that. And when this whole debate on spending and welfare and block grants is over, I hope it will be very clear to America that no one is cutting programs for the poor. The question is are we willing to somewhat restrain the increases so that we might achieve a balanced budget, so that those very children we are talking about now do not face the possibility of bankruptcy of this Nation or the bankruptcy of the Social Security System or the bankruptcy of Medicare—and that is only 6 or 7 years away—so that they do not have to face that and pay for it because we refused to have the courage or the wisdom or the foresight to attempt to modestly reduce the increase in spending sufficiently to give them a balanced budget.

I thank the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The distinguished Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I am pleased to speak on the Daschle amendment. Let me just comment briefly on the observations of my friend from the State of Oregon.

It is true that the volume of Senator KENNEDY's remarks does not necessarily mean that there is virtue to his remarks, but in this case I believe there is virtue in his remarks. And because my colleague from Oregon speaks in a calm, less passionate voice does not mean necessarily that there is virtue to everything he had to say, some of which I agree with, some of which I do not. That we should provide tax breaks for the self-employed in their health insurance we agree completely.

When my colleague from Oregon says that this particular tax break is designed so that we have equal protection for everyone, the poor and the rich alike, it is true that if you are either poor or you are a millionaire and you move to the Caribbean and you renounce your American citizenship, you can get this tax break. But there are not going to be very many poor people who are going to take advantage of that. This is designed for those who are more fortunate economically.

When my friend argues that all we have to do in the future to achieve a balanced budget is to restrain spending, he is correct. If you assume and we were to pass, we were to pick up one more vote for a balanced budget amendment, if we had no cuts in interest rates—and every projection, CBO, Data Resources, all of them say we will have reduction in interest rates—if we were to have no changes in Social Security, we could increase spending 1.7 percent a year between now and the year 2002 and achieve a balanced budget. So that argument by Senator PACKWOOD is absolutely correct.

I serve on the Budget Committee. I want us to use not what we call euphemistically the current services budget but where we are now. That is how a family does it, as Senator PACKWOOD says correctly.

But the Senator from Oregon is incorrect when he said these are not cuts. What he said, if he were making a speech on the 1996 budget, would be accurate. In the rescission, what we are saying to groups is we are giving you the money. Indian housing, we have told them we have appropriated X-number of dollars—I do not know the amount—for desperately needed housing on Indian reservations, and now we are coming along saying we are taking back $100 million of the money that you received. And you look through this.

To AmeriCorps, Senator DASCHLE will restore $210 million, overwhelmingly supported by the American public; 90 percent support the idea. The Los Angeles Times showed 60 percent of the people who call themselves conservative support the idea.

Republican Governors. Montana's Governor says:

> While balancing the budget, fighting mandates, and streamlining government, I am committed to this community service program for Montana.

Michigan's Governor:

> AmeriCorps captures the promise found in all its citizens, young and old, who see problems in their communities and work together to solve them.

Massachusetts' Governor:

> Governors of both parties have shared my enthusiasm for national service.

Title 1 helps poorer people, the disadvantaged. The reality is we do not do a very good job in the field of education in disadvantaged communities. I am not saying all education in disadvantaged communities is terrible, but it needs a lift.

It is very interesting that Sweden, which does not have the income disparities we have in the United States, spends two to three times as much for education in the disadvantaged areas as in the more affluent areas. We do the opposite.

I was on a call-in program this morning with station WILL in Champaign, IL, and a faculty member of the University of Illinois got on the phone and he interpreted my remarks as being negative about American education. But he made this significant observation. He said some of the finest students we have come from the Chicago suburbs.

The Chicago suburbs. Not the city of Chicago, where the need is so great, where, frankly, we are not spending the money. If there is any question about the value of title I since it was enacted, the gap between black and white students has narrowed significantly. For 9-year-olds, the gap in achievement test scores has closed by 18 percent in math and 25 percent in reading.

This program works. And this is a program we are going to cut back on if we do not adopt the Daschle amendment. The dropout rate for 16- to 24-year-olds has declined significantly for all students, from 17 percent in 1967 to 11 percent in 1993. The decline in the dropout rate has been even more dramatic for African-American students, going from 28.6 percent in 1967 to 13.6 percent in 1993: even with the present appropriation that this rescission would cut back without the Daschle amendment, 13 percent of high-poverty schools will receive no funds at all. In the city of Chicago, the Chicago school district, you have to achieve 56 percent of poverty in your school before you receive any help. Clearly, a needed program.

Goals 2000. We hear a lot of talk around here how we are going to help the States. Goals 2000 says to the States you set your standards, you establish the program, and we will provide some assistance. We cut back on that.

Safe and drug-free schools. Cut back $100 million out of $472 million appropriated. We are going to solve the problem of crime not just by building more prisons but by drug treatment programs, drug prevention programs, education programs—very much needed.

Head Start. Every study shows Head Start pays off in this country. And just about every Head Start program has a waiting list of young people to get into the Head Start program.

I visited the Head Start program in Rock Island, IL, where, like every Head Start program, they have a waiting list. In Rock Island, IL, on Monday morning, one group of children come in; Tuesday morning, a second group comes in; Wednesday morning, a third group, and so forth.

I asked the woman in charge: What would it mean if you could have the same children in here not just 1 day a week but all week? She smiled and said, "You can't believe the difference it would make in their lives."

We save money by not funding Head Start so that all young people who need the help can get into it, but it is extremely shortsighted.

The WIC Program; every study shows it pays off tremendously. That is the health program for women, infants, and children.

School-to-work. I heard Gov. Tommy Thompson from Wisconsin—and, as the Presiding Officer knows, he is a good Republican Governor—I heard him praise what we did in school-to-work. We are spending a huge amount of our education dollar for those young people who go on and get a bachelors degree, but 75 percent of our students do not do that. School-to-work is designed for everyone, but particularly for those who are not going to go on to get that bachelor's degree. There was $30 million cut out of that.

Year-round youth training, under the JTPA Program, cut $100 million. With the kind of youth unemployment that we have, I do not think it makes sense.

Immigrant education. I hear a lot of speeches that we ought to make English the official language around here. I do not know what it would mean, incidentally. Would that mean you cannot get a translation if you are in court if you speak Chinese or Spanish or some other language?

But it is interesting that when we come up for immigrant education to have classes so that people can learn the English language—and that is really the way you make English the official language, let people learn the language, and we ought to do that—we are cutting $8.8 million out of that.

I believe that the amendment by Senator DASCHLE is a sound amendment.

I agree with Senator PACKWOOD and I agree with our Presiding Officer that we need a balanced budget amendment and that we ought to start from a zero base and not a current services budget. My hope is, and my belief is, that Senator DOMENICI is going to do that with the Budget Committee this year.

But, I think it is a mistake to cut back, particularly in this area of education.

I note on the floor the presence of the Senator from Vermont, who has been rightfully telling us for some time we ought to be spending a higher percentage of our budget on education.

It is very interesting, as interest has grown because of the deficit, we have spent less and less on education. In fiscal year 1949, believe it or not, 9 percent of the Federal budget went for education. Today, 2 percent of our budget goes for education. We will spend 11 times as much this year on the gross interest expenditure as we will spend on education.

Mr. President, I hope we will adopt the Daschle amendment. This should not be a partisan matter. I think it makes sense. I hope we will do the right thing for the future of our country and vote for it.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Cory Heyman, a Jacob Javits fellow in my office, be granted floor privileges for today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I would like to talk to my colleagues about the rescissions bill and also, in a broader context, about the situation with respect to education in the country.

I am going to run through a relatively large number of charts today, each of which is very significant and with a great deal of information involved. As time progresses through the spring, I will go over each of these areas in greater detail.

But I think now, as we begin talking about the rescission bill, it is important that we examine the cuts in the critical area of education.

When it becomes necessary to cut, it is easiest when everyone holds hands and says, "Oh, let's take our cuts and suffer together." However, in some cases, cuts may exacerbate the deficit problem, not ease it. Education is a critical item in this regard.

Earlier this year, business representatives from the Business Round Table, the National Alliance of Business, NAB, and the chamber of commerce approached me with concerns about the state of the work force and its ability to meet the increasing effective international competition.

As a result, this Wednesday, a summit will be held here in Washington with business and education leaders, parent and student representatives, and political leaders.

I would like to share with you today the facts I will share with them on Wednesday. It is my hope that, when you review this information, you will agree that cutting educational funds could be most counterproductive to deficit reduction and for our future.

When the Berlin Wall came down, we all breathed a sigh of relief. But as we were beating against the wall over the decades since World War II, our economic competitors were beating us in entering into the evolving markets around the world. They now stand ready to meet the demands of the new markets of Asia, Eastern Europe, and the rest of the world.

Ours remains the most productive economy in the world, but our failing educational system and the inability to provide the necessary work force for our industry is seriously threatening our edge and our economic future.

Most worrisome is that the gap between our level of learning and that of our major competitors is increasing—that is, it is getting worse—not decreasing. Especially in the critical areas of math and science, American children trail their counterparts in Europe and Asia. And they are losing ground.

Let us take a look at the status of our education. I would remind everyone that in 1983, Secretary of Education Bell, under the Reagan administration, set forth "A Nation at Risk" and analyzed our educational system, analyzed where we stood in the world and declared that this Nation was at serious risk. In fact, he went on to say, in words of this nature, that if an enemy of this country had forced upon us the educational system that we have in this country today, we would consider it an act of war.

Since that time, 1983, a number of serious reports, documents and books have been written, all saying the same thing. We have had two summits since then. We established goals in 1989, which were adopted this past year, to determine where we must be in order to be competitive in the international world.

I think this first chart that I will show you, chart A, kind of says it all with respect to where we are with the rest of the world in those critical areas of math education. Look at it. You can hardly even see it is on the chart.

But the most startling aspect of this chart is to look at who No. 1 is—China—China, by far. And when you consider that it has a population of nearly 1.2 billion people and when you consider the serious deficit that we have in our trade with China, can you not help but be concerned that this is a serious problem.

But if you do not like that one, if you do not care about the international scene, if you do not think we have to worry about our market, take a look at this next chart. This is the one which shakes me up the most.

This one says that over half of the high school students in this country who graduate are functionally illiterate. That means they are unable to perform basic tasks to get a job.

That is so startling to me that I cannot help but wonder whether or not this Nation is going to survive if we do not do something.

The business community is deeply concerned about this. In fact, there was a report that came out a few weeks ago, which was reported in the New York Times and elsewhere, which indicated that businesses do not even bother to interview high school graduates anymore. It is not worth their time. They are not educated enough. What business does then is spend some $200 billion a year to train and educate their workers. I will show a chart later which illustrates the costs associated with a well-trained work force.

Let us take a look at where we stand. We established a goal under Goals 2000, that everyone shall be educated at least to meet certain basic standards. We set forth a curriculum and standards in the 1983 report, "A Nation at Risk." In 1990, only 22 percent of our high school graduates were adequately educated in the recommended core curriculum.

We have a serious problem. Yet, we have a hard time convincing many of that. I found myself going to my own local high school and asking the question:

"How are we doing?"

And they said, "We're doing fine."

Then they told me, "Well, our kids now are taking calculus and some of them are taking it in their junior year."

I said, "Wow, that's great, I didn't get it until I was in college."

However, the problem with that is if you are in Taiwan, Japan, or other areas, you are getting calculus in your freshman year. And one wonders why we are so far behind.

I think the only way we can get people to understand is to show the impact it is having upon the Nation as a whole. I feel in this Nation, we have a tendency—I know I do—to compare our school system with the one in the next county or our State with another State, but we fail to compare it with those of our competitors.

If you take a look at this chart, and you will see as we go through these charts, if we do not have an educated population and if you as an individual do not have an adequate education, you will not have an adequate earning capacity in this Nation, to give you the kind of lifestyle you desire.

This chart basically shows that education means a job, and the more education you have, the more money you are going to make during your life. It also indicates that about 25 percent of the people who are school dropouts, many of whom are also functionally illiterate, have an extremely difficult time finding employment.

But as this shows, if you get a bachelor's degree your earning potential almost doubles; if you go up to a master's, it will double again. The point is if we do not have an educated population, if you are not well educated, you have a very limited earning potential.

Let us take a look now at the differences this means in the standard of living in this country. As I indicated, our education has not kept up. Our competitors are beating us. This is a chart which is used over and over again to show that in the last 20 years or more, the person who drops out of high school has seen a decrease of 35 percent—I repeat, a decrease of 35 percent—in their real income.

If you only have a high school diploma, you have seen an 18-percent decrease in your median family income, and if you had some college but did not graduate from college, there has been an 11-percent decrease over the last 20 years in your standard of living. Only those who went to college and beyond have seen an increase in their standard of living over the past 20 years. That is a sad commentary on where we are.

I think it is important that we keep this in mind and recognize that we have to improve the educational system. In a few moments, I will go on to explain what must be done and how I hope we can accomplish it.

Now let us get to the area we are discussing today and will be discussing in the next few months, and that is, what does the budget do, what impact does it have on our future budgets? What we find on this chart is that over half a trillion dollars in costs are suffered by this Nation because of a failed educational system.

Let me run through these figures. It costs $225 billion to our businesses each year—$225 billion each year—for remedial education, to teach the young people the things they should have learned up through high school, and for skill education, the things that they need to have to hold a job which will help us in our international competition in order to increase our Nation's productivity.

We spent $208 billion for various welfare expenditures in this Nation. This is yet another reflection of what happens when people are not sufficiently educated. There are some 80 million functionally illiterate individuals in this country who cannot fully contribute to our economy; $43 billion is the cost of crime to our society; incarceration costs anywhere from $20,000 to $60,000 per inmate, money which could be put to better use. Money is not the only way we suffer from crime; it also poses a danger to our society. Yet when we recognize that close to 80 percent of the people incarcerated are school dropouts, it indicates how extraordinary the impact of education is on our society.

We have $200 billion for expenditures on our citizens for lost productivity as well as, I mentioned, training.

What I want to point out is if we decrease our expenditures in education, then we increase the social costs and in turn our deficit will grow. But equally important—it is not shown on this chart—is that if we did not have to pay for these undereducated individuals and if there was not the drain on the economy their lack of education caused, we would actually have $125 billion more in revenue.

So when we cut back on education, we run the risk of not only increasing social costs but also decreasing the amount of revenues we will have at our disposal.

Let me go on and talk about the basic question which is relevant to the area of the deficit.

There are people who will say—and they are correct—that lack of money is not necessarily the problem and, in many cases, this is true. We spend more than any other society does, as a percentage of our gross national product, on education. But what we do not do is get our kids to learn as much as other young people do in this world.

Let us take a look at one of the areas that should graphically display why we are behind our international competitors. The only thing we need to look at in this country is the number of hours our kids spend watching television.

Look at that chart, it shows that we have far outpaced all of the other children in the world by the amount of time they spend on education, and yet we have the least amount of time spent on homework.

Yes, the problem is not just necessarily money. There is no question about it. A lot has to do with parents, a lot has to do with our culture, which sometimes puts leisure time and TV ahead of homework.

Let us take a look at the next chart. The next chart I want to point out is that even though we expend a lot more money than other countries do on our education, there are still areas we all agree are important and yet there are dire insufficiencies. For example, programs that assist lower-income individuals.

First of all, studies show that early intervention helps. A Michigan study, which was a 20-year longitudinal study, indicates that although kids will catch up in educational aspects, many who suffer for special education needs, will suffer social misadjustment. Yet all of those problems decrease substantially if you have a program like Head Start preschool education.

I remember when I first came to the Senate. A group of CEO's came to my office. I thought they would talk about tax relief, but they said the thing we need to do right away is to fully fund Head Start in order to get our educational system up to par. I will never forget that meeting because it made me fully aware of the educational needs of this Nation.

Title 1. That is, again, an educational program for low-achieving students in high-poverty areas, to help bring them up to par. Funding this program fully would be another $12 billion a year.

Special education. I was on the committee that wrote the special education law in 1975. It was a necessity. The courts ruled that every child in America is entitled to an appropriate education. We wrote the law that established the national criteria to make sure that people would be in compliance with the Constitution. We said we would fund it at 40 percent of the total costs of special education in the country. If we were funding it at 40 percent right now, many educational needs would be met and schools would not be in the dire circumstances they are in. Some 44 States are in crisis, as far as funding education. That would cost us another $11 billion a year if we were to fully fund the needs for special education—the funds that we promised our Nation when we passed that law many years ago.

To reach full funding for all three categories, it would require another $31 billion a year. That is to increase costs in programs that everybody has agreed are essential and necessary to education.

Mr. President, in conclusion, I want to say that we are faced with serious problems with respect to the deficit of this Nation. We know that we have to bring down the cost of Government. But it is important to remember the importance of educational funding as we go forward. Right now, 50 percent of our young people do not have the basic requirements of education to meet the demands of this Nation in order to be ready for a job. That is intolerable.

Take a look at international competition. People out there are seizing our markets. At a time when markets are expanding rapidly in Asia, Eastern Europe, and central Asia, we are not ready and will not be ready unless we change right now the priority that education receives in this Congress and in the country.

As I said, we will be having a summit meeting this week on Wednesday and we will have leaders from all over the country who will be examining what we should do as a country to ensure that our work force is ready for the next century and that our industry, which has provided us with a bountiful living over many years in the past, will be there when we need it.

On the positive side, I note that recently we had six young men that were involved in an international math competition. They not only came in first, but they had perfect scores. But as I pointed out earlier on a chart, it is the average that counts. Our average is among the worst, not the best.

Mr. President, I have traveled to cities and around this country and I have found programs that swell my heart with pride, and I feel that there is hope and there are ways that we can succeed. But those examples are few and far between. I have seen much more that indicates to me the frightful direction that our educational system is taking.

Mr. President, it is up to us in this body, in the Congress, to ensure that we do not do what is so tempting in these times of strife, and that is cut education along with other programs. We should do all we can to make sure that we bring education to a capacity that will meet our needs in the next century. Mr. President, if we do not help our kids, then this country will fail. I feel very strongly, as chairman of the Senate Subcommittee on Education, that I have a responsibility to make sure this body is aware of what must be done.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to, at the outset, commend my friend and colleague from Vermont for the focus and attention he has placed in the area of education. I think all of us in this body know that he has been a real leader, along with my friend and colleague from Connecticut, Senator DODD, in trying to bring a much greater focus and attention about the importance of the total investment in education as a national priority. He has been prodding this institution—and I know the appropriators—to try to give that major focus and attention.

As chairman of the Education Committee now, he continues his work, not only in attempting to shape and refashion existing programs more efficiently, but also in terms of the priorities of investing in education. I welcome his strong and clear statement. It is a very important statement. I just want to say that it is one that should be listened to.

I think during the course of this week, after the disposition of the conference report, which I expect to be done in a very short period of time, we will be back on the broader issues of Senator DASCHLE's amendment and Senator DOLE's amendment; and then, if those are not successful, as I understand it, there will be additional opportunities later in the week to focus on different parts of the composite amendment, and in particular on education. So we will have some opportunity to, in a more exact way, address the priorities of education. I certainly am hopeful that we can reflect in our ultimate rescissions bill some of the priorities that he has talked about.

Mr. President, I wanted to just take a few moments of time to address some of the points that were made by my friend and colleague, the Senator from Oregon, about the various cuts that were being proposed and the impact there was going to be in terms of real people across the country.

I think there was reference made to the various provisions of the underlying amendment, which is the Daschle amendment, which brings some restoration of the funding, or at least does not eliminate moneys that were authorized and appropriated. As I think the membership understands, we are not talking about additional appropriations. We are talking about appropriations that have already been made and now are being diminished, or have been targeted for reduction by the rescission program and the amendment which will be before the Senate again this afternoon, which will restore some of that funding in some of these key areas.

The Senator from Oregon was pointing out that really these cuts are not really so bad because they are not really cuts, but they are a reduction in the increase in expenditures. I know that is perhaps the desire of some and perhaps the intention of a number. But the fact of the matter is, particularly when you take a look at what is happening over in the House of Representatives, it is the Senator from Massachusetts talking about real cuts; it is, for example, the CBO that talks about some $7 billion in current services, cuts in terms of the total nutrition programs, their estimate in terms of the nutrition programs. The Food Stamp Program would be cut some $21 billion over the next 5 years.

So I think that, quite frankly, these are more than just a reduction in increases. You are going to have some real impact and effects in terms of what is happening in the local communities. That is what I am getting when I travel around my State of Massachusetts from people who have been working in the vineyards for a long period of time and have a good understanding and awareness of the various programs and what they mean in terms of the local communities.

Of course, when we talk about Head Start programs, as my friend and colleague from Illinois pointed out, we are only talking about 35 to 38 percent of the total eligible children who are receiving it. We are very far behind the curve.

I think the Senator from Vermont reviewed that in greater detail, as well as some of the other education priorities, such as the school nutrition programs.

Currently, schools participating in the lunch program are reimbursed for every lunch served to a child. Children from families with incomes at or below 130 percent of the poverty level are eligible for free meals. Children between 130 percent of poverty and 185 percent of poverty are eligible for reduced-price meals. Children over 185 percent of poverty pay full price.

The School Lunch Program operates in 95 percent of all public schools, representing 97 percent of all public school children. The cash reimbursement rates are $1.75 for each free meal, $1.35 for each reduced-price meal, and 17 cents for paid meals.

While reduced-price lunches must cost no more than 40 cents, no limits are imposed on the amount of money that can be charged for a full-price meal. Some 25 million children participate in the School Lunch Program—at different levels, obviously, in terms of the support.

During the last recession, the number of school children receiving school lunches increased by 1.2 million.

We are now, even on the school lunch programs that are talked about in the House, that slack will not be picked up automatically in the School Lunch Program, but will be up to the whim of the priorities in the various States.

If we look at what has happened in the States, particularly with regard to children over the period of the last 10 years, 3 million more children are living in poverty in the last 4 years. No one can have a great deal of satisfaction that they are the ones whose needs will be attended to.

Currently, as the number of children eligible for free and reduced-price meals increases, the amount of Federal funds spent on the program increases. That is because we made a decision that meeting the nutritional needs of children is in our national interest and, therefore, all children who are eligible for a free or reduced-price lunch will be offered one. That fundamental national commitment has been altered or changed with the Republican block grant proposal.

With the block grants proposal, it says, well, we will leave it up to the States. We think the States will do that, but we are not saying, as a matter of national policy here in the Senate of the United States, that that is going to happen.

We might expect they will, we might hope they will, but we are not providing them either with the resources to do it or the guarantees that it will be done.

That is a major difference. We can quibble about all that we want in terms of what is happening, but the fact of the matter is, children will not get that fundamental guarantee, which is so important.

As I mentioned, the House proposal reverses that decision. Instead of guaranteeing every child a hot lunch—subsidized, of course, for those who cannot afford to pay for lunch—the House bill caps the amount of funds available for school-based nutrition programs, including school lunch.

So if the Republican position prevails, there will be no guarantee that a hungry child will be fed at school. There is no guarantee of that. There is now. That is a fundamental difference. Once the funds are used up by the States, that is it. Children are not guaranteed a lunch.

In fact, since the nutritional standards will be repealed if the House position prevails, the children fed will not meet the basic nutritional standards. We are not only repealing the guarantee, but we are repealing the nutritional standards.

As we pointed out before, the savings, so to speak, are being used for the tax cuts.

There is no flexibility built in for the economic emergencies, whether national, State, or local emergencies, and regardless of their nature. We will have repealed the entitlement nature of the program, replaced it with a cap amount of funding containing no adjustments for changes in the economy, population growth, or food price increases.

Some supporters of the block grants proposal try to make the argument that the block grants provide more children with school lunches. This is simply not plausible. To take a program that automatically provides schools with reimbursement for each child's meal based on a family income and replace it with a program that does not guarantee each child a meal, that does not adjust the funding based on the number of poor or low-income children needing lunch, that does not adjust for food price growth, is a cut in the program. It is a cut in the program, any way that you look at it.

If the number of poor and low-income children who need a school lunch grows beyond the funding that is authorized, children will have to be denied a free lunch or be required to pay more than they can afford, or receive an inferior lunch. Or maybe those who can pay will pay two, three, or four times as much as they do pay now, the sons and daughters of working families, as well.

Then we hear, well, there is more money in this program. More money compared to what? Compared to what CBO estimates is necessary to continue providing lunches to all school children who need them, like we do today?

No. According to the CBO, in fiscal year 1995, all child nutrition programs are funded at about $11.6 billion. It is $7.6 billion for child nutrition programs like school lunch, school breakfast program, summer food service; $400 million for commodities; $17 million for special milk; $3.4 billion for WIC. Funding would drop to $11.3 billion in fiscal year 1996 under the House Republican proposal; $6.6 billion for the school-based nutrition program and $4 billion for the family nutrition block grant.

That is a $300 million cut, without even looking at inflation, without even looking at the 5-year numbers, without even looking at the fact that beyond food price growth, the school age population itself will grow by 4-percent to 6-percent during the next 5 years. And the 4 percent to 6 percent growth does not include adjustment for any type, in the event that the economy slows down or unemployment increases.

Mr. President, I just cannot accept that this is just a reduction here on the funding of programs that are meeting our needs. They just are not doing it. That is true not only on the nutrition programs, but also on the other programs.

I talked about the school lunch programs. And the rescission bill will reduce, in addition to the $2.5 billion cut from child care programs over 5 years in the House bill, will deny 378,000 children child care.

There are only 750,000—this is part of the child care program, very small child care return—but looking at the current situation, only 750,000 out of 8 million children eligible for child care currently receive assistance.

Many States have waiting lists for child care assistance that are simply astounding. GAO found waiting lists of 40,000 children in Texas and 255,000 children in California, taking as long as 2 or 3 years to get help in those States.

During 1993, Florida and Illinois each reported waiting lists of 25,000 children. A recent report by the Urban Institute found that it can take 5 years to get a child care slot in San Francisco. Birmingham, AL, alone has 5,000 families on a waiting list.

The idea that people can come to the floor and say, "We are cutting the existing child care program," that it has gone through the appropriations—we are trying to just have a very, very, modest return of a child care program, based upon those kinds of needs.

Try to find, for working families in my State of Massachusetts, child care for $5,500. You will be lucky in any part of the State. Some are more costly in a number of communities. At the same time, we are putting pressure on these same parents to move out of a welfare situation—they may have small children and they want to work.

We have to ask, what is happening to the parents when they are not able to get child care? They are either not getting jobs or they are locking up their kids, or they are getting completely inadequate coverage for their children.

Quality child care creates opportunity and increases productivity—not just for one generation, but for two generations.

The GAO recently reported that assistance with child care makes it much more likely that low-income mothers will be able to work. And no wonder. The costs of child care consume over a quarter of the income of poor working families, as compared with just 7 percent of the income of nonpoor families. Without child care assistance, it is virtually impossible for many poor parents to go to work. What is happening out here is they are cutting back on these programs even more.

Child care is not about giving parents a blank check. It is about giving them a fair chance. Cutting children makes no sense. It will only pass the real life tragedy of dependency on from this generation to the next.

Families cannot afford that—and neither can we. That is why I support the restoration of funding for child care assistance for working families in the Daschle amendment.

The Senate rescission package also cuts $35 million from the WIC Program, which provides nutrition assistance to 7 million low-income women and children. It has long received bipartisan support, because it saves money in health costs in the long run by reducing the incidence of infant mortality and low-birthweight babies.

Since its inception, the WIC Program has been a stunning success. GAO has found that it has saved $1 billion—$1 billion—in medical expenses through the age of 18. We have spent $300 million and saved $1 billion. If that is not a wise investment for our Nation's children, I do not know what is.

Yet as many as 70,000 fewer children will be served by the WIC Program each month over a 12-month period as a result of this unjustifiable cut.

We are talking about, here, really is basically investment in children and good quality care. We are talking about WIC. We are talking about the Head Start Program, chapter 1, the drug-free schools. These are the programs we are trying to restore.

As I mentioned earlier in the course of the day, at a time when, evidently, we have seen the loss of $3.6 billion, that has been lost somewhere in that conference, hopefully to be recovered at an early time, many of us are out here trying to restore these programs which are lifelines to the children in this country, it underscores the importance of the Daschle amendment.

In a March 7, 1995, Boston Globe editorial, Prof. T. Berry Brazelton of Harvard Medical School wrote:

> Simply put, WIC works. And it works because it has forged an effective combination of state and federal involvement. The states administer the program, but under strict federal guidelines that ensure high nutrition standards, clear focus and consistent impact. The risk in our rush to right our nation's fiscal house is a loss of the very guidelines that have made WIC so successful.

Berry Brazelton, for those who have not either heard of him or read his articles, or listened to him on interviews, everyone who knows of his work with regard to children—he is really the Nation's favorite pediatrician. He is just an extraordinary human being who has appeared before our committees over a number of years and his words should be carefully considered and measured and, I think, adhered to.

Dr. Louis Sullivan, Secretary of Health and Human Services in the Bush administration, said in a Washington Post article:

> . . . Among my concerns . . . is that we may inadvertently strip programs of the national standards and guidelines that make them work. In the case of WIC, nutrition requirements guide the program toward better health, and Medicaid savings, while avoiding the potential confusion associated with creating a complex web of fifty state rules. Our children's health is not defined by state boundaries. Our nutritional standards should not be either.

He makes the point good nutrition in schools, the WIC programs, are matters of national responsibility. The WIC Program, as I know our Members understand, has been something that has been enormously important. There is a very modest return in the Daschle amendment for that particular program.

Both the House and the Senate rescission packages hit at-risk youth very hard: 80 percent of funding for year-round youth programs—the principal training and employment assistance for poor out-of-school youth—would be cut. Overall youth funding would be cut by about 40 percent, and the number of youth served would be reduced by over half. The impact of these rescissions is compounded by the likelihood that the cuts may be permanent, meaning that for the next several years close to a million fewer youth each year will be served.

We are in the process now of working to improve many of the youth training programs. We have 400,000 children every year who are dropping out of our high schools. They are a source of unrest in many of our local communities.

We have woefully too few programs or efforts to try to reach out to these young people. What we are trying to work through now, with Senator KASSEBAUM, is to utilize the school-to-work programs for the 70 percent of the children who do not go on into higher education. We want to work with the private sector in a partnership to move these young men and women into employment and also, as you develop those programs, to try to reach out to a number of the young people who may have dropped out of schools to bring them into the process as well.

If you emasculate the existing programs, our chance to once again reach out to young people who are basically those at the highest risk in terms of the criminal element in our society will not come to fruition. It is serious, important, bipartisan efforts that are being worked through now. It seems, with the dramatic kinds of cuts that are suggested here, we will basically undermine, in a very significant way, some of the very useful work I think can still take place.

Mr. President, I know others want to speak on the floor on these measures.

Let me just say I am very hopeful we will move towards the completion of the conference report, that we will have an opportunity to vote on a resolution, which will hopefully be supported by Republicans and Democrats alike, that will address the tax loophole that has been identified and which was addressed by the Finance Committee earlier. I hope that we will be afforded that opportunity, and that Republicans and Democrats together will work to support that resolution.

As we have heard, the majority leader and others, Republicans and Democrats, say it is their desire to address it. I am more than glad to do it. It is a sense of the Senate that:

> The Congress of the United States shall act as quickly as possible to amend the Internal Revenue Code to end the tax avoidance by U.S. citizens to relinquish their United States citizenship.

And the effective date of such amendment to the Internal Revenue Code should be February 6, 1995.

That statement has been incorporated by the majority leader, the chairman of the Finance Committee, the Senator from New York, and others on the Finance Committee as they desire. I hope we could either act on this resolution or a joint leadership resolution of the majority and minority leaders that would incorporate that concept.

I do not believe there has to be additional debate and discussion about it. We have had a chance to talk about it. Let us set a time to be able to do it. Let us send a message at the time that we are going to be debating the rescission package and the Daschle amendment that we can afford to cut these programs for children—WIC, the school lunch, the Head Start Programs—but we still cannot agree to close the loophole that is worth $3.6 billion.

I think the American people just cannot and will not understand it. I am very hopeful that we will be able to do it.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, let me commend the distinguished Senator from Massachusetts for what he is talking to now of fundamental programs that constitute investments—not spending—to save spending, to eliminate deficits. If there is one misgiving that we have with the ongoing exercise of the Contract With America—and it is good to bring in a new group and have a tonic, to turn our attention to where savings can be had—but in the zeal to try to bring about certain savings there is a mix of arrogance and more or less mob action pellmell for hell, let us just cut it all, everything, without any idea of what really saves money and what costs money.

For instance, for every dollar spent on women, infants and children feeding we save at least $3. For every dollar spent on Head Start we save $4.75. For every dollar spent on title I education for the disadvantaged we save another $6.50.

And having experienced government over the years, I have learned what saves money. For example, I had a problem 25 years ago with my own State on the subject of hunger and feeding. I had made a mistake as Governor. I had not paid too much attention to the hungry. In fact, a rejoinder had been given to me by my friend, the senior Senator, "Well, there was hunger and the hungry in the days of Christ, and there will be hunger in the days after we are long gone, and it is almost a given." Not so. Not so at all.

At that time, I met and studied with those in the medical profession and in the nutrition discipline—Dr. Neville Scrimshaw at Harvard, Dr. Cravioto at Cornell, later at Columbia University, and Dr. Charles Upton Lowe, the chairman of the Committee on Nutrition of the American Academy of Pediatrics at that particular time. They had found that every adult has 13 billion brain cells in the cortex, and 10 billion of the 13 billion develop in the first 5 months in the mother's womb.

However, there is as much as 20 percent less cellular development of those brain cells resulting from the lack of nutrition, the lack of synthesis of those nerve cells, and the lack of protein. It is much like taking a television set off the desk here and dropping it on the floor, putting it back here, and turning it on. The hundreds of wires of circuitry do not join, do not connect. And in the field of brain medicine, they call that organized or general brain damage. That child is stultified in the first 5 months in the mother's womb and comes into this world with organic, or generalized, brain injury, lacking an ability, if you please, to concentrate, to assimilate, to be educable in the fullest of senses.

So I joined with Senator Humphrey after he came out of the Vice Presidency back into the Senate. I was not on the Agriculture Committee at that time. But we talked of this problem that we had in women, infants, and children's feeding. We found out that if we rendered protein supplements for expectant mothers, which now cost in the vicinity of around $400 over the 9-month period, we could save practically $30,000.

I just visited in the university hospital in my own hometown, the Children's Hospital at the Medical University of South Carolina. They had some 85 low-birth-weight infants. In my early days they would have been unaccounted for and lost; little low-birth-weight infants of 1½ pounds, 2 pounds, 2½ pounds. They had nurses around the clock. I will never forget it. It cost some $15 million to keep some 85 nurses going around the clock treating those little infants. The average stay for a low-birth-weight infant on that incubator in intensive care is 30 days at $1,000 a day, or $30,000.

So this is not a sick call by the distinguished Senator from Massachusetts for liberal spending programs. This is a studied investment by liberals, conservatives, Republicans, and Democrats alike to spend now to save billions later. That is the one misgiving I have about this so-called Contract With America because its proponents have no sensibility. They come here on the first day and all of sudden they have wisdom. Without any experience or a day in public service whatever, never having listened and learned anything, in a fell swoop they come in with across-the-board so-called spending cuts that actually will cost us billions.

Mr. President, when that baby comes in as a low-birth-weight infant, like it or not, it is yours and mine. We are going to take care of it in some children's hospital, in some intensive care unit, and for the wealthy parent or the poor, that cost is really going to the general public.

So we need to stop these penny-wise, pound-foolish cuts to preventive programs. We should never think in terms of tax cuts here for billionaires who have made their wealth in America and then renounce their citizenship in order to avoid taxes. It is almost a treasonous kind of activity in this Senator's mind and never should be dignified or recognized in law as a worthy project when we are going around cutting spending.

I am for cutting spending. I am for freezing spending. I am for closing loopholes, and I am for taxes. I have challenged this body and all Senators to give me their realistic budget plans since January. I will never forget the distinguished chairman on the House side of the Budget Committee, Congressman KASICH. On December 18, 1994, on a national TV program he came on and said, "Don't worry about it. We don't care what the President puts in. We have three budgets before us. We are going to introduce them. But before we have tax cuts in January we are going to have the spending cuts and have this budget."

Well, it is now April. It is going to be May or June before they get around to specifying their cuts. I met that particular challenge in January. I worked with the best of minds. I have introduced a list of cuts in the CONGRESSIONAL RECORD at least four times by now that shows that in order to get on a glidepath of balancing the budget by the year 2002, you have to cut $37 billion in domestic discretionary spending in the first year. Even with those reductions, the interest cost rises faster than the cuts. That is the only good, solid, credible attempt I have seen to show the kinds of cuts that are necessary, and I do not think I could vote for them all. And cuts of even this severity would require 7 years to reach a balanced budget.

I remember when President Reagan came to town. He said he was going to balance the budget in 1 year. Then, after he got in town, he said, "Oops. This is way worse than I thought. It is going to take me 2, maybe 3 years." So the Budget Committee started submitting 3-year budgets. Then by the mid 1980's, the committee said "Whoops, it got worse. We are going to have 5-year budgets." Now they have 7-year budgets. And I can tell you, after a few more years, they are going to have 10-year budgets. It is like a football game where they keep moving the goalpost.

A sincere effort to balance the budget will not cut out basic investments that save money in the long run. Realistically, it is going to take taxes as well as spending cuts, spending freezes, and loophole closings.

I think the Senator from Massachusetts has really brought a sobering moment to this body that allows us to understand that the proposals before us do not save money. Oh, the national media, lazy as they are, are running around saying that this rescissions bill has so much in spending cuts, and they refer to these fine investment programs as cuts. But I can tell you, when you consider the costs to Medicaid, to the hospitals, to the schools, to the workplace and the economy, and on down the line, you will find that the proposed cuts actually increase spending. This is the lesson of those children at the medical university.

So I hope we can listen to this debate and understand that the Senate is not just in a race to get so many marks on the so-called Contract With America or whatever it is. It is a serious job of trying to cut back on overall spending while investing in programs that will save money in the long run.

I yield the floor.

Mr. SPECTER. Mr. President, I strongly support the conference report to H.R. 831, the Self-Employed Health Care Deduction Act.

There are approximately 9 million self-employed business owners representing almost 10 percent of the working population. These individuals are employed in all types of industries: from mining and service industries to construction and manufacturing. They are the entrepreneurial small business men and women that spur our national economic growth. These are the individuals that embody the American dream. This provision is critical to their survival.

My offices have been inundated with hundreds of calls from concerned taxpayers around Pennsylvania urging the Congress to reinstate the deduction. These callers are just a fraction of the 9 million self-employed taxpayers that are relying on us to pass this measure as quickly as possible so they can continue to utilize this deduction for the 1994 tax year.

Mr. President, I have consistently supported this deduction for the self-employed. In the 103d and the 104th Congresses, I introduced legislation to provide targeted health-care reform. One of the major provisions I included in that bill was 100 percent deductibility for health insurance for the self-employed. Under current law, businesses are permitted to deduct 100 percent of what they pay for the health insurance of their employees, but self-employed individuals may not deduct any of their cost because that provision expired on December 31, 1993. It is hard to find a provision in the Internal Revenue Code that is more discriminatory than this one.

According to the Congressional Research Service, 3.9 million uninsured workers are self-employed. Providing full deductibility of health insurance premiums, beginning with reinstatement of the 25 percent deduction for 1994 and researching 100 percent by 1993 for self-employed individuals is a simple matter of fairness. It should also make health insurance coverage more affordable for the estimated 3.9 million self-employed individuals and their families who are now uninsured.

On January 19, 1995, I signed a letter along with 74 of my colleagues to Majority Leader DOLE and Minority Leader DASCHLE urging them to reinstate this expired provision. I believed then, as I do now, that the interests of hard-working Americans need to be a top priority before the U.S. Senate.

Accordingly, I urge my colleagues to support the reinstatement of this provision. This legislation is an important first step in providing tax fairness to our Nations' self-employed business owners.

I thank my colleagues and I yield the floor.

(At the request of Mr. DOLE, the following statement was printed in the RECORD.)

• Mr. HATFIELD. Mr. President, I am pleased to announce my strong support for H.R. 831 which would permanently extend the deduction for health insurance costs for self-employed individuals. This legislation will allow, on a permanent basis, self-employed small business owners, sole proprietorships, and partnerships to deduct a portion of their health insurance costs for tax purposes. This legislation will assist those small businesses which are so vital to the economy of my State of Oregon, as well as the rest of the Nation. I am pleased that the 104th Congress is about to address this issue on a permanent basis.•

Mr. PRYOR. Mr. President, today we take a step forward to correct a situation adversely affecting small businesses and farmers which I have many times called an absurdity.

During this tax filing season, over 9 million self-employed small businesses and farmers will fill out their tax returns. And when they do, they will learn first hand of how this absurdity affects them and their family. The absurdity I am speaking of Mr. President is that no part of their health insurance premiums are deductible in their 1994 tax return due April 17—just over 3 weeks from today.

This in contrast to owners of large corporations that have a permanent 100 percent deduction, and that typically pay smaller health care premiums because of their size. It is a double penalty Mr. President. A double penalty on innovators and job creators in our economy—people who should be encouraged, not penalized.

Mr. President, this inequity must be corrected and it must be corrected quickly. This should be a high priority for this Congress, and I am very happy that we are taking up this matter today.

I want to comment briefly on one aspect of this bill which is extremely important—and that is this deduction for health insurance will be made permanent.

Many times we focus on the amount of the percentage deduction. In the past it has been 25 percent, and today's bill increases that percentage to 30 percent which is a very positive step toward the goal of a 100 percent deduction which I hope we will continue to work toward. In fact, Senator GRASSLEY, Senator ROTH and I introduced legislation in January of this year to achieve a 100 percent deduction by 1997, and I look forward to working with them again in the future to meet this goal.

But Mr. President, I cannot stress enough the importance of making this deduction permanent, and this is borne out by the history of the deduction.

In 1986, the self-employed were first given 25 percent deductibility as part of the Tax Reform Act of 1986—with the understanding that it would be eventually increased to 100 percent, the same deduction incorporated business enjoy.

In the Omnibus Budget Reconciliation Act of 1989, the deduction was extended for 9 months. In 1990, 25 percent deductibility was extended through 1991. And in 1991, 25 percent deductibility was extended through June 30, 1992. Mr. President, each time we scrambled to reinstate the deduction—uncertainty surrounding the deduction was high, and it was shameful to treat the self-employed in this way.

But on June 30, 1992, the worst scenario happened—the deduction expired. Small businesses and farmers could not deduct the cost of their health insurance. The 1992 tax season came and went and still there was no reinstatement of the deduction because of the difficulty of moving any tax bill. Then, in August 1993, as part of the Budget Reconciliation Act, the deduction was retroactively reinstated from July 1, 1992, to December 31, 1993. Self-employed were required to amend their 1992 returns to take the deduction, and no doubt some failed to do so and lost their deduction.

So that brings us to 1994 when the deduction once again expired, and no bill has been moved to correct the inequity—until today. Mr. President, this uncertainty is unpardonable and it must not happen again. Under this legislation the deduction will never again expire—it is permanent.

Mr. President, we all understand the difficulty of moving a tax bill on the Senate floor where any of the 100 Senators my offer any amendment with no time limit. So that is why I and my friend and colleague on the Finance Committee, Senator ROTH, sought signatures on a January 19, 1995, letter to Senator DOLE and Senator DASCHLE stating that we would "not support or offer any amendments to the legislation" should they schedule it for Senate floor action.

We were pleased to obtain 75 of our colleagues' signatures, and I am even more pleased today that no amendments will be offered and we will agree to the bill on a voice vote. I ask unanimous consent that a copy of the letter be printed in the RECORD, and I thank my colleagues for putting aside some issues very important to them in order to correct this problem and quickly as possible.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 19, 1995.

Hon. ROBERT DOLE,
Senate Majority Leader,
Hon. THOMAS DASCHLE,
Senate Minority Leader,
Washington, DC.

DEAR SENATOR DOLE AND SENATOR DASCHLE: We are writing to you regarding the need to extend the 25% deduction for health insurance for the self-employed, which expired at the end of 1993. As you know, more than 9 million self-employed business owners, representing almost 10% of the working population, lost the ability to take this deduction when the law expired. It is our hope that the Chairman of the Ways and Means Committee will soon take up this legislation as a stand-alone bill, and that the House will soon pass this bill and send it to the Senate.

In order that we may move as expeditiously as possible, we are writing to assure you that if you receive this legislation, and if you schedule it for Senate floor action, we will not support or offer any amendments to the legislation. As many of these small business men and women begin to file their 1994 tax returns, we believe that it is essential that Congress act now to avoid the administrative difficulties that could arise from amended returns if the legislation is not passed until after April 15th. Thank you for your consideration.

David Pryor; Don Nickles; Jesse Helms; Arlen Specter; Bill Roth; Chuck Grassley; Dirk Kempthorne; John Warner; Mitch McConnell; Ted Stevens; Kit Bond; Dale Bumpers; Chuck Robb; Paul Simon; Carol Moseley-Braun; Joe Lieberman; J. James Exon; Connie Mack; Bob Kerrey; John McCain; J. Bennett Johnston; Harry Reid; Wendell Ford; Kent Conrad; Sam Nunn; Ernest Hollings; Jeff Bingaman; Max Baucus; Kay Bailey Hutchison; Spencer Abraham; Bryon L. Dorgan; Dan Coats; Patrick Leahy; Herb Kohl; Barbara A. Mikulski; John Ashcroft; John Glenn; John F. Kerry; Bob Graham; Hank Brown; Jay Rockefeller; Mark Hatfield; Dianne Feinstein; Howell Heflin; Ben Nighthorse Campbell; Slade Gorton; Fred Thompson; Al Simpson; John H. Chafee; Trent Lott; Larry Pressler; Larry E. Craig; Olympia Snowe; Lauch Faircloth; Rod Grams; Rick Santorum; R.F. Bennett; Dick Lugar; Jim Jeffords; Conrad Burns; Paul D. Coverdell; Richard H. Bryan; Bill Frist; Craig Thomas; Jim Inhofe; Mike DeWine; Jon Kyl; Strom Thurmond; Bob Smith; Phil Gramm; John Breaux; Richard Shelby; Orrin Hatch; Bill Cohen; Patty Murray.

Mr. DOLE. Mr. President, we have before us the conference report to H.R. 831, permanent deduction of health insurance costs of self-employed individuals. Passage of this conference report today will help 3.2 million self-employed Americans across the Nation get one step closer to deducting a portion of their health insurance costs.

The House has already passed this conference report. There are only 14 more days to April 17—tax day. And the clock's ticking. It is critical that this bill be signed into law prior to that day.

Since 1986, Congress has allowed the self-employed a 25-percent deduction for their health care insurance costs. Almost every year, we have had to extend the deduction, but we failed to extend it last year when it expired on December 31, 1993. Mr. President, H.R. 831 makes the deduction permanent. We don't want to leave the 3.2 million tax filers in 1994, hanging on the edge of a cliff every year. And we don't want to tell them that although corporations can deduct 100 percent of their health care insurance costs, small businesses cannot. We decided 9 years ago that in order to make the playing field more equitable, we should allow small businesses to deduct their health care insurance costs. H.R. 831 allows them to deduct 30 percent of their annual health care insurance costs.

Mr. President, I want to say to many of my colleagues that the 3.2 million Americans we help today are farmers and small business owners that live and work all across America. Although we were able to raise the percentage of their annual health insurance costs that they can deduct from 25 to 30 percent, I am disappointed that we were unable to raise this level even higher. It was my strong desire that we should have been able to do so. But, we have been able to make this deduction a permanent one, so that these Americans will no longer have to worry about whether or not they will be able to take the deduction next year.

EXPATRIATE PROVISION

Mr. President, included in the Senate version of H.R. 831 was a proposal to tax U.S. citizens who renounce citizenship. But, the measure was adopted without the benefit of hearings.

Subsequently, the Finance Committee's Oversight Subcommittee held a preliminary hearing. The House also held a hearing on this issue earlier this week. This proposal raises important questions, and the hearing exposed some serious concerns.

It is vital to enact H.R. 831, vital. But it is premature to enact this expatriate tax provision. We cannot delay action on H.R. 831 while we continue to consider alternatives to this expatriate provision.

Let me be clear on this—because my colleagues on the other side of the aisle seem to believe that we are somehow opponents of the expatriate provision. We want to get this done. And it is clear that it will be effective as of February 6—but there are some serious problems with this provision, so we will not enact it today. The conferees on the bill have asked the Joint Committee on Taxation to study the provision and to look at other alternatives and get back to us by June 1, 1995. And so, I would say to my colleagues that this sense-of-the-Senate resolution, asking us to do what we are already doing, is nothing but a filibuster. A tactic to waste time that we can ill-afford.

OFFSETTING REVENUES

We primarily pay for the deduction by repealing a Federal Communications Commission [FCC] program that I believe is not only ineffective, but costs the Federal Government billions of dollars.

THE FCC'S TAX CERTIFICATE PROGRAM

Congress, in 1943, gave the FCC authority to grant tax deferrals to owners of broadcast facilities who were forced to sell their properties to break up monopolies during World War II.

In 1978, the FCC expanded this provision to give a tax preference to radio, television, and later cable broadcasters who sold their properties to minority-owned firms. For this policy, the FCC defines minorities as including blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders.

The greatest flaw in this program is that the economic benefit doesn't go to the minority buyer, the economic benefit does to the seller. It's like a kickback. If you sell to me and not the other guy, I'll give you a little extra something. And I won't be paying for it, the American taxpayer will. I don't understand it, and I don't understand why people would think this is benefiting minorities when the monetary gain is going to the seller.

AFFIRMATIVE ACTION

Now, don't get me wrong. I am proud of my civil rights record. And I have supported affirmative action in the past—that's no secret. But my record does not disqualify me from raising legitimate questions about the continuing fairness and effectiveness of affirmative action—particularly when the affirmative-action label is used to describe quotas, set-asides, and other group preferences.

Equal treatment, not preferential treatment, should be the standard. Equal opportunity, not equal results, must be the goal.

Last week, as we debated this same bill on the Senate floor, my distinguished colleague from Maine, Senator COHEN, gave a very eloquent speech where he pointed out that America is not a color-blind society, and he's right.

Discrimination continues to exist. The color-blind ideal is just that—an ideal that has yet to be achieved in the America of 1995. But, Mr. President, do you become a color-blind society by dividing people by race? Do you achieve the color-blind ideal by granting preferences to people simply because they happen to belong to certain groups? Do you continue programs that have outlived their usefulness or original purpose? The answer to these questions is, of course, a resounding "no."

The debate over affirmative action can be an opportunity to unite the American people—not divide us.

CONCLUSION

What we will accomplish here today is taking a million dollar, unjustifiable tax break, for millionaires, not minorities, and turn them into health care for ordinary Americans. Americans who really need it.

I urge my colleagues to vote for this conference report.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COVERDELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further debate on the conference report?

Mr. MOYNIHAN. Mr. President, I would simply like to state for the RECORD the fact that the Committee on Finance, in dealing with the provisions on the payment of tax by persons who expatriate, was confronted by mixed assessments of the legality of such an action.

The International Covenant on Civil and Political Rights, which the United States ratified in 1992, article 12, section 2 states: "Everyone shall be free to leave any country, including his own." The question is whether there is a restriction on this right.

The point here is that present law provides that any taxpayer that renounces his or her citizenship for tax avoidance purposes is subject to the current tax on gains on U.S. assets for 10 years. This has been the law for roughly 30 years, but it has not been enforced. It probably has not been enforceable. Regulations have never been issued. And we mean to do, we mean to do.

The President proposed this on February 6 in his budget, and what we will do in the end will be applied as of February 6. There will be no windows, no provisions of that kind.

Just that the record might show that we have been trying to be orderly and have had some sense of due process here, on 24 March, I received a letter from Hurst Hannum, associate professor of international law at the Fletcher School of Law and Diplomacy, of whose eminence I need hardly to remind the Senate, in which he wrote to express his serious concern over the proposed exit tax and the issue which he had addressed in his 1987 book, "The Right to Leave and Return in International Law and Practice."

We responded to him with information he wanted further on the matter. He writes on March 31 to say:

> As I noted then, what appeared to be the imposition of a tax solely on the ground that a person was renouncing his or her citizenship could interfere with the right . . . [under article 12 of the Covenant].

He says, "I am gratified that the human rights issues related to this bill have become a subject of serious debate."

I said on Friday—it was commented on in our hearing—when we are dealing with civil rights issues, human rights issues, we must never be more careful than when the group involved is a despised group.

I very much regret that the daily talking points of the Democratic Policy Committee today said what Democrats believe—"We believe that education for our children should not be cut." Fine, I so agree. "Especially while billionaire Benedict Arnolds are allowed to escape taxation." They are not going to escape taxation. I am not sure they are Benedict Arnolds. They are people making decisions that they have a right to make under international law, and the United States has the right to collect taxes from them, under our law.

We now have a letter from Professor Hannum that says:

> In sum, imposition of a nondiscriminatory tax on accrued income at the time citizenship is renounced, in a manner consistent with the way in which that same income would be treated at the time of death, does not appear to me to violate either the internationally protected right to emigrate or the (somewhat less well protected) right to a nationality.

Mr. President, I ask that the letters be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TUFTS UNIVERSITY,
Medford, MA, March 24, 1995.

Re: Tax Compliance Act of 1995, H.R. 981.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate.

DEAR SENATOR MOYNIHAN: I am writing to express my serious concern over the proposed "exit tax" included in Sec. 201 of H.R. 981. This concern is based not on an evaluation of its tax consequences, an area in which I am not an expert, but rather on the possible inconsistency of the tax with fundamental international human rights norms and U.S. international legal obligations.

As you know, the U.S. is now a party to the Covenant on Civil and Political Rights, article 12 of which guarantees the right of everyone "to leave any country, including his own." By coincidence, the United States will present its first report on compliance with the Covenant to the Human Rights Committee in New York next week.

Although I understand that the "exit tax" is based on renunciation of citizenship rather than on leaving the country, it is difficult to see how one can "punish" the former without seriously compromising the latter. Indeed, the imposition of confiscatory taxes has been a policy pursued by many countries to discourage emigration, whether on purported national security grounds, specious economic arguments, or to prevent "brain drain;" I address these and other issues in my 1987 book, "The Right to Leave and Return in International Law and Practice" (Martinus Nijhoff).

In 1986, a meeting of eminent American and European legal experts adopted the "Strasbourg Declaration on the Right to Leave and Return," a copy of which I attach for your information. I would particularly draw your attention to article 5, which states, inter alia, that "[a]ny person leaving a country shall be entitled to take out of that counry . . . his or her personal property * * * [and] all other property or the proceeds thereof, subject only to the satisfaction of legal monetary obligations, such as maintenance obligations to family members, and to general controls imposed by law to safeguard the national economy, provided that such controls do not have the effect of denying the exercise of the right." The tax in question would not appear to meet these standards.

Without having examined the provisions of Sec. 201 in greater detail, I cannot state definitively that it would violate international law. However, the human rights implications of such a provision appear to be extremely serious, and adoption of the law would seem, at best, to be hypocritical, given the legitimate and consistent U.S. insistence on free emigration from other countries over the years.

I hope that the Senate will examine these issues with great deliberation before it decides to balance the budget on the back of individual rights.

Yours sincerely,

HURST HANNUM,
Associate Professor of International Law.

APPENDIX F

STRASBOURG DECLARATION ON THE RIGHT TO LEAVE AND RETURN

(Adopted on 26 November 1986)

PREAMBLE

The Meeting of Experts on the Right to Leave and Return,

Recognising that respect for human rights and fundamental freedoms is essential for peace, justice and well-being and is necessary to ensure the development of friendly relations and co-operation among all states;

Recalling that the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as regional conventions, recognize the fundamental principle, based on general international law, that everyone has the right to leave any country, including one's own, and to return to one's own country;

Emphasizing that the right of everyone to leave any country and to enter one's own country is indispensable for the full enjoyment of all civil, political, economic, social and cultural rights;

Concerned that the denial of this right is the cause of widespread human suffering, a source of international tensions, and an object of international concern;

Adopts the following Declaration:

Article 1

Everyone has the right to leave any country, including one's own, temporarily or permanently, and to enter one's own country, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, marriage, age (except for unemancipated minors independently of their parents), or other status.

Article 2

Every state shall adopt such legislative or other measures as may be necessary to ensure the full and effective enjoyment of the rights set forth in this Declaration.

All laws, administrative regulations or other provisions affecting the enjoyment of these rights shall be published and made easily accessible.

Article 3

(a) No person shall be subjected to any sanction, penalty, reprisal or harrassment for seeking to exercise or for exercising the right to leave a country, such as acts which adversely affect, inter alia, employment, housing, residence status or social, economic or educational benefits.

(b) No person shall be required to renounce his or her nationality in order to leave a country, nor shall a person be deprived of nationality for seeking to exercise or for exercising the right to leave a country.

(c) No person shall be denied the right to leave a country on the grounds that that person wishes to renounce or has renounced his or her nationality.

Article 4

(a) No restriction may be imposed on the right to leave except those which are

(1) provided by law;

(2) necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others; and

(3) consistent with internationally recognized human rights and other international legal obligations.

Any such restriction shall be narrowly construed.

(b) Any restriction on the right to leave shall be clear, specific and not subject to arbitrary application.

(c) A restriction shall be considered "necessary" only if it responds to a pressing public and social need, pursues a legitimate aim and is proportionate to that aim.

(d) A restriction based on "national security" may be invoked only in situations where the exercise of the right poses a clear, imminent and serious danger to the State. When this restriction is invoked on the ground that an individual acquired military secrets, the restriction shall be applicable only for a limited time, appropriate to the specific circumstances, which should not be more than five years after the individual acquired such secrets.

(e) A restriction based on "public order (*ordre public*)" shall be directly related to the specific interest which is sought to be protected. "Public order (*ordre public*)" means the universally accepted fundamental principles, consistent with respect for human rights, on which a democratic society is based.

(f) A restriction based on "the rights and freedoms of others" shall not imply that relatives (except for parents with respect to unemancipated minors), employers or other persons may prevent, by withholding their consent, the departure of any person seeking to leave a country.

(g) No fees, taxes or other exactions shall be imposed for seeking to exercise or exercising the right to leave a country, with the exception of nominal fees related to travel documents.

(h) Permissibility of restrictions on the right to leave is subject to international scrutiny. The burden of justifying any such restriction lies with the state.

Article 5

a) Any person leaving a country shall be entitled to take out of that country

1. his or her personal property, including household effects and property connected with the exercise of that person's profession or skill;

2. all other property or the proceeds thereof, subject only to the satisfaction of legal monetary obligations, such as maintenance obligations to family members, and to general controls imposed by law to safeguard the national economy, provided that such controls do not have the effect of denying the exercise of the right.

b) Property or the proceeds thereof which cannot be taken out of the country shall remain vested in the departing owner, who shall be free to dispose of such property or proceeds within the country.

RIGHT TO ENTER OR RETURN

Article 6

a) No one shall be deprived of the right to enter his or her own country.

b) No person shall be deprived of nationality or citizenship in order to exile or to prevent that person from exercising the right to enter his or her country.

c) No entry visa may be required to enter one's own country.

Article 7

Permanent legal residents who temporarily leave their country of residence shall not be arbitrarily denied the right to return to that country.

Article 8

On humanitarian grounds, a state should give sympathetic consideration to permitting the return of a former resident, in particular a stateless person, who has maintained strong bona fide links with that state.

PROCEDURAL SAFEGUARDS

Article 9

Everyone has the right to obtain such travel or other documents as may be necessary to leave any country or to enter one's own country. Such documents shall be issued free of charge or subject only to nominal fees.

Article 10

a) Any national procedures or requirements affecting the exercise of the rights set forth in this Declaration shall be established by law or administrative regulations adopted pursuant to law.

b) Everyone shall have the right to communicate as necessary with any person, including foreign consular or diplomatic officials, for the realization of the rights set forth in this Declaration.

c) No state shall refuse to issue the documents referred to in Article 9 or shall otherwise impede the exercise of the right to leave, on the grounds of the applicant's inability to present authorization to enter another country.

d) Procedures for the issuance of the documents referred to in Article 9 shall be expeditious and shall not be unreasonably lengthy or burdensome.

e) Everyone filing an application for any document referred to in Article 9 shall be entitled to obtain promptly a duly certified receipt for the application filed. Decisions regarding issuance of such documents shall be taken within a reasonable period of time specified by law. The applicant shall be promptly informed in writing of any decision denying, withdrawing, canceling or postponing issuance of any such document; the specific reasons therefor; the facts upon which the decision is based; and the administrative or other remedies available to appeal the decision.

f) The right to appeal to a higher administrative or judicial authority shall be provided in all instances in which the right to leave or enter is denied. The appellant shall have a full opportunity to present the grounds for the appeal, to be represented by counsel of his or her choice, and to challenge the validity of any fact upon which a denial or restriction has been founded. The results of any appeal, specifying the reasons for the decision, shall be communicated promptly in writing to the appellant.

FINAL CLAUSES

Article 11

Any person claiming a violation of his or her rights set forth in this Declaration shall have effective recourse to a judicial or other independent tribunal to seek enforcement of those rights.

Article 12

No state may impede communication by any person with an international organization or other bodies or persons outside the state with regard to the rights set forth in this Declaration, and no sanction, penalty, reprisal or harassment may be imposed on anyone exercising this right of communication.

Article 13

The enjoyment of the rights set forth in this Declaration shall not be limited because of activities protected under internationally recognized human rights or other international legal obligations.

Article 14

Nothing in this Declaration shall be interpreted as implying for any state, group or person any right to engage in any activity or perform any act aimed at destroying any of the rights set forth herein or at limiting them to a greater extent than is provided for in this Declaration.

Article 15

The present Declaration shall not be interpreted to limit the enjoyment of any human right protected by international law.

TUFTS UNIVERSITY,
Medford, MA, March 31, 1995.

Re Tax Compliance Act of 1995, H.R. 981.
Attention: Patricia McClanahan.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate.

DEAR SENATOR MOYNIHAN: I wrote you on 24 March expressing my concern over the possible human rights implications of the so-called "exit tax" called for in the above-referenced bill. As I noted then, what appeared to be the imposition of a tax solely on the ground that a person was renouncing his or her citizenship could interfere with the right of every person "to leave any country, including his own," which is guaranteed under article 12 of the Covenant on Civil and Political Rights.

I am gratified that the human rights issues related to this bill have become a subject of serious debate, and I appreciate your contribution to that debate. Having now received additional and more specific information about the tax, however, I have become convinced that neither its intention nor its effect would violate present U.S. obligations under international law.

Although imposition of a special tax on those who wished to renounce U.S. citizenship might be questionable, it is my understanding that the tax in question is based on accrued income and, in effect, treats renunciation of citizenship as the financial equivalent of death for the purpose of attaching tax liability. There are undoubtedly negative consequences to the individual concerned in having to pay taxes on gains while he or she is alive rather than after death, but there is no internationally protected right to escape taxation by changing citizenship. However, in order to clarify that the purpose and effect of the proposed tax are non-discriminatory, the language might be rewritten to offer the individual the option of complying with the new tax or electing to have realized gains taxed only as part of the individual's estate—subject to an appropriate escrow account being established for money which would otherwise be expected to be beyond U.S. jurisdiction at the time of death.

In sum, imposition of a non-discriminatory tax on accrued income at the time citizenship is renounced, in a manner consistent with the way in which that same income would be treated at the time of death, does not appear to me to violate either the internationally protected right to emigrate or the (somewhat less well protected) right to a nationality.

Thank you for the opportunity to clarify my views on this important matter.

Yours sincerely,

HURST HANNUM,
Associate Professor of International Law.

Mr. PACKWOOD. Mr. President, I believe we are ready to vote.

The PRESIDING OFFICER. If there is no further debate, the question occurs on agreeing to the conference report.

So the conference report was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. What is the pending bill?

The PRESIDING OFFICER. The pending business will be H.R. 1158.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the majority leader.

MORNING BUSINESS

Mr. DOLE. I now ask for the transaction of routine morning business not to exceed 15 minutes, with the Senator from Washington being permitted to speak for 10 minutes as in morning business.

CORPORATION FOR PUBLIC BROADCASTING

Mrs. MURRAY. Mr. President, I thank the Chair.

Mr. President, I must rise today to support a program that some in this body may argue is unnecessary, but that the American people wholeheartedly support.

As we debate the very difficult question of eliminating funds to various agencies, it frustrates me that some of my colleagues blindly lump the Corporation for Public Broadcasting into a general pool of rescissions.

The Corporation for Public Broadcasting is a true public service, owned by the American people. What other Government program can we claim reaches 99 percent of all Americans?

Since 1967, CPB has developed public telecommunications services of the highest quality to serve the American people. All of us on this floor agonize over what serves the taxpayer most.

Certainly, public broadcasting has proven itself as a national asset supporting television and radio stations in all 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

Last year, CPB funded 351 public television stations and 629 public radio stations. Each week NPR touches the lives of 16 million listeners and more than 100 million viewers tune in to PBS weekly.

The numbers show that CPB is a Government program that works, and serves the people of this country. It is one program where the American taxpayer is actually seeing a return on their dollar.

But is CPB a luxury? In these days of deficit reduction, can we afford this service? In thinking about this question, I have reflected back on my role as a mother and teacher.

I am not independently wealthy and have been faced with balancing a checkbook my entire life. When times are tough, everyone suffers, but never have I sacrificed the education of my children.

All parents worry about the uncertain future of their sons or daughters. Frankly, that is why I am so committed to continued funding for the Corporation for Public Broadcasting.

Education is at the heart of what public broadcasting does. CPB reaches almost every home, school, and business in America to make important learning resources available.

CPB is dedicated to helping and inspiring learners of all ages, in schools, at colleges and universities, at work, and at home.

Public broadcasting is not subsidized television but rather accessible education. More than three-quarters of the country's public television stations offer for-credit adult courses at various levels.

Since 1981, 2.8 million people have taken public broadcasting telecourses for college credit. Over 29 million students in over 70,000 schools receive public TV as an educational resource. Of the top 10 television programs used by teachers in the classroom, 6 are from public TV.

Sure, some may classify public broadcasting as entertainment. I even admit that I became absorbed in "The Civil War" and rushed home to catch "Baseball." But therein lies the secret of public broadcasting. Its ability to education while holding our attention.

From "The Electric Company" to "MacNeil-Lehrer," from "Carmen Sandiego" to "Great Performances," CPB has captivated audiences and provided an educational alternative to network television.

Children today need the same educational stimulation my children had access to, if not more so. Changing family structures and working parents mean more and more children are left home alone. These are the children dependent upon "Sesame Street" and "Barney" for guidance, education and solace. If there is no one at home to pull the kids away from the set, or to choose programming, can't the Government at least provide an accessible alternative which stimulates learning?

The average public television station airs more than 5 hours of quality, noncommercial children's programming every single day and 22.4 million children watch public television each week. The futures of these children can be dramatically shaped by the programs they watch each day.

Remember that 1 year of programming from PBS and NPR, costs each U.S. citizen just $1.09. Less than a penny a day. In fact, CPB's entire annual budget equals what the networks make in just 15 minutes of Super Bowl commercials.

More than 95 percent of CPB funds go back to communities nationwide as support for their broadcast operations. More importantly, for every $1 of Federal funding directed through CPB, stations raise more than $6 from other sources.

I urge my colleagues on their next visit home to tune in a publicly supported station within their State. Radio stations such as KPBX in Spokane and KFAE in Richland and television stations like KCTS in Seattle and KYVE in Yakima will prove to you how far a minimal Federal investment can be stretched.

Mr. President, the question here is should there be public television. My answer is a solid, loud yes.

Just as we have public schools, public libraries, public roads, and public parks, we should have public television.

"Public" means we, you, and I, own it. We have a say. We have input. We have access.

To only have private television means that those who can afford to own the airwaves will decide what we watch and who can watch. Someone else, someone with the wealth to afford it, will decide what opinions will be aired and whose words will be heard.

I believe it is imperative that the public have access and input to the airwaves.

Let us not be the Congress that is known as the one who took the public out of television.

Let this Congress be remembered for turning the tide on the deficit, but let us do so without sacrificing our children, their education and their future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

THE FOURTH ANNUAL FIREFIGHTERS CHALLENGE

Mr. DOLE. Mr. President, as a longtime supporter of our Nation's firefighters, I am honored to sponsor this resolution that will allow the Congressional Fire Service Institute to hold its Fourth Annual Firefighters Challenge on April 26, 1994, in the park across from the Russell Senate Office Building.

Widely regarded as the most exciting firefighting competition in the Nation, firefighters from as far away as California, Florida, and Ontario, Canada, are scheduled to compete in an event that demonstrates the level of fitness and conditioning essential for today's fire service.

Twenty-four hours a day, 365 days a year, firefighters are on stand by—ready to come to our aid. These well-trained men and women are our first line of defense against fires and a host of other natural disasters. It is my hope that this site will provide an excellent opportunity for the general public and congressional staff to learn more about firefighting and gain a better understanding of the rigors these genuine heroes face.

Mr. President, I hope we might be able to clear this, either during the wrap-up tonight or tomorrow—at least sometime this week. I will not introduce the resolution at this time until we have had it cleared on both sides of the aisle.

SCHEDULE

Mr. DOLE. Mr. President, let me say for the information of our colleagues, I have been talking with Senator DASCHLE, the Democratic leader, to see if there is some agreement we can reach on this supplemental appropriation bill. Right now I understand on that side of the aisle there are at least 70 amendments and on this side 27. That is almost 100 amendments. If we are to complete action on the bill and go to conference yet this week, today is Monday, we do not have a great deal of time. It was our hope to be in recess on Friday. I think the House also hopes to go out on Friday.

So, I have been talking with the White House. If they do not want to finish this bill, then they ought to let us know, because we may not want to finish the Defense supplemental. We are prepared to make the readiness argument with this President any time he wishes on why we need the supplemental appropriations. The President sent me a letter. I think I received it Saturday morning, and I responded Saturday afternoon to the President's letter.

Mr. President, I ask unanimous consent those two letters be printed in the RECORD at this point just so we would have a record made.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PORT-AU-PRINCE, *March 31, 1995.*

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I am writing to urge you to take prompt action on the supplemental appropriations bill for the Department of Defense. I know that you and all Members of Congress have been working at a heavy pace the past three months and that you have many issues on your agenda. But I know you share the view that it is extremely important that the defense supplemental be addressed before Congress adjourns next Friday.

Both the House and Senate have passed defense supplemental appropriations to pay for ongoing contingency operations. I applaud those actions and agree with the Senate's decision to meet our full commitment to Jordan, in furtherance of the Middle East peace process, in this legislation. Unfortunately, these matters seem tied up in the Conference, and a deadline is looming that requires immediate congressional action to recognize the emergency nature of this supplemental bill and minimize offsetting reductions.

Secretary Perry and General Shalikashvili have repeatedly told me and have reported to Congress that unless supplemental funds were appropriated by March 31, the readiness of our Armed Forces would be adversely affected. That deadline has not been met. As you know, Secretary Perry has told Congress that he will be forced to take specific actions that will impair the readiness of our forces if Congress fails to act by April 7. I realize the respective committees are meeting and are making some progress, but the Conference is still not resolved and time is very short.

I am also concerned about reports that the emergency defense supplemental may be combined with rescission legislation now pending before you. I know you will not permit the Congress to hold the readiness of our Armed Forces hostage to other debates. It is imperative that the Congress approve the supplemental before you adjourn for the Easter/Passover recess.

Sincerely,

BILL CLINTON.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, April 1, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you know, many of my colleagues in the Congress have long voiced concerns about the declining readiness of our Armed Forces and its impact on the brave men and women who so proudly serve. We have warned that the severe defense cuts imposed by your Administration compounded by costly "peacekeeping" operations, neither authorized nor approved by Congress, will drain the readiness accounts and strain our military preparedness. Indeed, these pressures have already manifested themselves in unacceptable readiness ratings for three Army divisions as early as last November. Further, I remind you that several of my colleagues began exhorting Secretary Perry and General Shalikashvili to send us their defense request as early as possible, but for some unexplained reason your Administration delayed that action until mid February with the submission of your budget. Our continued warnings have consistently fallen on deaf ears. Now that a severe readiness crisis is upon us, I am hard pressed to see this as the fault of the Congress. Your decision to blame the Congress for any delays and the impending readiness crisis is unfortunate.

Although we have been hampered by a laundry list of amendments offered by members of your party, the House and Senate have taken quick action on your defense supplemental request. The delay in submission coupled with Congressional desires to pay for these costs rather than add them to the debt has made our job more difficult. However, as you point out, we are now in conference and I am hopeful to bring final action before the Easter/Passover recess. As to whether the Congress will choose to combine your defense supplemental and your domestic supplemental request will be a matter that we will decide early next week. The readiness of our Armed Forces is important to all of us as is reducing the deficit, responding to emergency needs in California, and supporting the peace process in the Middle East. Your leadership on these matters would be useful in helping to limit the number of extraneous amendments offered and in bringing all of these issues to an early and acceptable conclusion.

Sincerely,

BOB DOLE.

Mr. DOLE. It may be that the White House has no interest in the pending supplemental legislation. If they do not, I do not know why we are here, why we are going to debate 97 amendments so certain people can score political points. On every amendment offered on that side from now on there will be a second-degree amendment. It seems to me that is about the only way to make certain both sides are protected here. Because we have had all this talk about how the Democrats are so concerned about children and we do not care about children, we are not sensitive to children. I wonder where they were on the balanced budget amendment when we asked just one more Democrat to vote for a balanced budget amendment so we might protect our children over the next 5, 10, 15, 25 years, but we did not have any response to the argument then.

So now we are seeing efforts to put a little back here and a little here, even though there are increases in all these programs, so the liberal press will write the right spin on the story that the Democrats are protecting children and, of course, we are depriving children of food and medication and about anything else you could believe. I am certain the liberal press will put that spin on it, as it always has in the past.

So it is my view there should not be anything else happening on the bill unless there is going to be debate on the primary amendment from that side, the amendment offered by the distinguished Senator from South Dakota, Senator DASCHLE, and the amendment offered by this side, by the Senator from Missouri, Senator ASHCROFT, and others.

I am prepared to get consent that we have the debate, time divided equally between now and 6 o'clock. Then at 6:15 we debate whether or not elephants can come to the Capitol. We may have to take a rollcall vote. But that will be 1 hour of debate, and the vote—we have not determined yet, hopefully it will not come until tomorrow morning.

I know the Senator from Massachusetts was here on Friday. He is here again today. He wants to offer his amendment even though I do not think it is necessary. I think we are all for the amendment.

But if it is offered, it probably will be second-degreed and then we will be right back in the same predicament we are in now. I hope the Senator from Massachusetts will let me and the Democratic leader try to work out some agreement where the Senator from Massachusetts would be permitted to offer the amendment. I do not have any problem with that. In fact, I support the amendment. So I do not want to be misunderstood.

Is there any way we could accommodate the Senator from Massachusetts and not offer the amendment today but let us proceed on the debate so at least we could have the debate? We are now working with the White House, with the Democratic leader, with our office to see—if we cannot get any agreement, then none of the amendments will pass in any event.

So I hope we could be permitted to have general debate equally divided between now and 6:15, by sponsoring of the two major amendments. And then at 6:15, the Senator from New Hampshire, Senator SMITH, will be recognized to offer his amendment on House Concurent Resolution 34.

Mr. KENNEDY. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. KENNEDY. Mr. President, I say to the majority leader that I know the majority leader had said on Thursday evening that he was hopeful the amendment of the Senator from South Dakota would be up and he thought at that time it might have been disposed of on Friday. There was certainly no objection from me on that. I thought that was probably going to be the case. Now the Senator has pointed out that we have both the Daschle and the Dole amendments before the Senate.

I have indicated that I was quite prepared to just send my amendment to the desk, have it printed, and after we had disposed of the principal amendments of Senator DOLE and Senator DASCHLE, I would hope that we would be able to consider my amendment. But I would obviously respond to the request of the joint leadership in terms of working out an appropriate time. I am more than glad to do this, recognizing that we have a great deal of business before the Senate prior to the recess.

Mr. DOLE. If the Senator will yield, I understand the Senator will have it printed today but it will not be offered today.

Is that correct?

Mr. KENNEDY. I have talked on it quite a bit, Mr. President. I am not sure that I really have to take any more time on it. I would be glad to send the resolution to the desk. Obviously, it would be a matter before the Senate. I would like to get it printed. I would send it to the desk and have it printed, and then I would be glad to work out with the majority leader and the minority leader the time when we could consider it. I am more than glad to accommodate. If we wanted to do it at the conclusion of the other two amendments, that would be fine.

I can assure the leader that I do not think it will take any more than 5 or 10 minutes equally divided to dispose of it. I will be glad to give an assurance to the leader and to Senator DASCHLE that we would not consider it until after the disposition of at least the two current amendments. They really are the heart and the thrust of the issue here, and they are our first priority. I think they are enormously important, and we ought to consider them.

Mr. DOLE. Mr. President, will the Senator yield further? The Democratic leader indicated to me that he was prepared to vote on the D'Amato amendment, which indicates that he must have the votes to table. Would there be any objection to having it follow the vote on the D'Amato amendment, because his amendment was pending prior?

Mr. KENNEDY. I understand from the floor staff that Senator Daschle has indicated willingness to go to the vote on D'Amato tomorrow, and it is entirely acceptable to me to vote right after the D'Amato amendment on this amendment, if that is agreeable.

Mr. DOLE. The caveat, Mr. President, would be if we decided to pull the bill down because there are so many amendments. I do not want anybody to be blindsided. But it could happen, with 97 amendments, which would take quite a while, that we might just pull the bill down until after the recess. As long as the Senator understood that, I think we have an agreement. He could send it to the desk now, and have it printed with an understanding that following the vote on the D'Amato amendment, disposition of the D'Amato amendment, the Senator be recognized for a vote on his amendment.

Mr. KENNEDY. Mr. President, I send the amendment to the desk, and ask that it be printed in the RECORD for the information of Senators.

It is my understanding that we will have the vote on the D'Amato amendment.

There being no objection, the amendment text was ordered to be printed in the RECORD, as follows:

> At the appropriate place in the amendment, insert the following:
>
> **SEC. . SENSE OF THE SENATE REGARDING TAX AVOIDANCE.**
>
> (a) IN GENERAL.—It is the sense of the Senate that Congress should act as quickly as possible to amend the Internal Revenue Code of 1986, to eliminate the ability of persons to avoid taxes by relinquishing their United States citizenship.

Mr. KENNEDY. That is satisfactory.

Mr. DOLE. As I said, the only exception would occur——

Mr. KENNEDY. I understand what the Senator said. It could be withdrawn.

Mr. DOLE. Mr. President, I think there is a serious effort by the Democratic and Republican leaders and the White House to try to see if we can bring this to closure. If we cannot, we will pull the bill down. If we can, we will try to finish it tomorrow evening. There is no way we can finish it with 97 amendments. That would take the rest of this week and all of next week, and I have something else planned for next week. In any event, many other Senators have plans for next week.

I wonder if it would be all right, between now and 6:15, the time equally divided.

I thank the Senator from Massachusetts.

Mr. President, I ask unanimous consent—this has been cleared by the Democratic leader—that all time between now and 6:15 p.m. be equally divided between the Democratic leader and Senator ASHCROFT, or their designees, for debate on the Daschle and Dole amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that at 6:15, whenever the Senator from New Hampshire is available, during that timeframe, that we proceed to House Concurrent Resolution 34, and that Senator SMITH be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. DOLE. Morning business has expired.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

> A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

> Pending:
>
> Hatfield amendment No. 420, in the nature of a substitute.
>
> D'Amato amendment No. 427 (to amendment No. 420), to require Congressional approval of aggregate annual assistance to any foreign entity using the exchange stabilization fund established under section 5302 of title 31, United States Code, in an amount that exceeds $5 billion.
>
> Murkowski/D'Amato amendment No. 441 (to amendment No. 427), of a perfecting nature.
>
> Daschle amendment No. 445 (to amendment No. 420), in the nature of a substitute.
>
> Dole (for Ashcroft) amendment No. 446 (to amendment No. 445), in the nature of a substitute.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, I would like to speak to the proposal that is before the Senate, and specifically I want to refer to a Reuter's news account that was issued this morning. I am going to read from the account. It says:

> This administration believes a strong dollar is in America's interest, and we remain committed to strengthening the economic fundamentals that are ultimately important to maintaining a strong and stable currency.

That quote, Mr. President, is from our Treasury Secretary, Robert Rubin. The story goes on, however, and says that the currency market did not pay any attention to our Secretary of the Treasury driving the dollar down to yet another record low against the Japanese yen. Since the start of the year, the dollar has plunged more than 13 percent against the yen.

The story goes on and says that America's bulging budget—bulging budget—and trade deficits to its shrinking savings rate is driving the currency lower, and Washington—that is us—seems unable or unwilling to do anything about it.

Mr. President, Chairman Greenspan recently called the falling dollar "unwelcome and troublesome." He said just recently that "Foreign markets were increasingly distressed about the huge amounts of Washington borrowing to pay for deficit spending."

The central bank chief—that is, Alan Greenspan—also linked last week's projection—now 2 weeks ago—of the balanced budget amendment by the Senate with the latest troubles facing our dollar.

The Secretary of the Treasury has gone before the world to try to strengthen the dollar, and the world did not pay any attention. The Chairman of the Federal Reserve said our dollar has suffered from the failure to pass the balanced budget amendment and it is destabilizing our currency.

In deference to time, Mr. President, I am not going to read from the seven different economists who are defining the problem with our currency as being directly related, as the Reuter's story acknowledged, to our budget deficits; more importantly, to our unwillingness to do anything about it, to the defeat of the balanced budget amendment and to spiraling trade deficits.

Last week, in front of Emory University students in Atlanta, my home city and State, the President and this same Secretary tried to tell those students and America that we really are operating an operational surplus. I said at the time that was not factual and, more important, it was harmful because by telling the Nation we have an operational surplus, you are sapping the will of this country to do the things it needs to do.

Mr. President, in light of these reports about the falling dollar today, I would like to call on the President of the United States to change his mind and call on the Congress to pass a balanced budget amendment. That is one of the strongest actions; these statements before the world are not having an effect. The world saw us defeat the balanced budget amendment. The world saw the President's budgets with $200 billion deficits as far as the eye can see. The world is watching us argue about these minimal cuts right here today. Mr. President, the President should call on the six Senators on the other side of the aisle that voted for a balanced budget amendment 1 year ago who changed their mind this year, who participated in what is now happening to our currency worldwide. And the best short-term signal we could send to this world about our currency is that we are going to stand up and pass a balanced budget amendment and send it to the States for ratification.

The Senators from New Mexico, North Dakota, California, Kentucky, and South Carolina decided to vote against it this year. They voted for it last year. The President said he was for a balanced budget "but." And I would suggest to you, Mr. President, that the world has taken more notice of the word "but" than any of the other things that are emanating from the administration such as we really have an operational surplus.

For Heaven sakes. By the way, the reason they calculated that was they said you would not have to add in our interest on debt and then we would have a surplus.

I was speaking to a group of business people today, and I said:

> You remember when you went before the loan officer and the loan officer said, "I am sorry; I can't loan you any more money because of your financial statement." And you turned to the loan officer and said, "Well, if you just forget the interest payments I am making to you, I would have a great financial statement." You know what the reaction of that loan officer would be.

Mr. President, the world has taken note of the, "I'm for a balanced budget but I am going to oppose a balanced budget amendment. I am going to submit budgets to the Congress and to the people with huge and unending deficits." And the quickest way we could turn this around would be for the President to call the leaders of this Senate and say, "Pass it."

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair. I would like to get back to what I believe is the business before us. Are we on the Daschle amendment as amended by the Dole amendment?

The PRESIDING OFFICER. Yes, that is correct.

Mr. BOND. I thank the Chair. It seems as if we have been at this for some time, and we have had some very enlightening discussions in other areas, but this bill, which the distinguished Senator from South Dakota seeks to amend, is an extremely important one. I spent some time last week presenting the details of this measure and talking about reasons why it was necessary for us to rescind budget authority and outlays for the coming year. Having made those points, I do not want to make them again. I wish to instead focus on some of the basic underlying assumptions in the Daschle amendment.

You will recall that this bill as we reported it out of the Appropriations Committee provides in the current year and next year about $6.7 billion for the California disaster relief effort. The Daschle amendment cuts $1.3 billion out of that.

Mr. President, I would have to say what a difference a week makes, because last week we heard from our colleagues on the other side of the aisle that what we needed was an across-the-board cut in all Federal agencies as an emergency step in order to pay for the terrible natural disasters which have afflicted the country this past year. In particular, we heard a very compelling argument from the Senator from California about the tragedies in her State and the need to provide the money so that the residents of California would get their lives and communities back together. Thus, they offered an amendment to provide $6.7 billion in disaster funding and cut elsewhere across the board.

Today, it appears maybe they do not need all that money. Today, just a few days later, the terrible California disaster described so eloquently is not going to require the $6.7 billion it did last week. Now they only require $5.4 billion. Never have I seen $1 billion saved quite so quickly.

I had to ask myself why. Well, I soon discovered it is not that they really want to save that money. Instead they want to spend it on some of their and the President's favorite programs. Today, instead of setting the money aside to help disaster victims, they want to raid a rainy day fund and spend it on so-called volunteers or throw more money at HUD, an agency in the midst of its own financial and management disaster. It is no wonder that many of my colleagues agree with the Congressional Budget Office's analysis of what happens when a rainy day fund for disasters is set up. I believe we ought to set money aside, but there are some questions I have about setting it up.

Let me quote from the disaster task force report which was issued only 3 weeks ago. I had the pleasure of serving with the distinguished Senator, Mr. GLENN, from Ohio as co-chair of that disaster task force. We brought together all of the information on disasters and asked the agencies—CBO, GAO, CRS—about what we might do. In that disaster task force report prepared by the agencies there was a very prophetic statement. Our report said:

> A tendency to spend accumulated funds might be a problem unless the law restricted the types of disasters that would qualify. Policymakers could become tempted to be more generous in relieving small disasters or to raid the fund for spending in other programs.

Well, Mr. President, that kind of looks to me like what we had. Only 3 weeks from the report and days from the discussion of the rainy day fund the first raid is being attempted on disaster relief.

So let me tell my colleagues, if this is what we can expect, regular, systematic raids on the disaster relief fund to pay for political goals, then I for one, this Senator, is not going to support any sort of rainy day fund.

What kind of discipline does this show to the American people, that just days after arguing for a $6.7 billion rainy day disaster fund, the same people now want to raid the fund for other purposes? How many families set aside funds for emergencies and then successfully resist the temptation to raid them? How many communities and small businesses set aside funds and then successfully resist the temptation to just dip in a little more for some reason? But not our colleagues here today. They view the disaster relief fund as a honey pot which lets them avoid tough choices of where else to cut in order to spend more on the programs they like.

Instead of standing up and saying, "We don't like your proposed spending cuts; here are ours to replace them," our friends on the other side of the aisle, once again show their colors on spending cuts. They say, "We want to spend first and worry about the deficit and the debt later on".

Again, I go back to the prophetic words of the disaster relief task force. In that report the agency said:

> Requiring the Congress to cut spending and other programs would raise the political cost of providing disaster relief. Now, increases in disaster relief increase the budget deficit, which may impede economic growth over the long term. But the effects on the standard of living of future generations have far less direct influence on political decisions than having to cut programs this year or next year.

No wonder our debt is nearly $5 trillion. No wonder the President's budget thought it would be OK to leave the deficit at $200 billion a year for the next 5 years, adding another $1 trillion to our national debt. This is a debt, Mr. President, that threatens our economic stability.

Our distinguished colleague from Georgia has already spoken about what judgment the international financial markets are passing on the value of the dollar. And it is because we just do not seem to be too concerned about adding another little $1 trillion to our national debt.

Well, Mr. President, I think it is very serious for our economy and it is very serious for our children and grandchildren who are going to be carrying the burden of that debt on their credit card.

Let me speak about one particular aspect of the Daschle amendment. I want to focus on that for, I hope, the enlightenment, perhaps, of my colleagues. But maybe they all know it.

I want to focus on the proposal to restore national service funding. I believe this issue highlights the fundamental differences between those who would shrink Government and those who still believe in business as usual.

The bill before us proposed a cut of $210 million to bring AmeriCorps and other new programs authorized by the 1993 National and Community Service Act back to the fiscal year 1994 level. The fiscal year 1995 appropriation for this year was $575 million; the rescission currently in the bill would bring that funding level back to $365 million. The National Service Corporation had hoped to have 33,000 volunteers enrolled by the end of fiscal year 1995. The bill before us, as reported out of committee, would keep the number of volunteers—and I say "volunteers" in quotes—at about 20,000. I urge my colleagues to vote against the Daschle amendment for the additional reason because I do not believe the increase in funds for AmeriCorps is justified.

The cut we have proposed is legitimate. We are not gutting the program, as some have suggested. The corporation actually received a huge increase for the current fiscal year over the fiscal year 1994 level. They had $365 million in fiscal year 1994 for AmeriCorps grants, education awards, technical assistance, and related activities. They received $575 million in last year's appropriation for the current fiscal year. That is a 58-percent increase for an untested program. I have not seen any increase of that level in any other discretionary program. At a time when we are running budget deficits of hundreds of billions of dollars each year on top of a debt load of $4.8 trillion, we just cannot afford the increase.

This rescission will not affect any programs now in operation. The fiscal year 1995 funds are not scheduled to be spent until the start of the school year in September 1995. So we will not have to stop work that is now going on. We are simply proposing that the amount available to the programs scheduled to begin this fall be the same as for those that began last fall.

Under the Senate bill, none of the volunteers—or, actually, employees—currently serving will be affected. The program would remain at the same level. The corporation could still increase the number of those it hires and chooses to fund in State and local programs next year by reallocating the money provided.

For instance, the corporation is now spending $32 million on innovation, demonstration and assistance activities, which includes training and technical assistance for AmeriCorps programs. Presumably, most not-for-profits that receive funds are already experienced themselves in training new employees and providing services. And many of them are working with true volunteers.

The corporation also spent $3 million this year on planning grants. Now, those do not fund a single new position, but simply allow an organization to plan how they will use volunteers in the future. And, both the National Service Corporation and the State commissions spend a good deal of money on public relations and recruitment of volunteers—read "employees." I would argue that we can do less of that since the program is now well established, if it is continued, and it is well known.

In addition, the corporation awarded more than $14 million to Federal agencies this year, nearly 10 percent of the total amount available for AmeriCorps grants. Why are we padding the Federal payroll with paid, they call them, volunteers—I call them employees—at the same time the administration claims it is downsizing the civil service?

We cut it on one hand, but we call them volunteers and we spend $14 million hiring them on the other hand. I think there is a good deal of room to make cuts in these areas if the corporation wants to increase the number of those serving in State and local programs, under the bill.

I remain a great skeptic of the program. I am looking forward to conducting oversight hearings, which we will have in our subcommittee during the next few months, to determine exactly where our money is going. And, in particular, I am concerned about the money going to AmeriCorps national direct programs.

Under the act, in 1993, there are three different ways that you can receive funds. One-third of the funds are available to States according to a population-based formula. The States then choose which programs receive funds. Another third of the funds are distributed to programs that are first selected by the States and then submitted to the corporation for competitive consideration. The final third of the funds for AmeriCorps are distributed directly to the National Service Corporation to programs operated by national nonprofit organizations, programs operating in more than one State, and to Federal agencies. I would like to focus the attention of my colleagues on some of these programs.

I think America would be surprised to learn where fully one-third of the funds for AmeriCorps is actually going. I venture to guess that most Americans believe that money in this pot is going to help support the efforts of some well-established, reputable, mainstream volunteer organizations that we have all come to know and rely on. We would expect, Mr. President, the funding would go to the Red Cross, the Girl Scouts, Boys and Girls Clubs, Big Brothers and Big Sisters, and the 4-H; that they would be the ones receiving funds from that source. That certainly was my expectation.

Needless to say, I was surprised to learn that is not where the money is going. So I asked, and the Corporation for National Service provided me, with a list of all applicants in the "National Direct" program for 1994, as well as a list of those groups that receive funding.

I have made a chart of some of the examples that we have found. I think they will be illustrative.

All of these groups applied for "AmeriCorps Direct" awards for fiscal year 1994, as well as many other groups. This is not the exclusive list.

Here is the list of who was funded and this is a partial list of those who were not funded. Many well-established, reputable, and noncontroversial voluntary organizations did not receive funds. But look at the list of those who did receive funds, in addition to those that are Federal agencies. Can you say "politically correct"?

Take a look at what we funded. This was our volunteer money. We are downsizing the civil service, cutting the Federal Government, getting rid of employees.

So why is the money going to hire people in the Department of Agriculture, the Department of Energy, the Department of the Interior, the Department of Justice, the Department of Labor, the Department of Transportation, the Environmental Protection Agency, and the Department of Veterans Affairs?

Sounds like a good way to cut the civil service. If you get a program, call it a "volunteer" program and use it to fund these.

And then there are others, ACORN Housing, Legal Services Corporation, National Endowment for the Arts, National Community AIDS Partnership.

These are the programs being funded by the AmeriCorps direct funding program.

These are some of the ones that are not funded, and somehow it strikes me as passing curious that they chose not to fund the Future Farmers of America, the National 4-H Council, the Girl Scouts of America, the American Red Cross, Big Brother/Big Sisters, Boys and Girls Clubs, National Audubon Society, Appalachian Mountain Club, American Library Association, United Negro College Fund, United Way of America, and United Cerebral Palsy Association.

I have had an opportunity to work with many of these fine organizations, and when you are talking about volunteers, this is where I think you need support, if you need support, to get people who are actually doing volunteer work.

Mr. SANTORUM. Will the Senator yield?

Mr. BOND. Yes.

Mr. SANTORUM. Are those not funded? Did they apply for grants and were refused?

Mr. BOND. These are agencies all of which applied. "Funded" are the ones which were funded by the AmeriCorps direct program. The ones "Not Funded" are the ones I just read, beginning with the Future Farmers of America.

Mr. SANTORUM. That is amazing.

Mr. BOND. That is exactly my point. I do not believe that the priorities chosen by the National Service Corps are the priorities of the American people. Americans do choose where they give their time voluntarily. We know where people want to give and work as volunteers. Over 80 million Americans choose to donate unpaid time to charitable volunteer work each week and they choose their churches, their schools, their hospitals, the Red Cross, the Girl Scouts, the Big Brother/Big Sisters. They do not choose to donate their time to the Environmental Protection Agency, the Department of Transportation, or the Department of Labor.

I think the American people might well be shocked to learn that these Federal agencies were chosen over other well-known, well-established and much respected volunteer organizations which were turned down.

I am sure that if you go back to the State programs, my colleagues will undoubtedly show me examples of Girl Scouts and Red Cross programs funded through the State commissions, one of two sources of funding, but that is not the area of national priorities. The corporation has clearly chosen not to fund those groups. The further away from States and local communities where the volunteer work is actually being done, where people volunteer their time and their resources, that the decisionmaking occurs, that is where decisions to fund the Federal Departments and those agencies which carry out the politically correct goals happen.

I suggest that the funding decisions of the national corporation may not reflect the priorities of American people. I have not examined the decision of the State commissions sufficiently to be able to comment on those. We will explore those in the VA, HUD Appropriations Subcommittee during our fiscal 1996 oversight hearings.

But for the purposes of the discussion of the Daschle amendment, I absolutely do not believe we should restore funding for the Corporation for National Service. In fact, considering some of the other tough decisions we have made, there is room for further cuts. We are only bringing the program back to the 1994 level. Based on what I described, I believe that is overly generous.

For these reasons, I urge my colleagues to turn down the Daschle amendment. The Daschle amendment has one provision which has been called to our attention by Senator INOUYE, the problem with funding for Indian housing. I have been working with Senator INOUYE and his staff. I believe we can accommodate the needs of Senator INOUYE for the Indian housing.

I think we need to take special recognition of the problems which may arise there at a later time in the discussion of this bill when we have an amendment, however we work it out with Senator INOUYE, who has been a leader on this, and Senator MCCAIN.

We will attempt to work out a good compromise to make sure that the cuts do not fall unnecessarily heavily on our native Americans. I will discuss the particular needs of that program. That, too, is included in the Daschle amendment.

But the main point of the Daschle amendment is to cut $1.3 billion from what was described last week by my colleagues on the other side of the aisle as "critically needed, vitally important, let's-do-it-now emergency relief" so we can go back and spend money on HUD, which is already spending too much money, on the National Service Corporation, the AmeriCorps direct dollars, which are keeping all those wonderful people employed at Federal agencies.

Mr. President, I just do not believe we need to restore those cuts. So I urge my colleagues not to accept the Daschle amendment.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to commend the senior Senator from Missouri for an outstanding presentation. The juxtaposition of the funded agencies and the volunteer agencies is a stark and compelling contrast. To think that the Future Farmers of America applied and were turned down when the Department of Agriculture was funded; to think that the 4-H Council applied and was turned down while the Department of Energy was funded; to think that the Departments of Interior, Justice, and Labor were successful applicants when no "volunteers" were provided to the Girl Scouts or the American Red Cross. In my mind, and I think my good friend would agree, this reflects very poorly on the character and quality of the AmeriCorp Program.

Mr. President, we are not talking about rescinding Federal money in a vacuum. I believe this entire debate must be placed in the context of America's financial condition. The American people are alarmed at a $4.8 trillion debt. Last November, they said "It is time to stop this out of control spending, and put our fiscal house in order."

In family budgeting, what father or mother would say, "Even though we are $72,000 in debt, business as usual will suffice." Despite our massive debt and rising deficits, Bill Clinton has suggested just that. The President has projected $200-billion-a-year deficits for as far as the eye can see. Mr. President, this type of unrestrained spending must stop.

So, I rise today in support of the majority leader's amendment. If enacted, this package would significantly decrease discretionary spending for this fiscal year. More importantly, it would achieve that end by attacking non-essential government services. AmeriCorp, which I discussed earlier, is a perfect example. This so-called volunteer program, which costs $30,400 per participant per year, is not a volunteer program at all. It is a way of paying individuals to do things that people already do.

Mr. President, out of the $30,000 used to support each volunteer in this program, $15,000 goes to administration and overhead costs. That means that this is really just a program to support the Federal bureaucracy. Then, when you think of the rest of the money—the $15,400 that is left over for the volunteer after you have paid the $15,000 for overhead and costs—you have to understand that 20 percent of all of those volunteers are working in the Departments of Agriculture, Energy, Labor, the Environmental Protection Agency, or the National Endowment for the Arts.

AmeriCorps. It sounds like you ought to stand up and salute. The truth is that the American people ought to stand up and grab their wallets because it represents a raid on their resources. And not just the American people, but also the yet unearned wages of generations to come.

Mr. President, we hear over and over again from the Democrat party that we have to save the children. Well, let us save them from bankruptcy. Let us practice a little responsibility. The Senator from California earlier today said, "Say goodbye to Big Bird," as if we were to curtail funding for public broadcasting there wouldn't be any worthwhile children's programming. This is nonsense and the American people know it. In fact, a recent Lou Harris poll found that public broadcasting is third on a list of Federal programs that should be abolished.

Only $7.5 million of the $300 million spent on PBS goes directly to children's programming. Where does the money go? It goes to purchase and develop programming for wealthy adults. According to one of its own member stations, WMET, "one out of eight contributors to PBS is a millionaire. One out of seven has a wine cellar, and one out of every three has spent time in Europe in the last three years." This is not a social welfare program, it is welfare for the rich. Mr. President, these are the types of people taking advantage of PBS, and taking advantage of the American taxpayer. As my friend Senator PRESSLER noted, the wealthy donors to public broadcasting could easily make up the 14 percent of Federal funding that CPB receives if they simply gave an additional $55 a year.

Mr. President, I believe we also need to look carefully at the foreign operations budget. The House suggested rescinding $191.6 million. The Senate cut only $100 million. Well, I think we ought to be rescinding what the House proposed. The additional $91.6 million would bring our total Federal foreign operations reduction to 1.4 percent. If we are serious about balancing the budget, and if we really care about kids, we must at the very minimum do that.

So, we have an opportunity to say to the American people that we heard the message of November 8. We understand that it is important for us to make serious cuts. The Senate has a $13 billion rescission package. The House was at $17 billion. Thus, we can add the $1.3 billion in this amendment and still not make it to the House level.

Mr. President, during the debate on the balanced budget amendment, member after member who opposed the bill talked about making tough choices. Furthermore, they all indicated that they were ready to move toward a balanced budget. Let me suggest that now is the time to begin. It is time because that is what the American people sent us here to do. Unfortunately, the President continues to takes us down a different road, a road of increased deficits and debt. Let this Chamber be different. Let this Chamber fundamentally alter the way Washington works.

We should rescind the funds which were proposed by the committee and add to it what the majority leader has suggested. If we do, we will begin to demonstrate responsibility, and that brings me to my last point.

I think what Government does is teaches. We all talk about the value of education. The most important lesson we can learn is the lesson of responsibility. Are we or are we not people who pay our bills? Do we live with the consequences of the decisions we make? Are we willing to accept responsibility for what we do? If our citizens make that kind of commitment, the coming era can once again be called the American century. Regrettably, as a Government, we have yet to make that commitment. Some of us are concerned that as citizens we have not made that kind of commitment either. Maybe our Government is not teaching responsibility the way it ought to. Maybe our example speaks so loudly to young people that they believe they are not responsible for the actions that they take. After all, when we continue to appropriate and spend, when we continue to obfuscate and mislabel, government fails in its obligation to the citizenry.

Mr. President, let us instruct the young people of this Nation properly. Let us show them that we have the willingness to exercise the discipline necessary to succeed in balancing the budget. In my mind, this means not only having a rescission bill, but also supporting the majority leader's amendment. It is my sincere hope that the Senate will do just that.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to support the amendment by Senator DASCHLE, and I am doing so primarily because of my belief that we should not make as drastic cuts in the education accounts as the majority leader would have the Senate make.

Let me put this in context, Mr. President. I know there is a lot of talk about, are you in favor of deficit reduction, or are you not in favor of deficit reduction? I honestly believe that all Members are in favor of deficit reduction here in the Senate. We want to find an appropriate way to accomplish that.

In my opinion, the test of whether we are serious about deficit reduction will come in two areas. First, our willingness to curtail spending in a whole range of areas—not just the areas being addressed by this bill, but all areas—defense, intelligence, community funding, agricultural subsidy funding, foreign aid funding, as well as the domestic accounts. Entitlements are a key part, when we are serious about constraining spending.

The second area in the test of whether we are serious is whether or not we will reject the siren call to cut taxes. There is a major effort, on the other side of the Hill this week to try to go ahead and cut everybody's taxes, particularly the taxes of the wealthy. In my view, that is not a responsible action if we are serious about deficit reduction. It does not make any sense to give speech after speech after speech here in the Congress about our concern about the deficit and then turn around and cut taxes and reduce the revenue that the Government is receiving to keep that deficit from escalating. Those are the real issues.

Now I want to talk for a few moments about the impact of the proposed rescissions on education, because I believe very strongly that not only should we try to maintain funding in education but wherever possible we should try to increase funding.

As I travel around my State, Mr. President, and ask people in town hall meetings, "What percentage of the Federal budget do you believe is committed to improving education?" Some say maybe 5 percent, others say, maybe 10 percent, and we get into discussions over how much money is spent on education. I respond, "Let me tell you, it is 1.7 percent of the Federal budget that is committed to improving education in this country."

That is a figure which is down substantially from what it was a decade ago. In 1985 we committed 2.5 percent of our Federal outlays to improving education. This last year, it was 1.7 percent.

Mr. President, education is not the cause of our large Federal deficit. It has been taking its share of cuts all along and, in fact, even if the amendment of Senator DASCHLE is approved, there will be substantial cuts in education as part of this rescission bill. We are willing to accept that.

There are 19 different programs that the Department of Education operates dealing with education. The proposed amendment of Senator DASCHLE would try to restore funding to the level we appropriated and authorized last year in 7 of the 19—not in all of them—but in 7 of the 19.

Programs such as the title I grants which go to schools with disadvantaged children; the school-to-work opportunities, which help students to transition from school into employment; the Safe and Drug-Free Schools Program; and the Immigrant Education Program, aimed at those people who are legally here in the United States legally working with green cards and their children need to be educated.

The Head Start Program. Mr. President, there are many students, many children in my State who would like to participate in the Head Start Program. However, there is inadequate funding for them to do that. In most cases, these are children of very low-income families. I think that the Head Start Program is a good investment for our country. I think we can legitimately be for deficit reduction without cutting back on the funding for the Head Start Program.

I want to urge my colleagues to think about priorities as we go about this cutting exercise. It does not do any good to rush ahead with cuts in all areas. The American people want Members of Congress to be very selective in the cuts that we make. The Wall Street Journal and NBC News did a poll recently that said that 79 percent of Americans believe that cutting Federal spending for education takes this country in the wrong direction.

That is exactly what the majority leader is proposing that we do here today. He is proposing that we go ahead with major cuts in the Federal funds for education. I think it is a shortsighted approach. I think we will at some stage down the road regret our action.

This year, we are spending 1.7 percent of the Federal budget on education. We can continue to ratchet that down. We can get it down to 1 percent. We can get it down below 1 percent and we will still have a very large Federal deficit. Mr. President, we are kidding the American people if we suggest to them that cutting our funds for Head Start is going to solve the deficit problem. It is not going to solve the deficit problem. We need to acknowledge that upfront and go after some of the areas where real money is being spent in our Federal budget. There are many of those areas.

I urge my colleagues to join in some of the other proposals which will undoubtedly be made as we get into consideration of the budget resolution, which involves serious cuts in Federal spending for the future.

Mr. President, it is not as easy as just saying "Cut, cut, cut," regardless of the impact on whoever in our society, and "Cut, cut, cut" regardless of what priority is thrown out the window in the process. We need to be specific about where cuts make sense and where they do not make sense. Clearly we need to find ways to conserve funding and to restrain Federal spending.

I expect by the end of this legislative session, I will have done at least as much as most of my colleagues on both sides of the aisle to support cuts in funding for a variety of Federal activities.

However, cuts in education at this stage in our Nation's history do not make sense. They are not supported by the American people. Senator DASCHLE tries to restore a few of the funds that are otherwise proposed to be cut. I support him in that effort. I wish we could restore more. However, we are not able to.

Even if the amendment of Senator DASCHLE is adopted, there will be rescissions in virtually all the programs, lesser rescissions than are proposed by the majority leader but rescissions still. There are 12 of the 19 programs that are in the Education Department which will take significant cuts even if the Daschle amendment is adopted.

Mr. President, I will not belabor the point, but I do think the least we can do here in the U.S. Senate this evening is to try to maintain last year's level of funding in some of these key programs that relate to education. That is what Senator DASCHLE's amendment does. That is why I urge my colleagues to support the amendment. I thank the Chair. I yield the floor.

Mr. ASHCROFT. Mr. President, I yield 10 minutes of the remaining 20 minutes of the majority time to the Senator from Arizona, Senator KYL.

Mr. KYL. Thank you, Mr. President. I thank my colleague for yielding.

Let me take a couple moments, first of all, to address some of the comments of my colleague from New Mexico, because I think the debate is fairly framed by some of the things which he had to say. It does demonstrate the difference in approach that we take to this matter of reducing the Federal spending and trying to find ways to rescind spending from last year which is what the Dole amendment is all about.

The Senator from New Mexico makes a primary point that education funding should not be further cut. I would like to make two points with respect to this.

The first is, as far as I am concerned, it is not a matter of cutting spending. It is a question of who does the spending. Our idea here is that the Federal Government should do less of the spending and that the families of America should get to do more of the spending.

As a result, when we talk about a $500 tax credit for children, for example, what we are saying is, who would you rather have spend the money on your children? The Federal Government or the family who is responsible for their care?

We would rather give the family the $500 per child and let them decide whether they are going to enroll their child in a special education program, buy a new computer, get some books or in whatever way they feel it best to spend that money for their children's education—to do that, rather than to assume that the Federal Government can put better use to that money than can the families of America. That is the theory for our approach to this question of Federal spending.

Second, to get right to the point of the rescission package that is before us, the Dole amendment, says that we should add about $1.3 billion in rescissions, in other words in cuts to the package that has been put before the body from the Appropriations Committee. This would conform, or get close to conforming, the Senate package of rescissions with the House package, at roughly $16 or $17 billion.

Let us talk about how it might affect education. One of the items we would like to rescind more of the money on is the AmeriCorps Program that the Senator from Missouri was talking about a moment ago. The AmeriCorps Program in the House rescinds, or has rescinded in it, about $416 million to a level of $158 million, close to $159 million, for next fiscal year. The Dole amendment would conform the Senate position to the House position. Right now, the Senate position is to only rescind half that money.

How does the AmeriCorps Program affect education in our country? Here is one way. The AmeriCorps Program spends as much money on one person, one so-called volunteer—who, of course, as we know is not a volunteer at all but is paid for work, $20,000 to $30,000 a year, $40,000 in Alaska—as could be spent to fund eight Pell grants for needy students to come to school. As we know, the Pell Grant Program is based on need; it goes to needy students. So we could send eight needy students to college for what we are spending today on one volunteer in the AmeriCorps Program.

This chart makes the point. At this level here, you have the 3.9 million young people in America who are volunteers today, not being paid a penny for their volunteer service, and here you have the maximum of 20,000 young Americans who will participate in the AmeriCorps Program.

What is the cost? Bear in mind, these almost 4 million people get paid nothing. These are the youngsters, the youth of our country, young men and women, teenagers and young people who are doing volunteer work who are between the ages of 16 and 24, as compared to these 20,000. What is it costing? This makes the point about the Pell grants, as I said. Here are the number of people, Pell grant recipients, who could be funded with the money for one AmeriCorps volunteer in the State of Alaska.

Incidentally, we might ask the question, why does it cost over $40,000 a year for an AmeriCorps volunteer in Alaska, but we will leave that for another day, perhaps.

The point is, with this Alaska volunteer, if we rescinded the money for that AmeriCorps volunteer, we could send over 28 needy young Americans to college next year. That is what education is all about. So when some of our colleagues say we need to pay more attention to education, I say you bet we should, in two respects:

First, we should not waste it on programs that really do not help the needy. We should put it where it does the most good. That means going along with our package of rescissions here with respect to AmeriCorps.

Second, instead of talking about cutting education funding, we ought to talk about who actually does the funding. Who does the spending? It ought to be the families of America, not the U.S. Government.

I was curious about the chart that was behind the Senator from New Mexico, and I gather has been used by some of the Senators on that side of the aisle. The whole point of the chart is who gains and who loses, and that is the way a lot of liberals look at the American Government. It is a zero sum game. We need to take from them so we will have something over here. It is never taught that John F. Kennedy used to engage in trying to expand the pie. Remember what he said, "A rising tide lifts all boats."

His point in saying that, by the way, was we needed to have a capital gains cut for corporations. It does not sound like the Democratic rhetoric that we hear today. But this was a Democrat President who understood if we are all better off we are all better off, and you cannot be employed if there is no employer, and employers need money to pay for people, to pay for their employees. So he understood that making everybody better off is the name of the game, not arguing over the size of the existing pie.

That is what the chart that the Senator from New Mexico was standing next to basically tries to portray—who gains and who loses.

Our idea is that is the politics of envy. As I said, it is a zero sum game. Our general point should be to reduce Federal spending generally so there is more left over for the American family to spend so there is more left over for savings and for investment, for growth in the American economy so that our children and grandchildren will have a better future.

Mr. FAIRCLOTH. Will the Senator from Arizona yield?

Mr. KYL. I will be delighted to yield.

Mr. FAIRCLOTH. This bill cuts $13 billion from the Federal budget. That is roughly 1 percent.

If we cannot muster the fortitude to take 1 percent out of the budget here and now, what does it say for future deficits?

Mr. KYL. I say to my colleague from North Carolina, that is the same question I had been asking all last week when various people said to me, "My goodness, you are cutting something out of this and cutting something out of that?"

I said, "This is just the beginning. If you do not have the fortitude to do this, how are you ever going to balance the budget?"

By the way, these were the same people who were against the balanced budget amendment on the basis we were elected to make the tough decisions. Looks like they are running for the woods now.

Mr. FAIRCLOTH. What it amounts to is not only have we failed to pass the balanced budget amendment, we are here in deep debate over whether we can take 1 percent out of it. We saw, by failure to pass the balanced budget amendment, very clearly that the value of the dollar against every other industrialized currency throughout the world took a deep dive. The Senator from Georgia talked about it earlier. Now we are further reinforcing the idea throughout the financial communities of the world that we do not intend to reduce the budget. We are simply going to talk about it.

Mr. KYL. I think the Senator from North Carolina makes an excellent point there.

Mr. President, might I inquire how much time remains on this side, for the Senator from Missouri?

The PRESIDING OFFICER (Mr. GRAMS). Nearly 12 minutes remain.

Mr. KYL. Let me sum up. If the Senator from North Carolina has more to talk about here, that will be fine. Otherwise, let me take a minute to sum up because I know the Senator from Pennsylvania has something to say about this, as well.

Mr. FAIRCLOTH. I thank the Senator for allowing me to ask the question.

Mr. KYL. Let us just sum it up this way, because there are a whole list of programs that are the subject of the rescission in the amendment of the Senator from Kansas, the distinguished majority leader.

The majority leader's amendment—what we will be voting on tomorrow—is to add some rescissions, some additional reductions in spending to programs like AmeriCorps, as we pointed out, foreign operations, the foreign aid program that the Senator from Missouri talked about, the Corporation for Public Broadcasting that the Senator from Pennsylvania has talked about, the Internal Revenue Service—there are a whole variety of them. My colleague from Arizona, JOHN MCCAIN, had suggested about $337 million in cuts that the President himself requested and that this body has not seen fit to include in its rescissions package.

Let me conclude with this. It is not as if we are trying to do something rather odd here in suggesting a little more in the way of rescissions. On the AmeriCorps Program that we were talking about, what was the vote in the House of Representatives for rescinding twice as much as the Senate is proposing to rescind? Was that a partisan vote? Democrat and Republican? The vote was on March 15, 382 to 23. This is a bipartisan understanding of what we need to do to get our budget deficit under control here. So, by a vote of 382 to 23, the House of Representatives voted to rescind about $416 million from AmeriCorps.

It seems to me that the Senate could do just as well.

So I hope that our colleagues will support the Dole substitute when it comes to a vote, and I appreciate the Senator from Missouri yielding time.

Mr. ASHCROFT. Mr. President, I yield 5 minutes of the time allotted to the majority leader's amendment to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SANTORUM. Thank you, Mr. President.

I thank the Senator from Missouri for yielding. I would like to follow up on what the Senator from Arizona and others have spoken about with respect to this amendment by the Senator from Missouri, both the senior and junior Senators with respect to the AmeriCorps Program.

I would first like to touch on the Corporation for Public Broadcasting. We are proposing in this amendment to increase the amount of rescissions—in other words, to reduce the deficit—by an additional $1.3 billion, restore the California disaster relief funds of $1.3 billion, and add $1.3 billion in cuts with the Dole amendment.

The principal area that we are trying to deem the cuts, so to speak—the biggest one—is the President's own rescissions package, which is $337 million of what he termed pork, special interest demonstration projects put in by Members of Congress, both the House and Senate. They are the President's own rescission. We are saying let us vote on your President's own rescissions, and let us reduce the deficit as he would like to have seen done with these rescissions.

Another big area is the AmeriCorps Program, which is the national service program, which we have heard some talk about, which I will mention briefly.

But the one that I think has gotten a lot of publicity which I think is just an amazing program that gets funded here is the Corporation for Public Broadcasting. This is a very controversial measure. I think I have received more mail on attempts to cut the Corporation for Public Broadcasting than any other single issue that has been before the U.S. Congress.

That is interesting in the sense that it is only $285 million in the budget. I was reminded by a television station in Pennsylvania, WHYY, that it is only .003 percent of the national budget, so it is not significant. "Why are you picking on us?" I heard the Senator from New Mexico say, "Well, education overall is only 1.7 percent of the budget. Why are you picking on us?" We are not going to balance the budget on education. We are not going to balance the budget on the Corporation for Public Broadcasting, nor on AmeriCorps. If you keep going down, do you know what we are going to come up with? We will not balance the budget because we will never get any of this stuff. We will never balance the budget.

What is the answer? Let us cut the big programs. OK. Let us all line up here. Everybody who wants to cut Medicare, come on down the aisle. Come on. Come on down the aisle. There is nobody coming down the aisle. Nobody wants to cut Social Security? Come on. It is a big program, $200 or $300 billion. Come on down the aisle. Where is everybody? Where is everybody who wants to cut Medicaid? Where is everybody that wants to cut national defense? Where is everybody who wants to cut the big programs? The Government is made up of a few big programs but lots of little programs. A lot of these little programs are very good programs. A lot of them are well-meaning programs. But, frankly, a lot of them need to be pared back or need to be eliminated.

I happen to believe the Corporation for Public Broadcasting is one. The reason we are having so much trouble, frankly, is because of letters like this sent out by the president of WHYY–TV in Philadelphia, and as a result of numerous public broadcasting infomercials and public broadcasting, both on radio and television, to write your Congressman and Senator and say, "Do not let them take Barney and Big Bird off the air. Do not let them take our subsidy away. Go out there and lobby on our behalf," hiring lobbyists and people to come down here and try to convince us to keep the money flowing. Keep that money flowing to the Corporation for Public Broadcasting.

I have written a letter of I think three or four pages in response to the constituents who have asked me. It is a letter that I gave a lot of thought to, and I said here are all the reasons why I think the Corporation for Public Broadcasting should be cut.

These stations in Pennsylvania decided they are going to write a letter responding to my letter and lobbying and pointing out all the flaws in my letter.

I ask unanimous consent to submit for the RECORD following my statement a copy of this letter and a copy of my response point by point.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SANTORUM. Thank you, Mr. President.

I will tell you that, while he says all these things are in fact not true, the fact of the matter is they are all true. Everything that I have in that letter is exactly right. He is providing information. I can go through just some of them. I suggest in my letter that there are many private sector sponsors who would like to be involved, and who could—and in fact are—supporting public broadcasting. And we could in fact privatize the Corporation for Public Broadcasting, which is the entity by which the Federal funds flow through.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GRAMS. I yield an additional 2 minutes from the time allotted to the majority leader for his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Thank you. I thank the Senator from Missouri.

I say you can privatize the Corporation for Public Broadcasting, which is an entity located here in Washington that the Federal dollars are allocated through. He responds and says that public broadcasting stations may not by Federal regulation be for-profit enterprises. Well, I did not say anything about for-profit stations being owned by the private sector. What I said was that we could privatize the organization that provides some funding to those stations, which in fact we can, and which the Senator from South Dakota, Senator PRESSLER, is in the process of trying to do by statute.

This is the bait and switch which is going on in this letter. In his letter he says:

> The Senator describes American public broadcasting—an effort in constant threat of financial starvation, forbidden to sell anything and forbidden to make a profit—as "well-endowed."

I do say they are well endowed. I justify that by saying that "Barney" and "Sesame Street" combined have royalties of about $2 billion of which the Corporation for Public Broadcasting gets virtually nothing.

Various other programs—I have my share of "Shining Time Station Puzzles" for my 4-year-old and my 2-year-old. I have my share of other things from the "Puzzle Kids," whatever they are called, something like that. I do not know—"The Puzzle Gang." I have a bunch of this stuff—Mr. Rogers, a wonderful man from my hometown of Pittsburgh, who does a tremendous job for the community, does a tremendous show. But these assets can and should be used, instead of going to public broadcasting, go to the taxpayers, who go out and work darned hard for their dollars, to have it funneled through here to pay for the Corporation for Public Broadcasting, to pay for a lot of the other things.

He mentions one other thing. He says the Senator's comments are ideological, that I come at it from an "ideological standpoint." He is absolutely right. I do come at it from an ideological standpoint. My ideology is that the Federal Government should not be supporting these things, that we need to reduce the size of Government. But it certainly is not from the ideological standpoint that I do not agree with what is on there. That is irrelevant. Does the Federal Government, when we have limited resources, have a role of supporting broadcast television in an era where broadcast television is almost as much a dinosaur as the crank phone when we are going to cable and direct satellite communications? We should support public broadcast television? It is ridiculous. We have to move into the 21st century in the U.S. Senate just like public broadcasting has to move in the 21st century in telecommunications.

That is what this is all about. I can tell you that we are going to have a battle about this. I do not know if we are going to win. I tell you, if we do not win, I question the sincerity of the people in this Chamber to really do anything about reducing the deficit. I really question whether we are really willing to stare at children who are facing 82 percent tax rates, as PAUL COVERDELL says, in 10 years only having five Federal programs left if we just do nothing. How can we stare those children in the face, that we say, as in the Daschle amendment, we care about so much? How can you care about someone and let them keep 18 percent of what they earn? How can you care about someone if you are not willing to stand up and defeat the special interests and do what is right for the long-term interest of the American children? This Daschle amendment, putting more money in programs today, is not the answer. Preserving the fiscal integrity of tomorrow is what really is going to help America's children.

I yield the floor.

EXHIBIT 1

TEXT OF SENATOR RICK SANTORUM'S LETTER TO CONSTITUENTS

Federal funds for public broadcasting are administered and distributed by the Corporation for Public Broadcasting (CPB). The CPB makes direct grants to public television and radio stations, as well as grants to the Public Broadcasting Service (PBS) and national Public Radio (NPR) for program projects and productions. In 1994, the CPB received $253 million from Congress.

The majority of funding for public television and radio does not come from the CPB, but rather from member stations, educational institutions, corporations, and private citizens. For example, in 1993 the CPB provided only 14.2% of the industry-wide spending for public broadcasting. It is also important to note that PBS and NPR are not divisions of the CPB; they are private, non-profit organizations that utilize federal funds to supplement their operating budget. In 1993, the CPB provided only 13.9% of the total PBS budget and 4% of the total NPR budget. It is therefore not accurate to suggest that "Sesame Street" and other popular PBS shows would be forced off the air if CPB funding were reduced or eliminated.

In this time of federal downsizing and fiscal reform, tough decisions need to be made about government spending. Last year Congress reduced funding for the Low-Income Home Energy Assistance Program (LIHEAP), which is vital to Pennsylvania senior citizens. Congress has also taken steps to close the Philadelphia Naval Shipyard, which employs thousands of Pennsylvania residents. With cuts of this nature taking place, it is hard for me to justify the continued use of federal resources to subsidize the well-endowed public broadcasting industry.

If Congress acts to scale back, privatize, or eliminate the CPB, I am confident that the resulting loss of funds for public television and radio will be compensated by new corporate sponsorship and public support. Several major corporations have already expressed interest in supporting a privatized Corporation for Public Broadcasting.

In addition, PBS, a major contributor and supporter of public television, has yet to utilize its full range of funding options. You may or may not be aware that commercial products related to Barney, the amiable children's character on PBS, grossed almost $1 billion last year. PBS receives almost none of these profits because it chose not to secure licensing rights for commercial products related to PBS shows. PBS will also receive very little of the $800 million grossed by "Sesame Street" products. To put it bluntly, I do not think taxpayers should pay to put Barney on public TV for Barney to make billions of dollars. If PBS were to secure even a small percentage of these earnings through product licensing, the lost share of federal funds would be easily replaced, or even doubled.

Congress has also provided other means of support for public broadcasting besides direct funding through the CPB. Over thirty years ago, Congress directed the Federal Communications Commission (FCC) to designate specific VHF television channels for educational broadcasting. This FCC frequency allocation program continues to allow public television and radio stations to remain exempt from the sizeable fees and costs paid by private commercial stations. Congress has also given non-profit status to public broadcasting stations, allowing them to receive tax-deductible contributions and avoid paying corporate taxes, which amounts to a federal government subsidy. I continue to support these significant accommodations made by Congress for public broadcasting.

After considering the factors of private funding, commercial licensing, and additional federal supports for public broadcasting, I have reached the conclusion that the future of public broadcasting in the United States is not dependent on continued funding through the CPB. The CPB has played an important role in expanding access to public broadcasting and improving program quality since its establishment in 1967. Now that these primary goals have been achieved, I believe it may be time for Congress to evaluate proposals to downsize, privatize, or discontinue this organization.

Americans have shown a strong commitment to supporting public television and radio. This commitment will continue as long as PBS, NPR, and their local affiliates remain committed to the production and broadcasting of programs that enrich the educational and cultural life of our nation.

(TV 12 WHYY 91 FM),
INDEPENDENCE MALL WEST,
Philadelphia, PA, February 21, 1995.

Thank you for sending the copy of the letter you have received from Senator Santorum. It seems clear that the national conversation about public broadcasting is based more on political posturing than on reasoning and fact. That conversation needs to be elevated.

The Senator suggests that "tough decisions need to be made about government spending." He's right, and most Americans agree. Why, however, does he join those who aim so fiercely at a national instrumentality that provides educational and cultural services and earns the great majority of its money from non-federal sources? Why does he join those who single out, with great fanfare, a national educational effort that accounts for only .0003 of the national budget?

To me, the answer is that Senator Santorum writes from an ideological standpoint, and his arguments are the common ones in the current national discussion about public broadcasting. The danger is that misinformation is too often treated as fact.

The Senator describes American public broadcasting—an effort in constant threat of financial starvation, forbidden to sell anything and forbidden to make a profit—as "well-endowed." The facts are, simply and clearly, otherwise.

The Senator suggests that "several major corporations have already expressed interest in supporting a privatized Corporation for Public Broadcasting." This is a pretty far-fetched notion, since CPB is merely a funnel for federal money. Does he mean that a private corporation will provide the $285 million each year currently appropriated by CPB? It seems unlikely. In addition, public broadcasting stations may not, by federal regulation, be owned by for-profit enterprises.

He goes on to suggest that commercial products resulting from the Barney series could fuel PBS, which shows a basic lack of understanding concerning public broadcasting and how is subsists.

The Senator's suggestion that "Congress directed the Federal Communications Commission to designate specific VHF television channels for educational broadcasting" is incorrect. The FCC's Sixth Report and Order of 1952, which set aside both VHF and UHF channels for educational use, was not ordered by Congress.

He goes on to suggest that the "non-profit status" of public broadcasting stations was "given" to them by Congress. That is untrue. The nonprofit status was ordered by the FCC, which prohibited commercials on the new stations, in order to eliminate possible competition between commercial and educational stations. He also claims that "private commercial stations' pay "sizable fees and costs" that the educational stations do not. This is simply not so.

It's important that the current conversation about public broadcasting in America be elevated to a reasonable, civil level, a level on which fact, opinion and fantasy can be separated, a level on which ideology plays a minimal role and a level on which service to Americans is the goal.

We appreciate your continued interest.

Sincerely,

FREDERICK BREITENFELD, JR.,
President.

THE ERRONEOUS WHYY LETTER

From: Frederick Breitenfeld, Jr., President, WHYY, TV12, 91 FM, Independence Mall West, Philadelphia, PA.

WHYY/Frederick Breitenfeld, Jr.	Facts/RJS Position
"Why . . . does [RJS] join those who aim so fiercely at a national instrumentality that provides educational and cultural services . .".	My aim is fierce at deficit reduction. Government spending cuts should be even handed. CPB can't be excluded from deficit reduction cuts affecting all federal spending.
"Why does he join those who single out . . . a national educational effort that accounts for only .0003 of the national budget?".	Should Congress only single out massive federal programs? Should CPB, merely because it's a small program, not contribute its share to deficit reduction?
"To me, the answer is that Senator Santorum writes from an ideological standpoint . .".	Yes? Less federal government and eliminating the deficit are the ideological reasons underlying these cuts. I believe the vast majority of Pennsylvanians share this view.
"The Senator describes American public broadcasting—an effort in constant threat of financial starvation, forbidden to sell anything and forbidden to make a profit—as 'well-endowed.'".	It sounds as if Mr. Breitenfeld agrees that the CPB should be able to reap the commercial rewards of its educational ventures such as "Barney" and "Sesame Street," all the more reason for reduced federal funding.
[Regarding RJS's mention of corporate support of CPB privatization]: "Does he mean that a private corporation will provide the $285 million each year currently appropriated to CPB?".	No. I mean there are many corporations which, through tax incentives, would readily support an independent, privatized CPB.
"He goes on to suggest that commercial products resulting from the Barney series could fuel PBS, which shows a basic lack of understanding concerning public broadcasting and how it subsists.".	Fact: Barney grossed almost $1 billion dollars in 1994, PBS should be allowed to reap the reward of its product.
"He goes on to suggest that the 'non-profit status' of public broadcasting stations was 'given' to them by Congress. That is untrue. The nonprofit status was ordered by the FCC . .".	Congress passed the following: "There is authorized to be established a non profit corporation, to be known as the 'Corporation For Public Broadcasting,' which will not be an agency or establishment of the United States Government." 47 USC 395(b)
"He also claims that 'private commercial stations' pay 'sizeable fees and costs' that the educational stations do not.".	Commercial stations pay taxes. Commercial stations pay processing and regulatory fees.

The PRESIDING OFFICER. Just a reminder, there are 2 minutes remaining of the majority leader's time.

Mr. ASHCROFT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I take this opportunity to reiterate why we believe this amendment is important.

Fundamentally, it goes to the heart of what it is that we as Democrats believe we are here for: protecting working families, investing in children, and doing that in a meaningful way without reducing the overall commitment to deficit reduction one iota.

That is really what this amendment does. It provides the kind of commitment we need for working families, and the commitment especially we need for children. But it also recognizes the need for deficit reduction because children and working families are directly affected by that as well.

We do so by restoring some of the cuts that were made in areas that directly affect children in the most significant way—children dependent upon child care, so that working families can meet their obligations at the workplace; Head Start for children who depend upon a program that has now been in use for more than 30 years, clearly which has shown to be one of the most important ways with which to prepare children to be better students and to be more able to cope with all of the challenges in early life.

We also protect young adults interested in national service. These young people are committing themselves to their country in a way that makes a significant contribution to our country through national service and community assistance, and at the same time to generate the ability to go back to college or to go to college in the first place to advance their education in as many ways as they can.

We also recognize that women, infants, and children of all ages really depend upon adequate nutrition. If they do not have adequate nutrition, they really do not have the ability to ensure good health. If we learned anything in the debate over the last couple of years about health care, it is that perhaps the best investment we can make is an investment in preventive care. Making sure people stay healthy is the best way to ensure that they are not going to need expensive care later on.

That is exactly what the Women, Infants and Children Program does. It assures adequate nutrition, adequate nutrition assures adequate good health, and with good health we assure the opportunities for young people and for women to be productive citizens in this country.

Aid to schools, of course, is something that we have long felt is perhaps the single best investment this country can make. As we look at the real defense of this country, as we look at ways to maximize the security and the strength of this Nation, there is no better way to do it than to ensure that our schools have the resources they need to prepare young children to be good adults later on.

Obviously, we have gone through some very disappointing days last week, in that we thought we were going to have a good debate as early as last Thursday on this very issue, whether we ought to be able to protect 1 million children who are affected by all of these programs. We were denied that debate. And, unfortunately, as well, the majority has now offered a second-degree amendment that would gut this amendment and would further the attack on some of these programs directly affecting kids and families.

So we are anxious to debate priorities as we go about the difficult task of balancing the budget. But I hope that we would not replace a vote on the priorities we place on kids and families with a vote on cutting the deficit further. We really ought to accomplish both things.

We recognize the importance of deficit reduction. We recognize the importance of investment in children and families. That balance is really what we are trying to strike in the first place. We agree that the deficit has to be reduced. We agree that the $15.3 billion that bill now provides is a significant reduction and ought to be supported.

Where we apparently disagree is whether or not we could take some of the funding in the out years for FEMA, funding that goes beyond what even the House has proposed, and use it to direct resources to people who are really dealing with emergencies right now.

It is an emergency if you are a young family and cannot get child care. In some cases it is going to be an emergency if some of these schools do not get impact aid funding or some of the money that they are counting on in this year's budget to ensure that they meet their obligations later on.

So it is really a very fundamental question of providing the delicate balance between addressing those concerns, the investments in the families of 1 million children, and investing, as well, in meaningful deficit reduction over the course of the next 24 months.

We also, of course, had an opportunity to address the issue of billionaires who renounce their citizenship in order to avoid paying taxes on their fortunes. I am very pleased that the distinguished Senator from Massachusetts has indicated his determination to ultimately resolve this issue. I think the Senate will go on record one way or another, hopefully sooner rather than later, that that is not something that we support; that we recognize that, as we are trying to make very tough decisions about priorities and about kids and where the resources ought to go, to say no to child care, no to Head Start, no to AmeriCorps, but yes to billionaires who renounce their citizenship is not a set of priorities I think anybody in this Chamber is very comfortable with. So we want to find a way to deal with that issue, as well.

I applaud the effort that others have made to talk about priorities as we deal with the rescission package and the offsets required for FEMA. I hope, as we go through this whole debate, we will be very cognizant of the need to ensure a proper balance between that investment and meaningful deficit reduction.

We want some bipartisan cooperation here, as well. We want to ensure that our amendment is adequately debated, that we have a vote on this amendment; not one in the second degree, not on some substitute, but an up-or-down vote on this amendment, so we can say, without equivocation, these are our priorities, unaffected by whatever additional amendments others may want to offer.

We want to have a clear statement of priorities and a clear statement of intent with regard to what our investment truly is.

We are at a crossroads. I think that crossroads, to a certain extent, is going to be affected by decisions we make on this particular bill. We can choose to work together and find ways with which to ensure that Democrat concerns can be addressed as well as Republican concerns.

But second-degree amendments used to prevent us from having an up-or-down vote on something we hold to be very important sends the wrong message, I believe, about our desire to work together to accommodate both sides as we take up very serious legislation.

We have legitimate amendments that reflect our thoughts about the direction our country should take on balancing the budget. Whether it is in this bill or whether it is in bills that will be taken up at a later date, I hope that the majority would allow votes to be cast on each and every one of these issues.

We have a difference of opinion with the majority over how best to cut $1.3 billion. We have about $1.2 trillion to go as we balance the budget over the course of the next 7 years. We are not going to get there unless we work together.

The approach taken by the majority on this bill so far does not bode well. The overwhelming majority, if not all of our colleagues, on the Democratic side support the amendment that we have laid down.

Let there be no mistake. This was not done at the behest of the President of the United States, as has been suggested. This proposal was the response of our caucus. We feel compelled to stand up for children. We feel compelled to speak up for working families.

If the other side moves to table our amendment and has the votes, there will be others offered to address the needs of working families by cutting other less urgent priorities. But we are willing to offer them in a deliberate process that can be performed expeditiously, and I hope the majority would respect that.

If, on the other hand, our amendment would be agreed to, we could complete our work on this bill even more expeditiously. And I hope that remains a possibility. I hope that Republicans and Democrats could agree that, indeed, we must reduce the deficit, indeed we must find ways with which to maximize the opportunities to fund FEMA, but I think we would also agree that respecting the investment that we have made in our commitment to kids and our commitment to schools and our commitment to working families ought to be respected, as well.

So, we really have a choice here, Mr. President. I hope that we could support both the need to ensure that the Federal Emergency Management Administration has the resources necessary to continue its extraordinary work in providing emergency assistance to communities all over the country, and I hope that we could also move ahead with meaningful deficit reduction.

But I also hope that in addition to those two priorities, what I have said about our commitment to investment in kids in education could be at the top of the list as well.

There have been calls on the other side of the aisle to privatize the Corporation for Public Broadcasting, and the majority leader's amendment is the first step in laying that groundwork by cutting the funding for the Corporation for Public Broadcasting. That is another issue. I hope that those of us who are opposed to taking that draconian approach toward public broadcasting will have the opportunity to debate it up or down.

But the issue here is not public broadcasting; it is not anything other than what we have listed on this chart. The issue here is child care; it is Head Start; it is giving kids an opportunity to earn college access and college tuition by participating in national service; it is ensuring we have good preventive care; it is ensuring that we have the kind of investments in schools that we really need if, indeed, we are serious about maintaining the commitment to schools to maximize their educational opportunities to the children who walk in the doors each and every day.

So those really are the issues here, Mr. President. We hope that people understand the need to restore the child care opportunities for 5,000 children, as we have listed. It tells working families that we want them to continue to work and to generate all the income their talents will allow and we are going to assist them in their child care needs. Without child care, many low-income parents may find themselves on welfare. Our amendment will enable those parents to continue work.

We had an opportunity just last week to meet a couple who participated in a news conference with us on minimum wage. It was a couple from Pennsylvania who had been on welfare who came to the conclusion less than a year ago that they were not going to allow themselves to be dependent anymore, who decided they were going to go out and find jobs, and find the kinds of opportunities in the private sector we have been admonishing them to go out and find.

Unfortunately, all they could find were minimum-wage jobs or something slightly above minimum wage. I think, in one case, one of the jobs they had paid $5 an hour rather than $4.25. They did not have health insurance. They have two children. The children get sick from time to time. They have no way with which to address their children's illness. They try to keep their health care bills low, but they said, "It was so much easier when we were on welfare. We had Medicaid. We could go into the hospital and we knew at least we had minimal coverage. We had income that was almost as good as what we have right now, and we did not have to worry about child care."

That is exactly the dilemma a lot of young families are facing. They do not want to be on welfare. They want to find alternatives. What we are trying to tell them is if you go out and do the right thing, we are going to reward work. We want to reward work by making sure that your income at the end of a hard-working week is not going to relegate you to poverty, even though you may be struggling.

We know that you have to go out and find perhaps a second job, and we are willing to accept that. But if you go out and make sure you do what we expect you to do, that is, not rely upon welfare to meet your needs, we want to the extent we can help you with meaningful child care, and with meaningful pay for the work that you do each and every day. We want to send you the message that we are glad that you made the decision not to be on welfare and that you are going to continue to be productive citizens within your community by working at jobs that we hope will begin paying more.

But that is really the issue here with regard to taking care of their children, with regard to educating their children, with regard to providing them with adequate nutrition, with regard to ensuring that once their children go to school that they have the necessary resources to be taught and to be as competitive in the United States as they need to be, given the competition in other countries.

So, Mr. President, that is really what our message is. We want to make work pay. We want to make work pay by providing meaningful opportunities for children who may need child care support. We want to provide meaningful opportunities for children who are beneficiaries of the Head Start Program. And we also, as I said, want to help 36,000 young people who will benefit from national service by the continuation of a program that, in our view, has worked exceedingly well in the very short period of time that we have seen it in operation.

If our amendment is not adopted, a promise will be broken to tens of thousands of young Americans, the communities they serve, and the charitable groups they help. These organizations and communities have now been told we are going to have this program there; it is going to work; you can count on people assisting you as you go through the difficult decisions you have to with regard to how you are going to cope with your budget and how you are going to address many of the operational challenges that you face every day.

This program is really a partnership, a partnership with communities, a partnership with organizations, a partnership with young people who recognize that when there is an expectation that assistance can be provided for college that, indeed, the reciprocal responsibility is to ensure that those children and those young people understand that there is a commitment required of them, as well.

So national service is something I hope is around for a long period of time, a program that I believe deserves our full support. Simply to eliminate it, to forget its success already, would be very shortsighted, indeed. In fact, I hope that Republicans can join us, as they have in the past, in recognizing just what a tremendous opportunity it is for a lot of young people.

So, Mr. President, I think the message is very clear; it is pretty simple. The message is simply that we want to do what everybody here says we ought to do, and that is reduce the deficit to the extent that we can; provide the funds necessary to ensure that the Federal Emergency Management Administration is given the adequate funds necessary to continue in their role; but then, third, we also recognize the very delicate balance that we have in providing the investment that we need to provide in ensuring the continuity of a lot of the services that we now provide schools, children, and working families.

So I hope that as we make our decision about this amendment, we understand that there is a need to maintain that balance; we understand that it sends exactly the wrong message to say no, we are going to have to cut child care, Head Start, cut funding for something as valuable as national service, but somehow we are going to protect those expatriates who renounce their citizenship in order to save tax dollars. We should not say that we are going to protect the billionaires, but we are not going to protect the children.

I know that there are many people in this Chamber who would support that notion, but I think it sends the wrong message if we are on record as willing to allow the billionaire expatriates to avoid paying taxes and yet vote to cut successful children's programs as dramatically as this.

So I hope, Mr. President, we can be cognizant of the message our vote on this amendment will send. We want to ensure that deficit reduction, that FEMA funding, and that investments in kids and working families are all protected. This amendment does that. It does that by restoring some of the balance that was lost, especially in the House, restored in part in the Senate Appropriations Committee, and now can be restored almost in its entirety by voting in favor of the amendment we are offering now.

We will have more to say about it certainly tomorrow morning and in the coming debate over perhaps the course of the next day or so. I hope we can convince our Republican colleagues that this is an amendment worthy of their support.

I would like to see a strong bipartisan message that Republicans and Democrats support the commitment we have made to kids, the commitment we have made to working families. I certainly hope that before the end of this debate, Republicans and Democrats can demonstrate that support and vote in favor of this amendment.

With that, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 40 minutes to be equally divided on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, can the President inform the Senate as to what the current unanimous-consent agreement allows with regard to remaining time on our side?

The PRESIDING OFFICER. There are nearly 26 minutes left under the unanimous-consent order on this debate.

Mr. DASCHLE. I ask the Senator from Iowa whether it is his intent to seek 40 minutes in addition to that 26 minutes? I have not yielded back the 26 minutes, so I want to protect that in case other Senators may be interested in coming to the floor to speak on the amendment.

Mr. GRASSLEY. My request would be in addition to the 26 minutes.

Mr. DASCHLE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield myself 10 minutes.

Mr. President, I rise to speak in strong support of the committee's actions regarding AmeriCorps. I particularly want to commend Senator BOND for his work in this area. But I also have had an opportunity to hear Senators KYL, ASHCROFT, SANTORUM, and FAIRCLOTH speak very eloquently on the very same subject. I compliment them for their fine remarks.

I know that Senator BOND has been closely reviewing the AmeriCorps Program and has found, as I have, that there are many unanswered questions concerning AmeriCorps, and further increases at this time do not seem to be advisable.

I have been looking closely at AmeriCorps since last July when I began a series of letters requesting information and data about AmeriCorps. Unfortunately, I did not receive answers to many of the questions that I asked, or the information I received was either misleading or incomplete.

Recently, AmeriCorps has promised me access to much of the data that I requested, and I hope this reflects a genuine change of attitude and a willingness to cooperate.

However, even from the information that I have been provided, there are many reasons to question the merits of this program. Let me first focus on the cost of the program, because in reviewing the actual AmeriCorps grant awards, we have found program after program where costs are $30,000 to $40,000 per AmeriCorps worker.

For example, the organization ACORN recently received a grant of over $1 million from AmeriCorps. ACORN also receives funds from Fannie Mae as well. This program is for 42 AmeriCorps workers, and the cost per worker of over $41,000.

In comparison we could help 20 young people go to college through the use of Pell grants with that same amount of money. Let me add that the costs of the ACORN program do not include the significant Federal overhead, nor the fact that many AmeriCorps workers drop out of the program. Thus, the cost per successful worker, which ought to be the true cost measurement of this program, would be significantly higher than $41,000.

As I mentioned, the cost of $41,000 per worker is by no means out of the ordinary for AmeriCorps. Legal Services Corporation received almost $1 million from AmeriCorps with the cost per AmeriCorps worker of over $48,000. Recently, AmeriCorps finally admitted that in one grant to a Los Angeles school district the taxpayers were paying a consultant $50 an hour—that is an hour, Mr. President.

We are being told that AmeriCorps is beneficial. I do not know what benefit the taxpayers are getting by having somebody on an hourly wage earning the equivalent of over $100,000 per year. This is outrageous and, of course, it gives other boondoggles a bad name.

Mr. President, let me compare AmeriCorps workers with the Boy Scouts, for instance—a well-known group of people who are out doing good every day. They do not receive any money from AmeriCorps. In fact, they were turned down for funding by AmeriCorps so that funding could be provided to such traditional volunteer groups as the EPA and the Department of Agriculture.

The Boy Scouts have over 5.3 million young people and adults performing volunteer work and helping in their communities. According to the Boy Scouts' 1993 annual report, for the National Capital Area Council, their total expenses were $4.8 million, for over 50,000 Scouts, that is $95 per Scout per year.

Well, that sounds about right, does it not? The Federal Government pays someone $50 an hour for 750 hours of work for a total of $37,500 to consult about volunteering. And the private sector can give you almost 400 actual volunteers with the same amount of money without a dime of cost to the taxpayers. Let me say that these Scouts are doing just great work. For example, last November, 40,000 Scouts in the DC area distributed 1 million bags to doorsteps of homes in their communities to help a food collection effort. The next week the Scouts returned to collect the filled bags and to bring them to a central distribution center, which was distributing the bags then to the needy during the holiday season.

I want to now clarify a few points regarding AmeriCorps. First, AmeriCorps workers are spending a significant amount of their time doing work other than helping their communities. For example, under AmeriCorps' own regulations published in the Federal Register, AmeriCorps workers can spend taxpayers' money studying for the GED. I do think that it is fine and good that young people are taking time to study for the GED. However, it is questionable whether our taxpayers' money should pay some young people to study for the GED, when hundreds of thousands study for it without receiving a single dollar from the taxpayers.

The second point I want to make, in summary, is that AmeriCorps was presented to Congress as a way to help young people pay for college. Yet, according to AmeriCorps' own admission, at least a fifth of the workers have not attended college and probably will not attend college. They are not receiving an educational award. They are instead getting cash awards, as was revealed by NBC news very recently. For many, this is just another Government jobs program.

Mr. President, AmeriCorps is a program with costs that are far exceeding the estimates provided by the administration. It is a program that may not be managing the taxpayers' money properly. In many respects, it is a questionable use of taxpayer funds. Since we could certainly stretch these dollars a lot further in programs such as Pell grants.

Finally, AmeriCorps is a proposal that is duplicating, at enormous expense, services that are being provided by the private sector. I, like Senator BOND and so many others, am a skeptic of this program. I am holding off final judgment until I receive the information promised me by AmeriCorps and by the results of the General Accounting Office report that is reviewing the cost of the AmeriCorps Program. Once the data is in, the program may need reinvention. Certainly, we can accomplish the goals of this program without awarding grants with costs of $40,000-plus per worker.

To increase funding for AmeriCorps at this time, with so little known and with so many problems that are known, is not in the best interest of the taxpayers. We need to proceed cautiously with this program until all of the data is in.

So I strongly urge my colleagues to vote against any efforts to increase funding for this program.

I yield the floor and yield back any of my unused time.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. How much time is remaining on the Republican side?

The PRESIDING OFFICER. Just over 12 minutes remain in the debate.

Mr. SANTORUM. Mr. President, I want to continue the discussion on the Dole amendment which, again, provides an additional cut in spending of $1.3 billion for this fiscal year, the year we are in right now. It would supersede the Daschle amendment that would put back another $1.3 billion in spending, and it leaves in place the $1.3 billion that was going to be taken away from the original purpose of this bill, which was a disaster relief fund.

So $1.3 billion is scheduled to go to California under this bill. Again, the reason for this bill even being here is because of the earthquake disaster in California.

The amendment of the Democratic leader takes $1.3 billion, takes that away, and replaces it with a whole bunch of other programs.

What we do is leave the money there, take his programs away and, in fact, reduces the deficit by $1.3 billion more.

We think that is the general direction that we should try to reduce the deficit and programs that we believe merit further scrutiny and reduction without being disruptive here in the middle of a fiscal year.

One of the programs, as the Senator from Iowa just very articulately said, is the AmeriCorps Program. This is the one area where not only is there a contention whether we should cut it, but where the Democratic leader wants to increase funding for AmeriCorps from the current bill, and the majority leader wants to decrease funding from the bill.

It is the one area we have in common on the two amendments, but we are going in opposite directions. I think it is appropriate, because it probably represents the best discussion of the differences between the direction of the two parties when it comes to the role of Government in providing services to individuals, and, really, the concept of what Government should do and what can be left to the private sector.

Interestingly enough, we have a program such as the AmeriCorps Program which hires Corps volunteers. Most people say, if you hire someone, they are no longer a volunteer.

That is somehow lost on the people who created the AmeriCorps Program, because hiring a volunteer is, in fact, part of the vernacular. They hire volunteers in the AmeriCorps.

What do the volunteers get paid? We heard the number around here, I will give you a number, from Wisconsin, which is put together by Representative TOM PETRI from Wisconsin. That AmeriCorps volunteer, the one who was, in fact, mentioned by President Clinton, I guess it is Kentucky, a woman who was mentioned by President Clinton in his speech on the state of the Union, who teaches second-graders to read in rural Kentucky, a compelling story that the President used during his State of the Union Address. This person gets paid $9,000—not a lot of money—but $9,000 in stipend pay. In addition, she gets a voucher to pay for her higher education of a little over $5,000; she gets roughly $8,000 in child care benefits paid for by the Government under this program; she gets Medicaid coverage which is $4,000 for her family of five; because most of her benefits are tax free she qualifies for another $3,200 in earned income tax credits, making this job that she has equivalent to a job that pays $34,000 in the private sector. Now, that is a lot for a volunteer.

I happen to agree with what the President of the Ohio-West Virginia YMCA said:

> The national service movement is about institutionalizing Federal funding for national and community service. It is about changing the language and the understanding of service to eliminate the words "volunteer" and "community service" and in their place implant the idea that service is something paid for by the Government.

That was someone from the YMCA.

This is a dangerous program. People say, wow, dangerous program. Is that not extreme? How can this program be dangerous? This is dangerous to the whole philosophy of who America is, what we are all about.

Are we a country that is a great country because we have great Government employees? I would think that the people around the world look at America and they say we are a great country, but probably not anywhere in their top 50 of their reasons is that we have great bureaucrats, that is the reason America is a great country.

I can guarantee on the top 10 of any list is that America has a great spirit of community and helping your neighbor and voluntarism. As de Tocqueville said, "America is great because it is good. When it ceases being good, it will no longer be great."

Paying volunteers decreases our goodness. It is not the American spirit. It is not reaching out to help your neighbor just because they are neighbors, not because you get paid for it.

Do not tell me all these compassionate stories of how these people are so wonderful because they are helping. They are wonderful. It is great to help. But they are no different than the insurance agent who helps someone who comes and has their car wrecked and comes and helps them. It is their job. It is a wonderful job. It is an important job. It is necessary for the insurance person who helps. But do not raise this to some elevated standard of national and community service when, in fact, it is a paid bureaucrat.

I have a suggestion. I happen to agree that there is a lot of work out there that can and should be done by folks in the genre of the AmeriCorps Program. We have a solution for that. It targets the people who need the jobs. It targets the people that need the training, who need the work experience.

I heard the Democratic leader say "all these young people in AmeriCorps." Again, talk to the facts. You can be 60 years of age and be in AmeriCorps. It is not focused at young people. You can be a multimillionaire and you can be in AmeriCorps. There is no age other than up to 60, and there is no income qualifications.

Now, I can tell Members that we have a pool of people who desperately need help, who desperately want to work to feel that they can give back. The community needs them as much as they need the community. It is people on public assistance. People on welfare.

We create a program as we do in the Republican welfare reform bill that puts people needing job skills, training, and just some success in their life, give them the opportunity to go out and work that job. Why not give them the chance? Why give some rich doctor's kid $34,000 a year to go to school?

That is not what this program should be about. That is not a program, I do not think, this body wants to defend. It sounds so grand and it sounds so wonderful when they talk about how wonderful voluntarism is, but, folks, look at the facts.

As well-meaning as this program is, this is a program that is another social experiment based in Washington that is destructive of our nature and our character as Americans. We should end it. Quickly, decisively, and hopefully, tomorrow.

I reserve the balance of our time.

Mr. KENNEDY. Mr. President, on behalf of the minority leader, I yield myself such time as I may consume.

Mr. President, as has been mentioned during the course of the debate on the Daschle amendment, part of the Daschle amendment applies to restoration of some $210 million for the AmeriCorps Program. This program has been addressed earlier, in the course of the afternoon, and I will take a few moments to comment upon it.

First of all, Mr. President, I welcome the opportunity to hear from my colleagues who talk about how even a stipend which effectively is the minimum wage should not be available for individuals who want to volunteer in their community.

There are many in this institution who would evidently like to preserve voluntarism just for the very wealthy individuals in our country. There are a lot of needy kids, a lot of poor people, who have a sense of idealism and a commitment to service, and who would like to be able to take the time that others who have the financial resources can take in order to volunteer and to do good works.

The AmeriCorps concept is to give people an opportunity to work in their communities. It does provide a stipend which is basically the minimum wage. It does provide an award at the end of service to encourage people to go back to school, or to go to school. These are people who otherwise probably would not be able to afford it.

The educational award is about $4,700. We basically took what was going to be an average cost for tuition in State universities across the country. Most of those State universities' costs have gone up. But it is still a good start. So AmeriCorps lets young people go there—it combines service and education.

I am so interested to hear some people say that some of these programs are not going well. Talk to your Governors. This is a State and local responsibility, not a Federal program. Ask your Governors how it is working. I know that in Massachusetts, the participants do a superb job.

There are outstanding business men and women. There are local community leaders and activists—all of whom are involved in the shaping and the fashioning of the program.

If there are some programs that are not working, I am sure Eli Segal wants to know about them. We will get busy trying to do something about them. But the fact of the matter is, this is not a Federal program controlled from the top down. This is a program that is developed and run in local communities, with local support and initiative.

I would like to mention a recent study which surveyed what 1,654 AmeriCorps workers accomplished in 5 months. These 1,654 workers are only 8 percent of the 20,000 total AmeriCorps participants.

These 1,654 people taught and tutored 15,480 children from preschool to junior high school. These children had no other opportunity to get this kind of additional educational help and assistance.

These 1,654 people established afterschool programs for 4,650 children. Those are children of working-class and working families, children who probably would have been left unattended if they had not been involved in those afterschool programs. The AmeriCorps participants work under supervision to develop tutorial programs and other effective programs.

These 1,654 people organized community service projects for 4,400 children.

These 1,654 people escorted some 8,500 children in schools through safe corridors. We can say, what does that really mean? The fact is, if you get children who live in difficult areas with high crime rates, the AmeriCorps people work out a system so the children can go safely to the school and return to school. Maybe it is difficult for us to understand what is happening out there in many of the urban areas—in the inner cities. But you have thousands of children who are so intimidated that they will not go to school. The AmeriCorps members have developed programs that have the broad support of the children and the parents, programs that permit the children to go to school through safe corridors.

These 1,654 people have been doing work with gangs to reduce gang violence, as well as work with victims of domestic violence and other troubled teenagers.

The list goes on—a number of immunization programs as well. I will include in the RECORD a list of the accomplishments—these are all accomplishments of only 1,654 volunteers, or 8 percent of the total, and these were randomly selected.

I should also mention the work that has been done in southern Texas on immunization programs. There are thousands and thousands of children today who are immunized, and without that program they would not have been immunized.

A study recently released of the first 5 months of the AmeriCorps program surveyed 52 program sites—or about 8 percent of the total sites. 1,654 participants—out of a total of 20,000—were working at these sites. Here is a sample of what they accomplished.

On education, the 1,654 AmeriCorps members worked largely in poor urban and rural areas;

They taught and tutored 9,068 preschool, elementary school, and junior high school students in basic educational skills;

They developed or ran enriched learning programs such as computer-based instruction, scientific experimentation, and peer tutoring for 6,414 children;

They established after-school and vacation programs for 4,656 children;

They organized community service projects for 4,469 children;

They provided literacy or employment training for 694 adults; and

They provided intensive educational support—including regular counseling—to 30 troubled teenagers living in group homes and 22 homeless preschoolers.

On public safety, the 1,654 AmeriCorps members worked to reduce violence in families, in schools, and on the streets;

They escorted 8,500 children to school through safe corridors;

They started 258 neighborhood safety programs and patroled 250 vacant buildings;

They resolved 414 school conflicts that might otherwise have ended in violence, and taught conflict resolution to 8,119 children;

They counseled 1,350 potential or actual gang members and taught alternatives to violence;

They answered crisis hotlines and made referrals for 878 victims of sexual and domestic violence, and provided counseling for 470 such victims; and

They counseled 1,180 teenagers about alcohol and drug abuse.

On health, the 1,654 AmeriCorps members provided medical services and information to low-income families;

They trained 1,144 inner-city residents in CPR;

They provided emergency medical services to over 1,500 people;

They screened 1,100 low-income children for lead toxicity and other health risks;

They distributed 150 car seats to low-income families, and immunized 158 people;

They provided health counseling and transportation to 220 low-income families and over 5,000 individuals, and provided health information to over 4,500 individuals; and

They conducted workshops and distributed information on AIDS and tuberculosis to over 7,000 people, and conducted 301 HIV tests and counseled patients on the results.

On meeting basic needs, the 1,654 AmeriCorps members provided food, shelter, and support for senior citizens, low-income families, and homeless people;

They helped 123 elderly persons, 50 visually impaired adults, and 9 visually impaired children to live independently;

They organized weekly social activities for 400 nursing home residents;

They built wheelchair ramps at five low-income homes, four public buildings, and three parks;

They trained and supervised 58 volunteers and then repaired the homes of 256 senior citizens;

They renovated 238 inner-city housing units and 99 rural homes, and are working on the renovation of 121 more;

They refurbished 2 homeless shelters and began to renovate a home for senior citizens, a home for battered women, and a home for the formerly homeless;

They distributed food to more than 16,625 low-income people and packed 7,000 dinners and 32,000 breakfasts for the hungry;

They found shelter for 400 homeless families, and they sorted and distributed clothes to 350 homeless individuals;

They secured hospice housing for 27 people with AIDS and helped weekly to feed 1,250 people who are HIV-positive;

They provided housing information to over 500 low-income and homeless families; and

They found donated furniture, repaired it, and delivered it to 300 newly housed families;

On environmental and neighborhood restoration, the 1,654 AmeriCorps members responded to emergencies, restored the natural environment, and improved urban neighborhoods and parks;

They inspected and repaired 87 small dams, protecting 200 farms;

They provided disaster recovery assistance to 350 small land owners recovering from a flood, including advice on floodplain management;

They fought 2 major forest fires, saved 1 national park road from washing out, and joined 5 search and rescue efforts;

They planted 212,500 trees;

They restored 320 acres of wild land and 27 miles of riverbed and stream banks;

They removed 2,000 pounds of trash from an urban river;

They surveyed 5,700 acres of National Forest land and monitored reforestation efforts;

They built, restored, or maintained 311 campsites, 88 miles of trails, and 17 bridges, 4 beaches, and 3 duck blinds;

They converted 29 overgrown lots into green space, built 7 community gardens, and planted trees along 30 city blocks;

They created 4 playgrounds and restored, repaired, or maintained 19 historical landmarks;

They distributed 1,375 water-conserving toilets and 1,700 water-conserving showerheads in low-income neighborhoods; and

They renovated 11 community buildings, including an inner-city medical clinic, community centers, and public schools.

This is only a small sample of what community service participants have done. These examples are from a survey of 52 randomly selected AmeriCorps sites between September 1994 and January 1995. In 5 months, just 1,654 participants accomplished all this.

In all, there are 20,000 AmeriCorps participants in the field this year—and they will work for at least 9 months. They are doing important work—work that makes their communities and the Nation a better place.

In addition, hundreds of thousands of children are learning about community service through their schools with the help of grants from the "Learn and Serve" part of the Federal legislation. These children are learning the ideal of service, and they will keep it all their lives.

They are also getting things done in their communities. In Springfield, MA, Putnam Vocational High School had the highest dropout rate in the district. It received an $1,800 grant through the "Learn and Serve" part of the program, and a group of students built a health facility for the school and the community. The students did the carpentry, electrical wiring, and construction work as part of their vocational courses. The result is a new health clinic that includes four examining rooms, two counseling rooms, a lab, and an auditorium for health education classes.

Is this the kind of initiative Republicans want to stop?

To my colleagues who say that we need to be spending our tax dollars wisely, I ask, isn't it wise to give young people the opportunity to tutor young children, build low-income housing, and work to prevent gangs?

We must not let partisan politics derail this important initiative. If you want to know whether community service is a good investment, ask the 20,000 Americans who are participating in full-time service though AmeriCorps or the more than 300,000 students from kindergarten through college who are doing service that is integrated into their academic studies through "Learn and Serve."

Even more important, ask the people whose lives they have touched. Ask the homeless preschoolers who received counseling and education. Ask the children who can go to school with less fear of being shot. Ask the senior citizens who received support and home repairs. Ask the low-income families who received hot meals or new homes. Ask the small farmers whose land was protected from floods. Ask the parents who lived next door to the polluted river.

I do not know where the opposition to this program is coming from. With all the problems we have in this country, we are trying to give an opportunity to some 20,000 young Americans who want to do something for their communities. I can't believe the hours that are being taken to try and demolish that program. Surely we have other needs in our Nation and better things to do than trying to dismantle the voluntary service programs in this country.

Yet, Mr. President, it seems that there are those who want to do this. I think it is appropriate that we have a chance to debate this issue.

I want to just mention some of the businesses that are involved in partnerships with the nonprofit organizations that develop and sponsor the AmeriCorps programs.

In my own State, Timberland is a well-known and enormously successful corporation. It helps pay for participants' uniforms, sponsors individual teams of young people, provides employment opportunities for City Year graduates, and runs a national marketing campaign to benefit the program.

Timberland invested some $5 million to be used over the next 5 years to help City Year expand in new communities across the Nation. They know that this is not just some program that is not worth its salt. They are not in there to just throw $5 million around—throw $5 million away. This is one of the really outstanding companies that has decided that City Year is a good, valuable program, and they are down there, working with these young people and helping to develop, on the basis of success in Boston, this program in other cities around the country.

The Bank of Boston is also allied with the City Year Program in Boston. The bank director, Ira Jackson, told the Boston Herald last week, "Our commitment to City Year has been the most successful philanthropic investment this institution has made in its 208-year history."

This is the Bank of Boston, and its association with the City Year Program is their best philanthropic investment in 208 years.

J.P. Morgan supports a program called AmeriCorps Leaders which places experienced graduates of community service programs in new programs to help them get started.

IBM helped develop an AmeriCorps program called Project First that aims to improve students' technology skills. Community service participants serve alongside IBM retirees in public schools to help bring the new technologies into the classrooms and integrate computers into the curriculum. In Boston, for example, they might work with children and with computers in the many schools that do not have a great range of electronics. They work with them, tie them into graduate students—for example, over at MIT or other technical institutes—to help those children work, to help them figure out their homework, to give them additional assistance with school. It is a very creative, imaginative program that is already paying off significantly with enhanced academic achievements and accomplishments. It is also an enormous source of satisfaction for the volunteers.

General Electric, in partnership with the United Way, has invested some $250,000 in national community service.

These corporations I am mentioning, if they had listened this afternoon to the critics of these programs, they would not have understood what they were hearing. They would not have recognized the program that these critics were describing. They would have wondered what they are doing with their dough. These are major American companies and corporations that generally get value for every dollar that they spend. They have been enthusiastic about investing money in national and community service programs.

This is a partnership program. These programs are developed in local communities, with the help of businesses and nonprofit organizations, and then they are approved at State level.

Mr. SANTORUM assumed the chair.

Mr. KENNEDY. You know, this has been a modest program. We agreed to phase it in over 3 years—$300 million, $500 million, $700 million. We are not saying this program will answer all the problems facing us. But certainly, we as a country ought to be able to challenge our young people to give something back to the community in return for all it has given to them. That is basically what this program is about. We are saying, "Look, during the period of the 1980's and early 1990's, we did not provide a lot of opportunities for young people who wanted to be a part of the process and be involved in the community."

Sure, voluntarism is a time-honored tradition and of significant value. Sure, it is taking place. Sure, there are a lot of young people in this country who do not need this kind of stipend and do not need this support. But I do think that, when you review these programs, you will find—I know in my own State, with which I am more familiar than with other parts of the country, although I have met AmeriCorps workers from all over—you will find that the participants are outstanding.

Maybe some of my colleagues who have been the most critical have spent a good deal of time in their States and in their local communities visiting these programs and talking with the participants. Maybe they have. I see my friend and colleague, the Presiding Officer now, from Pennsylvania. I should tell him that I have heard good witnesses from Philadelphia who talked about this program. Pennsylvania has been an important leader in developing these programs, both in cities and in rural areas. We have had inspirational testimony about the difference that this program has made in those young people's lives.

I think we ought to be able to reach out to young people across this country who are trying to make a difference for their communities and for their Nation. I think we ought to support them in their efforts. I am proud of the AmeriCorps Program. I am proud of the young people who serve in this program, who are trying to give something back to their communities. I think the program deserves the support of this Congress. I am very hopeful it will have that support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself time from the distinguished minority leader's allocated time. How much time is remaining under that?

The PRESIDING OFFICER. There are 33 minutes and 48 seconds.

Mr. BREAUX. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, my colleagues, I have listened with a great deal of interest this afternoon, and last week to some extent, to my colleagues speak on the program known as National Service or AmeriCorps. Unfortunately, I think it has become more of a political debate than it has been a debate on the merits of this concept.

I was thinking the other day that if two Members of Congress, perhaps two Members of the Senate, would have the opportunity to sit down one evening and pretend that they were neither Republicans nor Democrats and they would say to each other, "Well, let us for the sake of argument see if we can in the privacy of this room sit down and come up with a program, not thinking about who gets the credit, but come up with a program designed to bring about new ideas and how we might teach to our young men and women in this country something about community, something about opportunity, and something about responsibility, what type of a program would we write, if we were not concerned about who gets the credit?"

I would think that in that room perhaps they would look out over the history of our country and say, "All right, when Congress had that opportunity in the past, what type of programs did Congress write?" I think they would think back to one of the most successful programs being the GI bill. The GI bill was based on a very simple premise; that was, people who served their country have an opportunity to get back something from their Government but that they got something from their Government because they had given something to their Government in the first place. That was what the GI bill was based on. It said to returning GI's who had served this country in the military that because of your service, your country is going to help you. We were going to help you go to the college of your choice. And as a result of that program, we gave literally hundreds of thousands of young Americans the opportunity to go to college, not because it was a handout, not because it was a grant, not because it was some sort of entitlement, but it was based on the theory that they had given something to their country and, therefore, their country was going to give them something back. And what we gave them was an opportunity for an education.

I would think then that the two Senators would say, "All right, let us see if we can now craft a program that builds on that GI bill, that concept that has served so many millions of Americans who have gone to college under the GI bill, let us see if we can craft a program that teaches young Americans something about responsibility, teaches them something about the communities that they live in, and something that also gives them an opportunity to better themselves. And, oh, by the way, let us make sure that program that we write will cost no more than one-thirtieth of 1 percent of our national budget."

That would be a real challenge. But I guarantee you, if the two Senators did not care who got the credit, they would come up with something that is very close to the National Service Program, the program known as AmeriCorps, which today is facing the prospect of being slashed and burned and killed before it has a chance to ever-present young Americans with opportunities, to teach them responsibility, and teach them something about their community.

Suppose people when we talked about the GI bill had said, "We are not going to do that. Let them go out and earn their own living, let them work. We are not going to have a GI program to help kids get to college. We don't care what their status is. We are not going to do that." How many young Americans would not have had the opportunity to be as successful as they are as a result of that program?

So what we have, I think, Mr. President, is a National Service Program that should be allowed to continue. It should be allowed to prosper. It should be allowed to flourish. What that program says to young Americans is that we are going to ask you to work in your community, not in a far-off country in another part of the world, although those services are needed, but we are going to ask you to work in your State, in your city, in your county. We are going to ask you to work with your local people who have identified what their problems are, what their concerns are, where they need help, if they need help in education, if they need help in police protection, if they need help in environmental cleanup programs, if they need help in health services for their local community. We are going to ask you to go back to your local community, and we are going to ask you to work in that local community. We are going to pay you a minimum wage stipend because we know you are not going to be able to do it if you do not have some form of assistance to allow you to feed yourself and clothe yourself and help you live your life.

We are going to pay you a minimum wage and ask you to do that, knowing that you could be making a lot more money in some other job, particularly if you have already graduated from college and are now paying back these loans. But in return, if you do that, we are going to help you go to college. We are going to help you with a grant to go to college based on the fact that you have worked in your community to make it a better place to live. That is the concept of reciprocal responsibility. That is saying to young men and women that your Government is going to help you if you give something back, if you give something back to your community and this country right here in America.

That is the whole essence of what the AmeriCorps Program is all about. It is not a giveaway program. It is not saying we are just going to give you money because that is what Government is all about and go to college because your Government is giving you something and asking nothing in return.

Those two Senators, who would not care about which party got the credit, would be very proud of this new direction, of this new partnership, of this new way of thinking, that says, yes.

We have programs that give grants to go to college. In most cases you have to show that you are poor. In most cases you have to go through a lot of paperwork to show that your parents do not have enough money. But this program will be based on the fact that we want to help anybody who believes enough in their country to believe in working in their local communities, assuming some responsibility at a time in their lives when that is very, very important, connecting that young person to their community in a way that perhaps they have never had the experience in doing before. And based on what they do, your Government will help you go to college with assistance. I would suggest that program would be one that we could all be very proud of.

We know, unfortunately, the problem is Congress sometimes gets involved with who gets the credit, who gets the blame. I think a good program like this should have enough credit for everybody to take claim for it.

I was interested just the other day in reading an article by one of our Republican colleagues from the House. He said in talking about this program and the Republican effort to slash it and to kill it and to, in effect, terminate it, this Republican House Member said, "We have a wounded President." He further said that AmeriCorps "is something that this President deserves to be proud of, but it is a target for those people who do not even want to give him that."

I would suggest that is the real message that we are leaving on the floor today, not that this is not a good program, not that it does not teach a young person something about his own community or her own community, not that it does not teach them responsibility, that a government will help you if you do something. There is no free lunch. And I would not suggest they are not going to have it because it gives a young person opportunity by allowing them to have a college education. No. I would suggest that this House Member hit the nail on the head when he said that we have, in his opinion, a wounded President, this is a program that this President can and should be proud of, but that it is a target and it is a target not because of the merits; it is a target because of the politics. I would suggest that is not how we should legislate the future of young men and women in this country.

We have heard a lot of numbers thrown out on the floor today about how much the program cost. It is costing us one-thirtieth of 1 percent of our national budget.

Is that too little to invest in giving young men and women an opportunity, a sense of community, and teaching them about responsibility? I think not. In return for each full year of commitment, a 2-year maximum, a volunteer can receive $4,725 in tuition assistance and health care and a stipend which is approximately the minimum wage.

So we pay young men and women a minimum wage to work in their local community doing things that are extremely important in that local community, and then, after they have done it, we say we will now help you with tuition for you to go to college.

I think that is a bargain. I think that is a new way of thinking about the role of individuals and their Government, that their Government is going to help them when they show responsibility and a willingness to contribute to their local community. I would suggest that is much better than just sending them the check and saying, "Well, we are the Government; here is the check; go to college."

What we are saying with this program is that we are going to help you if you do something in return. I think that makes a great deal of sense.

Some people say, "Well, if you pay someone a minimum wage, they are not a volunteer." The former distinguished chairman of the Armed Services Committee, the Senator from Georgia, SAM NUNN, my good friend, almost laughed at that suggestion because we all know now we have a volunteer army. Does anybody suggest it is not voluntary anymore because we pay them a salary? Of course, not. We pay everybody who volunteers in the military. We pay them more than a minimum wage. We pay them a livable salary. But the whole military is voluntary now. No one is drafted. No one is required to serve. It is an All-Volunteer Army, and yet we still pay men and women who voluntarily join the military.

So I would suggest that paying a young person a minimum wage stipend in order to work in their local community does not detract from the fact that this is a voluntary program. Many of these young graduates who return to work in their local communities are voluntarily doing it. They could earn a great deal more if they would go right into the private sector at a high-wage job. But, no, they are saying this is what I wish to do. This is a way to pay back my Government for what it has done for me. It is still clearly a voluntary program.

I do not understand why we are arguing about this. Some of the polls that I have seen say that over 90 percent of the American public, when they are explained in a rational and reasonable tone what the national service program is all about, say this is a good idea; why did we not think of it before? Why do we only have grants coming out of Washington that you have to go through weeks and months of paperwork to make sure you have the right income level to finally qualify? Why not say to all Americans we are going to help you if you are willing to serve in your community?

That is the essence of what national service is all about. That is the essence of what AmeriCorps is all about. The Peace Corps was a successful program. We sent men and women from our country to far-off lands to help improve conditions in those far-off countries and people thought it was a good idea. It was and it still is.

Here is a Peace Corps Program for our own country to help urban areas, to help rural areas, to help local officials who desperately need young, talented, future leaders of this country working in their communities. I think the beautiful thing about it is that it is a partnership, it is a reciprocal partnership between you and your Government to help people quit thinking the Government owes them something, that just because they are born the Government owes them something and is going to pay for it. It is a partnership.

Again, if I could have those two Senators who did not care whether they were Republican or Democrat, who did not care that this was Bill Clinton's idea, I guarantee they could walk out of that room and say we thought of something that really makes sense. Let us make sense.

Is it perfect? Of course, not. Nothing is perfect. Are there some examples of how things should not have been done? Of course. But the program is in its infancy stage. Let us let it breathe for a few years to try to get it on track. If there are some problems with it, let us fix the problems and make sure they do not occur again. But do not kill the program. Do not say to the young men and women of America, we are going to continue to try and teach you there is something like a free lunch, because this program is just the opposite. This program says you will get from your Government help and assistance when you agree to give something back.

Funding was $575 million for fiscal year 1995, one-thirtieth of 1 percent of our budget. Can we not invest one-thirtieth of 1 percent in the lives of future Americans, young men and women who want to learn about community, who want to learn about responsibility, who want to have opportunity given to them for what they have invested?

I think that is a wise expenditure of tax dollars. I think we are going to see great dividends paid, maybe not right now but in future years; that when somebody sits back and compares some of the good programs that Congress has done they will point to the GI bill as one of our most wonderful programs, but at that time, if we are successful, they can also say that when Congress had the opportunity in the 1990's they built on the GI bill and passed a national service program, and now, maybe 10, 20 years later, it is producing the results we would like to see.

Mr. President, I will be offering an amendment to help restore some of the draconian cuts that were passed by the House on this program. My amendment would allow for still a 20-percent reduction in the spending from last year. Most programs come in and say we need more money, more money, more money. My amendment is going to say, all right, in this time of fiscal balance and concern about deficits, let us reduce last year's spending by 20 percent even though we have more money and more requests than we did before. Let us reduce by 20 percent the President's request for the National Service Program, but let us keep it viable. Let us keep it working. Let us keep the innovative ideas that are coming out of that program so that we can say, when we had the opportunity to teach our young men and women in this country the things that are needed in order to make this country great, we stood up and were counted and voted in favor of my amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes and 7 seconds.

Mr. BREAUX. I reserve the remainder of my time.

Mr. President, I yield back the remainder of the minority leader's time.

Mr. DODD. Mr. President, I rise in support of the Daschle amendment. This amendment is essential to restore funding for critical national education and children's needs that were disproportionately targeted for reduction in the rescission bill.

Last week, the Children's Defense Fund released its annual report, "The State of America's Children." CDF reports that child poverty has reached its highest level in more than 30 years. Last year, one in every four children in our Nation was poor.

CDF reports:

> An American child is reported abused or neglected every 11 seconds; is born into poverty every 32 seconds; is born to a teen mother every 62 seconds; is arrested for a violent crime every four minutes; and is killed by guns every two hours.

Mr. President, no great nation can long survive if it does not provide adequately for its children. I know of none of my colleagues who would disagree with this statement. But, I know of too many who are prepared to violate its spirit by reducing funding for proven and vital programs, by slashing welfare programs to save money, and by elimination the safety net that protects American families.

The rescission bill before us today contains $13 billion in cuts in Federal programs. Overall, this is a much better bill than the one that passed the House. But, nonetheless, a large and disproportionate share of these cuts are targeted at programs that benefit children and youth.

CHILDREN

This bill contains a 20-percent reduction in the President's investment programs. That reduction translates into a $42 million cut in Head Start.

Mr. President, last year I authored the Human Services Act that reauthorized the Head Start Program. At the time, I was prepared for a real challenge and a spirited defense of the legislation on the floor. Instead the legislation passed unanimously with no dissension and no acrimony. Head Start is a proven program that gives disadvantaged youngsters an early and important step forward in their educational development—yet this rescission bill goes after it.

The bill before us also includes an $8.4 million cut in the child care and development block grant. Currently, eight States have more than 10,000 children on child care assistance waiting lines. And many more child care slots will be needed as we seek to move people from welfare to work.

The Women, Infants, and Children's Program takes a $35 million hit in this bill. WIC has always been a popular and bipartisan program. The program is a wise investment providing nutritional assistance to low-income pregnant women and children. It saves money and lives in the process. Last year, I joined with 70 of my colleagues in requesting full funding for this vital program.

The Daschle amendment would restore the cuts in these three important programs, and it would pare back cuts in education.

EDUCATION

Today, our Nation faces tremendous and unparalleled economic challenges. Increased global economic competition and rapid advances in technology have created major structural changes in our work force.

If we are to meet the economic challenges of the 21st century, it is critical that we invest in the education and training of our work force—even if it takes us a little longer to get our budget fully into balance.

Yet at precisely the time in our Nation's history when our educational challenges are greatest, the Federal commitment to education has diminished. Since 1979, we have cut in half the Federal commitment to elementary and secondary Education as a share of total education spending. This decrease has exacerbated the disparities in education spending across school districts and threatens to compromise our future economic productivity.

Education takes a heavy hit in this bill. It includes a $100 million cut in the only Federal program that seeks to combat violence and drug abuse in our schools—the Safe and Drug-Free Schools and Communities Act.

It includes a $72 million cut in the title one program for disadvantaged children. It includes a $68 million cut in the Goals 2000 Program. This cut would deny seed money for implementing comprehensive reform plans to about 1,550 schools.

The Daschle amendment recognizes that these shortsighted cuts cost our Nation more in the long-run than they save today.

HOUSING

The largest cuts in the rescission bill occur in Federal housing programs. The rescission bill includes more than $4.5 billion in cuts in the Department of Housing and Urban Development's current budget. If enacted, these cuts will hurt low-income people struggling to find decent housing and reduce economic opportunity in our urban communities. Forty percent of public housing residents are single women with children.

Even without the recommended rescissions, current funding levels for HUD's public and assisted housing programs serve only about a third of the persons eligible for benefits. In Connecticut, there continues to be a shortage of affordable housing. There are 15,000 homeless people in my State, including more than 3,000 children.

The Daschle amendment would restore $500 million to the public housing modernization account. These funds are critical for families living in public housing. Without them, we will have more roofs with holes, rusting stairwells, and boarded-up windows. Unless we restore these funds, thousands of families will be forced to raise their children in substandard housing.

The Daschle amendment is essential to help us maintain decent living conditions at many public housing developments across the country.

NATIONAL SERVICE

The rescission bill cuts national service by $210 million. The AmeriCorps Program has provided thousands of Americans with the opportunity to serve in their communities and earn a post-service benefit for further education and training. Currently, 20,000 young Americans have answered this call to service and are working in communities across the country to meet vital needs. The AmeriCorps Program represents all that is best about America. the Daschle amendment recognizes this fact and restores funding for this program.

CONCLUSION

After consulting with high-paid political pollsters, some of my colleagues on the other side of the aisle have begun cloaking their political goals in the guise of helping kids.

They have learned to talk about deficit reduction in terms of its impact on our children's future prosperity. And they have learned to talk about tax cuts in terms of their impact on families with young children.

They've become better at framing issues to score quick political points and worse at thoughtfully examining the impact of their policies.

Clearly it is important that we reduce our deficit and our debt. But a child who is denied food on the table, adequate child care, or a decent education is not worried about what may happen to them 20 or 30 years down the road. They are worried about their health and safety in the present. And we should be too.

The cuts in this bill compromise the immediate nutrition, housing, and developmental needs of thousands of our children. The Daschle amendment lessens the severity of these cuts.

The Children Defense Fund's report should powerfully focus our resolve to strengthen our investment in children's needs, not to lessen them.

I urge my colleagues not to undermine our commitment to our kids. I urge my colleagues to support the Daschle amendment.

The PRESIDING OFFICER. The Senator yields back the time.

The Senator from New Hampshire.

Mr. SMITH. I yield back the remainder of the time on our side.

The PRESIDING OFFICER. The Senator yields back the remainder of the time.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

RINGLING BROS. AND BARNUM & BAILEY CIRCUS ANNIVERSARY COMMEMORATION

Mr. BREAUX. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of House Concurrent Resolution 34 relative to the Ringling Bros. Circus and the Senate proceed to its immediate consideration under the following time agreement: 1 hour under the control of Senator SMITH to offer an amendment regarding elephants. I further ask that following the conclusion or yielding back of time, the Senate proceed to a vote on the Smith amendment, to be followed immediately by a vote on adoption of House Concurrent Resolution 34.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 34) authorizing the use of the Capitol grounds for the Ringling Bros. and Barnum & Bailey Circus Anniversary Commemoration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, first of all, let me say that the resolution that we have before us is a resolution to allow the Ringling Bros. Circus to come on the Capitol Grounds at some point this next week. I believe it is Wednesday. I could be wrong on the date.

As a youngster, I enjoyed the circus many times, as most of us have. I have no objection to many of the acts that you see in the circus. My objection here to this resolution is the issue of using elephants in a way that they are used in the circuses throughout the United States, in this case Ringling Bros., because they are planning to bring, I cannot get the exact number, a certain number of adult elephants onto the Capitol Grounds.

AMENDMENT NO. 449

(Purpose: To prevent the use of elephants in the Ringling Bros. and Barnum & Bailey Circus celebration)

Mr. SMITH. Mr. President, I am going to offer an amendment, and that amendment should be at the desk. I will offer that amendment at this time, an amendment to the underlying resolution. It is a very simple amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 449.

The amendment is as follows:

On page 2, strike lines 9 through 13, and insert the following: "performers, on the Capitol Grounds, on April 3, 1995, or on such other date as the Speaker of the House of Representatives and President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

No elephants shall be allowed on the Capitol Grounds for the purpose of this event.".

Mr. SMITH. Mr. President, the amendment is a very simple amendment. It simply says the circus can proceed on the Capitol Grounds without the use of elephants.

Now, this is the type of amendment that tends to bring some ridicule of me by others who have in some way expressed their concern about this. I am going to go through this because I think it needs to be said. I am going to be very methodical about it.

It concerns two areas. One area is how the elephant in a circus is treated; not how you see the elephant out there doing its performance, but how it is treated in order to do that performance, and how it is kept, how it is transported. And, second, I am going to outline a number of incidents that have taken place in the past few years involving these huge, several-thousand-pound animals that are used in the circus.

I am not going to in any way try to misrepresent facts. I realize—and I want to say it up front—that in some areas the Ringling Bros. people do some very fine things with animals. I know for a fact that one of the trainers at Ringling Bros. who trains dogs saves some of those dogs from death at the pound and trains those animals to be used in the act. I do not object to any of that.

This involves elephants.

I hope that the cameras can pick this up, but this, in only a very small way, conveys the horror of what I am talking about, because I cannot explain it or show it with pictures. I have films. I have tried for about 2 weeks now to interest any of my colleagues, any one of my colleagues—any one—in this issue, to no avail.

So that all my colleagues will know, lest they be worried about it, I have decided not to call for a rollcall vote on this issue, because I know what the vote will be. It will be a voice vote.

But I want my colleagues to know that what they are doing by allowing these animals on the Capitol Grounds is a grave risk, a grave risk not only to the animals but also to the children who have been invited to be here.

This elephant in this picture here was shot over 100 times when it went berserk in Honolulu. It killed a trainer and injured some people.

These animals—you might say, what is it about them that would cause them to do this? Well, for those who care, I would think that they must not have reacted too well to some of the training and some of the things that they are required to do in these acts.

Now, does this mean that deliberately people try to inflict harm upon these animals? In some cases, that may be true. Are they fed well? Of course, they are fed well. But that is not the issue here. The issue is, should an animal this big go through the procedures that we put them through, and is it safe to have them around little children on the Capitol Grounds?

Now, I want to again repeat, I do not object to Ringling Bros. being here. I know they do a lot of things in the breeding of elephants and help to somehow enhance some species that may even be on the endangered species list.

That is not what I object to. I object to them being transported and used in the way they are used.

I have a film of this animal from beginning to end. I have asked some of my colleagues to look at it. Nobody has taken me up on it. Maybe if they took me up on it, somebody might come down on the floor and ask for a recorded vote. It would be nice to have a little company.

But let me start by relaying some incidents. Because, bear in mind, now, sometime this week, or whenever we do it—I would like to be wrong on the number and I stand corrected if I am—but somewhere around 15 elephants are going to be brought onto the Capitol Grounds. Maybe it is less. I do not know how many it will be. I have not been told. I cannot find out. So many elephants are going to be brought on the Capitol Grounds here.

How do you restrain an elephant?

So they are going to be brought on to the Capitol Grounds. As we hear about these elephants being brought on the Capitol Grounds here, remember this is my objection.

Let us talk about some of the things that happened to elephants in circuses in the last few years. Let us just take a few minutes and go through them.

I have talked to Mr. Ireland, who is a representative of the Ringling Bros. Circus. We had a very nice conversation. He is a good friend of mine; a former Congressman. He represents Ringling Bros. He came in and spoke to me. He made a very strong case, a good appeal to me.

I ask him if he would simply remove the elephants from the act on the Capitol Grounds. This circus is going to be performing downtown in the armory for 20 days. All I ask is that the elephants be removed from the acts on the Capitol Grounds, because I thought first, it was a danger; and second, I objected to some of the ways and methods that were used to train these animals, to no avail. There was no agreement. They would not agree to do that.

I cannot understand why it is so important to have these huge animals roaming around the Capitol Grounds. If people want to see them, they can go down the street at the armory, go to the circus and see them there. But they said that was out of the question. They would not agree. So here I am.

It is an issue of public safety, Mr. President. It really is an issue of public safety.

Now, it would be very easy for the skeptics, because, after it is all over, if nothing happened—and I pray to God nothing does; but if it does, then do not say I did not tell you so—and if it does not—and I hope it does not—they will all say, "Well, there was SMITH out there wailing away on nothing. It is irrelevant. He took the Senate's time. Nobody cares about this."

Well, at least 15 people have been killed by animals in the last 5 years in circuses—15 people. And I am going to go through these right now.

This one here, 2 weeks ago, a circus elephant trampled two men to death in Bangkok. OK, that was not in America. OK; fine. I am preparing myself for the comments that will be coming. So let us move on.

Ringling Bros.—that is who we are talking about here; that is who is coming to town, Ringling Bros.—Ringling Bros. Circus' most experienced trainer, Alex Gautier, was trampled to death in 1993.

Lest somebody would doubt me, I have the obituary on that somewhere. Let me see if I can find it. I have it right here.

This is an obituary from the New York Times. He was Ringling Bros.' elephant trainer. He was trampled to death 2 years ago by an elephant. He had been with Ringling for 35 years. So it was not exactly some inexperienced kid that came out and said, "I'm going to train an elephant." He represents 35 years of training.

Even if Ringling's most experienced trainers are at risk, how about the kids on the Capitol Grounds? Does anybody care about them? Hundreds of schoolchildren are going to be here.

I heard Speaker GINGRICH say how wonderful it was going to be; we are going to have animals on the grounds; it was going to be a wonderful thing for the children.

A 51-year-old elephant trainer, leading trainer of elephants, performer all these years, died 2 years ago at a hospital at the University of Florida, Gainesville. One of the elephants he was working with at the Ringling Bros. elephant farm in Williston, FL, knocked him down and stepped on him. He was taken by helicopter to the hospital. He was a feature performer at one of the show's traveling circuses where he had been appearing in Asheville, NC. He was making a brief visit to the farm to check on the conservation and breeding program in the herd of 20 elephants.

So that is the first instance.

In 1994, Alan Campbell was crushed to death and a dozen spectators—a dozen spectators—were injured when an elephant with Circus International went on a rampage through downtown Honolulu. This is that picture. That elephant killed the trainer, came out of the little circle, the arena, came out of the tent, through a fence, out into the road. There was absolutely no protection for the people against this huge animal.

They had to shoot this animal with anything they could find—revolvers, whatever they could gear up; there was absolutely no protection—100 times before the animal fell down against a car, and even then they could not kill it with a gun. Somebody got there with some type of drug and was able to immobilize the elephant for when they finally killed it. So 100 times. It was the second incident at the circus in 1 week.

Was that Ringling? No. I am not maintaining that it is. It was a circus and that happened. Elephants are elephants. I do not think elephants know the difference between a Ringling Bros. Circus and any other circus. If they are asked to stand up on one leg on a barrel, I do not think they understand if it is Ringling asking them to do it or anybody else.

If anybody can tell me how they know that, I would be happy to hear it.

Backstage at "Live with Regis and Kathie Lee," Yelena Aleynikova had her skull fractured, ribs broken and a lung punctured by a Moscow Circus elephant in 1994. She is suing the circus, the show, and ABC as a result of that incident.

I hope our insurance is paid up on the Capitol Grounds, by the way.

Schoolchildren looked on as an elephant crushed a man to death at the San Salvador National Zoo in 1993. He was the second person that this very elephant had killed.

Char-Lee Torre was kicked to death by an elephant at the Lowry Park Zoo in Florida in 1993.

Christopher Ponte was crushed to death in 1993 by an elephant at the Clyde Beatty-Cole Bros. Circus in New York.

And in 1992, Jubal Cox was grabbed and slammed to death by an elephant in Texas while visiting the San Antonio Zoo.

There is more.

Eight children and their parents were pinned under a fence by an elephant at the Circus International in 1994—children.

Twelve spectators were injured and a police officer was thrown to the ground when an elephant went on a rampage in Florida at the Great American Circus in 1992. The elephant was shot and killed by police.

Again, members of the audience were trampled after an elephant at Circus Benneweis attacked her trainer and went running through the town's busy harbor area in 1994. The elephant later returned and was killed.

In 1994 in Utah, Jordan Circus animal trainer Rex Williams suffered broken ribs, a broken arm and organ damage after being thrown and trampled by an elephant on whom children—children—were riding.

Here is a Ringling animal trainer, George Lewis:

> An elephant, when brought into captivity, must make a tremendous adjustment to live with man . . . They come to hate their human masters, who are responsible for keeping them confined . . .

That is a Ringling trainer.

I do not have them all up here on the chart, but let me give you a couple more.

On August 15, 1994, 10 people were injured when an elephant pinned them under a fence separating the ring from the audience in Honolulu, HI.

Lion Country Safari: On February 1, 1992, 12 people were injured, including one police officer, when an Indian elephant broke loose during a performance at Brevard Community College in Palm Bay, FL.

On June 8, 1990, a man was injured when an elephant attacked her trainer and ran into a crowd in Reading, PA. The trainer had repeatedly stuck the elephant in the mouth with a hook to gain her attention just prior to the attack. The trainer got her attention, I might add.

In July 1987, two children were injured in Milwaukee, WI, by an elephant when she escaped from trainers with children on her back. The circus recovered the animal and she resumed giving children rides 2 days later. I wonder if the parents of the children who were brought to ride the elephant after the incident were told the animal had done that days before.

Hanneford Family Circus: On June 21, 1990, David Dickerson, an elephant trainer, was killed when the elephant he was training crushed him after being startled by a passing car in Fort Lauderdale, FL.

Commeford & Sons: On August 31, 1991, Brian Corring was severely injured by an elephant carrying children on her back during the Champlain Valley Fair in Essex Junction, VT. While the children on the elephant were unharmed, the parents felt the officials ignored the severity of the situation. This was the second time that the elephant had injured someone.

Just a couple more.

The Gatini Circus: Elephant trainer Eloise Berchtold was killed by an elephant during a performance at Rock Forest, Quebec. The elephant stepped on Berchtold and would not let anyone near her to provide medical assistance.

Tarzan Zerbini International Circus: July 15, 1992, nine people were injured when elephants toppled a barricade during a performance at a shopping center in Lafayette, IN.

I have been trying for the past several days to get somebody around this place to care about this, and I cannot do it. I cannot find anybody that cares. There is not exactly a crowd on the Senate floor right now.

I asked the Sergeant at Arms how much does it cost for the extra security, extra police—just the extra police, not what it costs us every day. The extra police, just for a couple of hours while the circus is here for overtime—overtime for officers—$52,000.

I then said to the Sergeant at Arms, "I want to know what protection do we have for the children and the spectators on the Capitol Grounds if this elephant, or any elephant of the elephants you have on the grounds, goes berserk, what do we do?"

He said to my staff person, "I will not tell you that. I will not tell you what the protection is." The implication is that it would be a security matter, and I respect that. But I am a U.S. Senator. The last time I looked, the Sergeant at Arms worked for us. Maybe somebody else has a different perspective on that. I thought the Sergeant at Arms worked for the Senate.

I am a Senator, and I asked him, "What do we have available to us if an elephant goes berserk on the Capitol Grounds?" He refused to tell me. He refused to tell me. He did not say, "I'll put it off," "I'll tell you tomorrow," "I'll look it up," or "It is the following." He said, "I won't tell you," period. "I don't have to tell you, and I won't." And he did not, and I do not know why. I assume 99 of my other colleagues do not care. They are just going to have the elephants here.

I was told by the office of the Senate Sergeant at Arms that the security requirements for this circus for 2 hours would be the equivalent of the State of the Union Address. So, apparently, they must think it is pretty serious.

We were also told that the cost was mainly associated with the expected demonstrations against the involvement of the elephants in the circus. Of course, the elephants themselves pose a serious security threat and, thus, an enormous cost to the taxpayers in excess security personnel, but I cannot find out what the security is.

It is my understanding that all shifts of the Capitol Police—all—will be on duty during this event when they bring the circus to town. The Senate Sergeant at Arms told me it would require paying overtime for a number of officers—again, $52,000.

Let us go into it a little bit more because sometimes when you talk about money around here, it is the only time you get anybody's attention.

If a person does not care about the elephants, and they do not care about the kids out there, maybe we can get your attention with money. Of course, that is not including the regular Capitol Police officers who will be on hand, that is $200,000, in addition to the $52,000. If there are any arrests, any at all, anybody gets arrested out there—protesting, demonstrating, making love, whatever they are doing out there on the grounds—each arrest will cost additional overtime hours on top of the $52,000. This does not include the additional security costs for the Washington, DC Police Department. It also does not include the setup costs of the circus. The Architect of the Capitol estimates that could be about $7,000. Remember now, the circus is right downtown for 20 days.

Mr. President, for the past several days we have been debating decisions of previously appropriated funds. It is not an easy task, because many of the projects are worthy. These programs will be paid for. These programs we have been debating on the floor of the Senate will be paid for by our children and their children.

Ringling Bros. said the elephants must be in the circus, cannot have a circus without elephants. I asked if they would bring the circus here so I could come and enjoy it as well, without the elephants. Clowns, acrobats, dancing dogs. No, no, no, they want to see that, but the kids want to see the elephants.

Well, I hope the kids enjoy it because they are paying for it. Right now the national debt says each child in America today is $18,500 in debt, so we will add to your debt. So I hope you enjoy the elephants. We will pay for it years from now. They will pay when they join the work force. By then, the national debt will be—I do not know what it will be by that time. It will be $6 trillion by the next 3 or 4 years.

So, I suppose I could say if I was cynical, if we want to cut the cost of Government, we could vote for this amendment. If we pass the amendment, there will be no protesters, there will be no threat of elephants running amok on the Capitol Grounds. And we can pass it by unanimous consent. We save the taxpayers $52,000.

There are all sorts of events on the Mall here in Washington. Cirque du Soleil has done performances on the Mall. No elephants, no protests, no threat to security, no cost to taxpayers. The kids loved it. They do not need elephants to have a good time. Neither does Ringling.

Ringling Bros. circus is performing at the armory. If the kids really want elephants, they can go and see them at the armory or they can see them at the National Zoo. They can see them for free at the National Zoo. There are several there, as a matter of fact, for the benefit of anybody who might be listening who cares, including a baby elephant.

They are not asked to stand on their heads or climb up on a barrel about the size of 1 foot, parade around with a hook in their mouths. They are just there, well-taken care of at the zoo.

So, let me again comment on the Sergeant at Arms, because this is very critical. I think there is an arrogance here, No. 1. We have a right to know. A U.S. Senator asked the Sergeant of Arms about information about an event here on the Capitol Grounds. We have a right to know what it is. I will find out. With or without a vote on this amendment, I will find out what they are going to do and what the plan is.

I asked, and the only reason I have not found out, I was not here, and I had to have a staff person do it on my behalf. I will find out or there will be hell to pay as to why I do not find out.

Given all the instances I have mentioned that is not an unreasonable concern. What do they have on the grounds. How do we stop an elephant, Mr. President, if it goes berserk? What do we do? Do you use an AK–47? An M–16? An AR–15? They are illegal in Washington. A person cannot even carry them. All illegal. All banned. This is gun control in the city of Washington. Highest crime rate in the world, we have gun control. All illegal.

Frankly, would that stop an elephant? I doubt it. I really doubt it. Do they have a bazooka? What is their plan of action? What is the plan if something happens? It took 100 rounds in this poor animal here that went wild in Honolulu and that still didn't kill it. It needed to be killed by lethal injection.

People ought to see the film. My colleagues ought to look at the film of that. That is really something to watch. Look at the policemen, and then see if you can vote against this. I do not know where we will get 100 rounds. Last year's crime bill banned the manufacture, sale, or possession of all clips over 10 rounds, so I assume we will have 100 officers standing out there with pistols, with 10 rounds in a clip. I do not know. I cannot find out.

Now, do we want to be firing AK–47 rounds around little children if something happens? I do not know. These are the issues that ought to be of concern.

Overreacting, they will say. Yes, always overreacting until something happens. Is that not the way it is?

Even those who do not have strong feelings about the treatment of animals ought to be concerned about the issue of public safety, as well as the cost.

I want to stress a few points in closing here. Ringling Bros. maintains their training practices are not cruel and they are not abusive. I think they mean that. They may think that.

But let me say when the elephants go berserk the first person they go after is the trainer. That ought to say something. When I met with Mr. Ireland he said that while Ringling Bros. does, in fact, use whips, whips are used because of the cracking sound, which is an audible cue to the elephants.

I am not an elephant trainer. I do not know what the function of a whip is or how it works. I suppose if someone was whipping a cracking whip behind me I would probably do whatever they said, too.

I have concerns about a number of other practices that are regularly employed in the training of elephants. I am not going to get into whether Ringling employs these or not. I do not know. We may never know, because no outside organizations are allowed to monitor or film their trainers.

I was offered the opportunity to go down to a Ringling training area where they train elephants by Ringling. They said, "You can come in and watch us train." I found that somewhat humorous. If they had any methods I would object to, I do not think they would use them while I was there. Maybe they would, but I doubt it.

So, let me mention a few articles that I have here.

Before I do, let me call my colleagues' attention to a section of the National Geographic. This piece from the National Geographic shows the methods that are used. Obviously, I cannot show it here. We do not have the facilities to do that. Might be a good thing to do some time.

These tapes, I have them. I will be more than happy to provide them for my colleagues to look at, anytime they want to look at them. The hooks that are used, the methods of training the animals down, the cramped quarters to house the animals, and the methods used in breaking wild elephants.

Let me just say for the record on wild elephants, Ringling has assured me they do not use wild elephants, that they breed their own and take young elephants, and I have no reason to deny that.

In the past, and, in fact, in some other circuses, baby elephants are captured in the wild, taken from their mother, and beaten for days at a time while they are screaming. It is on the tape. Members ought to watch it. Beaten, for days and days, in shifts, by these people in the jungles of Thailand and Laos. Wherever the elephants are captured, beaten consistently until their spirit is broken, and until they have nothing left to offer resistance to. Screaming and crying. Ought to watch the tape.

Does Ringling do that? No, I want to make it clear. But young elephants are captured and are used in circuses in that way.

Now, the issue, we could go on and on and on. Elephant incident after incident after incident, where elephants have been on the rampage and done some of these things.

The issue, really, is this. Should an animal this big, this wild, be used for entertainment? I do not think so. I do not see the need for it. There is no need for it. We do not see what happens when the circus is not around. When we are not watching the circus.

We are seeing the animal out there with his trunk around another elephant's tail and gets up and does a trick. That looks cute and I have seen it.

Frankly, before I knew more about this I thought it was great. How do they transport an elephant from Florida to California? You cannot put them on an airplane, so they put them in some kind of a truck. Ever look at the width of a highway? There is only so much size of a truck that can be used.

So they are in cramped quarters. Now, when you have them on location for a circus—let us say down here at the Armory—how do you restrain these animals? How do you restrain an animal that weighs several tons? Let me tell you how you restrain them. You chain them. You chain them up.

You can say we feed them hay, we feed them grain, we take good care of them—these are wild animals. So that is why things like this happen. That is why elephants go berserk, because they are not meant to do these kinds of things and it is cruel. It is cruel.

We have an opportunity here today in the Senate to make a very small statement. We are not going to stop this by doing this. We are not going to stop it. But we could say, as U.S. Senators and U.S. Congressmen, that we do not want to risk having an incident like this happen on the Capitol Grounds, No. 1; and, No. 2, we think that, even though it is not intended to be cruel, the result is that it is cruel in the way that we treat these animals. They ought to be left alone in zoos, in parks, wherever we can; and not use—or abuse—them in the ways that is being done in these circuses.

The little kids ought to be able to go down and see these elephants chained and restricted, or watch the training, which we are not allowed to watch.

I think it is sad because all we have to do is just make a statement: No, we are not going to let the elephants come here on the Capitol Grounds because we do not think it is right. The elephants are still going to be performing down at the Armory. We are not going to be able to stop that. But we make a statement and maybe, by making that statement, we show the world and show the country that we care a little bit.

I know the types of criticism and the ridicule that I get. People say you are an animal rights nut. I am not. I am not. But they do not have anybody. There is nobody who can come out here on the floor. An elephant cannot come out here on the floor. No animal can come out here. It does not have any Congressmen or Senators to represent it. So if somebody does not speak up, who do they have?

So it is a very small thing to do, really. It is not a big deal. We just say Ringling, come on up; bring the clowns, bring the dog acts, bring the rings, bring the trapeze artists, and entertain the kids. But leave the elephants in the zoos and in the parks. Leave them alone.

Circuses started back in the days when we did not understand this, or when we did not care. Those days are past. Let us move on. Let us get into the 21st century here.

Elephants are a vanishing species, anyway. I doubt very much 100 years from now, when somebody stands here at Daniel Webster's desk where I stand now, I seriously doubt that person is going to know what a live elephant looks like. Unfortunately, I have to say that.

In some cases, some of these groups like Ringling do a good deed by breeding these animals. But you do not have to use them in circus acts, which are unnatural for these animals. That is why these incidents happen.

We have another quote here:

> Physical abuse and dominance control remain a major method of training elephants.

That is by John Lehnhardt, the assistant curator at the National Zoo right here in Washington. These guys know what they are talking about. Do not take my word for it. These are people who work with these animals every day. They know what they are talking about. It is unnatural to make huge beasts the size of an elephant do the things we ask them to do. They are telling us that. They are warning us.

Henry Ringling North, the Ringling Circus founder, said:

> When it came to teaching [the animals] the more involved tricks, [Ringling animal trainer Alfred Court] had to use a whip. If an animal got out of line, he flicked that animal in the most sensitive place you could hit either a male or a female. He hit, but only because the animal had made a mistake.

Really? That is what the kids are going to patronize when they come on the Capitol Grounds.

Let me just repeat, Mr. President, when I started this process I said if I get some support, if I get some people who will come forth and participate in this debate with me and share my concern, I would probably call for a rollcall vote. But it did not come. I know where the votes are and are not. There is no point in taking the Senate's time anymore on this. I will not call for a rollcall vote.

I will call for a vote, however, at whatever time the Senate wishes to have it, either now or tomorrow. Unless someone else asks for a recorded vote, I will call for a voice vote on this matter and, if the wishes of the Senate are that it be now, in just a moment, I will do that by yielding the floor.

Let me remind my colleagues, before I yield back the remainder of my time, of all the materials that back this up. This is not the only incident. There are many incidents like this. I will say again, in summary, I hope nothing happens. But I also say we are not prepared for it if it does. We are not prepared to handle a rampaging elephant with a bunch of little schoolchildren out on the Capitol Grounds. If we are prepared for it—and the Sergeant at Arms refuses to tell me whether we are or not—if we are, it would have to be with some humongous weapon, which would have to impose a danger on the children who would be here, because we do not know what direction this elephant would run, or any elephant would run, or elephants, if they were to do that, if they would be so inclined to do it.

I have made my case. I think I have told the world, the Senate, and hopefully many families and children out there who may want to be coming to the circus—I hope, frankly, you do not. I hope you send a statement that this is wrong and we ought not to do it and we ought to be somewhat considerate, in a very small way, by saying this is wrong.

Mr. President, at this time, regretfully, I yield the floor without requesting a recorded vote. At this time, I yield the remainder of—I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Louisiana.

Mr. BREAUX. Mr. President, I rise in opposition to the amendment offered by the Senator from New Hampshire. I do not doubt in any way the sincerity of the Senator from New Hampshire in his beliefs and strong feelings on this subject. I will only make two very brief points.

First, we already have on the books rules and regulations that govern the handling of wild animals and, indeed, all animals that appear in circuses: How they are treated, how they are transported, how they are fed, how they are cared for, how they are treated when they are sick. Those rules and regulations are already on the books. If, indeed, those rules are deficient, the appropriate committees in the Congress of the United States should review those rules and then make recommendations to the full body. None of that has been done in this case.

Second, I trust the Sergeant at Arms, whom I know the Senator from New Hampshire knows very well. I am certain he has reviewed the risks and lack of risks associated with the appearance of a portion of Ringling Bros. Circus on the Capitol Grounds. He, indeed, has the responsibility of determining whether events can take place on the Capitol Grounds that do not impair the safety of the Members of this body, as well as the employees who work here, as well as, in fact, the physical grounds that constitute the Capitol of the United States. I trust, I am certain he has made a decision that these events can take place without putting any person at risk, any Members at risk or, indeed, any of the physical structures of the Capitol at risk.

Therefore, Mr. President and colleagues, I think the amendment offered by the Senator from New Hampshire, in good faith and with all sincerity—I admire the work he has put into this—I suggest is inappropriate at this time and ask for its defeat.

The PRESIDING OFFICER. If all time is yielded, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 449) was rejected.

The PRESIDING OFFICER. The question is on the adoption of the House Concurrent Resolution 34.

The resolution (H. Con. Res. 34) was agreed to.

The preamble was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESCINDING $230 MILLION IN MILITARY CONSTRUCTION PROGRAMS

Mr. THURMOND. Mr. President, last month the Senate debated the Defense supplemental appropriations bill. Although I supported this legislation, I expressed my dismay that the Appropriations Committee chose to fully offset the $1.9 billion supplemental from the fiscal year 1995 Defense budget. In a practical sense, that action cut the Defense budget by almost $2.0 billion at a time when the readiness levels of our Armed Forces are teetering on the edge.

Since 1985, the Defense budget has decreased by 40 percent in buying power. The 1995 Defense budget, which is being used to fund the Administration's ill-conceived foreign ventures, has already been reduced by $40 billion below the 1990 budget even without the reduction in purchasing power from inflation. Today, with this supplemental, we add insult to injury by further cutting the 1995 Defense budget to fund domestic programs.

The committee's amendment to H.R. 1158 further reduces the already constrained Defense budget by over $200 million, including the $104 million in critical base closure funds, $27 million for projects to meet environmental responsibilities at our overseas base, and $69 million for NATO infrastructure funding.

I must point out the irony here, in the committee's attempt to reduce funding, it may actually be increasing the cost to the Department by rescinding the NATO funds. I am advised that these funds have all been obligated and this rescission may require breaking contracts and therefore incurring additional costs.

Possibly the most damaging effect this supplemental will have is on base closure. The recommendation to further cut the base closure account at a time when the Base Closure Commission is reviewing recommendations to add more bases to the closure list is, in my judgement, misguided.

It does not make sense to reduce funds critical for the closing and cleaning up of bases—funds that are used to pay civilian severance, environmental restoration, and the civilian and military relocation costs associated with closing a base. These cuts, proposed by the Appropriations Committee, will not only delay the closure process, they will negatively impact communities that are desperately looking for alternative uses for these bases to speed up their economic recovery. Just last year, Congress rescinded $507 million in this same account and caused havoc to the closure process and our communities which are still trying to recover from the cuts.

I have an amendment prepared to offer which will restore the funding for the base closure account. However, in order not to delay this process any longer, and after conferring with the chairman of the Subcommittee on Military Construction who assured me he would consider restoring the funds during the joint conference on the bill, I will not offer the amendment.

Mr. President, let me close by stating that reducing the Defense budget every time there is an unexpected defense or domestic need requiring a supplemental is not a sustainable policy over the long term, nor is such a policy in the interest of our national security. The men and women of our Armed Forces expect better from the Senate. These dedicated individuals, who risk their lives daily and endure long separations from their families, have earned our support. I am committed to providing that support and hope my colleagues in the Senate and on the Appropriations Committee will join me in stopping this erosion to the Defense budget.

Mr. President, I ask unanimous consent that a letter addressed to me dated March 10, 1995, from John Deutch, Deputy Secretary of Defense, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, March 30, 1995.

Senator STROM THURMOND,
U.S. Senate, Chairman, Committee on Armed Services.

DEAR MR. CHAIRMAN: I am writing to request your assistance in resisting the proposed rescission of $230 million in the fiscal year 1995 Military Construction appropriation.

The Senate proposed rescission of $104 million for the Base Closure and Realignment Account (BRAC) impacts the Department of Defense's ability to implement the base closures as mandated by law. The Department makes every effort to minimize the impact on communities. The ability to close as expeditiously as possible not only saves the federal government money that we have counted on, but also provides the communities with early opportunities for economic development and job creation. Our experience with the fiscal year 1994 rescission was that it severely impacted both Service and community closure efforts.

The proposed $69 million rescission of NATO funds is of significant concern. These funds are currently obligated and any rescission would incur additional costs for contract terminations of ongoing construction projects. It also sends a very negative signal concerning our support for the NATO Alliance.

The proposed overseas reductions of $27 million primarily affect our ability to meet our environmental responsibilities. The worldwide unspecified reduction of $30 million places a burden on the Services to find alternative sources of funds for needed projects. We already face a $137 million unallocated reduction in the fiscal year 1995 appropriation.

On behalf of the Department of Defense, I request that the Senate reconsider the proposed $230 million rescission.

JOHN DEUTCH.

RESTORING RESCISSION OF BASE CLOSURE FUNDING

Mr. MCCAIN. Mr. President, I support the efforts of my colleague from South Carolina, Senator THURMOND, to restore funding $104 million in funding for base closure accounts, which the Appropriations Committee recommended for rescission. It is vitally important that these funds remain available to pay for the necessary costs of closing, cleaning up, and transferring unnecessary military bases to the communities for reuse.

The Appropriations Committee indicates in the report accompanying the bill that these rescissions are being taken because large amounts of appropriated funds remain unobligated in these accounts. That may be true. But that in no way means that the funds are not necessary.

The accounts from which the committee recommended rescinding $104 million include the funding for environmental restoration at closing military bases. These costs are not insignificant, and they represent a Federal liability which must be met.

On Monday, March 27, the Washington Post reported on yet another study that concluded that "the cost of cleaning up military bases is skyrocketing * * *." My colleague from Alaska has often raised this problem of the increasing cost of cleaning up closing military bases as a reason to delay the BRAC process. Yet, now the committee is recommending that we rescind funds already appropriated for environmental cleanup at closing military bases. I cannot understand the logic of doing so.

These accounts from which the committee recommends we rescind money also include funding to pay for military construction at bases where consolidations and realignments will occur because of BRAC actions. The cost of providing this new infrastructure was factored into the BRAC's decisionmaking process and is important to provide necessary support for activities moved to other locations. It is not reasonable to assume that adding functions to an existing base will not require some expenditure of funds for buildings and support.

All of these funds are necessary to complete the base closure and realignment process. There are specific projects and activities for which these funds were appropriated—jobs which need to be completed so that the communities surrounding the closing bases can implement their reuse plans as quickly as possible.

I wonder whether the committee would consider, as a possible reason for the large amount of unobligated balances in these accounts, that the process for closing bases is, without exaggeration, ponderous.

In my home State of Arizona, Williams Air Force Base, which was ordered closed in 1991, has been screened for Federal agency reuse at least three times. Homeless applications are still pending at the Department of Health and Human Services. The Air Force Base Conversion Agency and the local communities have not yet agreed on the final details of reuse of the base. Here we are, nearly 4 years after the BRAC ordered the base closed, and the Air Force is still paying the bill for maintaining the base. And more importantly, the community is still not able to recover fully from the economic impact of losing the base.

The base closure process ought not take 4 years to complete. I intend to introduce legislation to streamline the Federal screening process and to give greater flexibility to recognized community groups to coordinate, develop, and implement reuse plans for closing bases.

Until the process is fixed, however, it is not surprising that large amounts of the base closure funding remain unspent. Again, though, that does not mean that the funds are not needed. Eliminating these funds would only exacerbate the difficulty of closing bases and conveying the property to the subsequent owners in a timely fashion.

This is a painful enough process for a community that relied on the military base in its midst for jobs and economic stability. Let's not aggravate the situation by imperiling the Services' ability to complete the process as quickly as possible.

Mr. President, I understand that Senator THURMOND has received assurances from the chairman of the Appropriations Committee Subcommittee on Military Construction that the conferees on this bill will consider restoring these funds in the conference. I applaud that commitment.

I must state, however, that I support restoring these funds with one condition. I believe that the restoration of these funds must not be done at the cost of increasing the Federal deficit. I believe the $104 million in restored funding must be fully offset by rescissions of low priority funds.

Mr. President, I had intended to offer a second degree amendment to rescind $104 million from the administrative and travel accounts of the Federal Government.

The amendment would have provided a full offset for the cost of restoring the BRAC-related funds in the amendment of Senator THURMOND. The Senate bill already provides $13 billion in total spending rescissions, but this is $4 billion less than the House bill. We should not further exacerbate the shortfall in deficit reduction funds, if we can find an offsetting reduction.

I believe the reduction of $104 million in Government administrative and travel expenses would have been an appropriate reduction. The Office of Management advised me that, in fiscal year 1995 alone, $107.2 billion will be spent for administration and travel. The amendment would have rescinded only $104 million from a $107 billion account—less than one-tenth of 1 percent of the total expenditures. Out of a budget of $107 billion, it seems quite likely that the small amount which would be rescinded by this amendment will not be devastating to the operation of any government office. One-tenth of 1 percent of the administrative and travel budget of any Federal organization should not hamper the operations of that organization.

Mr. President, the Department of Defense and the communities surrounding closing bases need the funding in the BRAC accounts to finish a job already underway. We should not rescind those funds. I believe we should rescind a minuscule portion—less than one-tenth of 1 percent—of the Federal Government's administrative and travel budget to pay for these necessary BRAC-related activities.

Unfortunately, we were unable to come to agreement on the offsets I intended to propose. Therefore, Senator THURMOND has chosen to rely on the assurances he has received from Senator BURNS concerning restoring these funds in the conference. I respectfully urge the conferees to identify offsetting rescissions in other areas to pay for the restoration of these funds.

Mr. President, it is imperative that we not decrease the amount of deficit reduction in this bill. We are undertaking the daunting task of prioritizing Federal spending and reducing the Federal debt, working toward a balanced Federal budget. By eliminating unnecessary and wasteful spending of prior year appropriated funds, we can begin our review of the fiscal year 1996 budget with money in the bank.

Therefore, the conferees on this bill should ensure that an offsetting reduction is made for the restoration of these BRAC-related funds. The conference agreement should preserve at least the level of deficit reduction contained in the Senate bill, and in my view, should move toward the greater deficit reduction in the House bill. As important as this funding is for BRAC cleanup and implementation, I do not believe it should be restored at the cost of increasing the deficit.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

1994 ANNUAL REPORT ON ALASKA'S NATURAL RESOURCES—MESSAGE FROM THE PRESIDENT—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I transmit herewith the 1994 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 3, 1995.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–690. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of international agreements other than treaties, and background statements; to the Committee on Foreign Relations.

EC–691. A message from the Chairman of the Board of the African Development Foundation, transmitting, a draft of proposed legislation to authorize appropriations for the African Development Foundation; to the Committee on Foreign Relations.

EC–693. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to authorize appropriations for the United States contribution to the tenth replenishment of the resources of the International Development Association; to the Committee on Foreign Relations.

EC–694. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to provide for a United States contribution to the Interest Subsidy Account of the Successor (EASF II) to the Enhanced Structural Adjustment Facility of the International Monetary Fund; to the Committee on Foreign Relations.

EC–695. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Federal Highway Administration and Federal Transit Administration Buy America Waivers for fiscal years 1992 and 1993; to the Committee on Environment and Public Works.

EC–696. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-31 enacted by the Council on March 7, 1995; to the Committee on Governmental Affairs.

EC–697. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-32 enacted by the Council on March 7, 1995; to the Committee on Governmental Affairs.

EC–698. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-34 enacted by the Council on March 7, 1995; to the Committee on Governmental Affairs.

EC–699. A communication from the Special Counsel of the United States, transmitting, pursuant to law, a report relative to the fiscal year 1994 audit and investigative activities of the Office of Special Counsel; to the Committee on Governmental Affairs.

EC–700. A communication from the HUD Secretary's designee to the Federal Housing Finance Board, transmitting, pursuant to law, a report relative to the Board's internal control and financial management systems; to the Committee on Governmental Affairs.

EC–701. A communication from the Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to the Board's audit and investigative coverage; to the Committee on Governmental Affairs.

EC–702. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program; to the Committee on Governmental Affairs.

EC–703. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of GAO reports released in February 1995; to the Committee on Governmental Affairs.

EC–704. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the statement of the Commission under the Federal Managers' Financial Integrity Act for fiscal year 1994; to the Committee on Governmental Affairs.

EC–705. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the Center's annual report for 1994; to the Committee on the Judiciary.

EC–706. A communication from the General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation to amend Chapter 30 of Title 35 U.S.C. to afford third parties an opportunity for greater participation in reexamination proceedings before the U.S. Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 523. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes (Rept. No. 104–24).

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, without amendment:

S. 641. A bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes (Rept. No. 104–25).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 660. A bill to amend title 10, United States Code, to provide for transportation by the Department of Defense of certain children requiring specialized medical services in the United States; to the Committee on Armed Services.

By Mr. LOTT:

S. 661. A bill to require the continued availability of $1 Federal reserve notes for circulation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 662. A bill to implement the interim agreement for the conservation of Yukon River salmon stocks agreed to by the Government of the United States of America and the Government of Canada on February 3, 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. Res. 99. A resolution commending the 125th anniversary of Allen University, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 660. A bill to amend title 10, United States Code, to provide for transportation by the Department of Defense of certain children requiring specialized medical services in the United States; to the Committee on Armed Services.

TRANSPORTATION FOR CHILDREN WITH DISABILITIES

• Mr. AKAKA. Mr. President, today I am introducing legislation that would allow the Department of Defense to provide transportation for children with disabilities seeking medical treatment in the United States. I am pleased that Senator INOUYE has joined me in cosponsoring this measure.

The Shriners Hospital for Crippled Children in Honolulu currently provides free medical treatment for disabled children. However, many of these children must wait several months before funds are available for them to travel from their homes in the Pacific to Hawaii. As of February 28, 1995, Shriners Hospital had 177 Pacific rim children with disabilities seeking medical treatment.

The legislation I am introducing authorizes the Department of Defense to offer transportation, on a space available basis, to a disabled child seeking free medical treatment. The children would come from United States territories, such as American Samoa and Guam, and from countries with historic ties to the United States, including the Federated States of Micronesia, the Marshall Islands, Saipan, Palau, Western Samoa, and the Philippines.

Providing transportation for disabled children from these Pacific rim countries and territories will enhance the United States relationship with these entities. The goodwill generated by this initiative will contribute to our efforts to be "good neighbors" in the Pacific. The cost of this measure would be nominal since transportation would be on a space-available basis.

Mr. President, I urge my colleagues to support this measure.•

By Mr. LOTT:

S. 661. A bill to require the continued availability of $1 Federal reserve notes for circulation; to the Committee on Banking, Housing, and Urban Affairs.

SAVE THE GREENBACK ACT

Mr. LOTT. Mr. President, I am pleased to introduce the following bill designed to preserve the status of the American $1 bill. The dollar bill—also known as the American greenback—has been a staple of our currency since 1862, and since 1869 has carried the likeness of the founder of our Nation: George Washington.

During that entire period, we have never heard the American people express their disagreement, or their displeasure, with the $1 bill. In fact, as many of you are well aware, the mere mention of any redesign of our currency inevitably triggers an onslaught of calls from constituents.

In past Congresses there have been misguided efforts by special interests to replace the $1 bill with a coin. The proponents of this coin make three bold claims: that it will be easier to handle, that it will be popular with the American people, and that it will save money.

Let me address each of these claims in turn: Imagine if you will, replacing ten $1 bills in your wallet with ten $1 coins in your pocket. After several days, one might suspect a conspiracy by clothing manufacturers in drafting the dollar coin proposal. I do not know anyone who prefers a pocketful of coins to a wallet containing dollar bills.

As to the coin's so-called popularity with the American people; there have been three national polls on this issue during the past year. In every poll, the American people overwhelmingly rejected any attempt to do away with the dollar bill and have expressed their displeasure for replacing it with a coin.

The most recent poll was conducted in January, under the auspices of the House Budget Committee. Only 18 percent of those questioned preferred a dollar coin. Earlier polls have indicated a very real concern by American people that if the coin bill becomes law, the price of items purchased from vending machines such as food, laundry, and soft drinks will rise. They also expect to see increases in the costs of other everyday items such as parking meters and pay telephone calls.

Mr. President, legislation designed to eliminate the dollar bill will be an excuse by special interests to raise prices on everyday items. Eliminating the dollar bill and replacing it with a dollar coin will likely result in two things: Higher prices to consumers, and more weight in our pocket.

None of us really want to see a repeat of the Susan B. Anthony drama in which the dollar coin was overwhelmingly rejected by the public. It did not save us a nickel when it was minted, although officials said at the time that savings would be realized. At this moment, there are over $300 million in Susan B. Anthony coins sitting idle in the U.S. Mint. Will we have to make room in a few years time for another dollar coin, because we didn't heed the lessons of the past?

It is not enough to blame the failure of the Susan B. Anthony dollar on its design alone. The people overwhelmingly rejected it as part of the currency system. The people had a choice and they voted against it. The bill I am introducing today seeks to protect the consumer from the hidden cost increases which would result from a mandated replacement of the dollar bill with a dollar coin.

As I travel around Mississippi, I hear people telling me that we need to reform welfare, slam the door on convicted criminals, and eliminate waste. I do not hear a lot of complaints that we need a dollar coin to replace the face of George Washington in our wallets.

I encourage my colleagues to join me in cosponsoring this legislation.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 662. A bill to implement the interim agreement for the conservation of Yukon River salmon stocks agreed to by the Government of the United States of America and the Government of Canada on February 3, 1995, and for other purposes; to the committee on Commerce, Science, and Transportation.

YUKON RIVER SALMON ACT

• Mr. STEVENS. Mr. President, I am pleased to introduce legislation today that would implement the new interim agreement for the conservation of Yukon River salmon stocks reached between the United States and Canada on February 3, 1995—the Yukon Agreement.

The title of my bill is the "Yukon River Salmon Act of 1995."

A total of 1,875 miles long, the Yukon River is the fourth largest river in North America, and runs from head waters deep in Canada, through the heart of Alaska, and into the Bering Sea.

Commercial and subsistence fishermen from Canada to the Alaskan shores of the Bering Sea rely on the salmon resources of this massive river.

The Yukon Agreement will assure both Alaskans and Canadians living along the Yukon River that these vital salmon resources will be carefully managed, restored, and enhanced in the years ahead.

I would like to commend the State Department, State of Alaska, and the many Alaskans who were instrumental in bringing about this agreement.

It is great to see the positive results that can occur when we work together with our Canadian neighbors.

The bill I am introducing today would provide for U.S. representation on a new Yukon River Panel created under the Yukon Agreement.

The Yukon River Panel will include representatives from both the United States and Canada, and will make management, restoration and enhancement suggestions to the entities responsible for conserving and managing Yukon River salmon on both sides of the United States-Canada border.

Under the bill, the United States would have six Yukon River Panel members: one appointed by the Secretary of State; one representing the State of Alaska; and four representatives knowledgeable and experienced with Yukon River salmon fisheries who would be appointed by the Governor of Alaska.

At least one of the four panel members appointed by the Governor must represent the Upper Yukon; at least one must represent the Lower Yukon; and at least one must be an Alaska Native.

Panel members will serve 4-year terms, and will be eligible for reappointment.

The Secretary of State and Governor of Alaska would be authorized to designate an alternate panel member, meeting the same qualifications, for each of the panel members they have authority to appoint under the bill.

The Yukon River Panel would be exempt from the Federal Advisory Committee Act, similar to the treatment of the Pacific Salmon Commission and Pacific Salmon Treaty panels under the Pacific Salmon Treaty enabling legislation—Public Law 99-5.

Panel members would be paid at the GS-16 rate while on duty, which is consistent with the pay received by panels under the Pacific Salmon Treaty enabling legislation.

Decisions by the U.S. section of the Yukon River Panel would occur by the consensus of five of the panel members: the State of Alaska's representative, and the four at-large panel members. The Federal member would not vote. This is similar to the voting structure of the Pacific Salmon Commission.

As with the Pacific Salmon Commission, the Federal representative would serve as a neutral and objective party if disagreements arise among members of the U.S. section of the panel.

The bill also authorizes an advisory committee, with members to be appointed by the Governor of Alaska.

This advisory committee would include between 8 and 12 members knowledgeable and experienced with regard to salmon fisheries on the Yukon River.

Advisory committee members would receive no compensation for their service, but could be reimbursed for travel expenses.

Advisory committee members would serve 2-year terms and would be eligible for reappointment.

The Yukon Agreement requires each country to designate a responsible management entity for the harvest of salmon originating in the Yukon, which will receive recommendations of the Yukon River Panel.

My legislation would designate the State of Alaska's Department of Fish and Game as the responsible management entity for the United States.

The Alaska Department of Fish and Game does most of the salmon research and assessment on the Yukon, and is the primary manager of commercial harvests on the Yukon.

The designation of the Alaska Department of Fish and Game is for the purposes of the Yukon Agreement, and is not meant to expand, diminish or change Federal or State authority with respect to salmon management.

The Yukon River Panel would be authorized under the bill to make recommendations to the Department of Interior, Department of Commerce, Department of State, the North Pacific Fishery Management Council, and to other Federal or State entities as it feels appropriate.

Recommendations by the Yukon River Panel under both the agreement and the legislation I am introducing today are advisory in nature.

The Yukon Agreement states that if the Pacific Salmon Treaty should terminate before the termination of the Yukon Agreement, the Yukon Panel would become the Yukon River Salmon Commission and continue under existing provisions of the treaty that apply to the Yukon.

The bill I am introducing allows for the shift from the Yukon River Panel to the Yukon River Salmon Commission should the Pacific Salmon Treaty terminate.

If the Pacific Salmon Treaty fails, the provisions in the bill which apply to the Yukon River Panel would thereafter apply to the Yukon River Salmon Commission, and all provisions of the bill, such as the voting structure, would remain in effect.

The legislation would authorize $400,000 in each of fiscal years 1996, 1997, 1998, and 1999 to the Secretary of Commerce to make the payment necessary under the Yukon Agreement to the Yukon River Restoration and Enhancement Fund.

This money will be used primarily for restoration and enhancement in Canada, which helps all fishermen along the Yukon. In accordance with the Yukon Agreement, the Yukon River Panel will decide how this money is spent.

The bill would also authorize appropriations to pay panel members, and to reimburse panel members, alternate panel members, advisory committee members, and U.S. members of a joint technical committee for their travel expenses.

The Subcommittee on Oceans and Fisheries has received testimony on the Yukon Agreement and relating to this implementing legislation during our recent hearings on the Magnuson Act reauthorization.

It is my hope to include the Yukon River Salmon Act—which I believe to be noncontroversial—on S. 267, the Fisheries Act of 1995, when S. 267 goes to the Senate floor.

I am joined by Senator MURKOWSKI in introducing the Yukon River Salmon Act of 1995.

I request that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yukon River Salmon Act of 1995."

SEC. 2. PURPOSES.

It is the purpose of this Act—

(1) to implement the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995;

(2) to provide for representation by the United States on the Yukon River Panel established under such agreement; and

(3) to authorize to be appropriated sums necessary to carry out the responsibilities of the United States under such agreement.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "Agreement" means the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995.

(2) The term "Panel" means the Yukon River Panel established by the Agreement.

(3) The term "Yukon River Joint Technical Committee" means the technical committee established by paragraph C.2 of the Memorandum of Understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada recorded January 28, 1985.

SEC. 4. PANEL.

(a) REPRESENTATION.—The United States shall be represented on the Panel by six individuals, of whom—

(1) one (1) shall be an official of the United States Government with expertise in salmon conservation and management;

(2) one (1) shall be an official of the State of Alaska with expertise in salmon conservation and management; and

(3) four (4) shall be knowledgeable and experienced with regard to the salmon fisheries on the Yukon River.

(b) APPOINTMENTS.—Panel members shall be appointed as follows:

(1) The Panel member described in subsection (a)(1) shall be appointed by the Secretary of State.

(2) The Panel member described in subsection (a)(2) shall be appointed by the Governor of Alaska.

(3) The Panel members described in subsection (a)(3) shall be appointed by the Governor of Alaska, who shall consider nominations provided by organizations with expertise in Yukon River salmon fisheries. The Governor of Alaska shall appoint at least one member under subsection (a)(3) who is qualified to represent the interests of Lower Yukon River fishing districts, and at least one member who is qualified to represent the interests of Upper Yukon River fishing districts. At least one of the Panel members under subsection (a)(3) shall be an Alaska Native.

(c) ALTERNATES.—The Secretary of State and Governor of Alaska may designate an alternate Panel member for each Panel member they appoint under subsection (b), who meets the same qualifications, to serve in the absence of the Panel member.

(d) TERM LENGTH.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(e) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(f) DECISIONS.—Decisions by the United States section of the Panel shall be made by the consensus of the Panel members appointed under paragraphs (2) and (3) of subsection (a).

(g) CONSULTATION.—In carrying out their functions under the Agreement, Panel members may consult with such other interested parties as they consider appropriate.

SEC. 5. ADVISORY COMMITTEE.

(a) APPOINTMENTS.—The Governor of Alaska may appoint an Advisory Committee of not less than eight (8), but not more than twelve (12), individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. Members of the Advisory Committee may attend all meetings of the United States section of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the United States section of the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(b) REAPPOINTMENT.—Advisory Committee members shall be eligible for reappointment.

SEC. 6. EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to the Panel, the Yukon River Joint Technical Committee, or the Advisory Committee created under section 5 of this Act.

SEC. 7. AUTHORITY AND RESPONSIBILITY.

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of the Agreement.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish or change the management authority of the State of Alaska or the Federal government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with the Agreement, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of Interior, Department of Commerce, Department of State, North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

SEC. 8. CONTINUATION OF AGREEMENT.

In the event that the Treaty between Canada and the United States of America concerning Pacific Salmon, signed at Ottawa, January 28, 1985, terminates prior to the termination of the Agreement, and the functions of the Panel are assumed by the "Yukon River Salmon Commission" referenced in the Agreement, the provisions of this Act which apply to the Panel shall thereafter apply to the Yukon River Salmon Commission, and the other provisions of this Act shall remain in effect.

SEC. 9. ADMINISTRATIVE MATTERS.

(a) Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS-16 of the General Schedule when engaged in the actual performance of duties.

(b) Travel and other necessary expenses shall be paid for all Panel members, alternate Panel members, United States members of the Joint Technical Committee, and members of the Advisory Committee when engaged in the actual performance of duties.

(c) Except for officials of the United States Government, individuals described in subsection (b) shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Agreement and this Act including—

(a) necessary travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee, and members of the Advisory Committee in accordance with Federal Travel Regulations and sections 4701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(b) the United States share of the joint expenses of the Panel and the Joint Technical Committee, provided that Panel members and alternate Panel members shall not, with respect to commitments concerning the United States share of the joint expenses, be subject to section 262(b) of title 22, United States Code, insofar as it limits the authority of United States representatives to international organizations with respect to such commitments; and

(c) by the Secretary of Commerce, $400,000 in each of fiscal years 1996, 1997, 1998 and 1999 to be contributed to the Yukon River Restoration and Enhancement Fund and used in accordance with the Agreement.●

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. CHAFEE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 198, a bill to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes.

S. 243

At the request of Mr. ROTH, his name was withdrawn as a cosponsor of S. 243, a bill to provide greater access to civil justice by reducing costs and delay, and for other purposes.

S. 256

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 303, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 324

At the request of Mr. ROTH, his name was added as a cosponsor of S. 324, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 391

At the request of Mr. CRAIG, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 391, a bill to authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, and for other purposes.

S. 434

At the request of Mr. KOHL, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 524

At the request of Mr. WELLSTONE, the names of the Senator from California [Mrs. BOXER] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 524, a bill to prohibit insurers from denying health insurance coverage, benefits, or varying premiums based on the status of an individual as a victim of domestic violence and for other purposes.

S. 565

At the request of Mr. PRESSLER, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 565, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 603

At the request of Mr. FAIRCLOTH, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 603, a bill to nullify an executive order that prohibits Federal contracts with companies that hire permanent replacements for striking employees, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Kentucky [Mr. FORD], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Louisiana [Mr. BREAUX], the Senator from Michigan [Mr. LEVIN], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

SENATE JOINT RESOLUTION 31

At the request of Mr. HATCH, the names of the Senator from Colorado [Mr. BROWN], the Senator from Tennessee [Mr. FRIST], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint

Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MURKOWSKI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.

SENATE RESOLUTION 99—COMMENDING THE 125TH ANNIVERSARY OF ALLEN UNIVERSITY

Mr. THURMOND (for himself and Mr. HOLLINGS) submitted the following resolution; which was considered and agreed to:

S. RES. 99

Whereas Allen University in Columbia, South Carolina, is in the midst of a year-long celebration of the 125th anniversary of the University;

Whereas Allen University has produced local and national leaders who have served communities and the United States in an exemplary way;

Whereas the late Bishop John Mifflin Brown and the people of the Columbia Conference of the African Methodist Episcopal Church had the vision to establish a school for the education of newly freed slaves in 1870 in Cokesbury, South Carolina, naming the school for the predecessor to Bishop Brown, Bishop Daniel Alexander Payne, and appointing Professor J.W. Morris as president;

Whereas Bishop William F. Dickerson led a successful effort to relocate the school to Columbia, South Carolina, and rename the school in 1880 for Bishop Richard Allen, the founder of the African Methodist Episcopal Church, while the Reverend James C. Waters assumed the presidency;

Whereas the University has a long tradition of producing clergy and lay leadership for the African Methodist Episcopal Church;

Whereas the University has produced numerous scholars, attorneys, physicians, teachers, and business and governmental leaders, and other professionals who have risen to positions of notoriety in the African-American community as a whole;

Whereas Doctor Margaret Dixon is an exemplary Allen University Alumnae who has recently been elected president of the American Association of Retired People;

Whereas the University has endured all the difficulties familiar to historically black colleges and universities;

Whereas the University, with an historic campus, is an accredited member institution of the Southern Association of Colleges and Schools;

Whereas the University, under the present leadership of Bishop John Hurst Adams and President David T. Shannon, is equipped to serve non-traditional students and others who would otherwise not have the opportunity for a college education, as well as remaining faithful to the traditional goals of the University of clergy and leadership education; and

Whereas the University still strives to live up to the motto of the University, which is "Heads to Think, Hands to Work, and Hearts to Love": Now, therefore, be it

Resolved, That Congress—

(1) commends Allen University for 125 years of progress, commitment, and dedication in the shaping of productive lives; and

(2) extends best wishes to Allen University and hopes the University will have a productive future that continues the accomplishments of the past.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

WELLSTONE AMENDMENT NO. 447

(Ordered to lie on table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescission for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 29, line 16, strike "$2,185,935,000" and insert "$2,191,435,000".

On page 55, line 4, strike "$4,800,000,000" and insert "$4,794,500,000".

KENNEDY AMENDMENT NO. 448

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra, as follows:

At the appropriate place in the amdt, insert the following;

SEC. . SENSE OF THE SENATE REGARDING TAX AVOIDANCE.

(a) IN GENERAL.—It is the sense of the Senate that Congress should act as quickly as possible to amend the Internal Revenue Code of 1986, to eliminate the ability of persons to avoid taxes by relinquishing their United States citizenship.

(b) EFFECTIVE DATE.—It is the sense of the Senate that the amendment referred to in subsection (a) should take effect as if enacted on February 6, 1995.

BARNUM & BAILEY CIRCUS COMMEMORATION

SMITH AMENDMENT NO. 449

Mr. SMITH proposed an amendment to the concurrent resolution (H. Con. Res. 34) concurrent resolution authorizing the use of the Capitol Grounds for the Ringling Bros., and Barnum & Bailey Circus anniversary commemoration; as follows:

On page 2, strike lines 9 through 13, and insert the following: "performers, on the Capitol Grounds, on April 3, 1995, or on such other date as the Speaker of the House of Representatives and President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

No elephants shall be allowed on the Capitol Grounds for the purpose of this event.".

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Wednesday, April 5, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on providing direct funding through block grants to tribes to administer welfare and other social service programs.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE AND TOURISM

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism of the Committee on Commerce, Science, and Transportation be authorized to meet Monday, April 3, 1995, at 9:30 a.m. on S. 565, the Product Liability Fairness Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight of the Finance Committee be permitted to meet Monday, April 3, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on the research and experimentation [R&E] tax credit.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ANNOUNCEMENT OF POSITION ON CERTAIN VOTES

• Mr. FAIRCLOTH. Mr. President, on March 30, 1995, I was necessarily absent from rollcall votes. If I were present on that day, I would have voted as follows: "Yea" on rollcall vote No. 121 to lay on the table the amendment of the Senator from Washington [Mrs. MURRAY]; "nay" on rollcall vote No. 122 to lay on the table amendment No. 435 of the Senator from Nebraska [Mr. KERREY]; "yea" on rollcall vote No. 123 to lay on the table amendment No. 436 of the Senator from California [Mrs. BOXER]; "yea" on rollcall vote No. 124 on amendment No. 437 of the Senator from Alabama [Mr. SHELBY]; and "yea" on rollcall vote No. 125 to lay on the table amendment No. 438 of the Senator from Nevada [Mr. REID].•

HONG KONG

• Mr. THOMAS. Mr. President, the week before last I had the pleasure of cohosting a breakfast with Congressman GILMAN for Lu Ping. Mr. Lu is the head of the People's Republic of China's Office of Hong Kong and Macau Affairs, as well as a body known as the Preliminary Working Committee. In other words, he is the Chinese official in charge of overseeing the transition of Hong Kong from a dependent territory of the United Kingdom to a special administrative region under the jurisdiction of the People's Republic of China in the summer of 1997.

Mr. Lu and his group were, in effect, on a public relations tour of the United States to convince policymakers here—as well as an audience back home—that Hong Kong will continue to thrive as a bastion of capitalism after 1997. Mr. Lu did his job well. He spoke eloquently and reassuringly, painting a rosy picture for the colony's future without sounding phony or unrealistic. While I greatly appreciated the opportunity to meet with Mr. Lu and hear his views, I have a concern with his pronouncements which I would like to share with my colleagues.

Despite his polished presentation it seemed to me that his views diverged little, if at all, from the official party line. Certainly, this was not entirely unexpected. Members of the PRC bureaucracy are not often given to flights of independence of thought or opinion. While he certainly seemed genuine and straight-forward, I could not shake the feeling that his statements were simply a glossy version of what we have been hearing from Beijing on this topic for some time. He spoke at length about how Hong Kong's present status would be protected, but said nothing substantive about the mechanics of that protection. As a writer for the Nanhua Zaobao, South China Morning Post, so accurately put it:

> [D]espite having an excellent ambassador in the eloquent English-speaking Mr. Lu, and in spite of the articulate back-up of sharp minds like those of Rita Fan and Simon Lee, the fact remained that they had—to American earns at least—very little to say. The style was good, but the U.S. needs a lot more meat in its sandwiches.

Moreover, while painting a picture of a bright fairy-tale scene full of sunshine and singing birds, Mr. Lu neglected to peer at the troll under the bridge: The increasing threats made to the rule of law in Hong Kong. In 1984, the People's Republic of China and Great Britain finalized a document known as the Joint Declaration. The declaration set forth PRC guarantees for Hong Kong's continued autonomy after 1997, an elected local legislature, and the continuation of its common-law legal system. Unfortunately, since that time Beijing has acted in such a way so as to call its commitment to these basic principles into question. In 1990, the National People's Congress enacted what is known as the Basic Law, the statutes that will govern Hong Kong after 1997. In contravention of the Joint Declaration, it—inter alia—subordinates the colony's legislative council to an executive appointed by Beijing, and assigns a power of judicial interpretation not to the local courts but to the Standing Committee of the People's Congress. In 1993, a senior official of the PRC's judicial branch intimated that the People's Republic of China will replace Hong Kong's common-law system with one more closely resembling China's where the civil law is merely an extension of the party.

Finally, and most ominously in my opinion, the People's Republic of China has called into doubt its commitment to establish a Court of Final Appeal in Hong Kong. Presently, final judicial decisions are appealable to the Privy Council in London. Of course, that cannot continue to be the case after reversion, and one of the principle concerns of the residents of the colony is that, after 1997, local legal decisions continue to be appealable to a court with interests not inimicable to the common law and judicial independence from extralegal influences. Without a local final appeals court, they worry—rightly in my opinion—that the final arbiter of the law in Hong Kong will be a party cadre in Beijing. So, the Joint Declaration provided for the establishment of a Court of Final Appeal [CFA]. Since that time, however, there has been increased wrangling between Beijing and London, and Hong Kong, over the form of the court; and, for a variety of reasons I will not expound upon here, the future of the CFR is much in question. While it is probably not fair to lay 100 percent of the blame for the imbroglio over the CFA on China, that country, I believe, bears a lion's share.

Mr. President, the continuation of the rule of law in Hong Kong after 1997 is synonymous with its ability to remain a thriving center of finance and democracy at the doorstep of the Communist behemoth to the north. The rule of law ensures that business can be conducted in a fair and secure way, that contracts are binding, and that there is a predictable and impartial means of settling disputes and appeals. Just what kind of problems the absence of the rule of law creates in China is easily illustrated. McDonald's had a contract with the Peoples Republic of China for a restaurant on Tiananmen Square. It operated there for several years, until the Chinese Government decided that it wanted to give the choice location to someone else. Consequently, despite contractual provisions to the contrary, the Chinese kicked McDonald's out of their location. Another company, Revpower, Ltd., entered into a contract with the Government-owned Shanghai Far-East Aero-Technology Import and Export Corp. After a dispute between the two was settled by arbitration, an arbitral award in the amount of $6.6 million was made against the Shanghai firm. Despite its contractual promise, however, the Chinese firm refused to abide by the results of the arbitration. Revpower subsequently sought the assistance of the Shanghai Intermediate People's Court in enforcing the award, but the court has failed to act or even acknowledge the existence of the suit. One can see why the absence of the rule of law would make businesses skittish.

Mr. President, I come to the floor today as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs to let the people of Hong Kong—as well as the government in Beijing—know that the United States take great interest in the future of Hong Kong. We will be keenly watching to be sure that the parties live up to the letter and spirit of the Joint Declaration, especially any developments regarding the CFR and the rule of law. The People Republic of China should know that we will use how it treats Hong Kong as a strong indicator on how it will be expected to act in other areas such as the WTO or similar body, for example. If the PRC fails in the former, then I will be hard-pressed to support its accession to the latter. The world is watching, Mr. President; let us hope that we will like what we see.•

TRIBUTE TO CAROL FITZGERALD

• Mr. REID. Mr. President, I rise today to pay tribute to an outstanding member of the Nevada judicial system who is retiring today after 30 years of service. I rise to honor Carol C. Fitzgerald. Ms. Fitzgerald's career culminated in 1994, her final year of service, with the receipt of the prestigious Angie Award from the Federal Court Clerks' Association. The Angie Award honors those individuals who consistently display unrelenting commitment to improving the administration of justice, fearless pursuit of causes and goals regardless of their popularity, and unblemished integrity. Ms. Fitzgerald demonstrated all of those characteristics throughout her 30 years of service.

She joined the clerk's office in the District of Nevada on March 15, 1965, and was appointed clerk of the court on April 1, 1976 by the Honorable Roger D. Foley. Under Ms. Fitzgerald's capable leadership, the clerk's office grew from less than 10 employees to well over 50. The number of case filings for the district of Nevada has reached the third highest in the Nation.

Carol has consistently been active in Nevada's judicial community. She served 4 years as a member of the district clerk's liaison committee to the ninth circuit judicial conference, was a member of the gender bias subcommittee, and was chair of the liaison committee. She was a member of the ninth circuit automation and technology committee, the ninth circuit task force on court reporting, and the chair of the subcommittee on court reporter/recorder management. Ms. Fitzgerald was also president of the Federal Court Clerks' Association.

As a practicing trial attorney, I first hand witnessed the tireless efforts of Carol Fitzgerald to serve the interests of the public, the bar, and the judiciary. Her efforts culminated in a relationship of efficiency and trust by all three. As a member of the House of Representatives and the United States Senate, I also witnessed Carol's advocacy of the Federal court in the federal bureaucracy. Her endeavors on the court's behalf bore fruit in the outstanding link now found between the Nevada Federal judiciary and the Nevada congressional delegation.

So, as this fine woman moves from the court to another sphere of community involvement, I congratulate and applaud her good works and friendship.●

ABOLISH THE SOURCE TAX

● Mr. GORTON. Mr. President, today I speak in support of an important piece of legislation designated to eliminate an unfair practice affecting thousands of senior citizens in my home State of Washington. It is S. 44, introduced by my distinguished colleagues from Nevada, Senators REID and BRYAN, to abolish the so-called source tax.

As it stands today, retirees living anywhere in the country may find that their retirement pensions are taxed by a State in which they no longer reside. A State may tax a nonresident's pension simply because the person spent all, or part of, his or her working years in that State. This unjust tax is, in many cases, automatically deducted from the retiree's pension benefit every month.

Retirees are outraged because their taxes are going to pay for services of which they cannot take advantage. They are not able to partake in the senior services, medical services, transportation facilities, or public parks in States where they no longer reside. They do not vote in those States and cannot influence how their tax dollars are being spent. They are, however, forced to pay taxes to support these services so that others may benefit from them. The seniors in my State characterize this practice as taxation without representation. I agree.

The source tax is not only taxation without representation, but also a further drain on the already limited and fixed incomes of our senior citizens. Seniors, dependent upon fixed incomes to pay their bills and buy their groceries, are shocked when they learn that they may not have enough to get by because of the taxation policies of other States.

Many senior citizens have written to me about this burdensome practice. Seniors throughout the State of Washington have expressed their outrage and frustration at being taxed by other States. And, as I travel around the State listening to the concerns of the citizens, this issue is continually brought to my attention.

We need to correct this practice now. That is why I cosponsored S. 44, the Source Tax Elimination Act. I encourage my colleagues to help me pass this bill and restore tax fairness to our retirees.●

ANNOUNCEMENT OF POSITION ON CERTAIN VOTES

● Mr. BAUCUS. Mr. President, I regret being absent for several votes on Thursday, March 30, 1995. However, I felt an obligation to be home in order to take part in the Base Realignment and Closure Commission hearing and site tour of Malmstrom Air Force Base. These events will help determine Malmstrom's future: and I firmly believe that Malmstrom plays a crucial role in our national defense and the community of Great Falls, MT.

Yet I want to briefly express my support for two amendments, one offered by Senator KERREY of Nebraska and the other offered by Senator SHELBY, that would have curbed wasteful spending on Federal courthouses. This is a problem I helped bring to light last year during an investigation I conducted as chairman of the Environment and Public Works Committee. I am pleased that the Senate is now on record as saying we must get wasteful courthouse spending under control.●

CONGRATULATING JIM NICHOLSON AND PVS CHEMICALS, INC., ON 50TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise to congratulate PVS Chemicals, based in Detroit, MI, on the occasion of its 50th anniversary. Jim Nicholson, president and chief executive officer of PVS, and son of founder Floyd A. "Nick" Nicholson, has a great deal of which he should be proud. Since he came to head PVS in 1979 Jim has diversified its products and services and expanded into the international marketplace while maintaining the company's commitment to safety, quality, environmental responsibility, customer service, and employee and community support.

Founded in 1945 in Detroit as Pressure Vessel Service, Inc., PVS has grown and expanded dramatically. Today it manufactures inorganic chemicals for industry, and also for municipal water treatment. With reported sales of $121.7 million in 1994, PVS also expedites recycling of selected chemical wastes and operates a licensed waste treatment facility in Detroit.

In addition to its commitment to the Responsible Care Program of the Chemical Manufacturers Association and to the Responsible Distribution Program of the National Association of Chemical Distributors, PVS maintains an active concern with improving the quality of life in the communities in which its plants are located. Each PVS location chooses a direction for its own community outreach activities. Educational support has been a major focus, including scholarships, intern opportunities, mentoring, tutoring, career day participation, equipment and materials donations, and significant contributions at the college level. Site adjacent cleanup activities also are a common PVS contribution to the community. River cleanups, trash pickup, and even adoption of park areas and vacant blocks characterize these efforts to spruce up PVS neighborhoods. And PVS plans to extend and integrate all of these activities to better help their communities.

PVS' public spirit clearly stems from the vision of its president and CEO, Jim Nicholson. Jim took over PVS in 1979 after serving a stint overseas with the First National Bank of Chicago and serving in PVS as a vice president and later treasurer. He is an active member of his community, having served as vice chairman for economic development for Mayor Archer's transition committee, on various boards of directors and on the Advisory Board of United Way for Southeastern Michigan, the Detroit Institute of Arts Founders Society Corporate Relations Committee, and the dean's board of advisors for the Wayne State University School of Business Administration. He also is actively involved with the Michigan Chapter of the Nature Conservancy and the United Negro College Fund and has served on committees for the American Heart Association, the American Lung Association, and several other charitable causes.

Mr. President, this Nation needs more companies like PVS, which take seriously their obligations to the communities in which they work and live. I congratulate PVS on 50 years of responsible, successful work, and wish them many more.●

TRIBUTE TO GEORGE D. DALTON

● Mr. KOHL. Mr. President, I rise before you today to pay tribute to the distinguished winner of the Wisconsin Business Leader of the Year Award for 1994. George D. Dalton, chairman and chief executive officer of Fiserv, Inc., has been selected to receive this prestigious award which is presented annually by the Harvard Business School

Club of Wisconsin and the Milwaukee Journal Sentinel newspaper.

George, a cofounder of Fiserv, Inc., has played an integral role in making this company one of the largest data processing firms for financial institutions in the United States. Fiserv, Inc., now serves more than 5,000 financial institutions and has operations in 62 cities world wide. In the last decade, Fiserv, Inc., has grown from fewer than 300 employees with revenues of $24 million to 6,700 employees with year-end 1994 revenues of $563 million.

I am proud of the contributions George has made to Wisconsin and the Nation and am pleased to have their opportunity to congratulate him on winning this award.•

EXPORTATION OF ALASKAN NORTH SLOPE CRUDE OIL

• Mr. PACKWOOD. Mr. President, I would like to express my deep concern about S. 395, and other similar legislation which would permit the exportation of Alaskan North Slope crude oil. Lifting the ban would cause severe economic strain in Oregon and Washington, and could raise the Nation's gas prices as well as jeopardize national security.

In 1973, Congress passed legislation authorizing construction of the Trans-Alaska Pipeline System. As part of the agreement, we required that none of the Alaska North Slope crude be exported unless the President and Congress found that it was in the national interest to do so. In imposing this restriction, we made sure that no individual oil company would decide that their interest in profit was more important than the national interest to preserve our economy and our national security.

Congress is being asked, by the sponsors of S. 395, to lift the restriction. Mr. President, I understand the potential for significant economic benefits for both Alaska, and the oil industry, if this ban were lifted. The economics are simple to follow. Alaska receives money from oil produced in the State based upon the wellhead price. The wellhead price is figured at a price less transportation. Thus, the lower the transportation cost, the more money Alaska will receive. If the oil can be transported to Korea, as it can without the restriction, cheaper than it can be transported to the United States, exports will generate more revenue for Alaska.

My primary concern is that, while lifting the export restriction will enhance Alaska's oil-rich economy, this comes at the expense of thousands of lost American jobs and a weakened domestic tanker fleet, all with particular impact in my home State.

Passage of the 1973 export restriction on Alaskan North Slope oil ensured that U.S. repaired vessels would be carrying U.S. crude oil. In 1976, realizing the increase in the demand for large repair facilities, citizens of Portland invested $84 million in a shipyard expansion program to handle the repair needs for the Alaskan north Slope very large crude carriers. Today, 60 percent of Portland's current ship repair work comes from these tankers. The 1973 restriction reassured Portland that there was a market out there for shipbuilding repair, and Portlanders took a big risk in providing this market. Today, between 500 to 800 family wage jobs in Portland have been directly supported by the repair needs of these large crude oil tankers, on top of another 1,000 jobs that are indirectly connected to the port's tanker repair activities.

S. 395 does have a provision which makes it mandatory that any tanker used to export Alaskan oil would be U.S. owned and operated. And according to U.S. maritime law, any U.S. flagged vessel seeking repairs overseas would be assessed an ad valorem penalty of 50 percent of the repair cost. While this sounds as though U.S. ships would have a disincentive to seek overseas repairs, this simply will not happen. Not only are loopholes available where virtually any tanker can seek an exemption from the 50 percent assessment penalty, but because the U.S. ship repair industry is faced with strict labor laws, environmental compliance laws, minimum wage standards, and labor union demands, it is still more cost effective, even with the penalty, to seek repairs overseas in markets where no strict compliances exist. In addition, according to the new shipbuilding agreement being prepared by the Organization of Economic Cooperation and Development, we may even lose the right to assess an ad valorem 50 percent penalty. Nevertheless, with or without penalty, S. 395 serves to increase the incentive to repair ships in foreign yards by making it possible for ships to take revenue-producing cargoes of Alaskan North Slope oil to the Far East prior to undergoing repair. This incentive to seek repairs overseas will not only cause serious environmental risks, but will virtually destroy the ship repair industry in Portland, as well as the rest of the entire west coast. As many as 10,000 maritime and shipyard jobs could be lost. Let me be crystal clear, there is no true disincentive to seek repairs in foreign ports by U.S. tankers. As a result, we will witness the demise of the U.S. tanker repair industry in Oregon.

Furthermore, lifting the restriction could increase our vulnerability to outside influence on U.S. foreign policy. Our Nation may become more exposed to foreign pressures, particularly from the volatile Middle Eastern nations. This poses a great danger to our ability to successfully maintain our independence in global politics.

Mr. President, in conclusion, there is no doubt that lifting this export restriction will hurt the American merchant fleet. It is going to hurt the ship repair yards on the west coast, it is going to raise the cost of crude oil to the United States, it is going to threaten our national security, and it is going to cost thousands and thousands of American jobs, particularly in Oregon. I do not find this to be in the national interest, and I am confident that my colleagues will concur.•

TRIBUTE TO KRISTEN AND SKIP AVANSINO

• Mr. REID. Mr. President, on Tuesday, April 11, Kristen and Raymond "Skip" Avansino will be honored by the American Jewish Committee's Institute of Human Relations for their efforts to protect the religious, political, and economic rights of all Americans.

It is with pleasure that I take this occasion to recognize and commend them for their many years of service to the people of Nevada and throughout the country.

Skip Avansino has had a long and remarkable career, and is a role model for all young people who wish to succeed in public and private life. After graduating from the University of Nevada, Reno, Skip earned a degree in law from the University of San Francisco and a masters of law in taxation from New York University.

He returned to the University of Nevada as an assistant professor of business, real estate, and accounting law. Following a 4-year term on the Nevada Gaming Commission, Skip entered private practice specializing in corporate tax and gaming law. In the mid-1980's, Skip's talents were recognized by the Hilton Hotel Corp. and he was appointed to the corporations board of directors.

In February 1993, he was elected president and chief operating officer of Hilton Hotels where he is responsible for overseeing one of the largest resort/casino operations in the world.

Kristen Avansino is equally talented. An accomplished dancer and choreographer, Kristen has served as professor of dance at the University of Nevada, Reno, and as an instructor for the Nevada Museum of Art. She earned a bachelor's and master's degree from Mills College and a lifetime teaching credential from the University of California.

Currently, she is on the board of trustees of the San Francisco Ballet, the Cate School, the Nevada Museum of Art, and she is the executive director of the Wiegand Foundation, a private charitable trust. Indeed, she has lent her talent and energy to many causes in philanthropy, higher education, and the arts.

Kristen and Skip Avansino have been good friends for many years. They have given unselfishly to civic and community causes and have always been willing to give help when help was needed.

I am glad to share with the rest of the country what we in Nevada have known for a long time, and to congratulate the Avansino's for a lifetime of dedication and concern for their fellow citizens.•

TRIBUTE TO NASHVILLE'S YOUTH HOBBY SHOP

• Mr. FRIST. Mr. President, I commend the work of two Nashvillians whose efforts to help inner-city children have often gone unrecognized—Glenn and Tara McLain. As directors for the Lindsley location of Nashville's Youth Hobby Shop, Glenn and Tara McLain have worked to provide a positive role model and change the lives of inner-city youth, one by one.

In an area where violence and poverty prevent children from achieving their dreams, the McLains have tutored more than 100 children each week in the Youth Hobby Shop and have worked to keep the kids off of drugs. In addition, they serve as counselors and friends for many of the children and teenagers who participate in the many activities at the Lindsley hobby shop location. As a result, many of these people involved in Youth Hobby Shop stay in school, enter college, or join the work force. Mr. President, this program is changing the lives of our young Americans, and in turn, is helping to change the direction of this country toward a more independent, self-sufficient, and productive society.

When it was founded more than 36 years ago, the Youth Hobby Shop used hobbies and crafts to help children in Nashville who could not help themselves—those who had no one to come home to after school or needed alternatives to the dangerous streets. As the needs of inner-city children have changed, so has the program. Now Youth Hobby Shop provides tutoring in a variety of subjects, as well as drug prevention programs, parenting classes, field trips, summer camps, and a first-rate basketball league to keep the children off the street and guide them toward productive futures.

A recent survey of residents living within a mile radius of both Youth Hobby Shop locations found that 79 percent of the households knew of the hobby shop's programs and spoke highly of them. The survey also suggested areas in which the program could expand, including adding job training and a neighborhood child care service.

Volunteerism is a key to the great success of this program. Most of the hobby shop's funding comes from donations from individuals, corporations, and churches—and Glenn and Tara McLain have not only won the support of children in the Lindsley Avenue neighborhood, but they have attracted the support of more than 75 university students and adults who volunteer regularly to help the kids improve their reading skills. At the beginning and end of each school year, the children's reading skills are tested to measure their progress.

Glenn and Tara McLain have dedicated their lives to helping inner-city children, and for that, Mr. President, I want to thank them. The success of their hard work and dedication is immeasurable and their impact on the city of Nashville is invaluable.•

BURUNDI: ON THE BRINK OF DISASTER

• Mr. FEINGOLD. Mr. President, the Central African nation of Burundi is once again on the brink of disaster. Exactly 1 year after the world witnessed a genocide in Rwanda, and 1½ years after ethnic violence between Hutus and Tutsis killed more than 100,000 people in Burundi, we are watching a similar catastrophe unfold before our eyes again. We must do what we can to try to deter another bloodbath.

After months of a tense calm in Burundi, political violence began escalating in the last several weeks as extremist Tutsi militia, with the complicity of the Tutsi-dominated military establishment, stepped up attacks against Hutus, and Hutu extremists prepared for military activity. The violence directly threatens the power-sharing agreement negotiated in September 1993, and disrupts what we all had hoped would be a transition to coexistence in Burundi.

In the last couple of weeks, Amnesty International reports that hundreds of people have been killed or disappeared in Burundi, and thousands of Hutus have fled their villages to seek refuge in Zaire and elsewhere. Some are being held hostage in their own villages, surrounded by hostile armed youths and cut off from outside contract. Rwandan refugees who sought refuge in Burundi last year are now beginning to flee to Zaire and Tanzania out of fear that similar terror will prevail in the refugee camps.

The latest round of violence comes on the heels of the assassination in early March of the Minister for Mines and Energy, Ernest Kabushemeye, a Hutu leader, and the discovery of the dismembered body of a retired Tutsi army officer, Lt. Col. Lucien Sakubo. A week later, 17 more, including 3 Belgians and a 4-year-old child, were killed in a highway ambush by Hutu extremists outside of Bujumbura. Last weekend, at least 200 people were killed in the capital, according to Amnesty, and more than 100 people were found dead, lying along a rural road south of Bujumbura.

The situation in Burundi has so deteriorated that families of American and European diplomats are being urged to leave. After initially resisting such guidance, the dependents of the United States Ambassador to Burundi, Robert Krueger, also left this week.

The Prime Minister of Burundi, Antoine Nduwayo, has issued a plan of action designed to strengthen law and order in Burundi, and the majority leader of the Burundian Parliament, Bubugive, is traveling throughout Africa to coordinate regional efforts to help Burundi. We should be prepared to offer any support we can for these diplomatic initiatives.

Mr. President, the U.N. Special Representative, Ahmedou Ould Abdallah, has told the Associated Press that "this country * * * is headed toward collision with disaster." And, in reaction to the violent sweeps of Hutu neighborhoods by Tutsi gangs last weekend, Burundi's President, Sylvestre Ntibantunganya, predicted, "I really see a genocide, because those things were well prepared and carried out fairly systematically."

Genocide is a loaded word, and I use it very carefully and sparingly. Given the past events, Burundi's current crisis could explode into a second genocide in Africa within a year.

President Clinton has taken a personal interest in Burundi, broadcasting a plea over Voice of America to the people of Burundi to "say no to violence and extremism." National Security Adviser Tony Lake and Secretary of State Christopher have called for diplomatic intervention. Our Ambassador to Burundi has done a stellar job at communicating the dangers and involving himself where appropriate. I admire and thank him for his commitment.

As events were worsening this week, U.N. Secretary General Boutros Boutros-Ghali proposed that a U.N. peacekeeping force be earmarked for intervention so that if there is a need, troops can be promptly deployed.

Last week, the U.N. Security Council also issued a warning that those responsible for ethnic violence in Burundi could eventually be tried in international courts for crimes against humanity. I was encouraged by this since I, along with the Senator from Kansas, Senator KASSEBAUM, chair of the Africa subcommittee, and 10 of our colleagues sent a letter to our Ambassador to the United Nations, Ambassador Madeleine Albright, urging her to support the request made by the Government of Burundi to the U.N. Security Council to establish a judicial commission of experts. This commission would be essential to investigating those who have committed past human rights violations, and could serve as a deterrent for others. If extremists who perpetuate ethnic violence in Burundi go unpunished, further violence would only be encouraged.

Wednesday marks the anniversary of the beginning of the genocide in Rwanda. The Subcommittees on African Affairs of both the House and the Senate will hold a joint hearing on Central Africa. I urge my colleagues to pay attention to this hearing because we will hear testimony on the aftermath of last year's violence, and examine options to avert another catastrophe this year. I also expect we will discuss how American initiatives, such as the African Conflict Resolution Act, introduced by the distinguished Senator from Illinois and past chair of the subcommittee, Senator SIMON, can help avoid future tragedies.

Our national attention is properly turned to rescissions, constitutional amendments, and other pressing domestic matters now. But we would be remiss to ignore disaster elsewhere because it will come back to haunt us. We may be called upon to contribute money and supplies for humanitarian relief; or support U.N. troops deployed to quell the rampant, sickening violence; or deal with destabilization in Africa because of a massive refugee spillover; or we may face other unforseen long-term consequences, such as threats to our health, environment, food supplies, and who knows what, if we completely ignore Central Africa.

I urge my colleagues to join us in confronting the complicated problems in Central Africa, and to consider the price we may pay—not to mention the humanitarian disaster that may result—if we pretend Africa does not exist.•

TRIBUTE TO PAUL SAUCEDO

• Mr. BRYAN. Mr. President, I rise today to recognize one of Nevada's outstanding citizens, who, through a courageous act has given another person a chance to live. It is my privilege today to honor a man from Carson City, Paul Saucedo.

In 1989, Paul was diagnosed with Hepatitis C he believes was contracted from a blood transfusion. His condition began to deteriorate and soon, the disease had scarred his liver so badly he began to suffer from increased pain and mental confusion. In 1994, Paul was hospitalized a half-a-dozen times. Paul soon had to retire as an engineer at the Nevada Department of Transportation, because he was too tired during his illness to do much of anything. Last summer, he was given a 30 percent chance of survival. A liver transplant was needed to save Paul's life.

In August of last year, California Pacific Medical Center in San Francisco contacted Paul and informed him a liver was available. When both Paul and his wife learned of a baby girl in the hospital that also needed a liver, Paul decided to give it to the little girl. Even though doctors gave him little chance of surviving another year, Paul never expressed regret about passing the first donated liver to the little girl.

Another liver was finally available in early February and Paul underwent a successful 15 hour transplant surgery. Paul, is now at his home in Carson City doing well. Through his story, Paul has sparked interest in the donor program and blood drives in northern Nevada.

Paul could have chosen to take the first donated liver to save his own life. Instead, he chose to put a little girl's life ahead of his own. Paul's altruism serves as an inspiration to all of us. I wish him will in the future and commend him for his heroic act.•

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to public law 83–29, as amended by public law 98–459 and 102–375, reappoints Robert L. Goldman, of Oklahoma, to the Federal Council on the Aging.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators to the Commission on Security and Cooperation in Europe: the Senator from Colorado [Mr. CAMPBELL], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Michigan [Mr. ABRAHAM].

COMMENDING THE 125TH ANNIVERSARY OF ALLEN UNIVERSITY, AND FOR OTHER PURPOSES

Mr. THURMOND. Mr. President, on behalf of the leader of the Senate, I ask unanimous consent that the Senate now turn to the consideration of Senate Resolution 99, relative to the Allen University in Columbia, SC; that it be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I am pleased to submit today a resolution commending Allen University in Columbia, SC, which is in the midst of a year-long celebration of its 125th anniversary.

In 1870, Bishop John Mifflin Brown and the people of the Columbia Conference of the African Methodist Episcopal Church established a school for the education of newly-freed slaves in Cokesbury, SC, naming the school for the predecessor to Bishop Brown, Bishop Daniel Alexander Payne. The school was later relocated to Columbia, SC and in 1880, it was renamed for Bishop Richard Allen, the founder of the African Methodist Episcopal Church.

Allen University has a long tradition of producing clergy and lay leadership for the African Methodist Episcopal Church, as well as scholars, attorneys, physicians, teachers, business and governmental leaders, and other professionals who have risen to prominent positions in our society.

I hope my colleagues will join me in commending Allen University and extending our best wishes to the university under the leadership of Bishop John Hurst Adams and President David T. Shannon.

So the resolution (S. Res. 99) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 99

Whereas Allen University in Columbia, South Carolina, is in the midst of a year-long celebration of the 125th anniversary of the University;

Whereas Allen University has produced local and national leaders who have served communities and the United States in an exemplary way;

Whereas the late Bishop John Mifflin Brown and the people of the Columbia Conference of the African Methodist Episcopal Church had the vision to establish a school for the education of newly freed slaves in 1870 in Cokesbury, South Carolina, naming the school for the predecessor to Bishop Brown, Bishop Daniel Alexander Payne, and appointing Professor J.W. Morris as president;

Whereas Bishop William F. Dickerson led a successful effort to relocate the school to Columbia, South Carolina, and rename the school in 1880 for Bishop Richard Allen, the founder of the African Methodist Episcopal Church, while the Reverend James C. Waters assumed the presidency;

Whereas the University has a long tradition of producing clergy and lay leadership for the African Methodist Episcopal Church;

Whereas the University has produced numerous scholars, attorneys, physicians, teachers, and business and governmental leaders, and other professionals who have risen to positions of notoriety in the African-American community as a whole;

Whereas Doctor Margaret Dixon is an exemplary Allen University Alumnae who has recently been elected as president of American Association of Retired People;

Whereas the University has endured all the difficulties familiar to historically black colleges and universities;

Whereas the University, with an historic campus, is an accredited member institution of the Southern Association of Colleges and Schools;

Whereas the University, under the present leadership of Bishop John Hurst Adams and President David T. Shannon, is equipped to serve non-traditional students and others who would otherwise not have the opportunity for a college education, as well as remaining faithful to the traditional goals of the University of clergy and leadership education; and

Whereas the University still strives to live up to the motto of the University, which is "Heads to Think, Hands to Work, and Hearts to Love": Now, therefore, be it

Resolved, That Congress—

(1) commends Allen University for 125 years of progress, commitment, and dedication in the shaping of productive lives; and

(2) extends best wishes to Allen University and hopes for the University will have a productive future that continues the accomplishments of the past.

EXECUTIVE CALENDAR

Mr. THURMOND. Mr. President, on behalf of the leader, in executive session, I ask unanimous consent that the Senate immediately proceed to the consideration of the following nominations on the Executive Calendar, en bloc: Calendar Nos. 52–62 and 64–66, and all nominations placed on the Secretary's desk.

Further, that the nominations be confirmed, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, en bloc, as follows:

AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

To be general

Gen. Ronald W. Yates, [redacted], U.S. Air Force.

The following-named officer for reappointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Gen. Henry Viccellio, Jr., [redacted], U.S. Air Force.

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Billy J. Boles, [redacted], U.S. Air Force.

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601.

To be lieutenant general

Lt. Gen. Eugene E. Habiger, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Lawrence P. Farrell, Jr., [redacted], U.S. Air Force.

The following-officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Sections 593, 8373, and 8374, and 12004, title 10, United States Code:

To be major general

Brig. Gen. Louis A. Crigler, [redacted], Air Force Reserve.

Brig. Gen. Terrance L. Dake, [redacted], Air Force Reserve.

Brig. Gen. Robert A. Nester, [redacted], Air Force Reserve.

Brig. Gen. Reese R. Nielsen, [redacted], Air Force Reserve.

Brig. Gen. Ralph H. Oates, [redacted], Air Force Reserve.

To be brigadier general

Col. Louis C. Ferraro, Jr., [redacted], Air Force Reserve.

Col. Clayton T. Gadd, [redacted], Air Force Reserve.

Col. Walter T. Hatcher III, [redacted], Air Force Reserve.

Col. Robert A. Krell, [redacted], Air Force Reserve.

Col. Sharon K. Mailey, [redacted], Air Force Reserve.

Col. James L. Martin, [redacted], Air Force Reserve.

Col. Wayne L. Pritz, [redacted], Air Force Reserve.

Col. Edward F. Rodriquez, Jr., [redacted], Air Force Reserve.

Col. Dennis W. Schulstad, [redacted], Air Force Reserve.

Col. Lawrence F. Sheehan, [redacted], Air Force Reserve.

Col. Larry L. Twitchell, [redacted], Air Force Reserve.

Col. Ernest R. Webster, [redacted], Air Force Reserve.

Col. Geoffrey P. Wiedeman, Jr., [redacted], Air Force Reserve.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James A. Fain, Jr., [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general of the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John M. Nowak, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. George T. Babbitt, Jr., [redacted], U.S. Air Force.

ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Glynn C. Mallory, Jr., [redacted], U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Daniel R. Schroeder, [redacted], U.S. Army.

NAVY

The following-named officer for appointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Donald L. Pilling, [redacted], U.S. Navy.

MARINE CORPS

The following-named colonel of the U.S. Marine Corps Reserve for promotion to the grade of brigadier general, under the provisions of section 5912 of title 10, United States Code:

To be brigadier general

Col. Stephen M. Engelhardt, [redacted].

The following-named colonels of the U.S. Marine Corps for promotion to the permanent grade of brigadier general, under the provisions of section 624 of title 10, United States Code:

To be brigadier general

Col. Charles F. Bolden, Jr., [redacted]
Col. James M. Hayes, [redacted].
Col. Randall L. West, [redacted].
Col. Michael W. Hagee, [redacted].
Col. Wallace C. Gregson, Jr., [redacted].
Col. Garry L. Parks, [redacted].
Col. Martin R. Berndt, [redacted].
Col. Dennis T. Krupp, [redacted].
Col. Michael A. Hough, [redacted].
Col. Henry P. Osman, [redacted].
Col. Paul M. Lee, Jr., [redacted].
Col. Edward R. Langston, Jr., [redacted].
Col. Jerry D. Humble, [redacted].
Col. Jan C. Huly, [redacted].

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Harold L. Kennedy, and ending Douglas D. Taylor, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 3, 1995.

Air Force nominations beginning Thomas A. Work, and ending Quay C. Snyder, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Air Force nominations beginning Maj. Lawrence R. Dowling, [redacted], and ending Maj. Ellen N. Thomas, [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Air Force nominations beginning Maj. Michael M. Adkinson, [redacted], and ending Maj. Sheldon R. Omi, [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Air Force nominations beginning Norman W. Anderson, and ending Darin L. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Air Force nominations beginning James M. Corrigan, and ending John A. Stahl, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Air Force nominations beginning Saket K. Ambasht, and ending Randall C. Zernzach, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1995.

Air Force nominations beginning Carl M. Alley, and ending Roberta L. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 6, 1995.

Air Force nominations beginning Roberta L. Fierro, and ending Stephen D. Hess, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 1995.

Army nominations beginning Orin R. Hilmo, Jr., and ending Stephen C. Wallace, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 3, 1995.

Army nominations beginning Richard G. Austin, and ending William D. Mcgowin, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Army nominations beginning Gary D. Bray, and ending William T. Sherer III which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Army nominations beginning Ben W. Adams, Jr., and ending Richard D. Ligon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1995.

Army nomination of Milton D. Hughes, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 22, 1995.

Army nominations beginning Peter P. Baljet, and ending Stephen A. Greene, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1995.

Army nominations beginning Jack N. Anderson, and ending Karl K. Willoughby, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1995.

Army nominations beginning Duane B. Anderson, and ending James J. Welch, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1995.

Army nominations beginning Arthur D. Bacon, and ending Jon M. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1995.

Army nominations beginning Andre E. Adams, and ending William Zekas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1995.

Army nomination of David C. Chuber, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 6, 1995.

Army nominations beginning Joseph L. Walden, and ending Richard A. Logan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 14, 1995.

Army nominations beginning Douglas M. Anderson, and ending Steven Wonderlich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 14, 1995.

Marine Corps nomination of Maj. Lawrence J. Kovalchik, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 3, 1995.

Marine Corps nominations beginning Brandon D. Brown, and ending Steven M. Wolf, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Marine Corps nominations beginning Capt. Donovan E.V. Bryan, and ending Capt. Christopher J. Wagner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1995.

Marine Corps nominations beginning Jonathan M. Aadland, and ending Walter Yates, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1995.

Navy nomination of Sergey M. Scollan, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Navy nominations beginning Kerby E. Rich, and ending Lawrence W. Wiggins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Navy nominations beginning Eric R. Victory, and ending Robert L. Stewart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 8, 1995.

Navy nominations beginning Amy L. Digiovanni, and ending Mark S. Spitzer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR TUESDAY, APRIL 4, 1995

Mr. THURMOND. Mr. President, on behalf of the Senate leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Tuesday, April 4, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, that the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 with Senators permitted to speak therein for up to 5 minutes each, with the exception of the following: Senator THOMAS for up to 30 minutes; Senator DASCHLE or his designee for up to 30 minutes.

I further ask unanimous consent that at the hour of 10:30, the Senate resume consideration of H.R. 1158, the supplemental appropriations bill; and that the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly party luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THURMOND. Mr. President, on behalf of the leader, under the previous order, the Senate will resume consideration of the supplemental appropriations tomorrow morning at 10:30. Therefore, rollcall votes are expected throughout the day on Tuesday.

Members are also reminded to be in the Chamber at 2:15 p.m. tomorrow for the official photograph of the 104th Congress.

ORDER OF PROCEDURE

Mr. THURMOND. Mr. President, I ask unanimous consent that following the remarks by the Senator from South Dakota, the Senate stand in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

TELECOMMUNICATIONS BILL

Mr. PRESSLER. Mr. President, I would like to report to the Senate on the status of the telecommunications bill. On March 23, the Commerce Committee voted overwhelmingly in favor of the Telecommunications Competition and Deregulation Act of 1995.

It is my strongest hope now that we can get this bill up for action on the floor this week, before the recess. The danger in delay is that it could be picked apart by the various interest groups.

This bill would be a roadmap for investment for the next 15 years, until the wireless age. There will be an explosion of investment if we pass it. The benefits to consumers will be tremendous.

I wish to urge Members of the Senate and the various interests and consumer groups that are lobbying and working on this bill to remember that if we give one group a special consideration, then we have to give it to others.

It seems that everybody wants to have a bill. CEO's all say they want a bill; the administration wants a bill. But we will not have a bill unless we have some cooperation and everyone working together. That has been my message.

So I do hope we get the telecommunications bill up this week. If not, we will pass it later—but it is far better to act sooner than later. I would implore the various interests in this country which are following this bill to work together. This is the sort of bill that is not on every American citizen's mind every day, but I think it is the most important bill for our country's economy in the Congress today. It is up to those of us in the Senate and the House and the White House to work together cooperatively. I look forward to doing that.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. PRESSLER. Mr. President, I now move that the Senate stand in recess under the previous order.

The motion was agreed to, and the Senate, at 7:33 p.m., recessed until Tuesday, April 4, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 3, 1995:

MARINE MAMMAL COMMISSION

VERA ALEXANDER, OF ALASKA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 1997, VICE JACK WARREN LENTFER, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

BRADLEY C. ANDREESEN [redacted]

JOHN M. CAVENDISH [redacted]
ROBERT B. DEEBEL [redacted]
PETER L. FARIS [redacted]
CHRIS R. GLAESER [redacted]
MARK H. HULSEY [redacted]
THOMAS F. KEATING [redacted]
JOHN T. MC DERMOTT [redacted]
TIMOTHY C. MORRIS [redacted]
JOE A. ROSE, JR [redacted]
CHARLES R. SENCINDIVER [redacted]
DONALD B. SIMS [redacted]
JERRY D. STEVENS [redacted]
JOHN R. TUTTLE [redacted]
SMILEY J. VEAL [redacted]
GEORGE A. WASKOSKY [redacted]

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

DEAN A. ARNOLD [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

MICHAEL J. SHEA [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

JAMES R. BURKHART [redacted]

BIOMEDICAL SCIENCE CORPS

To be lieutenant colonel

OSVALDO COLLAZO [redacted]

MEDICAL CORPS

To be lieutenant colonel

CHARLES E. LOWREY [redacted]

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

JOSE T. AGUINEGA [redacted]
KENNETH E. BERGGREN [redacted]
MICHAEL R. BOULANGER [redacted]
JAMES A. CAPORINI [redacted]
SCOTT L. DONALDSON [redacted]
RUSSELL G. ERLER [redacted]
GEHL L. HAMMOND [redacted]
CRAIG E. HARRIMAN [redacted]
WILLIAM L. LEVAY [redacted]
FRANK SARCONE [redacted]
CRAIG E. WALLACE [redacted]

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

KEVIN FINNIGAN [redacted]
VICTORIA A. REARDON [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

THOMAS E. KINNEY [redacted]
DAVID L. VAIL [redacted]

MEDICAL SERVICES CORPS

To be lieutenant colonel

JAMES B. HINSON [redacted]

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

BAXTER D. BURTON [redacted]
ERNEST D. GREEN [redacted]

MEDICAL CORPS

To be lieutenant colonel

ROBERT J. LYNCH [redacted]
PAUL E. RECKARD [redacted]
JOHN G. SOTOS [redacted]

NURSE CORPS

To be lieutenant colonel

STEPHEN L. JERENTOWSKI [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED LIEUTENANT COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE GRADE OF COLONEL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be colonel

ALAURIA, ANTHONY T. [redacted]
ALLEN, PAUL C. [redacted]
BAIN, WILLIAM F. [redacted]
BAMFORD II, RENO C. [redacted]
BARNHOUSE, THOMAS N. [redacted]
BARTH, WILLIAM M. [redacted]
BEAULIEU, RAYMOND [redacted]
BERUBE, RONALD A. [redacted]
BLACKLEDGE, MATTHEW W. [redacted]
BROOKS, MICHAEL A. [redacted]
BUDKA, ANDREW J. [redacted]
CARR, EDGAR B. [redacted]
CATTO, WILLIAM D. [redacted]
CLAUER, JOHN A. [redacted]
CLIFTON, DAVID R. [redacted]
CONWAY, TIMOTHY C. [redacted]
CROOKSTON, JOSEPH A. [redacted]
CUSHING JR., JOHN P. [redacted]
DAVIS, JACK G. [redacted]
DOMARASKY III, ANDREW M. [redacted]
DULIN, PATRICK J. [redacted]
EINSIDLER, MICHAEL A. [redacted]
FARMER, LEE H. [redacted]
FARMER, ROGER T. [redacted]
FORTE, ROBERT T. [redacted]
GARRETT, WILLIAM B. [redacted]
GISOLO, GARY G. [redacted]
GRAHAM JR., JOHN W. [redacted]
HALTON, PATRICK K. [redacted]
HAMILTON, RICHARD D. [redacted]
HARLIN JR., DONALD V. [redacted]
HELLAND, SAMUEL T. [redacted]
HENDRICKSON, LEIF H. [redacted]
HOFFER, NICHOLAS J. [redacted]
HOGAN, JOHN J. [redacted]
JEPSEN, NORMAN W. [redacted]
JOHN, DAVID L. [redacted]
JONES, JOSEPH B. [redacted]
KARLE, JR., ALFRED J. [redacted]
KIFFER, DAVID L. [redacted]
KRAMLICH, RICHARD S. [redacted]
KRUMM, FRED A. [redacted]
LARSEN, LEIF R. [redacted]
LARSEN, TIMOTHY R. [redacted]
LARSON, LAWRENCE L. [redacted]
LEAVIS, JAMES M. [redacted]
LEMOINE, JOHN A. [redacted]
LENNOX, DYER T. [redacted]
LONG, DENNIS E. [redacted]
MAISEL, GREGORY N. [redacted]
MARTIN JR., JOSEPH [redacted]
MCDANIEL, DANNY J. [redacted]
MULLIN, PATRICK J. [redacted]
NANGLE, ORVAL E. [redacted]
PATTON, TOMMY L. [redacted]
PELLICONE, JOHN J. [redacted]
PERRY, MICHAEL T. [redacted]
QUINLAN, MICHAEL J. [redacted]
RICHARDSON, DONALD A. [redacted]
ROAN, RICHARD W. [redacted]
ROWLAND, ROBERT O. [redacted]
SCHLAICH, NORMAN G. [redacted]
SCHLEINING JR., JAMES E. [redacted]
SCOVEL III, CALVIN L. [redacted]
STEWART, FRANK M. [redacted]
STEWART, JOE R. [redacted]
THOMAS, JOHNNY R. [redacted]
TIMOTHY, EUGENE R. [redacted]
TRACY, PHILIP D. [redacted]
TRIPLETT, MITCHEL T. [redacted]
WHITE III, THOMAS B. [redacted]
WILLIAMS, THOMAS J. [redacted]
WOODSON, THOMAS S. [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate April 3, 1995:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. RONALD W. YATES [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. HENRY VICCELLIO, JR. [redacted]

THE FOLLOWING-NAMED OFFICERS FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. BILLY J. BOLES [redacted]
LT. GEN. EUGENE E. HABIGER [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LAWRENCE P. FARRELL, JR. [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8373, 8374, AND 12004, TITLE 10, UNITED STATES CODE:

AIR FORCE RESERVE

To be major general

BRIG. GEN. LOUIS A. CRIGLER [redacted]
BRIG. GEN. TERRENCE L. DAKE [redacted]
BRIG. GEN. ROBERT A. NESTER [redacted]
BRIG. GEN. REESE R. NIELSEN [redacted]
BRIG. GEN. RALPH H. OATES [redacted]

AIR FORCE RESERVE

To be brigadier general

COL. LOUIS C. FERRARO, JR. [redacted]
COL. CLAYTON T. GADD [redacted]
COL. WALTER T. HATCHER III [redacted]
COL. ROBERT A. KRELL [redacted]
COL. SHARON K. MAILEY, [redacted]
COL. JAMES L. MARTIN [redacted]
COL. WAYNE L. PRITZ [redacted]
COL. EDWARD F. RODRIQUEZ, JR. [redacted]
COL. DENNIS W. SCHULSTAD [redacted]
COL. LAWRENCE F. SHEEHAN [redacted]
COL. LARRY L. TWITCHELL [redacted]
COL. ERNEST R. WEBSTER [redacted]
COL. GEOFFREY P. WIEDEMAN, JR [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES A. FAIN, JR [redacted]
LT. GEN. JOHN M. NOWAK [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. GEORGE T. BABBITT, JR [redacted]

AIR FORCE NOMINATIONS BEGINNING HAROLD L. KENNEDY, AND ENDING DOUGLAS D. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1995.

AIR FORCE NOMINATIONS BEGINNING THOMAS A. WORK, AND ENDING QUAY C. SNYDER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1995.

AIR FORCE NOMINATIONS BEGINNING MAJ. LAWRENCE R. DOWLING, [redacted] AND ENDING MAJ. ELLEN N. THOMAS, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1995.

AIR FORCE NOMINATIONS BEGINNING MAJ. MICHAEL M. ADKINSON, [redacted] AND ENDING MAJ. SHELDON R. OMI, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1995.

AIR FORCE NOMINATIONS BEGINNING NORMAN W. ANDERSON, AND ENDING DARIN L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1995.

AIR FORCE NOMINATIONS BEGINNING JAMES M. CORRIGAN, AND ENDING JOHN A. STAHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1995.

AIR FORCE NOMINATIONS BEGINNING SAKET K. AMBASHT, AND ENDING RANDALL C. ZERNZACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 1995.

AIR FORCE NOMINATIONS BEGINNING CARL M. ALLEY, AND ENDING ROBERTA L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 1995.

AIR FORCE NOMINATIONS BEGINNING ROBERTA L. FIERRO, AND ENDING STEPHEN D. HESS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1995.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. GLYNN C. MALLORY, JR. [redacted]
LT. GEN. DANIEL R. SCHROEDER [redacted]

ARMY NOMINATIONS BEGINNING ORIN R. HILMO, JR., AND ENDING STEPHEN C. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1995.

ARMY NOMINATIONS BEGINNING RICHARD G. AUSTIN, AND ENDING WILLIAM D. MCGOWIN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1995.

ARMY NOMINATIONS BEGINNING GARY D. BRAY, AND ENDING WILLIAM T. SHERER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1995.

ARMY NOMINATIONS BEGINNING BEN W. ADAMS, JR., AND ENDING RICHARD D. LIGON, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 1995.

ARMY NOMINATION OF MILTON D. HUGHES, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 1995.

ARMY NOMINATIONS BEGINNING PETER P. BALJET, AND ENDING STEPHEN A. GREENE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 1995.

ARMY NOMINATIONS BEGINNING JACK N. ANDERSON, AND ENDING KARL K. WILLOUGHBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 1995.

ARMY NOMINATIONS BEGINNING DUANE B. ANDERSON, AND ENDING JAMES J. WELCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 1995.

ARMY NOMINATIONS BEGINNING ARTHUR D. BACON, AND ENDING JON M. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 1995.

ARMY NOMINATIONS BEGINNING ANDREW E. ADAMS, AND ENDING WILLIAM ZEKAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 1995.

ARMY NOMINATION OF DAVID C. CHUBER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 1995.

ARMY NOMINATIONS BEGINNING JOSEPH L. WALDEN, AND ENDING RICHARD A. LOGAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 1995.

ARMY NOMINATIONS BEGINNING DOUGLAS M. ANDERSON, AND ENDING STEVEN WONDERLICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 1995.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. DONALD L. PHILLING [redacted]

NAVY NOMINATION OF SERGEY M. SCOLLAN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

NAVY NOMINATIONS BEGINNING KERBY E. RICH, AND ENDING LAWRENCE W. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1995.

NAVY NOMINATIONS BEGINNING ERIC R. VICTORY, AND ENDING ROBERT L. STEWART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1995.

NAVY NOMINATIONS BEGINNING AMY L. DIGIOVANNI, AND ENDING MARK S. SPITZER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1995.

IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONEL OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. STEPHEN M. ENGELHARDT [redacted]

THE FOLLOWING-NAMED COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. CHARLES F. BOLDEN, JR. [redacted]
COL. JAMES M. HAYES [redacted]
COL. RANDALL L. WEST [redacted]
COL. MICHAEL W. HAGEE [redacted]
COL. WALLACE C. GREGSON, JR. [redacted]
COL. GARRY L. PARKS [redacted]
COL. MARTIN R. BERNDT [redacted]
COL. DENNIS T. KRUPP [redacted]
COL. MICHAEL A. HOUGH [redacted]
COL. HENRY P. OSMAN [redacted]
COL. PAUL M. LEE, JR. [redacted]
COL. EDWARD R. LANGSTON, JR. [redacted]
COL. JERRY D. HUMBLE [redacted]
COL. JAN C. HULY [redacted]

MARINE CORPS NOMINATION OF MAJ. LAWRENCE J. KOVALCHIK, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 3, 1995.

MARINE CORPS NOMINATIONS BEGINNING BRANDON D. BROWN, AND ENDING STEVEN M. WOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD FEBRUARY 8, 1995.

MARINE CORPS NOMINATIONS BEGINNING CAPT. DONOVAN E.V. BRYAN, AND ENDING CAPT. CHRISTOPHER J. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD FEBRUARY 16, 1995.

MARINE CORPS NOMINATIONS BEGINNING JONATHAN M. AADLAND, AND ENDING WALTER YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 1995.

HOUSE OF REPRESENTATIVES—*Monday, April 3, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. HASTINGS of Washington].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 3, 1995.

I hereby designate the Honorable RICHARD "DOC" HASTINGS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

A THIRST FOR VENGEANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, this weekend Presidents Clinton and Aristide celebrated the very welcome end of the United States mission in Haiti in a very beautiful ceremony with warm congratulations, white doves and all. It was a wonderful photo opportunity and a good moment, especially, a good time to thank our troops who did an excellent job. Again, one more time, our uniform forces have earned the respect and gratitude of the American people, each and every one of us. I hope, frankly, that those folks who are down in Haiti on that long mission are now scheduled for some R&R; they certainly earned it.

Mr. Speaker, I cannot help contrasting this with the harsh images of Madam Bertin, mother of four, organizer of a democratic opposition movement, savagely slaughtered in her car just before President Clinton's visit in what was clearly a political assassination, and a very brutal one, a murder our Pentagon has said is unquestionably linked to high level Aristide officials. Just one event, it stands out as a representation of things that are still in the making in Haiti regrettably: The vengeance that abides in some members of Haitian society and the still dangerous mission we have asked the thousands of American troops we still have there as part of the U.N. mission. I understand we have scheduled to have 2,500 American troops staying there until February of next year, possibly even some talk of them staying beyond that. In the meantime we still have more than 2,500 there as they withdraw and we assess the situation.

Mr. Speaker, Samuel Berger, our deputy national security adviser, maintains the real problem in Haiti these days is crime and it is, "at a level probably less than most cities around the world and in the United States." I am not sure that is a satisfactory standard and I am not sure that is a satisfactory explanation, because we are not talking about simple crime. What we are talking about seems to be a very deliberate campaign of vengeance against the non-Lavalas members of the Haitian political class at a time when they are gearing up for parliamentary elections and Presidential elections and it is a campaign that is being waged by the Lavalas apparently with hired assassins, vigilante squads, and possibly even commandos operating under a shadow government of Rene Preval.

Mr. Speaker, this is a very serious business. People are getting killed and it is very anti-democratic business and we have just sacrificed a lot of taxpayers' money putting our armed services in harm's way to try to nourish democracy in that country.

In today's Washington Post, Robert Novak outlined some particularly disturbing items. We were told there is a hit list now of 30 people, 2 of whom have already been assassinated. We also know there is a second list, which seems to overlap the first, of people who are not permitted to leave Haiti. In other words, there are people in Haiti bent on vengeance who are going to run a canned backyard hunt. They are not going to let him get away, they are going to run him down and kill him.

In fact, the roughest seas may lay ahead as the wave of election cycles, the June to December period, arrive. On the eve of the President's visit, Human Rights Watch issued a report that points to the risks: "Political tensions are increasing and far from having brought stability, the U.S. led force can point only to a fragile security that impending parliamentary and presidential elections may rupture." Indeed, that is the fear.

Mr. Speaker, the new U.N. mission commander, who is U.S. General Kinzer, has already said he will be unable to answer the call for security for candidates and polling booths because, as he noted, "I don't have enough soldiers to do that."

What is the mission of the United Nations force in Haiti today? Good question. Generally it is to maintain order. Do they have the resources? Another good question we know that plan to spread fewer troops and less equipment than the U.S. operation had in permanent deployments around the countryside.

We know that their rules of engagement will be more restrictive, including the facts that the troops are no longer authorized to use all necessary means. We know little more than that. I have asked the administration what the rules of engagement will be and I am eagerly awaiting a response, but if recent events are any indication, we do know one thing: The mission for our troops in Haiti is not going to get any easier or any safer.

Mr. Speaker, I understand that General Kinzer has now available a SWAT team to go out and do some things that go well beyond what is a traditional U.N. peacekeeping effort. A second thing we are going to need, besides an explanation of what troops are there and where they are to go and what the rules of engagement are as a report from the White House, we are going to need an explanation of just exactly what are the national security interests for the United States in Haiti today to justify spending $2.5 billion over these some 2 years of trying to nourish democracy there and just exactly what justified putting over 20,000 assault combat troops in a friendly neighboring country. It has no designs of invasion on the United States of America.

Mr. Speaker, these are important questions that need answers from the White House and they need them now that we have had a successful conclusion of this in Haiti.

COMMENDING UCONN WOMEN'S BASKETBALL AND BROWN UNIVERSITY STUDENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Illinois [Mrs. COLLINS] is recognized during morning business for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, tonight many of us will watch the championship final of the NCAA men's basketball tournament. The matchup of last year's champion Arkansas Razorbacks and the return of the team with the most NCAA titles, the UCLA Bruins, will be an exciting conclusion to an excellent tournament.

However, nothing can be more exciting than yesterday's NCAA women's basketball championship game during which we saw the undefeated Connecticut Huskies come from behind in the final few minutes to defeat the Tennessee Volunteers. Led by honors student and player of the year, Rebecca Lobo, the Huskies became just the second women's basketball team to finish a season undefeated. Texas accomplished that feat in 1986. The Huskies did it before a sellout crowd of over 18,000 in Minnesota for 2 consecutive days, and television ratings were up 15 percent over last year.

The triumph of the Huskies came on the same weekend that there was another triumph for women's sports, when the young women of Brown University continued their streak of courtroom victories against the university for the school's refusal to recognize its responsibilities under title IX to provide equal opportunity to men and women in school, both in the classroom and on the field.

I had the privilege of hearing the testimony of these women at a hearing before my subcommittee in the last Congress. They had been lured to the university with the promise of an opportunity to compete in gymnastics only to find out that their sport and women's volleyball were being eliminated to save $77,000 a year.

They sued, and Brown vigorously defended. According to one published report, Brown paid $100,000 to expert witnesses at the trial, so apparently the issue was not saving $77,000. Despite the fact that the students have won at every stage of the process, Brown will continue to appeal.

Title IX issues are likely to resurface in this Congress. Although the law has been hampered through lack of enforcement in the eighties, it still remains one of the success stories of recent years. Since its enactment in 1972, women have found increasing opportunities in education, including college sports.

Despite its success, there is still a drumbeat of opposition in the college sports community, and it unfortunately comes primarily from college football coaches, who try to flame the fires that increased opportunities for women will lessen opportunities for men in college football and other sports.

Nothing could be further from the truth.

Since the enactment of title IX, it is true that participation by women has increased dramatically. Yet at the same time, the numbers of men participating in college sports also increased. Title IX has shown that increased opportunities for women do not come at the expense of men. Both sexes have fared well.

Football coaches will also argue that increasing opportunities will harm football, and that football should not be considered in evaluating compliance with title IX. This is utter nonsense.

It is time to put the truth on the table. With the exception of a handful of very successful Division 1–A football teams, most football programs are the schools' leading money losers. That should not be a surprise, when many schools travel with a team that is considerably larger than the Chicago Bears or other pro teams. Some schools even house their players in hotels before home games.

Title IX is not about taking away opportunities for men to compete in sports. It is about sharing resources fairly.

At the same hearing during which I heard from those Brown students, I also heard from a women who was a plaintiff in a title IX case involving women's hockey. Their budget, which was being eliminated, was equal to the budget for the men's hockey teams's sticks.

Many schools are making the transition to the increasing interest of women in sports, but some are not.

As the House begins to look at progress under title IX, there may be a silver lining in a new crop of freshman Members, who came here this year. I have found that an understanding of title IX and college sports is very much generational. Parents with daughters who have grown up in the past 20 years have watched these young ladies express interest in sports in far greater numbers than in the past. They have encouraged their daughters to play sports, such as soccer, basketball, gymnastics, track, and swimming.

They want these young women to have the same opportunities as their sons. I am hopeful that these young Members of Congress will view this issue in a personal way, not an ideological way.

I once again commend the Connecticut Huskies on their well-deserved championship in an undefeated season, and I commend the Brown students for continuing their battle for all women student athletes.

LANDMARK TAX RELIEF BILL

The SPEAKER pro tempor. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. SAM JOHNSON, is recognized during morning business for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this week Republicans will complete the historic 100-day contract by passing a landmark tax relief bill.

Democrats will rise and denounce Republicans as friends of the rich and enemies of the poor. They will replay again and again the same old tired argument of class warfare, trying to pit Americans against Americans.

Just last week Mr. GEPHARDT said, "Republicans believe in giving money to the people that are the most privileged in our society. And they believe that ultimately it will trickle down to the rest of society."

I ask this question: Is repealing the Clinton tax on Social Security benefits for senior citizens giving money to the most privileged? No.

Is increasing the earning limitation for seniors from $11,000 to $30,000, giving money to the most privileged? No.

Is providing a savings account that allows any individual or family the opportunity to save and invest in a first home, send their children to college, or help pay high medical bills giving money to the most privileged? No.

Is increasing the amount small businesses may expense from $17,500 to $35,000 giving money to the most privileged? No again. This will free up needed capital to invest in new equipment and create more jobs.

Is providing families with a $500 per child tax credit, giving money to the most privileged? Definitely no again, especially when 74 percent of the benefits go to families earning less than the $75,000. Actually there should be no cap at all.

I guess the liberals have to engage in class warfare because liberal Democrats are the party of failed promises and broken dreams. This is the only defense they have, since, for over 30 years they have done nothing to slow spending, just raise taxes.

Look at the facts. President Clinton promised middle class tax cuts in 1992 and failed to deliver. But he did pass the largest middle-class tax increase in history.

And after the last election, the President and the minority leader proposed tax cuts, only now to withdraw them.

The President promised deficit reduction but his current budget continues $200 billion deficits from now to eternity.

Mr. Speaker, Republicans have kept their promises, and the liberal Democrats have kept their tired rhetoric. It is the Republicans that will lower taxes, balance the budget, and downsize Government.

Republicans are showing the Nation they have the courage and integrity to create a stronger America.

BASEBALL STRIKE OVER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized during morning business for 5 minutes.

Mr. DURBIN. Mr. Speaker, I have two different messages this morning. First, let me say this.

After months of interminable negotiations and public relations one-upmanship, the baseball strike appears to finally be over. On both sides during the course of this strike we have seen our share of heroes and cads. May I, as a lifelong baseball fan, give the baseball owners and the players a word of advice?

Your generation of owners and players has been entrusted with an American institution as venerable as any in our country. America has now endured this strike, the loss of a world series and threats of another lost season with amazing equanimity. Now please put this sad chapter in our Nation's history behind us and play ball.

TAX CUTS FOR THE WEALTHY

Now, let me switch to the political side, if I might, for a moment.

The gentleman who spoke before me kicked off the week in a series of speeches which you will hear from both sides of the aisle about the so-called Republican contract and the first 100 days of the 104th Congress. I have taken to this floor many times during the course of this debate on the Republican contract and for the most part have been critical of the proposals on the Republican side. I voted for a few. I voted against many more.

But let me say at the outset that even though I disagree with many elements in the contract, I certainly disagree with the procedure by which it has been brought to the floor, I have viewed the last 95 days or so as exciting, interesting, and really one that has brought new enthusiasm to this House of Representatives and for that I would like to salute the Republican leadership. They have brought to this floor ideas that have been debated.

The reason I am in public life is because I like the battle of ideas. And, boy, we have sure had a lot of them on the floor over the last several weeks, and we are going to have a big one this week.

In the last few months we have had suggestions from the Republican side to create orphanages. Now there was a concept people had not heard of in a long time. They finally gave up on that idea, but they kicked it around for a while.

They had a proposal they did not give up on to cut the school lunch programs. Unfortunately, that is one that is going to have to be taken care of either by the Senate or the President.

And now they are still working on the concept of cutting student loans for kids from middle-class families who want to go to college and trade school and improve their lives. I certainly hope my Republican friends have second thoughts about those.

But the item for debate this week is one that has already been touched on and that is the so-called Republican tax cut package. Keep in mind, ladies and gentlemen, that every politician would love to stand before you in this well and back home and say, ladies and gentlemen, for this campaign, I present to you a tax cut. And, of course, the crowd will applaud. Everybody loves a tax cut.

But, frankly, if you take a close look at this tax cut from the Republicans, it is a lot different story than it first appears.

The gentleman who spoke a few minutes ago talked about the small-change items in the tax bill that generally do benefit good people, senior citizens and working families and people who want to save for their futures. He overlooked the fact that 51 percent of the benefits of this tax bill do not go to those folks. They go to the wealthiest people in America. The privileged few are going to score again.

And you know who is going to pay for it? Once again, working families all across this country. Because you cannot give a tax cut without paying for it. You are going to add to the deficit.

So the Republicans want to add $178 billion to the deficit over the next 5 years and then over $400 billion in the 5 years following that. So it will cost us over $600 billion for this little tax cut deal.

The last time we had a tax cut proposal this big was when President Ronald Reagan was in the White House. He said it was going to cure America's problems. We all know what we got for it, the biggest national debt in the history of the United States of America. It was a tax cut that did not work.

And I am afraid this one is the same. Let me just give you one example.

The Republicans eliminate what is called the alternative minimum tax. Now this is a tax on wealthy, profitable corporations in America which was imposed several years ago because we found out that some pretty smart lawyers and accountants had figured loopholes in the Tax Code, and many of the most profitable companies in America, billion dollar enterprises with millions of dollars of profit, were not putting a nickel in the Treasury. They took advantage of this wonderful economy and this system of government and did not pay a penny in taxes.

We said, you know, whatever happens you have got to pay a minimum tax to really contribute to the growth in the country and to pay the bills.

We put the alternative minimum taxes on the books. The corporations paid their taxes for 5 or 6 years. Along come my Republican friends, and they say, "That is unfair. We want to get back to the old days when profitable big corporations would not pay any taxes, where they could get off the hook completely."

That does not make much sense because in order to give that break we have got to continue to cut important programs in education and nutrition.

SUPPORT FOR THE TAX RELIEF ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Tax Relief Act because it is the right thing to do for America. We will put money into the hands of hard-working people who need their own money to make ends meet. We will provide tax relief for working seniors. But more than anything else we will do this week, we will draw a line between the two parties. We will make it crystal clear to the American people which party fights over big government and big spending and which party wants you to have more of your own money.

Mr. Speaker, that we are doing the right thing for America should be obvious—we will pass a $500 tax credit. Families with children earning less than $25,000 will have their entire Federal income tax liability eliminated by the tax credit. We will lower the burden on married couples struggling to get by, by passing a tax credit for married couples. We will pass the American dream savings account which will allow hard-working families to save money for college, or a home, or health care tax free.

We will raise the earnings cap on seniors to allow them to hold a job without facing an outrageous tax bill. Under current tax law, a senior who makes over $11,000 will face a marginal tax rate of 56 percent, that is more than the tax rate for millionaires. We will send the right message to working seniors—that it is good to work at any age, unlike the current negative message that says the Federal Government will penalize you for working.

Mr. Speaker, the Tax Relief Act will provide tax incentives for people who purchase long-term health care. We will also provide a tax credit for people who provide long-term care at home for an elderly relative. We will increase saving in this country by encouraging IRA investment.

Simply put, we will provide tax relief for millions of average Americans who will greatly benefit from the opportunity to keep more of their hard-earned money. And that is what separates us from the Democrats.

Mr. Speaker, the Democrats will argue that we are giving tax breaks to the rich. Of course they defined rich.

That the Democrats hate the rich is a given. We could talk about why for hours, but there is a far more troubling aspect to the Democrats argument. Time and time again, we hear the Democrats arguing for bigger government and more of your money.

During the unfunded mandates debate, the Democrats argued that the Federal Government knew best and the States should follow our orders regardless of the cost. During the regulatory reform debate, the Democrats argued that Federal regulators needed their dictatorial power. When we argued for greater local government control during the crime bill debate, the Democrats argued that the faceless bureaucrat knows best. And when we took power away from the Federal bureaucrats who run the welfare system, the Democrats screamed from the roof tops that we were starving children, which could not have been any further from the truth.

Mr. Speaker, this debate over the Tax Relief Act is not about rich or poor, it is about control. When we vote for you to have more of your money, for you to spend your money on your children or your home or your retirement, you control more of your money, and government should do less. There will be fewer unfunded mandates, less regulation, less control over crime and welfare spending by the Federal Government. Less of all the things Democrats hold dear. The Democrats want your money to fund big government programs. When we give money back to you, they lose control. They want to keep your money. We want you to have more of the money you worked hard for, it is just that simple.

NO NEW TAXES ON FEDERAL EMPLOYEES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Virginia [Mr. WOLF] is recognized during morning business for 5 minutes.

Mr. WOLF. Mr. Speaker, as the first Member of Congress to introduce the family tax credit in the 103d Congress, I am troubled with the tax bill we will vote on this week which includes a much-needed $500 tax credit for families with children on one hand but also includes a payroll tax increase on Federal employees on the other. Federal employees are virtually all middle-class taxpayers. We promised no tax increases on middle-class Americans. And I am personally very disappointed to be put in such an untenable position.

I was calling for the family tax relief in the 102d Congress and the 103d Congress when Republicans in the White House and many in Congress would not give it the time of day. Yet my bill for family tax relief garnered bipartisan support for 263 cosponsors in the 102d Congress. Raising taxes to fund a tax cut was never part of the picture.

So why sully our tax package now with a tax increase? President Bush did not balance the budget by raising taxes and neither did President Clinton. We will be breaking our promise in the contract not to raise taxes. Therefore, I hope that it will not only be those Republicans with large numbers of Federal employees in their districts who will oppose payroll tax hikes own certain groups but all on our side of the aisle who signed the contract as well as those Democrats who oppose increasing taxes on the middle class.

We are repealing in this bill the Social Security tax increase which the Democrats passed to balance the budget because it hit many middle-class retirees. Why repeat that mistake by picking on another group? And why repeat the disasters of the past in breaking promises on tax increases?

A fundamental tenet of the Contract With America is the commitment to no new taxes. Once we cede the tax issue in any area we will be open to the argument that it is OK to raise taxes; it just depends upon whose.

We should not be talking about raising anybody's taxes. But this bill singles out Federal employees for a dramatic increase in payroll taxes. For example, an FBI agent, who everyone in this body would call if your wife or husband or child were kidnaped, an FBI agent with two children earning $50,000 will pay an additional $250 a year to the Federal Government even with the $500 tax credit. This is a $1,250 hit without the tax credit.

The provision that was put into the bill is even more onerous than the provision proposed in the Committee on Government Reform and Oversight and that was unable to even make it out of committee. There were only 2 days of hearings on this very complicated issue and, quite frankly, there were still many issues unresolved. This is not a good precedent to be setting.

Furthermore, most management experts will tell you that as you are downsizing it is important not to demoralize the remaining staff. Let me just say it again. As you are downsizing it is important not to demoralize the remaining staff. Hitting Federal employees across the board with a payroll tax like this in conjunction with downsizing efforts will have a devastating impact on morale at a critical time.

What Federal employees? FBI agents, DEA agents that are keeping drugs out of schools, CIA agents, Secret Service agents that would stop the bullet that kills the President of the United States like Timothy McCarthy who saved President Reagan's life. Cancer research at NIH.

When you downsize you treat the people you keep well and you do not demoralize them. This issue of unfunded liabilities in the Federal pension system is still open to considerable debate. The Congressional Research Service reported that the trust fund balance is adequate to provide needed budget authority on an ongoing basis. The combined funded and unfunded liabilities of the old retirement system is the amount that the Government would have to pay all at one time if everyone who is or who has ever been a vested CSRS participant could demand a check for the present value of all the benefits to which they would be entitled from that time throughout retirement until their death, taking into account future pay raises they might receive and cost-of-living adjustments after retirement.

□ 1300

As the CRS noted, "This event cannot happen in the Federal retirement system." Federal pension obligations would not just come due all at once, at one time.

Furthermore, given the large downsizing effort in progress, the pension liabilities will be dramatically reduced in coming years, and this is just one more reason why it is particularly unfair that Federal employees will see the huge jump in their payroll tax. Some of them will be gone before this pension even vests.

Instead of including this complex issue in this tax bill, perhaps we need a bipartisan commission to look at it. I am asking that the tax increase provision be removed and that we complete the final plank in the contract without any tax increase.

I include for the RECORD a memorandum and letters to Mr. Darman.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, March 18, 1995.

Subject: Federal Civil Service Retirement: Is There a Financing or Funding Problem?
From: Carolyn L. Merck, Specialist in social legislation, Education and Public Welfare Division.

Two questions have been raised recently regarding the Federal Civil Service Retirement System [CSRS]. First, is the "unfunded liability" of the CSRS a problem that needs to be fixed to avoid steep increases in outlays from the Treasury or increases in the deficit? Second, is the system now insolvent, or will it become insolvent in the future? The answer to both of these questions is "no."

BACKGROUND

From 1920 until 1984 the CSRS was the retirement system for most Federal employees. In 1935, Congress enacted social security for private sector workers. In 1983, when social security funding was running low, Congress brought cash into that system by mandating (among other things) social security coverage and payroll taxes for all Federal workers entering civil service employment on or after January 1, 1984. Because social security benefits would duplicate some CSRS benefits, Congress closed the CSRS to new participants at the end of 1983 and designed the Federal Employees' Retirement System [FERS] to coordinate with social security. A primary objective of Congress in designing a new system was to create a retirement plan like those commonly found in the private sector. Congress crafted FERS during 2 years of careful analysis of alternatives and planned for a smooth funding transition from CSRS to FERS.

Total annual benefit costs for current Federal retirees and survivors were about $36 billion in FY 1994. About $9.7 billion in receipts were credited to the retirement trust fund account of the Treasury from payroll withholding from current workers along with payments from the U.S. Postal Service and the Government of the District of Columbia.

These cash receipts are converted to Federal securities and are deposited in the one retirement trust fund that finances both CSRS and FERS. Other annual trust fund receipts in the form of Federal securities total about $53.8 billion and are deposited according to formulas established in law to prefund partially future retirement benefits and to pay interest on the securities in the fund. In total, the trust fund received $63.5 billion in FY 1994 and spent about $36 billion for benefits. The deposit of securities in the trust fund is an "intragovernmental transfer" between accounts of the Treasury; it does not constitute an outlay from the Treasury and has no effect on the budget deficit. Benefit payments and administrative costs are the only expenditures of the Treasury for the retirement system. Because the trust fund receives more income each year than is debited for benefits, its balance continues to grow.

IS THE UNFUNDED CSRS LIABILITY A BUDGET PROBLEM?

The liabilities of a retirement system are the costs of benefits promised to workers and retirees. A retirement system is "fully funded" if a trust fund holds assets approximately equal to the present value of all future benefit promises to which retirees and vested employees are entitled ("vesting" in the Federal plans requires 5 years of employment covered by the system). "Unfunded liabilities" are earned benefits for which assets have not been set aside in a retirement fund. As of the end of FY 1993, the Federal retirement trust fund held $276.7 billion in assets for the CSRS, or about 34 percent of long-term CSRS pension liabilities (the fund balance represents "funded liabilities"). Thus, the unfunded CSRS liability was $538.3 billion. The unfunded liability developed because the CSRS funding laws have not required the Government to fund the system fully. Nevertheless, the primary purpose of the Federal trust fund is not to provide a source of cash for the Government, but to provide budget authority to allow the Treasury to disburse monthly annuity checks without annual appropriations. The trust fund balance is adequate to provide this budget authority on an ongoing basis.

The combined funded and unfunded liabilities of the CSRS, $815 billion in FY 1993, is the amount the Government would have to pay all at one time if everyone who is or who ever has been a vested CSRS participant could demand a check for the present value of all the benefits to which they would be entitled from that time throughout retirement until their death (or their survivor's death), taking into account future pay raises they might receive (which affect the annuity at retirement) and cost-of-living adjustments after retirement. This event cannot happen in the Federal retirement system. Federal pension obligations cannot come due all at one time, unlike the situation that arises in the private sector when an employer goes out of business and must pay all promised pension obligations at once. Some of the Government's liabilities represent payments due to current retirees, who receive their benefits 1 month at a time throughout retirement; others represent payments that will not commence for years to come because the workers are not yet eligible for retirement. By the time they become eligible, others currently retired will have died. Thus, unlike private employers, the Government need not fully prefund the retirement system in order to insure against having to pay off all earned benefits simultaneously.

Some are concerned that the existence of unfunded Federal pension liabilities has, or will have in the future, an effect on the budget deficit and/or the need for tax revenues. The annual budget cost to the Government of CSRS (or any retirement system) can never be more than the sum of the checks written to annuitants 1 month at a time. Thus, the liabilities of the system, funded or unfunded, will never require payments from the Treasury in excess of the benefits payable to living, retired workers or survivors. However, the cash to pay monthly benefits comes from general revenues, and paying monthly benefits creates an outlay from the budget and therefore contributes to the budget deficit, as does any Government spending. Consequently, in times of tight budgets, Congress often considers benefit cuts in order to reduce spending. This would be true if the program were fully funded and had no unfunded liability, or, conversely, if there were no trust fund and the program were totally unfunded.

The CSRS is an employer-provided defined benefit system, which is the type of plan provided by many private employers for their employees and by most State and local governments. Under all defined benefit pension plans, public and private, the employer bears the responsibility for financing and paying most or all of the cost of benefits. Defined benefit pensions are deferred compensation, meaning the employer defers paying employees' compensation during their working years in favor of proving a specified level of compensation throughout retirement years. Private employers finance employees' pensions from invested income derived from the sale of goods or services. Analogously, the employer of Federal workers is the American taxpayer. The resources the Government has to meet its employer obligations to finance the current and deferred compensation of its employees are Federal tax revenues.

DOES THE CSRS FACE INSOLVENCY?

Currently about half of the Federal workforce participates in the CSRS and about half participates in FERS. Over the next two decades or so the number of CSRS workers will decline as they retire, and the workforce will include mostly FERS participants. As the number of CSRS-covered workers declines, the assets credited to the trust fund for CSRS will decline not because of loss of payroll contributions from workers, but primarily because the Government's payments will decline. Employee contributions "pay for" only about 12 percent of current annual benefit costs. However, the formulas by which the Government's share of CSRS costs are determined are based on projections of long-term benefits; as long-term benefit projections decline in anticipation of the demise of the CSRS, the Government's funding will decline, although there will still be CSRS retirees and survivors entitled to benefits. According to the Office of Personnel Management (OPM), CSRS benefit payments will begin to exceed the amount of assets credited annually to the trust fund for CSRS in about 2008, and the assets attributable to the CSRS will be depleted by about 2025.

When Members of Congress wrote the new FERS law in 1986, they understood that there would have to be a financial transition from CSRS to FERS in the next century, and they wrote the law to provide for that transition. First, the law provides for one trust fund in which CSRS and FERS assets are combined. Therefore, there is no separate CSRS trust fund that will be depleted. Second, Congress established a system whereby benefit payments under the CSRS will be authorized by FERS trust fund securities as needed until there are no more CSRS benefits to be paid. Thus, the securities that are building up for FERS, and that are in excess of the amount needed to authorize FERS payments for some time, will be reduced each year by the amount by which CSRS benefits exceed CSRS assets. This will cause an increase in the FERS liability, but that liability will be "paid off" through a series of 30-year amortization payments. Using a 75-year projection period, OPM estimates that the total value of securities in the trust fund will grow throughout the projection period, ultimately reaching about 4.2 times payroll, or nearly 18 times the amount needed to pay annual benefits. This means that in the next century the trust fund will reach an ongoing steady state in which it will have a balance sufficient to authorize 18 years of benefit payments.

In summary, by definition, under the financing arrangements set out in the current law, the system is not now and never will be "insolvent" or without adequate budget authority for payment of benefits. Again, because the budget cost of the systems can never exceed the cost of monthly benefits to living annuitants, the cash required from the Treasury or taxpayers will never exceed the cost of those monthly payments.

APRIL 29, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: Since we last corresponded, H.R. 1277 The Tax Fairness for Families Act of 1991, has garnered the support of 73 bipartisan cosponsors from across the political spectrum.

More members of Congress are recognizing that a successful economic agenda is founded in policy which strengthens the cornerstone of a strong and healthy society: the family. H.R. 1277 is a simple bill. It doesn't require more employees to administer a program or a new federal building. It simply makes the tax code more family friendly by raising the personal exemption from $2050 to $3500 for children under age 18.

I have enclosed a list of the current cosponsors for your information. This is an issue that is quickly gaining interest and I would appreciate your support.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

MAY 1, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: As you'll recall, when we first spoke about my legislation to increase the dependent deduction, 52 House members had cosponsored.

Lat week when I wrote you, 73 members had signed on. I wanted to let you know that today we reached 100 cosponsors and I have enclosed the list for you.

Bipartisan momentum is building on this bill which will help the American family and I hope the Bush Administration will lend its support.

Sincerely,

FRANK R. WOLF,
Member of Congress.

MAY 6, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: Just a quick note to let you know that H.R. 1277, "Tax Fairness for Families," has picked up an additional 25 cosponsors since I wrote you last week.

We now have 125 cosponsors and I have enclosed an updated list of the cosponsors for you.

I hope the Bush Administration will support H.R. 1277.

Sincerely,

FRANK R. WOLF,
Member of Congress.

MAY 9, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: I wanted to give you a quick update on the support building in the House for H.R. 1277, "Tax Fairness for Families."

We have picked up an additional 35 cosponsors since I wrote to you on Monday, May 6. H.R. 1277 now has 160 cosponsors.

I hope the Administration will support this bill.

Sincerely,

FRANK R. WOLF,
Member of Congress.

MAY 9, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: We now have 200 cosponsors of H.R. 1277, "Tax Fairness for Families."

We need the Administration's support for this legislation.

With warm regards,

Sincerely,

FRANK R. WOLF,
Member of Congress.

JULY 7, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: In case you had not already seen it, I hope you will have a look at the enclosed Allan Carlson piece in the Wall Street Journal regarding the issue of tax fairness for families.

We now have 210 cosponsors on H.R. 1277. I hope the Administration will support this bill and avoid repeating the "swedish mistake."

Thanks again for your interest in this legislation.

Sincerely,

FRANK R. WOLF,
Member of Congress.

AUGUST 22, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: As the Wall Street Journal reported in the attached article, tax fairness for families is going to be a key political issue for the coming year.

I am writing to urge the Administration's support for the family tax packages that I have put forward to increase the dependent deduction (H.R. 1277) and expand the Young Child tax Credit (H.R. 2633). This package already has the bipartisan support of 248 cosponsors including 101 Democrats. Unlike other tax packages recently proposed, this package provides tax relief exclusively for working families, treats both one-earner and two-earner families in an equitable manner, and does not propose to create higher tax brackets.

While it appears that many of the family tax package already proposed will take the dubious route of increasing taxes to provide a so-called middle class tax relief package, the Administration has the opportunity to provide a clear alternative. By working with the majority in Congress who support family tax relief yet, the Administration can put forth a program of restrained growth in domestic spending to provide for significant family tax relief.

As you may know, last year I supported the budget agreement and believe in the need for responsible fiscal policy. The combined cost of H.R. 1277 and H.R. 2633 is estimated at between $12–15 billion per year. I believe it could be paid for through a unified cap on domestic spending of between 6%–6½ percent. A unified cap on domestic spending would provide a logical extension to the common sense restraints put on spending in last year's budget agreement. Currently, approximately $100 billion is spent on programs benefiting children. These programs could still meet the needs of families and children if they grew at this reasonable rate.

In addition, the Administration could also put forward the capital gains tax cut as a revenue raiser for family tax relief. With the thousands of new jobs that would be produced with a lower capital gains rate, a dynamic with/win situation would be achieved by providing revenue for family tax relief while also spurring the economy and increasing job opportunities.

With the trust of the American people and the facts on his side, President Bush and this Administration can provide strong support to American families by allowing them to keep more of their own hard-earned money to provide for their families. All the attention on family tax relief provides an excellent opportunity for the Administration to advance its pro-family, pro-growth, policies while distinguishing them for the failed and tired "Robin Hood" politics put forth in other family tax measures. Thank you for your consideration of these important issues.

Sincerely,

FRANK R. WOLF,
Member of Congress.

OCTOBER 8, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: The American family has never been under greater attack than it is today. From our inner cities to our suburbs, families are threatened by disturbingly high rates of child abuse, spouse abuse, teen suicide, high school drop outs, drug and alcohol use and most tragically violence and death among our youth. Today more young males die of gunshot wounds every year than died in Desert Storm. The wheels are coming off the American family and clearly, children cannot steer clear of trouble without the guiding influence of the family.

These disturbing trends in child and family well-being have coincided with the dramatically reduced tax benefit for children. While children today are more at risk from numerous cultural threats, parents are pushed by financial pressures to spend less time with their children. Too often either Mom nor Dad is home to hear the after school trials and tribulations of troubled adolescents or to help with homework or to spend relaxed time with their children. The combined effect of these "twin deficits" of time and money create a downward spiral for family well-being as well as real pain and suffering for thousands of children and families.

Family tax relief is an important part of a workable solution for families and is a natural outgrowth of the following common sense sentiments recently expressed by President Bush:

> We all realize that government has real limits. You can't replace values with regulations. You can't replace parents with caseworkers.

The family tax bills we have introduced fit well into the President's efforts to restore proportion and balance to government while allowing individuals and families to have more choices and opportunities. That is why we believe it is important that the Administration enthusiastically embrace and endorse family tax relief and make it a legislative priority in the upcoming year. Already there are 252 cosponsors of H.R. 1277 (a measure to increase the dependent deducation to $3,.500) and growing support in the Senate for S. 152 to double the personal exemption.

The Bush Administration has an historic opportunity to further advance the cause of families. By actively pushing these family tax relief measures in combination with a capital gains tax cut, the Administration can forward a proactive family policy that gives families more money, time and opportunity for families themselves to promote family well-being. Domestic policy that focuses on the home and families instead of more government programs is the true recipe for nurturing families and children.

We believe this is good legislation that the Administration can support and Congress can pass. It helps families right away without adding to big government or mandating regulations or policies.

Thank you for your consideration of these important issues. If we can provide you with any additional information please contact either of us or Barbara Comstock at 225-5136.

Sincerely,

FRANK R. WOLF,
Ranking Minority Member, Select Committee on Children, Youth, and Families.

DAN COATS,
Ranking Minority Member, Subcommittee on Children, Family, Drugs, and Alcoholism.

OCTOBER 23, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: I would like to emphasize one more time the importance of including direct family tax cuts in the Administration's economic growth package. Frankly, I am disappointed that the Administration has not yet signed onto the efforts for family tax relief when the support is already present in the House just waiting for someone to lead the charge. It is my hope that it will be President Bush leading this charge and reaping the obvious benefits for both the American family and the Republican party.

I cannot over emphasize my concern for today's families and the financial and cultural pressures they face. Families are clearly overtaxed. By making family tax relief the centerpiece of the Administration's economic growth package we could both help American families and garner the political support for a capital gains tax cut and a true economic growth package.

I hope you will consider the advantages of making family tax relief a centerpiece of the Administration's economic growth package.

Sincerely,

FRANK R. WOLF,
Member of Congress.

NOVEMBER 18, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
The White House,
Washington, DC.

DEAR MR. DARMAN: As Wall Street Journal reported in the attached article, tax fairness for families is going to be a key political issue for the coming year.

I am writing to urge the Administration's support for the family tax package that I have put forward to increase the dependent deduction (H.R. 1277) and expand the Young Child Tax Credit (H.R. 2633). This package already has the bipartisan support of 248 cosponsors including 101 Democrats. Unlike other tax packages recently proposed, this package provides tax relief exclusively for working families, treats both one-earner and two-earner families in an equitable manner, and does not propose to create higher tax brackets.

While it appears that many of the family tax packages already proposed will take the dubious route of increasing taxes to provide a so-called middle class tax relief package, the Administration has the opportunity to provide a clear alternative. By working with the majority in Congress who support family tax relief yet, the Administration can put forth a program of restrained growth in domestic spending to provide for significant family tax relief.

As you may know, last year I supported the budget agreement and believe in the need for responsible fiscal policy. The combined cost of H.R. 1277 and H.R. 2633 is estimated at between $12–15 billion per year. I believe it could be paid for through a unified cap on domestic spending of between 6–6½ percent. A unified cap on domestic spending would provide a logical extension to the common sense restraints put on spending in last year's budget agreement. Currently, approximately $100 billion is spent on programs benefiting children. These programs could still meet the needs of families and children if they grew at this reasonable rate.

In addition, the Administration could also put forward the capital gains tax cut as a revenue raiser for family tax relief. With the thousands of new jobs that would be produced with a lower capital gains rate, a dynamic win/win situation would be achieved by providing revenue for family tax relief while also spurring the economy and increasing job opportunities.

With the trust of the American people and the facts on his side, President Bush and this Administration can provide strong support to American families by allowing them to keep more of their own hard-earned money to provide for their families. All the attention on family tax relief provides an excellent opportunity for the Administration to advance its pro-family, pro-growth, policies while distinguishing them from the failed and tired "Robin Hood" politics put forth in other family tax measures. Thank you for your consideration of these important issues.

Sincerely,

FRANK R. WOLF,
Member of Congress.

NOVEMBER 22, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
Washington, DC.

DEAR MR. DARMAN: I wanted to share with you a recent letter sent to President Bush, signed by over 60 House Republicans, calling for a Special Session of Congress to pass an economic recovery package which would help American families and stimulate the economy.

In the brief time this letter was circulated, almost every member asked signed onto the letter. The American people need our help now and President Bush has an historic opportunity to take this bold action and help American families and businesses.

Sincerely,

FRANK R. WOLF,
Member of Congress.

NOVEMBER 25, 1991.

Hon. RICHARD DARMAN,
Director, Office of Management and Budget,
Washington, DC.

DEAR MR. DARMAN: I wanted to share with you a copy of a letter I recently sent to President Bush on the need for the Administration and the Republican party to be strongly on the offensive in the area of family policy.

The battle for the middle class and the American family is on. Family tax relief and "family friendly" work issues are winning issues for the President as well as the right thing to do. I hope you find this information helpful.

Thank you for your time and consideration of these important issues.

Sincerely,

FRANK R. WOLF,
Member of Congress.

REPUBLICAN TAX POLICIES HELP ECONOMY

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 4, 1995, the gentleman from New Jersey [Mr. SAXTON] is recognized during morning business for 5 minutes.

Mr. SAXTON. Mr. Speaker, the last speaker from the other side of the aisle seemed to take great delight in looking back at the 1980's and suggesting that what was done during the 1980's was all wrong because we created a big debt.

Well, I agree with the gentleman that what we did was all wrong because we created a big debt. But it was not the tax side of the equation that we did wrong. It was the spending side of the equation that we did wrong.

As a matter of fact, during the 1980's, if one looks back, during the first 3 years of the 1980's we had virtually no growth in revenues, no growth because we were suffering from the hangover of the Carter administration.

I can remember during that period of time when President Carter could not figure out what had gone wrong, and there was a new person who came on the scene. His name was Ronald Reagan.

There are some of us on this side of the aisle, and I hope some on that side, who recognize that there were some things that were done right during the early 1980's to help put our economy back on the right track.

One of those things occurred in 1981, 1982, and 1983. It was a redoing of our tax policy because we recognized that we could not get growth in Federal revenues until we got the national economy growing.

And it was in 1981, 1982, and 1983 that we put a whole new face on our Tax Code, a whole new face that was intended to create economic growth, create jobs and at the same time create more Federal revenue. And, guess what, at the beginning of the 1980's we had Federal revenues of just over $500 billion, and by 1990 we had doubled our revenues.

That is right. In spite of the fact that in 1981, 1982, and 1983 we had tax rate reductions, by 1990 we had doubled the amount of revenue that our colleagues from both sides of the aisle had to spend.

And so if anyone thinks that the Reagan tax policies had something bad to do with our revenue picture, bad to do with economic growth or bad to do with the deficit situation, I think they are dead wrong.

As a matter of fact, what we did wrong in the 1980's was that while we were doubling the amount of revenue that we had to spend we more than doubled spending, and I think all of us recognize today therefore that there were some things that we did right in the 1980's that had to do with economic growth where we had, on average, better than 4 percent growth.

What we did wrong was that we had, on average, more than that in terms of growth in our spending programs. And so what we are trying to do on this side of the aisle, now that for the first time in 40 years we get to call some of the shots, we are trying to replicate what we did right in the 1980s and fix what we did wrong.

We got to the end of the 1980's and President Bush went off to Andrew air Force Base in I think it was 1989 or 1990; and he said, look, we have got to fix this situation. The Democrat leadership agreed, and they agreed to raise taxes to fix the deficit problem.

Then in 1993 once again President Clinton decided with the Democrat leadership that once again we ought to do something to try to fix the deficit problem. In both cases taxes were raised; and in both cases, one succeeding the other, it was the biggest tax increase in the history of our country, in 1990 trumped by 1993.

When we come and look at the books today we see that we have still got the same deficit problem because we have not done anything about spending, and by increasing taxes we have simply put a damper on the national economy.

This year, the President's report on the economy suggests that in the years ahead we can anticipate a 2.3- to 2.5-percent growth in our national economy. And, once again, many of us think on this side of the aisle and I am sure there are some on yours who believe that this is because of the bad tax policy that was put in place in 1990 and 1993.

What the Republican tax proposal for this year is, it is a growth package. It deals with capital gains to get growth. It deals with reforming the alternative minimum wage to get growth. It deals with promoting savings and investment by giving different treatment to the IRA's and putting in place what we call our super-IRA plan.

It has to do with the senior citizens earning test, and it has to do with a family tax credit for middle America so that the families of America can share in this growth opportunity along with our Government and with our Federal revenues.

So when the gentleman, the previous speaker from Illinois, Mr. DURBIN, criticized us for the 1980's, we are willing to take our share of the criticism. We are willing to look at what we did wrong in the 1980's, which was our failure to curtail spending, but we are not willing to concede, not for a minute, that good growth tax policy is what the American economy needs, and as a result, we will have the revenue to balance the budget by the year 2002.

TAX BENEFIT FOR RUPERT MURDOCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized during morning business for 5 minutes.

Mr. BONIOR. Mr. Speaker, this weekend, the New York Daily News made some disturbing revelations about the kinds of secret, backroom deals being cut by House Republicans.

Last week, the House passed legislation that would allow tax deductions for the self-employed and repeal tax benefits for minority broadcasters.

But hidden in the conference report was one special provision that would allow Rupert Murdoch to reap tens of millions of dollars in tax benefits.

According to Sunday's New York Daily News, and I quote:

> Republicans dropped their opposition to the tax break after learning Murdoch was the beneficiary of the legislation and consulting Gingrich, according to six sources involved in the negotiations.

In fact, according to an earlier New York Daily News story on Saturday, a Senate staffer is reported as saying, "the Republicans were going to kill the deal until they found out that Murdoch owned the station. Then they almost magically approved it."

Keep in mind: The Republicans claimed they opposed this kind of tax break. And in 18 other pending cases, they refused to allow these deals to go forward.

Only the case involving Rupert Murdoch's TV station in Atlanta was allowed to go through with a special tax break.

I am here today to call on Speaker NEWT GINGRICH to explain exactly why his own publisher got special treatment, and exactly why this multi-million-dollar tax break for Rupert Murdoch was allowed to secretly slip through.

For the Speaker to claim that he had to agree to a special provision that was put in by a Senator is ludicrous.

Just last week, when Democrats tried to keep a Senate provision that would stop billionaires who renounce their citizenship from avoiding their taxes, the Speaker said no.

And following lockstep with his lead, every Republican but five voted against closing this loophole for billionaires.

Now we find that hidden in this same bill was a special provision that would allow one billionaire, who just happens to be the Speaker's publisher, to reap a multi-million-dollar windfall.

Does anybody really believe that the Speaker could not do anything to stop this?

It seems to me that the lesson here is no matter which way you cut it, if you are a multimillionaire or if you are a billionaire, Republican tax bills are going to look out for you.

What we have here is a window on the whole Contract With America and the way the Gingrich Republicans operate.

This week we are going to be dealing with what the Speaker himself calls the crown jewel of the contract—a tax bill that will give more than half its benefits to people making more than $100,000 a year.

The Gingrich Republican tax bill may be a crown jewel for the wealthy—but for the rest of America, it's fool's gold.

Last week's special windfall for Rupert Murdoch must not stand.

There is still time for the Senate to stop this multi-million-dollar boondoggle.

I am calling on the Senate to strip this provision out and send us a clean bill.

BOB DOLE should send this bill back without the special break for Rupert Murdoch.

Even more important, the Speaker himself needs to come clean, on his ties with Murdoch, on his role in this special tax break, and on the tangle of special interests that are tainting all his dealings.

This is precisely the kind of thing we warned about when NEWT GINGRICH entered his $4.5 million book deal with Rupert Murdoch.

And this is why now, more than ever, we need a professional, nonpartisan, outside counsel to come in and sort out this whole mess.

It is looking more and more every day like the so-called Contract With America is really a contract with corporate special interests, or perhaps a contract with NEWT GINGRICH's special friends.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 11 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

The beauty and refreshment of this spring day reminds us of the need for renewal and restoration in our lives. This day is Your gift, O gracious God, a gift that reminds us of Your bountiful good will to us and to all people. We are sensitive to the fresh air of spring, we are alert to the green buds that now surround us, wherever we look our senses are filled with the resurgence of life and new possibilities of our growth in faith and hope and love. Fill us, we pray, with the joy and the blessing and the light of this day, that we will walk with Your favor and be the people You would have us be. In Your name, we pray, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair requests the gentleman from North Carolina [Mr. JONES] to lead the House in the Pledge of Allegiance.

Mr. JONES led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

> S. 464. An act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes; and
>
> S. 532. An act to clarify the rules governing venue, and for other purposes.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; National Security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence—we kept our promise; congressional term limits to make Congress a citizen legislature—we kept our promise; family reinforcement, tax cuts for middle-income families, and the Senior Citizens' Equity Act to allow our seniors to work without Government penalty—we will do these this week.

This is our Contract With America.

CONGRESS MUST REGULATE COMMERCE WITH FOREIGN NATIONS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Check this out, you promise keepers: The dollar, once valued at 234 yen has joined the *Titanic;* it is down to 86 yen.

Now check this out: All of these think tank impresarios and all of these economic gurus told Congress if you want to fix the trade problem, drive down the value of the dollar. It is so low it could walk under a closed door with a top hat on, and in Detroit the deficit keeps growing. It is not the budget deficit, it is not rescissions, it is not tax cuts.

Japan has cleaned our clock on illegal trade for years. We are in a trade war. Is America afraid to fight? This is war.

Why do we not regulate commerce with foreign nations like the Constitution charges us, Congress, and then maybe we will keep a few promises with working Americans.

I hope those gurus are in some economic unemployment line somewhere in the country.

CLEAN WATER ACT REAUTHORIZATION RECEIVES BIPARTISAN SUPPORT

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, it is becoming very clear that the environmental extremists have decided to adopt the big lie strategy to attack the clean water bill. They are saying that the bill was written behind closed doors by Republicans with industry.

Here are the facts. The clean water bill provides over $3 billion a year to continue cleaning up America's waters.

The original cosponsors, 16 of us, 8 Republicans, 8 Democrats. The bill passed overwhelmingly in the subcommittee last week, 19 to 5, with a majority of Democrats as well as Republicans voting in favor of it. It has been an open process.

The EPA testified more than three times before our committee. In fact it was so open that the Governors' Association sent us a letter saying we commend you for the unprecedented inclusion of State and local government representatives in the process for developing a Clean Water Act reauthorization.

Now, it is true, we do want to correct the overzealous regulations, but do not be misled by the big lie. This is good legislation with strong bipartisan support.

UNIVERSITY OF CONNECTICUT'S HUSKIES WIN NCAA TOURNAMENT AND NATIONAL WOMEN'S BASKETBALL TITLE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday the University of Connecticut's women's basketball team put the final flourish on a perfect season by winning the NCAA tournament and national women's basketball title. I join fans from all across our State in congratulating the players, the coaches, and the entire university for this historic achievement. We are so proud of you; you are true champions.

The Huskies' achievement is even more remarkable when you consider the team had to come from behind to defeat the talented Tennessee Volunteers. Either team would have made a terrific champion, but 1995 is UConn's year. In fact the Huskies' undefeated season marks only the second time in the 14-year history of the tournament that a women's team has finished the season with an unblemished record.

There was another piece of history made last night when President Clinton called to congratulate the team. It was the first time a President has called the NCAA women's champion after the title game. Let us hope that this tradition continues, along with the winning tradition of women's basketball at the University of Connecticut, the 1995 National Champions.

Go Huskies.

TOP 10 LIST OF PEOPLE MAKING MORE THAN $100,000 WHO WILL GET A TAX BREAK UNDER THE REPUBLICAN PROPOSAL

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, it looks like the Republicans are at it again: Rob from the poor to give to the rich. First it was the school lunch program; now it is college scholarships. It would not be so bad if tax breaks were going to people who really deserve them, but that is not the case. That is why I made up my top 10 list in the spirit of the times—top 10 list of people making more than $100,000 who would get a tax break under the Republican proposal.

No. 10, big developers.

No. 9, doctors.

No. 8, wealthy landlords.

No. 7, big agri-farmers.

No. 6, corporate managers.

Remember, these are people who are going to get a tax break under the Republican proposal.

No. 5, overpaid conservative talk show hosts.

No. 4, the chairman of the local country clubs' admissions boards.

No. 3, wealthy lobbyists.

No. 2, attorneys.

And the No. 1 group that is going to get the tax break under their proposal, your local Congressman, because they make over $100,000.

Do you think they need a tax break? I do not.

PROTECTING THE AMERICAN DREAM

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, the Democrat defenders of the status quo oppose letting families keep more of what they earn. A constituent of mine, Ronald Reagan, called that "economics without a soul."

Families should be rewarded rather than penalized by the tax system. Breadwinners shouldn't have to work harder for the Government than they do for their families.

Let us look at a few facts. If the exemption for children had kept pace with inflation, it would now be worth $8,000 instead of the current $2,350. In 1950, the average American family paid $1 out of every $50 in taxes. Today, the family pays $1 out of every $4 in taxes.

We know that regulation and taxation together are antijobs and antifamily. This Congress has kept its promise to the American people and passed commonsense regulatory reform. Now it is time to recognize that taxation is regulation's evil twin. We need to protect the American dream, and the American family and pass the tax bill. Families know better how to spend their money than the bureaucrats in Washington.

BURDENSOME TAXATION

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, from 1954 until 1995, this body was governed by a party whose basic philosophy was that Government could do everything, provided that enough money was spent.

The consequences of this philosophy has been devastating.

Today, the average family pays over half of its income to taxes at all levels. One cannot logically expect civilization to continue with taxation so burdensome and Government so expensive.

The American people have lost their patience with this situation. They have figured out that there are winners and losers with the current tax system. The winner, of course, is the Federal Government. The losers are American families and senior citizens.

Mr. Speaker, the time has come for the tax relief the Republicans promised in our Contract With America. The liberals will offer refrain after refrain of class warfare. But let us not forget whose philosophy and whose stewardship created this mess in Washington.

THERE THEY GO AGAIN

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, today the Democratic Study Group released it second report on the real meaning of the Republicans' so-called contract. The report describes the way the Republican tax bill—the so-called crown jewel of the contract—will result in an enormous giveaway to the wealthy and the biggest corporations of this country, while Republicans give working Americans the back of their hand.

Here is an example of the real meaning of this tax bill. A family with total income under $75,000 will get an average tax break of about $36 a month.

On the other hand, for those making over $200,000 a year, the average tax break will be almost a thousand dollars a month.

Welcome to tax relief, Republican-style: another massive relief program for the wealthy, a pittance for working Americans, while exploding the deficit.

Anybody nostalgic for 1981? The last time they tried this, David Stockman, President Reagan's budget director, later admitted that all of this was "a Trojan horse to bring down the top rate for the wealthy."

There they go again.

WE MUST PUT AN END TO OUT-OF-CONTROL GOVERNMENT AND OUT-OF-CONTROL TAXATION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, let us resist the temptation of the guardian of the failed policy of the past to come up here and offer faulty rationalizations for class warfare. Let us talk real facts. And, Mr. Speaker, the facts speak for themselves.

In 1950 the average American family paid 2 percent of its income to the Federal Government in taxes. Today, the average American family pays 24½ percent of its income to this Federal Government. Something is wrong with this picture.

For the last generation, this Congress has operated under the false assumption that all money belongs to the Federal Government. If a person has any money, therefore, it is only because he has obtained it from the Government or it is money that has not yet been taxed.

That is absolutely wrong. With the rise in excessive government and excessive taxes have come a true decrease in freedom. Every dollar Government takes away in taxes is a dollar less in economic freedom for American businesses and families.

Last November the American people sent a message to this town. Republicans heard that message. That is why there will be meaningful tax reform for deserving American citizens.

□ 1415

ANOTHER IMPORTANT DIFFERENCE BETWEEN DEMOCRATS AND REPUBLICANS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, this week the American people will have the opportunity to see another important difference between Democrats and Republicans in Congress.

Democrats are for higher taxes, and last year, they went along with the Clinton administration and raised taxes on families, on middle-income workers, on senior citizens.

Republicans are for lower taxes, and this week, we will cut the taxes Democrats raised last year.

We will cut taxes on families, on middle-income workers, on senior citizens.

All the Democrats' class warfare and economic warfare rhetoric cannot change the facts: They are for higher taxes; Republicans are for lower taxes.

Democrats want Government to spend more. Republicans want working Americans and their families to have more to spend.

Stay tuned, America; the Republicans are making your voices heard again this week as we pass the final item in our contract, a well-deserved tax cut for American families and a boost for the national economy.

THE TAX FAIRNESS ACT

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, over and over, we hear the Democrats wailing that the capital gains tax cut will benefit the rich. Of course, they have obscured the facts again. The capital gains relief in the Tax Fairness Act will go to benefit all income groups. Seventy percent of the taxpayers benefiting from the capital gains cut will have incomes of less than $50,000. The capital gains tax cut will put money into the economy which will lead to more investment and create more jobs. This will help all hard-working Americans.

Mr. Speaker, this is a debate over the role of Government. The Democrats will fight for more government and more spending; we want the people back home to keep more of their hard-earned money. I want that roofing contractor in Martinez, GA to have a $500 tax credit for each of his children. The Democrats want his $500 for Federal bureaucrats. It is just that simple.

THE AMERICAN DREAM SAVINGS ACCOUNT

(Mr. ENGLISH of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGLISH of Pennsylvania. Mr. Speaker, our low national savings rate is a national disgrace and a dead drag on the productivity of our economy, and anyone who is concerned about this, in my view, should be supporting H.R. 1215, the Republican tax bill.

In it is the American dream savings account, a unique and innovative new use of the IRA concept to stimulate new and additional middle-class savings for retirement. The American dream savings account will be available to all taxpayers regardless of age and marital status, unlike the current law in which the IRA has many restrictions and limitations. The American dream savings account allows distributions to be made tax- and penalty-free for such worthwhile purposes as first-time home purchases, education expenses, and emergency medical expenses, and it gives homemakers full equity with their spouses in setting aside IRA funds toward retirement.

This provision helps make homemakers achieve parity with spouses in the work force.

Please, support H.R. 1215.

TAX RELIEF FOR AMERICA

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, let us review the Democrats' reign in power. In 1948 the average family with children paid only 3 cents of every dollar to the Government. Last year that same family lost 24½ cents in taxes.

American families now spend more in taxes than on food, clothing, and housing combined. The average family losses $10,060 per year of income due to taxes.

Now let us review the Republican plan. Clinton's tax on Social Security benefits for seniors will be repealed; families with incomes of $25,000 will have their entire Federal income tax liability eliminated; 35 million families will have their taxes decreased.

Which looks better to you, Republican tax relief or the Democrats' 40-year-old failure of high taxes and runaway spending?

Let us stop feeding the Federal beast. Let us go for tax relief.

CONGRATULATIONS TO THE UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, Hooray for the University of Connecticut Women's Basketball Team, which won the national championship yesterday. In a come-from-behind victory, the Huskies capped a perfect season, finishing the year with 35 wins and zero losses. Just one other team in women's basketball history has managed to win the national title undefeated.

For the past 5 months, the Huskies have defeated their opponents by an average margin of more than 30 points. Though yesterday's game was a nail-biter to the end, UConn did not let us down. Led by player of the year Rebecca Lobo, Jamelle Elliott, and Jennifer Rizzotti, the Huskies rallied in the second half to overcome a nine point second half deficit. A strong team effort, supported by Kara Wolters, Nykesha Sales, Carla Berube, and Pam Webber, helped UConn pull ahead and stay ahead within the final minutes of the game.

Women's sports have come a long way since I played basketball and I was pleased to be able to watch the extraordinary skill and grit of the UConn women on national television yesterday. The UConn women's team has raised Husky-mania to a new level in Connecticut, and has also inspired thousands of young women to pursue their athletic dreams.

Once again, congratulations to the UConn Huskies. You have made the entire State of Connecticut proud.

TAX BREAKS FOR BILLIONAIRES

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, last week a bill passed on tax deductions for health benefits for the self-employed. Unfortunately we had a containment; contained within that bill is an exemption to allow billionaires to escape paying their taxes.

Now, I understand they are going to give up their citizenship in order to not pay their taxes. My understanding is the present conference report is being held in the Senate over that language. I certainly hope that is the case.

In the meantime, having succeeded at that, we now find, I understand, that there is a bill circulating in this House to give one of these billionaires who renounced his American citizenship, who owns a foreign cruise ship, a tax exemption, tax deduction, for business meals and entertainment, and that is contained in the bill.

I can assure you, if the gentleman from Texas [Mr. ARMEY] says, as he has, that he will fight the minimum wage with every fiber in his body, I can assure this House that I will fight this billionaire who has renounced his American citizenship to have a foreign-flag, foreign-crewed, foreign-owned cruise ship that takes money from Americans and get a tax break on top of it.

You can bet I am going to fight that with every fiber in my body.

ANOTHER CLASS-WARFARE ANGLE

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, well, there was an example of the misleading hyperbole that we have heard for the last several weeks on Republican programs.

My friend from Hawaii talks about a bill that passed last week that protected billionaires and, in fact, the bill never addressed the issue. It never addressed the issue.

The Senate put some language in a bill that would have dealt with punishing people who leave the United States because of confiscatory taxation. The Senate then receded from their position, because the language was too loose, and the House Committee on Ways and Means could not draft language.

Indeed, in the Committee on Rules in discussion of this bill, the issue was raised, and the Democrats dropped the issue and apologized for the misleading information they brought us, because it was not in the bill. It was not in the House-passed bill. It was not in the conference committee report. And, indeed, not a single Democrat on the Committee on Rules voted against the rule that brought the bill to the floor, and now overnight, overnight, they discovered another class-warfare angle and started misleading America about what was in the bill.

The bill was to return the exemption for health care premiums for single farmers, for private property owners that had nothing to do with what the gentleman from Hawaii spoke about.

LISTEN TO THE RHETORIC ON BOTH SIDES

(Mr. HASTERT asked and was given permission to address the House for 1 minute.)

Mr. HASTERT. Mr. Speaker, as the House considers the tax cut and spending cut bill later this week, I urge the American people to listen to the rhetoric of the two sides.

Republicans believe cutting taxes is a way to give people back their money.

Democrates believe cutting taxes is a way for the Government to give away its money.

Republicans believe that tax cuts spur economic growth and help the American people help themselves.

Democrats believe tax cuts are giveaways to the rich that hurt their big spending programs.

Republicans believe that taxes are evil.

Democrats believe they are necessary.

Mr. Speaker, make no mistake about it. When the Democrats talk about taxes, they really believe the money is the Government's to spend.

When Republicans talk about taxes, they realize that the money belongs to the people who worked hard to earn it, not to the Government.

1994 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mr. BARRETT of Nebraska] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I transmit herewith the 1994 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 3, 1995.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 716) to amend the Fishermen's Protective Act.

The Clerk read as follows:

H.R. 716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) Section 3(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1973(a)) is amended by inserting after "prompt release of the vessel and crew," the following: "or when a fee regarded by the United States as being inconsistent with international law must be paid for a vessel of the United States to transit the waters of a foreign nation on a voyage between points in the United States (including a point in the exclusive economic zone or an area whose jurisdiction is in dispute),".

(b)(1) Section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975) is amended by inserting after "seizure;" in the title, the following: "or imposition of a fee regarded by the United States as inconsistent with international law".

(2) Section 5(a)(1)(A) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975(a)) is amended by inserting after "as a result of the seizure of," the following: "or imposition of a fee regarded by the United States as inconsistent with international law on".

(c) Subsections (a) and (b) shall take effect on June 15, 1995.

(d) Section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977) is amended—

(1) in subsection (c)—

(A) by striking the third sentence, and

(B) by inserting after the first sentence the following: "Fees may be collected regardless of whether needed to carry out the purposes of subsection (a)."; and

(2) in subsection (e) by striking "October 1, 1993" and inserting "October 1, 1998".

SEC. 2. CLEARANCE AND ENTRY OF COMMERCIAL FISHING VESSELS.

(a) Not later than 15 days after the date of enactment of this Act and at least once each year thereafter, the Secretary of State shall publish a list of those nations that impose fees for transit passage through their waters on commercial fishing vessels registered under the laws of the United States.

(b) Not later than 15 days after the publication of the list required under subsection (a), the Secretary of the Treasury shall withhold from commercial fishing vessels registered under the laws of a nation listed under subsection (a) the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) for entry into the navigable waters of the United States west of 122 degrees west longitude.

(c) Subsection (b) shall not apply to a commercial fishing vessel—

(1) that enters the navigable waters of the United States pursuant to a bilateral convention governing fishing for Pacific halibut or albacore tuna;

(2) that enters the navigable waters of the United States due to an emergency; or

(3) the master of which obtains clearance from the Secretary of the Treasury's designee by physically appearing before the designee at a designated port of entry and paying a fee equal to the fee charged to a commercial fishing vessel of the United States by the nation under whose laws the foreign vessel is registered.

(d) The owner or master of a vessel which enters the navigable waters of the United States in violation of this section shall be in violation of section 307(1)(A) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)(A)).

SEC. 3. TECHNICAL CORRECTION.

(a) Section 15(a) of Public Law 103–238 is amended by striking "April 1, 1995," and inserting "May 1, 1994.".

(b) The amendment made by subsection (a) shall be effective on and after April 30, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 716, to reauthorize and improve the Fishermen's Protective Act. Originally enacted in 1967, this law established a system of economic safeguards for U.S. fishermen against illegal or unjustified seizure by a foreign government. One of these safeguards is the Fishermen's Guaranty Fund—which is a voluntary self-insurance program administered by the State Department. The fund compensates fishermen for vessels and catch confiscated by a foreign nation under claims of jurisdiction not recognized by the United States.

The amount of money each vessel owner pays into the program is based on the gross tonnage of the vessel. For example, during the history of the program the fees have ranged from $16 to $30 per vessel ton with participation ranging from 8 to 30 vessels, depending on the year. Disbursements or claims paid out from the fund have averaged less than $1 million each year. The largest claim occurred in 1984 for $5.5 million for a vessel that had been seized and ransacked off the Solomon Islands.

In 1986, a Federal court in the Brenda Jolene versus United States case decided that fees collected under the act must equal the amount Congress appropriates. Since historically, the President has not requested an appropriation, the State Department has been unable to collect additional fees. While there is approximately $2.9 million in the fund, there is a large settlement case pending from the seizure of four tuna boats off the coast of Costa Rica in 1992, and any further claims would deplete the assets of the fund.

The passage of this legislation is sorely needed due to unfair and illegal actions by the Canadian Government. Last year, the Canadian Government charged U.S. fishermen $1,100 each to access the Inside Passage. The Canadians stopped the charge, but not before many U.S. fishermen were subjected to it to the amount of $285,000. We must amend the Fishermen's Protective Act so these American fishermen can be compensated for the unfair charge.

During this crisis last year, the former Merchant Marine and Fisheries Committee was quick to act. Similar legislation was adopted by the committee and passed the House as part of a larger bill on October 7, 1994.

Mr. Speaker, I urge all of my colleagues to support this legislation and thank the chairman of the full committee, DON YOUNG, for introducing this bill, and the ranking minority member on the Fisheries, Wildlife and Oceans Subcommittee, GERRY STUDDS, for his support of this legislation.

☐ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 716. The Fishermen's Protective Act of 1967 provides a mechanism for assisting U.S. fishermen by reimbursing them for fines and other costs incurred when their vessels are seized by a foreign nation, in violation of international law.

H.R. 716 reauthorizes this important act for an additional 2 years. The legislation also amends the statute to reimburse our fishermen for transit fees considered by our Government to be inconsistent with international law, and to assess a similar fee on vessels from the offending nation. These amendments are intended to address what was, in my opinion, an illegal move by Canada last year to charge U.S. vessels transiting Canadian waters en route to Alaska. While that fee was finally lifted, many fishermen were forced to pay and deserve reimbursement.

While I support these amendments, I want to be very clear that this legislative action should not be interpreted by the Canadian Government as a sign that we are willing to accept—or forget—this outrageous action taken against our fishermen purportedly in the name of conservation. The Canadian-Spanish shootout in the Northwest Atlantic last month, combined with last year's illegal transit fees, demonstrates a worrisome trend toward the use of unilateral actions to resolve international fisheries disputes on the high seas. Some of these actions are based on a conservation concern, others—such as the transit fees—are simply taken out of frustration over the slow pace of negotiations.

Regardless of the reason, unilateral actions such as these are not the answer. Instead, the Canadians, and all coastal nations, should seek to address these problems multilaterally through international agreements. The drastic, unilateral actions of one country cannot protect and restore our marine resources. All countries with a stake in the fishery must participate if we are to be successful, and they must be willing to agree to multilateral enforcement mechanisms to ensure that the terms of such agreements are not violated.

This Congress has passed several pieces of legislation in the past few weeks that will strengthen the U.S. resolve toward multilateral, cooperative management, and we will continue to encourage these efforts. In the meantime, this bill will protect U.S fishermen from those countries that choose to take matters into their own hands, and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. I thank the gentleman for yielding this time to me.

Mr. Speaker, as the author of H.R. 716, I rise in strong support of this measure to reauthorize and improve the Fishermen's Protective Act of 1967.

Mr. Speaker, one of the major motivations for this legislation was an incident that occurred last year when 258 United States fishermen were unfairly charged $1,100 each by the Canadian Government to sail through the Inside Passage. While we were successful in convincing the Canadians to stop collecting these illegal transit fees, the Fishermen's Protective Act [FPA] must be amended to allow these Americans to be compensated for their financial loss.

My bill would reauthorize the FPA for the next 3 years; allow money to be deposited in the Fishermen's Guaranty Fund, regardless of whether Congress appropriates any money; expand the compensation provision to cover those Americans who paid the illegal fee assessed by the Canadians; and prohibit port entry to the vessels of any nation that assesses illegal fees on our vessels in the future.

Furthermore, we are making it clear that we will fully protect the rights of U.S. fishermen. We will not allow Canada, or any nation, to violate international maritime law or fishing treaties without a swift response.

I fully expect the United States State Department to vigorously seek reimbursement of these fees from the Canadians and not to simply make some weak or half-hearted effort because it may be inconvenient to our relationship with Canada. They broke the law and I want the more than $285,000 the Canadians collected paid back to our fishermen.

Mr. Speaker, I urge an "aye" vote on H.R. 716 and thank JIM SAXTON and GERRY STUDDS for their bipartisan subcommittee support in joining with me in this important legislative effort.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in strong support of H.R. 716, the Fishermen's Protective Act. While this is an important piece of legislation to fishermen across the country, the provisions of H.R. 716 are particularly vital to the salmon fishermen in the State of Washington. The United States and Canada have been engaged in negotiations, almost unending negotiations, since the Pacific Salmon Treaty was negotiated. Last summer, fishermen from my district in Washington State left for the annual trip north to fish in Alaskan waters. This 500 mile journey is usually a pleasant passage, I have made the round trip 3 times, incredibly scenic, mostly through calm, inside passage channels and bays. But in 1994, our fishermen were stopped by the Canadian Government, and forced to pay an illegal transit fee of approximately $1,100 per vessel, just for passing through Canadian waters. The U.S. fishermen had to pay the fee, or make the transit in the rough, open waters of the Pacific Ocean.

Mr. Speaker, for 500 years, the British have supported freedom of the seas and open waterways for trade. It seems ridiculous that in 1994, Canada no longer believes in this principle. But with the salmon treaty differences still not resolved, the prospect of this happening again this spring is very real.

The provisions of H.R. 716 will allow for the repayment of these fees to the fishermen involved, and provide the financial protections required to make the transit this year, should the Canadians impose this fee again. Mr. Speaker, it is my hope that the United States and Canada can reach agreement on a new Pacific Salmon Treaty before the start of this year's salmon season. If we should not, then the Congress must provide this method so the fishermen can establish the program contained in H.R. 716.

Mr. Speaker, I urge all of my colleagues to support our fishermen by supporting H.R. 716.

Mr. STUDDS. Mr. Speaker, I am as surprised as the gentleman from New Jersey [Mr. SAXTON] to learn that there will be a recorded vote on this measure.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. SAXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just conclude by saying that on most issues, almost every issue with which we deal having to do with fishing and fisheries is complicated, contentious, confusing, confounding, and many other words that we could express that would indicate anything less than simple. This is one of the more simple issues that we deal with, but one that is very timely and one that is much needed.

Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 716.

The question was taken.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and submit extraneous material in the RECORD, on the bill, H.R. 716.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SENSE OF THE HOUSE REGARDING AMERICAN CITIZENS HELD IN IRAQ

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 120) expressing the sense of the House of Representatives regarding the American citizens held in Iraq, as amended.

The Clerk read as follows:

H. RES. 120

Whereas on Saturday, March 25, 1995, an Iraqi court sentenced 2 Americans, William Barloon and David Daliberti, to 8 years imprisonment for allegedly entering Iraq without permission;

Whereas the 2 men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq;

Whereas the Department of State has stated that the 2 Americans have committed no offense justifying imprisonment and has demanded that they be released immediately; and

Whereas this harsh sentence is unjustified and further distances Iraq from the international community: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and demands their immediate release from prison and safe exit from Iraq; and

(2) urges the President to take all appropriate action to assure their prompt release and safe exit from Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the principal sponsor of this measure, the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank the gentleman for yielding this time to me.

Mr. Speaker, let me begin by thanking Senator HARKIN, who sponsored a similar resolution in the Senate last week, as well as the chairman of the International Relations Committee, my good friend and distinguished colleague from New York, BEN GILMAN; I want to thank his committee staff, and the majority leader's office for their very prompt attention to this matter.

Mr. Speaker, the resolution we are considering today is important to let the world know that the United States House of Representatives unequivocally expresses disapproval for the nation of Iraq for wrongfully imprisoning two American citizens, David Daliberti and William Barloon. The resolution urges the immediate release of these two Americans and calls on the President to take all appropriate actions to secure their safe exit from Iraq. Moreover, the resolution makes perfectly clear that Iraq has absolutely nothing to gain and much to lose by continuing to hold these two men.

For 21 days now David Daliberti and William Barloon have languished behind bars in an Iraqi prison for what Iraqi authorities allege was an illegal crossing of their border. On March 13, on their way to visit a friend at a U.N. post along the Kuwait-Iraq border, the two men strayed into an area they say contained U.N. markings, but which the Iraqis claim was on their soil. On March 25, after what was reportedly a quick trial in which the only representation the Americans had was an attorney appointed by the Iraqi Government, the two men were sentenced to 8 years in prison—8 years in prison for taking a wrong turn.

My colleagues, their trial and harsh sentence are wrong. David Daliberti and William Barloon are innocent United States citizens who were taken against their will and now are being held in an Iraqi prison living off a weak diet of rice. Iraq's actions are indefensible on any grounds, but especially so in this case since the facts show so clearly that the men are completely innocent. We must go on record condemning this injustice and calling on the White House to take every conceivable measure to secure the release of these men.

To bring my colleagues up to date on this case, the latest news out of Iraq gives us hope that these Americans can expect an early release. The news is contradictory and confusing. On Saturday, a representative from the Iraqi Parliament's foreign-relations department hinted that the two men could be released in the coming few days—an encouraging sign. But yesterday the Iraqi Defense Ministry's newspaper said the Americans are no different from Mexicans trying to enter the United States illegally, an absurd charge that makes us wonder what the Iraqis are up to. But yesterday also saw Iraq extend to 1 month from the usual 2 weeks the amount of time the two men have to appeal their sentence, which Iraqi law experts interpret as a positive sign.

These crossed signals do nothing to help Iraq's position and only torment the families of Daliberti and Barloon, who simply want to see their loved ones returned to them as soon a possible. Surely Iraq knows that holding these men serves no purpose whatsoever. Just last week the head of the Iraqi Parliament admitted as much when he said, and I quote, "We don't think that we are going to facilitate the question of the sanctions through detaining these two Americans."

While continuing to hold these men does nothing to benefit Iraq, releasing them would. Iraq is already alienated from the community of civilized nations. Releasing Daliberti and Barloon can only improve their standing in the eyes of the world. Let me repeat, as Secretary of State Warren Christopher said yesterday, releasing these men "would be a good thing for the international reputation of Iraq. It would be an adverse thing to hold them."

Lest anyone has any doubt as to the innocence of Daliberti and Barloon, let me assure you that every fact in this case indicates they were nothing more than what they claim to be—innocent victims who made a wrong turn. But it was not even a wrong turn due to their own error. As the two men were headed to the U.N. compound to visit a friend, the United Nations Iraq-Kuwait observer mission positioned along the border misdirected them, as even they admit. What happened next, according to Daliberti and Barloon, is that they found themselves driving past two unmanned Kuwaiti checkpoints into an area posted with U.N. markings. It was at this point they were apprehended by the Iraqis and whisked away.

Iraqi suggestions that these men were in any way spies or saboteurs are ludicrous. At the trial of the men in Baghdad, even their Iraqi-appointed attorney said they were carrying no weapons, no maps, no cameras, no compasses—nothing, in other words, that could indicate these men were anything other than victims of an unfortunate mistake. And according to the Polish diplomat who attended the trial as a representative of the United States, even the judge in the case seemed sympathetic to the plight of Daliberti and Barloon. But Iraqi law on such matters is ironclad and says any crossing whatsoever of their border must be punished, in this case with an 8-year sentence.

As it stands now, Daliberti and Barloon have begun to appeal their sentence with the assistance of an Iraqi lawyer—the same lawyer who has helped other Westerners appeal their sentences for crossing Iraq's border. Unfortunately, that lawyer has never successfully overturned the verdict in such a case, which has led some to suggest that only a pardon from Saddam Hussein himself can effect their release.

My colleagues, the families of Daliberti and Barloon need to know that we are with them, that we support them during this trying time. It is the least we can do to stand up and condemn Iraq for this outrageous action and demand that these two citizens be released immediately. I know that Kathy Daliberti, with whom I have spoken, is on an emotional roller-coaster ride as she follows this situation. Let us let her know that her Government is doing everything within its power to secure the prompt release of her husband and to bring him safely home. Those of you who have been following this story know that Kathy Daliberti has even set up a home page on the Internet so people from around the country can express their support. I encourage my colleagues to send her a message letting her know that she is not alone, that her Government does care.

When I met with officials from the State Department last Friday they assured me that everything is being done that can be done to secure the release of these two men. As you know, we have no diplomatic relations with Iraq. But Polish diplomats, who have an Embassy in Iraq, are working tirelessly on behalf of the United States in this matter. We were all encouraged last week when the head of the Polish Embassy visited with Daliberti and Barloon and said they appeared to be in good health.

In the meantime, we as the elected Representatives of the American people need to unite and speak with one voice in condemnation of Iraq. We need to express our sympathy and support for the families of Daliberti and Barloon. And we need to urge the administration to do everything within its power to bring these men safely home.

I know all of my colleagues will support House Resolution 120 as an expression of our commitment to the safety of all of our citizens, whether at home or abroad.

□ 1445

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, as amended. I want to extend my appreciation and accommodation to the chairman of the committee, the gentleman from New York [Mr. GILMAN], and, likewise, to the gentleman from Florida [Mr. STEARNS], my colleague, for bringing this resolution to the floor of the House.

Mr. Speaker, on March 13 two Americans, William Barloon and David Daliberti, as has been described, accidentally crossed the Iraqi-Kuwaiti border while on their way to visit a U.N. compound in Kuwait. Mr. Barloon and Mr. Daliberti were detained by Iraqi authorities, imprisoned, convicted, and sentenced on March 25 to 8 years in prison for illegally entering Iraq. The treatment of these two Americans is an outrageous abuse by the Government of Iraq. These Americans were denied any semblance of due process. Mr. Barloon and Mr. Daliberti were sentenced after only a little over 1 hour of deliberation. They were denied adequate counsel. They were represented by an Iraqi-appointed legal counsel, and no other Americans were present. The International Red Cross was denied access to them.

It is apparent that the Government of Iraq is manipulating these two Americans to force the United States to change its policy toward Iraq. We should send a very clear message to the Government of Iraq that this kind of blackmail simply will not work. The administration is working hard, I believe, to secure the release of these two Americans, and I believe that this resolution will strengthen the administration's hands in those efforts. The resolution shows the clear unity of purpose between the President and the Congress in demanding the immediate release from prison of these two Americans and their safe exit from Iraq.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], a senior member of our Committee on International Relations.

Mr. BEREUTER. Mr. Speaker, this Member rises in the strongest possible support for House Resolution 120, legislation condemning the recent outrageous behavior of Iraq in seizing and incarcerating two American citizens.

It has been over 4 years since the end of the Persian Gulf conflict, but Saddam Hussein and his band of thugs continue to flaunt basic international norms, seemingly at every opportunity. For example, Saddam Hussein continues to let his people starve because he refuses to pump oil and provide the proceeds into international humanitarian organizations. People are starving, the economy is in a shambles, but Saddam's military remains intact. Iraq has waged a vicious war against the Marsh Arabs in the south, and with the Kurds in the north. Iraq has waged a clever campaign to lift the sanctions that the United Nations imposed, but it continues in every way to behave as an outlaw.

The most recent outrage is the seizure of William Barloon and David Daliberti, two civilian Americans who were seized as they went to visit a friend at a U.N. compound just south of the Iraq-Kuwait border. Lost and having strayed across the border, Iraqi military forces seized these two Americans, charged them with sabotage, and sentenced them to 8 years in prison in what was patently a kangaroo court.

Mr. Speaker, civilized societies do not behave in this manner. Responsible governments do not impose trumped up charges against innocent civilians in an effort to achieve foreign policy objectives.

This Member must note that, if the Government of Iraq hopes to enhance its international image, this is not the way to accomplish this goal. The wholly unwarranted imprisonment of William Barloon and David Daliberti only serve to reinforce the consensus that Iraq is not ready to behave responsibly.

In the face of this outrage, this body needs to speak in a clear and unequivocal voice and urge the immediate release of Mr. Barloon and Mr. Daliberti. This Member commends the distinguished gentleman from Florida [Mr. STERNS] for bringing House Resolution 120 before this body, and the distinguished gentleman from New York, the chairman of the International Relations Committee [Mr. GILMAN], for his cooperation in bringing this resolution to the floor.

Mr. Speaker, this Member urges adoption of House Resolution 120.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. NUSSLE].

(Mr. NUSSLE asked and was given permission to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, I rise in support of House Resolution 120—a resolution regarding the American citizens held in Iraq. I commend the gentleman from Florida [Mr. STEARNS] and the gentleman from New York [Mr. GILMAN] for their leadership on this issue.

It is a tragedy that William Barloon, of New Hampton, IA, and another American, David Daliberti, who mistakenly strayed across Kuwait's border and into Iraq, have received the extremely harsh sentence of 8 years in prison. I am encouraged by recent statements by Iraqi officials that the two men could be released in the near future, and I urge President Clinton and Secretary of State Christopher to continue their work to secure the release and safe return from Iraq of Mr. Barloon and Mr. Daliberti.

Mr. Speaker, I support these two Americans, and I stand with their families and all Americans when I urge for their safe, speedy return and pray for that to happen as soon as possible.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in strong support of the resolution before us, House Resolution 120, introduced by our colleague, the gentleman from Florida [Mr. STEARNS], expressing the sense of Congress condemning the outrageous actions taken by Saddam Hussein's rogue regime in sentencing two American citizens, William Barloon and David Daliberti, to lengthy prison terms for having inadvertently crossed the Kuwaiti border into Iraq.

These two Americans were denied access to due process, with their legal counsel having been appointed by the Iraqi regime. It is only through the good offices of the Polish Embassy, which represents United States interest in Iraq, that the two men have received any sympathetic assistance or counsel.

Saddam Hussein's regime has been apprised repeatedly of the mishap in which the two men inadvertently crossed the border in a white van presumably a U.N. vehicle, but this honest error has been dismissed in favor of a purposeful miscarriage of justice.

In the best tradition of Congress, Mr. STEARNS has introduced this measure on behalf of his constituent, David Daliberti. House Resolution 120 condemns the Government of Iraq for its punitive actions against these two men, and urges the President to take all appropriate action to secure their prompt release and safe exit from Iraq.

This incident, which has captured worldwide headlines, is yet another example of the unyielding position assumed by Saddam Hussein which compels the international community to maintain sanctions against Iraq. Such activity by the Iraqi Government further distances it from the community of civilized nations.

Mr. Speaker, I commend Representative STEARNS' commitment to his constituents through the introduction and consideration of House Resolution 120. We all hope that a swift resolution of this international incident will soon free Mr. Daliberti and Mr. Barloon. Accordingly, I urge my colleagues to adopt this resolution.

Ms. BROWN of Florida. Mr. Speaker, it saddens and angers me that Jacksonville resident, Mr. David Daliberti, and another American, Mr. Bill Barloon, have been detained in Iraq.

All indications are that the incident was a result of innocent mistakes. Mr. Daliberti, without hesitation, authorized the release of information about his case. The United Nations Iraq Kuwait Observer Mission [UNIKOM] has admitted that the Americans' crossing into Iraq was their error. During the recent trial, Mr. Daliberti and Mr. Barloon had a court appointed attorney who argued on their behalf but the judge found them in violation of an Iraqi residency law and sentenced them to 8 years in prison. I am outraged by the imprisonment of innocent Americans and join with my colleagues in condemning this action. Saddam Hussein should immediately pardon and release these two Americans.

I have urged President Clinton to use all necessary measures to bring this situation to a swift, negotiated and peaceful conclusion. I am continuing to monitor this international situation through daily contact with White House advisors and with the State Department. I am hopeful that the Americans will soon be returned to their awaiting friends and family.

Currently, the Clinton administration is working with Polish authorities who are our protecting power in Baghdad and through other diplomatic channels to obtain the release of these Americans. I strongly support the President's efforts to resolve this grave obstruction of justice and believe that these Americans should be released by Iraq immediately.

I pledge to do all that I can to work with the administration to resolve this situation quickly and peacefully.

In closing, I wish to express my concern and very strong support for Mr. Daliberti's wife, other relatives, and friends.

Mrs. FOWLER. Mr. Speaker, I rise today to express my strong support for House Resolution 120, a resolution that our colleague CLIFF STEARNS has introduced on behalf of two Americans who are currently being detained in Iraq.

David Daliberti of Jacksonville, FL, and William Barloon of New Hampton, IA, were taken into custody, tried, convicted, and sentenced to 8 years in prison by Iraqi authorities because they took a wrong turn at an unmarked intersection, were erroneously allowed to proceed by U.N. troops, and inadvertently found themselves in territory controlled by Iraqi forces. United Nations officials have conceded that the United Nations was in error in allowing them to proceed.

In virtually any other nation, these individuals would have been allowed to go on their way after a cursory evaluation of the situation by the local authorities.

It is plainly apparent, however, that Saddam Hussein is attempting to use this inadvertent entry in an effort to exert pressure on the United States to lift current U.N. sanctions against Iraq. This strategy is misguided. Iraq would do better to divorce the sanctions matters from the case of the two Americans, because efforts to connect the two situations will only lead the American people to conclude that the Iraqi leadership is attempting to manipulate our Nation and will encourage further resolve against any normalization of our relations.

Mr. Speaker, the prompt resolution of this strictly non-political matter is in Iraq's best interest. I urge all of my colleagues to support this measure and hope that Saddam Hussein and other parties interested in a safe and stable Middle East will take heed of the strong sentiments of the American people in this regard.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution (H. Res. 120), as amended.

The question was taken.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT OF 1995

Mr. CLINGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1345) to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "District of Columbia Financial Responsibility and Management Assistance Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purpose.

TITLE I—ESTABLISHMENT AND ORGANIZATION OF AUTHORITY

Sec. 101. District of Columbia Financial Responsibility and Management Assistance Authority.
Sec. 102. Executive director and staff of Authority.
Sec. 103. Powers of Authority.
Sec. 104. Exemption from liability for claims.
Sec. 105. Treatment of actions arising from act.
Sec. 106. Funding for operation of Authority.
Sec. 107. Suspension of activities.
Sec. 108. Application of laws of District of Columbia to Authority.

TITLE II—RESPONSIBILITIES OF AUTHORITY

Subtitle A—Establishment and Enforcement of Financial Plan and Budget for District Government

Sec. 201. Development of financial plan and budget for District of Columbia.
Sec. 202. Process for submission and approval of financial plan and annual District budget.
Sec. 203. Review of activities of District government to ensure compliance with approved financial plan and budget.
Sec. 204. Restrictions on borrowing by District during control year.
"Sec. 601. Transitional provision for short-term advances.
"Sec. 602. Short-term advances for seasonal cash-flow management.
"Sec. 603. Security for advances.
"Sec. 604. Reimbursement to the Treasury.
"Sec. 605. Definitions.
Sec. 205. Deposit of annual Federal payment with Authority.
Sec. 206. Effect of finding of non-compliance with financial plan and budget.
Sec. 207. Recommendations on financial stability and management responsibility.
Sec. 208. Special rules for fiscal year 1996.
Sec. 209. Control periods described.

Subtitle B—Issuance of Bonds

Sec. 211. Authority to issue bonds.
Sec. 212. Pledge of security interest in revenues of district government.
Sec. 213. Establishment of debt service reserve fund.
Sec. 214. Other requirements for issuance of bonds.
Sec. 215. No full faith and credit of the United States.

Subtitle C—Other Duties of Authority

Sec. 221. Duties of Authority during year other than control year.
Sec. 222. General assistance in achieving financial stability and management efficiency.
Sec. 223. Obtaining reports.
Sec. 224. Reports and comments.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Other District budget reforms.
Sec. 302. Establishment of Chief Financial Officer of District of Columbia.
Sec. 303. Revisions to powers and duties of Inspector General of District of Columbia.
Sec. 304. Council approval of certain contracts.
Sec. 305. Definitions.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) A combination of accumulated operating deficits, cash shortages, management inefficiencies, and deficit spending in the current fiscal year have created a fiscal emergency in the District of Columbia.

(2) As a result of its current financial problems and management inefficiencies, the District of Columbia government fails to provide its citizens with effective and efficient services in areas such as education, health care, crime prevention, trash collection, drug abuse treatment and prevention, human services delivery, and the supervision and training of government personnel.

(3) The current financial and management problems of the District government have already adversely affected the long-term economic health of the District of Columbia by causing the migration of residents and business out of the District of Columbia and the failure of new residents and businesses to move to the District of Columbia.

(4) The fiscal and management problems in the District of Columbia government are pervasive across all segments of the government.

(5) A comprehensive approach to fiscal, management, and structural problems must be undertaken which exempts no part of the District government and which preserves home rule for the citizens of the District of Columbia.

(6) The current deficit of the District of Columbia must be resolved over a multi-year period, since it cannot be effectively addressed in a single year.

(7) The ability of the District government to obtain funds from capital markets in the future will be severely diminished without Congressional action to restore its financial stability.

(8) The failure to improve the financial situation of the District government will adversely affect the long-term economic health of the entire National Capital region.

(9) The efficient operation of the Federal Government may be adversely affected by the current problems of the District of Columbia not only through the services the District government provides directly to the Federal Government but through services provided indirectly such as street and traffic flow maintenance, public safety, and services affecting tourism.

(b) PURPOSE.—The purposes of this Act are as follows:

(1) To eliminate budget deficits and cash shortages of the District of Columbia through visionary financial planning, sound budgeting, accurate revenue forecasts, and careful spending.

(2) To ensure the most efficient and effective delivery of services, including public safety services, by the District government during a period of fiscal emergency.

(3) To conduct necessary investigations and studies to determine the fiscal status and operational efficiency of the District government.

(4) To assist the District government in—

(A) restructuring its organization and workforce to ensure that the residents of the District of Columbia are served by a local government that is efficient and effective;

(B) achieving an appropriate relationship with the Federal Government;

(C) ensuring the appropriate and efficient delivery of services; and

(D) modernizing its budget, accounting, personnel, procurement, information technology, and management systems to ensure the maximum financial and performance accountability of the District government and its officers and employees.

(5) To enhance the District government's access to the capital markets and to ensure the continued orderly payment of its debt service obligations.

(6) To ensure the long-term financial, fiscal, and economic vitality and operational efficiency of the District of Columbia.

(7) To examine the programmatic and structural relationship between the District government and the Federal Government.

(8) To provide for the review of the financial impact of activities of the District government before such activities are implemented or submitted for Congressional review.

(c) RULES OF CONSTRUCTION.—Nothing in this Act may be construed—

(1) to relieve any obligations existing as of the date of the enactment of this Act of the District government to repay any individual or entity from whom the District has borrowed funds, whether through the issuance of bonds or otherwise; or

(2) to limit the authority of Congress to exercise ultimate legislative authority over the District of Columbia pursuant to Article I, section 8, clause 17 of the Constitution of the United States.

TITLE I—ESTABLISHMENT AND ORGANIZATION OF AUTHORITY

SEC. 101. DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.

(a) ESTABLISHMENT.—Pursuant to Article I, section 8, clause 17 of the Constitution of the United States, there is hereby established the District of Columbia Financial Responsibility and Management Assistance Authority, consisting of members appointed by the President in accordance with subsection (b). Subject to the conditions described in section 108 and except as otherwise provided in this Act, the Authority is established as an entity within the government of the District of Columbia, and is not established as a department, agency, establishment, or instrumentality of the United States Government.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Authority shall consist of 5 members appointed by the President who meet the qualifications described in subsection (c), except that the Authority may take any action under this Act (or any amendments made by this Act) at any time after the President has appointed 3 of its members.

(2) CONSULTATION WITH CONGRESS.—The President shall appoint the members of the Authority after consulting with the Chair of the Committee on Appropriations and the Chair of the Committee on Government Reform and Oversight of the House of Representatives, the Chair of the Committee on Appropriations and the Chair of the Committee on Governmental Affairs of the Senate, and the Delegate to the House of Representatives from the District of Columbia.

(3) CHAIR.—The President shall designate one of the members of the Authority as the Chair of the Authority.

(4) SENSE OF CONGRESS REGARDING DEADLINE FOR APPOINTMENT.—It is the sense of Congress that the President should appoint the members of the Authority as soon as practicable after the date of the enactment of this Act, but in no event later than 25 days after the date of the enactment of this Act.

(5) TERM OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Authority shall be appointed for a term of 3 years.

(B) APPOINTMENT FOR TERM FOLLOWING INITIAL TERM.—As designated by the President at the time of appointment for the term immediately following the initial term, of the members appointed for the term immediately following the initial term—

(i) 1 member shall be appointed for a term of 1 year;

(ii) 2 members shall be appointed for a term of 2 years; and

(iii) 2 members shall be appointed for a term of 3 years.

(C) REMOVAL.—The President may remove any member of the Authority only for cause.

(c) QUALIFICATIONS FOR MEMBERSHIP.—An individual meets the qualifications for membership on the Authority if the individual—

(1) has knowledge and expertise in finance, management, and the organization or operation of business or government;

(2) does not provide goods or services to the District government (and is not the spouse, parent, child, or sibling of an individual who provides goods and services to the District government);

(3) is not an officer or employee of the District government; and

(4) during the most recent taxable year prior to appointment, paid personal income or business taxes to the District government.

(d) NO COMPENSATION FOR SERVICE.—Members of the Authority shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Authority.

(e) ADOPTION OF BY-LAWS FOR CONDUCTING BUSINESS OF AUTHORITY.—

(1) IN GENERAL.—As soon as practicable after the appointment of its members, the Authority shall adopt by-laws, rules, and procedures governing its activities under this Act, including procedures for hiring experts and consultants. Such by-laws, rules, and procedures shall be public documents, and shall be submitted by the Authority upon adoption to the Mayor, the Council, the President, and Congress.

(2) CERTAIN ACTIVITIES REQUIRING APPROVAL OF MAJORITY OF MEMBERS.—Under the by-laws adopted pursuant to paragraph (1), the Authority may conduct its operations under such procedures as it considers appropriate, except that an affirmative vote of a majority of the members the Authority shall be required in order for the Authority to—

(A) approve or disapprove a financial plan and budget under subtitle A of title II;

(B) implement recommendations on financial stability and management responsibility under section 207;

(C) give consent to the appointment of the Chief Financial Officer of the District of Columbia under section 424 of the District of Columbia Self-Government and Governmental Reorganization Act (as added by section 302); and

(D) give consent to the appointment of the Inspector General of the District of Columbia under section 208(a) of the District of Columbia Procurement Practices Act of 1985 (as amended by section 303(a)).

(3) ADOPTION OF RULES AND REGULATIONS OF DISTRICT OF COLUMBIA.—The Authority may incorporate in its by-laws, rules, and procedures under this subsection such rules and regulations of the District government as it considers appropriate to enable it to carry out its activities under this Act with the greatest degree of independence practicable.

SEC. 102. EXECUTIVE DIRECTOR AND STAFF OF AUTHORITY.

(a) EXECUTIVE DIRECTOR.—The Authority shall have an Executive Director who shall be appointed by the Chair with the consent of the Authority. The Executive Director shall be paid at a rate determined by the Authority, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—With the approval of the Chair, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of that department or agency to the Authority to assist it in carrying out its duties under this Act.

(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) IN GENERAL.—A Federal employee who, within 2 months after separating from the Federal Government, becomes employed by the Authority—

(A) may elect, for purposes of the retirement system in which that individual last participated before so separating, to have such individual's period of service with the Authority treated in the same way as if performed in the position within the Federal Government from which separated, subject to the requisite employee deductions and agency contributions being currently deposited in the appropriate fund; and

(B) if, after serving with the Authority, such employee becomes reemployed by the Federal Government, shall be entitled to credit, for the full period of such individual's service with the Authority, for purposes of determining the applicable leave accrual rate.

(2) RETIREMENT.—

(A) CONTRIBUTIONS.—For purposes of subparagraph (A) of paragraph (1)—

(i) the employee deductions referred to in such paragraph shall be made from basic pay for service with the Authority, and shall be computed using the same percentage as would then apply if the individual were instead serving in the position within the Federal Government from which separated; and

(ii) the agency contributions referred to in such paragraph shall be made by the Authority.

(B) DOUBLE COVERAGE NOT PERMITTED.—An individual who makes an election under paragraph (1)(A) shall be ineligible, while such election remains in effect, to participate in any retirement system for employees of the government of the District of Columbia.

(3) REGULATIONS.—The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this subsection. Regulations to carry out paragraph (1)(A) shall be prescribed in consultation with the office or agency of the government of the District of Columbia having jurisdiction over any retirement system referred to in paragraph (2)(B).

SEC. 103. POWERS OF AUTHORITY.

(a) HEARINGS AND SESSIONS.—The Authority may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Authority considers appropriate. The Authority may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Authority may, if authorized by the Authority, take any action which the Authority is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—

(1) FROM FEDERAL GOVERNMENT.—Notwithstanding sections 552 (commonly known as the Freedom of Information Act) and 552b (the Government in the Sunshine Act) of title 5, United States Code, the Authority may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act, with the approval of the head of that department or agency.

(2) FROM DISTRICT GOVERNMENT.—Notwithstanding any other provision of law, the Authority shall have the right to secure copies of such records, documents, information, or data from any entity of the District government necessary to enable the Authority to carry out its responsibilities under this Act. At the request of the Authority, the Authority shall be granted direct access to such information systems, records, documents or information or data as will enable the Authority to carry out its responsibilities under this Act. The head of the entity of the District government responsible shall provide the Authority with such information and assistance (including granting the Authority direct access to automated or other information systems) as the Authority requires under this paragraph.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Authority may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Authority. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in such account as the Authority may establish and shall be available for disbursement upon order of the Chair.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Authority may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Authority. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Authority may apply to a United States district court for an order requiring that person to appear before the Authority to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Authority shall be served in the manner provided for subpoenas issued by United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Authority, the Administrator of General Services may provide to the Authority, on a reimbursable basis, the administrative support services necessary for the Authority to carry out its responsibilities under this Act.

(g) AUTHORITY TO ENTER INTO CONTRACTS.—The Executive Director may enter into such contracts as the Executive Director considers appropriate (subject to the approval of the Chair) to carry out the Authority's responsibilities under this Act.

(h) CIVIL ACTIONS TO ENFORCE POWERS.—The Authority may seek judicial enforcement of its authority to carry out its responsibilities under this Act.

(i) PENALTIES.—

(1) ACTS PROHIBITED.—Any officer or employee of the District government who—

(A) takes any action in violation of any valid order of the Authority or fails or refuses to take any action required by any such order; or

(B) prepares, presents, or certifies any information (including any projections or estimates) or report for the Board or any of its agents that is false or misleading, or, upon learning that any such information is false or misleading, fails to immediately advise the Board or its agents thereof in writing,

shall be guilty of a misdemeanor.

(2) ADMINISTRATIVE DISCIPLINE.—In addition to any other applicable penalty, any officer or employee of the District government who knowingly and willfully violates paragraph (1) shall be subject to appropriate administrative discipline, including (when appropriate) suspension from duty without pay or removal from office by order of either the Mayor or Authority.

(3) REPORT BY MAYOR ON DISCIPLINARY ACTIONS TAKEN.—In the case of a violation of paragraph (1) by an officer or employee of the District government, the Mayor shall immediately report to the Board all pertinent facts together with a statement of the action taken thereon.

SEC. 104. EXEMPTION FROM LIABILITY FOR CLAIMS.

The Authority and its members may not be liable for any obligation of or claim against the District of Columbia resulting from actions taken to carry out this Act.

SEC. 105. TREATMENT OF ACTIONS ARISING FROM ACT.

(a) JURISDICTION ESTABLISHED IN DISTRICT COURT FOR DISTRICT OF COLUMBIA.—Except as provided in section 103(e)(2) (relating to the issuance of an order enforcing a subpoena), any action against the Authority or any action otherwise arising out of this Act, in whole or in part, shall be brought in the United States District Court for the District of Columbia.

(b) PROMPT APPEAL.—

(1) COURT OF APPEALS.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable only pursuant to a notice of appeal to the United States Court of Appeals for the District of Columbia Circuit.

(2) SUPREME COURT.—Notwithstanding any other provision of law, review by the Supreme Court of the United States of a decision of the Court of Appeals which is issued pursuant to paragraph (1) may be had only if the petition for such review is filed within 10 days after the entry of such decision.

(c) TIMING OF RELIEF.—No order of any court granting declaratory or injunctive relief against the Authority, including relief permitting or requiring the obligation, borrowing, or expenditure of funds, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or (if appeal is taken) during the period before the court has entered its final order disposing of such action.

(d) EXPEDITED CONSIDERATION.—It shall be the duty of the United States District Court for the District of Columbia, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SEC. 106. FUNDING FOR OPERATION OF AUTHORITY.

(a) ANNUAL BUDGETING PROCESS.—

(1) SUBMISSION OF BUDGET.—The Authority shall submit a proposed budget for each fiscal year to the President for inclusion in the annual budget for the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act not later than the May 1 prior to the first day of the fiscal year. In the case of the budget for fiscal year 1996, the Authority shall submit its proposed budget not later than July 15, 1995.

(2) CONTENTS OF BUDGET.—The budget shall describe—

(A) expenditures of the Authority by each object class, including expenditures for staff of the Authority;

(B) services of personnel and other services provided by or on behalf of the Authority for which the Authority made no reimbursement; and

(C) any gifts or bequests made to the authority during the previous fiscal year.

(3) APPROPRIATIONS REQUIRED.—No amount may be obligated or expended by the Authority for a fiscal year (beginning with fiscal year 1996) unless such amount has been approved by Act of Congress, and then only according to such Act.

(4) CONFORMING AMENDMENT.—Section 453(c) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-304.1(c), D.C. Code) is amended by striking the period at the end and inserting the following: ", or to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.".

(b) SPECIAL RULE FOR FUNDING OF OPERATIONS DURING FISCAL YEAR 1995.—As soon as practicable after the appointment of its members, the Authority shall submit to the Mayor and the President—

(1) a request for reprogramming of funds under subsection (c)(1); and

(2) a description of anticipated expenditures of the Authority for fiscal year 1995 (which shall be transmitted to Congress).

(c) SOURCES OF FUNDS.—

(1) USE OF PREVIOUSLY APPROPRIATED FUNDS IN DISTRICT BUDGET.—The Mayor shall transfer funds previously appropriated to the District government for a fiscal year for auditing and consulting services to the Authority (in such amounts as are provided in the budget request of the Authority under subsection (a) or, with respect to fiscal year 1995, the request submitted under subsection (b)(1)) for the purpose of carrying out the Authority's activities during the fiscal year.

(2) OTHER SOURCES OF FUNDS.—For provisions describing the sources of funds available for the operations of the Authority during a fiscal year (in addition to any interest earned on accounts of the Authority during the year), see section 204(b)(1)(A) (relating to the set-aside of amounts requisitioned from the Treasury by the Mayor) and section 213(b)(3) (relating to the use of interest accrued from amounts in a debt service reserve fund of the Authority).

SEC. 107. SUSPENSION OF ACTIVITIES.

(a) SUSPENSION UPON PAYMENT OF AUTHORITY OBLIGATIONS.—

(1) IN GENERAL.—Upon the expiration of the 12-month period which begins on the date that the Authority certifies that all obligations arising from the issuance by the Authority of bonds, notes, or other obligations pursuant to subtitle B of title II have been discharged, and that all borrowings by or on behalf of the District of Columbia pursuant to title VI of the District of Columbia Revenue Act of 1939 (sec. 47-3401, D.C. Code) have been repaid, the Authority shall suspend any activities carried out under this Act and the terms of the members of the Authority shall expire.

(2) NO SUSPENSION DURING CONTROL YEAR.—The Authority may not suspend its activities pursuant to paragraph (1) at any time during a control year.

(b) REACTIVATION UPON INITIATION OF CONTROL PERIOD.—Upon receiving notice from the Chairs of the Appropriations Committees of the House of Representatives and the Senate that a control period has been initiated (as described in section 209) at any time after the Authority suspends its activities under subsection (a), the President shall appoint members of the Authority, and the Authority shall carry out activities under this Act, in the same manner as the President appointed members and the Authority carried out activities prior to such suspension.

SEC. 108. APPLICATION OF LAWS OF DISTRICT OF COLUMBIA TO AUTHORITY.

(a) IN GENERAL.—The following laws of the District of Columbia (as in effect on the date of the enactment of this Act) shall apply to the members and activities of the Authority:

(1) Section 742 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-1504, D.C. Code).

(2) Sections 201 through 206 of the District of Columbia Freedom of Information Act (secs. 1-1521 through 1-1526, D.C. Code).

(3) Section 601 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act (sec. 1-1461, D.C. Code).

(b) NO CONTROL, SUPERVISION, OVERSIGHT, OR REVIEW BY MAYOR OR COUNCIL.—

(1) IN GENERAL.—Neither the Mayor nor the Council may exercise any control, supervision, oversight, or review over the Authority or its activities.

(2) PROHIBITION AGAINST LEGISLATION AFFECTING AUTHORITY.—Section 602(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-233(a), D.C. Code) is amended—

(A) by striking "or" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(10) enact any act, resolution, or rule with respect to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.".

(c) AUTHORITY NOT SUBJECT TO REPRESENTATION BY CORPORATION COUNSEL.—In any action brought by or on behalf of the Authority, and in any action brought against the Authority, the Authority shall be represented by such counsel as it may select, but in no instance may the Authority be represented by the Corporation Counsel of the District of Columbia.

TITLE II—RESPONSIBILITIES OF AUTHORITY

Subtitle A—Establishment and Enforcement of Financial Plan and Budget for District Government

SEC. 201. DEVELOPMENT OF FINANCIAL PLAN AND BUDGET FOR DISTRICT OF COLUMBIA.

(a) DEVELOPMENT OF FINANCIAL PLAN AND BUDGET.—For each fiscal year for which the District government is in a control period, the Mayor shall develop and submit to the Authority a financial plan and budget for the District of Columbia in accordance with this section.

(b) CONTENTS OF FINANCIAL PLAN AND BUDGET.—A financial plan and budget for the District of Columbia for a fiscal year shall specify the budgets for the District government under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act for the applicable fiscal year and the next 3 fiscal years (including the projected revenues and expenditures of each fund of the District government for such years), in accordance with the following requirements:

(1) The financial plan and budget shall meet the standards described in subsection (c) to promote the financial stability of the District government.

(2) The financial plan and budget shall provide for estimates of revenues and expenditures on a modified accrual basis.

(3) The financial plan and budget shall—

(A) describe lump sum expenditures by department by object class;

(B) describe capital expenditures (together with a schedule of projected capital commitments of the District government and proposed sources of funding);

(C) contain estimates of short-term and long-term debt (both outstanding and anticipated to be issued); and

(D) contain cash flow forecasts for each fund of the District government at such intervals as the Authority may require.

(4) The financial plan and budget shall include a statement describing methods of estimations and significant assumptions.

(5) The financial plan and budget shall include any other provisions and shall meet such other criteria as the Authority considers appropriate to meet the purposes of this Act, including provisions for changes in personnel policies and levels for each department or agency of the District government, changes in the structure and organization of the District government, and management initiatives to promote productivity, improvement in the delivery of services, or cost savings.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY DESCRIBED.—

(1) IN GENERAL.—The standards to promote the financial stability of the District government applicable to the financial plan and budget for a fiscal year are as follows:

(A) In the case of the financial plan and budget for fiscal year 1996, the expenditures of the District government for each fiscal year (beginning with fiscal year 1999) may not exceed the revenues of the District government for each such fiscal year.

(B) During fiscal years 1996, 1997, and 1998, the District government shall make continuous, substantial progress towards equalizing the expenditures and revenues of the District government for such fiscal years (in equal annual installments to the greatest extent possible).

(C) The District government shall provide for the orderly liquidation of the cumulative fund balance deficit of the District government, as evidenced by financial statements prepared in accordance with generally accepted accounting principles.

(D) If funds in accounts of the District government which are dedicated for specific purposes have been withdrawn from such accounts for other purposes, the District government shall fully restore the funds to such accounts.

(E) The financial plan and budget shall assure the continuing long-term financial stability of the District government, as indicated by factors including access to short-term and long-term capital markets, the efficient management of the District government's workforce, and the effective provision of services by the District government.

(2) APPLICATION OF SOUND BUDGETARY PRACTICES.—In meeting the standards described in paragraph (1) with respect to a financial plan and budget for a fiscal year, the District government shall apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices.

(3) ASSUMPTIONS BASED ON CURRENT LAW.—In meeting the standards described in paragraph (1) with respect to a financial plan and budget for a fiscal year, the District government shall base estimates of revenues and expenditures on Federal law as in effect at the time of the preparation of the financial plan and budget.

(d) REPEAL OF OFFSETS AGAINST FEDERAL PAYMENT AND OTHER DISTRICT REVENUES.—Section 138 of the District of Columbia Appropriations Act, 1995, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d).

SEC. 202. PROCESS FOR SUBMISSION AND APPROVAL OF FINANCIAL PLAN AND ANNUAL DISTRICT BUDGET.

(a) SUBMISSION OF PRELIMINARY FINANCIAL PLAN AND BUDGET BY MAYOR.—Not later than the February 1 preceding a fiscal year for which the District government is in a control period, the Mayor shall submit to the Authority and the Council a financial plan and budget for the fiscal year which meets the requirements of section 201.

(b) REVIEW BY AUTHORITY.—Upon receipt of the financial plan and budget for a fiscal year from the Mayor under subsection (a), the Authority shall promptly review the financial plan and budget. In conducting the review, the Authority may request any additional information it considers necessary and appropriate to carry out its duties under this subtitle.

(c) ACTION UPON APPROVAL OF MAYOR'S PRELIMINARY FINANCIAL PLAN AND BUDGET.—

(1) CERTIFICATION TO MAYOR.—

(A) IN GENERAL.—If the Authority determines that the financial plan and budget for the fiscal year submitted by the Mayor under subsection (a) meets the requirements applicable under section 201—

(i) the Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and

(ii) the Mayor shall promptly submit the financial plan and budget to the Council pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act.

(B) DEEMED APPROVAL AFTER 30 DAYS.—

(i) IN GENERAL.—If the Authority has not provided the Mayor, the Council, and Congress with a notice certifying approval under subparagraph (A)(i) or a statement of disapproval under subsection (d)(1) upon the expiration of the 30-day period which begins on the date the Authority receives the financial plan and budget from the Mayor under subsection (a), the Authority shall be deemed to have approved the financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (A)(i).

(ii) EXPLANATION OF FAILURE TO RESPOND.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 30-day period described in such clause.

(2) ADOPTION OF FINANCIAL PLAN AND BUDGET BY COUNCIL AFTER RECEIPT OF APPROVED FINANCIAL PLAN AND BUDGET.—Notwithstanding the first sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, not later than 30 days after receiving the financial plan and budget for the fiscal year from the Mayor under paragraph (1)(A)(ii), the Council shall by Act adopt a financial plan and budget for the fiscal year which shall serve as the adoption of the budgets of the District government for the fiscal year under such section, and shall submit such financial plan and budget to the Mayor and the Authority.

(3) REVIEW OF COUNCIL FINANCIAL PLAN AND BUDGET BY AUTHORITY.—Upon receipt of the financial plan and budget for a fiscal year from the Council under paragraph (2) (taking into account any items or provisions disapproved by the Mayor or disapproved by the Mayor and reenacted by the Council under section 404(f) of the District of Columbia Self-Government and Governmental Reorganization Act, as amended by subsection (f)(2)), the Authority shall promptly review the financial plan and budget. In conducting the review, the Authority may request any additional information it considers necessary and appropriate to carry out its duties under this subtitle.

(4) RESULTS OF AUTHORITY REVIEW OF COUNCIL'S INITIAL FINANCIAL PLAN AND BUDGET.—

(A) APPROVAL OF COUNCIL'S INITIAL FINANCIAL PLAN AND BUDGET.—If the Authority determines that the financial plan and budget for the fiscal year submitted by the Council under paragraph (2) meets the requirements applicable under section 201—

(i) the Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and

(ii) the Council shall promptly submit the financial plan and budget to the Mayor for transmission to the President and Congress under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act.

(B) DISAPPROVAL OF COUNCIL'S INITIAL BUDGET.—If the Authority determines that the financial plan and budget for the fiscal year submitted by the Council under paragraph (2) does not meet the requirements applicable under section 201, the Authority shall disapprove the financial plan and budget, and shall provide the Mayor, the Council, the President, and Congress with a statement containing—

(i) the reasons for such disapproval;

(ii) the amount of any shortfall in the budget or financial plan; and

(iii) any recommendations for revisions to the budget the Authority considers appropriate to ensure that the budget is consistent with the financial plan and budget.

(C) DEEMED APPROVAL AFTER 15 DAYS.—

(i) IN GENERAL.—If the Authority has not provided the Mayor, the Council, the President, and Congress with a notice certifying approval under subparagraph (A)(i) or a statement of disapproval under subparagraph (B) upon the expiration of the 15-day period which begins on the date the Authority receives the financial plan and budget from the Council under paragraph (2), the Authority shall be deemed to have approved the financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (A)(i).

(ii) EXPLANATION OF FAILURE TO RESPOND.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in such clause.

(5) AUTHORITY REVIEW OF COUNCIL'S REVISED FINANCIAL PLAN AND BUDGET.—

(A) SUBMISSION OF COUNCIL'S REVISED FINANCIAL PLAN AND BUDGET.—Not later than 15 days after receiving the statement from the Authority under paragraph (4)(B), the Council shall promptly by Act adopt a revised financial plan and budget for the fiscal year which addresses the reasons for the Authority's disapproval cited in the statement, and shall submit such financial plan and budget to the Mayor and the Authority.

(B) APPROVAL OF COUNCIL'S REVISED FINANCIAL PLAN AND BUDGET.—If, after reviewing the revised financial plan and budget for a fiscal year submitted by the Council under subparagraph (A) in accordance with the procedures described in this subsection, the Authority determines that the revised financial plan and budget meets the requirements applicable under section 201—

(i) the Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and

(ii) the Council shall promptly submit the financial plan and budget to the Mayor for transmission to the President and Congress under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act.

(C) DISAPPROVAL OF COUNCIL'S REVISED FINANCIAL PLAN AND BUDGET.—

(i) IN GENERAL.—If, after reviewing the revised financial plan and budget for a fiscal year submitted by the Council under subparagraph (A) in accordance with the procedures described in this subsection, the Authority determines that the revised financial plan and budget does not meet the applicable requirements under section 201, the Authority shall—

(I) disapprove the financial plan and budget;

(II) provide the Mayor, the Council, the President, and Congress with a statement containing the reasons for such disapproval and describing the amount of any shortfall in the financial plan and budget; and

(III) approve and recommend a financial plan and budget for the District government which meets the applicable requirements under section 201, and submit such financial plan and budget to the Mayor, the Council, the President, and Congress.

(ii) TRANSMISSION OF REJECTED FINANCIAL PLAN AND BUDGET.—The Council shall promptly submit the revised financial plan and budget disapproved by the Authority under this subparagraph to the Mayor for transmission to the President and Congress under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act.

(D) DEEMED APPROVAL AFTER 15 DAYS.—

(i) IN GENERAL.—If the Authority has not provided the Mayor, the Council, the President, and Congress with a notice certifying approval under subparagraph (B)(i) or a statement of disapproval under subparagraph (C) upon the expiration of the 15-day period which begins on the date the Authority receives the revised financial plan and budget submitted by the Council under subparagraph (A), the Authority shall be deemed to have approved the revised financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (B)(i).

(ii) EXPLANATION OF FAILURE TO RESPOND.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in such clause.

(6) DEADLINE FOR TRANSMISSION OF FINANCIAL PLAN AND BUDGET BY AUTHORITY.—Notwithstanding any other provision of this section, not later than the June 15 preceding each fiscal year which is a control year, the Authority shall—

(A) provide Congress with a notice certifying its approval of the Council's initial financial plan and budget for the fiscal year under paragraph (4)(A);

(B) provide Congress with a notice certifying its approval of the Council's revised financial plan and budget for the fiscal year under paragraph (5)(B); or

(C) submit to Congress an approved and recommended financial plan and budget of the Authority for the District government for the fiscal year under paragraph (5)(C).

(d) ACTION UPON DISAPPROVAL OF MAYOR'S PRELIMINARY FINANCIAL PLAN AND BUDGET.—

(1) STATEMENT OF DISAPPROVAL.—If the Authority determines that the financial plan and budget for the fiscal year submitted by the Mayor under subsection (a) does not meet the requirements applicable under section 201, the Authority shall disapprove the financial plan and budget, and shall provide the Mayor and the Council with a statement containing—

(A) the reasons for such disapproval;

(B) the amount of any shortfall in the financial plan and budget; and

(C) any recommendations for revisions to the financial plan and budget the Authority considers appropriate to ensure that the financial plan and budget meets the requirements applicable under section 201.

(2) AUTHORITY REVIEW OF MAYOR'S REVISED FINANCIAL PLAN AND BUDGET.—

(A) SUBMISSION OF MAYOR'S REVISED FINANCIAL PLAN AND BUDGET.—Not later than 15 days after receiving the statement from the Authority under paragraph (1), the Mayor shall promptly submit to the Authority and the Council a revised financial plan and budget for the fiscal year which addresses the reasons for the Authority's disapproval cited in the statement.

(B) APPROVAL OF MAYOR'S REVISED FINANCIAL PLAN AND BUDGET.—If the Authority determines that the revised financial plan and budget for the fiscal year submitted by the Mayor under subparagraph (A) meets the requirements applicable under section 201—

(i) the Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and

(ii) the Mayor shall promptly submit the financial plan and budget to the Council pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act.

(C) DISAPPROVAL OF MAYOR'S REVISED FINANCIAL PLAN AND BUDGET.—

(i) IN GENERAL.—If the Authority determines that the revised financial plan and budget for the fiscal year submitted by the Mayor under subparagraph (A) does not meet the requirements applicable under section 201, the Authority shall—

(I) disapprove the financial plan and budget;

(II) shall provide the Mayor, the Council, the President, and Congress with a statement containing the reasons for such disapproval; and

(III) recommend a financial plan and budget for the District government which meets the requirements applicable under section 201 and submit such financial plan and budget to the Mayor and the Council.

(ii) SUBMISSION OF REJECTED FINANCIAL PLAN AND BUDGET.—The Mayor shall promptly submit the revised financial plan and budget disapproved by the Authority under this subparagraph to the Council pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act.

(D) DEEMED APPROVAL AFTER 15 DAYS.—

(i) IN GENERAL.—If the Authority has not provided the Mayor, the Council, the President, and Congress with a notice certifying approval under subparagraph (B)(i) or a statement of disapproval under subparagraph (C) upon the expiration of the 15-day period which begins on the date the Authority receives the revised financial plan and budget submitted by the Mayor under subparagraph (A), the Authority shall be deemed to have approved the revised financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (B)(i).

(ii) EXPLANATION OF FAILURE TO RESPOND.—If clause (i) applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in such clause.

(3) ACTION BY COUNCIL.—

(A) ADOPTION OF FINANCIAL PLAN AND BUDGET.—Notwithstanding the first sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, not later than 30 days after receiving the Mayor's approved revised financial plan and budget for the fiscal year under paragraph (2)(B) or (in the case of a financial plan and budget disapproved by the Authority) the financial plan and budget recommended by the Authority under paragraph (2)(C)(i)(III), the Council shall by Act adopt a financial plan and budget for the fiscal year which shall serve as the adoption of the budgets of the District government for the fiscal year under such section, and shall submit the financial plan and budget to the Mayor and the Authority.

(B) REVIEW BY AUTHORITY.—The financial plan and budget submitted by the Council under subparagraph (A) shall be subject to review by the Authority and revision by the Council in the same manner as the financial plan and budget submitted by the Council after an approved preliminary financial plan and budget of the Mayor under paragraphs (3), (4), (5), and (6) of subsection (c).

(e) REVISIONS TO FINANCIAL PLAN AND BUDGET.—

(1) PERMITTING MAYOR TO SUBMIT REVISIONS.—The Mayor may submit proposed revisions to the financial plan and budget for a control year to the Authority at any time during the year.

(2) PROCESS FOR REVIEW, APPROVAL, DISAPPROVAL, AND COUNCIL ACTION.—Except as provided in paragraph (3), the procedures described in subsections (b), (c), and (d) shall apply with respect to a proposed revision to a financial plan and budget in the same manner as such procedures apply with respect to the original financial plan and budget, except that subparagraph (B) of subsection (c)(1) (relating to deemed approval by the Authority of a preliminary financial plan and budget of the Mayor) shall be applied as if the reference to the term "30-day period" were a reference to "20-day period".

(3) EXCEPTION FOR REVISIONS NOT AFFECTING APPROPRIATIONS.—To the extent that a proposed revision to a financial plan and budget adopted by the Council pursuant to this subsection does not increase the amount of spending with respect to any account of the District government, the revision shall become effective upon the Authority's approval of such revision (subject to review by Congress under section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act).

(f) CONFORMING AMENDMENT TO BUDGET PROCESS REQUIREMENTS UNDER HOME RULE ACT.—

(1) SUBMISSION OF UNBALANCED BUDGETS.—Section 603 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-313, D.C. Code) is amended—

(A) in subsection (c), by striking "The Council" the first place it appears and inserting "Except as provided in subsection (f), the Council";

(B) in subsection (d), by striking "The Mayor" and inserting "Except as provided in subsection (f), the Mayor"; and

(C) by adding at the end the following new subsection:

"(f) In the case of a fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995)—

"(1) subsection (c) (other than the fourth sentence) and subsection (d) shall not apply; and

"(2) the Council may not approve, and the Mayor may not forward to the President, any budget which is not consistent with the financial plan and budget established for the fiscal year under subtitle A of title II of such Act.".

(2) EXPEDITED PROCEDURES FOR DISAPPROVAL OF ITEMS AND PROVISIONS OF COUNCIL BUDGET BY MAYOR.—Section 404(f) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-227(f), D.C. Code) is amended by adding at the end the following new sentence: "In the case of any budget act for a fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), this subsection shall apply as if the reference in the second sentence to 'ten-day period' were a reference to 'five-day period' and the reference in the third sentence to 'thirty calendar days' were a reference to '5 calendar days'.".

(g) PERMITTING MAYOR AND COUNCIL TO SPECIFY EXPENDITURES UNDER SCHOOL BOARD BUDGET DURING CONTROL YEAR.—

(1) MAYOR'S ESTIMATE INCLUDED IN ANNUAL FINANCIAL PLAN AND BUDGET.—Section 2(h) of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia", approved June 20, 1906 (sec. 31-103, D.C. Code) is amended by striking the period at the end and inserting the following: ", except that in the case of a year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), the Mayor shall transmit the same together with the Mayor's own request for the amount of money required for the public schools for the year.".

(2) SPECIFICATION OF EXPENDITURES.—Section 452 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 31-104, D.C. Code) is amended by adding at the end the following new sentence: "This section shall not apply with respect to the annual budget for any fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995).".

(h) PERMITTING SEPARATION OF EMPLOYEES IN ACCORDANCE WITH FINANCIAL PLAN AND BUDGET.—The fourth sentence of section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-242(3), D.C. Code) is amended by striking "pursuant to procedures" and all that follows through "Act of 1991" and inserting the following: "in the implementation of a financial plan and budget for the District government approved under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995".

SEC. 203. REVIEW OF ACTIVITIES OF DISTRICT GOVERNMENT TO ENSURE COMPLIANCE WITH APPROVED FINANCIAL PLAN AND BUDGET.

(a) REVIEW OF COUNCIL ACTS.—

(1) SUBMISSION OF ACTS TO AUTHORITY.—The Council shall submit to the Authority each Act passed by the Council and signed by the Mayor during a control year or vetoed by the Mayor and repassed by two-thirds of the Council present and voting during a control year, and each Act passed by the Council and allowed to become effective without the Mayor's signature during a control year, together with the estimate of costs accompanying such Act required under section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act (as added by section 301(d)).

(2) PROMPT REVIEW BY AUTHORITY.—Upon receipt of an Act from the Council under paragraph (1), the Authority shall promptly review the Act to determine whether it is consistent with the applicable financial plan and budget approved under this subtitle and with the estimate of costs accompanying the Act (described in paragraph (1)).

(3) ACTIONS BY AUTHORITY.—

(A) APPROVAL.—Except as provided in subparagraph (C), if the Authority determines that an Act is consistent with the applicable financial plan and budget, the Authority shall notify the Council that it approves the Act, and the Council shall submit the Act to Congress for review in accordance with section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

(B) FINDING OF INCONSISTENCY.—Except as provided in subparagraph (C), if the Authority determines that an Act is significantly inconsistent with the applicable financial plan and budget, the Authority shall—

(i) notify the Council that of its finding;

(ii) provide the Council with an explanation of the reasons for its finding; and

(iii) to the extent the Authority considers appropriate, provide the Council with recommendations for modifications to the Act.

(C) EXCEPTION FOR EMERGENCY ACTS.—Subparagraphs (A) and (B) shall not apply with respect to any act which the Council determines according to section 412(a) of the District of Columbia Self-Government and Governmental Reorganization Act should take effect immediately because of emergency circumstances.

(4) EFFECT OF FINDING.—If the Authority makes a finding with respect to an Act under paragraph (3)(B), the Council may not submit the Act to Congress for review in accordance with section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

(5) DEEMED APPROVAL.—If the Authority does not notify the Council that it approves or disapproves an Act submitted under this subsection during the 7-day period which begins on the date the Council submits the Act to the Authority, the Authority shall be deemed to have approved the Act in accordance with paragraph (3)(A). At the option of the Authority, the previous sentence shall be applied as if the reference to "7-day period" were a reference to "14-day period" if during such 7-day period the Authority so notifies the Council and the Mayor.

(6) PRELIMINARY REVIEW OF PROPOSED ACTS.—At the request of the Council, the Authority may conduct a preliminary review of proposed legislation before the Council to determine whether the legislation as proposed would be consistent with the applicable financial plan and budget approved under this subtitle, except that any such preliminary review shall not be binding on the Authority in reviewing any Act subsequently submitted under this subsection.

(b) EFFECT OF APPROVED FINANCIAL PLAN AND BUDGET ON CONTRACTS AND LEASES.—

(1) MANDATORY PRIOR APPROVAL FOR CERTAIN CONTRACTS AND LEASES.—

(A) IN GENERAL.—In the case of a contract or lease described in subparagraph (B) which is proposed to be entered into by the District government during a control year, the Mayor (or the appropriate officer or agent of the District government) shall submit the proposed contract or lease to the Authority. The Authority shall review each contract or lease submitted under this subparagraph, and the Mayor (or the appropriate officer or agent of the District government) may not enter into the contract or lease unless the Authority determines that the proposed contract or lease is consistent with the financial plan and budget for the fiscal year.

(B) CONTRACTS AND LEASES DESCRIBED.—A contract or lease described in this subparagraph is—

(i) a labor contract entered into through collective bargaining; or

(ii) such other type of contract or lease as the Authority may specify for purposes of this subparagraph.

(2) AUTHORITY TO REVIEW OTHER CONTRACTS AND LEASES AFTER EXECUTION.—

(A) IN GENERAL.—In addition to the prior approval of certain contracts and leases under paragraph (1), the Authority may require the Mayor (or the appropriate officer or agent of the District government) to submit to the Authority any other contract (including a contract to carry out a grant) or lease entered into by the District government during a control year which is executed after the Authority has approved the financial plan and budget for the year under section 202(c) or 202(d), or any proposal of the District government to renew, extend, or modify a contract or lease during a control year which is made after the Authority has approved such financial plan and budget.

(B) REVIEW BY AUTHORITY.—The Authority shall review each contract or lease submitted under subparagraph (A) to determine if the contract or lease is consistent with the financial plan and budget for the fiscal year. If the Authority determines that the contract or lease is not consistent with the financial plan and budget, the Mayor shall take such actions as are within the Mayor's powers to revise the contract or lease, or shall submit a proposed revision to the financial plan and budget in accordance with section 202(e), so that the contract or lease will be consistent with the financial plan and budget.

(3) SPECIAL RULE FOR FISCAL YEAR 1995.—The Authority may require the Mayor to submit to the Authority any proposal to renew, extend, or modify a contract or lease in effect during fiscal year 1995 to determine if the renewal, extension, or modification is consistent with the budget for the District of Columbia under the District of Columbia Appropriations Act, 1995.

(4) SPECIAL RULE FOR CONTRACTS SUBJECT TO COUNCIL APPROVAL.—In the case of a contract or lease which is required to be submitted to the Authority under this subsection and which is subject to approval by the Council under the laws of the District of Columbia, the Mayor shall submit such contract or lease to the Authority only after the Council has approved the contract or lease.

(c) RESTRICTIONS ON REPROGRAMMING OF AMOUNTS IN BUDGET DURING CONTROL YEARS.—

(1) SUBMISSIONS OF REQUESTS TO AUTHORITY.—If the Mayor submits a request to the Council for the reprogramming of any amounts provided in a budget for a fiscal year which is a control year after the budget is adopted by the Council, the Mayor shall submit such request to the Authority, which shall analyze the affect of the proposed reprogramming on the financial plan and budget for the fiscal year and submit its analysis to the Council not later than 15 days after receiving the request.

(2) NO ACTION PERMITTED UNTIL ANALYSIS RECEIVED.—The Council may not adopt a reprogramming during a fiscal year which is a control year, and no officer or employee of the District government may carry out any reprogramming during such a year, until the Authority has provided the Council with an analysis of a request for the reprogramming in accordance with paragraph (1).

SEC. 204. RESTRICTIONS ON BORROWING BY DISTRICT DURING CONTROL YEAR.

(a) PRIOR APPROVAL REQUIRED.—

(1) IN GENERAL.—The District government may not borrow money during a control year unless the Authority provides prior certification that both the receipt of funds through such borrowing and the repayment of obligations incurred through such borrowing are consistent with the financial plan and budget for the year.

(2) REVISIONS TO FINANCIAL PLAN AND BUDGET PERMITTED.—If the Authority determines that the borrowing proposed to be undertaken by the District government is not consistent with the financial plan and budget, the Mayor may submit to the Authority a proposed revision to the financial plan and budget in accordance with section 202(e) so that the borrowing will be consistent with the financial plan and budget as so revised.

(3) BORROWING DESCRIBED.—This subsection shall apply with respect to any borrowing undertaken by the District government, including borrowing through the issuance of bonds under part E of title IV of the District of Columbia Self-Government and Governmental Reorganization Act, the exercise of authority to obtain funds from the United States Treasury under title VI of the District of Columbia Revenue Act of 1939 (sec. 47-3401, D.C. Code), or any other means.

(4) SPECIAL RULES FOR TREASURY BORROWING DURING FISCAL YEAR 1995.—

(A) NO PRIOR APPROVAL REQUIRED DURING INITIAL PERIOD FOLLOWING APPOINTMENT.—The District government may requisition advances from the United States Treasury under title VI of the District of Columbia Revenue Act of 1939 (sec. 47-3401, D.C. Code) without the prior approval of the Authority during the 45-day period which begins on the date of the appointment of the members of the Authority (subject to the restrictions described in such title, as amended by subsection (c)).

(B) CRITERIA FOR APPROVAL DURING REMAINDER OF FISCAL YEAR.—The District government may requisition advances described in subparagraph (A) during the portion of fiscal year 1995 occurring after the expiration of the 45-day period described in such subparagraph if the Authority finds that—

(i) such borrowing is appropriate to meet the needs of the District government to reduce deficits and discharge payment obligations; and

(ii) the District government is making appropriate progress toward meeting its responsibilities under this Act (and the amendments made by this Act).

(b) DEPOSIT OF FUNDS OBTAINED THROUGH TREASURY WITH AUTHORITY.—

(1) AUTOMATIC DEPOSIT DURING CONTROL YEAR.—If the Mayor requisitions funds from the Secretary of the Treasury pursuant to title VI of the District of Columbia Revenue Act of 1939 (sec. 47-3401, D.C. Code) during a control year (beginning with fiscal year 1996), such funds shall be deposited by the Secretary into an escrow account held by the Authority, to be used as follows:

(A) The Authority shall expend a portion of the funds for its operations during the fiscal year in which the funds are requisitioned, in such amount and under such conditions as are established under the budget of the Authority for the fiscal year under section 106(a).

(B) The Authority shall allocate the remainder of such funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate, consistent with the financial plan and budget for the year and with any other withholding of funds by the Authority pursuant to this Act.

(2) OPTIONAL DEPOSIT DURING FISCAL YEAR 1995.—

(A) DURING INITIAL PERIOD FOLLOWING APPOINTMENT.—If the Mayor requisitions funds described in paragraph (1) during the 45-day period which begins on the date of the appointment of the members of the Authority, the Secretary of the Treasury shall notify the Authority, and at the request of the Authority shall deposit such funds into an escrow account held by the Authority in accordance with paragraph (1).

(B) DURING REMAINDER OF FISCAL YEAR.—If the Mayor requisitions funds described in paragraph (1) during the portion of fiscal year 1995 occurring after the expiration of the 45-day period described in subparagraph (A), the Secretary of the Treasury shall deposit such funds into an escrow account held by the Authority in accordance with paragraph (1) at the request of the Authority.

(c) CONDITIONS ON REQUISITIONS FROM TREASURY.—Title VI of the District of Columbia Revenue Act of 1939 (sec. 47-3401, D.C. Code) is amended by striking all after the heading and inserting the following:

"SEC. 601. TRANSITIONAL PROVISION FOR SHORT-TERM ADVANCES.

"(a) TRANSITIONAL SHORT-TERM ADVANCES MADE BEFORE OCTOBER 1, 1995.—

"(1) IN GENERAL.—If the conditions in paragraph (2) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the purpose of assisting the District government in meeting its general expenditures, as authorized by Congress.

"(2) CONDITIONS TO MAKING ANY TRANSITIONAL SHORT-TERM ADVANCE BEFORE OCTOBER 1, 1995.—The Secretary shall make an advance under this subsection if the following conditions are satisfied:

"(A) the Mayor delivers to the Secretary a requisition for an advance under this section;

"(B) as of the date on which the requisitioned advance is to be made, the Authority has not approved a financial plan and budget for the District government as meeting the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

"(C) the date on which the requisitioned advance is to be made is not later than September 30, 1995;

"(D) the District government has delivered to the Secretary—

"(i) a schedule setting forth the anticipated timing and amounts of requisitions for advances under this subsection; and

"(ii) evidence demonstrating to the satisfaction of the Secretary that the District government is effectively unable to obtain credit in the public credit markets or elsewhere in sufficient amounts and on sufficiently reasonable terms to meet the District government's financing needs;

"(E) the Secretary determines that there is reasonable assurance of reimbursement for the advance from the amount authorized to be appropriated as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year ending September 30, 1996; and

"(F) except during the 45-day period beginning on the date of the appointment of the members of the Authority, the Authority makes the findings described in section 204(a)(4)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

"(3) AMOUNT OF ANY TRANSITIONAL SHORT-TERM ADVANCE MADE BEFORE OCTOBER 1, 1995.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), if the conditions described in subparagraph (B) are satisfied, each advance made under this subsection shall be in the amount designated by the Mayor in the Mayor's requisition for such advance, except that—

"(i) the total amount requisitioned under this subsection during the 30-day period which begins on the date of the first requisition made under this subsection may not exceed 33⅓ percent of the fiscal year 1995 limit;

"(ii) the total amount requisitioned under this subsection during the 60-day period which begins on the date of the first requisition made under this subsection may not exceed 66⅔ percent of the fiscal year 1995 limit; and

"(iii) the total amount requisitioned under this subsection after the expiration of the 60-day period which begins on the date of the first requisition made under this subsection may not exceed 100 percent of the fiscal year 1995 limit.

"(B) CONDITIONS APPLICABLE TO DESIGNATED AMOUNT.—Subparagraph (A) applies if the Mayor determines that the amount designated in the Mayor's requisition for such advance is needed to accomplish the purpose described in paragraph (1), and (except during the 45-day period beginning on the date of the appointment of the members of the Authority) the Authority approves such amount.

"(C) AGGREGATE MAXIMUM AMOUNT OUTSTANDING.—The sum of the anticipated principal and interest requirements of all advances made under this subsection may not be greater than the fiscal year 1995 limit.

"(D) FISCAL YEAR 1995 LIMIT DESCRIBED.—In this paragraph, the 'fiscal year 1995 limit' means the amount authorized to be appropriated to the District of Columbia as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year ending September 30, 1995.

"(4) MATURITY OF ANY TRANSITIONAL SHORT-TERM ADVANCE MADE BEFORE OCTOBER 1, 1995.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each advance made under this subsection shall mature on the date designated by the Mayor in the Mayor's requisition for such advance.

"(B) LATEST PERMISSIBLE MATURITY DATE.—Notwithstanding subparagraph (A), the maturity date for any advance made under this subsection shall not be later than october 1, 1995.

"(5) INTEREST RATE.—Each advance made under this subsection shall bear interest at an annual rate equal to the rate determined by the Secretary at the time that the Secretary makes such advance taking into consideration the prevailing yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advance, plus ⅛ of 1 percent.

"(6) DEPOSIT OF ADVANCES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each advance made under this subsection for the account of the District government shall be deposited by the Secretary into such account as is designated by the Mayor in the Mayor's requisition for such advance.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), if (in accordance with section 204(b)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the Authority delivers a letter requesting the Secretary to deposit all advances made under this subsection for the account of the District government in an escrow account held by the Authority, each advance made under this subsection for the account of the District government after the date of such letter shall be deposited by the Secretary into the escrow account specified by the Authority in such letter.

"(b) TRANSITIONAL SHORT-TERM ADVANCES MADE ON OR AFTER OCTOBER 1, 1995 AND BEFORE FEBRUARY 1, 1996.—

"(1) IN GENERAL.—If the conditions in paragraph (2) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the same purpose as advances are made under subsection (a).

"(2) TERMS AND CONDITIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), paragraphs (2), (4), and (5) of subsection (a) (other than subparagraph (F) of paragraph (2)) shall apply to any advance made under this subsection.

"(B) EXCEPTIONS.—

"(i) NEW CONDITIONS PRECEDENT TO MAKING ADVANCES.—The conditions described in subsection (a)(2) shall apply with respect to making advances on or after October 1, 1995, in the same manner as such conditions apply with respect to making advances before October 1, 1995, except that—

"(I) subparagraph (C) (relating to the last day on which advances may be made) shall be applied as if the reference to 'September 30, 1995' were a reference to 'January 31, 1996';

"(II) subparagraph (E) (relating to the Secretary's determination of reasonable assurance of reimbursement from the annual Federal payment appropriated to the District of Columbia) shall be applied as if the reference to 'September 30, 1996' were a reference to 'September 30, 1997';

"(III) the Secretary may not make an advance under this subsection unless all advances made under subsection (a) are fully reimbursed by withholding from the annual Federal payment appropriated to the District of Columbia for the fiscal year ending September 30, 1996, under title V of the District of Columbia Self-Government and Governmental Reorganization Act, and applying toward reimbursement for such advances an amount equal to the amount needed to fully reimburse the Treasury for such advances; and

"(IV) the Secretary may not make an advance under this subsection unless the Authority has provided the Secretary with the prior certification described in section 204(a)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

"(ii) NEW LATEST PERMISSIBLE MATURITY DATE.—The provisions of subsection (a)(4) shall apply with respect to the maturity of advances made after October 1, 1995, in the same manner as such provisions apply with respect to the maturity of advances made before October 1, 1995, except that subparagraph (B) of such subsection (relating to the latest permissible maturity date) shall apply as if the reference to 'October 1, 1995' were a reference to 'October 1, 1996'.

"(C) NEW MAXIMUM AMOUNT OUTSTANDING.—

"(i) IN GENERAL.—Except as provided in clause (iii), if the conditions described in clause (ii) are satisfied, each advance made under this subsection shall be in the amount designated by the Mayor in the Mayor's requisition for such advance.

"(ii) CONDITIONS APPLICABLE TO DESIGNATED AMOUNT.— Clause (i) applies if the Mayor determines that the amount designated in the Mayor's requisition for such advance is needed to accomplish the purpose described in paragraph (1), and the Authority approves such amount.

"(iii) AGGREGATE MAXIMUM AMOUNT OUTSTANDING.—The sum of the anticipated principal and interest requirements of all advances made under this paragraph may not be greater than 60 percent of the fiscal year 1996 limit.

"(D) DEPOSIT OF ADVANCES.—As provided in section 204(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, each advance made under this subsection for the account of the District shall be deposited by the Secretary into an escrow account held by the Authority.

"(E) FISCAL YEAR 1996 LIMIT DESCRIBED.—In this paragraph, the 'fiscal year 1996 limit' means the amount authorized to be appropriated to the District of Columbia as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year ending September 30, 1996.

"(c) TRANSITIONAL SHORT-TERM ADVANCES MADE ON OR AFTER FEBRUARY 1, 1996 AND BEFORE OCTOBER 1, 1996.—

"(1) IN GENERAL.—If the conditions in paragraph (2) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the same purpose as advances are made under subsection (a).

"(2) TERMS AND CONDITIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (b)(2) shall apply to any advance made under this subsection.

"(B) EXCEPTIONS.—The conditions applicable under subsection (b)(2) (other than paragraph (2)(B) of subsection (a)) shall apply with respect to making advances on or after February 1, 1996, and before October 1, 1996, in the same manner as such conditions apply to making advances under such subsection, except that—

"(i) in applying subparagraph (C) of subsection (a)(2) (as described in subsection (b)(2)(B)(i)(I)), the reference to 'October 1, 1995' shall be deemed to be a reference to 'September 30, 1996';

"(ii) subparagraph (C)(iii) of subsection (b)(2) shall apply as if the reference to '60 percent' were a reference to '40 percent'; and

"(iii) no advance may be made unless the Secretary has been provided the certifications and information described in paragraphs (3) through (6) of section 602(b).

"(d) TRANSITIONAL SHORT-TERM ADVANCES MADE ON OR AFTER OCTOBER 1, 1996 AND BEFORE OCTOBER 1, 1997.—

"(1) IN GENERAL.—If the conditions in paragraph (2) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the same purpose as advances are made under subsection (a).

"(2) TERMS AND CONDITIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), paragraphs (2), (4), and (5) of subsection (a) (other than subparagraphs (B) and (F) of paragraph (2)) shall apply to any advance made under this subsection.

"(B) EXCEPTIONS.—

"(i) NEW CONDITIONS PRECEDENT TO MAKING ADVANCES.—The conditions described in subsection (a)(2) shall apply with respect to making advances on or after October 1, 1996, and before October 1, 1997, in the same manner as such conditions apply with respect to making advances before October 1, 1995, except that—

"(I) subparagraph (C) (relating to the last day on which advances may be made) shall be applied as if the reference to 'September 30, 1995' were a reference to 'September 30, 1997';

"(II) subparagraph (E) (relating to the Secretary's determination of reasonable assurance of reimbursement from the annual Federal payment appropriated to the District of Columbia) shall be applied as if the reference to 'September 30, 1996' were a reference to 'September 30, 1997';

"(III) the Secretary may not make an advance under this subsection unless all advances made under subsections (b) and (c) are fully reimbursed by withholding from the annual Federal payment appropriated to the District of Columbia for the fiscal year ending September 30, 1997, under title V of the District of Columbia Self-Government and Governmental Reorganization Act, and applying toward reimbursement for such advances an amount equal to the amount needed to fully reimburse the Treasury for such advances; and

"(IV) the Secretary may not make an advance under this subsection unless the Secretary has been provided the certifications and information described in paragraphs (3) through (6) of section 602(b).

"(ii) NEW LATEST PERMISSIBLE MATURITY DATE.—The provisions of subsection (a)(4) shall apply with respect to the maturity of advances made under this subsection, in the same manner as such provisions apply with respect to the maturity of advances made before October 1, 1995, except that subparagraph (B) of such subsection (relating to the latest permissible maturity date) shall apply as if the reference to 'September 30, 1995' were a reference to 'September 30, 1997'.

"(C) NEW MAXIMUM AMOUNT OUTSTANDING.—

"(i) IN GENERAL.—Except as provided in clause (iii), if the conditions described in clause (ii) are satisfied, each advance made under this subsection shall be in the amount designated by the Mayor in the Mayor's requisition for such advance.

"(ii) CONDITIONS APPLICABLE TO DESIGNATED AMOUNT.— Clause (i) applies if the Mayor determines that the amount designated in the Mayor's requisition for such advance is needed to accomplish the purpose described in paragraph (1), and the Authority approves such amount.

"(iii) AGGREGATE MAXIMUM AMOUNT OUTSTANDING.—The sum of the anticipated principal and interest requirements of all advances made under this paragraph may not be greater than 100 percent of the fiscal year 1997 limit.

"(iv) FISCAL YEAR 1997 LIMIT DESCRIBED.—In this subparagraph, the 'fiscal year 1997 limit' means the amount authorized to be appropriated to the District of Columbia as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year ending September 30, 1997.

"(D) DEPOSIT OF ADVANCES.—As provided in section 204(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, each advance made under this subsection for the account of the District shall be deposited by the Secretary into an escrow account held by the Authority.

"SEC. 602. SHORT-TERM ADVANCES FOR SEASONAL CASH-FLOW MANAGEMENT.

"(a) IN GENERAL.—If the conditions in subsection (b) are satisfied, the Secretary shall make an advance of funds from time to time, out of any money in the Treasury not otherwise appropriated, for the purpose of assisting the District government in meeting its general expenditures, as authorized by Congress, at times of seasonal cash-flow deficiencies.

"(b) CONDITIONS TO MAKING ANY SHORT-TERM ADVANCE.—The Secretary shall make an advance under this section if—

"(1) the Mayor delivers to the Secretary a requisition for an advance under this section;

"(2) the date on which the requisitioned advance is to be made is in a control period;

"(3) the Authority certifies to the Secretary that—

"(A) the District government has prepared and submitted a financial plan and budget for the District government;

"(B) there is an approved financial plan and budget in effect under the District of Columbia Financial Responsibility and Management Assistance Act of 1995 for the fiscal year for which the requisition is to be made;

"(C) at the time of the Mayor's requisition for an advance, the District government is in compliance with the financial plan and budget;

"(D) both the receipt of funds from such advance and the reimbursement of Treasury for such advance are consistent with the financial plan and budget for the year; and

"(E) such advance will not adversely affect the financial stability of the District government;

"(4) the Authority certifies to the Secretary, at the time of the Mayor's requisition for an advance, that the District government is effectively unable to obtain credit in the public credit markets or elsewhere in sufficient amounts and on sufficiently reasonable terms to meet the District government's financing needs;

"(5) the Inspector General of the District of Columbia certifies to the Secretary the information described in paragraph (3) by providing the Secretary with a certification conducted by an outside auditor under a contract entered into pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985;

"(6) the Secretary receives such additional certifications and opinions relating to the financial position of the District government as the Secretary determines to be appropriate from such other Federal agencies and instrumentalities as the Secretary determines to be appropriate; and

"(7) the Secretary determines that there is reasonable assurance of reimbursement for the advance from the amount authorized to be appropriated as the annual Federal payment to the District of Columbia under title V of the District of Columbia Self-Government and Governmental Reorganization Act for the fiscal year following the fiscal year in which such advance is made.

"(c) AMOUNT OF ANY SHORT-TERM ADVANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (3), if the conditions in paragraph (2) are satisfied, each advance made under this section shall be in the amount designated by the Mayor in the Mayor's requisition for such advance.

"(2) CONDITIONS APPLICABLE TO DESIGNATED AMOUNT.—Paragraph (1) applies if—

"(A) the Mayor determines that the amount designated in the Mayor's requisition for such advance is needed to accomplish the purpose described in subsection (a); and

"(B) the Authority—

"(i) concurs in the Mayor's determination under subparagraph (A); and

"(ii) determines that the reimbursement obligation of the District government for an advance made under this section in the amount designated in the Mayor's requisition is consistent with the financial plan for the year.

"(3) MAXIMUM AMOUNT OUTSTANDING.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the unpaid principal balance of all advances made under this section in any fiscal year of the District government shall not at any time be greater than 100 percent of applicable limit.

"(B) SPECIAL RULE FOR FISCAL YEAR 1997.—The unpaid principal balance of all advances made under this section in fiscal year 1997 of the District government shall not at any time be greater than the difference between—

"(i) 150 percent of the applicable limit for such fiscal year; and

"(ii) the unpaid principal balance of any advances made under section 601(d).

"(C) APPLICABLE LIMIT DEFINED.—In this paragraph, the 'applicable limit' for a fiscal year is the amount authorized under title V of the District of Columbia Self-Government and Governmental Reorganization Act for appropriation as the Federal payment to the District of Columbia for the fiscal year following the fiscal year in which the advance is made.

"(d) MATURITY OF ANY SHORT-TERM ADVANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (3), if the condition in paragraph (2) is satisfied, each advance made under this section shall mature on the date designated by the Mayor in the Mayor's requisition for such advance.

"(2) CONDITION APPLICABLE TO DESIGNATED MATURITY.—Paragraph (1) applies if the Authority determines that the reimbursement obligation of the District government for an advance made under this section having the maturity date designated in the Mayor's requisition is consistent with the financial plan for the year.

"(3) LATEST PERMISSIBLE MATURITY DATE.—Notwithstanding paragraph (1), the maturity date for any advance made under this section shall not be later than 11 months after the date on which such advance is made.

"(e) INTEREST RATE.—Each advance made under this section shall bear interest at an annual rate equal to a rate determined by the Secretary at the time that the Secretary makes such advance taking into consideration the prevailing yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advance, plus ⅛ of 1 percent.

"(f) 10 BUSINESS-DAY ZERO BALANCE REQUIREMENT.—After the expiration of the 12-month period beginning on the date on which the first advance is made under this section, the Secretary shall not make any new advance under this section unless the District government has—

"(1) reduced to zero at the same time the principal balance of all advances made under this section at least once during the previous 12-month period; and

"(2) not requisitioned any advance to be made under this section in any of the 10 business days following such reduction.

"(g) DEPOSIT OF ADVANCES.—As provided in section 204(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, advances made under this section for the account of the District government shall be deposited by the Secretary into an escrow account held by the Authority.

"SEC. 603. SECURITY FOR ADVANCES.

"(a) IN GENERAL.—The Secretary shall require the District government to provide such security for any advance made under this title as the Secretary determines to be appropriate.

"(b) AUTHORITY TO REQUIRE SPECIFIC SECURITY.—As security for any advance made under this title, the Secretary may require the District government to—

"(1) pledge to the Secretary specific taxes and revenue of the District government, if such pledging does not cause the District government to violate existing laws or contracts; and

"(2) establish a debt service reserve fund pledged to the Secretary.

"SEC. 604. REIMBURSEMENT TO THE TREASURY.

"(a) REIMBURSEMENT AMOUNT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), on any date on which a reimbursement payment is due to the Treasury under the terms of any advance made under this title, the District shall pay to the Treasury the amount of such reimbursement payment out of taxes and revenue collected for the support of the District government.

"(2) EXCEPTIONS FOR TRANSITIONAL ADVANCES.—

"(A) ADVANCES MADE BEFORE OCTOBER 1, 1995.—

"(i) FINANCIAL PLAN AND BUDGET APPROVED.—If the Authority approves a financial plan for the District government before October 1, 1995, the District government may use the proceeds of any advance made under section 602 to discharge its obligation to reimburse the Treasury for any advance made under section 601(a).

"(ii) FINANCIAL PLAN AND BUDGET NOT APPROVED.—If the Authority has not approved a financial plan and budget for the District government by October 1, 1995, the annual Federal payment appropriated to the District government for the fiscal year ending September 30, 1996, shall be withheld and applied to discharge the District government's obligation to reimburse the Treasury for any advance made under section 601(a).

"(B) ADVANCES MADE ON OR AFTER OCTOBER 1, 1995.—

"(i) FINANCIAL PLAN AND BUDGET APPROVED.—If the Authority approves a financial plan and budget for the District government during fiscal year 1996, the District may use the proceeds of any advance made under section 602 to discharge its obligation to reimburse the Treasury for any advance made under section 601(b).

"(ii) FINANCIAL PLAN AND BUDGET NOT APPROVED.—If the Authority has not approved a financial plan and budget for the District government by October 1, 1996, the annual Federal payment appropriated to the District government for the fiscal year ending September 30, 1997, shall be withheld and applied to discharge the District government's obligation to reimburse the Treasury for any advance made under section 601(b).

"(b) REMEDIES FOR FAILURE TO REIMBURSE.—If, on any date on which a reimbursement payment is due to the Treasury under the terms of any advance made under this title, the District government does not make such reimbursement payment, the Secretary shall take the actions listed in this subsection.

"(1) WITHHOLD ANNUAL FEDERAL PAYMENT.—Notwithstanding any other law, before turning over to the Authority (on behalf of the District government under section 205 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) any annual Federal payment appropriated to the District government for any fiscal year under title V of the District of Columbia Self-Government and Governmental Reorganization Act (if any), the Secretary shall withhold from such annual Federal payment, and apply toward reimbursement for the payment not made, an amount equal to the amount needed to fully reimburse the Treasury for the payment not made.

"(2) WITHHOLD OTHER FEDERAL PAYMENTS.—If, after the Secretary takes the action described in paragraph (1), the Treasury is not fully reimbursed, the Secretary shall withhold from each grant, entitlement, loan, or other payment to the District government by the Federal Government not dedicated to making entitlement or benefit payments to individuals, and apply toward reimbursement for the payment not made, an amount that, when added to the amount withheld from each other such grant, entitlement, loan, or other payment, will be equal to the amount needed to fully reimburse the Treasury for the payment not made.

"(3) ATTACH AVAILABLE DISTRICT REVENUES.—If, after the Secretary takes the actions described in paragraphs (1) and (2), the Treasury is not fully reimbursed, the Secretary shall attach any and all revenues of the District government which the Secretary may lawfully attach, and apply toward reimbursement for the payment not made, an amount equal to the amount needed to fully reimburse the Treasury for the payment not made.

"(4) TAKE OTHER ACTIONS.—If, after the Secretary takes the actions described in paragraphs (1) through (3), the Treasury is not fully reimbursed, the Secretary shall take any and all other actions permitted by law to recover from the District government the amount needed to fully reimburse the Treasury for the payment not made.

"SEC. 605. DEFINITIONS.

"For purposes of this title—

"(1) the term 'Authority' means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

"(2) the term 'control period' has the meaning given such term under section 305(4) of such Act;

"(3) the term 'District government' has the meaning given such term under section 305(5) of such Act;

"(4) the term 'financial plan and budget' has the meaning given such term under section 305(6) of such Act; and

"(5) the term 'Secretary' means the Secretary of the Treasury.".

(d) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the Authority to the Mayor from the escrow account described in subsection (b)(1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.

(e) PROHIBITION AGAINST BORROWING WHILE SUIT PENDING.—The Mayor may not requisition advances from the Treasury pursuant to title VI of the District of Columbia Revenue Act of 1939 if there is an action filed by the Mayor or the Council which is pending against the Authority challenging the establishment of or any action taken by the Authority.

SEC. 205. DEPOSIT OF ANNUAL FEDERAL PAYMENT WITH AUTHORITY.

(a) IN GENERAL.—

(1) DEPOSIT INTO ESCROW ACCOUNT.—In the case of a fiscal year which is a control year, the Secretary of the Treasury shall deposit the annual Federal payment to the District of Columbia for the year authorized under title V of the District of Columbia Self-Government and Governmental Reorganization Act into an escrow account held by the Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year. In establishing such terms and conditions, the Authority shall give priority to using the Federal payment for cash flow management and the payment of outstanding bills owed by the District government.

(2) EXCEPTION FOR AMOUNTS WITHHELD FOR ADVANCES.—Paragraph (1) shall not apply with respect to any portion of the Federal payment which is withheld by the Secretary of the Treasury in accordance with section 604 of title VI of the District of Columbia Revenue Act of 1939 (as added by section 204(c)) to reimburse the Secretary for advances made under title VI of such Act.

(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the Authority to the Mayor from the escrow account described in paragraph (1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.

SEC. 206. EFFECT OF FINDING OF NON-COMPLIANCE WITH FINANCIAL PLAN AND BUDGET.

(a) SUBMISSION OF REPORTS.—Not later than 30 days after the expiration of each quarter of each fiscal year (beginning with fiscal year 1996), the Mayor shall submit reports to the Authority describing the actual revenues obtained and expenditures made by the District government during the quarter with its cash flows during the quarter, and comparing such actual revenues, expenditures, and cash flows with the most recent projections for these items.

(b) DEMAND FOR ADDITIONAL INFORMATION.—If the Authority determines, based on reports submitted by the Mayor under subsection (a), independent audits, or such other information as the Authority may obtain, that the revenues or expenditures of the District government during a control year are not consistent with the financial plan and budget for the year, the Authority shall require the Mayor to provide such additional information as the Authority determines to be necessary to explain the inconsistency.

(c) CERTIFICATION OF VARIANCE.—

(1) IN GENERAL.—After requiring the Mayor to provide additional information under subsection (b), the Authority shall certify to the Council, the President, the Secretary of the Treasury, and Congress that the District government is at variance with the financial plan and budget unless—

(A)(i) the additional information provides an explanation for the inconsistency which the Authority finds reasonable and appropriate, or

(ii) the District government adopts or implements remedial action (including revising the financial plan and budget pursuant to section 202(e)) to correct the inconsistency which the Authority finds reasonable and appropriate, taking into account the terms of the financial plan and budget; and

(B) the Mayor agrees to submit the reports described in subsection (a) on a monthly basis for such period as the Authority may require.

(2) SPECIAL RULE FOR INCONSISTENCIES ATTRIBUTABLE TO ACTS OF CONGRESS.—

(A) DETERMINATION BY AUTHORITY.—If the Authority determines that the revenues or expenditures of the District government during a control year are not consistent with the financial plan and budget for the year as approved by the Authority under section 202 as a result of the terms and conditions of the budget of the District government for the year as enacted by Congress or as a result of any other law enacted by Congress which affects the District of Columbia, the Authority shall so notify the Mayor.

(B) CERTIFICATION.—In the case of an inconsistency described in subparagraph (A), the Authority shall certify to the Council, the President, the Secretary of the Treasury, and Congress that the District government is at variance with the financial plan and budget unless the District government adopts or implements remedial action (including revising the financial plan and budget pursuant to section 202(e)) to correct the inconsistency which the Authority finds reasonable and appropriate, taking into account the terms of the financial plan and budget.

(d) EFFECT OF CERTIFICATION.—If the Authority certifies to the Secretary of the Treasury that a variance exists—

(1) the Authority may withhold any funds deposited with the Authority under section 204(b) or section 205(a) which would otherwise be expended on behalf of the District government; and

(2) the Secretary shall withhold funds otherwise payable to the District of Columbia under such Federal programs as the Authority may specify (other than funds dedicated to making entitlement or benefit payments to individuals), in such amounts and under such other conditions as the Authority may specify.

SEC. 207. RECOMMENDATIONS ON FINANCIAL STABILITY AND MANAGEMENT RESPONSIBILITY.

(a) IN GENERAL.—The Authority may at any time submit recommendations to the Mayor, the Council, the President, and Congress on actions the District government or the Federal Government may take to ensure compliance by the District government with a financial plan and budget or to otherwise promote the financial stability, management responsibility, and service delivery efficiency of the District government, including recommendations relating to—

(1) the management of the District government's financial affairs, including cash forecasting, information technology, placing controls on expenditures for personnel, reducing benefit costs, reforming procurement practices, and placing other controls on expenditures;

(2) the relationship between the District government and the Federal Government;

(3) the structural relationship of departments, agencies, and independent agencies within the District government;

(4) the modification of existing revenue structures, or the establishment of additional revenue structures;

(5) the establishment of alternatives for meeting obligations to pay for the pensions of former District government employees;

(6) modifications or transfers of the types of services which are the responsibility of and are delivered by the District government;

(7) modifications of the types of services which are delivered by entities other than the District government under alternative service delivery mechanisms (including privatization and commercialization);

(8) the effects of District of Columbia laws and court orders on the operations of the District government;

(9) the establishment of a personnel system for employees of the District government which is based upon employee performance standards; and

(10) the improvement of personnel training and proficiency, the adjustment of staffing levels, and the improvement of training and performance of management and supervisory personnel.

(b) RESPONSE TO RECOMMENDATIONS FOR ACTIONS WITHIN AUTHORITY OF DISTRICT GOVERNMENT.—

(1) IN GENERAL.—In the case of any recommendations submitted under subsection (a) during a control year which are within the authority of the District government to adopt, not later than 90 days after receiving the recommendations, the Mayor or the Council (whichever has the authority to adopt the recommendation) shall submit a statement to the Authority, the President, and Congress which provides notice as to whether the District government will adopt the recommendations.

(2) IMPLEMENTATION PLAN REQUIRED FOR ADOPTED RECOMMENDATIONS.—If the Mayor or the Council (whichever is applicable) notifies the Authority and Congress under paragraph (1) that the District government will adopt any of the recommendations submitted under subsection (a), the Mayor or the Council (whichever is applicable) shall include in the statement a written plan to implement the recommendation which includes—

(A) specific performance measures to determine the extent to which the District government has adopted the recommendation; and

(B) a schedule for auditing the District government's compliance with the plan.

(3) EXPLANATIONS REQUIRED FOR RECOMMENDATIONS NOT ADOPTED.—If the Mayor or the Council (whichever is applicable) notifies the Authority, the President, and Congress under paragraph (1) that the District government will not adopt any recommendation submitted under subsection (a) which the District government has authority to adopt, the Mayor or the Council shall include in the statement explanations for the rejection of the recommendations.

(c) IMPLEMENTATION OF REJECTED RECOMMENDATIONS BY AUTHORITY.—

(1) IN GENERAL.—If the Mayor or the Council (whichever is applicable) notifies the Authority, the President, and Congress under subsection (b)(1) that the District government will not adopt any recommendation submitted under subsection (a) which the District government has authority to adopt, the Authority may by a majority vote of its members take such action concerning the recommendation as it deems appropriate, after consulting with the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) EFFECTIVE DATE.—This subsection shall apply with respect to recommendations of the Authority made after the expiration of the 6-month period which begins on the date of the enactment of this Act.

SEC. 208. SPECIAL RULES FOR FISCAL YEAR 1996.

(a) ADOPTION OF TRANSITION BUDGET.—Notwithstanding any provision of section 202 to the contrary, in the case of fiscal year 1996, the following rules shall apply:

(1) Not later than 45 days after the appointment of its members, the Authority shall review the proposed budget for the District of Columbia for such fiscal year submitted to Congress under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (taking into account any items or provisions disapproved by the Mayor or disapproved by the Mayor and reenacted by the Council under section 404(f) of the District of Columbia Self-Government and Governmental Reorganization Act, as amended by section 202(f)(2)) and the multiyear plan for the District of Columbia prepared pursuant to section 443 of the District of Columbia Self-Government and Governmental Reorganization Act, and shall submit any recommendations for modifications to such financial plan and budget to promote the financial stability of the District government to the Mayor, the Council, the President, and Congress.

(2) Not later than 15 days after receiving the recommendations of the Authority submitted under paragraph (1), the Council (in consultation with the Mayor) shall promptly adopt a revised budget for the fiscal year (in this section referred to as the "transition budget"), and shall submit the transition budget to the Authority, the President, and Congress.

(3) Not later than 15 days after receiving the transition budget from the Council under paragraph (2), the Authority shall submit a report to the Mayor, the Council, the President, and Congress analyzing the budget (taking into account any items or provisions disapproved by the Mayor or disapproved by the Mayor and reenacted by the Council under section 404(f) of the District of Columbia Self-Government and Governmental Reorganization Act, as amended by section 202(f)(2)), and shall include in the report such recommendations for revisions to the transition budget as the Authority considers appropriate to promote the financial stability of the District government during the fiscal year.

(b) FINANCIAL PLAN AND BUDGET.—

(1) DEADLINE FOR SUBMISSION.—For purposes of section 202, the Mayor shall submit the financial plan and budget for fiscal year 1996 as soon as practicable after the date of the enactment of this Act (in accordance with guidelines established by the Authority).

(2) ADOPTION BY COUNCIL.—In accordance with the procedures applicable under section 202 (including procedures providing for review by the Authority)—

(A) the Council shall adopt the financial plan and budget for the fiscal year (including the supplemental budget incorporated in the financial plan and budget) prior to the submission by the Mayor of the financial plan and budget for fiscal year 1997 under section 202(a); and

(B) the financial plan and budget adopted by the Council (and, in the case of a financial plan and budget disapproved by the Authority, together with the financial plan and budget approved and recommended by the Authority) shall be submitted to Congress (in accordance with the procedures applicable under such section) as a supplemental budget request for fiscal year 1996 (in accordance with section 446 of the District of Columbia Self-Government and Governmental Reorganization Act).

(3) TRANSITION BUDGET AS TEMPORARY FINANCIAL PLAN AND BUDGET.—Until the approval of the financial plan and budget for fiscal year 1996 by the Authority under this subsection, the transition budget established under subsection (a) (as enacted by Congress) shall serve as the financial plan and budget adopted under this subtitle for purposes of this Act (and any provision of law amended by this Act) for fiscal year 1996.

(c) RESTRICTIONS ON ADVANCES FROM TREASURY.—

(1) MONTHLY DETERMINATION OF PROGRESS TOWARD FINANCIAL PLAN AND BUDGET.—During each month of fiscal year 1996 prior to the adoption of the financial plan and budget, the Authority shall determine whether the District government is making appropriate progress in preparing and adopting a financial plan and budget for the fiscal year under this subtitle.

(2) CERTIFICATION.—The Authority shall provide the President and Congress with a certification if the Authority finds that the District government is not making appropriate progress in developing the financial plan and budget for a month, and shall notify the President and Congress that the certification is no longer in effect if the Authority finds that the District government is making such progress after the certification is provided.

(3) PROHIBITION AGAINST ALLOCATION OF ADVANCES IF CERTIFICATION IN EFFECT.—At any time during which a certification under paragraph (2) is in effect, Authority may not allocate any funds obtained through advances to the Mayor under title VI of the District of Columbia Revenue Act of 1939 from the escrow account in which the funds are held.

SEC. 209. CONTROL PERIODS DESCRIBED.

(a) INITIATION.—For purposes of this Act, a "control period" is initiated upon the occurrence of any of the following events (as determined by the Authority based upon information obtained through the Mayor, the Inspector General of the District of Columbia, or such other sources as the Authority considers appropriate):

(1) The requisitioning by the Mayor of advances from the Treasury of the United States under title VI of the District of Columbia Revenue Act of 1939 (sec. 47-3401, D.C. Code), or the existence of any unreimbursed amounts obtained pursuant to such authority.

(2) The failure of the District government to provide sufficient revenue to a debt service reserve fund of the Authority under subtitle B.

(3) The default by the District government with respect to any loans, bonds, notes, or other form of borrowing.

(4) The failure of the District government to meet its payroll for any pay period.

(5) The existence of a cash deficit of the District government at the end of any quarter of the fiscal year in excess of the difference between the estimated revenues of the District government and the estimated expenditures of the District government (including repayments of temporary borrowings) during the remainder of the fiscal year

or the remainder of the fiscal year together with the first 6 months of the succeeding fiscal year (as determined by the Authority in consultation with the Chief Financial Officer of the District of Columbia).

(6) The failure of the District government to make required payments relating to pensions and benefits for current and former employees of the District government.

(7) The failure of the District government to make required payments to any entity established under an interstate compact to which the District of Columbia is a signatory.

(b) TERMINATION.—

(1) IN GENERAL.—A control period terminates upon the certification by the Authority that—

(A) the District government has adequate access to both short-term and long-term credit markets at reasonable interest rates to meet its borrowing needs; and

(B) for 4 consecutive fiscal years (occurring after the date of the enactment of this Act) the expenditures made by the District government during each of the years did not exceed the revenues of the District government during such years (as determined in accordance with generally accepted accounting principles, as contained in the comprehensive annual financial report for the District of Columbia under section 448(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act).

(2) CONSULTATION WITH INSPECTOR GENERAL.—In making the determination under this subsection, the Authority shall consult with the Inspector General of the District of Columbia.

(c) CONTROL PERIOD DEEMED TO EXIST UPON ENACTMENT.—For purposes of this subtitle, a control period is deemed to exist upon the enactment of this Act.

Subtitle B—Issuance of Bonds

SEC. 211. AUTHORITY TO ISSUE BONDS.

(a) IN GENERAL.—

(1) REQUEST OF MAYOR.—Subject to the requirements of this subtitle, the Authority may at the request of the Mayor pursuant to an Act of the Council issue bonds, notes, or other obligations to borrow funds to obtain funds for the use of the District government, in such amounts and in such manner as the Authority considers appropriate.

(2) SPECIAL RULE FOR INSTRUMENTALITIES WITH INDEPENDENT BORROWING AUTHORITY.—In the case of an agency or instrumentality of the District government which under law has the authority to issue bonds, notes, or obligations to borrow funds without the enactment of an Act of the Council, the Authority may issue bonds, notes, or other obligations to borrow funds for the use or functions of such agency or instrumentality at the request of the head of the agency or instrumentality.

(b) DEPOSIT OF FUNDS OBTAINED THROUGH BORROWING WITH AUTHORITY.—Any funds obtained by the District government through borrowing by the Authority pursuant to this subtitle shall be deposited into an escrow account held by the Authority, which shall allocate such funds to the District government in such amounts and at such times as the Authority considers appropriate, consistent with the specified purposes of such funds and the applicable financial plan and budget under subtitle A.

(c) USES OF FUNDS OBTAINED THROUGH BONDS.—Any funds obtained through the issuance of bonds, notes, or other obligations pursuant to this subtitle may be used for any purpose (consistent with the applicable financial plan and budget) under subtitle A for which the District government may use borrowed funds under the District of Columbia Self-Government and Governmental Reorganization Act and for any other purpose which the Authority considers appropriate.

SEC. 212. PLEDGE OF SECURITY INTEREST IN REVENUES OF DISTRICT GOVERNMENT.

(a) IN GENERAL.—The Authority may pledge or grant a security interest in revenues to individuals or entities purchasing bonds, notes, or other obligations issued pursuant to this subtitle.

(b) DEDICATION OF REVENUE STREAM FROM DISTRICT GOVERNMENT.—The Authority shall require the Mayor—

(1) to pledge or direct taxes or other revenues otherwise payable to the District government (which are not otherwise pledged or committed), including payments from the Federal Government, to the Authority for purposes of securing repayment of bonds, notes, or other obligations issued pursuant to this subtitle; and

(2) to transfer the proceeds of any tax levied for purposes of securing such bonds, notes, or other obligations to the Authority immediately upon collection.

SEC. 213. ESTABLISHMENT OF DEBT SERVICE RESERVE FUND.

(a) IN GENERAL.—As a condition for the issuance of bonds, notes, or other obligations pursuant to this subtitle, the Authority shall establish a debt service reserve fund in accordance with this section.

(b) REQUIREMENTS FOR FUND.—

(1) FUND DESCRIBED.—A debt service reserve fund established by the Authority pursuant to this subsection shall consist of such funds as the Authority may make available, and shall be a trust fund held for the benefit and security of the obligees of the Authority whose bonds, notes, or other obligations are secured by such fund.

(2) USES OF FUNDS.—Amounts in a debt service reserve fund may be used solely for the payment of the principal of bonds secured in whole or in part by such fund, the purchase or redemption of such bonds, the payment of interest on such bonds, or the payment of any redemption premium required to be paid when such bonds and notes are redeemed prior to maturity.

(3) RESTRICTIONS ON WITHDRAWALS.—

(A) IN GENERAL.—Amounts in a debt service reserve fund may not be withdrawn from the fund at any time in an amount that would reduce the amount of the fund to less than the minimum reserve fund requirement established for such fund in the resolution of the Authority creating such fund, except for withdrawals for the purpose of making payments when due of principal, interest, redemption premiums and sinking fund payments, if any, with respect to such bonds for the payment of which other moneys of the Authority are not available, and for the purpose of funding the operations of the Authority for a fiscal year (in such amounts and under such conditions as are established under the budget of the Authority for the fiscal year under section 106(a)).

(B) USE OF EXCESS FUNDS.—Nothing in subparagraph (A) may be construed to prohibit the Authority from transferring any income or interest earned by, or increments to, any debt service reserve fund due to the investment thereof to other funds or accounts of the Authority (to the extent such transfer does not reduce the amount of the debt service reserve fund below the minimum reserve fund requirement established for such fund) for such purposes as the Authority considers appropriate to promote the financial stability and management efficiency of the District government.

SEC. 214. OTHER REQUIREMENTS FOR ISSUANCE OF BONDS.

(a) MINIMUM DEBT SERVICE RESERVE FUND REQUIREMENT.—The Authority may not at any time issue bonds, notes, or other obligations pursuant to this subtitle which are secured in whole or in part by a debt service reserve fund under section 213 if issuance of such bonds would cause the amount in the debt reserve fund to fall below the minimum reserve requirement for such fund, unless the Authority at the time of issuance of such bonds shall deposit in the fund an amount (from the proceeds of the bonds to be issued or from other sources) which when added to the amount already in such fund will cause the total amount on deposit in such fund to equal or exceed the minimum reserve fund requirement established by the Authority at the time of the establishment of the fund.

(b) AMOUNTS INCLUDED IN AGGREGATE LIMIT ON DISTRICT BORROWING.—Any amounts provided to the District government through the issuance of bonds, notes, or other obligations to borrow funds pursuant to this subtitle shall be taken into account in determining whether the amount of funds borrowed by the District of Columbia during a fiscal year exceeds the limitation on such amount provided under section 603(b) of the District of Columbia Self-Government and Governmental Reorganization Act.

SEC. 215. NO FULL FAITH AND CREDIT OF THE UNITED STATES.

The full faith and credit of the United States is not pledged for the payment of any principal of or interest on any bond, note, or other obligation issued by the Authority pursuant to this subtitle. The United States is not responsible or liable for the payment of any principal of or interest on any bond, note, or other obligation issued by the Authority pursuant to this subtitle.

Subtitle C—Other Duties of Authority

SEC. 221. DUTIES OF AUTHORITY DURING YEAR OTHER THAN CONTROL YEAR.

(a) IN GENERAL.—During the period beginning upon the termination of a control period pursuant to section 209(b) and ending with the suspension of its activities pursuant to section 107(a), the Authority shall conduct the following activities:

(1) The Authority shall review the budgets of the District government adopted by the Council under section 446 of the District of Columbia Self-Government and Governmental Reorganization Act for each fiscal year occurring during such period.

(2) At such time prior to the enactment of such budget by Congress as the Authority considers appropriate, the Authority shall prepare a report analyzing the budget and submit the report to the Mayor, the Council, the President, and Congress.

(3) The Authority shall monitor the financial status of the District government and shall submit reports to the Mayor, the Council, the President, and Congress if the Authority determines that a risk exists that a control period may be initiated pursuant to section 209(a).

(4) The Authority shall carry out activities under subtitle B with respect to bonds, notes, or other obligations of the Authority outstanding during such period.

(b) REQUIRING MAYOR TO SUBMIT BUDGETS TO AUTHORITY.—With respect to the budget for each fiscal year occurring during the period described in subsection (a), at the time the Mayor submits the budget of the District government adopted by the Council to the President under section 446 of the District of

Columbia Self-Government and Governmental Reorganization Act, the Mayor shall submit such budget to the Authority.

SEC. 222. GENERAL ASSISTANCE IN ACHIEVING FINANCIAL STABILITY AND MANAGEMENT EFFICIENCY.

In addition to any other actions described in this title, the Authority may undertake cooperative efforts to assist the District government in achieving financial stability and management efficiency, including—

(1) assisting the District government in avoiding defaults, eliminating and liquidating deficits, maintaining sound budgetary practices, and avoiding interruptions in the delivery of services;

(2) assisting the District government in improving the delivery of municipal services, the training and effectiveness of personnel of the District government, and the efficiency of management and supervision; and

(3) making recommendations to the President for transmission to Congress on changes to this Act or other Federal laws, or other actions of the Federal Government, which would assist the District government in complying with an approved financial plan and budget under subtitle A.

SEC. 223. OBTAINING REPORTS.

The Authority may require the Mayor, the Chair of the Council, the Chief Financial Officer of the District of Columbia, and the Inspector General of the District of Columbia, to prepare and submit such reports as the Authority considers appropriate to assist it in carrying out its responsibilities under this Act, including submitting copies of any reports regarding revenues, expenditures, budgets, costs, plans, operations, estimates, and other financial or budgetary matters of the District government.

SEC. 224. REPORTS AND COMMENTS.

(a) ANNUAL REPORTS TO CONGRESS.—Not later than 30 days after the last day of each fiscal year which is a control year, the Authority shall submit a report to Congress describing—

(1) the progress made by the District government in meeting the objectives of this Act during the fiscal year;

(2) the assistance provided by the Authority to the District government in meeting the purposes of this Act for the fiscal year; and

(3) any other activities of the Authority during the fiscal year.

(b) REVIEW AND ANALYSIS OF PERFORMANCE AND FINANCIAL ACCOUNTABILITY REPORTS.—

(1) IN GENERAL.—The Authority shall review each report prepared and submitted by the Mayor under section 456 of the District of Columbia Self-Government and Governmental Reorganization Act (as added by section 3(a) of the Federal Payment Reauthorization Act of 1994), and shall submit a report to Congress analyzing the completeness and accuracy of such reports.

(2) SUBMISSION OF REPORTS BY MAYOR.—Section 456 of the District of Columbia Self-Government and Governmental Reorganization Act, as added by section 3(a) of the Federal Payment Reauthorization Act of 1994, is amended by adding at the end the following new subsection:

"(e) SUBMISSION OF REPORTS TO DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—In the case of any report submitted by the Mayor under this section for a fiscal year (or any quarter of a fiscal year) which is a control year under the District of Columbia Financial Responsibility and Management Assistance Act of 1995, the Mayor shall submit the report to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of such Act in addition to any other individual to whom the Mayor is required to submit the report under this section.".

(c) COMMENTS REGARDING ACTIVITIES OF DISTRICT GOVERNMENT.—At any time during a control year, the Authority may submit a report to Congress describing any action taken by the District government (or any failure to act by the District government) which the Authority determines will adversely affect the District government's ability to comply with an approved financial plan and budget under subtitle A or will otherwise have a significant adverse impact on the best interests of the District of Columbia.

(d) REPORTS ON EFFECT OF FEDERAL LAWS ON DISTRICT GOVERNMENT.—At any time during any year, the Authority may submit a report to the Mayor, the Council, the President, and Congress on the effect of laws enacted by Congress on the financial plan and budget for the year and on the financial stability and management efficiency of the District government in general.

(e) MAKING REPORTS PUBLICLY AVAILABLE.—The Authority shall make any report submitted under this section available to the public, except to the extent that the Authority determines that the report contains confidential material.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. OTHER DISTRICT BUDGET REFORMS.

(a) INCLUSION OF ALL FUNDS OF DISTRICT IN BUDGET OF DISTRICT GOVERNMENT.—

(1) IN GENERAL.—Section 103 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–202, D.C. Code) is amended—

(A) by amending paragraph (10) to read as follows:

"(10) The term 'District revenues' means all funds derived from taxes, fees, charges, miscellaneous receipts, the annual Federal payment to the District authorized under title V, grants and other forms of financial assistance, or the sale of bonds, notes, or other obligations, and any funds administered by the District government under cost sharing arrangements.";

(B) by amending paragraph (14) to read as follows:

"(14) The term 'resources' means revenues, balances, enterprise or other revolving funds, and funds realized from borrowing."; and

(C) by amending paragraph (15) to read as follows:

"(15) The term 'budget' means the entire request for appropriations or loan or spending authority for all activities of all departments or agencies of the District of Columbia financed from all existing, proposed or anticipated resources, and shall include both operating and capital expenditures.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to revenues, resources, and budgets of the District of Columbia for fiscal years beginning with fiscal year 1996.

(b) RESTRICTIONS ON REPROGRAMMING OF FUNDS.—

(1) IN GENERAL.—Section 446 of such Act (sec. 47–304, D.C. Code) is amended by adding at the end the following: "After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.".

(2) CONFORMING AMENDMENT.—Section 5 of D.C. Law 3–100 (sec. 47–364, D.C. Code) is hereby repealed.

(c) PERMITTING COUNCIL TO REQUEST BUDGET ADJUSTMENTS FROM MAYOR.—Section 442 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–301, D.C. Code) is amended by adding at the end the following new subsection:

"(d) The Mayor shall prepare and submit to the Council a proposed supplemental or deficiency budget recommendation under subsection (c) if the Council by resolution requests the Mayor to submit such a recommendation.".

(d) REQUIRING BUDGETARY IMPACT STATEMENTS TO ACCOMPANY ACTS OF COUNCIL.—

(1) IN GENERAL.—Section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–233(c), D.C. Code) is amended by adding at the end the following new paragraph:

"(3) The Council shall submit with each Act transmitted under this subsection an estimate of the costs which will be incurred by the District of Columbia as a result of the enactment of the Act in each of the first 4 fiscal years for which the Act is in effect, together with a statement of the basis for such estimate.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to Acts of the Council transmitted on or after October 1, 1995.

(e) EXTENSION OF AUTHORIZATION OF ANNUAL FEDERAL PAYMENT.—Section 503(c) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–3406.1(c), D.C. Code), as added by section 2 of the Federal Payment Reauthorization Act of 1994, is amended by striking "fiscal year 1996" and inserting "each of the fiscal years 1996, 1997, 1998, and 1999".

SEC. 302. ESTABLISHMENT OF CHIEF FINANCIAL OFFICER OF DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part B of title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end the following new section:

"CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

"SEC. 424. (a) ESTABLISHMENT OF OFFICE.—

"(1) IN GENERAL.—There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the 'Office'), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the 'Chief Financial Officer').

"(2) OFFICE OF THE TREASURER.—The Office shall include the Office of the Treasurer, which shall be headed by the Treasurer of the District of Columbia, who shall be appointed by the Chief Financial Officer and subject to the Chief Financial Officer's direction and control.

"(3) TRANSFER OF OTHER OFFICES.—Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are transferred to the Office:

"(A) The Controller of the District of Columbia.

"(B) The Office of the Budget.

"(C) The Office of Financial Information Services.

"(D) The Department of Finance and Revenue.

"(4) SERVICE OF HEADS OF OTHER OFFICES.—

"(A) OFFICE HEADS APPOINTED BY MAYOR.—With respect to the head of the Office of the Budget and the head of the Department of Finance and Revenue—

"(i) the Mayor shall appoint such individuals with the advice and consent of the Council, subject to the approval of the Authority during a control year; and

"(ii) during a control year, the Authority may remove such individuals from office for cause, after consultation with the Mayor.

"(B) OFFICE HEADS APPOINTED BY CHIEF FINANCIAL OFFICER.—With respect to the Controller of the District of Columbia and the head of the Office of Financial Information Services—

"(i) the Chief Financial Officer shall appoint such individuals subject to the approval of the Mayor; and

"(ii) the Chief Financial Officer may remove such individuals from office for cause, after consultation with the Mayor.

"(b) APPOINTMENT.—

"(1) IN GENERAL.—

"(A) CONTROL YEAR.—During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

"(i) Prior to the appointment of the Chief Financial Officer, the Authority may submit recommendations for the appointment to the Mayor.

"(ii) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

"(iii) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under clause (ii), the Mayor shall notify the Authority of the nomination.

"(iv) The nomination shall be effective subject to approval by a majority vote of the Authority.

"(B) OTHER YEARS.—During a year other than a control year, the Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Council. Prior to appointment, the Authority may submit recommendations for the appointment.

"(2) REMOVAL.—

"(A) CONTROL YEAR.—During a control year, the Chief Financial Officer may be removed for cause by the Authority or by the Mayor with the approval of the Authority.

"(B) OTHER YEARS.—During a year other than a control year, the Chief Financial Officer shall serve at the pleasure of the Mayor, except that the Chief Financial Officer may only be removed for cause.

"(3) SALARY.—The Chief Financial Officer shall be paid at an annual rate determined by the Mayor, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

"(c) FUNCTIONS DURING CONTROL YEAR.—During a control year, the Chief Financial Officer shall have the following duties:

"(1) Preparing the financial plan and budget for the use of the Mayor for purposes of subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

"(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D.

"(3) Assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

"(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Officer's authority, to ensure that budget, accounting and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis.

"(5) With the approval of the Authority, preparing and submitting to the Mayor and the Council—

"(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

"(B) quarterly re-estimates of the revenues of the District of Columbia during the year.

"(6) Supervising and assuming responsibility for financial transactions to ensure adequate control of revenues and resources, and to ensure that appropriations are not exceeded.

"(7) Maintaining systems of accounting and internal control designed to provide—

"(A) full disclosure of the financial impact of the activities of the District government;

"(B) adequate financial information needed by the District government for management purposes;

"(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

"(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget.

"(8) Submitting to the Council a financial statement of the District government, containing such details and at such times as the Council may specify.

"(9) Supervising and assuming responsibility for the assessment of all property subject to assessment and special assessments within the corporate limits of the District of Columbia for taxation, preparing tax maps, and providing such notice of taxes and special assessments (as may be required by law).

"(10) Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).

"(11) Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District government), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council or the Authority.

"(12) Maintaining custody of all investment and invested funds of the District government or in possession of the District government in a fiduciary capacity, and maintaining the safekeeping of all bonds and notes of the District government and the receipt and delivery of District government bonds and notes for transfer, registration, or exchange.

"(13) Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.

"(14) Certifying all contracts (whether directly or through delegation) prior to execution as to the availability of funds to meet the obligations expected to be incurred by the District government under such contracts during the year.

"(15) Prescribing the forms of receipts, vouchers, bills, and claims to be used by all agencies, offices, and instrumentalities of the District government.

"(16) Certifying and approving prior to payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.

"(17) In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.

"(d) FUNCTIONS DURING ALL YEARS.—At all times, the Chief Financial Officer shall have the following duties:

"(1) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

"(2) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

"(3) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

"(4) Administering the centralized District government payroll and retirement systems.

"(5) Governing the accounting policies and systems applicable to the District government.

"(6) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

"(7) Not later than 120 days after the end of each fiscal year (beginning with fiscal year 1995), preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act.

"(e) FUNCTIONS OF TREASURER.—At all times, the Treasurer shall have the following duties:

"(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Such reports shall include:

"(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

"(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

"(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

"(D) Monthly reports reflecting a detailed summary analysis of all District of Columbia government investments, including, but not limited to—

"(i) the total of long-term and short-term investments;

"(ii) a detailed summary analysis of investments by type and amount, including purchases, sales (maturities), and interest;

"(iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;

"(iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information;

"(v) an analysis of cash utilization, including—

"(I) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

"(II) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and

"(III) comparisons of estimated dollar return against actual dollar yield.

"(E) Monthly reports reflecting a detailed summary analysis of long-term and short-term borrowings inclusive of debt as authorized by section 603, in the current fiscal year and the amount of debt for each succeeding fiscal year not to exceed 5 years. All such reports shall reflect—

"(i) the amount of debt outstanding by type of instrument;

"(ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;

"(iii) a maturity schedule of the debt;

"(iv) the rate of interest payable upon the debt; and

"(v) the amount of debt service requirements and related debt service reserves.

"(2) Such other functions assigned to the Chief Financial Officer under subsection (c) or subsection (d) as the Chief Financial Officer may delegate.

"(f) DEFINITIONS.—In this section—

"(1) the term 'Authority' means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

"(2) the term 'control year' has the meaning given such term under section 305(4) of such Act; and

"(3) the term 'District government' has the meaning given such term under section 305(5) of such Act.".

(b) PROHIBITING DELEGATION OF CHIEF FINANCIAL OFFICER'S AUTHORITY.—Section 422(6) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–242(6), D.C. Code) is amended by adding at the end the following: "Nothing in the previous sentence may be construed to permit the Mayor to delegate any functions assigned to the Chief Financial Officer of the District of Columbia under section 424, without regard to whether such functions are assigned to the Chief Financial Officer under such section during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) or during any other year.".

(c) CONFORMING AMENDMENT.—Effective upon the appointment of the Chief Financial Officer of the District of Columbia under section 424(b) of the District of Columbia Self-Government and Governmental Reorganization Act (as added by subsection (a)), D.C. Law 3–138 (sec. 47–314 et seq., D.C. Code) is repealed.

(d) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end the following new item:

"Sec. 424. Chief Financial Officer of the District of Columbia.".

SEC. 303. REVISIONS TO POWERS AND DUTIES OF INSPECTOR GENERAL OF DISTRICT OF COLUMBIA.

(a) APPOINTMENT AND TERM OF SERVICE; INDEPENDENCE OF BUDGET.—Section 208(a) of the District of Columbia Procurement Practices Act of 1985 (sec. 1–1182.8(a), D.C. Code) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1)(A) There is created within the executive branch of the government of the District of Columbia the Office of the Inspector General. The Office shall be headed by an Inspector General appointed pursuant to subparagraph (B), who shall serve for a term of 6 years and shall be subject to removal only for cause by the Mayor (with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority in a control year) or (in the case of a control year) by the Authority. The Inspector General may be reappointed for additional terms.

"(B) During a control year, the Inspector General shall be appointed by the Mayor as follows:

"(i) Prior to the appointment of the Inspector General, the Authority may submit recommendations for the appointment to the Mayor.

"(ii) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

"(iii) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under clause (ii), the Mayor shall notify the Authority of the nomination.

"(iv) The nomination shall be effective subject to approval by a majority vote of the Authority.

"(C) During a year which is not a control year, the Inspector General shall be appointed by the Mayor with the advice and consent of the Council. Prior to appointment, the Authority may submit recommendations for the appointment.

"(D) The Inspector General shall be appointed without regard to party affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial management analysis, public administration, or investigations.

"(E) The Inspector General shall be paid at an annual rate determined by the Mayor, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

"(2) The annual budget for the Office shall be adopted as follows:

"(A) The Inspector General shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act for the year, annual estimates of the expenditures and appropriations necessary for the operation of the Office for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to sections 446 and 603(c) of such Act, without revision but subject to recommendations. Notwithstanding any other provision of such Act, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.

"(B) Upon receipt of the annual Federal payment for the District of Columbia authorized under title V of the District of Columbia Self-Government and Governmental Reorganization Act, the Mayor shall deposit a portion of the payment (equal to the estimate of necessary appropriations described in subparagraph (A)) into a dedicated fund within the government of the District of Columbia.

"(C) Amounts deposited in the dedicated fund described in subparagraph (B) shall be available solely for the operation of the Office, and shall be paid to the Inspector General by the Mayor (acting through the Chief Financial Officer of the District of Columbia) in such installments and at such times as the Inspector General requires.".

(b) ADDITIONAL POWERS AND DUTIES.—

(1) IN GENERAL.—Section 208(a)(3) of the District of Columbia Procurement Practices Act of 1985 (sec. 1–1182.8(a)(3), D.C. Code) is amended—

(A) by striking "and" at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(G) Pursuant to a contract described in paragraph (4), provide certifications under section 602(b)(5) of title VI of the District of Columbia Revenue Act of 1939;

"(H) Pursuant to a contract described in paragraph (4), audit the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act; and

"(I) Not later than 30 days before the beginning of each fiscal year (beginning with fiscal year 1996) and in consultation with the Mayor, the Council, and the Authority, establish an annual plan for audits to be conducted under this paragraph during the fiscal year under which the Inspector General shall report only those variances which are in an amount equal to or greater than $1,000,000 or 1 percent of the applicable annual budget for the program in which the variance is found (whichever is lesser).".

(2) LIMITATION ON CONTRACT WITH OUTSIDE AUDITOR.—Section 208(a) of such Act (sec. 1–

1182.8(a), D.C. Code) is amended by adding at the end the following new paragraph:

"(4) The Inspector General shall enter into a contract with an auditor who is not an officer or employee of the Office to—

"(A) audit the financial statement and report described in paragraph (3)(H) for a fiscal year, except that the financial statement and report may not be audited by the same auditor (or an auditor employed by or affiliated with the same auditor) for more than 3 consecutive fiscal years; and

"(B) audit the certification described in paragraph (3)(G).".

(3) SUBPOENA POWER.—Section 208(c) of such Act (sec. 1–1182.8(c), D.C. Code) is amended—

(A) by striking "(c)" and inserting "(c)(1)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The Inspector General may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Inspector General.

"(B) If a person refuses to obey a subpoena issued under subparagraph (A), the Inspector General may apply to the Superior Court of the District of Columbia for an order requiring that person to appear before the Inspector General to give testimony, produce evidence, or both, relating to the matter under investigation. Any failure to obey the order of the court may be punished by the Superior Court as civil contempt.".

(4) REFERRAL OF FINDINGS OF CRIMINAL ACTIVITY TO ATTORNEY GENERAL.—Section 208 of such Act (sec. 1–1182.8, D.C. Code) is amended by adding at the end the following new subsection:

"(f) In carrying out the duties and responsibilities established under this section, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal or District criminal law.".

(c) REVISION OF CURRENT POWERS AND DUTIES.—

(1) LIAISON REPRESENTATIVE FOR ALL EXTERNAL AUDITS OF DISTRICT GOVERNMENT.—Section 208(a)(3)(B) of such Act (sec. 1–1182.8(a)(3)(B), D.C. Code) is amended by striking "executive branch".

(2) APPLICATION OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—Section 208(b) of such Act (sec. 1–1182.8(b), D.C. Code) is amended by inserting "accounting and" after "accepted".

(3) ACCESS TO ALL NECESSARY RECORDS.—Section 208(c)(1) of such Act (sec. 1–1182.8(c), D.C. Code), as amended by subsection (b)(3), is amended by striking "relating to contracts and procurement".

(4) SUBMISSION OF REPORTS TO AUTHORITY DURING CONTROL YEAR.—Section 208(d) of such Act (sec. 1–1182.8(d), D.C. Code) is amended—

(A) in paragraph (1), by striking "the Mayor and the Council" and inserting "the Authority (or, with respect to a fiscal year which is not a control year, the Mayor and the Council)"; and

(B) in paragraph (2), by striking "the Mayor" and inserting "the Authority, the Mayor,".

(5) MAKING REPORTS PUBLICLY AVAILABLE.—Section 208(d) of such Act (sec. 1–1182.8(d), D.C. Code) is amended by adding at the end the following new paragraph:

"(4) The Inspector General shall make each report submitted under this subsection available to the public, except to the extent that the report contains information determined by the Inspector General to be privileged.".

(6) RESPONDING TO REQUESTS OF AUTHORITY.—Section 208(e) of such Act (sec. 1–1182.8(e), D.C. Code) is amended by striking "the Director" and inserting "the Authority".

(d) DEFINITIONS.—Section 208 of such Act (sec. 1–1182.8, D.C. Code), as amended by subsection (b)(4), is amended by adding at the end the following new subsection:

"(g) In this section—

"(1) the term 'Authority' means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

"(2) the term 'control year' has the meaning given such term under section 305(4) of such Act; and

"(3) the term 'District government' has the meaning given such term under section 305(5) of such Act.".

(e) DEADLINE FOR APPOINTMENT.—

(1) IN GENERAL.—Not later than 30 days after its members are appointed, the Authority shall appoint the Inspector General of the District of Columbia pursuant to section 208(a)(1) of the District of Columbia Procurement Practices Act of 1985 (as amended by subsection (a)).

(2) TRANSITION RULE.—The term of service of the individual serving as the Inspector General under section 208(a) of the District of Columbia Procurement Practices Act of 1985 prior to the appointment of the Inspector General by the Authority under section 208(a)(1) of such Act (as amended by subsection (a)) shall expire upon the appointment of the Inspector General by the Authority.

SEC. 304. COUNCIL APPROVAL OF CERTAIN CONTRACTS.

(a) IN GENERAL.—Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–1130, D.C. Code) is amended—

(1) by amending the heading to read as follows: "SPECIAL RULES REGARDING CERTAIN CONTRACTS";

(2) by striking "No contract" and inserting "(a) CONTRACTS EXTENDING BEYOND ONE YEAR.—No contract"; and

(3) by adding at the end the following new subsection:

"(b) CONTRACTS EXCEEDING CERTAIN AMOUNT.—

"(1) IN GENERAL.—No contract involving expenditures in excess of $1,000,000 during a 12-month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council).

"(2) DEEMED APPROVAL.—For purposes of paragraph (1), the Council shall be deemed to approve a contract if—

"(A) during the 10-day period beginning on the date the Mayor submits the contract to the Council, no member of the Council introduces a resolution approving or disapproving the contract; or

"(B) during the 45-calendar day period beginning on the date the Mayor submits the contract to the Council, the Council does not disapprove the contract.".

(b) CLERICAL AMENDMENT.—The table of contents of the District of Columbia Self-Government and Governmental Reorganization Act is amended by amending the item relating to section 451 to read as follows:

"Sec. 451. Special rules regarding certain contracts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts made on or after the date of the enactment of this Act.

SEC. 305. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a).

(2) The term "Council" means the Council of the District of Columbia.

(3) The term "control period" has the meaning given such term in section 209.

(4) The term "control year" means any fiscal year for which a financial plan and budget approved by the Authority under section 202(b) is in effect, and includes fiscal year 1996.

(5) The term "District government" means the government of the District of Columbia, including any department, agency or instrumentality of the government of the District of Columbia; any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act or any other agency, board, or commission established by the Mayor or the Council; the courts of the District of Columbia; the Council of the District of Columbia; and any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia), except that such term does not include the Authority.

(6) The term "financial plan and budget" means a financial plan and budget described in subtitle A of title II, and includes the budgets of the District government for the fiscal years which are subject to the financial plan and budget (as described in section 201(b)).

(7) The term "Mayor" means the Mayor of the District of Columbia.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes, and the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I stated the day the Government Reform and Oversight Committee favorably reported this bill, I believe the District of Columbia will today move one step closer to self-sufficiency, to financial independence, perhaps even to true home rule. The District government is bankrupt. In about 1 month, the city government will not have the money to pay the bills that await. The legislation we are about to pass is designed to reverse that crisis and put the residents of the District and their government back on sound financial track.

While I want the D.C. Subcommittee Chairman, TOM DAVIS, to summarize this legislation, I want to remind my colleagues that while other solutions to the District's problems were available, none of them provide the appropriate answers at this time.

Some have called for a cash bailout—a solution that is simply unacceptable to this Member of Congress and I suspect a majority of my colleagues. It is quite obvious that without meaningful government reform and strong fiscal discipline, there is absolutely no evidence that a large infusion of cash would permanently relieve the underlying causes of the District's current budget crisis.

At the other end of the spectrum, some have called for the District to be placed into receivership—in effect, the total elimination of Home Rule. While that step is not an option today, nobody should doubt the resolve of this body to take any steps necessary if District government officials do not cooperate with the financial control board established by this legislation. We anticipate that this cooperation will be forthcoming and that Home Rule will prevail.

Make no mistake, however, pain and suffering is inevitable for the District to bring back its financial health. The day of reckoning has arrived.

Some have questioned the need for a control board in the first place and the appropriateness of Congress, which seems incapable of balancing our own budget, forcing the District to balance its budget in the second. To that I say I agree that we in Congress need an outside discipline to force us to act responsibly just as much or more than the District does.

Just as I believe a balanced budget amendment would have made it easier for Congress to say no to otherwise meritorious proposals, I also believe the existence of the control board and its threat of a hammer will make it easier for the Mayor and the Council to make the kind of tough decisions that are going to be necessary. It is my fervent hope that those decisions will in fact be made by the Mayor and Council and that it will not be necessary for the control board to be relevant.

Last, I want to express my personal appreciation to the Members and staff responsible for bringing this bill to the floor. TOM DAVIS and ELEANOR HOLMES NORTON have worked as an effective team to help solve the District's problems and bring economic vigor and vitality to the entire Washington region. I also thank those staff who worked tirelessly in drafting this bill and the committee report.

I encourage each Member of the House to support this fine legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to congratulate and commend the D.C. Subcommittee's ranking member, ELEANOR HOLMES NORTON, and the Subcommittee's Chair, TOM DAVIS, for the fine work that they did on this legislation which is so sorely needed. They put in many long arduous hours to produce this legislation. It took some tough negotiations, but they delivered the bill in time to meet the critical need for congressional action before the April recess. I would be remiss if I did not commend Chairman CLINGER for insisting that the committee reach a bipartisan solution to the needs of the District. That effort is evidenced by the 45-to-0 vote to report it to the House.

As we can all see, H.R. 1345 is a complex bill which attempts to carefully balance the interests of the District and Federal Governments. The bill provides the District with desperately needed relief from the extreme financial crisis confronting it and yet it does so in a way that keeps the Congress out of the day-to-day internal affairs of the District government, while assuring the continued delivery of essential services to local residents, Federal agencies, and the many millions of visitors who come to the Nation's Capital each year.

I am pleased that this bill won the unanimous support of the Members serving on our committee, and that it enjoys the broad bipartisan support of so many others. This should ensure that it receives the favorable consideration it deserves. However, I find little delight in what we do here today, because the District's long-standing pursuit of complete self-governance has been set back.

While I recognize that the current fiscal crisis makes the action we take today inevitable, I am determined to ensure that this setback for the District is a temporary one, and I plan to work closely with Chairmen CLINGER and DAVIS, and Delegate NORTON, to take the steps necessary to restore the District's financial health and quickly bring an end to this new authority.

Back in November 1993, this body considered the New Columbia Admission Act, a bill which I cosponsored and strongly supported. That bill provided for D.C. statehood. I strongly believe that its enactment still represents the best action Congress could take to help the District of Columbia. Statehood would give District residents full democratic rights, and give the District government the freedom to manage its own financial affairs, without the restraints imposed by Congress.

In my view, the financial problems of the District of Columbia are grounded in more than declining revenues and management difficulties. They are attributable, to a significant extent, to the extraordinary burdens the Congress placed on the District when it was granted limited Home Rule over 20 years ago, by giving the District the responsibility for numerous functions normally performed by States such as: operating a State court system and prison system; providing mental health, foster care, and adoption services; and bearing the cost of Medicaid and AFDC benefits; to name just a few. At the same time, the Home Rule Charter did not confer State authority. The District's ability to pay for these State functions was limited by a congressionally imposed ban on taxing nonresident income earned within its borders as other states and many other cities do.

The District leads the Nation in the percentage of income earned in the city by nonresidents. Two of every three dollars earned here are earned by a nonresident. If nonresidents were subject to a flat rate of only 2 percent, the District could raise about $370 million per year. In fact, more than 22,000 of the District government's own employees enjoy life in the suburbs on an income drawn from the city treasury. The District government estimates it could raise $50 million annually by taxing their income. These Catch-22 circumstances are patently unfair and have substantially contributed to the economic distress. They have got to change, and I hope they will soon.

There is also the burden of the unfunded pension liability which must be addressed. In 1979, Congress transferred $2 billion of liability for a pension system it established for police, firefighters, and teachers at a time when District employees were considered Federal employees. Now, largely due to interest, the liability has grown to almost $5 billion. The District contributes about $300 million a year toward this pension system's cost, while the Federal Government contributes only $52 million. The Federal Government is not paying its fair share, while each year the spiraling costs consume more and more of the District's limited revenues.

I am pleased that Members on both sides of the aisle acknowledge that the unfunded pension liability is a problem for which the Federal Government bears some responsibility, and that the D.C. Subcommittee's chair is committed to taking action on this matter during the 104th Congress.

The District's financial stability is also encumbered by the fact that only 43 percent of its real property can be taxed. The rest, 57 percent, is owned by the Federal Government, foreign governments, the District government, or tax exempt entities. With respect to this latter group, I note that the D.C. Council and even some Members are now questioning the propriety of continuing such tax breaks, given the current crisis.

Finally, it is absolutely essential that everyone recognize that the financial crisis confronting the District of Columbia is not a unique one. The hearings which the D.C. Subcommittee held on this matter demonstrated that several other major American cities have reached the brink of insolvency before. In most of those cases, financial control or oversight boards were established by the State legislatures and the boards worked cooperatively with city officials to successfully stabilize each situation. I have no doubt that this will happen here.

The District of Columbia lies in the heart of a metropolitan area that ranks first among the 15 largest metropolitan areas on several desirable income, educational, and employment indices. It ranks at the top in: per capita income; individuals completing more than 16 years of school; and employment in professional, managerial, and technical jobs. It has the lowest rate of unemployment. So clearly, the District is a city rich with talent. The District is a city with resources. The District is a city with a future. It will be back on its feet soon.

Mr. Speaker, I yield the remainder of my time to the gentlewoman from the District of Columbia [Ms. NORTON], who has worked so hard in this instance, and I ask unanimous consent that she be allowed to yield that time in such way as she sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CLINGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY], the chairman of the Committee on Commerce and a very active member who has been involved in the District's affairs for many, many years.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in strong support of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

The District of Columbia has testified under oath that it expects to run out of money by early May.

Under present law the District is entitled to draw on the U.S. Treasury to pay its bill. This bill places necessary fiscal conditions on any borrowing in accordance with the findings and purposes as stated in the act.

The authority in this bill is the strongest ever created for any U.S. city. It will finally place necessary controls on District spending. The authority will require an accurate, annual balanced budget and a 4-year financial plan. It will have enforcement power.

In the past I worked closely with Delegate NORTON to ensure the financial stability of the District of Columbia. We worked to increase the Federal payment, and we worked to ensure the District would be able to manage itself. Sadly, this has not occurred.

This legislation does not abolish home rule, rather during the control period certain fiscal functions of the District will be supplanted by the Board. By stabilizing the District's finances, the city will emerge in a stronger position that it is today.

Without this bill city workers, residents, businesses, and visitors will continue to live under a cloud of fiscal uncertainty which is present and growing.

The dollar-for-dollar reductions for overspending in last year's budget resolution must be lifted now so that the Treasury will be able to lend through the Authority. The annual Federal payment will serve as the collateral.

The Financial Control Authority created in this bill will control District finance until the city balances four budgets in a row and has repaid any money borrowed with the Authority's cooperation.

The Authority will have five members, appointed by the President after congressional consultation. These members will serve without salaries for 3 years, and they must be District residents.

As soon as this bill is enacted, they must submit a 5-year financial recovery plan to the Authority as soon as practicable.

The Authority will have to review this plan, adopt it or submit modifications to the city council. If the city council proposes modifications which meet with the disapproval of the Authority, it may then submit its own proposal to Congress for consideration.

This plan ensures that all affected parties, the people, the council, the Mayor, the Authority, and the Congress will have their voices heard to ensure our Nation's Capital gets on sounder financial footing.

I commend Representative DAVIS and Delegate NORTON for reaching consensus on this very important initiative, and urge its adoption by the House.

Mr. CLINGER. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia [Mr. DAVIS], the prime author of this legislation, and I ask unanimous consent that he may be permitted to control the balance of the time remaining on the majority side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DAVIS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this emergency legislation is the cornerstone of our Nation's response to the tragic and completely unacceptable financial condition of our Nation's Capital. Life in Washington, DC, is coming apart at the seams. This legislation will halt the decay of the city government's ability to provide basic municipal services to the residents of the District and begin the difficult but necessary process of making the common life of the city whole once again. It is critical not only for this region and for those who live here, but for those who visit here as well.

As chairman of the Subcommittee on the District of Columbia of the Government Reform and Oversight Committee, I rise as the principal sponsor of the District of Columbia Financial Responsibility and Management Assistance Act of 1995. It would not have been possible for this piece of emergency legislation to be here before the House so early in the session without the active cooperation and hard work of many Members and their staffs.

Mr. Speaker, I want to thank on the staff side the GAO staff. I would like to thank John Simmons of Congressman WALSH's staff, Migo McConey from the Appropriations staff, Cheryl Smith, also of the Appropriations staff, and Brian Seward, as well as Donna Brazile and Cedric Hendricks from the District of Columbia Subcommittee staff, Ron Hamm, our director, Ellen Brown, Howie Dennis, Roland Gunn, who put in numerous hours on this effort, Al Felzenberg, and Ann Mack, Tim Leeth and Kevin Sabo from the Senate staff, and Jim Clarke from the full committee staff.

I also want to express my deep gratitude to the House leadership and to Chairman CLINGER, as well as the gentlewoman from Illinois, Mrs. CARDISS COLLINS, for their willingness to provide the necessary advice and assistance to move this bill forward.

I also want to thank our colleague from the District of Columbia, the gentlewoman from the District of Columbia [Ms. NORTON], who is a true leader and without whose efforts and advice this bill would not be here today. She has shown her leadership once again on this bill, and I look forward to working with her in the future on many other issues concerning the District. And I would say to Congressman WALSH and the gentleman from California, Mr. DIXON, of the District of Columbia Appropriations Subcommittee that their efforts in this regard and their ability to work together as a team have brought this legislation here today, and I thank them for their efforts.

Without their constant personal attention throughout a seemingly endless series of negotiations, we would not be nearly so far along in our response to the problems of the District. I also want to thank the members of the subcommittee, especially my vice-chair, Mr. GUTKNECHT, for their willingness to hold hearings on short notice and to move this legislation on an exceptionally fast tract. But, above all, I am grateful for the willingness of all of the Members involved in this process to reach across party and ideological lines for the good of the entire Nation. This effort has been extraordinary and inspirational. Finally, none of this would have been possible without the long, hard hours of work by the personal and committee staff who have devoted themselves to working out the details of this complex bill. They are all deeply aware of the urgency of the crisis facing the District of Columbia.

The current crisis stems from the unwillingness of the political leadership of the city and of past Congresses to make the hard but necessary decisions to keep the District's spending in line with its income. The result of this policy is not surprising: the District of Columbia is insolvent. If the city were to begin to write the checks necessary to pay all its current bills, it would run out of cash long before it came to the bottom of its stack of bills. The dire condition of the city's finances spills over to and harms the entire region. Currently, the city is not able to make its payments to regional authorities like Metro and Council of Governments. Without the city paying its full share, these vital regional organizations will not be able to carry out their important missions. One of the things this bill seeks to accomplish is the orderly payment of these obligations. Piled up, unpaid bills force many small businesses all across the region to lay off workers, or in some cases, to fail. Thus the whole region suffers as long as the city is broke. The time to act is now.

The city's insolvency is not the result of an unanticipated natural disaster. It is not the result of an inadequate revenue stream. In fact, for a city its size, it has more than adequate revenue to fund the full range of services needed by its citizens. But, beginning with the collapse of real estate values in 1989 and continuing even as I speak, the city simply spends more money than it collects. The District of Columbia's government continues to try to fund everything it wants while neglecting to adequately fund what it truly needs as a municipal government. Much of the money it spends, it does not spend wisely. According to a recent study by Thomas Edmonds and Raymond Keating, during the 1991–92 school year the District spent more per pupil on primary and secondary education than any State in our Nation. Yet, we read in the local press that there are over 8,000 fire code violations in the schools in need of repair. This is but one of many instances of local political decisions that have unintended but completely unacceptable consequences for the city's least powerful and most vulnerable residents.

It would be all too easy for me to place all the blame for the unraveling of the city on poor decisions made by Washington's local political leaders. But, this would be neither an accurate nor a responsible course for me to take. Our Constitution clearly gives Congress the responsibility "to exercise exclusive Legislation in all Cases whatsover," in the seat of the national government. Congress has not always used this power wisely. There has been an understandable reluctance to interfere with local political decisions. This reluctance, has perhaps, at times slipped over into failure to provide proper oversight. There has been a spirit of generosity that gave the District government access to $1.277 billion more cash during the Kelly administration than previously scheduled payments dictated. This generosity became indulgence. The result of inadequate congressional oversight is not acceptable. We see before us today a broken city. We cannot continue these policies. We must carry out our oversight responsibilities in a more responsible and effective way. The bill before us this afternoon provides us with the appropriate vehicle to meet our responsibility.

H.R. 1345 is designed to provide the strong medicine necessary to heal our beloved but battered Capital City. It establishes the strongest financial oversight authority in our Nation's history. We have looked with great care at what other cities facing similar crises have done to solve their problems. We have studied what has worked well and what has failed. We think we have applied these lessons to the unique and special facts of Washington, DC. We have carefully crafted our nation's response to this crisis. The most important thing we have learned is that no city has been able to solve its problems alone. In the case of other cities, State governments have stepped in to provide assistance. In this respect, Washington, DC, is unique. It has no State to turn to for assistance. The entire American people, acting as a collective body through their elected Representatives in Congress, constitute Washington, DC's state.

I am not going to present a complete outline of this 145-page legislation. I want to focus on its essential features. The central feature of this legislation is the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority to assist our Nation's Capital on its way back to financial soundness. The purpose of the Authority is to help the city knit itself back together. It is designed to work with Congress and the local government without being a component part of either government. I expect it will make many recommendations both to Congress and the city about necessary changes in the management of the city and the role of the Federal Government in the city's life. The Authority is composed of five Presidential appointees who are stakeholders in the city. The President will make these selections after consultation with the relevant committee chairs and the Delegate from the District. The Authority will be assisted by a small professional staff.

The Authority has all the power to accomplish its mission of financial responsibility and management assistance. In dealing with the local government, the initiative generally belongs to local elected leaders. For example, the Mayor still submits his budget to the city council. But, it is submitted to the Authority as well. The Authority, as well as the city council, examine the budget critically. If the Authority decides the proposed budget is neither balanced or not in accordance with the city's long-term plan, the Authority cannot approve the budget. It is returned with the Authority's recommendations to the council. After this process works itself out, Congress receives either an Authority-approved budget or the final council-approved budget along with the Authority's comments. Congress retains its responsibility to give final approval to the city's budget.

In addition to the creation of the Authority, this legislation creates a permanent, statutory chief financial officer for the District of Columbia. The CFO is appointed by the Mayor, in consultation with the city council, and the approval of the Authority. The CFO is responsible for assembling accurate financial information to serve as the foundation of the city's budgetary and spending decisions. The CFO also must certify all bills and contracts, assess and collect all taxes, and provide accurate accounting. This office reports to the Mayor, the council, and the Authority.

The creation of the Authority and of a CFO provides only part of the administrative framework necessary to assist the city back to financial health. The final structural change is the enhancement of the Office of the Inspector General. The IG, like the CFO, is appointed by the Mayor in consultation with the city council and the approval of the Authority. We have taken special care to make sure the IG has the political independence and financial resources to act as a strong watchdog over the city government. In addition to a fixed 6-year term, the budget of the IG can only be changed by Congress. In order to assure the timely dissemination of information, the IG's reports become public documents in a timely manner. The IG reports not only to the Mayor, but also to the council and the Authority. The IG is also responsible for letting the contract for an annual, independent audit of the city's finances.

The Authority, the CFO, and the enhanced IG form the nucleus of a more efficient, responsible, and responsive city government. It provides the city with an ideal opportunity to examine critically the range and level of services it seeks to provide. The locally elected leaders of the city need to decide what they can realistically afford to fund. I hope the enactment of this legislation provides the occasion for a dramatic restructuring of the local government. After the District has begun to make the hard choices necessary to bring their spending in line with their revenue, the question of the proper relationship between the city and the Federal Government will be addressed.

This legislation is not punitive. It is the strong medicine needed to bring the city back to financial health. One of the effects of this legislation will be the restoration of the city's access to the credit markets. This is important for the enhancement of home rule. I hope that the Authority and the city working together with the Congress will, sooner rather than later, be holding groundbreaking ceremonies for the new arena and convention center. These projects will enhance the quality of life not only in the District but throughout the entire region.

We stand at a critical moment in the life of our Nation's Capital. We can no longer afford the price of congressional inaction. The District will soon run out of cash. Under present law, the Mayor can requisition cash from the Federal Treasury. If we fail to act, Mayor Barry will be forced to take the District's bills to the Treasury Department without conditions or restrictions. We must not allow this to happen. If we enact this legislation, when the city runs out of cash, Congress will have put the proper structure in place to regulate and facilitate its access to the Treasury window. There are no viable alternatives. We are in effect pulling the District's credit card to the U.S. Treasury and setting conditions for borrowing that can lead to economic recovery. The present crisis is a direct consequence of destructive fiscal policies. This bill represents fundamental change. I urge you to vote in favor of H.R. 1345.

Mr. Speaker, I reserve the balance of my time.

□ 1515

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, thanks to Chairman BILL CLINGER, ranking Member CARDISS COLLINS, and subcommittee Chairman TOM DAVIS, we are seeing a rare moment in any Congress, and certainly in this one. A very difficult bill has been crafted and then unanimously embraced in subcommittee and committee because of their leadership. Yet, H.R. 1345 has no precedent in this House. It has substantial precedent in this country, of course. New York City, Philadelphia, and Cleveland, among other jurisdictions, became insolvent and have had similar authorities or boards established to guide them back to fiscal health. To those inclined to harshly judge the District, the selfsame ordeals of these great American cities should give some pause. And, unlike those cities, the District has had to fund not only municipal but also State and county functions as well, among them today's daunting costs of Medicaid and prisons. Before long, the Congress will have to face the reality that no American city today can fund these State and county missions alone and that the District will need more funds from the Congress. Such huge cost, as well as the congressionally imposed unfunded pension liability, in today's atmosphere of urban distress, have simply overwhelmed the city.

Chairman CLINGER and ranking Member COLLINS were executive producers of this effort, setting the tone, steering the course, insisting upon flexibility, yet drawing the bright lines to achieve an effective bill. Subcommittee Chairman TOM DAVIS was the producer. He worked closely with D.C. Appropriations Subcommittee Chairman JIM WALSH, whose strong and skillful leadership is also reflected throughout the bill.

Chairman DAVIS has given the word "freshman" new respect for the extraordinary reach of his vision for the bill and the determined skill with which he carried his vision to fruition. Setting for himself the expansive goal of a consensus bill, Chairman DAVIS first wrote H.R. 1345 simultaneously with majority Members in the House and the Senate. Onto this bicameralism, he superimposed bipartisanship, inviting ranking Members to suggest and negotiate changes. Representative JULIAN DIXON, the ranking member of the D.C. Appropriations Subcommittee, was an indispensable party to this bill, bringing unmatched depth, intelligence, and objectivity. Some of our changes were rejected and others compromised, but many were accepted.

The process that Chairman DAVIS developed is what has enabled me to cosponsor H.R. 1345 and to urge my colleagues to vote today for passage. Like all bills that come to the floor, it is the majority's bill, but it has accommodated many changes and compromises not only from me but from the Mayor and the chairman and members of the city council of my city. Thus, this bill is quite literally a collaboration among all directly concerned: The chairs and ranking members of the authorizing and appropriations committees and subcommittees of the House and Senate and the elected representatives of the District of Columbia.

Section upon section of the bill vindicate both the process and the substance of H.R. 1345. Many of the changes are modifications and nuances that only locally elected officials and others who live with the District's problems could recognize. By accepting changes that reflect the experience of governing and living in the District, Chairman DAVIS and his colleagues have gone a long way toward assuring that H.R. 1345 is able to do its job.

Two urgent reasons make this bill not only mandatory but also the only viable option available: First, without the authority established in this bill, the District, already technically insolvent, will run out of cash sufficient to pay its employees and keep services in operation within the next few weeks; second, without the authority established in this bill, the District will bear a destructive penalty for being in violation of existing law that requires a balanced budget, a mandate that cannot possibly be met without spreading the city's huge structural deficit over several years.

However, I am able to cosponsor H.R. 1345, not only because of its urgent necessity. I am a cosponsor of this bill because it does not violate the other essential and overriding principle—the right of District residents to maintain every bit of what limited home rule powers we have managed to achieve. Our democratic right to self-government is more precious to us than to other Americans quite simply because they, all of them, including the four territories, have it, and we don't. For this reason, I have measured self-government by the strictest standard I could locate: whether the provisions of H.R. 1345 are any more intrusive than those of the other similarly situated jurisdictions. This is the best standard because no one has suggested that with the establishment of similar authorities, New York, Philadelphia, or Cleveland lost their dignity or independence. Anyone who takes the time and trouble to compare H.R. 1345 with prior State statutes, especially New York's law, as I did throughout the negotiations, will find the self-government standard fully met.

The Mayor and the city council retain their respective powers. The initiative in all matters committed to them under the home rule charter remains theirs alone. This is important not only to preserve democracy. It is important because the point of this effort is to encourage elected leaders to take responsibility so that when the authority recedes, their necessary discipline is fully built into the way they conduct the city's business. Thus, the authority is a monitor whose purpose is to check and enforce new rules of fiscal and operational discipline that the Mayor and the council place upon themselves in multiyear plans and annual budgets that these elected officials themselves will write.

I have no doubt that the District will take the initiative to solve its own problems, just as our elected officials have helped make H.R. 1345 a better bill. This morning before this matter had even come to the floor, at the invitation of the Mayor, I went to his cabinet meeting to discuss H.R. 1345 and what it means for District officials. Further, today the Mayor has announced a nationwide search for a chief financial officer, who will be a central figure in the District's financial recovery.

I take special pride in these early initiatives by the Mayor to make H.R.

1345 work and in the recent rough and tough actions of the city council, who even without the monitoring authority, have made courageous cuts and taken their lumps for their trouble.

I take particular comfort from Members of the House, who have uniformly expressed respect and admiration for what authorities like that established in H.R. 1345 have done, working with local officials, in their own cities. Expect no less from the District.

Notwithstanding this crisis, the District remains one of the most promising large cities in the United States. Among the 25 largest cities, we proudly rank first per capita in residents in the Nation's top job categories, third per capita in residents with college and post-college degrees, and fifth per capita in income. In the midst of this crisis, our business community is using its own private resources to build an arena and a convention center which will bring many millions in revenue to the District. This is the raw material for a dazzling comeback.

Just beyond the horizon, the Capital of the United States is a city with a future. But, it is more than that. It is such livable city that more Members of the House and Senate have chosen to live here than in any part of the region. It is city of world class beauty. The District's problems must not be allowed to obscure its potential. With help from the Congress, but under its own initiative and by its own hand, this shall soon be a city on the rise like the sun on a clear morning.

□ 1530

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS. Mr. Speaker, may I inquire of the Chair how much time remains on both sides?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Virginia [Mr. DAVIS] has 3 minutes remaining, and the gentlewoman from the District of Columbia [Ms. NORTON] has 7 minutes remaining.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that both sides be given an additional 5 minutes.

Ms. NORTON. Mr. Speaker, I join in the request of the gentleman.

The SPEAKER pro tempore. Without objection, each side will have an additional 5 minutes.

There was no objection.

Mr. DAVIS. Mr. Speaker, I yield 4 minutes and 30 seconds to the gentleman from New York [Mr. WALSH], the chairman of the Appropriations Subcommittee, who has done so much to help bring this bill to its final stages. We appreciate his efforts.

Mr. WALSH. Mr. Speaker, I thank the gentleman for yielding time to me and I thank him for his hard work on a very vigorous project, one sorely in need.

Mr. Speaker, I rise in strong support of H.R. 1345. I think this is a good bill. It is the culmination of many hours and long days of discussions and negotiations. It is a nonpartisan issue. Every one on both sides of the aisle in this body as well as the other body and the White House has worked diligently with one objective in mind, to do what is best for our Nation's Capital.

This bill will establish a financial responsibility and management assistance authority, a control board, consisting of five members to be appointed by the President in consultation with the Congress within 25 days of its enactment.

Results of our hearings indicate that the District's financial management and information systems are inadequate to provide the data that is essential for the efficient operation of the District government. H.R. 1345 establishes a chief financial officer of the District of Columbia who will be appointed by the Mayor and subject to the approval by a majority of the vote of the authority and removed only with authority approval.

The CFO will be responsible for all financial activities of the District government, from revenue estimates and cash receipts to expenditures and cash disbursements. So this is going to be a very important position, in my judgment, the most important position. Because the position is so important, this person must have as much independence to carry out the mission of getting local government back on track financially.

Another position that is key to the success of the authority is an inspector general who also must be truly independent to pursue investigations that will lead to the prevention and detection of fraud and abuse.

We in the Congress must continue our vigilance to ensure the independence of both of these offices.

Mr. Speaker, I want to touch on what I consider to be the crucial issue of the authority. In the event that there is a stalemate, an impasse between the authority and city government, the bill allows the authority to implement its own recommendations, whether they be executive or legislative in nature. This power is absolute and it is absolutely necessary if the authority is to be effective and have the desired impact on the efficient operation of District government.

This authority needs to have control. It is our intention that it have control. In my opinion, the bill before you is drafted so that the authority will have control, the control it needs to get the District government back on a sound financial footing.

We felt very strongly this had to be a tough bill, tough love for our Nation's Capital. This bill meets that standard.

Lastly, Mr. Speaker, the gentleman from Virginia [Mr. DAVIS] talked about the ability of the District to go to the Treasury to borrow. That authority continues under this new regime. And that is important because the individual, the organizations that have loaned money to the District, their interests need to be protected, along with the interests of the District. That will continue under this law and, in fact, ensure that if the District does go back to Treasury and borrow, that the money will go directly to the control board and will be disbursed under their authority.

Finally, I believe, Mr. Speaker, that sufficient safeguards are in place to protect the Federal taxpayer, all Americans who send their tax dollars to support the city.

This is not a partisan bill. The people who really put this together, the gentleman from Virginia [Mr. DAVIS], the gentlewoman from the District of Columbia [Ms. NORTON], did a marvelous job, a truly marvelous job negotiating this. The gentleman from California [Mr. DIXON], former chairman in the seat that I now sit in, lent his toughness and his wisdom to this product. I thank him and I also thank from my staff John Simmons and Migo Miconi who worked so hard to support my activities.

Ms. NORTON. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. DIXON], the ranking minority member of the Subcommittee on the District of Columbia of the Committee on Appropriations and an unusually wise and knowledgeable and essential partner in the negotiations that led to H.R. 1345.

Mr. DIXON. Mr. Speaker, I thank the gentlewoman for her kind remarks and for yielding time to me.

Mr. Speaker, as the ranking minority member of the Committee on Appropriations Subcommittee on the District of Columbia, I rise in support of H.R. 1345, the District of Columbia Financial Responsibility and Management Assistance Act of 1995. We consider this bill at a critical moment in the short history of self-government for the District of Columbia.

The District of Columbia is in a financial crisis that it cannot solve on its own. Like other major cities across the country, the District of Columbia is not alone in feeling the multiple pressures of a dwindling tax base and increasing social service costs. The District, however, carries the additional burden of being the only governmental entity with responsibilities traditionally implemented by State and county, as well as city, governments.

Over the past few months, we have received convincing and mounting evidence that the District of Columbia is nearing a financial collapse. The Mayor has reported to us that the District has a fiscal year 1995 budget gap of $631 million and a precarious cash position. Although the Mayor has proposed to reduce this budget gap by $224 million through reduced agency spending and other initiatives, these actions alone are not sufficient to close a gap which amounts to nearly 20 percent of the District's annual appropriated budget. The General Accounting Office has reported to us that the District will run out of cash this summer and that the city currently does not have enough cash to pay its bills.

In recent years, other cities, including Philadelphia, New York City, and Yonkers, have confronted financial insolvency requiring emergency assistance from their States. But, the District is unable to turn to a State government to provide such extraordinary assistance; the District can turn only to the Federal Treasury and to the Congress for help.

Mr. Speaker, in the process of considering the District's financial crisis, we have tried hard to separate the rhetoric from reality. With the excellent assistance of the General Accounting Office, we have tried to separate fact from fiction. And, while we may disagree with the Mayor about whether the District has too little revenue, too much spending, or simply inefficient management of its resources, I believe that there is no disagreement that the problem is real. The hard reality is that a remedy must be provided before the District becomes insolvent, and the bill before us provides the necessary cure.

H.R. 1345 is not a perfect bill, nor do I agree with all of its provisions. But, I do agree with the bill's fundamental purposes: First, to assist the District in getting immediate control over its deficit spending and, second, to provide for the long-term fiscal stability of the District by providing a comprehensive approach to the fiscal, management, and structural problems in the District Government. This bill provides a speedy recovery to D.C. financial health while preserving home rule for its citizens.

H.R. 1345 has many important provisions. It will enable the city to borrow from the U.S. Treasury to meet its short-term, emergency cash needs, but only with stringent controls that will impose a rigorous fiscal discipline on the city that has not existed before.

The bill creates the strongest Financial Oversight Board ever created for any U.S. city. A five-member authority, appointed by the President with congressional consultation, will have extensive latitude in monitoring and overseeing the District's financial affairs until such time that it has balanced its budget for 4 consecutive years and repaid any funds borrowed on its behalf. Most important, the authority will be comprised of individuals who pay either personal income or business taxes to the District and, thus, have a real stake in the District's future.

During any control period, the authority will make recommendations to the District to promote financial stability and improve the delivery of city services, including reviewing the structural relationship between the District government and the Federal Government. The authority must approve a multi-year financial plan developed by the District aimed at achieving a truly balanced budget by 1999. The authority may reject the city's annual budget, disapprove contracts, and disapprove District borrowing if not consistent with the financial plan and annual budget.

The bill enhances the powers of the District's chief financial officer and inspector general to ensure the integrity and accuracy of financial information presented by the District, and to improve the quality of the city's financial management systems. Because of the significant powers that will reside with these individuals, a difficult issue to resolve in our negotiations was how these individuals should be appointed. The consensus that emerged from our discussions was that both officers would be nominated by the Mayor with the advice and consent of the city council, but subject to confirmation by the authority. Further, only the authority would be permitted to dismiss these key officials.

Mr. Speaker, by granting the authority such broad powers, some may argue that this bill strips away home rule. But, I would argue that the bill carefully protects the prerogative of self-government and that preservation of home rule rests squarely on the shoulder's of the District's elected officials. Only if District officials do not make responsible and fiscally sound decisions, will it be necessary for the authority to step in to implement its own recommendations.

This bill is the product of intense negotiations conducted over the past few weeks. Although these discussions have been difficult, all parties involved have acted in good faith with a common goal of restoring the District of Columbia to sound financial health.

I want to applaud the efforts of the manager of the bill, the distinguished chairman of the Government Reform and Oversight Subcommittee on the District of Columbia, the gentleman from Virginia, TOM DAVIS, who worked tirelessly to bring together a consensus bill in time for the House and Senate to act prior to the April recess.

I also want to pay tribute to the delegate from the District of Columbia, ELEANOR HOLMES NORTON, for her tenacious efforts to preserve the principle of home rule for D.C. residents. She has fought courageously to preserve the rights of locally elected officials to determine the city's financial future, while she led the fight for an agreement that recognizes the seriousness of the District's financial crisis.

My good friend, the gentleman from New York, [Mr. WALSH], the distinguished chairman of the Committee on Appropriations Subcommittee on District of Columbia, also played a critical role in shaping this legislation. I look forward to our continued mutual cooperation as we move later in the year to consider the District's fiscal year 1996 budget. And to the staff, thank you for your excellent work.

With the enactment of this bill, we have a wonderful opportunity for a unique partnership between the District and Federal Government to reinvent and improve the delivery of services to the thousands of District residents who pay hard earned tax dollars and to those local residents who are not getting the quality education, housing, and social services they need and deserve. The road to financial recovery for the District will not be smooth. There may be setbacks and relapses along the way. But, the surgery which the city must undergo—the hard choices, tough decisions, and real actions that have to be taken—will restore the well being of the District and its residents and, ultimately, provide the foundation for a real and lasting recovery for years to come.

Mr. Speaker, I urge adoption of the bill.

☐ 1545

Mr. DAVIS. Mr. Speaker, I yield 1 minute and 15 seconds to my colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 1345, the District of Columbia Financial Responsibility and Management Act of 1995. I commend the distinguished gentleman from Virginia [Mr. DAVIS], District of Columbia Subcommittee chairman, and the ranking minority member of the District of Columbia Subcommittee, Ms. NORTON, for the work which they and their staffs have accomplished under severe time constraints. I also wish to commend the gentleman from Pennsylvania [Mr. CLINGER], who serves as the distinguished chairman of our Committee on Government Reform and Oversight, for his efforts in bringing this important measure to the floor at a time when the District of Columbia has been teetering on the brink of bankruptcy. I am supporting this timely measure because I believe that it will provide workable solutions to the severe financial problems that have beset our Nation's Capital City. The financial recovery and management responsibility authority will provide fiscal oversight while preserving the essence of home rule.

At this urgent time, Mr. Speaker, I wish to commend what has been an exemplary bipartisan effort to attack an extremely pressing problem. I encourage support of this bill which will help bring financial stability and budgetary control to the District of Columbia.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN], a Member from this region who has been helpful to the District.

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding to me, and for her kind remarks.

Mr. Speaker, I do rise as a Member of our region representing Prince Georges and Montgomery Counties, the neighbors to the north and east of the District of Columbia. Let me begin by extending commendations to the chairman, the gentleman from Pennsylvania [Mr. CLINGER], and to the ranking member, the gentlewoman from Michigan [Miss COLLINS], and also to the subcommittee chairman, the gentleman from Virginia [Mr. DAVIS], a freshman who has done exemplary work on this project. I am certainly appreciative, and all of my constituents are appreciative.

Finally, let me note the outstanding work of the gentlewoman from the District of Columbia [Ms. NORTON], who has done yeoman's work on this bill in both being an advocate for the District of Columbia and a strong negotiator here in Congress, in helping to bring this measure to fruition.

Mr. Speaker, we in the suburbs do recognize the importance of the District of Columbia to the Nation's vitality. That is why I am here to support the District of Columbia Financial Responsibility and Management Assistance Act. I hope my colleagues in this body also recognize the importance of the District of Columbia as the seat of our Nation's Capital and would also support this measure.

Looking at our current situation, Mr. Speaker, it is in fact a crisis. There have been some mistakes on the part of the District of Columbia, but the Congress also bears a significant part of the responsibility for this situation. We have helped create this structural deficit that includes congressionally imposed unfunded pension liabilities, so it is good that both parties have come together.

Again, the gentleman from Virginia [Mr. DAVIS] has been inclusive in allowing the District of Columbia officials to participate and accepting their suggestions as to how to make this proposal work. Mr. Speaker, it retains the strong role of the District officials, the Mayor, and the council. It also maintains limited home rule.

I believe the bill is a significant movement in the right direction toward correcting the problems of the District of Columbia, and urge its adoption.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER], my good and helpful friend, a member of the Committee on Appropriations, and a leader of this region.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I want to first of all say that I have served here for some time, and without reference to anybody else in comparison, I do not think anybody else in this body represents their area better than she does. It is obviously a difficult area to represent in that everybody is watching it, every day. As she says, so many people live here. She does an extraordinary job in bringing the message of the District of Columbia, its hopes and aspirations, to this body. I commend her for her leadership on this bill.

Mr. Speaker, those of us in the Washington metropolitan area are also proud of the fact that we act together in a bipartisan fashion. We are very proud of the fact that TOM DAVIS has done such an extraordinary job in his leadership in bringing all of the various points of view together. As always, it is a pleasure to deal and work with my chairman, the gentleman from California [Mr. DIXON], and the chairman, the gentleman from New York [Mr. WALSH], on this matter.

Mr. Speaker, this legislation before us is a useful, important, and necessary vehicle to move the District of Columbia in the direction of getting its fiscal house in order. It contains tough provisions which require the District to be responsible and accountable by requiring accurate annual budgets and a 4-year financial plan. More, it cuts off the District's direct entitlement to drawing funds from the Treasury should it run out of money.

Consequently, without this control board the District will live under a growing dark cloud of financial uncertainty. If the District lives under such a dark cloud, the Maryland and Virginia suburbs, as well as the rest of the country, will be adversely affected. A healthy Capital City makes for a healthier Nation and is, as well, critical to a healthy Washington metropolitan area.

In closing, as we do our part in protecting the viability and stability of the Nation's Capital, it is my expectation, as the gentlewoman from the District of Columbia has said, that we will receive and are receiving full cooperation from the District of Columbia.

Mr. Speaker, I urge my colleagues to support this act.

If I might, Mr. Speaker, just make one additional statement, I have had discussions with the gentleman from Virginia [Mr. DAVIS], the chairman of the subcommittee, with reference to an item regarding the financing and the obligations of the District of Columbia with reference to the Washington Metropolitan Area Transit Authority. I was hoping we could deal with that on this legislation.

It is my understanding, however, that the gentleman from Virginia will have another piece of legislation dealing with the convention center. I have talked to the gentlewoman from the District of Columbia about this. I do not believe this is controversial in any way, and I hope we can deal with it on that legislation.

Mr. DAVIS. Mr. Speaker, if the gentleman will yield, the gentleman is correct. I think it will be addressed in that vehicle hopefully in the May timeframe.

Mr. HOYER. I thank the gentleman, and again I congratulate my colleague from Washington, DC.

Ms. NORTON. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The gentlewoman from the District of Columbia [Ms. NORTON] has 3 minutes remaining, and the gentleman from Virginia [Mr. DAVIS] has 2¼ minutes remaining.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to my good friend and always ally, the gentleman from Virginia [Mr. MORAN], also a Member from this region.

Mr. MORAN. Mr. Speaker, I thank my friend from the District of Columbia for yielding to me, but most importantly, for the role she has played within the Washington metropolitan region. When her leadership was called for, she came through in flying colors. As has been said previously, I do not think any constituency represented by any Member of this body is served better than by the gentlewoman from the District of Columbia [Ms. NORTON].

In fact, this was a perfect time to demagog to achieve short-term political benefits at the long-term expense of the health of the District of Columbia. She chose instead to work in a constructive fashion.

Likewise, I think we ought to give some credit, as I said in the full committee, to the gentleman from Georgia, Mr. GINGRICH, the Speaker, in having the foresight to make the gentleman from Virginia, TOM DAVIS, the chairman of this subcommittee. The fact is that he could not have chosen better.

The gentleman from Virginia has proven himself fully worthy of the task. He deserves a great deal of credit, not just from us in the Washington region, but from this entire body.

Mr. Speaker, this is a terribly important first step, but it is only a first step. This board will distribute the limited resources that are available to the District of Columbia, and I know that it is going to do a responsible job in that, but it is only a first step in that those resources are too limited. We need to take many more steps.

One such step may be giving the responsibility for Lorton, for example, over to the Federal Bureau of Prisons, because that is a State function, and the city has only normal city resources available to it. We ought to examine other steps like that.

We also ought to look at possibilities of setting aside large tax-free zones. The board might want to take the initiative to seek out consortia, bankers, developers, city planners, and find areas in the city that are currently not yielding any Federal revenue, so it would not cost us anything in terms of Federal income taxes, but perhaps take the initiative to give the city an opportunity to rebuild its tax base. That ultimately is what is needed.

The fact is this entire body ought to be proud of this piece of legislation. It is the right thing to do, done by the right people in the right way.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the House will regard this as a historic day for a new beginning, not a sad day, but a day that marked the period when the District shot out of its doldrums, the kind of doldrums many large cities find themselves in today.

I am appreciative for the work of the subcommittee, particularly the gentleman from Virginia [Mr. DAVIS]. As a native Washingtonian in a region without borders, he has made that understood by the way he has transformed the committee process for these purposes.

Mr. DAVIS. Mr. Speaker, I yield myself 2¼ minutes.

Mr. Speaker, debt service is one of the basic functions of a municipal government. One of the stated purposes of this act is to assist the District of Columbia in attaining and then maintaining access to the credit and bond markets.

The subcommittee has tried to make abundantly clear that existing debt and its debt service payments are of concern. Lack of timely debt service payment would be counter to one of the major purposes of this legislation. Debt service is a foundational part of the District of Columbia budgets. The subcommittee expects that already dedicated funds be used to pay debt service.

If those funds are not sufficient, then other available funds can and should be used by either the District government or the Authority to ensure timely payment of debt service.

Mr. Speaker, I would also like to put into the RECORD additional cosponsors: the gentleman from Texas [Mr. ARMEY], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Indiana [Mr. BURTON], the gentleman from Texas [Mr. DELAY], the gentleman from Michigan [Mr. BONIOR], the gentleman from New York [Mr. GILMAN], the gentleman from Indiana [Mr. MCINTOSH], the gentleman from New Jersey [Mr. FRELINGHUYSEN], the gentleman from Georgia [Mr. KINGSTON], the gentleman from Texas [Mr. BONILLA], the gentleman from Illinois [Mr. DURBIN], the gentleman from Pennsylvania [Mr. FOX], the gentleman from New Jersey [Mr. PAYNE], the gentleman from New York [Mr. OWENS], the gentleman from Georgia [Mr. LEWIS], the gentlewoman from Florida [Mrs. MEEK], the gentleman from New York [Mr. TOWNS], the gentleman from Maryland [Mr. MFUME], the gentleman from New Mexico [Mr. RICHARDSON], the gentleman from Maryland [Mr. EHRLICH], the gentleman from New Mexico [Mr. SCHIFF], the gentleman from New Hampshire [Mr. ZELIFF], the gentleman from Washington [Mr. TATE], the gentleman from Michigan [Mr. CHRYSLER], the gentleman from Florida [Mr. SCARBOROUGH], the gentlewoman from Georgia [Ms. MCKINNEY], the gentlewoman from Ohio [Ms. KAPTUR], and the gentleman from Virginia [Mr. PAYNE].

Finally, Mr. Speaker, I want to thank several individuals I did not thank in my opening colloquy. Mr. Noah Wofsy, the legislative counsel, did an outstanding job, working many late hours around the clock to satisfy the many demands placed upon him, in a timely manner. We are very, very grateful for his efforts, Noah. I want to thank him.

Also I want to thank Mr. Ed Desev and Alice Rivlin from the President's Office and OMB, who worked with us in drafting this legislation. Finally, from my staff, I want to thank Mr. John Hishta, Chip Nottingham, and Cathy Walsh, who were very helpful in coordinating this.

With that, Mr. Speaker, I would urge adoption of H.R. 1345.

Mr. BONILLA. Mr. Speaker, I rise in support of H.R. 1345, the District of Columbia Financial Responsibility and Management Assistance Act. Unfortunately, the continued deterioration of the District's financial status and the inaction of local officials has left us no other choice but to pursue this legislation. The oversight board created by this bill will stabilize the District's financial health. For far too many years local officials have been unwilling to accept responsibility and make the tough decisions that must be made. Presently, the demands of municipal unions are given priority over the needs of schoolchildren. This govenrment-union conglomerate threatens the safety of this community. Citizens do not know from one day to the next if they will have police, fire, and medical protection, or if they will have basic services like waste disposal or street repair.

Mr. Speaker, I am concerned for the long-term future of the District of Columbia. The Oversight Board will help bring financial stability to the District government, but what happens after the Board dissolves? The Congress must help the District maintain long-term stability, stability that will exist long after the Financial Oversight Board dissolves. To attain this security, I propose the adoption of a city manager form of government. This form of government would bring long-term fiscal accountability to the city. I support maintaining home rule for the citizens of Washington, DC, and believe that a city manager would be instrumental in preventing the need for future Federal intervention.

Currently, the city bureaucracy is bloated and out of control. There is no accountability and a clear lack of professionalism. A financial control board can help bring the current crisis under control, but this Board should not be a permanent fixture for the District government. If an oversight board is in place for only 5 years, as currently suggested, then long-term solvency can only be solved by restructuring the D.C. government.

A city manager would increase bureaucratic efficiency. A full-time, professional city manager would be responsible for the bureaucratic structure presently controlled by the Mayor. The manager would be hired by, and accountable to, the city council, with appointments and terminations to be approved by the House and Senate oversight subcommittees. Appointing a professional to run the city would increase the likelihood that congressionally mandated cuts and reforms would be appropriately instituted. The District government needs a leader who can insure tax dollars are not wasted and services are delivered.

The council-manager form of government is compatible with the implementation of a financial oversight board. The District faces many problems that can only be solved by making tough decisions that will undoubtedly be unpopular with some constituents. A city manager will make home rule finally work. HUD Secretary Henry Cisneros and California Governor Pete Wilson both served as mayors under a council-manager form of government in San Antonio and San Diego respectively. These are 2 of the 10 largest cities in the country. As a matter of fact, many of the Nation's most successfully run cities have council-manager systems in place. Some examples are: Dallas, TX; Phoenix, AZ; Austin, TX; San Jose, CA; Cincinnati, OH; Norfolk, VA; Little Rock, AR; and St. Louis, MO.

Sadly, elected representatives in the District of Columbia have addressed political problems without concern for the consequences. The division of responsibilities between the District and Congress has led, and perhaps encouraged, local officials to finger point rather than solve problems.

Mr. Speaker, I believe the District of Columbia is one of the greatest cities in the world. All America has a vested interest in seeing this city succeed. We cannot succeed without consideration of a long-term solution. I trust the Congress will give this proposal serious consideration.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to express my full support for moving forward with taking emergency steps to restore the District of Columbia to a sound financial status. I also want to congratulate Chairmen THOMAS DAVIS of Virginia and JAMES WALSH of New York, and Washington, DC Delegate ELEANOR HOLMES NORTON for all their hard work.

As a member of the Subcommittee on the District of Columbia, I am disturbed by the reports of fiscal mismanagement throughout the District, and I share my colleagues' concern about this current financial crisis.

Having spent time in this city as a child, and now as a U.S. Representative, residents of the District and visitors to our Nation's Capital deserve better. They deserve to know how their money is being spent and they deserve more accountability. And, frankly, so do all the American people. It is our Nation's Capital, and it should reflect America at its best.

That is why I joined as a cosponsor of H.R. 1345, the D.C. Financial Responsibility and Management Assistance Act of 1995. I believe that the proposed Financial Control Board will help put the District of Columbia back on the right track.

I have spent the first 3 months of my term in committee hearings on this matter, and from what I have learned, the Financial Board is the only true option we have to making the city solvent again. This Control Board will have the authority to review city budgets, all District master plans, labor contracts before they are approved, all city borrowing, including loans from the U.S. Treasury and borrowing for the D.C. government. The Board will continue to operate at full authority until the District balances its budget for at least 4 straight years and it remain in a reduced oversight capacity until the city pays off all loans taken out under its authority. A five-member board will be individuals with proven financial or management expertise.

Mr. Speaker, I urge the Board to be formed as soon as possible so that the city will be returned to a fiscally sound status, such that all citizens, especially its children, are given a better quality of life by the District's government.

Miss COLLINS of Michigan. Mr. Speaker, I want to add my voice today to those who have offered their support for H.R. 1345, the District of Columbia Financial Responsibility and Management Assistance Act.

In a Congress where recent debates have given new meaning to the word "partisan," this bill is indeed a rarity. It is a rapid bipartisan response to a crisis which, by its very nature, has invited partisanship at every turn.

Also, unlike many other critical bills in this Congress, H.R. 1345 has had appropriate deliberations. In addition to meeting with D.C. government officials, the Subcommittee on the District of Columbia heard testimony from State and municipal officials who have worked extensively with municipal financial control boards. Because control boards are rarely used, the knowledge derived from the testimony of these experts was priceless.

Finally, subcommittee members and staff worked around the clock to incorporate what they had learned into the legislation before us today. This is a model bill, and I hope that other committees will take heed of our example.

I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER], that the House suspend the rules and pass the bill, H.R. 1345, as amended.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1345, the bill just considered and passed.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 244, THE PAPERWORK REDUCTION ACT OF 1995

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be given until midnight tonight to file the conference report on S. 244, the Paperwork Reduction Act of 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 3'oclock and 59 minutes p.m.), the House stood in recess until 5 p.m.

☐ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. HASTINGS of Washington] at 5 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831) an Act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sale and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 716.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 716, on which the yeas and nays are ordered.

The vote was take by electronic device, and there were—yeas 384, nays 0, not voting 50, as follows:

[Roll No. 280]

YEAS—384

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brownback
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Flanagan
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley

Packard
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—50

Becerra
Berman
Bilbray
Brown (FL)
Brown (OH)
Bryant (TN)
Chenoweth
Condit
Crapo
Dickey
Dooley
Dornan
Fattah
Fields (TX)
Flake
Foglietta
Fowler
Frisa
Gallegly
Gejdenson
Inglis
Istook
Jefferson
Kleczka
Lantos
Laughlin
Lincoln
Lowey
Lucas
McCollum
McDade
McDermott
Moakley
Montgomery
Nadler
Olver
Owens
Pallone
Parker
Payne (NJ)
Pryce
Reynolds
Richardson
Rush
Thornton
Torres
Tucker
Watts (OK)
Williams
Wise

□ 1700

Ms. DUNN of Washington changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Speaker, during rollcall vote No. 280 on H.R. 716, I was unavoidably detained. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. BROWN of Ohio. Mr. Speaker, I would have voted "yes" on rollcall 280, H.R. 716. The bells in my office did not work and I did not hear the rollcall until the second rollcall, when it was brought to my attention.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained during rollcall vote 280. Had I been here, I would have voted "aye."

SENSE OF THE HOUSE REGARDING AMERICAN CITIZENS HELD IN IRAQ

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 120, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, House Resolution 120, as amended, on which the yeas the nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 35, as follows:

[Roll No. 281]

YEAS—399

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Flanagan
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—35

Becerra
Berman
Condit
Crapo
Dickey
Dooley
Fattah
Fields (TX)
Flake
Foglietta
Fowler
Gallegly
Gejdenson
Inglis
Istook
Jefferson
Kleczka
Lantos
Laughlin
Lincoln
Lowey
Lucas
McCollum
McDade
McDermott
Moakley
Olver
Pryce
Reynolds
Richardson
Rush
Thornton
Torres
Williams
Wise

□ 1721

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, during rollcall vote Nos. 280 and 281 on H.R. 716 and House Resolution 120, I was unavoidably detained. Had I been present I would have voted "yes".

PERSONAL EXPLANATION

Mrs. LINCOLN. Mr. Speaker, I was unavoidably detained because of travel difficulties and unfortunately was not present for roll call vote 280, a vote on the Fishermen's Protective Act Amendments and roll call vote 281, a vote on U.S. Citizens Imprisoned in Iraq.

Had I been present, I would have voted "aye" on both votes.

□ 1745

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MISSILE PROLIFERATION, ONE OF THE GREATEST THREATS TO AMERICA IN THE 21ST CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to call attention to an issue that is dominating much of the discussion of the House and Senate Armed Services and National Security Committees dealing with missile defense.

Those of us who saw CNN yesterday report that the Russians have now decided to offer for sale the SS25 missile launch architecture to other nations of the world realize that the potential for this technology, that in fact could launch an intercontinental ballistic missile to any part of our country, is in fact being offered for sale to Third World nations and to nations to be used as a space launch assembly. This greatly concerns me and many of my colleagues, Mr. Speaker, because of the potential for a rogue nation to obtain this technology in a very short period of time.

In addition, we see where the Iranians are now putting together cruise missiles along the Straits of Hormuz, which could threaten the shipping lanes in that area.

Mr. Speaker, the bottom line is that one of the greatest threats that we will have to face as we approach the 21st century is that of missile proliferation.

In fact, Mr. Speaker, there are three specific areas we have to focus on. The first deals with cruise missiles, low-flying, the kind of missiles we saw Saddham Hussein use in Desert Storm against the Israelis, known as the SCUDS.

Cruise missiles are currently in the hands of 77 nations around the world, Mr. Speaker. In fact, 20 nations of the world are not producing cruise missiles. In fact, we in this country, much to my objection, just allowed the technology to be transferred to China to allow them to increase their cruise missile technology in terms of their motors to drive those cruise missiles.

It is an area we need to focus on, and Mr. Speaker, one that we are not putting enough emphasis on in terms of national security interests.

Mr. Speaker, the second concern dealing with missiles deals with theater missiles, those systems that could protect our troops from an attack in a theater of operation, like we saw the SCUDS do in Desert Storm. We are working aggressively in this area, Mr. Speaker. The President supports theater missile defense. I support that effort. I want to make sure we give General O'Neill the maximum support possible in terms of theater missile defense.

The third area deals with national missile defense. Most of the public at large in this country does not realize that currently we have no protection against a deliberate or accidental launch of one missile aimed at our mainland.

What further concerns me, Mr. Speaker, is the fact that China now has a missile, the CSS II, that has a range of 2,000 miles. North Korea is developing a missile, the Taipodong II missile, that has a range of several thousand kilometers, that could one day reach Guam and perhaps even Alaska. We have no defense against those kinds of missiles.

In fact, as I mentioned at the onset of my comments tonight, Russia is now offering the SS25 architecture, one of their main missile launch systems, to other nations.

Mr. Speaker, with these things in mind, we are now trying to provide for Members of Congress a detailed assessment of the threat and what our capabilities are in terms of missile defense technology. We are holding five hearings in the Committee on National Security on missile defense, the technology, where we are today, the threat, and what we have bought and what we have received for the dollars we have invested.

Mr. Speaker, I would invite all of our colleagues to come out tomorrow morning in the Rayburn Building in H.R. 2118, the Committee on National Security main hearing room, where we will have assembled the technologies that we have purchased with our missile defense moneys over the past decade or so. Members will be able to see these technologies, ask questions, and be briefed by General O'Neill and those people in the Navy, the Air Force, and the Army who have been working on missile defense technology.

Following that walk-through, which is open to every Member of the House and Senate, we will have a press conference at 11 o'clock and then open the entire display to the public. From 11:00 until 1:00 the public is invited to come to 2118 Rayburn, where they can see the kinds of technology that we have developed over the years and that is ready to go into deployment, in some cases, over the next several years.

Finally, at 2 o'clock in the afternoon in that same hearing room, General O'Neill will come before the Subcommittee on Research and Development of the Committee on National Security, and we will explore in great detail with him the technologies that are in fact available today, those that are being deployed, and those technologies that are on the horizon for us to be researching and looking to implement.

Mr. Speaker, I would ask all of our colleagues to join in this assessment of where we are going with missile defense technology, and to join with a bipartisan effort in making sure that Members of Congress understand the threat that is there. Some would say that with the demise of the former Soviet Union there is no more threat.

Mr. Speaker, one only has to look at what is happening in the real world to understand that we are today unprotected.

THE CROWN JEWELS OF THE REPUBLICAN CONTRACT WITH AMERICA GO TO WEALTHY CORPORATIONS, NOT TO MIDDLE-INCOME AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the Speaker said it all over the weekend. He talked about the crown jewel, or the crowning achievement of the Republican Contract With America; that is, the coming tax cuts.

I would say it is a crowning achievement for certain, because we are talking about $188 billion over 5 years. That is even more than these precious jewels on this crown here could represent: $630 billion over 10 years. This is quite an achievement.

We have been cutting and hacking our way through domestic programs the school lunch program, the Women, Infants, and Children Program, and a whole host of other things that are important to middle-income Americans.

We are putting that in the pot. That is going to help begin to pay for the crowning achievement, for the crown jewels.

We could say, in fact, that figuratively the Speaker and his party have been taking dollars and cents out of the pockets of middle-income and less-well-off Americans, thrown them all together in one big pot, in order to buy a crown for those who are already at the top.

Mr. Speaker, one of the most startling proposals, and this wasn't in the contract to come forward, but it has been added after some corporate armtwisting and lobbying, big business got a very, very special break here. Everyone's eyes start to glaze over a bit when you talk taxes, so I guess no one thought much when suddenly the Republican contract had a little addition; that is, a repeal of the alternative corporate minimum tax.

What does that mean? Let us go back to 1982, before we had a corporate alternative minimum tax. Here is what it meant back then.

From 1982 to 1985, AT&T—American Telephone and Telegraph—had profits of $24,898,000,000, and guess how much they paid in taxes: nothing. In fact, after $24,898,000,000 in profits over that 4-year period, they were entitled to a $635.5 million tax credit. That is, working Americans people who go to work every day, and every day the Government takes something out of their paycheck, a little bit of that went to give AT&T a tax credit for taxes that it did not pay.

Who else? What else did this mean back in 1982? The Boeing Company was doing a little better back then. They were selling more airplanes. They had profits of $2,271,000. How much did they pay in taxes? Not one red cent. In fact, they got a refundable tax credit of $121 million. The list goes on; Texaco, $1.5 billion, a $68 million credit.

Finally, Mr. Speaker, the loser at the bottom of this list of 50, Middle South Utilities, with a puny $2.5 billion in profits, paid nothing, but they were not eligible for a credit. They did not get the crown. However, maybe under this new proposal they will.

It is ironic that the Republican tax proposal would not give a refundable tax credit for children. That is right, for people who are already at the bottom of the rung, people earning around $20,000 to $25,000 a year, they cannot get a refundable tax credit for their children, but our corporations now will be able to get refundable tax credits.

Doesn't that make you feel a lot better? Doesn't that give you a little bit better idea what this is all about?

The estimates are that these credits would flow to the largest corporations in this country; 90 percent of the alternative minimum tax that was paid in 1990 was paid by firms with assets of more than $250 million. Three-quarters—75 percent—of those firms had assets of more than $2 billion, so it is those poor struggling firms with only $2 billion in assets to whom we are going to extend a refundable tax credit through this legislation this week.

Working Americans, the day after the crowning achievement of the gentleman from Georgia [Mr. GINGRICH], the Contract With America, passes, will go to work and the Government will still take a nice piece of change out of their paycheck. That will not change a bit, particularly if you only earned $20,000 or $25,000 a year. However, the corporation you work for might just get a nice big, fat tax break, particularly if they are worth more than $2 billion. Think about it.

URGING MEMBERS TO JOIN IN SIGNING THE STOCKMAN DISCHARGE PETITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I would like to draw the attention of my colleagues to the fact that since we have been negotiating and working out problems here on the floor, trying to save the taxpayer $100 million here and $1 billion here and $1 billion there, that billions of taxpayers dollars have been ripped off and sent to special interest groups, powerful interest groups, domestically and internationally. We are talking about the Mexican bailout.

Yes, in the name of bailing out a country that made horrible decisions, economic decisions, and is governed by a corrupt elite, the American taxpayer has been ripped off to the tune of tens of billions of dollars, and the cash is still flowing.

As we speak, every debate that goes on, the cash is still flowing to a corrupt Mexican elite, and to Wall Street speculators that decided instead of investing in the United States of American to create jobs here, they would invest in Mexico, to get a higher rate of return. As soon as they lost their shirt, because it was a risky investment, they come back to the American people and ask us to use our hard-earned money to bail them out. It is a sin. It is a crime against our own people that millions, and yes, billions of dollars are being spent for that purpose.

Mr. Speaker, I would ask my colleagues to join the gentlewoman from Ohio, MARCY KAPTUR, and myself and others who are dedicated to stop this flow of billions of dollars. Already tens of billions of dollars have gone. We can stop it before it is $50 billion by signing the Stockman discharge petition. If we can get 218 signatures on a petition from the rest of our colleagues, we can bring this issue to the floor for a vote.

I ask my colleagues to join me, and I ask the American people to see if their Congressmen have signed the Stockman discharge petition. How can we in good faith cut the services for the American people? Yes, I think it is important to do that if we are going to bring down the budget deficit, so future generations do not have to pay for those services, but it is immoral for us to cut the benefits and services that our people have paid for over their lives in order not to balance the budget, but instead, to give us revenue to send to people who speculate in foreign countries and to prop up a corrupt Mexican elite, an elite that ends up shooting their own brothers and sisters; an elite that is so corrupt that when they cross the border, their former deputy Attorney General ends up being arrested in this country.

We cannot permit the hard-earned dollars of our taxpayers to keep flowing in that direction while we try to balance the budget by just taking a little bit here and saving a little bit there. Let us get to this very serious issue. I think the American people ought to know that while we are debating these types of peripheral issues, that a large chunk of cash, larger than any of the issues we are talking about, is flowing in this direction.

Mr. Speaker, I would please ask my colleagues to sign the Stockman discharge petition, and I would ask the American people to see if their Congressman has, indeed, gone along with this righteous attempt to protect the hard-earned taxpayers' dollars that should be going either to bring down the deficit, or providing the services that are necessary for our own people.

□ 1800

Mr. Speaker, I yield to my friend the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the gentleman for yielding.

I would just like to endorse his proposal to the membership to sign House Discharge Petition 2, the Stockman-Sanders discharge petition. There is a bill ready to come to the floor supported by a large number of Members on both sides of the aisle, and I want to commend the gentleman from California for bringing the importance of this to the American people as well as the membership.

As one of the signers of that discharge petition, I know that it is the only alternative we have left to get a full debate in this House on Executive action that has gone beyond the bounds of precedent.

Mr. ROHRABACHER. It is a bit cynical, I believe, for us not to mention this, and to keep talking about other issues, about how we are trying to bring down the budget deficit.

How can we debate bringing down the budget deficit by $100 million here or we are going to cut this benefit over here that is going to bring down the deficit supposedly by $2 billion, when billions and billions of more dollars are actually continuing to flow to bail out Mexico and these Wall Street speculators? It is a sin against our own people.

Sign the Stockman discharge petition.

A BALANCED BUDGET

The SPEAKER pro tempore (Mr. KINGSTON). Under a previous order of the House, the gentlewoman form Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, is it any wonder that the citizens of the United States grow increasingly cynical about this Congress? Expediency and the next election will dominate this week's likely battle over the Republican proposed tax cuts and their impact on our worsening budget deficit. We have got a bidding war underway here to see who can flatter the most voters. Cutting spending, reducing the deficit and balancing the budget may not be popular with the hotshot pollsters who have got their eye on next year's elections but is it not time that we do what is right for America and for America's future?

Keep this in mind. According to the Congressional Research Service, the United States budget has not been balanced since 1969. President Clinton in 1993 and 1994, to his credit, began to make a dent in this fiscal mess. Every Member here who supported him in that effort did what was right. The annual deficit was projected to be close to $300 billion a couple of years ago but has been brought down now to around $170 billion, still not perfect but a whole lot better. In fact, the deficit as a share of our total gross domestic product has been cut by more than half, from nearly 5 percent in 1992 to about 2.5 percent today. This level is lower than at any time since 1979, which means it is not so much of a drag on the economy. This marks the first time since Harry Truman was President that the deficit has gone down 3 years in a row. But overall, our Nation has accumulated an unpaid debt of over $4.7 trillion as of January of this year, over $3 trillion of that $4.7 trillion total, nearly three-quarter of it, during the 12 years of the so-called supply side economics. Last year alone as a result, taxpayers, us, we had to pay nearly $300 billion just in interest on the accumulated debt accounting for about 15 percent of total Federal spending.

Of this $300 billion in interest that people are paying, $44 billion of it is being paid to foreign creditors we are borrowing from to finance our overspending. The interest we pay on the debt just this year is enough to pay the entire defense budget of the Nation for 1 year as well as all of the medical costs for our veterans and the entire cost of our college student loan program.

So what does the Republican Contract on America intend to do about all of this? It intends to enact a tax cut that will make matters $700 billion worse over 10 years.

After we have cut the deficit by $130 billion over the last 3 years, which is not small potatoes, we are now going to throw reason out the window and sop up all our progress. What is really sad about all of this is that interest rates in America are rising, 7 times in the last year, to offset our prior credit orgy. So even if a tax cut passed, the benefit to any family in America has been lost already by higher interest rates they are paying due to our Nation's accumulated debt and its draw on our credit markets.

Is it not time for some courage and wisdom in this Congress? Is it not time to vote for what is right for the next generation, not the next election? Is it not time for statesmen and stateswomen to be elected here and send the election hucksters back home?

It is time to vote for a balanced budget.

POST MOUNTS CAMPAIGN FOR CASTRO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, sometimes it is amazing to see the campaign on behalf of one of the last remaining tyrants in the world that is engaged upon by our local newspaper here, the Washington Post.

In the last 3 days, we have five articles or op-ed pieces in this newspaper desperately trying to defend Castro, desperately trying.

"Proposed Republican Bill on Cuba Could Hurt Canadian Economy." That is one article.

"U.S. Alarms Canada with Cuba Shift."

"Adrift on Cuba."

"Get off Cuba's Back."

"A Bill That Will Help Castro."

By the way, this bill that has been introduced in the Senate by Senator HELMS and here by Congressman BURTON already with a substantial number of us cosponsoring it, this bill that this op-ed piece in the Washington Post from yesterday, under the headline "A Bill That Will Help Castro," this theory that this bill helps Castro, it is interesting. It happens to be Castro's main objective in terms of defeat. Yet article after article after article, we see allegations that, for example, two things, and this is another op-ed in the Washington Post from today. This oped says, "Two things seem to be driving our anti-Castro policy. Cubans in Florida and sheer vengeance."

Where do we see, for example, when black Americans try to influence policy on Haiti and on South Africa and Irish-Americans try to influence policy with regard to Northern Ireland and Jewish-Americans try to influence policy with regard to the Middle East, where are five articles or op-ed pieces in the Washington Post in 3 days criticizing that? I think that this has to be called what it is. This is despicable. If it were targeted on the Irish-American community or the black community or the Jewish community, it would be rightfully called for what it is, it would be called racist. Yet it is all right to say that Cuban-Americans cannot lobby in the United States so that the country where they were born in and where relatives of theirs still have to live is free. That is incorrect according to article after article and op-ed after op-ed.

Let me just say to these folks at the Washington Post, a little balance would perhaps be logical. If you are going to have five articles and op-eds in 3 days defending Castro, for example, one of them here "Adrift on Cuba," a savage attack on an American patriot who happens to be in the State Department, Ambassador Michael Skol, a savage attack, probably leaked by someone in the National Security Council, notice this, attacks Michael Skol because Skol testified here in Congress that Castro last July had ordered over 40 men, women, and children sent to their deaths when he ordered the sinking of a tugboat that has been reported after pleas and pleas and pleas from this Congress and elsewhere, it was finally reported in the media. And Michael Skol pointed it out.

Look at what this article says. "But neither the National Security Council nor the intelligence community has evidence that the sinking was ordered according to U.S. officials," probably Mr. Morton Halperin at the National Security Council, probably once again the folks around the President who continue to try to pressure the President into throwing a signal of friendship, sending a signal of friendship to the Cuban tyrant.

Listen to this. "Because the Cuban government insists the sinking was accidental, Skol's testimony was taken by Cuban officials as an accusation that Castro had personally ordered it."

Well, what happened if that was not the case? If anyone knows anything about the Cuban situation, you know that nothing happens in Cuba, much less do security officials dare to sink purposefully as the evidence has conclusively pointed to, much less do they purposely sink a ship with over 70 refugees if they do not have the direct order of their commander in chief. All the evidence points to that and Ambassador Skol is criticized.

We are going to continue talking about this, Mr. Speaker. But this is very serious and apparently continues to come out of the Clinton National Security Council and something has got to be done about it.

ECONOMIC UPDATES FROM JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I rise tonight to announce to the House that over the last several days, together with my Joint Economic Committee staff, we have prepared five papers that demonstrate very well why all Members of the House should support this week the final element of the Contract With America. These are five papers which are very easy reading and I would just like to tell you what the five papers are and if you are interested in having a copy, you can call my office and obtain one.

The first one is "The Contract and Economic Growth." The first paper makes note that economic growth has been forecast by the Clinton administration over the coming years to grow at only about 2.3 to 2.5 percent. We point out in this that the economic policies that are contained in this week's tax package will promote the kind of growth that will get us back to where we need to be. You do not have to ask us, because this issue has been studied by others and many others from outside the Congress agree that that will happen.

The second paper is "The Contract Means More Personal Incomes for Families." As the economy grows and expands, everybody's share will be bigger, from low-income people to high-income people. As a matter of fact, by the year 2002, it is projected that our economy will be $1.1 trillion larger than it is today.

The claims of supporters of the contract are realistic. Several studies, including those by DRI/McGraw-Hill, Laurence Meyers and Associates, and the Institute for Policy Innovation all agree.

The third paper is "The Contract and Take Home Pay." It is important to make note that the $500 per child tax credit helps those families that need it the most. For example, we point out in this paper that if you are a family with an income of $25,000, a family of four, that 100 percent of your tax, remaining tax liability will be alleviated by the $500 tax credit. If you are in the $30,000 tax bracket, 48 percent of your tax liability will be alleviated with the Contract With America. If you are in the $45,000 income category for a family of four, your tax liability will be reduced by 21.5 percent. And if you are in the whopping $50,000 category, your tax liability will be reduced by 17.8 percent. Very significant for today's families.

We also point out in paper No. 4 entitled "The Contract and Victory Over Government Day," for those of you who have not heard, Victory Over Government Day is the day when we finally get on our own to earn a living for our family and do not have to send any more money to the Government, this year Victory Over Government Day will be June 4. Under President Clinton's proposed budget by the year 2002, Victory Over Government Day will be 3 days later, on June 7.

Under the provisions of the contract and the tax package we will pass this week, Victory Over Government Day will shrink back to May 26, a difference of 12 days that the American family can work for themselves instead of sending money to Government.

□ 1815

Finally, the paper, the fifth paper, entitled "The Contract and the Future," points out that the contract helps parents provide for their children's future and for their inheritance in four important ways.

First, the contract improves take-home pay for families because with an expanding economy we can all expect to make more.

Second, the contract provides for the super-IRA provision and, in so doing, allows increased savings. The contract allows the family to plan more efficiently for college or for retirement.

Third, the contract helps families plan for their future by reducing the benefits tax on seniors who work. As we all know, in 1993 President Clinton and the Democrats increased the taxes on senior citizens' Social Security, and of course that is repealed.

The fourth and final way the contract helps families provide is by reducing the estate tax and thereby reducing the taxes on inheritance. And, of course, that allows parents to pass more along to their children to help them in the outyears.

So these are five papers that we have spent a lot of time researching, writing, putting together, verifying. They are important points I think that are made in these papers, and we will be more than happy to provide them to any Member who wishes to have them.

STUDENT LOAN PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, we are confronted with yet another proposal for change. Too much change in too short a time—a "dizzying disorientation," said the writer Toffler.

The majority has outlined plans to abolish or restructure four programs that provide aid to college students.

The drastic changes proposed will add almost $13 billion, over the next 5 years, to the cost of going to college.

Needy students from across the country who now make the choice to go to college will no longer have a chance to do so.

Four programs are targeted—College Work Study; Perkins Student Loans; Stafford Interest-Deferred Student Loans; and Supplemental Education Opportunity Grants.

This elimination and restructuring of college student aid programs come hot on the heels of $1.7 billion in cuts in other education programs serving low- and middle-income families.

Under College Work Study, Federal dollars are provided to colleges to provide jobs for low- and middle-income students.

Three quarters of a million students who worked their way through college last year, will not have that opportunity next year.

Under the Perkins Loan Program, the Federal Government provides money to colleges to establish low-interest loan funds for their students.

Another three quarters of a million students who borrowed Perkins money for their education last year, will not have that opportunity next year.

Stafford loans allow low- or middle-income students to borrow money for their education and defer repayment of the loan, including interest, until 6 months after graduation.

Under the Stafford Loan Program, needy students can attend and complete college, without having to worry about loan repayments until they have jobs.

Four and a half million students who received Stafford loans last year, without the burden of interest repayment while studying, will carry that burden next year.

And, the Supplemental Educational Opportunity Grant Program is a direct grant program that goes primarily to low-income, truly needy students.

Nearly a million truly needy students who received grants under this program last year will not receive those grants next year. That program will be eliminated, if the majority prevails.

The pace of proposed change at which the proponents of change have been operating is unprecedented in the history of Congress.

But, they want change for the sake of change.

They want to restructure or eliminate programs and change public policy affecting millions of college students, who have been working for the future.

In a mad rush to do something different, they can not be sure that they are doing something better.

They fail to hear Karr, who commented, "The more things change, the more they remain the same."

They miss the point of Patton, a great Army general, who stated, "Weapons change, but man who uses them changes not at all."

They have the votes. They will try to change these programs, but they can not crush the spirit that created them.

These programs were prudent when they were created, and they are prudent now.

Those who blindly push for change have not considered the wise words of Shelley, whose poetry is as penetrating in 1995 as it was in 1821,

I am the daughter of earth and water,
And the nursling of the sky,
I pass through the pores
of the oceans and shores,
I change, but I can not die.

If they want real change, they should change the minimum wage.

If they want meaningful change, they should change the tax cut they have proposed for the wealthiest Americans to focus on working families and the middle class.

If they want change that makes a difference, they should change their Personal Responsibility Act and restore school lunch programs for children.

If they want significant change, they should change their minds about cutting college student aid programs.

We will fight these changes to the long-standing effective college student aid programs.

Dr. Martin Luther King, Jr., in accepting the Nobel Peace Prize in 1964, said, "The tortious road millions are traveling to find a new sense of dignity, will, I am convinced be widened into a superhighway of justice."

Today's college student deserves to learn about Toffler, Karr, Patton, Shelley, and King.

Change for the sake of change is obviously useless. Secretary Riley had it right when he said, "Education is a national priority." Education of our youth is an investment in our Nation's future.

REQUEST FOR PERMISSION FOR 5-MINUTE SPECIAL ORDER

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. OWENS. Mr. Speaker, reserving the right to object, is there a list of Members for 5-minutes?

The SPEAKER pro tempore. There is.

Mr. OWENS. There is a list? Can we follow the list?

The SPEAKER pro tempore. The Chair is endeavoring to go across the aisle, and the gentleman is on the list.

Mr. OWENS. Can we follow the list?

The SPEAKER pro tempore. We are following the list, but they are asking for unanimous consent. Is the gentleman objecting?

Mr. OWENS. Well, I thought the practice was to follow the list, and then after the list is finished to entertain unanimous-consent requests.

The SPEAKER pro tempore. The Chair is just trying to recognize Members seeking unanimous consent to address the House by alternating recognition from side to side where Members are absent.

Mr. OWENS. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

STUDENT FINANCIAL AID

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, on Friday, March 31, two colleagues of mine, Representative GEORGE MILLER and Representative ANNA ESHOO and I did something that the leadership of this body does not want to do.

We held a hearing on the impact of the proposals by the Republican majority to cut the present system of Federal student financial aid.

We held a hearing to educate the public about these stealth proposals which would terminate investments in education to fund tax cuts for the wealthy.

We held a hearing in order that Congress may hear from the students, parents, and administrators who would be affected by these proposals.

We held a hearing because the Republican majority of this body does not want people to know the full impact of the Draconian budget slashing that the Republican majority needs to pay for their tax cut for the wealthy.

This body has passed legislation already, Mr. Speaker, which was proposed by the Republican majority which will rescind nearly $200 million from our fiscal year 1995 student aid programs. This body will take up legislation later this week which would set in motion a series of budget cuts which will terminate what remains of it by enacting the largest tax giveaway to the rich that we have seen in recent memories.

What does the Republican majority propose?

They are proposing the elimination of the deferred interest of Stafford and Perkins loans programs which enables students to obtain loans without having to pay interest during the time they are in school.

The Republican majority is proposing eliminating campus-based programs such as college work-study which provides not only a job to help pay for an education but a job with purpose and meaning.

The Republican majority is proposing eliminating the supplemental educational opportunity grant which goes to help the most needy students for whom a Pell grant is not enough.

The Republican majority is proposing passing on to students, families, and administrators over a quarter of a billion dollars a year in increased educational costs just to the people of California. For our freshmen coming in this year, this coming year, this is a $1 billion fee hike over the course of their education for 4 years that families, students, and schools must absorb.

In my congressional district, nearly 16,000 students would lost their Stafford loan benefits at an increased cost of over $11 million. Nearly 7,000 students would lose their supplemental education opportunity grants, an annual loss of $2.3 million for those families.

Two thousand three hundred students in San Francisco would lose college work-study. And the majority, the Republican majority, would hand them a bill of $2.5 million to make. All told, just for the students, families, and administrators in San Francisco, over $17 million annually in costs would be passed back to the students, with no expectation on how those millions would be made up.

But the most telling points, the most poignant testimony, the most powerful arguments against this upside-down policy came from those who would be directly affected by those proposals.

We had an extraordinary panel of seven students and parents. The students were hard-working young men and women, bright, intelligent future leaders of our country and their parents who work hard and sacrifice to give their children every advantage, an education.

Here are some of their voices.

One senior at San Francisco State University testified. His name was Michael Rodriguez. Michael is 27, born and raised in San Francisco, and was a Marine for 9 years. He was assigned to both the Panama invasion and Operation Desert Storm and participated in the liberation of Kuwait.

During his combat assignment he was filling out his application and financial aid forms for San Francisco State. Here is what he had to say. Here is what Michael Rodriguez had to say:

> For me, financial aid has allowed me to achieve my goals, for which I am thankful. I give thanks every day that programs like financial aid exist for students like myself. Students are cutting their time at school in half so they can work full-time in order to support themselves as financial aid money is becoming scarce. Financial aid, in my opinion, creates a win-win situation. Financial aid is capital investment for the future.

Diana Summy Hunt, a student at the University of San Francisco, said this about work-study: "This program has permitted me to work on campus at the financial aid office as a receptionist and file clerk. On the average, I work 18 hours per week, which allows me to pay for my books and supplies, not to mention it has also given me a variety of job experiences."

"It is not easy," she said, "juggling classes and a job. College work-study enables me to do both. If these programs were eliminated, I can honestly say that I have no idea where I will find these funds. My mother's and my finances are already stretched. What will people do to better themselves if education is out of the question?"

Perhaps one of the most heartfelt testimonials came from Ronelle Garibaldi, a member of a two-income family whose son, Michael, also attends the University of San Francisco. She said:

> Our children's education has been a family project. We all contribute as much as possible.
>
> Our second son, who was also accepted here at the University, is instead attending a community college until his brother finishes here to help defer costs. We feel there are no extras in our life we can eliminate. However, because we believe so strongly in higher education, the sacrifices go almost unnoticed.

Mr. Speaker, I urge our colleagues to reject any of the ill-conceived proposals made by the Republican majority to eliminate this opportunity for higher education for our young people and thus weaken our country.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1271, FAMILY PRIVACY PROTECTION ACT OF 1995

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104-97) on the resolution (H. Res. 125) providing for the consideration of the bill (H.R. 1271) to provide protection for family privacy, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 660, HOUSING FOR OLDER PERSONS ACT OF 1995

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104-98) on the resolution (H. Res. 126) providing for the consideration of the bill (H.R. 660) to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, which was referred to the House Calendar and ordered to be printed.

□ 1830

ANOTHER JEWEL FOR MR. MURDOCH

The SPEAKER pro tempore (Mr. KINGSTON). Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I must say I rise tonight, and I am very saddened by what we now know happened last week. We know that we are going to be taking up the tax bill this week, but last week we took up a bill that we thought we knew what was in. We thought it was closing loopholes. We thought that it was going to shut off tax breaks to owners who were selling their broadcast stations or whatever to minorities, the infamous Viacom issue.

And today we now learn that tucked away in there was a nice $63 million jewel for none other than Rupert Murdoch and, of course, Mr. Murdoch also happens to be the publisher of the Speaker's infamous book. Could there be a connect-the-dots here? I do not know. Everybody is saying "Couldn't possibly be."

But I must say, as a Member of the House, I really feel we were all hoodwinked, because this did not come up in the House at all. It came up in the Senate, and apparently the Senate yielded, or the House yielded to the Senate in conference on this. None of us were told about this, and this was slipped in.

I was fascinated to read in the press reports this weekend that people were blaming Senator CAROL MOSELEY-BRAUN for this, and I love her quote in the press. She said, "If I had one bit, one iota of the leverage the Speaker said I do, then I would have kept the tax incentives for everybody," because Senator BRAUN has made it very clear she approves of these kind of tax incentives.

So is it not interesting that the tax incentives went down for every other person, every other person, group, or entity except Mr. Murdoch? Now, I suppose this could be just how the stars align, but we all know his long, longstanding tradition of having a book done by Margaret Thatcher when he needed things in the British Parliament, and, of course, he also published Ding Mao Mao's book in China when he was trying to get his broadcast license in there that we have been reading about even more this week, and I just think it is really time we blow the whistle on this kind of special-interest legislation.

Somebody who has got a crown like he has got does not need any more crown jewels, not at a time we are killing school lunches, threatening student loans, zeroing out summer jobs, taking on Big Bird and everything else. Why does he get this huge, wonderful jewel?

Mr. MILLER of California. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from California.

Mr. MILLER of California. I thank the gentlewoman for yielding.

I want to associate myself with her remarks.

This is simply an outrageous misuse of the public trust to have this item slipped into a conference committee with no notification of the House Members that this matter was in the conference bill, in fact, the appearance of deliberately keeping it from the House Members so this could be voice-voted on the floor last week when Members were concerned with the deductibility of the health care insurance for the self-employed, and then to find out that what we have in here is the most special of special deals for one person when the chairman of the Committee on Ways and Means and others strenuously objected to this kind of matter being brought forward, turned down amendments to try to make some rules that would apply to everybody across the board, now find out the 17 or 18 other similar deals were turned down, but the one for Rupert Murdoch, the one involving the Speaker, was now somehow felt into this legislation.

We started out the 100 days with a book contract with Rupert Murdoch. Now we are ending it with all of the speculation about what that meant, and now, of course, the speculation is no longer speculation. Now we have the concrete treatment of Mr. Murdoch differently than anyone else in the United States at the behest of the leadership——

Mrs. SCHROEDER. Absolutely.

Mr. MILLER of California. In the House and the Senate.

I want to thank the gentlewoman for raising this issue.

Mrs. SCHROEDER. I thank the gentleman from California for bringing it up, because I really feel the Members were also led astray. Members on the conference committee on our side did not know this was happening, and I find it also amazing Mr. Murdoch stands there and with a straight face says, at least through his spokesman, he did not know about this; he did not seek it; and he did not particularly want it.

So I would say he ought to give it back. He ought to give it back.

Mr. MILLER of California. Since Mr. Murdoch is as successful as he is, when you consider all of the things that he has denied knowledge of that affect his business interests, over the last 100 days, but yet somehow he has tremendous success, and apparently it just falls on him.

Mrs. SCHROEDER. One of the other things I find really amazing is that he could be so successful, that this little $63 million jewel could roll off the table, and he just did not even really have to pay much attention to it. It must be nice. Think of the school lunches it would buy and the student loans it would provide.

This is outrageous.

SETTING THE RECORD STRAIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, I just happened to be walking through, and we should be accurate in what we say here on the floor of the House.

No. 1, the provision that was put into the health care deductibility for self-employed was engineered and pushed and implemented by CAROL MOSELEY-BRAUN from Chicago, a Democrat Senator, and made its way into the conference report as a result of her compelling arguments that this in effect was a preexisting contractual obligation, a binding contract that was made before the effective date.

So we should fully understand that the gentlewoman from Colorado and the gentleman from California are just ill-informed about this particular provision.

I am not here to defend Rupert Murdoch. I do not know him, and have nothing to do with him. But I will simply say this also: that the facts are that Rupert Murdoch gets no tax benefits out of this provision even though it was engineered by a Democrat Senator from Illinois and put in the bill by a Democrat Senator from Illinois. The benefit does not go to Rupert Murdoch. He gets no tax break out of this provision, and the facts should be presented to the American people rather than all of this continued rhetoric with all of the props of golden crowns and all of the other things that are emotionally presented to this House.

We should deal with the facts as they exist.

Mrs. SCHROEDER. Will the gentleman yield?

Mr. ARCHER. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Is the gentleman saying the stories then in the press are incorrect, because they say they are validated?

Mr. ARCHER. I have seen a lot of stories in the press that are inaccurate.

Mrs. SCHROEDER. Is this story incorrect?

Mr. ARCHER. Mr. Speaker, I reclaim my time.

The gentlewoman has a press report that she is holding up for the benefit of this House, and we all know that you cannot rely on the accuracy of press reports. They pick up on certain items that are presented to them, and then they are rapidly put into print. It does not mean they are accurate.

And in this case, the accuracy of the situation is as I stated, and I am not here to defend Rupert Murdoch. But I think the gentlewoman, the Senator from Illinois, who put this into the conference report certainly should be asked. I do not think she was trying to do any sort of a favor for Rupert Murdoch, and as she presented it, she was not trying to give a special favor to anybody, but simply to say that the binding-contract rule to prevent retroactivity should apply with a certainty to this particular transaction.

If this had not been a binding contract, there is no question in my mind that it would never have been embraced in the Senate offer and would never have gotten into the conference report. But it is also very, very important to know that this has absolutely nothing to do with the tax bill and spending reduction bill that will be coming on the floor of this House this week.

So I just wanted to be here to set the record straight on this issue.

FURTHER SETTING THE RECORD STRAIGHT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, I just wanted to say that my point was, No. 1, Members did not know that the House had yielded to the Senate on this issue when this bill came to the floor. This was portrayed as a bill in which we were trying to help people get their tax credit back for health care. That is what we were told about.

We were told this was done away with across the board. We were not told there was one special little loophole, oops.

Now, I do not know if the press report is correct or not, but it says it was verified by six Republican staffers. So that is quite a few.

Maybe they were all wrong. I do not know. I am not on the committee.

But as a Member of this House, I resent it when we have a conference report come back with a goodie in it and we are not told about it.

Mr. MILLER of California. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, the whole point of the provision of the Ways and Means bill was to cancel these business deals, to cancel them retroactively, and Rupert Murdoch was able to hold on to his deal, and nobody else was, and those are the facts. Those may not be the facts the gentleman from Texas likes, but those are the facts.

THE FACTS ABOUT HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, last Friday, on March 31, President Clinton and President Jean-Bertrand Aristide and the Secretary General of the United Nations presided over ceremonies in Haiti for the transition from the multinational force led by the United States to the U.N. force. It was an impressive ceremony where the nations of the world, many contingents of the nations of the world, agreed to submit and march under the U.N. banner in order to continue the progress in Haiti toward democracy.

In the United States, this historic landmark received only moderate attention, but throughout the world and the international community, where most of the people of this planet live in underdeveloped nations, there was great rejoicing. I think that this was a special occasion where a new and special high standard was set for the new world order. A model for protecting democracy has been set in place as we go into the new world order.

The U.S. Government also has given new meaning to the concept of superpower. The U.S. superpower was used in this case to nurture democracy. The U.S. superpower was used to give the poorest nation in this hemisphere an opportunity to be born again. The U.S. superpower has demonstrated unmatched generosity and compassion. This is a superpower that has earned the right to prosper for a thousand years. This is a superpower that all Americans should fight to maintain.

The hard job has been done. The great risks have been taken. It took a lot of guts by President Clinton to make unpopular decisions. Troops went into Haiti at great risk, anticipating great risk at first, but the decision was made despite that, and we have moved the situation with almost no casualties. The great risks have been taken.

But now a very important part of the job remains, and that is to help Haiti through a period of economic development. The nations of the world have made a commitment in Paris several months ago; nearly $1.9 billion was committed to various activities to improve the Haitian economy, to jump start the economy until the private sector could take over.

It is unfortunate that despite the fact that this decision was made several months ago, almost no dollars have flowed to Haiti. The bureaucrats of the world, the bureaucrats in the various financial world organizations have moved at such a slow pace that they are tending to smother the greatness of this magnificent international deed.

I would like to quote from Strobe Talbott's report to the Congress some time ago:

> For its part, the international community is doing its fair share by providing aid and technical assistance. Prior to the deployment of the multinational force, international donors and lenders met in Paris in August and determined that Haiti would need $650 million in the first year after democracy was restored. This group met again in Paris last month to review the progress that has been made since President Aristide's return, and the general assessment of this progress was so positive that the donors actually pledged $1.2 billion, nearly double what had originally been proposed. It is anticipated that $900 million of that $1.2 billion will be available over the next 12 to 18 months.

That was anticipated several months ago, but it has not happened. The bureaucrats are not moving the paper. The bureaucrats, because of their indifference or maybe laziness, what ever, the bureaucrats are threatening to smother the progress toward reestablishment of democracy in Haiti.

Troops have been there. Hard political decisions have been made. All has been put in place, but very little is happening.

I think Mr. Strobe Talbott again summed up the situation very well:

> Mr. Chairman, the best defense of our Haiti policy is a simple one: We intervened in

Haiti because it was in our national interest. We intervened after every other alternative had been exhausted, and we intervened because it was the right thing to do. Mr. Chairman, the American intervention in Haiti has been successful thus far. Now we must see the job through, and that means until the completion of the United Nations mission 12 months from now. As I have already stressed, we cannot solve Haiti's basic problems. The Haitian people must solve it themselves. But they will do it with the help of the international community.

It would be unwise, most unfortunate, if the international community's bureaucrats, executives, failed to do their job at this point.

Let us move the paper. Let us do the job. Let us complete the job of restoring Haiti's democracy. Let us do what is necessary to rebuild the economy of Haiti.

□ 1845

BALANCING OUR BUDGETS IN A POSITIVE MANNER

The SPEAKER pro tempore (Mr. KINGSTON). Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, this week as we start talking about the very important tax debate and the budget debate, I am looking forward to hearing positive discussions on where we move this country over the next 5, 10, 15 years, to see if we will finally come to grips with the economic uncertainties and try to balance our budgets and at the same time try to move forward in a positive manner to make sure we put money back into the pockets of middle-class, working Americans who for too long had seen their money sucked up in Washington and they see absolutely no return for their money.

Unfortunately, instead of this afternoon of hearing discussions along those lines, we have heard that the Republicans have killed school lunch programs, we have heard that the Republicans have killed Big Bird, we have heard that the Republicans are slashing education funding.

Well, let me tell you something: All three of those facts are simply misrepresentations, and they are wrong.

First of all, you are not cutting spending on a bureaucratic program if you spend more money next year than you spent the previous year. Take, for instance, funding for school lunch programs. Over the next 4 years, under the current proposals that passed through this House, we will be spending more money on school lunch programs than we spent in the previous year. Maybe in Washington there is some sort of new math that I do not understand. I am a freshman here. Maybe I am a little shrill, I do not know. The fact of the matter is if you spend more money next year than you spent last year, in middle-class America, where I come from, or in small businesses across the country where I worked, that is called a spending increase. Let us reframe the debate and let us get serious about it.

When you come to the floor and talk about killing Big Bird, when the fact of the matter is the Republican majority voted against killing Big Bird, so to speak, when the Crane amendment was on the floor, then you are not killing Big Bird.

The fact of the matter is it is more Washington-speak, more emotional dribble that is supposed to inflame people and get everybody excited and aroused in the debate, to give this false impression that we are cutting all these spending programs.

I am humored by calls out there where the question is asked, "Do you believe Republicans are cutting too much?" Some people are saying "yes" because of the debate we are hearing on the floor. The fact of the matter is we have not cut anything yet. We have not gone far enough.

You take educational funding, for instance. We hear talks about how we are cold and cruel and going to be cutting education. Well, let me tell you something, you can be for children and you can be for education without being for a huge Federal educational bureaucracy that has wasted money over the past 20 years and provided little, few results.

Take the Department of Education bureaucracy in Washington, for instance. It was established in 1979. Most everybody understands that it was a payoff from Jimmy Carter to the teachers union, the NEA, to have their own Federal bureaucracy up here. But the fact of the matter is, if you look at the money that has been poured into that bureaucracy over the past 20 years and look at the results, you will see that our children are not getting the best bang for the buck. The fact of the matter is in the years since the Department of Education bureaucracy was established, test scores have gone down, violence in school has gone up, dropout rates have gone up and every other measure by which we measure our educational institutions have shot down.

Let us reframe the debate and say it this way: Because I care for children, because I care for education, I am going to be against blowing more money on a Federal educational bureaucracy, and I am going to allow parents and teachers and students and people in the individual communities to have more of the say-so over how we teach our children than a bureaucrat in Washington.

While we are at it, we can reframe the debate on all these other Federal agencies that have exploded over the past 30 years since the Great Society. We have spent $5 trillion on Lyndon Johnson's so-called war on poverty that ended up being a war on the family, ended up being a war on hard work, and a war on personal discipline, and so forth.

We have to reframe the debate and speak straight to the American people. We owe them that at the least.

REDUCING TAXES: THIS IS THE WEEK THAT WAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, after we finished this week, a lot of people are going to be saying, "This is the week that was." This is the week that we are talking about reducing taxes.

You know, a year and a half ago this body increased taxes over the 5 years of the budget by $25 billion. Economists have come to our budget committee and said tax increases are a depressant on economic growth and job growth.

So some of us thought that it would be good in the Contract With America to take away some of those giant tax increases from a year and a half ago. So the question was: How do we reduce some of those taxes in a way that is going to encourage economic growth, job growth in this country?

Well, I was looking at one bill that was concerned about what the United States was doing to encourage savings and investment as opposed to other countries of the world. Mr. Speaker, that is what this chart shows. I am not sure that everybody can see the chart, but let me just briefly go through the chart that shows that, compared to the other G–7 countries, the industrialized nations of this world, the United States ranks dead last in savings, we rank last in our investment in new machinery and equipment per worker, and, not surprisingly, we rank last in the increase of productivity.

So if we go to all of the economic thought that is prevailing now of what should be done to increase jobs, the suggestion is that we encourage savings and we encourage investment in that new machinery and equipment, that when it is put into the hands of those workers, it makes those workers more efficient, more productive, and ultimately increases our competitive position with the world.

That is why I introduced the bill, Neutral Cost Recovery, 2 years ago, to deal with the unfairness of the way our tax code treats those businesses that buy that machinery and equipment.

The legislation coming out in the tax bill that we are going to be considering for the next 3 days does essentially three things: It increases expensing. In other words, that amount of investment in capital machinery and equipment and facilities that is allowed to be deducted as an expense, as a business expense in the year of purchase, that is increased to $35,000.

No. 2, that the remaining amount of that capital investment that is put on the depreciation schedule will be indexed for inflation and the time value of money. In other words, right now our Tax Code requires that you spread out toward the useful life of that property, 3, 5, 10, 15 years, that you spread out that deduction in what is called the depreciation schedule.

Neutral Cost Recovery indexes what you are otherwise allowed to depreciate for inflation.

The third element is something that has been very unfair to the businesses in this country; that is the alternative minimum tax.

So what we do to a business, when they figure up their tax and they have not made money that year, we again say, "Well, we are going to penalize you anyway by making you recompute your depreciation schedule so it results in a lesser deduction."

So, AMP is also modified in this bill. It seems if we are concerned with increasing jobs in this country and if we are concerned with raising taxes on the American people, that it is appropriate we have the discussion this week. The $189 billion over the 5 years of the budget that we are reducing taxes is small in comparison to the $250 billion that were increased, raised on the working men and women and retirees and businesses 3 years ago by this Chamber.

So, Mr. Speaker, I hope everyone will tune into the discussion and decide whether or not it is going to help this country, whether it is going to allow hardworking Americans to keep some of their own money in their own pockets rather than give it to the Federal Government to spend, as we discuss, and ultimately pass this tax reduction bill this week.

H.R. 1215 RETURNS TAX MONEYS TO AMERICAN FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, this week we are going to see a clash of ideas once again as we have seen throughout the 100 days. This time it is going to be the big-government party that likes to take tax dollars and spend it at their whim versus the party of the people who give tax breaks to American families and others, like senior citizens.

During the 1992 Presidential campaign, our current President campaigned on the middle-income tax cut. Instead, what has occurred, last August we had the world's largest tax increase, which took money out of the pockets of American families.

H.R. 1215 is a bill that will return tax money to the families so they can spend it, because the party of the people believes that American families understand better how to spend their dollars than the Government.

Each time we lose $1 to taxes, it is a loss of freedom. Many people across America, through higher taxes, have lost freedom, have lost the ability to spend money as they see fit.

H.R. 1215 will also help America's senior citizens. Last August, the party of big government cut social security by $25 billion in the form of a tax increase. What this bill is going to do is restore that cut to Social Security. We are going to allow senior citizens to retain more of their income, allow them to meet their long-term health care needs, we are going to allow tax incentives to encourage individuals to purchase long-term health care insurance.

We are also going to move, in H.R. 1215, to help Americans save. We are going to do this through the American Dream Savings Account. It is an IRA-type account that will allow families to contribute up to $4,000 per year in these IRA accounts. These contributions are going to earn interest, and after they have been there for a 5-year period, we are going to allow those individuals to withdraw that money without penalty for first-time home purchasers, for post-secondary education expense withdrawals, education expenses, medical expenses. This is going to help those who have put away money to use it for a rainy day-type situation. Plus, it allows them to save for their retirement.

If you look at the free democracies across the world, you will find by comparison Americans save less than they should, percentagewise. In Japan, for example, their savings are around 20 percent for average income. Here it is about 5 percent. This is a method of getting people around America to save money, put money away, and also put money into the capital stream to help create jobs.

Next thing we are going to do in H.R. 1215 is to help farmers and ranchers and those in the timber industry by allowing a 50-percent reduction in capital gains taxes, capital gains indexing, estate and gift taxes.

I want to tell you about one farmer I was very close to, my grandfather, J.W. Steele, who had a farm in South Dakota, and spent most of his time working very hard.

He used to tell me as a young boy that farmers were an interesting lot because they spent their whole life poor but they died rich. Sure enough, when he passed on to the next life, he died as a millionaire. His farm went through the estate tax, and my parents had to purchase that farm at the cost of approximately the price of a new farm because of the way land prices had gone up and down in that time frame. This is going to help people who are trying to keep the farms in their families, so that they can continue the tradition. It is going to help people. It is going to help ranchers to pass on what they have invested their entire lifetimes on.

□ 1900

Mr. Speaker, it will allow a situation where you are not just a millionaire for one day, but that you can go on, pass this on to your heirs. Also capital gains is very important when it comes to creating jobs.

An uncle of mine who lives in Mecklenburg, NC, one time told me, "How many who are poor hired you for a job," and I had to tell him, "No, no one has," because it is those who have capital that hire people for jobs.

So the capital gains tax reduction here is going to increase jobs here in America, and increasing jobs is what increases hope for America.

We found out for giving people free money that their self-esteem is reduced. You cannot have self-esteem without accomplishment, and you cannot have accomplishment without work, and it is always helpful to have a job when you are going to work. So we are trying to restore hope in America by creating new jobs through capital gains reduction.

Mr. Speaker, I spoke with the majority leader, the gentleman from Texas [Mr. ARMEY]. He talked about the benefits of capital gains tax, and that 90 percent of the benefits go to the workers and only about 3.1 percent actually goes to people.

So I encourage my fellow Members of the House to pass H.R. 1215 and give America hope for the future.

FEDERAL STUDENT AID PROGRAMS TARGETED TO PAY FOR THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. (Mr. KINGSTON). Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, Members of the House, this past Friday the gentlewoman from San Francisco, CA [Ms. PELOSI] and the gentlewoman from the Palo Alto Valley south of San Francisco, CA [Ms. ESHOO] and myself held a hearing to listen to both school administrators, and parents and young people who are attending our university system, private university system, our public university system, the California State University system, and our community colleges, and who were doing so because of the availability of student loans and the interest subsidy that we provide on those student loans while young people are attending school and for a 6-month period after they graduate from school or cease to attend school before they start paying back those school loans. What we heard was a rather remarkable set of stories from young people and their parents, some young people on their own and some accompanied by their parents, telling us what their families are doing, are prepared to do and have done in the past to try and secure the opportunity of higher education, of a college education and degree, for their young people. They have made personal sacrifices in trying to obtain savings so that they can provide for their children. Many of them have refinanced their houses, gone into the workplace, worked extra hours, and yet still they do not have sufficient money to attend the State university system or the UC system, or our private universities, and, as a result of that, they have used the student loans that are made a part of the fabric of American society because of the Federal student loan program. Many of those students have also used the campus-based programs, work study programs, to provide additional moneys, and what we heard was the kind of sacrifices that hard-working American families of modest means in most instances are prepared to make so that their children will have, in some cases, a better education than their parents, but certainly so they will have an opportunity to have that education so that they can participate to the fullest possible extent in American society, and certainly in the American economic system, and yet what we see in the illustrative list of cuts being proposed by the Republicans is what could cost California some $266 million in student aid that otherwise would be flowing to those students.

Mr. Speaker, what we heard from the people testifying was in some instances this would mean that they could no longer continue school. Others would have to reduce the number of classes they take and try to increase the number of hours that they are already working today, which means they would have to be in school for a longer period of time and then borrow more money because they were in school for an extra semester or an extra quarter to achieve their degree. We heard from such individuals as May Wu who was at Stanford Law School. She said,

> After I graduate, my monthly payments for school loans alone will be approximately $1,000 . . . it would have been substantially higher, and therefore beyond my reach, if not for the availability of federally-subsidized low-interest loans.

Michael Rodriguez told us, as he filled out his application, he never knew that student loans existed. He was a 9-year veteran of the Marine Corps, and somebody told him while he was in Kuwait, while he was fighting in Desert Storm, that he filled out his application in the foxhole, and he says,

> I give thanks every day that programs like financial aid exist for students like myself . . . Financial aid has become more important now than ever before as we face proposed [State] cuts in education.
>
> For me, financial aid has allowed me to achieve my goals, for which I am thankful. Now, with one semester left before I graduate, I work with high school students so that they might be able to have chances that were afforded to me through the help of financial aid.

He is now telling other young people how they might secure a college education.

The parent of Michael Garibaldi, Ronelle Garibaldi, talked about what this meant to her family, how she and her husband sat around the table and tried to work out the finances so that their son could continue in school. She said,

> We hold our breath until the envelope comes with Michael's award package and don't start breathing again until we've sat down with paper and pencil to once again determine if he can return in the fall.
>
> I am often told I have a passion for financial aid. While that is true, it goes much deeper than that. Actually, I am a mother with a passion for opportunity for a higher education for my children, as well as all children.

That is what is at risk with the proposals by the Republicans to slash student loans so they can give tax breaks to people earning over $100,000 who do not necessarily need it and certainly give no indication that they want it when they understand this is the kind of penalty that is paid by America's young people and families.

WE NEED TO CUT TAXES FOR THE AMERICAN FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. CHABOT] is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, the minority leader, a Democrat, made an interesting statement the other day. Referring to the tax cut bill that we will consider this week he said, "This issue," meaning taxes, "may be the best expression of the differences between the parties," and you know he is probably right. Republicans understand that the American people are overtaxed. We Republicans understand that the tax burden that the Government imposes on families and on senior citizens is becoming simply intolerable. We understand, and we are taking a first step to reduce that burden, to reduce taxes. That is a big difference from the last Congress when the Democrats were in charge, when President Clinton was able to ram through the biggest tax increase in American history.

Well, there is a new majority here now, and I say, "You're right, Mr. Minority Leader." This new majority leader does seek to cut taxes. We are tired of seeing our Government throwing money around and expecting working families to pick up the tab.

The most devastating change in the Federal tax system over my lifetime has been that Government has shifted the tax burden so heavily onto the backs of working families. The tax code now discriminates against families. It penalizes marriage, and it burdens parents trying to care for their own children.

In fact, during my lifetime, and I'm 41 years old—actually 42 now—the Federal income tax burden on a family of four has increased by over 300 percent as a share of family income. That is outrageous. It threatens the very foundation of the American dream. It denies opportunity to people trying to work their way up.

The Government has been imposing a hidden tax increase on families every year by holding down the exemption that parents can take for dependent children. Right now a lot of you at home are probably working on your income taxes or thinking about it, and you probably know, in looking at the taxes all this year, that you can claim $2,450, almost $2,500 per person in your family as an income tax exemption. Well, if that rate had gone up to match inflation, that exemption would now be $8,000, $8,000, and we can only claim $2,450.

Mr. Speaker, that is just not fair, but, despite that fact, there are some in this body who would begrudge parents even a $500 per child tax credit, and that is sad, and they call us mean spirited.

Well, we ought to remember that it is not our money. We are proposing allowing families to keep a little bit more of the money that they themselves earn. We should not act like it is a gift or a handout; it is not. It is simple fairness.

So, too, is the rollback we propose of the 1993 recordbreaking tax increase on senior citizens. Seniors were unfairly singled out for punitive treatment. We are going to undo that, and we are going to provide relief from the unwise earnings limit that insidiously taxes seniors who choose to continue working.

We are also going to reduce the marriage tax penalty. We have just been through a long debate over outdated welfare policies that tear families apart, and we voted for reform there. Let us reform the tax system's ridiculous marriage penalty as well.

Now opponents of tax reform who do not think that the American people are overtaxed argue that you cannot have both tax relief and a balanced budget. Quite frankly, some of them do not seem to want either goal, judging from their votes, but I believe that we have got to send a message that Government just cannot continue to increase spending at the rate that it has. Government spending is out of control. That does not mean that taxes are too low. Quite the reverse. We just spend too much up here in Washington.

We also need to reduce capital gains taxes so that we can create more jobs. There are still a lot of people in this country who need jobs. If we cut capital gains taxes, that will mean more jobs for Americans. The old class-warfare arguments for keeping capital gains rates high will not wash anymore. Productive investment, whether in a home or in job-creating business is something that everyone should want to encourage, and nearly 60 percent of capital gains tax filers have adjusted gross incomes under $50,000, so it is not just tax breaks for the wealthy.

So, please, let us not try to divide Americans up and pit one group against another anymore. We are all in this together, and, as a people, we are overtaxed. We need to cut taxes, we need to cut taxes on the American family, and we are going to do that this week.

AMERICANS WANT TAX CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. I want to continue the remarks that were made by my colleague, the gentleman from Ohio [Mr. CHABOT]. I think he well elucidates the reasons we need to have the tax credits and the tax cuts adopted here in the House this week. You know, looking at what the American people want, Mr. Speaker, they want three things. They want to see tax cuts, spending cuts, and deficits reduction, and under the Contract With America we can achieve all three. We have already earmarked $180 billion for deficit reduction, we already earmarked $190 billion for spending cuts, and this is according to the Congressional Budget Office, and the third is now we are dealing with the tax cuts. Let me just review, if I can, a few of those tax cuts we are speaking about in legislation this week which we think is going to be a positive step for all American families.

First, the family tax credit. Five hundred dollars tax credit for each child in a family; this will help families with their basic expenses. We also have the American dream savings accounts. By this we will have established a new savings vehicle where we will have on a joint return $2,000 for each spouse and a tax deduction dealing with the IRA's, $2,000 for each spouse.

□ 1915

This will increase savings and encourage each family to have the nest egg they need in retirement. We are going to take care of our help for Senior citizens by repealing the tax increase on Social Security benefits. The 1993 increase in the amount of Social Security benefits which was subject to income taxation will be repealed. Also we will raise the Social Security earning limit from $11,280 to $30,000 phased in over 5 years. That will help many of our senior citizens who are independent and maintain a degree of income without impinging on their Social Security with their own fixed incomes.

Mr. Speaker, under this legislation we will have tax incentives for private long-term care insurance, allow tax-free withdrawals from IRA's for long-term care insurance. We will also provide capital gains relief for individuals by cutting in half the rate to 19 percent. This will encourage savings, business expansion, job creation. For businesses, a 25 percent alternative tax for capital gains.

We will also have in this legislation, Mr. Speaker, a taxpayer public debt check-off and trust fund. This bill will allow individual taxpayers to pay up to 10 percent of their tax liability to a public debt reduction trust fund. A tax credit for adoption expenses up to $5,000. Tax credit for adoption expenses up to $5,000. Tax credits for the home care of the elderly. All of these items will help all of our individuals. In addition, we even have special expensing for small businesses. The bill will increase the amount of property a small business can expense. This will encourage, again, more jobs in our society.

Mr. Speaker, we can have all three: Spending cuts, deficit reductions, and tax cuts which will help our families, help our businesses expand and produce higher, and will also help every single sector of our society do better and achieve the American dream.

FAIRNESS OF THE AMERICAN TAX RELIEF ACT OF 1995

The SPEAKER pro tempore (Mr. KINGSTON). Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I come here tonight to visit about what my colleagues have been talking about, the very important business that we had before us this week, the American Tax Relief Act of 1995.

This is part of the Contract With America. It is a very important part in the last leg of our journey through the 100 days. The Contract With America was an effort to make improvements in our country and the way we operate its Government which will help protect the American dream. These elements of the contract should not have been partisan between the Republicans and the Democrats and I am thankful to say in many cases they have not been and we have received a number of supporters from the other side of the aisle.

But unfortunately now that we come to the end of the contract period, I believe the success of the contract has caused the other side of the aisle to say, "Can we block this final part of the contract, the American Tax Relief Act of 1995?" It should not be partisan either and we should put aside the rhetoric about tax relief for the rich. That is class warfare. What we want is a fair tax schedule for every American, not rich, not poor, for every American. I believe that the American Tax Relief Act of 1995 is that fairness.

We promised to bring it to a vote. Every Member will have an opportunity then to vote his conscience, so I would encourage bipartisan support for the rule to bring this bill to the floor.

Now, why do I say it is fair? Because it covers all spectrums of the American scene. Certainly it is the middle-class tax relief that the Clinton administration never brought to the Hill but promised in the campaign.

Why do I say that? The child credit certainly is very important to the middle class. The marriage penalty is very important to both spouses when they are working and trying to get ahead and improve their own American dream. Improving the IRA's for spouses and for working individuals. The adoption credit. The credit for families who take care of their own elderly members without expecting the State to pay for their care in nursing homes, and of course, repeal of the very unfair Social Security tax on middle-class senior citizens.

Mr. Speaker, we hear so much about capital gains. Ladies and gentlemen, capital gains is not a tax break for the rich, though they may use it. It is a tax option for all Americans. We have ample proof that capital gains is used by the "little people" in America, certainly as much or more than it is by people with more means. In fact, the returns show that nearly 60 percent of those who used the capital gains benefit when it was available had incomes under $50,000. The argument that it will cut into revenues is just not accurate if you base that on past history.

In fact, some years ago, CBO projected what would be the income level from the capital gains tax while we had a lower rate. Of course, we changed that and we are well below the projections of the CBO for revenues generated by the capital gains tax. In fact, if you look at the chart over a long period of time, you will see that capital gains revenues from assets sold, put back into the economy, have gone up when the rate is low and gone down when it is raised.

We need to address the capital gains tax along with the rest of it. We need to get away from the partisan rhetoric about capital gains tax being for the rich.

I take exception to that. I would insist that every Member go back to his district and check with his people, and I think he will get the right answer. Encourage support for the American Tax Relief Act of 1995.

TAX RELIEF BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, this week we vote on the most important part of our Contract With America.

In the last Congress, the largest tax bill in the history of this country was passed; and, in typical form, it was mislabeled and called a deficit reduction package. Six times, at least six times in our history, we have tried to reduce the deficit by increasing taxes. It did not work any of those six times, and it may not work now. Only a few of those tax increases have kicked in, and we are already beginning to see the deleterious effects of these high taxes.

We will be voting this week on our tax relief bill. This tax relief bill will do two things: It will provide some relief from Clinton's tax increases. It will permit our hard-working people to keep more of their own money. And it will reduce the deficit.

When you leave money in the private sector, it creates more and better jobs than when it is taken into the public sector. And in spite of a tax decrease rate the increased tax base inevitably will yield greater tax revenues. So this is truly an important part of our deficit reduction plan.

Tonight, I would like to spend just a moment looking at what we are going to do for senior citizens.

In the Clinton largest-tax-increase-in-history bill, our senior citizens have been limited to earning just $11,200, after which time their Social Security benefits are cut. If a senior citizen has a job earning $5 an hour, for that $5, he gets to keep only $2.20.

This is a higher tax rate than is levied on our multibillionaires. Ross Perot pays less taxes, a smaller percent of taxes, than do our senior citizens who choose to work beyond this very low $11,200 cap.

Our bill will raise that tax over a few years from $11,200 to $30,000. This whole bill is fair and responsible, and our senior citizens know.

THE $64 BILLION QUESTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, when I was growing up as a young kid in northern Michigan, we used to have a saying, and I think it was a popular TV program, that the $64,000 question, the $64,000 question is, and part of that game show was if you got it right you would get $64,000. That was the big question back then, and that was the question that everyone wanted to answer because it was the epitome of all questions. And if you would answer that, you would be so much further ahead.

This $64,000 question used to be the ultimate question. But I guess in today's terminology and now in the 1990's it was the mother of all questions.

Mr. Speaker, the $64,000 question has now grown with inflation and all to a $63 million question, a $63 million question, a question that we must have an answer to. It is a question that America needs an answer to. It is a question that this institution as an institution needs an answer to.

The $63 million question is whether or not the President will veto H.R. 381, the bill which amends the IRS Tax Code to permanently extend the deduction for health insurance costs of self-employed individuals.

Well, I agree with that provision. I think probably most Members in this House would agree with that provision. I agree that the intent of the bill, H.R. 381, was to permanently extend the deduction for health insurance costs for self-employed individuals.

But in that bill that was voted on last Thursday, which most Members on this side of the aisle, Democratic Members, voted no, there was a $63 million question. Because in there was a $63 million deal for one self-employed individual named Rupert Murdoch.

Now, I do not know if Mr. Murdoch does or does not need the 25 percent deduction for his health insurance, as was the original intent of H.R. 381. For I believe that probably one of his companies probably picks up his health insurance. But I will not give him the $63 million special exemption allowed to only him and only to his company under H.R. 381.

You see, H.R. 381 not only permanently extends the deduction for health insurance costs for self-employed individuals but it also repeals the provision of nonrecognition of gain. It repeals the capital gains tax if you sell your FCC license, Federal communication license or a TV or radio station to a minority-owned company. If you did that, you did not have to pay the capital gains tax. We had a big hoopla about that because of the Viacom deal.

So in this bill we went back. We were going to correct all that. We were not going to give special tax breaks to minorities anymore in capital gains. And that was found in H.R. 381, and we repealed that special tax break.

Many of the people, I am sure, listening in this audience said that was a good provision. But is it good that only one person or one company gets a $63 million tax break? Why is this special tax break repealed for everyone, repealed for every company except Mr. Murdoch? A $63 million tax break for one individual and his company by specifically exempting that company and that deal under H.R. 381.

I well remember Mr. Murdoch. That is not the first time his name has came up in this esteemed body. His company gave the Speaker a $4.5 million book deal. Now Mr. Murdoch gets a $63 million special tax deal. He pays no capital gains tax for this and his company under the profit or from sale of his corporation, a capital gains tax that was to help but one person who, if my memory serves me correct, that individual is not even a citizen of this country. yet Mr. Murdoch and his country gets a huge tax break. Why another $63 million deal?

Mr. President, I hope you veto this bill. In your veto message I hope you will tell Mr. Murdoch there is no special deals in this body, in the House. Tell Mr. GINGRICH there is no special deal for owners of companies that give special deals on books. Tell them no special tax cuts to individuals who are not citizens of this country.

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DEBATE ON TAX PLAN PROVISIONS

The SPEAKER pro tempore (Mr. KINGSTON). Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, I wonder if the distinguished gentleman, since it is on my time, would answer one question. Who was it that insisted at the conference that this sweetheart deal for Murdoch be placed in the conference report? Who was the individual that did that?

Mr. STUPAK. Mr. HOKE, I am not part of the conference committee.

Mr. HOKE. Do you know the answer?

Mr. STUPAK. No, I do not.

Mr. HOKE. I know the answer. The answer is the junior Senator from Illinois, the Democrat, Ms. MOSELEY-BRAUN. She is the one that insisted on it. She is the one that asked it be put in the conference report.

Mr. STUPAK. If the gentleman will yield, I know you have read the same articles I have on the $63 million deal from Mr. Murdoch. When that question was put to the junior Senator from Illinois, what did she say? What did she say? If I had my way, we would never repeal the exemption for minority-owned stations, and that junior Senator is a minority, because she thinks it is wrong. She opposed it.

Mr. HOKE. Reclaiming my time, that does not answer the question. The question is who put it into the conference report? Clearly it was the junior Senator from Illinois. And your attempt to somehow smear this Speaker on this, when the Speaker had absolutely nothing, nothing whatsoever to do with this, is such a blatant and ugly and clearly politically, partisanly motivated ploy, I do not understand why you make it, when it is so transparent, when it is pointed out that the Speaker had nothing to do with it.

The Speaker was not involved with the conference. As I understand it, this is something that was put in the conference report by the junior Senator, a Democrat Senator, from Illinois, with respect to a specific request that was made to her, not even by, as I understand it, Rupert Murdoch, but by Quincy Jones. Have I got the facts wrong?

Mr. BONIOR. If the gentleman will yield, let me shed a little light on this. You are indeed correct that this was put in the conference and was put in at the behest of the Senator from Illinois to take care of a deal that was pending. But what you are not correct on is that there were 18 deals pending, and this was the only one that was accepted.

Now, you know as well as I do, my friend from Ohio, that in order for something to come to this floor to be discussed, it has got to get the Speaker's approval. The Speaker, I believe, admitted today in a conference he had with reporters that he met with Congressman ARCHER, the chairman of the Committee on Ways and Means, and they talked about this very issue. And they agreed to let it come to the floor. Nobody in this institution knew it was in the bill, except maybe a handful of people. It got out of here on a voice vote after we opposed the bill when it came to the House floor because of the billionaire exemption it had in it, and nobody knew here. That is not the way to do business.

Mr. HOKE. Reclaiming my time, the fact is that the Speaker had nothing to do with this piece of legislation in its minutiae and in the detail you are speaking of with respect to a specific request that the Democrat Senator from Illinois, Ms. MOSELEY-BRAUN, wished to have made in order and insisted on at conference.

Those are the facts. Whether or not Mr. ARCHER and Mr. GINGRICH discussed the bill in general and in its terms is hardly the issue. The issue is who insisted that this be put in at conference. Obviously it was not Mr. ARCHER.

Mr. BONIOR. Who insisted it stay in this bill?

Mr. HOKE. This is my time. It was not Mr. ARCHER, it was not Mr. GINGRICH, it was Ms. MOSELEY-BRAUN. It was not something that our side wanted anything to do with. It was special legislation for the junior Senator from Illinois.

Mr. Speaker, what I was going to ask was for people to put on their green eye shade so that I could go through some of the details of exactly how we are going to reduce the tax burden for senior citizens. Unfortunately, I will not have time to do that.

What I will say is we are going to on Wednesday restore the $25 billion in cuts that were made in Social Security, cuts to senior citizens by this Congress. Not a single Republican voted in favor of those cuts in August 1993, and we are going to restore those cuts so that senior citizens are not deprived of their Social Security benefits that were deprived to them by the Democrat Members of the House and of the Senate.

A TAX CUT OR A TAX INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. WYNN] is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, I rise this evening to join the fray in the debate about the tax increase that we are about to vote on this week. I am very concerned about the issue of tax fairness. I think what we have seen over the past couple of weeks is a consistent pattern wherein the Republican majority has consistently stolen from the poor to give to the rich. This is not an issue of whether there ought to be tax break for middle class, working poor people in America, because that is not what their tax break does. It goes to people who make as much as $200,000 a year, and I think that is wrong.

This was dramatically illustrated when we analyzed the proposal to cut the school lunch program, and the Republicans suggested we will cut the school lunch program, we will underfund it in comparison to anticipated needs, we will not adjust for inflation, so we can cut money out of this program to help fund the tax cut.

It is evident in the attempts to cut the college scholarship program. Once again, taking from the middle class, the working class, in order to fund tax increases that benefit people who make up to $200,000 a year. It is my view that if there is going to be a tax break, it ought to be given to people who are making under $100,000 a year, not the wealthy people, not the attorneys and the Congress people and people like that who do not need it.

Or, and there seems to be a lot of sentiment that this is what ought to be done, we ought to take that money and put it into deficit reduction. Even when I talk to some of the wealthy people who would get this tax break, and I say do you, making $150,000 a year, want this $500 per child tax break, or do you want to see this money go for deficit reduction? Overwhelmingly, the professionals, more well off people, say Congressman, what we need to do is put this money into deficit reduction.

So it seems to me the Republicans are wrong on two accounts. They are wrong for taking money out of the mouths of children to fund a tax cut for the wealthy, and for not responding to the legitimate needs of the country, which is deficit reduction.

What I wanted to focus on today is yet another indictment of the Republican tax proposal in that it creates an additional tax on working people, a specific category of working people, Federal employees, I rise today to express my grave concern for several measures contained in H.R. 1327. I am concerned specifically about title IV of this measure.

While my colleagues on the other side of the aisle will tell you they are reducing the taxes for the American family, in actuality they are increasing taxes for some of our hardest working citizens, Federal workers. Under the proposal coming forth this week, 2 million people working for the Federal Government will be taxed an additional 2.5 percent of their income. This so-called contribution comes in the form of an additional contribution by these Federal employees toward their retirement. What this amounts to on average is a $750 per year tax on the average Federal employee who makes $30,000 a year.

Now, what I cannot understand is how they are going to receive on the one hand a $500 per child tax break, but yet on the other hand lose in the form of an additional contribution, additional taxes toward their retirement, $750 a year. They are going to be $250 in the hole.

There may be some question in Republican minds as to whether this is a tax. Well, the Congressional Budget Office scored this as a revenue, which means it is in fact a tax. Apparently the CBO knows it is a tax, yet the chairmen of the Committee on the Budget and the Committee on Rules would not recognize this as being the case.

The proposal to increase the employee contribution is so ludicrous that even several Members of the Republican Party have stated should their party continue to pursue this proposed tax credit, they would vote against the measure.

Let me repeat, and urge my colleagues to listen carefully. This bill coming before the House tomorrow taxes Federal employees making $30,000 a year to provide a tax credit for those making up to $200,000 a year. Each Member of this House has Federal workers in their district. I hope you will stand up and tell them you are imposing a tax on them so you can give someone making $200,000 a tax break.

As the saying goes, the devil is in the details, and this is certainly the case. The Federal contribution would be increased from 7.0 percent to 9.5 percent of salary in order to meet this requirement. This is an unusual situation because initially it was couched as a suggestion that there needed to be some sort of change in the system, that the retirement system was somehow flawed. But in fact a study by the Congressional Research Service indicated that there was no unfunded liability. So if it is not to solve unfunded liability, it can only be to round up money to provide tax benefits for the wealthy.

Mr. Speaker, I hope we will reject this ill-conceived recommendation.

FAMILY TAX RELIEF IMPORTANT FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, I welcome the opportunity to appear before the committee today to discuss the importance of family tax relief. Let me say at the outset, Mr. Speaker, how much I appreciate your personal commitment to the American family and your leadership in promoting legislation which strengthens and empowers American families.

The intact family is our country's most effective government—the most effective department of housing, the most effective department of education, the most effective department of human services, and the most effective department of labor.

The family is the fundamental unit of society, the guardian of our social fabric and primary conveyor of values. Yet it has been under attack by an unsympathetic government. We could not have devised more antifamily public policy—to the end of undermining the traditional American family—than if we had sat down and consciously designed such a plan.

We have taxed them until both parents have to work in the job market, regardless if one wishes to stay at home and rear the children. The average family of four now spends 38 percent of its income on taxes—more than it spends on food, clothing, housing and recreation combined.

We have allowed the value of the dependent exemption to erode over time until it is worth only a fraction of what it was 40 years ago. In effect we have said that children and families are of less value than they were in the last generation.

We have allowed a marriage penalty to exist in our tax law that sends the undeniable signal to our citizens that marriage isn't really all that important.

We have codified inequitable IRA tax provisions that say a spouse in the marketplace is more valuable to society than one in the home.

We have created a costly and bureaucratic adoption system that leaves thousands of adoptable children in less stable and secure environments than they could be enjoying.

And we have defended a welfare system that offers cash subsidies to unmarried teen-age mothers.

Why are we than surprised when family break-up becomes commonplace, dysfunctional families are routine and 1 out of 3 children born in America are born out of wedlock?

If it were a foreign government that had imposed these policies, it would be regarded as an act of war.

It is not too much to expect that government be the friend, not the foe, of the family. One critical step toward that goal is the passage of the $500 per-child tax credit. Seventy-four percent of this tax relief would go to families with incomes under $75,000. it is progressive and would be worth a lot more to the guy with a lunch bucket than to the corporate executive in the country club dining room.

This $500 per-child tax credit would shift power and money from Washington bureaucrats and return it to the moms and dads of middle America.

For a middle class family of four that $1,000 could mean the difference in whether both parents have to work, it could mean the difference in whether health care premiums can be paid, it could mean clothing costs for an entire year, it could mean the down payment for the cost of a collage education or it could mean a trip to the pizza parlor once a week, but it should be the families' choice not ours.

Please remember family tax relief is not a new spending program, not a new entitlement, not a giveaway from the Government. It is simply allowing the American family to keep something that already belongs to them—more of their earned income. The time for family tax relief is now. Forty-five million American families making less than $75,000 a year would receive meaningful relief from the heavy burden of taxation. The American family is tired of high sounding rhetoric and empty speeches about family values while policy makers kick them in the teeth again by saying "we can't afford it now." We can't afford not to do it now. Our national security is intertwined with family security. Strong and secure families mean a strong and secure society.

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Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I am glad to yield to the gentleman from Michigan.

Mr. STUPAK. I just had a question, Mr. Speaker. In your statement you indicated that the person would be better off under your tax plan because he would have more money in his pocket. Yet how do you justify the gentleman with the lunch bucket paying Federal taxes, and yet your tax bill repealed the alternative minimum corporate tax, so the corporations do not have to pay their taxes? How would that help the gentleman with the lunch bucket?

Mr. HUTCHINSON. I am referring specifically to the $500 tax provision, the tax break we offer for the children. I think it is clear that someone in the middle and low income is going to benefit a lot more than someone eating in the corporate dining room.

Mr. STUPAK. I am asking about the corporate tax repeal.

A DEBATE ON THE ISSUES OF TAXES

The SPEAKER pro tempore (Mr. KINGSTON). There being no designee of the majority leader, under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I would like to engage my friends, the gentleman from Michigan [Mr. STUPAK] and the gentleman from California [Mr. MILLER], in debate about this whole issue of taxes, because I think it is quite relevant. We are entering a very critical part of the 100 days.

I might say to my friends, the gentleman from California, the gentleman from Michigan, to answer that question, this tax bill is so weighted for those select few, the privileged few in our society, the ones who are most comfortable, that it is an absolute outrage.

The gentleman from Michigan [Mr. STUPAK] is absolutely right. The tax bill we will be discussing and voting on this week gets rid of the alternative minimum tax. What is that? I will tell you what that is. That is the tax that corporations, you know, the Fortune 500, the wealthiest corporations in the country, have to pay. The reason they have to pay it is because in the early 1980's, from 1981 to 1985, you had 130 out of the largest corporations in America pay no taxes for one of those years. They were not paying taxes. So, you know, we embarrassed them in this House to incorporate an alternative minimum, which Ronald Reagan finally accepted after harassing him for about 3 or 4 years. Now that the Republicans are back in power, they want to get rid of it.

In addition to that, the capital gains tax, and we are not opposed to a tax for entrepreneurs and investors, we just want to see it equally distributed. The proposal that the Republicans have on capital gains would give 80 percent, close to 80 percent of the benefits to those making over $100,000 a year or more.

Basically, Mr. Speaker, if you are making $20,000 or $30,000 or $40,000 or $50,000 you will get maybe $25 or $26. If you are making over $100,000 a year you get about $1,100. The higher you go up in income, the more you are going to gain.

Of course, Mr. Speaker, the tax proposal in general is weighted heavily. Over 50 percent of the benefits go to those making over $100,000 a year. That is why we are opposed to it, that and the deficit issue, but the inequity of it is so outrageous. I am not surprised that it is weighted that way, because during this past week, we have seen two glaring examples of how my friends on this side of the aisle, with the exception of about a half a dozen of them who had the courage to stand up for these proposals, the Republican Party has supported proposals that would reward millionaires and in some instances billionaires from paying their taxes, avoiding paying taxes if they renounce their U.S. citizenship.

You say, "Gosh, would anybody do that? Would anybody actually have renounced their American citizenship?" Yes, they would. You have got about 12 to 24 people in this country who are playing that game. The cost to the U.S. taxpayers is about $3.6 billion over a 10-year period, giving up their citizenship in an unpatriotic way, after having had this country defend them, defend their interests, defend their assets, and throwing it away so they could avoid paying their responsible share back to the people who worked for them, the men and women of this country.

We had a proposal to get rid of that provision, to make them pay their fair share. The people on this side of the aisle, with the exception of five people, voted to retain it, to keep it, to protect them. This was all in a bill that we passed here last Thursday, over our objections, because of this provision. It was a good bill. It provided a deduction for small business people under health care, 25 percent next year, 30 percent the following year. It could have been a little higher if we had gotten rid of that billionaire provision. We would have provided a little bit more for small business people.

Unbeknownst to us, Mr. Speaker, included in that bill, and not told to us or anybody on this floor, was a secret provision that was made known to the American public by the New York Daily News. It talked about some backroom dealings cut by House Republicans. Last week the House passed legislation that would allow tax deductions, as I said, for self-employed, and repeal the tax benefits for minority broadcasters.

However, hidden in that conference report was one special provision that would allow Rupert Murdoch to reap tens of millions of dollars in tax benefits.

Mr. Speaker, it is interesting, this 100 days started with Rupert Murdoch when he gave the Speaker a $4.5 million book deal. You know what, it is ending with Rupert Murdoch getting tens of millions of dollars in tax benefits. What a shameful, shameful story.

In fact, according to the Sunday's New York Daily News, "Republicans dropped their opposition to the tax break after learning Murdoch was the beneficiary of the legislation, and consulting Gingrich, according to six sources involved in the negotiations."

In fact, according to an earlier New York Daily News story on Saturday, a Senate staffer is reported as saying "The Republicans were going to kill the deal until they found out that Murdoch owned the station. Then they almost magically approved it."

Keep in mind, the Republicans claim they oppose this kind of tax break. In fact, the Speaker said he was against it in February. The gentleman from Texas [Mr. ARCHER] made a big deal about it when he brought this bill up. He almost made a crusade about it in the Committee on Ways and Means about killing these types of tax deals. But we have 17 other pending deals that were on the block that they scrapped, they got rid of. They refused to allow these deals to go forward.

The only case, the only case involving Rupert Murdoch's TV station in Atlanta was allowed to go through with a special tax break.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, that was the point the gentleman just made. While there was a great deal of controversy in the Committee on Ways and Means and on this floor about the fairness and extent to which the Tax Code should be used to sell these communications assets, it was clearly the intent of the Republicans to get rid of all of them, and when amendments were offered to make them fairer, to reduce the cost to the taxpayer, and to scrutinize them more than they have in the past, that was rejected, because all of these had to be killed.

Apparently when they got to conference committee, they went over an inventory of the impact of this amendment, that this would have. They found there were 17 or 18 or 19 deals that were in the works, that were in stages of completion, and would benefit from this tax provision, the sale of communications assets. They decided to kill them all until they got to one, until they got to the one that represented Rupert Murdoch. I think that is what is important to understand here. As the gentleman pointed out, this 100 days started with Rupert Murdoch making a very unusual gesture. That is, a book deal to the Speaker of the House that originally was going to pay him a $4 million advance. The Speaker, to his credit, later turned that down, after the light of day was shown on that and people recognized the immediate conflict of interest.

The suggestion was that Mr. Murdoch really had no business of an unusual nature before this Congress, that there was no conflict of interest, and the Speaker had no ability to influence. Now we move those statements forward 87 days, and what do we find out? That Mr. Murdoch had specific legislation and matters before this Congress, it was brought to the attention of the Speaker, and the Speaker opened the gate for it to happen, because it was only through his willingness to allow this to happen, and apparently some negotiations taking place in the back room, that this one provision, 1 out of 17, was allowed to go forward.

Mr. BONIOR. Mr. Speaker, not very many people knew about this. I did not know about it. I do not think anybody on our side of the aisle knew about it. It was done with the consent of two or three people on this side of the aisle, including the Speaker.

I might also point out to my friend, the gentleman from California, that the Speaker is beholden to Mr. Murdoch for the sale of his book. He did not take an advance, so, you know, he is beholden based upon royalties for the book. Mr. Rupert Murdoch, who is the owner of the publishing company, can basically, depending upon how hard he pushes for the sale of the book, determine how successful it will be.

The appearance of it is grotesque.

Mr. MILLER of California. It is not only the appearance now, today, afterward. It is what was put forth to the Members of this House. Members of this House thought they were voting on a good bill to allow for the deductibility of 25 percent of the health costs for individuals, for self-employed individuals, in this country, and yet what do they find out? That that bill was now gamed by the Speaker, for the interests of Mr. Murdoch, by the Senate, for the specific purposes of providing camouflage, so under the cover, without anyone knowing this, this provision could be written into law, and Mr. Murdoch could gain apparently what is around $63 million of benefit.

The tragedy is that that $63 million now comes out of the very hide of the deductibility, as you pointed out, between this and the billionaires' tax break that was in that bill, which we did know about and we did object to, and unfortunately, we could not get the Republicans on the other side to agree to, these people maybe could be allowed a deductibility of 30 percent of their health care costs, or 35 percent, for the billions of dollars that was put into this legislation, all under the guise that we are doing something nice for the self-employed, which everybody in the House agreed with. But they gamed that with the secret deal here for Mr. Murdoch, and one clearly has a very direct connection to the Speaker of the House of Representatives.

Mr. BONIOR. Now they are asking us to take their confidences and their word on a major, major tax bill that will benefit, as we said, primarily the very wealthiest, the privileged few in our society. Why would people want to do that, after having seen this last week two glaring examples of greed for the wealthiest people in our society, with the billionaire exemption, and now with this deal with Mr. Murdoch?

Mr. MILLER of California. If I could just say, Mr. Speaker, every day we start out the House of Representatives with the Pledge of Allegiance. Members of this House and our guests in the gallery, they pledge allegiance to the United States of America. They do not pledge it until their taxes are too high, or until they want to save money. They pledge allegiance to the United States of America through thick and thin, through good and bad. They do not pledge it until their kid does not get into college. They do not pledge allegiance to the United States until their son or daughter gets drafted into the Army to fight an unpopular war. They pledge allegiance to the United States day in and day out.

Now we have a handful of billionaires that, for the sole purpose of avoiding taxes, are willing to renounce their American citizenship, and we are going to say "Give them the congressional stamp of approval."

It is absolutely outrageous that we would do that, considering the other patriotic Americans that have lost their lives pledging allegiance to the United States of America, that have lost their homes pledging allegiance, that have lost their children in wars, that have lost their spouses and their loved ones in wars in this country.

Now a handful of people decide that it is no longer to their advantage to pledge allegiance to the United States. They are going to leave the country for the sole purpose, this is the only way this can happen, for the sole purposes of avoiding taxation on their estates. It is an outrage.

Mr. BONIOR. It is an outrage, and it is an outrage that these two provisions on this good bill that would help small business people all over this country would be prostituted, prostituted by these two select provisions in this bill, one of which we did not know about it, the other of which we fought and we lost to the Republicans, that would protect billionaires, that would protect Mr. Murdoch and his deals.

I yield to the gentleman from Michigan.

□ 2000

Mr. STUPAK. It is only fair to our audience to let them know where we are now. This bill has gone through both the House and Senate and the conference reports, and we voted on it. It is now on its way to the President.

And one of the things I have asked for tonight and I hope others would join with me in urging the President to veto this whole bill, the bill that is on its way to his desk to allow that tax break for the self-employed individuals. We do not want to hurt that part of the bill. We want to kill the $63 million deal that we see for Mr. Murdoch. But the only way we can kill that whole situation is ask for the President to veto that bill.

If he vetoes the bill, I would urge my support, I am sure the Democratic leadership would do the same, to bring a bill to permanently extend that self-insured business deduction expense for health care for working Americans.

Mr. BONIOR. Would you yield on that point?

Mr. STUPAK. Yes, I would.

Mr. BONIOR. If the President vetoes this bill, and I hope he will—if he vetoes this bill we will do another bill here, and we will do it quick because I know people on both sides of the aisle do not want those small business people, those self-employed people, to go without the 24 to 30 percent exemption for their health insurance.

And I would also predict to my friend from Michigan that the other side will not even try to override that veto. They would not have the guts, the nerve, the chutzpah to bring that bill back with those two provisions and try to convince the American people that this is the right policy for this country.

Mr. STUPAK. I would agree. I do not think there would be much intestinal fortitude to try to allow a $63 million tax break for one company, for the benefit of one individual. Who pays for that but all of us, all the working men and women around this country.

But you know when we were talking a little bit earlier about the alternative minimum tax. We are going to have a tax bill up this week on the floor, and we are going to give tax breaks and tax breaks here and tax breaks there, but one of the most repulsive tax breaks is the repeal of the alternative minimum tax.

I know you started this special order tonight talking about that alternative corporate minimum tax, and you are talking about, before 1985, before 1986 really when the bill was signed into law, how corporations did not pay any taxes. And yet the person with the lunch bucket or the secretary or the clerk or the midnight watchman has to pay his Federal taxes. But corporations did not because they could afford the accountants, the lawyers to find the tax loopholes, and they would not have to pay any taxes.

You brought up, oh, about 130 companies that did not pay any taxes. I guess one of the most striking ones was DuPont Corporation. Between 1982 and 1985 their pretax profits were $3.8 billion—pretax profit, $3.8 billion. You know how much they paid in taxes during those years?

Mr. BONIOR. How much?

Mr. STUPAK. Nothing. In fact, they supplemented their pretax profits by obtaining $179 million in tax rebates, in tax rebates. I mean, $3.8 billion, you do not pay any taxes. We turn around through tax loopholes and tax provisions, give DuPont $179 million in tax rebates.

They want to bring back that kind of tax system because they say it is good for American families when the secretary, the clerk, or the watchman is paying Federal taxes, but the corporation they work for that may have billions of dollars in profits do not have to pay any taxes. In fact, they can get a tax rebate.

So I know it is going to be a long week; it is going to have some intense battles, but these are the inequities that we are trying to correct to truly help the middle class. And I do not consider the middle class DuPont Corp. with $3.8 billion, or some of these other large corporations that pay no taxes, yet the American people have to pay a minimum 20 percent tax on their wages to the Federal Government.

Mr. BONIOR. There are a lot of good corporations in this country, and they help in employment, they help the productivity of the county, they help the country grow, but they also have an obligation as well to participate in sharing in the burden of taxation so we can provide for this country. And when they do not do it, when, for instance, we subsidize the mining industry in this country with about a $1.2 billion subsidy each year or the large irrigation industry in this country and others with subsidies, I mean, it hurts everybody in the business sector. It hurts large corporations, small people struggling in business. And all we are asking is that everybody participate in making sure that we have an equitable system.

And what we are getting out of the other side of the aisle, take it out on school lunches, take it out on elderly heating assistance, take it out on student loans. We are going to get a whole debate on student loans coming up here because they want to add for us in Michigan here the cost on the student loans will be about $4,000 additional for the students in our State because they want to get rid of that interest subsidy, move that right up to the front instead of 6 months after you graduate. That is about a $4,000 hit.

They are taking all of these savings from middle-income people. They put it in a little pot, and they move it over here, and they use it to pay for these tax cuts for the wealthiest in our society. And oh, yeah, they give some to middle-income people.

Let me give you an example what they give to middle-income people. Capital gains tax cut. You earn about $50,000 a year. You get about $26 back on an average. You earn $200,000 a year, and you will get a cut of about $11,266 under their tax plan. Where is the equity there?

Mr. STUPAK. You were talking a little bit about some of the things that have happened on this floor. We were talking with welfare and AFDC, aid for and to dependent children. Everyone gets all excited about that, but yet we have this corporate welfare, too, where it is aid for dependent corporations, AFDC as we call it in 1995.

And we do not mind helping out any corporations. And there are good corporations out there. We do not mind helping them out. But if you take this fiscal year and this tax year we are in, for every taxpayer in this country, we are giving corporate welfare out at the amount of $1,388 for every individual. You know what we give for heating, for food stamps, for housing, for low-income folks?

Mr. BONIOR. How much?

Mr. STUPAK. $450 for each taxpayer. It is three times greater for corporate welfare than it is for individuals.

And you mentioned student loans, which is part of this tax bill. The student loans, my university, Northern Michigan University, University of Northern Michigan, their tuition has gone up this year alone. It is proposed to go up 15 percent. Where are they going to get the money?

But yet we are going to let the corporations not pay any taxes. And that money to help out with our direct student loan, the interest on the loan, the Stafford grants——

Mr. BONIOR. Stafford loan, Perkins loan for the low interest, work-study.

Mr. STUPAK. Work-study, you are right. Where is it going to go? To help pay for this tax plan for the corporations.

Mr. MILLER of California. Would the gentleman yield?

Mr. BONIOR. Yes.

Mr. MILLER of California. I would like to say the gentleman from Michigan [Mr. STUPAK] makes a very important point. I think the people in this country have got to begin to focus on where is the money coming from to pay for this tax bill.

The money is coming from the people who need it the most in this country. We saw that in terms of the nutrition programs, where $7 billion was taken out of nutrition for children, for the tax cut. We saw $9 billion out of the interest subsidy that allows young people to stay in school and not start paying interest on those loans until they have the degree that allows them to get the job, almost $20 billion in total out of student loans.

We also know that the money that they are talking about taking and giving back to the seniors was money that is now supporting the Medicare system. We know that there are additional cuts for Medicare. This is one of the greatest transferences of wealth from middle-income families, from working families, from families striving and sacrificing before they ever take a student loan to pay for the education of their children. To take money from these people and to transfer it to high-income individuals, most of whom when you talk to them they say if that is how it is done, then do not bother.

People making over $200,000, over $150,000, sure, they would like the money. But they say if that is the price, is that kids are not going to be able to go to school or not get a school lunch or these kinds of programs, they say I do not need it, put it on the deficit, lower interest rates, or leave it with the kids so they can get an education.

But what we see is all of this camouflage about middle-income people when, in fact, we see that we had a whole group of companies that never paid taxes up until 1988, and now they are going to relieve those companies of the alternative minimum tax. They will go back to making billions of dollars and not paying any taxes, not paying their fair share. They are going to give capital gains to the highest-income people in the country, as you point out, middle-income people with capital gains, a very slight amount.

The point is that is why they do not want the cap is that this is a massive transfer from moneys that help people in this country achieve advancement and status and education and training to participate in the American economic system. And they are gathering up all of this money and they are going to transfer it this next week into the tax bill to go to high-income people.

Mr. BONIOR. And it is the same people that already have, are doing well. I mean, one of the most telling statistics that I have seen this year is the one that says, since 1979, 98 percent of the wealth and income—income increases in this country have gone to the top 20 percent of in this country. That means 80 percent of the folks are not going anywhere. They are standing still. They are losing ground.

Here we are, instead of trying to help those folks get into the game and be a full participant in this society, we are giving more to the top 20.

Mr. MILLER of California. Those are priorities. I mean, we have to, we are not wealthy enough. We are going to offer an incentive program for education, recognizing that families are struggling.

We heard testimony this last Friday out in San Francisco, Congresswoman ESHOO and Congresswoman PELOSI and myself, about families who were struggling far beyond the student loan debt. They have refinanced their houses. They have done everything they can.

So we are going to offer—the minority leader, Mr. GEPHARDT, is going to offer, allow them the deductibility of those education costs and those training costs for people who are going back to school so they can keep their jobs, allow them the deductibility on student loans, allow them to set up an educational IRA so they can start saving if they have very young children.

But we have enough money to do that, but we do not have enough money to do that and then to give away money to people who essentially right now do not need this kind of assistance because they are making very high incomes, in the top 1, 2, 3 percent of all the people in the country.

Mr. STUPAK. The other thing I think in this whole debate that is somewhat lost is this money, this tax shift, that we are seeing money go from the working class to the wealthier corporations and to wealthier individuals in this country. It is going to them. It is not going for deficit reduction. It is not going to reduce the National debt.

We are going to shift over 5 years like $188 billion, and yet we have a $176 billion deficit, $4.7 trillion debt.

Why are we running around giving tax breaks to the wealthiest people and the wealthiest corporations while we are deficit spending? Wouldn't the money be better served, couldn't we help out those corporations, couldn't we help out those individuals if we would, of course, put the money toward deficit reduction, which we could do more of?

You know, the logic is, is this the right time in this Nation's history to be giving tax breaks when we are running a deficit? Where are you going to get the money for the 188 other than taking it from the working class? But wouldn't we really be doing our kids a bigger favor if we brought down the deficit, the debt?

Mr. MILLER of California. The gentleman is quite correct. To borrow money, to give a $500 credit to somebody making $150,000 to $200,000, you ought to see what the children are going to have to make to pay that money back over the next 25 years because we borrowed it from the Treasury now.

If we were flush, if we had a big stack of money in front of us and we had all of our bills paid, fine, then give a dividend to the shareholders of America, give a dividend to the taxpayers, let them participate.

But I assume when you go to your town hall meetings you are hearing what I am hearing. People are saying how can you borrow money to give a tax cut when you have the deficit? Pay down the deficit.

Because what do they remember? They remember after the President made those cuts, those $500 billion, that interest rates went down. Their children for the first time were able to buy a house. They were able to refinance their houses from the high interest rates of the 1980's and saw the economy moving.

What were they presented with this last week? The home sales again are in the doldrums. The inventory is backing up. People cannot afford to enter the home market again as first-time buyers. That would be the benefit of the deficit reduction.

But they have chosen to provide, you know, hundreds of billions of dollars that they simply cannot pay for in any other way rather than just ravaging programs like student loans and child nutrition and a whole host of programs that help families provide a better life for their children, far in excess of the tax credit for the very wealthy.

□ 2015

Mr. BONIOR. The tragedy in all of this, and if I could help bring it to a close, and I will yield to my friend from Michigan before I do, because I know my good friends from Texas are waiting, and I do not want to keep them much longer, and my friend from New Jersey is waiting as well.

You know, we started this conversation this evening when we talked about the inequity in the tax bill, and we started off by saying this hundred days was begun with Rupert Murdoch giving the Speaker a $4.5 million book deal, and it is really ending that way in the sense that the President has on his desk right now a bill that will provide Mr. Murdoch with tens of millions of dollars in tax breaks as a result of a provision that was put into the conference report on the tax bill that we have just had here in the House of Representatives that would have benefited small businessmen and their health insurance concerns.

And, you know, I cannot tell you how totally frustrated I certainly am, and millions of Americans, I think, join me in the frustration to see my friends on this side of the aisle help the millionaires and, in some instances, in this case, the billionaires reap these tax benefits at the expense of everybody else, and then more disturbing is the way it was done where no Members on this side of the aisle were aware of it.

I hope the President will stand up and veto this bill.

Mr. President, if you are listening, if you veto this bill, you are not going to have any trouble sustaining your veto in this House of Representatives. The Republicans would not dare, after your veto, to bring this bill back to the House floor with the billionaire provision and the millionaire writeoff provision for Rupert Murdoch and expect the American people to buy it.

It will have covered their 100 days in a way in which will bring disrepute upon their efforts, and so with that, I would yield finally to my friend, the gentleman from Michigan, to conclude, and I thank my colleague, the gentleman from California [Mr. MILLER], for his eloquence and his support of working families.

Mr. STUPAK. I believe the gentleman from Michigan [Mr. BONIOR] is right. You know, it was H.R. 831. I think I said 381, but it is H.R. 831, which was to amend the IRS Code to permanently extend the deduction for health insurance costs for self-employed individuals, something we all wanted to do. In order to get this bill through and get it passed by April 15, so people could take advantage of it, because it had expired, so they could take advantage of it for the 1994 tax season, they put in a provision permitting this nonrecognition of the capital gains to take care of the Viacom situation, again, all honorable, all well-intended.

But what happens so often on this floor, then, they put in things we do not know about, or they slipped something in. I was always proud to say the House never did that, that we had very strict rules and amendments and everything had to be germane to the bill before it. No one got special treatment in the House. The Senate, at times, the other body, may add a couple things here and there. We go to conference. Those things are knocked out and taken care of. You know what got knocked out on this one was the American people, and about $63 million we have to pay for now.

Mr. BONIOR. And 17 other minority broadcasters got knocked out just to take care of Mr. Murdoch on the other end of the deal.

Mr. STUPAK. So in summation, I hope the President does veto the bill. I believe in the intent of the bill, but I certainly do not believe in the final analysis of this bill and what we now know in less than 48 hours after it was passed that there was a special deal. So I hope the President, if he is listening, as you indicated, would veto this bill, bring it back. We will work hard to get it passed by the end of the week.

TRIBUTE TO THE LATE SELENA QUINTANILLA PEREZ

The SPEAKER pro tempore (Mr. KINGSTON). Under a previous order of the House, the gentleman from Texas [Mr. ORTIZ] is recognized for 60 minutes.

Mr. ORTIZ. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to an outstanding young international recording star and businesswoman, Selena Quintanilla Perez, known throughout the world as simply "Selena."

She was murdered on Friday by a disgruntled employee.

Today, I want not to dwell on the circumstances of her tragic death, but on the way that she faced adversity, overcame the odds, and how she really lived each and every day of her 23 years.

Selena was born near Houston, Texas and began singing in Corpus Christi at age 5 with her father's band, Los Dinos.

When she began performing at age 9, the band became known as Selena y Los Dinos.

She grew up in the humble Molina barrio of Corpus Christi where the neighbors all know each other. In 1994, she took home the Grammy Music Award for "Selena Live," in the category for Best Mexican-American Album.

This year, her album, "Amor Prohibido" or "Forbidden Love" went quadruple platinum.

Ironically, Selena's newest song, "Foto y Recuerdos,"—"Photographs and Memories"—was No. 4 on the Latin charts on the day she died. Her song, "Amor Prohibido," earned another Grammy nomination for this year.

Selena was known as the Queen of Tejano music, which is the late 20th century version of the popular Tex-Mex conjunto, an accordion based rhythmic style of music. Selena has described her music as a combination of polka, country, and jazz.

Last month, at the Tejano music awards, she won seven major awards, including female entertainer of the year. However she or anyone else wishes to categorize her music, Selena's music touched the hearts and souls of her listeners.

She spoke to the everyday obstacles and triumphs in our lives.

She spoke to the fears, anxieties, hopes and ecstasy in all of us, simply because she knew well all these aspects of the human spirit.

While Selena's hits were recorded in Spanish, her first language was English, and she had just begun recording in English in an attempt to cross over into the pop mainstream. She was still recording her first album in English when she died.

She was one of our young people who could reach across the divides that separate us as a society to show this country, through her music, how much we share as human beings.

Selena was a woman who paid back the generosity of her community.

She always went to the schools and spoke to the children about drug abuse, honesty, and staying in school to get an education. Her community loved her so much, I have never seen such an outpouring of support and love from a community. People all over Texas drove with their headlights turned on, and tied black ribbons to their car radio antennas, on in silent tribute. She was genuinely kind and pleasant, always with a generous manner for her fans or her hometown people.

She was one of us.

She was a role model for the young people in the community. The young people mimicked her songs and her easygoing persona. They admired the fact that she never forgot her roots, and they felt stronger because they shared those roots. Young people could look to Selena and know that she had come up out of the barrio and had made a huge success out of her life and her music.

They believed that she spoke to them through both her music and her deeds, and they loved her for that.

When word spread on Friday that Selena had been murdered, millions of her fans simply stopped what they were doing and just cried, both at the tragedy of a woman dying so needlessly so young, and for their personal pain at the loss. Her life was far too brief.

She was only 23 years old when she was murdered, and there is little doubt that her greatest years were on the horizon.

I will miss Selena very much.

Just 3 years ago, when I was the chairman of the congressional Hispanic caucus institute, she entertained at the institute's annual gala at my invitation, and as always she brought down the house.

While she was in Washington for the gala, I took her to the largely Hispanic Mount Pleasant neighborhood to entertain DC's Hispanic community.

Since we both came from low income neighborhoods, it was important for both of us to share the abundance of the annual gathering with those less fortunate.

That night we took another Mexican star with us, Rosa Gloria Chagoyan. Thousands greeted her and were deeply moved by her music. But most of all she will be missed by those to whom she spoke through her music, to the hearts she touched with her message, and to those who just plain loved the melodic sound of her beautiful sultry voice.

This Easter, think of Selena. On this Easter Sunday, who would have been 24 years old.

In closing, let me say a word to the young people to whom Selena meant so much. Just bacause she is gone, please do not forget her message—stay off drugs, be honest, get an education, care about each other, get involved—and no matter what—never give up.

We will always carry her music, her message and her love in our heart.

To her husband, Chris Perez, her parents Mr. and Mrs. Abraham Quintanilla, her brother and sister and her entire family, we offer our deepest sympathy. May she rest in peace.

Mr. Speaker, I yield to my good friend, the gentleman from Texas [Mr. TEJEDA].

Mr. TEJEDA. Mr. Speaker, I join my colleague from Corpus Christi and the tens of thousands of fans in south Texas and around the world to mourn the loss of a talented young Tejano Artist, Selena Quintanilla Perez. Known internationally for her talent and vivacious personality, Selena was murdered this past Friday in her hometown of Corpus Christi, TX. Just 2 weeks shy of her 24th birthday, Selena leaves us a legacy of spirit and hope. My heart goes out to her family, her friends, and her many fans.

Nothing I can say will reduce the pain, the heartache. Nor can I begin to answer the difficult question: Why, how could this happen to one with so much promise, so much talent, and so much to give. News of her death sent shockwaves from Washington to south Texas, from Los Angeles to Miami, from Mexico to South America.

Selena began her singing career at a young age, singing with a family band. From her humble beginnings, she succeeded in winning a Grammy and obtaining international fame. Her success did not take her away from her family, she and her husband lived next door to her parents' home. Now a senseless criminal act has taken her from us, but her legacy will live on.

Selena was more than a rising star in the vibrant Tejano music industry. Selena was a role model for many, from young children to senior citizens. She represented hope, speaking out against drugs and preaching the need to stay in school and obtain an education. Even with her frequent travels and the demands of her growing singing career, Selena earned her high school degree through correspondence courses.

Despite her overwhelming popularity, Selena consistently held strong ties to her Hispanic heritage. Selena succeeded in bringing Tejano music into mainstream America and is recognized not only in Texas, but in all of America, Mexico, and South America. Her latest release, "Amor Prohibido," has topped the Latin charts for 43 consecutive weeks. Prior to her death, her album had sold nearly 500,000 copies, enough to qualify for gold record status. Playing the Houston Livestock Show and Rodeo for the past 3 years, she sold out the Astrodome's 62,000 seats.

Our loss is great, not just because of the music we will miss or the flash of a bright smile. We have lost a voice, a voice for our children, a role model for success, for hope, and for life.

She was in the process of making a crossover into pop music by recording her first English album, venturing into what for her was uncharted waters. True to her personality, she did not shrink from the challenge but rose to meet it. We will never know the extent of her potential accomplishment.

Although Selena has been equated with the greatest pop stars of the day, she had her own style in her music and concert apparel. She conveyed her messages of happiness, of life, in her songs through her emotions on stage. Her audience could not resist singing and dancing with her as she performed on stage. Her talents were many. Building on her stage appearances, Selena realized one of her dreams last year when she expanded into the clothing industry with the opening of clothing boutiques in Corpus Christi and San Antonio to sell her fashion designs.

We have all felt this overwhelming loss. This past weekend many Texans remembered Selena with candlelight prayer vigils organized as early as Friday evening. In San Antonio, two vigils were held in area parks. Many fans prayed at Selena's home and at the hotel where she was shot, leaving messages of love and support. People poured into Corpus Christi to pay their last respects. The road between San Antonio and Corpus became a highway of cars painted with prayers and expressions of love. Thousands stood in line to pay their last respects at a special memorial service in Corpus Christi, with wreaths of flowers overpowering the stage.

□ 2030

Mr. Speaker, to those who grieve I say, "The loss is real, but we must give life to this tragedy. We must not give up the hope and the light which Selena exemplified."

I repeat her message:

"Work for your dreams. Stay in school. Say no to drugs. Foster hope in your own life and the lives of your family and friends."

Selena gave us the tools to remember her every day in everything we do. Her challenge to us is to live up to the high standards she set for herself. It is my hope that Selena Quintanilla Perez will be remembered, not for this tragedy, but for all that she gave to her family and to all of those who loved her.

Again, Mr. Speaker, I thank the gentleman from Texas [Mr. ORTIZ], my friend and colleague from Corpus, for organizing this special order and allowing me this time.

Mr. ORTIZ. I thank the gentleman, and I would like to yield, Mr. Speaker, to the ranking member of the Committee on Agriculture and one of the most senior members of the Hispanic Caucus, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank my distinguished colleague for allowing me to join him and my colleague, the gentleman from Texas [Mr. TEJEDA] on this occasion. For all of us it has been a very sad occasion. Texas, the Nation, and perhaps all of the continent mourn the loss of such a young, talented, productive life as that of Selena Quintanilla Perez.

Mr. Speaker, young people from throughout Texas and in my area in south Texas mourned, cried. They had a candlelight vigil, as has been mentioned. They went to churches. They drove with the lights on, with mourning black ribbons on the antennas of their cars. But the outpouring of love was not at the point in time when she died. It has been there all along. They had come to her concerts. They had come to see her, to touch her, to listen to her.

One thing that I think we should look at is that the youngsters, children, see through falsehood. Children know who is real and who is fake, and the youngsters throughout the area that I live in, and throughout all the other areas, came and believed in Selena. They wanted to touch her, they wanted to be like her, and I think this is very important because they have shown us that here in such a short period someone has reached the pinnacle in their professional life that is a very difficult life.

Mr. Speaker, the music business is not easy. Traveling in that atmosphere is not easy. The temptation for drugs, for alcohol, is insurmountable at times for many of those, and this young lady—and we talk here about family values and moral values—here is a family that worked together, that stayed together, and it is a tremendous loss for them and for us because all of the endeavor has been done in a family style, in a family group, in helping each other along the way.

I think it also should be of importance to us—and it has been mentioned—she recently was in San Antonio with the San Antonio Spurs visiting schools, stay in school, do not get into drugs. She devoted so much time to working with the youngsters. But there is no age limit to those who are admired and listen to her music. I know personally in my family that, from everyone in the family, regardless of age, enjoyed her music and looked at her in a very respectful, admiring way because she had what in Spanish is called El Don de Gente. That is an old Spanish saying that is given to a very special few that can touch you and make you feel they are part of you, that can speak to anyone regardless of stature, regardless of economic level. Those that have that special talent are but a very, very few, and she had that very special talent.

So I join my colleagues, and I urge, as my two colleagues have said, to the youngsters to remember to stay off of the drugs, to stay in school, and to work with others of good will.

Mr. Speaker, I am reminded of an old song in my youth, "The Old Lamp Lighter," which ended with the old lamp lighter, he made the world a little brighter wherever he would go. This was what Selena Quintanilla Perez was all about. She made the world a little brighter wherever she would go, and there have been the flowers, and there have been the signs, and there will be a tomb with a monument, I am sure, of some kind. But she will remain in the hearts, and the minds, and in the souls of everyone.

But she will go beyond that, and there is an old Spanish saying also that one of the Spanish explorers, when they first came to the area where we live was asked by one of his soldiers, "Will anyone ever know we came through here?"

So he took his sabre and on the side of a rock wrote the date and his name, and at the bottom he put, "Paso por aqui," he came this way.

So I would join my colleagues in saying that the world is a little better, she shed light, good light, wherever she went like the old lamp lighter, and no one should ever forget that, once she came our way in 23 short years in the minds, and memories and hearts of all of those who heard her music, all of those who met her and admired her. The Nation, and we as a people, and the Hispanic culture, and the music world, all of them would have been benefited and will continue to benefit because a young girl that lived only a very short 23 years paso por aqui.

I thank my distinguished colleague for allowing me this time.

Mr. ORTIZ. I thank my two colleagues for joining me, and today we are really honoring a real role model. We talk about a close-knitted family. Members of the band; it was her brother, her sister, her husband, and her father was the manager. Yes, a real role model.

I thank the gentleman for coming and joining me today.

CONFERENCE REPORT ON S. 244

Mr. CLINGER submitted the following conference report and statement on the bill (S. 244), to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-99)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 244), to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Reduction Act of 1995".

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purposes.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities; submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Government Information Locator Service.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for

a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information'—

"(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

"(B) shall not include a collection of information described under section 3518(c)(1);

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a) (2) and (3)(C) (i) through (v) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a) (2) and (3)(C) (i) through (v));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public;

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

"(A) retain such records;

"(B) notify third parties, the Federal Government, or the public of the existence of such records;

"(C) disclose such records to third parties, the Federal Government, or the public; or

"(D) report to third parties, the Federal Government, or the public regarding such records; and

"(14) the term 'penalty' includes the imposition by an agency or court of a fine or other punishment; a judgment for monetary damages or equitable relief; or the revocation, suspension, reduction, or denial of a license, privilege, right, grant, or benefit.

"§3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"§3504. Authority and functions of Director

"(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including burden reduction and service delivery to the public. In performing such oversight, the Director shall—

"(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

"(B) provide direction and oversee—

"(i) the review and approval of the collection of information and the reduction of the information collection burden;

"(ii) agency dissemination of and public access to information;

"(iii) statistical activities;

"(iv) records management activities;

"(v) privacy, confidentiality, security, disclosure, and sharing of information; and

"(vi) the acquisition and use of information technology.

"(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

"(b) With respect to general information resources management policy, the Director shall—

"(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review and approve proposed agency collections of information;

"(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement, acquisition and payment, and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(i) the heads of the major statistical programs; and

"(ii) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of interagency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

"§3505. Assignment of tasks and deadlines

"(a) In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least 10 percent during each of fiscal years 1996 and 1997 and 5 percent during each of fiscal years 1998, 1999, 2000, and 2001, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

"(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may, after consultation with the agency head, waive the application of any administrative directive issued by an agency with which the project is conducted, including any directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

"§3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate senior officials who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(b) With respect to general information resources management, each agency shall—

"(1) manage information resources to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) informs the person receiving the collection of information of—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection;

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(V) the fact that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except as provided under subparagraph (B) or section 3507(j), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

"(G) contains the statement required under paragraph (1)(B)(iii);

"(H) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(I) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(J) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information;

"(B) in cases in which the agency provides public information maintained in electronic format, providing timely and equitable access to the underlying data (in whole or in part); and

"(C) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities;

"(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

"(4) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for information technology investments;

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

"(A) integrated with budget, financial, and program management decisions; and

"(B) used to select, control, and evaluate the results of major information systems initiatives.

"§3507. Public information collection activities; submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed

collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 1 year.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs, and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information which is not approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of that agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize a collection of information, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of time periods established under this chapter; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed;

"(ii) an unanticipated event has occurred; or

"(iii) the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether

the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

"§3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

"§3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties) that relate to the unlawful disclosure of information apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§3511. Establishment and operation of Government Information Locator Service

"(a) In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

"(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

"(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

"(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

"(4) consider public access and other user needs in the establishment and operation of the Service;

"(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

"(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

"(b) This section shall not apply to operational files as defined by the Central Intelligence Agency Information Act (50 U.S.C. 431 et seq.).

"§3512. Public protection

"(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information that is subject to this chapter if—

"(1) the collection of information does not display a valid control number assigned by the Director in accordance with this chapter; or

"(2) the agency fails to inform the person who is to respond to the collection of information that such person is not required to respond to the collection of information unless it displays a valid control number.

"(b) The protection provided by this section may be raised in the form of a complete defense, bar, or otherwise at any time during the agency administrative process or judicial action applicable thereto.

"§3513. Director review of agency activities; reporting; agency response

"(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

"(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

"(1) be taken to address information resources management problems identified in the report; and

"(2) improve agency performance and the accomplishment of agency missions.

"§3514. Responsiveness to Congress

"(a)(1) The Director shall—

"(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

"(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

"(2) The Director shall include in any such report a description of the extent to which agencies have—

"(A) reduced information collection burdens on the public, including—

"(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

"(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter;

"(iii) a list of any increase in the collection of information burden, including the authority for each such collection; and

"(iv) a list of agencies that in the preceding year did not reduce information collection burdens in accordance with section 3505(a)(1), a list of the programs and statutory responsibilities of those agencies that precluded that reduction, and recommendations to assist those agencies to reduce information collection burdens in accordance with that section;

"(B) improved the quality and utility of statistical information;

"(C) improved public access to Government information; and

"(D) improved program performance and the accomplishment of agency missions through information resources management.

"(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

"§3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§3516. Rules and regulations

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§3517. Consultation with other agencies and the public

"(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

"(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, a person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

"(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

"(2) take appropriate remedial action, if necessary.

"§3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of—

"(i) a civil action to which the United States or any official or agency thereof is a party; or

"(ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the

Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

"§3519. Access to information

"Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

"§3520. Authorization of appropriations

"There are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, $8,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, and 2001.".

SEC. 3. BURDEN REDUCTION REGARDING QUARTERLY FINANCIAL REPORT PROGRAM AT BUREAU OF THE CENSUS.

Section 91 of title 13, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary shall not select an organization or entity for participation in a survey, if—

"(A) the organization or entity—

"(i) has assets of less than $50,000,000;

"(ii) completed participation in a prior survey in the preceding 10-year period, as determined by the Secretary; and

"(iii) was selected for that prior survey participation after September 30, 1990; or

"(B) the organization or entity—

"(i) has assets of more than $50,000,000 and less than $100,000,000;

"(ii) completed participation in a prior survey in the preceding 2-year period, as determined by the Secretary; and

"(iii) was selected for that prior survey participation after September 30, 1995.

"(2)(A) The Secretary shall furnish advice and similar assistance to ease the burden of a small business concern which is attempting to compile and furnish the business information required of organizations and entities participating in the survey.

"(B) To facilitate the provision of the assistance under subparagraph (A), the Secretary shall establish a toll-free telephone number.

"(C) The Secretary shall expand the use of statistical sampling techniques to select organizations and entities having assets less than $100,000,000 to participate in the survey.

"(3) The Secretary may undertake such additional paperwork burden reduction initiatives with respect to the conduct of the survey as may be deemed appropriate by the Secretary.

"(4) For purposes of this subsection:

"(A) The term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act and the regulations promulgated pursuant thereto.

"(B) The term 'survey' means the collection of information by the Secretary pursuant to this section for the purpose of preparing the publication entitled 'Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations'.".

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on October 1, 1995.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3520 of title 44, United States Code, as amended by this Act, shall take effect on the date of enactment of this Act.

(c) DELAYED APPLICATION.—In the case of a collection of information for which there is in effect on September 30, 1995, a control number issued by the Office of Management and Budget under chapter 35 of title 44, United States Code—

(1) the amendments made by this Act shall apply to the collection of information beginning on the earlier of—

(A) the first renewal or modification of that collection of information after September 30, 1995; or

(B) the expiration of its control number after September 30, 1995.

(2) prior to such renewal, modification, or expiration, the collection of information shall be subject to chapter 35 of title 44, United States Code, as in effect on September 30, 1995.

And the House agree to the same.

BILL CLINGER,
JOHN M. MCHUGH,
DAVID MCINTOSH,
JON FOX,
CARDISS COLLINS,
COLLIN C. PETERSON,
BOB WISE,
Managers on the Part of the House.

WILLIAM V. ROTH, JR.,
BILL COHEN,
THAD COCHRAN,
JOHN GLENN,
SAM NUNN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF THE CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 244) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report: The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor and clerical changes.

Short title (sec. 1)

The Senate bill contained a provision (section 101) that would establish the short title of the title I of the Senate bill as the "Paperwork Reduction Act of 1995".

The House amendment (section 1) contained a provision that would establish the short title of the act as the "Paperwork Reduction Act of 1995".

The conferees agree that the short title of the act should be the "Paperwork Reduction Act of 1995".

Coordination of Federal information policy (sec. 2)

The Senate bill contained a provision (sec. 102) that would provide a complete text of chapter 35 of title 44, United States Code, the codified version of the Paperwork Reduction Act of 1980, as previously amended.

The House amendment contained a similar provision (sec. 2).

The conference agreement reflects the following differences between the text of the Paperwork Reduction Act as contained in the Senate bill and the text contained in the House amendment.

1. Prior Legislative History Expressly Preserved.

Section 2 of the Paperwork Reduction Act of 1995 is drafted in the form of a complete recodification of chapter 35 of title 44, United States Code, due to the number of changes made. The modifications include word changes made for reasons of clarity and consistency, the deletion of obsolete provisions, the reorganization of sections, and substantive amendments made to update and strengthen the original purposes of the Paperwork Reduction Act of 1980. As stated in report accompanying the S. 244 (S. Rpt. 104–8):

"To the extent the legislation is a restatement of the 1980 Act, as amended in 1988, the scope, underlying purposes, basic requirements, and legislative history of the law are unchanged. To the extent the legislation modifies provisions in current law, the amendments are made strictly for the purposes described in this report, and in order to further the purposes of the original law." (S. Rpt. 104–4 at page 3)

The report accompanying H.R. 830, H. Rpt. 104–37, expressed essentially the same views regarding the preservation of the Act's legislative history. (See, H. Rpt. 104–37 at page 35).

With respect to the views expressed in the reports accompanying S. 244 and H.R. 830 regarding the effect of the adopted format of both bills, a recodification of chapter 35 of title 44, United States Code, the conferees adopt and reiterate the positions expressed by those reports. Amendments to current law effected by this conference agreement are done for the purposes subsequently described in this Joint Explanatory Statement.

2. Definition of "collection of information".

The Senate bill contained a modified definition of "collection of information", which including adding a cross-reference to 35 U.S.C. 3518(c)(2) relating to the exclusion of certain types of collections of information from coverage under chapter 35 of Title 44.

The House amendment contained no similar modification to existing law.

The House recedes.

The conferees expressly note that the addition of the cross-reference to 35 U.S.C. 3518(c)(2) within the definition of the term "collection of information" is not intended to reflect any substantive change to existing law or to serve as a justification for any change by Federal agencies in the use of the authority granted by section 3518(c)(2).

3. Definition of "information system".

The Senate bill contained an expanded definition of "information system".

The House amendment added the phrase "and processes, automated or manual".

The House recedes.

4. Definition of "information technology".

The Senate bill contained a new definition of "information technology" (44 U.S.C. 3502(9).

The House amendment contained a similar definition that did not contain some of the cross-references.

The House recedes.

The conferees note that the definition of "information technology" contained in section 3502(9) is intended to preserve the exemption for intelligence and military information technology that is found in current law, specifically the definition of "automatic data processing", Section 3502(2). For the purpose of mere statutory simplification, the current exemption was incorporated by a simple reference to the so-called "Warner Amendment" to the Brooks Automatic Data Processing Act, Section 111(a)(3)(C) (i) through (v) of the Federal Property and Administrative Services Act of 1947 (40 U.S.C. 759(a)(3)(C)(i)–(v)). As under current section 3502(2), the exemption applies to information technology, the function, operation, or use of which involves activities specified in the "Warner Amendment", namely: intelligence activities; cryptologic activities related to national security; the direct command and control of military forces; equipment which is an integral part of a weapon or weapons system; or information technology that is critical to the direct fulfillment of military or intelligence missions (but excludes information technology used for routine administrative and business applications, such as payroll, finance, logistics, and personnel management).

In this regard, the conferees note that OMB has not interpreted the authority granted by section 3504(f)(1) of the existing Paperwork Reduction Act to oversee the management of either classified or unclassified information which would typically be resident in information technology that itself is not subject to OMB's oversight under the Act (e.g., an information system which is an integral part of a weapons system). Given the express intent to preserve existing law regarding the exclusion of information technology covered by the so-called "Warner Amendment" to the Brooks Automatic Data Processing Act, the conferees would note that the changes made by this Act do not grant any new authority or diminish any existing authority for OMB to develop or oversee security policies, principles, or guidelines applicable to information resident in information technology subject to the "Warner Amendment" exemption. Similarly, the amendments made by this definition change are not intended to impair OMB's budgetary oversight of such information technology or its other existing authorities.

With regard to the modifications being made to section 3504(f)(3) of existing law, the conferees intend that revised section 3504(g)(2) continue to be implemented consistent with the provisions of the Computer Security Act of 1987 (40 U.S.C. 759), which assigns to the National Institute of Standards and Technology responsibility for developing technical, management, physical, and administrative policies, principles, standards, and guidelines for the cost-effective security and privacy of sensitive information in Federal computer systems subject to that act.

5. Definition of "recordkeeping requirement".

The Senate bill contained a modified definition designed to make explicit the Act's coverage of so-called third-party recordkeeping requirements to correct the ambiguity that lead to the adverse 1990 Supreme Court decision in *Dole v. United Steelworkers of America*.

The House amendment contained additional detail in this regard.

The Senate recedes with a clarifying amendment.

6. Office of Information and Regulatory Affairs—Qualifications of Administrator and Employees.

The Senate bill added a new subsection (c) to section 3503 regarding the professional qualifications of the Administrator of the Office of Information and Regulatory Affairs (OIRA) and the employees of that office.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that the purpose of this provision was to assure that adequate attention was given to the full range of responsibilities assigned to OIRA and its Administrator by the Paperwork Reduction Act of 1980, as amended. Such considerations are appropriate in the Presidential selection of a nominee for OIRA Administrator and in the Senate's consideration of that nominee, while recognizing the practical realities of requiring that a "qualified" candidate have substantial capabilities over the very broad range of responsibilities assigned to OIRA by the Act. Such practical considerations should also apply to the Administrator's selection of OIRA employees as well as the utility of having more narrowly focused "subject matter specialists" available on the OIRA staff.

7. Authority and functions of the Director—Burden reduction as an objective of information resources management.

The Senate bill contained a substantial modification to section 3504(a)(1) regarding the responsibilities of the OMB Director to oversee the Government's information resources with the objective of improving the effectiveness of Federal agency operations.

The House amendment contained no similar provision.

The House recedes with an amendment that adds to the Senate provision the concept that information resources management is also a substantial tool to minimize the burdens which the Government imposes on the public.

8. Authority and functions of the Director—Approval of proposed collections of information.

The Senate bill contained a modification to section 3504(a)(1)(B) relating to the authority of the OMB Director to review and approve (or disapprove) a collection of information being proposed by an agency.

The House amendment includes a similar provision which retains the explicit reference to "review and approval" existing in current law.

The Senate recedes.

The conferees reiterate the existing interpretation of the authority granted to the OMB Director under section 3504(a)(1)(B): that the power to "approve" a proposed agency paperwork requirement is the power to disapprove such a proposed collection. This has been the consistent interpretation of this provision since the enactment of the 1980 Act.

9. Authority and functions of the Director—Standard of Review for Proposed Agency Collections of Information.

The Senate bill amended section 3504(c)(1) regarding the OMB Director's authority to review and approve a proposed agency collections of information, seeking to cross-reference, and paraphrase, section 3508 which sets forth the Act's fundamental standard for the review of such a proposed collection of information by both the proposing agency and the OMB Director.

The House amendment included a direct statement of the OMB Director's authority to review and approve proposed agency collections of information.

The Senate recedes.

10. Authority and functions of Director—Coordination with Office of Federal Procurement Policy regarding payment.

The Senate bill contains a modification to section 3504(c)(2) relating to establishing a formal coordination between OIRA and the Office of Federal Procurement Policy (OFPP) regarding minimizing paperwork burdens associated with the Federal procurement process.

The House amendment contained a similar provision, but specifically identified the burdens associated with the payment of contractors for work performed.

The Senate recedes.

The conferees note that the Prompt Payment Act Amendments of 1988 specifically encourage the use of electronic fund transfers for the payment of contractors. More recently, the Federal Acquisition Streamlining Act of 1994 (FASA) continues this emphasis on increasing the use of electronic fund transfers by designating electronic payment of contractors as one of the benchmarks for determining the full capability of FACNET. Finally, the conferees note that simplified procedures for solicitation and award of contracts below the Simplified Acquisition Threshold (SAT), $100,000, being proposed as amendments to the Government-wide Federal Acquisition Regulation (FAR), should include authority for equally expedited contract payment procedures for work performed.

11. Authority and functions of Director—Special small business size standard for Paperwork Reduction Act.

The House amendment modified the OMB's Director's responsibilities under section 3504(c) by adding a new paragraph (6) which placed a special emphasis on minimizing the burden on small businesses with 50 or fewer employees. New section 3504(c)(6) was added as a floor amendment to the reported House bill, H.R. 830.

The Senate bill contains no similar provision.

The House recedes.

The conferees note that the section 3 of the Small Business Act provides Government-wide authority for the Small Business Administration (SBA) to establish by regulation numerical size standards under which a business concern will be recognized as a small business concern. SBA has established specific size standards for various types of business concerns in consonance with the system of standard industrial classification (SIC) codes, used to categorize business activity. Size standards are generally established by number of employees for firms engaged in manufacturing. Size standards for firms providing services are established on the basis of annual gross receipts averaged over a three-year period.

Statutorily-established small business size standards have generally been avoided by the Congress because of their rigidity. If enacted, such a statutory size standard has generally been used to establish with certainty a "small business" exception to the statute's general applicability or a threshold for a phased-in application.

12. Assignment of tasks and deadlines—Government-wide paperwork burden reduction goals.

The Senate bill amends section 3505(a) to provide for a 5 percent Government-wide goal for the reduction of paperwork burdens imposed by the Government on the public.

The House amendment contains a 10 percent Government-wide paperwork burden reduction goal.

The Senate recedes with an amendment. The conference agreement provides for a 10 percent goal for each of the fiscal years 1996 and 1997 and a 5 percent goal for each of the fiscal years 1998 through 2001.

The conferees note that the Government-wide paperwork reduction goal is calculated on the basis of a "baseline" which is the aggregate paperwork burden imposed during the prior fiscal year. The conferees also note that individual agency goals negotiated with OIRA may differ depending on the agency's potential to reduce the paperwork burden such agency imposes on the public. Goals negotiated with some agencies may substantially exceed the Government-wide goal, while those negotiated with other agencies may be substantially less.

13. Assignment of tasks and deadlines—Pilot projects to test alternative practices to minimize paperwork burdens.

The Senate bill amends Section 3505 to provide statutory authority for the OMB Director to establish voluntary pilot programs to test alternative policies, practices, regulations and procedures to minimize the information collection burden imposed on particular segments of the public.

The House amendment included a new subsection (b) to Section 3505, which specifically authorized the OMB Director to waive the application of any regulation or administrative directive needed to undertake a burden reduction pilot project. Notice of such waiver was required to the public and the Congress.

The Senate recedes with an amendment. The conference agreement does not provide any authority for the OMB Director to unilaterally waive any regulation in support of a burden reduction pilot project. If a regulation must be waived in support of such a pilot project, such regulatory waiver must be: (1) permissible under the statutory authority underpinning the regulation; and (2) implementation through a formal regulatory change, meeting the same Administrative Procedure Act standards as used to promulgate the regulation proposed for waiver.

14. Federal agency responsibilities—DOD and Military departments authorized to designate multiple "senior officials".

The Senate bill preserves existing law in section 3506(a)(2)(B) which permits the Secretary of Defense and the Secretary of a Military Department to designate multiple "senior officials" responsible for the Act's implementation within the Office of the Secretary of Defense or that Military Department. The Senate bill amends existing law to require that the respective duties of each such "senior official" be clearly delineated if either the Secretary of Defense or a Service Secretary should choose to designate more than one such "senior official". Under current law, only the Secretary of a Military Department has a statutory obligation to delineate the respective duties of multiple "senior officials" designated by such officer.

The House amendment uses the terminology of "a senior official", under the legislative drafting convention that the singular provides for the plural, unless expressly prohibited. The House amendment preserved the statutory anomaly exempting the Secretary of Defense from the requirement to delineate the respective duties of multiple "senior officials" within the Office of the Secretary of Defense, (although three such "senior officials" are currently designated and their respective duties are delineated).

The House recedes.

15. Federal agency responsibilities—Cross-reference to "Fast Track" Procedures under Section 3507(j).

The House amendment to section 3506(c)(2)(A) qualifies the general requirement to provide a 60-day period for public comment on a proposed collection of information with the phrase "except for good cause" to provide broad authority to the OMB Director to waive the public participation requirement when necessary.

The Senate bill amends section 3507(j), which authorizes the so-called "Fast Track" review procedures (that is, the very expedited review of a proposed collection of information without any opportunity for public comment prior to approval), to obtain the same statutory objective sought by the House amendment.

The House recedes with an amendment. The conference agreement provides for adding to section 3506(c)(2)(A) a cross-reference to the "Fast Track" authority provided in section 3507(j).

16. Federal agency responsibilities—Record retention period to be specified for any recordkeeping requirement.

The House amendment adds a provision to Section 3506(c)(3) which would require that any recordkeeping requirement specify the length of time such records must be maintained.

The Senate bill does not contain a similar provision.

The Senate recedes.

17. Federal agency responsibilities—Special small business size standard for Paperwork Reduction Act.

The House amendment adds a provision to Section 3506(c) relating to agency responsibilities regarding minimizing paperwork burdens imposed on the public by requiring that a special emphasis be placed on minimizing the burden on small businesses with 50 or fewer employees. New Section 3506(c)(4) was added as a floor amendment to the reported House bill, H.R. 830.

The Senate bill contains no similar provision.

The House recedes.

The conferees note that section 3 of the Small Business Act provides Government-wide authority for the Small Business Administration (SBA) to establish by regulation numerical size standards under which a business concern will be recognized as a "small business concern." SBA has established specific size standards for various types of business concerns in consonance with the system of standard industrial classification (SIC) codes, used to categorize business activity. Size standards are generally established by number of employees for firms engaged in manufacturing. Size standards for firms providing services are established on the basis of annual gross receipts averaged over a three year period.

Statutorily-established small business size standards have generally been avoided by the Congress because of their rigidity. If enacted, such a statutory size standard has generally been used to establish with certainty a "small business" exception to a statute's general applicability or to define a threshold for a phased-in application.

18. Federal agency responsibilities—Information dissemination standards.

The Senate bill adds a new Section 3506(d) which establishes information dissemination standards for the various Federal agencies.

The House amendment contains essentially similar provisions, except that the House provision requires that: (a) the public have "equal" as well as "timely" and "equitable" access to the information collected by the agency; and (b) access be made available to the "underlying data", if an agency provides information to the public in an electronic format.

The Senate recedes with an amendment. The conference agreement adopts the provision of the House amendment assuring public access to "underlying data" if a agency chooses to furnish information in an electronic format.

The conferees concluded that the word "equal" was unnecessary in the agreed-upon text of section 3506(d)(1), given that the statutory obligation for an agency ensure that the public has "timely" and "equitable" access to information in the possession of the agency includes the obligation to make such information available on a non-discriminatory and non-exclusive basis to any public or private entity for any lawful purpose. This obligation is sufficient to prevent agencies from discriminating against or otherwise disadvantaging any class of users, particularly commercial users.

19. Federal agency responsibilities—Notice of Changes Regarding Information Dissemination Products.

The House amendment adding a new section 3506(d), which establishes information dissemination standards for Federal agencies, includes a provision requiring an agency to provide adequate public notice when initiating, substantially modifying, or terminating a significant information dissemination project.

The Senate bill does not contain a similar provision.

The Senate recedes.

20. Federal agency responsibilities—User Fees.

The House amendment adding a new section 3506(d), which establishes information dissemination standards for Federal agencies, includes a provision specifying procedures under which an agency head can petition the OMB Director to authorize user fees in excess of the cost of dissemination, the general rule established by section 3506(d)(4)(D).

The Senate bill does not contain a similar provision.

The House recedes.

21. Federal agency responsibilities—Information Technology Management.

The Senate bill requires that each Federal agency take certain actions to "ensure" responsibility for effective management of its information technology resources.

The House amendment requires each Federal agency to "assume" responsibility for an identical set of management actions.

The Senate recedes.

22. Public Information collection activities; submission to Director; approval and

delegation—Unspecified "Fast Track" Alternative.

The Senate bill amends section 3507(j) of existing law to provide additional flexibility in the so-called "Fast Track" review process, under which a proposed collection of information can be reviewed on a very expedited schedule without any opportunity for public notice or comment prior to approval by the OMB Director.

The House amendment sought to provide the same additional flexibility by amending section 3507(b) to include any additional waiver of the normal review process "for good cause".

The House recedes.

23. Public information collection activities; submission to Director; approval and delegation—Duration of "Default" Approval.

The Senate bill requires the assignment of a valid control number permitting an agency to use a collection of information for a period of not more than two years, if the OMB Director fails to take action regarding a proposed collection of information (not contained in a rule) within a specified 60-day period.

The House amendment contained an identical provision, except that the control number remained valid for not more than one year.

The Senate recedes.

24. Public information collection activities; submission to Director; approval and delegation—Standard for disapproval of a collection of information contained in a final agency rule.

The House amendment to new section 3507(d), which specifies procedures for the review of a proposed collection of information contained in a proposed rule, includes a modification to section 3507(d)(4)(C), to make more explicit the standard of review to be used by the OMB Director.

The Senate bill makes use of the language found in existing law.

The House recedes.

25. Public information collection activities; submission to Director; approval and delegation—Disclosure of written communications.

The Senate bill expands the Act's current requirement to disclose any written communication regarding a proposed collection of information between a person not employed by the Federal Government and the OIRA Administrator or any OIRA employee to include the "Office of the Director" of OMB.

The House amendment maintains current law.

The Senate recedes.

26. Public information collection activities; submission to Director; approval and delegation—"Whistleblower" Protection.

The Senate bill includes a new provision at section 3507(e)(3)(B), which provides anonymity to a communication received by OIRA from a private sector "whistleblower", regarding an unapproved (or so-called "bootleg") collection of information.

The House amendment contained a whistleblower protection provision that was not restricted to "bootleg" collections of information.

The House recedes with an amendment. The conference agreement provides the "whistleblower" protection to a communication regarding a collection of information that does not display a control number that is currently in effect. Thus, the provision now provides protection regarding communications relating collections of information that were never approved as well as those for which an approval has expired.

27. Public Information collection activities; submission to Director; approval and delegation—Improved "Fast Track" Procedures.

The Senate bill amends 3507(j) of existing law to provide additional flexibility in the so-called "Fast Track" review process, under a proposed collection of information can be reviewed on an very expedited schedule without any opportunity for public notice or comment prior to approval by the OMB Director.

The House amendment reflects existing law.

The House recedes.

The conferees note that no instance has been identified in the 15 years of experience under the Act in which its "Fast Track" review procedures have not been made available to an agency under the current version of section 3507(j), or the proposed collection of information has not been cleared on an schedule that completely accommodated the agency's exigent circumstances.

28. Determination of necessity for information; hearing.

The Senate bill modifies section 3508 of the Act, which establishes the fundamental standard used by the Director in determining whether to approve a collection of information being proposed by an agency.

The House amendment reflects existing law.

The Senate recedes.

29. Establishment and operation of Government Information Locator Service—Specific exclusion for CIA "operational files".

The Senate bill includes a provision which provides for the establishment and operation of the Government Information Locator Service (GILS). The Senate provisions includes an explicit exclusion from GILS for "operational files" as defined in the Central Intelligence Agency Information Act.

The House amendment contains an identical provision regarding GILS, but does not include the specific exclusion for the CIA's "operational files".

The House recedes.

30. Public Protection.

The Senate bill contains a provision which changes the Act's current "public protection" provision by requiring a collection of information subject to the Act display a notice that a person is not required to respond to the collection of information unless it displays a control number which is valid.

The House amendment contains a provision which clarifies and strengthens the Act's current "public protection" provision by enabling a person to assert this protection at any time during an agency administrative process or any subsequent judicial review of an agency action involving a penalty.

The Senate recedes with an amendment. The conference agreement clarifies and strengthens the Act's "public protection" provision by explicitly providing that the protection provided by the section may be asserted or raised by a person in the form of a complete defense, bar or other manner, at any time during a agency administrative process or any subsequent judicial review. The protection provided by the section applies if the agency fails to display a valid control number, or inform the person that they are not required to respond to a collection of information unless it displays a valid control number.

For collections of information contained in a rule, agencies must provide the required information in a manner reasonably calculated to inform the public. Notice may be provided in the preamble to a final rule containing the collection of information, or in a general notice in the volume of the Code of Federal Regulation in which the agency's regulations appear.

The conference agreement also provides for the inclusion of a definition of "penalty", a term used in section 3512. The new statutory definition of "penalty" is substantially identical to the definition of "penalty" found in the Act's implementing regulation, at 5 C.F.R. 1320.7(m).

The conference agreement further provides for an additional modification to section 3506(c)(1)(B), which specifies the information to be provided to the public with respect to an agency collection of information. Agencies are not required to inform recipients of a collection of information that: (a) section 3507(a) prohibits an agency from conducting or sponsoring an unapproved collection of information; and (b) section 3512 requires an agency to inform a person who is to respond to a collection of information they are not required to do so unless it displays a valid control number.

31. Responsiveness to Congress—Annual Report and Remedial Program Regarding Agencies Failing to Attain Paperwork Burden Reduction Goals.

The Senate bill amended section 3514(a)(1) of the Act regarding the content of the report submitted annually to Congress by the OMB Director relating to agency compliance with the Act.

The House amendment contains a substantially identical provision which includes an additional requirement to identify those agencies that have failed to attain their assigned paperwork burden reduction goals during the fiscal year covered by the report, the reasons for their failure to attain such goals; and the agency's proposed remedial program, if any.

The Senate recedes with a clarifying amendment.

32. Consultation with other agencies and the public.

The Senate bill contains a provision permitting any person to request the OMB Director to determine whether a collection of information is in compliance with the Act's requirements, specifying response times to such requests; and empowering the Director to seek any appropriate remedial action.

The House amendment contains a substantively identical provision, but unlike the Senate bill requires that the person making the request must be a recipient of the collection of information at issue.

The House recedes.

33. Effect on existing laws and regulations.

The Senate bill includes a provision, section 3818(c), substantially identical to existing law which specifies certain classes of collections of information that are exempt from the Act's coverage.

The House amendment makes a number of additional modifications to this provision of existing law.

The House recedes.

34. Authorization of Appropriations.

The Senate bill amends section 3520 providing a five-year authorization of appropriations for OIRA for the Fiscal Years 1996 through 2000, at the rate of $8 million per year.

The House amendment provides a permanent authorization of appropriations, specifying "such sums as may be necessary" rather than a fixed amount.

The House recedes an amendment. The conference agreement provides for a six-year authorization of appropriations for OIRA, for fiscal years 1996 through 2001, at $8 million for each fiscal year.

Burden reduction regarding the Quarterly Financial Report Program at the Bureau of the Census (Sec. 3)

The Senate bill contained a provision (sec. 103) that would require the Bureau of the Census within the Department of Commerce to undertake a demonstration program to reduce the burden imposed on firms, especially small businesses, required to participate in the survey used to prepare the Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations.

The House amendment contained no similar provision.

The House recedes with an amendment.

The conference agreement amends section 91 of title 13, United States Code, the statutory authorization for the survey, to:

(a) exempt firms from participation for specified periods, after they have fully participated in the survey for a complete cycle (eight consecutive quarters of reporting);

(b) expand the use of statistical sampling techniques to select for survey participation; and

(c) assure small businesses selected to participate easy access to advise and similar assistance, including the establishment of a toll-free telephone number.

Effective date (Sec. 4)

The Senate bill contains a provision (sec. 106) which establishes the effective date of the Paperwork Reduction Act of 1995 as June 30, 1995.

The House amendment contains a provision (sec. 3) which establishes the Act's effective date as October 1, 1995.

The Senate recedes with a clarifying amendment.

The conference agreement provides that: (a) except as otherwise provided, the Paperwork Reduction Act of 1995 shall take effect on October 1, 1995; (b) section 3520, as amended, providing authorization for OIRA's appropriation, shall become effective on the date of enactment; (c) for each collection of information for which there is a valid OMB control number in effect on September 30, 1995, the amendments to chapter 35 of title 44, shall take effect on the date of the first renewal or modification to that collection of information or on the date of the expiration of its OMB control number; and (d) prior to such renewal, modification, or expiration of its OMB control number, such collection of information shall be subject to the provisions of chapter 35 of title 44, United States Code, as in effect on September 30, 1995.

PROVISIONS NOT ADOPTED

Oregon Option proposal

The Senate bill contains a provision (sec. 104), added as an amendment to the bill as reported, which would express a series findings and a statement of support on the part of the Senate regarding continuation of an on-going demonstration program of intergovernmental cooperation between the Federal Government and State of Oregon and its local governments, referred to as the "Oregon Option".

The House amendment contains no similar provision.

The Senate recedes.

Termination of reporting requirements

The Senate bill contains a provision (sec. 105), added as an amendment to the bill as reported, which would terminate all statutorily-mandated reports by the Executive Branch to the Congress, except those required by the Inspector General Act of 1978 and the Chief Financial Officers Act of 1990, five years after the date of enactment of the provision.

The House amendment contains no similar provision.

The Senate recedes.

Federal Report Elimination and Modification Act of 1995

The Senate bill contains a Title II, the "Federal Report Elimination and Modification Act of 1995", added as an amendment to the bill as reported, which would eliminate or reduce the burden of 212 statutorily-mandated reports by the Executive Branch to the Congress.

The House bill contains no similar provisions.

The Senate recedes.

BILL CLINGER,
JOHN M. MCHUGH,
DAVID MCINTOSH,
JON FOX,
CARDISS COLLINS,
COLLIN C. PETERSON,
BOB WISE,
Managers on the Part of the House.

WILLIAM V. ROTH, Jr.,
BILL COHEN,
THAD COCHRAN,
JOHN GLENN,
SAM NUNN,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. MILLER, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. HOSTETTLER, for 5 minutes, on April 4.

Mr. TIAHRT, for 5 minutes, on April 4.

Mr. BARTLETT of Maryland, for 5 minutes, on April 4.

Mr. LATHAM, for 5 minutes, on April 4.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. RIGGS, for 5 minutes each day, today and on April 4.

Mr. BILIRAKIS, for 5 minutes each day, on April 4, 5, and 6.

Mrs. SMITH of Washington, for 5 minutes, on April 4.

Mr. SALMON, for 5 minutes, on April 4.

Mr. SAXTON, for 5 minutes each day, on April 4 and 6.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, on April 4, 5, and 7.

Mr. HOKE, for 5 minutes, on April 4.

Mr. CHABOT, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SAXTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOKE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WYNN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUTCHINSON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. EWING, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BARTLETT of Maryland, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CHABOT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ARCHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous material:)

Mr. PALLONE.
Ms. PELOSI.
Mr. KENNEDY of Rhode Island.
Ms. ROYBAL-ALLARD.
Mr. MURTHA.
Mr. UNDERWOOD.
Mr. STUDDS.
Mr. SKAGGS.
Mr. DIXON.

(The following Members (at the request of Mr. WELDON of Pennsylvania) and to include extraneous matter:)

Mr. TALENT.
Mr. CALLAHAN.
Mrs. KELLY.
Mr. WELDON of Pennsylvania.
Mr. COOLEY.
Mr. WOLF.

(The following Members (at the request of Mr. ORTIZ) and to include extraneous matter:)

Mrs. SCHROEDER.
Mr. SMITH of New Jersey.
Mr. ENGEL.
Mr. EWING.
Mr. BONILLA.
Mr. TEJEDA.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 464. An act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes; to the Committee on the Judiciary; and

S. 532. An act to clarify the rules governing venue, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT

Mr. ORTIZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 4, 1995, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

654. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $21,975,000 in budget authority for the Department of Health and Human Services, also a request to make available emergency appropriations totaling $14,415,000 in budget authority for the Department of Agriculture, and to designate the amounts made available as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–54); to the Committee on Appropriations and ordered to be printed.

655. A letter from the Comptroller, Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Naval Sea Systems Command, Arlington, VA, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

656. A letter from the Director, Defense Finance Accounting Service, transmitting notification that the Defense Finance and Accounting Service is initiating multifunction cost comparison studies at its centers in Cleveland, OH; Columbus, OH; Denver, CO; Indianapolis, IN; and Kansas City, MO, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

657. A letter from the Chairman, National Credit Union Administration, transmitting the 1995 annual report of the National Credit Union Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Banking and Financial Services.

658. A letter from the Chairperson, National Council on Disability, transmitting the Council's annual report, volume 15, fiscal year 1994, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Economic and Educational Opportunities.

659. A letter from the Secretary of Education, transmitting a copy of a report entitled, "Summary of Chapter 2 Annual Reports 1992–1993"; to the Committee on Economic and Educational Opportunities.

660. A letter from the Nuclear Waste Technical Review Board, transmitting the Board's findings, conclusions, recommendations relating to high-level radioactive waste or spent nuclear fuel, pursuant to 42 U.S.C. 10268; to the Committee on Commerce.

661. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Singapore (Transmittal No. 18–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

662. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense acticles to Switzerland (Transmittal No. 17–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

663. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services (Transmittal No. 95–20), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

664. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to French Guiana (Transmittal No. DTC–14–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

665. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 1994, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

666. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a report entitled, "US-Hong Kong Policy Act Report"; to the Committee on International Relations.

667. A letter from the Executive Director, Advisory Council on Historic Preservation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

668. A letter from the Director for Morale, Welfare and Recreation Support Activity, Department of the Navy, transmitting the annual report of the retirement plan for civilian employees of the U.S. Marine Corps morale, welfare and recreation activities, the Morale, Welfare and Recreation Support Activity, and miscellaneous nonappropriated fund, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

669. A letter from the Director, Selective Service System, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

670. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

671. A letter from the Secretary of the Interior, transmitting a copy of the report "Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management Program: Cumulative Effects, 1987–1991,"; to the Committee on Resources.

672. A letter from the President, American Academy of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 1994, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

673. A letter from the Chief Justice, Judicial Conference of the United States, transmitting a draft of proposed legislation entitled, "Federal Courts Improvement Act of 1995"; to the Committee on the Judiciary.

674. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report for the fiscal year 1994, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

675. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1995 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to section 1817(b) of the Social Security Act, as amended (H. Doc. No. 104–56); to the Committee on Ways and Means and ordered to be printed.

676. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the 1995 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to section 201(c)(2) of the Social Security Act, as amended (H. Doc. No. 104–57); to the Committee on Ways and Means and ordered to be printed.

677. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the Panama Canal Commission's 1994 and 1993 financial statements, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Reform and Oversight and National Security.

678. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting ; a list of property that is covered by the Corporation as of September 30, 1994, pursuant to Public Law 101–591, section

10(a)(1) (104 Stat. 2939); jointly, to the Committees on Resources and Banking and Financial Services.

679. A letter from the Administrator's of Federal Aviation Administration and National Aeronautics and Space Administration, transmitting a joint report to Congress on the progress being made under the Subsonic Noise Reduction Technology Program, pursuant to 49 U.S.C. app. 1353 note; jointly, to the Committees on Transportation and Infrastructure and Science.

680. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1995 annual report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to section 1841(b) of the Social Security Act, as amended (H. Doc. No. 104-55); jointly, to the Committees on Ways and Means and Commerce, and ordered to be printed.

681. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the Pension Benefit Guaranty Corporation's 1994 and 1993 financial statements, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Reform and Oversight, Economic and Educational Opportunities, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McINNIS: Committee on Rules. House Resolution 125. Resolution providing for the consideration of the bill (H.R. 1271) to provide protection for family privacy (Rept. 104-97). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 126. Resolution providing for the consideration of the bill (H.R. 660) to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons (Rept. 104-98). Referred to the House Calendar.

Mr. CLINGER: Committee of Conference. Conference report on S. 244. An act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes (Rept. 104-99). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COOLEY:

H.R. 1375. A bill to provide for the extension of expiring term grazing permits for lands within the National Forest System pending the completion by the Forest Service of final agency action in connection with the renewal of such permits; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIXON (for himself, Mr. COLLINS of Georgia, Mr. ROSE, Mr. COOLEY, Mr. SMITH of Texas, Mr. COSTELLO, Mr. DAVIS, Mr. FRANK of Massachusetts, Mr. BERMAN, Mrs. SCHROEDER, Mr. HEFLEY, and Mr. DURBIN):

H.R. 1376. A bill to amend title 10, United States Code, to provide for the award of the Purple Heart to members of the Armed Forces killed or wounded due to friendly fire while engaged in peacekeeping activities; to the Committee on National Security.

By Mr. GALLEGLY (for himself, Mr. MCCOLLUM, Mr. SENSENBRENNER, Mr. ARCHER, Mr. WELDON of Pennsylvania, Mr. GOODLATTE, Mr. KIM, Mrs. SEASTRAND, Mr. SAXTON, Mr. SHAYS, Mr. MCKEON, Mr. ROHRABACHER, Mr. EWING, Mr. HANCOCK, Mr. CONDIT, Mr. BAKER of California, Mr. BILBRAY, Mr. CALVERT, Mr. RIGGS, Mr. BONO, Mr. RADANOVICH, Mr. PACKARD, Mr. BRYANT of Tennessee, Mr. HERGER, Mr. HEFLEY, Mr. STUMP, Mr. ROYCE, Mr. DOOLITTLE, Mr. HUNTER, Mr. SHADEGG, Mr. HOKE, and Mrs. ROUKEMA):

H.R. 1377. A bill to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States; to the Committee on the Judiciary.

By Mr. GIBBONS;

H.R. 1378. A bill to require the Secretary of State to publish the names of U.S. citizens who renounce their citizenship; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota:

H.R. 1379. A bill to require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands, to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself, Mr. LEACH, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BAKER of Louisiana, Mr. ROYCE, Mr. WELLER, Mr. EHRLICH, Mr. CHRSYLER, Mr. CREMEANS, and Mr. HEINEMAN):

H.R. 1380. A bill to provide a moratorium on certain class action lawsuits relating to the Truth in Lending Act; to the Committee on Banking and Financial Services.

By Mrs. MEEK of Florida:

H.R. 1381. A bill to establish a national program to stimulate urban economic redevelopment through environmental remediation and restoration, as well as through the development of inner city businesses and employment in the fields of environmental response, remediation, and restoration; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Economic and Educational Opportunities, National Security, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself, Mr. BILIRAKIS, Mr. ZIMMER, and Mrs. MALONEY):

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress relating to diplomatic recognition of the Former Yugoslav Republic of Macedonia; to the Committee on International Relations.

By Mr. BRYANT of Texas:

H. Res. 127. Resolution providing for the consideration of the resolution (H. Res. 40) to amend the Rules of the House of Representatives concerning the receipt of gifts from lobbyists and other persons, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

29. By the SPEAKER: Memorial of the Senate of the Commonwealth of Virginia, relative to the Truth in Lending Act; to the Committee on Banking and Financial Services.

30. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the Senior Nutrition Programs; to the Committee on Economic and Educational Opportunities.

31. Also, memorial of the House of Representatives of the State of Idaho, relative to opposing Idaho as a permanent repository for nuclear waste; to the Committee on Commerce.

32. Also, memorial of the Senate of the Commonwealth of Virginia, relative to memorializing Congress to refrain from mandates dealing with air pollution control programs; to the Committee on Commerce.

33. Also, memorial of the General Assembly of the State of Iowa, relative to reducing the Federal deficit; to the Committee on Government Reform and Oversight.

34. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the financial crisis afflicting the District of Columbia; to the Committee on Government Reform and Oversight.

35. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to State-initiated amendments to the Constitution; to the Committee on the Judiciary.

36. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the reimbursement to States of costs of services provided to illegal immigrants; to the Committee on the Judiciary.

37. Also, memorial of the House of Representatives of the State of Idaho, relative to prevention of revenue loss through mail order; to the Committee on the Judiciary.

38. Also, memorial of the Senate of the Commonwealth of Virginia, relative to the 10th amendment of the Constitution of the United States; to the Committee on the Judiciary.

39. Also, memorial of the House of Representatives of the State of Idaho, relative to approval of the National Highway System; to the Committee on Transportation and Infrastructure.

40. Also, memorial of the Senate of the Commonwealth of Virginia, relative to the high-speed rail system; to the Committee on Transporation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. STUDDS introduced a bill (H.R. 1382) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Aura*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. Dellums.

H.R. 46: Mrs. Kelly, Mr. Crapo, Mr. Quillen, Mr. Duncan, Mrs. Waldholtz, and Mr. Brewster.

H.R. 70: Mr. Cremeans and Mr. Martinez.

H.R. 244: Mr. Rangel.

H.R. 396: Mrs. Mink of Hawaii, Ms. Norton, Mr. Lipinski, Mrs. Clayton, Mr. Knollenberg, and Mr. Hinchey.

H.R. 530: Mr. Whitfield, Mrs. Roukema, Mr. Roberts, Mr. Stump, and Mr. King.

H.R. 560: Mr. Deal of Georgia and Mr. Parker.

H.R. 564: Mr. Fields of Texas.

H.R. 576: Mr. Dickey, Mr. McCrery, and Mr. Tauzin.

H.R. 577: Mr. Dickey, Mr. McCrery, and Mr. Tauzin.

H.R. 578: Mr. Dickey, Mr. McCrery, and Mr. Tauzin.

H.R. 633: Mr. Dickey, Mr. McCrery, and Mr. Tauzin.

H.R. 705: Mr. Deal of Georgia, Mr. Kim, and Mr. Bereuter.

H.R. 713: Mrs. Collins of Illinois, Mr. Farr, Mr. Gene Green of Texas, and Mr. Hinchey.

H.R. 721: Mr. Clay.

H.R. 733: Mr. Chrysler.

H.R. 734: Mr. Chrysler.

H.R. 744: Mr. Abercrombie.

H.R. 789: Mr. Bartlett of Maryland and Mr. Wicker.

H.R. 807: Mr. Herger, Mr. Hefley, Mr. Dornan, Mr. Ney, Mr. Neumann, Mr. Talent, Mrs. Smith of Washington, Mr. Largent, Mrs. Myrick, Mr. Hilleary, Mr. Bartlett of Maryland, Mr. Weldon of Florida, Mr. Graham, Mr. Istook, Mr. Chrysler, Mr. Forbes, Mr. Tate, and Mr. Coburn.

H.R. 847:, Mr. Poshard, Mr. Baldacci, and Mr. Souder.

H.R. 852: Ms. Roybal-Allard and Ms. Woolsey.

H.R. 909: Mr. Gene Green of Texas, Mr. Underwood, and Mr. Schaefer.

H.R. 940. Mrs. Mink of Hawaii, Mr. Owens, Mr. Reynolds, and Mr. Williams.

H.R. 961: Mr. Tauzin.

H.R. 977: Mr. Fields of Texas.

H.R. 991: Mr. Upton, Ms. Pelosi, Ms. Rivers, Ms. Slaughter, and Mr. Waxman.

H.R. 1023: Mrs. Kelly and Mr. Hinchey.

H.R. 1024: Mr. Latham.

H.R. 1046: Ms. Slaughter.

H.R. 1099: Mr. Smith of Texas, Mr. Funderburk, Mr. McDermott, and Mr. Matsui, and Mr. Crane.

H.R. 1119: Mr. Barrett of Wisconsin, Mr. Deutsch, and Mr. Watt of North Carolina.

H.R. 1130: Mr. Istook and Mr. Hancock.

H.R. 1202: Mr. Farr, Mr. Stokes, Mr. Lipinski, Ms. Furse, and Mr. Johnston of Florida.

H.R. 1210: Mr. Borski.

H.R. 1262: Ms. Norton, Mr. Bonior, Mr. Miller of California, Mr. Fattah, Mr. Richardson, Ms. Eshoo, Mr. Sanders, Mr. McDermott, Mr. Farr, and Mr. Lipinski.

H.R. 1281: Mr. Saxton, Mr. Deutsch, Mr. Gejdenson, Mr. Frost, Mr. Berman, Mr. Porter, Mr. Ackerman, Mr. Schumer, Mr. Torres, and Mr. Serrano.

H.R. 1294: Mr. Watts of Oklahoma, Mr. Talent, and Mr. Emerson.

H.R. 1317: Mr. Neal of Massachusetts.

H.J. Res. 64: Mr. Deal of Georgia and Mr. Kim.

H. Con. Res. 12: Mr. McCollum and Mr. Bishop.

H. Con. Res. 21: Mr. Hilliard, Mr. Ramstad, Mr. Brown of California, Mr. McDermott, and Mrs. Thurman.

H. Con. Res. 35: Mr. Ackerman and Mr. McDermott.

H. Con. Res. 42: Mr. Frank of Massachusetts.

H. Res. 40: Mrs. Thurman.

EXTENSIONS OF REMARKS

UPPER DARBY SCHOOL DISTRICT FEEDS EVERY CHILD WITHOUT FEDERAL DOLLARS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, during the debate occurring on March 24, 1995, on the Personal Responsibility Act, one of my colleagues across the aisle made serious misstatements about a school district in my district. I want to set the record straight.

Reference was made by my colleague to this school district opting out of the Federal School Lunch Program. It was implied that this school district deals with its poorer children who need a lunch by feeding them scraps and leftovers.

Mr. Speaker, this is simply not true. The district my colleague referred to is the Upper Darby School District, which I represent. The Upper Darby district opted out of the Federal School Lunch Program 13 years ago. The district's decision was made then, as it is made now, on a careful review of the district's demographics and a review of what is best for the community.

Before opting out, Upper Darby was losing $60 to $80 thousand a year by participating in the Federal Lunch Program. Federal rules required extra people for food preparation and monitoring. Food sent to the schools as part of the program was not popular. Kids were paying 20 cents for a meal that cost a dollar to prepare, taking a couple of bits, and dumping most of the food. So the Upper Darby district opted out.

No child goes hungry and no child is fed scraps. The district's goal is to have a self-sufficient food service program that serves nutritious meals. And that is what Upper Darby has.

The district has contracted with a private food service management company to run its program. The district's menus meet the nutritional guidelines set by the Federal Government. The menus encourage healthy eating by offering a variety of foods, including salads, yogurt, poultry, and other healthful choices. The kids have a choice about what to eat and as a result much less food is wasted.

Upper Darby has never had a problem with kids not getting a meal at school. Current program participation in Upper Darby elementary schools ranges from 56 to 70 percent. The contractor works with individual schools to assist needy children.

No child goes hungry. No child eats scraps in the Upper Darby schools. The program serves nutritious meals that kids will actually eat, saves money, and meets the needs of the community.

Those are the facts, Mr. Speaker.

UNIVERSITY OF COLORADO RESEARCHERS TO BE COMMENDED FOR IMPORTANT STUDY ON MAMMOGRAMS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mrs. SCHROEDER. Mr. Speaker, less than a decade ago a Government task force and the Congressional Caucus for Women's Issues sounded the alarm about the lack of research on women's health. Since then, there have been many positive advances, among them more extensive research into breast cancer, the leading cause of death for women aged 40 to 44 and the leading cause of cancer death for women aged 15 to 54. Mammography is still one of the few tools we have for detection of breast cancer. For women over age 50, the value of mammography is uncontested. But there has been ongoing controversy about its effectiveness for women in their forties. We are closer to resolving that controversy because of the work of two University of Colorado researchers and their colleagues. Their study, the "Benefits of Mammography Screening in Women Ages 40 to 49 Years," appears in the April 1 issue of the American Cancer Society's journal, Cancer. It shows that regular mammography for these women can significantly reduce deaths from breast cancer. It is with the help of good research such as this that we will be able to offer women more definitive guidance about a disease that is expected to kill 46,000 of them in this country this year and afflict another 182,000. I submit a March 21 Denver Post article telling about this important study.

[From the Denver Post, Mar. 21, 1995]

STUDY BACKS MAMMOGRAMS AT 40

(By Ann Schrader)

Regular mammography in women 40 to 49 years old can significantly reduce deaths from breast cancer, according to a study by two University of Colorado researchers and their colleagues.

The report in the April 1 issue of the American Cancer Society journal Cancer comes as debate continues over the benefits of routine screening.

"I would hope that the results are that women and their physicians would choose mammography screening starting at age 40 in most cases," said Ed Hendrick, chief of radiological services at the CU Health Sciences Center. "I don't think we'll see an impact on the National Cancer Institute's guidelines until there is more data in," he added.

Several European and Scandinavian countries are conducting mammography studies.

In 1989, the American Cancer Society, National Cancer Institute and 11 other organizations agreed on mammography guidelines that called for regular screenings every one to two years for women who are 40 to 49 years old and have no symptoms.

But three years later, the guideline consensus crumbled with publication of a Canadian study that showed no benefit from regular mammography. The National Cancer Institute withdrew support of the guidelines while the American Cancer Society decided there was insufficient evidence to change the recommendations.

The study included eight controlled trials of regular mammography of women ages 40 to 49 years. The authors focused on data from 1963 to 1988.

Hendrick, CU colleague James Rutledge, Dr. Charles Smart, formerly of the National Cancer Institute, and Robert A Smith of the American Cancer Society followed up the women seven to 18 years later rather than just seven years in the Canadian study. Their conclusion was that routine screening can reduce breast cancer deaths when combined with adequate followup.

Hendrick noted that the quality of mammography today "is much better than that used in most of the trials. That means we're even better at detecting small cancers and reducing the death rate."

Smith of the American Cancer Society said a trend toward benefiting from mammography has appeared later in the 40- to 49-year-old group compared with women over 50 years.

"Women in this age group diagnosed with breast cancer are healthier than older women and in general their survival is better," Smith said.

FAREWELL TO BLM'S BOB MOORE

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. SKAGGS. Mr. Speaker, I want to note that this will be the last week on the job for one of the most creative and dedicated Federal employees with whom I have had the pleasure of working.

Mr. Bob Moore, who now serves as the Colorado Director for the Bureau of Land Management, will retire on Monday after nearly 40 years of extraordinary public service.

In Colorado, as in much of the West, competing opinions on Federal land policy tend to be strongly held, and sometimes the people involved seem to have little interest in compromise or cooperation. Even in that kind of contentious atmosphere, Bob has helped citizens reach consensus on outdoor recreation, landscape management, trails and scenic byways, grazing, cultural history, and wilderness protection—some of the most important issues we face in our part of the country.

I'm sorry to lose this outstanding, thoughtful, soft-spoken gentleman from public service. On behalf of all of us in Colorado, I offer him my best wishes in his life's next chapters. Bob exemplifies the dedication to an important national mission that characterizes many thousands of career civil servants whom we too often disparage as mere bureaucrats.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LEGISLATION TO PROVIDE FOR THE AWARD OF THE PURPLE HEART IN INCIDENTS OF FRIENDLY FIRE DURING PEACEKEEPING ACTIVITIES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. DIXON. Mr. Chairman, today I am introducing legislation to award the Purple Heart posthumously to members of the Armed Forces killed on April 14, 1994, in a friendly fire incident in the northern Iraqi "no fly" zone. Fourteen American service members on peacekeeping duty were killed when two American F–15C fighter aircraft accidently shot down two United States UH–60 Black Hawk helicopters in northern Iraq. Mrs. Kaye Mounsey, the widow of Army WO Eric Mounsey—a pilot of one of the helicopters—resides in Culver City in my congressional district.

I believe that recognizing the sacrifice of these members of the Armed Forces is the appropriate thing to do. While the loss of a husband, brother, sister, or child can never be compensated, it is essential that we acknowledge the Nation's gratitude for the ultimate sacrifice that these Americans gave in service to their country.

Following the tragedy last April, the services had decided that the incident did not meet criteria for award of the Purple Heart—citing the accidental nature of the shoot down and the noncombat situation in the "no fly" zone.

However, language was included in last year's Department of Defense appropriations conference report which urged the Secretaries of the Army and the Air Force to review their decision and award the Purple Heart or other medal of distinction to service members killed over northern Iraq. The deadline for reporting back to Congress on this matter was March 31, 1995.

We have yet to hear from the military regarding this matter, and, as a result, I am introducing this bill to ensure award of the Purple Heart for members of the Armed Forces killed or wounded due to friendly fire while engaged in peacekeeping activities. I feel very strongly that if the services deem that the situation under which these Americans were killed did not merit the award, then the criteria for the medal should be modified.

As the role and complexity of U.S. Armed Forces missions have evolved, the criteria for award of the Purple Heart should reflect that evolution. In 1993 Congress included criteria in statute to ensure award of the Purple Heart in incidents of friendly fire in combat situations. This legislation would amend the law to include peacekeeping missions in that criteria, with an effective date of January 1, 1994—ensuring award of the Purple Heart to service members killed in the Iraqi friendly fire incident.

UNIONTOWN, PA AMERICAN LEGION POST TO HONOR LT. COL. MATT URBAN

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. MURTHA. Mr. Speaker, true American heroes hold an honored place in the hearts of all of us who love our Nation. The Congressional Medal of Honor is one of the ways we have chosen to honor their heroes, and it is an award that is only given to those individuals who have exhibited an exceptional amount of courage on behalf of the United States.

Lt. Col. Matt Urban is a true American hero and a Congressional Medal of Honor winner. His resume of awards does not stop here, however, as he is recognized as America's most decorated combat soldier. His bravery in numerous battles in World War II is an example of the courage so many American soldiers showed in this monumental struggle.

The Uniontown, PA American Legion Post 51 holds an annual Americanism Day each year, and this year's event will take place on May 1. The American Legion has chosen to honor Lt. Col. Matt Urban this year, and he will serve as Grand Marshal of the parade which marks the highlight of this special celebration. I know the American Legion Post 51 is extremely excited to have Lt. Col. Urban as their guest of honor, and as we celebrate the 50th Anniversary of the conclusion of World War II, I can't think of a more appropriate guest for this event.

I know I join all Americans in saluting Lt. Col. Matt Urban for his courage and devotion to the United States, and I wish the Uniontown American Legion Post 51 all the best in their 40th annual Americanism Day celebration.

A TRIBUTE TO CARMEN PINA

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to honor a young woman who represents the finest qualities of human nature. Carmen Pina, a student from the city of Pawtucket, has shown her entire community what it means to have grace under pressure. Carmen recently lost her father to Lou Gehrig's disease, a crippling illness that was emotionally draining on Carmen's entire family. Rather than succumb to perpetual sadness Carmen focused her energies on improving the quality of her own life.

Recently Carmen has been honored with several awards that have become a testament to her hard work and dedication to life. Not only has she helped her family, natives of Portugal, get back on the path to emotional recover, but she has excelled in her own work, and has been named valedictorian of the senior class at Charles E. Shea High School in Pawtucket. Today, Carmen is 1 of 88 students from around the country to win this years Horatio Alger scholarship. This coveted award is reserved only for those who have overcome the obstacles of life and made a commitment to helping others in their times of need. I think I speak for all the citizens of Rhode Island when I say that we are all enamored by Carmen's courage and extremely proud of her.

Next year Carmen will attend college. As she embarks on this new and exciting journey I want to wish her only the best that life can offer. I know that these last years have been difficult, but in the days ahead I encourage her to continue to draw strength from these difficult times. The special relationship that she had with her father is a memory that can never be taken away, and a constant reminder that life must be cherished.

I hope that we can all learn a valuable lesson from Carmen's example. She has shown us that when times are hard it is a strong spirit that survives. Fulfillment is defined not only by what makes us happy, but by how we create a better life for ourselves by gaining strength from the people that we love most. My thoughts go out to Carmen and her family and I hope that her father's love remains eternal in all their hearts.

TRIBUTE TO BOB HUNTER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. PALLONE. Mr. Speaker, on Saturday, April 1, 1995, the First Annual Bob Hunter Memorial Flounder Tournament was held at the Clam Hut Restaurant in Highland, NJ. There was a spring flounder weigh-in and other activities, with proceeds benefiting the environmental organization Clean Ocean Action. While there have been and will continue to be many diverse tributes to the late Bob Hunter, I cannot think of one more fitting in epitomizing what Mr. Hunter's life meant to his many friends and well-wishers on the Jersey shore.

Bob Hunter has been nominated for New Jersey's prestigious Pinnacle Award for Excellence by a number of individuals and organizations who have all been helped and supported by him through the years. Throughout his life, he was a tireless booster of his native State—for example, his restaurant always offered a wide variety of New Jersey wines, while he always made sure Jersey seafood was served at the promotional festivals he helped organize. His death last October has left a void that has been deeply felt, most acutely by his widow, Lynn, and his two daughters, Maggie and Elizabeth, but also by many others who had the privilege of working with him or were just lucky enough to meet him at the Clam Hut.

Bob Hunter was born in Red Bank, NJ, and lived all his life in the nearby town of Rumson. Nineteen years ago, he was named general manager of the Clam Hut, one of the leading restaurants in a town noted for fine restaurants. In the intervening years, he, along with his wife of 17 years, Lynn Shugard, whose father founded the business, brought the waterfront restaurant from a beachfront stand to its present capacity of more than 300 diners in three inside rooms and an outdoor deck overlooking the Shrewsbury River. As general manager, Mr. Hunter also became involved in both the State and national restaurant associations, firmly believing that restaurants were central to New Jersey's tourism and its overall economy. During his 16 years with the association, Bob rose through the ranks as a member of the board of directors and eventually as president.

Bob also maintained an active involvement with the promotional activities at Sandy Hook, the Gateway National Recreation Area facility adjacent to Highlands, known and loved by people from all over New Jersey. He could always be counted on to help any cause to promote New Jersey. He participated in Governor Whitman's Sampling in Atlantic City prior to her inauguration, frequently hosted Bayshore Development Office meetings for the Department of Commerce, and offered his restaurant for any event to advance tourism in New Jersey. He was a long-time member of the Highlands Chamber of Commerce, and brought a special passion to maintaining the lively waterfront business community. In his home town of Rumson, Bob coached Pop Warner football, served on the zoning board of adjustment, was treasurer of the Republican Club and was a Republican committeeman for many years. Notwithstanding his Republican affiliation, Bob maintained close ties with officials from both political parties—always willing to work with anyone who shared his devotion to improving the economy and quality of life on the Jersey Shore.

Mr. Speaker, it is a truly an honor for me to pay tribute to Bob Hunter, a good man and a great leader who made a difference for our community.

IN SUPPORT OF FEDERAL GUN CONTROL LEGISLATION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Ms. PELOSI. Mr. Speaker, March 30 was the 14th anniversary of the assassination attempt on President Ronald Reagan and the wounding of his press secretary, Jim Brady. To commemorate that date, 82 national organizations, representing more than 88 million members, joined together in a campaign to protect sane gun laws.

Mr. Speaker, we commemorate this anniversary because the extreme Republican majority has vowed to overturn the Federal firearms laws that we have enacted, including the Brady law, the assault weapons ban, and other firearms provisions of last year's crime bill.

These laws have begun to make America safer. A poll conducted by the International Association of Chiefs of Police and Handgun Control, Inc. on the effectiveness of the Brady law found that background checks in 115 State and local jurisdictions stopped 19,000 felons and other prohibited persons from obtaining handguns.

The American people also continue to show strong support for gun control legislation. A 1993 Time/CNN poll showed that 92 percent of Americans supported the Brady law.

Mr. Speaker, this Republican attack on our gun laws is senseless. Letting more criminals buy guns will not reduce gun violence and putting more guns on the streets of America will not make our streets safer.

Let us not weaken the gun control legislation that has begun to make our country a safer one.

I urge my colleagues to work against Republican attempts to undo the laws that have already reduced gun violence and saved lives.

TRIBUTE TO ELIZABETH RAUCH

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to Mrs. Elizabeth Rauch, a resident of St. Charles, MO, who on March 11, 1995, was honored by Youth in Need as their 1995 Celebration of Youth Honoree.

Elizabeth Rauch has faithfully served her community, and her outstanding leadership abilities have contributed to the continued growth and development of her community. She has dedicated her time as an active participant in countless community efforts to assist the young people of St. Charles. Mrs. Rauch serves as a member of the Lindenwood College Board of Directors and as chairwoman of the Academy of the Sacred Heart Board of Trustees Endowment Fund. She has also been appointed to a 4-year term on the Archdiocesan Development Appeal Council.

Elizabeth Rauch promotes many civic and charitable groups. She supports such noble causes as the Academy of the Sacred Heart Mother's Club, American Red Cross Junior Program, St. Joseph's Hospital, Alliance for Regional Community Health, United Way of St. Charles, Meals on Wheels, Salvation Army, and St. Charles Historical Society.

Elizabeth Rauch is a role model for community service, and in fact the St. Charles Chamber of Commerce recognized her dedication and leadership by awarding her its Humanitarian Award in 1984. She is indeed an inspiration to us all, and is rightfully honored for her continued service as Youth in Need's 1995 Celebration of Youth Honoree.

Mr. Speaker, I commend Elizabeth Rauch on this outstanding achievement and wish her the best of luck in her future endeavors.

TRIBUTE TO MICHELLE DOUGLAS, VOICE OF DEMOCRACY WINNER

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. UNDERWOOD. Mr. Speaker, I am pleased to rise today to congratulate Ms. Michelle Douglas of Agana, Guam, for winning this year's Pacific Area Voice of Democracy broadcast scriptwriting contest.

Ms. Douglas is a senior at John F. Kennedy High School and hopes to pursue a career as a music or drama teacher. She has been honored repeatedly for her scholastic and extracurricular achievements and is a leader in school offices. Her patriotic essay, titled "My Vision of America" represents a vision of America as a place dedicated to the principles of equality and opportunity. I am proud to announce that as a result of her hard work, Ms. Douglas has been awarded $1,000.

This monetary award comes from the Voice of Democracy Scholarship Program. The Voice of Democracy Scholarship Program was started 48 years ago with the endorsement of the U.S. Office of Education and National Association of Broadcasters, Electronic Industries Association and State Association of Broadcasters.

Starting in 1958, the program was conducted in cooperation with the Veterans of Foreign Wars [VFW], with the broadcasters still serving as sponsors. In 1961, the VFW assumed sole sponsorship responsibility. At that time, the national scholarship award consisted of a single $1,500 scholarship for the first place winner.

During the past 35 years, under VFW sponsorship, the annual national scholarships have been increased to 47 totaling $109,000 with the first place winner receiving a $20,000 scholarship to the college of their choice.

This past year, more than 126,000 students participated. Over 8,200 schools participated, over 4,400 VFW posts and over 4,200 auxiliaries sponsored the program. The total monetary value of scholarships, bonds, and awards provided by VFW posts, auxiliaries, districts, county councils, departments, and national amounted to over $2.5 million this past year. I commend the VFW and its Ladies Auxiliary for this program and their role in promoting scholastic achievement in our Nation.

I am proud that the VFW and its Ladies Auxiliary have honored Ms. Michelle Douglas with this year's award. I wish Ms. Douglas all the best in her chosen career path and in her college years. I encourage my colleagues to take the time to read her thoughtful and inspiring essay.

MY VISION FOR AMERICA

(By Michelle Douglas)

Nearly everyone has a view of how America ought to be; even I have a dream. Most of us would probably imagine a future where all injustices are righted, where peace reigns. It would be a country without problems: a paradise for everyone. But this idea alone is vague. In order for a vision to materialize, there must be something concrete.

I am not saying it is necessary to have the blueprint laid out in front of us, or even to have a clear idea of the final vision. I am only saying that each of us contributing in our own way, whether large or small, will make a unique vision of America become reality. Imagine each of us holding a piece of a puzzle, and none of us knowing what the final picture will be. Yet as each of us connects our piece—our individual vision—with the others, a picture emerges, becoming clearer as more pieces are added.

Perhaps the first part of America's vision was placed by Thomas Jefferson in the early summer of 1776 as he pondered over the wording to the Declaration of Independence. His ideas not only challenged the oppression that stifled the daily lives of the colonists, they also changed the course of history and continue to guide us into the future. If Jefferson were asked where his vision would take this great nation two hundred years later, he would have hardly imagined the results. He could not have known how the vision would grow, or how important his piece would be. Nor did he have to.

When Abraham Lincoln delivered the Emancipation Proclamation to a war weary nation, he probably did not realize he was setting the stage for future equal rights. In fact, ethics was not the issue. He had decided, right or wrong, that freeing the slaves would hold the nation together. This does not mean that the future outcome was not welcome. But it does show that a single act, however intended, can create astounding results, even without great insight.

These men from our history were magnificent figures whose actions affected the future of America, making it a better place for posterity. But we do not have to be presidents of the country to make worthwhile contributions.

We do not have to see the final picture, or even plan something remarkable for our future in order to be "visionary." We needn't even focus on the results of our efforts. We only need to work toward what we believe in, making a personal effort to correct problems. The results will come, whether today or tomorrow.

Let's consider Rosa Parks. She was only an everyday-type person, a poor black seamstress who never had time for politics; she only tried to make enough to survive. One day as she sat on a bus, work out and tired, she was ordered to give up her seat to a white man. Non-violently, she refused and was arrested.

Her simple action became a catalyst for many others, starting an avalanche which turned into the Black Movement. Martin Luther King championed her very thoughts and feelings by organizing bus boycotts. Thousands of others added to the vision; many were poor, and many may have thought they had little to offer. But when all was done, the course of history was changed, once again. And equality for all minorities, not just Blacks, was promoted. But that was not the issue. The point was this: although Rosa was not the greatest martyr in history, she stood up for her beliefs, and that is how visions turn into reality.

How can you contribute to America's vision? It only takes a combination of your attitude and pride in your country. Being generous with your resources, helping out wherever possible, and using your abilities for good characterize a true contributor.

My individual piece of the final vision for America may not become as great as those of Thomas Jefferson's, Abraham Lincoln's, Rosa Park's, or even yours. But it will be just as important. I cannot guarantee world peace; I may not find a cure for the world's illnesses or put an end to starvation. I can, however, dedicate my efforts along with yours to the continued building of this great nation. After all, aren't our combined efforts today the way to create the greatest vision for America tomorrow?

A VICTORY FOR COMMON SENSE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. STUDDS. Mr. Speaker, some 18 months ago this House enacted legislation to codify the so-called "Don't Ask, Don't Tell" policy barring gay and lesbian Americans from serving openly in the Armed Forces. The law thus placed on the statute books was an unprecedented exercise in overt, state-sanctioned discrimination. It was, from first to last, an irrational policy supported by nothing more than naked prejudice.

I stated at the time that I did not believe such a policy could survive constitutional scrutiny, and that the day would come when the courts would say so. On Thursday, March 30, 1995, Federal District Judge Eugene H. Nickerson fulfilled that prediction. In a 39-page opinion that is a triumph of decency and common sense, Judge Nickerson ruled in favor of six service members who challenged this cruel and unjust policy.

In striking down the law, the district court found it "demeaning and unworthy of a great nation to base a policy on pretense rather than truth." It also accurately characterized the scholastic distinctions on which the law relies as "Byzantine" and "Orwellian."

Since the decision was handed down, the court's conclusions have been echoed on editorial pages across the country. Few could surpass the editorial published on March 31, 1995 in the Cape Cod Times, which I am proud to insert in the Record.

A RICHLY DESERVED DEFEAT

It took a federal judge to tell President Clinton what a great many people have known for years to be true—his "Don't ask, don't tell" policy on gays in the military was a compromise full of flaws right from the start. Basically, the policy allows gays and lesbians to serve as long as they don't admit their sexuality to anyone. If they do, they will be handed an honorable discharge and booted through the gate.

Yesterday, U.S. District Court Judge Eugene Nickerson ruled that the policy is discriminatory, a violation of free speech and it forces people to lie. In short, he said, the policy is "inherently deceptive." The ruling involves, and applies to, only the six service personnel who filed the suit. The Defense Department will appeal.

This is the latest twist in a three-year debate that began when then-candidate Clinton made a rock-solid promise that if elected he would lift the ban entirely. That lit the fires, and the waffling started.

His first full year in office, 1993, was not a good one for The Pledge or the president. In January, the Pentagon and its supporters in Congress went on the offensive. The Joint Chiefs of Staff met with the Commander in Chief behind closed doors. When they emerged their only word was that it was a "constructive" meeting.

Two months later, in the semantic equivalent of jogging backwards, Clinton told his first televised press conference that he was now considering segregating homosexuals, which surprised even the military. Clinton fumbled that one, because it soon became clear he hadn't a clue as to how segregation could be done or whether it would even work (it wouldn't have—gays and lesbians aren't lepers).

As was inevitable, the gays struck back in a most telling manner. At the same time in May, 1993, that Sam Nunn, chairman of the Senate Armed Services Committee, was on the road collecting comments from military and naval bases about gays in the military, Sgt. Jose Zuniga, the Sixth Army's 1992 "Soldier of the Year," was packing his bags at the Presidio in San Francisco. The richly honored Sergeant Zuniga had "come out" earlier in the month during a gay rights march in Washington, D.C. He did so to prove to anyone who happened to care that gays and lesbians can be as good servicemen and women as any of their straight peers—and in Zuniga's case, much better than most.

The argument that Senator Nunn and so many others believe—homosexuals are a danger to morale, are incapable of doing battle, are born molesters who can't resist putting the make on their God-fearing mates in uniform and all the other stuff—is dead wrong.

Sergeant Zuniga, who could have stayed in the closet until retirement and remained a role model for his troops, is proof of that. So are two Medal of Honor recipients and an Army nurse with the rank of colonel. She served with distinction in Vietnam and has a medal to prove it, but she was later cashiered by the National Guard stateside because of her sexual orientation.

So are many others, who fought in wars or served in peace, all the while keeping their secret because of the fear of discharge or worse, should the straights find out.

One particularly egregious example of the mindset against gays resulted from the April 1989 explosion inside a gun turret aboard the battleship USS *Iowa* that killed 47 sailors. Looking for somebody to blame, the Navy settled on a young seaman who was killed, and put forth the story that he had caused the blast because he had been jilted by one of the victims.

Better that, they reasoned, than the truth, which emerged anyway, several months later: One of the propellant bags contained unstable explosive that went off when it was shoved into the breech. The story about the sailor was a crock, pure and simple.

As far back as October 1991, in a speech at Harvard, then-Governor Clinton made his position clear—at least, he thought he did—on permitting homosexuals to serve as equals in the military: It will be done. Thirteen months later came slippage. The then-president-elect said he would form a group to study the problem, "but I am not going to change my mind on it." So much for his pledge.

The frustration among gays and their sense of having been betrayed by the president is understandable. There is so much anger against them from society in general and the military in particular that it's truly a wonder that any of their orientation even dare enter the services.

But the fear of gays is largely based on an ignorance that breeds intolerance and is to be found not only in government institutions but among religious conservatives, who have become a political force now and will certainly have an effect in the 1996 elections.

Judge Nickerson's ruling is a victory for gays and common sense, though in context of the war over equality, this—alas—was but a skirmish.

Mr. Chairman, the six plaintiffs and their attorneys have won an important victory, not only for themselves but for all who have served and still serve with honor and distinction. It is a victory shared most of all by those who challenged earlier versions of the ban in years past only to have their pleas fall on deaf ears.

I fully expect that the Government will appeal this decision, and that the constitutionality of the ban will ultimately be revisited by higher courts. But whatever may happen in the months to come, today's ruling is the beginning of the end for a policy that is unworthy of our country and the brave service members who offer their lives in its service.

TESTIMONY BEFORE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. WOLF. Mr. Speaker, I just returned from one of the most moving hearings I have ever attended. Six survivors of the Chinese labor camp system, the Laogai, told their stories of life inside the prison. These are stories every Member of Congress and every American should read. I am submitting the first three accounts for the RECORD. The others will follow in coming days.

I hope all my colleagues will take these powerful stories to heart. Our China policy does not take these brave people, and the many like them who are still suffering in China today, into account.

TESTIMONY OF TANG BOIQIAO, LAOGAI SURVIVOR, BEFORE THE U.S. HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS, APRIL 3, 1995

My name is Tang Boiqiao, and I am a former student of the Hunan Teachers' College. In July of 1989, I was arrested by the Communists because of my organizing and participating in the Hunan students' movement. I was held until July of 1990 before finally being sentenced to three years detention. My "crime" was called "counter-revolutionary propagandizing and incitement". In October of that year, I was transferred to the Hunan Province Longxi Prison for reform through labor. In January 1991, I was unexpectedly released from prison.

After my release, I was again arrested because of my continued involvement in the popular movements and human rights activities. Following the summer of 1991, I fled China. In April of 1992, I entered the United States and sought political asylum. My reason for coming here today is to share with you my experiences while in the Laogai.

I was first arrested in July of 1989 in Guangdong Province, after which I was held in three different detention centers where I was forced to labor with my fellow prisoners. While at the Guangdong Number 1 Detention Center, I made toys which had the words "Made in China" in English written on them. I was allowed to eat only twice a day.

Next, I was transferred to Changsha in Hunan and spent more than a year at the Changsha Number 1 Detention Center. During this time, I suffered through the darkest and most hopeless of existences; for more than four months straight, I was questioned about my case an average ten hours a day, in what the Communists call "exhaustive tactics". This Laogai forced its prisoners to produce matchboxes. There were no labor rewards, but every month the cellmates which had the highest production numbers were given one cheap cigarette a day. The police forced the prisoners to work day and night so that they could report increased production output and receive cash incentives. We would work for at the least twelve hours a day. The longest day was one when we worked for 23 and a half hours, with a half-hour food break.

Because I would refuse to work, the public security police would often arrange for the other prisoners to abuse and beat me. One day, I was beaten three different times by seven or eight young prisoners, two of whom were convicted murderers. The first time, because I was unwilling to be forced to labor, they beat me until I bled from the eyes, ears, nose and mouth; the second time, because I resisted when they tried to force me to kneel down, they used anything they could find in the cell to beat me, including a wooden stool, heavy wooden sticks, and metal cups and bowls; the last time they beat me while I couldn't move and lay on the floor hunched over. At this, the public security police still were not satisfied, so that evening they held a "struggle meeting" and ordered every prisoner in the Laogai to viciously beat me. That night, I developed a fever of 104 degrees, which persisted for more than a week. I was unable even to sit upright.

While there were many methods used in torturing people at this Laogai, the most often used tools were the electric police baton and shackles. There were more than ten types of shackles, including thumb shackles, "earth" shackles, all kinds of wrist shackles, chain shackles, chain link shackles, door-frame shackles, heavy shackles, and others. The most simple method was to conduct a political study class where the prisoners needed to attend for long periods of time while shackled. I personally experienced electric shocks and many kinds of shackles.

The Laogai prisons used different types of abuse and control than those of the detention centers. After I was transferred to the prison, when I was first assigned to a prison brigade, we were shown the three unforgettable phrases that were written on the wall at the prison entrance: "Where are you? What are you? What are you to do here?" Later, in the daily "political study" classes, we needed to follow these questions with the responses, "This is a prison. I am a criminal. I am here to receive reform through labor." We also had to sing three songs at the beginning of every "political study" class. The songs were "Socialism Is Good", "Without the Communist Party, There Would Be No New China", and "Emulate Lei Feng" (Lei Feng was a 1950's Chinese Communist martyr).

I still remember the songs. The words of "Socialism Is Good" begin, "Socialism is good/ Socialism is good/ Everyone in a socialist society is improved". The lyrics of "Without the Communist Party, There Would Be No New China" are "Without the Communist Party, there would be no new china/ the Communist Party is united for the people/ the Communist Party is united to save China/ Its leaders go forward towards the light/ It is the great leader of all the people." The meaning of the last song is that we should all be like the Communist hero Lei Feng; "Loyal to the revolution/ Loyal to the Party/ Standing in the field, erect and unwavering/ Communist thinking emits knowledge". I knew that this was how they would force us to reform our thinking, so I refused to sing the three songs. The police used many methods of trying to intimidate and coerce me into cooperating, and in the end I was sent to the "prison of prisons"—solitary confinement. Its length and height are barely enough for a man's size, and it has solid walls with only a tiny slot on the door. It very easily makes men think like an animal in a cage. It can be said that being confined in a small cage for a long period of time will certainly make any man go insane.

These are only some of the stories of my time in the Laogai. Yet all of the mistreatment and abuse I suffered in the Laogai is just a drop of water in a great river. When you think of all of the abuses of the millions of Chinese citizens still condemned to the Laogai, my story is just the tip of the iceberg. Thank you for your time in listening to my personal story of the terrors of the Laogai.

TESTIMONY OF CATHERINE HO, LAOGAI SURVIVOR, BEFORE THE U.S. HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS, APRIL 3, 1995

My name is Catherine Ho, one of the goals of the Laogai camps is to break the human spirit through torture of the body. But even worse than the bodily abuses is the unceasing assault on the prisoner's thoughts and individual will. This is especially true of the suffering endured by the millions of women condemned to the Laogai.

I was born into a well-educated family in Shanghai. My decent parents sent me to an excellent Catholic high school. I became a Christian while there. I studied very hard, and should have had a bright future. Instead, I was arrested and imprisoned by the Communist government before I was even 18 years old. I was arrested on September 5, 1955, as was our bishop in Shanghai, Cardinal Kung, who is now in the U.S. receiving medical care.

Between 1953 and 1955, the church-run schools and hospitals in Shanghai were taken over by the Communists. The church's other charitable institutions were simply closed. The foreign missionaries has already been expelled as "imperialists". The Chinese priests and bishops were all targets of the Communists and were either killed or arrested one after another. Most Christians were forced to go through brainwashing. They faced losing their jobs or educational opportunities, and they also faced being sent to the Laogai camps or prison to suffer because of their faith. Religious people were continuously persecuted by the Communists.

We did not oppose the government. We only wanted to practice our religion. But the Communists said it was a crime against China. The sole reason I was put in jail was because I was an active Christian. I was a member of the Legion of Mary, which is a devout missionary organization. I did missionary work. I refused to renounce our church and did not want to be a part of the Communist controlled church.

Because of my faith, they put me in jail. They isolated me from the outside world. They tried to confuse me with all of their propaganda. But I knew they told lies. I could not go against my conscience. I could not deny the truth. I could not give up my most precious gift, my faith. Many Christians were willing to die before giving up their faith.

At first, they sentenced me to seven years in the Laogai as a "counter-revolutionary". I was not allowed legal representation. I did not even have a trial. When they found out that I had still not changed my mind after my seven years, they wouldn't let me go. They kept me in the Laogai camp for 21 years.

The Chinese Communists cannot tolerate religion, especially the Christian religion. They have a hatred for anything which involves a belief in any God above or beyond human kind. To this day, they are still persecuting and imprisoning religious believers.

I would like to now give you some examples of the systematic abuse and persecution of the Laogai camps. These Laogai camps are in no way like the prisons we know of in this country. Words are not enough to convey the horrible, day to day realities of prisoners in the Laogai.

Physically, we were always hungry, tired, and filthy. The women were forced to do heavy labor, like plowing the desert, raising cattle, or running a tea farm. They physical tortures on our bodies were so extreme that menstruation ceased in many of the women. This puts great strain on both a woman's body and her mind. There were never any medical treatments of this or other sicknesses.

Despite these exhaustive and grueling conditions, we were forced to produce high level products. For example, I was in a Laogai camp tea farm for about ten years. The women prisoners were forced to plant trees, take care of the plants, and then process the tea leaves into red or green tea. I spent another four years weaving silk and cloth in a Laogai factory. On the surface, it was a textile factory in Hangzhou, but the workers were all women prisoners doing forced labor. In the factory, there were two constant pressures upon us: first was the physical fatigue, I was forced to work very hard for fourteen hours a day. I had to fight exhaustion just to keep from falling into the machines; second was the constant supervision, since we were told that the products we made were for export to foreign countries, they watched our every move to be sure we made no mistakes. If there were mistakes or someone did not appear to be working hard, we were severely punished. They used ankle fetters, handcuffs, solitary confinement, and other means to punish us.

Today, I often wonder if the tea I drink or the silk I weave comes from a Laogai camp and is made by all those poor Laogai slaves still suffering in China.

Daily, we were assaulted mentally. We were continually brainwashed. We were not allowed to say our prayers or to read the Bible. I remember clearly my first day in the detention center. I knelt down on the muddy ground, bowed my head, and begged to the Lord to give me strength. A warden immediately scolded me, "Who told you to kneel down? Even at the door of death, you keep up your superstitions. This is a counter-revolutionary activity." In the Laogai, we were not allowed to hear and read anything but Communist propaganda. We had to spend two hours every day reading Mao's book and reciting the prison regulations. I remember one sixty-year-old Sister who made a set of small rosary beads out of a thread so it would not be discovered and be confiscated by the guards. This continuous brainwashing helped destroy all human love and was a denial of all basic human rights.

Spiritually, it was a constant struggle. We faced constant despair, and always heard the discouraging and threatening comments of the authorities. A prisoner had to confess her crime everyday, which meant scolding oneself and accusing oneself of being guilty of the greatest crimes against the people and government. Every prisoner was degraded. They minimized their own value of being human. They were separated from their families and society. They were tortured in a dark hell that had no foreseeable end. They fought the despair and hopelessness of thinking that they were to spend the rest of their lives as slaves in the Laogai.

One woman refused to work on Sundays. She would say prayers instead of singing revolutionary songs in front of Mao's portrait. One day, she was dragged out to the field where we were working and beaten to death in front of all of us.

I said the Communists aim was to torture the body and break the human spirit in every possible way and at every possible opportunity. When the warden told me my lovely sister had died, he simply said, "The People's Government acted humanely . . . it is all over now . . . you should not cry because that's against the rules and it would have a bad effect on the feelings of the others about thought reform". They succeeded to the point where to many it looked like there was no future and no hope. The prisoners in the Laogai camp were always in a deep depression. I myself prayed to God to let me die. I wanted to die more than I wanted to live because the circumstances were too horrible. Even if you didn't want to continue living under those circumstances, they wouldn't let you die. There was a constant suicide watch.

God sustained us nonetheless. My faith preserved me. God's Grace helped me live through this nightmarish journey. Finally, my prayers were answered. After my parents had written many, many letters to the government from Hong Kong, my husband, my son, and I were allowed to leave the Laogai in December 1978.

Today, I sit before you to take this opportunity to tell you the truth. To tell you the facts as I have myself experienced. But I speak not for myself, but for the thousands of brothers and sisters who are still living this terrible existence. Thank you for listening to my story. I hope that you may better understand the realities of the Laogai through my account of it.

TESTIMONY OF FATHER CAI ZHONGXIAN, LAOGAI SURVIVOR, BEFORE THE U.S. HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS, APRIL 3, 1995

My name is Cai Zhongxian. I am a Catholic priest.

I was ordained in 1940. I was arrested and charged as a counter-revolutionary in 1953 because of my refusal to cooperate with the Communist authorities and denounce the Roman Catholic Church. I was unexpectedly released without explanation in 1956. It turned out that the Communists hoped that the leniency showed to me would convince me to collaborate with the Party to persuade other Catholics to become members of the officially sanctioned "Patriotic Catholic Church". This "Patriotic Catholic Church" is nothing more than a Communist puppet organization. When I refused to cooperate, I was once again arrested. I was detained twice for a total of seven years at the Shanghai Detention Center, without charge or trial, until I was finally sentenced to a fifteen-year term in 1960.

I was then sent to a Laogai camp in Jiangxi Province which served as a brick factory. I avoided dying of starvation mostly because I supplemented the rationed food by eating frogs, snakes, and rats.

In 1962, five other priests and I were confined in a six-by-twelve foot windowless room that was filled with four inches of standing water. Despite this ill-treatment and other inhumane conditions, I continued my services as a Catholic clergy. I even successfully converted some of the guards who were charged to watch us to Catholicism.

At the completion of my sentence, I was 62 years old. I was not fully released at that time. The government forced me to accept "forced-job-placement" in the Laogai camp because I was originally charged with a "counter-revolutionary crime". I knew that a "forced-job-placement" assignment meant a life sentence laboring at the Laogai. I labored at the Nanchang Number 4 Prison for eleven years as a "forced-job-placement" worker.

In 1981, at the age of 74, I was again arrested for my continued activities as a Catholic priest. I was sentenced to serve another ten-year term as a Laogai slave. In 1988, I was released fully as a token of good will towards Filipino Bishop Sinhemai. I was 81 years old at the time of my release.

I served a total of thirty-three years in the Laogai. I can't begin to tell you how many people disappear completely for every one that survives. Thank you for inviting me here. I hope I have helped you gain an understanding of the Communist government's willingness to use the Laogai to destroy its citizens lives.

EXTENSION OF EXPIRING NATIONAL FOREST SERVICE GRAZING PERMITS PENDING FINAL AGENCY ACTION

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. COOLEY. Mr. Speaker, today I am introducing legislation to prevent bureaucratic delays from hurting working ranchers that graze their livestock on National Forest System lands. My legislation would extend U.S. Forest Service [FS] grazing permits until the FS completes its obligations under the National Environmental Policy Act [NEPA].

Roughly half of the 9,000 term grazing permits issued on 90 million acres of National Forest System lands will expire by the end of 1996. Some of these permits have already expired, and ranchers—by no wrongdoing of their own—have been denied their right to graze their livestock due to bureaucratic red tape. The FS is required to conduct analyses to ensure that permits comply with NEPA, but the sheer volume of work has resulted in the FS's denying to reissue some permits because it is unable to complete NEPA documentation. My bill would extend these permits until the FS completes its obligations under NEPA.

My legislation would ensure fair treatment of law-abiding ranchers. These ranchers ought not be punished because the FS cannot complete its NEPA obligations on time. It is patently unfair that some permits have already been denied reissuance, and thousands of ranchers with permits on the brink of expiration face the same predicament. If the law is going to require the FS to jump through bureaucratic hoops, they ought to have time to do it before the permits of honest, hard-working ranchers are arbitrarily denied.

The ranchers I know hold up their end of the bargain; they are good stewards of the land, they fulfill their obligations, and they have every right to expect the Government to get its job done. They ought not be punished because our nation's environmental laws are unreasonable and inflexible. My bill would extend their grazing permits until the FS completes its NEPA documentation, so that no rancher is denied a permit because of bureaucratic delays.

The FS, to its credit, has expressed a willingness to work out this problem, but actions speak louder than words. The fact is that ranchers are being denied permits, through no fault of their own. That is simply unacceptable and my bill will fix it.

I ask unanimous consent that a copy of the legislation appear in the RECORD after my statement.

H.R. 1375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTOMATIC EXTENSION OF NATIONAL FOREST SYSTEM GRAZING PERMITS PENDING COMPLETION OF FINAL AGENCY ACTION.

(a) EXTENSION.—The term of each expiring term grazing permit issued for lands within the National Forest System is hereby extended to cover the period beginning on the expiration date of the permit and ending on the date on which the Secretary of Agriculture completes final agency action in connection with the renewal of the permit. The extension shall apply to the holder of the expiring term grazing permit, subject to the same terms and conditions as apply to the expiring term grazing permit.

(b) EXCEPTION.—Subsection (a) shall not apply if the holder of an expiring term grazing permit is not in compliance with the terms and conditions of the permit at the time the permit is originally due to expire.

(c) ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.—The extension of expiring term grazing permits under subsection (a) shall not be subject to administrative appeal or judicial review.

(d) DEFINITIONS.—For purposes of this section:

(1) EXPIRING TERM GRAZING PERMIT.—The term "expiring term grazing permit" means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and has not been replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action regarding an expiring term grazing permit in which—

(A) any analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed; and

(B) all available administrative remedies have been exhausted.

(3) HOLDER.—The term "holder" includes the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(4) TERM GRAZING PERMIT.—The term "term grazing permit" means a grazing permit or grazing agreement issued by the Secretary of Agriculture for a specified term under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act of April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

TRIBUTE TO YOUNG AMBASSADORS PROGRAM

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Ms. ROYBAL-ALLARD. Mr. Speaker, I would like to commend the Young Ambassadors Program for facilitating and promoting cultural and racial understanding between the United States and Japan. In 1990, the first delegation of Los Angeles area students and community leaders initiated the program with a visit to Japan. The Sixth Young Ambassador delegation will travel to Japan between April 6 and 14, 1995.

The Young Ambassadors Program was founded by Sanrio Co., Ltd., a Japanese company specializing in small gift items. Mr. Shintaro Tsuji, president of Sanrio Co., Ltd. and his son, Kunihiko, Tsuji, president of Sanrio Communications, Inc. have been instrumental in supporting and nurturing the program.

The delegation is composed of eight high school students. Reflecting the rich diversity of the Los Angeles area, the students include immigrants from Eritrea, El Salvador, and Korea. American-born African-American, Mexican-American, white and multiracial students are also in the delegation. Over the past 5 years, more than 23 different ethnicities have been represented in the program.

Current delegates include: Shameka Allen, Granada Hills High School, Er-Gene Kahng, Los Angeles Center for Enriched Studies, Tony C. Marshall, Jr., Washington High School, Yvonne Olivarez, Dorsey High School, Oscar Sosa, Eagle Rock High School, Daniel Tekleab, Venice High School, Domikian Ware, Hamilton High School, and Sharon Williams, Monrovia High School.

The sharing of perceptions through candid discussion is a major feature of the program. These young leaders are provided an extraordinary opportunity to spend more than a week meeting with community leaders to learn more about challenges they face. This provides a great opportunity for modeling and building long-term relationships.

For many who leave their neighborhoods for the very first time, it is a remarkable opportunity to broaden their cultural horizons. I salute the Young Ambassadors Program for providing a life-changing, positive experience for young people. I also salute Mr. Shintaro Tsuji and Mr. Kunihiko Tsuji for their thoughtful concern and action on behalf of our mutual communities.

REGARDING THE REPEAL OF THE 1993 CLINTON SOCIAL SECURITY TAX

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. SMITH of New Jersey. Mr. Speaker, this week we will have the opportunity to right the wrong done to America's seniors only 2 years ago when President Clinton pushed through Congress—against the vote of every Republican—a tax package raising the tax on Social Security benefits.

The Clinton tax hike increased the financial burden on some 9 million middle-income seniors by an estimated $500 per year. And let us not forget that the Clinton tax package hit seniors in other ways as well, including the increased energy tax and increased Medicare premiums.

Furthermore, this was all laid on top of already inequitable circumstances such as the "notch" disparity and the Social Security earnings test. After years of service to their Nation as workers, soldiers, mothers and fathers, America's seniors hardly deserve this biased treatment in their retirement years.

It wasn't until the mid-1980's that the Federal Government began to tax seniors' Social Security benefits. At that time—and against my vote, I might add—Congress applied Federal income taxes to 50 percent of Social Security benefits for seniors earning $25,000 as individuals or $32,000 as couples. President Clinton increased to 85 percent the amount of income subject to taxation for seniors making only $34,000 a year.

The only message this conveys is that careful savings and planning for retirement do not pay off. Is this the message we want to send to American workers?

Furthermore, the Social Security tax is a clear violation of the pact with America's seniors which the Social Security Program represents. Seniors work hard all their life and have a substantial portion of their income taken from their pay check and placed in holding for their retirement as Social Security benefits. To tax this income when seniors collect it is no less than double taxation.

The Social Security tax should be eliminated. I encourage my colleagues to take this first step toward resolution and to support the repeal of the Clinton Social Security tax hike as included in H.R. 1215.

HONORING NATALIE ROBERTS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. ENGEL. Mr. Speaker, after a distinguished career of almost 40 years of service to the children of the Bronx, my good friend Natalie Roberts will be retiring from the New York City educational system.

Natalie Roberts started her career as a teacher in 1955 and later became an assistant principal, and finally a principal in the New York City schools.

Natalie has served as vice president of the New York City Elementary Principals' Association and the New York City Administration Women in Education. She has served as a mentor to others and has been honored by B'nai B'rith and the Association of Jewish Professionals. In addition, she was the recipient of the Distinguished Education Award from the Association for Curriculum Development.

I join with her family, friends, and colleagues in saying to Natalie: Job Well Done.

A TRIBUTE TO SELENA

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. BONILLA. Mr. Speaker, every so often, someone comes along who rises above the crowd, yet is so well grounded that we all feel special. Selena was like that. Despite international recognition and having been awarded the highest honors in the music industry, she always remained "de nosotros."

She brought a great deal of pride to the Mexican-American community of Texas. Adults respected her for her promotion of family values. Young people took pride in her achievements. We all enjoyed her music and admired her great beauty and talent.

It is ironic that we lost Selena during the spring when the most beautiful and colorful of Texas flowers open up and bloom. We were looking forward to seeing her blossom. Yet, she will always remain near in our hearts.

We have her music and we have our precious memories. She loved her husband, her family, and us—her fans—and we loved her, too. She will be missed.

HONORING STANLEY O. IKENBERRY UPON HIS RETIREMENT

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. EWING. Mr. Speaker, this week the Illinois congressional delegation and alumni of the University of Illinois in the Washington, DC area will honor University of Illinois President Stanley O. Ikenberry. At the conclusion of this academic year, President Ikenberry will be retiring from his post after 16 years of outstanding service to the University of Illinois, the Champaign-Urbana community, the entire State of Illinois and indeed to the country. His daily presence in the president's office will be deeply missed, but his influence will be felt for many years to come.

Among the highlights of President Ikenberry's tenure are the establishment of the University of Illinois at Chicago campus, the Beckman Institute for Advanced Science and Technology, the President's Award and University Scholars Programs, and the National Center for Supercomputing Applications, in addition to construction of a host of new academic buildings and laboratory space. President Ikenberry's leadership and dedication to these and other projects have earned the University of Illinois its continued paramount reputation in the academic and scientific research community not only in Illinois but throughout the country. Indeed, President Ikenberry's visionary and bold leadership over the years has helped to establish the University of Illinois as one of the premier and most highly-respected research institutions throughout the world.

On a personal note, President Ikenberry has been a good friend and someone with whom it has been a fine pleasure to work closely with over many years both as a Member of Congress and during my service in the Illinois General Assembly. I am pleased that Stan and his wife Judith will continue to call Urbana home and I look forward to continuing our friendship in the years ahead.

Mr. Speaker, on behalf of the entire Illinois delegation I offer our congratulations to President Ikenberry for his life-long commitment to the highest quality education, the advancement of research, and distinguished service to students at the University of Illinois, as well as all of the people of Illinois and our country. We cannot thank him enough for his contributions toward the betterment of all our lives.

TRIBUTE IN HONOR OF THE 25TH ANNIVERSARY OF ARCHBISHOP PATRICK F. FLORES' SERVICE

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 1995

Mr. TEJEDA. Mr. Speaker, in the rush of our congressional lives, it is fitting that we take a moment to reflect on the work and accomplishment of the Most Reverend Patrick F. Flores, archbishop of San Antonio. His life represents devotion to community, respect for his fellow man, and tireless work to assist the less fortunate. In just a few weeks, we will gather in San Antonio, within the historic walls of Mission San Jose, to pay a most deserved tribute to Archbishop Flores on the 25th anniversary of his Episcopal ordination. It is my privilege to highlight this special event for my colleagues in the House of Representatives.

I should begin with some of the basics. He was born in Ganado, TX, a small town between Victoria and Houston on what is now Highway 59. He entered the priesthood on May 26, 1956, with his ordination at St. Mary's Cathedral in Houston. On March 18, 1970, Pope VI appointed him to serve as auxiliary to the archbishop in San Antonio. After a brief period as bishop of the diocese of El Paso, TX, Bishop Flores was elevated to archbishop of San Antonio on October 13, 1979. Pope John Paul II, on May 25, 1982, conferred the pallium on Archbishop Flores.

Archbishop Flores, upon his 1970 installation as bishop, was the first Mexican-American elevated to the hierarchy of the Catholic Church in the United States. I cannot emphasize the importance of this accomplishment to the hundreds of thousands of Catholic Americans of Mexican descent. It is fitting that we will mark this special occasion at Mission San Jose, one of the early outposts of Spanish Catholicism in the New World. And now one of the students of those early missionaries celebrates 25 years as a bishop.

But more important than the honor is what Archbishop Flores has accomplished. In the early 1970's, he broke new ground in his efforts to establish the Mexican-American Cultural Center in San Antonio, the National Foundation for Mexican-American Vocations, and the National Hispanic Scholarship Fund. He served as chairman of the Texas Advisory Committee to the U.S. Commission on Civil Rights, was recognized by the American Jewish Committee for his humanitarianism, and received the Medal of Freedom in conjunction with the Statue of Liberty's 100th anniversary. To serve his community, he established an annual December telethon to help the needy cope with temporary housing and medical emergencies. In this same vein, he sponsors an annual breakfast for a battered women's shelter, and raises money to fight diabetes and help handicapped children.

His dedication speaks for itself. His commitment to the less fortunate is evident. His work for the community is legion. The benefits of his work extend beyond the immediate recipients—we benefit from the repaired lives in our communities and the example he sets for us and our children. Now it is fitting that we express our gratitude.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 4, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 5

9:00 a.m.

Joint Economic

To resume hearings to examine the Administration's proposal to raise the minimum wage.

1100 Longworth Building

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.

SD–192

Armed Services

Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the Department of Defense Quality of Life Programs.

SH–216

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the U.S. Forest Service land management planning process.

SD–366

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

To resume oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 102-426).

SD–406

Finance

To hold hearings to examine various flat tax proposals.

SD–215

Indian Affairs

To hold hearings on providing direct funding through block grants to tribes to administer welfare and other social service programs.

SR–485

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.

S–146, Capitol

Governmental Affairs

To continue hearings on the earned income tax credit.

SD–342

Judiciary

Business meeting, to mark up S. 343, to reform the Federal regulatory process.

SD–226

Labor and Human Resources

To hold hearings to examine activities of the Department of Health and Human Services' Food and Drug Administration, focusing on the future of American biomedical and food industries.

SD–430

Select on Intelligence

To hold hearings to examine allegations of U.S. involvement in two murders in Guatemala.

SD–106

1:30 p.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.

SD–138

2:00 p.m.

Foreign Relations

African Affairs Subcommittee

To hold joint hearings with the House Committee on International Relations' Subcommittee on African Affairs to examine the crisis in Rwanda and Burundi.

SR–325

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

Business meeting, to consider pending calendar business.

SD–226

2:30 p.m.

Armed Services

Airland Forces Subcommittee

To hold hearings on the future of the North Atlantic Treaty Organization (NATO).

SR–222

APRIL 6

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 454, to reform the health care liability system and improve health care quality through the establishment of quality assurance programs; to be followed by hearings to continue to examine activities of the Department of Health and Human Services' Food and Drug Administration, focusing on the future of American biomedical and food industries.

SD–430

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Navy and Marine Corps programs.

SD–106

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.

SD–138

Commerce, Science, and Transportation

Business meeting, to mark up S. 565, to regulate interstate commerce by providing for a uniform product liability law.

SR–253

Finance

To hold hearings to examine issues related to the Consumer Price Index.

SD–215

10:00 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Oceanic and Atmospheric Administration, and the National Institute of Standards and Technology, both of the Department of Commerce.

S–146, Capitol

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on S. 440, to provide for the designation of the National Highway System, focusing on issues related to the Woodrow Wilson Bridge and the innovative financing of transportation facilities.

SD–406

Judiciary

To hold hearings to examine the right to own property.

SD–226

Joint Economic

To hold hearings to examine the economic effects of a proposed $500-per-child expanded family tax credit.

SD–562

Commission on Security and Cooperation in Europe

To hold hearings to examine United Nation and NATO activities in the former Yugoslavia, focusing on the development of a new mandate for United Nation peacekeepers in Croatia and efforts to restore peace and stability in Bosnia-Herzegovina.

2261 Rayburn Building

2:00 p.m.

Armed Services

Acquisition and Technology Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the implementation of acquisition management reform.

SR–232A

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings to examine securities litigation reform proposals.

SD–538

APRIL 7

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for March.

SD–562

10:00 a.m.

Commission on Security and Cooperation in Europe

To hold a closed briefing on the United Nations High Commissioner for Refugees (UNHCR) activities and concerns in the former Yugoslavia and several of the newly independent states of the former Soviet Union.

2255 Rayburn Building

APRIL 26

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.

SD–116

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.

SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

Labor and Human Resources
To hold hearings on the nomination of Henry W. Foster Jr., of Tennessee, to be Medical Director in the Regular Corps of the Public Health Service, Department of Health and Human Services.
SH–216

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Institutes of Health, Department of Health and Human Services.
SD–192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–138

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.
SD–116

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine access to abortion clinics.
SD–192

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
SD–192

MAY 24

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.
SD–192

JUNE 6

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.
SD–138

POSTPONEMENTS

APRIL 6

10:00 a.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the Arab boycott of Israel.
SD–419

SENATE—*Tuesday, April 4, 1995*

(Legislative day of Monday, March 27, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Nation, we praise You for Your providential care through the years of our blessed history as a people. Thank You that this Senate exemplifies that patriotism has not gone out of style. Our commitment to You is expressed in love and loyalty for our land. The sight of our flag still stirs our dedication, the national anthem fires our blood, and the Constitution keeps us rooted and grounded in truth. May we never forget the sacrifice of those who have fought and died for the American dream; may we never become so self-serving that we side-step the cost of courageous leadership.

Lord, empower the women and men of this Senate as they seek to keep their eyes on You and what ultimately is best for our Nation. Guide and direct the leadership of Senators DOLE and DASCHLE as they seek ways for both parties to work toward creative solutions to the crucial issues before them today.

Bless the President and First Lady of our land, the House of Representatives, the Justices, and all who seek Your guidance in the government of the cities and States across our country. God, bless America. We trust in You. Blessed be the name of the Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. THOMAS. Thank you, Mr. President.

SCHEDULE

Mr. THOMAS. Mr. President, this morning, the time for the two leaders has been reserved and there will be a period for morning business until the hour of 10:30, with Senators permitted to speak for up to 5 minutes each.

At 10:30, the Senate will resume consideration of H.R. 1158, the supplemental appropriations bill and the pending amendments thereto. Rollcall votes are, therefore, expected throughout the day today. Also, the Senate will stand in recess from 12:30 to 2:15 for the weekly policy luncheons to meet.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. FRIST). Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for up to 5 minutes each.

Under the previous order, the Senator from Wyoming is recognized to speak for up to 30 minutes.

SPENDING AND REVENUES

Mr. THOMAS. Mr. President, let me say that the 30 minutes has been reserved for Members of the freshman class to take some time, and that will be divided among several of us.

We want to talk a little bit this morning about the future—the future for America, the future for Americans, and the future as it pertains to spending and spending limitations in this Government. More specifically, where will we be in the year 2000 if we continue to do as we have done over the past number of years? Where will we be at the beginning of the next millennium unless we make some changes in the direction that we are going?

The question before us, I think, as Americans and American taxpayers and American citizens, is, unless we make some changes, unless we set some priorities for ourselves now and do something about spending, will we have any options at the year 2000? Will we be able to set priorities for ourselves or, in fact, will our priorities be set by the bond market? Will our priorities be set simply by the financial condition of this country? So that is what we want to talk about.

There is nothing that can be more important to us than how we enter the new millennium with opportunities for people to be successful, with opportunities for people to earn a living for their families, and to have the American dream as we dreamed it in the past. And that is what we are talking about.

We are talking about spending and what has happened to spending over the last number of years and, frankly, the momentum to continue spending as it has been. And if that does continue, then by the year 2000, we will not have options. All of our money will be spent for Social Security, for interest on the debt, for defense.

One indication of where we have been is that the interest on the debt as part of our budget has soared from $14 billion a year 25 years ago—in 1970, $14 billion—to now $234 billion; on interest alone, $234 billion, which is more than the Government spent in 1970.

So this, it seems to me, is what we need to be prepared for. We need to take a look at where we are and where we are going. And we have a great opportunity to do that.

Unfortunately, the administration is resisting change and is seeking to extend the programs that we have had over the last 25 years, the last 30 years, seeking to extend and fund programs like the welfare program, which has been a failure. The poverty program has been a failure. There are more people in poverty now than there were when we began.

So the choice is basically to continue what we have been doing and resist change or to take the opportunity to take a look at the things we are doing and really examine them.

It seems to me it is an exciting opportunity in this Congress. It is an exciting opportunity for the House and the Senate to examine programs and say, "Here's what we have been doing. How does it work? How does it impact the people that need it?" To take a look at it and say, "Are there better ways to deliver services?"

No one is talking about discontinuing services. Nobody is talking about hungry children. The people who are for change, I submit, have equally as much compassion for people in need as those who resist change. We have a great opportunity to see: Is there a better way for us to deliver services?

What we really ought to do is measure what we have been doing against the principles that we all agree on, and that is that welfare programs and Social Security programs ought to be designed to help get people off welfare, to help people get back into the marketplace, to get back into an opportunity for self-esteem and self-sustenance, to reduce the dependency that has developed in this country and give people the opportunity to have jobs and be in the workplace; to provide incentives not only for people to work and to take care of themselves and their families, but incentives for business to invest to provide those jobs.

Now is a great opportunity for us to change some of the measurements of success, the measurement of welfare, not how many people you cover. The measurement of welfare is how many people you help to get off of welfare. And that is what we are talking about here.

It is unfortunate, I think, that the White House has apparently determined their approach to the next election by fear tactics of saying each time we take a look at changing some program, that somehow everyone is going to be thrown out in the cold. That is not true. That is not true. We are looking for better ways to deliver services.

I think it would be a shame, Mr. President, to pass up the opportunity that we have now. Americans voted for change in 1994, not for reckless change, but for fundamental change. They voted for fiscal responsibility.

Let me show you this chart, just as an example of what we are doing. Everyone has to have a chart here. We do not want to be without a chart. In any event, this shows spending and revenues over time from 1974 to 1980 to the year 2000. Look at the difference. All of this will be taken up in three categories and there will not be an opportunity for educational grants, there will not be an opportunity for training for work because there will not be money for that.

Now we can make the changes. Now we can make changes to do it and that is what it is all about, Mr. President. That is why we are on the floor this morning.

I want to share this time with a number of Senators who have worked very hard in this area.

The Senator from Arizona worked in the House and has been the author of a number of bills to make some fundamental changes to move us in what I believe to be the right direction.

I yield to the Senator from Arizona for 6 minutes.

CONSEQUENCES OF LACK OF FISCAL DISCIPLINE

Mr. KYL. Mr. President, I thank my colleague for yielding. I think my colleague from Wyoming makes an excellent point that I would like to speak to, and that is the issue of the balanced budget, of getting rid of our Federal budget deficit and balancing the budget has more than an economic dimension to it. It is really a matter of the future of our children and grandchildren, it is a matter of right and wrong and what we ought to be doing as a society.

Bill Bennett, who is the former Secretary of Education, testified before the Senate Budget Committee recently, and he said this:

> We have created a nanny state that takes too much from us in order to do too much for us. This has created inefficiency, sapped individual responsibility and intruded on personal liberty.

Mr. President, that, as much as the economic consequences of our lack of fiscal discipline, is what this debate about balancing the Federal budget is all about. The bigger the Government gets, the more taxes it needs. The more revenue it takes, the less American families are able to provide for themselves, and that brings dependency on the Government. And the cycle continues: More spending, more taxes, a weaker economy, and ultimately more dependency on the Government.

The net result of that is a change in the personality of America, literally. Our welfare state has created a dependency by the people who have not found a way to get off welfare because of the kinds of incentives that have been built into the program over the years.

One of the things that the Republicans in the House and the Senate are trying to do is to change the welfare state to end this cycle of dependency. It is more than an economic matter. We are literally trying to give people a hand up rather than a handout to end the dependency, to enable them to provide for themselves.

The great debate in the House of Representatives in the next couple of days is whether we can modestly reduce some taxes at the same time that we are balancing the Federal budget. Of course, the answer is yes. If we have the discipline, we can both get to a balanced budget in 7 years and make some modest changes in the Tax Code. Here is the reason why we need to do it.

The chart behind us shows in the bars the level of Federal spending, and it shows a green line running in about 19, 19.5 percent of the gross national product which represents revenues from 1970 through the year 2030.

We have had several tax rate increases during that period of time. Has it produced more revenue? No. The economy adjusts. When tax rates go up, people adjust their behavior accordingly. Likewise, when we have reduced taxes, has it reduced revenues to the Federal Treasury? No. As a percent of the gross national product, as you can see on that green line, revenues remain constant. Now that is in a growing economy.

So despite the fact that the economy is growing larger, revenues to the Treasury are keeping up when you reduce taxes, and that is one of the reasons that we want to reduce the taxes, both on capital gains so that people can sell assets that they have been holding but do not want to pay 28 percent tax on the profit they make on that—profit which is largely generated by inflation, by the way, so it is not real profit at all—and why we are interested in the $500 tax credit for children. That helps to restore the balance in who does the spending.

One of our colleagues was here yesterday talking about cuts in education, and I made the point that we are not talking about cuts in spending on education. What we are talking about is who does the spending. Who do you think can do a better job of making decisions on how to spend money on our children, a Federal bureaucrat in Washington or the family of that child? We say leave the money with the family that earned it. They will make smarter decisions about what to spend on that child.

So, Mr. President, my point is this: There is more to this than just the pure economics of it, than the dollars and cents of it. That is critical. It is very important. But there is more to it than that. It is fundamentally what our society is all about. We are trying to reduce the power, the authority, the intrusiveness of the Federal Government into our lives.

We are trying to restore power to the States and local governments and to the families. One way we do that is by giving the Federal Government less money to spend and by limiting the growth in that spending to the revenues that we take in.

The other way we do it is by not just limiting how much money the Federal Government takes in, but by actually reducing it through selected tax cuts. I think it is very important, as the House of Representatives will do in the next 3 days, as they will pass these reductions in taxes, it is very important for the U.S. Senate to follow suit, to follow what the House of Representatives does. We do not necessarily have to cut exactly the same taxes and the same amount. But it is important that we begin to put this Government on a diet, and the way to do that is begin to ratchet down the amount of money that the Government takes from the workers of our Nation, from the families of our Nation, and leave that money with them to make the decisions on how best to spend it.

Mr. President, Members of the freshman Republican class are going to be conducting these conversations every week throughout this entire year, I suspect even beyond that, to try to make the point that we just heard from the voters out there, we heard what was on their minds. We listened, and I am still hearing the same thing: They want us to reduce the power and the size and the expense of the Federal Government. And we freshmen Republicans are committed to that.

Thank you, Mr. President.

Mr. THOMAS. Mr. President, the Senator from Minnesota brings that message from the recent election as well.

I yield 5 minutes to the Senator from Minnesota.

THE DEFICIT LOCKBOX

Mr. GRAMS. Mr. President, I rise today to dispell a misconception that has become popular in Washington—the idea that tax cuts cannot go hand in hand with deficit reduction.

There are some who suggest that the massive deficit we have today is due to the tax-cutting policies of the 1980's.

What they ignore is the fact that during the 1980's, the number of jobs increased, the amount of taxable income increased, and as a result, tax revenues increased—all due to the Reagan tax cuts.

What did not happen were the spending cuts promised by Congress but never delivered.

In fact, spending during the 1980's increased significantly more than the increase in revenue, leading directly to the deficit we face today.

This year we are on the verge of making the same mistake, but in the opposite direction.

This time, Congress may pass spending cuts without providing the tax relief we promised the American people.

One of the worst ideas I have heard during the budget debate, and frankly, it came from a member of my own party, was the idea of a deficit lockbox to stall enactment of the $500 per-child tax credit.

Under the lockbox proposal, the tax cuts promised by Congress would be repealed if Congress fails to meet specific deficit targets.

In other words, if Congress were to act as irresponsibly in the future as it has in the past, Congress would not suffer the consequences, Washington would not suffer the consequences.

The taxpayer would.

Even now, our colleagues in the House have come up with a compromise to tie tax cuts to deficit reduction. If the deficit targets are not met, the tax cuts are not delivered. But is it not just like Congress to think that way?

If we were not in a collegial body, I would say the idea was just plain stupid. Instead, let me just label it misguided.

Mr. President, we cannot compromise the taxpayers of this country or the future of their children.

Instead of a deficit lockbox involving tax cuts, what we should have is the automatic spending reduction mechanism Senator COATS and I have proposed in our Families First bill.

Under our legislation, if Congress fails to keep the growth of spending capped at 2 percent each year, an automatic, across-the-board sequester, excluding Social Security, would take effect.

In other words, every spending program would be held to a growth rate of 2 percent.

That way, Congress would have to pay the price for its own failings. Congress would have to explain to the taxpayers why they couldn't make the tough choices to slow the rate of growth of spending in order to balance the budget.

It is clear, Mr. President, that deficit reduction must be a top priority of this Congress.

But it is also clear that tax relief is equally urgent. And while there are some in this Chamber who say the two cannot go hand in hand—I say the two must go hand in hand. We cannot allow the opponents of middle-class tax relief to pit one against the other.

Mr. President, I am reminded of the animal trainer who walks into the lion cage.

There is a lion to the left of him and a tiger to the right. Both are ready to devour him if he makes a wrong move.

Do you believe for one instant that the lion-tamer will be foolish enough to focus his attention on either animal, while completely ignoring the other?

Like the lion-tamer, Congress is facing a pair of equally dangerous beasts.

In one corner looms the Federal deficit, in the other sits the oppressive tax burden American families are being asked to bear.

We cannot ignore one at the expense of the other. They both need to be dealt with before they overpower us and eat this Nation alive.

The mandate of the November election is clear, and the people are demanding change.

Thank you, Mr. President. I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Tennessee.

NEED FOR A BALANCED BUDGET

Mr. FRIST. Mr. President, I rise today to continue the discussions of my distinguished Senators and fellow Republican freshmen from Minnesota, Arizona, and Wyoming.

Our discussion this morning is on the balancing of our Nation's budget. And, again, coming off the campaign trail, coming to this distinguished body, I believe that there is no more pressing issue than balancing the budget before this Congress. Along with my 10 other fellow Republican freshmen Senators and over 70 freshmen Republican Members of the House, I was elected with a simple mandate: to restore fiscal sanity to the Federal Government.

If this Congress today does not take steps to change the profligate spending habits of the Federal Government, the Members of this Congress, Republicans and Democrats alike, will be to blame for leaving an enormous mountain of debt to be paid by our children, the next generation, and future generations of Americans.

Mr. President, we simply cannot continue the current trend of Federal spending. Already the Federal debt is fast approaching $5 trillion. A family of four currently pays $440 per month in taxes just to pay the interest on our national debt. For the long term, the statistics are astounding. By the year 2000, just 5 years away, the Federal debt will exceed $6.7 trillion. This trend creates a debt of $25,000 for every man, woman, and child in America. That is a debt burden of $100,000 for every family in this country, a debt burden created by this body over the past several decades.

Speaker GINGRICH noted recently that a child born today will pay $187,000 in interest on the Federal debt during his or her lifetime, if current spending continues unchecked.

Mr. President, as shown in this chart behind me, all Federal revenues will be consumed by entitlement spending in less than 15 years. This is 1970, 1990, the year 2000, the year 2010, 15 years from now. The greenline here are total revenues brought in. Expenditures are the column, the red being entitlement spending, the yellow net interest and the blue discretionary spending, like defense, education, and infrastructure. By 2010, all revenues will be spent for entitlement spending, as well as net interest with no money left over for things like defense, education, support of our infrastructure unless we do something about it today.

Every group interested in deficit reduction today, from the Concord Coalition to the Kerrey-Danforth entitlement commission has recognized that the long-term health of the Federal budget depends on the ability of this Congress to restrain growth of Federal programs. In fact, the board of trustees of the Medicare trust fund will come out today with an annual report. It says that the Medicare Program is predicted to be bankrupt in 7 years. At the beginning of fiscal year 1997, the Medicare trust fund will begin to run a cash-flow deficit. Medicare is just one of the many Federal programs that must be restructured, be improved, restructured by allowing more choice for seniors in order to achieve long-term viability.

But, Mr. President, there are powerful interests that have already begun to resist even initial efforts to curb Federal spending. Defenders of the status quo would have us believe that there is no waste in Federal programs, that all of our Federal programs are run efficiently, that there is no room to trim back this mammoth Federal bureaucracy. Yet, a Florida task force recently uncovered more than $100 million in Medicare and Medicaid fraud and abuse, according to the Health Care Financing Administration.

Opponents of spending reform argue that we must spend more and not less, out of compassion. Mr. President, where is the compassion for the children of the next generation? The debate about Federal spending is more than a debate about cold budget numbers. It is a debate about restoring the American dream for future generations, making that American dream a reality for all Americans.

Mr. President, I wonder what the opponents of Federal spending reform will tell their grandchildren when they are paying lifetime income tax rates of 84 percent to pay off the debt we created, when they cannot afford college tuition or a mortgage on their first home. Will it past muster to say we just could not find a way to reduce the growth?

To reduce the growth, we are not talking about cutting spending in the sense that an American family today thinks of cutting spending. People in Washington engage in what I call Congress-speak. In Congress-speak, cutting spending means letting a program grow at 4 instead of 5 percent. If you told an American family today that they could spend 4 percent more next year than this year, they would think they are doing pretty well. Not here. Not in Congress. The liberals in Congress shamelessly oppose such reforms, leaving the public to believe that Government services will be drastically reduced. In reality, all of the hue and cry is not about compassion for the poor or children, but instead about a desperate attempt to maintain the Federal bureaucracy.

Mr. President, by the outcry in Washington over even modest savings proposals, you would think the Federal Government is about to pack up and go home. Far from it. The Federal Government will spend approximately $9 trillion over the next 5 years. To get a balanced budget by the year 2002, we must save $385 billion in mandatory spending. Federal Reserve Chairman Alan Greenspan has called the task of balancing the Federal budget a modest restructuring. While the job of balancing the Federal budget will be difficult, by no means will it result in drastic reductions in Government services or benefits. I believe Americans are ready to tighten their belts, so long as our plan is fair and balanced.

Yes, it disturbs me that the President has not joined Republicans in the task of achieving a balanced Federal budget. As shown in this chart which depicts Federal budget deficits, the Clinton plan is in red versus the Republican budget here, which comes down to be balanced in the year 2002. We see that the Clinton budget throws up its hands and says that the budget cannot be balanced, keeping $200 billion deficits over the next 5 years. The Republican plan, in contrast, balances the budget in the year 2002.

The President's advisers are trying to put an effective spin on the fact that they have thrown up their hands on any attempt to balance this budget, and they say that the stable deficits over the next 5 years will remain at $200 billion with a deficit declining to 2.1 percent of the gross domestic product by the next century. But even those modest claims have been refuted.

The Congressional Budget Office took a look at the President's budget and found that the President had understated the deficit by approximately $209 billion over 5 years. The CBO also found the deficit as a percentage of gross domestic product, the administration's favorite measure will actually increase from 2.5 to 3.1 percent. The President has completely abdicated his duty to lead on fiscal issues.

Finally, Mr. President, let me say a word about economic growth. Not only do we have a moral obligation to reduce the Federal deficit, but from an economic perspective, we simply must reduce the amount of Government borrowing in order to free up capital for productive investment in the private sector.

No Government program can substitute for economic growth led by entrepreneurs, small businessowners, and other risk takers.

Our economy will make room for everyone, but we must unleash America's capital for investment and put a stop to massive Government borrowing.

In closing, we should remember what this debate is all about. It is about the moral imperative to pay off a debt we created. It is about the responsibility we have to the children of future generations. It is about increasing economic growth and access to capital. And it is about the strength of our system to survive.

If we cannot stand up to those who would oppose real reform, then our very democracy is threatened.

I thank the Chair, and I would like to yield to my distinguished colleague from Ohio.

Mr. DEWINE. Mr. President, let me first congratulate my colleague from Tennessee for his description of the problem that we face.

I think it is appropriate and significant that this week, the 11 new Members of this body are coming to the floor to talk about really the most important problem facing our country; that is, our inability to deal with our budget deficit.

This week, Mr. President, there is going to be a lot of discussion about the close of the first 100 days of this Congress. There will be talk about the Contract With America.

I think that, by and large, the American people are pleased with what they have seen. We have begun to make progress; we have a way to go. We have passed in this body the line-item veto. We failed by one vote to pass a balanced budget amendment, but I am hopeful, as I know many of my colleagues are and as the majority leader is, that we will get that one additional vote and that we will be able to come back on this floor and pass that balanced budget amendment.

We passed the unfunded mandate bill which, for the first time, will really hold Congress accountable for unfunded mandates that are passed down to the local communities with no money, but just telling the communities what to do.

With unfunded mandates, line-item veto, making Congress live by the same laws that everyone else has to live under, I think we have made progress. We have a way to go.

Quite frankly, Mr. President, I believe the tough votes are ahead of the Senate, not behind the Senate. I believe that this Congress really should be looked at in two different sections. The first part of the Congress deals with the items we have just talked about. Then we will move in—and frankly we have already begun to do this with different committees—the Budget Committee particularly—to the hardest and most difficult task that we have; that is, to do something that we have not done for a quarter of a century. That is to get ahold of Federal spending and bring it under control.

I think the American people should understand that this week, while the focus is on the first 100 days, we now must turn to where we go from here. Mr. President, it is not going to be easy.

Over the next few months, the U.S. Senate and this Congress is going to face some very, very tough choices. This Congress must do what prior Congresses have not done. We have to write a realistic budget for the U.S. Government. All Americans must be prepared for what lies ahead. Mr. President, this will not be pretty. It will not be easy.

Indeed, the votes we have cast so far in this body are very easy compared to what lies ahead. We have to begin, Mr. President, by being absolutely candid and honest with the American people about the tough choices that lie ahead.

We can no longer postpone the day of reckoning. The day of reckoning, Mr. President, is here. The current direction of U.S. budget policy is simply not sustainable.

Congress has already amassed a $4.7 trillion national debt that our children and grandchildren will have to pay. That is what the American people in the past election voted to change. The people of this country demand change because they know what is going to happen if we do not change.

Mr. President, we are already paying over $235 billion a year just in interest on the national debt. By the year 2003, just 8 years from now, spending on entitlements and interest alone will exceed 70 percent of the entire Federal budget.

If we take out defense, we leave just 15 percent of the budget for all the discretionary spending on our domestic needs. That is 15 percent of the whole budget—15 percent, Mr. President, for education; job training; for the Women, Infants, and Children Program; just 15 percent of all these domestic needs. That is, if we just stay on our present course.

It does not get any better after the year 2003. In fact, it gets worse. By the year 2012, just 17 years from today, there will be nothing left in the budget for these social needs—zero. No money for our children, no money for our future—everything consumed. Every last red cent of the Federal budget will go to entitlements and interest payments.

Mr. President, Congress' fiscal insanity has had a terrible human cost. The year 2012, the year the money is scheduled to run out if we do not change our ways, is 1 year after my wife, Fran, and I expect our grandson, Albert, to graduate from high school, and 1 year after our daughter, Anna, should enter college.

Mr. President, if we do not succeed in writing a sensible budget, a budget that leads toward balance instead of further and further into bankruptcy, I shudder to think of the America we are going to leave these children.

Another way of looking at it, when my parents graduated from high school in the early 1940's, the debt attributable to each child graduating from high school that year was $360. By the time my wife, Fran, and I graduated, in the mid-1960's, that figure was up to $1,600 for each child. When our older children, Patrick, Jill, and Becky, graduated in the mid-to-late 1980's, that figure was up to $9,000. If we continue, Mr. President, to go the way we have been going, by the time our grandson, Albert, graduates from high school in the year 2012, that figure will be up to almost $25,000. That is $25,000 in debt, and no money at all to pay for urgent national needs.

Mr. President, this is much more than simply a budget question. It is much more than a question of accounting and bookkeeping. I believe, Mr. President, it is a fundamental moral question about the kind of people we are, the kind of Americans we are.

In conclusion, Mr. President, I contend that we do not have the right to leave our children a bankrupt America. They deserve a lot better. That is why we are here on the floor today.

It is our challenge over the coming weeks to create another picture of America, another picture of America in the year 2012, an America with a balanced budget, an America that is gradually paying off its debt and coming back to fiscal sanity, an America in which Albert, Anna, and other children of their generation are liberated from the crushing burden of debt and have, finally, the freedom to cope with the challenges of the 21st century. That is what, Mr. President, the coming debate is all about.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). Under the previous order, the Senator from South Dakota or his designee is recognized to speak for up to 30 minutes.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 663 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. DEWINE). The Senator from North Dakota.

PUBLIC POLICY

Mr. DORGAN. Mr. President, I heard a discussion this morning about fiscal policy, about the future, about Federal deficits, about accountability, about jobs, about opportunity. All of those issues interest me and I think interest every Member of this Senate.

Our country is, I think, unique in that we have a democratic system in which we create some pretty aggressive battles between the parties and between the individuals in political parties, contesting ideas. Even as we contest those ideas, differences in approaches, and different ideas, we essentially have the same goals.

The Senator from Ohio, who is now the Presiding Officer, comes from a big State. I am from a small State. He is a Republican. I am a Democrat. I would guess, if we sat and discussed goals, he and I would have very few differences in the goals we have for our country. We want a country that expands and grows and provides opportunity. We want children to be well educated. We want our streets to be free of crime. We want our air to be air we breathe without getting sick. We want health care that is available to us at a decent price. The fact is, we would very quickly discover—as we do all across this country when we talk politics—that our goals are the same. But, our methods of achieving those goals take very different paths.

Since the first of this year, we have been undergoing some very interesting times. We have, I think, because the American people registered a significant protest in the last election. Since then, we have passed more legislation on more significant issues than Congress has passed during any similar time period in the past.

Now, how was that protest registered? What was the score in November 1994? The American people said by their vote: 20 percent of us who are eligible to vote, voted for the Republicans; 19 percent of us who are eligible to vote, voted for the Democrats; and 61 percent of us who are eligible to vote decided it does not matter. They said, "I am not going to vote."

So that is the score: 20 percent to 19 percent—but 61 percent said, "Count me out, I am not going to participate in that process."

As a result of the 20-to-19 victory, there is a great clamor about what in politics is called a mandate for the Republicans. Probably only in politics could you get a mandate from a 20-to-19 victory.

You see, they had printed something called a Contract With America. In fact, on the House side, Speaker GINGRICH—now Speaker GINGRICH, but then Congressman NEWT GINGRICH—lined all the Republicans up in front of the Capitol, had the television cameras there, and had them all sign this little contract called the Contract With America which proposed some very substantial changes.

Some of that Contract With America made eminent good sense. In fact, some of it embraced the very things we tried to pass in the previous session of Congress here in the U.S. Senate, that the Republicans filibustered and opposed. They prevented us from getting it passed.

That is fine. Times change and so do opinions, and so the contract embraced some of the very things that we supported and tried to get done.

Since that election and since this contract the Senate has passed some of those things that make good sense. I supported them, as did most of my colleagues on both sides of the political aisle.

Unfunded mandates: Let us decide to stop telling everybody else what they have to do while saying to them you pay for it. Mandates are easy. Unfunded mandates are even easier. But it is irresponsible, and we passed legislation that says let us be more responsible when we talk about mandates. Let us find out what it is going to cost somebody and maybe let us decide, if we are going to stick them with a mandate, we have a responsibility to pay the bill. We passed an unfunded mandates bill that made good sense.

Congressional accountability: In effect saying if you pass a bill in Congress you have a responsibility to live under that same law you passed. It made good sense. I supported that this year and I supported it in the previous Congress as well.

Regulatory 45-day veto? That made good sense. I supported that. It is saying let us stop these unintended consequences. When we pass a law that we think is going to be a good law and somebody puts out a half-goofy regulation, let us have the opportunity to veto the regulation if it does not work, if that is not what we meant. I voted for that as did almost all of my colleagues. It made good sense.

Line-item veto: That was more controversial, but I voted for it because Governors have it—almost all Governors have a line-item veto. I have thought for 10 years that a President ought to have a line-item veto.

That is a menu of things we have done that make good sense.

There are other things that have been done since the first of the year that make no sense at all. I want to talk about some of them as well. Because there is, it seems to me at least in some margins in this public policy debate, a mean-spiritedness, one in which people say, "Well, I won, and what I intend to do now is help my friends and I do not care about the rest."

Unfortunately, some of those who won have very wealthy and very powerful friends, and those friends are getting some very big help.

We also have in this country some very vulnerable people. We have homeless, we have poor, we have people who are down and out, people who are suffering, and we have a lot of children who count on us and look to us. The fact is too many of these constituencies have been given the cold shoulder in the last several months.

Let me start with a central question of deficits because the Senator from Ohio talked about that. I agree with him. I think the Federal budget deficit cripples this country's ability to grow, and we must deal with it. We had a proposal on the floor of the Senate to amend the Constitution to require a balanced budget. In fact, we had two votes on an amendment to the Constitution, one of which I voted for, one of which I voted against. I did not vote for the one that would loot the Social Security trust fund to provide the money to balance the budget because I do not believe that is honest budgeting.

But it is interesting. I noticed yesterday in a publication called The Congress Daily that a Member of the Senate, one of leaders in the Senate, said that there is a feeling among some Senate Republicans that we should not move toward a balanced budget in our budget resolution—which they are required to bring to the floor—because if we did, we would lose steam to move toward a balanced budget amendment in the Constitution.

In other words, if the Senate shows it can achieve a balanced budget without changing the Constitution, that would be a problem. I read this last evening, and I could not believe anybody could really say that. But that's what was said: "We should not try to balance the budget because, if we did, that would take the steam out of the initiative to change the Constitution."

Now, I ask you. What is the most important thing that we have facing us? Balancing the Federal budget or changing the Constitution? Balancing the Federal budget. We can do that without changing the Constitution.

The fact is, if we changed the Constitution 2 minutes from now, 3 minutes from now, we would not have made one penny's worth of difference in the deficit. We ought to, with every single budget resolution that comes to the floor of this Senate, grit our teeth and roll up our sleeves and start doing the heavy lifting that is required to balance the budget.

But this sort of nonsense, saying as some say, that maybe we should not move toward a balanced budget with our budget resolution because that will take the steam out of this effort to change the Constitution is just ridiculous. What on Earth can they be thinking of? How absurd a position.

Well, nothing surprises me much anymore.

But the cynicism expressed by those who would argue that we should not balance the budget because that will take the steam out of our effort to change the basic framework of our government, the Constitution, is both amazing and appalling to me. It really ranks very high up there on the scale of cynicism.

Our job is to do the work here, not to take the pose.

So, the first requirement and first job for us is to address this budget deficit honestly, because to do that then opens up opportunity in the future and economic growth. Failure to do that means that we consign this country to slow anemic economic growth, an economic future none of us want for our children.

Even as we do that, I want to say that the job requires spending cuts. Yes. It requires significant spending cuts.

I am always interested in seeing how people characterize spending cuts because there is some notion around here that one political party wants a lot of spending cuts and the other political party essentially does not want any spending cuts.

It is alleged that one side, the majority side, the Republican side, are tigers when it comes to cutting spending. The other side? Gee, they just want to spend more.

Nothing could be further from the truth. There is not a plugged nickel's worth of difference between Republicans and Democrats in terms of how much money they want to spend.

All you have to do is look at the record, and you can look at the record for 15 years. Oh, there is a substantial difference in what they want to spend money for, but there is not a plugged nickel's worth of difference in how much money they want to spend.

During the last 15 years, we have had mostly Republican Presidents. Congress has spent less than Presidents have requested in their budgets. Translated—Republican Presidents have requested more spending than Democratic Congresses up until this Congress have actually spent.

I see the ranking minority member of the Appropriations Committee is on the floor. I have heard him refer to this as well. The question is, "Who has the appetite to spend how much money?"

There is some notion that the Republicans always want to cut spending, that they are for less spending and the Democrats are for more spending. The record does not show that to be true.

Yes, there is a difference in how we want to spend money. The Republicans always want to pack more money into the defense pipeline. They say, "You cannot spend enough in defense for us."

In fact, at a time when we have this massive deficit, at a time when the Soviet Union has evaporated and gone, the Republicans are saying what we really need to do now is we need to start building star wars once again. If we can just resurrect star wars, somehow we will all sleep better. America will have a better future.

The fact is they will resurrect star wars and cut school lunches and say Democrats want to restore school lunches so they are big spenders. It does not wash. It does not work. The evidence does not demonstrate that what is being alleged on the floor of the Senate is true.

Both sides of the political aisle in the U.S. Senate by and large propose about the same measure of public spending. We simply disagree on what the money ought to be spent for. That is a legitimate disagreement. It is a legitimate disagreement, it seems to me, for one side to say we want to cut our revenue base in a way that provides the bulk of the benefits to those families who make over $100,000 a year; to say, "We want to increase spending for star wars because we think it is necessary for our Nation's defense." That is a legitimate thing to say and do. I do not happen to agree with it. But certainly it is an idea, a bad idea but an idea.

On the other hand, they would say to us, as we intend to cut taxes, the bulk of the benefit of which will go to wealthiest Americans, and as we intend to start building a new gold-plated weapons system—which, in my judgment, we do not need—they would say, let us now, in order to pay for all of this, cut funding for foster care—as they have done—let us decide that nutrition programs should go to the States in the form of block grants, and we will cut the block grants. Then we will let the States use 20 percent of the money we have now cut to do anything they want to do with, including creating pork projects or building roads, having nothing to do with nutrition.

Then they say, Well, let us cut adult literacy grants for the homeless. Let us decide to eliminate funding for summer youth programs. Let us decide to end the entitlement or the requirement that poor kids ought to get a hot lunch at school. Let us decide, they say, to cut 1995 funding for financial aid for needy students to attend college. Let us decide, they say, to cut legal services to the poor back to zero. Let us decide, they propose, to cut 1995 funding for the Healthy Start infant mortality initiative.

This is a country, incidentally, that ranks way down, when you rank from best to worst in countries on infant mortality.

They say, we do not have money here to fund that. Let us cut that because we want to go off and build star wars. We want to provide tax cuts, much of which will go to the wealthy. And of course, my favorite, Let us propose—while we are cutting all of these things that would try to give a decent opportunity to those who are down and out, to those who are disadvantaged, to those who suffer, to those who are unfortunate enough to be young, the children in this country,—they say—We don't have enough money to respond to that, but maybe we should give them all a laptop computer.

"Let us give laptop computers to the poor. That will just sort of unleash a whole series of opportunities." They actually said that.

The second prize, it seems to me, goes to the folks who say we should get additional revenue for the Federal Government by charging an admission fee to tour the U.S. Capitol. I only come from a town of 300, but I suspect if you proposed in a town of 300 that you should charge somebody to tour a house they own they would laugh you out of town, saying you were not thinking straight.

My point this morning is if we are going to celebrate the first 100 days, we ought to be look at what is really going on.

When I started these remarks today, I said that I think there is merit in some of the proposals that have been passed by the Congress on a bipartisan basis during these first several months. I supported some of them because I thought they made a lot of sense.

Now, some of those proposals, the current majority party filibustered against in the last session of Congress and would not allow to be passed. But then came this Congress, and they said, "We want to pass them," and we joined them and said, "This makes sense. We supported this before and support it now." And we passed unfunded mandates, congressional accountability, regulatory veto. All of those make sense, and I supported them.

But there is much more to the story than just that.

The first 100 days, when it is celebrated this week, will be accompanied by a chart that shows the first 100 ways as well. The first 100 days and the first 100 ways in which the majority party in this Congress decided to use their power to help their friends, the wealthy and the big, powerful, economic interests in the country at the expense of a lot of vulnerable Americans.

Those are exactly the priorities they have exhibited.

Anybody who thinks that the priorities in this country should be to give a big tax break to very, very wealthy Americans so that we can justify taking a school lunch entitlement away from a poor kid, or to take opportunity away from America's children in dozens of ways—in nutrition programs, in education programs, and dozens of other ways—does not understand there is still a lot of fight left in a lot of us who care about what is right for this country.

This country, and this country's future rests on our ability and our willingness to invest in our children. It is that simple. A country that turns its back on its children and decides selfishly to provide more comfort to the already comfortable is a country that is not thinking ahead.

We have before us in the Senate now a amendment offered by Senator DASCHLE on the rescission package. This is a proposal that is the first of a series of proposals that we will offer in this Congress that represents our commitment to kids.

If this country cannot afford to decide to invest in its kids, to take care of its children, to care about its children; if we cannot do that in a whole range of areas, from school financial aid, to giving kids the opportunity to go to college if they do not have any money, to school hot lunches to allow poor kids the only hot meal they are going to eat during that entire day, to money that protects children against family abuse and violence; if we do not have the capability as a country to decide that these are our priorities, then this country, in my judgment, does not have its heart in the right place.

I think this country understands what the priority is. The priority is our children, because our children are our future. The amendment that has been offered by Senator DASCHLE in this Chamber to the underlying legislation talks about these programs: Women, Infants, and Children—the WIC program. Anyone who has seen anything or knows anything about the WIC program understands it is a program that works.

I almost hesitate to describe it again because almost everyone should know it. But here's how it works. A low-income mother who does not have resources and does not have money but is pregnant, is going to have a baby. She needs help feeding it, both before it is born and after.

WIC provides that help.

We understood a long time ago that if you provide the correct nutrients and provide nutritious help to that young mother, she is going to have a child that will not have to spend an extra 4, 5, or 10 days in the hospital because the baby was a low-birthweight baby because she was unable to provide needed nutrition to that fetus while she was carrying it in her.

We have discovered that for just a few dollars a month—for only a few months—we will save an enormous amount of money and provide an opportunity for that poor woman to have a healthy child.

That is a wonderful program. There is no waste. It is not money. It is certificates to buy juice and eggs and specific kinds of nutrients. It is one of the best programs the Federal Government has ever offered and it saves enormous amounts of money and is very helpful to children.

The Head Start Program. Gee, I do not think anybody who has toured a Head Start center can adequately debate any longer whether that program is helpful to children who come from families that are disadvantaged, low-income families. You see these young boys and girls at Head Start centers getting a head start in circumstances where they would otherwise be left behind. You see their mothers and their fathers there, some of them, getting an education, also at this Head Start center. They are learning about nutrition programs, about hygiene, about how to raise children. It is a wonderful program that produces enormous rewards.

We ought to understand by now what works and then invest in it, not cut it. We ought not cut the WIC Program—Women, Infants, and Children feeding program—or cut Head Start in order to fund a tax cut for some of the wealthiest Americans. We ought not to cut Head Start in order to fund the Star Wars Program. That does not make any sense to me.

I could go on, and there are about 10 or 15 similar initiatives that we have that I think represent the best in this country, an impulse and a determination to make life better for our children, to decide that you cannot move ahead as a society by leaving some else behind.

You just cannot do that. You have to care about people, especially the most vulnerable people.

I started by talking about how we in this Chamber share largely similar goals. I think that is true. I think most of us would agree that there is a requirement and an incentive in this country that must be exhibited to say to people, "You have a responsibility for yourselves as well."

"Yes, we are going to help. We will extend a helping hand when you are down and out, but you have a responsibility to pull yourself up and step up and stand up and create opportunity for yourself."

That is true. I understand all that.

But it is hard to say that to an 8-year-old kid. It is hard to look in the eye of a kid, as I did one day, a 9-year-old kid from New York City named David, who said to us that it hurts to be hungry. He said, "No kid like me should have to lay their head down on their desk at school because it hurts to be hungry." You cannot look a child like that in the eye and say it does not matter.

These programs do matter. The choices being made here during the first 100 days have real consequences in the lives of young children. And that is what this debate is about. It is about what are our responsibilities and how do we meet those responsibilities.

I start with the understanding that there is good will on all sides. I am not claiming one side is all wrong and one side is all right. In fact, I think a lot of new ideas that have been generated and developed will advance the interests of this country.

But there are also some timeless truths that we ought to understand.

New ideas will never replace the timeless truth that we have a responsibility for our children in this country.

Time and time again this year, some of us will come to this floor to talk about our commitment to children, our commitment to our kids, because that is a commitment to America's future. But it needs to be more than talk.

If we decide that we do not have adequate resources to invest in our children's lives, in our children's opportunities, in our children's potential, then this country will never achieve its full potential.

That is what the debate will be about on the Daschle amendment. It will be a debate that will recur and recur and recur throughout this year as those of us who believe kids are a priority come to the floor to fight for kids and for their future.

Mr. President, I yield the floor.

REGARDING IRAN

Mr. D'AMATO. Mr. President, I rise to briefly discuss Iran. While this administration contemplates its next move regarding Iran, the brutal terrorist regime in Iran is plotting its next move. Will it reinforce its troops on disputed islands in the Persian Gulf, or will it add to its weapons stocks in the region? Only the regime in Teheran knows.

What we do know, is that this band of terrorists is planning an offensive military buildup. It is planning for the projection of its aggressive actions even further in the region. This administration should take this to heart and not appease these terrorists like it did with the dictators in Pyongyang. What the administration should do is support my legislation banning all trade with Iran and place sanctions on those foreign corporations that continue to trade with Iran.

To this end, I ask unanimous consent to have printed in the RECORD, following the text of my remarks, the February 1995 edition of the Focus on Iran. This publication details current events in Iran, with this particular issue centering on Iran's ongoing efforts to obtain nuclear weapons.

This is a vitally important issue and this important brief will shed further insight into a dangerous regime bent on violence and aggression.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IRAN: NUCLEAR WEAPONS AND IRRESPONSIBLE LEADERSHIP

[From Focus on Iran, February 1995]

Within the past year, much attention was given to Iran's continuous military rebuilding effort since its disastrous and costly war with Iraq. In particular, there has been great emphasis on Iran as a potential regional military power, and more ominously, as a potential nuclear power. The realisation of Iran as both a regional and nuclear power would certainly cause concern to its neighbors. The international community—particularly the United States—is concerned with two developments. First is the growing conventional and nuclear capability of Iran, and second, the increasing authoritarianism of the Rafsanjani regime and its support for domestic and international terrorism.

It is a truism based on historical experience that the greater the absoluteness/authoritarianism of a regime, the less its confidence in dealing with the international community, and the more likely it would resort to force to solve problems. In this context, the current regime in Tehran could hardly be considered a responsible and reliable participant for ensuring regional peace, stability and security.

It is clearly recognized that all nations have fundamental rights to provide for their own national security interests and those of others through mutual security treaties such as NATO, the former Warsaw Treaty Organization and other regional security pacts. Moreover, Iran itself, prior to the revolution of 1979, was a member of the former Central Treaty Organization (CENTO) together with the United States, United Kingdom, Turkey and Pakistan. Subsequently, the former regime undertook mutual security agreements with the United States. All the preceding agreements, treaties, pacts, etc., alluded to above, were undertaken by governments on the basis of perceived defensive security needs, with no outward declaration of aggressive intent. This in contrast to the bellicose rhetoric and state-sponsored terrorist and subversive activities of Iran's present regime. It is no wonder that a more powerful and nuclear-armed Iran, controlled by the clerics, poses a great concern for future regional peace and security.

Traditionally, Iran's security defense policy has been dictated by its geostrategic situation: From World War II to 1979, for defense against threats from the north, Iran relied heavily on the US deterrence. After the clerics took over in 1979, and especially after the aborted rescue mission of the US hostages, Iran, although its foreign policy was nominally "neither East nor West", tacitly relied on the Soviet deterrence against possible US attack.

After the collapse of the Soviet Union, and the Iraqi invasion of Kuwait, and consequently, the defeat of Saddam Hussein, Iran decided to put its energy and resources to develop weapons of mass destruction, not for defensive purposes, but to give Iran leverage to lead the Muslim World. In November 1991, Mr. Mohajerani, Vice-President of Iran, referred to Iran's activity to develop nuclear weapons. He said Moslem nations including Iran must acquire nuclear capability that would make them strong. This idea was probably reinforced after the Iraqi defeat in the Persian Gulf War, by the Indian Defense Chief, who reportedly said in an interview that one of the results of the Gulf War was "* * * never challenge the US unless you have nuclear weapons".

THE POST WAR ARMS BUILD-UP

Since the end of the war with Iraq (in 1988), Iran has undertaken an extensive rebuilding and upgrading of its greatly depleted armed forces, as might be expected, especially since the threat from its recent adversary, Iraq, is real, even though seemingly lessened at present. It is noteworthy that much of Iran's arms purchases are best described as offensive in nature and not necessarily designed to counter what one might imagine to be its real concern, Iraq. For example, since 1988, the arms purchases include: 10 fast attack missile boats, 75 SCUD-C surface-to-surface missiles, an unknown number of Su-24 fighter/bombers, 12 Tu-22 (Backfire) bombers, 72 AS-16 (Kickback) air-to-ground missiles, and three Kilo-class ocean-going submarines (two already delivered and one to be delivered soon). In addition, there are on order other weapons systems with both offensive and defensive capabilities.

Of particular interest in the above listing is the SCUD-C procurement from North Korea, because of the potential offensive threat it poses to Iran's neighbors to the South. It must be noted that this missile system is capable of being fitted with both conventional as well as nuclear warheads. Furthermore, there is every likelihood that the clerical regime in Iran will purchase the NO-DONG-1 medium-range ballistic missile or its follow-on, within the next five years, also from North Korea. With a range of about 600-800 miles and improved accuracy, the NO-DONG missile would be a direct threat to Israel, more so than the SCUD-B system deployed by Iraq in the Persian Gulf War of 1991.

The acquisition of several ocean-going submarines and fast attack missile boats presents a realistic threat to Persian Gulf oil flow, in as much as these naval craft could easily block the Straits of Hormuz by a missile or underwater attack. In the hands of an unstable and irrational regime, they also pose a direct danger to the U.S. and Allied naval vessels needing to access the Persian Gulf in periods of crises.

The acquisition of the long range Tu-22 (Backfire) bomber has no other use than extending Iran's offensive "punch" far into the Indian Ocean (against the U.S. and Allied Navies) or to the entire Middle East and beyond; a capability far beyond the accepted defensive needs of the clerical regime.

THE NUCLEAR WEAPONS ISSUE

The "conventional" arms threat is multiplied many times over when nuclear weapons are added to the equation. Much has been written recently concerning the activities of the clerical regime in regards to its involvement in the development of nuclear weaponry. The question does not seem to be one of the probability of such a development, but one of timing. In a recent article in The New York Times (January 4, 1995), Chris Hedges wrote a detailed and well-crafted article indicating that in five years, Iran may be able to fabricate a nuclear weapon, with the fissionable materials supplied by its nuclear facilities at Bushehr. If we examine the "conventional" weapons already purchased or on order, it is apparent that most of these systems can be readily adapted and modified to carry and deliver nuclear weapons.

In order to place the potential "nuclear threat" in proper perspective, it must be recognized that we are dealing with a contingency that is at least two to five years in the future. It will depend on the clerical regime's ability to receive or develop the requisite technological capability, and produce sufficient nuclear fuel, at which time the threat does became apparent and a focal point of international concern.

Apropos the issue of Iran gaining technological competence in nuclear weapons fabrication, much has been written in various intelligence sources. It has been reported that Iran has acquired at least two nuclear weapons (one missile and one 152mm artillery round) from Kazakhstan. Some sources allege that Iran may also be receiving technological assistance from North Korea. In any event, it makes little difference whether Iran currently has nuclear warheads; in time, it will develop the capability either by virtue of its native talents and/or with the help of "scientists of fortune" from the former Soviet Union and Eastern Europe.

THE ECONOMIC CONSEQUENCES OF NUCLEAR ACQUISITION

The more compelling question is not whether "Iran has the bomb", but rather, why it should want a massive offensive conventional and nuclear strike capability. Secondly, who or what are the ostensible targets requiring such national commitment of human, economic, and material resources, to say nothing of the political capital expended in the international community.

The "why" of the clerical regime's military build-up can be answered simply as a normal action in light of the recent war with Iraq. More importantly, however, the upgrading of offensive conventional and future nuclear strike capabilities must be seen in the light of the Mullahs' determination to ensure their survival in the seat of power in Tehran, and more ominously for the future, perhaps to further their political-religious goals elsewhere in the Middle East and North Africa.

The importance of Iran's current rearming and upgrading of fire-power can be measured in terms of its economic cost to the nation. The U.S. Arms Control and Disarmament Agency (ACDA) estimates that between 1987–91 the clerical regime ruling Iran spent an estimated US$8-billion in hard currency for weapons imports. At least a similar amount has been spent since 1991 for further purchases of weapons systems. This at a time when the country is experiencing significant economic distress as indicated by the fact that the per capita share of the GNP (i.e. the individual economic worth) has fallen to around $1,000.

From these bare economic facts, it is apparent that the clerical regime in Tehran is choosing "guns over butter", and, consequently, is perpetuating the economic misery of the Iranian population. Compounding this economic situation is the fact that Iran's external debt is at least US$40-billion, and given the relatively modest world prices for crude oil, Iran's main foreign currency earner, there is little hope for debt reduction in the foreseable future. What this simply means is that as the external debt burden grows, the clerics will find it more difficult to acquire credit for domestic needs such as imports of necessary goods and services that are urgently needed to stop the nation's rapidly declining living standards.

Moreover, the great economic burden of the massive arms build-up has serious long term implications for Iran's development of its industrial economic base, notably, the petro-chemical infrastructure. Authorities estimate that Iran needs US$5-billion for repairs, replacement parts and maintenance of its petroleum extraction and processing equipment and facilities, and an additional US$1-billion for the maintenance of attendant petro-chemical equipment. If this investment in the petroleum infrastructure is delayed or slowed down, it is likely that within 15 years, the entire infrastructure will collapse, bringing about economic catastrophe.

The salient question is at what cost to the welfare and well-being of the Iranian people, and at what cost to the goodwill and economic credibility within the international community is the clerical leadership willing to expend for illusionary and self-destructive goals of religious fanaticism and domestic and international terrorism.

THE LIKELY TARGETS OF THE CLERICS' NUCLEAR POLICY

The second salient question, given the above discussion regarding the excessive level of rearmament effort, is, who, what and where are the targets of the arms build-up. If one surveys the current Middle Eastern political, relgious and social environment, it becomes evident that there is an array of differences that are not in accord with the clerics' concept of religious "fundamentalism" and its attendant political and social ways of life. These range from Israel's inherent Judiac nature, Egptian, and Syrian political secularism, Saudi Arabia's Sunni sectarianism, the economic per capita wealth of the Persian Gulf States, the Turkish security links to the U.S., and the overall instability of the former Soviet Caucuses and Central Asian Republics and Afghanistan.

It is well within reason that the clerical leadership in Tehran may perceive some, if not all, of these differences as a threat to its "way of life" and ideology. Perhaps they also see them as targets of opportunity for some future date, when through armed threats and other coercive means, they look forward to imposing their hegemony, and forcing them to accede to their religious and political ideology.

The clerics' support of political terrorism in Lebanon, Egypt, Sudan, Algeria and elsewhere lends credence to their once far-fetched claim of converting the world of Islam to Khomeinism. In light of their actions and pronouncements, this indeed may be their first step on the road to achieving their avowed goals.

The nuclear strategic doctrine of the Islamic Republic was formulated by "The Strategic Islamic Research Center" headed by Hojatol Islam Khoeiniha. Following are the main conclusions and goals of the Center which were reached in a secret meeting in May 1991:

1. After the collapse of communism, Islam is the only force and Islamic Republic the only leader and supporter of the liberation of the oppressed masses.

2. Iran will naturally be on a collision course with the U.S., and must consider the U.S. a real threat to the Islamic world.

3. Iran needs to develop nuclear power and prestige.

The result of this meeting, which was never publicized, should not be taken lightly. Nuclear weapons can be either the guarantor of state, or a threat to the whole region and survival of the country itself. The difference lies in the responsibility, wisdom, and the sophistication of the leadership, and the nuclear strategy it adopts. In the hands of responsible leaders, one can assume that nuclear weapons would not be used unless absolute survival of the country was at stake. In the case of the current clerical leadership in Tehran, it could present a real threat.

Like the United States, Israel is seen as the "Satan: the extreme negation of all that is held religiously and politically sacred to the clerics in Tehran. Moreover, the Islamic shrines in Jerusalem must be "redeemed". The clerics' success in this effort would most certainly evoke the Moslem masses to respond to its cause and jihad: a tide which none of the Middle Eastern States could withstand.

It is the opinion of many specialists that Israel is the lynch-pin for Iranian religious/political hegemony in the Middle East. Others point to the clercs' claim of the right to administer the holy shrines in Mecca and Medina. Another important target is likely to be Egypt which is already facing very serious challenges to its political and economic infrastructure from radical Moslem fundamentalists. The long arm of Khomeinism is most definitely felt in Egypt through the clerics' financial, material and moral support for the Egyptian religious radicals. The fall of the Egyptian Government would be a world-wide political event, and would pose a grave threat to the security of Israel and Saudi Arabia, and, most likely, would destabilize Jordan and Lebanon. The military assets of Egypt in the hands of radical extremists is difficult to contemplate for the United States and its Allies; for Iran, it would be a bounty worth all its effort and cost.

COMMENTS ON IRANIAN LEADERSHIP

Finally, in our assessment, the current clerical leadership in Tehran seems to be totally incapable of comprehending the dangerous consequences of their course of action. The clerics seem oblivious to the historic lessons of this century. All those who overreached their power paid dearly. Irresponsible policies and actions by irrational and despotic leaders brought untold hardship and misery on the civilian population. The overreaching of military power by the clerics in Iran could bring about the destruction of the Iranian nation. It should be made clear that the imperatives of Iran's security needs are recognized, and the bravery and dedication of its Armed Forces in defending the nation is lauded. It is our belief that the course of military expansion exceeds the requirements for defense of the frontiers against any adversary for the foreseeable future. The course pursued can only lead to the destruction of the patriotic Armed Forces needlessly.

In order to prevent the dangers of irresponsible military expansion and adventurism, we categorically support the replacement of the current regime with one dedicated to democratic principles well-grounded in the realities of the international security environment and balance of power concept. Furthermore, we insist that a new regime must have the support, respect and confidence of the Iranian people as well as that of the international community.

First and foremost on its agenda must be the well-being of the people, and guarantees for individual freedom and human rights. Along with economic security, it must work to ensure their physical as well as national security. These can be achieved by reversing the current aggression-oriented arms build-up and support for terrorism. Instead, the new leadership must be dedicated to, and must take an active role in promoting regional and world peace.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us do that little pop quiz again: How many million dollars are in $1 trillion? When you arrive at an answer, bear in mind that it was Congress that ran up a debt now exceeding $4.8 trillion.

To be exact, as of the close of business Monday, April 3, the total Federal debt—down to the penny—stood at $4,873,480,746,464.74—meaning that every man, woman, and child in America now owes $18,499.82 computed on a per capita basis.

Mr. President, again to answer the pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the existing Federal debt exceeding $4.8 trillion.

TRIBUTE TO DICK REINERS

Mr. DASCHLE. Mr. President, today I want to take a moment to commemorate the long and distinguished life of my dear friend, Richard H. Reiners, an outstanding American, who passed away earlier this year.

Dick Reiners was born September 24, 1907, on a small farm east of Lennox, SD, and passed away on January 15, 1995, at his rural home north of Worthing, SD. Throughout his life he was dedicated to his family, his community, and the land on which he lived.

As a father and husband, Dick epitomized the term, family values. He was faithful, honest, and loyal, and he passed those values onto his children and grandchildren.

As a member of the community, Dick was constantly active in improving the quality of people's lives. He served on numerous boards, including his church, his children's school district, the Farmers Home Administration, and the South Dakota Farmers Union. He was also actively involved in politics and labored tirelessly for the people he believed in.

As a farmer, Dick held a reverence for the land and its capacity for production. He was a hard worker and an eternal optimist.

Dick spoke his mind. He never gave up. He was always a kind and thoughtful man.

During my travels as a U.S. Senator, I am constantly humbled by the people of my State—people like Dick Reiners and the basic principles by which they live their lives: a love of family, an obligation to community service, and a strong commitment to an honest day's work. Those who knew Dick Reiners learned much from him, and I am honored to say that he was my friend. He will not be forgotten.

CENTENNIAL OF THE BIRTH OF CHRISTIAN A. HERTER

Mr. KENNEDY. Mr. President, March 28, 1995, marked the 100th anniversary of the birth of Christian A. Herter, one of Massachusetts' and the Nation's most respected leaders and public officials in this century.

After a distinguished early career in the Foreign Service, Chris Herter returned to Massachusetts and was elected to the State legislature in 1930 at the age of 35. In the next 6 year, he rose to become speaker of the house, and 4 years later, he was elected to the House of Representatives, where he played an influential role in making the Marshall plan a reality.

In 1952, the same year President Kennedy was elected to the U.S. Senate, Chris Herter was elected Governor of Massachusetts. After serving two terms, he accepted the position of Under Secretary of State under John Foster Dulles in the Eisenhower administration, and succeeded Dulles as Secretary of State in 1959. President Kennedy thought so highly of him that he appointed him to be U.S. Special Trade Representative in 1961, and the GATT Agreement still stands as one of his greatest monuments.

Christian Herter was admired and respected by leaders and citizens alike in Massachusetts, America, and throughout the world. On this occasion of the centennial of his birth, Emanuel Goldberg, who served on his staff as Governor, has written an eloquent tribute to this extraordinary son of Massachusetts, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

CENTENNIAL OF CHRIS HERTER

(By Emanuel Goldberg)

He was one of the Commonwealth's most highly regarded and distinguished public servants, on a tri-level of state, national and international affairs, yet if you questioned people today—senior citizens possibly excepted—I doubt if one in 10 could lucidly recall Christian A. Herter of Millis and Manchester.

Last March 28, 1995 was the 100th anniversary of Chris Herter's birth, actually in Paris where his artist parents lived abroad. Twice he became not only a serious presidential prospect when "Dump Nixon" drives were surfacing but, in Massachusetts, served as Governor and Speaker of the House and, in Washington, as an outstanding Congressman, Secretary of State in the Eisenhower administration and the first U.S. Trade Negotiator for both Presidents Kennedy and Johnson. There is a state scholarship fund in his name—rarely publicized because his family rejected a brick and mortar memorial and preferred practical direct help to needy students. Thanks to former MDC Commissioner John W. Sears, there is also a public park, near Harvard Stadium (Herter's alma mater), named for him. Also an academic chair in international relations at Brandeis and Herter Hall at U. Mass-Amherst.

The 1952 gubernatorial election was memorable when underdog Herter in a close election, defeated by 14,500 votes the powerful Democratic incumbent Paul A. Dever. The major campaign issue revolved about Dever's outgoing public works commissioner, Bill Callahan, whose heralded highway program was attacked by Republicans as the most costly in the nation, as well as two and a half times more than the next highest state.

The Herter program for Massachusetts was highly and quickly successful because in just one year after taking office, the new administration got through most of its legislative program and also a 25 percent tax reduction in earned income. TIME put Herter on its magazine cover; also labeled him "to millions, a hero" (1/18/54). That year he was the only U.S. governor to produce such dramatic tax savings.

In the late 1940's, while a Congressman, Herter chaired a 19-member delegation that toured 18 foreign countries to lay the foundations for the Marshall Plan. He later won the 1948 Collier's Magazine award as the outstanding Congressman for that historic undertaking. Ironically, then Congressman Richard M. Nixon served on Herter's diligent and highly productive committee. The generous Collier's prize money was later donated by Herter to Washington's Johns Hopkins School for Advanced International Studies, an institution he was a prime mover in founding.

The awkward 6'5" angularity of Chris Herter caused his military rejection in 1917 (he later suffered from severe arthritis) but catapulted him at once into public service. He served President Wilson at the Versailles Peace Conference, in 1918–1919, as Secretary of the American Peace Commission. Following an attaché post in Germany's American Embassy, he found himself, at age 22, operating the American legation in Brussels.

Thence commenced a close association with Herbert Hoover—Herter becoming at first the future President's principal assistant as executive secretary of the Europe Relief Council and later, when Hoover was named U.S. Secretary of Commerce in 1921, his personal assistant.

On a personal level, the jovial, modest Herter, who frequently assuaged his arthritic back pain with bufferin and a cigarette, nevertheless was a fisherman, boatsman, gentleman farmer, breeder of golden retrievers and an expert bridge player. He was one of the Boston Red Sox's greatest fans and reveled in the Governor's prerogative of throwing out the first baseball of the season. One scheduled April opening day, when it actually snowed in Boston, causing the game to be cancelled, this frustrated Governor intentionally messed up a preplanned photo assignment by heaving a huge snowball at (and hitting) this writer, who was supposedly supervising a substitute news picture. My recollection is that simultaneously a distinguished, newly-formed Educational TV Commission was just entering the Governor's office—and its VIP members were quite perplexed to encounter an embarrassed, snow-covered young assistant and a hilariously-roaring chief executive.

Actually, Herter was very considerate about his staff's welfare. He was capable, even when busy, of phoning the switchboard operator to inquire about her cold. On one occasion, long after he'd left the Governor's office. Herter traveled from Washington to help a former staff state trooper, who'd encounterd some job difficulty in Boston.

Testament to his wide popularity on both sides of the political aisle, when the Undersecretary Chris Herter was nominated by President Eisenhower to succeed John Foster Dulles as U.S. Secretary of State, the Senate on April 21, 1959, approved the appointment in 4 hours and 13 minutes. The Senate had suspended its usual confirmation rule of requiring a minimum of seven days.

Family-wise, Herter's father, Albert, an internationally renowned artist, created the huge murals now hanging in the Massachusetts House of Representatives. His older brother, Everit, was killed by German shrapnel in World War I. He married the former Mary Caroline Pratt, granddaughter of one of Standard Oil's founders, for whom a memorial garden as been affectionately dedicated in the MDC's Herter Park.

Chris and "Mac" Herter had four children; Chirstian A. Herter Jr., now teaching at the Hopkins School, who also once served in the Massachusetts legislature; Dr. Frederic P. Herter, a prominent physician at New York's

Columbia-Presbyterian Hospital (medicine has also been a long family tradition for an uncle, also named Christian Herter, founded the College of Physicians and Surgeons in New York, while a young student named Jonas Salk was helped through his doctoral training via a Herter scholarship); E. Miles Herter of Manchester, prominent for years in the Boston financial community, and Mrs. Joseph (Adele) Seronde, wife of a pathologist and a widely admired artist now residing in Arizona. She, collaborating with Kathy Kane, was responsible for bringing "Summerthing" to Boston and also originating the outdoor murals that are now emulated throughout the nation.

Chris Herter, boots on at 71, was victim of a heart attack on December 30, 1966, while still U.S. Trade Negotiator. Ironically, a day before his passing, Herter, an ardent proponent of free trade, was cheered by news that Britain was lifting tariff restrictions among the European Free Trade Association.

Though William F. Buckley, Jr. and Chris Herter (a GOP Young Turk type) were probably at opposite ends of the Republican spectrum, I know of no-one who more precisely summarized Herter's essence than this noted conservative. In a private letter, Bill Buckley commented that Herter was "a reminder of how civilized the world used to be."

There is a gap: no scholar has yet written a definitive biography about Chris Herter's multi-faceted contribution to history and the public welfare. His gigantic stature, both in size and character, will always remind us that moral and intellectual integrity can flower even in American politics.

PINEY WOODS OPRY IN ABITA SPRINGS, LA, RECEIVES ARTS ENDOWMENT GRANT

Mr. KENNEDY. Mr. President, there have been many articles and commentaries about the National Endowment for the Arts in recent months. Opponents have complained that the Endowment supports elitist institutions and elite audiences. But a recent story on the CBS Evening News describes a different and more accurate example of the Endowment's role—a grant made to Piney Woods Opry in Abita Springs, LA.

This grant from the NEA, totalling $14,900, enabled the Opry to present performances of local musical folklore from the Depression era. The performances entertain the citizens of Abita Springs, and they will preserve this important part of America's musical heritage.

This success story, and thousands of others like it across the country, reveal the true mission of the Arts Endowment. Large corporations and wealthy donors are unlikely to fund these programs, but the Arts Endowment does. Mary Howell of Piney Woods Opry explained why:

> When you ask why should the taxpayers want to support this kind of thing . . . Because it's about us. It's about every one of us.

I urge my colleagues to support the National Endowment for the Arts, and I ask unanimous consent that a transcript of this segment from the CBS Evening News may be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

[Transcript from the CBS Evening News, Mar. 31, 1995]

POSSIBLE BUDGET CUTS TO NATIONAL ENDOWMENT FOR THE ARTS CAUSE CONCERN FOR PINEY WOODS OPRY

CONNIE CHUNG, co-anchor. In the huge federal budget, $170 million may not seem like much, but that's the 1995 budget for the National Endowment for the Arts. Some members of Congress think it should be zero. They call it a taxpayer subsidy for wacky or tacky artists who play to a cultural elite. Is that really where the money goes? John Blackstone has one case in point for tonight's Eye on America.

JOHN BLACKSTONE reporting. There was a time when Saturdays across much of rural America sounded the way they still sound in Abita Springs, Louisiana.

Unidentified ANNOUNCER: From the town hall in beautiful Abita Springs, the Piney Woods Opry.

BLACKSTONE. Piney Woods Opry never fails to draw an overflow crowd, though the songs and the sentiment are distinctly out of fashion.

(Excerpt from Opry performance)

BLACKSTONE. The musicians, often in their 60s and 70s, are among the last practitioners of a disappearing musical style.

Mr. BOB LAMBERT (Evening Star String Band): This is a true American music, and I think somewhere along the line, they're going to appreciate it again.

BLACKSTONE: The local congressman was invited here tonight, but he didn't come. He's a busy man these days, the new Republican chairman of the budget-cutting House Appropriations Committee, and one of the budgets he's busy cutting could have an impact right here.

Representative BOB LIVINGSTON (Republican, Louisiana): All we're trying to do is trying to bring common sense and sanity to the United States federal budget.

BLACKSTONE: Congressman Bob Livingston is bringing down the budget ax on federal funding for the arts, particularly the National Endowment for the Arts.

Rep. LIVINGSTON: We're going to be making drastic cuts, because we're going to be looking toward a balanced budget by the year 2002, and NEA has to prove that, you know, it is affordable.

BLACKSTONE: But ironically, Livingston is calling for cuts just as the Piney Woods Opry, right in his own district, is due to receive its first grant from the NEA, $14,900.

Mr. LAMBERT: I don't want to get into politics but for the little bit that we have got, I don't think anybody could be complaining about that.

BLACKSTONE: Among the new Republican majority in Congress, money for the arts is called welfare of the cultural elite. Is this the cultural elite we're going to be seeing?

Mayor BRYAN GOWLAND (Abita Springs, Louisiana): Why, I wouldn't call it the cultural elite. I don't know.

BLACKSTONE: Many of the folks who show up at the Piney Woods Opry remember the hard times and honest music of rural America.

Mr. LAMBERT: You know, I—I—I grew up in the Depression, and I—I—I know what hard times is all about.

BLACKSTONE: Admission to the Opry is just $3 at the door. Producers say the music isn't commercial enough to charge much more. Without financial help to keep the show running and the recorders turning, they say these songs will soon be gone, along with those who play them.

Ms. MARY HOWELL (Co-producer, Piney Woods Opry): We could lose our history. And it seems to me that that's when you ask why should the taxpayers want to support this kind of thing? I think that's why, because it's about us. It's about every one of us.

BLACKSTONE: Lauren Kilgore sings the songs her father taught her.

Ms. LAUREN KILGORE (Singer): (Singing) Grandpa, everything is changing fast.

BLACKSTONE: While the budget cutters sharpen their ax, the folks at the Piney Woods Opry say the value of this music can't be measured in dollars . . .

Ms. KILGORE: (Singing) . . . families rarely bow their heads to pray and daddies really never go away.

BLACKSTONE: . . . it can only be felt. In Abita Springs, John Blackstone for Eye on America.

IN HONOR OF HOWELL HEFLIN

Mr. AKAKA. Mr. President, I rise today to add my voice to those of my distinguished colleagues in the Senate to pay tribute to our colleague, Senator HOWELL HEFLIN of Alabama who announced his intention to retire from the Senate at the end of this Congress. I too will miss him, not only as a U.S. Senator, but as a very dear friend.

The Senate will not be the same without HOWELL HEFLIN. He brought the highest dignity, integrity, and diligence to this body along with his unique sense of humor.

Mr. President, he is a big man with a big heart; his life is marked with patriotism and service to mankind; clearly HOWELL HEFLIN has led an unselfish life dedicated to leading and helping people. He was twice wounded in World War II as a marine captain while leading his troops in battle on Guam. He was awarded two Purple Hearts and the Silver Star for bravery. As a young trial lawyer in Alabama, he was known as one of the best. His reputation as an excellent lawyer led to his eventual election as chief justice of the Alabama Supreme Court. It just made sense that the "Judge" would eventually become a member of this distinguished body.

As a Member of the Senate, HOWELL HEFLIN brought great wisdom, and he used this wisdom for 13 years as a member of the Senate Ethics Committee and for two periods he served as its chairman. He has always fought for what was right for the country and for his constituents in Alabama. Mr. President, people may not agree with HOWELL HEFLIN's decisions all the time but they did respect them.

Mr. President, I could speak at length about HOWELL HEFLIN's many accomplishments. But for myself, I will always cherish the close friendship we have enjoyed over the years.

Mr. President, the Senate will never be the same without HOWELL HEFLIN. The people of Alabama and the people of this country have benefited from the service of the "Judge," one of the most outstanding Members to have served in this body. I look forward to working with him in the remaining months of the 104th Congress. My wife Millie and I wish both his lovely wife "Mike" and Judge HOWELL all of God's blessings. Mahalo for being such a good and faithful servant. Well done, Judge.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1158, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatfield amendment No. 420, in the nature of a substitute.

D'Amato amendment No. 427 (to amendment No. 420), to require Congressional approval of aggregate annual assistance to any foreign entity using the exchange stabilization fund established under section 5302 of title 31, United States Code, in an amount that exceeds $5 billion.

Murkowski/D'Amato amendment No. 441 (to amendment No. 427), of a perfecting nature.

Daschle amendment No. 445 (to amendment No. 420), in the nature of a substitute.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, it is my understanding that the distinguished Senator from Oregon, [Mr. HATFIELD], the chairman of the Appropriations Committee, wishes to be on the floor when the debate starts and that he wishes a quorum call. I understand he is on his way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, although there are a number of rescissions proposed in the amendment by Mr. DOLE with which I agree, I am unable to vote for the amendment because of its rescissions of appropriations for the Nation's physical infrastructure, its proposed $100 million cuts in IRS personnel, and its additional rescission of funding for the Corporation for Public Broadcasting.

The Dole amendment would cut $323.7 million from appropriations for highway construction. Of this amount, $280 million would be cut on a pro rata basis from every State's allocation of Federal-aid highway funds. These Federal highway funds are used by the States for highway and bridge construction, as well as for reconstruction and repair. Federal highway spending is one of the most productive areas of Federal investment in the creation of new, well-paying jobs. The Dole amendment, by reducing highway spending by more than $320 million, would cause a loss of up to 20,000 highway construction jobs.

Mr. President, while it is true that we have a horrific national debt and we must continue to cut Federal deficits, as the pending bill would do, we must simultaneously address our investment deficit in critical areas such as our Nation's highways and bridges.

And I made this point at the budget summit in 1990, at which time I said we have not only a trade deficit, we have not only a fiscal deficit, but we also have an investment deficit.

For a moment, I would like to recount some of the maladies we will pass to the next generation for our failure to invest in our transportation infrastructure. So we still have an investment deficit. According to the Department of Transportation, there are currently more than 234,000 miles of the nearly 1.2 million miles of paved, nonlocal roads which were in such bad condition that they require capital improvements either immediately or within the next 5 years. The Nation's backlog in the rehabilitation and maintenance of our Nation's bridges currently stands at $78 billion. According to the Federal Highway Administration 118,000 of the Nation's 575,000 bridges—around one out of five—are structurally deficient. While most are not in danger of collapse, they are required to restrict heavier trucks from using them—an action that has an immediate adverse impact on the Nation's economy. Another 14 percent of the Nation's bridges are functionally obsolete, meaning they do not have the lane and shoulder widths or vertical clearance to handle the traffic they bear.

No area of infrastructure investment is as critical as our Nation's highway system. The system carries nearly 80 percent of U.S. interstate commerce and more than 80 percent of intercity passenger and tourist traffic. I, therefore, strongly oppose the rescission of highway funds contained in the amendment by the majority leader.

I am also seriously concerned about the proposed $100 million cut in the Internal Revenue Service Compliance Initiative. This initiative is designed to generate $9.2 billion in additional revenue over its 5-year life.

The Internal Revenue Service advises that it would not be able to accommodate a $100 million reduction in personnel funding between now and September 30, without furloughing all 70,000 compliance personnel for up to 10 days. A furlough of this magnitude would cost the Government approximately $500 million in lost tax collections in addition to substantial losses in revenue from the 5-year initiative. All of these losses in tax revenues would have the effect of increasing the deficit.

I am gravely concerned about the continued plundering of one of this Nation's cultural lifelines—the Corporation for Public Broadcasting.

The majority leader's amendment would cut an additional $86 million below the committee-passed rescission of $55 million for public broadcasting. This is not thoughtful budget trimming. This is carnival-cut politics. It is flash-and-glitter knife tossing. Its intent is to give the illusion that there is some threat to a real target—the massive budget deficit—while, in a great and noisy show, it is merely popping balloons around the edges.

But, in the case of the Corporation for Public Broadcasting, we are not merely popping bright balloons.

This knife has sailed into the heart of the crowd. It is hurtling toward children and adults whose lives are bettered by the exposure to the quality educational and cultural programming of public broadcasting.

In many communities throughout the Nation, public broadcasting provides the only glimpse some citizens will ever have of faraway destinations, ancient civilizations, and the words of the great masters. It beams into the homes of children their first lessons, in many instances, concerning the alphabet, their first lessons about science and math, and of geography and English literature.

Many in my own State of West Virginia, without local access to college-level classes, rely on public broadcasting for the courses they need to earn a college degree.

It is shameful and arrogant for some to sit here in the grandeur of the Nation's Capitol surrounded by museums housing the works of great artists, with close-by theaters offering the plays of Shakespeare, opera, ballet, and the music of great orchestras and thoughtlessly snip away at the only access many of our constituents have to these treasures.

So as we debate ways to address the Federal fiscal deficit, many of my colleagues have spoken tirelessly of the debt that we leave to our grandchildren, I am equally concerned with the state of the Nation that we leave behind to our grandchildren—the quality and value of our national assets—the ability of those national assets to provide the capability for sustained economic growth. The true challenge facing this Congress is how to address the Federal fiscal deficit and our Nation's infrastructure and education deficits simultaneously. The Dole amendment addresses only half of this equation, namely, the fiscal deficit. It, in fact, exacerbates our infrastructure and education deficits. In my view, it makes no sense to rob Peter in order to get the funds to pay Paul.

So I urge when the time comes that the amendment be defeated.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first, I would like to thank my distinguished colleague from West Virginia for his remarks and, in particular, I want to pick up on one point that he made which has to do with the investment deficit. I really do believe the Senator from West Virginia is correct, that sometimes, unless you invest, decline begets decline. I think it is myopic and shortsighted not to make an investment in education and children and in our infrastructure. Sometimes you make an investment in the short run and are much better off in the long run. I think that is what my colleague from West Virginia is really trying to say today.

Mr. President, first of all, let me just simply take issue with the majority leader's substitute which is now before us and then talk a little bit about some of the rescissions that are also before us.

The Dole substitute, as I understand it, contains all of the rescissions in the committee bill—in education, Head Start, in WIC, in child care. I want to talk about some of those rescissions. But above and beyond those rescissions, there are yet others. I would like to highlight a couple of areas where I do take very serious exception.

I visited in Appleton, MN—southwest Minnesota—with Pioneer Public Television. I can assure you that Pioneer Public Television is not a sandbox for the rich. I can tell you that the people in greater Minnesota, in rural Minnesota, are very connected to Pioneer Public TV, and they are connected to public television, for a number of reasons.

First and foremost, they appreciate the focus on children's programming. I have to say to the Chair, whom I know has a strong and sincere concern about children, that as I look at what is on commercial TV in the name of children's programming, with precious few exceptions, I do not find anything there very positive and enriching. Public television has done a truly magnificent job of presenting those of us who are parents and grandparents with some wonderful children's programming.

Second of all, Pioneer Public Television in southwest Minnesota is a real tool for education and empowerment for people in the community. It broadcasts programs that provide people with the kind of information that we encourage citizens to have to be more fully involved in their communities on the economic, political, and cultural issues.

So I find the additional cuts proposed in this substitute for the Corporation for Public Broadcasting to be egregious.

I also have to say KTCA channel 2—and also channel 17—in Minnesota has really been a flagship public television.

Public television provides some superb public affairs programming. I do think people yearn for something more than the 10-second sound bites. I think they really do yearn for some substantive and thoughtful discussion of public issues. The effort to attack part of the cultural institution in this country, namely, public television or public radio, is a huge mistake. It takes us backwards.

I am concerned about other proposed cuts as well. I heard some of my colleagues talk about AmeriCorps last night, so I will not, except to say that I was lucky enough to be at the founding gathering of AmeriCorps for the volunteers in Minnesota. I think there must have been about 300 young people. It was truly inspiring—the diversity of the young men and women that were there, the idealism, and their commitment to community. This is a program which encourages the very best ideals of this country, serving community, and providing young people, many of whom were from backgrounds that would not have enabled them to afford higher education, with some financial assistance to do so.

Mr. President, there is a strong record of service to community already in this AmeriCorps program. I find it difficult to understand the effort to attack such a program. I find it difficult to understand why some of my colleagues spend so much time attacking a program which has barely begun which, calls upon young people, to be their own best selves. I think people yearn for models of community involvement. I think people yearn for alternatives to cynicism, and I think the AmeriCorps is an alternative to cynicism. Again, I find the Dole substitute very troubling on this count.

Finally, there may be discussion of this section of the amendment later, but I am concerned about cuts to legal services. I have done a lot of work with low- and moderate-income people over the years, with many citizens in Minnesota. Whether or not it is protection vis-a-vis their rights as tenants or consumers—or on other issues—the Legal Services Program is the way in which we make sure our civil legal system is open and serves all citizens, regardless of income. It is a program that has never operated on a very large budget.

This program provides dedicated legal services lawyers who do not make much money, but who make sure that those citizens who do not have the economic means to purchase or to have good legal representation are able to receive it.

It has strong backing from the bar association in Minnesota; strong backing from the bar association nationally. Instead, we should be making cuts in programs like star wars, or programs that have to do with a variety of different tax dodges and loopholes and deductions which go to people who, in fact, do not need representation. But this focus on legal services makes very little sense.

Mr. President, let me now turn to the initial rescission bill that we have in the Senate. I, first of all, would like to congratulate my colleague from Oregon, Senator HATFIELD, because I think that some of the work that he has done is extremely important. I fully appreciate his commitment and certainly his ability as a Senator.

Mr. President, I would like to talk about a few programs where there are slated cuts in this rescission package which are simply a profound mistake for the country.

I start out with the call for $35 million to be removed from the WIC Program. That is for this year, fiscal year 1995.

This was a program that was authorized in the Congress in 1972 under the leadership of such able Senators as Senator Robert DOLE, now the majority leader, and Senator Hubert Humphrey.

I have said it on the floor before: Senator Humphrey's framework is a legacy that is very important to me. And the late Hubert Humphrey from Minnesota said that the test of a government and the test of a society is how we treat people in the dawn of life, our children; how we treat people in the twilight of their lives, the elderly; and how we treat people who are in the shadow of their lives, those that are sick, disabled, and needy. I think that is a pretty powerful framework for examining our actions.

Mr. President, the WIC Program has been astonishingly successful. It works. The Women, Infants; and Children Program is an investment we make to make sure that women, while pregnant, receive adequate nutrition and newborn infants also receive adequate nutrition.

Mr. President, I have had an amendment on the floor of the Senate over and over again, which was finally accepted a few days ago, that we would not take any action that would increase hunger and homelessness among children. It strikes me that proposed cuts in the Women, Infants, and Children Program, which has been a huge success, which decreases the number of low-birth-weight babies and the chances of infant mortality, goes precisely in the opposite direction.

Mr. President, according to a GAO report, the Women, Infants, and Children Program averted 13,755 very low-weight births in 1990. Assuming that all the funds would be used, if the $35 million—this is the rescission cut—is distributed evenly throughout all of the categories (women, infants, and children)—then 138 very low-birth-weight babies will not be averted because of this rescission cut.

Mr. President, the problem is that low birth weight greatly increases the chance of infant mortality and, in addition, a variety of different conditions, from high rates of cerebral palsy, mental retardation, serious congenital anomalies, and so forth.

Let me just ask the question, if we go on record saying we will not take any action that will increase hunger or homelessness among children—and the Senate is now on record—why do we have proposed cuts in the Women, Infants, and Children Program when we know that the WIC Program speaks precisely to this problem in the Nation? Again, if you want to make sure that a child, at birth, has the same chance as every other child, the one thing you certainly do not want to do is cut into a program that makes sure that that expectant mother has a diet rich in minerals and protein. You want to make sure that you do not have rescissions in programs that will lead to more severely low-birth-weight infants, with the possibility of greater infant mortality as well a whole set of huge medical problems for those children. This is a program that reaches down to the poorest of the poor. This is a program that provides invaluable nutritional assistance for expectant women, children, and newborn infants. Mr. President, it strikes me that these cuts simply go against the very best of what we are about in this Nation.

In my home State of Minnesota, in 1993, over 3,000 people were on the waiting list for WIC benefits.

Mr. President, we have all heard the statistics before. You invest $1 in WIC and you save yourselves $3 that you would be paying over the first 18 years in additional medical assistance. So we have waiting lists, we have children in need, women and children. I believe the WIC Program right now only serves about 60 percent of those that are eligible for such assistance. Yet in the initial rescission package we have cuts in the WIC Program.

Mr. President, this debate really is about priorities. I simply have to argue that what we see in this package, in the Dole substitute, with cuts on top of cuts, is very distorted priorities. Yesterday, Senator KENNEDY was on the floor talking about this expatriate tax dodge and I joined in. We were talking about a tax dodge that goes to individuals or families with, roughly speaking, over $5 million of net worth. We were talking of revenue losses to the tune of several billion dollars over the next 5 years.

At the same time we have that kind of tax dodge, at the same time we are talking about spending more money on star wars, at the same time we continue to talk about more money for military weapons, in preparation for war with the Soviet Union which no longer exists, weapons which are not essential to our having a strong defense, we have all of these loopholes and deductions. Yet when we look to where the deficit reduction is going to come from, all of the tax dodges, and loopholes and star wars weapons are left untouched, because in this rescission package, we are talking about cutting into the WIC Program.

I believe there is a contradiction between the Senate going on record that we will not do anything to increase more hunger or homelessness among children and talking about cuts in the WIC Program.

Mr. President, I want to focus on one other rescission and then I will yield the floor. There are many I could talk about. But I would like to talk about the rescission package which includes an $8.4 million cut in the child care development block grant. Yet again, Mr. President, we have children bearing the brunt of a budget cut. This cut is painful to participants in a program with long waiting lists. No accusations of mismanagement. This is a program which subsidizes child care for the working poor. This child care increases the ability of low-income families to become or remain independent and to assure minimal uniform health and safety standards in the child care settings these children are in.

Mr. President, it makes no sense to have cuts in a child care program. Cutting child care will hurt children. Mr. President, if parents cannot afford quality child care and we are talking about low- and moderate-income families, many of them hard-working families who are trying to, on the one hand, work and also afford child care, if they cannot afford quality child care, then we know what happens. Either you have very haphazard arrangements, because parents have no other choice, in which case, all too often their children may be placed in dangerous situations. Some reports have come out which should be extremely upsetting to all of us, which have pointed out that the conditions of child care, both home based and center based, in this country are all too often very dangerous, really quite deplorable. It is not a good picture.

So if you are going to make it impossible for families to afford child care, either the children become latchkey children and nobody is taking care of them because they are home alone, or they are going to be receiving child care; but it will not live up to the standards that all of us would apply to our own and any other children.

Mr. President, I do not think there is one Senator, Democrat or Republican, here in this Chamber who would desire for his or her child or grandchild anything less than good developmental child care. To have these cuts in child care programs when there are long waiting lists in the State, when it is a program that works well, when it is the key to independence is shortsighted. I will tell you right now it is also the key to welfare reform.

I think it is a huge mistake.

I would say to my colleagues, if we do not invest in children when they are young, if we do not provide a nurturing environment, if those children are not given encouragement, if those children are just receiving custodial care, if those children are in arrangements that sometimes are dangerous, then we have not served the children of this country well.

Now, Mr. President, understand that we have a whole decade plus of history of abandonment of children in this country, if we just look at the state of children in America. We have been trying, slowly but surely, within tight budgets to invest a little bit more by way of resources in decent child care. Now we have these proposed cuts.

Mr. President, Florida has about 19,000 on its working poor waiting list. Minnesota has a waiting list of 7,000. The State of Washington, 3,000. In Minneapolis alone, there is a waiting list of 2,100 families. In rural Minnesota, in proportion to need, there is even a greater waiting list.

So, Mr. President, I believe that these cuts—and it is why indeed I support the Daschle amendment—are unacceptable. They are unacceptable.

Once again, who pays the price? Children do. Why are we targeting children? Why are we making cuts in an affordable child care program, which already is severely underfunded, which we know will have the predicted results of: First, parents not being able to provide their children with decent child care; and second, families not being able to become independent.

As a matter of fact, quite often what happens with welfare families, if we are talking about welfare families, but when we talk about child care, we are also talking about working families, as well—in the case of welfare families, about 75 percent of welfare mothers within 2 years, right now, go to work, but many of them go back to welfare.

There are several reasons for that. One of those reasons is that, in the absence of affordable child care, and then quite often losing their health care coverage, their families are worse off by the mothers going to work. We cannot have welfare reform unless there is affordable child care. We cannot expect families to become more independent unless we have affordable child care.

Here we have a proposed cut, Mr. President, which is an $8.4 million cut in the child care development block grants. Mr. President, I just do not understand. It seems to me that we would want to spend a lot less money on star wars in space, and we would want to spend a little more money taking care of our children right here on Earth.

In that sense, I find this to be a distorted priority. I think the Daschle amendment is hugely important. For that reason, I support it.

I think the Dole substitute, which is, as I said, in addition to all the rescissions that were in the committee bill in education—and I have not talked about some of the chapter I cuts; I have not talked about the Safe Schools Program, as well, in child care, in Head Start, in WIC, in addition to even more cuts—strikes me as being harsh, strikes me as being a distorted priority.

Mr. President, this leads me to my last point. What we are doing here on the floor of the U.S. Senate, in this rescissions package made far worse with the Dole substitute, is looking at this year's budget, but unfortunately this is exactly what some of my colleagues intend to do as they budget this out over the next several years: We are going to make cuts based upon the path of least political resistance.

I have said this over and over again. That is why I brought this amendment out on children. I could see it happening. We are going to make cuts based upon the path of least political resistance. We are going to avoid the heavy hitters. That is why so far there has not been any discussion of reductions in subsidies for oil companies, or subsidies for tobacco companies or coal companies or pharmaceutical companies or insurance companies, and on and on and on. They are not asked to tighten their belts.

When it comes to child care; the Women, Infants, and Children Program; education; Head Start, we are more than willing to move forward with cuts in programs that already do not even serve nearly as many children as need such assistance so they will have the same chances that we all want for our children.

Mr. President, in this context of who has the power and who does not, in this context of who decides who benefits and who is asked to sacrifice, I do not see a standard of fairness operative here.

AMENDMENT NO. 450

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 450.

The amendment is as follows:

At an appropriate place in the bill, insert the following:

"SEC. . It is the sense of the Senate that before the Senate is required to vote on the question of whether the WIC Program and other nutrition programs should be converted to block grant programs to be administered by the States, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyists acting on the industry's behalf."

Mr. WELLSTONE. Mr. President, I want to ask the Chair, would it be in order to read excerpts from a newspaper article which refers to the other body and to Members of the other body?

The PRESIDING OFFICER. The Chair would inform the Senator, under the precedents, as it is, it is improper for a Senator to make reference to or reflect on the Members of the House, to refer to a Member of the House by name, to criticize the action of the Speaker, or to refer to debate of a Member of the House in terms that are imputative of unworthy motives.

Mr. WELLSTONE. Just so I can be clear on the ruling, if I were to read from an article and without using the names of any Members—would that be in order?

The PRESIDING OFFICER. In the opinion of the Chair, that would be in order.

Mr. WELLSTONE. That would be in order. Let me, then, give my colleagues a little background for the "why" of this amendment.

I refer to a piece today in the Washington Post that I believe is one of the best investigative pieces I have seen in a good many years. I speak as a political scientist.

Mr. President, would it be in order for me to insert this article in the RECORD?

The PRESIDING OFFICER. In the opinion of the Chair, it would be in order.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is an article by Michael Weisskopf and David Maraniss, and it deals with our nutrition programs. I refer my colleagues to this article. It appears in today's Washington Post, and I would just like to read from excerpts that I think will give my colleagues the background for this amendment.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 4, 1995]

INSIDE THE REVOLUTION: A MODERATE'S DILEMMA: FOOD PROGRAM DEFENDER BECOMES A DISMANTLER

(By David Maraniss and Michael Weisskopf)

The congressional office of Bill Goodling, Room 2263 of the Rayburn building, is a quaint and cozy place straight out of the 1950s, with the ambiance of a small-town Pennsylvania school principal's den. Portraits of Ike at Gettysburg grace the front wall. In the far right corner stands a century-old upright piano, a clangingly out-of-time instrument that nonetheless brings the congressman great comfort when he pounds out Methodist church hymns alone at midnight. Behind his desk sit rows of potted African violets, which the grandfatherly Goodling fondly refers to as his children.

This old-fashioned hideway is hardly the first spot one would look in search of leading characters in the House Republican revolution, with its New Age rhetoric and antigovernment fervor. Yet William F. Goodling somehow reached center stage in one of the most compelling productions of The First 100 Days, a drama that tested his political soul as he struggled, at the twilight of an obscure career, to attain and hold power in an institution dominated by young partisans pushing him from the right.

Since he entered Congress in 1975 after a career as an educator in the heart of Pennsylvania Dutch country, Goodling had earned a reputation on the House Education and Labor Committee as a moderate who worked in bipartisan fashion to protect the federal role in food and nutrition programs for needy children, infants and pregnant mothers. It was a natural extension of his paternalistic personality: taking care of his children, just as he had as father, public school teacher and administrator and cultivator of African violets.

When the Republicans took power this year, he suddenly became chairman of a committee that had been repopulated with antigovernment conservatives and went by a newfangled Third Wave name, Economic and Educational Opportunities. His first assignment from Speaker Newt Gingrich (Ga.) and Majority Leader Richard K. Armey (Tex.) was to carry out one of the most controversial missions in the "Contract With America." They directed him to dismantle and send back to the states the very nutritional programs that he had long championed.

Goodling's personal dilemma—how to respond to the pressures of the conservative leadership without repudiating his past legislative career—illuminated a larger morality play in the House: the struggle of the Republican majority to maintain the populist appeal of antigovernment rhetoric without appearing to acquiesce to special interests.

On one side, pushing hard for more power and freedom, were the nation's newly ascendant Republican governors, who visited Washington so often to lobby for block grants that they virtually set up a shadow White House two blocks from Goodling's congressional office. On another side were major cereal companies, infant formula manufacturers, agribusinesses and fast-food giants for whom the federal retreat from the nutrition field presented an opportunity for new markets and less government regulation. And finally there were the most vulnerable members of society, whose needs historically had been met by a bipartisan coalition in Congress under the precept that hunger in America was a nationwide crisis too dire to be left to the states and was, as President Richard M. Nixon had declared in a seminal speech 26 years ago, a federal responsibility.

PROFIT AND IDEOLOGY

At first, Dale Kildee could not imagine that his friendly adversary bill Goodling was changing. This must be a technical error, the veteran Democratic congressman from Michigan later remembered thinking to himself when he entered the Opportunities Committee room one day late in February for the vote to send the nutrition programs back, to the states.

The bill as the Republicans had drafted it left out any requirement that states use competitive bidding procedures when buying infant formula from the major companies supplying the Special Supplemental Food Program for Women, Infants, and Children (WIC)—a nutritional program assisting 7 million people that had an effective record combating infant mortality and premature births.

In the early days of the WIC program, infant formula was bought at market prices. Since the federal government began requiring competitive bidding six years ago, the prices had dropped dramatically, saving more than $1 billion last year alone and nearly $4 billion over the last five years. All of those savings were put back into the program, meaning that more needy infants and pregnant women could be served.

When he noticed that competitive bidding had been left out of the Republican bill this year, Kildee assumed that it was an unintentional omission, so he drafted an amendment restoring it. He took the amendment to Chairman Goodling confident that it would be accepted quickly. But Goodling's reaction was cool and distant. Go "work out" with Hoekstra, he told Kildee, referring to Peter Hoekstra, a second-term congressman from western Michigan, one of the youthful free-enterprise Republicans on the committee who was gaining stature as a confidant of Speaker Gingrich.

Nothing was to be worked out. Hoekstra had a strong distrust of the federal government and was one of the staunchest proponents of devolving power back to the states. "Philosophically," he said, "it was a no-brainer" that Congress should eliminate federal mandates whenever possible—even the competitive bidding requirements that had saved money.

Hoekstra's philosophical commitment in this case coincided with the desires of one of the major corporations in his congressional district—Gerber Products, a Fremont-based company that is the nation's largest manufacturer of baby foods and is WIC's leading supplier of infant cereals. Unlike in the infant formula field, competitive bidding is not required of infant cereal suppliers, but the government seemed to be moving in the direction and Gerber wanted to maintain the status quo. The company lobbied hard against competitive bidding requirements in the infant cereal industry and had consulted with Hoekstra in the drafting of the legislation.

When Kildee's amendment came to a vote in committee, it was defeated on a near party-line vote, with only one Republican supporting it, Marge Roukema, a veteran moderate from New Jersey. Roukema said later that she was not even aware that competitive bidding was omitted from the Republican bill until the deliberations that day.

In the committee room after the vote, Roukema asked several Republican members seated near her why they had done what they had done. Their responses, she said, were shrugs of the shoulders and the words, "We trust the governors."

BIG WINNERS

Only a few blocks from the land of Opportunities sits a venerable Republican redoubt called the Capitol Hill Club, where members of Congress mix easily with important visitors from back home and corporate lobbyists. It was there, beneath crystal chandeliers and oil paintings of GOP stalwarts, that key committee members met with the big winners in the transfer of money back to the states, Republican governors such as John Engler of Michigan, Tommy G. Thompson of Wisconsin, Pete Wilson of California and William F. Weld of Massachusetts.

The governors, said Opportunities Committee member Steve Gunderson, a moderate Republican from Wisconsin, had become the loudest constituents. "We can't give them more money," Gunderson said. "So we had to give them something else."

The state executives did not get everything they had demanded. Their bid for a single enormous block grant for all the programs was rebuffed by Goodling and Rep. Rady "Duke" Cunningham (R-Calif.), the nutrition subcommittee chairman, who thought they could define the terms of the transfer better with two separate block grants. But the governors did receive more power and flexibility to run the school lunch and WIC programs. For years, some governors and corporate interests had bristled at regulations that they considered too intrusive—from dictating the amount of sugar allowed in WIC foods to when and where soft drinks could be sold in public schools.

Michigan's Engler was among the loudest critics of federal rules and regulations, which he derided at a committee hearing as a "crazy quilt." There were, as in the case of fellow Michigander Hoekstra and the Gerber connection, narrower economic consequences of devolution important to engler as well, in this case involving another major manufacturing constituent—the Kellogg Co.

The cereal giant from Battle Creek has fought for years to modify a federal limit on sugar content that excludes Raisin Bran, one of its top-selling products, from the nutrition program for needy pregnant women and their young children. Purchased separately, raisins and bran both fall within the sugar standard, but combined in Raisin Bran they represent twice the amount that government nutritionists consider healthy in a single serving.

Until the Republican revolution in Washington, Kellogg's efforts to revise the standard and compete in the $285 million-a-year market for WIC adult cereals had proved futile—"like hitting a brick wall," in the words of company vice-president James Stewart. This year Kellogg saw an opportunity to accomplish on the state level what it could not do with the federal government. The firm employed John Ford, son of the former committee chairman, retired Democratic Congressman William D. Ford of Michigan, to head its lobbying effort. Kellogg also enlisted the support of Gov. Engler and his staff, who pressed the committee to keep the block grants silent on the question of nutritional standards.

Not even the harshest critics of block grants predict an abandonment of sound nutrition by the states. But the devolution process will create a long-sought opening for many food industries to carve out larger niches in the annual $8.5 billion school lunch and WIC programs. Financially strapped state governments and part-time legislatures, many nutritionists believe, are ill-equipped to make sound public health judgments and can be more easily swayed by corporate lobbyists.

The return of nutrition programs to the states would lift federal controls on the lunchtime sale of junk food in school cafeterias—a prospect that several corporate food giants are already anticipating. Coca-Cola Co., which last year fought off a legislative effort to extend the junk food ban to all high school grounds, is now showing signs of interest. Last month, as the devolution legislation was moving through the House, the company's law librarian called the national association of school cafeteria personnel for a breakdown of state laws on soft drink sales in schools.

Also at stake in the transfer of power to states is one of the cornerstones of the war on hunger, a 1946 requirement that school lunches provide one-third of the recommended dietary allowance of protein, vitamins and minerals. The dietary guideline is intended to assure at least one healthy serving a day of milk, vegetables, grain, fruit and meat for the 25 million children in the program. Federal agriculture officials were planning this summer to add limits on fat, saturated fat and sodium for school lunches.

With standards defined by states, food companies and agricultural interests with special regional standing would have more power, some nutritionists contend. "You could find a battle going on in a state legislature over what drinks to serve at school lunch," said Lynn Parker, a child nutritionist for the Food Research and Action Center. "In a dairy state, it might go one way. If soda interests are strong, it could go another way. Whatever way it goes, it may not be fought out on the grounds of what's best for the kids."

Goodling and his Republican colleagues on the Opportunities Committee express confidence that the states will demonstrate sound nutrition and financial practices in dealing with the programs. Their critics are less certain, and cite the recent history of the WIC program as evidence.

The infant formula industry, dominated by Mead Johnson & Co. and Ross Products Division of Abbott Laboratories, had raised prices a dozen times from 1981 to 1989, gobbling up more and more of the funds allocated for cereals, milk, eggs, cheese, juice and other foods in the program. After competitive bidding was imposed nationwide, with Goodling's support, prices dropped enough to feed another 1.5 million needy women and infants.

In defending the decision to drop competitive bidding language from the devolution legislation this year, Goodling said governors would be "idiots" not to impose it themselves. But as a recent case in California shows, states are not always as cost-conscious or resistant to industry pressures. When California's competitively awarded contract with Ross expired last December, it sought to extend the deal without rebidding it. The Agriculture Department said no, forcing a new round of solicitations and a new low bid—half the price of the old deal. The state ended up saving $22 million a year.

If ever there was a case of narrow corporate interests over broad societal interests, this is it," said Robert Greenstein, head of the Center on Budget and Policy Priorities.

THE TRANSFORMATION

By the time he reached Washington two decades ago, Bill Goodling already had a reputation for compassion and a deep interest in children and nutrition. As superintendent of the Spring Grove school district, he ate lunch every day in the cafeteria with his students. When the truck from Harrisburg pulled up with vegetables and meats from the federal commodities program, he helped carry the food down to the freezer in the basement of the administration building. When the mother of one of his students dies, he taught the young man how to cook dinner for himself and his father.

Goodling's own father, George Goodling, ran an apple orchard on the old Susquehanna Road and served in Congress for six terms. When he retired, Bill Goodling replaced him. The small-town educator transferred his interests to the broader stage of the Education and Labor Committee. He became known as one of the staunchest defenders of the nutrition and school lunch programs on the GOP side of the aisle. In 1982, he was the chief Republican cosponsor of a resolution opposing a Reagan administration proposal to send nutrition programs back to the states through block grants.

Three years later, when conservative Republicans in the House were considering ways to trim the budget and broached the possibility of cutting back on the national school lunch program, Goodling swiftly killed the idea before it advanced beyond the discussion stage. According to Tom Humbert, then a budget aid to then-Rep. Jack Kemp (R) of New York, Goodling called him one day. "Please come and see me," Goodling said. Humbert soon appeared in Goodling's office, where he found the congressman tending his African violets. "Mr. Humbert," Goodling said, "I hear that you are considering cutting the school lunch program. That would be a very bad idea!"

This same Tom Humbert, who came from Goodling's home district, returned to York County in 1992 and ran against the incumbent in a heated three-way general election contest—a race that Humbert and others see as the beginning of Goodling's political transformation. Humbert ran as an independent, challenging Goodling from the right. He and the Democratic candidate Paul Kilker, both blasted Goodling for his role in the House Bank scandal—it came out that year that Goodling had hundreds of overdrafts.

In Goodling's moment of need, he received a visit and timely endorsement from an unlikely friend—the leader of House conservatives, Newt Gingrich. That visit formed a bond between Goodling and Gingrich that grew stronger: Goodling supported Gingrich in his rise to power, and Gingrich elevated Goodling to the chairmanship after the revolution. Former aides on the committee's minority staff say they detected a noticeable shift in their boss's politics as he linked his fortunes to Gingrich. Even his moderate colleague on the committee, Steve Gunderson, said he noticed Goodling moving to the right last year. Gunderson attributed it to positioning by new members of Goodling's staff who wanted to be in favor with Gingrich.

The word inside the committee and around the nutrition community was that Goodling was instructed by the leadership to "carry the water" for the committee's portion of the Contract With America, as one former aide put it.

By the time he took over the committee this year, Goodling had little choice in any case. The panel, once a haven for moderates, had been transformed into a strong-hold of free-enterprise true believers, many recruited by their intellectual leader, Richard Armey of Texas, who served on the panel before becoming majority leader. The sense of these committee conservatives, as expressed by Rep. Cass Ballenger (R), a garrulous good old boy from North Carolina was "to get rid of Washington whenever and wherever we can."

Ballenger had a personal interest in trying to remove the federal bureaucracy from the school lunch program. He and his wife founded the Community Ridge Day Care Center in his home town of Hickory, a federally subsidized program that serves school breakfasts and lunches. The paperwork for reimbursements, Ballenger said, now goes through Raleigh, then Atlanta and finally Washington, a process that means Ballenger's center "has to underwrite" the meals for a month. He will get his money quicker, the congressman said, with the federal government out of the way.

The Opportunities panel, by Ballenger's account, is now attracting what he proudly calls free-enterprise "wild men" and "nuts" who have various similar frustrations with the federal bureaucracy. They were in such a mood of cutting and slashing, Ballenger declared, that they would "kill motherhood tomorrow if it was necessary."

Goodling would not go that far. He and Duke Cunningham, who was once a teacher and coach himself, as well as a fighter pilot who was the real-life model for Tom Cruise's character in "Top Gun," managed to prevent efforts by committee conservatives to curb the school lunch program more drastically. Hoeksta and Ballenger wanted to limit the increase in the block grants to half the 4.5 percent that eventually was allowed. Goodling and Cunningham also rebuffed an attempt by governors and conservative committee members to lump all the program in one block grant. "I said, 'No way, Jose' to that one," Goodling boasted.

Compared to projections for family and school nutrition programs under current law, the two block grants shaped by Goodling's committee and passed by the House represent a reduction of $6.6 billion over five years, according to the Agriculture Department. But Goodling said that the states deserved the opportunity to run the programs—"We can't dictate everything," he said—and that the reduced bureaucracy would lead to savings that could be passed along to those who need the programs.

The sight of Bill Goodling leading the way for the end of federal involvement in the anti-hunger programs surprised some longtime colleagues. It seemed as though to some extent he was being forced to eat something that he did not find entirely palatable. His training as an educator might have helped there, too. Once, while eating lunch with first-graders at one of the Spring Grove elementary schools, Goodling found himself staring down at a steaming heap of cooked spinach. He hated cooked spinach. But there was a little boy staring at him, and he felt that he had no choice but to "push this slimy stuff down my throat to show that I'm eating everything that's on the plate."

(About This Series: Propelled by a wave of populist discontent with Congress and the Democrats, the new Republican congressional majority now confronts the reality of power. The struggle to fulfill the demands of the Republican mandate while also responding to the special interest groups traditionally allied with the party will be examined in a series of occasional articles in the months ahead.)

Mr. WELLSTONE. Mr. President, this is under a section titled "Profit and Ideology," and I will have to be careful to make sure I leave out all names.

The bill as the Republicans had drafted it left out any requirement that States use competitive bidding procedures when buying infant formula from the major companies supplying the Special Supplemental Food Program for Women, Infants and Children (WIC)—a nutritional program assisting 7 million people that had an effective record combating infant mortality and premature births.

In the early days of the WIC program, infant formula was bought at market prices. Since the Federal Government began requiring competitive bidding 6 years ago, the prices had dropped dramatically, saving more than $1 billion last year alone and nearly $4 billion over the last 5 years. All of those savings were put back into the program, meaning that more needy infants and pregnant women could be served.

"When he noticed that competitive bidding had been left out of the Republican bill this year," and there is a blank, a colleague "assumed that it was an unintentional omission, so he drafted an amendment restoring it. He took the amendment * * *" and hoped that it would be accepted quickly, but that did not happen. Nothing was worked out.

The philosophical commitment to not have competitive bidding—and I am now just kind of paraphrasing here, not using names—"coincided with the desires of one of the major corporations—Gerber Products." This is a "company that is the Nation's largest manufacturer of baby foods and is WIC's leading supplier of infant cereals. Unlike in the infant formula field, competitive bidding is not required of infant cereal suppliers, but the Government seemed to be moving in the direction and Gerber wanted to maintain the status quo. The company lobbied hard against competitive bidding requirements in the infant cereal industry," and was successful.

Part 1. So you have Gerber and the whole question of whether there is going to be competitive bidding. I thought we were trying to be efficient, which would save money that can be plowed back into serving the poorest children in America. But apparently that did not happen, and I will have the amendment read again so my colleagues will know what we will have an up-or-down vote on.

Then, part 2:

The cereal giant from Battle Creek has fought for years to modify a federal limit on sugar content that excludes Raisin Bran, one of its top-selling products, from the nutrition program for needy pregnant women and their young children. Purchased separately, raisins and bran both fall within the sugar standard, but combined in Raisin Bran they represent twice the amount that government nutritionists consider healthy in a single serving.

Until the Republican revolution in Washington, Kellogg's efforts to revise the standard and compete in the $285 million-a-year market for WIC adult cereals had proved futile—"like hitting a brick wall," in the words of [the] company vice president. . . . This year Kellogg saw an opportunity to accomplish on the state level what it could not do with the federal government. The firm employed—

Someone who did the effective lobbying, and the whole effort was,

> . . . to keep the block grants silent on the question of nutritional standards.

The final part.

So now we are talking about Kellogg and sugar content.

> The return of nutrition programs to the states would lift federal controls on the lunchtime sale of junk food in school cafeterias—a prospect that several corporate food giants are already anticipating. Coca-Cola Co., which last year fought off a legislative effort to extend the junk food ban to all high school grounds, is now showing signs of interest. Last month, as the devolution legislation was moving through the House, the company's law librarian called the national association of school cafeteria personnel for a breakdown of state laws on soft drink sales in schools.
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> * * * * *
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> "If ever there was a case of narrow corporate interests over broad societal interests, this is it," said Robert Greenstein, head of the Center on Budget and Policy Priorities.

So, Mr. President, we have Gerber lobbying against competitive bidding on baby food. I thought we were interested in competitive bidding, efficiency. But no, there is no competitive bidding. Then we have Kellogg: We do not want any standards on sugar content having to do with what our children are eating, though there is not a nutritionist in the United States of America who would not tell you that is important. Then finally you have Coca-Cola eying junk food.

Mr. President, let me simply read this amendment again to the underlying bill, I certainly hope and I plan to have an up-or-down vote on this.

> It is the Sense of the Senate that before the Senate is required to vote on the question of whether the WIC program and other nutrition programs should be converted to block grant programs to be administered by the states, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyist acting on the industry's behalf.

Mr. President, I send this amendment to the desk and speak on this amendment because I was talking about distorted priorities earlier, and that was in the context of some the rescissions in the Dole substitute on top of what is already before us. I was arguing why the path of least resistance? Why is everybody so excited about star wars in space but unwilling to invest resources to feed children right here on Earth?

Now we have a different kind of priority. We have a situation where you have your big lobbyists, large corporations, well represented: We do not want competitive bids on formula, although competitive bids held the price down and would enable us to feed more hungry children. We do not want to have any standards in relation to sugar content, or worrying about that, so we try to make sure the Federal Government does not set any kind of standards here. Then of course you have these companies eyeing the junk food market in our School Lunch Program. All of them are apparently very well represented.

Do you know what, Mr. President? I did not see mentioned anywhere in this lengthy piece in the Washington Post today of any of the women and men who are involved in these nutrition programs, who devote their lives to serving children—their voice, apparently, was not heard at all.

Mr. President, I did not in this article read a word about any of the child advocates or, for that matter, any children who figured into this discussion at all. But, instead, what we have here is, unfortunately, an example of the tremendous influence of the food industry and lobbyists acting on behalf of the food industry on legislation, while children, those concerned with the needs of children, with the concerns and circumstances of children's lives, are left out of the loop. That is the "why" of this amendment. I ask the clerk to read this amendment one more time, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill clerk read as follows:

> At an appropriate place in the bill, insert the following:
>
> "SEC. . It is the sense of the Senate that before the Senate is required to vote on the question of whether the WIC program and other nutrition programs should be converted to block grant programs to be administered by the states, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyists acting on the industry's behalf."

Mr. WELLSTONE. Mr. President, I thank the Chair. I would simply say——

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. There is objection.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. EXON. Reserving the right to object, and I am not certain I will object——

The PRESIDING OFFICER. The Chair informs the Senator that he does not have the right to reserve the right to object.

Mr. EXON. Reserving the right to object——

The PRESIDING OFFICER. The Senator can object.

Mr. EXON. Reserving the right to object, if I could get the clarification of the procedures that we are undertaking, the Senator from Nebraska sought recognition a few moments ago.

The PRESIDING OFFICER. The Chair would inform the Senator that he may not reserve the right to object.

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Speed up the call, and we will have a vote.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk resumed the call of the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 451 TO AMENDMENT NO. 450

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Kansas [Mr. DOLE], for himself and Mr. MCCONNELL, proposes an amendment numbered 451 to amendment No. 450.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair will inform the Senator from Minnesota he does not have the right to do that when the clerk is reporting the amendment.

The bill clerk continued with the reading of the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> In lieu of the matter proposed to be inserted, insert the following:
>
> FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS
>
> BILATERAL ECONOMIC ASSISTANCE
>
> FUNDS APPROPRIATED TO THE PRESIDENT
>
> DEBT RESTRUCTURING
>
> DEBT RELIEF FOR JORDAN
>
> For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in Title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: Provided, That not more than $50,000,000 of

the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I have the floor.

Mr. President, last time I checked there were 70 amendments on that side pending. This may clarify the question of the Senator from Nebraska. We had 28. This is Tuesday. We hope to recess on Friday. And everybody is just dreaming up little amendments to try to make a few political points. I have talked with the White House this morning. If they do not want this bill, that is fine with me. But what we hope to do is to take Jordan aid off the first supplemental and add it to this bill. Then maybe that will get White House attention.

This is a Jordan aid amendment that has wide support. It is supported by the President. Many of us met with King Hussein this year. It has broad bipartisan support. All I do in my amendment, in lieu of the matter proposed by the Senator from Minnesota, I insert the following. And if we are going to proceed with this bill, then we will have a vote on this amendment. Maybe then the White House will become interested in this bill because now I do not think the White House cares, and I do not see any reason to continue this spectacle on the Senate floor, have everybody offering some little amendment to score some political points. We will move on to something else.

So I have asked Mr. Panetta, the White House Chief of Staff, to let me know after he has a discussion with the Democratic leader, Senator DASCHLE, and then after lunch we decide whether we pull the bill down or whether we proceed to vote on this amendment and on the Daschle amendment and on the amendment offered by Senator ASHCROFT of Missouri. But if there is no interest in passing this supplemental bill—there does not appear to be any in the White House—then it would be my intent to just take the bill down. Then we are not going to send the other supplemental to the White House either. If they do not want to be involved in this process, that is up to them. But they cannot have it both ways.

So the amendment is simply the Jordan amendment, which we have discussed and which has been a matter of intense interest to the Senator from Kentucky, Mr. MCCONNELL, and this amendment is offered by me on Senator MCCONNELL's behalf.

I would be happy to yield to the Senator from Nebraska for an additional question.

Mr. EXON. Will the Senator from Kansas yield without losing his right to the floor for a question?

Mr. DOLE. I am happy to.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I would say to the majority leader and other Senators on both sides of the aisle that it is not the intention of this Senator to cause any unnecessary delay. I think every Senator should be protected with his or her right to offer any amendments that they think are in order. I do happen to think this is an important piece of legislation.

I have an amendment that I talked about on Friday morning with regard to eliminating the mandates on the States with regard to funding of rape and incest that I talked about and ever since that time there seemed to be one roadblock or another to bringing this up. I had stood aside and said I just want to place this in the flow of business somewhere along the line. So I would certainly ask the majority leader to recognize the rights of the Senator from Nebraska, with the other amendments that the Senator said were being considered, as to whether or not the Senator was going to pull down the bill.

I hope that maybe we could get together with some kind of a unanimous-consent agreement to protect the rights of every Member of this body and still expedite the process, which I assume is what the Senator, the majority leader would like to have. In other words, there may be some filibuster, minifilibuster, call it what you want. I have no objection to that. I would think though that if we are going to be able to have the recess we had scheduled for this weekend, we are all going to have to recognize there is going to have to be some give and take somewhere along the line on this. And if there are reasons why filibusters are going to be mounted, maybe we could reach a time agreement to expedite the cloture process after a reasonable time of debate and not have the 3-day rule.

Basically, if we get into a 3-day rule with regard to a filibuster, it is pretty clear that we are not going to be able to finish this bill by the end of the week. And I share some of the concerns that the majority leader has, while I will fight, as I always have, for the rights of Senators on both sides of the aisle to offer amendments as they are entitled to under the rules.

I am just wondering. My question of the majority leader is, has there been a meeting recently between the majority leader and the minority leader with regard to the proposition of trying to come to some finite number of amendments, agree to a time limit on those; that if filibusters come up, we possibly could have an agreement that we would have expedited procedures where cloture could be recognized the same day, it could be considered the same day as a cloture motion would be filed, something to move this process along?

Primarily, I think it is important that we do the business of the Senate, work our will and then let the rules apply as to whether or not we are going to pass this piece of legislation.

I recognize the frustration of the majority leader, although I question whether it is wise to have foreign aid funds be added to this measure on top of all of the other consternation that obviously and justifiably surrounds this very important piece of legislation. But we have to move ahead.

My question is: Has there been a recent meeting between the two leaders to see if something could not be worked out to scale down the number of amendments and at least get some unanimous consent agreements as to how much time we are going to spend on each amendment?

Mr. DOLE. I thank the Senator from Nebraska.

I would say we have been meeting at a staff level. Both Senator DASCHLE and I have talked about it on the Senate floor. He indicated he might be able to whittle down the 70 amendments.

Well, it is Tuesday. I am certain we could whittle down the 28 amendments. Maybe we will get it down to 50 amendments. If you took an hour or more on each one, plus rollcalls, it is not going to happen. It seems to me that rather than just let everybody bring up amendments here, posturing, doing whatever they are doing, it is best just to pull the bill down and have those debates at some other time.

I know the Senator from Nebraska has an amendment. I know he is serious about it. It is a serious amendment. I would just guarantee him, if we reach an agreement, that amendment will be in the mix unless the Senator decides otherwise.

Mr. EXON. I thank the leader.

Mr. WELLSTONE. Will the majority leader yield for a brief comment, without his losing the floor—just a very brief comment?

Mr. DOLE. Mr. President, let me explain the Jordan amendment. It is $275 million debt relief for Jordan, $50 million in fiscal 1995, $225 million in fiscal 1996. And it is an effort by this administration, supported by bipartisan supporters on each side of the aisle, to support the peace process.

The Senator from Kentucky has just arrived on the floor and can explain it in greater detail. But the purpose of it and the reason for it is the fact that Jordan has made peace with Israel. We hope there would be an overall peace in the Mideast at the earliest possible time. I know the White House supports the amendment. I hope they would support it on this bill and then help us bring this bill to a conclusion. It does not take any rocket scientist to figure out we are not going to deal with 100 amendments if we are going to have sense-of-the-Senate amendments on everything. We had one from the Senator from Massachusetts, taking a couple hours on Friday, several hours yesterday, on a sense-of-the-Senate amendment that does not mean anything.

Now we have another one by the Senator from Minnesota on the WIC Program. And we will probably have a lot of sense-of-the-Senate amendments. Maybe that means something somewhere, but I fail to see where.

If we really want to get this bill done, if we are really concerned about reducing the debt, we ought to be voting to do it. This is $13.5 billion in rescissions, a fairly substantial package, talking about real spending restraint.

If the White House does not want to pass it, if they do not want any spending restraint—which, apparently, they do not—that is certainly the prerogative of the President.

I assume we will be hearing from the Chief of Staff momentarily. In the meantime, I would ask the cosponsor of this amendment if I have forgotten anything in the process.

Mr. MCCONNELL. Will the leader yield?

Mr. DOLE. I yield, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I just want to commend the distinguished leader for offering the Jordanian debt relief amendment. This is exactly the same amendment which I offered earlier this year to the defense bill.

Essentially what the leader's amendment would do, it would provide $50 million in debt relief, which would be obligated in fiscal year 1995, and $225 million for 1996.

The point is, this is the final installment in the agreement that we have with the Jordanians. The King was in town, as we all know, last week. Many of us met with him. He is making a good-faith effort to turn his country around and to be an important part of this growing peace movement in the Middle East.

I think this is an extremely important measure. I commend the majority leader for offering it to this bill. Maybe it will make this bill a little sweeter for those who seem not to want it to go anywhere. I, obviously, hope this will be approved at the appropriate time.

I thank the leader.

Mr. DOLE. I thank the Senator from Kentucky.

How much time does the Senator from Minnesota need?

Mr. WELLSTONE. I say to the majority leader—and I thank him for his graciousness—I would need no more than 3 or 4 minutes, just a brief comment in response to where we are, without the Senator losing his right to the floor.

Mr. DOLE. Would the Senator want 5 minutes?

Mr. WELLSTONE. Five minutes would be fine.

Does the Senator from Connecticut want any time?

Mr. DODD. Five or 10 minutes.

Mr. DOLE. Mr. President, I ask unanimous consent, after the Senator from Minnesota proceeds for 5 minutes and the Senator from Connecticut for 10 minutes, that we stand in recess under the previous order until 2:15.

Does the Senator from Kentucky want any more time?

Mr. MCCONNELL. No. I would just make the point that this is completely paid for. This Jordanian debt relief is totally paid for.

Mr. DOLE. Let me add, I failed to recognize that, with the adoption of the Shelby amendment, it actually raised the rescission package to $15 billion, not $13.5 billion. So I was in error.

Is there objection to my request?

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Not at all.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized for 5 minutes, and the Senator from Connecticut will be recognized for 10 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, just so my colleagues understand and the majority leader understands, I understand that Senators have a right to second-degree amendments and I am pleased for us to have this debate, and there will be a vote. But I will bring this amendment back to the floor after the vote on the second-degree amendment.

I do not understand why my colleagues have any fear of an up-or-down vote on this amendment. I say to you, Mr. President, it is very relevant and timely. We are talking about the WIC Program. We are talking about nutrition programs.

At the same time, we see the power of the food industry. We do not have competitive bidding on infant formula which would save money, money that could be used to feed more children.

We are talking about an effort to strip away, I fear, some nutrition standards. We are talking about an effort to move in by the junk food market. And so my amendment is hardly, Mr. President, for show. It is very serious.

It reads:

> It is the sense of the Senate that before the Senate is required to vote on the question of whether the WIC Program and other nutrition programs should be converted to block grant programs to be administered by the States, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyists acting on the industry's behalf.

Mr. President, this is not filibuster. I am quite willing to agree to a time limit. I just want an up-or-down vote on this amendment.

Here we have these proposed cuts in nutrition programs, talking about block-granting, and, in addition, unfortunately, we have evidence of an industry and lobbyists having, I think, too much influence in developing some of this legislation as it moves along in the Congress.

I am just simply saying: What happened to competitive bidding? What about nutrition standards for children?

We should investigate before we move forward. I think the operative language is to investigate "to what extent, such a proposed substantial change in national policy as the result of the improper influence of the food industry and lobbyists acting on the industry's behalf."

Mr. President we ought to have an up-or-down vote.

So I say to the majority leader, I understand the second-degree amendment. We will have that debate. But then I will come back with this amendment, and we will have an up-or-down vote on this amendment. And I will keep bringing this amendment to the floor until we do have that up-or-down vote.

Mr. President, this amendment is germane to the debate of rescissions and cuts in nutrition programs. It is relevant to the debate abcut whether we go in the direction of block grants. It is very relevant to what is happening in the 104th Congress.

I think the Senate sends a very positive message to the people of the country that we certainly want to make sure that the final nutrition legislation that we pass, I say to my colleague from Connecticut, has, first and foremost, the interests of children, not the interests of the food industry. That is what this amendment speaks to. Nobody should be afraid of this amendment. Everybody should want to vote for it up or down, and I would assume that we would have 100 votes in favor of it.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). Under the unanimous-consent agreement, the Senator from Connecticut now has 10 minutes.

Mr. DODD. Thank you, Mr. President.

Mr. President, I would like to return, if I could, to the basic thrust of the legislation before us, and that is the rescission bill.

You are going to almost have to hire a mountain guide to find your way through the legislative process that is unfolding here, with various amendments that are now being offered to the underlying bill and to the substitutes that have been suggested.

Let me, if I can, get back to the core set of issues here. What is primarily before us is the rescission bill that cuts into the heart of an awful lot of critically important programs that affect the most vulnerable of people in our society. It seems to me that we ought to try and keep our eye on that debate. Adding elements here that deal with Jordan and other issues, no matter how laudable and appropriate at some point for us to debate and discuss, I think it becomes rather obvious, patently obvious, to anyone who is following this debate that these are efforts to try and distract the attention from the central question.

Certainly this body ought to vote on whether or not you think the cuts in nutrition programs and Head Start and drug free schools ought to take place or not—we should not have to dwell interminably on those questions—and cast your votes yes or no. If you think that these cuts are ones that ought to be made, then you vote for them. If you do not, then you vote otherwise.

But I do not think we assist by doing this, since this is almost a self-imposed filibuster by the majority on these issues.

Mr. President, I want to, first of all, begin by commending the majority to this extent; and that is, the bill, the rescission bill, is a lot better than what existed in the House. No question, this is an improvement over what was coming over from the House.

But it is still a far cry from what I think most people in this country understand are valuable investments to the future of this Nation.

I was responsible for Head Start, Mr. President, 2 years ago, to bring the reauthorization bill of Head Start to the floor of the U.S. Senate. It was a comprehensive bill that called for many substantive changes in how Head Start was functioning, but it also called for full funding of Head Start.

Frankly and very honestly, I prepared myself to come to the floor for an extensive debate—it was a fairly controversial bill, the Head Start Program—and to extend full funding and to make other changes, many of which had been suggested, I might point out, by the distinguished Senator from Kansas, now the chairperson of the Senate Labor and Human Resources Committee, Senator KASSEBAUM.

In any event, I came over with leaflets, folders, and binders to defend this reauthorization bill. I was on the floor all of about 20 or 30 minutes. There was not a single voice raised in opposition to the bill. It was unanimously adopted by this Chamber.

It is ironic—maybe that is not the best word to be using here—that we find just a matter of months later a cut coming into the Head Start Program, again, a program that has never been the subject of much partisan debate and division over the many years that the program has existed because it works. It does the job that we need to be doing to try to see to it that the young children of this country get a good start in their educational life.

It has been a program that has worked tremendously well. Regretfully, we are only getting 1 in 4 of the eligible children with it. So there it was the collective judgment that it made sense for us to try to reach as many of those eligible children as possible.

So the reauthorization bill did that, unanimously adopted, not a single amendment offered on the floor. We had extensive hearings in the Labor and Human Resources Committee and worked out, I think, a good bill. I think the best evidence of the fact it was a good bill is that there was not a dissenting voice, and not a dissenting vote on that measure.

Now we come back this year and find out all of a sudden not only are we not going to fund to the extent possible all eligible children in this country, but we are actually going to go after the resources that are only reaching 1 in 4 of the children in this Nation.

There are a lot of messages and people have offered a lot of interpretations as to what happened on November 8 in the election, but I think it is a total misreading of those electoral results to assume that the people who voted for the new majority anticipated that some of the very first actions we would be taking would be to go after the most vulnerable citizens in our society. The list goes on at some length in this $13 billion rescission package that really does cut into the investment programs that are critically important for America's children and America's families.

I mentioned Head Start. There are also the nutrition programs and child care development. Again, here we are going to be debating shortly, I hope, welfare reform for the country. I do not know of anyone—in fact, I want to begin by commending my colleague from Connecticut, Congresswoman NANCY JOHNSON, who is a leading Republican Member of the House. To her great credit, she was able to restore some of the funding for the child care block grant. She could only go so far, quite frankly, with her amendment to beef up the funding in that area in the House package, but we are still terribly short of the child care needs in this Nation.

There are some 10 States that have waiting lists of over 10,000 people for existing child care slots before we move people from welfare to work. In Florida, I think the number is 23,000 on the waiting list. In Georgia, it is in the neighborhood, I think, of 15,000, to cite two States that come to mind immediately.

As we now try to move people from welfare to work, we have to try to come up with a decent approach to how we care for these children. And yet, in this rescission package, we find again several millions of dollars in cuts in the block grant going back to the States, despite the fact there are already literally hundreds of thousands of people on waiting lists. As we move people from welfare to work, then obviously there is a heightened degree of demand for those slots and additional slots. Again, without even expanding the present need out there, we are cutting into the present need as we move people in that direction.

The WIC Program—Women, Infants, and Children—again, this is a program for which I do not know of dissenters, never heard of them here, because there is the general conclusion that investment in these nutrition programs in the earliest stages of a child's life—in fact, earlier for pregnant women—have made tremendous gains for us, not only ethically and morally, but fiscally in this country. We know today that a dollar invested in the proper care of a pregnant woman and an infant saves $4 later in health care costs. Those numbers are not being made up. Those are the facts. Why in the world would we be making a significant cut in the Women, Infants, and Children Program, recognizing that it is going to cost us that much more down the road if we do not make those kinds of investments?

I might point out, I joined last year with 70 of our colleagues—70—70 percent of this body joined as cosponsors for full funding of this program. Now we find, again, not only are we not reaching the full funding, we are cutting into the dollars that are necessary just to maintain the program at its present level.

In education, again—I hardly think it needs repeating out here—the investment in the educational needs of our children are just going to be greater year after year. Here we had the Speaker of the House offer a suggestion that there ought to be a tax break given to people who make a donation of a computer to children. People laughed at it. They said, "That's a silly idea." I do not think the Speaker was silly at all. You might argue about whether or not a tax-cut approach is the best way to go, but his instincts were absolutely correct.

Today, if you are not computer literate coming out of an educational system, you are so disadvantaged, and I am not talking about jobs with investment banking firms or insurance companies or defense contractors. Even the most basic simple functions today require a literacy in computer technology. And here we are making a $100 million cut in a program to provide computers for children in our school systems.

I do not understand what the thinking process is if we expect to grow economically. The best deficit reducer is a growing economy, people at work. That is the best way to cut into this deficit.

If we deny these young people the tools they are going to have to have to get the best possible paying jobs in the future, then we are going to see the obvious effects.

In Goals 2000, again, we had increases for disadvantaged children, Mr. President. To see 70,000 disadvantaged special-needs children being dropped off the list of getting help because of a $73 million cut in this $13 billion package, again, I do not understand the importance of that.

In a sense, maybe this one particular issue has more poignancy for me. I have a sister, Mr. President, who is legally blind, who has been a teacher for 25 or 30 years. In growing up, my parents were fortunate enough to have the resources to make the investments so that my sister could get all the benefits of someone who was disabled.

As a result of that, today she has made a significant contribution. She has taught in the largest inner-city elementary school in the State of Connecticut, helped provide the Montessori system of teaching in this country, has two master's degrees, has been a highly productive citizen, and has made a significant contribution. What would my sister's life be like today had she not grown up in a family that had the resources to make those kinds of investments for her? Would she be as productive? And what will happen to these children today that we are cutting out of these title I programs? What happens to them?

Again, I thought most people in this country understood the value of investing in these kids so they maximize their potential, become self-sufficient, become productive citizens to the maximum extent possible, and here we are now going to eliminate some 70,000 of these children and their families from that kind of assistance and support.

Again, I do not think that is what the message was. I think people understand that those kinds of investments truly do make a difference in the wealth of the Nation.

Let me if I can, Mr. President, move, because I know the time is moving fast here, to the national service issue.

Again, there is a significant cut here. I want to thank the distinguished Senator from Missouri, Senator BOND, and others, because they did a lot better than what was in the House bill.

I think it is important that people understand we are talking about a difference here between what was in the House and what is in the Senate package. Mr. President, I think this national service idea, the one that enjoyed such broad-based support only a year or so ago, deserves the strong backing of our colleagues.

Again, let me cite a personal story if I can. Mr. President, 35 years ago another American President challenged a generation by serving in something called the Peace Corps. When I was finishing up my college, I heard that challenge and it excited me. And I served for 2 years as a Peace Corps volunteer in Latin America, in the Domincan Republic.

I think it was a tremendously valuable experience. The total cost for my 2 years was about $5,000. That was about $100 a month I got paid as a volunteer, and whatever benefits they provided. I think the total amount was about that.

This program here is a national service program, but not to serve overseas. This American President said, "I think voluntarism and serving one's country has tremendous value, and I am going to link it with educational benefits. How about serving here at home, instead of going overseas." Lord knows, we could use the investment.

It was exciting and generating a lot of enthusiasm, particularly among younger Americans, to answer the call. Presently 20,000 young Americans have answered the call to serve their country. That is a remarkable, remarkable return on such a call.

In the Peace Corps days, we did not get anything like that, in the number of people stepping forward to volunteer. Here, 20,000 Americans already, in a little over a year, have stepped forward to volunteer, to try and make this a stronger and better country and reduce costs.

They have taught or tutored some 9,000 preschool children. Mr. President, 9,000 preschool children have benefited as a result of the AmeriCorps Program. They have established after-school and summer tutoring for more than 4,000 young children. That is just in the first year or so of this program. They have organized, and supervised community service projects for more than that 4,400 children, cleaning up neighborhoods, delivering food to the elderly.

In return for their service, of course, these members earn an educational award worth about $4,700 to pay for college courses. What better tradeoff could we be getting, than asking Americans to step in and help out in needed communities, help needy citizens in our country, in return for which they get assistance to go on to higher education. Again, all of us recognizing, I think, the value of trying to defer those costs.

Mr. President, the Daschle amendment includes funding for these programs, restoring them, in the areas of nutrition, education, and AmeriCorps, the volunteer program, that are critically important for disadvantaged children. These are small investments to be making, and yet the return to our country is invaluable.

There are many people who remember the GI bill and VA mortgages. In early 1950 dollars those were expensive programs, they were not cheap. Yet, I do not know of anyone who would say it was a bad investment to make when we asked the taxpayers of this country to invest in the education needs of another generation of Americans. That is what we are doing here.

To come out on the very first efforts, the very first targets, the very first constituencies that are being asked to bite the bullet are the ones that we will be counting on in the future to make this a stronger, a healthier, more vibrant country in the 21st century.

Mr. President, I would hope that the Daschle amendment would be supported. I would hope that we could get an up-and-down vote on these matters, and not cloud and obfuscate the debate by engaging in procedural tactics here that avoid debate and discussion in votes on the issues that are the substance of the underlying bill.

It seems to me no one is well served by that tactic. It only indicates to many Members that there is somehow some fear about having the kind of votes on these issues that this Chamber ought to, if we are going to accept the kind of cuts that have been proposed.

Mr. President, I hope we can get back to this debate, that we can consider the Daschle amendment, and not see matters be brought up that properly belong on a foreign relations bill and not on a rescission bill dealing with the economic needs of our Nation.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:15 p.m., recessed until 2:23 p.m.; whereupon, the Senate reassembled when called to order by the Vice President.

The VICE PRESIDENT. Senators will please take their seats, clear the aisles, and cease audible conversation.

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 451, AS MODIFIED, TO AMENDMENT NO. 450

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Dole amendment No. 451 to the Wellstone amendment.

Mr. DOLE. Mr. President, I send a modification of that amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. It is so modified.

The amendment (No. 451), as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owned by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in Title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: Provided, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V of this Act shall have no force and effect.

MORNING BUSINESS

Mr. DOLE. Mr. President, I have been asked if we might have a 10-minute period for morning business. I ask there be a period of 10 minutes for morning business, 5 minutes to be used by the Senator from Maine and 5 minutes by my colleague from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, will the majority leader yield for a question?

Mr. DOLE. Yes.

Mr. KERRY. I ask him what his intention would be after the morning business. Would we go back to the amendment?

Mr. DOLE. I will have a discussion with the distinguished Democratic leader during the 10 minutes to see.

Mr. KERRY. I thank the Senator.

Mr. DOLE. Does the Senator need morning business time?

Mr. KERRY. No. Mr. President, I had wanted to address the bill itself.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Mr. COHEN pertaining to the introduction of S. 664 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

UCLA'S VICTORY

Mrs. FEINSTEIN. Mr. President, I rise today to honor a great team, a great school, and a great State. It is fair to say that California has had its share of troubles, but it is also fair to say that we have had our share of victories.

We had a great victory last night, when the UCLA Bruins defeated the University of Arkansas Razorbacks for the NCAA Men's Basketball Championship.

The victory was all the more impressive because they did it without the play of Tyus Edney, their little floor general.

In his absence, the rest of the team stepped up to the challenge. They broke the aggressive defense of the Razorbacks, which has been described as 40 minutes of Hell.

They won with a combination of youthful enthusiasm, guts, teamwork, and stamina. And they won under the watchful gaze of the Wizard of Westwood—the legendary retired coach, John Wooden.

UCLA pulled down 50 rebounds, 21 of them at the offensive end.

Ed O'Bannon, the senior who battled back from knee injury, played the entire game last night and was named Most Outstanding Player.

Toby Bailey, the freshman phenomenon from Los Angeles, had 26 points. It was a masterful performance against a great opponent.

This is the 11th championship by UCLA, and the first for Coach Jim Harrick. John Wooden won a remarkable 10 tournaments in 12 years between 1964 and 1975. Now, for the first time in 20 years they will be able to hang a national championship banner at Pauley Pavilion.

Being the Senator from California, it is with great pride that I point out that four out of five starting players are from California: Tyus Edney from Long Beach, the sensational brothers Charles and Ed O'Bannon from Lakewood, and freshman Toby Bailey from LA.

Other Californians on the team are J.R. Henderson, Bob Myers, Kris Johnson, and Kevin Dempsey. I am proud to say that not only is it a California school, it is a California team. Other players contributing to last night's victory were sophomore Cameron Dollar and senior George Zidek, an Academic All-American. The players on this team are worthy successors of the greats of a generation ago: Alcinder, Goodrich, Johnson, Walton, and Hazzard.

I would like to extend my sincere condolences to President Clinton and the Razorbacks. Obviously, they made a good show. But this win is particularly significant because California has been through a period of fire, flood, earthquake, and major grief. And when teams like the San Francisco '49ers win a Super Bowl and the UCLA Bruins win the NCAA Championship, it brings people together and it shows the spark and spirit of what made this State so great in the first place.

It was a special win. My sincere congratulations to UCLA. I know I am joined by my colleague, Senator BARBARA BOXER, and by every Member of this Senate in saying it was a job truly well done.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Massachusetts.

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, it is my understanding that the leaders wanted to confer. I do not know if that conference has taken place and a decision made. I did have an amendment I was prepared to offer.

Mr. LOTT. Mr. President, I request of the Senator that he withhold. I believe our leaders are both conferring and prefer not to go forward at this point until they can have that meeting.

Mr. KERRY. Mr. President, if I may then, I ask unanimous consent that I be permitted to speak as if in morning business for a period of time.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, the leader did get 10 minutes time in morning business.

Mr. KERRY. If I could have 10 minutes, Mr. President, I would appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

THE DOLE AMENDMENT

Mr. KERRY. Mr. President, I am not going to talk about the amendment that I do want to offer at the appropriate time, providing we continue with this bill. But I would like to talk for a moment about an item that is in the underlying bill. I understand the underlying bill is the House bill which has been amended by the committee amendment, by the Daschle amendment, and by the Dole amendment. So there is a complicated stream here, but I am addressing my comments to the underlying bill and to the Dole amendment itself.

One of the things that we have heard the most discussion about in Washington, indeed in the country, is the problem of violence in our streets and the problem of our young people. I do not think there is a Republican or a Democrat who has not run for office talking about values and the importance of trying to transfer values to the young people of this country.

The real test of this country, certainly of the U.S. Senate and the House, will be our ability to keep faith with the American people and translate the rhetoric into some kind of substantive approach.

Now I do not come to the floor with the notion that the Government has all the answers. I think we have been sobered up and learned a lot in the last years. And I do not come to the floor with the notion that the only way to try to deal with the values issue is to have a Government incentive or a Government program, but we have to be honest. At the same time as we admit that reality, we ought to also admit that there are programs that make a difference; that there are certain things that the private sector will not do for itself; that there are certain kinds of initiatives that only get started by virtue of the leverage provided by the public sector which empowers the private sector or nonprofits to be able to make a difference in the lives of other human beings.

One of the cuts that takes place in the underlying Dole amendment, which I must say, I do not know if it is intentional. I do not know if the Senator from Kansas, who I know to be somebody genuinely concerned about these matters, is aware that this slipped in there or is in there. But the effect of the Dole amendment is to cut one of the most significant programs of accomplishment in this country and it runs completely counter to the talk of returning responsibility to the local level, because this amendment takes resources directly out of the communities and out of the private entities, the self-started entities of communities, and strips them of their ability to make a difference in the lives of our kids.

Mr. President, the amendment that I am referring to, or a portion of the Dole amendment, takes $38 million from one of the most successful programs of community investment that we have in this country, a program called Youth Build.

Last night, I had the privilege of being in Boston attending the only dinner of its kind in the country about Youth Build. Youth Build is a program that began 5 years ago. It began in Boston, but it is now in 40 cities in America. There are 105 units around this country that seek funding from HUD for Youth Build. Mr. President, there are only two staff people at HUD managing this program—two staff people. So this is not a bureaucratic boondoggle. This program provides money directly to local communities. It does not go to the State. It is not chewed up in the administrative process. It goes directly to local communities. There is no bureaucracy here. There is no waste here.

There is a tremendous record of success. Last night, I saw a film about graduates of this program. One of these graduates was not too long ago in prison. Another graduate was a member of a gang. Another graduate was a drug addict. Today, they are employed in the private sector. They are leaders in the community; they are in college; they are managers of our Boston Harbor project; they are involved in engineering; they are in carpenters unions; they are apprentices. For the first time in their lives, they are making it, and they are making it because this program reached out into the community to these kids and took kids who had dropped out of school, who have no family connections, and gave them a purpose in life and a skill.

What Youth Build does is take these kids and puts them into 1 week of high-school equivalency and 1 week on a site in an old abandoned home donated by the city, labor donated by the architects of the city, the carpenters union donating the skill, and all of those are married in a synergy that brings those kids into the first-time environment they have ever had that gives them a sense of purpose, a sense of responsibility and accountability, not just to society around them but to themselves—each and every one of them.

That is values. That is values transfer. Mr. President, it just does not make sense to take the few hundred bucks per person that you are stripping away and leave them with the possibility of our spending $30,000 to $50,000 a year to house them in a prison somewhere down the line.

In Boston alone, there are 10 kids applying for this program for every 1 that gets into it. Mr. President, I do not hear people running around the Nation saying this is where the waste is. I do not hear people saying cut those programs that put kids into a useful environment. I do not see some great hue and cry in the country saying, "We're going to throw you all out of office if you don't cut the money for Youth Build." But we are cutting it, and the question has to be asked, why? What is the rationale?

We all understand we have to cut somewhere, but does it make sense to be cutting this program and then turn around and spend a huge amount of money on the Market Promotion Program, for instance, where we give money to McDonalds and a whole bunch of big companies to sell their goods abroad, companies that can afford to advertise on there own?

Mr. President, we have some $85 million, I think it is, in the Market Promotion Program. The Market Promotion Program gives Tyson Foods $937,000; International Foods, $179,000; Gold's Gym, $226,000; Mott's International; Pepperidge Farm; Tropicana; Entenmanns; Tootsie Roll; Beer Nuts; Ocean Spray; Friendly's; Gortons; Perdue; Giant Food; General Mills; Pillsbury; Ralston Purina; M&M Mars; Campbell Soup; Haagen-Dazs; R.W. Frookie; Snapple; Chichita; Borden; Hershey; Brach's Candy; Miller beer—they all get money, but Youth Build is not going to get money.

It does not make sense, Mr. President. I think what the American people said last November is, "We want you to express some common sense on our behalf," and, for the life of me, I do not understand why we would want to be cutting a program like Youth Build which has been proven to work.

Last night, I listened to a young man by the name of Robert Clark. Robert Clark was in prison. Robert Clark is now a full-time student at a well-known university on the east coast of the United States. He is doing well. He has testified before committees in the Congress. He has done an extraordinary job of explaining to people the connection between a program like Youth Build and his capacity to rejoin society as a productive member. It just seems to me that if you are going to talk about investing in the future of this country, we ought to remember what makes a difference, Mr. President.

Robert Kennedy spoke of this in 1968 in a high school in Scottsbluff, NE, and he talked about the sense of community that we ought to be celebrating in a choice like this with respect to Youth Build. He said:

> At every critical mark in our history, Americans have looked beyond the narrow borders of personal concern, remembering the bonds that tied them to their fellow citizens. These efforts were not acts of charity. They sprang from the recognition of a root fact of American life that we all share in each other's fortunes, that where one of us prospers, all of us prosper, and where one of us falters, so do we all.

He said in 1968, and we ought to think about it again as we make these choices in 1995, that:

> It is this sense, more than any failure of good will or policy, that we have missed in America.

Mr. President, in the course of exercising choices in this legislation, it seems we are perhaps about to again miss that in America, and I hope we will not. I hope we will recognize that perhaps this is an oversight, and we should make a different judgment.

I yield the floor.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, I rise today to urge the Senate to support an effort to restore funding to the Corporation for National and Community Service. The case for national service depends on understanding that it uniquely offers a triple investment in the future productive capacity of our people and our communities: First, the service performed; second, the service experienced; and third, the postservice educational benefit.

I know the word "investment" has been abused and debated on the Senate floor over the years. For some, it is just a code word for Government spending. We must not, however, become so cynical that we do not see a real investment when a payoff is staring us in the face.

The first component of benefit of this investment is the word in the name of the organization—service. Critics have tried to attack national service in a number of ways.

During the debate on the authorizing legislation, we heard cries about how many more Pell grants we could fund with the money, or how many more job training programs we could fund with the same money. Though these criticisms make valid points as far as they go, they lose sight of the crucial fact that national service does not exist to provide student aid or job training. The most important benefit of this program is the service provided by AmeriCorps members.

Mr. President, I visited a number of these AmeriCorps projects, and before that, the national service projects that were the pilot projects authorized before this program. I have seen young people in a small town of Vidalia, GA, helping teach Spanish to young students that did not understand basic Spanish. Most importantly, these students were filling a huge void where there were no Spanish teachers in the community by helping immigrants learn to speak English, because they had no way of learning without someone who could converse with them.

I have seen young people also in the same community and in Thomson, GA, helping in nursing homes in crucial kinds of occupations with our elderly citizens. I have seen them in homes for the elderly. I have seen them helping the elderly stay in their own homes, which is most important in terms of both their quality of life and in terms of actually saving taxpayers' dollars.

I have seen them in tutoring and mentoring positions for young kindergarten, first, second and third graders in inner-city schools. And I have seen them in connection with Habitat for Humanity building new homes for needy families and have begun construction on many other homes.

I have seen them in many other occupations, as have others who have observed this program throughout the United States.

The second kind of benefit national service provides is the personal and civic development of the participants. In recent years, too many Americans have forgotten the relationship between rights and responsibilities. We often see reports in the news media about various groups or individuals proclaiming that this Government service or that protection is a right. We are all so often reminded of the rights all Americans should enjoy that we lose sight too often of the other side of the same coin: The responsibilities that we share in order to make the rights possible.

Just as we have rights to freedom, to life, liberty and the pursuit of happiness, those sacred rights carry with them equally sacred responsibilities.

National service is reconnecting the relationship between the two fundamental tenets—rights and responsibilities—of our democracy for thousands of young people. This program provides young people with opportunities to fulfill that obligation to give something back to their country and to their communities.

The third kind of benefit which is derived from the national service program is the postservice educational benefit. As most of my colleagues will agree, education is the best indicator we have of upward mobility. Not only does the participant increase his or her potential to get a high-paying job and become a contributing taxpaying member of the community, the community also benefits from citizens who run businesses, citizens who pay taxes, citizens who participate in civic organizations, and citizens who contribute to the community.

This sort of educational assistance becomes even more important in a time when our more traditional forms of educational financial assistance are facing severe funding restrictions and reductions.

I hope all of my colleagues understand this is not a program which fills members' time doing calisthenics or singing "Kum Bah Yah" around the campfire. They perform hard work desperately needed by local citizens, governments and businesses that is not being performed by others in the community.

They get their hands dirty. They are tired at the end of the day. They occasionally pound a thumb with a hammer in the building occupations which many of them are doing.

The bottom line is that the work they do is needed by our communities. Along the way, they acquire real world skills and maturity that will make them better citizens and help the country.

For Congress to decimate this program at a time when it has only begun, before any organized results can be compiled, would be to sell this program, and I believe our young people, and our Nation short.

There is a good analogy, Mr. President, to be found between national service and our Nation's Armed Forces. We do not maintain Armed Forces in order to provide valuable skills and develop good character in young men and women. Rather, Armed Forces personnel develop skills and character in the military as they carry out their primary mission of providing for our Nation's security. The same is true of national service. Members perform crucial important services in their communities, and along the way they gain important life skills.

Additionally, we often hear from some critics who attack national service as coerced voluntarism—as if the provision of a stipend for living expenses somehow cheapens the service performed or stains the motives of the participant.

I note the critics seldom raise the same objections to our Nation's All-Volunteer military force. I believe these points are made very clear in a recent op-ed by Charlie Moskos, a respected sociologist at Northwestern University, and I ask unanimous consent that this op-ed piece be reprinted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Mar. 14, 1995]

BUILDING A CONSTITUENCY FOR NATIONAL SERVICE

(By Charles Moskos)

My first and only meeting with Newt Gingrich was in the spring of 1981. The second-term congressman already had a reputation for new ideas and he wanted to talk about national service for young people. He certainly seemed supportive of the concept. Yet, Speaker Gingrich is now quoted as "totally, unequivocally opposed to national service." He lambasted the newly established AmeriCorps as "coerced voluntarism" and "gimmickry."

The quick explanation for this turn-around is that the Republican leader is making points against one of the most significant accomplishments of the Clinton administration. With a GOP majority on Capitol Hill, national service is targeted for elimination in the next budget authorization. Gingrich's present hostility to national service also has an upside, however. Now is the time to refocus public attention on the philosophy and program of AmeriCorps. To bring Gingrich back on board, supporters of national service should be responsive rather than confrontational.

First, clarify the terminology. AmeriCorps members are not "volunteers." They receive a minimum-wage stipend and a modest education benefit—$4,725—for each year of service completed. AmeriCorps participants should be called corps members, servers or enrollees.

Gingrich's designation of "coerced volunteerism" is an oxymoron that misses the point. Does he object when we call our military an "All-Volunteer Force" where soldiers earn a decent salary? Or that a member of the Peace Corps is officially called a "Peace Corps Volunteer" when paid a stipend equivalent to that of an AmeriCorps server? And, while on the subject, let us not forget volunteerism does not always come free, either. In its first year of operation, the volunteerism-boosting Points of Light Foundation, a George Bush pet project, granted $4 million to service organizations while spending $22 million on promotions and administrative expenses.

AmeriCorps was set up to be run mainly through local agencies and non-profit organizations. But national service faces a core paradox. Everyone is for local control and decentralization, but only federally-run and centralized organizations have name recognition and credibility. The blunt fact is that not many Americans have never heard of AmeriCorps and even fewer know what it is doing. Contrast this with Franklin Roosevelt's Civilian Conservation Corps, John Kennedy's Peace Corps and even Lyndon Johnson's VISTA. National service is, after all, national.

Even though the membership of AmeriCorps in its first year, 20,000, is greater than that of the Peace Corps at any time, its visibility does not faintly approach the Peace Corps. More striking, the glow of the highly centralized and Army-run CCC remains strong in the national consciousness, even though it expired a half century ago. Yet, the National Youth Administration, the larger but decentralized contemporary of the CCC, is all but forgotten.

Two changes are needed if AmeriCorps is to capture the public imagination. At the federal level, the National Civilian Community Corps, presently a minor component of AmeriCorps, must become a modern version of the CCC, one of the most successful programs of the New Deal era.

At the local level, AmeriCorps must focus its mission. Currently, it does too many things leaving a diffuse image. An impressive example of what national service can do comes from Germany. Conscientious objectors to the draft perform alternative service. One key duty—meals on wheels, transportation to shopping and medical facilities—allows the elderly to continue to live in their own homes. Savings are tremendous. The value of each server is estimated at more than $25,000 per year above costs. These "civilian servers" are now so highly valued that they are used as an argument to maintain military conscription.

Whether federally or locally organized, the emphasis in national service must always be on the service delivered, not on the good done for the server. AmeriCorps tends to get mushy—or, as Gingrich puts it, "gimmicky"—on this score. Proponents of AmeriCorps too often stress how community service benefits the young person, rather than what the server is exactly doing. Young people doing calisthenics in youth corps T-shirts is not the way to guild a constituency for national service.

We do not have armed forces to mature young men and women. But the military performs these functions well precisely because it is not defined as remedial organization. The same must be the case for civilian service. We should remember that when FDR introduced the CCC, he stressed the concrete works that would be accomplished not the self-improvement of the corps members. The standard for AmeriCorps should be simple: If the server disappeared would anybody miss her or him?

Another trouble spot must be pointed out—a skewed political base. Support for youth corps is by no means to come across that way. After all, it was the centrist Democratic Leadership Council that initiated the contemporary move to national service. Conservative icon William F. Buckley Jr. has long been an eloquent advocate for the cause. Liberal proponents of AmeriCorps must practice diversity when they seek counsel on national service. Bipartisan input is a prerequisite of bipartisan support.

One more thing liberals ought to raise with Newt Gingrich. Without AmeriCorps who will staff all those orphanages coming on line?

Mr. NUNN. We call the military services now a volunteer force, but they are paid substantially more, even at entry levels, than any of the young people in national service. I think that is appropriate.

The educational benefits are also higher, substantially higher, than the national service educational benefits. If we add educational benefit to the total pay package, there is no real comparison between the pay and benefits of the military, which is much higher than national service, and that is the way it should be, because military personnel are also in harm's way on many occasions.

It is a different occupation, but the thing that is very similar is that they are both called voluntary and they both are voluntary. No one is compelled to take either occupation or either program.

I think we should be very careful in saying on the one hand that national service is not voluntary because these young people are being paid, and the military is voluntary because they are also being paid and they are also in many of the occupations, getting special bonuses. They are still volunteers.

Considering all the benefits national service provides, at the community level, it is difficult to see why some of our colleagues object to it. Indeed, given the debates we have heard on unfunded mandates legislation and the, I think, justifiable move for continued devolution of responsibilities from the Federal to State and local governments in this body, I would hope that our colleagues would agree that national service represents the type of government we ought to support.

National service is not a Federal mandate for any specific type of service. That is left up to the communities, and the communities decide whether they want to participate at all. National service gives communities and service organizations the chance to voluntarily identify and perform the kind of service which best meets the local need, with the Federal Government providing most, but not all, of the funding.

At the same time, it allows young people to serve their communities and to address real problems without Federal micromanagement.

Finally, Mr. President, I would make the point that the proposed rescission of national service funds is, to say the least, premature. The first full funding year is only half complete and the data on the programs' accomplishments is only available in anecdotal form.

We need analysis on the program. Rather than making a decision to cut this program based on incomplete information now available to the appropriations process, we should save this debate on the scope and the direction of the program for the authorizing committee next year, when more complete information is available.

I am confident that the program, if given a chance to do so, will admirably prove its worth. At least we should give it a chance.

Mr. President, I urge my colleagues to restore funding of the national service program. I urge them not to fail the students and the young people who are learning maturity and life skills through their service in the program. Most important, I urge them not to fail the communities, the churches, the schools, the businesses, and the individuals who benefit from the hard work of our young people. I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask to speak 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Thank you, Mr. President. I wanted to respond to the Senator from Georgia, who I have the utmost amount of respect for, and respect his views on the national service plan. I just happen to disagree with them. I wanted to comment on a couple of the points he made.

I have heard often this analogy that national service corps members are volunteers as much as people who are in our military are volunteers because we have an all-volunteer force. The reason we call it an all volunteer force, it is the only area that I am aware of where we have the Government authority that can force people to do something they would not otherwise do. Force people to work. In other words, work in the military.

The Government, through our authority as a Government, can if we so choose, force people, conscript people into the military.

As I am sure the Senator from Georgia knows, there is a whole body of employment laws out there that says an employer cannot force an employee to perform for the employer. If I am an employer outside of the government, outside of the military—not just outside of the government, outside the military—I cannot force someone to go to work for me. If a person wants to leave my employment, I cannot force them to stay.

So the reason it is called a volunteer army is because the military has the authority to make a person work for them even if they do not want to.

To suggest that AmeriCorps and national service is volunteer, based on that motto, makes me a volunteer. No one forced me to run for the U.S. Senate. So I guess I volunteered for it. So I guess people could call me a volunteer. The young lady standing in front of me who is taking down my words, is, in fact, a volunteer. No one made her take this job. She took it because she volunteered for it.

So we are all volunteers. Well, that is nice. That is sort of fuzzy and makes the waters a little murky. If we are all volunteers, then—none of us are volunteers, really. And that is really the point. This is no more a volunteer than any other job in any other agency of the Federal Government.

In fact, I believe the Senator from Missouri who came up here yesterday, Senator BOND, had a chart that showed that about 10 percent, or 15 percent of AmeriCorps employees work for the Federal Government, work for the Department of the Interior, the Department of Justice, the Department of Veterans Affairs, the Department of Energy, the Department of Agriculture, the National Endowment for the Arts. A lot of them are, in fact, plain old Government employees, paid for through this AmeriCorps Program.

I just hope we get the rhetoric right here. This is not voluntarism. There really is not any other example that would suggest that someone who is making what an AmeriCorps volunteer makes is a volunteer.

Senator GRASSLEY was on the floor yesterday talking about employees from ACORN, which is a housing organization, funded with $1 million for AmeriCorps. The average cost for each AmeriCorps volunteer is $41,000. That is what each ACORN volunteer is paid in compensation packages, from the Federal Government.

The Legal Services Corporation has a $1 million AmeriCorps grant. These volunteers make $48,000 a year. Now, it is hard to sell, at least to me and I think a lot of Americans, that people making that amount of money are truly volunteers.

What the Senator from Georgia did say that I agree with is that there are worthwhile projects going on within AmeriCorps. I do not think there is any question there certainly is a need to help children learn how to read or help people who need some assistance. The AmeriCorps program does fill in some gaps and holes and can be very helpful.

What I have suggested in the past, and I suggest to the Senator from Georgia, is that there will be a bill coming to the floor of the Senate this year, and it is a welfare reform bill that is going to have work programs in place for people who truly are in need of the work experience, the training, the education. Those people are the folks we should be targeting these kinds of projects on, these kinds of duties that can be done by people who truly need them.

The problem with AmeriCorps is you do not have to be poor to be in AmeriCorps. You do not have to be young. You always hear people defending AmeriCorps, saying, "All these young people, we need to help them." You can be in AmeriCorps if you are 60 years of age. You can be in AmeriCorps if you are a millionaire. There is no age limitation up to 60; there is no limitation on income. In fact, 25 percent of the people already in AmeriCorps have family incomes of $50,000 or more.

So when you hear of all these wonderful images of poor young children out there doing these things and this is what these programs are for, that is just a few examples. That is not the norm. What we should do is take this idea of community service, which is a very beneficial one, and focus it on the people who need it the most and create those work programs for the people who are already receiving the Government benefit, and that is people on welfare who desperately need, desperately need the opportunities that these kinds of worthwhile jobs—and many of them are worthwhile jobs—would have.

So I am not against community service. I do not think anybody who stands up here says we are against community service. We believe community service is a laudable thing. We also believe it should still be a volunteer thing, not a paid position.

I think it undermines the whole volunteer spirit in America if you take a selected class of people and say these people are somehow better volunteers, and therefore should be paid, than those who are not.

So again, I commend the Senator from Georgia for his idealism, but I think we can better focus it on the people who are in need, the people who already receive Government assistance, the people who need the opportunity to move forward as opposed to folks who are being targeted for the AmeriCorps Program today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Madam President, the leaders of both parties have been meeting and working on an agreement and I believe we are about ready to make some requests here. I understand perhaps we will be ready to go with that in just a moment. So in order to facilitate the distinguished Democratic leader, if I could at this point observe the absence of a quorum so we could get this unanimous-consent agreement put in.

Mr. EXON. Will the Senator yield for a question?

Mr. LOTT. I will be glad to yield for a question. We want to get this unanimous-consent request as quickly as possible, but I will be glad to yield to the Senator.

Mr. EXON. Do I understand from the Senator from Mississippi that finally, at long last, the two leaders are working and are, according to the information that he has, about to come on the floor to outline some unanimous-consent type of agreement that will move the process ahead?

Mr. LOTT. I believe that has been occurring. I know the leaders met within the last few minutes and they are looking over an agreement which we hope to be able to announce momentarily. I see the distinguished Democratic leader is here, so maybe we are ready. We are not quite ready yet?

Mr. EXON. I was about ready to try to get the amendment before us set aside for the purpose of calling up an amendment that I first presented at the desk way back last week, sometime Friday. I had it ready Wednesday, almost a week ago, and have been trying to accommodate everybody else. But there does not seem to be much accommodation.

But I guess I can wait for another 10 minutes to see whether or not we can bring some reality out of the morass that we seem to be in from the standpoint of procedure in the Senate as of now.

Mr. LOTT. I believe the Senate is underway and I thank the distinguished Senator from Nebraska for his patience.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SNOWE). Without objection, it is so ordered.

SELF-FUNDING FOR PUBLIC BROADCASTING

Mr. PRESSLER. Madam President, I rise to speak on a portion of this consideration regarding the Corporation for Public Broadcasting. It has been my concern for some time that we could make the Corporation for Public Broadcasting self-funding, or, if I may use the term, privatized, although I think self-funding would be better.

Presently the Corporation for Public Broadcasting is a private corporation with Federal funding. At the end of their programming each day you see it says, "The Corporation for Public Broadcasting funded by the Federal Government"—a private corporation funded by the American people.

I am of the opinion that through a program that I recently presented in the Washington Post, the corporation can become private, can become self-funding, and it is not necessarily by increasing advertising. It is rather by digitizing, compressing its programming, and making it available for sale to such outlets as Arts and Entertainment, to the Learning Channel, to the History Channel, and to the hundreds of new video dial tone channels that are springing up across the country from the regional telephone companies.

Also, the Corporation for Public Broadcasting and its public broadcasting entities could get a great deal larger percentage of the things that appear on the free public platform. They have already voted to start getting a larger percentage of that.

For example, whether it is Barney, or whether it is Bill Moyers' Journal, or whatever else, if there is money made from the sale of tapes of that show and paraphernalia, I think the taxpayers ought to be entitled to 20 percent or 30 percent of it—or maybe more—whatever they can negotiate in a businesslike way.

In addition, public broadcasting will be digitizing and compressing parts of its spectrum, and they can rent part of that spectrum or sell it or use it in some way, and they can have far more money than they have now.

So my point is, Madam President, that the Corporation for Public Broadcasting and the other public broadcasting entities are sitting on a treasure trove that they can utilize. The taxpayers of this country do not have to subsidize them. They can do just as well. They can provide more money to rural radio and TV and more money to children's programming than they are now.

If this body wishes, when it comes to zeroing out and to replacing over a 3-year period or 2-year period their moneys, they can place a requirement for certain rural programming and for children's programming—just as when Conrail was privatized on this Senate floor and we placed certain covenants or requirements on Conrail to provide certain local service, just as we require airlines to provide certain safety for the public, just as we require that other private companies meet service requirements, such as the regional telephone companies who have a universal fund to provide long-distance services in rural areas and small towns. All of this can be done.

Vice President GORE talked about reinventing and privatizing. I think and have thought that the Corporation for Public Broadcasting, the Public Broadcasting Service, and National Public Radio can do so.

Madam President, the defenders of the status quo have waged a nationwide campaign that is very misleading. They say that Senator PRESSLER and others are out to kill Big Bird or out to kill rural radio. Is it not strange that they do not talk about cutting anything inside the beltway? When we look at the National Public Radio building and its equipment; at the Corporation for Public Broadcasting and its salaries; at the nonprofit organizations that have sprung up alongside that receive their grants and which in turn pay salaries two and three times higher than Senators make—we should remember that this is taxpayers' money.

So I join in this effort that is on the Senate floor, and also I am working with the Budget Committee to have a 3-year plan to phase out the Federal subsidy.

Earlier this year, Madam President, there was some controversy about a questionnaire that I sent to the Corporation for Public Broadcasting. As chairman of the oversight committee, I asked a lot of questions about where and how the money moved. In my State of South Dakota, we get $1.7 million from Washington, DC, but instantly have to send over $1 million back for programming. My State and small rural States should be able to shop around. Maybe they would want to buy some digitized compressed programming from Arts and Entertainment, or from Nickelodeon. This children's programming is marketed to France, incidentally, and dubbed. It is about the only cultural import the French welcome, educational children's programming made privately.

The point of the whole matter is that there are plenty of opportunities for public broadcasting to make money, and it is most unfortunate that they are not carrying that out. But they put forth the argument that we are trying to take away children's programming and rural radio. That is not true.

In my State, our State legislature voted down a resolution urging that more Federal moneys be sought for the Corporation for Public Broadcasting because people understand that there is a very misleading campaign underway here. My State is one of those that has the most rural radio perhaps of all.

Let me say, Madam President, that I have contributed every year to public broadcasting, long before this debate. I contributed again this year because I think it has its place. But those small States are not getting their fair share under the present formulas that are used. And far more of the moneys go to grants to their favorite foundations and nonprofit groups here inside the beltway that pay salaries up to $750,000 a year as Senator DOLE published on this Senate floor, and other salaries of $450,000, and so forth. Those are taxpayers' dollars, incidentally.

So the next time someone comes up to me and says, "Ah, you are against rural radio," I would say to them that one salary here paid at the favorite foundations of the Corporation for Public Broadcasting is greater than my whole State gets in a year's time.

So let us put things into perspective. The Corporation for Public Broadcasting and its related entities here inside the beltway have become a bloated bureaucracy, and reform is needed.

They are making some reforms now, and I commend them for those reforms. One of the reforms was that they voted to start getting a percentage of those items that appear and make profits on the free public platform that is provided. Another reform that they are making, I believe, is that they are starting to learn to partner with the information superhighway to compress and digitize their programming and sell it, or swap it, and that is something that I have advocated for a long time. So I think what will come out of this is a better Corporation for Public Broadcasting, a better public TV and radio in this country.

So far as the questions that I submitted, they are the same questions that every broadcaster in this country must answer every year regarding minority hiring, but public broadcasting somehow feels they are exempt from it. They have the stories written in the paper that I asked about the ethnicity and race of employees. That is what every broadcaster in this country must answer every year, and every small businessman who has contracts with the Federal Government can be called upon to produce at any time. And they also, if questioned, have to say who the minorities are. It is alleged, though I cannot prove it or disprove it, that they do not meet their minority hiring requirements with permanent employees. They do it with part-time employees. A small businessman in my State can be prosecuted for doing that, but they think they are exempt from responding to the committee that has oversight, apparently. So I find that the attitude there is very unusual.

Now, I have another interesting thing that I learned, which is that the reporters who wrote about this for the New York Times and the Washington Post, coincidentally, are paid to appear on public television, although they did not say that in their stories. It is hard to get a story correct. I do want to commend the Post though. They did allow me to publish an op-ed that laid out my point of view after I met with the board of editors of the Washington Post.

I think what we have is a very arrogant system, from a management point of view, that has been built up in the Corporation for Public Broadcasting. I never really looked into it until I became chairman of the committee this year. That is my job. That is what I am supposed to do. But they are forward-funded through next year. I think the House of Representatives has done an excellent job of laying the groundwork to phase out the Federal funding as they phase in these self-funding devices. That is a positive thing. But the Corporation and its allies have run a misleading campaign around the country telling people that those Republicans are out to kill Big Bird and are out to shut off rural radio. That is simply not true.

Madam President, there are many reasons that the Corporation for Public Broadcasting was created in 1967. But public radio and TV existed before that. I gave my first speech in a debate at the University of South Dakota on public television in 1963 before we ever had the Corporation for Public Broadcasting. And so I join with my colleagues here on the Senate floor, and I hope I can say I join with the leadership of public broadcasting in this country, to move toward a better system, a system not so bloated with bureaucracy.

In our States, our State legislatures pay most of the costs of our public radio and television. Individual contributors also, such as myself and, I might add, NEWT GINGRICH, have contributed to public radio and TV. The State legislatures pay for most of the public radio and television in this country. The corporation was founded so there would be a national clearing house, so to speak, and it did a lot of good things. But we have now entered an age where it has been proved that this quality programming can be marketed, and their programming could be marketed. It does not need to mean more ads.

Incidentally, public radio and TV in many cases has more revenue from ads than does commercial radio and TV in many markets. That is another unknown. They call them enhanced underwriting, but they are advertisements, and that is fine with me. I think we should analyze the thing as it really is. In the oversight committee, we should look at the facts as they really are, and so for that reason I join in efforts here on this floor to do what the House of Representatives has done, to start a phaseout over a 3-year period of the moneys, of the taxpayers' money. To replace that, there is an abundance, a treasure trove from which it can be done.

Madam President, I ask unanimous consent at this point to have printed in the RECORD my op-ed that was published in the Washington Post that deals with the subject of how public broadcasting can become self-financing.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 8, 1995]

REALITY-BASED BROADCASTING

(By Senator Larry Pressler)

"Public broadcasting is under attack!" "Congress wants to kill Big Bird!" These and other alarmist cries have been common in recent weeks. The problem is they are lies. That's right, lies. I tried to conceive of a more polite way to say it. I could not. With rare exceptions the press largely has ignored the specifics of the position taken by members of Congress seeking to reinvent public broadcasting.

I have struggled to make my position clear Yet the misrepresentations continue. I am convinced many simply do not care to report the facts—facts they do not find as interesting as the scenarios they create. That is too bad. The average American taxpayer would find the facts extremely interesting.

As chairman of the Senate Committee on Commerce, Science and Transportation, I am not seeking to destroy public television and radio. I am a strong supporter of public broadcasting, both in my home state of South Dakota and nationally. Pull the plug? Absolutely not. Rather, my plan would expand opportunities and save taxpayer dollars.

Why do I seek change? Because times have changed. Today's electronic media are vastly different from those of the 1960s, when the current system of federal subsidies for public broadcasting was established. The old theory of "market failure" for educational programming is completely untenable in today's environment. Educational and cultural programs can and do make profits when their quality is good and marketing astute. The only money losers in today's arrangement are the taxpayers.

A Feb. 24 Post editorial stated it is time for the public broadcasting industry to face reality. The issue no longer should be whether federal subsidies for public broadcasting will be cut. I could not agree more. Congress now is debating when and how much. The House Appropriations subcommittee on labor, health and human services already has cut the public broadcasting budget. The House leadership promises more to come. I fully expect the Senate to follow suit.

Instead of crying over public cash, it would be more prudent for public broadcasting executives to use their talents and resources developing the numerous potential sources of revenue available to replace the federal subsidy rather than continuing to fan the flames of fear and exaggeration. As captains of a major corporation, their responsibilities should be clear. The Corporation for Public Broadcasting (CPB), National Public Radio (NPR) and the Public Broadcasting System (PBS) need to learn to stand on their own feet.

To help in that effort, I recently provided the chairman of the board of CPB with a plan to end its dependency on federal welfare in three years. Ideas to end CPB's addiction to taxpayer dollars include:

Profits from sales. CPB should renegotiate sales agreements and improve future agreement to get a larger share of the sales of toys, books, clothing and other products based on its programming. In 1990, Barney-related products retailed at $1 billion! Steps have been taken by the CPB board to improve its share of such sales. More should be done.

Make the most of new technology. Use of new compressed digitization technology would permit existing noncommercial licensees to expand to four or five channels where once they had only one. Public broadcasting stations could rent, sell or make use of the additional channels for other telecommunications and information services.

End redundancy. At least one-quarter of public television stations overlap other public television stations' signal areas. Public radio also suffers from the inefficiencies of redundancy. Ending this overlap and selling the excess broadcast spectrum would provide substantial revenues to public broadcasting.

Switch channels. Moving public television stations from costly VHF channels to less costly UHF channels in certain markets would provide a substantial source of new revenue.

Team with other information services. CPB could increase commercial arrangements in the computer software market and with on-line services.

These are only a few of the ways in which the CPB could reinvent itself into a self-sufficient corporation for the '90s and, indeed, for the next century. Ending federal dependency does not end public broadcasting. Today's subsidy amounts to only 14 percent of the industry's spending! Indeed, my current plan asks the Corporation for Public Broadcasting to end its dependency on federal welfare in three years—that's one year more than what current proposals would give welfare recipients to get off federal assistance.

It would be tragic if the public broadcasting industry ignores its responsibilities when the federal budget is in crisis. It also would be tragic if the industry spurns exciting opportunities in new markets and technologies. Perhaps most tragic of all, however, would be continued retrenchment from public broadcasting executives crying. "It can't be done." It can be done. It should be done.

CLINTON AND GORE TRY TO SET BACK TELECOMMUNICATIONS COMPETITION

Mr. PRESSLER. Madam President, on a second subject, I was very disappointed this morning in a conversation with Vice President GORE to learn that the administration is opposed to my telecommunications bill and that the present plan is to veto that bill if it were to pass. I say that because I believe in this Chamber there would be 85 to 90 votes for the telecommunications bill today if it came up for a vote.

The Vice President said the administration was opposing it for three reasons. First, because they do not like the cable provisions; second, because they do not like the lack of a merger prohibition on regional telephone and cable companies; and third, because they would like to have a Justice Department review, in addition to an FCC review, in determining when Bell companies can enter the long-distance and manufacturing markets.

Madam President, we have worked out these matters. Every Democrat on the Commerce Committee voted for this bill. The administration did not avail itself of the opportunity to come up here during all the long negotiations and let us know of their strong feelings. Then all of a sudden the Vice President is working against having the bill brought up—and announces that the administration is opposed to it. This comes after we have made substantial accommodations and we have worked out the cable and long distance issues.

For example, with regard to cable rate deregulation, the basic tier remains regulated in the bill. The upper tier is deregulated with a bad-actor proviso—that is, rate regulation would be possible if a cable operator charges rates which are substantially above the national average. So there is consumer protection on the cable issue.

And then after 2 or 3 years, or when there is at least 15 percent of DBS—direct broadcast satellite—in a market, basic cable is deregulated. Or when there is video dialtone service present in a market, basic cable would be deregulated. The Vice President feels strongly that this is inappropriate. But this represents a compromise that was worked out between Republicans and Democrats. In fact, every Democrat on the Commerce Committee voted for it. The committee overwhelmingly approved the bill by a 17-to-2 margin.

The next objection was on cable and telephone company mergers. The decision not to put that in was agreed to on both sides of the aisle. The proposal to limit cable and telephone company acquisitions, mergers or joint ventures is redundant, as current law—Hart, Scott, Rodino—already provides antitrust scrutiny in this area.

Regarding the Justice Department, we already have the FCC, with public interest and competitive checklist language, reviewing this. There is no need for a second review by the Justice Department. We are repealing the MFJ. That is the whole idea of this bill, to replace the courts with congressional action. The Justice Department could still bring antitrust action. They have that power on any aspect of American business.

So I am strongly in disagreement with the Vice President's assessment. And I am very saddened by it because it means, as a result of that, we will not be bringing my bill up this week. We will bring it up early after we come back. But I am fearful that during that time this bill will be picked apart by the various interests. It is the sort of bill where we had good momentum until the administration opposed it and began working against it here, working against its being brought up. I ask my colleagues from the Democratic side to contact the Vice President and to persuade him and the administration that this is a good bill. It is the best bill we are going to get. And it is supported across the country.

I am very worried and saddened at the developments that have occurred here. I am determined to go forward. We will get the bill up in April or May. We will proceed with it. This body will vote for it overwhelmingly, and should vote for it.

All the staffs on both sides of the aisle have been involved. I do not think any bill has ever had more consultation or more staff work—without a day off, from Christmas Day, literally—on this bill.

It has been an open, inclusive process. The last time, people complained that nobody knew what was in the telecommunications bill; there was not enough consultation. So we had meetings all day and all night, even Saturday and Sunday, with staff from Members on both sides who were interested. So everyone had their input—except the administration, which never made a peep. Now, suddenly, the administration is actively working to encourage Democratic Members to contact the minority leader's office to keep it from being brought up. And that saddens me a great deal.

I hope, Madam President, that this is merely a delay. We will fight on with this piece of legislation. Probably no piece of legislation this year has been more widely discussed and consulted about. All 100 Members of the Senate have been involved in some way. We are ready to go. The bill is filed. The report is filed. The committee has voted. It has amendments added to it. We need to bring it up and vote amendments on the floor. The country needs this bill.

Now, what will happen if we do not pass this bill? It will reduce jobs and hurt the United States.

This bill has been called a $2 trillion bill by George Gilder because it will cause an explosion of new activity in telecommunications. It will boost our exports. It will cause a number of new devices to be distributed to the American people.

Presently, we have very little of the so-called information superhighway here. Everybody talks about it. We have cellular phones, some computer Internet, and we have cable TV. But that is all. Most people are not on the information superhighway and they will not be until we pass this bill.

Otherwise, the people who invest in telecommunications are paralyzed, waiting for a roadmap, waiting for the ground rules. In fact, many people who invest in telecommunications are investing in Europe because they cannot get approval, because we have economic apartheid of the regional Bells, economic apartheid of the long-distance companies, and so forth.

So I call upon this administration to listen to the Democrats in this body and to the Republicans, and not to obstruct this bill. Indeed, we will bring it up for a vote. We will get 85 votes on final passage on this bill, or more.

It is very strange. In my time in Congress, in my 21 years, I have never seen a situation where a committee votes out a bill with all the members of the President's party voting for it, and then the administration, which has been absent, announces it is opposed to it and will veto it—without, apparently, consulting with any of the members of that committee. That is very, very strange.

Maybe I am misunderstanding something here. But I do not think I have ever seen anything like that happen before. I think that there is something going on in Presidential politics or something that I am not quite a party to. I find it very disappointing and very strange.

But let me say to all the supporters of the bill not to lose faith. We will carry on. We will pass it. It is going to be tough.

I do not think, in the end, the President will veto it if it is in the light of day and when the country understands what is in it. But if he does, we will override the veto in both Houses, because the votes are there.

Madam President, I thank you very much for the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I strongly support the Daschle amendment to the disaster supplemental appropriations bill.

The amendment makes needed improvements to the bill before us. It restores funding for education, job training, and children's programs, and it renews the commitment we made in the last Congress to community service.

It would be a grave error is the Senate defeats this amendment and decides instead to revoke investments we have already made in improving the lives of working families and children to pay for the Republican contract's tax cuts for the rich and for tax provisions such as the billionaire's loophole that we debated on the Senate floor yesterday.

Majority Leader DOLE said recently that "the American people want a better use of their tax dollars—starting now." But only half of the cuts in the rescission package are needed to pay for the ongoing recovery costs from the 1994 California earthquake. The other half of the cuts are being extracted from hard-working families to pay for tax breaks for the wealthy, and that isn't fair.

Americans are beginning to look behind the rhetoric at the heart of the Republican revolution. The fog of rhetoric is lifting, and the reality is emerging—an attack on children and families to pay for tax cuts for the wealthiest individuals and corporations in our society.

Congress should not be taking from the most vulnerable and defenseless in order to raise even higher the standard of living for those who are already well off.

The new Republican majority is arbitrarily cutting and trimming education programs even before our support for schools has had time to get to the classroom.

For what reason? To provide a tax cut for rich Americans? That makes no sense. Democrats do not believe in depriving young children of the good start they need that is provided in Head Start. Democrats do not believe in depriving public schools the help they need to achieve reform. Democrats do not believe in depriving college students of an affordable education. Democrats do not believe in depriving young Americans of opportunities to contribute to their community through national service and simultaneously earn money to pay for college.

The numbers themselves demonstrate the shortsightedness of the Republican proposals. Who will contribute more to our county's treasury? A college graduate who earns an average of $32,000, or a high school dropout who earns $13,000?

It is poor government policy and poor business sense to adopt short-term budget savings that will inevitably result in much smaller future tax revenues and much more serious long-term social problems. How do you support a family on $13,000 a year?

The Daschle amendment will restore $700 million for education, children, and training. It restores these shortsighted cuts and preserves the sensible education investment strategy proposed by President Clinton and Democrats.

We have heard a lot of rhetoric in the last 100 days about the "American people." One thing is unmistakably clear about the American people—they solidly back the Democratic priority on investing in education.

Two out of three Americans favor increased spending for education, according to a recent NBC/Wall Street Journal poll. That confirms a finding in a poll by the Washington Post/ABC News. Eight out of 10 people favor a balanced budget amendment, but 2 out of 3 say they would not support such an amendment if it means that education or Social Security would be cut.

Finally, a poll by the Times Mirror Center for the People and the Press found that 64 percent would increase spending on public schools if given the opportunity to set Federal budget priorities, while only 6 percent would decrease spending.

Among 14 Government programs cited, support for public schools was second only to anticrime programs. The position of the American people on support for education is unmistakably clear. They want to cut the waste and fat in Government, not the muscle of education.

Democrats understand why there is such strong support for education. We are proud to be the defenders of increased investments in students. We are proud to be on the side of all those who understand that a commitment to excellence in education is the basic underpinning of our society and our democracy. Education has made our country great, and it will be the key to our future strength.

A fresh example of the shortsighted thinking is the recommendation to cut investments in technology for education. Yesterday, the Office of Technology Assessment released an impressive report on teachers' use of technology in the classroom. As the introduction to the report states:

> OTA finds the lack of attention to teachers and technologies ironic, for at the center of effective use of instructional technologies are those who oversee the daily activities of the classroom—the teachers.

Previous reports by OTA and others on computers in schools have sounded the alarm about the dangers of technological illiteracy in our society. As widely used technologies have become more sophisticated, teachers' roles become even more critical. The rescission packages, however, also cuts teacher training by 31 percent in the House and the Senate by 22 percent.

In an address to the National School Boards Association on February 21, Speaker of the House GINGRICH called upon school boards to vastly increase the amount of money they spend on technology. Currently, districts spend three-tenths of 1 percent. "We are two generations behind in introducing technology," he said.

Our Republican colleagues respond to the obvious need for technology by cutting an already small Federal technology budget. Star Schools, one of the most successful and popular Federal education investments, was cut 30 percent by the House, and 15 percent by the Senate. The new technology program in title III of ESEA, just authorized last October, was cut by 75 percent in the House and 12 percent in the Senate bill.

Families throughout the country understand that computers, CD Roms, interactive video, and other technological advances have opened the door to vast amounts of scientific and academic information for students. Through these miracles of technology, pupils in classrooms in remote communities can meet students from many other lands, participate in fascinating scientific projects such as the Maya Cycling Expedition, and talk to experts around the world.

The simple fact, however, as the OTA report makes clear, and as a GAO report that Senator MOSELEY-BRAUN will release this afternoon underscores, is that public schools in this country are years behind every other institution in providing students with these opportunities.

It is important to balance the budget. But it will be an impossible task unless students are well-prepared and well-trained to be productive workers who earn good wages and salaries, who can support their families and pay their taxes.

Other education investments restored by the Daschle amendment are equally important.

In the last Congress, in bipartisan action—the vote to pass the Elementary and Secondary Education Act was 77 for and 20 against. That bill reshaped the way the Federal Government supports education.

In ESEA, in Goals 2000, in the Improving America's Schools Act, and in the School to Work Opportunity Act, we said to the States: "If we are going to reach the National Education Goals, all students should be held to the same high standards, and the States should develop these standards."

We said "It's time to cut the redtape. Local schools should be given more flexibility to consolidate small Federal programs to that they can design comprehensive, coherent reform plans."

And finally we said "Accountability should rest on results." Instead of telling schools exactly what to do with Federal dollars, we said "You decide what works best and we won't monitor what you do. But we will hold you accountable for how much students learn."

We backed up our commitment with Federal dollars. States responded. Over 40 States have developed plans to use Goals 2000 dollars. Hundreds of schools have already planned to use their increase title I dollars and their new flexibility to see that students learn more. At the very moment when schools and States and students are responding as we hoped they would, we should not be reducing our investment.

Unless we restore these funds, many of those schools will believe we didn't mean what we said. Seventy thousand school children will be denied extra help in reading and math. Thirteen hundred schools will not be able to implement their plans for school reform.

Consider what States have already been doing with these funds. To pick one district at random, the Lawrence School District in Kansas is using Goals 2000 funds to develop new assessments to more accurately analyze whether students are meeting high standards.

Pennsylvania has given Philadelphia $250,000 of its Goals 2000 funds to develop clusters, and provide schools and their communities with more freedom from local rules in designing their curricula. Some schools are lengthening their schoolday and extending education services to parents in order to promote literacy.

Massachusetts is using Goals 2000 funds to support the startup costs of 15 charter schools.

My question to my colleagues on the other side of the aisle is very straightforward—are these the kinds of activities you want to scale back, just as they begin? Are our promises of support false?

In title I of ESEA, the rescissions are equally irresponsible. Title I is the Federal Government's major commitment to the country's disadvantaged children. For 30 years, the Federal Government has accepted a responsibility to help States educate schoolchildren who need help the most. But that commitment has never been well enough funded to serve the large number of children who need help.

Title I has had successes. It has improved basic reading and mathematics skills of the lowest-achieving children. It has helped close the learning gap between those children and their peers. With the help of title I, the achievement gap between black and white 9-year-olds has narrowed over the past two decades by 18 percent in math and 25 percent in reading.

I hear frequently from people in Massachusetts about how their children have been helped by this program. One parent wrote: "Chapter I is a blessing! For 4 years we tried to coach our son after his regular homework. We created more stress and there was no progress in math. Our son is now proud of himself and his work. Thank you is not enough."

One high school senior wrote: "Chapter I has helped me to grow. Through Chapter I, I am working in groups. I get along better with others than I used to. Chapter I has shown me how to work hard, and when confronted with a challenge, I am patient but determined to get the job done. The Chapter I math program has helped me gain confidence. Now I can do math with others and I sometimes offer my help to other students * * * Chapter I has shown me that no matter how stupid you think you are there's always someone there to help you reach your goals."

One parent wrote about the Reading Recovery Program funded by title I. "It has greatly affected my son. He has been able to keep up with his class. [It] has lessened his anxiety and helped to make school a pleasant experience. Had he not had the benefit of this program I feel the experience could have been traumatic. I was most apprehensive about sending him to the first grade because I felt he was not capable of doing the work. Our son has blossomed because of the attention, the one-on-one investment his teacher has made. He now comes home and reads us his library books. We never thought our son capable of making the strides he has this year and it's only April. It has been an answer to our prayers."

A teacher in Haverhill writes: "I * * * had a senior citizen from a local nursing home come to my classroom weekly. She spoke French and worked with a child in my class who was nonverbal because his family's primary language is French. A true friendship developed between her and the children in my class. Everyone enjoyed her visits and she looked forward to coming every week. She was in a wheelchair and the children learned about people with handicaps. It was one of many rewarding experiences."

Finally, I heard from a student in Plymouth, MA named Steven. Steven was an angry young man, aggressive toward any authority figure and failing every class. Chapter I was seen as a last resort for him. Now he is a corrections officer who is up for a promotion. He recently said to his former Chapter I teacher, "It could have gone either way. I could have been locked in these cells as an inmate if it hadn't been for your helping me get through the schoolwork and giving me a chance to vent my anger. Thank you."

Even though we know this program helps students, schools are not able to keep up with their needs. The education needs of disadvantaged children are growing, especially in high poverty areas. Evaluations show that children in such schools are held to lower expectations than children in other schools. They are more likely to fall behind in the early grades, and never catch up. First graders in poor schools start school scoring 27 points lower in reading and 32 points lower in math than other schoolchildren. The initial gap widens in later grades. Eighth graders in poor schools are 57 percent more likely to leave school by tenth grade than students in other schools.

Last year, Congress extensively examined this valuable program. We authorized major new reforms, and we increased the funds by $300 million. For 6 months, teachers across the country have been working and planning on how to use these funds.

That may be then and this may be now. But that is no excuse for the new Republican majority in Congress to pull the rug out from under schools across the country. Unless we support this amendment, 70,000 fewer children will benefit from title I. And schools throughout America will be hurt because Congress is breaking its promise on education.

Another important restoration in the Daschle amendment is $100 million for the Safe and Drug Free Schools. Among all the Republican cuts, this one is perhaps most bewildering of all. There is hardly a community in America—urban, suburban, or rural—that is not struggling with the tragic effects of violence and the alarming increase of drug use among students.

Students cannot learn when their schools aren't safe. We need to do all we can to keep guns, drugs, and violence out of the schools. The Safe and Drug Free Schools Program is our primary means to give students and schools the help they need in avoiding drug abuse and violence. It provides Governors and local school officials with wide discretion to assess their own problems and to solve them. It is preposterous that Republicans should be proposing to cut back these needed funds.

For example, the Dade County, Florida public school system is using the majority of its funds to support a program called "TRUST"—a comprehensive assistance program to help students and their families overcome substance abuse problems. The program combines established approaches with curricula development, so that awareness of the dangers of drugs is woven into students' classes. It uses innovative approaches such as alternative intervention that offer students and their families a chance to examine their behavior and improve their skills while continuing to attend regular classes.

It is fine to talk about family values and strengthening families. But this bill simultaneously wipes out the kinds of help that struggling families need. Hypocrisy is the word for such action.

For all of these reasons, Mr. President, I urge my colleagues to support the Daschle amendment.

Mr. President, I see the chairman of the Foreign Relations Committee with a very distinguished guest, a man I have great admiration and respect for. His presence makes me speechless here on the floor of the U.S. Senate at this time.

I withhold the remainder of my remarks and ask for recognition after we have a recess.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts will be recognized after we hear from the chairman of the Foreign Relations Committee.

VISIT TO THE SENATE BY THE PRESIDENT OF EGYPT, PRESIDENT HOSNI MOHAMMED MUBARAK

Mr. HELMS. Mr. President, I thank the Senator from Massachusetts. I have the honor of presenting to the Senate, after I ask unanimous consent that we stand in recess for 5 minutes so the Senators may greet him, the distinguished President of Egypt, President Mubarak.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess for 5 minutes.

Mr. HELMS. I thank the Chair.

RECESS

Thereupon, at 5:13 p.m., the Senate recessed until 5:19 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. BENNETT).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see other Members here who wanted to speak.

I just finish with this thought about the Star Schools Program. In many different parts of the country, we do not have the highly qualified, highly skilled teachers, high school teachers, for example, in physics, in mathematics, in a number of the languages, with the change of demography and the cutting back pressures on local schools.

What we have seen, I know in my own State and generally throughout New England, is when there are pressures on the school districts there may be a handful of very talented students in a particular class who want to take the advanced math but there is so much difficulty in getting that teacher, and so few students—in many instances brilliant students who want to take it—that the school does not provide that kind of education opportunity. And that is true in pocket after pocket, particularly in many of the rural areas of Massachusetts, and throughout New England.

This program provides the best math, science, physics, chemistry, biology teachers, who instruct those few students that go to these learning centers so those individuals will be able to take their courses at the appropriate level. So they will continue their interest in these areas, which are enormously important in terms of our national interests, for our scientific base and for our research and development.

It has been an enormously successful program. It has had the very strong support of Senator COCHRAN, and others have spoken very eloquently about it. I have had the chance to visit centers in his State of Mississippi to see what it has done in terms of a number of the rural communities in the South.

It is something that is enormously valuable. We are talking here of several millions of dollars. But those several millions of dollars have enormous importance and consequence in one of the aspects of education, and that is technology and technology training. One of the important parts of the Daschle amendment restores that funding. That is the part of that Daschle amendment which I think is enormously important. We will have an opportunity, when we reach the Daschle amendment, regardless of that outcome—I am hopeful it will be accepted, but if not—to come back and revisit that at another time.

I will come back to this when some of my colleagues have finished their remarks.

I yield the floor.

LITTLE DELL LAKE, UT

Mr. BENNETT. I wish to bring to the attention of the chairman a small matter that is of importance to me and the people of my State. It involves a correction in cost allocation of the recently completed Little Dell Lake project in Utah. The Army Corps of Engineers acknowledged that an adjustment in cost allocation is warranted and is in the process of designing recreation facilities and redoing the cost allocation between the Federal and local participants of this project.

We expect the correction to be finalized in a revised agreement between the Department of the Army and the non-Federal sponsors toward the end of fiscal year 1995. This is a matter of equity. The non-Federal sponsors of the project paid for 100 percent of the costs allocated to water supply and 25 percent of the costs allocated to flood control. However, because the local sponsors were inappropriately asked to cost share the joint costs of recreation, the costs for recreation quadrupled and were unaffordable. This raised the costs for water supply and flood control by several million dollars. This error was only recently discovered and the Assistant Secretary of the Army has expressed a willingness to correct the matter.

Is it the understanding of the chairman that the inclusion of recreation facilities, the reallocation of costs, and the adjustment in the Federal and non-Federal cost sharing can be accomplished with funds heretofore appropriated?

Mr. DOMENICI. Given the facts in this matter, it would be appropriate to include recreation and adjust the Federal and non-Federal shares of the total project cost. The project is essentially complete and, as I understand it, has already provided significant flood control and water supply benefits since the dam was constructed.

Mr. BENNETT. I thank the chairman and would urge that the revised local cooperation agreement be consummated in fiscal year 1995 and that the funds be reprogrammed in the current fiscal year as well.

Mr. DOMENICI. I agree with the Senator from Utah that the revised local cooperation agreement and reprogramming should be accomplished this year with funds currently available to the corps.

Mr. BENNETT. I thank the chairman.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Chair. I will be very brief.

I would like to respond to some comments made by the distinguished Senator from South Dakota, Senator PRESSLER, a few minutes ago on his conversation with the Vice President of the United States earlier today. I checked with Vice President GORE, and I am told that he did not tell Senator PRESSLER that the President would veto the telecommunications bill.

The Vice President told the distinguished Senator from South Dakota that he would like to see changes in certain provisions of the bill before he could recommend it to the President for his signature. I mention this because only the President issues veto threats, as the Vice President pointed out.

But the Vice President is not the only person who is concerned about certain provisions of this telecommunications bill.

The telecommunications bill that the Commerce Committee has reported will have an enormous impact on multi-billion-dollar cable, phone, and broadcast industries, and the economy of this Nation.

It was introduced just 3 days ago, and the report explaining what the Commerce Committee had in mind with this complex bill was filed late Thursday night.

This bill is a far different bill from S. 1822, which was reported last year.

First, this bill allows RBOC entry into long-distance phone service without a formal Department of Justice role in analyzing the competitive impact.

Second, I have questions about taking the lid off cable rates, and whether sufficient attention has been paid to the special problems of small, rural cable companies.

In fact, I suspect virtually every person that is on cable in this country would have some concern about just taking the lid off the cable rate, because I have not met many cable users who feel they are not paying too much.

Further, I have questions about some provisions in the bill that preempt State laws on judicial review of State regulatory commission decisions, and on dialing parity for intra-LATA calls.

Finally, I am concerned that some provisions in this bill undercut privacy protections for online communications and law enforcement's ability to conduct necessary court-authorized wiretapping to fight crime.

As ranking member on the Antitrust Subcommittee of the Judiciary Committee, these are questions on which we should have a hearing. There has been no hearings on the final version of S. 652 that was just introduced. These are issues that the people of Vermont deserve time to look at and consider, before the Senate rushes into consideration.

I have no interest in delaying telecommunications reform, and hope that we pass much-needed legislation in this session of Congress. But I do want time to make sure that any legislation we pass is the best we can make it. We owe this to the American people and the industries involved.

I think there are issues that should be answered.

THE DASCHLE AMENDMENT

Mr. LEAHY. Madam President, the bill we are debating today is not about future cuts in programs to reduce our deficit.

What this bill does is cut funding that States, schools, parents, youth and children were assured of last September.

And these cuts are not going to reduce the deficit, but will go to pay for tax cuts for the wealthy.

In the middle of the year, Congress is taking away funds that States are using to implement major reforms to improve our children's education.

Taking away funds from towns that have already set their school budgets for the year.

Taking away funds from programs that bring local police to work in schools to prevent drug use.

Taking away from parents that are counting on child care so that they can go to work.

Taking away from AmeriCorps participants and the communities that they work in around the country.

This bill has brought our communities to a screeching halt. I question the logic of cutting these programs now; 6 months after the fact.

I support efforts to restore funding to important education programs for disadvantaged children, programs which are designed to prevent drug use and create a safe school environment, education reform, Head Start, child care, AmeriCorps, and other programs that educate and invest in America's children and families.

Decisions to cut these programs are based solely on shortsighted politics.

The sad thing is that the House has made it clear that cuts in these programs are not going to deficit reduction.

Instead, the cuts we are making today in programs that give children the skills to compete in the next century are going to pay for tax cuts for the wealthy. In fact, the wealthiest 12 percent of Americans would receive over half of the benefits under the House proposed tax cuts.

I hope that we will be able to restore logic and common sense to the cuts we are making in this bill.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, on the same subject which the Senator from Vermont discussed, the Senator from South Dakota, the chairman of the Commerce Committee, earlier came to the floor and indicated that S. 652, the Telecommunications Act of 1995, would not be able to be considered on the floor before the Easter recess as a consequence of the administration, namely the Vice President, as someone who had indicated that the bill was going to be vetoed.

Mr. President, to be clear, while I did not put a hold on this bill, I agreed to allow the debate to proceed. I was tempted to put a hold on the bill and not allow it to proceed. I will not, and would not allow the debate to proceed and at the same time give unanimous consent to limit the debate. That made it difficult to consider this piece of legislation and enact it, pass it by the Senate, before the Easter recess.

So if the chairman of the Commerce Committee is looking for the person to identify as the individual who made it impossible to move this before Easter, he has no further to look than the junior Senator from the State just to his south.

This is a very important piece of legislation. I am by no means hostile to the idea that we should reform the 1934 Communications Act. I am not hostile to that idea. I believe that reform can be of enormous benefit to our people. It can create new jobs. It can improve the quality of our education and make it more likely that our citizens can become informed.

But, Mr. President, this is a piece of legislation that is unique in many ways. Indeed, the distinguished Senator from South Dakota, the chairman of the committee, said on this floor earlier that it has broad national support, or something to that effect. Yesterday, he said much more accurately that this is not really on the people's minds at the moment.

That is a more accurate statement, Mr. President. I have maybe 2 million household lines in the State, a million households total, so there is probably a million times two residential lines in the State.

I just finished a campaign for reelection where very few people came to me and said: Gee, I am going to vote for you, but I need to know your position on the deregulation of telecommunications. I need to know where you stand on this, Senator, because I am unhappy with my service. I do not like my long distance service or I do not like my local telephone service or I do not like my cable service or I do not like what is going on.

They may have some concern at the margin, but no call for a radical restructuring of the regulatory environment which this piece of legislation represents.

Again to be clear, I think it is appropriate for us to consider some rather dramatic changes in the law to permit in particular much more competition at the local level. I would love to see an environment where the entrepreneur, that small business person that starts off in business, can come knocking on my door or call me up or write and say I want to sell you information services; I want to sell you voice; I wish to sell you video; I am going to sell you text. I would love for them to be able to sell them in an unrestricted environment.

This legislation, in my opinion, does not permit that. It pretends to but in my judgment it does not permit it. In many ways, it combines the worst of both worlds, a regulatory environment without the kind of competition that I think is needed.

So I thank the chairman of the committee, who has been very generous in allowing one of my staff people, though I am not on the the Commerce Committee, to participate in the deliberation of the determination of what this bill is going to look like along with the ranking member, Senator HOLLINGS of South Carolina.

I hope they do not view me as being hostile to this piece of legislation, but I object to the identification of the administration being the problem. As far as this piece of legislation not moving prior to recess, I am, I suspect, as responsible as anybody around here because I want this to have a full and open debate. I want us to evaluate title I, title II, title III, title IV. I want us to think about what we are doing and make sure the public is informed. We are about to give them, I think, substantial change. I think they can, if it is done right, be pleased with the results. But just as great a risk, Mr. President, is that we could get in a hurry around here and pass something, think that we are deregulating, think that we are creating competition but, in fact, we accomplish neither of those two rather worthy objectives.

So I look forward to the debate. I hope that when we come back after the recess there is an opportunity for S. 652 to be brought to the floor, and I look forward to the opportunity of bringing up amendments and getting a full and open debate on this very important piece of legislation.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to have this bus sensor on the floor with me during my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHOOL BUS SAFETY

Mr. DEWINE. Mr. President, I rise today to discuss the safety of America's school children.

On February 27, Brandie Browder, an eighth grader at Ferguson Jr. High School in Beaver Creek, OH, was coming home from school. As she was getting off her schoolbus that afternoon, the drawstring around the waist of her coat got caught in the handrail of the schoolbus. The schoolbus started to move away. Brandie tried to free the coat, wrenched the coat free of the schoolbus and ran alongside the bus for approximately 50 feet. She lost her footing and fell and the bus ran over her and killed her.

Mr. President, just 4 days later in Cincinnati, a seventh grader from Roberts Paideia School was getting off her schoolbus when a similar event occurred. The bus dragged her for about 3 or 4 feet, ran over her as she tried to free herself. Fortunately, she only suffered a broken foot. She did survive. Mr. President, in both cases the bus driver was apparently totally unaware of the accident as it was happening.

I think we should point out at this point, before I go any further in what I am saying today, that schoolbuses are among the safest modes of transportation. According to the National Safety Council, there are about 400,000 schoolbuses in the United States, and they transport approximately 22 million students every single day. I think we all know and I think most experts would agree if the choices are between putting a child on a schoolbus or letting a teenager drive himself or herself, or ride with someone else, or even having the parents drive to school, most of us, most experts would say statistically the children are better off on the bus. I do not think there is any doubt about that.

Having said that, Mr. President, the sad fact remains that in the 1992–93 school year, 30 schoolchildren were killed in schoolbus accidents. Of these children, 5 were killed while riding on their bus. The other 25 were killed while in the process of getting on or off of their own bus. The year before that, the 1991–92 school year, 35 children were killed nationwide; 10 were riding on their own schoolbuses and 25 were killed while getting on or off the bus.

An average of 30 school children are killed while getting on or off their buses every single year. This is not a new problem. According to the National Safety Council, over the 10 years since 1983 a total of 445 children were killed in schoolbus accidents; 100 of these were passengers and 345 were killed while getting on or off their own bus.

Mr. President, there are many factors contributing to these accidents—many. Today I should like to discuss just three of them.

First, an investigation of these accidents reveals that an alarming number of them involve handrails on the schoolbus. When children are getting off a schoolbus, they walk down past a handrail. We have all seen them. We have all had that experience. Some of them hold on to it, others do not. But I understand that there is a small space in most schoolbuses, about an inch, between the handrail and the wall of the bus.

Picture a child coming down the steps. He or she may have a backpack, strings or straps trailing off of it. Maybe he or she is wearing a coat with drawstrings that they can use to tighten around the waste—anything, Mr. President, that is trailing off of that child, like these strings and straps, is liable to catch in that small space between the handrail and the wall of the bus.

It is easy to imagine what happens next. The child is off the bus. But part of the child's clothing is stuck in that small gap and the door closes. The bus starts moving. The child gets jerked with it and tries to pry free. We have a moving vehicle and a child swinging off of that vehicle.

That is how Brandie was killed. And since 1991, at least four other children have been killed that way.

In conclusion, Mr. President, we as parents, as members of school boards, as concerned citizens, I believe, need to make sure that these handrails are as safe as possible, that all precautions are being taken to avoid these tragedies.

A second problem, Mr. President, is the danger area around the bus. The schoolbus, of course, is a very large object. It is very difficult for other motorists to see around it. It is even difficult for the bus driver to see around it. Because of this, far too many children are killed by their very own buses. We need to explore ways to make those children visible to the schoolbus driver. There are at least two companies, maybe more in the United States, that produce sensors that can be attached to school buses to prevent accidents.

I have one, Mr. President, right here.

This works on the same basic principle as a home security system. It sends out a radio signal. If the signal detects reflected energy from a child in what is called a danger zone area, a frequency shift occurs which triggers an alarm and illuminates a red light in the cab of the bus.

This particular system covers the 10-foot by 10-foot area in front of and behind the bus, as well as the 6 by 8 areas on either side of the bus. There are other technologies that are involved.

We know though, Mr. President, no matter what technology we are talking about, that ultimately it is up to the schoolbus driver. I think what we should try to do is to assist those drivers, most of whom are great people, who do a great job every day protecting our children.

Maybe additional training is needed in some cases; maybe additional equipment on the bus. Maybe other things.

I intend, Mr. President, in the weeks ahead, to return to this issue, because I think it is an issue that we can have an impact on by publicity, by talking about it, by making people aware of the opportunities they have and all of us have to save lives.

Each one of us has a responsibility—whether we put our own child on that schoolbus every day and tell that child what to be careful about, whether we are on school boards, or parents—to make sure that school system has the latest equipment, to make sure that our good bus drivers do in fact have the training that they need.

Before coming to the floor, Mr. President, I spoke to the father of the little girl who was killed. I wanted to know whether it was all right if I came and talked about his daughter's accident. His reaction was what I expected it to be—that if we could save a life by talking about this issue, that if we could make other parents aware of it, other school boards or school systems, that we should be doing that. That is why I am on the floor today.

I will return to this issue in the future, Mr. President.

At this point, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I say to my colleague from Arkansas, I believe we are about to get an agreement. The distinguished Democrat leader is still on the telephone to one of our colleagues.

The Senator may proceed if he wishes to be recognized.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Dole amendment No. 541.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be allowed to proceed for 2 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NCAA BASKETBALL CHAMPIONSHIP GAME

Mr. BUMPERS. Mr. President, last night the citizens of my State were deeply saddened by the loss of the University of Arkansas Razorbacks to a magnificent UCLA team in the NCAA finals. But No. 2 is not all bad. We finished ahead of several hundred other NCAA mens basketball teams.

Sometimes, none of us performs to perfection or even to our maximum abilities. Last night was not a particularly good night for the Razorbacks, but that is not to diminish the magnificent game that UCLA played.

The 1995 NCAA tournament was filled with hard-fought, competitive games with exciting finishes. Just 2 weeks ago UCLA barely squeezed by Missouri. We all remember watching Tyus Edney go the length of the court and lay one up just at the buzzer to win the game. And, of course, we remember that timeout call by a youngster from Syracuse that allowed Arkansas to win in overtime. Such is the very nature of the game.

But I can tell you that all Arkansans glory in the spunk of this great, magnificent Razorback team for coming back again and again. While they will lose several players who are seniors, I have confidence that the Razorbacks will be back playing for the championship once again next year.

The University's coach, Nolan Richardson, is a very talented man. He was very gracious last night. He took full responsibility for the loss, as great men do. That resonated well with the American people, as it always does. Generosity will never lose anybody a vote. It is a mark of greatness. And

Nolan Richardson was great in his comments last evening. Youngsters all over America want to play for him. So I fully expect that he and the Razorbacks will be back again next year.

I rise just simply to say that this team, as did last year's championship team, has filled all Arkansans' hearts with pride and exhilaration. We are immensely grateful for the glory they bestowed on themselves and our beloved Arkansas.

I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I, too, would like to join my senior colleague, Senator BUMPERS, in praising the great University of Arkansas team and also in congratulating the UCLA team for a magnificent job in winning the national championship.

Mr. President, it has not been too long ago since basketball really came to the forefront in the Arkansas Razorbacks' territory. In fact, when I was a student in Fayetteville at the University of Arkansas, they almost had to force us to go over to the field house to watch the Razorbacks play basketball. Usually, those basketball games were on a Friday or a Saturday afternoon.

But then along came some great coaches and ultimately some great teams, and finally the great support of the people of our State, equaling the support now, I think, of the Razorback football team; in fact, in some cases, even surpassing it.

Last year, the Razorbacks, of course, Mr. President, were the national champions. This year, we were almost the national champions. We lost to a great team.

Last night, throughout that game, I sat and watched as the momentum shifted back and forth between UCLA and Arkansas, and between UCLA and Arkansas again. I thought of the many thousands of hours of practice, commitment, that each of those players had committed to the splendid sport in this wonderful country of ours.

Finally, Mr. President, I was taken not only by the fine comments of the coaches of both of those basketball teams—those glorious teams, I might add—I was also taken by the sportsmanship exemplified by all of the members of those basketball teams as they faced each other in a moment of true contest, in a moment of true testing of who was going to become the championship team of the United States of America.

UCLA prevailed. We congratulate them.

We say to the Razorbacks, thank you for a splendid season and thank you for making us a proud people.

I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be permitted to proceed for 2 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I congratulate our two friends and colleagues.

I join in congratulating UCLA for winning the championship, but also in paying tribute to a valiant team that had enormous success during the course of the season.

The University of Massachusetts got to the quarter finals in that particular basketball tournament. I can remember when the University of Massachusetts played Arkansas on Thanksgiving of last year. It was a very good evening at that time when Coach Calipari's team was successful. That team went along and had a superb year, and lost in a hard-fought contest.

I was inspired by the skill and the demeanor and the competitiveness of those young men, and women, as we heard yesterday, from the University of Connecticut.

BOSTON UNIVERSITY WINS NATIONAL HOCKEY CHAMPIONSHIP

Mr. KENNEDY. I will just take this moment, Mr. President, to mention that in my State last Saturday, Boston University won the national championship in hockey. It was an all-New England contest. They played against the University of Maine in a very outstanding, competitive game. Boston University represents one of our great universities and one of the great centers for hockey. New England takes hockey seriously. Other parts of the country do as well.

But I think it is important to take a moment of time, when we have been wondering about the young people of this Nation in the period of these last several days, to focus on the quality of the competitiveness, of the character, of the discipline, of the sportsmanship of real champions.

Whether it was with the UCLA and Arkansas championship last night, or whether it was the superb performance of the University of Connecticut's women's team, or whether it was Boston University and the University of Maine finals in hockey, I think all Americans ought to take some degree of satisfaction about this next generation. I think all of us who are fortunate to have those teams in our State certainly do.

Mr. President, it is a privilege to take this opportunity to congratulate Boston University's hockey team on winning the 48th annual NCAA Division I hockey championship this past Saturday in Providence, RI. With their brilliant and convincing 6–2 victory over the University of Maine Black Bears, the Terriers completed what the Boston Globe called "college hockey's sweetest triple crown"—winning the annual Beanpot Tournament in Boston, the Hockey East championship and the NCAA championship all in 1 year. The only other team in school history to win this triple crown was the Boston University team of 1972.

The Terriers completed the season with a record of 31–6–3 overall, the second most wins by a BU hockey team. The team was anchored by the presence of 14 natives of Massachusetts, including Mike Grier of Holliston, an African American and First Team All-American who is a role model for hockey fans in Massachusetts and throughout the United States.

For BU, this victory marked their 4th NCAA Division I championship, having won previously in 1971, 1972, and 1978. They have appeared in the Final Four a total of eight times. In their 74 years of competition, they have an overall record of 1046–607–68, for an extraordinary.628 percentage. Under the inspired leadership of Coach Jack Parker, who graduated from the university in 1968, the Terriers have amassed a 491–241–37 record in his 22 years as coach, along with two national championships.

It is a great tribute to Coach Parker and the rest of the Terriers that they were able to come back from a difficult loss in last year's tournament to win this year's championship in such a convincing fashion. I commend them for their impressive victory, and I ask unanimous consent that the team roster and articles from the Boston Globe on Sunday may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1994–95 BOSTON UNIVERSITY HOCKEY ROSTER

No. and name	Cl	Pos	Hgt	Wgt	Hometown
1. Shawn Ferullo*	So	G	5-8	158	Lynnfield, MA.
2. Kaj Linna ***	Sr	D	6-2	210	Helsinki, FIN.
3. Chris O'Sullivan*	So	D	6-3	199	Dorchester, MA.
4. Chris Kelleher	Fr	D	6-1	214	Belmont, MA.
5. Doug Wood**	Jr	D	6-1	200	Sudbury, MA.
7. Rich Brennan***	Sr	D	6-2	200	Guilderland, NY.
8. Bill Pierce*	So	W	6-1	195	Burlington, MA.
9. Shawn Bates	So	C	6-0	183	Medford, MA.
11. Bob Lachance**	Jr	W	5-11	183	Bristol, CT.
12. Mike Grier*	So	W	6-0	242	Holliston, MA.
14. John Hynes	Fr	W	5-9	168	Warwick, RI.
15. Mike Sylvia	Fr	W	5-10	170	Newton, MA.
16. Ken Rausch***	Sr	W	6-0	189	Danbury, CT.
17. Jay Pandolfo**	Jr	W	6-0	197	Burlington, MA.
18. Chris Drury	Fr	F	5-10	184	Trumbull, CT.
19. Steve Thornton***	Sr	C	5-11	179	Gloucester, ONT.
20. Jeff Kealty	Fr	D	6-4	190	Framingham, MA.
21. Mike Prendergast***	Sr	W	5-9	182	South Boston, MA.
22. Matt Wright*	So	W	6-1	180	Belmont, MA.
24. Jacques Joubert**	Sr	C	6-2	201	South Bend, IN.
26. Jon Coleman*	So	D	6-0	192	Canton, MA.
27. Shane Johnson*	So	D	5-10	185	Brandon, MAN.
29. J.P. McKersie***	Sr	G	6-1	206	Madison, WI.
30. Tom Noble	Fr	G	5-10	153	Hanover, MA.

1994–95 BOSTON UNIVERSITY HOCKEY ROSTER—Continued

No. and name	Cl	Pos	Hgt	Wgt	Hometown
35. Derek Herlofsky***	Sr	G	5-10	173	Minneapolis, MN.

*Indicates number of letters won.

Note: Head Coach: Jack Parker; Assistants: Blase MacDonald, Mike Enizione, Bill Berglund; Captain: Jacques Joubert; Assistant Captains: Rich Brennan, Derek Heriofsky.

BOSTON UNIVERSITY

No. and name	Pos.	G	A	Pts.
1. Shawn Ferullo	G	0	0	0
2. Kaj Linna	D	7	19	26
3. Chris O'Sullivan	D	21	33	54
4. Chris Kelleher	D	3	17	20
5. Doug Wood	D	6	11	17
7. Rich Brennan	D	5	22	27
8. Bill Pierce	W	5	13	18
9. Shawn Bates	C	18	11	29
11. Bob Lachance	W	11	29	40
12. Mike Grier	W	29	24	53
14. John Hynes	W	0	0	0
15. Mike Sylvia	W	9	9	18
16. Ken Rausch	W	12	12	24
17. Jay Pandolfo	W	7	12	19
18. Chris Drury	F	12	15	27
19. Steve Thornton	C	16	22	38
20. Jeff Kealty	D	0	5	5
21. Mike Prendergast	W	17	21	38
22. Matt Wright	W	7	9	16
24. Jacques Joubert	C	28	23	51
26. Jon Coleman	D	5	23	28
27. Shane Johnson	D	0	6	6
29. J.P. McKersie	G	0	0	0
30. Tom Noble	G	0	2	2
35. Derek Herlofsky	G	0	3	3

[From the Boston Globe, Apr. 2, 1995]

TERRIERS ARE ONCE AGAIN TOP DOGS—BU THUMPS MAINE, WINS HOCKEY CROWN

(By Joe Concannon)

PROVIDENCE.—They'd been to the doorstep twice in this decade and experienced a wide range of hockey emotions. They'd lost a turbulent 8–7 game in triple overtime to Northern Michigan four years ago, then they'd been blown out by Lake Superior State, 9–1, last year, both games in St. Paul. This time the Green Line team out of a rink on a deadend street in Allston took the limo all the way to the top.

Boston University, picked as the nation's No. 1 team in October, blew away Maine, 6–2, in the championship game of the 48th NCAA tournament yesterday at the Civic Center, the same building where the Terriers won their last national crown 17 years ago. They also completed college hockey's sweetest triple crown by winning the Beanpot, Hockey East and the NCAA title in the same season.

The only team to accomplish that was the 1972 BU team led by Ron Anderson, Toot Cahoon, Jake Danby, Steve Dolloff, Ric Jordan, Bob Brown and goaltenders Dan Brady and Tim Regan. The 1995 champions feature goaltenders Derek Herlofsky and yesterday's hero, freshman Tom Noble, and goal scorers Chris O'Sullivan, Jacques Joubert, Steve Thornton, Bob Lachance and Mike Sylvia.

"I found out about 5 past 9 [yesterday morning] I was starting," Noble, who made 21 saves, said. "I've played big games before [at Catholic Memorial] but this is the biggest game I've ever played. It's been a dream of mine to play in a national championship game."

This was the fourth NCAA championship for the Terriers in eight Final Four appearances. The previous three came in 1971, 1972 and 1978. This year's Terriers, who finished 31–6–3, won two Beanpot games by four goals and their three NCAA tournament games by the same margin. Doesn't that say it all?

"When it was 3–1 and 3–2 at the start of the third was when our senior class and our goaltender took over," said BU coach Jack Parker. "We had another big goal by Shawn Bates and the momentum started to swing.

"People asked if the kids were uptight. This group didn't play well uptight. We beat three of the top hockey teams in this tournament when we beat Lake Superior, Minnesota and Maine, and after last year we had the opportunity to get back. The entire season was treading water waiting to get back to this tournament."

The Black Bears (31–6–6), who were picked fourth in the Hockey East preseason poll, held a 2–0–2 edge over BU this season, but the teams last met Dec. 3, in Orono. There was a wide edge in quickness for the Terriers yesterday, in part perhaps because of Maine's draining 4–3 triple-overtime victory over Michigan in Thursday's semifinals.

Even though the Terriers were riddled by penalties, they showed their mettle, even when their 3–0 lead slipped to 3–2. Bates got the third-period explosion going when he slid a pass to Sylvia, who made it 4–2 at 5:23. O'Sullivan jammed the puck in at the 8:30 mark for a 5–2 lead and Lachance's shorthanded goal at 18:47 was the icing on this glorious cake.

The Terriers scored three powerplay goals and drew 10 penalties, four on interference calls in front of the net, so their special teams were a key. "They moved the puck and handled our pressure," said Maine coach Shawn Walsh. "We couldn't get up to the puck. Down low their two defensemen outworked our three forwards. They have a terrific defense and they showed it today. They got the fourth goal and it put a stake through our heart."

The Terriers started tentatively, but part of that was attributable to the Black Bears, who took it to BU on the boards and bumped the Terriers off the puck. BU had just two shots on goal in the first 10 minutes. This was a trifle haunting, since the Terriers didn't get a shot on goal in the first 10 minutes a year ago in the crushing loss to Lake Superior State.

After killing off two power plays, the Terriers got their first chance with the man advantage when Brad Mahoney left for roughing at 13:50. Thornton asserted himself on a faceoff, winning it, following it in and roofing a shot over Maine goalie Blair Allison to stake the Terriers to a 1–0 lead at 14:57 of the opening period.

The game's first big defensive play kept Maine from answering. Wayne Conlan unloaded a shot that trickled away from Noble and wound up casually behind him in the crease. Lachance swept behind his goaltender and fired the puck out of trouble before one of the Black Bears could get to it.

The tables were tipped slightly in the second period when it was the Black Bears who were denied quality scoring opportunities and the Terriers streaked to a 3–0 lead. Maine didn't get a shot off on an early power play and the Terriers seized a 2–0 lead when O'Sullivan swept into the right post and put in Thornton's rebound at 7:27.

Less than two minutes later, Joubert followed up his own rebound to convert on a power play set up by Kaj Linna and Mike Prendergast, making it 3–0 at 9:15. Maine cut it to 3–1 when Tim Lovell flew in to convert Jamie Thompson's pass on a two-on-one break, beating Noble at 14:51.

As time was running out in the second period, the Black Bears had a two-man advantage following penalties to Shane Johnson (interference, 18:20) and Linna (slashing, 19:44), but Thornton won the initial faceoff from Dan Shermerhorn and the Terriers left with a shaky 3–1 lead and 20 seconds of the two-man-down situation still to fend off. The first penalty had expired when Trevor Roenick got Maine within 3–2 31 seconds into the third, but it was all BU after that.

BELIEVE IT OR NOT, BOSTON BACK IN WINNER'S CIRCLE

(By Kevin Paul DuPont)

PROVIDENCE—Not every floor has a trap door. The pie at the buffet table isn't always there to be tossed in your face. That big oak tree that shades your house and keeps it nice and cool in the summer doesn't have to come crashing through the roof in the middle of a winter storm.

Good things can happen to a Boston team. The city that hasn't had much to celebrate since the Celtics won the NBA championship in 1986 now has the Boston University hockey team to cheer all the way down Commonwealth Avenue. (Note: this column will not self-destruct upon your reading the last paragraph.)

Boston is a winner. It's OK. You can close your eyes, click your ruby slippers, and all the good of yesterday won't vanish before your eyes. Boston is a winner.

Perhaps bigger news in the '90s: upon leaving the Civic Center last night, no one had asked a state or federal agency to launch an investigation and no one was looking to tell his/her side of the story to "Hard Copy" for an extra $50. No one asked the official scorer to come to the side bar.

It was like the old days: one team won, one team lost, and no doubt a few kegs got uncorked in dorms from Kenmore Square, right on up to West Campus.

"This is the greatest team because it's happened right now," said BU coach Jack Parker, following his Terrier's 6–2 rubout of the Maine Black Bears in yesterday's NCAA final. But don't tell that to Mike Eruzione or Jack O'Callahan. They played on some pretty good teams, too.

"This team is one in a great line. And it's nice to be on that line."

Parker was one shivering slice of life in the minutes that followed his second national championship (fourth overall for BU). While he stood at center ice and answered all the questions for ESPN, goaltender Derek Herlofsky and partner-in-crime Rich Brennan conspired in giving Parker an icy shower. Over came the orange tub, hoisted high, and Parker was as wet as if he'd been tossed into the Charles.

"I feel old," said the shaking Parker, his shirt and pants clinging to his wiry body. "But I felt old before this started."

Winning the NCAA hockey championship doesn't capture America's heart and soul, or the TV lens, the way an NCAA basketball championship can. The US is built for roundball. President Clinton didn't interrupt his afternoon at Pennsylvania Avenue to call Jack Parker and his good ol' boys from Route 128 to congratulate them.

But no one expects that, especially at BU, a campus of diverse interests with hockey just a small part of a cosmopolitan landscape. When the BU hockey team packed its bags for the trip down here on Wednesday, there was no band playing on Babcock Street, no booster club sending the boys off with a fond fairwell.

"Really, it was very quiet," said the Terriers' longtime sports information director, Ed Carpenter. "Just a bunch of college kids taking care of business."

"Maine actually has a more avid hockey following. Understandable. It's watch hockey or get back to the lumberjack matchups.

Shawn Walsh's team also came here hoping to take care of business. After falling behind, 3-0, the Black Bears closed within a goal on strikes by Tim Lovell and Trevor Roenick.

But Maine showed the fatigue of Thursday's triple-overtime win over Michigan. Forty-eight hours didn't give the Black Bears enough time to recover. Tired legs and shortcomings on defense brought them up short.

"Short shifts," read the message board in the Maine dressing room. "Short passes, Stop and start." In other words, economize, don't get into a pass-and-shoot game with a BU team that had rattled off nine straight wins. Don't trade punches with a club that won the Beanpot and the Hockey East title. In the end, it was a breakdown, a pass picked off, that buried the Bears. Bruins prospect Shawn Bates broke over the line on a two-on-one, dished right to Milk Sylvia, and BU had a 4-2 lead with 5:23 gone in the third.

"A killer," said Walsh. "It was like someone put a stake right through our heart."

The BU dressing room was surprisingly low key. Mike Grier (how come no one calls him Big Country?) packed his red-and-white bag and slung it over his shoulder on his way to catch the bus. One by one, his teammates followed, quietly, smiling on cue when asked how it felt to be the greatest college hockey team in the USA.

"Feels great," said Grier, "I don't think I can describe yet how it feels, but it feels great."

"I'm tired," said Bates, slumping in a chair for a TV interviews. "This is great. This is everything we wanted."

Be careful today if you drive by the BU bridge. Ease off the pedal some if you pass the dorms around 700 Comm. Ave, or the cozy apartments along Bay State Road. The partying promised to be long and hard. Red eyes and slow steps will be the order of the day.

Boston has a champion this morning. We know it often doesn't get better than that.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I think we are still awaiting one phone call before, hopefully, we can reach an agreement. I do not want to miss this opportunity to talk about the University of Kansas Jayhawks. [Laughter.]

Mr. BUMPERS. The majority leader will be proud in knowing that I actually picked Kansas to be in the final four in the office pool.

Mr. DOLE. So did I. [Laughter.]

But I think it is fair to say I certainly agree with the comments made by both Senators from Arkansas. It is an outstanding team, outstanding coach. Senator PRYOR indicated the momentum did go back and forth. It was tied, two behind, one ahead. It was one exciting game.

I know it is a lot more fun winning. We have all experienced that from time to time. But I do think it says a lot about the coaches, a lot about the fans, primarily a lot about the young men who were involved in not only the Final Four but the Sweet 16, the whole group. They have all done an outstanding job. I know we are all proud of our respective teams.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, the Senator from Ohio wants to make what looks like an address to me. Will the Senator from Ohio have any objection if we reach an agreement we can interrupt to get the agreement?

Mr. GLENN. I just want to submit a bill and give a speech. I can stop in the middle.

Mr. DOLE. Why do you not go ahead.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the introduction of S. 669 and S. 670 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. Mr. President, speaking of protections that should be given to people—in fact, last Tuesday, 1 week ago, I introduced the Bank Customer Confidentiality and Protection Act of 1995, which became S. 663.

This legislation was crafted to address problems in the area of bank sales of uninsured products, such as mutual funds identified during an investigation conducted by my staff on the U.S. Special Committee on Aging.

After hearing the stories of numerous older Americans specifically, who claim they did not know what they were buying when they purchased an uninsured product through their bank and then lost much of their life savings, I am today convinced that more stringent protections are needed to ensure that financially inexperienced bank customers fully understand what they are buying when they invest in uninsured accounts.

Mr. President, I have a series of stories today. I am trying to put human faces and human concerns together with statistics. This is a letter I received on November 11, 1994. Let us just call our friend who wrote me "Dick." This legislation today is intended to help financially inexperienced bank customers such as this man, a 64-year-old retired priest and a Vietnam veteran.

By last year, Dick had saved $3,000 for a cruise that he wanted to take 2 years in the future when he retired. In fact, I believe in his letter he states that he wants to take this cruise sometime in late 1995. He had always put his money in savings accounts and in CD's at this particular bank. He had never invested before in a mutual fund or in any other uninsured product. After all, he is a former priest and he never had a lot of money laying around.

When he went into his bank he told the worker there that he wanted to put his money in a safe account. They did the opposite. They put this man's money in an uninsured bond fund that lost hundreds of dollars by the end of the year. Dick told our staff that had he known this was an uninsured product, he would never have given the bank this money. Now he may not ever be able to go on that cruise that he had dreamed of.

Now I want to tell you, Mr. President, how this man and other inexperienced older customers ended up buying uninsured products. We say, How could that happen? How could any individual be led to buy a product that was uninsured?

The truth is that some banks have elaborate sales systems set up to sell securities such as mutual funds to any customer who will buy them. They have other types of funds.

Let me show you how these particular uninsured products, and the sales systems, work at some of our banks. Perhaps it is the bank that the Presiding Officer banks with. Perhaps it is the bank that I bank with.

Our customer case is Mrs. Jones. This is a true case of a 77-year-old widow who never put her money in anything but insured products like CD's. Our other cast members include Sally, who is Mrs. Jones' teller of many years in the bank where she banked. The cast of characters also includes David, a broker who was with the bank's brokerage subsidiary.

Teller No. 12 is Sally. She has identified a customer, Mrs. Jones, with a high amount of CD's coming due who, "came in today and wasn't sure what she would do with her money." She tells the broker about Mrs. Jones having these CD's coming due. Sally, the teller, is so excited because she gets a commission on referrals to the bank's brokerage arm. So Sally prints out a copy of Mrs. Jones' account history.

There is Mrs. Jones' account history. She sends it over to David across the hall, one of the brokers working at her branch. If Sally makes more referrals than her coworkers, she could win a prize, even a trip to Las Vegas.

Mrs. Jones is not the only bank customer whose records are shared with brokers without the customer's explicit knowledge and consent. In fact, my staff has seen proof that this practice is very widespread. For example, our staff has seen evidence that brokers have access to the banking records of a very, very high ranking U.S. Government official and those of a famous actor, which have been shared with many other people.

Until we started this investigation I had never heard of blitz night.

Some banks hold contests to see which of their tellers and customer service representatives can get the most bank customers into the bank to talk to a securities salesperson. Depository institution employees, who are winners of the blitz telephone calling contest, can now win unimaginable wealth.

Sally the teller, for example, participates in blitz night. Mrs. Jones, the 77-year-old bank customer, is contacted during one of these contests.

This basically spells it out for the bank employees, advertising: Blitz night, unimaginable wealth, fabulous prizes—for what? For making referrals to the bank's own broker who would then try to lure from CD accounts, Mrs. Jones and her type, to put their funds in uninsured funding properties.

When Sally the teller calls Mrs. Jones, Sally tells Mrs. Jones that she is calling from her branch bank, from Mrs. Jones' bank for many years. They know each other. So, from the start, Mrs. Jones associates the uninsured products that she will hear about later with what she knows about her depository institution. Such is the fact that she feels secure taking the advice from the people who work there, and the fact that she never has lost any money there in this bank in the past. Since it is somebody at her depository institution or her bank calling, Mrs. Jones figured that she would make an appointment as Sally suggests.

Now we are going to demonstrate how some of the brokers who are associated with the banks are trained to operate. In a moment I will show a document related to one bank's training program for brokers. First let me make a few important points about the documents. The following bank uninsured product sales system charts are an enlargement of selected pages from one large bank's training manual, used to train bank-based brokers as recently as last year. This is not something that was going on 10 or 20 or 30 years ago. It went on as recently as last year. And, Mr. President, it is going on this year.

Not all banks that sell securities did or do use this sort of training manual. However, our investigations suggest that more than a few banks use similar sales techniques. These charts that we will see represent just one example of how some banks have sales systems that, while not illegal necessarily, do tend to contribute to customer confusion. These training manuals are for the bank's internal purposes only and they are not ever seen by the public. They are not ever seen by Mrs. Jones, the potential customer. Thus, what the broker actually tells each customer varies from customer to customer.

Some representatives of the banking community have pointed out to me that, despite what a customer is told by a broker, all customers are required to sign a written disclosure form when they purchase an uninsured product. However as I explained in the statement I made on the floor last Tuesday, these written disclosure forms commonly do not help financially inexperienced customers fully understand what they are purchasing.

When Mrs. Jones comes into the bank in a few days and talks to somebody about getting higher rates on her money, there are things that cause Mrs. Jones to not totally understand the distinction between the depository institution and the brokerage business which might be just a few steps away.

These things which confuse Mrs. Jones include:

The bank has an FDIC emblem on the bank's doors.

The location of the broker's desk was near where Mrs. Jones had opened her CD account just last year.

The use of the bank's name and the bank's logo on the uninsured product's marketing material.

And, perhaps most importantly, Mr. President, what the broker tells Mrs. Jones about her investment.

This is a "person commercial" we see here, presented by Mrs. Jones' new broker named David. It makes it sound as if the only difference between the bank's brokerage business and the bank's depository business is some separation on paper for "tax reasons."

Another thing I would like to point out is that the broker tells Mrs. Jones that his "recommendations are on the best approaches available to investors today." However, in this particular case, David, the broker, receives a higher commission—this is very important—if he recommends one of the bank's inhouse mutual funds that are not insured by the Federal Government. This means that David has the incentive to push the bank's product regardless of its suitability for Mrs. Jones.

Let us talk about how the broker and the bank sometimes downplay the fact that the broker's products are not backed by the FDIC. Let us take Mrs. Jones once again. She is in ill health. She is 77. She is a widow. She knows that she is going to need that money eventually. So she asks the securities salesperson whether the investment he is offering—mutual funds, in this case —is insured by the FDIC. To Mrs. Jones, the FDIC seal that she saw in the bank is analogous to a "Good Housekeeping Seal of Approval."

This particular chart shows us what the broker, David, was trained to tell her. David does not tell her that the investment product is not insured by the FDIC, it is not insured by anything else, or that she could lose all of her money.

These are his talking points about which he is talking on the phone or in person with a potential customer like Mrs. Jones.

For example, he says, "With this investment, you can earn $10,000 more in income over the next 5 years. This will go a long way toward providing you with a more comfortable retirement. Don't you agree?"

Then the next thing that he is instructed to ask, from instructions in his private book from the bank: "Ask for the order!" Once the order is given, and it is not FDIC insured, then a commission—a handsome commission, I might say—is paid to the broker and to the teller who made the reference of Mrs. Jones' case or her interest to buy some additional securities to the broker.

How do you change the mind, or how are these brokers and personnel taught to change the mind of a customer who only wants to purchase a CD? Even though she may now think that the uninsured mutual fund is backed by the FDIC, Mrs. Jones becomes wary and she tells the broker, David, "I am not interested in anything but CD's."

Then the broker might say—once again, this is the sales system supplied by the bank and used by the broker to get money from CD's through the bank's own financial product, in this case, uninsured mutual funds—"If we could show you the way to cut your taxes hundreds or thousands of dollars a year, would you have some interest in learning more?" These are the "three dynamite questions" right here below that the broker is instructed to utilize in luring this poor widow woman's funds from CD's into uninsured funds. We see that it sounds pretty good to someone who might be on a fixed income with no other person to advise her.

Now, it is not over. David keeps plugging away. The broker keeps plugging away. What he recommends that this lady buy is not some fund that is insured by the U.S. Government. But now the bank has contrived a new name for a new fund for people just like this. Guess what the name of that fund is, Mr. President? It is called "U.S. Government Fund." And it says, "This is a mutual fund portfolio of securities issued by the United States Government and its agencies. The U.S. Government Fund currently pays a dividend of [blank] percent," and it goes on explaining the U.S. Government Fund, which in no way is tied to, in no way is an entity of, or in no way is insured by the Government of the United States.

Mr. President, it is a fraud, and it is wrong, and we must now do something about it.

Look at the number of times that the "United States" and "U.S." is mentioned on this particular chart. While the customer might not ever see this document, it is clear that the brokers are encouraged with their instruction sheets to frequently mention the "United States" and the "United States Fund."

Now, Mr. President, we come to the point where the broker has to make his sale. The pressure is mounting. The customer is confused. And this chart shows that Mrs. Jones agrees to buy into the bank's proprietary "U.S. Government Bond Fund." Once again, it is not insured, not a Government fund, but only named the "U.S. Government Bond Fund."

Mrs. Jones may have been convinced that the product was right for her, or she may be just deferring to David, who is part of the institution that she trusts so much, her bank, with the FDIC seal in the window. While Mrs. Jones is going to be asked to sign a disclosure form, this may not and probably will not help her realize that this product is probably not the right product for her.

More than a few financially inexperienced bank customers have told our committee staff that when they looked over the disclosure forms, they did not understand what they read. These customers typically would then ask the investment sales people to interpret the forms for them. In these cases, the sales people told their customers that the documents were just a "formality" to open the account, or that the form simply was stating what the sales people had told the customers.

It is not hard to identify the problem because the problem is, in some cases, the brokers have made misleading, false statements about the nature of the uninsured products when they describe them, such as, "This is as safe as the money in your pocket, and you will only lose money if the Federal Government goes bankrupt," or, "It is backed by something better than the FDIC."

Finally, the legislation that I introduced last Tuesday, which was crafted after numerous meetings with industry and consumer groups, would provide needed consumer protections for financially inexperienced customers. This legislation would provide protections to financially inexperienced bank customers by, one, full and clear disclosure about the risks associated with uninsured products; by establishing limits to compensation that institution employees receive for making referrals to securities sales people. Remember the case of Sally, Mr. President, our bank teller who got a nice commission by referring Mrs. Jones' private banking records and situation to a broker across the aisle from her; and to establish guidelines for uninsured products and promotional materials; common sense physical separation of deposit and nondeposit sales products would be another area of this legislation; and fifth, Mr. President, we would end in my legislation the practice of sharing bank customers' personal financial information without the customer's explicit consent; and finally, Mr. President, we would increase the coordination of securities enforcement activities between the Federal banking agencies and the Securities and Exchange Commission.

I am very hopeful that this will begin a dialog in which we will find as an end result a cure for this particular problem that we are addressing today in the Senate. It is a problem, we think, of severe magnitude. It is a problem which has not risen to the height of many of the concerns we have expressed here in recent months, but we do think this is a concern which should be addressed and should be one of protections that we should ensure for those potential customers of uninsured bank products such as mutual funds and certain bond funds that are uninsured.

Finally, Mr. President, if we do it for no other category of our population, let us do it for those individuals like Mrs. Jones, that 77-year-old widow who has no one to lean on, no advice, no adviser, and truly finds herself in the grips of, in my opinion, unethical salespersons, unethical brokers, and people who are interested only in making certain that they receive a nice fat commission in selling Mrs. Jones uninsured bank products which truly may wipe out all of her assets.

Mr. President, I see no other speakers or Senators seeking the floor. I wish to thank the Chair, and at this time I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GAO REPORT AND THE NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION

Ms. MOSELEY-BRAUN. Mr. President, I rise today to present the results of the second in a series of five very important studies being conducted by the General Accounting Office on the condition of America's schools and to announce the creation of the National Education Technology Funding Corporation.

I first became aware of the problems facing our Nation's education infrastructure while serving in the Illinois House of Representatives. Throughout my 10 years in office, I visited school districts across the State and witnessed the deteriorating condition of public school facilities in both rural and urban districts alike.

Yet, it was not until I began working on education legislation in the U.S. Senate that I learned that the Federal Government had not collected data on the condition of our Nation's public school facilities since 1965.

GAO REQUEST

Knowing that my efforts to improve our Nation's education infrastructure would be limited by insufficient data, I sent a letter to the General Accounting Office last year, which was cosigned by Senators KENNEDY, PELL, SIMON, and WELLSTONE, requesting a comprehensive, nationwide study on the condition of our Nation's public school facilities.

In responding to my request, the General Accounting Office surveyed a random sample of our Nation's 15,000 school districts and 80,000 public schools from April to December 1994. GAO staff members also visited 41 schools in 10 school districts across the country to supplement their quantitative data with personal observations. Based on responses from 78 percent of the schools sampled, GAO began preparing five separate reports on the condition of our Nation's public schools.

FIRST GAO REPORT

The first GAO report, which was released on February 1, 1995, examined the education infrastructure needs of our Nation's public elementary and secondary schools. As expected, this report made clear what most of us already knew; that our schools are deteriorating and we need to fix them.

The GAO report concluded that our Nation's public schools need $112 billion to restore their facilities to good overall conditions; that is to say, without code violations and the like. This was not decorating issues—good overall conditions.

Of this amount, the GAO found that public schools needed $11 billion just to meet the Federal requirements—including $6 billion to make all programs accessible to all students and $5 billion to correct or remove hazardous substances.

And so the first report focused in on the basic facility infrastructure needs and reached the conclusion that we needed $112 billion just to get our schools up to code, removed of health and safety violations and threats to the students.

SECOND GAO REPORT

The second GAO report, which was released today, focuses on our Nation's education technology infrastructure needs. Once again, this report concludes that our Nation's public schools are not designed or sufficiently equipped to prepare our children for the 21st century. And that is actually the name of it: "School Facilities: America's Schools Not Designed or Equipped for the 21st Century." It is a pretty devastating title for the report itself, and this was a serious study that was done by the GAO.

More specifically, the GAO report found that more than half of our Nation's public schools lack six or more of the technology elements necessary to reform the way teachers teach and students learn including: computers; printers; modems; cable TV; laser disc players; VCR's; and TV's.

In fact, the GAO report found that even more of our Nation's schools do not have the education technology infrastructure necessary to support these important audio, video, and data systems. For example, this report concludes that: 34.6 percent of schools lack sufficient electrical power for computers; 46.1 percent lack sufficient electrical wiring; 51.8 percent lack sufficient computer networks; 60.6 percent lack sufficient conduits and raceways; 86.8 percent lack fiber-optic cable; 61.2 percent lack sufficient phone lines for instructional use; and 55.5 percent lack sufficient phone lines for computer modems.

Mr. President, the General Accounting Office further examined these national statistics and confirmed our worst fears: that the availability of education technology in our Nation's public schools is directly correlated with community type, the percentage of minority students, and the percentage of economically disadvantaged students.

In other words, the GAO report found that although our Nation's education technology needs are great in both rural and urban school districts, urban schools have greater education technology needs in every category. It also found that the education technology needs in our Nation's schools increase in every category as the percentages of minority students and students receiving free or reduced lunches increase.

Mr. President, these results are simply unacceptable. There is absolutely no reason why, in 1995, all of our Nation's children should not have access to the best education technology resources in the world.

I point out that as between urban and rural, this issue affects rural school districts as much as it does urban school districts. The children in rural communities are denied access to the sources of information, the data, the resources that are out there for them to improve their opportunities for education, as well as children in urban areas where there is a greater concentration of students.

As you know, we are in a new era in economic competition. All over the world, barriers to trade between nations are falling. We are witnessing the development of a truly global marketplace. I believe that America can lead the way in this marketplace. But if we are to succeed, if we are to retain our competitiveness into the 21st century, there must be a renewed commitment to education in this country.

If there is any objective that should command complete American consensus, it is ensuring that every American has the chance to succeed—and that, in the final analysis, is what education is all about. No issue is more critical to our country. And no issue is more important to me. Nothing makes a bigger difference in a person's life than opening opportunities. Certainly nothing has made a bigger difference in my life.

It is vital to the interest of our Nation that we maintain quality public education for everyone. Education is not just a private benefit but a public good as well. It is the cornerstone of a healthy democracy and, as a society, we all benefit from a well-educated citizenry. It is the means by which we prepare our children to succeed—to make a living, to participate in the community, to enjoy the arts, and to understand the technology that has reshaped our workplace and, indeed, to compete in this global economy.

Without a strong education system in this country, our young people will not be prepared and will not be able to hold their own in competition with the other communities in the world, which devote a greater proportion of their resources to the education of their children and the preparedness of their work force.

TECHNOLOGY

Nonetheless, it will be difficult if not impossible for us to prepare our children to compete in the emerging global economy through the current educational system. In order to prepare American students to compete with their foreign counterparts, systemic school reform must occur. Systemic school reform means taking into account and addressing all aspects of the educational system.

Mr. President, the increased competition created by the emerging global economy requires teachers and students to transform their traditional roles in many ways. It requires teachers to act as facilitators in the classroom, guiding student learning rather than prescribing it. It also requires students to construct their own knowledge, based on information and data they manipulate themselves.

Technolgoy can help teachers and their students successfully play the new roles that are being required of them. Technology can help teachers report and chart student progress on a more individualized basis. It can also allow them to use resources from across the globe or across the street, for that matter, to create different learning environments for their students without ever leaving the classroom.

On the other hand, technology can allow students to access the vast array of material available electronically and to engage in the analysis of real world problems and questions.

CENTENNIAL HIGH SCHOOL

Mr. President, by way of example, advanced chemistry students at Centennial High School in Champaign, IL, are currently taking advantage of the benefits associated with education technology.

Here is one of the deans of education on the floor, Mr. President, Senator PELL. Of course, his name is so well associated with education. I had someone say to me, "Senator PELL made it possible for me to go to college," because of Pell grants, and I thought that was one of the finest compliments that could ever be given to an individual.

Mr. PELL. Thank you very much.

Ms. MOSELEY-BRAUN. To continue, Mr. President, through an innovative partnership with the National Center for Supercomputing Applications, these students are developing experiments that allow them to move parts of molecules on their computer screens in response to their own computer commands. In one type of simulation, students watch the orbitals of models in reaction to imposed actions. Another type of simulation demonstrates the ionization of atoms—how the size of atoms changes when ions are added or subtracted. That is precisely the kind of education that we want to make available to every child in America. It is the challenge of the education infrastructure that I think we have to meet in order to do so.

LOCAL PROPERTY TAXES

Mr. President, we are failing to provide all of our Nation's children with education technology resources like those being provided at Centennial High School because the American system of public education has forced local school districts to maintain our Nation's education infrastructure with local property taxes.

For a long time, local school boards were able to meet that responsibility. However, the ability of local school boards to continue to meet that responsibility has steadily declined.

Local property taxes are now all too often an inadequate source of funding for public education. What is even worse is that this financing mechanism makes the quality of public education all too dependent on local property wealth.

As a result, the second GAO report found that, on average, only 8 percent of local school bonds was spent on computers and telecommunications equipment. That is, for the average $6.5 million bond, only $155,000 or 2 percent was provided for the purchase of computers and only $381,100 or 6 percent for the purchase of telecommunications equipment.

Nonetheless, most States, including my own of Illinois, continue to force local school districts to rely increasingly on local property taxes for public education, in general, and for education technology projects, in particular. In Illinois, for example, the local share of public education funding increased from 48 percent during the 1980–81 school year to 58 percent during 1992–93 school year, while the State share fell from 43 to 34 during this same period of time.

I believe the Federal Government must also, frankly, accept a share of the blame for failing to provide our Nation's children with environments conducive to learning. The Federal Government's share of public education funding has fallen from 9.1 percent during the 1980–81 school year to 5.6 percent during the 1993–94 school year.

GOALS 2000

Mr. President, Congress passed the Goals 2000: Educate America Act which President Clinton signed into law on March 31, 1994. I supported this legislation because it promises to create a coherent, national framework for education reform founded on the national education goals—including the seventh national education goal which promotes parental involvement at all grade levels.

Nonetheless, I firmly believe that it is inherently unfair to expect our children to meet national performance standards if they do not have an equal opportunity to learn.

If they are denied equal access and equal facilities, then they will have a very difficult time meeting and supporting national expectations and standards.

EDUCATION INFRASTRUCTURE ACT

That is why, last year, I introduced the Education Infrastructure Act. That legislation addresses the problems highlighted in the first GAO report by helping local school districts ensure the health and safety of students through the repair, alteration, renovation, and construction of school facilities.

More specifically, that legislation authorizes the Secretary of Education to make grants to local school districts with at least a 15-percent child poverty rate and urgent repair, renovation, alteration, or construction needs. Clearly, with the needs being so great, we had to come up with a formula that will now begin to address the problem. But at least we will give a start in that direction.

The legislation which will be introduced shortly, in keeping with the second report regarding technology infrastructure, takes a slightly different tack. John Danforth—I know the Presiding Officer was familiar with former Senator Danforth from Missouri—Jim Murray, past president of Fannie Mae, and Dr. Mary Hatwood Futrell, past president of the National Education Association, joined forces today to address the problem highlighted in the second GAO report.

These three leaders in the area of education and finance came together today to establish the National Education Technology Funding Corp., as a private, nonprofit organization, dedicated to improving our Nation's education technology infrastructure.

The National Education Association, the National School Board Association, the American Library Association, and I strongly support this effort to link public schools and public libraries to the information superhighway. As outlined in its articles of incorporation—incorporated today in the District of Columbia—the National Education Technology Funding Corp. is specifically designed to, first, leverage resources and stimulate private investment in education technology infrastructure; second, provide loans, grants, and other forms of assistance to State education technology agencies, with due regard for providing a fair balance among types of school districts and public libraries assisted and the disparate needs of such school districts; third, encourage the development of education telecommunications and information technologies through public-private ventures, by serving as a clearinghouse for information on new education technologies, and by providing technical assistance; fourth, to establish criteria to encourage the States to create, maintain, utilize and upgrade interactive high-capacity networks capable of providing audio, visual, and data communications for elementary schools, secondary schools, and public libraries; to distribute resources to assure equitable aid to all elementary and secondary schools in the State and achieve universal access to network technology; and finally, to upgrade the delivery of instruction to students.

Mr. President, former Senator Danforth, Mr. Murray, and Mrs. Hatwood Futrell created the National Education Technology Funding Corp. because they recognized that States and local school districts need help financing education technology equipment and infrastructure improvements.

They also recognize the need for both public and private investments in our Nation's education technology infrastructure. That is why their corporation will be operated by a board of directors which will include five members representative of public schools and public libraries; five representatives of the State education agencies; and five members representative of the private sector.

INFORMATION SUPERHIGHWAY

Mr. President, President Clinton and Vice President GORE have also taken leadership roles in addressing our Nation's technology infrastructure needs. On the 15th of September, 1993, the information infrastructure task force created by the Vice President released its report, entitled "National Information Infrastructure: Agenda for Action."

That report identified nine principles for Government action to promote the information superhighway—the metaphor used to describe the evolving technology infrastructure that will link homes, businesses, schools, hospitals, and libraries to each other and to a vast array of electronic information resources.

On this same day, President Clinton issued Executive Order 12864 which created the National Information Infrastructure Advisory Counsel to facilitate private sector input.

Mr. President, a substantial portion of the information superhighway already exists. Approximately 94 percent of American households have telephone service, 60 percent have cable service, 30 percent have computers, and almost 100 percent have radio and TV. Local and long distance telephone companies are investing heavily in fiber optic cables that will carry greater amounts of information, cable companies are increasing their capacity to provide new services, and new wireless personal communications systems are under development. One prototype, which I am sure the chair has heard about, the Internet, connects 15 to 20 million people worldwide.

FEDERAL SUPPORT

Nonetheless, the results of the second GAO report suggest to me that the Federal Government must do more to build the education portion of the national information infrastructure.

Federal support for the acquisition and use of technology in elementary and secondary schools is currently fragmented, coming from a diverse group of programs and initiatives. Although the full extent to which the Federal Government currently supports investments in education technology at the precollegiate level is not known, the Office of Technology Assessment estimated in its report that the programs administered by the Department of Education provided $208 million for education technology in 1988.

COST OF TECHNOLOGY

There is little doubt that substantial costs will accompany efforts to bring information technologies into precollegiate education in any comprehensive fashion. In his written testimony before the House Telecommunications and Finance Subcommittee on September 30, 1994, Secretary of Education, Richard Riley, estimated that it will cost anywhere from $3 to $8 billion annually to build the education portion of the national information infrastructure. The Office of Technology Assessment has also estimated that the cost of bringing the students-to-computer ratio down to 3-to-1 would cost $4.2 billion a year for 6 years.

Mr. President, I will soon introduce legislation designed to help States and local school districts meet these costs by authorizing Federal departments and agencies to make grants to the National Education Technology Funding Corp.

Rather than creating another bureaucratic Federal program, this legislation would provide Federal support for education technology through the NETFC—an innovative, bipartisan, public-private partnership.

The seed money will help the NETFC provide low-interest loans, loan guarantees, grants, and other forms of assistance to States in order to help them improve their education technology infrastructures.

This legislation will not infringe upon local control over public education in any way. Rather, it will supplement, augment, and assist local efforts to support education technology in the least intrusive way possible, by helping local school boards and States improve their own facilities.

Mr. President, I ask unanimous consent that the GAO report be printed in its entirety in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

School Facilities—America's Schools Not Designed or Equipped for 21st Century

U.S. General Accounting Office,
Health, Education, and Human
Services Division,
Washington, DC, April 4, 1995.

Hon. Carol Moseley-Braun, Hon. Edward
M. Kennedy, Hon. Claiborne Pell, Hon.
Paul Simon, Hon. Paul Wellstone,
U.S. Senate.

A skilled workforce is necessary to increase productivity so that a society can maintain and enhance its standard of living. Therefore, education and future employment opportunities for our nation's children and teenager is a concern that transcends traditional geographic, economic, and political boundaries. Towards that end, in your letter of February 15, 1994, you requested information on the physical condition of the Nation's public elementary and secondary schools. We presented national-level information on the physical condition of the nation's school facilities in School Facilities: Condition of America's Schools (GAO/HEHS-95-61 Feb. 1, 1995). In that report, on the basis of estimates by school officials in a national sample of schools, we estimated that the nation's schools need about $112 billion[1] to repair or upgrade America's multibillion dollar investment in school facilities to good overall condition.

In addition, you asked us to document the extent to which America's 90,000 schools are designed and equipped to meet the needs of today's students and tomorrow's workers. Specifically, can America's schools provide the key facilities requirements and environmental conditions for education reform and improvement? do America's schools have appropriate technologies, such as computers, and the facility infrastructure to support the new technologies? In short, do America's schools have the physical capacity to support learning into the 21st century?

To answer these questions, we surveyed a nationally representative stratified random sample of about 10,000 schools and augmented the survey with visits to 10 selected school districts. Our analyses otherwise noted, sampling errors do not exceed 2 percent. (See app. VI for a discussion of methodology.) We conducted our study between January 1994 and March 1995 in accordance with generally accepted government auditing standards.

RESULTS IN BRIEF

School officials in a national sample of schools reported that although most schools meet many key facilities requirements[2] and environmental conditions[3] for education reform and improvement, most are unprepared for the 21st century in critical areas:

Most schools do not fully use modern technology. Although at least three-quarters of schools report having sufficient computers and televisions (TV), they do not have the system or building infrastructure to fully use them. Moreover, because computers and other equipment are often not networked or connected to any other computers in the school or the outside world, they cannot access the information super highway.

Over 14 million students attend about 40 percent of schools that reported that their facilities cannot meet the functional requirements of laboratory science or large-group instruction even moderately well.

Over half the schools reported unsatisfactory flexibility of instructional space necessary to implement many effective teaching strategies.

Although education reform requires facilities to meet the functional requirements of key support services—such as private areas for counseling and testing, parent support activities, social/health care, day care and before- and after-school care—about two-thirds of schools reported that they cannot meet the functional requirements of before- or after-school care or day care.

Moreover, not all students have equal access to facilities that can support education into the 21st century, even those attending school in the same district. Overall, schools in central cities and schools with a 50-percent or more minority population were more likely to have more insufficient technology elements and a greater number of unsatisfactory environmental conditions—particularly lighting and physical security—than other schools.

BACKGROUND

Education Reform.—Education reform is a national movement to raise standards for all students at all schools. It focuses on changes designed to improve student outcomes by (1) determining what students should know and be able to do and (2) ensuring that the key components of the educational system are directed to achieving those outcomes.[4] To accomplish these objectives, education reform efforts are introducing new teaching methods, assessments, curricula, instructional materials, and technology into school buildings.

To improve instruction, reform advocates recommend that a school use new techniques for teaching and evaluating students and involve teachers in developing curricula, redesigning instruction, and planning staff development. To help achieve desired educational outcomes, advocates also recommend that schools enlist parents to monitor their children's progress and participate in school activities, in part by volunteering as tutors and acting as teacher aides. Finally, to further ensure the success of educational reform, advocates recommend that schools help provide health and social services to students as well as before- and after-school care and day care.[5]

For example, when teachers evaluate students in new ways, they need space to display and store student projects and journals. Likewise, changes in instructional programs or techniques—such as adopting an ungraded primary system or creating a school-within-a-school—require space for large-group and small-group instruction. Adding an all-day kindergarten, extended-day programs, or even new computer courses[6] also call for special or dedicated space. Therefore, school facilities that can support education reform activities and communications technologies will not resemble or operate as schools built in the 1950s.

Rather than uniform-sized classrooms with rows of desks, a chalkboard, and minimal resources such as textbooks and encyclopedias, schools prepared to support 21st century education would have: Flexible space, including space for small- and large-group instruction; space to store and display alternative student assessment materials; facilities for teaching laboratory science, including demonstration and student laboratory stations, safety equipment, and appropriate storage space for chemicals and other supplies; and a media center/library with multiple, networked computers to access information to outside libraries and information sources.

In addition, such schools would also have space for a variety of support activities: private areas for student counseling and testing and for parent support activities, such as tutoring, planning, making materials, and the like; social and health care services; day care; and before- and after-school care.

Schools would also have the capacity to operate year round, 24-hours per day if necessary, providing a safe and well-lit environment with satisfactory heating, air-conditioning, ventilation, and air quality and with appropriate acoustics for noise control. In addition, schools would have enough high-quality computers, printers, and computer networks for instructional use; modems; telephone lines for modems and telephones in instructional areas; TVs; laser disk players/video cassette recorders (VCR); cable TV; fiber optic cable; conduits/raceways for computer and computer network cables; electric wiring; and power for computers and other communications technology.[7] Networking capability in the classroom allows for use of a wide range of teaching and learning strategies that are not possible with stand-alone computers. For example, networks allow: Groups of students simultaneous access to large data sources; students to communicate with each other and with teachers in their own school, and with teachers and students in other schools; and teachers to interact with students by computer as students work—engaging in online dialogs, referring to additional resources—or students to engage in group projects.

Communications Technology in Schools.—Although technology is changing constantly and quickly becoming defined by complex interactive and multimedia[8] technologies and standards are only beginning to emerge,[9] it is helpful to regard school communications technology as comprising four basic electronic systems: technology infrastructure, data, voice, and video. These systems transmit data—by computer networks, voice—by phone lines, and video—by TV within the school, among different school buildings, to the outside world, and even to outer space.

Technology Infrastructure.—Of the four systems, technology infrastructure may be the most important and least understood. Data, voice, and video systems cannot operate without the supporting building or system infrastructure. Building infrastructure consists of what needs to be built into the facility to make any technology operate effectively in the school: the conduits/raceways through which computer and computer network cables are laid in the school, the cables and electrical wiring for computers and other communications technology, and the electrical power and related building features such as electric outlets. Although designing a new building with this infrastructure included is relatively easy and inexpensive, installing it in existing school buildings can be expensive and disruptive.

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[1] Footnotes at end of article.

The other type of infrastructure—system infrastructure—links up various technology components. For example, computer network infrastructure consists of the software that runs the networking function. It links all computers in a class or in the school or the computers in the school with computers in the outside world—as well as special pieces of hardware such as severs (computers with large information storage capabilities that allow many users to share information) whose purpose is to run the network. Besides the network infrastructure, modems—small electrical devices that allow computers to communicate with each other through the phone lines—are another basic component of systems infrastructure that links data, voice, video, and even multimedia systems.

This technology infrastructure, although initially more costly than the basic computer/printer, may have substantially more value. Educationally, it can link even the most remote or poor school with vast resources, including the finest libraries and the best teachers, for a wide range of courses or course enhancements, such as "virtual" field trips. Financially, according to the North Central Regional Educational Laboratory, the Internet and the emerging video and imaging technologies could be used to change the economic basis of schooling by drawing upon the free or low-cost resources and services to replace textbooks and other costly instructional materials, software, and other programs. Those funds could then be used for additional staffing, local curriculum development, developing technology staff, ongoing local staff development, and the like.[10]

Data Systems.—Basic data systems include computers, some with compact disk read-only memory (CD–ROM) capability, connected to printers. A baseline data system enables instructional computers to communicate with similar devices in the classroom or the school (local area networks). Optimally, a data system also includes computer networks compatible with outside resources (wide area networks) such as the Internet;[11] computers in the central office, in other schools, and home computers; and databases from the Department of Education or Library of Congress.

Voice Systems.—Voice systems include accessible two-way voice communication and messaging (telephone) systems for staff members to communicate with each other in the building and with the school community. A baseline system includes a public address system, some outgoing lines and telephones serving school offices and staff members, and incoming lines to meet community and administrative needs. Optimally, it also includes more outgoing and incoming lines and sufficient capacity to allow for such developing technologies as voice processing and voice mail.

Video Systems.—Video systems provide accessibility to television communication and all forms of video transmission from school locations as well as from the outside. A baseline system includes capability to receive instructional and teacher professional programming as well as commercial and public television stations whether through a master antenna or cable, microwave, or satellite. An optimal system with today's technology also includes capability in classrooms and teachers' offices to dial up video sources in the school media center and to conduct two-way video-interactive classes between classrooms, inside the school, and between schools.

Only a Few Schools Have State-of-the-Art Communications Technology.—Today new schools are being designed with these changes in mind. Yet we only have a handful of schools—mainly science high schools like Stuyvesant High School in New York City or Thomas Jefferson High School in Virginia—that model state-of-the-art communications technologies. However, to prepare the nation's children and teenagers to be competitive workers in the 21st century, experts and business leaders say modern communication technologies should be part of America's elementary and secondary education, not just the sole province of a few schools.

An example of state-of-the-art technology can be found in the new Stuyvesant High School. Serving about 3,000 students, it has over 400 computers, most of which are arranged in 15 networks, with access to the Internet, as well as four antennae on the roof to communicate with satellites and virtually anyone else in the outside world. This school can directly access the latest information from the most sophisticated scientific satellites and participate in interactive "classes" with scientists in the field in the Amazon rain forest via interactive, multimedia networks like the JASON Project. This allows the students to talk with these scientists and observe them and the rain forest on their TV screens during class, allowing them to go on "virtual" field trips worldwide.

Federal Legislation Supports Reform and Technology.—Recent federal legislative initiatives supporting education reform and technology include (1) Improving America's Schools Act of 1994, which authorized $200 million for technology education for 1995 and an additional $200 million for the new education infrastructure improvement grants; and (2) Goals 2000: Educate America Act, passed in 1994, which establishes an Office of Educational Technology in the Department of Education. Goals 2000 requires states that wish to receive funding under the statute to develop a state improvement plan for elementary and secondary education. This plan should include a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development to support the National Education Goals and state content standards and state student performance standards. Central to both these acts is the idea that children are entitled to an opportunity to acquire the knowledge and skills contained in these standards, often referred to as "opportunity to learn."[12] Figure 1 depicts various school facilities around the country. [Figure 1 not reproducible in Record.]

Most Schools Have Computers and TVs but Little Infrastructure to Fully Use Technologies.—Over three-quarters of the schools reported having sufficient computers and TVs. Two-thirds reported having sufficient printers, laser disk players/VCRs,[13] and cable TV. However, school officials reported that about 10.3 million students in about 25 percent of the schools do not have sufficient computers. Although most schools report having enough computers and other basic technology elements,[14] they do not have the technology infrastructure to fully use them. (See fig. 2 and table 1.) [Figure 2 not reproducible in Record.]

TABLE 1—MILLIONS OF STUDENTS ATTEND SCHOOLS REPORTING INSUFFICIENT CAPABILITY TO SUPPORT TECHNOLOGY

Technology element	Percent of schools	Number of schools	Number of students affected (in millions)
Fiber optics cable	86.8	66,000	35.4
Phone lines for instructional use	61.2	47,000	24.8
Conduits/raceways for computer/computer network cables	60.6	46,600	24.9
Modems	57.5	44,200	23.0
Phone lines for modems	55.5	42,700	22.5
Computer networks for instructional use	51.8	40,100	20.7
Electrical wiring for computer/communications technology	46.1	35,700	19.3
Electrical power for computers/communications technology	34.6	26,800	14.5
Laser disk player/VCR	33.5	25,700	13.5
Cable TV	31.7	24,200	12.2
Computer printers for instructional use	29.3	22,700	11.9
Computers for instructional use	25.2	19,500	10.3
TVs	15.9	12,200	6.8
Schools reporting six or more insufficient technology elements	51.9	40,400	21.3

Even in schools reporting enough computers, over one-third reported insufficient electrical wiring for computers/communications technology. Computers and other equipment that are not networked or capable of communicating with anything else in the school or in the outside world may be sufficient for basic or reinforcement activities. They are limited, however, in their access to the vast amount of electronic information available and do not allow for new information to come into the system or for the interaction between students, students and teachers, or the school and the outside world.

Over half of America's schools reported insufficient capability in modems, phone lines for modems, phone lines for instruction, conduits/raceways, and fiber optics. (See table 1 and, for more detail, tables III.1 and III.2 in app. III.)

The following details emerged from the survey: In central cities, over 60 percent of schools reported insufficient networks, modems, phone lines (for modems or instruction), conduits, and fiber optic cables. Over half reported insufficient capability for electrical wiring for computer technology. (For more detail, see table III.4 in app. III.)

Regional analyses show that schools in the West reported the least sufficient technology. (For more detail, see table III.7 in app. III.)

Schools with inadequate buildings[15] also were more likely to report insufficient capability to support technology. In every area of communications technology we asked about, schools with no inadequate buildings reported greater sufficiency than schools with one or more inadequate buildings. However, even in schools reporting no inadequate buildings, about one-half or more reported insufficient capability in areas related to interconnectivity, such as networks, modems, and fiber optics.

Site visits supported the survey results:

In Ramona, California, we learned that some schools needed to retrofit wiring to increase power for more demanding technologies; one elementary school had only two outlets in each classroom. Moreover, if four teachers used their outlets at the same time, the circuit breakers tripped. This happened about once a month.

A school official in Montgomery County, Alabama, said that new electrical systems to accommodate computers and other technologies were the most common renovation needed in schools.

In our site visit to Washington, D.C., officials told us that while many schools have computer laboratories with new computer equipment, these will need upgraded electrical systems, lighting, and air-conditioning to provide an adequate learning environment.

In one school we visited in Chicago, computers were still in boxes because the school did not have sufficient power and outlets to use them.

In looking at the uses of bond proceeds in the districts, on average, school officials reported that only 8 percent of the most recently passed bond was spent for purchase of computers and telecommunications equipment. That is, for the average $6.5 million bond issue, about $155,600 or 2 percent was provided for the purchase of computers and about $381,100 or 6 percent for the purchase of telecommunications equipment. (See app. II.)

Selected respondent comments.—"Our building, built in 1948, was wired for a filmstrip projector."

"We live in a state where we put more technology and safety in an automobile than we do in our schools."

"We are not ready to join the information network proposed by Vice President Gore."

"Our computers are mostly donated. What few we purchased were bought in 1984—the kids laugh at them, they have better at home."

"The number of computers in the buildings is limited, and we currently have one computer bus serving all six elementary schools. The time for students to spend on the computers is obviously limited."

"Facility adaptation for computer networks, video networks, and phone access is expensive and makes justifying purchase of computer hardware more difficult."

SCHOOLS REPORTED LACKING KEY FACILITIES REQUIREMENTS FOR EDUCATION REFORM

When asked how well their buildings meet the functional requirements of specified activities related to school reform and improvement, many survey respondents reported that they met these requirements "not well at all." (See table 2.) For example, although 58 percent of schools reported meeting the functional requirements of laboratory science at least somewhat well, in fact, about 14.6 million students are in the 42 percent of schools where officials report that the facilities requirements for laboratory science are met not well at all (see fig. 3 and table 2).

[Figure 3 not reproducible in RECORD.]

TABLE 2: MILLIONS OF STUDENTS ATTEND SCHOOLS REPORTING THEY MEET THE FUNCTIONAL REQUIREMENTS OF SOME KEY EDUCATION REFORM ACTIVITIES NOT WELL AT ALL

Activity	Percent of schools	Number of schools	Number of students affected (in millions)
Instructional activities:			
Laboratory science	42.0	32,100	14.6
Large-group instruction	38.2	29,500	14.3
Storage of student assessment materials	31.3	24,000	12.9
Display student assessment materials	27.6	21,200	11.1
Library/media center	13.4	10,400	4.2
Small-group instruction	9.5	7,300	3.7
Support activities:			
Day care	77.5	55,900	29.0
Before/after school care	58.8	43,100	22.4
Social/health care services	27.0	20,900	10.5
Private areas for counseling and testing	25.7	19,900	10.1
Parent support activities	23.5	18,200	9.7
Teacher planning	13.1	10,200	5.1

Note: Survey respondents rated the ability of their school facilities to meet the functional requirements of key education reform activities on the following scale: very well, moderately well, somewhat well, and not well at all.

Only seven states—District of Columbia, Georgia, Indiana, New Jersey, New Mexico, Pennsylvania, and Texas—had 20 percent or more of their schools meeting at least somewhat well the functional requirements for some educational reform and improvement activities. While 40 states reported that 50 percent or more of their schools had three or more specified requirements that they met not well at all, 5 states—Arkansas, California, Maine, Ohio, and Rhode Island—reported 70 percent or more of their schools in this condition. (For more detail, see tables IV.1 and IV.2 in app. IV.)

Nationwide, 42 percent of schools reported that their buildings met the functional requirements of laboratory science not well at all, affecting 14.6 million students. Forty-three states reported that one-third or more of their schools met functional requirements for laboratory science not well at all. Eight states—Alaska, California, Delaware, Maine, Nevada, Ohio, Oregon, and Washington—reported that 50 percent or more of their schools were in this condition. (For more detail, see table IV.3 in app. IV.)

Nearly four out of five schools nationwide reported that they could not meet at all well the functional requirements of day care. (See fig. 3.) Forty-five states reported that two-thirds or more of their schools were in this condition. (For more detail, see table IV.3 in app. IV.)

Nationwide, about three out of five schools reported that they met the functional requirements of before- and after-school care not well at all. Forty-eight states reported that one-third or more of their schools were in this condition.

About two out of five schools nationwide reported that they met the functional requirements of large-group instruction not well at all, a condition affecting 14.3 million students. Thirty states reported that one-third or more of their schools were in this condition. Four states—Alaska, California, Kansas, and Nebraska—reported over half their schools in this condition. (For more detail, see table IV.1 in app. IV.)

These problems were also demonstrated on our site visits:

Officials in Chicago told us that only one-fourth of Chicago's schools have properly equipped science laboratories, with water, power, gas, vacuum, and appropriate mechanisms for air and waste removal.

At the high school in Raymond, Washington, officials said that they need flexible space for large- and small-group instruction. Science classes have outdated equipment, and reading areas in the media center are noisy and poorly lighted. Officials also say they desperately need a day care center to keep young women with babies in school.

In New Orleans, officials told us that most secondary schools lack science laboratories that meet current safety needs, such as adequate air circulation, ventilation, emergency shut-offs for gas and electricity, emergency eye washes, and showers.

Selected Respondent Comments.—"These schools, as others over thirty years of age, while well-maintained, cannot provide the type and variety of instructional space necessary for the education programs of the 21st century without major renovations."

"The buildings were built for twenty-five students per class with no extra rooms, no small and/or large group areas, and no planned storage space. Consequently, the facilities are certainly not conducive to new or different class size configurations or lesson delivery formats."

Most Schools Report Most Environmental Conditions Satisfactory, but Problems Remain.—Overall, most school officials reported satisfaction with most environmental factors associated with learning.[16] (See table 3.) However, 22 million students are in 53.9 percent of the schools that reported that their instructional space flexibility was unsatisfactory. Rates of unsatisfactory environmental conditions tend to be higher in schools where over 40 percent of the students are approved to receive free or reduced lunch, where over 50 percent of the students are minority students, in schools in the West. (See app. V.)

TABLE 3: MILLIONS OF STUDENTS ATTEND SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL CONDITIONS

Environmental factor	Percent of schools	Number of schools	Number of students affected (in millions)
Acoustics for noise control	28.1	21,900	11.0
Ventilation	27.1	21,100	11.6
Physical security of buildings	24.2	18,900	10.6
Heating	19.2	15,000	7.9
Indoor air quality	19.2	15,000	8.4
Lighting	15.6	12,200	6.7

Air-conditioning is no longer a luxury for schools if they want to effectively operate in hot weather or use computers. Moreover, in recent years, researchers have pointed to a relationship—although inconclusive—between certain environmental conditions and student learning.[17] In particular, air-conditioning has been cited as affecting learning. Of those schools noting that they had air-conditioning, 15.4 percent (6,000 schools) reported unsatisfactory air-conditioning, affecting about 4.2 million students.

The majority of schools reported that they were satisfied with their air-conditioning, although only half of the schools responding to our survey reported that they had air-conditioning in classrooms. The geographic patterns of air-conditioning in classrooms generally follow climate patterns. (For more detail, see fig. V.1 in app. V.) Three-quarters of schools reported that they had air-conditioning in their administrative areas. Only three states—New York, Oregon, and Rhode Island—indicated that over a third of their schools had unsatisfactory air-conditioning in their classrooms.

We found examples of problems caused by unsatisfactory air-conditioning in our site visits. In New Orleans, nearly half of the schools have no air-conditioning, despite the average relative humidity in the morning of 87 percent. Faced with a similar situation in Richmond, Virginia, school officials told us that students with asthma get sick from the heat; schools close early in the hot fall and spring months, decreasing instructional time.

SELECTED RESPONDENT COMMENTS

"Our school district facilities are currently meeting the needs of our students. We have not been impacted by population growth, lawsuits, or other major problems that would force our resources in other areas. Due to conservative spending practices by our school board and adequate funding by the state of Wyoming in the past decade, we have adequate carryover to provide needs without asking for state assistance or a bond issue."

"Building design in the 1950s and 60s did not include air-conditioning or even windows that opened for schools, thus much renovation is needed in our district."

"The middle school is depressing when you walk into it. We are having to use gym dressing rooms as regular classrooms."

"The appearance and condition of school buildings is an important factor in positively influencing urban students. The continued neglect of the public school infrastructure at both state and federal levels continues to subject our students and staff to conditions which do not ensure their welfare and safety."

BEST AND WORST SCHOOLS SOMETIMES FOUND IN SAME DISTRICT

Although some children have access to facilities that can support education in the 21st century, many do not. Schools differ dramatically, even in the same district. Our site visits revealed that the ability of school facilities to support education reform ranges widely. Because of the need to ease overcrowding in some areas, schools are constantly being built, even in impoverished cities. These new schools are generally equipped to implement education reform and improvement activities. However, with construction of new facilities taking priority over maintaining and renovating current buildings, gross inequalities may result in the same school district. For example, in Pomona, California, officials told us that to be ready for education in the 21st century, Pomona's older schools need additional wiring and outlets to use new technology and facilities for large-group instruction, storage of student assessment materials, social and health services, teachers' planning areas, and the like. In contrast, the newest school has a satellite dish, an electrical system built to handle anticipated technology, collapsible walls that facilitate team teaching or small-group instruction, enormous amounts of storage space, and large amounts of space for a variety of services and activities.

CONCLUSIONS

Many education reformers say that holding students to nationwide standards is unfair if they have not had an equal—or roughly equal—opportunity to learn. If schools cannot provide students with sufficient technological support or facilities for instruction and services, they may not be providing even a roughly equal opportunity for all students to learn. This is particularly true in central cities and in schools that serve high percentages of minority and poor students.

Far from the high-tech world of interactive media and virtual reality, many of our schools are wired for no more than filmstrip projectors. As one respondent commented,

"We need technology in the schools and teachers who can use the equipment. The percentage of teachers who can use computers is abysmally low, yet computers only scratch the surface of technology that should be available to all students, not just those who live in affluent areas. Interactive TV and telecommunications is a must in all schools, yet the cost of this technology remains prohibitively high for most small schools. For those schools who can afford it, the cost of training teachers to use it drives the costs up further."

In short, most of America's schools do not yet have key technologies or the facilities required to support learning into the 21st century. They cannot provide key facilities requirements and environmental conditions for education reform and improvement. In particular, older, unrenovated schools need infrastructure renovation to support technology. These renovations include fundamental changes to building structure, wiring and electrical capacity, air-conditioning and ventilation, and security.

AGENCY COMMENTS

We spoke with officials at the Department of Education who reviewed a draft of our report and incorporated their comments as appropriate. We did not ask for formal agency comments since this report does not review any department programs.

We are sending copies of this report to appropriate House and Senate committees and other interested parties. Please call Eleanor L. Johnson if you or your staff have any questions. Major contributors to this report are listed in appendix VIII.

LINDA G. MORRA,
Director, Education and Employment Issues.

APPENDIX I—PROJECT ADVISERS

The following individuals advised this report either by (a) serving on our expert panel on January 31, 1994; (b) helping with the development of our questionnaire; or (c) reviewing a draft report.

Allen C. Abend,[a,b,c] Chief, School Facilities Branch, Maryland State Department of Education.

Phillip T. Chen,[b] Construction Technician, Division of Construction, Department of Facilities Management, Board of Education of Montgomery County (Maryland).

Greg Coleman,[a,b] Capital Asset Management Administrator, Office of Infrastructure Support Services, U.S. Department of Energy.

Laurel Cornish,[a] Director of Facilities, U.S. Department of Education, Impact Aid, School Facilities Branch.

(Mr.) Vivian A. D'Souza,[b] Acting Director, Division of Maintenance, Department of Facilities Management, Board of Education of Montgomery County (Maryland).

Kenneth J. Ducote,[b,c] Director, Department of Facility Planning, New Orleans Public Schools.

Robert Feild,[a] Director, Committee on Architecture for Education, American Institute of Architects.

William Fowler,[a,b,c] Education Statistician, U.S. Department of Education, National Center for Education Statistics.

Lawrence Friedman,[b,c] Associate Director, Regional Policy Information Center, North Central Regional Educational Laboratory.

Thomas E. Glass,[b] Professor, Department of Leadership and Educational Policy Studies, Northern Illinois University.

Terence C. Golden,[a] Chairman, Bailey Realty.

Thomas Grooms,[a] Program Manager, Federal Design Office, National Endowment for the Arts.

Shirley J. Hansen,[a] President, Hansen Associates.

Alton C. Hlavin,[b] Assistant Superintendent for Facilities Services, Fairfax County Public Schools, Fairfax County, Virginia.

Bruce Hunter,[b] Executive Director, American Association of School Administrators.

Daniel Kasprzyk,[b] Education Statistician, U.S. Department of Education, National Center for Educational Statistics.

Steven F. Kaufman,[b] Education Statistician, U.S. Department of Education, National Center for Education Statistics.

Eddie L. King,[b] Auditor, Inspector General, U.S. Department of Education.

Andrew Lemer,[a] President, Matrix Group, Inc.

William H. McAfee III,[b] Facilities Manager, Division of Facilities Management, District of Columbia Public Schools.

Roger Scott,[b,c] Program Director, Southwest Regional Laboratory.

Richard L. Siegel,[a] (Former) Director of Facilities Services, Smithsonian Institution.

Linda Tsantis,[c] Executive Vice President, America Tomorrow, Inc.

Lisa J. Walker,[a] Executive Director, Education Writers Association.

Tony J. Wall,[b,c] Executive Director/CEO, The Council of Educational Facilities Planners International.

William M. Wilder,[b] Director, Department of Facilities Management, Board of Education of Montgomery County (Maryland).

APPENDIX II—RELEVANT SURVEY ITEMS WITH OVERALL PERCENT RESPONSE

17. Do this school's on-site buildings have sufficient capability in each of the communications technology elements listed below to meet the functional requirements of modern educational technology? *Circle one for EACH element listed.*

Technology elements	Percent of schools— Very sufficient	Moderately sufficient	Somewhat sufficient	Not sufficient
Computers for instructional use (N=77,400)	11.1	30.6	33.1	25.2
Computer printers for instructional use (N=77,412)	9.7	27.9	33.1	29.3
Computer networks for instructional use (N=77,350)	8.8	18.3	21.2	51.8
Modems (N=76,951)	4.9	14.0	23.6	57.7
Telephone lines for modems (N=76,986)	6.9	13.7	23.9	55.5
Telephones in instructional areas (N=76,827)	7.5	12.6	18.8	61.2
Television sets (N=77,211)	19.8	33.7	30.7	15.9
Laser disk players/VCRs (N=76,819)	7.7	25.4	33.5	33.5
Cable television (N=76,459)	20.1	25.9	22.3	31.7
Conduits/raceways for computer/computer network cables (N=76,987)	7.4	11.9	20.1	60.6
Fiber optic cable (N=76,015)	3.5	4.3	5.5	86.8
Electrical wiring for computers/communications technology (N=77,437)	7.8	17.7	28.4	46.1
Electrical power for computers/communications technology (N=77,414)	12.4	24.3	28.7	34.6

18. How many computers for instructional use does this school have? *Include computers at both on-site buildings and off-site instructional facilities.*

_____ computers for instructional use: Range 0–1800; Mean 50.7; Median 37.0.

19. How well do this school's on-site buildings meet the functional requirements of the activities listed below? *Circle one for EACH activity listed.*

Activity	Percent of schools— Very well	Moderately well	Somewhat well	Not well at all
Small group instruction (N=77,606)	32.4	37.5	20.7	9.5
Large group (50 or more students) instruction (N=77,178)	10.7	24.4	26.7	38.2
Storage of alternative student assessment materials (N=77,058)	7.8	24.2	36.7	31.3
Display of alternative student assessment materials (N=76,797)	7.9	26.6	37.9	27.6
Parent support activities, such as tutoring, planning, making materials, etc. (N=77,496)	12.3	29.7	34.5	23.5
Social/Health Care Services (N=77,456)	10.8	30.1	32.1	27.0
Teachers' planning (N=77,397)	20.6	37.4	28.9	13.1
Private areas for student counseling and testing (N=77,530)	14.6	28.4	31.3	25.7
Laboratory science (N=76,344)	11.2	21.4	25.4	42.0
Library/Media Center (N=77,701)	24.9	35.3	26.5	13.4
Day care (N=72,083)	4.3	7.9	10.3	77.5
Before/after school care (N=73,335)	6.8	15.3	19.2	58.8

20. How satisfactory or unsatisfactory is each of the following environmental factors in this school's on-site buildings? Circle one for EACH factor listed.

Environmental factor	Percent of schools— Very satisfactory	Satisfactory	Unsatisfactory	Very unsatisfactory
Lighting (N=78,158)	22.2	62.2	13.2	2.4
Heating (N=77,999)	18.1	62.7	14.8	4.4
Ventilation (N=77,929)	14.6	58.3	20.9	6.2
Indoor air quality (N=77,958)	14.3	66.5	15.0	4.2
Acoustics for noise control (N=78,030)	10.4	61.5	22.7	5.4

Environmental factor	Percent of schools— Very satisfactory	Satisfactory	Unsatisfactory	Very unsatisfactory
Flexibility of instructional space (e.g., expandability, convertability, adaptability) (N=77,472)	7.0	39.0	36.6	17.3
Energy efficiency[1] (N=77,725)	9.9	48.9	30.4	10.8
Physical security of buildings (N=77,883)	13.8	62.0	17.7	6.6

[1] This environmental factor will be discussed in detail in a future report.

21. Does this school have air conditioning in classrooms, administrative offices, and/or other areas? *Circle ALL that apply.* (N=79,454)

	Percent of Schools
Yes, in classrooms	51.2
Yes, in administrative offices	72.8
Yes, in other areas	50.7
No, no air conditioning in this school *at all*	21.2

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22. How satisfactory or unsatisfactory is the air conditioning in classrooms, administrative offices, and/or other areas? *Circle one for EACH CATEGORY listed.*

Air conditioning in	Percent of schools— Very satisfactory	Satisfactory	Unsatisfactory	Very unsatisfactory
Classrooms (N=39,717)	23.6	61.0	12.4	3.0
Administrative Offices (N=56,806)	22.4	64.4	11.3	1.9
Other areas (N=38,657)	22.9	62.3	11.6	3.1

7. What was the total amount of this most recently passed bond issue?

Mean=$6,556,000.00.

8. How much money did this most recently passed bond issue provide for the items listed below? *Enter zero if none.*

Items	*Amount provided per school (mean)*
Construction of new schools	$3,706,700
Repair/renovation/modernization of existing schools	2,733,000
Asbestos removal	109,900
Removal of Underground Storage Tank (USTs)	13,700
Removal of other environmental conditions	16,700
Purchase of computers	155,600
Purchase of telecommunications equipment	381,100
Access for students with disabilities	98,300

APPENDIX III—DATA—TECHNOLOGY ELEMENTS

TABLE III.1: MAJORITY OF STATES REPORT THAT AT LEAST 50 PERCENT OF SCHOOLS HAVE SIX OR MORE INSUFFICIENT TECHNOLOGY ELEMENTS

Percent of schools with six or more insufficient technology factors	States
20–29	Nevada, South Dakota.
30–39	Arkansas, Iowa, Kentucky, Minnesota, North Dakota, Pennsylvania, Texas, Wyoming.
40–49	Arizona, Colorado, Georgia, Indiana, Kansas, Mississippi, Montana, Nebraska, New Jersey, West Virginia, Wisconsin.
50–59	Alaska, Connecticut, District of Columbia, Florida, Louisiana, Maryland, Missouri, New York, Oklahoma, South Carolina, Tennessee, Utah, Vermont, Virginia.
60–69	Alabama, California, Idaho, Illinois, Massachusetts, Maine, Michigan, North Carolina, New Hampshire, Oregon, Rhode Island, Washington.
70–79	Delaware, Hawaii, New Mexico, Ohio.

Note.—Sampling errors range +7.1–13.5 percent.

TABLE III.2: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS—DATA, VOICE, SYSTEMS INFRASTRUCTURE—BY STATE

State	Computers	Printers	Networks	Modems	Phone lines for modems	Phone lines instructional area
Alabama	32.1	36.3	58.6	61.7	55.4	64.1
Alaska	35.5	36.2	56.4	56.9	53.8	60.9
Arizona	15.8	18.3	46.4	60.8	58.1	61.8
Arkansas	9.5	17.5	36.7	63.7	56.4	59.3
California	37.1	39.7	69.8	70.5	68.1	64.8
Colorado	[a]20.9	[a]23.9	[a]37.0	61.6	56.8	45.3
Connecticut	[a]26.5	[a]29.9	[a]63.6	[a]55.4	[a]51.9	[a]52.7
Delaware	[b]44.5	[b]52.7	[b]65.7	[a]83.0	[a]82.9	[a]82.4
District of Columbia	[a]22.0	[a]31.4	[a]37.1	[b]49.5	[b]52.7	[b]52.6
Florida	28.6	28.9	66.4	65.0	63.2	62.3
Georgia	11.6	13.7	33.9	48.0	53.0	71.7
Hawaii	39.0	[a]44.7	72.0	75.7	79.5	74.7
Idaho	25.3	31.6	55.9	63.9	58.8	72.1
Illinois	30.2	39.0	57.7	65.7	63.4	64.2
Indiana	16.5	18.3	42.1	50.7	55.0	58.2
Iowa	15.3	16.5	43.5	48.5	43.8	55.4
Kansas	22.9	27.7	44.0	47.3	44.4	61.7
Kentucky	13.1	19.8	35.5	57.2	55.7	67.2
Louisiana	31.6	38.6	62.5	59.5	65.5	78.7
Maine	[a]31.0	[a]31.8	[a]62.9	[a]69.6	[a]63.8	[a]69.4
Maryland	29.1	30.4	44.1	62.3	66.7	87.0
Massachusetts	[a]32.5	[a]43.1	70.4	71.1	66.9	71.9
Michigan	36.9	38.8	63.3	64.1	58.1	63.4
Minnesota	22.5	21.7	41.5	42.7	41.0	41.4
Mississippi	16.9	20.3	37.6	53.8	55.8	62.7
Missouri	23.3	32.8	52.4	60.5	59.1	65.4
Montana	17.1	19.0	47.5	46.8	37.5	53.2
Nebraska	11.2	10.1	[a]43.3	[a]55.5	[a]45.7	[a]44.4
Nevada	14.4	15.9	26.9	28.2	26.2	27.1
New Hampshire	[a]44.0	[a]42.9	[a]65.6	68.4	[a]58.6	[a]66.4
New Jersey	20.0	24.5	[a]41.8	[a]38.1	33.5	62.9
New Mexico	36.3	44.9	69.6	79.0	58.5	57.3
New York	20.2	24.2	44.0	48.9	55.3	57.9
North Carolina	30.1	33.3	51.1	62.2	62.6	73.8
North Dakota	17.3	19.8	36.7	40.2	36.5	46.9
Ohio	38.2	50.7	71.8	74.0	70.5	76.2
Oklahoma	22.9	33.0	50.8	63.4	57.7	60.0
Oregon	38.2	41.8	66.2	59.8	65.1	65.6
Pennsylvania	18.2	19.4	[a]50.2	[a]54.7	[a]44.2	[a]48.7
Rhode Island	[a]37.1	[a]42.7	[a]49.3	[a]67.3	[a]52.1	67.3
South Carolina	33.0	35.1	56.1	55.2	50.3	61.5
South Dakota	9.8	9.9	37.0	37.0	35.4	42.0
Tennessee	20.4	22.8	48.0	62.7	65.6	68.6
Texas	12.8	15.6	31.3	38.9	38.4	44.0
Utah	6.9	7.9	28.7	54.4	71.0	77.5
Vermont	[b]32.7	[b]31.7	[a]65.7	[b]55.9	[b]61.4	[b]56.1
Virginia	31.3	37.7	56.5	54.1	52.9	56.0
Washington	32.0	39.8	60.5	61.8	61.1	66.3
West Virginia	16.5	17.2	32.3	56.8	51.5	71.8
Wisconsin	22.4	24.5	44.6	45.4	46.4	58.9
Wyoming	9.8	13.2	32.7	[a]41.4	33.8	44.5

Note.—Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE III.3: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS—VIDEO AND BUILDING INFRASTRUCTURE—BY STATE

State	Television	Laser disk player/VCR	Cable TV	Conduits	Cable	Wiring	Power
Alabama	15.0	34.6	33.3	61.9	74.8	44.1	33.9
Alaska	35.3	46.3	55.6	67.4	90.9	52.1	44.7
Arizona	16.8	23.1	30.4	56.0	83.5	36.3	27.6
Arkansas	6.6	21.6	12.6	43.1	85.1	34.1	19.8
California	21.0	41.2	49.9	79.7	92.8	69.1	55.6
Colorado	16.9	[a]29.7	28.8	[a]49.7	88.2	[a]38.5	[a]32.7
Connecticut	25.1	[a]35.0	[a]42.4	[a]62.9	91.3	[a]55.1	[a]41.2

TABLE III.3: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS—VIDEO AND BUILDING INFRASTRUCTURE—BY STATE—Continued

State	Television	Laser disk player/VCR	Cable TV	Conduits	Cable	Wiring	Power
Delaware	[b]32.8	[b]60.9	[b]45.4	[a]76.9	93.3	[b]69.5	[b]48.8
District of Columbia	[a]21.6	[a]31.4	[a]25.6	[b]50.0	[b]58.0	[b]45.8	[b]41.4
Florida	8.6	28.9	19.7	67.6	88.0	64.3	41.9
Georgia	14.8	28.8	12.9	57.8	87.1	44.0	38.3
Hawaii	4.7	29.8	18.8	82.1	89.7	75.1	61.4
Idaho	23.0	44.5	42.7	72.3	91.0	51.2	36.8
Illinois	23.3	43.7	43.4	68.8	87.0	52.6	41.1
Indiana	12.9	24.0	27.1	52.3	82.9	43.1	32.0
Iowa	4.5	21.0	13.2	49.9	84.9	31.3	15.4
Kansas	17.9	34.9	31.2	57.3	89.0	40.7	33.6
Kentucky	3.2	23.2	8.0	49.8	75.2	35.8	25.1
Louisiana	18.4	40.4	42.7	61.6	87.7	47.2	38.6
Maine	19.7	[a]43.7	[a]46.2	72.6	94.0	[a]46.7	[a]35.0
Maryland	36.2	52.1	38.5	61.9	91.8	46.8	36.0
Massachusetts	[a]34.9	[a]48.0	[a]44.2	73.9	88.1	60.8	[a]49.4
Michigan	27.1	42.1	27.1	68.7	85.6	51.0	38.3
Minnesota	17.3	31.6	27.4	48.9	72.3	7.4	25.2
Mississippi	4.9	36.7	32.5	55.6	85.0	26.6	19.9
Missouri	6.6	26.0	17.3	53.2	87.9	33.7	26.0
Montana	14.6	25.4	42.0	62.1	81.7	38.8	24.9
Nebraska	1.7	12.5	[a]31.0	62.4	83.3	33.1	21.2
Nevada	4.1	13.9	14.8	43.6	78.2	28.4	25.1
New Hampshire	[a]27.4	[a]43.7	[a]26.8	69.4	88.8	[a]57.7	[a]35.8
New Jersey	11.2	24.9	32.5	[a]55.2	85.8	[a]41.2	34.2
New Mexico	15.4	54.8	51.6	77.3	87.1	48.5	42.1
New York	24.7	38.1	35.9	55.5	82.3	50.7	34.7
North Carolina	15.2	30.9	24.5	66.0	92.3	55.4	41.8
North Dakota	15.1	30.9	27.5	56.0	69.5	33.8	17.7
Ohio	16.0	44.1	31.3	76.6	95.0	63.0	50.6
Oklahoma	18.8	35.2	32.8	54.6	81.7	41.4	32.3
Oregon	29.9	35.6	23.3	68.0	87.6	56.0	33.7
Pennsylvania	13.9	[a]34.7	27.4	[a]41.0	86.6	32.2	17.4
Rhode Island	24.4	[a]41.0	17.3	74.0	90.8	[a]64.2	[a]45.0
South Carolina	5.6	25.3	29.8	62.9	87.1	41.1	33.2
South Dakota	7.8	22.4	13.6	43.3	69.7	22.9	14.6
Tennessee	6.9	37.1	27.1	58.0	94.3	38.8	25.4
Texas	8.7	17.0	31.6	46.0	83.0	28.6	22.3
Utah	4.8	22.1	39.4	55.3	93.3	38.8	26.7
Vermont	10.0	[b]38.1	[b]57.8	[a]69.3	95.6	[b]48.5	[b]26.2
Virginia	4.1	36.7	18.4	57.5	93.5	36.1	29.5
Washington	15.0	41.2	34.9	61.0	86.3	47.0	35.1
West Virginia	4.2	30.8	14.4	49.9	93.2	36.2	18.0
Wisconsin	11.3	24.2	20.5	52.5	86.3	36.5	33.4
Wyoming	11.6	21.2	[b]40.1	[b]50.9	83.6	29.6	15.9

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greate than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE III.4: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY COMMUNITY TYPE

Technology element	Central city	Urban fringe/ large town	Rural/ small town
Fiber optic cable	90.2	87.8	84.4
Conduits	66.9	61.9	55.6
Phone lines in instructional areas	66.8	60.6	57.8
Modems	65.0	55.9	53.5
Networks	60.9	50.6	46.5
Phone lines for modems	61.3	55.3	51.8
Electrical wiring for communications technology	54.8	46.7	40.1
Electric power for communications technology	42.9	36.9	27.8
Laser disk player/VCRs	38.7	32.2	30.9
Printers	38.1	26.7	25.2
Cable TV	33.0	32.8	30.0
Computers	31.7	24.5	21.2
TVs	18.6	17.1	13.3
Six or more unsatisfactory technology elements	60.0	52.0	46.5

Note: Sampling errors range ± 1.7–3.5 percent.

TABLE III.5: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY LEVEL OF SCHOOL

Technology element	Elementary	Secondary	Combined
Fiber optic cable	88.3	82.9	84.7
Conduits	63.3	53.1	60.6
Phone lines in instructional areas	64.4	53.2	52.8
Modems	60.9	48.4	54.1
Networks	54.8	42.9	53.6
Phone lines for modems	58.4	47.8	52.3
Electrical wiring for communications technology	48.7	39.2	42.9
Electric power for communications technology	36.7	29.1	30.5
Laser disk player/VCRs	34.9	30.1	29.7
Printers	31.7	23.2	25.9
Cable TV	33.7	24.3	42.7
Computers	27.0	20.3	22.2
TVs	17.3	11.9	14.8
Six or more unsatisfactory technology elements	55.7	41.5	50.9

Note: Sampling errors range ± 1.4–4.0 percent.

TABLE III.6: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY PROPORTION OF MINORITY STUDENTS

Technology element	Percent of minority students in schools			
	Less than 5.5	5.5 to 20.4	20.5 to 50.4	More than 50.5
Fiber optic cable	85.6	86.2	88.2	88.3
Conduits	59.3	56.2	65.5	62.9
Phone lines in instructional areas	60.7	59.4	60.6	64.9
Modems	55.9	52.7	59.9	63.1
Networks	48.9	49.6	56.2	55.0
Phone lines for modems	54.0	51.2	58.7	59.9
Electrical wiring for communications technology	42.3	44.7	46.9	53.5
Electric power for communications technology	30.3	30.5	36.3	44.8
Laser disk player/VCRs	31.3	29.1	37.6	38.4
Printers	27.1	28.5	30.3	33.4
Cable TV	28.2	25.7	33.9	41.4
Computers	23.5	24.9	25.6	28.0
TVs	13.1	15.4	14.7	22.3
Six or more unsatisfactory technology elements	48.7	50.0	54.4	57.4

Note: Sampling errors range ± 1.8–4.0 percent.

TABLE III.7.—PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY GEOGRAPHIC REGION

Technology element	Northeast	Midwest	South	West
Fiber optic cable	86.5	85.7	86.1	89.4
Conduits	57.2	61.5	56.0	69.0
Phone lines in instructional areas	59.2	60.9	62.0	61.9
Modems	53.9	57.8	54.9	63.9
Networks	52.0	53.3	45.6	59.0
Phone lines for modems	51.0	55.1	54.2	61.6
Electrical wiring for communications technology	47.2	44.9	40.9	55.0
Electric power for communications technology	33.5	34.0	30.4	42.6
Laser disk player/VCRs	36.7	33.5	29.7	36.7
Printers	27.6	31.4	25.6	33.6
Cable TV	35.4	28.3	26.4	41.3
Computers	23.7	26.2	21.7	30.1
TVs	21.0	15.7	11.3	18.9
Six or more unsatisfactory technology elements	50.8	52.3	47.1	59.9

Note.—Sampling errors range ± 1.6–4.6 percent.

TABLE III.8.—PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY PROPORTION OF STUDENTS APPROVED FOR FREE OR REDUCED LUNCH

Technology element	Percent of students approved for free or reduced lunch			
	Less than 20	20 to less than 40	40 to less than 70	70 or more
Fiber optic cable	86.9	86.3	87.9	88.9
Conduits	59.2	60.4	64.1	62.2
Phone lines in instructional areas	57.9	59.9	64.3	68.2
Modems	52.1	56.1	62.4	61.9
Networks	48.0	50.1	56.3	54.3
Phone lines for modems	51.7	56.2	57.4	59.5
Electrical wiring for communications technology	45.7	43.5	48.7	47.4
Electric power for communications technology	32.2	32.0	35.5	38.1
Laser disk player/VCRs	30.3	30.6	37.8	34.1
Printers	23.7	28.4	33.3	30.0
Cable TV	25.5	28.6	31.8	37.8
Computers	20.9	23.7	28.0	25.4
TVs	14.5	12.4	16.2	17.3
Six or more unsatisfactory technology elements	47.7	49.6	56.0	56.1

Note.—Sampling errors range ± 1.7–3.9 percent.

Table III. 9.—Average number of students per computer by State

	Students per computer
State:	
Alabama	16.8
Alaska	7.6
Arizona	11.9

Table III. 9.—Average number of students per computer by State—Continued

	Students per computer
Arkansas	12.5
California	21.1
Colorado	12.6
Connecticut	14.5
Delaware	17.7
District of Columbia	17.2
Florida	12.1
Georgia	13.4
Hawaii	15.6
Idaho	12.7
Illinois	18.9
Indiana	11.1
Iowa	10.9
Kansas	9.9
Kentucky	10.2
Louisiana	20.6
Maine	16.9
Maryland	14.9
Massachusetts	15.6
Michigan	19.9
Minnesota	10.2
Mississippi	14.5
Missouri	15.2
Montana	7.9
Nebraska	10.3
Nevada	21.4
New Hampshire	20.8
New Jersey	13.5
New Mexico	10.8
New York	15.6
North Carolina	13.4
North Dakota	8.7
Ohio	25.3
Okahoma	13.2
Oregon	15.5
Pennsylvania	14.8
Rhode Island	21.6
South Carolina	12.4
South Dakota	9.0
Tennessee	18.7
Texas	11.4
Utah	11.7
Vermont	16.9
Virginia	12.7
Washington	13.7
West Virginia	12.9
Wisconsin	10.7
Wyoming	7.0

Note.—Sample errors range ±1.1–4.9 percent, except Vermont, which was 8 percent.

APPENDIX IV—DATA—FACILITIES REQUIREMENTS FOR KEY EDUCATION REFORM AND IMPROVEMENT ACTIVITIES

TABLE IV.1: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES—SMALL-GROUP INSTRUCTION, LARGE-GROUP INSTRUCTION, STORE AND DISPLAY STUDENT ASSESSMENT MATERIALS—BY STATE

State	Small-group instruction	Large-group instruction	Store student assessment materials	Display student assessment materials
Alabama	6.0	29.0	33.7	31.8
Alaska	14.5	51.0	47.2	28.6
Arizona	6.4	35.2	37.2	38.6
Arkansas	5.9	30.3	13.8	12.1
California	15.2	51.3	47.6	40.4
Colorado	4.6	37.7	25.1	23.2
Connecticut	5.3	^{a}34.1	26.6	19.3
Delaware	^{a}15.5	^{b}29.7	^{b}33.9	^{b}38.7
District of Columbia	5.7	^{a}30.3	^{a}31.1	21.0
Florida	5.8	43.4	29.2	28.6
Georgia	5.6	23.3	21.2	19.7
Hawaii	2.6	36.1	^{a}39.2	27.7
Idaho	6.0	29.5	30.5	30.0
Illinois	13.5	46.5	32.7	35.6
Indiana	10.0	34.6	27.1	23.4
Iowa	5.8	32.8	20.4	21.4
Kansas	6.4	53.1	32.9	33.7
Kentucky	4.0	30.5	26.2	19.4
Louisiana	7.4	30.8	33.7	27.3
Maine	17.0	^{a}43.1	^{a}40.9	^{a}43.0
Maryland	8.3	39.3	40.6	25.8
Massachusetts	13.4	^{a}40.5	^{a}33.5	28.3
Michigan	12.6	39.4	38.1	37.5
Minnesota	6.8	37.6	28.4	26.4
Mississippi	2.3	28.3	21.7	22.8
Missouri	1.9	33.2	22.1	17.0
Montana	3.4	45.1	28.9	29.0
Nebraska	5.9	60.4	22.2	18.8
Nevada	0.3	26.7	14.2	19.7
New Hampshire	13.6	^{a}49.3	^{a}44.1	^{a}33.5
New Jersey	16.4	28.5	28.9	20.5
New Mexico	3.7	27.8	27.1	23.6
New York	17.9	45.1	38.0	29.1
North Carolina	5.6	26.9	27.9	26.6
North Dakota	3.5	37.0	16.0	23.2
Ohio	17.6	42.7	43.1	33.0
Oklahoma	1.6	34.6	21.6	25.2
Oregon	3.2	44.9	29.3	29.5
Pennsylvania	9.1	29.9	24.5	19.0
Rhode Island	11.3	^{a}42.9	^{a}37.7	^{a}30.0
South Carolina	7.2	33.3	29.7	18.9
South Dakota	9.1	29.2	26.5	20.4
Tennessee	7.5	24.9	19.4	22.3
Texas	1.5	32.1	19.0	17.4
Utah	13.9	35.3	35.2	30.9
Vermont	9.5	^{b}41.3	^{b}37.3	^{b}32.6
Virginia	10.0	31.9	38.3	35.8
Washington	13.9	47.1	40.7	35.7
West Virginia	19.0	49.7	40.3	38.7
Wisconsin	14.6	32.1	24.1	18.3
Wyoming	0.7	^{a}35.3	11.6	8.0

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE IV.2: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES—PARENT SUPPORT, SOCIAL/HEALTH SERVICES, TEACHER PLANNING AND PRIVATE AREAS FOR COUNSELING/TESTING—BY STATE

State	Parent support	Social/health services	Teacher planning	Private areas for counseling/testing
Alabama	30.5	41.0	10.4	20.5
Alaska	32.8	40.7	30.7	41.1
Arizona	28.8	25.5	10.9	31.2
Arkansas	11.0	11.7	4.3	8.3
California	39.1	41.4	20.8	46.0
Colorado	16.4	25.4	9.6	22.4
Connecticut	22.6	9.7	11.3	23.0
Delaware	^{b}31.6	^{b}34.5	13.7	^{a}21.0
District of Columbia	13.6	^{a}29.6	9.6	^{a}21.6
Florida	24.0	23.0	15.5	25.6
Georgia	17.1	22.4	14.2	12.0
Hawaii	32.6	21.2	19.9	30.9
Idaho	15.9	28.8	12.0	19.2
Illinois	23.3	26.4	14.8	37.0
Indiana	17.8	8.9	15.2	23.9
Iowa	21.0	19.4	4.9	16.4
Kansas	21.2	24.2	13.4	30.1
Kentucky	22.4	26.8	7.8	20.1
Louisiana	24.9	26.1	12.8	32.3
Maine	^{a}34.0	^{a}34.6	14.1	23.6
Maryland	21.5	23.2	15.4	28.3
Massachusetts	20.1	23.1	13.4	26.2
Michigan	27.5	44.3	12.6	24.5
Minnesota	19.4	20.1	17.4	28.9
Mississippi	22.2	29.8	3.3	12.1
Missouri	10.4	18.9	3.6	9.6
Montana	15.8	30.7	6.1	19.5
Nebraska	23.7	24.1	13.0	29.9
Nevada	13.6	21.0	1.0	5.7
New Hampshire	^{a}37.5	^{a}28.3	^{a}28.1	^{a}38.2
New Jersey	18.5	17.4	12.2	25.6
New Mexico	13.0	25.6	9.3	26.2
New York	25.3	23.3	16.7	29.8
North Carolina	17.1	21.4	16.1	24.6
North Dekota	20.5	30.9	7.6	15.8
Ohio	30.0	31.7	17.2	31.6
Oklahoma	13.3	29.2	4.6	15.1
Oregon	30.9	39.8	13.0	18.8
Pennsylvania	14.9	15.1	10.0	15.5
Rhode Island	^{a}38.6	^{a}31.9	15.0	^{a}35.2
South Carolina	18.8	30.4	14.3	18.1
South Dakota	19.4	25.8	10.5	17.8
Tennessee	18.2	40.8	8.4	22.9
Texas	17.8	17.7	5.2	13.9
Utah	29.1	25.0	21.5	33.8
Vermont	^{a}22.6	^{a}33.5	^{b}21.8	^{b}33.9
Virginia	30.6	25.0	18.9	18.6
Washington	29.7	39.7	16.5	30.0
West Virginia	27.4	47.3	15.5	38.9
Wisconsin	25.2	23.9	19.9	30.2
Wyoming	6.8	18.6	1.0	17.7

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE IV.3: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES—LABORATORY SCIENCE, LIBRARY/MEDIA CENTER, DAY CARE, BEFORE/AFTER SCHOOL CARE—BY STATE

State	Laboratory science	Library/media center	Day care	Before/after school care
Alabama	41.6	6.1	82.9	62.8
Alaska	61.7	31.1	89.1	63.2
Arizona	44.1	12.3	72.3	50.1
Arkansas	26.5	1.3	87.2	74.1
California	58.2	19.4	75.7	63.5
Colorado	36.6	4.8	^{b}64.8	^{a}45.3
Connecticut	^{a}43.8	13.3	^{a}73.2	53.6
Delaware	^{b}59.3	^{b}29.1	^{b}77.0	52.4
District of Columbia	^{a}46.1	12.9	^{b}46.8	45.9
Florida	43.9	9.3	68.8	43.1
Georgia	38.4	0.2	64.9	43.6
Hawaii	48.9	24.6	75.9	23.7
Idaho	34.1	13.0	86.2	76.3
Illinois	46.6	18.0	79.2	69.1
Indiana	33.3	6.4	70.4	47.7
Iowa	28.9	9.2	83.5	64.3
Kansas	40.4	16.5	87.2	61.2
Kentucky	35.2	6.0	77.8	62.0
Louisiana	43.7	13.3	82.5	64.4
Maine	58.6	25.4	87.9	87.5
Maryland	45.0	15.8	^{a}57.0	36.9
Massachusetts	^{a}48.8	24.4	78.8	^{a}62.0
Michigan	48.6	19.0	76.4	56.5
Minnesota	45.7	12.0	73.6	50.2
Mississippi	39.1	4.8	80.5	76.3
Missouri	41.9	5.8	72.4	54.3
Montana	35.1	8.9	91.7	80.4
Nebraska	35.3	11.2	91.0	73.9
Nevada	71.8	11.5	89.9	28.8
New Hampshire	^{a}47.0	^{a}20.9	85.9	^{a}61.3
New Jersey	^{a}42.9	16.5	79.6	^{a}53.3
New Mexico	38.5	15.9	66.2	53.6
New York	46.1	22.4	80.0	52.5
North Carolina	38.4	7.2	69.1	33.4
North Dakota	23.7	16.0	80.9	73.0
Ohio	50.6	16.8	88.9	69.5
Oklahoma	23.9	7.0	72.2	60.5
Oregon	51.5	7.6	75.4	54.0
Pennsylvania	30.3	7.8	^{a}66.0	^{a}56.7
Rhode Island	^{a}45.9	^{a}26.4	^{a}77.9	^{a}63.3
South Carolina	47.5	1.7	83.2	63.5
South Dakota	29.2	12.0	88.0	77.5
Tennessee	43.8	7.8	79.2	52.4
Texas	25.1	9.2	73.5	50.3
Utah	40.5	24.6	75.0	74.5
Vermont	^{b}38.8	^{b}14.2	86.8	^{b}54.8
Virginia	40.8	13.5	88.4	56.9
Washington	51.5	15.6	75.0	67.2
West Virginia	43.1	28.4	93.9	81.1
Wisconsin	35.2	13.4	83.9	71.2
Wyoming	30.9	16.4	91.3	59.6

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE IV.4: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY COMMUNITY TYPE

Activity	Central city	Urban fringe/large town	Rural/small town
Small-group instruction	12.0	9.8	7.6
Large-group instruction	38.8	34.8	39.8
Store student assessment materials	29.9	32.2	31.5
Display student assessment materials	27.1	26.5	28.5
Parent support	24.2	23.3	23.1
Social/health services	27.1	24.4	28.4
Teacher planning	14.7	12.8	12.2
Private areas for counseling/testing	30.4	25.8	22.6
Laboratory science	48.3	43.7	36.9
Library/media center	13.6	13.9	12.8
Day care	76.4	70.2	82.4
Before/after school care	54.0	51.1	66.2

Note: Sampling errors range ±1.3–3.5 percent

TABLE IV.5: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY LEVEL OF SCHOOL

Activity	Elementary	Secondary	Combined
Small-group instruction	10.5	7.0	5.6
Large-group instruction	39.3	33.9	46.9
Store student assessment materials	31.7	30.3	29.7
Display student assessment materials	27.1	28.7	28.5
Parent support	22.7	24.8	29.8
Social/health services	27.2	26.5	27.2
Teacher planning	14.0	10.5	13.8
Private areas for counseling/testing	28.5	18.1	24.2
Laboratory science	51.6	15.3	42.3
Library/media center	13.3	11.5	27.7
Day care	76.3	81.3	76.6
Before/after school care	53.3	73.5	67.2

Note: Sampling errors range ±1.4–4.0 percent.

TABLE IV.6: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY PROPORTION OF MINORITY STUDENTS

Activity	Percent minority students			
	Less than 5.5	5.5 to less than 20.4	20.5 to less than 50.4	50.5 or more
Small-group instruction	8.9	10.5	9.4	9.7
Large-group instruction	38.2	36.8	36.5	41.0
Store student assessment materials	30.4	30.7	32.4	32.5
Display student assessment materials	27.3	25.6	28.4	29.0
Parent support	22.2	20.7	24.8	27.0
Social/health services	25.6	24.9	27.8	31.3
Teacher planning	13.0	12.6	11.4	15.5
Private areas for counseling/testing	22.6	25.2	27.3	30.6
Laboratory science	39.3	38.9	42.8	49.1
Library/media center	13.6	11.0	12.7	15.5
Day care	80.7	73.2	77.0	77.2
Before/after school care	63.2	52.7	57.2	58.4

Note: Sampling errors range ±1.7–4.0 percent.

TABLE IV.7: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY GEOGRAPHIC REGION

Activity	Northeast	Midwest	South	West
Small-group instruction	13.8	10.7	5.5	10.5
Large-group instruction	37.4	40.7	32.3	44.5
Store student assessment materials	32.5	30.9	26.2	38.6
Display student assessment materials	25.6	28.3	23.8	33.9
Parent support	22.1	22.8	20.5	30.1
Social/health services	20.8	26.3	25.5	35.3
Teacher planning	14.0	13.4	10.5	16.1
Private areas for counseling/testing	25.3	26.8	19.6	34.1
Laboratory science	42.8	41.9	36.2	50.4
Library/media center	17.8	14.0	8.7	16.0
Day care	76.9	80.9	75.7	76.4

TABLE IV.7: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY GEOGRAPHIC REGION—Continued

Activity	Northeast	Midwest	South	West
Before/after school care	57.4	63.2	54.1	60.9

Note: Sampling errors range ±1.1–4.8 percent.

TABLE IV.8: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" THE FUNCTIONAL REQUIREMENTS OF SELECTED EDUCATION REFORM ACTIVITIES BY PROPORTION OF STUDENTS APPROVED FOR FREE OR REDUCED LUNCH

Activity	Percent of students approved for free or reduced lunch			
	Less than 20	20 to less than 40	40 to less than 70	70 or more
Small-group instruction	9.2	8.8	8.7	10.0
Large-group instruction	32.5	37.3	40.5	41.3
Store student assessment materials	29.3	31.0	31.1	34.3
Display student assessment materials	25.8	25.0	31.3	29.3
Parent support	21.3	23.8	24.6	23.0
Social/health services	20.0	26.9	32.0	30.6
Teacher planning	12.0	12.0	12.7	15.7
Private areas for counseling/testing	21.4	22.9	29.3	31.4
Laboratory science	33.0	38.0	48.5	50.3
Library/media center	9.7	10.7	15.2	15.0
Day care	70.7	79.7	80.9	79.0
Before/after school care	54.5	60.6	61.8	59.3

Note: Sampling errors range ± 2.1–3.9 percent.

APPENDIX V—DATA—ENVIRONMENTAL NEEDS

TABLE V.1: PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS—LIGHTING, HEATING, VENTILATION, INDOOR AIR QUALITY—BY STATE

State	Lighting	Heating	Ventilation	Indoor air quality
Alabama	14.7	22.0	26.1	23.2
Alaska	28.1	38.9	51.9	49.9
Arizona	15.7	19.9	29.5	19.6
Arkansas	7.5	7.9	11.9	10.0
California	31.1	24.7	28.8	21.8
Colorado	^{a}21.7	^{a}29.3	^{a}37.2	24.0
Connecticut	9.3	23.8	^{a}35.3	18.5
Delaware	9.1	^{b}25.6	^{b}30.3	^{b}26.4
District of Columbia	^{b}40.2	^{a}31.0	^{a}33.9	^{a}31.5
Florida	16.0	17.8	34.6	30.6
Georgia	6.9	11.8	12.4	7.7
Hawaii	7.6	6.0	26.2	20.9
Idaho	13.2	19.8	36.5	25.5
Illinois	14.2	21.0	29.2	18.6
Indiana	22.8	20.7	28.8	21.2
Iowa	9.5	11.1	24.2	17.1
Kansas	21.5	22.3	35.2	24.1
Kentucky	14.6	17.7	25.6	19.2
Louisiana	18.4	17.5	7.2	6.3
Maine	9.6	19.7	28.7	30.1
Maryland	18.0	19.2	28.8	20.5
Massachusetts	19.9	32.8	^{a}41.9	30.9
Michigan	12.0	16.7	25.3	15.4
Minnesota	11.9	15.0	35.5	30.1
Mississippi	8.0	10.9	9.4	8.8
Missouri	4.7	10.1	12.8	8.2
Montana	4.7	9.4	20.8	12.9
Nebraska	7.4	16.9	32.9	21.4
Nevada	15.7	21.0	22.6	20.4
New Hampshire	14.0	24.8	^{a}46.8	^{a}27.2
New Jersey	11.5	10.5	21.7	8.1
New Mexico	20.9	23.9	32.7	22.7
New York	15.8	20.9	36.5	24.1
North Carolina	17.4	14.0	23.4	17.7
North Dakota	10.7	20.1	28.6	24.0
Ohio	13.9	24.9	33.3	18.6
Oklahoma	16.2	18.7	20.6	16.8
Oregon	25.8	27.4	40.1	27.0
Pennsylvania	11.0	17.1	23.3	12.4
Rhode Island	25.4	25.8	28.9	^{a}29.8
South Carolina	7.2	13.0	18.3	18.8
South Dakota	9.5	15.1	25.7	19.9
Tennessee	8.3	17.1	19.2	16.0
Texas	13.0	14.2	16.4	12.3
Utah	14.1	21.9	34.1	20.9
Vermont	10.5	^{a}22.7	^{a}32.2	^{a}25.4
Virginia	14.4	16.6	21.7	19.8
Washington	24.0	30.4	41.9	32.4
West Virginia	23.9	34.1	46.5	31.3
Wisconsin	9.6	13.9	20.5	13.3

TABLE V.1: PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS—LIGHTING, HEATING, VENTILATION, INDOOR AIR QUALITY—BY STATE—Continued

State	Lighting	Heating	Ventilation	Indoor air quality
Wyoming	5.0	11.2	24.1	15.4

Note: Sampling errors are less than ±11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 14.3 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE V.2: PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS—ACOUSTICS, FLEXIBILITY, PHYSICAL SECURITY—BY STATE

State	Acoustics	Flexibility	Physical security
Alabama	32.8	47.6	35.7
Alaska	32.4	55.5	27.4
Arizona	26.4	52.6	25.3
Arkansas	17.5	42.4	21.2
California	34.2	70.4	41.2
Colorado	21.9	^{a}46.5	13.3
Connecticut	^{a}28.4	^{a}48.4	22.3
Delaware	^{a}19.3	^{b}48.6	^{a}22.3
District of Columbia	^{b}51.8	^{b}52.4	^{a}37.3
Florida	28.0	56.6	33.7
Georgia	11.9	36.2	16.8
Hawaii	37.7	^{a}54.1	39.7
Idaho	35.4	53.8	22.5
Illinois	29.1	55.4	23.6
Indiana	33.0	55.4	18.4
Iowa	28.2	55.3	24.1
Kansas	30.3	56.6	21.9
Kentucky	26.4	50.5	21.0
Louisiana	27.5	53.4	29.6
Maine	^{a}42.6	^{a}58.4	^{a}33.3
Maryland	19.6	23.1	13.4
Massachusetts	^{a}41.3	^{a}51.2	27.9
Michigan	31.0	47.2	20.2
Minnesota	20.7	55.6	27.5
Mississippi	22.0	41.2	28.2
Missouri	22.5	43.2	14.5
Montana	22.9	50.6	18.0
Nebraska	26.1	^{a}46.8	21.3
Nevada	7.6	53.5	13.7
New Hampshire	^{a}43.8	^{a}68.8	21.6
New Jersey	30.3	^{a}60.6	19.8
New Mexico	32.1	60.5	24.1
New York	30.0	64.9	21.2
North Carolina	29.5	59.0	21.8
North Dakota	32.8	41.3	18.1
Ohio	39.6	70.6	23.5
Oklahoma	27.3	48.8	26.6
Oregon	31.8	72.2	28.7
Pennsylvania	16.7	^{a}42.0	12.8
Rhode Island	^{a}38.6	^{a}63.7	^{a}34.7
South Carolina	22.7	53.8	24.6
South Dakota	23.6	38.5	11.2
Tennessee	21.5	48.6	27.9
Texas	21.3	43.7	18.3
Utah	17.8	52.2	16.1
Vermont	^{a}22.9	^{b}47.4	^{b}22.8
Virginia	24.0	37.5	20.6
Washington	39.7	64.8	34.6
West Virginia	44.0	68.7	34.4
Wisconsin	19.7	52.5	18.8
Wyoming	17.7	52.6	21.9

Note.—Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE V.3.—PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS BY COMMUNITY TYPE

Environmental factor	Central city	Urban fringe/large town	Rural/small town
Lighting	20.4	17.3	11.4
Heating	22.8	19.0	17.0
Ventilation	31.5	28.2	23.6
Indoor air quality	22.5	19.0	17.2
Acoustics for noise control	31.6	26.3	26.8
Flexibility	59.7	50.8	52.0
Physical security	26.5	22.8	23.5

Note.—Sampling errors range ± 1.6–3.5 percent.

TABLE V.4.—PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS BY LEVEL OF SCHOOL

Environmental factor	Elementary	Secondary	Combined
Lighting	16.3	13.8	15.0
Heating	18.8	20.6	18.6
Ventilation	26.4	29.2	27.0
Indoor air quality	19.1	19.4	21.8
Acoustics for noise control	28.3	26.8	32.2
Flexibility	54.9	51.5	51.4
Physical security	22.9	27.4	28.8

Note.—Sampling errors range ± 1.7–3.9 percent.

TABLE V.5.—PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS BY PROPORTION OF MINORITY STUDENTS

Environmental factor	Percent of minority students			
	Less than 5.5	5.5 to less than 20.4	20.5 to less than 50.5	50.5 or more
Lighting	12.1	14.3	16.0	22.9
Heating	17.7	18.1	18.7	23.7
Ventilation	25.6	25.4	27.4	31.4
Indoor air quality	17.5	17.6	20.4	22.9
Acoustics for noise control	27.7	25.1	26.8	32.8
Flexibility	50.8	52.3	55.3	60.1
Physical security	21.6	21.3	22.7	33.3

Note.—Sampling errors range ± 1.8–3.9 percent.

TABLE V.6—PERCENT OF SCHOOLS REPORTING UNSATIFACTORY ENVIRONMENTAL FACTORS BY GEOGRAPIC REGION

Environmental factor	Northeast	Midwest	South	West
Lighting	13.8	12.8	13.7	23.8
Heating	20.3	18.2	16.3	24.3
Ventilation	31.4	27.8	20.9	32.3
Indoor air quality	19.9	18.4	16.8	23.5
Acoustics	29.6	29.3	24.4	30.9
Flexibility	55.7	54.2	47.0	62.8
Physical security	21.1	21.2	23.9	31.4

Note.—Sampling errors range ± 1.8–4.5 percent.

TABLE V.7—PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS BY PROPORTION OF STUDENTS APPROVED FOR FREE OR REDUCED LUNCH

Environmental factor	Percent of students approved for free or reduced lunch			
	Less than 20	20 to less than 40	40 to less than 70	70 or more
Lighting	14.3	13.2	15.8	19.1
Heating	18.9	15.5	20.6	22.1
Ventilation	26.1	23.5	28.3	30.6
Indoor air quality	15.8	15.9	22.6	22.6
Acoustics	24.1	27.0	29.4	32.8
Flexibility	49.0	53.5	59.0	57.4
Physical security	19.4	18.8	25.9	30.0

Note.—Sampling errors range ± 2.3–3.8 percent.

Appendix VI—Technical Appendix

SCOPE AND METHODOLOGY OVERVIEW

To determine the extent to which America's 80,000 schools have the physical capacity to support 21st century technology and education reform for all students, we surveyed a national sample of public schools and their associated districts and augumented the surveys with visits to selected school districts. We used various experts to advise us on the design and analysis of this project (See app. I.)

We sent the surveys to a nationally representative sample of about 10,000 public schools in over 5,000 associated school districts. For our sample, we used the public school sample for the Department of Education's 1993-94 Schools and Staffing Survey (SASS), which is a multifaceted, nationally representative survey sponsored by the National Center for Educational Statistics (NCES) and administered by the Bureau of the Census.

We asked about the physical condition of schools and how well schools could meet selected functional requirements of education reform, such as having space for small- and large-group instruction or science laboratories. We also asked officials if their schools had sufficient data, voice, and video technologies and infrastructure to support these technologies. A list of the relevant survey items appears in appendix II.[18]

We directed the survey to those officials who are most knowledgeable about facilities—such as facilities directors and other central office administrators of the districts that housed our sampled schools. Our analyses are based on responses from 78 percent of the schools sampled and 75 percent of the associated districts. Analyses of nonrespondent characteristics showed them to be similar to respondents. Findings from the survey have been statistically adjusted (weighted) to produce estimates that are representative at national and state levels. All data are self-reported, and we did not independently verify their accuracy.

In addition, we visited 41 schools in 10 selected school districts varying in location, size, and minority composition to augment and illustrate our survey results. We also reviewed the literature on education reform, including the relationship between environmental conditions and student learning. We conducted our study between January 1994 and March 1995 in accordance with generally accepted government auditing standards.

SCHOOL AND DISTRICT SURVEYS

For our review of the physical condition of America's schools, we wanted to determine physical condition as perceived by the most knowledgeable school district personnel. To accomplish this, we mailed school and district questionnaires to superintendents of school districts associated with a nationally representative sample of public schools. We asked the superintendents to have district personnel, such as facilities directors who were very familiar with school facilities, answer the questionnaires. The questionnaires gathered information about (1) the physical condition of schools; (2) costs of bringing schools into good overall condition, which we defined as needing only routine maintenance or minor repairs; and (3) how well schools could meet the functional requirements of education programs. For our school sample, we used the sample for the 1993-94 SASS.

SAMPLING STRATEGY

The 1993-94 SASS sample is designed to give several types of estimates, including both national and state-level estimates. It is necessarily a very complex sample. Essentially, however, it is stratified by state and grade level (elementary, secondary, and combined). It also has separate strata for schools with large Native American populations and for Bureau of Indian Affairs schools. A detailed description of the sample and discussion of the sampling issues is contained in NCES' technical report on the 1993-94 SASS sample.[19]

SURVEY RESPONSE

We mailed our questionnaires to 9,956 sampled schools in 5,459 associated districts across the country in May 1994. We did a follow-up mailing in July 1994 and again in October 1994. After each mailing, we telephoned nonresponding districts to encourage their responses. We accepted returned questionnaires through early January 1995.

Of the 9,956 schools in the original sample, 393 were found to be ineligible for our survey.[20] Subtracting these ineligible schools from our original sample yielded an adjusted sample of 9,563 schools. The number of completed, usable school questionnaires returned was 7,478. Dividing the number of completed, usable returns by the adjusted sample yielded a school response rate of 78 percent. Of the 5,459 associated districts in the original sample, 28 were found to be ineligible for our survey mainly because they were no longer operating. Subtracting these ineligible districts from our original sample of 5,459 associated districts yielded an adjusted district sample of 5,431 districts. The number of completed, usable district questionnaires returned was 4,095. Dividing the number of completed, usable returns by the adjusted district sample yielded a district response rate of 75 percent.[21]

We compared school and district nonrespondents with respondents by urbanicity, location, state, race and ethnicity, and poverty. There were few notable differences between the groups. On the basis of this information, we assumed that our respondents did not differ significantly from the nonrespondents.[22] Therefore, we weighted the respondent data to adjust for nonresponse and yield national and state-level estimates.

SAMPLING ERRORS

All sample surveys are subject to sampling error, that is, the extent to which the results differ from what would be obtained if the whole population had received the questionnaire. Since the whole population does not receive the questionnaire in a sample survey, the true size of the sampling error cannot be known. However, it can be estimated from the responses to the survey. The estimate of sampling error depends largely on the number of respondents and the amount of variability in the data.

For this survey, sampling errors for all school-level estimates at the national level is estimated to be ± 2 percent or less at the 95-percent confidence level. Sampling errors for school-level estimates at the state level are generally within ± 10 percent at the 95-percent confidence level. Sampling errors for a few state-level estimates may go as high as ± 12-15 percent. These are indicated on the tables in the appendixes. Sampling errors for district-level estimates are not available. With the exception of the information on recent bond issues passed by districts, all estimates discussed in this report are school-level estimates at national or state-levels.

NONSAMPLING ERRORS

In addition to sampling errors, surveys are also subject to other types of systematic error or bias that can affect results. This is especially true when respondents are asked to answer questions of a sensitive nature or inherently subject to error. Lack of understanding of the issues can also result in systematic error. Bias can affect both response rates and the way that respondents answer particular questions. It is not possible to assess the magnitude of the effect of biases, if any, on the results of a survey. Rather, possibilities of bias can only be identified and accounted for when interpreting results. This survey had two major possible sources of bias: (1) bias inherent in all self-ratings or self-reports and (2) sensitivity of compliance issues.

Bias inherent in self-ratings may impact results of this survey in two major areas. First, the self-ratings or self-reports of technological sufficiency may be overly optimistic for several reasons. In our analyses, we include as "sufficient" responses that indicated moderate and somewhat sufficient capability as well as very sufficient capability. This could indicate a wide range of sufficiency, including some responses that are very close to "not sufficient." In addition, our analyses showed that without any objective standards with which to anchor their responses, schools indicating "sufficient" computers and computer/student ratios that ranged from 1:1 to 1:292 (a median of 1:11) for those schools that had computers. About 300 schools that indicated they had no computers for instructional use said that was sufficient. (See table III.9 for more details.) Finally, technology experts who regularly consult with school systems report that the level of knowledge among school administrators and staff of possible use and application of technology in schools is low—further increasing the likelihood that these sufficiency estimates are overly optimistic.

Second, assessing the physical condition of buildings is a very complex and technical undertaking. Moreover, many facilities problems, particularly the most serious and dangerous, are not visible to the naked eye. Further, any dollar estimates made of the cost to repair, retrofit, upgrade, or renovate are just that, estimates, unless the school has recently completed such work. The only way school officials actually know what such work costs is to put it out for bid. Even then, cost changes may occur before the contracted work is completed. Therefore, estimates and evaluations reported are subject to inaccuracies.

A second kind of bias that may occur results from the sensitivity of compliance issues. In this case, our interest in securing information related to compliance with federal mandates, life-safety codes, and physical security put us in a highly sensitive area. For example, respondents may perceive that accurately reporting problems in providing access for disabled students could make the school vulnerable to lawsuits, despite assurances of confidentiality. Consequently, in sensitive areas schools may tend toward underreporting or making conservative estimates.

In general, survey results were consistent with what we saw in our site visits.

SITE VISITS

To illustrate and augment our survey results, we conducted site visits in 10 districts: Chicago, Illinois; Grandview, Washington; Montgomery County, Alabama; New Orleans, Louisiana; New York, New York; Pomona, California; Ramona, California; Raymond, Washington; Richmond, Virginia; and Washington, D.C. Selected to represent key variables, they varied in location, size, and ethnic composition.

During these site visits, we interviewed central office staff, such as district superintendents, facilities directors, and business managers; and school staff, such as principals and teachers. We asked the central office staff about their district demographics, biggest facilities issues, facilities financing, assessment, maintenance programs, resources, and barriers to reaching facilities goals.

In addition, in each district we asked district officials to show us examples of "typical," "best," and "worst" schools and verified reliability of these designations with others. In some small districts, we visited all schools. We spoke with administration and staff in the schools we toured. We asked the school staff about their schools' condition, repair and renovation programs, and facilities needs for educational programs.

CLASSIFICATION VARIABLES

Community Type.—Central City: A large central city (a central city of a Standard Metropolitan Statistical Area (SMSA)) with population greater than or equal to 400,000 or a population density greater than or equal to 6,000 per square mile) or a mid-size central city (a central city of an SMSA but not designated a large central city).

Urban Fringe/Large Town: Urban fringe of a large or mid-size central city (a place within an SMSA of a large or mid-size central city and defined as urban by the Bureau of the Census) or a large town (a place not within an SMSA but with a population greater than or equal to 25,000 and defined as urban by the Bureau of the Census).

Rural/Small Town: Rural area (a place with a population of less than 2,500 and defined as rural by the Bureau of the Census) or a small town (a place not within an SMSA, with a population of less than 25,000 but greater than or equal to 2,500 and defined as urban by the Bureau of the Census).

School Level.—Elementary: A school that had grade six or lower or "ungraded" and no grade higher than eighth.

Secondary: A school that had no grade lower than the seventh or "ungraded" and had grade seven or higher.

Combined: A school that had grades higher than the eighth and lower than the seventh.

Minority Enrollment.—The percentage of students defined as minority using the following definition for minority: American Indian or Alaskan Native; Asian or Pacific Islander; Hispanic, regardless of race (Mexican, Puerto Rican, Cuban, Central or South American, or other culture or origin); Black (not of Hispanic origin).

Geographic Region.—Northeast: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania.

Midwest: Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas.

South: Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas.

West: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, Hawaii.

Proportion of Students Receiving Free or Reduced Lunch.—Calculation based on survey question 4 ("What was the total number of Full Time Equivalent (FTE) students enrolled in this school around the first of October 1993?") and survey question 25 ("Around the first of October 1993, how many applicants in this school were approved for the National School Lunch Program?").

Student/Computer Ratio.—Calculation based on survey question 4 ("What was the total number of Full Time Equivalent (FTE) students enrolled in this school around the first of October 1993?") and question 18 ("How many computers for instructional use does this school have?").

APPENDIX VII.—DATA SUPPORTING FIGURES IN THE REPORT

TABLE VII. 1: DATA FOR FIGURE V.1—PERCENT OF SCHOOLS WITH AIR-CONDITIONING IN CLASSROOMS—BY STATE

State	Percent of schools with air-conditioning in classrooms
Alabama	97.8
Alaska	4.9
Arizona	68.2
Arkansas	95.9
California	67.2
Colorado	28.5
Connecticut	21.7
Delaware	[b]42.0
District of Columbia	[a]47.4
Florida	97.8
Georgia	92.9
Hawaii	18.1
Idaho	26.0
Illinois	26.8
Indiana	53.5
Iowa	22.0
Kansas	63.1
Kentucky	92.3
Louisiana	96.0
Maine	2.0
Maryland	55.3
Massachusetts	11.8
Michigan	18.9
Minnesota	19.2
Mississippi	97.3
Missouri	51.1
Montana	13.4
Nebraska	[a]37.9
Nevada	70.1
New Hampshire	00.0
New Jersey	21.8
New Mexico	70.4
New York	10.2
North Carolina	87.8
North Dakota	18.1
Ohio	15.6
Oklahoma	94.5
Oregon	17.0
Pennsylvania	28.9
Rhode Island	5.8
South Carolina	100.0
South Dakota	10.9
Tennessee	95.2
Texas	98.4
Utah	34.4
Vermont	1.4
Virginia	77.8
Washington	31.8
West Virginia	58.1
Wisconsin	25.7
Wyoming	13.4

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 14.2 percent.

APPENDIX VIII—GAO CONTACTS AND STAFF ACKNOWLEDGMENTS

GAO CONTACTS

Eleanor L. Johnson, Assistant Director, (202) 512–7209; Ella Cleveland, Project Manager, (202) 512–7066; Kathleen Ward, Senior Analyst, (313) 256–8078.

STAFF ACKNOWLEDGMENTS

D. Catherine Baltzell, Supervisory Social Science Analyst; Nancy Kintner-Meyer, Evaluator; Deborah L. McCormick, Senior Social Science Analyst; Edna M. Saltzman, Subproject Manager; Diane E. Schilder, Senior Evaluator.

FOOTNOTES

[1] Sampling error is ±6.61 percent.

[2] Small-group instruction, teacher planning, private areas for student counseling and testing, and library/media centers.

[3] Ventilation, heating, indoor air quality, and lighting.

[4] See Systemwide Education Reform: Federal Leadership Could Facilitate District-Level Efforts (GAO/HRD–93–97, Apr. 30, 1993).

[5] See School-Linked Human Services: A Comprehensive Strategy for Aiding Students at Risk of School Failure (GAO/HEHS–94,21, Dec. 30, 1993).

[6] See Regulatory Flexibility in Schools: What Happens When Schools Are Allowed to Change the Rules? (GAO/HEHS–94–102, Apr. 29, 1994) and Education Reform: School-Based Management Results in Changes in Instruction and Budgeting (GAO/HEHS–94–135, Aug. 23, 1994).

[7] Experts have identified other key components affecting the implementation of technology in

schools, such as sufficient teacher training and computer support services. However, because our focus was on school facilities, these components were not included in our survey.

[8] Multimedia uses a single communication system (cable) to transmit voice, data, and video, currently by dignitizing voice and video.

[9] See, for example, The National Information Infrastructure: Requirements for Education and Training, National Coordinating Committee on Technology in Education and Training, (Alexandria, Va: 1994).

[10] Beau Fly Jones et al., Learning, Technology and Policy for Educational Reform, July 1994, Version 1.0, North Central Regional Educational Laboratory (Oak Brook, Ill.: 1994).

[11] The Internet, a global communications network, is a cooperative effort among educational institutions, government agencies, and various commercial and nonprofit organizations. Historically, the Internet has contained mostly scientific research and education information. However, more recently, the kind of information accessible on the Internet has expanded to include library catalogs, full texts of electronic books and journals, government information, campuswide information systems, picture archives, and business data and resources. The Internet allows three primary functions: electronic mail and discussion groups (e mail), use of remote computers (telnet), and transferring files (file transfer protocol).

[12] "Opportunity to learn" refers to the sufficiency or quality of the resources, practices, and conditions necessary to provide all students with an opportunity to learn the material in voluntary national content standards or state content standards. See, for example, Andrew Porter, "The Uses and Misuses of Opportunity-to-Learn Standards," Educational Researcher, Vol. 24, No. 1 (1995), pp. 21–27; and Faith E. Crampton and Terry N. Whitney, "Equity and Funding of School Facilities: Are States at Risk?" State Legislative Report, Vol. 20, No. 1 (1995), pp. 1–8.

[13] Laser disk players and VCRs were rated as one item. It could be that a sufficient number of VCRs exists but not laser disk players.

[14] The self-reports of sufficiency may be overly optimistic for several reasons. First, in our analyses we included as "sufficient" responses that indicated moderate and somewhat sufficient capability as well as very sufficient capability. This could indicate a wide range of sufficiency, including some responses that are very close to "not sufficient." Second, our analysis of responses showed that without any objective standards with which to anchor their responses, schools indicating "sufficient" computers had computer/student ratios ranging from 1:1 to 1:292 (a median of 1:11) for those schools that had computers. About 300 schools that indicated they had no computers said that was sufficient. (For more detail, see table III.9 in app. III.) Finally, technology experts who regularly consult with school systems report that the level of knowledge among school administrators and staff of possible use and application of technology in schools is low—further increasing the likelihood that these sufficiency estimates are overly optimistic.

[15] We asked respondents to rate the overall condition of their school buildings on a six-point scale: excellent, good, adequate, fair, poor, or replace. See School Facilities: Condition of America's Schools (GAO/HEHS–95–61, Feb. 1, 1995).

[16] Environmental factors associated with learning include heating, lighting, air-conditioning, acoustics, space flexibility, and physical security.

[17] See, for example, J. Howard Bowers et al., "Effects of the Physical Environment of Schools on Students," (paper presented to 65th Council of Educational Facility Planners, International Conference, 1988) and Carol S. Cash, "Building Condition and Student Achievement and Behavior," doctoral dissertation, Virginia Polytechnic Institute and State University, 1993.

[18] A full copy of the questionnaire appears in the first report in this series, School Facilities: Condition of America's Schools (GAO/HEHS–95–61, Feb. 1, 1995).

[19] Robert Abramson et al., 1993–94 Schools and Staffing Survey: Sample Design and Estimation, NCES (available in July 1995).

[20] Reasons for ineligibility included school no longer in operation, entity not a school, private rather than public school, and post-secondary school only.

[21] Detailed sample and response information for each sample stratum is available upon request from GAO. See appendix VIII for appropriate staff contacts.

[22] We did not poll nonrespondents, so we have no way to verify this assumption.

Ms. MOSELEY-BRAUN. I would like to take a moment to share with the Chair some information. These charts are bulky, but this is information that comes out of the GAO report that I think is a very telling statement about where we are in our country today in terms of education and technology infrastructure.

The report which, as you may know, was entitled "America's Schools Not Designed or Equipped for 21st Century."

In this part of the report, most States report that at least 50 percent of schools have insufficient technology.

My own State of Illinois comes down here, where 60 to 69 percent of the schools in Illinois do not have sufficient technology infrastructure. The Presiding Officer's State, I think, does a little better. You are in this category. As you can see, we have a long way to go to get the technology up to speed.

Understand that this report speaks specifically to technology. The first report talked about infrastructure. So we talk about putting in computers. We have heard stories from some of the teachers and people who were questioned in this regard that one of the big problems they run into is, even if they had the computers, the technology, they do not have the capacity to use them. They do not have the phone lines, the cables, and they do not have the ability.

One report was that in the classroom in a particular school—and I will not name it now—there were two outlets in the classroom, and so if more than two teachers plug something in, the whole building would shut down because the circuit breaker would go. Clearly we cannot expect our young people to compete in this world economy, in this global economy, with that kind of millstone around their neck, without having the ability to access the technologies.

The youngsters may play Nintendo, but that is not training them to compete in our global economy. So if we are training them to address the competition we want them to meet, I believe we have a national interest in addressing the infrastructure and technology infrastructure so we can provide our young people with the tools they will need to succeed. Certainly it is an issue that goes to our international competitiveness. Just this morning in the Finance Committee, Ambassador Kantor was there to talk about trade relations of the United States: Where we are in the balance of trade; where we are with regard to the issues affecting the globalization of this economy; how is our country doing.

The question came up, What is the most important thing we can do to see to it we are able to compete in this global economy? The answer to that question is investment in human capital. The answer to that question is education. The answer to that question is training, so our people, our children will have the skills and the knowledge and the wherewithal and capacity to be competitive.

I point out also the national statistics. I will point out also, in addition to the issue of competitiveness, giving our young people the capacity to compete in this world economy will be a boon to the entire community. If you ask employers in our private sector what is the biggest impediment to them hiring people, it is that they are getting people who are not, right now, trained. So the private sector winds up, if you will, having costs shifted to them because the youngsters that our schools are turning out are not quite yet trained to handle the demands of business.

If we are going to prepare our young people for the global economy, if we are going to prepare our young people for the world of work, if we are going to stop relying on the willy-nilly haphazard shifting of costs to the private sector, and make certain we have the capacity in this Nation to keep America strong through having a well-educated work force, I believe we have a national interest in investing in this infrastructure, and in this technology infrastructure particularly.

This chart talks about the millions of students who attend schools with insufficient technology. Again, this is putting aside for a moment the basic infrastructure like do you have the plugs in the classroom, like having the sufficient lighting. That was the first GAO report, and you recollect that report said we were way behind and our schools were deteriorating and not capable, really, of handling a lot of this stuff.

But look at this. Mr. President, 86 percent of our schools, or 66,000 schools, or 35.4 million children in the United States attend schools that do not have sufficient fiber optic cables for them to access the technology. The fiber optics cable is necessary for them to access the technology and plug into the Internet. You have to have this to get onto the information superhighway. So 35.4 million of our students do not have the capacity to get on that highway in school.

Phone lines for instructional use—again, 61.2 percent of our schools, 47,000 schools, or 24.8 million students in this country do not have phone lines for instructional use.

Conduits, raceways for computers, the computer network cables—60 percent of the schools do not have it, or 24.9 million students.

Go right down the list, even down to televisions. TV's, 15 percent of the schools do not have it; 6.8 million students.

It seems to me, for the kind of investment we require here, we can upgrade the kind of information and resources that are available to our young people, we can give them the tools they will need to learn. We can help teachers teach better and in so doing we will have benefits to the entire community.

I will close by saying what I may have said already but I cannot reiterate it too often. Education is not just a private benefit. It is not just whether or not I can get a good job or I can get a leg up on the competition or whether or not I can afford to be trained or be educated or to have a certain set of skills. Education is more than a private benefit. It is a public good. It goes to the stability and the quality of life of our community as a whole, of our entire country. Every person benefits when we have a well-educated citizenry.

Frankly, that is how this Nation became the strong, great Nation that it was, because we had a work force that was better trained, better equipped, better provided for than any other work force in the world. We are in grave danger of losing that if we do not make the kind of investment in our human capital, in our children, in education, that we need to make in order to give our community the benefits of the talent that I believe these young people have.

So, in closing, I would like to again thank Senator PELL for all his leadership and for his joining on the GAO letter, and thank the Chair for his attention. I have introduced the GAO report into the RECORD.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, what is the pending business? Are we in morning business?

The PRESIDING OFFICER. The pending business is the appropriations bill.

Mr. DOLE. I ask if I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRANKLIN ROOSEVELT—DISABILITY HERO

Mr. DOLE. Mr. President, as many Members of the Senate know, it is my custom to speak each year about a disability subject on April 14. It is the date I was wounded in World War II and joined the disability community myself. This year we will be in recess on April 14, so I will give my annual message today.

Mr. President, I will talk about another member of the disability community—certainly one of its most prominent members. But throughout his life, his disability was not only unknown to most people, it was denied and hidden.

I am speaking about President Franklin Roosevelt. Next week, the Nation will commemorate the 50th anniversary of his death on April 12, 1945. He will surely be recalled by many as a master politician; an energetic and inspiring leader during the dark days of the Depression; a tough, single-minded Commander in Chief during World War II; and a statesman.

No doubt about it, he was all these things. But he was also the first elected leader in history with a disability, and he was a disability hero.

FDR'S SPLENDID DECEPTION

Mr. President, in 1921, at age 39, Franklin Roosevelt was a young man in a hurry. He was following the same political path that took his cousin, Theodore Roosevelt, to the White House. In 1910 he was elected to the New York State Senate, and later was appointed Assistant Secretary of the Navy. In 1920, he was the Democratic candidate for Vice President.

Then, on the evening of August 10, while on vacation, he felt ill and went to bed early. Within 3 days he was paralyzed from the chest down. Although the muscles of his upper body soon recovered, he remained paralyzed below the waist.

His political career screeched to a halt. He spent the next 7 years in rehabilitation, determined to walk again. He never did. He mostly used a wheelchair. Sometimes he was carried by his sons or aides. Other times he crawled on the floor.

But he did perfect the illusion of walking—believing that otherwise his political ambitions were dead. He could stand upright only with his lower body painfully wrapped in steel braces. He moved forward by swinging his hips, leaning on the arm of a family member or aide. It worked for only a few feet at a time. It was dangerous. But it was enough to convince people that FDR was not a "cripple." FDR biographer Hugh Gallagher has called this effort, and other tricks used to hide his disability, "FDR's splendid deception."

This deception was aided and abetted by many others. The press were coconspirators. No reporter wrote that FDR could not walk, and no photographer took a picture of him in his wheelchair for that matter, thousands saw him struggle when he walked. Maybe they did not believe or understand what they saw.

In 1928, FDR ended his political exile, and was elected Governor of New York. Four years later, he was President. On March 4, 1933, standing at the east front of this Capitol, he said, "The only thing we have to fear is fear itself." He was 35 feet from his wheelchair. Few people knew from what deep personal experiences he spoke.

Perhaps the only occasion where FDR fully acknowledged the extent of his disability in public was a visit to a military hospital in Hawaii. He toured the amputee wards in his wheelchair. He went by each bed, letting the men see him exactly as he was. He did not need to give any pep talks—his example said it all.

FDR—DISABILITY HERO

Mr. President, earlier I called FDR a "disability hero." But it was not for the reasons some might think. It would be easy to cite his courage and grit. But FDR would not want that. "No sob stuff," he told the press in 1928 when he started his comeback. Even within his own family, he did not discuss his disability. It was simply a fact of life.

In my view, FDR is a hero for his efforts on behalf of others with a disability. In 1926, he purchased a run-down resort in Warm Springs, GA, and over the next 20 years turned it into a unique, first class, rehabilitation center. It was based on a new philosophy of treatment—one where psychological recovery was as important as medical treatment.

FDR believed in an independent life for people with disabilities—at a time when society thought they belonged at home or in institutions.

Warm Springs was run by people with polio, for people with polio. In that spirit, FDR is the father of the modern independent living movement—which puts people with disabilities in control of their own lives.

He also founded the National Foundation for Infantile Paralysis—today known as the March of Dimes—and raised millions of dollars to help others with polio and find a cure. On April 12, 1955, on the 10th anniversary of his death, the March of Dimes announced the first successful polio vaccine, engineered by Dr. Jonas Salk. Today, polio is virtually extinct in the United States. Next week, the March of Dimes will celebrate the 40th anniversary of the vaccine in Ann Arbor.

In public policy, FDR understood that Government help in rehabilitating people with disabilities is good business—often returning more in taxes and savings than it costs. It is unfortunately a philosophy that even today we often pay more lip service than practice.

DISABILITY TODAY AND TOMORROW

Mr. President, our Nation has come a long way in its understanding of disability since the days of President Roosevelt. For example, we recognize that disability is a natural part of life. We have begun to build a world that is accessible. No longer do we accept that buildings—either through design or indifference—are not accessible, which is a "Keep Out" sign for the disabled.

We have come a long way in another respect—in attitudes. Fifty years ago, we had a President, Franklin Roosevelt, who could not walk and believed it was necessary to disguise that fact from the American people. Today I trust that Americans would have no problem in electing as President a man or woman with a disability.

Mr. President, let us not fool ourselves—this work is not done. Not by a long shot. And I think this is something that we can all agree on, Republican or Democrat.

So, next week, as we honor President Roosevelt, let us remember him as a disability hero and dedicate ourselves to this unfinished business.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Hatfield amendment No. 420 to H.R. 1158, the supplemental appropriations bill, signed by 17 Senators as follows:

Senators Mark Hatfield, Pete Domenici, Rick Santorum, Larry Pressler, Mitch McConnell, Slade Gorton, Rod Grams, Ben Nighthorse Campbell, Conrad Burns, Mike DeWine, Nancy Kassebaum, Ted Stevens, Jesse Helms, Robert F. Bennett, Spencer Abraham, Dirk Kempthorne, and Fred Thompson.

MORNING BUSINESS

AMERICAN FIRM COMPETES FOR TRANSMISSION PROJECT IN QATAR

Mr. DOLE. Mr. President, the State of Qatar is planning a major expansion of its electric transmission system, which will be carried out under its phase IV transmission extension project. This project, with a value of more than $500 million, is being pursued by the energy group of Black & Veatch, which has headquarters in Overland Park, KS. Many of the firm's employees are constituents of mine. We are proud of this competitive American company. It is a world leader in the field of electrical power generation and distribution, and is recognized for the technological and managerial quality of power projects that it has undertaken over the years in more than 50 countries around the globe.

Companies like Black & Veatch are part of the answer to bringing down our trade deficit, which is now running at an all-time high. The world needs U.S. Technology and U.S. Services, and we should do everything we can to ensure that our companies get the chance to compete in overseas markets.

I have asked the Crown Prince of Qatar to give serious consideration to Black & Veatch's proposal for the electric transmission system project, and I ask unanimous consent that a copy of my letter to the Crown Prince be printed in the RECORD. I thank the Chair.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 22, 1995.

His Highness SHEIKH HAMAD BIN KHALIFA AL-THANI,
The Crown Prince, State of Qatar.

YOUR HIGHNESS: I wish to express my hope that the State of Qatar will give serious consideration to the proposal for the Transmission Extension Project by Black & Veatch International.

I am aware that United States Secretary of Commerce Ron Brown has visited with Your Highness and other top level officials of the State of Qatar on this matter. In addition, Secretary Brown has expressed his support of the Black & Veatch International offer in a letter to Sheikh Hamad bin Jassim bin Jahor al-Thani.

Black & Veatch International is well known to me and to many other U.S. Government officials for its high quality services for infrastructure projects. Many of the firm's principals and employees are constituents of mine. The firm's worldwide dominance of electric power projects can advance the State of Qatar's position in exporting LNG.

I respectfully request that you consider Black & Veatch International for the Phase IV Transmission Extension Project.

Sincerely,

BOB DOLE.

NATIONAL MENTAL HEALTH COUNSELING WEEK

Mr. HEFLIN. Mr. President, I come to the floor today to acknowledge the importance of mental health to everyone's and society's well-being and to call our attention to counseling as a vital part of maintaining good mental health.

Mental health counseling is provided along a continuum of patient needs, from educational and preventive services, to diagnosis and treatment of mental illness, to long-term and acute care. It assists individuals and groups with problemsolving, personal and social development, decisionmaking, and self-awareness.

Such counseling is offered through community mental health agencies, private practices, psychiatric hospitals, college campuses, and rehabilitation centers. It is often provided in conjunction with other mental health professionals, including psychiatrists, psychologists, social workers, psychiatric nurses, and marriage and family therapists so that the most appropriate treatment for each patient is assured. It is provided by professionals with advanced degrees in counseling or related disciplines, practicing within the scope of their training and experience. They are currently licensed in 40 States and the District of Columbia.

I want to congratulate the American Mental Health Counselors Association on their designation of April 30 to May 6, 1995 as "National Mental Health Counseling Week," and urge each and every American to seek the assistance of a qualified mental health counselor when needed. After all, our mental health is just as important as our physical health.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

At 4:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1345. An act to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1345. An act to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–707. A communication from the Deputy Assistant Secretary for Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a report relative to Federal Acquisition Regulation Part 50; to the Committee on the Judiciary.

EC–708. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the calendar year 1994 report of the Agency's activities under the Freedom of Information Act; to the Committee on the Judiciary.

EC–709. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the fiscal year 1994 report relative to the Arts and Artifacts Indemnity Program; to the Committee on Labor and Human Resources.

EC–710. A communication from the Secretary of Labor, transmitting, pursuant to law, the 1993 annual report relative to veterans' employment and training; to the Committee on Veterans' Affairs.

EC–711. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to rescissions submitted by the President of the United States on February 6, 1995; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science and Transportation, to the Committee on Environment and Public Works, to the Committee on Labor and Human Resources, and to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–87. A resolution adopted by the Board of Commissioners of the County of Granville, North Carolina relative to tobacco; to the Committee on Labor and Human Resources.

POM–88. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Labor and Human Resources.

"RESOLUTION NO. 10

"Whereas, The Low-Income Energy Assistance Program (LIHEAP) is a federally funded program to help low-income families pay their heating bills; and

"Whereas, Eligibility for the program is set at 135% of poverty level (maximum income of $19,900 for a family of four) and LIHEAP reaches fewer than one-half of the eligible households in Pennsylvania; and

"Whereas, Persons can receive one LIHEAP I grant a year and crisis payments to a maximum amount of $250 for emergency situations with the average LIHEAP I grant being $167 and average crisis grant amounting to $231; and

"Whereas, LIHEAP serves Pennsylvania citizens with great needs. Thirty-two percent of the persons receiving aid are Social Security recipients, 26% are welfare recipients, 20% are working poor, 11% are supplemental security income recipients and 3% receive unemployment benefits; and

"Whereas, Due to funding reductions, the program is no longer available during times of greatest need, thereby exacerbating health and safety needs; and

"Whereas, For example, the average LIHEAP grant assisted the neediest gas utility customers with 40.6% of their gas bills in 1985, but only provided assistance for 17.4% of the gas bills in 1994, one of the worst winters in the history of the country; and

"Whereas, This heating season, 1994–1995, the Federal appropriation for LIHEAP in Pennsylvania is 87.9 million dollars, the lowest in the history of the program; and

"Whereas, Sources of funds used by states to supplement LIHEAP such as the Energy Conservation Assistance Fund (ECAF) will be exhausted in 1995; therefore, be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania urge the President of the United States to maintain the 1994–1995 funding levels for LIHEAP and to refrain from any further reductions; and be it further

"*Resolved*, That Congress is urged to reject any proposal to reduce LIHEAP funding; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM–89. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

"SENATE JOINT RESOLUTION NO. 335

"Whereas, the Personal Responsibility Act, a bill introduced in the United States Congress, includes provisions that would consolidate all nutrition programs into block grants to the states with funding reduced to 95 percent of their Fiscal Year 1995 appropriation level; and

"Whereas, this block grant would include the food stamp program, the school lunch program, the Women, Infant and Children's Nutrition Program (WIC), and the Senior Nutrition components of the Older Americans Act; and

"Whereas, the Senior Nutrition Program has two service components: (1) meals at congregate sites as the base for a comprehensive program of wellness and recreation activities, educational programs and access to other services, and (2) home delivered meals (Meals on Wheels); and

"Whereas, the Senior Nutrition Programs are a fundamental part of a comprehensive service system aimed at keeping older people at home, supporting family caregivers, and avoiding unnecessary and costly institutionalization; and

"Whereas, although the current program is not means-tested, it does serve those with the greatest economic need and maintains the dignity of participants by providing mechanisms for participants to contribute according to their ability to pay; and

"Whereas, Senior Nutrition Programs have been long established in the community and are supported through a vast network of volunteers of all ages and through case and in-kind support from the private sector; and

"Whereas, Senior Nutrition Programs are time-tested, successful examples of low cost, locally managed programs; and

"Whereas, the Senior Nutrition Program is consumer focused and has broad community support due to its flexibility and its role as point-of-contact and link to the broader aging services system; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That the United States Congress be urged to maintain the integrity of the already established comprehensive aging service system by deleting the portion of the bill that would remove the Senior Nutrition Programs from this service system, thereby preserving the integrity of the Older Americans Act; and, be it

"*Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM–90. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Labor and Human Resources.

"ENROLLED JOINT RESOLUTION NO. 2

"Whereas, there is an urgent need to modify federal mandates because the implementation of these mandates by the state wastes the financial resources of Wyoming school districts, the citizens of Wyoming and the state and does not properly respect the rights of the state, its school districts and citizens; and

"Whereas, the Tenth Amendment to the United States Constitution directs that powers not delegated to the United States are reserved to the states or to the people; and

"Whereas, Wyoming, as one of the sovereign states within the union, has constitutional authority to enact laws protecting the environment of the state and safeguarding the public health, safety and welfare of the citizens of Wyoming; and

"Whereas, this authority has too often been ignored by the federal government which has intruded more and more into areas better left to the states; and

"Whereas, it is essential that the dilution of the authority of state and local governments be halted and that the provisions of the Tenth Amendment be accorded proper respect; and

"Whereas, current federal mandates, as reflected in P.L. 103–382, often do not reflect the realities of the Rocky Mountain region and federal regulators frequently do not understand the needs and priorities of the citizens of Wyoming; and

"Whereas, the citizens of this state can create and wish to create innovative solutions to Wyoming's problems, but Wyoming is currently denied the flexibility necessary to address these problems: Now, therefore, be it

"*Resolved by the members of the legislature of the State of Wyoming:*

"Section 1. The members of the Wyoming legislature strongly request the United States Congress to repeal the Gun-Free Schools Act of 1994, P.L. 103–382.

"Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to United States Secretary of Education and to the Wyoming Congressional Delegation."

POM-91. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Labor and Human Resources.

"A Legislative Resolution

"Whereas, the people of Wyoming have benefited from the development of stronger and more accessible arts activity in every county of the state because of the assistance provided by the Wyoming Arts Council with support from the National Endowment for the Arts; and

"Whereas, NEA funding of $601,300 in Fiscal Year 1994 combined with $296,281 provided by the State helped generate $12.3 million in cash from local Wyoming communities; and

"Whereas, the Fiscal Year 1994 audience for arts activities in Wyoming exceeded 1,135,000 citizens and tourists; and

"Whereas, beyond the intrinsic value of arts education, the teaching of art in the schools develops higher order thinking, creativity and problem solving in students or skills that carry over into all area of study; and

"Whereas, thousands of Wyoming school children of all ages benefit from quality arts activities assisted by NEA funding awarded through the Wyoming Arts Council; and

"Whereas, funding by the National Endowment for the Arts through the Wyoming Arts Council helps Wyoming artists gain regional and national attention; and

"Whereas, Direct National Endowment for the Arts funding assists some of Wyoming's major arts institutions who bring national and international attention to the state for their artistic achievements; and

"Whereas, National Endowment for the Arts funding in Wyoming and in other parts of the nation has enabled arts organizations to win matching support from private sources; and

"Whereas, all great nations support the arts knowing the arts are vital to a society's well-being and Congress in 1965 noted 'An advanced civilization must . . . give understanding of the past, a better analysis of the present, and a better view of the future.': Now, therefore, be it

"*Resolved*, that the 1995 Wyoming House of Representatives and the Wyoming Senate do hereby encourage the Congress of the United States of America to reauthorize continuation of the National Endowment for the Arts and its sister agencies, the National Endowment for the Humanities and the Institute for Museum Services, and to provide adequate funding to enable them to continue their leadership roles in our nation on behalf of our country's culture.

"*It is further resolved*, that the Secretary of State or Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation."

POM-92. A resolution adopted by the Legislature of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs.

"Resolutions Memorializing Congress to Prevent the Erosion of Veterans' Benefits.

"Whereas, the veterans of the armed services of the United States have consistently risen above and beyond the call of duty to our Nation; and

"Whereas, in the selfless defense of democracy and the rights inherent in all men and women, the veterans of our Nation have made incalculable and unyielding sacrifices in the face of adversity and during the hardship of military conflict; and

"Whereas, the scars of war remain in the minds and bodies of those who have served our country bravely; and

"Whereas, the price of democracy and freedom is eternal vigilance and our Nation must always call and rely upon our armed services to preserve and expand these blessings; and

"Whereas, today, military personnel serve our Nation throughout the world in such places as Korea, the Middle East, Haiti and Somalia; and

"Whereas, there are those in our Nation presently who would propose to alter, modify or diminish our solemn covenant to provide for the needs of those who perform military service on our behalf; and

"Whereas, the Congressional Budget Office, the Concord Coalition, the Bipartisan Commission on Entitlement and Tax Reform and the Office of Management and Budget have all recently advanced proposals before the Congress and the administration to reduce, restrict or eliminate those benefits provided to our veterans; and

"Whereas, this Nation owes a great debt to those men and women who have served and continue to serve on its behalf; Now, therefore, be it

"*Resolved*, That the Massachusetts General Court expresses its grateful appreciation to those men and women who willingly gave their last ounce of devotion to their country to keep the light of freedom glowing for this and future generations and in furtherance of that appreciation the Massachusetts General Court urges the United States Congress to recognize the sacrifices of these men and women and to prevent the further erosion of those benefits provided to the veterans of our Armed Forces; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the presiding officers of each branch of Congress and to the Members thereof from this Commonwealth."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1995" (Rept. No. 104–26).

By Mr. ROTH, from the Committee on Government Affairs:

Special Report entitled "Activities of the Committee on Governmental Affairs" (Rept. No. 104–27).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 384. A bill to require a report on United States support for Mexico during its debt crisis, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Shirley Ann Jackson, of New Jersey, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 1999.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 663. A bill to modernize the Federal Reserve System, to provide for a Federal Open Market Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban affairs.

By Mr. COHEN:

S. 664. A bill to ensure the competitive availability of consumer electronics devices affording access to telecommunications system services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON:

S. 665. A bill to amend the Internal Revenue Code of 1986 to increase motor fuel taxes by 8 cents a gallon, the resulting revenues to be used for mass transit, AMTRAK, and interstate, State, and local roads and bridges, and for other purposes; to the Committee on Finance.

S. 666. A bill to amend chapter 93 of title 31, United States Code, to provide additional requirements for a surety corporation to be approved by the Secretary of the Treasury, to provide for equal access to surety bonding, and for other purposes; to the Committee on the Judiciary.

By Mr. BRYAN (for himself and Mr. Shelby):

S. 667. A bill to amend the Securities Exchange Act of 1934 in order to reform the conduct of private securities litigation, to provide for financial fraud detection and disclosure, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER:

S. 668. A bill to authorize the establishment of the National Capital Region Interstate Transportation Authority, to define the powers and duties of the Authority, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (by request):

S. 669. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself and Mr. Pryor):

S. 670. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; to the Committee on Finance.

By Mr. HATCH:

S. 671. A bill to provide a fair and balanced resolution to the problem of multiple imposition of punitive damages, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. McConnell, and Mr. Thomas):

S. 672. A bill to provide a fair and balanced resolution to the problem of multiple imposition of punitive damages, and for the reform of the civil justice system; to the Committee on the Judiciary.

By Mrs. KASSEBAUM (for herself, Mr. INOUYE, Mr. DOMENICI, and Mr. STEVENS):

S. 673. A bill to establish a youth development grant program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON (for himself, Mr. DORGAN, Mr. KERRY, and Mr. MOYNIHAN):

S. 674. A bill entitled the "Rail Investment Act of 1995"; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON:

S. Res. 100. A resolution to proclaim April 5, 1995, as National 4-H Day, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN:

S. Res. 101. A resolution expressing the sense of the Senate in support of extending some of the benefits of enhanced economic relations enjoyed by the United States and Israel to those countries that sustain a "warm" peace with Israel; to the Committee on Finance.

By Mr. BROWN (for himself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. HELMS, and Mr. PELL):

S. Res. 102. A resolution to express the sense of the Senate concerning Pakistan and the impending visit of Prime Minister Bhutto; to the Committee on Foreign Relations.

By Mr. BROWN (for himself and Mr. SIMON):

S. Con. Res. 10. A concurrent resolution expressing the sense of the Congress that the United States should take steps to improve economic relations between the United States and the countries of Eastern and Central Europe; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN;

S. 663. A bill to modernize the Federal Reserve System, to provide for a Federal Open Market Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FEDERAL RESERVE BOARD REFORM ACT OF 1995

Mr. DORGAN. Mr. President, today I rise to introduce a piece of legislation that I want to describe briefly for the Senate.

On my behalf, and on behalf of Senator REID from Nevada, we introduced this morning a piece of legislation called the Federal Reserve Reform Act of 1995.

Anyone who has listened to the debate in the Senate the last year understands that I have had major differences with the Federal Reserve Board and its policies. We all know that the Federal Reserve Board has raised interest rates seven times over the past year or so. And its decision to tighten the money supply has had an enormous impact on the economic well-being of this country. But despite its central role in our economy, the Federal Reserve still dwells only in the shadows of public debate.

This organization, located downtown in a concrete temple, meets in secret to make interest rate decisions that have an enormous impact on our economy. The Federal Reserve is the last dinosaur in what is supposed to be a democratic Government because it, behind closed doors, makes decisions that affect every single American family, with no democratic input or debate. So for seven times in the last year or so they have decided we have a major storm brewing called inflation, and therefore they should increase interest rates in order to stem the tide of inflation.

Of course there is no credible evidence that inflation is on the horizon in any significant way. For the last 4 successive years, inflation has been declining. So what is the Federal Reserve Board doing? It is serving its constituency, the big money center banks, at the expense of American families.

But members of the Fed still meet in secret to make decisions that are critical to the lives of every American. Until recently, the Fed would not even disclose its monetary policy decisions to the public in a timely manner. Also, the Fed's entire budget is not published in the budget of the U.S. Government. And there are currently no formal channels established through which the Fed can coordinate its monetary policy goals with the fiscal policies of the President and Congress. Finally, regional Fed bank presidents, who are not accountable to the American people, are casting votes on interest rate decisions. In my judgment, these conditions are not what Congress intended when it created the Federal Reserve in the early 1900's.

My legislation would do the following to rectify these problems:

First, the President's top economic advisers would be required to meet three times a year with the Board of Governors of the Federal Reserve. This includes the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget.

Second, the President would be empowered to appoint a new Chairman of the Federal Reserve near the beginning of his term rather than toward the end. The Fed is crucial to the success of any economic policy and the President should have the opportunity to appoint a Chairman of the Fed near the beginning of the Presidential term.

Third, the Fed would be required to disclose immediately any changes in its targets for the money supply. This would provide all investors, large and small, with equal and timely information about monetary policy decisions. The provision merely codifies what the Federal Reserve is doing in recent practice.

Fourth, the Fed would be required to publish all of its budget in the budget of the U.S. Government. Only a small fraction of Federal Reserve budget is published in the Federal budget; the rest is published in a variety of Federal Reserve publications. The legislation requires that it all be published in one place for public review.

Fifth, the Comptroller General would be permitted to conduct more thorough audits of Fed operations, including policy procedures and processes. For many years the Fed was totally exempt from any such audits to uncover misdoing or waste. Today the General Accounting Office [GAO] is prohibited from auditing many of the Fed's operations, including actions on monetary policy and transactions made under the direction of the current Federal Open Market Committee. This bill will remove many of these restrictions.

Sixth, only those members of the Board of Governors, who have been appointed by the President and confirmed by the Senate, will be permitted to vote on monetary policy matters. This will help take back the Nation's monetary policy from the heads of the money center bankers who are accountable only to their shareholders, and restore it to those Fed officials who are accountable to the general public, as the framers of the original Federal Reserve Act intended.

My legislation is not designed to politicize monetary policy or politicize the Federal Reserve Board. But, I do want the Federal Reserve Board to be more accountable to the American people.

If the Federal Reserve Board is a public agency—if it belongs ultimately to the people of this country—then the people ought to be able to know what is going on there, and all its voting members ought to answer to the American people.

I might say, as an aside, I am also thinking of introducing legislation that renames the Open Market Committee. My central thesis is if the Open Market Committee is going to be closed, then let us rename it the Closed Market Committee until such time as it is open. The American people deserve to know what goes on behind closed doors in the construct of monetary policy—policy, incidentally, that affects every single American family.

I know words do not always have specific meaning here in public policy and in politics, but they ought to. Why should we close the door and then call the committee that closes the door, in law, the Open Market Committee? Let us just call it the Closed Market Committee.

That is for another day. I do not include that recommendation in this legislation. But the Federal Reserve Reform Act of 1995 is something I am pleased to offer on behalf of myself and Senator REID from Nevada.

By Mr. COHEN:

S. 664. A bill to ensure the competitive availability of consumer electronics devices affording access to telecommunications system services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMPETITIVE CONSUMER ELECTRONICS AVAILABILITY ACT OF 1995

Mr. COHEN. Mr. President, all consumers like choice. When companies are allowed to compete and consumers are given more choices, products and services inevitably become more affordable and of higher quality. For this reason, the major thrust of the various telecommunications bills that have been offered this year is to create a more competitive environment for communications products and services. I support this goal.

Today, I am introducing legislation that is focused on one particular area of telecommunications that I believe truly needs more competition—cable television.

Less than 20 years ago, we had little choice as to where we could obtain our phones. Each of us rented a standard, ordinary phone from our local telephone company. This monopoly ended with the break-up of AT&T. Today, most people own their telephones, and the types of phones we can choose are endless. Callers, for example, can go to any number of local retailers to buy phones that are more sophisticated than those previously offered by the telephone company. Consumers now can purchase car phones, phones that are connected to an answering machine, or cellular phones. Moreover, today's phones are considerably cheaper than the rotary dial phones of the 1950's. Innovation, greater choice, and lower prices have been the result of intense competition in the telephone market.

Unfortunately, consumers today do not have the same choices with regard to the devices necessary to obtain cable television. Cable customers are in the same situation phone customers found themselves 20 years ago. Virtually all cable users get their cable set-top boxes and other hardware, which have security features, only from one source—the local cable company. There is no competition for these devices.

The bill I am introducing today would allow cable customers to buy their converter boxes and other communications access devices from their local retail stores. Cable users in Maine and elsewhere in the country would no longer be at the mercy of cable operators to get their cable boxes. They could buy or rent them from anyone they choose—just as they do currently with telephones.

This bill, which is identical to legislation already introduced in the House by Representative BLILEY, would require the Federal Communications Commission [FCC] to adopt regulations to ensure that converter boxes and other interface equipment could be sold commercially by non-cable operators. Cable users, of course, could still choose to rent boxes from their cable operator if they desired.

In the near future, the Senate will consider legislation designed to increase competition in all telecommunications markets. My bill would bring competition to a segment of the telecommunication market that desperately needs it. By allowing consumers to choose how they get their cable box, prices on the boxes and other interface equipment will likely drop, and manufacturers and retailers of converter boxes will become more innovative and responsive to the needs of consumers.

Cable companies argue that they need a monopoly over cable devices to protect against theft of cable programming. I fully agree that cable operators should be able to protect their signals so that only paying customers get the benefit of their services. I do not, however, believe that a monopoly over the cable device market is necessary to achieve this purpose.

It should be noted that the phone companies once made the same argument. They argued that if phone customers were allowed to purchase phones from anyone other than the phone company, there would be widespread theft of phone services. This, however, has not turned out to be the case.

Likewise, I am confident that the sale of cable devices by non cable businesses would not lead to the theft of cable programming.

Today's technology will allow cable operators to protect their signals without monopolizing the hardware and restricting consumers' ability to choose how they will get a box. Cable companies can prevent theft of their signals without controlling the distribution of converter boxes. For example, the Electronic Industries Association has developed a draft standard that would allow codes to be put on magnetic cards, similar to credit cards. This card, which could be used with a commercially sold box, would ensure that only those customers who have paid for services actually get them.

Under my legislation, the FCC would determine the rules—after significant public comment—that would promote competition in the cable device market while safeguarding against the theft of cable programming. My legislation gives the FCC significant discretion in meeting this goal, but requires them to make it a high priority.

Competition for converter boxes and other devices can only benefit consumers. As it did in the telephone market, competition will lead to innovation, greater choice, as well as lower prices for converter boxes.

By Mr. SIMON:

S. 665. A bill to amend the Internal Revenue Code of 1986 to increase motor fuel taxes by 8 cents a gallon, the resulting revenues to be used for mass transit, AMTRAK, and interstate, State, and local roads and bridges, and for other purposes; to the Committee on Finance.

FUEL TAX LEGISLATION

• Mr. SIMON. Mr. President, today I am introducing a bill calling for an 8 cents a gallon tax increase on gasoline and diesel fuel.

Revenue gained from this tax would be used for mass transit, AMTRAK, and interstate, State, and local roads and bridges. As the administration and the Congress consider proposals to downsize the Federal Government and increase the responsibilities of State governments, returning some Federal taxes to States and cities would be a very sensible step.

We are all aware of the need for increases in transit and surface transportation investment. And returning revenue to State and local governments for infrastructure and capital improvement projects would help State and local governments, promote job creation and improve the Nation's economic well-being in general. This motor fuel tax increase would go a long way toward meeting this goal. An increase in public investment is long overdue, Mr. President. I urge my colleagues to support this legislation.•

By Mr. SIMON:

S. 666. A bill to amend chapter 93 of title 31, United States Code, to provide additional requirements for a surety corporation to be approved by the Secretary of the Treasury, to provide for equal access to surety bonding, and for other purposes; to the Committee on the Judiciary.

THE EQUAL SURETY BOND OPPORTUNITY ACT OF 1995

Mr. SIMON. Mr. President, I am pleased to introduce the Equal Surety Bond Opportunity Act of 1995. This bill is designed to further equal opportunity for surety bond applicants and to equip bond applicants—particularly small business applicants—with information to help them to strengthen their businesses.

Construction firms must have surety bonds to bid on all Federal projects in excess of $25,000 and all federally assisted projects in excess of $100,000. In fact, bonding is now required for most State and local government construction projects and an increasing number of private construction projects. Clearly, access to surety bonding is essential to the livelihood of the majority of construction companies.

Surety bonds ensure that a contractor is capable of completing the specified work and has the financial ability to pay its bills on time. If the bonded contractor fails to complete the project, the surety firm steps in to fulfill the contract.

Furthermore, surety firms minimize their own risk by determining, before they issue a bond, whether the applicant is capable of completing the particular project in question. The principal source of bonds—for-profit corporate surety firms—use undisclosed underwriting standards to make this determination. Essentially, they assess an applicant's three C's—cash, capacity to do work, and character. But the personal character of a contractor may be evaluated in a very subjective manner, which can result in discrimination.

Although classified as a type of insurance, these bonds are really more like a line of credit. If a surety firm has to step in to fulfill the bonded company's obligation under a contract, it expects to be reimbursed. Unfortunately, as with other types of lines of credit such as mortgage financing, women and minority contractors face serious problems in obtaining surety bonds. Several studies of mortgage lending rates in Detroit, Atlanta, and Washington, DC, have revealed a significant race-related mortgage lending gap even after adjusting the data for legitimate business concerns. These studies were based in part on data that banks and other lending institutions are required to report to the Federal Government. Federal law does not require surety firms to report any similar data for applications received or granted.

I sponsored and held hearings on the Equal Surety Bond Opportunity Act in the 102d Congress. Witnesses at that hearing included representatives of the Women Construction Owners and Executives and the National Association of Minority Contractors who testified in support of the bill. According to these witnesses, bond applicants have been rejected simply for being a woman, or being a minority. Clearly, these are unacceptable reasons for rejecting a bond applicant.

The American Subcontractors Association also presented testimony at that hearing. They agreed that women and minority-owned construction companies face special problems in getting bonds, as do many small and emerging construction firms. They noted, however, that all of these companies would benefit if surety companies were required to give an explanation for rejecting a bond application. This would allow them to take corrective action for future applications.

By law, the U.S. Treasury Department maintains a list of federally approved surety firms authorized to issue bonds on Federal projects. My bill, which is modeled after the Equal Credit Opportunity Act, would make it unlawful for a Treasury-approved surety to discriminate against applicants based on race, color, religion, national origin, sex, marital status, or age. Simply put, the bill makes it clear that the three C's cannot be determined by reference to an applicant's race, color, religion, national origin, sex, or marital status.

The bill would also require Treasury-approved firms to provide denied applicants, upon request, full written disclosure of the reasons for their denial. A written explanation will give all construction firms the opportunity to take appropriate corrective action—an opportunity now available to all prospective Federal small business contractors when denied by an agency contracting officer. The written explanation would also help curb denials of bonding based on nonlegitimate reasons.

Again, the legislation will benefit all construction firms. It does not dictate underwriting standards for the surety industry. It does not require sureties to report data on applications received or bonds written. Nor does it inflict onerous regulations on the industry. But it will give businesses the information they need to improve their businesses. Moreover, the bill will ensure that surety firms comply with the same nondiscrimination laws that apply to banks and other lending institutions. If a surety firm is in compliance with these laws, it has nothing to fear from this legislation.

Mr. President, I urge my colleagues to support this very simple, but important legislation.

Mr. President, I ask unanimous consent that the text of my bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Surety Bond Opportunity Act of 1995".

SEC. 2. ADDITIONAL REQUIREMENTS REGARDING APPROVAL OF SURETIES.

(a) IN GENERAL.—A company may not be approved as a surety by the Secretary of the Treasury under section 9304 of title 31, United States Code, or provide any surety bond pursuant to such section unless the company maintains full compliance with the requirements of section 9310 of title 31, United States Code.

(b) REQUIREMENTS RELATING TO ENFORCEABILITY.—

(1) SIGNED STATEMENT OF COMPLIANCE WITH APPLICATION.—Section 9305(a) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) a statement of compliance with section 9310, which is signed under penalty of perjury by the president and the secretary of the corporation.".

(2) COMPLIANCE AS A CONDITION FOR APPROVAL OF APPLICATION.—Section 9305(b) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the corporation is in full compliance with section 9310.".

(3) SIGNED STATEMENT OF COMPLIANCE WITH QUARTERLY REPORTS.—Section 9305(c) of title 31, United States Code, is amended by inserting "and a statement of compliance with section 9310," before "signed and sworn".

(4) ENFORCEMENT AUTHORITY OF SECRETARY OF THE TREASURY.—Section 9305(d) of title 31, United States Code, is amended—

(A) in paragraph (1), by striking "9304 or 9306" and inserting "9304, 9306, or 9310"; and

(B) by striking "and" at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(4) may, after the end of the 1-year period beginning on the effective date of any revocation under paragraph (1) of the authority of a surety corporation for noncompliance with section 9310, reauthorize such corporation to provide surety bonds under section 9304.".

(5) REVOCATION FOR FAILURE TO PAY CERTAIN JUDGMENTS.—Section 9305(e) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) the corporation does not pay a final judgment or order against the corporation for noncompliance with section 9310, or fails to comply with any order under that section; and".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9304(a)(3) of title 31, United States Code, is amended by striking "9305 and 9306" and inserting "9305, 9306, and 9310".

SEC. 3. INFORMATION FOR BOND APPLICANTS AND NONDISCRIMINATION.

(a) IN GENERAL.—Chapter 93 of title 31, United States Code, is amended by adding at the end the following new section:

"SEC. 9310. INFORMATION FOR BOND APPLICANTS; NONDISCRIMINATION.

"(a) REASONS FOR ADVERSE ACTION; PROCEDURE APPLICABLE.—

"(1) NOTICE REQUIRED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any surety approved under section 9304 shall notify an applicant for a bid bond, payment bond, or performance bond of its action on a completed application not later than 10 days after receipt of the application.

"(B) EXTENSION.—The notification required by subparagraph (A) may be furnished not later than 20 days after receipt of the application, if the surety has not issued a bond to the applicant in the 12-month period preceding the date of receipt of the application.

"(2) STATEMENT OF REASONS.—

"(A) IN GENERAL.—Each applicant against whom adverse action is taken shall be entitled to a statement of reasons for such action from the surety.

"(B) ACCEPTABLE FORMS OF STATEMENT.—A surety satisfies the requirements of subparagraph (A)—

"(i) by providing a statement of reasons in writing as a matter of course to applicants against whom adverse action is taken; or

"(ii) by giving written notification of adverse action which discloses—

"(I) the applicant's right to a statement of reasons not later than 30 days after receipt by the surety of a written request made by the applicant not later than 60 days after such notification; and

"(II) the identity of the person or office from which such statement may be obtained.

"(C) ORAL STATEMENT PERMITTED.—A required statement of reasons for adverse action may be given orally if written notification advises the applicant of the applicant's right to have the statement of reasons confirmed in writing upon the applicant's written request.

"(3) SPECIFICITY OF REASONS.—A statement of reasons meets the requirements of this section only if it contains specific reasons for the adverse action taken.

"(4) APPLICABILITY IN CASE OF THIRD PARTY APPLICATIONS.—In the case of a request to a surety by a third party to issue a bond directly or indirectly to an applicant, the notification and statement of reasons required by this section may be made directly by such surety, or indirectly through the third party, if the identity of the surety is disclosed to the applicant.

"(5) APPLICABILITY IN CASE OF SURETIES WHICH ACCEPT FEW APPLICATIONS.—The requirements of paragraphs (2), (3), and (4) may be satisfied by oral statements or notifications in the case of any surety which acted on not more than 100 applications during the calendar year in which the adverse action is taken.

"(b) NONDISCRIMINATION.—

"(1) ACTIVITIES.—It shall be unlawful for any surety to discriminate against any applicant, with respect to any aspect of a surety bond transaction—

"(A) on the basis of race, color, religion, national origin, sex, marital status, disability, or age (if the applicant has the capacity to contract);

"(B) because the applicant has in good faith exercised any right under this chapter;

"(C) because the applicant previously obtained a bond through an individual or personal surety; or

"(D) because the applicant previously obtained a bond through—

"(i) any bonding assistance program expressly authorized by law;

"(ii) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iii) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(2) ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It shall not constitute discrimination for purposes of this section for a surety—

"(A) to make an inquiry of marital status if such inquiry is for the purpose of ascertaining the surety's rights and remedies applicable to the granting of a bond and not to discriminate in a determination of bondability;

"(B) to make an inquiry of the applicant's age if such inquiry is for the purpose of determining the amount and probable continuance of bondability; or

"(C) to make an inquiry as to where the applicant has previously obtained a bond, in order to determine bonding history, or other pertinent element of bondability, except that an applicant may not be assigned a negative factor or value because such applicant previously obtained a bond through—

"(i) an individual or personal surety;

"(ii) a bonding assistance program expressly authorized by law;

"(iii) any bonding program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iv) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(3) ADDITIONAL ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It is not a violation of this section for a surety to refuse to issue a bond pursuant to—

"(A) any bonding assistance program authorized by law for an economically disadvantaged class of persons;

"(B) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(C) any special purpose bonding program offered by a profitmaking organization to meet special needs,

if such refusal is required by or made pursuant to such program.".

(b) DEFINITION OF ADVERSE ACTION.—Section 9301 of title 31, United States Code, is amended—

(1) by striking the period at the end of paragraph (1) and inserting a semicolon;

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) 'adverse action'—

"(A) means a denial of a bond, a change in the terms of an existing bonding arrangement, or a refusal to issue a bond in the amount or on substantially the terms requested; and

"(B) does not include any refusal to issue an additional bond under an existing bonding arrangement where the applicant is in default, or where such additional bond would exceed a previously established bonding limit.".

SEC. 4. CIVIL PENALTIES.

Section 9308 of title 31, United States Code, is amended—

(1) in the first sentence by striking "A surety corporation" and inserting the following:

"(a) LIABILITY TO THE UNITED STATES.—A surety corporation";

(2) in the second sentence by striking "A civil action" and inserting the following:

"(c) JURISDICTION.—A civil action";

(3) in the third sentence by striking "A penalty imposed" and inserting the following:

"(d) EFFECT OF PENALTIES ON CONTRACTS.—A penalty imposed"; and

(4) by inserting after subsection (a) (as designated by paragraph (1)) the following new subsection:

"(b) LIABILITY FOR DISCRIMINATORY ACTION.—Any surety corporation that fails to comply with section 9310(b) shall be liable to the applicant for—

"(1) any actual damage sustained by such applicant (individually or as a member of a class); and

"(2) in the case of any successful action under this subsection, the costs of the action, together with reasonable attorney's fees, as determined by the court.".

SEC. 5. REGULATIONS.

The Secretary of the Treasury shall issue such proposed regulations as may be necessary to carry out this Act not later than 270 days after the date of the enactment of this Act. The final regulations shall become effective not later than 1 year after the date of enactment of this Act.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall become effective on the earlier of—

(1) the effective date of final regulations promulgated pursuant to section 5; or

(2) the end of the 1-year period beginning on the date of enactment of this Act.

By Mr. BRYAN (for himself and Mr. SHELBY):

S. 667. A bill to amend the Securities Exchange Act of 1934 in order to reform the conduct of private securities litigation, to provide for financial fraud detection and disclosure, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

THE SECURITIES ENFORCEMENT ACT OF 1995

• Mr. BRYAN. Mr. President, today Senator SHELBY and I are introducing the Private Securities Enforcement Improvement Act of 1995 to improve the Federal securities litigation process. I believe our legislation provides a balance between protecting the rights of defrauded investors and providing relief to honest companies who may find themselves the target of a frivolous lawsuit.

I have serious concerns that in a rush to judgment Congress may err too far and end up curtailing suits that have merit and thus undermine the American public's confidence in the integrity of our financial markets. There is no greater harm Congress could do to the capital markets.

The issue of securities litigation reform came to my attention several years ago when a constituent was defrauded in a real estate limited partnership. On numerous occasions he raised concerns over the time periods individuals had to file securities lawsuits. Little could he have known that a short while later the Supreme Court would rule in the Lampf case that the statute of limitations in a major section of securities law would be shortened to 1 year after discovery or 3 years after the fraud actually took place—whichever came first.

I do not believe the Court felt this was the appropriate amount of time to uncover financial fraud but was all they could provide in a strict interpretation of the statute. To make matters worse, the Court applied the shortened time period retroactively, thereby imperiling hundreds of legitimate fraud cases—many of which were in the midst of years of litigation.

In 1992, we were successful in fixing the retroactive cases by applying the statute of limitations that was applicable when the cases were filed. Unfortunately, we were not able to fix the standard prospectively.

The legislation we are introducing today would help rectify this problem by establishing a statute of limitations of 2 years after discovering the fraud or 5 years after the fraud took place. I find it hard to believe reasonable people could object to such a timetable. Our experience with financial crooks like Charlie Keating have demonstrated how easy it is to conceal financial crimes. You would be hard pressed to find anyone who thinks that financial crimes are on the decline. In fact, the evidence shows financial crimes are escalating.

This legislation is designed to improve private securities litigation in a number of ways: eliminating certain abusive litigation practices; deterring and providing sanctions against the filing of meritless cases; instituting procedural reforms to screen out weak cases nearly in the judicial process and enhancing the detection of financial fraud.

These measures are carefully crafted so as not to discourage meritorious suits yet attack several areas of potential abuse. As Securities and Exchange Chairman Arthur Levitt recently noted that "[p]rivate securities litigation plays a prominent role in checking the market excesses. To change that, we would need to recalibrate our entire system checks and balances."

The fundamental purpose of Federal securities laws is to provide investor protection and thereby foster investor confidence and encourage the investment necessary for capital formation, economic growth and job creation. Our system of private litigation under the Federal securities laws has functioned effectively as a necessary and essential supplement to the enforcement program of the Securities and Exchange Commission.

The provisions of this bill should ensure that defrauded investors can recover their damages, that criminals are brought to justice, and that corporations are protected from unwarranted litigation in a system that is quicker, less costly and more fair to all concerned.

Mr. President, I look forward to passing legislation that will correct some of the abuses present in the current securities litigation system and address the issues raised by Supreme Court rulings in legislation that President Clinton can sign.•

By Mr. WARNER:

S. 668. A bill to authorize the establishment of the National Capital Region Interstate Transportation Authority, to define the powers and duties of the Authority, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL CAPITAL REGION INTERSTATE TRANSPORTATION AUTHORITY ACT OF 1995

• Mr. WARNER. Mr. President, I introduce legislation today to establish the National Capital Region Interstate Transportation Authority.

This Authority, representing Virginia, Maryland, and the District of Columbia, will serve the region's need to focus attention and to build a partnership between the Federal Government, the Commonwealth of Virginia, the State of Maryland, the District of Columbia, local governments, and other interested persons to move forward with a new Potomac River crossing on the Capital Beltway at the Woodrow Wilson Memorial Bridge.

This legislation will establish one entity to devote its full time and attention to facilitating the construction of a replacement bridge, or bridge and tunnel project, for the aging Woodrow Wilson Memorial Bridge.

Mr. President, State and local governments have long recognized the importance of the Woodrow Wilson Bridge to the region's economic vitality and its critical link to providing efficient interstate travel from Maine to Florida.

The Congress also recognized the needs of this facility and its relationship to the efficient movement of people and commerce in the region during the development of the Intermodal Surface Transportation Efficiency Act of 1991. That legislation established the Interstate Transportation Study Commission and charged the Commission with the responsibility of recommending "new mechanisms, authority, and/or agreements to fund, develop, and manage the transportation system of the National Capital Region, primarily focusing on the interstate highway and bridge systems."

The 13 members of the Commission extensively examined the existing transportation needs of the National Capital region and concluded that the immediate demand was to focus attention on examining every option to provide for a new Potomac River crossing at the Woodrow Wilson Bridge. To accomplish this, the Commission recommended the creation of a new interstate authority to assume ownership and responsibilities of the bridge and to move forward with the financing of a new facility as recommended by the Woodrow Wilson Bridge Coordination Committee and approved by the National Capital Region Transportation Planning Board.

The Woodrow Wilson Bridge Coordination Committee is a working partnership to identify options for the future of the bridge and to develop a consensus plan on fixing or replacing the deteriorating Woodrow Wilson Bridge. The Coordination Committee is following an open participatory process to examine alternatives to improve this vital crossing and is scheduled to identify a preferred alternative, complete an environmental impact statement and issue a record of decision by mid-1996.

It is not my intention for the Authority established by this legislation to interfere with or disrupt this valuable ongoing work. The Authority will provide the next critical step in these tight fiscal times—a financing mechanism—which will provide the means necessary to finance, operate, and maintain a new river crossing.

It is important for my colleagues to remember that the Federal Government constructed the Woodrow Wilson Bridge in 1954 and remains responsible for the needs of the existing facility and the financing, planning, and design work required for a new facility.

Today the Woodrow Wilson Memorial Bridge is the only segment of the 44,000 mile Interstate System that is owned by the Federal Government. The bridge was designed 40 years ago to carry 75,000 vehicles per day, with 10 percent of the traffic consisting of heavy trucks. Today, the bridge carries 165,000 vehicles per day, and 11 percent of the volume is truck traffic. This facility is the only drawbridge on the regional interstate network, the only piece of the region's eight-lane Capital Beltway that is limited to six lanes, and the only segment of the Capital Beltway with a remaining lifespan of less than 10 years.

Recent studies by the Federal Highway Administration confirm that annual repairs to the existing bridge fail to extend the use life of the facility and are no longer cost effective. Safety experts for the Federal Highway Administration advise me that unless a new facility is constructed within the next 9 years, the Department may be required to enforce truck size and weight restrictions on this segment of the Capital Beltway.

Mr. President, the solution is clear. The Woodrow Wilson Bridge, a critical line in the region's transportation network and a vital link in our Nation's intermodal transportation system, needs to be rebuilt with the capacity to handle the significant demands being placed upon it every day. The National Capital Region Interstate Transportation Authority is the first step in addressing a problem that has gone unresolved for far to long.

Recent census data reveals that half of all workers in this region live and work in different jurisdictions and one-third live and work in different States. The National Capital Region Transportation Planning Board forecasts that between 1990 and 2020 the volume of traffic in our region will increase by more than 70 percent, while the current planned highway capacity will expand by only 20 percent. Between now and 2020, our traffic volume could triple during the heaviest part of the evening rush hour.

Traffic congestion translates into wasted productivity and dollars. A recent study by the Texas Transportation Institute found that in 1987 traffic congestion in the Metropolitan Washington area cost each of us an estimated $570 a year in lost time and wasted fuel. Today, it is estimated that our traffic congestion is costing each of us at least $1,000 per year. This is a cost both to residents and to the region's business community.

Because of the gridlock that occurs on our region's roadways during the morning and evening rush hours, our residents are not resistant to using public transit. Indeed, we currently have the highest percentage of high-occupancy vehicle [HOV] users in the Nation and are tied for second place with Chicago for the highest percentage of mass transit users. While I fully support expanding public transportation options and building upon our HOV road network, these efforts alone will not solve our region's problems with inadequate highways and bridges.

The National Capital Region Interstate Transportation Authority will enhance the ability of the system to meet expanding economic growth and help our Nation's Capital thrive in the increasingly competitive global marketplace. Almost 85 percent of the Nation's freight travels at least part of its journey over a highway. As American companies rely more and more on just-in-time-delivery to get raw materials to manufacturing facilities, and American wholesalers and retailers count on rapid delivery to keep their inventories lean, the economic importance of an efficient national transportation infrastructure is actually growing.

Mr. President, I look forward to working with my colleagues and the Commonwealth of Virginia, the State of Maryland, and the District of Columbia as we advance this legislation.•

By Mr. GLENN (by request):

S. 669. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL ACQUISITION IMPROVEMENT ACT OF 1995

Mr. GLENN. Mr. President, I rise today to introduce a bill, the Federal Acquisition Improvement Act, by request of the administration. I am glad to do it, because this bill represents the next step of reforming the way Government buys its goods and services.

Last year, the Congress passed the Federal Acquisition Streamlining Act, better known as FASA. That was the first major piece of procurement reform legislation in over 10 years. The passage of the act constituted a critical victory in the war against Government inefficiency and one of the most significant accomplishments of the Governmental Affairs Committee during the 103d Congress.

FASA is a comprehensive Governmentwide procurement reform effort aimed at streamlining the acquisition process by reducing paperwork burdens through revision and consolidation of acquisition statutes to eliminate redundancy, provide consistency and facilitate implementation.

The law is the culmination of years of legislative and oversight effort led by the Governmental Affairs Committee, in conjunction with the Armed Services and Small Business Committees of both the Senate and the House, to make sense out of the complex process of supplying the Federal Government with the goods and services it needs just to operate.

Figuring significantly also were recommendations of the Vice President's National Performance Review regarding increased reliance on acquisitions of commercial items and increased simplified acquisition threshold of $100,000, and other recommendations mirroring those in the report of the advisory panel on streamlining and codifying acquisition laws pursuant to section 800 of the National Defense Authorization Act for fiscal year 1991. That was the so-called 800 panel.

Mr. President, this really was a culmination of a number of different activities that came together to pass the legislation last year. We had been working in the Governmental Affairs Committee on this problem of streamlining acquisition, making it more efficient for all of Government, not just the armed services.

At the same time, the Armed Services Committee, of which I am also a member, asked the Pentagon to do a study of their own procurement practices, and that was done with what became known as the 800 panel.

Then, when the new administration was elected, the Vice President headed up the National Performance Review. And it, once again, got into areas of procurement reform. So we all combined our efforts, and that culminated then in passage last year of FASA.

That was quite an accomplishment. As if that were not enough, I am pleased today to be a sponsor of a bill which I hope will mark the beginning of serious Senate efforts in the 104th Congress to make even further reforms to our procurement system.

People in the agencies and industry have already begun to refer to this new set of proposed reforms as FASA 2, but its actual title is the Federal Acquisition Improvement Act. I think that is symbolic of what the administration is trying to do. Yes, this is a further streamlining effort, but the administration is also trying to improve on and refine the endeavor which began last year with the passage of FASA.

I believe this bill is a good starting point for this second round of reforms, and we are definitely headed in the right direction for this venture.

It appears that the administration is trying to finish what it started last year with FASA, as well as pursuing some bold new objectives with this bill, and I want to commend them personally for that.

For instance, one theme in the bill appears to be furthering the work begun in FASA of attempting to bring the Government more in line with the commercial world exemplified by provisions clarifying the definition of commercial services and shortening the time it takes to complete a procurement. That is a major item.

Consistent with this theme is the desire expressed in this bill to further streamline the award process, something also begun in FASA. Significant provisions we will be watching in this realm involve the lowering of agency approval levels and delegation of authorities for using noncompetitive procedures; limiting competitive range determinations to as few as the three highest-ranked offerors; and the authorization of two-phase selection procedures for certain information technology in design-build contracts.

The administration has also begun to tackle the controversial, highly charged issue of reform of the protest system by attempting to streamline it and reduce the number of protests filed. Included are provisions on making statutory and consistent the standards of review used for development and evaluation of the protest record; preaward debriefings for unsuccessful offerors; and consolidation of the judicial protest forum. I will be watching suggestions in this area with particular interest, especially since I know that the proposals in this area do not begin and end with those made in this bill.

There are also some very beneficial concepts in this bill related to ethics; recoupment of fees paid to the U.S. Government on foreign sales of military products and technologies developed under Government contracts; FACNET, the newly established electronic commerce system created under FASA for procurements under the simplified acquisition threshold; and more pilot programs to test out new and different concepts.

This list barely scratches the surface, and it is easy to see that the administration is attacking some tough and very diverse issues with this bill. We will be scrutinizing each and every one of these provisions for their wisdom and for their prudence.

As I said, at this juncture I may not support every single provision of this bill. Most of the proposals I am sure I will support. Others I support the concept behind but feel the language may need some work and will be glad to do that. There are also ideas in the bill with which I may disagree altogether, and I am sure we count on being blessed with new ideas as we go along. In general, though, I think we are headed in the right direction with this new bill, and I am very glad to be submitting it on behalf of the administration.

The bill is being introduced today and the legislative process can begin to work and we can begin to consider opinions from all interested parties on each provision so that we can put forth the best possible measure for the President's signature. I know that the General Accounting Office, GAO, and others, have testified before the House Government Reform and Oversight Committee offering many valuable suggestions along this line. I look forward to engaging in that process again, as I did last year.

Mr. President, I want to reiterate that I believe the administration's bill is a very good place to start working on the next round of reforms to streamline our procurement system. We have a challenge ahead of us to flesh out this bill, but I am excited that the administration continues to focus attention in this area.

By Mr. GLENN (for himself and Mr. PRYOR):

S. 670. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; to the Committee on Finance.

TAXPAYER BROWSING PROTECTION ACT

Mr. GLENN. Mr. President, this bill is entitled the Taxpayer Browsing Protection Act. We have a problem. Criminal penalties and sanctions do currently apply when IRS employees look at taxpayer returns that they are not authorized to do for work purposes and willfully disclose that information to third parties. However, there is a nebulous loophole for when IRS employees engage in such browsing for their own curious interests but do not disclose that information to others.

The bill that we are submitting here today is based on recommendations by the IRS and the Department of Justice, which began looking at this issue following hearings last year which publicly disclosed this activity. This bill would provide in the Internal Revenue Code that unauthorized inspection of returns or return information is an offense punishable by a fine not to exceed $1,000, or imprisonment of not more than 1-year, or both, together with costs of prosecution.

If the offense is committed by an officer or employee of the United States, they are immediately fired upon conviction.

Third, it will clarify that the unauthorized inspection, as well as the unauthorized disclosure, of returns or return information is a violation of the code's confidentiality provisions for returns and return information.

Mr. President, this bill addresses something that came out in our hearings last year where we found that some employees were just browsing through accounts on which they were not doing work. They were just curious about what was in the accounts. We had some that actually got into accounts and changed some of the figures in there and received kickbacks for what they were doing. Some of those people are already in jail now. So that area is covered.

We want to tighten this up, and the IRS very much favors this. Commissioner Margaret Richardson said this morning at our hearing that she does favor this, and we worked with her on this. She feels it covers a loophole in the legislation that needs to be covered. I am glad to submit it and help close that loophole so that we will make it absolutely unequivocally illegal for IRS employees to be browsing through other people's accounts, whether for voyeuristic reasons, or just plain curiosity, or whatever the motives are. But people should expect that when they file their tax returns and that information is in the internal revenue system, those returns are confidential and will be worked on only by people that are dealing with business matters on their accounts and nothing more. That is what this legislation does. I hope we can have support on it after it has been through the committee process.

The PRESIDING OFFICER. The bill will be appropriately referred.

Mr. PRYOR. Mr. President, I am very proud that I was here at the moment when Senator GLENN was introducing his two proposals, especially the proposal on browsing by the Internal Revenue Service.

It has been my pleasure to have served as the chairman of the Finance Committee's Committee on Oversight of the Internal Revenue Service for a period of years. During that period of time, I might say that the committee in the House and the Senate, in their wisdom, did in fact adopt the 1988 Taxpayers Bill of Rights. The Taxpayer's Bill of Rights was the very first piece of legislation ever in the history of this Republic, or in the history of the Internal Revenue Service, to spell out the specific powers of the individual taxpayer.

We have now introduced something we call T-2, Mr. President, which is the taxpayers Bill of Rights II.

This legislation goes even several steps further in the protection of the rights afforded to the individual taxpayer in this country.

Senator GLENN's proposal is an answer to, and is a direct result of, testimony which was unearthed and information which has been gathered by Senator GLENN's committee, his very competent staff, on the issues and the alarming fact that, in the past—and maybe even in the present—certain overzealous Internal Revenue Service employees have taken the liberty to abuse the system by looking at individual taxpayer records and accounts and sharing those facts with other individuals. I think what Senator GLENN is doing today is a true service. I stand behind him all the way, and I hope that the Senator will put me down as an original cosponsor.

Mr. GLENN. I will be glad to do so. If the Senator will yield for a moment, Mr. President. To put this in a broader context, the Senator from Arkansas, Senator PRYOR, is the one who on our Governmental Affairs Committee took the lead in putting together the Taxpayer Bill of Rights. It has served us well and the taxpayers of this country should be glad for what he did. I am sure they are, whether they realize they are in his debt or not. What I have done here is expand a little on his efforts. To put it in an even larger context, we are coming into a time with the information age, the information flow, time period in history that replaces the agriculture revolution, the industrial revolution. Now we are into the information revolution. Along with that is going the computerization of all of the taxpayer records that formerly were all in on a piece of paper in the file. They were not as accessible as they are now to computers and hackers and other people.

One of our biggest problems in keeping confidentiality is making sure that as we move into the taxpayer system modernization program, the TSM Program, a very expensive modernization program—and it will be another 3 or 4 years before completion—that will completely modernize the IRS. We need protections like this and like the protections the Senator from Arkansas put the initiative on in putting it together. So he is to be complimented for his efforts in times past on this. As he said, he has T-2, the Taxpayer Bill of Rights II, which is being prepared.

This bill I put in today is one that covers one loophole that we had discerned was there and which the IRS agreed we should close, and we are glad the Senator from Arkansas is a cosponsor because he did a lot of the original work and deserves a lot of the credit for it.

By Mr. HATCH:

S. 671. A bill to provide a fair and balanced resolution to the problem of multiple imposition of punitive damages, and for other purposes; to the Committee on the Judiciary.

THE MULTIPLE PUNITIVE DAMAGES FAIRNESS ACT

Mr. HATCH. Mr. President, I rise today to introduce legislation which will at last deal with one aspect of one of the most serious problems facing our civil justice system today—out of control punitive damage awards.

Punitive damages constitute punishment and an effort to deter future egregious misconduct. Punitive damages are not awarded to make whole the victim of wrongdoing. Punitive damages reform is not about shielding wrongdoers from liability, nor does such reform prevent victims of wrongdoing from being rightfully compensated for their damages.

Safeguards are needed to protect against abuse in the award of punitive damages. In a 1994 opinion authored by Justice Stevens, the Supreme Court noted, "Punitive damages pose an acute danger of arbitrary deprivation of property." [*Honda Motor Co.* v. *Oberg*, 114 S. Ct. 2331, 2340]

One particular problem is multiple awards of punitive damages. While I do not argue that a person or company that acts maliciously should not be subject to punitive damages, it is neither just nor fair for the repeated imposition of punitive damages in several States for the same act or conduct, as our system currently permits. Moreover, exorbitant and out-of-control punitive damage awards have the effect of punishing innocent people as well: employees, other consumers, and shareholders.

This is not a hypothetical problem. This past September, for example, a State court let stand a multimillion dollar punitive damage award against an automobile distributor who failed to inform a buyer that his new vehicle had been refinished to cure superficial paint damage.

The victim, a purchaser of a $40,000 BMW automobile, learned 9 months after his purchase that his vehicle might have been partially refinished. As a result of the discovery, he sued the automobile dealer, the North American distributor, and the manufacturer, for fraud and breach of contract. He also sought an award for punitive damages. He won and hit the jackpot.

At trial, the jury was allowed to assess damages for each of the partially refinished vehicles that had been sold throughout the United States over a period of 10 years. As sought by the plaintiff's attorney, the jury returned a verdict of $4,000 in compensatory damages and $4 million in punitive damages.

On appeal to the State supreme court, the punitive damage award was reduced to $2 million, applicable to the North American distributor. The U.S. Supreme Court has accepted this case for review of the constitutionality of the $2 million punitive damage award.

I should note that this same defendant can be sued again and again for punitive damages by every owner of a partially refinished vehicle. In fact, according to defense counsel, the same plaintiff's attorney has filed 24 other similar lawsuits.

Defendant and consumers are not the only ones hurt by excessive, multiple punitive damage awards. Ironically, other victims can be those the system supposedly is intended to benefit, the injured parties themselves. Funds that might otherwise be available to compensate later victims can be wiped out at any early stage by excessive punitive damage awards.

The imposition of multiple punitive damage awards in different States for the same act is an issue that can only be addressed through Federal legislation. If only one State limits such awards, other States still remain free to impose multiple punitive damages. Accordingly, a Federal response is necessary.

Mr. President, I hope Senators will join me in supporting this initiative.

By Mr. HATCH (for himself, Mr. McCONNELL, and Mr. THOMAS):

S. 672. A bill to provide a fair and balanced resolution to the problem of multiple imposition of punitive damages, and for the reform of the civil justice system; to the Committee on the Judiciary.

THE CIVIL JUSTICE FAIRNESS ACT

Mr. HATCH. Mr. President, one of the few things on which most Americans can agree today is the need for reform of our civil justice system. In plain English, which is itself something too often absent from our courthouses and law offices, America's civil justice system has gotten out of control.

In too many cases, the system fails to deliver justice to the parties. For most Americans, rich or poor, private citizen, small business person, or major corporation, the prospect of going to court, regardless of the merits of the case, is about as welcome as root canal work or an IRS audit.

The litany of problems is no secret; they include excessive legal fees and costs, dilatory and sometimes abusive litigation practices, the increasing use of junk science as evidence, a veritable tidal wave of frivolous lawsuits by prison inmates, and a risk of unduly large punitive damage awards.

The problems with our current civil justice system have resulted in several perverse effects. First, all too often the system fails to accomplish its most important function—to compensate adequately deserving plaintiffs. Second, it imposes unnecessarily high litigation costs on all parties—costs that are passed along to consumers, to each and every American, in the form of higher prices for products and services we buy—costs that ultimately harm our Nation's business competitiveness in the increasingly global economy.

It's time Congress faced up to the problem and enacted meaningful legislation reforming our civil justice system, to eliminate its abuses and procedural problems and to restore to the American people a civil justice system deserving of their trust, confidence, and support. To achieve this goal, I am today introducing the Civil Justice Fairness Act, along with Senators McCONNELL and THOMAS.

I would like to review the major provisions of this legislation and to explain how they would correct some of the more serious problems in our present civil justice system.

This legislation would address the problem of multiple punitive damage awards. We all know that punitive damage awards are out of control in this country. The imposition of multiple punitive damages for the same wrongful act in particular, raises great concern about the fairness of punitive damages and their ability to serve the purposes of punishment and deterrence for which they are intended.

This past September, for example, a State court let stand a multimillion-dollar punitive damage award against an automobile distributor who failed to inform a buyer that his new vehicle had been refinished to cure superficial paint damage. The jury was allowed to assess damages for each of the nearly 1,000 other vehicles that had been sold throughout the United States.

Conceivably, the company can still be sued for punitive damages in every other State where it sold one of its vehicles for the same act.

Moreover, multiple punitive damage awards can hurt injured parties. Funds that would otherwise be available to compensate later victims can be wiped out at any early stage by excessive punitive damage awards. A Federal response is critical: if only one State limits such awards, other States still remain free to impose multiple punitive damages. Accordingly, my bill limits these multiple punitive damage awards.

My legislation also addresses abuses of punitive damages litigation. It includes a heightened standard of proof to ensure that punitive damages are awarded only if there is clear and convincing evidence that the harm suffered was the result of conduct either specifically intended to cause that harm, or carried out with conscious, flagrant indifference to the rights or the safety of the claimant.

This bill also provides that punitive damages may not be awarded against the seller of a drug or medical device that received premarket approval from the Food and Drug Administration.

Additionally, this legislation would allow a bifurcated trial, at the defendant's request, on the issue of punitive damages and limits the amount of the award to either $250,000 or three times the economic damages suffered by the claimant, whichever is greater.

This legislation would also limit a defendant's joint liability for noneconomic damages. In any civil case for personal injury, wrongful death, or based upon the principles of comparative fault, a defendant's liability for noneconomic loss shall be severable only and shall not be joint. The trier of fact will determine the proportional liability of each person, whether or not a party to the action, and enter separate judgments against each defendant.

Another provision of this bill would shift costs and attorneys fees in circumstances in which a party has rejected a settlement offer, forcing the litigation to proceed, and then obtained a less favorable judgment. This provision encourages parties to act reasonably, rather than pursue lengthy and costly litigation. It allows a plaintiff or a defendant to be compensated for their reasonable attorneys fees and costs from the point the other party rejects a reasonable settlement offer.

Another reform included in this legislation is a provision aimed at abusive litigation practices. This bill restores earlier provisions of rule 11 of the Federal Rules of Civil Procedure, to make sanctions for abusive litigation practices mandatory, and to require attorneys to make reasonable inquiries into the factual allegations before they file a pleading in court. This bill also eliminates the so-called safe harbor rule that allows an offending party to withdraw his offending pleading and clarifies that sanctions would also serve to compensate a prevailing party under rule 11.

Another problem in our civil justice system that has been widely reported is abuse in contingency fee cases. This bill encourages attorneys to disclose fully to clients the hours worked and fees paid in all contingency fee cases. The bill calls upon the Attorney General to draft model State legislation requiring such disclosure to clients. It also requires the Attorney General to study possible abuses in the area of contingency fees and, where such abuses are found, to draft model State legislation specifically addressing those problems.

This legislation restricts the use of so-called "junk science" in the courtroom. This long overdue reform will improve the reliability of expert scientific evidence and permit juries to consider only scientific evidence that is objectively reliable.

This legislation also includes a provision for health care liability reform. It limits, in any health care liability action, the maximum amount of noneconomic damages that may be awarded to a claimant to $250,000. This limit would apply regardless of the number of parties against whom the action is brought, and regardless of the number of claims or actions brought. To avoid prejudice to any parties, the jury would not be informed about the limitations on noneconomic damages.

This legislation would also establish a reasonable, uniform statute of limitations for the bringing of health care liability actions.

Further, if damages for losses incurred after the date of judgment exceed $100,000, the court shall allow the parties to have 60 days in which to negotiate an agreement providing for the payment of such damages in a lump sum, periodic payments, or a combination of both. If no agreement is reached, a defendant may elect to pay the damages on a periodic basis. Periodic payments for future damages would terminate in the event of the claimant's return to work, or upon the claimant's death. There is an exception for the portion of such payments allocable to future earnings, which shall be paid to any individual to whom the claimant owed a duty of support immediately prior to death, to the extent required by law at the time of the claimant's death.

This legislation also allows States the freedom to experiment with alternative patient compensation systems based upon no-fault principles. The Secretary of Health and Human Services would award grants based on applications by interested States according to enumerated criteria and subject to enumerated reporting requirements. Persons or entities participating in such experimental systems may obtain from the Secretary a waiver from the provisions of this legislation for the duration of the experiment. The Secretary would collect information regarding these experiments and submit an annual report to Congress, including an assessment of the feasibility of implementing no-fault systems, and legislative recommendations, if any.

Our court system, at both the Federal and State level, is facing an ever-mounting tide of lawsuits, many totally frivolous, filed by prison inmates. This bill improves the ability of our courts to dismiss nonmeritorious in forma pauperis claims and requires the exhaustion of available administrative remedies in prisoner civil rights cases before a lawsuit is filed in court. Also, the bill requires that inmates bear at least some of the cost of initiating litigation, by enabling the courts to require the payment of at least a partial fee, or the payment of court fees in installments where the inmate cannot afford the entire fee.

Mr. President, I ask for unanimous consent that a section-by-section description of the bill be printed in the RECORD.

I urge my colleagues to take a serious look at these problems within our civil justice system. I believe this bill addresses these issues in a common sense way, and I hope my colleagues will join me in sponsoring this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION DESCRIPTION OF THE CIVIL JUSTICE FAIRNESS ACT

TITLE I—PUNITIVE DAMAGES REFORM

Sec. 101: Definitions. This section defines various terms and phrases used in Title I of the bill.

Sec. 102: Multiple Punitive Damages Fairness. This section generally prohibits the award of multiple punitive damages. With one exception, it prevents courts from awarding punitive damages based on the same act or course of conduct for which punitive damages have already been awarded against the same defendant. Under the exception, an additional award of punitive damages may be permitted if the court determines in a pretrial hearing that the claimant will offer new and substantial evidence of previously undiscovered, additional wrongful behavior on the part of the defendant, other than injury to the claimant. In those circumstances, the court must make specific findings of fact to support the award, must reduce the amount of punitive damages awarded by the amounts of prior punitive damages based on the same acts, and may not disclose to the jury the court's determination and action under the section. This section would not apply to any action brought under a federal or state statute that specifically mandates the amount of punitive damages to be awarded.

Sec. 103: Uniform Standards for Award of Punitive Damages. This section sets the following uniform standards for the award of punitive damages in any State or Federal Court action: (1) In general, punitive damages may be awarded only if the claimant establishes by clear and convincing evidence that the conduct causing the harm was either specifically intended to cause harm or carried out with conscious, flagrant indifference to the rights or the safety of other persons. (2) Punitive damages may not be awarded in the absence of an award of compensatory damages exceeding nominal damages. (3) Punitive damages may not be awarded against a manufacturer or product seller of a drug or medical device which was the subject of pre-market approval by the food and Drug Administration (FDA). This FDA exemption is not applicable where a party has withheld or misrepresented relevant information to the FDA. (4) Punitive damages may not be pleaded in a complaint. Instead, a party must establish at a pre-trial hearing that it has a reasonable likelihood of proving facts at trial sufficient to support an award of punitive damages, and may then amend the pleading to include a prayer for relief seeking punitive damages. (5) At the defendant's request, the trier of fact shall consider in separate proceedings whether punitive damages are warranted and, if so, the amount of such damages. If a defendant requests bifurcated proceedings, evidence relevant only to the claim for punitive damages may not be introduced in the proceeding on compensatory damages. Evidence of the defendant's profits from his misconduct, if any, is admissible, but evidence of the defendant's overall wealth is inadmissible in the proceeding on punitive damages. (6) In any civil action where the plaintiff seeks punitive damages under this title, the amount awarded shall not exceed three times the economic damages or $250,000, whichever is greater. This provision shall be applied by the court and shall not be disclosed to the jury. (7) This section applies to all civil actions in which a trial has not commenced before the effective date of this Act.

Sec. 104: Effect on Other Law. This section specifies that certain state and federal laws are not superseded or affected by this legislation. Choice-of-law and forum nonconveniens rules are similarly unaffected.

TITLE II—SEVERAL LIABILITY

Sec. 201: Several Liability for Noneconomic Loss. This section limits a defendant's joint liability for non-economic damages. In any civil action for personal injury, wrongful death, or based upon principles of comparative fault, a defendant's liability for noneconomic loss shall be several only and shall not be joint. The trier of fact will determine the proportional liability of each person, whether or not such person is a party to the action, and enter separate judgments against each defendant.

TITLE III—CIVIL PROCEDURAL REFORM

Sec. 301: Sanctions for Abusive Litigation Practices. This section restores key provisions to Federal Rule of Civil Procedure 11. It requires a party to conduct a reasonable pre-filling inquiry into allegations and factual assertions contained in a pleading or motion, and makes the issuance of sanctions for frivolous or abusive tactics mandatory rather than permissive. It also gives the courts wider latitude to impose sanctions on attorneys for filing abusive pleadings by eliminating the so-called "safe harbor" rule. The safe harbor rule allows a party moved against to withdraw the offending pleading within 21 days of a Rule 11 motion—an indulgent free bite at the apple. The section also clarifies that the purpose of sanctions is to deter repetition of abusive litigation practices and to compensate a party injured by the conduct.

Sec. 302: Trial Lawyer Accountability. This section contains two major provisions. The first provides that it is the sense of the Congress that each State should require attorneys who enter into contingent fee agreements to disclose to their clients the actual services performed and hours expended in connection with such agreements. The second provision directs the Attorney General to study and evaluate contingent fee awards and their abuses in State and Federal court; to develop model legislation to require attorneys who enter into contingency fee agreements to disclose to clients the actual services performed and hours expended, and to curb abuses in contingency fee awards based on the study; and to report the Attorney General's findings and recommendations to Congress within one year of enactment.

Sec. 303: Honesty in Evidence. This section amends Federal Rule of Evidence 702 to reform the rules regarding the use of expert testimony. It clarifies that courts retain substantial discretion to determine whether the testimony of an expert witness that is premised on scientific, technical, or medical knowledge is based on scientifically valid reasoning, is sufficiently reliable, and is sufficiently established to have gained general acceptance in the particular field in which it belongs. The section codifies the standard for admissibility of expert testimony enunciated in *Daubert* v. *Merrell Dow Pharmaceuticals, Inc.*, 113 S. Ct. 2786 (1993). It also restores the common law *Frye* rule that requires that scientific evidence have "general acceptance" in the relevant scientific community to be admissible. This section further clarifies that expert witnesses have expertise in the particular field on which they are testifying. Finally, this section mandates that the testimony of an expert retained on a contingency fee basis is inadmissible.

Sec. 304: Fair Shifting of Costs and Reasonable Attorney Fees. This section modifies Federal Rule of Civil Procedure 68 to allow either party, not just the defendant, to make a written offer of settlement or to allow a judgment to be entered against the offering party. It expands the time period during which an offer can be made from 10 days before trial to any time during the litigation. If within 21 days the offer is accepted, a judgment may be entered by the court. If, however, a final judgment is not more favorable to an offeree than the offer, the offeree must pay attorney fees and costs incurred after the time expired for acceptance of the offer. Thus, this is not a true "loser pays" provision where a loser pays the winner's attorney's fees, but rather a narrower attorney fee- and cost-shifting idea applicable only when a party has made an offer of settlement or judgment. This section also significantly expands the definition of recoverable costs. Currently, costs are narrowly defined and do not create enough of a financial incentive for a party to make an offer that allows judgment to be entered. Finally, this section also allows a party to make an offer of judgment after liability has already been determined but before the amount or extent has been adjudged.

TITLE IV—HEALTH CARE LIABILITY REFORM

Sec. 401: Limitations on Noneconomic Damages. In any health care liability action the maximum amount of noneconomic damages that may be awarded to a claimant is $250,000. This limit shall apply regardless of the number of parties against whom the action is brought, and regardless of the number of claims or actions brought. The jury shall not be informed about the limitations on noneconomic damages.

Sec. 402: Uniform Statute of Limitations. This section provides a reasonable uniform statute of limitations for health care liability actions, with one exception for minors. The general rule is that an action must be brought within two years from the date the injury and its cause was or reasonably should have been discovered, but in no event can an action be brought more than six years after the alleged date of injury. This section also allows an exception for young children. The rule for children under six years of age is that an action must be brought within two years from the date the injury and its cause was or reasonably should have been discovered, but in no event can an action be brought more than six years after the alleged date of injury or the date on which the child attains 12 years of age, whichever is later.

Sec. 403: Periodic Payment of Future Damages. This section allows for the periodic payment of large awards for losses accruing in the future. If damages for losses incurred after the date of judgment exceed $100,000, the court shall allow the parties to have 60 days in which to negotiate an agreement providing for the payment of such damages in a lump sum, periodic installments, or a combination of both. If no agreement is reached within those 60 days, a defendant may elect to pay the damages on a periodic basis. The court will determine the amount and periods for such payments, reducing amounts to present value for purposes of determining the funding obligations of the individual making the payments. Periodic payments for future damages terminate in the event of the claimant's recovery or return to work; or upon the claimant's death, except for the portion of the payments allocable to future earnings which shall be paid to any individual to whom the claimant owed a duty of support immediately prior to death to the extent required by law at the time of death. Such payments shall expire upon the death of the last person to whom a duty of support is owed or the expiration of the obligation pursuant to the judgment for periodic payments.

Sec. 404: Non-Fault Based Patient Compensation System Demonstration Project. This section allows states to experiment with alternative patient compensation systems based upon no-fault principles. Grants shall be awarded by the Secretary of Health and Human Services based on applications made by interested states according to enumerated criteria and subject to enumerated reporting requirements. Persons or entities involved in the demonstrations involved may obtain a waiver from the Secretary from the provisions of this Title for the duration of the experiment, which shall be not greater than five years. The Secretary shall collect information regarding these experiments and submit an annual report to Congress including an assessment of the feasibility of implementing no-fault systems and legislative recommendations, if any.

Sec. 405: Definitions. This section defines various terms and phrases used in Title IV of the bill.

TITLE V—CONTROL OF ABUSIVE PRISONER LITIGATION TACTICS

Sec. 501: Reform of In Forma Pauperis Determinations. This section reforms *in forma pauperis* determinations by permitting courts to require a prisoner to make either partial payment of fees or the payment of fees in installments where the court determines that a prisoner is unable to pay the total fees. This section also requires that, where a prisoner files an *in forma pauperis* affidavit, the prisoner must also file (1) an affidavit listing the prisoner's assets, and (2) a statement, signed by prison officials, specifying the prisoner's income and assets during the preceding year.

Sec. 502: Improving Courts' Abilities to Dismiss Nonmeritorious Claims. This section improves courts' abilities to dismiss nonmeritorious *in forma pauperis* claims by permitting courts to dismiss such claims at any time where the allegation of poverty is untrue, where those claims are frivolous or malicious, where the complaint fails to state a claim on which relief can be granted, or where the claim is insubstantial in that the plaintiff suffered no injury or an insubstantial injury.

Sec. 503: Exhaustion of Administrative Remedies in Prisoner Litigation. This section amends Section 7 of the Civil Rights of Institutionalized Persons Act to require the exhaustion of available administrative remedies where a prisoner files a lawsuit under 42 U.S.C. §1983. It also makes minor changes in the assessment of whether administrative remedies are adequate, to grant greater flexibility to the Attorney General. Currently, courts are required to continue a case for no longer than 90 days to allow a prisoner to exhaust his administrative remedies. Prisoners often merely wait out the time period and make no effort to pursue an administrative remedy. Thus, this section requires *exhaustion* of a prisoner's plain, speedy, and effective administrative remedy.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601: Federal Cause of Action Precluded. This section provides that the bill does not provide any new basis for federal court jurisdiction. The resolution of punitive damages claims is left to state courts or to federal courts that currently have jurisdiction over those claims.

Sec. 602: Effective Date. Except as otherwise provided, this section provides that this Act shall be effective 30 days after the date of its enactment and shall apply to all civil actions commenced on or after that date, including actions in which the harm occurred before the effective date of this Act.

By Mrs. KASSEBAUM (for herself, Mr. INOUYE, Mr. DOMENICI, and Mr. STEVENS):

S. 673. A bill to establish a youth development grant program, and for other purposes; to the Committee on Labor and Human Resources.

THE YOUTH DEVELOPMENT COMMUNITY BLOCK GRANT ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, I introduce the Youth Development

Community Block Grant Act of 1995 on behalf of myself, Senator DOMENICI, Senator INOUYE, Senator STEVENS. The purpose of this initiative is to reallocate existing Federal funding for preventive youth program into a more effective and cohesive network of community-based youth development services for 6- to 18-year-olds.

The United States has concentrated most of its efforts on behalf of youth on specific problems that have captured the attention of the American public. This well-intentioned response has had two major results: First, the creation of a maze of narrowly defined categorical programs to address the specific needs of a particular population; and second, a lack of local flexibility in determining how best to respond to the needs of youth in the community. These two factors, combined with our concern about the increasing vulnerability of the American family, have lead to the development of the Youth Development Community Block Grant Act.

The central goal of the youth development community block grant [YDCBG] is to promote and support positive youth development. The bill will fund services focused on prevention—programs that help children and youth develop the values and life skills they need to succeed. It reflects the belief of leaders in the field of youth development, including the Carnegie Council on Adolescent Development and the Center for Youth Development and Policy Research, that youth programs should address the social, moral, emotional, and physical development of youth, in addition to their ability to think and reason.

Likewise, the legislation reflects the strong consensus among these experts that youth development services should focus on the needs of youth in general, rather than segregate them into various categories of risk. It also emphasizes the use of participatory, hands-on-techniques which have been shown to be effective in getting youth involved and interested in learning critical life skills.

Rather than wait until young people are in crisis, this legislation will fund preventive services. Rather than forcing service providers to define the needs of a youth to conform to the labyrinth of rules and regulations of a categorical program, they can identify the youth's needs based on what is actually needed. The youth development community block grant represents a comprehensive, coordinated approach to youth and to funding community-based services.

The YDCBG incorporates many of the principles which policymakers and service providers have identified as necessary for effective Federal support for community-based human services—local control, flexibility, coordination, and accountability.

Most existing youth development programs are provided not by government agencies but by community-based organizations. The youth development community block grant builds on the strength, credibility, and expertise of existing community-based resources.

There is a broad and growing consensus among youth policy experts about the importance of increased investment in positive youth development programs. For example, in major studies, both the Chaplin Hall Center for Children at the University of Chicago and the Carnegie Council have concluded that, if youth are to succeed, there must be a well-developed infrastructure of youth development services in their communities. Provisions in the legislation concentrate on improving the quality of community-based youth development programs and improving the capacity of communities to design and deliver successful services for our youth.

The YDCBG was developed in conjunction with the National Collaboration for Youth, a 15-member coalition of major youth-serving organizations. These organizations collectively provide direct services to over 25 million children and youth each year.

Members of the National Collaboration for Youth endorsing the Youth Development Community Block Grant Act include: the American Red Cross, Association of Junior Leagues International, Big Brothers/Big Sisters of America, Boy Scouts of America, Boys and Girls Clubs of America, Camp Fire Boys and Girls, Child Welfare League of America, 4-H Extension Service, Girl Scouts of the USA, Girls Inc., National Network of Runaway and Youth Services, The Salvation Army, WAVE Inc., YMCA of the USA, and YWCA of the USA.

While these and other community-based youth organizations are providing important services to millions of youth, millions more go unserved or underserved. It is critical that the existing Federal dollars allocated for youth prevention be used in the most effective and efficient way—to build a cohesive network of locally driven services and programs.

The legislation authorizes the youth development community block grant for 3 years at $2 billion per year. This authorization level represents a 10-percent savings over current Federal spending for the various programs consolidated under the YDCBG, the sum of the fiscal year 1995 appropriations for existing programs combined with the estimated appropriations level for crime bill programs aimed at youth prevention, less 10 percent.

I hope other Members of the Senate join with us as cosponsors of the Youth Development Community Block Grant Act.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY—YOUTH DEVELOPMENT COMMUNITY BLOCK GRANT

The Youth Development Community Block Grant (YDCBG) is an effort to reallocate existing federal funding for preventive youth programs into a more effective and efficient response to the needs of young people, aged 6–18. The goal of youth development programs is helping children and youth learn the life skills which they need to succeed. This legislation establishes a community driven, coordinated network of positive youth development to accomplish this goal.

In short, the youth development community block grant:

Is community-based and flexible, with program accountability

Invests money in prevention rather than crisis intervention

Transforms current categorical programs into a cohesive network

Can serve as a catalyst in building stronger communities to support children and their families

FEATURES OF THE YOUTH DEVELOPMENT COMMUNITY BLOCK GRANT

Community control of local programs

This legislation supports the idea that the best place to design and implement youth programs is within the community. When created within the context of the community and by a partnership of community members, the programs can draw upon the strengths of existing resources and address the specific needs of the youth living there.

All YDCBG-funded programs must address community youth development priorities as defined by the Local Board; recognize the role of the family in youth development; involve parents, youth, and community leaders in the program; coordinate services with other programs in the community; and establish process and outcome objectives responding to local needs.

Focus on prevention rather than crisis intervention

The second part of the equation is that it is important to redirect resources to prevention activities. Most government funds are focused on solving problems rather than preventing problems from occurring. There are a variety of activities which help youth develop their social, emotion, and physical abilities, along with their ability to think and reason. These activities can involve mentoring, sports and recreation, peer counseling, youth clubs, leadership development, educationally based youth employment, and a variety of other non-academic pursuits. youth development programs provide youth with hands on, active way to learn life skills which will help them make a successful transition from childhood to adulthood.

In addition, because these activities are not focused on correcting a specific problem, but on providing basic life skills, the programs do not need to be restricted to "high risk" youth or a special target population. Local communities and youth development agencies may choose to focus the activities on a special group of children and youth, such as low-income or at risk youth, in response to a particular need of the community.

Funds go Directly to Communities

Nearly 95% of the YDCBG funds are funneled directly to local communities; states serve as a pass through and monitoring mechanism. Through a planning and priority setting process, local communities determine the types of activities which will be funded and who will provide those services. Program accountability is demonstrated by measuring the community's progress in meeting goals set in the planning and priority setting process. This provides communities broad flexibility to define local priorities and support local initiatives, while at the same time encouraging community partnerships comprehensive planning, and service integration.

Existing funds are consolidated into a cohesive strategy

Funding for the YDCBG is drawn from existing federal youth prevention programs. The majority of existing youth development and prevention programs are funded through categorical grants awarded on a discretionary basis by the federal agency administering the initiative. These categorical programs are designed to respond to an identified problem such as substance abuse or teen pregnancy. The YDCBG recognizes that those problems are symptoms not only of youth but of an ineffective service delivery system—and that the new funding structure must transform the current potpourri of narrowly defined categorical programs into a cohesive community based strategy for youth. Current budget constraints demand that existing federal funds be more efficiently administered and more effectively used.

Although the legislation includes the repeal of several federal initiatives, a "grandfather" clause in the bill permits communities to continue funding for any local program currently receiving funding from the repealed programs. While the federal administration and legislation will be terminated, the programs themselves can continue to operate at the community level—where the service is delivered.

Funds will be allocated based on a formula, rather then good grantwriting skills

The majority of programs consolidated within the YDCBG are currently distributed through the discretionary grant process. Distribution among states and communities varies widely and is determined, in large part, by the grantwriting skills of the grantees. Through a formula based allocation of YDCBG funds, every county will receive some level of funding for youth development activities. This allocation formula gives equal weight to the size of the youth population aged 6–18, the proportion of the youth population living below the poverty line, and increases in the rate of serious juvenile crime. A small state minimum and set aside for Native American populations is included in the legislation.

Administrative structures are streamlined

The primary administrative structure of the YDCBG is the Local Board. This Board, appointed jointly by the Chief Executive Officer of the County and a representative of the local youth development community, is responsible for setting the goals, determining strategies for achieving those goals, and distributing funds for youth development services in the community. The state serves as a pass through for distributing funds to counties based on the federal allocation formula. In addition, the state is responsible for basic monitoring, reporting and technical assistance functions to assist the counties implementation of the act. The federal role in the YDCBG consists of program oversight as well as state and local capacity building through technical assistance, and research-based demonstration projects.

Provisions in the bill promote the use of existing administrative structures on the federal, state, and local levels. Multi-county and other partnership efforts are encouraged.

Sources for federal funding of the YDCBG

Department of Health and Human Services:

Youth Gang Prevention Program.

National Youth Sports Program.

Demonstration Partnership Program.

Community Coalition Demonstration Projects to Support HHS Needs for Minority Males.

Demonstration Grants for the Prevention of Alcohol and Other Drug Abuse among High Risk Youth.

Drug Abuse Prevention for Runaway and Homeless Youth.

Drug Abuse Prevention and Education Relating to Youth Gangs.

Department of Labor: Summer Youth Employment and Training Program.

Department of Education:

School Drop-Out Demonstration Assistance.

Drug Free and Safe Schools and Communities National Programs.

Drug Free and Safe Schools and Communities—State Grants.

Drug Free and Safe Schools and Communities—Regional Centers

Drug Free and Safe Schools and Communities—Emergency Grants.

Department of Justice-Office of Juvenile Justice and Delinquency Prevention:

Youth Gangs.

Juvenile Mentoring.

Delinquency Prevention Grants.

From the Crime bill:

Ounce of Prevention Council.

Local Crime Prevention Block Grant Program.

Family and Community Endeavor Schools Grant Program.

Assistance for Delinquent and At-Risk Youth.

Local Partnership Act.

Urban Recreation and At-Risk Youth.

Gang Resistance Education and Training.

The $2 billion authorization amount for the YDCBG is the sum of the fiscal year 1995 appropriations for existing programs combined with the estimated appropriations for the crime bill programs less 10%.

YOUTH DEVELOPMENT COMMUNITY BLOCK GRANT ACT OF 1995—SECTION-BY-SECTION DESCRIPTION

Section 1: Short Title; Table of Contents: This section contains the table of contents for the Youth Development Community Block Grant Act of 1995.

Section 2: Findings: Section 2 enumerates Congressional findings for the Youth Development Community Block Grant Act of 1995.

Section 3: Purposes: The purpose of this Act is set forth in Section 3. The Act is designed to create a single, comprehensive Federal strategy for community-based youth development services, and to support communities in designing community strategic plans for worthwhile youth development.

Section 4: Definitions: Section 4 defines all relevant terms and phrases referred to in the Act.

Section 5: Distribution of Funds: Section 5 authorizes appropriations up to $2,000,000,000 per fiscal year 1996 through 1998. This appropriation is to be allocated in the following manner: 95.5 percent for allotments to States (for distribution to the community boards); 1.5 percent for grants to Native American organizations; and 3 percent for activities by the Administration for Children and Families. The formula for distributing the funds to states and to counties equally weights three factors—youth population, level of poverty, and increases in violent juvenile crime since 1990.

Section 6: Community Youth Development Board: Section 6 establishes a Community Youth Development Board and a multi-county Community Board. These boards shall prepare and submit to the State a community strategic plan for youth development, shall be responsible for establishing monitoring and evaluation procedures; and shall award grants. This section also sets forth guidelines for the composition, administration, and duties of community boards.

Section 7: Duties of the State: State responsibilities are set forth in Section 7. These duties include the designation of a state entity to administer and conduct State activities; the development of a mechanism through which to process information, coordinate activities, assess program effectiveness, and for the preparation and submission of an annual report.

Section 8: Duties of the Assistant Secretary: This section specifies duties of the Assistant Secretary. The Assistant Secretary shall establish and implement a mechanism to receive information necessary to improve the effectiveness of Federal youth development activities. Moreover, the Assistant Secretary shall issue national policy goals and a national strategic plan; shall monitor, evaluate, and coordinate activities funded under this Act; and shall submit reports to the President and Congress.

Section 9: Repeals: Section 9 enumerates provisions of law which are repealed by the Act. Several provisions in the Violent Crime Control and Law Enforcement Act of 1994 are repealed, along with several Department of Education Programs. Various provisions from other programs are also repealed.

Section 10: Conforming Amendments: Section 10 sets forth conforming amendments in the Elementary and Secondary Education Act of 1965, the Anti-Drug Abuse Act of 1988, the Job Training Partnership Act, and the National School Lunch Act.

Section 11: Transfer of Funds: Section 11 outlines the transfer of funds. The total amount of funds shall be transferred to the budget account for this Act. Any amounts in the budget account that exceed $2,000,000,000 shall be returned to the Treasury of the United States.•

• Mr. DOMENICI. Mr. President, I am pleased to join the Senator from Kansas, the distinguished chairwoman of the Senate Labor Committee, and the Senator from Hawaii as an original sponsor of this legislation. Senator KASSEBAUM has summarized what is in this bill far more eloquently that I can, so I won't bother to summarize this bill section-by-section. But I would like to take a moment to review the provisions of this bill that I think deserve special attention.

It has become especially obvious in recent years that there is no such thing as one size fits all when it comes to providing services to youth. Many of the programs we have put into place have the same noble intention of providing services to children and youth who need them, but vary in their approaches to delivery. Some programs work very well, others less so. Youth who qualify for one program out of the

Department of Labor may not necessarily qualify for a program out of the Department of Human Services. Additionally, we have front-loaded the process with countless regulations to be followed and forms and applications to be completed. As a result, our good intentions are often followed with confusing procedure and time-consuming oversight and management procedures. Plainly, the current system is not delivering.

Our bill is based upon two encroaching realities. First, that many of the problems in our current system are not always due to the nature of the population served, but because of an ineffective, confusing, contradictory, or overwhelming method of delivering services. Second, that States and local communities know best what works best in their States and local communities. Clearly, a new approach to delivering these services is needed.

With this in mind, we did not approach this problem with the intent of block granting a number of Federal programs just for the sake of block granting. I know there are some who question the wisdom of block-granting programs, and I share the view that there are some programs which, due to their comprehensive nature, do not belong in a block grant. The issue is one of appropriateness—we should not lump together programs which are unrelated or serve substantially different populations, or deliver unrelated services. In other words, don't block grant your apples with your oranges.

I am pleased, therefore, that our legislation focuses on block granting appropriate, and related, programs. These are programs with overlapping jurisdictions or which duplicate programs available in other agencies. And, unlike some proposals that often set our phones to ringing, the bill consolidates apples only with apples. The block grant established under this legislation would consolidate funding from existing Federal youth prevention programs. The list isn't long, and it may even turn out that we didn't include a program in here that others may think should be included. So, I think if you look carefully at what we have included in this block grant, you will see that we did not create a block grant just because everyone is doing it. We were very careful in the programs we chose.

We are proposing a much simpler approach to delivering services to young people, and one that gives communities a much greater voice in determining what services are appropriate in their area. We are rejecting the current practice of moving funding for youth programs through a number of assistant secretaries at the Federal and State level, then gluing on layer after burdensome layer of regulations from a number of different agencies onto those funds. Instead, our bill would ensure that money flows directly to the States—and then directly to communities—and not to the Federal Government. Ninety-five percent of the funds available under this bill go directly to local communities, who know best what their specific needs are.

The State would serve mainly as a flow-through point, with an appropriate entity in place to administer and conduct a few activities, including monitoring, reporting, and technical assistance to counties. Administration of the program is left largely to local boards, which would be appointed in each community by the chief executive officer of the county and a representative of the local youth development community. These boards would determine the goals of the programs within their community, how the community would pursue these goals, and then distribute the funds for the youth development services in the community.

Further, the funds for this program are allocated to the States by formula, not through a discretionary grant process. We have found this approach is one that works in other large grants, such as the Community Development Block Grant. A formula ensures that every State, regardless of size or grant-writing ability, will receive some funding for their youth programs. We have also included a mandatory set-aside for native American, Hawaiian, and Alaskan populations to ensure that the young people in these populations will continue to receive services. I know Senator KASSEBAUM worked closely with members of the Indian Affairs Committee on this language, including the distinguished ranking member who is sponsoring this legislation with us, and I appreciate that committee's assistance in this matter as well.

Unlike the current system, the funds made available under this block grant are not targeted at a narrowly defined group of young people. The nontargeted nature of this block grant means that communities do not necessarily have to target their programs to only at-risk, or only high-risk, or only no-risk youth. Rather, they can develop programs that serve all the youth in their community. These activities can be as broad or as narrow as the community chooses.

Another objective of this legislation is to provide for our young people before they become lost in the system. Under our current system, we focus our efforts mainly on solving an existing problem. Now, I would certainly agree that there is an appropriate role for the Government in this area, but I do not think I exaggerate when I say that many of our programs are the equivalent of ambulance chasing. We seem to always arrive after the fact to help pick up the pieces.

Again, I agree that this is an important function of Government—and our bill would certainly not prevent communities from operating these kinds of programs—but I think we serve our children and our communities better if we focus our efforts on preventing problems from occurring in the first place. Therefore, our bill is heavily tilted toward preventative programs, and would consolidate funding from a number of prevention programs under the jurisdictions of Labor, Health and Human Services, Education, and Justice.

Let me reassure my colleagues that there is no hidden agenda here. We are not out to get any one of these programs. In fact, I have been a staunch supporter of many of the programs block granted in this bill, including the National Youth Sports Program under the Department of Health and Human Services, the Summer Youth Employment and Training Program under the Department of Labor, and Safe and Drug Free Schools under the Department of Education. However, I'm certain there are some in New Mexico listening to me right now who are saying, "Wait a moment, Senator—you're proposing to put into your block grant a program that we already have. What will happen to our program?" The answer to that is, nothing. The purpose of this bill is to let communities continue to make available and expand upon the kinds of services these programs provide, but without the Federal Government peeking over their shoulders. We have grandfathered existing programs, allowing the communities to continue funding for any local program currently in place, but without the Federal administration.

Now, in all the talk about block grants, there is always the concern that we will be letting the States have completely free reign, with no accountability, and therefore States will be spending the money from block grants on unrelated items. I want to assure my colleagues and anyone listening that this cannot happen under our bill. Funds must be spent on youth development programs in the State. Period. Also, we will maintain some—minimal, but some—oversight of the program, as well as assisting the States in training and technical assistance, as needed.

It has become alarmingly obvious that we will be unable to continue to fund programs at their existing rate of growth. However, we believe that under our proposed delivery system, States will be able to perform more with less funding. The funding authorized for this program is based on the current authorization levels for the 23 programs we consolidate, minus 10 percent. That amounts to $2 billion. That is not a huge reduction in funding, and we believe that without having to worry about complying with the strict letter of the law, without having to worry about complying with regulation after regulation, and without having to worry about reams of paperwork, the

States will find they can continue to deliver services at their current rate, and may surprise themselves in finding they can do even more.

Finally, I want to acknowledge a number of groups who are lending their support to this legislation, and who have been very helpful during this process. My thanks go especially to the Boys and Girls Club of America, Big Brothers/Big Sisters, the American Red Cross, YMCA, YWCA, and the Boy Scouts of America. These are groups I have worked with closely on my efforts with the Character Counts Coalition, and their support for this effort means as much to me as it does for my efforts with Character Counts. I look forward to continuing to work with them.

I believe ours is a responsible approach that can work. I encourage my colleagues to give it a chance to do so.●

By Mr. EXON (for himself, Mr. DORGAN, Mr. KERRY, and Mr. MOYNIHAN):

S. 674. A bill entitled the "Rail Investment Act of 1995"; to the Committee on Commerce, Science, and Transportation.

RAIL INVESTMENT ACT

Mr. EXON. Mr. President, I am pleased to introduce the Rail Investment Act of 1995. This legislation will ensure that America's rail infrastructure continues to meet the needs of the Nation. This bill is an update version of S. 2002 which the Senate Commerce Committee unanimously approved last year and combines several important rail initiatives including the reauthorization of Amtrak, the reauthorization of the Local Rail Freight Assistance Program and other rail initiatives of critical importance to a number of Members of the Senate.

The bill before the Senate takes into account the cost-saving measures taken by the Amtrak Board and includes new provisions to help Amtrak generate more nontax revenues through advertising, concessions and intermodal coordination with America's bus companies. I know that this legislation is a starting place and not a finishing place. Many painful choices regarding Amtrak are just around the bend. With a few modifications, however, it is where the Senate left off last year.

As the former chairman of the Surface Transportation Subcommittee, I am proud of the work we did last year. I have updated the effort to reflect the new political and financial realities which face both Amtrak and this body.

The Senate Commerce Committee held a very good hearing on Amtrak and it is clear to me that there continues to be strong bipartisan support for a national passenger rail system. I look forward to working with both the new chairman of the full committee and the subcommittee to assure that Amtrak has a future.

The key features of the Rail Investment Act include:

First, an addition to the Amtrak mission statement that Amtrak should treat all passengers with respect, courtesy, and dignity and that Amtrak should manage its capital investment to provide world class service;

Second, a study of proposed changes of the State-requested service program;

Third, a renewal of the authorization for the Northeast Corridor Improvement Program [NECIP];

Fourth, a technical amendment to settle a title problem for Reno, NV, rail properties;

Fifth, the Missouri River Corridor Development Program to study the feasibility of service between Kansas City and Omaha, to authorize station projects and fund operation of new service in and around the States bordering the Missouri River;

Sixth, a provision to assist Rhode Island with its double-stack freight service problems;

Seventh, a provision which allows Amtrak to better manage its finances;

Eighth, a provision to study D.C. to Bristol, VA, passenger rail service;

Ninth, the addition of a passenger representative to the Amtrak Board of Directors;

Tenth, a pilot program to generate more nontax revenues from advertising and concession sales; and

Eleventh, a provision to authorize a rail project integral to service between Massachusetts and Maine;

Twelfth, a continuation of the Amtrak labor management safety task force.

The bill also includes the text of legislation I introduced with Senators DASCHLE, PRESSLER, HARKIN, CONRAD, KERREY, and DORGAN last year to reauthorize the Local Rail Freight Assistance Program [LRFA] for $30 million each year. In addition, the LRFA Program is amended to give authorization for emergency appropriations, and to add explicit language to permit LRFA money to be used for crossing closures and upgrades.

I urge my colleagues to endorse this much needed legislation.

ADDITIONAL COSPONSORS

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 351

At the request of Mr. HATCH, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 360

At the request of Mr. SMITH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 360, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes.

S. 390

At the request of Mr. BIDEN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 390, a bill to improve the ability of the United States to respond to the international terrorist threat.

S. 451

At the request of Mr. NICKLES, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 451, a bill to encourage production of oil and gas within the United States by providing tax incentives and easing regulatory burdens, and for other purposes.

S. 629

At the request of Mr. THOMAS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 629, a bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands.

S. 641

At the request of Mr. KENNEDY, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Arkansas [Mr. PRYOR], the Senator from Arkansas [Mr. BUMPERS], the Senator from Nebraska [Mr. KERREY], the Senator from Nevada [Mr. REID], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 644

At the request of Mr. CAMPBELL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes.

S. 650

At the request of Mr. SHELBY, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 650, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

SENATE RESOLUTION 91

At the request of Mr. PELL, the name of the Senator from Illinois [Mr.

SIMON] was added as a cosponsor of Senate Resolution 91, a resolution to condemn Turkey's illegal invasion of Northern Iraq.

AMENDMENT NO. 425

At the request of Mr. PRESSLER, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of amendment No. 425 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

SENATE CONCURRENT RESOLUTION 10—RELATIVE TO EASTERN AND CENTRAL EUROPE

Mr. BROWN (for himself and Mr. SIMON) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 10

Whereas the countries of Central and Eastern Europe, including Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Slovenia, Bulgaria, and Romania, are important to the long-term stability and economic success of a future Europe freed from the shackles of communism;

Whereas the Central and Eastern European countries, particularly Hungary, Poland, the Czech Republic, and Slovakia, are in the midst of dramatic reforms to transform their centrally planned economies into free market economies and to join the Western community;

Whereas it is in the long-term interest of the United States to encourage and assist the transformation of Central and Eastern Europe into a free market economy, which is the solid foundation of democracy, and will contribute to regional stability and greatly increased opportunities for commerce with the United States;

Whereas trade with these countries accounts for less than one percent of total United States trade;

Whereas the presence of a market with more than 140,000,000 people, with a growing appetite for consumer goods and services and badly in need of modern technology and management, should be an important market for United States exports and investments; and

Whereas the United States has concluded agreements granting most-favored-nation status to most of the countries of Central and Eastern Europe: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should take steps to negotiate international agreements for free trade between the United States and the countries of Central Europe, including Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, and Slovenia, and should take vigorous actions to lay the groundwork for such an agreement, including—

(1) developing closer commercial contacts;

(2) eliminating tariff and nontariff discriminatory barriers in United States trade with these countries;

(3) developing framework agreements that chart a course toward a free trade agreement;

(4) establishing bilateral investment treaties;

(5) stimulating increased United States exports and investments to the region;

(6) obtaining further liberalization of investment regulations and protection against nationalization in these foreign countries; and

(7) establishing fair and expeditious dispute settlement procedures.

SENATE RESOLUTION 100—RELATIVE TO NATIONAL 4-H DAY

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 100

Whereas the Senate is proud to honor the National 4-H Youth Development Program of the Cooperative State Research, Education, and Extension Service for 85 years of experience-based education to young people throughout the United States;

Whereas this admirable Program seeks to provide a learning experience for the whole child (including head, heart, hands, and health) and help children of the United States to acquire knowledge, develop life skills, and form attitudes to enable the children to become self-directed, productive, and contributing members of society;

Whereas the 5,500,000 urban, suburban, and rural participants in the Program, ranging from 5 to 19 years of age, hail from diverse ethnic and socioeconomic backgrounds and truly represent a cross-section of the United States;

Whereas the Program could not have achieved success without the service of the more than 65,000 volunteers who have given generously of their time, talents, energies, and resources; and

Whereas throughout proud history of the Program, the Program has developed positive roles models for the youth of the United States and (through its innovative and inspiring programs) continues to build character and to instill the values that have made the United States strong and great: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims April 5, 1995, as National 4-H Day;

(2) commends the 4-H Youth Development Program and the many children and volunteers who have made the Program a success; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 101—RELATIVE TO ISRAEL

Mr. BROWN submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 101

Whereas the Congress approved a free trade agreement with Israel on April 29, 1985;

Whereas the free trade agreement with Israel was designed to increase United States economic ties with Israel;

Whereas the goal of United States policy in the Middle East is to achieve a lasting peace that brings economic integration and development in the region;

Whereas economic integration and development in the Middle East can only be achieved through a "warm" peace in which diplomats are exchanged, the Arab boycott of Israel has been eliminated, close cooperation between Israel and her neighbors to combat terrorism and international criminal activity has been established, mutual security agreements have been concluded, and agreements have been reached that mutually reduce barriers to the free flow of goods, people, and ideas; and

Whereas a "warm" peace in the Middle East between Israel and her neighbors should be based upon trade and expanding economic development: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) expand the free trade agreement between the United States and Israel to include those countries that sustain a "warm" peace with Israel;

(2) prior to such expansion, and annually thereafter, certify to the Congress that such country or countries have entered into a "warm" peace with Israel that includes—

(A) the recognition of Israel and establishment of full diplomatic relations with Israel, including the exchange of ambassadors;

(B) eliminating all levels of the Arab boycott of Israel;

(C) a commitment to a quick response to condemn and punish acts of international terrorism and those who perpetrate them;

(D) working closely with United States and Israel to remove havens for international terrorists;

(E) mutual security agreements with Israel;

(F) extradition agreements with Israel on reciprocal treatment of terrorists; and

(G) agreements with Israel which ensure the mutual reduction of barriers to the free flow of goods and people; and

(3) not extend any preferences or trade inducements to a country that is a state-sponsor of terrorism.

SENATE RESOLUTION 102—RELATIVE TO PAKISTAN

Mr. BROWN (for himself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. HELMS, and Mr. PELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 102

Whereas Pakistan and the United States have been allies since 1947, and throughout the difficult days of the Cold War;

Whereas Pakistan was a front-line state against Soviet totalitarian expansionism and worked with the United States to successfully end the Soviet occupation of Afghanistan;

Whereas Pakistan has been in the forefront of United Nations peacekeeping operations, recently being the largest contributor of forces to United Nations peacekeeping operations;

Whereas Pakistan has cooperated with the United States in the apprehension and swift extradition of Ramzi Ahmed Yousef, the alleged mastermind of the terrorist attack on the World Trade Center in New York City;

Whereas Pakistan's economy is being increasingly liberalized and opened to outside investors and businesses;

Whereas there are increasing opportunities for economic cooperation between Pakistan and the United States as a result of private sector agreements for investment in Pakistan's energy sector and other pending agreements;

Whereas Prime Minister Benazir Bhutto, who has worked to strengthen Pakistan's close relationship with the United States, was reelected to office in October, 1993 and is scheduled to visit the United States on an official visit in April; Therefore be it

Resolved, That the United States Senate—

(1) welcomes the visit of Prime Minister Benazir Bhutto to the United States as a sign of the warm, enduring friendship between the U.S. and Pakistan; and

(2) pledges to work with the government of Pakistan to strengthen the U.S.-Pakistan relationship in the years ahead.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

WELLSTONE AMENDMENT NO. 450

Mr. WELLSTONE proposed an amendment to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At an appropriate place in the bill, insert the following:

"SEC. . It is the Sense of the Senate that before the Senate is required to vote on the question of whether the WIC program and other nutrition programs should be converted to block grant programs to be administered by the states, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyists acting on the industry's behalf."

DOLE (AND McCONNELL) AMENDMENT NO. 451

Mr. DOLE (for himself and Mr. McCONNELL) proposed an amendment to amendment No. 450 proposed by Mr. WELLSTONE to the bill H.R. 1158, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporations's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: Provided, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

BINGAMAN AMENDMENT NO. 452

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 35, lines 21 through 23, strike all beginning with "$15,200,000" through "title III-B, $5,000,000, and", and insert "$5,200,000 are rescinded as follows: from the Elementary and Secondary Education Act of 1965,".

On page 43, line 17, strike "$1,300,000,000" and insert "$1,310,000,000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, April 4, at 9:30 a.m., in SR-332, to discuss market effects of the Federal farm policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 4, 1995, at 2:30 p.m. in open session to receive testimony on the Department of Energy national security issues and the fiscal year 1996 budget request and future years' Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a business meeting Tuesday, April 4, 10 a.m. to consider the nomination of Shirley Ann Jackson to be member, Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 4, 1995, at 1:30 p.m. to hold a hearing on Western Hemisphere drug control strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Tuesday, April 4, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on the trade policy agenda and trade agreements program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, April 4, 1995 at 10 a.m. for a hearing on the subject of earned income tax credit.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 4, 1995, at 10 a.m. to hold a hearing on punitive damages tort reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, April 4, 1995, at 10 a.m., in room SH-216 to conduct a hearing focusing on the Small Business Administration's 8(a) Minority Business Development Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE AND TOURISM

Mr. SANTORUM. Mr. President, I ask unanimous consent that the subcommittee on consumer affairs, foreign commerce and tourism of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 4, 1995, at 9:30 a.m. on S. 565, Product Liability Fairness Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, April 4, 1995, in open session, to receive testimony on surface shipbuilding programs and the Department of the Navy's plans for modernization and recapitalization in review of the defense authorization request for fiscal year 1996 and the future years' defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRADE WITH KOREA

• Mr. FRIST. Mr. President, I rise today, the day United States Trade Representative Mickey Kantor is testifying before the Senate Finance Committee about overall United States trade policy, to bring to the attention of the Senate an injustice to American companies exporting to South Korea. Time after time, American companies are confronted with nontariff barriers that impede their ability to compete in the South Korean market.

One of my constituents, the M/M Mars' Co., which makes Mars candy bars and employs over 900 Tennesseans, is a strong example of an American company exporting their product, attempting to comply with the domestic requirements in South Korea and encountering headache after headache in the process. I am disturbed about this problem not only because it affects many Tennesseans, but because it also strains the relationship between American companies and South Korea.

The most recent incident is a new labeling requirement imposed by the South Korean Ministry of Health. If Korea had notified the appropriate parties and given the company a reasonable amount of time to comply with the new regulations, then I would not be here today. However, despite United States protest and Korean acknowledgement of its "failure to notify," the Korean Ministry of Health refuses to agree to a moratorium on the requirement, which would allow the company sufficient time to comply with the new regulations.

Mr. President, I am not asking for South Korea to change its policy. I am asking for them to comply with their obligation under article X of the World Trade Organization and publish regulations affecting trade and administer them in a "uniform, impartial and reasonable manner." I am also asking them to realize this injustice and provide a moratorium to allow entry to the remaining unlabeled shipments of M/M Mars products and give the company time to relabel their products, which they have agreed to do on or before August 1, 1995.

American companies, such as M/M Mars, do not want special treatment. They want the opportunity for their products to compete fairly in the international market.•

CONGRATULATIONS TO THE BOSTON UNIVERSITY MEN'S HOCKEY TEAM ON WINNING THE NCAA DIVISION I NATIONAL CHAMPIONSHIP

• Mr. KERRY. Mr. President, I just want to take a moment to offer my congratulations to the Boston University men's hockey team who won the NCAA Division I national championship last weekend in Providence.

Led by Dorchester's own Chris O'Sullivan, who scored two goals and was named the Most Outstanding Player, the Terriers manhandled the powerful University of Maine Black Bears to win the championship. Goalie Tom Noble made 21 saves, Center Steve Thornton scored a goal and had an assist, and Capt. Jacques Jourbet scored a goal.

The Terriers were superb in the clutch this year, winning the Beanpot, the last at the hallowed Boston Garden, the hockey east championship, and now the national championship, Mr. President, you can not do any better than that.

Coach Jack Parker brings the NCAA ice hockey championship back to Boston University for the first time since 1978. He has done much to generate pride at B.U., and this year's accomplishment is something else that justly continues that tradition.

The B.U. hockey team has made all of us proud with their outstanding play. I offer my congratulations to the team, the head coach and his colleagues, and the university.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. McCONNELL. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Drew Onufer, a member of the staff of Senator SIMON, to participate in a program in Korea sponsored by the Korean Ministry of Foreign Affairs.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Onufer in this program.

The select committee received notification under rule 35 for Sharon Waxman, a member of the staff of Senator LAUTENBERG, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 10 to 18, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Waxman in this program.

The select committee received notification under rule 35 for Jeremy Preiss, a member of the staff of Senator PACKWOOD, to participate in a program in Chile sponsored by the Chilean-American Chamber of Commerce from April 17 to 20, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Preiss in this program.

The select committee received notification under rule 35 for Michelle Raines, a member of the staff of Senator COATS, to participate in a program in Taiwan sponsored by the Soochow University.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Raines in this program.

The select committee received notification under rule 35 for David Miller, a member of the staff of Senator BROWN, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Miller in this program.

The select committee received notification under rule 35 for Philip Bechtel, a member of the staff of Senator D'AMATO, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Bechtel in this program.

The select committee received notification under rule 35 for Tom Harvey, a member of the staff of Senator SIMPSON, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Harvey in this program.

The select committee received notification under rule 35 for Tamara Somerville, a member of my staff, to participate in a program in Taiwan sponsored by the Tamkang University April 9 to 16, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Somerville in this program.

The select committee received notification under rule 35 for Allison Cleveland, a member of the staff of Senator CRAIG, to participate in a program in Taiwan sponsored by the Chinese Cultural University from April 14 to 21, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Cleveland in this program.

The select committee received notification under rule 35 for Alison Carroll, a member of the staff of Senator LOTT, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Carroll in this program.

The select committee received notification under rule 35 for Edward Gresser, a member of the staff of Senator BAUCUS, to participate in a program in Taiwan sponsored by the Tamkang University from April 9 to 16, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Gresser in this program.

The select committee received notification under rule 35 for Erica Gum, a member of the staff of Senator DOMENICI, to participate in a program in Korea sponsored by the A-san Foundation from April 15 to 22, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Gum in this program.

The select committee received notification under rule 35 for Walter Lohman, a member of the staff of Senator MCCAIN, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 10 to 18, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Lohman in this program.

The select committee received notification under rule 35 for Mary Irace, a member of the staff of Senator MACK, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 21, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Irace in this program.

The select committee received notification under rule 35 for Todd Menotti, a member of the staff of Senator PRYOR, to participate in a program in Taiwan sponsored by Tamkang University from April 9 to 16, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Menotti in this program.•

TRIBUTE TO VINCE YANNONE

• Mr. BAUCUS. Mr. President, I rise today to honor a man who has made a lifework in preserving one of Montana's hallmarks, one of the things that has earned it renown as "the Last Best Place"—our wildlife.

This May Vince Yannone retires from the Department of Fish, Wildlife, and Parks. But he is not retiring from working with wildlife and our fellow Montanans. And his legacy will certainly live on, as the schoolchildren he has worked with rediscover the joys of the Montana outdoors and the value of our wilderness.

Vince is legendary in Helena and throughout Montana. For a quarter century now, Vince has educated Montanans, young and old alike, on the ways of the wild. He spearheaded Montana's Project WILD, which teaches Montana's youth how to think about natural resource issues. He has received commendations from the Governor and from local media.

Vince will not have an easy time escaping Helena's limelight. He is a public personality, having hosted a daily television program called "Nature Today" for 12 years. He currently hosts another show called "Getting Out in Montana." Almost daily, Vince serves as the master of ceremonies at some local banquet or gathering.

But the notoriety Vince has received during his service has not affected his friendly Montanan attitude. As he walks along the streets of Helena, everyone recognizes him. He makes a stranger feel like a welcome friend. That is what people notice first about him: Vince is a good person and a good friend—two qualities that mean a lot more in Montana than being a public personality.

Vince received the "call of the wild" at an early age. And it is not a calling he is soon to get rid of—since in his so-called retirement he will be working for the Rocky Mountain Elk Foundation and completing the construction of a new wild animal shelter in Helena. He has been with what used to be known as the Montana Department of Fish and Game since his twenties.

Vince does not protect wildlife in some abstract, theoretical way—say, by preaching about the importance of species protection without ever visiting the Flathead National Forest. He helps place orphaned wildlife in zoos and shelters across the country. He also takes injured animals into his home, and helps the ailing critters back to health.

The State highway patrol has his number on their dashboards. Not because he is on the most wanted list. It is because whenever they find road kill near his home in Clancy, Vince uses the remaining carcass to feed whatever wild things might be lurking in his back yard—which these days consists of some eagles, owls, and ravens.

The thing that strikes a person most about Vince is his well developed sense of compassion. It is that sense of purpose that has kept him going through the years. It has made the late-night calls from bar-room wranglers arguing animal trivia more tolerable.

The Helena Independent Record, my hometown newspaper, did a series of stories about Vince when he announced his retirement. The one that caught my attention was about a 180-pound moose calf that Vince was raising on his property.

Vince was away at a movie with his wife, Sue, as the babysitter watched his two daughters, Jennifer and Christine. The babysitter ended up having to take care of the moose as much as the kids. When it got hungry for milk, the moose snuck into the window of their home.

Vince was more than a little surprised when he received a call at the theater, even more surprised when it was his babysitter telling him that Bullwinkle was roaming his house.

But events like these are all in a day's work for Vince. I hear he is writing a book about his memorable events in raising wild animals. If the moose incident is any indication, I am anxious to read the rest of his memoirs.

With his book project and other jobs to be done, I do not think it needs to be said that Vince Yannone is not settling snugly into retirement. Like other great Montanans—Mike Mansfield, who at 92 decided to cut back his schedule to a 5 day workweek, and Norman Maclean, who preached an anti-shuffleboard philosophy up until his death—Vince continues to work to improve the lives of those around him. Human and animal. I wish him and his family the best.•

DIESEL TAX

• Mr. GORTON. Mr. President, I am pleased to join my distinguished colleagues, Senator BREAUX and Senator CHAFEE, by cosponsoring S. 478, a bill that will correct the diesel fuel problem affecting the boating community, ports, and marinas in my home State of Washington and across the nation.

The problem results from the 24.4 cents per gallon tax imposed by the Omnibus Budget Reconciliation Act of 1993 on diesel fuel used in recreational boats. The bill mandated two types of fuel: clear, taxable fuel used in recreational boats and dyed, nontaxable fuel used in commercial boats. By law, the dyed nontaxable commercial diesel fuel cannot be sold to the recreational boaters.

These changes have wreaked havoc on the boating communities in Washington State. Many marinas are not equipped with the two separate tanks necessary to store the two different types of fuel. Unable to afford the exorbitant expense of new fuel tanks and dispensing equipment, these marinas are faced with the difficult choice of whether to sell only dyed fuel, tax free to commercial vessels, or taxable, clear fuel, to recreational vessels.

Since many marinas rely on commercial boats for a majority of their business, they choose to sell diesel fuel to commercial vessels. This leads to a severe shortage of diesel fuel available to recreational boaters.

This is not only a problem for recreational boaters, but also for marinas, which are forced to turn away part of their consumer base. These regulations do not promote jobs and economic opportunities for the employees of these businesses. It is outrageous for a small business owner to have to turn away good business.

Faced with a severe shortage of fuel, recreational boaters are forced to travel hundreds of miles to find fuel. This creates a safety hazard, as boaters could end up stranded on their way to find fuel or be required to carry large amounts of extra fuel on board.

Last year, I introduced an amendment that would have temporarily resolved the burdensome problem facing boaters and marinas. The amendment passed overwhelmingly in the Senate, but, unfortunately, was killed in the House. Therefore, we have the same problem today as we did last summer. The only way to permanently fix this problem is to pass S. 478.

S. 478 will allow marinas to purchase the dyed fuel, collect the tax from the recreational boaters and pay the tax directly to the Government. It will solve the problem of inadequate fuel facilities for recreational boaters and remedy the problems faced by marinas and ports.

With the boating season soon approaching, we need to correct this problem now. That is why I cosponsored S. 478. I encourage my colleagues to help me pass this bill and bring relief to our boating communities.•

TRIBUTE TO THE CHATTANOOGA NEIGHBORHOOD ENTERPRISE

• Mr. FRIST. Mr. President, I rise today to commend the Chattanooga Neighborhood Enterprise, Inc. for its innovative approach to revitalizing old neighborhoods and providing affordable housing and low and moderate income families.

The neighborhood enterprise was created in 1986 to provide the opportunity for all Chattanoogans to live in decent, fit, and affordable housing, and CNE is fulfilling that mission by lending money to homebuyers, advocating homeownership, developing and managing affordable housing, and helping revitalize old neighborhoods.

Mr. President, more than 71 percent of all families within the city limits of Chattanooga make $35,000 or less each year. With many of the city's older residential neighborhoods in decline, the Chattanooga Neighborhood Enterprise realized that community and local business investment could revive these areas and allow more families to achieve their dreams of owning a home.

Since 1986, CNE has produced, rehabilitated or financed more than 2,500 units of housing in Chattanooga, and it manages more than 300 units of rental housing. Not only does it assist homeowners, homebuyers, the elderly, single-parent families, the disabled and the homeless in the inner-city area, CNE also helps families in the metro area and remote areas of Hamilton County. The neighborhood enterprise is helping to break the cycle of poverty for many permanent residents of public housing by giving them an affordable alternative. Currently, about 15 percent of CNE's customers were once residents in the city's public housing.

By making community involvement a top priority, the Chattanooga Neighborhood Enterprise has become a shining example of how public-private partnership can more effectively provide the same, if not better, services and help the people who truly need it. At a time when the Department of Housing and Urban Development has come under serious scrutiny, it is refreshing to know that low-income families in Chattanooga have an alternative.

Mr. President, this successful housing program receives funding from Government agencies, private corporation, and foundations alike. With a $21 million budget in 1994, Chattanooga Neighborhood Enterprise has much more money to spend on the city's housing than HUD does, and private sector involvement prevents if from becoming the ineffective bureaucracy characteristic of many government agencies.

In helping Chattanooga's residents find quality affordable housing, the neighborhood enterprise also helps the city of Chattanooga. As areas of the city are restored and families move in, the amount of tax money the city receives increases. In fact, each year, the city brings in more than $1.2 million in tax money that can be directly attributed to the work of the Chattanooga Neighborhood Enterprise.

The Chattanooga Neighborhood Enterprise has touched the lives of thousands of Chattanoogans and for that, Mr. President, I commend them for their hard work and dedication.•

MEASURE PLACED ON THE CALENDAR—H.R. 1345

Mr. DOLE. Mr. President, I ask unanimous consent that H.R. 1345, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, APRIL 5, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, April 5, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, that no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; and that there then be a period for routine morning business until the hour of 11:30 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator DOMENICI for up to 20 minutes; Senator DASCHLE or designee for up to 30 minutes; Senator SIMPSON for up to 10 minutes; Senator KERREY for up to 10 minutes; Senator COVERDELL for up to 15 minutes; Senator NUNN for up to 10 minutes; and Senator COATS for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask that at the hour of 11:30, the Senate resume consideration of H.R. 1158, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, a cloture motion was filed on the substitute amendment to the appropriations bill today.

We have been, throughout the afternoon, trying to figure out if we can reach some agreement. We have been working with the Democratic leader, Senator DASCHLE, in good faith on both sides, to see if we can come to some closure.

We have also had discussions through Senator LOTT with some of the Members of the House that will be critical in trying to get a conference report finished on the rescission bill. It is my hope that tomorrow morning we may be able to reach some agreement. If not, the cloture motion then would ripen on Thursday morning.

I do not see any other way of dealing with 100 and some amendments at this point if we intend to complete action on this bill and on the other defense supplemental, on the DC bill, on paper simplification, and perhaps other items on which we can agree.

So a cloture motion was filed on the substitute amendment to the appropriations bill just a few moments ago, and if we cannot reach an agreement there will be a cloture vote on Thursday.

It is my hope that if Members feel constrained to offer amendments to the bill, they will be prepared to offer those amendments tomorrow to expedite action on the bill. And I would also say that if we complete action on everything on Thursday, we would probably either not be in session on Friday or have a session where there would be no legislative business conducted or only a pro forma session. It may be that some people might want to speak on Friday. Hopefully, we might have everything done so there would be no legislative business on Friday. But that will depend, of course, on the cooperation we have on both sides.

There are a number of things going on as we speak to see if there is some way we can come together and some way we could complete action on this bill. We are talking about a $15 billion rescission package in the Senate, $17 billion in the House. If it is not completed before the recess, it seems to me that much of that money will be spent by the time we are back so we could lose, it has been estimated, maybe $1.5 to $2 billion—if we do not act before the recess. So hopefully we could have final disposition fairly soon; we could still have the conference completed and vote on the conference report either Thursday night or Friday morning. And hopefully, if we did that on

Friday morning, it could be done without the necessity of a rollcall vote.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. Is there any further business to come before the Senate? If not, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, April 5, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 4, 1995:

THE JUDICIARY

NANCY FRIEDMAN ATLAS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE JAMES DE ANDA, RETIRED.

JOHN GARVAN MURTHA, OF VERMONT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF VERMONT, VICE FRANKLIN S. BILLINGS, JR., RETIRED.

GEORGE A. O'TOOLE, JR., OF MASSACHUSETTS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS, VICE AN ADDITIONAL POSITION IN ACCORDANCE WITH 28 USC 133(B)(1).

LELAND M. SHURIN, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE SCOTT O. WRIGHT, RETIRED.

HOUSE OF REPRESENTATIVES—*Tuesday, April 4, 1995*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 4, 1995.

I hereby designate the Honorable MARK ADAM FOLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS] for 5 minutes.

CROWN JEWEL OF THE CONTRACT

Mr. GIBBONS. Mr. Speaker, this week we are going to vote on what Speaker GINGRICH has called the crown jewel of the contract. I am here to tell you this morning why you should not vote for this crown jewel.

This crown jewel is a $700 billion tax cut. This is not the right time to cut taxes. This is the right time to cut the budget deficit.

Every economist that appeared before the Committee on the Budget, every well-known economist in this country will tell you that the business of Congress today should be cutting the budget deficit, not cutting taxes. So this is the wrong cut at the wrong time.

Let us go first to where we are in all of this. The chart that I have here to my right shows what has happened to all Americans during the last 20 years. These are families, family incomes divided into fifths, the lowest fifth on the far-right side, the highest fifth on the left-hand side.

If the cameras will look closely at this chart, you will see that the upper one-fifth has gained family income of almost 30 percent in the last 20 years, while the lowest fifth of American families have lost income of almost 15 percent, and the middle income right here in the middle has stood still. That is why American are upset.

And the principal reasons for this chart being as it is are two: One, the tax policy of the United States; and, two, the budget deficits that have run on chronically has stolen all of the gains that have been made, the losses that have been made have been contributed to by the budget deficits and by the tax policy. So this is the wrong time to cut the taxes. It is the right time to cut the deficit.

Why is it the wrong time? America's economy has been at full employment for the last few months and has had rising employment ever since 1991. We are right at full employment now.

Two, the second reason we should not be cutting taxes now is that we are at maximum capacity utilization in our industrial plant. That is the reason why the Federal Reserve has over the last 12 months raised interest rates by 7 percent, by seven times. The Federal Reserve in fighting inflation has raised the interest rates seven times in the last 12 to 14 months. So America's economy is bubbling along.

We want to continue that strong economic growth, but if we cut taxes now and do not cut the deficit we run a real chance of kicking off a serious round of inflation.

The second reason why we should not vote for this crown jewel, as Mr. GINGRICH calls it, is that it is the wrong kind of tax cut.

Now, let us have the next chart, please, This chart shows you who will benefit by this plan.

You will notice here on the right side in the upper chart, these are households in America, starting with the ones under $30,000 and ending with the ones over $200,000. The very strong green line on the left of this chart shows you what those with more than $200,000 worth of annual income will get per year out of this tax cut. They get over $11,000 in tax cuts. While those ones under the $30,000 will get $124, maybe.

The figure, the chart below the top chart shows how many families are involved in this, and you will notice that all the families are down here on the right; 44 million families at the bottom will get nothing; 2.8 million families at the top get an average of $11,300 a year.

Now, most of the families down here get very little in the tax cut, while the upper families get all of the tax cut.

Mr. Speaker, this is the wrong time to be cutting taxes. We should be cutting the deficit. This is the wrong tax bill because of inequitable distribution of the benefits of the bill.

TRUE LIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Mr. Speaker, Joe Dear, the head of the Occupational Safety and Health Administration recently testified before Congress that virtually all of the stories being told about OSHA—stories about OSHA outlawing the Tooth Fairy, prohibiting chewing gum on roofs, and fining employers for hazardous dishwashing detergents—are false.

Having focused on OSHA issues for years I find, the only thing false about these stories is their distortion by people who support OSHA. Let us look at the facts.

Specifically, Mr. Dear told the committee, "OSHA does not require material data safety sheets for the normal use of consumer products like Joy."

I have a $2,500 citation and notification of penalty from OSHA, issued just last year, which states, "The company did not have a written hazard communication program. The primary chemicals used are used in the kitchen and bathroom areas. Chemicals used, but not limited to: automatic dishwashing detergent and bleach."

This is not the first time OSHA has cited a small business for failing to have a MSDS sheet on ordinary household products. Contrary to Mr. Dear's assertion, it has happened more than once. OSHA has also issued citations for hazardous bricks, sand, gravel, chalk, et cetera.

Mr. Dear went on to say that "OSHA has not banned the tooth fairy; dentists can give children their extracted teeth." Although this statement may be true now, it was not always.

When OSHA published its final bloodborne pathogen rule on December 6, 1991, the regulation provided no exceptions for baby teeth or any other body part defined as contaminated waste. All contaminated waste—including baby teeth—was to be disposed of in the OSHA-defined proper manner.

It was only after America's dentists raised concern and several newspapers lampooned the new OSHA regulation that OSHA clarified that it would not

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cite dentists for allowing children to keep their teeth.

Last, we have the question of gum chewing on roof tops. Once again, Mr. Dear provided Congress with a half-truth. He said, "OSHA does not prohibit workers from chewing gum, although we do restrict asbestos removal workers from ingesting food where a high level of asbestos is present, since ingestion of asbestos causes cancer and lung damage."

Setting aside the question of how ingesting asbestos causes lung damage—breathing asbestos is linked to lung damage, ingesting asbestos is linked to gastrointestinal cancers—Mr. Dear is simply wrong. OSHA itself has admitted that it prohibited chewing gum in asbestos workplaces, including rooftops where roofers were using tiles containing small amounts of asbestos.

In a memorandum to OSHA's regional administrators dated January 13, 1995, OSHA stated, "OSHA prohibited eating, drinking, chewing tobacco or gum, where activities take place involving removal or repair of asbestos containing building materials, regardless of measured breathing zone exposure levels."

The memorandum proceeds to admit that these regulations are excessive, will "result in negligible reduction of exposure," and therefore OSHA should not issue citations for their violation.

In other words, Joe Dear would have you believe that OSHA never prohibited chewing gum on rooftops when OSHA itself has not only admitted doing it, but issued a retraction as well.

The battle over OSHA reform is not about whether OSHA does stupid things. With over hundreds of regulations governing every possible hazard, real and imagined, OSHA cannot help but do stupid things. By challenging the veracity of OSHA's more notorious missteps, OSHA defenders are wasting their time and hurting their own credibility.

OSHA did fine people for failing to have material safety data sheets on common household products like Joy, its regulations—without clarification—did prohibit dentists from giving children back their baby teeth, and its regulations—once again, without clarification—did prohibit roofers from chewing gum.

To suggest otherwise is to fib, obfuscate, and otherwise distort the truth. In his testimony, Mr. Dear stated, "If these stories were true, I might be asking the same questions about the need for OSHA." Those stories are true, Mr. Dear. Start asking.

CONTRACT BILL FLAWS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I must say this is a very interesting week as we watch the 100 days come to a close. I am really astounded that there is going to be a circus coming to the Hill tomorrow. Think of the images you can have, bread and circuses, three-ring circuses.

But as we laugh about that and as we wonder who in the world thought that was a good image, let me talk about what we did last week and what we now know and how upset many of us on this side of the aisle are.

Last week, we passed a bill that finally, finally, gave working-class Americans the right to deduct their health care premiums. We absolutely should have, we should have done it long ago.

And one of the reasons ordinary people often do not get their tax benefits as soon is they are not here with PAC money and they are not special interests, and so they usually have to go to the end of the line. So we were all celebrating. Finally, we are getting this up. Is that not wonderful? Working-class Americans are going to finally be able to get some kind of deduction for their health care insurance. Hooray.

But now we have learned what was tucked in that little bill. And tucked in that little bill was a $63 million tax rebate jewel for none other than Rupert Murdoch.

Now, this 100 days began with Rupert Murdoch and a book deal with the Speaker, and it ends with him getting a $63 million tax rebate stuck on this tax bill for working-class Americans. I find that unconscionable when what we were told what we were doing was shutting off the special benefit to this entire class of people.

This was a special benefit dealing with selling of broadcasting stations. Well, apparently, we cut it off for everybody in the world except one guy, who is a little more equal than other guys. But when you contrast his status with working-class Americans, you can see why his needs got moved to the front and they found some way to sneak it through.

The other part of this bill that was so terribly disappointing was in the Senate they did some very good work. What did they do? They closed a loophole. They closed a loophole that had been allowing billionaires to move off shore, to move off shore and then avoid paying taxes. So they very correctly closed this loophole which would save the Treasury about $3 billion or more, roughly.

We have read over and over again how some tax lawyer kind of discovered this a couple years ago and so it has become the new exit way for all sorts of people to exit the IRS and their 1040 code, for those who have a lot at stake.

Obviously, there are many countries who would be very willing to welcome these billionaires because they think they will then spend their money in that country.

Well, unfortunately, even though we had three votes on this issue here, the House would not yield to them, so that is the other flaw in this bill dealing with working-class Americans trying to get their deduction for health care that they so, so deserve is that we did not close this other loophole because the House refused to close that loophole. So billionaires can still escape taxation by throwing their citizenship overboard. I find that horrifying.

I really hope what we do, now that we have discovered how flawed this is, is that we can get a commitment that the President would veto this bill, and we could just bring it back clean the way it should be.

I think the other interesting thing is that the President cannot knock out special privileges in tax bills. Because when you talk about being able to do line-item veto, the line-item veto has been allowed on the spending, but when it was offered to take out special tax benefits, then it was turned down.

Now, everybody knows a special tax benefit costs just as much money as a spending thing. Is it not interesting that we are willing to give the line-item veto for one thing but not the other? And I think it goes back to the same old business as usual, special interest being able to tromp all over all of us the way the elephants are going to tromp all over the grass tomorrow when the circus comes up here.

So I hope people put all of these things together, and I hope we all say enough is enough. We started the 100 days saying we are going to have real reform, and there was not going to be business as usual. We end it seeing business as usual all over the place.

I hope that we can bring this to closure and finally really do some housecleaning and get this place cleaned up and get this bill cleaned up and have working Americans move to the front of the line, not billionaires.

TAX FAIRNESS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I suppose it would be in order for me to say briefly, about the speech you heard 10 minutes ago about OSHA, that all of those horror stories that you heard were true. Having practiced dentistry for 25 years, I was one of the people under the gun when I would try to give back my children their baby teeth, and that is, in fact, a true story.

It is also additionally nice to hear the people on the other side of the aisle be for the tax deduction for business people, for self-employed people for their health care insurance, but it does make one wonder whey we did not pass that last year when they were in charge of Congress.

But, Mr. Speaker, I rise today in support of the Tax Fairness Act because it will benefit average, hard-working Americans. I am particularly in support of the capital gains tax cut because when you strip away the rhetoric, reducing the capital gains tax is simply a good idea.

Mr. Speaker, when we move beyond the nonsensical class-warfare arguments against cutting the capital gains tax, the economic reality is clear. All Americans will benefit from cutting the capital gains tax. It will encourage investment and create jobs.

The capital gains tax penalizes investment and risk taking. Investors are discouraged from investing in startup ventures because they might actually make money. In turn, this makes it more difficult for entrepenuers trying to start a business to find investors. If they cannot start a business, they cannot create jobs. By penalizing successful investments through the capital gains tax, the Federal Government costs the economy jobs.

The Democrats will argue that cutting the capital gains tax is only a tax break for the rich. Of course, that is simply not true. If you own an asset like a house or a farm or a small business or any stocks or bonds, you will be subject to the capital gains tax if you sell that asset for more than you paid for it. Millions of Americans own assets that are subject to the capital gains tax, and that is why 70 percent of the people who will benefit from a cut in the capital gains tax will have incomes of less than $50,000. Maybe the Democrats think that is a tax break for the rich, but I call that commonsense help for hard-working Americans.

Mr. Speaker, the current high capital gains tax rate has been an utter failure as a tax policy. The economic forecasts the Democrats cite in attacking the capital gains tax cut have been thoroughly discredited by history. When Ronald Reagan cut the capital gains rate in the early 1980's, the amount collected from capital gains taxes soared. When the tax rate was raised in 1986, the revenues collected from capital gains taxes dropped like a rock. That the CBO's forecast for 1987 and beyond missed by a mile speaks volumes about the misconceptions that surround capital gains. Like the Democrats, the CBO believed that you could raise revenue by raising the capital gains tax. In reality, potential investors worked so hard to avoid the tax increase that revenues fell. The CBO's error in predicting capital gains tax revenue cost the Treasury $170 billion. Annual capital gains tax collections have been declining rapidly since 1986. The current capital gains tax rate is just not good economic policy.

Mr. Speaker, a good friend of mine named Bartow Morgan encouraged me long and hard to support the capital gains tax cut. He knew how much the capital gains tax hurt the economy and the potential investments that were suppressed by the capital gains tax. That Bartow Morgan did not live to see us cut the capital gains tax is terribly disappointing to me. Mr. Speaker, when we pass the Tax Fairness Act Thursday, I for one will be thinking of people like Bartow Morgan, who believed that cutting the capital gains tax would help all Americans, and never allowed themselves to be swayed by the class warfare that we so often hear from the Democrats. Mr. Speaker, cutting the capital gains tax is the right thing to do for all Americans and I strongly urge my colleagues to remember that when we vote on Thursday.

PASSAGE OF THE REPUBLICAN TAX RELIEF BILL IS A NECESSITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. SAM JOHNSON, is recognized during morning business for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the passage of the Republican tax bill is a necessity, a necessity because for too long the Federal Government has penalized Americans for working hard. That is what a tax does. It penalizes people for working hard and earning money.

A tax says go out and find a job, start a business, work hard, but do not succeed. Because, if you do, the Federal Government will come and take your money to Washington to feed the growth of yet another massive, wasteful bureaucratic agency.

This is the philosophical difference between Republicans and liberal Democrats. Democrats fear tax cuts because they reduce the amount of money they can spend on Government projects. Republicans embrace tax cuts because we believe if you work hard, you persevere and you succeed, you deserve, without question, to keep the money you worked hard to earn. This is what the American dream is all about.

Republicans also know you can create jobs and stimulate the economy if the money is in the citizens' pocket, not in the Government troughs. The only thing the Government knows how to do is spend more and rack up the debt.

The 40-year Democrat experiment of increased taxes, increased spending, and big Government has failed. The only thing Congress has to show for it today after 40 years is a $4.5 trillion debt and a $200 billion deficit each year forever, as far as you can see, and an inefficient, ineffective Federal Government. This, again, is why the Republican tax relief bill is a necessity now.

Now is the time once again to create capital, not suppress it; to reward success, not punish it; to promote business, not destroy it; and to restrain Government, not enlarge it.

The Republican tax relief bill is good for families, good for businesses, good for workers, and good for America.

LEGISLATION TO STIMULATE URBAN ECONOMIC REDEVELOPMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Florida [Mrs. MEEK] is recognized during morning business for 2 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I am pleased to introduce a bill to stimulate urban economic redevelopment through environmental cleanup. This bill, without adding to the Federal budget, attacks unemployment in urban cities on several fronts. My bill provides business and job opportunities by providing low-interest loans to stimulate voluntary cleanup of contaminated sites; it provides incentives to individuals to establish environmental businesses in targeted urban areas through the reduction of the Social Security tax burden; it provides training to fill the positions created by the new businesses; and my bill authorizes Federal agencies to give preference to qualified businesses that hire targeted urban area dwellers.

Mr. Speaker, as we move to enact welfare reform, we must find creative ways to lessen the need for welfare. My bill, Mr. Speaker, does just that.

Mr. Speaker, I urge my colleagues to join me in this fight to revitalize our urban communities.

My bill creates meaningful jobs for the unemployed and those about to enter the work force.

Passage of this bill will significantly increase the pace of environmental cleanup by establishing a low-interest loan program to stimulate voluntary cleanup of industrial sites. The cleanup of these sites will benefit public health and welfare, and the environment by returning contaminated sites to economically productive uses.

This bill stimulates the creation of environmental jobs and business opportunities by individuals and small businesses in target urban areas through reduction of the Social Security tax burden.

ALTERNATIVE TAX PLANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning business for 5 minutes.

Mr. GEKAS. Mr. Speaker, to cut or not to cut, that is the taxing question. Whether it be nobler in the minds of the people who attack the Republican plan to sling an arrow into death, that remains for the Democrat opposition or all those who favor deficit reduction as against tax reduction.

But let me record a little history for the CONGRESSIONAL RECORD. When the President was running for the Presidency, Bill Clinton's message included a tax cut for the middle class, which, of course, he never was able to implement or refused to implement or reneged on the promise to implement.

And so somewhere in 1993 and 1994, when we saw that the administration was going really the other way, not a tax cut for the middle class but a tax increase for most Americans, when that began to happen and we saw some signs of weakening in the economy, many of us thought that this would be ripe for a time for a tax cut cast in the image that we wanted to present.

So I, myself, prepared then in 1993 and 1994 a tax package, a tax cut package. It included reducing the payroll tax by 1 percent both for the employer and for the employee. This would spur savings, bring down the tax burden on the middle-class Americans, the working Americans.

□ 1000

I couple that proposition with a capital gains reform.

Now, there was method in my madness. Research, just as some of the speakers have already alluded to, has indicated that a reduction of the capital gains rates spurs millions of transactions to occur almost overnight and produces revenues, stimulates transactions, and produces tax revenue. So, in a whirlwind of action, in my plan the capital gains reform would pay for the reduction of the payroll taxes of working Americans.

I thought it was a good plan, but I was not satisfied, Mr. Speaker, to just take my own judgment on it. I submitted the plan to the Institute for Research on the Economics of Taxation, a well-known and renowned and dependable think tank here in the Washington area whose sole reason for existence is to analyze methods of taxation and various plans.

When they received my plan, they reviewed it; and I received a commendatory letter. I must say it made my ego feel good about it that the plan was workable, and it emphasized that capital gains reform, coupled with my plan of reducing the payroll tax, would not only save money for the working family but spur investment and savings, both of which are vital to a good economy. So I felt pretty good about it.

Now, that brings us to the present. Since that time, many other plans have been presented. The President did come up after the election in 1994 with a tax reduction plan. So did the minority leader, the gentleman from Missouri. So did other Members of the minority. So did other Members of the Republican Party. But the main thrust of the Republican provision was contained in the Contract With America.

So I say here today that although I had a good idea and one that I will still pursue in months to come about reducing the payroll tax to stimulate the working American families, we have before us now a good alternative, the Contract With America provision that we will be supporting and voting for this week.

Why am I going to support it? And I plan to do so. Because it is part of the Contract With America. Because it does reduce the tax burden of middle-class families. Because it does stimulate savings. Because it will provide for the ability of families to work out their own destinies in how they want to spend their money for their families and will go a long way toward spurring the same kinds of results that we submitted to the think tank about economics of taxation.

Why? Because it will be coupled with capital gains reform. So the best of all worlds will have occurred as far as this Member is concerned. I will be voting for the Contract With America provisions because of capital gains reform, already approved by the people to whom I submitted my plan, and a middle-class tax cut, also approved in our plan.

CAMPAIGN PROMISES

The SPEAKER pro tempore (Mr. FOLEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, do you remember back in the Presidential campaign of 1992 when President Clinton made a number of promises to the American people? He promised that he was going to give us a middle-class tax cut. He promised that he was going to lift the senior citizens earning test. He promised that he would enact a line-item veto. He promised that he would balance the budget.

He did not say he was going to balance the budget overnight. He said he was going to balance the budget.

Let us look at the record. Let us look at the record.

He reneged on the middle-class tax cut promise. In fact, he raised taxes, attempted to raise taxes in a very, very broad form way. Did not get away with that in terms of the Btu tax but still, in fact, did raise taxes. He reneged on the middle-class tax cut.

No. 2, he did not lift the senior citizens earning test. Instead, what he did do was he cut Social Security benefits by $24.8 billion, $25 billion that he cut social security benefits by.

And when pushed to lift the senior citizens earning test which, by the way, Mr. Speaker, is the amount of money up to which you are not penalized for working as a senior, right now that ceiling that limit is $11,200. We are going to raise it tomorrow in a vote on this floor to $30,000. We are going to do what President Clinton said he was going to do when he was running for the President, see, and he stole it with promises that he broke.

No. 3, he promised a line-item veto. He never ever offered that as a bill. He never offered that legislation. He did not put himself into it when it did come up on the floor of the 103d Congress. It was not enacted. We got a kind of enhanced rescission package. We passed a line-item veto about a month ago, right here, 104th Congress.

Finally, he said he was going to balance the budget. He has not given a halfhearted attempt at that. The budget he just submitted increases the deficit by $200 billion a year for the next 5 years, and it starts to skyrocket at about $400 billion.

When we came out with these things: A balanced budget amendment, which we passed in this House; a line-item veto which we passed in this House; lifting the senior citizens earning limit and the middle-class tax cut; when we came out with that last fall as an agenda which we were willing to sign our names to, saying that if you give us the honor of representing you American people in the U.S. Congress, here is what we are going to do. We call this our Contract With America.

Those same four things that were in his promises broken, promises to the American people, how did he characterize them? How did he characterize them, Mr. Speaker?

I will tell you how he did. He called it a contract on America. The same promises that he had used falsely, falsely to get elected 2 years earlier he then characterized as a contract on America.

Well, Mr. Speaker, it is not a contract on America. In fact, it is a Contract With America. And not only that, but we are actually fulfilling the broken promises of Mr. Clinton from 2 years ago.

We are giving a middle-class tax cut. We are lifting the senior citizens earnings limit. We are restoring the $25 billion in cuts that he made to Social Security benefits. We have enacted the line-item veto, and we are balancing the budget.

I will yield to the gentleman.

Mr. KINGSTON. Well if the gentleman will yield, there is another key element, and that is the welfare reform. The President did say he would end welfare as we know it, yet never submitted a welfare bill. And so that would mean 5 planks in the 10-plank Republican Contract With America the President actually ran on as candidate Clinton in 1992.

Mr. HOKE. The gentleman is completely correct. As I was sitting here making my notes, I was trying to remember what was the fifth item, and that is exactly right.

Mr. KINGSTON. If the gentleman will yield further, I think that, essentially, when you consider what happened to the balanced budget amendment in the other body, three Democrat Senators voted against the balanced budget amendment. If the President did not fight the balanced budget amendment I think it is very possible, given the fact that he is a great salesman, that he could twist some arms and pick up the one, two, three or four votes that are needed to get the thing over the top.

Mr. HOKE. As the gentleman well knows, not only did the President not fight to twist some arms to get the balanced budget amendment passed but, in fact, he worked day and night tirelessly, as hard as he possibly could, to make sure the balanced budget amendment failed.

Mr. KINGSTON. What is also ironic, while he is out saying the Republican welfare reform is mean or inadequate or whatever, not only has he not offered an alternative but then he goes on to talk about our program and how good it is. But he did not use the word Republican. He says, this is what we need: work programs and programs that will end the cycle and get the dad into the picture and identified and so forth.

I think it is disappointing, but you were talking about senior citizens and to increase the Social Security tax as your first year in office and then to fight trying to repeal that tax increase does have a degree of hypocrisy to it.

Mr. HOKE. What we are going to do tomorrow on the floor, we are going to repeal that device that the President passed just a year ago. And I see my time is expired, but we are going to repeal those cuts, and we are going to restore those cuts so that senior citizens get their due.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 7 minutes a.m.) the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to use our words as vehicles of communication and messengers of understanding so our conversations are truly heard by one another and there is an honest awareness of what is being said. Keep us from the easy platitudes that have the ring of truth, but do not communicate the realities that need to be discussed. And may the words we say with our lips, be believed in our own hearts, and all that we believe in our hearts, may we practice in our daily lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. EWING. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. EWING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 36, answered "present" 1, not voting 28, as follows:

[Roll No. 282]

YEAS—369

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bono
Borski
Boucher
Brewster
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Coyne
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
de la Garza
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velázquez
Vento
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—36

Abercrombie
Brown (CA)
Brown (FL)
Chapman
Clay
Clyburn
Collins (MI)
Crane
Engel
Fazio
Filner
Gillmor
Hastings (FL)
Hefley
Hilliard
Jacobs
Kennedy (MA)
Lewis (GA)
Maloney
McKinney
Menendez

Mineta
Oberstar
Owens
Pelosi
Pickett
Roberts
Roemer
Sabo
Schroeder
Stockman
Taylor (MS)
Thompson
Visclosky
Volkmer
Wolf

ANSWERED "PRESENT"—1

Harman

NOT VOTING—28

Becerra
Berman
Boehner
Bonior
Browder
Canady
Chenoweth
Conyers
Cramer
Fattah
Ford (TN)
Gejdenson
Gephardt
Gibbons
Inglis
Manton
McCollum
McDade
McDermott
Mfume
Minge
Pombo
Reynolds
Rush
Sanders
Smith (MI)
Whitfield
Williams

□ 1120

Ms. DELAURO changed her vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 282 on the Journal I was at the George Washington University Hospital with my wife who was in surgery. Had I been present I would have voted "aye." I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 282.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from Mississippi [Mr. MONTGOMERY] will come forward and lead us in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 34. Concurrent resolution authorizing the use of the Capitol Grounds for the Ringling Bros. and Barnum & Bailey Circus Anniversary Commemoration.

PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture; Committee on Banking and Financial Services; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on National Security; Committee on Small Business; Committee on Transportation and Infrastructure; and Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mr. WISE. Mr. Speaker, reserving the right to object, the minority has been consulted in each of those cases and has no objection, and therefore, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

THE CONTRACT WITH AMERICA

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, our Contract With America states the following: On the first day of Congress, the Republican House will require Congress to live under the same laws as everyone else, cut committee staffs by a third, and cut the congressional budget. We have kept our promise.

In the first 100 days, we will vote on the following items: Balanced budget amendment, unfunded-mandates legislation, line-item veto, new crime package, National Security Restoration Act, government regulatory reform, commonsense legal reform, welfare reform to encourage work, congressional term limits.

We kept our promise on every one of those, passed every one except congressional term limits, which 82 percent Democrats voted against, 83 percent Republicans voted for.

Today we are going to vote on a tax package for family reinforcement, tax cuts for the middle class, and Senior Citizens Equity Act to allow our seniors to work without Government penalty.

Mr. Speaker, today we are going to restore the $24.8 billion in Social Security cuts that were passed by Democrats in the last Congress.

A SPECIAL BREAK FOR RUPERT MURDOCH

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, on the first day of Congress I joined the call for openness in this Congress, and frankly, we have not made very much progress.

During closed-door Senate-House negotiations last week, Republican legislators bestowed a multi-million-dollar tax break on Rupert Murdoch, yes, Rupert Murdoch. You have heard of him before. He is the same foreign plutocrat who came here to the Capitol to meet with Speaker GINGRICH just after the election. Yes, Rupert Murdoch, he is the one with the $4.5 million book deal.

And in this supposedly open House from this podium or any other, did we hear one word about Rupert Murdoch being the only beneficiary of this piece of legislation that was just announced as enrolled this morning? Not a word was uttered.

There were 19 business deals affected by this piece of special legislation worked out in secret. Eighteen of them failed to make the mark. But 18 of them were not owned by Rupert Murdoch. His was the only measure in the entire country to get this special break, and it did not happen without the blessing of his good buddy, NEWT GINGRICH.

TAX CUTS AND LOWER DEFICITS

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, in response to the last speaker, I think we should give credit where credit is due, and that is to Senator CAROL MOSELEY-BRAUN of Illinois.

Mr. Speaker, tax cuts and lower deficits go hand in hand. Tax cuts of 1981 resulted in huge increases in Federal revenue. The problem was that Government spending rose at an even higher rate.

Here are the facts: In 1980 our tax revenues were $517 billion, while Government spending was $591 billion. In 1994, tax revenues were $1.2 trillion, but Federal spending was $1.4 trillion.

In other words, people were not taxed too little, but Washington would not stop spending too much.

Mr. Speaker, if we let people keep more of the money they earn, that creates jobs and stimulates investments. That means higher tax revenues without a tax increase.

I support the Tax Fairness Act of 1995.

CAUGHT IN THE MIDDLE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, as we debate this so-called middle-class tax cut, there is going to be a lot of talk about just who is the middle class.

Well, I do not know if the people in my district meet your definition of middle class, but I do know that they keep getting caught in the middle.

My constituents are caught in the middle of a fight within the ranks of the Republican party about whether to cut taxes for the super rich or just the very rich.

My constituents are caught in the middle of two failures of phony fiscal policy from the GOP, trickle-down economics in the 1980's and its sequel in the 1990's, two budget busters that are squeezing working families like a vise.

And others in my district are caught in the middle because they are treated like pawns in this game, as the Republicans take money from education, nutrition, and health care to finance tax cuts for those who are already faring quite well.

We can disagree about who is the true middle class, but it is clear that those who work hard to get their families through the next day have a lot more class than those in this House who are simply trying to get through the next election.

TIME FOR THE GOVERNMENT TO TIGHTEN ITS BELT

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is always interesting to listen to my friends, the liberals on the other side of the aisle, and they do some very creative writing as we just heard from the preceding speaker.

As we begin to debate this issue of tax cuts, I think it is important to keep one fact uppermost in our minds: Those who send their hard-earned money to Washington did not cause this deficit. Those liberal big spenders who sat and dominated this Chamber for so long, those are the folks who caused this deficit. It is an obvious but overlooked point.

So when the liberals say they cannot afford to cut taxes, what they are really saying is they will not cut spending.

This whole debate is evidence of a disturbing mind-set on the part of the liberals from the other side of the aisle which assumes all the money in America belongs to this Government and that this Government needs the money much more than America's families. Friends, it is the American people who need tax relief. They have been tightening their belts for years while the Government has continued its big-spending ways.

Mr. Speaker, it is time the taxpayer got a break, and it is time this Government tightened its belt.

STOP SENDING CASH TO RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Pentagon has pleaded. They have begged. They have even offered Russia special projects. And Russia said, "Nyet. Forget it."

Russia will sell nuclear reactors to Iran. Now, think about it, Russia has already sold submarines to Iran. Now Russia is going to sell nuclear reactors to Iran.

Tell me, since when do these Communists-turned democrats deserve all of our American cash?

□ 1130

Last I heard, Mr. Speaker, they still had in Russia missiles pointed at New York.

Now look here. If Boris Yeltsin is now the new George Washington over there, I am a fashion leader, and I should be on the cover of GQ.

The bottom line is we have too many experts at the Pentagon drinking vodka with Boris. Either that, or they are smoking dope. But, if Congress wants to save money, stop sending cash to Russia.

Think about it.

LET US CUT TAXES THIS WEEK

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Good morning. My name is STEVE, and I am a tax cutter. I never realized I had a problem with this compulsion when I was back home in the real world, but, when I landed inside the beltway, I knew I was in real trouble.

I had always believed that we should let working Americans keep more of their hard-earned paychecks. I had always thought we ought to give senior citizens in this country a break. I thought I was normal, but then I came to Washington, and the liberals and the bureaucrats have tried to show me the error of my ways. They have tried to convince me that the money I always thought belonged to the taxpayers really belongs to the Federal Government. They tried to convince me that bureaucrats know best, better than what the working men and women of this country do. They think that bureaucrats are smarter than the folks back home.

Well, that is baloney. Maybe being a tax cutter is not so bad. In fact, doggone it, I am proud to be a tax cutter.

Let us cut taxes like the Republicans want to do this week.

GAYS IN THE MILITARY

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I was encouraged when the U.S. District Court for the Eastern District of New York concluded on Thursday that the core of the Defense Department's don't-ask, don't-tell policy is unconstitutional. Judge Nickerson is right.

At least twice on this floor in the previous Congress, Mr. Speaker, I stated my belief that the ban and the Clinton administration's don't-ask, don't-tell policy violate the equal protection clause of the 14th amendment, the rights of free speech and assembly under the first amendment and the ninth amendment right of privacy.

This debate is still far from over. Over the weekend, Speaker GINGRICH said the House will again review this policy. He is making a mistake on the merits and on the politics. On the merits he is wrong because reinstating the ban is unconstitutional. On the politics he is wrong because the momentum of the first 100 days will quickly unravel as divisive social issues, like the gay ban, abortion rights, and school prayer are revisited.

Mr. Speaker, it is not easy to look the Joint Chiefs in the face and tell them how we think they should organize their forces and enforce the military chain of command. But it is time to recognize that gays and lesbians have always been a part of the military and that they have performed their duties with diligence, patriotism, and honor.

REPUBLICAN TAX CUTS ARE PRO-SENIORS, PRO-JOBS, AND PRO-FAMILY

(Mr. FOX of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. FOX of Pennsylvania. Mr. Speaker, there are three parts of the Contract With America that are very important to the American people. Already passed, $180 billion for deficit reduction, $190 billion for spending cuts, and now we have tax cuts for individuals, families, seniors, and small business.

A key goal to move money and power out of Washington and back to families and communities, Americans are better off making their own decisions rather than having Federal bureaucrats making decisions for them.

The tax relief plan lets families keep more of their money to save for education, a first home, long-term care or retirement, lets small businesses invest without being penalized, and it will repeal the unfair Clinton tax on senior citizens' Social Security benefits and allow seniors to make more than $11,280 without deducting from their Social Security. Finally, Mr. Speaker, the tax cut will reduce the deficit, stimulate investment, and create jobs.

Let us pass the bill.

AT LEAST THE REPUBLICANS ARE CONSISTENT

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, our Republican friends are continuing their pattern. Now it is an assault on college student loans and financial aid in order to get money to finance tax breaks for the rich.

Just the other week we saw them taking school lunches out of the mouths of America's children in order to get money to finance tax breaks for the rich, and now we see them assaulting working people. They would not raise the minimum wage. They want to eliminate OSHA, which protects the standards in the workplace and the safety of American workers, and now they want to repeal Davis-Bacon, which assures construction workers a prevailing fair wage.

There is a rally today at 1 p.m. in front of the Capitol to protect the Davis-Bacon Act which will protect construction workers, and I hope my colleagues will attend.

Once again we see the same pattern. At least the Republicans are consistent: Assault the middle class, help the rich. Next they will go after Social Security, Medicare, and Medicaid. Medicaid in a block grant? Who is kidding whom?

Mr. Speaker, the Republicans just want to cut, cut, cut, cut the middle class and help their wealthy friends.

RESTORING SOCIAL SECURITY CUTS

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, it will come as no surprise to most Americans that the American family and our senior citizens are overtaxed. It is certainly no surprise to my mom who is 83 years old. She is not surprised that senior citizens are taxed too much and protected too little. Yet, when the liberal defenders of big government want to find more money to fund their bureaucratic programs, they turn to those in our society who can least afford it, our senior citizens.

We have all heard the shocking numbers. Taxes for a family of four have gone up from $1 out of every $50 in 1950 to paying $1 out of every $4 to the Federal Government today and that many average income working seniors face tax rates double those that millionaires face. Taxes that high are simply not fair. Yet when President Clinton and the Democrats passed the largest tax increase in history disguised as a tax hike on the rich, they actually taxed our seniors by cutting Social Security.

This week we have the opportunity to do what is responsible and fair for our seniors. We have the opportunity to protect the American dream. We have the opportunity to restore Social Security cuts, and I ask that we do so.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The Chair reminds all persons in the gallery that they are here as guests in the House and that any manifestation of approval or disapproval of proceedings is a violation of the rules of the House.

LET'S CHANGE THIS JEWEL OF DENIAL

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GENE GREEN of Texas. Mr. Speaker, there is a flaw in the jewel. We will begin debate today on a bill that will cut taxes, and the winners who will receive the majority of the cuts are families with incomes over $100,000. The losers will be deficit reduction, summer jobs, school lunches, and education funding. The Speaker calls this the crown jewel of the contract. Well, this crown jewel in 1999 will cause us deficits of over $200 billion.

There is a flaw in this jewel. Unfortunately, to pay for this jewel many young people will lose. Thousands of teenagers will be denied a summer job, school children will be denied a meal, legal immigrants will be denied services for the $66 billion welfare reform to the cracked crown jewel, seniors will be denied by cutting energy assistance, safe and drug-free schools will be denied $500 million, college students will be denied $13 billion to help pay for the flawed jewel. The contract was a deal with the rich including unpatriotic families who are leaving our country and taking their billions with them.

Let us change this jewel of denial.

IT IS TIME TO GIVE BACK MONEY TO THE AMERICAN PEOPLE

(Mr. SHADEGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHADEGG. My colleagues, we are engaged in a great debate, a great debate which could only occur inside the beltway. The American people have no doubt about tax cuts. To listen to my colleagues on the other side, they simply do not get it. There is one fundamental message in America today. It is that the Federal Government is too big, it taxes too much, it spends too much, and it regulates too much, and the American people have no debate about that issue. My opponents, when they talk about deficit creation and how this tax cut will create deficits, it is shocking. They created this deficit over the past 40 years, and now they want us to continue to pull an outrageous sum of money out of the pockets of the American people to pay for the deficit they created. Amazing.

It is time to give money back to the American people. We have increased the tax burden on American families twelvefold since 1950, the year I was born. Enough of that outrage. I say to my colleagues, "They say they know better how to spend your money. I say you, as the American people, know how better to spend your money. I call on my colleagues to support this tax cut today."

TRADING TOMORROW'S CAPS AND GOWNS FOR TODAY'S CAPITAL GAINS

(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MASCARA. Mr. Speaker, my friends on the other side of the aisle have decided to pitch caps and gowns for capital gains.

They have decided it is more important to grant a 50-percent capital gains tax cut to the wealthy rather than giving today's young adults a chance to build a better tomorrow.

Where I come from, high school students used to be able to count on a good-paying job in the mines or steelmills.

No more. Now their brighter tomorrows are dependent on high-technology industries. And if they want a chance to even get in the front door, a college degree is a must.

The $20 billion cut in student loan and grant programs proposed by the Republicans would close that door and end any chance many hard-working, middle-class families have of sending their children to college.

It is a poor tradeoff and wrong in my book.

Republicans do not seem to understand if you block the path to a college diploma today, there will be no new source of capital gains tomorrow.

CUT TAXES NOW

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, the debate on the contract's tax cuts proves one thing: The Democrat Party believes that taxpayers exist to serve the Government monster and they believe that the privilege of making and keeping your own money is a favor Washington hands out from time to time. That is the difference between the minority party and the new Republicans: We believe that the taxpayers come first—not the Government.

Mr. Speaker, the total tax burden on a family with a median income of $50,000 is about $26,000, an incredible 50 percent of their earnings; 50 percent of the money earned by the people in my rural district goes to pay for those who will not work. It goes to dumbed-down schools, and it feeds Uncle Sam's fat bureaucrats.

When the largest expense people in my district pay is taxes—and not food, shelter, medical care, and college for their children—that is an atrocity.

Mr. Speaker, let us finally do something right for working people. Let us cut taxes now.

SSI AND TRAINING CUTS

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I heard my Republican colleague, but my name is SHEILA, and I want to be here to represent what is best for the working man and woman in America, and not to support billionaire tax loopholes. The tax-cut package being offered by the leadership on the other side certainly does not respond to them. But aside from the fact that their plan ignores deficit reduction, the fact remains that their plan still looks to cut taxes for America's upper-income brackets while imposing greater burdens on working- and middle-class families.

Now, to pay for more billionaire-friendly tax breaks, the other side wants to cut $13 billion from student loan programs—student loans that make college dreams possible for millions of American students and their working- and middle-class parents.

Mr. Speaker, my family worked hard to capture a part of the American dream. They also worked hard to give their children a chance to succeed. Yet, if there were not Government-backed student loans, I would not have been able to go to college or get a graduate education.

I would like to think my education was a good investment for America. I have paid back my loans with interest, so I cannot understand why the other side seems bent on slashing the loan program now, just as America needs well-educated citizens and workers more than ever. But yet Rupert Murdoch can walk these Halls undercover, and the Republicans will give our tax dollars to his deal alone. I do not understand it, Mr. Speaker.

THE REPUBLICAN TAX CUTS ARE FOR EVERYONE

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, the Republican tax fairness and deficit reduction proposal cuts taxes for everyone; individuals, families, and senior citizens. Most importantly, the proposal provides relief for working families. Since 1988, the working family has had their median income plunge approximately $2,500 while receiving a 2.5-percent increase in taxes. Over 75 percent of our tax relief proposal will focus on restoring fairness to the middle class. The remaining 25 percent will go directly to deficit reduction. The cuts are designed to lend a helping hand to the middle-class working family, the $500 per child family tax credit, the tax credit for adoption expenses, and the tax credit for small businesses.

Republicans are committed to reducing the burden of government on the working families.

STUDENT LOAN PROGRAMS

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, many young people in America have made a choice, a choice to get an education, and to get a job and to pursue a career. They made the right choice that will give them a chance. The Republican Party, however, wants to take that chance from them. They want to take that choice.

□ 1145

They plan to abolish and restructure four major loans and grant programs that provide aid to college students, threatening to force those students into a direction that they may not have chosen.

Last year millions of students held jobs on the work-study, got low interest rates, and did not have the burden of paying interest while they were studying, and they received grants. They will not have the opportunity next year.

In total, over the next 5 years $13 billion will be taken away from college loans and grant programs. For what? To give the wealthiest Americans a tax break.

The closer we look at the Republican tax plan, it certainly is not fair. It is grotesque. They call these cuts in loans a savings. I call it a tragedy for America's future.

REPUBLICAN TAX REFORM BENEFICIAL TO SENIOR CITIZENS

(Mr. ENGLISH of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. ENGLISH of Pennsylvania. Mr. Speaker, while H.R. 1215, the Republican tax program, helps working families, promotes economic growth, and creates jobs, it also helps millions of working senior citizens.

Current law imposes harsh penalties on senior citizens, particularly those who continue to work beyond the age of 65.

Today working seniors face higher, more punishing tax rates than millionaires in our tax system. Currently seniors who work after age 65 lose $1 in Social Security benefits for every $3 they earn above $11,280.

These are not rich people. The Social Security earnings limitation has pushed many older Americans out of the work force and slowed economic growth. H.R. 1215 increases the earnings limitation by almost $19,000 to $30,000, thereby eliminating the bias against older Americans who want to remain attached to the work force and it does so without increasing the deficit.

LAST-MINUTE CHANGE IN TAX LEGISLATION TERMED "BUSINESS AS USUAL"

(Mr. WARD asked and was given permission to address the House for 1 minute.)

Mr. WARD. Mr. Speaker, I was just elected in 1994. I am a freshman, and I was in the Kentucky Legislature for 5 years before that. And, Mr. Speaker, we had a rule in the Kentucky Legislature, a hard-and-fast rule, that if language was changed in a bill when it went to conference, if language was different from the way we passed it when it came back from conference, we were told it was subject to what we call here a point of order. If we were not told what was in that change on the floor, in front of the entire body, in front of the public, in front of the people, it could not be considered.

What we have just seen, Mr. Speaker, is a change in a bill, a good bill, to provide self-employed people the opportunity to deduct the cost of their health care insurance, a bill we are all for, changed to help one person.

Well, Mr. Speaker, that is business as usual, and that is not why the voters changed what was going on up here.

THE VOTE TOMORROW

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, tomorrow when we take up H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995, I urge my colleagues to ponder one question: Do they support working senior citizens in this country, or do they support taxing our seniors out of the work force?

If Members support our senior citizens, they will support the tax bill. A vote against the tax bill is a vote against senior citizens who want to work, who want to be productive.

Let me tell the Members why. This tax bill does two things that will help older Americans. First, it repeals President Clinton's Social Security tax that he passed over Republican objections last year; and, second, it increases the earnings test so that more seniors will be able to work without getting taxed at a rate twice the amount that millionaires have to pay.

Mr. Speaker, the choice tomorrow is simple. Either they support our seniors or they do not. I urge my colleagues on the other side of the aisle to stop taxing older Americans and start giving them the relief they richly deserve.

THE RUPERT MURDOCH TAX BREAK

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, there is an expression that most of us have heard: "If it walks like a duck and it sounds like a duck and it quacks like a duck and it smells like a duck, then it is probably a duck." But we might want to change that in this Chamber to say that "Maybe it is NEWT GINGRICH."

My, my, my—a special tax break for Rupert Murdoch, $63 million, and then blaming it on Senator MOSELEY-BRAUN. All of us might think so, but no one in America believes it.

Mr. Speaker, Mr. GINGRICH, no one in American believes that it was Senator MOSLEY-BRAUN. You know it was you. You know what was involved. It would not have happened without you, and it is wrong. It is business as usual in this Chamber, and it is wrong.

I urge the President to veto this legislation. He needs to veto it. It is not what the American people want. It is the absolute wrong way we ought to be conducting ourselves in this Chamber.

CUTTING TAXES FOR SENIOR CITIZENS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I would just like to remind the previous speaker that it was Senator CAROL MOSELEY-BRAUN who was primarily responsible for that whole matter.

Mr. Speaker, 2 years ago the Democratic majority in the House muscled through the largest tax increase in U.S. history without one Republican vote.

Buried deep in tax language, the Democrats even included a cut in Social Security benefits for senior citizens. That's right, every senior citizen making $34,000 is rich according to the Democrats definition and guess what? They all got a cut in 1993.

I am proud to say that tomorrow we will restore Social Security benefits to their prior level and lessen the squeeze on the middle class.

Instead of finding clever ways to take more money from our senior citizens and middle-class Americans—we are restoring benefits, lowering taxes, encouraging investment and savings, and letting Americans keep more of their hard-earned money.

I have a question for my Democratic colleagues. Can you justify the current tax burden on our senior citizens? Can you justify the tax burden on working families? If the answer is no, then support our tax reduction package.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The Chair wishes to remind the Members that reference to Members of the other body is not encouraged and is not tolerated in the House.

CUTS IN PROGRAMS PAVE THE WAY FOR TAX BREAK FOR RUPERT MURDOCH

(Mr. KLINK asked and was given permission to address the House for 1 minute.)

Mr. KLINK. Mr. Speaker, I have learned over the years as a journalist that where there is smoke there is fire, and I have learned as a Congressman that sometimes when there is a fire, it can quickly become an inferno.

We began talking at the beginning of this new Congress about the fact that there was something smelly about a $4.5 million book deal for Speaker NEWT GINGRICH being offered by Rupert Murdoch. Now we find out that it was indeed that same Rupert Murdoch who gets $63 million in special tax advantages hidden away in a bill that came through conference and was brought out on this floor last week.

I ask the Members, let us take a look at what we are doing. We are being asked to cut Stafford loans which would cause 4.5 million students' tuition to go up 20 to 30 percent, but we would give $63 million in tax breaks to Rupert Murdoch. We are being asked to cut work-study programs that pay 75 percent of the wages for students, 700,000 students, who are willing to work their way through school, but we have $63 million to give away to Mr. Murdoch.

Mr. Speaker, as we are taking money from women, infants and children, we seem to have money for Rupert Murdoch, a friend of the Speaker.

REPEAL OF CLINTON PENALTY TAX ON SENIOR CITIZENS IS PART OF TAX RELIEF BILL

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, in 1993, President Clinton and the liberal Democrats passed the largest tax increase in American history—$240 billion.

The 1993 tax bill included a provision that increased—from 50 to 85 percent—the tax on Social Security benefits received by senior citizens. Why the President chose to increase taxes on people who have worked hard and paid taxes all their lives is beyond belief. Ironically, this is the same President who used Social Security as his excuse to oppose the balanced budget amendment.

Liberal Democrats chose to raise taxes on our senior citizens instead of cutting their own spending. Republicans plan to repeal this onerous tax on seniors and at the same time balance the budget.

We do not have to tax seniors to reduce the deficit—we can and will cut our own spending. We must repeal the Clinton penalty tax on senior citizens. If you support seniors, then support the Republican tax relief bill.

TAX CUT PROPOSAL IS IRRESPONSIBLE

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise ad extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, 2 months ago, Republican Members of this House joined me and almost 70 other Democrats in supporting the balanced budget amendment to the Constitution.

We came together out of a shared belief that we can't continue to saddle the American people with a national debt that saps our productive capacity, hinders job growth, and causes so much of our wealth to be used just to service the national debt.

We heard a lot during that debate about our responsibility to future generations, about the need for fiscal discipline, and about the need to make tough choices.

Well, what happened?

Here we are in April, and the leadership's idea of fiscal discipline is a 5-year, $188 billion tax cut.

Mr. Speaker, this tax cut is not the kind of tough choice that this deficit cries out for. It is not disciplined.

And it is plain bad economics.

Make no mistake: with this poorly times tax cut, the House is ready to repeat age-old Washington mistake of borrowing from our children to pay for what is popular right now.

I urge my colleagues to reject this costly and fiscally irresponsible proposal.

AN ODE ON TAX RELIEF

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, as we debate tax relief this week—I would like Members to consider the message of this poem—sent to me by a constituent:

Tax his cow, tax his goat
Tax his pants, tax his coat,
Tax his crops, tax his work,
Tax his tie, tax his shirt,
Tax his chew, tax his smoke;
Teach him taxes are no joke.
Tax his oil, tax his gas,
Tax his notes, tax his cash;
Tax him good and let him know—
After taxes he has no dough.
If he hollers, tax him more
Tax him 'til he's good and sore.
Tax his coffin, tax his grave,
Tax the sod in which he lays.
Put these words upon his tomb;
"Taxes drove me to my doom."
And after he's gone he can't relax;
They'll still be after inheritance tax!

FEDERAL WORKERS UNDER ATTACK BY TERMS OF PENDING TAX BILL

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, the most egregious, unfair aspect of the tax bill that will come before us deals with the people who process our Social Security tax, who patrol our borders, who operate the Federal Bureau of Investigation, and who in fact do so many services that we take for granted—the Federal employees, a quarter of a million of whom have been cut, requiring those left to perform much more difficult work.

But the most egregious aspect of this is that we are going to take $12 billion from their retirement plan, which means that the average Federal employee will pay $760 more per year in taxes in order to provide a tax cut for the average American of $124. I want to repeat this. The average Federal employee will pay $760 more in taxes to provide a tax cut of $124 for the average American. And these are employees who were guaranteed 8 years ago that their retirement system would never be changed.

Mr. Speaker, this is an egregious assault not only on the integrity of the Congress but on the security of our Federal employees.

PROPOSED LEGISLATION WOULD PROVIDE EXTENSION OF GRAZING PERMITS FOR RANCHERS

(Mr. COOLEY asked and was given permission to address the House for 1 minute.)

Mr. COOLEY. Mr. Speaker, yesterday I introduced H.R. 1375, legislation that would stop the U.S. Forest Service from hurting hard-working, law-abiding ranchers that graze their herds on forest system lands.

My bill would extend Forest Service grazing permits until the Agency completes its obligations under the National Environmental Policy Act.

Half of the Forest Service's 9,000 grazing permits issued on 90 million acres of Federal land will expire by the end of 1996. Some of these permits have already expired, and ranchers—by no wrongdoing of their own—have been denied their right to graze their livestock due to bureaucratic red tape. This is a punitive action and is patently unfair.

The ranchers I know hold up their end of the bargain; they are good standards of the land, they fulfill their obligations, and they have every right to expect the Government to get its job done. They ought not be punished because our Nation's environmental laws are unreasonable and inflexible. My bill would extend their grazing permits until the Forest Service completes its NEPA documentation, so that no rancher is denied a permit because of bureaucratic delays.

□ 1200

TAX ON FEDERAL EMPLOYEES PAYING FOR TAX CUT

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, the debate this week is not about whether we ought to have a tax cut for the average American or for the seniors or for the hard-working folks back home. This debate is about whether we ought to give most of the tax break to the wealthiest people in America who make up to $200,000 a year. I say no.

To raise the money for this tax break, the Republicans have once again gone after the middle class, this time in the form of Federal employees who only make an average of $30,000 a year. They raised $12 billion by raising the pension contribution of Federal employees by 2.5 percent, which means that the average Federal employee making $30,000 will have to pay $750 in new taxes, because that is what it is, a tax on Federal employees.

So let me see if I have got this straight. In order to get a tax deduction of $500 per child, the Federal employee under the Republican plan will have to pay $750. I do not think that makes good sense.

Mr. Speaker, this debate is not about a tax break for the folks back home; this debate is about whether we ought to give a tax break to the wealthiest.

TIME FOR TAX RELIEF AND DEFICIT DEDUCTION

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Mr. Speaker, for weeks our colleagues from the other side of the aisle have accused Republicans of coddling the rich with tax cuts while ignoring the deficit. It is time for the truth to be heard. H.R. 1215 will not only provide badly needed tax relief for middle class American families and incentives for economic growth, but will provide the first down payment on our goal for balancing the budget by the year 2002.

This bill provides a $500 per child tax credit to America's families. The need for this is obvious. In 1950, $1 out of every $50 the American family earned went to the Federal Government. Now the average family of four sends $1 out of every $4 to Washington. It is time for the Federal Government to take its hands out of the wallets of American families and let Americans spend the money they earn.

H.R. 1215 not only provides essential tax relief for American families; it also provides $62 billion more in deficit reduction over 5 years than the President offered in his fiscal year 1996 budget. It is time for deficit reduction and tax relief for the hard-working taxpayers of America.

BUSINESS AS USUAL

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, shame, shame, shame. Remember the debate about the FCC rule that allowed major broadcasting first to sell their firms to minorities and women in exchange for tax credits in an effort to create diversity in the media? Remember our Republican friends who screamed no to that kind of affirmative action? They claimed they were against any preferences?

Well, it is business as usual. They went into the back room and they slipped a dirty little deal in the conference report. They allowed one token minority deal, and guess who surfaces again? NEWT GINGRICH's friend, Rupert Murdock, is going to get $63 million in tax breaks. You know, the same Murdock of the $4.5 million book deal with Speaker GINGRICH?

The President must veto this dirty little deal. Let us take a clean bill to the floor to provide health insurance to the self-employed and small business persons, without giving more tax breaks to the rich. For the Republicans it is business-as-usual, cut children, babies, seniors, students, working people, but they are taking care of NEWT GINGRICH's rich friends.

THE VICTIM IS TRUTH

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, over the last several months we have seen an assault on the truth from the liberal Democrats so vicious, so extraordinary, so mean, that it defies description.

All I can ask my colleagues on the other side of the aisle is have you no shame? Have you no confidence in your philosophy and beliefs to let the American people know the truth? From outright lies on the School Lunch Program and the school loan program to the scandalous muckraking regarding the Committee on Ethics, Democrats have willfully disregarded honest dialog.

Republicans have not cut the School Lunch Program; everyone knows that fact. Republicans have had no plans to cut the school loan program; everybody knows that fact. Republicans are defending the middle class; everyone knows that. When it comes to the supposed secret deal regarding Rupert Murdock that was just referred to by the gentlewoman from California and some others out here today, everyone knows that that deal was done by a liberal Democrat in the other body on behalf of the Chicago Tribune. It is shameful to suggest that it has something to do with Republicans in this institution. It is in fact a liberal Democrat who did it.

Mr. Speaker, when it comes to a Democrat attack on Republican leaders and policies, there is only one victim, and that victim is the truth.

BUSINESS AS USUAL IN CONGRESS

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, I came to Congress this January 4 with the hope I could change things, but it is business as usual here in Congress. Last week on a voice vote the House passed a bill that would allow tax deductions for health insurance for the self-employed, something I support. But hidden in the conference report, unknown to me, was a very special provision that will give tens of millions of dollars in tax breaks to one very rich publisher.

There is an old saying that says to the winner goes the spoils, and if that saying is true, then Mr. Rupert Murdock, the Speaker's own publisher, made out like a bandit. While the Republican Congress has been busy cutting student loans and school lunches, Mr. Murdock's friends have been cutting him a sweet deal, to the tune of $63 million.

But the sweet deals do not end there. If you are a billionaire, then this 100 days have been better than the Twelve Days of Christmas. The Republican Santa Clauses have been busy giving away tax presents to the few dozen wealthiest people in this country. If you have the means to leave the country, renounce your citizenship, move to a mansion, you can save on U.S. taxes. Must be nice, huh? Only middle-class families have been saddled with the bill to pay for these billionaire tax breaks.

RESPONSIBILITY FOR THE DEFICIT

(Mr. SALMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALMON. Mr. Speaker, well, as one of my heroes once said, there you go again. I think this is all in the definition. We have heard from the Democrats that we intend to give the tax cuts to the rich. The problem is your definition of the rich is anybody that works for a living.

Mr. Speaker, we have heard a lot from the limousine liberals on the other side of the aisle about fairness. What they need to explain to us is what is so fair about the current system. The Clinton administration's own statistics show that Americans are working harder and getting less for it. Is that fair? Is this what the President meant when he talked about his comprehensive plan to get our economy moving again?

We are going to begin working this week to restore fairness to the Tax Code. We will restore $25 billion in Social Security cuts engineered by Clinton and the Democrats, make it easier to buy that first home, or put your children through college, make it easier to adopt, and encourage capital formation. And we will pay for these tax reductions by cutting wasteful and unnecessary government spending. Our philosophy is simple: The taxpayer is not responsible for the deficit; Washington is. Let us face up to it.

A MIDDLE-CLASS TAX CUT?

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, $200,000. $200,000. $200,000. $200,000. Is that middle class? Is that the middle-class tax cut we are talking about? No, that is the Republican tax plan we are talking about. To help families who make $200,000 because they are middle class and they need a tax cut.

Well, I can tell you, you can buy a lot of hamburger helper and generic cereal if you make $200,000 a year. But we are going to pay for it. We are going to pay for some of it by going after the kids on school lunch programs. We are going to pay for some of it by going after students who get college loans. We are going to pay for most of it by sticking it on our children and our grandchildren because we are going to let the deficit grow, and this tax cut is going to explode to nearly $700 billion over the next 10 years so people in this House can go to the American people and say yeah, we do not like taxes.

I do not like takes taxes either. I hate taxes. But even worse than tax and spend politicians are borrow and spend politicians, because at least people who pay their bills now can look you in the eye and say I am not going to stick it to your son and daughter. The Republicans will.

SUPPORT H.R. 2115, THE TAX RELIEF BILL

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I am here to speak in favor of H.R. 1215, the tax relief bill, because of an individual named Don Bulaski from my district. I think it is important we get money back into his hands, back in the hands of Americans and out of the hands of the bureaucrats here in Washington.

Mr. Speaker, I think we need to restore the penalty on Social Security that was put on by the big government party last August in the world's largest tax increase. One way we can do that is raise the earning limits. Don Bulaski is a retired Boeing engineer and he wants to get back active in the community and participate, but he cannot take a paycheck over $940 without having his Social Security benefits penalized. Under the H.R. 1215, the tax relief bill, we would raise that earnings limit, allowing him to be more productive, to take the wisdom he has learned with 35 years of work and bring it into the community, helping other people get their job better.

How many other Americans are out there that want to contribute to this society, that want to make America better by being better, by working, by restoring the reason and wisdom that we need?

So I stand in support of H.R. 1215, the tax relief bill, Mr. Speaker.

FIFTY-THREE PERCENT OF THE REPUBLICAN TAX BREAKS IN 10 YEARS BENEFIT BIG BUSINESS, CORPORATE AMERICA

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, who gets the benefits in the tax bill? Well, in 10 years 53 percent of the benefit goes to big business and corporate America. The Republicans under the guise of rhetoric say its for the American family, the working family, in 10 years over half of benefits are going back to corporate America. This constitutes the shift of tax liability.

Thirty years ago corporations paid nearly 25 percent of the total tax bill in this country. Today they pay less than half that amount. And with this Republican bill, with the next $638 million in tax breaks over 10 years, will provide big business with 53 percent more of the tax cuts in H.R. 1215, the GOP tax bill. The tax bill before the House this week will shift the taxes to the middle income and poorest families in America. This is why people are angry. That is why they are mad as hell and are not going to take it anymore. And under the rhetoric to protect families the GOP, have been force feeding legislation through this session which takes away the ability of working families to help themselves and to get benefits when they are down and out and transferring tax breaks to the big corporations. And, to top it off, the lions share of the individual tax breaks go to the wealthy.

Who is responsible for Rupert Murdoch last week? I do not know, candidly. But I can tell you who is responsible for what is happening this week, and that is the radical Republican majority in this House.

THIS IS THE WEEK FOR ADDRESSING TAX INEQUITIES

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, we are going to hear a lot from the limousine liberals on the Democrat side of the aisle this week about fairness.

Well, let me ask them a few questions.

Is it fair to penalize senior citizens who want to remain productive?

Is it fair to working Americans that the cost of capital in the United States is so much higher than in the rest of the industrialized world?

Is it fair that married couples are penalized just because they are married?

There is nothing fair about the current tax system. It penalizes work, saving, and investment. But this week we begin the job of restoring fairness to our tax system. We will start by restoring the $25 billion in Social Security cuts engineered by the Clinton White House and the old Democratic Congress. I think it is important to note that these cuts did not have the support of one Republican Member in either Chamber.

America's seniors should not be asked to pay higher taxes to solve a problem that was made in Washington. We will fix that this week.

TAX CUTS TO BENEFIT RICH

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, this morning's paper reported that the Republicans have reached a deal on the tax cut package. Well, the public had better beware, because this tax cut package has two major problems. No. 1, they have told us all of this time that the most important thing in life is cutting the deficit. But what are we doing? Instead of using this money to cut the deficit, we are cutting taxes instead.

No. 2, we are doing it on the backs of poor people. The poor person, the $20,000 to $30,000 per year person, the $30,000 to $50,000 per year person, will get little benefit from this tax cut. The person earning over $200,000 a year in income will get $11,266 in tax cuts. Nothing for the American people who need it.

This is trickle down economics again. We ought to reject it out of hand.

MORE AND BETTER JOBS NEEDED

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, what I think we need to talk about is what do we do to expand more and better jobs in this country? I think we need to realize that almost every piece of legislation is a transfer of wealth, and especially appropriation bills and taxes. We have increased taxes and regulations so much on business that they are now looking to other countries for more favorable ways to raise money.

I brought this chart out just to show what has been happening in our discouragement of business expansion in this country.

□ 1215

Maximum capital gains tax rate; in the United States, it is 28 percent; France, 18 percent, exempt in Germany; Canada, 23 percent; Japan, 20 percent; the U.K. is 40 percent, but they exempt the first 5,500 pounds.

Now, with that kind of tax, we are discouraging businesses from buying the machinery and equipment and facilities that are going to increase our productivity. Our productivity is not increasing at the rate of other countries.

Mr. Speaker, I think it is important we support this tax bill.

WHOSE SIDE ARE THE REPUBLICANS ON ANYWAY?

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, when Republicans promised welfare reform, who would have guessed that would mean a $63 million special tax break for billionaire Rupert Murdoch? When Republicans promised immigration reform, who would have guessed that they would mean billionaires should be able to avoid hundreds of millions of dollars in taxes they owe by simply renouncing their U.S. citizenship?

When Republicans promised to reorder American priorities, who would have guessed that would mean Republicans would vote to protect Star Wars but not to protect Social Security?

When Republicans promised middle-class tax cuts, who would have guessed that meant people making over $200,000 a year would enjoy an $11,000 a year tax bonus?

Mr. Speaker, I am for changing government. I am for less government and lower deficits and common sense in our laws. But I think the American people are beginning to ask just whose side are the Republicans on?

DEMOCRATS DESPERATELY DEMAGOG

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, one more time, let us see if we can get this right. The tax break inserted in the bill was at the request of a Democratic Member of the other body.

Listening to my colleagues this morning on the other side of the aisle reminds me of a saying I once heard, desperate people will demagog anything.

You see the Democrats would like us to believe that our tax relief bill is taking money from the poor to give it to the rich. Let me ask my Democratic colleagues, do you think all senior citizens are rich? You must think so because that is one group of people who definitely benefit from our bill. We are repealing the unfair tax increase that you imposed on the backs of senior citizens in August 1993.

You surely remember that. This is the tax increase that considers all seniors receiving Social Security benefits and making $34,000 or more a year wealthy. We are also lifting the Social Security earnings limitation so that seniors who want to work outside the home past the age of 65 are not unfairly penalized if they earn over $11,000 a year.

Mr. Speaker, it is wrong to raise taxes on middle income seniors who live on fixed incomes and it is wrong to target working seniors.

I ask my Democratic colleagues to help us in passing the tax relief bill.

A CALL FOR OUTSIDE COUNSEL

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, it appears my colleague from the Sixth District of Georgia has set a new global standard in blatant, unabashed audacity. One would think that after the controversy over his $4.5 million book deal with Rupert Murdoch, he would have made an effort to distance himself from the British billionaire.

But no, not this speaker. While slashing heating assistance for the elderly poor, he and his confederate colleagues conspired to protect a $63 million tax break specifically for Rupert Murdoch.

No one knew about this grand heist until after it was slipped in during the conference committee. Mr. speaker, when my colleague delivered his opening day speech after accepting the gavel he said, and I quote, "here America comes to work and here we are preparing for those children a better future." End of quote. I didn't realize that by children he meant Rupert Murdoch. Mr. Speaker, now more than ever, it is time for an outside counsel.

ON NATIONAL SECURITY

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I might just say to the gentlewoman who just spoke that my understanding is that this special tax break that the Democrats are complaining about was slipped in by a Democrat. So I think that is where the investigation would lead.

Let us get back to something that is very important to this country. These are two models of what is known as "brilliant eyes." That is important to everybody who is concerned about national security. That means that if Saddam Hussein launched a missile on our troops in theater in the Middle East, these systems could pick up that launched missile, could relay the information back to either an American ship or American theater antimissile forces and they could launch a missile like we launched the Patriots against the Scuds that occurred in desert Storm. They could launch a missile at the incoming ballistic missile and knock it out of the sky before it damaged American troops or American equipment.

These are on display in 2118 Rayburn. We have an SDI exhibit on display today. I would urge all Members to come down and look at the emerging technology we are building for missile defense.

THE NATIONAL DEBT

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, by the clock on the wall, it is 20 minutes after 12. By 30 minutes after 12 this Nation will have spent another $5 million on interest on the national debt. Because of the national debt, we are spending $1 million every 2 minutes just to pay the interest. That is not the principal; that is just the interest.

That is why I want to compliment my Republican colleagues on passing some much-needed cuts. They were not the cuts I would have made, but they were necessary because we have to reduce spending.

Let me criticize them for not taking those savings and applying it toward our annual operating deficits but instead to give a tax break to millionaires.

This Nation will still spend about $200 billion more than it collects in taxes this year. That means the debt goes up and that means the interest on that, for those of you who are wondering where your tax money goes, the biggest portion of the money that you pay in taxes goes to pay interest on the national debt, does not pave an inch of highway, does not buy one round for one M-16, does not educate a child.

It goes to some rich lending institution and the chances are one out of three that that money goes to a German or a Japanese lending institution because they are the ones who control our debt.

A TRIBUTE TO HIS MAJESTY, KING BHUMIBOL ADULYADEJ—KING RAMA IX—OF THAILAND

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I rise today to express the deep-felt concern by many Members of Congress over the health of the king of Thailand, King Rama IX and the enormous sense of relief we all felt on hearing the news that the king's health is improving. A 50-year reign for a king this good is too short.

As a member of the Committee on International Relations of the House of Representatives, I would like to pass along to the king the committee's best wishes for a speedy and a complete recovery.

In the last decades, Thailand has been an island of tranquility compared to the strife and war that has visited its neighbors. His majesty's wisdom has been key to Thailand's ability to avoid such dangers and cataclysms.

The king is a blessing to Thailand and, yes, to the whole world.

Once again, I, my colleagues and my fellow Americans wish him and his family greetings and good health from his friends in the United States of America.

As their new year approaches, we would like to wish a happy new year to the king and all the people of Thailand.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

TRUTH IN LENDING CLASS ACTION RELIEF ACT OF 1995

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1380) to provide a moratorium on certain class action lawsuits relating to the Truth in Lending Act.

The Clerk read as follows:

H.R. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Lending Class Action Relief Act of 1995".

SEC. 2. MORATORIUM.

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by adding at the end the following new subsection:

"(i) CLASS ACTION MORATORIUM.—

"(1) IN GENERAL.—During the period beginning on the date of the enactment of the Truth in Lending Class Action Relief Act of 1995 and ending on October 1, 1995, no court may enter any order certifying any class in any action under this title—

"(A) which is brought in connection with any credit transaction not under an open end credit plan which is secured by a first lien on real property or a dwelling and constitutes a refinancing or consolidation of an existing extension of credit; and

"(B) which is based on the alleged failure of a creditor—

"(i) to include a charge actually incurred (in connection with the transaction) in the finance charge disclosed pursuant to section 128;

"(ii) to properly make any other disclosure required under section 128 as a result of the failure described in clause (i); or

"(iii) to provide proper notice of rescission rights under section 125(a) due to the selection by the creditor of the incorrect form from among the model forms prescribed by the Board or from among forms based on such model forms.

"(2) EXCEPTIONS FOR CERTAIN ALLEGED VIOLATIONS.—Paragraph (1) shall not apply with respect to any action—

"(A) described in clause (i) or (ii) of paragraph (1)(B), if the amount disclosed as the finance charge results in an annual percentage rate that exceeds the tolerance provided in section 107(c); or

"(B) described in paragraph (1)(B)(iii), if—

"(i) no notice relating to rescission rights under section 125(a) was provided in any form; or

"(ii) proper notice was not provided for any reason other than the reason described in such paragraph.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Truth in Lending Act generally requires lenders to disclose credit terms to borrowers in a manner that allows borrowers to compare between lenders.

One of the remedies available under the Truth in Lending Act for refinance and second mortgage loans is the ability to rescind the loan up to 3 years. The Truth in Lending Act has been interpreted by the courts to allow borrowers to seek rescission for minor discrepancies, as little as $10, in the required disclosures.

If a mortgage is rescinded, the lender must reimburse all fees and costs to the borrower, including all interest paid for up to 3 years and must release the mortgage lien, leaving the lender with an unsecured loan.

In March 1994, the Circuit Court of Appeals for the 11th Circuit in Rodash versus AIB Mortgage Co. allowed a borrower to rescind a mortgage based on a technical violation of the disclosure and notice requirements provided for in the Truth in Lending Act.

As a result of the Rodash decision, nearly 50 class action lawsuits have been filed and in virtually all of the cases, the remedy sought is rescission. We have seen newspaper advertisements seeking plaintiffs for further class action. These ads are placed by class action attorneys and simply state if you have refinanced your mortgage in the last 3 years, you may be eligible to have your mortgage rescinded.

Mr. Speaker, I will include at the end of my statement reprints of representative newspaper advertisements.

If the courts were to permit borrowers to rescind loans as part of a class action lawsuit, based on technical disclosure and notice violations, the potential disruption to the secondary mortgage market and the liability that lenders face as well as the impact on safety and soundness of lending institutions may be enormous. For example, since 1991, 11.8 million loans totaling $1.3 trillion have been refinanced. The estimated potential cost of rescinding these loans is approximately $217 billion.

This amendment establishes a temporary moratorium that begins on the date of enactment of the Truth in Lending Class Action Relief Act of 1995 and ends on October 1, 1995 on class action lawsuits filed under the Truth in Lending Act for certain loans secured by real estate. Other types of consumer lending will be unaffected.

Last Congress, the House passed by voice vote a bill, H.R. 5178, that included legislative language to address the problem created by the Rodash decision. That language included a cut off date for new class actions. H.R. 5178, however, was never considered by the Senate and died at the end of the last Congress.

This temporary moratorium will allow Congress sufficient time to deal with the underlying issues in the Rodash case while putting a temporary halt to the certification of class action lawsuits.

This amendment is narrowly focused on the potential abuse of the right of rescission in the Truth in Lending Act. It does not prevent individual consumers from bringing suit under the Truth in Lending Act. It only prevents class action certifications for suits under the Truth in Lending Act for certain loans secured by real estate.

We are currently working closely with the other body to resolve this problem. We believe that they plan to take up the class action moratorium as soon as practicable.

I am pleased to inform my colleagues of the broad bipartisan support this moratorium enjoys.

This moratorium also enjoys broad support from the industry groups, that is, Mortgage Bankers Association, National Consumer Loan Center and others.

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Please phone us—with the loan papers in front of you—and we will let you know your rights under the Federal Truth in Lending Act. (617–449–9111—collect—or mail us the sheet showing the closing costs: or fax it to 617–449–4383, 24 hours.

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☐ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise, of course, in support of this legislation that was the product of negotiations of several members of the Committee on Banking and Financial Services to address the results of the 11th Circuit Court decision on the case simply known as the Rodash case, Rodash versus AIB Mortgage Co.

The chairwoman, the gentlewoman from New Jersey [Mrs. ROUKEMA] has well described the purposes and problem this legislation addresses. It is a 6-month moratorium which has bipartisan support and the support of the consumer and industry groups because the measure accomplishes its goal.

The bill provides, as I said, temporary relief for the mortgage industry as a whole from the potential ramifications of certain class action suits filed under the Truth In Lending Act. It is a reasonable solution for the timeframe in which we are working today, and Republican and Democrat members of the Committee on Banking and Financial Services worked cooperatively in achieving this temporary legislative solution.

The legislation is responding to an emergency of sorts, because of the number of class action suits, nearly 50, that have been filed because of technical violations of disclosure requirements provided in the Truth In Lending Act. The sheer volume of refinancing of home mortgages that has occurred in the last few years gives rise to a great potential for many more of this type of suit. Allowing for the emergency nature of the problems presented will, of course, with the expectation that we will work cooperatively in terms of resolving the deficiencies of the Truth In Lending Act.

For the record, of course, I want to note to our chairman, the gentleman from Iowa [Mr. LEACH], and the chairwoman of the subcommittee, the gentlewoman from New Jersey [Mrs. ROUKEMA], that it is my hope that we will proceed with the deliberations of modifying the Truth In Lending Act in an orderly manner with regular and full hearings, and trying to deal with the intricacies of what is fundamentally a fairly complex law.

We need to have that careful deliberation so that we can retain the essence of truth in lending, and deal with the streamlining and the avoidance of the types of problems that have been evidenced by this legislation and by the events of the last few years. Hopefully this 6 months will give us the time. I ask my colleagues' support for it.

Mr. Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield 2 minutes to our colleague, the gentleman from Michigan [Mr. CHRYSLER], a member of the Committee on Banking and Financial Services.

Mr. CHRYSLER. Obviously, Mr. Speaker, when people borrow money they are expected to pay it back. Certainly when lawyers start lining their pockets based on technicalities to keep people from having to pay those funds back, then it is time for the Congress to come forward.

I am glad the last Congress came forward, and I am glad we have good bipartisan support to make this change in this Rodash law, to make sure that the banks and the mortgage companies that have made mortgages over the past few years are not penalized unfairly over these kinds of technicalities.

I just rise in support of this legislation, and appreciate the gentlewoman from New Jersey bringing it forward and having this hearing.

Mr. GONZALEZ. Mr. Speaker, I rise in support of this bill because it is a reasonable response to a situation that exposes lenders and the secondary mortgage market to great uncertainty and potentially exploding liability. I also endorse this approach because it will not impede individuals from seeking relief under the Truth in Lending Act. I applaud the efforts here today because they provide temporary, stop gap relief to the industry, and afford the Congress an opportunity to shape long term reform in a more deliberate and reasoned manner.

The bill originally introduced to address this so-called emergency situation would have seriously eroded key consumer protections in the Truth in Lending Act. It would have eliminated the consumer's right to rescind a mortgage that had been refinanced. It would have limited the consumer's recourse against the secondary market when the lender is long gone. It would have permitted lenders to provide faulty loan disclosures. All this, without a hearing on the subject. All this, in response to a number of class actions that have been filed but have yet to be decided in a single instant.

If Congress intends to modernize truth in lending, we need thorough hearings on the issues. If we are to reduce burdens on the industry, we must not simply shift those burdens onto the consumer. Truth in lending must always ensure that lenders give consumers complete, accurate, and uniform disclosures about the terms of their loans and their credit cards. And the Truth in Lending Act must contain sufficient penalties to ensure that these disclosures are made.

With these considerations in mind, I look forward to working with my colleagues on the other side of the aisle to modernize truth in lending—to make it a more meaningful act for consumers and a less burdensome law for the industry.

Mrs. ROUKEMA. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Banking and Financial Services.

Mr. ROTH. Mr. Speaker, I thank the gentlewoman for yielding time to me, and I want to thank her for bringing up this legislation, and for the excellent job she is doing as chairperson of that committee.

Mr. Speaker, this is a very important piece of legislation if we are concerned about our home buyers. I think all of us are. It is another example where we have too much government.

Here is the Truth in Lending Act that passed in 1968, and the gentlewomen from New Jersey I think very well explained the problem here. Here we have a court coming in and saying "Well, you can have rescission."

In other words, if you come to the court in a class action suit, the lender has to give you back your fees and your interest, up to 3 years. Then we have lawyers out there advertising. In other words, they are looking for complainants, saying, "Hey, if you want some extra dollars, here is a legal rip-off. Come on in and we will help you."

I think it shows what happens when there are no ethics left in a society, when there is no sense of right and wrong. We should not even have a piece of legislation like this.

However, the rescission under this statute means that the lender must reimburse, let me repeat that, all fees and costs of the borrower, including all interest paid up to 3 years, and must release the mortgage lien. The result leaves the lender with an uninsured loan.

Therefore, without this moratorium, consumers are going to find sources for these kinds of mortgages drying up very quickly. It should be emphasized that this moratorium can only be on a class action suit. That means that the individual consumer can still file suit under remedies prescribed by the Truth In Lending Act.

The Truth In Lending Act, let us have some courage in this House, it is a joke. I have worked in the real estate industry. When you come to a closing, no one reads them. Do Members know how it works? The banker says "Here, sign this." The client says to his broker "Is it okay?" "Sure. Go ahead and sign it." The banker has not read it, the broker has not read it, and certainly the person buying the home has not read it.

It is another example of too much government. That is why the people are so upset with government today. There is no common sense left. Let us at least pass this legislation and give us time to get back on the right track again, and bring some common sense back into this area of the law again.

Mr. VENTO. Mr. Speaker, I yield myself 1 minute.

Obviously, there have been problems developing with regard to the abuse of the provisions of law that have a great problem and pause to an important segment of our industry in terms of financing and the orderly process and proceeding with that. I think it is also very evident that truth in lending is an enormously important legislation to inform the consumer and to provide for reputable lenders the opportunity to share information so there is a good understanding in terms of going forward with mortgages.

I think, obviously, when a problem exists here, there is an enormous need to have solid information in terms of making decisions on the part of the consumer and on the part of the finance industry. We want to make certain that we are trying to respond to what clearly has been a demonstrated problem, but I hope that when we get ready to legislate we remember the essence of trying to maintain a proper balance in terms of consumer rights and the importance of that with regard to this matter.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] that the House suspend the rules and pass the bill, H.R. 1380.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SEXUAL CRIMES AGAINST CHILDREN PREVENTION ACT OF 1995

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children, as amended.

The Clerk read as follows:

H.R. 1240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sexual Crimes Against Children Prevention Act of 1995".

SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for offenses under section 2251 or 2252 of title 18, United States Code, by at least 2 levels.

SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines with respect to an offense under—

(1) section 2251(c)(1)(A); or

(2) any of paragraphs (1) through (3) of section 2252(a);

of title 18, United States Code, to increase the offense level by at least 2 levels if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sexual crimes against children. In this report the Commission shall include—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations as to any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, where the victim was under the age of 18 years, and recommendations as to any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sexual crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for these crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

The CHAIRMAN. Pursuant to the rule, the gentleman from New Mexico [Mr. SCHIFF] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, child pornography and child exploitation are two of the most horrendous and repulsive crimes that can possibly exist. They have every potential not only of causing immediate damage to the victims who are forced or lured into those activities, but they can ruin a young person's life virtually at the time it has begun.

That is the reason why the Committee on the Judiciary has brought forth H.R. 1240, the Sexual Crimes Against Children Prevention Act here today, and why I move to suspend the rules and to adopt it.

I want to add, Mr. Speaker, that this bill was drafted by our colleague, the gentleman from Florida [Mr. MCCOLLUM], who because of a scheduling conflict is unable to be on the House floor at this time.

This bill toughens the penalties for sexual exploitation of children by directing the U.S. Sentencing Commission to increase sentencing guidelines for crimes involving child pornography and prostitution.

It increases by a minimum of 17 months' incarceration the range of penalties that may be imposed for creating child pornography. It increases by a minimum of 6 months incarceration the penalties that may be imposed for trafficking child pornography. It increases by a minimum of 1 year incarceration the penalties that may be imposed for trafficking in child pornography if a computer was used in the transmission of the material or transmission of an advertisement for the material.

Mr. Speaker, I want to say on that point that we have found that as the use of computers and the use of electronic communications increase for people in business and for personal use, it has, unfortunately, also increased for criminal use, including the sale of pornographic materials and for the sale of prostitution of children.

Finally, in this respect, the bill increases by a minimum of 1 year incarceration the penalties that may be imposed for the interstate transportation of a minor for the purposes of causing the minor to engage in prostitution, or a criminal sexual act.

Mr. Speaker, the bill also directs the U.S. Sentencing Commission to report to Congress on sex crimes against children and to make proposals to curb such activities for consideration by a future Congress.

Mr. Speaker, I want to note that the bill that is currently on the desk, and the Members have before them in this suspension, has been amended since the Committee on the Judiciary bill was voted out of committee. The amendment removes a reference to the Racketeer Influence and Corrupt Organizations Act that was in the bill at the time it did pass the Committee on the Judiciary.

That was removed because some Members on the other side felt that was an issue, that was the RICO statute, that was an issue that should not be before the House on suspension; that if that statute were to be considered, it should be considered under a rule allowing for certain amendments, so in accommodation to that request, we have amended the bill and removed that provision from the bill as it stands now.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the measure, H.R. 1240, which would direct the U.S. Sentencing Commission to increase penalties for child obscenity violations. This bill does not modify the statutory maximum penalties for these crimes, nor does it create mandatory minimum penalties.

It directs the Sentencing Commission, created by the Congress in 1984, to serve as an independent entity within the judicial branch to increase the offense levels for certain crimes involving child obscenity. I want to congratulate the Members of the other side, particularly the chairman of the Committee on the Judiciary, in working with us to resolve a troubling criminal RICO provision in the bill through a manager's amendment, so that we were able to make this a truly bipartisan measure.

RICO would have weighed down and complicated this measure beyond the ability to get the support of some of the Members on this side, had that compromise not been worked out. Finally, Mr. Speaker, I want to point out that while the Republican majority is giving back what it took away from the fight on child pornography and abuse just 3 weeks ago during so-called commonsense reform, that bill wiped off the books statutes providing for unlimited punitive damages for sexual abuse against children. It was one of the many unforeseen consequences that the House-passed legal reform bill wrought, in the speed that it has hastily passed through both the committee and the House.

Therefore, today it is my view that we are back on track in the fight against child sexual abuse. This is an important improvement, and I urge Members of this body to support the measure.

□ 1245

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK], who has worked a great deal on the measure.

Mr. FRANK of Massachusetts. I thank the ranking Member for yielding me the time.

Mr. Speaker, I want to express my appreciation to the chairman of the full committee and to the manager of the bill.

The gentleman from New Mexico has explained the amendment, and I appreciate that.

I was the one who offered at the committee level the amendment that would strike the RICO provision dealing with obscenity on cable television. I was unhappy to learn that this was going to be done on suspension, and when I raised the issue with the chairman of the full committee, the gentleman from Illinois, he was very gracious and very fair, and I appreciate it, in leaving that part out of the bill.

So we have a bill now that deals just with improving our ability to deter and punish, if deterrence fails, the abuse and exploitation of children. It is a very worthy goal which I assume will be unanimously supported, and I want to express my appreciation to the majority for accommodating my concern.

I have some very strenuous objections to the RICO extension to the cable TV situation. As I said in committee, I was particularly surprised, that I thought that I shared with many of my friends on the other side a deep skepticism about RICO, and it therefore seemed to me odd that we would be extending it at this point.

In particular, we are dealing here with some consensual decisions by people to turn on their own television sets, but we can let those arguments go until a later time, if ever. If the bill never comes up, I would not be too upset; but it is not here.

My main purpose today was to express my appreciation for the fairness that the majority showed, particularly the gentleman from Illinois.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I certainly will support this bill because it does something, although not very much, and I did want to express my concern and distress at the very limited and minimal nature of this bill.

There is a lot I have not agreed with in the so-called Contract With America, but one of the things I was looking forward to working on with the Members on the other side was to enhance substantially penalties for child pornographers and those who would prey on vulnerable, innocent children. Regrettably, that did not happen.

This bill was introduced in the afternoon of March 15, and we held our hearing at 9:30 a.m. the next day, March 16. When I looked at the bill, I saw that there is a 17-month increase for the creation of child pornography up to—and it is not even an increase, it is a recommendation, big deal—70 months for creation of child pornography is a recommended sentence? I think that is woefully inadequate.

I would point out that even now with the already limited sentences recommended by the Sentencing Commission, more than 25 percent of the time those wimpy penalty are not imposed.

When I offered an amendment in the full committee for life imprisonment for those who would create child pornography, who would abuse children, that amendment was ruled not germane and properly so. The reason why it was not germane was that we did not take time to write a bill that would really go after those who would abuse children.

We need to take a look at the underlying statute, not just advisory recommendations by the Sentencing Commission. I know that there are plenty of people in California doing longer periods of time for very minor offenses. When we compare those sentences to these recommendations it is an embarrassment to me to say that this is the best we can do.

I have a great deal of regard for the gentleman from New Mexico [Mr. SCHIFF] and the gentleman from Florida [Mr. MCCOLLUM] with whom I have worked. We do not agree on everything, but they are fair and reasonable people.

I understand they are under a deadline. They have been given deadlines. The gentleman from Illinois [Mr. HYDE] indicated that he had been given a deadline to get this matter to the floor. They did what they had to do. The result will be our Speaker coming down with a laminated copy of the Contract With America, taking a hole puncher, but it is not going to help the vulnerable children of this country. It is not anything worth doing. It is a grave disappointment to me.

A lot of people ask whether punishment is actually a deterrent when it comes to crime. I think legitimate questions can be asked about that. But when it comes to child pornography, a lucrative business that rewards people who would abuse children, who would force them to do sexual acts on video, it is a lucrative business. If the abusers of children for money knew that they faced life imprisonment, I think it would have a salutary impact. I think it would be a deterrent to those who would harm the children of this country.

We know from studies that children who are abused have lifelong, often lifelong problems with the abuse that they underwent. There is nothing worse than to harbor and assist those who would hurt our children in this manner.

I understand and hope that we will do better later this year. I look forward to working on it later this year. But the tragedy is, this is our chance. We could have been here today We could have done something real. We could have done something tough. But instead all we have got is a little hole punch, a little phrase, and it does not mean very much.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes, to make it clear that the gentlewoman from California has made a very important point here.

There were two ways that we could have moved in this area. One is to direct the U.S. Sentencing Commission to increase penalties for child obscenity violations. The other was to go into the underlying statute of some of these antipornography laws and attempt to increase the penalties there, but we might have gotten into a wide area that would infringe on civil liberties questions and other highly technical questions, and this bill would not have come up.

What I am recommending to the committee is that we do not consider this matter ended because of what we are doing here today. This matter should and has to be revisited. I would strongly suggest that we examine ways to directly increase the statutes without getting into a tangle of other problems that would not have prevented the speedy passage of this bill.

This is one of the few bills during this first 100 days that, by moving with some dispatch, we have not offended any sensibilities or precluded anyone from participating in the method that we used here in terms of recommending that the Sentencing Commission itself increase criminal penalties.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I yield myself such additional time as I may consume.

I just want to say very briefly, first of all in response to the gentleman from Massachusetts who did raise questions about that portion of this bill from the committee that dealt with the RICO act, that we were pleased to accommodate him so that these other provisions can move forward; and we appreciate his cooperation on the matter.

I want to point out, with respect to the gentlewoman from California, that we are here talking about the increases in penalties. The numbers I quoted were not the penalty but increases in penalties.

So, for example, the penalty for creating child pornography would go from a range of 57- to 71-month penalties to a range of 70 to 87 months. So we are increasing by that number. We are not establishing those numbers as the penalty in and of themselves.

However, I do want to join in what the gentleman from Michigan said, which is this is not the last time we can or should visit this issue. It is an extremely important issue. It is one that is occurring all too many times in our society. This is just one step. I very much want to thank the gentleman from Michigan for his support.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of H.R. 1240, the Sexual Crimes Against Children Prevention Act. I commend my colleague, the gentleman from Florida [Mr. MCCOLLUM], for his work in ensuring that important legislation is considered by the House of Representatives today.

As a staunch supporter of Federal antipornography laws, I believe that H.R. 1240 is long overdue. By directing the U.S. Sentencing Commission to increase the sentencing guidelines for crimes involving child pornography and prostitution, this legislation sends a strong message, and demonstrates that we, as a nation, will not tolerate the sexual exploitation of our children.

H.R. 1240 directs the Sentencing Commission to increase the base levels for creating and/or trafficking in child pornography by at least two levels. Specifically, this means that for a first time offender convicted of creating child pornography, the penalties will be increased from the current sentence of 57–71 to 70–87 months. Furthermore, for a first time offender convicted of trafficking in child pornography, the sentence will be increased from 18 to 24 months to at least 24 to 30 months.

With reports of child pornography becoming increasingly prevalent, we must act now, and control the infiltration of the obscenity and filth that is destroying the fabric of our society. From mail order services to computer access, child pornographers are finding it easier to distribute their illegal materials. By instituting harsher penalties for those who are convicted of creating, selling, and/or distributing obscene materials we are confirming that the exploitation of our children will no longer be tolerated. In addition, I am optimistic that the increased sentencing guidelines will also serve as a deterant to would-be pornographers.

The Sexual Crimes Against Children Prevention Act is necessary legislation that if approved, will provide a solid victory for law abiding citizens. The Members of the 103d Congress were successful in passing legislation that reaffirms existing child pornography laws and maintains the continued prosecution of the sexual exploitation of children. The legislation we are discussing today goes a step further by detailing the guidelines for the punishment of these types of crimes. Those who violate pornography laws should be prosecuted to the fullest extent of the law.

I am proud to support this legislation, and I urge my colleagues to join me.

Mr. SCHIFF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The question is on the motion offered by the gentleman from New Mexico [Mr. SCHIFF] that the House suspend the rules and pass the bill, H.R. 1240, as amended.

The question was taken.

Mr. SCHIFF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 283]

YEAS—417

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
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Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
de la Garza
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
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Harman
Hastert
Hastings (FL)
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Hayes
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Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Andrews
Berman
Browder
Cramer
DeLauro
Ford (TN)
Gejdenson
Gibbons
Kennelly
Kolbe
McCollum
McDade
Minge
Oxley
Reynolds
Rose
Rush

□ 1312

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ROSE. Mr. Speaker, I ask that the RECORD show that I was unavoidably detained and did not make the last vote on Sexual Crimes Against Children Prevention Act. Had I been here, the vote would have been 418 to nothing.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 283 on H.R. 1240, I was at the George Washington University Hospital with my wife who was in surgery. Had I been present I would have voted "aye." I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 283.

PERSONAL EXPLANATION

Mrs. KENNELLY. Mr. Speaker, I was unavoidably detained during rollcall vote 283 because I was with constituents here for a meeting, and HUD Secretary Cisneros met with us. Had I been here, I would have voted "aye."

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, on rollcall No. 283 I was unavoidably detained and could not record my vote. Had I done so, I would have voted "aye."

GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 1240, the bill just passed, and on H.R. 1380, the bill passed previously.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 310

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 310.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

FAMILY PRIVACY PROTECTION ACT OF 1995

Mr. RIGGS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 125

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1271) to provide protection for family privacy. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform and Oversight now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1315

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 125 is a very simple resolution. It is an open rule providing for 1 hour of general debate. The general debate is to be equally divided between the chairman and the ranking minority member of the Committee on Government Reform and Oversight. After general debate, the bill shall be considered for amendment under the 5-minute rule. Finally, this resolution provides one motion to recommit, with or without instructions. This open rule was reported out of the Committee on Rules by voice vote.

This open rule demonstrates that the new majority intends to honor its commitment to have a more fair and open legislative process. The resolution provides the House with an opportunity to review the bill, debate it, and yes, if necessary, to amend the legislation.

The Contract With America includes a commitment to protect and strengthen the rights of families. H.R. 1271, The Family Privacy Protection Act of 1995, provides for parents' rights to supervise and choose their children's participation in any federally funded survey or questionnaire that involves intrusive questioning on sensitive issues.

This legislation responds to the concerns of many parents and guardians that certain federally funded surveys have inquired into matters that should be left to the families themselves.

The Family Privacy Protection Act, establishes a consent requirement for those conducting a survey or questionnaire funded in whole, or in part, by the Federal Government. Simply put, individuals seeking responses of minors on surveys or questionnaires must obtain parental consent before asking seven types of sensitive questions. The bill also provides five types of commonsense exceptions from this requirement.

I urge my colleagues to support the rule, and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this open rule for H.R. 1271, the Family Privacy Protection Act, legislation which, as reported unanimously by the Government Reform and Oversight Committee, appeared to have no opposition. In fact, we were advised that the bill would be considered on the Suspension Calendar this week along with several other bills that enjoy widespread, bipartisan support.

For that reason, we are concerned about the way this bill happened to end up in the Rules Committee at all. Unlike most of the legislation that came out of the Contract With America, H.R. 1271 was the result of bipartisan deliberation and agreement amongst members of the Government Reform Committee and of its Subcommittee on Government Management, which is chaired by my colleague and good friend, the gentleman from California [Mr. HORN].

The hearing was held, expert witnesses representing a cross-section of organizations interested in the use of surveys testified, as did Senator GRASSLEY and as did representatives of the Census Bureau and of OMB.

In short, the subcommittee and committee consideration of this legislation was the model of the kind of careful and detailed deliberation we should expect on all the legislation we consider.

In fact, the ranking minority member of the committee convinced Democrats to not offer amendments during the consideration of the bill by the full committee. It was her understanding that a bipartisan agreement had been reached, she honored that agreement and refused to support any amendments.

Unfortunately, it appears that the reason we now have a rule for the bill, instead of considering it under suspension of the rules, is a last-minute decision by the Republican leadership not to back the committee product, which was so carefully written.

So, Mr. Speaker, while we do not oppose this open rule, we are concerned about the change in direction it represents and the fact that a good-faith agreement has not been kept. It is particularly worrisome when, as the ranking minority member, Mrs. COLLINS, told the Rules Committee yesterday, the reason for the new strategy is based on the desire to "return to concepts that were rejected by everyone at the committee meeting."

We feel confident that the ranking minority member of the subcommittee and of the full committee will be as convincing during floor debate as they were in their committee deliberations on this issue. We hope that the Members of the House will listen carefully and respond as responsibly as did the committee members themselves.

We are all, of course, interested in safeguarding the privacy rights of minors and their families, which is the objective of this bill. All of us should also be appreciative of the great care the members of the committee took to ensure that the bill actually reflects that important objective and that its provisions are in fact practicable.

Mr. Speaker, we support this open rule; we urge its passage so that we may proceed with the consideration of H.R. 1271 today.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member of the full committee.

Mrs. COLLINS of Illinois. Mr. Speaker, I, too, favor this open rule, but I must say that I believe this bill should have been placed on the suspension calendar, having been reported by our committee, as amended, by a unanimous vote.

However, late last week, I was informed that unless the minority agreed to four changes in the bill proposed by the majority leader's staff, the bill would not be placed on the suspension calendar. Instead, it would go to the floor under a rule. The subcommittee chair, Mrs. MALONEY, and I objected to these last minute demands, so that is why we went to the Committee on Rules yesterday.

Let me briefly describe the history of this bill. Several weeks ago, Chairman CLINGER came to me and indicated that title IV of H.R. 11 was part of the Contract With America, and he wanted to pass it out of committee before the April district work period. He asked me to support the bill.

After carefully examining the bill, I concluded that the language in title IV went well beyond any rational effort to protect the privacy of minors. It appeared to me that title IV would have dangerously limited local police authority to question minors, and risked investigations of child abuse. I was also concerned that the bill could have been interpreted to limit the ability of doctors to get timely patient information on children. Moreover, since I did not know how this language would affect federally-assisted surveys, I suggested that we hold a hearing to examine the implications of the legislation. Chairman CLINGER, of course, agreed to do so.

On March 16, the Subcommittee on Government Management, Information, and Technology, chaired by Mr. HORN, held a hearing on title IV of H.R. 11. In preparation for that hearing, Mr. HORN asked a cross-section of educational, health and related professional associations to comment on the bill. In addition, he assembled two expert panels of witnesses to testify at the hearing.

Two major concerns emerged regarding title IV. First, the bill was drafted in a fashion that was more than broad. It would have hampered law enforcement efforts to protect children. This view was perhaps most clearly articulated by the Department of Justice. In a letter to Chairman HORN dated March 21, Kent Markus, Acting Assistant Attorney General, stated that the bill's proposed restrictions: "* * * will unnecessarily limit disclosure of information developed in criminal investigations of child prostitution, child sexual abuse, and child pornography, and impede the provision of child protective services."

The other major issue concerned the bill's requirement for prior written consent. Every expert witness who addressed this issue testified that requiring prior written consent would undercut the effectiveness of critical Federal, State, and local surveys.

After the subcommittee hearing, discussion commenced to determine whether a compromise was possible. Shortly after that meeting, we were presented with an amendment in the nature of a substitute by Chairman HORN and Chairman CLINGER. Although we were not involved in drafting the substitute, it did address several issues that we had concerns about, and the concerns of the witnesses.

In the spirit of compromise, Mrs. MALONEY and I accepted the Horn-Clinger bill. The bill passed out of subcommittee with two unanimously agreed upon changes. The bill was reported unanimously by the full committee.

At the full committee markup, several Democratic Members, as has been already suggested, wanted to offer amendments, and I said we have a deal here, and, therefore, I am not going to support any amendments at all.

It was not until late last Wednesday, we were informed by Chairman HORN, that and I quote: "There are four changes the majority leader's staff would like to see changed in the bill reported from the committee in order to reflect the contract language."

No Member contacted me to complain about the bill. There was no explanation offered by Chairman CLINGER to support these changes. No one came up with any new revelations to justify the return to concepts that were rejected by everyone. The only argument was that the majority leader's staff wanted the bill to more closely reflect the contract language.

The last time I looked at the House Rules, staff were prohibited, in fact, from offering amendments. The valuable time of the House will be taken up because leadership staff have decided that they do not want this delicate compromise worked out by Democratic and Republican members of the Committee on Government Reform and Oversight.

Now, after the fact, Members are trying to justify a staff decision, I think, by arguing that written consent is important to conform this bill's language to the Goals 2000: Educate America Act, which requires written consent. Mr. Speaker, H.R. 1271 has nothing to do with Goals 2000. Even with these proposed amendments, the bill will be significantly different from the Goals 2000 language. For example, this bill is limited only to surveys and questionnaires, and does not cover evaluations or analysis.

In addition, it has four major exceptions not included in the Goals 2000 Act: First, criminal investigations; second, inquiries regarding the health, safety, or welfare of a minor; third, administration of immigration, internal revenue or customs laws, and fourth, information required for participation in a program receiving financial assistance.

These changes reflect the reality that surveys and questionnaires within a school setting are different from surveys in other areas. It may be reasonable to require written consent for school-based surveys as required by Goals 2000. In that setting, it is common practice for children to carry consent forms back and forth on a daily basis. However, in other areas, obtaining written consent will be next to impossible.

As Dr. Lloyd Johnston, program director, Survey Research Center, at the University of Michigan testified:

> The representativeness of the national samples will be dramatically poorer than in the past, because many parents fail to respond in writing even though they have no objection to their children's participation.

Similarly, Mr. William Butz, Associate Director for the Bureau of the Census testified:

> Written consent would reduce response rates, increase costs, and/or increase survey bias. Requiring written consent would reduce the flexibility of statistical agencies, like the Census bureau, to collect data cost efficiently.

Moreover, as a matter of federalism, why should we dictate to State and local recipients of Federal financial assistance the type of consent they should require? If the States know best how to administer welfare benefits, they should also know best what type of consent should be required.

In conclusion, I would say that the only reason that this bill was not on the suspension calendar is because of shameful backroom politics. It points out that the leadership staff and not the committee members now control legislation in the Government Reform and Oversight Committee. This process, I believe, will destroy the bipartisanship on the committee. It saddens me that we have come to this point today.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Well, first of all, to the gentlewoman from Illinois, your statement about shameful back-room politics is garbage. I do not know what you are objecting to. We have an open rule. What more do you want?

If I understand the gentlewoman from Illinois, you now want a closed rule? Let me explain, as I understand it, there was no deal broken by bringing this bill to the floor so Members could offer amendments to it.

As I understand it, I know the committee worked in a bipartisan manner. No commitments were made, from what I understand, in the committee about the status of the bill when it got to the floor.

□ 1330

After they had the committee markup I spoke with the chairman of the committee who said members had come up to him, and that was at the testimony yesterday in the Committee on Rules, that members came up to him and asked him for amendments. So the chairman of the committee then agreed that this should come to the floor instead of on suspension and be offered under an open rule. So I yield to the gentlewoman to explain, is she proposing a closed rule? What is her objection?

Mrs. COLLINS of Illinois. If the gentleman will yield further, my objection is not to the open rule. My objection is to the fact that we worked out a bipartisan piece of legislation that some staffer on the gentleman's side of the aisle did not like, and that the members on both sides of the aisle had worked out in the Government Reform and Oversight Committee has been negated. This does not make any sense to me.

First of all, if there is a deal, there is a deal, if there is going to be bipartisanship on legislation, where there can be, and if not, there is no need for us to even try. I think that is what we are all about. I thought this was a body where on both sides of the aisle we can work together on legislation for the good of the people of the United States of America.

Now if it means we are going to work and hope that we have trust and faith in each other and somebody is going to come behind a back door and create a deal, there is no need to even try to work in a bipartisan manner. I thank the gentleman for yielding.

Mr. McINNIS. Reclaiming my time, I do not get that understanding at all. I think that when the chairman is there after the markup and members have come up to him—and there was no deal made in the committee markup about this, about coming to the floor. When members came up to the chairman and said "Look, the bill appears to be noncontroversial. We have a few amendments that appear to be noncontroversial that we would like to have on the floor." I still do not understand through all the rhetoric that I have just heard what the gentlewoman's objection is to an open rule.

Mrs. COLLINS of Illinois. As I say for the third time, I have no objection to the open rule. However, I do have objection to the implied understanding that I had that we had fashioned legislation that was acceptable to both sides of the aisle. And I find out now that that is not the case because a staff member on the gentleman's side of the aisle, not an elected Member of Congress but a staff member, has decided that a bill that had been worked out with Mr. HORN, worked out with Mrs. MALONEY, and worked out with Mr. CLINGER and myself, should be in some way changed. It does not seem to me that that is the way we should be operating around here. The staff member is not elected to Congress to represent anybody, and we are. And I think we have a responsibility to our constituents. And I think when a person tells you that we have worked out an agreement that we negotiated, that is supposed to stand. Now when I was told that there were going to be amendments, nobody showed me any amendment. Nobody said that this has been changed. I mean, I am the ranking member on the committee and I think the least that could have been done would have been if you could have said that, "Look, why don't you look at these and see if you agree with these amendments." That has not yet happened.

Mr. McINNIS. Reclaiming my time, there was no deal that was broken. There was not any deal made.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Colorado for yielding this time to me.

Mr. Speaker, I apologize to the gentlewoman from Illinois for not showing her directly my amendments which I have testified about in front of the Committee on Rules and which we have discussed with committee staff. I also want to make it clear as a member of the Government Reform Committee that I am an elected Member of Congress, that I am the person who went to the leadership, to the staff of the committee and requested additional changes in the language, much of which was accommodated. But we felt that going to markup, as we progressed through the markup that it was not appropriate for me to offer any amendment at that time. I am an elected Member of Congress. I do not appreciate that I have been hearing, in "Dear Colleagues," in the Rules Committee and on the floor that it was a staff-directed request. I had a survey problem in my district as I will bring out, with my children, as I stated in the markup in committee. My staff worked hard on this. The majority staff worked hard on this. I am not taking anything away from the fact that staff members were involved. I myself was a Republican staff director in the Children and Family Committee for a while, but I am a Member elected to Congress and I am the one who initiated the process.

Mr. BEILENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, for point of clarity, I have here, and I will bring it over and show it to the gentleman, a note that is dated March 29, 1995:

> For Representative Maloney (Fax 54709). Carolyn: There are 4 changes the majority leader's staff would like to see changed in the bill reported from the committee in order to reflect the "Contract" language. I am assured that there will be no more, and if there are, the Senate will worry about them.

And there is Mr. HORN'S signature on here.

I will bring it over right now.

Mr. BEILENSON. Mr. Speaker, we have no further requests for time on this side, and I yield back the balance of our time.

We urge support for the rule.

Mr. McINNIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McINNIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 10, as follows:

[Roll No. 284]

YEAS—423

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
de la Garza
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa

Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Towns
Traficant
Tucker
Upton
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—1

Abercrombie

NOT VOTING—10

Berman
Ford
McCollum
McDade
Reynolds
Rush
Saxton
Torres
Torricelli
Young (FL)

□ 1355

Mrs. THURMAN, Mr. BROWN of California, and Mr. MOAKLEY changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 125 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union or the consideration of the bill, H.R. 1271.

□ 1356

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1271) to provide protection for family privacy, with Mr. KNOLLENBERG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, and the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in very strong support of H.R. 1271 which was recently reported out of the Committee on Government Reform and Oversight. This is a small, but very important, bill, I believe, that will protect and help strengthen family values. The original provision was incorporated as part of H.R. 11, the Contract With America, and very simply provides that parental consent is required for surveys or questionnaires of minors containing highly sensitive or potentially objectionable questions.

This legislation cuts to the core of our value system, Mr. Chairman, for it is the American family which is the basis of our civilization. Parents have a right to know what their children are taught and certainly have a right to know what questions may be asked of them and for what purposes those questions are asked.

Should minors be subjected to questions about their religious beliefs or sexual attitudes without parental consent? We have all heard about situations that contain what many would view as inappropriate questions for minors, but it should be left up to the parents to decide what is and is not appropriate for their own child. In some cases questions have been phrased in a manner which suggests neutrality or even tactic approval for behavior or attitudes which might contradict what the child is being taught in the home. Currently, Mr. Chairman, there are several large-scale surveys being conducted by the Department of Health and Human Services and the Bureau of Census that cover sensitive issues and for which parental consent for minors is not required.

This legislation, Mr. Chairman, is not without precedent. Similar legislation was enacted into law just last year for the Department of Education with an amendment provided by Senator GRASSLEY. H.R. 1271 simply broadens this provision to include all other Federal departments and agencies that are funding surveys or questionnaires given to minors. There are questions on these surveys that parents may and have in the past found to be objectionable. By strengthening the rights of parents, minors and their families will be protected from having to answer embarrassing or offensive questions.

□ 1400

This legislation provides that parental consent is required prior to a minor responding to such sensitive questions as parents' political beliefs, religious affiliations, sexual behaviors or attitudes, and mental or psychological problems.

In addition, a few very commonsense and, I think, needed exceptions are included. For example, exceptions are provided for protection of childrens' health and safety, inquiries related to criminal investigations, questions related to the administration of immigration, Internal Revenue, and customs laws and the seeking of information to determine eligibility for participation in a program. The legislation also provides that families will have the opportunity for advance availability of each survey or questionnaire for review prior to making the consent determination.

Our country has long recognized the rights of parents with respect to the education of their children. There is very strong feeling in this country that Government intervention has undermined that right, that very fundamental right. This legislation provides another step toward reinforcing support for the rights of families, again, the fundamental building block of our society.

So I would urge strong support of my colleagues for this legislation, and would reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1271 as it now stands unamended, is a good bill that is intended to protect the privacy of families, by requiring parental consent for certain types of information asked of minors in federally funded surveys. Similar language was passed last year by the Goals 2000: Educate America Act for most programs administered by the Department of Education.

I believe we can all agree that parents have a vital role to play in research involving children. Standard practice for most social science research today requires some form of parental consent before interviewing minors. This bill would standardize that practice for the Federal Government.

Several technical issues were raised during the subcommittee hearing on the bill. These drafting problems could have created the unintended consequences of hampering legitimate inquiry into child abuse, and jeopardizing important areas of Federal research. I am pleased that we were able to clarify these drafting issues to everyone's satisfaction.

Mr. Chairman, H.R. 1271 was reported by our committee, as amended, by a unanimous vote. It is a good bill as it now stands, and should be supported without amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 5 minutes to the gentleman from California [Mr. HORN], the chairman of the subcommittee that reported this bill, who has worked very long to bring us this bill today.

Mr. HORN. Mr. Chairman, I rise on behalf of H.R. 1271, the Family Privacy Protection Act of 1995. Safeguarding the privacy rights of minors and their families is an essential part of the Contract With America. Both our Subcommittee on Government Management, Information, and Technology and the Committee on Government Reform and Oversight have taken great care to ensure that the bill's language reflects that important objective.

Let me briefly summarize the bill's provision. H.R. 1271 establishes a consent requirement for those conducting a survey or questionnaire funded in whole or in part by the Federal Government. Those seeking responses of minors on surveys or questionnaires must obtain the consent of parents or guardians before asking seven types of invasive questions.

The areas of concern for which parental or guardian consent is required for minors are questions related to:

First, parental political affiliation or beliefs; second, mental or psychological problems; third, sexual behavior or attitudes; fourth, illegal, anti-social, or self-incriminating behavior; fifth, appraisals of other individuals with whom the minor has a familial relationship; sixth, relationships that are legally recognized as privileged, including those with lawyers, physicians, and members of the clergy; and seventh, religious affiliations and beliefs.

The bill also provides five types of commonsense exceptions from this requirement. They are: The seeking of information for the purpose of a criminal investigation or adjudication; any inquiry made pursuant to a good faith concern for the health, safety, or welfare of an individual minor; administration of the immigration, internal revenue or customs laws of the United States; the seeking of any information required by law to determine eligibility for participation in a program or for receiving financial assistance; and seeking information to conduct tests intended to measure academic performance.

The legislation requires that Federal agencies provide implementation procedures and ensure full compliance with the legislation. The procedures shall provide for advance availability of each survey or questionnaire for which a response from a minor is sought. The Family Privacy Protection Act does not apply to the Department of Education, because a similar provision is already contained in the General Education Provisions Act pertaining to that department. The act would become effective 90 days after enactment.

On March 16, 1995, the subcommittee held hearings on the legislation. Senator GRASSLEY was our lead witness. Other testimony came from representatives of the Office of Management and Budget and the Bureau of the Census. We also heard from an experienced litigator on behalf of families which have suffered harm due to invasive questions posed to their children. We solicited and received written comments from a cross-section of interested professional, educational, and family groups. Both the Departments of Justice and Health and Human Services also submitted statements.

We found that a strong mandatory parental consent standard was essential for federally funded surveys and questionnaires given to minors that contained privacy-intrusive questions. In both the statutory and the committee report language we made certain that parents and guardians would be able to consent to their children's participation in these surveys or questionnaires. We wanted to be especially vigilant against situations in which parents would only be notified of surveys and would not be given a simple, straightforward way to consent or decline before that survey was provided to their minor children.

H.R. 1271 was marked up by the subcommittee on March 22 and by the full committee on March 23. At its subcommittee markup, two amendments were proposed, briefly, debated, and approved by voice vote. The full Committee on Government Reform and Oversight favorably reported the bill by unanimous voice vote.

Mr. Chairman, H.R. 1271 will advance the protection of our children's and our families' privacy beyond the 1994 Grassley safeguards, to protection from all surveys or questionnaires administered with any degree of Federal funding support. We have crafted this bill in a way which will do that without unduly hamstringing legitimate public interest activities.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX], a member of the committee.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to speak in favor of the Family Privacy Protection Act of 1995.

Mr. Chairman, this bill in fact establishes a parental consent requirement for federally funded surveys or questionnaires that ask sensitive questions of minors. Concerns have been raised that minors may be asked to participate in surveys asking personal or private questions. Included as part of the Contract With America (H.R. 11).

Areas of concern in surveys which would require parental consent include questions related to, first, parental political affiliations or beliefs; second, mental or psychological problems; third, sexual behavior or attitudes, fourth, illegal, anti-social, or self-incriminating behavior; fifth, appraisals of other individuals with whom the minor has a familial relationship; sixth, relationships that are legally recognized as privileged, including lawyers, physicians, etc. and seventh, religious affiliations and beliefs.

There are some commonsense exceptions to the parental consent requirements for; first, seeking information related for criminal investigations or adjudications; second, inquiries related to a good faith concern for the health, safety or welfare of an individual minor; third, administration of immigration, internal revenue or customs laws of the United States and; fourth, seeking of information required by law to determine eligibility for participation in a program or receiving financial assistance.

Legislation covers all Federal agencies with the exception of the Department of Education. A very similar provision is already contained in the General Education Provisions Act which is specific to that department.

Mr. Chairman, we believe this is important legislation. I believe that this is the type of legislation that has bipartisan support, and I appreciate the time to speak on behalf of it. I would urge my colleagues to vote in favor of it.

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 1271, the Family Privacy Protection Act of 1995. I commend the gentleman from California [Mr. HORN] and the gentleman from Pennsylvania [Mr. CLINGER], who serves as chairman of our Committee on Government Reform and Oversight, for his efforts in bringing this important measure to the floor.

I support this proposal which establishes a parental consent requirement for federally funded surveys that seek responses of a sensitive nature from minors. This legislation requires parental consent for questions relating to such sensitive areas as: Parental political affiliation, mental or psychological problems, sexual attitudes and behaviors, and religious beliefs. Similar provisions have already been enacted for the Department of Education under the General Education Provisions Act.

Accordingly, Mr. Chairman, I urge our colleagues to support this measure which will protect the privacy right of American families by extending to all Departments of the Federal Government the commonsense parental consent provisions which we have previously included in legislation pertaining to the Department of Education.

Mrs. COLLINS of Illinois. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Privacy Protection Act of 1995".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2. The text of section 2 is as follows:

SEC. 2. FAMILY PRIVACY PROTECTION.

(a) RESTRICTION ON SEEKING INFORMATION FROM MINORS.—Notwithstanding any other provision of law and subject to section 6, in conducting a program or activity funded in whole or in part by the Federal Government a person may not, without the consent of at least one parent or guardian of a minor or, in the case of an emancipated minor, the prior consent of the minor, require or otherwise seek the response of the minor to a survey or questionnaire intended to elicit information concerning any of the following:

(1) Parental political affiliations or beliefs.

(2) Mental or psychological problems.

(3) Sexual behavior or attitudes.

(4) Illegal, antisocial, or self-incriminating behavior.

(5) Appraisals of other individuals with whom the minor has a familial relationship.

(6) Relationships that are legally recognized as privileged, including those with lawyers, physicians, and members of the clergy.

(7) Religious affiliations or beliefs.

(b) GENERAL EXCEPTIONS.—Subsection (a) shall not apply to any of the following:

(1) The seeking of information for the purpose of a criminal investigation or adjudication.

(2) Any inquiry made pursuant to a good faith concern for the health, safety, or welfare of an individual minor.

(3) Administration of the immigration, internal revenue, or customs laws of the United States.

(4) The seeking of any information required by law to determine eligibility for participation in a program or for receiving financial assistance.

(c) EXCLUSION OF ACADEMIC PERFORMANCE TESTS FROM RESTRICTIONS.—Any restriction under any provision of Federal law on the seeking of information from minors through surveys, questionnaires, analyses, or evaluations shall not apply to any test intended to measure academic performance.

The CHAIRMAN. Are there any amendments to section 2?

AMENDMENTS OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer amendments for sections 2 and 4, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. SOUDER: Page 2, line 9, strike "without the consent" and insert "without the prior written consent".

Page 2, line 13, strike "intended to elicit" and insert "which is intended to elicit, or has the effect of eliciting,".

Page 3, strike lines 13 through 18 and insert the following:

(c) ACADEMIC PERFORMANCE TESTS.—Subsection (a) shall not apply to tests intended to measure academic performance except to the extent that questions in such tests would require a minor to reveal information listed in a paragraph of subsection (a).

Page 4, beginning in line 10, strike "if requested monetary damages are not in excess of $500".

Mr. SOUDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from Indiana [Mr. SOUDER] that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. SOUDER] is recognized for 5 minutes.

Mr. SOUDER. Mr. Chairman, I stand in support of H.R. 1271, but I believe it must be strengthened to accomplish our objective of protecting family privacy. This amendment is in response to concerns of parents around the country about federally funded questionnaires and surveys, in general much of what is going on with our children. This will finally give parents and children the legal cover that has been theirs from the beginning. It will safeguard family privacy unless and until the government has legitimate reason to intrude upon it. Written consent is essential, not burdensome. The individual dignity of a child and the privacy of a family are paramount to saving an agency time or money.

Opponents to this amendment in academia, the Clinton administration, and the Census Bureau find it troublesome that we are seeking prior written consent because data for their surveys might not be as accurate as possible. They are really saying science and data are now more important than the family. Is this what we call family values?

This amendment will not protect parents who abuse their children or affect legitimate criminal investigations. This amendment will not interfere with academic tests that are truly academic. This amendment will not impose any additional requirements on schools. Schools already assist the U.S. Department of Education with obtaining written consent and administering surveys through the standards of the General Education Provisions Act which covers only Department of Education surveys. In other words, we already have this type of protection in the education bill.

I have a particular concern in that I am on the Committee on Government Reform. I supported this bill. We worked together with the committee chairman and subcommittee chairman and ranking members in the report language, but I had some additional concerns because of some things I have seen going on around the country, not directly related to in some cases a Federal survey such as in my district, but some are directly related to Federal surveys.

I would first like to read a survey that was given in my district that caught my attention and prompted me to go one step further for written consent. One problem we have in schools is that you get consent forms, and sometimes mass forms, which we separate, and often you do not know whether you have given consent or not given consent. To some degree this protects schools. This protects people, whether it be religious or political or other types of things such as sexual behavior.

But the particular survey that upset me in my district was asked in a high school and had such questions as:

Are you a virgin?

What age were you when you lost your virginity?

Do you use any form of contraceptives?

Do your parents provide your contraceptives?

Do you pay for your contraceptives?

Do you get contraceptives from your friends?

Have you had sex with more than one person?

Have you had sex with more than five people?

Do you have sex more than three times a week?

Are you going to wait to have sex until you are married?

Do you know what gonorrhea, genital warts, herpes or syphilis are?

Do you know if your partner(s) have a sexually transmitted disease?

Have you ever had an HIV test?

Have you ever performed or received oral sex?

Have you ever performed or received anal sex?

Have you ever had an orgasm?

Have you ever had a homosexual experience?

Do your parents know that you have sex?

□ 1415

This type of questionnaire is reprehensible. I find it particularly reprehensible because it was given to my two children, one of whom is a junior and one of whom is a freshman.

I believe it is extremely inappropriate for this type of thing to be passed out in English classes, to be distributed by the Federal Government in other cases.

I have a survey here that was distributed under the auspices of HHS, where they asked similar questions on religious activity and sexual behavior of children.

There are others. I have one that was sent to me from San Antonio where they start to come into religious activity, asking whether the parents ever scream at each other, whether the parents take a prescription for stress, whether the parents have ever been drunk. Do either of your parents get drunk?

Another question is, do you or your parents, they are asking whether they attend school functions. They want to know what the parents know about who they are dating. Have you done things in a relationship that you would not tell your parents about? Another, do your parents approve of your older friend, if you have a friend who is at least five years older than you?

This type of questioning of young people about the parents' behavior, about the relationship with their parents is outrageous. We need protection for the children of America, for the parents of America so that you have to have written consent before you can probe into private matters.

I am sorry for any impact it has on cost. I am sorry for any impact it has on future research, if some people do not get their response questionnaires back. We have gone past the point of protecting individuals, and we need to reinstate the protection for individuals so we do not go on witch-hunts for religious behavior, for deviant sexual behavior, for normal sexual behavior.

Many things in these surveys imply that it is normal to have as a freshman in high school multiple sexual partners. I think we need to stand up, put this in this law.

My amendment also lifts the $500 cap which, if we leave it at $500, means that in effect the parents are going to probably have to pay more in attorney costs to challenge a questionnaire than they could recover.

I believe these amendments are essential. They are in our original contract. I hope my colleagues will support them.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. SOUDER] has expired.

(At the request of Mr. HORN and by unanimous consent, Mr. SOUDER was allowed to proceed for 2 additional minutes.)

Mr. SOUDER. I yield to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I ask the gentleman, which one of the questionnaires were federally funded?

Mr. SOUDER. Mr. Chairman, as I said, the question that was in my district that was asked my children was not. It is unclear to me whether the one in San Antonio where I read some of the questions is. The HHS questionnaire, which I did not get into detail, had similar questions on how many people did you have sexual intercourse with? This is a middle school survey. During your life how many people have you had sexual intercourse with? At what age did you first have sexual intercourse? Did you drink alcohol or drugs? That was an HHS survey.

Mr. HORN. Mr. Chairman, if the gentleman will continue to yield, I wanted to clarify that this legislation only applies to federally funded in whole or in part surveys, questionnaires, interview instruments. Most of those were not that. It is possible that the Federal might fund something like that. I cannot quite believe it. But that still leaves the local State, the local school district, as I think the gentleman would agree, to have such surveys.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, while I intend to vote against the gentleman's amendment, I understand his outrage. Mr. SOUDER distributed a copy of a questionnaire which was used at his children's school during the full committee markup of H.R. 1271. That questionnaire is absolutely revolting to me, and should never have been distributed to school kids without the consent of their parents.

However, that questionnaire would not have been affected by this legislation. It was distributed by students from the school who worked on the school newspaper. That is a matter internal to the local school board, not to the U.S. Congress.

Local policies on parental notification of surveys and questionnaires are rightfully a matter of local law. The Federal Government should not dictate to State and local governments how to handle issues of parental notification on surveys.

H.R. 1271, unanimously approved by the Committee on Government Reform and Oversight, involves only Federal and federally-assisted surveys. The administration tells us that all Federal agencies already receive the consent of parents prior to sending surveys to minors. The Administrator of the Office of Information and Regulatory Affairs testified during a subcommittee hearing that it is currently standard practice for the Federal Government to require some form of parental consent before interviewing minors. H.R. 1271 would merely standardize the current administration practice of requiring prior parental consent.

Supporters of written consent point to the Goals 2000: Educate America Act as a precedent. However, surveys and questionnaires within a school setting are different from surveys in other areas. It may be reasonable to require written consent for school-based surveys as required by Goals 2000. In that setting, it is common practice for children to carry consent forms back and forth on a daily basis. That is why school-based surveys receiving Federal funds from the Department of Education require written consent. That policy is specifically kept in place by H.R. 1271. However, in other areas, obtaining written consent will be next to impossible.

At a hearing held by the Subcommittee on Government Management, Information, and Technology, chaired by Mr. HORN, every expert witness who addressed this issue testified that requiring prior written consent would undercut the effectiveness of critical Federal surveys.

Dr. Lloyd Johnston, program director of the Survey Research Center at the University of Michigan, made a number of points:

First, the national samples will be dramatically less representative because many parents will not respond in writing even though they have no objection to their children's participation.

Second, schools, not the researchers, will be required to contact parents to encourage their written response, since most schools are precluded from giving information about parents, their addresses or phone numbers to outside people.

Third, the required followup will substantially increase the costs of the surveys.

Fourth, many parents will have to be repeatedly contacted to return the written consent forms, and they will see that as a further intrusion.

Mr. William Butz, Associate Director for the Bureau of the Census, which conducts the National Crime Victimization Survey, the Youth Behavior Survey and the Teenage Attitudes and Practices Survey, testified that prior written consent would reduce response rates, increase costs, and/or increase survey bias. Requiring written consent would reduce the flexibility of statistical agencies, like the Census Bureau, to collect data efficiently.

Let me quote from a letter from Kevin P. Dwyer, assistant executive director for the National Association of School Psychologists to Chairman HORN:

> It would be functionally more effective to permit "passive" consent, where parents are made aware of the information to be surveyed and the purpose of the information gathering. This is more cost effective and less burdensome upon both schools and families.

Sally Katzen, Administrator for the Office of Information and Regulatory

Affairs, testified that with few exceptions, surveys are conducted anonymously. She states:

> In other words, no personal identifier information is collected and the identity of the minor and the family cannot be ascertained. In this circumstance, it is unclear whether written consent is really necessary to protect the privacy of the respondent or the family.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, we should not second-guess the unanimous position of every expert who testified on this issue. We should not second guess the unanimous decision of the subcommittee and full committee against requiring prior written consent. In the absence of any new evidence. We should support the unanimous committee position against requiring written consent.

The existing prior consent requirement in H.R. 1271 will give all parents the ability to prevent their children's participation in Federal surveys. As the committee report makes clear, H.R. 1271 requires active consent from a parent or guardian. The consent can be handled in various ways, including in writing. Moreover, mere notice of a survey is not enough to satisfy the consent requirement. Consent must involve both disclosure and the opportunity to decline.

The amendment also lifts the $500.00 cap on monetary damages for violations of this bill. Lifting this cap would be an open invitation for frivolous litigation. Lawyers would have a field day with this bill. For example, H.R. 1271 covers surveys involving "antisocial behavior." Yet, the bill has no definition of what constitutes "antisocial behavior." It is not hard to imagine multimillion dollar cases for psychological injury because a particular survey covered "antisocial behavior."

Mr. SOUDER's attempt to lift the cap on monetary damages is even more disturbing in view of his other amendment to further broaden H.R. 1271. Mr. SOUDER proposes to cover any survey which has the effect of eliciting certain types of prohibited information. This amendment would give people the opportunity to bring lawsuits for unforeseeable mistakes made by minors in responding to surveys.

In conclusion, Mr. Chairman, I would say that at some point this mindless marching in lockstep must end. The only reason we are here is because a member of the majority leader's staff did not like the bill we unanimously reported out of committee. We must stand up for what is right, not what some staff thinks is politically correct. If committee members lose confidence in the value of talking to one another to reach compromises, this House will lose its ability to move forward constructively. Unfortunately, it is clear that the bipartisan agreement in our committee was not worth the paper it was written on.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has again expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 1 additional minute.)

Mrs. COLLINS of Illinois. Mr. Chairman, these amendments, while well intentioned, simply just do not work. As Chairman HORN said during full committee approval of this bill, and I quote: "We have attempted to strike the right balance between Government power and individual rights." The unanimous subcommittee and full committee votes on H.R. 1271 strongly suggests that we did strike the correct balance. I urge defeat of the amendments.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Souder amendment which does provide for strengthening and clarifying some issues which are contained in the bill. First, as has been discussed, it does provide the consent must be in writing.

I would just emphasize that this is consistent with a provision that we have included in the GEPA, that is the Department of Education bill, which we passed last year, which did require that the consent be in writing. So it falls in line with that statute for the Department of Education.

It extends a similar type of consent request, that is written request, written consent to all other agencies which are involved in conducting these kinds of surveys. So it is not unique. It is not a new provision. It is basically just tracking what we had already provided for in GEPA.

I think the written consent also has the effect of strengthening, obviously, the parental consent requirement and ensures that parents understand what the survey is about before providing consent, which might not be the case without a formal requirement for written consent, I think that it would create less confusion.

I think it might also result in less litigation, because we would have proof positive that the consent was in fact given, whereas on an oral consent thing, that would always be subject to question.

Second, the Souder amendment provides for judicial review without a cap. The other pieces of the amendment just provide clarifications, including the issue that academic tests should not include any of the prohibitive issues without parental consent.

□ 1430

Let me just say, Mr. Chairman, there was no deal broken, and I listened to the debate on the rule with regard to this. I would suggest that no deal was broken by bringing this bill to the floor under an open rule. We worked on the bill, as has been indicated, in a very bipartisan manner. I think we worked very constructively with the Republicans and Democrats to fashion this bill.

I would also say no commitments were made. It was the intention, indeed, to bring this bill to the floor under suspension. It was my sense, however, that there were a number of Members who felt very strongly that the provision did not go far enough. I really suspected perhaps that the measure would not prevail if brought to the floor under suspension, and that all Members should be given an opportunity to offer amendments, that being the case.

After the committee markup we started to hear not from staff members but from Members, the gentleman from Indiana [Mr. SOUDER] among them, that they wanted to offer amendments to the bill. We do have an open rule. That does not preclude any Member both on the majority and minority side from offering an amendment to what I think is fundamentally a very strong bill as it is.

Mr. Chairman, I would say I was very pleased with how we worked within the committee on a bipartisan basis on this legislation. I believe that the Souder amendment strengthens the legislation, and the Members will have a chance to vote their will on this amendment. I would rise in support of the amendment and urge all Members to support it.

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Indiana [Mr. SOUDER]. This amendment undermines the bipartisan spirit of the compromise which was worked out by myself, the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from California [Mr. HORN], and the gentleman from Pennsylvania [Mr. CLINGER], the chairman. This amendment would require prior written consent for surveys or questionnaires with Federal funding.

This issue was carefully considered in our subcommittee and rejected. Several professionals testified that prior written consent would do one of two things: Block these surveys from ever being performed, or render their conclusions useless, because of skewed data. This rejection was confirmed at the full committee, where this issue was raised.

I think the committee's unanimous, bipartisan decision should stand. This amendment addresses no real problem that anyone can identify. It would also considerably increase the cost of conducting surveys. Requiring parental consent may make some sense for surveys conducted through the school system, but expanding it to all federally funded surveys makes no sense at all.

Some who argue in favor of these changes will talk about what goes on in schools. Let me make it clear right now, Mr. Chairman, this bill does not apply to schools. We already have legislation that does that. Our bill as reported requires that any survey or questionnaire using Federal funds must get parental consent before interviewing minors.

We asked OMB for a list of Federal surveys that did not get consent. There are not any. Our bill protects minors to the full extent possible, but does not destroy information vital to solving some of the most important problems facing our country today.

We are told that this amendment is to bring this bill back into line with the contract, but that is just a smokescreen. I believe the changes offered in this amendment are designed to block surveys from ever being performed, specifically, surveys of teenage behavior, including the causes of rising teen pregnancy, drug abuse, and suicide.

Members of both parties are sincere in their desire to solve these problems, but pretending a problem does not exist will not make it nonexistent. By rendering these surveys worthless or eliminating them altogether, that is what some Members hope to do, that will not work. It has never worked. It is naive.

In order to solve a problem, we first have to research it. We cannot cure a sick patient without asking the patient what is wrong. This amendment will not cure anything. It will only make it more difficult for researchers to study the problem and gain information, and information is the most important commodity to any social scientist or legislator.

This amendment would also undo the thoughtful solution the committee reached on judicial review. As a result of the hearings, the chairman, the gentleman from California [Mr. HORN], added to the bill a private right of action with a limit to $500 of damages in cases where parental consent was not obtained.

The amendment of the gentleman from Indiana [Mr. SOUDER] would remove that limit. That seems particularly ironic to me. Just a few weeks ago the Republicans fought very hard for tort reform to limit damages.

Mr. Speaker, I believe that the underlying bill is the best compromise attainable. In that bipartisan spirit, I urge my colleagues to vote against the Souder amendment, and support the Republicans and Democrats who have carefully considered the issues raised by this bill and addressed them responsibly in H.R. 1271.

Mr. McINTOSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first say I want to commend the committee and the gentleman from Pennsylvania [Mr. CLINGER], the chairman, the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from California [Mr. HORN], and the gentlewoman from California [Ms. PELOSI], for their hard work on this bill. I think it is a tremendously important piece of legislation for us to move forward. Although we may disagree on this particular amendment, I think all are to be commended for their hard work on something that will definitely benefit families in this country.

Let me rise in favor of the Souder amendment. I think it is a reasonable addition to this bill. It is an area where Federal leadership can set the tone of the type of questions that are asked in our schools.

When I go home and talk with parents in my district, time and time again, in Anderson, in Yorktown, in Richmond, parents have come up to me and said they are very concerned that they do not know what is happening in their schools. They do not feel that the moral values that they think are important to teach their young children are necessarily being conveyed in the school setting.

When they hear about surveys such as the one that the gentleman from Indiana [Mr. SOUDER] read to us earlier, their concern is reinforced among parents and the family. I think the Federal Government is introducing into the personal lives of the families, and especially with impressionable young schoolchildren, so that I think it is very important that we do have this amendment to restrict the options that the Federal Government has when it conducts surveys of young people, so their parents know in advance what the questions are, and have indeed agreed to those questions being asked to their children.

The Souder amendment will enhance family privacy protection. It is not protective of abusive parents. It is well crafted to not affect academic testing. I believe it is very important to protect family privacy in areas where the Federal Government, quite frankly, has no legitimate interest.

Mr. Chairman, I rise in favor of the Souder amendment, and want to commend him and the other committee members for their work.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I am delighted to yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I believe when the gentleman said the Federal Government is asking certain questions, the Federal Government is not asking the kinds of questions that the gentleman from Indiana [Mr. SOUDER] read, and also that we have copies of from the full committee hearing. The Federal Government is not asking those kinds of questions.

What we are trying to do is to make it so that the Federal Government would say that local school boards, et cetera, could ask those questions if they had written consent. I do not know if I misinterpreted the gentleman or not.

Mr. McINTOSH. Mr. Chairman, I understand that is the case with the particular survey that the gentleman from Indiana [Mr. SOUDER] raised. I do think it is, nonetheless, important to limit the Federal Government in the types of surveys it can do without parental consent. I hope that will be a model for States and school boards locally to also seek that consent, although I agree, in his amendment we would not be extending that requirement.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I also read, in response to the gentleman from California [Mr. HORN], some questions that were in a Federal HHS survey that asked "Have you ever had sexual intercourse? How old were you when you had sexual intercourse for the first time? During your life how many people have you had sexual intercourse with? During the past 3 months with how many people did you have sexual intercourse? Did you drink alcohol or use drugs before you had sexual intercourse the last time?" This is an HHS Youth Risk Behavior Survey that was in middle schools.

Mrs. COLLINS of Illinois. Mr. Chairman, if the gentleman will yield further, did the Federal Government ask for written consent or any consent before asking those questions?

Mr. SOUDER. I would hope they asked for written consent. My amendment would make sure they ask for written consent.

Mrs. COLLINS of Illinois. We can find out. I think they did. I think it was implied in this legislation. Wherever the Federal Government has asked for the consent, they have protected the right of written consent on matters of that nature, I believe.

Mr. McINTOSH. Mr. Chairman, let me just mention that the survey that the gentleman from Indiana just read indicates that there are these concerns out there. If in the past the Federal Government has asked for consent, his amendment will just make that an absolute requirement in the law, so therefore I think it is a valuable addition to this legislation.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Souder amendment, although I have to join with the gentlewoman from Illinois [Mrs. COLLINS] and previous speakers in associating myself with the concerns that the gentleman raises in this particular amendment.

Those concerns are legitimate and shared by every parent across this Nation.

Frankly, however, my concern is that this amendment is so broad and so unnecessarily restrictive that the fundamental underpinnings of a wide range, if perhaps not all, of Federal data collection efforts could be in jeopardy.

Some of the Members know that I spent a number of years, perhaps more years than any existing Member of Congress, in overseeing the conduct of the census and the broader Federal statistical systems of this country. That was an enlightening experience. The 1990 census demonstrated how difficult it is to get Americans to participate in Federal surveys, for that matter, in virtually any kind of survey even those that are mandatory, as the 10-year census has been for the entire existence of this Nation.

The response rate for the 1990 census was far lower than the census before it. It was also worse than the Bureau had anticipated in planning for this enormous and complex undertaking. That low response rate not only jeopardized the consistency of the data derived from it, but it drove up costs, requiring a $100 million supplemental appropriation right in the middle of the census. It affected the very accuracy of the census. In fact, the 1990 census was the first in modern history that was less accurate than the one before it.

Mr. Chairman, the gentleman from New York, former Under Secretary of HEW, Mr. MOYNIHAN, suggested 30 years ago that if you cannot measure a problem, you cannot solve it. What we are trying to do is come to grips with some problems of our Nation. I am bringing this troubling information about the census to the attention of my colleagues because I am afraid that the Souder amendment unintentionally would make data collection efforts even more difficult than they already are.

Policymakers at all levels of government, including the Congress, rely on accurate information to develop sound policies and to ensure the sound implementation of programs, but the accuracy of those numbers directly depends on the willingness of Americans to respond to surveys and questionnaires.

The question here is one of privacy. We need to bear in mind that Federal agencies already obtain direct personal permission from parents before asking questions of minor children, but requiring prior written permission to obtain information from minors almost certainly would result in the loss of many valuable responses, and that diminished participation would skew the results and make the resulting data unreliable and potentially useless.

Moreover, a requirement for prior written consent would raise the cost of Federal research and data collection in much the same way as it did for the 1990 census, a hard-learned lesson, adding millions of dollars to surveys conducted with taxpayers' funds.

Mr. Chairman, the bill that was reported unanimously from the Government Reform and Oversight Committee strikes an appropriate balance between the need to protect families against unnecessary invasions of privacy and the need to collect accurate information for important policy purposes.

The work that the committee did last year under the gentleman from Wyoming, Mr. THOMAS, now in the other body, and the gentleman from California, Mr. CONDIT, really created sound underpinnings for, perhaps, the single most volatile and sensitive area of information, health care information.

The work on that needs to go forward. It needs to go forward in the same way as we have protected information gathered by the Department of Education, as the chairman of the committee suggested earlier in his commentary, but our ability to collect information about homeless youth, about street kids, about kids whom this kind of permission is virtually impossible, much less the added cost of dealing directly with the problems of gathering information in a way that is being done responsibly today, is going to be unnecessarily upset by the overbroad language of the Souder amendment.

It is with great sympathy but grave concern that I rise in opposition to this amendment and ask my colleagues to join me.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find myself in a peculiar position as a physician, and also as a scientist. I am very much interested in accurate data collection, and I think it is imperative that we have that. I also am very much concerned about the lack of parenting in our country, and what has come about through that lack of parenting.

My worry, and I rise to support the Souder amendment, because I think, No. 1, it does put some burden back on parents which we have been trying, through many of the bills that we have passed in the last weeks, to force more direction on parenting, and I think we should do that.

□ 1445

But I also have a greater problem with the arguments that are used against this.

I guess, No. 1, is scientifically I do not buy the fact that if we have a parent's permission we are going to, No. 1, make the cost too great or, No. 2, make the scientific data to where it is not accurate. That is spurious logic. Because we do that all the time in the medical field in terms of informed consent on testing, on data and on information. So I find that.

I think the other thing is that even though this was not a federally funded questionnaire I think it shows significantly what the opportunity for abuse is in terms of what can happen.

Again, I would not necessarily say that some of the questions to this survey would not be good information as a physician and one who treats adolescents and has delivered over 2,000 teenage mothers, very much interested in the results of information from that. But I am not more interested in that information if it means I violate a parent's right to parent. I think that is the real issue.

I do not think that we will have spurious data. I think the Government has an obligation to go beyond a reasonable doubt to make sure that parents are informed about what their children are asked.

I would just urge those that oppose this amendment to ask what questions they would like their children asked. And is there any extent to which they might go that you would find a point in time when you thought that you might want to give permission before those questions are asked? I think that is the real issue.

I do not find fault with your desire to limit. I do not want to limit the Government's ability to collect data, but I think the Government can already collect data and still fulfill the rights of informing the parents about what questions we are going to ask.

Finally, I think that we certainly would not want the questions as outlined in this survey given to 12-year-olds throughout this country without their parents' permission. I am not saying that the Federal Government has done that, but there is not anything wrong with saying that parents ought to have the right to say yes or no to that kind of questioning.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. I thank the gentleman for yielding.

Mr. Chairman, this bill does not say parents do not have to give consent. It only says it does not have to be written consent. In fact, it says there has to be parental consent. That is what this bill says already. H.R. 1271 says that.

Mr. COBURN. Reclamining my time, I have a great deal of difficulty in my own experience in surveys similar to this in this very delicate area of teenage sexuality in ascertaining whether or not we have parents' consent without written parents' consent. Because in my experience the majority of the time we do not have parents' consent, even though we have a recognition that we did.

I think this is a very definable addition to this bill, and I think written consent is the least that we can do if we are going to ask these types of questions of children.

Mrs. COLLINS of Illinois. If the gentleman would not mind yielding for a second, I hope that we do not ask children these type of questions. But perhaps as a physician, perhaps you find that there is a need to do so. I think you have so stated. But these are the kind of questions I would not want anyone to ask my child. But if there is consent requested already, then I would certainly give my consent to do that, in a nonwritten.

Mr. COBURN. There should be written consent, but we have already seen that the Department of Health and Human Services has already asked questions similar to this in one of their own surveys. So all we are saying with the Souder amendment is that they should have written consent to ask this of adolescents.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if the gentleman from California [Mr. HORN], the good chairman of the subcommittee, would respond to a couple of questions.

On page 2, I am interested in lines 6 through 9. This says that this would affect any program or activity funded in whole or in part by the Federal Government.

Let me ask this, because I truthfully do not know the answer to this: Does this mean that if some local agency, some school, receives Federal money anywhere in its agency's school or system that this bill would then attach to any inquiry or survey that that agency or school is conducting?

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from California.

Mr. HORN. The gentleman is drawing an analogy with some of the civil rights laws, and my interpretation would be that this bill does not work that way. If the question is who funded the questionnaire, if the Federal Government funded the questionnaire in whole or in part, this law would apply.

One point I will need to clarify, because there has been a little confusion in the debate, is that the Grassley law that was referred to earlier and that you know so well, the General Education Provisions Act, that applies only to programs under that particular act, most of which occur in a school context.

This applies to all Federal agencies except those covered by the Grassley act who would have questionnaires that are triggered and this act is triggered, that discuss areas in the bill that have already been noted by many speakers.

Mr. WILLIAMS. I thank the gentleman.

Let me ask the gentleman further, the bill would affect the seeking of certain information, among those pieces of information on line 17 of page 2, and that is any survey, for example, that would seek information about sexual behavior or attitudes.

Mr. Chairman, on page 3 there are exceptions. And one of the exceptions is on line 6 which said any inquiry made for the purpose of concern about health or safety.

It seems to me there is a dichotomy there. One of the great attacks on the safety and health of young people has to do with certain of their sexual behavior. So my question is, which is it? If we wanted to ask questions about young people's sexual behavior in an effort to determine whether or not they are practicing safe sex in order to avoid the possibility of various difficulties, including, of course, this epidemic called AIDS, could we do it under this bill?

Mr. HORN. Let me refer the distinguished gentleman to the report on page 11 where it notes about halfway down the page that each of the four exceptions, and the second one, there is the same one the gentleman has stated that is in the proposed law, each of these four exceptions involves specific individual circumstances in order to be triggered.

The criminal investigation or adjudication requires a specific investigation or adjudication. An inquiry can be made pursuant to a reasonable concern for the health, safety, and welfare of an individual. The essential requirement is a reasonable belief that an individual minor is at risk and evidence to show that such an inquiry is appropriate.

Using the health, safety, or welfare exception to circumvent parental concern or prohibited topics is not acceptable. In other words, it says here, a survey on sexual behavior or attitudes would not be covered by this exception.

Obviously, the questions can be asked if the parent gives consent.

Mr. WILLIAMS. I appreciate the gentleman's response.

I will not ask the gentleman, the subcommittee chairman, any further questions, but I do want to say that I think he is attempting to arrive at moderate and reasonable legislation here.

We ought to know, though, speaking of moderation and reasonableness, that we have already passed similar legislation with regard to education in this country. We have taken care of that. I know that we took care of it before some of the Members who got elected last November were here, so they may not have known it, but we have taken care of this very problem.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

(By unanimous consent, Mr. WILLIAMS was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS. Mr. Chairman, in fact, the Federal Government has for the past 20 years vigorously promoted the protection of people in its research. An institutional review board has been created a couple of decades ago for the very purpose of scrutinizing these surveys, and it has established procedures for protecting people when we are doing a study.

That can include written consent from the parents. It includes follow-up phone calls. It includes notification of parents about a study. It includes a variety of other methods.

We ought not to go off thinking that there has been no thought about this whatsoever in the Congress until this moment because that is demonstrably not true. The Federal Government actively pursues trying to protect people.

Let me read into the record the following groups that are opposed to the amendment, as I am, that is now on the floor: The Society of Behavioral Medicine, the National AIDS Fund, the Institute for the Advancement of Social Work Research, the Federation of Behavioral, Psychological and Cognitive Sciences, the Consortium of Social Science Associations, the American Sociological Association, the American Psychological Association, the American Educational Research Association, the American Anthropological Association and, finally, the AIDS Action Council.

Some of these groups are groups, as the chair knows, that are vitally interested in this legislation and, in fact, have been somewhat supportive of it and have worked with those on the committee to try to write appropriate legislation. But those groups believe, as many of us do, that this amendment destroys the basis for cooperation that the legislation has reached.

I urge my colleagues to oppose this particular amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 1271. This legislation strengthens the family and has received bipartisan support by this Congress.

I am concerned about protecting the rights of parents in knowing about the activities in which their children are involved, and it particularly applies to surveys which ask children about their most sensitive and private activities.

We need to bolster family ties. Thus, we need to protect our children from answering questions their parents would not have approved of and could possibly invade privacy.

Through H.R. 1271 and the Souder amendment, we would provide written consent for parents to protect minors who may or may not want to participate in any funded surveys that are designed to obtain information on sensitive subjects.

Mr. Speaker, passage of H.R. 1271 with the Souder amendment is imperative in reaffirming a commitment to privacy and a commitment to our Nation's families. I urge my colleagues to support this pro-privacy and pro-family legislation.

The rights of parents, it seems to me, in regard to the welfare and privacy of their children is paramount to the Government's need or others to collect sensitive data. With written approval, informed consent would be a reality achieved. It is a matter of fundamental fairness.

I ask my fellow colleagues to support the Souder amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Indiana [Mr. SOUDER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 379, noes 46, not voting 9, as follows:

[Roll No. 285]

AYES—379

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—46

Abercrombie
Becerra
Beilenson
Berman
Brown (CA)
Clay
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Fattah
Filner
Foglietta
Frank (MA)
Gibbons
Gonzalez
Hastings (FL)
Hilliard
Johnson, E. B.
Johnston
Lantos
Maloney
McDermott
McKinney
Meek
Miller (CA)
Moran
Nadler
Payne (NJ)
Rangel
Sabo
Sanders
Sawyer
Scott
Stark
Stokes
Studds
Thompson
Velazquez
Waters
Watt (NC)
Waxman
Williams

NOT VOTING—9

Barrett (NE)
Ford
McCollum
McDade
Pelosi
Reynolds
Rush
Slaughter
Torres

□ 1519

Messrs. FOGLIETTA, COYNE, BECERRA, and GONZALEZ changed their vote from "aye" to "no."

Ms. ESHOO, Ms. WOOLSEY, Mr. SERRANO, Ms. HARMAN, Mrs. CLAYTON, and Messrs. MEEHAN, FAZIO of California, TOWNS, and MINETA changed their vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, I was unavoidably detained and was unable to be present for rollcall vote No. 285. Had I been present, I would have voted "nay."

AMENDMENTS OFFERED BY MR. DORNAN

Mr. DORNAN. Mr. Chairman, I offer several amendments.

The CHAIRMAN. Are they amendments to section 2 of the bill?

Mr. DORNAN. They are to section 2, Mr. Chairman

The Clerk read as follows:

Amendments offered by Mr. DORNAN:

Page 2, line 7, strike "section 6" and insert "section 4".

Page 2, strike line 9 through line 12 and insert "person may not require or otherwise seek the response of a minor to a survey or questionnaire".

Page 3, line 5, strike "Any inquiry" and insert "Any individual inquiry".

Page 3, beginning at line 19, strike sections 3 and 4 (and redesignate the subsequent sections accordingly.)

The CHAIRMAN. Does the gentleman from California request unanimous consent that his amendments be considered en bloc?

Mr. DORNAN. Mr. Chairman, I do, and this is merely timesaving.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, Mr. Chairman, we do not have a copy of the amendments here.

We do now, Mr. Chairman, and I thank the gentleman.

The CHAIRMAN. The gentlewoman has a copy of the amendment at this time?

Mrs. COLLINS of Illinois. That is correct, Mr. Chairman. Yes.

Mr. DORNAN. Mr. Chairman, may I explain the amendment?

The CHAIRMAN. Is there objection to consideration of the amendments en bloc?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, I have not yet had an opportunity to read the amendments.

Mr. DORNAN. Mr. Chairman, would the gentlewoman like to engage in a colloquy to explain the unanimous part of my request?

Mrs. COLLINS of Illinois. Mr. Chairman if the gentleman will yield, I am still reading this amendment, because it has just been given to us. We are just trying to see what it does here. I will be ready in just a second.

The CHAIRMAN. The gentlewoman from Illinois has reserved the right to object, and the Chair wishes to wait.

Mr. DORNAN. Mr. Chairman, I am at the gentlewoman's service for a colloquy. I will be glad to explain why I have asked unanimous consent to have all three of them together.

Mrs. COLLINS of Illinois. Yes; Mr. Chairman, if the gentleman would do that, I would appreciate it.

Mr. DORNAN. I thank my good friend. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from California.

Mr. DORNAN. Mr. Chairman, to the gentlewoman, the unanimous aspect here is a timesaver. I have this broken down into three separate parts. They are all at the desk, and we can take it one step at a time, but I, from my viewpoint, do not believe that would make sense, because although there will be a good, healthy discussion on this, if we take this unanimously en bloc, it is just all geared toward one objective, and that is to end these surveys completely. So the unanimous aspect merely means we get further into the issue and start off right away taking what I am trying to do all at once.

Mrs. COLLINS of Illinois. Further reserving the right to object, Mr. Chairman, we have now had the time to look at this.

I withdraw my reservation of objection to the request that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DORNAN. Mr. Chairman, having fenced briefly in my youth, and it is an elegant sport, the one thing I do remember is the gentlemanly or ladylike challenge at the beginning, "En garde," I would say to my friends in this House who want these surveys. This is simply an attempt to end the surveys at the Federal level totally. So I am saying, En garde, and I do want to get a vote on this and will proceed, I hope, to a good discussion under this open rule.

Mr. Chairman, H.R. 1271 just strengthened somewhat by two simple words, "Written consent," is still, I believe, not the way this newly constituted Congress as of November 8 wants go. Even with the written consent, it requires that Federal funds be spent on surveys aimed at several unique categories. We have strengthened parental consent somewhat. Parental political affiliations or beliefs, I do not believe that is what they are really after. Mental or psychological problems, not much drive to get these facts down. Sexual behavior or attitudes; that is the main impetus behind almost all of these surveys. Illegal, antisocial, or self-incriminating behavior, that really turns off an overwhelming majority of the Members on both sides of the aisle. But that is not really what they are after.

Appraisals of other individuals with whom the minor has familial relationships, an uncle, aunt, siblings, brothers, sisters, all Members of extended families; that is offensive to be asking questions about those folks, but that only comes in as an ancillary to the sexual underpinnings of all of these surveys.

Another point, relationships that are legally recognized as privileged, including relationships with lawyers or physicians or members of the clergy. With four or five medial doctors now serving in the Congress and almost a halfway point with lawyers, I do not think that is really what a lot of these surveys want to get in the face of the U.S. Congress about.

Now, what my Dornan amendment would do, the three lines are really all dovetailed together, it would prohibit the funding of all of these type surveys, period, end of report. The language specifically strikes this entire paragraph that we have just slightly made tougher, the parental-consent provision, and it leaves the remaining text which prohibits these surveys, period.

And I only have three simple points, and we will get on with the debate. Point No. 1, the Federal Government has no business subsidizing government social engineers or people who want this detailed information. What is the overwhelming evidence mandating that these types of surveys take place? Who is it really that wants children to answer questions within these very sensitive subject areas?

H.R. 1271, as now drafted, would indemnify in law a whole new industry of busybodies feeding on familial dysfunction and divisiveness.

No. 2, is this bill really aimed at surveys of sexual attitudes and behaviors? I have just made the point it is. Very few surveys aimed at schoolchildren address all of those other categories I mentioned. It really is the sexual attitudes and behaviors that we are going after.

This has happened out here in Fairfax County just recently. They withdrew one of these surveys. I will bet it was mentioned in the prior debate which I missed because I was chairing another committee.

We definitely know some people within the Federal Government are dying to ask questions about sexual attitudes and behavior. We have been through this for several years now. First, it was the adult sex survey in 1989. Then 1 year later we had to put a stop to a sex survey for teenagers and preteens, and even still, Centers for Disease Control, six centers that generally have my respect, in the name of AIDS research, they just keep pressing for more and more information in areas that still should remain sensitive without influencing at all what the specific six Centers for Disease Control are trying to do.

And I repeat, Fairfax County again last week.

□ 1530

No. 3, no one collects numbers unless they are going to do something with those survey numbers. Surveys based on personal and intimate subjects should not end up being the basis for public policy. Such basis is a prescription for failure.

Not only do we not have the right to intrude into the personal lives of schoolchildren, often asking that they snitch on this, but we add insult to injury when we gather the information regarding dysfunctions and then turn right around and indemnify these dysfunctions in public policies.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 1 additional minute.)

Mr. DORNAN. AIDS education is a perfect example, the results of the survey on sexual behavior end up becoming the basis to teach schoolchildren about homosexual sex; surveys revealing not enough knowledge about sex encourage the sexperts to develop new programs, and surveys revealing that children know a lot about sex encourage the same sexperts to develop more programs to handle the flow of information and traditional families lose either way.

Point No. 4: The House has had to squelch controversial sex studies of both adults and youths at least 3 times over the past 5 years. If we pass this bill as it stands, we will encourage the attitude that these controversial subjects are going to be addressed year after year. Let us vote right now to end this problem. The majority will decide this. Let us see where the 104th Congress stands on this first clean-cut social-issues debate of 1995.

Mr. CLINGER. Mr. Chairman, I move to strike the last word, and I reluctantly rise in opposition to the gentleman from California's amendment. We just enacted an amendment introduced by the gentleman from Indiana [Mr. SOUDER], the objective of which was to do what we have provided in this legislation with the procedures that are followed by the Department of Education in terms of these surveys, which I think places the responsibility and the requirement on those who would seek to conduct surveys to get the written consent of the parents before that survey can go forward. Mr. Chairman, I think this provisions goes way beyond anything that exists in the law relating to the Department of Education and certainly way beyond what we have provided in this bill. I believe parents should have the right, they should have the ultimate right to choose to have their children participate or not participate in surveys. That is what we have provided. We have strengthened the requirement that parents be directly involved in making those determinations. Government should not decide in advance for the parents, which is what the gentleman from California's amendment would do. In effect, it would put the government in a position of saying, no, we are never going to be able to survey, we are going to ban any survey whatever.

I sympathize with the gentleman from California's concern about Federal busybodies sticking their noses into parental business. But I think he goes sort of off the deep end when he says we will never allow any surveys to be conducted in these areas, even though there may be very meritorious reasons why we should be conducting these surveys, to gather vital information with regard to a vast array of things. It is not just in regard to sexual behavior or sexual activity that we are talking about.

This amendment which we adopted just a moment ago, the gentleman from Indiana's amendment, I think strikes the right balance between the rights of the parents which should be paramount here and the interests—the very legitimate interests—of having very valuable information. Obviously, if it is a prurient interest, if it is an interest where they are sticking their noses into where they clearly do not belong, clearly the parental consent would not be forthcoming. But to take away any kind of a survey, the ability of the Federal Government to gather data, vital data, I think would be a mistake. I think it becomes a matter really of public policy: Are we going to totally close the ability of the Federal Government to gather information which may be useful in setting important matters of public policy? I would hope not.

I would respectfully and reluctantly ask that the gentleman's amendment be defeated.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank you for recognizing me.

I think the problem is not that the last amendment was not a good amendment. I supported that. It was a step in the right direction. But I believe we need to go further. Listen to some of the things that are being asked of kids right now. Should we be involving these things in the curriculum or in the educational system? They are asking political affiliations or beliefs. What right does an educational system have to ask that question? They ask about mental or psychological problems. They ask about sexual behavior and attitudes, they ask about illegal, antisocial and self-incriminating behavior, they ask about appraisals of other individuals with whom the minor had a family relationship or a family-type relationship. They ask about relationships that are legally recognized as privileged, including those with lawyers, physicians, and members of the clergy. They ask about religious affiliations and religious beliefs. I do not believe those questions have any business in the educational system.

Let me give you a couple of questions that were actually on a questionnaire put out by a school district. I do not remember the school district. I believe it was in Virginia here.

It says in question number 11, "Have you ever been in a physical fight in which we you were hurt and had to be treated by a doctor? Yes or no."

Then it says that sometimes people feel so sad and unhappy that they may think about attempting suicide or killing themselves. The next three questions ask about attempted suicide. That puts thoughts in kids' minds that should not be there, in my view.

Here is another question, question number 34: The next four questions ask about sexual intercourse. Have you ever had sexual intercourse? How old were you the first time this occurred? What business does the educational system have in asking these questions of young people? And it makes absolutely no sense to me. I cannot understand why Federal tax dollars should directly or indirectly be involved in these types of questions.

I believe that the amendment that just passed that said parents have to give parental consent before they can give or ask these questions is a step in the right direction. However, many people are very busy, many parents do not pay attention to all the things being put in front of their kids. They have confidence in the educational system, so they do not really look into them as thoroughly as they should. So I believe many of these questionnaires will be approved by parents when the parents really would rather those children not participate in answering those types of questions.

So the best way to make sure that the educational systems of this country do not infringe upon the rights of individual parents and families, do not stick their noses into areas where they should not, is to make absolutely sure that they cannot do it by not allowing Federal funding for these kinds of projects.

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. HORN. I thank the gentleman for yielding to me.

Mr. Chairman, I have been listening with great interest to the gentleman. Are any of the surveys and questions that the question mentioned funded by Federal moneys?

Mr. BURTON of Indiana. I believe, indirectly.

Mr. HORN. Indirectly?

Mr. BURTON of Indiana. Indirectly.

Mr. HORN. They either are or they are not.

Mr. DORNAN. Directly, directly.

Mr. BURTON of Indiana. They were?

Mr. DORNAN. Some directly.

Mr. HORN. Which agencies did this?

Mr. BURTON of Indiana. Reclaiming my time.

Mr. DORNAN. CDC, the Centers for Disease Control.

Mr. HORN. The Centers for Disease Control?

Mr. BURTON of Indiana. Centers for Disease Control.

In addition to that, we all know there is Federal aid in the way of block grants and other ways, and that money then goes down to the school districts and school corporations through various distribution formulas and they do use Federal moneys. We do not believe Federal moneys should be used for these kinds of questionnaires.

Mr. HORN. If the gentleman from California's proposal is adopted, I say to the gentleman, it will not affect the money given by the Department of Education one iota, because the gentleman has left in the exemption here which says in section 6, "This Act does not apply to any program or activity which is subject to the General Education Provisions Act." That is the so-called Grassley amendment. That law is already on the books. The Secretary of Education cannot have questionnaires that cover the seven areas that we have blocked out. This is designed to apply to other Federal agencies such as the Centers for Disease Control which is not in the Department of Education, which might ask those questions.

Let me move to another question.

Mr. BURTON of Indiana. But those questions are asked of children in the schools in the education system.

Mr. HORN. When the gentleman says "children," I do not know what he means by "children." But I feel we are talking about 5 and 6 and these questions are generally asked of juniors and seniors in high school.

Mr. BURTON of Indiana. If I may reclaim my time, the gentleman is saying, generally they are asked of juniors and seniors in high school, but that is not exclusively the case. Many times they are asked of children in primary and secondary education, way down below the senior high school level.

Mr. DORNAN. The gentleman has just been reading from a middle school survey, not seniors in high school but a middle school, not seniors or juniors or even sophomores in middle school.

And CDC usually funds about 95, 96, 97, 98 percent of this. So if there is some other loophole we will look at that later.

Mr. Chairman, this amendment does the job.

Mr. BURTON of Indiana. Let me reclaim my time once again.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, let me read once again, since the gentleman said that this was mostly high school seniors, these were middle school students, we are talking about children in the 10, 11, 12-year-old age range.

Listen to this question. It is very important: This is of 10, 11, 12-year-old kids: How old were you when you first had sexual intercourse for the first time? Many of these kids are still in puberty, and you are asking them when they had their first sexual experience. And the answers are "Never had sexual intercourse." "I was 9 years old." Or younger. Do you believe that they have a right to ask that kind of a question in that kind of a situation in school? And many of the parents are working parents and they will not read these questionnaires.

Mr. HORN. If the gentleman will yield, if that was administered under the GEPA, that is the proposal that is the law of the land, then they had to have parental consent, if that was federally funded. That applies to every single questionnaire of the Department of Education.

Mr. BURTON of Indiana. If I may recall my time, we are talking about more than just the Grassley amendment. Does the gentleman from California have any more comments he would like to make?

Mr. DORNAN. No, except I think we have debated this so many times over the years.

Mr. Chairman, I respect the opinions of my good colleague from the adjoining district, to the west of me, Mr. HORN, and I respect the gentleman from Pennsylvania, Mr. CLINGER's opinion. Obviously, it is tearing his heart apart, and I appreciate his putting it in that context. But I think it is about time we just voted on this and saw how this entire Congress feels about this. Right now controversial surveys are an iffy proposition at best. This bill will successfully ensure that these surveys are not allowed. If we go the other way they will flourish, I predict that. Common sense tells us that.

I will repeat one thing I said early: Why do they want the information? To act upon it. This is more of the social engineering that I think the American majority rejected on November 8th last.

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

Let me ask the author of this amendment, if I might: How does the gentleman feel about a survey on drugs given to high school students? Does he think those should be given or not given on use of drugs?

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. HORN. I yield to the gentleman from California.

Mr. DORNAN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is going for my Achilles heel, because I feel that there is a war going on in narcotics and it is all on the side of the cocaine cowboys, and we have never mobilized our country on the side of the good guys to fight a drug war. But asking kids about "Are they drug users," so totally different and so far removed from the intimacy of asking about parental sex habits, those of their older brother or younger sisters' sex habits or their parents' political affiliation. I would resent a political affiliation question tied to a survey on drugs, I say to the gentleman.

Mr. HORN. I would ask the gentleman, does he favor surveys on drugs among high school students, yes or no?

Mr. DORNAN. I think at the State level, I have never seen one proposed at the Federal level, and I would have to make a judgment on that when it is presented to me.

Mr. HORN. Let me just say, Mr. Chairman, I can recall numerous situations in the 1960's where scholars and people with real ability in developing questionnaires surveyed classes in California high schools and California junior high schools and found extensive drug use. When they brought those surveys to the superintendent of schools' attention and the school boards' attention, great denial set in, "Oh, we don't have a drug problem. Those data must be wrong." That happened in Long Beach, that happened in San Diego. They closed their eyes to what was going on about them.

All I can say is, if the gentleman's language is adopted, it says here that you could have no questionnaire that had any questions about illegal, antisocial or self-incriminating behavior. And all that is doing is tying reality's hand behind one's back. So you cannot develop the DARE Programs and you cannot have solid evidence for, "Let's say no to drugs." All of that grew out of the fact that social scientists and school counselors who knew what was going on, when the parents did not know what was going on—with all due respect—but regardless of whether the parents did or did not, they would have absolute control whether their child, their son, their daughter would be able to answer that question under this legislation.

☐ 1545

So, I suggest that we vote down the gentleman's amendment because all I see is mischief where the thing that is being turned loose is types of illicit behavior that are not discovered, and we cannot develop programs to cope with them, and they need to be coped with, not simply at home, because for some students there is not much home. They need to be coped with in the school system whether we like it or not. There is no question. Society has dumped on the school systems of America many of the problems that society has not been able to handle in the home, in the churches, in the community organizations. Like it or not, that is reality.

I live in a world of reality. I suggest we vote down this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. DORNAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 131, noes 291, not voting 12, as follows:

[Roll No. 286]

AYES—131

Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Bartlett
Barton
Bateman
Bevill
Bono
Browder
Bryant (TN)
Bunning
Burton
Buyer
Callahan
Canady
Chabot
Chambliss
Chenoweth
Christensen
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Fields (TX)
Flanagan
Forbes
Fox
Frisa
Funderburk
Gekas
Goss
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
King
Kingston
Laughlin
Lewis (KY)
Lightfoot
Linder
Lucas
Manzullo
McInnis
McKeon
Metcalf
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Orton
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Poshard
Quillen
Roberts
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Skelton
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Thornberry
Tiahrt
Wamp
Watts (OK)
Weldon (FL)
Weller
Wicker
Wolf
Young (AK)

NOES—291

Abercrombie
Ackerman
Andrews
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn

Burr
Calvert
Camp
Cardin
Castle
Chapman
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cremeans
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Hobson

Hoekstra
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDermott
McHale
McHugh
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Pallone
Pastor

Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Portman
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Souder
Spratt
Stark
Stokes
Studds
Stupak
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Coburn
Dingell
Ford
Largent

LaTourette
McCollum
McDade
Minge

Obey
Reynolds
Rush
Torres

□ 1605

Messrs. SKEEN, CHRYSLER, and KIM changed their vote from "aye" to "no."

Messrs. McINNIS, ROBERTS, STOCKMAN, SKELTON, WAMP, ORTON, WELLER, CRAMER, BROWDER, WICKER, HEFLEY, CRANE, SMITH of Texas, Mrs. SEASTRAND, and Mrs. SMITH of Washington changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. NOTIFICATION PROCEDURES.

The head of any Federal department or agency which provides funds for any program or activity involving the seeking of any response from a minor to any survey or questionnaire shall establish procedures by which the department, agency, or its grantees shall notify minors and their parents of protections provided under this Act. The procedures shall also provide for advance public availability of each questionnaire or survey to which a response from a minor is sought.

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. COMPLIANCE.

The head of each Federal department or agency shall establish such procedures as are necessary to ensure compliance with this Act and the privacy of information obtained pursuant to this Act by the department or agency and its grantees; Nothing in this Act shall be construed to foreclose any individual from obtaining judicial relief if requested monetary damages are not in excess of $500.

The CHAIRMAN. Are there any amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. MINOR DEFINED.

In this Act, the terms "minor" and "emancipated minor" will be defined under the laws of the State in which the individual resides.

The CHAIRMAN. Are there any amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. APPLICATION.

This Act does not apply to any program or activity which is subject to the General Education Provisions Act (20 U.S.C. 1221 et seq.).

The CHAIRMAN. Are there any amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. EFFECTIVE DATE.

This Act shall take effect 90 days after the date of the enactment of this Act.

The CHAIRMAN. Are there any amendments to section 7?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. KNOLLENBERG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1271) to provide protection for family privacy, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 7, not voting 9, as follows:

[Roll No. 287]

AYES—418

Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert

Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler

Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums

Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
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Hall (OH)
Hall (TX)
Hamilton
Hancock
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Hastings (WA)
Hayes
Hayworth
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Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
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Holden
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Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
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Kim
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Kleczka
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LaFalce
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Laughlin
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Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
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McCarthy
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McInnis
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Miller (CA)
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Norwood
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Oberstar
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Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
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Pastor
Paxon
Payne (NJ)
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Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
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Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
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Smith (TX)
Smith (WA)
Solomon
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Spratt
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Stearns
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Stockman
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Taylor (MS)
Taylor (NC)
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Thomas
Thompson
Thornberry
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Torricelli
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—7

Abercrombie
Collins (IL)
Conyers
Hastings (FL)
Scott
Williams
Wilson

NOT VOTING—9

Bachus
Buyer
Ford
McCollum
McDade
Reynolds
Rush
Torres
Velazquez

□ 1615

Mrs. COLLINS of Illinois changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3913, EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, April 4, 1995, to file a conference report on the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 1630

REQUEST FOR PERMISSION FOR THE HOUSE TO CONSIDER A CONCURRENT RESOLUTION REQUESTING THE PRESIDENT TO RETURN H.R. 831 AND PROVIDING FOR ITS RE-ENROLLMENT

Mr. DEUTSCH. Mr. Speaker, I ask the House to now take up a concurrent resolution requesting the President to return the enrolled bill, H.R. 831, and providing for its re-enrollment without the targeted tax benefits contained therein. Specifically, those are the benefits that have been reported in the press as $63 million being given to Mr. Rupert Murdoch.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The request is denied. Under the Speakers' guidelines shown in section 757 of the House Rules and Manual, the Chair does not recognize the gentleman for that purpose. The request has not been cleared with the floor and the committee leaderships on both sides.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1271, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. DOGGETT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOGGETT. Mr. Speaker, with regard to the last ruling of the Chair that the gentleman would not be permitted to present his concurrent resolution concerning the tax benefits accorded to Mr. Murdoch, what was the basis for the Chair's ruling? Is it that the majority has not consented to the presentation of this resolution?

The SPEAKER pro tempore. Under the Speakers' guidelines shown in section 757 of the House Rules and Manual, the Chair does not recognize the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker could I take it up as a privileged motion at this time?

The SPEAKER pro tempore. It is not a privileged motion at this time?

Mr. DEUTSCH. Mr. Speaker, could the Speaker cite a rule why it is not considered as that?

The SPEAKER pro tempore. The gentleman has not properly presented a resolution.

Mr. DOGGETT. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOGGETT. If I understand the previous ruling of the Chair in response to my parliamentary inquiry, it was that this is a Speaker's guideline. It is not a rule; it is a guideline that the Speaker has himself applied to the rules. Is that correct?

The SPEAKER pro tempore. This is an exercise of the Speaker's power of recognition for a unanimous-consent request.

Mr. DOGGETT. I thank the chair.

Ms. WATERS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. WATERS. Mr. Speaker, if it is not a rule and you cannot cite a rule, and you are saying it is a prerogative of the Speaker, is it documented anywhere that the Speaker intended to handle his power in this way?

You may not be aware that the Speaker said that he is adamantly opposed to this tax giveaway to Mr. Murdoch, and that he wishes to do something about it. I do not think you should shut down that opportunity.

The SPEAKER pro tempore. The Chair will cite the rule: Clause 2, rule XIV, from which the guidelines have been determined.

Ms. WATERS. I am sorry?

Mr. DEUTSCH. Mr. Speaker, I would like to appeal the ruling of the Chair.

The SPEAKER pro tempore. The decision of the Chair denying recognition is not appealable.

Mr. DEUTSCH. A parliamentary inquiry, Mr. Speaker. Why is that?

The SPEAKER pro tempore. This a discretionary recognition on the part of the Chair. It is not appealable.

Mrs. SCHROEDER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Mrs. SCHROEDER. Mr. Speaker, would the Chair receive the gentleman's concurrent resolution to put it in the RECORD at this point and see if we can get the Speaker to read it, and maybe we could bring it up tomorrow, get recognition, because we obviously cannot get over this discretionary hurdle that the Speaker has.

Could I ask unanimous consent that we put the concurrent resolution in the RECORD at this point?

The SPEAKER pro tempore. The gentleman may introduce the resolution through the hopper.

Mr. DEUTSCH. I think what the gentlewoman is requesting, Mr. Speaker, is that we have some type of recognition in terms of the Speaker himself, the gentleman from Georgia [Mr. GINGRICH], to actually take a look at it. He has stated publicly that he supports taking out this provision, and we really want to give him the opportunity to do exactly that.

Mr. TIAHRT. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman seek approval to print the text of the resolution?

Mr. DEUTSCH. I think in terms of the gentlewoman from Colorado, the request——

Mrs. SCHROEDER. Mr. Speaker, my inquiry would be since the gentleman in the Chair is the designee of the Speaker at this point, and this is all discretion from the Speaker, but I understand the gentleman in the Chair saying he does not have the Speaker's OK to exercise this discretion, could the gentleman in the Chair take the concurrent resolution and, A, put it in the RECORD, and B, see if we can get the Speaker's concurrence, so the gentleman from Florida [Mr. DEUTSCH] could be recognized tomorrow to bring this up?

Mr. DEUTSCH. Mr. Speaker, if I might——

The SPEAKER pro tempore. Does the gentleman seek unanimous consent to insert the resolution into the RECORD?

REQUEST FOR PERMISSION TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. DEUTSCH. Mr. Speaker, I ask unanimous consent to speak for 1 minute on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. TIAHRT. Reserving the right to object, Mr. Speaker, am I to understand that this resolution which we have not seen is going to be printed in the RECORD as if it were condoned by the Chair?

The SPEAKER pro tempore. The request is that it be printed in the RECORD for the information of the House.

Mr. DEUTSCH. And also, further, that we be able to speak for 1 minute to be able to explain the resolution.

Mr. TIAHRT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRIES

Ms. WATERS. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. WATERS. Mr. Speaker, if you do not have the power by which to grant unanimous consent, acting on the Speaker's behalf, how, then, do you have the power to grant the opportunity for this to be put in the RECORD and to be dealt with tomorrow?

The SPEAKER pro tempore. The Chair can entertain a unanimous-consent request at any time at the Chair's discretion.

Ms. WATERS. But then, Mr. Speaker, you are exercising the discretion of the Speaker, as I understand it, sir, but you do not have the power to exercise that discretion fully? There appears to be a contradiction here.

The SPEAKER pro tempore. The Chair has the power of recognition. The Chair chooses not to exercise it now, under the bipartisan guidelines as suggested earlier.

Mr. DEUTSCH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DEUTSCH. Mr. Speaker, was the objection of the gentleman from Kansas [Mr. TIAHRT] to the motion by the gentlewoman from Colorado [Mrs. SCHROEDER]? Therefore, I believe I have the opportunity to seek to address the House for 1 minute, not the issue regarding the printing of the resolution.

The SPEAKER pro tempore. In the opinion of the Chair, it was the gentleman from Florida [Mr. DEUTSCH] who asked for the unanimous-consent request.

Mr. DEUTSCH. Again, Mr. Speaker, I would stand corrected, but I believe the gentlewoman from Colorado [Mrs. SCHROEDER] asked for that request, and it was actually slightly different, both the printing and the attempt to talk. It would actually be the first time this issue was ever discussed on the floor, so it might be an appropriate thing. It is a significant issue.

The SPEAKER pro tempore. Does the gentleman from Florida [Mr. DEUTSCH] have a request at this time?

REQUEST FOR PERMISSION TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. DEUTSCH. Mr. Speaker, I ask unanimous consent that I be able to address the House for 1 minute on this particular issue.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. TIAHRT. Reserving the right to object, Mr. Speaker, do we not have 5 minutes coming up now where everybody is going to get a turn to speak?

The SPEAKER pro tempore. The Chair will entertain 1-minute speech requests.

Mr. TIAHRT. I object, Mr. Speaker. Let us go to the 5 minutes and continue the business of the House.

The SPEAKER pro tempore. Objection is heard.

FURTHER REQUEST AND CLARIFICATION OF PROCEDURE

Mr. DEUTSCH. Mr. Speaker, I move to adjourn.

Mr. Speaker, I withdraw my motion to adjourn.

Mr. VOLKMER. Mr. Speaker, if I may be heard, I think there was a misunderstanding of what the gentleman from Florida [Mr. DEUTSCH] was attempting to do. I think it would be very helpful, perhaps, if the Speaker would now recognize the gentleman from Florida [Mr. DEUTSCH] and let him renew his unanimous-consent request. I think we can move along.

INTRODUCTION OF CONCURRENT RESOLUTION TO REMOVE PROVISION FOR SPECIAL TAX BREAK FOR RUPERT MURDOCH

The SPEAKER pro tempore. Does the gentleman from Florida [Mr. DEUTSCH] renew his request?

Mr. DEUTSCH. Yes. I do, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DEUTSCH] is recognized for 1 minute.

Mr. DEUTSCH. Mr. Speaker, I am introducing, along with many Members, I believe, a sustainable one-third vote, a concurrent resolution to take out the provision that gives a special tax break to Rupert Murdoch for $63 million. At a time when we are cutting back on student loans, student work programs, student lunch programs, to do a thing that is just sleazy, it looks sleazy, it smells sleazy, it walks sleazy, it talks sleazy, and it is sleazy, and it is just something that this House, the greatest deliberative body in the world, should not be part of.

We have the opportunity to correct our actions. I urge the House tomorrow, I urge the leadership of this body, the gentleman from Georgia [Mr. GINGRICH], specifically, who has said that he is against this particular provision, let him speak in deeds, not just words.

I do not think there is one person in the entire country that believes that Senator MOSELEY-BRAUN was the impetus. We know that is not how this process works. The Speaker's relationship with Mr. Murdoch is clearly something that has been well documented in the press. I urge the support of both parties with the concurrent resolution tomorrow.

DISCHARGE OF COMMITTEE ON HOUSE OVERSIGHT FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 70 AND REREFERRAL TO COMMITTEE ON RESOURCES

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of House Joint Resolution 70, and that the joint resolution be re-referred to the Committee on Resources.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW, WEDNESDAY, APRIL 5, 1995, DURING 5-MINUTE RULE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on House Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Small Business, and the Committee on Transportation and Infrastructure. It is my understanding that the Minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

Mr. DOGGETT. Mr. Speaker, reserving the right to object, we have checked with the ranking members of each of those committees and subcommittees, and they have agreed to that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE TAX CUT PACKAGE IS GOOD FOR THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman for Indiana [Mr. HOSTETTLER] is recognized for 5 minutes.

Mr. HOSTETTLER. Mr. Speaker, I rise this afternoon because Americans are overtaxed. Because of this, I support my colleague Mr. ARCHER's bill to lower taxes.

There is a growing realization in this country that we cannot afford to operate on deficit budgets. We spend too much money primarily because we are involved, at the Federal level, in too many things. If we really want to control spending, we must come to grips with the fact that the Government is entirely too big. Day after day, special interest groups file through this city claiming that they understand the need to reduce Federal spending but that their program only costs a little relative to the size of the budget. This reminds me of the chairman of the Council of Economic Advisers' boast that progress is being made regarding the size of the national debt as it relates to the national economy, while the national debt gets larger and larger and larger. These interest groups, and some of my colleagues, are missing the point. Government is too big.

But the mindset that still has a formidable presence in Congress is to see how little in Federal spending we can get away with cutting. Oh, they say, the voters are really mad about the deficit and debt, so we'll have to cut some things, but maybe not too much. Even among Members who say they want a balanced budget, there seems to be a large group that isn't interested in cutting $1 more than needed to do this.

The chief reason why there is resistance to cutting taxes, even among those who campaigned in favor of tax cuts, is that if you cut taxes, but are striving for a balanced budget, you have to cut spending that much more. The current argument against cutting taxes is that it is irresponsible to do so in the face of a $5 trillion national debt. My response is this: We have this debt not because of the tax rate but because of this body's insatiable lust for spending. What is irresponsible is for us to continue spending like we have. We spend too much because we have developed a mindset that Uncle Sam has to do everything.

I am willing to trade being called draconian and mean spirited by the liberal media and the liberals on the other side of the aisle in exchange for being about to tell my constituents that I voted to cut spending enough to balance the budget. I am willing to tell voters I voted to cut their taxes while at the same time voting for heavy spending cuts. I am willing to do this because I have come to a conclusion after 3 months in this city—the powers that be in this city—and I am not referring to Members of Congress—don't care about the taxpayers of my district. The powers that be in this city don't care about the future of my children. The powers that be in this city don't care about balancing the budget. The powers that be in this city only care about feeding their faces in the Federal trough. As a result, since the powers that be in this city have set their faces against the taxpayers in my district, against the future of my children and against balancing the budget and retiring the debt quickly, I am setting myself against them. So when you tell me that if we cut taxes that means we will have to cut spending that much more to balance the budget, my response is: "That's the whole point."

You have heard and will hear from our friends on the left that we're about to repeat the same cycle that brought massive deficits and debt in the 1980's. Let's look at what the Kemp-Roth tax cuts did and what happened to spending at the same time.

Early in the 1980's, President Reagan delivered on his promise of deep, across-the-board tax cuts. Aside from the 20 million new jobs and the longest and largest uninterrupted economic recovery in postwar American history, the tax cuts brought 14 years of increased Federal revenues. Total Federal revenues went from $517 billion in 1980 to $1.1 trillion in 1993. Total individual income tax revenues went from $244 billion in 1980 to $509 billion in 1993. Congress cut taxes considerably and doubled Federal revenues. You can't blame increasing deficits and debt on something that caused revenues to double.

So why did the deficit go up by 250 percent? Because during this same time period spending went up by $800 billion or 130 percent. The increase in spending was $200 billion greater than the increase in revenues caused by the tax cuts. That's why the deficit and the debt went up. Remember this when our friends on the left tell you that cutting taxes will increase the deficit. That's only true if we abrogate our responsibility to cut spending, and I'm not going to do that.

Now, let's remember just what is being proposed here. The American Dream Restoration Act stated that families should receive a tax credit of $500 for each child under age 18. This credit is available to families earning up to $200,000. A segment of that credit is available to families earning up to $250,000.

That there is an earnings limit at all is in itself a compromise. That there is an earnings limit at all—make no mistake about it—constitutes redistribution of wealth, albeit on a small scale.

The opponents of this bill say it is wrong to offer a tax credit to families earning up to $200,000. That means they believe it is OK to exclude these families, no matter how many children they might have, solely on the basis of the fact that they earn more money.

Although these families are just as capable to taking the $500 or $1,000 or $2,000 or $3,000 and investing it or spending it, the mindset on the left says the Federal Government needs that money more and that those families do too well to qualify for tax relief.

Now, this idea to sock it to the so-called rich is nothing new. Yesterday's Wall Street Journal quoted some IRS statistics showing that, in 1992, before the Clinton tax increase, households making more than $100,000 accounted for 3 percent of all tax returns but paid 39 percent of all Federal income taxes. The same editorial notes that households making more than $100,000 reported a total income of $858 billion, of which $512 billion remained after taxes and deductions. If each of those families was forced to pay everything past $100,000 in taxes, which everyone in this Chamber would agree is an asinine concept, the Government would have collected an additional $135 billion in tax revenues, less than half of the budget deficit that year.

The point is that the effort to exclude families because they make more money is simply caving in to the shrill, yet baseless—the much-publicized yet anemic and the intimidating yet foolish cry from the left that the tax credit favors the rich. The fact is, those of us who know the tax cut package is good for the economy should have the courage to vote for a package that includes the provision to give a $500 per-child tax credit to families making up to $250,000, a 50-percent capital gains tax reduction, a front-loaded IRA, a repeal of the Clinton tax increase on social security benefits and an increase in deductions for small businesses. We can do this and balance the budget if we have the courage to cut spending and ignore the special interests that dominate this city.

□ 1645

TAX CUTS

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 5 minutes.

Mr. BECERRA. Mr. Speaker, there is nothing wrong with tax cuts. Obviously, it is great if we can give the American people a tax cut.

Two questions we have to ask, though, are: Is it being done equitably and can we afford to pay for the tax cuts, because somewhere we will have to pay for the loss in revenue.

We have heard Speaker NEWT GINGRICH describe within the contract on America this tax-cut proposal as the crown jewel of the contract. It is a crown jewel all right, but the only problem is you only get the jewels if you are privileged enough in society and can afford them.

The plan gives away billions of dollars in tax breaks and other goodies to corporations and the well-to-do, those groups, the only groups, in fact, that in the 1980's benefited from the trickle-down economics we experienced in that decade. If you do not belong to this group of corporations or well-to-do, the plan not only does not help but you have to pay for it as well.

How will you pay? We have seen a little already. Who takes the hit? School lunch programs, student loan programs, student grant programs for colleges, summer youth employment programs, home heating assistance for seniors. There will be more middle-class programs cut and dismantled over the next several months to pay for these expensive tax cuts.

The capital gains tax cut that we will see by itself benefits, for the most part, those that have incomes in the six-fugure range. Seventy-five percent of the benefits will go to the top 12 percent of Americans in this country. Overall, 50 percent of the benefits go to those who earn over $100,000, 12 percent of the entire population.

Let us take a quick look at a chart that we prepared here to show who benefits but who pays. If you happen to earn $200,000 or more, you are going to get about $11,266 from a tax cut from the Republican proposed legislation. If you earn under $30,000, you can expect to get, over the year, $124 in that tax cut.

If you take a look here, you can see how many people in America earn those different ranges of income. How many people earn over $200,000 a year? Less than 1 percent of the population. Yet they are going to take the lion's share of those tax cuts. How many earn under $30,000 or between $30,000 and $75,000? About 45 percent of the American public.

You can see from this chart how much, close to 50 percent of the American public will get out of these tax cuts. They are not going to the average middle-class family. They are not going to the average family period. They are going mostly to those who are well-to-do.

Why? It is unclear. We have not specified where the cuts will come from, the money to pay for those cuts. We have not discussed how we will somehow make up for the loss in money to pay for school lunch programs, but we do know that those who earn over $200,000 will benefit tremendously from this.

Is it just a Democrat or someone who happens to represent an area that has a lot of middle-class or working-class people in it that is subjected to this tax-cut bill, Democrat or Republican tax-cut bills? No.

Let me give some quotes from people on the Republican side of the aisle on this tax-cut proposal.

"Most people in my district don't consider someone making over $200,000 middle class." Republican from Iowa.

"It's a message that we need to give. That we don't think $200,000 is middle class. Just because everyone signed the Contract With America does not mean that everyone agreed with every detail." Republican from Nevada said that.

"I want something that defends Democrats' charges that we are the party of the rich." Republican from Illinois.

"There's a lot of concern that if we were to enact all the tax cuts in the Contract With America that it would make it all but impossible to bring the deficit under control." The chairman of the Committee on Rules, Republican from New York, said that.

Clearly, what we see here is not a tax-cut plan that will go to middle America. It is a tax-cut plan that removes the minimum protection that we have to make sure that corporations pay any minimum taxes that we passed about 10 years ago because we saw some mega-corporations, transnational corporations getting away without paying a cent of tax.

The Republican proposal that we will have before us this week eliminates that law that requires corporations to pay at least a minimum tax. This is not a tax plan for average Americans. This is not a tax plan that the Congress should pass. This is not a tax plan that the President should sign. This is a tax plan that will go to a few and be paid by many.

Mr. Speaker, I would urge all my colleagues as we debate this measure to take a close look at what we do here today and tell the American people that, before we start talking about tax cuts, let us start talking about deficit reduction.

H.R. 1215, TAX FAIRNESS AND DEFICIT REDUCTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, today marks a dramatic change in the way Washington sets policy, and the way Congress does business. We have begun discussing a truly revolutionary tax bill. I would like to share with you why this bill, H.R. 1215, the tax relief bill, is so important to me.

I want to be clear from the very beginning that this tax relief bill is not about rich versus poor. It's about rewarding behavior which grows our economy, pays off our debt, and keeps the torch of our system of self-governance burning bright.

You know, I was just elected to Congress last November. My wife, my three children, and I have enjoyed a nice life. But, we've worked hard, have been careful with our money, and have planned for the future.

I can still remember growing up on our family farm. As a family we woke up early and worked just as hard then. Like most farm families, our life was tough. But the love and good times we shared around the kitchen table, made all the tough times worth it.

When I hear people talking in this well about the Republicans trying to line the pockets of their rich friends, I think back to my days on that farm with my brother and sisters. I think back to the high-water pants I wore, and tried to cover up with lace-up boots, so no one could see.

President Dwight Eisenhower, a proud Kansan, used to talk about his humble childhood. He said he never realized he was poor when he was a kid, because he didn't know anything else. When I look back on my roots, President Eisenhower's description, I can identify with my fellow Kansan.

It is not despite my humble roots that I strongly support this bill, but because of my roots. This tax cut bill we will be discussing tomorrow is about families, and it is also about rewarding behavior which leads to a better community and a stronger Nation.

This tax bill is about aiming at a goal, and trying to attain that goal. This tax bill is about Americans becoming their highest and best.

Americans can do better than to encourage its oldest and wisest citizens to mothball their talents prematurely, just because they reach the age of 65. But, that is exactly what this country does when it discourages productive behavior on the part of its senior citizens. Allowing seniors to earn more and pay less taxes is reason alone to support this bill.

In fact the entire bill will help to keep this economy growing, and thus making it possible for us to balance our books by 2002. But the part of the bill which I support the strongest is the decrease in estate taxes.

I shared with you my farm background. Family farms are like so many other small businesses. Like my grandparents who worked hard their whole life, and they never felt they had any money. When they died they left the farm. In a sense my grandfather was rich for a day. My parents inherited the family farm. But after they paid all the debts, the notes, and the dreaded inheritance tax, it was like they bought the farm from a stranger, the Government.

Is it right in America, a land where the right to own property is a fundamental right, that younger generations have to mortgage the family land to pay the Government's taxes?

Is it fair to burden families with outrageous inheritance taxes, when that capital used to purchase the land has already been taxed once or twice already?

I am proud to support this bill which will increase the estate and gift tax exemption from $600,000 to $750,000. I am also proud that the $750,000 amount will be indexed for inflation from 1998 on.

Anyone who has worked in a family business or on a family farm knows that a value of $750,000 is not large as businesses or family farms go. And oftentimes families are forced to sell the businesses after a death just to pay the inheritance taxes.

Mr. Speaker, families have to deal with enough hardship when a loved one dies. Let's not add to their grief. In fact let's give them a hand, but keeping the hand of Government out of their pockets. Let's pass H.R. 1215. It's the right thing for farmers, it's the right thing for small businesses, and it's the right thing for families.

□ 1700

THE REPUBLICAN CONTRACT: WHO WINS, WHO LOSES?

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, at the end of this week the Republicans will have a celebration of passage of items in their Contract on America in 100 days.

The most important question we need to ask about the Republican contract is: Who wins, and who loses? The breakneck pace the Republican leadership has employed to pass the items in the contract has obscured the answer to this question. I am confident that as time goes on, and the American people are given the time they deserve to consider these measures, they will understand that they will be the losers because their interests are not represented as they were led to believe.

So let us step back for a moment and take a look at these first 100 days. What are the Republicans really selling with the contract, and who is buying?

The Republican leadership moved quickly to tend to the needs of their special patrons: the special corporate interests who have for decades sought relief from their responsibilities for the health, safety, and well-being of Americans.

Corporate America's special interests' day has finally come. In their zeal to protect their patrons the Republican leadership and Members immediately moved to issue a blanket moratorium on all new regulations of the Federal Government. This blind, unthinking payoff to the special interests did not discriminate between good regulations and bad ones. It did not consider who might get hurt. That, of course, was not the point. So this House voted to bring to a halt rules to protect the food supply from deadly E. coli contamination; rules to protect the drinking water; rules for greater toy safety; rules for workplace safety, and many other regulations issued to protect the interests of average Americans—the public interest.

Well, so what if we suspend all regulations which serve to protect the public health and safety? As American citizens don't we still have the right to control irresponsible corporate behavior through the most democratic institution of all, the citizen jury in a court of law? Well my friends, think again.

As the Republicans in the House take away with one hand, they also try to take away with the other.

Soon after voting to stop regulations that might serve to protect consumers from dangerous products and irresponsible corporate behavior, they rammed through a measure which makes it far more difficult for citizens to secure damages in court for harms they have suffered from dangerous products. Punitive damages, those awards made by juries as a message to stop future irresponsible and negligent behavior of corporations, were capped in the House bill. This takes away the power of the jury and reduces the prospect for punitive damages to just another calculation in the cost of doing business.

And by tying punitive damages to the income of the victim, the Republican sponsors of this bill have sent a clear message to Americans that their worth is determined by how much they can earn. I urge the women, elderly, children, workers, and poor of America to take note of this startling fact. No where else is the real agenda of the Republican contract made more simple and more clear.

Now what about welfare reform? Wasn't that supposed to make changes in a program for the benefit of all Americans—poor and working Americans alike? Well, the Republican leadership chose instead to avoid an honest evaluation of the Federal welfare program: fixing what needs to be fixed and improving what should be improved. They chose to avoid the underlying problems of jobs, health care and child care which beg for solutions. Instead they chose to slash the budget and callously pass the problem along to the individual States.

And yet as they cut $69 billion from programs like WIC and the school lunch program, they refuse our efforts on the Democratic side to ensure that these cuts would go to reduce the deficit, a benefit for all Americans. Instead, they chose to reserve those funds to plug a hole in their tax cut plan for the wealthy. I am sure that many working class Americans who supported welfare reform in the contract will be shocked when they discover who will reap the benefits. It is, of course clear, who will suffer.

It should come as no surprise that we have recently learned that much of the legislation in the contract was actually, literally drafted by professional lobbyists for the special interests. We learned that the Republican leadership gathers for lunch weekly with this small cadre of lobbyists so that they can represent the interests of their clients more effectively.

Well, let me tell you that I gathered for lunch with some VIP's myself last month. They were kids from an elementary school in my district. The young ones—babies 4, 5, and 6 years old—start asking their teacher what time lunch is about 9 in the morning each day. They are that hungry.

Mr. Speaker, If there were a few of these kids in your weekly lunches, and a few less special interest lobbyists—America would be a far better place for everyone.

The tactics employed by the leadership in ramming through anti-people programs have been designed to hide the truth from the American people about what they're really selling in the contract; about who gains, and who gets hurt.

This contract is for corporate America and fat cats, not for the people.

ORDER OF BUSINESS

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Maryland [Mr. BARTLETT].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SUPPORT FOR A CAPITAL GAINS TAX CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to speak out in support of our tax package coming before the House to be voted on this week, and Mr. Speaker, I specifically want to talk about our capital gains tax cut. I had a woman in my district who called me in support of our capital gains tax cut, and contrary to what we may hear from our colleagues on the left that this is for rich people, well connected people, fat cats, so to speak, this lady was actually unemployed. She is at home and she is recovering from cancer surgery. And indeed, she is a widow, her husband was killed in an automobile accident 5 years ago. But she called me to tell me that she supports the Republican capital gains tax cut because she has a house that she is putting up for sale and she needs that money to pay her medical bills and to pay for her son's education.

We are going to hear a lot of rhetoric from the left that this capital gains tax cut benefits the rich. But in reality the number of people that it benefits, by and large, are middle-class working people. If you add up the dollars, yes, the dollars suggest that it helps the rich. But if you add up the number of people who are benefiting from it, the vast majority of the people are middle-class working people, people earning less than $50,000 a year.

There is another benefit from our capital gains tax cut which goes totally neglected by the opponents of initiative; it is that the people who benefit from this then appreciate those capital gains and when they do not have to send that money to Washington and they take that money and they invest that money, it creates jobs. It creates jobs for working class people.

There is something much, much better in our economy when you stimulate investment and when that creates jobs than when jobs are created by make-work projects here in Washington. This capital gains tax cut is going to help the middle class, it is going to help working people, it is going to help unemployed people who are looking for work, and I support this tax package.

Mr. SAXTON. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Florida. I am happy to yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I would like to point out what the gentleman from Florida [Mr. WELDON] mentioned here just a few minutes ago is demonstrated on this chart. He said that most of the people who benefit from capital gains on an annual year-to-year basis earn less than $50,000 a year. And that is absolutely correct. If you take out the one year when they have gotten the benefit of the capital gain and average all of their other years out, as a matter of fact, 38.4 percent of the people on a year-to-year basis actually earn less than $50,000 a year and 22.4 percent, for a total of almost 60 percent of the people, earn less than $100,000 a year who benefit from the capital gains tax cut that we are suggesting.

So, when our friends from the other side of the aisle suggest that it is the rich folks that benefit, this chart tells a different tale.

Mr. WELDON of Florida. I really appreciate the gentleman from New Jersey sharing that and that chart illustrating the point very effectively.

There is one other thing I want to mention to my colleagues on the left. We are in a competition worldwide with the Europeans, with the people on the Pacific rim. For competitiveness' sake we need this capital gains tax cut. If you go to those countries, their capital gains rates are much, lower than ours are. The result of that is capital tends to move out of the United States into those other countries, so if we lower our capital gains rate it will not only create jobs, it will not only stimulate the economy, it will not only help the middle class, working class people, unemployed people looking for jobs, it will also bring foreign investment into the United States which further stimulates our economy, strengthens our dollar which is currently taking a beating in foreign markets.

Mr. Speaker, this bill is good for America, it is good for working class Americans, middle-class Americans, unemployed Americans.

Mr. Speaker, I support this bill. I encourage our colleagues on the other side of the aisle to put partisan politics aside and join us in a bill that is good for the whole Nation.

STUDENT LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, I stand before you today to protest the latest calamity that the Republicans have forced upon the citizens of this Nation. Once again, the Republicans are robbing middle-class families in order to offer tax benefits for the wealthy. This trend of the new Republican majority has reached alarming proportions.

Now, the Republicans have targeted college loan programs for cuts to pay for tax breaks to rich special interest groups. The contract on America would drastically cut funding for the Perkins Loan Program, Work-Study Programs, and Supplemental Education Opportunity Grants. Money from all of these programs accounts for over 75 percent of the financial aid that is distributed in this country every year.

If we allow the Republicans to cut funding for college students, the middle class will end up having to pay over $20 million over the next 5 years. This burden is too heavy to place upon the backs of the working families of America, and we cannot allow it.

Our young people are one of our most important resources. No young person who is capable of learning should be denied the opportunity to pursue a higher education.

A good education is crucial for success in this country. Investment in the successful futures of young people is one of our most critical obligations, and everyone must take it seriously. There is no greater cause than investing in the expansion of young minds.

I know that many of this Nation's most prominent citizens arose from humble beginnings, and improved themselves with Government-funded financial aid programs. With higher education costs rising every year, more and more families need a little more assistance in sending their kids to college.

The Republicans want to deny these underprivileged youths the opportunity to improve themselves, even though many of them relied on student loans to finance their own education. I don't know how they can justify taking away one of the best means to improve America's future, just to satisfy the greed of the very wealthy.

President Clinton has stated that he will stand firm against any attempts to eliminate or scale back student loan programs. We, as Democrats, are behind the President in standing up for working families.

Middle-class families work much too hard to have the fruits of their labor taken away for the benefit of the Republican's wealthy contributors.

The Republicans have reached an all-time low with this proposal. I give them and their Contract on America an "F."

□ 1715

And for emphasis, I suggest once more to you that if we are to survive as a strong nation, Mr. Speaker, we must educate our youth.

INVESTMENT AND JOB CREATION

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise this evening in strong support of H.R. 1215, because it is an investment and job-creation bill.

Let me talk for just a moment about tax cuts in general and what they do. First of all, let me say that tax cuts are not a government giveaway. What the Government is doing is simply taking less of your hard-earned money.

The Federal Government has no right to your money. When they take less of your money, that is not a Government giveaway. It is simply letting you keep more of what is rightfully yours.

Republicans and small business all across the country, indeed, large businesses also recognize that the engine of job growth in America is small businesses. The statistics from our recovery from the last recession are really very illuminating. If you place the companies across our country in categories relative to the number of employees, 5,000 employees and above, and then smaller and smaller until you get down to the smallest companies, and those are with zero to four employees, the new jobs that were created in recovery from the last recession, a tiny percentage of those were created in the companies that had 5,000 employees and more. No company below that, no group of companies below that, increased their work force at all. It relied on the smallest of these groups of companies, the zero to 4 employees. More than 90 percent of all the new jobs were created. This makes it very apparent that capital investment, for small businesses is very, very important in our job force, particularly so when we are trying to recover from a recession.

I sit on the Small Business Committee, and I have been impressed over and over with witnesses how important, how important venture capital is. Regrettably, the Federal Government has in the past, and we are correcting that, the Federal Government has been playing the role of investment banker. It has been taking the hard-earned dollars from American workers and trying to make choices of who will succeed and who is not likely to succeed in the business world. They have not done very well at that, because it is not a proper function of government.

We do need money for small business, but this money should not be controlled by the Government. Our oppressive tax structure, after a business finally even gets enough money to get started, our oppressive tax structure penalizes people for success in business.

We had one witness in the committee which told of a friend of his who had a company of over 100 people. The Government was taking more than about half of the money that his company made, and if he was able to save the rest of it, when he went to pass it on for his children, the Government would take more than another half of it. So his children were going to get about 20 cents of each dollar that he earned now. He did not need the company and all of the headaches and the Government harassment, and so he quit. There were 100 people out of work, because there was no incentive for him to continue to work.

We need to lower this oppressive tax structure.

Mr. SAXTON. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I would just like the gentleman to yield on the point he is making about Government taking a bigger and bigger bite out of people's pockets and a bigger and bigger bite out of national income.

This chart demonstrates, beginning in 1930 when the Government took 12 percent of national income, to 1940, when the Government consumed 25 percent of national income, to 1960, when it consumed 32 percent of national, all the way up to 1990 when local and Federal Government consumed 42 percent of national income.

What the gentleman is saying correctly and very articulately is that this bill is about trying to turn this around so national income is consumed less by the Government rather than more each decade, as we see is evident on this chart.

I thank the gentleman for making that point.

Mr. BARTLETT of Maryland. Thank you very much. If you continued that, last year, May 27 was tax free day. That is more than 42 percent. But we were not through yet supporting Government, because between May 27 and July 10, every person in America who worked spent all of their money, all the money they made went to pay for unfunded Federal mandates, so the cost of total Government last year took all of the income of all working Americans up until July 10.

This is a tax burden that we cannot bear.

Just a word, in closing, about the capital gains tax. By statute, CBO cannot dynamically score a tax cut. They must statically score it. What that means is all of those capital gains tax reductions will certainly create jobs and increase revenue to the Government. They cannot score it that way, but everyone who studies this knows a capital gains tax cut is a real winner for everyone.

INTRODUCTION OF THE VETERANS HEALTH CARE REFORM ACT OF 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. EDWARDS] is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, the Congress has a long record of support for America's veterans and for the VA health care system on which so many veterans depend.

That system, like health care delivery generally, is facing an era of challenge and change. A critical factor for both the private and public health sectors, of course, is the high cost of health care delivery. Managing within a fixed budget, the VA has long been a cost-conscious provider of care. In recent months, however, VA's leadership has initiated additional reforms aimed at achieving more efficient service delivery.

We continue to press the VA to streamline and improve its delivery of care. We also recognize, however, that the Department operates within a statutory framework which from time to time needs revision. It has become clear to me that at least one key element of VA benefits law no longer serves the veteran or VA effectively. Specifically, the laws governing eligibility for VA care have become archaic and need to be modified. Those laws—some reflecting medical practices of years ago—make it easier to get costly hospital in-patient care than routine outpatient treatment. As a result, VA facilities often face the choice of denying a veteran routine outpatient treatment, providing that treatment illegally, or hospitalizing the individual to circumvent statutory limitations.

There is relatively broad consensus that enactment of health care eligibility reform is a top priority. Veterans have been urging Congress to enact a law which would guarantee comprehensive health care coverage, including long-term care, to service-connected, low-income, and others with a high priority to VA services. We attempted to achieve that goal last session as part of the broader pursuit of national health care reform, but were ultimately unsuccessful. I do not believe the prospects for that kind of comprehensive legislation have improved.

In my judgment, we can best achieve our common goals for VA eligibility reform incrementally. The reforms proposed in the Veterans Health Care Reform Act of 1995, which I'm introducing today, are incremental, but they are also important. My bill would for the first time eliminate barriers to routine outpatient treatment, and make medical need rather than a questionable legal test the basis for determining whether a patient requires hospitalization or a clinic visit. The changes would not only make VA eligibility rules more rational, they would expand the benefits available to most veterans. Under current law, only a limited group of veterans—those 50 percent or more service-connected disabled—are assured of receiving comprehensive outpatient treatment. The bill calls on VA to manage resources so as to provide comprehensive outpatient treatment, as well as hospitalization, to a much broader spectrum of veterans, including those receiving compensation for a service-connected disability, former prisoners-of-war, World War I veterans, and lower income veterans.

Although I believe VA medical care merits a greater percentage of discretionary funding than it receives, the bill's proposed expansion of eligibility does not depend on additional appropriations. The bill instead envisions that the VA will shift care from its hospital wards to its outpatient clinics, and with the shift free up resources. Studies have found that some 40 percent of episodes of VA hospital care could more appropriately have been provided on an outpatient basis. In part, the problem is that VA facilities have more hospital bed capacity than they need, but not enough space and staff devoted to providing outpatient treatment. The bill would reverse that. It would provide VA a means to expand its outpatient treatment capacity by permitting the Department to retain for these purposes third-party collections above the Congressional Budget Office baseline level.

Let me stress that this bill is an important step forward, and a step on which we can build in the future. While its provisions would only have effect for a 3-year period, its implementation will provide the kind of data and experience VA and the Congress need for the still more comprehensive reforms that veterans seek and deserve.

DISTORTIONS ABOUT THE TAX REDUCTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DOOLITTLE) is recognized for 5 minutes.

Mr. DOOLITTLE. Mr. Speaker, many of us are looking forward with greater anticipation tomorrow to passing what is a most significant provision of the Contract With America. That is the tax bill with all of the attendant benefits for families throughout the United States.

We have heard much talk from the other side about benefiting the rich, gross distortions of what this bill actually does, and a constant reference to the rich or to really utilizing a technique, if you will, of class warfare.

Mr. Speaker, I just would like to point out the Constitution of the United States and the writings of the Founders of this great country make no mention of class or income level. Indeed, the Declaration of Independence proclaims that all men are created equal, which means that all men and women stand equal before God in their entitlement to exercise their inalienable or God-given rights of life, liberty, and the pursuit of happiness.

We all know that the American family is overtaxed today. In fact, Americans are overtaxed, paying a higher percentage today in taxes than at any time since World War II, and we are not in a war right now, Mr. Speaker. We are fighting for survival against the Government which seeks to regulate and tax out of existence the very Americans who provide for its support.

Now, we hear from many critics on the other side the idea that we ought to sacrifice in essence for Government so that Government can tax the people's money, bring it back here to Washington, run it through the bureaucracy and trickle it back down again out to the end recipient.

Study after study shows that we lose between half and two-thirds of every tax dollar that is taken in that fashion. That is a gross waste of resources and a burden on Americans that we can no longer afford. We are making a start to turn that around with this very important piece of tax legislation tomorrow which cuts taxes for everyone.

I would just like to reference a chart that shows the effect, for example, of the capital gains tax cut where we are constantly criticized for benefiting the rich, and I would just like to reference this chart prepared by the Bureau of National Affairs which indicates that the distribution of tax returns reporting a capital gain with income measured as the adjusted gross income minus the capital gains, and you can clearly see that 70 percent of the returns filed claiming capital gains are for people whose incomes, adjusted gross incomes, are under $50,000, 70 percent. For those with adjusted gross incomes of over $200,000, only 2 percent filed such returns.

So do we all benefit from these capital gains provisions? Yes, we do. And by the way, the distribution of the benefits for the $500-a-child tax credit is roughly in similar proportion to what we see here with the capital gains.

Again, the vast bulk of the benefits go to people of middle incomes. But again we are changing the tax provisions to say children have value and whether you are rich or poor, we as a government are going to recognize that with a $500 per child tax credit. It is right in the philosophy of a man who as a good Democrat, President John F. Kennedy, who proclaimed "A rising tide lifts all boats." That is the philosophy of the Contract With America. We believe in restoring competitiveness to our economy. We believe in increasing the rate of economic growth. We believe in increasing the savings rate of individuals, and we do that in this tax bill by changing the provisions relative to IRA's, individual retirement accounts, so that all people have an incentive to put some money away for a rainy day and when they do that, after 5 years, they can take it out tax-free.

That will create the incentive that Americans need to begin saving once again. The whole basis of this country, the free enterprise system, is based on incentive.

In the Contract With America we restore that incentive.

I look forward to that very important bill tomorrow.

BACK TO THE FUNDAMENTALS ONCE AGAIN

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, I love baseball. Growing up in farm country in southern Illinois, I always managed with my cousins to start the baseball season this time of the year with some pickup games, and I dreamed of the time that I could become a baseball coach. I went into the Army when I was 17, and I got out at age 20 and started going to the university. I got a bachelor's degree in physical education and became a baseball coach. I started coaching in a small rural high school. After the basketball season had ended my first year of coaching, it was only a few weeks' time that we had to get into the baseball season. In between that and the April showers we did not have much practice time. Lo and behold, the kids had not had the privilege of playing in Little League or Pony League or Legion Ball, so they knew nothing about the fundamentals of baseball.

In our first game of the year we were playing another team in a nearby community. We were behind 9 to nothing in the bottom of the 5th inning. In high school ball there is a 10-run rule. If you are behind 10 runs at the end of the 5th inning everybody goes home. They make the assumption you are not going to catch up; the game is over.

So the opposing team had the bases loaded and nobody out. If the kid on third base scores the game is over and we all go home. So I walked outside the dugout and yelled to my men in the infield. I said, "Okay, men, let's bring the infield in for the play at the plate." I turned and walked back to the dugout and every single kid on the infield followed me straight into the dugout. Well, I was shocked. Derisive laughter came out of the stands. People were guffawing their heads off. I chewed my kids out. But the truth is, on the way home I got a guilty conscience. You see, it was not their fault that I had not taught them a basic fundamental of the game, how to bring the infield in and throw the guy out at the plate. It was my fault. I had forgotten to teach the fundamentals. I want to tell you in this last baseball strike here lots of fundamentals were forgotten, mainly that baseball is a game. But let me tell you about a labor-management dispute that is not a game.

In my district the United Paper Workers, the United Auto Workers, the United Rubber Workers have been in the midst of a labor-management dispute for some as long as 2 years. These are people that will never make a million dollars in their entire lifetime.

They are not cry babies. But their babies are crying. No jobs, less food on the table, no health insurance. These people do not labor in high-paying, hero-worshipping jobs in right field or center field or even the infield. They labor in coal fields and cornfields and wet-milling plants and making rubber tires and making heavy equipment, tough jobs.

When their complaints of unfair labor practices were filed, some as long as 2 years ago, no one expedited their case in the National Labor Relations Board. When their employers locked them out in the case of the rubber workers permanently replacing them because they wanted the same contract as this Japanese-owned corporation that their counterparts had received from American companies, no Federal judge said a word. Why? Is their labor less worthy? Are their families less important to the welfare of this country? How can we be so out front for people making $4 million or $5 million a year and so reluctant to help people making $20,000 or $25,000? I know unions are not in favor today. But I grew up in coal-mining country. I saw young men go down into the mines and come up, at 35 years of age, with black lung and die and leave their families with nothing, until the UMWA organized. I saw the working conditions change so that accidents did not take hundreds of lives.

Mr. Speaker, Mr. President, I am not asking for the administration or the Congress to take sides in this labor-management dispute, but I am asking that the same sense of urgency and concern be given to the working people of this country.

Let us not forget the basic fundamentals of what built this country: Respecting people's work and expecting that their government will go to bat for them no matter their station in life or their position of power and influence in this country.

PASS H.R. 1215

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to support an increase in the Social Security earnings limit and to ask for the repeal of the Clinton tax hike on Social Security benefits. Both are included in H.R. 1215.

Mr. Speaker, the Social Security earnings limit is an unfair and detrimental burden on all senior citizens who find it necessary to work. A fixed Social Security income alone, or a planned savings program designed to supplement income during retirement, does not in any way provide sufficient financial security for senior citizens to live in the current world of rising prices. Moreover, and equally important, after being accustomed to bring in the work force for various decades, retirement leaves many seniors with a feeling of worthlessness and a lack of identity, hence there need for employment.

Unfortunately, Mr. Speaker, instead of repealing the earnings test which he once felt was punitive, President Clinton failed to even increase the earnings limit. Last year, his Social Security Administrator testified that only a $1,000 increase was possible.

Under current law, senior citizens lose $1 in Social Security benefits for every $3 they earn above $11,280.

The earnings limit translates into an added effective tax of 33 percent, combined with a 7.65-percent FICA withholding tax, and a 15-percent Federal income tax. This combines into a preposterous effective marginal tax rate of 55.65 percent—twice the tax rate of millionaires. This, Mr. Speaker, is outrageous, because it keeps people from working and I feel that no one person should be discouraged from working or, worse yet, penalized for trying to be financially independent. That is why I favor H.R. 1215, which eliminates the bias against older Americans who continue to work in order to help themselves and to create a better future for all.

This legislation phases an increase in the earnings limit to $30,000 by the year 2000 and allows seniors to earn $4,000 more each year.

An increase in the earnings limit is synonymous with positive benefits for senior citizens and for the overall welfare of this Nation. An increase in the earnings limit will provide for increased economic growth resulting from the wealth of expertise gained from seniors who possess decades of workplace experience, not to mention a strong work ethic, punctuality, and flexibility. We need the expertise and manpower that our seniors provide, in addition to the billions of dollars in the annual output of goods and services which their manpower renders.

The implementation of the earnings limit is a complicated procedure which requires that seniors produce estimates of their earnings for the upcoming year so that the Social Security Administration can reduce their checks. Any incorrect estimate, however, translates into a lump sum reduction in benefits or, worse yet, increased costs for these seniors if they have to employ tax accountants to determine the changes in their tax rates.

As if these limits to earnings were not enough, Mr. Speaker, current tax laws serve to place even harsher penalties on America's seniors, specifically those who continue to work, be it for financial or emotional reasons, beyond the age of 65. By requiring America's seniors who earn more than $34,000 as individuals, or $44,000 as couples, to pay income taxes on 85 percent of their Social Security benefits, the 1993 Clinton tax hike on Social Security benefits placed a heavier economic burden on millions of middle- and low-income senior citizens.

The bill repeals the Clinton tax hike in a 5-year period. By the year 2000 the percentage of the tax on Social Security benefits will be lowered to 50 percent. This was the amount originally in effect before the 1993 tax increase. H.R. 1215 is designed to grant tax fairness for millions of American families and, more importantly, for those who have made this country what it is today, our elders.

By increasing the earnings limit seniors can receive, and eliminating the 1993 tax hikes to which they are exposed to, this legislation will serve to lift the financial burden of our older Americans and will grant them a feeling of usefulness and contribution as they continue to produce in the workplace.

WHAT ARE OUR PRIORITIES AS A SOCIETY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. WARD] is recognized for 5 minutes.

Mr. WARD. Mr. Speaker, I am proud to join my Democratic colleagues today in speaking out against the proposed cuts in student loans offered under the Republicans' rescission package. Now let me hasten to point out that I am not saying, as you may have heard some Members of the other party say today, that Democrats just want to tax more. It is not a question of taxing more, it is a question of what is going to be cut? It is a question of what are our priorities as a society?

As we have seen in these rescission programs, the priorities that have been reflected in the cuts that have been made are not the priorities that I was elected to Congress to talk about or to promote.

I want to mention one thing that is particularly of concern to me today. This concerns this body, that as a body we should have a rule, as we did in the State of Kentucky where I served in the Legislature, that any conference committee change of a bill has to be explained on the floor of this House.

What we have seen, ladies and gentlemen and Mr. Speaker, is a change in a very simple bill, a simple bill that was passed by a wide margin in the House and in the other body, but with little differences. Those differences were worked out in a conference report. That conference report had the power to add things that were never discussed in either the House or the other body. But with that power what they did in this case was to add one tax break for one very rich individual named Rupert Murdoch. This tax break, one of 17 that were proposed, relating to the Federal Communications consideration of purchases of minority enterprises, sales to minority enterprises, a tax break that will mean tens of millions of dollars in money directly to that corporate empire, which was not told to us on the floor of this House when it was brought up.

As I say, in the State of Kentucky, there is a specific rule, a requirement that a change of that nature has to be raised on the floor. Had it been raised, Mr. Speaker, there would have been cries of foul from one side of this floor to the other. Had it been raised the bill would have been changed on the floor or defeated and sent back to be changed before it was brought back before us.

□ 1745

So today I have urged the President to veto that bill, veto that bill because, while it does offer an important tax break to small business people who buy their own health insurance, that is something we can do in an hour and a half after the veto.

Ms. MCKINNEY. Mr. Speaker, will the gentleman yield?

I am so glad that the gentleman is talking about this.

Now I have got a newspaper article here from the New York Daily News where Mr. GINGRICH says, "I'm against affirmative action for rich people," and he was urging the repeal of this tax break.

Now I am also further reading here that the exception cleared by the House leaders was so tightly crafted that, by rearranging the dates in the legislation, it hands the break only to Murdoch.

I ask, "Can you believe that we were duped just like that?"

Mr. WARD. I appreciate the gentlewoman from Georgia making that point because what it shows is that it is business as usual.

I am a freshman Member; the gentlewoman from Georgia is a sophomore Member. We were sent here to do things differently that work. We were sent here to change things.

Ms. MCKINNEY. We abolutely were.

Mr. WARD. I yield again.

Ms. MCKINNEY. We were sent here to change things, but, as it stands, nothing is being changed. These people are going too far, the Gingrich revolution has gone too far in the special interests category, benefiting one person, and I cannot believe that we began this hundred days with a discussion about NEWT GINGRICH and Rupert Murdoch with their arms entwined, and now here we are ending this hundred days. What? With the same discussion, about the gentleman from Georgia [Mr. GINGRICH] and Mr. Murdoch with their arms entwined again.

Mr. WARD. Mr. Speaker, I thank the gentlewoman, and the point I want to make is, "If you're going to give up this kind of revenue to the Federal Government, what are you going to cut to make up for that revenue," and that is what we have seen, especially in the student loan program.

H.R. 1215 WILL RESULT IN A BALANCED BUDGET BY 2002

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from New Jersey [Mr. MARTINI] is recognized for 5 minutes.

Mr. MARTINI. Mr. Speaker, I am pleased to report that when H.R. 1215 comes to the floor, the tax relief bill this week, it will now contain language that clearly states that the tax cut provisions in the bill can only become law as part of legislation that will result in a balanced budget by the year 2002. This provision certainly strengthens the bill and clarifies and reinforces our party's commitment to balancing the budget as well as providing tax relief to the American people. I intend to support the rule and H.R. 1215 and urge the support of all of the Members of the House.

As a freshman this year, this past fall I also ran on a platform committed to reducing the deficit, reducing the size of the Federal Government and, ultimately, balancing the budget, and I think that point of view was shared by the majority of the Members of this House.

Looking at the bill, H.R. 1215, in anticipation of this upcoming vote this week, as originally reported from the committee, it did not contain, in my opinion and in the opinion of several others who have worked very hard in the past week to bring this language to the bill, my colleagues, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Michigan [Mr. UPTON]. In reviewing that bill it would appear to us it did not contain the type of safeguards that deficit reduction would not take place to passage at the cost of the promised tax cuts.

As a freshman going through one rescission bill in the past, a month here as a Member of the House, I quickly began to realize that, faced with the tough decisions, how difficult it is to bring a majority to reducing the size of government, to making government more cost effective and to bringing about the deficits that we so direly need to balance the budget.

We certainly have a responsibility to the American people to take the additional step of tying the tax cuts directly to the passage of budget reconciliation legislation that will balance the budget by the year 2002.

I am pleased to say, as well, our leadership has agreed this requirement in this language should be included in the tax bill that we will be voting on this week. I would like to take a moment just to briefly explain what the three provisions of this language are.

First and foremost, it assures us that there will not be any implementation of a tax package that we vote on this week unless and until this House later this year puts into place a balanced budget or a budget that reflects that we will reach a balance in the year 2002. It further provides, No. 2, a mechanism by which we can focus on that process each year from now until the year 2002, and in the event we do not reach those deficit reductions anticipated for each year, each Budget Committee of the respective Houses of Congress would report to the Congress of policies and recommendations to get us back on to that glide path, but, most importantly, Congress would then have to incorporate those policies and recommendations in that year's annual budget resolution. So there is some teeth to this provision that will force the Members in Congress, as a body, to each year look at the glide path to reaching a balanced budget by the year 2002 and to take the necessary actions to incorporate those provisions into that year's annual budget resolution.

The third part of this, I think, is important because to ensure the responsibility for balancing the budget, as is articulated by all of us here, including the executive branch, that process should be shared by both the legislative and the executive branches, and the third part of the language that will be included in the tax bill will require the executive branch annually to submit, in addition to his proposed, to the executive's proposed, balanced—proposed budget each year, should it not be balanced, the executive branch will be required by this language, as well, to come up with an alternative budget that will reflect how he would or she would envision reaching a balanced budget by the year 2002.

In closing Mr. Speaker, we strongly believe that these provisions strengthen and improve H.R. 1215. In my opinion they will lessen the prospect that each Member of Congress, when faced with the tough deficit reduction decisions that we will have to make later on in this year, that each Member of Congress will not blink in the bright lights of those decisions, but rather will go forward in making those decisions, understanding that, in addition to the good fiscal policies that this bill will now reflect, there will also be a vested interest in the American people to obtain the much needed tax relief that they so rightly deserve. We will make tough spending cut decisions before tax cuts go into effect with this language included in the bill.

In closing, Mr. Speaker, this provision is good policy and is fully consistent and supportive of the Contract with America in providing the necessary tax relief that the American people so rightly deserve. We will support the rule and the bill and recommend its support by other Members of Congress.

REPUBLICAN TAX CUTS—POLITICIAN'S DREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, during the course of the next 24 to 48 hours there will be an extensive debate on the floor of this House of Representatives about a tax cut bill. Talk about a politician's dream, to stand up in front of the American people and say, "Guess what? I've got a tax cut for you."

Mr. Speaker, people applauded. They say, "You're the greatest elected official in the world. How can you be so generous and so kind?"

Well, there will be some of us who will be questioning this tax cut, and you say, "Wait a minute. Why would any politician in his right mind question the idea of a tax cut? Don't you want to promise people you're going to cut their taxes?"

Well, of course we do, and there are a lot of deserving people in America who should have their taxes cut, but unfortunately the Gingrich Republican tax cut bill is not a fair bill for this country.

First let me tell you this:

This year we have a $190 billion deficit, $190 billion more that we will spend than we take in. This tax cut proposed by the Gingrich Republicans is going to add about another $190 billion more to the national debt over the next 5 years, and, over 10 years, $630 billion more to the national debt. Why are we doing this at a time when we are cutting school lunches and other programs because of deficits? Why would the Gingrich Republicans want to give tax cuts away and add to the deficit, require us to cut even deeper into spending for education and for school lunches? Well, let me tell you why.

Take a look at what this tax bill does. It tells the whole story. Who is going to get the benefit of this tax cut? Working Americans? Folks who get up every day, pack the lunch box, punch the clock, drop the kids at day care, do the things you have to do? They will get a little bit, but look who the real winners are. Take a look at this chart. Who benefits from the Republican tax bill?

Under a $30,000 income, if you happen to have a family, making under $30,000, your average cut for your family is $124, $2 and, what, 80 cents a week or so? And then take a look. From 30,000 to 75,000, $760; 75,000 to 100,000 thousand, $1,572. Hang on to your hats, folks, when you get over $100,000. From 100,000 to 200,000 the Gingrich Republicans want to give you $2,465 in tax breaks, and the superrich, the privileged few over $200,000, $11,000 tax break, an $11,000 tax break to folks making over $200,000 a year?

Pardon me; what did I miss here? We are in a deficit? We are cutting school lunches? We are cutting back on student loans? We are reducing money for schools and education for our future so that folks making over 200 grand a year can have an $11,000 tax break? That does not make any sense.

Let me yield to my colleague from Texas.

Ms. JACKSON-LEE. I thank the distinguished gentleman from Illinois [Mr. DURBIN], and I think what you have just highlighted is a lot of smoke and mirrors. I am confused, and I am asking the same question. You know, we get labeled a lot, liberals and conservatives, conservatives and liberals. The idea is to come here and represent the American people.

I say to the gentleman, You made a good point. People are excited about a child tax credit. Do you realize that 40 percent of the children getting this tax credit are the children of the wealthy, and yet those low income family children will benefit only 3.5 percent?

Then they talk about the marriage penalty. I have had good working people sit in my office, labor folk who work every day. They simply say, "Give us a living wage, give us a job. We'll work with this country. We just want to send our kids to school. We just want to make sure they've got a good meal." And yet, when we think about the marriage penalty, let me tell you what it actually does.

The provision would only help 14 million of the 30 million couples who experienced a marriage penalty. In addition, the average benefit is only $145 per couple, and the penalty is far more than it is in terms of what we are getting as a benefit, and yet the smokes and screens tell us that we are getting a great benefit for the American people.

I am wondering, What's the rush? What's the rush? This does not account for the 1995 taxes. We need to deliberate and begin to talk about bringing down the deficit because we are going to lose $650 billion in revenue with this kind of tax cut.

Mr. DURBIN. Let me tell the gentlewoman she has hit the nail on the head. The reason why there is a rush is the folks making over a hundred grand a year are going to need $2,465 in tax breaks under the Gingrich Republican bill, and the folks over 200 grand, 11,000. Well, I want to suggest to you, Let's make a deal, and here is the deal, a bipartisan approach, Democrats and Republicans together, and here is what I would like to suggest:

One hundred and six Republicans wrote to Speaker GINGRICH and said, "This is embarrassing. It is embarrassing to be giving this kind of tax break to people at a time when we have a deficit and we're cutting school lunches, student loans." And 106 Republicans said to the Speaker, "Why don't you cut it off at $95,000? If the families making $95,000 or less, let's give them the tax break for their kids. Don't give it to the superrich, the privileged few."

Well, those 106 Republicans stood up to Speaker GINGRICH. They made a proposal we can do business with. Let us get Democrats and Republicans together in a bipartisan way helping real working families.

DEMOCRATS NEVER SEE A TAX CUT THEY LIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Mrs. SMITH] is recognized for 5 minutes.

Mrs. SMITH of Washington. As my colleagues know, it does not surprise me that the gentleman from Illinois [Mr. DURBIN] does not believe this is a time for a family tax cut. Until 6 months ago, I was not planning to come here. I was a write-in candidate, and I was sent by a blue collar Democrat district who said, "We have had it with Congress. We're going to replace the person who is here who has never seen a tax cut she liked either," and they replaced her with me after I had passed a measure in our State that said no more tax increases without a toll of the people, after we had put our State on a budget of no larger budget increases than population and inflation. And guess what? They sent us a message, and they sent us a message because my colleagues who were here on the Democrat side have never in 42 years of being in control seen a middle-class tax cut that you liked.

Let me tell you my other profession, and I do believe politics can be a good profession, we can make it that, my other one, though, is preparing tax returns and helping people with their tax planning.

□ 1800

For many years that is what I did for a living. Next April, let me tell the families that I worked for and helped plan their taxes what is going to happen on their taxes, and it will remove the rhetoric of the percentages and the crud that you have been hearing from the other side.

If you have two kids, I am going to say you got a $1,000 bigger refund because you got those two kids than these folks that have been fighting and giving you all the rhetoric from the other side.

You pass this tax cut, it is $1,000 in you pocket. You can fix the old car, you can take the kids to Disneyland, it is money in the bank if you have two kids.

Now, if you have three kids, you get $1,500, and you need to also know that most kids are middle class, they are people right in the middle, mom and dad are working, they are under $100,000.

This rhetoric about it going to the rich means if some rich person happens to have a kid, they get $500, too. Now let me ask you, if I line up six kids here, are you going to tell me one of them is not worth $500 and the other five are?

Mr. SAXTON. Will the gentlewoman yield to me?

Mrs. SMITH of Washington. I would be glad to.

Mr. SAXTON. Mr. Speaker, the gentlewoman just made a point that most families that are going to benefit from the $500 tax credit are middle class, and that is, in fact, absolutely correct. This chart shows graphically just how that works out.

As a matter of fact, according to this chart, which comes from the Tax Foundation, who will get the contract's $500 per child tax credit, it shows clearly that 85.5 percent of the people who will get the tax credit, the family earns less than $75,000 a year as the gentlewoman correctly pointed out, and that those over $75,000, there are only 12.5 percent who will benefit from the tax cut.

Mrs. SMITH of Washington. So it does not go to the rich unless some of us in the middle there are in the rich?

Mr. SAXTON. I said the families that make $75,000 a year, perhaps the one spouse makes $40,000 and the other spouse makes $35,000 a year, that to most people today would be considered to be a middle-class family.

Mrs. SMITH of Washington. So that family next April when they come in and have their tax return done, that family is going to get $500 off their taxes per child.

What was the rate? You know, I had heard it but I cannot remember. What was the rate? In 1948 I do know it was 2 percent of the family income went to Federal tax. I know it is somewhere around a quarter now. Do you know what that is now?

Mr. SAXTON. Well, on average today the total amount that government takes out of a family's budget is well over 40 percent.

Mrs. SMITH of Washington. And the Federal takes quite a bit?

Mr. SAXTON. This is an attempt to get back to what it was at an earlier time before inflation eroded the exemption that we have for members of our family.

Mrs. SMITH of Washington. Well, you know, I think it is just about time——

Mr. HOKE. Would the gentlewoman yield for one question?

Mrs. SMITH of Washington. I would be glad to yield.

Mr. HOKE. Does not what this chart reflect or prove is the central problem that we have got with taxation, and that is this chorus that you hear over and over and over which is to say, tax the rich, tax the rich, tax the rich? The problem with it is that there are not enough rich people to actually make the difference that they want to make.

The reason that we have a tax burden that is strangling this country is because there are too many taxes on middle-income working men and women, that is the problem. If we could go further, we would. That is the solution in easing the burden on the middle class.

Mrs. SMITH of Washington. That is right. I think when we do it tomorrow the American people are going to be tickled.

SUPER-WEALTHY GAIN AT EXPENSE OF COLLEGE STUDENTS

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, in the coming days, pundits and politicos will take to the airwaves to grade the Republican Contract With America and the first 100 days of the 104th Congress. But, how you grade the Contract With America all depends on where you're sitting:

For instance, if you're a billionaire tax evader sitting on a Caribbean beach somewhere, give the contract an A+, because Republicans have preserved the tax loophole that allows you to renounce your citizenship and avoid paying taxes.

And, if you're a lobbyist or a corporate special interest sitting in a wood-paneled boardroom, give the Contract an A+, because it eliminates that pesky corporate minimum tax and rolls back health and safety regulations.

But, if you're a senior citizen sitting in your New England apartment, the contract gets a failing grade, because it cuts your heating assistance for next winter.

If you're a elementary school student sitting down to a reduced-price lunch in the school cafeteria, the contract gets a failing grade, because it cuts school lunch and deprives thousands of children the one balanced meal they get all day.

And, if you're Victoria Dunn, a mother and college student who I met last week, the contract fails you twice.

Victoria, a 37-year-old student who also has a daughter who is a college freshman, came to a student loan forum I sponsored on Friday in my district. She came because Republican cuts in student loans threaten both her's and her daughter's education.

"I'm scared to death about this," she told me. "God forbid this happens and I can't finish my degree. It's my hope for my future."

In Connecticut, the Republican proposal would increase the cost of a college education by $4,547 per student. Nationwide the Republican proposal represents a $13 billion cut that will result in the largest increase in colleges costs in history. That's an increase that will end the dream of a college degree for many students in my State. Students like Victoria Dunn.

How you rate the first 100 days of the Republican-led Congress, all depends on your perspective. If you happen to be a lobbyist, a millionaire, a billionaire, or a corporate special interest—you're a winner. But, if you happen to be a child, a senior citizen, a student or a middle-class family, unfortunately, you lose.

I would now like to yield to my colleague from North Carolina, Mrs. CLAYTON.

Mrs. CLAYTON. I thank the gentlewoman from Connecticut for yielding.

Mr. Speaker, there are winners and losers in this tax ill. Americans should know, making the tax bill fair to Americans and who wins and who loses in that should be reemphasized. I just want to ask the gentlewoman from Connecticut, who do you think really are the big winners in this again? I understand that we are saying this is going to be tax relief all America is going to benefit from. The gentlewoman who spoke earlier said that when next tax time comes, who will be the great winners in this? Will it be the average American who is under the $50,000 or will it be those who are working every day trying to send their kids to school, or will it be the very poor or who really will win under this big tax break we are going to give by Friday? Who are the winners under this?

Ms. DELAURO. Mr. Speaker, it is very clear. I tell the American people that they need to take a look at the numbers, not to listen to what we have to say, but it is clear those who make over $200,000 in this country, the richest 1 or 2 percent in this Nation are going to get an $11,000 tax break.

Those people who are working middle-class families who are making $30,000, $40,000, and $50,000 a year are looking at a pittance in terms of a tax break. They are looking at $274.

Now, you tell me where that is equity. The other piece of this tax cut package says to the richest corporations in this Nation, let's repeal the alternative minimum tax, that floor that you have to pay in taxes to this Nation to contribute to the well-being of this country, let's eliminate and you pay zero taxes to the United States.

Mrs. CLAYTON. Will the gentlewoman yield?

Ms. DELAURO. I would be happy to yield.

Mrs. CLAYTON. Mr. Speaker, also being part of an American is to have equity, and part of it we think the compassion of this American society would say that those that are most vulnerable should not have to pay at the expense of allowing those who are the very rich, that are schoolchildren, that are senior citizens, that are veterans. There are people who are paying dearly for this tax, in fact we have already paid for it and we will pay more.

Mr. Speaker, tomorrow we will begin debate on the Republican tax cut proposal.

At a time when low- and middle-income Americans are struggling to make ends meet, relief is being given to the rich, while burdens are being borne by the poor.

The tax cut plan gives $11,000 to those who make more than $200,000.

For those who make less than $30,000, the plan allows a paltry $124.

The plan reduces the capital gains tax to its lowest in 40 years, and gives the richest 1 percent in America, 20 percent of the tax breaks.

A $500 tax credit is available to taxpayers who earn up to $200,000.

While cutting taxes for the rich, the plan cuts programs for children, senior citizens, and college students.

Who loses under the plan, Mr. Speaker?

The Federal School Lunch Program, serving 25 million children each day; the Women, Infants, and Children Program, serving 100,000 pregnant women and children; and the student loan program, serving 4½ million students.

Who wins under the plan?

Those who have made billions in America and now renounce their citizenship to avoid taxes; those who have made millions and now want a tax giveaway on top of profits earned from investments; and those who have made the most money from those who have the least money.

To pay for this tax cut, the Republican majority has constructed a series of attacks on programs that benefit the poor.

Most of the money comes from spending caps and from drastic cuts in public assistance programs.

Little or none of the money comes from those with a lot of money.

We have heard that, "winning isn't the most important thing, it's the only thing."

Under the plan, those who need to win lose and those who do not need to win prevail.

In the end, Mr. Speaker, I suppose children, seniors, pregnant women, and students will win.

After all, winning is, "the only thing."

I thank the gentlewoman for yielding.

Ms. DELAURO. I thank the gentlewoman.

SENIOR CITIZENS WILL BENEFIT FROM THE REPUBLICAN TAX BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, the previous speaker talked about who are the winners in this tax bill that we are voting on tomorrow. Well, let me tell about who are some of the winners, and those are the senior citizens of this country.

The seniors represent a very large portion of my congressional district in Florida. In fact I have more senior citizens in my congressional district than any other congressional district in the country, and this bill has significant benefits for the seniors of our country. Let me tell you why.

First of all, we hear about the child tax credit and the capital gains. The seniors would support this tax bill just for those two reasons alone. For the child tax credit, who knows better the cost of raising a child than the senior citizens? It is their children and grandchildren who are raising these kids in the country today, and they know they need that $500 tax credit. So that is one reason the seniors will support this bill.

Capital gains. Senior citizens have a lot to gain from the capital gains. When seniors retire from up north and move to my district in Florida, they are selling their small business, they are selling real estate, they are selling their investments, they are selling stocks, and they are moving to Florida. They are paying capital gains.

Mr. Speaker, capital gains affects real people that are not wealthy people, and that includes senior citizens. So for those two reasons they should support the bill alone, but there are a number of very specific pieces of this legislation that help senior citizens specifically. Let me identify two of them. One is the repeal of the 1993 tax increase of social Security and the other one is raising the earnings limit on senior citizens.

Mr. HOKE. Would the gentleman yield for that?

Mr. MILLER of Florida. Yes.

Mr. HOKE. The gentleman said there were some winners, and the senior citizens are the winners under the bill. Have the senior citizens been the losers in the past year or so?

Mr. MILLER of Florida. Yes, seniors are always on the losing end. In 1993 that tax bill increased the tax on Social Security. Now, I don not know, this is over $34,000 worth of income. That is not a wealthy person to me. They raised the tax on Social Security for someone making $34,000 a year. That is not very fair.

Mr. HOKE. Mr. Speaker, my understanding is that that cut Social Security benefits for senior citizens by $24.8 billion. Not a single Republican voted for that either in the House or the Senate?

Mr. MILLER of Florida. Absolutely. That tax increase in 1993 was a tax increase to balance the budget and to reduce spending. That thing, our deficit in this country is getting higher and higher every year. The solution to solving our deficit problem is cutting spending, not raising taxes.

As Ronald Reagan used to say, it is not that we are taxed too little, we spend too much. Until we address the spending side of the equation we are not going to get this deficit under control, so raising taxes in 1993 was a wasted exercise and it was very painful for our senior citizens as they are finding out this month of April when they pay their taxes for 1994.

Another thing that is going to be really good for seniors, in addition to the repeal of that tax increase in 1993, the other is raising the earnings limit for senior citizens. This is a penalty on lower income seniors. If you make over $11,280 you get taxed at 33 percent of your Social Security income.

President Clinton campaigned on that issue back in 1992, and we do not even hear about it anymore. It is a regressive tax on working seniors. Wealthy seniors, they have $100,000 of income on interest and dividends and stock investments and such, they get to draw their Social Security, but a working senior citizen, once he makes over $11,280 has to pay a 33 percent tax. That is in effect what he is paying. That is not fair.

This tax bill repeals that over the next 5 years. This tax relief bill is good for senior citizens, it is paid for by spending reductions, and that is the only way we are going to balance this budget, is when we go after spending reductions. It starts us on the glide path to a balanced budget. Seniors know it is a moral issue to balance that budget, and we have got to start working on it sometime. Tomorrow is the day that we can cast our vote to move in balancing that budget.

□ 1815

ELIMINATION OF ALTERNATIVE MINIMUM TAX

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from New York [Mr. SCHUMER] is recognized for 5 minutes.

Mr. SCHUMER. Mr. Speaker, we are going to be voting on this tax bill and there are some parts of it that I think are good and that I will support. Certainly the parts on the senior citizen taxation is something I have always supported, but there are lots of things in the tax bill that I think would make the American people's hair stand on edge if they knew. These are not the things the Republicans are getting up and talking about, but they are things that are things for their buddies. The worst of them all is the elimination of alternative minimum tax.

Let me tell you why I feel strongly about this. In 1986 Congressman Marty Russo—who is no longer in Congress—and I proposed an alternative minimum tax. Until that point, some of the biggest corporations in America were paying no taxes at all. Imagine how the average working stiff felt. He or she worked hard, paid 5,000, 6,000, 7,000 and 8,000 bucks in taxes and the companies in America like Mobil, like Ford, like Champion International, like UniCal, like Shell, like Scott Paper, like Phillips Petroleum paid not a smaller percentage of taxes but less dollars. They paid no taxes at all because they had the ability to hire the accountants and the lawyers and pay none.

Mr. Speaker, we stopped that. We did not say they had to pay more taxes then the average American but we said they ought to pay a minimum of 25 percent, no matter how many lawyers or accountants or loopholes they were able to employ.

Now, quietly, almost whispered, the Republicans have decided in this tax bill to repeal that and so the good old days, at least they think they are the good old days, when major corporations paid no taxes at all will return. It is a disgrace.

Mr. Speaker, here at the same time we are telling students they ought to pay more for their loans. We are telling Medicare recipients that they ought to get less back and pay more. We are telling kids on school lunches there may not be enough money for them. We are telling Champion and Chrysler and Dow and Ford and Mobil and Scott and Shell and Texaco, some of the biggest companies in America, "You can go back to the good old days when you paid no taxes."

There has been a coalition, the AMT Working Group, that are companies that are lobbying to eliminate this alternative minimum tax provision. We can see why. Almost every one of them in the 3-year period 1982 to 1985 paid not a little bit of taxes, but no taxes for some point in time, for 1 of those years, 2 of those years, up to 4 of those years. It is 4 years.

So my colleagues, let us not pass a tax bill that benefits the wealthiest corporations. Let us not pass a tax bill that gives such a high proportion of the money to corporations and then cut money for the students on loans, cut money for the kids on lunches.

What kind of contrast is that? Who is the Republican party representing? This was not in the contract. Every one of you who signed that contract talked about a $500 credit for children. Mobil does not have any children, yet they are getting a tax reduction. Texas Utilities does not have any children.

So this is the wave of the future, I am afraid to say, my colleagues. Once the contract is over, the contract some of us did not like parts of it, some parts I supported, but once the contract was a restraining thing for our colleagues on the other side, business and the wealthiest of businesses are going to run rampant.

Now, I like these businesses, frankly. I think they are good for America. I think they employ people, but I like the average American a little bit more. If the average American has to pay taxes, why should not our biggest companies?

That is our message. It is very simple. You do not see them talking about that in lights, but you can be sure in the corporate boardrooms tonight and tomorrow night and after the tax bill passes, they are going to be congratulating each other, having put one over on the American people and repealing the Schumer-Russo alternative minimum tax.

ALTERNATIVE MINIMUM TAX REPEAL PART OF GROWTH PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, the gentleman from New York [Mr. SCHUMER], my good friend, and I work about as well together as a Democrat and a Republican who come from different ends of the political spectrum can work.

I would just like to say to the gentleman that I appreciate the things that he just said about the alternative minimum tax and the companies that he referred to. He mentioned that they do not have children and I guess that is true, but I will tell you what. They have a lot of workers. Mobil has a lot of workers and Ford has a lot of workers and Chrysler has a lot of workers. I cannot really read the whole list. I am sure all those big companies have a lot of workers that depend on them.

One of the things that my friend from New York did not say is that what the alternative minimum tax repeal does is to make it easier for these companies to do business. Studies show conclusively that 42 cents out of every dollar that we give back to a corporation in taxes goes directly to the workers in salaries, more workers, and higher salaries. So the repeal of the alternative minimum tax is not such a bad way to go to make things better for everybody.

As a matter of fact, that is what the Republican tax package is about: To make things better for everybody. It is patterned, believe it or not, after something John Kennedy said years ago when he said, "A rising tide lifts all boats." It is true. This is a growth-oriented tax package and the alternative minimum tax provision is part of that growth package.

Mrs. SMITH of Washington. Would the gentleman from New Jersey [Mr. SAXTON] yield?

Mr. SAXTON. I will yield to my colleague, the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. I want to ask you a question, but I want to say something first. I remember why I got into politics. I just was sitting here thinking they doubled my taxes in one year on my small business. Had more than 125 people. They doubled them.

And in our State we have a business and occupation tax. That means you can have no profit like these companies, and the government still taxes you. So you can end up with a net nothing, and the government gets theirs. They skim off the top always, just like the minimum tax. Always, always.

In the early 1980's, I was losing money. At the same time, we had this business and occupation tax, which was a gross tax. It was gross in many ways. I laid off two people. I got mad. Folks, I was a Democrat, 30-some-year Democrat, adamant Democrat.

I got a book on how to campaign. The guy was a Democrat that had voted for the taxes raised, and I defeated him, too, and I think about that.

You have to stop thinking that every time you turn around it is better to tax. Because I lost two jobs, and I think, "Isn't that what we are talking about, job creation in most of this? Don't most dividends that you get from stocks, I think I pay tax on all the dividends I get from stock, isn't that tax, too? Aren't they getting their tax out of these corporations?"

Mr. SAXTON. Well, it is tax.

I would say to the gentlewoman when I was chairman of the working group that put the growth part of our tax package together during the summer of last year and we identified a number of issues that we thought needed to be changed and had broad agreement, for example, the capital gains tax, which was increased in 1986 from 20 to 28 percent, statistics show again, conclusively, that not only did it not raise the money that CBO said it would raise, but it acted as a wet blanket on the expansion of business. And that is what caught up with us beginning in 1988.

One of the red herrings that is brought by our friends on the Democrat side is that the rich get all the breaks from the capital gains. As the gentlewoman knows, who prepared taxes for people and businesses for years, and as this chart shows, 38.4 percent of the distribution of capital gains realizations, 38 percent of the money from capital gains comes from people under $50,000. So 38 percent of the tax break comes for people who make less than $50,000. That is the biggest single group of people who will benefit from the capital gains tax cut.

Of course, 22.4 percent make between 50 and 100. When you get to $100,000 to $200,000, which I consider a pretty good salary, it is only 13.8 percent of the people who pay capital gains there and 25.4 percent who make over $200,000.

So by far and away the benefits here are for people who are in the modest income category.

This is another issue here on this chart that has been, I think, mischaracterized by the other side of the aisle, the distribution of the $500 per child tax credit. We had this chart up here a few minutes ago when somebody else was speaking, and it shows clearly that 87.5 percent of the people who will benefit from this, the families earn less than $75,000 a year.

MIDDLE-CLASS TAX CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, I think that the discussion here that has been going on really is most appropriate because tomorrow we are going to be talking about the beginning of the debate on the middle-class tax cut.

We have all heard a great deal about the middle-class tax cut over the last couple of years, and the reason why we have been talking about a middle-class tax cut is that the middle class really is very anxious.

Jobs have been insecure for a number of years, for quite a few years. The cost of health care in the last 15 years has gone up by an enormous amount. The cost of educating your college-age kids has gone up tremendously, much faster than inflation.

In sum total, I think it can be summarized in this chart, which shows what has happened over the last 15 years or thereabouts, or at least the 15 years from 1979 to 1993 when for different parts of the electorate, different parts of the citizenry and the electorate, of course, the rate at which people's income has gone up has been very different from the rate at which inflation has gone up.

People's income, for people who are relatively low- and middle-income folks down here at the left side of the chart, has actually been going up slower than inflation for that 15 years, and so the broad middle class in here has seen their incomes erode for a long period of time. The very high-income people in the top 20 percent, these rightmost two bars representing the top 10 and the next 10 percent of all people's incomes in this country, they have seen their incomes in that 15 years go up considerably faster than inflation and have done pretty well in that period of time.

So we have heard, theretofore, a great deal about a middle-class tax cut in order to give people down in this region, which the middle of the American citizenry falls right in this region, who have lost a little bit in the last 15 years certainly, and those who are in the lower middle class and those who are low-income working people and down there have all seen their incomes go down, and so indeed they should be very anxious.

Well, so what do we have now coming up? We are going to be starting debate on a $190 billion tax bill. By the way, there is not a single economist who came before the Committee on the Budget in all of our hearings yet this year who suggested that we should be giving a tax cut of this sort when we are running the kinds of deficits, when we are running 200——

Mr. KINGSTON. Would the gentleman yield?

Mr. OLVER. No, I do not have time to yield.

Mr. KINGSTON. I will give you a minute of my time when it is my turn.

Mr. OLVER. Fine. I will yield if you would take less than a minute so I will not lose any of my time.

Mr. KINGSTON. We will time it.

I have a chart here. I do not know if you have seen it, but what this one shows clearly is that a lower tax rate actually increases revenue to the Federal budget and also that the economic——

Mr. OLVER. Lower tax break.

Mr. KINGSTON. A lower tax rate increases revenue to the Federal budget.

Mr. OLVER. If I may reclaim my time, I think that I am not sure exactly where that chart is from. It is hard for me to see it, but we tried that economics. It was called voodoo economics by the gentleman who was later the President of the United States and who had served as Vice President under President Reagan.

Mr. KINGSTON. Was that John F. Kennedy? I see that this goes back to 1960.

Mr. OLVER. Mr. Speaker, is this my time or not my time?

The SPEAKER pro tempore. The gentleman from Massachusetts has the time.

□ 1830

Mr. Speaker, the idea that you can increase revenues was very thoroughly debunked in the 1980's, when tax reductions were given and when the deficits went right through the ceiling during that period. And during a 12-year period we saw more than a quadrupling of our national debt, with deficits year after year that ran between $200 and $350 billion per year, that economically have brought us to the sorry state that we are presently in.

But in any case, no economists agree that we should be doing this kind of tax break.

Now, let us look at the tax break that is going to be given, though, given that we might want to do something for people in this lower area, this left hand area who are middle-class people and whose incomes have been going down hill in the last few years.

I am going to show a second chart here which shows where the actual tax benefits under the contract that we are going to be starting to debate tomorrow will fall. This is a little different from the chart that some others of my colleagues have been showing because it is trying to show what happens while we are in the phase-in period in the next 5 years, rather than the out years.

During that phase-in period, more than 50 percent of all the tax break would go to the highest income, two groups here, and those are exactly, of course, the people who fall in these two categories out here who have done the best during the 1980's. More than 50 percent of all the tax break occurs there.

ON THE TAX BILL

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, just to continue with those charts, the first chart, this is the tax cut for working-class families. For those families earning less than $25 thousand, there is 100 percent tax cut. For those families earning less than $30,000, a 48 percent tax cut. For those less than $45,000 a 21 percent tax cut.

You see the tax cut continues to go way down. Those families with over a $200,000 income only have a 2-percent tax cut. So it must be tremendously frustrating for people to look at one side of the aisle and then the other side of the aisle as we go through these charts.

But if you look at what is going to happen in terms of the tax day. You know, the tax day is how much of the year you have to work so that work and that effort goes to the Federal Government to pay taxes. Currently, it is June 4. Under the budget proposal that was submitted by this president, that tax day increases to June 7.

Under this tax proposal that we are going to be considering for the next 2 days, it goes back to May 26 and, my colleagues, it even should be earlier than May 26.

There has been suggestions that the tax breaks go to big business. With all due respect, I suggest to you, Mr. Speaker, that taxes placed on business are passed on in the price of their products. Right now between the regulations and the taxes that we charge business, they are paying every year $750 billion. That is twice the amount that you are paying on increased costs of the goods and services you buy compared to what you spend in your tax bill. It is bad enough, in the next couple weeks, as you sit down and figures out your tax bill of what you have to pay this Federal Government to operate its huge, overzealous, overbloated government, but just think for a minute the price, increased price that you pay for the products in this country because of the regulations that cost $500 billion a year to that business that they pass on to you in increased costs of their products, to the additional $250 billion that we change those businesses in taxes.

If they are not successful in passing it onto you and I, the consumers of this country, then they go out of business. So I guarantee you, they price on that product.

Let me show you what we are doing to business in this country on taxes. On the far-right column, you see in the United States we charge our business on our capital gains tax rate the marginal rate is 28 percent. You compare that to France, it is 18 percent; Germany totally exempts their businesses; Japan is down to 20 percent; U.K. exempts the first 5,500 pounds and after that charges 40 percent.

We are overtaxing our businesses. We are losing businesses that, No. 1, go out of business; that, No. 2, decide to go to another country to operate. We cannot continue to place our businesses at a competitive disadvantage with what other countries in the world are doing.

I request my colleagues to look at this tax bill of what is good for business and jobs.

Mr. SAXTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from New Jersey.

Mr. SAXTON. I just want to be recognized to ask the gentleman a question. And that is, as you pointed out, correctly, our capital gains tax rate is high. Mr. SCHUMER was just talking about the alternative minimum tax.

When corporations or businesses are charged these taxes, how do they recoup the money that they have sent to the Government? Where do they get the money to send down here to Washington, DC for the politicians to spend?

Mr. SMITH of Michigan. They increase their price of toys and toothbrushes and automobiles and everything else. The only thing that that business can do is pass on that cost.

Mr. SAXTON. It is the consumer that ends up paying higher prices so businesses can pay taxes to send to Washington for the politicians to spend.

Mr. SMITH of Michigan. Yes, and I think the important point is, we cannot place our businesses at a competitive disadvantage with other businesses in the world. We have got to encourage them to buy the equipment and machinery that is going to make their employees more efficient. If you put good tools in the hands of our workers, they are going to outproduce anybody on Earth. And we have got to have a tax system that encourages that action by business.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Georgia.

Mr. KINGSTON. I was on the board of directors of a corporation before I came here. I know from talking to other business people that generally you decide how much profit you are going to make. Everything else is overhead, your payroll, taxes, everything else. I think you can successfully argue that corporations are not going to pay taxes regardless of what the rate is because it is a pass-through cost, just as the gentleman from New Jersey and you have said. It all goes back to the consumer so we are just playing games when we say it is corporations.

Mr. SMITH of Michigan. It is a hidden tax.

EFFECTS OF THE TAX CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, we are now into the home stretch, I think to the relief of Members on both sides of the aisle, the home stretch of the 100 days. And as has been announced by the Speaker, we are able this week to appreciate in all of its glory the crown jewel of the contract, the tax bill that the Members of the Republican Party are going to bring to the floor later this week.

I think it is important for the country to understand in this week in which we are finally able to pull all of this together to understand who are the winners and who are the losers in this entire contract exercise.

Particularly with regard to the tax bill, we should be under absolutely no illusions that this bill certainly fulfills the promises that have been made over the months and years by the GOP to its supporters. That distribution is accurately reflected in the chart here to my right.

About half of the benefit from this tax legislation will go to the top 10 percent in this country, about a five-to-one return. The Wealthiest 5 percent get about a 7-to-1 return, getting about over a third of the benefits of this tax legislation. The wealthiest 1 percent, a 20-to-1 return.

I am sure that this nice return on investment was made possible in part, as we are learning more and more about the very intimate relationship between many special interest lobbyists in Washington and the drafting of legislation being brought to the floor by the new majority party, despite their protests about a new way of doing business, makes it all the more understandable why we had such a hard time at the beginning of the session getting them to take seriously the efforts that many Members on our side were trying to make to take up gift and lobbying reform.

I wish we would not be having these kinds of pie charts and demonstrations of exactly who gets the benefits from these tax breaks, if some of the very well-intended moderate Members on the majority side of the aisle had been more successful in getting their leadership to pay attention to the inequities in this bill.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I rise because in fact as we are doing this, we are taking, in order to finance these kinds of tax breaks, at least $13 billion from the pockets of Americans who are trying to send their kids to school, to higher education. I would not raise this except for the fact that we have been here before.

This Nation a century ago made a fundamental decision, when we looked around the country and we saw 200 institutions of higher education largely for the sons of the very wealthy in this country and we saw the railroads expanding westward, we said that in order to build a nation as fast as we are expanding, we need to elevate our skills. And so we took from some of those expanding railroads and we invested those dollars in the largest single expansion of higher education this Nation has ever seen.

It did not quit even until today. And with it we have created the skills that have defined the American century.

Today we run the risk of reversing that decision, of giving back those dollars to those corporations in ways that they may not need and absolutely depriving Americans from the chance to continue, at a time when it has never been more important, the increasingly important effort to raise job opportunities and standard of living with the ability to bring skills to the American workplace. We have been here before, Mr. Speaker.

Mr. HOKE. Mr. Speaker, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Ohio.

Mr. HOKE. Here is my question for you——

Mr. SAWYER. I was in the middle of a sentence, but that is all right.

Mr. HOKE. Mr. Speaker, I apologize to the gentleman.

Mr. SAWYER. The fact of the matter is that today, the fundamental underpinnings of Federal aid to higher education in the form of Stafford Interest-Deferred Loans, Perkins Student Loans, College Work-Study programs and Supplemental Education Opportunity Grants are really the equivalent today of what those land grant colleges were 100 years ago. In order to sustain that growth into the next century that we developed in this century, in order to have the kind of productive leadership that has defined the American era, in order to extend that American era into the leadership of a redefined world, it seems to me that the last thing we need to do is to take those $13 billion out of Americans' pockets and to give them back in the form of tax breaks that we do not need.

DISCUSSION OF THE TAX BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. The question that I wanted to ask the gentleman was if he was aware that 39.2 percent of all Federal income tax paid is paid for by only 3.3 percent of the taxpayers, the top 3.3 percent of taxpayers pay 40 percent of the taxes?

That being the case, the numbers that you quote there, they are, you know, made to appear, and I do not know if the numbers are right on the floor. You know on the floor we see all kinds of stuff and people make averments that God only knows if they are true or not, but I will assume your chart is correct.

It only stands to reason that the people making more money are going to get more dollars back when you consider the fact that you have got 3.3 percent of all returns, all individuals paying income tax paying 40 percent of the taxes. This is the way, this is the way our system works.

The problem is that we do not have enough people at the top, if you tax them completely, if you leave them with just a, you know, a minimum wage, it still does not solve our deficit problem.

What has happened is that we have year after year after year continually eroded to a greater extent the amount of money that is being paid by middle-class working American men and women. That is the problem we have in our tax system.

Mr. SKAGGS. Mr. Speaker, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Colorado.

□ 1845

Mr. SKAGGS. I think the gentleman's point begs the question. One, are we doing deficit reduction? We are not. The tax bill, as the gentleman knows, is going to bust the deficit.

Mr. HOKE. Mr. Speaker, reclaiming my time, I want to recognize the gentleman from Massachusetts [Mr. OLVER], who my good friend from Georgia [Mr. KINGSTON], borrowed a minute from, and I want to give him back his minute, if he will take it quickly.

If not, I yield to the gentleman from Georgia [Mr. KINGSTON] while the gentleman from Massachusetts is moving to the microphone.

Mr. KINGSTON. Mr. Speaker, it is important for us to realize that lower taxes, specifically lower capital gains taxes, increase revenue, and that does not come from the Republican Party, it comes from the Congressional Budget Office. A young fellow named Steve Robinson and I spent the whole day tracking this.

This chart is busy, and it is very difficult to see it, but generally what it shows is, remember back in high school sines and cosines and that go like this: Basically when the tax revenue is high, the capital gains tax is high, and let's say the capital gains tax is low, it goes like a wave, then the tax revenues are the same thing.

At a high tax rate, the revenues are low. At a low tax rate, the revenues are high. It goes like that. There is an absolute relationship between the two. It is not voodoo economics. This actually goes back to——

Mr. HOKE. What you are saying is there is a direct correlation between raising rates and lowering revenue, lowering rates and raising revenue?

Mr. KINGSTON. That is exactly right. That is the point I was trying to make.

Mr. HOKE. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding to me.

I'm not sure how many economists or how many economics books would agree that there is a direct proportion of the nature that you have just described. I do not think there are very many of them that do.

However, it is clear that what is happening here is that $15 billion, for instance, of the elimination of the tax, the alternate minimum tax on corporations, which you would give back $15 billion to corporations, would be taken by the Republican proposals as $15 billion directly from financial aid for American students, who really do cut across the middle class in this country.

Mr. HOKE. Mr. Speaker, I am going to reclaim my time. It does not answer the question, and frankly, that disinforms, it confuses the public. In a word, being polite, it fogs the facts, at the very least.

Mr. Speaker, I want to quote a very famous American, and I'm not going to say who it is, but I want to quote some of the things that he said in the not very distant past at all.

First of all, he had said "Our present system exerts too heavy a drag on growth. It siphons out of the private economy too large a share of personal and business purchasing power. It reduces the financial incentives for personal effort, investment, and risk-taking."

He goes on to say "Our tax rates are so high as to weaken the very essence of the progress of a free society, the incentive for additional return, for additional effort." Then he says "I am confident that the enactment of the right tax bill will in due course increase our gross national product by several times the amount of taxes actually cut."

Who was this unrepentant supply-sider? Who was it? Jack Kennedy. That is who it was. He knew that by reducing tax rates, you increase revenue.

THE TRUTH ABOUT THE BUDGET AND TAX CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I am really taking the time because I think that, beyond the comments about jewels and gold and crowns, we have a very important obligation to the American people really to take our reasonable time to be reasonable, to let you understand the facts.

I know there have been a lot of cross signals, a lot of rebutting of what the tax cut really means, but I would simply like to suggest that all of us of reasoned mind can argue about Social Security and the exemptions that may be proposed in this particular tax legislation, and the value of it.

My question becomes: What is the rush? Because as we look at what can help senior citizens, and I certainly have supported programs to improve the conditions of senior citizens, and to ensure that the maximum income that they may earn as working senior citizens goes into the maintenance of their quality of life, but that is not really the issue. We've got a murky water here, muddy waters, if you might.

First of all, no one will acknowledge that the revenue being reduced by this tax cut, without the Democratic alternative, is some $650 billion over 10 years. Many of you would listen to that number and begin to say "Well, it's way beyond my comprehension."

What is not beyond your comprehension, however, is the necessity for me to assure you that your grandchildren will not have a deficit so overwhelming that they will have no quality of life.

The importance when I speak to working people in my district, they are true Americans, they are patriots, because they believe in this Nation. They want us to be prepared militarily. They want to have the opportunities for affordable housing for their citizens. They want to make sure that those young people seeking an opportunity can do work study and college loans, but yet, rather than giving them those opportunities, we are burdening them with a deficit that is so overwhelming it is incomprehensible.

Let me explain to you again, as I had the opportunity to talk to the gentleman from Illinois, I like the idea of a child tax credit, because every child is worthy, but now we are knocking heads with the rich children and the poor children, for most of the tax credit goes to families way beyond your imagination in terms of income.

Those people that are at the lowest income level, who do pay taxes, they only bear 3.5 percent of the benefit of a child tax credit. Twenty-four million children in this Nation would not receive any benefit from the tax credit. What that means simply is we are knocking heads with rich children and poor children. As far as I am concerned, all children are worthy, and there should be an applicable tax credit that goes across the line.

Then the smoke and mirrors that I talked about earlier, because all of the married couples are running to their tax preparers, shouting about the marriage penalty. I believe in family. We should affirm family. It is important that we ensure that people do the right thing, and that is to be married.

But yet this particular tax benefit, in quotes, again the smoke and mirrors game, only provides an average maximum benefit of $145 per couple, which is less than the current marriage penalty. The average marriage penalty for couples earning between $30,000 to $40,000 is $260, and $1,540 for couples earning between $75,000 and $100,000.

Wouldn't we be better suited to tell you the truth, and tell you that it is more important to invest in your young people, for them to have college loans and work study programs; that we want to ensure that school lunches are maintained; and yes, we want to infuse energy into the economy, so that you will have jobs?

I certainly believe that we must begin to look seriously at making sure that the economy is such that you will want to invest and buy businesses and transfer property. We have to support that. That is the true American dream.

However, let me tell you what happens to this present tax break. For someone earning under $75,000, oh, you think you are going to get a big lump of money. It will only buy you a couple of tanks of gas for the family car. You only average $36 a month.

I have been in local government and I have had taxpayers say "The heck with that. I want good parks. I want police. I want fire persons to come to the serious crises, the fires, in the necessary time." Citizens of America believe in government, if it does the right thing, but $36 a month, a couple of tanks of gas, and then we cut at the very fabric of what we need to ensure that we are good governments.

What does a $200,000 a year person get? Cadillacs, Mercedes, and BMWs. Let us have the truth be told about this tax cut. Let us tell the American people the real truth and get rid of the smoke and mirrors. Let us work together to get a better tax cut.

THE DIFFERENCE BETWEEN REPUBLICANS AND DEMOCRATS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, if we could sum up what we have been hearing for the last hour on the floor of the House, I think you could just say Democrats love taxes. Republicans hate taxes. Democrats love big government. Republicans hate big government. Democrats love the public sector. Republicans like the private sector.

I won't venture to say that maybe Democrats seem to love poor children and hate rich children, but there does seem to be, in the Democrat mindset, a distinction between a rich child and a poor child, as opposed to loving all children equally.

Let us get back to the tax issues. I think the reason why the Democrats are gripping this tax so hard is because they love taxes. We are taking taxes away from them. You don't mess with their toys. They don't like that. So what do we have?

Ms. JACKSON-LEE. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. Certainly.

Ms. JACKSON-LEE. Mr. Speaker, I appreciate the dialog the gentleman is raising.

Mr. KINGSTON. I'm going to yield quickly. Don't make a speech on my time.

Ms. JACKSON-LEE. I fully appreciate the comments you have made.

My question becomes, however, if you tax credit falls in a greater percentage to the higher income persons of this Nation, and none of us will talk about children, and does not equally benefit those working families who have children in the lower income rungs, would you not think out of this logic that this is a tax credit for the rich?

Mr. KINGSTON. Reclaiming my time, Mr. Speaker, I guess one of the big differences in Democrats and Republicans is we are not afraid of achievement. You know, if somebody pulls themselves up and they start out of school, and maybe they go to college and maybe they don't, maybe they serve in the military, maybe they don't, but they get a job, and the man and woman hang together and become a family, and they move up into an income bracket, well, I don't think it is right to suddenly say "Ha, your child is now not worth any money anymore."

I say "Go for it. We want that achievement." I know a lot of government bureaucracies which are affinity groups to the Democrat party want more dependents. They tend to fight success. We want to nurture success. We want to say "Go all the way to the top." That is why we want to return, and not even return, just don't take it away to begin with, people's tax dollars from them.

Let me give some very important statistics which I really wish you all would, and I will promise you, any of your Democrats or any of your constituents that would call my office, I will give you a copy of these charts, and I will explain it to you. Let me tell you what these numbers show. When taxes are high, growth goes down. When growth goes down, the deficit increases. If growth and revenue increase, the deficit is lowered.

This is not just JACK KINGSTON and the gentleman from Georgia, NEWT GINGRICH, and the Republican Party, this comes from the Joint Economic Committee, which as you know, is Senate and House Members chaired by, I believe, the Committee on Ways and Means members, the gentleman from Florida, Mr. GIBBONS on this side, and Mr. MOYNIHAN on the Senate side.

They say "As these increases in productivity, brought about by lower taxes and economic growth, accumulate over time, a gradual expansion of taxable income base generates additional tax revenues." This is straight from here.

Ms. JACKSON-LEE. Mr. Speaker, will the gentleman yield just for a moment?

Mr. KINGSTON. I yield to the gentlewoman from Texas

Ms. JACKSON-LEE. I say to the gentleman, I, too, applaud excellence. That is why we must give to those who are making $30,000 and $35,000 a year, who are working as hard but are yet not getting the tax benefits.

Mr. KINGSTON. Reclaiming my time, I will be glad to yield when we get back on your time schedule.

Ms. JACKSON-LEE. We must realize that the taxes in this country are low.

Mr. KINGSTON. Mr. Speaker, I want to say to the gentlewoman, and learned, and one of the more intelligent Members on the Democrat side, surely you know the wisdom of the chart shown here earlier, saying the bulk of the tax returns go to people who make under $75,000 a year. What could be better for the middle class?

It was your President who promised the middle-class tax cut. We are just the party who happens to be keeping its feet to the fire on it. Welfare reform, let's end welfare reform as we know it. The President forgot about that, but we are going to help him out with it. The balanced budget amendment, we are going to help him out. The line-item veto, no mention of it for 2 years, but we are going to help him out.

Mr. DOYLE. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Pennsylvania, but you have been not been yielding to us, and I hope you will yield back when you have the time.

Mr. DOYLE. Mr. Speaker, a quick question. You made the statement that when we have tax cuts, that that causes growth in revenues to the Federal Government and helps lower the deficit. I would just ask the gentleman, back in the 1980's when we had three tax cuts, I guess the same would hold true back then?

Mr. KINGSTON. Taking back my time, absolutely. In 1980, the total revenue is $500,000. By 1990, it is $8 trillion.

Mr. DOYLE. How do you explain the deficit going from $1 trillion to $4 trillion during that same time? The deficit quadrupled in that time.

THE REPUBLICANS' PROPOSED BUDGET WILL SEVERELY UNDERCUT THE OPPORTUNITY FOR AMERICA'S CHILDREN TO ATTEND COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. LOFGREN] is recognized for 5 minutes.

Ms. LOFGREN. Mr. Speaker, I don't have a chart about tax cuts, and I do not plan to give a talk about tax cuts specifically, today, except that we have talked a lot about the need to help the middle class, and there is a big argument on whether this tax cut really helps the middle class or just the wealthy.

Mr. Speaker, I would like to talk about something that really is important to the middle class and to the working families of this country. That is the chance to make sure that your child can go to college after they got straight A's in high school. That opportunity is about to be severely undercut.

The plans in the works are to cut about $20 billion in student loans over the next 5 years, as well as 750,000 students off the work study program.

☐ 1900

I would argue that these cuts are unwise, they are pennywise and pound foolish. We know that we have a lot of problems in this country, but when I think about the problems that I see in San Jose, the kids that are getting in trouble, I know that there are not kids hanging out on the street corner dealing drugs or holding weapons when they are on the honor roll.

In our country, I was on the county board of supervisors in Santa Clara County until January 4 of this year and I can attest that there is not a single "A" student in the juvenile hall. The more we put into education, the more we put into achievement for our young people, the more we will see problems resolved and a country that is full of excellence and hope instead of despair. I think the cuts that are proposed in the student loan program have a lot to do with that and I am hearing about the middle-class cuts and the $500 per family and how that will help. I am cognizant that the cut per student that is proposed for 4 years of undergraduate education is about $5,000, and if you have 2 kids, as is common, going to college, that is over $10,000 in cuts that you are looking at as a family. The $500 is not going to make it. It will take 21 years of $500 tax credits to make it up. I know. My children are 10 and 13. I do not have 21 years to save up that money at that rate.

I heard the Speaker say that we should be a country of excellence, we should be a country that rewards those who work hard and try to get ahead, and I think back on my own life and the opportunities that this country gave to me.

I worked the night shift in a factory in my last year in high school. My parents were working people, they were great people, but they did not have a lot of money. We just barely made ends meet. Through working and through student loans and through scholarships, I was able to go to college and I was able to have a part of America that I would not have had otherwise.

I remember several years ago I was out visiting Overfelt High School in east San Jose, an area that educates the children of blue-collar families, working families, and I gave a talk to three combined classes and encouraged them to get A's in school and look ahead and go to college, and then I left. About 2 years later, I was invited back and I was talking to the students and afterwards a young girl came up to me and she said, "You changed my life." I was shocked. I did not remember her. She said, "You told me I could go to college and not to worry about how to pay for it. I have just been admitted to the University of California, I am going to major in physics and here is my honor roll." She got on the honor roll because she believed if she worked, if she got A's she would have a chance to go to college. That is what this country has been all about and that is what a $20 billion cut in student loans will destroy.

We say that we are for the middle class. If we are for the middle class, let's take care of the thing that matters most to each of us and that is our children. Along with that, I think about the benefit for this country. After World War II, a whole generation of men were given the opportunity to go to college through the GI bill. At the time, it was looked upon as a benefit for veterans, but in fact in addition to a benefit for veterans, it was a benefit for the country, because a whole group of people whose parents were not rich had the chance to get an education, and those people became engineers, they became scientists and they built Silicon Valley and the affluence that they built through their education carried the economy of this country to this day.

If we were to put that kind of emphasis on the middle class, on the children, on the future, and our need to develop high-technology jobs and a highly skilled work force, we would not have to be worrying about the deficit or the future.

What we need to do is to invest in the future, and I would argue this and relate this story. A gentleman came to me in San Jose 2 weeks ago and said, "Don't give me a tax break. Put it all in education. Let's give this country a future."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1215, CONTRACT WITH AMERICA TAX RELIEF ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–100) on the resolution (H. Res. 128) providing for consideration of the bill (H.R. 1215) to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs, which was referred to the House Calendar and ordered to be printed.

H.R. 1215, TAX FAIRNESS AND DEFICIT REDUCTION ACT

The SPEAKER pro tempore (Mr. HOKE). Under a previous order of the House, the gentleman from Kentucky

[Mr. BUNNING] is recognized for 5 minutes.

Mr. BUNNING. Mr. Speaker, I want to extend my thanks to all the Members who have worked so hard on Congress' contract with senior citizens—our commitment to bring economic equity to the older generations of Americans.

Serving as chairman of the Social Security Subcommittee and working with many of my colleagues who share my concerns about the welfare of seniors has been a fulfilling and challenging experience.

We have accomplished a lot in just 3 short months. This week we will see our efforts pay off. This week is a turning point for America's senior citizens.

On the first day of this Congress, I, along with Mr. HASTERT, Mrs. KELLY, and Mrs. THURMAN, introduced the Senior Citizens Equity Act, H.R. 8.

Four of the provisions under the Senior Citizens Equity Act have been incorporated into the Tax Fairness and Deficit Reduction Act which will be on the floor tomorrow.

The Social Security Subcommittee has worked diligently on two of these—the repeal of the 1993 Social Security tax increase and a three-fold increase in the earnings limit for Americans over age 65.

Our subcommittee held hearings and heard from real Americans—working seniors who are unduly burdened by Government policy.

That's what this contract is about—real Americans, working Americans. And giving them the ability to work and earn.

Just as important as the ability to work is the ability to keep what they have spent a lifetime building.

When we made a Contract With America, we also made a promise to senior citizens to restore financial equity and fairness.

Now we are going to keep that promise, by relieving older Americans of some of the major financial burdens placed on them by the Federal Government.

The Government is burdening seniors with tax rates as high as any millionaire could pay. I read in the paper the other day that the new top marginal tax bracket for some retirees is 51.8 percent.

The Government is burdening them with disincentives to work and contribute beyond retirement age. Current law requires that seniors between the ages of 65 and 69 lose $1 in Social Security benefits for every $3 they earn above $11,280.

Most important, the Government has been burdening them with polices that say no. Policies that just don't make sense.

Where is the common sense in a national policy that says don't plan and don't save for your retirement years. Don't continue to work and contribute to society past age 65. Don't expand your long-term-care insurance.

These policies just don't make sense.

It's time the naysaying of the Federal Government stopped. It's time Congress stood up and said yes to our seniors.

Yes to lifting the earnings limit to $30,000. Yes to repealing the 1993 tax hike on Social Security benefits. Yes to providing tax breaks for long-term-care insurance.

There was no good reason to increase the Social Security tax on benefits in 1993. It was unfair to single out Social Security for a 35-percent tax increase. We are going to repeal it.

It is bad policy to hold older Americans' earned income to $11,000 a year.

The earning limit is an antiquated policy that punishes older Americans for being productive citizens. Many older Americans must work to make ends meet. Senior citizens have a wealth of knowledge and experience to share.

The time has come to stop punishing senior citizens. The time has come to recognize hard work, savings, and contributions to society. The time has come and it is now.

We are going to move forward with the Senior Citizen's Equity Act by passing the Tax Fairness and Deficit Reduction Act tomorrow.

REPUBLICAN TAX BILL BENEFITS WEALTHY

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Georgia [Mr. BISHOP] is recognized for 5 minutes.

Mr. BISHOP. Mr. Speaker, as the 100 days come to an end, I want to compliment our friends on the other side of the aisle for the positive things that have happened, including, for example, the enactment of measures to put Congress under the same laws that we impose on others and to restrict unfunded mandates on the States and on communities

Unfortunately, though, these bright moments have been too few and too far between. All too soon, the 100 days became excessively partisan and very extreme. In too many instances, the Contract With America became a means of lining the pockets of the wealthy at the expense of the poor and middle-income working families. It became a flamboyant, circus-like, promotional vehicle worthy of P.T. Barnum at his best. And yes, tomorrow the circus does come to town.

As we consider the Republican tax bill and the offsetting spending cuts, just consider who the winners really are. The wealthiest 10 percent of our population get 47 percent of the benefits. The wealthiest 5 percent get 36 percent of the benefits. The wealthiest 1 percent get 20 percent of the benefits. This causes a revenue loss of $178 billion in the first 5 years, and $458 billion in the second 5 years.

Is this loss of revenue going to reduce the deficit? No. Is this loss of revenue going to balance the budget? No. It is going to the rich.

Who is going to pay for it? I will tell you who is going to pay for it: hungry children who are cut from school lunches, mothers and infants who depend on WIC for healthy births and early childhood development, promising students who cannot afford higher education without student loans, older citizens whose lives depend on heating assistance.

These are spending cuts, Mr. Speaker, but they do not go to balance the budget as Republicans claim they want to do with spending cuts. No. Instead, they choose to take money from children, from mothers, from students and from the elderly and give it to the wealthy 10 percent of our population.

This is a tax bill that robs the poor and working families to pay the rich. This is a tax bill that hoodwinks the American people. This is a tax bill that is immoral. This is a tax bill that ought to be sent to purgatory.

REPUBLICAN TAX BILL BENEFITS REAL PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HASTERT] is recognized for 5 minutes.

Mr. HASTERT. Mr. Speaker, it is interesting to hear my colleague from the other side of the aisle talk about immorality and how tax breaks go to the rich.

But let me talk a few minutes about what this tax bill will do for people, real people, people who are 65 years of age. And because they have never been very wealthy all their lives or never had great jobs all their lives they do not have big pensions, and they do not have a lot of income coming in from other types of investments, investments in rents and other things. But, lo and behold, people who have to work, people who have to work to make ends meet, people who have to work to pay the taxes on their homes that they live in and, heaven forbid, maybe even buy a new car someday, real people like your mother and father and your grandparents, people in your lives that you know every day, day in and day out.

What happened with the 1933 tax bill is something called the earnings test on Social Security. The earnings test on Social Security says once you earn $11,280, you have to pay $1 out of every $3 in penalty that you make on your Social Security.

So when you add up all your taxes and all your tax liabilities, if you are a senior and you are 66 years of age and you have to work to keep your family together and maybe pay your taxes on your home and maybe groceries and things like that, all of a sudden you are paying a marginal tax of 56 percent, twice the amount that millionaires pay.

But you know in the tax bill that our friends on the other side of the aisle talk so vehemently about, there is some real relief for seniors that have to work, that have to take care of their families, that want to live a life like everybody else, that want to be productive.

Mr. Speaker, what happens there is that seniors get a break with this tax bill, that we raise over the next 5 years the earnings test to $4,000 a year, and so in 5 years you can earn $30,000, not a lot of money in our day and age but enough for sustenance to keep a family together and not pay that penalty on your Social Security.

□ 1915

Now we think this is a fair bill. The President thought it was certainly something fair because he included it in his campaign report. But let me talk to you a little bit about some real people, real people who live in my district and probably in your district and across this country:

Betty Bourgeau: Betty entered the work force at age 50 when her husband left her and her children. She worked two part-time minimum wage jobs at a department store and for a security company. She then became a teacher's aide for a HeadStart program, went back to school and became qualified to be a HeadStart lead teacher. However, Betty quit teaching HeadStart, the job she loved, when she began taking Social Security. She would lose most of her benefits with both jobs. Her department store job included health care benefits she needed, so she remained employed there.

Betty has received several "Employee of the Year" awards at the department store over the years, accompanied by pay raises. However, when she takes the raises, she must reduce her hours or lose more of her benefits to Social Security. This puts her in a particularly difficult situation because her health benefits are predicated on working a certain number of hours for the department store. Regulating her hours is also difficult during the busy holiday season at the end of the year. The store needs her more during these times, but she loses most of her benefits if her work puts her further over the Social Security limit.

Now that type of a situation happens time and time again. Why do we penalize? Why do our friends on the other side of the aisle want to penalize working seniors? Why do they want to vote no on this type of legislation?

Let us look at Mary Lou Livingston from Springfield, IL: Mary Lou was divorced 19 years ago and has worked ever since. She has no pension or retirement plan to draw from. She had to pay the Social Security Administration back $549 in 1991, $281 in 1992, $935 in 1993 and $730 in 1994 for earnings exceeding the Social Security earnings limit. During those years, her average Social Security check was $288 per month. In 1994, Mary Lou cut back her hours to try to avoid the penalty, but still had to pay some money back. Mary Lou supplements her grocery bill each month through the Share Program sponsored by Catholic Charities. This program allows her to pay $14 per month and receive $35 worth of groceries.

Mary Lou works as an information receptionist at the Visitors Center of the Lincoln Home National Historic Site in Springfield, IL. She has worked there for nearly 12 years and has received numerous complimentary letters for her job performance. She was also featured as a staff star of the Springfield Bureau of Tourism.

Here is a person who needs to work, needs to have the tax relief that the tax bill that we will vote on the rule tomorrow will give her, but yet there are some who want to demagogue the issue and talk about how all these benefits go to the rich when, in fact, they go to real people, real people who really need them.

Mr. BILIRAKIS. Mr. Speaker, I want to take this opportunity to express my strong support for increasing the Social Security earnings test and eliminating taxes on Social Security recipients.

With regard to the Social Security earnings test, currently, older Americans between the ages of 65 and 69 lose, $1 in Social Security benefits for every $3 they earn above $11,160.

I have consistently cosponsored legislation to repeal the limitation placed on the outside earnings of Social Security benefit recipients. Current law, in my opinion, punishes seniors who choose to remain productive beyond age 64.

The Senior Citizen's Equity Act, which I strongly support, raises to $30,000 the amount which seniors can earn before losing Social Security benefits. I believe this is a necessary step—we should be encouraging rather than penalizing productive, experienced people who want to work.

I also strongly support repealing President Clinton's Social Security benefits tax—in fact, one of the primary reasons I voted against President Clinton's 1993 tax package was due to the additional tax burden it placed on Social Security beneficiaries.

I am pleased that the Contract With American includes provisions to repeal this unfair benefits tax.

Since I was first elected to Congress, I have always fought to protect the social contract represented by Federal retirement programs, including Social Security. As a Member of Congress who represents one of the largest concentrations of older Americans in the Nation, I am committed to continue this battle to protect the benefits of our seniors.

Therefore, I will be supporting the Tax Fairness and Deficit Reduction Act of 1995 when it is voted upon by the House of Representatives this week.

Mr. GOSS. Mr. Speaker, tomorrow the House will take up the last item in our Contract With America." The passage of H.R. 1215 will reverse the tax-and-spend mentality of recent Congresses, and finally give the American taxpayer some long-overdue relief from the highest Federal tax burden in our country's history. Not only does our bill provide much-needed tax relief for working families, it includes several badly needed, and long-overdue relief measures for our Nation's seniors. I'm especially proud of the fact that our bill provides several carefully crafted provisions to help seniors with the ever-looming, and potentially devastating cost of long-term health care. Our bill will allow seniors to deduct the cost of long-term care insurance premiums and the cost of any substantial long-term care expenses. Adopting these changes will end the tax codes' current discrimination against seniors, and make the tax treatment of long-term care costs similar to that currently provided for employer-provided health insurance and out-of-pocket medical expenses. Not only is this fair—but it is a good idea. These provisions will help seniors provide for their own future health needs while enabling them to maintain their independence and dignity in the event they are saddled with a costly, long-term care episode. Rather than compel millions of seniors to spend down their life savings to qualify for medicaid benefits, as our current laws do, these provisions help seniors preserve their savings while helping themselves. We've also provided a tax credit for families who care for a loved one at home. This will help families stay together, and again, help prevent older Americans from having to suffer, unnecessarily, from the cost and isolation of institutional care. H.R. 1215 also includes several other provisions to provide seniors immediate economic help. First, we've committed to repealing the ill-conceived new tax on social security benefits—imposed by the 1993 Clinton tax bill. This tax is really a double tax on retirees' past earnings. While proponents of this tax like to label it a tax on the wealthy, in reality it applies to any recipient earning over $34,000 a year or to any couple with a combined income over $44,000. This is hardly what most people would consider wealth. And I would contend this is hardly a lavish amount of income for seniors facing today's health care costs. Worst of all, these income thresholds are not indexed for inflation, so over time, as people's earnings rise, more and more seniors will find that they are wealthy as defined by the Clinton tax bill, and be subject to this confiscatory tax. Given all these facts, I think the case for repealing this tax is clear. Finally, H.R. 1215 would provide immediate relief to thousands of Social Security recipients who are currently penalized by the un-American application of the Social Security earnings test limit. Today when a senior between the ages of 65 and 69 earns more than $11,280 a year in wages, we start confiscating a third of that person's Social Security benefits. This puts seniors living on fixed incomes in a terrible dilemma—if they find their benefits are inadequate to live on, and they try to supplement their incomes by returning to work, they face marginal tax penalties of nearly 50 percent. Worst of all, because the limit doesn't apply to dividend income, capital gains, or other nonwage earnings, it disproportionately impacts those seniors who need the additional income from working. Not only does this discourage people from trying to be responsible and take care of their own needs, it deprives our entire economy of the accumulated knowledge of an entire generation of older workers. By raising the earnings limit to $30,000 per year, our bill takes an important step toward ending this nonsense of the vast majority of seniors who need or want to return to work, and return us to a policy which again respects our traditional American ethics of hard work and self-reliance. Mr. Speaker, these reforms constitute the bulk of our Contract With America's seniors. They deserve the full support of this House tomorrow when we take up H.R. 1215.

TAX CUTS—JUST WHEN WE ARE BEGINNING TO MAKE PROGRESS ON THE DEFICIT

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I rise this evening to talk about the budget deficit, and I have heard comments made back and forth about demagogic conversation, speeches. I ran for Congress because I felt that the Federal budget deficit was out of control and threatening future generations of Americans. We are paying $240 billion a year in interest on the national debt. If you look at projections of Federal spending from now until the year 2002, and 2005 and beyond, it is not easy to see that we are going to bankrupt future generations of Americans. Long-term economic growth will be impossible if we do not get our Federal budget deficit under control, and we must have the courage to act and the courage to make tough choices. Getting the Federal budget deficit under control is not about easy choices, and hear all the talk about tax cuts; those are the easy choices.

I had a plan when I got to Congress, my own plan to actually balance the budget. It was not easy to put together. It was put together through a combination of increases in revenues, in cuts, in spending. I have been committed to cutting the deficit since I got to Congress. It is why I got the fourth highest rating in the country from the Concord Coalition on deficit reduction. I believe that the future growth of this country and the opportunity for future generations of Americans to enjoy the prosperity that this generation has enjoyed hangs in the balance as to whether or not politicians here can make tough choices about how to get our budget deficit under control.

One way that we will never get our budget deficit under control is to give tax cuts just when we are beginning to make progress on the deficit. I am fortunate to have been in the U.S. Congress fighting for deficit reduction, and we have seen, for the first time in 3 years—3 years in a row, first time since Harry Truman was President—where the deficit has actually been cut, we have begun to make progress.

I voted for a balanced budget amendment, a Democrat voting for a balanced budget amendment. That was the easy part. Anyone can vote for a balanced budget amendment. The difficulty is actually balancing the budget, and there is no way that you can balance the budget by the year 2002 if these ridiculous tax cuts are approved by the Congress.

Now the revenue losses to the year 2000 are significant, but the 10-year losses approach $700 billion. It is impossible to balance the budget while providing tax cuts to the tune of $700 billion at the same time, and the irony is everyone in America gets it. People across America do not really think that you can balance the budget by drastically cutting taxes. But what makes this tax cut so tragic is that it cuts the taxes for the wealthiest Americans while enduring a deficit reduction.

Let us balance the budget to a plan to make tough choices over the next several years, and all you have to do is look at projected Federal spending to realize that nonsense about cutting discretionary spending, that we can even balance the budget by cutting children further or by cutting education programs. There is not enough discretionary spending in the budget to do it.

We need to get real about how we are going to cut this deficit. If the choices were easy, politicians in past years would have done it already. This is about difficult choices, and a bidding war over tax cuts for the middle and upper classes has to be avoided if we are going to confront these issues.

The pandering over tax cuts is threatening any chance for deficit reduction. We need to make investments in certain areas, and cutting school lunch programs, and cutting child care, cutting worker retraining, is not the way to prepare future generations to compete.

The Carnegie Corp. did a study last year that showed we are not investing nearly enough in children. You do not balance a budget by cutting children and giving tax breaks to those who are the wealthiest in society.

The Republicans claim that their tax cut will be fully paid over the next 5 years. Let me tell you they have only come up with enough cuts, $189 billion, to pay for the first 5 years, and $100 billion of those are not even specific.

I would hope that we would get real in this discussion. Let us cut taxes and have a debate about cutting taxes after we balance the budget.

Mr. Speaker, the American people get it. I do not know why the Republicans in this House do not get it.

GENERAL LEAVE

Mr. BAKER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on the special order of the gentleman from Illinois [Mr. HASTERT].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE FIRST STEP ON THE ROAD TO A BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BAKER] is recognized for 5 minutes.

Mr. BAKER of California. Mr. Speaker, I was very much interested in the previous speaker's remarks until at the end he became shrill and partisan as usual, and I have to say that we believe that you have to balance your approach toward balancing the budget just like you have to take incremental steps, and that is why the Contract with America did not say we are going to balance the budget first time you make us a majority because we knew that is impossible. We talked about the year 2002 and how we were going to work and take that first step on the road of a thousand miles to balance the budget. The problem is not that we can cut, because the gentleman had it absolutely right. He said we cannot have just tax cuts for the rich, we cannot have just that, and we do not want to denigrate this debate over who is going to have the biggest tax cut for the American people, and then in the next breath he said, "But we can't cut discretionary spending either because there is not enough money in discretionary spending to balance the budget."

So how was he going to balance the budget?

Mr. Speaker, the answer is, "You're going to do both. You're going to slow down the growth rate of government spending from its 6 to 10 percent rate and get it down closer to the 6 percent growth in income that this Nation has each year, even during the recession."

"Do you think, if you went to the American people," I ask you, "and said, 'Do you think your Federal taxes are just about right? Are they too high or are they too low?' "; what would the American people say to you, Representatives?

The answer is they would say they are too high.

In 1950 this Federal Government took 5 percent of Americans' income. In 1970 this government took 16 percent of

Americans' income. In 1990 we are taking 24 percent of the average American's income. So we are paying today, at the 1970 level, an average family, if we could pay at the 1970 level, the average family would have $4,000 more to spend.

At the same time we are running up a huge debt because we have not even slowed down in our spending, and the debt, which is today over $4 trillion, will leap to about $6 trillion by the year 2000, and by 2010, which is historically when the baby boomers all run from one side of the boat to the other, from the paying side on the Social Security, from the taxpaying side, to the retirement side and the drawing of Social Security. We will have a national debt each year of $6.7 trillion. Debt is going to consume America.

How do we get out of this debt? The answer is we are going to reduce taxes, and we are going to reduce taxes on the producers, even business, and the reason is that is where you create jobs, that is where you put people to work and create taxpayers to bring more revenue to this Federal Government. If we could increase this Federal Government's revenue by 1 percent a year, we would balance the budget about 4 years sooner than the 2002 than we are going to be able to balance it through cuts and through the small tax decreases we are going to have in capital gains.

The budget deficit is projected by the Clinton administration to continue growing into the future without a solution. Interest on the debt today is some several hundred billion dollars. But between 1995 and 2006 we are going to pay $3.9 trillion in interest. That is money we could have spent on our children. That is money we could have spent on problems that we have today—80 percent of the Americans want a balanced budget, and this gentleman says, "You can't cut your way out."

My answer is, "You've got to grow your way out." Americans will pay a lot just in interest on the debt that builds up their entire lives. In 1974, Americans paid a hundred fifteen thousand in their lifetime in interest on the national debt. This year, 1995, a child born today, will pay $187,000 in interest on the national debt.

I yield to the gentleman from New York [Mr. OWENS].

□ 1930

Mr. OWENS. Is the gentleman aware of the fact that during the last 12 years, beginning with Ronald Reagan that debt accelerated greatly? Jimmy Carter, when he left office, left a national debt of less than $100 billion.

It rose to almost $400 billion under President Reagan, who counseled that lower taxes would mean increased revenue. It never happened, and the deficit exploded.

Mr. BAKER of California. The correct answer is when Jimmy Carter left there was $1 trillion worth of national debt and now there are $4 trillion, but your point is well taken.

Pick the President you like the least. Over the last 26 years we have had how many Presidents? Seven. So I would pick out Jimmy Carter who was playing on the tennis court, and you would pick Ronald Reagan who you say would sleep through all the Cabinet meetings. Then you take Bill Clinton who despite all the rhetoric on cutting the budget is going to add a trillion dollars. Pick the President you want.

Mr. OWENS. What amount of debt was accumulated under each President?

Mr. BAKER of California. Pick the President you want. This Congress for 40 years has had its foot stuck on the accelerator. We appropriate, we spend. Heal thyself.

THE TIME IS NOT RIGHT FOR TAX CUTS

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Pennsylvania [Mr. DOYLE] is recognized for 5 minutes.

Mr. DOYLE. Mr. Speaker, I was born and raised in, and now represent western Pennsylvania and I can tell you that in our region we remember the 1980's very well—we remember the huge tax cuts that were enacted under the guise of stimulating the economy, under the guise of increasing revenues, but the corresponding spending cuts needed to keep the budget under control never took place. What happened? In western Pennsylvania we watched as the Federal budget deficit quadrupled from 1 trillion to over 4 trillion and brought on an economic downturn from which we have not recovered. Now we see that the new Republican majority in Congress wants to do it all again—enact huge tax cuts before we make the necessary cuts in spending. It sounds like the same mistakes made in the 1980's are coming back again in the 1990's.

The Republicans want to enact a bill of massive tax cuts that they claim is designed to help the middle-class. Let it be perfectly clear that this is one Member who believes the best way to help the middle-class, and everyone else for that matter, is to reduce our monstrous Federal debt. Since we are just beginning to make some progress in this area, I do not believe it is the right time for any tax cuts and I am confident that most of the country and the people in my district would agree that we must stay focused on reducing the deficit rather than exacerbating the problem by enacting tax cuts that we cannot afford.

Still, when we actually examine this Republican plan, my opposition to it grows even stronger because there is no question in my mind that these proposed tax cuts will in truth, benefit the wealthiest Americans at the expense of the middle and lower classes! A Treasury Department study has shown that the wealthiest 1 percent of Americans will derive 20 percent of the benefits under this bill. In fact, over half—51.5 percent—of the tax benefits derived under the Republican proposal will go to benefit families with annual incomes over $100,000. This is plainly and simply—an outrage.

Adding insult to this injury, the Republicans have made their "tax credit for families with children" nonrefundable. This means only wealthy families will be able to take full advantage of the credit while low and middle-income Americans lose out again. I heard one of my friends on the other side of the aisle say that the Contract With America wanted to make a statement that children have value, but with this provision, a family of three with one child, earning $15,000 a year would get a $90 credit, not $500. A family of five including three children, earning $22,000 a year would get $375 not $1500. I guess under the contract, a child's value is determined by the wealth of his or her parents.

As I said before, I do not believe the time is right for tax cuts of any kind—but for the Republicans to propose a plan designed to help those who need it least while it hurts those who most need help is not only foolhardy—its reprehensible.

I urge my colleagues to oppose this proposal, and I yield back the balance of my time.

PRO-SENIOR TAX PROVISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. FOWLER] is recognized for 5 minutes.

Mrs. FOWLER. Mr. Speaker, I would like to highlight a number of pro-senior provisions which are contained in the Tax Fairness and Deficit Reduction Act. H.R. 1327 not only reduces the tax burden on American families, it repeals the Clinton tax increase in Social Security, raises the Social Security earnings test limit, and provides tax incentives for the purchase of long-term care insurance.

The failed notion that Government knows best how to spend people's money has given us a Government that is too big, taxes that are too high, and a huge debt to lay at the feet of our children. The American people have subscribed to a new idea of government—that people and not bureaucrats know best how to spend and invest money. They have sent a clear message that they do not want Government policies that over-burden the taxpayer while encouraging dependence on Government support.

These provisions are in line with the philosophy of smaller government and fewer taxes. At the same time, the bill is distinctly pro-senior. First, the bill would repeal the tax increase imposed by President Clinton's tax package of 1993. It would provide needed relief to seniors on fixed incomes, whom the administration labels as "wealthy." Senior citizens with incomes of more than $34,000 a year are not rich. Seniors face escalating costs for housing, medical care, and prescription drugs and the Clinton tax increase made it even more difficult for many seniors to fend for themselves.

The repeal of this provision is also important because it scales back a very dangerous precedent. The Clinton tax on Social Security actually transferred money away from the Social Security trust fund. Revenue raised from the increased taxation on Social Security benefits is not returned to the Social Security Trust fund. We heard lots of talk from opponents of the balanced budget amendment that Republicans were going to raid Social Security, but ironically, it is President Clinton who has set the standard for raiding the trust fund.

The Tax Fairness and Deficit Reduction Act will also raise the Social Security earnings test limit. The earnings test is a penalty imposed on seniors—our most valuable and experienced resource in the work force—who choose to continue working after they turn 65. Social Security recipients earning more than the current limit of $11,280, will have $1 of benefits reduced for every $3 over the limit. That means that low to middle income seniors will face marginal tax rates of 55.65 percent—when you consider the 15 percent Federal income tax and 7.65 for FICA. That is unfair and discriminatory policy that will end under H.R. 1327.

The current earnings test sends a clear message to seniors: Do not work. It will not pay, which is not the message we should be sending.

Finally, this legislation encourages the purchase of long-term care insurance. Too often, senior citizens who have exhausted their resources or rely solely on Social Security as a primary source of income—perhaps because the earnings test discouraged them from continuing to work—must spend down their resources to become eligible for long-term care under the Medicaid program. There must be a better way, and I believe encouraging the purchase of long-term care insurance will allow more seniors to keep their assets and independence from Government support.

Mr. Speaker, these three provisions will greatly benefit seniors, and at the same time encourage self-reliance. I look forward to having the opportunity to support these changes when we consider H.R. 1327 on the House floor this week.

THE REPUBLICAN TAX CUT IS IRRESPONSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GENE GREEN] is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, the best of America is to stay and fight and the worst is to cut and run. This Republican majority tax cut takes the money and runs. It does not stay and fight the deficit, it does not stay and fight for better education, stay and fight for summer jobs for teenagers, stay and fight for higher educational opportunity or stay and fight for job training for our future.

Tomorrow the Republican majority will bring this massive tax cut to the floor. Everyone wants a tax cut and so do I, but it is irresponsible with the huge deficit that we have. As a business person, I have used capital gains and investment tax credits to help the business that I help manage grow, but until we get our own economic house in order, cuts are irresponsible.

The bill makes the top 2.6 percent of families the winners with over 58 percent of the tax cuts. Corporations would be winners with repeal of the alternative minimum tax, which simply required a corporation to pay something, even if they made a profit.

Who are the people and the issues losing under this bill? Well, of course deficit reduction, because you cannot have a tax reduction without taking $100 billion out of the effort to reduce the deficit.

Teenage summer jobs. Just two weeks ago we saw the House abolish for this year and next year the teenage summer jobs.

Grade school and college students. We saw $100 million cut out of Federal funding for Chapter 1 funding education. College students, the reduction in the student loan program, and finally the losers are the taxpayers of America.

The Speaker calls this the crown jewel of the Contract With America. Well, this jewel is cracked. Why should hard-working Americans pay taxes while profitable corporations may pay nothing?

Why should seniors go cold in the winter and endure hot summers when the top 2 percent of Americans will receive the 58 percent of the capital gains cuts?

The Republican majority wish to point to the lack of responsibility in our Federal Government, but is it responsible to have a larger Federal budget deficit in 1999 than under current law? No, it is not.

Mr. Speaker, the first 100 days has been a blitzkrieg of cuts in education funding, summer jobs for teenagers, school lunches, denying legal and taxpaying immigrants assistance.

The contract has several issues which I agreed with and supported: Putting Congress under the laws that it passes, line item veto and unfunded mandates, and all of these issues needed to be addressed.

But the crown jewel will be paid for by cuts in safe schools and financial aid for the college students. Congress must not sell out the future for some of the good times for the wealthiest families. The American people are tired of paying taxes, and I am willing to work to have cuts for Americans, but Congress would be irresponsible to explode the budget deficits simply to give tax cuts to a small minority of our Nation.

Mr. Speaker, we all want a tax cut, and their money is best left in their pocket, but it is irresponsible to our children and our grandchildren not to stay and fight for our future.

Mr. BAKER of California. Will the gentleman yield?

Mr. GENE GREEN of Texas. I will be glad to yield, Mr. Speaker.

Mr. BAKER of California. Did you vote for the $17 billion rescission package and would you vote today to cut $213 billion from this budget which is this year's deficit?

Mr. GENE GREEN of Texas. I would be more than happy. Last year I voted, in 1993 as we hear, I voted to cut $250 billion out of the budget that did not have one Republican vote. I did not vote for the rescission because the rescission cut 2,000 jobs in my district of summer jobs programs.

Mr. BAKER of California. The rescission was 8 percent of the deficit.

Mr. GENE GREEN of Texas. On a short term basis, we are going to say, well, let's do not have those 2,000 people in my district or 6,000 in the City of Houston who have a summer job, let's put that money into abolishing the alternative minimum tax for corporations. Let's get our priorities straight.

Mr. BAKER of California. Mr. Speaker, the point I would like to make is you cannot cut your way out of this. You did not vote for the $17 billion in cuts and you are not likely to vote to $213 billion.

Mr. GENE GREEN of Texas. I will vote for cuts.

Mr. BAKER of California. You better pray that the tax reduction brings more revenue.

Mr. GENE GREEN of Texas. Reclaiming my time. I like a lot of Democrats will vote for cuts, but let's vote for cuts that do not take the cuts today and penalize those in the future. Let's vote like you said, let's grow out of this deficit, but you do not grow out of it by cutting job training funds, by cutting summer jobs programs. We want those youngsters to be productive citizens so they will pay those taxes 5 and 10 years from now, but if you cut the job training today and you cut their summer jobs, then growing out of this deficit is really a pie in the sky and a pipe dream, just like the 1981 tax cut was to balance the budget.

Mr. BAKER of California. If the gentleman would further yield.

Mr. GENE GREEN of Texas. I will further yield.

Mr. BAKER of California. Let me be honest, I will not vote to cut $213 billion because it could not be done without hurting all the programs you are talking about. The capital gains tax and the alternative minimum tax will bring us more revenue and allow us to balance the budget sooner. Thank you for yielding.

Mr. GENE GREEN of Texas. If I believed that rationale, I would be voting for it tomorrow, but obviously I do not.

□ 1945

BUDGET ITEMS INTERRELATED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we have heard a lengthy discussion of the tax cut that will be on the floor tomorrow. It is very relevant to the subject that I would like to discuss and that is the coming budget. It is all interwoven. You cannot separate one part from the other. The $17 billion in rescissions that have been passed by the House already, the tax cut tomorrow, the coming budget that we will deal with in May, all of it is interrelated and very complex.

I wished there was some way to really simplify it so anybody could understand it without all of these lengthy discussions, but the discussion is necessary. The charts and the graphs, all of it is necessary but I think it could be summarized and we could take some guides to lead into an understanding of what is happening.

There are a few basic facts that must be understood from the beginning and I want to start by explaining an interchange, a dialogue that I had with one of the speakers where I said that under Jimmy Carter the deficit was less than $100 billion and under Ronald Reagan it went up to $400 billion. I want to correct that. The deficit for one year under Jimmy Carter never exceeded $100 billion. I think the highest annual deficit that Jimmy Carter had in the budget was $64 or $68 billion. Under Ronald Reagan, it soared to an annual deficit of $400 billion. It all added up to, between the time Jimmy Carter left and the time Ronald Reagan left and the present, a $3 trillion difference. The deficit when Jimmy Carter left office was $1 trillion, overall deficit, and it is now $4 trillion. But the annual amount was as low as $64 or $68 billion under Jimmy Carter. It is the highest annual deficit that he ever created. Under Ronald Reagan it went up to more than $400 billion.

Part of the reason it went up so high under Ronald Reagan was due to the fact that there was a philosophy dubbed by many before he was elected as voodoo economics which said that you could lower taxes, lower taxes but increase revenue. We have heard the same argument here on the floor today. Instead of offering it in a voodoo economic package, he came with higher mathematics and said something about cosines and sines and I guess what simultaneous equations must have shown. He said it was complicated. We could not see the chart that he showed. But no matter how complicated you make it, he is still saying the same thing that Ronald Reagan said: "You can lower taxes and at the same time increase revenue".

No matter how many charts you bring, experience, the years under Ronald Reagan and the years after that have shown us that the lower taxes produce lower revenues. Why do you have a deficit? Because the revenues could not keep pace with the spending. The revenues did not match the previous revenues even after you had found ways to lower taxes. It is simple and any high school sophomore would validate that. You cannot lower taxes and increase revenues at the same time.

That is a basic set that we have to put in place. We have to understand part of the problem is the continuing addiction to voodoo economics, the continuing addiction to a kind of magic, an attempt to make the public believe that you can have everything at the same time.

The Contract With America proposes, first, to balance the budget by the year 2002 in a 7-year period. We usually handle budgets over a 5-year period. They projected they could balance the budget by the year 2002 and they have issued a statement that any budget that comes on the floor of the House during the budget debate in May must show that it is on a glide path toward a balanced budget by the year 2002.

If it is on the glide path toward a balanced budget by the year 2002, it means about $59 billion is the amount of the deficit 5 years from now. Our budgets are using 5-year projections, so the budgets that come to the floor will be for a 5-year period and you must show that the deficit is down to $59 billion by the 5th year, which means that it is estimated in 2 more years that the budget would be totally balanced.

They have created that condition, the insistence that there must be a balanced budget by the year 2002. At the same time, the same Contract With America says we are going to increase the defense budget. We are going to increase the defense budget dramatically, although there is absolutely no need to increase the defense budget. I will talk about that later.

It insists that the defense budget must be increased. So you are going to balance the budget, you are going to increase the defense budget, and on top of that, there will be a cut in taxes, a cut in taxes which would generate additional deficit if you do not have simultaneous cuts in expenditures.

So we are down to the problem, is what shall the expenditures be that are cut. If you out there have asked the question, "Why did the Contract With America in the fine print or no print at all, why did it go into such strange budget saving tactics as cutting school lunches?" The Congressional Budget Office says that, yes, there will be a cut over a 5-year period, it is more than $2 billion when you add all the factors in. The conservative Congressional Budget Office confirms that there will be a cut of $2 billion, a savings of slightly more than $2 billion.

Why did the Republican majority reach into the school lunch program to get a paltry $2 billion? Because that is part of what they need to make all of these magical things work together. In order to balance the budget by the year 2002 and give a tax cut, they need every dime they can get.

So they have reached into the school lunch program. They have reached into the Aid to Families With Dependent Children Program and related programs, food stamps. They have reached in there to get additional billions of dollars. They are cutting in order to be able to give the tax cut and at the same time move toward a balanced budget.

Why do we have to have in the middle of the year a rescission package which reaches into an existing budget? We are in this budget year now. We have allocated that money after a lot of deliberation. We authorized the money. We appropriated the money. It is in the budget now, but they reached in to get $17 billion, slightly more than $17 billion to pull it out in order to save money and move toward the balanced budget and to give money for a tax cut.

What do they get? What did they reach in to get? The biggest cut was on low-income housing in HUD. Seven billion dollars was cut out of the Department of Housing and Urban Development, most of it for low-income housing.

What did the get from education? Most of the programs they cut in education, $1.7 or $1.8 billion out of the education budget.

Now they are contemplating moving toward a cut in the student loan program. The student loan program is subsidized. We pay interest on the loans during the time the students are in college. And what they are saying is we will take that away, which increases the amount of the student loan programs to the students and places a burden on that segment of our population which we are most dependent upon to carry forward the America of the year

2000, the America of new world order which must have the best possible technicians and scientists and managers. They will come out of your colleges and universities.

So we are going to tamper with the mechanisms that allow us to educate students. We are going to lessen the numbers of students.

So these are the parameters of what we are dealing with. Where shall we get the money to balance the budget and, at the same time, give this tremendous tax cut to the rich?

Because I think all the charts confess, when it is all over, the charts say that the rich will get the biggest benefits on the Republican side. We heard arguments that, yes, the rich are paying the most taxes; and by, yes, they are paying the most taxes, they, in essence, said, of course they will get the benefits because they are paying the most taxes.

I am sure there are many Americans out there who would like to share in the wealth and would be happy to pay the taxes that the very wealthy pay. If they had more money they would pay more taxes, and they would be quite pleased to be in that category.

So any way you cut it there is an admission that the people who are going to gain most from the tax cut are the wealthiest Americans. They gave the percentages. They showed the graphs and the charts. I will not go back into that, but it is clear what is going to happen.

Then the last speaker issued a challenge: What are you going to cut if you are not going to deal with the deficit? It looks as if any Democrats who want to bring a budget to the floor of the House and offer that budget as an alternative budget is going to have to play by the rules that have been set by the Republican majority. They say you must present a budget which shows that it is going to be balanced by the year 2002.

Any budget that comes to the floor as a substitute, and we hope that they will allow substitute budgets as we have had in past years, will have to be on a glide path and have a deficit in 5 years of no less than $59 billion.

So I am the chairman of the Congressional Black Caucus alternative budget. We are working hard to prepare that alternative budget. We accept the challenge. We do not think that it is necessary.

We do not think that you should create an artificial crisis the way the Republican majority has done. They created an artificial crisis, and we have to squeeze everybody very hard in order to meet these artificially created goals. But if that is the challenge, we accept the challenge.

The last speaker sort of threw that challenge to the Democrat side here and said, "What are you going to cut." Well, we say that we will balance the budget. We will cut what is necessary in order to balance any budget we bring, and we are going to make cuts that need to be cut.

There is waste in government. There is waste in government that can be cut. There is waste in the defense budget that can be cut. There is a bloated CIA that can be cut. There are places where we will show that the American people can get a better deal with a more streamlined government without having to cut the people who are most in need.

The Congressional Black Caucus will again offer its own substitute budget as we move toward the year 2000 and into the 221st century. More than ever before, our alternative budget is needed to offer a vision of America which includes all of the people.

The vision of America offered by the Contract With America and the Republican majority is a vision for an elite minority. An elite minority will be taken care of, and they are proposing to go dump overboard certain other groups. They are going to play a game of triage and just forget about certain segments of America.

They have cut part of the budget which deals with children with disabilities. Part of the Social Security budget has already been proposed to be cut. They are cutting school lunch programs. They are going to cut the aid to dependent children programs. Wherever they are cutting, low-income housing, the HEAP program which provides money for heat for people during the winter, all of those cuts are for people most in need. Americans who are most in need are the ones who are going to be cut.

We are going to show how we can offer a vision of America that does not play the game of triage, that is a vision of America which includes all of the people.

To counter the scorched earth approach of the oppressive elite minority which presently controls the House of Representatives, the Congressional Black Caucus must discharge its longstanding obligation to present a budget which promotes the general welfare and advances the interests of the caring majority. The overwhelming majority of American people can be taken care of in the process of moving toward the year 2000 and balancing the budget and streamlining government.

The CBC, the Congressional Black Caucus caring majority alternative budget, will encompass the interests of all Americans. However, it will also represent a moral counterattack against the forces of the oppressive elite minority which have launched a blitzkrieg against the political, economic, and social infrastructure of the African-American community. Our budget will speak for the caring majority of America.

It will also specifically address the issue of what the oppressive elite minority which presently controls the House of Representatives intends to do to the black community in America, to the African-American community. We have been singled out for special attention. Black people in America are presently being subjected to a powerful and dangerous double-barrel assault. Devastating budget cuts of programs developed over the last 60 years threaten to deny basic necessities to ordinary black citizens and thus break their spirits and cripple their will to fight back.

□ 2000

At the same time, a dirty war, assault on affirmative action, designed to serve as a campaign weapon in the 1996 elections, will seek to brainwash America into the belief that every black is a new kind of Willie Horton threatening to rob them of their job.

You will recall in the Bush campaign against Dukakis, they were running neck and neck until an advertising campaign was introduced of a monstrous person who had been in prison and released and committed murder and all of a sudden, all you saw on the screens was this black Willie Horton and the threat that he was to the American people and that turned the tide and the polls began to show Mr. Bush climbing over Mr. Dukakis.

It was such a great success, it has been repeated in various ways since then. In the campaign of Harvey Gant against a Senator, who is now sitting in the Senate from North Carolina, there was a close race until the Senator from North Carolina introduced a campaign ad which showed a white hand with a job application and a black hand reaching out to take the job application away from them. So that kind of racist appeal, the gut racist appeal, has proven to be workable.

It is a case where civilized people appeal to very primitive instincts. Parties that used to act very responsibly, both the Republican Party and the Democratic Party, the leadership at one time refused to succumb to the temptation to make their campaigns racist. But the Republicans broke with that tradition when Ronald Reagan decided to go to Philadelphia, MS, and launch his campaign. Philadelphia, MS, is a place where three civil rights workers were murdered, two Jewish young people and a black—Chaney, Schwerner, and Goodman were murdered in Philadelphia, MS. Mr. Reagan chose to go there to launch his campaign and send a message to the South and the people who believed, like those in Philadelphia, MS, that there was a new Republican Party.

And since then the use of racism, the use of racism in campaigns has been dignified, has been made acceptable. So we go from Philadelphia, MS, to Willie Horton and now the kingpin of the 1996 campaign is going to be an assault on affirmative action.

The budget process is one attack on the African-American community. The assault on affirmative action is the other.

Tonight I am dealing with the budget process. For African-Americans, the present declaration of war by the oppressive elite majority which controls the Congress represents the clearest and most overwhelming threat to the black community since the first black reconstruction effort was brutally demolished shortly after the Civil War. There were many Members of Congress who were black at one time and, shortly after the Civil War, when the reconstruction effort was underway, they came into Congress. And after the Hayes agreement, the blacks were driven from Congress as they were driven from office all over the country. And the Ku Klux Klan began the riots and murder, brutality, lynching, 100 years of that took place.

So we are not going back to that, but there is an attempt to roll us back into that by taking the second reconstruction, we call the second reconstruction from the time of Martin Luther King, the Montgomery bus boycott to the time we got the Voting Rights Act.

It was the launching of the second reconstruction, that reconstruction now they are going to attempt to demolish. The CBC caring majority alternative budget will be a major component of the master plan which will guide the counteroffensive that we must launch in order to guarantee our survival. Because this budget will clarify and highlight important goals and objectives for all of us, it will serve to strengthen and accelerate a renewed struggle by the African-American community with the help of the other millions who make up the caring majority. The other millions are the enlightened white Americans, Latinos, Asians, native Americans, Jews, Christians, immigrants, and important people everywhere.

We are confident that with their help, the total caring majority, we will be able to defeat the deadly design of the oppressive elite majority. We are confident that we should be able to overcome.

We have, in the Congressional Black Caucus, laid out a set of about 11 basic principles and themes that will guide our preparation of the budget. As you know, we will not be doing the budget until May. The Committee on the Budget is late in that process so we will not be considering it on the floor here until May. But we have set out a set of principles that will guide us.

First of all, we began by condemning the entire rescission package that I have just spoken about a few moments ago. The rescission package was the launching of those devastating cuts primarily aimed at the poor, the urban poor and more specifically aimed at the African-American community. At least 65 percent of the cuts in that $17 billion rescission package, 65 percent of those cuts are aimed at poor urban communities. We condemn that. We hope that the President will veto that package. We hope that the Senate, first of all, the Senate will make some drastic changes. But if they do not make those changes, we hope that the President will veto that package. It is necessary that those $17 billion in cuts not take place in this year's budget.

We also particularly condemn the zeroing out of the Summer Youth Employment Program. We call for the immediate restoration, as the number one item that is most urgent, immediate restoration of the Summer Youth Employment Program. The Summer Youth Employment Program provides jobs for teenagers during the summer. It is a very successful program. It has worked very well. Nobody challenges its effectiveness. It provides 32,000 jobs in New York City. And in big cities all across America it provides thousands of jobs during the summer for teenagers.

Why must this program be zeroed out? No reason has been given except that it is part of the plot aimed at the poorest communities, the urban communities and particularly aimed at the African-American community. We insist that the teenage employment program in the summer be restored.

Item three is the basic principle that we support a tax cut for the working class, as set forth in the progressive caucus budget. They have a tax cut for the people who make the least amount of money, and we are united with the progressive caucus on giving a tax cut to the people who are working people and need the cut the most.

Item five, we support the establishment of a commission on creative new revenue options to develop new sources of Federal revenue and shift the primary tax burden from personal income taxes.

I agree with the other side that personal income taxes should be cut. We should find ways to cut them and cut them fairly. Personal income taxes are too great a portion of the overall Federal revenue package.

There was a time when corporate income taxes bore at least half the burden of the Federal revenue package. Corporate income taxes need to be raised. But that is not creative. That is just an adjustment that needs to happen. We need to look at more creative sources of revenue.

As I have said on this floor before, we are selling the spectrum above us. There was a time when the Government gave land out to people. They did not sell it. When this country was first established, you got land grants and there were land rushes, various ways that people were almost given the land.

Now we have above our heads a realization that above our heads is wealth. The atmosphere above our heads, the spectrum can be sold and is being sold. Why not find ways to get more revenue from the leasing or the selling of the spectrum?

Technology has brought us to this point. The technology was produced by the genius of people over many, many years, but it has brought us to the point where suddenly the atmosphere above our heads is valuable. It is worth a great deal of money. Let us find a way to tax that for the benefit of all Americans. That is just one of the taxes.

Let us place a royalty on all the products that have been developed with Government research. Let us go back and place a royalty on them and let us make certain that all future products developed with Government research have a royalty on them which exists forever, going to the American people, giving the American people the benefits of those technological advances.

There are a number of ways we could change the tax structure, end personal income taxes as we know it. Get rid of personal income taxes or bring it down to such a low level that it is a minor part of the budget by finding other creative ways to tax people. We want to call for this commission.

I see the leadership of the Senate, the Republican leadership of the Senate, the Republican leadership of the House have called for a similar commission. We join with them in the call for the commission, and we would like to offer some ideas. And if they are not going to be creative, we call for creation of a special commission that is going to look for real creative options and not find new ways to bleed the same old people with personal income taxes.

We have a very important item in this set of principles with respect to cutting programs and cutting expenditures. We support means testing for all agricultural subsidy programs. Here is a bombshell. Here is Republican pork. Here is rancid Republican pork.

Go look in the districts of people who represent Kansas and a large part of the Midwest, who claim that they do not want any help from Government. They have been getting help from Government for years and years. A program created by the New Deal to help farmers has been expanded to a program which is an almost racketeering enterprise. Checks are being pumped into big cities to people who have never set foot on a farm. So the agriculture subsidy programs and various programs run by the Department of Agriculture need to be examined closely.

We propose to streamline and downsize the huge Department of Agriculture. They did a great job so we have a most effective industry, an agriculture industry that is unparalleled anywhere in the world. Government can step out now. The agriculture does not need to be the second largest bureaucracy. Right now the Department of Agriculture is the second largest bureaucracy in the country, second only to the Pentagon in the number of employees.

Instead of calling for the eradication of the Department of Education, which we need very badly, let us downsize and streamline the Department of Agriculture. We will show you how to save money in that process.

We support the collection of fees for the difference between current rates and market rates for electric power, the various power marketing commissions, administrations are giving away revenue that could be gained by charging market rates for electricity where Federal projects are involved in pricing that electricity.

We support the maintenance of foreign aid at the present level. We support the continuation of Federal benefits to all eligible immigrants. We support the elevation of education and job training as the highest priority item in the budget. We are going to offer increases. We are going to call for increases in education programs. We want Head Start to be available for all eligible children, all eligible children. We want no cuts in the college student loan programs or the work study programs or anything related to higher education. We are going to place the increases where they should be.

Finally, we will call the drastic cuts in defense. We do not need, after the cold war is over and the evil empire is defeated, we do not need to spend $28 billion, $28 billion for the CIA. We could, over the 5-year period, cut the CIA by 10 percent a year and by the fifth year you would have it down to about a $14 billion budget. Nobody really knows. This is a conservative estimate, that the CIA and intelligence agency budget is $28 billion.

First of all, we would like to end the secrecy. We see no reason why the American people cannot know exactly what this fumbling, very deadly, some things have been revealed, it is a very dangerous agency. It should let the American people know what the budget is. We want to cut the budget that is there.

We certainly want to cut the F-22. The F-22 is a fighter plane, the most sophisticated ever conceived. It is being manufactured in the district of the Speaker of the House, Marietta, GA. It has great benefits for the district, but we do not need it. We do not need a super-sophisticated fighter plane because we own the most sophisticated fighter plane. If the Russians are not building another one, no other country is building another one, why do we need a plane to compete with our own sophisticated fighter plane?

So we will cut the defense budget. The Congressional Black Caucus budget will go forward to achieve balance, but we will show you where the waste is. We will show you what sensible, compassionate people will look at.

We can cut without throwing people overboard. We can cut and have a balanced budget, a sensible budget without cutting school lunches, without making the lives of senior citizens miserable. We do not want to touch Medicaid. We do not want to touch Medicare. We can show you what the vision of America should really be like.

We represent the caring majority as opposed to the oppressive elite majority. Our budget will reflect that. The caring majority budget will be for all of the people of America.

□ 2015

REAL TAX RELIEF FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. BILBRAY). Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate this opportunity to speak up on behalf of the American people, I think, who are waiting for the House of Representatives to take its first step towards real tax relief.

The fact of the matter is there are three goals that the American people want us to have. First, they want to make sure we have deficit reduction, they want to make sure we have spending cuts, and they want tax cuts.

We have already passed, within the Contract With America, $180 billion in deficit reduction. We have already passed $190 billion in spending cuts.

What awaits action tomorrow by this House of Representatives, Mr. Speaker, is the tax cut part, the three parts of the Contract With America to help our senior citizens, to help businesses, to help individuals, and to help everyone who lives here in the United States by having a better chance to get a job, a better chance to keep a job, and a better chance to keep their family together, because these tax credits and these tax cuts are of real value to the American people.

We have seen over the period of time, Mr. Speaker, that the government is too big. It spends too much, and the American people remain overtaxed. As we cut spending, American families deserve tax relief. That is why 76 percent of the tax cuts go directly to families.

We also want to make sure that when America's families say good-bye to one another in the morning, they have good jobs to head off to. Twenty-four percent of the tax cuts go to job creation. The tax money is not ours. It belongs to the taxpayers. It is about time we cut Government spending, reduce the size of the Government, and let people keep more of what they make.

Our tax cuts, which represent 2 percent of Federal spending over the next 5 years, are fair, they help Americans from all walks of life, and they will lead to a better future with better jobs.

First, let me speak about the family tax credit. This bill would provide families with a $500 tax credit for each qualifying child under age 18. This will help families with their expenses.

The marriage penalty tax relief: This would make sure that married couples who file joint returns would be eligible to claim an income tax credit. Generally the credit is intended to mitigate the unfavorable tax consequences that the present law has, which may arise when two single workers marry.

The American dream savings account: For so long now, we are talking about in this bill a new savings vehicle called the American dream savings account. This would permit annual nondeductible contributions of up to $4,000 for a married couple filing a joint return, $2,000 for an individual.

We are also talking about deductible contributions to spousal IRA's, individual retirement accounts. This will increase savings and encourage each family to prepare for the future. This bill would permit deductible IRA contributions up to $2000 to be made for each spouse.

Senior citizens' equity: The Republican Majority has called for, and this bill would allow for, the repeal of the 1993 Clinton increase in the amount of Social Security benefits which are subject to income taxation.

The present law requires senior citizens, most of them, to pay income tax on up to 85 percent for their Social Security benefits. This would roll it back to 15 percent.

It also would raise for the first time Social Security income and allowances. Right now if you are getting Social Security and you are employed, you can only make $11,280. Under our proposal tomorrow, this would over 5 years gradually raise to $30,000 that senior citizens could earn.

Not only would it give them the chance to have more funds to in fact pay for expenses—many of them are living on fixed income—but, Mr. Speaker, it would also bring more tax dollars into the system. It would extend the quality and the length of years for our seniors who have given so much to our country and to each of us.

This would also provide, the same legislation, tax incentives for private long-term care insurance. This would improve for health for all Americans. Long-term care is always thought of as expensive care, but under this tax incentive for private long-term care insurance it would be encouraged.

It would also allow for tax-free withdrawals from IRA's for just this kind of insurance, long-term care. It would also give accelerated death benefits under life insurance contracts. The bill would provide terminally or chronically ill individuals with new means of paying their increased medical bills and living expenses.

Finally, let us talk about capital gains relief. Mr. Speaker, this bill contains four different capital gains provisions, the most important of which would be a 50 percent capital gains reduction for individuals. This would encourage savings, business expansion, and job creation. It also would provide a 25 percent corporate alternative tax for capital gains.

Everyone knows that capital gains is going to help this country move forward. It will be the kind of stimulus that would encourage investment, savings, and new jobs.

Within this legislation will be pension reform for the Members of this House. It will call for our pensions to be more akin to Federal employees' and not some bloated pension that was in prior Congresses. This is the kind of recovery and reform where we are leading by example, Mr. Speaker.

This goes part and parcel with the franking reform we are discussing, and we are going to act on; the gift ban we are going to act on; and campaign reform we are going to act on. It is part of moving this Congress to the kind of new credibility that the American people want us to have.

Mr. Speaker, as well, this legislation would allow for expensing for small businesses. The bill would increase the amount of property a small business can expense. This would have the effect, of course, of encouraging the engine of our economy, Mr. Speaker, small businesses, the chance to grow, produce, and hire.

This is certainly what we want to do, because the backbone of our country are the small businesses. You have heard time and again from the U.S. Chamber of Commerce and the National Federation of Independent Businesses just how important it is to help our small businesses grow.

We already passed legislation to have the 25 percent deduction for the insurance paid for by the employers. We hope that will now go to 100 percent, but this is one more way we can help small businesses in fact meet their expenses and be able to meet their payroll, and then be able to move on to new heights.

There is also within this legislation, Mr. Speaker, tax credits for adoption expenses of up to $5,000; tax credits for the care for the elderly. This is very important to individuals throughout the country in every single State.

Mr. Speaker, the fact is we can have all three with this legislation. We can have our spending cuts, which are very important to trimming an out-of-control Federal budget. We can have our deficit reduction. We also can have our tax cuts.

The fact is, without all three, the country won't move forward. New jobs can't be created, and we won't realize the American dream.

We have other legislation that is going to happen after the 100 days. We are talking about the kind of review where we are going to sunset Federal agencies. The freshman class has come forward with the possible dissolution or elimination of certain agencies and functions, but we have legislation as well that is going to call for every 7 years to review Federal regulations, to review Federal agencies, and to sunset those regulations and those agencies when they are not performing.

This is all part and parcel of the 104th Congress moving forward. I believe, Mr. Speaker, with the adoption of these tax cuts, we will in fact realize the dream that many Americans want us to have, to keep the contract.

We already had the balanced budget amendment. We have a line-item veto. We have prohibited unfunded mandates being sent back to States and local governments. We have had regulatory reform, legal reform. Now we need to have the final, 10th item on the contract for us to deliver on.

We believe this is legislation, Mr. Speaker, that is bipartisan in nature. This is not just Republican or Democrat, this is not for liberals or conservatives, for those who live in the North, the South, the East, or the West.

This legislation, this tax program, is something that every Member can embrace. We hope that the Senate, once it is passed in the House, will find favor with it as well, because the American people have, by overwhelming numbers, said a tax cut, as long as you are going to have deficit reduction, spending cuts, is consistent with what the American dream is all about: expanding opportunity, helping us keep jobs and get more jobs, helping us make sure that each family in fact has the opportunity to help provide for their children, to make sure they can buy a home, and to make sure that they can provide for their expenses.

That is what these tax cuts will do, give them that kind of flexibility, Mr. Speaker. We believe this is a step in the right direction. No one piece of legislation is going to solve all the problems. It takes cooperation. It is going to take persistence. However, this legislation is a step in the right direction. Tax-and-spend prior Congresses have been out of touch, been out of control.

This 104th Congress has already seen, by bipartisan adoption of the contract items which have overwhelming numbers from the Republican side, and great numbers, as well, from the Democratic side, that we can stop the finger pointing, we can stop the gridlock, and we can work together for the American people. That is what they want us to do.

They want us to work together. They want us to make sure when we go to Washington, we don't get caught in that Beltway mentality of an echo chamber that says "Whatever you are doing is fine." We need a make sure we keep track back home, go to those town meetings, and hear what they are saying.

What I am hearing is they want tax cuts, but they want to make sure they are tied to deficit reduction. That is what this legislation does. Under the proposal from the gentleman from Delaware, MIKE CASTLE, and as well from the gentleman from Michigan, FRED UPTON, and also from the gentleman from New Jersey, BILL MARTINI, we are going to have that initiative within this legislation which will make sure that we tie the tax cuts we are speaking of to deficit reduction. That is very important for our long-term economic health.

However, I believe that you will find that senior citizens can certainly find favor with this. Couples, married, middle class individuals, everyone in the economic stream will find that this legislation is going to give us that boost. It is going to give us that hope.

Together with our great community groups that are doing wonderful things in the private sector to help our communities be strong, we can make sure that we are doing our part by getting out of the way of business, helping expand opportunity, and making sure that House bill 1215, which is the tax cut legislation, will in fact move us forward.

I believe this is a step in the right direction. I would like to call on the gentleman from Michigan, NICK SMITH, at this time to continue this dialogue with the American people, because we need to make sure, Mr. Speaker, that in fact this legislation is adopted for the benefit of all Americans, and for moving our country forward.

Mr. Speaker, I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. FOX] for yielding to me.

Mr. Speaker, first let me say that it is individuals like the gentleman from Pennsylvania [Mr. JOHN FOX], who are part of the driving force that is keeping the momentum going in this Congress to do the tough job of cutting spending and balancing the budget, and at the same time cutting taxes, so my compliments to the gentleman from Pennsylvania and my colleagues in the freshman class.

I think the question we really need to address, Mr. Speaker, is what do we want, what are we after, what do we want to achieve. I think probably it is a nicer, more friendly, better place to work and to live and to raise our kids.

How do we get there, I think is the next question. Part of what we need is more and better jobs in our society. Right now that is a real challenge. What we have seen over the last 40 years is a situation where we continue to increase the taxes on individuals and businesses so that government can do the things that they think are good for you.

We are suggesting now that we leave more of that hard-earned money in the pockets of people that are out there working for that money, and let them decide how to spend it, instead of this huge, overbloated government bureaucracy in Washington, DC.

What has happened in this country is our savings rate that used to be high, we have one of the lowest savings rates out of the industrialized world. When you add to that low savings rate the fact that the Federal Government is now overspending $300 billion a year, if you include what we are borrowing from the Social Security Trust Fund, we are overspending $300 billion a year, that in itself is negative savings, so we end up, compared to the rest of the G–7 countries, at the bottom of the totem pole on savings. That means there is less potential money out there to borrow, to lend.

The Federal Government now borrows 42 percent of all the money that is lent out. Last year, out of every cent and every dollar that was borrowed, here is the Federal Government saying "Hey, we have to have that money, because we are doing important things." They are borrowing 42 percent of that dollar.

Somehow, Mr. Speaker, we have got to expand capital formation in this country. All economists agree that expanding capital and capital investment is the key to economic success. We have a low savings rate. The Federal Government's overspending has driven up the interest rates to businesses. What can we do to encourage productivity in this country, and allowing our businesses to be more competitive with the businesses in other countries?

If you look at the way the United States taxes our business when they invest money in equipment, in machinery, in facilities, we see that our marginal tax rate is higher on our businesses than almost any other country in the world. So what we are doing is we are penalizing the business when they buy that machine or that tool or build that new facility to allow their workers to work more efficiently, because here is what has happened. Let me tell you the way it works in this country.

□ 2030

We have a Tax Code that says that if you buy this new machinery and equipment you are going to have to spread the deduction out over the useful life of that machine or equipment or facility. That means that as we require them to spread this out over 5 or 10 or 15 or 20 or 30 years that inflation eats up the value of that deduction.

So what we have in this tax bill that we are going to start discussing tomorrow is we have a provision that says, look, for small businesses, we are going to stop penalizing you for buying that machinery and equipment, and we are going to allow you to deduct that as a business expense in the year that you purchase that machinery or equipment or facility, up to $35,000. That stops the penalty.

We are additionally saying for that out-year depreciation we are going to allow you to index that depreciation for inflation so inflation does not eat up the value of that deduction when you get to it.

Here is what the economists say is going to happen if we pass this bill into law. It is going to reduce the cost of machinery and equipment and those facilities by 16 percent.

What is going to happen if we lower the cost of new, modern, state-of-the-art tools that we can put in our workers' hands by 16 percent? I will tell you what is going to happen. Businesses are going to buy more of it. Those manufacturers that produce those tools and equipment, those builders and workers that build those facilities are going to build more of them and produce more of that machinery and equipment because now there is a higher demand for it.

The economists project that if we pass neutral-cost recovery into law and if we increase the expensing from the current $17,500 up to $35,000 and if we stop the penalty of the alternative minimum tax, we are going to end up with 3 million new additional jobs by the year 2000; we are going to increase the average salary, the average wage of these individual workers all across the United States by $3,500; and we are going to expand the gross domestic product by $1 trillion. That is going to result in increased revenues coming into the Federal Government.

So the point is, as we look at the rest of the countries around the world we are, in effect, treating our businesses with greater penalties when they buy this machinery and equipment. And we cannot continue to do that. It is a postwar era. It is a situation where every country now wants to develop the kind of laws, the kind of tax policies to attract capital.

If you look at Adam Smith, Adam Smith says the countries that are going to progress and produce those jobs are the countries that have the kind of tax policies that attract capital formation.

Ludwig Vaughn Mises in 1949, when he came to this country, he looked around and he said, "Why is the United States moving ahead of the rest of the world?" What he said, he said it is because we have a policy in this country of encouraging savings and encouraging capital investment. That is exactly what this tax bill does.

I encourage my colleagues to sit down and figure out what can we do as a Nation to increase the number of jobs, increase the quality of jobs and, ultimately, increase the quality of life.

I would suggest that one part of that situation, part of that decision, part of that conclusion has got to be treating our businesses on our Tax Code similar to what happens in other countries, treating our families similar to what other countries are doing to their families in terms of the tax obligation.

If you are an average family now in the United States with at least one person working, you now pay over 40 percent of every dollar you make in taxes. So what this Contract With America is suggesting is not only do we lower taxes but we cut spending enough that we get on the glide path toward a balanced budget. That is so important.

I see my colleagues on the liberal side saying, "Don't cut taxes. Don't cut taxes." I would simply remind everyone that it was about a year and a half ago that we had the largest tax increase in the history of this Nation, a $250 billion tax increase. Some of us on the Republican side said, look, since the economists say that a tax increase is bad for the economy, should we be giving a tax decrease as part of our Contract With America? The overwhelming answer was yes.

The next question was, how do we reduce taxes? We decided to give it to families and families with kids. We decided to give it to senior citizens. We decided to give it to businesses in such a way that they are going to expand their jobs and the employment opportunities. That is what the Contract With America said. That is what we are doing.

This week we are taking up that tax bill, but I need to remind everybody that being on the glide path to a balanced budget is just as important as these tax reductions.

The interest on our gross Federal debt this year is $339 billion; $339 billion is 25 percent of all revenues coming in from all sources to the U.S. Government. We have got to get on this glide path. We cannot continue saying that these are good programs, they should not be cut, we should not tamper with all of the things that the Federal Government is doing.

The fact is that we have had no shortage for good ideas on good programs. We are not only cutting the fat now. We are going to move into some cuts that are going to affect all of America. It is going to be Americans that are going to have to decide, look, are we willing to sacrifice a little so that we do not leave our kids and our grandkids with this huge mortgage and this huge debt that is now $5 trillion?

I thank the gentleman from Pennsylvania for yielding. I think it is so important that we have this debate, that we have this discussion, and I appreciate this opportunity, I say to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. I thank the gentleman from Michigan [Mr. SMITH] for his leadership, frankly, in the House. We have relied on several key individuals who are veterans here in Congress to move forward this dialogue, Mr. Speaker. The gentleman from Michigan [Mr. SMITH] has certainly been someone in whom we have relied in the Republican Conference as well as the entire House because he has spoken out for our seniors, for our families and for our businesses, our small businesses that really drive the economy.

I wanted, Mr. Speaker, if I could, to continue the dialogue that the gentleman from Michigan [Mr. SMITH] has started with regard to some of the other points that were raised in view of the importance of what is happening here tomorrow on this historic debate with regard to tax credits and tax cuts.

The gentleman from Illinois [Mr. HASTERT], the lead sponsor of the Senior Citizens Equity Act, has said it is time to retire the high-tax burden on our Nation's seniors, instead of retiring older Americans who want and need to work to remain independent, productive members of society. That is just what this tax cut bill will do.

The bill includes several tax-cut provisions designed to allow all Americans, poor, middle class, young and old, to keep more of their hard-earned money they would otherwise turn over to bureaucrats.

H.R. 1215 also has the added benefit of reducing the budget deficit. The bill will include caps on discretionary spending that the Congressional Budget Office says will cut the deficit by $91 billion over 5 years, which is $62 billion more in deficit reduction than President Clinton proposed in his budget.

While H.R. 1215 helps families and promotes economic growth and increase jobs, it also helps millions of senior citizens. It will make sure that the earnings limit, which has punished low-income seniors, will, in fact, be changed. Seniors want to work, and they are needed in the work force. The earnings limit increase will help all Americans.

The long-term care insurance that we have discussed in the legislation will ease the financial drain on seniors and their families. It will give private, long-term care insurance the same preferable tax treatment as accident and health insurance. It will exclude from income up to $200 per day in long-term care benefits, will allow long-term care services to be treated as medical expenses.

I would like to now at this time yield to the gentleman from Michigan [Mr. SMITH] for further comments regarding the benefits of this legislation.

Mr. SMITH of Michigan. I thank the gentleman from Pennsylvania for yielding.

These are two interesting charts. We talk about tax day, how long you have to work into the year to use that income to pay the Federal Government in taxes. Right now, tax day is June 4. Under the administration's proposal, we actually increase taxes; and tax day by the year 2002 goes to June 7.

With this tax bill that we are about to pass tomorrow, actually tax day, because of the tax reduction, goes back to May 26. Some people say maybe that is not far enough. Maybe we should reduce taxes more. But this is a giant start.

Members of Congress are not used to taking away things from people. Our political careers have sort of depended on giving more and more to people.

I like to use the comparison of the Alamo and thinking that maybe one of the reasons those at the Alamo fought so hard was that there was not any back door. But in our Federal Government there is a back door, and that back door is taxing and borrowing. So we have continued to tax and we have continued to borrow to increase the propensity that we will be reelected by doing more things for more people. That has got to come to a stop if we give a hang about our kids and our grandkids.

We have heard a lot of people say, "Look, it is a tax break for the rich." Actually, if you look at the tax cut for working-class families, if you are a family making less than $25,000 your taxes are reduced by 100 percent. If you are a family making $30,000, your taxes are reduced by 48 percent; $45,000, they are reduced by 21 percent; $50,000, reduced by 17 percent.

You see on down there, if you are a family making over $200,000, your taxes are only reduced by 2 percent. All of the economists have indicated that a tax increase is a depressant on the economy. That is where it is important that we modify the $250 billion tax increase that we had a year and a half ago and that we do it in such a way that it promotes jobs, promotes business and promotes a better life.

I go back to John Kennedy, because the idea that reducing taxes was good for the economy is not a Republican idea. John Kennedy said that when he came in, he went and he reduced taxes. This chart just shows what happened after the Kennedy tax cuts. The real gross national product of this country in 1963 went from 4 percent, in 1964 it increased 5 percent and then in 1965 and 1966 it went on to 6 percent. The personal savings in billions went up. Business investment, which means jobs, went up.

Mr. Speaker, I plead with my colleagues, I plead with the American people, let's move ahead, let's have some of these tax cuts that are going to promote and expand our business, our economy and the well-being of the American people, and let's go ahead and cut the kind of spending cuts that are needed to get us on the glide path to a balanced budget and ultimately achieve that balanced budget by 2002. These tax cuts do not go into effect until we have passed the bill that lays out and locks in how we are going to reduce spending and get to a balanced budget by the year 2002.

Again I thank the gentleman from Pennsylvania [Mr. FOX] for yielding and I appreciate this opportunity.

Mr. FOX of Pennsylvania. I thank Mr. SMITH for his participation in this meaningful dialogue. The American people are waiting for what we will do to not only continue our fight to have the reduction in our deficit, a spending cuts reduction but also the third part which they are looking for now are the tax cuts, how we will make it possible.

We have heard from some on the other side of the aisle that say we are going to pay for these tax cuts at the expense of students. Nothing could be further from the truth. There is no Republican proposal to eliminate the Pell Grant Program, the college work study program, or the student loan program. We are going to continue these programs and they are very valuable to our students.

Let me look if I may, Mr. Speaker, to some very important individuals who, in fact, are Governors of four States who know best what has happened on a State level when they have cut taxes. What has happened in four States. I could give now at this time a letter which goes to some of the points they have made in recent discussions before my colleagues here in the House.

The four governors we are speaking of are William Weld, Tommy Thompson, John Engler, and Christine Todd Whitman. They write in support of the efforts both to cut Federal taxes and reduce the Federal budget deficit. As Governors, they have all cut taxes the same time. Yet they have also balanced their budgets.

□ 2045

They have not accepted the false dichotomy that claims that governments, State or Federal, can only balance their budgets, or cut taxes, but not both. They have been able to do both in their State capitals, exactly what we need to do in the Nation's Capital, cut the deficit and cut taxes and cut spending. They believe that government has a moral responsibility, as I do, to make the tax burden on the people of this country as low as possible and that focusing on the so-called revenue loss leads down a path that asks the question, the wrong question, "How much does a given tax cut cost government?" That is like worrying that a bank vault might reduce the income prospects of a bank robber.

Our motto instead should be this:

"There is no such thing as government money, only taxpayers' money."

The burden of proof is on those who would increase taxes. The burden of proof is also on those who advocate current rates of taxation in the face of rational, just, and economically compelling arguments in favor of tax cuts.

In short, we should be cross-examining government expenditures, not tax cuts.

The Governors think, as I do, that taxes are too high.

In Massachusetts they cut taxes nine times over the past 4 years, and yet they do not face a problem of either declining revenues or unbalanced budgets. In fact their tax revenues have grown by $2.2 billion over that time period. They have balanced six consecutive budgets despite the nine tax cuts, but, in fact, because they have the tax cuts.

In Michigan, 15 tax cuts in 4 years have turbocharged the State's economy to its best performance in a generation. These cuts include cutting property taxes on homeowners by two-thirds, Mr. Speaker, eliminating the State's tax on capital gains, cutting property taxes, private pensions and inheritances. While taxpayers are saving more than $1 billion annually, State revenues have continued to rise in Michigan.

In Wisconsin they cut taxes by more than $1.5 billion over the past 8 years, including the income tax, capital gains tax, inheritance tax, and gift tax. What happened, you say? Their economy created new jobs at nearly double the national rate and more new manufacturing jobs than any other State in the Union. Revenues to State government grew by 48 percent, and they balanced their budget each and every year. The lesson from Wisconsin is clear: Tax cuts help create jobs and opportunity for families and individuals and more revenue for Government.

In New Jersey they promised to cut State income taxes by 30 percent, and Governor Whitman delivered over 3 years to create jobs and spur economic development through private-sector investment.

When the people's money is in the hands of government, it falls into many pits of stagnation dug by Washington bureaucrats. Money in private hands, however, Mr. Speaker, actively seeks out the entrepreneurial ventures of the present day that become the future job creating companies. By overtaxing, government has in its power to destroy small business, whether it be your home State of California, Mr. Speaker, or my home State of Pennsylvania. Before it is ever launched, we do not want to make a family choose between paying their rent and putting money aside for their children's education, to destroy a family's dream of owning a home.

A reduced capital gains burden will also be likely to persuade people to hold on to their investment longer, thereby increasing economic growth and the effect on the entire economy. When more stocks are bought and held longer, moreover, interest rates will tend to be lower as companies will rely less on borrowing. As a consequence the same family will find buying a home more affordable.

In short, tax cuts start not a vicious cycle that imperils fiscal stability, but a chain of prosperity that touches almost everyone, children, the parents, home buyers, and home builders.

The arguments against tax cuts just do not fly, Mr. Speaker, as they did in Massachusetts, Michigan, Wisconsin, and New Jersey. There is no either-or dilemma here when it comes to taxes, spending, and deficits. They can all be cut. Washington has an obligation to follow the States and to do for the American people what they want, and that is to make sure we help get the American dream, we achieve it in our lifetime, helping our children and grandchildren by continuing our trend of spending cuts, deficit reduction, and the tax cuts they want as well.

Mr. Speaker, I say, "Thank you for my colleagues for listening and for hopefully voting with us tomorrow to make a difference for America, to make government smaller and to make our dreams brighter."

NATIVE SAMOAN-AMERICAN JTPA PROGRAM

The SPEAKER pro tempore (Mr. BILBRAY). Under the Speaker's announced policy of January 4, 1995, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes as the designee of the minority leader.

Mr. FALEOMAVAEGA. Mr. Speaker, I reserve as much time as I may consume and ask unanimous consent to include extraneous materials. I rise today to talk about welfare reform and in particular a JTPA program that is earmarked for elimination in the Republicans' rescission bill H.R. 1158.

Mr. Speaker, I would like to talk about a program that provides assistance to the Samoan-American community in three States—the Samoan Service Providers Association [SSPA] in the State of Hawaii, National Office of Samoan Affairs [NOSA] in San Francisco, Los Angeles, Orange County, and San Diego—the State of California, and the American-Samoan Comprehensive Employment Program [ASCEP] in the State of Washington, a tristate program that assists training and retraining of Pacific Islanders for employment and community development.

Let me begin by stating the statement of purpose of the Jobs Training Partnership Act [JTPA], and it states:

> It is the purpose of this Act to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the work force and enhancing the productivity and competitiveness of the Nation.

Mr. Speaker, this is what the JTPA program is supposed to do, prepare disadvantaged youth and adults by training them and in some cases retraining for entrance into the work force. It is the government's responsibility, to associate programs and community needs. The future of our great country depends on providing our people with the education and skills, in channeling our greatest asset—people, to maintain our work force, our economy and our communities. This great country is a melting pot of cultures and ethnic races each contributing something special to our country, our communities and our workplace to benefit generations to come.

Why do we have a program that targets a special population? Because the previous system did not cater for them. Because the previous system did not provide for diversity, sensitivity and competence. It was made possible by federal government oversight to ensure that the needs of this small population were met.

Mr. Speaker, I agree that we must look at reforming much of our welfare system and to look to make it equitable and fair, in terms of how it is funded and the distribution of those funds for the betterment of society and local communities. I agree it is time to hold onto what is right and what works, and to cut off or sift through that which impedes the course of action of turning our people into productive and responsible citizens.

Mr. Speaker, the course of action that H.R. 1158 proposes is not only ridiculous, but it is dangerous. This Republican led Congress has raced ahead to complete their Contract with America at the expense of many hard-earned programs. Already we are experiencing the results of rushed legislation, staffers too tired to check the bills, Republican legislators who now realize that this rescission bill includes programs they had not intended to be affected—now they want to raise amendments and reinstate that funding. There is reason for long serious deliberation—to avoid any loopholes and ensure that the legislation is in agreement to the intent.

I honestly do not believe that there has been much thought especially to the consequences, the long-term effects, that many of the proposed rescissions will force upon current and future recipients of welfare.

Mr. Speaker, I am deeply concerned over the ramifications that H.R. 1158 will have on the local Samoan communities in Hawaii, California, and Washington. A JTPA program that serves and has the support of the community—and all of a sudden we want to cut it off completely. Let us proceed with caution—the people of America sent out a clear message when we debated health care reform in the 103d Congress. Let us not rush into this until we have reviewed these important issues.

Mr. Speaker, when the JTPA program for the Samoan-Americans was established, the intent was to provide an agency that was competent, sensitive and attentive to the needs of the people from the Pacific. Based on the 1984–85 Department of Labor study "Unemployment, Poverty and Training Needs of American-Samoans," office personnel in existing services and programs knew little about the unique aspects of the Samoan culture and tradition. Our people found that employment training agencies were not user friendly and that the environment was insensitive and not what they were expecting in terms of receiving help. There was a little attempt by employment programs to overcome this industry-wide shortage of Samoan-American staff who could liaison with participants and organizers. Programs did not contain a bilingual element—in most cases Samoan-Americans required language training and therefore were at an immediate disadvantage if a program lacked this bilingual component. They found that the cultural differences and indifferences for the training needs were not met by JTPA personnel.

As a result of this, Mr. Speaker, Senator INOUYE, helped pass legislation that provided for a special job training and employment program for Native Samoan-Americans residing in the United States. This is the only JTPA program that provides assistance to Samoan-Americans.

I would like to take this opportunity to refresh my colleagues on the history surrounding this program and to bring them up to date on the success of the JTPA Native Samoan-American program.

In 1988, Senator DANIEL INOUYE of Hawaii introduced an amendment to include Samoan-Americans in the JTPA Native American Programs under title IV(A) of the JTPA Act. However, by the time this amendment passed Congress, the program was funded as a discretionary program under title IV(D) of the JTPA Act as a pilot and demonstration project.

In 1991, Senators PAUL SIMON, TED KENNEDY and STROM THURMOND included a provision in S. 2055 Job Training and Basic Skills Act, to amend the JTPA Act to include Native Samoan-Americans and those residing in the United States in the Native American Program. Unfortunately, when the bill went to conference on July 29 to 31, 1991, the Samoan-American provision was defeated. The conferees had contended that it was within the jurisdiction of the Committee on Interior and not the Committee on Education and Labor in order to amend the definition of Native Americans.

Today, the program is still scored under title IV(D), as a discretionary item and the State Department of Labor of Hawaii continues to administer the program.

Why would we seek to include Native Samoan-Americans in the JTPA Native American Programs? Because the JTPA-NAP program was established by Congress to address the serious unemployment and economic disadvantages which exist among members of these communities, namely Native American Indians, Native Alaskans, and Native Hawaiians. And I feel that the Samoans who have migrated from American Samoa to Hawaii and the United States proper do qualify.

As Members of Congress will testify, of all the minority groups in the United States, Native Americans, Native Hawaiians and Native Samoan-Americans suffer the most economically, primarily due to educational, cultural, and language barriers. I submit to my colleagues in the House that 25 percent or more of the Samoan-Americans population here in the United States live in poverty.

An official 1980 census cited 42,000 Samoans in the United States proper. At that stage nearly half of that Samoan population was residing in California and more than one-third was in Hawaii. Although severely undercounted, the 1990 U.S. Census cites 63,000 Samoans now living in the United States, an increase of 50.1 percent over the 1980 statistics, 50 percent live in California, 23 percent in Hawaii and 6.5 percent in Washington. Overall 87.6 percent live in the West region of the United States.

I might also note, Mr. Speaker, that despite a 95-year relationship between American Samoa and the United States, the first official census taken by the U.S. Census Bureau of the territory was in 1990—only 5 years ago.

Statistics from the Hawaiian operation continue to show that male Samoans have an unemployment rate of over 9 percent while the unemployment female rate remains at 12 percent, both above the national norm. More than any other ethnic group, Samoans have substantially higher school dropout rates with higher incident rates of gang violence. In excess of 30 percent of the Samoan population in Hawaii reside in public housing projects, and Samoan youths and adults rate the lowest in terms in educational competencies and vocational/occupational skills.

Since its inception in 1988, the JTPA Samoan Employment and Training Program has begun to address employment and training needs of our people. Hawaii last year enrolled 360 participants and terminated 174. Of the 174 terminated, 98 percent were placed in unsubsidized work averaging $10.65/hour for adults and $8.49/hour for youth.

California enrolled 578 participants against a planned enrollment of 625 and terminated 477; 240 participants out of the 477 were placed in unsubsidized jobs, that equates to a 50 percent success rate.

The success of this program is evident from the mass mailing my office received recently because of the rescissions bill:

> Ms. Paulette Solt, Supervisor Senior Probation Officer of the Juvenile Probation Department for the City and County of San Francisco said the program provides, "counseling, remedial education assistance, job education and readiness, and youth employment that is culturally and linguistically relevant."
>
> Donna Briggs of the Department of Social Services, also for the City and County of San Francisco said, "Problems I've experienced during the four years that I worked with Samoan families, were monumental largely due to the fact that I am not Samoan and knew nothing about who they are as a people."
>
> The Mayor's Office of Community Development for the City and County of San Francisco said, "The employment and training program they are currently providing is very successful at placing Samoan American youths and adults into jobs relating to the training they received as part of their community development."
>
> The City and County of Los Angeles has the largest Samoan population in the continental U.S. and Shirley Crowe-Massey, Principal of the Long Beach Unified School District said, "Many Samoan youths are at risk due to cultural and language barriers. The office of Samoan Affairs addresses the needs of and provides for Samoan students and their families; it is an organization that is uniquely equipped to do so."
>
> Robert Agres, Jr., Deputy Director of the City and County of Honolulu Department of Human Resources said, "While Samoans in Hawaii have made much progress over the years in moving towards increased economic independence, they continue to be the most economically and socially disadvantaged ethnic group in the State. Programs, like that of the [American Samoan JTPA program], are an investment of federal dollars . . . they help Samoans to move away from the dependence on public support . . . to become contributors to the economic life of our community."

Mr. Speaker, of concern to many of the letter writers, from school teachers, to church groups, to probation services, to travel agencies, to past and present participants, was—who would become the intermediary agency should the Native Samoan Americans JTPA Program be cut?

Mr. Speaker, Before this American Native Samoan JTPA Program was here, there were no training programs that address the concerns of American Samoans, and there were no agencies familiar in the makeup of Samoan Americans in their surrounding communities—and this may be very true for many of the minority communities out there today. There was no one who could identify with the cultural aspect and the embodiment of being Samoan.

But, we now have the Samoan American JTPA Program producing promising results, considering the difficulties in obtaining data and preparing appropriate training for these people. The Hawaii program statistics indicate that the cost per participant was $1,806 last year. California's cost per participant was $1,907 with an average cost per participant was $1,643 over that last 3 years.

Mr. Speaker. I submit it would cost the Federal Government a lot more if these people were on welfare. In terms of investment this program sounds like a good return—it is a cost-effective initiative as well as a high yield in turning out productive and responsible citizens of our community.

Mr. Speaker, many of the graduates of the JTPA Program are now earning decent wages and holding meaningful jobs; several have gone on to pursue degrees in higher education and some have even started their own businesses. It is evident that the program removes members of our community from the welfare roles, and more importantly, it will keep them from getting back to the welfare rolls.

Mr. Speaker, I am in strong support of retaining the JTPA Program because it provides meaningful training for meaningful employment opportunities for our citizens. It is a proactive training program for youth and adults and especially their families improving their access to employment, improving their skills and enhancing the competitiveness of our labor force. It takes the sting out of turbulent years when families are in this transition phase of training and settling into new neighborhoods. It is a program that supports community development and cohesive and it is our responsibility as legislators to ensure that such programs remain part of our community and not be subject to the slash and cut program as outlined in the contract on America.

Mr. Speaker, I can only imagine what effect block granting will have on minority communities. If we choose to send block grants to the State level you can bet your bottom dollar that the black community will suffer, the Hispanic community will suffer, the legal immigrant communities will suffer, minority communities will suffer. It is at the local level of our communities where our concerns are felt and it is here where they should be addressed.

Mr. Speaker, the GAO report "Block Grants—Characteristics, Experience, and Lessons Learned" reinforces many of my concerns with block granting. I would like to see the local community service providers, the people who give their time and skills, the people who get their hands dirty, to continue to administer these programs without strings attached—to the State level. I am not convinced that States have the vested interest in serving a population that is politically and economically insignificant or if it can operate with the same efficiency and effectiveness. Let us not gag programs that we know make a difference in motivation, in personal self esteem, in positive reinforcement and outlook on life. Let us preserve this program that has continually proven to be successful while moving ahead to improve and provide a valued community service.

Mr. Speaker, how can we be sure that block granting to State governments will channel funds to the most needy in our communities? How can we be sure that these State governments are going to spend the money for the express purpose that Congress intended these funds to be spent? What certainty is there that we will help the minority communities who suffer the most, who put up with the discriminations because of their race, the way they dress, their language, where they work, and their gender?

Mr. Speaker, do not place the JTPA Program in a block grant if you intend to have it administered at the State level and on that basis Samoan-Americans would have "zilch" representation. Looking at OMB's Directive 15 Census category of Asians or Pacific Islanders [API] American-Samoans were 0.86 of 1 percent out of a group that total about 8 million people. With no disrespect intended, the political arena favors the Asian-American population and in terms of allocating resources it would appear that Samoan-Americans would not receive the attention deserving of such a special population. It is interesting to note that the stereotyping of Asian and Pacific Island Americans in the contemporary United States has led policymakers and corporate leaders to view this API category as "the model" for other minority groups. On the contrary, Mr. Speaker, for some 500,000 Pacific Island Americans, the American experience has been one of a vicious cycle of broken homes and families, tremendous tensions among young people currently involved in gangs and drug trafficking, limited educational opportunities, and simply out of frustration and tensions, these citizens of our community inevitably become victims of the "dark side" of life, and simply adding greater costs to both local, State, and our national government.

Mr. Speaker, my office has received hundreds of letters of support from all segments of the community, government agencies, local referral groups, institutions, church groups—each endorsing the special expertise that this program provides. They know of the impact that this program achieves because they deal with them on a day-to-day basis. We cannot ignore what they have to say: Don't close the door. Don't close the door.

Mr. Speaker, the success of this program can largely be attributed to the caliber of senior personnel and the personal interests they hold for our American Samoan people: Mrs. Pat Luce-Aoelua of the National Office of Samoan Affairs [NOSA] has been in the business of caring, education, and counseling our people for over 20 years. She has carried out many research projects from cultural awareness to mental health training and has been on call as a consultant to many of the local Federal agencies in California. Bill Emmsley of the Samoan Service Providers Association [SSPA] has also been very instrumental in reaching out to our community in Hawaii. His involvement also stems back to over 20 years and has a strong commitment to employment training.

Many of SSPA's participants have gone on to community colleges and even to university. SSPA recently graduated 17 participants from one of its entrepreneur training programs. In Seattle the operation is cared for by Logologo Sa'au, Jr. Although smaller in size, the operation in Seattle is just as important. Remember this is a tri-State program, the only program reaching out to many of your constituents who are American Samoans.

In closing Mr. Speaker, I would like to share a few lines from a letter that speaks out in strong support of the Samoan-American JTPA program. From the mayor's Office of Community Development, City and County of San Francisco:

> . . . attests to the fact that the [Samoan-American JTPA program] has an excellent operation as we have witness[ed] for the past 3 years. The employment and training program they are currently providing is very successful at placing Samoan-American Youths and Adults into jobs relating to the training they received as part of their community development. This is a program that we can all be proud of as they continue to provide outstanding counseling, education and training to this economically disadvantaged population.

Mr. Speaker, I include for the RECORD statements on this subject from program directors Pat Luce-Aoelua for California, and Bill Emmsley for Hawaii.

Mr. Speaker, I yield back the balance of my time, and I thank you for your patience and attention.

STATEMENT BY NATIONAL OFFICE OF SAMOAN AFFAIRS, INC., CALIFORNIA ADDRESSING H.R. 1158 AND 1159 JOB TRAINING PARTNERSHIP ACT

On March 16, 1995, the House of Representatives adopted two rescission bills (HR 1158 and HR 1159) relating to the Job Training Partnership Act. Certain provisions of the HR 1158 eliminated funds specifically earmarked by Congress for the American Samoan Job Training and Employment Program.

As the Executive Director of the National Office of Samoan Affairs which administers the American Samoan JTPA Program in the State of California, I am aware of the disappointments and dissatisfactions expressed by members of Congress with the level of accomplishments and the number of successes attained by the JTPA system as a whole. I can also understand and appreciate the fervor of Congressional effort to reform the system through either rescinding or reducing funds for the JTPA Program. However, I find it extremely perplexing to accept the House Committee's decision to rescind the funds for the American Samoan JTPA Program since Congress, by its own initiative and foresight, had adopted legislation, signed into law by

President Ronald Reagan, authorizing special funding for the American Samoan JTPA Program in 1988. This enactment was based on the findings of the "Unemployment, Poverty and Training Needs of American Samoans" study by the U.S. Department of Labor as mandated by Congress in 1984. This study was conducted by Northwest Laboratory.

The findings of the Department of Labor study indicate that American Samoans are not making dramatic inroads into local labor markets, and predict that, based on demographic factors such as American Samoans residing in the United States live in urban, economically depressed areas; they are dispersed throughout the states and therefore are not visible in substantial numbers such as other large minority groups to be addressed by the Service Delivery Areas within the JTPA structure. The American Samoans continue to "fall through the cracks." The problems currently exhibited by American Samoan will continue into the future unless culturally relevant programs are structured.

Various studies have shown that American Samoan adults encounter difficulties in finding and maintaining jobs because they lack training, job information, and knowledge on how to access resources, providing training and employment information.

But American Samoans in general do not utilize educational training and employment services commensurate with their numbers of needs, according to the DOL-commissioned study. As it is implemented, the Job Training Partnership Act exists to provide employment and training services to individuals and groups with socioeconomic characteristics, such as American Samoans.

Unfortunately, available evidence indicates that the present and future needs of American Samoans residing in the United States cannot be effectively met by existing JTPA traditional services.

The Department of Labor found that personnel in existing services and programs know little about the unique aspects of Samoan culture and tradition. Research also indicates that there have been few outreach efforts and only isolated attempts to hire American Samoan program staff or to increase American Samoan participation in programs. Due to these failures, local American Samoan communities lack knowledge about the range of existing services and consequently, participation is low.

On the other hand, those programs do not offer ESL training targeted for American Samoan-speaking adults and youths. Since many American Samoans require language training, in addition to technical training, they cannot easily participate in other programs lacking an English-Samoan bilingual component. The data indicate, American Samoan communities in the United States have high proportions of hard-to-train, hard-to-place persons. Because of the JTPA funding evaluation criteria, this makes American Samoans high-risk participants in programs sponsored by the general community. These same criteria makes American Samoan community sponsored program high-risk compared to programs which serve other minorities. It is for these reasons, then in 1988 and more so now, with one of the youngest population in the U.S., median age 21, that the existing American Samoan JTPA Program is so important to American Samoans in the United States.

The large family sizes and low income place many American Samoan families below the established poverty levels. According to the 1980 Census Bureau, the percentage of American Samoans living in poverty in the United States was 27.5%, compared to 9.6% for the total U.S. population. After 10 years, the incidence of extreme poverty for American Samoans is still about the same, 140 percent higher than for the country as a whole.

According to the 1990 U.S. Census, 25% of American Samoans lived in poverty in the United States compared to 10% for the total U.S. population. One out of every four American Samoan families live in poverty. The rate of poverty for the individual for American Samoans is 26% as compared to 13% for the total U.S. population. 9.9 percent of all American Samoans in the labor force are unemployed, a rate of 150 percent of the overall U.S. unemployment rate of 6.3 percent.

The action by the House Committee in this matter was not only ill-advised, insensible and reckless, but also insensitive to the continuing needs of the American Samoan population, a high risk population. With the tremendous pressure in Washington to reduce spending, it appears that programs with very little political pressure/influence are mindlessly being eliminated regardless of their benefits to the various communities across the country.

The perception of the American Samoan Program by the House Subcommittee as a political "luxury" that Congress can no longer afford is irresponsible. To this economically disadvantaged American Samoan population, the Program is the lifeblood of their livelihood. To its many participants, the Program has made the difference for their success in not only finding but keeping a job. To the very few, it's the opportunity to improve the quality of their lives and that of their families. All of them consider the Program as a serious and meaningful commitment by the Congress to reach out and help a struggling, underemployed and underserved, at-risk-population of indigenous people to the United States. Assuredly, the Program has gone far more than it is simply an aid for this group who ostensibly "fall through the crack" of governmental, mainstream programs. It has become a symbol of governmental foresight and responsiveness to the concerns and needs of this indigenous population of Native Americans.

I have received numerous letters and telephone calls from the participants of the Samoan Program, past and present, and from the Samoan traditional leaders. They expressed their concerns and disappointments with regard to the present situation. It is not an exaggeration to say, Mr. Chairman, that my people also expressed high regards for the Program and held steadfastly to the notion that the American Samoan JTPA Program represented a serious commitment by the Federal Government to provide economically and educationally disadvantaged American Samoans with skills and support services necessary to succeed in the labor market.

Although we understand and appreciate the need for the Federal Government to reform the JTPA system through consolidation or elimination of unnecessary or ineffective programs, we know, for good reasons, that the American Samoan Program is not one of them. I am proud to say that in California, the American Samoan Program has been a big success. For a brief example, our program has enrolled 3,472 adult and youth participants and placed a total of 1,247 in employment since the program's inception in 1988. These figures are higher than the national level. Unsubsidized placement for the past 3 years was met at 109%, 129% and 102%. Our data also shows that during the last 3 program years, it costs the Program an average of $2,258 for an adult participant to go through the program and find a job, while it costs $1,643 for a youth participant. Both cost factors are far below the national level.

The existing program's outcome fully demonstrates the cost effectiveness as well as the successes that would not have come about had it not been for the American Samoan JTPA Program.

Mr. Chairman, we strongly recommend the reinstatement of the American Samoan JTPA in its present form. The proposed statement is consistent with the historical precedents of the U.S. Government designed to protect the people of American Samoa. American Samoans are legally recognized as nationals of the United States, and authority over American Samoa is vested in the President.

The natives of American Samoa are Native Americans and are entitled to ask Congress for special consideration based on what Congress said that it has "a special responsibility for the Samoan people that grows out of the treaties of friendship and commerce negotiated in the last century and the trust relationship created when the islands were ceded to the United States in early 1900s (H.R. 97–889, 1982:109–110).

With more American Samoans living in the United States than in American Samoa, with the largest concentration living in the State of California, the Government of the United States, through this program, will begin to meet its responsibility to this Native American population in the U.S.

On behalf of the American Samoan Community in California, we thank you.

Soifua ma is Manuia (Long Life and Good Health to You)

PAT H. LUCE,
Executive Director.

SAMOAN SERVICE PROVIDERS ASSOCIATION (SSPA), SAMOAN TRAINING & EMPLOYMENT PROGRAM (STEP),

Honolulu, HI, March 26, 1995.

Hon. ROBERT LIVINGSTON,
Chairman, Appropriations Committee.

DEAR MR. LIVINGSTON: As the Executive Director of the Samoan Service Providers Association, an established community-based non-profit organization in the State of Hawaii, I am writing to urge you to help preserve (reinstate) $5 million in funding for the American Samoan JTPA program for fiscal 1995, which Congress passed with strong bipartisan support last year. I justify my request based on the following reasons:

On April 17, 1900, the "Stars and Stripes" waved proudly over American Samoan soil: Since, the Samoans have fought courageously in all of our country's wars in the defense and the preservation of freedom and of our "way of life". In fact, during the Vietnam War (on a per capita basis) there were more American Samoans killed or wounded in battle than any other ethnic group in our country. Our unwavering patriotism and love for our country is very much evident. It is through our mutual Deed of Cession, the United States of America signed its obligation to be the custodian of American Samoa's education and welfare affairs. This trust has been honored by the United States since, and we hope it continues to be;

Unlike other American indigenous groups such as, the Native American Indians, Native Eskimos, etc., they have received special recognition and preferred treatment, and thus, have numerous federal programs at their disposal to service their respective communities. Believe it or not, JTPA is the only program that is currently serving the American Samoan community in the entire United States of America. Dreadfully, the current proposal (H.R. 1158 as reported), if it passes, will totally eliminate the only program that is helping our communities (Hawaii, California and Seattle) to realize the American dream. One in every four American Samoan families are under poverty which is well below the national norm, and we have the highest unemployment rate and high school drop-out among all other ethnic groups nationally;

Furthermore, as "welfare reforms" are being debated in Congress, the American Samoans have consistently advocated for JTPA programs as a means to the end. We deliberately did not opt for social service oriented programs, because we vehemently believed that by teaching specific skills, JTPA participants would not only learn long life skills toward "self-sufficiency", but they would also enhance the quality of our labor force which benefits our private sector through competitive selection. So, you see, we are not asking to sustain a "pork" program nor for a handout, but a "win-win" program that addresses both the public's educational and training need as well as the private sector's; and,

Finally, our program has proven to be working extraordinary given the level in which participants entered; their employment barriers; and educational deficiencies. Last year's (PY '93–'94) JTPA efforts produced superb outcome performances: we enrolled, in our state alone, a total of 360 participants and terminated 174 participants. Of the 174 terminated, 98% were placed in unsubsidized work averaging $10.65/hour (for adults) and $8.49/hour (for youth). Of the 98% placed, 31% were on various public assistance programs and with remaining percentage of having multiple employment-barriers at the time of their enrollment. Contrary to popular belief, our JTPA program has operated efficiently and effectively, and has continued to fulfill the purpose of JTPA above and beyond its measurable expectations.

Therefore, as data indicate, our JTPA program has worked marvelously throughout the years, and will continue to provide substantial opportunities for our disadvantaged community in our state. Having completely eliminate the only program that is now serving our community will have devastating impact socially, economically, as well as politically. So please, we urge you and the rest of your committee to reconsider the current proposal which unjustifiably eliminate the American Samoan's JTPA program totally and reinstate the already allocated $5 million.

Your serious consideration is most greatly appreciated.

Sincerely,

WILLIAM T. EMMSLEY, Jr.,
Executive Director.

[From the National Office of Samoan Affairs]

TABLE 1.—GOAL ANALYSIS AND PARTICIPATION SUMMARY OF THE NATIVE AMERICAN SAMOAN JTPA PROGRAM IN STATE OF CALIFORNIA

Program	Enrollment data			Terminations			Unsubsid. placement		
	Act.	Pln.	Percent	Act.	Pln.	Percent	Act.	Pln.	Percent
1988–89	237	237	100	148	148	100	113	113	100
1989–90	391	364	107	264	364	73	171	143	120
1990–91	604	480	126	361	480	75	176	243	72
1991–92	878	520	169	533	520	103	243	223	109
1992–93	784	572	137	701	572	123	304	235	129
1993–94	578	625	92	477	572	83	240	235	102
6-program year totals	3,472	2,798	124	2,484	2,656	94	1,247	1,192	105

Program Year 1988 was the beginning of the Native American Samoan JTPA Program in California. Since that time, 3,472 Native American Samoan residents in the Counties of San Francisco, Los Angeles, Orange Co. and San Diego have participated in the Program, receiving training and employment services it offers.

This Table shows the administering agency, the National Office of Samoan Affairs, has consistently surpassed their set goals, in all measuring categories of activities. Enrollment is consistently above the Plan which resulted in 124% overall performance in a 6 year period. Terminations is slightly below Plan with 94% as a result of participants lacking employable skills, insignificant work history and limited education which necessitates longer occupational/skill training period and remediation. In addition, our Summer Youth Program started two weeks prior to the closing of our 1990, 1991 and 1992 program year. The outcome is, summer youth participants were carried over to the next program year, which resulted in higher enrollment for the next beginning year. For those years, enrollments were consistently high and terminations dropped slightly.

Unsubsidized Placement, however, except for 1990–1991 PY was consistently above Plan. We closed out the 6 Program Year Total with 105% achievement of Plan for Unsubsidized Placement.

[From the National Office of Samoan Affairs]

TABLE II.—GOAL ANALYSIS AND PERFORMANCE ACHIEVEMENT SUMMARY FOR PARTICIPANTS OF THE NATIVE AMERICAN SAMOAN JTPA PROGRAM IN THE STATE OF CALIFORNIA FOR THE LAST 3 YEARS

Indicator description	PY 1991–92	PY 1992–93	PY–1993–94	3-PY average
Adult entered employment rate (percent)	87	96	84	89
Adult employability enhancement rate (percent)	103	108	114	108
Adult cost per entered employment	$1,723	$2,299	$2,753	$2,258
Youth entered employment rate (percent)	107	137	226	157
Youth employability enhancement rate (percent)	153	151	121	142
Youth cost per positive termination	$1,564	$1,458	$1,907	$1,643

TABLE II shows an average of 89% of Adult participants entering unsubsidized employment at a Cost of $2,258 per participant and 157% of Youth participants at a Cost Factor of $1,643. Both Cost Factors are far BELOW national level.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. ARMEY) for today, on account of illness.

Mr. TORRES (at the request of Mr. GEPHARDT) for today, on account of a medical emergency in the family.

Mr. RUSH (at the request of Mr. GEPHARDT) for April 3 and 4, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and to include extraneous matter:)

Mr. WELDON of Florida.
Mr. LIGHTFOOT.
Mr. GOODLATTE.
Mr. LIVINGSTON.
Mrs. JOHNSON of Connecticut.
Mr. SMITH of New Jersey.
Mr. SOLOMON, in two instances.
Mr. WOLF.
Mr. BAKER of California.
Mr. GILMAN, in two instances.
Mr. PACKARD.
Mr. FIELDS of Texas, in two instances.

(The following Members (at the request of Mr. THORNBERRY) to revise and extend their remarks and to include extraneous material:)

Mr. THORNBERRY, for 5 minutes, today.
Mr. MCINTOSH, for 5 minutes, today.
Mr. SHADEGG, for 5 minutes, today.
Mr. MARTINI, for 5 minutes, today.
Mr. TALENT, for 5 minutes, on April 6.
Mr. BILIRAKIS, for 5 minutes, on April 7.
Mr. KINGSTON, for 5 minutes, today.
Mr. BURTON of Indiana, for 5 minutes each day, on April 4, 5, and 6.
Mr. MILLER of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. BECERRA) to revise and extend their remarks and include extraneous material:)

Mr. BECERRA, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. WARD, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. SCHUMER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. OLVER, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. DEUTSCH, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. HILLIARD, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

Ms. LOFGREN, for 5 minutes, today.

Mr. BISHOP, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. SAWYER, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WARD, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BECERRA) and to include extraneous matter:)

Mr. MINGE, in two instances.

Mr. MILLER of California.

Mr. RANGEL.

Mr. REED.

Mr. VISCLOSKY.

Mr. MENENDEZ.

Mr. HAMILTON.

Mr. TORRES, in two instances.

Mr. ACKERMAN.

Mr. KENNEDY of Rhode Island.

Mr. SANDERS.

Mr. LANTOS, in two instances.

Mr. FRANK of Massachusetts.

Mr. RICHARDSON.

Mr. BORSKI.

Ms. LOFGREN.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BARTLETT of Maryland, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchange effectuating policies of the Federal Communications Commission, and for other purposes.

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 5, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

682. A letter from the Comptroller General of the United States, the General Accounting Office, transmitting a review of the President's third special impoundment message for fiscal year 1995, pursuant to 2 U.S.C. 685 (H. Doc. No. 104–58); to the Committee on Appropriations and ordered to be printed.

683. A letter from the Chairman, Joint Chiefs of Staff, transmitting a copy of a report to the Congress entitled, "1995 Force Readiness Assessment"; to the Committee on National Security.

684. A letter from the Directors of Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of national defense function (050)—outlays for fiscal year 1996, pursuant to Public Law 101–189, section 5(a) (103 Stat. 1364); to the Committee on National Security.

685. A letter from the Employee Benefits Manager, Farm Credit Bank of Columbia, transmitting information on the retirement and thrift plans of the Farm Credit Bank of Columbia and the audited financial statement as of August 31, 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

686. A letter from Director, Institute of Museum Services, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

687. A letter from the Administrator, General Services Administration, transmitting an informational copy of a construction prospectus for the U.S. Secret Service administration building, Beltsville, MD, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

688. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the certification by the Federal Aviation Administration of airports serving commuter air carriers, and for other purposes; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule III, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 128. Resolution providing for consideration of the bill (H.R. 1215) to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs (Rept. 104–100). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUTCHINSON (for himself, Mr. INGLIS of South Carolina, Mr. CANADY, Mr. HOEKSTRA, Mr. POSHARD, Mr. GOSS, Mr. PARKER, Ms. DANNER, Mr. DICKEY, Mr. JACOBS, Mr. WAMP, Mr. HASTINGS of Washington, and Mr. CHRISTENSEN):

H.R. 1383. A bill to amend the formula for determining the official mail allowance for Members of the House of Representatives, and to require that unobligated funds in the official mail allowance of Members be used to reduce the Federal deficit; to the Committee on House Oversight.

By Mr. HUTCHINSON (for himself, Mr. EDWARDS, and Mr. SENSENBRENNER):

H.R. 1384. A bill to amend title 38, United States Code, to exempt certain full-time health-care professionals of the Department of Veterans Affairs from restrictions on remunerated outside professional activities; to the Committee on Veterans' Affairs.

By Mr. EDWARDS (for himself and Mr. MONTGOMERY):

H.R. 1385. A bill to amend title 38, United States Code, to improve the delivery of health care to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ARCHER:

H.R. 1386. A bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section; to the Committee on Commerce.

By Mr. BARRETT of Wisconsin (for himself and Mrs. MALONEY):

H.R. 1387. A bill to amend the Congressional Budget Act of 1974 to establish a process to identify and control tax expenditures; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLINGER (for himself, Mrs. COLLINS of Illinois, Mr. SPENCE, and Mr. DELLUMS) (all by request):

H.R. 1388. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on

National Security, the Judiciary, Small Business, Science, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. SANDERS, Mr. BROWN of California, Mr. FROST, Mr. FATTAH, Mr. OWENS, Ms. VELÁZQUEZ, Mr. UNDERWOOD, and Mr. MARTINEZ):

H.R. 1389. A bill to amend the Internal Revenue Code of 1986 to expand the availability of, and amount of, deductible individual retirement account contributions, and for other purposes; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 1390. A bill to provide means of limiting the exposure of children to violent programming on television, and for other purposes; to the Committee on Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. BLILEY, and Mr. ARCHER):

H.R. 1391. A bill to amend section 4358(c) of the Omnibus Budget Reconciliation Act of 1990 to permit Medicare select policies to be offered in all States on an extended basis; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIGHTFOOT:

H.R. 1392. A bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROSE:

H.R. 1393. A bill to direct the Secretary of the Army to carry out an environmental restoration project at the eastern channel of the Lockwoods Folly River, Brunswick County, NC; to the Committee on Transportation and Infrastructure.

By Mr. DEUTSCH:

H. Con. Res. 55. Concurrent resolution requesting the President to return the enrolled bill (H.R. 831), and providing for its reenrollment without the targeted tax benefit contained therein; to the Committee on Ways and Means, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that rural health care should be addressed in any Federal health care legislation; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLYBURN:

H.R. 1394. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Bewildered*; to the Committee on Transportation and Infrastructure.

By Mr. LIVINGSTON:

H.R. 1395. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Shaku Maru*; to the Committee on Transportation and Infrastructure.

By Mr. SHAW:

H.R. 1396. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Fifty One*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mrs. ROUKEMA and Mr. CAMP.

H.R. 103: Mr. THOMPSON, Mr. BARTLETT of Maryland, and Mr. BREWSTER.

H.R. 145: Mr. ROGERS.

H.R. 159: Mr. NORWOOD and Mr. TANNER.

H.R. 200: Mr. ENGLISH of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. BUYER, Mr. HOBSON, Mr. ROHRABACHER, Mr. KNOLLENBERG, Mr. KLUG, Mr. BAKER of Louisiana, Mr. ROSE, Mr. BURTON of Indiana, and Mr. CALLAHAN.

H.R. 218: Mr. KLECZKA.

H.R. 219: Mr. RIGGS.

H.R. 244: Mr. KENNEDY of Massachusetts.

H.R. 303: Mr. CAMP.

H.R. 311: Mr. MINGE, Mr. OBERSTAR, Mr. KLECZKA, Mr. LIPINSKI, Mr. BARRETT of Wisconsin, and Mr. DOYLE.

H.R. 394: Mr. BRYANT of Tennessee, Mr. UPTON, Mr. BLILEY, Mrs. MINK of Hawaii, Mr. SOLOMON, and Mrs. SEASTRAND.

H.R. 468: Mr. BURTON of Indiana, Mr. NEY, and Mr. TRAFICANT.

H.R. 500: Mr. MCINNIS.

H.R. 580: Mr. LUCAS, Mr. EMERSON, Mr. HOLDEN, Mr. PETERSON of Florida, Mrs. VUCANOVICH, Mr. BATEMAN, Mr. SOLOMON, and Mr. MARTINEZ.

H.R. 612: Mr. JOHNSON of South Dakota.

H.R. 645: Ms. LOWEY and Mr. FARR.

H.R. 662: Mrs. CHENOWETH, Mr. COOLEY, and Mr. JEFFERSON.

H.R. 696: Mr. JOHNSON of South Dakota and Mr. HILLEARY.

H.R. 752: Mr. SHAW, Mr. RAHALL, Mr. ENSIGN, Mr. CLEMENT, and Mr. NEAL of Massachusetts.

H.R. 773: Mr. DOYLE, Ms. FURSE, and Ms. LOWEY.

H.R. 774: Mr. THORNBERRY.

H.R. 850: Mr. ALLARD.

H.R. 867: Mr. DOYLE and Mr. BLUTE.

H.R. 1020: Mr. COLLINS of Georgia, Mr. LAHOOD, Mr. CLYBURN, Mr. PICKETT, Mr. EHLERS, Mr. FOGLIETTA, Mr. ZELIFF, Mr. CALLAHAN, Mr. SENSENBRENNER, Mr. FUNDERBURK, Mrs. MYRICK, Mr. HEINEMAN, Mr. FOX, Mr. SPENCE, Mr. BORSKI, Mr. LATOURETTE, Mr. RUSH, Mr. KLINK, Ms. ROS-LEHTINEN, Mr. HILLIARD, Mr. LIPINSKI, Ms. BROWN of Florida, Mr. TAUZIN, Mr. MCCRERY, Mr. CAMP, Mr. BAKER of Louisiana, Mr. WELDON of Florida, Mr. HEFNER, Mr. BISHOP, Mr. PAYNE of Virginia, Mr. TAYLOR of North Carolina, Mr. BLUTE, and Mr. LINDER.

H.R. 1024: Mr. GALLEGLY.

H.R. 1039: Mr. CALVERT and Mr. INGLIS of South Carolina.

H.R. 1041: Mr. CALVERT and Mr. INGLIS of South Carolina.

H.R. 1042: Mr. CALVERT and Mr. INGLIS of South Carolina.

H.R. 1045: Mr. BACHUS and Mr. KOLBE.

H.R. 1104: Mr. HANCOCK, Mr. ZIMMER, Ms. FURSE, Mr. COBURN, Ms. DANNER, Mr. ALLARD, and Mr. RIGGS.

H.R. 1147: Mr. PALLONE, Mr. SERRANO, Ms. WOOLSEY, and Mr. HINCHEY.

H.R. 1160: Mr. BROWN of Ohio.

H.R. 1201: Mr. MARTINEZ.

H.R. 1208: Mr. INGLIS of South Carolina.

H.R. 1229: Mr. BALDACCI, Ms. LOFGREN, Mr. SERRANO, Mr. POMEROY, and Mr. FARR.

H.R. 1232: Mr. HASTINGS of Washington and Mr. RADANOVICH.

H.R. 1279: Mr. STUMP, Mr. BALLENGER, Mr. WAMP, Mr. CHRISTENSEN, and Mr. MCCRERY.

H.R. 1297: Mr. LIPINSKI and Mr. FATTAH.

H. Con. Res. 23: Mr. INGLIS of South Carolina, Mr. LONGLEY, Mr. LUTHER, Mr. LAHOOD, Mr. NADLER, Mr. TAYLOR of Mississippi, and Mr. HASTINGS of Washington.

H. Con. Res. 35: Mr. BROWN of Ohio.

H. Con. Res. 50: Mr. FROST and Mr. KLUG.

H. Con. Res. 53: Mr. HILLIARD, Mr. HINCHEY, Mr. BURTON of Indiana, Mr. GEJDENSON, Mr. PETE GEREN of Texas, Mr. ENGEL, and Mr. FARR.

H. Res. 118: Mr. MCDERMOTT, Mr. STARK, Mr. GREENWOOD, Mr. JOHNSTON of Florida, Mrs. LOWEY, Mr. BROWN of California, Mr. BEILENSON, Mr. STUDDS, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. BOEHLERT, Mr. FARR, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 310: Mr. SCHIFF.

EXTENSIONS OF REMARKS

AMERICORPS: ANOTHER FAILED ELITIST PROGRAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. SOLOMON. Mr. Speaker, in typical liberal fashion, the President 2 years ago chose to respond to declining voluntarism by throwing Federal money and bureaucrats at the problem. At the time, I warned against this wasteful use of limited tax dollars because it would jeopardize worthwhile and necessary projects.

Lo and behold, 2 years later, that is exactly what happened. President Clinton's pet project was funded at the expense of needed veterans' health care projects. Mr. Speaker, veterans are people who know all there is to know about national service and deserve the assistance our limited resources can provide. To that end, my good friend and chairman of the Veterans' Committee, BOB STUMP, and I sponsored an amendment to restore the funding for VA outpatient clinics by rescinding funds from AmeriCorps.

Like all other liberal programs, AmeriCorps is wrought with abuse and spends half its money on bureaucracies and paperwork. Just like their School Lunch Program, which supports bureaucrats instead of feeding hungry children, this volunteer program, intended to provide student aid, funds even more bureaucrats rather than directly aiding students. Furthermore, Mr. Speaker, the liberals and President Clinton have succeeded in exacerbating the problem of voluntarism by throwing money at it. Their volunteers receive more money and benefits than many of our hard-working citizens. On top of that, the tax dollars funding this program often go to wealthy families, maintaining their elitist pool of feel-gooders instead of inspiring do-gooders. Supporting existing community based groups who already perform charitable duties would incite civic virtue and activism amongst others.

Mr. Speaker, since my warning 2 years ago wasn't enough to discourage my fellow Members from creating another wasteful, bureaucratic program, I would like to offer the following article that appeared in the Hill newspaper as evidence of its failure. "AmeriCorps: Rhetoric vs. Reality" provides justification for rescinding valuable tax dollars from this misguided program.

[From the Hill, Mar. 29, 1995]

AMERICORPS: RHETORIC VS. REALITY

(By Allyson Tucker)

Thanks to a $1.7 million public relations budget, AmeriCorps, the Clinton administration's national service program created in 1993, remains a sacred cow despite a cost of $30,400 per "volunteer" and abundant evidence of waste and abuse.

Consider the facts. In 1993–1994 AmeriCorps had about 20,000 "volunteers" who the Clinton administration promised would be working as teachers, doctors and police officers to help improve communities. The reality, however, is that the majority of these highly paid "volunteers" work in federal or state bureaucracies, government-funded programs or even political action organizations.

For example, more than 2,800 AmeriCorps participants work in federal departments or agencies, including 1,200 in the U.S. Department of Agriculture, 525 in the Interior Department, 210 in the U.S. Department of Justice, 135 at the Environmental Protection Agency and 60 at the National Endowment of the Arts.

The federally funded Legal Service Corporation, the chief litigator for the welfare state (which for example, represents drug dealers when they are threatened with eviction from public housing), was awarded 44 AmeriCorps volunteers, cost the U.S. taxpayer $959,000 plus an additional $1,242,784 in "matching funds." In San Francisco, the AmeriCorps "Summer of Safety" program organized 40 groups to rally against the federal crime bill's "three strikes and you're out" provision.

More than half of the money spent on AmeriCorps ends up funding bureaucracies and paperwork. 'Educrats' at Northwestern University, for example, were given $140,000 by AmeriCorps to develop "a plan to complete for more AmeriCorps money next year," without funding a single "volunteer." Similarly, Americorps gave bureaucrats a $100,000 planning grant to study a volunteer corps in the Virgin Islands and gave the Council of Great City Schools, which is devoted to the "advancement of education in inner-city public schools through public and legislative advocacy," a $200,000 planning grant. Again, none of this money went to help students pay for college.

Despite the rhetoric, AmeriCorps does little to help working families pay for college. At a 1993–94 price tag of $155.5 million, about one-tenth of one percent of the 16 million students enrolled in post-secondary education participated in AmeriCorps. Even if Congress expands the program to 150,000 participants by 1997 as the Clinton administration has requested, less than one percent of students will be able to participate.

Furthermore, the majority of the students recruited come from wealthy, not poor or needy, households. The AmeriCorps program is not means-tested (the liberals in Congress defeated conservative efforts to develop a means test). Thus, the children of wealthy and influential people can elbow out poor students for participants in the program. As Sen. Robert Byrd (D-W.V.) noted on the Senate floor, instead of sending one AmeriCorp participant (who may or may not need financial assistance) to college, five needy students could qualify for Pell Grants.

Nor does AmeriCorps promote "volunteerism". Each AmeriCorps "volunteer" is paid a $7,400 stipend and a $4,750 tuition credit, worth approximately $7.27 per hour, plus medical benefits and free child care. The total, tax-free AmeriCorps package is worth nearly $20,000 annually, more than the income of 39.3 million working Americans. The total, non-taxable income of an AmeriCorps "volunteer" exceeds the median income of workers in the private sector, including those with years of experience. The educational benefits also exceed those available to veterans. In addition, at least $15,000 per participant goes for overhead and administration.

Worse than President Clinton's good intentions gone awry and the litany of waste and abuse is AmeriCorps' effect on the essence of volunteerism. Private sector community service is thriving. The Labor Department estimates that there are currently three million unpaid volunteers between the ages of 18 and 25, most of whom work for religious organizations, the backbone of community activism.

The laudable goals of AmeriCorps do not match its reality. If the goal is to expand educational opportunity, the AmeriCorps budget would be better spent on direct aid to students. If the goal is to stimulate service, Congress should amend the tax code to allow for tax credits or increased deductions for those who donate their time and money.

THE HOME RUN READER SUMMER READING PROGRAM

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. LIGHTFOOT. Mr. Speaker, I would like to bring the Members' attention to a reading program in my district which has done a great deal to motivate young people to read. It seems commonplace to hear about American students who do not meet the strenuous criteria we must require of them. Unfortunately, it is not unusual to hear about young Americans who graduate from high school without adequate reading skills.

This program is sponsored by the Daily Tribune newspaper in Ames, IA, and the Iowa Cubs baseball team and is entitled, appropriately enough, "The Home Run Reader Summer Reading Program." This program was conceived with the sole purpose of helping children discover the pleasure of reading. The program has been successful.

Last year marked the launch of the program and over 5,000 children and 26 libraries in 4 Iowa counties were involved. The students ranged in age from 2 to 16 years of age and read or had read to them an astounding 50,000 books, according to Mary Youngerman, a constituent in my district who served as the coordinator of the program. This summer, the program will span eight counties and its estimated that 12,000 young people will participate.

It is my hope that participating in this program will initiate a love of reading in children that will last them for the rest of their lives. According to Ms. Youngerman, this program was inspired by a similar program in Illinois.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I hope other Members will feel free to contact me if they are interested in developing similar programs in their districts. Hopefully, bringing attention to the Home Run Reader Summer Reading Program will motivate others to get involved at the local level to encourage young people to read and learn.

WIZARDS OF WESTWOOD RECLAIM NATIONAL TITLE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. TORRES. Mr. Speaker, I rise today to pay tribute to the new NCAA National Basketball Champion UCLA Bruins.

It was a night for the ages. It was a night for the new to replenish the old, a night to cast-off the shackles of history of the glory of the present, a night for old ghosts to summon new heroes. It was a night for the UCLA Bruins to sustain its magnificent legacy with a performance worthy of its storied past. The Bruins delivered—emphatically.

The game between the UCLA Bruins and defending national champion Arkansas Razorbacks was truly a battle of titans. The Razorbacks were trying to become only the second NCAA basketball champion to repeat in 22 years. The Bruins were trying to win their first championship in 20 years. They did not disappoint. They played with the skill, intensity, and determination that befitted champions, past and present. It was like Ali and Frazier, Secretariat and Affirmed, Magic and Bird. Champions who transcended their sport and brought out the best in each other.

The game was played with Bruins past and present watching from the sidelines. The Wizard of Westwood, John Wooden, was in the stands. Tyus Edney, the Little General, was sitting on the bench with a badly sprained wrist. It was said that the Bruins could not match the Arkansas bench. It was said that Bruins could not match Arkansas size and strength. Finally, it was said that the Bruins simply could not match the skill and resiliency of the defending champions. But the Bruins were more than a match for the Razorbacks.

When the Razorbacks pressed, the Bruins attacked with speed and precision. When the Razorbacks took it to the hole, the Bruins blocked shots, stole passes and held the vaunted Arkansas inside game to season lows in points and rebounds. When the Razorbacks shot the rock from the perimeter, the Bruins held Arkansas sharpshooters to an abysmal 10 of 28. And when the Razorbacks made a final frenzied run, the Bruins kicked out the jams and ran away for a 89–78 victory.

The critics have been silenced. Digger Phelps, Dickie V. and the rest of hoop punditry must now pay the Bruins their due respect as the 11th NCAA National Championship banner is hung from the rafters of Pauly Pavilion.

DAVID LOUIE: A SHINING EXAMPLE OF EXCELLENCE IN JOURNALISM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. LANTOS. Mr. Speaker, I rise today to honor and commend Mr. David Louie, a two-time Emmy Award winning reporter for KGO–TV in San Francisco, for his long and distinguished career. After 25 years of excellence in broadcasting and a bright future ahead of him, David is and will continue to be one of the premier television reporters in the Nation.

In the many years that I have known David, he has always been a shining example of integrity and intelligence in broadcast journalism. David has been at KGO–TV since 1972, starting as a general assignment reporter, and now is the business editor and money reporter as well as a contributing reporter on "Marketplace," the station's weekly business program.

Recently, David Louie was elected as chairman of the National Academy of Television Arts and Sciences [NATAS], a nonprofit organization of 10,000 members committed to enriching the quality of television programming. Elected to the NATAS board in June 1994 and currently serving a 25-year term, David is known nationally for his remarkable contribution to the field of journalism.

David's active involvement in the community and in promoting the advancement of broadcast journalism prompted Mayor Frank Jordan of San Francisco to declare July 19, 1994, as "David Louie Day." Also, David was inducted into the prestigious NATAS Silver Circle, composed of media professionals who have served as broadcasters for 25 years and who have made notable contributions to Northern California television programming.

In 1990, David was elected as national president of the Asian American Journalists Association, an organization encouraging ethnic diversity in our Nation's newsrooms. He has and continues to serve with distinction in this extremely important capacity.

Mr. Speaker, these numerous awards and honors speak volumes about one of our Nation's finest reporters. In friendship and admiration, I extend my most heartfelt congratulations to this extraordinary American.

WELFARE REFORM FOR WESTERN WATER CHEATS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. MILLER of California. Mr. Speaker, while the House has been rushing to cut child care, school lunches, and a host of other programs for poor people, the Bureau of Reclamation has been quietly writing the last chapter of new rules that will help eliminate one of the most abused subsidy programs in government. If you want to hunt down welfare cheats, look to California's Central Valley, where the Federal Government doles out millions of taxpayer dollars each year in the form of illegal water subsidies to a few selected owners of corporate farm operations. The water subsidy abuses have for years been a huge embarrassment of Presidents of both political parties. But the Clinton administration has published new regulations that will once and for all close the loopholes in the Federal Water Program. The San Diego Union last week published an insightful description of this resource ripoff. I urge my colleagues to closely read the following editorial.

[From the San Diego Union-Tribune, Mar. 29, 1995]

REDISTRIBUTE STATE'S WATER

LARGE CORPORATE FARMS SHOULD NOT BE SUBSIDIZED

The future of San Diego County, and all of Southern California, depends on water. In average years, we can supply only 5 percent to 10 percent of our own needs. We have to import the rest from Northern California and the Colorado River.

The first thing businesses must know before they can operate in San Diego is whether they will have a guaranteed water supply in the future. Without that, little else matters. As San Diego continues to grow, and as our economic future increasingly depends on attracting new business or expanding existing ones, a guaranteed water supply will become more important than ever.

California has plenty of water for San Diego and everybody else, but for decades it has been locked up in the Central Valley. Agriculture uses about 80 percent of all the water delivered in California, and Central Valley agriculture accounts for most of that.

In the Central Valley, most farmers get water subsidized by taxpayers. Some pay as little as $10 to $20 per acre-foot. Contrast that with farmers in San Diego County, who pay the same retail rate as the city—$550 to $700 per acre-foot.

The artificially low water rates in the Central Valley, locked in by contracts as long as 40 years, help explain why so much of the state's water never gets south of the Tehachapi Mountains. At such cheap prices, there is no incentive for farmers to conserve. But there is plenty of incentive to waste water by farming marginal land and growing water-intensive crops in a virtual desert.

In recent years, the Central Valley's grip on the state's water supply has begun to loosen. In 1992, President Bush signed the Central Valley Project Improvement Act, which for the first time allowed Central Valley farmers to sell their water to cities.

Now, the U.S. Department of Interior's Bureau of Reclamation is moving to undo a decades-old inequity that has allowed huge corporate farms to skirt acreage limits for subsidized water. If the feds are successful, Central Valley farmers will have even more impetus to sell water to cities like San Diego.

Federally subsidized water was only supposed to be for small, family farms. Up until 1982, the limit was 160 acres, although it was almost universally ignored. Then it was raised to 960 acres, but huge farms of thousands of acres continued receiving taxpayer-subsidized water by simply dividing their land into 960-acre trusts in the names of family members. One of the nation's largest corporate farms, J.G. Boswell, sold its acreage to its employees' trust fund. It was all done on paper; nothing changed on the ground.

The Bureau of Reclamation, which for years winked at such practices, now intends to crack down on them. Central Valley farmers will fight back with their substantial political clout. But the Bureau of Reclamation should hang tough.

Taxpayers should not be subsidizing huge corporate farms. But there also must be a free-market redistribution of water resources in California.

California's cities are the industrial and commercial engines that drive the state's economy. To survive and prosper, San Diego and other cities need more Central Valley water. Eliminating taxpayer subsidies for huge corporate farms would free up water for cities. Federal officials should strictly enforce the 960-acre limit for subsidized water.

TRIBUTE TO VFW POST 2151

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to the past commanders and auxiliary presidents of the Veterans of Foreign Wars Post 2151. On April 8, 1995, V.F.W. Post 2151 will hold a commemorative dinner at their Post in Gary, IN, to honor their past officers.

The past commanders of V.F.W. Post 2151 include: Harold James, Otha Williams, Dan L. Williams, Joe Dishmon, Bob Wilson, Jesse Rogers, Bill Woodard, William Rapier, Lee G. Coleman, and Virgil Fields.

The past auxiliary presidents for V.F.W. Post 2151 include: Bertha Harvey, Dorothy Jordan, Bessie Jones, Prestine Fontleroy, Ada Williams, Jennie Young, Mary Clay, Elouise Woodard, Jessie M. Shackelford, Doris Daniels, Mary Pendelton, Mattie Gault, Lula Marshall, Doris Daniels, Verlee Perry, and Vanessa Jenkins.

These former commanders and auxiliary presidents have been dedicated to preserving the memory of the service of the U.S. soldiers to defend our country in foreign wars. Because of the V.F.W.'s efforts in the preservation of the history of the United States and foreign affairs policy, our citizens can learn from past experience in hopes for a better world.

Mr. Speaker, I ask you and my other colleagues to join me in commemorating these honorable men and women of V.F.W. Post 2151 for their dedicated service to our great country.

SALUTING U.S. COAST GUARD COMDR. WILLIAM J. "WOODY" LEE ON HIS RETIREMENT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. FIELDS. Mr. Speaker, those of us who have worked on issues important to the U.S. Coast Guard have enjoyed the opportunity to work with Comdr. William J. "Woody" Lee. Woody will retire from his position in the very near future after 21 years of active duty service in the Coast Guard, and I would like to take a moment to salute his efforts on behalf of the U.S. Coast Guard.

Since 1992, Woody has worked closely with many of us in the House on issues important to the Coast Guard. I worked especially closely with Commander Lee from 1993 to 1995, when I served as the ranking Republican member of the House Merchant Marine and Fisheries Committee. During those years, committee staffers, Chairman GERRY STUDDS, and I all relied on advice and information supplied by Woody to better understand the needs of the men and women of the U.S. Coast Guard as they worked to carry out their many diverse missions.

Throughout the years I worked with him, I was always impressed with Woody's tireless efforts on behalf of the Coast Guard, and his efforts to improve communication between top Coast Guard officials and those of us on Capitol Hill charged with overseeing the Coast Guard's activities.

Commander Lee coordinated hundreds of Coast Guard presentations at congressional hearings and briefings, including annual budget briefings and updates on Coast Guard operations during the Cuban and Haitian refugee crises. Woody coordinated more meetings and appearances on Capitol Hill by the two Coast Guard commandants under whom he served than had been coordinated during the entire previous decade. Woody's efforts to foster a better relationship and improved communication between top officials of the U.S. Coast Guard and those of us in Congress resulted in widespread and bipartisan support in the house for the U.S. Coast Guard as it worked to carry out its many varied responsibilities.

But Woody always believed that telling the Coast Guard story involved more than participating in congressional hearings. In his years as the Coast Guard's liaison officer in the House, Woody organized and managed more than 30 field trips for House staff members. Those trips provided staffers with invaluable first-hand information and a better understanding of Coast Guard operations, missions, and needs.

In the same way, Woody understood the need for his fellow Coast Guard officers to better understand how the Congress works. That's why he volunteered to speak at the Chief Petty Officer's Academy and the Reserve Training Center Group Commander's course. That's also why he has taken the time to advise field commanders on how they can foster greater understanding of Coast Guard missions by the public as well as by Federal-level elected officials.

A 1974 graduate of the U.S. Coast Guard Academy, Woody deserves our sincere thanks for the 21 years of distinguished and selfless service he has given to the U.S. Coast Guard and to his country. Woody informs me that he's accepted an exciting and challenging position at Raytheon, and that he plans to continue his marathon running. I know you, Mr. Speaker, and all of my colleagues join with me in wishing Comdr. William J. "Woody" Lee—as well as his wife, Dona, and their two children—continued success and happiness in the years ahead.

HONORING STANLEY O. IKENBERRY, PRESIDENT, UNIVERSITY OF ILLINOIS, UPON HIS RETIREMENT

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. EWING. Mr. Speaker, this week the Illinois congressional delegation and alumni of the University of Illinois in the Washington, DC, area will honor U of I president, Stanley O. Ikenberry. At the conclusion of this academic year, President Ikenberry will be retiring from his post after 16 years of outstanding service to the U of I, the Champaign-Urbana community, the entire State of Illinois, and indeed to the country. His daily presence in the president's office will be deeply missed, but his influence will be felt for many years to come.

Among the highlights of President Ikenberry's tenure are the establishment of the U of I at Chicago campus, the Beckman Institute for Advanced Science and Technology, the President's Award and University Scholars Programs, and the National Center for Supercomputing Applications, in addition to construction of a host of new academic buildings and laboratory space. President Ikenberry's leadership and dedication to these and other projects have earned the U of I its continued paramount reputation in the academic and scientific research community not only in Illinois but throughout the country. Indeed, President Ikenberry's visionary and bold leadership over the years has helped to establish the U of I as one of the premier and most highly respected research institutions throughout the world.

On a personal note, President Ikenberry has been a good friend and someone with whom it has been a fine pleasure to work closely with over many years both as a Member of Congress and during my service in the Illinois General Assembly. I am pleased that Stan and his wife Judith will continue to call Urbana home and I look forward to continuing our friendship in the years ahead.

Mr. Speaker, on behalf of the entire Illinois delegation I offer our congratulations to President Ikenberry for his life-long commitment to the highest quality education, the advancement of research, and distinguished service to students at the U of I, as well as all of the people of Illinois and our country. We cannot thank him enough for his contributions toward the betterment of all our lives.

HONORING PAUL J. MANAFORT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, on Wednesday evening, April 26, 1995, Paul J. Manafort, a friend and admired community leader will be honored as Citizen of the Year by the New Britain Lodge of Elks. Paul's remarkable leadership and contributions to the greater New Britain community have spanned many decades and represent a broad spectrum of civic, professional, community and charitable endeavors.

Paul will be honored for his leadership, dedication and many achievements, both personally and professionally. He has dedicated his life to his family and community. Paul Manafort's elective service began on the New Britain Board of Aldermen. He was elected as mayor in 1965 and served three terms during a period of great cultural and societal change. His thoughtful and proactive leadership resulted in strong economic development and responsive public policies for the city. The respect Paul earned during his elective tenure led to his appointment as commissioner of the department of public works where his statewide service was widely acknowledged.

Community service and volunteerism have been the cornerstone of Paul's commitment to enriching the quality of life in New Britain. He has enjoyed membership in numerous civic, community and charitable organizations. His work with ethnic, veterans, disabled and church organizations is legendary. His active participation on the boards of the Boys' and Girls' Club, New Britain General Hospital, the Police Athletic League, his leadership with the Greater New Britain Opera Association, the Sons of Italy, the Colombian Federation, St. Ann Church and civic groups such as the Elks, Lions Club, and the Knights of Columbus have afforded Paul many awards and much acknowledgment throughout his many, many years of service. Those who have known and worked with Paul know that his tremendous contributions to the community are founded in the deep personal satisfaction he has found in helping others and his commitment to the city of New Britain and her citizens.

Veterans, the disabled, young and old citizens alike, fellow volunteers, his family and friends will gather on April 26 to share their very great appreciation, respect and admiration for one of the very great gentlemen and leaders in the city of New Britain.

IN HONOR OF HAYNE W. DOMINICK

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. GOODLATTE. Mr. Speaker, with all of the recent discussion about Enola Gay and some academic types trying to rewrite history, I'd like to talk a moment about a great American living in my district who knows much about the subject of World War II.

His name is Hayne W. Dominick, and as a 21-year-old machine gunner for the Army Air Corps he fought the Japanese across the Philippine Islands and then made the last stand at Corregidor. Days later, he survived the brutal and infamous Bataan death march. Like thousands of his comrades in that march, Mr. Dominick demonstrated bravery, endurance, constancy in the face of torture and inhumane treatment, and compassion for his hurting comrades that is perhaps unmatched in military annals. Then, for another 4 years, his courage carried him through the horrors and brutality of a Japanese prison camp.

We must never forget the true nature of World War II. It was a war of aggression by military dictators and their followers in Japan and Germany. Our Armed Forces fought with supreme bravery and sacrifice to save our way of life, to save democracy, to give suffering people back their freedom. And it was fought and won by great patriots like Hayne W. Dominick.

TAIWAN'S SUCCESSFUL EFFORTS TO FIGHT NARCOTICS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. RANGEL. Mr Speaker, in August 1993, I had the privilege to attend a Regional Counter Narcotics Conference in Taipei, Republic of China. The conference was held in conjunction with the Republic of China's Ministry of Justice, and was attended personally by Justice Minister, Dr. Ma Ying-jeou. The decision to hold the conference in Taipei, together with Minister Ma's participation, was yet another indication from our friends on Taiwan of the seriousness of their antidrug efforts.

I have just received a letter from Benjamin Lu, the Republic of China's Representative here in the United States, which details some of the further steps undertaken by the Republic of China since the conference. I would like to include it in the CONGRESSIONAL RECORD, because I feel it is important that such efforts do not go unnoticed here in the Congress. I strongly commend the Republic of China's antinarcotics efforts, and submit the following letter from Representative Lu:

TAIPEI ECONOMIC AND
CULTURAL REPRESENTATIVE,
Washington, DC, March 14, 1995.

Hon. CHARLES B. RANGEL,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE RANGEL: I am writing to update you regarding an issue of great importance, international narcotics control. This is also a matter of mutual concern to the United States and my country, the Republic of China (ROC) on Taiwan.

According to reports released by the Ministry of Justice of the ROC, drug related crimes such as drug abuse, trafficking and money laundering were increasing in the Taiwan area in recent years. However, the ROC government has taken effective measures to put the problems under control, and the achievements were duly noted by American authorities. As commended by the "International Narcotics Control Strategy Report of 1995" of the United States Department of State, officially released on March 1, my government has launched nation-wide anti-drug programs and passed harsher laws against traffickers. In addition, although not a member of the United Nations, the ROC has introduced "legislation in conformity with the 1988 UN Convention in the areas of money laundering, precursor chemical controls and 'illegal drug' schedules."

Both the record-breaking volume of drug seizures and an impressive number of offenders indicted in Taiwan in recent years proved that our efforts have been fruitful. The report also noted that "the Taiwan authorities have mounted a concerted effort to attack the heroin trafficking problem and seizures of heroin have increased rapidly in the past few years . . ." Nevertheless, a unilateral effort of any country is not enough to win a complete victory against drugs. My government, therefore, has thoroughly cooperated with American as well as other international law enforcement agencies to crack down on all drug related crimes and will continue to do so. The State report also indicated that, in the last year, the ROC government not only "continued to cooperate well" with the Drug Enforcement Agency but also explored with U.S. authorities the possibility of signing a bilateral counternarcotics agreement.

The people and the government of the ROC are as committed as you are to fighting drug problems. We hope you will take note of our strong commitment and vigorous actions on this important matter.

With warmest regards,
Sincerely,

BENJAMIN LU,
Representative.

TRIBUTE TO REVEREND AND MRS. BURGOS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate Rev. Gregorio Burgos and his wife, Lucia, on the celebration of their 50th wedding anniversary. Reverend and Mrs. Burgos were united in marriage in Puerto Rico on April 19, 1945. They are a fine example of family unity and together have contributed a great deal to our community and country.

Rev. Gregorio Burgos has been actively involved as a pastor and minister for the past 52 years. He and Lucia have dedicated their lives to helping others. Through their religious work in the community they have touched the lives of many in need. As a minister of the Church of God of the 7th Day, the Burgos have nurtured the spirits and minds of congregants throughout New Jersey. They have worked together to build congregations in many New Jersey cities, including Paterson, Jersey City, Newark, and Camden. In the State of New York they established parishes in the Bronx and Rochester, and in addition they have taken their message of love to Pennsylvania and the Caribbean.

The Burgos have dedicated most of their lives to their congregants and have known all the joys and sorrows of the religious life. When there was illness among their congregants, they comforted the sick and their families. When a child was born, they were there to join in the celebration. Whenever there was death, they were also there for consolation and to give the family strength to go on.

Their strong love and commitment for each other and their community helped inspire the writer Adalberto Mendez in his book entitled "History of the Church of God of the 7th Day." Although both Gregorio and Lucia are semiretired, they remain actively involved in their congregation as counselors. Reverend and Mrs. Burgos have five children, Raquel, Wilfredo, Elieser, Irma, and Sara. They are also the loving grandparents of 15 grandchildren and 4 great grandchildren.

Please join me in wishing Rev. Gregorio Burgos, 79, and Mrs. Lucia Burgos, 68, a happy golden anniversary. A celebration will be held in their honor on April 9, 1995. I am sure that their family and friends are inspired by the example that they have set. I wish them continued happiness and prosperity.

A TRIBUTE TO CENTRAL FALLS HIGH SCHOOL STUDENTS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to honor a group of 25 students from Central Falls High School who won the Rhode Island title in the "We the People" competition on the Constitution and the Bill of Rights which was held March 12 at the Community College of Rhode Island.

The 25 juniors are all students in the U.S. history class taught by Bertrand Brousseau, who is the chairman of the social studies department at Central Falls High School. The students will compete for national honors in joining 1,200 students from across the Nation in Arlington VA; and Washington DC, from April 29 to May 1.

The competition involves students demonstrating their knowledge of constitutional principles and their relevance to contemporary issues. Making the feat more impressive is that 14 of the 25 students from Central Falls High School learned English as a second language. Some of the students or their parents are natives of Portugal, Mexico, Puerto Rico, El Salvador, Mozambique, Colombia, Liberia, Poland, and Vietnam.

I will be visiting these award-winning students in their classroom on April 10 to wish them the best of luck in this competition. I am very proud of their accomplishments. They have shown that hard work and desire, along with proper parental and educational support, can overcome any language barriers.

I'd like to offer my congratulations and best wishes to Mr. Brousseau and his students: Kelly Bianchi, Berta Couto, Elizabeth Diaz, Elizabeth Gartska, Linda Layous, Juan Menzano, Christine Patricio, Hannah Tarawali, Alexandra Zaldana, Janet Blandon, Yolanda DaSilva, Michelle Doucet, Martha Gutierrez, Rebecca Lussier, Nelci Paiva, Celina Sackal, Halena Taveira, Melenie Casto, Daisy Diaz, Susan Freitas, Melanie Kowal, Mike Macedo, Beatriz Patino, Kathy Siwy, and Agnes Wec.

FAA SHOULD BE AN INDEPENDENT AGENCY

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. LIGHTFOOT. Mr. Speaker, today I am introducing legislation to restore the Federal Aviation Administration to independent agency status. The legislation will also provide the FAA with the major personnel, procurement, and finance reforms needed to keep America's air traffic control system the best in the world.

Although our national air transportation system is the best in the world—it should be better. As a pilot and flight instructor, I've seen a lot of problems with the FAA bureaucracy. And I've heard from far too many people who've had first-hand experience with the mismanagement and inefficiencies at the FAA. These are exemplified by the advanced automation system, which is the core of the airspace modernization effort—a project bungled so badly that it is billions over budget an years behind schedule.

We're clearly not doing our best to ensure that ours is the safest and most efficient system possible. We've reached a point in the development of our aviation system where we can no longer postpone action. It is clear that everyone, the administration, Congress, and the aviation user groups agree on the need for reform at the FAA.

At the appropriations committee, we heard Secretary of Transportation Federico Pena testify that the Clinton administration's proposal for a Government-owned ATC Corporation is the only solution to the problems that exist at the FAA. Yet there is near-universal agreement that the administration's proposal is no solution at all. The General Accounting Office's analysis of the administration's proposal strongly suggests the proposal has been rigged with financial assumptions to make the concept superficially attractive.

While I recommend the administration for taking a proactive role in FAA reform, the plans has earned almost no support from the industry or from Congress. But there has been one positive outcome to the discussions about privatizing the nation's ATC system. It has helped focus the debate, allowing several common complaints about the FAA to emerge.

My legislation seeks to address those key obstacles which nearly everyone agrees are hampering our efforts to keep pace with technology and the growth of the aviation industry.

For example, the DOT structure hinders the FAA from doing its job in the most effective manner. By reestablishing an independent FAA, we eliminate the many layers of review by Department of Transportation political appointees and their staffs. While no former FAA Administrator supports the ATC Corporation proposal, restoring FAA to independent status is supported by 10 of the 11 living former FAA Administrators.

My bill provides an independent FAA with the personnel and procurement reforms needed to ensure the safety of the users of our increasingly complex and busy aviation system. It establishes two pilot programs; one to exempt the FAA from procurement regulations which hamper its ability to acquire the cutting edge technology it needs, and another to exempt FAA from most civil service rules except those relating to employee benefits.

The bill creates a select panel to review and report to Congress on innovative funding mechanisms, such as loan guarantees and restructured grant programs, to ensure that the money is there for future improvements of the Nation's aviation infrastructure.

My bill will establish a management advisory board made up of high-level industry representatives to advise the Administrator on management, policy, spending, and regulatory matters. And it will mandate that final action must be taken on all FAA rulemakings within 18 months after the date of their initiation.

I'm offering my bill as a starting point for developing consensus towards a meaningful and realistic reform effort. I hope you will join me as I continue to work with the leaders of the aviation community—the airlines, general aviation, FAA employees—to shape these ideas into the kind of package all of us can support.

TAXPAYERS, TIGHTEN YOUR BELT TO PAD INDUSTRY'S PURSE?

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. MILLER of California. Mr. Speaker, as Congress nears the end of the first 100 days, let us examine some of the choices the new Republican majority has made to find ways to reduce the Federal deficit. In January, the Republican majority passed its balanced budget amendment without explaining to the American citizens which Federal programs will be sacrificed for the sake of deficit control. The Republican's rescissions bill, however, provided a glimpse of the programs on the chopping block, those which provide summer jobs for our youth, those which provide housing for the elderly and poor, those which provide community service volunteer placements in our inner cities, and those which provide healthy lunches for our schoolchildren. This week, Republicans would widen the gap between the rich and the middle-class by passing a healthy tax break for the wealthiest members of society.

Of course, reducing our $4 trillion deficit is a responsibility for all Americans. However, if the average American thinks that everyone is equally sharing the burden of balancing the budget, it's time for a wake-up call. While many Americans will have to learn to do more with less and while many worthwhile Federal programs are facing the Republican firing squad, some industries have been granted clemency from deficit reduction efforts. The mining, grazing, timber and agricultural industries, which use Federal mineral resources and operate on public lands, continue to shamelessly receive billions of taxpayer dollars in Federal subsidies each year, and Republicans plan to do nothing to ensure Americans a better return for their resources.

I'd like to submit for the RECORD and urge my colleagues to read a March 27 op ed by Mr. Jim Gogek that highlights some of the circumstances under which public resource industries continue to receive Federal handouts. In his San Diego Union-Tribune editorial, Mr. Gogek describes some of the egregious Federal policies that pad the pockets of natural resource development companies with billions of dollars each year.

Understandably, the taxpayers are outraged by these massive handouts to multimillion dollar industries and are calling for an end to corporate welfare, but most Republicans appear indifferent to their demands. How much longer will the taxpayer have to watch the new majority in Congress cut valuable programs in order to pay for timber sales in our national forests that lose money? How much longer will large mining companies be able to extract gold and silver from our public lands for only $2.50 an acre? How much more money in subsidized irrigation must we give to huge agribusinesses for surplus crops? How much longer will we allow the annual giveaway of hundreds of millions of dollars to ranchers in the forms of cheap grazing leases and free livestock feed? How much longer must we all tighten our belts so that these industries, many of which are not even controlled by American citizens, may continue to grow rich from our tax dollars?

In February 1995, I introduced the Public Resources Deficit Reduction Act, legislation which will recover more than $3 billion a year lost through these unreasonable Federal subsidies. I am pleased that 44 other Members, from both sides of the aisle, have joined me as co-sponsors of this legislation which will end this corporate welfare. As Congress continues to work toward increasing fiscal accountability and boosting returns to the Treasury, I urge my colleagues to consider joining us in our efforts to achieve fair-market value for the use of the public's resources.

[From the San Diego Union-Tribune, Mar. 27, 1995]

BIG AGRICULTURE ALSO DRAINS THE FEDERAL TILL

(By Jim Gogek)

My Republican colleagues promise that House GOP members will soon begin taking on federal subsidies to business—dubbed "corporate welfare"—now that they have cut funding for such social programs as job training, drug courts, vocational education, summer jobs for kids, housing for the poor and elderly and food subsidies for low-income women, infants and children.

San Diego's freshman Republican, Rep. Brian Bilbray, was here recently and made the same promise: Subsidies are next on the block. However, he admitted that it might be a tough battle cutting some agriculture-related items, such as the $500 million ethanol subsidy that goes mostly to one company in Illinois.

Big Ag greases the skids in Washington as well as anybody. The constituency favoring corporate subsidies has a lot more money for greasing than does the poor people's constituency. So don't hold your breath.

Here in California, federal subsidies are themselves a cash crop. Central Valley agriculture floats on the federal dole. Timber, mining and ranching operations also belly up to the trough. These are the same folks, by the way, who vehemently oppose any government regulation on their land. But they have no problem accepting a government handout.

Let's take a look at some of California's natural resource subsidies, starting with agriculture:

The Central Valley Project, a huge federal project that provides water to farmers in the San Joaquin and Sacramento valleys, has cost taxpayers between $34 billion and $70 billion since passage of the Reclamation Act of 1902, according to the Congressional Budget Office.

Of the nearly $1 billion spent just to construct its irrigation facilities, only about $50 million has been paid back by users.

Central Valley Project water districts pay a fraction of the full cost of water. According to a 1991 federal study, Westlands Water District paid $8 per acre-foot of water whose full cost was actually about $46 per acre-foot.

Some federally subsidized water goes to irrigate surplus crops, which receive an agriculture subsidy. A federal study in 1986 found that California crops receiving subsidized water were also getting nearly $500 million in crop subsidies.

One of the nation's largest corporate farms, J.G. Boswell Co., tills about 192,000 acres in the Central Valley that are irrigated with federally subsidized water.

Farmers receiving federally subsidized water are negotiating contracts to sell that water to cities like San Diego—at market prices.

Besides water and crop subsidies, most Central Valley farms benefit from subsidized power from government-built hydroelectric dams to pump subsidized water to their fields. Some farms also receive millions to help market products overseas.

Over the last decade, $1.3 billion in agriculture subsidy checks were mailed, not to rural areas but to major cities and their suburbs, where corporate farms and absentee farmers have their offices. San Diego received $11.8 million, Los Angeles $10.8 million and San Francisco $13.9 million. Sacramento received $102 million. A corporation based in Rancho Bernardo got almost $1 million for a farm in Montana.

Those are only some of the agricultural subsidies in California alone. Imagine the cumulative sum we pay for the whole nation.

Then there are subsidies for grazing, mining and timber. Here's a few goodies:

The National Forest Service alone incurred $557 million in net losses in 1993 in timber sales, grazing leases and mining subsidies.

A 120-year-old mining law doesn't require royalties based on the value of metal ores taken from federal land. The only payment for ownership of a claim is a fee of between $2.50 to $5 an acre. A mining company holds a claim to a huge platinum strike in national forests in Montana estimated to be worth $32 billion. The federal government will receive at most about $10,000 for patenting the claims and acreage fees.

Ranchers pay $1.86 a month per animal unit, which equals one cow and calf or four sheep, to graze on public land. The fee on private property is $10 a month. Federal grazing leaseholders are allowed to sublease their land—at a substantial profit. Many leaseholders are huge corporate ranchers. One rancher in California leases 5 million subsidized acres in California, Nevada and Wyoming.

In California alone, the private use of publicly owned timber, grazing and mineral resources on national forest property resulted in a $34 million net loss for taxpayers in 1993.

Not all public subsidies to business are bad. Some, such as certain research subsidies for medicine and science, return much greater social benefits than the original cash outlay could buy.

But providing millions of dollars to wealthy corporate farms? Giving away billions in valuable minerals and timber on public land? And perhaps worst of all, subsidizing the destruction of our forests, wilderness, grasslands and fisheries?

What do you call a public policy that does all that while at the same time slashes funds for summer jobs for kids? I can think of several words, but this is a family newspaper.

TRIBUTE TO THE NORTHWEST INDIANA HISPANIC COORDINATING COUNCIL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. VISCLOSKY. Mr. Speaker, I rise today to commend the efforts of the Northwest Indiana Hispanic Coordinating Council for their numerous contributions to northwest Indiana.

Founded on November 15, 1988, the Hispanic coordinating council is composed of leaders from over 40 different Hispanic organizations. These people have committed themselves to improving the quality of life for the Hispanic residents of northwest Indiana. Council president and cofounder Benjamin T. Luna has been instrumental in providing the Hispanic community with motivation and opportunities for excellence.

On April 8, 1995, the coordinating council will present honors to 42 top scholars and athletes throughout northwest Indiana. The council will also present their annual recognition awards to deserving individuals. The council will honor these distinguished people at a banquet which will be held at the American Legion Post 369 in East Chicago, IN.

The students who will receive awards for outstanding academic achievement include: Patricia Alvarado, River Forest High School; Albert Davila, Merrillville High School; Alyssa Diaz, Highland High School; Guadalupe Gonzalez, East Chicago Central High School; Jessica Herrera, Martin Luther King Academy; Tania Higareda, Clark High School; Maria Lule, Bishop Noll High School; Karla Madrigal, Hammond Morton High School; Xochilt Medina, Hammond Gavit High School; Becky Ramirez, Crown Point High School; Edwin Ramirez, Horace Mann High School; Robert Ramirez, Calumet High School; Jennifer Ramos, Munster High School; Albert Rodriguez, Lew Wallace High School; Melissa Rodriguez, Hammond High School; Joshua Rodriguez, Griffith High School; Elvin Roman, Horace Mann High School; Aaron Vela, Lake Central High School; Cara Velez, Portage High School; and Brett Sweet, Lowell High School.

The students who will receive awards for outstanding athletic achievement include: Aeric Arreguin, Highland High School; Robert Avila, Andrean High School; Phil Benavides, Lowell High School; Juan Carlos Buezo, Lew Wallace High School; David Brugos, Clark High School; Arturo Corral III, Wirt High School; Jessica Figureroa, Merrillville High School; Victor Garcia, Griffith High School; Eusebio Gonzalez, Gavit High School; Jerame Hicks, East Chicago Central High School; Daniel Mayorga, Hammond High School; Jason Mendoza, Munster High School; Richard Mendoza, Hammond Morton High School; David Ortiz, Portage High School; Matt Rodriguez, Calumet High School; Vincent Rosado, River Forest High School; George Torres, Bishop Noll High School; James Torres, Lake Central High School; Erin Valdivia, Hobart High School; and Tom Zelaya, Crown Point High School.

Aisha Ceballos of Gary Emerson High School will be awarded both an academic and athletic award by the coordinating council at their annual banquet.

The council will also present the outstanding family award to Rafael and Doritila Fletes of East Chicago. This distinguished couple was carefully selected from many qualified families on the basis of their unity and dedication to one another's successes. Ms. Eliza Vela will receive the community service award. The labor award will be given to Mr. Robert Flores. Mr. Francisco Loza, president of the River Forest and Lake Station School Corporation Dual District Bilingual and Migrant Education Program, will be awarded the president's award. Finally, Ms. Maria DeLaLuz Murillo Tellez will be honored with the distinguished Caesar Chavez Award, in honor of the late charismatic president and founder of the United Farmworkers.

Media recognition awards will go to Mr. Michael Puente and Mr. Michael Gonzalez, of the Post-Tribune; Mr. Mark Arrendondo and Mr. Jose Alvarez, of the East Chicago News; Mr. Christian B. Candelaria, of the Herald News Group; Mr. Tom Gutierrez, Jr., of WJOB radio; Ms. Terry Serna, of La Voz Newspaper; Mr. Joe Arrendondo, of channel 56/WYIN; Ms. Sylvia Lopez, of WGN; and Mr. Carmello Melendez.

Mr. Speaker, I ask you and my other colleagues to join me in applauding all of the award recipients chosen by the Hispanic coordinating council. I feel that all of the participants are most deserving of the honors that will be bestowed upon them. It is my privilege to commend them on their achievements.

SCHOHARIE COUNTY, NY, CELEBRATES BICENTENNIAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. SOLOMON. Mr. Speaker, I have always been proud of the heritage and physical beauty of the 22d Congressional District of New York which I have the privilege of representing. It is for this reason, to savor the history and character of the picturesque towns and counties, that I return home every weekend.

We often forget, Mr. Speaker, that the real America is not Washington, but the small towns and villages where real people live and work. I would like to talk about a collection of such towns today.

On Saturday June 3d, Schoharie County, NY will celebrate its 200th anniversary. This county was formed by the New York State Legislature from parts of Albany and Tryon Counties in 1795. However, its history began long before this official action. The area was settled by German explorers in 1712 when they arrived from the lower Hudson Valley. This frontier region prospered with its rich farmlands, rolling countryside, and quiet streams. In fact, this county adopted the Indian name for the river which ran through the valley, Schoharie.

With its splendid forests and fertile river bed, the Schoharie Valley was an agricultural hotbed for many years. However, the county has changed since those days, like just about everything else in America. Now, Schoharie County employs only 5 percent of its population in agricultural and forest work. Still, it has retained its small town character and charm and the Schoharie Valley remains one of the most scenic regions in New York State.

One thing that thankfully hasn't changed, Mr. Speaker, is the pride and values of the citizenry. On June 3d, residents of Schoharie County will take part in day-long festivities commemorating their heritage. There will be tours of the various historical sites which mark the region as well as parades and plenty of small town camaraderie. I commend the people here for their commitment to their region and the Schoharie County Bicentennial Committee for their hard work in organizing this event.

Today, Mr. Speaker, I ask all Members to join me in an anniversary tribute to Schoharie County, a great place to live.

CONGRATULATING THE WESTFIELD HIGH SCHOOL CONCERT BAND

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. FIELDS. Mr. Speaker, I appreciate this opportunity to congratulate the Westfield High School concert band in Houston, TX, on recently winning the Sudler Flag of Honor, which is presented to the most outstanding high school concert bands in the United States and Canada.

Under the direction of Mr. Philip Geiger, the Westfield High School concert band is just the 31st concert band to earn the Sudler Flag of Honor in the 12 years that it has been awarded. The award is presented by the John Philip Sousa Foundation and is intended to recognize and salute high school concert band programs of international-level excellence.

Winning the Sudler Flag of Honor proves what many of us have known for along time: that the Westfield High School concert band is among the very best concert bands in North America.

The Sudler Flag is designed in red, white and blue and features the logo of the John Philip Sousa Foundation. The flag becomes the property of the band. Each member of the band receives a personalized certificate and the band director receives a personalized plaque.

To be eligible for the Sudler Flag, a high school must have maintained a fine concert band for at least 7 years. Although the band's concert activities receive the most attention in the selection process, the high school's band program must be a complete one and must include a marching band, small ensembles, and solo participation by its members in contests and festivals. Also, the band conductor must have been at the same high school for at least 7 consecutive years and is expected to be involved in professional band and music education organization and activities on the local, State and national level.

Mr. Speaker, I know that you join with me in congratulating the young men and women of the Westfield High School concert band—as well as conductor Philip Geiger—on this significant achievement, and I know you join with me in wishing everyone associated with the band continued success in the years ahead.

SAN FRANCISCO CHRONICLE EXPLAINS REPUBLICAN WELFARE REFORM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. LANTOS. Mr. Speaker, the San Francisco Chronicle has done a superb job cutting through the deceptive rhetoric of the majority in Congress to reveal the real reason behind welfare reform, Republican style: massive tax cuts for the rich paid for by cutting benefits to the millions of poor, elderly, disabled, and legal aliens of our country. As the editors so aptly point out, simply cutting benefits to our most vulnerable citizens will do absolutely nothing to solve the most difficult problems facing them and our society as a whole.

Meaningful welfare reform must replace dependency with independence while maintaining the safety net for those truly in need. Although real reform will not be simple and it will not be cheap, the alternative—cutting off our most needy citizens—is the epitome of shortsightedness. Mr. Speaker, I commend your attention and the attention of my colleagues to this excellent and timely editorial, and I ask that it be placed in the RECORD.

[From the San Francisco Chronicle, Apr. 3, 1995]

WELFARE ON THE CHEAP IS NOT REFORM

Any hope that the Senate might salvage some glimmer of actual "reform" from the House-passed welfare bill largely vanished last week when Senate Finance Committee chairman Bob Packwood, R-Ore.—who will draft the Senate version—indicated he would go along with the House in ending the federal entitlement nature of most welfare programs and turning them into block grants to the states.

That basic approach has everything to do with cutting spending for the poor in order to heap tax cuts on the rich—and virtually nothing to do with welfare reform.

As Senator John Chafee, R-R.I., noted last week: "Instead of focusing on employability * * * out-of-wedlock births and * * * intergenerational welfare dependency, the focus (of the House bill) seems to be entirely on how to save money.* * *"

That, in fact, is the basic flaw in the Republican approach: the contradiction between saving money and reforming welfare. Real welfare reform, the kind that ends dependency and self-defeating behavior by putting people to work, costs money, it doesn't save it. It requires, at a minimum, paying for job training, child care and job creation—none of which are adequately provided today.

The original GOP contract spoke of spending $10 billion on jobs programs. The House-passed bill offers nothing—simply the requirement that welfare recipients must work after two years, whether there are any jobs or not, or lose benefits.

Trying to do welfare on the cheap will result only in a system even less effective and more wasteful than the present one. It is not simply foolish, but mean-spirited, for it arises not from any desire to improve an imperfect system, but from the barely disguised motive of trying to pay for $190 billion worth of middle- and upper-class tax cuts at the expense of the weakest, most disenfranchised members of society: poor women and children, who are the major beneficiaries of welfare, and legal resident aliens, who have paid taxes and played by all the rules but can't vote.

What would real welfare reform look like? It might well include the GOP demand to turn programs over to the states, as President Clinton has also urged, so that flexibility and experimentation might flourish free of burdensome federal mandates. It would also include more money, not less, for innovative jobs programs.

But the Republican block grant approach simply replaces liberal federal mandates with conservative ones, and it further constricts the states by reducing overall projected spending by some $65 billion over five years in order to pay for tax breaks.

As the Economist magazine observed last week, the Republicans are passing up a chance "to do welfare reform in a way that is right rather than merely right wing." If the Senate goes along, the only hope for real welfare reform will be the veto pen.

TRIBUTE TO THE MONMOUTH COUNTY URBAN LEAGUE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. PALLONE. Mr. Speaker, on Thursday, April 6, 1995, the Monmouth County, NJ, Urban League will hold its Second Annual Equal Opportunity Awards Dinner at the Long Branch Ocean Place Hilton. I would like to take this opportunity to congratulate the Monmouth County Urban League, and its new president Dr. Webster Tremell, for the excellent work that the league has done in lending a helping hand to those in our community who need it most—and to give my strongest encouragement for their future endeavors.

Mr. Speaker, the mission of the Urban League as a nonprofit community-based social service and civil rights organization is to assist African-Americans and other minorities and low-income families and individuals to achieve social and economic equality. The league, whose national headquarters is in New York City, has 114 affiliates across the nation. Working through social work, economics, and the law, the league seeks to secure equal opportunities in all sectors. While seeking to improve the quality of life for racial minorities, the league is also devoted to the goal of building bridges between the races.

The league was founded in 1910 in response to the needs of southern blacks who migrated to New York seeking enhanced economic opportunities, only to be confronted with unemployment, scarce health care, and overcrowded housing. The league was created through the merger of several organizations dedicated to assisting these new arrivals and combatting the racism of that era. In the years since, the league has expanded into a nationwide organization, and many distinguished leaders have presided over the league in the years since, including, Whitney Young, Vernon Jordan, and the current president and chief executive officer, John E. Jacob.

The Monmonth County League has sought to bring together a broad cross-section of public and private sector leaders representing the corporate, banking, legal, government, and educational communities. Among the major goals of the Monmouth chapter of the league are programs to assist unemployed and underemployed people to become self-sufficient through job readiness counseling, job development, job bank and referral services, and entrepreneurial advocacy. The league also works to address the housing needs of the community, through the development of affordable housing and counseling to assist families and individuals who may qualify for various forms of rental or home ownership assistance programs. The league also works in developing leadership through the support of young adults and professionals serving in mentorship and tutorial programs. Efforts also focus on health education and prevention programs.

Mr. Speaker, it is a great honor for me to pay tribute to the work of the Monmouth County Urban League, and to wish for its continued success in the future.

IN RECOGNITION OF LORIN AND ANN WASHER

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. BAKER of California. Mr. Speaker, recently a couple from my district, Lorin and Ann Washer, needed to cancel a long-awaited trip to the Nation's Capital due to health reasons. It would have been a special trip for them, as 50 years ago this month they met in Washington on a blind date. That night, April 12, 1945, was the day President Roosevelt died. Ann and Lorin had to change their plans to dine out and instead ate at the home of a friend. Obviously the location of their meal was unimportant, as their courtship began in earnest shortly thereafter, and they were married in October 1946.

Mr. Speaker, although Ann and Lorin cannot come to Washington to celebrate the April 12 anniversary of their first meeting. I am pleased to honor them for a relationship that has endured 50 years. It is increasingly rare in our society that a couple exhibits the qualities of loyalty and love demonstrated by the Washers, and I am pleased to draw attention to this outstanding couple as the reminisce about not only their courtship, but so many years of married life. Couples like the Washers have much to teach and much to remember, and deserve our congratulations on this unique day in their lives.

CLINTON RELISHES HIS UNNECESSARY INVASION

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. COX of California. Mr. Speaker, the occasion of President Clinton's visit to Haiti is occasion to reflect on the ill wisdom of his policy there. It is "his" policy because, as he did with Mexico, he bypassed the Congress. The following article by Sir Eldon Griffiths is a sobering analysis of the Clinton Haiti policy.

CLINTON RELISHES HIS UNNECESSARY INVASION

By the time you read this, U.S. troops in Haiti will be pulling out in favor of a U.S.-led, U.S.-munitioned, and largely U.S.-financed U.N. army. President Clinton is in this tiny speck of an island, ready to pass the baton—I almost said the buck!—to U.N. Secretary General Boutros Boutros-Ghali, whose thankless task now becomes to hold the ring in Haiti while the smallest, poorest country in the Western Hemisphere struggles to construct a "viable democracy."

I wish the United Nations better luck than its hapless multinational forces experienced after the United States handed over Somalia. Let's also acknowledge that six months—and several billion dollars—after Jimmy Carter brokered his deal and Bill Clinton sent in an air-sea armada with more firepower than all the armies of Latin America combined. Port au Prince is probably less dangerous than it was under the rule of Raoul Cedras and his thugs. With the U.S. embargo lifted, some, though by no means all, of Haiti's services and small firms are back in business. Most of those Haitian boat people intercepted by the U.S. Coast Guard as they tried to get to Florida are being repatriated, many forcibly, from the unsanitary camps that shame America in Cuba and Panama.

Last Tuesday's high-noon murder of a prominent Haitian lawyer who had criticized President Aristide is, however, a reminder that Port au Prince still is driven by dangerous elements, but thanks to the U.S. Marines (and a growing Haitian police force), the situation in the capital has improved to a point where it's less frightening to walk in the streets at night than it is in, let's say, Washington, D.C.

Clinton has every reason to praise the U.S. forces. They did what he told them to do. But his claim that his Haiti was a "triumph" is none the less as spurious as it is self-deceiving. This version of events may sit well with those Haitians who've done well from Aristide's return; it may also carry the day with the liberal press and what's left of the Black Caucus in Congress. But history, I predict, will judge Clinton's Haitian adventure less generously. More likely it will be seen as an unnecessary, grotesque mismatch of U.S. power to U.S. interests.

Is that too harsh a verdict? If you think so, just ask three questions:

Did Haiti under Cedras (or any other ruler) pose a threat to U.S. security? It didn't. It couldn't. It doesn't. Haiti has no military airfields, no naval ports, no missiles sites like those in Cuba that enemies of America might use. Militarily, Clinton's invasion was a classic case of using a billion dollar hammer to crack a 20-cent nut.

Was Haiti crucial to the economic interests of the United States? No, it wasn't. It isn't. It couldn't be. Haiti has no oil, no minerals, no products of any kind the United

States needs to earn its living. Trade with Haiti is so insignificant that when the United States imposed a total embargo, few Americans even noticed, outside a few travel agents in Miami.

Were the lives of American citizens at risk in Haiti? No, they weren't. Despite all the efforts of the State Department, not one example was found of Americans suffering oppression or wrongful imprisonment in Haiti. Lacking these or any other reasons of U.S. national interest, President Clinton based his case for invading Haiti on the need to impose—or restore—democracy. But why in Port au Prince, but not—as Ronald Reagan sought to do in the face of Clinton's criticism at the time—in Salvador or Panama or Nicaragua?

Okay, Cedras was a rightwing brute, just as Aristide is a leftwing demagogue. But if Cedras was grinding down the Haitian people to a level that justified U.S. intervention, why didn't Washington first try to overthrow him with the CIA (as it did in Guatemala and Cuba)? And how come, when Jimmy Carter went to Haiti with Colin Powell and Sam Nunn, Carter claimed the U.S. embargo was "shameful" and called Cedras "an honorable man" with whom the United States could do business?

When the full story comes to be told, Haiti, I suspect, will turn out to have been the unnecessary invasion. The United States got sucked into it in large part because candidate Clinton publicly broke with George Bush's policy of sending back the Haitian boat people, with the result that hundreds of thousands set off for Florida, creating a problem that Clinton in office found he couldn't handle. Clinton was then humiliated when he sent in the *USS Harlan County* supply ship with a bunch of officials on board who turned tail at the first whiff of grapeshot from Cedras's goons on the dock. And so it came to pass that stopping the flow of refugees (that Clinton himself had invited), and putting Aristide back in Cedras's place, became the leitmotifs of U.S. foreign policy.

Never mind Cuba, where the dictatorship was harsher and the outflow of migrants larger. Forget Rwanda, where millions died, or Angola and all the rest. Haiti was a case of presidential pique and strategic misjudgment, of liberal idealism, and Florida's Democratic politics getting in the way of any objective long-term assessments of U.S. diplomatic priorities and America's true national interests.

So when the president returns to Washington, let's hope he lays aside his mantle of Liberator—or is it Conqueror?—of Haiti. Time has come to return to the real world of global issues. Clinton's relations with Father Aristide may just be hunky-dory, but with most of the other leaders of Europe and Asia, they are as frosty as at any time I can remember.

Perhaps John Major of Britain, who arrives in Washington this weekend, will point this out.

(Sir Eldon is president of the Orange County World Affairs Council, a former member of the British House of Commons, and director of the Center for International Business at Chapman University.)

INTRODUCTION OF THE CHLORINE ZERO DISCHARGE ACT OF 1995

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. RICHARDSON. Mr. Speaker, I am pleased to rise today to introduce the Chlorine Zero Discharge Act of 1995. This legislation, which has already been cosponsored by nearly 30 Members of the House, is identical to H.R. 2898 which I introduced in August 1993. That legislation, although not enacted by the 103d Congress, garnered nearly 60 bipartisan cosponsors.

The Chlorine Zero Discharge Act will, if enacted, result in the elimination within 5 years of the use of chlorine and chlorinated compounds as bleaching agents in the production of pulp and paper. Specifically, the bill would amend the Clean Water Act to require a reduction to absolute zero of the discharge or release into water of any organochlorine compounds, byproducts, or metabolites formed as a result of the use of chlorine or any other chlorinated oxidizing agents in the pulp and paper manufacturing process.

The use of chlorine and chlorine compounds in the pulp and paper industry is the second largest use of chlorine in the United States and Canada. Chlorine and its compounds are used as bleaching agents to remove residual lignins from wood pulp to make the resulting paper white.

The use of chlorine as a bleaching agent in the production of pulp and paper results in the release of an estimated 1,000 organochlorines in the wastewater of pulp and paper mills. The average pulp mill in America releases 35 tons of toxic organochlorines each day. However, only 3 of the 1,000 organochlorines released are currently regulated by the EPA: dioxin, furan, and chloroform. Only the State of Oregon regulates organochlorines as a class of pollutants.

Although dioxin is produced as a byproduct of pulp and paper bleaching in only very small amounts, scientific studies by the Environmental Protection Agency [EPA] and independent scientists have shown that even in minute amounts, organochlorines such as dioxin are persistent and bioaccumulative. This means that they remain in the environment for years and buildup over time reaching levels that have been linked to cancers and development and behavioral disorders in humans and death in animal and plant life. For example, although DDT was banned in the 1970's, trace amounts now linked to animal deaths still persist in the environment more than 20 years after its last known use in this country.

In its recent reassessment of dioxin—ordered by then-EPA Administrator William Reilly in 1991—the EPA determined that even in the smallest amounts, this most toxic of all chemicals has significant health and environmental effects including severe reproductive, immunological, behavioral, and developmental difficulties in humans and animals which have been exposed to it. In fact, the EPA has identified dioxin as the most potent carcinogen ever evaluated by the Agency.

A 1990 EPA analysis revealed that as many as 1 in 10 subsistence and sports fishing individuals could get cancer by eating fish contaminated by releases from certain pulp and paper mills. Additional studies have found that pulp and paper mill workers tend to have higher rates of particular forms of cancer, such as soft-tissue sarcomas and respiratory cancers, than the population as a whole. A 1988 EPA survey of 104 U.S. pulp and paper mills found bleached pulp from nearly every mill to contain the most dangerous forms of dioxins and furans.

A 1992 report issued by the International Joint Commission on the Great Lakes Basin [IJC] concluded that "the use of chlorine and its compounds should be avoided in the manufacturing process." A 1994 report from the same organization reported that "mounting evidence continues to reinforce concerns about the effect of persistent toxic substances" including reproductive, metabolical, neurological and behavioral abnormalities, suppression of the immune system and increasing levels of breast and other cancers.

Former IJC and Indiana Republican Party Chair Gordon Durnil has been even more forceful, warning "the heart of our message is that the integrity of the human species will be increasingly compromised unless we act decisively to bring the growing problem of persistent toxic substances under control. We are convinced that the dangers posed to humans will increase with each passing generation."

The American Public Health Association [APHA], a nationwide membership association of over 30,000 health professionals, passed a resolution in October 1993 "calling for measurable and progressive reduction toward the elimination of the use of chlorine-based bleaches in the paper and pulp industry and of ozone-depleting chlorinated organic chemicals." In February 1994, APHA endorsed the Chlorine Zero Discharge Act.

Despite repeated claims to the contrary, alternatives to the use of chlorine and chlorinated compounds do exist. Totally chlorine-free [TCF] alternatives such as hydrogen peroxide and ozone are in use today in mills around the world, especially in Europe. Unfortunately, although these alternatives are increasingly relied upon by our competitors in Sweden, France, Portugal, Spain, Denmark, and Germany, American industry has steadfastly refused to adapt to the changing market conditions affecting the worldwide paper market. Only one mill in North America, the Louisiana-Pacific pulp mill in Samoa, CA, has made the switch to TCF production.

Such intransigence in the face of changing world-wide market demands for white paper that does not destroy the environment and threaten human health could spell disaster for the American pulp and paper industry. Failure to begin to make the switch now to TCF production processes could mean that our industry, and the thousands of jobs that go with it, will be unprepared to meet the challenges of the future. The increased production and use of chlorine-free paper by our European competitors—now approaching 20 percent of the market in some European countries—is decreasing the American share of the world paper market and could seriously threaten the American market in the future as American consumers begin to demand chlorine-free paper.

The links between the use of chlorinated compounds in a wide variety of applications from pesticide use to pulp and paper bleaching and cancers and other health effects have received widespread media coverage since I first introduced this bill in 1993. In the past 18 months, stories have appeared in Time, Newsweek, National Journal, Scientific American, The New York Times, The Washington Post, the Wall Street Journal, USA Today, the Atlanta Constitution, the Portland Press Herald and countless other newspapers from coast to coast. CNN has aired several reports on the use of chlorine in the pulp and paper industry and ABC News' Prime Time Live is currently planning a similar story for airing in the near future. The public is clearly getting the message. Now it is time for American industry to pay attention to the public outcry for paper production processes that do not harm the environment or threaten public health.

By eliminating the use of chlorine and chlorinated compounds in the pulp and paper bleaching process, the Chlorine Zero Discharge Act provides a responsible, effective solution to the environmental and economic degradation of chlorine use in the pulp and paper industry. Federal intervention to ensure that the use of these unnecessary, dangerous chemicals is eliminated is necessary to protect the public from potential life-threatening health and environmental impacts.

I am pleased to introduce this bill today along with the support of my colleagues JERROLD NADLER, NEIL ABERCROMBIE, GARY ACKERMAN, HOWARD BERMAN, DAVID BONIOR, GEORGE BROWN, ANNA ESHOO, LANE EVANS, ENI FALEOMAVAEGA, SAM FARR, BOB FILNER, MAURICE HINCHEY, MATTHEW MARTINEZ, JIM MCDERMOTT, CYNTHIA MCKINNEY, FRANK PALLONE, NANCY PELOSI, CARLOS ROMERO-BARCELO, LUCILLE ROYBAL-ALLARD, MARTIN SABO, PATRICIA SCHROEDER, JOSE SERRANO, ESTEBAN TORRES, NYDIA VELASQUEZ, BRUCE VENTO, HENRY WAXMAN, LYNN WOOLSEY, and SIDNEY YATES.

I urge the my other colleagues to join me in supporting this important health and environmental protection legislation.

The full text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chlorine Zero Discharge Act of 1995".

SEC. 2. ZERO DISCHARGE OF TOXIC PERSISTENT AND BIOACCUMULATIVE SUBSTANCES.

(a) FINDINGS.—The Congress finds that—

(1) substances that persist and/or bioaccumulate in the environment, build to higher and higher concentration over time, reaching their greatest levels in the tissues of species high on the food chain, including humans;

(2) toxic substances that persist and/or bioaccumulate in the environment are biologically active in infinitesimal quantities, causing reproductive failure, birth defects, developmental impairment, hormonal disruption, behavioral disorders, immune suppression, and cancer at low doses, and mixtures of these substances may cause these effects at even lower doses;

(3) regulatory approaches that permit even limited production and discharge of toxic substances that persist and/or bioaccumulate result in the accumulation of these substances in the environment and food chain over time and subsequent damage to the health of humans and other species;

(4) the most favored method of preventing the continued contamination of the environment from persistent or bioaccumulative toxic substances is to phaseout their production and/or use over time and replace these substances or the processes that produce them, or both, with safer alternatives;

(5) among the persistent and/or bioaccumulative toxic substances of greatest concern are organochlorines discharged in the production of pulp and paper as a result of the use of chlorine or any other chlorinated oxidizing agents in the pulp and paper manufacturing process;

(6) the Great Lakes Water Quality Agreement between the United States and Canada concludes that "the discharge of toxic substances in toxic amounts be prohibited and the discharge of any or all persistent toxic substances be virtually eliminated"; and

(7) in the Sixth Biennial Report on Great Lakes Water Quality, the International Joint Commission on Great Lakes Water Quality concluded that "the concepts of virtual elimination and zero discharge are consistent and a clear statement or direction to take to achieve the Agreement's purpose. The overall strategy or aim regarding persistent toxic substances is virtual elimination, and the tactic or method to be used to achieve the aim is through zero input or discharge of those substances created as a result of human activity.

(b) ZERO DISCHARGE OF ORGANOCHLORINE COMPOUNDS, BYPRODUCTS, OR METABOLITES.—Title III of the Federal Water Pollution Control Act is amended by redesignating section 519 as section 520 and by inserting the following after section 518:

"SEC. 519. DISCHARGE OF ORGANOCHLORINE COMPOUNDS, BYPRODUCTS, OR METABOLITES.

"(a) ZERO DISCHARGE.—(1) Effective 5 years after the enactment of this section, each pulp and paper manufacturing facility shall achieve zero discharge into water of organochlorine compounds, byproducts, or metabolites formulated as a result of the use of chlorine or any other chlorinated oxidizing agent in the pulp and paper manufacturing process.

"(2) Effective 5 years after enactment of this section, all existing and new permits under this Act for paper and pulp mills which use chlorine or any other chlorinated oxidizing agent shall require compliance with the zero discharge requirement set forth in paragraph (1).

"(b) SAFE ALTERNATIVES ASSISTANCE.—Within one year after the enactment of this section, the Administrator shall evaluate alternatives to the use of organochlorines in the manufacturing of pulp and paper, and shall publish a report on the transfer of technology in the pulp and paper industry from organochlorine to chlorine-free technology as a model for pollution prevention. Within 18 months after the enactment of this section, the Agency shall begin providing technical information and support to assist permit applicants in the use of alternatives to organochlorine compounds in the production of pulp and paper.

"(c) REPORT TO CONGRESS ON ORGANOCHLORINE ZERO DISCHARGE CANDIDATES.—Within 18 months after the enactment of this section, the Administrator shall complete a report to Congress on nonpoint sources and industrial discharges of organochlorine compounds and their byproducts and metabolites into water. The report shall include a listing of all types or categories of nonpoint sources and industrial organochlorine discharges into water and their byproducts and metabolites. The report shall also include a listing of the annual quantities of each organochlorine compound discharged into water nationally and by permitted facility, together with a list of each permitted facility's location and quantities of combined organochlorine compound discharges into water. The report shall contain recommendations for achieving a zero discharge policy for important categories of organochlorine pollution sources. In order to develop such recommendations, the Administrator shall convene an advisory panel. The advisory panel shall conduct public hearings and solicit public and expert comment. The panel shall consist of 15 members, including at least 1 independent expert in each of the fields of public health, occupational health, technology change, toxics use reduction, and ecology, 2 affected citizens, and technical and policy experts from industry, labor, public interest groups, and State environmental agencies.

"(d) DEFINITION.—For the purposes of this section, the term 'zero discharge' means absolutely no output or release, including nonpoint source output or release, into water. The term 'zero discharge' does not mean a less than detectable output or release.".

DON'T SWINDLE THE CHILDREN'S LUNCHES AWAY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. OWENS. Mr. Speaker, the final word has not yet been said about the Republican swindle of the children who receive free lunches in the schools across our Nation. But the final, most authoritative figures have been established by the Congressional Budget Office. The very conservative but thorough CBO has estimated that the Republicans will capture slightly more than $2 billion from their block-granted School Lunch Program. This will be $2 billion more to go into the tax cut for the rich. This is a scenario filled with horror. It conjures up the image of the poster where Uncle Sam is pointing his finger and saying to potential military recruits: "I need you!" While the Republicans advocate a $50 billion increase in the defense budget and turn their backs on welfare for corporations and rich farmers, they are saying to the children of America: "This nation needs your lunch."

THE NATION NEEDS YOUR LUNCH

Kids of America
There is a fiscal crunch
This great nation
Now needs your lunch
To set
The budget right
Go hungry
For one night
Don't eat
What we could save
Be brave
Patriots stand out

Above the bunch
Proudly surrender lunch
Kids of America
Nutrition's not for you
Sacrifice for the rich few

When tummies hurt
Go to bed
Be a soldier
And play dead

The F22 then
Might rescue you
The Sea Wolf sub
Might bring hot grub

Now hear this
There is a fiscal crunch
This nation needs your lunch
Pledge allegiance to the flag
Mobilize your own brown bag

The enemy deficit
Must be defeated
Nutrition suicide squads
Are desperately needed

Kids of America
There is a fiscal crunch
This great nation
Now needs your lunch.

TESTIMONY OF LIU XINHU

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. WOLF. Mr. Speaker, yesterday, I submitted for the RECORD the testimony of three survivors of the Chinese laogai. The witnesses testified before the International Relations Subcommittee on International Operations and Human Rights on April 3.

The stories are powerful accounts of brave Chinese men and women who have suffered tremendously because of their religion or political views. Today, I am submitting the testimony of two more survivors—Mr. Liu Xinhu, who was imprisoned at the age of 13 because his father was a so-called counter-revoluntionary and Palden Gyatso, a Tibetan monk who spent 33 years in the laogai. I hope my colleagues and the American people will be enlighted and moved by these stories. Many people like Mr. Xinhu and Palden Gyatso are still suffering in China today. We must not forget them.

TESTIMONY OF LIU XINHU, LAOGAI SURVIVOR

My name is Liu Xinhu.

Because my father was an official in the former government, the Communist Party, on the pretext that he would disrupt labor discipline, arrested and sent him to a "reeducation through labor" (laojiao) prison camp in 1958. He was sent to the Baimaoling Farm to serve his sentence. In 1973, having lost all hope and deeply impoverished in the hell of the hard labor farm, he committed suicide.

I was born in 1945. When I was 13 years old in 1958, because I was the eldest son in the family of a counter-revolutionary, the Communist government found an excuse which had absolutely no legal precedent, and sent me to live at the same Laogai prison farm as my father. In 1964, when I had just turned eighteen years old, the Communist government sentenced me to two years reeducation through labor because of what they called "counter-revolutionary activities". After being released from the laojiao sentence at the farm in 1966, I was ordered to continue forced labor at the farm as a "forced-job-placement" (jiuye) worker. I was once again labeled a "counter-revolutionary element" in 1974 because of my "political attitudes", and the controls over me at the Laogai prison farm were further strengthened. I was detained straight through until my release in 1983. During the twenty-five years I spent in the Laogai, I suffered innumerable beatings and torments; I clearly remember one occasion when I was unable to fulfill my production quota because I was very sick, the public security police stripped me of my clothes, tied me to a tree trunk, and allowed the mosquitoes and insects to bite me for more than two hours.

The Baimaoling Farm is internally known as the Shanghai Number Two Laogai General Brigade. It is located in the southeast area of Anhui Province. Its scale is enormous and it holds, on average, 50,000 Laogai prisoners, laojiao prisoners, and jiuye personnel. It produces tea, rice, valves, and toys, as well as other goods. My father and I were detained in different sections of the farm, and we were not permitted to see each other. The public security police only told me in 1973 that he had died, and I had to go and claim the corpse. Once at the crematorium, I saw his old and pale body. I was given those clothes. I cried bitterly. I felt that my father was more brave than I was because he dared to determine his own end to this difficult life and gain his freedom.

I now live in the United States and have a family and children of my own. I deeply hope that my children and all other children, as well as all future generations, do not have ever to suffer through these kinds of tortures and difficulties. Thank you all very much for your concerns about the Chinese citizens who continue to suffer in the Laogai to this very day.

TESTIMONY OF PALDEN GYATSO, LAOGAI SURVIVOR

Thank you, Mr. Chairman.

I have spent 33 years of my 64-year-old life in Chinese prisons and Laogai camps in Tibet. During those years I yearned for a moment such as this one. I express my wholehearted thanks to you, Mr. Chairman, and to all the members of this Committee for giving me this great opportunity to appear before you today. I feel that it is an honor, but also my responsibility, to inform the United States Congress about the mistreatment I and other Tibetans have suffered in the Laogai at the hands of the Chinese government.

My name is Palden Gyatso. I became a monk when I was ten years old. At 28 years of age in 1959, at the climax of the Chinese military invasion of Tibet, I was arrested and accused of being a "reactionary element" and sentenced to a seven-year prison term to be served at the Panam District Prison in southern Tibet. This prison was previously a monestary named Norbu Khyungtse. In the prison, I was made to do hard labor, ordinarily for nine hours a day, and some times even more. We prisoners were yoked to plows like animals to till prison lands. When we got exhausted and became too weak to pull the plow, we were kicked and whipped from behind. Since we were never given enough to eat, we were forced to steal food meant for the pigs in the Chinese pig sties. We were also driven to chewing and eating things like used leather items, bones of different kinds of dead animals, mice, worms, and all kinds of green grasses.

The treatment of political prisoners at the Laogai in Tibet involves different types of cruel acts. In winter, we were suspended in the air and then cold water was thrown on us; during hot summer days, cold water was replaced by building a fire beneath the suspended prisoner. Other forms of ill-treatment in this position included being lashed with a leather belt and being beaten with an electric cattle-prod or an iron bar. Our feet were also fettered with iron manacles while self-tightening handcuffs and thumb-cuffs were used to tie our hands and thumbs. The sharp edges on those handcuffs often resulted in prisoners hands getting cut completely off. I still have many scars on my wrists as a result of these sharp instruments.

In 1962, I managed to escape from Panam District Prison with six other political prisoners. But we got caught just when we reached Tonsher township to worship near the Indo-Tibetan border, and my prison term was increased to 15 years as result. The imposition of the additional eight year prison term was preceded by indiscriminate beatings, then the use of iron shackles on both my hands and feet, night and day for six months. The leg shackles were not removed for more than two years, during which I was taught how to, then forced to, weave carpets.

Mr. Chairman, I completed my Laogai term in 1975 but was not allowed to return home. Rather, I was sent to the Nyethang Laogai camp, located some 15 miles west of Lhasa, the capital of Tibet. Prison life resumed, though with a slightly relaxed atmosphere. In 1979, I took advantage of this to sneak out of the Laogai camp in the middle of the night to go to Lhasa, where I put up a number of posters calling for Tibetan independence. I was finally caught, and on August 26, 1983, I was rearrested and sent to the Old Sangyip Prison in northeastern Lhasa.

In April 1984, I was sentenced to a nine year prison term during a one hour trial where I was denied legal representation or opportunity to defend myself. I was taken to the Outidu Prison Fourth Unit, which is today a part of the Sangyip Prison Administration in the remote northeast valley of Lhasa, in April of 1985. In that Laogai, we had to do all sorts of filthy work, including the handling of human excrement used to grow vegetables. Sometimes we were forced to do the personnel work of the prison guards. But the guards routinely expresses dissatisfaction with our work and often beat us afterwards. We were also often subjected to other abuses by drunken prison guards.

Other forms of ill-treatment at the Laogai were rampant. For example, in November 1987, a prison official poked me with an electric cattle-prod and poured boiling water over me just because he said he did not like my attitude. No medical treatment was given after that.

Throughout my 15 year imprisonment that started in 1959 and the nine year confinement in the Laogai thereafter, I was never allowed any visits or meetings with my relatives and family members.

In November 1987, five prisoners from Guojo District in eastern Tibet, imprisoned at Gutsa Prison in Lhasa, were sentenced and two of them put to death. On the day of the announcement of the sentences, all of the prisoners of Gutsa Prison (near Sangyip) were ordered to attend. The two prisoners who were sentenced to death were told by the Chinese police that since the were to be executed in two days, they should sing loudly and dance in front of the crowd of other prisoners. They were forced to comply with this order with their iron leg and hand shackles on. Many prisoners cried spontaneously and even the Tibetan officials looked saddened by the spectacle. I was told this story by a number of nuns and others who were in that prison at that time. Such a sorry state of affairs clearly shows that there really are no rights at all for prisoners in Tibet.

In another incident around that time, police guards at Gutsa Prison repeatedly raped nun political prisoners then sexually violated them with electric cattle-prods. Before thrusting the cattle-prod into the sexual organ of one, the assailant said, "You have not yet experienced this." The name of this prison guard is Sonam Tsering; he was still on duty when I escaped from Tibet. Such is the conduct of the police, who we are also told are humanitarians.

Mr. Chairman, I was transferred from Outidu Prison to the nearby Drapchi Prison, known as the "Tibet Autuonmous Region" Number One Prison on October 13, 1990. Immediately upon my arrival, the chief administrator of the prison's Fifth Unit, a man named Paljor, asked me, "I see you have been imprisoned three times. What brought you here this time?" I replied, "I was arrested because I had put up posters saying Tibet is an independent country, separated from China." He replied, "I will give you Tibetan independence." He then proceeded to give me a number of vicious kicks and intermittently jabbed the electric cattle-prod on various parts of my body. Finally, after about half an hour, he rammed the cattle-prod into my mouth and pushed it in with great force. I passed out. When I regained consciousness, I found myself in a pool of blood and excrement and in extreme pain. No medical treatment was given. I lost most of my teeth.

In April 1991, Ambassador James Lilley, then Ambassador to China, came to visit the Drapchi Prison. I, along with some of my fellow prisoners, presented him with a petition detailing the torture and suffering at the prison. But it was snatched away from his hand and given over to the head of prison administration. After the ambassador left, two political prisoners, Lobsang Tenzin and Tenpa Wangdak, were detained in solitary confinement while being interrogated. Together with three other prisoners, they were later transferred to the Powo Tramo Laogai Camp in southeastern Tibet. That day, the Army was called in and all of us political prisoners were beaten with rifle butts or stabbed with bayonets. The sticks and electric prods used to beat us were almost all broken from the verocity of the beatings. Ngawang Kunga, a political prisoner, was beaten until he lost consciousness with an iron chain used to tie a prisoner's legs. Ngawang Phuljung lost consciousness after he was beaten with a rifle butt to his temple. Phurbu Tsering was stabbed with a bayonet, causing a deep vertical cut in the back of his head which bled tremendously. The list of those beaten is too long to enumerate. The latter two are still in the same prison today.

I would humbly request, Mr. Chairman, that in the future visits to the prisons by US officials, that there be substantial follow-up to ensure that these sorts of atrocities are not committed against political prisoners who are simply trying to provide information about the true situation and conditions of prisons in Tibet.

I have recounted only a few instances of the inhumane atrocities committed against Tibetan prisoners in the Laogai. Tibetans still continue to be subjected to untold terrors day and night, and I appeal to your conscience to seek their freedom. Many instances of brutal ill-treatment of prisoners in Drapchi Prison in Tibet have come to light recently. In June 1993, for example, fourteen nuns were found to have clandestinely composed and recorded a freedom song, resulting in a brutal beating. A 20-year-old nun named Phuntsok Yangkyi died. The other thirteen suffered varying degrees of permanent physical impairments, with one 18-year-old nun named Ngawang Sangdol having both hands deformed.

Despite the sweltering heat and the fetid atmosphere, prisoners are required to remain in the greenhouses all day, year round, to grow vegetables and sell them in the market in Lhasa. While not being paid for their work, the prisoners who fail to fulfill their quotas are punished and liable to have their prison terms extended. The health of many prisoners has been effected by continual exposure to the greenhouse atmosphere, rendering them barely conscious of the surroundings.

On August 25, 1992, I finished my prison term and was finally released from prison. Thirteen days later I escaped from Tibet. Before escaping, I made arrangements to acquire some of the instruments of torture in order to show them to the outside world. I have brought a few of them here to show to you. One is the type of electric cattle-prod that was rammed into my mouth and also the sexual organs of nun political prisoners. This is the type of thumb-cuff that is used to tie the detaineees diagonally across their backs by the thumbs. This is one of the special type of knives used by the Chinese police to stab prisoners. These are just some of the torture instruments used in the Laogai of Tibet.

Mr. Chairman, the Tibetan people have been suffering under the repressive Chinese rule since 1949. Thousands and thousands of innocent Tibetans have lost their lives and the six million that remain are struggling to keep the Tibetan culture alive under very difficult conditions.

As the power dynamics in Beijing shift over the next several months, there will be a tremendous opportunity for the international community to foster a more democratic society in China. I appeal to you and to the United States government to remain vigilant in your effort to hold China accountable for its actions against the Tibetan people.

Just a few weeks ago, I testified before the United Nations High Commission on Human Rights, where a resolution condemning China's human rights violations against both Tibetan and Chinese people was narrowly defeated. This was a very important effort, and I humbly urge your government to return to Geneva next year with a renewed effort concerning human rights in Tibet and China. I sincerely believe that unless there is strong international condemnation of the Chinese government's treatment of the Tibetan people, they will continue to commit such horrors as described earlier against innocent political prisoners who insist on the fundamental rights of freedom of speech, association, and religion, as well as the recognized right of self-determination.

I am exceedingly grateful to you Mr. Chairman, and to all members of this Committee, as well as all others for listening to this short description of my life in the Laogai in Tibet. I am only one of the few lucky ones who survived and managed to escape to the outside world. Many of my friends and other political prisoners died in the prisons and Laogai in Tibet. With them also went the story of their untold sufferings.

I thank you Mr. Chairman. *Tashi deleg!*

TRIBUTE TO KAMI GRUDZIEN AND KRISTINA CANNON

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. REED. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to two young women who are extraordinarily ambitious and creative. Kami Grudzien and Kristina Cannon, of Coventry, RI, are two of the seven winners in the National Teen Business Plan Competition.

This competition, sponsored by the Income of Her Own organization, encourages teenagers to create their own businesses and develop their economic skills. Kami and Kristina produced an extremely ingenious idea which incorporated their vision, creativity, and compassion. Their plan is to start a company called World Cheerleading Dancers. This business will stage two competitions each year for young girls who want to develop dance and cheerleading moves into a choreographic routine. This competition will provide young women with the opportunity to simultaneously develop self-confidence and performance skills.

In addition to becoming entrepreneurs, Kami and Kristina also plan to make a positive contribution to the community with their enterprise. Five percent of the profits made by this venture will be donated to the Impossible Dream Foundation, which makes dreams come true for ailing and handicapped children.

Besides being seasoned performers and budding entrepreneurs, Kami and Kristina are also successful students at Coventry Middle School. Kristina is an accomplished student athlete in softball and volleyball, and Kami has received national recognition for an outstanding 500-word poem on the Holocaust.

These two young women are among our Nation's most promising leaders. Their example is a source of pride for all Rhode Islanders. I am truly inspired by individuals like Kami and Kristina, who pursue the American tradition of creativeness and ingenuity in business while having a positive impact on the community.

Mr. Speaker, I ask my colleagues to join me in saluting these two outstanding young women as they begin to plan to hold their first competition later this summer, and wish them continued success.

TAX RELIEF FOR THE AMERICAN FAMILY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. PACKARD. Mr. Speaker, as we consider tax cuts this week the difference between the Democrat and Republican philosophies underlying becomes crystal clear. Democrats believe that taxpayers exist to serve Government. They really think that Government confers upon its citizens the privilege of earning and keeping money. Republicans work under a completely different mindset. Taxpayers—also known as citizens—come first, not the Government. Republicans believe that individuals know best how to spend the money they earn—at least better than some bureaucrat sitting in a Washington office.

That is why we are proposing to let American families keep more of the money they earn. The American family represents the backbone of our society. Our current tax system penalizes families with children. It does not properly reflect the cost of rearing a child today. The average family spends more on taxes than it spends on food, clothing, and shelter combined. Many families now need a second earner not to support the household, but to support the Government. Republicans know this and are working to relieve American families of this tax burden.

It cost middle-income families more than $5,000 per year to rear a child. The American family deserves a $500-per child tax credit. Our bill allows families with annual incomes of up to $200,000 to receive a full tax credit of $500 per child. For incomes exceeding $200,000, the tax credit is proportionally reduced to zero so that families making $250,000 or more receive no credit. As a result, over 29 million families and 51 million children will benefit. Nearly 70 percent of those families benefiting have incomes of less than $75,000.

Mr. Speaker, the most important thing we can do for the American family is to get Government off of their back. The Republican child tax credit provision gives American families more of what they earn. Our bill increases the resources available for parent to meet their child-rearing cost, not Government costs.

INTRODUCTION OF THE AMERICAN HOMEMAKERS/CAREGIVERS AND MIDDLE-CLASS FLEXIBLE SAVINGS ACT OF 1995

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. SANDERS. Mr. Speaker, I am pleased to be an original cosponsor of the American Homemakers/Caregivers and Middle-Class Flexible Savings Act of 1995. This bill is being introduced by my colleague, MAURICE HINCHEY, on behalf of the Progressive Caucus as part of our 11-point alternative to the Republican Contract With America.

My constituents have impressed upon me the growing financial plight of many middle- and low-income working Americans. They are working harder and longer and finding it more difficult all of the time to make financial ends meet, let alone put any money into savings. This legislation will make it easier for middle- and low-income Americans who earn up to $75,000 to save more, while giving those Americans who are in an unforeseen financial pinch greater penalty-free access to their Individual Retirement Account [IRA] funds.

This Progressive Caucus bill will help middle- and low-income taxpayers in four fundamental ways.

First, it will substantially increase the level of contributions that they can deposit in an IRA. Since IRA's were first made possible in 1981, the contribution levels governing how much can be contributed annually and who can deduct their contributions, in sum or in part, have eroded due to inflation.

Our bill increases contribution levels to make up for inflation since 1981. It also indexes contribution levels yearly to keep pace with inflation.

Second, our bill authorizes higher IRA contribution levels for nonworking spouses in households with one or more children under the age of 6. That contribution level will also be indexed to keep pace with inflation.

This provision could be called the IRA homemaker provision. Arguably, those Americans who most need to save for retirement are those who stay at home—women primarily—to nurture their children in their most important formative years. That financial sacrifice should be recognized and redressed by allowing nonworking spouses with young children to better save for later years.

Third, our bill will also allow middle-class taxpayers greater flexibility to withdraw their IRA funds without being subject to the 10 percent penalty in order to pay for expenses for higher or vocational education, to pay catastrophic medical expenses, to start a small business, to buy a first home, or to meet unemployment emergencies. Arguably, wealthier taxpayers don't have commensurate cashflow problems vis a vis their IRA's and should still be encouraged to keep their money in savings.

There is no question that more Americans are confronting daunting educational expenses. At the rate tuition costs continue to rise—at least twice the rate of inflation—4 years at a State university by the year 2000 may cost over $50,000. Also growing numbers of American workers are returning to classrooms to prepare for midcareer changes or to upgrade existing job skills. This legislation will permit withdrawals for higher education and/or vocational education for many of these Americans who are struggling to put themselves or their children through college.

With health care costs skyrocketing, we simply must find ways to help ease the burden of sudden medical expenses for American working families. A serious illness can be financially devastating to all but the very wealthy. Our bill will allow individuals and families to withdraw IRA funds penalty-free for catastrophic medical expenses during the taxable year to the degree that the amount of such expenses does not exceed 7½ percent of adjusted gross income—that is, the existing threshold for deductibility of medical expenses for itemizers. Individuals could draw upon their IRA's for themselves, spouses, children, and/or parents.

It is also true that most of the new jobs being created are to be found in America's small businesses. Therefore, it should be made easier for entrepreneurial Americans to amass startup capital when they decide to start a new business in midcareer or otherwise.

Finally, our bill also extends a helping hand to unemployed Americans as well as first-time homebuyers.

Let me conclude by underscoring that Progressive Caucus members believe if there is to be tax cut legislation enacted this year that tax relief should be focused upon middle- and low-income taxpayers. Well-to-do individuals and corporations already received disproportionate tax cuts throughout the 1980's.

It is fitting and proper that the tax relief to be provided under our bill is to be financed, at least in part, by taking a first step to cut tens of billions in corporate welfare in the Federal budget—the establishment of a minimum tax on the income of foreign-owned companies earned from business activities in the United States.

MAKING GOVERNMENT WORK IN FALL RIVER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, many more people talk about making Government more efficient than actually doing anything about it. One organization that has done something about it is the housing authority in the city of Fall River, MA. Recently I was privileged to attend a ceremony in which the Fall River Housing Authority announced an agreement among itself, the Citizens Conservation Corporation, the Eastern Utilities Corporation, and HUD which will promote energy conservation, and provide additional funds for the improvement of public housing at no cost to the taxpayers.

The major recipient of these funds will be Cardinal Medeiros Towers, a high-rise development for people with handicaps which was built 24 years ago, and is in need of improvements. This program is an excellent example of how public officials, citizen groups, and private corporate entities can work together for our mutual benefit. Because I was so impressed with this, I asked Richard Viveiros, executive director of the housing authority, to prepare for me a summary of this effort, which I wish to insert at this point in the RECORD. I do so because I hope this will encourage others to emulate the excellent work of Mr. Viveiros and his colleagues. And I want to offer my congratulations to all of those involved.

SUMMARY

On March 20, 1995, the Fall River Massachusetts Housing Authority signed a contract with Eastern Utilities Corporation/Citizens Conservation Corporation [EUA/CCC] enabling both parties to enjoy the benefits of private investment in a public housing authority.

CCC will invest $2.1 million to implement a host of energy efficiency improvements that will save the authority at least $7.5 million over the next 15 years. The authority will pay CCC for the cost of design, construction, and legal fees associated with this project out of energy savings projected as $500,000 per year as a result of improvements to 7 federally aided developments for elderly/disabled.

Cardinal Medeiros Towers, a 208-unit high-rise development for the physically impaired and constructed in 1970, will be the major recipient of the CCC investment. Approximately $600,000 of CCC moneys is slated for the replacement of an antiquated and inefficient steam heating system with new high-efficiency boilers, which will dramatically improve the comfort level of the building and dramatically reduce energy costs. Other improvements for this facility include new thermostats, new windows, and upgraded exterior lighting.

The 6 other federally aided developments for elderly/disabled will enjoy similar physical improvements and energy savings.

The Fall River Housing Authority experience marks the first time that private money's have been leveraged for public housing energy conservation and physical improvement tasks and was hailed as an avenue for other public housing authorities to consider, in light of dwindling HUD resources.

Both the authority's director, Richard J. Viveiros, and congressman BARNEY FRANK, advocated increasing private/public ventures as funding alternatives. Viveiros, at a formal, public contract signing ceremony, termed the partnership as a win-win situation for all involved. "There are no losers here," stated viveiros, "CCC gets a reasonable return on its investment, our housing stock is substantially upgraded, and residents enjoy a safer and more comfortable housing environment—all without any governmental funding."

REINTRODUCTION OF THE RECYCLING INCENTIVES ACTS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. TORRES. Mr. Speaker, 6 years ago, along with the late Senator John Heinz and former Senator Tim Wirth, I introduced a new concept in environmental protection. The idea was simple—use market forces to achieve environmental protection.

My ideas for tire recycling, newspaper recycling, oil recycling and lead acid battery recycling were well received. The bills attracted hundreds of cosponsors. But, unfortunately, no action has been taken on any recycling issues during the past three Congresses.

Today, I am reintroducing each of these four bills with an impressive group of colleagues. Now is the time for Congress to get serious about addressing the country's solid waste problems. Now is the time to begin putting creative solutions to work.

The common approach of these bills represents a radical departure from the traditional approach to environmental policy—that of "command and control." We can no longer afford to commit scarce dollars to environmental programs that either do not work or work only at enormous cost to all of society. The concept of using market forces to achieve environmental goals is gaining influence all over the world. The era of using proactive strategies to develop markets for recycled products has arrived. And the United States needs to get with the program.

Mr. Speaker, our constituents are demanding that we produce results. Join me in demonstrating that those of us committed to sound environmental protection at the least cost to society have produced legislation of which we can be proud.

I invite my colleagues on both sides of the aisle to cosponsor the Tire Recycling Incentives Act, the Newsprint Recycling Incentives Act, the Lead Battery Recycling Incentives Act, and the Used Oil Recycling Incentives Act. Let's do something together that is both economically and environmentally responsible.

VIOLENCE IN KARACHI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to speak to my colleagues about a great tragedy that is now occurring in Karachi, Pakistan.

Karachi is by far Pakistan's most important city, as well as its largest and wealthiest. It is the country's only port and therefore accounts for almost two-thirds of its trade and industry. The population of 10 million is a varied one that includes trades of the Karachi Stock Exchange, businessmen affiliated with international firms and over 3,000 United States citizens. Karachi's potential for growth on the international business scene is immense, yet this promise is also tempered by the underlying currents of a troubled society.

Long before two Americans in the U.S. consulate were brutally slain on March 8, violence and terror had gripped this city with a firm chokehold. Since the beginning of 1994, 1,260 people have been murdered, 340 since the start of this year and 100 in the month of March alone. Kidnapings, ambushes, and bank robberies have become a daily occurrence. Worst of all, the city's inhabitants have lost all faith in its frightened police force and corrupt judicial system.

Prime Minister Benazir Bhutto remains confident that the city can and will right itself before it is too late. Unfortunately, she is very much alone, among her countrymen, in thinking that. The Prime Minister is scheduled to visit the United States shortly, where she will undoubtedly plead her case. Karachi, as with all of Pakistan, is in desperate need of foreign investment, and because of the city's present situation, it is losing it far faster than receiving it.

Pakistan is a country with which the United States has had a long history of trade. Their potential for increased economic growth exists, but they will need help in combatting the ugliness that now pervades their coastal city. To achieve this end the Pakistani Government must take firm steps to vanquish the terrorist presence that has now found comfort in this country.

This fact was only illuminated more clearly when Ramzi Ahmed Yousef, the alleged mastermind behind the World Trade Center bombing in 1993, was captured and extradited from Pakistan on February 7. The Government has already begun the cleansing process by targeting Peshawar, in the northwest frontier province, as the home base for most of these terrorist organizations.

When pressure is finally brought to bear upon these elements, Pakistan will be on the road to recovery. It is in the interests of Pakistan and the United States to promote stability and to stamp out terrorism wherever it may take root.

REGARDING UNFAIRNESS OF THE SOCIAL SECURITY EARNINGS TEST

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. SMITH of New Jersey. Mr. Speaker, this week we will have the opportunity to reduce the Social Security earnings test and bring parity to America's work force.

This obsolete tax punishes senior citizens simply because they take the initiative to work in their retirement years to supplement their Social Security income. Furthermore, the earnings test is detrimental to America's workplace. It deprives the work force of the talents of our most experienced laborers.

The earnings test stands as a monument to the decline of the work ethic upon which this Nation was founded. At a time when we are asking Americans to take more responsibility for their personal welfare, we cannot allow this Depression-era tax to continue to exist.

The mechanics of the earnings test are simple, but it is founded upon no sound principle. The Federal Government instructs men and women between 65 and 69 years of age that if they earn more than $11,280 in a year, they will face an additional 33-percent tax. When combined with the 7.65-percent FICA withholding tax and a 15-percent Federal income tax, hard-working, low-income seniors are burdened with an effective marginal tax rate of 55.65 percent. The earnings test is wrong, counterproductive, and should be abolished.

A key element to H.R. 1215 is the incremental increase of the earnings test threshold to $30,000 per year over a 5-year period. While it does not eliminate the earnings test, H.R. 1215 is a positive step toward ending this substantiated bias against working seniors and I encourage my colleagues to support it.

I would also encourage my colleagues to work toward a full repeal of the earnings test, such as that introduced by Representative HOWARD COBLE in H.R. 201. Both the reduction of the earnings test and its full repeal are important elements in our covenant with America's seniors.

THE 90TH ANNIVERSARY OF BRITH SHOLOM

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Brith Sholom, on the occasion of its 90th anniversary.

As a representative of Philadelphia, the cradle of American liberty, I am proud to call the attention of the House of Brith Sholom, the only national membership organization in the Jewish community. Brith Sholom was founded in the very shadow of Independence Hall in 1905 and still maintains a vigorous program dedicated to humanitarian service and the strengthening of our democratic institutions.

Established in response to the immigration of large numbers of individuals fleeing persecution and oppression and drawn by the freedom and opportunities of America, Brith Sholom played a major role in helping to transform a predominately immigrant community into a fully integrated mainstream American community. Since that time, Brith Sholom has made significant contributions to the welfare of all citizens, regardless of race or religion.

Brith Sholom has given generously to its country and community, including a 65-acre tract of land for the establishment of Eagleville Sanitorium, a cardiovascular and pulmonary research laboratory at Hahnemann Hospital by Brith Sholom women, and the Brith Sholom Cancer Research Laboratory at the Albert Einstein Medical School of Yeshiva University. The organization has also founded and maintained the Brith Sholom House, an apartment complex for senior citizens in Philadelphia.

The generosity and commitment of Brith Sholom also extend beyond the borders of our Nation. The organization founded the Brith Sholom Beit Halochem in Haifa, Israel, a rehabilitation, social, and recreational center for Israel's permanently disabled war veterans. Prior to World War II, a successful Brith Sholom mission rescued 50 Viennese Jewish children, ages 5 to 14, from certain death, bringing them to Camp Sholom near Collegeville, PA, where they were housed, clothed, fed, and educated.

Faithful to the traditions of our national American heritage and Hebraic values of social justice and responsibility to our society, Brith Sholom looks forward to the next 90 years of service. Mr. Speaker, I ask that Members of the House join me in saluting Brith Sholom's officers and members and wishing them success in their future endeavors.

TRIBUTE TO MAJ. GEN. GARRY A. SCHNELZER, USAF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. WELDON of Florida. Mr. Speaker, a friend of the Congress and a long time leader in this nation's space and ballistic missile defense programs is retiring from the U.S. Air Force on March 31 of this year, Maj. Gen. Garry Schnelzer. His most recent position has been as the Air Force program executive officer for space, Office of the Assistant Secretary of the Air Force for Acquisition, Washington, DC. In this position, he has provided program management for the development and procurement of the major Air Force space and launch systems and Air Force ballistic missile defense programs.

General Schnelzer has had a long and distinguished career of over 30 years of military service. After being commissioned through the Bowling Green State University Reserve Officer Training Corps as a distinguished graduate in July 1964, he started his military career by successfully completing pilot training at Laughlin Air Force Base, TX. He served in a variety of flying duties cumulating over 3,300 flying hours and completing over 300 combat missions in Vietnam. For his valor, courage and heroism, he received a Distinguished Flying Cross with oak leaf cluster, Air Medal with 17 oak leaf clusters and the Vietnam Service Medal with two service stars. Following his tour in Vietnam, General Schnelzer embarked on a mixture of flying and development and acquisition tours, which included assignments to the Cambridge Research Laboratories, as a C–130 pilot at Dyess Air Force Base, and as a program manager for the successfully demonstrated antisatellite weapon system. He then held a string of jobs of increasing responsibility with the Strategic Defense Initiative Organization ending as deputy director [acting]. Following a short assignment at Los Angeles Air Force Base as special assistant launch matters, he assumed his current position in February 1990.

Due directly to his efforts, the nation has seen its space heavy launch capability restored, the deployment of the Global Positioning System, the launch of the first Milstar satellite and the initiation of an advanced space based missile detection and warning system. These systems are the force multipliers which ensured our dominance in Desert Storm and will ensure our continued superiority in the 21st century.

In addition to the combat awards I mentioned earlier, General Schnelzer has received other numerous awards and decorations, including the Defense Distinguished Service Medal, the Distinguished Service Medal, the Defense Superior Service Medal, the Meritorious Service Medal with two oak leaf clusters, the Republic of Vietnam Gallantry Cross with Palm, and the Republic of Vietnam Campaign Medal.

General Schnelzer plans to answer a higher calling and will be working for the Episcopalian Bishop in San Antonio. There, he will be coordinating the activities of all the Episcopalian churches in south Texas. On behalf of my colleagues and the congressional staff who have known and worked with General Schnelzer we wish him and his wife Helen the very best in their future endeavors.

AMERICA'S ROLE IN THE WORLD

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. HAMILTON. Mr. Speaker, many Americans remember Bruce Laingen as the able diplomat who acted with superb professionalism while being held hostage in Iran more than 15 years ago. Now Ambassador Laingen continues to serve American interests as president of the American Academy of Diplomacy. In response to the foreign policy debate now underway, the academy has adopted a very brief but important statement on America's role in the world, and I commend it to my colleagues. Much has been written and said recently about what I consider a false debate: Whether we should pursue our foreign policy unilaterally, or through multilateral institutions. Obviously, we will want to do both, depending on the circumstances. I ask that the academy's statement be printed in the RECORD.

AMERICA'S ROLE ABROAD

Most Americans accept the need for the United States to remain engaged in the world. And most will agree that clearly defined national interest should guide that engagement. But many are finding it difficult in this complex post-cold war world to reach consensus on what engagement means and where the national interest lies.

In the current debate over these issues we sense a tendency among some to equate a pragmatic pursuit of vital interests with unilateralism—arguing that international engagement must be a one-way street and that our interests are best served when the US dictates the terms or acts alone whenever it chooses. This appeal of unilateralism doubtless arises from varied impulses, one of which could be the disappointments we have encountered from the shortcomings of the United Nations.

But in a world of instant communications, globally linked financial markets, easy migration of devastating diseases and impoverished peoples, threats to the earth's oceans and atmosphere, terrorist networks operating without heed to frontiers, it is inconceivable that the United States could go it alone successfully. When nuclear weapons can be delivered by missile, ship, or in the baggage of a terrorist the necessity for active international collaboration is self-evident.

The United States can and will do some things alone. Recent negotiations with China over protection of cultural and artistic properties and their direct relevance for jobs at home serve the point. But similar success with more intricate and strategic issues—extending the Non-Proliferation Treaty against nuclear and other weapons of mass destruction—plainly demands engagement with others. It is illusory to think that the nation's needs are so limited that they can be served without a high degree of planning and effort with other nations, including at the UN—the example of the Gulf War surely not forgotten.

No country has so large a stake in the effective functioning of such institutions as the IMF and World Bank and in the evolution of the new World Trade Organization. Development of export markets and investment opportunities is vital to our general prosperity. But these require a framework of international rules and cooperative action—as for that matter does coping with volatility in international currencies and any threat to the stability of our financial system. In today's world we have no monopoly on new technologies, nor on competition in the burgeoning global marketplace. The fact is that to a greater degree than ever before the economic well-being of virtually every American is affected by what happens outside our borders.

Finally, it should be clear that unilateralism today, like isolationism in the past, would risk nullifying American leadership in the world. With the cold war at an end, our allies and friends are no longer automatically responsive to our judgments on security concerns. Nor are we able or ready unilaterally to devote massive financial resources to the solution of international economic issues. Effective leadership, therefore, cannot be dictated by the United States; it depends on recognition by others that we share security and economic interests in common.

To protect and advance our own national interests as we go forward will require careful articulation of those interests, their alignment where possible with those of others, and a commitment to lead cooperative efforts. To do otherwise would invite forms of international anarchy both dangerous and costly to our own national interests.

TRIBUTE TO SAN ANTONIO'S EAST CENTRAL HIGH SCHOOL

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. TEJEDA. Mr. Speaker, I rise today to recognize the outstanding achievement of the boy's basketball team of East Central High School in San Antonio, TX. This remarkable team capped a 35-win, undefeated season by winning the university interscholastic league's 5A State basketball championship on March 11, 1995. The East Central Hornets were the only undefeated team in the league this year, and the first undefeated 5a champion since 1987. As a testament to its basketball prowess, East Central was ranked as the No. 1 boy's basketball team in Texas for the entire season.

The Team included Stanley Bonewitz, Donte Mathis, Charles Jackson,, Chip Moxley, David White, Keith Rice, Oliver House, Josh Barnes, Blake Sims, Eric Luke, Stacey Dubley, Ben Lakey, Jeremy Lear, Steve Shrum, Curtis Lundy, Marquieth Braziel, Jason Minica, and Matt Divin. Three Players averaged over 20 points per game for the season, and all 3 have scored over 1,000 career points. Stanley Bonewitz averaged 31.1 ppg, Donte Mathis averaged 21.3 ppg, and Charles Jackson averaged 21.1 ppg.

The Hornets averaged over 109 points per game during the regular season, and set a State tournament record for a 2-game series with 215 points. the 108 to 86 victory in the final tied the State record for most points in a championship game. Most valuable player honors for the 5A state tournament went to east Central's Stanley Bonewitz, who scored 42 points in a 107–94 semifinal win and 36 points in the final game. His 78 total points set a 5A record.

Under the direction of coach Stan Bonewitz for the past 14 years, East Central has gone 343–120 and captured 10 district championships, 7 area championships, 3 regional championships, and 1 state championship. Assistant coaches Jay Mead, Matt Oden, Steve Ochoa, and head trainer Charlie Trevino also played a key role in the team's success. Here is an example of teamwork at its best, with our young people coming together to play hard and strive for success. This year, for the Hornets, that effort garnered the state trophy. I have no doubt that the positive experiences from this past season will yield continued success both on and off the court to the East Central players and coaches.

ARROGANCE OF POWER

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. LIVINGSTON. Mr. Speaker, attached are copies of correspondence received by me from the Honorable Fred J. Cassibry, U.S. district judge, retired, and now a member of the Louisiana Economic Development and Gaming Corp. Judge Cassibry, a Democrat appointee to the bench, was an outstanding jurist throughout his 20 years on the bench. He is a superlative human being, and he has documented some truly outrageous conduct by representatives of the U.S. Justice Department. His concerns should be immediately addressed by the Judiciary Committee.

LOUISIANA ECONOMIC DEVELOPMENT
AND GAMING CORPORATION,
New Orleans, LA, March 31, 1995.

Hon. BOB LIVINGSTON,
House of Representatives,
Rayburn Building, Washington, DC.

DEAR CONGRESSMAN LIVINGSTON: I serve as a member of the Louisiana Economic Development & Gaming Corporation [LEDGC] and I previously served as a United States District Judge in the Eastern District of Louisiana for twenty years. I write to you regarding arrogance of power. In a flagrant and shameless abuse of the authority entrusted to it by the American people the United States Attorney's Office in New Orleans has sought to interject itself into the functions of LEDGC. The conduct was so egregious and obvious that two of Louisiana's largest newspapers editorialized against what was taking place.

By way of explanation I enclose copies of those editorials together with a copy of my letter to Attorney General Janet Reno. When she did not see fit to intervene as requested I then wrote a letter of complaint to the Office of Professional Responsibility for the United States Department of Justice which is charged with investigating such matters. I enclose copies of those letters. It has now been five weeks since my original request for investigation and three weeks since my follow-up letter. I have received absolutely no reply or response on any kind.

Thousands of years ago the philosopher Plato in commenting on the nature of government asked the question, "Who guards the guardians?" That question is as pertinent today as ever. Society gives tremendous power to the United States Department of Justice, a power which has great potential for abuse. The only recourse given to citizens to check that abuse is that the Department supposedly has an Office of Professional Responsibility to investigate complaints. I find it astounding that when I, as a member of a state board, supported by editorials in two highly respected newspapers, make a formal complaint about Justice Department misconduct to the very office that is charged with investigating such complaints I cannot even get the courtesy of a response.

Hence, I call upon you as an elected representative of the people of Louisiana for assistance. The facts of the case clearly support the allegations of abuse of power which I have made and I would hope that the Congress would see fit to conduct its own investigation into the tactics of the Justice Department. At very least I request you help in requiring the Justice Department to investigate itself.

Awaiting your reply, I remain,
Very truly yours,
FRED J. CASSIBRY,
United States District Judge, (Ret.)
Board Member, LEDGC.

LOUISIANA ECONOMIC DEVELOPMENT
AND GAMING CORPORATION,
New Orleans, LA, March 9, 1995.

Mr. MICHAEL SHAHEEN.
Department of Justice, Office of Professional Responsibility, Washington, DC.

DEAR MR. SHAHEEN: Your attention is called to my previous letter of February 8, 1995, in which I requested an investigation regarding the actions of certain members of the United States Attorney's Office in the Eastern District of Louisiana. To date I have received no response. However, I did receive correspondence from the Deputy Assistant Attorney General in the Criminal Division, a copy of which is enclosed.

As you can see from the copies of correspondence I previously sent to you, specifically my letter of January 30, 1995 to Attorney General Reno and Assistant Attorney General Harris, I had requested their intervention to secure a postponement of the scheduled grand jury appearances for myself and other members of the Louisiana Economic Development and Gaming Corporation (LEDGC). They did not fit to grant that request. I therefore wrote to you requesting an investigation as to what had transpired.

It is my understanding that you are charged with the responsibility of investigating allegations of impropriety by members of the United States Department of Justice. I renew my request that you do so. While Mr. Keenan offers his unsolicited opinion that the Assistant United States Attorneys in question acted professionally, it is my understanding that it is your function, not his, to make such determinations.

I respectfully suggest to you that it simply does not suffice to respond to citizens' complaints, as did Mr. Keenan, by stating that criminal investigations are secret and therefore the actions of the investigators cannot discussed. I assume that all criminal investigations by the Department of Justice are confidential. If that were reason enough to foreclose citizen inquiries and complaints there would be no need for your office to exist. The proceedings in question are not confidential as to you and members of your staff. I do not question the underlying right of the United States Attorney's Office to conduct any investigation it deems appropriate. However, you well recognize that it is possible to conduct legitimate investigations employing improper methods for ulterior motives. The letter sent by the United States Attorney's Office—signed by three assistant United States attorneys—to Bally's attorney and the timing of the subpoenas to the members of the Casino Board, constituted flagrant abuses of prosecutorial power.

I would appreciate receiving a response from you. If your office is going to investigate my complaints I would like confirmation of that. If you are declining to do so I would at least like a definitive statement from you to that effect so that I can determine what further action I should take.

Awaiting your reply, I remain,
Very truly yours,
FRED J. CASSIBRY,
United States District Judge, (Ret.)
Board Member, LEDGC.

LOUISIANA ECONOMIC DEVELOPMENT
AND GAMING CORPORATION,
New Orleans, LA, January 31, 1995.

Hon. JANET RENO,
Department of Justice, Washington, DC.

DEAR GENERAL RENO: Following up my correspondence to you of January 30, 1995, enclosed you will find an editorial that appeared in the Baton Rouge Morning Avocate, one of the leading newspapers in our state. I again request your prompt response to my request. Since I will be at the federal grand jury you can get a message to me by calling the Attorney Conference Center at the federal court at (504) 589–6111.

Thanking you for your prompt attention to this matter and awaiting your reply, I remain.

Very truly yours,
FRED J. CASSIBRY,
United States District Judge, (Ret.)
Board Members, LEDGC.

LOUISIANA ECONOMIC DEVELOPMENT
AND GAMING CORPORATION,
New Orleans, LA, January 30, 1995.
Hon. JANET RENO,
Department of Justice, Washington, DC.

DEAR GENERAL RENO: I address this letter to you because I have been advised that the United States Attorney for the Eastern District of Louisiana, Mr. Eddie Jordan, has recused himself in the matter about which I am requesting assistance. I have been further informed that in light of Mr. Jordan's recusal all decisions in the matter have been referred to First Assistant United States Attorney Jim Letten. Since it is the conduct of Mr. Letten, in part, about which I complain I am required to write to you directly. Because this matter relates to a criminal investigation being conducted by the United States Attorney's office I am also sending a copy of this letter to the Assistant Attorney General in charge of the Criminal Division, Ms. Joann Harris.

By way of background, I am a retired United States District Judge having served over twenty years in the Eastern District of Louisiana. A little over a month ago I was asked by the Governor of the State to serve on the Louisiana Economic Development and Gaming Corporation (LEDGC) which regulates the landbased casino in New Orleans. The Harrah's Corporation has been awarded the contract to run the casino and the Board is presently in the process of evaluating an application by Bally Gaming, Inc. to be the supplier of slot machines and other gaming devices to be used in the casino.

The President of LEDGC, Mr. Wilmore Whitmore, declined Bally's application based upon its poor performance in monitoring the sale of its video poker machines in the State of Louisiana. A copy of the President's ruling is attached for your ready reference. A memorandum supporting his decision is also enclosed. Under the laws of our state Bally has the right to appeal the President's decision to the full Board.

As an individual member of the Board I was predisposed to support the President's decision. The United States Attorney's office for the Eastern District of Louisiana had indicted seventeen (17) persons that it alleged had ties with organized crime, specifically the Genovese LCN family in New York, who were distributing Bally video poker machines in Louisiana. Bally Gaming had loaned in excess of $25 million dollars to these individuals who in turn were skimming the profits off the machines, thereby defrauding Bally and the State of Louisiana. The companies through which they were operating, Worldwide Gaming of Louisiana (WGC) and Louisiana Route Operators (LRO), went into bankruptcy. The President of Bally Gaming, Inc. Mr. Alan Maiss pleaded guilty to a felony arising out of these transactions. Our regulations require that a company seeking to do business with the casino prove by clear and convincing evidence a record of prior reliability. I certainly could understand the President's decision that Bally Gaming, Inc. did not satisfy that burden of proof.

The attorneys for Bally had no credible rebuttal to the President's decision and to the contrary expressed an inability to even discuss the allegations because of the pending federal prosecution. The primary argument submitted by Bally's attorneys to the President was that the United States Attorney's Office felt that Bally's had been a "victim" and therefore was not a knowing party to what had taken place. The President in arriving at his decision never questioned whether Bally was a victim, but correctly pointed out that it had at best been extremely negligent in allowing itself to have become partners with alleged organized crime figures and clearly did not qualify under the suitability requirements of Louisiana law.

I was shocked and dismayed to find the attorneys for Bally introducing into the record of our proceedings a letter signed by *three* Assistant United States attorneys expressing concern regarding the President's findings and support for Bally Gaming, Inc. A copy of that letter is attached for your ready reference. In my 20 years as a federal judge I have never seen the Department of Justice interject itself in such a flagrant fashion into the proceedings of a state board. You will note that the letter contains conclusory and unsupportable statements. For example, the letter states the corporation did not do anything wrong, rather it was its president, as though a corporation could act other than through its officers.

At a public meeting attended by Bally's attorneys I expressed my opinion about the questionable conduct of the United States Attorney's office in writing such a letter. At very least we had the obligation to hear sworn testimony in support of the conclusions if the government's attorneys wanted to give their views. They declined an invitation to testify, and when we issued subpoenas to them they predictably invoked executive privilege and refused to testify. Bally's attorneys then decided to "withdraw" the letter from the three assistant United States attorneys as though they somehow expected that the Board members were supposed to ignore what had already been presented.

It was on January 26, 1995 that the United States Attorney's office wrote to us telling us that they would not agree to testify before the Board. On January 27, 1995 one of the same assistant United States attorneys who wrote the letter issued a subpoena for all of the Board members to appear before the United States Grand Jury on January 31, 1995. The Board is scheduled to vote on the Bally appeal the next day, February 1, 1995. A copy of the subpoena is attached.

As I am sure you are aware a federal grand jury subpoena can be disconcerting under the best of circumstances. However, just before issuing the subpoena to the Board members the United States Attorney's Office had already gotten the President of LEDGC, Mr. Whitmore, before the Federal Grand Jury and grilled him in a most antagonistic manner. They made it very plain to him that they disagreed with his assessment of Bally's activities. It was clearly not a session designed to secure information, but rather to challenge Mr. Whitmore's conclusions.

Through my attorney, Julian Murray, I expressed to Mr. Letten how ill timed and intimidating were such subpoenas. I inquired as to whether the grand jury appearances could be postponed for a reasonable amount of time so that the Board members did not have to vote on such an important matter knowing that they would incur the ire of the federal prosecutors before whom they would have to appear the next day. Mr. Letten responded to my attorney that a continuance was not possible. Rather, he, Mr. Irwin and Mr. Perricone (the same three Assistant United States Attorneys that sent the letter) felt that it was imperative that the grand jury hearing go forward. When a meeting was requested with United States Attorney Eddie Jordan so that that decision could be reviewed, Mr. Letten responded that the United States Attorney had recused himself in the matter and that he, Letten, was the United States Attorney as far as this particular matter was concerned.

I am therefore required to write to you for review of this decision. I request that there be a postponement of my appearance before the federal grand jury and that when I do appear that the proceedings be handled by a special assistant United States attorney appointed by you.

In closing I emphasize that I write this letter as an individual Board member and do not purport to speak for the Board as a whole or any of the other members. However, I can state to you without equivocation that the interference by the United States Attorney in the Board's proceedings has had a chilling effect on its deliberation. I suggest that if you will take the time which I am requesting to check into this matter you will find that there is not in fact any urgency that would dictate against my request for a reasonable postponement of the grand jury appearance. If there is ever any information which I am able to provide to the United State's government I am perfectly willing to do so. I simply request that the inquiry be conducted in an appropriate manner by prosecutors who do not have what is, at very least, the appearance of ulterior motives.

Thanking you for your prompt attention to this matter and awaiting your reply, I remain,

Very truly yours,
FRED J. CASSIBRY,
U.S. District Judge, (Ret.)
Board Member, LEDGC.

[From the Advocate, Baton Rouge, LA., Jan 31, 1995]

FEDS SHOULD EXPLAIN PROSECUTORS' ACTIONS

Appearances can sometimes be deceiving, but it certainly appears as if federal prosecutors are attempting to influence a decision by the state casino board.

We question whether interference in the affairs of the casino board is the proper role for the federal prosecutors and think a public explanation is in order.

At issue is a casino board decision on the issue of whether Bally Gaming Inc. should be issued a license to supply to the New Orleans casino $6.2 million in slot machines and the computer software to control the machines.

Wilmore Whitmore, chief executive officer of the casino regulatory agency, earlier this month had banned Bally from doing business with Harrah's Jazz Co. Whitmore cited Bally's involvement in the Louisiana video poker industry with two companies named by federal prosecutors as organized crime fronts.

Federal prosecutors have said Bally was the victim of the alleged scheme by organized crime to make inroads into Louisiana's video poker gambling industry.

Whitmore contended, however, that Bally was negligent in its rush to capitalize on the lucrative video gambling industry in Louisiana and failed to exercise sound business practices.

In the early stages, Bally Gaming advanced thousands of dollars to the two Louisiana companies without meaningful oversight, Whitmore said. This business association "afforded organized crime the opportunity to infiltrate the Louisiana video poker industry."

Whitmore also said Bally directors knew or should have known about a year before federal indictments were returned against 17 individuals that the two companies in which some of the indicted men were involved were linked to criminal elements.

The former president of Bally Gaming, Alan Maiss of Reno, Nev., pleaded guilty earlier this month to two counts of misprision of a felony—having knowledge of crimes being committed but failing to report them to proper authorities—in connection with the case.

Bally appealed Whitmore's denial of a license, and the casino board conducted a hearing last week on that appeal.

During the hearing, new casino board member Fred Cassibry of New Orleans, a former U.S. District Judge, was critical of federal prosecutors for writing letters to the casino board in response to a Bally request. The letters portrayed Bally as a victim in the scheme which led to the indictment of 17 people last May.

"I consider this a serious breach of ethics and law," Cassibry said of the letters. "It is a disgusting and disgraceful attempt to influence this board."

The board instructed Whitmore to invite Assistant U.S. Attorneys Jim Letten, Steven Irwin and Salvador Perricone, along with a state police representative, to testify at the hearings.

After the federal prosecutors offered to speak only with "one or two of the commissioners," the board issued a subpoena for them to testify, Cassibry said Monday. The subpoena was ignored, he said.

Now, the U.S. attorney's office has issued subpoenas to all nine members of the casino board to appear today before a federal grand jury.

The casino board is scheduled to meet Wednesday to consider whether to uphold Whitmore's denial of the license.

Cassibry said the U.S. attorney's office is trying to intimidate the casino board into issuing the license to Bally.

It certainly looks as if Cassibry is correct. If that is the case, it is a highly inappropriate role for federal prosecutors to take.

Based on the information presented during the three-day hearing last week we believe Whitmore was justified in his denial of a license for Bally's to do business with the New Orleans casino. Bally's failure to exercise due diligence in regards to its associations certainly seems to be sufficient cause to believe that Louisiana is better off without further association with the firm.

Louisiana has enough mud on its face already for its inept regulation of gambling without adding more by waffling on a license for a firm which allowed the tentacles of organized crime to reach into video poker gambling in the state.

Cassibry said the federal prosecutors became involved because they want Bally to be clean so they can portray the firm as the victim.

"If Bally is the victim, they can stick it to all of those people they are trying to convict . . . That's the only reason I can think of for this outlandish behavior," he said.

We appreciate the federal prosecutors for their role in bringing to light the efforts by organized crime families in New Orleans, New York and New Jersey to become involved in Louisiana's gambling business.

But we don't believe the involvement of the prosecutors in attempting to take up for Bally now is appropriate.

The actions of the federal prosecutors are sufficiently serious that they deserve the attention of—and an explanation by—Attorney General Janet Reno.

[From the Times-Picayune, Feb. 3, 1995]

WRONG DECISION, WRONG MESSAGE

By granting Bally Gaming Inc. a license to sell $6.2 million worth of slot machines and computer equipment to the temporary casino, the state Casino Board this week reinforced the notion that Louisiana's gambling regulators are more concerned with protecting the powerful casino interests than the integrity of the industry in our state.

Bally Gaming made a terrible business decision when it picked Worldwide Gaming as its exclusive Louisiana distributor for Bally video poker machines three years ago. As this newspaper reported in our December series, "Stacking the Deck: The Birth of Louisiana Gambling," in less than a year, Worldwide had squandered $13 billion Bally had lent it and was in bankruptcy.

And that was the good news.

A year later, 17 people associated with Worldwide were indicted by the federal government on charges that they operated Worldwide as a front company for organized crime. All but Stephen Bolson, a co-founder of Worldwide, pleaded innocent and await trial.

Enter now the U.S. attorney's office in New Orleans, which wrote a letter for Bally responding to the Casino Board's concerns and claiming the company was an innocent victim in the Worldwide affair.

The office's view that Bally was an innocent victim in the Worldwide scheme was already clear from court documents they filed in the case. Writing a letter on behalf of Bally can only create the impression that the federal government was weighing in on Bally's side in a regulatory dispute where the U.S. attorney has no role.

Whether a company is completely innocent of criminal wrongdoing in its business dealings is an entirely different matter from whether a company is suitable to receive a gambling license.

In fact, there is much in the record of Worldwide's bankruptcy and in court documents and depositions taken in the case to raise serious questions about Bally's suitability to do business in Louisiana's gambling industry.

Here are a few of the details that raise legitimate unanswered questions about Bally Gaming.

Jerry Flynn, Bally Gaming sales manager in 1992, testified in a court deposition that then-Bally president Alan Maiss knew of Worldwide's ties to alleged mobsters but continued to do business with the company. Maiss denies the allegation.

In a plea agreement with the federal government, Mr. Maiss earlier this month pleaded guilty to a felony count of failing to report that one of Worldwide's founders, Christopher Tanfield, did not have a Louisiana gambling license.

Mr. Tanfield, one of the people indicted in the Worldwide case, testified last week in a deposition for the Casino Board that his agreement to resign from Worldwide in 1992 after a newspaper article linked him to members of a New York organized crime family was essentially an artifice—that he continued to work 20-hour days as a "consultant" to Worldwide, taking instructions from Bally officials.

If that is true, it goes to the heart of Casino Board President Wilmore Whitmore's ruling that Bally was unsuitable for a license in part because Bally failed to aggressively address concerns about mob ties in Worldwide's operations.

There is a larger issue at stake here than whether Bally Gaming does or does not have a license.

Under the best of circumstances, a state should do everything in its power to place a gambling license in the hands of operators who are above reproach.

A gambling license is a privilege, not a right. State regulators need not prove that an applicant for a gambling license is unsuitable; the applicant has to prove beyond a reasonable doubt that it is suitable to hold a license.

In deciding to overturn Mr. Whitmore's decision, the gambling board in essence decided that the interests of a casino equipment vendor outweighed the public's right to an untainted gambling industry.

There are many companies across the country that would leap at the chance to supply the casino with equipment—companies whose reputations, judgment and attention to detail are not in question.

By granting Bally a license, the Casino Board has announced what kinds of past behavior it will overlook in its applicants, what kinds of questions it will leave unanswered, what kinds of issues it will overlook.

The board has set the bar at an all-too-familiar low level, and the citizens of the state are ill served by its action.

HONORING THE CESAR CHAVEZ WRITING CONTEST AWARD WINNERS OF THE EAST SIDE UNION HIGH SCHOOL DISTRICT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Ms. LOFGREN. Mr. Speaker, I rise today to recognize the winners of the first annual Cesar Chavez writing contest held by the East Side Union High School District in San Jose, CA. I had the great privilege of attending the award ceremony honoring the student winners on March 31, 1995, which, as you know, marks the birthday of the late Cesar Chavez. I would like to especially thank Joe Coto, superintendent of the East Side Union High School District, for organizing this important event.

I am very proud of all the students who participated in the Cesar Chavez Writing Contest, and would like to congratulate each of them on their achievement. By participating in this writing contest, these students paid tribute to Cesar Chavez, who dedicated his life to the struggle for equal rights and equal opportunity. His work fighting for human beings and fair working and living conditions for farmworkers was an inspiration to those who joined him and those who supported his efforts around the world.

Cesar Chavez will be remembered for his tireless commitment to improve the plight of farmworkers and the poor throughout the United States. And, he will be remembered for the inspiration his heroic efforts gave to so many

Americans to work nonviolently for justice in their communities.

These students who participated in this writing contest have been an inspiration to me in my efforts as a recent cosponsor of a resolution that would declare March 31 a Federal holiday in honor of Cesar Chavez. The resolution which is sponsored by Congressman BOB FILNER of San Diego currently has 20 original cosponsors and will be introduced this Congress.

Mr. Speaker, the students who participated in the Cesar Chavez Writing Contest deserve to be recognized individually for the wonderful essays and poems they wrote in his honor.

Rosalinda Gonzalez of Independence High School and Nicole Perez of Mt. Pleasant High School were the two grand prize winners. Each wrote poems about Cesar Chavez's life. Rosalinda Gonzalez' poem is titled "Cesar Chavez" and Nicole Perez' poem is titled "Recollection."

The first place winners are listed as follows: Sabrina Hernandez of Andrew High School who write the essay titled "This Spirit We Follow"; Aberin Rodrigo of James Lick High School who wrote the essay titled "Cesar Chavez"; Kathryn White of Oak Grove High School who wrote the essay titled "Making the World a Better Place"; Lisette Muniz of W.C. Overfelt High School who wrote the poem titled "Cesar Chavez"; Ahmed Desai of Piedmont Hills High School who wrote the essay titled "Dedicated to a Dedicator"; Maria Gonzalez of Santa Teresa High School who wrote the poem titled "Battle"; Brenda Reyes of Silver Creek High School who wrote the poem titled "Who is He?"; and Eulala Reynolds of Yerba Buena High School who wrote the poem titled "Cesar Chavez."

The second place winners are listed as follows: Lauren Droira of Andrew Hill High School who wrote the essay titled "Cesar Chavez' Testimony to Modern Society"; Eve Zuniga of Independence High School who wrote the essay titled "Charity"; Troy Arevalo of James Lick High School who wrote the poem titled "Cesar Chavez"; Marie Aloy of Mt. Pleasant High School who wrote an untitled essay; Mark Papellero of W.C. Overfelt High School who wrote the poem titled "The Lives of Workers"; Raymond Ramirez of Piedmont Hills High School who wrote the poem titled "Chavez y La Causa"; Ester Martinez Estrada of Santa Teresa High School who wrote the essay titled "A Hero to the Mexican Community"; and Anthonette Pena of Silver Creek High School who wrote the essay titled "Cesar Chavez."

Mr. Speaker, it is with great pride that I ask you to join me in recognizing these distinguished students and award recipients from my district, who looked to see Cesar Chavez as a great citizen worthy of respect, praise, and emulation. Mr. Speaker, we all look in our history with respect and love for the men and women who devote their lives to the cause of social and economic justice to all citizens. Cesar Chavez is such a man. His memory will live on through the heart-felt poems and essays of these students. I commend each of these remarkable students for their important contribution to preserving the memory of Cesar Chavez.

Mr. Speaker, over the next several days I will be entering into the RECORD the essays and poems of these students. I will start by sharing with you the poems of the two grand prize winners, Rosalinda Gonzalez of Independence High School, and Nicole Perez of Mt. Pleasant High School. Their poems follow:

Rosalinda Gonzalez of Independence High School.

"CESAR CHAVEZ"

Lying there in death
In a hot room
With only a fan to cool him
A crate-looking casket
I saw him
In the flesh

A great man's death
People in mourning
Over the end of an era
An era in which
I had no part

The marches, boycotts, fasts,
La huelga
I had only heard of them
from my Dad

Assembled for a funeral
March
Was when I understood
It is about people
By the thousands
They came
Men, women, children
Different races, lifestyles, and creeds

Unity
As I marched
I felt it
I was brought back
To the days
My Dad Spoke of
Marching for a cause
Together as one

Now
Is the time
For action
Our generation is
Next in line
Educate and make a
Change
The birth of a new era

Nicole Perez of Mt. Pleasant High School.

"RECOLLECTION"

My eyes looked up at him longingly,
the man my parents often spoke of.
"There he is hija,"
"He's the one," the one that helped us.
He shook my fathers hand, with a firm grip,
and a subtle smile.
He was wearing very simple clothes, yes,
a very humble man.
Yet he held a world of power,
in his strong, worn out hand.
I remembered all the things he did,
all the things he did for us.
The strikes, the vigils, his leadership against
the one's who tried to conquer us.
My mother told me the stories,
the stories of the past.
Of how Mr. Chavez held on, never letting go,
strong and always stead-fast.
I held on tightly and whispered in my mama's ear
"I'm gonna be just like him mama,"
"I'm gonna be just like him."

There were eight first place winners. Of these eight, I will enter the essays of the first three first place winners today. The essays of Sabrina Hernandez of Andrew Hill High School, Aberin Rodrigo of James Lick High School, and Kathryn White of Oak Grove High School follow:

Sabrina Hernandez of Andrew Hill High School.

"THIS SPIRIT WE FOLLOW"

Why are people of past struggles as well as successes remembered in spite of their death? Why, because they are leaders. Cesar Chavez died in 1993 and still, today, he serves as a model for youth throughout the world. Cesar Chavez had fire in himself, a spark of divine madness as he would march, boycott, and strike to win rights for migrants. But above all, Cesar Chavez helped all Hispanic people to dignify their deepest desires, convinced many to follow his own footsteps in the making of a great history, and finally, gave people a sense of glory about themselves.

Today people may wonder who Cesar Chavez really was and, as a youth, one may question how Cesar Chavez became the person he is remembered to be. Cesar Chavez helped people to dignify their deepest desires, no matter what they were to be. In doing so, people's desires today are to keep Cesar Chavez' spirit alive in the hearts of his followers and, most of all, in the hearts of the youth. We, the youth of today, will become the leaders of tomorrow. In order to become successful adults, we need people like Cesar Chavez, who struggled to keep his dreams alive so they could become a reality. Together we may look up to and follow in his footsteps, determined to reach our goals despite the hardships that we may come to face.

Cesar Chavez was like a mirror, reflecting back to people their own sense of purpose, putting into words their hopes and dreams, transforming their needs and fears into coherent policies and programs. On July 29, 1970, Cesar Chavez and his followers signed union contracts with the U.F.W. known to be the United Farm Workers union. This union helped migrant farmworkers join together to dramatize the plight of America's poor farmhands. Today youth are able to look upon this heroic man and into the future so that we may finally realize, "Yes, we can be leaders too." In the mid 1900's, people had glory in themselves, though they did not know it. They were too busy working the fields, picking lettuce, picking fruits, and least liked of them all, picking grapes. Now that we are approaching the year 2000, thanks to Cesar Chavez, farmworkers, some from our own families, do not have to suffer as much to earn a living. We still have to work, yet we have time to hope, to wish, and to dream.

Our strength made him strong; our determination made him determined; our courage made him a hero; he was and still is, in the final analysis, the symbol of our dreams and hopes, shaped by our own spirit and will . . . his name, Cesar Chavez. He lead the making of memorable history and today our grandparents and our parents are able to tell us the story of this wonderful man. Cesar Chavez' beliefs were bolder than a pair of eagle's wings. He stood strong and tall surpassing his own hardships while achieving dreams that were interlocked in his heart and the hearts of us that believed in him. He worked hard to break the wall of obscurity that seemed to combine work with pain. The paths that Cesar Chavez traveled are here for us today so that, we too, can experience life's forsaken treasures.

Cesar Chavez was a leader and today, for many, still remains a leader. He spent his whole lifetime uniting people, a quality he possessed even in death. He dignified, he convinced, and he gave his life to all those that believed in him. What Cesar Chavez stood for is relevant in our world and lives today, and now he is able to serve as a model for all youth to believe in, to follow, and to become.

(Aberin Rodrigo of James Lick High School)

CESAR CHAVEZ

In this crumbling society, where everything seems to retrogress instead of progress, role models are needed to guide the youth of the world in a positive direction. One might suggest that the youth today do have role models, but these role models are usually athletes or superstars. These athletes and superstars may be rich and famous, but they hide behind them the real models of today. Ordinary people who struggle and battle for what they believe in should be the role models of our youth because they display characteristics that are not often shown today. There are so many of these "secondary" role models, but one seems to stand out. This man was not very big physically, yet his heart was one of enormous proportions. A courageous and determined leader was what he was, and his name was Cesar Chavez.

Starting out his life as a farmer, Chavez began to realize how poor the conditions were that migrant farmers faced. They lived in shacks that were merely chunks of wood piled on one another. The food they were given were of the worst quality and plumbing was not available in these shacks. To make it worse, these farmers were given no benefits, even though they worked approximately sixteen hours a day, six to seven times a week. these ridiculous facts awakened the leader which was hidden in Chavez. His calm rage became visible when he organized the United Farmworker's Union. With this union he planned to call upon the nation's attention concerning the rights of these "invisible people." He wanted to let everyone know how pitiful the migrant farmers' living conditions were. If some people could be reached by Chavez's actions, which included going on two hunger strikes, then maybe these people could help make these conditions less ridiculous and heinous. One might say, "Well, why did they not just leave and find another job?" They could not. Who else would give them a job knowing their background? Even though they were paid so little, and were treated so poorly, no one else would pay and treat them better. This is what Chavez tried to change, and with great patience, determination, courage and leadership, he would die trying.

All of Chavez's accomplishments were done with many characteristics not often shown in modern life. His courage was displayed when he spoke his mind representing the opinions of the migrant workers. His determination was displayed in his starvation protests, while his leadership was displayed in his organization of the Grape Boycott and the United Farmworker's Union. His patience undoubtedly was the force behind his continuance to fight for what he believed in. These are the characteristics lacked by the youth today, and even though Chavez has passed on, maybe, just maybe he might have influenced a few youths—youths who need guidance.

MAKING THE WORLD A BETTER PLACE

(Kathryn White of Oak Grove High School)

Cesar Chavez was not just a man, in the eyes of many he was a hero. Although Chavez passed away two years ago, he will always be remembered and looked up to. Chavez was a man who dedicated his life to improving the lives of the American farm worker. He organized the powerless migrant farm workers of California and forced the growers to pay better wages and provide better working conditions for the workers. His struggle was tough, but his commitment to the farm workers was stronger than any of those who opposed him. It was Chavez' honor, dignity, and sense of duty that make him one of the best role models a child growing up in today's world could possible have.

Many children today look to violence to solve their problems. Their only role models are those that they find on the "big screen," and because of this many important values are being replaced by superficial beliefs in the lives of children everywhere. Yet, it is people such as Cesar Chavez who can bring about change in children's lives. Chavez was a nonviolent and hardworking man who followed his heart and used his time and energy to promote peace and make a better life for those around him. The qualities which made Chavez the great man that he was are those that children everywhere should want to instill in their lives.

Chavez had a mission, and although he was opposed by many who did not agree with him, he never gave up. He had a commitment, and his promise to the farm workers of America was one that he intended to keep. The life and hard work of Cesar Chavez demonstrates to children the rewards for having a goal and working hard until it is reached. Chavez can serve as a role model to children around the world in that he was a dignified man who made a promise to himself and the people around him and through hard work and determination reached his goal. With a role model like this, children can learn that working hard and helping others not only makes the other person feel good but will bring about a sense of self-pride, a huge reward for honest hard work.

Cesar Chavez taught the world that working together accomplishes in much more than working alone. He taught the farm workers, the Latino community, and everyone around the world that pride in one's self, belief in those around you, and unending devotion to a worthy cause can make the world a better place. With a role model like Chavez, children everywhere can see that having honor and duty, not giving up when things get tough, and working together with others will provide a better more unified world where everyone can live together in peace.

TRIBUTE TO THE GOLDEN EAGLES OF NORTH CAROLINA HIGH SCHOOL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 1995

Mr. COBLE. Mr. Speaker, for the second time in 3 years, a school in the Sixth District has captured the 1994–95 North Carolina high school 1A/2A dual team wrestling championship. What makes it even more special, is that it is the same team which won both titles.

On February 11, the Golden Eagles of East Davidson High School won the State 1A/2A dual team wrestling championship with a 28-to-25 sudden-death overtime victory against Mount Pleasant High School. Head Coach Bobby House, who has guided East Davison wrestling to an outstanding 159–33 dual team record over the last 11 seasons, told the Thomasville Times that this year's squad was special:

> This is a different group of kids. That group in '93, I wouldn't trade 'em for nothing. And I wouldn't trade these kids for nothing. They're fantastic. These parents here work crazy for us and do everything we ask them to do. The booster club gave us a great practice facility. I mean, what can I say? Danny Ward, the A.D., has done everything for us we could possible ask. All the coaches participate in doing things. It's just a fantastic situation to be involved with—a chance to win a state title.

Coach House would be the first to note that it takes a total team effort to compile a record of 24–1 as the Golden Eagle did this season. Special notice must be given, however, to heavyweight wrestler Jeremy Perry who scored an escape point with 4 seconds remaining in overtime to seal the win for East Davison. Sophomore David Children who led the Golden Eagles with 29 wins against only 3 losses this season, told the Times it was only fitting that Perry clinched the championship. "He said at the beginning of the year he didn't want anything but a state championship, and that's the man to have on the mat when it happened. So, I'm glad it was him."

We are glad for all of the members of the East Davidson wrestling squad. Congratulations to Head Coach Bobby House, Assistant Coach Brian Lingerfelt, and each member of the team. Best wishes to Doug House (103), Michael Tucker (112), Jeff Lowman (119), Brad Moore (125), Chris Burkhart (130), Tony Peters (135), John Musser (140), Shane Sebastian (145), Chris Waddell (152), Daryl Childress (160), David Lackey (171), Tim Daut (171), Jay Rollins (189), and Jeremy Perry (heavyweight). Special thanks is also given to managers David House and C.J. York and to the "Wrestlerettes" Lori Blake, Megan Gordon, and Jamie Fleming.

To Principal Ben Terrell and Athletic Director Danny Ward, and to all of the students, faculty, staff, families, and fans of East Davidson High School, we offer our congratulations on capturing the State of 1A/2A dual team wrestling championship. The entire Sixth District of North Carolina is proud that you have won this title 2 out of the last 3 years.